APPENDIX

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TO

THE CONGRESSIONAL GLOBE,

FOR THE

FIRST SESSION, THIRTY-SECOND CONGRESS:

CONTAINING

SPEECHES AND IMPORTANT STATE PAPERS.

BY JOHN C. RIVES.

NEW SERIES.....VOL. XXV.

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APPENDIX

TO THE CONGRESSIONAL GLOBE.

THIS is the first number of the APPENDIX for this session—the first of the Thirty-second Congress. I will print several thousand surplus copies for the purpose of supplying all persons who may subscribe within a reasonable time—say by the 13th January—with complete copies of the work.

The Appendix will contain the Messages of the President of the United States; the Reports of the heads of the Departments; all the long speeches of the members of both Houses of Congress, written out or revised by themselves; and all Laws and Joint Resolutions which shall be passed during this session.

The Congressional Globe for the last long session—the first of the 31st—made 2,180, and the Appendix 1,716 pages; making together 3,896 pages. The Congressional Globe for this session it is believed will not contain as many pages as it did then. The Appendix for this session will probably make more than it did the last long session, as all the laws passed this session will be printed in it, which has not been done heretofore.

The following are the prices for them during the session:

For the Congressional Globe..... $3 00
For the Appendix..... 3 00

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES.

Fellow-citizens of the Senate and of the House of Representatives:

I congratulate you and our common constituency upon the favorable auspices under which you meet for your first session. Our country is at peace with all the world. The agitation which, for a time, threatened to disturb the fraternal relations which make us one people, is fast subsiding; and a year of general prosperity and health has crowned the nation with unusual blessings. None can look back to the dangers which are passed, or forward to the bright prospect before us, without feeling a thrill of gratification, at the same time that he must be impressed with a grateful sense of our profound obligations to a beneficent Providence, whose paternal care is so manifest in the happiness of this highly-favored land.

Since the close of the last Congress, certain Cubans and other foreigners resident in the United States, who were more or less concerned in the previous invasion of Cuba, instead of being discouraged by its failure, have again abused the hospitality of this country, by making it the scene of the equipment of another military expedition against that possession of her Catholic Majesty, in which they were countenanced, aided, and joined by citizens of the United States. On receiving intelligence that such designs were entertained, I lost no time in issuing such instructions to the proper officers of the United States as seemed to be called for by the occasion. By the proclamation a copy of which is herewith submitted, I also warned those who might be in danger of being inveigled into this scheme, of its unlawful character, and of the penalties which they would incur. For some time there was reason to hope that these measures had sufficed to prevent any such attempt. This hope, however, proved to be delusive. Very early in the morning of the third of August, a steamer called the Pampero departed from New Orleans for Cuba, having on board upwards of four hundred armed men, with evident intentions to make war upon the authorities of the island. This expedition was set on foot in palpable violation of the laws of the United States. Its leader was a Spaniard, and several of the chief officers, and some others engaged in it, were foreigners. The persons composing it, however, were mostly citizens of the United States.

Before the expedition set out, and probably before it was organized, a slight insurrectionary movement, which appears to have been soon suppressed, had taken place in the eastern quarter of Cuba. The importance of this movement was unfortunately so much exaggerated in the accounts of it published in this country, that these adventurers seem to have been led to believe that the Creole population of the Island not only desired to throw off the authority of the mother country, but had resolved upon that step, and had begun a well-concerted enterprise for effecting it. The persons engaged in the expedition were generally young and ill-informed. The steamer in which they embarked left New Orleans stealthily and without a clearance. After touching at Key West, she proceeded to the coast of Cuba, and, on the night between the 11th and 12th of August, landed the persons on board at Playtas, within about twenty leagues of Havana.

The main body of them proceeded to, and took possession of, an inland village six leagues distant, leaving others to follow in charge of the baggage, as soon as the means of transportation could be obtained. The latter, having taken up their line of march to connect themselves with the main body, and having proceeded about four leagues into the country, were attacked on the morning of the 13th by a body of Spanish troops, and a bloody conflict ensued; after which they retreated to the place of disembarkation, where about fifty of them obtained boats and reëmbarked therein. They were, however, intercepted among the keys near the shore by a Spanish steamer cruising on the coast, captured, and carried to Havana, and, after being examined before a military court, were sentenced to be publicly executed, and the sentence was carried into effect on the 16th of August.

On receiving information of what had occurred, Commodore Foxhall A. Parker was instructed to proceed in the steam frigate Saranac to Havana, and inquire into the charges against the persons executed, the circumstances under which they were taken, and whatsoever referred to their trial and sentence. Copies of the instructions from the Department of State to him, and of his letters to that Department, are herewith submitted.

According to the record of the examination, the prisoners all admitted the offences charged against them, of being hostile invaders of the Island. At the time of their trial and execution the main body of the invaders were still in the field, making war upon the Spanish authorities and Spanish subjects. After the lapse of some days, being overcome by the Spanish troops, they dispersed on the 24th of August; Lopez, their leader, was captured some days after, and executed on the 1st of September. Many of his remaining followers were killed, or died of hunger and fatigue, and the rest were made prisoners. Of these, none appear to have been tried or executed. Several of them were pardoned upon application of their friends and others, and the rest, about one hundred and sixty in number, were sent to Spain. Of the final disposition made of these we have no official information.

Such is the melancholy result of this illegal and ill-fated expedition. Thus, thoughtless young men have been induced, by false and fraudulent representations, to violate the law of their country, through rash and unfounded expectations of assisting to accomplish political revolutions in other States, and have lost their lives in the undertaking. Too severe a judgment can hardly be passed, by the indignant sense of the community, upon those who, being better informed themselves, have yet led away the ardor of youth and an ill-directed love of political liberty. The correspondence between this Government and that of Spain relating to this transaction is herewith communicated.

Although these offenders against the laws have forfeited the protection of their country, yet the Government may, so far as is consistent with its obligations to other countries, and its fixed purpose to maintain and enforce the laws, entertain sympathy for their unoffending families and friends, as well as a feeling of compassion for themselves. Accordingly no proper effort has been spared, and none will be spared, to procure the release of such citizens of the United States, engaged in this unlawful enterprise, as are now in confinement in Spain; but it is to be hoped that such interposition with the Government of that country may not be considered as affording any ground of expectation that the Government of the United States will, hereafter, feel itself under any obligation of duty to interfere for the liberation or pardon of such persons as are flagrant offenders against the law of nations and the laws of the United States. Those laws must be executed. If we desire to maintain our respectability among the nations of the earth, it behooves us to enforce steadily and sternly the Neutrality acts passed by Congress, and to follow, as far as may be, the violation of those acts with condign punishment.

But what gives a peculiar criminality to this invasion of Cuba is, that, under the lead of Spanish subjects, and with the aid of citizens of the United States, it had its origin, with many, in motives of cupidity. Money was advanced by individuals, probably in considerable amounts, to purchase Cuban bonds, as they have been called, issued by Lopez, sold, doubtless, at a very large discount, and for the payment of which the public lands and public property of Cuba, of whatever kind, and the fiscal resources of the people and government of that Island, from whatever source to be derived, were pledged, as well as the good faith of the government expected to be established. All these means of payment, it is evident, were only to be obtained by a process of bloodshed, war, and revolution. None will deny that those who set on foot military expeditions against foreign States by means like these, are far more culpable than the ignorant and the necessitous whom they induce to go forth as the ostensible parties in the proceeding. These originators of the invasion of Cuba seem to have determined, with coolness and system, upon an undertaking which should disgrace their country, violate its laws, and put to hazard the lives of ill-informed and deluded men. You will consider whether further legislation be necessary to prevent the perpetration of such offences in future.

No individuals have a right to hazard the peace of the country, or to violate its laws, upon vague notions of altering or reforming governments in other States. This principle is not only reasonable in itself, and in accordance with public law, but is ingrafted into the codes of other nations as well as our own. But while such are the sentiments of this Government, it may be added that every independent nation must be presumed to be able to defend its possessions against unauthorized individuals banded together to attack them. The Government of the United States, at all times since its establishment, has abstained, and has sought to restrain the citizens of the country, from

entering into controversies between other powers, and to observe all the duties of neutrality. At an early period of the Government—in the administration of Washington—several laws were passed for this purpose. The main provisions of these laws were reënacted by the act of April, 1818, by which, amongst other things, it was declared that if any person shall, within the territory or jurisdiction of the United States, begin, or set on foot, or provide, or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominion of any foreign Prince or State, or of any colony, district, or people with whom the United States are at peace, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years; and this law has been executed and enforced, to the full extent of the power of the Government, from that day to this.

In proclaiming and adhering to the doctrine of neutrality and non-intervention, the United States have not followed the lead of other civilized nations; they have taken the lead themselves, and have been followed by others. This was admitted by one of the most eminent of modern British statesmen, who said in Parliament, while a minister of the Crown, "that if he wished for a guide in a system of neutrality he should take that laid down by America in the days of Washington and the secretaryship of Jefferson;" and we see, in fact, that the act of Congress of 1818 was followed the succeeding year by an act of the Parliament of England, substantially the same in its general provisions. Up to that time there had been no similar law in England, except certain highly penal statutes passed in the reign of George II., prohibiting English subjects from enlisting in foreign service, the avowed object of which statutes was, that foreign armies, raised for the purpose of restoring the house of Stuart to the throne, should not be strengthened by recruits from England herself.

All must see that difficulties may arise in carrying the laws referred to into execution in a country now having three or four thousand miles of seacoast, with an infinite number of ports and harbors and small inlets, from some of which unlawful expeditions may suddenly set forth, without the knowledge of Government, against the possessions of foreign States.

Friendly relations with all, but entangling alliances with none, has long been a maxim with us. Our true mission is not to propagate our opinions, or impose upon other countries our form of government, by artifice or force; but to teach by example, and show by our success, moderation, and justice, the blessings of self-government and the advantages of free institutions. Let every people choose for itself, and make and alter its political institutions to suit its own condition and convenience. But, while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations, whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to those in which the strong arm of a foreign power is invoked to stifle public sentiment, and repress the spirit of freedom in any country.

The Governments of Great Britain and France have issued orders to their naval commanders on the West India station to prevent by force, if necessary, the landing of adventurers from any nation on the island of Cuba with hostile intent. The copy of a memorandum of a conversation on this subject between the Chargé d'Affaires of her Britannic Majesty and the Acting Secretary of State, and of a subsequent note of the former to the Department of State, are herewith submitted, together with a copy of a note of the Acting Secretary of State to the Minister of the French Republic, and of the reply of the latter, on the same subject. These papers will acquaint you with the grounds of this interposition of the two leading commercial powers of Europe, and with the apprehensions, which this Government could not fail to entertain, that such interposition, if carried into effect, might lead to abuses in derogation of the maritime rights of the United States. The maritime rights of the United States are founded on a firm, secure, and well-defined basis; they stand upon the ground of national independence and public law, and will be maintained in all their full and just extent.

The principle which this Government has heretofore solemnly announced it still adheres to, and will maintain under all circumstances and at all hazards. That principle is, that in every regularly documented merchant vessel, the crew who navigate it, and those on board of it, will find their protection in the flag which is over them. No American ship can be allowed to be visited or searched for the purpose of ascertaining the character of individuals on board, nor can there be allowed any watch by the vessels of any foreign nation over American vessels on the coasts of the United States, or the seas adjacent thereto. It will be seen by the last communication from the British Chargé d'Affaires to the Department of State, that he is authorized to assure the Secretary of State that every care will be taken that, in executing the preventive measures against the expeditions which the United States Government itself has denounced as not being entitled to the protection of any Government, no interference shall take place with the lawful commerce of any nation.

In addition to the correspondence on this subject, herewith submitted, official information has been received at the Department of State, of assurances by the French Government that, in the orders given to the French naval forces, they were expressly instructed, in any operations they might engage in, to respect the flag of the United States, wherever it might appear, and to commit no act of hostility upon any vessel or armament under its protection.

Ministers and consuls of foreign nations are the means and agents of communication between us and those nations, and it is of the utmost importance that, while residing in the country, they should feel a perfect security so long as they faithfully discharge their respective duties, and are guilty of no violation of our laws. This is the admitted law of nations, and no country has a deeper interest in maintaining it than the United States. Our commerce spreads over every sea, and visits every clime, and our ministers and consuls are appointed to protect the interests of that commerce, as well as to guard the peace of the country and maintain the honor of its flag. But how can they discharge these duties unless they be themselves protected? and, if protected, it must be by the laws of the country in which they reside. And what is due to our own public functionaries residing in foreign nations is exactly the measure of what is due to the functionaries of other Governments residing here. As in war the bearers of flags of truce are sacred, or else wars would be interminable, so in peace, embassadors, public ministers, and consuls charged with friendly national intercourse, are objects of especial respect and protection, each according to the rights belonging to his rank and station. In view of these important principles, it is with deep mortification and regret I announce to you that, during the excitement growing out of the executions at Havana, the office of her Catholic Majesty's consul at New Orleans was assailed by a mob, his property destroyed, the Spanish flag found in the office carried off and torn in pieces, and he himself induced to flee for his personal safety, which he supposed to be in danger. On receiving intelligence of these events, I forthwith directed the Attorney of the United States residing at New Orleans, to inquire into the facts, and the extent of the pecuniary loss sustained by the consul, with the intention of laying them before you, that you might make provision for such indemnity to him as a just regard for the honor of the nation and the respect which is due to a friendly Power, might, in your judgment, seem to require. The correspondence upon this subject between the Secretary of State and her Catholic Majesty's Minister Plenipotentiary is herewith transmitted.

The occurrence at New Orleans has led me to give my attention to the state of our laws in regard to foreign embassadors, ministers, and consuls. I think the legislation of the country is deficient in not providing sufficiently either for the protection or the punishment of consuls. I therefore recommend the subject to the consideration of Congress.

Your attention is again invited to the question of reciprocal trade between the United States and Canada and other British possessions near our frontier. Overtures for a convention upon this subject have been received from her Britannic Majesty's Minister Plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated by reciprocal legislation. Documents are laid before you, showing the terms which the British Government is willing to offer, and the measures which it may adopt, if some arrangement upon this subject shall not be made.

From the accompanying copy of a note from the British legation at Washington, and the reply of the Department of State thereto, it will appear that her Britannic Majesty's Government is desirous that a part of the boundary line between Oregon and the British possessions should be authoritatively marked out, and that an intention was expressed to apply to Congress for an appropriation to defray the expense thereof on the part of the United States. Your attention to this subject is accordingly invited, and a proper appropriation recommended.

A convention for the adjustment of claims of citizens of the United States against Portugal has been concluded, and the ratifications have been exchanged. The first installment of the amount to be paid by Portugal fell due on the 30th of September last, and has been paid.

The President of the French Republic, according to the provisions of the convention, has been selected as arbiter in the case of the General Armstrong, and has signified that he accepts the trust, and the high satisfaction he feels in acting as the common friend of two nations with which France is united by sentiments of sincere and lasting amity.

The Turkish Government has expressed its thanks for the kind reception given to the Sultan's agent, Amin Bey, on the occasion of his recent visit to the United States. On the 28th of February last, a dispatch was addressed by the Secretary of State to Mr. Marsh, the American Minister at Constantinople, instructing him to ask of the Turkish Government permission for the Hungarians, then imprisoned within the dominions of the Sublime Porte, to remove to this country. On the 3d of March last, both Houses of Congress passed a resolution requesting the President to authorize the employment of a public vessel to convey to this country Louis Kossuth and his associates in captivity.

The instruction above referred to was complied with, and the Turkish Government having released Governor Kossuth and his companions from prison, on the 10th of September last they embarked on board of the United States steam-frigate Mississippi, which was selected to carry into effect the resolution of Congress. Governor Kossuth left the Mississippi at Gibraltar for the purpose of making a visit to England, and may shortly be expected in New York. By communications to the Department of State, he has expressed his grateful acknowledgments for the interposition of this Government in behalf of himself and his associates. This country has been justly regarded as a safe asylum for those whom political events have exiled from their own homes in Europe; and it is recommended to Congress to consider in what manner Governor Kossuth and his companions, brought hither by its authority, shall be received and treated.

It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French Republic and that of the Sandwich Islands, may be peaceably and durably adjusted, so as to secure the independence of those islands. Long before the events which have of late imparted so much importance to the possessions of the United States on the Pacific, we acknowledged the independence of the Hawaiian Government. This Government was first in taking that step, and several of the leading Powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the Islands as a place of refuge and refreshment for our vessels engaged in the whale fishery, and by the consideration that they lie in the course of the great trade which must, at no distant day, be carried on between the western coast of North America and Eastern Asia.

We were also influenced by a desire that those Islands should not pass under the control of any other great maritime State, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations. I need not say that the importance of these considerations has been greatly enhanced by the sudden and vast development which the interests of the United States have attained in California and Oregon, and the policy heretofore adopted in regard to those Islands will be steadily pursued.

It is gratifying, not only to those who consider the commercial interests of nations, but also to all who favor the progress of knowledge and the diffusion of religion, to see a community emerge from a savage state and attain such a degree of civilization in those distant seas.

It is much to be deplored that the internal tranquillity of the Mexican Republic should again be seriously disturbed; for, since the peace between that Republic and the United States, it had enjoyed such comparative repose that the most favorable anticipations for the future might, with a degree of confidence, have been indulged. These, however, have been thwarted by the recent outbreak in the State of Tamaulipas, on the right bank of the Rio Bravo. Having received information that persons from the United States had taken part in the insurrection, and apprehending that their example might be followed by others, I caused orders to be issued for the purpose of preventing any hostile expeditions against Mexico from being set on foot in violation of the laws of the United States. I likewise issued a proclamation upon the subject, a copy of which is herewith laid before you. This appeared to be rendered imperative by the obligations of treaties and the general duties of good neighborhood.

In my last annual message I informed Congress that citizens of the United States had undertaken the connexion of the two oceans by means of a railroad across the Isthmus of Tehuantepec, under a grant of the Mexican Government to a citizen of that Republic; and that this enterprise would probably be prosecuted with energy whenever Mexico should consent to such stipulations with the Government of the United States as should impart a feeling of security to those who should invest their property in the enterprise.

A convention between the two Governments for the accomplishment of that end has been ratified by this Government, and only awaits the decision of the Congress and the Executive of that Republic.

Some unexpected difficulties and delays have arisen in the ratification of that convention by Mexico, but it is to be presumed that her decision will be governed by just and enlightened views, as well of the general importance of the object, as of her own interests and obligations.

In negotiating upon this important subject, this Government has had in view one, and only one, object. That object has been, and is, the construction or attainment of a passage from ocean to ocean, the shortest and the best for travelers and merchandise, and equally open to all the world. It has sought to attain no territorial acquisition, nor any advantages peculiar to itself; and it would see, with the greatest regret, that Mexico should oppose any obstacle to the accomplishment of an enterprise which promises so much convenience to the whole commercial world, and such eminent advantages to Mexico herself. Impressed with these sentiments and these convictions, the Government will continue to exert all proper efforts to bring about the necessary arrangement with the Republic of Mexico for the speedy completion of the work.

For some months past the Republic of Nicaragua has been the theatre of one of those civil convulsions from which the cause of free institutions, and the general prosperity and social progress of the States of Central America, have so often and so severely suffered. Until quiet shall have been restored, and a government apparently stable shall have been organized, no advance can prudently be made in disposing of the questions pending between the two countries.

I am happy to announce that an inter-oceanic communication from the mouth of the St. John to the Pacific has been so far accomplished as that passengers have actually traversed it, and merchandise has been transported over it; and when the canal shall have been completed, according to the original plan, the means of communication will be further improved.

It is understood that a considerable part of the railroad across the Isthmus of Panama has been completed, and that the mail and passengers will in future be conveyed thereon.

Whichever of the several routes between the two oceans may ultimately prove most eligible for travelers to and from the different States on the Atlantic and Gulf of Mexico and our coast on the Pacific, there is little reason to doubt that all of them will be useful to the public, and will liberally reward that individual enterprise by which alone they have been or are expected to be carried into effect.

Peace has been concluded between the contending parties in the Island of St. Domingo, and it is hoped upon a durable basis. Such is the extent of our commercial relations with that Island, that the United States cannot fail to feel a strong interest in its tranquillity.

The office of Commissioner to China remains unfilled; several persons have been appointed, and the place has been offered to others, all of whom have declined its acceptance, on the ground of the inadequacy of the compensation. The annual allowance by law is six thousand dollars, and there is no provision for any outfit. I earnestly recommend the consideration of this subject to Congress. Our commerce with China is highly important, and is becoming more and more so, in consequence of the increasing intercourse between our ports on the Pacific coast and Eastern Asia. China is understood to be a country in which living is very expensive, and I know of no reason why the American Commissioner sent thither should not be placed, in regard to compensation, on an equal footing with ministers who represent this country at the courts of Europe.

By reference to the report of the Secretary of the Treasury, it will be seen that the aggregate receipts for the last fiscal year amounted to $52,312,979 87; which, with the balance in the Treasury on the 1st July, 1350, gave, as the available means for the year, the sum of $58,917,524 36.

The total expenditures for the same period were $48,005,878 68.

The total imports for the year ending 30th June, 1851, were		$215,725,995
Of which there were in specie		4,967,901
The exports for the same period were		217,517,130
Of which there were of domestic products	$178,546,555	
Foreign goods reëxp'ted	9,738,695	
Specie	29,231,880	
		$217,517,130

Since the 1st of December last the payments in cash on account of the public debt, exclusive of interest, have amounted to $7,501,456 56; which, however, includes the sum of $3,242,400 paid under the 12th article of the treaty with Mexico, and the further sum of $2,591,213 45, being the amount of awards to American citizens under the late treaty with Mexico, for which the issue of stock was authorized, but which was paid in cash from the Treasury.

The public debt on the 20th ultimo, exclusive of the stock authorized to be issued to Texas by the act of 9th September, 1850, was $62,560,395 26.

The receipts for the next fiscal year are estimated at $51,800,000, which, with the probable unappropriated balance in the Treasury on the 30th June next, will give, as the probable available means for that year, the sum of $63,258,743 09.

It has been deemed proper, in view of the large expenditures consequent upon the acquisition of territory from Mexico, that the estimates for the next fiscal year should be laid before Congress in such manner as to distinguish the expenditures so required from the otherwise ordinary demands upon the Treasury.

The total expenditures for the next fiscal year are estimated at $42,892,299 19; of which there is required for the ordinary purposes of the Government, other than those consequent upon the acquisition of our new Territories, and deducting the payments on account of the public debt, the sum of $33,343,198 08; and for the purposes connected directly or indirectly with those Territories, and in the fulfillment of the obligations of the Government, contracted in consequence of their acquisition, the sum of $9,549,101 11.

If the views of the Secretary of the Treasury in reference to the expenditures required for these Territories shall be met by corresponding action on the part of Congress, and appropriations made in accordance therewith, there will be an estimated unappropriated balance in the Treasury on the 30th June, 1853, of $20,366,443 90, wherewith to meet that portion of the public debt due on the first July following, amounting to $6,237,931 35, as well as any appropriations which may be made beyond the estimates.

In thus referring to the estimated expenditures on account of our newly-acquired Territories, I may express the hope that Congress will concur with me in the desire that a liberal course of policy may be pursued towards them, and that every obligation, express or implied, entered into in consequence of their acquisition, shall be fulfilled by the most liberal appropriations for that purpose.

The value of our domestic exports for the last fiscal year, as compared with those of the previous year, exhibit an increase of $43,646,322. At first view this condition of our trade with foreign nations would seem to present the most flattering hopes of its future prosperity. An examination of the details of our exports, however, will show that the increased value of our exports for the last fiscal year is to be found in the high price of cotton which prevailed during the first half of that year, which price has since declined about one half.

The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff and large importations from abroad would have greatly augmented, has fallen from $68,701,921 in 1847, to $26,051,373 in 1850, and to $21,948,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.

The aggregate values of rice exported during the last fiscal year, as compared with the previous year, also exhibit a decrease amounting to $460,917, which, with a decline in the values of the exports of tobacco for the same period, make an aggregate decrease in these two articles of $1,156,751.

The policy which dictated a low rate of duties on foreign merchandise, it was thought by those who promoted and established it, would tend to benefit the farming population of this country, by increasing the demand and raising the price of agricultural products in foreign markets.

The foregoing facts, however, seem to show, incontestably, that no such result has followed the adoption of this policy. On the contrary, notwithstanding the repeal of the restrictive corn laws in England, the foreign demand for the products of the American farmer has steadily declined, since the short crops and consequent famine in a portion of Europe have been happily replaced by full crops and comparative abundance of food.

It will be seen, by recurring to the commercial statistics for the past year, that the value of our domestic exports has been increased in the single item of raw cotton by $40,000,000 over the value of that export for the year preceding. This is not due to any increased general demand for that article, but to the short crop of the preceding year, which created an increased demand and an augmented price for the crop of last year. Should the cotton crop now going forward to market be only equal in quantity to that of the year preceding, and be sold at the present prices, then there would be a falling off in the value of our exports for the present fiscal year of at least $40,000,000, compared with the amount exported for the year ending 30th June, 1851.

The production of gold in California for the past year seems to promise a large supply of that metal from that quarter for some time to come. This large annual increase of the currency of the world must be attended with its usual results. These have been already partially disclosed in the enhancement of prices and a rising spirit of speculation and adventure, tending to overtrading, as well at home as abroad. Unless some salutary check shall be given to these tendencies, it is to be feared that importations of foreign goods beyond a healthy demand in this country will lead to a sudden drain of the precious metals from us, bringing with it, as it has done in former times, the

most disastrous consequences to the business and capital of the American people.

The exports of specie to liquidate our foreign debt during the past fiscal year have been $24,263,979 over the amount of specie imported. The exports of specie during the first quarter of the present fiscal year have been $14,651,827. Should specie continue to be exported at this rate for the remaining three quarters of this year, it will drain from our metallic currency, during the year ending 30th June, 1852, the enormous amount of $58,607,308.

In the present prosperous condition of the national finances, it will become the duty of Congress to consider the best mode of paying off the public debt. If the present and anticipated surplus in the Treasury should not be absorbed by appropriations of an extraordinary character, this surplus should be employed in such way, and under such restrictions, as Congress may enact, in extinguishing the outstanding debt of the nation.

By reference to the act of Congress approved 9th September, 1850, it will be seen that, in consideration of certain concessions by the State of Texas, it is provided that the "United States 'shall pay to the State of Texas the sum of ten 'millions of dollars, in a stock bearing five per cent. 'interest, and redeemable at the end of fourteen 'years, the interest payable half yearly at the 'Treasury of the United States."

In the same section of the law it is further provided "that no more than five millions of said 'stock shall be issued until the creditors of the State 'holding bonds and other certificates of stock of 'Texas, *for which duties on imports were specially* 'pledged, shall first file at the Treasury of the 'United States releases of all claims against the 'United States, for or on account of said bonds or 'certificates, in such form as shall be prescribed 'by the Secretary of the Treasury, and approved 'by the President of the United States."

The form of release thus provided for has been prescribed by the Secretary of the Treasury, and approved. It has been published in all the leading newspapers in the commercial cities of the United States, and all persons holding claims of the kind specified in the foregoing proviso were required to file their releases (in the form thus prescribed) in the Treasury of the United States, on or before the 1st day of October, 1851. Although this publication has been continued from the 25th day of March, 1851, yet up to the first of October last comparatively few releases had been filed by the creditors of Texas.

The authorities of the State of Texas, at the request of the Secretary of the Treasury, have furnished a schedule of the public debt of that State created prior to her admission into the Union, with a copy of the laws under which each class was contracted.

I have, from the documents furnished by the State of Texas, determined the classes of claims which, in my judgment, fall within the provisions of the act of Congress of the 9th of September, 1850.

On being officially informed of the acceptance by Texas of the propositions contained in the act referred to, I caused the stock to be prepared, and the five millions which are to be issued unconditionally, bearing an interest of five per cent., from the 1st day of January, 1851, have been for some time ready to be delivered to the State of Texas. The authorities of Texas, up to the present time, have not authorized any one to receive this stock, and it remains in the Treasury Department, subject to the order of Texas.

The releases, required by law to be deposited in the Treasury, not having been filed there, the remaining five millions have not been issued. This last amount of the stock will be withheld from Texas until the conditions upon which it is to be delivered shall be complied with by the creditors of that State, unless Congress shall otherwise direct by a modification of the law.

In my last annual message, to which I respectfully refer, I stated briefly the reasons which induced me to recommend a modification of the present tariff, by converting the ad valorem into a specific duty, wherever the article imported was of such a character as to permit it, and that such a discrimination should be made in favor of the industrial pursuits of our own country as to encourage home production, without excluding foreign competition.

The numerous frauds which continue to be practised upon the revenue, by false invoices and undervaluations, constitute an unanswerable reason for adopting specific instead of ad valorem duties in all cases where the nature of the commodity does not forbid it. A striking illustration of these frauds will be exhibited in the report of the Secretary of the Treasury, showing the custom-house valuation of articles imported under a former law subject to specific duties, when there was no inducement to undervaluation, and the custom-house valuations of the same articles, under the present system of ad valorem duties, so greatly reduced as to leave no doubt of the existence of the most flagrant abuses under the existing laws. This practical evasion of the present law, combined with the languishing condition of some of the great interests of the country, caused by over-importations and consequent depressed prices, and with the failure in obtaining a foreign market for our increasing surplus of breadstuffs and provisions, has induced me again to recommend a modification of the existing tariff.

The report of the Secretary of the Interior, which accompanies this communication, will present a condensed statement of the operations of that important department of the Government.

It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States, and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of our country.

Suitable measures have been adopted for commencing the survey of the public lands in California and Oregon. Surveying parties have been organized, and some progress has been made in establishing the principal base and meridian lines. But further legislation and additional appropriations will be necessary, before the proper subdivisions can be made, and the general land system extended over those remote parts of our territory.

On the 3d of March last an act was passed providing for the appointment of three commissioners to settle private land claims in California. Three persons were immediately appointed, all of whom, however, declined accepting the office, in consequence of the inadequacy of the compensation. Others were promptly selected, who, for the same reason, also declined; and it was not until late in the season that the services of suitable persons could be secured. A majority of the commissioners convened in this city on the 10th of September last, when detailed instructions were given to them in regard to their duties. Their first meeting for the transaction of business will be held in San Francisco on the 8th day of the present month.

I have thought it proper to refer to these facts, not only to explain the causes of the delay in filling the commission, but to call your attention to the propriety of increasing the compensation of the commissioners. The office is one of great labor and responsibility, and the compensation should be such as to command men of a high order of talents and the most unquestionable integrity.

The proper disposal of the mineral lands in California is a subject surrounded by great difficulties. In my last annual message I recommended the survey and sale of them in small parcels, under such restrictions as would effectually guard against monopoly and speculation. But upon further information, and in deference to the opinions of persons familiar with the subject, I am inclined to change that recommendation, and to advise that they be permitted to remain, as at present, a common field, open to the enterprise and industry of all our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconvenience that now exists for a short period, than, by premature legislation, to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress.

The agricultural lands should, however, be surveyed and brought into market with as little delay as possible, that the titles may become settled, and the inhabitants stimulated to make permanent improvements and enter on the ordinary pursuits of life. To effect these objects it is desirable that the necessary provision be made by law for the establishment of land offices in California and Oregon, and for the efficient prosecution of the surveys at an early day.

Some difficulties have occurred in organizing the territorial governments of New Mexico and Utah; and, when more accurate information shall be obtained of the causes, a further communication will be made on that subject.

In my last annual communication to Congress, I recommended the establishment of an Agricultural Bureau, and I take this occasion again to invoke your favorable consideration of the subject.

Agriculture may justly be regarded as the great interest of our people. Four fifths of our active population are employed in the cultivation of the soil, and the rapid expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the Government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow-citizens. And yet it is a singular fact, that whilst the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session, and our statutes abound in provisions for their protection and encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed; and I sincerely hope that the present Congress will not close their labors without adopting efficient means to supply the omissions of those who have preceded them.

An Agricultural Bureau, charged with the duty of collecting and disseminating correct information as to the best modes of cultivation, and of the most effectual means of preserving and restoring the fertility of the soil, and of procuring and distributing seeds and plants and other vegetable productions, with instructions in regard to the soil, climate, and treatment best adapted to their growth, could not fail to be, in the language of WASHINGTON, in his last annual message to Congress, "a very cheap instrument of immense national benefit."

Regarding the act of Congress, approved 28th September, 1850, granting bounty lands to persons who had been engaged in the military service of the country as a great measure of national justice and munificence, an anxious desire has been felt, by the officers intrusted with its immediate execution, to give prompt effect to its provisions. All the means within their control were, therefore, brought into requisition to expedite the adjudication of claims; and I am gratified to be able to state, that near one hundred thousand applications have been considered, and about seventy thousand warrants issued, within the short space of nine months. If adequate provision be made by law to carry into effect the recommendations of the Department, it is confidently expected that, before the close of the next fiscal year, all who are entitled to the benefits of the act will have received their warrants.

The Secretary of the Interior has suggested in his report various amendments of the laws relating to pensions and bounty lands, for the purpose of more effectually guarding against abuses and frauds on the Government: to all of which I invite your particular attention.

The large accessions to our Indian population consequent upon the acquisition of New Mexico and California, and the extension of our settlements into Utah and Oregon, have given increased interest and importance to our relations with the aboriginal race.

No material change has taken place within the last year in the condition and prospects of the Indian tribes who reside in the Northwestern Territory and west of the Mississippi river. We are at peace with all of them; and it will be a source of pleasure to you to learn that they are gradually advancing in civilization and the pursuits of social life.

Along the Mexican frontier, and in California

and Oregon, there have been occasional manifestations of unfriendly feeling, and some depredations committed. I am satisfied, however, that they resulted more from the destitute and starving condition of the Indians than from any settled hostility towards the whites. As the settlements of our citizens progress towards them, the game upon which they mainly rely for subsistence is driven off or destroyed, and the only alternative left to them is starvation or plunder. It becomes us to consider, in view of this condition of things, whether justice and humanity, as well as an enlightened economy, do not require that, instead of seeking to punish them for offences which are the result of our own policy towards them, we should not provide for their immediate wants, and encourage them to engage in agriculture, and to rely on their labor, instead of the chase, for the means of support.

Various important treaties have been negotiated with different tribes during the year, by which their title to large and valuable tracts of country has been extinguished: all of which will, at the proper time, be submitted to the Senate for ratification.

The joint commission under the treaty of Guadalupe Hidalgo has been actively engaged in running and marking the boundary line between the United States and Mexico. It was stated in the last annual report of the Secretary of the Interior that the initial point on the Pacific and the point of junction of the Gila with the Colorado river had been determined, and the intervening line, about one hundred and fifty miles in length, run and marked by temporary monument. Since that time a monument of marble has been erected at the initial point, and permanent landmarks of iron have been placed at suitable distances along the line.

The initial point on the Rio Grande has also been fixed by the commissioners at latitude 32° 22′, and at the date of the last communication the survey of the line had been made thence westward about one hundred and fifty miles, to the neighborhood of the copper mines.

The commission on our part was at first organized on a scale which experience proved to be unwieldy and attended with unnecessary expense. Orders have, therefore, been issued for the reduction of the number of persons employed within the smallest limits consistent with the safety of those engaged in the service and the prompt and efficient execution of their important duties.

Returns have been received from all the officers engaged in taking the census in the States and Territories, except California. The superintendent employed to make the enumeration in that State has not yet made his full report, from causes, as he alleges, beyond his control. This failure is much to be regretted, as it has prevented the Secretary of the Interior from making the decennial apportionment of representatives among the States, as required by the act approved May 23, 1850. It is hoped, however, the returns will soon be received, and no time will then be lost in making the necessary apportionment, and in transmitting the certificates required by law.

The Superintendent of the Seventh Census is diligently employed, under the direction of the Secretary of the Interior, in classifying and arranging, in tabular form, all the statistical information derived from the returns of the marshals, and it is believed that when the work shall be completed it will exhibit a more perfect view of the population, wealth, occupations, and social condition of a great country than has ever been presented to the world. The value of such a work, as the basis of enlightened legislation, can hardly be overestimated; and I earnestly hope that Congress will lose no time in making the appropriations necessary to complete the classifications, and to publish the results in a style worthy of the subject and our national character.

The want of a uniform fee bill, prescribing the compensation to be allowed district attorneys, clerks, marshals, and commissioners in civil and criminal cases, is the cause of much vexation, injustice, and complaint. I would recommend a thorough revision of the laws on the whole subject, and the adoption of a tariff of fees which, as far as practicable, should be uniform, and prescribe a specific compensation for every service which the officer may be required to perform. This subject will be fully presented in the report of the Secretary of the Interior.

In my last annual message I gave briefly my reasons for believing that you possessed the constitutional power to improve the harbors of our great lakes and sea-coast, and the navigation of our principal rivers, and recommended that appropriations should be made for completing such works as had already been commenced, and for commencing such others as might seem to the wisdom of Congress to be of public and general importance. Without repeating the reasons then urged, I deem it my duty again to call your attention to this important subject. The works on many of the harbors were left in an unfinished state, and, consequently, exposed to the action of the elements, which is fast destroying them. Great numbers of lives and vast amounts of property are annually lost for want of safe and convenient harbors on the lakes. None but those who have been exposed to that dangerous navigation can fully appreciate the importance of this subject. The whole Northwest appeals to you for relief, and I trust their appeal will receive due consideration at your hands.

The same is in a measure true in regard to some of the harbors and inlets on the sea-coast.

The unobstructed navigation of our large rivers is of equal importance. Our settlements are now extending to the sources of the great rivers which empty into, and form a part of the Mississippi, and the value of the public lands in those regions would be greatly enhanced by freeing the navigation of those waters from obstructions. In view, therefore, of this great interest, I deem it my duty again to urge upon Congress to make such appropriations for these improvements as they may deem necessary.

The survey of the Delta of the Mississippi, with a view to the prevention of the overflows that have proved so disastrous to that region of country, have been nearly completed, and the reports thereof are now in course of preparation, and will shortly be laid before you.

The protection of our southwestern frontier, and of the adjacent Mexican States, against the Indian tribes within our border, has claimed my earnest and constant attention. Congress having failed, at the last session, to adopt my recommendation that an additional regiment of mounted men specially adapted to that service should be raised, all that remained to be done was to make the best use of the means at my disposal. Accordingly, all the troops adapted to that service that could properly be spared from other quarters have been concentrated on that frontier, and officers of high reputation selected to command them. A new arrangement of the military posts has also been made, whereby the troops are brought nearer to the Mexican frontier and to the tribes they are intended to overawe.

Sufficient time has not yet elapsed to realize all the benefits that are expected to result from these arrangements, but I have every reason to hope that they will effectually check their marauding expeditions. The nature of the country, which furnishes little for the support of an army, and abounds in places of refuge and concealment, is remarkably well adapted to this predatory warfare; and we can scarcely hope that any military force, combined with the greatest vigilance, can entirely suppress it.

By the treaty of Guadalupe Hidalgo we are bound to protect the territory of Mexico against the incursions of the savage tribes within our border "with equal diligence and energy" as if the same were made within our territory or against our citizens. I have endeavored to comply, as far as possible, with this provision of the treaty. Orders have been given to the officers commanding on that frontier to consider the Mexican territory and its inhabitants as equally with our own entitled to their protection; and to make all their plans and arrangements with a view to the attainment of this object. Instructions have also been given to the Indian commissioners and agents among these tribes, in all treaties, to make the clauses designed for the protection of our own citizens apply also to those of Mexico. I have no reason to doubt that these instructions have been fully carried into effect. Nevertheless, it is probable that, in spite of all our efforts, some of the neighboring States of Mexico may have suffered, as our own have, from depredations by the Indians.

To the difficulties of defending our own territory, as above mentioned, are superadded, in defending that of Mexico, those that arise from its remoteness, from the fact that we have no right to station our troops within her limits, and that there is no efficient military force on the Mexican side to coöperate with our own. So long as this shall continue to be the case, the number and activity of our troops will rather increase than diminish the evil, as the Indians will naturally turn towards that country where they encounter the least resistance. Yet these troops are necessary to subdue them, and to compel them to make and observe treaties. Until this shall have been done, neither country will enjoy any security from their attacks.

The Indians in California, who had previously appeared of a peaceable character, and disposed to cultivate the friendship of the whites, have recently committed several acts of hostility. As a large portion of the reinforcements sent to the Mexican frontier were drawn from the Pacific, the military force now stationed there is considered entirely inadequate to its defence. It cannot be increased, however, without an increase of the army; and I again recommend that measure as indispensable to the protection of the frontier.

I invite your attention to the suggestions on this subject, and on others connected with his Department, in the report of the Secretary of War.

The appropriations for the support of the Army during the current fiscal year ending 30th June next, were reduced far below the estimate submitted by the Department. The consequence of this reduction is a considerable deficiency, to which I invite your early attention.

The expenditures of that Department, for the year ending 30th June last, were $9,060,268 58. The estimates for the year commencing 1st July next, and ending June 30, 1853, are $7,898,775 83; showing a reduction of $1,161,492 75.

The Board of Commissioners, to whom the management of the affairs of the Military Asylum created by the act of 3d March last was intrusted, have selected a site for the establishment of an Asylum in the vicinity of this city, which has been approved by me, subject to the production of a satisfactory title.

The report of the Secretary of the Navy will exhibit the condition of the public service under the supervision of that Department. Our naval force afloat during the present year has been actively and usefully employed in giving protection to our widely-extended and increasing commerce and interests in the various quarters of the globe, and our flag has everywhere afforded the security and received the respect inspired by the justice and liberality of our intercourse, and the dignity and power of the nation.

The expedition commanded by Lieutenant De Haven, dispatched in search of the British commander, Sir John Franklin, and his companions in the Arctic Seas, returned to New York in the month of October, after having undergone great peril and suffering from an unknown and dangerous navigation and the rigors of a northern climate, without any satisfactory information of the objects of their search, but with new contributions to science and navigation from the unfrequented polar regions. The officers and men of the expedition, having been all volunteers for this service, and having so conducted it as to meet the entire approbation of the Government, it is suggested, as an act of grace and generosity, that the same allowances of extra pay and emoluments be extended to them that were made to the officers and men of like rating in the late Exploring Expedition to the South Seas.

I earnestly recommend to your attention the necessity of organizing the naval establishment, apportioning and fixing the number of officers in each grade, providing some mode of promotion to the higher grades of the Navy, having reference to merit and capacity, rather than seniority, or date of entry into the service, and for retiring from the effective list upon reduced pay those who may be incompetent to the performance of active duty. As a measure of economy, as well as of efficiency

in this arm of the service, the provision last mentioned is eminently worthy of your consideration.

The determination of the questions of relative rank between the sea officers and civil officers of the Navy, and between the officers of the Army and Navy, in the various grades of each, will also merit your attention. The failure to provide any substitute, when corporal punishment was abolished for offences in the Navy, has occasioned the convening of numerous courts-martial upon the arrival of vessels in port, and is believed to have had an injurious effect upon the discipline and efficiency of the service. To moderate punishment from one grade to another is among the humane reforms of the age; but to abolish one of severity, which applied so generally to offences on shipboard, and provide nothing in its stead, is to suppose a progress of improvement in every individual among seamen which is not assumed by the legislature in respect to any other class of men. It is hoped that Congress, in the ample opportunity afforded by the present session, will thoroughly investigate this important subject, and establish such modes of determining guilt, and such gradations of punishment, as are consistent with humanity and the personal rights of individuals, and at the same time shall insure the most energetic and efficient performance of duty and the suppression of crime in our ships of war.

The stone dock in the navy-yard at New York, which was ten years in process of construction, has been so far finished as to be surrendered up to the authorities of the yard. The dry-dock at Philadelphia is reported as completed, and is expected soon to be tested and delivered over to the agents of the Government. That at Portsmouth, New Hampshire, is also nearly ready for delivery; and a contract has been concluded, agreeably to the act of Congress at its last session, for a floating sectional dock on the Bay of San Francisco. I invite your attention to the recommendation of the Department touching the establishment of a navy-yard in conjunction with this dock on the Pacific. Such a station is highly necessary to the convenience and effectiveness of our fleet in that ocean, which must be expected to increase with the growth of commerce and the rapid extension of our whale fisheries over its waters.

The Naval Academy at Annapolis, under a revised and improved system of regulations, now affords opportunities of education and instruction to the pupils quite equal, it is believed, for professional improvement, to those enjoyed by the cadets in the Military Academy. A large class of acting midshipmen was received at the commencement of the last academic term, and a practice-ship has been attached to the institution, to afford the amplest means for regular instruction in seamanship, as well as for cruises during the vacations of three or four months in each year.

The advantages of science in nautical affairs have rarely been more strikingly illustrated than in the fact stated in the report of the Navy Department, that, by means of the wind and current charts, projected and prepared by Lieutenant Maury, the Superintendent of the Naval Observatory, the passage from the Atlantic to the Pacific ports of our country has been shortened by about forty days.

The estimates for the support of the Navy and Marine Corps the ensuing fiscal year will be found to be $5,856,472 19, the estimates for the current year being $5,900,621.

The estimates for special objects under the control of this Department amount to $2,684,220 89, against $2,210,980 for the present year, the increase being occasioned by the additional mail service on the Pacific coast and the construction of the dock in California, authorized at the last session of Congress, and some slight additions under the head of improvements and repairs in navy-yards, buildings, and machinery.

I deem it of much importance to a just economy and a correct understanding of naval expenditures, that there should be an entire separation of the appropriations for the support of the naval service proper from those for permanent improvements at navy-yards and stations, and from ocean steam-mail service, and other special objects assigned to the supervision of this Department.

The report of the Postmaster General, herewith communicated, presents an interesting view of the progress, operations, and condition of his Department.

At the close of the last fiscal year, the length of mail routes within the United States was 196,290 miles; the annual transportation thereon 53,272,252 miles; and the annual cost of such transportation $3,421,754.

The length of the foreign mail routes is estimated at 18,349 miles, and the annual transportation thereon at 615,206 miles. The annual cost of this service is $1,472,187, of which $448,937 is paid by the Post Office Department, and $1,023,250 is paid through the Navy Department.

The annual transportation within the United States (excluding the service in California and Oregon, which is now, for the first time, reported and embraced in the tabular statements of the Department) exceeds that of the preceding year 6,162,855 miles, at an increased cost of $547,110.

The whole number of post offices in the United States on the 30th day of June last was 19,796. There were 1,698 post offices established, and 256 discontinued, during the year.

The gross revenues of the Department for the fiscal year, including the appropriations for the franked matter of Congress, of the Departments, and officers of Government, and excluding the foreign postages, collected for, and payable to, the British post office, amounted to $6,727,866 78.

The expenditures for the same period (excluding $20,599 49, paid under an award of the Auditor, in pursuance of a resolution of the last Congress, for mail service on the Ohio and Mississippi rivers in 1832 and 1833, and the amount paid to the British post office for foreign postages collected for and payable to that office) amounted to $6,024,566 79; leaving a balance of revenue over the proper expenditures of the year of $703,299 99.

The receipts for postages during the year (excluding the foreign postages collected for and payable to the British post office) amounted to $6,345,747 21, being an increase of $997,610 79, or 18 65-100 per cent. over the like receipts for the preceding year.

The reduction of postage, under the act of March last, did not take effect until the commencement of the present fiscal year. The accounts for the first quarter, under the operation of the reduced rates, will not be settled before January next; and no reliable estimate of the receipts for the present year can yet be made. It is believed, however, that they will fall far short of those of the last year. The surplus of the revenues now on hand is, however, so large that no further appropriation from the Treasury, in aid of the revenues of the Department, is required for the current fiscal year; but an additional appropriation for the year ending June 30, 1853, will probably be found necessary when the receipts of the first two quarters of the fiscal year are fully ascertained.

In his last annual report the Postmaster General recommended a reduction of postage to rates which he deemed as low as could be prudently adopted, unless Congress was prepared to appropriate from the Treasury, for the support of the Department, a sum more than equivalent to the mail services performed by it for the Government. The recommendations of the Postmaster General, in respect to letter postage, except on letters from and to California and Oregon, were substantially adopted by the last Congress. He now recommends adherence to the present letter rates, and advises against a further reduction until justified by the revenue of the Department.

He also recommends that the rates of postage on printed matter be so revised as to render them more simple, and more uniform in their operation upon all classes of printed matter. I submit the recommendations of the report to your favorable consideration.

The public statutes of the United States have now been accumulating for more than sixty years, and, interspersed with private acts, are scattered through numerous volumes; and, from the cost of the whole, have become almost inaccessible to the great mass of the community. They also exhibit much of the incongruity and imperfection of hasty legislation. As it seems to be generally conceded that there is no "common law" of the United States to supply the defects of their legislation, it is most important that that legislation should be as perfect as possible, defining every power intended to be conferred, every crime intended to be made punishable, and prescribing the punishment to be inflicted. In addition to some particular cases spoken of more at length, the whole criminal code is now lamentably defective. Some offences are imperfectly described, and others are entirely omitted; so that flagrant crimes may be committed with impunity. The scale of punishment is not in all cases graduated according to the degree and nature of the offence, and is often rendered more unequal by the different modes of imprisonment, or penitentiary confinement, in the different States.

Many laws of a permanent character have been introduced into appropriation bills, and it is often difficult to determine whether the particular clause expires with the temporary act of which it is a part, or continues in force. It has also frequently happened that enactments and provisions of law have been introduced into bills, with the title or general subject of which they have little or no connection or relation. In this mode of legislation so many enactments have been heaped upon each other, and often with but little consideration, that, in many instances, it is difficult to search out and determine what is the law.

The Government of the United States is emphatically a Government of written laws. The statutes should, therefore, as far as practicable, not only be made accessible to all, but be expressed in language so plain and simple as to be understood by all, and arranged in such method as to give perspicuity to every subject. Many of the States have revised their public acts with great and manifest benefit; and I recommend that provision be made by law for the appointment of a commission to revise the public statutes of the United States, arranging them in order, supplying deficiencies, correcting incongruities, simplifying their language, and reporting them to Congress for its action.

An act of Congress approved 30th September, 1850, contained a provision for the extension of the Capitol, according to such plan as might be approved by the President, and appropriated one hundred thousand dollars to be expended under his direction, by such architect as he should appoint to execute the same. On examining the various plans which had been submitted by different architects, in pursuance of an advertisement by a committee of the Senate, no one was found to be entirely satisfactory, and it was therefore deemed advisable to combine and adopt the advantages of several.

The great object to be accomplished was to make such an addition as would afford ample and convenient halls for the deliberations of the two Houses of Congress, with sufficient accommodations for spectators, and suitable apartments for the committees and officers of the two branches of the Legislature. It was also desirable not to mar the harmony and beauty of the present structure, which, as a specimen of architecture, is so universally admired. Keeping these objects in view, I concluded to make the addition by wings, detached from the present building, yet connected with it by corridors. This mode of enlargement will leave the present Capitol uninjured, and afford great advantages for ventilation and the admission of light, and will enable the work to progress without interrupting the deliberations of Congress. To carry this plan into effect I have appointed an experienced and competent architect. The corner-stone was laid on the 4th day of July last, with suitable ceremonies, since which time the work has advanced with commendable rapidity, and the foundations of both wings are now nearly complete.

I again commend to your favorable regard the interests of the District of Columbia, and deem it only necessary to remind you, that although its inhabitants have no voice in the choice of representatives in Congress, they are not the less entitled to a just and liberal consideration in your legislation. My opinions on this subject were more fully expressed in my last annual communication.

Other subjects were brought to the attention of Congress in my last annual message, to which I would respectfully refer. But there was one of more than ordinary interest, to which I again invite your special attention. I allude to the recommendation for the appointment of a commission

to settle private claims against the United States. Justice to individuals as well as to the Government imperatively demands that some more convenient and expeditious mode than an appeal to Congress should be adopted.

It is deeply to be regretted that in several instances officers of the Government, in attempting to execute the law for the return of fugitives from labor, have been openly resisted, and their efforts frustrated and defeated by lawless and violent mobs; that in one case such resistance resulted in the death of an estimable citizen, and in others serious injury ensued to those officers and to individuals who were using their endeavors to sustain the laws. Prosecutions have been instituted against the alleged offenders, so far as they could be identified, and are still pending. I have regarded it as my duty, in these cases, to give all aid legally in my power to the enforcement of the laws, and I shall continue to do so wherever and whenever their execution may be resisted.

The act of Congress for the return of fugitives from labor is one required and demanded by the express words of the Constitution.

The Constitution declares, "That no person 'held to service or labor in one State, under the 'laws thereof, escaping into another, shall, in con-'sequence of any law or regulation therein, be dis-'charged from such service or labor, but shall be 'delivered up on claim of the party to whom such 'service or labor may be due." This constitutional provision is equally obligatory upon the Legislative, the Executive, and Judicial Departments of the Government, and upon every citizen of the United States.

Congress, however, must, from necessity, first act upon the subject, by prescribing the proceedings necessary to ascertain that the person is a fugitive, and the means to be used for his restoration to the claimant. This was done by an act passed during the first term of President Washington, which was amended by that enacted by the last Congress, and it now remains for the Executive and Judicial Departments to take care that these laws be faithfully executed. This injunction of the Constitution is as peremptory and as binding as any other; it stands exactly on the same foundation as that clause which provides for the return of fugitives from justice, or that which declares that no bill of attainder or *ex post facto* law shall be passed, or that which provides for an equality of taxation according to the census, or the clause declaring that all duties shall be uniform throughout the United States, or the important provision that the trial of all crimes shall be by jury. These several articles and clauses of the Constitution, all resting on the same authority, must stand or fall together. Some objections have been urged against the details of the act for the return of fugitives from labor; but it is worthy of remark that the main opposition is aimed against the Constitution itself, and proceeds from persons and classes of persons, many of whom declare their wish to see that Constitution overturned. They avow their hostility to any law which shall give full and practical effect to this requirement of the Constitution. Fortunately, the number of these persons is comparatively small, and is believed to be daily diminishing, but the issue which they present is one which involves the supremacy and even the existence of the Constitution.

Cases have heretofore arisen in which individuals have denied the binding authority of acts of Congress, and even States have proposed to nullify such acts, upon the ground that the Constitution was the supreme law of the land, and that those acts of Congress were repugnant to that instrument; but nullification is now aimed, not so much against particular laws as being inconsistent with the Constitution, as against the Constitution itself; and it is not to be disguised that a spirit exists and has been actively at work to rend asunder this Union, which is our cherished inheritance from our revolutionary fathers.

In my last annual message I stated that I considered the series of measures, which had been adopted at the previous session, in reference to the agitation growing out of the Territorial and slavery questions, as a final settlement in principle and substance of the dangerous and exciting subjects which they embrace; and I recommend adherence to the adjustment established by those measures, until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse. I was not induced to make this recommendation because I thought those measures perfect, for no human legislation can be perfect. Wide differences and jarring opinions can only be reconciled by yielding something on all sides, and this result had been reached after an angry conflict of many months, in which one part of the country was arrayed against another, and violent convulsion seemed to be imminent. Looking at the interests of the whole country, I felt it to be my duty to seize upon this compromise as the best that could be obtained amid conflicting interests, and to insist upon it as a final settlement, to be adhered to by all who value the peace and welfare of the country. A year has now elapsed since that recommendation was made. To that recommendation I still adhere, and I congratulate you and the country upon the general acquiescence in these measures of peace which has been exhibited in all parts of the Republic. And not only is there this general acquiescence in these measures, but the spirit of conciliation which has been manifested in regard to them in all parts of the country has removed doubts and uncertainties in the minds of thousands of good men concerning the durability of our popular institutions, and given renewed assurance that our Liberty and our Union may subsist together for the benefit of this and all succeeding generations.

MILLARD FILLMORE.

WASHINGTON, *December* 2, 1851.

Report of the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
November 29, 1851.

To the President of the United States:

SIR: For the purpose of enabling you to recommend to Congress, at its approaching session, such measures as you may judge necessary and expedient respecting the various subjects confided to the Department of the Interior, I respectfully submit the following report:

The law creating this Department was approved the 3d of March, 1849. By its provisions the Secretary of the Interior is required to exercise supervisory and appellate powers over the acts of the Commissioner of Patents, of the General Land Office, of Indian Affairs, of Pensions, and of Public Buildings, and also over the accounts of marshals, clerks, and other officers of the courts of the United States; over the officers engaged in taking the Census; the Inspectors and Warden of the Penitentiary of the District of Columbia, and the subject of lead and other mines of the United States. He is also charged with other duties not specially mentioned in the law, but which, from their peculiar nature, appropriately belong to his office. Among these is the general supervision of the proceedings of the Commission instituted, under the treaty of Guadalupe Hidalgo, to run and mark the boundary line between the United States and Mexico. Under each of these several heads he has important and responsible functions to perform: he prescribes rules for the general administration of the different bureaus, sees to their faithful execution, and decides judicially on all appeals from either of them which may be brought before him. Such is the general outline of the duties of the office.

The reports of the heads of the several bureaus will give full and satisfactory information of their respective operations, accompanied by many valuable suggestions of improvements and modifications in the existing laws. It is proper, however, that I should exhibit to you a condensed summary of the condition of the Department as a whole, with such remarks of my own as the public interests seem, in my judgment, to demand. This I will now proceed to do; and, for the sake of convenient reference, my statements will be arranged under the different heads above enumerated, and such others as may be necessary.

ESTIMATES OF APPROPRIATIONS.

The following tabular statement shows the estimates of the Department for the fiscal year ending the 30th of June, 1853, with a parallel column, exhibiting those for the year ending 30th of June, 1852. This form of presenting the subject is adopted for the purpose of making a comparison of the estimates of the two years, without the trouble of a reference to former reports:

	1852.	1853.
Department proper.....	$28,250 00	$35,827 50
Land service.....	836,152 50	1,284,916 47
Indian Affairs.....	2,441,472 66	1,343,276 36
Pension Office.....	2,624,726 41	1,566,040 00
Census.....	.....	150,000 00
United States Courts.....	592,747 00	672,053 00
Public Buildings.....	481,275 00	418,504 71
Pauper lunatics.....	10,000 00	10,000 00
Agricultural statistics.....	5,500 00	5,500 00
Penitentiary of the District of Columbia.....	11,900 00	9,210 00
Mexican Boundary Survey..	100,000 00	200,000 00
Totals.....	$7,132,023 47	$5,695,328 04

A reference to the aggregate of the two columns will show that the estimates for the next year are less by $1,436,695 43 than those for the present fiscal year, although they embrace many items of large amount for new objects not embraced in the estimates for the present year; as, for example, $150,000 for the census, and upwards of $300,000 for surveying the public lands in California.

This reduction results from no diminution of the actual expenses of this branch of the public service, but from the fact that the estimates for this year embraced many very large items for *deficiencies* of the preceding year. A vicious practice has prevailed for some years past of reducing the estimates at the commencement of the session below the amount actually necessary, with the view of afterwards applying for additional appropriations in what is called a deficiency bill. I took occasion in my last report to express my disapprobation of this practice, and I required the heads of the several bureaus attached to this Department to make full and fair estimates of all that the public service required. It was accordingly done; and now, instead of deficiencies amounting to near $2,000,000, it will be found that they are but little over $300,000. It is impossible to foresee what will be the actual expenditures of any given year, because they depend on contingencies beyond the control of the Department; but it must be admitted that there has been a reasonable approximation to accuracy, when it is found that in the disbursement of more than $7,000,000, the expenditures exceed the estimate only about $300,000.

With these general remarks, I proceed to submit detailed explanations of each class of the estimates in the order in which they stand.

DEPARTMENT PROPER.

Under this head the estimate for the next fiscal year exceeds that for the present $7,577 50. This results from the fact, that at the expiration of the last fiscal year unexpended balances of former appropriations remained, as stated in my last annual report, which brought the estimates of the present year below their legitimate amount.

LAND SERVICE.

The estimate for the present fiscal year amounted to.....		$836,152 50
To this add the amount appropriated at the last session for settling land titles in California....	50,000 00	
That for surveys of the public lands.....	25,000 00	
And the sum embraced in the present estimates to meet deficiences for the present year.....	155,305 00	
		230,305 00
And the expenditures properly chargeable to the present year will be shown to be.....		$1,066,457 50
The estimate for the next fiscal year amounts to.....		$1,284,916 47
Deduct the sum embraced therein to meet deficiencies in the present year.....		155,305 00
And the amount chargeable to the next year is.....		$1,129,611 47
Being an excess over the estimate for the present year of.....		63,153 97

This is accounted for by the unexpectedly large

amount required for the surveys in California. Leaving California out of the question, and the estimates compare thus:

Estimate for the present year.....	$836,152 50	
Deduct the amount therein for surveys in California.....	7,000 00	
And it will leave the amount chargeable to the present year.....	$829,152 50	
Estimate for the next fiscal year...	$1,284,916 47	
Deduct deficiencies of present year.....	155,305 00	
And the amount embraced for California..	307,575 00	
	462,880 00	
And the amount properly chargeable to the next fiscal year will be.....	$822,036 47	

Being $7,116 03 less than the amount properly chargeable to the present year.

INDIAN AFFAIRS.

Under this head the estimates for the next fiscal year amount to $1,098,196 30 less than those for the present fiscal year. For reasons stated in my last annual report, the estimates for the present year were unusually large, but the estimates for the next fiscal year are even below the average of those for the last and present fiscal years.

PENSIONS.

Here the estimates for the next fiscal year amount to $1,053,686 31 less than those for the present year.

It was stated in my last report that though the estimates for the present year amounted to $2,624,726 31, there was chargeable to the present year only the sum of.....$2,260,037 86

To this add $20,733 33, appropriated at the last session, but not embraced in the last estimates, and $20,000 embraced in the present estimates to meet deficiencies on account of clerk hire for the present year, rendered necessary by the bounty land law of 28th September, 1850.....	40,733 33
	$2,300,771 19
Then deduct the sum which it is now anticipated will remain on the 30th June, 1852, as the unexpended balances of appropriations for paying pensions.....	380,500 00
And the amount now ascertained to be chargeable to the present year is only.....	1,920,271 19
The estimate for the next fiscal year amounts to.....	1,566,040 00
To this add the sum of the unexpended balances which it is supposed will remain on hand at the end of the present year.....	380,500 00
	1,946,540 00
Then deduct the amount embraced therein to meet deficiencies in the present year.....	20,000 00
And the amount properly chargeable to the next fiscal year will be found to be.....	1,926,540 00

Only $6,268 81 more than for the present year, notwithstanding the increase of clerical force rendered indispensably necessary in the execution of the bounty land law of 1850.

CENSUS.

The estimates of last year embraced nothing under this head, the former appropriations being then thought sufficient to meet all demands. The experience of another year, however, would indicate otherwise, and for this reason the further sum of $150,000 is asked to complete the work. It is gratifying to find that in estimating for such an extensive service so near an approximation to the actual cost was attained.

UNITED STATES COURTS.

Here there is an apparent excess over the estimate of last year of $79,306. The appropriation for the last fiscal year fell short of the actual expenditures of that year about $20,000, which was supplied out of the appropriation for the present fiscal year. The diversion of that amount from the purposes of the present year renders it necessary to increase to that extent the estimate for the next fiscal year. And it has been found necessary to increase the estimate for the next fiscal year for California, New Mexico, and Utah, alone, to $70,000, being an increase of $25,000.

The estimates for the next fiscal year amount to.....		$672,053
Deduct the sum required to replace a like amount of the present appropriation applied to the purposes of the last year.....	$20,000	
And also the additional amount included for California, New Mexico, and Utah.....	25,000	
		45,000
		$627,053

And the excess of the estimate for the next fiscal year over that for the present year is only $34,306—an increase of expenditures not inconsistent, it is believed, with the increase of judicial districts and the business therein, and not greater than the average of the annual increase of expenditures for judicial purposes.

PAUPER LUNATICS AND AGRICULTURAL STATISTICS.

Under these heads the estimates are the same as last year.

PUBLIC BUILDINGS.

Under this head the estimates for the next fiscal year are $62,770 29 less than they were for the present year, notwithstanding they embrace items to the amount of $51,834 71 to meet deficiencies in the appropriations for the present fiscal year.

The estimates for the next fiscal year amount to.....		$418,504 71
Deduct therefrom the amount of the deficiencies, chargeable to the present year.....	51,834 71	
And the amount properly chargeable to the next year will be.....		$366,670 00
The estimates for the present fiscal year amounted to.....	481,375 00	
Add the deficiencies above stated....	51,834 71	
And the amount properly chargeable to the present year will be.....		$533,109 71

which is $166,439 71 more than is now estimated for the next fiscal year.

PENITENTIARY.

Here the estimate for the next fiscal year is $2,690 less than that for the present year. This diminution of expenditures results from the increased productiveness of the institution, arising from its better management.

MEXICAN BOUNDARY SURVEY.

The amount embraced in the regular estimates for the present fiscal year was.....	$100,000 00
The amount included in the estimates for the next year is.....	$200,000 00

There would, therefore, appear to be an excess over the estimate for the present year of $100,000; but this is merely apparent. After the regular estimates had been submitted, letters were received from the Commissioner making such representations as to the cost of transportation and the scarcity and high price of provisions, &c., in the country along the line, as to render it necessary to ask for a larger sum. The facts were communicated to the Committee of Ways and Means of the House of Representatives, and to the Committee on Finance in the Senate, and they were requested to increase the appropriation to $180,000. This was not done, however, and there was consequently a very large deficiency in the appropriation for the current year. The present estimates include this deficiency as being $80,000, which, added to the appropriation of $100,000, makes the expenditures on account of the present year $180,000, and deducting it from the gross amount of the present estimates, leaves $120,000 only chargeable to the next fiscal year, being $60,000 less than the amount required for the present year.

PENSION OFFICE.

This Bureau has charge of two distinct branches of business, viz: Pensions and Land Bounties.

Pensions may be classed under six different divisions,

First. To soldiers of the Revolution.

Second. To widows of revolutionary soldiers.

Third. To invalids.

Fourth. To widows and orphans of soldiers in the Mexican war.

Fifth. To persons in the naval service of the United States.

Sixth. Virginia half-pay and commutation pay.

The whole number of pensioners of all classes now on the rolls is 19,611, of whom 13,467 were paid during the first two quarters of the present year, the latest periods to which we have reports. The number added to the rolls during the year was 2,287, and the number of deaths reported 765. The whole amount expended for pensions during the year ending 30th September, 1851, exclusive of Navy pensions, is about $1,439,848.

REVOLUTIONARY PENSIONS.

The first act granting pensions to revolutionary soldiers was passed 18th March, 1818. The whole number pensioned under that act up to the present time is 20,485, of whom only 1,383 now remain on the rolls, being a reduction since my last report of 140.

The next law on the subject was passed on the 15th May, 1828. Under it 1,155 pensions were granted. At the date of the last report but 162 remained on the rolls, of which number 34 are supposed to have died during the last year, as only 128 are reported as being now on the rolls.

The third and much the most comprehensive law granting pensions to soldiers of the Revolution was passed 7th June, 1832. Thirty-two thousand nine hundred and eighty-six persons have been beneficiaries under this act, but only 4,813 now remain on the rolls.

WIDOWS OF REVOLUTIONARY SOLDIERS.

The first law granting pensions to persons of this class was passed the 4th July, 1836. Under its provisions 5,068 have received pensions. The number now on the rolls under that act, and the act of 21st July, 1848, is 2,774.

The act of 7th July, 1838, granted pensions to widows of revolutionary soldiers who were married prior to 1794. Of 11,191 who received the benefit of that law, only 186 received their pensions during the first two quarters of the present year.

The act of 2d February, 1848, extended the benefits of the law of 1838 to such widows as had been married prior to the 1st of January, 1794. The whole number pensioned under this act is 5,790, of whom 4,294 are yet on the rolls. The act of 29th July, 1848, extended its benefits to those who were married prior to 1800, and under the law 960 have been pensioned, all of whom, according to the returns, yet remain on the rolls.

It thus appears that time is rapidly sweeping from existence these venerable objects of national gratitude and munificence.

INVALID PENSIONS.

The whole number of pensioners of this class now on the rolls is 5,359, of whom 617 have been added during the year.

MEXICAN WAR PENSIONS.

The act of 21st July, 1848, and the supplemental act of 22d February, 1849, and the joint resolution of 28th September, 1850, gave pensions to the widows and orphans of soldiers killed in the Mexican war, or who died from disease contracted in the service. Under these laws 1,750 persons are now receiving pensions, showing an increase of 294 since the date of my last report.

NAVY PENSIONERS.

It has heretofore been the custom to report the statistics relating to pensioners of this class to the Secretary of the Navy, by whom they were communicated to the President. But believing that it would be more satisfactory to imbody all the facts relating to the entire subject of pensions in a single report, I have deemed it proper to embrace this class with the others.

It appears from the report of the Commissioner of Pensions that the number of invalid pensioners of this class now on the rolls is 709, 29 having been added during the last year; that the number of widows now on the rolls is 481, being an increase during the last year of 92; and that the number of orphans is 38, 11 having been added

since the last report. The aggregate amount required to pay pensioners of this class now on the rolls is $147,264 96.

VIRGINIA HALF-PAY AND COMMUTATION CLAIMS.

The half-pay claims examined and allowed since the date of my last report amount to $41,490, including the sum of $5,289 04 which had been previously adjudicated, but not paid.

No action has been taken on any commutation cases during the year. Congress having indicated a purpose to legislate in regard to them, I directed a suspension of further proceedings until the close of the next session, so as to afford them an opportunity of expressing their will on the subject.

BOUNTY LANDS.

Donations of public lands in consideration of military service have been made, under different laws, to various classes of soldiers. The first grants of this kind were to

SOLDIERS OF THE WAR OF 1812.

In my last report the whole number of warrants issued to soldiers of our last war with Great Britain was stated to be 28,978. Since that time the following additional warrants have been issued, viz: 1 for 320 acres; 55 for 160 acres; and 36 for 40 acres each. There are still 450 claims suspended for further evidence.

MEXICAN WAR.

There have been 90,146 applications filed for bounties under the act of 11th of February, 1847, granting lands or scrip to soldiers engaged in the war with Mexico. In all 83,955 claims have been allowed, and warrants or scrip issued to the parties entitled. The warrants and scrip issued since the last annual report are as follows, viz:

3,020 warrants for 160 acres each;
223 warrants for 40 acres each;
63 certificates for $100 each; and
2 certificates for $25 each.

Six thousand one hundred and ninety-one cases are suspended for further evidence.

THE BOUNTY LAND LAW OF 28TH SEPTEMBER, 1850.

This act is much more liberal and comprehensive in its provisions than any previous law of a similar character. It gives to all persons living, and to the widows and minor children of such as are dead, who have been actually engaged in the military service of the United States, in any war from 1790 to the close of the Mexican war, for the period of one month or more, bounty land, graduated in quantity according to length of service. If all the soldiers engaged in these wars were now living, or represented by persons entitled to the benefits of the law, the number of claims would not be less than *five hundred and fifty thousand;* and, assuming eighty acres as the average grant to each, the quantity of land disposed of would be *forty-four millions of acres*. Making proper allowance for those who had died leaving no representatives entitled to claim, the former Commissioner of Pensions estimated the number of applicants at *two hundred and fifty thousand*. The result has proved that he did not over-estimate the number. Between the 28th of September and 5th of November, 1850, 9,418 applications were filed. On the 1st of November, 1851, the whole number received was about 157,000; and, as they are still coming in rapidly, it will not fall far below 170,000 at the commencement of the session of Congress.

The duty of acknowledging, registering, endorsing, filing, investigating, deciding, and issuing warrants for such a vast number of claims, involved great labor and responsibility. It was necessary, in the first place, to prescribe forms of application and modes of proof by which they were to be established. The next step was to collect, arrange, and classify the rolls of the different companies, extending through a period of near sixty years, and embracing more than half a million of soldiers; so that the claim of each applicant might be compared with them, and his identity and term of service accurately ascertained.

No provision had been made by law to enable the office to dispose of this immense increase of business. Hence, at first, the "declarations" were merely tied up in bundles, in the order in which they were received, and deposited in a room for safe-keeping, until arrangements could be made for their examination. For some months the receipts ranged from 1,000 to 1,500 per day. There was, consequently, a large accumulation of them before the necessary preparations could be made for investigating their merits and issuing the warrants.

Under these circumstances, and knowing that a tardy execution of the law would defeat the purposes of those who passed it, and deprive many aged persons of the benefit of its provisions, I felt warranted in assuming the responsibility of increasing the force of the Pension Office with reference to that particular service. This course was approved by Congress at its last session, and appropriations were promptly made, not only to pay the clerks who had thus been employed, but for a still further addition to the force.

With a view of ascertaining how many additional clerks would be necessary to keep pace with the number of applications, I called on the late Commissioner for an estimate of the probable number which would be submitted during the year. He could of course form his opinion only from the facts before him in relation to other laws of a similar nature. From these data he concluded that the number presented within the first year would be about fifty thousand, or one fifth of the whole.

Guided in some measure by his estimate, but still desirous of making an allowance for contingencies, I asked for a number of clerks sufficient to adjudicate and issue warrants for 60,000 claims; which were granted. It was soon found, however, that the number of applications would be almost three times as great as had been supposed. As far as the means at my disposal would allow, I have endeavored to meet the emergency. Some additional clerks have been employed. Others who could be spared for a time from my own office have been detailed to do duty in the Pension Office, and the clerks of that bureau have been required to work an hour longer in each day than has heretofore been customary. In all these efforts to advance the progress of the business I received the cordial coöperation, not only of the head of the bureau and his efficient acting chief clerk, but of the large body of his assistant clerks engaged on that business, who have manifested the most laudable zeal in the discharge of their respective duties.

The first warrants were issued about the first of February last. For some months the number sent out each day was comparatively small, because many of the clerks were engaged in acknowledging the receipt of claims, corresponding with claimants, and registering, filing, and preparing the cases for adjudication.

Notwithstanding all these difficulties, of the 157,000 claims which had been filed on the first of November, 1851, 76,000 had been examined, and 54,000 carried into warrant; 22,000 have been rejected or suspended for further consideration. The number of warrants now issued daily exceeds 400, and by the meeting of Congress the aggregate number of warrants issued will be about 70,000.

Thus it will be seen, that, in the short space of nine or ten months, almost as many cases have been adjudicated under the act of 1850, as have been disposed of under the law of 1847, in relation to Mexican warrants, since its passage.

It may not be improper here to remark, that it has been the invariable rule of the office to act on the cases in the order of their presentation. If there have been occasional departures from it, they have been the effect of accident and not of design. Complaints have been made to me from various quarters that the rule had been violated, but it was found, in every instance, that the cases which it was alleged had been improperly passed by in favor of junior applications, were those which had been suspended for some defect or informality. As soon as a case is ascertained to belong to this class, it is laid aside until the defect can be supplied, and in the mean time the office proceeds with other applications in their appropriate order. Any other rule would cause endless delay.

The report of the Commissioner of Pensions contains many valuable suggestions of amendments and modifications of the existing laws, to all of which I respectfully invite your attention. The most important are the following, viz:

First. That the benefits of the pension laws be confined to those who rendered the military service, and to the widows and *minor* children of such as are dead.

Second. That more efficient provisions be adopted to prevent frauds under the various pension laws, and more especially under those relating to invalids.

Within the last year two hundred and thirty-one applications for invalid pensions were presented from two of the western States, all of which were authenticated according to the forms of law. But the Commissioner having conceived the suspicion that many of them were fraudulent, I caused a confidential agent to visit the neighborhood, and it was ascertained that only sixty-one were just, and that the residue were fraudulent.

Third. That warrants for bounty lands under the act of 28th September, 1850, be made assignable. Most of the holders of these claims are persons far advanced in life, or widows or orphans who have not the means of locating them to advantage, and can therefore only make them available by sale.

Fourth. The enactment of a law making it a felony to forge, utter, or publish as genuine, any forged land warrant or other evidence of claim against the United States for land, or any indorsement or assignment thereof.

The circuit court of the United States at Columbus, Ohio, recently quashed an indictment against a prisoner for forging a land warrant, on the ground that there was no law of the United States making it a penal offence.

I beg leave to remark, that the laws of the United States in regard to the subject of forgery are exceedingly defective, and need revision. They are generally specific, and directed against enumerated offences. I would respectfully suggest the propriety of inviting the attention of Congress to this subject, and of recommending the passage of a general law similar in its provisions to those adopted in England and most of the States of the Union, and comprehensive enough to embrace the forgery of every conceivable species of paper, to the injury of the United States, or those having claims against the Government for money, land, or anything else of value.

In addition to the changes proposed by the Commissioner, in view of the great increase of the business of the Pension Office, I respectfully recommend that provision be made by law for the appointment of an Assistant Commissioner of Pensions. The Commissioner's judicial duties furnish him full occupation, and render it absolutely impossible for him to authenticate and transmit the large number of warrants and certificates now issued from the office, and perform the other duties of a ministerial character which he is now required by law to discharge.

I also recommend that the law regulating the compensation of clerks be so modified as to enable the Department to graduate their salaries according to the nature and value of the services rendered by them respectively. At present no temporary clerk can receive more than $3 33½ per day. This is insufficient to command the talents necessary for some branches of the service, and is more than enough for others. My proposition would involve no increase of the aggregate compensation of the clerks, but only a more equitable apportionment of it.

PUBLIC LANDS.

The report of the Commissioner of the General Land Office will exhibit much activity in the operations of that bureau and the various branches of the public service connected with it.

The quantity of land sold during the last fiscal year was 1,846,847 49-100 acres, for which the sum of $2,370,947 45 was received. The quantity sold during the first quarter of the present fiscal year was 473,140 65-100 acres, producing $601,691. The quantity sold during the corresponding quarter of the last fiscal year was 266,879 66-100 acres, the proceeds of which amounted to $349,876 06; thus showing a considerable increase in the sales of the present over those of the last fiscal year. The quantity of land located during the last fiscal year, with bounty land warrants, was 2,454,000 acres, which, added to the quantity sold for cash, makes an aggregate of 4,300,847 49-100 acres. Had the quantity located with warrants during the last fiscal year been dis-

posed of for cash at the minimum price, the aggregate of revenue from sales of the public lands would have been $5,438,447 45. The whole number of warrants issued up to the first of November instant, under the Mexican war bounty land law of 11th February, 1847, is 80,781. Of these 66,618 have been located and returned to the General Land Office; and of this latter number 66,200 have been patented. The whole number of warrants issued, up to the same period, under the general bounty land law of September 28, 1850, is 54,201; and of the 3,708 which have been located and returned to the General Land Office, 1,950 had been patented on the 1st ultimo.

Surveys, as authorized by law, have been commenced in Oregon and California, but restricted as yet to the establishment of the principal base and meridian lines, from which are subsequently to be projected the township and subdivisional surveys.

The surveyors general of Oregon and California deserve great credit for the energy which has thus far characterized their labors. Plats have already been received at the General Land Office showing the base and meridian lines in Oregon, and commendable progress in the establishment of those in California.

In conducting these surveys, the object has been to profit by the suggestions of past experience; and to this end a manual of instructions, in detail, was prepared for the government of the surveyors general and their deputies, calculated, it is believed, to facilitate their field operations.

The law authorizing the extension of the surveys into the Territory of Oregon provided for the introduction of what is known as the "geodetic method," should the Department deem it expedient to do so; but, for reasons assigned by the Commissioner, it was not considered advisable to adopt it, further than to combine with the rectangular surveys a system of triangulations to prominent objects observable from the legal stations on the main lines of the survey between the Cascade mountains and the coast. In the instructions to the surveyor general his attention was specially drawn to the provisions of the treaty concluded on the 15th of June, 1846, between the United States and Great Britain, respecting the rights of the Hudson's Bay and Puget Sound Agricultural Companies, and of other British subjects; and as no steps had been taken by the United States with a view to the acquisition of the lands in the occupancy of these companies, as provided for by said treaty, and as no means had been provided for ascertaining and defining the particular lands, the rights to which were, by the terms of the treaty, to be respected, it became necessary to require that the claimants should present to the surveyor general the evidence of the rights claimed by them; and the surveyor general was directed to avoid, as far as practicable, any sectional or other minute subdivision of the lands covered by such claims, and merely to extend the township lines over them, so as to indicate their relative position and extent. The surveyor general is required to report his proceedings in the premises, and it is recommended that provision be made by law for the prompt ascertainment and final adjustment of all the claims coming within the purview of the treaty.

Pursuant to the act of Congress approved 3d March, 1851, "to ascertain and settle the private land claims in California," a commission has been organized, and will convene at San Francisco on the 8th day of December proximo. With a view to facilitate their operations, they were directed to organize in this city on the 10th of September last, when instructions as to the material subjects contemplated by the law were given to them, which it is believed will be advantageous to the claimants and to the Government, by ascertaining in the outset the particular parcels of land claimed, and thereby avoiding uncertainty and embarrassment in disposing of the public domain. The archives of the former governments of California have been delivered over to the surveyor general, who is authorized to employ a competent person to arrange, classify, and index them, so that they may be rendered available in the examination of land titles.

It is recommended that our general land system be extended over California in such details as, in the wisdom of Congress, may be deemed best adapted to the peculiar condition and character of the country, and that the actual settlers on the agricultural lands may have such preference in becoming purchasers thereof as is in accordance with the general spirit of our preëmption laws.

MINERAL LANDS IN CALIFORNIA.

In my last annual report I stated my objections to leasing the mineral lands as recommended by my predecessor. I then expressed the opinion that they should be divided into small parcels or lots and sold at public auction. Subsequent information and reflection, however, have led me to doubt the propriety of that recommendation. The public sentiment of California seems to be opposed to any individual appropriation of the gold-bearing lands; and as the present system of leaving them a common, open to the enterprise of all our citizens, and subject only to such regulations as the miners themselves may adopt, and to the State laws for the preservation of the peace, seems to have worked well in practice, I am inclined to think that the wisest policy is not to interfere with it for the present, but to wait until time and experience shall have pointed out some less objectionable mode of disposing of them. The whole subject is embarrassed with difficulties, and it would seem to be better to submit to the temporary inconvenience of an imperfect system than to incur the hazard of adopting one founded in erroneous principles, under which rights might be vested in individuals, and the evils become irremediable by the legislative power.

The report of the Commissioner contains many valuable suggestions and recommendations with regard to certain lands, the titles to which have been adjudicated in suits against the United States, as authorized by the act of June 17th, 1844; the interference of sales and locations with old grants; amendments of the provisions of the preëmption portion of the act of 4th September, 1841; the revival and continuance of the powers conferred by the act of 3d of March, 1846, for the adjustment of suspended entries; as to the mode of disposing of abandoned military reservations and the unsold portions of the Chickasaw cession of 1832; and with respect to the districts from which the jurisdiction of the surveyors general has been withdrawn, their offices abolished, and the archives transferred to the authorities of the States; the propriety of allowing certain fees to the registers and receivers for their services in locating bounty land warrants, and the increase of the compensation of the surveyors general of Oregon and California: to all of which I respectfully invite your attention.

INDIAN AFFAIRS.

The report of the Commissioner of Indian Affairs will furnish full and precise information in regard to the present condition of all the various tribes within our borders, and the nature of our existing relations with each of them.

It will be seen that the tribes resident in New York, and in the country west of Arkansas, are living under governments established by themselves, and making gradual advances in agriculture and all the pursuits of civilized life. Those settled in the Northwest are also beginning to assume the habits and occupations of the whites, and are living as peaceable citizens on their own territory. They have thus acquired the good will of their neighbors; and in some instances, where, by the terms of their treaties with the United States, they are liable to be removed at the will of the President from their present abodes, petitions, numerously signed by white persons resident in their immediate vicinity, have been presented, praying that they may be allowed to remain. Under these circumstances, humanity and sound policy alike require a compliance with the wishes of the petitioners; and I therefore cordially concur in the recommendation of the Commissioner to that effect.

Treaties have been negotiated with some of the tribes of the Northwest, on terms mutually advantageous to the contracting parties, by which their title has been extinguished to a large domain in Minnesota, covering an area as extensive as the State of New York, and well adapted to the purposes of agriculture.

Treaties have also, it is believed, been negotiated with many of the tribes resident in New Mexico, California, Oregon, and the country west of the Missouri. But, as they have not yet been received, no definite information can now be given as to the precise character of their stipulations.

In New Mexico many depredations have been committed on the inhabitants by the warlike tribes of Apaches and Camanches, notwithstanding their treaty obligations to abstain from all such aggressions. Hostile incursions have also been made by them into the territory of Mexico, and many citizens of that Republic have been carried as captives into the Indian country. The agents of the United States in that quarter have used every means in their power to prevent these outrages, but without success. It may therefore become proper to bring the military power of the country in aid of the civil authority in teaching these lawless bands to respect the rights of our citizens and those whom we have engaged to protect.

The acquisition of New Mexico and California and the rapid expansion of our settlements in Oregon and Utah, have given increased importance to our Indian relations, and may render a change in our whole policy in regard to them necessary. Heretofore, our settlements being confined to the eastern portion of our continent, we have been gradually forcing the Indian tribes westward, as the tide of population flowed in that direction. By this means they have been accumulated in large numbers on our western frontier. The results have been injury to the Indians by crowding them together in such numbers that the game is insufficient for their support; and injustice to the Western States, whose security is endangered by the proximity of their savage neighbors. But, since the acquisition of California and Oregon and the establishment of large settlements on the coast of the Pacific and in Utah, a new flow of white population is advancing upon them from the west. The pressure is therefore increasing upon them from both sides of the continent. On the north and the south they are also hemmed in by civilized communities. They are thus encompassed by an unbroken chain of civilization; and the question forces itself upon the mind of the statesman and the philanthropist, what is to become of the aboriginal race? This question must now be fairly met. A temporizing system can no longer be pursued. The policy of removal, except under peculiar circumstances, must necessarily be abandoned. And the only alternative left is to civilize or exterminate them. We must adopt one or the other. A just, humane, and Christian people cannot long hesitate which to choose; and it only remains to decide upon the means necessary to be adopted to effect the contemplated revolution in the Indian character and destiny. It is a great work, and will require time for its accomplishment; but it can, and I believe will, be achieved. It must be commenced by substituting kindness for coercion; by feeding and clothing them, rather than warring upon and driving them from their territory.

It cannot be denied that most of the depredations committed by the Indians on our frontiers are the offspring of dire necessity. The advance of our population compels them to relinquish their fertile lands and seek refuge in sterile regions which furnish neither corn nor game for their subsistence. Impelled by hunger, they seize the horses, mules, and cattle of the pioneers, to relieve their wants and satisfy the cravings of nature. They are immediately pursued, and when overtaken severely punished. This creates a feeling of revenge on their part, which seeks its gratification in outrages on the persons and property of peaceable inhabitants. The whole country then becomes excited, and a desolating war, attended with a vast sacrifice of blood and treasure, ensues. This, it is believed, is a true history of the origin of most of our Indian hostilities. To avoid results like these, I would respectfully recommend that appropriations be made to buy food and clothing to supply their immediate wants; that they be permitted to retain suitable portions of their present territory, which should be set apart for their exclusive use and occupation; that they be furnished with implements of husbandry and domestic animals, and encouraged to engage in agriculture and pastoral pursuits, and to rely on the products of their labor, instead of the spoils of the chase, for the support of themselves and their families.

The great obstacle to success, which must be met and overcome in the outset, is their nomadic mode of life. All history admonishes us of the difficulty of civilizing a wandering race who live mainly upon game. To tame a savage you must tie him down to the soil. You must make him understand the value of property and the benefits of its separate ownership. You must appeal to those selfish principles implanted by Divine Provdence in the nature of man for the wisest purposes, and make them minister to civilization and refinement. You must encourage the appropriation of lands by individuals; attach them to their homes by the ties of interest; teach them the uses of agriculture and the arts of peace, and make them learn to substitute beef and pork and mutton as their food, for the deer and the buffalo. Mildness must supplant force. Their self-respect must be stimulated, and manual labor schools introduced among them; and they should be taught to look forward to the day when they may be elevated to the dignity of American citizenship.

By means like these we shall soon reap our reward in the suppression of Indian depredations; in the diminution of the expenses of the Department of War; in a valuable addition to our productive population; in the increase of our agriculture and commerce, and in the proud consciousness that we have removed from our national escutcheon the stain left upon it by our acknowledged injustice to the Indian race.

To some these suggestions may seem chimerical. Many regard the Indians as an inferior race and incapable of civilization; and on this fatal error our policy in regard to them has been based. The history of Powhatan, and Logan, and Cornstalk, and Osceola are sufficient to disprove it. But, were further evidence wanting, it might be found in the archives of this Department, among the records of the interviews and discussions between Mr. John R. Bartlett, the commissioner engaged in running the boundary line between the United States and Mexico, and the chiefs of the tribes on that frontier. In elevation of sentiment, clearness of statement, force of reasoning, fervor of eloquence, and dignified yet touching pathos, these extemporaneous effusions of the untutored sons of the forest will bear a favorable comparison with the more studied harangues of our educated orators.

The condition of the tribes residing in New York furnishes a striking illustration of what the policy I have indicated can accomplish. We find them living in the midst of a civilized community, pursuing the ordinary vocations of social life, cultivating their farms, accumulating property, educating their children, and fulfilling all the duties of good citizens.

The Cherokees, Chickasaws, Choctaws, and Creeks, in the Southwest, also, although more removed from immediate contact with the whites, under the influence of the wise and humane policy which has been pursued towards them, are gradually adopting the usages and industrial pursuits of our citizens, and begin already to exhibit a just appreciation of the principles of civil liberty. With these noble examples before us, we should avail ourselves of the instruction which they afford, and lose no time in applying the same means for the regeneration of the savage tribes of the interior.

The laws regulating trade and commerce with the Indian tribes in general not being in force in Texas, our Indian relations in that State still continue in an embarrassed condition. To enable the Department to exercise the necessary authority over the Indians in Texas, it is indispensable that a suitable country should be set apart for their exclusive occupancy, where measures may be introduced for their gradual civilization and improvement.

The subject of our Indian affairs in Texas has been adverted to in the annual reports of the Department and those of the Indian office for several successive years past, and I recommend that the attention of Congress be again and earnestly invited to it.

JUDICIAL EXPENSES.

The law having devolved on the Secretary of the Interior a supervisory power over the accounts of marshals, clerks, and other officers of the courts of the United States, my attention has been turned to the various acts of Congress on that subject and the usages which have grown up under them. The first thing which attracted my notice was the rapid increase of the expenses of the judicial department, which, as will be seen by the annexed table, (A,) bears no just proportion to the increase of the population and business of the country.

Upon examination, I found that the laws regulating the fees of the ministerial officers of the courts are obscure, conflicting, and, as a whole, incomprehensible. Different constructions have been given to them by different judges, and the consequence is, that the compensation in some States is inadequate, and in others extravagant. In some instances the fault is in the law; in others it is in its administration.

With the view of presenting the whole subject more fully than I could do in the limits of this report, I addressed a letter to the First Comptroller of the Treasury, requesting him to make a communication to me in writing, embodying a review of all the laws regulating the fees of officers of the courts, and of the modes of charging under them in different States, together with such amendments as he might deem necessary. This has been accordingly done, and it is now submitted with this report.

The first law regulating fees is the process act of September 29, 1789, which was temporary, and soon expired by its own limitation. The second was the new process act of May 8, 1792, the 3d section of which, regulating the fees of marshals, clerks, and attorneys, was repealed by the general law of February 25, 1799, which was the third act on the subject, and is now in force. It contains a partial bill of fees for marshals and one for attorneys in admiralty causes, in addition to a per diem of five dollars for attending court, and a small annual salary. It allows clerks also a per diem of five dollars, and for their services the same compensation as is allowed to the clerks of the supreme courts of the States respectively, with one third added thereto. Attorneys and marshals are allowed in many cases the same compensation which is allowed to attorneys and sheriffs in the State courts, without any addition thereto. The fee bills of the respective States were thus made the standard by which the fees of the officers of the United States courts were to be computed. At the time this law was passed there were but sixteen States in the Union, in all of which fees were prescribed by law. Since that date fifteen new States have been admitted, in many of which there are no fees prescribed by law for attorneys, and in others they are inadequate in amount.

In most of the older States the fee bills have been changed from time to time, and in some of them very liberal allowances have been made to officers. A question has therefore arisen, whether the law of 1799 (the terms of which are in the present tense) shall be construed to refer to the fees allowed in the respective States at the date of the act, or to have a prospective relation to the changes subsequently made. In some of the older States it has received the former construction, and in others the latter. The more general practice, however, is to give it a prospective operation. Under this construction, in those States where the allowances to their officers is liberal and the business in the United States courts large, the compensation to the officers of those courts became extravagant. To remedy this evil, a proviso was inserted in the general appropriation act, approved March 3, 1841, to limit their fees, in cases where their aggregate compensation exceeded $1,500, to the fees allowed by the State statutes to attorneys, sheriffs, and clerks for similar services. Difficulties having been experienced in administering this law, because it could not be known until the end of the year wether the compensation of the officer would exceed $1,500 or not, and it was therefore impossible for him to tell by what rule he should graduate his charges, a proviso was inserted in the appropriation act of 1842, requiring all those officers to return semi-annual accounts of their emoluments, and limiting the charges in all cases in the districts of New York to those allowed by law to the officers of the highest courts of original jurisdiction in that State. Some judges have held that the proviso in the act of 1841 was temporary in its character and expired by limitation. Others have held that it was repealed by the proviso in the act of 1842, and consequently that the act of 1799 furnished the only standard for calculating their fees; and thus the whole subject is involved in confusion and difficulty, and the practical effects are inequality and injustice.

The report of the Comptroller exposes many ingenious devices by which exorbitant compensation has been obtained by marshals, attorneys, and clerks, to which I invite your particular attention. It will be seen that attorneys have in some instances received as many as TWELVE RETAINING FEES in the same cause! and a like number of fees for making out briefs and coming to court prepared for trial. In one case a district attorney and his predecessor received an aggregate of fees in a single criminal prosecution of near five hundred dollars, when in some of the States he could by no possibility have received more than twenty dollars for the same service, and in others not so much.

In some States the practice prevails of suing out a habeas corpus to bring a prisoner from the jail into the court, and a formal warrant to return him to jail again; and if the trial continues a week, similar proceedings are instituted from day to day. So also, when witnesses are committed to custody in default of surety for their appearance, they are brought out from day to day, as often as they may be needed to testify, and returned again to prison by the same complicated and expensive proceedings.

As a further illustration of the confusion of the law in regard to the fees of officers of the courts, I will state a single example: The law establishing courts in New Mexico and Utah provides in substance that the attorneys in those Territories shall receive the same fees and salary as the attorney for the Territory of Oregon. Upon turning to the act establishing courts in Oregon, it is found that the attorney for that Territory was to receive the same fees as were allowed to the attorney for the late Territory of Wisconsin; and on examining that act it is found that that officer was entitled to receive the same fees and salary as the attorney for Michigan Territory, which are described in the act of February 27th, 1813, creating the office of Attorney of the United States for each of the Territories, as being "*the usual fees of office*," and an annual salary of $250. Here are five references for attorneys' fees in the Territories of New Mexico and Utah which utterly fail to lead to any satisfactory result for want of certainty, and so it is with regard to the fees of attorneys and clerks in Minnesota and Oregon. In the Territory of Michigan the statutes allowed attorneys no taxable fee or costs, and the Comptroller states that none therefore could be allowed, according to law, in the Territory of Wisconsin, and that none can be allowed to the attorneys in Minnesota, Oregon, New Mexico, or Utah.

I might proceed to point out many other defects, obscurities, and incongruities in the laws, and many flagrant abuses which have grown up under them; but, as there has doubtless been enough said to call the attention of Congress to the subject, I shall content myself with a reference to the report of the Comptroller for more full and detailed information. Enough will appear from that to warrant the recommendation that all the laws relating to fees be promptly and carefully revised, so as to secure uniformity in compensation and to prevent future abuses. Justice and true economy require that the compensation of all public officers should be sufficient to command the services of men of talent and character. But it should be uniform in all parts of the Union, having proper reference to the expense of living and the amount of service. In no event should there be such disparity as now exists, nor should the compensation allowed to mere ministerial officers bear such disproportion to that of the judges. As far as practicable the compensation of attorneys should be made by fixed salaries, and in civil suits the fees of clerks and marshals should be about equal to the average of the fees allowed to State officers for similar services, but uniform in all the States, even should it be found necessary in some cases, where the aggregate may not yield sufficient compensation, to make up the deficiency out of the Treasury.

Every facility should be afforded to suitors to assert their rights in the courts of the United States.

The exorbitant fees which now constitute an almost insuperable obstacle to seeking redress of injuries in those tribunals should be diminished.

The Federal courts are daily increasing in their relative importance. The tribunals of the States, being more exposed to the influence of local prejudices and popular excitement, less confidence will be felt by non-resident suitors in their impartiality and independence; and when they have rights to assert or injuries to redress in a sister State, they will desire to seek their remedy in the courts of the United States.

Similar considerations suggest the propriety of a general revision of the salaries of the judges, with a view to render them more uniform and proportionate to the labor and responsibility of the office. The following table will show the amounts which they now respectively receive:

Table showing the Salaries of the District Judges of the United States.

Districts.	*Annual Salary.*
Maine	$1,800
New Hampshire	1,000
Massachusetts	2,500
Vermont	1,200
Rhode Island	1,500
Connecticut	1,500
New York, (Northern District)	2,000
New York, (Southern District)	3,500
New Jersey	1,500
Pennsylvania, (Eastern District)	2,500
Pennsylvania, (Western District)	1,800
Delaware	1,500
Maryland	2,000
Virginia, (Eastern District)	1,800
Virginia, (Western District)	1,600
Kentucky	1,500
Tennessee	1,500
Ohio	1,500
North Carolina	2,000
South Carolina	2,500
Georgia	2,500
Louisiana	3,000
Mississippi	2,000
Indiana	1,500
Illinois	1,500
Alabama	2,500
Missouri	1,500
Michigan	1,500
Arkansas	2,000
Florida, (Northern District)	2,000
Florida, (Southern District)	2,000
Texas	2,000
Wisconsin	1,500
Iowa	1,500
California, (Northern District)	3,500
California, (Southern District)	2,800

In many of the districts the compensation of the judge is less than that of the clerk or marshal, and in most of them it does not equal the professional income of an attorney of respectable standing. Men of distinguished ability and merit, unless they are in affluent circumstances, cannot afford, therefore, to accept a judicial appointment. A policy which produces such results cannot be founded in wisdom. Salaries, without being extravagant, should yet be high enough to command the services of the men best suited for public stations. The office of judge is, under all circumstances, one of great dignity and responsibility. The judges expound the law, and on the wisdom of their adjudications the security for life, liberty, and property, mainly depends. It is quite as important to have an able and faithful administration of the laws, as that the laws themselves should be founded in wisdom; and one of the greatest calamities which can befall a country is to have an ignorant, corrupt, or incompetent judiciary.

The delicate nature of the functions which a judge of the courts of the United States has to perform renders his position one of peculiar interest and importance. His jurisdiction embraces not only cases affecting the rights of individuals, but also those involving the validity of laws passed by Congress and the States. None but men of eminent talents, character, and learning, should be intrusted with powers like these. And in times like the present, when laws obnoxious to particular sections of the country are opposed by violence, and the authority of the courts openly set at defiance, no reasonable effort should be spared to secure the services of judges who have not only the ability to understand their duties, but the firmness to discharge them with fidelity. To obtain them, a just compensation must be paid; and I therefore recommend that such increase of the salaries of the judges be made as may be necessary to accomplish these objects.

In conclusion, I beg leave to say, that in my opinion the public interests would be promoted by the passage of a law constituting the Attorney General the head of the department of justice, and making it his duty to seal and countersign all commissions for judges, marshals, and attorneys, and to exercise the supervisory and appellate control over all accounts connected with the expenses of the judiciary which is now exercised by this Department.

PUBLIC BUILDINGS AND GROUNDS.

Various appropriations having been made by the last Congress for the improvement of the mall and other public grounds in this city, it was deemed proper to have a plan projected by a competent person, combining, as far as practicable, beauty of arrangement with utility. For this purpose the services of Mr. A. J. Downing, a gentleman distinguished for his judgment and good taste in the embellishment of pleasure grounds, were engaged. He has reported designs for grading, laying out, and planting with trees, the mall and several of the public squares, some of which have been approved and partially executed. His plan for the improvement of the mall appears to me admirably adapted to carry into effect the views of Congress. That portion of it which applies to the grounds west of Seventh street, having been approved, is partially completed. But as the plan in regard to the section east of Seventh street involved a change in the location of a portion of the canal, for which no appropriation had been made, you did not feel at liberty to give it your official sanction until the wishes of Congress should have been expressed in regard to it. The diagram, exhibiting the design in all its details, will be submitted to Congress; and I respectfully recommend its adoption, and that the necessary appropriation be made to carry it into effect.

The Treasury and Patent Office buildings have been neatly painted, in pursuance of the order of Congress. The work has been faithfully executed, and will doubtless prove to be a great protection to the walls against the action of the atmosphere.

The eastern wing of the Patent Office has been placed under the direction and control of Mr. Thomas U. Walter, the architect of the Capitol, and will soon be ready for use.

No appropriation having been made by the last Congress for completing the western wing, it remains as it was at the date of my last report.

I have caused a plan to be made out by Mr. Walter for its completion, accompanied by detailed estimates of the cost. This plan contemplates some changes in the original design, which will tend greatly to improve the beauty, stability, and convenience of the building. The plan and estimates will, at the proper time, be laid before the Committees on Public Buildings of the two Houses of Congress. In my judgment, the public interests require that appropriations should be made for the completion of that wing with as little delay as possible. The present means of accommodation for the public officers are insufficient in extent, inconvenient in their location, and insecure from danger by fire.

The office of the Department of the Interior is now kept in a rented building, which is ill-adapted to such purposes, and contiguous to private dwellings, which constantly expose it to casualties. The Pension Office is also in rented apartments in the fourth story of "Winder's Building."

The Indian Office is in the War Department, and occupies rooms which the head of that Department has assured me are indispensably necessary for the accommodation of his branch of the public service.

The Land Office is in the upper story of the Treasury building, where it is kept to the great annoyance of the Secretary of the Treasury, who is obliged to rent rooms in private buildings for the use of some of his bureaus. It is believed that the rent now paid for the use of inconvenient and unsafe buildings is nearly equal to the interest on the cost of constructing a new one in all respects suitable for the purposes of the Department. When to this fact are added the loss of time in communicating with the heads of the Bureaus, who are scattered through five or six buildings, some of which are more than a quarter of a mile distant from the office of the head of the Department, and the increase of expense occasioned by the employment of additional doorkeepers, messengers, watchmen, and laborers, it will be found that true economy will be promoted by the erection of a suitable building for this Department.

The eastern wing of the Patent Office, including the basement, contains thirty rooms, besides the large saloon, two hundred and sixty-eight feet long and sixty-three wide, which is designed for the display of models. The Patent Office does not now, and probably will not for years to come, need one third of these rooms. I propose, therefore, as soon as that wing is ready for use, to transfer to it the officers attached to the Department proper, and also those belonging to the Indian Bureau.

When the west wing shall have been completed, it should be appropriated, with the exception of the upper saloon, to the Land and Pension Offices. The War and Treasury Departments would thereby be relieved from the inconveniences to which they are now subjected, and all the bureaus connected with the Department of the Interior would be brought together under one roof. If, in the progress of time, the Patent Office should need more room, it could be supplied either by the construction of a building on the north side of the square, so as to complete the quadrangle according to the original design, or by withdrawing one or more of the bureaus to some other building. Many years, however, will probably elapse before such a withdrawal will become necessary. The demand for increase of room will be for the exhibition of models, and not for the accommodation of clerks; and, as the plan which I suggest contemplates the appropriation of two halls of the entire size of the wings for that purpose, it is hardly probable that they will be filled for twenty years to come.

Objection has been made to the occupation of any part of the Patent Office for purposes other than those for which it was originally designed. It is said that it was paid for out of the patent fund, and that it therefore belongs to the inventors. This objection rests upon a mistake both as to the facts of the case and the inference which is drawn from them. But, as it may possibly mislead some who are not conversant with the subject, it is proper to notice it.

It is not true that the cost of the Patent Office building has been paid out of the patent fund. On the contrary, it will be found, on a careful examination of the accounts, that but little more than one eighth part of the cost of the principal building and two wings has been derived from the patent fund. But, if the facts were as represented, they by no means justify the inference derived from them.

The Government, for the encouragement of the talent and inventive genius of our citizens, grants, by patent, to the authors of books or inventors of new and useful improvements in machinery, &c., an exclusive ownership in them for a limited time. As a consideration for the franchises thus secured to them, the Government exacts from the patentees a fee or tax of thirty dollars, which is paid into the patent fund. When the inventor gets his patent he has received the consideration for his money, and the transaction is at an end.

The ground assumed by those who claim the Patent Office as the property of inventors, necessarily involves the proposition that they are entitled not only to their franchises but also to the price which was paid for them. Upon the same principle, the purchasers of public lands might claim a right to control the appropriation of the money which they paid for them; or the consumers of dutiable goods the privilege of regulating the expenditure of the revenue derived from customs.

EXTENSION OF CAPITOL.

Since the adoption of the plan approved by you for the enlargement of the Capitol, the work has been diligently prosecuted.

The foundations of both wings are now nearly

completed, and if suitable appropriations be made by Congress at its approaching session no effort will be spared to push on the work with as much dispatch as may be consistent with its faithful execution.

THE CENSUS.

Returns have been received from the officers engaged in taking the census in all the States and Territories except California. Partial returns have been received from Utah and California, and the remainder are expected in a few days. This delay has prevented my making the apportionment of representation among the several States, as contemplated by the act of Congress approved 23d May, 1850. That act provides that so soon as the next and each subsequent enumeration of the inhabitants of the several States directed by the Constitution of the United States to be taken, shall be completed and returned to the office of the Department of the Interior, it shall be the duty of the Secretary of the Interior to ascertain the aggregate representative population in the manner prescribed by the Constitution and the laws, and then proceed to ascertain the representative population of each State, and the number of representatives to which each is entitled.

The law further requires that the Secretary of the Interior shall transmit to the House of Representatives, and to the Executive of each State, without delay, a certificate under his seal of office of the number of members apportioned to each State.

It will thus be perceived that there are two conditions precedent to the performance of this duty. Before I can act the enumeration must be completed and returned to the office of the Department of the Interior. Until these conditions are performed I have no jurisdiction over the subject. I am not authorized to act upon partial returns, nor until they are officially made to the Department. Neither of these prerequisites having yet been complied with, I have not been able to make the apportionment. When the enumerations are completed and returned, no time will be lost in performing the duties devolved on the Department.

A large number of clerks are now engaged in classifying and arranging in a suitable form for publication the diversified statistical information furnished by the tables. It is believed that when completed it will be the most perfect work of the kind ever presented to the public. No pains have been spared to secure perspicuity of arrangement and accuracy of execution. To avoid the errors which have crept into former works of the kind, I have required that all the calculations and classifications should be made by responsible clerks in office, instead of being confided to females and other persons having no interest on the subject, as has been done on former occasions. This course has required the employment of more clerks on that particular service, but the small increase of expense thus incurred, will be more than counterbalanced by the greater accuracy of the results.

Being desirous that this great national work should be rendered as perfect as possible in all respects, by the advice of the Census Board I authorized Mr. Joseph C. G. Kennedy, the Superintendent of the Census, to visit Europe during the past summer for the purpose of examining the systems of statistics of most of the enlightened nations of the world, and of obtaining from them and from personal communication with those most familiar with the subject all information which could be procured. He accordingly visited England, France, Belgium, Austria, and Prussia, and examined their official statistics, and had conferences with their public officers and others possessing the most extensive and varied knowledge of the subject. By these means he has gained information of much practical value in the arrangement of our own census for publication. He was also instructed to suggest to the proper officers of the respective Governments the propriety of adopting a uniform system of classification for all nations who were in the habit of making enumerations of their population and productions. At present the census of each nation is taken upon different principles, and the results are stated in different forms, so that it is impossible to institute a comparison of their relative progress in regard to any particular subject of inquiry. I proposed that each nation should suggest its plan for taking the enumeration of the population, productions, &c., and upon an examination of their respective advantages, a common system should be formed for general adoption. Uniformity being thus secured, it would be easy to make a comparison of their relative progress, and to deduce correct conclusions as to the causes which contributed to produce the different results. The suggestion was received with favor by many of the most eminent men of Europe, and a proposition has been submitted for a Congress of representatives from the principal nations of the world, at Brussels, in September, 1852, for the purpose of carrying it into effect.

Mr. Kennedy was also directed to inquire into the measures which had been adopted by the most enlightened nations of Europe for the development of their agricultural resources, and the agencies employed by them respectively for that purpose.

Upon all these points his report, which accompanies this communication, will afford much valuable information. The whole expense incurred by him in the performance of these important duties did not exceed one thousand five hundred dollars, being nothing more than his actual presonal expenses.

In my last report I stated my belief that the sum already appropriated for paying the expenses incurred in taking the census and preparing it for publication would be sufficient for that purpose. It has been ascertained, however, that the additional sum of one hundred and fifty thousand dollars will be necessary, and I therefore respectfully recommend the appropriation of that amount for the completion of the work.

With the view of enabling Congress to form a just estimate of the importance and varied character of the information derived from the late census, and of the admirable arrangement of the tables, the Superintendent has, with my sanction, caused the returns of Maryland to be printed for the use of the members of the two Houses. That State was selected, because from its central position, and the character of its population, soil, productions, and industrial pursuits, its census presented the best illustration of the extent and practical utility of the information which has been gained.

Another object was to furnish a specimen of the style in which, according to my judgment, it ought to be published. Such a specimen will be of great value in contracting for the publication of the entire work, by furnishing a standard by which the contractor will be governed in regard to the paper, printing, and general style of execution.

THE PATENT OFFICE.

As the Commissioner of Patents reports directly to Congress, it is unnecessary for me to present a review of the operations of that bureau. There is one point, however, on which I deem it my duty to offer some explanation.

The Industrial Exhibition which was opened in London in the month of May naturally attracted much attention in this country. It was the first occasion in the history of the world when all the nations of the earth were invited to make an exhibition of their natural productions, and the results of their labor in all the departments of industry.

Believing that great advantages would accrue to the people of the United States from having an agent present at this interesting display, who was competent to understand and describe all the objects of interest which might be exhibited, I authorized Mr. Charles F. Stansbury, an intelligent officer connected with the Patent Office, to go to London and discharge that duty.

He accordingly spent several months in making a minute examination of the most choice and valuable products of nature and art which were presented; and I have no doubt that his report, which is now in course of preparation, will be a valuable and interesting document. He was instructed to inform himself particularly in regard to all the natural productions, implements, machinery, manufactures, and processes of manufacture, works of art, and other objects of interest peculiar to each nation, so as to be able to impart the knowledge thus acquired to the people of our own country.

As all the latest improvements in machinery and the useful arts were there displayed, a careful description of them will be of great value to the Patent Office, in enabling it to decide whether machines and other alleged inventions and discoveries are really new and useful, so as to be proper subjects for patents, or copied from those exhibited at the London Fair. The farmer and mechanic will also be benefited by obtaining information as to the most approved instruments, tools, and processes employed in their respective occupations; and the general reader cannot fail to be interested and instructed by an accurate and authentic account of the most extensive and varied collection of useful objects which has ever been brought together from the different quarters of the world. It is proposed to append this report to that of the Commissioner of Patents; and, if Congress shall deem it proper, to publish it with that document. It will doubtless greatly enlarge the circle of useful information, and give a new stimulus to the enterprise and industry of the people.

AGRICULTURAL BUREAU.

In my last report I earnestly recommended the establishment of an Agricultural Bureau. My opinion on that subject remains unchanged; and I beg leave to refer to and reaffirm all that I then said in regard to it.

Agriculture is unquestionably the great interest of our country, whether we have reference to the number of persons employed in it or to the value of their productions. It appears from the census of 1840 that the whole number of persons at that time engaged in this pursuit was 3,719,951; in manufactures, 791,749; and in commerce, 117,607 More than four fifths of the entire population were therefore employed in the cultivation of the soil. At present it is believed that the proportion is still greater, in consequence of the change in the policy of the Government, which has induced many to become agriculturists who were formerly engaged in manufactures. And yet we find that, whilst a large portion of the sessions of every Congress is devoted to the protection and encouragement of manufactures and commerce, nothing has been done for agriculture. Within a few years after the adoption of the Constitution, President Washington recommended to Congress the establishment of a Bureau of Agriculture, but nothing was done to carry his recommendation into effect.

The subject has since been brought to the attention of Congress from time to time, by Executive communications, reports of the heads of Department, and petitions from the people, but without success.

As the results of the late census have furnished official evidence of the importance of this interest, and as we are now at peace with all the world, and fortunately relieved from those distracting and embarrassing topics which have so long disturbed the harmony of our legislative assemblies, and withdrawn their attention from the true interests of the country, it seems to me that no time could be more auspicious than the present to secure for this great subject a candid and enlightened consideration.

The best mode of illustrating the utility of an Agricultural Bureau is to present a condensed statement of the duties which it should be required to perform. It should be charged with the duty of collecting and disseminating information in regard to the cultivation of the soil, in all its branches. It should investigate every proposed improvement in the tillage of the earth or in the construction of implements of husbandry. It should collect from our own and foreign countries every variety of seed, fruit, plant, and vegetable, and distribute them, with full and accurate information as to the soil, climate, and mode of cultivation best adapted to each. Through the agency of our national ships and merchant vessels arrangements could be made for the importation of all the valuable vegetable productions and animals of other countries. This would enable us to appropriate to ourselves the results of the wisdom, experience, and improvements of all the world in regard to agriculture, and we should soon be rendered independent of other countries for many articles which are now imported at great cost. One or more officers should be connected with it thoroughly acquainted with the principles of geology, mineralogy, chemistry, and botany, for the purpose of investigating and reporting upon the character and properties of every variety of soil, rock, mineral, and vegetable, and their adaptation to useful purposes. To this bureau should also be intrusted the duty of super-

intending the taking of each decennial census, and of procuring and classifying from year to year all the statistical information which can be obtained in respect to the agriculture, manufactures, commerce, tonnage, revenue expenditures, financial and banking systems, improvements by railways, canals, and roads, industrial pursuits, and general progress of every State in the Union, and of the principal nations of the world. By this means a vast fund of useful knowledge, which cannot now be obtained, would be always accessible to Congress and the Executive. The value of such information in shaping our own policy can hardly be estimated. Facts like these are the ground-work of all wise legislation. In the language of an enlightened statesman of Europe, "Statistical knowledge is 'the true basis of every just and paternal admin-'istration, and without it it is impossible to realize 'the ameliorations which are necessary to the 'prosperity of the country." This remark is peculiarly applicable to our own country, whose interests are so diversified, and spread over such a wide extent of territory, as to render it impossible to legislate wisely in regard to them without a thorough knowledge of their value and relations to each other. The information furnished by the returns of our census is of great importance; but, when we remember that it is obtained but once in ten years, and that in the intermediate time rapid changes are going on, and new interests are springing into existence, and new States added to the Union, it will at once be perceived that it is not sufficient for the purposes of our Government. It should be the duty of the officers of the bureau to keep pace with the annual progress of the nation, and to present to Congress at every session a condensed view of all the statistical information to be derived from the proper authorities of each State.

England, in connection with her Board of Trade, has a Statistical Bureau and Registrar General, which keep the Government constantly advised of the general condition of the country and the facts illustrative of the progress and wants of each particular branch of its industry.

France has regarded the subject of agriculture of so much importance as to create a separate department to take charge of its interests. She has also established, in connection with it, a bureau of statistics, the results of whose labors are annually published for the information of her Government and people. There are also no less than twenty colleges in France established under the patronage of the Government, in which botany, zoölogy, chemistry, agriculture, and the treatment of the diseases of cattle are the subjects of instruction. Committees are also employed constantly by the Government in investigating all improvements connected with agriculture, and in collecting and distributing seeds, plants, vegetables, and fruits.

The publications of the results of the inquiries and investigations of these different agents of the Government constitute the most valuable contributions which have been made to agricultural and statistical science; and I avail myself of this opportunity to say that the acknowledgments of this Department are due to the Minister of Agriculture for a valuable collection of seeds, &c., which he has courteously presented as specimens of the productions of France and its colonies.

In Belgium the subject of agriculture is under the control of the Minister of the Interior, but is assigned to a special bureau, attached to which is an agricultural council, consisting of eighteen members, two of whom are annually chosen by each of the nine provincial boards. There is also a statistical bureau connected with the Department, under the direction of one of the most scientific men in Europe.

Prussia has a bureau of statistics, which was established in 1806, and is now connected with the Department of Finance.

Austria, Russia, Sweden, and Spain, and other countries of Europe, have also exhibited their high appreciation of this branch of political science, by establishing bureaus to collect and classify all the important facts connected with the development of their resources and the condition and wants of their people.

The beneficial operation of these important agencies is everywhere visible in the improved condition of the agriculture of the countries into which they have been introduced, and in the exact information which the Government possesses of the value and progress of every department of its industry.

In view of these facts, I cannot but think that a just regard to the welfare of our country requires that Congress should lose no further time in establishing an agricultural and statistical bureau; and I therefore request that you will again invite their attention to the subject.

MEXICAN BOUNDARY.

In my last report I stated that the initial point on the Pacific and the point of junction of the Gila with the Colorado river had been determined and fixed; that the intervening line had been run and marked, and temporary monuments erected thereon for a distance of about thirty miles.

The determination of the geographical positions of the "initial point" on the Pacific and the point of junction of the Gila and Colorado rivers by Major Wm. H. Emory, furnished all the elements necessary for computing the azimuth of the straight line of boundary connecting these two points. The azimuth was computed and laid off at both extremities of the line, and what remained to complete this western or Pacific section, was the running and marking the line artificially upon the surface of the earth.

The joint commission, previous to their adjournment to meet at El Paso, appointed two engineers, one from each side, to complete this section of the work. Capt. E. L. F. Hardcastle was appointed, and conducted the work on the part of the United States, which was completed on the 14th of July last. The line was run throughout its whole extent, (about one hundred and fifty miles,) and is artificially marked by appropriate and permanent monuments. A marble monument seventeen feet in height was placed at the "initial point" on the Pacific coast, and six monuments of cast iron were located at other points along the line, as follows, viz: one near the point of junction of the Gila and Colorado rivers, one at the crossing of the Colorado, one where the line crosses the Emigrant trail on the desert, one where it crosses the bed of New river, and two where it crosses the two main roads leading into Lower California.

The duty of running and marking the eastern section of the line, commencing at the Rio Grande and extending thence to connect with the line at the junction of the Gila and Colorado, was confided, on the part of the United States, to John R. Bartlett, Esq., who was appointed a commissioner for that purpose on the 14th of June, 1850.

Shortly after his appointment, Mr. Bartlett organized his party and proceeded to the scene of his duties. He arrived at Indianola, Texas, on the 31st August, 1850. He there detailed a company to make a chain and compass survey, and to carry a line of levels to determine a profile of the route from Indianola to El Paso. At Indianola he was met by great and unexpected difficulties arising from the scarcity of provisions and deficiency in the means of transportation. By the terms of the adjournment agreed upon by the Commissioners, they were required to meet at El Paso on the first Monday in November, 1850; but, in consequence of the obstacles referred to, Mr. Bartlett was unable to reach that place before the 13th of that month. Fortunately, however, his delay caused no practical inconvenience, as the Mexican Commissioner did not arrive until the 1st of December. The first meeting of the Commissioners was held on the 3d day of December, 1850. The instructions to Mr. Bartlett required him to establish the line according to the terms of the treaty, and the map of Disturnell, of 1847, referred to in it. It was soon found, however, that the subject was encompassed by difficulties, as actual observations proved that many of the important points on the map were located a considerable distance from their true position. According to Disturnell's map the longitude of the Rio Grande, near the initial point of the line, would appear to be 27° 35′ west from Washington, whereas its true position is 29° 40′, thus showing an error of more than two degrees.

The fifth article of the treaty requires that the line shall run from the initial point, which is where the Rio Grande strikes the southern line of New Mexico, along that line westwardly, its entire length, which appears, from the map, to be three degrees of longitude.

Many propositions and counter propositions were submitted by the two Commissioners respectively. The Mexican Commissioner proposed to ascertain the true geographical position of the *western* extremity of the southern line of New Mexico, and run the line thence to the Rio Grande. To this, however, the Commissioner of the United States would not agree, because, as the Rio Grande was in fact more than two degrees west of its supposed position, the effect of that proposition would have been to give the United States a line extending westward but about one degree, instead of three degrees from that river.

Difficulties also existed in regard to the latitude of the point where the Rio Grande strikes the southern line of New Mexico. By the map it appears to be at latitude 31° 45′, whereas the true position is latitude 32° 22′.

After much discussion it was agreed between the Commissioners, on the 25th of December last, that the "initial point" should be established "where the Rio Grande strikes the southern boundary of New Mexico at 32° 22′ north latitude," and 2d, that the line should extend thence westward three degrees of longitude. When the commission was originally organized, Brevet Lieutenant Colonel J. McClellan was detailed by the War Department to act as its chief astronomer. In the month of October, 1850, it was found necessary to recall him, and Brevet Lieutenant Colonel Graham was immediately ordered to take his place, in the confident expectation that under his direction the work would be vigorously prosecuted. He did not, however, arrive at El Paso until the 24th day of June, 1851; and misunderstandings having arisen between him and the Commissioner in regard to their respective functions and powers, which caused a suspension of active operations on the line, it was deemed proper to recall him and to substitute Brevet Major William H. Emory, the officer who superintended the running and marking of the line from the Pacific coast to the Colorado. He was appointed on the 13th day of September last, and within ten days thereafter took his departure for the theatre of his operations. He arrived at San Antonio, in Texas, early in October, and, it is supposed, has by this time joined the commission.

The known experience, ability, and energy of Major Emory in conducting operations in the field furnish the surest guarantees for the prompt and faithful prosecution of the survey.

After the withdrawal of Lieutenant Colonel McClellan from the Astronomical Corps, Lieutenant Whipple, the officer next in rank, took charge of its operations, and at the latest advices the line had been ascertained and run from the initial point on the Rio Grande to the neighborhood of "the Copper Mines," a distance of more than one hundred and fifty miles. It will be impossible, however, to complete the work within the time allowed by law, and an extension of it will therefore be indispensably necessary. The number of persons attached to the commission was found to be greater than necessary, and it has, therefore, been considerably reduced.

THE DISTRICT OF COLUMBIA.

I deem it my duty to invite particular attention to the interests of this District. Being unrepresented in the councils of the nation, its citizens are obliged to rely on the justice and magnanimity of Congress for such legislation as its welfare may require. The acceptance by Congress of exclusive jurisdiction over it, carried with it an obligation to fulfill all the duties which pertain to that relation; and, judging from the past, there is no reason to doubt that all the just demands of its citizens will be promptly and liberally supplied. The city of Washington has peculiar claims on the munificence of Congress. It owes its existence to the establishment of the seat of the Federal Government here. It was planned with reference to the purposes of Government, and not for the convenience of its permanent inhabitants. The extensive scale on which its avenues and streets and public grounds were laid out, and the powers reserved over them, prove conclusively that its founders intended that they should be improved and adorned by the General Government. It being the residence of most of the executive officers during their term of service, and of the members of the two Houses of the Legislature whilst they are

in session, and also of the representatives of foreign Governments near our own, we should feel a patriotic desire to add to its comforts and attractions, and to render it worthy of the name of its founder, and of its relation to our great Republic. At a very early period of its history, the idea was suggested of supplying it with water from some of the neighboring streams, and surveys were made with the view of carrying it into effect. No efficient measures, however, were adopted, and the scheme was for the time abandoned. On the 30th September, 1850, Congress being impressed with a just sense of the importance of the subject, adopted a resolution directing the War Department to cause necessary surveys and estimates to be made to show the practicability and cost of introducing a copious supply of pure water into the city.

In January, 1851, the Secretary of War reported to Congress the results of the survey, which showed that an ample supply could be obtained at a cost of $500,000. This sum is so small compared with the advantages to be derived from the work, that I cannot hesitate to urge the adoption of the plan proposed in the report. The losses which the Government and individuals have already sustained by the destruction by fire of the former Treasury Building, General Post Office, and Patent Office, and other public buildings, amount to more than the estimated cost of the improvement. The archives of the country and the various public edifices are still exposed to constant danger from the same cause. A prudent regard for their security would of itself be sufficient to justify the undertaking; but when to this is superadded the obligation to provide for the comfort, and health, and safety of the inhabitants of the city, it would seem to be a matter of imperative duty.

In my last annual report I invited attention to the designation of the Department, and renewed the recommendation of my predecessor for the creation of the office of Solicitor. Experience in the diverse and important duties with which this Department is charged still strengthens my conviction as to the propriety of that recommendation; and, without repeating the reasons therefor, I beg leave again to bespeak for it the consideration of Congress.

ALEX. H. H. STUART,
Secretary of the Interior.

(A.)

Periods.	Aggregate amounts of expenses of courts of the United States paid out of the Judiciary fund, with the salaries and compensation of the Marshals and District Attorneys added thereto.	Average amount paid annually.
From—		
1791 to 1793 3 yrs.	$34,875 86	$11,425 28
1794 to 1799 6 "	153,497 97	25,582 99
1800 & 1801 2 "	84,428 99	42,214 39
1802 to 1805 4 "	174,443 68	43,610 92
1806 to 1809 4 "	299,908 89	74,977 22
1810 to 1813 4 "	282,640 49	70,660 12
1814 to 1817 4 "	321,030 69	80,257 67
1718 to 1821 4 "	468,748 99	117,187 24
1822 to 1825 4 "	513,700 90	128,425 22
1826 to 1829 4 "	596,333 62	149,583 40
1830 & 1831 2 "	408,865 03	204,432 51
1832 to 1837 6 "	1,559,161 49	259,860 24
1838 & 1839 2 "	642,703 43	321,351 71
1840 & 1841 2 "	747,390 26	373,695 13
1842 to 1847 5½ "	2,555,427 77	464,623 23
1848 & 1849 2 "	938,446 05	469,223 02
1850 1 "	513,428 20	564,854 04
1851 1 "	616,279 89	

Increase per centum of Population and Expenses of Courts since the year 1800.

Periods.	Population.		Increase.	Expenses of courts.		Increase.
1800 to	In 1800.		p.c.	Year 1800.	Dolls.	p.ct.
1820.	5,305,925	9,638,131	81	842,214.29	117,187.24	170
1830.	5,305,925	12,866,920	142	42,214.29	204,432.51	384
1840.	5,305,925	17,062,566	220	42,214.29	373,695.13	785
1849.	5,305,925	22,000,000	314	42,214.29	469,223.02	1,011
1851.	5,305,925	23,000,000	332	42,214.29	564,854.04	1,237

Report of the Secretary of War.

WAR DEPARTMENT,
WASHINGTON, *November* 29, 1851.

SIR: I beg leave to submit the following report of the operations of this Department during the year which has just expired.

The subject which has most engaged the attention of the Department has been the defence of Texas, New Mexico, and the Mexican territory adjacent to our own, against the incursions of the neighboring Indian tribes.

In my last annual report I briefly adverted to the nature of these incursions. Unlike their race in this part of the continent, these tribes are actuated not so much by hostility to the whites, as by motives of plunder. Accustomed, from time immemorial, to carry on a predatory warfare against the Spanish settlements in their vicinity, they submit with reluctance to the efforts of a new and more powerful race to put a stop to their incursions. The character of the country, which affords wonderful facilities to escape, and presents almost insurmountable obstacles to pursuit, is wonderfully adapted to these marauding expeditions. As infantry is of little use in a service which consists principally in pursuing small parties who are always mounted, I recommended, in my last report, the raising of an additional mounted regiment, equipped with special reference to this service. Congress not having adopted this recommendation, all that remained for the Department to do was to make such a disposition of the force at its disposal as would most effectually protect our own territory and fulfill our treaty obligations to Mexico. Accordingly, prompt measures were taken to concentrate, on the confines of Texas and New Mexico, as many of the troops adapted to this service as could be spared from other quarters.

The Indians in California and Oregon having always appeared of an unwarlike character, and disposed to cultivate the good will of the whites, it was thought that the services of the regiment of mounted riflemen might be dispensed with on the Pacific. It was therefore ordered to Texas. Brevet Major General Smith, its commander, was put in command of the eighth military department, and Brevet Brigadier General Hitchcock was ordered to succeed him in the command of the Pacific division.

In the interval of several months which elapsed between the death of Brevet Major General Brooke and the arrival of Brevet Major General Smith in Texas, the command of that department devolved on Brevet Brigadier General Harney, during which time this officer displayed his accustomed activity in arresting the incursions of the Indians; and the good effect of the measures adopted by him, are already descernible in the comparative tranquillity which that section of the country has for some time past enjoyed.

Some of the fiercest and most insolent of the tribes in all that region occupy the northern portion of Texas where the streams that flow into the Mississippi, as well as those that empty themselves directly into the Gulf, find their sources. From this region these tribes make frequent forays, not only into Texas and New Mexico, but across the Rio Grande into the Mexican territory. With the double object of overawing these tribes and of affording protection to such emigrants as may take that route to Texas, New Mexico, or California, I deemed it advisable to establish a chain of military posts on that frontier. For this purpose, the fifth regiment of infantry (which was already stationed high up the Red river and the Arkansas) was ordered to advance further into the interior, and to establish a chain of posts extending in a western direction, and following, as nearly as practicable, the route called (from the name of the officer who traced it) "Marcy's route."

The seventh regiment of infantry was ordered from Jefferson Barracks to occupy the stations abandoned by the fifth.

In New Mexico the Indians had become so bold as to commit their depredations within a few miles of the military posts, and I regret to say that in no instance was their audacity chastised. To remedy, if possible, this state of things, Brevet Colonel Summer was ordered to the command of that department.

He arrived at Santa Fé in the month of July last; and his first step was to make a new, and, it is believed, a more judicious arrangement of the military posts. His next was to set out with a portion of his command on an expedition into the country of the Navajos, a powerful tribe which has long spread terror, not only in Texas and New Mexico, but even in the State of Sonora. The result of this expedition is not yet known; but if he should accomplish no more than to establish a military post among them, and retaliate upon them, by capturing their herds and destroying their fields, the expedition will not have been fruitless.

Experience has shown that the most effectual way to protect our settlements is to overawe the Indians by a constant display of military force in their immediate neighborhood; for this reason, as well as on account of the demoralizing influence of the towns and villages on the troops, the commanding officers, both in Texas and New Mexico, were directed to remove the stations as near the frontiers as circumstances would permit. Both these officers have, with their accustomed promptitude, taken steps to carry this measure into effect, and made an entirely new arrangement of posts, looking, as far as practicable, alike to the defence of our own territory and that of Mexico. Strong hopes are entertained that when their plans shall have been fully developed, the Indians will be disposed to make treaties and to observe them.

The United States have thus endeavored to fulfill, to their fullest extent, the obligations imposed upon them by their late treaty with Mexico. It surely was never contemplated that the entire expense and responsibility of defending her territory against these incursions, should devolve upon us. The language of the treaty admits of no such construction, and, if it did, it would require of us what it would be obviously impossible for us to perform. As the United States have no right to station their troops within the limits of Mexico, how is it possible for them, entirely, to protect her against tribes, most of whom occupy the vast desert lying between the two countries? All that we can do is to make common cause with her; to make her wrongs our own; to chastise, if possible, the tribes by whom they are committed; to compel them, whenever it is possible to do so, to make restitution of Mexican prisoners and property; and finally, in our treaties with them, to guard the interests of Mexican citizens as carefully as those of our own, and to punish any violation of the one as severely as we do that of the other. It is manifest, too, that whatever efforts we may make for the protection of Mexico, will not only be fruitless, but absolutely prejudicial, unless they are aided by corresponding efforts on her part. The number of our military posts, the vigilance, activity, and courage of our troops, all tend to drive these marauders from our border towards that of Mexico, where they can carry on their depredations with almost certain impunity.

The difference in the character of the inhabitants of the two countries also tends to the same result. Our people are all familiar with the use of arms, and readily form themselves into militia companies for their own defence. It was this circumstance, joined with a native hardihood of character, that enabled the pioneers of all our States to subdue tribes far more formidable than the robber bands that infest the frontiers of Mexico. The inhabitants of Mexico, on the contrary, have little skill in firearms, nothing that deserves the name of a militia, and little of that daring intrepidity which distinguishes the early settlers of our own country. It is not surprising, therefore, that the Indians stand less in awe of the Mexicans than they do of our people, and that, where both countries present equal temptations to plunder, they should direct their incursions towards the former rather than the latter.

It is not improbable, also, that the feebleness of the Federal authority in Mexico, the distracted state of that Republic, and the civil contests that have so long divided her people, may impair her influence among savages who know no right but power, and no motive but the fear of its exercise.

The portion of Mexico which is said to have suffered most from these depredations, is the

State of Sonora. Between that State and the inhabited portions of Texas and New Mexico, there is an extensive range of mountain and desert, for the most part uninhabitable, and at certain seasons of the year, almost impassable. To send, therefore, to that frontier, a sufficient force to afford it any effectual protection, and to maintain it there, would be attended with difficulties almost insuperable. A post, however, has been established at the junction of the Gila and the Colorado, and the commander of the Pacific division has been directed to examine whether it would not be practicable and expedient to establish one or more posts higher up the Gila. His report on that subject has not yet been received. It has been fully ascertained, however, that to maintain even an inconsiderable force in that region would be attended with an enormous expense.

These depredations in Sonora are committed chiefly by the Apaches and the Navajos—the same tribes that are the most troublesome in Texas and New Mexico. The troops employed in the defence of our own settlements are, therefore, indirectly aiding in the defence of Sonora; for, if we can succeed in compelling these tribes to make treaties and to fulfill them, the measure will be as conducive to the protection of the Mexican territory as of our own.

It must not, however, be supposed that the Indians that infest the Mexican settlements all reside within our limits. It is difficult to assign any definite boundaries to wandering tribes who subsist almost entirely by the chase, or on herds of cattle which they drive before them in their migrations: but it is well known that some of them have their habitual haunts within the limits of Mexico.

There are strong reasons, too, to believe that the vague rumors that have reached this country of ravages committed by Indians in the Mexican States have been grossly exaggerated, and sometimes entirely fabricated. An idea seems to have gone abroad among the people of that country, that this Government was bound by its treaty with Mexico to indemnify citizens of that country who might sustain losses by depredations of the Indians, and from information that has reached the Department, there can be no doubt that, in some instances, tales of depredations have been invented, with a view of bringing fictitious claims for damages against the Government.

The Indians west of the Rocky Mountains are represented to be less warlike in character than those on the eastern side of the continent, and, until recently, had manifested no unfriendly feelings towards the white settlers in their neighborhood. Several outbreaks, however, have, within a few months past, occurred both in California and Oregon. There is reason to believe that, in some instances, the Indians have been goaded on to these acts of hostility by the conduct of our own people. Treaties have recently been made with some of these tribes, which, if they are faithfully observed on our part, and if the white inhabitants are compelled to respect the boundaries of the territory assigned to them, will go far towards reconciling this unfortunate race to their fate, and preventing future outbreaks. I recommend, therefore, that the laws restricting intercourse with the Indians and encroachments on their lands, be rigidly enforced, and that, if necessary, more stringent enactments be passed for that purpose.

It would not be safe, however, to rely on any pacific policy, however wise and just, for the protection of our fellow-citizens in that remote region. Since the withdrawal of the regiment of mounted riflemen, the military force on the Pacific is extremely small. By the returns of the Adjutant-General, appended to the report of the General-in-Chief, it appears that the entire force stationed on the Pacific amounted, at the last return, to only seven hundred and thirty-six men. This force is deemed entirely inadequate for the protection of the inhabitants, particularly of Oregon. The Governor of that Territory has represented this fact, and has urged an increase of the force stationed within it. The means now at the disposal of the Department do not enable it to comply with this demand.

In my last annual report I recommended the creation of a new regiment of mounted men. The withdrawal of the regiment of mounted riflemen from the Pacific, has, to some extent, diminished the necessity of creating an additional regiment of that description of force, as that country is not peculiarly adapted to cavalry, and its place may well be supplied by infantry. Nevertheless, by the report of the General-in-Chief it will be seen that he considers not only this additional regiment of cavalry, but also an increase in the rank and file of the infantry and artillery as indispensably necessary. While I feel some hesitation in urging upon Congress any addition to the force on the frontier, where the support of troops is attended with such enormous expense, I cannot but acknowledge the force of his remarks and the weight that is due to his recommendation. I hope, therefore, that the matter will be submitted to Congress.

The entire number of men borne on the rolls amounts to 10,538; which, according to the usual estimate, will furnish an effective force of not more than 8,500 men. When it is considered that this small force is scattered over a frontier of several thousands of miles in extent, its insufficiency will be apparent.

In my last annual report I adverted to the enormous increase in the expense of supporting the Army, and to the causes that produced it. These causes are, principally—

First. That, as has been already stated, more than one half of the whole Army is stationed on our remote frontier, and, so far as expenses are concerned, may be considered as in active service in time of war.

Second. That the military posts on the frontier were formerly on or near navigable rivers, but now, on the contrary, are either far in the interior of the country or on the Pacific, and, consequently, can only be reached by an overland journey of hundreds of miles, or by a sea voyage of several thousand.

The following is a list of what were our most remote posts in 1845, and their respective distances from navigation:

Fort Snelling, accessible by steamboats.
Fort Leavenworth, do. do.
Fort Wilkins, do. do.
Fort Gibson, do. do.
Fort Smith, do. do.

Fort Jesup, 24 miles from steamboat navigation, by wagons.

Fort Atkinson, 24 miles from steamboat navigation, by wagons.

Fort Towson, 6 miles from steamboat navigation, by wagons.

Fort Washita, 86 miles from steamboat navigation, by wagons.

Fort Scott, 90 miles from steamboat navigation, by wagons.

Compare this list with that of some of the most remote posts at the present time.

Indianola, now the depôt for the greater part of the posts in Texas and some of those in New Mexico, is five hundred and forty miles by water from New Orleans. From this depôt it is, by wagons—

To Fort Worth.....420 miles.
To El Paso.....803 do.
To Doña Ana.....859 do.
To the post at the Copper Mines....979 do.

Fort Towson and Fort Smith, both depending on New Orleans, are the frontier depôts for the posts on the north line of Texas. The transportation by wagons is—

From Fort Towson to Fort Belknap 302 miles.
From Fort Smith to Fort Arbuckle 167 do.

Fort Leavenworth, four hundred and twenty miles from St. Louis by water, is the frontier depôt for the posts on the Santa Fé and Oregon routes. Thence it is by wagons—

To Fort Laramie..... 637 miles.
To Fort Union..... 728 do.
To Santa Fé..... 821 do.
To Socorro..... 981 do.
To San Juan.....1,048 do.

From St. Louis to Fort Snelling, by water, is 725 miles, and thence to Fort Ripley, by wagons, 125 miles.

From St. Louis to Keokuk, by water, is 179 miles, and thence to Fort Dodge, by wagons, 280 miles.

A large portion of the supplies for the posts on the Pacific, are drawn from the Atlantic States.

Third. The frontier posts, as may be seen by the foregoing list, were then situated in the midst of a fertile and productive country, where nearly all the supplies for the troops could be procured. Now, on the contrary, they are, for the most part, in one of the most unproductive regions in the world, which furnishes but a small portion of the necessary supplies for any army.. Those supplies must, therefore, all be drawn from the older States and transported immense distances. The consequence is, that while in 1845 the cost of transportation (of troops and supplies) was....$130,053 52
In 1850-'51 it amounted to.....2,094,408 51
In the former the cost of forage was.. 99,794 20
In the latter it was..... 1,287,327 91

The great increase in this last item arises not only from the causes just mentioned, but also from the great increase of animals in the Quartermaster's department, which, in 1845, amounted only to 847, and in 1850-'51 to upwards of 8,000; and also to the fact that the mounted force has been greatly increased.

Fourth. The great distance which troops have now to be transported in going to and from the several posts.

This is a very important item. Owing to the smallness of our army, changes of station are very frequent; and, instead of being made, as they formerly were, by water, they are now made by land. When it is recollected what a vast amount of transportation is necessary for an army on a long march, when not only their baggage but supplies of every kind (including provisions for their daily consumption) must be carried with them, some idea may be formed of the expense attending these changes of station. The above facts will serve in some degree to explain the great increase that has taken place in the expenditures of that department. For fuller explanations on this subject, I refer to the accompanying report of the Quartermaster General.

It is probable, however, that, in some instances, the expenditures, both of the Quartermaster's and the Commissary departments, may have been increased by mal-administration. The transactions of both these departments involve such a variety of details, and their agents are so far removed from the supervision of their chiefs, that abuses may exist a long time before they are discovered. Every effort, however, has been used to detect these abuses and to prevent their recurrence. Inspectors have been sent to the frontiers to inquire into the manner in which the affairs of these departments are administered, and a rigid scrutiny into accounts has been ordered. I regret to say that the Department has some reason to fear that its apprehensions on this subject were not altogether without foundation.

From statements carefully prepared by the different bureaus of this Department, it appears that the increased expenditures in the Army resulting from our newly-acquired territory, (including Texas,) amounted to $4,556,709 75.

Congress at their last session omitted to provide for a deficiency which was ascertained to exist in the appropriations for the Quartermaster's department for the year ending 30th June last. Serious embarrassment would have resulted to the service from this omission, had there not existed some unexpended balances of former appropriations, which, under the act of August 26, 1842, were transferred to the Quartermaster's department. Congress also reduced all the items of appropriations, but one, for the same department, for the current fiscal year (ending 30th June next) fifty per cent. below the estimates; the consequence of which is, that the appropriations for that department are entirely inadequate to its wants, and that Congress will be called upon, at an early period, to supply the deficiency.

Congress having clearly manifested a determination to reduce, as far as possible, the expenditures of the Army, I felt it my duty, as far as was practicable, to carry their views into effect. I have accordingly labored to reform abuses, to enforce rigidly all regulations looking to economy, and to retrench every unnecessary expense. I will enumerate some of the measures adopted for this purpose.

The number of enlisted men in the Ordnance department, prior to the late war, amounted to 250 men; but during the war it was increased to 587

men. By an order of the Department they were reduced to their original number.

Prior to the late war there were only four light artillery companies. After the war broke out four more of the artillery companies were converted into light artillery, making in all eight companies. This description of troops, although extremely effective in a regular war, are utterly useless in the kind of service in which the army is now employed. The Department did not hesitate, therefore, to direct that six of these companies should be dismounted. Of this number four will continue dismounted, unless Congress should otherwise direct; but as it is deemed important to preserve a portion of this description of force, the two remaining companies will be remounted as soon as the Department is provided with the means of doing so. This will make in all four companies, or one to each of the regiments of artillery, which seems to have been contemplated by the act of 1821.

A number of persons from civil life are employed in the service in various capacities, such as clerks, &c. An order was issued whereby their number has been greatly reduced, and their duties required to be performed by officers and soldiers.

An order was issued last spring that at all the permanent posts on the frontier, where it was practicable, farms should be established, to be cultivated by the troops. Sufficient time has not yet elapsed to ascertain the result of the experiment. If it should prove successful, it will not only effect a considerable reduction of expense in the Quartermaster's and Commissary's departments, but will greatly promote the health and comfort of the troops.

Besides these measures, various others, which it is needless to enumerate, have been adopted, with a view to promote economy, and to insure fidelity and attention on the part of disbursing officers.

The fact is not to be disguised, that a great laxity of expense, and a disregard of the regulations looking to economy, had become somewhat prevalent in the Army. The Department has exerted itself to remedy this evil, and is gratified to say that in all its efforts for this purpose it has received the aid and zealous coöperation of the superior officers. The effect of the measures it has adopted for this purpose is already discernable in a considerable reduction of the expenditures; and I have the satisfaction to announce that the estimates of the Department for the next fiscal year are considerably below the expenditures of the present and preceding years.

The expenditures for the support of the Army for the fiscal year ending 30th June last, were.....	$9,060,268 58
The estimates for the next year are.	7,898,775 83
Showing a reduction of.....	1,161,492 75

There are some other measures of economy which the Department would have carried out, had the aid of legislation not been necessary to enable it to do so.

A number of arsenals have, from time to time, been established at points where they were then needed; but where, in consequence of the extension of our frontier, and the vastly-increased facilities of transportation, they are now entirely useless. As it is doubtful whether it be competent for the Executive to abolish these establishments, it is desirable that this authority be vested in it by law.

In my last report I recommended that the Department should be authorized to enlist men specially as teamsters, and stated at length my reasons for this recommendation. Further experience confirms me in the opinion that this mode of obtaining the aid of this indispensable class of persons (of whom five hundred or six hundred are constantly employed by the Quartermaster's department) is far preferable to the plan now resorted to, of employing them sometimes at enormous wages. It has been suggested, however, that, instead of enlisting men specially as teamsters, it would be better to increase the number of privates in each company on the frontier to one hundred, and to authorize the allowance of a higher rate of pay to such of them as should be detailed as teamsters. This arrangement would enable the officer in command to use them either as teamsters or as soldiers, as circumstances might require.

The removal of the obstructions to the navigation of Red river and of the Rio Grande would greatly reduce the expense of supplying many of the posts in Texas and New Mexico, by diminishing the amount of land transportation. I have little doubt that the amount that the Government would save by means of this improvement, in two or three years, would defray the cost of the work.

But whatever efforts may be made, either by Congress or by the Department, to curtail the expenditures of the Army, they must continue to be enormous so long as it is necessary that so large a portion of it should be stationed on the frontier. The history of the world affords no instance of an army being permanently stationed at so great a distance from the main source of its supplies. It is evident, therefore, that Congress should resort to every means to diminish the necessity of regular troops for the defence of the frontiers. Permit me to offer a few suggestions on this point, though they do not immediately relate to the operations of this Department.

In the first place, I would suggest that every facility and encouragement should be afforded to the formation of a local militia, in which our new possessions, like all the Mexican States, are very deficient. As the first step towards the accomplishment of this object, I would recommend that the Executive be authorized to distribute arms among the inhabitants. I am fully persuaded that the advantages that would result from the adoption of this measure, in familiarizing the people with the use of arms, in inspiring them with confidence, and in encouraging the formation of militia companies, would more than compensate for the trifling expense that would attend it. The very fact that the inhabitants were known to be armed, would tend to intimidate the Indians. The distribution should, of course, be made with such precautions as would prevent their being sold or converted to an improper use.

The quantity of arms to which the new States and Territories are respectively entitled under the act of 1808 is so small as to be of no practical advantage, and, as they have not participated in the issues heretofore made, it would seem to be but just that they should now receive more than their distributive share. At all events they might be permitted to receive their quota for several years in advance. As the arms are lying idle in the depôts, no loss to the Government would result from this course, and they will probably be never more needed than they are at present.

In the next place, policy and humanity both require that we should employ some other means of putting a stop to these depredations than the terror of our arms. We should try the effect of conciliatory measures. There is no doubt that the Indians are frequently impelled to commit depredations by despair and hunger. As the white population has advanced upon them, they have been compelled to recede before it. The lands that afford nourishment to cattle and game are also those the best adapted to cultivation, and consequently the first to tempt the settler; so that the Indians are compelled to take refuge in arid plains and mountains that afford little sustenance to animal life; and even there the circle of white population seems rapidly closing around them. This is particularly the case in Texas. The United States, as the owners of the public domain, have always acted on the principle that the aboriginal race had at least a right of *occupancy* in the soil, and when it was needed for settlement this right has been extinguished by voluntary sale. Texas, on the contrary, as the owner of all the vacant lands within her limits, acknowledges, it is said, no such right; and she has from time to time taken possession of the territory occupied by the Indians, laid it off into counties, and proceeded to survey and sell it. Nothing could be more calculated to alarm and exasperate the Indians, and to bring about collisions between them and the white settlers, than the adoption of this policy. That such has been and must continue to be its consequence, there can be no doubt. It would seem, therefore, to be for the advantage both of Texas herself and of the United States that these Indians should be left in undisturbed possession of a small portion of her vast territory.

I would also recommend that measures be taken to furnish, for a series of years, food and other necessaries to such Indians as will abandon their predatory habits and cultivate the soil. Authentic information, recently received at this Department, leads to the belief that these tribes are far less numerous than they are generally supposed to be, and I have no doubt (laying aside considerations of humanity) that it would be far less expensive to feed than to fight them.

During the last summer the Florida Indians voluntarily surrendered up to the agent stationed among them three of their people who had murdered the youth mentioned in my last report. The Secretary of the Interior, considering this act as an evidence of their desire to remain at peace with the whites, suggested that there was no longer any reason for their continuing under the charge of this Department, and upon his demand they were placed in charge of the Department over which he presides.

I took occasion, during the last summer, to visit the Military Academy, and am enabled, from personal observation, to bear testimony to the admirable method of instruction pursued, and the excellent discipline that prevails at this most useful institution. A building in which lessons in horsemanship could be given when the weather will not admit of this exercise in the open air, would greatly conduce both to the health and the improvement of the cadets.

I also visited the national armories at Springfield and Harper's Ferry, and I cannot speak in terms of too high praise of the order and regularity that prevail at those establishments, and of the admirable economy with which they are conducted.

The operations of the Bureau of Topographical Engineers have been various and important during the last year.

The survey of the Northern Lakes, a work of which the importance can hardly be estimated, has been prosecuted with great activity, and it would have advanced still more rapidly had the appropriations for that object admitted it. With a view to hasten the completion of the work, the estimates for it for the next year have been increased.

The survey of the Creek boundary from the frontiers of Arkansas to nearly the 100th degree of longitude west, and that of a route for a road from St. Louis to the great bend of Red river, have been completed, and are ready to be laid before Congress.

The expedition to the Salt Lake of the Territory of Utah has also returned. The report, which, by a resolution of the Senate at the last session, was ordered to be printed, will be ready for delivery during the approaching session.

The expedition under Brevet Captain Sitgreaves, mentioned in my last annual report, from Santa Fé to the head waters of the Zuni, and down that river to its mouth, is still in the field.

The survey of the Delta of the Mississippi, with a view to the prevention of overflows, for which an appropriation was made the session preceding the last, has been nearly completed. One of the gentlemen charged with this highly important work has made his report. That of the other has been delayed by his illness, but it is in course of preparation, and, as soon as it is received, both reports will be laid before you.

In consequence of the numerous demands made on the Corps of Topographical Engineers, not only for the duties that properly devolve on it, but to meet the demands of other Departments under whose charge surveys are made, the head of that corps strongly urges that the number of the officers of that corps be increased. The remarks on this subject, contained in his report, which is hereto appended, are entitled to, and I hope will receive your attention.

I beg leave, also, to call your attention to the laws organizing the Subsistence department. It was the intention of Congress that this branch of the staff should consist of a fixed number of officers, who should be regularly appointed by the President, and should give bonds before entering upon the discharge of their duties. This plan, however, has never been fully carried into effect. The number of assistant commissaries was limited by the act of 1821 to fifty; but this number being found insufficient, several laws, subsequently passed, were so construed as to dispense with the limitation, and occasionally thrice that number

have been in service. Notwithstanding this great increase, it not unfrequently happens that, by changes in the distribution of the troops, a post or detachment is left without any assistant commissary; in which case it is the practice for the commanding officer to designate some subaltern officer as *acting* assistant commissary.

As the posts where these officers are stationed are frequently very remote, it often happens that the assistant and acting assistant commissaries are in the actual discharge of their duties, and intrusted with money and property for a long time before they can receive regular appointments and furnish bonds. The consequence of this mode of transacting the business of the Subsistence department are, that its highly-important duties must often devolve on young and very inexperienced officers; that large sums of money and property of great value frequently pass into the hands of officers who have furnished no bonds; and finally, great confusion in accounts and consequent embarassment and delay in their settlement. I know no other mode of remedying these evils than by appointing a few additional commissaries, so as to enable the Department to send several to the different military departments on the frontier, and to assign to each one the charge of a certain number of posts. Some of the assistant commissaries could thus be dispensed with, and the accounts and transactions of the remainder placed under more immediate and strict supervision. This plan would not be more expensive than that now pursued, and would afford better guarantees for the faithful and efficient discharge of the duties of those officers.

The Board to whom the management of the Military Asylum for disabled and destitute soldiers, established at the last session of Congress, was committed, have devoted a great deal of time and attention to the selection of suitable sites. They have determined on one in the vicinity of this city; the terms of the purchase have been agreed on, and as soon as the titles shall have been examined and approved, the agreement will be carried into effect.

I beg leave again to suggest the expediency of creating a retired list of disabled officers. Further observation has confirmed me in the opinion that this measure would conduce both to efficiency and the economy of the service.

By the act of 28th September, 1850, making appropriations for the support of the Army, a small additional pay was allowed to the officers and soldiers stationed in California and Oregon. That provision expires by its own limitation on the 1st of March next. The reasons for its adoption still exist, and I recommend that it be continued in force, and that it include also New Mexico, where these reasons apply with at least equal force.

The act of 1808, providing for arming and equipping the whole body of the militia, directs that the distribution of arms provided for by that act among the States and Territories should be based upon the number of their "effective militia." As the act specifies no mode in which this number shall be ascertained, each State and Territory adopts a method of its own. The consequence is, that some States make very imperfect returns, and some no returns at all, whereby the law is rendered unequal in its operation. This inequality might be prevented, and some unnecessary trouble and expense saved by simply declaring that the number of free white male inhabitants over the age of — years and under that of — years in the respective States and Territories, as shown by the latest census, shall hereafter be the basis of distribution.

Respectfully submitted.

C. M. CONRAD,
Secretary of War.

To the PRESIDENT.

Report of the Secretary of the Navy.

NAVY DEPARTMENT, *November* 29, 1851.

SIR: The following is the annual report of the public service under the supervision of this Department:

The former organization of the vessels employed in active service on the ocean into six separate squadrons has still been continued. The Home Squadron, yet under the command of Commodore Parker, consists of the steam-frigate Saranac, Commander Pendergrast, bearing the broad pennant of the Commodore; the sloop-of-war Albany, Commander Platt; the sloop Decatur, Commander Green; the sloop Cyane, Commander Paine; and the steamer Vixen, Lieutenant commanding Smith. The vessels of this squadron have been engaged in cruising among the West India Islands, and along the coasts of the Caribbean Sea and of the Gulf of Mexico. The commander of this squadron, having been ordered to the North on special service, was not in position to prevent the late illegal and disastrous expedition from the port of New Orleans against the Island of Cuba; but, hastening thither under the orders of the Department, he was commendably active in preventing any repetition of the offence, whilst at the same time affording protection to American interests in that quarter, and giving assurance that the United States would in good faith observe their treaty obligations and the law of nations. Commander Platt, commanding the Albany, which happened to be in the port of Havana when the expedition landed, deserves also the commendation of the Department for the propriety and delicacy with which he acquitted himself in the trying duties of his command; for his vigilance and industry in procuring and transmitting early and correct information of the progress of events in the Island, and his humanity in visiting and interceding for the deluded persons who, in violation of the laws of their country, had been induced to embark in an adventure of such serious consequence. These occurrences at the South detained the vessels of this squadron from a cruise to its northern limits, which was commenced and proceeded in as far as Havana when the invasion of Cuba took place.

The Mediterranean squadron, Commodore Morgan commanding, consisted of the flag-ship, the razee Independence, Captain Jamesson; the steam-frigate Mississippi, Captain Long; and the frigate Cumberland, Captain Latimer.

In June the latter vessel returned, by order of the Department, to the United States; and upon her arrival the officers were detached and the crew discharged. Since that time the Independence, with the commander-in-chief on board, has visited Trieste, and other ports within his command; and the Mississippi has been generally employed in active cruising.

In compliance with a resolution of Congress to that effect, orders were in due season sent to the commander of the squadron, directing this vessel to be held in readiness to proceed to the coast of Turkey, and receive on board the distinguished Hungarian, Governor Kossuth, and his associates in exile, and convey them to the United States as soon as information should be received from the American Minister at Constantinople that they had obtained the Sultan's permission to embark. She accordingly took on board, at the Dardanelles, in September, the illustrious exile and his family and party, in number sixty persons, and brought them on the homeward voyage to Gibraltar. Here Governor Kossuth, having determined to visit England, took passage in a mail-steamer for that country, intending to come thence by a like conveyance to the United States; and the Mississippi sailed with the remainder of her passengers direct to New York, where she arrived early in November.

The Independence being the only vessel remaining in the Mediterranean, and from her large draught unsuited for winter cruising in that sea, this consideration, together with the fact that the enlistment of her crew and the term of the commander of the squadron will expire in the ensuing spring, induced the Department to recall her also; and orders to that effect were dispatched in October.

The new steam-frigate San Jacinto, destined for the squadron on the coast of Brazil, is preparing with all practicable expedition for sea, and will sail in a few days for the Mediterranean, to watch over our interests in that quarter until the arrival of a new squadron early in the spring.

The squadron on the coast of Africa continued under the command of Commodore Gregory until the month of May, when, after an energetic and efficient service on that station, he was relieved, and it was transferred to Commodore Lavalette.

The squadron comprise the sloop-of-war Germantown, the flag-ship of the squadron, Commander Nicholas; the sloop Dale, Commander Pearson; the sloop John Adams, Commander Barron; the brig Perry, Lieutenant Commanding Foote; the brig Porpoise, Lieutenant Commanding Lardner.

These vessels have been assiduously employed in the duties of their cruise, and the observation of another year justifies the conclusion, expressed in my last annual report, that the vigilance and activity of this squadron, together with that of Great Britain, have suppressed the slave trade on the west coast of Africa, and that it is now carried on only on the south coast, more than a thousand miles distant from the station at the Cape de Verd Islands, established and maintained since the conclusion of the treaty of Washington in the year 1842.

This result has led to the consideration of the expediency of removing the depôt of supplies for the squadron down the coast to St. Paul de Loando, or other point on the southern coast; but since the inhibition by Brazil of the African slave trade among her subjects, it is doubtful whether it is necessary to continue this squadron, as a permanent force, anywhere along the African shore; and it is accordingly proposed that notice be given to the British Government of the termination on our part of the eighth article of the treaty above mentioned, as therein provided.

It is believed that Brazil and the Spanish West India Islands are the only countries to which slaves have been imported, in any considerable numbers, for many years past; and by strengthening the squadron on the coast of Brazil, and requiring of its vessels periodical visits to the coast of Africa, the traffic can probably be more effectually checked than by keeping up the squadron on the African coast; while, in regard to the Spanish West Indies, the vessels of the Home Squadron will suffice to prevent the use of our flag for its protection among them. The climate of the African shores is notoriously insalubrious, and the health and comfort of the officers and crews would be greatly promoted by the change proposed of this squadron.

The squadron on the coast of Brazil, Commodore McKeever still being in command, consists of the frigate Congress, the flag-ship of the squadron, Captain McIntosh; the sloop-of-war Jamestown, Captain Downing; the brig Bainbridge, Lieutenant Commanding Manning; and the store-ship Relief, Lieutenant Commanding Thatcher. Orders, however, have been dispatched directing the Bainbridge to relieve the brig Perry in the African squadron, which, owing to the approaching termination of the enlistment of her crew, has been ordered to return to the United States.

The general duties assigned to this squadron, in giving protection to our commerce and interests between the mouth of the Amazon river and Cape Horn, in preventing the use of the American flag to cover the African slave trade, and in enforcing our neutral rights and relations in the state of hostilities which have long prevailed between the Argentine Republic and the Banda Oriental, and more recently between the former and Brazil, appear to have been zealously and faithfully performed, and the reports of its commander are quite satisfactory.

The Pacific squadron, Commodore McCauley commanding, consists of his flag-ship the frigate Raritan, Commander McKean; the frigate St. Lawrence, Captain Dulany; the sloops-of-war St. Mary's; Commander Magruder; Vandalia, Commander Gardner; Falmouth, Commander Pearson; Vincennes, Commander Hudson; Portsmouth, Commander Dornin; Warren, unseaworthy, and used as a storeship; the steamer Massachusetts, Lieutenant Commanding Knox; the storeship Lexington, Lieutenant Commanding Radford, and the storeship Southampton, Lieutenant Commanding Turner.

The frigate Savannah, Captain Page, recently returned from this station, in consequence of the expiration of the time of service of her crew, and the Falmouth is supposed to be likewise on her homeward voyage. These will be replaced respectively by the frigate St. Lawrence and the sloop-of-war Portsmouth, about to proceed to the Pacific.

The several vessels of this squadron have been constantly and usefully employed in appropriate service. The flag-ship and the Vincennes have visited the principal ports on the American coast from Oregon to Chili. The Vandalia has made several visits to the Sandwich Islands, at periods when the presence of a man-of-war was highly essential to our interests in that kingdom; and the Falmouth and St. Mary's, in addition to touching at ports on the main land and the Sandwich Islands, have extended their cruising to the Society, Marquesas, and Fejee Islands.

The necessity of maintaining, at all times, an effective fleet on that ocean, and of adapting our naval laws and system to the new requirements of the service, in consequence of our settlements in California and Oregon, was urged in my last annual communication, and cannot too early engage the attention of Congress.

The squadron for the East India and China seas, Commodore Aulick commanding, comprehends his flag-ship the steam-frigate Susquehanna; the sloop-of-war Plymouth, Commander Kelly; Saratoga, Commander Walker; and Marion, Commander Glendy. The two vessels last named are on their station; the two former are on the voyage out. The Marion will be relieved on their arrival, and return home by way of the Cape of Good Hope, bringing, it is expected, valuable varieties of the seed or root of the sugar-cane, and also of the tea-plant, collected under the orders of the Department for distribution in the sections of our country adapted to their cultivation. The Dolphin, Lieutenant Commanding T. J. Page, which had been attached to this squadron, returned to the United States by way of Cape Horn, in the month of June.

The Susquehanna, which is one of the new war-steamers built under the provisions of the act of Congress of the 3d of March, 1847, sailed from Norfolk in June last, by way of Rio de Janeiro, conveying to that place his excellency M. Macedo, late Minister of the Emperor of Brazil to this country, the Hon. R. C. Schenck, United States Minister Plenipotentiary to Brazil, and the Hon. J. S. Pendleton, Chargé d'Affaires to the Argentine Republic. She arrived at Rio de Janeiro with some derangements in her machinery and equipments; but these were repaired without much delay, and when last heard from she was about to depart, by way of the Cape of Good Hope, for her ultimate destination. A favorable impression for our interests and commerce is expected to be created in the peculiar countries of the East, by the addition of this new and well-appointed steam-frigate to our squadron in that region.

The steamer Michigan, Commander Bullus, has continued to cruise on the Upper Lakes, for the protection and assistance of our trading vessels in those waters, and has, on several occasions, furnished important assistance to the civil officers in arresting and bringing to justice combinations of persons charged with offences against the laws of the United States.

In this review of the sea-service of our cruisers, I have the satisfaction to announce that in all quarters of the globe their reception and treatment have been not only respectful but cordial; and that not merely the interests of commerce, but international peace and friendship are likely to be promoted by these visits of our armed vessels and the display of our flag on foreign shores.

The expedition under Lieutenant Commanding De Haven to the Arctic seas, in search of the British commander, Sir John Franklin, and his companions, returned to the port of New York in October, having discovered only supposed traces of the objects of which it was in quest, and leaving in entire uncertainty their actual fate. The vessels of the expedition proceeded in the direction where, in the opinion of the best-informed officers, the missing navigators are to be sought, and on which the traces in question were found. Though failing in the main object of their search, Lieutenant De Haven and his officers verified, by their explorations, many facts before unknown to science, but indicated in the course of the investigations carried on at the Naval Observatory, concerning the winds and currents of the ocean, and to which reference was made in the instructions for the expedition.

In this expedition the officers and men were all volunteers. In its prosecution they encountered the greatest dangers and hardships. To mention a single example: their vessels were caught by the ice, and frozen up in the open sea. In this perilous situation they were confined for nine months, and drifted to and fro in the ice for more than a thousand miles. By the skill of the officers and the mercy of a superintending Providence, they were released from their cold imprisonment, and restored to their country and friends; not a man having been lost on the expedition. They have received no other pay than would have been their due on a cruise to Naples or the Levant, and I respectfully suggest that they be allowed the same pay and emoluments that were granted to those in like positions in the late Exploring Expedition to the South Seas.

Mr. Henry Grinnell, the owner of the vessels employed by Lieutenant De Haven, has generously offered them for another cruise in search of Sir John Franklin, should Congress think proper to authorize a second expedition.

The act of Congress of March 3, 1849, authorized the employment of three small vessels of the Navy in testing new routes on the ocean pointed out by the Superintendent of the Observatory on his wind and current charts, and in collecting information to enable him to perfect those charts. After the return of the brig Dolphin, as already mentioned, she was fitted out and detailed on this service, under the command of Lieutenant S. P. Lee, an officer of great experience and intelligence as a surveyor and hydrographer; and interesting and valuable results are expected from the cruise.

At the instance of the Executive Committee of citizens of the United States desiring to send forward specimens of the productions of American genius, skill, and labor, to the great Industrial Exhibition in London this year, the frigate St. Lawrence was, with the approbation of the President, dispatched thither from the port of New York, under the command of Commander Sands, to transport the articles for exhibition free of charge. It is hoped that the triumphs of our countrymen in the competitions for prizes, in the inventions pertaining to agriculture alone, the most ancient and useful art known to man, will justify the countenance and liberality thus shown to them by the Government. On her return, the St. Lawrence conveyed our Chargé d'Affaires in Portugal from Southampton to Lisbon; and in the ports both of England and Portugal, was received with demonstrations of respect and hospitality.

The number of officers of the Navy employed during the present year on the coast survey was ninety. Having communicated to Congress at its last session my opinion that, in consideration of the nature of this work, and the connection of the officers of the Navy with it, the public interests would be promoted by the transfer of its conduct and supervision to this Department, I have but to repeat the conviction then expressed, as strengthened by more mature consideration.

In pursuance of the intention expressed in my last annual report, a Board of Engineers of the Army was, at my request, detailed to make a survey and examination of the Memphis navy-yard, with a view to overcome a difficulty which had been encountered in finding solid foundations for the buildings of the yard. The report of this board, of which a copy is appended, affords an interesting discussion of the question involved, and will merit the attention of Congress.

The large stone dock at the Brooklyn navy-yard, which has been ten years in progress, was so far completed, with all its appendages, in August last, as to be surrendered up to the commandant of the yard. Its entire cost, as shown in the report of the Chief of the Bureau of Yards and Docks, has been $2,146,255 36.

The floating sectional dock, basin, and railway at Philadelphia has likewise been reported as ready for delivery, but, owing to the want of sufficient depth of water immediately adjacent to the basin, the experiment required of raising a vessel for the purpose of testing these works could not be made. Dredging operations are now going on to remedy this defect, and the test is expected to be made within the month of December.

The floating balance dock, basin, and railway at Portsmouth, New Hampshire, is also expected to be finished and tested within a short time thereafter.

The balance dock, basin, and railway at Pensacola has not progressed as rapidly as was expected, and may not be in readiness for delivery before the ensuing summer.

Agreeably to the act of the last session of Congress, a modified contract was entered into with Messrs. Dakin and Moody, and Gilbert and Secor, for the construction of a floating sectional dock on the bay of San Francisco, to be completed and delivered for the sum of $610,000. This work is understood to be in a course of speedy execution, the contract requiring its completion in two years from the month of May last. Its precise location cannot be determined until the selection of a site for a navy-yard on the waters of that bay, for which purpose a commission will be sent out early in the ensuing spring. It will be necessary to provide a pier or basin to render this dock capable of use. The location of the dock having not yet been determined, the Department postpones the question of preference between these two structures until the report of the proposed Board shall be received and full local information obtained.

It being generally expected and desired by the owners of American merchant vessels that the use of the dock in question shall be allowed for the repairs of such vessels, when not required for ships of war, it is proposed that Congress shall determine the proper regulations for the purpose, and direct whether the dock and fixtures shall be leased with that view, or whether the Government shall carry on the work, through its own agents, and on what terms.

The necessity of a navy-yard and station on that coast is so obvious, as well to secure and work the dock, as for general naval purposes in those waters, as to need no illustration. I therefore recommend that Congress shall authorize such an establishment there, and make adequate appropriations therefor.

According to the authority conferred on the Department, and an appropriation of a sum not exceeding $80,000 for that object, a contract was concluded with Messrs. Wells & Gowan, of Boston, to remove the wreck of the steam-frigate Missouri from the Bay of Gibraltar, for the sum of $59,000. Security was taken for the fulfillment of the contract, and the contractors are engaged in the work, with no doubt, on their part, of success.

Of the four war steamers, rated as frigates, directed to be built by the act of Congress, approved March 3d, 1847, the Saranac was put in commission during the last year; the Susquehanna and San Jacinto during the present; and the Powhatan remains unfinished. Measures have been taken to expedite the completion of this vessel, and it is now expected that she will be ready for sea in the course of the ensuing spring. The Fulton and Alleghany, steamers of the first class, have recently undergone extensive alterations and repairs, and are each nearly prepared for service; and steps have been taken to rebuild the Princeton, a steamer also of the first class.

The steam-frigate Mississippi, in her long cruise of near two years and a half in the Mediterranean, underwent no repairs, except such as were effected on board, but yet retained her entire efficiency as a man-of-war; and the general conduct and management of the vessel and her crew reflect the highest credit on her commander. She will be transferred to Philadelphia, for the purpose of testing the dock at that navy-yard, and to undergo such repairs and improvements as may be found necessary.

Having taken occasion a year since to review the legislation of Congress in reference to the gradual increase of the Navy, and to demonstrate that no system of naval policy had been adopted defining the number and description of ships supposed to be required by the wants of the country, I esteem it now only necessary to remark, that while I do not concur in the policy, sometimes advocated, that the United States should apportion their naval vessels and force to those of the navies of the principal nations of Europe, with which, by possibility, they may have collisions, we should by no means omit to avail ourselves of all the aids afforded by science and experience in the improvement of our naval establishment, and at the same time enlarge our capacities for increase to any

needful extent, whenever the public exigencies shall require it.

In everything pertaining to the building, armament, and equipment of vessels of war, the scrutinizing and active mind of the present age has not been idle. Merchant vessels of large draught have been recently built and rigged in our country, which have sailed, by the force of the winds alone, one thousand statute miles in three days, and with an approach to the like rate of speed in long voyages. Improvements and discoveries in ordnance and gunnery have been introduced, by means of which, in the opinion of well-informed officers, a ship of inferior rating, say of thirty-two guns, may be so built and rigged and armed as to prove more than a match for the stoutest line-of-battle ship of the old construction and armament. How far the power of steam may be added to increase the superiority of the modern vessels in speed and destructiveness, and other points of a man-of-war, is also a fruitful theme of speculation and experiment.

With these improvements, whether fully realized or only in prospect before our eyes, it were vain to rest content with the old models and armaments and appliances of vessels which, however excellent in their day, may have been superseded by more recent inventions. While, therefore, all proper cautions are observed—and nothing, however specious, should be adopted without full investigation—it appears to be our obvious policy to continue to build ships, not only to supply the places of those decayed or lost, but to test and keep pace with the improvements of the age. It has been suggested, as a matter of economy, that such experimental ships be built of white oak instead of live oak, that being the cheaper material, and generally used in merchant ships.

In illustration of one of the improvements in war steamers, it is represented to the Department that the boilers of the Mississippi, planned fifteen years since, and with the best intelligence of that day, may be reduced nearly one half in their dimensions and weight, and at the same time made to double the power of the vessel, with about the same expenditure of fuel as at present. The letter of the engineer, discussing in detail this particular improvement, and its recommendation on the score of economy, is herewith submitted.

I therefore recommend that authority be given to build every year two new vessels—one sail and the other steam—upon such models as shall be approved, and as old vessels may be found unserviceable from fault of model or other cause, they may be sold or broken up.

In this connection, I invite the favorable consideration of Congress to the recommendation of the Chief of the Bureau of Yards and Docks, that machinery be erected in one or more of the navy-yards of the country for the building of steam engines and construction of war steamers complete.

A class of small vessels is much wanted to give employment in command to senior lieutenants, many of whom are kept in long and tedious inaction before their promotion to commanders, and would be highly useful as cruisers, especially those propelled by steam, by reason of their ability to penetrate into harbors and rivers inaccessible to ships of larger class.

Having, also, in my last annual communication, presented for the consideration of Congress propositions to reduce the number of officers in the grades of captain, commander, and lieutenant of the Navy, I beg leave respectfully to refer thereto for the review of the officers in those grades, and the commands and employments to which they may be called in the present state of the service. While the number in these grades might be appropriately reduced, it is worthy of consideration whether the number of masters should not be enlarged and the grade of second lieutenant established.

Although a master is recognized as a necessary officer on board of every vessel in commission, and at every navy-yard, to seventy-six vessels and eight navy-yards, there are borne upon the register the names of but thirty masters, and of these nineteen are out of the line of promotion, and many of them are superannuated or otherwise incapacitated for duty at sea. If the number of masters were raised to fifty, exclusive of those not in the line of promotion, (who must needs be removed by death in the course of a few years,) and the grade of second lieutenant interposed between them and that of first lieutenant, all of which could be arranged without adding to the number of officers below the rank of commander, now in service, it would not only be an improvement in the proportions of the different grades, but would exert a cheering influence on the younger officers, who are now doomed to linger in the inferior grade of passed midshipmen until the ardor of youth is passed and professional distinction has lost much of its attraction.

The series of promotions held out to a naval officer, compared to that in the Army, is exceedingly limited, without taking into the account brevet rank, with which distinguished service in the latter may be rewarded. And these additional grades cannot but be regarded as new objects of hope, and new incentives to ambition, among the aspirants in the naval service. For reasons similar to the foregoing, as well as others of great cogency, I repeat the recommendation formerly made, to elevate the ranks of the service by legalizing that of commodore, and establishing two offices of rear admiral. As a reward for the gallant conduct of some of those surviving veterans who, more than a third of a century ago, illustrated our arms in conflicts on the ocean, and as a stimulant to others to emulate their example, these superior ranks would be graceful distinctions on the part of the Government; and the position we occupy among the naval and commercial Powers of the world renders their immediate recognition a matter of undoubted policy. With one such officer employed near the head of the Department in Washington, in the disposition and supervision of the personnel of the Navy, and the other stationed at San Francisco, with power to issue orders to our squadrons in the Pacific and China seas, as well as to all officers residing west of the Rocky Mountains, subject to general directions and supervision from the Department, much it is believed could be effected in giving promptness and vigor to the service in the remote regions of the world; in imparting to it uniformity and system, and in relieving inferior officers from difficulties and responsibilities arising from unforeseen events.

I also most earnestly renew the recommendation to establish a retired list, to which officers may be transferred on reduced rates of pay, who may be invalided, from time to time, on account of superannuation or other cause. If it be objected that this would burden the Treasury with a new class of pensions, the answer is, that the evil already exists; the question being between full and half pay, or even a lower rate; between denying to the vigorous, the willing, and aspiring, who perform the duties and must constitute our reliance in time of danger, the positions and emoluments in which they may improve their talents and extend their usefulness, and retaining and promoting, as of the effective force, all who have been admitted into the service, without reference to intervening disabilities or disqualifications. No reform is of greater moment, as regards the efficiency of the Navy, and none can be more obviously just.

The disputed questions of rank between the sea officers and civil officers of the Navy, and between the several grades of officers of the Army and Navy, and the reports of the boards of officers summoned to consider these questions, were brought to the attention of Congress in a special communication at the last session, and are again recommended to its consideration.

Perceiving that the laws for the government of the Navy, passed more than fifty years since, were defective and unsuited to the present state of the service, I have caused them to be revised by a board of officers, with instructions to prepare proper amendments and additions, and am prepared to transmit their report for the examination of Congress, and respectfully recommend that the code therein proposed be taken as a basis of legislation on this subject. Or, if there be no disposition to adopt the report in general, it will be found to be highly necessary to accommodate the law to the new condition of affairs arising from our settlements on the shores of the Pacific; the ports of California and Oregon being now within the United States.

To require orders to issue from Washington, even for convening a court-martial in the Pacific to try any officer or seaman and for summoning witnesses, must greatly delay and embarrass the enforcement of discipline. Yet it is only the commander of a fleet or squadron, "acting out of the United States," who has power to order such courts, and approve or disapprove their sentences. This is cited, however, as but a single instance of the want of adaptation of the present naval laws to the actual state of naval affairs.

But the most material defect in our naval code is that occasioned by the failure to provide any punishment, by way of substitute, when corporal chastisement was abolished. To supply in some degree this deficiency, I presented and recommended at the last session of Congress a substitute proposed by a board of officers, to whom the subject had been referred. In the present state of the law there is no power to inflict any punishment, except confinement in irons, or without, unless by the sentence of a court-martial. Such court must consist of not less than five nor more than thirteen commissioned officers, and be ordered by the President of the United States, Secretary of the Navy, or commander of a fleet or squadron "acting out of the United States." It is manifest, therefore, that there can be no other punishment during a cruise, whether long or short, except in vessels within the immediate reach of the commander of the squadron, and only then if there be at least five commissioned officers superior to all legal exception, who can be detailed on a court. It being known that two vessels rarely cruise together, but that single ships are dispatched on distant service, and are often separated from the flag ship and from home for many months, it is apparent that the delay of justice, the accused being meanwhile in confinement, is a serious grievance to him. But when it is remembered that the ends of punishment on shipboard are not merely for the sake of example and reformation, but to secure a faithful and specific execution of the contract of enlistment with the Government at the very time when duty is required, and to protect the rights of the dutiful, the honest, the peaceful, and orderly, any punishment, to be effectual, must be speedy and certain. Confinement is ordinarily a means of securing the accused from escape, and of preventing a repetition of positive wrong; but to obstinate, indolent, or vicious men, some of whom will perhaps be found in every ship's company, notwithstanding any precautions of enlistment, it is not a sufficient remedy to enforce the performance of positive duties. In civil life no provision is made by law for the specific fulfillment of contracts or duties, except in a few equitable cases, where the time of performance is not material. The only remedy for failure in all others is by indemnification in money, to be awarded by courts of justice held at periods regulated by the convenience of the community. In military affairs, at sea or on land, it is far otherwise. Time as well as alacrity in performance are of the very essence of the contract, and upon them may depend the safety of the ship and her company from disaster at sea, as well as the honor of her flag.

Again: theft, unlawful violence, and other wrongs must be kept under wholesome restraints, by the terror of punishment at sea as well as on shore. But a public ship, carrying no superfluous men, the service cannot, without injury, spare from daily duty those who commit offences during the *time* necessary for their punishment by imprisonment, even if that were the appropriate punishment, to say nothing of weakening the ship's company by this process, and the imposition upon good men of double duty and the menial service of waiting on offenders while thus imprisoned.

The consequences of the change have been thus far detrimental to the service, and it is apprehended will become more serious unless speedily remedied.

When vessels arrive in port, after a cruise, it is found impossible to keep the men on board until a proper muster, exercise at quarters, and inspection have taken place, which are the means adopted to ascertain whether officers have done their duty in keeping their ships and crews in effective condition. And, independently of numerous cases of delinquencies overlooked or disposed of by discharge, honorable or dishonorable, there have been nearly one hundred trials of enlisted

men by courts-martial since the passage of the law in question.

These details are exhibited not to contravene the policy of the Legislature, but to demonstrate that the experiment of the abrogation of whipping cannot be effectually tried until Congress shall prescribe some substitute. Whether this shall be by the adoption of the system recommended by the board of officers above referred to, providing that courts-martial may be ordered by each officer in command of a ship, and summarily held to determine guilt, and then graduating punishments as therein stated, as well as holding out rewards, or by some other and more approved method, is referred to the determination of Congress.

The buildings of the Naval Academy at Annapolis are in the course of completion, under the appropriations made at the last session of Congress, and the sloop-of-war Preble has been attached to the academy as a practice-ship for instruction in practical seamanship. After the examination in June, the pupils of the institution were embarked in this vessel and proceeded on a cruise to our northern boundary, and thence, touching at the principal ports of the United States, between Portland and the Capes of Virginia, returned in the latter part of September.

On a revision of the regulations, it was determined to make an important change in the plan of education heretofore approved. This consists in requiring a continued course of study of four years at the academy, without going to sea, except that the vacation of three months in each year is spent in a cruise in the practice-ship, the former course requiring two years at the academy, three at sea, and then two more at the academy. A class of fifty acting midshipmen was admitted in October last, and will constitute the first class to which this new system will apply. It is now believed that, for all the purposes of naval education, the academy affords advantages equal to those for military education at West Point, and under the efficient command of the present superintendent, Commander Stribbling, it is hoped that these advantages will be fully realized.

The report of a Board of Examiners, appointed, according to regulations, to superintend the examination of candidates for promotion and the general state of the academy, in October last, is herewith transmitted.

With great deference to the opinion of Congress, I again suggest that it is highly expedient and proper to allow the appointment of ten midshipmen, to be made "*at large*" by the President in analogy to the regulation respecting cadets in the Military Academy, over and above those apportioned among the Congressional districts.

The Naval Observatory and Hydrographical Office have been in active and vigorous operation during the year. A second volume of Astronomical Observations has been publised and already laid before you. The wind and current charts planned by Lieutenant Maury, the Superintendent of the Observatory, and prosecuted under his direction with much industry, are being extended to the Pacific and Indian oceans. This work is viewed with great interest and satisfaction by our sea-faring communities, and all those interested in the safe and speedy navigation of the ocean. It has materially shortened the passage along the highways by which our commerce passes into and through the southern hemisphere, bringing the ports of those distant parts of the world some ten days and some several weeks nearer to us than before. A letter from the Superintendent of the Observatory, which accompanies this communication, states the important fact, that vessels sailing from the Atlantic to the Pacific ports of the United States with the instructions afforded by these charts, make the voyage in forty days less, upon the average, than those sailing without them; and that there is reason to hope the time may be still further reduced.

The expedition for astronomical observations at Santiago de Chili appears, from the reports of Lieutenant Gilliss, to have been actively conducted and will probably be brought to a close in the latter part of the next year.

The Nautical Almanac, under the superintendence of Lieutenant Davis, is also in a satisfactory state of progress, and the first publication of the work may be expected to be made in the course of the next fiscal year.

The commission appointed to examine condensers for supplying the boilers of marine engines with fresh water has not yet completed its labors, as will appear from the letter of the commissioners hereto appended. It is, however, promised in this communication at an early day.

The further experiments of Professor Page on the application of electro-magnetism as a motive power in mechanics, will be found in his report, which is subjoined.

The last experiments of Professor Espy in meteorological observations, under the appropriations heretofore made, and his expectations in respect to the completion of his labors, are set forth in his letter, which is annexed.

My predecessor brought to the notice of Congress in his annual report, dated December 1, 1849, the contract of Mr. Robert L. Stevens, for building a war steamer to be shot and shell proof, which he considered to have been abandoned by the contractor, and no longer obligatory on the Department, unless reaffirmed by new legislation. Acting on this decision, I directed certain materials for this steamer which had been purchased with the means of the Government to be sold; but, at the request of Mr. Stevens, suspended the order until he should have further opportunity to submit his case to the decision of Congress; and it is therefore commended to early consideration.

The line of mail-steamers between New York and Liverpool continues to be highly successful in the speed of its voyages across the ocean; and the Postmaster General has notified this Department that he deemed it expedient to increase the service of this line to twenty-six trips in the year instead of twenty; in other words, to one trip every fortnight, at an increase of pay *pro rata* upon the present compensation. The subject will be by him presented to the consideration of Congress.

The number of steamers on this line, at this time, is four only, a fifth being stipulated for in the contract with the owners.

Under the provisions of an act of the last session of Congress to that effect, the officers of the Navy who had acted as watch officers on this line have been withdrawn from it with the consent of the contractors.

Since the last annual report from this Department, two steamers, the Ohio and the Illinois, have been inspected and received on the line between New York and Chagres. The mail service on this line is performed regularly in three steamers, built and completed according to contract, and a fourth, which was accepted for temporary service, the contract requiring five.

The Pacific Mail Steamship Company, owning the line between Panama and San Francisco and Astoria, have added to their line a new steamer called the "Golden Gate," making six in all, and have fulfilled their contract, in the number of vessels and the performance of service, to the date of the last settlements. According to the provisions of the act of Congress at the last session, in conjunction with the Postmaster General, I entered into a new contract with this company for a semi-monthly instead of a monthly service on this line, at seventy-five per centum per annum upon the old rate of compensation, and also allowed a compensation for semi-monthly service performed prior to the contract, according to the directions of the said act; the latter subject being left open for further consideration, upon the production of further evidence by the contractors.

I append the reports of the several heads of bureaus of this Department, and of the commandant of the Marine Corps, exhibiting the estimates for the support of the Navy and Marine Corps for the year ending the 30th day of June, 1853, together with an aggregate statement of the appropriations required for all objects under the control of this Department, presenting an aggregate of $8,540,693 08
From which deduct special objects.. 2,684,220 89

Leaving for the support of the Navy and Marine Corps $5,856,472 19
The amount estimated for this purpose last year being..... $5,900,621 00
The sum estimated for special objects last year was..... $2,210,980 00

And it will be seen that there is an excess in the present estimate, over and above that sum, of $473,240 89, which is occasioned by the addition of pay for increased service to the Pacific Mail Steamship Company, directed by the act of the last session of Congress; the completion of the dry-dock in California, and some additions, under the head of improvement in navy-yards, buildings, and machinery. To these must be added such amounts as may be appropriated for a pier or basin to be appended to the dock in California, and a navy-yard on that station, if Congress shall concur in the recommendation for that object.

I avail myself of this connection to repeat the recommendation contained in my last annual report, that the appropriations for the support of the Navy and Marine Corps be separated from those for permanent improvements in navy yards and objects of a fixed and local nature, and more particularly from those for the mail steam service and all other extraordinary objects.

The total amount drawn from the Treasury during the fiscal year ending the 30th of June, 1851, as shown by the statement of appropriations for the naval service, prepared by the Second Comptroller of the Treasury, is.....$10,318,031 98
From which deduct repayments.. 1,273,434 87

And there remains the sum of.... $9,044,597 11
as the total expenditure on all objects under the supervision of this Department.
Of this sum there was expended for special objects..... $3,158,817 91

Leaving as the true expenditure for the Navy and Marine Corps.... $5,885,779 20

The unexpended balances in the Treasury of the appropriations for the naval service, Marine Corps, and special objects under the control of the Navy Department, on the 30th of June, 1851, was $4,182,296 23, all of which will be required to meet outstanding obligations due on account of the objects for which these appropriations were made.

The recommendation of the Chief of the Bureau of Provisions and Clothing, that a bakery be established at the navy-yard in New York, for the preparation of bread for the use of the Navy, deserves the most favorable consideration. Under the contract system which now prevails it is impossible, by any inspection which can be adopted, to prevent imposition in this most essential of all articles of food. During the last two years a quantity of bread has been condemned as unfit for use, nearly equal in the amount of its cost to the value of such buildings and fixtures as will be required for this establishment.

I likewise invite attention to his proposition to exempt certain other articles of provisions from the operation of the law requiring supplies to be furnished on contract with the lowest bidder, and to vest in the Department a discretionary power to change the navy ration, in view of the scientific discoveries of the day, by which vegetables of various kinds may be prepared and preserved for any length of time at sea.

I respectfully advise the repeal of the act of the last session prohibiting commutation in money for stopped rations. The amounts which in this way passed into the hands of the seamen allowed the purchase of other articles of food than those embraced in the ration, and desirable if not essential to health and comfort. The prohibition in question was improvidently recommended and passed.

The recommendations of the Chief of the Bureau of Medicine and Surgery for the investment in productive stocks of the navy hospital fund, and for retiring from the list of effective surgeons all the officers of that corps who are permanently unfitted for duty, and supplying their places by new appointments, a provision required in every grade of the service, deserves early consideration and action.

The commandant of the Marine Corps, it will be observed, has asked for an appropriation to commence the rebuilding of barracks for that corps at the various stations, and the subject is commended to the consideration of Congress. If approved, estimates of the cost will be prepared and submitted in due season.

My experience in this Department induces me to recommend the establishment of an additional bureau, to be termed the Bureau of Orders and Discipline, to which shall be assigned the communication of orders and instructions touching naval service and discipline, and the receipt and preservation or distribution of returns and reports pertaining to the same, in analogy to the duties required of the Adjutant General's office in the Department of War. It would relieve the head of the Department from much labor which is merely clerical, belonging to routine duty, and insure important benefits to the service. With it should be connected the office of Judge Advocate General of the Navy, similar in its functions and duties to the Judge Advocate General of the Army. Such an officer, with proper professional qualifications, is highly essential to give accuracy, uniformity, and precision to the administration of justice and discipline, and has become almost indispensable, since the alteration of the law already mentioned, which has occasioned the necessity for the trial of so great a number of enlisted men by courts-martial. The proposed bureau could be organized, it is supposed, without any material addition to the expenditure now incurred in this branch of the service.

With the greatest respect, your obedient serv't,

WILL. A. GRAHAM,

Secretary of the Navy.

TO THE PRESIDENT.

Report of the Postmaster General.

POST OFFICE DEPARTMENT,
WASHINGTON, *November* 29, 1851.

SIR: At the close of the fiscal year ending on the 30th day of June last, there were in operation, within the United States, 6,170 mail routes; their aggregate length was 196,290 miles; and 5,544 contractors were employed thereon.

The annual transportation of the mails on those routes was 53,272,252 miles; the annual cost thereof $3,421,754; being about six cents four mills per mile.

Of these 53,272,252 miles of annual transportation, 8,568,707 miles are required to be performed upon railroads, at a cost of $985,019; being about eleven cents five mills per mile: 5,454,982 miles in steamboats, at a cost of $454,893; being about eight cents three mills per mile: 19,726,588 miles in coaches, at a cost of $1,047,150; being about five cents three mills per mile: and 19,521,975 miles in modes not specified, at a cost of $934,683; being about four cents eight mills per mile.

The mail service in California and Oregon had been so irregular in its performance, and so imperfectly reported, that it was not embraced in the last annual report from this Department, and it is not, therefore, included in the following statement of the general increase of transportation. The inland service at the close of the last fiscal year, (excluding that in California and Oregon,) when compared with the service at the close of the preceding year, as stated in my last annual report, shows an increase of 13,354 miles in the length of mail routes; of 6,162,855 in the number of miles of annual transportation; and of $547,110 in the annual cost of transportation.

Of such increase of transportation the railroad and steamboat service amounts to 3,220,635 miles, at an increased cost of $276,742; being an increase of about 30 3-10 per cent. in the transportation, and about 24 4-10 per cent. in aggregate cost: the coach service to 2,329,124 miles, at an increased cost of $232,872; being an increase of about 13 4-10 per cent. in transportation, and 29 4-10 per cent. in aggregate cost: and the transportation in modes of service not specified to 613,096 miles, at an increased cost of $37,496; being an increase of about 3 3-10 per cent. in transportation, and 4 7-10 per cent. in aggregate cost. To this increase has been added the service in California and Oregon, which is now first reported with sufficient accuracy to be carried into the annual statement.

The annual transportation in California at the close of the fiscal year was 537,476 miles, at an annual cost of $130,270. This service, when compared with that ascertained to have been in operation prior to the new contracts made under the general lettings of April last, shows an increase in the annual transportation of 103 7-10 per cent., and a decrease in annual aggregate cost of 7-9-10 per cent.

The present cost of transportation in steamboats in California is about twelve cents nine mills per mile; in coaches about twenty-one cents seven mills per mile; and in modes not specified about thirty-one cents three mills per mile; while the cost of similar service in the United States, excluding Oregon and the newly-acquired Territories, is, in steamboats, about eight cents per mile; in coaches about five cents and two mills per mile; and in modes not specified about four cents and three mills per mile. The prices now paid in California are believed to be moderate compared with the general prices upon the Pacific coast.

The annual transportation in Oregon at the close of the last fiscal year was (as near as can be ascertained) 30,498 miles, at an annual cost of $19,938, or about sixty-five cents and four mills per mile. The present annual transportation in Oregon was increased under the new contracts which went into operation on and after the first day of July last, to 66,960 miles, at an annual cost of $40,441; being an increase of 119 5-10 per cent. in transportation, and of 103 per cent. in aggregate cost. Of this service 6,240 miles is to be performed in steamboats at an annual cost of $10,000, under a contract made July 11, 1850, for the remainder of the usual contract term in that section, and of the residue 5,070 miles is to be performed in steamboats, at a cost of $7,448, and 55,650 miles in modes not specified, at a cost of $22,993, or about forty-one cents three mills per mile.

There were on the 30th day of June last six foreign mail routes, of the estimated aggregate length of 18,349 miles. The number of miles of annual transportation thereon is estimated at 615,206.

The service on three of these routes is under contracts with this Department. The annual transportation thereon is estimated at 190,592 miles, at a cost of $400,000, being about $2.09 9-10 per mile. The service on the other foreign routes is under contract with the Navy Department. The annual transportation thereon is estimated at 421,734 miles, at a cost of $1,023,250, being about $2.42 6-10 per mile.

The transportation of the California and Oregon mails across the Isthmus of Panama has hitherto been performed under treaty with New Granada. The annual cost of this transportation depending upon the weight of the mails, is uncertain. The cost for the last fiscal year was $48,937.

There should be added to the other cost of transportation, as above stated, the compensation of mail messengers and local and route agents, which, if continued as it stood at the close of the last fiscal year, will amount to $145,897 per annum.

The extent and annual cost of the entire mail service under the direction of this Department at the close of the fiscal year ending the 30th day of June last, as well as its division among the States and Territories, and the mode of its performance, will more fully appear by the annexed table, marked A.* [See page 23 for table.]

The number of postmasters appointed during the year ending June 30, 1851, is 5,339. Of these 2,649 were appointed to fill vacancies occasioned by resignations; 187 to fill vacancies occasioned by the decease of their predecessors; 206 on changing the sites of the offices for which they were appointed; 599 on the removal of the prior incumbents; and 1,698 on the establishment of new offices.

The whole number of post offices in the United States at the end of that year was 19,796. There were 1,698 post offices established, and 256 discontinued, during the year.

The following table shows, very nearly, the number of post offices in each State and Territory on the 30th day of June last, classified according to the compensation allowed to each postmaster, for the last fiscal year:

[For this table see foot of the column.]

This table does not embrace one hundred and ninety-two offices, from which no returns had been received during the year, a portion of which had been but recently established and are supposed not to have been in operation.

Considering the large number of persons employed in the several post offices, and in the transportation of the mails; the extent and complication of the routes; the numerous and various arrangements for separating and distributing the mail matter, and the inadequate compensation allowed to a large proportion of the persons employed in these services, there is perhaps more reason to be satisfied with the general accuracy and efficiency of the service than to complain of the mistakes, irregularities, and accidents which occasionally occur.

The gross receipts of the Department for the year ending June 30, 1851, were...$6,786,493 22

STATES.	$2,000.	$1,000 to $2,000.	$500 to $1,000.	$400 to $500.	$300 to $400.	$200 to $300.	$100 to $200.	$50 to $100.	$25 to $50.	Under $25.	Total.
Maine	1	6	13	5	21	9	62	146	171	234	668
New Hampshire	-	5	5	1	12	16	55	95	72	94	355
Vermont	-	3	10	5	7	27	77	104	87	62	382
Massachusetts	6	14	30	23	44	60	137	137	93	41	585
Rhode Island	-	4	3	1	-	2	17	15	22	10	74
Connecticut	1	6	11	8	21	39	65	69	74	45	339
New York	5	31	56	34	64	118	367	527	537	580	2,319
Delaware	1	-	-	1	4	3	8	9	12	22	60
New Jersey	1	5	7	4	6	12	35	79	95	150	394
Pennsylvania	3	13	30	19	24	66	163	303	418	751	1,790
Maryland and Dist. of Columbia	3	4	24	4	4	15	37	72	93	103	337
Virginia	2	8	9	12	13	28	92	171	303	658	1,296
North Carolina	-	3	5	7	6	15	28	65	96	560	785
South Carolina	1	2	9	2	5	13	18	31	118	285	484
Georgia	-	8	7	6	13	17	57	88	153	308	658
Florida	-	1	4	2	1	5	8	9	22	53	105
Alabama	1	3	10	7	8	7	49	101	123	271	580
Mississippi	-	5	6	4	9	17	46	74	90	302	553
Louisiana	1	-	8	2	8	6	25	35	36	97	218
Arkansas	-	1	1	4	3	6	12	37	53	211	328
Texas	-	1	4	2	7	5	33	33	47	178	310
Tennessee	1	2	11	4	5	16	43	82	127	469	760
Kentucky	-	6	12	6	8	16	58	85	116	362	669
Ohio	2	16	31	17	23	49	218	353	366	565	1,640
Michigan	-	3	14	3	11	13	48	69	112	272	544
Indiana	-	8	10	6	12	28	58	135	200	439	896
Illinois	1	7	15	7	21	45	84	145	203	498	1,026
Missouri	1	1	9	5	6	17	54	82	97	320	592
Wisconsin	-	4	9	2	10	18	32	87	84	231	477
Iowa	-	4	3	3	3	7	24	31	59	160	294
California	5	4	-	1	2		7	5	4	6	34
Utah	-	-	-	1	-	-	-	-	-	-	1
New Mexico	-	-	-	-	-	-	1	-	-	1	2
Nebraska	-	-	-	-	-	-	-	-	-	2	2
Minnesota	-	-	1	-	-	1	2	1	1	10	16
Oregon	-	1	2	-	-	1	2	4	2	19	31
	36	179	347	208	381	697	2,022	3,279	4,086	8,369	19,604

Derived from the following sources:

Letter postage, including foreign postage and stamps sold	$5,369,242 76
Postages on newspapers, pamphlets, &c.	1,035,130 89
Fines, (other than those imposed on contractors)	95 00
Receipts on account of dead letters	1,675 16
Collections of damages from failing contractors	340 00
Other miscellaneous receipts	4,120 52
The appropriation made by the act of May 23, 1850, for postages on the census blanks, returns, &c.	12,000 00
The annual appropriation made by the twelfth section of the act of 3d March, 1847, in compensation of mail services performed for the several Departments of the Government	200,000 00
The appropriation made by the eighth section of the act of 3d March, 1851, in further payment and compensation for the mail service performed for the two Houses of Congress, and the other Departments and officers of the Government in the transportation of free matter	163,888 89
	$6,786,493 22
From this sum must be deducted the amount received for British postages, payable to the British post office under the postal convention of December, 1848, as now stated by the Auditor	58,626 44
Leaving the gross revenue for the year	$6,727,866 78

For the purpose of comparing the revenues of the year with those of the preceding year, there should also be deducted the sum of $163,888 89—being the amount of additional appropriation under the act of March, 1851, and the census appropriation of $12,000 ..... $175,888 89

Leaving as the ordinary revenues of the year $6,551,977 89

This shows an increase of $999,006 41 over the proper revenues of the preceding year.

The sums received as the excess of the emoluments of postmasters, beyond the amounts they are by law allowed to retain, and the amounts collected from failing bidders and their guarantors, are not separately stated as a part of the revenues in the accounts of the Auditor. The Auditor states that the former are deducted from the amount paid for the "compensation of postmasters" and "clerks for offices;" that so much of the latter as was collected in money is credited under the head of "Other miscellaneous receipts," and the residue, which was deducted from the amount due to such failing bidders for transportation service was deducted from, and lessens to that extent, the expenditures under the head of "Transportation of the mails." The Auditor has been requested to change the manner of keeping these accounts, and future reports will doubtless show the amount of revenues derived from these sources respectively.

The receipts from postages, American and foreign, for the last fiscal year exceeded those of the preceding year $909,223 85—being an increase of about 16½ per cent.

If the balances accruing to the British post office during both years are excluded, (as they must be to show the true increase of our own postages,) the increase will be $997,610 79, or more than 18 65-100ths per cent.

Excluding these balances, the receipts of the first three quarters of the year exceeded those of the corresponding quarters of the preceding year about 20⅓ per cent., but the postages for the last quarter fell off, and exceeded those of the corresponding quarter of the preceding year only about 14 per cent.; so that the increase for the year was only about 18 65-100ths per cent., as before stated.

The reduction during the last quarter of the fiscal year is mostly attributable to its near approach to the period when the rates of postage prescribed by the act of the 3d of March last were to go into operation, and the consequent delay in correspondence until it could be carried on at a cheaper rate. A similar reduction was observed upon the adoption of the reduced rates under the act of 1845. The practical extension of the franking privilege to the Senators and Representatives elected to the present Congress after the commencement of that quarter also aided slightly in producing this reduction. During the last spring a Senator and Representative elected to the present Congress claimed the full privilege of franking under the provisions of the acts of 1845 and 1847. The practice of the Department had been adverse to the claim, and having some doubts in regard to the construction of the statutes under which the right was claimed, the opinion of the law officer of the Government was asked. His opinion was in favor of the right claimed, and it was therefore acknowledged, and notice of the decision communicated.

By the previous practice of the Department, the full franking privilege of members of Congress was deemed to commence only thirty days prior to the commencement of the first session of Congress held during their term of office. It is, perhaps, worthy of remark, that during the past summer five persons have been entitled to the franking privilege as Senators and ex-Senators in Congress from a single State; four from another; and three from several of the other States; and that a Representative and a late Representative in more than half the districts have also been entitled to such privilege.

The expenditures during the year were as follow:

For transportation of the mails	$3,538,063 54
For ship, steamboat, and way letters	34,581 50
For compensation to postmasters	1,781,686 34
For wrapping paper	32,353 15

N. K. HALL, *Postmaster General.*

*TABLE A.—*Table of Mail Service for the year ending 30th June, 1851, as exhibited by the state of the arrangements at the close of the Year.**

States.	Length of Routes.	Annual transportation and rate of cost. Mode not specified.	In	ach.	In Steamboat.	By Railroad.	Total annual transportation by mode not specified.	Total annual transportation by Coach.	Total annual transportation by Steamboat.	Total annual transportation by Railroad.	Total annual transportation.	Total annual rate of cost.
	Miles.	*Dollars.*	*Miles.*	*Dollars.*	*Miles.*	*Dollars.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Dollars.*
Maine	4,470	12,276	2,405	25,029	-	198	381,978	972,712	-	177,528	1,532,218	52,685
New Hampshire	1,976	5,338	1,990	6,599	30	240	180,232	359,944	7,800	212,160	760,136	30,277
Vermont	2,554	8,075	1,295	12,480	-	415	237,190	513,240	-	275,668	986,028	52,817
Massachusetts	3,115	14,218	831	15,908	265	1,056	388,856	467,688	165,360	1,218,312	2,240,216	135,239
Rhode Island	422	2,173	111	1,571	-	94	8,612	63,024	-	86,112	157,911	1,578
Connecticut	1,879	8,529	622	11,178	30	544	46,471	244,384	30	532,944	1,063,878	66,328
New York	14,976	55,921	5,792	90,569	1,145	1,496	176,175	1,532,413	776,534	2,177,604	4,383,126	392,765
New Jersey	2,544	8,898	1,164	14,581	98	217	36,972	313,872	14,560	964,368	1,074,216	60,751
Pennsylvania	12,523	50,704	8,039	64,181	-	586	57,965	481,416	-	561,990	3,710,912	172,800
Delaware	545	3,424	325	5,856	-	-	†	1,848,870	-	-	181,896	9,280
Maryland	2,542	14,900	1,571	24,983	-	416	113,450	96,304	-	601,224	1,350,483	153,333
Ohio	12,645	45,743	7,934	91,145	724	556	76,799	406,120	299,260	516,984	3,881,703	298,191
Virginia	12,345	62,935	9,517	32,800	610	327	52,507	1,861,683	321,919	283,961	2,671,070	175,086
North Carolina	7,963	34,825	5,918	33,904	293	247	46,700	573,736	162,864	179,816	1,706,744	154,929
South Carolina	4,931	32,314	3,872	15,973	160	328	45,366	517,504	240,828	230,828	1,135,544	108,555
Georgia	7,863	42,540	5,289	15,490	1,158	668	80,376	209,040	116,480	470,152	1,753,842	150,066
Florida	2,042	17,189	536	10,457	280	23	630	333,944	157,664	7,176	399,024	32,366
Michigan	5,252	11,891	1,442	21,223	653	343	34,482	145,912	99,520	142,688	1,381,711	77,965
Indiana	8,479	40,761	1,549	36,973	-	159	10,650	341,165	1,016,304	304,720	1,769,844	98,284
Illinois	11,368	33,302	4,525	117,307	145	105	6,344	591,138	828,156	99,216	1,764,653	164,653
Wisconsin	4,619	16,515	1,537	22,780	50	-	-	652,224	1,770,060	65,520	2,724,056	164,104
Iowa	3,093	11,732	1,063	16,223	-	-	-	580,892	60,320	-	910,638	40,104
Missouri	12,127	38,999	3,493	72,127	1,456	-	-	407,472	10,400	-	710,736	27,955
Minnesota Territory	669	678	55	259	270	-	-	538,364	-	-	2,362,268	131,406
Kentucky	9,466	34,252	1,738	47,224	2,240	55	1,535	915,460	908,544	-	69,992	1,578
Tennessee	8,227	31,213	1,942	42,666	368	-	-	29,640	32,760	-	3,052,365	157,911
Alabama	7,451	45,388	1,374	67,568	91	121	17,443	893,070	1,242,791	40,040	1,694,544	81,879
Mississippi	4,693	41,693	908	33,014	484	59	5,950	892,704	101,712	-	1,783,476	142,624
Arkansas	6,144	31,010	391	18,382	950	-	-	933,244	60,320	83,616	1,783,476	93,072
Louisiana	2,515	26,754	467	18,664	933	2	150	744,952	34,320	247,520	1,340,976	68,392
Texas	8,748	52,360	979	38,854	1,170	-	-	314,184	207,504	-	949,336	84,765
								121,992	293,152	1,248	791,000	172,800
								619,840	130,000	-	1,110,960	123,214
								352,560				
								772,052				
Total	192,096	121,357	48,771	1,025,874	13,648	8,255	985,019	19,213,793	5,288,592	8,568,707	52,704,278	3,271,536
California	3,729	3,246	223	18,785	260	-	-	288,604	182,240	-	537,476	130,280
Oregon Territory	535	360	45	2,500	130	-	-	19,578	6,240	-	30,498	19,938
Route and Local Agents and Mail Messengers	-	-	60	¶48,937	-	-	-	4,680	-	-	-	145,897
Foreign Mails	7,749				7,689	-	2,880	-	-	-	193,472	448,937
	204,039	125,023	49,039	1,047,159	21,792	8,255	985,019	19,726,588	5,645,574	8,568,707	53,465,734	4,016,588
		983,620			854,893		19,624,855					

*The entire service and pay are set down to the State under which it is numbered, though extending into other States, instead of being divided among the States in which each portion of it lies. †The Baltimore, Wilmington, and Philadelphia Railroad is under a Maryland number. ‡This embraces the steamboat service from St. Louis to New Orleans. §This embraces the steamboat service from Louisville to Cincinnati and from Louisville to New Orleans. ||This includes the route from New Orleans to Mobile. ¶This is for service from Panama to Chagres performed by the New Granadian Government under treaty, at a stipulated price per trip, according to the weight of the mail, and which varies from year to year. The sum stated, $48,937, is the amount paid the last fiscal year.

POST OFFICE DEPARTMENT, *November* 24, 1851.

For office furniture		$4,978 64
For advertising		75,070 22
For mail bags		40,855 46
For blanks		35,588 42
For mail locks, keys, and stamps		7,964 54
For mail depredations and special agents		37,193 71
For clerks for offices (of postmasters)		359,098 45
For miscellaneous payments		85,626 74
For lists of post offices, and post office laws and regulations		11,474 86
For repayment of money found in dead letters		32 71
For postage stamps		34 00
For maps of mail routes, &c.		564 00
For payment of balances due to the British post office prior to the commencement of the fiscal year ending June 30, 1851		187,115 05
For payment of balance due to the British post office for the first two quarters of that year		46,120 35
		$6,278,401 68
To find the proper expenses of the year there should be deducted from this sum of $6,278,401 68 the amount paid the British post office for postages collected	$233,235 40	
And also the amount paid Jno. D. Colmesniel, Pres., &c., for transportation of the mails on the Ohio and Mississippi rivers in 1832 and 1833, under an award made by the Auditor, in pursuance of a joint resolution of Congress, approved February, 27, 1851	20,599 49	
		$253,834 89
Leaving as the amount of ordinary expenditures of the year		$6,024,566 79
This amount being deducted from that of the gross revenue of the year, as before stated, leaves as the balance of revenue over the ordinary expenditure		703,299 99

In connection with the foregoing statements of the operations, revenues, and expenditures of this Department for the last year, it may not be improper, at the conclusion of a half century, to refer briefly to its origin, history, and progress.

As early as 1677, upon the petition of several merchants of Boston, (Massachusetts,) Mr. John Hayward, scrivener, was appointed by the court "to take in and convey letters according to their direction."

This was probably the first post office and mail service authorized in America. Local and imperfect arrangements for the conveyance of mails were afterwards made, at different periods, in several of the colonies, until 1710, when the British Parliament passed an act authorizing the British Postmaster General "to keep one chief letter office in New York, and other chief letter offices in each of her Majesty's provinces or colonies in America." Deputy Postmasters General for North America were subsequently and from time to time appointed by the Postmaster General in England, and Dr. Benjamin Franklin was so appointed in 1755. He was removed in 17774.

On the 26th of July, 1775, the Continental Congress determined "that a Postmaster General be appointed for the United Colonies," and to allow him "a salary of one thousand dollars per annum for himself and three hundred and forty dollars per annum for a secretary and comptroller." On proceeding to the election of Postmaster General, "Benjamin Franklin, Esq., was unanimously chosen."

The articles of Confederation of 1778 gave to the United States in Congress assembled "the sole and exclusive right and power of establishing and regulating post offices, *from one State to another*, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of an office." The little progress made during the period of the Confederation shows that this power was too limited to be useful, and when the increase of the mail service before the adoption of the Constitution of the United States is compared with its subsequent extension, one cannot fail to perceive that the prosperity, efficiency, and value of this Department are chiefly to be ascribed to the National Government founded under the Constitution of the Union.

The first Congress assembled under our present Constitution passed "An act for the temporary establishment of a post office," approved September 22, 1789. This act directed the appointment of a Postmaster General, and was to continue in force until the end of the next session of Congress. Under its provisions Samuel Osgood, of Massachusetts, was appointed by President Washington Postmaster General of the United States; and this was the first appointment to that office. Thirteen other persons have since been appointed. Of these there were appointed from Kentucky three; from Connecticut, Ohio, and New York two each; and from Pennsylvania, Georgia, Tennessee, and Vermont, one each.

The earliest reliable statistics of the General Post Office are those for the year 1790, when the number of post offices was seventy-five; the extent of post routes 1,875 miles; and the revenues of the Department $37,935. The subsequent progress of the Post Office Department can be traced in the tables hereto annexed, marked B and C.* [See next page for these tables.]

In connection with this brief reference to the progress of the Department, it may not be improper to state that there are in the possession of the Department materials for an interesting history of the origin and progress of our post-office system, and that it is intended, if time can be found to complete the arrangement of them, to present these materials to the present Congress in such form as will perhaps induce their preservation.

The cost of transportation has been much increased within the last two years. The new contracts, made under the letting for the Northwestern and Southwestern sections, (embracing the States of Michigan, Indiana, Illinois, Wisconsin, Iowa, Missouri, Kentucky, Tennessee, Alabama, Mississppi, Arkansas, Louisiana, and Texas, and the Territory of Minnesota, which letting took place in April 1850,) increased the annual cost of transportation from the 1st day of July 1850, about $236,000; and the subsequent failure of bidders and contractors, together with the new arrangements usually consequent upon the change of service which follows a letting, added largely to the increased cost of this service. The rates of such increase were about 10 4-5ths per cent. in service and 25 per cent. in aggregate cost. Much of this increase is doubtless attributable to the unusual scarcity and high prices of the coarse grains in that section during the year 1850.

The new contracts for the Southern section, (embracing the States of Virginia, North Carolina, South Carolina, Georgia, and Florida,) which were made under the lettings in April last, show an increase (up to the 30th day of September) of 947,707 miles of annual transportation and of $61,941 in the annual cost, over the transportation and cost under the contracts which expired with the 30th day of June, 1851; being an increase of about 12 36-100 per cent. in service and 9 97-100 per cent. in aggregate cost.

The opening and extension of the New York and Erie Railroad; of the railroad from Cleveland to Columbus, and of other railroads in the different sections of the Union; the establishment of two daily lines carrying the mail from Baltimore, by the way of Cumberland, Wheeling, and Columbus, to Cincinnati; the increase of mail facilities on the routes leading from the Atlantic cities to important points in the West; the greatly-increased mail facilities on the Ohio and Mississippi rivers, and in almost every section of the Union, have added, and similar improvements will continue to add, largely to the extent and consequent expense of our mail transportation. The placing of the steamers "Franklin" and "Humboldt" on the New York and Havre line has also added $150,000 per annum to the cost of the foreign mail service, chargeable upon the revenues of this Department.

Until the passage of the act of March 3, 1851, the increase in the cost of transportation, occasioned by the increase and extension of the service, had been almost entirely within the discretion of the head of this Department. That act declares that "no post office now in existence shall be discontinued, nor shall the mail service on any mail route in any of the States or Territories be discontinued or diminished, in consequence of any diminution of the revenues that may result from this act; and it shall be the duty of the Postmaster General to establish new post-offices, and place the mail service on any new mail route established, or that may hereafter be established, in the same manner as though this act had not passed." And there having been a large surplus to the credit of the revenues of the Department at the time of the passage of the act, it would seem to have been the intention of Congress that the Postmaster General should continue and increase the service to the same extent as if the old rates of postage and a large annual increase in the revenues had continued. By adopting this rule the expenditures of the Department for the transportation of the mails must be increased from ten to fifteen per cent. per year, if the wants and interests of the country require it, unless some other rule for the government of the Department be sanctioned by Congress.

The other expenses of the Department (the principal items of which are the compensation of postmasters and their clerks) necessarily increase at nearly the same rate as the business of the Department and its receipts for postage when no change occurs in the rates of postage. The usual compensation of postmasters, being a commission calculated at certain rates *per cent.* upon the postages collected at their offices, increases in nearly the same proportion as the revenue. Since 1846 the average increase in postages and in the business of this Department has been about thirteen per cent. per year. During the present fiscal year the receipts from postages may not exceed two thirds the amount received last year, while the labors of postmasters are likely to be increased from fifteen to thirty per cent. in consequence of the increase of the number of letters and of other mailable matter, under the reduced rates of postage, and the free delivery of newspapers in the counties of their publication, as provided by the act of March 3, 1851.

By the sixth section of that act the Postmaster General was authorized, in his discretion, to increase the commissions to postmasters in certain cases. It was desirable that this authority should not be exercised until the accounts for the last quarter were so far adjusted and settled as to enable the Department to make some reliable estimate of the amount to be derived from postages in the present fiscal year. But the anxiety of postmasters and the desire of the Auditor to fix the amount of commissions allowable to each postmaster at the time of settling his accounts for the quarter, seemed to render it expedient to fix the rate of allowance before the settlement of those accounts—especially as such settlement could not be completed in less than three months after the expiration of the quarter.

An order was therefore made on the 29th day of October last, of which the following is a copy:

"*Increased Commissions to Postmasters.*"

Numerous applications having been made to this Department for the allowance of increased commissions to postmasters, authorized under certain conditions by the sixth section of "An act to reduce and modify the rates of postage in the United States and for other purposes," approved March 3, 1851, and it having been clearly shown that in most cases the labors of postmasters have been increased and their commissions reduced by the operation of said act—

It is ordered, That whenever the Auditor of the Treasury for the Post Office Department shall have satisfactory proof, by affidavit or otherwise, that the labors of any postmaster have been increased and his commissions reduced, as provided for by said act, he shall allow and credit such postmaster with commissions according to the following rules, to wit:

1st. Where the commissions of such postmaster for the fiscal year ending 30th June, 1851, did not exceed fifty dollars, *the same amount of commissions allowed for that year, with twenty per cent. added thereto*, shall be allowed and credited to the postmaster for the fiscal year ending June 30, 1852.

2d. Where the commissions of such postmaster for the fiscal year ending 30th June, 1851, exceeded fifty dollars, and did not exceed one hundred dollars, *the same amount of commissions allowed for that year, with fifteen per cent. added thereto*, shall be allowed and credited to the postmaster for the fiscal year ending 30th June, 1852.

3d. Where the commissions of such postmaster for the fiscal year ending 30th June, 1851, exceeded one hundred, and did not exceed five hundred dollars, *the same amount of commissions allowed for that year, with twelve and a half per cent. added thereto*, shall be allowed and credited to the postmaster for the fiscal year ending 30th June, 1852.

4th. Where the commissions of such postmaster for the fiscal year ending 30th June, 1851, exceeded five hundred dollars, *the same amount of commissions allowed for that year, with ten per cent. added thereto*, shall be allowed and credited to the postmaster for the year ending 30th June, 1852.

Provided, always, That the commissions to be allowed at any post office (other than a distributing office) shall not exceed the postages collected at such office during the period for which such allowance is made: *Provided, also*, That a special application for a further allowance to any distributing office may be made whenever the Auditor shall certify that the commissions authorized to be allowed under this order are insufficient to pay the actual and necessary expenses of such office, including the compensation of the postmaster: *And provided, further*, That there shall not be allowed at any office where the compensation of the postmaster is by law limited to a fixed salary or compensation, any greater sum than shall be required to pay such salary or compensation, and the actual and necessary expenses of his office.

The rate of allowance after the present fiscal year is reserved for future consideration, and will be determined upon after the accounts for the first three quarters of the present fiscal year have been adjusted by the Auditor.

It is, of course, in the power of Congress to abrogate this order, and fix by law a different rate of compensation. It was intended to make the allowance as liberal as the revenues of the Department would justify, but it is believed that the increase of compensation, under this order, will not be commensurate with the required increase of labor; and that, at the old rates of compensation, postmasters rendered more service in proportion to the remuneration allowed them than the officers of any other department of the Government. It is believed, too, to be politic as well as just to pay a fair compensation to postmasters, that they may cheerfully and zealously coöperate in rendering successful the perhaps hazardous experiment of adopting in this comparatively new country, a large portion of which is but sparsely populated, rates of postage which, considering the expense of transportation, the area traversed by our mail routes, and the numerous points of delivery, give us beyond all question the cheapest postage in the world.

The expenditures for the present fiscal year are estimated as follows:

The annual cost of transportation, (foreign and inland,) as authorized and under contracts at the close of the last fiscal year	$4,016,588 00
Additional cost in the Southern section, under new contracts, which went into effect July 1, 1851	61,941 00
Cost of service ordered, and of new routes let, during the quarter ending 30th September	80,624 00
Increased cost of transportation, under orders of the Postmaster General, for the improvement and extension of mail service, and the increased expedition of the great mails	120,000 00
Cost of new routes let during the present quarter, and probable cost of putting in operation the new routes established by Congress at the last session, and now under advertisement	29,328 00
Expenses equal to those of the last year, under the heads of compensation to postmasters, wrapping paper, office furniture, advertising, mail-bags, blanks, mail-locks, keys and stamps, mail depradations and special agents, clerks for offices, (of postmasters,) and miscellaneous items, with 12½ per cent. added, (such expenses necessarily increasing with the increase of mail matter transported	2,767,967 63
Amount added to the usual annual cost of mail-locks and keys, by changing the same	25,000 00
Cost of publishing laws and regulations and list of post offices	10,000 00
Cost of postage stamps	12,000 00
Total estimated expenditures for the current year	$7,123,448 63

These expenditures are to be met by the balances now standing to the credit of the Deparment, the receipts from postages, and the appropriations made by the acts of the 3d of March, 1847, and the 3d of March, 1851.

These will be more than sufficient to meet the

*TABLE B.—*Statement of the number of Post Offices and length of Post Roads in the United States, the annual amount paid for Mail Transportation, and of Receipts and Expenditures of the Post Office Department at periods of five years from 1790 to 1835 inclusive.*

Years.	Number of Post Offices.	Length of Post Roads.	Paid for transportation	Receipts.	Expenditures.
1790	75	1,875	$22,081 00	$37,935 00	$32,140 00
1795	453	13,207	75,359 00	160,620 00	117,893 00
1800	903	20,817	128,644 00	280,804 00	213,994 00
1805	1,558	31,076	239,635 00	421,373 00	377,367 00
1810	2,300	36,406	327,966 00	551,684 00	495,969 00
1815	3,000	43,748	487,779 00	1,043,065 00	748,121 00
1820	4,500	72,492	782,425 00	1,111,927 00	1,160,926 00
1825	5,677	94,052	785,646 00	1,306,525 00	1,229,043 00
1830	8,450	115,176	1,272,156 00	1,919,300 00	1,959,109 00
1835	10,770	112,774	1,583,222 00	3,152,376 00	2,585,108 00

POST OFFICE DEPARTMENT, *November* 28, 1851

J. MARRON, *Third Assistant Postmaster General.*

*TABLE C.—*Statement of the number of Post Offices, the length of Mail Routes, and extent of Mail Transportation in the United States, and of the Amount of Receipts and Expenditures of the Post Office Department, under appropriate heads, in each year, from 1840 to 1851, inclusive.*

Years	No. of Post Offices.	Length of Post Roads.	MILES OF ANNUAL TRANSPORTATION.		RECEIPTS.				EXPENDITURES.			
			Railroad and Steamboat.	Other modes of conveyance.	Letter postage.	Newspapers and pamphlets.	All other receipts.	Total of receipts.	Paid for transportation.	Compensation to postmasters.	All other expenses.	Total of expenditures.
1840	13,468	155,739	3,889,053	33,481,723	$4,003,776 07	$535,229 61	$4,516 24	$4,543,521 92	$3,913,042 61	$1,029,447 90	$475,745 13	$4,718,235 64
1841	13,778	155,096	3,946,450	31,050,075	3,812,738 61	588,245 46	96,742 20	4,497,726 27	3,034,813 91	1,021,379 22	443,334 48	4,499,527 61
1842	13,733	149,732	4,424,263	30,411,729	3,953,315 20	579,285 25	[h]503,966 20	5,029,506 65	4,192,196 06	1,041,535 15	441,020 55	5,674,751 76
1843	13,814	142,295	5,692,403	29,580,403	3,738,307 54	543,977 39	14,640 50	4,296,925 43	2,989,513 47	995,009 57	397,231 67	4,374,753 71
1844	14,103	144,687	5,747,355	29,662,969	3,676,161 53	548,743 83	[i]11,362 47	4,237,267 83	2,912,946 78	988,230 20	395,335 72	4,296,512 70
1845	14,183	143,940	6,484,592	29,149,677	3,660,231 38	608,765 32	[i]170,845 20	4,439,841 80	2,698,630 48	1,033,113 06	388,989 45	4,390,731 99
1846	14,601	149,679	7,781,898	29,616,670	[a]2,891,697 74	[f]659,149 49	[j]645,949 74	4,089,059 97	2,597,454 66	1,049,079 74	444,798 02	4,084,332 42
1847	15,146	153,818	8,084,928	30,902,977	[b]3,198,957 43	[g]643,160 59	[k]171,339 12	4,013,447 14	2,476,455 68	1,060,228 19	434,591 25	3,971,275 12
1848	16,159	163,908	8,713,200	32,399,379	3,340,304 10	767,334 85	53,438 90	4,161,077 85	2,545,232 12	1,254,345 65	527,272 50	4,326,850 27
1849	16,747	167,703	8,945,153	33,598,916	[c]3,882,762 62	819,016 20	3,397 46	4,705,176 28	2,577,407 71	1,330,991 34	580,720 08	4,479,049 13
1850	18,417	178,672	10,634,574	35,906,849	[d]4,575,663 86	919,485 94	4,835 06	5,499,984 86	2,965,786 38	1,549,376 19	697,790 88	5,212,953 43
1851	19,796	192,026	13,855,209	36,849,069	[e]5,369,242 76	1,035,130 89	6,230 68	6,410,604 33	3,538,063 54	1,781,686 34	958,651 80	16,278,401 68

(a) Including $210,965 28 received for letter postages of the Government.
(b) Including $163,505 48 received for letter postages of the Government.
(c) Including $85,611 22 of British postages.
(d) Including $147,063 32 of British postages.
(e) Including $58,626 44 of British postages.
(f) Including $22,069 81 received for newspaper and pamphlet postages of the Government.
(g) Including $20,942 59 received for newspaper and pamphlet postages of the Government.
(h) Including $482,657 drawn from the Treasury under the act approved 9th September, 1841.
(i) Including $150,000 drawn from the Treasury under the 21st section of the act of 3d March, 1845.
(j) Including $600,000 drawn from the Treasury under section 21 of the act of March 3, 1845.
(k) Including $125,000 drawn from the Treasury under the 2d section of the act of the 19th June, 1846.
(l) Including $233,225 40 paid for British postages.

POST OFFICE DEPARTMENT, *November* 28, 1851.

J. MARRON, *Third Assistant Postmaster General.*

expenses of the current fiscal year, but further aid from the Treasury will be required for those of the succeeding year.

The accounts of postmasters for the two first quarters, under the act of March last, will not be settled by the Auditor, and the aggregate of their receipts, reported before April or May next. Until the accounts for two quarters, at least, are settled, no reliable estimate of the revenues of the current year can be made. It is believed, however, that the whole amount which it will be necessary to draw from the Treasury, in aid of the revenues derived from postages, will not much exceed for the two years ending June 30, 1853, that which would be collected upon matter now free, if such matter were charged with the ordinary rates of postage.

A carefully prepared report from William A. Bradley, Esq., postmaster of this city, and which is hereto annexed, estimates that the free letters and other free matter sent from and received at his office for the two years ending on the first day of July last, if chargeable with postage at the rates then in force, would have yielded the amount of $4,240,820, in addition to the actual revenue of this Department, and that if charged with postage at the present rates, the amount would have been $1,795,920.

It will be remembered that this does not include the free letters and other free matter sent from or received at other offices, and that during these years (between the years in which there is a Presidential election) the free matter sent from the Washington post office is much less than in the year when that election occurs. Nor does it include the free circulation of weekly newspapers in the counties of their publication, nor the free circulation of newspapers, magazines, and other periodicals by way of exchange between publishers. If all the free matter now carried in the mails were now charged with postage, even at the present rates, from one million to two millions of dollars would be added annually to our receipts from postages.

In my last annual report I recommended certain reduced rates of postage, under the operation of which, it was foreseen, a large deficiency of revenue for a few years would occur. It was supposed that if those rates were adopted, the accumulated surplus to the credit of the revenues of the Department, and an annual appropriation from the Treasury, equal to the postage, at the usual rates, upon the matter then free, would be required to meet this deficiency, and would be nearly or quite sufficient for that purpose. My recommendation was, however, only partially adopted by Congress in the passage of the act of March 3, 1851.

The rate recommended for ordinary inland letter postage was adopted, but six cents when prepaid and ten when unpaid was made the single rate of letter postage to California and Oregon, instead of twenty cents, as recommended. The rates of postage on most printed matter was reduced much below the rates recommended; weekly papers were allowed to circulate free of postage in the counties of their publication; and the free exchange of newspapers, periodicals, &c., was greatly increased.

The reduction in the rates to California and Oregon will greatly diminish the revenues from that source. A statement of the Auditor shows that the number of letters received and sent by the New York, New Orleans, and Chagres line during the month of September, 1850, was 112,085, and the postage thereon $44,385 60; and that the number of letters received and sent by the same line during the month of September, 1851, was 118,934, and the postage thereon under the reduced rates; only $12,854 81.

It was supposed that the reduced rates of postage on printed matter recommended in my report would diminish the revenue from that source about two hundred thousand dollars per annum. The rates adopted, with the free circulation of weekly newspapers within the counties where published, and the very great extension of the privilege of free exchange between publishers, will, it is believed, diminish that revenue at least five hundred thousand dollars per annum, unless the quantity of such matter be increased more than is now anticipated.

Notwithstanding this diminution beyond that which would have resulted from the adoption of the rates recommended, no change in the present rates of letter postage is deemed advisable.

It was recommended in my last annual report that uniform inland rates, without regard to distance, should be established on newspapers and other printed matter. It was immediately urged that the postage recommended would be unequal and unjust, and that a newspaper carried fifty miles only should not be charged with the same postage as one carried twenty-five hundred miles. The force of this objection was felt by this Department and by Congress, and the experiment of numerous rates, graduated according to distance, has been tried. From the results of this experiment, I am satisfied that there should not be more than two, or at most three, different rates of inland postage on newspapers sent to actual and bona fide subscribers; and that those on periodicals and other printed matter, including transient newspapers, should be reduced in number and more nearly assimilated to the ordinary newspaper rates. It is difficult to assign a sufficient reason for charging upon such periodicals as the reviews, the numerous magazines, and theological, medical, and law journals, more than three times the amount of postage charged for the same distance on an equal weight of newspapers. Such periodicals are less ephemeral than the ordinary newspapers, and certainly not less beneficial in their influence. The same rates of postage, according to their weight, would be just and equitable, would simplify the accounts of the Department, and relieve it from the perplexing and often invidious duty of discriminating between different publications, and declaring one a newspaper and another *not* a newspaper, in cases where little difference can be perceived, and where the changed character of the next number of both might render it proper, in respect to such numbers, to reverse both decisions.

The rates of postage on all printed matter can be rendered more uniform and less complex by the adoption of suitable rates, without diminishing, very materially, the revenue. Whenever newspapers and periodicals can be sent otherwise than in the mails, at a cost less than the postage established by law, such cheaper modes of conveyance are generally adopted. For this reason, if graduated rates be established, they may be comparatively high for short distances, where the means of conveyance are cheap and rapid, without being oppressive or seriously objectionable.

There is a disposition manifested in certain quarters to urge a further reduction in our inland rates of letter postage, before the results of the last reduction are properly ascertained.

Those who take the position that the people of this country should not rest satisfied with any reduction of postage until it be made as cheap as that of Great Britain, seem to forget that our rates of postage are now, in fact, comparatively much cheaper than those of Great Britain; and that the condition of the two countries, in regard to nearly everything which should influence the rates of postage, is widely different.

The United Kingdom of Great Britain and Ireland has an area of about 120,000 square miles, and a population of about twenty-eight millions; while the area of the inhabited portions of the United States may be estimated at more than 1,100,000 square miles, with a population of twenty-four millions.

The results of the cheap postage system in Great Britain, and of reduced rates of postage in this country under the act of 1845, are continually referred to as evidence that this Department can sustain itself with a letter postage of two cents the single rate; but these results, when carefully considered, admonish us not to attempt a further reduction until justified by our revenues. Some of these results will be stated.

In the year ending January 5, 1839, being the year previous to the adoption in Great Britain on the 5th of December, 1839, of the four-penny rate, (followed January 10, 1840, by the penny-rate on prepaid letters, and the two-penny rate on unpaid letters,) the gross revenue from postages in the United Kingdom was.....£2,390,763 10*s.* 1½*d.*
And the expenditures..... 756,999 7 4

Leaving a net revenue of....£1,633,764 2*s.* 9½*d.*

In 1850 the gross revenue was only.....£2,165,349 17*s.* 9½*d.*
While the expenditures were. 1,324,562 16 10

Leaving a net revenue of.... £840,787 0*s.* 11½*d.*

Again, the gross revenue for the eight years, from 1832 to 1839, both inclusive, was £18,245,587 12*s.* 1½*d.*, and for the eight years next succeeding the reduction, only £13,843,955 6*s.* 8½*d.*, although the franking privilege was abolished on the adoption of the penny postage, and the Government paid postage at the ordinary rates. The postage paid by the Government in 1847 amounted to £163,855 1*s.* 7*d.*

Our rates of postage on newspapers, pamphlets, &c., were not materially changed by the act of 1845, but the letter postage was reduced about 53 per cent., as was then estimated in the Department.

The receipts from letter postage for the year preceding the reduction, were $3,660,231, and for the succeeding year only $2,881,607; being a reduction of about 24 per cent. The letter postage for the nine years next preceding the reduction was $34,271,936 09, being an average of $3,807,992 89 per year; and for the five years next succeeding the reductions, the letter postage was $17,696,710 71, or $3,539,342 14 per year. The increase from 1845 to 1850, in the postage of newspapers, pamphlets, &c., (which had not been reduced,) was $426,365 67, or about 70 per cent.

It is true that the expenditures of the Department for the ten years prior to the reduction of 1845, exceeded its revenues, and that its revenues for the last five years have exceeded its expenditures; but before the act of 1845 the Department received nothing for the free matter of Congress and the Departments. Since 1845 the Department has received $1,458,187 60 from the Treasury, which sum has been included in the statement of its revenues; and also the further sum of $725,000 appropriated by Congress to meet the deficiency in its revenue which followed the act of 1845. The aggregate amount of these sums exceeds by about $775,000 the available balances to the credit of the revenues of the Department on the 30th of June last. It should also be remembered, that by a provision of the act of 1845, the Postmaster General was required to accept the lowest bid which, in his judgment, secured the requisite certainty, security, and celerity in the transportation of the mail, and that under this rule, the cost of transportation was reduced from $2,905,504 in 1845, to $2,577,407 in 1849; although the extent of our mail routes was increased during that period from 143,940 to 167,703 miles. The contracts for mail transportation are made for four years, and one of the four contract sections is let each year. The whole service had, consequently, in July, 1848, undergone the process of reduction under the act of 1845, and the annual cost of transportation has from that time been steadily and necessarily increased. It will, therefore, be seen that the reduction of postage in 1845 was accompanied by a great reduction of the cost of transportation, while no such reduction can follow the act of 1851. On the contrary, that act, by the reduction of postage on printed matter, and the consequent increase of such matter in the mails, will add very largely to the cost of transportation.

In connection with these facts it should also be remembered, that the receipts from postage in Great Britain have been greatly augmented by the establishment, since 1839, of numerous lines of ocean steamers, yielding large revenues, the expense of which lines is not charged upon the Post Office Department of the United Kingdom. Great Britain also collects a considerable sum for transit postage. In this country, also, the receipts from postages have been considerably augmented by the establishment of lines of ocean mail steamers, under contracts with the Navy Department and with this Department; the present cost of which, and the postages thereon, appear in this report.

The expense of packet service, foreign and inland, paid by the Admiralty, and not by the Post Office Department in the United Kingdom, is believed to have been £701,580 14*s.* 8*d.* for the year ending January 5, 1848; while the amount paid by the Post Office Department for the conveyance of the mails, including riding work, and expresses by the Deputy Postmasters of the United Kingdom,

wages to mail guards, other coach expenses, and tolls on mail coaches, was only £419,178 17s. 2½d.

Since the date of my last annual report new contracts have been made, after due advertisement, for furnishing blanks, wrapping paper, twine, sealing-wax, and marking and rating stamps for the use of the post offices of the United States; for furnishing leather and canvas mail bags and pouches, mail locks and keys, paper, blank books, and other stationery for the use of the Department, and for the printing and binding required therefor. Under these contracts nearly all these articles will be supplied on more favorable terms than under the former contracts.

A contract has been made for the supply of the postage stamps authorized by the act of March last. These stamps are believed to be of superior quality, and are furnished at a less price than was formerly paid. Some of those furnished soon after the execution of the contract were found to be deficient in adhesive qualities, but it is believed that there will be no ground for future complaint.

Directions for the destruction of the dies and plates employed in the manufacture of the postage stamps formerly used have been given, and for counting and burning such of the stamps as have not been issued to postmasters, or have been returned.

The streets, avenues, roads, and public highways of the cities of New York, Boston, Philadelphia, and New Orleans have been established as post routes under the tenth section of the postage act of March 3, 1851, and letter carriers appointed for the service thereon. If it is the intention of Congress to transfer the whole dispatch business of the cities to the letter carriers of the Department, further legislation for that purpose is desirable.

Some weeks since, agents of this Department were dispatched to the North and to New Orleans, with the view of ascertaining whether the mails on the great route between Maine and Louisiana might not be considerably expedited. The greater expedition and therefore formidable competition of ocean steamers, running between prominent points on this line, seemed to render this a favorable moment for negotiations with the contractors on the present mail route. From the information obtained by the persons thus sent along these lines, it is believed that if the contractors will meet the wishes of the Department, the mail between this city and New Orleans can be expedited twenty-four hours; that the time required between this city and New York can be reduced to eleven hours; and that the mails from the South, leaving here in the afternoon, may be delivered in New York in time to be sent East to Boston, North to Albany, on their way to Buffalo, and West, along the New York and Erie Railroad, by the morning trains from New York. While pursuing this object, an effort will be made to preserve at New York a close connection of the trains carrying the mails which leave here in the morning with the evening trains which take such mails beyond New York.

The liberal disposition avowed by the contractors who have been applied to, and the general liberality of those not yet consulted, as well as the strong interest they all have in making the present line more rapid and satisfactory to the traveling public, would seem to justify the hope that these improvements can be effected without incurring an expenditure disproportioned to the importance of the object to be attained. If, however, the negotiations now in progress shall lead to no favorable result, the attention of Congress will be called to other feasible modes of expediting the great mails between the Eastern and the Southern States.

The necessary orders have been made to charge failing bidders and their guarantors the difference between their accepted proposals and the amount which the Department subsequently contracts to pay for the service specified in such proposals. This is required under the provisions of the 27th section of the act of July 2d, 1836, which it is believed will now be systematically and faithfully carried out. The Auditor reports that the sum of $85,762 36 was charged against failing bidders and their guarantors, according to the provisions of that act, during the last fiscal year. A large portion of this sum was charged for failures occurring in previous years.

Having ascertained, from a partial examination of the bonds of postmasters, that the penalties of very many of these bonds were, in consequence of the increase of postages, insufficient for the security of the Department, and also that a large number of them were executed at a period so distant as to render it probable that the sureties might be dead or insolvent, an order was made requiring new bonds in all cases where the penalties were inadequate, or where the bond had been executed for more than six years. More than 5,250 new bonds were, under this order, prepared and sent out, and nearly all have been returned, examined, accepted, and registered.

A carefully-revised and corrected list of the post offices in the United States has been published and distributed to the postmasters and other officers of the Department. On this revision it appeared that the number of post offices in the United States was somewhat less than that stated in the previous report from this Department.

The laws of Congress relating to this Department, its officers and business, have been carefully compiled for republication in connection with the general regulations of the Department, which have been revised for that purpose. A large portion of the work has been for some time in the hands of the printer, and the whole is expected to be completed and distributed in February next.

Wooden marking and rating stamps have been furnished to a large class of offices whose receipts were too small to authorize the supply of metal stamps. By furnishing these and blanks of a better quality, as well as other facilities for the dispatch of business, it is hoped that the labor of postmasters will be, in some degree, reduced, and greater promptness, accuracy, and dispatch secured.

In consequence of the want of clerical force in the dead-letter office, my efficient Third Assistant had been compelled, for several years, to allow an accumulation, in the dead-letter office, of letters containing promissory notes, drafts, and other papers of value. This class of letters had been accumulating from 1837, and was rapidly increasing. Upon examination into the general character of their enclosures, I deemed it my duty to cause extraordinary efforts to be made to send these letters and their enclosures to the parties entitled thereto. For this purpose several clerks, whose duties might during the recess of Congress be temporarily thrown upon others in the same divisions, were detached from their respective desks and employed in this service. In order to accomplish the object in view, several persons not in the service of the Department were permitted to labor in the office, with the understanding that they would be paid when Congress should specially appropriate for that purpose a sum sufficient for their compensation. This course was the more necessary as, during the last summer, some 4,200 pounds of dead letters, which had been suffered to accumulate in California since the extension of our mail service to San Francisco, in the hope that Congress would authorize them to be opened and examined there, were returned to the Department. The amount equitably due to the persons thus allowed to labor in the Department is estimated at $505 42. As the increased labor thrown upon the Department by the new postage act of the 3d of March last, rendered it impossible to register and send out the letters referred to without some such arrangement, and as by it the letters accumulated during the previous years, and most of those received during the present year, have been properly disposed of, it is believed Congress will not hesitate to make the necessary appropriation. That it be made at an early day is earnestly recommended.

The requirement of the return of weekly and monthly registers of the arrivals and departures of the mails at the termini of each route, showing whether the number of trips contracted for had or had not been performed according to contract and within schedule time, has introduced greater efficiency and regularity into the service.

During the last fiscal year, as appears by the report from the Inspection Office, the fines imposed upon contractors on inland routes amounted to $8,081 87; of which the sum of $10 25 has been remitted. The deductions on account of failures and irregular service on such routes amounted, during the same period, to $25,971 89; of which the sum of $84 77 has been remitted. The deductions made during the same period for failures and irregularities on foreign routes under contracts with this Department amounted to $1,450, and the fines and deductions which the Navy Department has been advised to make on routes under its control (the inspection of which had been transferred to this Department) amounted to $1,958.

The special agents of the Department have been actively and usefully employed in the discharge of their various and important duties. The increased salaries authorized by an act of the last Congress have not been paid them, the necessities of the service forbidding such reduction of their number as would justify the payment of the increased salary out of the present appropriation. These officers render important service to the Department and to the public. Through their exertions mainly the proportionate increase of depredation and loss, with the growth of the country and extension of mail transportation, has been materially checked, while the number of arrests and convictions for violation of the laws has been greatly increased. Much of the service is performed in cities, and is of a nature to involve large expenses. I recommend an appropriation for the deficiency of salary allowable to them under the existing laws.

The postmasters and other persons in the service of the Department have, with few exceptions, discharged their duties with fidelity, promptness, and accuracy, and have endeavored to increase the efficiency, utility, and reputation of the Department.

On the 3d of January last, S. R. Hobbie, Esq., then First Assistant Postmaster General, was appointed a special agent and postal commissioner, and dispatched to Cuba and Panama, with instructions to make, if practicable, suitable arrangements for an exchange at Cuba of mails from and to the West India Islands, the Atlantic coast of South America, and to points on the Gulf of Mexico and elsewhere reached from Havana by British mail packets, but to which our own mail arrangements did not extend; and also to effect, if practicable, an arrangement for the exchange at Panama of mails from and to the western coast of South America.

Temporary arrangements for these purposes were agreed upon by Mr. Hobbie, and confirmed by the Department. These arrangements have been found to be useful; but the increase of correspondence with the points named will soon render more perfect arrangements desirable.

Mr. Hobbie was also instructed to proceed to California and aid the resident agent of the Department at the opening of the proposals for mail service, which he had been directed to invite. It was then the expectation that Mr. Hobbie would reach San Francisco in time for the lettings, but an attack of fever unfortunately detained him on the Isthmus beyond that time. The service was, however, satisfactorily performed by the resident agent and the postmaster of San Francisco. Mr. Hobbie reached San Francisco soon after, and before the contracts were arranged and executed, and was able to render efficient service in aid of the resident agent.

As Mr. Hobbie continued in service as special agent of this Department for some time after the 1st of April, when his resignation as First Assistant Postmaster General took effect, I respectfully recommend that Congress make adequate provision for the payment of his expenses and a suitable compensation for his services.

It was hoped and expected, at the time the advertisements for proposals for mail service in California and Oregon were ordered, that Congress would authorize a regular letting to be concluded there, and contracts for the usual period to be executed under the supervision of the agents of the Department, acting under its general instructions. Congress, however, adjourned without conferring this authority, and the agent in California was instructed to make temporary contracts only. Acting under this instruction, the agent, who had received bids for service until the 30th day of June, 1854, (the end of the regular contract term in the section to which California and Oregon belong,) very properly received from the accepted bidders

contracts for the residue of the contract term; indorsing upon each an agreement signed by the contractor, giving to the Postmaster General "the 'right to discontinue the service at the end of one 'year, or on the 30th day of June, 1852, making 'such additional allowance for the year's service 'as to him shall seem just, proper, and equitable."

As these contracts provide for service at prices more than fifty per cent. less than those paid under the previous contracts, and as low as can probably be obtained at a new letting, it is respectfully recommended that a joint resolution legalizing such contracts for the residue of the contract term be adopted at an early day.

Contracts for the service in Oregon, under proposals received and opened in pursuance of an advertisement directed under the same circumstances, and with the same expectations as that directed in California, have been executed for the residue of the contract term, to end on the 30th of June, 1854, and returned by the agent to this Department. The acts of the agent have been confirmed so far as to authorize temporary contracts only. The prices of the service stipulated for are high, but it is believed that they are nearly or quite as reasonable as could be obtained at a new letting. The early passage of a joint resolution to legalize these contracts for the residue of the contract term is recommended.

Under the provisions of the first section of the Navy appropriation act, approved March 3, 1851, contracts have been made with the Pacific Mail Steamship Company to increase the trips of the mail line between Panama and Oregon to semi-monthly; thus making that service conform to the semi-monthly service on the Atlantic side of the Isthmus, as directed by the section referred to. This service was contracted for at the rate of seventy-five per cent. of the cost of the trips under the original or former contract; and the contract therefore is believed to be in strict accordance with the provisions of the act referred to.

Under the provisions of the same section, this Department has consented to a temporary arrangement by which the mail steamers from New York to Havana are not required to touch at Charleston or Savannah; and the contract for semi-monthly service between the ports last named and Havana has been renewed for four years, from the 1st day of July last, at the price heretofore paid for that service.

The contractors for the mail service from New York and New Orleans, via Havana, to Chagres, some time since proposed to take mails by their steamers, which run direct to Chagres, in addition to the mails taken by their steamers touching at Havana. They desired additional compensation therefor. This Department declined to assume for the Government either an express or implied obligation to make such compensation, but consented to send mails by such steamers, with the express understanding that no obligation to pay for such service was thereby incurred, but without requiring the contractors expressly to relinquish all claim to compensation, and thus preclude an application to Congress.

The opening of the route now in operation by way of Lake Nicaragua, and the probability that other competing routes from the Atlantic cities to California will ere long be in operation, and upon which the mails may perhaps be transported with greater dispatch and economy than upon the present route, renders it expedient to proceed with great caution in adding to the cost of the present service, and to reserve, in all cases, the right to discontinue such service and pay whenever the public interest may require.

No contract has been made for the transportation of the mails across the Isthmus of Panama, under the second section of the "Act to establish certain post routes, &c.," approved March 3, 1851. The Government of New Granada has consented that the service may be performed by the Panama Railroad Company, and a proposition from the President of that company for the transportation of our mails across the Isthmus was favorably regarded. As, however, there were difficulties in the way of making a permanent contract in conformity with the requirements of the section above referred to, it was suggested that the railroad company should commence the transportation of the mail as soon as their road should be so far completed and in operation as to increase the expedition of the mails, and that this Department should recommend to Congress to authorize payment therefor at a price per pound slightly above the average price now paid under the treaty with New Granada. The President of the railroad company has given notice that on and after the 1st of December next (1851) the company will be ready to receive and transport the mail under this arrangement, and orders for its delivery to that company have been issued. This will expedite very considerably the transportation across the Isthmus. I respectfully recommend an appropriation for the compensation which will be equitably due to the railroad company.

The contract with the Collins line of mail steamers between New York and Liverpool requires the performance of but twenty trips out and back during the year. For the purpose, however, of arranging *weekly* trips in American steamers, alternating with those of the Cunard steamers which depart weekly from this country and England, these steamers have made departures each alternate week, and have thus completed a weekly line of American steamers from New York. If these trips are continued as heretofore there will have been performed in the present year three more trips than are provided for in the contract, and to continue the weekly trips thereafter will require six additional trips per year.

As the English Government had made new arrangements by which the weekly trips of the Cunard steamers were to be continued through the year, it was deemed highly important to continue the weekly trips of the American steamers also. Under these circumstances, Mr. Collins was requested to continue his trips every other week, and was assured that the payment, by Congress, of a pro rata compensation would be recommended. It is claimed by the contractors, and it is believed justly, that a pro rata compensation for these extra trips, in the winter season, will not fully indemnify them; and if the extra trips are performed, it is earnestly recommended that a pro rata compensation, with such addition, if any, as may be necessary to give to the contractors a fair and liberal compensation for the extra service, be authorized by Congress. The unrivaled qualities and speed of the ships of this line, and the very satisfactory manner in which the service has been performed, establishing the superiority of American skill and enterprise in the construction of ocean steamers and in ocean steam navigation, entitle the proprietors of this line to the most favorable consideration, and I cannot doubt that Congress will make the appropriations recommended.

From the Auditor's report, it appears that the whole amount of postage, including inland, sea, and foreign, on letters, &c., received and sent by the different lines of United States mail steamers, during the last fiscal year, was $867,891 52, as follows:

Line from New York to Liverpool, (Collins)	$205,841 71
Line from New York via Southampton to Bremen	94,598 03
Line from New York via Cowes to Havre, (for nine months only)	38,110 74
Lines from New York and New Orleans, via Havana, Chagres, and Panama, to California and Oregon	529,341 04
	$867,891 52

The postages accruing on letters carried by the lines from the Atlantic cities to California and Oregon will be much diminished in consequence of the reduction of postage made by the act of 1851, and of the increased number of letters sent by private expresses. Upon the other lines a very considerable increase is confidently expected.

The attention of this Department having been directed to the subject of postal communication between the United States and Mexico, it has ascertained that satisfactory propositions can probably be obtained for a line of mail steamers from New Orleans, by way of Tampico, to Vera Cruz.

The establishment of such a line would no doubt greatly facilitate and increase the postal intercourse between the two countries, and in that regard alone is worthy of the consideration of Congress. But it would also, it is believed, be productive of great political and commercial advantages; would abate national antipathies and prejudices; promote and increase friendly views and relations between the people of the two countries, and unite more closely by mutual benefits the two great Republics of the western hemisphere. For the reasons thus briefly adverted to, I respectfully advise that the establishment of a line of mail-steamers to Vera Cruz be recommended to Congress. An examination of the Treasury tables of exports and imports to and from Mexico for the last ten years will, it is believed, show the importance of such a line to the interests of the whole country—especially to that large portion of it situated on the Mississippi and its tributaries—and justly defraying from the Treasury the expense of its establishment.

Offers have been made to this Department to contract for mail service from New York to Antwerp;

From New York, by Gibraltar, Marseilles, and Toulon, to Genoa;

From New York to San Francisco, by the Nicaragua route, which is now in operation;

From New York to Galway, in Ireland;

From Philadelphia to Havana;

From New York, by St. Thomas, &c., to Venezuela; and

From Philadelphia to Antwerp, and from New York to New Orleans, by ocean steamers, in connection with a contemplated railroad service across the State of Florida.

Believing that the future revenues of the Department would prove insufficient to justify the employment of the service embraced in these offers, most of the parties making them have been informed, in substance, that no contract for the service would be made by this Department, and that their applications should be submitted to Congress. Some, if not all, of these lines would be found exceedingly useful and advantageous, if the service could be obtained at rates not disproportioned to the public benefits secured by their establishment.

It is understood that the Belgian Government is ready to coöperate in the speedy establishment and maintenance of the line to Antwerp. That point is a favorable one for the correspondence between this country and the continent of Europe, and it is not doubted that the establishment of such a line would be exceedingly advantageous to the two countries, not only in respect to their postal intercourse, but also, in a much higher degree, to their commercial interests. A hope is entertained that this subject will be found to deserve favorable consideration.

A copy of the proposition of Mr. Ambrose W. Thompson, in behalf of himself and his associates, for the establishment of a line of mail steamers between New York and Galway, is herewith submitted. This proposition was received on the 28th instant, too late for deliberate consideration. It will be seen that Mr. Thompson proposes to enter into contract to carry the mail for ten years in steamships readily convertible into war steamers for $100,000 per annum for each ship employed; or to contract for such service, and receive therefor only the postages which shall arise from such mail matter as may be actually transmitted in the ships of the proposed line. This Department has, perhaps, no authority to make contracts giving to such a line the postages accruing thereon; and even if it has, there is a manifest propriety in submitting the matter to Congress. There is much reason to believe that such a line would lessen the time now required for the transmission of the mails between this country and England and Ireland; and other and cogent reasons, not directly connected with its usefulness for mail purposes, have been strongly urged in favor of its establishment. As these reasons will, without doubt, be soon presented to Congress by those most familiar with the subject, I shall perhaps best promote the object by simply recommending it to the early and favorable consideration of that body.

Application has also been made for the extension of the trips of the steamers of the New York and Havre line to Bremen. The subject is yet under advisement.

A postal agreement with the Canadian Post Office Department has been concluded, and the arrangement for which it provided is now in successful operation. Under this arrangement the postage on a single letter from any point in the United States to any point in Canada is ten cents, or sixpence of Canada currency—except where the letter is to be transmitted over 3,000 miles from the boundary line at the point of crossing, when the single rate of postage is fifteen cents—payable in either country. A copy of this agreement is hereto annexed.

An agreement of a similar character has been made with the Post Office Department of New Brunswick, embracing in its provisions Cape Breton, Nova Scotia, and Newfoundland.

Looking to the eventual establishment of a mail line between California and China, via the Sandwich Islands, the postmaster of San Francisco was some months since instructed to make up and forward, by every convenient opportunity, all letters for those distant countries where the inland postage to the San Francisco office was prepaid.

Under a provision in the second section of the postage act of last session, an order was made, by the advice and consent of the President, and went into effect on the first of July last, establishing two cents as the rate to be charged on each newspaper (not passing through Great Britain) mailed in the United States for or received from any foreign country, other than the British North American Provinces, and the West Coast of South America, where different rates were found more applicable and different arrangements were made. A rate of two cents for United States postage on newspapers transmitted between the United States and Great Britain, had been already fixed by the existing postal treaty with that country. This order was considered advisable, not only in view of the desired postal arrangements with France, Prussia, and Belgium, but also of having, as far as practicable, simple and uniform rates of newspaper postage between the United States and the States of Western Europe.

The postal convention with Prussia, which has for many months been ready for signature, as soon as a reduced rate of transit postage should be consented to by the British Government, is still unsigned, in consequence of the failure of negotiations with Great Britain for the adoption of satisfactory rates of transit postage on letters passing through that kingdom to countries beyond. For the same reason the negotiations with France for a similar postal arrangement have not been pressed to a final conclusion, and a pending proposal for a postal convention with Belgium, in connection with a proposition for the establishment of a line of mail steamers to Antwerp, has been postponed for future consideration.

The renewed determination of Great Britain to insist upon a transit rate on letters passing through England, which is deemed excessive, is a subject of regret. By the postal treaty of December, 1848, this Government made the most liberal concessions. The terms of the treaty were highly favorable to Great Britain, but I am constrained to say that, in my judgment, the liberal spirit then manifested by the United States has not been reciprocated. The treaty provided that the British Government might send letters in closed mails through the United States, (mostly by the way of New York or Boston,) to their North American Provinces, at twelve and a half cents the ounce, which was deemed equivalent to only one half the rate then paid by our own citizens on letters conveyed the same distance.

This provision was conceded, although the transit rates on letters passing through England on their way from or to this country, were left (temporarily, as was then supposed) to be determined by the British post office, except that they were not to exceed the rates which that office then charged, or should thereafter charge, upon letters from British colonies or possessions, or foreign countries, passing through England in like manner; and although it was known that the rates usually charged (being different in respect to letters addressed to different countries) averaged about thirty cents the ounce.

It was then expected that this arrangement in respect to the transit rates of the two countries would be speedily superseded by one more in accordance with the views of mutual benefit and accommodation entertained by this Government; and to that end the following provision was inserted in the 12th article of the treaty:

"But the two contracting parties agree to invite France to enter into communication with them, without loss of time, in order to effect such arrangements for the conveyance of letters and newspapers and closed mails through the Territories of the United States, of the United Kingdom, and of France, respectively, as may be most conducive to the interests of the three countries."

Negotiations between the three countries on this subject were protracted by the refusal of Great Britain to assent to an arrangement deemed fair and reasonable, until France has at length consented to a separate arrangement with Great Britain, reducing the transit rate on letters passing through that country from and to France from thirty to twenty-four cents the ounce.

The same rate was insisted upon as the basis of an arrangement with this country, but was deemed excessive, and has not been assented to.

Our convention with Great Britain can be annulled by either of the two Governments after one year's notice to the other; and if satisfactory transit rates be not soon agreed to, this Government should seriously consider whether the notice provided for in the treaty shall not be given.

It is well known that vessels from foreign ports continually bring into this country large numbers of letters which are not delivered into the post offices of the ports of arrival, as required by law. In steamers running on the routes from New York and New Orleans to San Francisco, including even the mail steamers under contract with the United States, large numbers of letters are continually sent by express companies, and the authority now vested in this Department and its officers is insufficient to prevent it. The evil is one of such magnitude, and bears so heavily upon the revenues of the Department, that it is earnestly recommended that the laws applicable to the subject be carefully revised. It is suggested that it be made highly penal for express companies, their agents, or other persons, to carry letters on these routes outside of the mails, and that it be made the special duty of all officers of the customs, and all special agents of the Post Office Department, to examine on board vessels, on their arrival, all packages which they shall have good reason to believe contain letters, and to seize the same, under such restrictions and with such directions for their subsequent disposal as may be deemed expedient. The master or other officer in charge of such vessel should also be required to make an affidavit, before such vessel shall be permitted to break bulk or make entry in any port of the United States, that he has, to the best of his knowledge and belief, delivered or caused to be delivered to the post office at or nearest to such port, all bags, packages, or parcels containing letters that were on board such ship at the time of its arrival, except such letters as are exempted by law. In view of the present low rates of postage, the great expense of maintaining these lines of steamers, the comparatively small amount of postage which will hereafter accrue from them, and the ease with which the present laws are evaded, prompt and decisive action is urgently recommended.

The security of our mails requires that further provision should be made to punish as felons all persons who shall steal or obtain by false pretences, or knowingly and unlawfully make, forge, or counterfeit any key suited to any lock which has been or shall be adopted by the Post Office Department, for use, and which shall then be in use, on any of the mails of the United States; or who shall have in their possession any such mail key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same; or who, being employed in the manufacture of mail locks or keys for the use of the Department, whether as contractors or otherwise, shall deliver any finished or unfinished mail key or mail lock, or the interior parts thereof to any person not duly authorized under the hand of the Postmaster General and the seal of the Department to receive the same, unless such person be engaged in the manufacture thereof in the manner authorized by the contract for such manufacture.

Most assuredly these locks and keys should be protected by provisions as stringent and as highly penal as treasury notes or any other public security. The stealing of mail locks should be punished as felony, for reasons that will readily occur.

Great numbers of canvas mail bags sent out from this city and the larger offices are never returned, and are improperly appropriated. They are plainly marked "U. S. Mail," so that no one can be mistaken in regard to their purpose and ownership; yet it is believed that great numbers of them have been improperly taken and kept for private use. By the acts relating to the Army, heavy penalties have been imposed for purchasing the arms or uniform clothing of an enlisted soldier, and a similar penalty should certainly be imposed upon those who unlawfully appropriate the mail bags or pouches, mail locks, or other property of this Department.

The provision of law which now authorizes Postmasters to sell newspapers not called for, for the postage thereon, should be extended to all classes of printed matter; and it should be made the duty of all Postmasters to sell all such dead printed matter, and account for the same, under such regulations as the Department may prescribe.

Plank roads, affording the means of a more rapid and easy communication between important points on existing mail routes, are common in different portions of the country. It frequently occurs that no mail service can be placed thereon because they are not on the line of any established post route. It it therefore suggested that a law be passed authorizing contracts for carrying the mail on all plank roads, and declaring that plank roads on which the Department shall provide for carrying the mail shall, while the mail is so carried thereon, be deemed public post routes. A similar provision in relation to canals was adopted in 1836.

The increasing abuses of the franking privilege render desirable some further legislation in respect thereto. The franking as public documents of matters which are not such; the distributing of franked envelopes to persons not entitled to the franking privilege; the franking as "official," letters which are not such; the use of the frank to cover innumerable circulars for the benefit of others than the parties who frank them; and the franking of letters of other persons, are presented as some of the existing abuses. All these should, in my judgment, be prohibited by severe penalties, and a conviction for such an offence should deprive the offender of his franking privilege. It is also proper that the attention of Congress should be directed to the fact that the penalty of five hundred dollars, imposed by the existing law, is found to be insufficient to prevent the counterfeiting of franks, either with or without the assent of the persons whose frank is counterfeited.

Authority should be given to the Department to increase the compensation of its special agents in California and Oregon, to an amount more nearly corresponding with the general high prices of those sections. These agents, acting at points remote from the central organization of the Department, must necessarily be invested with a large discretion, and implicitly relied upon for the information on which the action of the Department, in respect to those portions of the country, must be based. The highest salaries now authorized to be paid are entirely inadequate, and to secure the services of competent men assurances have been given that authority to pay a higher compensation for past as well as future services would be asked for. The early passage of an act authorizing the Postmaster General to allow them a just compensation for their past services, and adequate salaries for the future, is earnestly and urgently recommended.

The Postmaster General should also be empowered to authorize the special agents in California and Oregon, respectively, to receive, open, and decide upon proposals for mail service, and, in the presence and with the aid of such postmaster as the Department shall designate, to open the dead letters accumulated from time to time within their districts, to destroy those found to be of no value, and to return to the Department those containing valuables, under such regulations and instructions as may be deemed proper.

An extension of the building occupied by this Department, for the better accommodation of its several bureaus, the Auditor's Office, and the City Post Office, was recommended in my last annual

report. The reasons then urged for such extension are constantly acquiring additional force. The rooms of the Post Office building, now unreasonably crowded, will soon be entirely insufficient for the accommodation of the business of this Department and of the Auditor's office. Indeed, it is now, and during the last year has been found necessary to occupy several rooms over the City Post Office, where the papers of the Auditor's office are exposed to loss by fire and other causes. Large quantities, too, of important papers are, from necessity, packed in the halls and in the basement or cellar of the main building, where they are exposed to mildew and gradual destruction. They should not be so exposed; for the loss of the papers of the Department, and especially of the Auditor, would be a public calamity, and would be irreparable. I respectfully ask that it be earnestly and urgently recommended to Congress to take immediate and effectual measures for the extension of the west wing of the present Post Office building, or for the erection of its north front, as originally contemplated.

The accommodations for the Post Office of this city are entirely unsuitable and insufficient. Situated at the seat of the National Government, and appropriated chiefly to the correspondence of its various Departments, it is continually visited by the representatives of foreign Governments and strangers from every part of the world. Its present condition is not only unsafe, but decidedly discreditable to this Department and the country. Some improvements made during the last fiscal year have afforded partial and temporary relief from the evils before experienced for want of room; but other arrangements of a creditable and permanent character should soon be made.

In my last annual report I also recommended that the laws for the government of the Department and its officers, which are numerous and complicated, have been enacted at different periods, and contain many obsolete and conflicting provisions, should be revised. An entire revision of these laws, and the passage of a single act containing all the provisions of law relating to this Department and its officers, would give greater efficiency to its operations. Such a revision is again respectfully recommended.

I again renew the recommendation that the Assistant Postmasters General be placed upon the same footing in respect to salary as the Heads of Bureaus in other Departments. I cannot but regard the invidious discrimination now made between these officers—whose duties certainly require equal capacity, and whose labors are admitted to exceed those of officers of like grade in other Departments—as incongruous, and detrimental to the interests of the Department.

The increased business of this Department, consequent upon the rapid growth of the country and the extension of its correspondence, made it necessary in 1846 to assign to the Chief Clerk of the Department the duties appropriate to the head of a bureau. These duties have since been greatly increased, and it is submitted that he should have the official designation and salary corresponding with his duties. To bestow them now would be to render but justice to an able and faithful officer, who has served the Department long and well.

The foreign desk of the Department has become one of great importance, requiring more than ordinary capacity and labor for the discharge of its duties. It is respectfully suggested that authority should be given to increase the compensation of the officer performing them to that of a principal clerk, by adding $200 to his present salary.

The annexed reports from my First and Third Assistants, will present useful and interesting details of the business of their respective bureaus, as well as show the necessity for a small increase of the clerical force of the Department. Believing that such increase is required for the dispatch of the business of the Department with promptness and accuracy, I recommend the increase which these reports suggest.

In conclusion, I desire again to acknowledge my obligations to the Assistant Postmasters General, and the clerks of the Department, for the zeal and assiduity manifested by them in the discharge of their laborious duties, and especially for the cheerful willingness with which many of them have, when necessary for the dispatch of the business of the Department, labored beyond the usual office hours, and in the discharge of duties not pertaining to the desks to which they had been assigned.

N. K. HALL, *Postmaster General.*

To the PRESIDENT.

Report of the Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, *Nov.* 27, 1851.

SIR: The limits of a report of this description will admit only of a very general and summary view of the condition of our Indian affairs, and the operations of this branch of the public service during the last twelve months. For detailed information reference must be had to the documents herewith, consisting of the reports of superintendents, agents, missionaries, and others, which contain a mass of facts and speculations, curious, interesting, and important.

In the last annual report from this office allusion was made to mutual aggressions on the part of the Sioux and Chippewas, attended by melancholy incidents of Indian barbarity and folly. In despite of all efforts to prevent it, similar occurrences have taken place within the last year, by which both tribes have suffered, more or less, from depredations upon their property, and in the murder of a number of their men, women, and children. No treaty arrangements among themselves appear to be regarded, or are of sufficient force to prevent the deadly enmity which exists between the two tribes from manifesting itself, as often as opportunity offers, in the most shocking atrocities. With this exception, a gratifying degree of order has prevailed among all the tribes with whom we have defined and established relations, and who have felt the controlling influences of the Government in directing their pursuits and in the management of their affairs. Towards our own citizens all have been peaceful and friendly. Most of them have readily yielded to the policy and measures of the Department for the improvement of their condition; and such are the advances many of them have made in civilization, that flattering encouragement is not only afforded for continued effort on the part of the Government and its agents among them, but on the part also of benevolent Christian missionaries, who, with commendable and self-sacrificing spirit, have been engaged in imparting to the various tribes the divine truths of Christianity.

During the past summer treaties have been made with various bands of the Sioux Indians, by which they cede a large and valuable extent of country west of the Mississippi river, in the Territory of Minnesota and State of Iowa. To the treaties themselves, and the report of the commissioners on the part of the Government, by whom they were effected, you are respectfully referred for detailed information concerning these important negotiations. In view of the rapid spread of the white population in the State and Territory within which the lands acquired by these treaties are situated; the growing discontent among the warlike Indians from whom they are obtained, embroiled as they often are in difficulties with the Chippewas, and threatening more and more the peace of the frontier in that quarter, the extinguishment of their title to the lands now ceded has long been a subject of serious consideration and desire by the Government.

A considerable number of the Chippewas who had continued to reside on the ceded lands east of the Mississippi, in Wisconsin and Minnesota, since the treaties of 1837 and 1842, have been removed during the present year. Indeed, with the exception of the Anse and Vieux Desert bands, together with a portion of the Pellican Lake and Wisconsin river bands, an entire removal has been effected. The chiefs, and about one half of the two last-named bands, have emigrated. The remainder, with the Vieux Desert band, were recently reported as suffering severely from smallpox and measles. This, with other causes, will prevent any attempt to remove them until the coming spring, when, it is believed, such of them as it may be expedient to remove, can easily be induced to emigrate. The number removed this year is reported to be three thousand; and, including the Anse band, it is supposed that only seven hundred remain on the ceded lands. Apprehensions, however, are entertained that, by reason of the proximity of those who have removed to their old hunting ground, they will return in considerable numbers, and not only again molest our citizens, but be reduced to destitution and want, as in such event they will forfeit their annuities, and have to depend alone on the wild products of the country, which are now so nearly exhausted as not to afford them the means of subsistence. The same view of this subject induced me, heretofore, to recommend that efforts be made to concentrate them within proper limits west of the Mississippi, where, with additional means beyond those already provided, arrangements could be made to introduce among them a system of education, embracing the knowledge and practice of agriculture and the simpler mechanic arts. But as the country referred to was not the common property of the whole tribe, part of it belonging exclusively to particular bands who are not parties to any treaties, and who receive no annuities or material aid from the United States, it was also recommended that Congress be asked for an appropriation to defray the expense of negotiating with all the bands for the purpose of acquiring such portions of the country on the east side of the Mississippi as might be required to supply the wants of our white population; providing, also, that the whole of their remaining lands, together with their present and future means, should be the common property of the entire tribe; and that as large a proportion of their funds as practicable should be set apart and applied in such manner as best to secure their comfort, and most rapidly advance them in civilization and prosperity. No action was had upon this recommendation, owing mainly, it is believed, to the shortness of the session and the pressure of business upon both Congress and the Department. I now, therefore, renew the recommendation, satisfied that the policy thus briefly referred to is not only best calculated to promote the future welfare of this large and interesting tribe, but is necessary to save them from actual starvation, as the game on which they mainly depend for the means of living is fast disappearing, and cannot much longer afford them a support.

By permission of the President, the Menomonees still remain on the lands in Wisconsin, ceded by them under the provisions of their treaty of 1848 with the United States. In that treaty it was stipulated that they were to be permitted to remain two years from the date thereof, and until they were notified by the President that the lands were wanted by the Government. To induce them to remove to the country in Minnesota assigned to them by the treaty, it was also stipulated that it should be explored by a suitable delegation to be selected for that purpose. This exploration took place in the summer of 1850; but, from representations made to the Department, it appears that the Indians, previously dissatisfied with the treaty, are dissatisfied also with the country assigned to them, and manifest the greatest reluctance to remove. The fall of last year was the period fixed upon for their removal; but, owing to their urgent appeals, and those of many of the whites in their immediate vicinity, and in consideration of their peaceful habits, the President granted them permission to remain until the 1st of June of the present year. At the expiration of this last-named period, it being known that they had made no arrangements, and were in no condition to emigrate, the President again, at their earnest solicitation, consented that they might remain a twelvemonth longer, on condition, however, that they should not interfere with the public surveys, and with the distinct understanding that this extension of time was to be considered an act of favor, they being still subject to removal at his discretion; and of this, Superintendent Murray was instructed to take care that they should be fully advised. Of the nature of their alleged grievances, the superintendent was also informed, and he was directed, by instructions from this Department of the 4th June last, at as early a period as practicable, to acquaint himself thoroughly in regard to their condition, and to make a full report thereof. In order, too, that the President might act advisedly on their petition to occupy permanently a part of the ceded territory, the superintendent was also instructed

to examine the country, to report all the facts bearing on this particular subject, and to furnish all other information necessary to a correct understanding of the course of policy proper to be pursued in regard to the future disposition and management of the tribe. In pursuance of these instructions, the superintendent has reported in favor of their being permitted to remain in Wisconsin on a particular tract of limited extent, more remote from the whites than that on which they now reside, and well adapted to their use, and which, from other reliable information, it is understood, will not be required by our emigrating population for many years to come. The extreme poverty of this tribe, their harmless disposition and habits, and their inability to remove to the country assigned them without aid from the Government, operate forcibly in inducing me to recommend that they be permitted to occupy the tract designated for their future residence by Superintendent Murray in his report, a copy of which is herewith transmitted. Should this course be adopted, another treaty will be necessary, providing, among other things, for a relinquishment of their title to the lands in Minnesota set apart by the treaty of 1848 for their future home, which lands, it is to be remarked, in consequence of their proximity to the Mississippi river, will, in all probability, be more strongly desired for settlement by the whites than those on which it is proposed to allow them to remain. In the mean time, other important questions connnected with this tribe, and which formed the subject of a special communication from this office, a copy of which is herewith submitted, may be duly considered, and such provision made for the benefit of this people as the peculiar hardship of their condition and their future well-being may appear to require.

A treaty was made with the Ottowas and Chippewas in 1836, by which they cede all their lands in the State of Michigan, reserving, however, for their own use certain tracts and sections therein particularly described. When the treaty came to be acted on by the Senate, it was so amended as to restrict their occupancy of said tracts and sections "for the term of five years from the ratification of the treaty, and no longer," without permission from the United States; in consideration of which it was provided that they should be paid at the expiration of the five years, or when they surrendered their reservations, the sum of $200,000, and until that time the annual interest on that amount. The five years expired in 1841, but the annual payment of the interest on the $200,000 has been regularly continued up to the present time, although the Indians have not been required to surrender their reservations. Inasmuch, however, as some of the committees of the last Congress indicated a disposition to discontinue these payments of interest, Superintendent Murray was instructed to visit these Indians, and, with a view to the future policy of the Government in reference to them, to report their general condition; the contiguity of their settlements to the whites; and the necessity, if any, for their removal in consequence of the emigration to that region. From the flattering account given by him and agent Sprague of the present condition of these Indians, it appears that there is an unusual degree of improvement and prosperity prevailing among them. Their principal settlements are at Grand and Little Traverse, where they have purchased tracts of land which are well improved. A large share of the money recently paid to them they took to their homes to purchase more lands and make still further improvements. Many individuals, for the purpose of securing homes for themselves and families, have left the reservations and located on lands in the vicinity which they have purchased from the Government. All this, and the willingness with which they devote themselves to the pursuits of civilized life, commend them to the continued favor and protection of the Government. I would, therefore, recommend that an appropriation be made by Congress for the purpose of enabling the Department to consummate such measures as are necessary for their permanent settlement in the country where they now reside.

The course of policy heretofore strongly urged by several of my predecessors and myself, in reference to a portion of the tribes located on the borders of the Western States, is the only one competent, in my judgment, to save them from being swept away by the rapid and onward current of our white population. While there has been ample outlet at the Southwest, below the most southern of our colonized tribes, another of a more northern latitude is required, leading towards our remote Western possessions. The recent purchase made from the Sioux of a large portion of their country supplies this outlet in part; and will enable the Government, by the removal of a few tribes between the Sioux territory and the Kansas river, to throw open a wide extent of country for the spread of our population westward. This is the only practicable means of saving the border tribes from extinction. Without it, in a few years they will be forced to abandon their present possessions to an emigrating population, and be driven forth to perish on the plains. All the arrangements necessary and proper to prevent so sad a catastrophe should be made ere it is too late, else an abiding reproach will rest upon our Government and people. If timely measures are taken for the proper location and management of these tribes, they may, at no distant period, become an intelligent and Christian people, understanding the principles of our Government, and participating in all its advantages. The necessity for an appropriation to carry these measures speedily into effect is the more apparent and imperious in view of the already imposing demonstrations of public feeling in favor of the early organization of a Territorial Government over the territory on which these Indians reside.

In a communication addressed to you on the 28th May last, a copy of which is herewith, I had the honor to recommend, for the reasons therein set forth at length, that the scrip issued for the benefit of the Choctaw Indians should no longer be withheld from those still remaining east of the Mississippi, but that it be paid over to them where they now reside. The Superintendent of Emigration reports that this and other measures intended to stimulate their removal west have had the desired effect; and that, consequently, a large number may be expected to emigrate during the present year. However this may be, I entirely concur in the opinion of the agent for the Choctaws west, that it will put an end to a long-continued system of fraud and peculation upon the Government were a law passed providing for the payment in money of the funded portion of the scrip, and payments were made west to those only who may be permanently settled in the Choctaw country, the State of Alabama, Mississippi, and Louisiana, it is thought, would soon be relieved from the annoyance of an Indian population.

The Winnebagoes seem to be gradually becoming better satisfied in the country to which they have been removed, and, as their general condition is improving, it is hoped they will ere long become a thrifty and contented people. Abundant crops have been made at the Agency the past season. The Indians assisted in ploughing, planting, and harvesting, and displayed not only willingness, but anxiety to work. The crops on the Mississippi were not so good, owing mainly to the lateness of the season in which they were planted. A number of log and two frame dwellings have been erected at the Agency the past summer; and several more, it is expected, will be completed before the close of the year. These Indians express great desire to have dwellings, barns, stables, &c., and are fast abandoning their savage habits. A good grist and saw mill will also soon be ready for their use. The agent reports that there are now living within their own country some seventeen or eighteen hundred Winnebagoes. They are represented as being peaceable and well-disposed.

The tribes of the Osage river agency, composed of the Weas, Piankeshaws, Peorias, Kaskaskias, and Miamies, are said to be doing well. They have generally abandoned the chase as a means of subsistence; many of them have engaged in agricultural pursuits, and during the past season they have made corn enough to supply them with bread for another year. The Weas, Piankeshaws, Peorias, and Kaskaskias are in fact but a single tribe. By frequent intermarriages and adoptions their distinctive characteristics, if any ever existed, have disappeared. They reside upon the same territory; speak the same language; are in constant social intercourse; have similar habits; and in all respects are so completely identified as not to admit of any practical discrimination. They are greatly in advance of the wilder tribes contiguous to them; and, but for the facility afforded them of procuring ardent spirits from the shops that are planted along the borders of the State, a thorough and early abandonment of all their vagrant habits might reasonably be expected. Recently, however, with but few exceptions, they signed a pledge to abstain from the use of intoxicating drinks for the term of twelve months; and among the Miamies flattering evidences of a similar reform have been reported to this office.

The condition of the Ioways, Sacs, and Foxes of Missouri, and Kickapoos, is steadily improving. These tribes have made abundant crops the past season, particularly the Kickapoos, whose farms, the agent reports, will not suffer by comparison with those of their white neighbors.

In the early part of the last spring the Sacs and Foxes suffered severely from the small-pox. They lost about one fifth of their tribe before a check was given to the further spread of the dreadful disease, by a vaccination of the remainder. Prompt measures were adopted to prevent the pestilence from being communicated to other tribes; without which there would doubtless have been a widespread mortality among them.

With the consent of, and encouraged by, the Ioways, two bands of Winnebagoes, in number about three hundred, have settled on the lands of the former, principally near the Great Nemaha river, where they have this season made good crops of corn, and are in a fair way of bettering their condition. By reason of intermarriage and association with the Ioways, to whom these Winnebagoes seem much attached, the most friendly relations exist between them, and all seem anxious that their connection shall not be disturbed. On the part of the Ioways, much devotedness and generous feeling have been displayed, illustrating, in a highly creditable manner, the sincerity of their friendship for these sojourners of another tribe among them. On several occasions they have gone so far as to request the agent to allow the Winnebagoes to participate in their annuities equally with themselves. This rare evidence of disinterestedness and generosity is of itself sufficient to commend the wishes of these Indians to indulgent consideration on the part of the Government; and when it is considered that these Winnebagoes have manifested an unconquerable aversion to the country assigned to their tribe in Minnesota, it may well be doubted whether the interests of the Government and the Indians will not be promoted by permitting them to remain where they are. But it is apprehended by some that serious difficulties may result from the adoption of this policy; while, on the other hand, it is certain that their removal to Minnesota cannot be effected without considerable expense and trouble. No little diversity of opinion exists in relation to this subject, and it presents one of the legionary cases arising out of our Indian relations, in which it is impossible for the Department to ascertain with certainty what should be done.

The three commissioners appointed by authority of Congress to negotiate treaties with the Indian tribes in the Territory of Oregon entered upon the duties of their commission in February last. They report that the Indians on the Williamette and lower Columbia rivers are peaceably disposed, but that other tribes, north and south of those rivers, are wild and fierce. Six treaties have been negotiated by them with the various bands of Catapoogas and Morballes, allowing all the bands reservations on the west side of the Cascade Mountains.

The Indians refused to have any of their money set apart for agricultural and school purposes, except the Twallalty band, who consented to have a small portion of theirs appropriated for the purchase of agricultural implements.

Many of them are good farm hands, and labor in that capacity for the citizens. They profess to be anxious to adopt the habits and customs of civilized life. The country ceded in their treaty comprises that part of Willamette valley extending southward from Oregon City to Mary's river, and is represented to be the most valuable and thickly-settled part of the district.

The commissioners by whom the treaties referred to were negotiated being informed by this office that their functions had been abrogated by a recent law of Congress, the commission was dissolved, and the duty of prosecuting negotiations with the Indians in Oregon was imposed on the regular officers of the Indian Department in that Territory.

Superintendent Dart reports that he met a delegation from almost every tribe east of the Cascade Mountains, and all except the Snake and Rogue river Indians were submissive to his authority; and he considers the Indians generally in Oregon as the most temperate, peaceful, and easily managed of all our wilder tribes.

He has been successful in negotiating several important treaties with them, which are represented as highly advantageous to the Government, but they have not yet been received at this office.

From our agents in California much interesting information has been received concerning the Indians in that State; but it is, unfortunately, of too desultory a character to be entirely satisfactory. A number of treaties have been made with these Indians, embracing from eighty to ninety tribes or bonds; and, although considerable opposition by citizens of California to the measures of the agents has been exhibited, yet there is reason to believe that much good has resulted from their efforts to put a stop to hostilities and secure peace for the future between the whites and the Indians. Of the necessity or expediency of the particular measures adopted by them for this and other purposes, it is difficult at this distance from the scene of operations to judge with confidence; especially as there is, in some points, a difference of opinion among the agents themselves.

In the treaties negotiated with the Indians in California and Oregon there are novel provisions, the practical operation of which cannot be foreseen. Whether they shall be satisfied as they stand, is a question which will, of course, be duly considered by those whose constitutional province it is to determine in what form they shall become a part of the supreme law of the land.

The means heretofore placed at the disposal of the Department applicable to Indian purposes in California have been manifestly inadequate.

It is quite evident that without the expenditure of large sums of money our Indian affairs in California and Oregon cannot be properly conducted; and, in this connection, I respectfully suggest the policy of passing a law establishing the office of Assistant Commissioner of Indian Affairs for that State and Territory.

A general and controlling power more direct than it is possible for this office to bring to bear is of the highest importance in the adjustment of our relations with the numerous tribes of Indians in those remote portions of our wide-spread domain.

It will be seen from the reports of the Governor and *ex officio* Superintendent of Indian Affairs in New Mexico, that no material change has taken place in the condition of our Indian relations in that Territory since my last annual report.

The apparently slow progress which has been made in the work of establishing friendly relations with such Indians of the Territory as have for years been plundering and murdering the inhabitants, without fear or restraint, may be justly attributed to a combination of circumstances over which the officers of this Department have had no control. The country itself, wild, desert, and mountainous; the savage nature and untamed habits of most of the Indians who roam over it; the carelessness of many of its other inhabitants, often more reckless than the Indians themselves; the scattered, mixed, and heterogeneous character of its population in general, all tend to produce a state of things so discreditable and deplorable as to render its acquisition a misfortune, and its possession a reproach to the Government. To remedy these evils liberal appropriations of money, and a more vigorous and untrammeled exercise of authority by the civil officers of the Territory, are indispensable.

The usefulness of the agents in New Mexico has been seriously impaired by their failure to obtain from the military the usual facilities. Without the means of transportation, and the escorts necessary to enable them to penetrate the Indian country with safety, it has been impossible for them to go where their presence was most needed and the good of the service required. It is always to be desired that the utmost harmony and concert of action should prevail among the various officers and agents of the Government in any way intrusted with the management of our Indian affairs; and to this end it has been enjoined on the officers of the army, and the agents of this Department, in New Mexico, to consult together and coöperate in all their movements. Unhappily, however, this desirable object has not been fully secured; nor can it be, I apprehend, until the Governor of the Territory shall be in fact what he is in name, *Superintendent of Indian Affairs.*

Pursuant to the provisions of a late act of Congress, an agent has been appointed for the Indians in Utah; and that full justice should be done to the people of that Territory, and our Indian relations therein be placed upon a proper footing, the discretionary power vested by law in the Department has been exercised by the appointment also of two sub-agents for said Indians. A delegation of Shoshonees, or Snake Indians, a disaffected and mischievous tribe infesting one of the principal routes of travel to Oregon and California, was conducted by the agent to the grand council recently held at Fort Laramie with the wild tribes of the prairies. These Indians were not considered by the superintendent as embraced in his instructions, and were, consequently, not parties to the treaty negotiated with the other tribes. The delegation, however, were kindly received, suitable presents were bestowed upon them, and they returned to their people with more friendly feelings towards the Government and the whites. No other information of any importance has been received at this office concerning the Indians in Utah.

The treaties recently concluded by Superintendent Ramsey with the Chippewas at Pembina, and by Superintendent Mitchell and Agent Fitzpatrick with the wild tribes of the prairies at Fort Laramie, came to hand at so late a period as to afford but little time for considering their provisions; but they are fully explained in the accompanying reports of the commissioners, who doubtless have discharged with fidelity and ability the arduous and important duties imposed upon them.

No material change has taken place in our relations with the Indians in Texas. They remain in the same embarrassed and perplexed condition that has characterized them for several years past, and they must continue so until the anomalous position in which the Government is placed in regard to them be essentially changed. In the last annual report it was recommended that commissioners be appointed to confer with the proper authorities of Texas on this subject, with a view to an arrangement for placing the Indians in that State under the exclusive control of the General Government. The recommendation is now earnestly renewed; for, until this measure is effected, it is vain to expect that Indian affairs in that State can be placed on a satisfactory footing. The number of these Indians is far less than is generally supposed. A large extent of territory is not required for them. They are in such condition as to be compelled to starve or steal; and if Texas will not consent to the arrangement suggested, necessary as it is to the security of her frontier, and the very existence of the Indians, she can have no just cause to complain of depredations committed by famishing aborigines of the country, who certainly have the right to live somewhere, and nowhere more certainly than on the lands which they and their fathers have occupied for countless generations.

The commissioners appointed for the purpose of negotiating treaties with the Indians on the borders of Mexico and for other purposes being instructed that their expenditures must not exceed the amount of funds which had been placed in their hands, and finding them insufficient to accomplish the objects of their appointment, deemed it proper to dissolve the commission. The instructions under which they acted in bringing their labors to a close, together with a condensed account of their proceedings while in service, will be found in documents herewith submitted.

The Indians in Florida have long been the occasion of enormous expense to the Government, and of annoyance to the people of the State, who, with great unanimity, are deeply anxious for their removal to the country provided for their tribe west of the Mississippi river. Recognizing the obligation of the Government to persevere in its endeavors to accomplish this desirable object, and satisfied that other means than those heretofore employed were indispensable, the Department has deemed it expedient to test the efficiency of individual enterprise, stimulated by the hope of gain contingent on success. This has been done by an arrangement entered into with General Luther Blake, of Alabama, the particulars of which are set forth in his letter of instructions, a copy of which accompanies this report. Many causes combine to render the removal of these Indians a work of extreme difficulty; not the least of which is the offer heretofore made by officers of the Army to pay them individually large sums of money, ranging from one hundred to ten thousand dollars; in consequence of which they naturally expect that they will not be required to remove without the payment of equal or larger amounts than they have already refused. I am by no means sanguine, therefore, that the plan for removing them now in operation will be attended with success, but it is worthy of a trial; if it fail, the loss of the Government will be a mere trifle; if it succeed, the gratifying result will amply vindicate the wisdom of the experiment.

The *regular estimates* of the office for the present exceed those of the last year $59,445. This excess is caused mainly by the increased number of agents and interpreters for New Mexico and Utah, authorized by the act of 27th February, 1851, reorganizing this Department, and the transfer from the special to the regular estimates of the item $43,600, required to pay the interest on Choctaw scrip. The difference between the amount *appropriated* by Congress at its last session on *special estimates* and the amount of that class of estimates for the present year is very large, being $884,954 66, exclusive of the interest on the appropriation of $724,603 37 to pay the Cherokees, amounting to $402,802 86. The entire amount appropriated at the last session on Indian account exceeds the aggregate sum of the regular and special estimates now submitted $1,228,312 52. It is proper to remark, however, that additional appropriations will be required; the estimates for which will be submitted as soon as the necessary data are in the possession of the office. The explanatory remarks accompanying the estimates, it is hoped, will be found satisfactory, as care has been taken to make them conformable to law.

The second volume of the work published by authority of Congress, under the direction of this bureau, containing information respecting the history, condition, and prospects of the Indian tribes of the United States, is in press, and will shortly be ready for distribution. It will be found a worthy sequel to the preceding volume, which was received with so much general favor.

The civilization of the Indians within the territory of the United States is a cherished object of the Government. It undoubtedly merits all the consideration bestowed upon it, and the employment of all the means necessary for its accomplishment. There are not wanting those who, judging from the apparent little success which in some instances has attended the instrumentalities employed, doubt the practicability of the measure. It should be remembered, however, to change a savage people from their barbarous habits to those of civilized life is, in its nature, a work of time; and the results already attained, as evinced in the improved condition of several of our tribes, are sufficient to silence the most skeptical, and warrant the assurance that perseverance in the cause will achieve success.

The history of the Indian furnishes abundant proof that he possesses all the elements essential to his elevation; all the powers, instincts, and sympathies which appertain to his white brother, and which only need the proper development and direction to enable him to tread with equal step and dignity, the walks of civilized life. He is intellectual, proud, brave, generous; and in his devotion to his family, his country, and the graves of his fathers, it is clearly shown that the kind affections and the impulses of patriotism animate his heart. That his inferiority is a necessity of his

nature, is neither taught by philosophy nor attested by experience. Prejudice against him, originating in error of opinion on this subject, has doubtless been a formidable obstacle in the way of his improvement; while, on the other hand, it is equally certain that his progress has been retarded by ill-conceived and misdirected efforts to hasten his advance.

It is even questionable whether the immense amounts paid to them in the way of annuities have not been, and are not now, all things considered, a curse to them rather than a blessing. Certain it is, there has not at all times been the most wise and beneficial application of their funds. To arouse the spirit of enterprise in the Indian, and bring him to realize the necessity of reliance upon himself in some industrial pursuit for his support and comfort, is generally, if not universally, the initiative step to his civilization, which he is often prevented from taking by the debasing influence of the annuity system. But the system is fastened upon us, and its attendant evils must be endured.

On the general subject of the civilization of the Indians, many and diversified opinions have been put forth; but, unfortunately, like the race to which they relate, they are too wild to be of much utility. The great question, How shall the Indians be civilized? yet remains without a satisfactory answer. The magnitude of the subject, and the manifold difficulties inseparably connected with it, seem to have bewildered the minds of those who have attempted to give it the most thorough investigation. The remark of the late Attorney General Legaré is not more striking than true, that "there is nothing in the whole compass of our 'laws so anomalous, so hard to bring within any 'precise definition or any logical and scientific 'arrangement of principles, as the relation in which 'the Indian stands towards this Government and 'those of the States." My own views are not sufficiently matured to justify me in undertaking to present them here. To do so would require elaborate detail, and swell this report beyond its proper limits. I therefore leave the subject for the present, remarking only that any plan for the civilization of our Indians will, in my judgment, be fatally defective if it do not provide, in the most efficient manner, first, for their concentration; secondly, for their domestication; and, thirdly, for their ultimate incorporation into the great body of our citizen population.

Respectfully submitted,

L. LEA, *Commissioner.*

Hon. A. H. H. STUART,
Secretary of the Interior.

Assaults on the Spanish Consul and other Spaniards at New Orleans.

Mr. Calderon to Acting Secretary of State.

[TRANSLATION.]

LEGATION OF SPAIN IN WASHINGTON.

It has positively been announced in all the newspapers of this city, and those of this evening confirm the fact, that not only her Majesty's Consul in New Orleans, but also the editors of a Spanish journal published in that city called *La Union*, together with many peaceable Spaniards, have been brutally insulted. Herewith enclosed is the *Commercial Advertiser*, of this evening, containing an account of the occurrence.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, has not yet received any authentic information of the affair, nor is it natural that he should, if, as it is said, her Majesty's Consul has taken refuge in a prison, or has become the victim of some criminal outrage.

The undersigned flatters himself with the hope that the rumor is false, or that it has been greatly exaggerated, for the diabolical purpose of inflaming the evil passions of men. The Federal Government, however, is no doubt in possession of reliable information on the subject.

But the undersigned would fail in the performance of his duty, in his own opinion, if in the present state of uncertainty he did not address himself to the Acting Secretary of State, as he now does, with a request that he will have the goodness to inform him of the truth, and, in case these rumored acts of violence should actually have been committed, to ask in the most urgent manner, in the name of civilization, of the law of nations, of treaty obligations, and of morality, that the Consul of her Catholic Majesty in New Orleans, and all Spaniards residing in the United States, be efficiently protected in their persons and property; and that due satisfaction may be secured both to the demands of justice and to the Spanish nation.

The undersigned repeats again that he still flatters himself that this is one of those innumerable falsehoods which evil-minded men have circulated with such unheard-of profusion in the hope of destroying those friendly relations which happily exist between the two countries, to the mutual advantage of both parties. Such is his earnest wish; such is his hope.

The undersigned avails himself of this occasion to renew to the Acting Secretary of State the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

Hon. W. S. DERRICK, *Acting Secretary of State of the United States.*

NEW YORK, *August* 26, 1851.

Acting Secretary of State to United States District Attorney at New Orleans.

DEPARTMENT OF STATE,
WASHINGTON, *August* 28, 1851.

SIR: I have the honor to transmit enclosed a copy of a dispatch from the Minister of Spain near this Government of the 26th instant, in which he invites attention to certain outrages alleged to have been recently committed upon the Spanish Consul and other Spanish residents of New Orleans.

Allow me to request that you will immediately institute a strict inquiry into the truth of these representations, and if, upon inve stigation, they prove to be well-grounded, you will report the facts of the case to this Department, and take proper steps to vindicate the laws and bring the offenders to punishment.

I am, sir, very respectfully, your obedient servant,

WM. S. DERRICK,
Acting Secretary.

LOGAN HUNTON, *Esq., United States District Attorney, New Orleans, Louisiana.*

Mr. Calderon to Acting Secretary of State.

[TRANSLATION.]

SPANISH LEGATION IN WASHINGTON.

In addition to his note of the 26th instant, the undersigned Envoy Extraodinary and Minister Plenipotentiary of her Catholic Majesty, begs to enclose to the Acting Secretary of State of the United States a copy of a telegraphic communication which he received yesterday from her Majesty's Vice Consul at Mobile, confirming, in a certain degree, the accounts of the outrages committed in New Orleans against her Majesty's Consul for that port.

Upon this subject, as it shows that he had ample cause, and is still justified in asking, in the most urgent manner, that efficient measures may be adopted, the undersigned desires to call the attention of the Acting Secretary of State to the fact which he will already have learned from the journals of this city, viz: that but for the decided and timely interference of the local authorities of this place, it is probable that both her Majesty's Consul for this port and the editor of the *Cronica* would have likewise been the victim of some violent outrage.

Convinced, as the undersigned is, that the enlightened Government of the United States, and the upright Chief Magistrate at the head of it, will employ all the means necessary to check such abominable excesses, which they cannot but condemn with just indignation, he abstains from making any idle reflections, and renews to the Acting Secretary of State the assurances of his distinguished consideration.

A. CALDERON DE LA BARCA.

Hon. WM. S. DERRICK, *Acting Secretary of State of the United States of America.*

NEW YORK, *August* 29, 1851.

[COPY—BY TELEGRAPH.]

Dated WASHINGTON, *August* 28, 1851.

To Spanish Minister, care of Spanish Consul, 115 Leonard Street.

The Spanish Consul's office at New Orleans has been entered and torn to pieces, and the Consul burnt in effigy, last night.

Spanish Consul at Mobile, August 22, 1851.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,
WASHINGTON, 30*th August*, 1851.

The undersigned, Acting Secretary of State of the United States, has the honor to acknowledge the receipt of the two notes which Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty near this Government, addressed to him on the 26th and 29th instant, inquiring of this Department whether official information of certain reports respecting outrages alleged to have been committed lately against the Spanish Consul, the editors of the *Union*, and many peaceable Spaniards in New Orleans, had reached this Department, and asking for efficient protection of the persons and property of those individuals. Possessing no official information respecting the outrages complained of in these communications, as having been committed in New Orleans, the undersigned hopes sincerely, with Mr. Calderon, that the reports which have been published in the journals of the day may prove to have been greatly exaggerated.

In the mean time, however, the undersigned has instructed the United States District Attorney at New Orleans to furnish this Department with a full statement of facts respecting these alleged acts of violence, and to prosecute any persons who may be found to have been engaged in them.

The undersigned avails himself of this occasion to renew to Mr. Calderon the assurances of his distinguished consideration.

WM. S. DERRICK, *Acting Secretary.*

Acting Secretary of State to the United States District Attorney at New Orleans.

DEPARTMENT OF STATE,
WASHINGTON, *1st September*, 1851.

SIR: Referring to the letter addressed to you from this Department on the 28th ultimo, relative to alleged acts of violence upon the Consul of her Catholic Majesty and other Spanish residents of New Orleans, I have to request that you will, in prosecuting your inquiries, endeavor to ascertain with all practicable accuracy what amount of pecuniary loss or damage Mr. Laborde may have sustained in the attack upon him by the mob of that city, and communicate the particulars to this Department without unnecessary delay.

I am, sir, respectfully, your obedient servant,

WM. S. DERRICK, *Acting Secretary.*

LOGAN HUNTON, Esq., *United States Attorney for the Eastern District of Louisiana, New Orleans.*

Mr. Calderon to the Acting Secretary of State.

[TRANSLATION.]

LEGATION OF SPAIN IN WASHINGTON.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, proceeds to place in the hands of the Acting Secretary of State the accompanying narrative of the violent outrages which have been inflicted upon her Majesty's Consul at New Orleans, and upon several peaceful and industrious Spaniards residing in that city.

This narrative has been compiled by the undersigned from the various accounts which have been forwarded by said Consul, who, finding it impossible freely to perform the functions of his office, and in view of the risk he has undergone, and would still undergo, of jeopardy his life, has been compelled to abandon his post, recommending all Spanish subjects to the protection of the French and English consuls, as it appears from the annexed copies.

From this narrative we gather that the unheard-of crime of sending, without hindrance, an armed expedition of considerable strength from New Orleans to take possession of her Catholic Majesty's territory in the midst of peace, laying waste her property and killing her subjects, has been aggravated, if such a thing be possible, by subsequent atrocities.

Her Majesty's Consul has been assaulted, his place of business forcibly entered, the effects belonging to him destroyed, his life threatened, and the sign of his office torn down, and carried away

in triumph to Lafayette square, where, in the midst of rude jests, it was publicly burnt, together with the Spanish flag; and, as if such disorderly acts had not been sufficient, they have taken away the official papers of the consulate, and it is credibly rumored that the same will be published. Personal attacks were also made upon several Spaniards, as well as upon the Consul, and their respective houses plundered; all of which is proved by the annexed list.

The undersigned feels persuaded that the noble President Fillmore deplores and highly disapproves of these excesses, and that his enlightened Cabinet, and all the good men of the Republic, cannot do otherwise than to condemn the same as well as his Excellency.

In the mean while, however, the hostilities and bloody acts of violence committed on Spanish territory, the insult offered to the dignity of her Catholic Majesty in the person of her Consul; the robbery of her archives, the trampling on the rights of her subjects, and the plundering the latter o' their property, have placed the relations between Spain and the United States in the most melancholy condition.

For this reason the undersigned, in compliance with the sacred dictates of duty, appeals again to the most excellent President, as bound to see that the treaty stipulations with Spain are faithfully carried out, and to protect the Spanish residents in the United States under the guarantee of those treaty stipulations and of the laws, for the purpose of asking once more not only for just satisfaction for the above-mentioned insults and acts of hostility, with a corresponding indemnification for the damages and injuries inflicted upon her Catholic Majesty's subjects, but also for the adoption of the most efficient measures, in order that Spain may rest secure that such scenes will not be repeated.

The undersigned renews to the Acting Secretary of State the assurances of his most distinguished consideration.

A. CALDERON DE LA BARCA.

NEW YORK, *September* 5, 1851.

[TRANSLATION ENCLOSED IN THE ABOVE.]

SPANISH LEGATION IN WASHINGTON.

A narrative of the outrages committed in New Orleans upon the persons and properties of her Catholic Majesty's Consul in that city, and of several other Spaniards:

On the arrival of the steamer Crescent City, on the 21st of last August, at eight o'clock in the morning, the daily press began to excite the angry passions of the people, and fully succeeded in that iniquitous purpose.

A numerous crowd, exasperated by the falsehoods which said press had knowingly circulated, and by inflammatory harangues, started for the office of a Spanish newspaper published in New Orleans called *La Union*, and destroyed it completely, the editor having only saved his life at the entreaties of his wife and children.

The mob, having divided itself into groups, started in the direction of various establishments belonging to Spaniards, (a list of which is herewith enclosed,) and proceeded to demolish them all, some being more or less injured than others, merely because the property belonged to Spaniards.

In their mad fury they called at the house of her Majesty's Consul, which they entered, demolished whatever they happened to meet with, seized his papers and books of entry, and tore down the sign of the consulate and the national flag, which they afterwards carried in triumph to Lafayette square, where they were cut and broken into fragments, and burnt up.

The sign of the consulate was torn down by the Recorder of the First Municipality, as it is stated, with a view of thus appeasing the anger of the crowd, by gratifying their wishes so far.

Her Majesty's Consul, Don J. J. Laborde, being compelled to yield to the representations of the Recorder and Mayor of the First Municipality, who assured him that he was endangering his life, concealed himself, and presently took refuge in the house of a friend.

With a view of continuing to inflame the evil passions of men, and to keep such passions in a constant state of fermentation, "the press was 'induced (these are the Consul's own words) to 'follow in the same strain, by representing in its 'leading articles the exasperated condition of the 'public mind as having been produced by the indis-'creet conduct of several Spaniards, boastful and 'elated at the triumph obtained over the pirates. 'So great a falsehood was never put in circulation 'before."

In such a conflict the Consul, who found himself abandoned by all the authorities, sought in vain to find the Governor of the State. His Excellency was, as usual, out of the city.

"I undertook afterwards (continues the Consul) 'to induce the Mayor and Recorder to do some-'thing, as those officials had previously entreated 'me to interpose my influence with the editors of '*La Union*, in order that they might be moderate 'in their remarks in the number of their paper 'which was to be issued on the 23d, requesting 'me shortly afterwards that I would persuade the 'aforesaid editors not to publish their paper for 'some days; all of which I guarantied should be 'done, in order to restore the tranquillity about 'which so much anxiety was felt. I did not on 'this account, however, succeed in inducing these 'local authorities to adopt such measures as would 'have evinced on their part a desire to restrain 'those who were ready, as it was known, to com-'mit a thousand atrocities. The calling out the 'troops for the preservation of order was evaded 'in various ways. I was informed that the *greatest 'portion of them partook largely of the same sentiments, 'and that they were not therefore to be trusted.*

"The troops under General Twiggs, stationed 'at a short distance from this city, had become 'useless, inasmuch as their commander was tem-'porarily absent in the bay of St. Louis; and, 'even though he had been here, he would have 'turned a deaf ear to my most pressing request."

Thus forsaken by those who should have protected him, and left to the mercy of a ferocious rabble, the Consul adopted the only alternative which was left to him. He ceased to perform the functions of his office, and committed the property and persons of Spanish subjects to the care and protection of the British and French Consuls, in the terms specified in copy A of a communication which he addressed to them; which fact was brought to the knowledge of our countrymen by the notice as contained in copy B.

Having taken refuge in the house of a friend, situated thirty-three miles from the city, the Consul was about to repair to Havana, where he is probably at present.

And what else could he have done? He says, and very justly, as a great portion of the papers belonging to the consulate are in the possession of several of the rioters, and it is rumored that said papers will be published, springing thus a source of irritation to the families and friends of those residing in this city who are implicated in favoring piratical expeditions, it is not to be wondered at, I repeat, if the mob, on being again inflamed, should proceed to the perpetration of fresh outrages.

The Consul encloses the following list of the houses which have been plundered:

Consulate of her Catholic Majesty completely destroyed, without a vestige being left of its archives.

Printing office of the newspaper *La Union* completely destroyed.

Coffee-house, called Jenny Lind, razed to the ground.

Coffee-house of Señor Albeio not entirely destroyed.

Coffee-house of Don Antonio Rovira not entirely destroyed.

Coffee-house of Don N. M. Beltram completely demolished.

Coffee-house of Don Juan Carbo totally destroyed.

Two other coffee-houses, the owners of which names I know not, destroyed.

Tobacco store of Don A. Hernandez completely destroyed, and its valuable contents stolen.

Tobacco store called "La Corina," belonging to Don Francisco Romagora, entirely destroyed.

Tobacco store of Don Y. M. Caballero completely destroyed; with many other establishments which have suffered little, in consequence of various means adopted by their owners for the preservation of the same, some calling themselves American citizens, and others by simply hoisting the flag of this Republic, without saying anything.

A. CALDERON DE LA BARCA.

NEW YORK, *September* 5, 1851.

A.—TRANSLATION.

The events of yesterday, of which you will have been informed, compel me to resort to the only expedient which is left me, in the very painful position in which I am placed. Relying, as I am bound to do, upon the well-known sympathy, nobleness, and generosity of the valiant English [French] nation, of whose Government you are the worthy representative at this port, I place under the magnanimous protection of the illustrious flag of her Britannic Majesty [of the republic] all the Spanish subjects of her Catholic majesty, expecting that my request will be well received by you, which will secure you the blessings of those who at present consider themselves without protection.

I hope that, should you think it proper, as I think it is, in order that those who are to be protected by you may be apprised of the fact, you will cause my request to be published in any papers which you may select to that effect.

May God preserve you for many years.

NEW ORLEANS, *August* 22, 1851.

JUAN IGNACIO LABORDE Y TRUEDA.

Consul ad interim of her Majesty.

Her Britannic Majesty's Consul, present.

The same, with the alterations in [ ], to the Consul of the French Republic, present.

B.—TRANSLATION.

To Spanish subjects and Merchants in general:

Until I receive instructions from the most excellent Minister of her Catholic Majesty in Washington, and while the consulate under my charge continues closed, it is my duty to give notice to all Spanish subjects that I place their persons and their property under the protection of the authorities of the country, and of the representatives in this city of those nations which are allied to the Government of her Catholic Majesty, and to apprise merchants, generally, that all matters connected with the duties of my office will be attended to and disposed of, without distinction, by her Britannic Majesty's Consul, and the Consul of the French Republic, residing in this city.

NEW ORLEANS, *August* 23, 1851.

(Signed) JUAN IGNACIO LABORDE.

Acting District Attorney of the United States at New Orleans to Acting Secretary of State.

NEW ORLEANS, *September* 25, 1851.

SIR: After a delay which I have found unavoidable, but for which I beg to express my regrets, I proceed to submit, in reply to your letters of the 28th ultimo and 1st instant, such particulars in respect to the outrages which were committed upon the Spanish Consul and other Spanish residents of this city, on the 21st August last, as I have been able to ascertain.

In order to obtain the most full and authentic information in regard to the origin and extent of the riots which took place on that day, as well as the measures which were adopted by the public authorities for their suppression, I addressed a letter to the Hon. A. D. Crossman, Mayor of the city, and I enclose herewith his reply, and also copies furnished by him of the several orders issued from his office during the existence of the excitement, and of his message to the council of the Second Municipality under the date of the 26th ultimo.

These documents furnish a general history of what occurred; but your inquiries in relation to the Spanish Consul call for a more particular statement, and compel me to refer to circumstances which preceded, and perhaps may serve to explain the attack upon his office.

Mr. Brincio, the Secretary of the Spanish Consul, who arrived in the Empire City from Havana on the 21st August, had in his charge the letters from the prisoners executed in Havana to their friends in this country. He had been directed by the Captain General of Cuba, as I am informed,

to deliver the letters addressed to parties in this city personally, if practicable, and to deposit the others in the post office. It was soon made known that the letters were in his possession, and many of the parties to whom letters were directed called at the Consul's office and received them; but the report got into circulation in course of the morning that the letters were improperly detained at the Consul's office, instead of being deposited, as usual, in the post office, and even that the Consul had refused to deliver them. Perhaps the rumor grew out of a misconstruction of the conduct of the Secretary, who had declined to deliver the letters to any other than the parties to whom they were addressed, when the parties themselves were known to be in the city. It is proper to state, that as he was informed of the misunderstanding and ill-feeling which had been occasioned, he immediately deposited all the letters remaining in his hands in the post office, and took a receipt for them. I enclose a copy of the receipt, from which it appears that the letters were put into the post office at 3½ o'clock p. m.; but meanwhile the misrepresentations of the matter which had been circulated had served to excite some animosity against the Consul.

About 2½ o'clock p. m., an extra was issued from the office of *La Union*, which contained an abstract of the news from Havana, preceded by a few editorial remarks. It so happened that I was passing the office of *La Union* a few minutes before three o'clock p. m., and bought at the office a copy of the extra, which is herewith transmitted. At that time the press was at work. All was quiet in the neighborhood, and no apprehensions seemed to be entertained of any disturbance. It appears, however, that placards had been posted up during the morning of the 21st, threatening an attack on the office of that journal the ensuing night. Perhaps the publication of the extra precipitated the attack; but, be this as it may, between three and four o'clock p. m., and before the public authorities expected or were prepared to resist it, the attack was made, and all the presses and other furniture of the office completely destroyed. No violence or personal offence of any kind, so far as I can learn, was offered to any of the people employed about the establishment, and as soon as the destruction of the office had been accomplished the parties engaged in it dispersed. None of the police appear to have been present, and no arrests were made; but it is believed that few, if any, of the persons engaged in that business took part in the disturbances that afterwards occurred. A great and general excitement, however, was created by it throughout the city. Shortly afterwards a difficulty occurred in a cigar shop on the corner of St. Charles and Gravier streets.

I am inclined to believe that the affair was rather accidental than preconcerted, and that it was, in a great measure, induced by the folly of Gonzales himself, the proprietor or attendant of the shop. He is said to have been a very loyal subject of the Queen of Spain, and in the habit of speaking very freely and in strong language in relation to Cuban affairs. His shop, however, was the resort of many of that class of men, quite numerous in this city about that time, and known as "Fillibusters." They would call for "Fillibuster cigars," and Gonzales permitted himself to be irritated by it. He had been cautioned in a friendly way against his intemperate language and conduct on such occasions, and advised not to involve himself in an unnecessary quarrel. Quite an angry scene, however, took place in his shop on the morning of the 21st, and in the evening of that day, between four and five o'clock, an attack was made upon his establishment; but whether it was induced by the quarrel of the morning or by some new difficulty, I have not been able to learn. The police promptly interfered, and succeeded without much trouble in expelling the assailants, and in closing the doors of the shop, leaving Gonzales within. But the crowd, which, in the feverish state of the public mind, had quickly collected in considerable numbers, still lingered around the corner, and several citizens addressed them, urging them to respect the laws and preserve the peace. The excitement appeared to subside, and the people had already begun to disperse, when Gonzales removed the bars of one of the doors which had been fastened on the inside, and came out upon the sidewalk in his shirt sleeves, with a knife in his hand, and threatened to kill any one who should attack him or his property. He was immediately assailed with stones and brickbats, when he rushed into the crowd, and began to cut right and left, till he forced his way through and fled towards the guard-house of the Second Municipality. He was pursued by the mob, but fortunately some policemen came out from the guard-house and rescued him from his pursuers. The attack upon his shop then recommenced, and all its contents were broken to pieces and thrown into the street. In the midst of the confusion and excitement thus renewed, a cry was raised for an attack on the office of the Spanish Consul, and the mob forthwith started off in that direction.

The Consul's office is on Bourbon street, near the corner of St. Louis street, in the First Municipality. Hon. Joseph Genois, the Recorder of the First Municipality, informs me that it was between five and six o'clock p. m. that he learned that a mob from the Second Municipality was threatening the Consul's office, and that he immediately repaired to the spot, accompanied by the captain of the watch and one or two policemen. He states that on his arrival he found the streets filled with people, the doors of the office broken open, and some seven or eight persons inside in the act of breaking the furniture; that he made his way into the office, and commanded the rioters to desist from further violence; and that, with some difficulty, he at length succeeded in inducing them to withdraw without having done any serious injury. They possessed themselves, however, of the Consul's "sign," with which they ran off, shouting and exulting, to the Lafayette square, in the Second Municipality, where a public meeting had been called for that evening, and had already begun to assemble, and there the sign was publicly burnt.

No arrest was made of any of the persons who had been found in the office. After the mob had withdrawn, the doors were closed and nailed up. No guard was placed over the office, but the police retired, or were called off to other scenes of disorder, without any apprehension, apparently, that the attack would be renewed. Within an hour afterwards the rioters returned, forced their way again into the office, without any interruption or hindrance, destroyed all the furniture of the office, threw the archives of the consulate into the street, defaced the portraits of the Queen of Spain and of the Captain General of Cuba, and tore the flag of Spain (which they found in the office) into pieces. All these outrages were committed upon the office of the Consul without any interference on the part of the police, (none of whom appear to have been present,) and without the apprehension, as yet, of any of the offenders. Other disturbances took place during the night, and numerous arrests of the rioters were made; but, so far as I can learn, none of the persons concerned in the attack upon the Consul's office have been taken or identified. The value of the property destroyed at the Consul's office cannot be very great. The chief loss is that of the archives. A portion of them has since been recovered; but I fear the greater part is lost. The damage done to the property of individuals cannot yet be ascertained with certainty, but the estimates which I have heard for the value of the property destroyed in the Second Municipality at $10,000 to $20,000, and in the First Municipality at $6,000 to $7,000. No personal injury was suffered by the Consul or any one connected with his office. The story that he had fallen a victim to violence, or been compelled to fly for safety to the prison, was one of those falsehoods which, as his Excellency the Spanish Minister observes, have been scattered through the country with unheard-of profusion. It may be, (though I do not myself believe it,) that if he had fallen in the way of the rioters during the night of the 21st August, he might have been in some danger; but, after the excitement of that night was over, any notion that his stay in New Orleans would have been attended with personal danger is simply ridiculous. It is worthy of remark that the only person who suffered any injury whatever at the hands of the mob was Gonzales, who, in a great measure, was himself to blame for it. He has since been examined, on the complaint of one of the persons who was wounded by him, and he now stands committed for trial before the criminal court. The temper of the mob was neither sanguinary, nor even strongly vindictive, and after the attack upon the Consul's office all the subsequent mischief was committed by parties the most of whom were recognized by the police as common vagrants and thieves, who probably had no other object in view than plunder. It is rumored also that among them were some natives of Cuba, who took advantage of the opportunity to instigate the rioters against their fellow-countrymen of Old Spain.

The riots doubtless are to be ascribed to the exasperation excited by the news from Cuba. It was a sudden outbreak for which the public authorities were not prepared, and which the citizens did not immediately rally to resist; but it is a significant fact that in no instance where the police made the attempt, did they fail to check the rioters; that in no case was any violent resistance opposed to them, nor was any effort even made to rescue parties which they arrested.

I am, sir, very respectfully, your obedient servant,
E. A. BRADFORD.

Hon. WM. S. DERRICK,
Acting Secretary of State.

[ENCLOSURES IN THE ABOVE DISPATCH

From Mr. Hunton to Hon. A. D. Crossman

U. S. DISTRICT ATTORNEY'S OFFICE,
NEW ORLEANS, *September* 8, 1851.

SIR: I have been instructed to institute an inquiry in respect to the outrages alleged to have been recently committed upon the Spanish Consul and other Spanish residents of this city, and to report the facts of the case to the Department of State, at Washington.

As I desire, in furtherance of the views of the Government, to obtain the most full and authentic information, I beg leave to apply to you for such a statement of the facts connected with the outrages referred to as it may be in your power to furnish.

I am, very respectfully, your obedient servant,
LOGAN HUNTON,
by E. A. BRADFORD.

Hon. A. D. CROSSMAN.

From Mr. Crossman to Mr. Hunton.

MAYORALTY OF NEW ORLEANS,
September 18, 1851.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, in which you desire to obtain information "relative to the outrages alleged to have been recently committed upon the Spanish Consul and other Spanish residents of this city," for the purpose of reporting the same to the Department of State at Washington.

Confining myself strictly to the facts of the case, I would state, in reply, that, at an early hour on the morning of the 21st ultimo, the steamship Empire City arrived here, bringing the melancholy intelligence of the execution at Havana of a portion of Crittenden's command, comprising fifty-one American citizens. This heart-rending news was confirmed by the correspondents of the press of this city, who at the same time accompanied their narrative by a recital of the most revolting and barbarous indignities committed on the bodies of those unfortunate men after they had been shot. These advices spread like wildfire through the city, and aroused the entire community to the highest pitch of excitement and exasperation. Notwithstanding the universal sympathies of our population, I did not, however, for a moment apprehend that any outrage would have been committed on persons or property, until about two o'clock, when I ascertained that some written placards had been stuck up, containing an inflammatory appeal to unite in destroying, during the night, the office of *La Union*, the Spanish paper of this city. This induced me at once to send for the Hon. Joseph Genois, Recorder of Municipality No. 1, for the purpose of communicating with him on the subject; and, after consultation, we deemed it advisable to call upon the Spanish Consul, with the object of persuading him to use all his influence with the editors of that paper to suspend its publication until the great excitement should have somewhat subsided. On reaching the office of the

Consul he was not in; whereupon the Recorder and myself, after having explained the purport of our visit to the Consul's private secretary, left word that we would wait for him at the Mayor's office until three o'clock. A few minutes after the appointed time Mr. Laborde arrived, and, after representing to him the dangerous excitement which prevailed, and the probability that it might be quieted by an authorized announcement that *La Union* would suspend its issues for some time, he consented to use all his influence in carrying out our wishes, and actually gave the requisite instructions to that effect to his private secretary in our presence.

At that time I had not the slightest idea that any attack would have been made upon the Spanish Consul, and so expressed myself at the moment.

On leaving my office at four o'clock, in company with the honorable Recorder Genois and some other gentlemen, we were then apprised that the establishment of *La Union* had been destroyed. The persons who participated in this act of violence went determinedly and coolly to work, and, it must needs be confessed, were encouraged by the presence and openly-avowed sympathies of many citizens. Previously to this occurrence I had issued orders to the heads of police to muster all their available forces, and to increase them to any extent that might be demanded by the public safety.

In the mean while the excitement continued to grow, and at five o'clock a concerted attack was made on the cigar shop of a Spaniard in St. Charles street. The police, however, succeeded for a moment in arresting the disorder, at this point, only to break out, however, simultaneously and with renewed violence, in various other quarters. An immense demonstration was made on the establishment at the corner of Tchoupitoulas and Poydras streets, and on repairing thither I addressed the multitude, counseling them to preserve order and peace, and calling upon all good citizens to aid in suppressing the disorders. The crowd dispersed, promising to behave peaceably; but the riots broke out anew, and, indeed, so strongly were the sympathies of the community enlisted in the cause of the expedition, and so greatly were they incensed at the barbarities said to have been practiced in Havana, that for a moment the greater portion of the population was entirely disaffected, and the police were thus left to cope with the rioters without much assistance on the part of the citizens. So spontaneously also were the disturbances in various parts of the city, that it was impossible for the police to act with concert, and the same difficulty was experienced with the military, who turned out in very limited numbers only, and were not enabled to effect an organization until an advanced hour of the evening.

I was so much occupied in going over the entire extent of the city that it was nearly eight o'clock in the evening before I heard of the attack on the office of the Spanish Consul. It was not until twelve o'clock that the rioters were finally dispersed, after having broken open about a dozen coffee-houses and shops in different portions of the city.

I can assure you, however, from information I subsequently received, that not one fourth of the places which it was designed to attack were disturbed; and were it not for the very decided measures which I took for the preservation of the peace on the following day, and the hearty response made by the citizens to my proclamation calling upon them to aid the authorities in suppressing the turbulent proceedings, there would doubtless have been a renewal of those disgraceful occurrences which, for the fair fame of our city, I so deeply deplore.

I will also state that several citizens, who had been led to believe from various threats that their property was menaced with destruction, called upon me for assistance, and in every instance I took the necessary precautions to preserve them from being molested. I deem it proper to add that the only time I saw the Spanish Consul was during the brief interview with him in my office on the 21st, the particulars of which have already been set forth, The foregoing statement embraces a correct and faithful account of the proceeding which took place in this city on the 21st and 22d ultimo.

In connection with the above it may perhaps not be amiss to add that Mr. Musson, the postmaster of this city, called on me between two and three o'clock on the 21st ultimo, and stated that he entertained some apprehensions that an attack would be made on the Union office during the night. He also remarked that Mr. De Buys, his deputy, had informed him that persons had called at the post office for letters which had been written to them by the unfortunate victims at Havana, and that he overheard some of them utter threats against the Spanish Consul for not having deposited the letters in the post office.

Finally, as a matter of reference, I beg to enclose a copy of an official communication which I sent into the Council of Municipality No. 2, in relation to the occurrences of the 21st and 22d ultimo. The strong language which I employed on the occasion had its origin in the concurrent accounts received by all the papers of this city from their various correspondents in Havana, reciting the mutilations and barbarities committed on the bodies after death.

I addition to the above details, I have deemed it proper, with the view of placing the State Department in possession of all the information touching on the subject, to enclose copies, numbered 1 to 9, of the various orders and directions issued from my office during the period of excitement.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, *Mayor.*

Logan Hunton, *U. S. District Attorney.*

From Mr. Crossman to the Council of Municipality No. 2.

Mayoralty of New Orleans,
August 26, 1851.

Gentlemen: On Thursday last our usually quiet city was thrown into the deepest agitation by the receipt of advices from Havana announcing the horrible massacre of a number of our citizens, coupled with details of the most revolting indignities and mutilations committed on their bodies. Commiseration for the untimely fate of so many gallant young men was for a moment absorbed in a universal expression of horror at the barbarous manner of their death, and it became evident that the recital of these cruel events had aroused the public mind to the highest pitch of excitement. Such being the state of affairs, and fearing that the natural indignation of the community might manifest itself in acts subversive of law and order, I gave directions in the forenoon to the heads of police to take the needful measures for the preservation of the public peace, by putting on such additional force as they might deem necessary.

Notwithstanding these precautionary steps, I deeply regret to state, for the fair fame of our city, that during the afternoon and night scenes of violence and disorder were committted, and the property of inoffensive citizens destroyed; and, although using every personal exertion to put a stop to these outbreaks, I feel compelled to add that my efforts, together with those of the police, were only partially successful. Indeed, so spontaneous was the movement on the part of the rioters, and such the suddenness with which tumultuous assemblages appeared in various parts of the city, that, in addition to the embarrassment occasioned by the lateness of the hour, the police officers found it extremely difficult to act with that degree of concert necessary to the prompt suppression of the disorders. Later, however, when the police had got fairly organized, it is due to state that they performed efficient service, and succeeded in arresting a considerable number of the rioters and restoring the public peace. Early in the evening, finding that the riots and outrages on property continued unchecked, I deemed it my duty to call upon the military to hold themselves in readiness at a moment'e warning; and, on a given signal, to aid in repressing the tumults.

At eleven o'clock that night I issued a proclamation, calling upon all good citizens to aid the authorities in preserving the order, peace and dignity of the city, and on the following day I put forth another proclamation, inviting my fellow-citizens to enroll themselves as a special police for the purpose of performing patrol duty. This call, I am happy to say, was promptly responded to by many of our most respected citizens, and it is with great pleasure that I thus publicly acknowledge the important services rendered by this volunteer corps in preserving the peace of the city, despite the great excitement which continued to prevail on Friday and Saturday; nor must I omit to mention the fact that many strangers now sojourning in the city came forward and tendered to me their services on Friday, for which disinterested offer they are entitled to the hearty thanks of the community. As there was reason to apprehend a renewal of the scenes of Thursday, I caused the military to remain under arms on Friday night; but feel deeply grateful in adding that no occasion was had for their services. Several citizens, who, in consequence of threats, had been led to believe that their property was menaced with destruction, applied to me for protection, and in every instance I gave immediate orders for the stationing of an extra force in their vicinity. Indeed, if any intention existed on the part of evil-minded persons to disturb the public peace on Friday, it was most effectually thwarted by the complete and extensive arrangements made by the authorities to put down disorder wherever it might manifest itself. These preparations have necessarily entailed some expense on the city, which will have to be met.

I cannot dismiss the subject without again expressing my sincere sorrow and regret that our city should have been made the scene of such disgraceful occurrences as took place on Thursday last. Conduct of this kind can admit of no palliation; and whilst I would not for a moment set up in justification of those excesses the excitement produced by the heart-rending news from Havana, knowing, as I do, that in a popular government it is all-essential that the laws be maintained, yet, on reviewing the causes out of which these disorganizing acts arose, I cannot but congratulate my fellow-citizens that these disreputable riots have terminated without bloodshed. In conclusion, allow me to express the hope that our city may never again be disgraced by such exhibitions as were unfortunately witnessed last Thursday. New Orleans has always been characterized by her love of order and her obedience to the laws, and every good citizen should do all in his power to maintain and preserve this reputation. No grievance, however insupportable, no outrage, however gross, can justify a resort to mob violence. An habitual disregard of the laws framed by the people for their own protection can only end in demoralization of the community.

I have the honor to be, very respectfully, your obedient servant,

A. D. CROSSMAN, *Mayor.*

To the Hon. President and Members of Council of Municipality No. 2.

[Here follow copies of various communications of the Mayor of New Orleans, calling upon the civil and military officers to aid in preserving the peace. These papers consist of orders to the high constable; a request to the major general of the militia to order out the forces under his command; proclamations to the citizens; orders to the recorder to provide a night police; also, directing the same officer to detail a special police force to protect the office of the *True Delta* newspaper from apprehended violence; a list of the letters transmitted from Havana to the Spanish Consul and by him deposited in the city post office; and a card of the Mayor, formerly published in the *Picayune*, in which it denies the statement of one of its Havana correspondents, that the Mayor advised the Spanish Consul to leave the city in order to escape personal injury; on the contrary, the Mayor says that he distinctly informed the Consul that he need not apprehend the slightest danger to his person. All the orders of the Mayor to the police evince commendable promptitude and activity on the part of that officer to suppress the outbreak.]

Mr. Calderon to Acting Secretary of State.

[translation.]

Spanish Legation in Washington.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, notified his Government, at the same time that he

addressed to the Government of the United States the reclamations contained in his notes of the 26th August and the 5th September last, respectively, in regard to the excesses which were committed in New Orleans after the piratical invasion of Bahia Honda.

The undersigned has just received a reply from her Majesty's Government expressive of the very deep grief it has experienced (as it was to be expected) in consequence of such ominous and abominable events. Nor has the Spanish Government felt less pain in seeing the futility of the numerous and constant efforts it had made with a view to prevent the catastrophe which has been witnessed in the Island of Cuba. It is certainly not its own fault if, turning a deaf ear to all its warnings, and persisting to disdain the voice of reason and of justice, a set of wicked agitators have succeeded in carrying into effect an undertaking which has been denounced at all times by every civilized nation, and which has been condemned beforehand by the enlightened public opinion of the country. Since the Cardenas expedition of last year, military preparations have been going on without interruption at various points of the Confederacy, keeping the Island of Cuba in a constant state of uneasiness, until finally the new attempt upon Bahia Honda was consummated, in spite of the repeated protests and constant reclamations.

And as if the scandal which the New Orleans agitators presented to the world, in sending piratical expeditions against a country from which not the least insult or provocation had been received, and with which the Government was entirely at peace—a peace guarantied by solemn treaties, and preserved until this moment, through the medium of the most friendly intercourse—had not been sufficient, these and other agitators, in the phrensy of an unjust resentment, have committed, upon the territory of the United States, acts of violence which are of public notoriety, and which would not even have been justified under circumstances of an open state of war between the two Governments.

Apprised of all the facts, her Majesty's Government has ordered the undersigned to persist in asking, as he again asks, in the name of said Government, for full satisfaction for the aggravated insults committed upon the Spanish flag and upon her Majesty's Consul in New Orleans; and also, that the Spaniards residing in that city shall be indemnified for the losses they have sustained at the hands of an infuriated and licentious mob.

Her Majesty's Government has been likewise informed, and it does not deny the fact, how painful it has been to the illustrious President of the Republic to see his authority set at defiance, and the noble imperishable principles contained in his proclamation, on the 25th of last April, undervalued. His excellency, however, cannot fail likewise to acknowledge on his own part, and in the plenitude of his liberal sentiments, how impossible it is for Spain to put up with such outrages, which it has never tolerated before. If the excitement produced in the South and at other points by recent events has been tumultuous and far-spread, the sensation which has been caused in Spain has been equally deep, as well as unanimous among all classes and parties, with the public press and in private life, at Court as well as in the provinces. In the Island of Cuba there also exists an opinion on the subject which the Spanish Government is bound to respect, because it is at once just and honorable. And, in view of this expression of national sentiments, her Majesty's Government, whether optional with it or otherwise, could do no less than to sustain, at all hazards, the honor of the Castilian flag without stain, notwithstanding the unforeseen disasters and misfortunes through which the Spanish nation has had to pass for a long series of years—a nation which never shrinks from any species of sacrifice when it is a question of maintaining her honor and of vindicating her rights.

Her Majesty's Government has been gratified to observe that a respectable portion of the people of the United States have expressed themselves openly and resolutely against the criminal excesses committed in the South; and relying, moreover, upon the support which the Cabinet of Washington will meet from all good and sensible men, her Majesty's Government hopes also that the former will succeed in suppressing and restraining all similar misbehaviors.

The undersigned has been instructed to inform the Government of the United States that the Captain General of the Island of Cuba has received positive orders from her Majesty's Government efficiently to protect the persons and property of all Anglo-Americans established there, because, with the same severity it has used towards the piratical invaders of Spanish territory, it would likewise punish all who should attempt to commit any offence against those respectable foreigners who reside there under the assurances of our good faith.

Her Majesty's Government fears, however, that, if these agitations and hostile designs should continue, the supreme authority of the Island might be placed in such circumstances as not to be able to avoid ordering all those who belong to the southern States out of it, and even to compel the United States Consul himself to quit, in case the Spanish Consul at New Orleans should not have received due satisfaction.

But this reparation, together with the indemnification due to those Spaniards who were deprived of their property by forcible means, have been verbally promised to the undersigned, who has communicated the fact to his Government. He has no doubt, therefore, but that he will soon receive an explicit reply from the Hon. J. J. Crittenden on the subject, which he earnestly requests; and he flatters himself with the hope that justice will shortly repair the injuries and excesses which have been caused by injustice, to the detriment of those friendly relations which existed between the two countries, to the mutual advantage of both parties, and which are suitable to both countries.

The undersigned renews to the Hon. J. J. Crittenden the assurances of his distinguished consideration.

A. CALDERON DE LA BARCA.

WASHINGTON, *October* 14, 1851.

Hon. J. J. CRITTENDEN, *Acting Secretary of State of the United States.*

Secretary of State to Don A. Calderon de la Barca.

DEPARTMENT OF STATE,
WASHINGTON, *November* 13, 1851.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Señor Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, of the 14th of last month, upon the subject of the excesses committed at New Orleans upon the house of the Spanish Consul, and also on the property of certain individuals, subjects of her Catholic Majesty.

Mr. Calderon has written and acted on this occasion, as well as on others growing out of similar occurrences, with his accustomed zeal, as well as with fidelity to his Government; and he has met, and will meet, on the part of that of the United States, an entire readiness to listen most respectfully to his representations, and to do all that honor, good faith, and the friendly relations subsisting between the United States and Spain may appear to demand.

The first rumor of the outrage at New Orleans induced the Government of the United States to take immediate steps to become acquainted with the particulars. It was regarded as a case in which the honor of the country was involved; and, as Mr. Calderon has already been informed by this Department, the Attorney of the United States for the district of Louisiana was instructed to cause inquiry to be made into the circumstances attending the occurrences, and report the same to this Department. The report of the District Attorney has been received, and a copy of it is now communicated to Mr. Calderon for his information. It is accompanied, as will be perceived, by a statement of the Mayor of the city of New Orleans, whose duty, as well as whose inclination, led him to make himself acquainted with everything which took place.

From these authentic sources of information, it appears that, on the morning of the 21st August, the steamer Crescent City arrived at New Orleans from Havana, with intelligence of the execution of the fifty persons who were captured near the coast of Cuba. Mr. Brincio, the secretary of the Spanish Consul, was a passenger in the steamer, and was understood to have been intrusted by the Captain General with letters written by the persons who were afterwards executed, to their friends in the United States. Instead of putting these letters into the post office at once, on his arrival, he retained them, as was alleged. This occasioned an impression that he acted with great impropriety, and a report became current that the Consul had refused to deliver the letters when requested. Written placards were accordingly posted up in the city, threatening an attack on the office of the Spanish newspaper called *La Union* during the ensuing night. This attack was probably precipitated by an extra sheet, issued from the office of that paper at half-past two o'clock in the afternoon, giving an account of the execution of the fifty persons at Havana; and the attack was made between three and four o'clock the same afternoon, and before the public authorities were, or could be, prepared to prevent it. During the attack, however, no personal injury was offered to any one. Afterwards, attacks were made upon coffee-houses and cigar shops kept by Spaniards. Between five and six o'clock the same afternoon, Mr. Genois, the Recorder of the First Municipality, hearing that an assault was threatened on the Consul's office, situated in that municipality, repaired thither, accompanied by some of the police. He found the streets filled with people, the doors of the office broken open, and seven or eight persons in the act of breaking and destroying the furniture. He commanded the rioters to desist, and they withdrew, after obtaining possession of the Consul's sign, which they took to a public square and there burnt. After the departure of the mob the doors of the Consul's office were fastened up by the officers, and the police retired, not apprehending that the attack would be renewed. Within an hour, however, the rioters returned, forced their way into the office, destroyed all the remaining furniture, threw the archives into the street, defaced the portraits of the Queen of Spain and of the Captain General of Cuba, and tore in pieces the flag which they found in the office. This is believed to be a true account of everything material which took place.

The undersigned has now to say, that the Executive Government of the United States regards these outrages not only as unjustifiable, but as disgraceful acts, and a flagrant breach of duty and propriety; and that it disapproves them as seriously, and regrets them as deeply, as either Mr. Calderon or his Government can possibly do. The Spanish Consul was in this country discharging official duties, and protected not only by the principles of public and national law, but also by the express stipulations of treaties; and the undersigned is directed to give to Mr. Calderon, to be communicated to his Government, the President's assurance that these events have caused him great pain, and that he thinks a proper acknowledgment is due to her Catholic Majesty's Government. But the outrage, nevertheless, was one perpetrated by a mob, composed of irresponsible persons, the names of none of whom are known to this Government; nor, so far as the Government is informed, to its officers or agents in New Orleans. And the undersigned is happy to assure Mr. Calderon that neither any officer or agent of the Government of the United States, high or low, nor any officer of the State of Louisiana, high or low, or of the municipal government of the city of New Orleans, took any part in the proceeding, so far as appears, or gave it any degree of countenance whatever. On the contrary, all these officers and agents, according to the authentic accounts of the mayor and district attorney, did all which the suddenness of the occasion would allow to prevent it.

The assembling of mobs happens in all countries; popular violences occasionally break out everywhere, setting law at defiance, trampling on the rights of citizens and private men, and sometimes on those of public officers, and the agents of foreign Governments, especially entitled to protection. In these cases the public faith and national honor require not only that such outrages should be disavowed, but also that the perpetrators of them should be punished whenever it is possible to bring them to justice; and, further, that full satisfaction should be made, in cases in which a

duty to that effect rests with the Government, according to the general principles of law, public faith, and the obligation of treaties. Mr. Calderon thinks that the enormity of this act of popular violence is heightened by its insult to the flag of Spain. The Government of the United States would earnestly deprecate any indignity offered in this country, in time of peace, to the flag of a nation so ancient, so respectable, so renowned as Spain. No wonder that Mr. Calderon should be proud, and that all patriotic Spaniards of this generation should be proud, of that Castilian ensign which, in times past, has been reared so high and waved so often over fields of acknowledged and distinguished valor; and which has floated also, without stain, on all seas, and especially, in early days, on those seas which wash the shores of all the Indies. Mr. Calderon may be assured that the Government of the United States does not and cannot desire to witness the desecration or degradation of the national banner of his country. It appears, however, that in point of fact no flag was actually flying, or publicly exhibited, when the outrage took place; but this can make no difference in regard to the real nature of the offence or its enormity.

The persons composing the mob knew that they were offering insult and injury to an officer of her Catholic Majesty, residing in the United States under the sanction of laws and treaties, and therefore their conduct admits of *no* justification. Nevertheless, Mr. Calderon and his Government are aware that recent intelligence had then been received from Havana not a little calculated to excite popular feeling in a great city, and to lead to popular excesses. If this be no justification, as it certainly is none, it may still be taken into view and regarded as showing that the outrage, however flagrant, was committed in the heat of blood, and not in pursuance of any predetermined plan or purpose of injury or insult.

The people of the United States are accustomed, in all cases of alleged crime, to slow and cautious investigation and deliberate trial before sentence of condemnation is passed, however apparent or however enormous the imputed offence may be. No wonder, therefore, that the information of the execution, so soon after their arrest, of the persons above referred to, most of whom were known in New Orleans, and who were taken, not in Cuba, but at sea endeavoring to escape from the Island, should have produced a belief, however erroneous, that they had been executed without any trial whatever, and caused an excitement in the city, the outbreak of which the public authorities were unable for the moment to prevent or control.

Mr. Calderon expresses the opinion, that not only ought indemnification to be made to Mr. Laborde, her Catholic Majesty's Consul, for injury and loss of property, but that reparation is due also from the Government of the United States to those Spaniards residing in New Orleans whose property was injured or destroyed by the mob, and intimates that such reparation has been verbally promised to him. The undersigned sincerely regrets that any misapprehension should have grown up out of any conversation between Mr. Calderon and officers of this Government on this unfortunate and unpleasant affair; but, while this Government has manifested a willingness and determination to perform every duty which one friendly nation has a right to expect from another in cases of this kind, it supposes that the rights of the Spanish Consul, a public officer residing here under the protection of the United States Government, are quite different from those of the Spanish subjects who have come into the country to mingle with our own citizens, and here to pursue their private business and objects. The former may claim special indemnity; the latter are entitled to such protection as is afforded to our own citizens. While, therefore, the losses of individuals, private Spanish subjects, are greatly to be regretted, yet it is understood that many American citizens suffered equal losses from the same cause; and these private individuals, subjects of her Catholic Majesty, coming voluntarily to reside in the United States, have certainly no cause of complaint if they are protected by the same laws, and the same administration of law, as native-born citizens of this country. They have, in fact, some advantages over citizens of the State in which they happen to be, inasmuch as they are enabled, until they become citizens themselves, to prosecute for any injuries done to their persons or property in the courts of the United States, or the State courts, at their election. The President is of opinion, as already stated, that, for obvious reasons, the case of the Consul is different, and that the Government of the United States should provide for Mr. Laborde a just indemnity; and a recommendation to that effect will be laid before Congress at an early period of its approaching session. This is all which it is in his power to do. The case may be a new one; but the President, being of opinion that Mr. Laborde ought to be indemnified, has not thought it necessary to search for precedents.

In conclusion, the undersigned has to say that if Mr. Laborde shall return to his post, or any other Consul for New Orleans shall be appointed by her Catholic Majesty's Government, the officers of this Government resident in that city will be instructed to receive and treat him with courtesy, and with a national salute to the flag of his ship if he shall arrive in a Spanish vessel, as a demonstration of respect, such as may signify to him and to his Government the sense entertained by the Government of the United States of the gross injustice done to his predecessor by a lawless mob, as well as the indignity and insult offered by it to a foreign State with which the United States are, and wish ever to remain, on terms of the most respectful and pacific intercourse.

The undersigned avails himself of this occasion to offer to Mr. Calderon renewed assurances of his distinguished consideration.

DANIEL WEBSTER.

Mr. Calderon to the Secretary of State.

[TRANSLATION.]

LEGATION OF SPAIN IN WASHINGTON.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from her Catholic Majesty, has the honor to acknowledge the receipt of the note addressed to him by the Hon. Daniel Webster, Secretary of State of the United States, dated the 13th instant, in answer to the communication of the undersigned dated the 14th ultimo.

The undersigned will lose no time in bringing this document to the knowledge of his Government; and he entertains the confident hope that Mr. Webster's note, both as regards its substance and as regards the friendly spirit in which it is conceived, will prove satisfactory to the Queen's Government, and will not fail to have the effect of reëstablishing those friendly relations which have so long and so happily subsisted between her Majesty's Government and the Government of the United States upon that accustomed footing of cordiality which it has ever been the earnest desire, as well as the duty of the undersigned to see maintained between the two nations.

The undersigned avails himself of this opportunity to renew to the Hon. Daniel Webster the assurances of his high consideration.

A. CALDERON DE LA BARCA.

WASHINGTON, *November* 11, 1851.

Documents relative to the Americans who were taken Prisoners and sent to Spain.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,
WASHINGTON, *September* 6, 1851.

It having been announced, both by telegraph and in the newspapers of this date, that Lopez has been captured and executed, and that one hundred and fifty-five men under his command have been arrested, the undersigned, Acting Secretary of State of the Uniced States, has the honor of addressing himself to his excellency Don A. Calderon de la Barca, Envoy Extraordinary and Minister Plenipotentiary of her Catholic Majesty, for the purpose of ascertaining from him whether he is possessed of any certain information on the subject, and in that event to beg that he will be pleased to communicate the same to this Department.

In the event of these facts, relative to the execution of Lopez and the seizure of his command, being true, as generally stated, the undersigned avails himself of this opportunity to submit the following remarks to his excellency Don A. Calderon de la Barca:

During the several hostile attempts which have been made upon the Island of Cuba, the Government of the United States has never hesitated to pursue the course which was pointed out to it by the stern dictates of duty, whether in putting forth all its executive energies to prevent any violation of existing laws, or to punish those of its officers who had failed to execute, or exhibited any criminal backwardness in the execution of such laws. In view of these considerations, and of the tragical antecedents connected with this last expedition; in view also of the peculiar state of excitement under which the popular mind is still laboring, consequent upon the summary proceedings against the party of Americans captured at Bahia Honda, the Government of the United States would be much gratified to learn that his excellency Mr. Calderon had used the influence of his high position in persuading the Governor General of Cuba to treat the unfortunate party of citizens of the United States reported to have lately been captured, with that eniency which so becomes a magnanimous conqueror, and which, as in this case, could not fail to strengthen the cause of her Majesty, by showing to the world that even in the midst of the most aggravating circumstances the Spanish authorities can listen to the voice of humanity, and appreciate the unhappy position of those misguided men who have been lured on to destruction by false representations. It may be said on the part of Spain that the summary execution of Mr. Crittenden's party was an indispensable act of policy, required by the exigency of the occasion, and necessary to deter otners from making similar attempts in future; but any violence or undue austerity which may be pursued against the party of Americans lately captured would only tend to exasperate the public mind in this country. Now that the principal instigator of those outrages is out of the way, any harsh measures against these defenceless men would probably be made the plea for new commotions, and be represented as the unnecessary outpourings of a revengeful spirit; whereas, by a course of lenity and mercy, the storm of passions which at present rages in portions of this country might be appeased, and the asperities felt by those who have lost friends or relations by the first executions considerably softened down.

The undersigned begs Mr. Calderon distinctly to understand that no right is now claimed on the part of this Government to intervene officially with regard to this matter, but that the foregoing remarks are offered as simply imbodying the private wishes of this Government, and as worthy the consideration of one so eminently humane and kindly disposed as her Catholic Majesty's representative in the United States.

The undersigned has the honor to renew to Mr. Calderon the assurances of his distinguished consideration.

W. S. DERRICK,
Acting Secretary.

Acting Secretary of State to Mr. Calderon.

DEPARTMENT OF STATE,
WASHINGTON, 30*th September*, 1851.

SIR: The same spirit of humanity which dictated my note to you of the 26th instant, in favor of Robert M. Grider, now impels me to appeal once more to your good offices in behalf of another of the late Cuba expeditionists, J. C. Brigham, a youth of respectable family and a near relative of the Hon. S. W. Downs, United States Senator from the State of Louisiana, who, it appears, has personally addressed a communication to you upon the subject. I transmit a copy of his letter to this Department respecting his kinsman, of whose fate the family have so far received no certain intelligence.

In appealing to your own well-known kindness of heart, I know I do not appeal in vain, but I could most fervently wish that the Spanish Government might evince its moderation and its magnanimity by a spontaneous grant of pardon to the survivors of the Lopez expedition, together with a formal permission to the families of those who were executed, or who otherwise perished, to remove their remains, wherever they may be found in the Island, for interment in the United States.

Such an act on the part of Spain could not fail, in my opinion, to produce a most salutary effect at this moment in the United States, and it would

assuredly receive the sanction of the civilized world.

I am, sir, with distinguished consideration, your obedient servant, J. J. CRITTENDEN,
Acting Secretary of State.

Señor Don. A. CALDERON DE LA BARCA, &c.

Acting Secretary of State to Mr. Barringer.

DEPARTMENT OF STATE,
WASHINGTON, *6th October*, 1851.

SIR: At the request of Mr. B. F. De Bow, of Charleston, South Carolina, I transmit a letter which is addressed to you, but sent hither by him open for my perusal, and a copy of his communication to this Department, of the 27th ultimo, respecting his brother-in-law, Edwin L. Bell, one of the Cuban expeditionists. I cannot hesitate to comply with Mr. De Bow's wishes, and I cordially join him in soliciting, as an act of humanity, your unofficial intercession with the Spanish Government in favor of this young man.

Sir, I would go further: I would ask you to exercise whatever personal and private influence you may possess, and to use it in whatever manner you may think most likely to command success with her Majesty the Queen of Spain, in behalf of all the survivors of the late Lopez expedition. I do not intend to give you formal and official instructions or orders on this delicate and painful subject; but I cannot go far wrong in requesting you, as an American, to do anything you can, informally, to procure the pardon and release of those of your unfortunate countrymen who have been sent prisoners from Cuba to Spain.

I have lately had occasion to make applications to Mr. Calderon de la Barca, the excellent and humane Minister of her Majesty near the Government of the United States, to enlist his kind offices in favor of particular individuals in the late expedition, who have, like young Bell, been sent to Spain; and I now transmit, for your information, a copy of one of these notes, which is dated the 30th ultimo, in which I availed myself of the opportunity to express my fervent wish that the Spanish Government might come to the determination of pardoning the whole of those unfortunate persons; adding also, what I firmly believed, that an act of clemency and grace like this, on the part of her Majesty, could not fail to be attended by the most salutary consequences at this moment in the United States, and that it would certainly receive the sanction of the civilized world.

I also send for your information a copy of a dispatch which I thought it proper to address to Mr. A. F. Owen, the Consul of the United States at Havana, on the subject of obtaining permission for the families of the deceased to remove to the United States the remains of those of the late Lopez expedition who were executed or who otherwise perished in Cuba. I transmit at the same time another dispatch from this Department to Mr. Owen, dated the 29th ultimo. The Consul has been instructed to furnish to his Government ample and exact information in regard to the recent tragic events which took place in the Island. You will, of course, not fail to communicate all the information within your reach which may have any bearing on the same subject, and especially in relation to those Americans who have been sent, or who may hereafter be sent, as criminals to Spain. Their families and friends, I may say the whole American people, are interested in their fate.

Your dispatches to No. 57, inclusive, have been received at this Department.

I am, sir, respectfully, your obedient servant,
J. J. CRITTENDEN, *Acting Secretary.*

D. M. BARRINGER, Esq., &c., *Madrid.*

Mr. Crittenden to Mr. Owen.

DEPARTMENT OF STATE, WASHINGTON, *September* 29, 1851.

SIR: Frequent applications have been made, and others no doubt will be made, to the Department of State, praying for the interposition of the Government to enable the families of those who were lately executed in Havana to procure the mortal remains of their deceased relations for decent interment in their native land.

Those who make this appeal are amongst the most virtuous of our citizens, and their private grief deserves and commands general respect and sympathy.

Having been just called by the President to assume the temporary charge of this Department, it becomes one of my first duties to call your special attention to the natural wishes on this subject of the parents, relatives, and friends of the Americans who, fatally connecting themselves with General Lopez in his late attempt on Cuba, were captured and shot at Havana.

Those who met this fate were mostly inexperienced youths, who have evidently been enticed and beguiled by false lures and misrepresentations; but it is not doubted that they were animated at the same time by impulses which, under proper circumstances, would have done them honor, and secured for them the approbation of the world.

They were unquestionably the dupes of Lopez, a Spanish subject, and of other individuals, whose motives this is not the time, nor indeed have I the disposition, to criticise. The lives of these victims have atoned for all the follies they committed, and the royal authority of Spain, against whom all their acts were aimed, has exercised a terrible retribution upon the invaders.

The most of the victims we know were very young, and I venture to declare my own conviction that they had not the remotest idea of the crime they were committing, but were influenced rather by a misguided enthusiasm for liberty than by any criminal motive. Had they indeed comprehended the cruel deceptions really practised upon them, and which many of them discovered only when it was too late, they never would have embarked in the ill-fated, the criminal enterprise, the catastrophe of which has rendered necessary this appeal from their surviving families.

I will no longer dwell on those melancholy events; my principal object in calling your attention to the subject at all being to request you to receive with kindness all those persons who may visit Havana on this sad business, and to furnish them with every facility, private, and official, that will aid them in performing the mournful duty that carries them thither.

I do not permit myself for a moment to suppose that the Colonial Government will consider these wishes, or any efforts you may be pleased to make to effect their accomplishment, as either offensive or improper. Their indignation against the late invaders of Cuba, I trust and believe, is now buried in that untimely grave to which our gallant but deluded fellow-citizens have been doomed. Their mouldering bones have long since ceased to be fit objects of resentment.

I am, sir, &c.,
J. J. CRITTENDEN, *Acting Secretary.*

A. F. OWEN, *United States Consul, Havana.*

Mr. Derrick to Mr. Owen.

DEPARTMENT OF STATE,
WASHINGTON, *September* 29, 1851.

SIR: I am directed by the President to instruct you to prepare and send to this Department a full and detailed account of the occurrences connected with the late invasion of Cuba by a body of men from the United States; and particularly to furnish all the information in your power concerning the capture, trial, and execution of one part of that body, and the capture, trial, and detention of the remaining part. The President is desirous of ascertaining the fate of those who may now be held in captivity; whether they are still in Cuba, or have been sent elsewhere, and what has been or may now be their treatment from the local authorities. It is reported in the public papers that a number of these men have been sent to Spain. If these reports are correct, you will please state under what circumstances they were sent thither; whether they had been tried and condemned in Cuba, and if so, to what punishment; or if they were transported for the purpose of undergoing trial; and if the former, if it be practicable to do so, you will transmit copies of the judicial proceedings which were had on the occasion.

The President is especially anxious to receive a fuller statement than you have yet given of your own course of proceeding during these occurrences. He trusts that nothing was omitted on your part, in your official character, to secure to these men such privileges as, influenced by motives of humanity and magnanimity, the Captain General might be willing to extend to them; and that in your private intercourse you afforded them all the attention and sympathy of which their condition was susceptible, and which, from the relation you bore to them as a fellow-citizen, they had a right to expect and to receive from you.

The President has felt himself much embarrassed for the want of that precise and authentic information which is now invited, and which was confidently expected from you, concerning the recent events in Cuba, and respecting the deluded and misguided men, who, following the impulses of an ill-directed enthusiasm, have suffered such heavy afflictions as to have awakened the sympathies of their Government and country in their fate.

Enclosed is a duplicate of the letter addressed to you on the 1st instant. I am, sir, &c.,
W. S. DERRICK, *Acting Secretary.*

A. F. OWEN, Esq.,
Consul of the United States, Havana.

Secretary of State to Mr. Barringer.

DEPARTMENT OF STATE,
WASHINGTON, *October* 29, 1851.

SIR: I transmit a copy of a communication addressed, on the 14th instant, to this Department by P. Hamilton, Esq., the United States District Attorney at Mobile, and the petition to the Queen of Spain which came enclosed, signed by a considerable number of citizens of Alabama, soliciting the clemency of her Majesty towards the Americans lately captured in Cuba and sent to Spain.

The President wishes you to lose no time, after the receipt of this dispatch, in ascertaining, through the Minister of Foreign Relations of Spain, whether her Majesty will receive this petition, and if so, in what manner it will be most agreeable to her that it should be presented.

You may inform the Minister that although the people as well as the Government of the United States entirely condemn the late attempt upon the Island of Cuba, both would be greatly gratified to learn that her Majesty had been pleased to listen to the voice of mercy, and to extend her sovereign grace to the unfortunate Americans who were misled and induced by Lopez and the other confederates of his designs to participate in that criminal and ill-fated expedition. * * *

I am, sir, respectfully, your obedient servant,
DANIEL WEBSTER.

D. M. BARRINGER, Esq., *Madrid.*

Mr. Webster to Mr. Barringer.

DEPARTMENT OF STATE, WASHINGTON, *November* 26, 1851.

SIR: Your dispatches to No. 64, inclusive, have been received. I am happy to inform you that the complaints of her Catholic Majesty's Government, respecting insults to the Spanish Consul and flag, by a mob at New Orleans, and other acts of violence against the property of her subjects in this country, all occasioned by the excitement growing out of the late invasion of Cuba, and its incidents and consequences, have been made the subject of a correspondence between this Department and Mr. Calderon, her Majesty's Minister here. A copy of this correspondence is herewith transmitted to you, by which you will perceive that those complaints have been met by the Government of the United States in a manner satisfactory to the representative of Spain. Her Catholic Majesty's Government must be too just to suppose for a moment either that the Government of the United States has connived at the several invasions of Cuba, by persons proceeding from our ports, or that anything within the power of the Government has been omitted for preventing those invasions, and for punishing those concerned in them. It has now been many months that these hostile designs against Cuba have occupied the attention of the Government of the United States, from week to week and from day to day. The most zealous efforts have been made to bring to condign punishment all who have been disposed to violate the laws of their own country, by making war upon a Spanish possession. Her Catholic Majesty's Government is quite well aware that the principal

instigator of this criminal invasion of Cuba, and leader of the expedition, was one of her Majesty's subjects, who came to this country and abused its hospitality by inducing American citizens, mostly young and ill-informed persons, to embark in his cause and follow his standard. There is good reason to believe that but for his agency, and that of other Spaniards who had come to the country, no expedition against Cuba would ever have been set on foot. The policy of the United States is the policy of peace, until there shall arise just cause of war. The colonies of Spain are near to our own shores. Our commerce with them is large and important, and the records of the diplomatic intercourse between the two countries will manifest to her Catholic Majesty's Government how sincerely and how steadily the United States has manifested the hope that no political changes might lead to a transfer of these colonies from her Majesty's Crown. If there is one among the existing Governments of the civilized world which for a long course of years has diligently sought to maintain amicable relations with Spain, it is the Government of the United States. Not only does the correspondence between the two Governments show this, but the same truth is established by the history of the legislation of the country and the general course of the Executive Government. In this recent invasion Lopez and his fellow-subjects in the United States succeeded in deluding a few hundred men, by a long-continued and systematic misrepresentation of the political condition of the Island, and of the wishes of its inhabitants. And it is not for the purpose of reviving unpleasant recollections that her Majesty's Government is reminded that it is not many years since the commerce of the United States suffered severely from armed boats and vessels which found refuge and shelter in the ports of the Spanish islands. These violations of the law, these authors of gross violence towards the citizens of this Republic, were finally suppressed, not by any effort of the Spanish authorities, but by the activity and vigilance of our Navy. This, however, was not accomplished but by the efforts of several years, nor until many valuable lives, as well as a vast amount of property, had been lost. Among others, Lieutenant Allen, a very valuable and distinguished officer in the naval service of the United States, was killed in an action with these banditti.

All this is not said for the purpose of making or renewing complaints, either of the violation of treaty obligations or of unjustifiable remissness against the Government of Spain or the authorities of the islands. But it may be brought to the notice of the Spanish Government as one of the consequences which may sometimes flow from the conduct of men disposed to carry on criminal enterprises, and favored, in the execution of such enterprises, by the contiguity of the possessions of the two Governments. The Spanish islands lie near the coast of America, and the use of steam has rendered the passage from one to the other short; but while this facilitates the accomplishment of the purposes of wrong-doers, on the other hand it augments the means of Government to pursue, overtake, and disperse them, or bring them to proper trial and punishment. In truth, steam has greatly increased the proximity between Cuba and the United States. We have become much nearer neighbors than formerly, and the duty which this new state of things devolves on both Governments is to keep a closer and stricter watch on their subjects and citizens respectivcly, in order that no violation of treaty obligations, and no interruption of the peace and amity existing between the two Governments, may take place. And this duty will be performed on the part of the United States diligently and faithfully, in the true spirit of treaties as well as in the proper execution of the laws. You are at liberty to communicate these observations to the Government of her Catholic Majesty.

I have now to call your attention to another subject of much interest. We have learned that a hundred and sixty-two of the persons captured on the Island of Cuba, as having constituted a part of Lopez's forces, have been sent to Spain. We have no official information respecting their trial or sentence, or of their subsequent destination, but it is generally reported that they have been or are to be sent to the mines. The Government of the United States has admitted that these violators, both of the law of nations and of the laws of their own country, have no legal claim for its protection. Yet they are men, and most of them ignorant or deluded men. It cannot be denied that they are, as such, objects of compassion; and I think I may say that severe punishment inflicted on so many persons for an attempt which has ended in a failure so signal, and for an offence which, however grave, has already been expiated by the lives of a majority of those who participated in it, might be regarded as inconsistent with feelings of humanity and that generosity of sentiment which may not unreasonably be looked for from the sovereign of a great nation. This seems to have been the sentiment entertained by the Captain General of Cuba, under the influence of which he pardoned several of the captives; and her Majesty's Government may be assured that this wise and well-considered exercise of clemency and mercy has produced the best effects in this country. He has said that in the executions ordered by him he acted under a conviction of the absolute necessity of setting an example which might deter others from the performance of acts of similar criminality. That example has been set by the infliction of a punishment as prompt as it was awful, by the execution of fifty persons. The knowledge of their miserable fate has been carried to every man in this country and spread all over the world.

Is not this enough? Can example be made more terrific? Certainly an act of clemency on the part of the Spanish Government could not now be thought a symptom of weakness. May not the sword of justice be now sheathed without danger, and the voice of Christian humanity be allowed to be heard? And even if the Spanish Government can entertain no great feeling of compassion for these deluded and offending men themselves, is it not highly just and proper to consider that they have friends and families, distressed fathers and mothers, weeping brothers and sisters, all of them unoffending, and some of them most respectable persons? Application has been made for the interposition of the kind offices of this Government from fathers whose sons—thoughtless young men, seduced by the efforts of Lopez and his associates—eloped from their own homes and joined the expedition without the knowledge of their friends. I am aware that, in regard to the results of the Cuban invasion, all cause for sympathy and compassion is not on one side. I am aware that a general officer in her Majesty's service was slain, and that many Spanish soldiers and Spanish subjects lost their lives in defence of their Government and of their own homes. But the President thinks that it is wise to suffer oblivion to cover the past. He is anxious for the removal of every cause which might tend to keep alive ill-will between the citizens and subjects of the two countries. So long as these prisoners shall continue to be suffering a severe and lingering punishment in a foreign land, so long will efforts be constantly made by their friends to procure their release by appeals to the good offices of their Government. The tendency of these applications can only be to keep alive a very considerable irritation. It is in consideration of this, and from a strong wish for the extinguishment of all feelings of that kind, that, in the judgment of the President, nothing would be more useful than the granting of her Majesty's pardon to the residue of these prisoners, and suffering them to return to their own homes.

Those who were pardoned by the Captain-General of Cuba appear to have been among the most prominent and well-informed members of the expedition. The friendless are left to their fate, although less culpable, as being less informed of their duties and obligations. It seems invidious and unjust to make distinctions of this kind. You say that the existing belief in Spain is, that the result of the expedition has strengthened the hands of the Spanish Government, and given new security to its possession of the Island. A similar sentiment prevails, to some extent, here.

We are not apprised of the disposition which may have been made of the prisoners who, you state, in your No. 62, had arrived at Vigo. In answer to your inquiry as to whether, in any event, and to what extent, assistance in clothing, or other necessaries, might be furnished to such as might need and apply for the same on account of the United States, I have to remark that it is expected that none of the needy among the prisoners will be allowed to suffer for want of the necessaries of life. You will accordingly take care that their wants are provided for.

An application will be made to Congress for an appropriation towards defraying any expenses which may thereby be occasioned.

I am, sir, very respectfully, your obedient servant, DANIEL WEBSTER.

To D. M. BARRINGER, Esq., &c.

Intervention of Great Britain and France.

Memorandum.

Mr. Crampton, at an interview with Mr. Crittenden, at the Department of State, on the 27th of September, 1851, stated that he had been directed by her Majesty's Government to say to the United States Secretary of State that her Majesty's Government had learned with great regret that expeditions have again been prepared in the ports of the United States for an attack upon a territory belonging to a sovereign at peace with the United States and in friendly relations with her Majesty.

Her Majesty's Government do not doubt that the Government of the United States will use all possible diligence to prevent and punish proceedings which are in violation both of the laws of the United States and of the law of nations, and her Majesty's Government are persuaded that such measures, if taken in time, will accomplish their object.

But her Majesty's Government deem it due to the frankness which ought to characterize the intercourse between the two Governments, to state to that of the United States that her Majesty's ships of war on the West India stations will have orders to prevent by force any adventurers of any nation from landing with hostile intent upon the Island of Cuba.

At another interview, held at the same Department on the 6th of October, Mr. Crittenden replied verbally to Mr. Crampton as follows:

I am instructed by the President to express his regret that such orders as those mentioned in the dispatch from Lord Palmerston should have been deemed necessary and proper by the British Government.

So far as they have reference to lawless and unauthorized expeditions against the Island of Cuba, apprehended from citizens of the United States, it is only necessary to say that such expeditions are forbidden by the laws of this Republic, and that its Government is able and determined to execute those laws. Evasions of them may occur, in spite of the utmost vigilance and energy; such instances are common to the laws of all countries. It is only by stealth and by favor of rare and accidental circumstances that any such expeditions can escape from our shores; none of sufficient force or magnitude to create any serious apprehension for the safety of Cuba, and certainly none against which Spain herself is not abundantly able to protect that Island.

The Government of the United States, always determined, in perfect good faith, to maintain its neutral relations, and perform all its national obligations, condemns as strongly as the British Government the lawless enterprises against which the orders in question appear to be directed, and the Government of the United States, equally with the British Government, desires their prevention or suppression.

But, just and desirable as that end may be, the President could not witness without concern any attempt to accomplish such an object by means which might eventually lead to encroachments on the rights of the people of the United States.

The President is of opinion that, so far as relates to this Republic and its citizens, such an interference as would result from the execution of these orders, if admitted to be rightful in themselves, would nevertheless be practically injurious in its consequences, and do more harm than good. Their execution would be the exercise of a sort of police over the seas in our immediate vicinity, covered as they are with our ships and our citizens, and it would involve, moreover, to some extent, the exercise of a jurisdiction to determine

what expeditions were of the character denounced, and who were the guilty adventurers engaged in them.

The President cannot but apprehend that such orders could not be carried into effect without leading, too probably, to abuses and collisions that would constantly jeopard, and might seriously disturb that peace and good will which he sincerely desires to see cultivated and made perpetual between the United States and Great Britain.

The President deems it unnecessary to say more at present on the subject of these orders than to add the expression of his hope that there may never arise any occasion for carrying them into execution.

Mr. Crampton to Mr. Webster.

BRITISH LEGATION, WASHINGTON, *November* 12, 1851.

SIR: With reference to our conversation on the 10th instant, and in compliance with your desire, I have the honor to enclose a copy of the dispatch addressed to me by Lord Palmerston, which I then read to you, upon the subject of the orders issued to her Majesty's ships of war on the West Indian station, respecting unauthorized expeditions against the Island of Cuba.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration, JOHN F. CRAMPTON.

The Hon. DANIEL WEBSTER, &c.

[ENCLOSED IN THE ABOVE LETTER.]

FOREIGN OFFICE, *October* 22, 1851.

SIR: I have received your dispatch, No. 29, of the 6th instant, and I have to acquaint you that her Majesty's Government approve the course pursued by you in communicating to the Government of the United States the orders issued by her Majesty's Government to the commander-in-chief of her Majesty's ships in the West Indies, respecting the prevention of lawless expeditions against Cuba.

If you should have any future correspondence with the Secretary of State of the United States on this subject, you may assure him that every care will be taken that, in executing these preventive measures against the expeditions of persons whom the United States Government itself has denounced as not being entitled to the protection of any Government, no interference shall take place with the lawful commerce of any nation. I am, &c., PALMERSTON.

JOHN F. CRAMPTON, Esq., &c., &c.

Acting Secretary of State to M. de Sartiges.

DEPARTMENT OF STATE, WASHINGTON, 22*d October*, 1851.

The undersigned, Acting Secretary of State of the United States, has the honor to remind M. de Sartiges, Envoy Extraordinary and Minister Plenipotentiary of the French Republic, that, in the interview which he had with him on the 8th inst., he stated that he might have occasion to address him in writing upon the subject of the information which M. de Sartiges then communicated, that the French Government had issued orders to its ships of war in the West Indies to give assistance to Spain, and to prevent by force any adventurers of any nation from landing with hostile intent on the Island of Cuba.

Having imparted that information to the President, the undersigned has now the honor, by his direction, to address M. de Sartiges in regard to it.

M. de Sartiges is apprised that a few days prior to the interview adverted to, the Chargé d'Affaires of her Britannic Majesty had given to this Department official notice that his Government had issued similar orders to its naval forces. The President had regarded this as a matter of grave importance, but its gravity is greatly increased by the concurrence and coöperation of France in the same measure.

It cannot be doubted that these orders have been occasioned by the recent unlawful expedition of less than five hundred men, which, having evaded the vigilance of this Government and escaped from New Orleans, were landed by the steamer Pampero upon the Island of Cuba, and were soon captured, and many of them executed. That such an accident should have incited the combined action of two great European powers, for an object to which neither of them is a direct party, and in a manner that may seriously affect the people of the United States, cannot fail to awaken the earnest consideration of the President.

He cannot perceive the necessity or propriety of such orders, while he entertains the strongest apprehensions that their execution by French and British cruisers will be attended with injurious and dangerous consequences to the commerce and peace of the United States. They cannot be carried into effect without a visitation, examination, and consequent detention of our vessels, on our own shores, and in the great channels of our coasting trade; and this must invest British and French cruisers with the jurisdiction of determining, in the first instance, at least, what are the expeditions denounced in their orders, and who are the guilty persons engaged in them.

It is plain, however different may have been the intention of the respective Governments, that the exercise of such a power and jurisdiction could hardly fail to lead to abuses and collisions perilous to the peace that now so happily prevails. By such an interference, those Governments seem to assume an attitude unfriendly to the United States. The President will not, however, allow himself to believe that this intervention has been intended as an admonition or reproach to this Government. He has signally manifested his condemnation of all such lawless enterprises, and has adopted active measures for their prevention and suppression. It must also be known to the Governments of France and England, in common with all the world, that this Government, since it took its place among nations, has carefully preserved its good faith, and anxiously endeavored to fulfill all its obligations, conventional and national. And this it has done from motives far above any apprehension of danger to itself. From its beginning, under the present Constitution, it has sedulously cultivated the policy of peace, of not intermeddling in the affairs of others, and of preventing; by highly penal enactments, any unlawful interference by its citizens to disturb the tranquillity of countries with which the United States were in amity. To this end many such enactments have been made—the first as early as the year 1794, and the last as late as 1838. The last having expired by its own limitation, and all the preceding legislation on the subject having been comprehended in the act of Congress of the 20th of April, 1818, it is unnecessary to do more than to refer M. de Sartiges to its provisions, as marking the signal anxiety and good faith of this Government to restrain persons within its jurisdiction from committing any acts inconsistent with the rights of others, or its own obligations. These laws were intended to comprehend, and to protect from violation, all our relations with, and duties to, countries at peace with us, and to punish any violations of them by our citizens as *crimes* against the United States. In this manifestation of its desire to preserve just and peaceful relations with all nations, it is believed that the United States have gone before and further than any of the older Governments of Europe. Without recapitulating all the provisions of those laws by which the United States have so carefully endeavored to prohibit every act that could be justly offensive to their neighbors, it is deemed enough for this occasion to say that they denounce all such enterprises or expeditions as those against which the orders in question are directed.

The undersigned thinks it is of importance enough to call the attention of M. de Sartiges more directly to this law. A literal copy of it is accordingly herewith communicated.

Besides the ordinary legal process, it authorizes the President to employ the military and naval forces of the country for the purpose of preventing such expeditions, and arresting for punishment those concerned in them. In the spirit of this law the President condemns such expeditions against the Island of Cuba as are denounced by the orders in question, and has omitted nothing for their detection and prevention. To that end he has given orders to civil, naval, and military officers, from New York to New Orleans, and has enjoined upon them the greatest vigilance and energy. His course on the subject has been in all things clear and direct. It has been no secret, and the undersigned must presume that it has been fully understood and known by M. de Sartiges. An appeal might confidently be made to the vigilant and enlightened Minister of Spain, that his suggestions for the prevention of such aggressions, or the prosecution of offenders engaged in them, have been promptly considered, and, if found reasonable, adopted by the President. His course, it is believed, has been above all question or just cause of complaint. This Government is determined to execute its laws, and in the performance of this duty can neither ask nor receive foreign aid. If, notwithstanding all its efforts, expeditions of small force hostile to Cuba have, in a single vessel or steamer, excited by Cubans themselves, escaped from our extensive shores, such an accident can furnish no ground of imputation either upon the law or its administration. Every country furnishes instances enough of infractions and evasions of its laws, which no power or vigilance can effectually guard against.

It need not be feared that any expedition of a lawless and hostile character can escape from the United States of sufficient force to create any alarm for the safety of Cuba, or against which Spain might not defend it with the slightest exertion of her power. The President is persuaded that none such can escape detection and prevention, except by their minuteness and insignificance. None certainly can escape which could require the combined aid of France and England to resist or suppress. Cuba will find a sure, if not its surest, protection and defence in the justice and good faith of the United States.

There is another point of view in which this intervention on the part of France and England cannot be viewed with indifference by the President. The geographical position of the Island of Cuba in the Gulf of Mexico, lying at no great distance from the mouth of the river Mississippi, and in the line of the greatest current of the commerce of the United States, would become, in the hands of any powerful European nation, an object of just jealousy and apprehension to the people of this country. A due regard to their own safety and interest must therefore make it a matter of importance to them who shall possess and hold dominion over that Island. The Government of France and those of other European nations were long since officially apprised by this Government that the United States could not see without concern that Island transferred by Spain to any other European State. President Fillmore fully concurs in that sentiment, and is apprehensive that the sort of protectorate introduced by the orders in question might, in contingencies not difficult to be imagined, lead to results equally objectionable.

If it should appear to M. de Sartiges that the President is too apprehensive on this subject, this must be attributed to his great solicitude to guard the friendly relations between the two countries against all contingencies and causes of disturbance. The people of the United States have long cherished towards France the most amicable sentiments, and recent events, which made her a republic, have opened new sources of fraternal sympathy. Harmony and confidence would seem to be the natural relations of the two great republics of the world; relations demanded no less by their permanent interests than by circumstances and combinations in continental Europe which now seem to threaten so imminently the cause of free institutions. The United States have nothing to fear from those convulsions, nor are they propagandists, but they have at heart the cause of freedom in all countries, and believe that the example of the two great republics of France and America, with their moral and social influences coöperating harmoniously, would go far to promote and to strengtheu that cause.

It is with these views that the President so much desires the cultivation of friendly feelings between the two countries, and regards with so much concern any cause that may tend to produce collision or alienation. He believes that this Cuban intervention is such a cause.

The system of government which prevails most generally in Europe is adverse to the principles upon which this Republic has been founded, and the undersigned is well aware that the difference between them is calculated to produce distrust of,

if not aversion to, the Government of the United States. Sensible of this, the people of this country are naturally jealous of European interference in American affairs. And although they would not impute to France, now herself a Republic, any participation in this distrustful and unfriendly feeling towards their Government, yet the undersignd must repeat that her intervention in this instance, if attempted to be executed in the only practicable mode for its effectual execution, could not fail to produce some irritation, if not worse consequences. The French cruisers, sailing up and down the shores of the United States, to perform their needless task of protecting Cuba, and their ungracious office of watching the people of this country, as if they were fruitful of piracies, would be regarded with some feelings of resentment, and the flag which they bore—a flag that should always be welcome to the sight of Americans—would be looked at as casting a shadow of unmerited and dishonoring suspicion upon them and their Government.

The undersigned will add, that all experience seems to prove that the rights, interests, and peace of the continents of Europe and America will be best preserved by the forbearance of each to interfere in the affairs of the other. The Government of the United States has constantly acted on that principle, and has never intermeddled in European questions.

The President has deemed it proper to the occasion that his views should be thus fully and frankly presented for the friendly consideration of M. de Sartiges and his Government, in order that all possible precaution may be used to avert any misunderstanding, and every cause or consequence that might disturb the peace, or alienate in the least the sentiments of confidence and friendship which now bind together the Republics of the United States and France.

The undersigned avails himself of this occasion to offer to M. de Sartiges the assurances of his very distinguished consideration,

J. J. CRITTENDEN.

[TRANSLATION.]

FRENCH LEGATION IN THE UNITED STATES,
WASHINGTON, *October* 27, 1851.

The undersigned, Minister of France, has received the note dated the 22d of October, which the Acting Secretary of State addressed him subsequently to the conversation he had the honor of holding with him on the 8th of the same month, in the course of which M. de Sartiges had, in a kind and friendly manner, informed Mr. Crittenden, who appeared to be ignorant of the fact, of the character of the instructions issued by the Government of the Republic to the commanding officer of the French station at Havana, as soon as it was known in Paris that the first detachment of adventurers, commanded by Lopez, which announced itself as the advance guard of a larger expedition, had succeeded in getting off to sea.

Notwithstanding the spirit of kindness in which that communication was made, Mr. Crittenden reserved himself to point out, in writing, if upon reflection he should deem it expedient, the considerations which it might give rise to, both in the mind of the President and his own. Mr. de Sartiges thanks him for having done so: for while he sees, in the note addressed to him, renewed assurances of the strongest sympathy on the part of the American Government and of the American people for France and her Government, he also finds occasion to recall certain points of his conversation, which it would appear were not at first presented by him with sufficient clearness. Mr. de Sartiges had endeavored to establish, in a distinct manner, the two following points: First, that the instructions issued by the Government of the Republic were spontaneous and isolated; secondly, that those instructions were exclusive, for an exclusive case, and applicable only to the class, and not to the nationality of any pirate or adventurer that should attempt to land in arms on the shores of a friendly Power. He had added that the existing laws in regard to the right of search—laws about which the susceptibilities of the French Government are as forcibly roused as those of the Government of the United States—were neither directly nor indirectly affected by the order to repel violence by force; since the instructions which have been issued to the commanding officer of the French station were only intended to apply to a case of piracy, the article of the maritime code in force concerning pirates. In again asserting these two points categorically, as he now does, the undersigned thinks that he has removed all cause of prejudice on the part of the President, both as regards the importance of an act agreed upon in advance on the part of France and England, and the likelihood that the laws which govern the right of search will be in the least affected. He will add that the attitude assumed by President Fillmore and by his Cabinet, under these lamentable circumstances, has been so upright that the French Government, so far from intending to imply doubts, which did not exist, by the measures it spontaneously adopted, it had, on the contrary, reason to believe that it would find in those same latitudes the American squadron acting in the same spirit and pursuing a similar object. This consideration must prevent any false construction tending to give to this act of the Republican Government the appearance of an admonition or of a reproach tacitly addressed to the Government of the United States, and never contemplated by the French Government.

Mr. De Sartiges begs to thank Mr. Crittenden for having sent him the text of the law of 1818; actually in force, for preventing the crime of armed invasion of a territory belonging to any friendly Power. He is happy to find that the opinion of the representatives of the American nation is in honest opposition to this species of aggressions, and that Congress has furnished the President with sufficient means to arrest them. These means, placed in strong and able hands, and of which the President openly declares that he will make an energetic use, if, unfortunately, the occasion for resorting to them should again occur, become the much more precious for the peace of the world, as America is closely connected with Europe, being only separated from the latter by a distance scarcely exceeding eight days' journey, by one of the most important of general interests—the interest of commerce. The nations of America and of Europe are at this day so dependent upon one another, that the effects of any event, prosperous or otherwise, happening on one side of the Atlantic, are immediately felt on the other side. The undersigned finds, among other proofs, an evidence of the interest which binds the Government of the United States to the other Governments of the world in several passages of the note of October 22d, wherein Mr. Crittenden, in appealing to the liberal ideas of France, intimates that the continuance of those sentiments of confidence and fraternal sympathy which so happily unite the two countries, is calculated to make the cause of free institutions in Europe prevail. The result of this community of interests, commercial, political, and moral, between Europe and America—of this frequency and rapidity of intercourse between them, is, that it becomes as difficult to point out the geographical degree where American policy should terminate, and European policy begin, as it is to trace out the line where American commerce begins and European commerce terminates—where may be said to begin or to terminate the ideas which are in the ascendant in Europe and in America.

The undersigned has likewise the honor of reminding the Acting Secretary of State that the territories belonging to the various European powers, either on the seas or on the American continent, are considered by the States to which they appertain as constituting part of the system of their general policy. France has never admitted that her possessions in the Antilles might enjoy any other political rights than those which are universally recognized in Europe; it is the same with England; the same with Spain in regard to their American possessions. It is in virtue of this principle of common law, which no power has as yet repudiated, either on its own account or in behalf of its neighbors, that the Government of the Republic has been able to show the interest it feels, as it has done, for the security of an island recognized as Spanish territory by treaties actually in force, which security has been threatened in the midst of universal peace.

These general considerations do not prevent the undersigned from acknowledging that the interest which a country feels for another is naturally increased by reason of proximity; and his Government, which understands the complicated nature as well as the importance of the relations existing between the United States and Cuba, has seriously considered the declaration formerly made by the Government of the United States, and which has been renewed on this occasion, "that that Government could not see with indifference the Island of Cuba pass from the hands of Spain into those of another European State." The French Government is likewise of opinion that, in case it should comport with the interests of Spain at some future day to part with Cuba, the possession of that island, or the protectorship of the same, ought not to fall upon any of the great maritime powers of the world.

The undersigned hopes that this frank declaration, which he feels himself justified in making, in regard to the disinterested views of his Government as to the future destiny of Cuba, and which breathes the same spirit as that of the declaration which the United States Government made on the subject; and the categorical explanation he has given relative to the character of the instructions exclusively sent to the French station at Havana, will put an end to all the uncertainty which the late events that befell on the occasion of Lopez's expedition might have given rise to in the mind of the President, and that his Excellency will rest satisfied as to the great value which the Government of the Republic attaches to the maintenance and development of those frank and sympathetic relations at present existing between the two countries.

The undersigned avails himself of this occasion to tender to the Acting Secretary of State the assurances of his high consideration.

SARTIGES.

Mr. CRITTENDEN,
Acting Secretary of State, &c.

The Secretary of State to M. de Sartiges.

DEPARTMENT OF STATE, WASHINGTON, *November* 18, 1851.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of M. de Sartiges, Envoy Extraordinary and Minister Plenipotentiary of the French Republic, of the 27th ultimo, upon the subject of the orders given by the Government of that Republic to its naval commander on the West India station, directing him to prevent by force the landing of adventurers from any nation with hostile intent upon the Island of Cuba.

The undersigned has the honor to acquaint M. de Sartiges that he has submitted the same to the President, who has directed him to state in reply that the apprehensions of this Government and the reasons therefor, in regard to the orders referred to, are considered to have been fully and frankly stated in the note of Mr. Crittenden of the 22d of October last. And, inasmuch as M. de Sartiges now avers that the French Government had only in view the execution of the provision of its maritime code against pirates, further discussion of the subject would seem to be for the present unnecessary.

The undersigned avails himself of this occasion to offer to M. de Sartiges renewed assurances of his very distinguished consideration.

DANIEL WEBSTER.

M. DE SARTIGES, &c.

THE COMPROMISE MEASURES.

SPEECH OF MR. RHETT,

OF SOUTH CAROLINA,

IN SENATE, *December* 15 *and* 16, 1851,

On the Resolution submitted by Mr. FOOTE, of Mississippi, in relation to the Compromise Measures.

Mr. RHETT said:

Mr. PRESIDENT: At the close of the last session of Congress the Senator from Kentucky, [Mr. CLAY,] not now in his seat, in replying to certain remarks I had made on the resolution he had offered relative to the negro riot in Boston, thought proper to throw out some personal imputations

against me. This Senator had before, when I was not a member of the Senate, dealt in the same strain of imputation. I arose whilst he was speaking, and stated to the Senate that, whilst I had not the slightest objection to the personal course the Senator was pursuing, I hoped the Senate would not deny me the privilege of replying to it. The Senators from all parts of the Chamber promptly said, "certainly." The Senator from Kentucky expressed his willingness that I should reply to him; but as he was, according to the usages of the Senate, delivering a final speech in reply, and wished the vote of reference to be taken on the resolution when he had closed his speech, he said he would yield the floor then, if I wished it, that I might respond to his remarks. I answered that I could not do that, because he had not yet finished his speech. The Senators around me then said, "Reply when the report on the resolution comes in." To this I assented. The resolution was then referred to the Judiciary Committee. I waited here afterwards in my seat every morning for the report of the committee, prepared to reply. The resolution was referred on Monday; and on Tuesday, Wednesday, Thursday, Friday, and Saturday, I waited in my seat in vain. On Saturday we got into the contest on the internal-improvement bill, which not only consumed all the time which could have been applied to such a matter, but very nearly occasioned the loss of the appropriation bills. I mean to blame no one for the report not being made; but I wish now to say, that so soon as the Senator from Kentucky shall appear in his seat, and be able to mingle in debate, I shall throw myself on the indulgence of the Senate to make the reply I then meditated to his imputations. My business now, will be with the Senator from Mississippi, [Mr. FOOTE.]

If that Senator had thought proper to announce, on the floor of the Senate, that, according to his views of the Constitution of the United States, a State had no right to secede from the Union—and that, therefore, if she did secede from the Union, those of her citizens who supported her in her secession, would be demagogues and traitors, I do not know that I should have noticed his positions. From the foundation of the Government, the principles on which such a conclusion might rest have been matters of disputation. But the Senator did not pursue this course. He denounced the "secessionists" of South Carolina as "demagogues and traitors," seeking to dissolve the Union; and lavished his praises on those who, the Senator said, had overthrown them. There is not much force in epithets; they are generally the resorts of silly weakness or malignant rage. To a man intent upon grave realities or serious enterprises, affecting his rights and liberties, words are very trifles; and words like these, have so often been used by tyrants and their minions, when they would perfidiously betray the people or strike down liberty, that they can be of little consequence to a freeman, much less to a Senator. I would not pay the slightest regard to them when falling from that Senator, but for the fact that I stand here in a representative capacity. Sir, General Gage, writing to the British Government, describes the revolutionary patriots in Boston as "troublesome demagogues who deceived the people, and would not let them rest in their rightful allegiance;" and I doubt not that Benedict Arnold, after he had deserted our cause, spoke flippantly of Washington as a foul rebel and traitor. The men of that day were not hurt by epithets or denunciations; nor will any man be concerned about them who is conscious of defending his rights and liberties. It is with the reality I care now to deal. The people whom I represent are, the greater part of them, I believe, secessionists—they are disunionists; and I hesitate not here to say, as a citizen of South Carolina and a Senator, that, under the circumstances in which the South is now placed, I am a secessionist—I am a disunionist. So long as my sovereign—the State I represent—shall continue in the Union, I am bound, as I am sworn, to support the Constitution of the United States; but, in my opinion, the compact of the Constitution is violated—the Union of the Constitution is dissolved—and it is her duty, as it is her right, to protect her people from the oppressions and dangers which surround them. I propose this day to lay before the Senate some of the grounds upon which, I believe, the people of South Carolina have come to the conclusion that they cannot, under existing circumstances, live in peace, much less in honor, in this Confederacy, unless it shall be reformed from its foundations. Since 1845 (not twenty years ago, as the Senator from Mississippi represents) I have despaired of reforming this Government by the Government itself. If capable of reformation, it must be reformed, in my opinion, by the sovereign parties to the Constitution. Whether they should attempt to reform it by their independent action, or break it up finally, should this action fail in reforming it, will depend upon the fact whether it is a good or an irremediably bad government. There is nothing wrong in upturning governments. Bad governments ought to be overthrown—good governments only ought to be supported; and on this principle it was, that our fathers, by a seven years' war, dissolved their union with the British throne. The question is, what sort of government is now practically established over the South by the Government of the United States? And, solving this question, we will be able to see who are the demagogues and traitors in the South.

And first, sir, let us take up the compromise, as it is called, which the Senator from Mississippi describes, as not only constitutional, but most beneficent in its operations. According to his view, it has allayed all the griefs, dispersed all the discontents of the southern people, and is worthy of a reiterated expression in the Senate of their most ardent and grateful support. Let us analyze it.

The great, leading wrong, if any exist towards the South, is in the disposition of our territories. To know its magnitude, we must understand the extent of our territories. I hold in my hand a statement of our territories before we acquired by treaty any territory from Mexico. They were as follows:

	Sq. miles.
1. Northwest of the Mississippi and east of the Rocky Mountains, exclusive of the Indian territory.....	723,248
2. Add the part of the old Northwest Territory added to Minnesota in violation of the Virginia deed of cession..	22,336
3. Oregon Territory.....	341,463
	1,087,047

Making in all one million eighty-seven thousand and forty-seven square miles, being territory enough to make twenty-eight States as large as Ohio. From all this territory, slavery was excluded by the Missouri Compromise and the act establishing Oregon a Territory. I was a member of the other House when the last measure passed; and I remember well the earnest appeals made by the members from the free States to the members from the slaveholding States not to oppose the exclusion of slavery from Oregon, and thus disturb the Missouri Compromise. We stood, under their appeals, to the faith of the Missouri Compromise, and on this ground alone the bill passed and obtained the Executive sanction, as appears in the presidential message to Congress accompanying its approval.

By such professions, abandoned as soon as the Missouri Compromise could give anything to the South, the free States appropriated all of our territories—enough, as I have shown, to make twenty-eight free States, and enough when organized into States to give them the constitutional majority in Congress to alter the Constitution as they pleased. But this did not satisfy them. We acquired afterwards from Mexico, by treaty—

	Sq. miles.
California.....	448,691
New Mexico.....	124,933
Texas as they afterwards took it.....	52,018
	625,642

Six hundred and twenty-five thousand six hundred and forty-two square miles—more than all the present free States in the Confederacy, and enough to make sixteen States as large as Ohio. The controversy which then arose, by the pretensions of the North, was this: Shall the free States, after excluding the South from colonizing with their slaves twenty-eight States, exclude the South also from our Mexican Territories, and thus appropriate to themselves sixteen States more? If this enormous pretension was submitted to, it would give them the power of organizing and having in the Union sixty-four free States, whilst the South would retain but fifteen; and in this estimate I count Delaware as a slave State. Nor was this all. The Indian territory consists of 58,346 square miles. As the free States have now the power in Congress, both in the Senate and House of Representatives, the same motives and policy which excluded us from our Territories would operate to prevent any new State with this institution of slavery hereafter entering the Union. This policy would give them four more free States from the Indian territory. Nor is this all. Delaware cannot now be considered a slave State; and if the cotton States acquiesced in this inevitable tendency of things, in a few years, Maryland, Virginia, Kentucky, and Missouri would become free States, being five free States more, and making the two sections of the Union to stand, relatively, seventy-three free States to ten slave States.

Such, sir, was the matter in controversy, immediate and prospective, concerning our Territories acquired from Mexico, with the distinct understanding on the part of Northern Senators and Representatives, as my honorable colleague has asserted, that no more slave States should be admitted into the Union. It is true that Mr. Webster has asserted that, by the terms of annexation, the South had a right to have four new States from Texas; but what are Southern rights worth in this controversy? After we have submitted to be spoiled of forty-five States, will we not be spoiled of four States more? But suppose we get these four States, they will make us ultimately fourteen slave States to sixty-nine free States.

Such was the state of things, and such the appalling prospects they presented to the South, under the pretensions of the North to exclude her people from all our Mexican Territories. It was not merely a question of honor, but of existence to the South. If deprived of all these Territories, they would speedily be filled up by the free States, and brought into the Union as free States. Independent of the natural increase of their population, at the rate of immigration from foreign nations alone, they must have an addition of not less than eight millions in ten years—enough of itself in this time to make as many new free States as there are now slaveholding States in the Union. In this state of things it would not require anything more to be done by the free States to complete their ascendency. Monopolizing all our vast territory, they would have only to stand still and do nothing, and time would work out their mastery. By the multiplication of States, they would soon be able to obtain the required majority under the Constitution to alter the Constitution, and thus obtain the constitutional power to abolish slavery throughout the South. Our doom would thus be consummated by the mere lapse of time, as certainly as autumn follows summer with its killing blight and decay. Now, under these circumstances, what did the Compromise do for the South? It surrendered all our Territories to the North.

Mr. President, I put the question to the Senator from Mississippi—Did not the Mexican Territories belong to the Southern in common with the Northern States? He will not deny it. The Constitution expressly affirms it; and the time was, when he was furious in vindicating our common and equal right of property. We fought for, won, and must pay for them in common. Then I put to him a second question: Are not the people of the slaveholding States practically excluded by his compromise measures from colonizing with their slaves one acre of these Territories? Sir, no man of common honesty, or of any honesty at all, who understands the matter, can say that they are not. Is this no wrong to the South?—no wrong morally?—no wrong constitutionally? The Senator *now* answers, No! and that the South has obtained by her exclusion all she demanded—all she had a right to demand. He goes further, and affirms that we are constitutionally excluded, and that he never heard a decent argument here or elsewhere against the constitutionality of our exclusion. I was not a member of this body when these measures passed; but I recollect reading a very able argument from the Senator from Georgia, [Mr. BERRIEN,] not now in his seat, on the unconstitutionality of the very expedient by which

we are excluded by his compromise. Sir, if the Senator had said that there was not a decent argument in favor of the constitutionality of our exclusion, it would have been more in keeping with the truth and his former positions. Look at the question in a high general view. Our Territories, belong to the States in common. The North, enforcing injustice and inequality, excludes the Southern States from the whole of them, and appropriates them all to her purposes of colonization. Can such a policy be constitutional? If it is, then the Constitution is in itself an instrument of injustice and inequality amongst the States. To take this position, is not only to give up our Territories, but to give up the Constitution. It is an instrument, not to extend by its principles justice and equality amongst the people and the States, but wrong, inequality, and despotism. Such is not my conception of the Constitution; and therefore I infer, that any policy unjust and unequal in its operation must be unconstitutional. But let us approach the constitutional question nearer. The Constitution says "new States may be admitted by the Congress into the Union." Now, the question is, was California a State at all when she came here to claim admittance into the Union? The Senator from Kentucky, [Mr. CLAY,] who claims the paternity of these measures, distinctly admitted in debate that the emigrants and residents in California, occupying and working contrary to law the lands belonging to the United States in California, did not constitute a State; that the constitution they sent here had no validity, and could only have validity by the act of Congress. Well, then, how could California, not being a State, be constitutionally admitted into the Union, under a clause in the Constitution which says that "*new States* may be admitted into the Union?" But, to come lower down in the argument—that I might meet the Senator from Mississippi himself to controvert his position—did not that Senator, by his signing the Southern Address, and in a dozen other places, strenuously contend that the Wilmot proviso was unconstitutional? Further than this, he said, as late as day before yesterday, in replying to my colleague, explaining the letter which he signed, with his colleagues from Mississippi, to the Governor of that State, "that the application of California to gain admission into the Union, under all the circumstances of the case, was but an attempt *to obtain the passage of the Wilmot proviso in another form*"—"that it was an attempt on the part of those pressing it as a separate measure, to obtain precisely those advantages in favor of the North over the South in California which the Wilmot proviso contemplated." Now, as the attempt has been consummated, exactly as then proposed—the admission of California into the Union, according to the Senator's authority, is "*the passage of the Wilmot proviso in another form.*" It has obtained "precisely those advantages in favor of the North over the South in California which the Wilmot proviso contemplated."

Mr. FOOTE. Will the Senator allow me to interrupt him?

Mr. RHETT. I would prefer not to be interrupted; because the Senator has not a good temper, and mine is not much better.

Sir, the Senator is right. He did not then regard forms. He disdained to quibble about words. He looked to the thing, and that thing was the exclusion of slavery from our Territories by the act of Congress. Whether this was done in a territorial bill, or a bill admitting California into the Union, with the same words of exclusion in her constitution, was very immaterial. Both forms of exclusion had their validity from the act of Congress, and from that alone. It was the Wilmot proviso. The Wilmot proviso, he contended, was unconstitutional; therefore, the admission of California, containing it in her constitution, is unconstitutional. I leave the Senator to combat himself, with him at least, his best authority.

We were excluded from New Mexico and Utah in a different mode. The Mexican laws had prohibited slavery in those Territories whilst they belonged to her. The mode adopted was to say nothing in the territorial bills about the exclusion of slavery from these Territories, but to leave it to the President, by the judges and marshals whom he would appoint, to have the Mexican laws excluding slavery enforced against the Southern slaveholder, should he enter those Territories with his slaves. This was called "non-intervention." I admit that I voted for a bill of this kind (Mr. Clayton's bill) when Mr. Polk was President of the United States, because I knew that, agreeing with me that the Constitution of the United States, overruling the laws of Mexico, would protect *that* as property which was property in any of the States to whom those Territories belonged, he would appoint judges and marshals who would practically enforce his views of the Constitution; and that thus, these Territories would be open for colonization to the slaveholders of the South. Thus, although there was legislative *non-intervention*, there was to be practically direct *Executive intervention*. And so it is now. The President has appointed, out of the three judges for New Mexico, the chief justice and one of the inferior judges who will enforce the Mexican laws, emancipating any slaves who might be carried into that Territory. In this mode, the Wilmot proviso is enforced. Will any man, under such circumstances, carry slaves into those Territories? They could be immediately released from his custody and control, by a writ of *habeas corpus*. He may appeal, it is true, to the Supreme Court of the United States, and after some years he may have a decision. But in the mean time, where are his slaves? Gone, and gone forever. And should the decision be in his favor, it would be of no avail to him or anybody else; for the majority from the North in this and the other branch of Congress, would immediately admit the Territories as States into the Union. The provision, that these Territories shall come into the Union as States, with or without slavery, is worth nothing to the South. By the arrangement they can only be free States.

Having thus shown that the Southern States, with their institution of slavery, have been excluded from every foot of our Territories, let us pause to examine the motive of our exclusion. That motive, openly avowed, is the final extinction of African slavery throughout the United States. The great object of all government is protection—protection to life, liberty, and property. By plundering us of our Territories, it is proposed to weaken, degrade, and then destroy us. Sir, we talk with affected abhorrence of European despotism; and yet what despotism in Europe is there which does not protect property? What government in the world is there, saving this of the United States, which seeks, at one fell swoop, to extinguish at once life, liberty, and property, amongst nearly one half of the people who uphold it? The foulest of all despotisms is that which enters the domestic circle, and there, where dwells alone the last refuge for happiness to man, inspires discontent and excites to murder and blood. What has Congress for the last ten years been, but a grand abolition convention, preaching and inspiring insurrection amongst our slaves? What is this Government, but the irresponsible and remorseless despotism of a majority, governed by the lust of national domination and fanatical propagandism? And now, by this Compromise, we are laid helpless at their feet, soon to feel, if we lie there, the heel which crushes us.

If there is nothing in the Compromise measures to satisfy the South with respect to our Territories, there is as little to satisfy us in its other features. We need not rejoice, that two States were wrested from us in Texas, and given over to the North, whilst we have to pay our portion of the ten millions by which it was wrested from us. Nor need we exalt the Compromise in our praises, because the slave trade is abolished in the District of Columbia under the penalty of emancipation. If we have got any benefit from these measures, it must be in the fugitive slave bill, originally no part of its composition. Sir, when the fugitive slave bill passed Congress, many might have supposed that it would have been faithfully enforced, although incidents occurred at the time of its passage, both in this and the other end of the Capitol, which might have foreshadowed its fate. But, after a year has transpired, for any man to stand up here and say, while all the rest of the compromise measures cannot be repealed, and this is the only one which may be, that we of the South should express our high gratification at its success, is a most extraordinary thing. Look at its operation. First, it was attempted to be enforced in Boston. There all the forms of justice were upset and mockery put upon them, and the slave rescued in open court in broad day. Then came a gentleman from South Carolina who tried to get his slave. He had to pay five thousand dollars to get him, and then run him off in a steamboat at night. Have any of those people who committed that outrage in Boston, been punished? Have the laws been enforced? No, sir. Everybody knows that the ringleader was tried the other day and acquitted. How is it in another State? Look at the Christiana proceeding, where murder was perpetrated. Has the law been enforced there? Has anybody been convicted? The judges have determined that it is not treason; and now the farce is going on of trying those people for murder, or misdemeanor, or something else. I venture to say that not a hair of their heads will be touched. How is it in Syracuse, where there was the same opposition to the law, and a marshal wounded in executing it? A form of trial is to be carried through; but who believes that any one will be convicted, or, if convicted, injured by any conviction? If you could box a jury who would convict any of them, I do not think you will find an Executive in the North to sanction or enforce a capital execution. And now, when this fugitive slave law has been kicked, and scoffed, and resisted, from one end of the North to the other, we have Senators here from the South who say, Let us stand to the Compromise! The more our rights have been violated, the more we love the violators. If we praise them, they may pity us, and forbear! Sir, in China, a man is required, when he is introduced as an ambassador to the Emperor, before he dares lift his eyes, to strike his forehead three times on the floor. The Senator from Mississippi would not only have the South do that, but he would have her crawl, body and soul, to the foot of the North—there, with eyes ever closed, save to implore, to be spurned. The law is treated with contempt by the North, and we are to magnify it. More than this, a State has nullified it. Vermont has nullified it by her Legislature, forcing an appeal to her State tribunals. The President of the United States, in his late message, seemed not to think it worth his while, while treating of this subject, to mention that one of the sovereign States had nullified a law which he had said was constitutional and right and proper. If there is any omen in itself more fearful than another, showing our true condition, it is, that not merely individuals, but sovereign States, have nullified this law, in defiance of the legislation of Congress and the opinions and decisions of the judiciary. If South Carolina or Georgia had nullified any law of Congress, what lectures, here and elsewhere, would have been delivered upon treason! What homilies would have been read upon the necessity of citizens obeying the laws, and of traitors being executed! But when a Northern State nullifies a law of Congress, designed for the protection of the institutions of the South, it is not worth while for the President of the United States even to notice it, when he takes up the subject and treats of it in his annual message! The North are our masters, and we their subjects! Can they do any wrong?

Mr. President, I have thus endeavored to show, that the Compromise, as it is called, is injurious to the South, and would ultimately, I believed, be destructive of our rights and liberties. If this had been the first instance in the operations of the Government, in which it had departed from that course of impartiality which should characterize its dealings with all its members, we should have sufficient reason, perhaps, to let it pass; as it would not be a result from the nature of the system itself, but an aberration which might be transient in its character. But as I have believed, that the course of the Congress of the United States with respect to our Territories, is only a sequence in a course of policy which has existed for many years—is only another step in that course of aggression and consolidation into which it is inevitably tending, I deem it proper to lay before the Senate the grounds of my opinions.

If I mistake not, from the very foundation of this Government to this day, the operation of it in its financial and pecuniary relations, has had but one uniform tendency; and that has been, to

aggrandize the North at the expense of the South. If I mistake not, the course of usurpations submitted to, has led to their legitimate sequences in the measures of aggression which have been denominated the Compromise. To test the truth of this position, I propose now to go back and trace the financial operations of this Government for many years past.

The two weak points in our system of government—the most delicate and the most important, and those which created the greatest difficulty in the Convention which framed the Constitution—are slavery and taxation. Our fathers supposed that they understood the principle of taxation, and believed they had provided against any improper or unequal taxation by the terms of the Constitution. If you look back to the first incipiency of our form of government, you will see, there was very little cause of dissatisfaction in its operation until after the war of 1812. That war demonstrated to us and to the world that the great purpose for which the Union was formed—protection against foreign nations—was accomplished; and that we no more need fear the power of foreign nations. We could stand self-sustained among the nations of the world. There was a spirit of forbearance, a spirit of concession, amongst the members of this Confederacy, previous to the war of 1812. Then we heard no murmurs about taxation, no dissatisfaction about slavery. Taxation was light. Its disbursements were honest, and anti-slavery agitations were unknown. But as soon as that war terminated; and the great fact was demonstrated to us as well as to the world, that we were self-sustained and self-sustaining—and that the great pressure from foreign nations in consequence of our weakness, which drove us together, no longer existed—then sprung up differences upon these delicate points. Immediately after that war terminated, one of the very first innovations was made upon the taxing power. A new principle was introduced in the tariff of 1816, which was passed, and passed almost with unanimous consent. So strong at that time was the sympathy of each portion of the Union for the other—so dear was the Union to all—that even those who fully comprehended the unequal principles of this measure, were unwilling not to grant it. In a spirit of generosity, the South was willing that protection for a season should be afforded, and accordingly the tariff of 1816, while it provided for revenue, contained a prospective diminution of duties. In 1818 new duties were imposed, but not without some dissatisfaction. In 1819 the Missouri question arose. Do you suppose, sir, that if that question had arisen before the war, there would have been any difficulty about it? No. But then, we knew that we were independent of the power of foreign nations; and we turned our gaze upon each other, and sectional differences and rivalries sprung up. The Missouri question was settled by what was called the Missouri Compromise, which amounted to nothing more than this: submission and concession by the South to the North, with the principle incorporated into it that Congress could prevent the South from entering all the Territories belonging to them with other States. Missouri was a State, whether this Government thought proper to take her in or not. State she was, and State she could have continued. There was no necessity for compromise or concession on the part of the South; but, as always has been the case, Southern men were found to lead the South to concession. The Missouri difficulty was scarcely adjusted, when in four years came up the tariff of 1824. Here you see the pendulum vibrating back again. William Lowndes, who represented at that time the seventh congressional district of South Carolina, which I so feebly represented in the other House of Congress when compared with him, declared in 1822 that the people of the South were the most oppressed people upon earth—that, taking taxation and expenditure together, the South suffered more than any other people. The South murmured against the tariff of 1824, but she submitted.

In four years more the tariff of 1828 was enacted. You know the history of the controversy which then arose. All the Southern States at first stood by—nay, stood before—South Carolina. Then, as now, she did not lead. They said as brave words, but did not redeem them; and when the time came for her to submit utterly to the system of oppression laid on her by the tariff of 1828 or to resist, she determined to resist. We know what was the result—another compromise. Again, principle was conceded, as in the Missouri case, by which again our oppression was renewed. That was in 1833.

What next? In 1835 the pendulum vibrates again. The North commenced a system of agitation in the other branch of Congress, by which it was attempted to engross by the Congress of the United States jurisdiction over the delicate subject of slavery. That spirit went on. In 1838 the Democratic party in the hall of the House of Representatives endeavored to resist it. And here let me say for that party, with which I have ever acted, and to which, although I may not now be considered a member, I was once proud to belong, they were at that day true to the Constitution and true to the South. And if the South had done its duty, and maintained her interests and honor as she ought to have done, the twenty-first rule would never have been repealed. Our own imbecility has raised up and strengthened our enemies against us in the North. I have no imputations to make against the North. When I look back to my own section of the country, and see what weakness and timidity has characterized her course, my censures (rather my regrets) fall on her. It is a high duty which States owe to themselves to protect their rights and their people from the oppression of other States. They are as much to blame who yield to oppression as those who practise it. The latter do wrong; the former do also wrong, and are contemptible in their submission. The same spirit—the spirit of submission which prevailed in 1819 and 1833—rested over Congress in 1842, when both the tariff of 1833 and the twenty-first rule were overthrown. The interests of the North predominated in the one, and the fanaticism of the North in the other measure.

Slavery again arose in Congress on the admission into the Union of Texas in 1844–'5, and the tariff again, in 1846. The tariff of 1846 was only a modification, and a very small modification, of the tariff of 1842. The difference between these two tariffs is not more than three or four per cent.; yet the tariff of 1846 appears to be considered by the North as a vast concession to the South. Abolition meanwhile went on with its agitations. Associations were formed; the union of churches was broken up; newspapers were established; everywhere the spirit of fanaticism and agitation, in and out of the halls of Congress, was in the common order of things. The occasion arose by acquiring Territories from Mexico, and it was immediately seized on by the North to put the ban on the institution of slavery, and pave the way for its final overthrow.

If the South at the last Congress had stood firm, she would have commanded any terms she pleased. Did any compromise come from the North? No. They stood calm and immovable, conscious of power, and allowed the fearful and the weak, to make their compromises, and propose their terms of concession. All the propositions for compromises, came from Southern men. The pendulum swung back to slavery, and the South again fell. It turns again, and moves back to the tariff, which failed last winter in the House of Representatives by only five votes; and I believe it would have passed both branches of Congress but for the North Carolina Senators, who were instructed by their State to vote against it. Is the tariff dead? Is it not to arise in its order, and again take its turn for agitation and aggression? Thus, sir, you see that upon these two great points there seems to be necessarily an antagonism between the two sections of the Union. They alternate in a continual collision.

Let us now go back to the fiscal operations of this Government, and see what they have been in their bearing on the North and South respectively. If I mistake not, they exhibit one consistent course of aggrandizement on the part of the North, at the expense of the South.

I believe, that the different portions of the Union pay the taxes on the imports in proportion to their exports. I will not, however, now go into an elaborate argument to prove this proposition. I believe it, not only to be true, but short of the truth, to show the burdens of the South. At another time, I might enter into it. At present, I will merely state the principle of my calculations, and the conclusions to which they may lead.

The whole amount of duties collected from 1791 to 1845, deducting drawbacks, amount to $927,050,097. Of this sum the slaveholding States paid $711,200,000; the non-slaveholding States $215,850,097. Had the same amount been paid by the two sections in the constitutional ratio of federal representation, the slaveholding States would only have paid $394,707,917, and the North $532,342,180, according to the system of direct taxation directed by the Constitution. The slaveholding States therefore paid $316,492,082 more than their just proportion. I know that the basis of this calculation will be disputed; but I will be prepared at a future day to defend it.

Look at the enormous difference between the two sections. During that time 300,000,000 of dollars, in the financial operations of the Government, have been wrested from the South and given to the North. How has this money been expended? Has it been expended as it was collected, or even equally, in all sections of the Union? Although doubt may be thrown over the amount of taxes paid by the North and South respectively, on account of the insidious system of indirect taxation by which they have been collected, there can be no doubt as to their expenditure. The reports do not discriminate generally; but in 1837–'38, on a call made in the Senate, Mr. Woodbury—a Northern man—reported to Congress that in five years, from 1833 to 1837, out of $102,000,000 of expenditure only $37,000,000 were in the slave States; yet during the same years, according to the principles of my estimate above, the slave States paid $90,000,000 of duties to $17,500,000 by the free States. Therefore, whilst all the North contributed to the support of the Union in these four years, was spent within her own borders, she enjoyed the additional expenditure of $50,000,000, or of $10,600,000 a year levied on the South.

Is it wonderful that, under such a course of policy, the poorest section of the Union should be the richest, and the South should, with all her vast resources, linger in her prosperity? I will go a step further into detail. Look at the collections of the customs. From the foundation of the Government to the year 1849, there was expended for the collection of customs $53,000,000, of which only $10,000,000 were expended at the South. Is it surprising, then, that New York and the other large cities of the North, where these moneys are collected, and this system of expenditure operates, should thrive and grow? Nor is that all. Turn to a matter which ought to have been equal in its operation, if anything could be equal—I allude to the pensioning of our revolutionary soldiers. We had 2,200,000 people at the time of our revolution, and the North had 2,300,000. According to General Knox's report, the North sent 100 out of 227, of military age in 1790, the South 100 out of 209. The South, therefore, when these soldiers were to be endowed with pensions, ought to have received more than the North. How has it turned out? In 1848 one out of every 62 of the men of military age in 1780 was a revolutionary pensioner in the North, and only one out of 110 in the South. New England alone had then 3,146 of these pensioners—more than there were in all the slave States together—and New York two thirds, when she contributed not one seventh as much to the war. A calculation (founded on data) in No. 307, Sen. Doc., 1838–'39, shows that from 1791 to 1838, inclusive, $35,598,984 have been paid for revolutionary pensions; of which the North received $28,262,597, or $127 29 for every soldier she had in the war, and the South $7,336,367—being only $49 89 for each of her soldiers.

It might be said that this was owing to the negligence of the South—that the Southern people did not come in and ask for pensions. In reply to that, I would mention what I have been informed at the Pension Office. I was told that a law was passed in Massachusetts at the opening of the revolutionary war, which required every man between the ages of sixteen and sixty to enroll his name. Thus the whole male population of Massachusetts were enrolled; and when the pension system came to be adopted, Massachusetts brought here this list as evidence of revolutionary services, and it

was acknowledged. I do not know that the people of Massachusetts are to blame for this; for if Governments will pay out money, I know people will generally take it; and our Northern friends are not the people who will pass by the door when it is open for them to obtain money. A man in South Carolina, who, I learn, had fought under Marion and Sumter throughout the whole war, and lived in swamps—where the muster rolls were lost, amidst the rains and wet they had to encounter—could not establish his claim to a pension from the General Government. The State of South Carolina was obliged to pension these soldiers herself to the amount of many thousand dollars a year. Before the United States adopted the pension system, South Carolina paid $10,000 a year to her revolutionary soldiers—Massachusetts paid only two. When the matter fell into the hands of the General Government, they were reversed.

These are some of the incidents in which the favor of the Government has been unequally bestowed. Let me allude to another subject—the public lands. I wish to show to the Senate that in all the operations of this Government there is but one story throughout—the North lives, the South suffers. Turn to the public lands. The sales up to January 1, 1849, amount to 137,000,000. Seventy-nine millions of this result from the sales of lands in the Northwest Territory, 33,000,000 more from lands given by the State of Georgia, making 112,000,000 out of 137,000,000 given by the South. How has the Government signalized its benefactions in its donations? The free States have taken 5,474,475 acres, worth at the public price, $7,554,999, while the slave States have received only $3,000,000—less than one half.

The system of internal improvement has long been a source of contention. In 1845 there had been spent by the General Government on roads, harbors, and rivers, exclusive of the Mississippi and Ohio rivers, which are common to both sections, $15,201,223. Of this sum, the South received $2,757,816, while the North obtained $12,743,407. Is it wonderful that the North favors this policy?

I will notice one more rather small affair; but it shows the invariable tendency of things in the policy of this Government. I allude to the fishing bounties. I know very well the reason which was assigned for those fishing bounties. It was to encourage seamen, with a view to the defence of the country. So in all these appropriations and all these schemes, by which the North has been aggrandized at the expense of the South, high and generous motives were urged in their support. It was not merely the interest of the country at large; it was not merely to encourage seamen that the system was begun; and is continued only because it is profitable to the North. The navigation and seamen of the North are sustained principally by the whale fisheries and the cotton of the South. And now, when our navigation exceeds that of any nation in the world, we still see this small affair going on—small apparently, but amounting, in a few years, to a very large sum. How much do you think the North has got by these fishing bounties alone? Out of $10,000,000 paid out of the Treasury of the United States, the slaveholding States have received $150,000, and the North $7,850,000. It is impossible to estimate exactly the value to the North of the monopoly they enjoy of our whole coasting trade, and the employment to their shipping the transportation of our cotton affords. It has been estimated by some able men at not less than $40,000,000 a year. The gulf-stream of prosperity sweeps from the South to the North.

Mr. President, under such financial operations of the Government, the result upon the two sections of the Union must be inevitable. Let us compare the condition of the two sections of the country just before our Revolution and forty years after. In 1760–'69, the Southern States, with a population, as I have stated, of 1,200,000, exported produce to the value of $42,297,705, while the exports of New England, New York, and Pennsylvania, with a population of 1,300,000, were only $9,356,035—less than one fourth. Forty years later, in 1821 to '30, the exports of the same Southern States were but little more than one half of these same Northern States—$222,000,000 to $427,000,000. In 1760–'69, South Carolina and Georgia exported twice as much in value as all New England, New York, and Pennsylvania. Of these exports the greater part was from South Carolina, as Georgia was in her infancy. In 1821–'30, these States were exceeded by New York alone. In the former period, Virginia and Maryland exported five times as much in value as all New England, eight times as much as New York, and thirteen and a half times more than Pennsylvania. But, in the latter period, Virginia and Maryland exported but $92,000,000, whilst New England exported $136,000,000, and New York $215,000,000. The registered tonnage of South Carolina from 1791 to 1837, actually diminished fifty per cent., whilst that of New York doubled, and that of Massachusetts trebled.

Mr. President, I have gone into these details to show the operations of the General Government upon the two sections of the Union. You will see that, in former days, we of the South were prosperous and happy. How are we now? Our commerce is flown, our peace destroyed, our equality denied. The North, formerly poor, now riots in prosperity, and not only threatens our liberties, but our existence itself. Can the operations of a Government which produced such results amongst equal States and equal men, be constitutional? What was the principle of taxation for which our fathers contended in our Revolution? It was this: that the people of South Carolina should tax themselves, and thus rule themselves in taxation. Have the people of South Carolina, for the last twenty-five years, taxed themselves or ruled themselves in taxation? No, sir. Every tariff, including the tariff of 1824, has been against their views of their rights and interests. Her representatives in Congress have presented one continual and unchanging protest against your whole system of taxation and expenditure. In what respect are the people of South Carolina now different from the state in which their ancestors would have been, if they had submitted to the taxation of England? We are taxed against our consent—taxed in spite of our representatives. Although it is true, that our ancestors contended thate we should not be taxed without representation, yet, when the British ministry proposed that we should have six representatives in Parliament, they rejected it. And why? Because six representatives could not control the taxes to be laid upon them. They would have been as nothing in a Parliament of six hundred men, having different interests, and necessarily ruling and overruling them. They therefore disdained the proposition. The people of South Carolina have stood in exactly the same position in the Congress of the United States, that our fathers would have done in the British Parliament. We have been taxed without our consent, in spite of our representatives. Our fathers fought for self-government, self-taxation, self-appropriation of the taxes after they were raised. That was the ground for which they fought; and they said that if they did not fight, they would not only be subject colonies, but degraded and ruined colonies. England would exhaust their means, by raising taxes to be expended away from them. Are we in any other condition now? The South, is nothing else now, but the very best colony to the North any people ever possessed. England has not now, and never had, such colonies. The feeble South has been uniformly taxed against her will, contrary to her will, and against her convictions of right. Under the pretext of levying duties for revenue, this Government has laid duties, not for revenue, but to the exclusion of revenue, for the benefit of Northern manufacturers, and has thus compelled the Southern people to minister to the aggrandizement and wealth of the North. At this moment, in Great Britain—that country where, according even to Senatorial orators, the people are ground to powder—the tariff is but 20 per cent., and that on the luxuries of life; ours is 30 per cent. on the necessities of life. We are colonies, sir; and, after submitting to the operation of such a system of government for so many years, is it at all surprising that now, in her day of culminating prosperity and power, the North, having already taken twenty-eight States, should also take territory from the South enough for twenty-one more? No, sir; it is not at all surprising.

When the question in relation to the Territories came up, what had we a right to expect, except that the principle which had heretofore governed the North should govern them then? I knew that it would be so. I am not one of those who have been deceived by the result. I knew it would be so; and hence when, on returning to the city of Charleston, I was called upon to give an account of my mission—and after a representative had previously declared that, in his opinion, the line of 36° 30′ would be adopted by the North—I frankly stated by opinion that it would not be conceded to us. I there said that the South would not even get the poor pittance of 36°,30′, although that would give her but one fourth of the territory. Subsequent events, have realized what I then said. Looking at what occurred in 1833, when the other Southern States, after having taken high ground with South Carolina, abandoned her, I ventured to suggest then, also, that it was probable they would do so again; and in that event, I was for South Carolina resisting alone. In expressing this opinion, I did no more than counsel South Carolina to do what Virginia, Georgia, Mississippi, and other Southern States had declared they would do. They declared, not that they would wait for assistance from other States, but that they themselves, each for itself, would, at every hazard, and to the last extremity, resist these aggressions.

The controversy of our fathers was a controversy for principle. Ours is not a controversy for principle. It is not even a controversy for liberty. We have conceded our liberty as to taxation as well as expenditure. We have allowed the Constitution to be trampled under foot; and when this last great outrage occurred, it was plain that if the North got the ascendency as to the appropriation of the Territories, it would not be with us a question of liberty, but it would be a question of existence. The South must be free, or the South must perish. That is her doom. If any other people, or any other nation upon earth, is to control her destinies, she must be blotted out from the list of States. It is in vain to look for conciliation on the part of the North. It is in vain to expect that they will stay their policy of self-aggrandizement. They may pause but not stop. The policy of this Union is under the control of northern sentiment and northern interests; and in pursuing this course, they will only do what probably every other people would do under the same circumstances. If the South stood in precisely the same position, I do not know that she would not pursue the same course toward the North which the North has pursued toward the South; for I have a profound conviction of the utter weakness and perversity of our fallen nature.

Mr. President, it is not the part of a patriot or a brave man, ever to despair. Looking over the condition of things, I would wish any man who can comprehend the position of the South in relation to the North to tell me, whether it is possible to avoid the conflict that must come. And if the conflict is to come, what can the South gain by delay? What can the citizens of the cotton States gain by postponing this controversy? If you know that you have a deadly enemy, and that he is determined to destroy you—that he only waits for midnight to light the fire that will involve your family in flames—will you wait until the night comes and the torch is applied? or will you not meet him in open contest and in open day, and settle for him and for you, and for those dependent upon you, the great question whether you shall live or die? The South, can gain nothing by delay. Hence it is, that I have been for secession with other Southern States; and if they would not secede with us, I have been for the secession of South Carolina alone. She can but be subjected and enslaved; we can but have those guns now mounted at Fort Moultrie and the bayonets of the soldiers within its walls used against us. We are now, nothing but an outraged and degraded colony. Worse than that—we are an insulted and endangered colony; and if we do not shortly right ourselves, in my opinion we must soon be a ruined colony. The fate of Jamaica must be ours, although our country is different from Jamaica, where the beasts of the field and the African, do not necessarily take possession of the home of the once proud Anglo-Saxon. I am for meeting the difficulty now. The sooner, in my estimation,

the better for the people I represent—the better for the whole South. If the South cannot unite in making one common effort, let one State, if she has the courage and the power, do it, and, for good or evil, bravely dare the consequences. That is my counsel for the State I represent—my counsel for the South.

But we are told, that we have no right to secede from the Union, and that the General Goverment will bayonet and shoot us if we make the attempt. Sir, what the Government will or will not do, is not a question for freemen. With them, mere force never yet satisfied or deters. Has a State a right to secede from the Union? That is the question. If she has the right, what matters it that mere brute power stands in the way? I am not to be deterred by the accumulation of force recently sent to the United States forts in Charleston bay. No, sir; if I needed anything to inspire me to march on, it would be that; because it proves that this Government is prepared to be a despotism—a military, coercive, bloody despotism—such as lately subjected Hungary to Austria. In that attitude, so far from shrinking from the controvesy, my spirit rises higher, and I am more prepared than ever to meet the conflict, whatever it may be, and to carry it on to the last.

But, sir, I will now endeavor to show that the State of South Carolina has a right to secede from this Union if she thinks fit. The right of secession is not a right derived from the Constitution of the United States. I observed that, in some resolutions which were laid before us the other day, it was spoken of as a right not granted by the Constitution. Why, sir, the right to hold legislative assemblies, and of taxing our people, and all the other powers connected with a State government, existed before the Constitution, and are not granted by the Constitution of the United States. The right to secede, like all these powers, is a reserved right. It is a necessary incident connected with the reserved sovereignty of the States. One State could not give to another, and the Constitution could not give to the States, the right to secede. They had it previously. The first question for us to consider is, were the States sovereign? If they were sovereign, is there anything in the Constitution of the United States to impair that sovereignty? If the States were sovereign—if the Constitution is a compact between them, and if in that Constitution there is no concession, no grant of the sovereignty of the States—that sovereignty still exists. Although the Constitution does not and could not contain in it a grant of sovereignty, yet it does in several clauses, and in one particularly, distinctly recognize it. I allude now to that clause concerning treason. It reads thus:

"Treason against the United States shall consist only in levying war against them, [the States,] or in adhering to their enemies, [the enemies of the States,] giving them aid and comfort."

Treason is a violation of your allegiance to your sovereign. Allegiance, according to the laws of nations, is a correlative to protection. The sovereign protects; and on that ground allegiance is due, and treason is a violation of that allegiance. See the close connection between the sovereignty of the State and treason. Against whom can treason be committed under the Constitution of the United States? Against the Government of the United States—against the Union, or the people of the Union aggregately? No, sir; the Government is only the agent of the sovereignties of the States. It is the creature of these sovereignties—made for certain purposes, and endowed with certain powers to effect them. But the sovereignties are the States; and hence, the Constitution speaks of them as the sole objects of treason. Here is, then, in this article, (although there can be no grant of sovereignty,) a distinct recognition of it in the Constitution. Treason against the United States is a violation of allegiance to the sovereignties who established the system of government; and those sovereignties, are described in the Constitution as the States. A person levying war against *them*, or giving aid and comfort to *their* enemies, is guilty of treason—showing distinctly that treason can be committed against them and against them only.

But let us leave that question, and go higher up in the argument. I pray the Senate to bear with me, because, if my conception of public affairs is correct, this is no idle dissertation; it is no by-play here for the entertainment of the audience; but it is a question upon which bayonets may be crossed and blood may be spilled. Therefore it is important for every man in the present state of things at the South to know where his duty lies, in order that he may discharge it faithfully to that authority which has a right to demand its exercise.

Let us go back of the Constitution, where this question properly belongs. The Declaration of Independence declares the States to be free, sovereign, and independent States. I have heard it said, that that was a united declaration, and that, therefore, it only meant that the States were sovereign and independent unitedly. The State I represent, did not wait for the Declaration of Independence to establish her independent existence. Neither did the people of Virginia, nor the people of New Jersey. In March, 1776, the people of South Carolina set up for themselves a government and a constitution of their own. Pardon me here, sir, if I digress, and state how they accomplished it. They were not very scrupulous concerning the words traitors and demagogues. They were intent upon things, and did not fear the words rebel and traitor, when they were fulminated against them. Not having arms, they determined to seize twelve hundred muskets from the British arsenal at night. It so happened that the very night, they were to execute their intention, they heard the glorious news of the battle of Lexington. You may easily imagine, that it did not dispirit them; but they marched in upon the British garrison that night, and seized the twelve hundred muskets—an open, acknowledged act of treason. They wanted powder, and seized a government vessel containing it, lying at St. Augustine, and supplied themselves. A proposition was made in their self-constituted assembly, by Arthur Middleton, to take the British Governor, Lord William Campbell, into custody. It was nearly carried; and the Governor, finding the Colony a bad place to be in, thought it best to go out, and accordingly, he went aboard the British sloop-of-war Tamar, then lying with the Cherokee in Charleston bay. Our ancestors were not satisfied to leave him there; they determined to drive him and the vessels out of the bay; and they accordingly organized a force to seize Fort Johnson. The British military, seeing their design, dismounted the guns, and went on board the sloops-of-war. The cannon were soon remounted, and a battery constructed the other side of the bay, where Fort Moultrie now stands. They opened a fire on the British ships, and drove them out of the bay. That was the way, in which they got rid of the British Government and Governor. They then met, and formed a constitution, of which the preamble set forth their wrongs and grievances. They adopted this constitution on the 4th of March previous to the 4th of July when the Declaration of Independence was made, and put into operation the first constitution ever framed by a free people for themselves since the foundation of the world. It is very true, that in that constitution it is avowed as necessary, because his Majesty's servants had abandoned the Colony; and temporary, until they should come back again; but that was in imitation of the policy pursued towards James II, who, although driven from the throne, was declared to have abdicated it. It was, in fact, an assertion and establishment of their independence of the British throne. Virginia also, in June, before the united Declaration of Independence, declared herself an independent State, and adopted her bill of rights. New Jersey did the same on the 2d of July, two days before the general Declaration of Independence, and set up a government of her own. Thus, sir, you see that, from the very foundation of our liberties, the States took into their own hands the custody of their own rights, and made themselves independent. And now, will any man show me where, in our subsequent history, these States have surrendered a tittle of their sovereignty? In their first bond of union—the Articles of Confederation—they distinctly declare that "each State reserves to itself its freedom, sovereignty, and independence." Were they surrendered by the existing Constitution? Virginia, fearful that some such false inference might be drawn, declared, in her ratification of it, "that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression," and that "every power not granted thereby remains with them and of their will." New York also declared, in her ratification, "that the powers of government may be resumed whensoever it shall be necessary to their happiness," and that "all powers not delegated remain *with the people of the several States*, or their respective State governments." Rhode Island ratified the Constitution in the very words used by New York.

But it may be answered that the States, in ratifying the Constitution, had no right to put terms to it. It shows their understanding, however. But I will throw aside this view, and turn to the proceedings of the Convention which formed the Constitution. There were two propositions which looked to disrobing the States of their sovereignty. The one was to make a State amenable to the Supreme Court of the United States; the other was to give to the General Government the power to coerce a State, should she resist the constitutional enactments of Congress. These propositions appeared in four different plans, (indeed, I believe, in all of them,) for there were but four submitted to the Convention. But what was the fate of these propositions? If either of them passed, it was clear that the States would not be sovereign, for the very essence of sovereignty is, its entire supremacy. Both of them were voted down after discussion, and the States were left to be supreme—to be sovereign within their limits.

But, sir, the sovereignty of the States, and the consequent right of secession, results from the nature of the Government itself, independent of the ratifications of the States or the records of the Convention. We have had a strict-construction party in this country called the Democratic party, and formerly the Republican party; and the basis of their creed is, the Constitution as it is, without construction. Thence it is, that they have denied the constitutionality of banks, internal improvements, and of various other projects which the opposite party have affirmed to be constitutional. Now, no one will affirm, that there is any express surrender of their sovereignty by the States in the Constitution. How, then, can the surrender be claimed? By construction—by inference. Was it ever heard of that not only legislative powers, but the very entity, the very life of a State can be taken from her by inference—by construction? And still more extraordinary, that a party, whose creed is an abstinence from all constructive powers, who stickle at the power to make a bank, or build a road, because the power is not plainly granted on the face of the Constitution,—should by construction usurp the sovereignty of the States. And these call themselves Republicans—Democrats! To claim property, or seize revenue by construction, is a gross outrage on a man or a people; but to annihilate—to kill either by an inferential authority, and that, too, from themselves—is the climacteric of absurdity or wickedness. Sir, there was once a man highly esteemed in the Union—more highly esteemed by the Republican party. He was its great political father; and when the spirit of construction and tyranny threatened to strike down the liberty of the press and the sovereignty of the States, his genious rose up with its clear and masterly statesmanship, and rescued the Constitution at its last gasp. That man was Thomas Jefferson. This authority now may be very weak amongst the Federal Democrats and Democratic Federalists, who now sway public opinion; but once "it stood against the world." He was the most skillful and omnipotent party leader that has ever guided and governed the councils of the country, save one—Andrew Jackson. Both ruled absolutely—the one, by his mild, clear intellect; the other, by his iron will. Mr. Jefferson, in the Kentucky resolutions of 1799, distinctly lays down the true principles of the Government and the rights of the States. The first of these resolutions is as follows:

"*Resolved*, That the several States composing the United States of America are not united on the principle of the unlimited submission to the General Government; but that by a compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State

acceded as a State, and is an integral party as co-States, forming as to itself the other party; that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself—since that would have made its discretion, and not the constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

Here, sir, is the sovereignty of the State vindicated, and the right of State interposition or secession distinctly affirmed. The States of Virginia and Kentucky, and the whole republican party of that day, North and South, supported them. In fact, they became the acknowledged creed of the great mass of the people of the whole Union, and for twenty years afterwards, made the Presidents of the United States. Madison and Monroe, Nicholas and Taylor, confessed them; and at a later day, inferior to none of them, arose John Randolph. With a mind powerful yet eccentric, as bright as it was often vast, he stood alone amongst men. Before his proud and blazing spirit, in its fierce and keen rencounters in debate, scarcely any man dared to stand. Like the sword of Saladin, it could cut asunder the cushion of down, or cleave the helmet of his adversary. He spoke like no other man—often strange, yet oftener with the deepest knowledge of men, and with a prophetic wisdom in affairs of State. When sick, and almost dying—for his life was one long disease—he was aroused in his retirement by General Jackson's proclamation. It was said to be written by Mr. Livingston, formerly a republican, but who now, in this proclamation, surpassed Alexander Hamilton himself in his consolidation doctrines. But a few years before, he had delivered a speech on Foot's resolution in the Senate, and drew forth the commendation of Mr. Jefferson for the sound State-rights principles it contained and defended. John Randolph remained unchanged in his political principles—unchanged in his allegiance to Virginia. He attended a public meeting in the county of Charlotte, and, although unable to stand, addressed the people from his chair, and offered the following resolutions:

"*Resolved*, That Virginia is, and ought to be, a free, sovereign, and independent State; that she became so by her own separate act, which has since been recognized by the civilized world, and has never been disavowed, retracted, or in any wise impaired or weakened by any subsequent act of hers.

"*Resolved*, That when, for purposes of common defence and common welfare, Virginia entered into a strict league of amity and alliance with the other twelve colonies of British North America, she parted with no *portion* of her *sovereignty*, although, from the necessity of the case, the authority to enforce obedience thereto was in certain cases, and for certain purposes, delegated to the common agents of the whole Confederacy.

"*Resolved*, That Virginia has never parted with the right to recall the authority so delegated, for good and sufficient cause, nor with the right to judge of the sufficiency of such cause, and to secede from the Confederacy whensoever she shall find the benefits of union exceeded by its evils—union being the means of securing liberty and happiness, and not an end to which these should be sacrificed.

"*Resolved*, That the allegiance of the people of Virginia is due to her; that to her their allegiance is due, while to them she owes protection against the consequences of such obedience."

But I have another authority, which, with the gentleman from Mississippi, I am sure, will have no light consideration. Sir, for his sake, anxious as I am that even he should believe the truth, I will refer him to the late venerable editor of the *Union*. However much I may have dissented from this gentleman in his late course on the Senator's compromise, I respect him—I am grateful to him, as the editor of the Richmond Enquirer. For fifty years he in that paper maintained the sovereignty of the States, and kept the fires of republicanism burning on the altar of liberty in Virginia. Will not the Senator heed the wisdom of his friend? But there is another authority, my last, but which, I am satisfied, the Senator from Mississippi will concede to be stronger than all I have cited. Sir, Jefferson may be wrong, Madison may be untrue, Virginia and Kentucky may have been laboring under strong delusions, Randolph may have been a raving lunatic, and Ritchie just nobody at all, but certainly the Senator from Mississippi will acknowledge the wisdom and authority of himself. Secession must certainly now be triumphant, since it has the high sanction of his illustrious name. I hold in my hand a speech of the Senator, delivered in the Senate on the 21st March, 1850, in defence of the resolutions passed by the Mississippi Legislature. The *National Intelligencer* had attacked them with a good deal of asperity, imputing treason and so forth, pretty much in the strain the Senator now uses towards South Carolina. Here is what he said——

Mr. FOOTE. I hope the Senator will do me the justice to read the whole of what I said.

Mr. RHETT. The *whole* speech! Why, there are four or five pages of closely-printed matter. This may be too much of a good thing. After I have read what I propose to read, the Senator from Mississippi can state whether he desires me to read further. If he is anxious to extend the doctrines of his speech, as they are so good, I believe I will pay half the expense of a reprint for circulation. Here is what he says, repelling the accusations of treasonable doctrine urged by the *Intelligencer:*

"It was not thus that our noble forefathers thought and acted, under which non-resistance to the most hideous usurpation is the bounden duty of all good citizens, and even of sovereign States. Nor was it thus that in a purer and more high-spirited generation public men either wrote or spoke. It was not thus that Andrew Jackson expressed himself in that famous proclamation, in which, although rebuking nullification, he *declared secession to be a just and proper remedy*—to be resorted to in any case of intolerable oppression. It was not thus that the honorable Senator from Massachusetts [Mr. WEBSTER] spoke the other day in our hearing, when he emphatically declared the same doctrine. Such was not the doctrine of Philip P. Barbour, who asserted secession to be the political arsenic of our system, to be resorted to when all other remedies might fail. Such, finally, was not the doctrine of Jefferson, who oftentimes declared secession (or scission, as he denominated it) to be, in certain cases of enormous and long-continued outrage, the proper and only remedy. I find the opinion of Mr. Jefferson on this point very precisely set forth in the eulogy delivered some years since upon the life and character of Mr. Madison, by Mr. John Quincy Adams. Here are Mr. Adams's own words, as printed in the volume from which I now read:

"'Concurring in the doctrines that the separate States 'have a right to interpose, in cases of palpable infractions 'of the Constitution by the Government of the United States, 'and that the alien and sedition acts presented a case of such 'infraction, Mr. Jefferson considered them as absolutely 'null and void, and thought the State Legislatures competent not only to declare but to *make* them so, to resist their 'execution within their respective borders by physical force, 'and *to secede from the Union* rather than submit to them, 'if attempted to be carried into execution by force.'"

Here is the Senator from Mississippi quoting Philip Barbour and Mr. Jefferson, asserting the right of secession, in answer to the *National Intelligencer* charging treasonable designs on the part of the people of Mississippi against the Union. He defends resistance, and shows by these quotations what mode of resistance, on the part of a State, is constitutional. That mode, he shows by quoting Mr. Jefferson, is secession.

Mr. FOOTE said he denied that the Constitution sanctioned secession.

Mr. RHETT. If the Senator means to say that the right is not granted *in the Constitution*, I agree with him. It is not derived from the Constitution of the United States; but that is not alone constitutional which is derived from the Constitution. All acts are constitutional which result from the organization of the Government. The right of a State to lay taxes is not derived from the Constitution of the United States. Yet it is constitutional. It is a reserved right, not granted away by a State in the Constitution of the United States. So a right to secede from the Union is constitutional, because the States have not surrendered their sovereignty—one of the necessary incidents to which is the right to judge of their compact, the Constitution, and to withdraw from the association it establishes with their co-States, in case they violate it. What did the Senator mean when he quoted Mr. Jefferson to the Senate? Did he not plainly say this by his quotations?—here is sound doctrine with which I agree.

Mr. FOOTE. I stand by them now.

Mr. RHETT. Well, then, the Senator, like Mr. Jefferson, is a secessionist.

Mr. FOOTE. A revolutionary secessionist.

Mr. RHETT. I have heard before of secession being a revolutionary right; but let me tell the Senator, with all due deference, that, in my opinion, such a pretended right is just no right at all—is mere nonsense. I will not use this strong language to apply to the Senator, because another, before him, had taken this position in the Senate—I mean a distinguished functionary of the government, then a Senator from Massachusetts—[Mr. WEBSTER.] What is a revolutionary right? A right, to be a right, must carry with it the acquiescence of all persons to its exercise. I cannot have a right to do a thing, and another have a right to prevent me from doing it. If he has the right to control me, I cannot have a right to act against his control. Now, if those who talk of secession being a revolutionary right, mean that when a State secedes, neither the General Government nor the other States have a right to interfere with her or control her, I agree that this is a right. But I would call it a right of secession. If, however, they mean, as I suppose they do, that when a State exercises what they call a revolutionary right, and secedes from the Union, the General Government has a right to coerce her, then I say such a supposed right is no right at all. If the General Government has a right to coerce a seceding State when she secedes from the Union, the State can have no right to secede. She does that which is wrong; she exercises no right at all. The right is with the General Government which coerces her—not with her in seceding. A revolutionary right to secede, therefore, it appears to me, exists only by an abuse of terms. There is no such right. When, therefore, the Senator from Mississippi quotes Mr. Jefferson as good authority to the Senate, affirming the right of secession, he meant what Mr. Jefferson meant—that a State had a right to secede, with no moral or legal right by any authority on earth to interfere with or molest her. He meant this, or he meant nothing.

The Senator from Mississippi, speaks with complacency and approbation of the course of the President of the United States, with respect to the fugitive law. Sir, I am sorry I cannot speak in the same strain of commendation. Whilst he deems the nullification of Vermont of the fugitive slave law—a law which he affirms to be constitutional and a law of the land—not worthy of his notice, he prevents the citizens of South Carolina from celebrating the battle of Fort Moultrie on the ground where the battle was fought and won against a British foe. He says in his message that he has sent, in consequence of the exigencies on our frontier, where the Indians have been murdering our people, all the troops he could spare from the other parts of the Union. Yet he has crowded the forts in the bay of Charleston with soldiers, mounted cannon, and turned them upon our city. He has thus, openly held forth the sword as the instrument of our obedience. Sir, this is not the first time, this course has been pursued by the General Government. Think you that this insult will be forgotten or ever forgiven? This Government openly says to us:—We will govern you as we please; we will plunder you by tariffs; rob you of your territories; assail your institutions; and if you attempt to escape our power by secession, we will put you to the sword. What is this, but asserting over us a naked despotism? Others may submit: I will not. I will secede, if I can, from this Union. I will test, for myself and for my children, whether South Carolina is a State or an humbled and degraded province, existing only at the mercy of an unscrupulous and fanatical tyranny.

Mr. President, I feel that it is high time I should close; but before I do so, I must say a few words of that venerable man whose seat I occupy. The last man in the Senate Chamber who ought to have spoken disparagingly of him, is the Senator from Mississippi. You all remember, Senators, that when that aged statesman came here to lay before you his last, dying speech, he came sick and emaciated—broken by the storms of State. The Senator from Virginia [Mr. MASON] kindly offered to read the speech to you, he was unable to read it himself. After the reception of that noble effort of statesmanship, what heart, beating with the pulses of humanity, but would say,—Go, die honorably—die in peace! The Senator from Mississippi rose up here, and assailed the dying statesman; and made imputations to which he was peculiarly sensitive; for, in my opinion, he loved the Union "not wisely, but too well." I was not here, but you all saw his agitation. His frame trembled. His strong spirit shook its frail tenement as he repelled the attack made upon him; and when it was over, he went home prostrated, quite soon to die. The Senator from Mississippi, hurried him into his grave. A few days or a few weeks previously, that Senator sought his counsels,

and partook of his offices of kindness; for, sir, he was always kind to all. Should not pity, if nothing else, have pleaded with him for forbearance and charity? Yet, after he is gone, the Senator rises up here, and not only speaks disparagingly of him, but you all saw the bitterness—I will not say malignity—with which he denounced his opinions. He has not only hurried him to his grave, but now digs at it, for the purpose of exhuming, if possible, a portion of his remains, to be exposed to dishonor. Let him have all the glory of such glorious deeds. I leave him to his own thoughts—his own conscience.

[After a few words from Mr. FOOTE, and a brief conversation as to the disposition of the subject, in which Mr. BORLAND, Mr. FOOTE, Mr. MASON, and others, took part, Mr. MASON obtained the floor, and the Senate adjourned.]

THE COMPROMISE MEASURES.

SPEECH OF MR. FOOTE,

OF MISSISSIPPI,

IN THE SENATE, *December* 18 and 19, 1851.

The following Resolution was under consideration:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; an act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Mr. FOOTE, of Mississippi, said:

Mr. PRESIDENT: I have heretofore stated, in very distinct terms, the reasons which influenced my mind in introducing the resolution now under consideration. If the measures of adjustment were ordinary legislative enactments, surely the resolution would be entirely unnecessary. But, sir, though the measures embraced in it are now undeniably part of the supreme law of the land, yet are they, if simply regarded as portions of the general mass of Congressional legislation, subject to repeal or modification, so far, at least, as they do not stand at this moment in an actually *executed* condition. Now, they were all passed, as every intelligent man in the Republic knows, and as every candid man will admit, as constituent parts of a general scheme of compromise, the whole value of which depends upon its being recognized, in all its entirety, in every State and Territory of the Union, as a definitive settlement of the disturbing question, which it proposes to adjust; and, being thus recognized, that it should be everywhere faithfully executed, without contravention, equivocation, evasion, hindrance, or delay, and with the distinct understanding that it should not be subject, as are ordinary laws upon the statute book, to repeal or modification, now or hereafter, so as in the least degree to impair the wholesome vigor and efficiency of the great principles upon which the plan of settlement is founded, or to revive the sectional controversy, for the suppression of which it has been set on foot.

All here know that agitation in opposition to this plan of compromise has not yet been relinquished, either in the north or in the south; that in several not obscure nor uninfluential vicinages, both to the North and to the South of Mason and Dixon's line, excitement of a most angry and dangerous character still exists; that men of extended political influence in both the opposite sections of the Union, are yet openly opposing portions of the plan of settlement, and urging the overthrow of the same, whilst a few active and influential politicians are known to have been recently elected, both to seats in the Senate and in the House of Representatives, now in session, pledged to zealous and untiring opposition to the most vital features of the compromise. Meanwhile, political organizations have been brought into existence, not likely, I fear, to be immediately abandoned, not in one section alone, but in both, the main object of which, avowedly, is to break up this great scheme of repose. In addition to all this, the presidential contest is almost at hand, which fact renders it of essential importance that all excitement upon the delicate questions embraced in this settlement should at once cease, so that they should be, as far as possible, kept out of the presidential contest entirely.

I stated formerly, as one of my main reasons for desiring the passage of this resolution, that when the fugitive slave bill was passed, it had so happened that there were, owing to accidental circumstances of one kind or another, but few Senators from the North, in their seats and prepared to record their votes in its favor. I also mentioned that this fact had been seized upon by the advocates of secession in the South, and wielded with great effect against the friends of the Union there. The remarks which have fallen from the lips of the honorable Senator from South Carolina, [Mr. BUTLER,] upon this point, in the progress of the debate upon this resolution, must show to all who have heretofore doubted on the subject, the high importance of some early and satisfactory assurance on this point, or, at least, of the expediency of adopting a resolution, the plain language of which will serve to dispel all doubt as to the willingness of our Northern compromise friends, and their constituents at home, to stand by the fugitive slave law and coöperate, in every proper mode, in its faithful execution.

Sir, whatever doubts may have been entertained heretofore by honorable Senators touching the expediency of introducing such a resolution as this, at the period of its introduction, I am sure that after the alarming disclosures, both of sentiments and policy, which have been made here in the last week or two, few can fail to perceive that the early adoption by this body of some such resolution as this is indispensable to the present repose and future safety of the Union. I feel confident that the learned and astute Senator from South Carolina [Mr. BUTLER] would find it not a little difficult to state stronger practical reasons for the reënactment of Magna Charta than exist for the present formal reassertion of the wise and salutary principles which are imbodied in the plan of adjustment. For my part, whilst utterly opposed to all agitation against the compromise, or of a nature to keep alive the discordant feelings which have been engendered by that fearful contest which I hope has now wellnigh drawn to a close, it is my desire that the scheme of settlement, in all its parts, should be solemnly reënacted (if I may be allowed to employ such language) by large popular assemblages in every State and Territory of the Union, and that its essential provisions may continue to be over and over again ratified, until all factious opposition to the same may disappear forever, and the Republic be once more restored to its pristine state of fraternal harmony and concord. I cordially agree, sir, in the views and sentiments of that eloquent and high-souled Virginian (alas, now no more!*) who, in his last noble speech at Musical Fund Hall, in the city of Philadelphia, said—

"This is the one only subject, as we all know, out of the millions that enter into our public polity, that has the power to command, and does command peremptorily, every passion and pulse of the national heart; the only one upon which we are sectionally divided, and, therefore, in these controlling and overmastering qualities, the solitary one, judging after man's judgment, upon which it is possible that our *Union* can be wrecked. Whoever, then, deliberately undertakes to rouse it up, and exasperate afresh the morbid but soothed condition of the national feeling upon this subject, (and so, as a consequence, to impel it on in the course of unknown and irrestrainable excess,) whoever does this, deliberately undertakes, in effect, the dissemination of civil war, and the horrible and bloody extinction of his country. Whoever does this—whatever his pretence, whatever his locality, whether north of the Potomac or south of it—he is, to all intents and purposes, in his action and up to his ability, a *disunionist*—a plotter of mischief—an aider and abettor for the overthrow of his country. And such a country!—the praise and the glory of the whole earth—to be recklessly and madly put into peril by the folly or the wickedness of her own protected and happy children!" * * * * * * *

*Governor McDowell.

(Well may you rejoice, sir, (addressing General HOUSTON, who had just seated himself near him,) that the same enlightened and patriotic county in Virginia was alike the county of your nativity and the birth-place of him who gave utterance to these noble sentiments.)

"And now that this unequalled country, with all its blessings of freedom, and happiness, and power, is ours,—the peerless and priceless heritage of ourselves, and of our children,—who that has an American heart in his bosom, that does not feel it to be amongst the proudest of his privileges, and holiest of his public duties, to rally around and to defend it, and especially, and above all, from that suicidal spirit of section, which has already harassed us, and which is the only enemy upon this wide earth that has the slightest power to endanger or to overthrow it? If there are any, ready and willing to conquer and put down the enemy that would conquer and put down it, let them come up, from every city and hamlet in the land, to the side and the support of Congress;—let them stand by the solemn adjustment in this very behalf which that body has made, and carry it out fully and faithfully in all of its parts. Make this adjustment your own by ratification and actual fulfillment. Give your hearts to it boldly and freely, and let the world understand that, come what may, you are resolved to maintain it; resolved to maintain, with unbroken faith to your political associates everywhere, the pledges and covenants of the Constitution, and thereby maintain, in all its primitive integrity, the Union itself.

"Do this here. Do it everywhere else in your Northern States. Give the whole energy of the popular heart to the fulfilling of this great measure of conciliation and of peace, and our glorious country is safe—forever safe. Without a sorrow in her spirit, without a tremor upon her limb, without the beginning of decay within her, with the dew of youth and health fresh and undried upon her cheek, she will go on her pathway of immortality, carrying out to its brightest consummation the illustrious career she has begun. The poor devotee of freedom in the dim and dusky atmosphere of other lands, will still leap from his pallet of straw at the mention of her name, and shout and joy that she is safe. She will still tower up, as before, a "city set upon a hill," shedding forth her light for the hope and the healing of nations. Her master spirit will be strong as ever in bringing the whole world into communion with itself; rousing up its millions, and bearing all things onward by the resistless energy and might of its own profound impulsion. Her bold and free heart will still glow with the hope of renovating the governments and the people of the earth, and beat and burn under the inspiring belief, that whilst it was the destiny of Greece to give her civilization, and of Rome to give her letters, hers will be the loftier and holier one still—to give her *liberty* to the world!"

Sir, I was rejoiced yesterday, when one of Virginia's sons, himself the descendant of an illustrious revolutionary ancestor, rose up, and with an imposing solemnity of manner—alike suited to his own high character, to the dignity of the station which he holds, and to the intrinsic magnitude of the occasion—solemnly declared that the treasonable doctrine of secession, as the same had been so pompously expounded in our hearing during the last day or two, did not receive his sanction.

Mr. MASON. Does the Senator allude to me?

Mr. FOOTE. I did not put the word "treasonable" into the Senator's mouth; that is an adjective for the use of which I am alone responsible.

Mr. MASON. If the Senator from Mississippi understood me to deny the right of a State to secede from the Union, he misunderstood me. I have ever held, and shall ever maintain, the right of a State to separate herself from the Union, whenever, in the deliberate judgment of such State, it becomes necessary to do so to preserve the safety and liberties of her people. It is a right inherent in the State, of which she cannot be deprived. What I did say was, that I had no sympathy, and I believed the people of Virginia had no sympathy, with those who preferred disunion.

Mr. FOOTE. I did not misunderstand the Senator. If he had waited for a moment he would have found that I intended to do him full justice. I understood him as asserting the abstract right of secession. But I also understood him as protesting in the most solemn manner against the proposition to secede at the present time under existing circumstances, so warmly urged in our hearing by the Senator from South Carolina, [Mr. RHETT.] I attach less importance to the assertion of the abstract right of secession than most men do. I do not think that there is any great practical difference between the honorable Senator from Virginia and myself upon that point; for whether the right claimed be revolutionary or constitutional, it is not a matter perhaps of any very great importance to decide, if both of us agree that it is not to be exercised except in a case of intolerable oppression. I shall have occasion to say something upon this point hereafter; at

present it is sufficient for me to know, and I rejoice in knowing, that the Senator from Virginia and myself are equally opposed to any scheme of secession which may be at this time in progress, and must equally censure any treasonable efforts, with whomever originating and by whomever carried on, which look to the destruction by warlike means of that noble fabric of constitutional freedom which has been reared in this happy land by our venerated ancestors, and upon the permanent maintenance of which the hopes of the civilized world depend. However I may differ from the honorable gentleman, and perchance from others, upon the mere abstract right of secession; yet I shall not the less appreciate his and their valuable exertions in coöperating with the friends of the Union at this moment in resisting the particular scheme of secession which has been so graphically portrayed in our hearing, and so warmly pressed upon our consideration.

I knew before that this fell spirit of disunion had not become thoroughly domesticated in Virginia, though especial pains have been made of late to diffuse it in that region; and I believe it may be said, with strict regard to truth, that no public man there, of any decided standing, has yet openly united with that school of extremists located further south, who rejoice in the august teachings of the honorable Senator from South Carolina. Sir, I make bold to assert, that there never has been seen assembled within the territorial confines of that noble Commonwealth, which gave birth to a Washington, a Jefferson, a Madison, and a Marshall, a public meeting that could listen with patience, for a single instant of time, to such a noisome tirade of factious declamation as that to which the members of this illustrious body have been compelled to accord a quiet hearing during the last two or three days.

It seems, sir, that, in order to obtain anything like a fair appreciation for what I have to say on this occasion, it will be necessary that I should, in the first place, obviate one or two personal suggestions which have been made of a nature calculated to prejudice the minds of Senators against me. It has been asserted here, sir, and in a spirit perfectly in unison with that which so strikingly characterized almost the whole of that harangue of which it formed part, that I have been guilty of disturbing the ashes of the illustrious dead, in the allusion which I ventured to make a few days since to one of the most renowned statesmen that South Carolina has produced, and whose recent decease I deplore as deeply as any of those who now make such ostentatious parade of their sympathy and admiration for him. I have been gravely accused by the Senator from South Carolina, [Mr. RHETT,] of having so assailed the sensibilities of Mr. Calhoun upon this floor when still living, as to have precipitated his death. Yes, sir, he charges me with having hurried him to his grave. Well, sir, this is quite a serious charge. The Senator should have meditated upon its grave import long before he ventured to give enunciation to it. He has virtually charged me, before the country, with being the heartless murderer of this lamented personage. I certainly acted with deliberate intent upon the occasion referred to. If guilty in manner and form as stated by my accuser, (who has attempted to play prosecutor on this occasion, with what effect I leave others to decide,) then am I wholly unworthy of social respect, or political sympathy, or even the passing notice of honorable and generous-minded men? Sir, what are the actual facts of the case? A short explanation will put this malevolent accusation forever at rest, and transfer the contempt intended for me to one who more truly deserves it. Mr. Calhoun and myself remained upon terms of cordial friendship and mutual respect up to the last moment of his life. My friend from Alabama, [Mr. CLEMENS,] a fellow-boarder and constant associate of Mr. Calhoun for some months preceding his decease, made it his business, nearly two years since, when this vile and calumnious charge first saw the light, to cause an article to be published in the columns of the *New York Herald*, in which statements were contained and evidence exhibited that left no doubt remaining as to the amicable relations existing between Mr. Calhoun and myself up to the last moment of his life. If he died my enemy, sir, I have yet to receive testimony in proof of the fact, and I certainly never cherished for him any feelings but those of genuine kindness and esteem in my life.

Sir, the scene, to which the Senator has alluded, was not the last one in which Mr. Calhoun participated here. He came to this Chamber, three or four days after, and had quite a spirited encounter with Mr. Webster, of which an account was duly given in our volumes of published debates. Perhaps it is proper that I should even go further into particulars touching this delicate and painful affair. Four days after the dialogue between Mr. Calhoun and myself, to which his successor has thought proper so ungraciously to allude, (for what purposes I leave others to decide,) that gentleman came into this Chamber, and solicited a conversation with me upon the very subject of our previous collision. His manner was as kind as usual, nor did he feel justified in saying more in the way of compiaint, than that he should greatly have preferred my visiting him at his lodgings, and holding a private conference with him in relation to the portion of his speech to which I had objected, to my bringing up the subject without special notice to him of my intention to do so in open Senate. My response to him was, that I knew him to be quite indisposed; that if I had visited him for the purpose of holding colloquy with him in regard to the great proposition of constitutional amendment contained in his speech, it was more than probable, as I confidently believed, that we should have been involved in controversial dialogue of a somewhat excited character, the effect of which upon his physical health might have been quite serious. It had seemed to me that it would be most prudent, considering all the circumstances, to call his attention to the subject in the mode adopted, thus affording him full opportunity, in a calm and considerate manner, to supply such an explanation of his speech as he might find it convenient to give. A conversation of considerable length ensued, in which the honorable Senator from Michigan [Mr. CASS] will remember participating; and he would be able to bear ample testimony that there was nothing which occurred in his hearing of a nature to justify a supposition that the friendly relations which had subsisted unbrokenly for several years, between Mr. Calhoun and myself, were in the least degree disturbed.

I am sure that the honorable Senator who has thought proper to intrude this subject upon the attention of the Senate at this time could not have looked into the account given in the *Congressional Globe* of that scene in the Senate which he seems to have so grossly misunderstood. Had he read this account, he surely would have seen nothing in it to justify the harsh and injurious strictures in which he has been pleased to indulge. Sir, I undertake to assert that I did not employ one word on that occasion calculated to lacerate the sensibilities of Mr. Calhoun, or to mortify in the least degree his just self-respect. My whole bearing was courteous and respectful, and full of cordial and candid professions of sincerely-cherished esteem and friendship. I declared my own opinions in language of undissembled plainness; but I was exceedingly circumspect in avoiding the utterance of a syllable calculated to give him the least offence. It was my misfortune not to agree with him upon a great national question, and to feel it to be my duty to state my dissent from his formally enunciated views in a formal and explicit manner, and without delay. I am sure that hypercriticism itself can see nothing in this to justify the least complaint. Mr. President, you recollect that Mr. Calhoun's speech, against a portion of which I had deemed it my duty to protest, had been deliberately prepared in his room, printed, and read here, by the honorable Senator from Virginia, [Mr. MASON,] in hearing of the Senate. I had been warned beforehand that it would contain a demand of constitutional amendment as indispensably necessary to the satisfactory settlement of the sectional questions then pending, and which had awakened so much and such fearful solicitude in the whole public mind of the country. The venerable gentleman who was then editor of the *Union* newspaper of this city, (Mr. Ritchie,) and who I am glad to see now present, visited me at my boarding-house, in company with his son, the respected senior editor of the *Richmond Enquirer*, on the morning of the day during which the speech of Mr. Calhoun made its appearance here. To them I communicated my fear that the speech would contain such a requisition of constitutional amendment as that actually imbodied in it; and that thus a new and serious impediment would be thrown in the way of an early and equitable adjustment of the slavery question in its multiplied bearings; and I well remember that these gentlemen were inclined to doubt the possibility of such a proposition being brought forward by Mr. Calhoun in the manner predicted by me. Well, sir, the speech was read; we all got a copy of it; and I examined it most carefully, and with the strongest disposition to harmonize, if possible, with its distinguished author. The more I examined it, and meditated upon its contents, the more intense became my uneasiness, and the more painful my apprehension of the consequences likely to result from its promulgation. I reflected upon several particulars which had occurred within a year or two, connected with the public history of the country, with which Mr. Calhoun's name had been prominently associated, which I feared might specially awaken suspicions of a discrediting character against himself and his particular political friends. He had been the draughtsman of our Southern Address, the diffusion of which had given great offence to certain distinguished politicians, one of whom (Mr. Benton) had seized upon it at once as containing full evidence of a determination on the part of Mr. Calhoun and his political friends to destroy the Union. During the summer succeeding its issuance, whilst sojourning in Washington, I received one half of a speech of Mr. Benton, delivered in the State of Missouri, in which this accusation was pressed against all the signers of the Southern Address. and against Mr. Calhoun in particular. I sent the half speech to him without delay, accompanied by a letter urgently soliciting him to respond at once to the serious accusation of Mr. Benton, stating to him, what I believed to be true, that no man living could so effectually put down what I regarded as a groundless calumny, but which I must say had been presented and urged with singular plausibility, so effectually as he could. In reply to my first letter, he wrote to me declining the task of vindication. When I received the second half of the speech I again wrote to him, most urgently demanding that he should come into the arena against Mr. Benton without further delay. Meanwhile I had issued a certain letter addressed to Mr. Wise, of Virginia, in which I had, without much regard to mere dignity of manner or classical elegance of diction, labored to remove some of the rubbish out of Mr. Calhoun's way, hoping thus to render it somewhat more easy for him, without being exposed to the necessity of reciprocating the language of coarse personality, to meet and overthrow our gigantic assailant. Mr. Calhoun again wrote in reply, consenting at last to come into the field in defence of our Address, and thanking me specially for what I had done, (in a subordinate capacity,) in clearing away the obstacles which he confessed, but for my interposition in their removal, would have made it impossible for him, with his notions of what was becoming and proper in a public man of his experience and standing in the country, to publish a word in response to Mr. Benton. He sent me the first printed copy of his reply, and requested me to procure an early insertion of the same in the *Union* and *Intelligencer* of this city, which I did. Now, this reply of Mr. Calhoun had denied in the most formal and emphatic manner all hostility to the Union and had professed a high veneration for the Constitution.

I felt confident that Mr. Benton, smarting under the chastisement he had so recently received, would lose no time in seizing upon the unfortunate feature of Mr. Calhoun's speech to which I have been referring, and base upon it anew his charge of disunion against that gentleman and those who were known to be particularly affiliated with him. Indeed I had good reason to believe that twenty-four hours would not be suffered to elapse before the thunder of Mr. Benton's voice would be heard, denouncing us all as traitors and disunionists, and upon evidence which many unprejudiced citizens might hold to be quite satisfactory. Besides, the Nashville Convention was about to be held; and I could not help suspecting, what I now believe most

confidently to have been true, that it was intended by Mr. Calhoun to make this emphatic demand of constitutional amendments in advance of the session of this body, with a hope of getting the South committed thoroughly in favor of some great and signal change in the Constitution, so as to make it impossible for us to retrace our steps without incurring more or less of ridicule and contempt. This state of things I feared might result in ultimate, yea, in speedy disunion. Such being the opinion which I entertained and the apprehensions which tormented me, I came up to this Chamber early in the morning succeeding the day upon which Mr. Calhoun's speech had been delivered. I found here several Senators from the South, with whom I claimed an immediate conference. One of them was my friend from Alabama, [Mr. CLEMENS,] and besides him there were the Senator from North Carolina, [Mr. MANGUM,] and the late Senator from Tennessee, [Mr. TURNEY,] whose absence from this Hall is so little regretted by any one of us. These three gentlemen I knew to be devoted to Mr. Calhoun. I pointed out the objectionable part of the speech, and found that they all concurred with me in regard to it, and were of opinion, for the reasons stated by me to them, that some one of Mr. Calhoun's known friends should at once put in a regular protest against the demand of constitutional amendments; and thus, by anticipating Mr. Benton, save ourselves from what might have proved a highly detrimental assault upon us and our cause. My friend from Alabama [Mr. CLEMENS] will recollect that he told me, on that occasion, that he had already resolved himself to except to this portion of the speech of Mr. Calhoun, and showed me a printed copy of the speech with black lines drawn round the part objected to. Well, sir, under these circumstances I acted. Mr. Calhoun came into the Senate whilst his colleague [Mr. BUTLER] was offering a few remarks in reply to my courteous but emphatic protest, and he interrupted the gentleman speaking by thus exclaiming, as appears in the printed debates before me:

"I must really express my great regret that a member of this body, in my absence this morning, before the hour for the consideration of this question, should have engaged in commenting on my remarks in reference to the important question that is under discussion. I had not the advantage of hearing the remarks of the Senator from Mississippi. Did he accuse me of disunion? Did he mean to insinuate that?

"Mr. FOOTE. I regret that the honorable Senator was not in his place. My only reason for referring to the matter at this time was that I did not expect the honorable Senator to be here at all for many days."

I did not expect it, for I had heard that he was very ill, and that it was impossible for him to come here. As I explained afterwards to him, I took the course which I had pursued with the view of giving him an opportunity of considering the matter at his own room; and if he could not get here in person, to explain in some written form what was the true meaning of his speech, and save himself and his political associates from imputations which I feared would arise. I continued:

"I thought that he was too much indisposed to be present; and believing that I should have no other opportunity for seasonably shielding myself from misjudgment, I determined to seize the present occasion for that purpose.

"Now, I will say to the honorable Senator from South Carolina, that I had not the slightest intention to impute to him designs hostile to the Union. I said that his motives were patriotic. He will find my remarks, when reported in the morning, to be somewhat in bad taste, simply because so exceedingly encomiastic in relation to himself."

I went on, then, to say several other things, which it would be egotistical to read. I will read what Mr. Calhoun said in reply:

"*My friend from Mississippi.*" Does that look as if there was enmity between us? or that I had done anything which, in his opinion, was evidence of my being his enemy? How dare any man, with this speech before him, accuse me of "murdering" Mr. Calhoun?—for this is the amount of the charge preferred. I know that the object of preferring it was to poison the feelings of certain high-toned South Carolinians against me. The Senator will find, I feel assured, that he a little underrated the intellectual powers of his own constituents, and, if he is not the luckiest man in the world, the reproachful language which he has presumed to use against me will recoil upon himself with the most deadly effect among liberal-minded men even in South Carolina. But listen to what Mr. Calhoun says:

"My friend from Mississippi might have been saved from the necessity of making these solemn protests, that he has never followed a leader, for I have never pretended to be the leader of any man. When I speak, I speak for myself—upon my individual responsibility—and not for the Senator from Mississippi, nor for any other Senator. Sir, I desire that my words shall go out, and be received by the public as they stand, and not as they may be attempted to be explained here by any gentleman. Mr. President, the Senator from Mississippi has unfortunately overlooked the character of my remarks."

He then goes on to explain himself, and presently the material point in dispute arises.

"But I will say," he continues, "and I say it boldly—for I am not afraid to say the truth on any question—that, as things now stand, the Southern States cannot, with safety, remain in the Union."

Ominous language that! It surprised me at the time most deeply and painfully. I never have doubted the perfect conscientiousness of Mr. Calhoun. I never doubted his patriotism. But I could not help believing that he was in a state of profound delusion on this subject, and I was satisfied that he had resolved, through the Nashville Convention, or otherwise, to insist on demands that never would be complied with, which, if acquiesced in, might ruin the South, and which, if refused, might destroy the Republic.

Therefore it was that I ventured to throw myself into the breach, and protest seasonably against these astounding views of his. Mr. Calhoun continued:

"When this question may be settled—when we shall come to a constitutional understanding—is a question of time: but as things now stand, I appeal to the Senator from Mississippi, if he thinks that the South can remain in the Union upon terms of equality?

"Mr. FOOTE. We cannot unless the pending questions are settled; but, in my opinion, these questions may be settled, honorably settled, within ten days' time."

"Mr. CALHOUN. Does the Senator think that the South can remain in the Union upon terms of equality without a specific guarantee that she shall enjoy her rights unmolested?

"Mr. FOOTE. I think she may, without any previous amendment of the Constitution. There we disagree."

I had had some hint of this amendment, in regard to a dual Executive from a certain high quarter, [here Mr. FOOTE pointed to Mr. MANGUM, who nodded assent,] and I resolved to bring it out if I could, plainly; for I felt great uneasiness on the subject. I was satisfied that if the Nashville Convention should demand such a change in the Constitution as the one just mentioned, the Union was at an end; and therefore I resolved to find out, if I could, what he really meant when he spoke of "a specific guarantee." I alluded to the subject of constitutional amendment in a manner calculated to draw him out, and added, "*there we disagree;*" to which he responded at once, "Yes, *there* we disagree entirely." Now, sir, I think it is quite apparent that I did not err so greatly as some persons have supposed, in regard to what Mr. Calhoun intended to accomplish by this movement, or in reference to the true character of his contemplated amendment. Indeed, if my friend from North Carolina [Mr. MANGUM] will allow me to mention the fact, I learned from his lips, at a very early period, something quite material touching this amendment. A very clear account is given of this same amendment in the book which I hold in my hand, and which had the singular good fortune a few days since to be most skillfully defended by the Senator from South Carolina, [Mr. BUTLER,] without his having, according to his own declaration, made himself in the least degree acquainted with its contents before he undertook the task of its vindication,—I must say though, Mr. President, that in my opinion his defence of this book would at least have been as successful if he had put himself to the trouble beforehand of reading a few of its pages—I invoke the calm attention of honorable Senators to what I am about to lay before them.

I do not undertake to say that they will find in it evidence of an inflexible determination, on the part of Mr. Calhoun, to enlist his energies in the work of destroying the Union; but I do venture to express the opinion, that if the amendment of a dual Executive, which he recommends, were once incorporated in the Constitution, the Union would not be able to survive such a proceeding more than a very short period of time. I do not wish to be understood as charging Mr. Calhoun with having, at the moment of his delivering his speech in the Senate, entirely despaired of the longer continuance of the Union; but I am now perfectly certain that it was the intention of himself, and of a few others closely associated with him, to wield, as far as they might find it in their power to do so, all the machinery of the Nashville Convention for the purpose of setting up demands in favor of the Southern States, alike unjust and unreasonable in themselves—a compliance with which they could not have confidently expected. I entertain no doubt, also, at this time, that he contemplated the breaking up of the Confederacy as more than a probable event, and one to which he began to look forward with a good deal of eagerness. I must say, in justice to this extraordinary man, that he did not, in my opinion, contemplate the occurrence of a civil war as the consequence of his movements, but anticipated the peaceful establishment of a Southern Confederacy, composed of all the Southern States, or the greater part thereof. I will now read the extract which I have promised to lay before the Senate:

"The nature of the disease is such, that nothing can reach it, short of some organic change—a change which shall so modify the Constitution as to give to the weaker section, in some one form or another, a negative on the action of the Government. Nothing short of this can protect the weaker, and restore harmony and tranquillity to the Union, by arresting, effectually, the tendency of the dominant and stronger section to oppress the weaker. When the Constitution was formed, the impression was strong that the tendency to conflict would be between the larger and smaller States; and effectual provisions were accordingly made to guard against it. But experience has proved this to have been a mistake; and that instead of being as was then supposed, the conflict is between the two great sections which are so strongly distinguished by their institutions, geographical character, productions, and pursuits."

He then goes on to show how the Constitution could be best modified so as to effect his object, and thus expresses himself:

"How the Constitution could best be modified so as to effect the object, can only be authoritatively determined by the amending power. It may be done in various ways: among others, it might be effected through a reorganization of the executive department; so that its powers, instead of being vested, as they now are, in a single officer, should be vested in two, to be so elected as that the two should be constituted the special organs and representatives of the respective sections in the executive department of the Government; and requiring each to approve all the acts of Congress before they shall become laws. One might be charged with the administration of matters connected with the foreign relations of the country, and the other of such as were connected with its domestic institutions, the selection to be decided by lot."

Mr. BUTLER. As allusion has been made to me in reference to my not reading Mr. Calhoun's book, it may go out, from what I said in the course of the debate, that there was a remarkable coincidence between what may be considered my conjecture, and what has just been read. I must say, that although I had not the book before me, I did not speak conjecturally as to what is contained in it, but learned it from others who had conversed with him upon the subject. I had not read Mr. Calhoun's book, but I did not speak without some information as to that part of it.

Mr. FOOTE. Now, sir, the amendment is before us; and what, I pray, are honorable Senators inclined to think of it? Do they not agree with me, Mr. President, as I declared myself the other day, that if such an amendment were adopted, it would be speedily destructive of the Republic? Does any one here now doubt that Mr. Calhoun expected that some such amendment as this would be proposed by the Nashville Convention? Is it not most apparent that he intended to urge this course of proceeding upon that body? And is it not equally obvious now that this was that additional guarantee spoken of so flippantly, and urged so pertinaciously, for many months past by a certain class of politicians in the South? And now, Mr. President, let me ask another question—I ask it with no intentional disrespect or unkindness for any human being, either living or dead—Was it treating those of us through whose active instrumentality the Southern Address had been gotten up—through whose zealous agency the call of a general Southern Convention at Nashville had been made by the State of Mississippi—was it treating us justly, respectfully, or generously, to attempt, without consulting us at all, to use, as I have several times said, the whole machinery of that body for the attainment of objects wholly different from, yea hostile to, the only objects for the attainment of which we had acted? Were we, whose energies were put in exercise faithfully and untiringly for the purpose of

procuring the meeting of a grand consultative body of chosen delegates representing the whole South, with a view to securing the happiness and future safety of the Southern States by constitutional means, and giving additional strength and permanency to the Union itself—were we not entitled to know, had we not a right to be informed in advance, of any fundamental change which had been resolved upon in the plan of operation expected to be executed through the agency of the Nashville Convention? I have heretofore mentioned in this body, that it was through me, in the first instance, that Mr. Calhoun succeeded in instigating the incipient movements in Mississippi, which led to the calling of the Nashville Convention. I repeat that statement now, and insist that my fellow-citizens of Mississippi, who had been thus induced to assume the responsibility of calling the general convention into being, had a right to expect the earliest information to be given to them of any contemplated departure from the original plan of operation. When I found out, or was led to suspect that we were about to be treated unworthily—that the intelligent and patriotic constituency whom I represented in part here, were to be kept in ignorance as to the ultimate purposes of those whom we had willingly allowed to take the lead in this great movement—when I found out, or thought I had found out, that a regular scheme had been formed for dragging us blindly forward to the very precipice of disunion itself, without giving us the least token of the true character of the journey we were expected to perform, or allowing us more than a faint conjecture as to the ultimate terminus of our wanderings over the dreary and mysterious desert the crumbling surface of which we found ourselves painfully treading, I thought the time had arrived when it was my duty to demand a halt in our onward career towards the goal of national ruin, and require that some satisfactory reasons should be given for the change of direction which seemed to have been ordered at headquarters, and the entire abandonment of all the original patriotic objects, for the attainment of which alone had the State and people of Mississippi been willing to take the initiative in calling a convention of the Southern States at Nashville.

To make apparent to all here that the call for a Nashville Convention originated in certain minds in South Carolina, and that Mississippi was induced to recommend the assemblage of that body, without the fact being made known to her citizens that any purpose was entertained by those who insisted on her initiatory action, it will be sufficient to read a letter addressed by Mr. Calhoun himself to a constituent of mine, quite distinguished among us at present for his prominence as an advocate of the rankest disunion doctrines of the day, and not a little distinguished formerly in several States in in which he has lived for several things of one sort or another not at all necessary to be specified. This letter is dated July the 9th, 1849, and is addressed to Collin S. Tarpley, Esq., of Mississippi. It reads as follows:

"FORT HILL, *July* 9, 1849.

"DEAR SIR: I am greatly obliged to you for a copy of the proceedings of your [Mississippi] meeting. I have read it with a great deal of pleasure.

"You ask me for my opinion as to the course which should be adopted by the [Mississippi] State Convention, in October next. I have delayed answering your letter until this time, that I might more fully notice the developments at the North before I gave it. They are more and more adverse to us every day. There has not been a single occurrence, since the rising of Congress, which does not indicate on the part of the North a fixed determination to push the abolition question to the last extreme.

"In my opinion there is but one thing that holds out the promise of saving both ourselves and the Union, and that is a Southern Convention; and that, if much longer delayed, cannot. It ought to have been held this fall, and ought not to be delayed beyond another year. All our movements ought to look to that result. For that purpose, every Southern State ought to be organized with a central committee, and one in each county. Ours is already. It is indispensable to produce concert and prompt action. In the mean time, firm and resolute resolutions ought to be adopted by yours, and such meetings as may take place before the assembling of the Legislatures in the fall. They, when they meet, ought to take up the subject in the most solemn and impressive manner.

"The great object of a Southern Convention should be to put forth, in a solemn manner, the causes of our grievances, in an address to the other States, and to admonish them, in a solemn manner, as to the consequences which must follow, if they should not be redressed, and to take measures preparatory to it, in case they should not be. The call should be addressed to all those who are desirous to save the Union and our institutions, and who, in the alternative, should it be forced on us, of submission or dissolving the partnership, would prefer the latter.

"No State could better take the lead in this great *conservative* movement than yours. It is destined to be the greatest of sufferers if the Abolitionists should succeed; and I am not certain but by the time your convention meets, or at furthest your Legislature, that the time will have come to make the call. With great respect, I am, &c.,

"JOHN C. CALHOUN."

Is there anything said in this letter about a change of the organic law? Is anything said there about a dual Executive? Is anything said about the necessity of seceding from the Union, unless such an alternative should be forced upon the States of the South by long-continued injustice and oppression? Is there aught in this letter which was calculated to put us on our guard against any ulterior design that might be entertained, such as has been since so plainly disclosed? I appeal again to my countrymen everywhere to say if we of Mississippi were not entitled to a more liberal confidence than was exercised towards us by those under whose monitions we had so confidingly moved forward, and in fraternal coöperation with whom we had so zealously acted?

The honorable Senator said that I murdered Mr. Calhoun——

Mr. RHETT. I did not say so.

Mr. FOOTE. The gentleman said, at any rate, that I hurried him to his grave, and he gave a pathetic description of this gentleman's being driven to his sick chamber by agony of mind caused by cruel and unjust strictures upon his public course; and delivered what he said upon this delicate point in such an affected and semi-dramatic manner as to show to all who heard him that he was merely reciting a lesson which he had gotten by heart before he came into this Hall, and expected, in repeating it before so large an audience, to acquire some little character as a sort of Senatorial Roscius.

Mr. RHETT. I stand by all I have said.

Mr. FOOTE. Does the gentleman know that when an attempt was made in this Chamber by a person no longer a member of this body, to dishonor the character of Mr. Calhoun, only a few days subsequent to his decease, I rose in my place, and in a few remarks, not wholly deficient in spirit, undertook to defend the illustrious deceased from what I deemed a most unjust and illiberal attack? Does he know that my interposition in this very affair involved me in a most serious personal difficulty? Will the true friends of Mr. Calhoun unite in saying that I hurried him to his grave? Sir, no true friend of his would say it. I tread the unworthy imputation scornfully and contemptuously under my feet.

Sir, before I quit this branch of the subject entirely, and whilst we still have Mr. Calhoun under consideration, let me urge my friend from South Carolina, [Mr. BUTLER,] if he has not yet read his work on Government, to lose no time in making himself acquainted with its contents. I assure him, with all sincerity, that I admire it exceedingly. It is marked with all that vigor and profundity of thought by which its author was so distinguished, and is in several respects worthy of any man that the present age has produced. I cannot say that I entirely concur in all the theoretic notions so strikingly set forth in it; but I should certainly feel unwilling to say anything in decided dispraise of its general merits upon so cursory an examination as I have had it in my power to bestow upon it. The first portion of the work I have been particularly struck with, and though the second part, which is more a sort of indirect defence of his own particular course as a public man than a mere scientific disquisition on Government, is in my judgment replete with sophistical reasonings and erroneous conclusions; yet I am so much disposed to admire the portion of it for which I have already avowed a preference that I shall venture to lay before the Senate several extracts therefrom, which I trust will prove not a little instructive to those of us who are eternally railing out against legislative compromises. I am inclined to hope, that after a while I shall be recognized as far more friendly to this great man's character, and decidedly less hostile to his memory, than some of those who are known to have been habitually envious of him whilst living, and eagerly ambitious (as rumor says) of mounting into his seat in this body before he had grown altogether tired of occupying it himself. One thing is certain: the honorable Senator who has so ostentatiously taken it upon himself to defend this great man against an assault that I have never meditated, was not understood, whilst Mr. Calhoun was upon the public stage, to be quite as much disposed to sympathize with him and to give him a manly support, as many others who deem it unbecoming to make a special parade of their admiration and friendship for him; and it was generally understood that the gentleman to whom I am at present responding was altogether willing, when occasion served, or his own self-esteem prompted, to call in question the intellectual powers of the great Carolinian, and to suggest that he had been quite long enough in the occupancy of high political station, and ought to be more than willing to give way to younger men of more capacity for action, and of opinions better suited to the noble age of progress in which we live and act.

But for the extracts promised. I turn to the early portions of the volume, where Mr. Calhoun has undertaken to draw a distinction between what he calls *absolute* and *constitutional* governments. Let us see what he says of constitutional governments in connection with *compromises:*

"Constitutional governments, of whatever form, are, indeed, much more similar to each other, in their structure and character, than they are, respectively, to the absolute governments, even of their own class. All constitutional governments, of whatever class they may be, take the sense of the community by its parts—each through its appropriate organ; and regard the sense of all its parts, as the sense of the whole. They all rest on the right of suffrage, and the responsibility of rulers, directly or indirectly. On the contrary, all absolute governments, of whatever form, concentrate power in one uncontrolled and irresponsible individual or body, whose will is regarded as the sense of the community. And hence, the great and broad distinction between governments is—not that of the one, the few, or the many—but of the constitutional and the absolute.

"From this there results another distinction, which, although secondary in its character, very strongly marks the difference between these forms of government. I refer to their respective conservative principle; that is, the principle by which they are upheld and preserved. This principle, in constitutional governments, is *compromise;* and in absolute governments, is *force*—as will be next explained.

"It has been already shown that the same constitution of man which leads those who govern to oppress the governed—if not prevented—will, with equal force and certainty, lead the latter to resist oppression, when possessed of the means of doing so peaceably and successfully. But absolute governments, of all forms, exclude all other means of resistance to their authority, than that of force; and of course leave no other alternative to the governed but to acquiesce in oppression, however great it may be, or to resort to force to put down the government. But the dread of such a resort must necessarily lead the government to prepare to meet force in order to protect itself; and hence, of necessity, force becomes the conservative principle of all such governments.

"On the contrary, the government of the concurrent majority, where the organism is perfect, excludes the possibility of oppression, by giving to each interest, or portion, or order, where there are established classes, the means of protecting itself, by its negative, against all measures calculated to advance the peculiar interests of others at its expense. Its effect, then, is to cause the different interests, portions, or orders, as the case may be, to desist from attempting to adopt any measure calculated to promote the prosperity of one, or more, by sacrificing that of others; and thus to force them to unite in such measures only as would promote the prosperity of all, as the only means to prevent the suspension of the action of the government; and thereby to avoid anarchy, the greatest of all evils. It is by means of such authorized and effectual resistance, that oppression is prevented, and the necessity of resorting to force superseded, in governments of the concurrent majority; and hence compromise instead of force becomes their conservative principle.

"It would, perhaps, be more strictly correct to trace the conservative principle of constitutional governments, to the necessity which compels the different interests, or portions, or orders, to compromise—as the only way to promote their respective prosperity, and to avoid anarchy—rather than to compromise itself. No necessity can be more urgent or imperious, than that of avoiding anarchy. It is the same as that which makes government indispensable to preserve society; and is not less imperative than that which compels obedience to superior force. Traced to this source, the voice of a people—uttered under the necessity of avoiding the greatest of calamities, through the organs of a government so constructed as to suppress the expression of all partial and selfish interests, and to give a full and faithful utterance to the sense of the whole community, in reference to its common welfare—may, without impiety, be called the *voice of God.* To call any other so, would be impious."

Have we not framed this compromise "to avoid anarchy," and bloodshed, and violence? In my opinion, anarchy has been prevented by the adoption of this blessed compromise. It was for the adoption of such a compromise that the people of Mississippi, under the direction of Mr. Calhoun, first took the step which led to the first Nashville Convention. We have obtained a compromise equitable in all its parts, and we are content.

Again, Mr. Calhoun says:

"It would thus seem almost necessary that governments should commence in some one of the simple and absolute forms which, however well suited to the community in its earlier stages, must, in its progress, lead to oppression and abuse of power, and, finally, to an appeal to force, to be succeeded by a military despotism, unless the conflicts to which it leads should be fortunately adjusted by a compromise, which will give to the respective parties a participation in the control of the government; and thereby lay the foundation of a constitutional government, to be afterwards matured and perfected. Such governments have been emphatically the product of circumstances. And hence the difficulty of one people imitating the government of another. *And hence, also, the importance of terminating all civil conflicts by a compromise, which shall prevent either party from obtaining complete control, and thus subjecting the other.*"

In like manner the difficulties which we encountered have been "fortunately adjusted by a compromise." Had it not been adopted I fear civil war would have ensued. In fact I could name the military leaders who were expected by their admiring friends to gain immortal glory in the anticipated conflict of arms. The honorable Senator from South Carolina [Mr. RHETT] attended public meetings at which two distinguished military gentlemen of my own State were named as the persons best suited to command the armies of the South in the war then expected to occur. I believe that he himself aided in doing anticipated honor to one or both of them as such. Each one of those persons, too, was nominated to the Presidency of the Southern Republic. They were marked out for military and civic honors by hundreds of toasts drunk on various occasions. They were specially referred to by Mr. Pickens, of South Carolina, in a letter addressed to a committee, in my own State, who invited him to attend what is known to all of us as the "Quitman festival," as the selected "leaders" of the South in the contest of arms then looked on as impending.

Mr. RHETT. Will the gentleman allow me to say a single word in justice to others?

Mr. FOOTE. I will allow the Senator, at any time, to make an explanation, although he has not always granted that privilege to myself.

Mr. RHETT. I do not propose to say anything now in relation to myself; I merely wish to say that I think the Senator has done injustice to distinguished men not here. I presume he alludes to persons in his own State: he says that I was present at a meeting at which they were spoken of as the military leaders of the South.

Mr. FOOTE. What I said was this: that toasts were drunk at a meeting at which the honorable Senator was present, which referred to them as the leaders of the South in the event of a civil war; and at which they were also nominated as suitable persons to be at the head of a Southern Republic.

Mr. RHETT. I know of no meeting, at which I was present, at which they were spoken of as military leaders of the South. I never believed one word of all that has been said in relation to the blood to be shed in such a matter. Perhaps toasts may have been given to General Quitman and to Colonel Davis as fit persons for the presidency of a Southern Confederacy; but as to war and bloodshed, I never believed there would be anything of the sort.

Mr. FOOTE. I tell the gentleman that Mr. Pickens, whose name I never mention with any intention of doing him disrespect, did write a letter, which was published in several papers of Mississippi, which I put into my scrap-book and read every day, as a part of each of some one hundred speeches or so, in which he did designate General Quitman and Colonel Davis as the selected leaders of the South in the contest of arms then expected by certain persons in South Carolina. I say that in my opinion, a civil war was confidently expected in my own State, and in other States of the Union by certain persons.

Mr. President, the honorable Senator from South Carolina [Mr. RHETT] has endeavored, by his general course of remark, to impair what little efficiency an address to this body from me might probably have, both here and elsewhere, by describing me as the especial enemy of his own State, of her prosperity, and of her honor. He seems to conceive that I have assailed South Carolina and the course of policy adopted by her, in a very peculiar and unkind manner. Both the Senators from South Carolina have, to some extent, indulged in this line of remark. As I have said already, I have never denounced the State of South Carolina in my life. I honor the noble Palmetto State as much as her own sons can honor her. I have never denounced the government of that State; and I have always spoken in terms of admiration of her great men, her illustrious patriots and sages of the present and of former generations. Sir, as a true-hearted American, I glory in claiming as fellow-countrymen the Graysons, the Pettigrues, the Poinsetts, the Hamiltons, the Haynes, the Butlers, the Thompsons, the Liebers, and a thousand other noble names that stand consecrated in the recollection of every patriot in this broad Union who truly loves his country and takes pride in her just fame.

I have rejoiced to see gentlemen also who differed with me here in Congress upon questions connected with this scheme of compromise, when they returned home to their constituents, pursuing a course eminently conservative in its character. I will say, (though perhaps it may do him some injury in South Carolina, owing to the present unfortunate state of excitement there, and the prejudice enkindled against myself,) that I have felt particularly gratified at the course recently pursued by the honorable Senator from South Carolina, who sits nearest to me, [Mr. BUTLER.] It is not for me to state here the special acts of that gentleman which have commanded my approbation, nor do I know that he would attach the least value to commendations coming from such a source. I have always felt bound to make a liberal allowance for peculiar local circumstances; and I have uniformly said, what my heart has felt, that the country is greatly indebted to the exertions of that noble body of men, whether called coöperationists, or by any other name, who prevented the dread measure of separate secession from being taken by the State of South Carolina, which the honorable Senator from that State, [Mr. RHETT,] who sits furthest from me, had so much at heart and urged so warmly in all his addresses to the people.

Such is my attitude, and such are my sentiments. I am not at all ashamed to occupy that attitude, or avow such sentiments. There is a short narrative of facts which I can make in illustration of my own position and feelings towards South Carolina and her gallant sons, that I am sure will not be unseasonable at the present moment. My course towards the State of South Carolina is so well known here to every honorable Senator that it is almost impossible, if I have shown that I cherish special hostility for that gallant State, or could desire to see her subjected to detriment of any kind, that intelligent and discerning members of this body should not find it out. Now, among the members here, the honorable Senator from Virginia [Mr. HUNTER] would be perhaps as apt, for various reasons, to ascertain the existence of such hostile sentiments, as any other person. He is known to have been the special friend of Mr. Calhoun during his lifetime, and is not less distinguished for the sympathy which he has ever manifested for the State of South Carolina and her political fortunes.

Now, sir, it so happens that at the close of the last session of Congress a transaction occurred, which never would have been mentioned in this body, so far as I am connected with it, but for the extraordinary attack which has been made upon me, and which, when made known, will, I am sure, satisfy every fair-minded man that I am one of the last persons in the country who can be justly charged with a disposition to oppress or unduly annoy in any way the State of South Carolina. The statement which I am about to make is as follows:

Early in the month of March last I met the Senator from Virginia one morning, and he addressed me in substance somewhat thus: The condition of things in South Carolina is becoming quite alarming. I am apprehensive of a collision between that State and the General Government, unless friendly interposition of some kind should take place. He went on then to remind me of the former effective interposition of Virginia in the year 1833; suggested that this interposition had occurred chiefly at the instance of a gentleman who was at that time a member of General Jackson's Cabinet, and now a member of this body, who had addressed a letter to the editor of the *Richmond Enquirer*, recommending the course which was afterwards adopted by the State of Virginia; and requesting, that if I approved of the plan, I should unite my persuasions with his in procuring such action precisely at the hands of the honorable Senator from Michigan, [Mr. CASS,] (for he was the person who had addressed the letter to Mr. Ritchie in 1833,) as had formerly eventuated so successfully. He thought that the gentleman just referred to should at once address letters to influential friends of his at Richmond, where, fortunately, the ordinary Legislature and the Convention called to reform the constitution of the State were both then sitting, urging that steps should be immediately taken by Virginia, to avert the evil results then supposed to be imminent in South Carolina, by appointing a regular commissioner of peace, whose business it should be, in imitation of Mr. Leigh's august example in 1833, to proceed to the capital of South Carolina and use his best offices to prevent the threatened catastrophe. I will not go into all the particulars of the affair. It is sufficient to say that letters were written to Richmond; and, upon my suggestion, similar letters were written by the same personage to Governor Lowe of Maryland, and the Hon. Louis McLane, urging correspondent action upon the part of the State of Maryland. How the affair resulted precisely, I am not able to say; but I will gratify the Senate by calling for the reading of the two letters of the distinguished gentleman alluded to, one of which is dated in 1833, and the other almost twenty years thereafter. The Clerk will please to read the first of these letters in order of time, and then the second.

Mr. HUNTER. If the Senator from Mississippi will allow me, I will state that my recollection does not accord precisely with his. The first suggestion came from the honorable Senator from Michigan, [Mr. CASS,] who spoke to me on that subject, and said he was apprehensive that there might be a collision between the State of South Carolina and the General Government, and he thought something ought to be done to prevent it. He suggested that the appointment of a commissioner heretofore had produced a very salutary effect, and might do so again. I concurred with him that everything ought to be done which could be done to prevent that difficulty. The Senator from Mississippi concurred in that opinion, and expressed a wish that the State of Virginia should send a commissioner for the purpose of preventing that collision. I had some conference with friends in Virginia on that subject, and it was concluded that it was premature to act at that time, as the Convention had not been called, and might not be convened, and if convened, it might be done under such auspices as to prevent hasty and precipitate action. The details of the conversation which I had with the Senator from Mississippi, I do not pretend to recollect; nor do I remember whether the conversation between us commenced with him or myself. He is certainly right in his recollection that we had more than one conversation on the subject.

Mr. FOOTE. I never heard before of any previous interview between the Senator from Michigan and the Senator from Virginia.

Mr. HUNTER. Justice to my friend from South Carolina, [Mr. BUTLER,] with whom I am very intimate, requires me to say that he never made any suggestion in relation to that subject.

Mr. BUTLER. Never.

Mr. FOOTE. And I was especially cautious not to have any interview with him on the subject. The first time it was brought to my mind, was when the honorable Senator from Virginia spoke to me in the manner I have already described. I had a conversation with the honorable Senator from Michigan on the subject. I told him that there could be no doubt of the propriety of the act, and I mingled my counsels with his for the purpose of bringing it about. I had several conferences afterwards, of a very agreeable character, with the honorable Senator from Virginia on this subject, just before I left here, at the last session. At first a single commissioner was spoken of, in accordance with the old example, but some difficulties arising, not necessary to be explained now, with regard to the selection of the person, I suggested the propriety of having two commissioners instead of one, and it was agreed to at once by the honorable Senator from Michigan. I went immediately to the lodgings of the Senator from Vir-

ginia, and informed him of the change. He gave it his approval. I went further, and undertook to suggest, that inasmuch as Maryland and Virginia had happily united in bringing about the establishment of this Union, or rather, had taken the incipient steps towards establishing it, and inasmuch as these States were alike in another important respect, at that time, each having in session, within its limits, not only the ordinary legislative body, but a convention called for the purpose of remodifying the organic law, my friend from Michigan should be also called upon to address letters to distinguished gentlemen, then at Annapolis, in Maryland, so as to induce that State to cooperate with Virginia in this noble and patriotic task.

These letters were written, as I have already described, to Governor Lowe.

In order to give the whole history of this thing properly, (hoping not to exhaust the patience of the Senate,) I will call attention, for a moment, to the original letter, written to the State of Virginia, in the year 1832. I will read first a paragraph from the *Richmond Enquirer*, of December 13th, 1832, and then the extract which it introduces:

"Besides these, the whole militia of South Carolina is to be reorganized and prepared for action—the citizens to be classified from sixteen years of age upwards—the Governor is to purchase ten thousand stand of small arms, with the necessary accoutrements, &c., &c. Who can say to this phrensied spirit, 'Thus far, and no further?' Who can say what the next month or week may bring forth? Violence on the part of her citizens, civil war, and blood. And can we see this prospect unmoved? Can Virginia forbear to use all the influence to which she is entitled? Will she stand aloof? Will she wait till the storm bursts, and war perhaps sweeps across the fields of South Carolina? Can she not throw herself between the contending parties, and contribute whatever of moral force she may exert to save this blessed Union from nullification, as well as the rights of the States from the tariff?

"These reflections have been suggested to us by the news of yesterday, and by a letter we have received from one of the ablest men in the country. We ask his pardon for laying extracts from it before the Legislature, *keeping his name strictly* to ourselves. The members of the Legislature will weigh them for what they are worth. From the high character of their author—from the deep importance of the subject—from the momentous crisis which we are approaching—we respectfully think them entitled to serious attention. But the press is open; and without meaning in the slightest degree to urge our own crude suggestions upon the public, we invite the true and able men of the land to lay their reflections before their countrymen. *Now's the day, and now's the hour.*

EXTRACT.

"The impending crisis is a fearful one. What is to be the result? The question is before me day and night. As you have justly observed, we are between Scylla and Charybdis. If the General Government succeed, is there not reason to fear that State rights will be in danger, and that the federal arm may become too strong at some future period? On the other hand, if South Carolina succeed, either in the project of nullification, or in that of secession, the Union is virtually dissolved, and we shall follow the fate, of the other republics that have checkered the eventful map of history. What, then, is to be done? If South Carolina proceed as she has begun, the shock must be met, and our institutions may be demolished in the conflict. There is scarcely time, even were *this* Congress perfectly well disposed, to settle such a question between now and the first of February next; and if there were, it is not in human nature that the whole protective system, enormous as it is in its application, should be instantaneously abandoned. And this, and this alone, would satisfy the South Carolina politicians! Under these circumstances, it has occurred to me that Virginia might interpose most efficaciously, and add another leaf to the wreath which adorns her civic chaplet. Suppose the Legislature should appoint a committee of four or five of the most eminent citizens to proceed to South Carolina, and to entreat her Convention and her Legislature to recall her late steps, and at all events to delay her final action till another trial is made to reduce the tariff. Possibly the measure would be more certain if Virginia should call upon North Carolina, Georgia, and Alabama, to appoint similar committees to meet hers at Columbia, and to join in the good work. In all political fermentations, time, if not a positive cure, is almost sure to lead to one. Suppose Virginia, too, should address Congress in one of those forcible appeals she so well knows how to make, and urge an immediate commencement as well as a great reduction of the tariff, stating all the great considerations which require it, and should at the same time address the State of South Carolina as a sister, suffering under the same system, and entreat her, out of regard to Virginia, to the other Southern States, to the integrity of the Union, and, in fact, to the cause of free government through the world, to delay her action, and to try to procure a modification of the tariff, &c.

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"Would not the result be favorable? At any rate, is there not such a probability of it as to justify the attempt? Events are pressing so rapidly upon one another, that we hardly know what the next hour will produce: of course no time is to be lost.

"The times are portentous, and satisfied I am that if Virginia does not put her shoulder to the wheel, our fate hangs by a thread. The President will do all that wisdom, firmness, and integrity can effect; but still, without zealous aid from real friends, even he may not be able to carry us through unscathed."

The second extract from the letter of Mr. CASS was next read, as follows:

"Extraordinary conjunctures in national affairs demand extraordinary efforts, and sometimes extraordinary means. Our country is now in one of those conjunctures. No man can look at the true state of feeling in South Carolina without the most gloomy forebodings. A great majority of her people seem determined to secede from the Union. It is no part of my business to investigate the causes of this state of feeling, or the consequences which may flow from it. I am only dealing with facts, with our actual position as a nation, and the best remedy that can be practically applied. And what is it? You know, as well as I do, the high character of the South Carolinians, their sensitiveness to anything that looks like political oppression or degradation. That they have serious wrongs to complain of I am among the last to deny; but when the Northern Democracy is coming up to the good work of checking the projects of abolition, and of endeavoring to produce a better and sounder state of feeling with respect to the slave question, and when the compromise measures of the last session hold out a rational ground of hope for the future, it is unfortunate indeed that there is a disposition in South Carolina to push resistance to the extremity of secession. Do you not think that a commission composed of two or more high and able men sent to that State from Virginia, as was done upon a former memorable occasion, to bear a missive of friendship, and to beg the people, in the name of the good old Commonwealth, that we all so much revere, to pause, and to accept the security of a compromise, at any rate till it is violated, would now, as heretofore, be productive of the happiest results? Would it not furnish a reasonable ground to delay all action till the crisis is passed—for delay itself is often the most efficient remedy? Would it not furnish to the leading men a just reason not for retracing their steps, but for stopping in them at present, and thus save that pride of opinion and character, without which, neither individuals nor communities will ever accomplish any great object? I need not pursue this idea, nor indeed have I time. Allow me one additional suggestion. How would it do to invite any of the other slaveholding States, who have the same interests as Virginia and South Carolina, and a desire to preserve the Union and the Constitution in their true spirit, devoid of loose construction and assumed power, to join in this mission of love and peace, to entreat a sister to pause in her course, and to listen to the entreaties of her associates, who have the same interest, and must eventually meet with the same fate? I throw out this hasty idea, and I am inclined to believe that the additional solemnity which this course would give would produce the happiest results. I have not time to write more than to urge you, by your love of country, to give this matter your best reflection, and come up with the powerful support of the *Enquirer* to the rescue. If you do, I shall look for the restoration of peace and confidence. God alone knows what the future has in store for us."

Mr. President, I have been charged by the honorable Senator from South Carolina [Mr. RHETT] with having manifested an undue disposition to commend this Administration. I have been pronounced "the eulogist of the Administration." This is not the first time that this charge has been made. I am not at all sensitive in regard to it, but I feel bound to put myself right. I have never commended this Administration with regard to any subject whatsoever, whatever approval I may have felt to be due to it, except in connection with the execution of the fugitive slave law and the general plan of compromise. I have said, and I felt it, that the President of the United States has done his duty as a patriot, in recommending, in his message, that we should recognize the scheme of adjustment as definitive in its character. I have said and felt that he was entitled to public gratitude for his faithful efforts to carry into effect the fugitive slave law. I have said that, I am not afraid to say it again. But those who infer from that that I approve the whole course of the Administration have made a great mistake. I knew that this Administration was fighting the battle of the Union; I knew that we had to depend on this Administration, in a great degree, for the salvation of the Union; and therefore, as a patriot, I was not willing to stab the arm that was raised for the defence of the Constitution. I was not willing to throw impediments in the way of the successful administration of public concerns at such a moment. I was not willing to weaken in the least degree the efficiency of this Administration for the high purpose I had chiefly at heart—the restoration of concord to this land. I have said nothing in relation to the course of the Administration on other topics. But certain it is, and I say it frankly, that whilst I have seen nothing in the course of the Administration which would induce me to indulge in vindictive reprehension, yet there are measures which I could mention that I have not fully approved, and which, under different circumstances, I should feel it my duty to express myself as not approving. I hope this explanation will be satisfactory to the honorable Senator. It is certainly satisfactory to my own conscience.

If the Senators now desire to adjourn I will give way for that purpose.

On the motion of Mr. MANGUM, the Senate then adjourned.

FRIDAY, *December* 19, 1851.

THE COMPROMISE MEASURES.

The hour of one o'clock having arrived, and the resolutions declaring the Compromise measures to be a final settlement of all the questions growing out of the subject of domestic slavery, being the special order—

Mr. FOOTE resumed the floor, and continued his remarks, as follows:

Mr. PRESIDENT: It must be obvious to all that the merits of this resolution, if merits it possess, depend entirely upon the character of the compromise measures themselves. If they are of real and great value, and are thus entitled to be maintained and executed faithfully and efficiently, with a view to securing the national repose and the continued success of free institutions in this country, then, sir, is the adoption of such a resolution as the one under consideration obviously desirable and necessary under the circumstances existing, the nature of which has already been once or twice explained in hearing of the Senate. Much has been said in opposition to the measures of compromise by both the Senators from South Carolina. I shall not now enter into a very elaborate defence of them. Nothing could be, in my opinion, more unprofitable in itself, or less entertaining to this body. There is hardly an intelligent boy who has reached his fifteenth year, who does not understand each of these enactments, and in all its bearings. The ablest minds of the country have been occupied in elucidating every point of the pending controversy, and it would be not a little presumptuous in me to entertain a hope of supplying additional elucidation of them.

But, sir, certain remarks have been made—I will not say that arguments have been offered, for the remarks to which I refer did not approximate to the dignity of argument—certain suggestions hostile to these measures have been thrown up, in quite a cursory and immethodical manner, to which I believe it is my duty at the present time to give a mere passing notice. The Senator from South Carolina who sits most distant from me, [Mr. RHETT,] declared, in a solemn manner, his opinion that the admission of California was unconstitutional. Has he, sir, given us any reason for his entertainment of that opinion? None, sir, except one based upon a certain letter that I had the honor at one time of subscribing with certain colleagues of mine, which has been discussed all over the country, in the newspapers and elsewhere, to such an extent as to make the very mention of this little epistle positively disgusting to any man not prone to occupy his mind exclusively in scrutinizing trivialities. Sir, I have heretofore stated the circumstances in which that letter originated, and have explained its true object and import; and I hold it to be next to impossible that any man, however disposed to misjudge me, can regard that letter as intimating the least doubt as to the constitutionality of admitting California. The position assumed by me the other day, that this act of legislation was in conformity with the Constitution, remains altogether unshaken. This act of admission, as all must admit, does not vary in substance or phraseology from every other act of a similar kind which has been heretofore adopted for many years past. If other new States have been constitutionally admitted, which have found their way into the Union by means of a legislative proceeding precisely similar in all respects to the act admitting California, how can the validity of her admission be controverted?

The new State has been simply admitted upon a footing with the older States of the Confederacy, without any condition or qualification whatsoever; and even Mr. Calhoun taught his political disciples, whilst living, what was certainly quite obvious without any such teaching, that the discretion of Congress in the admission of new States was without limitation or restriction, save that it must become satisfied that the new State applying for admission possessed a government republican in

its character. Sir, no one has yet doubted that California has a republican constitution; and I would respectfully suggest, that if any doubt should arise upon this particular point, we might expect objections, based upon this very delicate ground, to emanate much more naturally elsewhere than in the State of South Carolina, whose own particular form of government has been oftentimes denied to be altogether as republican in its form as might be reasonably desired. This remark will not, I trust, be regarded as at all disparaging to this renowned Commonwealth, whose citizens have of late, as I learn, begun to testify a somewhat eager desire to modify their present organic law, so as to make it conform more nearly to the true republican model. Sir, ninety-nine jurists out of every hundred to be found in the country, have decided the act of admitting California to be strictly constitutional; and a year or two hence all reasonable men will wonder how any doubt could ever have been supposed to exist upon this subject. At any rate, sir, I shall not now discuss this question, and shall proceed to examine matters of more urgency.

The Senator from South Carolina [Mr. RHETT] says that he sees the Wilmot proviso in the act admitting California. Well, sir, the optics of the gentleman must be wondrously keen. Does the gentleman know what the Wilmot proviso is? Does he know that it in terms applies to the vacant territory of the Republic, and cannot by possibility be made to operate within the limits of a sovereign State? The Wilmot proviso, in terms, excludes or prohibits slavery wheresoever it operates; the act of admitting California does not allude to slavery at all. Waiving all regular argument upon this head, I will proceed to notice one or two other considerations connected with this subject. Sir, permit me to say that I do not at all doubt the passage of the resolution; the only question is, when it will be brought to a decisive vote. Indeed, I feel assured that not more than eight or nine votes in this body can be possibly cast against it. Still, the field of discussion is more or less inviting, and it may not be wholly unprofitable to us to continue to perambulate it a little while longer. The Senator from South Carolina, who sits most distant from me, [Mr. RHETT,] in the early part of his remarks, undertook to denounce the Missouri compromise as oppressive and unconstitutional, and to reprehend the Southern States of the Union for what he deems their disgraceful submission to it; and with that singular consistency which belongs to his history as a public man, in the course of his extended range of observation, we found him after a while lamenting most dolorously that the Nashville Convention, in which body he was most undoubtedly somewhat of a leading character, had demanded this same Missouri compromise line, and been flatly refused it by the action of Congress in passing the measures of adjustment in the very face of this most presumptuous and insolent demand.

Why, sir, in the gentleman's speech which I have here before me—a speech delivered in Charleston a few days after the adjournment of the convention—he indulges the same strain of complaint and lamentation over the expected refusal of Congress to obey the mandate from Nashville, the sending forth of which he had so efficiently instigated. Now, sir, the gentleman is a Southern man; yes, sir, and sets himself up as a special champion of the South—a fervid and furious vindicator of Southern rights. I asked him just now, if he knew what the Wilmot proviso was?—not because I did not suppose that the gentleman was quite well acquainted with the hideous features of this legislative monster; and I ask him in the same spirit now, if he knows what the Missouri Compromise is? Sir, the gentlemen knows, and everybody else knows, that the Missouri Compromise is the Wilmot proviso, in substance and phraseology, except that it is limited in its application to a particular portion of the public territory, that is to say, to all lying north of the line of 36° 30'; whilst the Wilmot proviso applies to all vacant territory whatever. They are precisely similar, I say, sir, in principle and in terms, the only difference being that which I have just specified. Now, the gentleman desires that the Missouri Compromise line should be run through California. *Cui bono?* What advantage does he expect the South to reap from the extension of the Missouri Compromise line to the Pacific? It is true, that at the present time the constitution of the State of California excludes slavery from that State; but that provision in the constitution of California is not, like the laws of the Medes and Persians, unchangeable. It is well known that a sovereign State at the time of her admission, and ever after, has a right to settle this question, and to resettle it as often as she pleases. No one doubts this. California, then, in consequence of her admission, in consequence of her recognition as a sovereign State, has a right at the present time to admit slavery if she desires to do so; and some people think (though I will not go fully into that delicate subject now) that the climate, soil, and mineral productions of the State are favorable to the introduction of slavery. At any rate I confess my willingness to enjoy the chance of such a state of things ultimately arising. But the gentleman from South Carolina does not appear willing that any possibility should continue to exist for the future introduction of slavery in California. He cries aloud, "Give us the line of the Missouri Compromise through California." I am informed, and I beg to be corrected if I make any mistake, that every valuable gold mine in California lies north of this same line of 36° 30'. This is the precise region that a certain class of Southern extremists are constantly complaining that the Southern slaveholders have been excluded from—the country to which they wish to have the privilege of carrying their slaves and employing them in the profitable business of digging for mineral treasures. Sir, a change in the constitution of California may hereafter secure the benefits so much desired to the slaveholders of the South. Indeed, some say that the gates of California are already beginning to turn upon their golden hinges for our admission into this real El Dorado. But this bright prospect seems not to open upon the vision of the honorable Senator from South Carolina. He looks, or did look whilst at the Nashville Convention, and for many months thereafter, alone to the advantages expected by him to result from the extension of the Missouri Compromise line to the Pacific. In other words, he prefers that, in the well-known language of the Missouri Compromise, "slavery or involuntary servitude save for crime, &c., shall be forever excluded." Yes, sir, forever, by the terms of a compromise, which can only be set aside, when once adopted, by a villainous breach of faith. Sir, there is occasionally something in the delusive theories of excited politicians which is calculated to awaken our wonder, our regret, and our profound commiseration. I confidently ask, is he a true Southern man in feeling and in action that struggles, or has struggled, to exclude the South permanently from the only part of California where slave labor is ever likely to be profitably introduced? Why, sir, the very worst enemy—the veriest Abolitionist in all the land, could not desire to treat the South more scurvily.

A proposition more hostile to the vital interests of the South than this of the Missouri Compromise, under existing circumstances, could not well be imagined; nor can I see how any Southern man can for a moment lend his sanction to it, whose intellectual powers have not been thoroughly confounded by some strange and incomprehensible hallucination. The truth is, sir, almost every movement of the Nashville Convention was a ridiculous blunder; and some of the movements of particular members of that body were worse than blunders—they were high political offences before God and man.

Well, sir, let us follow the gentleman a little further. He cannot get the Missouri Compromise line through California. But he is also dissatisfied with the arrangement made as to Utah. We gave a territorial government to Utah, *without the Wilmot proviso.* Does any man deny that? We gave a territorial government to New Mexico, *without the Wilmot proviso.* Will any one deny that, sir? A Senator from Virginia, [Mr. HUNTER,] as much approved in South Carolina as any of her own sons, voted for both of these measures; and, sir, the Utah bill passed this House with only two Southern votes against it. It passed the other House also by an overwhelming majority of Southern votes. Were we then, who voted for these bills, all traitors, or were we fools? Sir, my late colleague voted for the Utah territorial bill. Is the Senator from South Carolina disposed to denounce him for doing so? I insist, sir, that traitors or fools all the Southern Senators and Representatives were who voted for these measures, if they have had the effect of depriving the South of all interest in the Territories acquired from Mexico.

But, sir, this is not the most striking view which can be presented of the practical working of his Missouri Compromise policy. Let me remind the gentleman that the thirty-seventh degree of north latitude is now the southern boundary of Utah. Run the boundary thirty minutes below that line, at 36° 30', as a compromise line, and what will be the effect of it? If there be slaveholders and slaves in Utah, you will drive them all out, and you will close the door of California forever against slavery. Now it is a fact, which was proved in the House of Representatives, that when the territorial bills were on their passage it was known to the delegate from the Utah Territory, in that body, that at least five hundred slaves were held by their owners, who exercised an undisturbed control over them as property. I received a letter during the summer antecedent to what is known as the adjustment struggle, from the distinguished Senator from South Carolina, who was the immediate predecessor of the gentleman to whom I am now replying, urging me to coöperate with him in bringing Utah into the Union as a State at once, despite any objection presented, because, he said, Utah was a slaveholding region, and the people of that Territory had decided, in convention, in favor of the system of slavery, or at least had decided in favor of not interfering with the system then existing there. But, sir, I think that the Senator from South Carolina occupies a position from which he will find it difficult to relieve himself, in regard to the Territory of Utah.

I saw a speech or publication of that gentleman, which he will not, I think, deny—a statement made towards the close of the late warmly-sustained contest in South Carolina—urging the people of that State to continued opposition to the measures of adjustment, stimulating them to extreme measures of resistance, and, among other circumstances of encouragement, suggesting to them the fact that the people of Utah were a slaveholding people—that their sympathies were all southern in their character, and that they would be found ready to unite with South Carolina in a struggle against the Government of the United States.

Mr. RHETT. Does the Senator from Mississippi wish to know the truth in relation to the matter of which he is now speaking? I can tell him that I never saw any such statement.

Mr. FOOTE. It was published in all the Southern newspapers that I read.

Mr. RHETT. If it was I never saw it, and most certainly if I had seen it I would have denied it.

Mr. FOOTE. If the Senator denies it, I will not press it; but I most certainly saw the statement in the South Carolina papers, and in others. However, these are the facts. The people of Utah are to some extent slaveholders, though they declared in their convention, held nearly two years since, that they were resolved not to interfere with the question of slavery by introducing or by excluding slaves. I do not know positively that they were particularly interested in the question of slavery at all. But, I ask, is it expedient that the line of 36° 30' should be run below the southern boundary line of Utah, so as to shut up the whole country to the admission of slavery, which would be otherwise unprecluded?

Sir, look at Utah for a moment. There is a territorial government without the Wilmot proviso, established by an act which provides that hereafter this Territory, and all the States into which it may be subdivided, shall be admitted into the Union as slave or as free States, as the people thereof shall decide; and in order to make "assurance doubly sure," that the Constitution and laws of the Union shall be carried into that Territory, and established as the prevailing and paramount law of the land. Will any Southern man contend that those who may choose to take their slaves there will not find their right of property protected by the Constitution? Sir, that is a

view of the subject which Abolitionists alone can consider worthy of regard. At any rate, I have always been of the opinion, and I believe that the honorable Senator from South Carolina will not dispute the proposition, that the Constitution does protect slavery in all the Territories which belong to our political system. These remarks apply of course equally to New Mexico. But the gentleman says in effect, "I don't say that the Wilmot proviso is in the Territory of New Mexico. I know the contrary of that. Indeed, there is no part of either enactment that I can object to particularly; but we have, unfortunately, a President of Northern birth, and he may, and has already, as I learn, appointed gentlemen to exercise judicial power in these Territories, who are unsound on the subject of slavery." Sir, I am not the special defender of the President of the United States on this point; but I do not believe that there is a man in this body who would suppose it possible that the present Chief Magistrate would pay the least regard to the question of slavery when providing judicial officers for the Territories; and I assert that the statement is undeniably calumnious.

Mr. RHETT. Does the Senator from Mississippi charge me with making such a statement?

The PRESIDENT. Order!

Mr. FOOTE. Sir, in regard to the Chief Justice of New Mexico, (a distinguished public man of my own State, who was appointed Chief Justice of New Mexico by the President, under the recommendation of almost our whole Legislature,) I will say, that whoever shall dare, after I have made this explanation, to assert that this gentleman ever expressed the opinion that the Wilmot proviso is constitutional, and shall suggest further that he was appointed by the Executive with the knowledge of his entertaining this opinion and because he did thus entertain it, is a vile calumniator, and I shall denounce him as such wherever I may hear his name mentioned. Gentlemen should be perfectly sure of facts before they indulge in statements which are injurious to private or public character. I beg that the Clerk will read the letter which I send to his desk, from Chief Justice Baker, of New Mexico. I wished to see Judge Brocchus, and other judicial officers of Utah, for the purpose of obtaining their testimony on the same point; but unfortunately I cannot do everything in a minute or two:

[The letter was read, but we failed to procure it.]

I have no doubt in regard to all the statements contained in the letter, and especially in regard to the last. I once thought that slavery was likely to find establishment in New Mexico, but I have of late changed my opinion. There is a letter, sir, from the present Delegate of that Territory in Congress, which I shall offer to the consideration of the Senate. It is still more comprehensive in its character, and satisfactory in its statements, than Judge Baker's. It is replete with statements of facts which will serve to satisfy the whole country at least that there is no fanatical feeling in New Mexico in regard to slavery:

WASHINGTON, *December 16th*, 1851.

MY DEAR SIR: In compliance with your request, I give you my views as to the popular feeling concerning slavery in New Mexico.

The popular feeling in New Mexico is, I believe, fixedly set against that country being made the arena in which to decide political questions in which the people have no practical interest, and all attempts which have heretofore been made, or which hereafter may be made, to induce the people of that country *to take sides* on a question in which they are not at all interested, have been and will, I trust, forever be, utterly abortive.

There are in New Mexico a few negroes, in all, as shown by the census, seventeen, and of this number there may be as many as five or six slaves—house-servants of officers of the Army and others.

There has, up to this time, before the judicial tribunals, been no case of a negro held to slavery suing for his freedom. When such a case shall occur, it will, in my opinion, be adjudicated without popular excitement of any kind, though the people are, I believe, opposed to the introduction of slave labor amongst *themselves*, and when the time shall come when they shall think proper to seek admission as a State of the Union, they will, I am inclined to think, should there be in their opinion danger of the introduction of slave labor there, *prohibit it*. But as there is at this time no such danger, there is no excitement on the subject; and as I see in the future no likelihood of the introduction of slave labor there, I apprehend that the popular mind will, as now, remain calm on this point, and the question of prohibiting, admitting, or remaining silent, concerning slavery, will be treated simply as a matter of policy in reference to being admitted into the Union.

To show the freedom from excitement of the people on this question, I refer you to the fact, that in the State Constitution of New Mexico, of last year, though slavery was prohibited, the undersigned, though falsely denounced in the *only* newspaper in New Mexico as a slavery propagandist, was elected to the Senate by an overwhelming vote; and this, too, despite the general knowledge among the members of the Legislature that he was in favor of so arranging the slavery clause as to effect our admission into the Union, and without regard to any other circumstance whatsoever. I was confident that no constitutional provision could bring about the introduction of slave labor there; and, being satisfied with the substance, did not trouble myself about a prohibition of what could never affect us. And this I believe is the popular feeling in New Mexico.

We in New Mexico have suffered too much already, by having our soil made use of by others as a political battlefield over which to settle the slavery question, to again permit it to be so used *if we can avoid it*. It is, I believe, the fixed determination of the people to take no sides on this question, which in no way practically concerns them. When the question comes up we will treat it simply as a matter of policy, by which to facilitate our admission into the Union. Once admitted, we can do as we choose. We desire the friendship of all; entangling alliances with none.

A vigorous effort was this year made to interest the people in this vexed question, but all in vain. A document entitled "Address to the Inhabitants of New Mexico and California, on the omission by Congress to provide them with Territorial Governments, and on the social and political evils of slavery," was industriously circulated in New Mexico, in the *Spanish* language, by an agent of the American and Foreign Anti-Slavery Society, who is at this time the editor of the "*Santa Fé Gazette*," in the columns of which paper he is republishing occasional chapters of this document. In this is drawn a comparison, more highly wrought than true, between the North and South in reference to state of education, state of morals, state of religion, disregard of human life, disregard of constitutional obligations, population, military weakness, &c. In the conclusion, the people are urged to set up an independent government "unless exempted from the curse of slavery," and are promised, in that case, the assistance of the "whole North." I send you an English and a Spanish copy.

You will perceive that the unscrupulous persons who are urging the law-abiding New Mexicans to the commission of treason, and promising assistance they have no right to promise, have signed their names to the document.

This attempt to draw the simple, pastoral, and unarmed people of New Mexico into an act of treasonable resistance to the powerful Government to which they owe and yield allegiance, will meet with the profound indignation it deserves from all parts of the United States, but not more profound than the contempt it met with in New Mexico.

Though supported by the *only* newspaper in New Mexico, whose editor is, as I have stated, an agent of the American and Foreign Anti-Slavery Society, no excitement took place in New Mexico outside of the immediate family of the editor, clothed though he was in the garb of missionary—a minister of the Gospel—a minister of peace.

If there are any persons in the United States who desire to colonize slaves in our Territory, I apprehend there would be no objection on the part of the people of New Mexico, let the decision of the courts be what it may. Perhaps the attempt would be beneficial; it would at all events settle the question, and effectually thwart any further attempt to make New Mexico the scape-goat to bear the burden of a question which concerns her not. We object to being made the scape-goat, and would prefer not being made use of even as an illustration.

Should the courts in New Mexico decide that slaves may legally be held, then I am sure that no popular excitement would follow; and I am equally sure that those who embark in the colonizing experiment will speedily send or sell their slaves *out of* the Territory. *Slave labor will not pay in New Mexico*, and in that is comprised the whole question.

We desire to be in a position in which Congress, unembarrassed by the slavery question as regards us, may direct its attention to legislating so as to promote the interest of that neglected and sympathy-deserving section.

This letter I place at your disposition, to be used as you may think proper, though not written with that carefulness as regards periods, or with the compactness I would desire.

Very respectfully, your obedient servant,

R. H. WEIGHTMAN.

Hon. H. S. FOOTE, *U. S. Senate.*

I have now said as much about these territorial governments as I deem to be necessary. But the Senator says he objects very much to the line which we have established between New Mexico and Texas. Well, sir, my friend on my left [Mr. HOUSTON] does not object at all, though he was rather hard to please when the business of settling the question of boundary was before us. Texas, I believe, without being bribed, as some accused her of having been, agreed to take the money, and will receive it, I hope, in due season. The contract of purchase was a good one, both for the vendor and the vendee, for a thousand reasons too multiplied for specification. But the gentleman says (and if the assertion had the least foundation, it would be a serious one indeed) that we so arranged matters that, in the establishment of the territorial government in New Mexico, and in cutting off a portion of the territory originally claimed by Texas, and now included in New Mexico, as to deprive the South of four slave States. Is this true? Has the gentleman ever read the resolution of Texan annexation? If he has not, I would recommend to him to read it as soon as convenient. It provides expressly that Texas may be so subdivided, with her own consent, as to allow four additional States to be laid off within her borders; and also expressly and solemnly provides further, that of the States thus laid off, those lying north of 36° 30′ north latitude shall be free States; in other words, that the Missouri Compromise principle, alias the Wilmot proviso, shall be applied to all such territory.

Allow me to ask, sir, how does the South lose anything by this arrangement? This very territory is a part of the Territory of New Mexico; and over it is a government established under the authority of a law providing directly, in the teeth of the resolution of Texan annexation, (which declared that those States which should hereafter seek establishment above the line of 36° 30′ north latitude should be free States,) that any State or States which may spring into existence in said territory hereafter, shall be allowed to come into the Union with or without slavery, as the people thereof may decide in their State constitution. How does the South lose anything here? I wish the gentleman would *argue*, instead of contenting himself with dogmatic assertions. I wish he would look into these things in the spirit of manly and statesman-like scrutiny, instead of being carried away by a mere tempest of excited feeling. Does he suppose that the acquisition of the territory by the Government of the United States necessarily destroyed slavery there? Then my own State at the present time is justly and properly to be considered a free State, for she was purchased from Georgia, as was Alabama, in neither of which has the system of domestic slavery been specially established. Does the Senator imagine that the establishment of a territorial government can have the effect of abolishing slavery? Then Mississippi and Alabama, and various other new States have been long since transformed into free States. Sir, these territorial enactments are as conservative of what we know and value, in a peculiar sense, as Southern rights, as any act which has received the sanction of Congress at any time; and I cannot see how the South could possibly have lost anything by that particular enactment whereby the boundary between Texas and New Mexico was arranged. I contend that the South has gained much by this particular enactment, since it is undeniably true that the northern boundary line of Texas, until settled by this enactment, was unsettled, and in a condition which made it more than likely that it would be settled against the South. The Supreme Court of the United States would, I suppose, have decided against us without much hesitation, had it been referred to that tribunal. We settled the question here, not judicially, but in a manner equally satisfactory; and in my opinion we settled it in a manner most favorable to the South. Yes, sir, it may be almost said that we adjudicated the question of slavery in favor of the South by this proceeding. I am speaking plainly. I do not wish to deceive anybody. I contend, sir, that if A proposes to purchase of B his horse, or house, or goods, the very proposition to purchase may be to some extent, regarded as estopping him from denying the title of the person thus recognized as the owner of the property, the purchase of which is sought to be effected. Well, sir, we proposed to purchase of Texas the territory in dispute, the title to which had been long a mater of controversy, and had been alike the subject of grave investigation here, and of solemn scrutiny throughout the country. The ablest men in the Republic had discussed the question here and elsewhere. And the Government of the United States, with all the light that could be thrown upon the question, as a question of law, made a plain, unequivocal proposition to Texas to purchase the territory. Was not this equivalent to acknowledging that the title of Texas was good and valid?

But how does this affect the question of slavery? Texas was admitted into the Union as a single slave State, to *remain such* until a new State should be formed from some portion of her limits. It is obvious that the law of slavery pervaded originally the whole of what was known as Texas. Did it not? When we settled the question of the true boundary line, by acknowledging that the title of Texas extended to the 42° of latitude, we recognized, in the most solemn manner, in my opinion,

whatever may be the opinion of others, the existence of the law of slavery in every part of the territory thus bounded by the degree of latitude mentioned. If this is not true, it is a better argument, feeble as I am who make it, than can be made on the other side of the question. *How does the South lose four States* by this arrangement, as the honorable Senator from South Carolina so unreasonably contends? Oh how I wish that gentlemen would argue and scrutinize a little, instead of permitting themselves to be carried away by a wild gale of excitement!

The gentleman did not dilate upon the District of Columbia bill. I suppose he is satisfied with it. With what part of the compromise, then, is he dissatisfied, in addition to the measures already explored? I regret to be constrained to say, that the honorable Senator is deeply dissatisfied with what is known as the fugitive slave law. Sir, I take it upon myself solemnly to arraign the gentleman for having manifested a most un-Southern and factious opposition to this law, upon various most unsubstantial grounds taken by him. Well, sir, I am of opinion that the fugitive slave law is now enforced, yes, and I think pretty actively and faithfully enforced, in every part of the Republic. The gentleman, at the last session, expressed the opinion here in debate, that the fugitive slave bill was unconstitutional.

Mr. RHETT. I admit that I said so. I will prove it.

Mr. FOOTE. The gentleman admits it. I have one or two interesting extracts from the honorable gentleman's own speeches, to which I beg leave to invite attention. Let the world be amazed! let all intelligent Southern men be astounded! let the South especially manifest a profound and distressful surprise, when I offer testimony here, of the most conclusive character, to show that the honorable Senator from South Carolina [Mr. RHETT] has waged a fiercer and more unrelenting warfare upon that particular interest of the South, secured, or intended to be secured, by the fugitive slave law, than any man even among the Abolitionists proper. It was in the gentleman's power to do much injury, and he has done it. I aver that he has done more to encourage Northern men to break this law than any other man in the Republic. By admitting its unconstitutionality, he has aided in building up a party in the North in opposition to it. By refusing to coöperate with the Executive in enforcing the execution of the law, he has established that party in full strength, or at least would have done so, but for the counteracting exertions of others. If fierce opposers of this law have any strength now, they owe much of it to the objectionable language employed by the gentleman in various public speeches uttered here and elsewhere; but especially to what he has said here in speeches, portions of which I am about to read. Here is the gentleman's language on a very noted occasion, when we had the President's special message in regard to the Boston mob before us at the last session of Congress. Let us see who the true Southern men are, and under what leader the South ought to rally for safety and security at this critical moment:

He says:

"No authority within a State can seize a criminal against the laws of another State, but the authority of the State itself to which he has fled. This is the law of nations, and is acknowledged by the act of 1793 with respect to fugitive criminals, but is denied with respect to fugitive slaves."

Again, says the gentleman:

"We would long since have had peaceably this guarantee of the Constitution or have dissolved our connection with them. As a substitute—and an exclusive substitute—for this peaceable and more efficient redress under the Constitution, Congress has usurped the power of legislating upon this subject."

"Usurped!" that is the language of the gentleman. What could be more emphatic or more fatal? He denies the power of Congress to legislate on the subject at all, although the Supreme Court of the United States has decided that this was the only species of legislation which it held to be legal and operative. The gentleman says this sort of legislating is unconstitutional. If he entertained such an opinion he was certainly by no means bound to express it.

Again he says:

"The States, finding that the Supreme Court of the United States have asserted and maintained the exclusive right of Congress to legislate for the recovery of fugitive slaves by the authority of the General Government, have refused to allow their magistrates and other officers to act. They have repealed the laws previously made to aid in the recapture of fugitive slaves. And, indeed, sir, if it be true that the recovery of fugitive slaves is exclusively an affair of the General Government, what else could the free States do?"

See how he justifies opposition to this law! If the free States could not refuse to do otherwise than they have done, why did the honorable gentleman complain of them for not supporting this law? What right had he to complain of them, if they only did as they were justified in doing?

He adds:

"Were not such laws unconstitutional? And would they not be set aside by the courts of the United States? The doctrine of this court not only permitted, but virtually commanded the States as sovereigns, and the people of the States as individuals, to stand aloof, and to leave the slaveholder to the instrumentality of the Government of the United States, and to this alone, to recover his fugitive slave. Sir, I protest against this doctrine. I protest against this usurpation on the part of Congress."

Was this speech made by the Senator from New York? [Mr. SEWARD.] If *he* had held this very language on that particular occasion when he is understood to have lately invited certain distinguished guests, of rather an anomalous character, to his domestic mansion, perhaps nobody would have been at all surprised; though I think even he has hardly been as audacious as this. Sir, the gentleman [Mr. RHETT] said, in addition:

"I protest against this *usurpation* on the part of Congress. It is fatal to the rights of the South. I maintain that, by the Constitution, we have the faith of the States as sovereigns to a compact with us; and that by that compact the government of every free State, every man in every free State, is bound, morally and constitutionally, to aid in the recovery and restoration or our fugitive slaves."

Again: Speaking of the decisions of the Supreme Court of the United States, on the questions of slavery, he says:

"And what do they amount to? Flat assertions—naked dogmatism—and a manifest assumption, from beginning to end, of the thing to be proved. If Senators have been able to see in them anything to satisfy their minds of the authority of Congress to act at all upon this subject, much less to act exclusively, they have been more fortunate than I have been.

* * * * * * * * * *

"You may pass your laws; but a handful of people—it does not require a majority—can baffle your authority in every town in the United States, and thus nullify your law, deride your proclamation, and put your Army and Navy at defiance."

Such is the language of the honorable Senator from South Carolina, [Mr. RHETT.] He desired the law to operate efficiently! Did he not? Again he exclaims:

"You promulge the doctrines here which virtually make the Constitution a nothing—its limitations mere breath. And now, when abolition rears its head and stares consolidation in the face, you wish to frown it down. It will laugh you to scorn."

This reminds me that I saw the learned gentleman laugh very extravagantly under the speech delivered the other day by the Senator from New Hampshire, [Mr. HALE,] and I believe that he was about the only Senator whom I observed to be thus entertained. But it is not the first time that I have noticed interchanges of sympathy between certain Senators, indicating, I fear, some secret understanding, which may possibly be more plainly disclosed hereafter, and which bodes no good to the peace and quiet of the Republic. The Senator says further, in the speech from which I am quoting:

"It is only carrying out the principles you taught it—the life you gave it. It is only ridding themselves of that responsibility you imposed upon them, and carrying out your principles to their legitimate results."

Mr. President, I shall be content on this head to submit, without comment, a short extract of Mr. Webster's Albany speech of last summer. Speaking of the same law, this gentleman says:

"Now, let me say that this law has been discussed, considered, and adjudged in a great many of the tribunals of the country. It has been the subject of discussion before Judges of the Supreme Court of the United States, the subject of discussion before courts the most respectable in the States. Everywhere, on all occasions, and by all judges, it has been holden to be, and pronounced to be a constitutional law."

Who can fail to perceive that the honorable Senator is practically a worse enemy of the South than any man north of Mason and Dixon's line?

The honorable Senator has not only avowed himself a secessionist, but has attempted to enforce his views by some thing that he evidently considered to amount to argument. I shall not attempt a regular response to that part of the honorable gentleman's speech, as I do not deem it at all necessary to do so. But it seems that there is an issue of fact between the Senator from South Carolina and myself in regard to the period when he was first known to give expression to disuion sentiments. The honorable gentleman says, if I understand him aright, that he never avowed disunion sentiments before the year 1845, whilst I have charged him with having been a disunionist for nearly twenty years, and cited his speech in Charleston in proof of the justice of my accusation. Let us look into this matter a little, sir.

Mr. RHETT. The speech states that it was since 1845, not for twenty years, although it is a matter of no consequence.

Mr. FOOTE. Does the gentleman say that it was in 1845 he became a secessionist?

Mr. RHETT. I do not care whether you say twenty or one hundred years, if I was so old. The time is of no importance.

Mr. FOOTE. Time has become quite important since the gentleman's declaration that he had never been a disunionist before a certain period; that is to say, six years ago. Now, I hold in my hand a volume of Niles's Register, which contains some evidence upon this interesting point, which I shall proceed to lay before the Senate. In the year 1833 Virginia dispatched the celebrated Benjamin Watkins Leigh to the capital of South Carolina, as a commissioner of peace, hoping that his persuasive counsels might secure the acquiescence of South Carolina in the compromise measures of that period, which had just been adopted. Mr. Leigh reached Columbia whilst the Convention of South Carolina was in session, and commenced his patriotic labors, which were happily in a short time completely successful. A committee of that body, to whom the subject had been referred, reported an ordinance rescinding the celebrated ordinance of secession. This report came up for consideration on the 14th day of March. The honorable Senator from South Carolina was then a member of the convention, under a different name (Smith) from that to which he has imparted so much notoriety of late. I read from the volume referred to, as follows:

"*March* 14. The ordinance reported yesterday was taken up and considered, and Mr. MILLER, of the Senate of the United States, explained the new tariff law, and gave his reasons why he had supported it. He thought that the 'South Carolina doctrines' were recognized; but he said that the convention was not committed by that act, 'being clearly free to exercise its sovereign will.' He was followed by Mr. BARNWELL, of the House of Representatives of the United States. Among other things, he said he thought South Carolina had no cause for triumph, and he was glad that CLAY's bill was not received with rejoicing, for we had not achieved a great victory, and had not got all that the State set out for; but he would support the ordinance under consideration, because the question was now whether we should secede, and have a *civil war*, or take the compromise. He should, therefore, vote for the passage of the ordinance, which he considered not at all derogatory to the dignity nor to the honor of the State.

"Mr. R. BARNWELL SMITH [now the honorable Senator Mr. RHETT] rose, evidently under great excitement. He said that it had been but a very short time since he had seen the report accompanying the ordinance; that he had not examined it, but what he had seen of it he totally dissented from it. He was sure that the constituents whom he represented never would consent to the sentiments of *that report*. He knew them too well, and was proceeding to animadvert very severely on the report generally; when Mr. WILSON asked if the report was *then* before the Convention.

"The CHAIR. The ordinance is before the Convention. The report contains the reasons which are submitted by the committee for the adoption of the ordinance; and the Chair deems the gentleman in order, and will permit a latitude of debate, when, in stating *his* reasons for voting for the ordinance, he shall attempt to show wherein he differs from the reasons of the committee.

"Mr. SMITH proceeded. He said he was willing to vote for the ordinance, but not on the grounds stated in the report. He called the attention of the Convention to those words in the report expressive of the ardent attachment of the people of this State towards the Union. As for himself, he was not for such a Union, and he was likewise certain that those who sent him there were the same in sentiment. He said that he would rather see the whole State, from the Table Rock to Fort Moultrie, a military camp than for the State of South Carolina to continue a member of the Union such as it *is now* and *has been* for ten years. The ordinance of November had required more than was granted by Mr. CLAY's bill, and he was for the whole requisition. He was unwilling to recede one step, and would never consent to vote for the ordinance before the Convention now on the grounds contained in the report. He did not view that bill as a compromise, because it did not go far enough; and although he should vote for the ordinance, yet he was unwilling that the report should be given to the world as containing the causes which induced South Carolina to repeal her ordinance. He rung several

changes on the words "ardently attached to the Union," attempted to show wherein South Carolina gained nothing by the compact, and said that so far as himself and constituents were concerned the report was *untrue*. He continued, that for such a *thing as that report* to be presented to the Convention by the committee as the high grounds on which the State was then to act, he, for one, never would consent to it. He was unwilling to degrade the State by its adoption, and when it came before the Convention he should move for its recommittal to the committee. He said that he had been with the State in all her movements in this great controversy, and if she repealed the ordinance of November, he would like to see other reasons assigned. He concluded by repeating that he did not consider Mr. CLAY's bill as anything like a triumph, as some gentlemen had termed it; in fact, he scouted the idea of there being any cause of gratulation or triumph, and he would never so record it by his vote."

It did seem to my poor comprehension, Mr. President, on reading this statement, that the gentleman was a disunionist in 1833.

Mr. RHETT. From what book does the gentleman read?

Mr. FOOTE. I read from the 44th volume of Niles' Register.

Mr. RHETT. Was it reported for the Register?

Mr. FOOTE. I believe it was extracted from some South Carolina paper.

Mr. RHETT. Was it from the *Charleston Courier*?

Mr. FOOTE. I suppose it was; but the Register does not state from what paper it was taken.

The honorable gentleman openly avows himself a secessionist—aye, sir, he seems to exult in the opportunity of thus publicly avowing himself an enemy to the Government of his country. He tells us that he hates that Government, and that his fellow-citizens of South Carolina have continued to cherish a mortal hatred for it ever since the course pursued by General Jackson in putting down nullification and secession in 1833. I must be allowed to express my doubt, Mr. President, whether the gentleman's constituents will be at all gratified at being thus presented to the consideration of the country. Certainly the information which I have received from South Carolina is, that the honorable gentleman is one of a very small minority there; nor will I believe that any large number of the enlightened citizens of that renowned Commonwealth are prepared to follow the gentleman's lead in breaking up the Union. I do not feel particularly authorized, Mr. President, to read the honorable gentleman a lecture upon the impropriety of his conduct in thus avowing sentiments which seem to me so little in harmony with his official attitude here; but he will allow me to say that I do not know how one who is sworn as a member of this body to support the Constitution of the United States, which was adopted for the purpose of upholding and perpetuating the union can, without manifest inconsistency, to say the least, whilst the obligation of that oath is understood to be still resting upon his conscience, formally and emphatically declare his desire to subvert that Union, and to pull down the Government in the actual administration of which he is for the time being a participant. The honorable gentleman seems to utter the disunion sentiments which he professes to entertain without the least embarrassment of manner, and with a striking volubility of enunciation; but I must confess, sir, that were I, as a Senator upon this floor, to attempt the expression of such views, I should expect my tongue to become smitten with a sudden paralysis, and the unuttered words of treason to become suffocated in the very effort to enunciate them. I am not much in the habit of referring to a gentleman who was formerly a member of this body, and between whom and myself relations exist of a somewhat delicate character. Nor shall I allude to him on this occasion in a disrespectful spirit. But I must be allowed to commend to the consideration of the honorable Senator from South Carolina, what was said in this body by a Senator from my own State nearly two years since, touching the indecency of avowing disunion sentiments in this Chamber. The gentleman from whom I am about to quote a short extract, is understood by this country to be quite a political favorite with the honorable Senator from South Carolina, and I hope that what I shall presently read from one of his speeches will have quite a wholesome influence, even upon that honorable Senator himself. Here are the published words of my late colleague in this body, as set forth in the *Congressional Globe:*

"Since I have held a seat in the Senate, I have not been one of those who threaten a dissolution of the Union. I have felt that I stood here as a part of the Government, and that it was my duty to maintain it. I have felt that I was bound by principle, when I ceased to be willing to preserve the Government, to vacate my seat as a post which I could no longer honorably hold. I hold that a Senator stands here on a mission from his State to the Federal Government, and that the honor of the State would be involved, if any Senator used his position to destroy the Government to which he is accredited."

Sir, this seems to me to be very sound doctrine, quite clearly and forcibly expressed, and such as every truly patriotic mind in the Republic must approve. Yet, if this be true, what heavy condemnation must be in store for him who has dared, on this occasion, to perpetuate the very act which is thus so strikingly held up to public reprobation.

But, sir, I will now call the attention of the Senate to another legislative scene in which the honorable gentleman took part. It was a scene in the House of Representatives in the year 1842. In the course of a running debate in that body, the honorable gentleman was charged by a gentleman from Virginia, [Mr. BOTTS,] and constrained to confess, that he had some years before prepared a resolution which he intended to offer for adoption in the House of Representatives, which read as follows:

"The Constitution of the United States having proved inadequate to protect the Southern States in the peaceable enjoyment of their rights and property, it is expedient that the said Constitution should be amended, or the union of the States be dissolved.

"*Resolved*, That a committee of two members from each State in the Union be appointed to report upon the expediency and practicability of amending the Constitution, or the best means of peaceably dissolving the Union."

On the occasion referred to, when this curious revelation was made, the honorable gentleman is reported in the *Congressional Globe* to have spoken thus:

"Mr. RHETT requested leave to explain," (in response to Mr. BOTTS,) "not by any new words of his, but by the words on which the gentleman relied for his accusation. He held in his hand a pamphlet, from which he requested leave to read a single page. It was a pamphlet containing an address to his constituents, containing the resolutions alluded to, with a narration of the circumstances under which they were prepared. It recites that they were written at his seat, but not offered to the House, during a speech delivered by the gentleman from Vermont, [Mr. SLADE,] who was discussing the question of slavery in Virginia. It was on that memorable occasion when the Southern members left their seats and went down stairs to deliberate together on this wanton aggression of their common interests."

I have now traced out the honorable gentleman's history as a secessionist; from which it will appear that he is quite an old offender in this line. The Nashville Convention would seem to have made a most judicious selection of the individual to draft the address issued by that body; and the honorable Senator's course of proceeding since this address was promulged, is in most happy accordance with his long-cherished creed. It is certainly to be somewhat lamented that the honorable gentleman's early history as a plotter of disunion had not been better known before he was allowed to interpose his counsels so fatally in stimulating several of the Southern States of the Union to extreme action against the Government and its most wise and salutary enactments.

Mr. President, much has been said in the course of this debate touching the abstract right of secession. I have no idea of exhausting the patience of the Senate by renewing controversy upon this point. Certainly a great deal of plausible argument has been at different times offered on both sides of the question. The right of a State to secede from the Union, *at pleasure*, has been strongly contended for during the last twelve months by a particular class of Southern politicians; though I believe that most of those that belong to the secession school have been of late quite willing to acknowledge that, although the right to secede is a *constitutional* one, (as they suppose,) yet its exercise can only be justified by such measures on the part of the General Government as amount to *intolerable oppression*. Now, if intolerable oppression can alone authorize a resort to this remedy, it is perhaps not at all material to decide whether it is a constitutional or a merely revolutionary remedy; since it is certain that its successful exercise must inevitably bring about a subversion of the Government. The honorable Senator from South Carolina [Mr. RHETT] has not hesitated to declare it to be "a reserved *right*." *How* reserved, I should like to know, and *when*? If reserved at all, it must have been at the period of the adoption of the Constitution. Now, *the* Union at *present* subsisting—that is to say, the Union existing under the present Constitution, came into existence with the Constitution itself. How, then, could a right to secede from the Union be *reserved*, by *implication* too, in the very act of forming it?

But a truce to argument upon a question that has been oftentimes debated by the first minds of the country with a logical cogency and a fullness of illustration seldom exhibited either in our halls of legislation or before the judicial tribunals of the Republic. To the recognition of what is called the *constitutional* right of secession, there strikes me to be two important practical objections. 1. Let the doctrine which upholds this right obtain universal prevalence, and the system of domestic slavery which exists in the South will be speedily broken up and destroyed. Let the large free States bordering upon the slave States once receive this notion as orthodox, and let them in addition become unduly excited on the question of slavery, and does not every one perceive that they will naturally resort to the exercise of this supposed right, when its existence shall have been universally acknowledged, with a view to getting rid of the obligation now existing under the Constitution to restore fugitives from service? 2. But there is another practical objection to the general recognition of this right, which is this: Admit it once to be an unquestionable constitutional right—I ask, will not some Southern State which may have grown tired of the Union, and may desire the formation of a Southern Confederacy, be tempted to resort to its exercise—seeing that by her own separate action she has it in her power to break upon the Union when she pleases, and feeling that she can do so with impunity, inasmuch as she will in seceding only resort to a movement admitted on all hands to be perfectly legitimate in its character? Is it not most apparent that extraordinary exertions have been made of late to secure the general prevalence of this dogma, avowedly as an *abstraction* merely, with a hope, after getting all the Southern States committed upon the question in its abstract form, that if South Carolina should at any time declare herself out of the Union, and the General Government should attempt to maintain and execute the laws of the Union within her limits, all the States which might have been thus induced to acknowledge the constitutional right of secession, would be inclined to coöperate with South Carolina in upholding the right and in vindicating its exercise by arms?

Much has been said, sir, in relation to the opinions of Mr. Jefferson and other distinguished republican statesmen, in support of this secession principle. I must frankly confess that this citation of great names has had but little effect upon me, and for two reasons: 1. Because I am satisfied that the question was never fully looked into until the administration of General Jackson, when it was thoroughly explored in all its bearings, and decided in a manner entirely satisfactory to the whole country; and secondly, because, after looking into all the authentic memorials now existing which could be supposed to supply information touching the views of those illustrious American statesmen who have been classed as advocates of secession in the progress of this debate, I have come to the conclusion that there was not one of them who entertained the opinion that a constitutional right to secede from the Union at pleasure was reserved to each of the States of the Union at the time that the Confederacy itself was established. Several of Mr. Jefferson's letters, which have been several times cited here, show, as I think, that he regarded secession only as a revolutionary remedy. Mr. Madison, in his celebrated letter to Mr. Everett, denied, in the strongest and clearest manner, that the resolutions of Virginia, of 1798, were intended to justify either secession or nullification; and, though some few of the fiery disunionists of the day have presumed to charge him with suffering under the influence of *dotage* when he wrote this letter, yet I believe that every man whose judgment is entitled to respect on this subject, has expressed the opinion that this same letter evinces the possession of

intellectual powers of a high and commanding character, such as God in his providence has seldom allowed to be enjoyed by any descendant of Adam.

It would be quite easy to show that Philip P. Barbour, Spencer Roane, and all the other illustrious republican statesmen who have been boldly classed on this occasion as belonging to the secession school, were, in their day and generation, true friends to the Union, both in opinion and in action. But I shall go no further at this time than simply to put myself upon the well-known Jackson democratic platform, and leave to others who choose to decry the principles successfully asserted and maintained by this illustrious Democratic President, all the glory which could be reasonably expected to arise from the unauthorized citation of high-sounding and influential names, or the exhibition of all that belongs to the most consummate chicane in controversial warfare, and the most adroit and practised powers of dialectic digladiation. Before I take leave of this particular topic, though, Mr. President, I will mention one name that I am sure even the gentleman will himself acknowledge to be entitled to more than ordinary respect. It is the name of a Democrat, who is such both in principle and in name; whose love of the Union is ardent, disinterested, inextinguishable; whose high attainments in political science and whose thorough acquaintance with the history of our own beloved Republic are such as to make his opinion upon any question which could be expected to arise under the action of our complex governmental machinery peculiarly valuable; whose morals are as pure as his spirit is fearless; who has, in his life as a public man, been more than once subjected to new and unexpected tests in which, in order to sustain himself and to come off triumphant, it was necessary that there should be called into exercise that imperturbable calmness of soul, that astonishing keenness and circumspection of mind, and those rare powers of discrimination as to men and things around, which marked out this noblest of Carolina's gifted sons as one of the most striking and imposing characters of the age in which he lived. Of course, sir, I am alluding to JOEL R. POINSETT, who is well known to have expressed the opinion formerly and of late, that no such constitutional power existed as that of separate State secession. Sir, I rejoice that this true-hearted American yet lives in the full enjoyment of his high faculties, to stand by the institutions of his country in this moment of embarrassment and of danger, and to aid the friends of the Union in the most perilous battle which they have yet had to fight with the myrmidons of faction.

Mr. BUTLER. I have just learned that he died the other day.

Mr. FOOTE. Most profoundly do I regret to hear the announcement of this distressing intelligence. The death of this man, at the present moment, I hold to be a serious national calamity! [Here the speaker paused for a few seconds, and continued:] Amidst the feelings of patriotic lamentation, which this sad announcement has awakened here, allow me to say, sir, that I rejoice that, in withdrawing from life, he has not taken with him his cheering and edifying example, and the memory of his resplendent achievements. He has bequeathed to his countrymen the invaluable legacy of his opinions, which now, canonized as they are from the grave, will, I trust, receive double respect from those whom he has left behind. *Requiescat in pace!*

Mr. President, I profess to be an old-fashioned Democrat, of the unadulterated Jackson school. I sat under the teachings of this truly great man whilst living, and I am not willing to surrender the benefit of his invaluable admonitions now that he is in the tomb. When he was battling with the hydra-headed monster of nullification and secession formerly, I sympathized with him most intensely, and sustained him to the fullest extent of my limited powers. I read his Proclamation, his Nullification Message, and his Farewell Address, at the period of their emanation. With the exception of one or two sentences in the Proclamation, which had no connection with the question of secession, I approved the whole of that noble state paper, and most certainly I still do. The honorable Senator from South Carolina [Mr. RHETT] suggests that he was not the author of it, but that it was written by Mr. Edward Livingston, who was then in his Cabinet. This may be so, and may not be so. It is not at all important to have this point settled; though I perceive that the worthy editor of the *Union* has lately supplied very conclusive evidence to the contrary of this statement.

Sir, this is not the first time that the Proclamation has been attributed in this hall to the pen of Mr. Livingston. When this was attempted on a former occasion, Mr. Livingston was denounced as a Federalist, in order to cast discredit upon what was accused of emanating from his pen. Well, sir, at the very moment of this accusation being presented, I sent to our library, procured the fourth volume of Mr. Jefferson's writings, and read therefrom that admirable letter of the Sage of Monticello, in which Mr. Livingston is recognized as a Republican of the '98 school, and in which his early support of the principles of the old Republican party is acknowledged in language of most cordial commendation. Well, sir, what is now said of Mr. Livingston? Why, the honorable Senator from South Carolina [Mr. RHETT] says that he had just delivered in Congress a good State-rights speech, a copy of which he sent to Mr. Jefferson, and that he thus procured recognition as a Republican. This is decidedly an unfortunate statement for the honorable gentleman, inasmuch as we are all quite familiar with the speech of Mr. Livingston which is thus referred to, and know that it nowhere recognizes either nullification or secession as remedies belonging to our political system, and is in perfect harmony in all respects with the doctrines of the proclamation which has been so much denounced.

But, Mr. President, I am inclined to be altogether liberal towards the honorable gentleman from South Carolina, and will not quote the proclamation against him. Let me ask him, though, what he thinks of Jackson's Nullification Message and his Farewell Address to his countrymen? Were these written by Mr. Livingston too? or did some other Federalist, whose name is not yet ascertained, draw them up? Let me read a little from both these documents. This is what the hero and sage of the Hermitage says in his Nullification Message:

"The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such a course is believed to be utterly repugnant both to the principles upon which the General Government is constituted, and to the objects which it was expressly formed to attain."

Illustrious magister! I bow with profound homage to thy noble teaching!

But he proceeds to say further:

"That a State, or any other great portion of the people, suffering under long and intolerable oppressions, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the Government, and appeal to the last resort, need not, on the present occasion, be denied."

He says, in continuation:

"The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable."

I wish now to read a little from the Farewell Address of General Jackson. I wonder if Mr. Livingston wrote that address, too? In that document, speaking of the Constitution, General Jackson says:

"Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it; and has proved, that in the union of these States there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard and by every sacrifice, this Union must be preserved."

So say I, Mr. President. So say you, and so says every other member of the ancient Democratic party of the country, who has not lately run after false gods and forgotten the purer worship of our fathers. "*At every hazard, and by every sacrifice, this Union will be preserved,*" despite all the imbodied energies of the secessionists who have plotted its destruction, and as long as love of country and sound republicanism shall continue to prevail in our national councils.

I shall not go into an examination of the question brought forward by the honorable Senator from South Carolina, touching the comparative value of the Union to the different States of the Confederacy. It is sufficient for us to know that the Union is of inappreciable value to every portion of this wide-spread Republic; that there is no part of it that is beyond its protective arm, or which is so situated as to be relieved from the obligation of respect and obedience. That the general action of the Government has been more or less unequal and oppressive to our local interests of the South, cannot be denied. But it is certain that of late Southern opinions are beginning to exercise a more potential sway in the councils of the nation than they formerly did, and it must be admitted that Southern men have at all times been allowed an equal share of public power, and been permitted to participate equally with their brethren of the North, both in the dignity and the emoluments of office.

The honorable Senator says: "Now is the time for secession. I am for secession, whether joint or separate; let one State make this issue with the General Government," &c., &c. Well, sir, this means simply, what the gentleman has been insisting upon all the past summer, that if South Carolina should go out of the Union at once, and the General Government should attempt to maintain her authority within her confines, all the Southern States, or at least several of them—enough to secure the formation of a respectable Southern Confederacy—would follow her example. In connection with this declaration, the honorable Senator refers to the State which I have the honor to represent here, and says that he does not yet despair even of Mississippi. If the gentleman means to say that he has any hope that the State of Mississippi will ever unite with the Secessionists of South Carolina in overturning the Union on account of anything contained in the measures of adjustment, or that there is the least likelihood that any other State will participate in a movement at once so uncalled-for and so replete with mischief, I must tell him, with all possible earnestness, that he has indeed been laboring under a great mistake. Nineteen twentieths of our people in Mississippi, though all of them do not approve as heartily of the plan of compromise as I do, have yet deliberately declared their cordial acquiescence in it; nor could a man be elected to a constableship, in any part of our noble State, who should be known to entertain such sentiments as the honorable Senator from South Carolina has declared on this occasion. The truth is, that all in the State of Mississippi, who six months ago concurred with the honorable gentleman in regard to the extreme views expressed by him, have of late openly repudiated both his opinions and himself, and are now laboring with a most untiring assiduity, to throw into utter oblivion, the interesting fact that they ever did concur with him at all. I have attended nearly two hundred public meetings in the State of Mississippi in the last eight or nine months, and I do not recollect one of them, where any public speaker seemed to deem it discreet to mention the name of the honorable Senator from South Carolina, with even the ordinary indications of respect.

The honorable Senator has given us to understand that he conceives the present period to be one of great and intolerable oppression to the Southern States and to the Union, and that the time has come when warlike expedients are proper to be resorted to without delay. He reminds us, in addition, of certain scenes in the revolutionary struggle of our fathers, which he seems to regard as worthy of our special consideration at the present time. He appears to dwell with particular satisfaction upon the fact, that certain valiant sons of South Carolina, on a very noted occasion, undertook to seize upon twelve hundred muskets belonging to a British garrison, and actually discharged their artillery upon certain British ships then lying in the harbor of Charleston. Sir, it is easy enough to understand this language. The gentleman wishes to incite his fellow-citizens of South Carolina to an immediate attack upon the forts of the General Government in South Carolina, and thus to bring about a regular struggle of arms between that State and the General Government. The honorable gentleman, in all that he has ventured to say here, has been quite consistent with his ordinary course of proceeding when mingling with his fellow-citizens at home. I find that the honorable gentleman delivered a speech on the 28th of June

last, in which he used language the import of which no one could fail to understand. These were his words:

"He had been striving for twenty-odd years in the cause of the South, with no success. But what could he do, when Mr. CALHOUN, with all his genius, all his powers, failed to effect anything? They had fought to fall, and in their battles had taken one long lingering look to the only place of hope and safety, the only hope of transmitting to their posterity the glorious inheritance of freedom bequeathed to them by their forefathers—to South Carolina alone. He had been to Nashville. He had tried coöperation, and despaired of it from any other source but from South Carolina alone. We want it. Let us obtain it as our fathers did. How was Fort Johnson gained? They sent men who seized the stamps and destroyed them. How did they act when again assailed? Did they gain their liberties by eating and drinking? No; by fighting."

I do not think that some of these bluster and bravado gentleman have as much appetite for fight as they pretend to have. The gentleman continued:

"We, however, do not want to begin the fight; but if any in this Union desire it, in God's name let them come on. A friend near him had bespoken the foremost place in the conflict, but if he got ahead of him, it would only be by a *leetle*. He would say with *Patrick Henry*, '*Let us fight!*'"

Such was the gusty language of the Senator to an assembly of excited citizens. Imagining himself to be the Henry of the present time, he thunders forth with that magnificent voice of his, and in that imposing oratorical manner which has given him so much distinction as a public speaker—"LET US FIGHT." Well, sir, I believe that under the counsels of the honorable gentleman, and of some other equally bellicose personages, something like a formal preparation has been made in South Carolina for the civil war expected shortly to come off. I hold in my hand a statement from which it would seem that the revolutionary spirit is blazing forth most ferociously in that State, and that enormous expenditures have been already incurred in making ready for the impending contest. I do not doubt that in the war anticipated, the honorable gentleman may become a sort of lieutenant general himself. He formally rejects our Mississippi leaders. He says he never looked to that State for military commanders. Indeed the honorable gentleman now denies that he ever expected any fighting to occur at all between the State of South Carolina and the General Government. Yes, sir, such is the reported language of the honorable gentleman in reply to me. Yet, at home, he exclaims, "*Let us fight;*" and urges his fellow-citizens at once to seize upon forts and arms of the United States. Sir, I have no more right than other Senators to intermeddle with the domestic concerns of South Carolina; but I will venture to say that the criminal wasting of the public money of that State which has taken place, in preparing for a war with the General Government, without the occurrence of any event which made it even probable that any attack was to be made upon that State by that Government, is not likely to be submitted to patiently by the patriotic people of South Carolina; who will yet learn to feel the grinding operation of most onerous and exhausting taxation, in consequence of this effort to put the State in military array against the power of the Nation. In illustration of what I have just said, I will read a printed slip just placed in my hands by a friend, and which bears the most unequivocal marks of authenticity and accuracy:

"ORDNANCE REPORT.—We have before us the report of Major Trapier, of the Ordnance Department, showing the progress made up to this time in the purchase of ordnance and ordnance stores in pursuance of the act of last session.

"The contract for heavy guns was given to a Richmond contractor. The original contract included 12 twenty-four pounder guns, 8 ten-inch mortars, [siege,] and 4 eight-inch columbiads, to which was afterwards added 20 twenty-four pounders, and 4 eight-inch siege howitzers. Thirty-two twenty-four pounders have been finished and inspected—the remainder of the guns to be ready about the 15th December.

"The contract for small arms—viz: 6,000 muskets, 1,000 rifles, 1,000 pairs of pistols, 1,000 sabres, and 1,000 artillery swords—has been taken by Messrs. Glaze and Flagg, of Columbia, all to be manufactured in this State; the delivery of these arms in January, 1852, and to be completed by the 1st of January, 1853. Messrs. Glaze and Flagg have also taken a contract to alter a large portion of the flint-lock muskets belonging to the State to percussion locks. Six hundred have been already altered.

"The contract for furnishing infantry, cavalry, and artillery accoutrements, have been given to S. M. Hawel, of Columbia, and R. B. McKenzie, of Charleston. These accoutrements are expected to be finished by 1st May, 1852. The contract for gun-carriages has been given to C. Werner, of Charleston.

"Contracts for projectiles have been made with Messrs. Eason, of Charleston, and the Spartanburg Iron Works Company. The whole contract embraces about seventeen thousand balls and shells. Eighty thousand pounds of cannon powder having been contracted for with the Hazard Company, Connecticut. To guard against a spurious article, the powder is to be subjected to analysis. The company of ordnance soldiers has been completed. A barrack and store-house have been erected at Magnolia, near Charleston, where the company have been heretofore instructed and drilled.

"Attention is called to the condition of the arsenal at this place, and it is recommended that additional pillars be placed under the first floor. It is also suggested that appropriations be made for the protection of the magazines attached to the arsenal. The amount of money passed through the Major's hands is $75,000, of which $60,461 67 has been expended."

Sir, it is not at all my wish to disturb the composure of honorable Senators, or unduly to alarm the country. I am not induced to think really that this vociferous outcry of "*Bella, bella, horrida bella,*" is at all likely to result in scenes of carnage. The good people of South Carolina are themselves at last fully roused to the dangers which designing demagogues have brought near to them, and will quickly put down these demagogues, and defeat all their disloyal schemes. I look a little into the newspapers printed in South Carolina, and have observed, with great satisfaction, the proceedings of public meetings there; and the honorable gentleman will have to produce evidence far more potential than any yet brought forward by him, in order to prove that his extravagant schemes are at all likely to be consummated in the present generation. I intend no offence, Mr. President, when I venture to predict, that the only result of any solid and lasting importance which is at all likely to arise in South Carolina, is the thorough reformation of her State constitution, which, in my judgment, needs much emendation before it can be justly asserted to be strictly republican in its character.

The honorable Senator from South Carolina, who sits nearest to me, [Mr. BUTLER,] complains that in offering this resolution for the consideration of the Senate at the present time, we are aiming to turn our plan of compromise into a sort of Noah's Ark, and suggests, in addition, that we hold out a blazing sword, which is to be used upon all those who are not willing quietly to accept that salvation from the flood of submerging waters which is kindly offered to them. Well, sir, in the first place, the honorable gentleman is grossly in error in supposing that the friends of the compromise desire to exercise the least coercion upon those who are ambitious of diluvial honors; and they are not desirous of subjecting to the least punishment, of any kind, those who have heretofore honestly differed with them in opinion in regard to the measures of adjustment, or any one of them. They freely admit that the questions involved in this plan of settlement were questions upon which honest and enlightened men might well differ, and all that they desire at present is, that no further disturbance of the public mind may take place, until the efficacy of these measures shall have been more fully tested.

One of the honorable Senators from South Carolina [Mr. RHETT] says that he does not in the least degree blame the Abolition factionists of the North for opposing the compromise enactments. This declaration, coming as it does from that gentleman, does not at all surprise me. The sympathy which he feels for those who so happily concur with himself in disapproving and opposing the execution of these measures, is but natural. He proceeded also to say, that unjust as the people of the North generally must hold these measures to be, in regard to their Southern brethren, and eminently advantageous to themselves, yet in adhering to them and claiming all the benefits resulting therefrom, they acted altogether a natural part, and in fact just such a part as the South would act under similar circumstances. This, sir, is really placing a very low estimate upon Southern justice; and I fear that the honorable gentleman, in undertaking to speak for the whole South, did not take quite so extended a view of our Southern people and their characteristics as he might have done.

The honorable Senator now in my eye, [Mr. BUTLER,] with less than his usual liberality, accuses me of deserting the camp to which I once belonged and then firing upon my ancient comrades who have chosen to remain in it. The Senator is much more facetious than equitable in thus accusing me. I never was a secessionist. I was always, in the fullest sense of the word, a compromise man; and have abandoned no principle which I ever advocated. If I have not been willing to see my country involved in a predicament which the evil counsels of others were about to bring upon her, and to which I have never even thought for a moment of yielding my assent, I cannot perceive how I can be regarded as at all censurable on this ground. The same honorable gentleman propounds to me what he calls a dilemma. He says I either voted for all the compromise measures, or I did not vote for all of them; and asks if I did not vote for all of them, why is it that I cannot pardon those who acted a similar part? The case is well put, Mr. President, and I answer it thus: I did not vote for several of the compromise measures; and I more than forgive those that acted a similar part; and all that I ask of them at present is, that they shall sustain the scheme of compromise now that it has been adopted, for the sake of the public repose and happiness.

The Senator says I denounced General Taylor for interfering with California affairs. He did not intend, I know, to do me injustice; but he makes a great mistake about this matter. I drew up a resolution of inquiry on that subject, in the early part of the first session of the last Congress. I found that my friend from Alabama [Mr. CLEMENS] had drawn one for the same purpose, which he brought to my attention. On comparing the two, I found that his was the more comprehensive, and I accordingly deferred to him. The resolution was presented by him. A similar resolution had been adopted in the House of Representatives; and how was it answered? By a positive denial of the charge. If the charge had been substantiated, I should have stood up here and denounced the Administration, as it would in that case have deserved to be denounced, not in the spirit of party, but under the impulses of a genuine patriotism. But when that charge was negatived, by the answer of the President to the resolution of the House, this body, much to its honor, agreed unanimously to lay our own resolution of inquiry upon the table. Why? Because we believed that the venerable gentleman who was then President of the United States, whatever political faults he had, and however inferior to certain other great personages who have formerly filled that elevated place in regard to civic qualifications he may have been, was, notwithstanding, honest and truthful—that he was a patriot, and that he would not *lie*. If any man had risen here in this Chamber and undertaken to question the veracity of that negative statement, my late colleague, [Mr. DAVIS,] if nobody else had been willing to perform the task, would have inflicted such a castigation upon the accuser as to have rendered it impossible that its reception would have ever been forgotten. I will say frankly and distinctly now, that after I saw that General Taylor had sent in his answer I never entertained the least particle of doubt in regard to his conduct in the affair. He was a Whig, and a thorough one; I was and am a Democrat, inflexible and unswerving. But yet it is due to truth to say, that I always recognized him to be a gentleman, and knew him to be a genuine patriot. I felt the deepest gratitude to him for his conduct on the tented field, and always found him sociable and kind in private intercourse. I shall never forget the last scene in which he participated as a public man. The humble individual who is now addressing the Senate, chanced to be called upon to deliver the Fourth of July oration in Monumental Square in this city, in the year 1850. I delivered it in my own poor way. It was a time of great perplexity and danger, and I threw the best Union doctrine into it which I could produce, hoping that it might, perchance, have more or less influence in allaying existing irritation. At the close of the address that noble-hearted old man, with tears running down his furrowed cheeks—such tears as patriots alone can shed—requested me, through a member of his Cabinet, to approach him—grasped me affectionately by the hand, and filled my heart with gratitude by thanking me for that same unpretending harangue. I never saw him afterwards. That day he was taken sick, and was in a few days numbered with the dead. I never hear his name pronounced without this picture of the past being once more vividly presented to my memory and my sensibilities.

But the two honorable Senators from South Carolina have united in one declaration, which, in order to vindicate the truth of history, I must correct. They both mingled their voices in asserting that in the progress of the passage of these measures of adjustment, a general declaration was made by the Northern members of this body that no slave State should ever again be admitted into this Union, and they urge that California was admitted upon this express understanding. With great deference to the recollection of the gentlemen, I must say that I consider them entirely mistaken. I did not hear any such general declaration; and I know that it was not in accordance with the solemn assurances of numerous Northern Senators. Actions speak louder than words; and we solemnly provided, by territorial bills, for the admission of future slave States into this Confederacy. Then I must appeal to my friend from South Carolina, [Mr. BUTLER,] for justice to those who are likely to be injured in the public estimation by this sweeping allegation, and ask him to withdraw the accusation.

Mr. BUTLER. I cannot withdraw it. Mr. Webster certainly, on this floor, and since he has been off the floor, in a more responsible station, has made that declaration.

Mr. FOOTE. I think that even the fact thus mentioned, does not justify the honorable Senator in the comprehensive charge which he has preferred. Sir, I beg it to be recollected that a majority of the Northern Senators actually voted for the territorial bills containing the provision to which I have alluded.

Mr. BUTLER. I cannot be mistaken in the reference to Mr. Webster. The Senator cannot but recollect the fact that Mr. CLAY himself said that no power on earth would induce him, by any act of legislation, to carry slavery beyond its present limits. I did not say the whole body of Northern men said so, but that in the current debate such was the intimation.

Mr. FOOTE. It has been said that the fugitive slave law is no part of the compromise. I have heard that stated often. I know that the resolution introduced by me for the appointment of the Committee of Thirteen, embraced that subject as well as others—that the resolution provided for the appointment of a committee to take into consideration the resolutions of the Senator from Kentucky, [Mr. CLAY,] and the resolutions of the Senator from Tennessee, [Mr. BELL,] in all their amplitude, and gave the committee full power over the whole subject of slavery. The report of the committee comprehended the whole subject also; and the fugitive slave bill, in its present form, is essentially the same as that which was recommended by the committee. It is perfectly idle to talk about the fugitive slave law not being a part of the measures of adjustment. It is not only a part of the plan of settlement, but it is one of the most vital features of the whole scheme.

The gentleman from South Carolina [Mr. RHETT] said, that in adopting the compromise, the Democracy followed the lead of the Whigs. I am not very sensitive on this subject myself.

Mr. BADGER. It was a good lead, wherever it came from.

Mr. FOOTE. I showed yesterday that I was not sensitive on this subject; for when my friend from North Carolina suggested that the resolution introduced by me should be so modified as to incorporate the very words of the President's message—which in truth did not at all alter it in substance—with a view to increasing the number of its supporters, and thus enhancing its effect upon the public sentiment of the country, I at once assented to the proposition. But in point of historical verity, the gentleman is entirely in error. It is true that a very distinguished Whig, (if he can now be called a Whig, who is in fact no party man at all, but simply a Union man,) the venerable Senator from Kentucky, [Mr. CLAY,] not now present, was at the head of the Committee of Thirteen, and thus far he may be said to have had the lead. His high character, his noble qualities of mind and heart, his long experience, his extended influence, especially over the feelings and action of his own particular party, (who are indebted to him for such brilliant and valuable services as no man ever performed for the benefit of any party in this country before, except Jackson for the Democracy,)—these circumstances did point him out as the most proper person to take the lead in this great movement. It is known, sir, that the honorable Senator from Michigan [Mr. CASS] was urged by his Democratic friends in this body to allow his name to be sustained for the chairmanship of the Committee of Thirteen; but he, with that magnanimity and disinterestedness which belong to his character, declined the proffered honor, and urged upon us that Mr. CLAY was the most suitable man in every respect who could be selected for the high place in question.

Now, in addition to this, I beg leave to mention the fact, which is intended to have no disparaging influence whatever, that all the measures of adjustment were actually carried by a majority of Democratic votes.

Mr. President, I regret to have detained the Senate so long, but hope to be excused in consideration of the immense importance of the questions discussed. I hope the Senate will soon come to a vote upon the resolution before us.

SATURDAY, *December* 20, 1851.

The debate on the Compromise question having been resumed—

Mr. RHETT said: I thought the other day, when the Senator from Mississippi [Mr. FOOTE] came to speak of my opinions, that he had read my speech, as it so happens it is in print. I have it not here, but I have it at home. Now it is of no sort of consequence to me at what time the gentleman, or anybody else, puts me down as a secessionist—whether it be twenty years ago, five years ago, or now. I say that I am one now. My own view about my position is this, that in 1833 I was struggling for a reform of the Government. I had hopes that it could then be reformed. I did not despair of its reformation until in 1842, when the tariff had been passed overthrowing the compromise tariff of 1833—the 21st rule, it was known, would be repealed, and the Democratic party, having the majority in both branches of Congress, refused to alter the tariff act of 1842. It was not until then that I despaired of any reformation of the Government at the central head on distinct and right principles.

I am sure the Senate will not expect me, and will hardly pardon me if I were to do so, to reply to the whole speech of the Senator from Mississippi [Mr. FOOTE] of three hours length, and delivered in two days. It is not my purpose to respond to that speech at all, but only to refer to a few particulars, and those of a personal kind altogether, in order that a correct conception might be had of the whole. I lament very much indeed, the necessity of having any personal controversy. I have been fortunate enough to serve seven years in the South Carolina Legislature, and twelve years in the other branch of Congress, without being involved in any personal altercation with any one. And I must say now, what is known to every one, that since the Senator from Mississippi [Mr. FOOTE] has been in this body, there have been more personal disputes here, than for twenty years before.

Mr. FOOTE. I call the gentleman to order. He has no right to refer to my course here in this personal manner. He has no right to refer to any personal disputes I may have had with honorable Senators on this floor or elsewhere. If the Chair thinks he has a right thus to speak of me and my course here, I shall submit to the decision cheerfully, only claiming the privilege of a response to the gentleman's suggestions upon this rather delicate topic.

The PRESIDENT. The Chair has no hesitation in saying that everything of a personal character is certainly out of order.

Mr. RHETT. I thought I was referring to a fact that everybody knew. But I have no disposition to go into that matter. So far as I am concerned, this, I believe, is about the first difficulty or altercation that I have ever had with anybody.

The Senator says that what I said in conclusion of my speech in respect to Mr. Calhoun, and his having hurried him to his grave, "was a vile and calumnious charge." The Senate will easily perceive——

The PRESIDENT. The Chair was not aware that the Senator from Mississippi [Mr. FOOTE] made use of that remark as applying to the Senator from South Carolina, [Mr. RHETT.]

Mr. RHETT. No, sir, I admit that. But he said that the charge was a vile and calumnious one.

The PRESIDENT. If the Chair had thought that anything personal was meant, he would have called the gentleman from Mississippi [Mr. FOOTE] to order.

Mr. RHETT. He did not say that I had made a vile and calumnious charge, but that the assertion was a vile and calumnious one. When I said that he had hurried Mr. Calhoun into his grave, everybody understood that it was a metaphorical expression. What I meant the metaphor to express was this—that by his attack, he had weakened Mr. Calhoun, and thus had hastened his decease. That is what I intended to say. And that I was not very wild in that expression is supported by what the Senator himself says. He says himself that a rumor conveying this charge was in the papers and about the city, and that the honorable Senator from Alabama [Mr. CLEMENS] wrote to the *New York Herald*, and had it contradicted. I believe he is right as to the extent of the rumor. It is certain that I heard it in South Carolina, where I then was, and when I came here, two Senators informed me of the same thing—one of them I will mention directly. And in addition to that, three gentlemen, I might say four—but I will say three gentlemen who were living in the house with Mr. Calhoun at that time, and who are now members of the other House, distinctly declared to me the same thing. I can give their names if the Senator wants them. They were here, saw Mr. Calhoun's condition, before and after; saw the effect the attack of the Senator produced upon him; saw him on his sick bed, and they did not doubt, and they now say that they do not doubt the effect of that attack upon Mr. Calhoun was seriously to impair the then condition of his health, and hasten his death. Now, there is my authority for saying so. I believe myself, that everybody thinks so. I was not here at the time—I saw nothing of it, but I did not suppose that I was saying anything that anybody would controvert. Observe that I do not say the Senator designed any such thing. But I thought that if he produced that effect, and was aware that he had produced it, he was the last man upon this floor, as I before said, who ought to have got up here and said anything disparaging of Mr. Calhoun.

Now, what are the reasons that the Senator gives for having made that attack? The first is, that the proposition of Mr. Calhoun was in itself equivalent to a dissolution of the Union. What is that proposition? It is a scheme under which the greatest republic that ever existed in the world, lived for six hundred years. It is a proposition of the consular system of Rome, with this difference only, that the veto power is joined with it. But, sir, the veto power is only a preventive, not an aggressive power; and although I should not be in favor of such a proposition, I by no means think it so very unwise or dangerous. I am sure its tendency would not be to bring the sections into antagonism; on the contrary, it would produce harmony; it certainly would protect the South, and was produced from zeal for the South, and therefore is entitled to the indulgent consideration of all true Southern men. I do not see in the proposition itself, therefore, anything so very alarming as to call out the passionate animadversions of the Senator. But he says that the Nashville Convention was about to sit, and it was expected that that convention would propose emendations to the Constitution, and that Mr. Calhoun sought to instigate that convention to demand certain proposed amendments, which, not being adopted, would dissolve the Union. I was a member of the convention, and never heard from Mr. Calhoun, or from anybody else, any such proposition.

Mr. FOOTE. Let me call the honorable Senator's attention to one fact. At the time the Nashville Convention was in session, or a short time previous, as I think, I had occasion here to notice a very striking publication made in the *Union* newspaper of this city, which was avowedly made at the instance of one of the representatives from South Carolina in the other House, for whom I

have the highest personal respect. The newspaper article to which I have reference, contained a regular and formal proposition, if I do not forget its contents, from a certain Mr. Wigfall, of Texas, a South Carolinian by birth, and known to be closely affiliated with certain politicians of that State, that the Nashville Convention should demand certain constitutional amendments, to the number of seven, I believe, as a *sine qua non* to a settlement of the pending questions. As soon as I saw it, conjecturing that it was intended to operate upon the action of the convention, and upon the Southern men generally, in a manner adverse to the scheme of adjustment then before Congress, I took occasion, in a solemn and formal manner, to warn the country against that proposition. I do not remember whether Mr. Wigfall was in the convention or not. Mr. Henderson, of Texas, was, and I believe the proposition was there privately, if not publicly, discussed. I have certainly been so informed.

Mr. RHETT. I have only to say that I never heard anything of the sort; and there stands another delegate, [Mr. McRAE,] who can say for himself whether he heard anything of the kind. But if I had, I should not have thought it a very extraordinary thing. The Constitution provides for emendations upon its face; and can no appeal be made to that instrument to carry out its own provisions, but a man is to be denounced as a disunionist, or something worse? General Jackson, in his first message, I think, distinctly proposed, that rather than assume powers, the Constitution should be amended.

In order not to be misunderstood, I will say that I am content with the Constitution of the United States as it is. I have myself never wanted anything more than the Constitution of the United States, administered upon the strict principles of the Republican party. That Constitution does not sanction abolition agitation here. It does not authorize unjust taxation or expenditure. If it was adhered to we should have peace; we should have no collisions. But the difficulty is, that the Constitution is not adhered to, but is doomed to constructions and evasions. Its provisions have been nullified by the power of a Northern majority; and hence, in my view, nothing but the parties to the Constitution—the States—can make this Northern majority yield its usurpation of powers. The time is not far distant—if not already here—in which what John Randolph said will be true: it will be out of order to quote the Constitution of the United States. The Constitution can never be brought back to its original principles by the action of the central Government here. It is the majority here which carries the aggressive policy and measures into action; and how can there be two thirds in both Houses willing so to amend the Constitution as to deprive themselves of this very power, and to paralyze and restrain their own action? There is no possible way to get an amendment of the Constitution, or distinct guarantees enforcing it, except by checking the sectional power through the States. Then alone, finding that their aggressive policy cannot prevail, they may be expected to consent to alterations of the Constitution declaratory of its true meaning. Therefore I have never looked for any new guarantees in the Constitution of the United States in any other way than by the action of the States—the minority States asserting their sovereignty, and arresting the usurpations of the majority. This can alone induce them to give up their power, and yield to the limitations of the Constitution.

Another reason assigned by the Senator for assailing Mr. Calhoun was, that Mr. Benton was about to assail him; therefore, by way of keeping Mr. Benton from assailing him, he assailed him himself!

Mr. FOOTE. I did not say so. I said expressly, that the Senator from Missouri (Mr. Benton) would attack the whole of us as disunionists, on very plausible ground. Therefore it was that I sought sage and patriotic counsels, and following those counsels, defended Mr. Calhoun and all his political associates from an attack which I feared might do us great injury.

Mr. RHETT. Well, Mr. President, the Senator from Missouri (Mr. Benton) told me last winter, standing near that column, that the gentleman from Mississippi had thrust Mr. Calhoun into his grave. These were his words: "Sir," said he, "I would as soon have thought of striking a dead corpse, as to have laid my hands upon him in the dying condition in which he was." And yet the Senator from Mississippi has alluded to Mr. Benton as intending to assail Mr. Calhoun.

Mr. FOOTE. Politically.

Mr. RHETT. He condemned what the Senator from Mississippi did, with indignation. I only say this in exculpation of Mr. Benton, because he is not here.

But the Senator says I ought not to be the man to speak in defence of Mr. Calhoun, because I was very desirous to supplant him in the Senate, and therefore stood in the position of a political rival. I am not at all sure, if the premises were true, that the conclusion follows. I am not sure but that being his political rival in his lifetime, it might not be very proper for me, after having succeeded to his place, to defend him when assailed upon this floor. But the premises are not true, and the Senator from Mississippi shall himself refute the charge. The charge arose, I presume, because I differed from Mr. Calhoun on various measures. I differed from him in regard to the Mexican war, and the support of President Polk's administration. The Senator from Mississippi agreed with me in my course. I presume that is no ground, then, to impugn any man's integrity or motives. I differed from Mr. Calhoun also upon the presidential election, in supporting the Senator from Michigan, [Mr. CASS.] But the Senator from Mississippi again agreed with me there, too. In both of these points I differed from Mr. Calhoun, and in both of them the Senator from Mississippi agreed with me, as to my political course. Was the Mexican war, or the support of the Senator from Michigan to the Presidency, so outrageous, so malignant, and so corrupt a thing that one man was not only culpable, but could not agree with another in that support without having his motives impugned? I think not, sir. I did not, in differing with Mr. Calhoun as to these public matters, justly render myself amenable to the imputation that Senator has brought before the Senate. I thought I was right then. I think I was right now, and that the imputation is wholly undeserved. I will not say that the imputation is vile and calumnious; but I will say that the Senator who has acted with me when I thus differed from Mr. Calhoun, ought to have been the man to defend me, instead of joining in defaming me. At the same time, I must say, that I am not aware that there was any hostility between Mr. Calhoun and myself. I was appointed to deliver an oration upon his death before the Legislature of South Carolina, and I performed that duty as well as I was able, and endeavored to do full justice to his memory. And certainly in his lifetime I defended his political course in the newspapers and periodicals to no small extent. I spent more ink in defending him, personally and politically, than any man living. Still I was only doing what I thought to be my duty, in supporting a great man who was serving the country in the cause with which I was identified. Sir, I do not know how any one can escape the tender charities of the Senator of Mississippi. If you go against him he denounces you, and if you go with him he imputes unworthy motives to you. Go with him or against him, it seems you are equally liable to have imputations cast upon your course.

But the gentleman says we all behaved in a very outrageous manner in supporting the Missouri compromise of 36° 30'. It was an abolition project, teeming with abolition consequences and abominations. Well, sir, it so happens that the Senator himself supported, not only by his vote but by his counsel, a proposition made by yourself, Mr. President, to take 35° 30', or one degree less, for the South. Now, if 36° 30' be a concession to Abolitionism, what must 35° 30' be? Will the Senator work out the sum? Sir, I do not blame you, or blame him, for that vote; I might, perhaps, have done the same thing myself. When we voted for the Missouri compromise of 36° 30', we knew that we got very little, and that even that was worth territorially still less. What we of the South obtained by that compromise, was a Southern border, the power of expansion. It was the policy of the North that we should be hemmed in by a hostile free population. Extension is necessary to the existence of our institutions, and therefore we went for the proposition which gave us an opportunity to extend. We were thus subserving the interests of the South, by preventing the North from hemming us in. We said: Give us the liberty to expand, and we will yield the matter of the quantity of territory. Do not attempt, and as a fanatic in the other branch of Congress expressed it, to surround us by a fire of liberty which will melt the chains of the slave.

I stated that the mode by which slavery was excluded from Utah and New Mexico was this—that a majority of the judges of those Territories were understood to be in favor of enforcing the Mexican laws, whereby slavery would be excluded from those Territories. I never said that Mr. Baker, or any other of the judges, were Wilmot-proviso men. I listened very carefully yesterday to the reading of Judge Baker's letter. He did not say that, in his opinion the Mexican laws excluding slavery were not in force.

Mr. FOOTE. The Senator has done unintentional injustice to Judge Baker. The Senator will find that the letter states distinctly that his whole course as a member of the Mississippi Legislature, and otherwise in connection with this question, had been such as to relieve him from all unjust suspicions with regard to that matter. The letter gives the clearest implication, and it is entirely in accordance with my own knowledge, that he is one of the soundest men in Christendom, in the extreme Southern sense of the term, on all questions connected with Wilmot provisoism. There was a slander of this kind circulated against him in our State, but Judge Baker has vindicated himself effectually. I can assure the gentleman that he has been misinformed by some one in reference to this matter.

Mr. RHETT. On yesterday a Representative in the other branch of Congress came here to my seat and said, that he was informed that Mr. Baker, on the hustings in Mississippi, had argued that the Mexican laws prohibiting slavery in those Territories were of force and did exclude slavery.

Mr. FOOTE. I am authorized to say that it is false.

Mr. RHETT. I know that one of the judges appointed told me, that it was understood that two of them were of opinion that the Mexican laws were in force in that Territory; and if this is not so, then the President of the United States did not do his duty as Mr. Polk was prepared to do it. He, I know, appointed those, and those only, who, as judges in the Territories, would have decided that the Mexican laws did not exclude slavery in those Territories, but were subordinate to the Constitution of the United States. If Mr. Fillmore entertains the contrary opinion, is it surprising that he should appoint judges to carry out his opinions and views? Everybody knows that he is an entire anti-slavery man. When I was with him in the other branch of Congress, he was considered and ranked with the Abolitionists. He voted with them upon all extreme measures, steadily and uniformly. And is it surprising, such being his feelings and views, that when about to appoint officers over this Territory, he should appoint such as believe the Mexican laws to be in force, and who would therefore carry out his principles and opinions, and exclude slavery from the Territories? I therefore very readily believed the fact when I was informed of it; and now doubt the right of the Senator to speak authoritatively concerning it.

The Senator has thought proper to speak of the sympathy between Abolitionists and myself. It seems that he observed that when the Senator from New Hampshire [Mr. HALE] passed some of his witicisms here, I laughed; and that laugh, like "Lord Burleigh's nod," meant a great deal. Well, sir, I like to laugh; and I confess that when the Senator from New Hampshire, or what is better, the Senator from Mississippi, regales us with his racy and most extraordinary wit, I do laugh, because, illuminated by its coruscations, I cannot help it. But it seems that he perceived also some political coöperation and sympathy between us. The other day the Senator from New Hampshire rose up here and expressed his cordial approbation of the compromise doctrines of the Senator from Mississippi; the Senator from Mississippi had

said that the South had got all that they claimed by his compromise. The Senator from New Hampshire immediately closed hands with him, and said, "Yes, you have got all." The one sought to foment the North—the other to subject the South. After that exhibition of fraternal coöperation and sympathy, I should have supposed that the Senator from Mississippi would have been too proud of that harmony, to allow others to come within its sacred spell. Who praises the Union more than the Senator from Mississippi? Who praises it more than the Abolitionists? Why here is the Senator from Ohio, [Mr. CHASE,] who at the last session of Congress pronounced a eulogy on the Union worthy of the Senator from Mississippi himself. He said it was like the heavens above us—never to fall. He did not remind us, however, that from the heavens sometimes descend floods and tempests, which desolate the land. Here, too, with him, is the Senator from New York, [Mr. SEWARD,] with whom he dines; and the Senator from Massachusetts, [Mr. SUMNER;] and all the abolition Senators, who are ready with their eloquence to swell the hallelujahs of the Senator from Mississippi, to the Union. They know that the Union is their necessary instrument to overthrow slavery in the South. They go, too, with the Senator in his consolidation doctrines. They wish to enlarge the powers of this Government, to reach Southern slavery. As the whole Abolition political heresy sprung up from consolidation, of course they will most lovingly embrace the Senator with General Jackson's proclamation, as the great Democratic Abolition constitutional platform. The Senator especially brings to the notice of the Senate, an editorial in the *Union* newspaper, in which it is asserted, not only that General Jackson wrote the proclamation—every word of it—but that it is not to be adulterated by Mr. Blair's explanations. The Abolitionists want the thing just as it is, that they may, in the first place, have the power to assail slavery by the General Government; second, that when they assail it they may fire up their Northern adherents by declaring that it is the South which has got all it claims; and lastly, they want a Southern man who will swear the same thing. Thus consolidation, Northern aggression, and Southern submission move harmoniously together, and the Senator from Mississippi and the Abolitionists coöperate in the grand drama of African emancipation by the action of the General Government. They are co-patriots together, with this difference, however, that the Senator is by far the greatest patriot of them all. He will do more for the cause of abolition in one year than Garrison, Tappan & Co., can do in twenty. He said yesterday that he was for the Union at all hazards. Of course, then, he is for the Union, even with emancipation. There is an ally just of the kind these Abolitionists desire. Yet he accuses me of an affinity with Abolitionists, because I laugh, or have expressed the opinion that the fugitive slave law is unconstitutional. I think that this law is both unconstitutional and gives the Abolitionists advantages the Constitution does not bestow. If their own State authorities were bound to surrender up our fugitive slaves, as they are our fugitive criminals, in my opinion our facility for recovering our fugitive slaves would be greatly increased. But the Supreme Court has said otherwise; and I have said I bow to the decision of the Supreme Court. My opinion, therefore, is an abstraction: but is his consolidation policy an abstraction—or his desperate unionism—his compromise—his submission, abstractions? They are all instrumentalities in the straight road of practical Abolitionism. Yet he charges me with affinities and associations with Abolitionists—I who propose to resist and cut loose from them—and by laying before the people of the North the only form which can now destroy them, *the issue of the Union;* and should this fail, then to cast them out forever from all political association with us,—*he* charges *me* with the sympathy of Abolitionists!

The Senator from Mississippi [Mr. FOOTE] says, that if he was to attempt to declare for secession, as I have done upon the floor of the Senate, or to say or do anything which might overthrow the Government as it exists, whilst a Senator, his tongue would be paralyzed, his conscience would shrink back with horror in his bosom! And why is this, sir? Because he says it would be inconsistent, it seems, with his position as a Senator—a part of the Government; and inconsistent with his oath to support the Constitution. Now, in the first place, I do not think this has, heretofore, been the course of the Senator from Mississippi, [Mr. FOOTE.] Whenever he is very violent in impugning any course, only watch him a little while, and you will find that it is because he has practised it before himself. That is very much the case here. Did not the Senator but yesterday on this floor declare, that he got up both the Mississippi Convention and the Nashville Convention? Well, the Mississippi Convention, which proposed the Nashville Convention, put forth an address to the people of the Southern States. The *National Intelligencer* of this city, quoting the paragraph I shall read, denounced this address, as proposing another Hartford Convention—and a Southern Confederacy. And the Senator got up here, and in offering his Mississippi resolutions, and the address defends and supports them upon the floor of the Senate.

Mr. FOOTE. I declared that it was a Union document.

Mr. RHETT. I will read what this address says, and what he says, and then the Senate can decide what sort of Union document it is.

He read to the Senate the following words from the Address of the people of Mississippi to the people of the Southern States:

"Beside and beyond a popular convention of the Southern States, with a view and the hope of arresting the course of aggression, and if not practicable, then *to concentrate the South in will, understanding, and action*, the Convention of Mississippi suggested, as the possible ultimate resort, the call of the Legislatures of the assailed States of still more solemn conventions—such as should be regularly elected by the people of those States—to deliberate, speak, and act with all the sovereign power of the people. Should, in the result, such conventions be called and meet, they may lead to a like regularly constituted convention of all the assailed States, to provide in the last resort for their separate welfare, *by the formation of a compact of Union that will afford protection to their liberties and rights.* In such a crisis, in the language of Madison, 'one spirit will animate and conduct the whole.'"

Such are the words; and the Senator from Mississippi, not content to read them, undertakes to expound whilst indorsing them. He says:

"If, in these important points, the North should prove unwilling to do justice—which Heaven forbid—if the offensive enactments menaced (our exclusion from our Territories) shall be adopted, and the grievances already confessedly inflicted shall remain unredressed, then the Southern States will assemble in convention to consult for their own safety and welfare; and if justice shall still be withheld, after all pacific and constitutional expedients have been tried in vain, why then the Southern States may feel it to be their duty, forced upon them, *of seceding in the last resort from the Union.*"

There is secession advocated in the last resort; and nobody advocated it under any other terms. There is a Southern Confederacy proposed by the Mississippi Convention, and supported by that Senator, as a last resort; and nobody proposed it in any other contingency. It was a distinct declaration to this effect: deprive us of our Territories and give us no redress, and we will secede from the Union and set up a Southern Confederacy.

Mr. FOOTE. After all pacific and constitutional means had been resorted to in vain.

Mr. RHETT. I do not care what qualifications the Senator makes. They do not alter his position. He supported first the proposition, that in a certain contingency, most probable, and which did occur, there should be a Southern Congress, in which the Southern States should appear in their sovereign capacity, and should "*secede from the Union.*" Where was the Senator's oath and tongue when he laid this proposition before the Senate? He supported the further proposition, that the seceding States should form a Southern Confederacy. Are these measures not measures affecting the continuance of the Government, of which the Senator is a part as a Senator? But yesterday he was denouncing, in the vulgar slang of the day, those whom he termed fire-eaters. Why, I suspect at the time he laid the Mississippi address and resolution before the Senate—certainly a little before—he was considered both here and elsewhere as a chief amongst them. You know, sir, that he came here with a very self-complacent and triumphant air, (I was told, I was not here,) and announced to the Senate that on a Saturday morning next ensuing, the Union was to be dissolved. He then expressed none of those rhapsodies for the Union in which he now boasts. His tongue moved freely, and his bosom did not burst with horror. Even the Southern caucus, which assembled in this Chamber, was considered neither at the North nor the South to be a very decided expedient for upholding the Union. Yet the Senator claims the paternity of that, too. In fact, he is identified with every movement which threatened the Union before his compromise passed. Yet he now talks of his oath forbidding a Senator to do anything which may tend to overthrow the Government or the Union. Sir, I do not blame the Senator from Mississippi for the part he played in any of these movements. In my opinion he acted well—he did what was right. There was nothing that he said or did which in the least degree militated against his duty as a Senator. The duties of a Senator are not confined to the business or interests of this Government. He is not sent here merely to carry on and support this Government. Here the States are represented in their sovereign capacity. A Senator stands here a sort of ambassador, to superintend and carry out an agency, (the General Government,) which his State has in common with other States, established by a compact (the Constitution) for very limited purposes. Under these circumstances, my view of his duty is, that not only should he faithfully "support the Constitution," but, should it be perverted or violated by others, he is bound to inform his principal—the State he represents—of the wrong done to her. He is bound to do more: he should make it his duty to inquire and inform his principal, whether the integrity of the violated Constitution can be restored. He is bound to do more: if, in his opinion, the other parties to this constitutional compact will not obsere it, and it is better that his principal should renounce it, and separate from the other parties, he would be recreant to his duty, if he did not counsel a separation. That is my view of the matter. A consolidationist like the Senator from Mississippi, may, I admit, take a very different view of his duty. He may suppose the States not to be sovereign, but a sort of inferior corporations, and their Senators to be mere agents of the Federal Government—responsible morally and legally only to its authority. In this view it might be morally and legally wrong, after being sworn to support the Constitution, to act for the overthrow of the Government it establishes. But I am no consolidationist. My State is a sovereign—to whom alone I owe allegiance. I am her agent, and responsible to her, and bound to inform her and to counsel her in all matters affecting her interests or honor relative to this grand agency of hers, which belongs to her in common with the other States. Such is my view of the duty of a Senator. I shall act upon it, and observe it. My bosom is unwrung—my tongue is unparalized. Others may do as they please, but for me, I will defend the interest and honor of the State I represent, and counsel her to defend them in any way that I deem best calculated to protect them.

Mr. President, I will say no more. The Senator from Mississippi said a great deal more which I cannot approve. But the Senate, I fear, is as tired of me as it must be of him. Thankful to the Senate for the indulgence it has afforded me, I yield the floor to the Senator from Texas.

Mr. FOOTE. The Senator from Texas is kind enough to allow me to make a few remarks by way of personal explanation, and I will take advantage of his courtesy, promising that I shall detain the Senate but a few minutes. I must say that the honorable Senator from South Carolina dies quite hard, but die he must in this controversy. The gentleman says that I have had a great many personal controversies here, and was about to remark upon them at some length, but for the interposition of the Chair. I shall not refer to his conduct touching this rather delicate point further than to say, that I have had some controversies here which I should have been glad to have avoided. I may perchance have a few others, here and elsewhere. Life has been with me marked with obstacles and incitement to energetic action, and I have delighted in struggling to overcome the one and in yielding so far to the other, as to be ready to do any duty that time and circumstances might devolve upon me. I am not, I think, particularly

in the habit of assaulting any man's feelings unnecessarily and without provocation. Those who assault mine will always meet such requital as I may consider appropriate; with this special understanding, always, that he who takes offence at what I may deem it my duty to say, will always, on demanding it, receive such satisfaction as it may be in my power to afford.

The gentleman says that there are several respectable members of the other House who concur with him in the opinion that my attack on Mr. Calhoun on this floor, had the effect of hurrying him out of existence. I commend to the gentleman the legal maxim, "*Cui libet in sua arte credendum est.*" If these gentlemen are doctors or men of experience in such matters, if they are capable of deciding such a question as the one propounded, which I must say involves a vast variety of delicate and difficult considerations connected with the animal frame—the being called man—they are fairly entitled to settle the question, and I shall not complain of their decision; but I believe that Mr. Calhoun's regular physician here, Dr. Hall, (a very eminent man,) would decide the question exactly otherwise; for he told me some time before the lamented decease of this illustrious personage, that the disease under which Mr. Calhoun was laboring must inevitably consign him to the tomb in a short period of time. I have no painful or unpleasant feeling of any kind in reference to this matter. My conscience is absolutely clear in regard to it. Whatever opinion other gentlemen may entertain, their opinion will not prove in the least degree offensive to me, unless my intention or motives should be assailed; and the honorable Senator to whom I am now responding has admitted that no design is entertained of assailing my motives. I performed at that time a plain, but highly important public duty, under sage and patriotic counsels. I have never regretted the performance of that duty, but every day has given me fresh evidence of a nature to satisfy me thoroughly that my course was both judicious and necessary. The only unfortunate circumstance connected with it was, that it had to be performed by one of less weight of character perhaps than so grave an occasion required.

The gentleman from South Carolina says, that the late Senator from Missouri (Mr. Benton) expressed the opinion to him that my conduct towards Mr. Calhoun was unkind and illiberal. Well, sir, the relations between myself and that gentleman are such as to compel me, as a man setting up the least claim to magnanimity, to decline saying one word of unkindness or disrespect in relation to him. He shall have the full benefit of an entire exemption on this occasion from all cavil and criticism. It is said that Mr. Benton expressed the opinion to the gentleman at a private interview, when I was not present, that my conduct in his opinion had been extremely unkind, and that he (Mr. Benton) would not have practised any such conduct, under any circumstances. Well, sir, I am quite willing to leave it to the American public, and to the friends and fellow-citizens of the illustrious Carolinian, to decide whether the individual who enlisted in the defence of Mr. Calhoun's character, after his death, when all the Senate understood him to be most unkindly assailed, is to be presumed to have entertained sentiments of greater unkindness to him whilst living than did that assailant himself. I have not a word more to say on this point. Let it go for what it is worth.

The gentleman says that I ought to be the last man to call into question his friendship for Mr. Calhoun, since he and I concurred in supporting the distinguished Senator from Michigan for the Presidency in 1848, and concurred likewise in certain other measures mentioned by him. I did not say, that on account of the gentleman's support of the Senator from Michigan for the Presidency, and on account of his support of Mr. Polk's administration, I had taken it for granted that he desired to obtain the seat then occupied in this body by Mr. Calhoun. The grave suggestion which I made, yet remains unanswered. The rumor which I suggested as being of general prevalence remains yet undenied. I would ask the gentleman whether he did not express to several persons here, his desire that Mr. Calhoun should resign and run for the Presidency, intimating that he was entitled to succeed Mr. Calhoun in this body? I ask him further, if he did not from time to time repeatedly express his strong anxiety to take the place of Mr. Calhoun in this body? If he can declare, with his hand upon his heart, that these things are untrue, I shall not say another word upon the subject, and shall presume that the gentleman has suffered injustice from the tongue of rumor.

Mr. RHETT. Does the Senator from Mississippi refer to the resignation of Mr. Calhoun, and does he say that I counselled Mr. Calhoun to resign at that time?

Mr. FOOTE. I ask the gentleman whether he did not express a desire that Mr. Calhoun should resign, at first, and partly at least with a view of committing the Government to send one who was supposed to concur in the sentiments expressed by the Senator on this occasion, of hatred to the Government ever since 1833; and secondly, whether the Senator did not, from time to time, in various companies, express his desire that Mr. Calhoun should resign his place in the Senate; intimating that he had been long enough on the stage of public action, and that his place might well be filled by some other person?

Mr. RHETT. Mr. Calhoun resigned his seat without consulting me. He told me of it without asking my opinion as to it. I had nothing to do with his resignation. Further than that, I will say, that I never expressed a desire to a member of the Legislature or to any intimate friend, as far as I know, to come here in his place. On the contrary, standing in the position which he stood, I thought it exceedingly important to the South that he should not resign; and if he had consulted me about it, I would have counseled him to stay here, so long as there was danger threatening the South.

The PRESIDENT. The Chair is under the impression that this discussion does not apply to the question.

Mr. FOOTE. Well, I shall not press the matter. I had no idea of bringing forward proof to sustain my allegation. The gentleman ought to be thankful to me for having given him the opportunity which he has enjoyed of explaining a charge which might have operated somewhat detrimentally to his public reputation.

The gentleman also suggested something in regard to the presidential election. He ought not to have mentioned that matter at all. After the nomination of our candidate for the Presidency in 1848, the gentleman and myself were both residents of Georgetown, in the District of Columbia. I learned that a short time after these nominations were made, the Senator from South Carolina called them in question; and I took occasion, very publicly, but very courteously, to complain of his conduct as not being, in my opinion, sufficiently Democratic. And I told him that I had been so informed. He did not deny that such was the fact. He had criticized our candidate, and used, as I understood, very lukewarm terms of commendation—damning him with faint praise, to say the least of it.

Mr. RHETT. I hope the Senator will allow me to state my recollection of that matter.

The PRESIDENT. The Chair is very unwilling to interfere; but really Senators should know that this mode of discussion cannot be tolerated much longer.

Mr. BUTLER. I hope my colleague will be allowed, in justice, to proceed.

Mr. RHETT. There is not a man upon this floor who does not feel more mortified and more sensitive at the position which the Senator and myself occupy in this controversy than I do. But what can I do? I will tell the gentleman what occurred during the presidential campaign to which he refers. After General Taylor was nominated, and after General Cass had been nominated, I was at a party on the Heights of Georgetown, as the gentleman says. Mr. Robinson, Mr. Carter, and some other good Whigs came to talk about the presidential nominations; when I stated to them that, in my opinion, the Democratic nominations would be beaten, and that General Taylor would be elected. Mr. Robinson, I believe, told the Senator from Mississippi what I said. The next thing I heard of it was when I went to see the President of the United States (Mr. Polk) one morning. He said to me: "How is this? You said you would support General Cass and the Democratic nominations very clearly and very distinctly to me. Now Mr. Ritchie tells me, that Mr. Foote told him that he heard that you were against our nominations, and was going with the Whigs." "Why," said I, "sir, I never said so. On the contrary, I shall certainly support the Democratic nominations, as I told you before. I shall support Mr. Cass, and South Carolina will support him. All that I said was, that I believed we were about to be beaten; and the charge of Mr. Foote was totally ungrounded." I immediately came to the Senate, and asked the Senator if he had made that declaration. He told me that he drew that inference from what I had said. I told him that the inference was erroneous; and I told him further, that General Cass would receive my vote, and that he would receive the vote of the State of South Carolina. Oh, said the Senator from Mississippi, that is out of the question; Mr. Calhoun is against him, and he will never carry South Carolina. Then I said to him, Will you carry Mississippi for General Cass? Certainly, said he, by ten thousand majority. I then said to him, Now, you carry Mississippi, and don't trouble yourself about South Carolina; and I will carry South Carolina for General Cass. The result has shown whether I was right or wrong.

Mr. FOOTE. If the gentleman had known what peculiar difficulties we had to encounter in Mississippi; if he had known what peculiar Taylor-Cass speeches were made there, by persons who possessed a particular influence—which made me leave certain duties which I was performing here, for the purpose of counteracting movements elsewhere—he would perhaps have perceived that circumstances had occurred which I had no right to anticipate at the time of that conversation. These circumstances were of such a nature as even to justify some surprise that the State was not carried by some ten thousand majority against us. But a truce with that.

If when General Taylor was going to fight the Mexicans, he had declared that he was about to be beaten, instead of saying that he was prepared to whip the enemy, no matter what force was brought against him; if General Scott, on any of the battle-fields upon which he won so much glory, had declared to his men, "Let us advance and meet the enemy, but really I think we shall be badly whipt," I believe he would have been overcome in every battle. That was my opinion at that time; and I must say that I am not in the habit of hearing members of a political party, honestly zealous and devoted to the interest of that party, confessing in the presence of its adversaries that which would enable them to quote him—as I have heard the gentleman quoted—as asserting the feebleness of the ticket, and the utter impossibility of its success. I have never believed that the bright name of Mr. Calhoun and his powerfully expressed and maintained opinions have received any additional burnishing or solidity from that source.

The gentleman says that he is opposed to these measures of adjustment, because he is in favor of expansion. Let him read the letter of Mr. Burt, of South Carolina, in which he touches this point of expansion as a statesman and a philosopher. In that letter he shows that if South Carolina should secede, there would be an end to expansion; that slave owners could not carry their slaves beyond their borders without going into a new country; that they would lack the protecting influence of the Constitution of the United States, and that secession would coop up, cabin, and confine fatally, the system of slavery within the limits of South Carolina; and yet we hear an avowed secessionist declaring himself in favor of expansion. What sort of expansion would that be, when South Carolina could not carry slaves beyond her borders? I have nothing more to say about the idea of expansion, except to mention that a Governor of Mississippi mentioned this idea in a late message, and the people of Mississippi then accordingly expanded him into private life.

But the gentleman seems to think that I have more sympathy with the Abolitionists than he has. I shall not undertake to discuss this matter at length. I have this to say: that the gentleman has not yet made an explanation with regard to my statement that he and his particular party

agreed with the Abolitionists in Syracuse and Boston, in asserting the abstract right of secession. That is one point of agreement between them. They all agree as to the territorial government bills being entitled to an amendment—the one asking the Missouri compromise, and the other asking the Wilmot proviso. They agree again in asserting that the fugitive slave law is unconstitutional. They agree again in saying that the people of the North are right in opposing it. On these vital points they do agree, and agree also in being opposed to the measure which settled the Texas boundary question. There is the happiest harmony in the world between them. Now, let the gentleman suggest any such points of similitude between myself and these gentlemen; and when he does so, let him associate my name (if it is not too humble) with the name of some distinguished Abolitionist candidate for the presidential or vice-presidential honors, if he pleases.

Mr. RHETT. Does the Senator from Mississippi assert that at their Convention the Abolitionists maintained the right of secession?

Mr. FOOTE. At the Syracuse Convention they passed solemn resolutions asserting the abstract right of secession, and praising South Carolina. The gentleman does not seem to know what is going on around him. He ought to be thankful to me for giving him an opportunity of learning. We thus see what company he keeps. There is an old maxim, that you can know a man by his company. Another maxim requires a man to know himself; and if I have enabled the gentleman, by informing him of the company he keeps, to know himself, he ought certainly to be thankful to me. The gentleman says that there is more sympathy between myself and certain Abolitionist gentlemen than between them and himself. Well, it is not the sympathy of principle, nor the sympathy of action, if any sympathy at all. My votes are arrayed against these gentlemen. My principles are against them. The gentleman's opinions are theirs, as I have just now described, and their actions are the same. They were equally opposed to the compromise measures, and they are now equally in favor of agitation against them; and if they do not constitute one party hereafter, it is because they are so far distant in point of territorial space. If they did constitute one party, I would give the Senate my ticket for President and Vice President: it is the honorable Senator from New York [Mr. SEWARD] for President, and the honorable Senator from South Carolina [Mr. RHETT] for Vice President. A better agitation ticket could not be made.

But the gentleman from South Carolina says that I am a consolidationist; and how does he prove it? Because I eulogized General Jackson. I always did eulogize him. I am proud to do it; and I did say that I was in favor of the Proclamation of General Jackson, every part and parcel of it, except the part which I understood General Jackson himself, on due reflection, to object to. But it was his nullification message which I read yesterday and relied on. Every sentiment contained in that message I have always approved; and my friend to the right, the Hon. Mr. Freeman, knows that he and I read from Jackson's proclamation, his nullification message, and his Farewell Address, on the stump all over Mississippi, and our adversaries did not dare to do it. Those gentlemen dare not read such doctrines. The devil would as soon be found sitting on a fence, on a frosty morning, reading the Holy Scriptures, as those gentlemen would be found reading from Jackson's Proclamation, or his Nullification Message, or his Farewell Address. I am not ashamed to confess that I am a Jackson man. I always was. I agree with Jackson's views, as stated in his messages. If that makes me a consolidationist, I am a consolidationist; and I should not envy the man who is not in favor of this sort of consolidation; for it is the consolidation of Washington, who thought that the consolidation of the Union was a most capital thing.

The gentleman says that I have been unfortunate in the language I have used, as he has been, because I introduced to the Senate sometime ago the resolutions of the Mississippi Convention, and approved of them. Why, on every stump in the State of Mississippi—in every Union speech which I had the honor of making—in every Union speech which my friends had the honor of making, (and many of them made both masterly and eloquent speeches,)—we put ourselves on the ground of that October Convention; we referred to its address and resolutions with pride and pleasure. We declared among Union men, with the approbation of Union men—with the approbation of the members of the Convention and the President of that body—that those resolutions never looked to secession; but merely looked to such a disunion as might be forced upon us by a resolve to ruin the South. It was merely meant to say that revolution would be forced upon us by the adoption of the Wilmot proviso—by the abolition of slavery in the District of Columbia—by the abolition of slavery in the States, or by a continued withholding of our constitutional rights, which have now been secured by the fugitive slave bill, which the gentleman seems to consider unconstitutional. This, and other things which were mentioned, would be looked upon necessarily as evincive of such hostility on the part of the North to our institutions as would call upon us to some extent to take counsel together, to know what we were to do; and then, after exhausting all constitutional means of pacification, we would do the best we could if disunion were forced upon us. But certain it is, that we always wished to maintain the Union inviolate. We believed that the only safety for our domestic institutions in this world, is under the American flag—under the protection of this great Government. Let the Union be dissolved tomorrow, and the gentleman will find that the institution of slavery cannot be sustained as nobly as it has been sustained. I have done with that point.

The gentleman says I am responsible for the Southern meeting which was held here about three years ago. I am proud to acknowledge that I am in some degree responsible for that meeting. When the Southern representatives assembled on that occasion, there was not one word of treason uttered. There is not a word in the Southern Address which I do not stand by now. You, Mr. President, signed it. Is it a secession document. Certainly not. Is it a nullification document? Certainly not. We related our rights and made an appeal to our fellow-citizens—a calm, dignified, and masterly appeal—the object of which was to save the Union, by having a fraternal understanding with our brethren of the North. If I had thought it looked to disunion I would have hesitated long before I signed that document.

The gentleman has referred to a proceeding in the other House, which has been very often referred to, sometimes for the purpose of ridicule, and sometimes for the purpose of denunciation. I shall be very brief in my notice of it. I have no sensibility on the subject. I did state here that I feared serious proceedings would occur in the House of Representatives, and I deemed it my duty to state that such might be the case. A member of the House of Representatives, who is also now a member, informed me that a member from the North had assured him that a plan was on foot to vote Speaker Cobb out of the chair, in order to drag California in as a separate measure. That member declared, that in the event of any such movement taking place, he should look upon it as a revolutionary proceeding, and should act accordingly. He inquired of me what I thought of it. I told him that what he proposed to do was nothing but right. He asked me if I had a pistol. I told him that I had not one that would suit his purpose in case any contest of arms should arise. He then asked me what sort of one would suit. I recommended him to get a Colt's revolver. I said that if such a revolutionary proceeding as that was resorted to, after a solemn warning; if a contest of arms was to occur, we should save our constituents and fight it out here. I had a conversation with the venerable Senator from Kentucky [Mr. CLAY] upon that subject. This was at a time of great excitement. It was proposed to force California into the Union as a separate measure under circumstances very disrespectful, as I thought, to the South. Such being the case, I did fear that a bloody contest might occur somewhere, and that if it did occur anywhere we had better fight it out here, and be done with it. Under such circumstances I came into this body and urged some early action on the subject. As a Union man, as a man of peace, I urged some early action on these great questions. I wished them to be equitably settled, with a view of preventing such scenes from occurring. Was that an ostentatious exhibition of desire on my part to bring about such scenes? And if the gentleman from South Carolina would look back, perhaps he would find that that warning had more or less effect, not in the way of alarming, but in the way, to some extent, of opening the eyes of true patriots and philanthropists to the consequences likely to ensue if we did not settle these questions speedily. The Texas boundary question was then open. Speeches had been made upon it, which I denounced at the time—speeches which I thought calculated to incite the United States troops in Mexico to shed the blood of Texan citizens. There were men in Nashville, as Mr. Henderson has shown, who gave him the assurance that if Texas should hold the question unsettled, they would send a military force to aid her. A collision of arms was almost inevitable. Nothing, in my opinion, but the seasonable interposition of the President of the United States, in a message which has been so much censured by many, and coöperative action of others, who did a great deal more than has yet appeared in the public prints of the country, prevented that question from remaining unsettled. I am sure that without these influences, a collision of arms would have occurred that would have destroyed this Union. Such were the circumstances which surrounded it; and I deemed it my duty to work assiduously for the purpose of assuaging undue excitement, reconciling men who misunderstood each other, and bringing about the adoption of some judicious and equitable plan of settlement. I have deemed it my duty to endeavor, as far as I could, to prevent the successful operation of certain mischievous influences which I knew to be at work.

I have no further explanation to make. I must express myself as being profoundly obliged to the honorable Senator from Texas, who has permitted me on this occasion to defend myself. I must also thank the Senate for permitting me at this time thus to occupy its attention.

The Senate then adjourned.

THE COMPROMISE MEASURES.

SPEECH OF MR. DOUGLAS,

OF ILLINOIS,

IN THE SENATE, *December* 23, 1851,

On the Resolution declaring the Compromise Measures to be a definitive settlement of all the questions growing out of the subject of domestic slavery.

Mr. DOUGLAS said:

Mr. PRESIDENT: It is not my intention to go into an elaborate discussion of the measures known as the Compromise, nor of the resolution presented by the Senator from Mississippi, [Mr. FOOTE.] At the close of the long session which adopted those measures, I resolved never to make another speech upon the slavery question in the halls of Congress. I regard all discussion of that question here as unwise, mischievous, and out of place. Yet in the course of this debate certain points have been presented to the public view in connection with my course which require me briefly to respond; and if in doing so I am constrained to refer somewhat in detail to myself, my votes, speeches, and general course of conduct, I trust it will be attributed to no spirit of egotism on my part, but to the necessity imposed upon me by others to vindicate my action and character.

The Senator from Texas, [Mr. HOUSTON,] in the course of his speech, took occasion to say that he was the only Senator now holding a seat upon this floor who voted for all the measures of compromise. That may be so, for aught I know to the contrary. But the inference drawn from that remark, and the distinct idea conveyed by it, do great injustice to me, and perhaps to other Senators. I voted, sir, for all the measures of the compromise but one; and I undertake to say, in regard to that one, that it was well known to the Senate before the measure passed, and at the time it passed, and has been distinctly proclaimed to the country

since, that I would have voted for the fugitive slave law if I could have been in the Senate at the time, and that I was anxious to be here for the purpose of casting that vote. I say it was distinctly known, because I had so declared in debate prior to the passage of that act; because every Senator on both sides of the Chamber who conversed with me knew that I was friendly to the measure; and because when I returned home, before my own constituents, I assumed the responsibility of an affirmative vote upon the bill. Yet, sir, the imputation has been repeatedly made by implication on this floor, and in express terms by the partisan journals, that all those whose names are not recorded on the passage of the bill dodged the question! Whatever political sins I may at any time have committed, I think I may safely assert that no Senator ever doubted my willingness to assume the full measure of responsibility resulting from my official position. The dodging of votes—the attempt to avoid responsibility—is no part of my system of political tactics. And yet, sir, the special organ of the Administration has on several occasions accused me, in connection with the distinguished Senator from Michigan, with having dodged the vote on this bill.

In order to put this accusation to rest, once for all, now and forever, I have concluded to give a detailed account of the circumstances which occasioned my absence at the time the bill passed, although it may subject me to the mortification of exposing my private and pecuniary affairs to the public view. I had a pecuniary obligation, maturing in New York, for near four thousand dollars, in payment of property which I had purchased in Chicago. Apprehending that my public duties with reference to these very compromise questions might render it improper to leave the city when the day of payment arrived, I made an arrangement with Mr. Maury, president of the Bank of the Metropolis, to arrange the matter for me temporarily until my official duties would enable me to give it my personal attention. Feeling entirely secure under this arrangement, I thought no more of it until, on the day the debt became due, I received a note from Mr. Maury expressing his deep regret and mortification that, in consequence of the unexpected absence of a majority of the directors of his bank on that day, he was unable to carry out the arrangement. I thus found myself suddenly placed in the position in which I was compelled to go to New York instantly, or to suffer my note to be protested, and the commercial credit of my indorser to be greatly impaired. I immediately passed around the Chamber, and inquired of several Senators on each side friendly to the fugitive bill whether I could venture to be absent three or four days for the purpose of attending to this item of business, and I received from them the uniform answer that the discussion would continue at least a week, and probably two weeks longer, before the voting could begin. Relying implicitly upon this assurance, I went from the Senate Chamber directly to the cars, and, riding all night, arrived in New York the next day. Meeting several Illinois friends there, I was enabled to meet the obligation, and avoid a protest during the three days' grace allowed me by law. While dining with these friends at the Astor House on the day I had concluded my business, one of them alluded to the fact that the fugitive bill had been ordered to be engrossed for a third reading in the Senate. I expressed my surprise, and doubted the correctness of the statement. He then showed me the paper containing the telegraphic announcement, when I immediately rose from the table, and told my friends that I must leave for Washington that afternoon, in order to be able to *vote for the bill on its final passage* the next day. I will take the liberty of mentioning the names of some of the gentlemen to whom this announcement was made. Among them was Judge Dickey, of the northern circuit of Illinois; Mr. McElroy, the district attorney; Mr. Cook, the sheriff of Cook county; and, I believe, Mr. Gurnee, the present mayor of the city of Chicago, and several others of the most respectable citizens of my State. I left New York in the five o'clock train that afternoon, and, after riding all night, on my arrival here the next day, I found that the final vote had been taken the day previous. I immediately consulted with my colleague, now present, [Mr. SHIELDS,] who authorizes me to say that he distinctly recollects the conversation in which I expressed my deep regret that I could not have arrived here in time to vote for the bill, and that I intended then to ask of the Senate permission to explain the causes of my absence; in reply to which my colleague suggested that such an explanation would be entirely unnecessary, for the reason that it was well known to the Senate and the country that I was in favor of the bill, and for the further reason that in all probability the bill would undergo some amendment in the House of Representatives, which would require it to be returned to the Senate for concurrence, when I would have an opportunity not only of speaking but of voting for the bill. I acquiesced in this suggestion of my colleague, and for that reason made no explanation at that time. A few days afterwards, as you well know, (Mr. SHIELDS being in the chair,) and as many other Senators may recollect, I was taken ill, and rendered incapable of being in the Senate but a few times during the residue of the session. I was confined to my bed for several weeks, extending beyond the adjournment, having been rendered a cripple by a surgical operation on one hip. So soon as I was able to be removed, I was taken home under the care and kind attention of one of my colleagues of the House of Representatives. Everywhere on my route I found the most boisterous and determined opposition to the fugitive law; but nowhere was the excitement so fierce and terrific as at Chicago, where I had recently taken up my residence. There the press and the pulpit had joined in the work of misrepresentation and denunciation. A spirit of determined resistance had been incited, and seemed to pervade the whole community. The common council of the city, in its official capacity, had passed resolutions denouncing the fugitive slave law as a violation of the law of God and the Constitution of the United States—calling upon the police of the city to disregard it, and the citizens not to obey it. The next night a meeting of two thousand people assembled; and in that meeting, in the midst of the most terrific applause, it was determined to defy "death, the dungeon, and the grave," in resistance to the execution of the law. I walked into that meeting; and from the stand gave notice that on the next night I would appear there and defend every measure of the Compromise, and especially the fugitive slave law, from each and every objection urged to it; and I called upon the entire people of the city to come and hear me. I told that body of men there assembled, in the face of their denunciations and of their threats, that I was right and they were wrong; and if they would come and hear me, I would prove it to them.

The next night, in the presence of four thousand people, in that immense hall, with the city council and the abolitionists occupying positions in front of the stand, which was partially surrounded in the rear by a large body of armed negroes, including many fugitive slaves, I stood, and made the speech which I now hold in my hand, and which I caused to be laid upon the table of every Senator and of every Representative at the opening of the last session of Congress. In that speech, if any Senator will take the trouble to read it, he will find that I assumed the responsibility of an affirmative vote on the passage of the law, and made the same explanation of the causes of my absence that I have given to-day, and called upon the gentlemen whose names I have stated to the Senate as having been in New York with me when the vote was taken, and who were in the meeting when the Chicago speech was made, to confirm my statement in regard to my absence, and my wish at that time to vote for the law. You will also find in that speech that I vindicate the law in respect to both its constitutionality and necessity; that I defend it as a whole, and in all its parts; that I answer every objection that has ever been urged against it. The objections relating to the right of trial by jury, to the writ of *habeas corpus*, to records from other States, to the fees of the commissioners, to the pains and penalties, to the "higher law"—every objection which the ingenuity and fanaticism of abolitionism could invent, was fully and conclusively answered in that speech—at least to the satisfaction of that vast assemblage of people. I am extremely reluctant to speak of the effect of my own speeches; but it is a part of the history of that transaction that the meeting, comprising three fourths of all the legal voters of the city, a majority of whom had the night previously pledged themselves to open and violent resistance, after the speech was concluded, *unanimously adopted a series of resolutions in favor of sustaining and carrying into effect every provision of the Constitution and laws in respect to the surrender of fugitive slaves.* The resolutions were written and submitted to the meeting by myself, and cover the entire ground. I will only detain the Senate while I read one or two of them, and refer to the pamphlet copy of the speech for the whole series:

"*Resolved*, That so long as the Constitution of the United States provides that all persons held to service or labor in one State escaping into another State 'SHALL BE DELIVERED UP on the claim of the party to whom the service or labor may be due,' and so long as members of Congress are required to take an oath to support the Constitution, it is their solemn and religious duty to pass all laws necessary to carry that provision of the Constitution into effect.

"*Resolved*, That we will stand or fall by the American Union and its Constitution, with all its compromises, with its glorious memories of the past and precious hopes of the future."

The city council having nullified the law, and denounced me and all other supporters of it as traitors, Benedict Arnolds, and Judas Iscariots, Mr. Morris offered the following resolution, which was also adopted:

"*Resolved*, That we, the people of Chicago, repudiate the resolutions passed by the Common Council of Chicago upon the subject of the fugitive slave law passed by Congress at its last session."

It only remains for me to state that the same city council assembled on the next night, and repealed their nullifying resolutions by a vote of twelve to one.

Now, Mr. President, I have given you a detailed account of my course in relation to the fugitive law. I have no comments to make upon it. I submit the facts, and leave the Senate and country to draw their own conclusions. These facts are not now submitted for the first time. They are contained in the pamphlet copy of the Chicago speech, which I hold in my hand, and which, I repeat, was laid on the table of every Senator and Representative more than a year ago, and fifty thousand copies were distributed by Senators and Representatives to every portion of the Union. I may also be permitted to add that, so far as my knowledge or belief extends, this was the first published speech ever made in a free State in defence of the fugitive law, and the Chicago meeting was the first public assemblage in any free State that determined to support and sustain it. At Chicago the reaction commenced. There rebellion and treason received their first check; the fanatical and revolutionary spirit was rebuked, and the supremacy of the Constitution and laws asserted and maintained. I claim no credit for the part I acted. I did no more than my duty as a citizen and a Senator. I claim to have done my duty, and for that I was entitled to exemption from the repeated charges by the special organ of the Administration, and other partisan prints, of having dodged the question. I never dodge a question. I never shrink from any responsibility which my position and duty justly devolve upon me. I never hesitate to give an unpopular vote, or to meet an indignant community, when I know I am right. My political opponents in my own State have never made such a charge against me, and I feel that upon this point I can appeal to the Senate with perfect safety for a unanimous verdict in my favor.

Mr. President, while I am engaged in the work of self-defence, I will refer to one other point. I have recently seen it stated in several papers that at some time, and on some occasion, I had been the advocate and supporter of the Wilmot proviso. This charge, upon investigation, will be found to be as unjust and as unfounded as that in regard to the fugitive law. In order to put the question to rest and beyond dispute forever, I will take a brief review of my course on the whole slavery agitation, and show clearly and distinctly the principles by which my action upon the subject has always been governed. It is no part of my purpose on the present occasion to vindicate the correctness of my views and principles, but simply to show what they are, and what my official acts have been, in

order that the public may judge for themselves. I have always opposed the introduction of the subject of slavery into the halls of Congress for any purpose—either for discussion or action—except a the cases specified and enjoined by the Constitution of the United States, as in the case of the reclamation of fugitives from labor. The first important vote I ever gave in the House of Representatives was in favor of the rule excluding abolition petitions, and my vote stands recorded against its repeal at the time it was abolished. My action here since I have been a member of the Senate has been governed by the same principle. Whenever the slavery agitation has been forced upon us, I have always met it fairly, directly, and fearlessly, and endeavored to apply the proper remedy. Whether the remedy proposed by me has always been the wisest and most appropriate is a fair subject of discussion, and will doubtless give rise to a wide diversity of opinion. When the stormy agitation arose in connection with the annexation of Texas, I originated and first brought forward the Missouri Compromise as applicable to that Territory, and had the gratification to see it incorporated in the bill which annexed Texas to the United States. I did not deem it a matter of much moment as applicable to Texas alone; but I did conceive it to be of vast importance in view of the probable acquisition of New Mexico and California. My preference for the Missouri Compromise was predicated on the assumption that the whole people of the United States would be more easily reconciled to that measure than to any other mode of adjustment; and this assumption rested upon the fact that the Missouri Compromise had been the means of an amicable settlement of a fearful controversy in 1821, which had been acquiesced in cheerfully and cordially by the people for more than a quarter of a century, and which all parties and sections of the Union professed to respect and cherish as a fair, just, and honorable adjustment. I could discover no reason for the application of the Missouri line to all the territory owned by the United States in 1821 that would not apply with equal force to its extension to the Rio Grande and also to the Pacific, so soon as we should acquire the country. In accordance with these views, I brought forward the Missouri Compromise at the session of 1844-'5 as applicable to Texas, and had the satisfaction to see it adopted. Subsequently, after the war with Mexico had commenced, and when, in August, 1846, Mr. Wilmot first introduced his proviso, I proposed to extend the Missouri Compromise to the Pacific as a substitute for the Wilmot proviso. When the proviso was voted into the two-million bill in opposition to my vote, I voted against the bill—which I would otherwise have supported—because the proviso was there. Again, in 1847, when the proviso was voted into the three-million bill, I voted against the bill for the same reason. The next time I had the opportunity of voting on the proviso was in the spring of 1848, in the Senate, pending the ratification of the treaty of peace with Mexico, when it was offered as an amendment to the treaty, I believe by a Senator from Connecticut, now not a member of this body. The record shows that I here again voted against the proviso. This was the last vote ever taken on the Wilmot proviso—the last that ever could be taken upon it as applicable to the country acquired from Mexico, for the reason that by this treaty we acquired the country without any such condition as that proposed by Mr. Wilmot. It should be borne in mind that the Wilmot proviso not only proposed to prohibit slavery in the Territories while they remained Territories, but also went further, and proposed to insert a stipulation in the treaty with a foreign Power pledging the faith of the nation that slavery should never exist in the country acquired, either while it remained in the condition of Territories, or after it should have been admitted into the Union as States on an equal footing with the original States. I denounced this proviso as being unwise, improper, and unconstitutional; I never voted for it, and publicly declared that I never would vote for it, even under the pressure of instructions. The Wilmot proviso being thus disposed of forever, and California and New Mexico having been acquired without any condition or stipulation in respect to slavery, the question arose as to what kind of territorial governments should be established for those countries. A domestic affliction suddenly called me from the capital, and detained me several weeks. On my return I found pending before the Senate the measure known as the Clayton bill. Its provisions were not such as I would have proposed as chairman of the Territorial Committee had I been present. Yet it had the high merit of having been reported with great unanimity by a special committee of the most eminent and distinguished members of the Senate, fairly representing all the different sections and interests of the Union. This fact afforded reason for the hope that the bill might receive the sanction of both Houses of Congress, and thus put an end to the controversy. Under the influence of these considerations, the bill received my cordial support, and passed the Senate by an overwhelming majority, but was promptly rejected in the House of Representatives. The controversy being reopened with increased violence, and my position at the head of the Territorial Committee requiring me to take the initiative in some plan of fair and just settlement. I brought forward my original proposition to extend the Missouri Compromise to the Pacific in the same sense and with the same understanding with which it was originally adopted. This proposition met the approbation of the Senate, and passed this body by a large majority, but was instantly rejected in the House of Representatives by a still larger majority. The day of adjournment having arrived, no further efforts were made to adjust the difficulty during that session. At the opening of the next session, upon consultation with the friends of the measure, it was generally conceded—with, perhaps, here and there an individual exception—that there was no hope left for the Missouri Compromise, and consequently some other plan of adjustment must be devised. I was reluctant to give up the Missouri Compromise, having been the first to bring it forward, and having struggled for it in both Houses of Congress for about five years. But public duty demanded that all considerations of pride of character and of opinion should be made subservient to the public peace and tranquillity. I gave it up—reluctantly, to be sure—and conceived the idea of a bill to admit California as a State, leaving the people to form a constitution and settle the question of slavery afterwards to suit themselves. I submitted this bill to the then President of the United States, [Mr. Polk,] and have the satisfaction of stating that it received his sanction, and was introduced by me with his approbation. The great argument in favor of this bill was, that it recognized the right of the people to determine all questions relating to their domestic concerns in their own way, and authorized them to do so uninfluenced by Executive dictation, or by the apprehension that, unless they decided the slavery question in a particular way, the application for admission would be rejected by Congress. I do not indorse, and never did sanction, the charge against the late Administration of having used improper means, or any means, to influence the decision of the people of California upon this question; but I do say, that had this bill become the law of the land no such charge would ever have been made or suspicion entertained. The great misfortune is, that a large portion of the South really believe that improper influences were used to produce the result in California. They do not deny the right of the people of California to make that decision; but they insist that the right should have been exercised freely, and uninfluenced by any act of the agents of the Administration, or of the apprehension of an adverse decision by Congress in the event that they had decided the slavery question otherwise. But, Mr. President, the Judiciary Committee reported against and the Senate refused to pass my bill to admit California as a State, leaving the question of slavery open to be decided afterwards by the people, and thus cut off all hope of adjustment in that mode. According to my recollection, the next important measure which promised the slightest hope of giving peace to the country was the proposition of the Senator from Wisconsin, which is usually known as the "Walker amendment." All other plans having failed, as a last hope I came warmly into the support of that proposition, and struggled for its adoption through that terrible night session, as many Senators will recollect.

This brief history brings us down to the commencement of that memorable long session when the late compromise measures were adopted. Mr. President, I may be permitted here to pause and remark, that during the period of five years that I was laboring for the adoption of the Missouri Compromise, my votes on the Oregon question, and upon all incidental questions touching slavery, were given with reference to a settlement on that basis, and are consistent with it. If, therefore, any gentleman has the curiosity or wish to understand the meaning of any or all the votes I had occasion to give during that period on this question, he has only to bear in mind the Missouri Compromise, and then observe the perfect harmony between each vote and that measure.

Now, sir, I approach the history of the compromise measures. My account will be brief and easily understood. Having again been placed by the Senate at the head of the Territorial Committee, it became my duty to prepare and submit some plan of adjustment. Early in December, within the first two or three weeks of the session, I wrote, and laid before my committee for their examination and approval, two bills—one for the admission of California into the Union, and the other containing three distinct measures: first, for the establishment of a territorial government for Utah; second, for the establishment of a territorial government for New Mexico; and, third, for the settlement of the Texas boundary. These bills remained before the Committee on Territories from the month of December until the 25th of March before I could obtain the consent of the committee to report them. On that day I reported those bills, each member of the committee reserving the right to oppose any portion of them his judgment should disapprove of, and I being the only member who was responsible for all the provisions of those two bills. Those bills were on my motion ordered to be printed, and laid on the table of each member of both Houses of Congress. These printed bills having laid on your table about four weeks, the Senate, on motion of Mr. FOOTE, appointed a committee of thirteen, with the distinguished Senator from Kentucky [Mr. CLAY] at its head. That committee took my two printed bills, joined them together with a wafer, and reported them to the Senate as one bill—which is well known to the country as the "*omnibus bill.*" If any gentleman has the curiosity to investigate this matter, he can walk to the Secretary's table and inspect the original omnibus bill. He will find that it consists of two printed bills with a wafer between them, and a black line drawn through the words "Mr. DOUGLAS, from the Committee on Territories," and in lieu of them are inserted these other words: "Mr. CLAY, from the Committee of Thirteen," reported the following bill. The committee had also made some slight and comparatively unimportant amendments, nearly all of which were disagreed to by the Senate. The Committee of Thirteen, therefore, did not originate or write any one measure contained in the omnibus. They availed themselves of the labors of the Committee on Territories, and their distinguished chairman did us the justice so to state at the time he reported the bill. The Committee of Thirteen put a wafer between our bills, and the Senate took out the wafer and passed them separately. I supported the omnibus as a joint measure. I also supported each measure separately. I had no pride of opinion that the bills should be passed in the precise form I had reported them. I desired to see the controversy terminated, and was willing to take the measures jointly or separately, or in any form in which they could pass both Houses of Congress. I reported them separately because I had ascertained the fact from actual count that they could pass separately and could never pass jointly.

Mr. President, I claim no credit for having originated and proposed the measures contained in the omnibus. There was no peculiar or remarkable feature in them. They were merely ordinary measures of legislation, well adapted to the circumstances, and their sole merit consisted in the fact that separately they could pass both Houses of Congress. Being responsible for these bills, as they came from the hands of the Committee on Territories, I wish to call the attention of the Senate and of the country to the fact that they contained no prohibition of slavery—no provision

upon the subject. And now I come to the main point, which explains the object of the detailed statement which I have just made. The Legislature of Illinois, by a combination of every Whig in eacn House with a few Free-Soil Democrats, had passed a resolution instructing me to vote for a bill for the government of the territory acquired from Mexico which should contain an express prohibition of slavery in said territory. The instruction did not go to the extent of the Wilmot proviso, by attempting to prohibit slavery in the States as well as the Territories, but the movers of it contented themselves with the provision that slavery should be prohibited in the Territories while they remained such, leaving the people to do as they pleased when they became a State. Yet the instruction was designed and deemed sufficient to compel me to resign my seat and give place to a Free-Soiler, for there could have been no expectation of their electing a Whig. They knew my inflexible opposition to the principle asserted in the instruction, at the same time that they knew that the right of instruction was the settled doctrine of both parties in my State, which no man could repudiate with safety. Knowing that this combination of Whigs and Free-Soilers flattered themselves that they had succeeded in a party trick which would drive me from the Senate and give place to a Free-Soiler who would come here and carry out abolition doctrines, I confess that they would have succeeded in their plot had I been certain that all the measures of the compromise could have passed without my vote and in opposition to the vote of an abolitionist in my place. Notwithstanding these instructions, I wrote the bills and reported them from the Committee on Territories without the prohibitions, in order that the record might show what my opinions were; but, lest the trick might fail, a Free-Soil Senator offered an amendment in the precise language of my instructions. I knew that the amendment could not prevail, even if my colleague and myself recorded the vote of our State in its favor. But if I resigned my place to an abolitionist, it was almost certain that the bills would fail on their passage. After consulting with my colleague and with many Senators friendly to the bills, I came to the conclusion that duty required that I should retain my seat. I was prepared to fight and defy abolitionism in all its forms, but I was not willing to repudiate the settled doctrine of my State in regard to the right of instruction. Before the vote was taken, I made a speech reviewing my course on the slavery question, and defining my position. I denounced the doctrine of the amendment, declared my unalterable opposition to it, and gave notice that any vote which might be recorded in my name seemingly in its favor would be the vote of those who gave the instructions, and not my own. Under this protest, I recorded a vote for this and one or two other amendments embracing the same principle, and then renewed my protest against them, and gave notice that I should not hold myself responsible for them. Immediately on my return home to my constituents, and in that same Chicago speech to which I have referred, I renewed my protest against those votes, and repeated the notice to that excited and infuriated meeting, that they were their votes and not mine. I will detain the Senate a moment while I read a passage from that speech. Speaking of the territorial bills, I say:

"These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way. It was supposed that those of our fellow-citizens who emigrated to the shores of the Pacific and to our other Territories were as capable of self-government as their neighbors and kindred whom they left behind them; and there was no reason for believing that they have lost any of their intelligence or patriotism by the wayside, while crossing the isthmus or the plains. It was also believed that after their arrival in the country, when they had become familiar with its topography, climate, productions, and resources, and had connected their destiny with it, they were fully as competent to judge for themselves what kind of laws and institutions were best adapted to their condition and interests as we were who never saw the country and knew very little about it. To question their competency to do this was to deny their capacity for self-government. If they have the requisite intelligence and honesty to be intrusted with the enactment of laws for the government of white men, I know of no reason why they should not be deemed competent to legislate for the negro. If they are sufficiently enlightened to make laws for the protection of life, liberty, and property, of morals and education—to determine the relation of husband and wife, of parent and child—I am not aware that it requires any higher degree of civilization to regulate the affairs of master and servant. These things are all confided by the Constitution to each State to decide for itself, and I know of no reason why the same principle should not be extended to the Territories. My votes and acts have been in accordance with these views in all cases, except the instances in which I voted under your instructions. Those were your votes, and not mine. *I entered my protest against them at the time—before and after they were recorded*—AND SHALL NEVER HOLD MYSELF RESPONSIBLE FOR THEM."

This speech was immediately printed, and circulated all over the State. I at the same time traveled over a good portion of the States, and made many speeches of the same tenor, the last of which was made in the capital of our State. A few weeks afterwards, the Legislature assembled, and one of their first acts was to repeal the resolutions of instructions to which I have referred, and to pass resolutions approving of the course of my colleague and myself on the compromise measures, by a vote of three or four to one. From that day Illinois has stood firm and unwavering in support of the compromise measures and of all the compromises of the Constitution.

Now, Mr. President, I have done with these explanations, and I trust forever. If I have said anything which savors of egotism, I know the Senate will pardon me, and at the same time sympathize in the necessity which has imposed it upon me. If I had omitted all that was personal to myself, my defence would have been incomplete and unsatisfactory. I could not have done less and have done justice to myself and to those who are connected with me. In view of all the facts, I submit the question, whether the charge or insinuation that I was at any time favorable to the Wilmot proviso was and is not grossly ungenerous and unjust? I am willing to be held responsible for all my acts; but I wish to be judged by my acts and not by malicious misrepresentations of them. I do not claim to be infallible. I may have committed many errors, and doubtless have; but when I am convinced of them, I will acknowledge them like a man, and promptly correct them. I wish to avoid no responsibility. I do not belong to that school of politicians.

In taking leave of this subject, I wish to state that I have determined never to make another speech upon the slavery question; and I will now add the hope that the necessity for it will never exist. I am heartily tired of the controversy, and I know the country is disgusted with it. In regard to the resolutions of the Senator from Mississippi, I will be pardoned for saying that I much doubt the wisdom and expediency of their introduction. The whole country is acquiescing in the compromise measures—everywhere, North and South. Nobody proposes to repeal or disturb them. True, everybody was not for them originally, nor would they be so now were it an open and original question. But since they have been adopted, and time has been given for a little cool reflection, everybody seems to be disposed to treat them as a final settlement of an unprofitable controversy. So long as our opponents do not agitate for repeal or modification, why should we agitate for any purpose? We claim that the compromise is a final settlement. Is a final settlement open to discussion, and agitation, and controversy, by its friends? What manner of settlement is that which does not settle the difficulty and quiet the dispute? Are not the friends of the compromise becoming the agitators, and will not the country hold us responsible for that which we condemn and denounce in the Abolitionists and Free-Soilers? These are matters worthy of our consideration. Those who preach peace should not be the first to commence and reopen an old quarrel. Besides, what good can the passage of these resolutions accomplish? Will they add any new force or validity to the compromise measures? They are already the law of the land, and must forever remain so, unless repealed. Would it not be wiser, therefore, for all the friends of these measures to remain silent, and wait for the Abolitionists to redeem their pledges to bring forward their proposition to repeal the fugitive law? When such a proposition shall be brought in, let some Senator from the North rise—and if no one else does it I will—and state that the country regards the compromise as a final settlement; that a final settlement is not open to discussion, and, therefore, move to lay the proposition on the table. My word for it, any proposition to repeal or disturb the compromise would be laid on the table by a vote of five to one. A motion to repeal the fugitive law would be voted down by a vote of five to one of the Northern men, without counting a Southern vote. Let such a test be made, and the moral effect will be a thousand-fold greater than the passage of any series of resolutions. I believe the course I indicate to be the true interest of the friends of the compromise. Besides, any attempt to keep up the agitation and an organization on the basis of the compromise after its opponents have abandoned their active opposition and consented to acquiesce in it, although they do not approve of it, will be looked upon as a political movement for ambitious purposes. I desire to see both the great parties acquiesce in the compromise as a final settlement, but I do not wish to have a new party organized on the basis of that measure. The Democratic party is as good a Union party as I want, and I wish it to preserve its principles and its organization, and to triumph upon its old issues. I desire no new tests—no interpolations into the old creed. If the compromise is to be made the test of faith, the two parties will, of course, be composed of the friends and opponents of that measure in battle array against each other, and the slavery question must of necessity continue the sole topic of discussion and controversy. That is the very thing which we wish to avoid, and which it was the object of the compromise to prevent. I would therefore say to the friends of those measures, Let us cease agitating, stop the debate, and drop the subject. If we do this, the compromise will be recognized as a final settlement; if we do not, we have gained but little by its adoption. These are my views upon the subject, expressed with great deference to the opinions of others, but with the firmest conviction of their correctness.

Report of the Secretary of the Treasury.

TREASURY DEPARTMENT,
December 26, 1851.

The Secretary of the Treasury reports:

RECEIPTS AND EXPENDITURES.

The receipts for the fiscal year ending June 30, 1851, were:

From customs		$49,017,567 92
From public lands		2,352,305 30
From miscellaneous sources		943,106 65
		52,312,979 87
Add balance in the Treasury July 1, 1850		6,604,544 49
Total means		58,917,524 36
The expenditures for the same fiscal year were		48,005,878 68
Leaving a balance in the Treasury July 1, 1851, of		$10,911,645 68

(As appears in detail by accompanying statement A.)

ESTIMATES.

The estimated receipts and expenditures for the fiscal year ending June 30, 1852, are:

Receipts from customs, 1st quarter, by actual returns	$14,754,909 34	
Receipts from customs, 2d, 3d, and 4th quarters, as estimated	34,245,090 66	
		49,000,000 00
Receipts from lands		2,100,000 00
Receipts from miscel. sources		400,000 00
		51,500,000 00
Add balance in the Treasury July 1, 1851		10,911,645 68
Total means		$62,411,645 68

EXPENDITURES, VIZ:

The actual expenditures for the quarter ending September 30, 1851, were	$10,937,586 31

(As appears by accompanying statement B.)

The estimated expenditures during the other 3 quarters, from 1st of October, 1851, to June 30, 1852, are:		
Civil list, foreign intercourse, and miscellaneous...	12,380,980 75	
Expenses of collecting the revenue from customs.....	1,500,000 00	
Expenses of collecting the revenue from lands	137,409 88	
Army proper, &c.	6,308,042 88	
Fortifications, ordnance, arming militia, &c.....	1,675,979 02	
Internal improvements, &c.....	167,457 43	
Indian department	2,631,647 18	
Pensions.....	1,661,503 15	
Naval establishment, including dry docks and ocean steam-mail contracts..	7,659,129 50	
Interest on the public debt....	4,003,690 70	
Purchase of stock of the loan of 1847.....	1,889,475 79	
		50,952,902 59
Leaving an estimated balance in the Treasury, July 1, 1852, of		11,458,743 09
The estimated receipts for the fiscal year, commencing July 1, 1852, and ending June 30, 1853, are:		
From customs.....		49,000,000 00
From public lands.....		2,500,000 00
From miscellaneous sources.....		300,000 00
Total estimated receipts.....		51,800,000 00
Add estimated balance in the Treasury July 1, 1852.....		11,458,743 09
Total means as estimated.....		$63,258,743 09

The expenditures for the same period, as estimated by the several Departments—of State, Treasury, Interior, War, and Navy, and Postmaster General, are:

Balances of former appropriations which will be required to be expended this year.....	$3,742,214 69
Permanent and indefinite appropriations.....	9,892,550 84
Specific appropriations asked for this year.....	29,257,533 66
	$42,892,299 19

This sum is composed of the following particulars, viz:

Civil list, foreign intercourse, and miscellaneous...	$9,923,952 69
Expenses of collecting revenue from customs..	2,000,000 00
Expenses of collecting revenue from lands.....	184,620 00
Army proper, &c.	8,571,068 06
Fortifications, ordnance, arming, militia, &c.....	1,799,078 00
Internal improvements, &c.....	1,494,603 81
Indian department	1,206,530 32
Pensions.....	2,433,771 97
Naval establishment, including dry-docks and ocean steam-mail contracts..	10,473,983 64
Interest on public debt.....	3,879,690 70
Purchase of stock of the loan of 1847.....	925,000 00
	$42,892,299 19

Leaving an estimated balance in the Treasury, July 1, 1853, of. $20,366,443 90

The total receipts from all sources for the last fiscal year amounted to $52,312,979 87, which, with the balance in the Treasury on the first of July, 1850, of $6,604,544 49, gave, as the total available means for the year ending 30th June last, the sum of $58,917,524 36; of this amount $49,017,567 92 were received from customs.

The receipts for the quarter ending 30th September last were $15,561,511 83, of which sum $14,754,909 34 were from customs; for the corresponding quarter of the previous year the customs yielded the gross sum of $14,764,043 05. It is presumed that the receipts for the three remaining quarters of the current fiscal year will not exceed those of the corresponding quarters of the last year, and hence the receipts from that source have been estimated at $49,000,000.

The estimated total receipts for the current fiscal year amount to $51,500,000. The total expenditures are estimated at $50,952,902 59. Total receipts for the next fiscal year are estimated at $51,800,000.

In order to present the various objects of expenditure to Congress in the most distinct manner possible, I have caused the estimates for the next fiscal year to be prepared with such view, and therefore the amounts required for the usual and long-established wants of the Government have been separated from such as are deemed necessary for the protection and welfare of our newly-acquired Territories, and demanded in the fulfillment of our obligations, express or implied, in connection therewith.

It need scarcely be stated that a large proportion of the increased expenditures of the Government in times of profound peace are consequent upon the acquisition of our new Territories. The estimates for those Territories, in addition to the otherwise ordinary wants of the Government, are deemed essential to their well-being, and are submitted with the hope that Congress will pursue a liberal course of policy towards that younger and weaker portion of our country; as it cannot be doubted that when a permanent population shall possess them, and consequent advancement in all the elements of civilization shall be realized, they will amply repay present expenditures by permanent and powerful augmentation of the national wealth.

The expenditures for the ordinary wants of the Government for the next fiscal year are estimated at $33,343,219 07, as will appear in the detail of estimates already transmitted to Congress.

Those submitted as required by our new Territories, and in the fulfillment of our obligations consequent upon their acquisition, amount in part to $9,549,080 12, as follows:

Survey of the boundary line between the United States and Mexico.....	$120,000 00
Survey of the west coast.....	150,000 00
Dry-dock in California.....	360,000 00
Mileage and per diem of Senators and Representatives from California, Utah, and New Mexico...	26,462 40
Territorial governments of Utah and New Mexico.....	61,400 00
Judicial expenses, including marshals.....	77,200 00
Expenses of commission for settling land titles in California.....	50,000 00
Expenses of surveys in California..	18,500 00
Expenses of surveys and sales of public lands in California.....	239,075 00
Expenses under the acts of 1848...	431,240 00
Expenses of Post Office Department.....	638,250 00
Excess of expenditures of War Department in the maintenance of troops, &c., in the new Territories.....	4,556,709 75
Interest on so much of the debt contracted in consequence of and during the late war.....	2,820,242 97
Making an aggregate of.....	$9,549,080 12

Add for the ordinary expenses of the Government, as per printed estimates, $33,343,219 07, and we have the sum of $42,892,299 19 as the total estimated demands upon the Treasury for the next fiscal year, leaving an estimated unappropriated balance in the Treasury, on the 1st of July, 1853, of $20,366,443 90. This sum, it is believed, will be ample to meet the amount required on that day for the redemption of the loan of 1843, then due, of $6,237,931 35, and such additional appropriations beyond the estimates submitted as may be made during the present and next sessions of Congress.

PUBLIC DEBT.

The public registered debt on the 30th November, 1850, was $64,228,238 37; since which period the following reductions have been made, viz:

On account of the debt of the cities of the District of Columbia, assumed by the act of 20th May, 1836.....	$60,000 00
On account of the old funded and unfunded debt.....	2,869 19
On account of the loan of 1843...	230,300 00
On account of the loan of 1847...	1,070,450 00
On account of Mexican indemnity stock.....	303,573 92
On account of Treasury notes paid in specie.....	650 00
	$1,667,843 11

In addition to which, the awards under the 15th article of the treaty with Mexico, for which the issue of stock was authorized, amounting to $2,591,213 45, and the installment under the 12th article of that treaty, amounting to $3,242,400, have been paid in cash.

The public debt on the 20th ultimo, per statement C, was $62,560,395 26, as follows, viz:

Old funded and unfunded debt, payable on presentation.....	$116,716 79
Debt of the District cities assumed by Congress, $60,000 payable annually.....	840,000 00
Treasury notes issued prior to 22d July, 1846, payable or fundable on presentation.....	135,711 64
Treasury notes issued under act of 22d July, 1846, do. do.	17,550 00
Treasury notes issued under act of 28th January, 1847, do. do.	9,500 00
Loan of April 15th, 1842, due 31st December, 1862, do. do.	8,198,686 03
Loan of March 3d, 1843, due 1st July, 1853.....	6,237,931 35
Loan of July 22d, 1846, due 12th November, 1856.....	4,999,149 45
Loan of January 28th, 1847, due 1st January, 1868.....	26,265,150 00
Loan of March 31st, 1848, due 1st July, 1868.....	15,740,000 00
	$62,560,395 26

Statement (D) showing the redemption of Treasury notes, is transmitted in obedience to the requirements of the twenty-second section of the act of 28th January, 1847.

"The amount of money expended at each custom-house in the United States during the fiscal year ending the 30th June last, the number of persons employed, and the occupation and salary of each person at each of said custom-houses during the period aforesaid," is transmitted, (statement E,) in accordance with the sixth section of the act of 3d of March, 1849.

WAYS AND MEANS.

The receipts from customs for the last fiscal year, as before stated, were upwards of forty-nine millions of dollars. Should our importations of foreign merchandise for the current and next fiscal years equal those of the past year, the revenue from that source for the three years ending 30th June, 1853, will have been about $150,000,000. Aside from demands upon the Treasury for our new Territories, this sum would have been sufficient to have met the ordinary expenses of the

Government and to have liquidated the entire public debt. Notwithstanding those extraordinary demands, there has been effected, since the first of December last, a redemption of the registered debt to the extent of $1,667,843 11. During the next fiscal year the loan of 3d of March, 1843, due 1st July, 1853, must be provided for, and it is expected may be paid in cash out of the receipts from the usual sources of revenue. The amounts of the land fund to be invested in accordance with law will probably amount to about $925,000. The old funded and unfunded debt, with the annual payments on account of the debt of the District cities, will probably amount to a further sum of $61,800, making an aggregate proposed redemption of the public debt during the next fiscal year of $7,234,792 35.

The premiums paid on $2,523,200 of certificates of Government stock purchased at market rates amounted to $325,655 24, or at a cost of more than one eighth of the entire debt purchased. These rates, if applied to the whole debt as it stood on the 20th November last, would require for its liquidation, in addition to that amount, about the sum of $8,074,318 57. The probability is that increased rates will follow a known demand by the Government.

It may be well questioned whether sound policy does not demand that some discretion shall be given to the Department to purchase, out of any available surplus revenue, sound State stocks, when it can be done at or near par value, to be held as a sinking fund towards the redemption of the public debt as it becomes due, and thus save to the Government the large premium, which otherwise will be required in the redemption by purchase, at market prices, of the stock of the United States. In the opinion of this Department such a course is desirable, and it is submitted for such action thereon as may be thought expedient.

The language of the act of 28th September, 1850, extending the grants of lands, has prevented the warrants issued by virtue thereof from passing into the hands of the actual settlers by assignment; consequently the receipts from that source have not been seriously affected by that act. The receipts from sales of the public lands, for the quarter ending 30th September last, indicate a revenue from that source for the current year of upwards of two millions of dollars. Any excess of receipts over the expenses connected therewith is already appropriated, and, therefore, those receipts, whether more or less, cannot affect the balance in the Treasury subject to appropriation at the end of the fiscal year. The greater or less amount of public debt redeemed will depend upon the increase or diminution of such receipts. The revenue from imports, consequently, is the great source upon which the country has to depend for the means to carry on the Government.

The unexpected addition to the boundaries of our country, covering an area of more than five hundred and twenty-six thousand square miles, has, without doubt, been one cause of the large and sudden increase of our foreign importations, and consequent increased receipts from customs duties. Our expenses consequent upon such acquisition have more than kept pace with the increase of receipts, and they will remain permanent charges upon the Treasury. Revenue to meet these required expenditures must be provided for, and that during a period when our public debt is maturing. It cannot for one moment be thought advisable to presuppose a renewal of any portion of such debt, and therefore it should be our aim to obtain revenue sufficient to meet these maturing liabilities, in addition to the annual expenses of the Government.

The receipts from all sources for the last fiscal year amounted to.....	$52,312,979 87
The appropriations to.....	51,428,414 46
Being an excess of receipts of....	884,565 41

The estimated aggregate receipts for the current fiscal year are placed at $51,500,000. The expenditures, as estimated and appropriated, amount to $50,952,902 59, being an excess of estimated receipts over estimated expenditures of $547,097 41.

The receipts for the next fiscal year are estimated at $51,800,000, the expenditures at $42,892,299 19, being an excess of receipts over expenditures of $8,907,700 81. Making an aggregate estimated excess of receipts over expenditures for the three years ending 30th June, 1853, of $10,339,363 63; subject, however, to a reduction to the extent of any appropriation which may be made for this or the next fiscal years additional to the estimates submitted.

Should Congress appropriate to meet the ordinary wants of the Government, and to cover the expenditures required by our new Territories, *as submitted* by this Department, the balance at the close of the fiscal year ending 30th June, 1853, will be more than sufficient to meet the amount required on the first of July following for the redemption of the public debt due on that day.

The question presents itself, in view of the absolute necessity for a continuance of the present receipts from customs, whether in all the branches of the industry of our country there is that healthy and vigorous action which is the basis of substantial and lasting prosperity. Without this we can with no certainty presume upon any fixed amount of continuous receipts.

The gross exports (table G) for the last fiscal year amounted to $217,517,130; of which there was of specie $29,231,880, and of foreign merchandise reëxported $9,738,695, leaving, as the exports of domestic productions, the sum of $178,546,555. This presents a large increase upon like exports of any previous year, and exceeds that of the last fiscal year in the sum of $43,646,322. I regret that this increase is merely of an accidental nature, and likely to be confined to the year just past.

By reference to table H, it will be seen that, for the year ending the 30th June, 1850, there were exported 635,381,604 pounds of cotton, at an average value of 11.3 cents per pound, giving an aggregate value of $71,984,616, while 1,026,602,269 pounds exported the year previous was valued at but $66,396,967. For the year ending 30th June last, there were exported 927,237,089 pounds, valued at $112,315,317, averaging 12 11-100 cents per pound; thus exhibiting an apparent excess in the value of this staple alone over that of the previous year of $40,330,701.

The very deficient crop of 1849–'50 caused an enhancement in the value of cotton of nearly double that of the previous year, and a still further advance upon the average price of the last year, thus giving the large excess in the aggregate value of the exports before stated. It must be borne in mind, however, that these values as reported are not always the prices realized on sales abroad. They are the declared values of the exporters from our country, against which bills of exchange are usually drawn—and not the prices received on actual sales; and it is notorious that the immense losses on the shipments of cotton during the last year have reduced the amount actually realized by the sales in Europe very far below the official value in the custom-house returns. The crop of the present year has exceeded that of the last, and will, from its abundance, probably restore the aggregate value to near the average of previous years.

The exports of breadstuffs and provisions, in 1847, were $68,701,921; in 1849 $38,155,507; and in 1851 $21,948,653, which latter exceeds the exports of 1840, when the corn laws of England were in full force, only $2,881,118.

The exports of rice for the last fiscal year, as compared with the previous year, exhibit a decrease of $460,917, and that of tobacco a decrease of $695,834. The products of planting and agriculture for the past year have been unusually large. All Europe, with inconsiderable exceptions, has been blessed with like abundance; and without some unexpected disturbing causes, seriously affecting markets abroad, there is every reason to anticipate a still further decline in our exports for the coming year.

Our total imports for the last year amount to $215,725,995, producing a revenue of more than forty-nine millions of dollars. The balances of trade during that period, in addition to the large amounts of the various stocks of the country, caused an export of upwards of twenty-nine millions of specie. The export of the precious metals still continues, and at a rapidly-increasing ratio, having amounted already, in the first five months of the current fiscal year, to $27,594,236, which is nearly equal to the export for the entire year ending 30th June, 1851.

This increased ratio in the export of specie continues, notwithstanding the large supply of foreign exchange, predicated upon the shipment of the cotton crop, which is now rapidly reaching the seaports at the South, and is of course going forward to the European markets in very large quantities. When the bulk of this crop has been shipped, and the supply of cotton bills consequently diminished, the export demand for specie will of course be still further increased, unless there should be a very large falling off in the heavy importations of foreign productions.

With abundant and plentiful harvests, both at home and abroad, with a large excess in the production of cotton over that of the previous years, and its consequent decline in value, and with no evidences of any increased demand abroad for our general exports, the grave and difficult question of our ability to pay for these continued large importations presents itself for the consideration of Congress.

Should the large importation of foreign fabrics continue to increase until they drive from the market the like articles of domestic manufacture, it follows as inevitable that the labor of our people now engaged in manufactures must be driven mainly into planting and farming. They must, with equal certainty, produce a superabundance of the latter products with no increased market for them abroad, and a greatly-diminished demand for them at home.

If this state of things shall be realized, it follows that the ability of the people to purchase foreign commodities will be destroyed; importations must greatly diminish in amount, and the revenue at once sink far below its present swollen amount. It should constantly be kept in view that our system of revenue is not compulsory, but depends solely on the voluntary contributions of the people. If our citizens refuse, or are unable to purchase foreign goods, the revenue now almost solely relied on must cease, and the Government be driven to direct taxation for its annual support, and the ultimate liquidation of a large public debt.

From these considerations arises the great duty of Congress so to regulate foreign commerce, if possible, as to cherish that labor at home, the proceeds of which are our sole reliance for the revenues indispensable to the wants of the Government.

I respectfully refer to the suggestions on this subject in my report to the last session of Congress. The experience of the last year has developed no facts which induce me to question the propriety of the changes in the present tariff laws which I then submitted to Congress; on the contrary, information derived from the most reliable sources has confirmed what was then anticipated. Much of the raw cotton formerly wrought into fabrics, by the labor of our citizens, now goes abroad, and returns to us for sale in a form vastly augmented in value, and to that extent the labor of our own citizens has been diminished in value and driven into other pursuits.

The history of iron manufacture for the last few years furnishes an instructive lesson to the statesmen of this country. This article enters into such general use in every occupation of life in all countries advanced beyond the first step of civilization, that it may well take rank amongst the necessaries of life in this country.

The importations of bar and pig iron for the year ending 30th of September, 1842, were.....	100,055	tons.
The estimated production in the United States for that period was.....	230,000	"
Making an aggregate consumption of.....	330,055	"
Or 40¾ pounds per head.		
In 1846, the importations were...	69,625	"
and the production estimated at	765,000	"
Consumption.....	834,625	"
Or 92 lbs. per head.		
In 1848, the importations were...	153,377	"
and the production.....	800,000	"
Consumption.....	953,377	"
Or 99¾ lbs. per head.		

In 1849, the importations were...	289,687	tons.
the production.....	650,000	"
Consumption.....	939,687	"
Or 95⅜ lbs. per head.		
In 1850, the importations were...	337,532	"
the production.....	564,000	"
Consumption.....	901,532	"
Or 86¼ lbs. per head.		
In 1851, the importations were...	341,750	"
the production.....	413,000	"
Consumption.....	754,750	"
Or 69¾ lbs. per head.		

(See table J.)

Thus we perceive that the actual consumption of iron, which, under high duties and prices, was steadily augmenting in quantity, is, under the present reduced rates, both in duties and prices, gradually falling off, notwithstanding the increase of population and the great extension of our farming interests.

That this great interest is in a most depressed condition, the foregoing comparative production being for the present year less than one half the capacity of the works, sufficiently attests. From the evidence furnished to this Department it is clear that the rolling mills, the charcoal furnaces and forges, are utterly unable to produce iron at the prices at which it is now imported. During the last year many establishments were enabled to survive only by carrying the iron to the high stages of manufacture, as the making of nails and forged work. At the present time the prices are below the cost of production. If the present policy continues, we must witness in a short time the total prostration of this industry, which, once destroyed, will require many years to replace it upon its present footing as to skill and experience; and we shall become dependent upon foreign countries for the most important material in the arts of peace, and the most indispensable of the muniments of war.

I present with this report several tables intended to show the sudden and extraordinary fall in the invoice values of certain articles which, prior to the tariff act of 1846, had been subject to specific duties, but which by that law were made subject to duties ad valorem. It must be apparent, from these tables, that great frauds are practised by undervaluations daily, which no expedient can prevent, unless such articles as are set forth in these tables are charged with specific instead of ad valorem duties.

COAST SURVEY.

The coast survey, under the superintendence of Professor A. D. Bache, has made excellent progress during the past year. Its operations have been continued in all the States of the Atlantic and Pacific coast. The series of nearly continuous triangulation spoken of in my report of last year, now extends from the mouth of the Kennebeck, in Maine, to beyond Ocracoke inlet, in North Carolina. The work has been assiduously prosecuted in South Carolina, Georgia, and Florida, is nearly completed in Alabama and Mississippi, and has made good progress in Louisiana and Texas, and on the western coast of California and Oregon. The report of the superintendent will show the details of progress—with it is a most valuable and extended list of geographical positions determined by the preliminary calculations of the work, and extending over the whole coast, which was under survey previous to July, 1850. The numerous hydographic sketches which also accompany that report, present more than two thirds of the work of the season, which admits of being thus shown in a form suited to immediate use by navigators and others interested in it. A new edition of the hydographic notices of the western coast is also prepared for publication. The activity and judgment with which this work is prosecuted, and its efficiency and economy, recommend it, in the opinion of this Department, warmly to the fostering care of Congress.

The injunction of Congress to employ as many officers of the Army and Navy on the work as practicable, in addition to the civilians, has been steadily kept in view, and at present sixty-six Navy officers and twelve Army officers are attached to the survey.

The reasons given in my report in reply to resolutions of the Senate in the early part of the last session of Congress, why the present organization of this great work should be maintained, and its control remain, as at present, in the Treasury Department, met so general an acquiescence on the part of Congress, and, I may say, of the whole country, that I refer to it merely to express my unshaken confidence in the value of that organization, the fruits of which the whole country is now so abundantly reaping.

The Superintendent of the Coast Survey has, under the third section of the light-house act, caused examination for sites for light-houses to be made by the officers of the survey, and has reported, as by law directed, on the necessity for construction in all cases where the Fifth Auditor had been doubtful. This duty has been promptly and acceptably discharged, and constitutes a new claim on the part of the Coast Survey to consideration.

MINT.

The operations of the Mint during the past year have been conducted with efficiency, and with highly satisfactory results. Under the present system the depositors promptly receive the value of their bullion so soon as it is assayed, and though the deposits are made in large masses at short intervals, on the arrival of the California steamers, yet the assays are made and the payments commenced usually within forty-eight hours, and the whole generally completed within an average of five or six days after these heavy amounts of bullion—frequently by two and three hundred different depositors—are received at the Mint; and the whole duty is performed without any charge to the depositors, except a mere fractional percentage for the actual cost of separating the bullion. It is believed that equal facilities are not presented to individuals by the Mints of any other nation as are now given by the Mint of the United States.

The realization of the value of these large quantities of bullion by the owners of it without loss within a few days after it arrives in the United States, is accomplished by means of the heavy bullion fund which can at present be spared without inconvenience from the excess of means in the Treasury. It may, however, not always be convenient to keep so large an amount reserved for this purpose from the public funds; and even if it were otherwise, the amount of this fund applied to the purchase and extinguishment of so much of the national debt would save nearly $400,000 annually in interest now paid by the Treasury. It is believed this saving could be effected, and all the advantages at present enjoyed by the depositors of gold or other bullion still retained, if, instead of paying the Mint certificates in cash, as is now done, Congress would make them receivable for all dues to the Government, under suitable restrictions as to the time and place of their receipt. I can see no reasonable objection to such use of these certificates, as they are the evidences of so much bullion already in the possession of the Government, and for which the coin itself would be forthcoming, generally in a few days, and always in a few weeks.

In connection with the subject of the Mint, I deem it my duty to call the attention of Congress to the present standard value of gold and silver, as established by existing laws.

The relation of gold to silver in the legal coinage of the United States is as 1 to 15.988; in Great Britain, as 1 to 14.228, and in France, as 1 to 15.499. Thus it will be seen that one ounce in pure gold will, in the United States, be equal to that produced from the coinage of 15.988 ounces of pure silver; in Great Britain it will be equal to that derived from only 14.288 ounces pure silver; and in France to 15.499 ounces. So soon, therefore, as the state of our foreign commerce, as is now the case, requires an exportation of specie, it is obvious that our silver coin must be exported whilst it can be procured, till the demand for exportation is supplied.

From the operation of this law of commerce arises the present scarcity of our silver currency. At this time, though our silver coin commands a premium in exchange for gold, it is, notwithstanding, still found more advantageous for shipment abroad than gold. In consequence of the premium on silver, though the relative legal value between it and the latter is as 1 to 15.988, the real intrinsic market value is only about 1 to 15.675. A debtor, then, who offers silver in payment must give it at the rate of 15.988 ounces in coin, by which he loses 313 thousandths of an ounce, for with 15.675 ounces he could purchase one ounce of gold, which latter would be a legal tender for the same debt. It is to be borne in mind, however, that though the relative value of *coin* in Great Britain is as 1 to 14.288, *that* is not the relative bullion value of the two metals, which is about 1 to 15.716, the silver coin of that country being about ten per cent. less in value than silver bullion of the same weight; that is to say, the silver coin of that kingdom will go ten per cent. further in paying debts than an equal weight of pure silver bullion at the standard value. A difference so great in the value of the two species of coin has not, of course, been the result of either miscalculation or mistake, but was brought about by design, and with the same views which it is believed will render it necessary for us to adopt a similar plan, in order to retain and maintain a silver currency. The obvious policy of this system was, to secure the gold and silver coinage of Great Britain against the fluctuations arising from the relative value of gold and silver bullion there. In Great Britain 14.288 ounces of silver coin is equal in payment to 15.988 ounces in the United States, and 15.499 in France. It is very clear, then, that there is no inducement to export silver coin to either country from Great Britain.

Though the British Government manufactures one hundred shillings in coin from bullion intrinsically worth only ninety shillings, it does not permit individuals to bring ninety shillings in bullion to the Mint and receive in exchange one hundred shillings in coin; but, on the contrary, the community is obliged to pay the par value for all the silver coin it requires. It must give £5 in pure gold or silver for one hundred shillings in coin. Coinage being a monopoly by the Government, the latter can impose such terms as it deems necessary and advisable, and the public, within certain limits, will pay the Government its own price for the benefit of the Mint stamp.

In fixing, therefore, the proper relative value which should be established between our gold and silver coins, it should not be done with regard to the value of our coins in reference to foreign *coin*, but as to their intrinsic value, as *bullion*, in foreign countries.

The relative value of our gold and silver coins is, as already stated, as 1 to 15.988; and the bullion value of our silver coin in England is 15.716, being a difference of 272 thousandths, or nearly two per cent. It follows, then, as a matter of course, that on all occasions where the course of our foreign trade requires heavy shipments abroad, our silver coin will be first sought after for that purpose, even at a premium; and, consequently, will disappear from circulation, as it has already done to a very great extent.

There seems to be but one immediate and direct remedy for this evil, and that is the one which has already been adopted in Great Britain, of changing the relative value between gold and silver coin by reducing the intrinsic value of the latter. The opinion of the officers of the Mint, (in which judicious persons, whose opinions are entitled to great weight, concur,) is, that this change could be advantageously made, by making our dollar weigh three hundred and eighty-four grains, and the smaller coins in proportion; so that eight hundred ounces of such coin should be worth by tale exactly $1,000. The Director of the Mint, in a communication on the subject, says, "If such a scale of weights were adopted, the relation of silver in such pieces to gold would be as 14.884 to 1, and if the present true relation or bullion value is about 15.675 to 1, the new proposed silver coin would be overvalued by law about five per cent., a very small advance, and far less than in British silver, or in the worn Spanish coin which now monopolizes our circulation.

In the adjustment of this subject, it will be necessary to consider the depreciation in the value of gold which may have taken place already, or shall hereafter occur, in consequence of the immense additional supplies which have been, and will no doubt continue to be, thrown into circulation from California, Australia, and other countries. This

consideration might justify a much greater present overvaluation of silver coin, as the future depreciation of gold will probably soon overcome the limit of the present proposed advance.

If this plan is adopted by Congress, it of course will involve the necessity of making silver coin a legal tender only for debts of small amount, say not exceeding ten dollars, which is about the same limit (forty shillings) which has been established in Great Britain.

The subject of a change in the coinage of the country is one of very great importance, and involves consequences which require the most serious consideration and deliberate action. That the present relative value of our gold and silver coin requires some change there can be little doubt; and I have therefore deemed it my duty to bring the subject to the notice of Congress.

The great increase in the amount of bullion which now comes to the United States for coinage, compared with former times, seems to require the establishment of branches to the Mint at those points where the largest amount of bullion and foreign coin are received. Any transportation of those articles beyond the places where they are produced, or received from abroad, is attended with delay, risk, and expense, which should be avoided, if possible, without too great expense to the Government.

The State of California is now producing gold dust certainly equal in amount to seventy-five millions of dollars, and probably equal to one hundred millions of dollars a year. The information in possession of this Department warrants the opinion that this product will not be diminished in amount for many years to come.

The distance from San Francisco, by way of the Isthmus of Panama and New York, to the Mint at Philadelphia, is about 6,250 miles. The precious metals there found have, therefore, to be transported that distance and back, at great risk and expense, before the owner can receive its equivalent in the legal coin of the United States. Such a burdensome tax upon the interests of California should be removed by the establishment of a branch Mint at the most eligible point in that State.

Nearly all the importations of specie and bullion concentrate at the port of New York; two thirds of all the customs duties collected in the country are there paid in specie. Sound policy demands that at that great commercial and financial centre a branch Mint should be established, which should be the custodian of the large amount of public moneys there collected, and which will enable foreign coin and bullion to be converted most speedily into our own currency, without the risk, delay, and expense of transportation to any other point.

It is believed that the establishment of such an institution at that point would not charge much additional annual expense upon the Treasury. The Treasurer thereof would supersede the office of Assistant Treasurer. The branch Mints at Dahlonega, Georgia, and Charlotte, North Carolina, may be converted into assay offices, whereby several superfluous officers might be dispensed with. The deposits of bullion at those establishments have been regularly declining, without any decrease in the annual expenses. The transportation from thence of bars and ingots, the values of which would be attested by Government assayers, would be easily effected at little risk or expense.

For these and other reasons, heretofore expressed by my predecessors, I earnestly recommend the immediate establishment of branch Mints at New York and San Francisco, and the discontinuance of those in North Carolina and Georgia as Mints for coinage, retaining them as assay offices, under such regulations as to the number of offices, &c., as Congress may deem proper.

The expenses of the Mint and branches have of course greatly increased since the accession of California, and will be still further augmented in case Congress should determine to establish the two additional branches at San Francisco and New York. I would therefore suggest for the consideration of Congress the propriety of authorizing a small seigniorage on the bullion deposited by corporations or individuals for the purpose of covering the actual expenses of coinage, instead of allowing the latter to remain as an exclusive charge upon the Treasury. This, it is believed, is the universal usage at all other national Mints, and the charge would be but a mere fractional percentage, amounting only to a very few cents per ounce.

This Department is now required by law to submit annually to Congress the Mint assays of certain foreign coins; and it is recommended that this requirement be extended so as to embrace annual assays of the coins of those foreign countries with which the United States have any considerable commercial intercourse, and that an appropriation not exceeding one thousand dollars be made to defray the annual expense of procuring such foreign coins as can only be obtained from abroad.

Invoices of merchandise imported from foreign countries, and subject to ad valorem duties, are required by our existing revenue laws to be made out in the currency of the country whence the shipment is made, and the value which such currency shall have in computations at our custom-houses has from time to time, in respect to several foreign countries, been prescribed by specific laws.

The President of the United States is authorized by the sixty-first section of the act of 1799, to establish fit and proper regulations for estimating duties on imported merchandise, the original cost of which shall be exhibited in depreciated currency issued and circulated under the authority of any foreign government. In the execution of this power, consuls of the United States are required to certify on invoices of merchandise shipped from the countries of their residence and made out in depreciated currency, or in a currency the value of which is not fixed by our laws, the value of such currency in Spanish or United States silver dollars. It is obvious, however, so far as the foreign currency consists of coin, that the most accurate and reliable method of ascertaining its value, as compared with our own, is by an actual assay at the Mint.

While the results of such annual assays will place within the power of the President the best means of performing the duty of establishing fit and proper regulations on the subject, they will also enable Congress to revise and correct, from time to time, by further legislation, the values in custom-house receipts and computations of the foreign coins already fixed and regulated by our laws. It is to be observed that the proceeds of the coins thus procured will, after assay, be returned to the Treasury and carried to the credit of said appropriation for subsequent disbursement, in like manner. It will therefore be reduced only by the expense of transmitting the coin from abroad and the loss consequent upon their assay.

MISCELLANEOUS.

By the 2d section of the act of 10th August, 1846, the money received from the property of John Smithson, amounting to $515,169, was lent to the Treasury at six per cent. interest, and in addition to the interest which had accumulated on this fund at the time of the passage of said act, amounting to $242,129, the Treasury has continued to pay, under the provisions of said law, an annual interest of upwards of thirty thousand dollars. During the whole of this latter period a large surplus, including, of course, this fund, has been laying unproductive in the Treasury; and the above annual payment has been an extra charge upon the Treasury, and will so continue to be, unless Congress should think proper to otherwise order. As there is at present every prospect of a continued large surplus in the Treasury, I would respectfully suggest, in order to save this annual payment, that the Department should be authorized to make the above fund actually productive, by investing the full amount in stocks of the United States, on terms which will render the result equally advantageous to the Smithsonian Institution as it now is under the present annual payments direct from the Treasury.

The Board of General Appraisers established in pursuance of the 3d section of the act of 3d March, 1851, entitled "An act to amend the acts regulating the appraisement of merchandise, and for other purposes," promptly entered upon their general duties as contemplated by that act. During the past season one of the board, under instructions of this Department, visited the several ports upon our northern frontier; and from the information communicated by him, and the satisfactory manner in which he executed his instructions, the most beneficial results must follow. Another of the board is about to proceed to California, and it is not doubted by the Department that the action of the general appraisers will tend very materially to establish that uniformity in appraisements so desirable, and by which both the revenue and the honest importer will be greatly benefited.

By the act of 3d March, 1845, no revenue cutter nor steamer can be purchased or built unless an appropriation therefor shall be made.

The several iron steamers then in progress of construction have been condemned as unfit for revenue purposes. Some of the sailing cutters have become unseaworthy, and the number of vessels appertaining to this branch of the service has been, therefore, necessarily reduced to an extent injurious to the interests of the revenue.

The brig Lawrence, now on the western coast, is found to be unsuited to this service, in consequence of the great expense attendant upon keeping a vessel of her size in commission, and the want of proper sailing qualities. I therefore recommend that authority be given for her disposal, and the building of six additional vessels, which are required for our greatly-extended coast. Should authority be given, as suggested, to sell the Lawrence, and appropriate the proceeds towards the building and equipping of the six new vessels, there will be required, in addition, to accomplish that object the sum of seventy-five thousand dollars.

I would respectfully recommend to Congress a considerable increase to the pay of the officers of the revenue marine employed on the Pacific, where their present compensation is entirely inadequate, in consequence of the very heavy expenses to which they are unavoidably subject in that quarter. Whilst the army there has had its pay greatly augmented, and all the civil officers connected with the collection of the revenue receive double salaries to what are paid at the Atlantic ports, the officers of the revenue marine alone are left without any addition to their pay. At this time the seamen on board the revenue cutters there are receiving nearly the same pay as the commissioned officers, and at an earlier date instances occurred where the former have actually received higher rates than the latter. I would further recommend that any increase of pay which Congress may think proper to grant to that body of meritorious officers be not only for the future, but also have a retroactive effect.

Numerous appropriations were made during the last session of Congress for additional marine hospitals and light-houses, and also for the continuation and completion of similar works previously commenced. Some of these structures have been finished and occupied since the adjournment of Congress, and several are so nearly completed as to warrant the expectation that they may be occupied within the ensuing sixty days. The marine hospitals at Pittsburg, Cleveland, Louisville, Paducah, and Chicago are among those thus finished and occupied, or expected to be occupied within the period stated. Those in process of erection at Natchez, Napoleon, and St. Louis are in such a state of forwardness as to justify the belief that they will be finished early in next year. Reports from the officers and agents employed in the superintendence of these works are herewith transmitted, marked

A site for a marine hospital at Evansville, Indiana, has been selected, but no conveyance of the land has yet reached the Department, and all further steps are necessarily impeded until the title is perfected.

A design for the marine hospital at San Francisco was adopted soon after the appropriation for this object was made, and a commissioner appointed and dispatched to that city in March last, with a view to the commencement of this work on a site which was then understood and still believed to be the property of the United States. Difficulties, however, presented themselves in connection with the titles thereto, sufficient, in the opinion of the commissioner, to authorize a suspension of the work. Recent advices, however, lead to the belief that they will soon be removed, when the erection of the building will be immediately commenced.

All or nearly all of the light-house structures, for which appropriations were made by the act of 3d March, 1851, have been delayed because of the preliminary examinations enjoined by the second and third sections of that act, and several authorized by previous acts, on account of the requirements of the joint resolution of Congress dated 11th September, 1841, as will be seen from the report of the Superintendent of the Light-House Establishment.

The Department has not yet succeeded in making a definite contract for the erection of the light-houses on the Pacific coast, which have been authorized by Congress, and great difficulty exists in accomplishing that object, in consequence of what is considered the inadequate appropriation, in the opinion of those best capable of judging of the facts and circumstances connected with their construction in that portion of the Union.

The Department will probably have to await the further action of Congress, and if additional appropriations are made at an early day, the whole of the structures could be commenced in the spring, so soon as the rainy season has terminated, in which case it is believed they can be completed and put into operation previous to the ensuing winter.

In pursuance of the authority given to the Department by the 8th section of the act of 3d March, 1851, entitled "An act making appropriations for light-houses, light-boats, buoys," &c., a board of officers, constituted as directed by the provisions of that act, was organized soon after its passage. The board is composed of the following officers, viz: General Totten and Colonel Kearney, of the Army; Commodore Shubrick and Commander Dupont, of the Navy; Professor Bache, Superintendent of the Coast Survey; and Lieutenant Jenkins, of the Navy, as secretary.

The attention of the board has been directed to the objects contemplated by Congress. The result of their labors will be transmitted in a separate report at an early day.

The completion of the experiment for testing the use and economy of the calcium light, has been delayed by the sickness of the inventor, and other causes. It is expected, however, that a full report thereof will be made at an early day, which, when received, will be transmitted to Congress.

Sites for the new custom-houses authorized at Bangor, Pittsburg, Louisville, St. Louis, and Mobile, have been selected and purchased, and the necessary measures for the erection of suitable buildings are in progress. The limited appropriation for the site and building authorized at Cincinnati, will not justify the prosecution of that work beyond the purchase and location of the site. I have, therefore, submitted an additional estimate which is required to enable the Department to erect a building adapted to the several purposes specified by Congress.

The restriction placed upon the appropriation for a custom-house and lot at Bath, Maine, has prevented any expenditure for that purpose being made. The purchase of a suitable site will absorb so large a proportion of the appropriation as to forbid the erection of a building with the limited amount remaining at the disposal of the Department. An additional appropriation of $25,000 is therefore recommended.

The requirements of the joint resolution of 11th September, 1841, not having yet been complied with in relation to the site for a custom-house at Norfolk, selected by the commissioners appointed for the purpose, the commencement of that structure has necessarily been delayed.

No information in regard to a proper site for the custom-house authorized in the Territory of Oregon has yet been received.

It is expected that the custom-house at Savannah will be completed and occupied within a few weeks.

The work upon the New Orleans custom-house has progressed as rapidly as circumstances would allow; that at Charleston, South Carolina, will be prosecuted with every desire for its completion at the earliest practicable day.

The instrinsic difficulties in construing and enforcing many of the provisions of our existing revenue and collection laws, and particularly those levying duties on imports, have given rise to a multiplicity of suits against the collecting officers; and often under the practice of indemnifying collectors, who seem to have acted in good faith, the United States are subjected to heavy bills of costs.

In many instances such suits are not really necessary to procure redress for the party aggrieved, as relief might be generally obtained through an application to the Treasury Department.

By the 24th section of the tariff act of 1842 it is made the duty of collectors and other officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and his decision is conclusive and binding upon them. As a proper protection of the officer, as well as to prevent the unnecessary accumulation of costs, it is respectfully suggested that some provision be made by law to prevent the institution of suits against collectors for their acts in executing the revenue and collection laws until an application shall have been made to the Department for relief, and denial thereof, prescribing some period within which such application and decision by the Department shall be made. Such a provision would seem the more expedient, inasmuch as the Department cannot in many cases exercise the power conferred by law in advance, and not even on an appeal from the collector's decision, without delaying the business of the importer and the Government. Many cases of this character arise in distant sections of the Union, where such necessary delay would often prove of serious detriment to all concerned. The parties would thus save all their legal rights in any event, and the Department could often prevent the necessity and expense of litigation by affording relief.

In addition to such provision, it is also respectfully suggested that some regulation should be made by law as to costs in suits against public officers under the revenue and collection laws, and also to enable the Department to bring up such cases for final decision to the Supreme Court, whatever may be the amount in controversy. Such a process would settle the law in such cases, and thus constitute the rule of administration and prevent much expensive litigation. Suits involving the same principles are often upon the docket at the same time, and the decision of one ought to be sufficient to control the disposition of all. Some additional powers to enable the court, in cases involving the same construction of law, to consolidate suits against collectors, whether instituted by the same or different parties, would answer all the purposes of justice, and prevent the unnecessary multiplication of costs. It is also respectfully suggested whether the provisions of the act of 22d July, 1813, "An act concerning suits and costs in courts of the United States," might not be extended, or modified, as to suits against public officers for acts under the revenue and collection laws as to make some fixed and specific regulations limiting the allowance and amount of costs. Under the provisions of existing laws, plaintiffs within the same State with the collector may commence suit against him in State courts, and the defendant, by petition to the circuit court, can have the suit removed, and entered on the docket of that court. As the defendant in such cases will doubtless ordinarily, if not always, avail himself of this privilege, it is suggested whether such suits might not properly be required to be brought originally in the Federal courts, which would be no additional disadvantage to the plaintiff, and would prevent the unnecessary accumulation of costs.

It is desirable that the numerous laws respecting the navigation and commerce of the United States should undergo a careful revision and arrangement. These enactments have been accumulating for more than half a century, and many of their provisions are complex, if not conflicting. Others are still unrepealed, though they have long been inapplicable to the condition of our commerce, and of the country. A repeal of obsolete and useless provisions, and a proper arrangement of the residue under appropriate titles, with judicious amendments and additions, and the whole comprised within a single statute, or connected series of statutes, so as to be readily referred to and understood, would be a measure of great public utility, promote a more uniform and faithful administration of the laws, and afford a more certain protection to the interests of the Government and the commercial community.

Further legislation in connection with portions of our commerce is undoubtedly necessary. Our coasting laws, however wise and useful in the infancy of the country, contain many provisions still in force which, in consequence of the increased facilities which steam offers for transportation by land and water over our largely-extended territory, are not only totally useless, but impose vexatious and embarrassing restraints on the coastwise and interior commerce, without furnishing any adequate security to the public revenue. In consequence of this state of the laws, importers are often obliged, at no inconsiderable expense, to intrust their business with the custom-houses to agents supposed to be well versed therein; and the difficulty on the part of the officers of the customs, as well as importers, of correctly understanding and applying the provisions of such a complex mass of legislation, gives rise to frequent and expensive litigation, augments the business at the custom-houses and at this Department, and gives to the operation of law that uncertainty which it is the duty of every wise Government to avoid.

Respectfully, THOS. CORWIN,
Secretary of the Treasury.

Report of the Superintendent of Census.

CENSUS OFFICE, WASHINGTON, *December* 1, 1851.

SIR: I have the honor to report that full and complete returns of the Seventh Census have been received from all the States of the Union on this side of the Rocky Mountains, and from the Territories of New Mexico and Oregon. A portion of the California returns were destroyed by the conflagration at San Francisco—an accident which rendered it necessary for the census agent to prepare new copies from the originals, which are expected here daily. The other returns have been received.

The returns from Utah are expected by the first mail from that Territory, advices having been received of their completion. Three sets of schedules were transmitted by different conveyances, of which only one set reached the agent, which accounts for the delay. The census for that Territory had been taken on manuscript schedules, and, at the latest dates, the agent was engaged in transferring the same to the printed blanks.

On the 30th September there were employed in this office ninety-one clerks, two messengers, two watchmen, and two laborers. In the month of November it was found necessary, in order to prepare certain information in time for the meeting of Congress, to make a large temporary addition to the clerical force of the office, and the number was increased to one hundred and forty-eight, who have performed extra duty.

The frequent demands made by State officers and private individuals for statistical information, has much increased our labors. All such calls have been promptly responded to, when compliance therewith would not interfere too much with the progress of business.

The schedules used in taking the Seventh Census of the United States were arranged on principles different from any heretofore used for that purpose. The plan adopted for their construction, while adding immensely to the labor of the office, presents, on the face of the schedule, much more information in the same space, and a better combination of facts relating to persons and things, than has heretofore been attained, while it is perfectly simple, without complication, but little liable to error, furnishing easy means of detecting and correcting most of the errors which occur. These blanks were prepared under the direction of the Census Board, and were furnished in timely season. They proved to be well adapted to the purpose for which they were designed. Among the great number transmitted through the mails, from every portion of our territory, not one schedule was received at the office in a mutilated condition, or in any way injured.

The expenses of the Census Office have been as follows, viz:

For printing and stationery, including the amount reported at the first and second sessions of the last Congress, and by the Census Board.....$33,153 71

For amount paid United States marshals..... 34,001 25
For amount paid to assistant marshals..891,245 18
For amount paid for clerk hire and contingent expenses of the office.....105,929 66
The aggregate amount appropriated for taking the Seventh Census was...1,267,500 00
The balance on hand this first day of December, 1851.....203,170 00
The balance due to marshals and assistant marshals of United States....130,201 00
To pay our contingent expenses, including clerk hire, office rent, fuel, stationery, etc., to the 30th day of June, 1853, there will be required an appropriation of one hundred and fifty thousand dollars.....150,000 00

The cost of printing the compilation of the Seventh Census forms no portion of this estimate—that must be determined by the plan adopted by Congress for the execution of the work.

In the few cases where payment has not been made to marshals and their assistants in full, their accounts have been delayed, either on account of negligence in making a proper or timely return of their work, or to admit of some further consideration, in cases where the question of amount is, under the act of Congress, to be fixed by the Secretary of the Interior, and the data still too imperfect to enable him to decide the matter, without, perhaps, doing injustice to the parties themselves, or the Government.

To such marshals as the act of Congress authorizes the payment of "a reasonable amount for clerk hire, provided the charges under the act for taking the census do not reach $500," the principle has been adopted, to pay in no case a larger amount than that which, added to the other charges of the marshal, will make his gross receipt equal to that sum. This construction of the act of Congress is believed to be in accordance with its intention.

The compensation of some of the assistant marshals, particularly in remote regions of the United States and Territories, which are not included within the provisions of the supplementary act of August 30, 1850, is entirely inadequate to the amount of duty performed. It is my opinion that additional compensation is equally due to some of the marshals.

To the marshals and assistants, with but a few exceptions, too much credit cannot be accorded for the prompt and efficient manner in which they have discharged the duties prescribed by the law, and for the readiness with which they have responded to calls for information on a variety of subjects, some of which were not embraced in the schedules. To them is due the credit of returns being made and rendered from this widely-extended country, in time to admit of placing the aggregate enumeration of population before the Congress succeeding that which enacted the law, and on the first day of its session. The zeal and industry of many of these officers have contributed to furnish materials, rich and various, illustrative of the history, geography, and geology of the country, and it would be gratifying to the Superintendent of Census to be permitted to send to each marshal and assistant, who has thus respected the calls upon his time and labor, a copy of that Census, which their united exertions have contributed to enhance in value. Good results would, doubtless, be experienced in future years from liberality thus dispensed.

When it is remembered that previous to the date of its commencement, eight days only elapsed after the passage of the act to take the Seventh Census, and, considering the large increase of population and the immense extent of new territory comprised within its scope, it is not to be supposed that this office can be charged with delinquency; in view of the fact that we have received all the returns from every portion of the country, (excepting those accidentally destroyed in California,) within a shorter time than they were received after the commencement of the Sixth Census, for the taking of which the law was enacted fifteen months previous, which gave ample time for executing the preparatory measures.

In the performance of the present work, there have been engaged 45 marshals, and 3,231 assistants; to each of whom, in addition to the schedules, were sent pamphlets of printed instructions, together with "form" schedules ready filled up for their guidance.

Payment has been made to these officers in two portions—the first, on the receipt of the marshal's certificate that the assistant had made proper returns to his office; and the second, after an examination of every item of the work in detail by this office, and adding to or abating the amount certified to be his due, as the result justified. The entire number of payments made to marshals and assistants, has been 5,959. In some cases the assistant has preferred to receive payment at one time, after the final examination of his returns.

In the compilation of the Seventh Census, it has not been deemed necessary to divide the population (as has been done heretofore) into divisions other than by counties, cities, wards, or boroughs. Each county in the United States possesses a copy of its own returns, and for its own purposes it enjoys facilities of arriving at the interests of the separate towns or townships—divisions, uninteresting to the community at large. Each separate State possesses also a copy of the complete returns of the whole State, and from these may be able easily to subdivide, for State purposes, as minutely as desirable. To include all the subdivisions of each State would make the work, if not now, very soon, entirely too unwieldy. The subdivisions are, however, laid down in the original returns, and if it should be deemed desirable, may easily be designated in the general work.

The original returns should be carefully preserved, and should, as heretofore, be bound for their better preservation. It seemed to me doubtful whether the office possessed the authority to expend more in the preservation of these valuable records, than would secure them from injury, while in actual use for preparing the census. The only expense incurred for this purpose, has been for book boards, which can be used for binding them.

Duty to coming generations requires that documents containing so many proofs relating to the history of the present, should be carefully guarded from injury or harm. While they contain the last record of the dead for one year, they comprise no insignificant portion of the history of every man, woman, and child living; and long after all those whose names they contain will have passed from earth, will they be appealed to in proof of our once having lived, for our place of residence, our children, and our property. Those now living use them to learn whether friends or relatives long unheard of, may not be found, and the search is not always made in vain; they have led to the discovery of lost relations, and their developments have brought happiness to many families.

It would be well worth the expense to have recorded in volumes, alphabetically arranged, the name of every adult citizen, or head of a family, as it appears in the return, with his occupation, and with a reference to the schedule upon which it may be found. This would furnish facilities of search hereafter, and save unnecessary handling of the papers. The advantages of such a plan would be somewhat analogous to that in practical operation in England, with respect to the registration of their deaths, births, and marriages. Names to the number of 14,000,000 have there been registered during the past twelve years, in the ordinary course of events, in one office alone. The returns are rendered the more valuable for future reference, by the incessant vigilance exercised to the detection of errors.

The utmost care has been exercised to insure correct returns, and the manner of taking our census has been calculated to effect such a result. In connection with every variety of statistics given, the name of each person to whom every entry on the tables applies, has been furnished. In all cases where error or inconsistency could be detected, real or imaginary, the individual has been written to, in order that the discrepancy might be corrected. The replies have been, for the most part, prompt and satisfactory. It has been necessary, in only three cases, to call the attention of an United States district attorney to require enforcement of the act of Congress for refusal to reply to the interrogations of the assistants. In all but one of these cases return has been eventually made without the necessity of making costs to the parties—in that excepted, the individual paid costs before appearance, and made satisfactory return to the office. These facts speak loudly in favor of the general intelligence of our people, and their deference to the laws, and prove that as liberty and intelligence are diffused, these investigations, made for the benefit of the people, cease to be deemed inquisitorial. Here no fears of an excise duty or tax deters individuals from contributing to a stock of knowledge, the dissemination of which must lead to the benefit of all.

The seventh enumeration of the inhabitants of the United States, exhibits results which every citizen of the country may contemplate with gratification and pride. Since the census of 1840, there have been added to the territory of the republic, by annexation, conquest, and purchase, 824,969 square miles; and our title to a region covering 341,463 square miles, which before properly belonged to us, but was claimed and partially occupied by a foreign Power, has been established by negotiation, and it has been brought within our acknowledged boundaries. By such means the area of the United States has been extended, during the past ten years, from 2,055,163 to 3,221,595 square miles, without including the great lakes which lie upon our northern border, or the bays which indent our Atlantic and Pacific shores; all which has come within the scope of the Seventh Census.

In the endeavor to ascertain the progress of our population since 1840, it will be proper to deduct from the aggregate number of inhabitants shown by the present census, the population of Texas in 1840, and the number embraced within the limits of California and the new Territories, at the time of their acquisition. From the best information which has come to hand, it is believed that Texas contained, in 1840, 75,000 inhabitants; and that when California, New Mexico, and Oregon, came into our possession, in 1846, they had a population of 97,000. It thus appears that we have received, by accessions of territory, since 1840, an accession of 172,000 to the number of our people.

The increase which has taken place in those extended regions, since they came under the authority of our Government, should obviously be reckoned as a part of the development and progress of our population; nor is it necessary to complicate the comparison by taking into account the probable natural increase of this acquired population, because we have not the means of determining the rate of its advancement, nor the law which governed its progress, while yet beyond the influence of our political system. The year 1840, rather than the date of the annexation of Texas, has been taken for estimating her population, in connection with that of the Union, because it may safely be assumed that, whatever the increase during the five intervening years may have been, it was mainly, if not altogether, derived from the United States.

Owing to delays and difficulties mentioned in completing the work, which no action on the part of this office could obviate, some of the returns from California have not yet been received. Assuming the population of California to be 165,000, (which we do partly by estimate,) and omitting that of Utah,* estimated at 12,000, the total number of inhabitants in the United States was, on the 1st of June, 1850, 23,246,301. The absolute increase from the 1st of June, 1840, has been 6,176,848, and the actual increase per cent. is 36.18. But it has been shown that the probable amount of population acquired by additions of territory should be deducted in making a comparison between the results of the present and the last census. These reductions diminish the total population of the country, as a basis of comparison, to 23,074,301, and the increase to 6,004,848. The relative increase, after this allowance, is found to be 35.17 per cent. The aggregate number of whites in 1850 was 19,619,366, exhibiting a gain upon the number of the same class in 1840 of 5,423,371, and a relative increase of 38.20 per cent. But excluding the 153,000 free population supposed to have been acquired by the addition of territory since 1840, the gain is 5,270,371, and the increase per cent. is 37.14.

The number of slaves, by the present census, is

* Since ascertained to be 11,381.

3,198,298, which shows an increase of 711,085, equal to 28.58 per cent. If we deduct 19,000 for the probable slave population of Texas in 1840, the result of the comparison will be slightly different. The absolute increase will be 692,085, and the rate per cent. 27.83.

The number of free colored in 1850, was 428,637; in 1840, 386,245. The increase of this class has been 42,392, or 10.95 per cent.

From 1830 to 1840, the increase of the whole population was at the rate of 32.67 per cent. At the same rate of advancement, the absolute gain for the ten years last past would have been 5,578,333, or 426,515 less than it has been, without including the increase consequent upon additions of territory.

The aggregate increase of population, from all sources, shows a relative advance greater than that of any other decennial term, except that from the second to the third census, during which time the country received an accession of inhabitants, by the purchase of Louisiana, considerably greater than 1 per cent. of the whole number. Rejecting from the census of 1810 1.45 per cent., for the population of Louisiana, and from the census of 1850, 1 per cent. for that of Texas, California, &c., the result is in favor of the last ten years by about one fourteenth of one per cent.; the gain from 1800 to 1810 being 35.05 per cent.; and from 1840 to 1850, 35.12 per cent. But, without going behind the sum of the returns, it appears that the increase from the second to the third census was thirty-two hundredths of one per cent. greater than the increase from the sixth to the seventh.

The decennial increase of the most favored portions of Europe is less than 1½ per cent. per annum, while with the United States it is at the rate of 3½ per cent. According to our past progress, viewed in connection with that of European nations, the population of the United States in forty years will exceed that of England, France, Spain, Portugal, Sweden, and Switzerland, combined.

The relative progress of the several races and classes of the population is shown in the following tabular statement:

Increase per cent. of each class of Inhabitants in the United States for sixty years.

Classes.	1790 to 1800	1800 to 1810	1810 to 1820	1820 to 1830	1830 to 1840	1840 to 1850
Whites	35.7	36.2	34.19	33.95	34.7	38.98
Free colored	82.2	72.2	25.25	36.85	20.9	10.9
Slaves	27.9	33.4	29.1	30.61	23.8	28.58
Total colored	32.2	37.6	28.58	31.44	23.4	26.22
Total popul'n	35.01	36.45	33.12	33.48	32.67	36.25

The census had been taken previously to 1830 on the 1st of August; the enumeration began that year on the 1st of June, two months earlier, so that the interval between the fourth and fifth censuses was two months less than ten years, which time allowed for would bring the total increase up to the rate of 34.36 per cent.

The table given below shows the increase from 1790 to 1850, without reference to intervening periods:

No. of—	1790.	1850.	Absolute increase in sixty years.	Inc. pr ct. in sixty years.
Whites	3,172,464	19,638,019	16,457,555	527.97
Free colored	59,466	428,637	369,171	617.44
Slaves	697,897	3,184,262	2,486,365	350.13
Total free colored and slaves	757,363	3,612,899	2,855,536	377.00
Total population	3,929,827	23,246,301	19,316,444	491.52

Sixty years since, the proportion between the whites and blacks, bond and free, was 4.2 to 1. In 1850, it was 5.26 to 1, and the ratio in favor of the former race is increasing. Had the blacks increased as fast as the whites during these sixty years, their number, on the first June, would have been 4,657,239; so that, in comparison with the whites, they have lost, in this period, 1,035,340.

This disparity is much more than accounted for by European emigration to the United States. Dr. Chickering, in an essay upon emigration, published at Boston in 1848—distinguished for great elaborateness of research—estimates the gain of the white population, from this source, at 3,922,152. No reliable record was kept of the number of emigrants into the United States until 1820, when, by the law of March, 1819, the collectors were required to make quarterly returns of foreign passengers arriving in their districts. For the first ten years, the returns under the law afford materials for only an approximation to a true state of the facts involved in this inquiry.

Dr. Chickering assumes, as a result of his investigations, that of the 6,431,088 inhabitants of the United States in 1820, 1,430,906 were foreigners, arriving subsequent to 1790, or the descendants of such. According to Dr. Seybert, an earlier writer upon statistics, the number of foreign passengers, from 1790 to 1810, was, as nearly as could be ascertained, 120,000; and from the estimates of Dr. Seybert, and other evidence, Hon. George Tucker, author of a valuable work on the census of 1840, supposes the number, from 1810 to 1820, to have been 114,000. These estimates make, for the thirty years preceding 1820, 234,000.

If we reckon the increase of these emigrants at the average rate of the whole body of white population during these three decades, they and their descendants, in 1820, would amount to about 360,000. From 1820 to 1830, there arrived, according to the returns of the custom-houses, 135,986 foreign passengers, and from 1830 to 1840, 579,370, making for the twenty years 715,356. During this period, a large number of emigrants from England, Scotland, and Ireland came into the United States through Canada. Dr. Chickering estimates the number of such from 1820 to 1830, at 67,993; and from 1830 to 1840, at 199,130—for the twenty years together, 267,123. During the same time, a considerable number are supposed to have landed at New York with the purpose of pursuing their route to Canada; but it is probable that the number of these was balanced by the omissions in the official returns.

From 1840 to 1850, the arrivals of foreign passengers, in the ports of the United States, have been as follows:

1840–'41	83,504	1847	234,756
1842	101,107	1848	226,524
1843	75,159	1849	269,610
1844	74,607	1850†	173,011
1845	102,415		
1846*	202,157	Total	1,542,850

Within the last ten years there has probably been comparatively little immigration of foreigners into the United States over the Canada frontier; the disposition to take the route by Quebec having yielded to the increased facilities for direct passenger transportation to the cities of the Union; what there has been may, perhaps, be considered as equaled by the number of foreigners passing into Canada, after landing at New York, many having been drawn thither by the opportunities of employment afforded by the public works of the province. As the heaviest portion of this great influx of immigration took place in the latter half of the decade, it will probably be fair to estimate the natural increase during the term, at twelve per cent., being about one third of that of the white population of the country at its commencement.

Taking for granted the substantial correctness of the above estimates, and the accuracy of the returns during the last ten years, the following statement will show the accessions to our population from immigration from 1790 to 1850:

Number of foreigners arriving from 1790 to 1810	120,000
Natural increase, reckoned in periods of ten years	47,560
Number of foreigners arriving from 1810 to 1820	114,000
Increase of the above to 1820	19,000
Increase from 1810 to 1820 of those arriving previous to 1810	58,450
Total number of immigrants and descendants of immigrants in 1820	359,010
Number of immigrants arriving from 1820 to 1830	203,979
Increase of the above	35,728
Increase from 1820 to 1830 of immigrants and descendants of immigrants in the country in 1820	134,130
Total number of immigrants and descendants of immigrants in the United States in 1830	732,847
Number of immigrants arriving from 1830 to 1840	778,500
Increase of the above	135,150
Increase from 1830 to 1840 of immigrants and descendants of immigrants in the United States in 1830	254,445
Total number of immigrants and descendants of immigrants in the United States in 1840	1,900,942
Number of immigrants arriving from 1840 to 1850	1,542,850
Increase of the above at twelve per cent.	185,142
Increase from 1840 to 1850 of immigrants and descendants of immigrants in the United States in 1840	722,000
Total number of immigrants into the United States since 1790, and their descendants in 1850	4,350,934

The density of population is a branch of the subject which naturally attracts the attention of the inquirer. The following table has been prepared from the most authentic data accessible to this office:

Table of the Area and the number of Inhabitants to the square mile in each State and Territory in the Union.

State.	Area in square miles.	Population in 1850.	No. of inhabitants to sq. m.
Maine	30,000	583,188	19.44
New Hampshire	9,280	317,964	34.26
Vermont	10,212	313,611	30.07
Massachusetts	7,800	994,499	126.11
Rhode Island	1,306	147,544	108.05
Connecticut	4,674	370,791	79.83
New York	46,000	3,097,384	67.66
New Jersey	8,320	489,555	60.04
Pennsylvania	46,000	2,311,786	50.25
Delaware	2,120	91,535	43.64
Maryland	9,356	583,035	62.31
Virginia	61,352	1,421,661	23.17
North Carolina	45,000	868,903	19.30
South Carolina	24,500	668,507	27.28
Georgia	58,000	905,999	15.68
Alabama	50,722	771,671	15.21
Mississippi	47,156	606,555	12.86
Louisiana	46,431	511,974	11.02
Texas	237,321	212,592	.89
Florida	59,268	87,401	1.47
Kentucky	37,680	982,405	26.07
Tennessee	45,600	1,002,625	21.98
Missouri	67,380	682.043	10.12
Arkansas	52,198	209,639	4.01
Ohio	39,964	1,980,408	49.55
Indiana	33,809	988,416	29.23
Illinois	55,405	851,470	15.37
Michigan	56,243	397,654	7.07
Iowa	50,914	192,214	3.77
Wisconsin	53,924	305,191	5.65
California	188,982	-	-
Minnesota	83,000	6,077	.07
Oregon	341,463	13,293	.03
New Mexico	219,774	61,505	.28
Utah	187,923	11,381	-
Nebraska	136,700	-	-
Indian	167,171	-	-
North West	587,564	-	-
District of Columbia	60	51,687	861.45

From the location, climate, and productions, and the habits and pursuits of their inhabitants, the States of the Union may be properly arranged into the following groups:

	Area in square miles.	Population.	No. inhab. to sq. m.
New England States, (6)	63,226	2,727,597	43.07
Middle States, including Maryland, Delaware, and Ohio, (6)	151,760	8,653,713	57.02
Coast Planting States, including South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, (6)	266,077	3,537,089	12.36
Central Slave States: Virginia, North Carolina, Tennessee, Kentucky, Missouri, Arkansas, (6)	308,210	5,168,000	16.75
Northwestern States: Indiana, Illinois, Michigan, Wisconsin, and Iowa, (5)	250,000	2,735,000	10.92
Texas	237,000	212,000	.89
California	199,000	165,000	.87

*This return includes fifteen months, from July 1, 1845, to 30th September, 1846.

†The report from the State Department for this year, gives 315,333, as the total number of passengers arriving in the United States; but of these 30,023 were citizens of the Atlantic States proceeding to California by sea, and 5,320 natives of the country returning from visits abroad. A deduction of 106,879 is made from the balance, for that portion of the year from June 1 to September 30.

There are points of agreement in the general characteristics of the States combined in the above groups, which warrant the mode of arrangement adopted. Maryland is classed, as heretofore, with the Middle States, because its leading interests appear to connect it rather with the commercial and manufacturing section to which it is here assigned, than with the purely agricultural States. Ohio is placed in the same connection for nearly similar reasons.

There seems to be a marked propriety for setting off the new agricultural States of the Northwest by themselves, as a preliminary to the comparison of their progress with other portions of the Union. The occupations which give employment to the people of the central range of States south of the line of the Potomac, distinguish them to some extent from that division to which we have given the appellation of the coast planting States. In the latter, cotton, sugar, and rice are the great staples, the cultivation of which is so absorbing as to stamp its impress on the character of the people. The industry of the central States is more diversified, the surface of the country is more broken, the modes of cultivation are different, and the minuter divisions of labor create more numerous and less accordant interests. So far as Texas is settled, its population closely assimilates with that of the other coast planting States: but it would obviously convey no well-founded idea of the density of population in that section to distribute their people over the vast uninhabited region of Texas. For the same reason, and the additional one of the isolation of her position, California is considered distinct from other States.

Taking the thirty-one States together, their area is 1,485,870 square miles, and the average number of their inhabitants is 15.48 to the square mile. The total area of the United States is 3,220,000 square miles, and the average density of population is 7.219 to the square mile.

The areas assigned to those States and Territories in which public lands are situated, are doubtless correct, being taken from the records of the Land Office; but, as to those attributed to the older States, the same means of verifying their accuracy, or the want of it, do not exist. But care has been taken to consult the best local authorities for ascertaining the extent of surface in those States; and as the figures adopted are found to agree with, or differ but slightly from those assumed to be correct at the General Land Office, it is probable they do not vary essentially from the exact truth.

The area of some of the States, as Maryland and Virginia, are stated considerably below the commonly-assumed extent of their territory, which may be accounted for from the supposition that the portions of the surface within their exterior limits covered by large bodies of water, have been subtracted from the aggregate amount. This is known to be the case in regard to Maryland, the superficial extent of which, within the outlines of its boundaries, is 13,959 square miles; and is deemed probable with reference to Virginia, from the fact that many geographers have given its total area as high as 66,000 square miles.

It appears from the returns, that during the year ending on the first of June, 1850, there escaped from their owners one thousand and eleven slaves, and that during the same period fourteen hundred and sixty-seven were manumitted. The number of both classes will appear in the following table:

Manumitted and Fugitive Slaves—1850.

	Manumitted.	*Fugitives.*
Delaware	277	26
Maryland	493	279
Virginia	218	83
Kentucky	152	96
Tennessee	45	70
North Carolina	2	64
South Carolina	2	16
Georgia	19	89
Florida	22	18
Alabama	16	29
Mississippi	6	41
Louisiana	159	90
Texas	5	29
Arkansas	1	21
Missouri	50	60
Totals	1,467	1,011

In connection with this statement, and as affecting the natural increase of the free colored population of the United States, it may be proper to remark, that during the year to which the census applies, the Colonization Society sent 562 colored emigrants to Liberia. In our calculations respecting the increase of the free colored population, we have considered that class of persons independent of these two causes which respectively swell and diminish their number.

MORTALITY.

The statistics of mortality for the census year, represent the number of deaths occurring within the year as 320,194, the ratio being as one to 72.6 of the living population, or as ten to each 726 of the population. The rate of mortality in this statement, taken as a whole, seems so much less than that of any portion of Europe, that it must, at present, be received with some degree of allowance.

Should a more critical examination, which time will enable us to exercise, prove the returns of the number of deaths too small, such a result will not affect their value, for the purposes of comparison of one portion of the country with another, or cause with effect—the table will possess an interest second to none other in the work, and the many valuable truths which they will suggest, will be found of great practical advantage. Medical men will accord to the Census Board no small meed of credit, for the wisdom manifested in an arrangement which will throw more light on the history of disease in the United States, and present in connection more interesting facts connected therewith, than the united efforts of all scientific men have heretofore accomplished.

The registration of the annual deaths, as well as of the living, marks an epoch in the history of "life contingencies" in the United States. To trace the effect of the wide range of physical features and natural productions upon the human constitution and faculties, presents to every reflecting mind an interesting field of research. Likewise, to investigate the influence of mental occupations and industrial pursuits, and of the wide diversity of climate—from the highlands of Maine to the everglades of Florida—upon the persistence and duration of life, is an object of permanent importance, not only in a scientific, but in a commercial and national point of view. For all such inquiries, the returns of 1850 furnish facilities, less satisfactory indeed than would have been given by a permanent system of registration, but far superior to those hitherto available.

Among the more immediate advantages to be derived from data of this kind, through the medium of life tables, they would form a basis for the equitable distribution of life-interests in estates, pensions, and legacies; they would assign the true valuation of life annuities, assurances, and reversions of heritable property, and tend to protect the public from many ill-adjusted financial schemes, founded in ignorance of the true probabilities of life. They would correct a multitude of prejudices and misconceptions respecting the healthiness of the different localities, and besides this, form a common standard of reference in all those moral, sanitary, and mercantile statistics which have brought to light most valuable truths and generalizations, and which give promise of still greater benefits in the advancement of civilization.

Without intending to discuss several attempts heretofore made for the construction of life tables in this country, let it be observed, as is universally admitted, that the ratio of the annual deaths to the contemporary number living at each age, constitutes the implicit element of computation.

An enumeration of the living, or of the deaths only, is insufficient for the purpose, unless the population is stationary, or due allowance is made for the changes inwrought by births and migration during the whole century previous.

The assumption of a stationary population, however, can scarcely be entertained of even the oldest settled parts of the Union. The value and prospects of life, and the influence of climate on longevity, are lost or obscured, both by recent and remote changes. It is within the memory of persons now living, when most of our large cities were in their infancy; when forests were standing on grounds since occupied by the busiest marts of trade, and the corn was waving in the wind where now are the most populous streets.

Periods of unusual emigration or exodus have been followed by a temporary decrease, only to recommence with augmented numbers. But the chief inequality with reference to the present inquiry arises from the fact, that the great mass of emigrants are almost exclusively in the prime of life. Traced upon the texture of society, as these changes must be, in relative excesses and deficiencies at the several ages, the joint statistics of the living and of the annual deaths afford the only feasible mode of arriving at the law of mortality, independent of those former changes.

A life table for the State of Maryland has been prepared from a joint comparison of the abstracts of the returns of 1850. It comprises a very full interpretation of the laws of vitality indicated by the data for the year of enumeration, which may be regarded as one of average mortality. In the present case the investigation relates exclusively to the white population of Maryland, irrespective of city or country residents, or of the sexes, or of foreign or indigenous extraction.

The results and derived tables are specified at length in the Report on Maryland. From the preliminary table of population there given, it would appear that the line of equal division of the living falls upon the age of twenty; one half of the white population being under, and the other half above, twenty years of age; or, distributing with reference to three equal parts, one third of the population are under thirteen and a half years of age; one third are included between this and the age of twenty-nine, and the remaining third are above twenty-nine years of age. With respect to the deaths, the points of equal division fall upon ages several years younger than in the corresponding distributions of the living.

For exhibiting the law of mortality for individual lives, the data of the census were equated, and reduced to the simple case of 10,268 infants born on the same day, and commencing life simultaneously.

Assuming that like circumstances will continue to prevail during the years to come in this State, which may be regarded as certain, the population will continually be affected by the same rate of mortality. And hence we may safely estimate and predict, that, of the specified number of infants at the outset of life, 1,243 will perish prematurely in the first year of existence, and 9,025, or numbers in that proportion, will survive to enter upon their second year. A very considerable but decreasing mortality likewise prevails in the second and third years, leaving only 8,183, or about four fifths of the original number, to commence upon their fourth year. But after this age the juvenile system acquires more firmness, and a greater degree of the vigor and experience to guard against disease. At the age of twenty-one, 7,134 survive to enter upon a more active and responsible career of life; of whom 6,302 attain to "thirty-five"—the meridian of manhood. Proceeding onward for twenty years, to the age of "fifty-five," only 4,727, or less than one half the original number, then survive. From this age the numbers are decimated more frequently, and the vacated places of the fallen are occupied by advancing generations; till, having passed the mental and physical changes in the round and mystery of life, so graphically portrayed in the "Seven Ages" of the dramatist, a few become centenarians, and linger on the verge of life, till virtually, at the age of one hundred and six years, all have closed their earthly existence.

The table for Maryland also comprises the "Expectations of Life," or the average number of years which the great mass of the white population live after a given present age. This arrangement of the data is justly described as that which is of the most interest to society; for it points out the average number of years in which one member of the community with another participates in the pleasures and cares of life.

An individual, for instance, on attaining his thirtieth birth-day, has an expectancy of nearly thirty-five years. At fifty years of age the lease of time's estate (so to express the idea) is limited to a little more than nineteen years longer. The maximum expectation—52.86 years—is at the age of four in this table; in the well-known Carlisle table, it is represented to occur at the age of five; and at six in the Swedish table. The joint expectation for two lives, as in the marriage relation, or the average period during which both shall be

living, may now be determined in like manner, and also for three or more lives of given ages.

It has been remarked that tables, properly constructed from sufficient data, never differ widely from each other. For this reason, and on account of their high value, insertion is likewise given in that Report to three standard European tables; from no one of which does the Maryland table differ in the comparison so much as they differ among themselves.

Indeed, the duration of life by the Maryland table is found to be almost an exact medium between the British Female Annuitant's and the Carlisle values; which affords strong proof of accuracy. From these tabular forms for Maryland, the probabilities of life can readily be ascertained in a given case, with the value of Annuities, Assurances, and other reversions dependent upon lives. And when extended to other localities the results will eventually promote a most important national purpose, one which has long been desired—that of attaining a correct estimate of the standard of human life among different classes of population in this country.

TABLE OF DEATHS DURING THE YEAR ENDING 1ST JUNE, 1850.

	No. of Deaths.	Ratio to the number living.
Maine	7,545	77.29
New Hampshire	4,268	74.49
Vermont	3,132	100.13
Massachusetts	19,414	51.23
Rhode Island	2,241	65.83
Connecticut	5,781	64.13
New York	44,339	69.85
New Jersey	6,467	75.70
Pennsylvania	28,318	81.63
Delaware	1,209	75.71
Maryland	9,594	60.77
Virginia	19,053	74.61
North Carolina	10,207	85.12
South Carolina	7,997	83.59
Georgia	9,920	91.33
Alabama	9,084	84.94
Mississippi	8,711	69.63
Louisiana	11,948	42.85
Texas	3,046	69.79
Florida	933	93.67
Kentucky	15,206	64.60
Tennessee	11,759	85.34
Missouri	12,211	55.81
Arkansas	2,987	70.18
Ohio	28,949	68.41
Indiana	12,728	77.65
Illinois	11,619	73.28
Michigan	4,520	88.19
Iowa	2,044	94.03
Wisconsin	2,884	105.82
California	-	-
Minnesota	30	202.56
Oregon	47	282.82
New Mexico	1,157	53.15
Utah	239	47.61
District of Columbia	846	61.09

AGRICULTURE.

The great amount of labor, requisite to the extraction of the returns of agriculture, will admit, at this time, of presenting but limited accounts, though, perhaps to some extent, of the most important separate interests.

The returns of the wheat crop, for many of the Western States, will not at all indicate the average crop of those States. This is especially the case with Ohio, Indiana, and Illinois, from which, especially the former, the assistant marshals return a "short crop," to the extent of fifty per cent. throughout the whole State. The shortness of the wheat crop in Ohio, in 1849, is verified by returns made during the subsequent season, by authority of the Legislature. The causes which affected the wheat crop in those States were not without their influence in reducing that of Western Virginia and Western Pennsylvania to some considerable extent.

MANUFACTURES.

The period which has elapsed since the receipt of the returns has been so short, as to enable the office to make but a general report of the facts relating to a few of the most important manufactures. If, in some instances, the amount of "capital invested" in any branch of manufacture, should seem too small, it must be borne in mind, that, where the product is of several kinds the capital invested, not being divisible, is connected with the product of greatest consequence. This, to some extent, reduces the capital invested in the manu-

A—AGRICULTURAL PRODUCTIONS.

State.	Acres of land improved.	Value of farming implements and machinery.	Value of live stock.	Bushels of wheat.	Bushels of Indian corn.	Tobacco, pounds of.	Ginned cotton, bales of 400 lbs each.	Wool, pounds of.	Wine, gallons of.	Butter, pounds of.	Cheese, pounds of.	Hay, tons of.	Hemp, dew-rotted, tons of.	Hemp, water-rotted, tons of.	Flaxseed, bushels of.	Maple sugar, pounds of.	Cane sugar, hhds. of 1,000 lbs.	Value of homemade manufactures.
Maine	2,019,593	$2,363,517	$9,831,488	367,980	1,741,715	-	-	1,366,866	306	8,488,234	2,201,105	794,780	-	-	362	87,541	-	$510,998
New Hampshire	2,251,388	2,314,125	8,871,901	185,658	1,573,670	50	-	1,108,476	35	6,977,056	3,190,563	598,854	-	-	94	1,292,429	-	393,455
Vermont	2,382,923	2,774,959	11,292,748	493,666	1,625,776	-	-	3,492,087	140	6,755,006	7,194,461	763,579	-	-	307	5,159,641	-	261,589
Massachusetts	2,127,994	3,173,809	9,619,964	29,784	2,226,167	119,306	-	576,736	4,122	7,825,337	296,748	645,749	5	-	72	768,596	-	210,076
Rhode Island	337,672	473,385	1,466,636	39	516,133	-	-	111,937	843	1,066,625	73,353	73,353	-	-	-	-	-	26,098
Connecticut	1,734,977	2,043,098	7,353,996	40,167	1,996,462	1,383,932	-	519,599	3,346	6,620,579	4,512,019	499,706	-	-	-	37,781	-	188,995
New York	12,285,077	22,217,563	74,672,356	13,073,357	17,844,808	70,222	-	10,021,507	6,483	82,043,823	49,785,905	3,714,734	81	20	9,775	10,310,764	-	1,277,170
New Jersey	1,770,337	4,367,124	10,678,364	1,508,216	8,605,396	-	-	375,932	517	9,070,710	500,819	420,119	-	-	53,824	5,896	-	110,350
Pennsylvania	8,619,631	14,931,993	42,146,711	15,492,191	19,707,702	857,619	-	4,784,367	23,839	40,554,741	2,395,279	1,826,965	173	-	12,352	2,918,644	-	755,104
Delaware	524,364	471,385	1,718,386	466,784	2,888,896	-	-	52,887	85	1,034,867	3,187	30,150	686	16	838	-	-	32,809
Maryland	2,797,905	2,463,443	7,997,634	4,494,680	11,104,631	21,199,281	-	477,438	2,099	4,206,180	3,925	145,070	-	-	2,816	47,740	-	111,828
District of Columbia	17,083	40,220	71,573	17,370	65,280	15,000	-	-	863	14,869	-	1,974	-	-	-	-	-	75
Virginia	10,150,106	7,021,658	33,607,962	14,516,950	35,538,582	56,516,492	-	2,850,909	4,280	11,126,795	434,850	370,177	3,450	1,149	53,333	1,223,905	-	2,156,073
North Carolina	5,443,137	4,056,006	17,837,108	2,147,899	33,286,999	12,058,147	-	915,289	10,801	4,144,958	95,043	145,180	13	-	38,183	27,448	-	2,008,884
South Carolina	4,074,855	4,143,709	15,060,015	1,066,278	16,272,308	73,235	-	300,901	3,680	2,979,975	4,810	25,497	-	-	11	200	-	909,546
Georgia	6,323,426	5,901,050	25,727,408	1,065,784	30,428,540	420,123	-	494,023	664	4,640,074	46,391	23,497	-	-	585	50	-	1,888,093
Florida	349,423	675,885	2,945,668	1,225	1,993,462	989,584	-	45,078	10	375,853	18,324	2,630	-	-	-	-	-	74,362
Alabama	4,387,088	5,066,814	31,558,686	992,429	28,485,966	163,605	-	637,829	14	3,961,592	30,423	31,801	-	70	-	473	47,411	1,890,258
Mississippi	3,489,640	5,759,738	19,303,593	215,181	21,836,154	48,349	-	556,057	301	4,388,112	20,314	12,517	2	-	54	110	28	1,165,195
Louisiana	1,567,998	11,226,310	10,983,508	-	10,915,051	23,922	-	105,393	-	685,136	1,148	20,672	-	-	21	260	278	138,773
Texas	635,913	2,095,308	10,383,066	42,448	5,796,735	60,770	-	122,118	94	2,319,574	92,018	8,327	-	-	16	-	262,486	265,526
Arkansas	780,333	1,594,941	6,720,254	133,902	8,857,996	224,164	-	181,427	10	1,854,194	28,440	-	-	-	695	8,895	7,017	644,928
Tennessee	5,087,057	5,351,178	29,134,183	1,638,470	52,137,863	20,144,380	-	1,340,833	204	8,130,686	179,577	72,942	-	-	19,405	159,647	-	3,168,116
Kentucky	6,068,633	5,988,092	29,898,396	2,184,763	58,922,788	55,765,259	-	2,246,168	4,202	10,115,267	228,744	115,296	37,168	2,685	80,458	388,525	-	2,487,493
Ohio	9,730,650	12,716,163	43,276,187	14,967,056	59,788,750	10,480,967	-	2,047,364	44,834	34,180,458	21,350,478	1,360,636	628	464	185,598	4,321,643	-	1,696,601
Michigan	1,923,582	2,764,171	8,005,429	4,918,706	5,620,915	2,225	-	2,047,364	1,443	7,043,784	1,012,551	394,717	40	14	1,186	2,423,897	-	354,936
Indiana	5,019,822	6,748,722	22,398,965	6,625,474	52,887,564	1,035,146	5	2,502,763	13,004	12,748,186	666,986	402,791	794	775	35,803	2,921,638	-	1,647,200
Illinois	5,114,041	6,349,936	24,817,954	9,433,965	57,179,983	844,129	8	2,199,139	2,343	12,605,554	1,983,758	586,011	1,099	1,838	11,873	246,078	-	1,218,211
Missouri	2,911,422	3,977,449	19,764,672	2,943,840	35,709,042	17,038,364	-	1,635,182	10,193	7,762,124	201,597	116,284	17,061	4,014	13,439	171,943	-	1,663,749
Iowa	814,173	1,302,978	3,662,769	1,442,024	2,013	-	-	363,398	420	1,933,128	198,444	84,598	1,300	80	2,182	70,680	-	202,533
Wisconsin	1,011,308	1,701,047	4,594,717	4,293,206	768	-	-	243,065	68	888,816	440,961	295,927	-	100	834	661,969	-	57,506
California	34,312	88,583	3,456,725	98,962	1,000	-	-	4,800	-	705	150	2,038	-	-	-	-	-	2,500
Minnesota	5,035	15,981	103,859	3,492	16,865	-	-	260	-	1,100	-	2,069	-	-	-	2,950	-	-
Oregon	135,357	183,403	1,875,969	228,858	2,928	-	-	29,596	-	211,734	36,030	373	-	-	-	-	-	-
Utah	15,219	78,495	538,951	103,441	9,144	-	-	8,397	-	74,064	32,646	4,288	-	-	5	-	-	1,304
New Mexico	161,396	78,217	1,504,497	196,575	355,795	1,118	-	23,641	2,053	101	5,887	-	-	-	-	-	-	6,031
Total	112,042,000	151,820,273	552,705,238	104,799,230	591,586,053	199,532,494	2,474,914	52,422,797	141,295	319,202,986	103,184,585	13,605,384	62,182	13,059	567,749	32,759,963	318,644	27,525,545

facture of bar iron, in such establishments where some other article of wrought iron predominates—sheet iron for example. The aggregate, however, of the capital invested, in the various branches of wrought iron, will, it is confidently believed, be found correct.

The entire capital invested in the various manufactures in the United States, on the 1st of June, 1850—not to include any establishments producing less than the annual value of $500—amounted, in round numbers to.....$530,000,000
Value of raw material.....550,000,000
Amount paid for labor.....240,000,000
Value of manufactured articles.....1,020,300,000
Number of persons employed.....1,050,000

More minute particulars respecting these separate interests will be found incorporated in tables A, [See p. 77,] B, C, D, E, F, G.

THE PRESS.

The statistics of the newspaper press form an interesting feature in the returns of the Seventh Census.

It appears that the whole number of newspapers and periodicals in the United States, on the first day of June, 1850, amounted to 2,800. Of these, 2,494 were fully returned, 234 had all the facts excepting circulation given, and 72 are estimated for California, the Territories, and for those that may have been omitted by the assistant marshals.

From calculations made on the statistics returned, and estimated circulations where they have been omitted, it appears that the aggregate circulation of these 2,800 papers and periodicals is about 5,000,000, and that the entire number of copies printed annually in the United States, amounts to 422,600,000.

The following table will show the number of daily, weekly, monthly, and other issues, with the aggregate circulation of each class:

	No.	Circulation.	No. copies printed annually.
Dailies	350	750,000	235,000,000
Tri-weeklies	150	75,000	11,700,000
Semi-weeklies	125	80,000	8,320,000
Weeklies	2,000	2,875,000	149,500,000
Semi-monthlies	50	300,000	7,200,000
Monthlies	100	900,000	10,800,000
Quarterlies	25	29,000	80,000
	2,800	5,000,000	422,600,000

Four hundred and twenty-four papers are issued in the New England States, 876 in the Middle States, 716 in the Southern States, and 784 in the Western States.

Statement of the Population in each State and Territory decennially, commencing 1790 *to* 1850 *inclusive.*

		1790.	1800.	Ratio of increase.	1810.	Ratio of increase.	1820.	Ratio of increase.	1830.	Ratio of increase.	1840.	Ratio of increase.	1850.	Ratio of increase.	Representatives of each State. No.	Fractions.	Present No. Reps.
New England.	Maine	96,540	151,719	57.1	228,705	50.7	298,335	30.4	399,455	33.9	501,793	26.2	583,188	16.22	6	20,892	7
	New Hampshire	141,899	183,762	29.5	214,360	16.6	244,161	13.9	269,328	10.3	284,574	5.6	317,964	11.63	3	36,816	4
	Vermont	85,416	154,465	80.8	217,713	41.	235,764	8.2	280,652	19.	291,948	4.	314,120	7.59	3	32,972	4
	Massachusetts	378,717	423,245	11.7	472,040	11.5	523,287	10.9	610,408	16.6	737,699	20.8	994,499	34.81	11	*57,339	10
	Rhode Island	69,110	69,122	-	77,031	11.4	83,059	7.8	97,199	17.	108,830	11.9	147,544	35.57	2	*53,828	2
	Connecticut	238,141	251,002	5.4	262,042	4.3	275,202	5.	297,675	8.1	309,978	4.1	370,791	19.61	4	*89,643	4
		1,009,823	1,233,315	22.1	1,471,891	19.3	1,659,808	12.8	1,954,717	17.7	2,234,822	14.3	2,728,106	22.07			
Middle.	New York	340,120	586,756	72.5	959,049	63.4	1,372,812	43.1	1,918,608	39.7	2,428,921	26.6	3,097,394	27.52	33	4,766	34
	New Jersey	184,139	211,949	15.1	245,555	15.9	277,575	13.	320,823	15.5	373,306	16.3	489,555	31.14	5	20,886	5
	Pennsylvania	434,373	602,365	38.6	810,091	34.4	1,049,458	29.5	1,348,233	28.5	1,724,033	27.9	2,311,786	34.09	25	*62,602	24
		958,632	1,401,070	46.15	2,014,695	43.79	2,699,845	34.	3,587,664	32.88	4,526,260	26.16	5,898,735	30.32			
Atlantic.	Delaware	59,096	64,273	8.7	72,674	13.	72,749	-	76,748	5.5	78,085	1.7	91,535	17.22	1		1
	District of Columbia	-	14,093	-	24,023	36.8	33,039	37.5	39,834	29.2	43,712	23.3	51,687	18.24			
	Maryland	319,728	341,548	6.8	380,546	11.4	407,350	7.	447,040	9.7	470,019	5.1	583,035	24.04	6	*78,307	6
	Virginia	748,308	880,200	17.6	974,622	10.7	1,065,379	9.3	1,211,405	13.7	1,239,797	2.3	1,421,661	14.66	13	14,341	15
	North Carolina	393,751	478,103	21.3	555,500	16.2	638,829	15.	737,987	15.5	753,419	2.1	868,903	15.32	8	3,810	9
	South Carolina	249,073	345,591	38.7	415,115	20.1	502,741	18.1	581,185	15.6	594,398	2.3	668,507	12.46	5	45,933	7
	Georgia	82,548	162,101	96.4	252,433	55.1	340,987	35.1	516,823	51.2	691,392	33.8	905,999	31.03	8	3,598	8
	Florida	-	-	-	-	-	-	-	34,730	-	54,477	56.8	87,401	60.43	1		1
		1,852,504	2,285,909	23.39	2,674,913	17.01	3,061,074	14.43	3,645,752	19.1	3,925,299	7.66	4,678,728	19.19			
Northwestern.	Ohio	-	45,365	-	230,760	408.7	581,434	152.	937,903	61.3	1,519,467	62.	1,980,408	30.33	21	12,372	21
	Indiana	-	4,875	-	24,520	403.	147,178	500.2	343,031	133.	685,866	99.9	988,416	44.11	11	*51,256	10
	Illinois	-	-	-	12,282	-	55,211	349.5	157,445	185.2	476,183	202.4	851,470	78.81	9	8,026	7
	Iowa	-	-	-	-	-	-	-	-	-	43,112	-	192,214	345.84	2	4,782	2
	Wisconsin	-	-	-	-	-	-	-	-	-	30,945	-	305,191	890.48	3	24,043	3
	Michigan	-	-	-	4,762	-	8,896	86.8	31,639	255.6	212,267	570.9	397,654	87.33	4	22,790	3
	Minnesota, (Territory)	-	-	-	-	-	-	-	-	-	-	-	6,077				
		-	50,240	-	272,324	442.04	792,719	191.09	1,470,018	85.43	2,967,840	101.89	4,721,430	59.08			
Southern & Western.	Kentucky	73,077	220,955	200.	406,511	83.1	564,317	38.8	687,917	21.9	779,828	13.3	982,405	25.98	10	*54,568	10
	Missouri	-	-	-	20,845	-	66,586	219.5	140,455	110.9	383,702	173.2	682,043	77.75	7	*84,778	5
	Alabama	-	-	-	-	-	127,901	-	309,527	142.	590,756	90.8	771,671	30.62	7	*72,218	7
	Louisiana	-	-	-	76,556	-	153,407	100.4	215,739	40.6	352,411	63.3	511,974	45.27	4	41,501	4
	Tennessee	35,791	105,602	200.	261,727	147.8	422,813	61.5	681,904	61.3	829,210	21.6	1,002,625	20.91	10	*63,396	11
	Mississippi	-	8,850	-	40,352	356.	75,448	87.	136,621	81.	375,651	175.	606,555	61.46	5	14,015	4
	Arkansas	-	-	-	-	-	14,273	-	30,388	112.9	97,574	221.1	209,639	114.85	2	3,414	1
	Texas	-	-	-	-	-	-	-	-	-	-	-	212,592	-	2	1,895	2
	New Mexico, (Ter'y)	-	-	-	-	-	-	-	-	-	-	-	61,547				
		108,868	335,407	208.08	805,991	140.3	1,424,745	76.76	2,202,551	54.59	3,409,132	54.78	5,041,051	47.86			
	*California	-	-	-	-	-	-	-	-	-	-	-	165,000	-	2		2
	Oregon. Territories	-	-	-	-	-	-	-	-	-	-	-	13,293			*Have the addition on account of the fractions.	
	†Utah.. Territories	-	-	-	-	-	-	-	-	-	-	-	11,380				
	Seamen in U. S. service.	-	-	-	-	-	-	-	5,318	-	6,100						
	Total	3,929,827	5,305,941	35.01	7,239,814	36.45	9,638,191	33.12	12,866,020	33.48	17,069,453	32.67	23,257,723	36.25	233		233

Statement of Population by Classes decennially, from 1790 *to* 1850 *inclusive.*

	1790.	1800.		1810.		1820.		1830.		1840.		1850.				
Whites	3,172,464	4,304,489	35.7	5,862,004	36.2	7,866,569	34.19	10,537,378	33.95	14,189,895	34.7	19,630,738	38.28			
Free colored	59,466	108,395	82.2	186,446	72.2	233,524	25.25	319,599	36.85	386,245	20.9	428,661	10.9			
Slaves	697,897	893,057	27.9	1,191,364	33.4	1,538,098	29.1	2,009,043	30.61	2,487,213	23.8	3,198,324	28.58			
Seamen in U. S. service	-	-	-	-	-	-	-	-	-	6,100‡						
	3,929,827	5,305,941	-	7,239,814	-	9,638,191	-	12,866,020	-	17,069,453	-	23,257,723	36.25			
Total Free	3,231,930	4,412,884	36.4	6,048,450	37.	8,100,093	33.92	10,856,977	34.03	14,576,140	34.1	20,059,399	37.61			
Total colored population free and slaves	757,363	1,001,452	32.2	1,377,810	37.6	1,771,622	28.58	2,328,642	31.44	2,873,458	23.4	3,626,985	26.22			

*The population of California is set down at 165,000 as an approximation to the real population, which may be essentially varied by complete returns. Should the returns vary from our estimate so far as to reduce the population of California 30,000, South Carolina will be entitled to a member additional, as being next above on the list of fractions. The official returns of California will *slightly* affect the calculation respecting the aggregate increase of the free population for the year 1850. Ratio of representation, 93,716.

†The returns of Utah have been received since the preparation of this report.

‡Added to white population.

The average circulation of papers in the United States, is 1,785. There is one publication for every 7,161 free inhabitants in the United States and Territories.

In accordance with the views expressed in the commission with which the Department honored me in May last, I visited, during the three summer months, the capitals of many of the important Governments of Europe, for the purpose of examining into the methods adopted for the procuring and classification of such facts as are enumerated by those Governments in their statistical investigations, in order that our own census might, when published, prove of the greatest value to ourselves, and not seem inferior to those of countries which have the credit of having paid more attention to statistical science, although they may not have made greater advances in what we esteem rational forms of government.

It seems more desirable to possess every ray of light on this subject, when considering that the present census is one of unexampled importance to ourselves and our posterity, as exhibiting our condition to the middle of a century, and illustrative of the progress of a people, flourishing beyond all precedent, under a new form of government; one whose history and example must, as it becomes known, exert an important influence throughout the civilized world. This census, while it exhibits our progress for sixty years, with a precision and certainty which no other country has been able to enjoy, and giving a reality to the past, unattainable with respect to any other people, discloses the present statistical history, and that for the first time, of a country embracing more than a million square miles of territory, the future destiny of which is inseparably connected with that of the original thirteen States. Not only, however, in connection with these statistical investigations, did it seem desirable to avail ourselves of any improvements introduced into the last censuses of Europe, to enable us to prepare our own great national work on the best system; but for many of the practical purposes to which statistics are applied and deemed valuable, it seemed desirable to effect some arrangement by which the publication of the results of the great elementary facts among nations should be made as nearly simultaneous as possible, and classified on the same general principles, as far as the facts taken would justify, in order that, while we use every exertion to analyze society at home, we may, from their statistics, enjoy the advantage of being able to arrive at a similar analysis with respect to other nations, and that, while contemplating our own progress from time to time, we may be able to institute comparisons with the advancement of other people. Heretofore, at almost every step of investigation, the statist wishing to prosecute inquiries respecting different nations, touching the great elements of society, has met with the insurmountable difficulty arising from the different elements elucidated, and the diverse methods of combination adopted, which lessen the value of their labors, reciprocally, and in the absence of more reliable data, lead to the frequent use of one set of

B.—COTTON GOODS.

State.	Capital invested.	Bales cotton.	Tons coal.	Value of all raw material.	No. hands employed.		Entire wages per month.		Average wages per month.		Value of entire product.	Yards sheeting, &c.,&c.	Sundries.
					Males.	Fem.	Males.	Females.	Males.	Fem.			
Maine	$3,329,700	31,531	2,921	$1,573,110	780	2,959	$22,895	$35,973	$29 35	$12 15	$2,596,356	32,852,556	- -
New Hampshire	10,950,500	83,026	7,679	4,839,429	2,911	9,211	75,713	124,131	25 45	13 47	8,830,619	113,106,247	149,700 lbs. yarn.
Vermont	202,500	2,243	-	114,415	94	147	1,460	1,861	15 55	12 67	196,100	1,651,000	53,050 " "
Massachusetts	28,455,630	223,607	46,545	11,289,309	9,293	19,437	212,892	264,514	23 01	13 55	19,712,461	298,751,392	353,660 " "
Rhode Island	6,675,000	50,713	13,116	3,484,579	4,959	5,916	92,282	76,656	18 61	12 95	6,447,120	96,725,612	1,902,980 " thr'd & y'n.
Connecticut	4,219,100	39,483	2,866	2,500,062	2,708	3,478	51,679	41,060	19 08	11 81	4,257,592	51,780,700	950,000 " yarn.
New York	4,176,920	37,778	1,539	1,985,973	2,632	3,688	48,244	35,699	18 33	9 68	3,591,989	44,901,475	2,180,600 " "
New Jersey	1,483,500	14,437	4,467	666,645	616	1,096	11,078	10,487	17 98	9 56	1,109,524	8,122,580	2,000,000 " "
Pennsylvania	4,528,925	44,162	24,189	3,152,530	3,564	4,099	63,642	40,656	17 86	9 91	5,322,262	45,746,790	5,308,561 " "
Delaware	460,100	4,730	1,920	312,068	413	425	6,326	4,926	15 55	11 59	538,439	3,521,636	533,000 " "
Maryland	2,236,000	23,325	2,212	1,165,579	1,008	2,014	15,546	19,108	15 42	9 53	2,120,504	27,883,923	46,000 " "
Virginia	1,908,900	17,785	4,805	828,375	1,275	1,688	12,983	11,791	10 15	6 98	1,486,384	15,640,107	1,755,915 " "
North Carolina	1,058,800	13,617	-	531,903	442	1,177	5,153	7,216	11 66	6 13	831,342	2,470,110	2,267,000 " "
South Carolina	857,200	9,929	-	295,971	399	620	5,565	5,151	13 94	8 30	748,338	6,563,737	1,348,343 " "
Georgia	1,736,156	20,230	1,000	900,419	873	1,399	12,725	10,352	14 57	7 39	2,135,044	7,209,292	4,198,351 " "
Florida	80,000	600	-	30,000	28	67	900	335	32 14	5 00	49,920	624,000	- -
Alabama	651,900	5,208	-	237,081	346	369	4,053	2,946	11 71	7 98	382,260	3,081,000	790,000 " "
Mississippi	38,000	430	-	21,560	19	17	270	101	14 21	5 34	30,500	-	171,000 " "
Louisiana	-	-	-	-	-	-	-	-	-	-	-	-	- -
Texas	-	-	-	-	-	-	-	-	-	-	-	-	- -
Arkansas	16,500	170	-	8,975	13	18	190	106	14 61	5 88	16,637	-	81,250 " "
Tennessee	669,600	6,411	3,010	297,500	310	581	3,394	3,730	10 95	6 42	510,624	363,250	2,326,250 " "
Kentucky	239,000	3,760	720	180,907	181	221	2,707	2,070	14 62	9 36	273,439	1,003,000	725,000 " "
Ohio	297,000	4,270	2,152	237,060	132	269	2,191	2,534	16 60	9 05	394,700	280,000	433,000 " "
Michigan	-	-	-	-	-	-	-	-	-	-	-	-	- -
Indiana	43,000	675	300	28,220	38	57	495	386	13 00	6 77	44,200	-	300,000 " "
Illinois	-	-	-	-	-	-	-	-	-	-	-	-	- -
Missouri	102,000	2,160	1,658	86,446	75	80	820	800	10 94	10 00	142,900	-	13,260 bales batting.
Iowa	-	-	-	-	-	-	-	-	-	-	-	-	- -
Wisconsin	-	-	-	-	-	-	-	-	-	-	-	-	- -
California	-	-	-	-	-	-	-	-	-	-	-	-	- -
District of Columbia	85,000	960	-	67,000	41	103	575	825	14 02	8 01	100,000	1,400,000	- -
Total	$74,501,031	641,240	121,099	$34,835,056	33,150	59,136	$653,778	$703,414			$61,869,184	763,678,407	27,873,600 lbs. and bales.

C.—WOOLEN GOODS.

State.	Capital invested.	Pounds of wool used.	Tons of coal.	Value of all raw material.	No. hands employed.		Entire wages per month.		Average wages per month.		Value of entire products.	Yards of cloth manufactured.	Sundries.
					Males.	Fem.	Males.	Females.	Males.	Fem.			
Maine	$467,600	1,438,434	-	$495,940	310	314	$6,998	$3,697	$22 57	$11 77	$753,300	1,023,020	1,200 lbs. yarn.
New Hampshire	2,437,700	3,604,103	3,600	1,267,329	926	1,201	21,177	17,451	22 84	14 51	2,127,745	9,712,840	165,200 " "
Vermont	886,300	2,328,100	-	830,684	683	710	16,712	8,388	24 50	11 80	1,579,161	2,830,400	- -
Massachusetts	9,089,342	22,229,952	15,400	8,671,671	6,167	4,963	141,533	70,581	22 95	14 22	12,770,565	25,865,658	749,550 " "
Rhode Island	1,013,000	4,103,370	2,032	1,463,900	987	771	20,431	11,708	20 70	15 18	2,381,825	8,612,400	46,000 " "
Connecticut	3,773,950	9,414,100	7,912	3,325,709	2,907	2,581	70,141	33,216	24 12	13 25	6,465,216	9,408,777	- -
New York	4,459,370	12,538,786	-	3,838,292	4,262	2,412	85,147	28,377	21 46	11 41	7,030,604	7,924,252	261,700 " "
New Jersey	494,274	1,510,289	1,889	548,367	411	487	10,367	4,192	25 02	8 59	1,164,446	771,100	350,000 " "
Pennsylvania	3,005,064	7,560,379	10,777	3,282,718	3,490	2,236	67,138	23,279	19 20	10 40	5,321,866	10,099,234	1,941,621 " "
Delaware	148,500	393,000	45	204,172	122	18	2,293	312	18 79	17 33	251,010	152,000	- -
Maryland	244,000	430,300	100	165,568	262	100	4,875	1,189	18 60	11 89	295,140	373,100	- -
Virginia	392,640	1,554,110	357	488,899	478	190	8,688	1,883	18 15	9 90	841,013	2,037,025	398,705 " "
North Carolina	18,000	30,000	-	13,950	15	15	270	105	18 00	7 00	23,750	34,000	- -
South Carolina	-	-	-	-	-	-	-	-	-	-	-	-	- -
Georgia	68,000	153,816	-	30,392	40	38	1,099	536	27 47	14 10	88,750	340,660	- -
Florida	-	-	-	-	-	-	-	-	-	-	-	-	- -
Alabama	-	-	-	-	-	-	-	-	-	-	-	-	- -
Mississippi	-	-	-	-	-	-	-	-	-	-	-	-	- -
Louisiana	-	-	-	-	-	-	-	-	-	-	-	-	- -
Texas	8,000	30,000	-	10,000	4	4	80	80	20 00	20 00	15,000	14,000	4,000 blankets.
Arkansas	-	-	-	-	-	-	-	-	-	-	-	-	- -
Tennessee	10,900	6,200	-	1,675	15	2	265	12	17 66	4 00	6,310	-	2,220 hats.
Kentucky	249,820	673,900	-	205,287	256	62	3,919	689	15 29	11 11	318,819	878,034	- -
Ohio	870,220	1,657,796	2,110	578,423	903	298	18,191	3,250	20 14	10 44	1,111,027	1,374,087	65,000 lbs. yarn.
Michigan	94,000	162,250	-	43,402	78	51	1,689	585	21 65	11 47	90,242	141,570	- -
Indiana	171,545	413,350	90	120,486	189	57	4,122	630	21 81	11 05	205,802	235,500	104,000 " "
Illinois	154,500	396,964	967	115,367	124	54	2,728	676	22 00	12 52	206,572	306,995	137,000 " "
Missouri	20,000	80,000	1,071	16,000	15	10	480	65	32 00	6 50	56,000	12,000	6,000 prs. blankets.
Iowa	10,000	14,500	-	3,500	7	-	78	-	11 42	-	13,000	14,000	- -
Wisconsin	31,225	134,200	-	32,630	25	-	562	-	22 45	-	87,992	36,000	74,350 lbs. yarn.
California	-	-	-	-	-	-	-	-	-	-	-	-	- -
Dist. Columbia	700	5,000	-	1,630	2	-	60	-	30 00	-	2,400	10,000	- -
Total	$28,118,650	70,862,829	46,370	$25,755,988	22,678	16,574	$489,039	$210,901			$43,207,555	82,206,652	4,294,396 lbs. yarn.

elements to ascertain the condition of some different set, producing results equally unsatisfactory to the man of science, as they are often dangerous, if made the basis of the political economy and legislation of a government.

In addition to the effort to effect a general sympathy or concert of action among nations, with reference to their periodical statistics, it has been my aim, in which I have succeeded, often in the absence of published records, to procure a knowledge of the exact condition of the people of all classes in each country visited, and learn their true state, with reference to numbers, and the products of their agriculture and manufactures, their social and moral condition, the state of education, the price of labor, and the practical management of the farming interests; in no case, however, relying upon information not either obtained from personal observation, or derived officially, and in a manner which can leave no doubt of its correctness. My opportunities abroad will not only enable me to effect valuable improvements in compiling our census, but it will be my aim to make the statistical facts useful to the country, by forming them into a report to be supplemental hereto, the completion of which has been retarded by my other official duties.

Another object had in view, was the procuring information with reference to the manner in which the various offices in Europe, especially those connected with agriculture and statistics, are organized, and the manner in which the information obtained is made available to the government and people. To the attainment of these purposes, the few weeks to which my time limited me, and the diversity of languages among those with whom my investigations were pursued, interposed difficulties only surmounted by a zealous determination to effect the duty undertaken—one in which failure must have ensued, were it not for the official character sustained in connection with the office here, and that with which the Department honored me, as its representative abroad: the one enabling me to impart as much valuable information to others as was solicited in return; the other giving facilities of intercourse, and a claim to consideration, which was never slighted by any officer of a foreign Government.

In England, in addition to the free intercourse enjoyed with the officers of Government connected with statistical matters, several opportunities were offered for bringing the object of my mission before public audiences; and invitations were tendered me to address the members of the London Statistical Society at its annual meeting in that city, the Society of Actuaries at Richmond, and the British Association at Ipswich, during its annual meeting, which was attended by Prince Albert, one of its members, and many of the most distinguished literary and scientific gentlemen of Great Britain and the Continent. The Statistical Council of Belgium, M. Quetelet, President, gave me a place in their Board at one of its regular meetings. On each opportunity it gave me pleasure to present a full account of the character and extent of our investigations, under the act of Congress, for taking the Seventh Census, to make a fair and impartial exhibit of our progress in wealth and numbers during the past ten years, and

D—PIG IRON.

State.	Capital invested.	Tons ore used.	Tons mineral coal.	Bushels coke and charcoal.	Value raw material, fuel, &c.	No. hands employed.		Entire wages per month.		Average wage per month.		Tons of pig iron made.	Value of other products.	Value of entire products.
						Males.	Fem.	Males.	Fem.	Males.	Fem.			
Maine	$214,000	2,907	-	213,970	$14,939	71	-	$1,562	-	$22 00	-	1,484	-	$36,616
New Hampshire	2,000	500	-	50,000	4,900	10	-	180	-	18 00	-	200	-	6,000
Vermont	62,500	7,676	150	326,437	40,175	100	-	2,208	-	22 08	-	3,200	-	68,000
Massachusetts	469,000	27,900	-	1,855,000	185,741	263	-	7,238	-	27 50	-	12,287	-	295,123
Rhode Island	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Connecticut	225,600	35,450	-	2,870,000	289,225	148	-	3,967	-	26 80	-	13,420	$20,000	415,600
New York	605,000	46,385	20	3,000,074	321,027	505	-	12,625	-	24 96	-	23,022	12,800	597,920
New Jersey	967,000	51,366	20,865	1,621,000	332,707	600	-	12,720	-	21 20	-	24,031	-	560,544
Pennsylvania	8,570,425	877,283	316,060	27,505,186	3,732,427	9,285	9	201,039	$46	21 15	-	285,702	40,000	6,071,513
Delaware	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maryland	1,420,000	99,866	14,068	3,707,500	560,725	1,370	-	27,595	-	21 27	-	43,641	96,000	1,056,400
Virginia	513,800	67,319	39,982	1,311,000	158,307	1,115	14	14,232	96	12 67	$6 86	22,163	-	521,924
North Carolina	25,000	900	-	150,000	27,900	26	5	208	22	8 00	4 40	400	-	12,500
South Carolina	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	26,000	5,189	-	430,000	25,840	135	3	2,355	15	17 44	5 00	900	28,000	57,300
Florida	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alabama	11,000	1,838	-	145,000	6,770	40	-	700	-	17 50	-	522	5,000	22,500
Mississippi	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Louisiana	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Texas	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Arkansas	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tennessee	1,021,400	88,810	177,167	160,000	254,900	1,713	109	21,958	558	12 82	5 10	30,420	41,900	676,100
Kentucky	924,700	72,010	-	4,576,269	260,152	1,845	10	37,335	47	20 23	4 70	24,245	10,000	604,037
Ohio	1,503,000	140,610	21,730	5,428,800	630,037	2,415	-	59,129	-	24 48	-	52,658	-	1,255,850
Michigan	15,000	2,700	-	185,000	14,000	25	-	875	-	35 00	-	660	6,000	21,000
Indiana	72,000	5,200	-	310,000	24,400	88	-	2,200	-	26 00	-	1,850	-	58,000
Illinois	65,000	5,500	-	170,000	15,500	150	-	3,310	-	22 06	-	2,700	-	70,200
Missouri	619,000	37,000	55,180	-	97,367	334	-	8,112	-	24 28	-	19,250	-	314,600
Iowa	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wisconsin	15,000	3,000	-	150,000	8,250	60	-	1,800	-	30 00	-	1,000	-	27,000
California	-	-	-	-	-	-	-	-	-	-	-	-	-	-
District of Columbia	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	$17,346,425	1,579,309	645,242	54,165,236	$7,005,289	20,298	150	$421,435	$784	-	-	564,755	$259,700	$12,748,777

E.—CASTINGS.

State.	Capital invested.	Tons pig iron.	Tons old metal.	Tons of ore.	Tons mineral coal.	Bushels coke and charcoal.	Value raw material, fuel, &c.	Number of hands employed.		Average wages per month.		Tons castings made.	Value other products.	Value of entire products.
								Males.	Fem.	Males.	Fem.			
Maine	$150,100	3,591	245	-	1,319	14,000	$112,570	243	1	$29 00	$5 00	3,691	-	$265,000
New Hampshire	232,700	5,673	500	-	1,680	20,500	177,060	374	-	33 05	-	5,764	$27,700	371,710
Vermont	290,720	5,279	274	-	1,066	198,400	160,603	381	-	28 27	-	5,000	87,770	460,831
Massachusetts	1,499,050	31,134	3,361	-	12,401	3,500	1,057,904	1,596	-	30 90	-	32,074	-	2,235,635
Rhode Island	428,800	8,918	-	-	4,670	4,000	258,267	800	-	29 63	-	8,558	119,500	728,705
Connecticut	580,800	11,396	337	-	7,592	30,600	351,369	942	7	27 02	8 00	11,210	70,000	981,400
New York	4,622,482	108,945	3,212	-	22,755	181,190	2,393,768	5,925	-	27 49	-	104,588	-	5,921,980
New Jersey	593,250	10,666	350	-	5,444	175,800	301,048	803	-	24 09	-	10,259	-	686,430
Pennsylvania	3,422,924	69,591	819	-	49,228	276,855	2,372,467	4,782	1	27 55	6 00	57,810	661,160	5,354,881
Delaware	373,500	4,440	-	-	4,967	-	153,852	250	-	23 36	-	3,630	55,000	267,462
Maryland	359,100	7,220	-	-	5,009	30,000	259,190	761	-	27 50	-	6,244	80,000	685,000
Virginia	471,160	7,114	205	-	7,878	71,600	297,014	810	9	19 91	9 44	5,577	-	674,416
North Carolina	11,500	192	-	-	-	6,375	8,341	15	-	23 46	-	172	-	12,867
South Carolina	185,700	169	-	2,800	-	405,560	29,128	153	2	13 59	4 00	1,286	-	87,683
Georgia	35,000	440	-	-	100	9,800	11,950	39	-	27 43	-	415	-	46,200
Florida	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alabama	216,625	2,348	-	-	-	31,300	102,085	212	-	30 05	-	1,915	-	271,198
Mississippi	100,000	1,197	-	-	248	92,000	50,370	112	-	37 91	-	924	2,800	117,400
Louisiana	255,000	1,660	-	-	3,205	-	75,300	347	-	35 60	-	1,570	4,000	312,500
Texas	16,000	250	-	-	250	-	8,400	35	-	43 43	-	200	15,000	55,000
Arkansas	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tennessee	139,500	1,682	-	5,050	24,690	13,200	90,035	261	8	17 96	4 50	3,384	-	264,325
Kentucky	502,200	9,731	-	-	2,649	432,750	295,533	558	20	24 89	4 15	5,888	-	744,316
Ohio	2,063,650	37,555	1,843	2,000	30,006	355,120	1,199,790	2,758	-	27 32	-	37,399	208,700	3,069,350
Michigan	195,450	2,494	-	-	901	16,200	91,865	337	-	28 68	-	2,070	25,616	279,697
Indiana	82,900	1,968	5	-	132	29,600	66,918	143	-	25 74	-	1,757	-	149,430
Illinois	260,400	4,818	50	-	1,412	12,500	172,330	332	-	28 50	-	4,160	89,250	441,185
Missouri	187,000	5,100	200	-	2,598	-	133,114	297	-	19 63	-	5,200	-	336,495
Iowa	5,500	81	-	-	-	200	2,524	17	-	32 35	-	71	2,600	8,500
Wisconsin	116,350	1,371	15	-	595	2,700	86,930	228	-	26 73	-	1,342	64,025	216,195
California	5,000	75	-	-	25	-	8,530	3	-	23 33	-	75	-	20,740
District of Columbia	14,000	545	-	-	80	-	18,10)	27	-	27 05	-	512	11,000	41,696
Total	$17,416,361	345,553	11,416	9,850	190,891	2,413,750	$10,346,355	23,541	48			322,745	$1,524,121	$25,108,155

at the same time urge the propriety of mutual efforts towards the attainment of more uniform and useful statistical publications by different Governments. The propriety of this measure was felt by individuals who had made statistics a study, and the necessity for some action was universally conceded; and it affords me infinite gratification to state that an arrangement has been made for a general statistical Congress, to be held at Brussels, (Belgium,) during the ensuing fall—a measure which has received the approbation of several of the most distinguished statists of Europe, and from which the most beneficial results are anticipated.

Mr. Porter, of the Board of Trade, has been appointed a delegate to this Statistical Congress from England. He is a gentleman distinguished no less by his laborious researches and valuable contributions to the science of political economy and statistical knowledge of the British empire, than for the elevated position he holds as a public officer and man of letters.

PLAN OF UNITED STATES CENSUS.

In order that Congress may judge of the propriety of the plan in contemplation for preparing the tables of the population and other statistics, and be fully advised of any new features introduced into other portions of the work, it has been deemed proper to prepare, in printed form, the statistics of one State, of which copies will be laid before the members of both Houses for their inspection. For this purpose the State of Maryland has been selected, as best adapted, from its central position and combination of more of the various elements which enter into our interests, than any other State of its limited extent.

It has been my endeavor, according to the act, to arrange the facts "in the best and most convenient manner for use." To judge of the character of a statistical work in manuscript would require the long, laborious, and perhaps unsatisfactory investigation of a Congressional committee, and Congress would be possessed of no means of forming an independent opinion of the matter. It has been deemed the more proper to lay before Congress a printed copy, inasmuch as the expense of the entire work may readily be known, and some standard of excellence in execution clearly and intelligibly understood.

The variations from the plans heretofore adopted in the compilation of the decennial census, with every portion of which the facilities of comparison are maintained, consist:

1. In the form—that adopted being in conformity with the size and appearance of the "American Archives."

2. In accompanying the statistics of each State with a condensed account of the most important events connected with its history, from its first settlement; exhibiting the progress of our whole social system, to the year 1850; also, in presenting as short accounts of each separate county, from the date of its settlement, with the date of its organization; an account of its physical features, its rocks, minerals, streams, timber, water, and adaptation, naturally and artificially, to the purposes of agriculture, manufactures, and commerce.

3. In the general geological account of the State.

4. In the account of its progress in population, from the First to the Seventh Census, inclusive, with tables of population, to make which correctly, it has been necessary to refer to the original returns of the census twenty and thirty years back, as reliance could not be placed on the figures officially given in the printed work.

5. In the review of its character for the health and longevity of its inhabitants, an account of the prevailing diseases and rates of mortality, with full tables, presenting a perfect history of the statistics of disease and mortality, and calculations of the value of life among the several classes.

6. In the number of new subjects embraced in the statistical details and in the manner of classification, so as to admit of extracting all the essential facts respecting the raw materials of each variety of manufactures, together with other features in which the statist will perceive variations from any previous census.

Allusion is not made to these things with the view to represent their advantages, or as predicating any argument for their adoption. The plan, with all the disadvantages which must result from the sudden formation of a department for its execution, is the result of much study and reflection, and, it is thought, will prove useful. Should the work be found to possess real value, the result must be attributed mainly to the abundant materials collected, and the zeal and intelligence of the persons employed thereon; some of whom are men whose ability should secure a better remuneration, which, it is hoped, Congress will be willing to accord. If, however, the general plan shall be considered faulty, or by its imperfect execution be deemed unworthy of adoption, it will have been well thus to bring it to the test, that it may be condemned.

The work, of course, has not been submitted to the public for its judgment; but where opinions have been at all expressed, by those deemed good authority, on the propriety of our classifications, they have been invariably favorable. Some such have found their way into the public documents. In the thirty-second annual report of the New York Institution for the Deaf and Dumb, made to the Legislature of that State, the following language occurs, with respect to our designed classification, of such portions of the work as interested particularly the directors of that institution: "Such a list 'will furnish valuable materials, never possessed 'to any extent before, for solving many highly 'interesting statistical questions; and its publica-'tion is looked for with much interest. We shall 'endeavor, in our next annual report, to set forth 'the results of a careful analysis of the census 'returns, respecting the deaf and dumb."

So far as the judgment of the public press is concerned, its expression has been much more favorable than could be wished, with its imperfect knowledge of the plan, as expectations may thereby be raised which the results will not justify. None of the information, as imparted in the volume of statistics, has been promulgated, it being considered indelicate to make known to the world information due first to the Head of the Depart-

G.—*Number of Establishments in Operation.*

States.	Cotton.	Woolen.	Castings.	Pig Iron.	Wr't Iron.
Maine	12	36	25	1	-
New Hampshire	44	61	26	1	2
Vermont	9	72	26	3	8
Massachusetts	213	119	68	6	6
Rhode Island	158	45	20	-	1
Connecticut	128	149	60	13	18
New York	86	249	323	18	60
New Jersey	21	41	45	10	53
Pennsylvania	208	380	320	180	131
Delaware	12	8	13	-	2
Maryland	24	38	16	18	17
Virginia	27	121	54	29	39
North Carolina	28	1	5	2	19
South Carolina	18	-	6	-	-
Georgia	35	3	4	3	3
Florida	-	-	-	-	-
Alabama	12	-	10	3	1
Mississippi	2	-	8	-	-
Louisiana	-	-	8	-	-
Texas	-	1	2	-	-
Arkansas	3	-	-	-	-
Tennessee	33	4	16	23	42
Kentucky	8	25	20	21	4
Ohio	8	130	183	35	11
Michigan	-	15	63	1	-
Indiana	2	33	14	2	3
Illinois	-	16	29	2	-
Missouri	2	1	6	5	2
Iowa	-	1	3	-	-
Wisconsin	-	9	15	1	-
California	-	-	1	-	-
District of Columbia	1	1	2	-	-
Total	1,094	1,559	1,391	377	422

F.—WROUGHT IRON.

State.	Capital invested.	Tons pig metal.	Tons blooms used.	Tons ore used.	Tons mineral coal.	Bushels coke and charcoal.	Value of raw material used.	No. hands employed.		Average wages per month.		Tons of wr't iron made.	Value of other products.	Value of entire prod'ts.
								Males.	Fem.	Males.	Fem.			
Maine	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New Hampshire	$4,000	145	-	-	-	50,000	$5,600	6	-	$32 00	-	110	-	$10,400
Vermont	62,700	750	525	2,625	-	337,000	66,194	57	-	31 05	-	2,045	-	163,986
Massachusetts	610,300	7,030	-	-	11,022	78,500	221,194	260	-	22 50	-	6,720	-	428,320
Rhode Island	208,000	3,000	-	-	6,000	-	111,750	220	-	26 00	-	2,650	-	222,400
Connecticut	529,500	7,081	1,644	-	5,062	783,600	358,780	374	-	31 59	-	6,325	$5,000	667,560
New York	1,131,300	8,530	-	44,642	13,908	5,554,150	838,314	1,037	-	26 00	-	13,636	195,000	1,493,968
New Jersey	1,016,843	10,430	-	14,549	4,507	1,994,180	320,950	593	-	27 78	-	8,162	-	629,273
Pennsylvania	7,620,066	163,702	20,405	-	325,967	3,939,998	5,488,391	6,764	7	27 68	$7 50	182,506	219,500	8,902,907
Delaware	15,000	510	60	-	-	228,000	19,500	50	-	24 19	-	550	-	55,000
Maryland	780,650	10,172	3,389	-	10,455	246,000	439,511	568	-	23 33	-	10,000	-	771,431
Virginia	791,211	17,296	2,500	-	66,515	103,000	591,448	1,295	-	23 62	-	15,328	-	1,254,995
North Carolina	103,000	-	-	4,650	-	357,900	28,114	173	14	10 37	5 28	850	-	66,980
South Carolina	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Georgia	9,200	100	-	-	-	76,600	5,986	26	1	11 35	5 00	90	-	15,384
Florida	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alabama	2,500	120	-	-	-	30,000	3,000	14	-	20 00	-	100	-	7,500
Mississippi	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Louisiana	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Texas	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Arkansas	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tennessee	755,050	11,696	325	9,151	62,038	-	385,616	731	55	15 20	5 00	10,348	38,800	670,618
Kentucky	176,000	2,000	1,600	-	-	280,000	180,800	183	-	32 06	-	3,070	-	299,700
Ohio	620,800	13,675	2,900	-	22,755	466,900	604,493	708	-	33 61	-	14,416	-	1,076,192
Michigan	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Indiana	17,000	50	-	3,150	-	85,000	4,425	22	2	27 45	4 00	175	-	11,760
Illinois	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Missouri	42,100	1,204	-	-	9,834	-	24,509	101	-	30 00	-	963	-	68,700
Iowa	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wisconsin	-	-	-	-	-	-	-	-	-	-	-	-	-	-
California	-	-	-	-	-	-	-	-	-	-	-	-	-	-
District of Columbia	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	$14,495,220	251,491	33,344	78,787	538,063	14,510,828	$9,698,109	13,178	79			278,044	$458 300	$16,747,074

ment, and through him to Congress; and it would not be decorous to forestall the dispassionate judgment of either.

It has seemed to me that a work, the expense of which is shared by the whole community, should be arranged, as far as possible, for general utility, and not a compilation of mere columns of figures, interesting only to the man of science, for legislative purposes or for reference, but should be so adapted that while it will furnish practical information to the statesman and philosopher, and useful data to the legislator, it will contain, also, matters interesting to every portion of the community, furnished somewhat in advance of those deductions from analytical investigations made years after its publication. To this end, if supported by the favorable opinion of Congress, it will be made to evolve all of instruction which zealous efforts, though limited ability, are capable of eliciting from the facts within such period of time as it must be accomplished without retarding its publication.

It may be contended by some that the gazetteers furnish most of the information we include. To such it may be replied, that while these publications possess great value, and are all replete with instruction, many present but a reprint of former editions, with the title page changed to suit the date, and a few unimportant alterations in other respects. Others may contend that the plan presented takes within its scope subjects not legitimately embraced within that of statistics. Such an opinion might be maintained by forming conclusions from our previous publications; but they are, however, at variance with the best authority on this subject. The definition of "statistics," as given by one author, consists in "such a description of a country, or any part, as gives the present or actual state thereof." But as it is only by a thorough knowledge of the present state of the country and its inhabitants, with their customs, habits, morals, health, and manners of life, that we can form an accurate estimate of the condition of the people, so to enjoy the knowledge necessary for the amelioration of their circumstances, or improve their condition, it is necessary to take a retrospective glance, and study their past history, and trace it to its first beginnings, as we survey a river to its source to acquire a knowledge of its geography or of the permanent character of its supplies.

The term "census" applies more particularly to wealth and possessions than to numbers. It was so understood by the Romans, who first used the term. Livy, in his first book of the history of Rome, chapter 42, speaking of Servius Tullius, says:

"He then entered on the improvement of the civil polity of the utmost importance, for he instituted the census—an ordinance of the most salutary consequence in our empire, that was to rise to such a pitch of greatness, and according to which the several contributions in peace and war were to be discharged, not by every person indiscriminately, as formerly, but according to the proportion of their several properties."

And after describing the contributions required in proportion to the wealth of individuals, who appeared on a certain day every year, each in his own century, and gave in the amount of his property, he continues: "In all these instances, the burden was taken from off the poor, and laid on the rich."

The census was completed with great ceremonies and offering of sacrifices, termed closing the lustrum. In his fourth book, he speaks of a "survey" under the census, and a description of all the lands and houses, and the entire revenue of the Roman people, (B. C., 440.) In the twelfth book, it is stated that "The senate then received the survey of twelve colonies, presented by the censors of those colonies." Tacitus mentions that Augustus wrote with his own hand an exact account of his dominions, which is termed a "census." Athough the term "census" does not appear in our Constitution, it does appear in the title of the act of Congress, under which this office is organized, "An act for taking the Seventh and subsequent Censuses," &c., the body of the act referring to the collection of statistics. But it is, perhaps, unnecessary to go back to antiquity for the meaning of the term census, or that of statistics, when we have such good modern authority not only as to the meaning of the terms, but the practical carrying into effect what the most distinguished statists understand to be comprised within their meaning. The term "statistics" originated in England, with Sir John Sinclair, with respect to which, in the twentieth volume of his statistical account of Scotland, he remarks: "Many people were at first surprised at my using 'the new words, statistics and statistical. The 'idea I annex to the term is an inquiry into the 'state of a country for the purpose of ascertaining 'the quantum of happiness enjoyed by its inhabit-'ants, and the means of its future improvement." With such an understanding of the term, he applied the title "Statistical Account" to a work, perhaps, of the greatest magnitude, importance, and public utility ever attempted by one individual, devoted to a perfect history of Scotland. Among almost numberless other features, the statistical account of Scotland contains the ancient and modern names of each parish, its history, extent, the nature of the soil and surface, extent and description of sea-coast, lakes, rivers, islands, hills, rocks, caves, and woods, the climate, diseases, longevity, state of the church, manse, and glebe, the minerals, mineral springs, eminent men, antiquities, parochial records, with an account of the manners, habits, and customs of the people.

The collection of the materials occupied seven years and seven months, and their compilation engaged the attention of nine hundred learned men, and fill twenty volumes. Its publication led to a Parliamentary survey of England and Wales, on somewhat similar principles. "If similar surveys," remarks the founder of British statistics, "were instituted in the other kingdoms of Europe, it might be the means of establishing on sure foundations the principles of that most important of all sciences, viz: political or statistical philosophy—the science which in preference to any other, ought to be held in reverence. No science (he continues) can furnish to any mind capable of receiving useful information, so much real entertainment; none can yield such important hints for the improvement of agriculture, for the extension of our commercial industry, for regulating the conduct of individuals, or for extending the prosperity of the State; none can tend so much to promote the general happiness of the species."

The example of all enlightened Europe sustains the views of Sinclair, although falling far, very far, behind him, in the extent embraced within their periodical statistics.

McCullough, in the introductory chapter to the last edition of "Smith's Wealth of Nations," uses the following language: "To arrive at a true knowledge of the laws which regulate the production, distribution, and consumption of national wealth, we must draw our materials from a very wide surface, study man in every different situation—resort to the history of society, arts, commerce, and government; to the works of philosophers and travelers; to everything, in short, fitted to throw light on the progress of opulence and civilization. We should mark the successive changes which have taken place in the fortunes and condition of the different ranks and orders of men in our own country and in others; should trace the rise, progress, and decline of population and industry; and, above all, should analyze and compare the influence of different institutions and regulations, and carefully discriminate the various circumstances wherein advancing and declining societies differ from each other. These investigations are so very complex and difficult, that it is not possible, perhaps, always to arrive at a right conclusion. But, though they may not be quite free from error, they are sufficient, when made with the requisite care and attention, to unfold the principal sources of national opulence and refinement, and of poverty and degradation; and however defective, they furnish the only available means for satisfactorily solving the various problems in the science of wealth, and for devising a scheme of public administration, fitted to insure the advancement of nations in the career of improvement."

The commissioners for the census of Ireland, in 1841, in the introduction to the census of that country, which comprises a folio of nearly 1,000 pages, and was published in 1843, use the following very appropriate language: "We feel, in fact, that a census ought to be a social survey, not a bare enumeration."

In connection with the population of England, they have published many large folio volumes, containing maps of all the counties and boroughs in the kingdom. In other portions of Europe, the same expanded view is taken of what should constitute a statistical work.

The European statistical publications, in point of execution, far exceed our own, which have heretofore been most inconvenient and unwieldly volumes. The only volumes in its possession, which the shelves of the royal library of Belgium are not adapted to hold, are those of our last census, which have occupied a place on the floor, beneath the shelves, for several years. The inconvenient shape of these volumes has led to their destruction, almost entire extermination. Their extreme rarity, at this time, leads me to believe that they have, in many instances, unfortunately, been used as so much waste paper, not esteemed worth the room they occupied.

These explanations are deemed necessary only for information relating to the views of cotemporaneous nations, and not as an apology for what is deemed correct and proper.

Our materials are more varied and of better character, than any nation has ever possessed; and shall it be said that, insensible of their value, we have not known how to render them useful?

Respectfully submitted,

J. C. G. KENNEDY.

Hon. ALEXANDER H. H. STUART,
Secretary of the Department of the Interior.

Report of the Commissioner of Pensions.

PENSION OFFICE, *November* 20, 1851.

SIR: I have the honor to submit herewith the annual report, exhibiting the operations of this branch of the Department for the past year:

BOUNTY LAND LAW OF 28TH SEPTEMBER, 1850.

In view of its prominent importance at the present time, I commence with the progress made in the execution of the act of 28th September, 1850, "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States." The act had been in operation about two months when I took charge of the Bureau, and claims had been filed under it averaging about eight hundred and fifty per day. The force of the office was barely sufficient to discharge its current duties; the services of most of the clerks employed under the act of 1847 having been dispensed with. No legal provision had been made for the prompt dispatch of this extraordinary increase of business; and hence, when these claims were received they were deposited in a room provided for the purpose, until arrangements could be made for their regular examination. Thousands of claims had thus accumulated when I entered upon the duties of the office, and they continued to increase until the receipts were sometimes upwards of fifteen hundred per day.

It became necessary at once to devise a suitable system for disposing of this mass; to prepare forms and books of registry, and to commence the issuing of certificates as soon as the same should be engraved and printed, as ordered by the Department. Nearly all the clerks employed in the service were new hands, unacquainted with the business, and hence some considerable time elapsed before it could be fairly under way.

The first certificates, or warrants, were issued about the 1st of February; but, in consequence of the unavoidable delay at the commencement, the correspondence connected with this particular branch became exceedingly voluminous. Many of the claimants were aged, others in reduced circumstances, and all anxious to avail themselves of their country's bounty. Notwithstanding these impediments, and others which might be mentioned, nearly one hundred thousand claims have been registered to the 1st instant; upwards of seventy-six thousand have been adjudicated, and more than fifty-four thousand warrants issued to the same period of time, being nearly all the cases passed by the examining clerks which were in proper condition to be allowed.

Up to the 1st of November, about one hundred and fifty-seven thousand cases had been filed,

leaving, after deducting such as were fully or partially acted on, upwards of eighty thousand still to be considered. The suspended cases (about twenty-two thousand at the time mentioned) require much more labor than the same number of ordinary claims, and give rise to a heavy correspondence.

In further illustration of the progress made in executing the law, I have subjoined a tabular statement, brought down to the date of this report, together with an estimate of the probable condition of things on the 1st proximo.

It will thus be perceived, that in the short period of nine or ten months nearly as many cases have been adjudicated under the act of September, 1850, as the number presented for services in the Mexican war, and that a very large proportion of warrants have been issued.

The number of cases filed under the act of 1847, may be stated at.....90,146

Of which there have been carried into warrants, or scrip.....83,955

Leaving suspended for various causes..... 6,191

Since the last annual report 3,308 warrants have been issued for services in the Mexican war. These necessarily required much time, care, and attention, most of them being suspended cases. Much labor is also employed in the examinations necessary to prevent the issue of more than one warrant to a claimant under both these laws. In many cases applicants filed separate applications for their services in the several Indian wars, and in that of 1812. So long as the regimental and State registries were in arrear there was no sufficient check to prevent this evil, and hence, in some cases, two or more warrants have been issued to the same person for different services. These registries, however, have been brought up to date, and are now kept so; and most of the second issues have been prevented. It is scarcely necessary to add, that, in cases of erroneous issue, prompt measures are adopted to prevent injustice to the Government.

The passage of the act of 28th September, 1850, having induced inquiry into the rights of those who served in the war of 1812, many just claims for that service have been brought to light. The numerous examinations necessary to decide whether claimants under the act of 1850 had received or were entitled to bounty for services in the war of 1812, have materially increased the labors of the latter division in this office. Ninety-two warrants have been issued in the past year, under the acts of 24th December, 1811; 11th of January, 1812, and 10th December, 1814, and there are now 450 suspended claims under those acts.

Thus it will be seen that since the last report from this office there have been issued under the acts of 1811, 1812, and 1814, ninety-two warrants, to wit:

				Acres.
55 warrants	for	160	acres each, am't'ing to	8,800
36 do		40	do do	1,440
1 do		320	do do	320
Under the act of 11th February, 1847,				
3,026 war'ts	for	160	acres each, am't'ing to	484,160
223 do		40	do do	8,920
Under the act of 1850, to 1st Nov., 1851,				
9,990 war'ts	for	160	acres each, am't'g to	1,598,400
19,543 do		80	do do	1,563,440
24,668 do		40	do do	986,720

and 63 certificates for $100 each, in lieu of 160 acres, and two certificates for $25 each, in lieu of 40 acres.

In the execution of the act of 1850, amendments have been occasionally suggested, to some of which it may not be improper to advert in this report. No provision has been made for flotilla men and other mariners who performed duty on land, and who were not entitled to prize money. To all such it would seem to be just that the law should be extended, as well as to those who were in battle or in actual conflict with the enemy, but whose term of service was less than a month. It is also recommended that in cases where an officer or soldier was living when the law passed, and who made application for its benefits, but died before a warrant could be issued, leaving neither widow nor minor children, provision should be made for the benefit of the heirs at law.

It being doubted whether the laws now in force sufficiently provide for the punishment of persons who may fraudulently issue, sell, or put in circulation any false or forged land warrants or certificate, or shall forge the same, or in any manner, either as principal or accessory, be concerned in the manufacture of such warrants, or procure the issue of the same, the subject is respectfully recommended to your notice.

PENSIONS.

The paper marked A contains a statement of the number of pensioners on the rolls of the United States and the District of Columbia, but not including the navy pension rolls, which will be the subject of a separate and distinct communication. From this statement it appears that the whole number on the rolls is 19,611—a slight diminution compared with the year preceding.

The paper B shows the number of pensioners added to the rolls since the last annual report; and the number of deaths returned in the same period will be found in statement C.

The paper marked D exhibits the number of pensioners who have been paid in the first and second quarters of the year 1851; and the paper marked E is a statement from the books of the Third Auditor of the balances in the hands of the several pension agents at the date of their last reports.

The whole amount expended for pensions during the past year, ending the 30th September, is, as far as can be ascertained, $1,439,848. In order to present the financial branch of the pension system in a more intelligible form than the means or materials in the office itself can furnish, I respectfully suggest that suitable provision should be made for auditing its accounts under the immediate supervision of the head of the bureau.

REVOLUTIONARY PENSIONS.

The whole number of persons pensioned under the act of 18th March, 1818, is 20,485; of whom 1,383 yet remain on the rolls, and 546 received payments during the first and second quarters of the present year. There were only 1,155 persons pensioned under the act of March 15, 1828, which was confined in its operation to officers of the old Continental Army who served to the end of the war, and to soldiers who engaged and served for the same period. Of that number 128 only remain on the rolls, 49 of whom were paid in the first and second quarters of the year. Under the act of 7th June, 1832, the most comprehensive and liberal in its provisions of any which relate to revolutionary services, 32,986 have been admitted to the rolls; of whom 4,813 now remain, and of that number 2,028 were paid in the first and second quarters of the year, as will appear more fully from document marked D.

WIDOWS OF REVOLUTIONARY MEN.

The number pensioned under the act of July 4, 1836, is 5,068, and the number now on the rolls under that act and the act of July 21, 1848, is 2,774. Under the act of July 7, 1838, 11,191 widows who married prior to January 1, 1794, were entitled to five years' pensions; but of that number 186 received their allowances in full during the first two quarters of the present year. The number pensioned under the act of February 2, 1848, during life or widowhood, is 5,790, of whom 4,294 are now on the rolls; and the number pensioned under the act of 29th July, 1848, which extended the period of marriage to 1800, is 960, who are still on the rolls according to the returns.

INVALID PENSIONS.

The number of pensioners now on the rolls under the several invalid acts, is 5,359; being an increase of 617 since the last annual report, and the number who have drawn at the several agencies in the first two quarters of the year is 3,827.

MEXICAN WAR.

The act of 21st July, 1848, made certain provisions for the widows and orphans of officers and soldiers in the Mexican war. The number who have received the benefit of the act, and are now on the rolls, is 1,750.

Even from my brief experience in the administration of the pension laws, I am satisfied they need a thorough revision by the competent authority. In some instances, at least, there has, in my judgment, been a gradual departure in practice from their original spirit and design, and radical changes have been effected by a series of precedents various and conflicting in their character. It cannot have escaped notice that the generous and humane provisions made for the survivors of the revolutionary war, and their immediate connections and descendants, have from time to time been diverted from their old channels and bestowed upon recipients not orginally contemplated. In like manner it may be well questioned whether the early legislation in behalf of the families of those who were slain in battle, or in behalf of survivors disabled by wounds or disease contracted in the public service, has not been greatly enlarged by construction beyond its original policy and design. Whatever difference of opinion may exist, however, upon this subject, there can be none as to the necessity of enacting more efficient regulations than now exist for the prevention and punishment of frauds against the Government. For the present, I respectfully suggest the revival of the act of 3d of March, 1819, entitled "An act regulating the payments to invalid pensioners," which I believe was incautiously repealed by an act of the 14th July, 1832. The law first referred to required invalid pensioners to be examined biennially by two surgeons or physicians, to show that the disability continued, as well as its degree. It is believed that the revival of this act before the next semi-annual period of payment would rid the pension rolls of many who were placed there for disease contracted, especially in the war with Mexico, and who are now restored to the enjoyment of sound health. In such cases it is more than doubtful whether any authority exists in the office to strike from the rolls, unless it can be clearly shown that the pensions were originally obtained by fraud. That frauds have been of common occurrence in recent applications has been proved by the investigations of an agent in some of the Western States. Out of one hundred and two cases examined in one of those States thirty-six only were found entitled; and in another, out of one hundred and twenty-nine cases only thirty-one applicants were deemed sufficiently disabled to receive pensions.

Frauds, however, are not confined to any particular branch of the system. The various acts founded on revolutionary service have been fruitful in furnishing facilities to offenders; and some new enactments, for their more certain detection and punishment, seem to be absolutely necessary.

VIRGINIA HALF-PAY CLAIMS.

The half-pay claims examined and allowed since the 1st of November, 1850, under the act of 5th July, 1832, amount to the sum of $41,490, including $5,289 04, the aggregate amount of two claims adjusted by the late Commissioner. About twenty cases, after careful examination, have been disallowed, either from a defect of evidence, or because not embraced by the act of 1832, and half of that number have been suspended for additional proof, principally at the request of the parties interested. A few only, supposed, on partial examination, to have any validity, remain to be acted on. A number of commutation claims are on file, but, in consequence of a prohibitory order from the Department, have not even been considered.

I cannot forbear to urge the importance of such a reorganization of the force of this bureau as shall, in some cases at least, secure a higher compensation for services rendered, and a more just regard to the qualifications required. The present salary of the chief clerk I particularly recommend to your notice as altogether inadequate. In other bureaus, officers of the same grade, with duties I am sure not more arduous or responsible, and certainly not more important with reference to the public interests, are more liberally rewarded; and I do not doubt, if the subject should be presented to the proper authority, it could not fail to receive the most favorable consideration.

I have the honor to be, very respectfully, your obedient servant,

J. E. HEATH,
Commissioner of Pensions.

Hon. ALEX. H. H. STUART,
Secretary of the Interior.

Report of the Commander of the Army to the Secretary of War.

[*Accompanying the President's Annual Message.*]

HEADQUARTERS OF THE ARMY,
WASHINGTON, *November* 21, 1851.

SIR: The organization of the Army, its actual numbers on the rolls, and its distribution among divisions, departments, and posts, are exhibited by

the returns of the Adjutant-General, appended to this report, viz:

1. Organization of the Army of the United States as established by law, marked A;

2. General returns of the Army, showing the present numbers borne on the rolls, B;

3. Positions or distribution of the troops within the Eastern Division, C;

4. Positions or distribution of the troops within the Western Division, D;

5. Positions or distribution of the troops within the Pacific (or third) Division, E; and

6. Statement of the number of recruits enlisted from October 1, 1850, to September 30, 1851.

Our military posts have been generally visited in the past year by the inspectors-general, whose reports show a satisfactory state of discipline.

Within the same period many wholesome reforms have been ordered in the several administrative (financial) branches of the service, which, without impairing the efficiency of the troops, cannot fail, in another year, to effect a large diminution of expenditure. I allude, more particularly, to General Orders No. 1, January 8, 1851, "to promote the health of the troops and to reduce the expense" of subsisting men and horses at remote posts—as on the Indian frontiers of Texas, of New Mexico, California, and Oregon—by systematic gardening and farming. This will be made more than probable by considering the details of that order, hereto annexed.

To effect another considerable saving, it is proposed to abandon Fort Atkinson, at the Great Crossings of the Arkansas; as also Forts Kearny and Laramie, on the Platte river, which are distant from the Missouri (say at Fort Leavenworth) 400, 310, and 640 miles, respectively. The three distant posts being in regions which almost forbid attempts at farming or gardening, they can only be supplied with necessaries for man and horse by land transportation, and at prices the most enormous. The object being to protect the lines of emigration to New Mexico and Oregon, the proposed substitutes for the abandoned posts are some two or three annual columns of dragoons or mounted riflemen, as in former years, experience having shown that small bodies of horse traversing the prairies as far as the gorges of the Rocky Mountains, and always seen in a condition to pursue and to strike, exert a greater pacific influence over the wild Indians than would, perhaps, ten times the number of troops, in the same country, tied down throughout the year to a few fixed positions. The columns setting out from high points of navigation on the Missouri, at the beginning of the grazing or buffalo season, and returning early in the autumn, would cost but little more than if they had remained at the steamboat landings.

I must here repeat (from my reports of 1849-'50) that experience continues to demonstrate the necessity, for *peace objects alone*, of a moderate increase of the army.

In the former of those reports I specified, for the protection of our new frontiers and the execution of a treaty obligation in favor of Mexico, the addition of two new regiments, with an increase from 42, 50, and 64 privates per company of artillery, infantry, dragoons, and riflemen, respectively, to 84 privates in all companies.

No new regiment has since been added; but by an act, approved June 21, 1850, (second section,) the President was authorized "to increase the number of privates in each and any of the companies of the existing regiments of the Army," "*at the several posts on the Western frontier, and at remote and distant stations*, to any number not exceeding seventy-four."

Under this provision of law, the President, June 22, 1850, (General order No. 20,) directed that some 90 companies out of 158 should be carried up to the new maximum strength of 74 privates each.

If Congress would authorize a like extension in the remaining 68 companies, add two to the 48 of artillery, and organize the fifty companies into five instead of four regiments as at present, with a new regiment of mounted riflemen, it would give us (which might suffice) a nominal force of 15,353 enlisted men, (exclusive of officers,) or only 3,416 more than the peace establishment of 1815-'21. (Please see my annual report of November 3, 1849.)

With the proposed augmentation of the Army, on the supposition that the whole be kept in a state of activity resembling a campaign, it is possible that our extended frontiers may be guarded against Indian depredations, and our treaty obligation to Mexico faithfully executed. Left with our present numbers, a failure in both objects will, it is feared, be inevitable. The experiment, however, is now again on foot, with extraordinary zeal and energy, under the directions of three distinguished officers—Brevet Major General P. F. Smith, in Texas; Brevet Brigadier General Hitchcock, on the Pacific, and Brevet Colonel Sumner, in New Mexico.

In connection with the proposed new regiment of mounted riflemen, I beg to suggest—should one be added to the Army—that the authority given to the President by the act of 1850, cited above, to equip and mount as cavalry any number of foot soldiers, (artillery and infantry,) might be repealed. This mode of creating cavalry, on the spur of the moment, has always proved a failure, accompanied by a great loss of arms, horses, and horse-equipments, as well as a loss of efficiency in the foot soldiers on returning to their proper duties.

As a company cannot be divided, except momentarily, the advantage of extending the number of privates in each, besides obtaining a large augmentation without the expense of an additional officer, is that, in many cases, a single company becomes sufficient to guard a post before occupied by two; two a post requiring three or four, &c.; thus enabling the same regiments to guard an increased extent of frontiers.

"*A bill to increase the efficiency of the Army by a retired list for disabled officers*" has several times met with favor in the Military Committees of the two Houses of Congress. One with that title passed the Senate September 6, 1850, and would no doubt have become a law if a direct vote on its merits could have been taken in the House of Representatives. It may be added that the measure would not have cost the Treasury a dollar extra; and hence we may hope it will be taken up anew by the present Congress.

By the "act (September 28, 1850) making appropriations for the support of the Army for," &c., Congress gave two dollars a day extra pay to all commissioned officers and double pay to all enlisted men whilst serving in Oregon and California up to the 1st March, 1852, when the extra compensation will cease unless renewed by Congress, and this I hope may be done for the period of two or three years; and the same extras, and for the same reasons, extended to the officers and men serving in New Mexico.

The Constitution declares that a "well-regulated militia [is] necessary to the security of a free State," and gives power to Congress "to provide for organizing, arming, and disciplining the militia."

Highly important as the subject must be considered, it would hardly find a place in a report of so limited a range as this were it not that it must always be in the future (as it has been in the past) the fortune of our regular troops in time of war to find themselves in the open field and behind fortifications; in attack, as well as in defence, side by side, with larger masses of our militia or volunteers. If these—no matter what their valor and patriotism—should, from deficient organization, arms, instruction, or discipline, be compelled to give way before an enemy, disaster on the spot and disgrace to the country would be almost inevitable. Hence, and from a long professional experience, I beg to submit the remarks which follow.

A uniform organization of the militia was established by the act of May 8, 1792, (since but slightly modified,) and $200,000 have annually been appropriated towards "*arming* the whole body of the militia of the United States" since the act of April 23, 1808—making a total of $8,600,000.

So much in respect to *organizing* and *arming*. For *disciplining*, Congress has passed the act May 12, 1820, "to establish a uniform mode of discipline and field exercise for the militia of the United States," the first section of which directs "that 'the system of discipline and field exercise which 'is and shall be ordered to be observed by the regu-'lar Army of the United States in the different 'corps of infantry, artillery, [cavalry,] and rifle-'men, *shall* be observed by the militia *in the exer-'cise* and discipline of the said corps, respectively, 'throughout the United States."

Such systems of "discipline and field exercise" (or instruction) for every branch of "the regular army" have recently been published, prescribed, and gratuitously distributed to our regular officers, viz: 1st. *Cavalry Tactics*, (including dragoons and mounted riflemen,) in three pocket volumes; 2d. *Instruction for Field Artillery*, horse and foot, in one volume; and, 3d. *Infantry Tactics*, for infantry of the line, light infantry, voltigeurs, and foot riflemen, in three pocket volumes. And, being prescribed for the regular army, the same systems are, by the act of 1820, equally prescribed for our militia officers. Hence, as in the case of arms and equipments, it would seem that they ought gratuitously to be "transmitted to the several States composing this Union and Territories thereof, to each State and Territory, respectively, in proportion to the number of effective militia," &c.; which is the precise language of the act in respect to the distribution of arms and equipments, and might be applied to the distribution of the books also.

It is estimated that an appropriation of $40,000 per annum, for five successive years in every half century, would spread the means of military discipline or tactical instruction (brought up to the science and experience of the age) throughout the militia of the Union, and the books above enumerated furnish, by the texts, plates, explanations, and remarks, the means of self-instruction for both officers and men.

I have the honor to remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

To Hon. C. M. CONRAD, *Secretary of War.*

UTAH TERRITORY.

Report from the Secretary of State.

In the House of Representatives, January 9, the following message from the President, with the documents accompanying it, was received and ordered to be printed:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 15th ultimo, requesting information in regard to the Territory of Utah, I transmit a report from the Secretary of State, to whom the resolution was referred.

MILLARD FILLMORE.

WASHINGTON, *January* 9, 1852.

To the President of the United States:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 15th ultimo, requesting the President to communicate to that House all such information as "may be in his possession, calculated to 'show the actual condition of things in the Ter-'ritory of Utah, and especially to enable the 'House to ascertain whether the due execution 'of the laws of the United States has been resisted 'or obstructed; whether there has been any mis-'application of the public funds; and whether the 'personal rights of our citizens have been inter-'fered with in any manner,"—has the honor to lay before the President the papers mentioned in the subjoined list, which contain all the information in this Department called for by the resolution.

Respectfully submitted,

DAN. WEBSTER.

DEPARTMENT OF STATE,
WASHINGTON, *January* 8, 1852.

List of papers accompanying the report of the Secretary of State to the President of the eighth of January, 1852.

Mr. Bernhisel to the President of the United States, with inclosures, December 1, 1851.

Mr. Snow to the President of the United States, September 22, 1851.

Governor Young to the President of the United States, October 20, 1851.

Report of Messrs. Brandebury, Brocchus, and Harris, to the President of the United States, December 19, 1851.

Mr. Harris to Mr. Webster, January 2, 1852.

Mr. Harris to the President, with inclosures, January 2, 1852.

Mr. Bernhisel to the President of the United States, December 30, 1851.

Governor Young to the President of the United States, September 29, 1851.

Memorial signed by members of the Legislative Assembly of Utah to the President of the United States, September 29, 1851.

From John M. Bernhisel, Esq., Delegate from Utah Territory, to the President—December 1, 1851.

To the President of the United States:

SIR: Agreeably to your request, I have the honor to inform you that the news of the organization of the Territory of Utah was most gratefully received by its inhabitants. The news of the passage of the bill establishing the government, and the appointment under it of officers, executive and judicial, reached Great Salt Lake City about Christmas or New Year last, and was greeted by the firing of cannon and every other demonstration of enthusiastic joy. The Governor took the oath of office soon afterwards, but the Territory was not fully organized until the beginning of August. The 4th of July, the last glorious anniversary of our independence, was celebrated at Great Salt Lake City with considerable eclat. The officers not residents of the Territory, reached the scene of their duties a fortnight after, on the 19th of July, with the exception of Judge Perry C. Brocchus.

The officers were all respectfully and hospitably received. They showed themselves pleased with the condition of the Salt Lake settlement, and the comforts which the industry of its inhabitants had gathered around them in their Alpine home; although they found the California prices which prevail there, and the expenses of living under them, incommensurate with the rate of salary granted them by the United States. At their request, therefore, I am the bearer of a petition, of which I enclose you a copy, praying Congress for an increased remuneration. And though as yet, owing to the pacific character of our people, no case is known to have occurred which may invoke the action of the court or its officers, this request will not, perhaps, be deemed unreasonable. I left Utah Territory upon the 1st of September last. Up to that date the harmony and peace prevailing between the different officers of the Government and the people continued undisturbed. The only statements that I have seen to the contrary appear to be based upon a letter enclosed, which has appeared in some of the public prints, purporting to have been written by a judicial officer of the Government, and dating from Salt Lake City, September 20, 1851. As I have as yet received no mail from the Territory, nor any information of any kind about its affairs since my departure, I am left to the letter alone for the evidence which it contains, and to this I beg to refer you with some attention. It declares that "not only were the 'officers sent here treated with coldness and dis-'respect, but that the Government of the United 'States, on all public occasions, whether festive or 'religious, was denounced in the most disrespect-'ful terms, and often with invectives of great bit-'terness;" and proceeds to mention two instances to substantiate this statement.

At the occasion first named, the celebration of the 24th of July, the *putative* writer (if I may employ the expression) was not present. Judge Brocchus did not arrive in the Territory till the 17th of August. But I was present. I had the privilege of listening to Governor Young's remarks attentively, and therefore *know* that he made no reflections injurious to the public services or private character of the late lamented President Taylor, or in fact any allusions to him whatever, that I can remember. The writer's statement, therefore, is so far untrue.

The second "*instance*" also is open to correction. Its statement is, that the writer being commissioned by the Washington Monument Society to procure for them a block of marble, apprised Governor Young of the trust committed to his hands, and expressed a desire to address the people *on the subject*, when assembled in their greatest number; that the Governor, in order to accede to his request, upon the Monday following "*respectfully and honorably introduced*" him for the purpose, to a meeting of at least three thousand people; that he spoke for two hours, during which he was favored with the unwavering attention of his audience; but that he then, by his own statement, "incidentally thereto (as the Mormons supposed") attacked the Governor and people, and concluded by what they cannot but have taken as a most wanton insult, "that if they would not offer a block of marble in full fellowship with the people of the United States, as brethren and fellow-citizens, they had better not offer it at all, but leave it unquarried in the bosom of its native mountain." I do not remark upon this strange mode of springing an insult upon a public meeting, after its patience had been tried by a *two hours'* oration; impolitic, one would think, in a judicial officer desirous to keep the peace, or an agent of the Washington Monument Society wishing to obtain a tribute to the memory of the Father of his Country, but merely ask you to observe that the public attack of the "judicial officer" upon the Governor of the Territory, appears also to have been based upon Mr. Young's alleged expressions upon the memory of General Taylor, which certainly were not cast upon the occasion to which I have already adverted.

The letter-writer states, moreover, that at the celebration of the 24th of July, "that the orator of 'the day spoke bitterly of the course of the United 'States towards the Church of Latter Day Saints, 'in taking a battalion of men from them for the 'war with Mexico, while on the banks of the 'Missouri river, in their flight from the mob at 'Nauvoo; that the Government had devised the 'most wanton, cruel, and dastardly means for the 'accomplishment of their ruin, overthrow, and 'utter extermination; at which time also Governor 'Young denounced, in the most sacrilegious terms, 'President Taylor." I again repeat, the writer of the preceding extract was not present at the celebration to which he refers. There were some ten or twelve orators on that occasion, and the whole day was occupied by their speeches; but I heard no such language as I have quoted, nor any other which could be construed into the slightest disrespect toward the Government of the United States. All the officers of the Government who were then in the Territory dined with the Governor on that day. I am not aware that a single incident occurred to mar its gaiety and good fellowship.

The Government *did not* TAKE from us a battalion of men, but one of its most gallant officers made a call for volunteers, and Mr. Young said in reply: "You shall have your battalion at once, if it has to be a class of our Elders." More than five hundred able-bodied men promptly responded to the call, leaving their wives and children on the plains, and five hundred teams without drivers; and rendered efficient service in the war with the Mexican Republic.

When I took my departure from Utah, the architect of the contemplated capitol was busily employed in preparing the plans and drawings for the building, and the Governor was very desirous that they should be completed, and a daguerreotype of them taken to be exhibited by me to the President and members of Congress, in order that they might see what kind of building it was proposed to erect. But it was not designed to commence the erection of the building until the ensuing spring.

I have the honor to be, very respectfully and truly, your most obedient servant,

JOHN M. BERNHIZEL,
Delegate from Utah.

UNITED STATES HOTEL, *December* 1, 1851.

Printed slip enclosed with Mr. Bernhizel's communication to the President.

Extract of a letter from a judicial officer of the Government, at Great Salt Lake City, dated September 20, 1851.

I shall leave for the States on the 1st October, and most gladly will I go, for I am sick and tired of this place—of the fanaticism of the people, followed by their violence of feeling towards the "*Gentiles*," as they style all persons not belonging to their Church. I have had a feeling and personal proof of their fanatical intolerance within the last few days. I will give you a cursory view of the circumstances and the scene.

As soon after my arrival here as my illness would permit, I heard from Judge B. and Mr. Secretary H. accounts of the intolerant sentiments of the community towards Government officers and the Government itself, which filled me with surprise. I learned that not only were the officers sent here treated with coolness and disrespect, but that the Government of the United States, on all public occasions, whether festive or religious, was denounced in the most disrespectful terms, and often with invectives of great bitterness. I will mention a few instances. The 24th July is the anniversary of the arrival of the Mormons in this valley. It was on that day of this year that they assembled to commemorate that interesting event. The orator of the day, on that occasion, spoke bitterly of the course of the United States toward the Church of "*Latter Day Saints*," in taking a battalion of their men from them for the war with Mexico, while on the banks of the Missouri river, in their flight from the mob at Nauvoo. He said the Government of the United States had devised the most wanton, cruel, and dastardly means for the accomplishment of their ruin, overthrow, and utter extermination.

His Excellency Governor Young, on the same occasion, denounced, in the most sacrilegious terms, the memory of the illustrious and lamented General and President of the United States, who has lately gone to the grave, and over whose tomb a nation's tears have scarcely ceased to flow. He exclaimed, "*Zachary Taylor is dead and gone to hell, and I am glad of it!*" and his sentiments were echoed by a loud amen from all parts of the assembly. Then, rising in the excess of his passion to his tiptoes, he vociferated, "*I prophesy, in 'the name of Jesus Christ, by the power of the priest-'hood that is upon me, that any other President of 'the United States, who shall lift his finger against 'this people, will die an untimely death and go to 'hell.*" This kind of feeling I found pervading the whole community, in some individuals more marked than in others.

You may remember that I was authorized by the managers of the Washington National Monument Society to say to the people of the Territory of Utah, that they would be pleased to receive from them a block of marble or other stone to be deposited in the monument "*as an offering at the shrine of patriotism.*" I accordingly called on Governor Young and apprised him of the trust committed to my hands, and expressed a desire to address the people upon the subject, when assembled in their greatest number. He replied that on the following Monday the very best opportunity would be presented. Monday came, and I found myself at their Bowery, in the midst of at least three thousand people. I was respectfully and honorably introduced by "*His Excellency*" to the vast assemblage. I made a speech, though so feeble that I could scarcely stand, and staggered in my debility several times on the platform.

I spoke for two hours, during which time I was favored with the unwavering attention of my audience. Having made some remarks in reference to the judiciary, I presented the subject of the National Monument, and *incidently thereto* (as the Mormons supposed) I expressed my opinions in a full, free, unreserved, yet respectful and dignified manner, in regard to the defection of the people here from the Government of the United States. I endeavored to show the injustice of their feelings towards the Government, and alluded boldly and feelingly to the sacrilegious remarks of Governor Young towards the memory of the lamented Taylor. I defended, as well as my feeble powers would allow, the name and character of the departed hero, from the unjust aspersions cast upon them, and remarked that, in the latter part of the assailant's bitter exclamation that he "*was glad that General Taylor was in hell,*" he did not exhibit a Christian spirit, and that if the author did not early repent of the cruel declaration, he *would perform that task with keen remorse upon his dying pillow.* I then alluded to my nativity; to my citizenship; to my love of country; to my duty to defend my country from unjust aspersions wherever I met them, and trusted that when I failed to defend her, my tongue, then employed in her advocacy and praise, might cling to the roof of my mouth, and that my arm, ever ready to be raised in her defence, might fall palsied at my side. I then told

the audience if they could not offer a block of marble in a feeling of full fellowship with the people of the United States, as brethren and fellow-citizens, they had better not offer it at all, but leave it unquarried in the bosom of its native mountain. At the close of my speech the Governor arose and denounced me and the Government in the most brutal and unmeasured terms.

The ferment created by his remarks was truly fearful. It seemed as if the people (I mean a large portion of them) were ready to spring upon me like hyenas and destroy me. The Governor, while speaking, said that some persons might get their hair pulled or *their throats cut on that occasion.* His manner was boisterous, passionate, infuriated in the extreme; and if he had not been afraid of final vengeance, he would have pointed his finger at me, and I should *in an instant* have been a dead man. Ever since then the community has been in a state of intense excitement, and murmurs of personal violence and assassination towards me have been freely uttered by the lower order of the populace. How it will end I do not know. I have just learned that I have been denounced, together with the Government and officers, in the Bowery again to-day by Governor Young. I hope I shall get off safely. God only knows. I am in the power of a desperate and murderous set. I however feel no great fear. So much for defending my country.

I expect all the officers of the Territory, at least Chief Justice B., Secretary Harris, and Captain Day, Indian Agent, will return with me, *to return here no more.*

GREAT SALT LAKE CITY, *Sept.* 22, 1851.

To his Excellency Millard Fillmore,
President of the United States:

SIR: For reasons satisfactory to themselves, Judges Brundeburg and Brocchus, and Secretary Harris, leave this Territory for the States next week.

But I, for reasons satisfactory to myself, have thought best to write you a line, stating that after the causes which led to this unhappy event occurred, I used all my influence to bring about a reconciliation, but failed.

Did my sense of duty require me to return without consulting you, the duties I owe to my little family would forbid my undertaking the journey so late in the season. Should you, or Congress, on inquiry into the facts, be of the opinion that I also ought to return, that opinion can be made known to me, and it shall then be done according to your wishes.

I forbear to state the facts for the reason that Judges Brandeburg and Brocchus, and Secretary Harris will see you in person, and also Doctor Bernhisel, delegate from Utah, who will be able to inform you much better than I can by letter.

It is proper to state that Doctor Bernhisel left here before the main facts occurred which led to this event; he, therefore, will have to be informed of them by the people here.

I have the honor to subscribe myself your obedient servant,

Z. SNOW.

GREAT SALT LAKE CITY, *October* 20, 1851.

To Millard Fillmore;
President of the United States:

SIR: Owing to the peculiar situation of our Territory in relation to public officers, I presume again to address you a few lines. You will please to recollect, that at the close of my last communication, the Legislative Assembly was still in session. It so continued until the third instant, at which time they adjourned until the first Monday in January next, when they will resume their sitting.

Upon the departure of Mr. Secretary Harris, and the two Judges Messrs. Brandeburg and Brocchus, the Legislative Assembly proceeded to redistrict the Territory, and assigned the remaining Judge, the honorable Zerubabel Snow, to perform the duty of holding all the district courts in the Territory until other judges shall be appointed and enter upon the discharge of their duties.

Being extremely inconvenienced for the want of a Secretary, and apprehending some considerable delay might occur before another would appear, I took the liberty of appointing one, to act in that office pro tem., until the disability should cease to exist, or the vacancy be filled by the President. Dr. Willard Richards is the gentleman I have so appointed, who would be a good selection for that office, if the President and Senate should feel inclined to favor him. The proceedings of the Legislature will be forwarded as soon as they can be arranged in proper form.

I also beg leave to add, that, upon Indian Affairs, I have never received any instructions; the Indian agent, Mr. Holeman, came here, but immediately left to attend a treaty at Laramie, which he had preengaged to do. He has not returned to this place since. Mr. Day accompanied the officers, and it is presumed that upon meeting with Mr. Holeman they all returned to the States together; no report has been received from any of them as yet, except Mr. Rose, who is now in this city. I shall report to the proper department, to which I refer you for further particulars. My object in mentioning this subject in this letter, is to keep you authenticated, in order that the proper instructions may be had in this superintendency.

The Indians are generally peaceable, with the exception of those on Mary's river, where it has become very unsafe to travel. These Indians have never been under the influence of the settlers of this Territory. It is proposed by some of the citizens to make a settlement, and establish a trading post in the vicinity. If the heretofore favorable influence of such a proceeding shall in like manner be successful and prevail in that region, the desired security will be obtained, and the traveler, with the usual and necessary caution, can go in safety.

With sentiments of high esteem, I remain, sir, most truly your humble servant,

BRIGHAM YOUNG,
Governor of Utah Territory.

Report of Messrs. Brandebury, Brocchus, and Harris, to the President of the United States.

To the President of the United States:

SIR: It becomes our duty as officers of the United States for the Territory of Utah, to inform the President that we have been compelled to withdraw from the Territory, and our official duties, in consequence of an extraordinary state of affairs existing there, which rendered the performance of those duties not only dangerous, but impracticable, and a longer residence in the Territory, in our judgment, incompatible with a proper sense of self-respect, and the high regard due to the United States. We have been driven to this course by the lawless acts, and the hostile and seditious feelings and sentiments of Brigham Young, the Executive of the Territory, and the great body of the residents there, manifested towards the Government and officers of the United States in aspersions and denunciations so violent and offensive as to set at defiance, not only a just administration of the laws, but the rights and feelings of citizens and officers of the United States residing there.

To enable the Government to understand more fully the unfortunate position of affairs in that Territory, it will be necessary to explain the extraordinary religious organization existing there—its unlimited pretensions, influence, and power; and to enter into a disagreeable detail of facts, and the language and sentiments of the Governor and others high in authority, towards the Government, people, and officers of the United States.

We found upon our arrival that almost the entire population consisted of a people called Mormons; and the Mormon Church overshadowing and controlling the opinions, the actions, the property, and even the lives of its members; usurping and exercising the functions of legislation and the judicial business of the Territory; organizing and commanding the military; disposing of the public lands, upon its own terms; coining money, stamped "Holiness to the Lord," and forcing its circulation at a standard fifteen or twenty per centum above its real value; openly sanctioning and defending the practice of polygamy, or plurality of wives; exacting the tenth part of everything from its members, under the name of tithing, and enormous taxes, from citizens, not members; penetrating and supervising the social and business circles; and inculcating, and requiring, as an article of religious faith, implicit obedience to the counsels of "the Church," as paramount to all the obligations of morality, society, allegiance, and of law.

At the head of this formidable organization, styled "The Church of Jesus Christ of Latter-day Saints," stood Brigham Young, the Governor, claiming, and represented to be, the Prophet of God, and his sayings as direct revelations from Heaven, commanding thereby unlimited sway over the ignorant and credulous. *His* opinions and wishes were *their* opinions and wishes. He was consulted by them, upon almost every subject, as an oracle. No man pretended to embark in any kind of business without his permission, or conciliating him by a deferential consultation. In a word, he ruled as he pleased, without a rival or opposition, for no man dared question his authority.

Congress having established a territorial government for this people, and extended the Constitution and laws of the United States over them, we were not only anxious for a cordial coöperation of all the officers and people in the organization of the Territory and a faithful administration of the laws, but equally anxious to avoid everything in the execution of our duties that would be likely to exhibit a conflict between the Government and the Church. Our main reliance was upon Brigham Young, the Governor, for no man else could govern them against his influence, without a military force. As he had sought, and been honored with the office of Executive of the Territory, we presumed he was well disposed towards the Government, and would wield his unbounded influence to secure respect and obedience to the Government and the laws.

But in this we were disappointed. He made us feel, upon our arrival in the Territory, in a manner that could not be mistaken, that he was jealous of his power as head of the Church, and hostile to the Government of the United States and its officers, coming there to perform this duty, under the organic act.

One of the undersigned (Chief Justice Brandebury) arrived in the Territory on the 7th of June, a month and more before any of the other officers from the States. He availed himself of the earliest day after his arrival not only to pay his respects to Governor Young, as Executive of the Territory, but to inform him that he was there ready to enter upon his official duties, and for that purpose invited the United States Attorney, Mr. Blair, (a Mormon,) to accompany and introduce him. Before the hour arrived, however, on the day appointed, Mr. Blair called to say that the Governor's engagements would prevent an interview that day, and proposed another time to call upon his Excellency. At the appointed time, another effort was made, in company with Mr. Blair, who led the way to the office occupied by the Governor. The Chief Justice was requested to tarry upon the stairway until Mr. Blair advanced to open the door and make inquiry if the Governor could be seen. He was anticipated, however, by the Governor's clerk (an Englishman) meeting him at the door, and after a few words between them in an under tone, returned with the information that the Governor was not in, and with many regrets for this second failure. Satisfied that this was the result of design on the part of the Governor, no further effort was made to see him. This conduct of the Governor was known in the community, and afforded much merriment to some of the Mormons. We were informed afterwards that Mr. Blair had made several private applications to the Governor to know if he would allow an interview to the Chief Justice, but he refused, declaring that "he did not wish an introduction, for none but Mormons should have been appointed to the offices of the Territory, and none others but d—d rascals would have come amongst them." We refer to this incident now, only to show the feelings of the Governor towards the Government and officers at this early period.

On the 19th of July, another of the undersigned (Secretary Harris) arrived, in company with Judge Snow and Messrs. Babbit, Bernhisel, Day, and Rose, the two last-named being Indian subagents. A few days afterwards, the Secretary was invited by the Governor to be present at an inter-

view between him and Mr. Babbit. This interview was made the occasion of a violent exhibition of his temper and abuse of Mr. Babbit, and of the Government and officers, "intended for the Secretary," as the Governor afterwards declared, "to let him know what kind of people he had to deal with." These were but manifestations of that hostile feeling, the murmurs and mutterings of which were rife throughout the community, and intended that it should not escape our ears.

Upon the occasion of celebrating the anniversary of the arrival of the Mormon pioneers into the Valley, (the 24th July,) an immense concourse of their people were assembled from all parts of the Territory. Those of us then in the Territory were invited to be present and participate in the festivities of the occasion. We were seated upon the stand or platform, with a number of the leading men of the Church, including the present delegate in Congress, (Hon. John M. Bernhisel.) The Governor rose to address the audience, and a profound silence ensued, as is always the case when he rises to speak. After reflecting in terms of condemnation upon the alleged hostility of General Taylor to the Mormons, and to giving them a government, he exclaimed, in a loud and exulting tone, "But Zachary Taylor is dead, and in hell, and I am glad of it." Then drawing himself up to his utmost hight, and stretching his hands towards heaven, he declared in a still more violent voice, "and I prophesy in the name of Jesus Christ, by the power of the Priesthood that's upon me, that any President of the United States who lifts his finger against this people shall die an untimely death, and go to hell." To this sentiment there came up from those seated around us, and from all parts of the house, loud and mingled responses of "Amen!" "Good!" "Hear!"

With the invitation to be present on this occasion, was included an invitation to dine with the Governor. Although we believed the occasion of our presence was seized upon by the Governor to show us how brave and independent he could be in his declarations, and with what impunity our feelings could be outraged and insulted, we were forced, from an indisposition to produce a rupture and break off our official relations so soon after our arrival, to smother our indignation and mingle in the parade of a dinner.

Upon a subsequent occasion, (the 6th of September,) in reply to the remarks made by one of the undersigned (Associate Justice Brocchus) upon the subject, before a large audience, the Governor reiterated and declared, "I did say that General Taylor was dead and in hell; *and I know it.*" A man in the crowd, seemingly to give the Governor an opportunity of fixing its truth, spoke out and said: "How do you know it?" To which the Governor promptly answered, "Because God told me so." An Elder, second only to the Governor in the Church, (Heber C. Kimbal,) laying his hand on the shoulder of Judge Brocchus, added, "Yes, Judge, and you'll know it, too; for you'll see him when *you* get there."

Upon the occasion before referred to, (24th of July,) another speaker, (D. H. Wells,) late chief justice of the State of Deseret, declared, that "in 'the winter of 1838–'39 the Church was expelled 'from the State of Missouri by a murderous mob, 'under the exterminating order of Governor Lilburn W. Boggs;" that "in the year 1844, on 'the 27th day of June, the mob of Illinois murdered in cold blood the Prophet Joseph, and Patriach Hyrum Smith, while confined in jail under 'the guarantee of safety, and pledge of the Gov'ernor, Thomas Ford;" and that when they had left their homes in 1846, in the most inclement season, and were pursuing their toilsome march westward, "the Government of the United States 'required a battalion of five hundred men to leave 'their families in this precarious situation, without 'money, provisions, or friends, other than the God 'whom they serve, to perform a campaign of over 'two thousand miles, on foot, across trackless des'erts and burning plains, to fight the battles of 'their country; even that country which had af'forded them no protection from the ruthless 'ruffians who had plundered them of their prop'erty, robbed them of their rights, waylaid them 'in their peaceful habitations, and murdered them 'while under the safeguards of their pledged faith. 'That country that could have the *barbarity*, under 'such peculiar circumstances, to make such a re'quirement, could have no other object in view 'than to finish, by extermination, the work which 'had so ruthlessly begun."

Upon the same occasion another speaker (W. W. Phelps, one of the "Regents of the University of Deseret") declared, as a just cause of hostility, that "the Mormons were proscribed by the 'United States—he had two wives, others of his 'brethren had more, and brother Brigham Young 'had still more, and none of them dare return to 'the United States with their families; for their 'dirty, mean, little, contracted laws would im'prison them for polygamy."

Upon the following Sunday, the Mayor of the city, Jedediah M. Grant, in eulogizing the strength of the Mormons, exultingly declared from the pulpit, in presence of one of the undersigned, (Mr. Harris,) "that now the United States could not conquer them by arms."

Brigham Young, the Governor, announced, with great vehemence, from the stand and to individuals, while the feelings of the people were thus excited by such sentiments, "that he had ruled 'that people for years and could rule them again; 'that the United States judges might remain in the 'Territory and draw their salaries, but they should 'never try a cause if he could prevent it."

Another speaker, already referred to, standing second in the church, (Heber C. Kimball,) encouraged by the example set him by the Governor, declared, in a speech at a public meeting, "that the 'United States officers might remain in the Terri'tory so long as they behaved themselves and paid 'their boarding; but if they did not, they (the 'Mormons) would kick them to hell, where they 'belonged."

The Governor announced, upon another occasion, from the pulpit, "that he was not opposed 'to the Government of the United States, but it 'was the d—d infernal corrupt scoundrels at the 'head of it." He applied this to Congress, as he afterwards explained it, declaring "that the pres'ent Administration had done them some justice, 'but no thanks to them, for it was God Almighty 'made them do it."

Upon another occasion two of the undersigned (Judge Brandebury and Brocchus) attended church on the Sabbath, and were invited to take seats upon the stand or platform. Secretary Harris had ceased to attend, to avoid hearing the Government aspersed and denounced. Judge Brocchus had just recovered from a sick bed, and had not had an opportunity of attending church before. The preacher, Professor Spencer, of "the University of Deseret," among other expressions of ill feeling, declared that "the laws and policy of the United States Government were intended to oppress the poor"—and turning his eyes upon us, in presence of this large audience, further declared "the Government of the United States is a stink in the nostrils of Jehovah, and no wonder the Mormons wish it down. We can save it by *Theocracy*, but rather than save it any other way, we will see it d—d first." Another Mormon, (Albert Carrington,) in refusing to join in firing a salute on the 4th of July, declared to Judge Brocchus and others, that the United States was going to hell as fast as it could, and the sooner the better."

This man arrived in the Territory with Judge Brocchus; is an Elder in the Church, and expressed but the feelings and wishes of the residents there in sympathy with him.

These are but a few of the many seditious and hostile declarations, which it would be impossible to enumerate, made by Governor Young, and others in his presence, from the pulpit; and scarcely an opportunity was suffered to pass without aspersing the people and Government of the United States, in language profane and, at times, obscene. Indeed, the officers seemed to be looked upon as the mere toys of the Governor's power—he treating them as he pleased, according to his capricious humor—sometimes encouraging a hope for a better [state] of affairs, to make the next outbreak of hostility and insult the more marked and humiliating.

The many important duties to be performed in the organization of the Territory, and the administration of the laws, required a cordial and confidential intercourse between the officers. The Governor, however, announced soon after our arrival, in the presence of Mr. Harris and others, with great temper, that "he had ruled that people for years, and could rule them again, and he would kick any man out of the Territory who attempted to dictate to, or advise him in his duty." Under such circumstances, no communication could be had with the Executive, with any regard to self-respect, or without apprehensions of personal insult; especially as we were looked upon as offensive intruders, rather than coördinate branches of the Government.

He asked for no advice, and none was volunteered by any of us, and he was free to proceed in the performance of his duties as he thought proper.

The act of Congress required him to have a census taken, so as to apportion the number of representatives and councillors to each county; but he apportioned them without taking the census. We were informed that a census had been taken when the application was made by the "State of Deseret" for admission into the Union, but it was so false and exaggerated that a correct census would have betrayed the fraud. The act further required that he should fix the time and places, and appoint the persons, who should superintend the first election for councillors, representatives, and a delegate to Congress, and it prescribed the qualifications of voters, and who should be eligible to these offices. Regardless of these directions and of all forms, and in contempt of the organic act, he issued a proclamation, without the seal of the Territory or signature of the Secretary, ordering the election to be held under "the provisional laws of the State of Deseret." This proclamation and many other papers were requested by the Secretary, but never furnished, and, of course, no "Executive record" could be made of the same. No notice was given in it as to the qualifications of voters, and those who were eligible to office, nor were any persons named to hold the elections. The consequence was, that unnaturalized foreigners officiated at the elections, voted, and were elected as representatives, and to offices not authorized by the act. The proclamation and election were a burlesque upon the order and decorum required by the organic act, and sprung from the determination of the Church to do as she pleased in such matters.

He was also authorized and required by the same act, to appoint all officers not provided for in the bill, who should continue in office until the end of the first session of the Legislature. Yet there was not a sheriff, justice of the peace, or constable in the territory, legally qualified to act, when we left, (excepting one or two justices of the peace appointed a few days before,) and criminals went at large, untried and unpunished, so far as the United States judges could interfere. The Church, as usual, punished some, as it was reported, and allowed others to go free. A few days before we left, we understood a posse of men were sent by the Church in pursuit of some horse thieves. Some of them were arrested, tried, and fined a hundred dollars, and others discharged. A man was tried in an adjoining county for an alleged offence, by a member of the Church, purporting to be a judge, without a jury, and convicted and punished.

About the same time, a cool and deliberate murder was committed in the Territory upon the body of a Mr. James Munroe, a citizen of the United States, from Utica, New York, on his way to Salt Lake City, by a member of the Church, and the remains brought into the city and buried, without an inquest, the murderer walking through the streets afterwards under the eye of the Governor, and in his society, some of the relatives of the deceased residing there, and members of the Church, afraid or disinclined to act. It was reported, and believed by many, that the murder was counseled by the Church, or some of its leading members; and such an impression would paralyze the hand of any one inclined to interfere. This rumor received much force, from the intimacy between the offender and the leading members of the Church, before and after the commission of the offence. He was several weeks in the city, and unknown, as well as his location, to any of us; it

was the common talk that he intended to kill Mr. Munroe; he was permitted to go out sixty or eighty miles to meet his intended victim, and none of these men who knew the fact lifted an arm or a voice to prevent the deed. He met Munroe, who was unarmed; invited him out of his camp; took a seat and talked half an hour with him, and then rose up, bade him farewell, and blew his brains out with a pistol! We have no doubt, however, that if he had been tried, an entire acquittal would have followed, as was the result in February last, in the case of the murder of Dr. John R. Vaughan, a citizen of Indiana, there on his way to California, and the murderer suffered to go unpunished. How many other crimes and offences were punished or passed by we know not. The Governor was thus true to his declaration, that "the United States judges should never try a cause if he could prevent it," for we had not an officer to summon a jury, or execute a warrant, subpœna, or any kind of process, except in cases in which the United States was a party, when the marshal would be bound to act.

Congress appropriated twenty thousand dollars, to be applied under the direction of the Governor and Legislature in the erection of public buildings. The Governor no sooner received this money than he appropriated and used every dollar of it, or a greater portion of it, in payment of debts due by the Morman Church, and in a few days after its arrival in the valley it was on its way to the United States in other hands. We were not present at its actual payment, but it was a matter of public notoriety and talked of by the gentlemen who received it. This occurred about the last of July.

Those of us, then, in the Territory, powerless and compelled to be observers of all these things on account of the omnipotence of the Church and the Governor, determined to report the facts in writing to the President of the United States. Before an opportunity for a safe transmission of such a report presented itself, one of the undersigned (Associate Chief Justice Brocchus, who arrived in the Territory on the 17th of August) addressed a large meeting of the people on the 6th of September, in behalf of the Washington Monument Association, having been commissioned by the managers thereof to ask of the people of that Territory a block of marble or other stone to be placed in that structure, "as an offering at the shrine of patriotism." As the life, character, and services of Washington were intimately blended with everything relating to the Government and institutions of the United States, the occasion was supposed to be an appropriate one to disabuse the minds of the Mormon people of the false and prejudicial opinions they entertained towards the people and Government of the United States, and thus to arrest that flow of seditious sentiment which was so freely pouring forth from their bosoms towards the country to which they owed their highest patriotism and their best affections. We had remained there up to this period, and submitted in silence to almost every species of indignity and mortification rather than take any step that would produce discord and involve the territorial government in difficulties. It was in this spirit that we preserved silence, until the favorable opportunity, above alluded to, was presented, when we unanimously concurred in the opinion that it was not only a matter of right, but also of duty, to have the attention of the people directed to the errors of their opinions in holding the Government of the United States and her citizens as enemies to them, and the seekers of their ruin and extermination. Such opinions were daily inculcated by the leaders of the Church upon the fanatical credulity of the masses of the people. They were taught to believe that the General Government sympathized with those whom they regarded as their persecutors in the States of Illinois and Missouri, and desired their overthrow and utter destruction. The natural result of such convictions was a feeling of deep-seated hostility towards the Government and people of the United States, which was every day becoming more deep and inveterate under the teachings of their spiritual leaders. We believed that to confront and remove those false impressions, thus shamefully instilled into the popular mind, would be to dry up the fountain of seditious sentiment in the Territory, and thus revive that sense of patriotism and loyalty, the manifest absence of which was then a serious obstacle to the successful operation of the Territorial Government, and threatened, if not corrected, to become much more serious in future. It was in pursuance of this design that the address above alluded to was made. In the course of that address the speaker endeavored, in good faith, only to correct erroneous opinions in regard to the Government from which he held his commission, without indulging in terms of invective and rebuke. His remonstrances against these opinions, and the hostile feelings resulting from them, were calm and dispassionate, and in good faith intended to effect the salutary purpose of producing peace and concord between the various branches of the Government and good will towards the United States.

The address was entirely free from any allusions, even the most remote, to the peculiar religion of the community, or to any of their domestic or social customs. It contained not a single expression of bravado or unkindness or harsh rebuke, or any sentiment that could have been tortured into a design on the part of the speaker to inflict wantonly a wound upon the hearts of his hearers.

At the close of the address, the Governor arose and denounced the speaker with great violence, as "profoundly ignorant, or willfully wicked"—strode the stage madly—assumed various theatrical attitudes—declared he "was a greater man than ever George Washington was"—"that he knew more than ever George Washington did"—that "he was the man that could handle the word"—and "that if there was any more discussion, there would be pulling of hair and cutting of throats." Referring to a remark of the speaker, that the United States Government was humane and kindly disposed [towards] them, he said, "I know 'the United States did not murder our wives and 'children, burn our houses, and rob us of our prop-'erty, but they stood by and saw it done, and never 'opened their mouths, the d——d scoundrels." By this time the passions of the people was lashed into a fury like his own. To every sentence uttered, there was a prompt and determined response, showing beyond a doubt, that all the hostile and seditious sentiments we had previously heard were the sentiments of this people.

Those of us present felt the personal danger that surrounded us. If the Governor had but pointed his finger towards us, as an indication of wish, we have no doubt we would have been massacred before leaving the house. The Governor declared afterwards "that if he had crooked his finger, we would have been torn to pieces."

Upon the next and succeeding days, these denunciations of the officers and the Government were renewed, as we were informed by a number of citizens, and continued in their meetings, by the Governor and other leading members of the Church, with increased vehemence. The Government was denounced, and the officers too, in language so vulgar and obscene, that decency would blush to hear it. We were now satisfied, that with such sentiments and feelings pervading the community, towards us and the Government, the performance of our official duties would be impracticable, and to remain and be compelled to hear these offensive and seditious denunciations, disagreeable beyond endurance. The Governor had been accustomed, as many of the leading men there informed us, to enter the legislative hall, under the provisional State government, and dictate what laws should or should not be passed, and the court and jury rooms to indicate what verdicts should be rendered, and he had given us ample evidence that he was equally omnipotent and influential with the Mormon people under the territorial government. It required no overt act, or violence, to defeat the spirit and object of the organic act, under an apparent compliance with all its requisitions. He had ordered the election of a Legislative Assembly as before described, but they were the creatures of his will, as the result shows. The other territorial officers, members of the Mormon Church and under the same religious obligations, were subject to the same control. He had gone through the form of dividing the Territory into judicial districts, assigning the judges, and fixing the times for holding the courts, as one of the undersigned (Judge Branderbury) had prepared the proclamation for him. But he had declared "that the United States judges should never try a cause if he could prevent it," and it required no overt act to effect this purpose. The omission to appoint proper officers to issue and execute the various writs and warrants—to summon juries, and perform other duties in the organization of courts and administration of the laws, palsied the judiciary of itself. But apart from this, we have no doubt he would have fulfilled his own prophetic declaration, by the interposition of his power as head of the Church, to repel parties and business from the courts, and force them to the disposal of the Church upon its own terms—screen criminals from arrest and trial—drive off witnesses and make the court a mockery and the judge an object of ridicule. They continued their proceedings in the disposal of judicial business after our arrival the same as before, regardless of the organic act, or our authority as officers. We were fully satisfied, that what was done under the organic act by the Governor tardily and carelessly, was the veriest affectation and show of obedience, to secure to himself and the Mormon Church the money appropriated by Congress for territorial purposes, salaries, &c. The Secretary had twenty-four thousand dollars intrusted to him by the Government, for which he had given bond to the United States for its safety and faithful application to the purposes specified, according to law; and efforts had been made by the Governor, as we shall show, to get this money also, in addition to the twenty thousand dollars, and for the same purpose, the benefit of himself and the Mormon Church.

The Legislature was not to have met until January, 1852, as was given out by the Governor, a period of a year and four months after the passage of the act establishing the Territory. We knew not the object of this delay, unless it was his contempt for the territorial bill, and under a supposition that, as the Secretary was bound to transmit to the President and Congress on or before the first of December, annually, a copy of the executive and legislative proceedings, no expose of the misapplication of the twenty thousand dollars, appropriated for public buildings, could have been made known officially before December, 1852—more than a year after it occurred. A few days after the arrival of the Secretary, (19th of July,) an attempt was made, in the interview already referred to, to browbeat and intimidate him into submission to the Governor's purposes, or, as the Governor said, "to let the Secretary know what kind of people he had to deal with"—and soon thereafter called upon him, in a patronizing manner, to borrow eight or ten thousand dollars of him for the Church. He was informed by the Secretary that no consideration could induce the loan of a dollar of it, as the law made an act of the kind a felony. This effort having failed, another attempt was made by setting up a claim for daily pay and mileage for the members of the last Legislature of the provisional government of the "State of Deseret,"—a leading member of the Church informing the Secretary that this money would be of great assistance to the Church in relieving her from debt, and in justice should be paid as demanded. This effort having also failed, the fixed determination of the Governor to get possession of the public money in the hands of the Secretary for the benefit of himself and the Church, revealed itself more openly and decidedly. Although the election for members of the Legislative Assembly had been held on the first Monday in August, he had made no declaration of the result of that election, as he was specifically required to do by the organic act, and without such declaration of course the election itself was not complete. But disregarding the plain directions of the organic act in this particular, as in almost all others, he issued secret notices to members of the Legislative Assembly, to meet on Monday the 22d day of September. The following is a *verbatim* copy of the notice sent to one of the pretended members, the original of which is now in the possession of the Secretary, to wit:

"G. S. L. CITY, *Sept. 17th*, 1851.

"HON. SIR: The Legislative Assembly of Utah Territory will assemble in this city on Monday, the 22d inst., at precisely ten o'clock, a. m.

"This notice being shorter than might ap-

pear desirable, I have caused this notice to be forwarded to you that you might not fail in attending this call.

"I have the honor to be, most respectfully and truly, yours, BRIGHAM YOUNG,

"*Governor Utah Ter.*"

So solicitous was the Governor that the Secretary and other officers (not Mormons), should be kept in ignorance of this step, that on the 19th of September, two days after the date of the above notice, he most positively and emphatically denied, as communicated to the Secretary, that any such notice had been issued. Immediately thereafter, however, on the same day, (Friday, the 19th,) a proclamation, declaring the members elect and convening the Legislative Assembly at ten o'clock on Monday, the 22d September, was brought to the Secretary for his signature and seal. That proclamation, however, was never published. It should be borne in mind that the settlements in the Territory extend a distance of about three hundred miles north and south, and that some of the members of the Assembly reside two hundred and fifty miles from Salt Lake City, the place of meeting. In obedience to the secret instructions of the Governor, the Legislative Assembly met on the 22d. The Governor transmitted to them a printed message, which was afterwards, for some reason, suppressed, and none of the undersigned were able to procure a copy. On the 25th, the Secretary was served with the following paper by Mr. William Kimball, (a Mormon,) purporting to be the Sergeant-at-Arms of the Assembly, to wit:

"HOUSE OF REPRESENTATIVES,
"GREAT SALT LAKE CITY, UTAH TERRITORY,
"*September* 24*th*, 1851.

"*To the Hon. B. D. Harris,*
Secretary of Utah Territory:

"SIR: By a resolution passed by the Legislative Assembly this day, it was directed that an order be drawn on the Secretary of the Territory for the sum of five hundred dollars towards defraying the incidental expenses of the Legislative Assembly.

"We therefore send this order by the Sergeant-at-Arms of the Legislative Council, hoping that you will furnish the same for our convenience.

"Respectfully yours, &c.,
"WILLIARD RICHARDS,
President of the Council.
"H. CORNEY,
Secretary of the Council.
"W. W. PHELPS,
Speaker of the House of Representatives.
"ALBERT CARRINGTON,
Clerk House of Representatives Utah Territory."

This paper bears upon its face evidence of an intention to get possession of the money in the hands of the Secretary by any and all means. The Assembly could not have been ignorant of the obvious fact, that such an order could not be legally accepted and paid by the Secretary; his duty being to pay the contingent expenses of the Legislative Council only upon the presentation of proper vouchers, showing that the expenditure had been legally incurred, was reasonable in amount, &c.; and not to furnish money in round sums to the Assembly, to be disposed of as they pleased. But more evidence of this intention to get the money remains to be told. *With the foregoing order*, Mr. Kimball, the Sergeant-at-Arms, placed in the hands of the Secretary a copy of joint resolutions passed by the Legislative Assembly on the 24th of September, and approved by the Governor, (a copy of which is herewith transmitted,) ordering and requiring the United States Marshal (a Mormon) to demand this money from the Secretary, and if he refused to surrender it, to seize and imprison him until he delivered over the whole amount. The Marshal being absent, his deputy (Horace Eldridge, a Mormon) undertook the execution of the order. The Secretary refused to comply with the demand, and transmitted his reasons therefor in writing. As Governor Young had declared he would have this money, if he had to take it by violence, the Secretary applied to the Supreme Court for an injunction, which was granted, forbidding the Marshal and others from seizing or intermeddling with the funds and other property of the United States in the custody of the Secretary. It was understood the members, being all Mormons, would relinquish their daily pay and mileage to the Church.

But the Governor's efforts to get the money did not stop here. A warrant was issued by Aaron F. Farr, a member of the Church, purporting to be a justice of the peace, but who had neither given bond nor taken the oath of office, so far as we could learn, directed "to any legal officer of the aforesaid Territory (Utah) and county of Great Salt Lake," commanding him "to restrain and to take A. W. Babbit into your possession, and also the effects of A. W. Babbit, consisting of wagons, carriages and teams, and search his wagons for a sum of money, probably gold, to the amount of twenty-four thousand dollars, and for the seal of the Territory of Utah, and bring the same before me in Great Salt Lake City, and to search all other suspected persons and places." Mr. Babbitt, (Honorable A. W. Babbitt, late Delegate in Congress from the Territory,) had left the city a day or two before with his family and household affairs, on his return to the United States. There was no one named in the warrant as complaining, no oath made, and no offence alleged. It was placed in the hands of a man, another member of the Church, purporting to be a constable, but who had neither given bond or taken an oath of office, who, with a force of thirty men or more, well armed and mounted, started in pursuit, with instructions from the Governor, as we were informed, "to bring Babbitt back dead or alive." They came upon his camp about forty miles from the city, some time in the night, and in the morning Mr. Babbitt and his family found themselves surrounded by a body of armed men. The carriages and wagons were emptied and the contents searched, and then reloaded to be taken back to the city. Mr. Babbitt appealed to them to allow his family and teams to proceed on their journey, as a delay of a few days might overwhelm them in snow-storms, and repeated trips over the mountains he had already passed, would so fatigue and break down his animals, as at that late period in the year to seriously endanger the lives of himself and family on the plains. He at the same time made known his own willingness to return with them. But their orders from the Governor was peremptory, and they refused. The tent was rudely torn down over the head of his wife, then nursing a sick child, his family ordered into the carriages, and the teams turned back to the city. This extraordinary writ was executed as above stated, *after* the injunction of the Supreme Court had been granted, forbidding all persons from seizing or intermeddling with the money of the United States.

Mr. Babbitt applied for and was discharged from custody upon a *habeas corpus* by one of the undersigned judges. Beyond his discharge, he could procure no redress for this grievance from a Mormon community, especially as the outrage had been perpetrated by command of the Governor. It may not be improper to add in this connection, that the Secretary succeeded in keeping possession of the money, brought it over the plains, and on his arrival at St. Louis, deposited it with the Assistant Treasurer to the credit of the United States.

We deem it our duty to state, in this official communication, that polygamy, or "plurality of wives, is openly avowed and practised in the Territory, under the sanction and in obedience to the direct command of the Church." So universal is this practice, that very few, if any leading men in that community can be found who have not more than one wife each. The prominent men in the Church, whose example in all things it is the ambition of the more humble to imitate, have each many wives—some of them, we were credibly informed and believe, as many as twenty or thirty; and Brigham Young, the Governor, even a greater number. Only a few days before we left the Territory, the Governor was seen riding through the streets of the city in an omnibus with a large company of his wives, more than two thirds of whom had infants in their arms. It is not uncommon to find two or more sisters married to the same man; and in one instance, at least, a mother and her two daughters are among the wives of a leading member of the Church. This practice, regarded and punished as a high and revolting crime in all well-civilized countries, would, of course, never be made a statutory offence by a Mormon Legislature; and if a crime at common law, the courts would be powerless to correct the evil with Mormon juries.

The city of Great Salt Lake is an important point in the overland route to Oregon and California for the emigrant to replenish his stores, or to winter if overtaken by the advance of the season. But the intimidation which is produced by the denunciations and conduct of the Mormon Church and people upon citizens of the United States passing through or engaged in business there, is such as to drive the emigrant upon another route to avoid it, and the residents to submit to all the impositions of the Church to prevent a sacrifice of their business. No man dare open his mouth in opposition to their lawless exactions without feeling its effects upon his liberty, his business, or his life. And thus upon the soil of the United States, and under the broad folds of its stars and stripes, which protect him in his rights in every part of the civilized world, there is a spot where the citizen is browbeaten and despoiled of his liberties as a freeman by a religious despotism. One of the undersigned, (Judge Brandebury,) on his journey through the Territory, met a young man at Fort Bridger, about one hundred and twelve miles from Salt Lake City, who informed him that he had copied and forwarded to the President of the United States a letter written by James McCabe, Esq., of Pontiac, Michigan, who had spent the winter in Salt Lake City, and was then on his way to Oregon, giving an account of the treatment he and others had received from the people there, and their seditious and treasonable feelings towards the United States. He stated, that to give the President the facts, and conceal himself lest the Mormons should kill him if they found it out, he had signed the letter "William or George Johnson," (if remembered correctly,) and thus left scarcely a mark by which an inquiry could be made into the facts. We have now before us a report of several trials which took place there before we arrived, furnished us by a respectable gentleman there at the time, and now residing in the United States, confirming the information we had received, that "Gentiles" (as all are called who are not Mormons) were tried and sentenced for trivial offences to two, five, and ten years of labor upon the public highways with ball and chain to their legs, and no shelter at night but caverns dug in the earth. We saw one of these highways cut out of the side of a mountain and the caverns far down at its base, but the approach of the Federal officers, as we were informed, was the signal for the release and banishment of these "convicts" from the Territory. The account before us is too voluminous to imbody in this report, but we transcribe a part of a single case only to show the feelings there towards the Government and people of the United States. "Washington Loomis was put upon trial for a larceny, 'and the report proceeds: The indictment being 'read, defendant plead 'Not guilty,' when the 'court ordered him sworn. He testified that he 'knew nothing of the matter charged." George Love was then called and sworn for the prosecution, and "testified that he was positive of Loomis's innocence, for that he (Love) knew who had committed the crime," &c. Major George D. Grant (a Mormon) was then called, as a witness for the prosecution, for the avowed purpose of impeaching Love. He stated that he might have to tell some hearsay statements in relating his story. Defendant's counsel, James McCabe, of Pontiac, Michigan, objected to this for two reasons: 1st. The prosecution had no right to impeach their own witness; 2d. That hearsay testimony was wholly inadmissible. Upon this, Major Grant flew into a rage, and for fifteen minutes indulged in a most outrageous tirade of profanity and abusive threats towards the defendant's counsel, (Mr. McCabe,) the Government of the United States, Missouri and Illinois mobites, &c., shaking his fists over the counsel's head, and several times threatening his life; giving vent to the most settled malignity and treasonable designs towards the United States Government, declaring that this is not a civil court, but that the military rules here, and he commanded them, and that by the eternal God, he would call in the "Legion," and "tap the claret" of this d—d villainous emissary (Mr. McCabe) of that mob Government, (United States,) sent here to spy out their liberties and frighten the court with his exceptions and technicalities, and clear d—d scoundrels from pun-

ishment, &c., &c. The cries of "A men"—"we are with you"—"go it"—"we will back you to the death"—"we will stand by you through blood or hell"—often broke from the crowd during this exhibition of extreme patriotism and bravery; and the court highly applauded the conduct of the witness, the Chief Justice (Perkins) crying, "Amen! that is the spirit of Jesus." The hearsay evidence was admitted, the defendant convicted, "as accessory after the fact," for which there was no count in the indictment, and sentenced to one year's hard labor on the public works with ball and chain. Defendant's counsel moved for the privilege of commuting by the payment of money, as had been done to others; but the motion was denied. Before the defendant was arrested, all his property was seized by process from this court; his counsel filed a motion to release it, that defendant might have the use of it in his trial and defence; but the motion was overruled. The material facts we have detailed in our report are known more or less to many other persons, and we invite the examination of almost any "Gentile" who has been there, and whose person and business are secure from danger, in proof of the seditious and treasonable feeling of the leaders in the Church towards the people and Government of the United States.

These people are now living upon the soil of the United States, and drawing their sustenance from it free of charge. The Government is paying their Governor, Judges, Secretary, Attorney, Marshal, and Indian Agents—allowing them to elect their own Legislature and a Delegate to Congress, and paying them out of the public Treasury. They have received twenty thousand dollars for public buildings, and five thousand dollars for a library, and instead of the manifestation of respect and gratitude for these manifold favors, they are inexorable in their hatred, and are ready and willing to plot the destruction of their liberal benefactor. It is impossible for any officer to perform his duty or execute any law, not in sympathy with their views as the Territory is at present organized. Their conduct shows, that they either disregard, or cannot appreciate, the blessings of the present form of government established for them by the United States. We have no doubt the evils complained of will suggest the remedy, and that the Government has the power and the inclination to maintain its dignity, and enforce obedience and respect to the laws, upon every part of its Territory where there is not patriotism enough in the people to do it.

Aware of the solicitude of the President, that the officers appointed for that Territory should so proceed in the discharge of their official duties as to secure the confidence and amicable coöperation, and promote the welfare of the people among whom they were sent, we were not only scrupulously careful to give no cause of offence, but equally slow to take offence at any exhibition of a want of courtesy or good will towards us. In view of these considerations, we submitted in silence, and remained at our posts until the conviction was forced upon us, that to remain longer, would be to forfeit not only our own self-respect, but all claim to the approbation of the Government that had honored us with its confidence.

We have the honor to be, very respectfully, sir, your obedient servants,

LEMUEL G. BRANDERBURY,
Chief Justice of the Supreme Court of the United States for the Territory of Utah.
PERRY E. BROCCHUS,
Associate Justice of the Supreme Court of the United States for the Territory of Utah.
B. D. HARRIS,
Secretary of the Territory of Utah.

WASHINGTON, *December* 19, 1851.

Mr. Harris to Mr. Webster.

SIR: I beg leave to transmit through the State Department to the President of the United States, the accompanying papers relating to affairs in the Territory of Utah.

I have the honor to be, most respectfully, your obedient servant, B. D. HARRIS,
Secretary of the Territory of Utah.

To the Hon. DAN'L WEBSTER,
Secretary of State, United States.

WASHINGTON, *January* 2, 1852.

Mr. Harris to the President of the United States.

WASHINGTON, *January* 2, 1852.

SIR: I have the honor herewith to transmit to the President of the United States, copies of papers relating to affairs in the Territory of Utah, which it was not deemed important to imbody in the report recently made to the President, by the officers of that Territory.

The paper marked "No. 1," is a copy of a letter placed in my hands by Mr. William Kimball, representing himself to be the Sergeant-at-Arms of the Legislative Assembly of the Territory, on the 25th day of September last.

The paper marked "No. 2," is a copy of preamble and resolutions, also placed in my hands by Mr. William Kimball, on the same occasion above mentioned, to wit: the 25th of September.

The paper marked "No. 3," is a copy of my reply to papers marked Nos. 1 and 2, which was transmitted to the persons to whom it is addressed, on the day of its date, the 25th of September.

I have also the honor to state, that I have not the means of making out and transmitting to the President and to Congress copies of the "Executive" proceedings of the Territory, agreeably to the original act—the Governor having neglected to file in my office many of the Executive papers, although I made repeated verbal requests for them.

I at length addressed to him a note, of which the following is a copy, to wit:

"TERRITORY OF UTAH,
"SECRETARY'S OFFICE, *September* 22, 1851.

"*To His Excellency Brigham Young:*

"SIR: Will you please send me by the bearer such Executive documents as you intend to file in this office, that they may be entered upon the record; and oblige, very respectfully, your obedient servant, B. D. HARRIS, *Secretary.*"

To this note no reply was ever received.

I have the honor to be, with the highest regard, your most obedient servant,

B. D. HARRIS,
Secretary of the Territory of Utah.

To the PRESIDENT of the United States.

No. 1.

HOUSE OF REPRESENTATIVES,
GREAT SALT LAKE CITY, UTAH TERRITORY,
September 24, 1851.

To the Hon. B. D. Harris, Secretary, Utah Territory:

SIR: By a resolution passed by the Legislative Assembly this day, it was directed that an order be drawn on the Secretary of the Territory for the sum of five hundred dollars towards defraying the incidental expenses of the Legislative Assembly. We therefore send this order by the Sergeant-at-Arms of the Legislative Council, hoping that you will furnish the sum for our convenience.

Respectfully yours,

WILLARD RICHARDS,
President of the Council.
W. W. PHELPS,
Speaker of the House of Representatives, Utah Territory.
H. CORAY, *Secretary of the Council.*
ALBERT CARRINGTON, *Clerk House of Reps.*

No. 2.

GREAT SALT LAKE CITY, *Sept.* 24, 1851.

Joint Resolution pertaining to the Secretary of Utah Territory.

Whereas the Hon. B. D. Harris, Secretary of the Territory of Utah, being about to leave, absent himself, or abscond from said Territory, and intends, as we are authentically and credibly informed, to carry away or otherwise dispose of the territorial seal, records, papers and documents and property in his possession and pertaining to his office, contrary to the organic act, which provides (sec. 3) that said Secretary shall reside in said Territory: and

Whereas it is believed that said Secretary has in his possession the money appropriated by the act of Congress, approved February 27, 1851, amounting to $24,000, designed by Congress as compensation and mileage of members of the Legislative Assembly, and other expenses of said Territory of Utah—see Statutes at Large, page 571, 31st Congress 2d session;

Whereas it is believed that said Secretary should not be permitted thus to leave said Territory with so large an amount of Government funds, and without having authority which we apprehend nowhere exists, thereby seriously inconveniencing not only this Territory, but incurring the loss of said funds to the General Government; therefore,

Resolved by the Legislative Council and the House of Representatives in joint session assembled, That it shall be the duty of the United States Marshal for said Territory to proceed forthwith, and take into his possession all such papers, records, documents, and property of every kind pertaining to said office of Secretary; as also all money in his possession belonging to said Territory and pertaining to said office, or intrusted by the General Government for the benefit of this Territory in his hands, together with the seal and press of the Territory of Utah, and safely keep and preserve the same for the time being until the Legislative Assembly shall order otherwise, or until the vacancy thus occasioned in said office shall be filled by appointment by the President of the United States, or the disabilities otherwise cease to exist.

And be it further resolved, That in case the said B. D. Harris, Secretary as aforesaid, shall refuse, neglect, or anywise fail to deliver the said papers, records, seal, press, documents or money, or any other property or articles pertaining to said office, or any part thereof, then, and in that case, it shall be the duty of the said United States Marshal for Utah Territory to arrest the said B. D. Harris, Secretary as aforesaid, and him safely keep in custody until he shall comply with the foregoing resolution.

WILLARD RICHARDS,
President of the Council.
W. W. PHELPS,
Speaker of the House of Representatives.
HOWARD CORAY, *Secretary of the Council.*
ALBERT CARRINGTON, *Clerk of the House of Representatives.*

Approved, Sept. 24, 1851:

BRIGHAM YOUNG,
Governor of Utah Territory.

No. 3.

TERRITORY OF UTAH,
OFFICE OF SECRETARY OF STATE,
September 25, 1851.

To Willard Richards and W. W. Phelps, Esqrs.:

GENTLEMEN: Your note, dated September 24th, communicating to me the substance of a resolution passed by the Legislative Assembly on the 24th instant, "directing that an order be drawn on the Secretary for the sum of five hundred dollars towards defraying the incidental expenses of the Legislative Assembly," has this day been placed in my hands by Mr. William Kimball. Being desirous that all official business transacted by me with other Departments of the Government, and with individuals, should be placed in a form to be preserved, I have thought proper to communicate to you my decision, and some of the reasons which have induced it, in writing.

By the organic act of the Territory, the Secretary is made the Disbursing Agent of the United States Government. This agency necessarily involves judicial powers to a limited extent, from which there is, and can be, no appeal, except to the fountain head. The Secretary is not, in law, a mere machine, bound to allow and satisfy all claims presented to him for payment. On the contrary, he is expressly required to make diligent and minute examination as to the propriety, reasonableness and legality of such claims; and is clothed with ample powers to allow or reject the same, as his judgment shall dictate. No branch of the territorial government, executive, legislative, or judicial, can legally interfere to prevent the exercise of these powers. That the Secretary is possessed of such powers, to the extent claimed, and is legally and morally bound to exercise them, is a perfectly clear and unanswerable proposition. Did I entertain any doubts on this point, my official instructions from the Treasury Department clearly and distinctly point out the propriety and necessity of the course I deem it my duty to pursue.

With these preliminary remarks I proceed to assign, briefly, some of the reasons for the decision I am compelled to make.

I. The 4th section of the organic act of the Territory requires the Governor, previous to the first election, to cause a census or enumeration of the inhabitants of the several counties or districts of the Territory to be taken, for the purpose of an equal apportionment of the members of the Legislative Assembly. In my judgment, this provision has not been complied with, either literally or in accordance with its obvious intent and spirit. If I am correct in this opinion, of which I entertain no doubt, of course all subsequent proceedings based upon this initiatory act, are null and void.

II. The proclamation of the Governor, ordering an election, was, in my opinion, faulty, both in form and substance. It did not bear the seal of the Territory or the signature of the Secretary; and in other respects lacked the essentials of legal form. It was faulty in substance: in that it did not prescribe the qualifications of voters, or those to be voted for; it did not, as required by the organic act, prescribe rules and regulations for the government of the election; it did not designate the places where elections should be held, nor the persons by whom they should be conducted.

III. Aliens voted indiscriminately with American citizens, and those recognized as such by the treaty with Mexico.

IV. Aliens acted as officers at the polls and were elected to office.

V. Officers not authorized to be chosen were voted for and elected.

VI. The fourth section of the organic act, before referred to, further requires the Governor to declare the persons having the greatest number of votes for Councillors and Representatives, in the respective councillor and representative districts or precincts, to be duly elected to the Legislative Assembly. The obvious intent of the law in requiring the Governor to make this declaration was to give timely notice of an important fact to all parties interested, which includes not only the members elect, but in its narrowest signification, *all* the inhabitants of the Territory. In fact the election itself could not be complete until this declaration be made. It is perfectly clear that no declaration of the kind, coming within the letter or the spirit of the law, has been made; and indeed no declaration at all. A proclamation designed to accomplish that object was countersigned by the Secretary and attested by the seal of the Territory, on the 19th instant; but that proclamation has never been published, or in any other manner made known to the public. But even if it had been published in legal form at the time it received the attestation of the Secretary and his seal of office, it must obviously have been regarded as a nullity. No principle of law is more clearly established than that legal notices, when not expressly regulated by statute, must be specific in terms and reasonable in time, according to the circumstances of the case. I have said that no declaration of the important fact above referred to has been made. A printed document, purporting to be a proclamation by the Governor and to be countersigned by the Secretary, bearing date September 18, 1851, declaring the members elect, and summoning the Legislative Assembly to meet in this city on Monday, September 22, 1851, has been placed in my hands. I deem it necessary to assign but a single reason why this document is as worthless for all legal purposes, as the paper on which it is printed. It is essentially and fatally different from any executive document filed in this office, and equally so from any ever attested by the Secretary, or impressed with the seal of the Territory.

VII. The same section of the organic act, above referred to, makes it the duty of the Governor to appoint the time and place for the first meeting of the Legislative Assembly. This duty, it is plain, has never been discharged in a manner answering the requirements of law. The printed document before alluded to contains the only appointment of the kind that has been made, and that document has already been shown to be null and void.

I have thus, gentlemen, assigned seven distinct reasons for deciding, as I am now constrained to do, to allow no claim for mileage or per diem allowance to the members of the Assembly now in session, purporting to be the Legislative Assembly of the Territory of Utah, and to pay no contingent expenses connected therewith. No one can regret more sincerely than myself, that law, facts, and my official instructions and obligations, all conspire to render any other decision impossible. I may be permitted to add, however, that the just and legal rights of no one will be cancelled or in any manner prejudiced by this decision. Fortunately there is one appeal from it, and only one, to wit: to the Secretary of the Treasury at Washington, and through him to the President of the United States, as may readily be ascertained by reference to the Independent Treasury act, passed 1846, and subsequent modifications thereof, prescribing the duties and responsibilities of disbursing agents. I shall myself so refer the whole matter, including a copy of this letter, for review. Should my decision be reversed, the well-known justice and liberality of the Government whose agent I have the honor to be, will insure prompt reparation.

With your note, alluded to in the commencement of this paper, I also received from the hands of Mr. William Kimball a certified copy, approved by the Governor, of a certain preamble and resolutions, passed on the 24th instant, by the bodies over which you respectively preside, setting forth, in substance, that I, the Secretary of the Territory, it is believed, am about to abscond from the Territory with the public funds, and directing the United States Marshal to take forcible possession of the money and other property pertaining to my office, and, in case I refuse to deliver up the money and property aforesaid, to arrest and imprison me, the Secretary, until I comply.

As a faithful officer of the United States Government, to which I am alone responsible for my official conduct, I can have but one reply to make to this extraordinary demand. I most emphatically refuse to accede to it; and at the same time deny the right of even a *legal* Legislative Assembly to exercise any control in the matter. To those who have the legal right to question and control my official conduct, I am, and ever shall be, at all times ready to render a faithful account of my stewardship.

In reply to the assertion, or insinuation, contained in the preamble above referred to, that I am about to *abscond* from the Territory, I have simply to express my unfeigned astonishment that honorable men should be willing to father it.

Very respectfully, your obedient servant,

B. D. HARRIS, *Secretary.*

Mr. Bernhisel to the President of the United States.

UNITED STATES HOTEL,

WASHINGTON, *December* 30, 1851.

To the President of the United States:

SIR: On the 9th instant, I addressed to you a letter, asking that "I may be informed, at the earliest convenient moment, of any allegations which the officers, who had recently returned from Utah Territory, may prefer that, in your judgment, call for notice." On Wednesday evening, the 24th instant, I received a note from the honorable Daniel Webster, Secretary of State, informing me that the charges of the returned officers, just referred to, were on file in the Department of State. The public offices being closed at the hour at which I received it, and the next day being Christmas, I was unable to obtain admission to the State Department before Friday, the 26th instant. Thus for the first time apprised on that day of these numerous charges, and having been on the same day informed by your Excellency that they would be communicated to the House of Representatives on Monday, the 29th instant, I cannot, of course, be expected now to make an elaborate reply to them. Nor, indeed, could I feel myself authorized under any circumstances to enter into, countenance, or admit any official discussion of either the religious faith or the moral habits of the people of Utah. But as to so much of the charges of the late officers of that Territory, against the Governor and Council thereof, as can be matter of public concern, I shall esteem it my duty, at the earliest moment, to ask for them the closest scrutiny of a Congressional committee; and, in the mean time, I take leave to place among the Executive archives my prompt, unqualified, and peremptory, negation of their truth.

With sentiments of great respect, I have the honor to be your obedient servant,

JOHN M. BERNHISEL, *Delegate from Utah.*

Governor Young to the President of the United States.

GREAT SALT LAKE CITY, *Sept.* 29*th*, 1851.

To his Excellency Millard Fillmore, President of the United States of North America:

SIR: It is now over one year since "An act to establish a Territorial Government for Utah" became a law of Congress. Information of this fact reached this place in November following; and about the first of January authentic information was received of the appointments of the territorial officers by the President, this news being confirmed on the 3d day of February. I took the oath of office as Governor of this Territory in accordance with the provisions of the organic act. Owing to the great distance from this place to the seat of the General Government, I considered it of the first importance that the preliminary arrangements for the organization of the Territory should be accomplished as soon as possible, in order that a Delegate might be legally returned to the Congress of the United States before the lateness of the season should render the (at any time) long and arduous journey dangerous, if not impracticable; hence my anxiety to proceed with as little delay as possible in obtaining the enumeration of the inhabitants preparatory to appointing the election districts, and apportioning the members of Council and House of Representatives to be elected from each.

Having been appointed Census Agent to take the Census of Deseret, and owing to the total miscarriage of instructions and blanks, which had not, neither indeed have yet, arrived, the taking of that census has been delayed for a season; but now being required to cause the enumeration to be taken for the use of the Territory, and despairing of the blanks coming on, I proceeded to take the census, and appointed my assistants to make out two sets of returns, one for the United States as Census Agent for Deseret, and one for Utah, which required not the full census, but merely the enumeration of the inhabitants. This was sufficiently accomplished to enable me to make out the apportionment about the first of July, which I did, and issued my proclamation declaring the same. This being previous to the arrival of the Secretary, of course his seal and signature was not attached. (See proclamation, No. 1.) The reason inducing this order has been recited alone that the election might come off in time that whoever should be elected as Delegate to Congress might be enabled to go before the inclement season should set in.

Although the appointments were made early in the fall, yet no new resident officer made his appearance until the ensuing summer, and some of them not until about the first of August.

Upon the arrival of a majority of the Supreme Court, I again issued my proclamation districting the Territory into three judicial districts, and assigning the judges to their several districts. This proclamation bears the impress of the seal of the Territory and signature of Mr. Harris. (See proclamation, No. 2.)

Learning, to my very great regret, that the Secretary, (Mr. Harris,) and Judge Brandebury, and Associate Judge Brocchus, intended to return to the United States this fall, I called upon them personally to ascertain the fact, and, if possible, induce them to remain. They however assured me it was their intention to leave, and Mr. Harris also declaring that he should carry with him all the funds in his hands for the payment of the legislative expenses of the Territory, as also the seal, records, documents, &c., pertaining to his office—plainly indicating that it was his intention to essentially vacate said office so far as Utah was concerned, and anticipate, by leaving with the funds, the non-payment of the Legislative Assembly.

I considered this course illegal, wholly unauthorized, and uncalled for by any pretext whatever. I therefore concluded that I would use all legal efforts that should seem practicable for the retention of the property and money belonging to the United States in the Secretary's hands, designed for the use of this Territory. I therefore issued my proclamation declaring the result of the election, and convening the Legislative Assembly on the 22d of the present month. This proclamation was dated on the 18th instant, thus showing but a hurried notice; but notices had been sent previously to the members elect, and when the day

arrived, all of the Council were present, and only one member of the House absent. It is but due to myself to say, that this proclamation was delayed from the fact of a misunderstanding with the Secretary that he would make out the declaration of the members elect, and prepare the proclamation; which, failing to do, I caused it to be done, and sent it to him for his signature and impress of the seal of the Territory—intending for him to keep the manuscript thus furnished, and return a copy suitable for publication. Much to my astonishment, he placed the seal and signature to the manuscript thus furnished, not even filing a copy for record. It was published, however. (See proclamation, No. 4.)

The Legislature convened in accordance therewith, with the exception of one member of the House, from Iron county. The Secretary did not attend to furnish a roll of the members. I therefore had this duty to perform, when they were called and qualified by His Honor Judge Snow.

My message was the next document in order. (See No. 5.)

On the 24th instant, the Legislative Assembly passed a joint resolution, making it the duty of the United States Marshal to proceed forthwith and take into his custody all of the aforesaid funds, property, &c. (See No. 6.) This resolution was presented to Mr. Harris, as also an order for five hundred dollars, to defray the incidental expenses of the Legislative Assembly (see No. 7.) He refused to comply with the requirements of each. (As per No. 8.)

At this time, September 26th, I addressed a note to the Supreme Court, who I understood were then in session, asking their opinion in regard to my duty, having reference to the organic act, which requires the Governor to see that the laws are faithfully executed, and requiring the said Secretary to reside in said Territory, &c. (See No. 9.)

After awaiting a reply to this note until the day fixed for their departure had far advanced, I directed the United States District Attorney to file a petition which would cause them to give their opinion, (see No. 10 for copy of petition, and No. 11 for the opinion and answer,) having determined to abide the decision of the Judges. I accordingly stayed all further proceedings, and on yesterday, the 28th, I understand the Secretary, Mr. Harris, and the two Judges, Mr. Brandebury and Mr. Brocchus, left this city on their return to the United States.

For a reply to Mr. Harris's decision (No. 8) I refer you to file, No. 12.

Thus, sir, I have given you a plain, unvarnished tale of all our proceedings pertaining to governmental affairs, with the exception of report upon Indian affairs, which will be made to the proper Department.

If your Excellency will indulge me in a few remarks, I will proceed and make them.

Mr. Harris informed me, in a conversation which I had with him, that he had *private instructions designed for no eye but his own*, to watch every movement and not pay out any funds unless the same should be *strictly legal, according to his own judgment*.

The Supreme Court organized and held a session, as will appear by reference to the certified copy of proceedings, (No. 13,) without waiting for the Legislative authority fixing the time; and apparently having no other object than to shield and protect Mr. Harris in leaving, with the funds and property designed for the use and benefit of this Territory.

It has been and is said of myself and the people over whom I have the honor to preside, that they frequently indulge in strictures upon the acts of men who are intrusted with governmental affairs, and that the Government itself sometimes does not wholly escape. Now, sir, I will simply state what I know to be true, that no people exists who are more friendly to the Government of the United States than the people of this Territory.

The Constitution they revere, the laws they seek to honor. But the non-execution of those laws in times past, for our protection, and the abuse of power in the hands of those intrusted therewith, even in the hands of those whom we have supported for office, even betraying us in the hour of our greatest peril and extremity, by withholding the due execution of laws designed for the protection of all the citizens of the United States: it is for this we have cause of complaint, not the want of good and wholesome laws, but the execution of the same, in the true meaning and spirit of the Constitution.

The foregoing is a case in point. What good and substantial reason can be given, that the people of this Territory should be deprived for probably near a year to come of a Supreme Court, of the official seal of a Secretary of State, of the official publication of the laws, and other matters pertaining to the office of Secretary?

Is it true that officers coming here by virtue of an appointment by the President, have *private instructions* that so far control their actions as to induce the belief that their main object is not the strict and legal performance of their respective duties, but rather to *watch* for *iniquity*, to catch at shadows, and make a man "an offender for a word;" to spy out our liberties, and, by manifold misrepresentations, seek to prejudice the minds of the people against us? If such is the case, better, far better would it be for us, to live under the organization of our Provisional Government, and entirely depending upon our own resources, as we have hitherto done, until such time as we can be admitted as a State, than thus to be tantalized with the expectation of having a legal government, which will extend her fostering care over all her offspring. In infancy, if ever, it is necessary to assist the rising State.

If it be true that no legal authority can be exercised over a coördinate, and even a subordinate branch of the Government, by the Legislature thereof, then indeed we may expect the harmony of Government to be interrupted, to hear the discordant sounds of irresponsible and law-defying agents, desecrating, by *their acts, the very name of American liberty*.

In the appointment of new officers, if you will pardon me for making a suggestion, I would propose that such men be selected as will reside within the Territory, or have a general and extended knowledge of men and things as well as of the elementary and fundamental principles of law and legislation; men who have lived and practiced outside, as well as indoors, and whose information extends to the duties of a justice of the peace, as well as the well-known passages and districts of the court room. In relation to our present unfortunate position, pertaining to the Supreme Court, I can only hope that early the ensuing season, we may be favored with a quorum.

As regards the funds, if an arrangement could be made authorizing Mr. Livingston, a merchant in this place, to receive the money appropriated to meet the legislative expenses, he would most probably make such advances as might be necessary, after being advised of the privilege of so doing.

The Legislative Assembly are yet in session. Of their acts and doings I shall take the liberty of making report, the same as would have been the duty of the Secretary, had he remained. I cannot conceive that it can, or ought to be in the power of any subordinate officer to subvert, or even retard, for any length of time, the ordinary motion of the wheels of Government; although I am equally satisfied that it was and is the intention of a portion of those aforesaid officers to utterly subvert and overthrow the government of Utah. But of this I have no fears, as I know they can have no good and sufficient apology for the course they have and are pursuing.

The money that was appropriated for the year ending the 30th of June, 1851, should have been used to defray the expenses of the Legislature of '50 and '51, and the Government might have been organized, had the officers been as efficient in coming here, as they are now in going away. The Legislature can now, as heretofore, do without their compensation and mileage, and find themselves; they were all unanimously elected, (with one exception,) as was our Delegate to Congress, the Honorable John M. Bernhisel.

We have sought to obtain an authorized government, and the people have been well satisfied with the government, in regard to all their acts in relation thereto, so far as I am acquainted; and if the men appointed had endeavored to be active in the discharge of their duties, all would have been well. Mr. Harris takes exceptions to everything that has been done; did he take hold upon his arrival at this place, and endeavor to assist in the organization of this government as a Secretary should do? Not at all! Never was he the man to do the first thing, either by suggestion or otherwise, unless perhaps it was occasionally to set his hand and seal of the Territory to some document that had been prepared for him. Have either of the judges who are returning ever done anything towards the organization of the Territory? They organized the Supreme Court chiefly, as I think, to assist Mr. Harris in leaving with the funds; and I believe Judge Brandebury appointed a clerk of the district. Judge Brocchus had determined on returning this fall, previous to his arrival, as I am credibly informed, and they both leaving at this time, just when the time has arrived for them to act, postpones indefinitely all courts in their respective districts. Judge Brocchus has *never been in his district*, that I know of Thus, so far as the public interests are concerned, it would have been quite as well if neither of these gentlemen or Mr. Harris had ever troubled themselves to cross the plains.

Whatever may be your decision upon all these matters, be assured that it is and has been my intention to discharge faithfully every duty pertaining to my office; and that I shall receive very gratefully any instructions that you will please to give.

Awaiting most anxiously to hear from you, I have the honor to be, your Excellency, very respectfully and truly yours,

BRIGHAM YOUNG.

Memorial signed by the Members of the Legislative Assembly of Utah, to the President of the United States.

GREAT SALT LAKE CITY, *Sept.* 29, 1851.

To Millard Fillmore,

President of the United States of North America:

The undersigned, members of the Legislative Assembly for the Territory of Utah, do hereby most respectfully beg leave to show, that whereas two of the honorable justices of the Supreme Court of the United States for the Territory of Utah, and the Hon. B. D. Harris, Secretary of the Territory, have removed from the Territory of Utah, and consequently vacated their offices within the same: therefore, your memorialists do most earnestly solicit and pray the Chief Executive of the United States to fill those vacancies as speedily as possible.

Accumulated influences of a disagreeable nature may be regarded as our apology for trespassing upon the attention of our highly honored Chief Magistrate at this time. The vacating of important public offices in a manner as unwarranted as it is unprecedented, at this peculiar crisis of our colonial settlement and government, has created mingled sensations of an extraordinary character, which we wish briefly to pour into the bosom of the National Executive.

Immediately consequent upon the settlement of this colony, a large and heteroganeous emigration followed upon our heels, remaining here a shorter or longer time, imperatively requiring the establishment of an efficient government, for the speedy protection of life, peace, virtue, and property. In addition to a transient and ungovernable emigration, almost constant Indian depredations have plead like the irresistible man of death for the institution of some formidable order and power of government amongst us. A provisional government was accordingly formed, which has met the exigencies of the people, and secured general tranquillity, order, and satisfaction. And when the announcement of a territorial government, under your fostering hand, reached us, it was hailed with shoutings and firing of cannon. But, sir, the officers appointed sufficiently early to have reached here last winter, did not arrive till July last, when measures had been taken by the Governor of Utah for taking the census, and securing an election of Delegate to Congress, and members of the Legislature without the seal of the honorable Secretary of the Territory. And now, in the very dawn of the arrival of the Government officers, and of our hopes of an efficient territorial government, we are most seriously embarrassed with their unprovoked departure from

the limits of the Territory, taking with them the judiciary, the public seal and public fund, leaving us in a more crippled condition, if possible, than previous to their arrival, thereby tantalizing a people of more than Spartan intrepidity and fortitude, that have long been struggling against the most invincible difficulties. The first demand upon the honorable Secretary, for stationery, desks, and such contingent expenses as might necessarily accrue in the outset of a Legislative Assembly, has been peremptorily refused. Not only so, but all the authorities of the Territory, including the Governor and both Houses of the Assembly and Marshal, have been set at naught, as exercising their functions illegally and unconstitutionally, (see Document marked No 8.) Thus, sir, when we have looked for the fostering aid of such a functionary as the honorable Secretary, and for a fellow-citizen worthy the honor conferred by our illustrious Chief Magistrate, we have been annoyed with the technics of legal quackery, and our respectable address for stationery, &c., has been responded to, not as to legislators of the undivided choice and sole representation of a sovereign people, who know the right of franchise and of self government under the Constitution, but as to men who ape authority that does not belong to them. Although we are *ipso facto* honored with the choice of a sovereign and free people to be their representatives in Legislative Assembly, and the refusal of a captious stranger to accredit us with the fact, does not shake the truth, still a studious violation of etiquette when it is designed to convey burlesque, contempt, and indignity upon a legislative body, is calculated to alienate a people from such functionaries.

Your memorialists being aware of the difficulty of sending men from the States to fill their vacancies that have accrued from the removal of the two honorable judges, and the Hon. B. D. Harris, during the period of many months to come, and feeling cautious against any possible future removals like those which now embarrass us with the want of a territorial seal and funds to meet constantly-accruing expenses, and also the want of a full supreme court of the United States for Utah Territory, and desirous to dwell in peace and unfeigned loyalty to the Constitution and General Government of the United States, do therefore pray our highly-honored Chief Magistrate to appoint men to fill the aforesaid vacancies, by and with the consent of the Senate, who are indeed residents among us, in order that we may enjoy the full administration of every department of government speedily as the prosperity of the Territory shall require. And your memorialists, as in duty bound, will ever pray.

WILLARD RICHARDS,
President of the Council.

A. L. Lamereaux,	Heber C. Kimball,
John Stoker,	Daniel H. Wells,
Gideon Brownell,	Aaron Johnson,
Jas. Brown,	Alexander Williams,
David B. Dille,	Isaac Morley,
James G. Browning,	Jno. S. Fullmer,
David Evans,	Charles R. Dana,
William Miller,	Orson Spencer,
Levi W. Hancock,	Geo. A. Smith,
Charles Shumway,	Lorin Farr.

W. W. PHELPS,
Speaker of the House of Representatives.

David Fullmer,	Daniel Spencer,
Albert P. Rockwood,	Nathaniel H. Felt,
Edwin D. Woolly,	Phineas Prishard,
Jos. Young,	B. F. Johnson,
H. G. Sherwood,	Hosea Stout.
Welfa Woodruff,	

THE COMPROMISE MEASURES.

SPEECH OF MR. CLEMENS,

OF ALABAMA,

In Senate, *December* 24, 1851.

The Senate having under consideration the Resolution declaring the Compromise Measures to be a definitive settlement of all the questions growing out of the subject of domestic slavery—

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it enacted, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters, approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embraced, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse:

Mr. CLEMENS said:

Mr. President: If it had been left to me to determine whether this resolution should be introduced, I would most probably have answered, No. Not that I doubted its propriety—not that I ever had any fears of the consequences which might flow from it. But some of those with whom I have been accustomed to act, did entertain the opinion that it might result in evil, and I am always willing to pay some respect even to the *fears* of an ally. The resolution, however, is now here, and the question is not upon the propriety of its introduction, but upon the *duty* of its passage. The character of the debate which has taken place, renders it imperative, in my judgment, that it shall be passed. It has been assailed in a manner and from quarters which gave to us no astonishment. The scene we witnessed the other day during the delivery by the Senator from South Carolina [Mr. Rhett] of his harangue, surprised no one here; but it would have been a matter of profound astonishment to the country if they could have been spectators of what occurred. There was the Senator from Massachusetts, [Mr. Sumner,] the Senator from Ohio, [Mr. Chase,] and the Senator from New Hampshire, [Mr. Hale,] gathered about him in a sort of fraternal ring, while the countenance of the Senator from New York [Mr. Seward] was radiant with gladness. Thus was exhibited the spectacle of an extreme Southern Senator denouncing, in no measured terms, the Government of his country, and declaring himself a disunionist, on account of alleged wrongs heaped upon him, with four as rabid Abolitionists as this land contains, drinking in his words with eager approbation—applauding, cheering and encouraging him. All this was nothing new to us, however strange it may appear to the plain and honest yeomanry of the country. Nor was it, when calmly considered, at all unnatural—

"A fellow feeling makes us wondrous kind."

There is a sympathy in treason as well as in knavery; and those who are earnestly striving to accomplish the same end need not quarrel about the separate means employed.

The senior Senator from South Carolina, [Mr. Butler]—to whom I never allude except in terms of the highest respect—has questioned the propriety of this resolution, because, he says, it can give no additional validity to the law. True, sir, it cannot. But it can and will do something better. It will give an assurance to the country that we intend to put an end to agitation. It will strike from the hands of the demagogue the most potent weapon with which he is armed. The Northern Free-Soiler is daily proclaiming that there is no obligation upon him to abide by the compromise, because Southern men are determined to uproot and destroy it. In proof of this he cites the resolutions of Southern Rights associations, and the speeches of Southern Rights orators. The Southern secessionist tells his hearers that the compromise is a nullity, and cites in his turn the acts and declarations of his Northern colaborers. Thus they go on, each party playing into the hands of the other—each one furnishing the other with the means of rousing and keeping alive public distrust and enmity. If this resolution is passed by such a majority as I trust it will be, that game will be at an end. The friends of law and good order can point to a substantial assurance that the peace of the country and the existence of the Union shall not again be put in jeopardy. I was no friend of the compromise; nor is it necessary for me to say that I do not now approve of all its parts. I believe that by that settlement the North acquired more than she was fairly entitled to, and that we lost more than we ought to have been asked to yield. It is one thing, however, to resist the passage of a law, and quite another thing to resist the law after it has passed. When those bills had received the sanction of the President, the only alternatives which presented themselves to my mind were, *acquiescence* or *revolution*. Before revolution was resolved upon, I felt it to be my duty to examine in what manner the bills were passed, and against whom the war was to be levied. The result of that examination proved that if wrong had been done, the South as well as the North had participated in it, and that if secession was the remedy, we must secede from Southern as well as from Northern States. I intend to take up those measures one by one, and show the manner in which they passed into laws, not for the purpose of imparting any information to the Senate, but mainly to place upon the record, in a convenient form for reference, facts which I sincerely wish were in the possession of every man in the South. Let no man attribute to me any special design to conciliate Northern men by what I am about to say. I have said the same things where there were no Northern auditors—no Northern sympathizers. It is not at all my purpose to defend the North. I have no intention of removing from the shoulders of her people one feather's weight of blame which justly attaches to them. They have sometimes exhibited a rapacity for the public spoils which no one has condemned in stronger terms than I have. But while I will not defend, I will not assail without cause. I intend to be just to them, as I hope to receive justice at their hands. The admission of California, however wrong in itself—however baneful in its influences, was no case of Northern aggression. I know the charge has been iterated and reiterated, until it has waked every echo in the Southern portion of the continent; but that only proves the tenacity with which men will cling to a cherished falsehood. Let me recapitulate the facts. The admission of California was first recommended by a Southern Democratic President. James K. Polk sent for the Senator from Illinois, [Mr. Douglas,] and requested him to draw up a bill for that purpose. It is true, the bill prepared by the Senator from Illinois was a better bill than the one which finally passed, but that does not affect the present inquiry. It recognized, if it did not establish, the principle, that the people of any part of the public territories have a right, under peculiar circumstances, to demand admittance into the Union, without any previous law of Congress authorizing them to adopt a constitution, and without any enumeration of inhabitants. It practically asserted, that the only question Congress was bound to ask before admitting a State was, "Is her constitution republican?" and affirmed that all irregularities might be waived when the public good required it. Congress did not act as Mr. Polk desired. The next step was also taken by a Southern President. General Taylor came into office, and recommended the admission of California as she is. Up to this time the North had manifested no eagerness to bring in California. Southern men only had moved in the matter. Nor was there ever at any time anything like unanimous opposition on the part of the South. When the bill was finally passed, eight of the fifteen Southern States furnished votes for it. Kentucky gave seven out of ten, and Tennessee seven out of eleven, in the House of Representatives—thus showing a decided majority in both States in favor of the bill. With what appearance of truth, then, can it now be asserted that this is an unmitigated case of Northern aggression, and that we of the South have been robbed of territory acquired mainly by Southern blood and Southern treasure. No two States in this Union acquired more glory during the Mexican war than Tennessee and Kentucky. Each one of them furnished four regiments of volunteers, exclusive of their due proportion of regulars, and both of them maintained on every field the high character they had won in previous wars. The bones of many a gallant Tennesseean now lies bleaching beneath the walls of Monterey and in the pass of Cerro Gordo, and the field of Buena Vista was made red with the best blood of Kentucky. Can it be believed that the people of

these States, whose dauntless courage has almost passed into a proverb, should not only be willing to submit to a shameless robbery of rights thus dearly purchased, but that they should themselves aid in that robbery, and become a party to their own degradation? No, Mr. President, the truth is, it was a difference of judgment merely. I thought it wrong, to admit California, and voted against it. They thought it right, and voted for it They believed it to be in accordance with the great Democratic principle, that a people, whether few or many, are entitled to a government. Congress had failed to give California a government, and they felt bound to recognize that which the people had established. I do not intend to go into any inquiry as to how far the position was a sound one. I only intend to show, that whether California came into the Union rightly or wrongfully the South cannot secede from the Union on that account, because we should have to begin the work at home. If we have been robbed at all, Tennessee and Kentucky are more to blame than Indiana and Illinois. They are not only nearer neighbors, but they have interests identical with ours; and we had more reason to demand of them that they should guard with jealous vigilance our common rights. It seems to me that this is a dilemma from which no secessionist can escape, and that it at once reduces secession to an absurdity.

The Senator from South Carolina [Mr. RHETT] says the admission of California was unconstitutional, because the Constitution provides only for the admission of *States*. If I had not heard this same argument advanced at home by abler men than the Senator, I would not hesitate to pronounce it pure nonsense. The Constitution provides only for the admission of a State. True; but it is the act of admission which makes it a State. Some thirty-three years ago, you, sir, were sitting in a convention in the then Territory of Alabama, framing a constitution upon which you asked to be admitted into the Union. Did you imagine that you were committing the folly of asking that which Congress had no right to grant? Suppose some wiseacre had risen in that convention and informed you that the Constitution provided only for the admission of *States*—that Alabama was a Territory, and therefore could not be admitted into the Union—what would have been your opinion, not merely of his constitutional learning, but of his common sense? From that period to this, with only a short intermission, you have held a seat in this body. Has it ever occurred to you that you were here unconstitutionally, and that in the very act of taking your seat you violated the instrument you were sworn to support? There are but three cases, I believe, in our history in which *States* have been admitted into the Union—Vermont, Kentucky, and Texas. All the rest came in as Territories; and if the position of the Senator from South Carolina be correct, the early fathers of the Republic, the framers of the Constitution, knew nothing of the fundamental law they established. But, sir, while the Senator from South Carolina denies to California the right to come in because she was not a State, he yet contends, with that remarkable consistency which characterizes many of the opponents of the compromise, that Missouri did have that right. Now, sir, the only difference between the two cases is, that Missouri had a regular territorial government, and California never had. But they were both Territories nevertheless, and neither could ever become anything else without the assent of Congress. The people of both adopted a constitution and sent it here for approval; when approved they both became States, but not until then.

The next measure to which objection is taken, is the territorial bill for Utah. I might pursue the same line of argument here as in the case of California, and show that the South passed that bill, and if it robs us of any right we robbed ourselves. There was not an Abolitionist or Free-Soiler in either branch of Congress who voted for it. There were but two Southern Senators who voted against it, and those two I believe were given upon the ground that they did not have much faith in the capacity of the Mormons for self-government. I voted for the bill, and the pillars of the Southern Rights Church voted with me. The Senator from South Carolina was not then here, but he now undertakes to call it a robbery, and, with inexcusable arrogance, denounces all those who differ with him as knaves or fools. I give him the benefit of his own words:

"Are not the people of the slaveholding States practically excluded by these compromise measures from colonizing one acre of these Territories? Sir, no man of common honesty, or of any honesty at all, who understands the matter, can say they are not."

I have said repeatedly, here and elsewhere, that we are as free to go to that Territory with our slaves, as to any Territory which has been formed since the adoption of the Constitution; and, although I am not more sensitive than other men, I do not like to have such language applied to my published opinions. The Senator must allow me, however, to console myself with the reflection, that his judgment is not infallible; that no matter by what standard he may measure himself—no matter by what standard he may be measured in South Carolina, *in that little spot* constituting the rest of the world, outside the limits of his State, there is a very prevalent opinion that the Senator would never have created an extraordinary sensation, even in the kingdom of Lilliput itself.

I profess to understand this subject better than the Senator from South Carolina. I studied it for information—he to find fault. I shall read from the law itself, to show what are the provisions of the bill—the same provisions are in the New Mexican bill—one is almost an exact copy of the other.

Mr. DOUGLAS. An exact copy.

Mr. CLEMENS. Yes; except as to the names and description of boundaries.

The proviso to the second section is:

"*And provided, further*, That when admitted a State, said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of its admission."

Here is a guarantee which we have never had in any previous territorial government. It is the first time in our history that the North has proclaimed in advance its determination to leave the question to be regulated by the people of the Territory. I know there is a like provision in the bill annexing Texas, but I speak now of Territories only, not of the partition of States. But that is not all. If I understand the views of that Senator correctly, he maintains that the Constitution of the United States protects our right of property in slaves, and that wherever that Constitution goes that protection extends. I agree with him fully, and I shall endeavor to show that the last Congress were not unmindful of our interests in this respect. Not satisfied with declaring that the Territory might come in as a State, with or without slavery, as the people should elect, they went further, and for the purpose of meeting the objection that the Mexican laws were in force in the Territories, they enacted, in the 17th section of the bill, that "the Constitution, and all laws of the United States not locally inapplicable, shall have the same force and effect as elsewhere within the United States."

Here is an express extension of the Constitution and laws of the United States over the Territory, and in effect a direct repeal of any Mexican law which might be supposed to exist. The Judiciary Act for the Territory also provides for the trial of *title* to slaves. Like the laws of Alabama, and I suppose of every Southern State, it provides for trials between the slave and his master, and also for the trial of the title of adverse claimants. The fugitive slave bill goes beyond the words of the Constitution, and says that when a person held to service or labor in any State *or Territory* shall escape, &c., he shall be delivered up, &c. The letter of the Constitution did not require the words "or Territory" to be inserted in the fugitive slave bill. We have but four Territories: New Mexico, Utah, Oregon, and Minnesota. In Oregon and Minnesota slavery is prohibited by law. If it is also prohibited in Utah and New Mexico, where was the necessity of inserting a provision that slaves escaping from a Territory should be delivered up? The supposition is a stultification of Congress. It thus appears, Mr. President, that not only was this bill passed by Southern votes, but that it was framed to suit the taste of Southern men, and to obviate every reasonable Southern objection. I shall not discuss the question as to whether soil and climate have excluded us from the Territories. My opinion is that slavery will go anywhere where it is not excluded by law. That is immaterial. If God and Nature have excluded it we have no right to murmur at the decree. All we had a right to ask was, that *Congress* should not exclude it—that Congress should recognize our equal rights. When that was done, as I believe it was done, it then became a question for the *people of the Territory*, and to them I am willing to leave it. It may be well enough to mention a strange difference of opinion between the Senator and his abolition admirers. There is not one of them who has not told his constituents that the passage of these bills was a triumph of the slave power. But recently I saw a letter written from New Mexico by an abolition emissary there, to a paper in Mount Vernon, Ohio, in which he tells his abolition employers that New Mexico must be a slave State; that emigrants were constantly moving in with negroes, and that he believed his longer stay there would be only a useless waste of his time and their money. Now, whether he is right in this supposition or not I do not know. It is sufficient for me that the bill contains no exclusion of Southern men—no insult to Southern feelings. If the Wilmot proviso is practically in the territorial bills, Southern men put it there. It is a Southern, and not a Northern proviso.

The next measure of which complaint has been made, is the bill settling the boundary of Texas. Well, sir, it so happens that this also is a Southern, not a Northern measure. It was introduced by a Southern man, passed by Southern votes, and ratified by the people of the only Southern State who had any direct interest in it. It further happens that Mr. Calhoun, the great leader of the South during his life, has left on record his deliberate opinion that Texas never had a shadow of title to one foot of the territory we surrendered to the General Government. He asserted that the true boundary of Texas was the middle of the desert between the Nueces and the Rio Grande. We gave to Texas nine hundred miles on the Rio Grande, which, in his opinion, did not belong to her. Yet his especial disciples—men who have assumed a guardianship over his fame—endeavor to stultify him by declaring that the title of Texas was indisputable, and that we have sold slave territory to free soil. Sir, I believe I loved him better while living, and respect him more now, than any one of those who make use of his name to give respectability to treason. He was never a secessionist, and I am authorized to say that the proof will before long be given to the world. He regarded the attempt of a single State to go out of the Union as madness, and died in that opinion.

I pass now to the consideration of the fugitive slave bill. It is asserted, with a degree of confidence calculated to impose upon the country, that it has not been executed, and cannot be. My understanding of the facts is widely different. In the Northwest I recollect no instance in which it has not been enforced. I recollect many in which it has, including some from my own State. That it has been occasionally evaded in other places, is true; and that in some instances it has been resisted by violence, I do not deny. But that was to have been expected. It is so, and always will be so, of all laws in a country like ours. No man ever believed when this law was passed, that it would be executed in every instance. No man ever believed so of any law framed by the wisdom of man. It is sufficient that this law has been executed as faithfully as other laws. Occasional failures by no means warrant any one in asserting that it is in effect a dead letter. There is not a law upon our statute-books which is not sometimes evaded. There is not a year in which criminals do not escape the penalties prescribed by the law against murder; but that is no reason for the repeal of the law. It is better that the life of the citizen should be imperfectly protected than not protected at all. So in the present case, if the law does not secure the certain return of every fugitive, it does as much as any human law can do; and I can construe in but one way the conduct of that Southern man who desires to continue agitation about it.

Mr. President, I wish it always remembered that this resolution proposes no *approval* of the compromise. Any man who honestly means to

cease agitation, can conscientiously vote for it. It is nothing but a public declaration of willingness to submit to the law and the voice of the people. We ask no man to retract any former opinion he may have expressed. We ask no man to join in praises of measures he has condemned. We ask only that hereafter this disturbing question shall be laid at rest. We, who are the victors in the struggle, tender the olive-branch to our late opponents, and, forgetting the bitterness of the past, offer them a future of harmony upon terms so easy that none but a determined agitator can reject them. A Southern man makes no sacrifice by agreeing to acquiesce in the compromise; for granting that it be as objectionable as alleged, still the objectionable parts are irrepealable, and that which is good only remains under the control of Congress. California is a sovereign State, and cannot be remanded. The boundary of Texas was settled by compact, and cannot be disturbed. The territorial bills for Utah and New Mexico include an express guarantee that the people of those Territories shall regulate their own concerns in their own manner. There is nothing open for agitation but the fugitive slave law, and the law to abolish the slave trade in this District. Then let me ask, what possible objection a Southern man can have to this resolution, unless he desires the repeal of the fugitive slave bill and the destruction of the Government?

I did not vote for the abolition of the slave trade in the District of Columbia. I thought it wrong for Congress to meddle with it. I think it wrong now. But I would not to-day vote to repeal it. It is one of the series of measures upon which we rely for a settlement of the difficulties which existed between the North and the South; and however wrong I might believe it to be, still, as a settlement, I intend to abide by it. Moreover, it is precisely one of those cases which may with peculiar propriety be left to the decision of the Supreme Court. It can be determined there without agitation—without stirring up the embers of sectional strife; and to that tribunal I propose to leave it. While upon this subject, let me remark that this bill seems to have been strangely misunderstood. It is nothing new in the legislation of Congress. It has been the law of the District for fifty years, except as to the States of Virginia and Maryland. After Virginia received back her portion of the District, it applied also to her. All the last Congress did was to make it apply also to Maryland. I do not mean, of course, to say that these are the words of the bill, but that such is its only effect. The citizens of North Carolina, South Carolina, and other States have been denied the right of bringing slaves into this District for sale, ever since the year 1801; and throughout that long period we have heard no murmur of complaint. It is too late now to seize upon it as an excuse for agitation.

The Senator from South Carolina did not content himself with complaints upon the subject of slavery alone. He reviewed the financial policy of the country, and found oppression and robbery even in the tariff of 1846. Now, sir, I have always understood the tariff of '46 to be a Democratic tariff. It has been a standing charge against the Democracy in certain quarters, that by that act we reduced the rate of duties too much. The Senator himself was then a member of the House of Representatives, and voted for it. By reference to the Journal, I find that the whole South Carolina delegation voted with him. If, therefore, it be unjust and unequal in its operations, that Senator has much to answer for. He is the last man who should attempt to excite prejudice against it. Above all he should have refrained from referring to his own act as a case of *Northern robbery*.

I come now, sir, to that part of the Senator's discourse which referred to the doctrine of secession. The chief part of his labor seems to have been directed to the end of establishing, that every State has the separate right of peaceable secession. I certainly never expected to inquire in my place here, how far we possess the miserable right to tear asunder all the ties of affection and kindred—to trample under foot all the glorious memories of the past, and blot out forever the hopes of the future. What is there in the possession of such a right that the mind should dwell upon with exultation? Why should we hoard it as a treasure? Why cling to it as the ark of our salvation? Sir, if it be a political ark, it is an ark of sorrow and mourning as well as of safety. If when the rains come, and the tempest is abroad in its might, it shall indeed bear us up on the bosom of the angry waves, it will surely deposit us, when the waters have subsided, upon a desolate world, in which no dove will be able to find a single green branch to cheer the hearts of the wanderers. I have listened, not now for the first time, to labored efforts to establish this right of self-destruction. I have heard it derived sometimes from one source and sometimes from another, and I propose to examine at some length the arguments by which it is sustained. It is said to be a *reserved right;* and certain resolutions passed by Virginia and New York are instanced as evidence of the fact. In the first place, the reservations made by Virginia and New York amounted to nothing more than was afterwards obtained by the adoption of the tenth amendment to the Constitution; and secondly, the argument proves too much, if it proves anything. If any reservation was made, it was because without that reservation the right could not exist. Virginia and New York could make no reservation for other States. South Carolina made none for herself, and is not entitled to the benefit of that made by others. It follows, then, that by the act of reservation, New York and Virginia have secured to themselves rights which no other States possess; and as that is impossible under our Constitution—all the States being equal—the absurdity of any reservation of the right of secession, or any other right, becomes at once apparent. The truth is that no reservation was made; and if it had been, it would, in the language of Mr. Madison, have been a nullity merely. The Constitution was not submitted to the States for adoption by parts—they were required to take it as a whole, or not at all. They had no power to make reservations, or propose amendments. It was submitted for their adoption or rejection precisely as it came from the hands of the Convention, and in that form they accepted it.

Reference has been made to the opinions of the early statesmen of the Republic: I shall also have occasion to refer to them to show that the leading idea—the chief end they had in view—was the establishment of a *perpetual* Union. This idea was everywhere distinctly enunciated. I read from the Articles of Confederation:

"Whereas the Delegates of the United States of America in Congress assembled, did on the 15th day of November, in the year of our Lord 1777, and in the second year of the Independence of America, agree to certain articles of confederation and *perpetual* union," &c.

So it is throughout. "Articles of Perpetual Union"—not a Union for a month or a year or for one generation, but a *perpetual* Union. Following in this lead, the framers of the Constitution, in the preamble to it, assert that "We, the 'people of the United States, in order to form a '*more perfect* union, establish justice, insure do-'mestic tranquillity, provide for the common de-'fence, promote the general welfare, and secure 'the blessings of liberty to *ourselves and our poster-'ity*, do ordain and establish this Constitution for 'the United States of America." It was not for them alone; it was not for the generation which was immediately to succeed them—it was for their posterity through all coming time.

I apprehend, Mr. President, that a great deal of the misapprehension which exists in relation to this matter, grows out of the too loose application of the word "sovereign," to the States. We speak habitually of sovereign States; as if their sovereignty was absolute and unquestioned. But there is no such thing as a sovereign State within the limits of this Union. The Constitution has expressly denied it. The Constitution has taken away from the States some of the highest and most essential attributes of sovereignty. They cannot coin money; they cannot emit bills of credit; they cannot punish treason against themselves; they cannot go to war; they cannot enter into compacts with other States; nay, more, the Constitution provides that the Constitution and laws of the United States shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. Now, who ever heard of a sovereignty with the laws of another power superior to its own within its own limits? The States are sovereign for some purposes, and for those purposes only. Wherever their sovereignty has been taken away by the Constitution, they are not sovereign; and this right of secession is one that has been taken away.

There is one point, Mr. President, upon which I must here be permitted to make a remark. These gentlemen who are so exceedingly anxious to establish the peaceful right of secession, are the exclusive chivalry of the land. With but few exceptions, they are all regular "fire-eaters." Is it not a little singular, that with these propensities for war and blood—with all these chivalrous impulses, they should yet shrink from the assertion of a right unless their opponents will admit its peaceful nature? Sir, I know men in the ranks of the "submissionists" who whenever they feel the heel of the oppressor upon their necks, will not stop to inquire whether they have the right to throw it off. Above all, they will not beg him to remove it *peaceably*. The right of revolution, sir, is the manly right; and that right only do I admit.

We are told that authority for the right of secession is to be found in the resolutions of '98 and '99. So many men have sought to sustain absurd theories by referring to these resolutions, that I presume we ought not to be surprised even at this last and weakest attempt of all. Nor in this age of progress is it to be wondered at, that the wisdom of the disciple should far outrun that of the teacher. John C. Calhoun and George McDuffie examined the resolutions of '98 and '99 for the right of secession, and could not find it. They found, as they thought, nullification; but nullification is itself a denial of secession. We all know that some of the ablest efforts made by both of these great men, was to establish that nullification was the rightful remedy. Sir, it was neither the Virginia nor the Kentucky resolutions which gave birth to secession. It has come down to us from a less respectable parentage. It began in that band of traitors who assembled in Hartford during the war of 1812 and 1814, for the purpose of separating the New England States from the rest of the Confederacy. It was then that the right of secession was first proclaimed, and it is in that latitude that some of its warmest supporters are yet to be found. I cannot forget the terms of a resolution adopted at Syracuse last spring, when the Abolitionists were patting South Carolina on the back, and stimulating her to go out of the Union:

"*Resolved*, That odious as are the governing principles of South Carolina, we cannot withhold from her the praise justly due for her consistent maintenance of the great cardinal doctrine of the right of secession by a single State—a right vital to liberty, and the only safeguard of the several sovereignties, from a grasping centralization."

Sir, here is a singular concord of sentiment. Southern rights clubs South, and Abolition conventicles North, giving us the same definition of State rights, and teaching Democracy from the same horn-book. I repudiate the teachers, and deny the orthodoxy of the creed.

Mr. President, a friend has just made a suggestion to me, of which I gladly avail myself. The State of Louisiana was purchased from the French; it was paid for by taxes collected from the people of the whole Republic. It was purchased, not on account of any supposed value of the territory, for at that day we supposed we had territory enough for all our wants, but to secure the navigation of the Mississippi. The people of some twelve or thirteen States are interested in maintaining that navigation free. Suppose Louisiana should say to-morrow, I am a sovereign State; I believe it to be my interest to go out of the Union; I will go out and levy a tax on all vessels navigating the Mississippi. What would be the answer of those States so directly interested? They would say: We bought this territory; we were taxed to pay for it; the navigation of the Mississippi was a privilege which we regarded even at that day as indispensable to our prosperity; we cannot abandon it now without subjecting ourselves to the most ruinous consequences. If Louisiana should still insist upon her right as a sovereign State to do as she pleased, the answer on the other side would be very apt to be, "provided you can." Let us take the case of Pennsylvania or New York, whose lo-

cal position is such as to divide the Republic into two distinct parts. Does any one suppose that either of those great States would be permitted peaceably to leave the Union, and subject us to all the inconveniences of such a division? Sir, this doctrine of peaceable secession, by a single State, is as wild a vision as ever haunted the brain of a moon-struck politician. All rights, whether political or personal, are relative. All rights are to be exercised with reference to the amount of injury inflicted on others. No man has a right to burn down his house, if by so doing he endangers mine. No one State has a right so to act as to jeopard the liberties of the remainder. I refer, of course, to the *peaceable* right. The right of revolution—the right of resistance to oppression, is governed by no rules, and must be determined by the necessities of the time.

I promised to refer to the opinions of the framers of the Constitution. I quote first an extract from the pen of Mr. Jay. It is in the second number of the Federalist:

"It is worthy of remark, that not only the first, but every succeeding Congress, as well as the late Convention, have invariably joined with the people in thinking that the prosperity of America depended on its union. *To preserve and perpetuate* it, was the great object of the people in forming that Convention, and it is also the great object of the plan which the Convention has advised them to adopt."

Mr. Jay here tells his countrymen, while urging the adoption of the Constitution, that its great object is to preserve and *perpetuate* the Union; and can it be conceived that men having such objects, should have made a mere rope of sand—that they should have sown in the Constitution itself the seeds of its own destruction? And unless we do give credence to an absurdity like this, what becomes of the constitutional right of secession?

In the 41st number of the Federalist, Mr. Madison, after enumerating the evils of disunion, proceeds thus:

"This picture of the consequences of disunion cannot be too highly colored, or too often exhibited. Every man who loves peace; every man who loves his country; every man who loves liberty, ought to have it ever before his eyes, that he may cherish in his heart a due attachment to the Union of America, and be able to set a due value on the means of preserving it."

In the same number, in reference to the attempts made to create a prejudice against the Constitution, on account of the provisions in relation to the Army, he says:

"The attempt has awakened fully the public attention to that important subject, and has led to investigations which must terminate in a thorough and universal conviction, not only that the Constitution has provided the most effectual guards against danger from that quarter, but that nothing short of a Constitution fully adequate to the national defence, *and the preservation of the Union*, can save America from as many standing armies as it may be split into States or confederacies."

Where can we look for stronger evidence that it was the purpose of the framers of the Constitution to make a government *strong enough to preserve the Union?* And how utterly irreconcilable with this object is the right of a single State to destroy it?

Again: in the 43d number of the *Federalist*, he quotes an article of the Constitution, as follows:

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States ratifying the same;"

And adds:

"This article speaks for itself. The express authority of the people alone could give due validity to the Constitution. To have required the unanimous ratification of the thirteen States would have subjected the essential interests of the whole to the caprice or corruption of a single member. It would have marked a want of foresight in the Convention, which our own experience would have rendered inexcusable."

Here we find Mr. Madison asserting the great truth, that to have required the unanimous ratification of all the States would have subjected the essential interests of the whole to the caprice or corruption of a single member. Can it be possible that those who, in the formation of the Government, were unwilling to subject their happiness to the caprice or corruption of a single member, should, when that Government was formed, subject it to any such caprice? Will any man assert that men in their senses, much less men renowned for wisdom—men whose names history will perpetuate throughout all coming time, could have been guilty of an inconsistency so glaring—a folly so inexcusable?

I read now from the 44th number of the same work:

"The question, therefore, whether this amount of power shall be granted or not, resolves itself into another question: Whether or not a Government, commensurate to the exigencies of the Union, shall be established? Or, in other words, whether the Union itself shall be preserved?

Everywhere, throughout all his writings, the great object expressed is the preservation of the Union and the establishment of a Government strong enough for that end. Nowhere has he left it doubtful; nowhere has he intimated that *one* member of the Confederacy had any right to destroy the bonds which holds us together, and jeopard the happiness of a whole people.

Let me now refer to his opinions of State sovereignty. They are to be found in the 45th number of the work from which I have been reading:

"But if the Union, as has been shown, be essential to the security of the people of America, against foreign danger; if it be essential to their security against contentions and wars among the different States; if it be essential to guard them against those violent and oppressive factions which imbitter the blessings of liberty, and against those military establishments which must gradually poison its very fountain; if, in a word, the Union be essential to the happiness of the people of America, is it not preposterous to urge as an objection to a Government, without which the objects of the Union cannot be attained, that such a Government may derogate from the importance of the governments of the individual States? Was, then, the American Revolution effected—was the American Confederacy formed—was the precious blood of thousands spilt, and the hard-earned substance of millions lavished, not that the people of America should enjoy peace, liberty, and safety, but that the governments of the individual States—that particular municipal establishments, might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty? We have heard of the impious doctrine in the Old World, that the people were made for Kings, not Kings for the people—is the same doctrine to be revived in the New, in another shape, that the solid happiness of the people is to be sacrificed to the views of the political institutions of a different form? It is too early for politicians to presume on our forgetting that the public good—the real welfare of the great body of the people—is the supreme object to be pursued, and that no form of government whatever, has any other value than as it may be fitted for the attainment of this object. Were the plan of the Convention adverse to the public happiness, my voice would be, reject the plan. Were the Union itself inconsistent with the public happiness it would be, abolish the Union. In like manner, as far as the sovereignty of the States cannot be reconciled to the happiness of the people, the voice of every good citizen must be, *let the former be sacrificed to the latter.* How far the sacrifice is necessary has been shown. How far the unsacrificed residue will be endangered is the question before us."

It is possible I may be asked what remedy Mr. Madison proposed in a case of intolerable oppression? He himself has furnished the answer. He understood well that it was possible for a case to arise in which it would become the duty of a State to resort to revolution, but he never dreamed of secession as a remedy. It never occurred to him that there could be such a thing as a peaceful withdrawal from the Union. The American Revolution was fresh in his memory, and he understood no method of destroying a Government but by force of arms. His remedy for oppression is plainly expressed in the 46th number of the Federalist:

"But ambitious encroachments of the Federal Government on the authority of the State governments, would not excite the opposition of a single State, or a few States only. They would be signals of general alarm. Every government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted; one spirit would animate and conduct the whole. The same combination, in short, would result from an apprehension of the Federal, as was produced by the dread of a foreign yoke; and unless the projected innovations should be voluntarily renounced, *the same appeal to a trial of force* would be made in the one case as was made in the other."

These were the opinions of Mr. Madison. They are the opinions of every one of the sages to whose teachings we have been accustomed to look for advice in times of difficulty and danger. I need not recite to you, Mr. President, the views of General Jackson. They have been too recently read in the hearing of the Senate. I need not repeat to you the opinions of Mr. Jefferson. I need not repeat to you the opinions of any of the distinguished men who have now departed from amongst us. Sometimes, it is true, that in some of their writings the word "secession," or something equivalent to it, is used. I believe Mr. Jefferson never used the word. In one place only he used the word "scission." I do not recollect to have seen the word "secession" in any of his writings. Sometimes, from the natural belief resting upon their minds that there could be but one mode of destroying an established government, and that by revolution, they may have used words which by a forced construction may give some plausibility to the doctrine of secession; but always in tracing it out, you ascertain that when they speak of breaking up a Government, they mean revolution.

Let us suppose, however, that the *right* exists. What is there in our present condition to justify a resort to it? The sun of Heaven never shone upon a happier land than this. There is not an individual in its wide limits who can specify a single essential right of which he has been deprived. Here every man can seat himself beneath his own vine and his own fig-tree, and looking around him, may proudly exclaim: "All this is mine. There is not a monarch in all the earth who dare lay his hand upon the smallest article of property about me." When his little infant climbs upon his knee—when he feels its young breath, sweeter than the odor of rose leaves, fanning his cheek, how proud must be the reflections which swell his bosom as he remembers that he, too, will grow up with unshackled limbs; that to him, as to all others in this happy land, the road to every honor and every emolument is open, and that a day may come in the future when that little prattler shall sway the destinies of the mightiest nation on the globe. And for what are we asked to exchange all this? For what are we asked to give away this present peace—this future hope? For the march of armies and the roar of cannon. For the hoarse drum and the pealing trumpet. For a night of storm and darkness, in which yell and groan, and prayer and curse, the death-shot, the shriek of the virgin and the wail of the infant, will rise, mingling, up to Heaven. Let it be remembered, too, that we are invited to this banquet of blood—to this scene of desolation and horror by a Senator of the Union—by one who has taken an oath to support the Constitution which binds us together. Sir, I have heard before that there were men who could stain the Evangelists with blood. I have heard that there were those who, from envy, or hate, or avarice, could deliberately sweep away the life of a fellow being; and this is a crime which all mankind have held in undissembled horror. But what is it when you contrast its effects with the wide desolation disunion would produce? Brother arrayed against brother—the son raising a fratricidal hand against the father—happy homes and smiling harvests giving place to wasted fields and smoking ruins—the church itself becoming a den of vice and immorality, and blasphemy of the living God rising even with the incense of the altar. Sir, I envy neither the head nor the heart of that man whose genius leads him to become a participant in scenes like these.

Mr. President, it was not my fortune to agree with those patriotic men who framed the compromise. I doubted its healing effects; but even when differing from them, I respected their motives and felt that Rome, in its proudest day, never assembled a Senate of loftier intellect or purer patriotism. But now, sir, when the work is accomplished, and its good effects are visible everywhere, I bow to their superior wisdom, and ask only the humble privilege of assisting to maintain it.

It is no argument against the compromise that it has not been everywhere acquiesced in, at once and without question. When the ocean has been agitated by a tempest the waves do not subside in an hour. So it is with the human mind: when it has been agitated and excited by angry discussions, it requires time to dispel prejudices and remove animosities. Those prejudices and those animosities are dispersing far more rapidly than I anticipated, and every lover of liberty ought to congratulate the nation on the auspicious result. But a few months since, darkness and gloom hung over the land. The most sanguine among us looked forward to the future with dread and apprehension; but thank God, the clouds are nearly dispersed; through that dark vista a messenger of peace has winged its glorious way, and thousands of rejoicing songs are already rising on the air. Yet a little longer and the land of Washington will be redeemed from anarchy; the eye of the pilgrim will again turn hither, not in doubt and terror but in hope and joy, and from lip to lip, throughout the whole land, will swell the glad chorus, "Io triumphe! Io triumphe!" the Republic is safe, and the banner of the free once more floats beneath an unclouded sky.

THE COMPROMISE MEASURES.

SPEECH OF HON. S. W. DOWNS,

OF LOUISIANA,

IN THE SENATE, *January* 10, 1852,

On the Resolution declaring the Compromise Measures to be a definitive settlement of all the questions growing out of the subject of domestic Slavery.

Mr. DOWNS said:

Mr. PRESIDENT: I had not arrived in this city when the resolution under discussion was introduced, and if I had been consulted on the subject, I should not have advised such a course. I do not think there is much virtue in abstract resolutions in legislative bodies; I prefer actions to words always; and as Congress has acted on the subjects referred to in the resolution, and has evinced no disposition to change the policy adopted in 1850; but, on the contrary, as it seemed to be sustained by more general approbation, both in and out of Congress, and in all sections of the country, than when first adopted, and has given peace, repose, and safety to the Union, I would not, if the choice had been left to me, have renewed this discussion. However, as it has been renewed without my agency, and has led to a general discussion of the compromise measures, in the course of which arguments and opinions have been advanced, and facts stated, most erroneous and dangerous to the country, and calculated to do injustice to those who are responsible for those measures, I, too, find it my duty to address the Senate on the subject. I appear not as the champion of the compromise—I am willing that it should stand on its own merits—but to defend it from the unjust assaults that have been made against it. This very discussion has shown that it is stronger in the affections of the people than its best friends had supposed. The clear, frank, and satisfactory manner in which the honorable Senator from Pennsylvania [Mr. BRODHEAD] vindicated his State and the North generally from the charge of obstructing the fugitive slave law, will calm and satisfy the minds of many in other quarters of the Union who have had their misgivings on the subject. This is just what we expected from that gentleman, from his previous course in the other end of the Capitol, and before the people, and from his noble State, now, as she has ever been, literally and truly the keystone in the arch of this our glorious Union. In another way this discussion will do good: it will show that the opposition to the compromise is much narrower, and embraces fewer individuals than it did in 1850. Who makes war on it now? Not one from the South, I believe, except the Senator from South Carolina on my left, [Mr. RHETT;] for I do not understand his colleague, [Mr. BUTLER]—whose manly and successful opposition to immediate secession, in my opinion, entitles him to the thanks and gratitude of the whole nation—as wishing to renew the struggle; and none from the North, whatever their course previously may have been, except some few agitators, whose prospects, whose occupations, are gone when the peace and quiet of the country are restored. The concert of action between the fanatics North and South on this policy has been so well and so forcibly characterized by my friend from Alabama, [Mr. CLEMENS,] in his eloquent speech the other day, that I will not dwell on it. I will refer to only one illustration of the fact. While the Senator from South Carolina [Mr. RHETT] attacks the territorial judges, the Senator from New Hampshire [Mr. HALE] attacks most violently the Supreme Court of the United States. His attack is the highest mark of approbation to that high tribunal. The judges of that court have done their duty nobly, and as everybody expected they would, in relation to the fugitive slave law. Without the faithful execution of the law, the peace and quiet of the country could not have been secured, or the durability of the measure vouched for. Much of the credit for its full execution is due to the judges of that court. Without their prompt and energetic action, its success in some quarters may be well doubted. When the record of this dangerous crisis of our Government comes to be inscribed on the page of history, nothing that was said or done during its existence ought to, or will, in my judgment, occupy a more conspicuous place, or be dwelt on with more interest than Judge Nelson's charge to the grand jury, and similar opinions of Judge Woodbury and other members of the court. For these they are entitled to the thanks of every true patriot, and they will receive them, not the less from the contortions and writhing of the honorable Senator from New Hampshire. This attack reminds me forcibly of the story of the viper biting the file, which only wounded itself. He says the Supreme Court is the "citadel of slavery." It is indeed a citadel; but it is the citadel of the Constitution—of the Union—firmly, and I hope forever, founded on a rock, from whose solid walls of granite such light missiles as the Senator and his associates may hurl against it will fall as harmless as the load of a boy's pop-gun from the walls of yon monument to the Father of his Country, or (what is a more opposite simile, for he deals much in wind) as the light arrow from the blow-gun of the Indian falls from the sturdy oak of his native forest.

I shall now proceed to the main object of my speech—a reply to some of the arguments on the extraordinary positions assumed by the Senator from South Carolina [Mr. RHETT] in this debate; and first I shall notice his objections to the compromise. He says:

"If these enormous pretensions [the disposal of the territory] were submitted to, it would give the North the power of organizing and bringing into the Union sixty-four free States, and the South would retain but fifteen, including Delaware."

It might be a sufficient answer to this remark, that though these sixty-four States—thirty-two of which are, I believe, to be west of the Rocky Mountains—may, like some speculations in town lots or wild lands, look very well on paper; it will be long, indeed, if ever, before the idea will be realized. "Sufficient for the day is the evil thereof." When we take into consideration the thousands of miles of limitless, barren, desert, and inaccessible mountains, where the enterprise of even the American emigrant will not perhaps for a century raise a log-cabin, this must be considered at once the wildest chimera. But if it be true, how are we to prevent it? The danger, it is said, will consist in the North having power to exclude from the Union new slaves States. But that power has existed from the foundation of the Government. Has it ever been exercised to the injury of the South? I think history will show that it has not. But why should we complain so much about the admission of free States? Is it so unusual a thing? The South has held her own well on this point. We stand now relatively as to numbers just as we did when the Constitution was adopted. Of the old thirteen States, at that time a majority of *seven* to *six* were really and practically free. They stand in the same relative position still at this day, even after the admission of California, so much complained of; for there have been eighteen new States admitted—nine slave and nine free. But this is not all: Of these new States, seven were formed from territory acquired since the Union was established; and of these seven, *five* (Florida, Louisiana, Arkansas, Missouri, and Texas) are slave States, and only five or six years since *every one of the States thus formed from foreign territory* WERE SLAVE STATES; the two free States, Iowa and California, having been since that time both admitted.

But might we not well inquire of the honorable Senator how much better we should have done had we obtained the Missouri compromise, which he and the Nashville Convention were so willing to take, and thought so desirable that they are disposed to break up the Union because they did not get it? The whole territory acquired from Mexico was.....square miles 525,478
The State of California is.....158,000

Leaving in Utah and New Mexico, without the prohibition of slavery.....367,478
The quantity of this territory south of 36° 30', which is.....204,383

Being deducted, will leave this as the advantage which the compromise gives to the South over the Missouri compromise line.....163,095

And this large area is left by the territorial bills in precisely the same situation as that south of 36° 30' would have been had that line been adopted. But this is not all that may be said on this subject. If we add to the.....square miles 163,095
As above stated, the area of Texas, which is.....325,520

It will make.....488,615

which is the territory the South has got by the annexation of Texas, and the acquisition of territory from Mexico, in about two thirds of which slavery is established, and in the residue not prohibited; while the North got only one hundred and fifty eight thousand square miles (California) out of the whole of the recent acquisitions, amounting together to eight hundred and fifty thousand nine hundred and ninety-eight square miles. Let it not be supposed that I believe that full justice has been done the South in the disposition of the new territory recently acquired. I believe it has not. I fought against it on the Oregon bill; I fought against it on the California bill, and would do so again. But what I do mean is, that though not perfectly just, they are not sufficiently oppressive to justify resistance and disunion; that like all other acts of legislation, particularly in a country so widely extended as ours, there must be inequality in the operations of the laws; there must arise at times features of injustice to some portions. But they do not show any settled purpose in the North to oppress the South. California and Iowa, which gave the free States a majority, have never yet aided in oppressing the South, and it will be long before they will commence it. When they do, it will be time enough to complain and to secede. It is a sufficient answer to the reckless assertion so often made in the discussion of this subject, and on this occasion repeated by the Senator, that "two States were wrested from us in Texas" by the boundary bill, to state that by the Texas compromise of 1845 slavery was *prohibited forever* in all the territory north of 36° 30'; while in the territory south of that line only the same option was left—to admit or reject slavery—which is now extended by this boundary bill from 36° 30' up to 42°, the Oregon boundary.

Objection has been made to the admission of California on constitutional and other grounds. I cannot better reply to it than to read from a speech made by me on this subject in October last:

"I will now consider, briefly, the several measures called the compromise; and, first, the one which has been most objected to—the admission of California as a State into the Union. Although I voted against the bill as a separate measure, yet, as I was willing to vote for it as a part of the compromise, I will give you some of the reasons which brought me to this conclusion. I was disposed then to vote for this as a part of the compromise, because my vote and that of all the members of the South against it would not prevent its passage. I knew it would be passed in spite of us—and so in truth it was passed at last. But even if we could have prevented the passage of it, that would have done us no good; for slavery was prohibited by her constitution, and her State government organized before this measure was brought before us, and it would have remained so, just the same, whether she was admitted or not. The only difference would have been, that she would not have been a State in the Union, and entitled to her Senators and Representatives in Congress. Slavery was excluded by her great distance from us, by the doubt and agitation as to the right to carry slaves there, and by many other causes, long before this prohibition was made, or the State admitted. But it is said the State was admitted irregularly, and without passing through the usual state of territorial probation. It may well be objected to this argument that there is no uniform rule on the subject. Some States were admitted in one form, and some in another. The Constitution provides no form; nor does Congress. The power is plenary, and without condition or limit, except in one particular, and it is that 'Congress may admit new States.' The plan of territorial governments has been frequently adopted, but has been departed from in many previous cases. The first two new States admitted into the Union were admitted without this formality. The first (Vermont) was admitted in 1791, on the application of her commissioners, on a constitution formed in 1777, before the present Constitution was adopted, precisely in the same way California was admitted; and the very next one (Kentucky) was admitted before she had any constitution at all, by an act of Congress authorizing the President to declare her admitted when she should present herself with a republican constitution—just as it was proposed to do with California at one time: and thus she came in. There have been several other departures from the usual course. Even Texas was one of them only a short time before. Mr. Polk, during his administration, despairing of settling the question otherwise, approved of a plan to admit California, prospectively, as in the case of Kentucky. Such a measure was proposed by Judge Douglas, and, being referred to the Judiciary Committee, I made a minority report, accompanied by a bill, in favor of it, but it did not pass. If it had, and California (as she no doubt would) had adopted a constitution prohibiting slavery, Congress would have had no more right to

refuse to admit her than Kentucky. Indeed, many members of Congress from the South, as well as the North, under this idea, started by Mr. Polk, advised the Californians to adopt this course. I think, indeed, it was generally approved at first by Southern men, until it began to be apprehended that slavery would be abolished. Yet all must have known—as Mr. Calhoun declared in his resolution of 1847—that when the people of a new territory formed a constitution for themselves, they had the "*unconditional right*" to reject or admit slavery, as they might decide."

I do not deem it necessary to discuss the constitutional question; for that was given up in the debate in the Senate on the protest in 1850.

The Senator says the fugitive-slave law has not been executed, and he mentions two or three instances in which its execution has been prevented by the violence of mobs. But he ought to have recollected, as I am sure the country will recollect, that, before the passage of this act, the rule was that the law for the recapture of fugitives was not executed, and the exceptions were where it was, and that now the rule is the other way, and the few exceptions are where it has failed. It has been as fully and as faithfully executed as any law ever was or will be. It has been executed in every State in the West, and in other free States bordering on slave States. In every instance, except one in Pennsylvania, the Federal and State officers, civil and military, have done their duty. In no instance has the State authority interposed to prevent its execution—not even in Vermont, where alone a State Legislature has attempted to interfere since the passage of the act, and that in a moment of delusion, and against the opinions of the ablest and best men even in that quarter of the Union. I will not further discuss this point, but will conclude what I have to say on the subject with brief quotations from the speech of the honorable Senator from Virginia [Mr. MASON] who sits near me, who differed very widely from me on the measures of the compromise, and to whose able remarks on this subject, the other day, we all listened with so much pleasure:

"Now, I am not aware of one of the Southern States, except the State of South Carolina, which continues to protest against them. I am not aware of one of the Southern States, except the State of South Carolina, which has not declared, in the most emphatic manner, to the majority in this Government, If you will stop there, and execute in good faith the law for the reclamation of fugitive slaves, we will acquiesce in what has been done."

"As to the fugitive slave law, I do not entirely agree with the honorable Senator from South Carolina [Mr. BUTLER] as to the practical effect of the law. I am not aware (unless it be in the first instance, which occurred at Boston) of any instance where the officers of the Federal Government, in execution of that law, have failed to do their duty."

"Sir, I do not sympathize in the slightest degree with what fell from the honorable Senator from South Carolina, [Mr. RHETT,] who addressed us yesterday and the day before, when he declared himself for disunion."

But why should we further discuss the compromise measures, when the Senator has himself admitted that he does not find in them sufficient reason to justify the disunion movement which he has set on foot, and is so recklessly and so violently urging upon the people of South Carolina?—for he says, speaking of the compromise measures:

"If this had been the first instance in the operation of the Government in which it had departed from that course of impartiality which should characterize its dealings with all its members, we should have sufficient reason perhaps to let it pass, as it would not be a result from the nature of the system itself, but an aberration which might be transient in its character."

This yields the point, and gives up all grounds of justification of resistance, so far as the compromise measures are concerned. It amounts to more than this: it is a solemn annunciation, made for the first and I hope the last time in the Senate of the United States by one of its members, that our system of government is a failure, and ought to be abandoned; that we should give up at once those institutions under which we have so much prospered, and are now so prosperous, and which are not only our dearest possession, but, as was so eloquently said the other day by the distinguished guest of the nation now among us, offer the only *hope* to the rest of the world. I shall not examine the other grounds of complaint stated by the Senator, inasmuch as I think they will have little weight with the public; since it has been so well remarked, in the course of this debate, that one of the most objectionable of them, according to his arguments—the tariff of 1846—was voted for by him and all the other members of the South Carolina delegation.

I proceed now to his arguments on secession. He opens this branch of his subject by a denunciation of Southern pusillanimity, of which he speaks as flippantly and as coolly as if he had the sole right to rule in questions of honor and propriety for our portion of the Union, and as if his doctrines had not been repudiated by all the most patriotic and distinguished men of the South, and in his own State, and then proceeds to the argument by an assumption as little sustained by our past history as any that was ever made perhaps on this floor. He said:

"The policy of the Union is under the control of Northern sentiments and Northern interests."

Let us see how a few facts in our history will show the incorrectness of this assumption: The Commander-in-Chief of the Army of the Revolution was from the South; the permanent seat of Government was established in the South; an extent of seacoast has been acquired in the South (embracing, too, the great outlet of the valley of the Mississippi) greater than our whole extent of coast at the close of the Revolution, while none has been acquired at the North, on the Atlantic. Of the eleven Presidents elected, seven were from the South and four from the North; five from the South served two terms; not one from the North. The South has had the Presidency nearly fifty out of sixty-four years that the present Government will have existed at the close of the present term. The office of Chief Justice of the Supreme Court has been held by two Southern men for more than half a century continuously. As it was in the past, so it is at present: a Southern man presides here, and in the other House, and did during the last Congress; the chairmen of the most important committees, in this and the other House, are Southern men; the Commander-in-Chief of the Army is a native of the South; all three of the commanders in the war with Mexico were natives, and two of them residents of the South.

I notice these things in no boastful spirit. They were, I know, brought about without design, in the natural course of events; but they certainly go far to show that the South are not that oppressed people which some would represent them to be.

For the double purpose of illustrating the opinion I have here advanced, and to show that Mr. Jefferson rejected with horror such violent remedies for injuries to the South as the Senator has been propagating, I beg leave to read an extract from a speech delivered by me in June last:

"More than a quarter of a century since (in the year 1825) Mr. Jefferson (I need apply no epithets to him, his name is enough) thought there was at least as much reason to complain of the action of the General Government as any Southern men can think now exists; yet he, in the most decided terms, disapproved of the remedy proposed by South Carolina, and those who concur with her. He said in his letter to Mr. Giles:

"'I see as you do, and with the greatest affliction, the 'rapid strides with which the Federal branch of our Gov-'ernment is advancing towards the usurpation of all the 'rights reserved to the States, and the consolidation in itself 'of all powers, foreign and domestic; and that, too, by 'constructions which, if legitimate, leave no limits to their 'power.

"'And what is our resource for the preservation of the 'Constitution? Reason and argument? You might as 'well reason and argue to the marble columns encircling 'them!'

"'Are we, then, *to stand to our arms* with the hot-'headed Georgian? No! This must be the last resource, '*not to be thought of until much longer and greater suffer-'ings*. If any infraction of a compact of so many parties is 'to be resisted at once, as a dissolution of it, none could 'ever be formed which could last one year. *We must have 'patience* and longer endurance with our brothers while 'under delusion; give them time for reflection and expe-'rience of consequences; *keep ourselves in a situation to 'profit by the chapter of accidents*, and separate from our 'companions only when the sole alternatives left are the 'dissolution of the Union with them, or submission to a 'government without limitation of powers.'

"Never came from his pen wiser or more patriotic words than these! With what foresight his philosophic mind dwelt on events favorable to the South that have already come to pass! It seems like prophecy! Little more than a quarter of a century has elapsed; yet what, in that short space in the life of a nation, have been the 'chapter of accidents' already recorded in our history favorable to State rights and Southern interests! Five Presidents have since been elected, and two acting Presidents; three of the Presidents were from the South, as was also one of the acting Presidents; one of the Presidents from the North was a native of the South. The office of President has been actually held seventeen out of the last twenty-five years by Southern Presidents, and only eight years by Northern Presidents.

"During the administration of three of these Southern Presidents—one of them so by accident—three of the greatest limitations ever imposed on the constructive powers of the Federal Government have been adopted, in two cases by the executive power alone. President Jackson restrained by the Maysville veto the power claimed for a general system of internal improvements—the one at which Mr. Jefferson was more alarmed than any other—and Mr. Polk confirmed it in the veto of the harbor bill in 1846. Mr. Tyler vetoed a Bank of the United States, and made it an obsolete idea forever; and the high tariff, which drove South Carolina to nullification in 1832 was so much reduced under the advice of Mr. Polk and his Southern Secretary of the Treasury as to leave no cause of complaint on that score, even on the part of South Carolina. Since 1825 seven new States have been admitted into the Union—four free, and three slave States; but the slave States thus admitted contain an area greater than the four free States, and there is a clause in the act admitting Texas providing for *four additional States* within her boundaries. There are, too, ahead some 'accidents' for the acquisition and admission of new States of the South which are not unworthy of consideration. I think, then, after all, we have stood our ground pretty well for the last quarter of a century, and have no great reason to despair. Yes, we of the South have prospered greatly during that time. The North has also prospered greatly, perhaps more than we have, but we ought not to envy them, or quarrel with them for their good fortune. If they have made more money than we have, we have had, as has been the case through the whole history of the Government, *at least* our share of the honor and power."

But if secession were a wise and safe remedy, have the States a right, under the Constitution, as the Senator, and, I regret to say, some others of higher authority supposed, to resort to it? I think not, except as a revolutionary remedy. It is said to be a reserved right of the States; but that cannot be, because many rights, and this among others, are prohibited, as they would annul the grant of supreme power to the National Government, and be inconsistent with other special prohibitions to the States. An important part of the 10th amendment of the Constitution, so often referred to, is the "powers prohibited to the States." Here it is in full:

"The powers *not* delegated to the United States by the Constitution, *nor prohibited by it to the States*, are reserved to the States or to the people."

Are not both the powers delegated to the United States, and those prohibited to the States, wholly incompatible with such a right?

The Senator says:

"It [the right of secession] is a necessary incident connected with the reserved sovereignty of the States. One State could not give to another, and the Constitution could not give to the States, the right to secede. They have it originally."

Well, suppose they had: why could not the Constitution take it away? Was not one great object of the new Constitution to take away certain powers from the States, and give them to the National Government? And did it not take away State sovereignty, in a great degree at least? for to lessen it is to destry it. Must it not exist in its totality, or exist not at all? As there cannot exist in the same Government two supreme powers, so it would seem there cannot exist two sovereignties. There are strong reasons to conclude it was taken away. The word is not, I believe, mentioned in the Constitution. Certainly no such right is expressly reserved to the States in that instrument. There was, though, such an express reservation in the articles of the Confederation. Those articles were the first organic and preëxisting law of the nation. The Constitution amended and enlarged them. A provision, then, that was in the first and omitted in the second, especially if inconsistent with the new powers granted, must be considered as abrogated. The second article of the Confederation is:

"Each State *retains its sovereignty*, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled."

Mr. Madison, in his letter to Mr. Randolph, just before the meeting of the Convention in 1787, clearly thought the sovereignty must be given up. He wrote:

"I hold it for a fundamental point that an individual independence of the States is utterly irreconcilable with the idea of an *aggregate sovereignty*. I think, at the same time, that a consolidation of the States into one simple republic is not less unattainable than it would be inexpedient. Let it be tried, then, whether any middle ground can be taken which will at once support a due supremacy of the national authority, and leave in force the local authorities, so far as they can be *subordinately* useful."

General Washington took a similar view of the subject in his letter as President of the Convention, in transmitting the Constitution to Congress. He used this language:

"It is obviously impracticable in the Federal Government

of these States to secure all rights of independent *sovereignty* to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be attained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests. In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—*the consolidation of our Union*—in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration, seriously and deeply impressed upon our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."

Mr. Jefferson did not believe the States retained their entire sovereignty. I cannot find that he ever uses the word in speaking of State rights; and it is certainly to be inferred from his writings that he thought it did not exist under our present Constitution. but, on the contrary, he speaks of the General Government as "acting on the citizens directly and *forcibly*." (Letter to Mr. Livingston, p. 391.)

General Jackson's opinions accorded with General Washington's, Mr. Jefferson's, and Mr. Madison's, on this principle. Here is what he said about it in the proclamation of the 10th December, 1832, and it applies to the question of secession as well as that of State sovereignty:

"Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can have no doubt. Of this nature appears to be the assumed right of secession."

"It rests, as we have seen, on the alleged undivided sovereignty of the States, and on their having formed, in this sovereign capacity, a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous, and some of the arguments to prove them so have been anticipated."

"The States severally have not retained their entire sovereignty."

"It has been shown that in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers, were all of them functions of sovereign power. The States, then, for all these purposes, were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States; they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with the powers it vested in Congress. This last position has not been, and cannot be, denied. How, then, can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty is, that they expressly ceded the right to punish treason—not treason against their separate power, but treason against the United States. Treason is an offence against sovereignty, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have, for their common interest, made the General Government the depository of those rights."

"So obvious are the reasons which forbid this secession, that it is only necessary to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States who magnanimously surrendered their title to the Territories of the West recall the grant? Will the inhabitants of the inland States agree to pay all the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one State and onerous duties in another? No one believes that any right exists in a single State to involve another in these and countless other evils, contrary to the engagement solemnly made. Every one must see that the other States, in self-defence, must oppose it at all hazards."

But the Senator has discovered a recognition of the sovereignty of the States in that provision of the Constitution relating to treason. He has, in his quotation, interpolated words to help him out; but even that will not do. It is precisely this provision, and others on the same subject, that induced General Jackson to conclude that the States had not retained their entire sovereignty.

He [Mr. RHETT] quotes the Constitution in these words:

"Treason against the United States shall consist only in levying war against them (*the States*) or in adhering to their enemies, (*the enemies of the States,*) giving them aid and comfort."

In the *project* of the Constitution reported by the Committee of Detail in the Convention, and taken up as the basis of discussion, the words after the United States "or any of them" was inserted in two places, but struck out in debate, which shows that treason was intended to be provided for against the United States alone. On the discussion of this article in the Convention, Gouverneur Morris said:

"He was for giving to the Union an exclusive right to declare what should be treason. In case of a contest between the United States and a particular State, the people of the latter must, under the disjunctive terms of the clause, be traitors to one or the other authority."

Dr. Johnson said:

"That treason could not be both against the United States and individual States, being an offence against the sovereignty, which can be but one and the same community."

Mr. Madison said:

"That as the definition here was of treason against the *United States*, it would seem that the individual States would be left in possession of a concurrent power so far as to define and punish treason, particularly against themselves, which might involve a double punishment."

Mr. Wilson and Dr. Johnson moved that "or any of them," after the "United States," be struck out, in order to remove the embarrassment; which was agreed to *nem. con.*

Mr. Madison said:

"This has not removed the embarrassment. The same act might be treason against the United States, as now defined, and against a particular State according to its laws."

Mr. Ellsworth said:

"There can be no danger to the government authority from this, as the laws of the United States are to be paramount."

Dr. Johnson was still of opinion—

"There could be no treason against a particular State.'

Colonel Mason said:

"The United States will have a qualified sovereignty only. The individual States will retain a part of the sovereignty. An act may be treason against a particular State which is not so against the United States. He cited the rebellion of Bacon in Virginia as an illustration of the doctrine."

Dr. Johnson said:

"That case would amount to treason against the sovereign—the supreme sovereign, the United States."

Mr. King observed:

"That the controversy relating to treason might be of less magnitude than was supposed, as the legislature might punish capitally under other names than treason."

Mr. Wilson said:

"In cases of a general nature treason can only be against the United States; and in such they should have the sole right to declare the punishment of treason."

The words "against the United States" were stricken out and afterwards inserted, and the clause left as it now stands. The wisdom that guided the Convention on this subject is shown by the fact that in all our subsequent history, treason has been declared and punished by the United States only, and that no difficulty has arisen from it or objection made.

The authority of Mr. Jefferson and General Jackson are relied on to sustain secession—with what justice may be seen from what follows.

In his first inaugural address, Mr. Jefferson sets down as among the vital principles of our system—

"THE PRESERVATION *of the General Government in its whole Constitutional vigor, as the sheet-anchor of our peace at home and safety abroad; a jealous care of the rights of election by the people; a mild and safe corrective of abuses which are lopped off by the sword of revolution, where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism.*"

And that is not all. Afterwards he told us what were his opinions, upon a later occasion, when he had retired to private life. In 1824, when this subject was again, as in 1799, to be brought up before the Virginia Legislature, in reference to the subject of internal improvements, he drew up a project, or a set of resolutions, which he thought ought to be adopted by the Virginia Legislature under the circumstances. But did he profess secession? Not at all. But he proposed, in the resolutions sent in a letter to Mr. Madison, that they should wait patiently, but protest against this violation of the Constitution by these resolutions, and then postpone the question, and send these resolutions to other States, and rouse up the nation upon the subject, as we had done in 1798 and 1799. He never thought of secession. How, then, can he be quoted as authority for secession?

He further says:

"Whilst the General Assembly thus declares the rights retained by the States—rights which they have never yielded, and which this State will never voluntarily yield—they do not mean to raise the banner of disaffection or of separation from their sister States, co-parties with themselves to this compact. They know and value too highly the blessings of their Union, as to foreign nations and questions arising among themselves, to consider every infraction as to be met by actual resistance. They respect too affectionately the opinions of those possessing the same rights under the same instrument to make every difference of construction a ground of immediate rupture. They would, indeed, consider such a rupture as among the greatest calamities which could befall them, but not the greatest. There is yet one greater, submission to a government of unlimited powers. It is only when the hope of avoiding this shall become absolutely desperate, that further forbearance could not be indulged. Should a majority of the co-parties, therefore, contrary to the expectation and hope of this Assembly, prefer at this time acquiescence in these assumptions of power by the federal member of the Government, we will be patient and suffer much, under the confidence that time, ere it be too late, will prove to them also the bitter consequences in which that usurpation will involve us all. In the mean while we will breast with them, rather than separate from them, every misfortune, save that only of living under a government of unlimited powers. We owe every other sacrifice to ourselves, to our federal brethren, and to the world at large, to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in society, governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property, and peace: and further to show that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair but that the will and the watchfulness of its sounder parts will reform its aberrations, recall it to original and legitimate principles, and restrain it within the rightful limits of self-government. And these are the objects of this declaration and protest."

I will not refer to the authority of Mr. Madison, for it is too well known to need any such reference. The Senator from Alabama [Mr. CLEMENS] has already referred to him, and it would be useless for me to do so. But I will say that he equally disclaimed that doctrine. These names are worthy of some consideration and respect.

It is said sometimes that General Jackson's proclamation went further than he intended, and that there were explanations and retractions in regard to it given afterwards in the *Globe* or some other paper. I take a very different view of that proclamation. It was published on the 10th of December, while Congress was in session, and was discussed in the *Globe* and elsewhere. But I have examined those discussions, and I find no such retraction or explanation as it has been said was made. But if there was anything like that, still there is another document, which came from him some time afterwards, which supports my position. It is his celebrated nullification message, sent in to Congress on the 16th of January, more than a month after his proclamation. In that is the sentiment so often quoted against the secessionists.

General Jackson, in emphatic language, opposed the project of secession and nullification in 1833, and stated the principle involved as follows:

"The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant, both to the principles upon which the General Government is constituted and to the objects which it was expressly formed to attain.

"Against all acts which may be alleged to transcend the constitutional power of the Government, or which may be inconvenient or oppressive in their operation, the Constitution itself has prescribed the modes of redress. It is the acknowledged attribute of free institutions, that, under them, the empire of reason and law is substituted for that of the sword. To no other source can appeals for supposed wrongs be made consistently with the obligations of South Carolina. To no other can such appeals be made with safety at any time; and to their decisions, when constitutionally pronounced, it becomes the duty no less of the public authorities than of the people in every case to yield a patriotic submission.

"That a State, or any other great portion of the people suffering under long and intolerable oppression, and having tried all constitutional remedies without the hope of redress, may have a natural right, when their happiness can be no otherwise secured, and when they can do so without greater injury to others, to absolve themselves from their obligations to the Government and appeal to the last resort, need not on the present occasion be denied.

"The existence of this right, however, must depend upon the causes which may justify its exercise. It is the *ultima ratio*, which presupposes that the proper appeals to all other means of redress have been made in good faith, and which can never be rightfully resorted to unless it be unavoidable. It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure, by all means in their power, the blessings of liberty and happiness; but when, for these purposes, any body of men have voluntarily associated themselves under a particular form of

government, no portion of them can dissolve the association without acknowledging the correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness. In this view, it is a right dependent upon the power to enforce it."

The gentleman has endeavored to weaken the force and authority of General Jackson in his celebrated proclamation and nullification message, by suggesting that that proclamation was drawn up by Mr. Livingston, and that, although Mr. Livingston was a Republican once, he afterwards became a Federalist. This statement of the Senator from South Carolina [Mr. RHETT] in regard to this matter is full of errors and anachronisms. He said that Mr. Jefferson wrote Mr. Livingston a letter in approval of his speech upon Foot's resolution. But that could not be so, as Mr. Jefferson was dead four years before that speech was delivered. Mr. Livingston had made the speech in 1830, and Mr. Jefferson died in 1826. Mr. Jefferson did write him a letter in 1824, in relation to his speech upon the subject of internal improvements. And he did not then approve of his opinion; but, on the contrary, he disapproved of it.*

But the gentleman has committed a still greater error in alleging that at one time of his life Mr. Livingston was a Federalist, or one who favored the giving the strongest powers to the Government of the United States.

But, Mr. President, the charge is made, in order to lessen the weight of the proclamation, that Mr. Livingston was the author of it. But that matter has been so fully explained, that I will not now enter into it at any length. It has been fully explained by one who was the private secretary of General Jackson at the time, and I shall merely attempt to show how utterly erroneous was the idea that General Jackson would allow any other person to dictate for him anything of that kind. It is a great mistake to suppose that General Jackson drew his ideas from other men. No doubt he had an able cabinet at that time, and no doubt Mr. Livingston was a prominent member of it. General Jackson consulted with other men, and they may have induced him to make alterations; but the character of the work is preëminently his own.

To show how little foundation there is for the charge that Mr. Livingston inculcated the federal doctrines of Alexander Hamilton, I will refer you to his celebrated speech on Mr. Foot's resolutions. It was well that the gentleman tried to get clear of his authority, for it was a powerful authority against him. It was necessary to devise some scheme to get rid of it; and it will appear from the extracts from that speech, which I shall read, that he inculcated the most liberal and pure principles of State-rights democracy. Mr. Livingston made upon those resolutions a most eloquent speech, in which he differed from Mr. Webster, Mr. Hayne, Judge Rowan, and others. The only person with whom he did agree, in that debate, was a gentleman who I regret is now no more, but then a distinguished member of the Senate—Judge Woodbury. And he never, to the end of his life, retracted a single idea in that great speech. Yet the gentleman says he was a Federalist, and inculcated the principle of Alexander Hamilton. Let me proceed to read from that speech, in which there was so much wisdom, so much eloquence, and so much good doctrine:

"I have given the subject the most anxious and painful attention; and differing, as I have the misfortune to do, in a greater or less degree, from all the Senators who have preceded me, I feel an obligation to give my views on the subject.

"My friend from New Hampshire, [Mr. WOODBURY,] of whose luminous argument I cannot speak too highly, and to the greatest part of which I agree, does not coincide in the assertion of a constitutional right of preventing the execution of a law believed to be unconstitutional, but refers opposition to the inalienable right of resistance to oppression.

"All these Senators consider the Constitution as a compact between the States in their sovereign capacity, and one of them [Mr. ROWAN] has contended that sovereignty cannot be divided; from which it may be inferred that no part of the sovereign power has been transferred to the General Government.

"The arguments, on the one side, to show that the Constitution is the result of a compact between the States, cannot, I think, be controverted; and those which go to show that it is founded on the consent of the people, and, in one sense of the word, a popular government, are equally incontrovertible.

"Both of the positions, seemingly so contradictory, are true, and both of them are false: true as respects one feature in the Constitution, erroneous if applied to the whole."

"But with all these proofs (and I think them incontrovertible) that the Government could have been brought into being without a compact, yet I am far from admitting that because this entered so largely into its origin, therefore there are no characteristics of another kind which impress on it a more intimate union and amalgamation of the interests of the citizens of the different States, which give to them the general character of citizens of the united nation. This single fact will show that the entire sovereignty of the States individually has not been retained. The relation of citizen and sovereign is reciprocal. To whatever power the citizen owes allegiance, that power is his sovereign. There cannot be a double, although there may be a subordinate fealty. The Government also, for the most part, (except in the election of Senators, Representatives, and President, and some others,) acts in the exercise of its legitimate powers directly upon individuals, and not through the medium of State authorities. This is an essential character of a popular government.

"This Government, then, is neither such a federative one, founded on a compact, as leaves to all the parties their full sovereignty, nor such a consolidated popular government as deprives them of the whole of that sovereign power.

"As to all these attributes of sovereignty, which, by the federal compact, were transferred to the General Government, that Government is sovereign and supreme; the States have abandoned and can never reclaim them. As to all other sovereign powers, the States retain them.

"What is to be done? The right of the State, says the gentleman, must be respected; but, unfortunately for the argument, the Constitution does not say so; unfortunately, it says directly the contrary. The President is bound by his oath to cause every constitutional law to be executed. But he has approved this law; therefore he believes it to be constitutional: but both Houses have passed it; therefore they believed it so: but the judges have decreed that it shall be executed; therefore they, too, have believed it to be constitutional. Must the President yield his own conviction, fortified as it is by these authorities, to the opinion of a majority—perhaps a small majority—in the Legislature of a single State? If he must, again I say, show me the written authority—I cannot find it; I cannot conceive it. I am not asking for the expression of the reserved rights—I know that they are not enumerated—but I ask for the obligation to obey that right. I ask for the written instruction to the Executive to respect it; I ask for a provision that nothing but the grossest inattention or the most consummate folly could have omitted, if the doctrine contended for be true."

"No, sir, adopt this as a part of our Constitution, and we need no prophet to predict its fall. The oldest of us may live long enough to weep over its ruins—to deplore the failure of the fairest experiment that was ever made of securing public prosperity and private happiness, based on equal rights and fair representation—to die with the expiring liberties of our country, and transmit to our children, instead of the fair inheritance of freedom received from our fathers, a legacy of war, slavery, and contention."

"As I understand them, they assert the right of a State, in the case of a law palpably unconstitutional and dangerous, to remonstrate against it, to call on the other States to coöperate in procuring its repeal; and, in doing this, they must of necessity call it unconstitutional, and, if so, in their opinion null and void. Thus far I agree entirely with the language and substance of the resolutions. This, I suppose, is meant by the expression, interpose for the purpose of arresting the progress of the evil. I see in these resolutions no assertion of the right contended for—as a constitutional and peaceable exercise of a veto—followed out by the doctrine that it is to continue until, on the application of Congress for an amendment, the States are to decide. If these are the true deductions from the Virginia resolutions, I cannot agree to them, much as I revere the authority of the great statesman whose production they are—I cannot consent to them; and it is because I revere him and admire his talents that I cannot believe he intended to go this length. I cannot believe it for another reason: He thought, and he conclusively proved, the alien and sedition laws to be de-

*THE HON. MR. RHETT, OF SOUTH CAROLINA.—It ought not, perhaps, to surprise us that this gentleman should continue to persevere in a course of policy which has been repudiated by the people of his State, and is obviously at war with the best interests of his country, as they are understood by the patriots and statesmen of both the great parties which have been developed by our public experience. Those who have watched the course of the *Southern Press*, located in this city for the professed purpose of guarding what it deems Southern interests, cannot have failed to see that the honorable Senator from South Carolina has but faithfully echoed the notes of that organ. Disunion rather than acquiescence in the compromise—secession, not as a revolutionary remedy, but as a constitutional right—and the organization of the South in the attitude of resistance, suspending or nullifying the regular action of the laws, until those laws can be made to take the form prescribed by Mr. RHETT and his followers—are the great and prominent grounds upon which these new lights would seek to place our hopes to preserve our republican institutions and transmit them unimpaired to our posterity.

But it is not so much our purpose on this occasion to point out the glaring enormities, both in doctrine and argument, which render the position of the honorable Senator referred to offensive to the patriotic spirit of our people, as to correct an error into which he has fallen respecting the views entertained by General Jackson during the nullification crisis of 1812. The proclamation issued at that time, the honorable Senator was understood to say, was not written by the President, but by Mr. Livingston—who was represented as a changeling in politics, and an acknowledged Federalist. In making such statements the honorable Senator can find no pretext outside of the irresponsible declarations of the heretic organs whose aim it was at that day to break up the Government, and destroy the influence of the patriot who threw himself into the breach, and risked all his character and fame in overthrowing a combination which was far more dangerous to the Constitution than the invasion of the British in 1815 had been to our liberties. We defy the honorable Senator to produce any respectable authority for invalidating the declaration we now make respecting the preparation and issue of that proclamation as a public document.

It is true that the document issued from the State Department, where all such papers are recorded, and that Mr. Livingston, who was the Secretary of State, was the cabinet minister chiefly consulted in its preparation. But it is utterly untrue that Mr. Livingston did more than give form to sentiments carefully drawn by the General's own hand, or by his private secretary, or that the paper did not undergo the usual cabinet revision and consultation before it was published. The writer of this article was that private secretary, and there is now in the Senate one of the cabinet officers of General Jackson who took part in the consultations on that paper, and who cannot have forgotten the careful attention which was given to every word of it whilst in a state of preparation. At the last meeting of the cabinet on this subject several passages in the paper were materially changed, in order that there might be nothing in it, of either phraseology or sentiment, at which exception could be taken, or which could give rise to the impression, now so anxiously sought to be created, that it was a document which did not represent the opinions or feelings of the President. The following is one among other passages that can be enumerated which was accepted as a substitute for the original paragraph on the same subject, to which exception was taken by one of the cabinet:

"The people of the United States formed the Constitu-
'tion, acting through the State Legislatures in making the
'compact, to meet and discuss its provisions, and acting in
'separate conventions when they ratified those provisions;
'but the terms used in its construction show it to be a gov-
'ernment in which the people of all the States collectively
'are represented. We are ONE PEOPLE in the choice of
'the President and Vice President. Here the States have
'no other agency than to direct the mode in which the votes
'shall be given. The candidates having a majority of the
'votes are chosen. The electors of a majority of States
'may have given their votes for one candidate, and yet an-
'other may be chosen. The people, then, and not the
'States, are represented in the executive branch."

This paragraph had the sanction of the lamented Woodbury, at whose instance it was offered as a substitute for the original, which he deemed not quite guarded enough in the historical account it gave of the manner in which the Constitution came into existence as a compact between the States. Mr. Woodbury referred to the language of Mr. Madison on this subject, and thought it would be safer to adopt it than any other general terms which could be framed; and accordingly his suggestions prevailed, and superseded other expressions which, though tantamount in substance, might have left room for cavilers to insinuate that there was a desire to evade or weaken the authority of the great statesman who had taken so prominent a part in the debates on the adoption of the Constitution and of the Virginia resolutions of 1798–'99.

Other passages could be pointed to in the proclamation which mark a change of the original draught, but it is deemed unnecessary to notice them more particularly. We shall hereafter recur to the subject, and demonstrate that the explanations, which afterwards appeared in the *Globe*, and have been termed by some of the Southern politicians recantations of the proclamation, were intended by General Jackson to show that his opinions, as expressed in that document, were unaltered and unalterable. We remember to have heard Mr. Livingston often speak of the advantageous impressions he received from the General when discussing with him the difficulties created by the ordinance of South Carolina, and the practical mode of counteracting them by the constitutional action of the Federal authority. He adverted to the scenes at New Orleans, when he, as one of the most prominent legal advisers of the General, felt overwhelmed by the declaration of martial-law, and was startled at the summary proceedings which followed the resort to that extreme measure. He declared that, until he read the grounds of defence, prepared by the General himself, he was not aware of the strength of his case, and that there was not a lawyer in the city of New Orleans who could have given the masterly exposition which the General gave without the aid of a single book. On that occasion, and in writing that defence, Mr. Livingston did no more than reduce into form the substance of the views hastily prepared by the General. It was the same with the proclamation, except that the latter document had all the consideration and reflection that were proper to secure it the lights which could be supplied by consultation with the most eminent statesmen, and by the most careful examination of our public records and authorities.

The Hon. Mr. Rhett has perhaps forgotten that General Jackson was a prominent politician in 1800, and understood perhaps quite as well the views of Jefferson and Madison as those who now pretend to follow them when stirring up the South to organize resistance against the compromise. General Jackson was the friend of Mr. Jefferson in those days, came to the Senate as a State-rights Democrat, and never, by any act or deed, sanctioned a sentiment which he deemed inconsistent with the original doctrines of which Mr. Jefferson became the honored champion and expounder. It was in those days, too, that he became acquainted with Mr. Livingston, and learned to appreciate the consideration which entitled him, as a distinguished jurist, to the friendship and confidence of Mr. Jefferson. The reproach of Federalism, before it will tarnish the memory of such a man, must come from a source that is less questionable than that which proclaims disunion the policy of the Southern half of our Confederacy, and the Constitution a compact which can be dissolved by any of our States, whenever they choose, and for whatever cause they may be pleased to assign for such an extreme resort. If to oppose such violence be Federalism, then was Washington a Federalist, and so were also Jefferson, Madison, Jackson, and all our most eminent patriots and statesmen.—*Washington Union.*

liberate, unconstitutional, and dangerous acts—he declared them so in his resolutions. Yet, sir, he never proposed that their execution should be resisted.

"I think that the Constitution is the result of a compact entered into by the several States, by which they surrendered a part of their sovereignty to the Union, and vested the part so surrendered in a general government; that the Government is partly popular, acting directly on the citizens of the different States—partly federative, depending for its existence and action on the existence and action of the several States.

"That by the institution of this Government the States have unequivocally surrendred every constitutional right of impeding or resisting the execution of any decree or judgment of the Supreme Court, in any case of law and equity between persons or on matters of whom or on which that court has jurisdiction, even if such decree or judgment should, in the opinion of the States, be unconstitutional.

"That in cases in which a law of the United States may infringe the constitutional right of a State, but which in its operation cannot be brought before the Supreme Court under the terms of the jurisdiction expressly given to it over particular persons or matters, that court is not created the umpire between a State that may deem itself aggrieved and the General Government.

"That, among the attributes of sovereignty retained by the States is that of watching over the operations of the General Government, and protecting its citizens against their unconstitutional abuses; and that this can be done legally—

"First, in the case of an act in the opinion of the State palpably unconstitutional, but affirmed in the Supreme Court in the legal exercise of its functions;

"By remonstrating against it to Congress;

"By an address to the people, in their elective functions, to change or instruct their representatives;

"By a similar address to the other States, in which they will have a right to declare that they consider the act as unconstitutional, and therefore void;

"By proposing amendments to the Constitution, in the manner pointed out by that instrument;

"And, finally, if the act be intolerably oppressive, and they find the General Government persevere in enforcing it, by a resort to the natural right which every people have to resist extreme oppression.

"Secondly, if the act be one of those few which in its operation cannot be submitted to the Supreme Court, and be one that will, in the opinion of the State, justify the risk of a withdrawal from the Union, that this last extreme remedy may be at once resorted to.

"That the right of resistance to the operation of an act of Congress, in the extreme cases above alluded to, is not a right derived from the Constitution, but can be justified only on the supposition that the Constitution has been broken, and the State absolved from its obligation; and that whenever resorted to, it must be at the risk of all the penalties attached to an unsuccessful resistance to established authority.

"That the alleged right of a State to put a veto on the execution of a law of the United States which such State may declare to be unconstitutional, attended (as, if it exist, it must) with a correlative obligation on the part of the General Government to refrain from executing it, and the further alleged obligation, upon the part of that Government, to submit the question of the States, by proposing amendments, are not given by the Constitution, nor do they grow out of any of the reserved powers.

"That the exercise of the powers last mentioned would introduce a feature in our Government not expressed in the Constitution, not implied from any right of sovereignty reserved to the States, not suspected to exist by the friends or enemies of the Constitution, when it was framed or adopted, not warranted by practice or contemporaneous exposition, nor implied by the true construction of the Virginia resolutions of '98.

"That the introduction of this feature in our Government would totally change its nature, make it inefficient, invite to discussion, and end, at no distant period, in separation; and that if it had been proposed in the form of an explicit provision in the Constitution, it would have been unanimously rejected, both in the Convention which framed that instrument and in those which adopted it.

"That the theory of the Federal Government, being the result of the general will of the people of the United States in their aggregate capacity, and founded in no degree on compact between the States, would tend to the most disastrous practical results; that it would place three fourths of the States at the mercy of one fourth, and lead inevitably to a consolidated government, and finally to monarchy if the doctrine were generally admitted; and if partially so, and opposed, to civil dissension.

"Arguments for and against the dissolution of the Union are canvassed in the public papers, form the topic of dinner speeches, are condensed into toasts, and treated in every respect as if it were 'a knot of policy that might be unloosed familiar as a garter.' Sir, it is a Gordian knot that can be severed only with the sword. The band cannot be unloosed until it is wet with the blood of brothers. I cannot, therefore, conscientiously be silent; and, humbly as I think of my influence or powers of persuasion, I should feel myself guilty if they were not exerted in admonition to both parties in this eventful controversy.

"Menace is unwise, because it is generally ineffectual; and of all menaces, that which strikes at the existence of the Union is most irritating. Have those who thus rashly used, who endeavor to familiarize the people to the idea—have they themselves ever done what they recommend? Have they calculated, have they considered, what one, two, or three States would be disjointed from the rest? Are they sure that they would not be disjointed themselves—that parts of any State which might try the hazardous experiment might not prefer their allegiance to the whole? Even if civil war should not be the consequence of such disunion—an exemption from which I cannot conceive the possibility—what must be the state of such detached parts of the mighty whole? Dependence on foreign alliances for protection against brothers and friends; degradation in the scale of nations; disposed of by the protocols of allied monarchs to one of their dependents like the defenceless Greeks. But I will not enlarge on this topic, so fruitful of the most appalling apprehensions. Disunion! The thought itself, the means by which it may be effected, its frightful and degrading consequences, the idea, the very mention of it, ought to be banished from our debates, from our minds. God deliver us from this worst, this greatest evil."

As a last and conclusive proof that a State has not the right peaceably to secede from the Union, I refer to the emphatic language used ratifying the Articles of Confederation. It was stipulated in the most formal and solemn manner that the Union formed by that instrument should be *perpetual*. The States certainly have no right to secede under it. But the present Constitution was intended for and did establish "*a more perfect union.*" How, then, can a State secede under it? Here is the article referred to:

"ART. 13. Every State shall abide by the determinations of the United States in Congress assembled on all questions which, by this Confederation, are submitted to them. And the articles of this Confederation *shall be inviolably observed by every State, and the Union shall be perpetual;* nor shall any alteration, at any time hereafter, be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State. And whereas it has pleased the great Governor of the World to incline the hearts of the Legislatures we respectively represent in Congress to approve of and to authorize us to ratify the said Articles of Confederation and *perpetual Union:* know ye that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and *perpetual Union*, and all and singular the matters and things therein contained. And we do further solemnly plight and *engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled* on all questions which, by the said Confederation, are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and *that the Union shall be perpetual.*"

From these authorities, and from these considerations, I conclude that a State has no right peaceably to secede from the Union; that, as revolutionary right, it may be resorted to in cases of extreme oppression; but even then it finds its warrant, not in the Constitution, but in the opinion of mankind.

Let it not be supposed from what I have here said that I undervalue or would diminish the powers and rights of the States. I would guard and defend their rights as earnestly as I would the powers of the General Government. I believe they are equally as important and as necessary to our safety and happiness and the duration of the Union. I am a strict constructionist of the power granted to the National Government, and would not extend it by construction. Any power not written in the charter I would not see exercised. But at the same time I would not, with approbation, see powers expressly given, or necessarily implied from those granted, denied to the united government of all, or assumed by the States. I would not make that a nullity which our ancestors, with Washington, and Franklin, and Madison at their head, thought they had constituted an efficient and self-sustained Government. I am a State-rights man—not in the modern sense, perhaps, which gives everything to the States, and takes everything from the Union, but in the sense in which Jefferson and Madison, Jackson, Livingston, Woodbury, and Polk understood it—that the powers of our government were, by our Constitution, divided between the State and national authorities, and that our only safe and wise course is to preserve this division sacred and inviolate, and permit neither set of functions to encroach on the other.

I have now concluded what I felt it my duty to say on the compromise resolution before the Senate, and hope the discussion will soon be closed, and the question involved put at rest forever. During the last two years we have been exposed to a political storm such as our Government has seldom been exposed to; such as few Governments, especially composed of different States widely separated in distance, in interest, and in feeling, would have had the strength to ride out in safety. The clouds are fast disappearing; and as they do, the heart of every true patriot thrills with delight at seeing that not a star has paled or shot from its orbit in our glorious constellation. A great crisis has been passed. A nation of nearly twenty-five millions of people, thirty-one States, and almost boundless territory, stretching from one great ocean of the world to the other, and from the tropics to the frozen regions of the North, differing in climate, in interests, in opinions, and in local institutions, in this age of agitation and turmoil—for almost all the world besides, has been excited in the highest degree—yet not a hostile shot has been fired, a funeral drum beaten, or an execution taken place, a widow or an orphan made, or a homestead given to the flames. Yes, here we stand on the great platform of our Union, in peace and prosperity, looking down with sympathy, it is true, but with a proud consciousness of our superior advantages, on the other less fortunate portions of the globe, struggling through all the miseries of revolution.

In the scenes through which we have just passed, though an humble, I have not been an idle spectator. I have thought of the South and the Union alone, and devoted all my feeble energies to sustain them. Though a party-man all my life, I forgot my party and myself, and thought only of my country. I was at no time unconscious of the political danger and responsibility I incurred, and often adverted to it. When I thought the President and other distinguished men of his party did their duty—not better, but as well as others of my own party—in the great crisis, I said so. I thought not of the effect on myself. I have nothing to retract or regret on this subject in all the past. That I have committed errors I do not doubt. But I have the proud consciousness of feeling that I acted from good motives, and that the people of my State, and the public generally, will award me this merit, though politicians may not sustain me. If, from peculiar circumstances, I should not be reëlected, be it so. I shall retire cheerfully to the shades of private life, there to enjoy that peace and prosperity of the country which my own course as a public man will have, in some degree, contributed to produce. But if I was ambitious, or not content with private life, I should desire nothing more than such a defeat to reëstablish myself and my party more firmly than ever in the affections of the people of my State in the great National and State elections approaching.

KOSSUTH AND HIS MISSION.

SPEECH OF HON. WM. R. SMITH,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, *December* 15, 1851,

On the Joint Resolution welcoming Louis Kossuth to the United States.

Mr. SMITH said:

Mr. SPEAKER: It will be remembered that, a few days ago, I gave notice that I should introduce the following joint resolutions:

Resolved, That the Secretary of State be required to furnish Louis Kossuth with copies of the acts of Congress defining treason and misdemeanors against the United States.

Resolved, further, That if the said Louis Kossuth, after reading the said laws, shall still persist in making such speeches as he has made since his arrival in New York, inciting the young men of the country to take up arms against a nation with which the United States is at peace, it shall be the solemn duty of the President of the United Sates to have him arrested and detained until satisfactory assurances be given that he will cease his efforts to enlist the coöperative aid and armed interference of the people of these States in favor of Hungary.

As soon as the resolutions were published, I was assailed in the fiercest manner by the Eastern press. The horde of cormorant, alien editors, who control the press, could scarcely find words low and mean enough, in their opinion, by which to characterize the resolutions, the author, and his motives. And hence it became important that I should vindicate my position. I was quietly, but anxiously, waiting for an opportunity to do this, without appearing to press for the attention of the House; and you may imagine my astonishment when I entered the Hall this morning, at fifteen minutes past twelve o'clock, and found the House voting for the adoption* of the SENATE'S RESOLU-

*On Wednesday, two days after the passage of the welcome resolution, Mr. HEBARD offered a resolution; which was read as follows, viz:

"Whereas Kossuth, in a speech by him lately delivered at New York, is reported to have declared that he considered the resolution recently passed and adopted by this House '*has a political meaning:*' Therefore,

TION, the previous question having been called and sustained!

I was forced to vote for the resolution, in order thus to secure to myself the privilege of moving a reconsideration, hoping, in this way, to be able to make my vindication; but in this I have been anticipated by the honorable gentleman from Indiana, [Mr. ROBINSON,] who moves to reconsider, and to lay his motion on the table.

I now, as a last shift, move to reconsider the vote by which the title of the resolution was adopted, and under that motion I ask leave to make a personal explanation.

The SPEAKER. Debate upon that question must be confined to the merits of the title of the resolution, and the reasons for its reconsideration.

Mr. RICHARDSON. I rise to a question of order. I desire to inquire whether there was a division upon the question of adopting the title? If there was no division, then I have no question to make.

The SPEAKER. There was no division.

Mr. RICHARDSON. Then I have no question to make.

Mr. SMITH. I ask the Clerk to read the title of the resolution and the resolution.

Mr. CARTTER. I object to the reading of the resolution. That is not now under consideration.

The SPEAKER. It is competent for the House to order the reading of the resolution. The question, therefore, is, Shall the resolution be read?

[Loud cries of "No!" "No!" and "Yes!" from all parts of the Hall.]

Mr. EVANS. I submit to the Chair that the gentleman from Alabama [Mr. SMITH] has the right to demand that the resolution shall be read. If he has the right to discuss the merits of the title, and its pertinency to the resolution, I desire to know how he can show its pertinency without having the resolution read?

Mr. SMITH. If the House will but listen to me for two minutes——

Mr. CARTTER. I object.

[Cries of "Hear him!" "Hear him!" and great confusion in the Hall.]

The SPEAKER. The gentleman from Alabama [Mr. SMITH] is entitled to the floor and will proceed.

Mr. SMITH. I merely wish to explain my position. If the House will indulge me, I will get through in the time which gentlemen will consume with their interruptions. I believe I have the right to address the House upon the merits of the question, by virtue of my motion to reconsider the title of the resolution; but I will not insist upon that right—I ask it as a courtesy. I desire to show, that at the time I gave notice of my intention to offer the resolutions, there were grounds of apprehension that an armed expedition might be got up in New York. I cannot get at this without going to some extent into the merits of the resolution just adopted, and also, to some extent, into the merits of the whole Kossuth question.

The SPEAKER, (interrupting.) The gentleman from Alabama will allow the Chair to say, that he has not now the right to discuss the resolutions of which he gave notice the other day, unless the House grant him leave; neither is it in order to discuss the main body of the resolution, except so far as it is necessary to inquire whether the title ought or ought not to be adopted.

Mr. McMULLIN. I rise for the purpose of propounding this interrogatory to the Chair: I desire to know whether it is in order to move that the gentleman from Alabama [Mr. SMITH] have leave to explain?

The SPEAKER. It is competent for the House to grant leave, if the rules are suspended for that purpose.

Mr. McMULLIN. Is it in order, then, to move a suspension of the rules for that purpose?

The SPEAKER. Certainly.

Mr. McMULLIN. Then I move that the rules of the House be suspended, in order to allow the gentleman from Alabama an opportunity for explanation.

Mr. CARTTER. Upon that motion I demand the yeas and nays.

Mr. GENTRY. I believe, according to previous usage, the House have the right to grant leave upon a mere motion. I move that the gentleman from Alabama have leave to explain, so far as he thinks it necessary for his own vindication.

Mr. JONES, of Tennessee. The gentleman from Tennessee has anticipated me. I intended to have made the same motion.

The question was then put, and carried in the affirmative.

So leave was granted.

Mr. SMITH. I thank my friend from Virginia [Mr. MCMULLIN] for the motion to suspend the rule, in order to allow me the fuller opportunity of explanation. I noticed, when he voted, that he remarked, that he doubted the propriety of that vote. I am satisfied that he will agree with my views.

The course, Mr. Speaker, which has been taken by the Congress of the United States upon this resolution, presents to the country a most extraordinary spectacle of legislation. A few days ago when it was introduced in the other end of the Capitol, we see that it met with so light favor that its projector [Mr. FOOTE]—a man of indomitable zeal and energy—thought proper to withdraw it, under the frowns of opposition. At that time the "Star of the East" had not arisen; at that time Kossuth had not appeared, and popular commotion had not been aroused in the country; at that time the mob power had not begun to be exercised. But suddenly the wires begin to cry out, "Kossuth has arrived! Shame on Congress!! Make haste, gentlemen, and pass your resolution, or you will delay the illustrious exile! The people demand your homage to this eastern idol! Act—act—or the people will hold you accountable!"

And here I present the House with an extract from a precious editorial in the *New York Herald*, to show how the press assails honest men, and thus attempts to control the action of Congress:

"The scene on Wednesday last in the United States Senate, during the debate on the Kossuth resolution, was one of peculiar interest. The Russian Minister was the distinguishing feature of the occasion. He was observed to pay the deepest interest to the discussion. When Foote spoke, he looked on with that expression of contempt and disgust with which one of our codfish aristocracy would regard a Democratic harangue from Mike Walsh. When General Cass spoke, however, the countenance of M. Bodisco assumed a melancholy expression, as if touched with a presentiment of the power of the unterrified Democracy of this country in shaping out the action of our Government. But there were two sides to the question; and when General Dawson, of Georgia, took the Russian side, the Siberian coldness of the distinguished envoy was thawed into a genial smile of approbation. The speech of Mr. Underwood, however, told with the happiest effect. Several times he lifted his hat, as if about proposing three cheers for Underwood, but desisted, most likely, out of respect to the Senate.

The fact is, the Russian Ambassador had achieved a great victory. He had heard Kossuth and his cause denounced in the American Senate, and he had occasion to plume himself upon the result. Why? Because, as we are apprised, he had been *seen in close and suspicious confab with Messrs. Dawson and Underwood* on the floor of the Senate, the day before. Hence we are free to infer, that M. Bodisco, for the time, transferred the scene of his negotiations to the Senate chamber, and alarmed Messrs. Dawson and Underwood with all sorts of horrible hobgoblins. He could not himself have made a better Russian speech for the Austrians, than that of Mr. Underwood. Such appears to be the influence in the Senate of the chief of the diplomatic corps. But there it stops. The House of Representatives breathes a different atmosphere; and that *unruly* body, together with the public *press* and the American people, will pay very little attention to such broken-legged arguments as those of Mr. Underwood against Kossuth. General Foote should have started his resolutions in the House. The Senate appears to be too old and dignified for republican enthusiasm. But Seward may succeed where Foote has failed. Who knows?"

There, sir, you have a lecture. And it seems really to have rejuvenized the Senate, and inflated it with all the enthusiasm of Young Americanism! For Seward *has* succeeded, where Foote has failed! And a resolution, though not in the same terms, yet looking to the same object, has been introduced in the Senate, and that body has passed it with but six dissenting voices. Is that legislating within the walls of this Capitol, beyond the influence of popular commotion? Or is it not, rather, the public outside these walls who make the law, and pass the resolution?

But what do we see in this House? We see the same resolution brought forward here, at the hour of twelve o'clock, and before a remark could be made the previous question was called; that question was sustained, and the resolution passed. So that Mr. Bennett was not mistaken when he said of this House, in the extract above, "that *unruly* body, together with the *public press* and the American people, will pay very little attention to such broken-legged arguments as those of Mr. Underwood."

And in the New York *Sun* I find another *compliment* to Congress, reading thus:

"Kossuth has found here (in Washington) as much favor as he has found in New York. Congress was, *at first*, disposed to show him the *cold shoulder;* but, as Kossuth begun to *loom up*, disclosing his *colossal* proportions, Congress *hastened to take shelter under his broad shadow.*"

Mr. CARTTER. I rise to a question of order. The question submitted to the House was, "Shall the gentleman from Alabama have leave to make a personal explanation?" That was the question submitted to the House, and the one upon which the House acted.

Mr. JONES, of Tennessee. That is just what he is doing.

Mr. CARTTER. The gentleman from Tennessee [Mr. JONES] says that is what he was doing. I do not understand what this personal explanation is, then, if it will allow the gentleman to start off with a general attack upon Kossuth, and this body, for passing the Kossuth resolution. If I understand the force and connection of his remarks, instead of being a personal explanation of the gentleman from Alabama, it is a reflection upon the whole House and its character, and particularly upon the friends of this resolution.

Mr. JOHNSON, of Arkansas. I call the gentleman from Ohio to order.

Mr. CARTTER Well, that is the point of order I make.

Mr. SMITH. I believe the gentleman from Ohio [Mr. CARTTER] is a little fuller of a speech to-day than I am. [Laughter.]

The SPEAKER. The Chair will remark that, in his opinion, the gentleman from Alabama has not transgressed the privilege granted him by the House.

Mr. SMITH. I say to the gentleman from Ohio, [Mr. CARTTER,] that I censure no one. I refer to facts, and show the record. That gentleman ought to know that the triumph of humbug is one of the characteristics of this age. But let no man be deceived. If he be wise, he will not. Yet public opinion is so easily manufactured in this country, that the wisest and best of us know not how to take it—whether as the mirror of merit or the guile of speculation. It is a little remarkable, in this particular case, that Mr. Genin, the man who paid the first $500—or $800 for the first *prize seat*—to be located near Jenny Lind, is the identical humbugarian who is the *first* to subscribe $1,000 to the Kossuth fund! His Jenny Lindism was an idea of speculation—*to increase his sale of hats;* his Kossuthism may be traced to the same magnificent conception! The fortunes of Barnum and Jenny Lind depended greatly upon the *start*—the *beginning;* and the result showed that Genin's bid fixed the custom, and established, in a great measure, the price of the prize seats at the concerts.

The growth and power of mobism in New York is not surprising.* With its 100,000 aliens, al-

"*Resolved*, That said resolution was intended by this House to have no '*political meaning*,' nor to pledge this Government to any political action; but that it was intended merely as a testimonial of sympathy and respect for Kossuth and the cause in which he is engaged."

Kossuth is determined to have his own way, and to censure or interpret Congress as he pleases. The necessity of offering this resolution is but the beginning of the humiliation which the Congressional friends of Kossuth are bound to feel, and in due time to acknowledge, for the indecent haste with which they forced the passage of the welcome resolution.

*The mob power in New York does not seem to be confined to the large out-door assemblies. At the Bar Dinner:

"Judge Duer having next ventured to express his dissent from the new policy of intervention urged by Kossuth, the enthusiasm of the company soon took a new direction, which is best described by the official report of the proceedings, as given in the special organ of the great Magyar at New York. It is as follows:

"'Judge Duer felt bound to say, to prevent misconstruction on his own behalf as well as that of a large number of his brethren of the Bench and the Bar, that he must not be understood as assenting, or wished to be understood as assenting, to the sentiments our guest has submitted in regard to the policy of our Government. (Cries of 'We do,' 'we do;' and three cheers for Kossuth.) Nothing had struck him with so much admiration as his noble frankness. He felt that the same frankness was due in return. (Cries of 'Kossuth's right; he's right,' &c.) *He ventured to say that, if he could not be heard, mischief had been already done, and Americans could not be listened to.* It was not his purpose to enter upon any discussion of debatable questions. He wished only to say that the sentiments—(cries of 'Print that in the *Courier and Enquirer*')—the questions that the sentiments of our guest suggest are regarded by many as the

ways floating, and always under the control of its gang of alien editors, whose bed is restlessness, and whose food is sedition; with its 100,000 people who never go to church; with its 9,000 grog-shops, kept mostly by aliens; with its Barnums, Genins and Greeleys, to lead and to incite—I say the growth and power of mobism in New York is not surprising. But it is surprising that the *old "solidarity" end of* the Capitol of the United States should be rocked from its anchorage of dignity by the waves of popular commotion!

Mr. Speaker, is it the object of the resolution you have just adopted to contribute to the happiness of Kossuth? Let us inquire, a moment, into his condition. It is thought by some persons to be the greatest evil that can happen to man, to be banished from his country. But this is not always the fact. The extent of the misfortune, depends upon circumstances—the country from which he is banished, its situation, its wealth, its poverty, its laws, and the home-condition of the party banished at the time. Indeed, it is not always a misfortune. I remember that Diogenes counterfeited coin in order that he might be banished from Pontus. I remember that Stratonicus committed forgery in order that he might be banished from Straphos. They thought that to be banished from such countries was getting out of prison.

Now, if we look at the condition of Kossuth, at the time of our intercession in his behalf; if we consider the condition of Hungary both before and after the war; if we look upon the condition of the exile, at the time of his banishment, we are bound to conclude that Kossuth may not only not be considered an unfortunate, but, truly, a most fortunate man. We have it, in the story of Themistocles, that when he was banished from Athens he fled to the court of Persia, where he was received with much graciousness. The great Monarch of Persia set apart for him six cities; one for his wine, one for his meat, one for his bread, one for his chamber, one for his wardrobe, and I suppose another for his kennel. Well, Themistocles, while living in so much splendor, forgot poor little Athens, and considered himself the happiest of men; and in contemplating the splendor and luxuries with which he was surrounded, he was led to lay his hands upon the heads of his children, and exclaim, in the excess of his delight: "Ah! my children, we would have been undone, but for our undoing!" Happy Themistocles! Now, let us look at Kossuth again. There he stands, before the American people, welcomed as no man was ever welcomed before. Private assemblies and public assemblies go forth to greet him; private mansions and public mansions, heart and all, are opened to receive him. Military chieftains and municipal authorities attend him with all the pomp and circumstance of place and power; and musical bands, with all their glowing and charming incidents, combine to welcome him to these shores.

"Wine, wit, and beauty still their charms display,
Light all the shades of life and cheer him on his way."

Happy, happy Kossuth!

But we stop not here in the contemplation of his bliss. Besides this feast of humbug and this flow of *bowl*, we see money flowing in upon him from all quarters! He has read Shakspeare, and and remembers the advice of Iago—"*Put money in thy purse.*"

I see in his last speech in New York he unrolls a little magical scroll there, which gives him a great deal of pleasure, and which seemed to be a source of infinite delight to his audience—that dinner party—that great dinner party, which I suppose is to control, as the pulse of public sentiment, Congress, as well as the whole American people. It is wise to remember that the *sober* second thought comes, not only after *dinner*, but after *digestion;* and that a New York dinner and its sentiments are no indices of public opinion in the States.

The little document which he unrolled proceeded in these words:

"CINCINNATI, OHIO, *December* 4, 1851.

"M. LOUIS KOSSUTH, *Governor of Hungary:* Sir—I have authorized the office of the Ohio Life Insurance and Trust Company, in New York, to hand you drafts on me for $1,000.

"Respectfully yours, "W. SMEAD."

This was very gratefully received, and the Hungarian exile then proceeded to submit a proposition to raise more money.

I will now leave Kossuth in the full enjoyment of the beatitude arising from so charming an incident, and submit to the House the plain propositions by which I was induced to announce my resolutions.

I propose to examine, in illustrating these propositions, the merits of Kossuth's MISSION to the United States.

1st. He comes to raise money.

2d. He comes to stir up the young and the old of the country to take up arms in favor of Hungary.

3d. He comes—a monk monarchist—to teach Americans how to interpret the policies of Washington.

4th. He comes—the dupe of England—to endeavor to unite England and the United States in a plan of "armed non-intervention" in the affairs of other nations, and to induce us to depart from our ancient custom of attending to our own business, and letting the other nations of the earth do likewise.

5th. He comes to interfere with the freedom of religious opinion as it exists in our Constitution.

First. To raise money. To this part of Kossuth's mission I attach much importance. Money is a most powerful lever for good and for evil. If the money was contributed for his own private comforts, and for the use of his family, he might be permitted to pass, as well as any other illustrious beggar. But the great apprehension is, that the money is to be used for the unholy purposes of ambition, and to pay gallant young soldiers whose hearts are full of patriotism to fight for the elevation of persons—for the MAN who has been striving all his life to make permanent the principles of despotism.

We are told by his friends that he was detained in England, and did not arrive on our shores as soon as was expected, because he was there to arrange and provide for the wants of his associates, *by a subscription*, got up for them in London. This, however, was a private and family business, into which I have no desire to inquire. I call the attention of Congress to his money plans in the United States. He discourses on this subject thus: (From his New York dinner speech.)

"And if that sympathy which I have the honor to meet with in the United States is really intended to become beneficial to the cause of my poor native land, then there is one humble wish more which I anxiously entertain. But that is a private business: it is a respectful appeal to the generous feelings of individuals. *Gentlemen, I would rather starve than rely, for myself and family, on foreign aid; but, for my country's freedom, I would not be ashamed to go a begging from door to door. Gentlemen, I mean financial aid; money to assist the cause of freedom, and independence of Hungary.* There are two means to see this, my humble wish, accomplished. The first is from spontaneous subscription, to the offerings of kind friends at my disposal, for the benefit of my country's cause. The second is a loan. As to this loan, that is a business of a more private nature, which to be carried on in an appropriate way, requires private consultation in a more close circle. So here I only mention that if there are such generous men who are willing to enter into the idea, provided it will be arranged in an acceptable way, I would most humbly entreat them to *enter into a private communication about the subject* with me."

This extract shows that the money is wanted to fit out an expedition "*to assist the cause of freedom and independence of Hungary.*" The proposition is distinctly made and submitted, to raise money by spontaneous subscriptions and a privately-arranged loan, to *be used in a war!* in a war with a nation with which we are at peace! Kossuth would scorn any "*foreign aid for himself.*" Then we are asked by this man to furnish to him the *sinews of war*, to be used against Austria! and this, too, at the time when a conspiracy actually exists in Hungary, as we learn from the following dispatch:

"NEW YORK, *December* 14, 1851.

"News has just been received that Kossuth's agent has been arrested in Hungary, with Kossuth's dispatches and letters; and that a conspiracy has been discovered amongst the Magyar nobility."

And yet Kossuth is to be invited, and he *is invited* by your resolution, in the face of this proposition and these facts, to come to Washington, and take his stand there where you sit, and to reiterate this proposition to the people of the United States, under the solemn sanction of Congress! Encouraged by your smiles, sustained by a frantic press which caters for the daily appetite of excitement, that the mob may be gorged to the full measure of its insatiate maw, he will go on with his petition, thus:

"I beg leave here publicly to return my most humble thanks to the gentleman, for his ample aid, and the delicate manner in which he offered it; and it came to my mind, that where one single individual is ready to make such sacrifices to my country's cause, there may, perhaps, be many who would give their small share to it, if they were only apprised that it will be thankfully accepted, however small it may be.

"And it came to mind, then that drops of millions make an ocean, and the United States number many millions of inhabitants, all attached, with warm feelings, to the principles of liberty, agglomerated by single dollars, is even so one million of dollars, as if it were one single draft, to me yet more precious, because it would practically show the sympathy of the people at large. I will consider it highly beneficial, should I be so happy as to see that generous men would form committees throughout the United States, *to raise out of the free offerings of the people, some material aid to assist the second course of freedom, and independence of Hungary.* It is a delicate matter, gentlemen, for me to speak so. It is, perhaps, *one of the greatest sacrifices to my country that I do so.* [Great applause.] But I love my country, [renewed cheering,] and readily I will undergo even this torturing humiliation for her sake."

Now I charge Kossuth with deception. Mr. Smead's draft for $1,000 was intended for Kossuth's private use. The face of the draft shows it; and Kossuth knew it. Yet he *pretends* to receive it *only for his country!* And he undergoes the "*torturing humiliation*" of pocketing a thousand dollars for his *country's sake!* Kossuth has yet to learn that *candor, the iron attribute of integrity*, is the most positive trait in the genuine American character.

But Kossuth's speeches are like the revelations to Mohammed. If the revelation of yesterday is unpopular, the angel speedily brings a contradiction—a new revelation—an explanation; quite satisfactory and suited to all exigencies. In his dinner speech he says: "I mean *financial* aid; 'money to assist the *cause of freedom and the independence of Hungary;* material aid, *to assist the second cause of freedom and independence of Hungary.*" In a later speech, finding it necessary to retrace his steps, he says:

"I avail myself of this opportunity to proclaim that it is *not* my design to get money to *carry on war* in Hungary but only to have some material financial aid, by the help of which we could succeed to come into the condition not unprepared to meet the opportunity which I hope God will soon give. [Cheers.] There is a great difference in these two words. If once war breaks out, my nation will find resources in themselves to carry on the war. To become prepared to meet the opportunity not only in that, but in every other respect, we want the aid of generous men and free nations."

These sophisms and verbal distinctions are only needed to cover up frauds and deceits.

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most deeply interesting of any that have ever been raised since the foundation of our Government. *And many of us doubt whether it is safe that such propositions should be first submitted to popular assemblies*, when reasons only on one side are heard. They *involved a sudden and violen departure from the settled policy of our Government*—a policy not founded on a temporary expediency, but on the principle of our Constitution. Such propositions ought not to be adopted until understood in all their consequences—until subjected to a thorough discussion."

"'Loud hisses and cries arose, and order was with great difficulty restored. A violent altercation arose between two gentlemen in the room. Loud cries, *groans, cheers*, &c., arose, and the whole room was for some minutes a scene of perfect disorder.

"'A VOICE: I appeal from Judge Duer to the people. He has no business to speak in that way here.

"'Loud cries interrupted Judge Duer, and the room was still in the utmost disorder. This lasted several minutes.

"'Three tremendous cheers were here given for Kossuth, followed by three more and loud applause and calls for Kossuth.'

"The tumult continued with such violence that the chairman could not announce the next regular toast until some one of the company hit upon the expedient of giving as a sentiment, 'The first President of Independent Hungary."

Upon this proceeding the *Evening Mirror* thus eloquently discourses:

"The attempt to put down the venerable Judge Duer, who, after exhausting superlatives in praise of the distinguished guest, begged leave to dissent from some of the propositions of the revolutionary programme, illustrates the madness of the hour. It was a melancholy comment upon our boasted freedom of opinion, to see the Radicals of Tammany Hall insulting by hisses a man equally venerable in wisdom and in years. *But the voice of Nestor could not be heard in the crazy camp of the Revolutionists.* The young *Filibusters of the Bar*, stimulated to deeds of impudence by the "*spirit* of the occasion," drowned even the clarion tones of the eloquent and venerable Jurist, who was compelled to sit down, *while the Young Democracy mounted the chairs* yelling out their 'appeals from the Judge to the People." O, it was a disgraceful scene; but only a foretaste of what is to come, when this tide of rampant Radicalism, which is surging higher and higher, shall sweep all before it, respecting neither the rights of property nor the rights of person—no, nor the gray hairs which consecrate even the ermine of the Judiciary."

And now, Mr. Speaker, leaving Kossuth in the meshes of his own inconsistencies and deceptions, I will close this part of my speech by some extracts which will show that he is likely to meet with great success in his financials:

"On Tuesday afternoon a letter was received at the Irving House from the Rev. Dr. Lilienthal, the Jewish Rabbi, inclosing $20.

"A donation of $100 was received from Mr. Elihu Townsend, of New York.

"A lady, who is a member of the *Peace* Society, sent a donation of $30, to be applied to the relief of the wounded in the war for Hungarian liberty.

"A purse was presented to Madame Kossuth, a donation of $100 to the Kossuth fund."

The following *short but practical letter* was received by the Magyar on Tuesday:

"BOSTON, THURSDAY, *December* 11, 1851.

"GOVERNOR KOSSUTH—*Honored Sir:* Set down a portion of your friends in the city of Boston for THREE HUNDRED MUSKETS, *for the freedom of Hungary.*

"I have the honor to remain your Excellency's obedient servant, CHAS. W. DENNISON."

You will see that MUSKETS occupy no mean place in the figure of these donations.

"Captain French, on behalf of the Lafayette Fusileers, offered $1,000 to the Hungarian fund."*

We know not what may be the result of Kossuth's secret and private conferences, on the subject of the loan he proposes. But, in this connection, it is not difficult to call up before the imagination, the gloomy picture which presents the animated Lopez pursuing his schemes for borrowing money upon the faith of Cuban bonds! Behold him at the table of the bankers, with pale and emaciated eagerness, his quick, restless, unsteady Spanish eye, hoping for accidents, not foretelling certainties—*insane with ambition*, yet with *speculators listening!* Speculators in *patriotism!* Speculators in the best young blood of young America!! Change the scene. Behold these bankers again: these speculators in the patriotic credulity of youth, with their pale faces and wild eyes glaring upon the ghost of Lopez, after the garroting! And gaze still upon the picture till the devil comes, on his just mission, to move these speculators to the *Wall street of hell!* where an office is provided for them, rent free! And you may gaze on, if you choose, but you will not see Kossuth *there*. He will have a *new set of bankers*, whose experience is in the future!

Second. I now call your attention, Mr. Speaker, to the fact, that Kossuth is trying to stir up the young and the aged of the country to take up arms in favor of Hungary. The fate of the unfortunate fifty who fell in Cuba, whose melancholy end hung a pall of gloom over the whole country, which is still floating about us like shadows of mourning for poor Crittenden and Kerr, ought of itself to be sufficient to cause the American people and the American Congress to pause and make the solemn inquiry whether or not they are ready so soon to invite, to foster, to encourage, and to feast another foreigner—another perturbed, restless, political revolutionist? It is impossible for any man to look this question calmly in the face, as connected with Kossuth, his speeches, the press, and public excitement, without seeing all the features of the Cuban expedition on a larger scale. We cannot yet assign to Lopez his proper position; I trust that posterity will find in him all the elements of a martyr and of a hero. All we know of him is, that he beguiled the young of the country, and that he deceived the old of the country—not publicly, not by eloquence, but by dinner-table conversation, private understandings, loans, and Cuban-bondisms. We know that however wrong he was, the press clamored greatly in his favor, and aided him to disseminate his mischievous doctrines, and finally to fit out his fatal expedition. We all know its end. Disgrace and death terminated the inglorious cause! And the Government of the United States was compelled, in humiliation, to acknowledge a wrong committed by her citizens on the rights and property of a foreign nation.

Now, sir, this illustrious exile cannot consider that I bring him into contempt, by mentioning his name with that of Lopez. I do it with no such intention. I believe that Lopez may find a lofty place in the estimation of posterity. I refer to him merely for the purpose of showing the dangerous influence that may be exercised in our country at this moment by any agitator. Every American knows the excitability of the American disposition. At this particular time, so soon after the disbanding of our armies, when the country is so full of those young men who have tasted of war—whose swords have been whetted, whose ambition now has no outlet, no escape; who have no hope except in arms—at this particular time, the exciting speeches of this eloquent exile may have upon the country a most disastrous effect. It was to avert these evils that I desired to call the attention of the public officers of the country to him and to his position. And with this view, I deemed it advisable to refer them to the laws as they existed. Here is the clause:

"SEC. 3. *And be it further enacted*, That if any person shall, within the limits of the United States, fit out and arm, *or attempt to fit out and arm, or procure to be fitted out and armed*, or shall knowingly *be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service* of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, *or people, with whom the United States are at peace*, or shall *issue or deliver a commission within the territory or jurisdiction of the United States*, for any ship or vessel, to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than $10,000, and imprisoned not more than three years," &c.

It was known that this law had been shamefully violated in the case of the Pampero, and that that violation brought disaster and death to the parties engaged, and humilitation to the Government of the United States. Now, I charge that, in the face of this law, Kossuth and his friends have been trying to excite the people into feelings favorable to an expedition. He told us in his English speeches that his object in coming to the United States was to endeavor to unite England and America in behalf of his country, and to induce us to abandon our old national non-interventionalism, and to adopt an "armed non-intervention," as he is pleased to term it. I have his speeches before me, in which he says that one of the objects of his mission to this country is to perfect a union between England and America, and to introduce into our policy a new idea of national non-intervention. Here is what he says:

"I suppose it is known now that the policy of England and of the United States can unite, and when they are united, I myself hope that without wars the interests of mankind by that means will be secured. * * * * * When I go to the United States, I will consider it to be one of my duties to try if there cannot be an humble opportunity for this union, as I was an humble opportunity for the promulgation of the solidarity sentiment of nations for the principles of liberty."

The mind very readily perceives, from the credulous eagerness with which Kossuth entered into the idea, in England, of the formation of a union between England and the United States, upon this new plan of national non-intervention, that he was the easy and willing dupe of English politicians. He was evidently induced, in England, to press this question of union. No doubt he was encouraged in it by officials and heads of departments. England would be very glad to see the United States abandon her ancient policy of national non-intervention, and to leap into the political whirlpool of entangling alliances. England would be very willing to become entangled herself, in order to induce us to adopt her policy, and to divert our attention from the habits and policies of our fathers. It is our custom—and a wise one—to look upon the diplomatic movements of England with careful and cautious suspicion; and when she prates of *liberty*, we are incredulous! And now, sir, when she attempts, under the guise of sympathy for a liberty-struggling cause, to involve herself in a scheme with us for the extension of our principles—so much opposed to hers—I look upon her movements as sinister. Only think of it, Mr. Speaker, that there should be a union of England and the United States for the spread of *Americanism!* Is it reasonable? England, where the regal power is most submissively acknowledged; where the tyranny of the nobility is most palpable; where the political disfranchisement of the lower classes is visible even to degradation!—what good motive can England have in endeavoring to induce us to enter into an alliance with her to alleviate and Americanize Hungary!

And when Kossuth reached the United States—his mind clinging to this solitary idea—he presses this question of union in all his speeches. It is the grand idea of his mind!

In New York he was met by a Mr. Hagedorn, who gave him the following assurances:

"For my part, and I ask no one to be responsible for what I say, although I honestly believe that I speak the sentiments of the great mass of my fellow-countrymen, and especially, the sentiments of *those three and a half millions of stalwart, able-bodied young men of America, whom our laws have designated for military purposes*—I believe I speak the sentiments of this great mass of intelligent citizen-soldiers, who are not merely household troops, sir, but who have recently had an opportunity of demonstrating before the world what use they can make of arms in the enemy's country—I speak their sentiments, sir, when I say that *the great Kossuth doctrine of armed non-intervention is the doctrine and sentiments of America—non-intervention for us—non-intervention for all.*"

What does Kossuth say in reply to this?

"The reception I have already experienced relieves me from much anxiety. If the doctrine of non-intervention is understood, as you state, then the generous *and efficient aid* of the United States to my country's suffering independence is gained."

Let us pause a moment at this period. We see that Kossuth stated in England that the object of his mission to this country was to endeavor to unite England and America upon a new principle of non-intervention. When he arrived here, he was told that three millions of able-bodied young men were inclined to aid him, and that the great Kossuth doctrine of armed non-intervention was the doctrine and sentiments of the American people; and Kossuth replies that the great object of his mission was accomplished.

I propose now to refer to some of the speeches which he made previously to the offering of my resolutions; and to show that the speeches contained phrases which authorized the resolutions. Recollect, that it has been our policy from the very foundation of the Government to *stay at home and to attend to our own wars—to our own business*—and to let the other nations of the earth do likewise. Recollect, too, that we have adopted a statute which makes it almost treasonable for any man to *aid* in setting on foot any expedition against any country with which we are at peace. Now, hear what Kossuth says of his motive in being here at this time:

"The motive, citizens, is that your generous act of my liberation has raised the conviction throughout the world that this generous act of yours *is but the manifestation of your resolution to throw your weight into the balance where the fate of the European continent is to be weighed.* You have raised the conviction throughout the world that by my liberation you were willing to say, 'Ye oppressed nations of old Europe's continent, be of good cheer; the young giant of America stretches his powerful arm over the waves, ready to give a brother's hand to your future.' So is your act interpreted throughout the world."

He goes on to say:

"It is hence that my liberation was cheered, *from Sweden down to Portugal*, as a ray of hope. It is hence that even those nations which most desire my presence in Europe now, have unanimously told me, 'Hasten on, hasten on to the great, free, rich, and powerful people of the United States, and *bring over* its brotherly *aid to the cause of your country*, so intimately connected with European liberty.'"

Again, he says:

"And taking my ground on this principle of union, which I find lawfully existing, an established constitutional fact, it is not to a party, but to the united people of the United States that I will confidently address my humble requests *for aid and protection* to oppressed humanity. I will conscientiously respect your laws, but within the limits of your laws I will use every honest exertion to gain your *operative sympathy* and your *financial, material*, and *political* aid for my country's *freedom and independence*, and entreat the realization of these hopes which your generosity has raised in me and my people's breasts, and also in the breasts of Europe's oppressed nations. And, therefore, thirdly, I beg leave frankly to state that *my aim is to restore my fatherland to the full enjoyment* of that act of declaration of independence, which being the only rightful existing public law of my nation."

How is it possible for his fatherland to be restored without war? How could we possibly *aid, financially, materially*, and *politically*, without bringing war?

He had, himself, abandoned his country, and resigned his commission. The Government had been discontinued. Hungary, by the fate of war, lost her existence, as we learn from Kossuth, in his letter of resignation:

"After the unfortunate battles wherewith God in these latter days has visited our people, we have no hope of our

*It is not improbable that Barnum, or some of his kin, is in some way reaping a harvest out of the Kossuth excitement. At any rate, he is in a fair way to do so; for the Hungarian has taken one step towards harlequinism, as we learn from the Baltimore *Sun:*

"Kossuth is to address the ladies at Tripler on Saturday afternoon. *Tickets of admission* $5 to the parquette and first circle, and to the galleries $2."

successful continuance of the defence against the allied forces of Russia and Austria. Under such circumstances, the salvation of the national existence and the protection of its fortune lie in the hands of the leaders of the army. It is my firm conviction *that the continuance of the present Government would not only prove useless, but also injurious to the nation.* Acting upon this conviction, I proclaim that, moved by those patriotic feelings which throughout the course of my life have impelled me to devote all my thoughts to the country, *I, and with me the whole of the Cabinet, resign the guidance of the public affairs, and that the supreme civil and military power is here with conferred on the General Arthur Görgey,* until the nation, making use of its rights, shall have disposed that power according to its will."

How, I ask, in this connection, would the Government or the people of the United States *aid* Kossuth to restore his fatherland, *financially, materially, and politically*, without war? And are we ready for war? What use have we for war? Do you wish to annex Hungary? To incorporate a people who "*fish*" and "*hunt*," and "*keep cattle*," and who despise labor, and know nothing of the arts of agriculture, or the economy of husbandry? And whose truest national representative in America is—the grinder of music? What use have you for such a population?

In these days, Mr. Speaker, war is looked upon as a sad necessity, and not a sport or a pastime. It is our interest always to be at peace; for any interruption with a foreign nation which breaks the bonds of neutrality, and authorizes an interference on the high seas with our commerce, reaches all our citizens—the merchant, the mechanic, the farmer, and the husbandman: *for* TRADE *is the life of a nation, and* WAR *is the death of trade.* And it is evident that Kossuth is bent upon war. Everything he says and does indicates this.

And here we have another most extraordinary development. Kossuth was invited to review the militia of New York; he was invited to appear before the militia of the country with all the trappings of military gewgawism, no doubt with the privilege of expressing to those *men in arms*, the same sentiments that he expressed at the other meetings. He says in reference to that invitation:

"I am told that I will have the high honor to review your patriotic militia. *Oh, God! how my heart throbs at the idea to see this gallant army enlisted on the side of freedom against despotism;* the world would be free, *and you the saviors of humanity.*"

Now, I ask if there was not some reason for the resolutions which I offered? I ask the House to look at this man, with his powerful eloquence, with his great ingenuity, with his greater character, coming as he does from the fields where liberty's battles were fought and won and lost—I ask the House to view him in his speeches and in his positions, with all its candor, and to say if there was not some grounds of apprehension that those inflammatory harangues would incite the young and the ambitious into an expedition? How long would it take New York, with its immense wealth and shipping resources, to supply and fit out an expedition? It is known that New York was the life, soul, and centre of the ill-starred Cuban expedition.

And if such an expedition could be so readily gotten up by such a man as Lopez, moving as he did in the dark, like some mysterious shadow, without substance, what might not the eloquence of Kossuth effect—especially when connected with the wild enthusiasm which seems to prevail in his favor?

But there is really no bounds to the extent of his demands upon us. He claims, in one of his speeches, that it is the *solemn duty* of the United States to acknowledge and recognize the Hungarian Declaration of Independence; and he repeats and presses this in his New York banquet speech. He says:

"Our Declaration of Independence was not only voted unanimously in our Congress, but every county, every municipality, has solemnly declared its consent and adherence to it; so that it became not the supposed, but by the whole realm, positively and sanctioned by the fundamental laws of Hungary. *And so it is even now.* There happened since nothing contrary to this declaration on the part of the nation. No contrary law, no declaration issued. Only one thing happened,—a foreign power, Russia, came with his armed bondsmen, and, aided by treason, overthrew us *for a while.* Now, I put the question before God and humanity to you, free sovereign people of America, can this violation of international law abolish the legitimate character of our Declaration of Independence? If not, then, here I take my ground, because I am in this very Declaration of Independence, *intrusted with the charge of Governor of my fatherland.* So my third humble wish is, that the people of the United States *would be pleased, by all constitutional means of its wonted public life, to declare that, acknowledging the legitimate character of the Declaration of Independence of Hungary,* it is anxious to greet Hungary amongst the independent Powers of the earth, and invite the Government of the United States to recognize this independence at the earliest convenient time."

We have not yet been able to learn, precisely, what this declaration of independence was. But that is not important. We are considering the *novelty* of the request—to acknowledge the independence of a country that has *no national existence*—to declare an abstraction as a truth, when the *historical fact contradicts it!*

In this connection we will inquire into the constitution of Hungary, and the republicanism of Kossuth. He explains the ancient constitution of Hungary thus:

"This independent constitution of Hungary is clearly defined in one of our fundamental laws of 1791, in these words: 'Hungary is a free and independent *kingdom*, having its own self-consistent existence and constitution, and not subject to any other nation or country in the world.' This, therefore, was our ancient right. We were not dependent from, nor a part of the Austrian empire, as your country was dependent from England. It was clearly defined that we were to Austria nothing *but good neighborhood*, and the only *tie between us and Austria was, that we elected, to be our kings, the same dynasty, which were also the sovereigns of Austria, and occupied the same line of hereditary succession of our Kings;* but by accepting this of our forefathers, with the *consent of the King*, again declares that though she accepts the dynasty to be our hereditary kings, all the other franchises, rights, and laws of the nation shall remain in full power and intact; and our country shall not be governed like the other dominions of that dynasty, but according to our constitutionally established authorities."

And he says further:

"The laws which I succeeded to carry in 1848, did, of course, *nothing alter* in that old chartered condition of Hungary. All these were, as you will see, internal reforms which *did in no way interfere with our allegiance to the King, and were carried lawfully in peaceful legislation, with the sanction of the King.* Besides this, there was one other thing which was carried. We were formerly governed by a Board of Council, which had the express duty to govern according to sure laws, and be responsible for doing so; but we saw by long experience that this responsibility is an empty sound, because a corporation cannot really be responsible; and here was the reason why the absolutistical tendency of the dynasty succeeded to encroach upon our liberty. So we replaced the Board of Council by Ministers; the empty responsibility of a Board by the individual responsibility of men—*and the King consented to it. I myself was named by him Minister of the Treasury.*"

In addition to this, we learn from Mr. Tefft's book the characteristics of this ancient constitution:

"To maintain the old Magyar constitution; to support it by constitutional laws; to assert and secure the rights, liberties, and ancient customs of the nation; to frame laws for particular cases; to grant supplies and to fix the manner of their collection; to provide means for securing the independence of the *kingdom*, its safety from foreign influence, and its deliverance from all enemies; to examine and encourage public undertakings and establishments of general utility; to superintend the Mint; to confer *on foreigners the privileges of nobility*, together with the permission to colonize the country, and to enjoy the rights of Hungarians, are the important functions of the Hungarian Diet."

Here you have a glimpse into this mysterious affair, the Hungarian constitution. But I quote from another authority, in further illustration of the principles of this constitution:

"The guarantees of Hungarian independence, so frequently alluded to in speaking of the union of the country with Austria, were nothing more than *stipulations in favor of the privileges of the nobles.* The engagement to respect the 'ancient constitution' of the land, which was a part of the coronation oath whenever a new Emperor of Austria was crowned King of Hungary at Buda, *was simply a promise to do nothing to disturb the domination of the Magyar race*, and to respect the rights and immunities of the nobles."—*Civil War of the Races, by Boyen.*

I could multiply these authorities. You see that this *free constitution* fought for by Kossuth was a *kingdom*, with a king, and nobles, and magnates, with the power to confer titles of nobility *on foreigners*—a government with all the immunities of regality!—"*Nothing changed in the laws of* 1848," as Kossuth says. All he wanted was to establish the ancient constituencies of the kingdom, and to keep *dominant* the Magyar race! Has he ever denied this? What brought about the Hungarian war? I read from an authority which cannot be doubted:

"It was only the restless and domineering spirit of the united Magyar nobility, aggressive and fiery in temperament, and panting not so much for absolute independence as for entire control of the more patient, industrious, and unambitious races—Sclavonians, Germans, and Wallachians—by whom they are surrounded—*which kindled the recent war*, and so conducted it as to arm every one of these races against themselves; and thus, in spite of their own matchless bravery and enthusiasm, and the misplaced sympathy of the republican party throughout Europe and America, to bring down upon their heads the united Powers of Austria and Russia, and finally to sink in the unequal struggle. Had they begun by the abnegation of the enormous and unjust privileges of their own order and the insolent supremacy of their race; had they offered confederation and equality of political rights to Croat and Slowack, Saxon and Wallachian, their united strength might have dashed in pieces the Austrian empire, and the Russian troops would never have crossed their borders. But they aimed *to procure dissimilar and incompatible objects;* to retain the economical and political advantages of a union with Austria, without submitting to any control, or tendering any equivalent; to be admitted to all the privileges enjoyed by the Hereditary States, without bearing any portion of their burdens; to vindicate their own independence against the empire, *but to crush the Croatians and Wallachians for daring to claim independence of the Magyars;* 'to hunt out those proscribed traitors in their lair,' to stifle 'the rebellion in South Hungary,' to lay waste with fire and sword the Saxon colonies in Transylvania, and then evoke the indignation of Europe against the interference of Russia, whose troops entered Hermanstadt *at the urgent entreaty of these Saxon colonists*, in order to save them *from utter destruction by the merciless Szeklers and Magyars.*"—*War of the Races.*

The same author says:

"We have said that the immediate cause of the Hungarian declaration of independence was the publication, by the youthful Emperor of Austria, of *a very liberal constitution* of all his subjects on the 4th of March, 1849. So bountiful was this constitution in granting political privileges and securities *to all Austrian subjects*, without distinction, that the Magyars had no ostensible ground to complain of it, except that which is stated in their declaration; that it divided what they call *their* territory 'into five parts, separating Transylvania, Croatia, Sclavonia, and Fiume from Hungary, *and creating at the same time a principality for the Servian rebels.*'"

The same author says:

"History furnishes many other instances of a triangular contest between a despotic monarch, an arrogant nobility, and an exasperated people, in *which the crown made common cause with the people*, granted all their demands, and thus gained power enough to crush the *refractory* barons. Royalty is always more prompt to sacrifice its prerogatives than an *aristocracy* is to abandon its privileges."

Again: this writer says:

"But the Magyars found still more serious causes to complain of the liberality of the new Austrian constitution. It provides that the Upper House of the General Imperial Diet shall consist of two members chosen by each of the provincial diets, besides other persons chosen by the Imperial Diet itself, enough to make the whole number one half as large as that of the Lower House; that is, it establishes an equal representation of the several Crown lands in this Upper House, thus giving to Transylvania, Croatia and Sclavonia, and Fiume with its territories, equal weight with Hungary, and of course emancipating them from Hungarian domination. The constitution of the Lower House in the Imperial Diet is still more fatal to the lofty pretensions of the Magyars to govern all other races and nationalities. 'The Lower House proceeds from general and direct elections. The franchise belongs *to every Austrian citizen who is of age,*' and who pays a moderate tax, which is not in any case to exceed twenty florins, and may be as small as five florins. This is *equal* suffrage, and it certainly comes as near *universal* suffrage as any reasonable liberal could desire, considering how little experience the subjects of Austria have had in managing representative institutions. Under such a law, the 4,900,000 Magyars lose all control even of Hungary proper, which has a population of 10,500,000; the reins pass at once from their hands into those of the despised Sclavonians and Wallachians, who, taken together, number over six millions. The Magyar nobility, who number about 600,000, beheld themselves reduced from a condition in which they had the entire control of public affairs to a level with the eight millions of peasants. *This proud aristocracy is absolutely crushed by the genuine republicanism of the constitution.* This was the grievance which produced the Hungarian declaration of independence, a declaration put forth by a Diet constituted almost exclusively of the Magyar nobility."

It is incontrovertible, that the side of the Hungarian war which Kossuth espoused, was to *maintain the domination of the Magyar race over the other races* in Hungary. Kossuth has never denied this.

"It was not a republican movement, or the rising of the lower classes in the State against the higher, with a view of securing a more equal distribution of political rights and social advantages. Republicanism was never pretended by the Magyars, and is not even mentioned in their Declaration of Independence. It was an attempt on the part of the Magyar untitled nobility, six hundred thousand in number, to preserve the ancient feudal constitution of the State, which guarantied their aristocratic privileges and the dominion of their race, against the liberal constiution granted by the Emperor of Austria, which destroyed all distinctions of rank and race, and established the modern ideas of equal representation, equal suffrage, the freedom of the press, and the liberty of individuals, on the ruins of feudalism."—*War of the Races.*

Yet Kossuth came here, a REPUBLICAN!—a better Republican than any of us, who were born Republicans! Expounding for us the policies of our fathers, and giving us *new readings* of the *doctrines* of Washington! Well, I rejoice at his conversion! I congratulate him, and the friends of lib-

erty throughout the world, that American atmosphere has had such a magical effect upon him.

But I must hasten on. Let us hear Kossuth upon Washington! In his Manchester speech he compliments the Father of this Country for promulgating what he is pleased to term, in his unique phraseology, "the letter-marque of despotism." Washington's policy of non-intervention is, in the idea of Kossuth, "the letter-marque of despotism!" Hear what he says:

"That is the principle—the sovereign right of every nation to dispose of itself. But this is not the non-intervention which would be defined by these words: 'I do not care whatever be the fate of humanity, whatever the disposal of the world may do with Europe or with its liberty, because my principle is non-intervention.' That, I say, is not non-intervention; it is the letter-of-marque to despotism it; would be an assurance to society to carry with certainty the victory to despotism."

In the last speech which Kossuth made in New York—to which speech I take no exception whatever—I have no doubt that he had seen or heard of my resolutions before he delivered it, because it is free from the incendiarism which marked his former speeches—but in that speech, he says that General Washington never recommended national non-intervention, but only *neutrality;* and he resorts to a species of fallacious logic by which he endeavors to draw a distinction between "neutrality" and national "non-intervention."

Now, Kossuth is unfortunate in this remark. Every one must know that this idea was poked at him, during his reflections, by some busy-body who wanted to supply him with historical facts. I quote a part of what Washington has said:

"Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that *foreign influence is one of the most baneful foes of republican government.*

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, *to have with them as little political connection as possible.* So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent *controversies, the causes of which* are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to *implicate ourselves by artificial ties in the ordinary vicissitudes of her politics,* or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why by *interweaving our destiny with that of any part* of Europe, entangle our peace and prosperity in the toils of *European ambition, rivalship, interest, humor, caprice?*

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

This sage Hungarian, because the word *non-intervention* is not used, jumps at the conclusion that Washington only recommended neutrality! *Non-intervention* is the predominant idea pervading all that Washington has said on this subject.

Everybody knows, Mr. Speaker, what has been our policy. It makes no odds whether Washington recommended it in so many words. And what has been the result of that policy? Why, from the small beginning of three millions of inhabitants, we have now got twenty-three millions; from a small number of States, we are now over thirty; from a ragged population, we present the best dressed population in the world; and from poverty we have risen to the greatest wealth and prosperity. Why and how did we get all these? By an adherence to the great principle of *staying at home and minding our own business.* It is a principle upon which a private man thrives. It is a principle upon which private families prosper. It is a principle upon which a neighborhood has peace and prosperity and enjoyment. It is that great principle which has raised us up to be the greatest government on earth. But Kossuth says that we may depart from that policy now—that it was wise when we were young, but that now we have grown up to be a giant and may abandon it. Here is another bit of philosophy for you. We can all resist adversity. We know its uses—

> "Sweet are the uses of Adversity,
> Which, like a toad, ugly and venomous,
> Wears yet a precious jewel in its head."

It is the crucible of fortune. It is the iron key that unlocks the golden gates of prosperity. I say, God bless ADVERSITY; she pricks me, and I bleed, and am well. But the rock upon which men and nations split is PROSPERITY. This man says that we have grown to be a giant, and that we may depart from the wisdom of our youth. But I say that now is the time to take care. We are great enough; let us be satisfied; prevent the growth of our ambition; prevent our pride from swelling, and hold on to what we have got. Do you remember the story of the old governor, who had been raised from rags? His King discovered in him merit and integrity, and appointed him a satrap—a ruler over many provinces. He came to be great, and it was his custom to be escorted throughout the country once during the year, in order to look into the condition of his subjects. He was received and acknowledged everywhere as a great man and a great governor. But he carried about with him a mysterious chest, and every now and then he would look into it; but let nobody else see what it contained. There was a great deal of curiosity excited by this chest, and finally he was prevailed upon by some of his friends to let them look into it. Well, he permitted it, and what did they see? They saw an old ragged and torn suit of clothes, the clothes that he used to wear in his humility and in his poverty; and he said that he carried them about with him in order that when his heart began to swell, and his ambition to rise, and his pride to dilate, he could look on the rags;—they reminded him of what he had been, and thereby he was enabled to resist the temptations of prosperity. Let us see whether this can illustrate anything in our history. Raise the veil, if there is one, which conceals the poverty of this Union when there were but thirteen States. Raise the veil that conceals the rags of our soldiers of the Revolution. Lift the lid of the chest which contains the poverty of our beginning, in order that you may be reminded, like this old satrap, of the days of your poverty, and be enabled to resist the advice of this Tempter, who tells you that you were wise in your youth, but that now you are a giant and may depart from that wisdom!! Remember, Mr. Speaker, I beseech you, remember, now, the uses of adversity! Let us take advantage of it and be benefited by it; *for great is the man, and greater is the nation, that can resist the enchanting smiles of prosperity.*

In referring to our humble beginning, and our great and astonishing growth, I am induced to pause a moment, and ask why is it that we should so lightly and carelessly treat propositions of this sort, which involve, as it is admitted this proposition does involve, the very principle by which we have grown to our present condition? What was the cost of this great and glorious Confederacy? We cannot find it by going back and searching the old Quartermaster's reports. We cannot find in it dollars and cents—we know not how to estimate it by this method. The true place to find the cost is on the battle-fields of the Revolution—in the rags, the deprivations, the bleeding feet of your soldiers—the history of those brave men, who fell in their youth. In this contemplation we cannot arrive at an estimate of the cost of these States. But I ask, if it is wise in this legislative assembly so lightly and carelessly to pass by the wisdom of our fathers?

In reference to this question of non-intervention, M. Kossuth rather exultingly asks, in answer to some objections, if France did not give us *active* and *material* aid in the days of the Revolution? Certainly; but that was her business, and not ours. It is very simple in M. Kossuth to ask such a question. He should read history; the little tags he picks up from editors and reporters and obliging friends will not suffice. Do the advocates of this resolution—the advocates of the abandonment of our non-intervention depend upon this question as an argument for them? Is it not known in history that France had possessions contiguous to the colonies, and that it was her business to protect them? It was her policy to come here and afford us aid against England, as well for her own sake as for ours. This is an answer to any little exultation any man may have, in referring to the French question. I say *it was her policy to desire to defeat England,* as well as her inclination, to aid a suffering and oppressed people as we were at that time, which brought her to our shores.

Kossuth is evidently running wild; too much *petting* has made him mad! Was it wise—was it generous in this man—was it returning our hospitality in a proper manner, to come here and so immediately, so directly, so unblushingly, so unhesitatingly to commence a direct interference in our public and private concerns? What does he say? Not content with receiving the homage of the people in their popular assemblies, he assails Congress, and advises us to recall our Minister from Vienna! What a height of impudence is that! He intimates that we can spare Mr. Hulsemann, and wishes him a *pleasant voyage!* Here is his language:

"*Now, as to your minister at Vienna, how you can combine the letting him stay there with your opinion of the cause of Hungary I really don't know;* but so much I know, that the present absolutistical atmosphere of Europe is not very propitious to American principles. I know a man who could tell some curious facts about this matter. But as to Mr. Hulsemann, really I don't believe that he would be so ready to leave Washington. He has extremely well digested the caustic pills which Mr. Webster has administered to him so gloriously."

Now, notice the magical skill of this arch elocutionist. See with what ingenuity he mixes the flattery with the censure. Why, he is almost as polished and ingenious as St. Paul, who, when he pleaded before Agrippa, smoothed his way to the King's heart by a magical touch, thus: "I think myself *happy,* King Agrippa, because I shall answer for myself, this day, *before thee, especially because I know thee to be expert in all the questions and customs* which are among the Jews." Here, in connection with these slurs upon our Austrian mission, and upon the respectable representative of that Government here, he soft-sawders Mr. Webster, endeavoring, I suppose, to obtain, and no doubt obtaining, by that soft-sawdering, the influence of some of Mr. Webster's friends. But he mistakes the American heart. Our triumphs bring pleasure and delight to us. Our friends rejoice when the victory is over. But it is not ours to *turn the knife in the wound;* we are not cold enough for that. Mr. Webster's triumph in the little matter of diplomacy was very complete over Mr. Hulsemann—very gratifying, very satisfactory. Did Mr. Webster enjoy the pain which it gave his respectable adversary? No. He rejoiced not in the pain he inflicted; but in the intellectual pleasure of looking upon his own bantling—a *great little letter!* Now, I tell Kossuth that Mr. Webster feels great disgust for this heartless effort to revive an old quarrel, and to insult Mr. Hulsemann by referring to him in words of contempt coupled with a flattering allusion to the Secretary of State.*

* I am not sure but I have mistaken Mr. Webster; perhaps he "lays the flattering unction to his soul."

It is certainly amusing to see the race between the *Government* and Tammany Hall. Tammany declares that "the Democratic party of the United States is devoted, heart and soul, to the cause of the people everywhere; it is in favor of exercising in behalf of that cause the moral and political power of this republic, systematically and promptly. If that party had been in power in 1848, our whole influence would then have been effectively exerted to maintain the *republics* of Hungary and Rome; but now and hereafter, such will be the rapid progress of correct opinion on the question of non-intervention, that any Administration will find it dangerous to resist the almost unanimous demand of our people, that in any future contest between Hungary and Austria, "fair play" shall be shown to the advocates of free institutions.

"It is necessary that the friends of Hungary should now consider the best means of affording practical aid. The people can act now—*arms and money can be given at once; we need not wait for Government.* It may be difficult for the Government to move until the contest has begun, and a case shall be presented requiring and justifying its interference. But in the mean time a public opinion may be matured which the Government need only follow and obey to place the *United States foremost on the plains of Europe,* among the ADVANCED GUARD of the republican movement."

This will do very well for Slamm, Bang & Co.; but will any Democratic candidate for President indorse the doctrine here announced?

In order to offset this Democratic appropriation of Kossuth, Mr. Webster, (always eager to push the welcome resolutions through Congress—putting Mr. Foote forward early in the session, for the purpose,) as soon as the resolution is in a condition to be sent, dispatches his Chief Clerk to Kossuth, with the resolution, and a private confidential letter. And Kossuth, on his part, is determined to hang on to the skirts of the Secretary of State. In his Bar speech, he makes Mr. Webster the father of his new doctrine of non-intervention:

"I answer by the very words of one of the most distinguished members of your profession, gentlemen, the present honorable Secretary of State. 'The United States, as a nation, have precisely the same INTEREST in international law as a private individual has in the laws of his country.'

"He was a member of the Bar who advanced that principle of eternal justice against the mere fact of policy. Now he is in the position to carry out that principle which

I refer to this for the purpose of asking if it became an exile who had been brought to this country by the mediation of the Government, sanctioned by the people, so soon and so unblushingly to begin his interference in our public as well as our private affairs?

I now come, Mr. Speaker, to consider the *religious* face of Kossuth's mission.

The religious transformations growing out of the Hungarian war, are not the least singular of its incidents. Görgey turned Russian, Bem turned Mohammedan, and Kossuth is presented by his friends in this country, as a second *Peter the Hermit!*—what he was before we know not. But I know the ancient religion of his race, and here it is:

"The Magyars brought a new religion to this interesting land. Like most of the off-shoots of that vast people, which have dwelt so long on the Pacific shores of Asia, they were monotheists, paying no religious veneration to any being but their one almighty, omniscient and eternal God. Their altars were erected on the loftiest hills, or in the shade of remote forests, or within the precincts of neighboring groves. *White horses were their choicest sacrifices.* The name of their Great Spirit was Isten, a word of kindred origin, probably, with the Persian Izdan, or Izana, from whose beneficence they imagined all human blessings to be derived. They rendered a sort of grateful respect, not amounting to the lowest style of worship, however, to the earth, to the air, to water, and to fire, as the chief ministers of the Supreme Being, but especially to the sun as the principal messenger of his blessings."—*Teffi's Book.*

This is the ancient religion of his race. You see *white horses* figured in that religion. *Old Whitey* would have stood a slim chance amongst the ancient Magyars!

When in the year one thousand, St. Stephen, the first King of Hungary, and the first princely convert to the Christian religion, undertook to bring his people into the new faith, "he found it no easy task:"

"They quoted, as a proof of the political value of their religion, the energy, the good fortune, the unbroken prosperity of their fathers. They considered the proposed change as an apostacy, committed in cold blood, from the faith of the Magyar nation, involving a total renunciation of their sainted dead. The whole population clung with filial fondness to the venerable worship handed down to them from the remotest ages. They openly resisted the authority, as they had argued against the example, of their respected sovereign When pushed to extremities they seized their trusty weapons, fled to the rude groves of their ancestors, and resolved to die in defence of the old religion, mingling their heroic blood with the ashes of the departed."—*Teffi's Book, page* 64.

But the monarch was finally successful; by military and other powers "he was triumphant, and the banner of the Cross was at once seen streaming upon the Hungarian breeze." And the same author tells us—"*They had been coerced, not convinced.*"

You will see from this, sir, that if the Hungarians were ever Christians, the faith was *drubbed into them*, against their will; and with all due deference to their claims now to be Christians, I am satisfied, that *white horses* still play a conspicuous figure in this faith! But the richness of the thing is, that the descendant of this ancient people, a veritable Magyar, comes here to *teach Americans religion!* if not on a *white* horse, at least on a *high* horse! a horse so high, sir, that all the equerries of New York have not been able to get hold of his stirrups so as to let Peter *get down!*

But, to be serious, Mr. Speaker. In the same book from which I have quoted, I learn that one of Kossuth's objects is to beat *down the Catholic religion.* "The Hungarians were not only to give political freedom to those countries, but they were destined to become the champions of the *Protestant religion*, and to bring about the *downfall* of *Papal Rome.*" (*Page* 1, *Teffi's Book.*) "I saw, as all men saw, that republican principles and the *Protestant religion*, in the whole south of Europe, would rise or fall with these brave defenders of the Truth." (*Ib.* 2.)

I refer to these extracts, Mr. Speaker, in order to inquire, if freedom of religious opinion is not one of the corner stones of our institutions? I ask if it is proper in the Congress of the United States, by its assembled wisdom, in solemn form, to say to this man, "Come here—stir us up, in order that we may superintend secret expeditions against Austria; come here and feast, and harangue our mobs. Come! *teach us politics*, and interfere in questions of religion also?" Shall we say this? Sir, our notion of religious liberty is derived from the Pilgrim Fathers—was founded upon the Rock of Plymouth—and is diffused through all our institutions, so that the humblest log-cabin in the Far West, if dedicated to Christian worship, is as sacred in the eyes of the law as the lordliest cathedral in the Eastern world. And yet, you invite this man to come here to carry on his crusade on the subjects of religion. Crusade! A word that reminds us of the days of chivalry; and if we would yield a moment to the false appearances of this day, we might say that Burke was wrong when he exclaimed "The days of chivalry are gone." The apostles of this man have proclaimed him to this country as another *Peter the Hermit.* He says of himself, in his Birmingham speech, "*I come, as a cry of alarm, to unite the nations of the earth.*"* Now, I am willing to acknowledge, that Kossuth must be a man of eloquence. I am perfectly satisfied of that fact. I have read his speeches with great admiration, mixed up with a little indignation, and that opinion I have expressed. But allow me to say that these speeches are mere rhapsodies, and not arguments. I am not a man to turn my eyes from the face of genius. Wherever it exists, whatever may be its sentiments, I love to look upon it, because I know that in the face of genius there is the image of God. I am willing to say, that Kossuth possesses all the charms to make him a most accomplished and engaging man, and I should consider it my misfortune if he should pass Washington without my seeing him. I do not think, however, that even with such a personation, the idea of a mission like that of Peter the Hermit will be tolerated in this country. What was the object of Peter's mission? It was to raise an innumerable army to fight in the cause of religion. He was said to be a man of exceeding eloquence, as no doubt he must have been, to have produced such a wonderful effect. But have we any use for him now? Are we anxious to be instructed by some Eastern monk? Why, sir, we have enough orators at home—men born in the West—cradled in the wilderness, where everything around them is grand; and where men grow with grandeur surrounding them, they cannot help being orators. If we want any Peter, we do not want him from the East. We want *Peter the Hunter*, from the West.

"Westward the star of empire takes its way."

I will make another observation, and that is in reference to the idea of establishing republican governments in Europe. New governments are continually rising and falling in the East. Have they not been trying to establish republican governments there for the last thousand years? Have they ever succeeded? And why not? Because of their antiquities, and their monuments breathing, smacking, and smelling of nobility and royalty; and because half of the people are *pretendates.* Where hat state of society exists, one man will always want to be superior to another, and the idea of human agrarianism is a mere absurdity. Look at the present condition of France. What a mockery upon republican institutions! Having driven out her King—having achieved the first step—having done all that was necessary, she could not take a common name for her President. She had to take a princely name—a name connected with royal and princely blood. What a mockery! What chance would such a republican name as Jones, Davis, Johnson, Thompson, or *Smith* have [laughter] of being President of republican France? I tell you, Mr. Speaker, that Republics exist where God has so ordained, and nowhere else; and all your sympathy for eastern Republics is thrown upon the water, without the virtue of the *bread.* Republics exist where men are born free—where there are no monuments of royalty—where there are no antiquities, no heraldries to remind one of the superior origin of his blood. No Republics can exist for a long period of time in their true character, where the monuments of the country are indelibly connected with nobility and royalty; but they shall exist in the Western hemisphere, where God's *anointed king has never placed his foot.* There is no regal atmosphere here. There are no histories, no heraldries, no songs to inspire us with the idea that one man shall be superior to another. As long as that state of things exists, we will be free. But in the course of time—I trust it will be thousands of years hence—by some accident of nature, we may be blotted out, and this which is now the Western abiding place of liberty, may be the Eastern home of kings; and the Eastern land, by some freak of nature, may be covered up, and these monuments of regality and nobility may be buried, and the places hallowed by the footsteps of kings may be thousands of feet under the earth. Then, and not till then, will there be a genuine republican government on the Eastern continent. Now, I say that all your sympathy is thrown away, and all your fighting for a man struggling to be a head of a republic in the East, is but to elevate a prince into places of power, in order that he may oppress his serfs, and be the petty tyrant of the day. The present Republic of France is but the nursery of new Robespierres and Dantons, whose days of blood are not far off!*

For myself, and for the American people, I can safely say, that we cannot look with indifference

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he has advanced. I confidently trust he will be as good as his word."

Is it possible that Daniel Webster can mistake the clamor raised by the *Tribune* and *Herald*, and their kindred tribe of sedition presses, with the dinner and banquet developments in favor of Kossuth, for the demonstration of the real opinion of the masses of the people of this country? When the "*Journal of Commerce*," the "*New York Express*," the "*Commercial Advertiser*," the "*New York Mirror*," and the "*Courier and Enquirer*," the leading respectable journals of the city of New York, are open against the monstrous propositions of Kossuth, we may safely conclude, that even in New York Kossuth is in a minority—a minority whose turbulence may possibly give it the appearance of a majority.

But Governor Marcy is throwing General Cass and Mr. Douglas in the shade. He presided at a Kossuth meeting in Albany; and on taking the chair, "made an eloquent and appropriate speech, indorsing the principle of non-intervention (as avowed by Kossuth) and sympathy for Hungary; and urging the active coöperation of the people in making that principle and sympathy felt and acknowledged."

But we notice in the UNION of the 23d, a *little backsliding* remark: "Upon this occasion (the Bar dinner) Kossuth appears to have *stated the whole scope of his mission* to the United States in terms more unguarded and UNWARRANTABLE than we have before known him to use."

This will give Governor Marcy a chance to get out; for, at the time he indorsed Kossuth, he did not seem to be aware of the WAR DOCTRINE which Kossuth has openly avowed.

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*The attention of the southern members of Congress is invited to the following resolution, passed at a recent meeting of the members and friends of the Pennsylvania Anti-Slavery Society:

"*Resolved*, That the Convention recommend to the Executive Committee of the Pennsylvania Anti-Slavery Society to prepare an address for presentation to Louis Kossuth, expressive of sympathy with him in his heroic devotion to the cause of human freedom; and of earnest hope that his herculean labors in this behalf, will conduce to the *overthrow* of oppression not in Hungary alone, *but in the United States*, and throughout the world."

It is unquestionably true that the mass of the Kossuth meetings, everywhere, is composed of rampant FANATICS—*religious* and *political.*

*This sentiment in reference to FRANCE, was uttered on the 15th December, and by the last advices from that fated country, received on the 20th, five days after this speech was delivered, we have this mournful intelligence:

FRANCE.—The news from Paris is of the most important and exciting character, and is regarded as the commencement of a new state of governmental affairs for France.

A *coup d'état* was made by President Napoleon on the 2d instant of the most bold and important character. He seized the reins of government and dissolved the Assembly, declaring Paris in a state of siege, appealing directly to the people to sustain him in his movement to arrest the monarchical tendencies of the Assembly.

The President's arrangements had been made with consummate skill and secrecy during the night of the 1st instant. The whole thing was done before the public had the least intimation of the event.

A new ministry was formed, and a proclamation issued restoring universal suffrage, and proposing a new system of government, with the instant election by the people and army of a President to hold office for ten years, supported by a Council of State and two Houses of Legislature.

At daylight, on Tuesday morning, the President's proclamation was found posted throughout the city, in which he ordered the immediate dispersion of the Assembly, with his plan for a new form of government. The election for a President is to take place during the present month, and the President promises to bow to the will of the people.

Everything was consummated before the Assembly had the least idea of the intention of the President, an entire new ministry having been formed during the night.

Pending the election, the President proposes that the executive powers remain in his hands. He says that he had been forced into his present position by the course of his opponents in the Assembly; and it is certain that Thiers, Changarnier, and others of his opponents, had decided to demand his arrest and impeachment on the 2d instant, and were almost in the act of moving in the matter, when they and their principal friends were arrested and conveyed to Vincennes.

Whenever the members of the Assembly have attempted to meet officially they have been ordered to disperse, and were arrested if they refused. Two hundred members of

on the struggles which arise between freedom and oppression in any quarter of the earth. Our sympathies are warmed, our enthusiasm is kindled when we hear of the triumph of liberty over tyranny. We rejoice in revolutions tending to overthrow monarchies, without pausing to inquire into the causes, or to look to the end; hoping and believing that the fall of a tyrant or a king contributes its mite to the establishment of freedom. And in the expressions of these sentiments and feelings we are clamorous and loud and forward, so that the nations of the earth are surprised, that when the "*tug of war*" comes we are seen, afar off, standing upon our own high promontories of liberty, merely looking on and shouting. To those expressions of surprise I answer: PATRIOTISM is always *cold*, COLD, except to its own country! It is warmed only by the blazing fires of its home affections, and kindled at the altar of ALLEGIANCE to the CONSTITUTION! God save the Constitution for the wisdom which created it, and for the policies which have sustained, perfected, and preserved it!

CORPORAL PUNISHMENT IN THE NAVY.

SPEECH OF MR. MALLORY,

OF FLORIDA,

IN THE SENATE, *January 14 and 15*, 1852.

The Senate having resumed the consideration of the Petition of certain citizens of Philadelphia in favor of the restoration of corporal punishment in the Navy—

Mr. MALLORY said: Mr. President, I am perfectly aware of the bearing and importance of the question under consideration. I am aware, too, sir, of the difficulty of presenting it to the Senate with that clearness and distinctness which its importance demands. I would have been glad, on a former day, to have had an opportunity of expressing the views which I am now about to express. The time which has elapsed since this question was first brought up has given to these views the appearance of deliberation, and may have created expectations which I cannot meet; and it seems, too, somewhat like sharpening one's arrows for a conflict. The difficulty in my case of expressing the views to which I have made reference, has been greatly augmented by the eloquent address delivered here a few days since by the honorable Senator from New Jersey, [Mr. STOCKTON.] The position of that Senator before the country, his well-known, clear, and liberal views of our social and foreign relations, give to any opinions which he may choose here to advance, a controlling and decided influence. But, sir, identified as he has been with our gallant Navy; associated as he has been with our seamen on shore and afloat; participating as he has done in all their sufferings, their hardships, their rewards, and their glories; native to the Navy, as I may say, and

"To the manner born,"

any opinions which he may express on the subject are entitled to peculiar consideration.

I hardly think that any man could have listened to the eloquent address which that Senator delivered here without regretting that the naval service has lost one of its most eloquent defenders—a regret, however, qualified by the consideration that what has been the Navy's loss has been the Senate's gain. Now, I say this with all sincerity; because I am not insensible to the hardihood of differing in opinion with that gentleman on a subject so peculiarly his own; nor am I insensible to the view which is taken of this subject in certain quarters of the country.

But, sir, with whatever eloquence and confidence these opinions may have been advanced and maintained, they are still but mere opinions; and, before we surrender our judgment to their guidance, before we give up our convictions to their direction, before we surrender the experience of a thousand years on this subject, these opinions must be sustained by something like past experience, something like cool, dispassionate argument, something like present existing facts. I differ, then, with the honorable Senator from New Jersey, because I believe that the views which he entertains are wrong; and I advance my views because I believe them to be right. And, sir, I am relieved somewhat from the embarrassment which I would otherwise feel in differing with that Senator, from the conviction that he himself has passed through every honorable grade of the naval service; that he has filled with honor and distinction every post which the country has assigned to him; that he has been *of* the Navy—*created* of the Navy—has grown with its growth and strengthened with its strength—is identified with all its glory, and has occupied all positions, various as they have been; and that he has filled every station thus assigned to him under a discipline superinduced by the very punishment against which his voice is now raised. Then, sir, if, through the course of a long life of honorable service, when he was in a position and had around him all the means and appliances of putting into practice the theory which he advocates—I say, if under these circumstances the Senator clung to a policy against which his voice is now raised, surely myself and other gentlemen who differ with him in these matters may be excused, even if we should be content longer to grope in the dark.

I should like to ask, as a plain common-sense view of this question, what is to be thought of that man who, during six days of the week, pursues a certain line of action, and then on the seventh day is found preaching against it? The answer of common sense is to doubt the authority of the doctrine when his own practice furnishes sufficient evidence against it. Now I would not hazard opinions upon the subject if I did not think that I could advance facts which will support them; because with whatever confidence the honorable Senator from New Jersey may have advanced his opinions, still when we do not find them sustained by facts, they fail to convince our judgments. For twenty years I have been more or less familiar with shipping and seamen, and the views which I advance here have been derived from observation and conversation with seamen of every grade both in and out of the service. They are not hasty views; they have not been hastily adopted; they certainly will not be hastily abandoned.

The honorable Senator from New Jersey has presented his phase of the question in the strongest possible light. I believe he has left but little for future companions in arms to say on that subject. He has done, in fact, what we might have expected from his known ability and his known experience. But I say, with all due deference to the gentleman's judgment, that he has not advanced a single opinion which can be borne out by the experience of a thousand years, or the history of our Navy itself. He has not advanced a single suggestion which cannot be met and refuted at the threshold. I concur with what he said in the outset of his remarks, that this is a subject of the greatest importance. None superior to it that I know of can come before the Senate. It is not the question whether a seaman shall be punished in one particular form, or another particular form; no, sir, the vital question here is whether we shall have a Navy at all. It strikes at the very existence of the Navy; and the cardinal point of difference between the honorable Senator and myself is, that he supposes that the existence of the Navy and the preservation of its time-honored fame, depend on the abolishment of this usage. I hold directly the contrary, and I shall presently appeal to the present condition of the Navy to sustain the view which I take.

The honorable Senator gave us a rapid, glowing, and beautiful sketch of the American seaman. I listened to it with infinite pleasure. It is a sketch which will find its way, doubtless, into the pages of every naval manual and magazine throughout the land, wherever rhetorical excellence is preserved. He depicted the infancy, the youth, and the maturity of the Navy; and recalling the reminiscences of Tripoli, the Lakes, and the Constitution, he carried our attention along the great tidal waves of our road to naval preëminence, until it finally rested on the waters of the San Gabriel. He depicted the American seaman—the noble, gallant-hearted tar—as wasting away beneath the suns of Africa, and as freezing in the polar regions; as enduring all hardships; as suffering all wrongs; as dallying with danger as with a mistress; as manly, bold, and fearless to man; as humble, dutiful, and respectful to woman. In short, sir, the seaman appears here as a sort of nautical Bayard, without fear and without reproach. All this is beautiful; and it is as true as it is beautiful. I have not one word to say against it. I am not here to take one single leaf from the laurel with which the Senator from New Jersey would crown the American sailor. I would have it bloom and flourish forever. But I would say that all this is true, and yet it is foreign to the subject. I admit that he is true to his flag, and true to his friend—that ever since history recorded her first page, every great moral stride in man's progress has been connected with ships and shipping. I admit that from the earliest dawn of our national independence to the present hour, the Navy has been foremost in every effort to achieve and sustain it. I admit what the Senator said about the conquest of California,—without going into detail, I admit that the Navy *did* conquer California—that the Navy did add this golden empire to our country.

But, sir, having admitted all this; having admitted this gallantry, this generosity, this frankness of character, this nobility of soul, these glorious deeds, these great successes,—I say that they have been attained by the Navy under a discipline, if not superinduced by this very usage, a discipline at least consistent with this usage which has existed for a thousand years. When I am reminded of the naval glory of our country—and not a word has been said on that subject with which I do not cordially agree—I will take a plain common-sense view of the subject. I will ask with what propriety we can draw the deduction which was drawn by the Senator from New Jersey. Our Navy has attained the highest grade of preëminence. It has attained it with the existence of this usage of a thousand years. And we are now told that the continuance of this usage a moment longer, is to work these lamentable results—the destruction and ruin of the entire naval organization. All the naval glories of the world have been consistent, if not superinduced, by this usage; and yet we are told that its continuance from this moment will destroy the Navy. Before we can place any confidence in this opinion—for after all it is but an opinion—we should be shown why it is so; we should be shown the collaterals, the *addenda*, of this matter; we should be shown why the Navy will be broken down if this usage is continued.

Before the abolition of this punishment our Navy occupied the very first rank in efficiency and organization among the navies of the world. That rank it no longer holds. What is the reason of this? What is the reason of this disorganization, which I shall presently show to exist? I am prepared to show that the commencement of this disorganization was the abolition of this usage.

It has been urged by the honorable Senator from New Jersey that the *materiel* of the Navy at the present time is infinitely worse than it has ever been. I do not differ from that opinion. I believe that the reports of the officers of the different rendezvous corroborate this opinion. I have no doubt of it; and I will endeavor to show why it is so. To take a common-sense view of this subject, I would ask, that if our Navy is at this moment in fact furnished with *materiel* more debased and worse in every respect than the *materiel* of which it has heretofore been composed, is this the time to abolish one of the arms of its discipline? I would ask if this is the time to discontinue a usage consistent with so much naval glory, when we had gallant men in the service when now we have worse *materiel*?

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the Assembly had been arrested, and many subsequently released; but all the leaders of the Opposition were in prison.

Three hundred of the members of the Assembly, it is said, had given in their adhesion to the President, and telegraphic dispatches from the departments state that the President's demonstration had been hailed with the utmost enthusiasm. Subsequently these reports were contradicted, and several barricades erected in different quarters of Paris, but were speedily broken down by the troops.

At one of these barricades two members of the Assembly, occupying prominent places, were killed in the conflict.

On Tuesday a section of the Assembly contrived to meet, and decreed the deposition of the President and his impeachment for high treason. The meeting was dispersed by the troops, and the decree ridiculed on all sides. Troops had been stationed in the houses of M. Dupin and other ex-officers of the Assembly, who had been exempted from arrest.

The full rigor of martial law had been proclaimed against all concerned in the barricades, and a large number had been shot.

I have said that this usage is consistent with the experience of ages. This must be admitted by all men conversant at all with naval affairs. When the Dutch fleets swept the British Channel with a broom vauntingly placed at the mast-head of their admiral; when the Spaniards covered the seas with their countless Armada; when the British won the great battles of the Nile and Trafalgar, and gained her thousand victories, which made her in times gone by the mistress of the seas,—every navy of the world was regulated and controlled by this identical usage and by no other. It must be admitted that every American commander and captain who has written his name on his country's page, whether in the merchant marine or in the Navy, has controlled his ship at all times by this identical discipline. Yet we are told that if it be continued, the Navy is to be disorganized.

Why, look at our merchant marine under the operation of this system of discipline. The merchant marine is the nursery of the Navy. Every lawyer knows that to have good judges, you must keep the bar pure and intact; and every naval officer knows where to look for his seamen. He knows that the merchant marine is the nursery of the Navy. I state positively, and without fear of contradiction, that this discipline has existed in the merchant marine ever since we had a keel on the ocean. The merchant marine has increased with a rapidity heretofore unknown to the world. We are now the second maritime power of the earth; and appealing to statistics of which we are now possessed, we are justified in saying, that in the year 1862, we shall have more tonnage afloat than any other nation on earth. And at every stage of the progress of the merchant marine this discipline has been pursued.

You cannot talk of imprisoning a seaman in the merchant marine, or talk of putting a man in irons, or of stopping his grog, or any other of the sickly sentimentalities which are mentioned in the petitions that are sent here. Every merchantman knows better than that. They can barely employ enough to navigate their ships, and they demand the efficiency of every man on board. The discipline must be prompt—it must be energetic. Any other discipline is unknown to the merchant service; and show me the time when, during the existence of the merchant service, the orders of superior officers have been disobeyed; when discipline has been relaxed; when the captain of a merchantman hesitated a single moment as to his power to maintain discipline on board of his ship. Show me the time when there ever existed such disorganization as now prevails in the merchant and naval services. I say it never has existed, it never did exist, until under the guidance of a false philanthropy—I will not call it by a worse name, because I believe it was conceived in a spirit of philanthropy—an act was passed abolishing this usage, both in the merchant marine and in the Navy of our country. If I have not misapprehended the honorable Senator from New Jersey, he takes the ground that the existence of this usage in the Navy is inconsistent with those feelings of respect and regard which should exist between officers and men—is inconsistent in fact with all the duties which a seaman owes to his flag and to his country. If I do not mistake him, he also presupposes that an officer who cannot command his ship without this discipline is not fit to command one at all.

Upon this subject I ask for facts. I ask for something more than mere opinions. I ask the Senator to point me to the time when during the existence of this punishment, there was anything like the condition which now exists in the Navy or merchant marine of the country. I ask to be pointed to the time when a naval officer hesitated to enforce discipline on board his ship. I ask to be pointed to the time when a naval officer hesitated to take charge of a ship because he doubted his ability to meet the emergency to which his country called him. I ask for proofs—not opinions. Our naval history is open, and it is a page which may soon be read. I ask the gentleman to place his hands on the figures. I ask for any figures on the subject, but figures of speech. I deny that this usage ever produced any such results, and I deny that under this usage there ever existed a want of reciprocal regard and affectionate kindness between the American officer and his seamen, either in the Navy or the merchant marine. I assert that the usage had decidedly a contrary effect; and I assert here, from acknowledged facts, hat the abolition of this usage has produced the most disastrous results. I assert, that when the act of the 28th of September, 1850, was passed, our Navy occupied the very first rank among the navies of the world, and that the moment that act reached our ships, from the very first hour it was promulged on their decks, disorganization commenced at once. The seamen commenced at once to exhibit a spirit inconsistent with proper discipline, and that spirit has been gradually progressing up to the verge of disorganization. I assert that up to that very hour, so long as this discipline was maintained, our Navy was equal to any emergency. But I say now, after a carefu examnation of the subject, if my judgment has not erred, that unless some check shall be put to this downward progress—unless some remedy shall be supplied to the officers of the Navy to enable them to control their crews, in the very first contest in which we shall ever be engaged, you will find that the proud exclamation of your own naval hero, "Don't give up the ship," will fail to awaken an echo in the hearts of American seamen, and that that proud banner to which every seaman appeals in all parts of the earth, and which carries its protecting folds wherever the seas are whitened by our commerce, will be disgraced; will be hauled down in an equal combat with any maritime foe. I express this opinion deliberately, and I expect to produce facts to sustain it.

I think that my honorable friend from New Jersey [Mr. STOCKTON] has inadvertently erred in tracing the origin of this usage in the British Navy to the statute of Charles II. Having asserted here, and shown by facts, that it is consistent with the highest organization of the Navy heretofore; that it is the usage of a thousand years, or, in other words, that it has existed since navies have existed, I might perhaps lay aside all inquiry into its origin, because antiquity does not sanctify an abuse. But as some persons are disposed to attach particular importance to ancient usages, and hesitate about abolishing them, it may be necessary to say a few words on that point. This usage dates before any statute of Charles II. If that statute did anything at all, it regulated, it did not originate it. I appeal to the oldest records of naval or maritime history for the facts. I point gentlemen to the very oldest records of the laws and usages of the navy, collected hundreds and hundreds of years after these usages were in force. It will be recollected that the earth was occupied before the sea was navigated, and that this custom was derived from the land. It was not a custom peculiar to the sea.

A careful historical research will convince the honorable Senator from New Jersey that this punishment has existed ever since we had a navy; ever since Britain had a navy; ever since a ship was first seen on the waters of the Mediterranean, as far back as we can carry any historical record; and as far back as the earliest historians could carry tradition. I will allude now to the laws of the Hanseatic League, or what are commonly called by admiralty lawyers, the laws of the Hanse Towns. I have not refreshed my recollection by a reference to those laws; but it strikes me that they were collected and codified early in the thirteenth century. They were simply a collection of the usages of the whole maritime world, including the usages of the sea. The 43d rule of the Hanseatic League prescribes that a seaman quitting his ship should be branded on the face with the first letter of the town to which he belonged. Following those laws we come to the ordinances of Louis XIV. I would remind gentlemen that these ordinances imbody all of the admiralty law which we administer in this country. They are the modern foundation of our admiralty code, and they are merely a codification of ancient usages and customs of the sea. Valin's Commentary on these ordinances proves that this very punishment, by ancient maritime usage, may be inflicted in port or at sea.

Under our laws, from the landing of the Pilgrims upon this continent to the present hour, this usage has existed. Nay, sir, thousands upon thousands of pages have been exhausted in proving to the world that it ought to exist; and the wisest jurists, and seamen in all grades of the service, have defended it. Eminent lawyers and courts have approved, supported, and legalized it. In the early history of navigation, when naval warfare was carried on in row galleys, and when commerce crept along the shores, there were no such class as professional seamen. Those who manned the ships were landsmen, and their homes were ashore; their occupation upon the sea was an exception to the general vocation. But at that day so necessary was it that the slightest departures from the paths of nautical rectitude should be restrained, that petty delinquencies were visited by the most barbarous punishments, punishments infinitely more cruel than those prescribed for similar offences on shore. But when commerce left the shore and stretched out into the open sea, where mariners could no longer be imprisoned, fined, or subjected to hard labor for slight offences, the master of the ship was invested with the discretionary power of flogging; and it has ever been considered to this hour, as a humane substitution for the previous usages of the sea. It grew out of the character and necessities of commerce. I refer to all law writers upon the subject of the navy and merchant marine, upon the control and navigation of the ship, and upon the exercise of the authority of the master over the seamen, passengers, and cargo, and I appeal to facts, and assert here that the authority of the master has always been, by the usages of the sea, assimilated to that of the lord over his household, of the master over his retainers, and of the father over his family. The masters have ever been held responsible for the discipline and safety of their ships, and the property intrusted to their charge. They have been invested with this weapon of discipline, to preserve their authority, and from time immemorial to this hour they have been held responsible for its abuse. Up to the hour when the act abolishing the punishment of the lash was passed, if, in any court in this country, having admiralty jurisdiction, this question had come up for adjudication, the following would have been the language of the judge: "The authority of the master on board his vessel is supreme. He is responsible for the safety of the vessel. He is responsible for the safety, convenience, and comfort of all on board; and when we hold him to this degree of responsibility, we confer on him the power to sustain it. That power is the power of a father over his children, or of a lord over his household, and that power is the power to flog if necessary; and he is held responsible for the use of it."

I take the liberty of reading upon this point from the decision of a jurist who has thrown more light upon this subject than any other man in our country—a jurist whom I never quote but with the highest veneration—a jurist whose opinions have formed the laws of the land upon this subject, for the admiralty code of our country for the government of seamen is unwritten. It is the common law of the sea which Judge Story has given in his opinions, and it was that which governed our Navy before the act of September 28, 1850, was passed. In 1st Story's Reports, p. 106, is the decision of Judge Story in the case of Cushman *vs.* Ryan. It is very long, and from it I will read the following:

"I admit that the master is clothed with authority to correct and punish any seamen who disobey the lawful orders and discipline of the ship, or who are guilty of other gross misconduct. But the correction must be reasonable in itself, and moderate in degree, and administered in a proper mode. If the master inflicts punishment in a violent or brutal or malignant manner, to gratify his passions, or in wanton abuse of his power, he is responsible therefor, and cannot shelter himself from damages by general allegations of misconduct or insolence in the offender. The law clothes the master with summary authority in this respect, to enforce due discipline on board of the ship. But it should not be forgotten, that the power is not arbitrary but discretionary in its exercise; but it is deemed to be analogous to the power of a parent to inflict chastisement upon a disobedient child, or perhaps more nearly to that of a master over his apprentice."

Where did Justice Story get this law? Can we find it in the statutory law of this country, or of Great Britain, or of France? No, sir. Justice Story got it from the universal and unwritten customs of the sea. He promulged the common law of the sea, and his opinion, to this extent, has made the admiralty law of the country. I might go on, and pass through the English reports of all the

admiralty cases from Sir William Scott down—I might pass through the reports of Gallison, Sumner, and Mason, of Justice Story's decisions, and upon every page you will find that the authority of the master to punish the seaman is discretionary, and that the law holds him responsible for the abuse of his authority. But it is hardly necessary.

The discretionary power of the master, like that of the father, arose out of the original depravity of man, out of his restlessness under proper restraint, out of his indisposition to yield obedience to lawful authority when that obedience involved the rights, the safety, the convenience, and the comfort of others. Arguing from this point, if I were disposed to indulge imagination at all—if I were disposed to advance opinions and not facts, I might say that the ship which went in search of the Golden Fleece, the ship which bore Cæsar and his fortunes, and the ship from which the Saviour of man stilled the troubled waters, were governed and controlled by this discipline. If I were disposed to advance opinions, I might go still further and say, that if the records of Paradise were here, we should probably find Adam going out of the garden and an angel behind him with a rod. But I do not advance mere opinions, or authorities, for this subject is one which should be treated dispassionately. We are here, in fact, to deliberate whether we are to have a Navy: and I presume there is no member of this body who is willing to give it up. I might appeal to every hero of ancient and modern times who has written his name upon his country's pages; I might come from Nelson to Stockton; and collecting all the naval heroes of modern times, and forming them into one magnificent column of evidence, I might take the honorable Senator from New Jersey [Mr. STOCKTON] as the capital of the column, and point to him as the standing and brilliant refutation of his present theories. When the Senator himself was in a position to exercise his authority, in regard to this subject; when he had about him every opportunity, means, and appliances of putting in practice his theory, and when he would have practiced it, if the discipline and safety of the navy had permitted it, he failed to do it. I refer to the period of his command of "The Congress," which, I believe, was about twenty-one months, from 1845 to 1847. I will suggest to the honorable Senator and to the Senate, that this mode of punishment was not obligatory upon officers. It was left, when not determined by a court-martial, much to their discretion. The law for the better government of the Navy—the law of 1800, with which all are familiar—did not render it obligatory upon the officer, but gave him a discretion, in numerous cases, between irons and flogging. It was inflicted on board the ship commanded by the honorable Senator from New Jersey. The lash was used on that ship to a greater extent during the time he had command of it, than during a similar period under his successor. He had the discretion to commute it, and he exercised it when he thought proper, and no doubt rightfully. The very fact that he exercised it, convinces us that he exercised it rightfully, and that it was indispensable. I know him well enough to feel confident that he would not have inflicted the lash upon Jack if he could possibly have avoided it consistently with the maintenance of discipline. I know that every one he inflicted was repugnant to his feelings. But yet he did inflict it. Eighteen hundred lashes were inflicted while he had command of that ship, and yet the law did not compel him to inflict them. If I am wrong in this I may be put right; but I appeal to the law; and if I read it rightly, he was under no obligation to have them inflicted, but had a discretion to flog or to punish otherwise; and having exercised the power under this discretion, I say it furnishes about the best refutation to his theories which I could bring before the Senate.

Mr. STOCKTON. If the Senator will permit me to interrupt him, I feel bound to ask him to produce the record where he sees Commodore Stockton's name appended to the record of sailors being punished.

Mr. MALLORY. I have not said this to place the Senator in a wrong light. I have not referred to it because I considered it matter of condemnation; but I was going to say that the records of the punishments on board the "Congress" are on file in the Navy Department. The ship had a commodore, a commander, and lieutenants. I leave it to the Senate to say who commanded the ship; I leave it to the Senate to say where the responsibility rested. I leave it to them to say whether it was upon the first lieutenant, upon the commander, or the commodore. If I know anything about the acquisition of honors, they imply also the acceptance of responsibilities. This number of lashes—eighteen hundred—strikes the ear at first as unusual, if not cruel; but strip it of all extraneous matters and look at it as it really is. The crew consisted of about four hundred men. There were eighteen hundred lashes during a cruise of twenty-one months—less than three lashes a day for four hundred men. Now, sir, take any well-regulated family in New England; take any four hundred boys under the care of judicious fathers and mothers in New England, and tell me what would be the list of the punishments which they would receive if they were kept in proper discipline? Compare such a case with the Navy. Strip this of all extraneous matter, and I will venture to say that in this body—but no, I will not say anything personal; but take the other branch of Congress; I venture to say that there is not a member of that House who has been well raised, who has not received a greater proportion of lashes from the rod than were inflicted by Com. Stockton on board the "Congress;" and that if there be one exception, you may pick him out and know him from his morals and manners at this very hour. The honorable Senator from New Jersey [Mr. STOCKTON] did not inflict the punishment; neither did the commander, nor did the first lieutenant. But the punishments were inflicted, and where are we to look for the responsibility? Who could have forbidden the punishment, and did not do it? Who was the person in command? Why, we are all familiar with the law on this subject, and well know, in every case, where responsibility rests.

I have referred to this matter simply for the purpose of opposing the practice of the Senator from New Jersey [Mr. STOCKTON] to his theory, and I ask if this fact does not furnish a refutation of his present position? I know, as every gentleman who understands the honorable Senator from New Jersey knows, that the punishments were inflicted very much against his own feelings. He did not inflict them; but they were inflicted on board the ship of which he was the chief, and with his knowledge, of course. I would not charge it upon any other officer; I would not impute it to the commander or the lieutenants. Yet it was done.

I will advert briefly to another point which has been dwelt upon by the honorable Senator from New Jersey, and that is, the alleged degrading effect of this punishment to the character of the American seaman. If this punishment does degrade the seaman, abolish it; in Heaven's name strike it from the statute book. Satisfy us that it is degrading, and there is not a man on the floor of the Senate who will sustain it. No man could justify himself in sustaining a usage which is degrading to any portion of the people of this country. This, therefore, is an important matter.

The Senator places himself, as he alleges, upon the broad foundation that an American seaman is an American citizen, and that he should not be *scourged*. Before discussing this subject at all, I beg leave to object to this word "scourge." I object to it because it conveys to the mind a false impression, and implies a practice which does not exist. With the honorable Senator from North Carolina, [Mr. BADGER,] I appeal to "philology." I say, that the seamen are not "scourged." The word appeals to sympathy—not to reason, and leads the mind astray. And when legislating upon this grave matter, we must look at abuses as they really are, if they be abuses, and we must not throw any false sentimentality around them. I object to the words "scourged like a slave." In the first place, seamen are not scourged; and in the next place, slaves are not scourged. We know but one kind of slavery in this country—the slavery of the South. If they are scourged, they are not scourged because they are slaves, any more than freemen are scourged because they are freemen. If they are scourged at all, it is because they are criminal. I object to the words "rack," "torture," "thumb-screw," and "boot," and all the other terms known to the ages of barbarity, as connected with this system of flogging; because they leave a false impression, and lead Senators to believe that there is a horrible state of cruelty in the Navy, which never has existed.

The honorable Senator talked about tying men to the grating, and whipping them until the blood trickled down to their heels, and until the flesh was scourged from their ribs. Are we to be told that any such cruelty as this was ever practiced in the Navy, and that the honorable gentleman knew it and did not bring it before the country? I will guaranty that he never witnessed such a scene. I know him, and I know that if he had witnessed it, his generous nature would have held the recreant up to the detestation of mankind. He would have exposed his name, and it would have been stricken from the Navy roll in disgrace. I object to all this. If we are to legislate upon this subject, let us do it calmly. If we do not know what the Navy is, let us inquire. Let this matter go to the Naval Committee, and let them call for the papers, and investigate the whole subject. Let us look at it straight in the face. I use the words "whip" and "flog," because they are used by law writers, in the decisions of our courts, and by the sailors and officers themselves. "These American citizens"—who are they? Are they American citizens because they sail beneath the stars and stripes? Does that constitute American citizenship? Certainly not. No nation so interprets public law, and we have expressly denied it by our legislation. We all know, that after the achievement of our National Independence, our merchant marine increased with extraordinary rapidity. Population did not increase as rapidly as shipping, and we were without seamen to supply our tonnage. The law of 1799 was passed to encourage and build up a merchant marine. Induced by the encouragements there held out, under the prospect of fortunate adventure, the shortness of the voyages, and the superior wages given in our service, thousands of seamen left the Old World to enter into our service.

It is known to the honorable Senator from New Jersey, perhaps better than to any other gentleman on this floor, that the contest of 1812 was brought about as much by the assertion of the right of search on the part of Great Britain as by anything else. She boldly accused us of enticing her seamen from her, enrolling them as Americans, and putting them at our guns to fight against her. To meet and obviate this complaint, Congress provided that none but American seamen should be shipped for our Navy. Theoretically, therefore, the seamen on board American vessels are American citizens. Our people well knew, however, that we had not seamen enough to meet the wants of our Navy and our commerce. Therefore it was prescribed—and such is the usage up to this hour—that a protection, a small piece of paper of some twelve lines, describing the seaman, his place of birth, the color of his hair, his size, &c., should be the evidence of citizenship. That protection is obtained from every petty collector in every petty port of the Union. It is always granted to the party, of course, upon a certificate of naturalization, and also upon evidence of his former possession of a protection. Now, sir, the practical operation of this system is as follows: Foreign seamen seeking employment in our service apply at our custom-houses for "protections," and every man familiar with this branch of the subject must be aware of the facility with which the requisite proof is established; and these protections, certifying that the person they describe is an American seaman, are loaned by seamen to each other, as their necessities may require.

If you would go to the muster rolls of your Navy and the crew lists of your merchant marine, you would find many who, on three different voyages, go under three different names. On one voyage you would find a man going under the name of John Smith; on a second, of Thomas Jones, and on a third under another name. Does this change of name degrade him? No; this very thing, which would cast an imputation upon a man's character on shore, and fix suspicion upon him, has no effect upon the American seaman. The change of name is superinduced by

the borrowing of the protection. The seaman that has a protection gets a berth, and when he loans it to another man the borrower changes his name. Take any seamen, I do not care from what part they may come, and they will make the same statement that I now do. It is a thing well understood; and our merchant marine, and especially our Navy, are made up of seamen from almost every commercial country upon the habitable globe.

Now go further, and look at your laws for the naturalization of seamen. Under those laws seamen may be naturalized who never trod American soil for thirty days. The recent amendment of our naturalization laws, passed some few years ago, provides, in effect, that absence on voyages in American vessels, shall not affect residence and the right of naturalization. Seamen sailing out of the port of New York, but who, while in port live on shore, may, at the end of five years, be naturalized, though the aggregate of their residence on shore may not have exceeded thirty days.

Having explained this view of the subject, I take the ground, that foreign seamen thus Americanized are entitled to neither more nor less consideration than those who are native born. I hold that the seaman who quits his country and comes to our shores, shows the bias of his mind for our Government. Birth, sir, is a matter of accident; and though men are fortunate who are born upon American soil, yet those who come here from other lands are entitled to equal respect and protection from our laws. These are the American seamen. Our laws treat them all equally. They treat them all justly; and when we cry out about flogging these men, we should recollect that they have ever recognized the usage, and that they themselves say it is essential to the maintenance of discipline. This is more particularly the case with the Navy. The Navy has a worse class of seamen than the merchant marine; but this is the reason: The naval seaman's term of enlistment is for years, and his pay rates from $12 to $10 and $9 per month, as he may be an able, an ordinary seaman, or a landsman. The merchant sailor is engaged in the coasting and foreign trade, and ships upon short voyages, and he has opportunities of promotion, because the nursery of our merchant captains is the forecastle. And then the increase of wages, above all other considerations, obtains the best material for the merchant marine. Seamen in our Navy get but $12, $10, and $9 per month; in the merchant marine, for some years past, the wages have ranged from $14 to $18. This difference of wages is alone sufficient to account for the superiority of merchant over naval seamen. I say this to show that flogging in the Navy has nothing to do with getting a worse class of men in it, and to show that this worst class of men have come into the Navy since the abolition of flogging.

Allusion has been made to our whalemen. Why do our whalemen, we are asked, manage their ships without flogging? In the first place, there is an assumption of what is not admitted in this question. It is taken for granted that they do not flog. I say, with the hazard of contradiction, and I appeal to facts, that there are no more strict disciplinarians on earth than the masters of our whaling ships. They are flogging seamen to this very hour, and are evading the law. Why do they do it? Because their fortunes are at stake. And ask whalemen and they will tell you that the fact is so. Whale ships are generally managed, to some extent, by persons who have a joint ownership of them; and they are owned, as a general rule, in thirty-two or more divisions, and from the captain down to the third boat-steerer. The parties directing the ship have an interest, either in the ship or in the success of the voyage. They see that it is necessary to flog to preserve discipline, and they do it. It is necessary, to keep those portions of their crews which the whalemen pick up from transient vessels in the Pacific, the Sandwich Islands, and elsewhere, in strict discipline; and they are subjected to the discipline which has ever existed in the merchant marine in defiance of the law, because, they say, to obey the law would be ruinous to their fortunes.

So much for our American seamen; so much for American citizenship. But, sir, if these seamen were all born natives of the soil, this idea of carrying the rights of American citizens on the broad ocean under the flag is untenable. It will not stand examination for a single moment. What are the rights of an American citizen on shore? Their broad landmarks are freedom of person and papers from unlawful seizure and of search; freedom from arrest without a warrant, the right to see the warrant, the right of *habeas corpus* for their release if wrongfully committed, the trial by jury, the exercise of the elective franchise, and a thousand other rights which shield and encircle the citizen on land. But when he enters a man-of-war and steps on the ocean, are these rights existing? Are they sustained for a moment? Is the government of the ship republican in its character? Do the rights of an American citizen follow the sailor upon the forecastle? The principle of our government is opinion. The principle of naval government is obedience—prompt, ready, cheerful, and willing obedience. It is perfectly useless to talk to an old sailor about republican rights, and the duties of American citizens; and I say this under a full conviction of the hardihood of differing with the honorable Senator from New Jersey, [Mr. STOCKTON.] If a sailor were here to-day, and you were to talk to him about the rights of the American seaman on the forecastle, he would tell you, at once, that his familiar motto is to "obey orders if he breaks owners," and to yield obedience without questioning authority. The American citizen on shore knows his rights, and to all attempts at personal coercion, they prompt him to ask what right have you to demand this? Is this right? Is it lawful? Show me your authority. But the government of the Navy demands for the orders of superior authority a prompt, ready, and unhesitating obedience; and there is but a shade of distinction between hesitation and absolute disobedience. Every man who knows anything about the navigation of the seas and the hardships to which mariners are daily subjected, knows that this matter of prompt and ready obedience is the very essence of the existence of the merchant marine and the navy. Dispense with it for a single moment, and inculcate the doctrine that the sailor is to question authority—that he is to carry the rights of a citizen on board ship, and you may bid adieu to everything like an efficient navy or mercantile marine forever, and the time may come when naval evolutions may be submitted to vote of all hands, and be decided by the voice of the majority. Obedience should be prompt and cheerful, to guard against disastrous consequences, and the slightest inattention may frequently involve results the most fatal. A seaman directed to steer a certain course may steer a half point off, and lose ship, cargo, and lives. Yet this is not disobedience; it would be simply a neglect of duty. There are thousands and thousands of offences on land which are classed under the head of neglect, and which are passed over as trivial and undeserving of punishment. Why? Because others are at hand and you can get others to perform their work. But at sea this matter of prompt obedience becomes vital, and strict attention to duty is of hourly and vital consequence. It may be shown here, perhaps, that ships in the Navy and out of it have navigated without using the cat, and that that punishment has been dispensed with. But I ask gentlemen to look at this thing as it exists. In all cases of this kind the seamen knew that it might be resorted to at any time, and the result was obedience. I have no doubt that the honorable Senator from New Jersey has himself made voyages without using it, and that other humane and honorable members of the Navy have done so. They have locked the cat up in their store-rooms, but the seamen knew that they were still under its control, and that the cat was but sleeping, if I may so speak, and that it might come forth at any hour, and that its discipline was not abolished, but suspended. You may exhibit the logs of officers to show that they have made voyages without using this punishment; but so long as they might have resorted to it, it furnishes no argument in point. To make the case at all analogous, you must show me a shipmaster who has told his men, "for no offence that you can possibly commit on this vessel can you be flogged; from this hour flogging is dispensed with."

The honorable Senator from New Jersey treated this subject as if the seaman himself regarded the punishment as degrading. I do not know that this point was exactly made, but the impression is made upon my mind that he so treated the subject; and hence he inferred that our Navy has now a second-rate class of men. In this I totally disagree with him, and I deny that your seamen consider it degrading. I do not speak now of the laggards, the skulks, and the useless trash that you find in the Navy among "landsmen;" and that you have some of such a character, look to the reports of the commanders of the Navy, where you will find the words "penitentiary birds" used. It is found impossible to exclude men of great vices from the decks of your ships. These men may come here and preach that it is degradation; they may get up petitions and say that their souls are degraded, and that they cannot fight for our flag because they are "scourged." But show me the petition of any of the bone and sinew of the Navy—the old tars—who sustained the honor of our flag in the last war, and who are ready to sustain it again, in which they say that they consider flogging degrading. But I am told, and the argument will no doubt be made, that this makes no difference, for that although the seamen may consider this discipline proper and appropriate, and may not regard it as degrading, yet we are bound to consider it so, and must legislate for it accordingly. This doctrine I hold to be perfectly untenable. It would indeed be a stride of progress going far ahead of anything of which I have yet heard even in this progressive age, for us to undertake to teach them that their treatment is degrading against their own convictions. No, sir, we must treat this matter as we find it.

The very moment the sailor enlists in the service, he does it with his eyes open; he does it under the rules and regulations and articles of war, and the existing laws of the Navy; and he knows what are the punishments for a dereliction of duty, and he knows that the commander of the ship has the discretion to punish him in this way. Does a seaman voluntarily assume degradation? Does he receive pay for degrading himself, and speculate upon his own disgrace? When he receives his three months' pay in advance, does he take it under the conviction that he has purchased a chance for infamy? No, sir. If you could but see a seaman when he has enlisted on a "crack ship," you would perceive at a glance that such was not his view of the subject. There is an elevation of sentiment, and a joyous, hopeful hilarity in all that he then says and does, which is the strongest refutation of the charge that he considers his enlistment degrading.

And now, sir, permit me to say, that under no circumstances is it the punishment which produces degradation; and that from the earliest days of Sparta, when the Lacedemonian youth, concealing a stolen fox beneath his robes, suffered it to rend his vitals before he would submit to detection, to this moment, it is the conviction, and not the punishment, which has worked the disgrace. Thus does the common law treat it, and thus does every legal tribunal treat it.

I will not say in all our States, but in many of them, some persons are incapacitated from serving on juries, and from becoming witnesses in controversies between white men. What incapacitates them? The conviction for certain offences. They may have fled from the punishments consequent on conviction, but when the record of their conviction is produced, they are disgraced and disqualified. I do not know of one instance in which the punishment works the disgrace. The familiar example of John Wilkes may be referred to. After his election to the House of Commons he fled to France, to avoid the consequences of a judicial conviction; but the House of Commons rejected him, upon the ground of the conviction alone. And here I will say that men have been scourged and have died; but their very scourging and their very death have ennobled them, and mankind regard them as martyrs. Why? Because they were not convicted. The great Saviour of humanity himself underwent a punishment, which was inflicted during his day only upon the worst of criminals, and his sufferings were our salvation. This idea, then, that any particular punishment works degradation, I conceive to be untenable in all cases, and especially as it regards the question under consideration.

Sir, I will ask the Senate to hesitate long before

they adopt any such false philanthropy as this. Are we to take the seaman who says that whipping is lawful and proper, and the only appropriate manner of keeping up discipline in the Navy and tell him, "You are wrong; whipping degrades you, and you must join your voice in asserting it?" This, with all due deference, I must say, is not the part of wise legislation. This is indeed an age of progress; but this would be a step backward; it would be running ahead of the age. In the southern country, in many of the States, this mode of punishment is yet in existence, and the very fact that offenders are speedily punished, shows that the morals of the mass are high-toned.

In a community where all men were sheep stealers, sheep stealing would soon cease to be an offence. This matter of degradation and disgrace is worked by the judgment of a man's peers, and not by particular punishments. An individual finds himself disgraced, not by the misfortune of having been punished, unless it has also been accompanied with guilt and crime. An officer of the Navy, or an officer of the Army, is put in coventry by his fellow officer; he is not spoken to; he is not approached; he is not attended to, or regarded, nor in any way is he molested; and his submission to such conduct works disgrace. But he has suffered no punishment; and the degradation consists in a moral conviction of having done wrong. The idea that we should legislate for the Navy, by convincing seamen that a punishment of this kind is degrading, when they themselves do not consider it degrading, is contrary to the spirit of the age. In the South, thank Heaven! stealing negroes is considered to be about the meanest offence upon God's earth. The man who descends to it sinks to a depth of degradation from whence the hand of resurrection could hardly drag him; yet in certain parts of our country this theft is regarded as the highest evidence of good morals. We are preaching to them, and they are preaching to us. They are preaching to us that our institutions are degrading; we are preaching to them that when they steal our property, they violate the law of God and the law of man. What chance is there of our convincing each other? None whatever. Still you would assimilate your legislation for the Navy to that state of things, and convince the seaman that what he does not consider degrading is degrading; that when he is flogged he becomes infamous and degraded.

I deny most expressly, and I defy the contrary to be shown by facts, that the seamen of our navy or its officers, have ever regarded this punishment during its existence as a degradation; and I assert that it is consistent with the highest reach of naval organization, discipline, and good morals, and with the highest degree of efficiency and success. Every battle that has been won for our country upon the ocean, has been achieved during the existence of this punishment, and if it has not superinduced this high state of naval organization, it has been perfectly consistent with it. With what propriety, then, is it asserted that a continuance of this system thus consistent with the naval glories of a thousand years, must break down the navy now? From the very character of the law under consideration, it must be seen that if the views advanced by its supporters are correct, and if the seaman was in fact degraded in his own estimation by being flogged, the beneficial effects of the law prohibiting it would have been seen at a glance. Relieved from an incubus which had weighed upon his soul so long, his character would have at once assumed a moral elevation previously unknown; and prompt obedience to lawful authority, controlled alone by "moral suasion," would have proved to the legislator the correctness of his theory. But, if the philosophy of the law is wrong; if the reason of the law does not pertain, what would be the result? Why, exactly the reverse. And when the idle and the vicious saw that they were no longer restrained by force, they would immediately evince a greater degree of idleness and viciousness; and the good men who had heretofore been fostered and protected in the navy, who had heretofore relied on this system of punishment to restrain and correct vice and idleness, would become disgusted with the service and abandon it, or be compelled to suffer the insolence and perform the duties of the vicious skulks. And such have been precisely the results of this law. I ask gentlemen to look at them, and say if they can ascribe them to any other cause than that which I have given.

Let me call the attention of the Senate now to the manner in which this act was passed on the 28th of September, 1850. It was tacked on to the end of an appropriation bill. I venture to say, that had the measure been introduced into the Senate as a bill and referred to a committee, and gone through the regular course of procedure, it never could have passed; it never could have found an enlightened majority to destroy at one fell swoop the entire government of the Navy. It passed by the smallest possible majority, and at the very end of the session. It passed on the 28th of September, and the session closed on the 30th. I ask Senators if that was the appropriate method of meeting a grave question of this kind? If this question does in fact involve the consequences which I have suggested; if the naval organization has been thrown into the utmost confusion by this hasty and unprecedented legislation, let us retrieve the error at once. Here was an appropriation made for the expenditures of the Navy; and it was conditioned that seamen should not be flogged. Does the prohibition exist any longer than the appropriation, or the disbursement of the money under it?

Mr. HALE. Let some captain in the Navy try it, and he will find out.

Mr. MALLORY. When gentlemen are manufacturing public opinion for the Navy, and naval officers are far from the scene of the manufacture, they will abide public opinion whatever form it may take. They are but the executors of the laws of the land, and in no way responsible for the evils they may entail. To relieve my voice a little I will ask the Secretary to read a letter from Commodore Stewart, written before the law abolishing this punishment went into operation.

The SECRETARY accordingly read the following letter:

Commodore Stewart's Report as to the abolition of Flogging and the Spirit part of the Ration in the Navy, in answer to a circular of the Navy Department, dated 29th of January, 1850.

BORDENTOWN, (N. J.) *March* 11, 1850.

SIR: I have received your "circular" of the 29th of January last, asking my views in relation to dispensing with corporal punishment in the Navy; and if, in my opinion, it can be dispensed with, what *other* punishment should be substituted; but if not, you desire my reasons for such opinion. Also, whether any further restrictions than those which the law now imposes upon the use of this punishment can be advantageously applied.

The decision which may be made upon this subject, by the authorities controlling and governing the Navy of the United States, seems to me to involve results of the highest moment to the welfare of this arm of our national defence.

If we take into consideration the peculiar character, habits, and propensities of some of the men constituting the crews of vessels of war; crowded together and confined for years to the narrow bounds of their respective ships; subject to innumerable restraints and deprivations; controlled by rigid discipline, so essential to keep them in due subjection to the rules and regulations for the government of the Navy, in order that the great objects of such armaments may be accomplished, it cannot be questioned that the means of punishment, both prompt and efficient, must be lodged somewhere, so that an effectual restraint may be put upon those who may be found in national vessels but too ready to violate the good order and discipline of their ship. The organization of the Navy is not now an experiment; it has been in operation for half a century, and the results have generally proved satisfactory, at least so far as the most subordinate portions of their crews are concerned. If, under so long a test, the Navy has not been found wanting, and all the essential duties required of it have been efficiently performed, I cannot think that any material changes or radical alterations would carry with it all the advantages which past experience assures us have been accomplished. Should a new experiment when tried prove a failure, and the ships and their armaments not be conducted according to the views of your officers, but agreeably to the will of the men, and losses and disgraces ensue; or should the power confided to the officers, under any new arrangement which might be adopted, be found inadequate to check a growing insubordination amongst the men, and which might finally result in open mutiny, it would be but a poor consolation to reflect that this condition of things had been brought about by withholding (perhaps through a mistaken sense of humanity) an exemplary punishment justly due to offenders, and which perhaps would not have fallen upon more than three or four per cent. of the whole number, and that, too, when we know that those who generally commit offences are almost always found to be the worthless part of the crew: such for example as the "*drunkard*," the "*skulker*," the "*quarrelsome*," the "*disobedient and negligent*," the "*insubordinate*," and the "*thief*."

The mass of a ship's company is generally composed of good and orderly men; but there may sometimes be found amongst them some who have strong propensities, (acquired by irregularities and improper indulgences on shore,) which would lead them into violations of the indispensable order of a ship of war under a lax discipline, but from the commission of which they are now restrained in consequence of the occasional exemplary punishment inflicted on those who are more reckless and deserving of it.

It must be evident to the most superficial observer that ships of war can never answer the ends for which they are designed, unless it be accomplished through the operation of a judicious organization, and by the maintenance of a rigid discipline on board. To attain this important object, it is necessary, with large bodies of men thus circumstanced, and influenced as they are by such a variety of tempers and propensities, that the powers which are conferred on the commanders should not be too much enfeebled or restricted, but fully adequate to the objects to be attained.

Naval armaments have existed for centuries, and I believe the ingenuity of those who have organized, controlled, or conducted them has, through that long lapse of time, been ever on the rack to discover punishments which would be best calculated to promote their efficiency, and suppress the disorder which would certainly reign if there existed no adequate penalty by the imposition of which to check and arrest it. The great obstacles to this discovery, however, may exist in the meagerness of the proper means of punishing, found to be so circumscribed by the peculiar circumstances of the case, whilst at the same time the causes for and the nature of offences are so materially increased at sea, many there occurring which on shore are no offences at all, or have no injurious effect on society, or tend to impair the discipline and order of military men; hence no just comparison can be drawn between armaments on land and those on the seas. In the various efforts to accomplish this important object, and amongst the very many plans resorted to during that long period of time, were "*a protracted confinement in irons*;" "*starvation almost to an extremity*;" "*keel-hauling*;" "*ducking from the yard-arms*;" "*gauntleting*;" "*suspension by the thumbs*;" "*exposure in the rigging to the weather blast*;" "*an interdiction from ordinary rest*;" "*coventry with the mess and the crew*;" and "*corporal punishment with the colt or cat*." All those have been tried, and finally abandoned, except the latter, because some were highly cruel and dangerous to life or limb, some were found inefficient and not applicable at all times and under all circumstances. Hence, after the failure of those modes, the whole were merged into reasonable confinement and corporal punishment, which seems to have been found by far the most efficient punishment for the preservation of the order and discipline of ships of war. At all times, and under all circumstances practicable, it can be promptly administered, is highly exemplary, and from long experience it has shown it may be the only way in which the almost dormant sensibilities can be reached, or the strong propensities to violence and insubordination of those hardened and reckless men who form a portion of every ship's company can be subdued. Being publicly and ceremoniously administered, it may have a most salutary effect on the beholder, and carries with it those admonitory precepts which are so well calculated to deter the sufferer from future offences. It is also subject to the control of the law, and if properly regulated can be administered with a more strict regard to that due proportion of punishment, according to justice and the nature of the offences committed. In the Navy of the United States it appears to me that it has reached by law the lowest mark at which the discipline and order essential in a ship of war can be preserved, and by which means all can be made to discharge their obligations to the country, in rendering her armies by sea the efficient and powerful engines for which they are designed.

In another part of this letter I have enumerated some of the offences most commonly occurring in ships; but there are others, some of which cannot be properly punished by officers in command, and therefore can only be provided for through the instrumentality of a court-martial.

To an officer of sensitive feeling there is no duty imposed on him more painful than that of inflicting corporal punishment upon his fellow-man; it is not, therefore, through motives of cruelty which could ever induce such officers to inflict the penalties of the lash, if it could possibly be avoided, nor could such a motive have any weight with the many advocates for its retention which may now be found amongst the officers of the navy; but it is because long experience assures them that no adequate substitute can be provided without greater apparent cruelty. I cannot imagine a situation in which an officer can be placed more peculiarly onerous than that in which he finds himself when compelled to act as the inquisitor, judge, jury, and executioner of the sentence which his sense of duty obliges him to pronounce.

I would here, however, express my conviction that if a greater latitude were conferred upon a commanding officer by law, whereby he could assign other and milder punishment than the lash to minor offences, it would very much abridge the indiscriminate and frequent application of the cat; the less frequent use of which would enhance the effect of that mode of punishment, by the increased importance which would consequently be attached to it. Should abuses of this increased discretion occur, a proper and wholesome example of the offenders would effectually check it. Every intelligent officer would devise and apply more humane and a milder punishment to the generality of offences; and, by a closer observation of the character and the peculiarities of those committing offences, he will be better enabled to adapt his punishments to the nature of the offence, and such sensibilities as he may find in an accused to work upon with the least effect. And if at any time there should be found amongst his crew one who is equally insensible to all modes of punishment, and who will not render himself amenable to order and discipline, (and there may be such men amongst large masses,) let the commander have the authority to discharge him from the service at any proper time and place, provided his offences have not been of so grave a character as to require the intervention of a court-martial. I have frequently, in the course of my service, gone behind the law, and varied my modes of punishment, with highly beneficial results; even where the lash had been used in vain, I have succeeded in producing

wholesome reformation by means of trifling punishment. That cruelty and oppression have occurred in the service of fifty years' standing may readily be conceived, but we may search the records of our courts-martial in vain for an instance where examples have been made of such offenders; at all events there are none within my recollection.

On shore, under our civil jurisprudence, where a much greater field for number and variety of punishments can be resorted to, there exists great difficulty in finding them commensurate and appropriate to the many offences committed against society; and, after the innumerable penalties for crimes which have been resorted to from time immemorial, the public mind seems to have settled down upon those of improvement, the tread mill, hard labor, and solitary confinement; but of these none are applicable on shipboard, and, even were they, they could not be inflicted without injury or great disadvantage to the duties and the public service.

Should the present means of controlling their commands be taken from your officers, and no adequate substitute be found, it may be asked how will it be possible to enforce the obligation of all placed under their command? No means will exist by law. Resort will finally be had to side-arms for personal protection in their efforts to perform their duty; murder will ensue, mutiny and death to the sailors, and a halter for the officers. What then becomes of "*humanity?*" The peculiarly isolated condition of a ship of war cuts them off from aid or assistance from the authorities on shore; and even were a disposition to interfere from that quarter when in port shown, the compact and irresistible power of her internal force would place at defiance such interference; and, where this was inadequate, the locomotive qualities of their vessel would enable her to glide from the attempt. Sailors are aware of its necessity, and volunteer to encounter it.

To your last question, "Can the spirit-ration be dispensed with, and if so, what substitute will answer in its stead?"

As I have never been one of those who believed that the spirit part of the ration authorized by law to be issued was the cause of intoxication in our ships, *unaided by other means*, I cannot now conceive that its reduction to one half of the former allowance produces that effect; neither does it seem from the record of punishments furnished to the Department to have been arrested in any measure under the reduction it has undergone; while at the same time it has given rise to more punishment, through the propensity to smuggle it on board of our vessels, induced by the strong desire to have it. It therefore appears to me that the further reduction will only increase that desire, and augment the efforts to procure it clandestinely; hence, as it will be smuggled in larger quantities than now issued, drunkenness will be increased. To those who do not comprehend the character of sailors, this may appear paradoxical; but to those who do know, when influenced by their strong propensities for *rum* and *tobacco*, it will be "clear and indisputable."

In the earlier stages of our Navy, efforts were made to abolish the spirit-ration by substituting porter and beer in casks; but it was found not to answer, and drunkenness still occurred. Some of the men refused the substitute altogether. In the hot latitudes it fermented, and burst the casks; it got stale and sometimes sour. It could not be procured at all places resorted to for supplies; and it was found inconvenient to take in the requisite quantity, because of the great space required, and which would sometimes exclude more important stores; it therefore entirely failed, and was obliged to be abandoned. Since that period I believe a substitute has scarcely been thought of, and perhaps none could be found calculated to satisfy the ship's company.

At this late period of naval history it would be difficult to discover the origin of the introduction of spirits as a component part of the ration into the Navies of Europe; it seems they always had and still have such an allowance. It is, however, varied in kind, so as to suit the habits of those of their own seamen, and the policy of the respective Governments who allow its use, in rendering it subservient to the various products of their country or colonies. England furnished rum from its West India colonies, Holland furnished *gin*, France issues one day *wine* and the next *brandy* alternately, Sweden and Denmark *rum* from their colonies, &c.

All persons who have been much at sea are aware of the impossibility of keeping up a supply of good or pure water. Sometimes it is brackish, at others ropy and putrid, and oftentimes, from long confinement in close vessels, it is found in a state of decomposition, and any fixed air it originally contained wholly separated and expelled. In the hot latitudes it becomes in heated holds of vessels so warm that the stomach will almost reject it; and in the higher latitudes, as cold and chilling as the northers; thus the almost daily varying of cruising ships' positions brings with it a like variance in the water, and from those circumstances oftentimes deprives the water of its refreshing qualities. This may have originated the issue of the spirit-ration in vessels of war, as a means of ameliorating this essential article of life amongst those who go down to the seas in great ships. I know that, in addition, (from experience,) to be sometimes absolutely essential to the sustaining the energies of the men, when great efforts are to be made under emergencies, or to sustain them from sinking entirely after great physical exertion, influenced by excessive excitement.

If, therefore, it in any measure, form an essential to a sailor's comforts, (of which he has so few at sea,) why, then, should the very many be deprived of it, because two or three per cent. of the whole number will, when an opportunity offers, abuse themselves and their service through an inordinate use of it? This would seem like punishing the many good men for the faults of the few. Besides, when a reasonable quantity is furnished, the dread of losing that for a part or the whole of a cruise aids materially in checking habits of drunkenness on shipboard, and long restraint to a quantity only which will comfort and not intoxicate, I apprehend, will do more for reasonable reformation than the sudden deprivation and entire interdiction of it the period of a cruise; for Jack, when again free, and can return to former indulgences, is more likely to plunged headlong into greater excesses than he indulged in under former habits, from the very excess of restraint to which he had been reduced during his cruise. The authority to the commanders to withhold the spirit-ration for a part or the whole of a cruise, from those who will by other means become recklessly drunken, will be a better restraint of such offences than punishment with the lash; this and confinement in irons until twenty-four hours after soberness is restored, ought to be generally the only punishment for inebriety.

The foregoing observations are induced in reply to your several questions from an experience of nearly sixty years' sea service; and in all that time it does not appear to me that the characters of those who follow the sea have materially varied; those of native seamen, of which all the Eastern seamen are composed, their habits and character most generally are that of industrious, sober, and enterprising men; those of the Middle and Southern States are more made up of foreigners, especially Scotch, English, and Irish; their propensities are more irregular, and require stricter discipline to keep them in any reasonable order; and when so kept are generally good seamen, brave and skillful.

In illustration of what I have here stated, I could furnish very many examples, but it would render this paper too long and perhaps inconvenient to the Department.

I therefore have the honor to remain your obedient servant, very respectfully, CHAS. STEWART.

To the Hon. WM. BALLARD PRESTON,
Secretary of the Navy, Washington.

Mr. HUNTER. If the Senator will give way, as the usual hour of adjournment has arrived, I will move that the Senate adjourn.

Mr. MALLORY assented.

The motion was agreed to, and the Senate adjourned.

THURSDAY, *January* 15, 1852.

The Senate having again taken up the subject—

Mr. MALLORY said: Mr. President, I have on several occasions during this discussion, alluded to facts in support of opinions which I have advanced to meet the suggestions of the honorable Senator from New Jersey. These facts are in part contained in a public document which is now lying upon the tables of Senators, and from which I will occupy the attention of the Senate in making some quotations, as I desire these facts to go before the country. It is from the report of the Secretary of the Navy, a communication furnished us in compliance with a resolution of the Senate, of the 19th of December, 1850, on the subject of corporal punishment in the Navy, and the revision of the regulations for the better government of the Navy. We find that the Secretary propounded to the officers named in the circular, the following interrogatories:

"1st. What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?

"2d. What has been the effect upon discipline and subordination among the persons composing ships' companies?

"3d. Do the crews of vessels of war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?

"4th. Are there any effectual means by which the badly-disposed persons on board ship, can be restrained?

"5th. Are the vessels of the Navy more or less efficient since the abolishment of flogging in the Navy?"

The parties who have responded to these interrogatories are:

Commodores G. C. Read, C. S. McCauley, J. H. Aulick, F. A. Parker, J. Downes.

Captains W. D. Salter, S. H. Stringham, J. M. McIntosh, J. Tatnall, W. Inman, E. A. F. Lavalette.

Commanders J. L. Saunders, J. B. Hull, J. Kelly, S. B. Wilson, F. Engle, C. Lowndes, J T. Gerry, S. F. Dupont, T. J. Manning, T. O Selfridge, H. Y. Purviance.

Lieutenant Commanding John Manning.

I will read an extract from the answer to the circular, furnished by James T. Gerry, the officer in command of the United States receiving ship *Ohio*, in the harbor of Boston. It will be remembered that as the commander of a receiving ship in port, he has much better opportunities of judging of the efficiency or inefficiency of the system of flogging than a sea-going master; and he says:

"Even under these favorable circumstances, insubordination, particularly among recruits for general service, is becoming more common, and an impression seems to be rapidly pervading the whole naval service, that men are independent of the immediate control of their officers, and can obey their orders at pleasure, or disobey them with impunity. During my experience in the Navy, I have always found the best state of discipline where punishment of offenders was most prompt, and inflicted with the most formality; its frequency was less necessary; its influence more durable, and hence the efficiency of the service was greatly promoted.

"A certain class of reckless men will always be found in the Navy, and, if kept under proper subjection, will perform their duty cheerfully in a satisfactory manner, and not impose extra service upon the more orderly and obedient; to such, corporal punishment is mostly confined, and seems indispensable.

"To meet these cases, the system of irregular courts-martial, having the power to inflict flogging to a limited extent for minor offences, would, in my opinion, enable officers to preserve a more healthful state of discipline, and render the Navy in all respects more efficient than at present, when there is no adequate punishment for such offences, and consequently all prestige of discipline is inevitably destroyed.

"In reply to the first question, I think the effect upon the recruiting service has been bad in every respect. It now requires a much longer time to ship a crew, and the persons induced to enter the naval service are generally of a class inferior to that which formerly entered the Navy.

"In reply to the second question, I think the effect upon discipline and subordination is too obvious to admit of a doubt, and decidedly subversive of both.

"In reply to the third question, four ships-of-war have arrived at this port from foreign stations since the new system went into operation, and from personal observation, it is my impression there is less alacrity and cheerfulness in the performance of duty. The orders of officers are treated with contempt more frequently, and obeyed less promptly now than formerly.

"In reply to the fourth question, I think there are no effectual means by which the badly-disposed persons on board ship can be restrained under the present system. Confinement is a trifling punishment to such persons, and while they enjoy a respite from work, innocent men actually suffer by having the onus of duty imposed upon them. The efficiency of the vessel is also materially injured by the confinement of men whose constant drilling is indispensable to constitute a well-regulated man-of-war.

"In reply to the fifth question, I must consider all vessels in the Navy less efficient since the abolishment of flogging by act of Congress, and that they will so continue until a different class of persons embrace the sailor's profession than those now found of every nation, and in every part of the world, whose reckless life has constituted them a distinct, but similar class of beings, from earliest maritime dates."

Commandant W. D. Salter, from the New York Navy-Yard, under date of the 21st July, 1851, replies thus:

"*To the first question*, I have to state that the effect upon the recruiting service is, that we have great difficulty in procuring good men for the Navy, but few offering to enlist, excepting such as are unable to procure employment in the merchant service, and foreigners of all nations, particularly English, who are generally the most insubordinate and worthless found in a crew of an American man-of-war.

"The seaman who properly appreciates his situation and position in a man-of-war, is deterred from entering the naval service in consequence of there being no summary punishment authorized by law, in cases of an emergent nature, and the only means left to the officers being that of placing the offender in confinement, hence throwing extra duty on those who are disposed to perform their part of the contract with the Government, while the *skulk* is relieved from that duty by the only course or manner left to punish him for insubordination, disobedience of orders, neglect of duty, or any other deviation from or violation of the rules of discipline.

"It is not found that a better class of persons is now induced to enter the naval service; on the contrary, just the reverse.

"*Question* 2. So far as has come within my knowledge, from the statements made to me by officers in command of vessels of war and store-ships which have arrived at this station, I would answer, that discipline and subordination have not been preserved since the abolishment of flogging, and that the knowledge of the disuse of that custom had a marked effect upon the crew of a frigate which arrived at this port in November last. The day before her arrival, (the law not being known on board,) punishment with the cat was inflicted, and the crew were in a good state of discipline until the vessel hauled in to the wharf, when a change took place immediately on the men being informed of the recent act of Congress, which showed the inefficiency of the laws for the government of the Navy, as they now stand. The crew of the frigate Brandywine were in a state of *open mutiny* on the arrival of that ship, and the commander of the frigate Constitution has already reported to the Department the insubordinate state of his crew, as a reason for not complying *with the order to take the ship to Boston*.

"*Question* 3. I have not the means of replying fully to this question, but from the reports made to me, I should judge that the orders of the officers are *less* promptly obeyed.

"*Question* 4. I know of *no other means* on board ship of restraining the badly disposed, than by confinement; and this practice must, it is obvious, be very inconvenient on many occasions. It may happen that at a time when the services of all on board ship are required, either in action, or for the preservation of the vessel, a portion of the crew may be in irons for offences against the laws; what resource, then, has the commander, when their services are most needed, but to let loose the vicious and insubordinate? who, if they see fit, may then refuse to do duty, and thus jeopardize the safety of the ship and the lives of all on board; and all this the result of the mistaken philanthropy of our law-makers. I do not hesitate to say that the Navy would be improved by the restoration of the *only* means that can well be made available on board ship, for the suppression of crime, insubordination, mutiny, &c., viz: that of authorizing the commander to inflict corporal punishment.

"*Question* 5. I consider the vessels of the Navy less efficient than they were formerly, the cause of which is apparent to the most superficial observer who is acquainted with the routine of a well-regulated man-of-war.

"To my certain knowledge, many good men have refused to enter the service, as the law now is, and have given the same reason at the rendezvous. The wages in the merchant service being much greater, they seek employment in that branch of our marine, or procure some other service on shore.

"The old laws for the Navy I consider ample, and afford sufficient authority to the commander to govern and control his ship and crew in a proper manner, and to the seamen are much more satisfactory than the present."

Commander F. Engle, from the United States Naval Rendezvous, New York, July 18th, 1851, says:

"I know nothing of greater importance, as far as the honor of our country is concerned. We are *bound* to be successful on the ocean. Our ambitious Republic will hear of nothing short of success. To fulfill her demands, we must have discipline; without it, a ship is a most unfortunate command. Both in the fight and in the gale, we must have implicit obedience to insure success or safety. An undisciplined ship can be told by a seaman as far as the glass can range. So, sir, if we are to have a navy, a successful navy, we must not stand on trifles: to make our ships worthy of the flag they wear, we must have discipline, and to insure it corporal punishment is indispensable. It should be regulated by law, and inflicted only by order of the captain, and in presence of the crew. The certainty of it keeps the well-disposed steady, and the disorderly within bounds.

"I commanded the Princeton through all the Mexican war: her reports will show that flogging was seldom resorted to; on an average, not more than four men quarterly. I never approached the gangway, to direct punishment, without feelings of sorrow, and would most willingly have substituted any other punishment. But I know of none to recommend to you.

"Ours is a service of quickness; of constant readiness. The person who excels, is he who is off-hand, who decides quick, and acts quicker. This principle governs the disciplined ship, from truck to keelson; and is the reason why summary punishment is so useful. Properly administered, it is a check and a lesson not to be forgotten.

"It would be well enough to have people understand that there are but about twelve men in a sloop-of-war, and twenty in a frigate, who are punished by the cat; these are bad and ungovernable. Two thirds of the crew of a ship are treated as brothers—with a kindness and familiarity which would very much surprise those who have listened to the gross attacks which have been made on the naval service.

"I submit my answers to the several questions:

"*Answer to question* 1.—There is no change for the better. The men, now, are not equal to what they were when I recruited in 1836. Prime seamen are not apt to go where there is a probability of insubordination; or where the worthless have the same treatment as the good.

"*Answer to questions* 2 *and* 3.—I cannot answer these, not having had a command since the law forbidding flogging has been enforced.

"*Answer to question* 4.—I know of no 'effectual means by which the badly-disposed persons on board ship can be restrained.' Placing men in irons, and under charge of a sentinel, is no punishment; nor is it intended to be. Drunken men are placed there for safety, to keep them from falling down the hatchways. Others are there to 'cool off;' so that, when brought before the captain, time will have passed, and the evidence be more clearly and temperately given. There is no place in a ship of-war where a man can be confined for punishment, without seriously injuring his health. I repeat, that I am opposed to corporal punishment, provided a substitute can be found. But, sir, I sincerely believe that no ship can come out of a fight, with honor to the flag of her country, without being in a high state of discipline. And, to be so, the lash must be used, when the case demands it.

"*Answer to question* 5.—There is no doubt in my mind, that our vessels are 'less efficient since the abolishment of flogging in the Navy.' No officer is disposed to drill a crew, unless he can have his orders obeyed. Therefore, negligence prevails; and disgrace and defeat will be the consequence.

"If the law had been in force when I commanded the Princeton, her usefulness in the Gulf would have been destroyed; her crew was reduced one third, by sickness and hard work; so, if I had been compelled to punish the men by confinement, I never could have coaled at Pensacola; nor could I have met the requirements of the Commodore, who could name not only the day, but the hour, of her arrival, from Pensacola, at Vera Cruz.

"It was a standing order, that no boat should leave the ship, when coaling. We could not spare the men."

Commander S. B. Wilson, from the United States receiving ship North Carolina, New York, July 22, 1851, says:

"I will premise that, as I have no reliable information in regard to the effect produced on board of other ships, my answers to the several questions will be confined principally to what has come under my observation, in reference to the subject, on board of this ship, which, it will be perceived, can scarcely be considered a fair test of the question, inasmuch as the situation of men here, is very different from what it is on board of sea-going ships.

"The crews of receiving ships are enlisted but for one year, and as satisfactory testimonials of character are usually required of them, an opportunity is afforded of selecting a better class of men, than when enlisted at the rendezvous for 'general service,' where they are on most occasions received without reference to character. There are also many inducements to good conduct, not available on board of sea-going ships, to which may be ascribed, perhaps, the better condition of men generally on board of receiving ships. The recruits are on board for a short time, and when first joining, being strangers to the ship and to each other, and in many instances to the service, they are less likely to engage in acts of insubordination, than at a future period of their enlistment.

"I will now answer the several questions in the order in which they are proposed.

"*First.* What has been the effect upon the recruiting service? Is it found that a better class of men is now induced to enter the naval service?

"The number of recruits daily received from the rendezvous for the last several months, has been less in proportion than at former periods, and it does not appear that a better class of men is now enlisted; on the contrary, it is evident that the men received for some time past, are generally of an inferior character, both in regard to their physical condition and capacity as seamen. This may be attributed, and perhaps very properly, to the scarcity of seamen which has prevailed for some time, and the higher rate of wages paid for those of a better class in the merchant service.

"*Second.* 'What has been the effect upon discipline and subordination among persons composing ships' companies?'

"There has been no overt act of insubordination, or gross violation of discipline on board of this ship, except in some cases of desertion; but the effect otherwise has been decidedly unfavorable, as is frequently manifested by the manner and bearing of the men towards their officers—conduct utterly subversive of good order and discipline.

"*Third.* 'Do the crews of ships of war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?'

"There is evidently, even on board this ship, less alacrity and prompt obedience to orders than heretofore, evinced by an indifference and inattention to orders when called upon, especially by junior or petty officers, to perform the ordinary duties of the ship; frequent instances of this nature occur, being a source of annoyance and complaint both to officers and the better disposed men.

"*Fourth.* 'Are there any effectual means by which the badly-disposed persons on board ship may be restrained?'

"Various means have been proposed, and, I believe, resorted to, but with what result on board of sea going ships I am unable to say. On board of this ship, partly for the reasons before stated, there is seldom occasion to resort to more severe punishment than confinement, or, in case of any of the crew proper, a disreputable discharge. Moreover, there is ample means and sufficient space, for securely confining delinquents, without injury to health or inconvenience from loss of service. It is not so, however, on board of sea-going vessels, where the services of all are necessary, and where they have not the means of confining men in such a manner as to render it effectual as a punishment, without danger of perhaps permanently injuring the health of those confined.

"All who are familiar with the subject, must agree as to the necessity of some stringent means, by which the evil-disposed may be restrained, but none, that I am aware of, have been suggested as an effectual substitute for the mode of punishment formerly in use; nor am I prepared to offer one, being satisfied, from long experience in such matters, that none other can be resorted to on board ships of war, likely to have the desired effect, or none more humane and salutary when administered under wholesome and proper restrictions. It is well known of what discordant materials ships' companies are usually composed; many of them are only to be controlled and restrained through the fear of prompt and severe punishment.

"*Fifth.* 'Are the vessels of the Navy more or less efficient, since the abolishing of flogging in the Navy?'

"I am not prepared to answer this question from any knowledge I have of the effect produced on board of sea-going ships, where only it can be fairly tested; but it may readily be understood that, with less authority and power to enforce a strict and prompt obedience to orders, the efficiency of a ship of war must of necessity be seriously impaired."

Commander John L. Saunders, from the receiving ship Pennsylvania, July 24, 1851, says:

"SIR: To the interrogatories contained in your circular of the 5th ultimo, I have the honor to submit the following reply:

"*First.* 'What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?'

"No officer has had a better opportunity, perhaps, than myself, of noticing the effect of the abolition of corporal punishment upon the recruiting service: from the fact that nine tenths of the men recruited on all the stations since the passage of the law, have passed through this ship. I am prepared unhesitatingly to say, that a vastly inferior class are now to be found on board our ships: mostly foreigners, lawless in the extreme!

"Rarely do we now see the familiar faces of the old 'stand-byes' of the service—our native-born seamen, who were completely identified with the interest of the Navy—these persons have been driven from the service; but the other day, I heard one of those individuals say, while engaged in work not properly his own, but unable to obtain the assistance of the worthless around him: 'That he had rather be in hell than on board an *American* man-of war under the present system. That the willing men were worked to death; and that matters, he feared, would never be better unless the 'cats' were restored.' This is the opinion of most of the good men with whom I have conversed.

"*Secondly.* 'What has been the effect upon discipline and subordination among persons composing ships' companies?'

"Injurious in the extreme! The men seem to lose sight of the fact, that the officers have been left without a substitute for flogging, and have themselves to devise means for the support of discipline; they fancy the modes adopted are intended only to annoy and harass them, and consequently have arrayed themselves against their officers as their natural enemies, and become much more insubordinate than formerly.

"*Thirdly.* 'Do the crews of vessels of war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?'

"They appear much more dissatisfied and complaining, and there is evidently a hesitancy and disinclination to obey any and every order given them. Twice since I have commanded this ship, and since the abolition of corporal punishment, have a portion of the marine guard been turned out to enforce, at the point of the bayonet, the legal and proper orders of their officers; a necessity which I have never before seen arise in forty years service. Time would fail to mention the hundreds of instances of insubordination that have fallen under my observation.

"*Fourthly.* 'Are there any effectual means by which badly-disposed persons on board ship can be restrained?'

"All the means which I have seen tried only tend to irritate and make the men more stubborn and insubordinate. That you may form some idea of the class of persons with whom we have to do, and to show the effect of 'ignominious discharges,' I will relate a circumstance which recently occurred in presence of the assembled crew. A man named McCaddan, brought home in the St. Louis under sentence of court-martial, was by your order discharged in disgrace from this ship. Upon landing abreast of the ship he was greeted by a portion of the crew of the St. Louis with three hearty cheers, followed by three groans for the ship, placed in a carriage and driven off in triumph, exclaiming as they went off, 'You have done nothing disgraceful; you have only licked *an officer*, which we will all do if the opportunity offers.' As a further illustration of the effect of this mode of punishment, I will mention the fact, that one of the crew of the John Adams, an excellent seaman, applied to Commander Barron for a 'disgraceful discharge!' I know of no remedy other than the old and well-tried one of the 'cats'—the instrument that placed and sustained our gallant little Navy upon an equality in discipline with any other upon the globe!

"*Fifthly.* 'Are the vessels of the Navy more or less efficient since the abolition of flogging?'

"To this interrogatory I am not prepared to give a decisive answer, from the fact of my not having been to sea since the passage of the law. I cannot for a moment imagine, from any experience here, however, *that they are at all efficient;* and from accounts abroad, and the condition of those recently returned, I am confident in the opinion."

Commandant Downes, from the Commandant's Office, Navy-Yard Boston, July 26, 1851, says:

"SIR: In compliance with the wishes of the Department, in the circular of the 5th June last, to furnish as much in detail as practicable my views of the effects produced in the naval service by the abolishment of flogging in the Navy, and proposing a series of questions for my consideration, and answers thereto, I would remark, that not having been at sea since the law abolishing corporal punishment went into operation, I can only judge of its effects on the service from the apparent little control the officers of ships arriving here to be paid off have over their crews. I have witnessed among them a general spirit of insubordination and indifference in the discharge of their duties. About fifteen hundred men have arrived here and been paid off within the last two years, and I have experienced more difficulty with them than ever before with the thousands that I have heretofore seen paid off and discharged.

"In answer to the first question in the circular—'What has been the effect upon the recruiting service?'—I would state, as my opinion, that it has driven many of the class of seamen from the service. I have the fact from themselves, and when I have asked them why they did not return to the service, their answer has uniformly been, '*There is no flogging now;*' and the good men will have to do all the duty, whilst the ill-disposed are confined below, where they prefer to be rather than to being exposed to bad weather on deck. Formerly the bad men were kept to their duty from the *dread of the cat*, while the good seaman had no fear of being punished. I think it very certain that not one man has been induced to enter the naval service in consequence of the abolishment of flogging; but, on the contrary, that many have avoided it for that reason.

"In answer to the third question—'Do the crews of vessels of war evince more or less alacrity and cheerfulness: and are the orders of the officers more or less promptly obeyed?'—I would remark, that as far as they have come under my observation, much less so now than previous to the abolition of flogging.

"In answer to the fourth question—'Are there any effectual means by which the badly-disposed persons on board ship can be restrained?'—I would remark, the ships of war when at sea are at all times expected to be in readiness for immediate action, which cannot be the case if many of her crew are in confinement. To insure efficiency in ships of war at sea, prompt punishment should follow offences. In port, confinement may be resorted to; but at sea I know of no punishment, except corporal, that will effectually keep badly-disposed persons under the proper and necessary restraint. This might be authorized under the sentence of a court of three officers, ordered by the commander of the ship, for small offences, restricted to slight punishment.

"To the fifth question—'Are the vessels of the Navy more or less efficient since the abolishment of flogging in the Navy?'—I would remark, that this question is already answered in the preliminary remarks of this communication; but I repeat, that from my observation on the condition of vessels arriving here, they are far less efficient than before the abolition of flogging."

Captain S. H. Stringham, from the Commandant's Office, Navy-Yard, Gosport, August 23, 1851, says, in reply to the interrogatories:

"*To the first*—No. The recruits received from the rendezvous at this and from the Northern stations since the abolishment of flogging in the Navy, have been found far inferior to those who comprised the crews of our ships previous to the passage of that act.

"*To the second*—From personal observation I am unable to say, but from official reports made to me by commanders of vessels at this station and under my command, the abrogation of punishment by flogging has had a most unhappy

effect upon the discipline and subordination of ships' companies.

"*To the third*—Cannot say from personal knowledge; but from information derived from officers attached to sea-going ships, I am justified in answering no, emphatically.

"*To the fourth*—None, in my opinion, except a restoration of authority to punish by flogging for certain specified offences; the offence and extent of punishment inflicted to be entered in the log as formerly, and regularly reported to the Department. In connection with this I would remark, that from free and unrestrained conversations with many of our worthy and reliable seamen, I am satisfied that the mass of them are unanimous in the wish that the law prohibiting flogging be repealed."

Commander Thomas O. Selfridge, under date of Boston, Massachusetts, September 6, 1851, says:

"SIR: In reply to the circular from the Department of June 5th, I have the honor to state, that the effects of the abolishment of flogging in the Navy are a subversion of efficient discipline, and the infliction of a direct injury on the better portion of a ship's company.

"These conclusions are drawn from my knowledge of the character of seamen, generally; from having served much on board large ships-of-war, where a more vigorous course of discipline is required than in small vessels, and from the universal opinion of intelligent seamen, who have served many years in the Navy.

"Since the passage of the act abolishing corporal punishment, I have taken *especial* pains to obtain all the information possible on this subject, from those who have served in the Navy previous to, and since flogging was abolished. In every instance of inquiry, seamen of intelligence have told me, that they much preferred the service as it was, than as it is. That they considered flogging, or rather the power to flog, essential to the preservation of discipline, order and social comfort: that now the good men of a ship were of necessity obliged to perform much of the labor of the idle and profligate, who care but little for the punishment of confinement or other mild penalties.

"These opinions from this class of sailors, I conceive to present an unanswerable argument in favor of the system of corporal punishment.

"As I have not been afloat since flogging was abolished, I am unable to answer any of the queries embraced in the circular but the first, which relates to the effect it has had on the recruiting service. To this I have to say, that the abolishment of flogging has had no perceptible influence on the recruiting service. Neither has it induced a better class of persons to enter the naval service."

Captain James M. McIntosh writes from on board the "United States frigate Congress," Rio de Janeiro, August 5, 1851, and thus answers the interrogatories:

"1. What has been the effect on the recruiting service? Is it found that a better class of persons is induced to enter the naval service?

"*Answer.*—My ship's company having enlisted previous to the passage of the law, I am unable, from my own experience, to judge; but from the representations of the officers of our ships, who have touched at this port since the passage of the law, I am of the opinion that no advantage has been obtained to the service in the character of the men enlisted, but perhaps the worst.

"2. What has been the effect upon discipline and subordination among the persons composing ships' companies?

"*Answer.*—I do not conceive a sufficient time has yet elapsed to fairly test this question; so far, this ship has been kept in good order and good discipline, but I do not consider the new system can be judged of from that fact. The ship sailed under the old law, and I conceive a moral control was gained at the commencement by a firm and decided course with all offenders, which, while the power existed, convinced the men that crimes and offences would be punished, and which rendered a few examples sufficient. I had hopes, for some time after the abolishment of the lash by Congress, and which was abolished by me for two months previous to the passage of the law, for I saw it was inevitable, and I desired to be prepared for it, if possible—that discipline might be preserved without it, and I had so expressed myself in my letters to my friends; these hopes have not yet been entirely dissipated, but I am forced to acknowledge to you, sir, that I am not free from anxiety and apprehension, from causes which will be further touched on in a subsequent part of this letter.

"3. Do the crews of vessels of war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?

"*Answer.*—My present experience of the new system will not justify my saying there has been any change in the alacrity or promptness in obeying orders. I see no improvement, certainly.

"4. Are there any effectual means by which the badly disposed persons on board ships can be restrained?

"*Answer.*—None, except constant confinement: their services are then lost to the Government, while they are paid and subsisted by it.

"5. Are the vessels of the Navy more or less efficient since the abolishment of flogging in the Navy?

"*Answer.*—I do not consider this ship more efficient this moment than other ships I have commanded under the old system. As I have previously observed, she has, up to this period, been in discipline, and admitted, by all foreign officers who have visited her, to be in good order.

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"In my answer to your second query, I have frankly stated that I am not without anxiety as to the ultimate result of the new system: permit me now to state the causes of this anxiety. The men have discovered, or will very soon discover, that the only punishment for any offence, no matter how great, is confinement. They soon learn, too, that a great many cannot be confined at one time without rendering your ship inefficient, and consequently the evil disposed are always working for recruits; and there never was, and never will be, a ship of war without some of the most desperate and worthless characters on board, until there can be some change made in the manner of enlisting our men. You are, therefore, compelled to feel, whenever a disposition is evinced to be insubordinate or disobedient, that it may manifest itself in such numbers as to make it a most serious matter and difficult to control, except by resorting to most forcible and painful means. This, I believe, might be avoided by restoring to courts-martial the power of punishment by flogging; and in case of a ship cruising alone, to authorize a drumhead or capstan court, prohibiting the latter from exceeding one dozen lashes for any offence. With the means I have now in force for punishing offenders, *with this additional security*, I should have no doubt as to a most favorable result; but some punishment, more than I now possess, I believe to be necessary to insure good and wholesome discipline in the service generally. This ship, I repeat, is now in order and good discipline; but there are *circumstances* of daily occurrence which indicate that I may have, as other officers already have had, cause, before the termination of the cruise, to regret the too hasty legislation of our law-makers."

Commander Charles Lowndes, from the Baltimore Rendezvous, September 12, 1851, replies thus:

"SIR: I have the honor to acknowledge the receipt of a circular, dated Navy Department, June 5, 1851, in which I am directed to furnish the Department with my views of the effect produced on the naval service by the abolishment of flogging in the Navy, and particularly on the following subjects, viz: 1st. What has been the effect on the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?

"In reply thereto, I have to state that it has not been found, at this rendezvous, that a better class of persons is now induced to enter the naval service. Since the abolishment of flogging in the Navy, we have not recruited as many seamen and ordinary seamen, in the same space of time, as formerly, which may be attributed to the scarcity of that class of men in the port of Baltimore, and the demand for them in the merchant service. The only effect upon the recruiting service, caused by the abolishment of flogging in the Navy, seems to be an increased desire on the part of landsmen to enlist.

"As I have not been afloat, nor attached to a receiving vessel or navy-yard, since the passage of the law abolishing flogging in the Navy, I can furnish the Department with no information in relation to the second, third, and fifth interrogatories.

"In reply to the fourth question—Are there any effectual means by which the badly-disposed persons on board a ship can be restrained? I must give it as my opinion, that the lash, judiciously applied, is the only effectual means by which badly disposed persons on board ship can be restrained and the discipline of the service maintained. Solitary confinement might be a substitute, if it could be effectually resorted to. In a warm climate it would be attended with dangerous consequences, thereby seriously injuring the health of the prisoners, and in a very short time rendering their discharge absolutely necessary. All milder punishments are of no avail in preventing drunkenness and other vices found to exist on board vessels of war of our Navy. I have tried them, and in every instance have found them inadequate."

Commander J. B. Hull, from the United States Naval Rendezvous, Philadelphia, September 12, 1851, says:

"SIR: I have the honor to acknowledge the receipt of the circular of the Department of the 5th June last, desiring my views of the effect produced on the naval service by the abolishment of flogging in the Navy; and I beg leave to offer the reason for deferring a reply to it until now, that I might be better able to form an opinion of the effect it has had upon the recruiting service: and, as I have not been at sea since the passage of the act, or been placed in any situation where I have been enabled to observe its effects upon the discipline of the service, I can only reply to the first question of the circular.

During the past year, the enlistments at this rendezvous have been very various—embracing several of the grades allowed in the service—requiring, to fill them, a large proportion of men having a mechanical rather than a nautical knowledge, or requiring but a limited knowledge of the duties of seamen. This may, perhaps, be one reason for the opinion that comparatively a small number of the better class of seamen, or that class known as 'old men-of-war-men,' have offered themselves for the service; and another cause may be found in the fact that greater inducement has been offered for them to go into the merchant service, by the payment of higher wages; and the activity of commerce has produced a great demand for them.

"From the above considerations, I have found it difficult to form an opinion how far the abolishment of flogging has operated to prevent the better class of seamen from entering the naval service, as those who are induced by it not to enter, would be prevented from coming to the rendezvous to declare such a determination; but I have understood that this feeling exists to a considerable extent, though I have known but one or two instances of the expression of it; and the reason assigned was, that they would be obliged to do the work of the lazy and vicious part of the crew, and that they would not be safe from their malice and revenge, owing to their feeling less restraint from the fear of punishment.

"But little knowledge of the character of men can be obtained from the short time they are under examination at the rendezvous, and they sometimes come with a determination to deceive, and have been detected in making false statements as to their place of birth, time at sea, and other particulars; and an estimate can only be made from appearance and manner; but, from my observations on the subject, I have not found 'that a better class of persons is now induced to enter the naval service.'"

Commander J. J. Manning, from Charlestown, Jefferson county, Virginia, September 15, 1851, says:

"In answer to the circular emanating from the Navy Department on the 5th of June last, wherein I am directed to furnish, as much in detail as practicable, my views of the effect produced on the naval service by the abolishment of flogging in the Navy, I have the honor to state:

"1. That there has been no effect produced upon the recruiting service.

"As far as my observation and experience go, a better class of persons have not been induced to enter the Navy, and I think there would be many more worthy applications if the law had never been enacted. The general remark of seamen with whom I have conversed is, that they *now* prefer the merchant service, 'for in a man-of-war, we who behave ourselves well have all the work to do.'

"2. I have had no opportunity of judging the effect upon discipline and subordination among the persons composing ships' companies since the passage of the law, my duties having been confined to the shore at rendezvous.

"3. I am firmly of the opinion that there is much less alacrity exhibited, and consequently less cheerfulness. In my experience at sea, I have found no exception to the rule, that when the commander is rigid in his discipline, and suffers no offence, however trivial, to pass unnoticed, there is a greater degree of promptitude displayed. In illustration of the correctness of these views, I will mention one instance which came under my own observation, and was made a part of my duty.

"I went to sea some years since, under a commander who carried out to the letter this seemingly harsh rule. In the first two weeks of our cruise the lash was frequently resorted to, but the men perceiving the determination evinced, and knowing the consequence of the slightest disobedience of orders, became satisfied, and afterwards discharged their duties with alacrity and cheerfulness. The lash was discarded, and this gratifying state of affairs continued until our return home. After the men had been paid off and discharged, they petitioned in a body to reënter for the same ship for another cruise with the same officers."

Captain William Inman, from on board the United States frigate Susquehanna, Rio de Janeiro, August 8, 1851, replies to the interrogatories thus:

"1. 'What has been the effect on the recruiting service? Is it found that a better class of persons is induced to enter the naval service?'

"*Answer.*—I do not think that the effect on the recruiting service has been for the better, for I have not found that a better class of persons is induced to enter the service.

"2. 'What has been the effect upon discipline and subordination among the persons composing ships' companies?'

"*Answer.*—After diligent observation and comparison, I think that the effect is injurious to discipline, and that there is less proper subordination among the persons named in this question.

"3. 'Do the crews of vessels of war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?'

"*Answer.*—I find less alacrity, without greater cheerfulness. I think the orders of the officers are less promptly obeyed.

"4. 'Are there any effectual means by which the badly-disposed persons on board ships can be restrained?'

"*Answer.*—I know of no effectual means of restraining such persons, which does not impair the efficiency of the vessel.

"5. 'Are the vessels of the Navy more or less efficient since the abolishment of flogging in the Navy?'

"*Answer.*—I consider that the vessels of the Navy, which I have had the opportunity to observe, are less efficient since the abolishment of flogging in the Navy.

"As it is the first occasion on which I have had the honor to address the Department on this subject, I ask its indulgence for the following remarks—the Department being aware that my command, under the present law, has been held since December last.

"When I commanded under the existence of the law authorizing flogging in the Navy, that punishment was scarcely ever used in that vessel, yet all the essentials of discipline prevailed among her crew, viz: subordination, alacrity, obedience, all proper restraint, good order, and efficiency, with the utmost apparent cheerfulness and contentment. From these facts, and previous experience, I infer that the abolishment of flogging in the Navy, though doubtless caused by humane and philanthropic considerations, has in effect produced discontent in the worthy men, because, although they are not the persons intended to be punished, in reality they are inconvenienced by performing, in addition to their own, the duty of evil doers, to whom, in almost all cases now, confinement (and consequent exemption from current duty) is awarded. It will be perceived that these causes must, first, lessen cheerfulness, subordination, and alacrity among the crews of our ships, the good men being made to feel punishment inflicted on the bad; second, they injure discipline, because small offences are passed over, rather than produce the above effects on the good men; third, they lessen efficiency for all the above reasons.

"I have ever found in the Navy that prompt and certain punishment of offences, prevented, to a great extent, their being committed; that such punishment (with proper restrictions and forms) is especially necessary at sea, where the system and circumstances must always be widely different from those on shore."

Commodore Foxhall A. Parker, commanding the Home Squadron, from on board the United States flag-ship Saranac, Havana, September 6, 1851, replies:

"To the first question propounded in your communication, I answer, that not being in the vicinity of recruiting stations, I cannot state, with certainty, what has been the effect on the recruiting service; but judging from the diffi-

culties of obtaining men, and those obtained being of a very inferior class, I am induced to believe that the abolishment of flogging in the Navy has had an injurious effect on the recruiting service.

"To the second question, I answer, that the effect upon the discipline and subordination of the ship's company, has been been, in my opinion, of the most *injurious character, so much so as to destroy everything like proper discipline, for it has sometimes occurred on board this ship that men have refused to perform duty on the most frivolous pretences.*

"To the third question, I state that the crews of vessels (composing the Home Squadron) evince less alacrity and cheerfulness than formerly, and that the orders from officers are less promptly obeyed.

"To the fourth question, I answer, that I know of no effectual means (under the existing laws and regulations of the Navy) by which the badly-disposed persons on board ship can be restrained.

"And to the fifth and last question propounded, I declare that the vessels of the Navy, so far as has come within my observation, are far less efficient than before the abolishment of flogging.

"In justice to the petty officers, seamen and ordinary seamen, I take pleasure in stating that very little complaint is made of them for want of proper conduct and obedience to orders; but it is the landsmen and dissolute youths who are picked up in our large cities, that create most of the difficulties which occur on board our ships of war, many of whom, no doubt, having been *inmates in State prisons and penitentiaries.*"

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Commander H. Y. Purviance, from the United States receiving-ship Ontario, under date of Baltimore, September 26, 1851, thus replies:

"*To the first question.*—The effect upon the recruiting service on this station, has been extremely injurious. We have not found that a better class of persons offer.

"*To the second question.*—Since the abolishment of flogging, I have found a strong disposition by the men to lay aside entirely all discipline and subordination.

"*To the third question.*—The men do not act with the same alacrity and cheerfulness, nor are the orders of the officers obeyed with promptness.

"*To the fourth question.*—I know of no more effectual means by which badly-disposed persons can be restrained.

"*To the fifth question.*—The vessels of the Navy are less efficient since the abolishment of flogging.

"You may, sir, think me cruel by upholding flogging in the naval service, but I have seen many of our oldest captains adopt every means that could be thought of, and they have been obliged to fall back to the lash."

Commander S. F. Du Pont, from Philadelphia, September 27, 1851, says:

"Not having been at sea since the passage of the law above referred to, my own experience of its effects is necessarily very limited. The command of the receiving-ship at this station, where the men are rarely detained any time, only enables me to answer the first query—'What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?' In my opinion, there has been no improvement in the class of men received from the rendezvous here; and this is the opinion of the first lieutenant of the vessel, who has better opportunities of judging than myself. I regret also to add that desertion has much increased among the recruits, the Government thereby losing the advance for wages paid to them.

"As relevant to the fourth inquiry, 'Are there any effectual means by which the badly-disposed persons on board can be restrained?' I beg leave to furnish an extract from a letter recently received from the commander of one of our ships on a distant station—an officer of high standing, who seems to have much faith in the ultimate success of the experiment, provided substitutes for flogging are authorized by law; though he appears to dread the very possibility of being kept out under the present system beyond the period of three years from the enlisting of his crew. After alluding to some few cases of unruliness, this officer says:

'And these arise from the defective and insufficient 'power in the hands of a commander to maintain discipline 'and administer prompt justice to violated law, and at the 'same time alleviate the condition of those suffering under 'a state of things which denies prompt investigation, and 'the release or punishment of those charged with offences. 'I have three cases on board this ship, two seamen and a 'marine, which, in my opinion, ought to be investigated by 'court. As the law now is, it will probably be six months 'before we shall fall in with the commodore, who alone 'has the power to order a court. In the mean time, the 'men are confined in irons, their services are lost to the 'Government, and if finally proved innocent, they have suf-'fered a long and wearisome confinement, because no tri-'bunal has been provided to take cognizance of their cases. 'Had I the power to order a court, to consist of any three 'commissioned sea officers, (not one of whom is under 'thirty years of age,) with all the forms and regulations of 'a court-martial, the cases referred to would have been set-'tled long ago, and the men either undergoing their pun-'ishment or restored to their duty. A late arrival brings us 'the news of the close of the late Congress, and the passage 'of the appropriation bills, but I see nothing on the score of 'naval discipline.'

"The difficulty of finding efficient substitutes, consistent with humanity, and satisfactory to the seamen themselves, or the sharp but prompt punishment of flogging, was the main source of objection to the change. To substitute long and wasting confinement, with reduced rations—impairing he constitution and breaking the spirit of a man—is a system especially obnoxious to the character and temper of a seaman, and detrimental to the efficiency of ships. Sailors look upon the experiment as an immunity to the vicious, at the expense of the good. In a published letter from the captain of one of our large frigates, with a complement of near five hundred men, now abroad, gives this as the opinion of his crew,—in corroboration of which he quotes the words of one of his petty officers, in reference to three offenders just brought back to the ship:—'Why, it is no use to confine these men,' said the honest old tar, 'they are State's-prison birds anyhow; they like the irons, so that good men can do their duty. Now, sir, if you put the question up here, to-morrow, to this crew, cat or no cat? all but about twelve men will say, give the cat; and them twelve are the State's-prison birds.' A good man, sir, knows he will never get a lash on board this ship.' 'This, I can assure you,' continues the captain, 'is nearly verbatim of what was said, and what I know to be the opinion of my crew.

"Let it not be supposed this comes from an officer opposed to the abolition of corporal punishment; he avows himself boldly in favor of it. Yet he, too, seems to be in great dread lest the ship should be kept out beyond the term of the crew's enlistment, under the present system; for he speaks of dreadful scenes occurring, if this practice be not checked.

"Now, I agree with my gallant friend, the captain, that no efforts should be spared to have our vessels of war back, and their crews paid off, *before* their three years expire. Yet the law which authorizes the detention of crews, in order to meet exigencies, is a most salutary and imperative one; and these exigencies may arise, and do arise, in peace as well as in war; and if crews, under the present system, cannot be detained without bringing about 'dreadful scenes,' then that system is wholly defective. Millions of property and thousands of lives might be lost, if a ship of war were compelled, under all circumstances, to lift her anchors and sail for home, when her crew's times were out.

"But in reference to this vexed question, whatever opinion may exist as to the wisdom or expediency of the sudden repeal, without substitutes, of an old statute, under which the Navy had gained its renown, the country, Congress, and the Executive will award full credit to the entire good faith with which every ship, now in commission, is endeavoring to make the experiment successful. This endeavor not only springs from the known loyalty of the Navy to the will of the nation; but because, some assertions to the contrary notwithstanding, no persons can have a greater desire for it to succeed than those very officers by whom, alone, the former mode of punishment could be ordered. This duty was the most onerous they had to perform; and if any other system can be devised, less trying to the feelings, and at the same time sufficient to maintain the order and efficiency of our ships of war, no class in the community can be more satisfied with the change, than the commanding officers of the Navy.

"In conclusion, I beg leave to refer to a communication on this subject, now on file in the Department, in reply to its circular of January 29th, 1850."

Commander J. H Aulick, commanding the United States squadron, East India and China seas, writes from on board the United States frigate Susquehanna, Rio de Janeiro, August 20, 1851, in reply to the questions in the circular:

"*Question* 1.—'What has been the effect on the recruiting service? Is it found that a better class of persons is induced to enter the naval service?'

"*Answer.*—Having had no connection with the recruiting service since the abolishment of flogging in the Navy, I am unable to say what description of men may have been recruited for the service generally, since the passage of the act alluded to. But if the crew of this ship, which affords the only opportunity I have of knowing anything on the subject, be taken as a fair specimen, the effect has been injurious: for I can say, unhesitatingly, that I have never seen so indifferent a class of seamen on board of any ship in which I have served, as that of this ship.

"*Question* 2.—'What has been the effect upon discipline and subordination among the persons composing ships' companies?'

"*Answer.*—The effect has been a subversion of both.

"*Question* 3.—'Do the crews of vessels of war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?'

"*Answer.*—Less alacrity and cheerfulness, and the orders of officers are less promptly, and at times not at all obeyed.

"*Question* 4.—'Are there any effectual means by which the badly-disposed persons on board ships can be restrained?'

"*Answer.*—I know of no means of restraining the bad men, except by confinement; which necessarily impairs the efficiency of the ship, and imposes extra duty on the good.

"*Question* 5.—'Are the vessels of the Navy more or less efficient, since the abolishment of flogging in the Navy?'

"*Answer.*—As the efficiency of every vessel of war is like that of a military force on shore, in porportion to the state of its discipline, it necessarily follows, that the state of discipline being now greatly inferior to what it formerly was, the efficiency of the vessel must also be greatly inferior.

"My views on the subject of the abolishment of flogging in the Navy were given at large to the Department, in answer to its circular of January, 1850, and are now on the files of your office. All my experience and observation since, have tended only to confirm those views."

Commodore C. S. McCauley, Commander-in-Chief of United States naval forces on the Pacific, writes answers to the questions propounded from on board the United States ship Raritan, Callao, September 5, 1851, as follows:

"1st.—'What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?'

"*Answer.*—I have no knowledge on this question.

"2d.—'What has been the effect upon discipline and subordination among the persons composing ships' companies?'

"*Answer.*—To destroy, in a great measnre, both discipline and subordination.

"3d.—'Do the crews of vessels of war evince more or less alacrity and cheerfulness? Are the orders of the officers more or less promptly obeyed?'

"*Answer.*—Less.

"4th. 'Are there any effectual means by which the badly-disposed persons on board ship can be restrained?'

"*Answer.*—I know of none so effectual as corporal punishment.

"5th. 'Are the vessels of the Navy more or less efficient, since the abolishment of flogging in the Navy?'

"*Answer.*—Less efficient."

Commodore G. C. Read, from the Commandant's Office, United States Navy-Yard, Philadelphia, October 9, 1851:

"As I have not had a command afloat since the passage of the act to which you allude, I can only speak of what I have heard from officers who have been lately employed on sea service. I now proceed to answer the following queries:

"*First.*—'What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?'

"*Answer.*—The scarcity of sea-faring men at this station for several months past, has made it somewhat difficult to answer the first part of this query; but some seamen have spoken to me in terms of dissatisfaction with the abolishment of flogging, on the ground that the well-disposed portions of the crews of our ships of war have to perform the work of the lazy, reckless, and vicious, who are too often found in the service. So far as my experience enables me to judge, a better class of men has not been induced to enter the naval service.

"*Second.*—'What has been the effect upon discipline and subordination among the persons composing ships' companies?'

"*Answer.*—I cannot say what has been the general effect upon ships' companies except from hearsay, and the late visit of the Saranac to this port. Soon after the arrival of that steamer, a court-martial was convened at this navy-yard for the trial of several individuals of her crew, charged with disobedience of orders, neglect of duty, and disrespect to their officers. They were all found guilty of some of the charges, and sentenced to be punished, but the penalties inflicted seemed to have no effect on the crew, nineteen of whom deserted during the detention of the ship at the yard."

Commandant Tattnall replies from the Navy-Yard, Pensacola, October 10, 1851, thus:

"1. Its effect on the recruiting service, I have had very limited means of observing, but I find a draft of seventy men recently received from and recruited in New Orleans, no better than the recruits in the naval service previous to the abolishment of flogging.

"2. The effect upon discipline I think very lamentable. I commanded the steam-frigate Saranac before and after the abolishment, and its baneful influence was too palpable to permit of a doubt. Occasionally as many as twenty men were in confinement at one time, their work being thrown on the good men of the ship. More crimes, and some of them very serious, were committed within six months after the passage of the law, than I had witnessed in as many years of my previous service. At one time, for five days at sea, the ship's deck was in charge of a midshipman, all the lieutenants and myself being employed on courts-martial. The Saranac was a 'flag ship,' which gave me prompt action by courts-martial, an advantage which the other ships of the squadron absent from the 'flag' did not possess. But for this, which enabled me after trial to return the greater portion of the prisoners to duty, the efficiency of the ship would have been even more seriously affected.

"3. The crew of the Saranac, the only ship I have commanded since the abolishment of flogging, evinced infinitely less alacrity, and I think, cheerfulness, than formerly. The best men appeared to have been disheartened by the additional duty imposed on them by the new system.

"4. I am unable to suggest a substitute for the old law, that might with equal promptitude and efficiency check the badly disposed.

"5. In my opinion, the vessels of the Navy generally are infinitely less efficient since the abolishment of flogging."

Commander Kelly thus replies from on board the United States ship Plymouth, Funchal Roads, Madeira, September 24, 1851:

"*First.*—'What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?'

"I reply, that many of our best men—I mean those who have been brought up and feel an interest in the service—decline reëntering, giving as a reason that all the work falls upon the willing part of the crew; and I am very sorry to subscribe to the fact. We have, in all ships' crews, some insubordinate spirits that cannot be held in check but by very severe measures; it is this portion of the crew that formerly swelled our list of punishments. I have rarely seen a good man reported for improper conduct; and when it has happened, it has generally been traced to the irritating and disorderly conduct of one of the few insubordinate characters alluded to above.

"*To the second question.*—'What has been the effect upon the discipline and subordination among the persons composing ships' companies?'

"I answer, very injurious; and as a proof of the fact, all of the good men of the crew complain bitterly of the change, and the absence of all means to restrain the insubordinate. I will relate a circumstance which occurred a short time since on board this ship. I had occasion to punish a quartermaster, by disrating him, for highly insubordinate conduct to the commanding officer of his division. Upon returning to his quarters, he positively refused to do his duty as captain of the gun; and upon my ordering him to be confined in double irons, he told me, as he was to be

punished, he would take care that it should be for something, adding, that he would not be imposed upon by me or any other man. The next morning he said, in the presence of several of the crew, that he did not care a damn for the captain or any other officer; that he had now broke out, and he would let them know it. Had not this man known that I could not punish him except by confinement, I do not think it would have occurred. I must now keep him confined until I fall in with some senior officer, who has authority to order a court-martial. This may be two or three months; and all this time I not only lose his services, but have to detail a marine to take charge of him, and one of his messmates to supply him with food, to carry his hammock up and down, and to wash his clothes, besides some other one of the crew having to perform his duty.

"*To the third question.*—'Do the crews of men of war evince more or less alacrity and cheerfulness? Are the orders of the officers more or less promptly obeyed?'

"To the first part of this question I answer, with much less alacrity and cheerfulness. And to the second part, so far as my observation has gone, the orders of the officers are obeyed in a slow and sullen manner. In fact, our ships are no longer men of war, so far as prompt and quick action is required.

"*To the fourth question.*—'Are there any effectual means by which the badly-disposed persons on board can be restrained?'

"I know of none so effectual as the cat, and that should follow close on the heels of the offences, giving full time for a thorough investigation of the case. It is only the certainty of punishment immediately following the crime, that can restrain men of bad character.

"*To the fifth question.*—'Are the vessels of the Navy more or less efficient since the abolishment of flogging in the Navy.'

"I reply that, in my opinion, they are much less so."

Commodore E. A. F. Lavalette, Commanding the African Squadron, from on board the United States flag-ship Germantown, Porto Praya, November 12, 1851, thus replies:

"2. 'What has been the effect upon discipline and subordination among the persons comprising ships' companies?'

"In the early part of our cruise I observed a marked difference in the bearing and conduct of the men to their officers, when compared with the experience of former times. There was an indifference and want of promptitude in obeying an order, much noise and confusion in the performance of duty; and in one instance an outbreak occurred which had nearly terminated in serious consequences, the circumstances of which the proceedings of the court-martial, forwarded at this time, will inform you.

"3. 'Do crews of vessels of war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?'

"The natural consequences of inability to inflict a summary and dreaded punishment upon the indolent, will inevitably prevent the necessary quickness in working ship, with the watch, especially at night, when the men can so easily escape the notice of the officer in charge of the watch. The result is also to dissatisfy the better class of seamen and petty officers, whose labor it increases, and who repine at the existing state of things, and refer with satisfaction to former times, when the power to punish the skulker obliged every man to perform his share of duty. Since the occurrence alluded to, when the offenders were tried by court-martial, there has been much improvement in the conduct of the crew of this ship; there is more alacrity in the movements of the men, and much more respect shown to the officers; and, altogether, I am much pleased with the conduct of the men.

"The fifth and last question is, 'Are the vessels of the Navy more or less efficient since the abolishment of flogging in the Navy?'

"The vessels of the Navy are less efficient, since the abolishment of flogging in the Navy. The abolishment of flogging in the Navy, not only deprived the captain, but a court-martial, of the most ordinary means of enforcing discipline; leaving to the former no specific mode of punishment, except putting in irons, or confinement, which deprives the ship of the services of the delinquent, who, during bad weather, is in a much better condition than his fellows, who are obliged to perform his duties, while he is in receipt of full pay and rations, which the law does not allow the captain to check or curtail; and, again, in the event of any general dissatisfaction, men might unite and tacitly resist authority, by being put in irons in such numbers as to completely disable the ship. An immediate punishment, which may inspire dread in the minds of the men, appears to be absolutely necessary for the well-being and efficiency of any military establishment, and is especially so in the Navy; and should be of such severity as to prevent the indolent from enduring it, in preference to performing any arduous duty which may be required of them, and to prevent the evil-disposed from disabling the ship, by uniting and submitting to confinement in irons."

These reports demonstrate, as plainly as demonstration can come to the mind of man, what I have said here, to be a fact—that the Navy of our country is at this moment on the verge of disorganization. It demonstrates, as plainly as truth can demonstrate a proposition, that the seamen who navigate your ships, and to whom you look to sustain the honor of your flag, and who have ever sustained it, have never regarded the punishment of flogging as a degrading punishment, and do not now approve its abolition. I do not desire to detain the Senate, otherwise I might go on to show that some of those very punishments which have been suggested as substitutes for the system of flogging, are considered by seamen as the most degrading on earth. Fancy for a moment, a sailor who served his country in the last war with England, who has served his country for twenty years, without once being called upon to submit to the infliction of the lash—fancy such a man being consigned to the tread-mill! The *tread-mill* has been suggested as a suitable punishment on board our sea-going frigates—those frigates where every square foot of room has its appropriate use, and everything its appropriate place, and where there is scarcely any apartment that can be appropriated to the confinement of the refractory sailor. Why, sir, the only feeling which the tread-mill would inspire in the breast of a thorough sailor-man would be, not fear, but unmitigated disgust.

Now, sir, I threw out the suggestion yesterday, that from the earliest records of history, there is no page on which a man can put his finger—no age, no period of naval history in which seamen have considered this punishment of flogging as degrading; no man can put his finger upon a single period in which naval superiority has not been superinduced by this identical punishment. I challenge contradiction on this point; and before we abolish this time-worn practice, let us be guided by something like past experience, existing facts, or cool and dispassionate argument. I will call the attention of gentlemen to all the mutinies which have ever occurred in the British service—for whatever may be said to the contrary, our model has ever been the British Navy, and the British Navy has furnished us with seamen of distinguished merit and conspicuous gallantry. Then, sir, put your finger upon her naval history, and show me where these men complain of flogging. And it must be recollected, too, that this system is undergoing amelioration every hour we live. In former times, it was infinitely more severe. At the time the mutiny of the Nore occurred, when eleven line-of-battle ships and thirteen frigates and smallers ships, making twenty-four in all, had their officers all confined on board by their crews, and the Navy of England was disorganized, and at the mercy of its enemies, what were the causes of grievance? There was a prompt and universal organization of seamen against their officers, extending even to the West Indies, which was continued from the 15th of April till the 16th of June, before it was quelled, and before the Government got into possession of its ships. Now, sir, I will take the liberty of reading from the naval history of Great Britain, written by Captain Brenton, one of the highest ornaments of that service, at the time he wrote. The schedule of grievances set forth by seamen of the British Navy, and the want of redress of those grievances which superinduced the celebrated mutiny of the Nore, are couched in these words:

"Art. 1. That every indulgence granted to the fleet at Portsmouth should be granted to the fleet at the Nore and places adjacent.

"2. That every man, upon a ship's coming into harbor, should have liberty to go and see his friends, it being understood that the number should be limited according to the duty of the ship.

"3. That ships going to sea should be paid all their arrears of wages down to six months.

"4. That no officer that has been turned out of any of his Majesty's ships shall be again employed in the same ship without the consent of the ship's company.

"5. That whenever any of his Majesty's ships shall be paid, if there be any pressed men on board, who shall not be in course of pay, they shall receive two months' advance, to furnish them with necessaries.

"6. That any seaman who may have deserted from his Majesty's service, and shall be now in any of his Majesty's ships, shall be pardoned and receive *indemnification*.

"7. That a more equal distribution be made of prize money in ships of war.

"8. That the Articles of War, as now enforced, require various alterations, and several should be expunged; and, if more moderate ones were held forth to the seamen in general, it would be the means of taking off that terror and prejudice against his Majesty's service too frequently imbibed by the seamen and preventing their voluntary enlistment."

In alluding to the causes of the losses of ships, the same author, in page 276, speaks of the laxity of discipline on board the ship Queen Charlotte, commanded by Sir Andrew Snape Douglas; and speaking of the want of efficient punishment as being felt by all the officers on board that vessel, he goes on to say that—

"On the 15th of April, (Easter Sunday,) Lord Bridport, the Commander-in-Chief, made the signal No. 154, to prepare for sailing, the answer to which was three cheers from every ship in the fleet then lying at Spithead; the example was set by the *Queen Charlotte*. This ship, from the relaxed state of discipline in which she had been kept while the flag of Earl Howe was flying on board her, naturally became the focus of all mutiny, a character which she maintained until she was burnt off Leghorn."

On page 276 of the same work is found the following extract:

"The origin of the mutiny has been ascribed to various causes—to the machinations of domestic traitors, and corresponding societies—to the severity or tyranny of the captains, and the secret influence of foreign enemies. These may each have had their weight in producing the fatal effects, but certainly severity in the captains was not generally, nor could it have been reasonably, complained of by the seamen. Most of the captains erred on the other extreme, particularly that highly accomplished officer the late Sir Andrew Snape Douglas, at that time captain of the Queen Charlotte, on board of which I had been serving not long before, and where the want of punishment of the men was felt by the officers as a great evil."

Now, sir, in illustration of the existing evils in the Navy, and the absence of discipline, I will read an extract from the report of the Secretary of the Navy, made on the 29th of November, 1851. At page five in the report, he says:

"In the present state of the law, there is no power to inflict any punishment except confinement, *in* irons or without, unless by the sentence of a court-martial. Such court must consist of not less than five nor more than thirteen commissioned officers, and be ordered by the President of the United States, Secretary of the Navy, or commander of a fleet or squadron 'acting out of the United States.' It is manifest, therefore, that there can be no other punishment, during a cruise, whether long or short, except in vessels within the immediate reach of the commander of the squadron, and only then, if there be at least five commissioned officers superior to all legal exception, who can be detailed on a court. It being known that two vessels rarely cruise together, but that single ships are dispatched on distant service, and are often separated from the flag ship and from home for many months, it is apparent that the delay of justice, the accused being meanwhile in confinement, is a serious grievance to him. But, when it is remembered that the ends of punishment on shipboard are not merely for the sake of example and reformation, but to secure a faithful and specific execution of the contract of enlistment with the Government at the very time when duty is required, and to protect the rights of the dutiful, the honest, the peaceful and orderly, any punishment, to be effectual, must be speedy and certain. Confinement is ordinarily a means of securing the accused from escape, and of preventing a repetition of a positive wrong; but to obstinate, indolent, or vicious men, some of whom will perhaps be found in every ship's company, notwithstanding any precautions of enlistment, it is not a sufficient remedy to enforce the performance of positive duties. In civil life no provision is made by law for the specific fulfillment of contracts or duties, except in a few equitable cases, where the time of performance is not material. The only remedy for failure, in all others, is by indemnification in money, to be awarded by cosurt of justice, held at periods regulated by the convenience of the community. In military affairs, at sea or on land, it is far otherwise. Time, as well as alacrity in performance, are of the very essence of the contract, and upon them may depend the safety of the ship and her company from disaster at sea, as well as the honor of her flag.

"Again, theft, unlawful violence, and other wrongs, must be kept under wholesome restraints, by the terror of punishment, at sea as well as on shore. But a public ship carrying no superfluous men, the service cannot, without injury, spare from daily duty those who commit offences during the *time* necessary for their punishment by imprisonment, even if that were the appropriate punishment, to say nothing of weakening the ship's company by this process, and the imposition upon good men of double duty, and the menial service of waiting on offenders while thus imprisoned.

"The consequences of the change have been, thus far, detrimental to the service, and, it is apprehended, will become more serious unless speedily remedied.

"When vessels arrive in port, after a cruise, it is found impossible to keep the men on board until a proper muster, exercise at quarters, and inspection have taken place, which are the means adopted to ascertain whether officers have done their duty in keeping their ships and crews in effective condition. And independently of numerous cases of delinquency overlooked or disposed of by discharge, honorable or dishonorable, there have been nearly one hundred trials of enlisted men by courts-martial since the passage of the law in question."

In addition to the report of the Secretary of the Navy, in relation to one hundred courts-martial, I will say that the average annual number of courts-martial, previous to the passage of the law abolishing flogging, was but twenty; and in addition to these facts, which are stated in the reports of naval officers upon your table, I will say that when the St. Lawrence was fitted out for her last cruise, notwithstanding the abolishment of flogging, which it is alleged has produced a superior order of seamen, there were ninety-five desertions, with all their advanced pay and clothing. In reply to assertions as to the degradation of flogging, I will say, that so far from good and able seamen regarding this as a degradation, they are themselves at this moment—and the fact can be shown—seizing delinquents on board of our vessels and lynching them, because there is no other way of compelling

them to do their duty; because the skulks and idlers not only impose the ordinary duties of the ship upon the good men, but also the extra duty of feeding and clothing and waiting upon, and absolutely of washing their clothes while in confinement. I will say, that confinement, to be consistent with health, especially in warm latitudes, is wholly inconsistent with the existing plans and construction of ships; and unless you build ships with reference to penitentiaries and tread-mills, confinement as a means of punishment to any extent is impracticable. I will say further, that when the mutineers of the Nore had possession of the navy, the seamen themselves instituted this identical discipline—a discipline infinitely more severe in those days than any which we have ever practiced; for not more than one dozen stripes are now inflicted where four or five dozen were inflicted before. The seamen themselves, then, were the first to carry this system of discipline out. I recollect one instance of a surgeon who failed to do his duty, and the seamen wanted to disgrace him. They would not flog him, and by way of inflicting what they considered a truly disgraceful punishment, they tarred and feathered him.

Now, sir, I trust that I have not ascribed too much importance to this subject. I happen to have been personally present on some four or five of our public vessels within the last four or five months, and I do not speak without having witnessed the operations of this law, to some extent, with my own eyes, without having been present when disobedience, and crime, and incipient mutiny were stalking abroad, defiant of the officers who had no prompt means of punishing them. I have recently seen one of our crack sloops-of-war, with officers the best in the world, who knew their duty in every respect, but with sailors in a state of insubordination; and the bungling and unhandsome manner in which she was handled was discernable at the distance of ten miles—for seamen, with their glass, can tell even at that distance whether a ship is in good discipline.

The question was, whether she was a merchant or a naval ship. The manner of lowering the yards on the caps, clewing up the topsails, and of coming to anchor, and of executing every other evolution required of her seamen, was dilatory and unseamanlike, clearly showing the laxity of her discipline. Yet she was in command of the finest officers of the service. Their explanation was, that they had no power to enforce discipline; that these things must go unpunished, because Jack had found out that he could not be flogged. The crew are made up, or a large portion of them, of landsmen, coming from employments on shore, and representing all kinds of vice, and these men are not easily controlled by "moral suasion."

From every view of the subject which we are able to take, the question is important, and demands deliberate legislation. It should be sent to a committee. The committee should have power to send for persons and papers, for officers and men familiar with the duty—seamen, if you please; not idlers and skulks; but those on whom we depend to sustain the honor of our flag.

Mr. President, our people are the most military people on earth. Their military spirit is not evinced in the maintenance of standing armies or large military establishments, for their reliance on their own invincible prowess teaches them that these are as unnecessary as they are unwise. But this military spirit is evinced in a cordial and hearty appreciation of military merit, whatever form it takes; and it is this appreciation which has borne three successful and distinguished soldiers to the presidential chair—which has placed other honorable gentleman in high political positions, and which now constitutes their strongest hold upon the hearts of their countrymen. Governed, as our Republic ever must be, by two great opposing parties, seeking availability as an element of political supremacy, it is fair to suppose that, with our appreciation of military fame, every war in which we shall ever become engaged will produce its President and its political favorites. It is this appreciation of military success which, after the war of 1812, made our Navy the idol of the nation. And under the teachings of this military spirit, the naval officer feels that the American people recognize no grade between triumph and disgrace; and that, sooner than see the proud banner of their country's union, strength, and pride lowered to an equal foe, they would see their ships laid up in ordinary, or sunk a thousand fathoms deep. Under the teachings of this spirit, the naval officer feels an *esprit du corps* which compels him, as a law of his being, to regard success in anything like an equal contest as a fixed fact, and to know no such word as fail. He is proud of his profession, because his country honors it, and enables him to make it useful and glorious. This *esprit du corps*—the soul of all human organization—this *esprit du corps*, without which your cannon would prove but as the "sounding brass and tinkling cymbal"—this *esprit du corps*, which, is the work of ages, and which a generation of services and successes only can create, may be destroyed in a single breath. Show the naval officer that he can no longer render his profession efficient and successful; cut him off from the path of honorable distinction, and you teach him that you are indifferent to his disgrace. Send him forth to fight your battles, and deprive him of discipline—the only key to triumph—and his very commission becomes but the passport to defeat and degradation—"a mockery, a delusion, and a snare."

But, sir, who are these naval officers who are held up in certain quarters of our country as petty satraps of cruelty? Why, sir, they are of the chivalric spirits of the land, sifted from every grade of life by the most honorable impulse which prompts the hearts of freemen—the impulse to devote life and all its holiest hopes to their country's service. Youth and life, with all their high and buoyant aspirations, are centred in their career; and to render it efficient and glorious, must ever be their constant aim. Obedient to the same impulses which ennoble human nature in other walks of life, their noble profession teaches them to love and cherish all who are true to its dictates as brothers. The associations which home, kindred, and friends cluster around the heart, subduing it to the holiest sympathies and charities, guide and govern the wanderer upon the great deep in all their strength and beauty. As a class, their escutcheon has never been sullied; and our brief but brilliant history, in recording their deeds of heroism and martyrdom, has devoted no line to their dishonor.

The inevitable consequence of this disorganization will be, unless some check be put to it, that a disgust for the naval service will exist in the hearts of our people; and that it will be either annihilated or reorganized on a system of discipline infinitely more severe than anything which the country has ever witnessed. The American people never do things by halves. I will say here that there never was a time in the history of the country when attention to this subject, when wise and cautious legislation for the Navy was more imperatively demanded than at the present hour. All the powers of Europe are organizing their navies with the utmost possible vigor; and unceasing watchfulness is bestowed on their discipline. The navies of France, of Britain, and of Russia, are each numerically far superior to ours; and the introduction of steam has decreased the width of the Atlantic since the last war one half; in fact by the universality of navigation, it has now become a mere sailing pond for the nations of the earth. The navies of France and of Britain are in a higher state of efficiency at this moment than they ever have been. Their fleets are not more numerous now than they were in the time of George III., but they are in a higher state of naval discipline. France particularly, though her seamen have never exhibited that bull-dog obstinacy which precludes an American or a Britain from knowing when he is conquered, has carried the arts and sciences in their application to naval organization beyond any other power on earth. The navies of the Old World can never become our allies, under any condition of things, as long as our Government stands; but they may become our enemies. They are guided at this moment by statesmen who are watchful and distrustful of our principles and progress, and are ready, at any moment, to seize on the first auspicious sign to clip the wings of the soaring eagle.

And, sir, we are not to be told that in the organization of our naval service we should not regard the system of the British navy, or the navies of monarchies. I hold that the government of all the navies of Christian powers in this age must be similar, if not the same; and that we are not permitted to disregard the organization and condition of the British navy or of the French navy, or of the Russian navy. In the organization of our own system of defence we must look abroad to systems of offence. In buckling on our armor for the contest we cannot disregard the condition of our opponent Let gentlemen look at this and say who are likely to be our opponents. These powers never can become our allies; and the slightest sign may unite them in strength as in policy against us.

On this subject I will ask gentlemen to refer back for a brief period. There are signs abroad which we are not permitted to disregard; straws, sir, which tell how blow the blasts of the political winds. Witness the sudden appearance upon our coast of the fleets of France, of Britain, and of Spain, in a narrow strait through which annually pass two millions of our coasting trade, and which is the great high-road of our commercial existence. They thus assumed their position near our shores, determined to resist any action which this Government might have adopted towards Cuba unless approved by their own policy; exercised a sort of nautical police upon our conduct. And, sir, mark the reply to our inquiries: That they were but executing the laws of the sea against piracy; and this, too, in face of the fact that there has not been a pirate in those seas in a quarter of a century. Such a picture as this, sir, our country never before exhibited; and the indignation of our people, swelling like subdued volcanic fires in their hearts, will at no distant day speak of it in unmistakable terms. I recommend the consideration of this matter, sir, to gentlemen who talk of opposing European intervention. The very fact that we have a Navy presupposes that we have something to contend with; and we are not permitted, then, to disregard the probable foe that we may meet. And, sir, what is *our* naval condition? Look at it; and where do sensible men look for proof upon any subject, but to those who are most intimately connected with the transaction? Where do we look for proof on this subject but to those men who are identified with the Navy; who have grown up with its growth, and strengthened with its strength; who have entered as boys into the service, and whose names are identified with every brilliant page of its history; who owe everything they have on earth to the Navy, and who are the very first and foremost in sustaining not only their own, but their country's honor. I refer to your old officers; to the oldest and most experienced officers of the Navy. There may be an occasional exception to this, as there is to every general rule. Take your junior officers, your captains; then go to the commanders, and to the acting lieutenants; and I will say here that there is no public service on earth which displays the same amount of intelligence, the same amount of chivalric spirit, of gallant daring, of high moral purpose, to embark in any exploit to which the country may call them, as this junior grade of young commanders and lieutenants in our Navy. They are a class of men who deserve the highest consideration and the utmost cherishing and fostering by this Government. Take their opinions, and with one voice they will come up and sustain the view of the question which I have taken. But do not confine your inquiries to the officers, because there is perhaps a doubt in the minds of the country whether they are not somewhat antagonistical to the position of seamen. Do not confine yourselves to a single grade, but take men of every grade, and put the question to them, and I say here, without fear of contradiction, that nineteen twentieths, yea, ninety-nine one hundredths of the bone and sinew of the Navy will say restore flogging. To go further, if you doubt the judgments of your officers and your seamen, inspect your ships with your own eyes. Go on board your ships as they dot the oceans in every part of the habitable globe; step upon their decks, and you will see disobedience, sullenness, vice, crime, and disorganization stalking abroad unpunished. The finest officers of the service, disgusted with the state of things around them, will tell you they have exhausted every means of performing their duty, and that they are gradually relaxing

their hold on their crews; that the existence of reciprocal affection and respect, and regard is crumbling away before this moral leprosy, and that the most ordinary police regulations of the ship are neglected; and that commanders are now sadly anticipating some mutinous and decided outbreak.

If this be a true picture, and the fact that I here assert is sufficient to induce Senators to hesitate and inquire, is it not important that you should have at once wise, prompt, and dispassionate legislation? But I have been told that the sympathies of our people are aroused, that Senators will be mindful of them. I for one do not believe it. There is something in external and lateral pressure. We are the exponents of public opinion; but before we undertake to legislate upon a subject so grave as this is, let us be certain that we have the true public opinion. The public opinion for our guidance, is that of men identified with the Navy, having at heart its glory and efficiency; it is not the opinion of men who have nothing in common with it, except an abstract idea of humanity and philanthropy, and whose opinions are based on false representations, with regard to its discipline and character.

I deny that the good seamen, the heroes of the last war, men who are disposed to do their duty, men corresponding with the good citizens on shore, are flogged in the Navy. I admit the fact that men unworthy of wearing their country's livery, have disgraced themselves, and disgraced humanity, by carrying this punishment, in particular instances, to an extraordinary cruelty. I believe that in admitting this, I do not admit more than what every member of any organized society upon earth will admit, as to that particular organization. Show me any community of men, in any quarter of the world; show me any Christian organization, in which demoralization in high places is not occasionally exhibited. But who ever heard of charging upon the entire body the delinquencies of a few prominent individuals? The practice is to lop off the diseased limbs, and let the tree flourish greener and firmer than ever. This is the proper course for the Navy; and the naval officer, animated by sentiments of humanity, and a regard for the honor of his flag, will be the first to come forward and denounce the recreant who outrages humanity and his country's laws.

I believe that this blow at the discipline of the Navy had its origin in a false philanthropy. It had its origin in certain quarters of our country, where exists that spirit of restless energy which would upheave and undermine the very pillars of our social and political fabric, as if in a vain and idle curiosity to inspect their foundations; that restless energy, which is the very worst enemy to man's profitable progress; that restless energy, which strikes for change—not for improvement; that restless energy, which with regard to everything firm, fixed, and established would

"Rush in where angels fear to tread."

I ask gentlemen to look at the law which was so hastily passed at the last Congress—passed on the 28th of September, 1850, when the session ended on the 30th of September. I call Senators to remark the words of it, the form of it, and the small majority by which it was passed. I call them to witness the fact that this law, by its very form, went into operation from the moment of its passage, and left the officers who were abroad at sea to violate it ignorantly and appeal to Congress for relief.

Now, before we can legislate on this subject—and I say this with reference to the motion here made that it is inexpedient to grant the prayer of these petitioners—I would ask how do we know that it is inexpedient? Who has examined the subject? Where is the committee which has investigated it? I say that the proper mode of treating this matter is, in my judgment, to send it to the Committee on Naval Affairs. Let its members dispassionately and coolly take it up and investigate it. Let them find the best proofs on the subject, and make a report presenting the facts to the Senate and the country. If the Navy will be improved by the abolition of this system of discipline, in Heaven's name abolish it. There is not an officer in the Navy, of any grade, who ever inflicted the lash upon a seaman, who did not do it with repugnance to his own feelings. There is not an officer—and I speak from a general knowledge of them—who would not be in favor of abolishing this punishment to-morrow, if he thought the efficiency of the service and the honor of the flag could possibly be maintained by so doing. Restore the punishment, but restore it under certain restrictions. Confer not unlimited power upon the commanders to inflict punishment in this way upon their fellows.

But, sir, there are a thousand details in this subject which it is necessary to examine, and which cannot come before this body. Why, sir, should we enter into them all? They would occupy our attention from now to the end of the session I will advert to one, from which you will perceive that they are numerous. As this practice of punishment formerly existed, it made the commander of the vessel responsible for all the flogging of the seamen, and the seamen consequently looked up to him as the one great tyrant, whose voice caused the punishment to be inflicted. This ought not to be so. You should preserve the ancient similitude of a father to his children between the master of the ship and the seamen; and you should place an intermediate grade between him and them. You should not teach the latter to believe that every lash comes from the commander. This intermediate grade should be, in my judgment, a court-martial, to consist of three officers detached, either by the Secretary of the Navy, from the officers, according to their rank, on the sailing of the ship, or by the commodore of the squadron, or in some other judicious manner.

In alluding to these details, we want to know how our service is managed, what is the pay of the seamen, and wherein it differs from the pay of those in the merchant marine; we want to know the term of enlistment in both services. In legislating for the Navy, we are not to lose sight of the merchant marine, because the merchant marine is the nursery of the Navy. We want to know the duration of the cruises, the rights and duties of merchant and naval seamen, and the duties to be expected from commanders of ships and squadrons. The ordinary idea in our country of persons not familiar with the subject is, that a commander's duty is to sail and fight his ship. But these are the mere rudiments of the profession. Courage is no more to man than virtue to woman. He is nothing without it, and deserves no merit for its possession. It is common to all mankind, and peculiarly common to the American seaman. But there are duties which the commanders of ships and squadrons, upon foreign stations, are called upon to transact in connection with the laws of nations and the intercourse with foreign Governments, and for which they are held responsible, which it would be well for the Senate to take into consideration in legislating upon this subject. In relation to these details I will simply throw out these ideas: Take a single frigate. The commander is ordered to her. He finds a set of eleven commissioned officers, sixteen warrant officers including the surgeon, boatswain, carpenter, and sail-maker, one hundred and sixty able seamen, one hundred and eleven ordinary, and one hundred and twelve landsmen and boys. He may never have seen any of them before, but becomes at once responsible for the organization on board. These men are to be watched, detailed, mustered, and assigned quarters, and fifty-four petty officers are to be selected from the crew. Among these one hundred and twelve landsmen and boys, he may have representatives of many of the vices and crimes which disgrace and degrade human nature. He is to discipline and control them; and would you give him the *tread-mill* for a punishment whereby to enforce his authority? Would you stop the tea of such men as a means of correction?

If I am right in supposing that there are criminals on board our ships—and that I am right I appeal to the documents which have been laid before you—does stopping the tea or coffee or tobacco inflict a punishment upon them? Are such punishments adequate to restrain men who have raised their hands against their brothers—men who have put fire-brands beneath your houses? Are such punishments to restrain crime? Will the tread-mill have any effect upon men who have been accustomed to it? Go to your ships to-morrow, and you will find existing between the petty officers and able seamen, men who esteem their vocation, and the superior officers reciprocal sentiments of the kindest character.

I will not detain the Senate by going into further detail. In making these remarks about the Navy, I have no purpose to subserve but the interest and honor of our flag. I have made them simply because for more than twenty years I have been somewhat familiar with the naval and merchant service, and with the sailor in every phase in which he can be presented; because in expressing these views I believe I have the almost unanimous concurrence of the Navy; and because I believe that without some speedy reform the Navy will be disorganized, and our country's flag disgraced; and because there never has been a time when legislation, prompt and efficient, was so much demanded.

It is with unfeigned regret that I find myself compelled to dissent from the views of the honorable Senator from New Jersey, who is so familiar with all details of the service, and who has so brilliantly contributed to its glory; but I have the consoling reflection, that in the clashing of opinions, truth will be elicited; and if he can show that I am wrong, I will be most ready to bow to his authority.

THE PUBLIC PRINTING.

SPEECH OF HON. TRUMAN SMITH,

OF CONNECTICUT,

IN THE SENATE, *January* 12, 1852,

On printing the Returns of the Seventh Census, and on Congressional and Departmental Printing generally.

The following Joint Resolution, submitted by Mr. BRIGHT, being under consideration—

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Committee on Printing be directed to contract with Donelson & Armstrong for printing the census returns, upon such terms as the committee may deem reasonable—

Mr. SMITH moved the following amendment:

Strike out all after the word "that" in the third line, and insert—

"It shall be the duty of the Secretary of the Interior, in conformity with the provisions of the act entitled 'An act making appropriations for the civil and diplomatic expenses of the Government for the year 1842,' approved on the 18th May of said year, to contract for the composition and press-work of —— copies of the returns of the Seventh Census, as the same are classified and arranged by said Secretary; and in like manner to contract for so much paper, and of such quality as he shall deem proper for said work; and in like manner to contract for binding said returns as printed, in such style as he may judge expedient, provided the party to each of said contracts shall give such surety, and said paper and work shall be subject to such inspection as said Secretary shall require to insure a faithful performance of the same."

Mr. SMITH said:

Mr. PRESIDENT: I regret I should have the ill fortune to be a member of the Committee on Printing, the duties of which are, perhaps, more irksome and unpleasant than those of any other committee of this honorable body. But as the Senate has been pleased to assign me to a situation on that committee, it became my duty to turn my attention to the subject before us—a subject of very considerable importance in its practical results, and still more important on account of the principle or rule of conduct which is involved in the resolution offered by the Senator from Indiana, [Mr. BRIGHT.]

At the threshold of my remarks, Mr. President, I desire it may be understood that I have no other purpose in addressing the Senate upon the present occasion than to promote such a disposition of the subject as shall conform to the public interest. I desire also to disclaim entertaining any sentiment of antipathy, either political or personal, for the highly-respectable gentlemen whose names are introduced in this resolution. If I were about to confer a favor upon any one of the proprietors of the various printing establishments in this city, I know of no reason why I should not do that favor as readily and as cheerfully to the gentlemen who are named in that resolution as to any other firm or parties whatever. But, Mr. President, it is proposed in this resolution to dispose of an important work, which involves the expenditure of a very large sum of money, upon the principle of favoritism; a principle to which I utterly object, and which I conceive to be inadmissible on the present occasion. What is the character of the

resolution that is now submitted to the consideration of the Senate? It is proposed by my honorable friend from Indiana [Mr. BRIGHT] that the two Houses of Congress shall make a peremptory order on the Committee on Printing, to make a contract with a certain firm in this city denominated Donelson & Armstrong, for the execution of this work, upon such terms as this committee shall judge to be reasonable. We are not, sir, to inquire whether Messrs. Donelson & Armstrong are competent to perform this work. We are not to inquire whether they have the requisite machinery and the requisite material, or the requisite capital to enable them to perform the work in a manner that shall comport with the public interest. We are not to inquire whether they are as competent, or more competent than the proprietors of other printing establishments in the country. We are not to inquire whether they would be willing to do this important work on terms as favorable to the public as those on which other individuals might be willing to do it. But we are to make a contract with them at all events. There is to be no qualification except what is involved in that clause of the resolution which provides that it is to be done "upon such terms as the committee may deem reasonable." Nothing can be further from my thoughts than to cast any imputation upon my honorable friend from Indiana who has submitted this proposition to the consideration of the Senate; and I certainly would not express, as I do not entertain, the slightest want of confidence in the rectitude of my honorable friends who constitute a majority of the Committee on Printing. But, I ask, what is the character of this resolution? It is, that a committee of this body, or rather of the two Houses of Congress, organized, and properly organized I admit, upon political considerations, a majority of which, in the proportion of four to two, sympathize in feeling and opinion with the majority of the two Houses, shall make a contract, not with any of the citizens of the country who are prepared to do this work on terms most favorable to the public, but with the proprietors of a political organ—a highly-respectable organ I admit—to do this work on such terms as the majority of the committee shall deem to be reasonable.

Now what does this mean, Mr. President, and what is the essential character of the transaction? The facts and circumstances of the case speak a language which no one can mistake. When we consider that this work is not to be opened to the public generally, and that the drawing up of the contract and the settlement of its terms is to be committed not to the Executive, not to the honorable Secretary of the Interior, nor to any officer connected with the Executive Department of the Government, but to a committee organized on political considerations and having political purposes and views, who are to make a contract with the proprietors of a political organ, sympathizing with a majority of the committee, on terms to be prescribed at their discretion,—what can be more apparent than that the promoters of this measure intend the concession of peculiar advantages to the parties named, at the public expense? Do you not mean that Donelson & Armstrong shall have an advantageous contract? Is not this to be a money-making business? Do you contemplate that severity of stipulation in favor of the public which every prudent man would observe in his own private affairs? Is not more liberality to be accorded to Donelson & Armstrong than would be to any one else? If not, why is not this work opened to general competition? Is it not feared that these favorites will not make money enough if they are constrained to compete with others for this work? But to make all sure, they are to have a monopoly—they are the only persons to be dealt with. We cannot call for bids generally, and so we cannot know how low other competent persons may be willing to do the work. We are to proceed in the dark, find out as we can what terms are reasonable, and then conclude a bargain, which, in spite of the committee, would be *a job* alike discreditable to Congress and pernicious as an example. Hence we learn the reason why the honorable chairman [Mr. BORLAND] should manifest such a repugnance for the duty which is proposed to be imposed upon the committee. I understood the honorable chairman to say he would resign the seat which he fills so creditably to himself and his State before he would submit to it. I consider this as another expression of that high sense of rectitude which has uniformly marked the course of my honorable friend.

But, Mr. President, there are some objections to this measure which I wish to urge in detail, and which I conceive to be worthy of the particular attention of this body. In the first place, I have to remark, that in the present state or condition of this subject, the measure is utterly impracticable; or, in other words, the committee cannot determine what terms would be "just and reasonable," for the reason that Congress has not as yet fixed or determined the number of copies to be printed. My friend from Indiana [Mr. BRIGHT] does not propose to settle this point; and yet it would seem to me that this is a question to which he should have addressed himself at once when he proposed to print the returns. Are we to enter into a contract for printing, without knowing how many copies are to be ordered by the two Houses? How can the Committee on Printing determine what terms are reasonable, unless they know what is to be the number of copies and the magnitude and extent of the work? If my honorable friend from Indiana will reflect on this subject for a single moment, he will see that it is utterly impossible for us to form any opinion in regard to what should be the terms. And why is it so? Because the cost of composition for one hundred copies, or even one copy, is exactly the same that it would be for ten thousand copies. If you order five hundred copies, you are then to pay per copy a comparatively high price, because the expense of composition is spread over five hundred copies only. But if you order the printing of five thousand copies, the cost of composition is divided among the five thousand copies, and the price becomes comparatively low per copy; and if you print ten thousand, then the expense of composition is distributed over a greater number of copies, and the cost per copy becomes still lower. I say again, then, that the first thing to be done, before we make any contract for this printing, is to determine what number of copies we are to print. If my friend from Indiana will refer to the act of Congress which was passed in regard to the Sixth Census, he will find that the law which provided for the printing, fixed also the number of copies to be printed.

It provides:

"That when the aforesaid enumeration shall be completed and returned to the office of the Secretary of State, by the marshals of the several States, he shall direct the printers to Congress to print for the use of Congress ten thousand copies of the aforesaid returns received from the marshals."

The want, then, of a specification of the number of copies to be printed, is an insuperable objection to this resolution.

But, Mr. President, there is another difficulty in the way of the resolution of my friend from Indiana. It would seem to be equally necessary that both the committee and the proposed contractors should know something of the magnitude or extent of the work to be done; and what do we know about it? The work is not completed; no report of this work has been submitted to the two Houses of Congress. What it is to be the Senate does not know, neither is there any human being in the country who does know, or can know at present. We know—or rather we have every reason to believe—that it is to be a work of very great magnitude. From the number of persons employed on the work at the present time, and from the length of time in which they have been engaged, and are still likely to be engaged, we may conclude that it is to be a document of an unusual size. I have understood that in making up the census returns of 1840, there were only seventeen clerks employed in all. That, we know, was a large work; and I believe it was laid before Congress and published as early in the session as this time, in 1842. But, instead of seventeen clerks employed, I understand that they have now in the Census Office a hundred and sixty-one clerks and messengers. I do not know how many messengers there are, or how many clerks; but I understand the roll of the present employees runs up to a hundred and sixty-one, and I suppose the services of all these clerks are rendered necessary by the great number of interrogatories and the vast amount and variety of statistics brought into the returns of the marshals by the act of Congress.

If, sir, Messrs. Donelson & Armstrong, in consequence of the magnitude of the work, have to get a vast deal of new machinery, type, and other materials, which would be of little use to them when the work is completed, and upon which they must sustain a great loss, then the committee should accord one set of terms. But if, on the other hand, it is a small work, coming within the capacity of their present machinery, they could afford to do it on other and much lower terms. How can the Senate or the committee judge, as this matter is now situated, of their ability or capacity to discharge this duty? How can we determine whether they are likely to execute the job in due season? How can the parties named, as discreet and prudent men, venture to incur such important obligations, without knowing something of their extent or magnitude? How can the committee determine what securities would be adequate, without this element before them? I take it for granted this is a case in which securities are to be required. If the object is to quarter a party organ on the Treasury—which I can hardly believe—then I can readily conceive why such obvious and urgent considerations should be overlooked.

But again: who ever heard of the two Houses of Congress ordering a document of this importance to be published before it had been communicated to them?

The provisions of the Census act, I insist, show conclusively that Congress could not have contemplated the printing of these returns until they had been made out and submitted to the two Houses of Congress. This act provides that "the Secretary of the Interior shall see that all 'due diligence is employed by the marshals and 'assistant marshals to make the returns of their 'respective doings complete at the times herein 'prescribed. And further: as the returns are so 'made, to cause the same to be so classified and 'arranged in the best and most convenient man-'ner for use, and to lay the same before Congress 'at the next session thereof."

Why lay them before Congress? Not for the purpose of founding any legislation upon them. Formerly the census returns were laid before Congress to enable that body to apportion the members of the House of Representatives among the various States of the Union. But that labor has been taken off our hands; the apportionment has been made in advance. These returns were to be made out and laid before Congress, not for the purpose of becoming the foundation of legislation, but solely to enable Congress to make a suitable and proper order in regard to their printing. I can conceive of no reason for communicating the returns to the two Houses, except simply that we might have them before us in order to form an opinion in regard to their character and in regard to their value: to see whether they are properly arranged—whether we have reason to believe they are accurate, and then, in reference to the magnitude of the work, to decide how it shall be printed, and what number of copies shall be printed.

But the honorable Senator from Indiana, before these returns are laid before us by the Secretary, who was to complete and submit them to the two Houses of Congress, proposes that we should take a leap in the dark; that without knowing anything as to the magnitude of the work, or as to its accuracy; or whether it comes before us in a form in which it ought to be printed; without knowing anything in regard to the number of copies—he proposes what? Ah! a job is wanted for the proprietors of the *Union* office in this city. Such seem to be the indications of the case, and therefore we are to take time by the forelock, and seize hold of the first page that happens to be completed; or perhaps the committee are to go up to the Census Office, (for my honorable friend does not propose to make an order on the Secretary of the Interior to hand over any portion of these returns,) and, for aught I know, to break into the office, and capture a portion of this document and hand it over to the proprietors of the *Union* newspaper. From all the circumstances of this case, we may be led to infer that that office is pretty hard pushed for supplies. Why cannot the Sen-

ator wait till the document comes here? The Secretary of the Interior is not ordered to hand the document over to them; he is only ordered by the law to lay it before Congress. Surely the worthy and highly respectable gentlemen, who are the proprietors of the *Union*, are not in a state of starvation. Why, then, should there be such monstrous haste to get hold of some portion of the public treasure to sustain the organ of the Democratic party, for which, as I have said, I have a very great respect? It is an excellent organ—it supports the principles and doctrines and views of a very patriotic party; though, as I believe, a party which is very much mistaken with regard to some important questions of public policy. Still I admit that it is necessary and proper that they should have an organ; and I am perfectly willing and desirous that it should prosper. I do not know but that I may be persuaded, by and by, to come into this measure myself, and hand over to them this job of printing, for I believe I am a very accommodating gentleman. I am disposed to oblige my Democratic friends, and particularly my honorable friend from Indiana, the author of this resolution. I have received a great many favors from him since I have been a member of this body, and if he should put it on the footing of reciprocation of favors, I might go a great way to oblige him, and do something for this *Union* office, which seems now to be so severely pressed that it cannot wait for this document, but must catch hold of its head or tail, and print it before we know anything about it. I do not know but that this will be done; I shall wait, however, until I see a majority of the two Houses of Congress in favor of this proposition, before I believe it. Sir, I maintain that it would be in the highest degree indiscreet for Congress to commit itself in the dark to the printing of such an important document as this without knowing what it is to be. We ought to have the document first, and ought to refer it to the appropriate committee to give it a thorough examination. I do not know what they are making up in the Department of the Interior. I have a very great regard for the honorable head of that Department, and great confidence in his rectitude and patriotism; but I may not have the same confidence in all heads of bureaus. It is very possible that these returns may be made up in a way, and may be in a form, which would not meet with the approbation of the two Houses of Congress; and what is more than that, they may be erroneous. That is not by any means an unexampled circumstance in the history of the country. In the case of the Census of 1840, after the returns came in, it was discovered that there was probably a very serious error in the taking of the census in an adjoining county to this District—the county of Montgomery, in the State of Maryland—and Congress passed a law authorizing the census of that county to be taken over again. It was taken over again, and an error of several hundred—I do not now recollect how large the number was, but I know that an error of several hundred was discovered.

I maintain, then, that a document of so much importance as this, and so deeply affecting the interest and honor of the country, ought to come into the hands of the two Houses of Congress, and undergo a careful examination, before we commit ourselves in regard to printing it; whereas this is a proposition to hand this entire matter over to the head of the Census Bureau, and his judgment as to the form and substance of the document is to be final and conclusive. I do not know how competent he may be. I believe he is a very worthy young man of some twenty-five or thirty years of age. For aught I know he is doing his duty very well; but I am not prepared to say that he shall settle this question of the census finally and forever. I am not prepared to say that even the very able and excellent Secretary of the Interior shall do so. Cannot my honorable friend from Indiana wait for six months? For within that period, I venture to say these returns will be completed. Cannot he wait till the close of the present session of Congress? For a bill can be passed at any time for printing these returns. Or, if they should not be completed during the present session of Congress, cannot the Senator from Indiana wait till the opening of the next session? I most strenuously resist this extraordinary manner of doing business. When an important document is to be made out—a document that is to go down to posterity—a document that is to contain facts and statistics, to say nothing about population, in regard to our great industrial and agricultural interests, which I trust and hope, and am inclined to believe, will be made out correctly,—I insist that it would be in the highest degree rash for us, without knowing what it is, to commence the printing of some portion of it; and what portion, in the name of Heaven, the beginning, middle, or end, no human being knows.

But, sir, I have another point to make; and that is, that this resolution, if passed, would, in my opinion, be an encroachment on the functions and duties of the Executive, and would, in fact, be a usurpation of Executive power. It is, no doubt, competent for Congress to order the printing to be done, and to fix the number of copies. We may, perhaps, say that certain parties shall execute the work, or that it shall be let to the lowest bidder. Congress may doubtless prescribe the condition and terms; but, having said, for example, that it shall be executed by Donelson & Armstrong, can Congress take upon themselves the making of a contract? And can they, by the agency of one of their committees, draw it up and put it in form? If we can do so, who is to attend to the execution of the contract? Who is to determine whether Donelson & Armstrong have or have not conformed to the terms of the contract? To whom is the work to be delivered? Who is to pay for it? Will my honorable friend tell me whether it is to be paid for out of the contingent fund or not? Is it printing for the Senate? Is it printing for the House of Representatives? Or is it printing to enable us to perform our legislative duties? My honorable friend, for reasons that will be directly apparent, will hardly contend that this is Congressional printing. I ask, then, who is to attend to the execution of the contract, and from what fund is it to be paid?

There is no doubt that Congress can provide for such printing as is necessary for the performance of the duties of both Houses, or either House. But is this Congressional printing? My honorable friend said, the other day, that it was not; and therefore we are not obliged to give it to A. Boyd Hamilton. I must acknowledge, Mr. President, that on very mature consideration, I have come to the conclusion that it is not Congressional printing, and not within the contract of A. Boyd Hamilton. It is not printing for either of the two Houses of Congress; it is not printing to enable us to discharge our legislative duties; but it is printing for the Government and for the country. I admit that either of the two Houses of Congress has a right, by a committee or otherwise, to make a contract for such printing as may be essential to enable them to discharge their legislative duties. But can Congress, through one of the committees of either House, arrogate to itself the power of making contracts for other printing than such as is required for that purpose? Will my honorable friend from Indiana [Mr. BRIGHT] contend that we should take into our own hands the business of making contracts for the printing of the various Departments of this Government? Has Congress the right or power to embark in the business of making contracts generally? If, through the agency of the Committee on Printing, we can make a contract for printing that does not appertain to our legislative duties, I desire to inquire of my honorable friend whether, through the agency of the Committee on Post Office and Post Roads, we can make a contract for the transportation of the mail? Why not raise a joint committee, on the principle of this resolution, and make such a contract? Why not raise a joint committee on Naval Affairs, and make a contract for the construction of a frigate or ship of the line? Why not arrogate to ourselves all the executive duties and powers of this Government? Mr. President, you know very well that the public printer—that is, the printer employed by the two Houses of Congress—is considered an officer of the two Houses. He is an officer of the Senate, and an officer of the House of Representatives. And why? Because he is employed in doing certain work for us that is necessary to enable us to discharge our duties. Now, if we adopt this resolution, will Messrs. Donelson & Armstrong be officers of the two Houses of Congress? Appointed for what? Not to print for the Senate or the House, but to print for the Government and for the people of this country.

My honorable friend from Arkansas, [Mr. BORLAND,] when he was on the floor the other day, objected most strenuously to devolving of this duty upon the Committee on Printing, insisting that it should be given to the Secretary of the Senate and the Clerk of the House of Representatives, because, as he truly said, the resolution called upon that committee to discharge executive duties. Ah! executive duties! Then why are we providing for the discharge of executive duties by a joint committee of the two Houses of Congress? We have a Joint Committee on the Library; and as a library is an important establishment to enable us properly to perform our legislative duties, we charge it with the duty of purchasing a library for us. But shall we charge it with the duty of purchasing a library for the Attorney General, for the Secretary of the Treasury, for the Department of the Interior, or for the Post Office Department? I maintain, sir, that this is entirely out of the range of our legislative duties. It is an executive duty, which must be discharged, if properly discharged, by the executive department of the Government, and cannot be discharged by a committee of the two Houses of Congress.

I now come to the last objection which I shall urge to the passage of this resolution. It has been the policy of Congress, for some years past, to open the public printing to competition, and thus prevent its being conferred on the political presses as a matter of favoritism; and the question for the consideration of this honorable body now is, whether the connection which formerly existed shall be renewed. The proposition submitted by my honorable friend from Indiana is precisely this, that we shall confer the printing of the census returns upon one of the political presses in this city. Here I desire to call the attention of the Senate to the first introduction of the existing policy—and I believe a highly salutary policy. It will be found in a provision introduced into the civil and diplomatic appropriation bill, which passed the two Houses of Congress, and was approved May 18, 1842; published in the tenth volume of the Acts of Congress, page 189. It is as follows:

"For incidental and contingent expenses of the Department of State, including the publication and distribution of the laws, $25,000: *Provided*, That the job printing, stationery, and binding of each of the Executive Departments shall, until otherwise directed by law, be furnished by contract, proposals of which shall regularly be advertised in the public prints, and the character and description of printing specified in each advertisement, as far as that can be done, it being made a condition in all cases, unless otherwise specified in the advertisement, that the work shall be done in the city of Washington, and the contract shall in each case be given to the lowest bidder, whose bid shall be accompanied with the proper testimonials of the ability of the bidder to fulfill his contract."

Here, for the first time, was introduced into the legislation of the country the provision that all the departmental printing should be advertised and put out to the lowest bidder, and that remains the law of the land to the present hour. But Congress continued, notwithstanding the passage of that law, to confer the printing for the two Houses of Congress upon the political press in this city; and in this respect I admit that there has been no difference between the two parties. The Twenty-seventh Congress passed the law of 1842, to which I have referred, but they, at the same time, gave the Congressional printing to the political press. Then came the Twenty-eighth Congress. The Senate was one way, and the House of Representatives the other. The printing of the Senate was conferred upon the publishers of a press in this city, entertaining views in accordance with a majority of the Senate; and the House made a disposition of their printing in accordance with their views. This state of things continued until the first session of the Twenty-ninth Congress, when, the two Houses having become convinced that the business of conferring the public printing upon considerations of political favoritism was unsound and injurious to the public, passed the joint resolution of the 3d of August, 1846, requiring the printing of Congress to be let out to the lowest bidder.

My friend from Indiana, [Mr. BRIGHT,] and other gentlemen, who advocate the resolution under consideration, are obliged to take the ground

that this printing does not come within the joint resolution of 1846, or in other words, that it is not Congressional printing. Under what, then, does it come? It comes within the provision of the law of 1842. It is departmental printing, which is already provided for. You have nothing to do but fix the number of copies to be printed. You may say how it is to be printed and of what quality the paper shall be. But the very moment that you order the number of copies, fix the style of the work, and the quality of paper, and determine what the work shall be, then comes in the law of 1842 and imposes an obligation upon the Secretary of the Interior to let it out to the lowest bidder. Why, then, does my honorable friend propose to interfere with this law? Why has he introduced this resolution? He says it is not Congressional printing. Why not let the law operate? Ah! but "the *Union*" office wants a little patronage. Is that a public reason upon which the Senate are to act? Are we about to upset this law of 1842, take this job out of the scope and operation of that law, and hand it over to whom—and by whom? By a highly-respectable committee I admit, but one having a political character. We are to turn it over to a political organ. And this is to be done by the Senate of the United States! Pretty elevated legislation it is to be sure. We have our law that departmental printing shall go to the lowest bidder; and this is not Congressional printing says my honorable friend. Besides the document is not here, and we do not know what is done, whether the beginning, middle, or end. I presume we are to capture a part of it. My friend from Arkansas [Mr. BORLAND]—for whom I have great respect, and who we know has had some experience in the military service of the country, and very creditable experience too—is to march at the head of the Committee on Printing, invade the Census Bureau, capture something, and hand it over to the proprietors of the *Union* printing office. I do not know but that it will be done; but I shall wait a good while before I believe it.

But, says my honorable friend from Indiana, the contract system is an utter failure, and it ought to be blown up sky-high. I join issue with my friend on that subject. I will admit that the contract system for the two Houses of Congress has proved, to some extent, a failure; but I utterly deny that the contract system for the departmental printing has failed at all. On the contrary, I can demonstrate that it has succeeded, and has promoted the public interest in a very high degree. I know, Mr. President, that the contract system for the departmental printing is exceedingly distasteful to some portions of the political press in this city. The Democratic and some portions of the Whig press do not like it.

Mr. HALE. How is it with the Free-Soil portion?

Mr. SMITH. I do not know how it is with the Free-Soilers. I cannot say, as I am not in very intimate communication with them. I will leave that to my honorable friend from New Hampshire, who is entirely competent to represent that portion of the publishing interest in this city.

But I defy gentlemen to show an instance where there has been any failure. My honorable friend from Michigan, [Mr. CASS,] who, I am sorry to see, is not in his seat, indicted the contract system for the departmental printing on the ground that the "Blue Book" had not been furnished us. He said that the law required that it should be laid on our tables; he did not say when, exactly, but he was for demolishing the whole system, because we had not the "Blue Book." It is a pretty large concern, [exhibiting a copy,] and is growing rapidly. I have sometimes thought that I would take the "Blue Book" of the present day, and that which was published when I came into Congress, and take the difference between the two in pounds avoirdupois. I think the difference may be calculated in pounds; at all events, I know that it is very large, and is growing rapidly, and it is an indication of what strides our Government is taking in extravagance, not to say in downright corruption. But my friend from Michigan wants to explode this system of departmental printing by contract because he has not the Blue Book. If it had so turned out that the Blue Book had not been published just when it was ordered to be published, viz: the first Monday in January, taking into view our monstrous labors during the six weeks of the session—you know, Mr. President, what they have been, the manner in which we have devoted ourselves to other subjects, and the profound anxiety under which we have labored for the promotion of the public interest, particularly under the head of settling over again that matter of compromise which gave so much trouble last Congress—one would suppose that the Senator from Michigan ought not to make such grave complaints, if the delivery of the book had happened to be some two or three days behind the time. But, sir, I have taken the liberty to inquire into this matter, and I have here a memorandum of the delivery of this most interesting concern called the Blue Book, which is contracted out to the lowest bidder. It is a pretty good book; the paper, the type, the binding, are all good. If I get the census returns printed as well, I shall be content. The law says that it shall be laid on our tables on the first Monday in January; and I believe that was the very day on which the Senator from Michigan made his speech by way of assault on this departmental public printing. Now, I find that one hundred and seventy-five copies were delivered on the 29th of December, one hundred and twenty on the 31st, and two hundred and five on January 3, which was Saturday; and the law said they should be here on our tables on the Monday following.

The contract called for only five hundred copies, so that there is not the slightest cause for the complaints of the honorable Senator, [Mr. CASS,] and this ground of attack on the present system utterly fails.

I have already stated that the proprietors of the political and of the job presses of this city are very willing to get rid of the contract system, and that they would like to have the public printing given out as a matter of favoritism; but I deny that it has proved a failure. On the contrary, I believe it has saved a very large sum of money to the public Treasury. I have here another document printed under the system for departmental printing. It is a history of the condition and prospects of the Indian tribes, by H. R. Schoolcraft, LL. D., illustrated by S. Eastman, United States Army. A more beautiful specimen of typography, of paper, and of execution, I never saw. I am ready to take up this census matter and deal with it liberally and fairly, and I would propose the printing of it in a style of magnificence corresponding substantially with this work. There has been, then, no failure of the contract system in its application to departmental printing. But I admit that there has been some failure in it as regards the Congressional printing; and I shall explain to the Senate how it is.

But before I go any further I wish to call the attention of the Senate to the amendment which I have offered, and I will explain to the Senate its precise character. It proposes to separate the composition and press-work from the supply of the paper, and both from the binding, and to make a separate and distinct contract for each, and all to be done under the provisions of the law of May 18, 1842. Perhaps by way of amendment to the resolution it would not be strictly necessary for me to propose anything more than a specification of the number of copies, with a provision that the work should be executed under the supervision and direction of the Secretary of the Interior. It would then become departmental printing, and would necessarily be executed under the law of May 18, 1842. But if I were simply to propose an amendment of that character, it would leave the composition and press-work to be paid for in connection with the paper; for the party to do the composition and press-work would supply the paper for the work. But for reasons which I shall indicate directly, I think it is highly important that the composition and press-work should be separated from the paper, and that both should be separated from the binding. My amendment, therefore, contemplates, on the one hand, the adoption substantially of the principle of the law of May 18, 1842. But some modification of that law is deemed necessary, so that the composition and press-work shall be separated from the supply of paper, and moreover, that the party who enters into this contract shall give due security for the performance of the contract, the law of 1842 containing no provision of that character. Having thus explained briefly the character of my amendment; having shown the Senate that this is departmental printing, and having proposed that it shall be brought within the scope of the provisions of the law to which I have alluded, I now proceed to the consideration, as briefly as I can, of the subject of Congressional printing, for the two are necessarily connected to some extent with each other.

I have already insisted, and, I trust, have shown, that there has been no failure of this system under the head of departmental printing; but I have also said that there is a failure, and a very serious failure, in its application to Congressional printing. And why has that been so? The joint resolution, directing the printing for the two Houses of Congress to be let out to the lowest bidder, was adopted at the first session of the Twenty-ninth Congress. At the second session of that Congress a contract was made, in conformity with the provisions of that law, with Wendell & Van Benthuysen, to execute the largest portion of that work. A small portion of it was assigned to another firm of the name of Tipten & Streeper; but much the largest portion of it—nearly the whole, in fact—was assigned to Wendell & Van Benthuysen. I admit that they utterly failed in the performance of their contract. They failed in the typography. According to the stipulations, they were to be paid so much for every thousand *ems*. The type and size of the page were specified; but I have understood, and suppose the fact was so, that they got fonts of type cast to spread the letters out, so as to get many more *ems* than would be had if the type was put in the usual form. That was undoubtedly a violation of the contract. It was also violated in the quality of the paper. There was an utter failure to conform to the terms of the contract in that respect, and there was a more injurious failure, so far as the public business was concerned, in not furnishing the printed matter within such time as was indispensable to render the documents valuable to Congress for the transaction of the public business.

Coming down to the last Congress, we find that the contractors were William M. Belt, who took the second, fourth, and fifth classes; John H. Trenholm, who took the third class; and John T. Towers, who took the first class, which was the printing of bills and resolutions. In regard to Mr. Towers, it ought to be stated that, so far as I know and believe, there was a most perfect performance of the contract on his part. I think the chairman of the Committee on Printing will agree with me in regard to that. But so far as regards Trenholm and Belt, there was a failure not less gross and aggravated than that during the preceding Congress. I do not know that they had type of a peculiar character cast to help out the line and spread the matter over as much surface as possible. I suppose they had not. But, nevertheless, there was an utter failure in the quality of the paper and in the binding, as the chairman of the committee very well knows. Trenholm and Belt were contractors for the binding, I believe; and I understand they farmed it out and made profit upon it to the amount of several thousand dollars. There was the same failure with regard to promptitude in the execution of the work. Every word which the chairman of the committee stated on that subject is true. I shall ever bear testimony to the rectitude and fidelity with which he and the other member of the committee [Mr. HAMLIN] discharged duties, in regard to it, which were very painful.

But I will add something which the chairman forgot to state, and that is, that after the documents had accumulated in our document room, and after he and the Senator from Maine [Mr. HAMLIN] had decided that they would not receive them—and I believe that I concurred with them, too—at my suggestion the other members of the committee saw fit to appoint me a sub-committee to look into the matter; and I believe they gave me instructions not to receive the documents; or rather, I was appointed to receive them if they conformed to the contract. I went into the document room and looked at them. I knew that the

contract, if performed according to its spirit and letter, would involve the contractors in an enormous loss, or rather, Mr. Ritchie, who was really the party in interest. And I confess that I had some reference to the condition of Mr. Ritchie. I felt for him a sentiment of commiseration. I thought he had a ruinous contract. Members wanted the documents; and I took the responsibility of deciding that they should come in. I thought they were worth all that we had agreed to pay for them, although they did not accord with the contract. They were received; but I did not suppose that the two Houses of Congress would entertain the purpose of passing a bill to make up any loss that he would sustain under a contract violated so grossly; and least of all did I believe that they would pass a bill, as the House of Representatives did, and as I was afraid the Senate might possibly do, which would give him the enormous fortune, according to the statement of the Senator from Arkansas, of $200,000. I believed the bill would give him at least a profit of $100,000, and I have been told since, by a practical printer of this city, that it would have reached the figure of $150,000 Probably, therefore, the honorable Senator, [Mr. BORLAND,] when he fixes the compensation which Congress was about to make for broken promises at $200,000, is not far out of the way.

And yet a bill of such monstrous provisions did pass the House, and was on the very point of passing the Senate, and would have done so, had it not been for the interposition of the honorable Senator from Maryland, [Mr. PEARCE,] to whom the country is indebted, not only for saving so much treasure, but also for protecting us from an example to the last degree mischievous.

In this way I admit that this method of disposing of the Congressional printing to the lowest bidder has proved a failure. But the system of disposing of the departmental printing has not failed. But why has the contract system with regard to the printing of the two Houses failed? It is partly the fault of Congress, but perhaps much more the fault of the contractors themselves. When the Thirtieth Congress, either by design or neglect, tolerated Wendell & Van Benthuysen in the violation of their contract, they laid the axe at the root of the tree; they laid the foundation for the complete subversion of the whole system. What followed? In the case of Trenholm & Belt, they underbid even the prices of Wendell & Van Benthuysen, who claimed to have sustained under their contract, broken as it was, a loss of about twenty thousand dollars. What did they do? In consequence of the toleration that had been extended to Wendell & Van Benthuysen, they did exactly the same thing. They did not do the printing in season, and they utterly failed in the quality of their paper. The books distributed in vast numbers were so imperfect or inferior in typography, paper, and binding, as to be a reproach alike to Congress and the country. I have, on several occasions since 1846, sent some of our public documents to a friend, a member of the British Parliament, and I have never done so but with "shame and confusion of face."

We are now brought down to the present Congress, and the contractor is Mr. A. Boyd Hamilton, who has stipulated to do the work at even lower prices than those paid at the last Congress. It is no part of my business or duty, or even of my right, as I am situated, to prejudge his case; but I know perfectly well what is to follow. We are not to have the documents in proper season. Those that are laid on our tables may perhaps be printed according to the contract, or very nearly so; but in regard to the long numbers, we have every reason to anticipate the same violation of contract by him, which we have tolerated in Wendall & Van Benthuysen, and Trenholm & Belt, or Mr. Ritchie, the printers of the last Congress. Besides, I greatly apprehend a failure in point of time, so as to render the documents of little use to us in the discharge of our legislative duties. Hence it is apparent that it is absolutely necessary that we should have some change in this system. But I desire to say to my honorable friend from Indiana that I am not for giving up the contract system, though we can change it; and we ought to attend to the modification of it immediately. Perhaps I may feel it my duty, at the very next meeting of the Senate, to introduce a resolution charging the Committee on Printing with the duty of considering what modification should be made in this system. And I am willing to make the resolution larger—to inquire whether we should not repeal or set it aside entirely: for I wish no limited inquiry on this subject. But I will now indicate what are my ideas in regard to the change that should take place. I do it with the more freedom, because it will serve to illustrate my views in introducing to the consideration of the Senate the amendment which I have offered to this resolution.

I think we should separate the supply of paper from the composition and press-work. That is the first step to be taken. Why should not the United States furnish its own paper? What has been the difficulty with the execution of former contracts? And what are to be the difficulties at the present session of Congress? They arise from the manner in which we are cheated in paper; and I do not believe I use too harsh a term in connection with this subject. Let us furnish our own paper. I want to know why we should be cheated in paper? Why is it that adventurers come to this city—men who are not connected with any establishment here—and underbid all the local printers? It is because the bidding is not merely on the composition and press-work, but the party is to furnish his own paper. The party takes his pay calculated on the former. If the orders are for short numbers, composition and press-work is to be high; if for long numbers, composition and press-work will be comparatively low. The bidding being on the press-work and composition, with a stipulation in regard to the quality of the paper, the parties who really intend to get the contract, and at the same time cheat us out of the due performance of it, come in and bid on composition and press-work at a very low rate: whereas the proprietors of the *Union*, the proprietors of the *Intelligencer*, the proprietors of the *Republic*, and the proprietors of the various job establishments in this city, such as *Towers's*, bid for the composition and press-work with the idea of furnishing good paper and performing the contract. But your adventurer comes here and bids on composition and press-work at a low figure—below everybody else—and then calculates to make up the difference by supplying a kind of paper utterly inferior. Thus these adventurers get the contracts. Now, if we separate the supply of paper from the composition and press-work, they will have no margin: they will have to bid for the thing itself. As things now are managed, they do not bid on the composition and press-work alone, but combine it with the idea that they will cheat in the paper. All we have got to do is to furnish ourselves with the paper. I am perfectly willing to say to the honorable Senator from Indiana, that if he will join me in separating the supply of paper from the composition and press-work, I do not care what he does with the latter. I think that strictly it ought to be let out to the lowest bidder; but I do not care two straws, if it is distributed around among the various printing establishments of the city; and if you are hard pressed for the want of a little support for a political organ, why I will indulge you with a large slice, and you can take it all for aught I care. The large fortune that has been made by one concern in this city, has been principally realized by the profit on paper. I do not mean to accuse those gentlemen of cheating in the paper, for I have no idea that they did so. And if this plan be carried out, and a contract be made with Donelson & Armstrong to do this great job—they to furnish their own paper—if they do not make a large fortune, I am greatly mistaken. One hundred thousand dollars transferred from the public Treasury to their private coffers, would be the very lowest figure which the amount of profits would probably reach. If they do the work, I am perfectly willing they should have a reasonable profit. I am willing they should have a profit of five thousand or ten thousand dollars; and I would not find much fault if it were to be twenty thousand dollars. But when you come to this business of handing over to men—I care not who they are—large fortunes, I object to it *in toto*. It is of evil example.

Mr. President, no man knows better than yourself, that the idea has got to be somewhat rife in the country, that men can come to Washington, spend one or two winters here, and carry large estates out of the city, obtained, too, from the Government. I have seen men about our public hotels smoking cigars, and enjoying themselves in a variety of ways, who come here and remain during a few sessions of Congress, and return home with large estates, obtained by prosecuting claims before the Departments, before Congress, and before Commissioners here. When any man makes an enormous profit here, on anything, no matter what it is, it brings a horde of people upon us; it is ruinous in every shape and form; and is doing infinite evil and infinite mischief to the country. I am utterly opposed to this system. I have been in the habit of earning what little bread I have eaten by the sweat of my brow; and all of us who are here in the two Houses of Congress, I believe, earn pretty well the pittance we receive in the form of compensation. When I am at home, engaged in the duties of my profession, I have been in the habit of supposing that if I could, by carrying a difficult cause through all our courts, earn a couple of hundred of dollars for the support of my family, I was doing very well. But that is an old-fashioned scheme of conduct—it does not come up to modern ideas, to which I am quite too rigid in my habits and notions to conform. Let it be known, then, that I am totally opposed to this system of getting estates by filching from the Government—coming here with enormous claims for a quarter or a half million of dollars, and dividing the plunder with leading and able men, who are supposed to have an influence with this Secretary, or that board of Commissioners. Such conduct is corrupt—it is of evil example—and therefore I resist it in every form. I do not say that the proposition of the honorable Senator is designed to be a scheme of plunder, but I do say, it will result in plunder.

But then again I inquire, how is this contract to be enforced, if made as proposed? Suppose we enter into stipulations with Donelson & Armstrong, and they do not choose exactly to perform them: suppose they do not furnish as good paper as the contract requires them to furnish: suppose they do not execute the work in the time stipulated—how is the contract to be enforced? Is it to be believed that a political majority of the two Houses of Congress getting up a contract to support a political organ, will enforce that contract to the ruin of the proprietors of that organ? I say they never will do it; and I will not claim that the party with which I act stands on any higher ground in this respect than the Democratic party. I have lived long enough to learn that there is but little difference between parties as to matters of this sort, though there may be, and often is, a great difference as to questions of public policy. We have different views with regard to the questions whether we should encourage our own domestic industry; whether we should have a system of harbor and river improvements. And if I am a Whig this day, it is simply because I believe that certain measures of public policy, advocated by those with whom I usually act, are indispensable to the public welfare; and it is not because I believe the Whig party, in general or in detail, is any more pure or any more honest than the Democratic party.

I will illustrate my views by a reference to the past history of Congress on this very subject.

I referred a while ago to gentlemen for whom I have the highest respect—the proprietors of the *National Intelligencer*. More pure, more honest or excellent gentlemen do not live on the face of the earth. But in the Twenty-seventh Congress, having a large Whig majority in the two Houses, we made an order that the public printers should do the printing at the rates of 1819, with twenty per cent. off. We elected Gales & Seaton printers for the House of Representatives, and Thomas Allen printer for the Senate. We went along very well, until the last day of the Congress, (the 3d of March,)—and I would remind Senators that if any mischief is to be done, it is sure to be done on the 3d of March. There was then slipped into the appropriation bill a provision setting aside the twenty per cent. reduction, and paying the public printers the rates of 1819 in full. Thus the Whig

party accorded to their printers more than their contracts called for—I do not know how many thousand dollars, but certainly a very considerable amount. This statement is made that honorable Senators may see that I mean to be strictly impartial, and indeed I sometimes think I am the only man entirely competent to do justice to both parties in this matter.

And now I must turn to the Democratic party, and bring up again the case of Thomas Ritchie, who violated his contract as already explained, and who filled the columns of his paper for months with the cry of Ruin! ruin! until he so wrought on the commiseration of my Democratic friends that they were on the very point of handing over to him, according to the honorable chairman, [Mr. BORLAND,] a cool $200,000, under a contract which he had broken in every form, according to which he was not entitled to a single cent. This proves conclusively that neither Whigs nor Democrats will enforce contracts against political organs. So that both parties stand exactly even. We have had a neck-and-neck race between "Eclipse" and "Henry." Hence, if we make this contract with Donelson & Armstrong, it must, in view of the past, be upon the idea that they are to make money, and a good deal of it. I believe they will manage it as other contracts have been managed. They will intend to do the business with integrity and with fidelity. But suppose there shall be a defalcation in the paper; if you bring them up to the mark, it might be ruinous to them. It is well known that fraud is sometimes committed in manufacturing paper. I have been told that a mineral substance is sometimes introduced into paper to make it weigh some twenty-five per cent. more than the proper materials should weigh. I have no idea that Donelson & Armstrong would knowingly buy such paper. But suppose you stipulated with them as you have stipulated with A. Boyd Hamilton, that the printing shall be done on paper weighing fifty pounds to the ream, and that it is their misfortune to procure such paper, and they actually print the Census returns upon it; suppose when you get them you should find the weight of the book to be made up of lead or some material improperly intermixed with the paper—are you going to exact anything from these gentlemen? Are they to be made to stand up to their contract? Would not the condition of the *Union* office then come into view? and would it not be said, We must not suffer our organ to be broken-up? You never can enforce such a contract made with the proprietors of a political organ, by a political committee, appointed by a political majority in the two Houses of Congress—certainly to subserve the public interest, not to support the organ. I would not suggest such an idea as that, because it would involve an imputation on the motives of honorable Senators, in which I never indulge.

The general tendency, therefore, of the proposed system is to corruption. It tends to foster and encourage practices which I deprecate. I am sorry to say that our Government has been rapidly running down in this respect for the last few years, and the existing state of things should awaken the alarm of all good citizens.

When I came into Congress the received opinion among members was, that the expenditures of the Government should, in no event, exceed about twenty-one millions of dollars per annum; and I remember very well that the expenditures by General Jackson's and Mr. Van Buren's administrations, of about that sum, was, during what is usually denominated the Harrison campaign, held up in contrast with the expenditure of the administration under John Quincy Adams, as being perfectly enormous and in the highest degree corrupt. But what now is the state of things? These expenditures have been carried from twenty-one millions up to about fifty millions of dollars; and it is a painful duty for me to discharge when I say, what I verily believe, that corruption and extravagance have increased just about in the same proportion as the increase of our expenditures—more than one hundred per cent. It is high time that public attention should be called to this matter.

But there is no chapter in this humiliating history more astounding than this very one of Congressional printing, as witness a table prepared from the records of the Treasury Department, which I now present to the Senate:

A table of the amounts paid at the Treasury for printing ordered by the two Houses of Congress, commencing with the Twenty-second Congress, and terminating with the last:

	House.	*Senate.*	*Aggregate.*
For 22d Cong....	$108,566 14	$34,152 51	$142,688 65
" 23d Cong.....	152,842 02	200,587 16	353,429 18
" 24th Cong.....	107,787 81	46,433 36	154,221 16
" 25th Cong.....	192,705 87	25,341 88	218,047 75
" 26th Cong.....	129,192 93	61,671 66	190,864 19
" 27th Cong.....	252,665 81	40,791 49	293,457 30
" 28th Cong.....	166,351 67	191,079 98	356,431 65
" 29th Cong.....	175,887 32	83,618 39	259,596 71
" 30th Cong.....	100,196 71	82,690 41	182,887 12
" 31st Cong.....	76,912 04	48,871 32	125,783 36
	$1,462,108 32	$815,238 16	$2,277,346 48

It should be understood that the amounts for the last Congress are not yet complete. Mr. Ritchie is still printing for the use of a Congress which expired more than ten months ago! and nothing could more fully illustrate the folly and abuses of the existing system. When our venerable friend shall have completed his labors, I suppose we shall have occasion to add about $50,000 to the aggregate of the table for the last Congress, which will bring up the amount to about the aggregate for the preceding Congress. Thus it appears that the enormous sum of $2,327,346 48 has been paid out of the Treasury for Congressional printing since General Jackson came into power; and I do not hesitate to say that every penny over a half million has been thrown away. And how, Mr. President, has this frightful result been obtained? It can be traced, in part at least, to the very principle which I now deprecate—political favoritism. When you embark in any such policy, avowedly, or if not avowedly, really; when you make a contract under such an impulse, is there not a strong temptation held out to the majority to augment unduly the quantity of matter to be printed? I do not say that any such purpose is entertained here in regard to this printing. I do not say that any honorable member of this body would intentionally do any such thing; but I do say that such is the tendency. I believe that this principle of political favoritism has operated heretofore in the procuring an undue increase of the amount of printing by the two Houses of Congress. Perhaps honorable Senators and honorable members of the House of Representatives have hardly been aware of the presence of the motive in their own minds; perhaps it would not be so with a majority of the members; a considerable number may be in favor of printing a large number of any particular document without reference to any consideration of that character; yet a few, with a view to favor the public printer, a political favorite, mightbe induced to think that on the whole they would go for the proposition, although, otherwise, they would be opposed to it.

In every view, then, of this subject, and indeed of our expenditures generally, and of the many abuses which have crept into all branches of the public service, it would seem to me that the time has arrived when we should pause and consider well the tendency of public affairs. Indeed, it is apparent that some reform is indispensable. Where shall we begin? I think the very first thing we should do is to reform ourselves, reform Congress, reform the extravagant and wild expenditure which we have had here. And how are we to do it? Not by making the public printing a matter of favoritism, but by dispensing it, as I conceive, under the provisions of existing laws, though I should like to have such modifications made as I have suggested in these remarks.

In conclusion, Mr. President, I wish to make a few remarks on the number of copies which should be ordered of this work. Congress ordered in 1839 ten thousand copies of the Sixth Census. Now, what number of copies shall we order at this time? I have great difficulty in making any order about it until I know what is the magnitude of the work. If it is to be a very large work, as I believe it will be, I am for a small number of copies. I doubt exceedingly whether we ought to exceed ten thousand in any event. I know we have more States now than we had in 1840. We have added five States since that time; we have a vastly larger extent of territory, and a much larger population. Therefore I will not complain if honorable Senators should propose to print twelve thousand copies. After ten thousand copies of the Sixth Census had been provided for, the Twenty-seventh Congress ordered a compendium to be made, and twenty thousand copies to be printed.

I am opposed to any compendium of this census. Blair & Rives obtained a very large and lucrative job in printing the original returns of the Sixth Census; and I hope it was not the purpose of the Whig Twenty-seventh Congress to give a job in the form of a compendium to the *Madisonian* newspaper then printed in this city. That compendium cost a large sum, and I believe it never was of the least practical utility. I do not believe it necessary to print a vast number of such a document as this to circulate all over the country. It will be of no use. Congress must have a proper supply; the Congressional Library, the Departments, the State governments, the leading seminaries of learning, and the literary institutions of the country, should be well supplied. As for putting this census into the hands of a vast multitude of people in this country, it is, in my judgment, utterly absurd and ridiculous. It is of very little use, except to enable us to make an apportionment of the members of the House of Representatives among the respective States, and to furnish statistics of the population and of the business of the county. But who are the men competent to deal with the contents of the census in this regard? Only staticians—very learned men, and there are few of them in this country. I am perfectly free to admit that I should myself be utterly incompetent for such an undertaking, although there may be members of this body who are competent. I would therefore have no compendium—I would print a limited number of copies of this work. My own belief is, that ten thousand or twelve thousand copies will be an abundant supply for the entire country. You ought to have some copies to send to Europe, to interchange with foreign Governments, and perhaps some to send to some of the leading seminaries of learning in Europe.

After we have supplied Congress, the General Government, the State governments, and the various seminaries of learning, and sent copies to the Foreign Ambassadors, I think we shall have gone quite as far as the public interests require. I am, therefore, for filling up the blank in this amendment, as at present advised, with ten thousand copies; but I will not object to twelve thousand copies, if honorable members desire that number; but I shall be utterly opposed to printing a compendium such as was ordered by the Twenty-seventh Congress, because I believe there is no real practical utility in such a work.

Having demonstrated, as I trust I have, conclusively, that this is departmental printing; having shown that the law of 1842 is now in full force; having shown that that law has worked well, and that all contracts under it have been performed; having shown that the public treasure has been economized in a very considerable degree by its operation; having proved, as I trust I have, that the public interests, in every respect, require that that law should be maintained, and that the joint resolution which provides for the printing of the two Houses of Congress should be amended, I ask, upon what principle is it that any member can rise in his place and demand the passage of the original resolution, and upon what principle can any one object to the amendment which I have proposed, separating the supply of paper from the composition and the press-work and from the binding, and requiring the Secretary of the Interior, with proper securities and under proper supervision, to let out all three to the lowest bidder? Will not this be entirely safe for the public? Will it not give us good paper, prompt execution, fair work, and moderate prices in every department of the business? These are the elements of the case which belong to the public, and I will not do honorable Senators the injustice to believe that such considerations will not have a controlling weight on the present occasion.

Mr. BRIGHT replied to Mr. SMITH, and in the course of his remarks, the following statements and explanations were made:

Mr. BRIGHT. The honorable Senator [Mr. SMITH] certainly forgets that at the last session of Congress he himself proposed in the Committee

on Printing to give this very work to the *Republic*. Hot haste! It was not too early at the last session of Congress to agitate the question.

Mr. SMITH. As the honorable Senator has never attended any of the meetings of the Committee on Printing, I presume he makes the statement that I was in favor of giving the printing of the census returns to the *Republic* on the authority of others. All I have to say is, that the gentleman is entirely misinformed.

Mr. BRIGHT. If I am not correct I hope the chairman of the Committee on Printing will correct me.

Mr. BORLAND. I presume the statement of the Senator from Indiana was made on information received from me. He is mistaken, however, in supposing that I said the Senator from Connecticut proposed to give this printing to the *Republic*. I did say that the Senator from Connecticut was in favor of the proposition made by the Superintendent of the Census to leave the printing to him, and have it executed at that time. Whether he would have had it done at the *Republic* office or elsewhere I do not know. But the Superintendent of the Census did express a wish—and that subject came before the committee—to be permitted to have the printing executed as he might think proper at that time. The committee decided that an arrangement of that sort could not be entered into, because the census bill itself, after providing for the execution of the preliminary printing, required that the report of a plan for publishing the census should be made to Congress at the present session, and that the printing of the census returns should be done as this Congress should direct. Therefore they did not feel authorized to enter into any arrangement, or give their assent to anything of that kind. I then understood the Senator from Connecticut, and I now understand him, to have been in favor of the arrangement proposed by the Superintendent of the Census.

Mr. SMITH. I wish to say a word on this subject. It is very unusual, I believe, to bring into the Senate conversations in the rooms of the committees of this body.

Mr. BRIGHT. I refer for my information to a debate that came up on a collateral question at the last session. I have not the debates before me, but I think that I can turn to them and show that the honorable Senator from Connecticut expressed a preference at that time for giving to the gentleman who has charge of the Census Bureau the privilege of making a contract for this printing. The inference follows as a matter of course that it would have taken the direction which I indicated.

Mr. SMITH. I do not know what the gentleman may find recorded in the debates of the Senate, as having been said by me, but I know that I never entertained any such view as that. I must also say, in very broad terms, that my friend from Arkansas [Mr. BORLAND] is entirely mistaken. I do not know but that I may have used language from which he properly inferred what he seems to have inferred, but I have never entertained any such views, but have been from the beginning totally opposed to breaking up the contract system.

After Mr. BRIGHT had concluded his remarks, Mr. SMITH (January 13th) rejoined as follows:

Mr. President, I wish to make a very few remarks in reply to my honorable friend from Indiana, and I am prompted to do so on account of the personal issue which my honorable friend made with me last evening. That honorable Senator saw fit to remark, that at the last session of Congress he understood me to take ground in the Senate in favor of giving the printing of the census returns to a political press in this city—I think he named the *Republic*. I then suggested that he was under an entire misapprehension upon that subject. I do not suppose that my honorable friend intended to misrepresent my position in that regard. The truth is, that from the very outset of this business, I have been utterly opposed to the reintroduction into Congress of the old practice of dispensing the public printing on the principle of political favoritism; and it so happens that I find myself on record, in a train of remarks submitted to the Senate, in relation to this very subject of printing the census returns, in which views are expressed such as I had the honor to lay before the Senate yesterday; and I hope the Senate will indulge me in reading from these remarks a few extracts, showing what I said. In the first extract which I will read, I remarked as follows:

"I fully accord in the opinion which has been expressed by my friends on the other side of the Chamber, that the time has gone by for investing the head of any department with an arbitrary discretion upon this subject of printing."

And then again:

"Now, then, this committee has reported this bill, as I have before remarked, containing the provision of the old law, and conferring on the head of the Department of the Interior the arbitrary power of making a contract with any individual that he pleases, and upon any terms that he may see fit, without advertising, without competition. To any such provision in this bill, I am utterly opposed—not that I believe the honorable gentleman at the head of that Department would abuse the trust thus confided in him; I am convinced he will execute it with as much fidelity as any other of the distinguished citizens of the country.

"Now, sir, in order to realize, or rather to carry out what has been the policy of the Government for several years past, to wit: to have all the printing let out at contract, and given to the lowest bidder, all that is required is the addition of a few words to the clause of the twentieth section."

The last clause reads thus:

"And further, as the returns are made, to cause the same to be classified and arranged in the best and most convenient manner for use; and —— thousand copies thereof to be printed for distribution."

"Now, sir, if the amendment of my honorable friend shall fail, I shall propose to add to that clause these words: 'On contract, as now provided by law.' That is to say, to the lowest bidder."

And then, again, I remarked:

"I would say that I am not for subsidizing the press of the city, either the Whig or the Democratic press—either the one or the other."

And again:

"As to the scheme of giving the printing, at this late day, to the political press of this city, it is a proposition that I shall resist to the uttermost, and at all times."

And finally, I remarked:

"I intend, sir, to resist now, and at all times hereafter, the connection of the public printing with the political press of this city, whether upon the one side or the other. I therefore insist that the 21st section is exactly right; and with respect to the preceding section, all that is required is simply the addition of four or five words such as I have already suggested to the Senate."

Such, Mr. President, were my views as expressed at the last Congress, and such are my views now; therefore the charge of inconsistency falls to the ground. I resist now, as I ever have, the idea of breaking up the existing policy of Congress, and am for letting out the public printing, whether Congressional or Departmental, to the lowest bidder.

But I understand my honorable friend from Indiana [Mr. BRIGHT] to say, that the amendment which I propose to his resolution contemplates giving this printing to the Secretary of the Interior, to be disposed of by him arbitrarily and at his own discretion; or, in other words, to give him the power, if he should see fit, to confer the execution of the work upon some portion of the political press in the city. I regret very much, Mr. President, that when I closed my remarks yesterday I did not move the printing of this amendment; and when I consider the character of my chirography, I will not complain that my honorable friend from Indiana [Mr. BRIGHT] should have entirely misapprehended the object and purport of this amendment. It does not, sir, propose at all to confer any discretionary power upon the Secretary of the Interior. On the contrary, it requires him, in the first place, to let out the composition and the press-work; in the second place, the supply of paper; and in the third place, the binding, in conformity with the provisions of an act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year 1842;" or, in other words, to advertise it in the public papers for thirty days, to receive the bids of all those who choose to enter into this competition, and then to let it out to those who will do the work for the lowest price, according to the specifications, the party bidding to give security, and the work, the whole work—the paper, composition, press-work, and binding—to be subjected to such supervision and inspection as the honorable Secretary may deem to be necessary in order to secure a full and faithful performance of the contract. By my proposed amendment, therefore, I banish all favoritism in the execution of the work in any and every form, and put it upon the same footing as the departmental printing now stands, except in one or two points which I regard as improvements. There is, therefore, not to be any favoritism. The work is to be done on the lowest terms; and it will be done, I have no doubt, in a manner which will be entirely satisfactory to the Department, to Congress, and the people of the country in general.

Again, Mr. President, the honorable Senator from Indiana saw fit to remark, that I had, as he presumed, greatly underrated the value of this work, and that I seemed to suppose that it was of very little consequence—that it was a thing to be printed and thrown aside, like many other documents, as of no value. The Senator says it is a work of very great value—that it is to go into the records of the Government, and into our colleges and the various States of the Union; and the honorable Senator saw fit to have read, at the desk of the Secretary, some eulogies by some foreign writer (I hardly know who) on the value of this work, and speaking of it as being a very great improvement on any work of this character, either in this country or in Europe. Sir, I have not undervalued this work. I know that it is a work of high importance. But what, let me ask the honorable Senator from Indiana, has that to do with printing it at the *Union* office? That is the question I wish him to answer me. What has the importance of the work to do with printing it without competitors? What has that to do with the question of the propriety of conferring this work upon the political press of this city as a matter of favoritism?

But the honorable Senator stands up and gravely tells the Senate that this work is undisposed of—that it is a sort of waif or estray, which the honorable Senator proposes we should capture and deliver over to the proprietors of the *Union* newspaper in this city. And this is said, I presume, to alleviate any little irritation of conscience which there may be, and I venture to say that there is a good deal in this Chamber in regard to the propriety of taking this course. It is a work which the honorable Senator says is "undisposed of!" And why is it undisposed of? Simply because we have not ordered the Secretary of the Interior to print it. And if it were ordered to be printed, then it would come under the law of 1842, which tells the Senator from Indiana that it shall not go into the *Union* office unless they are the lowest bidders. The Senate is to make the order, and then comes in the law of 1842 to take hold of it. The gentleman proposes to alter this law to take it out of the hands of the proper party, and to hand it over to my friend from Arkansas, [Mr. BORLAND,] to be bargained out to Donelson & Armstrong. He again [Mr. BORLAND] replies that he will have nothing to do with it, and I respect and honor him very much for coming to such a conclusion. He does not like the job. But, says my honorable friend from Indiana, "I guess I can find Senators who would be willing to do this." Possibly he may; I do not know but he will. Perhaps the honorable Senator from Indiana himself will volunteer to help this most lucrative job into the office of a certain concern, for the welfare of which he appears to have a profound solicitude.

"But," again says the honorable Senator, "I can furnish you a precedent for all this, because Congress has been buying books for I don't know how long—about a quarter of a century—and handing them over to themselves." Very well; I can tell that honorable Senator that I have not a very exalted opinion of that operation; and if he will introduce a proposition to repeal the whole system, I will vote for his proposition, and restore all the books which I have received from the Government. I say that a more wasteful, more prodigal, more wicked system of disbursing the public money never existed on earth than this system of distributing books among members of Congress. I do not say this to inculcate the idea that we obtain anything more than an adequate and just compensation for our services here. I know that I earn, and more than earn, every dollar I receive; indeed, I cannot save out of my mileage and per diem but a trifle to pay the expenses of my family during the recess. But what I object to is, that this book system costs the Government two or three times more than the value or amount of benefit conferred on members, as witness the following table:

Prices paid by Government for books distributed under resolution of the Senate at the last Congress, and prices ordinarily paid by dealers in this city for the same books:

	Paid by Congress.	By dealers.
American Archives	$136 00	$40 00
American State Papers	235 50	125 00
Register of Debates	155 00	55 00
Congressional Globe and Appendix	80 00	30 00
Elliott's Debates	16 00	8 00
Land Laws	10 00	4 00
Contested Elections	5 00	2 00
Statutes at Large	28 00	22 00
Hickey's Constitution	1 00	1 00
	$666 50	$287 00

Now it is well known, that these books are sold by some of the members—perhaps only by out-going members—who realize only the prices named in the second column, or about those prices, and then the dealers resell them to Congress, demanding the original cost or prices, when they are redistributed, and so on indefinitely. When we consider the great number of new members both of the Senate and House who make their appearance on this theatre at the opening of every Congress, (for it is to such only the books are given) it will appear that many hundred thousand dollars must have been thrown away during the existence of this system to confer an inconsiderable benefit on members; and am I wrong in denouncing such a system as corrupt, and as unworthy of further countenance or extension?

A SENATOR, (in his seat.) Oh, move to divide the money amongst ourselves.

Mr. SMITH, (laughingly.) Yes, if we could divide the money among ourselves, there would be some propriety in that—some good common sense in that; but to incur so much expense for the sake of conferring some little miserable picayune benefit upon this member or on that upon his recent advent to Congress is wasteful and extravagant to the last degree. But I say, in all earnestness, that it would be infinitely better, if this system is to be continued, to take this money openly and manfully out of the Treasury and distribute it amongst ourselves, than to resort to this indirect method of increasing the remuneration of members in a mode which is really of very little value to us one way or the other. But the honorable Senator from Indiana says that because this old and corrupt system—and I beg pardon for using the word "corrupt," for I mean nothing offensive by the way in which I use it—which has come down to us, I do not know how long, is still in use, therefore we shall be justified in seizing hold of this piece of departmental printing and in conferring it as a job on political favorites.

Mr. BRIGHT. I desire to correct the Senator: I did not use the word "corrupt," nor did I say anything against the system of printing books. I have never voted for books; I have always voted against the practice, though I have taken them, as I understand the Senator from Connecticut has also.

Mr. SMITH. I am sensible, in speaking of the distribution of books among members, I have traveled in some degree out of the proper limits; but the honorable Senator referred to it, as being some justification of this extraordinary measure. I think I am in order to denounce this system as an abuse. But after all, what is it but buying books? It is not Congressional printing, it is not departmental printing; it is buying certain books, containing a great deal of information which we distribute among the members for the purpose, as we suppose, of enabling us the better to discharge our duties here. But I must confess they have had very little effect so far as I am concerned, for there are many volumes of them into which I have never looked. I know that Congress has purchased books, and has paid for them a great deal more than they were worth; and I hope that when my friend brings up the subject as one to be imitated, he does not propose that we shall pay the *Union* office the same exorbitant rates, which he seems to think will not amount to more than $300,000.

But how does the Senator know it will cost only $300,000? On what basis does he make that calculation? Has he told us how may copies of this work he proposes to have printed? and is it not absolutely necessary that Congress should settle the question in regard to the number of copies before anybody can make any calculation of the expense of the work? I certainly cherish for the Senator from Indiana sentiments of very high respect; I know he is a vigilant and highly-valuable member of this body, and I will do him the justice to say here, that I know of no man who is more prompt, more energetic, and more determined in resisting the passage through this Senate of any bill which will be likely to cast a burden upon the Treasury, without the severest scrutiny; and yet he is prepared to plunge into this business in the dark, without any knowledge of elements indispensable to a proper estimate or calculation of the cost.

There appears to be something that has disarmed the usual vigilance of my friend from Indiana. He says the Superintendent of the Census tells him this morning that he has one State done. I do not know how long they have been in arriving at that point of consummation; and when the remaining States are to be completed, I do not know.

Sir, I know that Congress has been in the habit of buying books, and I know that we provide for the publication of our debates—to what profit I will not undertake to say, or with what utility to the country. We paid at the last Congress $7 50 per column for the publication of our speeches in the *Intelligencer*, and $7 50 to the *Union*. The *Intelligencer* could not live by it, and has therefore gone out of the business. But the *Union* continues to prosecute the work, and I hope will prosecute it with success. As it is very important, or is supposed to be important, that our debates should be published in full, if $7 50 is not a sufficient compensation to the "*Union*," I am willing to add to it, particularly as we are now relieved from the expense of publishing them in the "*Intelligencer*." But what has that to do with the question before us? What if we do hire the *Union* to print our debates? what if we do not open the work to competition? The census is departmental printing; and I say that the very moment we determine upon the number of copies to be printed, and order the Secretary of the Interior to print the work, it comes under the operation of existing laws, and is disposed of.

But, Mr. President, after having addressed the Senate, perhaps at an unreasonable length, yesterday, upon this subject, I do not deem it right that I should trespass further upon the time of this body; and I have to express my thanks for the patience and attention that has been shown in listening to me.

GRANTS OF PUBLIC LANDS.

SPEECH OF MR. UNDERWOOD,

OF KENTUCKY,

IN THE SENATE, *January* 26, 1852.

The Senate, as in Committee of the Whole, resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain Railroads in the State of Iowa.

The pending question being on the substitute reported from the Committee on Public Lands, as a model bill in relation to all grants of lands for the construction of railways—

Mr. UNDERWOOD said:

Mr. PRESIDENT: When the adjournment took place on Thursday last, I was about to pay my respects to the Senator from Illinois, [Mr. DOUGLAS,] and to notice his argument. I will now proceed to perform the task which I have allotted to myself, and I will do it with as much brevity as I possibly can. In the commencement of his argument, the Senator said that this was not a question of the distribution of the proceeds of sales, or a donation of public lands to the States. He said that if it were a question of "distribution," or "donation," he should oppose either, thereby showing that he is unwilling to distribute the proceeds, or to give the lands to the several States constituting our Confederation. But it seems to me that my friend from Illinois fell into a most striking inconsistency before he got through his remarks. Although he was opposed to everything like a donation to the States, he wound up by stating that he was in hopes the policy would be adopted of donating to individuals, who should constitute actual settlers upon the lands. It seems to me that if there be no considerations of public policy which will justify donations to the States, there are none which would justify donations to individuals. They are both gifts, they are both gratuities. Viewing them in the light of donations, their policy can only be defended upon the ground, that the improvement and settlement of the country constitute objects of such value, that you will be justified in making donations to actual settlers. If mere settlement and improvement can justify a donation to a private individual, why may not public advantages, resulting from improving the country by railroads and canals, equally justify a grant or donation to a State? Where is the difference in principle? There can be none. For in making distributions, or donations to the States, we act on the idea that the interest of the great whole is promoted by it; and in making donations to actual settlers, you can only do it upon the same idea. It seems, too, that any principle which tolerates a donation to settlers for the improvement of the country, equally sustains the grants to States, when the grant is connected with such improvements as clearly conduce to the general welfare. In using national property, and in giving it away, the gentleman doubtless means to benefit the nation. I can see no difference in principle between the benefit resulting from settling and improving the country, and that which arises from the construction of railroads and canals.

The whole argument of my friend from Illinois is based entirely upon the ground that the remaining lands, after you grant the alternate sections for railroads and canals, are increased in value by the grant to such an extent that the Government of the United States loses nothing. In the first part of his speech he opposed everything like donation or distribution merely. After taking a position of that sort, he saw that this bill would be attacked on the ground that it was a donation, which he had condemned. It was, therefore, necessary for him to show that the bill occupied a position which escaped his condemnation; and to do that he goes upon the principle, that by granting the alternate sections you increase the value of those sections retained to such an extent that the Government loses nothing. Now, is it true, that the Government loses nothing by these grants of alternate sections? Is it true, that the retained sections become sufficiently valuable to indemnify the Government for giving away half the public lands within six miles on either side of the road?

In the first place, let me remark, that when you double the price upon the retained sections, you postpone the sale upon those sections for ten or twelve, or perhaps for fifteen years. You do not bring the reserved sections into market until after the improvement has been made. I do not know that any of these reserved sections have been brought into market in any one instance since we have granted alternate sections for internal improvements. They may have been sold for aught I know. If so, my friend from Michigan, [Mr. FELCH,] the chairman of the Committee on Public Lands, can no doubt inform me, and I shall be glad to know from him whether any of the reserved sections have been brought into market and been sold.

Mr. FELCH. As I understand the matter, the sections lying along the line of the canal, for which grants have heretofore been made in Indiana and Illinois, have been sold. The alternate sections on the line of that canal have been brought into market and sold at double the usual price; that is, at $2 50 per acre. I recollect very well that at the last Congress application was made by some persons who wished to buy a portion of these lands with bounty land warrants, which could not at that time be used for the purpose. We passed a law authorizing bounty land warrants to be received in payment for public lands at the rate of $1 25 per acre. Time enough has not yet elapsed since the passage of the laws of last Congress granting lands for improvement purposes to know how many of the alternate sections have been sold, but I am quite certain that the provision of the law doubling the price of the reserved sections has been faithfully carried out. I do not know of any instance where it has been violated.

Mr. UNDERWOOD. No doubt the provision of the law will be carried out. But the point which I wish to make is, that when it is carried out, it is done only some five, ten, or fifteen years after the grant has been made to the State, and after the reservation takes place.

Mr. JONES, of Iowa. The alternate sections

of land reserved to the United States are kept out of market only until the line of a particular railroad is designated. As soon as that is done, or at least as soon as it is surveyed, the lands reserved by the Government on the line of the road are brought into market.

Mr. UNDERWOOD. I do not know the length of time they are kept out of market. I have called for information. No doubt my friends from the land States are better informed on the subject than I am. They have given their statements to the Senate. It appears, at all events, that these reserved lands are kept back from sale for some time. How long the time is, does not distinctly appear. My friend who last addressed us says they are brought into market just as soon as the line of the canal or railroad is designated, and the selections are made. If the time is short, the injury which the Government sustains is proportionately diminished. If the time is long, the injury which the Government sustains is proportionately increased. Whether the time be short or long, the Government sustains injury in proportion to the time, by withholding the lands from market, and in keeping money out of the Treasury during the delay. There can be no avoiding this conclusion. If it be the policy of the Government to obtain money, and put it into the Treasury by selling its lands, so long as you postpone the execution of that policy, by withholding the lands from market, you inflict a proportionate injury upon the country at large.

A SENATOR having intimated his dissent—

Mr. U. said: Well, if it is no injury to keep money out of the Treasury by delay, I suppose the Government would sustain none, if money was never brought into it again. The argument is an argument of time; and the gentleman intimates that time is of no consequence—that time is not an element of importance. But it cannot be gotten round in that way. Time is an element in the consideration of this question, and has its weight in proportion to the delay.

The whole argument of the Senator from Illinois, by which he justifies these grants for railroad purposes, rests entirely on the ground that the reserved lands are increased in value. He admits that if this bill is not defensible upon that ground, there can be no justification for it. It would have been a strange process of reasoning, had the Senator from Illinois undertaken to prove that granting lands to actual settlers for nothing, would increase the value of the land fund, which at one time in his argument he seemed so anxious to husband and improve. If he had suggested in regard to settlers, the same rule which this bill applies to the State, to wit: the grant of alternate sections and doubling the price of those retained, he might have made something out of the argument; but his willingness to "donate the lands to actual settlers"—for that is his language, without reserving any adjacent lands, to be sold above the minimum price, is inconsistent with his argument against making donations to the States.

But the Senator says that "we of the Western 'country are opposed to increased taxation, and 'to any system of measures which shall pro-'duce such a necessity; and therefore, to prevent 'such a necessity—the necessity of increased 'taxation—he says "we wish to husband and en-'hance the value of this land fund, and derive all 'the revenue from it which a wise and just policy 'would bring into the Treasury." These are the words of the Senator. How does he enhance and increase the value of the land fund, when he grants alternate sections and doubles the price of the sections retained? Does that enhance and increase the value of the land fund one cent to the Government? Not an iota. It leaves it precisely where it was before you reserved or granted any portion of the lands. You cannot increase by that process the value and price of those sections which are offered at private entry for sale to individuals, and which are not reserved to be sold at double the minimum. They remain, in all time to come, at $1 25 per acre. It is not pretended by the advocates of this bill that you can sell these lands for more than $1 25 per acre. Well, if you double the price of the reserved sections, and give away for nothing as much as you retain, as far as money is concerned, you remain precisely where you stood before, and you do not enhance or increase the value of the land fund to the national Treasury one cent. You cannot, by any possibility, by doubling the price of the reserved sections, and leaving the sections already in the market as they are, bring into the Treasury of the United States one cent more of money under these grants than you would if no grant were made. The thing is an impossibility. The idea, then, that we of the West are to exempt ourselves from increased taxation, and that we are thus husbanding the resources of the land fund by making grants of this sort, is altogether fallacious. All that we accomplish by this kind of legislation is to make a present to the States of a large quantity of land, and then indemnify ourselves for the loss by requiring farmers and settlers to pay double price for an equal quantity!

Mr. President, what do these grants do? If, according to the old system, which was once popular in this country, the Government itself used the land fund, in making improvements for itself; and then when the improvements were made, reduced the fare and tolls for transportation and travel down to nothing, except the mere cost of superintendence and repairs—then there would be a saving to the West of taxation. There would then, indeed, be a great saving of taxation. But what is the course of things now? Why, in violation of the very principle which the Senator from Illinois seems to have had in view, at the time he suggested this idea of saving us from taxation, you make these grants to the States, and thus enable them, with their own means, and those derived from this Government alone, or in connection with a corporation, to make the railroad or the canal, and then through all time to come, you allow the States, and their associate corporations, to tax transportation and travel, according to what rates of toll they please. This is the system which now has become popular.

Sir, the Government of the United States through its money, through its land—for land in this aspect of the question is money—is made to furnish the means, whereby travel and commerce are to be taxed without limit, and without end. But this is not all. The time was when it was popular to avail ourselves of the greater economy and better management of private individuals, acting in the promotion of their own interests, to subscribe stock in corporations, and thus to accomplish, in behalf of the Government of the United States, objects of internal improvement which seemed to be necessary and proper. Under that view, in times past, you subscribed thousands and hundreds of thousands of dollars to the Chesapeake and Ohio Canal; you subscribed thousands of dollars to the Dismal Swamp Canal; and you subscribed thousands of dollars to the Louisville and Portland Canal, about which, I hope, in the progress of this session, to say a great deal to this Senate; for it will be shown that you have profited by that subscription, until you are now about to become the sole owner of the whole property, and to have it in your power to free the commerce of the Ohio river from an oppressive tax. All this will have been accomplished by the operations of the canal itself. This glorious achievement has been accomplished under an old system, which has been glorious and beneficial to the State of Kentucky, and the whole Mississippi valley; also to this Government, which will shortly own the entire work. Such an improvement, with such results, is not to be found, perhaps, anywhere else within the limits of the United States; and well does it vindicate the wisdom of that system which folly has overturned. It was the Monroe doctrine that stock might be constitutionally subscribed to aid corporations in making roads and canals. It was the doctrine which obtained in the administration of Mr. Monroe, one of the revolutionary fathers, and one of the most admirable Presidents that we have ever had. But you have exploded that doctrine. The people have been taught that it was degrading to the Government to become a partner with a corporation. One of your Presidents vetoed the Lexington and Maysville road bill. What are you doing now? Why, in violation of all past political professions, you are doing precisely the same thing which was condemned in times past, except that you do not do it in person, but you do it by another. You are now putting funds into the hands of the States and allowing the States to associate with corporations, and by such association, as a partner with the corporation, to make improvements that are to tax travel and commerce forever. If you would use the funds of the nation, as in times past—if you would act in your national character, and become the controller of those corporations with which you mingle your funds, or if you take the funds and act for yourselves, as you have done in the case of the Cumberland road, and when you have finished a great work surrender it up to the use of the public, reserving only such tolls as will keep the improvement in repair,—if you would do that, it seems to me you would be acting upon high national considerations. When, however, you are taking the course which is now proposed, you are depriving yourselves of the power and giving it up to the States to be used for their individual aggrandizement and the aggrandizement of their associate corporations, in a way which the Democracy have heretofore condemned. So much for the Senator's argument, that he is opposed to increasing taxation and is for husbanding the land fund. These are beautiful words, but "acts speak louder than words." The votes and acts of the Senator go to tax the travel and commerce of the West, and this for the benefit of his State, probably as a partner in a private corporation, his Jackson creed to the contrary notwithstanding. No matter where we live we must pay tribute forever for using improvements made with our own property. The Kentuckian is taxed, and his representative in Congress has no power to relieve him. Our funds, our control over the road—all, all is surrendered to the discretion of the State, and that forever. Such is the difference between Whig and Democratic policy. The Senator has voted, and will vote, in such a way as to produce taxation upon travel and upon commerce by State authority. I would, if I could, reserve the right to control the funds of the nation applied to objects of internal improvement by Congress, believing they would be better and more liberally administered for the interests of the whole people.

Mr. DAWSON. He wants to save his own State from taxation.

Mr. UNDERWOOD. Yes, sir; my friend very well remarks that it would have the effect of saving the Senator's State, and other States to which these donations are given, from taxation, and leave the taxation to be felt by my constituents and by yours, Mr. President, [Mr. BADGER in the chair,] as well as by the constituents of the gentlemen who represent the States in which these roads are located. That is the effect of it. If you make these works as a nation, and make them by the national power and authority, you then hold all the tolls received for the benefit of your constituents and mine, in common with those of every other Senator. But the system upon which we are now acting is to pass over all those national funds into the hands of the States, and then let them, either directly by themselves or through associations with corporations, make these improvements, and then bring all the tolls into the State Treasury, thereby exempting the citizens of the State from taxation, and raising their revenue from those who use the works. That is the present course of things. This Government builds railroads gratuitously for Illinois and the other States in which the public lands are situated, and leaves Kentucky and the old States to build their railroads, without help, by their own money and toil!

This Government, if it had husbanded its resources and had chosen to invest them with the view of receiving tolls, might have derived a revenue from the proper investment and management of the land fund, which would have done more to curtail the amount of the tariff than could have been done in any other mode. I have been surprised that the ultra free-trade men, the anti-tariff politicians, have not in times past seized the idea of administering the public lands in such manner as to produce a revenue by permanent investments, and thus diminish the amount to be raised by duties on foreign merchandise. Such a policy, a skillful investment of the public lands, might ultimately diminish the duties to one half of what they now are, and thus promote the cause which the dominant party profess to have so much at heart.

My friend from Illinois, [Mr. DOUGLAS,] says that he is perfectly disinterested now; that he can look at the policy of this Iowa bill without any

emotion growing out of personal interest. And why? Because, he says, his State is satisfied. She has heretofore received at the hands of the last Congress, two and a half millions of acres of the public lands, and he is satisfied! If the State of Illinois should only realize a dollar an acre for these lands, (and by the act making the grant she is not allowed to sell them at less than $1 25,) she would have a fund of two millions and a half of dollars. If that fund could be so invested in those railroads as to make it produce only six per cent., (and I have no doubt that it will be invested so as to produce nearly double that amount,) then the State of Illinois will have $150,000 a year clear profit, to put into her coffers, and that, too, by the legislation of Congress. Thus her people are to be exempt from taxation henceforth and for ever to that extent, if the fund be wisely and judiciously managed.

My friend says, that this policy is to be sanctioned upon another view of the question. He says the Government is a great land owner; that it cannot sell its lands, and, not being able to sell them, the better way is to give away half, in order to make the other half saleable. He says that these lands are distant from market and destitute of timber; and therefore you must build a railroad in order to enable people to get timber to their land, and in order to enable them to get their corn and other agricultural productions to market. These are the arguments; but what are the facts? Is it a fact that these lands cannot be sold? I deny it. Surely, my friend has not examined the record. If he will look into the record he will find that the reports of the Commissioner of the General Land Office contradicts the statement which he makes here on this floor. If he will go further; if he will look into the report of Mr. Kennedy, Superintendent of the Census, he will find that these lands are selling most rapidly in the new States. What is the condition of the State of Illinois, in comparison with my own State? In Kentucky, during the last decennial period, we have increased only at the rate of 25.98-100 per cent. We have barely held our own, relatively, and we only retain our present number of members of the House of Representatives. Look at Illinois. The rate of increase in her population has been 78.81-100 per cent., or three times as great as the increase of Kentucky, and Illinois gains two members of Congress. Does not that prove that Illinois is being settled very rapidly? Kentucky is comparatively a new State; but Illinois, being newer, settles three times as fast. Does that look as if lands had not been sold in Illinois? I had intended, if I had leisure, to form a table for the use of the Senate, and give the amount of lands sold in Illinois, as well as all the land States in the Union, for the years 1848–'49–'50. I have not yet been able to obtain all the tables, but I find that in 1848 we sold 1,887,553 acres for cash; and besides those cash sales, there were located to satisfy military land warrants, 2,288,960 acres, making upwards of four millions of acres of land appropriated in that year. My examinations induce me to say, that the amount of land appropriated through the location of land warrants and sales for cash, has been increased, instead of falling off, since the year 1848. The chairman of the Committee on Public Lands will, perhaps, be able to state the precise quantity which has been sold for cash during the last three years, and the precise quantity which has been located in satisfaction of military bounty land warrants. If you will take the result of the last three years, and compare them with the state of things which previously existed, you will find that more land is absorbed now than formerly. This proves that the idea suggested by the Senator from Illinois, that these lands cannot be sold or settled, is altogether fallacious. I have requested a friend to get me the figures, in reference to all these points, from the Land Office, and if the statement should arrive here in the course of my remarks I will read it to the Senate, in order to show exactly how the facts stand.

Mr. President, I had not the honor, nor can it be said of me, as it was of gentleman who once occupied your seat, that I was born in a canebrake and rocked in a sugar-trough. I can only boast that I was carried to the cane-brake pretty soon after I was born. Allow me to say, sir, in sober seriousness, that I know something about the settlement of the western country; and I tell you that these western lands of ours are brought into market and are settling as rapidly as the uses and necessities of the country require. We had prairie lands in Kentucky, in the very region where I live, just as there are prairie lands in Illinois, of which my friend from Illinois spoke. These prairie lands in Kentucky, when I was taken as a little boy to them, were called barrens. They received that name from an opinion which prevailed among the early settlers of the country, that lands which produced neither timber nor water—for almost all the streams there are subterranean, which is a curious feature in the geology of our country—were good for nothing; therefore, they were called barrens. But these lands are now selling at from twenty to thirty dollars per acre; and they are among the best lands in the whole State. Thus, in half a lifetime, these lands have grown from nothing to be worth twenty or thirty dollars an acre. I, myself, have seen rail-timber cut, and rails made where, when I was a child, I gathered strawberries. Such is the rapidity with which timber grows in that portion of the country. And there is at this day, in the country where I live, notwithstanding all the improvements which have been made, more timber, more trees capable of being used for house building purposes, and for farming and agricultural purposes, than there were when I first went to that country. We occupy precisely the same condition, too, in reference to markets. Why, look at the State of Illinois, surrounded on one side by the Ohio river, on the west by the Mississippi, on the east by the Wabash, on the north by Lake Michigan, and penetrated by the Illinois river through its centre—you can hardly find a foot of land in that great and growing State, that is distant more than thirty or forty miles from a navigable stream. Yet, for the purpose of justifying such grants as this bill proposes, the Senator says these lands of Illinois are worthless and good for nothing, because of their destitution of timber and distance from market. From my own experience I know that the facts do not warrant the statement of my friend. He seems to have forgotten another thing. He says that if his people raise some forty or fifty bushels of corn per acre, it cannot be carried to market—it will not bear transportation. He forgets a very common adage among the farmers of the western country, that hogs are the best sacks to carry corn to market in. Mules will do very well. So will horses and cattle. My friend's constituents have nothing to do but to convert their corn into hogs, and mules, and horses, and cattle, and then they can drive it to market. My friend's representation of facts will not do to be told to one as well informed as I am, experimentally, upon subjects of this kind.

After presenting this view of the subject, my friend from Illinois triumphantly asked the Senate, as though he had convinced everybody of the truth of his position, How would an individual act if he were the great land owner which he represents the United States to be. I will tell you how an individual would act if he owned all these lands. He would improve them. He would make improvements himself; or if he could not make them himself, he would select his partners —he would select those to whom he would give an interest to help him. And if there happened to be one or two farms which separated this individual's great estate, he would get the right of way across these farms to connect his lands. If he could not get this right of way through the intermediate lands for nothing, he would pay a handsome sum for that privilege. That is what an individual would do. And if you carry out the individual idea which my friend from Illinois has suggested, the United States ought to get the right of way across that little strip of Kentucky and Tennessee which stretches to the Mississippi, for the purpose of connecting the railroad from Chicago with the railroad from Mobile. Under the new idea of things which now prevails, there is no authority to appropriate a dollar to make this connection across Kentucky and Tennessee. You can make a railroad from Chicago to Cairo, and there stop. You can begin at Mobile and go up to the Tennessee line, and there you must stop. The intermediate space across Kentucky and Tennessee must be left unimproved, because there is no constitutional power, as is contended, to appropriate land or money to make the road over it and complete the connection. An individual similarly situated would get the right of way across this intervening space, and connect his great estates by a continuous road. The individual who would not do that would deserve a straight jacket for a dress and a lunatic asylum for a home. But, sir, government affairs are never conducted as individual affairs are. There is not the same wisdom; there is not the same prudence; nor is there the same moral honesty; and I am sorry to say it.

I have noticed those arguments of the Senator from Illinois which struck me as very objectionable in reference to the general subject of the lands of the United States. Now, what is to be done in regard to this great fund? It is a great question, which I have often attempted to answer. I think that the nation ought to use it for purposes of internal improvement and education, and that the old States are equally entitled to share with the new States in proportion to federal numbers. A policy so just and equal, I regret to say, has been overthrown by the past legislation of Congress. I am not responsible for it. I am in a minority; and occupying that position, it becomes me to ask myself what I ought to do. I have said that, as I cannot accomplish what I think ought to be done, I have been willing, and am yet willing, to let the States have these lands to accomplish objects which I think of national importance; notwithstanding the objections which I have already stated, I do this upon the ground that it is impossible, under the present state of things, to get that which I think ought to be done; and not being able to do what I think ought to be done, and finding that the improvement of the country is not only beneficial to the particular section in which the improvement is made, but to all parts of the United States—for I go for the nation as a whole—I am willing to surrender a portion of the lands into the hands of these States, (notwithstanding I see that taxation is to be the consequence,) rather than have no improvement made at all. I have therefore voted heretofore for bills like this; but when I do that, am I to be prevented from saying that it is a partial system, so far as it gives advantages to the new States over the old States? No, sir. I have a right to state the truth in reference to this matter, and to show that this system, which has prevailed in modern times, contrasted with the system which ought to prevail, is a system of partiality and injustice, because it confers benefits on particular sections of the United States, which are withheld from other sections equally entitled.

I have received the table of which I spoke, and I will now read it to the Senate. In 1848, the cash sales amounted to 1,887,553 acres. In 1849, the cash sales were 1,329,902 acres. In 1850, the cash sales amounted to 1,405,838 acres. The military locations during those years were as follows: In 1848, 2,288,960 acres; in 1849, 3,405,520 acres; in 1850, 2,167,680 acres. The aggregates for these years show that in 1848 upwards of four millions, in 1849 nearly five millions, and in 1850 nearly four millions of acres were absorbed for public use. Thus it is shown by the record that the statement of the gentleman from Illinois that these lands cannot be sold, is fallacious; and that they are sold and selling rapidly. In the State of Illinois, in 1848, 297,869 acres were sold for cash; in 1849, 259,521; and in 1850, 245,108 acres were sold for cash. Thus in his own State in these three years, upwards of eight hundred thousand acres of public lands were sold for cash. The military locations in Illinois during the same period were as follows: In 1848, 635,280 acres; in 1849, 925,640 acres; in 1850, 668,640 acres. The aggregate of entries of lands, during these three years, in Illinois, was as follows: In 1848, 933,149 acres; in 1849, 1,185,161 acres; in 1850, 913,748 acres. So that, on the whole, more than three millions of acres were entered during this period.

Now, with these facts staring us in the face, with what propriety can it be said that these good lands in Illinois cannot be sold? They are coming into market just as rapidly as the circumstances of the country, and the interests of our population, require. Our people are an emigrating people. They are a very astute, and discerning, and a very wise people, in regard to all matters concerning

their personal interests. They go to Iowa, and to Minnesota; they go to Michigan, and the land States of the South; to California, Oregon, Utah, and New Mexico. They go everywhere for the purpose of benefiting their condition. When they find a better tract of land in this wide-spread field, which is open to them, and when they see a prospect of advancing the interests of their families, they leave their old locations and go to new homes. These circumstances have perhaps prevented the lands of Illinois from being settled to the same extent as usual, during the last few years; for in that time we have acquired California and other Territories from Mexico. It is only because greater outlets are at present open to our people, that the lands of Illinois have not filled up so rapidly within the last year or two as usual. When these outlets are filled up, you will find the population rush into Illinois, and rapidly increase, until every acre of land there is absorbed. I know this from past experience in reference to the whole western country, and the tables show this to be true.

Having now answered the argument of my friend from Illinois, so far as it seems to me it ought to be answered, I now wish to bring to your attention a proposition which I intend to offer to the consideration of the Senate. I have drawn up an amendment, which I intend to come in at the end of the amendment reported by the Committee on Public Lands.

Be it further enacted, &c., That there shall be granted to the States named in this section, for purposes of education and of internal improvement, so much of the public domain as is specified for each, that is to say: To the State of Maine, 583,040 acres; to the State of New Hampshire, 317,760 acres; to the State of Vermont, 313,920 acres; to the State of Massachusetts, 994,240 acres; to the State of Rhode Island, 147,520 acres; to the State of Connecticut, 370,560 acres; to the State of New York, 3,097,280 acres; to the State of New Jersey, 489,280 acres; to the State of Pennsylvania, 2,311,680 acres; to the State of Delaware, 90,560 acres; to the State of Maryland, 546,880 acres; to the State of Virginia, 1,231,680 acres; to the State of North Carolina, 753,280 acres; to the State of South Carolina, 514,240 acres; to the State of Georgia, 753,280 acres; to the State of Tennessee, 906,560 acres, and to the State of Kentucky, 897,920 acres; which land, so granted, shall be located in parcels conformably to sectional divisions and sub-divisions, of not less than three hundred and twenty acres in any one location, if so much can be had, on any public land except such to which a right of preëmption may have attached, or such as is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States; which said locations may be made at any time after the lands shall have been surveyed according to existing laws. And it shall be lawful for the Governors of said States, respectively, to appoint one or more agents to locate the lands granted as aforesaid for the State of which he is the Governor. Such agents, in making their locations, shall be governed by such rules and regulations as the Secretary of the Interior may from time to time prescribe, and when the lands for each State have been located and selected, patents therefor shall be issued to the State entitled to the same.

And be it further enacted, That the lands granted to the States according to the preceding section, shall be disposed of by said States, respectively, in such manner as their respective Legislatures may direct: *Provided, however*, That no portion of said lands shall be sold at less than $1 25 per acre, until otherwise authorized by a law of the United States; and the net proceeds of the sales of said lands shall be faithfully applied to objects of internal improvement, or to purposes of education, or to both, as the Legislatures of the States, respectively, owning the lands granted may direct: *Provided, further*, That all roads, railways, bridges, canals, and water courses, which shall be exclusively built, constructed, or improved, by the funds arising from the disposition of said lands, shall be free for the transportation of the United States mail, and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

And be it further enacted, That it shall be lawful for the agents aforesaid, or any one of them, in selecting lands and making locations for his State, to select and locate any of the alternate sections, or any part thereof, which may have been or may hereafter be reserved from sale by any act of Congress granting lands in aid of the construction of any railroad or canal whatever: *Provided, however*, That in locating any such section, or part of section, the State for whose benefit it may be selected or located shall be charged with, and the quantity of land granted to such State shall be diminished by double the quantity of acres contained in the reserved section, or part of section, thus selected and located. Nothing in the last three sections contained shall authorize the location of any lands granted by them, or either of them, within the limits of the State of California, or the Territories of New Mexico, Utah, and Oregon.

I wish to state now some of the reasons why I think this amendment should be adopted. The total quantity of land proposed to be granted by my amendment is only fourteen millions three hundred and nineteen thousand eight hundred and sixty acres. The model of my amendment you will find in the bill which was passed in 1841, granting five hundred thousand acres to each of the new land States. That act of 1841 granted almost as much land to the new States as my amendment proposes to grant to the old States. You will find that the provisions of that act, in every material and essential respect, are made the model upon which I have based my amendment to grant these fourteen millions of acres to the old States.

The Senator from Illinois told us the other day, at by the last legislation on the subject of granting lands for railroads, his State received two and a half millions of acres, and that he was content with that. Why, in that single bill which passed the last Congress, we granted almost as much land as my amendment proposes to give to the large State of New York. I only propose a little over three millions to that State. Here I will say, that the proposition embraced in my amendment gives to each of the States in proportion to its federal population, and it proposes to grant one acre for each federal head, throwing off the fractions in order to make the locations come out even, so that they can be located in tracts of not less than three hundred and twenty acres. It is based on the enumeration of 1850.

By the legislation of the last Congress you gave two and a half millions of acres of land to Illinois alone, in one single bill. My friend from Virginia [Mr. HUNTER] gave us, a few days ago, a list of the railroad bills which have been presented at this session. I can state, from what has been done, that the Committee on Public Lands is disposed to give each new State two railroads throughout its whole territory. I have made an estimate of how much would be granted in that way, giving four hundred miles of railroad, upon the average, to each of the new States. If you grant, under this bill, lands to Iowa for two railroads from the Mississippi to the Missouri river, it will make about four hundred miles. Take Arkansas, Missouri, and the other States. The railrods which are proposed in Missouri will be more than four hundred miles. Alabama, Mississippi, Wisconsin, and Michigan, will require at least four hundred miles. If we provide four hundred miles of railroad for each of these States, it will make 2,800 miles, exclusive of Illinois, which has been already provided for. To place 2,800 miles of railroad upon the same footing with the Illinois railroads, there will be required grants to the amount of 10;752,000 acres. Add to this 2,500,000 for railroads in Illinois, and you have a total of 13,252,000. We had a petition referred this morning on the subject of a ship canal around the Falls of Ste. Marie. I shall go for an appropriation of 500,000 acres for that work, most cheerfully. Add that, and you have 13,752,000 acres, which this Congress is called upon to grant to these new States by its legislation at the present session. That brings it up to within about 500,000 acres of what I propose to give to the old States, which have received nothing. I only ask that we shall go along *pari passu*. Gentlemen, take your slice, and while you are doing that, let us have a little piece alongside of it.

Mr. DAVIS. I want something for the Falls of Niagara.

Mr. UNDERWOOD. My friend from Massachusetts wants a few hundred thousand acres for the construction of a ship canal around the falls of Niagara. Perhaps it would be a more desirable improvement than a ship canal around the falls of Sault Ste. Marie. But Niagara happens not to be situated in a land State. In a national point of view—and that is the medium through which I look at this subject—I can see as much propriety in giving lands to make a great ship canal around the falls of Niagara, as around the falls at the Sault Ste. Marie. But under this proprietary idea, upon which I commented the other day, we are prevented from going beyond the limits of the States in which the public lands are situated. There is but one idea equal to it in the world, and that is, that the public improvements of the rivers ought to depend on the places where you establish ports of entry or delivery! You have just as much right to appropriate for the falls of Niagara as for the falls at Sault Ste. Marie. I will do it most cheerfully. But I have been drawn off from the statement of facts upon which I was entering, in order to prove to this Senate that there ought not to be one hesitating voice in voting for my amendment.

My friend from Virginia the other day got, I thought, into something like a hobble on a constitutional point as to the States receiving these donations from the General Government. I believe some States were so squeamish for a while that they would not even receive their portion of the distribution of the land fund in 1836 and 1837, but they got over it. I would ask the gentleman from Virginia when that glorious old Commonwealth, his mother and mine, has been so liberal in granting millions, and millions upon millions to the national Government, can she not condescend to accept from the National Government a few millions back in the place of the many hundred millions which she has granted, without any compromise of her dignity and character? It seems to me that she might. So with Georgia. She has granted very large domains to the General Government. Alabama and Mississippi have been formed out of the territory which Georgia has granted. Would that State feel her dignity insulted if she were to receive back from the Government a portion of the very land which she granted? I hope that if this amendment is considered by these gentlemen who are opposed, who have been opposed to the reception of money arising from the sale of the public lands, that they will make no question about the dignity of the States and the honor of the States being insulted in receiving back from the General Government a portion of those very lands which the States granted to the General Government. No dignity is compromised.

But I have shown that these railroad bills in contemplation at the present session of Congress, and this canal around the Sault Ste. Marie, to say nothing about Niagara, propose to appropriate within five hundred thousand acres as much land as is proposed by my amendment to be given to the old States. What have we done for these new States heretofore? I want to show the monstrous inequality that will exist between what they have received and what it is proposed they shall now receive, and the little pittance granted by my amendment to the old States.

In ten land States, according to the record, there are 392,571,642 acres. Out of this three hundred and ninety-two millions, these new States have already received for the purpose of education alone—that is, for common schools and colleges—more than the thirty-sixth part or the sixteenth section in each township. They have received altogether 11,199,973 acres, which includes the sixteenth section of every township, and special grants for colleges and academies in addition. They have got in donations for purposes of education almost as much as my amendment proposes to give to the old States.

While upon the subject of donations, I should like to know whether the Senator from Illinois, who said he was opposed to *donations*, is against donations to the States for educational purposes? The gentleman said that if it was now a question of donation or distribution, he would be against it. Thereby I was happy to hear him pledge himself against the bill already on the calendar, to donate to the State of Ohio all the remaining public lands unsold in that State. I wish to hold him to that pledge when that bill comes up. You perceive, then, that these land States have already received for educational purposes upwards of eleven millions of acres of land; almost as much as my amendment proposes to give to the old States both for educational purposes and internal improvements. How much have they got heretofore for internal improvements? The record proves that they have received prior to 1849, for internal improvements, 8,474,475 acres. Prior to the legislation of the last Congress these eight millions were granted. They do not include the two millions and a half which Illinois has received.

Mr. DOUGLAS. In order to give the Senator from Kentucky the full benefit of his argument, I will state that the two and a half millions of acres granted to Illinois was in addition also to the amount granted to Mississippi and Alabama for the same Central Railroad. The railroad provided for in that bill was to run to Mobile.

Mr. SHIELDS. It was to go through Kentucky.

Mr. UNDERWOOD. Kentucky does not get any of it. Illinois and Mississippi and Alabama

get all. Two and a half millions is not enough for the whole length of the road.

Mr. DOUGLAS. I said that in order to give the Senator from Kentucky the full benefit of his argument, that the two and a half millions of acres granted to Illinois were exclusive of the amount of land granted to Mississippi and Alabama.

Mr. UNDERWOOD. I have considered that all along.

Mr. DOUGLAS. Then the figures do not add up right. I think I must help the gentleman.

Mr. UNDERWOOD. Such help does no good. I decline the gentleman's assistance, "*timeo Danaos.*" I have a full view of the subject. I have estimated that Arkansas, Mississippi, Iowa, Missouri, Alabama, Wisconsin, and Michigan will have each four hundred miles of railroad, including those roads already provided for as well as those in contemplation; and then I estimated the number of acres of land that would be granted for those roads. Thus the grants heretofore made to Mississippi and Alabama came into my calculation. I have made no estimate except the two millions and a half for Illinois in this calculation. I have estimated what Alabama and Mississippi have got by the past legislation of Congress in connection with what it is proposed to give them by the legislation of the present Congress.

I have omitted no element of the calculation. It is all here. I have shown you that the new States have already received, or are about to receive for improvement purposes, 13,752,000 acres. It appears that they have received 11,000,000 acres for educational purposes. I have shown that before 1849 they received more than 8,000,000 acres for purposes of internal improvement. Add that to the lands granted for educational purposes, and you have 19,674,448 acres. The records of the country show beyond all cavil or controversy that for purposes of education and internal improvement, the new States have already received 5,000,000 of acres more than my amendment proposes to give to the old States; and not content with receiving already this amount for these purposes, we have legislated during the last session of Congress, and the session before, and are legislating during the present session, to grant millions and millions in addition to the 19,000,000 which they have already received. I only propose about 14,000,000 to be granted to the old States.

But this is not all. I wish to show how, in the administration of this fund, we have from the very beginning treated our new sister States as favorites. I fear we have made them as spoiled children. We have given them liberally. Do I covet? Not at all. I only wish I had more to give them. I am for showering blessing after blessing upon them, if I can. But while I do that, I cannot be forgetful that there are other portions of this great country that we represent, and especially the portion I represent, which have, I think, some right to a modicum of this vast land fund which belongs to all. Whenever we have admitted a new State into the Confederacy, it has been provided that there should be five per cent. of the net proceeds of the sales of the public lands in her limits which shall go for the benefit of the new State. Two per cent. of the five was to be expended by the General Government in making roads to and in the new States northwest of the Ohio river, and three per cent., I believe, went into the coffers of the States. We began under the idea of making a road to the State of Ohio, and the Government was to be indemnified, for its expenditures for that road, out of the two per cent. fund. We have the ridiculous farce—but I do not know whether I ought to characterize the legislation of Congress in that way—we have the spectacle of making appropriations of millions upon millions for the construction of that road on condition that the Government was to be indemnified out of the two per cent. fund, everybody knowing that it was utterly impossible that the two per cent. fund could indemnify the Government for the hundredth part of the expenditure. Yet we went on year after year making appropriations on that ground, until the whole amount expended reached some five or six millions of dollars.

Besides this, in the bill of 1841, which I assisted in passing, and for which, therefore, I take my share of responsibility, we not only allowed this five per cent. to go to the new States, but we gave them ten per cent. upon the sales—thus making fifteen per cent. This was continued until that law was repealed, and I am not certain whether that provision of the law has been repealed or not. I hope it has been. But while it was in force they got the benefit of the five per cent. and the ten per cent. besides. I ask gentlemen from the new States, when they consider that they have already received five millions of acres more than my amendment proposes to grant to the old States; when they reflect that, in the legislation of the past and present Congress, they are going to receive for themselves about as much as my amendment proposes to give to the old States, whether there is not something reasonable in the proposition which I make to give to the non-landholding States some benefit from the public lands?

Mr. President, I think this a suitable occasion to say, at the commencement of this Congress, if we ever intend that the old States shall have any benefit from this great fund, it is time that the members of Congress should indicate how that benefit is to be obtained. If you do not intend that the old States shall ever receive a dollar arising from the sales of the public lands, say so. My amendment does not propose to give them half what they are entitled to. If you will dispense the same blessing to them which you have to the new States, they would receive a great deal more than my amendment proposes. It is time that we should come to some determination upon this subject. I wish some determination, because I have been placed upon the Committee on Public Lands. If this amendment shall be rejected, and it be shown that Congress does not intend to provide for the old States, I shall know how to perform my duties in the station to which I have been assigned, and I shall set up no claim hereafter for the old States, but shall go on and endeavor to make the best distribution I can among the new States so as to promote the great and general interests of the whole.

But I have omitted one thing which I ought not to omit. I had like to have forgotten the grant of the overflowed and swamp lands. If you take into consideration the swamp lands which were granted by the last Congress to the new States, you will see that those grants have amounted to nearly double the quantity of lands which my amendment proposes to grant to the old States. There is a table in a document before me showing the amount of these overflowed and swamp lands according to the reports of the surveyors, who are required, on making the surveys, to report to the General Land Office the quality and character of the land surveyed. I believe that those reports make out the quantity of swamp and overflowed lands to be about eighteen millions of acres; but there is a very remarkable and astonishing fact in connection with this subject. According to the reports made by the surveyors, in pursuance of law, to the Commissioner of the General Land Office, Louisiana had between two and three millions of swamp lands, and Arkansas perhaps about as much. The Secretary of the Interior, through the Commissioner of the General Land Office, sent an agent to Louisiana to agree about the selection of the overflowed and swamp lands granted to that State. He came back and reported that everything had been satisfactorily adjusted, and, according to his settlement, the swamp and overflowed lands granted to Louisiana amounted to between six and seven millions of acres. How much the State of Arkansas got, under the grant to that State, I do not know, for I believe it has not yet been definitively adjusted. I suspect, however, that there will be a little more granted than the amount set down in the reports of the surveyors to the General Land Office. How much Michigan, that land of lakes, will get I do not know. So that when you add what has been voluntarily surrendered to the new States, by the overflowed and swamp land laws of the last Congress, and what has been granted for internal improvements, for education, for building State-houses, and making canals, you find that the grants proposed in my amendment for the old States are but a third or fourth part of what the new States have already received.

Mr. BORLAND. I desire to call the attention of the Senator to the fact, of which he is well aware, for I brought it to his notice before, that the foundation of the grants to the States of the overflowed and swamp lands was, that the lands in that condition were not only worthless to the General Government, because they could not be sold at any price, but seriously depreciated the value of other public lands on account of their vicinity. Another ground was, that in their condition as overflowed lands, they made the country extremely sickly, and prevented its settlement, so that the Government has granted nothing that is valuable. If those lands shall be made valuable hereafter, it can only be on account of labor bestowed on them by the State to which they have been granted. Such lands cannot therefore be fairly put in the estimate of valuable lands granted for purposes of internal improvement.

Mr. UNDERWOOD. I have thought a great deal on that subject, and I expressed some of those thoughts in this Hall some years ago. I said at that time that though these lands were totally valuless unless reclaimed, the Government could render them very valuable. I said then that it was the duty of the Government to render them valuable; but I said then, as I say now, that if the General Government will not make such improvements, we ought to allow the States to do so. I know, from what acquaintance I have with the subject, that when these lands shall be reclaimed, (and in my judgment they can be reclaimed,) they will be the most valuable lands in this country. I have no doubt that they will be immensely valuable in the course of time, and I glory in it on behalf of our younger sister States. I have no doubt that the States which have received these lands will, by their labors and systems of levying and draining, bring them into market, and make an immense profit out of them I hope they may. And the Government of the United States could have done precisely the same thing. These lands were not granted to the States because they were not valuable, and could not be made valuable, but they were granted on the idea that the General Government would not do what was necessary to reclaim them, whereas the States might do it, and thus render the lands valuable.

I have only mentioned this to show that this Government has been liberal in the extreme to the new States. Besides this, we have doubled the usual quantity of school lands in the Territories which we have recently acquired, and Oregon. I called the attention of the Senate to that matter when the Territorial bills were up, and the yeas and nays were taken on the question; but by a vote of three or four to one I was voted down, and the quantity of school lands were doubled. Whenever any of the older of the land States come to us, and suggest that the sixteenth section, granted for school purposes, has been located upon swamp or barren or sterile lands, we grant them the privilege of selecting the very best section in the township, or of going anywhere else in the State to select that section. It is true there has been no general bill on the subject, but the individual applications have been so numerous, and the grants have so invariably been made that they have come up now *en masse* and ask for a general bill. I believe I shall go for that general bill in order to supersede the necessity of passing upon each individual application. Let them have it. We have granted almost everything they have asked to the new States, and I am disposed to go as far as any one can go in aiding them. But when I ask that my State, and the other non-landholding States, shall participate in the benefits resulting from the public lands, why will they not accede to it? I leave my amendment to be disposed of by the Senate.

THE COMPROMISE MEASURES.

SPEECH OF HON. JOHN DAVIS,

OF MASSACHUSETTS,

IN THE SENATE, *January* 28, 1852.

The Senate having resumed the consideration of the resolution submitted by Mr. FOOTE, of Mississippi, and amended on the motion of Mr. BADGER, as follows:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it resolved, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas

the establishment of her Northern and Western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "An act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse:

Mr. DAVIS said:

Mr. PRESIDENT: I wish to submit a few remarks to the Senate before this question is finally acted upon, if it is to be disposed of by a vote upon its merits. It was my purpose, when this resolution was introduced, to submit my views to the Senate before its passage; but the debate very early became personal in its character, perhaps a little unusually so; and while that personal controversy existed, I had no inclination to enter into the discussion. Since that time, the consideration of the subject has been postponed, from time to time, up to this day, and I should have felt little regret if its repose had not been disturbed.

We have, Mr. President, during the last two sessions, perhaps from the commencement, or nearly so, of the session of Congress before the last devoted a very large portion of our time to tranquilizing and appeasing the country, supposed to be in a state of agitation upon the questions involved in this resolution. And, sir, at the beginning of this third session since those topics have been under discussion, the first movement made here, is the renewal of a proposition to recognize, in a form unusual, the acts called the compromise measures, with a view to give to them fresh vigor and new strength. Well, sir, I am among those, perhaps, who are not considered precisely the friends of the compromise, although I believe I voted for some three or four of the measures that are grouped together under that designation. But still, as I did not go what is called the whole figure in the matter, I am classed among those who are opposed to the measures of peace, as their friends designate them. We acted, sir, when these topics were before us, with great deliberation; and I, among others, following out my own convictions, gave the votes which are placed upon the record, as the result of my best judgment. I do not undertake to say that they are right or wrong; but they were given in accordance with my own conscientious convictions. But since the passage of these various measures, they have been a topic of very extended discussion outside of the walls of Congress, with the avowed intent to harmonize the public mind by persuading, if possible, all persons to settle down upon the compromise acts as a compact, and to rest in tranquillity.

Now, Mr. President, I think that nothing is more desirable than tranquillity; nothing can contribute more to the peace and happiness of this country than a state of repose upon these topics. But, sir, I think that our experience has rather shown us that agitation is not to be composed by agitation, but that agitation outside of these walls is greatly promoted by agitation inside of them; and that the speediest way, after all, is to let these subjects alone if you intend or desire that the public mind shall be tranquilized upon them. But, sir, I do not wish to dwell upon this aspect of the question. In order to meet this resolution in an intelligent way, and to test its merits, if it has any, it is necessary that I should advert to the measures separately which compose what is called the "Compromise," in order that I may see what bearing this resolution has upon each—in order that I may see what application it has—whether there is a propriety in passing it with a view to the objects which have been avowed by its supporters. I will notice them in their order, beginning with the admission of California into the Union, which is generally placed in the lead. The true question arising under that resolution is, whether any action of Congress is desirable in regard to the act admitting California? Does that act require any further recognition from this body—any further legislation in order to impress the public mind with its importance? Does it need support here in order to give it stability? Does it need to have any new vigor infused into it in order that it may the more certainly accomplish its object? Sir, let us examine the facts of the case for an instant, and see how we stand. That act is not essentially different in its general features from acts employed to admit States generally. It is much in the same form. There is no essential difference. The Constitution of the United States provides that Congress shall have power to admit new States into the Union. Well, sir, we have admitted California. She is here with her representatives in this Chamber, and her representatives in the other House. California, then, is in the Union, admitted to be a member of it; but, sir, let it be remembered, that while Congress have power to admit new States into the Union, they have no power to turn them out of it. You may turn round and repeal this act to-morrow, and it will be only *brutum fulmen;* it amounts to nothing. You have no more power, no more authority to put California out of the Union than you have to put the State of New York out of it. Sir, this act of admission has executed itself; the power is exhausted; the thing is past; it has gone into the history of the country; and now, what necessity is there for giving new expression, and new support, and new vigor to an act of that sort? None at all, sir. It is obvious on the face of it.

Then, sir, how is it in regard to the boundary act? We had a disputed boundary with Texas—a very difficult question I admit—arising between that State and the United States. That question involved, also, the question of slavery, because the slaveholding portion of the country were anxious to embrace within the limits of Texas, that being a slave State, all the territory they could fairly embrace, and perhaps more than they could fairly claim. Texas, sir, never had possession of that portion of the country which she claimed. It was conquered by the army of the United States. Mexican jurisdiction existed, and was maintained throughout the eastern bank of the Rio Grande, when the army was sent to that region. They were dispossessed of that jurisdiction, and possession was taken by the troops of the United States; yet Texas, having extended upon paper her boundary westward to the Rio Grande, when the conquest was made and secured by treaty to the United States, came in and claimed it for her benefit. She asserted a right to New Mexico, founded on this paper boundary, though she was a stranger to the territory, alleging that the conquest inured to her benefit. Sir, Texas in this way set up her claim, and she was backed up by a party outside of this Chamber—not a party which was created by the then existing state of things, but a party which had long existed in the country—a party who were desirous of secession from this Union, and watching for an opportunity—in other words, a party that may be properly described as disunionists. They perceived at once that this boundary question was just the thing on which to raise doubts and involve the public mind in perplexity. The larger the limits of Texas the greater was the slave territory, and hence any proposition to curtail the boundaries had an exciting interest. My friend from Texas [Mr. RUSK] smiles at this remark; but I was about to say that he and his colleague managed very judiciously for Texas: they cultivated that state of feeling, and it went on here just for the purpose of enabling my friends from Texas to drive a good and profitable bargain for that State. Nevertheless, without dwelling upon this subject, the bargain was made; Texas was bought out; Congress did propose in the bill which passed both Houses certain propositions to the State of Texas to adjust this boundary. It was necessary, by the terms of this proposition, that Texas should give her assent to them; and, when she did so give her assent, it was to settle the boundary, and she was to have the sum of ten millions of dollars in consideration of the concessions which she was supposed to make.

Now, sir, I do not desire to enter upon the merits of this matter. I simply wish to say that this act of Congress, Texas having given her assent to it, is a contract between two parties, one of which is the United States and the other the State of Texas.

And now, Mr. President, I will ask gentlemen whether they have any right to modify this act? It stands here in the nature of a contract under hand and seal, between these parties, and can no more be modified by the one without the consent of the other, than one individual can modify an agreement between him and another. On what ground, then, are we, by this resolution, to impart fresh strength or importance to this act? The idea that such an act needs strengthening, or needs confirmation, implies that the United States are about to dishonor themselves by denying its provisions, or by refusing to execute them. But, as we meditate no such step, I apprehend there is no occasion whatever for the passage of this resolution.

The next acts are those establishing territorial governments in Utah and New Mexico. I should have remarked, that I voted for both the previous acts upon which I have been commenting, but I voted against these territorial government acts, not because I did not suppose that government was necessary in these Territories, and that there was an obligation upon Congress to create some sort of government there. But it will be remembered, that the President sent a message to the two Houses of Congress, informing them, of what they very well knew, that there had been an attempt made to create a territorial government for those Territories, and that attempt had failed, because of the disagreement between the two Houses. They having failed to unite on the provisions of the acts, they consequently fell.

I was opposed to these acts, for reasons which I will very briefly assign. I was opposed, sir, to the extension of slavery into free territory, and had been, as every one knows, who has paid any attention to my services here. That principle I had repeatedly avowed, and it governed me in my action upon these territorial bills. New Mexico was free territory; California was free territory; and I was opposed to the extension of slavery into such territory. This, however, was not the only consideration, but there was another of greater and more imperative weight. I thought that another course of policy was not only justified, but demanded by the best interests of the country. The President, in the message to which I have referred, said that these bills had fallen, and perhaps the wisest and best way to deal with New Mexico was to let her be under the provisional government established there, a provisional government having been established by Mr. Polk's administration. That was the opinion of the late President, sir; and, Mr. President, long before these measures, termed the compromise acts, became a law, there was a constitution brought to the Capitol and laid upon the tables of the two Houses, made by the Territory of New Mexico. She, finding herself to be in the same attitude as California, pursued the same course. She elected a convention of delegates, instructing them to frame a constitutional government. That constitution was framed, was submitted to the people, and was ratified, and was laid before Congress, requesting that New Mexico might be admitted into this Union as a State. Thus both Territories were before us at the same time, and under circumstances not dissimilar. I was in favor of admitting her as well as California; and notwithstanding all that has happened since, I have never to this moment doubted the wisdom of that policy; and I will state to you very briefly and very frankly, why I have never doubted it.

In my opinion, the constitution which she adopted was a liberal, well-devised scheme of government; but it received no favor or countenance from the majority of the two Houses of Congress. It was rather treated, if I may use so strong an expression, with scorn and contempt, under the pretence that New Mexico was not yet exactly in a fit state and condition to come into this Confederacy, though we all see, by the returns of the Census, that she has a larger population than many States which have been admitted into the Union; that she had long been an organized State in the Mexican Confederacy, and had necessarily acquired that knowledge of free government which would qualify her for an entrance into this Union. But I do not intend to discuss that question; I mean to say merely, that it would have been wiser to have admitted her as a member of this

Confederacy than to have rejected her proposition, and place a territorial government over her. Sir, I think it would have been more judicious, because it would have settled this agitating question then and forever. There would have been the end of it and the end of agitation. If she had been admitted, this agitation which now vexes the country would have ceased long, long ago. And why? I think I can show conclusively, that such would have been the result. She came here as California did, with a provision in her constitution prohibiting the introduction of slavery. Suppose she had been admitted with that constitution, she would then have been a member of this Confederacy with that provision in her constitution, and the question of slavery, so far as it regards these two great frontier States, would have been settled, and settled forever. There would have remained, after admission, nothing to complain of, nothing to agitate with success, if, in the admission, no principle was violated; and I believe such a course would have commanded, in the end, the approbation of the whole country. The free States could have raised no valid objection, and the slave States would have been silenced by their own principles. There would have been no escape from it; and I will show you why. The slave States have, at all times, denied the right of Congress to legislate with respect to the introduction of slavery into the territories; but they have not denied the right of the local population, when it comes to claim admission to the Union, to frame their constitution as they please on this point, prohibiting, if they see fit, the existence of slavery. On the contrary, the leading men of the South have favored that idea. I will read you, sir, the views of a very distinguished Senator from the State of South Carolina, now no more—the late Mr. Calhoun. I read from a resolution laid before the Senate by that honorable and lamented gentleman in 1847. It is one of a series of resolutions, in the Journal of the Senate, upon this very subject, this matter of slavery agitation, and it is in these words:

Resolved, That as a fundamental principle in our political creed, a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that in conformity thereto, no *other condition* is imposed by the Federal Constitution on a State, in order to be admitted into the Union, except that *its constitution* shall be *republican*; and the *imposition* of any other *condition* by *Congress* would not only be in *violation* of the *Constitution*, but in *direct conflict* with *the principles* on which our political system rests."

There, sir, is a very distinct avowal, a very distinct recognition of the right of a local population, in making a constitution, to introduce such opinions in regard to slavery as they see fit; and that opinion is declared by that honorable gentleman to be binding, and any attempt on the part of Congress to deviate from it would be a violation of the Constitution of the United States. Well, sir, how was it during the discussion in regard to the admission of California? There was a provision of this kind in the constitution of that State. Was there any gentleman here, in the various discussions which we had upon that subject of many months' duration, who denied that California had a right to put such a provision into the constitution she had made? I did not hear everything that was said on that subject, and therefore there might have been; but I remember no gentleman raising a question on that point; and such was the statement of a Senator from Mississippi at this session, [Mr. Foote.] But, sir, I have a piece of evidence more conclusive than that on this particular point. We passed, as you, Mr. President, very well know, a territorial law establishing the Territory of New Mexico. Into the second section of that law we put these words:

"*Provided, further*, That, when admitted as a State, the said Territory or any portion of the same shall be received into the Union with or without slavery, as that constitution may prescribe, at the time of her admission."

Well, that was voted for by the South, and is a distinct recognition of the right in the territorial law itself to place such a provision in the constitution of the State as they may see fit in regard to this subject. This is tantamount to an affirmation of power in a Territory to exercise its free will on this point, as was done in California, Arkansas, and other States. Suppose New Mexico had been admitted as a State with a provision in her constitution which she had a right to place there according to these authorities, is it not true, as I said in the outset, that this question would have been settled—settled forever—and there would have been an end to all agitation—an end to it upon principle—upon a principle recognized by the slaveholding interests and adopted by them as sound and conclusive in its character? Nothing seems to me to be plainer than this. Then, sir, I return to the remark which I have already made, that, in my judgment, it would have been more for the peace and happiness of the country if New Mexico had been admitted into the Union with this provision, and then this great and troublesome question would have been settled. There was other territory, it is true, in which slavery might have been established, but it is not probable that it would leap this frontier line of States to establish itself beyond them and in their rear. That was my leading motive in preferring a constitutional to a territorial government for New Mexico; because I perceived, as well as did many other gentlemen at the time, that this question would be necessarily agitated under a territorial government; that there would necessarily be a struggle in regard to it on the one side or on the other, to fix the character of the Territory when it should come to be a State; and so the course of events has proved.

Now, before passing to the next question, I shall make one remark more in connection with the subject embraced in this resolution. This resolution proposes to give stability to this territorial law. It proposes that it shall be a sort of finality—an unalterable law—a law not to be amended or modified by Congress, but one that shall stand as it is forever. Now, sir, the assumption of any such ground is wholly incompatible with the duty which Congress owes to these Territories. If any emergency should spring up to render legislation in Congress necessary or expedient, it is the duty of Congress to respond; and it will legislate, notwithstanding the passage of any resolution, or any sentiments, which may be cherished or cultivated in the country. But it is perfectly obvious that these territorial laws cannot be permanent. We have, in the first place, a usage binding in its character, to admit a State created out of territory of the United States, when the people are in a fit condition to be admitted. If there were nothing else, that usage would be obligatory upon us. But there is something beyond this. The treaty of Guadalupe Hidalgo provides that these Territories shall come into the Union when they are in a suitable condition for that purpose. It is, therefore, not only repugnant to common sense, but to our duty, to undertake to say that a law of this description shall be permanent and irrepealable in its character. The time must come when a constitution will be made for each of these Territories, and that constitution will necessarily displace these territorial laws, and render them obsolete. Then, sir, I do not think that this resolution is very applicable to so much of the compromise measures as relates to these territorial governments, any more than to the two preceding measures which I have noticed.

Sir, I have now disposed of four of these measures, and the next is a little bill in regard to the slave trade in the District of Columbia. That, sir, is a very unimportant matter, and may be dispatched in a very few words. It is, I know, sometimes magnified into an important concession, but whether important or unimportant, I do not believe that anybody desires to disturb it. This law, as I understand it, only brings the District to a level with the condition of things in Maryland, and by it the District is now placed upon the same platform as that State in this respect. It had fallen into the rear in the progress of things, and it is now brought up and placed upon an equality with Maryland. But if gentlemen feel anxious to repeal this law, I should look upon such a proposition with some regret, although I have no idea that it would be the occasion of a great many tears being shed in the country. I therefore dismiss that matter, and come to the fugitive-slave law, which is the last of the measures comprehended by the compromise. It will be remembered that in the outset, this fugitive-slave law made no considerable figure in the report of the great Committee of Thirteen. It had no place in their original bill. It was noticed in their report, but not in their bill. But, sir, this charmed robe of "compromise" has been thrown around this measure, and from its very passage, it has become altogether the most important of any measure embraced in that category. I do not see how this resolution can apply to any one of these measures with any pertinence, unless it be the fugitive-slave act; and in that view the fugitive-slave act comes to be, as it is, the compromise itself.

Mr. President, I voted against this act, and I voted against it because the convictions of my mind settled down upon the conclusion that it was my duty to do it; not because I then felt or now feel any objection to carrying out that part of the Constitution which provides for the return of fugitive slaves. No, sir. There never was a moment when I had any doubt on that point. That is a part of the Constitution, and the Constitution is a whole; it is a compact, and all its parts are binding upon every portion of the country. Some of them are more important than others, but, nevertheless, all are binding, all are obligatory upon the whole country. No, sir; I am not among those, if there be any such, who esteem a part of the Constitution as valid, and another portion as invalid. I maintain no such doctrine as that. I take the instrument as it is, and I am willing, for one, to abide by it in honor and in good faith, and under all circumstances which may exist.

It was not, then, against a suitable law, that I lifted my voice, but it was against this particular law. Why did I vote *no*, when that act was before this body? Because, Mr. President, I deemed the provisions of it in their detail as unsuitable in their character; because I thought they were not pertinent and applicable to the subject; and because I did think that some of the great fundamental features of the Constitution were too much disregarded in that bill.

While I have no disposition to agitate, neither have I any concealment of my views on this subject, but I speak them frankly here and elsewhere. I am no advocate of agitation. I know how extremely difficult it is for a gentleman to speak his thoughts upon this subject, without his language being misunderstood, and his sentiments misrepresented in the community; but, nevertheless, whoever acts upon these questions must encounter these difficulties.

There is, in my judgment, no question raised in the judicial tribunals of the country which is of greater or of higher importance than the question of personal liberty. And if there be any question which is entitled to the deliberate consideration of such tribunals, and to all the guards and guarantees given in judicial forms to secure deliberation and impartiality, it is preëminently that of personal freedom.

Well, Mr. President, what are the provisions of this law? Before, however, I enumerate them, I ask attention for a moment to the watchful guardianship and protection which the Constitution itself gives to all parties who enter a judicial tribunal to have a question in controversy settled, whether affecting property or the person. In the first place, whenever a question at common law is put upon trial, involving property exceeding twenty dollars in value, it is to be settled by a jury. And still more watchful is the Constitution over the rights of citizens when charged with crime. No man can be held to answer for a felony until the grand inquest have found a bill against him; nor is any man put upon trial for crime except by his peers, a petit jury.

These are among the fundamental principles of the Constitution. We learn from English history itself that this institution of a jury was considered the palladium of British liberty. If there be anything more precious to us, if there be any one thing that is a more effective shield than all others between us and the oppression of a court, it is the intervention of a man's own peers upon the question of man's property, or a question touching his guilt, if he is charged with crime. I mention this merely to show how vigilant the Constitution is in regard to personal right and the right of property, and how carefully it guards and protects the rights and liberty of every citizen.

I now return to the inquiry, What is this law? What are its provisions? It provides that this great question of personal liberty shall be settled not by a jury, not by a judge, not by a man supposed to possess learning and official dignity, but

by an inferior magistrate—a man appointed to-day and subject to removal to-morrow. The law itself says it shall be a "summary process"—a process in a corner, instead of an open public trial notorious to everybody. Then, again, the question is to be settled by evidence taken *ex parte*, which the party arraigned has no opportunity to meet, to explain, or to controvert. Then, Mr. President, I say that there has not been sufficient regard paid, on a question of this description, to the great fundamental principles of the Constitution. But I shall be answered, I know, by gentlemen, who will say that the provision in the Constitution in relation to the return of fugitive slaves is silent in regard to a jury. That is true; it neither indicates that a jury should be required, nor that it should not. What, under such circumstances, is to be done? My opinion leads me to this conclusion,—other gentlemen may differ, and no doubt do differ from me, but in the absence of a provision, my judgment is—that they should follow out, in making a provision in this case, the provision which the Constitution makes in analogous cases. That would seem to me to be the proper interpretation of the Constitution itself. If in other cases touching liberty and property, a jury is required, it should be resorted to in this. Without dwelling long upon this subject, I consider this law as unnecessarily stringent in its character, and as not regarding sufficiently in its provisions the leading and fundamental principles of the Constitution, though I do not mean to say that it is unconstitutional in its provision; yet it has not that respect for those fundamental principles which the importance of the subject-matter seems to me to demand, and which a fair interpretation of the provisions require. That is the view I take of this subject.

But there is another matter to be considered. When we read that statute, there is a suggestion that always arises in the mind, and that is this: Why is this act, which carries out a certain provision of the Constitution, at variance with those general principles that may be esteemed analogous in their character? Why are those principles shunned? Why is there no jury Why an absence of those formalities which constitute the guarantees of a fair and deliberate trial? I never could see but one answer to it. The implication from the absence seems to be, that the people who are selected for juries in the free States are not to be trusted with power of this description. I do not speak of the motives which have influenced any one, for they are unknown to me; but I speak of what almost necessarily suggests itself to the mind of the reader—the implication that arises in the mind from reading the act itself, and gathering up its tenor and its provisions. I do not think, if that is the spirit of the act, that the inference which is implied is authorized or justified by any facts which exist. What is the effect of it? It amounts to this: "We distrust your sentiments upon this topic; we distrust your integrity, your honor, your good faith, your disposition to execute, fairly and honorobly, the Constitution of the country; and, distrusting that, we will not confide the power to you." I hope no such conviction has influenced the mind of any one; if it has, great injustice has been done to the fidelity of jurymen through misapprehension of their attachment to the Constitution of their country. In my opinion, sir, those who desire an effective law, would obtain their object by a liberal act with greater certainty than by one not acceptable to those amongst whom it is executed. In my judgment, there is no disposition among the great body of the people who constitute the juries of the free States, to shun the duties which they owe to the country in the execution of the laws and the Constitution—none whatever; and to assume that there is, involves grave considerations, and awakens feelings neither calculated to promote harmony or to cherish the respect for legislation which it is desirable to accord to it.

I need say no more upon this. I have revised in my own mind the proceedings upon this topic; I have anxiously considered them, and considered them with the hope that I might be convinced that this was a wise law, and that I might be able cheerfully to give to it my support on all occasions, and to say that it was a prudent and proper measure, and ought to be supported by public opinion But, sir, I cannot. I am not master of my own convictions. The result to which my mind comes, from the facts, stands as it did at the time the law was passed. But let it not be understood or supposed, while I reiterate these objections to what is denominated the fugitive-slave law, and while I am unable to vote an opinion that it ought to be a permanent act standing, as it were, ingrafted upon the Constitution of the country, that I am the advocate or apologist of unlawful combinations of persons who meditate obstructing the execution of the law. No, sir; I never was in any such association. I never anywhere gave countenance to such an act. That is not my policy. I leave this act to stand upon the statute-books like other statutes; and there let it remain, Mr. President; let its validity be decided by the peaceful tribunal which the Constitution has provided for that purpose. And if that tribunal says that it is constitutional, as I believe it does, let it remain, and let it, like other laws, be executed until it is the pleasure of Congress to change, alter, modify, or repeal it. Whenever public opinion shall have calmed down so that it shall perceive what is best adapted to the state of things and the condition of the public mind, I apprehend there will be no great difference of sentiment on this point. It will be perceived generally—South as well as North—that an act of milder features, conforming more to the judicial system of the country, an act securing better the rights of the fugitive and a fair opportunity for inquiry, will be vastly more useful to them as well as much more satisfactory to the rest of the country. Let it stand, then, until that time comes. Let the questions which arise from it be discussed and disposed of here, as the Constitution intends they shall be. That is my view of the matter.

I have thus considered all the acts embraced in what is called the compromise. The result of my inquiry and examination is, that there is no justifiable reason for undertaking to give new guarantees and new indorsements, by legislative acts, to this measure. There is nothing to be gained by it. On the contrary, the implication naturally arises, that the acts need a new opinion to be expressed by new bodies, in order to give to them the force which the Constitution designs that every law shall have, and the tendency is to diminish the respect which the public feel for them.

Mr. President, the consequences which have grown out of this continuous agitation of these matters in Congress, for a period of more than two years, now running into the third successive session, have been attended with great, and I apprehend, lasting mischief to the country. It is difficult to appreciate how great it is. One effect has been to smother the proceedings of this Goverement in everything else. I think some gentleman stated, when we took the docket up during this session, that it was the first time we had entered upon a regular action upon it for two years. I do not know how that may be; but I do know that there has been little business done, save and except that which was indispensable in its character—little beyond passing the appropriation bills. When Congress came together two years ago, there were high hopes and high expectations, that the session might result in the adoption of measures which should contribute to the public prosperity, and to the happiness of the great industrial interests. But, sir, if the iron-master of Pennsylvania is gloomy when he sees the fires of his forges extinguished; if he is distressed when he sees ruin gathering around him while he is exerting his best energies in prosecuting his business; if he is indignant that his repeated and earnest appeals to this Government for some protection, a protection which comports with the best interests of the country, and is well adapted to give to it a vigorous prosperity, he must find the solution of his disappointments, his blasted hopes, in the devotion of Congress to this single subject. So with the cotton spinner, and with the woolen spinner. If they see the year gone about, and find themselves obliged to run on short time, or to run only a portion of their works, and if this week they run one portion of a mill, and a month hence another portion to prevent injury to it from rust or from any other cause, and the proceedings of the year foot up with a loss, as we know they do in many instances, and he is unable to account for the fact that Congress turns to him a deaf ear, when he comes here to make known his condition and the pressure that is upon him, he, too, may find the solution of this seeming neglect in the fact that Congress has devoted all its time, all its energies, to this matter of agitation. And so it is with the mariner. If the ship-owner or ship-master upon the lakes finds his vessel stranded and his property lost, and he is indignant that the Government have bestowed no attention upon the numerous wants of that portion of the country, and given no place of refuge to the navigation of the country, he finds his answer to all complaint in the fact, that we sought to provide for him the last day and the last night of the session, which was all the time, and more than all, we were able to devote to his interests, and at last failed because there were more pressing necessities of the Government which demanded the remnant which remained. These are some of the consequences which have grown out of the extraordinary state of things which have existed for the last two years; and if a plan to frustrate all other legislation had been carefully devised, it could not have been more effectual.

Now, what is it that has saved the country from a crisis like that of 1840? I have before me a book of some authority, which speaks of that matter in England. It is by an English writer of intelligence and ability, and I will read from it a paragraph:

"Had it not been for the copious stream flowing into the coffers of the Bank of England from California, which has sustained credit and continued prosperity during the last year, there would, *beyond all question*, have been a monetary crisis last autumn equaling that of 1847. The immense excess of our *imports* above our *exports* amounting to at least *forty millions sterling*, must have occasioned such a drain on the metallic resources of the country, as would have brought down the bank notes in circulation to £16,000,000, as in November, 1847, had it not been for the copious stream from without, which constantly fed the supplies of the precious metal." * * * * * *

"Gold at San Francisco is now worth only £3 5*s.* an ounce: 2*s.* additional an ounce will bring it to this country; but the Bank of England are forced, by the act of 1844, to give £3 17*s.* 10½*d.* to every person who brings it to their doors. The consequence is that all this gold is brought to the Bank."

That is the effect produced, in the judgment of the writer, by over-trading in England, by an excess of imports over the exports of the country. She has been saved from the unparalleled catastrophe of 1847 by the gold of California. How does that apply to us? Why, sir, it is a fact too notorious to lead to any misapprehension, that during the last two years there has been a vast balance of imports over and above the value of the exports of this country, and we have in that time seen the unmistakable signs of a money crisis obviated by shipping this same California gold to Europe. What has been the result of the operations in California? What influence have they had upon the rest of the country? The gold which has been raised there, has, as this writer says, flowed directly into the Bank of England, because they are paying a larger price for it than it is worth in California. But it subserves a great purpose here. It subserves the great purpose of warding off a money crisis in this country by paying for the balances which are due to a large extent for the excess of imports. What is the effect of all this upon our business and industrial pursuits? Very little of this gold stops in the United States. If you keep your eye on the steamers that sail to Europe from week to week, you find, without exception, that they carry out large quantities of specie. The precious metals in some form or other, either as coined at the Mint or in the virgin state, are carried there. It has come to this, then: that gold is raised out of the bowels of the earth in California as a product, as an article of merchandise, and it takes the place of the product of labor. Now judge what the difference would be if, instead of paying a balance of fifty millions, or any other large sum, against us in gold, we pay it in the products of labor. You can form an estimate at once how useful it would be to the country, if the ordinary labor of the country, employed at the plough, at the loom, and at the anvil, could produce enough to pay these fifty millions. It is now produced by irregular labor, by which Mr. A, if fortunate, makes at once $100,000; Mr. B $30,000 or $40,000; and this takes the place of regular labor, concentrating money in the hands of a few individuals. If this amount could be diffused among the farmers, among the manufacturers, and among the mechanics of the country, among all classes who are

engaged in industrial occupations and pursuits, then your importations would be paid for by the labor of the country, instead of by this irregular occupation. But I have before me a slip which I cut from a newspaper, and which I will take occasion to read to the Senate in part, as it treats this subject, in my judgment, with ability, with clearness, and with force:

"California," says this writer, "which should be as the treasure house of the nation, the source of immense advantage to our various interests, by stimulating the industry of the country, by developing its resources, and by swelling to an almost boundless extent the material prosperity of our people, does nothing for the country but act as a make-weight against the depressing influences of the tariff of 1846. California saves us from revulsion. California saves us from the effects of the overwhelming tide of foreign importations. California pays our foreign balances. California is the Fortunatus purse which shields us from the natural effects of our spendthrift career. It is our national goose, laying golden eggs, and so allows an almost perfect impunity in national extravagance and wastefulness for the time being. But California does not increase our heaps of ingots, it does not promote American enterprise or develop American resources; it does not erect manufactories, and build up villages, towns, and cities; it does not diversify industry and employ labor in any of the ten thousand ways in which an abundance of money might be expected to display its presence and its influence. It does not carry forward enterprise, and schemes of public improvement, or stimulate industry, and infuse new life into the channels of business, as the annual shower of these vast millions of gold should and might reasonably be expected to do. No, California does none of these things. The gold is no sooner dug and coined than it is sent off to foreign countries to pay for what we buy there, to stimulate foreign industry, foreign trade, and foreign commerce, and not our own. And the country is not to day one whit better off, not indeed so well off, with its vast products of California gold, which could be made to achieve such stupendous results, as it would have been under a sound protective policy, without any California at all."

There is, to say the least, much in these well-condensed remarks which deserves consideration.

Mr. President, I have not attempted to be very methodical in these remarks. Nor was I very anxious to express my views upon this resolution unless it is to be put upon its passage; but as I could not give my support to it, and as I have no assurance that it is not to be brought to a vote, I chose to communicate the views and sentiments which I entertain on the subject, with frankness to the Senate. I have said what I wish, and leave the subject for others.

GRANTS OF PUBLIC LANDS.

SPEECH OF HON. C. SUMNER,

OF MASSACHUSETTS,

IN THE SENATE, *January* 27, 1852.

The Senate having under consideration the special order, being the unfinished business of the preceding day, the pending question being on the amendment offered by Mr. UNDERWOOD to the amendment reported by the Committee on Public Lands to the "bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State"—

Mr. SUMNER said: This bill is important by itself, inasmuch as it promises to secure the building of a railroad, at large cost, for a long distance, through a country not thickly settled, in a remote corner of the land. It is more important still as a precedent for a series of similar appropriations in other States. In this discussion, then, we have before us, at the same time, the special interests of the State of Iowa, traversed by this projected road, and also the great question of the administration of the public lands.

I have no inclination to go into these matters at length, even if I were able; but entertaining no doubt as to the requirements of policy and of justice in the present case, and in all like cases—seeing my way clearly before me by lights that cannot deceive, I hope in a few words to exhibit these requirements and to make this way manifest to others. And I am especially moved to do this by the tone of the remarks which we often hear out of the Senate, and sometimes even here, begrudging these appropriations, and charging the particular States in which they are made with an undue absorption of the property of the Union. It is sometimes said—not in this body I know—that "the West is stealing the public lands;" and the Senator from Virginia, [Mr. HUNTER,] who expresses himself with a frankness and a moderation of manner worthy of regard, in discussing this very measure, distinctly said that "we are squandering away the public lands," and he complained that by such appropriations the distribution was partial "because very large amounts of land are distributed to those States in which they lie, while nothing is given to the old States." And the Senator from Kentucky, [Mr. UNDERWOOD,] taking up this strain, has dwelt at great length, and in every variety of expression, on the alleged partiality of the distribution.

Now, I know full well that the States in which these lands lie, need no defender like myself. But, as a Senator for one of the old States, I desire thus early to declare distinctly my dissent from these views, and the reasons therefor.

Beyond a general concern, that the public lands, of which the Union is now the almoner, the custodian and proprietor, should be administered freely, generously, bountifully, in such wise as most to promote their settlement, and to build upon them towns, cities, and States, the nurseries of future empire—beyond this concern which leads me to adopt gladly the proposition in favor of actual settlers, of the Senator from Wisconsin, [Mr. WALKER,] I find a clear and special reason for supporting the measure now before the Senate, in an undeniable rule of justice to the States in which the lands lie.

Let me speak, then, for *justice* to the Land States. And in doing so, I wish to present an important, and, as it seems to me, decisive consideration which has not been adduced thus far in this debate, nor do I know that it has been presented in any prior discussion—*founded on the exemption from taxation enjoyed by the National lands in the several States, and the unquestionable value of this franchise.* The subject naturally presents itself under two heads: *First*, the origin and nature of this franchise; and *secondly*, its extent and value, after deducting therefrom all reservations and grants to the several States.

I. And now, in the *first* place, as to the origin and nature of the immunity enjoyed by the national domain in the several States:

The United States are the proprietors of large tracts of country within the municipal and legislative jurisdiction of States of the Union. These lands are not held directly, by virtue of any original prerogative, or eminent domain, by any right of conquest, occupancy or discovery, but under acts of cession from the old States, in which the lands were situated, and from foreign countries, recognized and confirmed in the various acts, by which the Territories and States have been constituted. The words finally determining this relation, are found in the Ordinance of 1787. They are as follow: "The Legislatures of these districts 'or new States shall never interfere with the *pri-* 'mary disposal of the soil by the United States in 'Congress assembled, nor with any regulations 'Congress may find necessary for securing the 'title in such soil to *bona fide* purchasers." This provision has been incorporated, as an article of compact, in the subsequent acts under which the new States have taken their place in the Union. It is the "primary disposal of the soil," without any incident of sovereignty, which is here secured.

Regarding the United States, then, as simple proprietors of these lands, under the jurisdiction of the States, would they not be liable, according to the discretion of the States, to the burdens of other proprietors, unless especially exempted therefrom? This exemption has been conceded. In the Ordinance of 1787, it is expressly declared that "no tax shall be imposed on land the property of the United States;" and this provision, like that already mentioned, is imbodied in succeeding acts of Congress, by which new States have been constituted. The fact that it was formally conceded and has been thus imbodied seems to denote that such concession was regarded as necessary to secure the desired immunity. Indeed, from the principles recognized in our jurisprudence and particularly by the Supreme Court, it is reasonable to infer, that, without such express exemption, this whole amount of territory would be within the field of local taxation, liable, like the lands of other proprietors, to all customary burdens and incidents.

Thus, in an early case in Pennsylvania, it was decided that the purchase of land by the United States would not alone be sufficient to vest them with the jurisdiction, or to oust that of the State without being accompanied or followed with the consent of the Legislature of the State. (See *Commonwealth of Pennsylvania* vs. *Young*, 1 Kent, Comm., 431.) And it has been judicially declared by the late Mr. Justice Woodbury, in a well-considered case:

"Where the United States own land, situated within the limits of particular States, and over which they have no cession of jurisdiction, for objects either special or general, little doubt exists, *that the rights and remedies in relation to it are usually such as apply to other land owners within the State.*"

After setting forth certain rights of the United States, the learned Judge proceeds:

"All these rights exist in the United States for constitutional purposes, and without a special cession of jurisdiction; though it is admitted that the powers over the property and persons on such lands will, of course, remain in the States till such cession is made. Nothing passes without such a cession, except what is an incident to the title and purpose of the General Government."—*United States* vs. *Ames*, 1 Woodbury and Minot, R. 76.

The Supreme Court have given great eminence to the sovereign right of taxation in the States. They have said:

"Taxation is a sacred right, essential to the existence of government; an incident of sovereignty. The right of legislation is coextensive with the incident, to attach it upon all persons and property within the jurisdiction of a State."—*Dobbins v. Commissioners of Erie Co.*, 16 *Peters R.*, 447.

And again, the Court say in another case:

"However absolute the right of an individual may be, it is still in the nature of that right that it must bear a portion of the public burdens, and that portion must be determined by the Legislature."—*Providence Bank v. Pittman*, 4 *Peters R.*, 514.

And in the same case the Court, after declaring "that the taxing power is of vital importance; that it is essential to the existence of government; that the relinquishment of such a power is never to be assumed;" add cautiously that, they will not say "that a State may not relinquish it; *that a consideration sufficiently valuable to induce a partial release of it may not exist.*"

While thus upholding the right of taxation, as one of the precious attributes of sovereignty in the States, the court, under the Constitution of the United States, have properly exempted from taxation the instruments and means of the Government; but they have limited the exemption to these instruments and means. Thus it has been expressly decided, in a celebrated case, (McCulloch *v.* Maryland, 4 Wheaton, 316,) that, while the Bank of the United States, being one of the necessary *instruments and means* to execute the sovereign powers of the nation, was not liable to taxation, yet the real property of the Bank was thus liable in common with the other real property in a particular State.

Now, the lands held by the United States do not belong to the *instruments and means* necessary and proper to execute the sovereign powers of the nation. They are strictly in the nature of *private property* of the Nation, situated within the jurisdiction of the States. In excusing them from taxation, our fathers acted unquestionably according to the suggestions of prudence, but also under the influence of precedent, derived *at that time* from the prerogatives of the British Crown. It was an early royal prerogative, transmitted from feudal days, when all taxes were in the nature of aids and subsidies to the monarch, that the property of the Crown, of every nature, should be exempt from taxation. *But mark the change.* This ancient feudal principle is not now the existing law of England. By the statute of 39 and 40 George III., cap. 38—passed twelve years after the ordinance of 1787—the lands and tenements purchased by the Crown out of the privy purse or other moneys not appropriated to any public service, or which came to the King from his ancestors or private persons—in other words, the lands and tenements in the nature of *private property*—are subjected to taxation, even while they belong to the Crown.

Thus the matter now stands. Lands belonging to the nation, which, it seems, even royal prerogative at this day, in England, cannot save from taxation, are in our country, under express provisions of compact, early established, without any consideration therefor, exempted from this burden. Now, sir, I make no complaint of this; I do not suggest any change. But I do confidently submit, that in this peculiar time-honored immunity, originally claimed by the nation, and conceded by the States within which the public lands

lic, without any consideration, there is ample ground of equity, under which these States may now appeal to the nation for assistance out of these public lands.

When I listen to comparisons discrediting these States by the side of the old States; when I hear it said, that they have been constant recipients of the national bounty; and when I catch those sharper terms of condemnation, by which they are characterized as "plunderers" and "robbers" and "pirates," I am forced to inquire, whether the nation has not already received from these States more than even in its most bountiful mood, it has ever bestowed; whether, at this moment, the nation is not *equitably* the debtor to these States, and not these States the debtors to the nation. The answer is clear.

In order to estimate the extent of this *equity*—for I will call it by no stronger term—we must endeavor to understand the extent and value of the franchise conceded by the States.

II. And I am now brought to the *second* head of this inquiry—that is, the extent and value of the immunity from taxation enjoyed by the national domain, after deducting therefrom all reservations and grants to the several States. Authentic documents and facts place these beyond question.

From the official returns in the Land Office in January, 1849, [Exec. Doc. 2d session 30th Cong., H. R. No. 12, p. 255,] it appears that the areas of the twelve land States, Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, Louisiana, Michigan, Arkansas, Wisconsin, Iowa, and Florida, embrace 392,579,200 acres. California was not at that time a State of the Union. Of this territory only 289,961,954 acres had been, in pursuance of the laws of the United States, surveyed, proclaimed, and put into the market. In some of the recent States more than a moiety of the whole domain had never been brought into this condition. It continued still unconscious of the surveyor's chain. Thus, in Wisconsin, out of a territory of more than thirty-four millions of acres, only a little more than thirteen millions had been proclaimed for sale; and in Iowa, the very State whose interests are now particularly in question, out of a territory of more than thirty-two millions of acres, only a little more than twelve millions had been proclaimed for sale. It is evident, therefore, that, in point of fact, the true extent of territory, belonging to the United States at any time, much exceeds the extent actually in the market; but since it may be said, that the lands not yet surveyed, proclaimed, and put into the market, though nominally under the jurisdiction of the States, must actually lie out of the sphere of their influence, so as not to derive any appreciable advantage from the local governments, and, as I desire to hold this argument above every imputation of exaggeration—knowing full well that it can afford to be understated—I shall forbear to take the larger sum as the basis of my estimates, but shall found them upon the extent of territory actually proclaimed for sale, from the beginning down to January 1849, amounting to 289,961,954 acres.

All these lands thus proclaimed have been exempt from taxation. But since they were proclaimed at different periods, and also sold at different periods, so far as the same have been sold, it is necessary, in order to arrive at the value of this immunity, to ascertain the average period during which, after being put into the market, they have been in the possession of the United States. This we are able to do, from the official returns of the Land Office. Here is a table, now before me, from which it appears, that of the lands offered for sale during a period of thirty years, large quantities—in some cases more than half—were still on hand at the expiration of the period. Of the fourteen millions offered in Ohio, during this period, more than two millions still remained; while of the nineteen millions offered in Missouri, more than twelve millions still remained. Of all the lands offered during this period of *thirty* years, more than half remained unsold. And out of the above aggregate of all the lands proclaimed from the beginning down to January, 1849, notwithstanding the advancing tread of our thick-coming population, only 100,209,656 acres had been sold. Now, without further pursuing these details, I shall assume what cannot be questioned, as it is most clearly within the truth, that the lands proclaimed are not all sold till after a period of fifty years. This estimate will make the average period during which the lands, after being surveyed and proclaimed, are actually in the possession of the United States, and free from taxation, twenty-five years.

According to this estimate, 289,961,954 acres proclaimed for sale, have been absolutely free from taxation during the space of twenty-five years, and yet during this whole period, have, without the ordinary consideration therefor, enjoyed the protection of the State, with the advantages and increased value from highways, bridges, and schoolhouses, all of which have been supported by the adjoining proprietors, under the laws of the State, without assistance of any kind from the United States.

Such is the extent of this immunity. But in order to determine its precise value, it is necessary to advance a step further, and to ascertain one other element; that is, the average annual tax on land in these States; for instance, on the land of other non-residents. There are no official documents within my knowledge by which this can be determined. But after inquiry of gentlemen, themselves landholders in these States, I have thought it might be placed, without chance of contradiction, at one cent an acre. Probably it is rather two, or even three cents; but desiring to keep within bounds, I call it merely one cent an acre. The annual tax on 289,761,954 acres, at the rate of one cent an acre, would be $2,809,619; and the sum total of this tax for twenty-five years would amount to $72,490,475, being the value of this immunity from taxation already enjoyed by the United States; or, if we call the annual tax two cents an acre, instead of one cent, we have the enormous sum of $144,980,950, of which the United States may now be regarded as the trustees in *equity* for the benefit of the Land States.

But against this large sum I may be reminded of reservations and grants by the Nation to the different States in question. These, however, when examined, do not materially interfere with the result. From the official returns of the Land Office in 1848, [Executive Doc. Thirtieth Congress, second session, H. R. No. 18,] we learn the precise extent of these reservations and grants down to that period. Here is the exhibit:

	Acres.
Common schools	10,807,958
Universities	823,950
Seats of government	50,860
Salines	422,325
Deaf and dumb asylums	45,440
Internal improvements { Per act of September 4, 1841, Roads, rivers, and canals,	4,160,439 4,305,034
	20,625,006

This is all. In the whole aggregate only a little more than twenty millions of acres have been granted to these States. The value of this sum total, if deducted from the estimated value of the franchise enjoyed by the Nation, will still leave a very large balance to the credit of the Land States. Estimating the land at $1 25 an acre, all the reservations and grants will amount to no more than $25,788,257. Deducting this sum from $72,490,475, and we have $46,702,218 to be entered to the credit of the Land States, or, if we place the tax at two cents an acre, more than double this sum.

This result leaves the Nation so largely in debt to the Land States that it becomes of small importance to scan closely the character of these grants and reservations, in order to determine whether in large part they have not been already satisfied by specific considerations on the part of the States. But the stress that, in the course of this debate, has been laid upon this bounty leads me to go further. It appears, from an examination of the acts of Congress by which the Land States were admitted into the Union, that a large portion of these reservations and grants was made on the express condition that the lands sold by the United States, under the jurisdiction of the States, *should remain exempt from any State tax for the space of five years after the sale.* This condition is particularly applicable to the appropriations for common schools, universities, seats of government, and salines, amounting to 12,105,093 acres. It is also particularly applicable to another item, not mentioned before, which is known as the five per cent. fund, from the proceeds of the public lands, for the benefit of roads and canals, amounting in the whole to $5,242,069. These appropriations being made on specific considerations, faithfully performed by the States down to this day, may properly be excluded from our calculations. And this is a response to the Senator from Kentucky, [Mr. Underwood,] who dwelt so energetically on these appropriations, without seeming to be aware of the conditions on which they were granted.

That I may make this more intelligible, let me refer to the act for the admission of Indiana. After setting forth the five reservations and grants already mentioned, it proceeds:

"*And provided always*, That the five foregoing provisions herein offered, are on the condition that the convention of the said State shall provide by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by the United States from and after the 1st day of December next, shall be, and remain, exempt from any tax laid by order of any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale."

This clause does not stand by itself in the acts admitting the more recent States, but is mixed with other conditions. I will not believe, however, that any discrimination can be made between particular Land States on the ground of a difference in their conditions, which may properly be attributed to accidental circumstances. The provision just quoted is found substantially in the acts for the admission of Ohio, Missouri, Illinois, and Arkansas. So far as these States are concerned, it is a complete consideration, in the nature of satisfaction, for the reservations and grants received by them. It also helps to illustrate the value of the *permanent immunity* from taxation surrendered to the United States, by exhibiting the concessions made to secure this franchise for certain moderate quantities of land during the brief space of five years only.

After the constant charges of squandering the public lands, and of partiality to the Land States, I think all will be astonished at the small amount to be entered on the debtor side, in the great account between the States and the National Government This consists of grants for Internal Improvements, in the whole, reaching to only 8,474,473 acres, which, at $1 25 an acre, will be $10,593,091. If this sum be deducted from the estimated value of the immunity from taxation already enjoyed by the United States, we shall still have *upwards of $60,000,000 surrendered by the Land States to the Nation;* or, if we call the annual tax two cents an acre, more than double this sum.

In these estimates I have grouped together all the Land States. But, taking separate States, we shall find the same proportionate result. For instance, there is Ohio, with 16,770,984 acres proclaimed for sale down to the 1st of January, 1849. Adopting the basis already employed, and assuming that these lands continued in the possession of the United States after being surveyed and proclaimed an average period of twenty-five years, and that the land tax was one cent an acre, we have $4,192,725 as the value of the immunity from taxation already enjoyed by the United States in Ohio. From this may be deducted the value of 1,181,134 acres, being grants to this State for Internal Improvements, at $1 25 an acre, equal to $1,476,367, leaving upwards of two millions—nearly three millions—of dollars yielded by this State to the nation.

Take another State: Missouri. It appears that down to January, 1849, 39,635,609 acres had been proclaimed for sale in this State. Assuming again the basis already employed, and we have $9,908,900 as the value of the immunity from taxation already enjoyed by the United States in Missouri. From this may be deducted the value of 500,000 acres, granted to this State for Internal Improvements, which, at $1 25 an acre, will amount to $625,000, leaving upwards of nine millions of dollars thus yielded by this State to the nation.

I might, in this way, proceed with all the Land States, individually; but enough has been done to repel the charges against them, and to elucidate their *peculiar equity* in the premises. On the one side, they have received little—very little—from the Nation; while, on the other side, the nation, by every consideration of equity, is largely indebted to them. This obligation of itself con-

stitutes a fund to which the Land States may properly resort for assistance in their works of internal improvement; and Congress will show an indifference to the reasonable demands of these States, should it fail to deal with them munificently, according to the simple measure of advantage which the Nation has already so largely enjoyed at their hands.

Against these clear and well-supported merits of the Land States, the old States can present small claims to consideration. They have waived no right of taxation over lands within their acknowledged jurisdiction; they have made no valuable concessions; they have yielded up no costly franchise. It remains, then, that, with candor and justice, they should recognize the superior—I will not say exclusive—claims of the States within whose borders, and under the protection of whose laws, the national domain is found.

Thus much for what I have to say in favor of this bill on the ground of *justice* to the States in which the lands lie. If this argument did not seem sufficiently conclusive to render any further discussion superfluous, at least from me, I might go forward, and show that the true interests of the whole country,—of every State in the Union, as of Iowa itself,—are happily coincident with this claim of justice.

It will readily occur to all that the whole country will gain by the increased value of the lands still retained and benefited by the proposed road. But this advantage, though not unimportant, is trivial by the side of the grander gains, commercially politically, socially and morally, which will necessarily accrue from the opening of a new communication, by which the territory beyond the Mississippi will be brought into connection with the Atlantic sea-board, and by which the distant post of Council Bluffs will become a suburb of Washington. It would be difficult to exaggerate the influence of roads as means of civilization. This, at least, may be said: Where roads are not, civilization cannot be; and civilization advances as roads are extended. By these religion and knowledge are diffused; intercourse of all kinds is promoted; the producer, the manufacturer, and the consumer are all brought nearer together; commerce is quickened; markets are opened; property, wherever touched by these lines, is changed as by a magic rod into new values; and the great current of travel, like that stream of classic fable, or one of the rivers of our own California, hurries in a channel of golden sand. The roads, together with the laws of ancient Rome, are now better remembered than her victories. The Flaminian and Appian ways—once trod by returning proconsuls and tributary kings—still remain as beneficent representatives of her departed grandeur. Under God, the road and the schoolmaster are the two chief agents of human improvement. The education begun by the school-master is expanded, liberalized, and completed by intercourse with the world; and this intercourse finds new opportunities and inducements in every road that is built.

Our country has already done much in this regard. Through a remarkable succession of steam communications, chiefly by railroad, its whole population is now, or will be soon, brought close to the borders of Iowa. The cities of the Southern sea-board—Charleston, Savannah, and Mobile—are already stretching their lines in this direction, soon to be completed conductors; while the traveler from all the principal points of the Northern sea-board—from Portland, Boston, Providence, New York, Philadelphia, Baltimore, and Washington—now passes without impediment to this remote region, traversing a territory of unexampled resources—at once a magazine and a granary—the largest coal-field, and at the same time the largest corn-field of the known globe—winding his way among churches and school-houses, among forests and gardens, by villages, towns, and cities, along the sea, along rivers and lakes, with a speed which may recall the gallop of the ghostly horseman in the ballad:

"Fled past on right and left how fast
Each forest, grove and bower!
On right and left fled past how fast
Each city, town and tower!

"Tramp! tramp! along the land they speed,
Splash! splash! along the sea."

On the banks of the Mississippi he is now arrested. The proposed road in Iowa will bear the adventurer yet further to the banks of the Missouri; and this distant giant stream, mightiest of the earth, leaping from its sources in the Rocky Mountains, will be clasped with the Atlantic in the same iron bracelet. In all this I see not only further opportunities for commerce, but a new extension to civilization and increased strength to our national Union.

A heathen poet, while picturing the Golden Age without long lines of road, has ignorantly indicated this circumstance as creditable to that period in contrast with his own. "How well," exclaimed the youthful Tibullus, "they lived while Saturn ruled—*before the earth was opened by long ways:*"

"Quam bene Saturno vivebant rege; priusquam
Tellus *in longas est patefacta vias.*"

But the true Golden Age is before us, not behind us; and one of its tokens will be the completion of those *long ways*, by which villages, towns, counties, states, provinces, nations, are all to be associated and knit together in a fellowship that can never be broken.

NON-INTERVENTION.

SPEECH OF HON. J. H. CLARKE,

OF RHODE ISLAND,

IN THE SENATE, *February* 9, 1852.

The Senate proceeded to consider the following resolutions, which were submitted by Mr. CLARKE on the 19th ultimo:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress recognizes and reaffirms these manifest truths: "That Governments are instituted among men to secure the inalienable rights of life, liberty, and the pursuit of happiness, deriving their just powers from the consent of the governed; that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government, laying its foundation upon such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

Resolved, That while we claim for ourselves these comprehensive rights of self government, and also, as a consequence of sovereignty, the right to be exempt from the coercion, control, or interference of others in the management of our internal affairs, we concede to others the same measure of right, the same unqualified independence.

Resolved, That it is upon the sacred principle of independent sovereignty that we recognize, in our intercourse with other nations, Governments *de facto*, without inquiring by what means they have been established, or in what manner they exercise their powers.

Resolved, That this Government has solemnly adopted, and will perseveringly adhere to, as a principle of international action, the advice given by Washington in his Farewell Address: "Observe good faith and justice towards all nations; cultivate peace and harmony with all." "Give to mankind the magnanimous and too novel an example of a people always guided by an exalted justice and benevolence." "Sympathy for a favorite nation betrays itself into a participation in the quarrels and wars of another, without adequate inducement or justification." "Against the insidious wiles of foreign influence the jealousy of a free people ought to be constantly awake; for foreign influence is the most baneful foe of republican Governments." "The true rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible." "Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?"

Resolved, That, while we cherish the liveliest sympathy towards all who strive for freedom of opinion and for free institutions, yet we recognize our true policy in the great fundamental principles given to us by Jefferson: "Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship, with all nations, entangling alliances with none."

Resolved, That, although we adhere to these essential principles of non-intervention, as forming the true and lasting foundation of our prosperity and happiness, yet whenever a provident foresight shall warn us that our own liberties and institutions are threatened, then a just regard to our own safety will require us to advance to the conflict rather than await the approach of the foes of our constitutional freedom and of human liberty.

The PRESIDENT. There is an amendment offered to the resolution by the Senator from New York, [Mr. SEWARD,] and also an amendment presented by the Senator from Michigan, [Mr. CASS,] and ordered to be printed.

Mr. SEWARD's amendment proposes to strike out all after the second resolution of Mr. CLARKE, and insert:

Resolved, That while the United States, in consideration of the exigencies of society, habitually recognize Governments *de facto* in other States, yet that they are nevertheless, by no means indifferent when such a Government is established against the consent of any people by usurpation or by armed intervention of foreign States or nations.

Resolved, That, considering that the people of Hungary, in the exercise of the right secured to them by the laws of nations, in a solemn and legitimate manner asserted their national independence, and established a Government by their own voluntary act, and successfully maintained it against all opposition by parties lawfully interested in the question; and that the Emperor of Russia, without just or lawful right, invaded Hungary, and, by fraud and armed force, subverted the national independence and political constitution thus established, and thereby reduced that country to the condition of a province ruled by a foreign and absolute power: the United States, in defence of their own interests, and of the common interests of mankind, do solemnly protest against the conduct of Russia on that occasion, as a wanton and tyrannical infraction of the laws of nations; and the United States do further declare, that they will not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, whenever or wherever they may occur.

Mr. CASS's amendment is designed as a substitute for Mr. CLARKE's series. It is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That while the people of the United States sympathize with all nations who are striving to establish free Governments, yet they recognize the great principle of the law of nations which assures to each of them the right to manage its own internal affairs in its own way, and to establish, alter, or abolish its Government at pleasure, without the interference of any other Power; and they have not seen, nor could they again see, without deep concern, the violation of this principle of national independence.

Mr. CLARKE said: In submitting these joint resolutions to the consideration of the Senate, I was governed by a distinct and single purpose. An illustrious individual, an exile from the land of his birth—whose chains had been loosed and the captive set free, principally by our interposition—had landed upon our shores, and had excited by his warm and glowing eloquence a sympathy and a feeling, which has scarcely a parallel in the history of popular enthusiasm. The burning words of the great Magyar kindled up a flame—not only in the varied and changing population of the commercial metropolis of the country, but with the speed of the electric fluid, and almost with its power, the fervid and impassioned eloquence of the supplicating exile was dispersed through the land; and it indeed did seem that we were, at once, to be driven from our propriety, and permit a zeal for universal liberty to assume the place of wisdom, and cast aside the prudent counsels by which we have been governed. This wild enthusiasm, founded upon a generous but mistaken sentiment, appeared to be so rapidly diffusing itself over the land, that it seemed to me proper that a calm and deliberate expression of the sense of Congress, and more particularly of the Senate, which is the conservative branch of the Government, should be put forth to the people, affirming anew the settled principles of our national policy. I delayed the presentation of the resolutions in courtesy to the presence of the man who came here with our welcome. Yet my purpose was firm to ask of the Senate a cool and dispassionate vote upon the great principles which are imbodied in them.

Sir, I disclaim all motives or incentives to demagogism, and would not minister to any unjust delusion or excitement upon the public mind. Let others say as much, and say it as truly.

In the winter of a long life, with the sear and yellow leaf of age upon and around me, I can have no motive to do aught but what I believe will perpetuate the liberties and happiness of my country.

Aspiring politicians, who seek to catch to-day the influence of an un-Americanized population—who inflame the public pulse—not that it may beat healthfully, but that its pulsations may promote their own political elevation,—sir, they are seen upon their winding way, and their hopes of success are founded upon undue excitement and public sympathy. These periodical throes of the public pulse are less dangerous than they seem to be, for after an election has passed, we meet again and counsel for the common good.

These resolutions affirm the true doctrines of self-government, as set forth in the Declaration of our Independence. They take the farewell advice of the great and good Washington for our political chart, and they reiterate the wise declarations of Jefferson, whose precepts are oftener upon the lips than in the hearts of those who claim to be his peculiar disciples. His conservative principles,

by no means extreme, are cast aside as the dogmas of a by-gone age. Sir, it is time that we recurred to our ancient political landmarks. As the mariner consults his chart, and takes by day the altitude of the sun, and at night his observations are directed to the stars, so, sir, it is healthful for us to go back to the principles and the policy of our Government,—break upon the altar of our faith the sacramental bread, and renew our fidelity to the maxims which our fathers established, and which have borne them and us from feeble infancy to a high and vigorous and unsullied manhood.

A revolution in France in 1792, and the enthusiastic reception of her minister, Citizen Genet, may form some parallel to the reception of Kossuth. The former appealed to the People from the Government, and his example has been imitated by the Hungarian noble. In the case of Genet, he came accredited as the representative of his Government, and made no requisition for "material aid" beyond the stipulations of our treaties with France. We find the other individual, the representative of no existing Government, urging upon us a course of action widely different from our established policy. In despite of the sympathy for our former friend and ally, and the brilliant but delusive hope, that twenty millions of people could spring at once into the enjoyment of true and perfect liberty, calm and moderate counsels prevailed, and the Father of his Country issued his famous proclamation of neutrality, and thus made the first application of the doctrine of non-intervention a fundamental principle of the American Government.

We were under treaty obligations with France, which were oppressive and dangerous to us as a neutral Power. In the darkest hour of our Revolution, and in our extremest need, France had sent men and money and ships and munitions of war to our support,—perhaps not so much from a love of our new-born principle of Government, as from a wish to cripple her ancient and inveterate foe. On the 6th of February, 1778, a treaty of amity and commerce, and on the same day a treaty of alliance, were entered into in which, by article 11th, we guarantied to France, forever, her then existing possessions in North America, and such as she might subsequently acquire. And on the 14th day of November, 1778, a Consular Convention was concluded, by the 12th article of which, the United States yielded up to France all civil and maritime control over her armed vessels and their prizes in our ports.

These treaty stipulations, granted to our ally in the hour of our weakness, and in gratitude for her timely aid in our struggle for freedom, would practically have involved us, not only in the bloody contest which followed her revolution, but also in the protracted wars, which, with short intermission, ended only in the peace of 1815.

The warm sympathies of the American people were strongly enlisted in the cause of their friend and ally; and a natural hope that our example had impressed itself upon the nations of the earth, caused an outburst of popular feeling, which seemed ready for a conflict with all the despots of the world.

The King of France, our friend, had been taken to the block; and yet our unrestrained love of liberty caused much sympathy with his executioners. An unholy combination was forming against this young republic of France, under the lead of her ancient enemy; and twenty-seven treaties of alliance, offensive and defensive, had been formed to smother and crush the ripening liberties of that volatile but mighty nation.

In this delicate and dangerous position we were placed, when calm and dispassionate counsels were necessary to guide us in the true course of peace, of honor, and of neutrality. Far better was it that one mighty nation should preserve her freedom, and the happiness of her people, than that two should commingle their destinies, and leave the world without an example of free government, and almost without a hope for the future.

Thus, and then it was, when Washington issued his Proclamation of Neutrality, and placed our country in that proud position amongst the nations of the earth, which has been full and nobly sustained. In his Cabinet council it was decided to receive a Minister from France. Thus recognizing the true policy of our country, which should never be departed from—that a Government *de facto* is the only one we can recognize; with the internal affairs of others, we should not intermingle:

"Whereas it appears that a war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, on the one part, and France on the other, and the duty and interest of the United States require, that they should, with sincerity and good faith, adopt and pursue a conduct friendly and impartial towards the belligerent Powers; I have, therefore, thought fit, by these presents, to declare the disposition of the United States to observe the conduct aforesaid, towards these powers respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings, whatsoever, which may in any manner tend to controvert such dispositions. And I do, hereby, also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture, under the laws of nations, by committing, aiding, or abetting hostilities against any of the said Powers, or by carrying to any of them those articles which are deemed *contraband by the modern usage of nations*, will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs, to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the laws of nations with respect to the Powers at war, or any of them.

Done, &c., GEO. WASHINGTON.

By the President:

TH. JEFFERSON."

Marshall, in his Life of Washington, speaking of this proclamation, says:

"This measure derives importance from the consideration that it was the commencement of that system to which the American Government afterwards inflexibly adhered, and to which much of the national prosperity is to be ascribed."

The Republic of France was indignant; but our own self-respect, and a due regard to our own safety, forced us to incur that indignation, lest the new-born institutions under which we were giving to the world assurance that man was capable of self-government, and dared to be just to all, should be endangered by mingling in the relentless contentions of Europe.

For that firm neutrality our commerce was despoiled, and we suffered sequestrations and captures to an immense amount. Indignities were cast upon us until the patience of a free people could endure them no longer. Reprisals were made upon the public and private armed vessels of France; and on the 7th of July, 1798, Congress enacted as follows:

"The United States are of right freed and exonerated from the stipulation of the treaties and of the Consular Convention heretofore concluded between the United States and France, and the same shall not henceforth be regarded as obligatory on the Government or citizens of the United States."

Negotiations were entered into between both countries, which at times were of a highly-excited character, and fortunately ended in the convention of 1800. We received from France a full surrender of those onerous and oppressive treaty stipulations and guarantees, which, if continued, would have made us a party to her wars; and the United States, in consideration of this acquittance from treaty obligations, surrendered to France the just claims of our merchants for spoliations upon their commerce and their property. This is distinctly stated by *Adet*, in his report made to the Tribunes, on the 4th December, 1801.

The tardy justice of our Government has yet made no remuneration to the suffering claimants for spoliations thus surrendered. They have been begging at your doors for more than thirty years for simple justice. I hope it may no longer be delayed. Let your own suffering citizens feed at your board of plenty before the stranger enters and is filled with our abundance. Be just before we are prodigally generous.

Mr. President, I hope I may be pardoned for this digression. In searching into the earlier history of our faith and our policy, I could not be indifferent to the claims of those citizens who were denied the protection of their own Government, and whose property when despoiled, was made an equivalent for our relief from the national guarantees to France.

Mr. President, the policy of our Government, thus settled by Washington, has been confirmed and reaffirmed by succeeding statesmen from that to the present day, and can hardly be obliterated from the faith of either of the great parties of the country.

Jefferson, the founder of the true Democracy, in his third annual message, says:

"Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness, of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable, then, must it be, in a government like ours, to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe."

Mr. Monroe, who was at the helm, at the only period of a political millennium, in his third annual message, says:

"It is of the highest importance to our national character, *and indispensable to the morality of our citizens*, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any who may be disposed to take advantage of it to compromit the honor or interest of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws with a view to this desirable result."

In his seventh annual message, Mr. Monroe says:

"Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same—which is, not to interfere in the internal concerns of any of its Powers; to consider the Government *de facto* as the legitimate Government for us: to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy—meeting in all instances the just claims of every Power, submitting to injuries from none."

Jackson, whose stern purpose and iron will gave to his determination a force which few were hardy enough to dispute, in his third annual message, says:

"Having none but a straightforward, open course to pursue—guided by a single principle that will bear the strongest light—we have happily no political combinations to form, no alliances to entangle us, no complicated interests to consult."

In his fourth annual message he says:

"In the view I have given of our connections with foreign powers, allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe, that this is done solely in cases where those events affect our political relations with them, or to show their operations on our commerce. Further than this, it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, *even by the expression of an official opinion*, is contrary to our principles of national policy, and will always be avoided."

Mr. Polk, whose elevation to power made him, at least for a time, the exponent of his party, in his first annual message, says:

"It is natural that our sympathies should be warmly enlisted for their [the nations of South America] welfare; that we should desire that all controversies between them should be amicably adjusted, and their governments administered in a manner to protect their rights and promote the prosperity of the people. It is contrary, however, to our settled policy, to interfere in their controversies, whether external or internal."

And on the 11th of April, 1826, Mr. Polk offered the following resolution in the House of Representatives, and supported it in a long speech:

"*Resolved*, That it is the sense of this House, that the sending of Ministers, on the part of the United States, to take part in the deliberations of the Congress of South American Nations, at *Panama*, would be a total departure from the uniform course of policy pursued by this Government, from the adoption of the Federal Constitution to the present period; and might, and in all probability would, have a tendency to involve the nation in '*entangling alliances*,' and endanger the neutrality and relations of amity and peace, which at present happily subsist between the United States and the belligerent Powers—Old Spain and the Southern Republics of this Continent."

Mr. Woodbury, a northern light, whose fidelity to the doctrine of progress was never doubted, quotes John Quincy Adams in confirmation of his opinions:

"Where, also, is the crisis—where the emergency to justify such an extraordinary measure? 'Why quit our own, to stand on foreign ground?' Why join our fortunes in any case, much less in an useless war, with Powers of another origin—another tongue—another faith? Have we become incompetent to our self-defence? Are we in need of foreign 'counsels,' and foreign 'deliberations' to manage our own concerns? Or are we so moon-struck, or so little employed at home, as, in the eloquent language of our President, on another occasion—when the sentiments expressed found a response in every patriot heart—as to wander abroad in search of foreign monsters to destroy? Speaking of

America, and her foreign policy, he observed, 'She has 'abstained from interference in the concerns of others, even 'when the conflict has been for principles to which she 'clings as to the last vital drop which visits the heart.' 'Whenever the standard of freedom and independence has 'been, or shall be unfurled, there will her heart, her bene- 'dictions, and her prayers be. But she goes not abroad in 'search of monsters to destroy. She is the well-wisher to 'the freedom and independence of all. She is the champion 'and vindicator only of her own.' (*Adams's Oration, 4th July*, 1821.) This is the first time that the legislative department of our Government has ever been distinctly appealed to for its sanction to the new notions thus ably denounced by him; and if we now approve the Panama Congress, whose chief object is to enforce them, we at once adopt and approve the principle, that Spain has not, by such alliances as national law warrants, and as were formed on both sides in our own Revolution, any right to attempt to reconquer and recolonize South America; and further, that she has not, by such sales as national law warrants, and as we ourselves have partaken, any right to transfer Cuba or Porto Rico to any European Power with whom she can agree upon the purchase money, and that these unprecedented and unjust positions we are willing to maintain at any sacrifice of blood and treasure."

"Peace will doubtless arrive as soon as those belligerent Powers will enjoy leisure to engage with utility in any peaceful improvements with us—*Inter arma silent leges;* and it seems to me the dictate of prudence now to remain contentedly at home, without embarking in any new experiments of diplomacy or of coalitions with 'confederate belligerents'—to pay off as fast as possible the debts of former wars—to husband our resources—to encourage our States in the cultivation of the arts, of manufactures, and of agriculture—to give due protection to commerce—and retain for our motto 'Honest friendship with all nations, entangling alliances with *none*.'"

Robert Y. Hayne, in his speech on the Panama Mission, March, 1826, says:

"The whole question may be resolved into this: are we prepared now to depart from the fundamental policy of this country, never to interfere in the concerns of other nations? Are we ready to embark our fate with that of the Spanish American Republics? To become parties to an 'American Confederacy,' against the 'European Confederacy?' Sir, it will not, it cannot be denied, that the proposed measure is entirely out of the course of ordinary diplomatic relations; it has no precedent but in that 'great Alliance,' profanely called 'Holy,' and equally offensive to God and to man. We are about to violate the maxim of the Father of his Country, which enjoins upon us, as the most sacred of duties, 'to cultivate peace and honest friendship with all nations, entangling alliances with none'—to equally violate the wise and prudent policy of the late President, of the benefits of which we have a glowing picture from the pen of the Secretary of State, in the documents now on your table."

"Shall we abandon this high and honorable ground to engage in a crusade, the end of which no human being can foresee? Let it be remembered, that when, a short time prior to the meeting of Congress, it was rumored that this invitation had been given, and the determination of the President was as yet unknown, *not one press in all America, not one enlightened man of any party*, as far as I know, raised a voice in its favor. All, all declared that the invitation would, of course, be respectfully declined. What, sir, has occurred since, to produce any change in public opinion? Nothing—absolutely nothing. Sir, my opinions on this subject have undergone no change, and, if this extraordinary mission must be sactioned, I will wash my hands of it."

John Forsyth says:

"As to this great Confederation, there are two decisive reasons for avoiding any connection with it. We cannot hope alone to direct an assembly composed of numerous Catholic Spanish American States having common interests, language, feelings, and prejudices. If successful in acquiring a complete ascendency—of wielding at will the whole moral and physical power of the North and South Americans—what advantage have we to gain by it? First in the order of time, our Republic is now, and ever must be, first in power and intelligence; while faithful to the principles of the solemnly-adopted Constitution, the people will be prosperous, free, and happy. Will the brilliant situation of the head of the American Confederacy add to the stability of our Constitution, to the prosperity, freedom, or happiness of the people? To neither. Our splendor will dazzle the eyes of other nations—our power may shake Africa, Asia, and Europe. We shall exchange solid popular comfort and domestic happiness for empty national splendor. We shall have brilliant wars, in which our gallant sailors and enterprising soldiers may gain deathless renown, and brilliant alliances to immortalize our adroit diplomatists; but every contest will increase the burdens necessarily imposed upon the people, until we shall look, as English statesmen will soon be compelled to look, to national bankruptcy, as the only refuge from the effects of popular despair. To the fatal consequences of looking beyond our own resources, of mixing our destiny with that of other nations, the Farewell Address of the most illustrious man, not of our own country, but of the age in which he lived, directs our attention. He speaks to his countrymen in the language of affection more than parental, of wisdom almost prophetic, to warn them against the danger of foreign alliances. To me, sir, the least excusable part of the management of this Panama question, is the attempt which has been made to give a false coloring to these last counsels of Washington."

General Taylor's views on intervention, in his inaugural:

"As American freemen we cannot but sympathize with all efforts to extend the blessings of civil and political liberty. But at the same time, we are warned by the admonitions of history and the voice of our beloved Washington, to abstain from entangling alliances with foreign nations, and *all disputes between conflicting Governments*.

"It is our interest, no less than our duty, to remain *strictly neutral*, while our geographical position—the genius of our institutions—the advancing spirit of civilization—and above all, the dictates of religion, direct us to the cultivation of peaceful and friendly relations with *all other Powers*."

Such were the sentiments of one whose lofty patriotism and purity of purpose endear him to our warmest veneration and respect. Many a crocodile tear was shed upon his remains, by men who eulogized the dead; whom, when living, they treated with contumely. A more pure and honest man, nor a braver soldier, has ever been elevated to power. "I have," said he, "endeavored to do my duty." He did do it—and he would have continued to do it, if his life had been spared to his country.

Such, Mr. President, were the precepts and the declared opinions of those who have enjoyed a nation's confidence, and are entitled to a nation's gratitude. I have heard it said, indeed, such were the teachings of those who lived in the preceding days of our Republic, and were well enough in our weakness, but wholly unsuited to our present lusty and vigorous manhood. It is said, Why take from the tombs the sheeted dead, and array before this progressive age their time-worn and exploded principles and policy? Sir, men change—but principles never. I invoke them that they may teach as wisdom, and a calm and dispassionate use, but not abuse, of the blessings which GOD, in his merciful providence, has given us. We will now turn from this sad array of the dead, and direct our attention to the same sublime and prudent counsels uttered by those who yet live and justly occupy a conspicuous place in the public eye, and command the warm affections of a generous people.

Sir, there is an illustrious individual—a member of this body, whose declining health keeps him from our councils—yet whose ardent love for his country and devoted zeal for the perpetuity of her institutions, give to his warning voice a solemn and sublime authority. I need hardly say that I refer to his interview with the distinguished Hungarian. What he then said has been so recently spread before the country, that it could only be supererogation to repeat it here. Yet truthful is the whole argument against the principles and the policy of intervention. The great statesman affirms his adherence to the foreign policy of this Government, which, says he, "I have long and constantly cherished." Again he says:

"Sir, the recent melancholy subversion of the republican government of France, and that enlightened nation voluntarily placing its neck under the yoke of despotism, teach us to despair of any present success for liberal institutions in Europe; it gives us an impressive warning not to rely upon others for the vindication of our principles, but to look to ourselves, and to cherish with more care than ever the security of our institutions and the preservation of our policy and principles. By the policy to which we have adhered since the days of Washington, we have prospered beyond precedent; we have done more for the cause of liberty in the world than arms could effect; we have shown to other nations the way to greatness and happiness. And if we but continue united as one people, and persevere in the policy which our experience has so clearly and triumphantly vindicated, we may in another quarter of a century furnish an example which the reason of the world cannot resist. But if we should involve ourselves in the tangled web of European politics, in a war which we could effect nothing; and if in that struggle Hungary should go down, and we should go down with her, where then would be the last hope of the friends of freedom throughout the world? Far better is it for ourselves, for Hungary, and for the cause of liberty, that, adhering to our wise pacific system, and avoiding the distant wars of Europe, we should keep our lamp burning brightly on this western shore, as a light to all nations, than to hazard its utter extinction amid the ruins of fallen or falling republics in Europe. As a dying man, I oppose your doctrine of 'Intervention.'"

In this moment of excitement, this is a precious legacy to his country, and his undying fame shall be embalmed in our warmest gratitude and love.

Sir, there is another eminent individual, whose high character and elevated position, give to his opinions, and to the calm expression of his principles, a commanding claim to our respect and consideration. In the courteous fulfillment of his duty, as the Executive of the nation, he received the Hungarian Chief, and was unexpectedly called upon to listen to his address, filled with lofty sentiments, and burning zeal for his country. He expressed his deep sympathy as a man, with Hungary in her struggle for independence and freedom; and yet, with a proper caution, he avowed his own principles of our national policy, corroborated by the profound teachings of his predecessors. Fitly and happily he answered:

"I am happy, Governor Kossuth, to welcome you to this land of freedom; and it gives me pleasure to congratulate you upon your release from a long confinement in Turkey, and your safe arrival here. As an individual, I sympathized deeply with you in your brave struggle for the independence and freedom of your native land. The American people can never be indifferent to such a contest; but our policy as a nation in this respect has been uniform, from the commencement of our Government, and my own views, as the Chief Executive Magistrate of this nation, are fully and freely expressed in my recent message to Congress, to which you have been pleased to allude. They are the same, whether speaking to Congress here, or to the nations of Europe.

"Should your country be restored to independence and freedom, I should then wish you—as the greatest blessing you could enjoy—a restoration to your native land; but, should that never happen, I can only repeat my welcome to you and your companions here, and pray that God's blessing may rest upon you wherever your lot may be cast."

Martin Van Buren, another distinguished man, a former President of the United States, has for once expressed his opinions in a language clear and unmistakable. This was before the construction of the Buffalo platform, and may be taken as the sober second thought. In his inaugural address he says:

"We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare and the principles of our Government. We decline alliances as adverse to our peace. * * * We have no disposition, and we disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries; regarding them in their actual state as social communities, and preserving a strict neutrality in all their controversies."

In his speech on the Panama Mission, March, 1826, he said:

"I will now, Mr. President, call the attention of the Senate to another view of this subject, to a question of the gravest character, and most deeply affecting the dearest interests of the country—a question growing out of considerations which have heretofore occupied the best minds and interested the purest hearts our country has produced: '*Would it be wise in us to change our established policy upon the subject of political connections with foreign States?*' The President has said that to 'form alliances' is not among the motives of our attendance at the Congress. But what description of alliance does he mean? They are of various kinds and of different extent. We are, at that Congress, to stipulate in some form, (and I care not in what,) that we will resist any attempt at colonization by the Powers of Europe, in this hemisphere, (or within our own borders, if you please,) and that, in the event of any interference on their part in the struggle between Spain and the Spanish American States, we will make common cause with the latter in resisting it. To this end we have been invited, and upon these points we have promised that our Ministers shall have *full powers*. We must do this, or the whole affair becomes empty pageantry; which, though it may be the offspring of personal ambition, will assuredly terminate in national disgrace. Call it an 'alliance,' or whatever name you please, it is a *political connection*, at war with the established policy of our Government. And is this a light matter? Sir, when it is proposed to subvert a fundamental principle in our foreign policy, in the support of which we stand *alone* among all the nations of the earth—which, commencing with our Government, is endeared to the people, and upon whose deep foundation has been erected the magnificent superstructure of unequaled national prosperity—it surely becomes those intrusted with the management of affairs to pause, and weigh, with scrupulous exactness, the importance of the step."

"I yield to no man in my anxious wishes for the success of the Spanish American States. I will go as far as I think any American citizen ought to go, to secure to them the blessings of free government. I commend the solicitude which has been manifested by our Government upon this subject, and have, of course, no desire to discourage it.

"But I am against all alliances, against all armed confederacies, or confederacies of any sort. I care not how specious, or how disguised, come in what shape they may, I oppose them. The States in question have the power and the means, if united and true to their principles, to resist any force that Europe can send against them. It is only by being recreant to the principles upon which their revolution is founded, by suffering foreign influence to distract and divide them, that their independence can be endangered. But, happen what may, our course should be left to our choice, whenever occasion for acting shall occur. If, in the course of events, designs shall be manifested, or steps taken in this hemisphere by any foreign Power, which so far affect our interest, or our honor, as to make it necessary that we should arm in their defence, it will be done: there is no room to doubt it.

"The decision of that question may safely be left to those who come after us. That love of country, and of freedom, which now animates our public councils, is not confined to us, or likely to become extinct. We require neither alliance nor agreement to compel us to perform whatever our duty enjoins. Our national character is our best, and should be our only pledge. Meanwhile, let us bestow upon our neighbors, the young Republics of the South, the moral aid of a good example. To make that example more salutary, let it exhibit our moderation in success, our firmness in adversity, our devotion to our country and its institutions, and, above all, that *sine qua non* to the existence of our Republican Government—*our fidelity to a written Constitution*."

William C. Rives, a high-minded and patriotic son of Virginia, said:

"But, sir, another argument urged in favor of this political connection with Spanish America, is that we owe it to the *cause of liberty*. Sir, in my opinion, we can best advance the cause of liberty by the influence of our example, and by presenting to the world the spectacle of a prosperous and happy people, blessed in the enjoyment of their free institutions. Let us then for the sake of mankind, as well as ourselves, attend to our own concerns, perfect and build up our political institutions, improve the gifts of Providence with which we have been crowned; by every means of amelioration which time and experience may supply, that they may remain to our posterity, and stand in the eyes of the world, at once a *monument and a model of human freedom*. Let us, above all things, avoid the dangers of being drawn into unnecessary foreign wars which have in all ages been the grave of republican liberty. We do, indeed, owe a solemn responsibility to all mankind, in this and future ages, for the fate of the experiment of free government, which has been committed to our hands. The success of this experiment does, in my opinion, mainly depend upon our keeping clear of entangling connections with other people, who may be less blessed with an aptitude and capacity for freedom than ourselves, and whose interests and passions might involve us in enterprises foreign to our sober and peaceful pursuits. Sir, if *other* nations are destined to lose *their liberties*, let *us* acquit ourselves of the high trust which Providence has devolved upon us, and endeavor to preserve *our own;* that *one* beacon light, at *least*, may be left to cheer the darkness of the political world, and to guide those nations who may have lost their liberties, through the sea of revolution, upon which they must embark to recover them."

James Buchanan—the favorite son of the Keystone State. To you I need not say that his high and lofty intellect is second to no man in its power to appreciate the true interests of his country; and his position gives to the expression of his convictions a commanding influence and respect:

"The President, in his message to the House, has met this question fairly. I shall quote his own language; he says: 'Among the inquiries which were thought entitled to consideration, before the determination was taken to accept the invitation, was that, whether the measure might not have a tendency to change the policy, hitherto invariably pursued by the United States; of avoiding all entangling alliances, and all unnecessary foreign connections.' Does the President deprecate this event, which his sagacity had foreseen? Does he declare that this shall never be our policy, and that he will take the necessary means to prevent it? On the contrary, knowing that the American people considered an adherence to the Farewell Address of the man who was first in war, first in peace, and first in the hearts of his countrymen, to be the palladium of their safety, he has, by a long and ingenious argument, attempted to destroy its force. He has endeavored to prove that its principles did not apply to the Southern Republics, and that General Washington himself, under existing circumstances, would have entered into close alliance with them. And has it come to this? Was it not enough to have abandoned the principles of that immortal man, without attempting, by ingenuity, to turn them in direct opposition to their plain and palpable meaning? I do not wish to cast any reflections upon the character of the present President. I believe him to be a great statesman, and, perhaps, as well versed in the theory of diplomacy as any man now living. I must, however, be permitted to say, that he has attempted to explain away the principles of the Farewell Address. No man who reads his message can entertain a doubt on the subject.

"We have ourselves grown great by standing alone, and pursuing an independent policy. This path has conducted us to national happiness and national glory. Let us never abandon it. It is time for us once more to go back to first principles, and declare to the world that the policy of Washington has not grown old. Union at home, and independence of all foreign nations, ought to be our political maxims. Let us do good to all nations, but form entangling alliances with none. These are the principles of the amendments. Should they prevail, the administration will go to Panama with the confidence of the country and with a strong vote. This is certainly a matter of consequence, as we should endeavor to present a united front in all our intercourse with foreign nations."

Sir, there is also another illustrious individual, [Sam Houston,] a member of this body, whose high position and gentle aspirations commend his teachings to our better judgment. He has told us, and still tells us, that our policy should be confined to the full development of our own glorious institutions:

"The House had been told (Mr. H. said) that this was a subject of vast importance. In this light he had regarded it so far as he had been able to view it. He thought it a subject of no common importance, because it was about to take a direction perfectly novel. It is proposed, (said he,) to meet different nations, or their representatives, in a deliberative body, to establish certain regulations which are to govern us in our relation to foreign Powers, and in our intermediate relations. He concurred with the gentleman from South Carolina that it was quite new, because its effect would be to introduce a new era in the annals of this country. Hitherto we have evinced a disinclination to entangle ourselves with alliances. We have exalted ourselves by persisting in a system that has been extremely beneficial to us, and so long as this system, in which we persist, proves beneficial to us, either as a nation or as individuals, so long ought it to be retained. We stand unshackled from all connections with the nations of the earth. We have our relations of amity and commerce with them, not treaties of alliance, offensive and defensive. Such relations the United States had hitherto sustained, and he hoped ever would sustain.

But (Mr. H. asked) are we to be benefited in our institutions by our association with these other Powers? So far as any advantage was to be obtained by it, so far he was in favor of it; but he was not willing we should be embarrassed by a connection with them. The benefits of our institutions are free to all. Let them come here and receive them. If there were any good purpose to be answered by associating ourselves with them, (Mr. H. said,) he would cheerfully coincide in doing so—but he could not perceive the necessity of immediately dispatching Ministers to meet in this assembly at Panama. We are not aware of what call they will make on us, nor could he see any probable benefits to the United States from this general meeting which would not result from our treaties with them in their individual national capacities. Hitherto we have been pursuing a rational policy. We have exalted ourselves by it. We stand alone, and we are well able to sustain ourselves. Twice have we been tested, and twice have our principles triumphed; and they ever will triumph as long as we remain untrammeled and unburdened by alliances with other nations. There are no dangers to impede us in our progress but such as can be guarded against. Whilst we are in this situation we have no serious dangers to apprehend, but such as, in the progress of nations, will result, and which the good sense and wisdom of counselors are always able to remedy before they become ruinous."

Another illustrious individual, whose great intellect has made its full impress, not only upon his own country, but upon the whole civilized world. His speech upon the Greek question imbodies his views then and his views now—*verbum post verbum*. He says:

"First, the asserted right of forcible intervention in the affairs of other nations is in violation of public law; however, there is an exception to this in the case of vicinage, and in some extreme cases, when such interference may be justified upon principles of necessity or self-defence; with these exceptions, the doctrine asserted by the 'Holy Alliance,' threatened by Russia in the case of Greece, and carried into practice in the case of Hungary, is abhorrent, and is in direct opposition to the principles on which our institutions are founded."

What follows?

"Are we to go to war? Are *we to interfere* in the Greek cause or *any other European cause*? Are we to endanger our pacific relations?" asks Mr. Webster. And what is his answer? "No; CERTAINLY NOT."

Can anything be more explicit?

The last, but by no means the least, of the distinguished men whose teachings are to be cherished as the teachings of wisdom, is the Senator from Michigan himself. He tells us, in an eloquent speech delivered in this Chamber:

"I take it for granted that there is not a sane man in this country who dreams of intervening by force in this affair—of sending a fleet to cover the Adriatic, and to blockade the lagoons of old Venice and the port of Trieste, or another to take its station on the Sound, and close the entrance of the Baltic to the ships of Russia. It is not physical force that every true lover of his country would desire to employ on this occasion. It is moral force—that powerful lever in the affairs of the world, which sooner or later will do its work. Like truth, it is mighty, and will prevail. Let not gentlemen, therefore, be alarmed at the proposed expression of sympathy and interest. It may keep alive the hopes of oppressed millions in Europe to know that their condition and prospects receive the warm regard of the great Republic, which, in the new hemisphere, has preceded them in the struggle of freedom, and reaps the reward; and, in doing this, we keep ourselves still in the pale of the law of nations, and give just cause of offence to no one."

The same eminent individual has offered a substitute for the resolution which I propose—repudiating the Farewell Address of Washington, and the wise admonitions of Jefferson, the Father of the Ancient Democracy:

"*Resolved by the Senate and House of Representatives of the United States in Congress assembled*, That while the people of the United States sympathize with all nations who are striving to establish free governments, yet they recognize the great principle of the law of nations, which assures to each of them the right to manage its own internal affairs in its own way, and to establish, alter, or abolish its government at pleasure, without the interference of any other Power. And they have not seen, nor could they again see, without deep concern, the violation of this principle of national independence."

Gently and tenderly he tells us that the interference of one nation in the affairs of another, cannot be seen without "deep concern." But he proposes no definite action.

The substitute assumes "that the people of the United States sympathize with all nations who are striving to establish free governments;" which is palpable, and to its utmost extent true. But the Senator from New York, in the amendment offered by him, goes more boldly to his purpose. In the first place, he would "protest" against national intervention, and afterwards, "would not be indifferent to similar acts of national injustice."

In a quarrel between the retainers of the rival houses of Montague and Capulet, we have a fair example of this mode of warfare by protest. "Deep concern," and not being "indifferent to national injustice," (preceded by an avowal that no force is contemplated,) is here well illustrated:

"*Gregory*. I will frown as I pass by; and let them take it as they list.

"*Sampson*. Nay, as they dare. I will bite my thumb at them; which is a disgrace to them, if they bear it.

"*Abram*. Do you bite your thumb at us, sir?

"*Sampson*. Is the law on our side if I say aye?

"*Gregory*. No.

"*Sampson*. I do not bite my thumb at you, sir; but I bite my thumb, sir.

"*Gregory*. Do you quarrel, sir?

"*Abram*. Quarrel, sir? No, sir."

Inflammatory resolutions have been passed at some of the public meetings in the country, which seemed to pledge us to a crusade against all absolute power. But I am happy to see, that a more rational feeling is gaining strength, and that the effervescence and excitement is passing away. The most rational evidence of comprehensive intervention was given at a public meeting recently held in Carlyle, in the State of Illinois, and are equivocal enough to have emanated from the pen of some one of the many distinguished candidates for the Presidency:

"KOSSUTH MEETING EXTRAORDINARY.—Some wags in Carlyle, Illinois, recently got up a caricature of some of the flaming intervention meetings which have been held 'out West.' Having assembled together, appointed a president, secretary, business committees, &c., &c., they proceeded to pass divers resolutions, among others the following:

"*Resolved*, That we are in favor of the freedom of the people of downtrodden Hungary, of downtrodden Ireland, of downtrodden Germany, of downtrodden Poland, and also of the freedom of the 'rest of mankind.'

"2. If Russia does not respect the inalienable right of the Magyar, England those of the Irish, and France those of 'the rest of mankind,' we are for intervention, if politic, and if not politic, then we are for non intervention; that if the overgrown Powers of Europe don't respect freedom, we will make them do it if we can, and if we can't, we won't."

To this array of authorities from the lips and the writings of distinguished men, I have nothing to add. I could not do it if I would.

The doctrine of non-intervention in the internal affairs of other nations has been the settled and reiterated policy of our country. A departure from these established truths can only lead to a resort to the strong arm, and put at hazard the rich inheritance of freedom which we enjoy, and the rich fruits which a benign Providence has mercifully bestowed upon us.

The 5th resolution declares that in case our own liberty and institutions are threatened, then, for self-preservation, we could and should put forth our strength, and compel the enemies of free governments to feel and respect its power. But far more are we doing for the liberation of man by our quiet and peaceful example, than could possibly be effected by wasting our energies in a conflict of opinion with the despots of the world, and in favor of a people unsuited, by intelligence and education, to appreciate blessings prematurely forced upon them by even a Christian charity, which would waste itself and do them no good.

I have somewhere, sir, seen it beautifully said, that when the turbaned Turk was asked to yield himself to the brighter and purer faith of the Christian, he quietly answered: "If the doctrines you inculcate are contrary to the Koran, to heed them is useless." This faith is claimed by some writer for the wise counsel and sage advice given to us in the parting legacy of the Father of his Country:

"When any new course of action is proposed to the American Government or American people, and doubts are entertained of its propriety, let them turn to the writings of Washington, and, if *condemned there*, avoid it as dangerous to the honor and permanent prosperity of our beloved Republic."

To this great and pure fount I ask my countrymen to turn and drink of its waters freely. Those afflicted with new doctrines and a higher law—and worse than that, those who afflict others—all, al may come and be healed. The liberty and happiness of our country, now and forever, *may be* in our keeping; and the solemn trust should be executed with judgment, with caution, and with prudence. The vast and incomprehensible influence of such a people will silently, but surely work its way among the nations of the earth; and our institutions will shed a mild and gentle light upon degraded and oppressed humanity. It is our solemn duty carefully to cherish and preserve the rich blessings we enjoy, and which have never be-

fore been given to man; and not venture them upon the sea of every nation's disquietude. As that duty is performed, so will God and our own right arm protect us.

CENSUS PRINTING.

SPEECH OF HON. A. W. VENABLE,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, *January* 26, 1852.

The following Joint Resolution, reported from the Committee on Public Printing, being under consideration—

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Joint Committee on Printing be directed to contract with Messrs. Donelson & Armstrong for printing and binding the Census on such terms as they may think reasonable and proper, the work to be executed under the direction of the Secretary of the Interior, and to be paid for as it progresses by the head of the Census Bureau, with power to abate from the amount stipulated if the work when executed shall prove deficient or below the standard which may be agreed upon.

Mr. EVANS moved to amend by striking out "Donelson & Armstrong," and to insert "the lowest bider for cash, the Government furnishing the paper."

Mr. VENABLE said:

Mr. SPEAKER: This discussion is entirely unexpected to me. A few minutes since I came into the House, having been called away by business, and found my friend from Maryland [Mr. EVANS] opposing the resolution of the Committee on Printing. I am very much gratified at being present during the discussion. To have been absent, and thus deprived of an opportunity of expressing my views and giving my vote, would have been a subject of sincere regret. In saying this, I do not presume that any expression of opinion I may make, will control the action of this House. But, sir, I have been at all times unwilling that this subject of public printing should pass from before this House until the country should understand, and fully understand, all that was meant by this corruption fund. We have heard gentlemen make great objections to letting the printing out to the lowest bidder, which has been denounced all around this House as a miserable failure; and, by way of amending it, it is proposed to let it out to the highest bidder—for the committee are bound to contract with designated individuals, and instructed by the resolution to contract with no other. Competition is excluded, and the powers of the committee limited in the negotiation to such terms as they may be able to make with the editors of the *Union*. Now, I would suppose——

Mr. GORMAN. The contract is to be made upon such terms as the committee shall deem reasonable. I ask my honorable friend from North Carolina if he supposes the gentlemen composing the Committee on Printing will make the contract upon terms unreasonable and unjust to the country and the Government?

Mr. VENABLE. My gallant friend is a pure and fair-minded man. I know his purposes are correct. I am confident that the same is true with regard to the other members of the committee, but why not authorize them to contract with any responsible person, being a practical printer, to execute this portion of the public printing? Why give it to Donelson & Armstrong? What claims have they upon us, or upon the country? Mr. Donelson has been called the administrator of General Jackson's opinions. I say, he is administrator not only in his wrong, but in General Jackson's wrong. Aye, sir, he has no claims upon me, or upon those whom I represent. I felt the influence of his power during the last summer. I will never pay a man to whip me. I can get it done cheaper. [Laughter.] The *Union* newspaper contains the highest Federal doctrines—doctrines with which I never had any sympathy, and never can have, and therefore it has no claims upon me.

As an individual, I have no personal complaint to make; but the assaults continually made by the *Union* upon those who asserted the rights of the States, were felt as open political hostility to the whole class. Denominated agitators, and associated with fanatics—denounced as disloyal to the Government, and described as in coöperation with Abolitionists, our reminiscences are by no means agreeable, and the sense of obligation for such services not remarkably strong. But this is not the chief reason of my opposition to the resolution before the House. If the doctrines of that journal were ever so acceptable to me—if the political principles inculcated by it were ever so sound, the claims upon me, and those whom I represent, would not be in any degree strengthened. I am opposed to the principle by which the offer of this printing is to be confined to a single individual or printing concern. Gentlemen who are decided free-traders, opposed to restrictions and protective policy—they are zealous for the broadest competition in all other operations founded upon contracts: let me ask them why this case constitutes an exception? An increase of price must be the consequence. Would you so legislate as to compel all who were in want of bread to purchase from a single individual whilst there were hundreds who could furnish this indispensable article? This would be considered unfair and oppressive legislation, and of course unjust. Do gentlemen manage their private contracts in this manner? The mere statement of the proposition suggests the appropriate answer. Why, then, are Donelson & Armstrong selected? Do we propose to give away the public printing as a pension? To give bounties in this form from the public Treasury—and whilst condemning the present system of letting it to the lowest bidder, adopt a substitute which must greatly increase the expense to the country? I desire to understand the principle upon which this proposition rests. I can differ with gentlemen upon a principle without any diminution of my respect for them. Indeed, I am a sincere admirer of that independence of mind and heart which asserts and defends the convictions of the understanding. But I can feel no sympathy, no toleration when it becomes a question of plunder. I know where it begins, but not where it ends. I repeat the inquiry, why is the committee to be restricted to the editors of the Union alone? This cannot be done with propriety unless they have some claims upon us—some great public services rendered, and which are still without compensation. If so, let them be ascertained—let the country know the amount of the pension to which they are entitled, and thus, by fixing the sum, we shall be able to make the settlement and know when we are done paying. It is always wise that we should know the extent of our obligations, and pay them as a matter of business. Bounties for services and compensation for labor should never be so intermingled as to render it difficult to discriminate the one from the other. If the contract for printing is to open it to the world, open it to all competition, and give the committee the discretion to make the contract with individuals who shall execute it in the best manner and for the least sum. I will go with my friend from Maryland [Mr. EVANS] in the proposition that the Government should furnish paper, and we should leave nothing but the mechanical work to the printer—pay the printer what his work is worth, and give him fair rates. I shall never consent to make a sort of contract where no man in this House but a practical printer ever knows how much is to be drawn from the Treasury for the purpose of filling the pockets of one who has, for the time, the favor of a majority here. The remarks made by my friend from Maryland [Mr. EVANS] deserve thorough consideration. I have seen men made public printers, the organs of parties, and thus fixed upon them, of whom the fabled story of Sinbad the Sailor's "Old Man of the Sea" is a very striking illustration: He first rode by charity, and ended in demanding to ride by right. They are right at first, but there is no getting rid of them at last. You will find them very accommodating in their first essays in playing a tune, but soon give you those in which you can perceive no harmony, and to the measure of which it is a great inconvenience to be compelled to dance. I cannot consent that the funds collected for the use of the Government from a tax-paying people should be taken for splendid pensions for party services. While I am willing to pension the soldier, and take care of his widow and orphans—the reward of actual services—while I am willing to allow all claims of that kind, I am not willing to select any individual and give him the means of becoming wealthy out of the public purse, and to place him in a position in which he has an opportunity to form public opinion, simply because he is an editor of a leading journal disseminated extensively throughout the country. I want no man to make public opinion for me, nor do my constituents desire it. I hope I shall never see the time when party ties and party allegiance shall be so strongly fixed upon me that I shall be willing to sacrifice principle for the purpose of advancing the position or standing of any one. I do not mean, under any circumstances, to give a vote in which I shall have to part with principle for the purpose of promoting the aspirations of any man to the Presidency. I am thankful that I am foot-loose from any such bonds. I represent a constituency that require me to be foot-loose, who have returned me by a large majority. I am foot-loose, and bound by no party ties or obligations which require me to abandon any principle which I have asserted. I will take occasion to say, while I abhor the consolidation doctrines which have spread over every sheet of the *Union* newspaper, while I naturally abhor and eschew them, if the editors will do the printing any cheaper than anybody else, they are welcome to do it. If a Mahometan or Mormon will do the printing better and cheaper than anybody else, I am willing to pay for it. I trust there will be a decided effort in this House, to keep this printing out of the hands of any men who will be likely to make use of so great a power in the presidential campaign. I prefer a practical printer who is not an editor; and I hope we will not be called upon to give fuel to a fire that will give power to any machinery which may generate a miasma over the whole length and breadth of the country. I take this occasion, and am glad of the opportunity, to say, that in regard to the vote which I shall give upon this question I consider myself as detached from any sort of obligations to sustain any man's pretensions for the printing; neither will I vote for any man for the presidency who does not in his avowed opinions come up to my views of what a patriotic, constitutional American statesman ought to hold and adhere to.

I have been much entertained as well as amused, within the last few days, by the revelations made in the discussion between several representatives from Massachusetts. There was disclosed by the recrimination between those accomplices in abolition what I always believed—that both the Whigs and Democrats, as a party, in that State were deeply hostile to the peculiar institutions of the South. I had no interest in such a contest, except for the information of the people whom I represent. I shall take occasion to circulate those speeches freely amongst them, that they may have the highest evidence of the correctness of those conclusions with which I had made them familiar in my intercourse with them. It was a battle in which I desired the full exhibition of prowess on both sides, and that at the close of the combat, bystanders would have to do the kind office of burying the dead. Gov. Boutwell carried the State because he and his friends bid higher than their competitors at the auction. A bid of one quarter of a dollar more by the other side would have carried the day against them. The price was the consideration; the offices and emoluments were irresistible. Did the Democracy coalesce with the Abolitionists? Let those representatives of that State who here denounce them, say why they voted for Mr. Winthrop? They profess to be satisfied with the compromise, and yet support Mr. Winthrop, who within a few days after the passage of those measures, voted in the Senate for a bill abolishing slavery in the District of Columbia. He bid for the Abolitionists of Massachusetts; endeavored to revive agitation on the slavery question, and upon that achievement was nominated as a candidate for Governor. He did not bid enough, but showed a willing mind. Those who supported him have but little cause to complain of any tampering with Abolitionists or combinations with them for power. He spread the banner of agitation to the breeze, and was sustained by the Whigs of his State. I have no interest in the matter further than the truth of history is concerned, and as a recorded evidence of what sort of materials we are called on to rely upon in the hour

of trial. It will teach my constituents that I am no alarmist, and that I have told them the truth. It is evident, from all the circumstances, that both parties had a common purpose, and neither party had any feeling for us. I feel, sir, a deep interest in all questions affecting the public welfare. I honor those who enlighten the minds of our countrymen, and deeply deplore the effect of the propogation of unsound opinions. Like other men I am sensitive to personal or political usage. The first I shall never bring to the notice of this House—it is only of the last that I shall speak here. I am neither malignant nor resentful. If my temper is excitable, it is easily appeased; but there is one thing which I never mean to do, and that is, to fawn upon the hand that strikes me. No, sir, I will never do it. I will never be brought to sustain the pretensions of any man for the Presidency who is not a republican; who does not distinctly acknowledge State sovereignty and State rights upon the principles of their great apostle, Mr. Jefferson; who does not pledge himself to arrest agitation of the slavery question, and carry out the fugitive slave law by all the power with which he is clothed. I will make no compromise here. I opposed every measure of the late compromise except the fugitive slave law; and I regretted that I was not able to defeat all of them against which I voted. The State to which I owe my allegiance, and the people whom I represent, were willing to try the experiment of these measures, as they had become a part of the laws of the land. They are a law-abiding people, and I acknowledge the authority of the will of my people. I voted for the fugitive slave law; and it is the only one of the compromise measures for which I did vote. But though I acquiesce in them, no man has a right to inquire as to whether I do so cordially or not. I will say, that I have changed no opinion as to the character of these measures, and I feel now as I felt then. My constituents feel now in regard to this subject, as every good citizen ought to feel, a strong desire for the repose of the public mind by a general acquiescence in and faithful execution of these laws. I am for preserving the Government upon the principles of the Constitution, and for obedience to the law in every part of the United States. So far as I am concerned, the recipient of my vote for President must be willing to carry out the law of the land. I have no sympathy with those who are disunionists *per se*, and have never been willing to resort to the highest remedy without the most serious cause and the general approbation of a majority of those who felt the grievance of unconstitutional oppression. When I differ with gentlemen upon principle I can understand them. It may be that I shall be compelled to act with gentlemen with whom I differ as to some minor questions not involving great principles. But when it is a perfectly clear and conclusive indication that the difference between us will be about plunder, and not about principle—about the disposition of the offices and emoluments of Government, there can be neither coöperation nor confidence. I represent a plain, unsophisticated, agricultural people, who do not look to this Government for anything by way of support. They acquire an independence by cultivating the earth. They do not look here for laws to put money in their pockets, nor to the Federal Treasury to supply their wants. They labor not only to supply themselves, but to aid in maintaining here an efficient and economical Government; to manage affairs in which all the States are concerned; and I can vote for no measure which is to take the public treasure to sustain a paper which sets itself up here as the organ of a particular party. I will vote for no measure which will place an immense money power in the hands of metropolitan editors, and thus add to their peculiar advantages for forming public opinion in any presidential canvass.

But, sir, I do not wish to be misunderstood. I must ask the indulgence of the House for a short time longer. Having been exceedingly unwell all the morning, I had not anticipated this debate. Nothing would have induced me to make a single remark now, but that I had determined since the commencement of the session that upon the very earliest opportunity I would be distinctly understood upon those great questions which now so much agitate the public mind. In order that I may not be misunderstood, I ask gentlemen to attend to the remark that I am about to make. When I say I want a fair, free fight in the next presidential canvass, I mean that I desire that the people may have some hand in arranging the preliminaries and making the selection between the individuals presented as candidates for office. I am very far from objecting to a candidate because he is the nominee of the Baltimore Convention. Indeed such a nomination would highly recommend him to my choice. Such an expression of preference by that body would demand and receive my respect. If he should be sound, true, and capable, frank and honest in the declaration of his republican doctrines, desirous for the repose of the country, and the faithful execution of the laws, the fact of his nomination would recommend him to my confidence and secure my zealous support.

But, sir, the Baltimore Convention might make a nomination of those who do not answer this description—who do not possess these qualifications; and I will not support any such nominees. No party ties shall induce me to perform an act by which I lose my self-respect. I am not ignorant that all liberty—all that is valuable in free governments—have been often lost agreeably to the usages of parties, and in due form of party discipline. An empty shadow takes the place of substance—the power transferred to the few from the many, and the screws of party discipline may be applied to crush all who have independence to speak the honest convictions of their own hearts. Should they nominate a man who dodges votes, and who is not to be found in his place when vital questions are to be decided—whose letters and communications require a second Daniel to interpret them—or, like the riddles of antiquity, give employment and reputation to a second Œdepus for his skill in unravelling the mysteries which they contain; or, like the Delphic oracle, which made response to a certain king, who inquired whether he should go to war with the Romans, in the following oracular words: "*Ibis, redibis, nunquamque perbis*"—words admitting the double translation: "You shall go, you shall return, you shall not perish"—or "You shall go, you shall not return, you shall perish." The inquiring king took the first interpretation—he went, he did not return, he perished. Other followers of the propounders of oracles have in recent times renewed the experience of this ancient king—they interpreted for themselves—they went, and did return, but sadly beaten in the struggle.

The handwriting on the wall and the dream of Nebuchadnezzar were explained by the prophet; but in these days we are without prophets or priests. Experience must be our instructor, and history our guide. I desire a matter-of-fact man, whose heart delights in an honest declaration of his opinions; who will leave plain men, like myself, in no doubt as to his meaning. No convention can have authority to discharge a candidate for the highest office in the gift of the people for such a frank and open avowal of his views. Timidity and reserve presuppose a state of things which must create distrust. No honest politician dreads the disclosure of the fixed convictions of his mind. There is a captivating beauty about the boldness of integrity. You see it in the fearlessness, in the demeanor even of a child who has never been depraved by deception. Conscious purity of purpose desires no concealment. A triumph of principle binds honest men together; but woe to that party who are united only by the system which derives its strength from the desire of plunder. Should that Convention give us the man who does not require and would scorn to have a new version put on his declarations—one who will not hesitate to declare that he holds the republican doctrines of Mr. Jefferson, our acknowledged leader,—I say Mr. Jefferson, because I think it unwise to refresh ourselves at the branch when we can come at the spring. Besides, sir, we have had many mutations and interpolations in the creed since his day. Although having the highest confidence in the purity as well as the great ability of General Jackson, I never adopted or approved of many of the doctrines of the proclamation. I adhered to him, however, and none feel a more profound reverence for his services and his memory than myself. I would not abandon him (as some did) with whom I agreed about everything but some doctrines of the proclamation, and go over to a party with whom I disagreed about everything, and the proclamation too. Those who did so, were placed in a false position. The explanations of the *Globe* of that day and the conversations with Mr. Ritchie in some measure softened the sternness of the text, but it left a hazy fog in the atmosphere which caused small objects to loom in the distance. You have experienced this, sir, doubtless, where in a morning mist a cow would seem to be as large as an elephant. I prefer a return to the clear bright republican days of Mr. Jefferson, for whom General Jackson cherished the most profound regard. We must return to that simple unsophisticated republicanism of the pure and palmy days of our country, before the distribution of fifty millions of money, and whole empires of land gave the means of temptation and corruption, and placed in the hands of Congress the control of jobs by which opulence may be attained in a few months or a year. To such a candidate (and there are many such men in the Democratic party) who believes in the sovereignty of the States, I care not whether he approved or disapproved of the series of measures called the compromise, but who is determined to execute the laws and preserve the repose of the country, there will be such a gathering as we have not seen for many years.

To endeavor now to agitate the public mind on the measures of the last session would be the extreme of folly. The most of them are *res perfecta*. California is a State. Texas has accepted the ten millions. Utah and New Mexico are complete in their organization as Territories, and the other laws stand on the statute-book. Who would engage in the puerile, as well as wicked purpose of again agitating the public mind, without any prospect of a good result? And whilst I do not approve of a policy which would assume the necessity of sustaining those laws of last session by a buttress of resolutions this session, and whilst I do not perceive the wisdom of making a declaration that a mere statute is unrepealable, and of higher dignity than the Constitution itself, while both recognizes its imperfections and provides for its own amendments, I am utterly averse to any course which would renew agitation or revive discontent.

Mr. POLK, (interrupting.) I call the gentleman to order.

Mr. VENABLE. Will the gentleman state his point of order?

Mr. POLK. My point of order is this: That I cannot see what connection the coalition in Massachusetts, and the State-rights doctrines have to do with passing a resolution about public printing; and, as a general charge, that he is laying about so loose that I cannot see what he is at myself. [Laughter.]

The SPEAKER. The Chair, in obedience to what seemed to be the desire of the House, did not feel at liberty to arrest the course of remark made by the gentleman from North Carolina. The Chair, however, the point being raised, feels called upon to say, that, in his opinion, the gentleman is wandering from the question before the House.

Mr. VENABLE. I think I can satisfy the Speaker that I am not wandering from the question.

The SPEAKER. The Chair is very well satisfied that the remarks of the gentleman have been irrelevant.

Mr. JOHN W. HOWE. Will the gentleman from North Carolina allow me to ask him a question?

Mr. VENABLE. I want first to put myself right with the Speaker.

Mr. HOWE. I merely want to ask whether we are to understand that you will not vote for Cass or Douglas? [Laughter.]

The SPEAKER. The Chair decides that the remarks of the gentleman from North Carolina are not in order.

Mr. VENABLE. And I propose to show that the course of remark which I was pursuing——

Mr. SWEETSER, (interrupting.) I ask for the enforcement of the rule. The gentleman from North Carolina being called to order, and the Chair having decided that he is out of order, he must take his seat, under the rule.

The SPEAKER. The Chair decides that the gentleman from North Carolina is not at liberty,

under the rules, to discuss the presidential question upon the proposition now before the House, and that his remarks were consequently irrelevant.

Mr. VENABLE. I hope I may be allowed to proceed in order.

Mr. WILCOX. I hope the gentleman will be permitted to proceed with his remarks, and that the same latitude of debate will be extended to others.

Mr. CLINGMAN. I move that my colleague have leave to proceed in order.

The SPEAKER. Is there objection to the proposition?

Mr. SWEETSER objected.

The question was then taken on Mr. CLINGMAN's motion; and it was agreed to.

Mr. VENABLE, (resuming.) I profoundly regret that I should have been so unfortunate in presenting my views, as that any gentleman, or the Chair, should have supposed that I was out of order. I was arguing to show, that my objection to the proposition to give this printing to the particular individuals named in the resolution, might give color to the charge that this House were sustaining a press with the view of giving it weight in the coming presidential election; that this Congress was making themselves a party to such an arrangement, and identifying themselves with a party struggle by pensioning a press, which would be active in the formation of public opinion. It seems to me that this was relevant, as an argument why the printing should not be given to Donelson & Armstrong. I assure the House, however, that I had no purpose to say anything that was not directly relevant to the subject before us. But suppose that this proposition—as is not the case—limited the committee to bargain with a notoriously corrupt man—and I am only putting an extreme case—it would then be certainly in order to say that the resolution was wrong, because it limited the committee to bargain with a very unsuitable person. And that was the whole drift of my remarks. Such a press, fed by the Government out of the public Treasury, might succeed in forcing upon the country one who was not suitable for the object in view. The committee, in no event, should be limited by a vote of this House to any particular individual, inasmuch as it narrowed down the field of selection, and must result, in the progress of events, in a system of favoritism, which neither the principles of justice nor the good sense of the people would tolerate.

When called to order by the gentleman from Tennessee, [Mr. POLK,] I had yielded the floor to the gentleman from Pennsylvania, [Mr. HOWE,] who asked me whether I would vote for General Cass or Mr. Douglas? I hope it is not out of order to be respectful to the gentleman, and I reply—that I drew a character for whom I would not vote; if it fits no person, it damages no one; if it does, it is his fault, not mine; but I decline to make a personal application of my remarks upon the call he has made. I have now said what I intended to say relative to the Presidency, and what I have said was legitimately connected with the subject-matter before the House. I have said it because I think it due to the country, that its representatives should not adopt an indirect system of pensioning the press. No editors of the journals of the country should be enabled by jobs thrown in their way to make a fortune out of the Treasury for mere party purposes. I appeal to this House to say whether it is proper that this job should be appropriated in the manner which this resolution proposes, merely because a majority of this House have the power to do it. If the House desires to elect a public printer, let it be done, and the rates and compensation fixed. But it is certainly wrong to do so by indirection. Every man should have his just dues. But if it is a bad plan to let out the public printing to the lowest bidder, do not adopt the other extreme, of letting it out to the highest bidder! If we pass this resolution, and give the contract to Donelson & Armstrong, we exclude competition; and if they will not do it at what the committee consider a reasonable price, you will have no printing done, or you will have this subject back again in this House for discussion. The whole matter will have another hearing and another decision. I trust the time is near for us to have a printing bureau, as a part of our organization, and the printing executed by our own employees—when the whole work shall be done by us, and the entire matter be under our own control—that the time is near when we shall get rid of this job work—this bleeding the Treasury in order to obtain the means of propagating particular political doctrines, and for the purpose of controlling public sentiment. We have already had a good deal of experience in this matter. I have lately seen at least one article published in an organ, and editorially introduced, as possessing the entire proportions of the original publication, when, in fact, one half of the original article which it professed to quote, was excluded, and the portion republished was turned to an entirely different purpose from that designed by its author. The first part published apparently as a whole was quite unexceptionable, and this latter portion, which did not appear, giving an offensive character to it all. It reminded me of Milton's archangel, ruined, still beautiful and imposing in the upper portion of his person, but very much deformed about the lower extremities, [laughter.] For myself I decline to give such papers the public patronage. While I am for paying to the last cent every man in our employ, and while I am for making a liberal allowance for that time—while I am unwilling that any man should work for me, or the people I represent, or the government to which I belong, without a full, fair, liberal, and generous compensation, yet I demand that our accounts shall be settled in a business-like manner. I wish to know for what we are contracting. When the bargain is to be made, all the printers in the country, all the press of the country, should be invited to come into fair and honorable competition. Let the committee receive propositions from any who may propose to do the work, and then let them decide as they may think proper, according to the merits of the several competitors. I am in favor of the amendment of my friend from Maryland, [Mr. EVANS,] that the paper shall be furnished by the Government, and the names of the individuals in the resolution be stricken out.

Mr. GORMAN. Will the gentleman from North Carolina allow me for a moment? That gentleman is aware that Blair & Rives did the printing for the last census. Now, the price paid in that case may be a guide for the price in this. Now, I ask the gentleman from North Carolina, if he supposes any committee composed of honorable men, and honest men, who have the letting of that contract, will, for the purpose of allowing any party to make money for any political purpose or any other purpose, make an arrangement for this census printing at rates above those generally paid for the same kind of work?

Mr. VENABLE. The gentleman knows that I do not doubt the honesty and integrity of any member of that committee.

Mr. GORMAN. Then I hope the gentleman will not continue to insist that the course of proceeding proposed in this resolution will result in corruption. If I supposed myself capable of an action of this kind, I should consider myself unworthy of a seat in this body.

Mr. VENABLE. It was no part of my purpose in making these remarks, to implicate my honorable, gallant friend, the chairman of the Committee on Printing. I know that he would recoil from contamination or the suspicion of corruption with the sensibility of a wound—his nature is too elevated, and his heart too pure. This is also true of honorable gentlemen connected with him upon that committee. I have the highest confidence in them. But they are not practical printers. They do not understand the art and mystery of printing, and therefore I say that the contract should not be given unconditionally to Donelson & Armstrong, and leave them to set their own prices. Besides, I will show that the census printing under Blair & Rives was very different from the census printing now, and that the prices of printing and paper are now greatly below the rates at the date of their contract.

Mr. GORMAN. If the gentleman will allow me I will tell him that one member of the Committee on Printing, upon the part of the Senate, [Mr. HAMLIN,] is a practical printer.

Mr. VENABLE. That makes the chance a great deal better. But, as I was proceeding to say, I will show that the census printing under Blair & Rives was a very different matter from what the census printing is now. We have been shown that it will take volumes upon volumes to complete it. The office of Superintendent promises to fill the coming decade. I have not stated, nor do I intend to state, what Blair & Rives made by that contract. They confess to a large amount, and it is theirs, and fairly theirs. But if I have made an improvident bargain once, and did not avoid the mistake the next time, then experience would be worthless. We learn nothing if not made more cautious, and we repeat the same blunder. It is best that you should strike out the names of the individuals designated from the resolution. They may obtain the contract if they will perform it cheaper and better than anybody else. But prudence demands that whenever this bargain is made, that propositions should be received from any and all practical printers to do the mechanical work, and the Government furnish the paper. I ask, and I hope some gentleman will tell me, why Donelson & Armstrong are to have this printing? I ask again, and I receive no answer, why are they selected from all others to do this work? What peculiar claim have they?

A VOICE. Why should they not have this work?

Mr. VENABLE. Why should they have it? They have no claims upon me that I know of. They have held me up in common with those with whom I have acted as Southern fanatics coöperating with Northern Abolitionists! They have denounced us in the strongest terms which they were capable of using. They have no claims upon me, and I wish to let them know it. A course such as this journal has pursued can never create a claim upon the confidence of those who received their denunciations. What claims have they upon the Government? What claims have they more than any other printers? What more than Blair & Rives—more than Boyd Hamilton, already executing a ruinous contract, struggling with the embarrassments arising out of that contract, and claiming this printing at our hands? It is a job of practical printing, and practical printing alone; but Boyd Hamilton is no editor, merely an humble laborer at the press. Then I should like to know—and the question has not been answered—from whence and how did this claim of Donelson & Armstrong originate?

Mr. Speaker, I have spoken plainly, because I think plainness and candor becoming and proper. I have, without resentment, given expression to the convictions of my understanding, and the feelings of my heart. I mean to act independently and without any concealment of my views. The time when I had feelings of resentment has passed away. The assault upon the old line Republican State-Rights Democracy was, so far as I was concerned, fierce, but impotent. But the memory of events is not so easily obliterated. I believe that we are deeply responsible for the dissemination of unsound opinions—more so, indeed, than for criminal acts. The one is a general and extensive evil; the other limited it its effect, and disarmed by the deformity of the vice. I confess that my spirit chafed when I saw in a paper purporting to be the organ of the party to which, from my youth up, I had belonged, denunciations on those, the *gravamen* of whose offence was, that they concurred with Jefferson and the Republican fathers—that they adhered to the ancient Republican landmarks, and venerated almost to idolatry the Constitution. The selection of the editors of that organ as the peculiar favorites of this body is the exclusion of all others—the extinction of any chance of competition; a selection which, to be just, must be founded upon acknowledged public service and extraordinary individual capabilities. No evidence of either has been furnished, and I insist that so extensive and costly an operation be submitted to the ordinary competition which the custom of the country has made law; that the law requiring the printing to be let by contract to bidders be complied with, for it is unrepealed, and that our present printer at least have a chance to recuperate from the effects of a bad contract, by a chance for a better one.

INTERVENTION.

SPEECH OF HON. J. R. GIDDINGS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

WEDNESDAY, *January* 28, 1852,

Upon the duty of this Government in maintaining the Law of Nations.

Mr. GIDDINGS said he would ask the indulgence of the House for a short time, while he expressed his views relative to the duties which devolved upon this, and other civilized Governments, to maintain that principle in the law of nations, which gives protection to feeble powers who now are, or may hereafter be, found struggling for freedom and independence.

It is (said he) a subject of deep interest, and of grave consideration, to every nation. Unfortunately it has received but little examination in either branch of our National Legislature, nor until recently has the attention of the people been called to it. It is now under discussion in popular meetings, and in our State Legislatures, throughout the Union. I regard it as very desirable that it should be discussed in this Hall, and that our voices should be heard on this question, which is receiving so much attention, not only on this continent, but throughout Europe. The late attempted revolution in Hungary, and its suppression by the arms of Russia, has awakened an intense interest among most of the civilized Governments of the earth.

In 1848 the people of ancient Hungary, feeling the oppression of Austria to have become insupportable, rose in their strength, and appealing to the God of Battles, they struck for freedom and for national independence. The conflict was severe and bloody, but victory preponderated in favor of justice; and the people of Hungary began to hope and expect that they would soon be able to assume a position among the brotherhood of nations. But Russia, a foreign Power, desirous of maintaining the cause of despotism, interposed the force of her arms, crushed the rising spirit of freedom, and compelled the people of Hungary to submit to Austrian tyranny. The civilized nations of the earth looked on, witnessing the perpetration of this great wrong, without remonstrance or protestation. The exiled Governor of downtrodden Hungary has come among us, asking of this and of other nations the maintenance of national law—of those principles of natural justice which constitute the protection of feeble Governments against the invasion and oppression of their more powerful neighbors. With great force of argument, with inimitable eloquence, he portrays the wrongs heaped upon his country—the oppression, the persecution, to which his people are subjected; and calls on us to exert our moral power as a nation to maintain the law of nations, and thereby aid them in regaining their political rights. Under these circumstances, the solemn question is brought home to our consideration, What is our duty toward Hungary, and toward Russia? What is the duty of other nations?

In order to ascertain our duties, it will be well to inquire, What are the rights of Hungary?

Sir, we were once in the situation that Hungary was in 1848. We felt the pressure of a foreign yoke. We strove against a foreign Power. The world demanded the reasons of our resistance. The convocation of patriots assembled in 1776, proclaimed it a "self-evident truth, that 'whenever any form of government becomes de-'structive to the liberties of the people, it is their 'right to alter or to abolish it, and to institute a 'new government, laying its foundations on such 'principles, and organizing its powers in such 'form as to them shall seem most likely to se-'cure their safety and happiness."

Sir, on those principles were the foundations of our Government laid. These doctrines were not put forth as applicable solely to this nation, but to all nations. They were not peculiar to this continent, but they applied to the whole earth. They were not confined to Americans, but they embraced the whole family of man. They were not temporary, but eternal as God himself—immutable as their Divine Author. These, then, were the rights of Hungary; and our duties, and the duties of all other nations, were correlative, perfectly corresponding with her rights. It would be a contradiction in language to say that Hungary possessed these rights, and that any other nation had a right to interfere with them. The law of nations forbade such interference. The interference of Russia, therefore, was a violation of the rights of Hungary, and an outrage upon the law of nations, and violative of the duties she owed to each and to every Government of the earth, all of whose interests and safety are secured by the maintenance of this law of natural justice.

Now, sir, the President has mistaken the sentiment of this nation when in his message he represents the people of this wide-spread Republic as looking on with folded arms and feelings of neutrality when armed power tramples upon the law of nations, crushes the spirit of freedom, and subjects twelve millions of people to despotic sway.

Sir, the people, in whom all power is vested, feel no such neutrality. It is impossible for them to feel indifferent in such case. What, sir! can men feel neutral between the oppressor and the oppressed? between right and wrong? between crime and virtue? I would refer gentlemen to civil life. A man sees a ruffian assail a feeble friend. He stands by, says nothing, but with his arms folded, permits the ruffian to rob or slay his friend, without even remonstrating, or moving a hand to prevent it. The world in that case would regard him as participating in the robbery or murder, and a jury would find him guilty, and he would suffer as a principal in the crime. The same moral principle applies among nations. Those who direct this Government, and wield its influence, must incur great moral guilt if they remain supinely silent, and permit other Governments to trample upon those laws of justice and of nations, in the preservation of which all mankind are interested. The duty of Governments to maintain the law of nations is clear and manifest.

But on a recent occasion we were told, that one practice had ever been opposed to intervention between other nations; that neutrality between belligerent Governments had ever been our policy; and that the efforts now making to place this nation in the attitude of maintaining the law of nations were novel, and unknown in our past history.

Gentlemen should inform themselves before they attempt to teach others. The influence of our Government has been almost constantly exerted upon other nations for the last thirty years. We all remember the time when the South American Republics, including Mexico, proclaimed their independence, and assumed a position among the brotherhood of nations. Spain continued the war against them, and fears were entertained that other European nations would assist her in reducing them to subjection.

Then, sir, in the year 1823, the President of the United States (Mr. Monroe) declared in his annual message, that "we could not view any 'interposition for the purpose of oppressing them, 'or controlling in any other manner their destiny 'by an European Power, in any other light than 'as a manifestation of an unfriendly disposition 'towards the United States." Was there any principle which bound us to the Mexican Republic that does not bind us to the people of Hungary? The rights of the people of these two Governments are precisely the same. Our duties toward them are the same; and each claims their right under the same law of nations—the same principle of natural justice.

Sir, we not only avowed our determination to interfere in favor of those American Republics, but we put forth the same avowal of our intention, under certain circumstances, to keep those republics in the sphere of their legitimate rights and duties; and our firm determination to interfere against them if they transcended those duties.

When our Commissioners to the Congress of Panama were about to depart upon their missions, Mr. Clay, then Secretary of State, gave them definite instructions in the following words:

"It is (said he) required by the frank and friendly relations which we most anxiously desire ever to cherish with the new Republics, that you should without reserve explicitly state, that the United States have too much at stake in the fortunes of Cuba, to allow them to see with indifference a war of invasion prosecuted in a desolating manner, or to see employed in the purposes of such a war one race of the inhabitants combatting against another, upon principles and with motives that must inevitably lead, if not to the extermination of one party or the other, to the most shocking excesses."

Here, sir, was no *neutrality* of feeling. The language is that of dictation. I think it is quite too strong. It smacked somewhat of force, of intimidation. It was not a mere protest, which I think it should have been. It is not such as we used toward Russia when about to invade Hungary. They were weak Republics, while Russia is a powerful Monarchy. Toward one we use imperious language; toward the other we appear timid, and say nothing. They are both independent sovereign nations, and should be treated with equal deference and respect.

But I desire to trace this history of intervention a little further. In 1826 Mr. Clay, Secretary of State, addressed a letter to our Minister at St. Petersburg, directing him to solicit the intervention of Russia to put an end to the war between Spain and her revolted colonies on this continent. In plain language, we asked the Emperor of Russia to interfere in behalf of American republicanism. This letter has been published; but the correspondence between our Minister and the Russian Government I believe has not yet been made public. I find that it was communicated to the Senate on the 1st day of February, A. D. 1826, and was then ordered by the Senate to be printed confidentially for the use of the Senate. And I am informed that the injunction of secrecy has not been removed, and we plebeians are not permitted to look into the secret archives of that body; yet I have good reason to believe that the Emperor gave our Minister a favorable answer. Not that he would exert his influence with the Spanish Crown, but would *submit the question to the Holy Alliance*, and would endeavor to persuade them to exert their influence to give peace to our American Republics. This, I presume, will appear to the world when the seals now resting upon this subject shall be broken. I have further reasons for saying that the Spanish records at Madrid show that the *Holy Alliance did in fact intervene in favor of American republicanism* Sir, we have not only interposed our own influence in favor of the law of nations, and of natural justice, but we have solicited European monarchs to aid us in its maintenance. And they complied with our request. We, sir, are their debtors; and shall we not repay their kindness by exerting our influence in favor of European republicanism? Here, sir, is the precedent—the example which I would follow. Our Government should now call on the Emperor of Russia, of Austria, and on other monarchs, as well as Republics, to preserve this law of nations in its full force; to exert their influence in behalf of its strict observance.

On the occasion just alluded to, the influence of European Powers, together with the earnest remonstrances of our own Government against the further prosecution of the war by Spain, succeeded in restoring peace; and who can doubt that the same efforts may preserve the peace of Europe, should Hungary again assert her rights?

But I wish to trace this practice of our own Government to a later, a more recent period. We all remember the able letter of the present Secretary of State [Mr. Webster] to the Mexican Minister, relating to the war with Texas, in which he stated very distinctly and emphatically, that other Governments had an interest in maintaining the peace of the world, and that the day would arrive when the United States would feel constrained to interfere between Mexico and Texas, for the purpose of restoring peace. But, sir, this doctrine of intervention was carried further by the present Secretary of State in 1842 than it was ever carried by this Government on any other occasion.

Some Texans had gone to Santa Fé for the purpose of conquest, and were captured by the troops of Mexico. Rumor represented them as being cruelly treated by the Mexican authorities. Against this treatment of prisoners of war, Mr. Webster interposed the influence of our Government; and such was the force and power of his language that I will give his protest in his own words:

"It is therefore (said he) that the Government 'of the United States protests against the hard-'ships and cruelties to which the Santa Fé prisoners 'have been subjected. It protests against this treat-'ment in the name of humanity, and the laws of

'nations—in the name of all Christian States—in 'the name of civilization and the spirit of the age—'in the name of all Republics—in the name of 'liberty herself, enfeebled and dishonored by all 'cruelty and all excess."

This was the language which Mr. Webster then used towards Mexico. But such is not his language towards Russia. On an occasion of much interest, that gentleman recently, in a public speech, spoke of the public demonstrations in favor of justice to Hungary. He was willing to see popular meetings, and resolutions, and public dinners, and speeches in favor of Hungarian freedom and Hungarian independence. He avowed his willingness to let these demonstrations go forth to the world—to let them be borne on the winds of heaven to the uttermost parts of the earth; but he carefully avoided all reference to the duties of this Government to speak officially on the subject, to enter its solemn protest against the intervention of Russia to crush the spirit of liberty in Hungary, to subject twelve millions of people to the despotism of Austria. And I understand that it is the policy of the Administration, and its friends in this Hall and throughout the country, for the Government to keep silence on this subject; and in case Hungary shall again make an effort at independence, and Russia shall again send her armies there, in violation of the law of nations and the dictates of justice, to slay her people, to carry devastation and bloodshed throughout the length and breadth of her territory, the Government of the United States is to stand as a disinterested spectator, without uttering a word of remonstrance or of protest.

But no Government on earth, perhaps, has gone further in practical intervention than ours. When Texas was struggling for independence, and Mexico continued the war, we sent our Army and assumed upon ourselves the responsibility of intervention—forcible and armed intervention. I well recollect the time when the question came up in this Hall; and of the whole number of votes then present, only fourteen were cast against that kind of intervention. I opposed it for the reason that Texas had constituted one of the Mexican States—that she and Mexico constituted but one people, and that we ought not to interfere in their domestic strife. But I was overruled, and the people of the United States expended two hundred millions of dollars to carry out the practice of intervention by force of arms, and that, too, between parties in a domestic strife. The case was beyond that now presented, dissimilar, and can have no other bearing upon the present question than to show the inconsistency of those who supported that kind of intervention, and oppose all efforts at this time to maintain the law of nations, urging that it has been our established policy not to interfere in controversies between other Governments.

I hold it to be our imperative duty to exert our influence for maintaining the rights of each and of every nation;—that we should do so *immediately*. We ought not to wait for the recurrence of a case like that of Hungary in 1848. We may now address Russia, and all other Powers, without giving offence to any. I had prepared resolutions, which I intended to offer whenever we go into Committee of the Whole to consider the President's message; and in order that gentlemen may understand my views more distinctly, I will ask the Clerk to read them. They are as follows:

Resolved, That we hold the self-evident truth, that the people of every nation have an indefeasible right to alter or abolish their form of government and to institute a new one, laying its foundations on such principles, and organizing its powers in such form, as to them shall appear most likely to secure their safety and happiness.

Resolved, That the best interests of mankind, the dictates of natural justice, and the law of nations, forbid the armed intervention of any foreign power to defeat or suppress the will of a people who are striving to reform or perfect their government.

Resolved, That it is the duty of all civilized nations to unite their influence to prevent such armed intervention, to maintain the law of nations, and to restrain each government within the sphere of its legitimate rights.

Resolved, That to effect these objects, the President be and he is hereby requested to open a correspondence on this subject with each of the several nations with whom we hold diplomatic intercourse, and to request their coöperation for the maintenance of the law of nations, and the establishment of universal peace.

As to the rights of a people to form their own government, I have commented sufficiently. I have shown that the law of nations, as well as the dictates of justice, sustain that right.

I do not deem it necessary to enter upon an extended argument to sustain the principles expressed in the second and third resolutions. The direct interest which all nations and kindred and people have in maintaining this law, is too obvious to require illustration. As it is the duty and the interest of individuals to maintain the municipal laws of our country, to prevent murder and other crimes, and to secure each in his person and property, so it is the duty of each and of every nation to maintain the law of nations, to prevent national crimes, and to secure every people in the enjoyment of their rights so to modify their government as to them shall appear most likely to subserve their happiness. My fourth proposition is, that the Executive shall at once open a correspondence through our Ministers and Chargés d'Affaires, with every Government now holding diplomatic intercourse with us; soliciting their attention to this subject, and their coöperation in the maintenance of national law, and the rights to which every nation is entitled under it.

The time has arrived when the voice of this nation should be heard in behalf of national rights, of national duties, and of national law. As a people, we possess great moral influence among civilized Governments. That influence should be exerted for the benefit of mankind. It should be actively employed in support of the great principle of justice, of natural right, of national law. The maintenance of justice and of law will establish and perpetuate peace among all nations.

I therefore say, that should Hungary again strike for freedom, and Russia should indicate an intention to interfere, I would tell her calmly, firmly, and respectfully, that the law of nations has given to the Hungarian people the right to modify, improve, or abolish their government; and if Russia persists, it will then become the duty of this nation to protest against such violation of natural justice, "IN THE NAME OF HUMANITY AND OF THE LAW OF NATIONS—IN THE NAME OF ALL CHRISTIAN STATES—IN THE NAME OF CIVILIZATION AND THE SPIRIT OF THE AGE—IN THE NAME OF ALL REPUBLICS—AND IN THE NAME OF LIBERTY HERSELF." Thus, sir, I would adopt the nervous language of the Secretary of State. I would invite all civilized nations in that case, to unite in such protest. Nor, sir, would I object to uniting with Great Britain in such a duty for the reason that she oppresses Ireland. I know that a gentleman, standing high in the nation, a candidate for the Presidency, [Mr. DOUGLAS,] on a late public occasion said he would not unite with England in a protest while she withheld justice from O'Brien and his Irish associates. If England will unite her influence with ours, in maintaining the law of nations, surely we ought not to refuse protection to the people of Hungary because we cannot give protection at the same time to those individuals of Ireland. Why, sir, suppose when we solicit Great Britain to unite with us in this national duty, she should turn around and say to us, "No—let the people of Hungary suffer; *let despotic oppression weigh them down, until your Government shall relieve your American serfs; until justice be done to the Africans of your own land:*" would not such language be offensive to that gentleman? Why, sir, it would be our duty to unite with all civilized nations of the earth, whether Mohammedan or Christian, in this work of maintaining the law of nations and the rights of humanity.

I am aware that objections are constantly made to any alliance with Great Britain for the purpose of maintaining the law of nations. But this is a novel objection. We now are in alliance with that nation, and have been for many years. The object of that alliance is the protection of the people of Africa. By that alliance we are bound to keep up constantly a naval force on the African coast, at an expense of about $2,000,000 annually to maintain the law of nations there. Yet no gentleman objects to this alliance on account of the injustice of England towards Ireland; nor does any one quote Washington's Farewell Address against "entangling alliances" for that purpose. And are the people of Hungary less entitled to the protection of the law of nations than are those of Africa? I am constrained to say, that it is difficult for me to discover the consistency of gentlemen who are so sensitive in regard to our uniting with Great Britain in a protest against the intervention of Russia, while we are in strict alliance with that nation for the protection of Africa.

Mr. JOHNSON, of Tennessee. I wish to ask the gentleman, if it is wrong for Austria and Russia to put down Hungary, is it not equally so for Austria to do it alone? And are we not as much bound to interfere in the latter case as in the former?

Mr. GIDDINGS. Austria claims Hungary as a part of her own dominions, as constituting, with the Austrians, one people, one nation. Now, the gentleman cannot fail to notice the distinction between interfering between them in their domestic controversy, and protecting both Austria and Hungary from the intervention of a foreign nation.

It were impossible for us, or for any other nation, to enter into controversies between those political parties found in every Government; we have no means by which to determine which is right or which is wrong. The majority of such people possess the right to form their political institutions. The law of nations, to which I have adverted so often, the dictates of justice, secure to the majority this right. For us to interfere, in order to prevent the exercise of this right, would constitute a violation of justice and of the law of nations, and we should be guilty of the identical wrong now charged upon Russia.

But it is said that, should we protest against the intervention of Russia, and she should treat our protest with contempt, we should then be bound to enforce our doctrines by the sword. This, we are told, is the doctrine of Governor Kossuth; and we see attacks upon him daily through the public press, representing him as desirous of involving us in war with Russia. I do not so understand him; but I leave him to the people and to history. I am not reiterating his sentiments, nor defending his views; I am for maintaining the law of nations, for doing our duty without reference to his sentiments. He however asserts, that no war would follow the assertion of these doctrines, or our protest against Russian intervention.

The age in which we live is emphatically an age of progress. Men and nations are now taught to rely more upon reason, upon truth, upon justice, than in former times; and less upon the power of arms—of physical force. Wars are not as fashionable as they were fifty years since. Statesmen, and even monarchs, now look with horror upon the vast expenditure of blood and treasure necessary to the prosecution of a war. Philanthropists and Christians shrink at contemplating the sufferings and the crimes attendant upon war.

The Government of Russia is controlled by men of wisdom, by statesmen of enlarged views. They, sir, will never look with indifference or contempt upon the solemn protest of this Government, when they contemplate a violation of the law of nations. There is a power in truth, when brought to bear in favor of justice and of law, that few intelligent men will resist; but when that truth is sustained by the influence of one or more powerful nations, it will not be treated with disrespect. I have not the most distant idea that Russia would disregard the protest of this Government; but if England were to unite in such protest, as she undoubtedly would, it could not fail of being heard and respected; and if the Sublime Porte should also unite with Great Britain and the United States in such protest, (and such I have no doubt would be the case,) Russia would not hesitate for a moment in manifesting her perfect respect and obedience to the law of nations. But the friends of the Administration still insist that Russia *might* treat our solemn protest with disrespect; and they urge, that we shall *now* say what we will do in such case. I reply, that when such a question shall be practically presented to me, I will consider and decide upon it. We are dealing with present duties, and could not, if we would, determine the action of those who come after us. It is our duty, at this time, to take such action as will be likely hereafter to prevent the violation of international law. That is a present duty we are bound to discharge. Should Russia, at a future day, treat Great Britain and the United States with contempt, other statesmen will decide for themselves upon the course they shall pursue. "Sufficient unto the

day is the evil thereof." At this time it would be disrespectful towards Russia for us to presume that she will disregard the protest of two or three powerful Governments, and coolly violate the law of nations in order to subject the people of Hungary to Austrian despotism. Yet timid men, carrying the subject to the extremity of hypothesis, insist that we might, in a remote contingency, become involved in war, by the contempt with which Russia might treat the remonstrance of other nations as well as ours.

The correspondence which, by the resolutions I propose, the President is requested to open with other nations, will, of course, be directed to this point. The proposed arrangement will provide the mode of enforcing obedience to national law. The stipulations on the part of each Government will doubtless be, that in case any nation shall violate the principles of justice, of international law, all civil and diplomatic intercourse shall be withdrawn from such offending nation. That, having disregarded the law of nations, on which the safety and security of each depends, she thereby becomes unworthy of associating with civilized Governments, and henceforth shall be regarded and treated as an outlaw from the commonwealth of nations, left alone in her savage barbarity, and cut off from all commercial and diplomatic intercouse with civilized Governments. This mode of enforcing respect for the law of nations would be far more efficient than war; while it would save the vast expenditure of blood and treasure, and would avoid the appalling crimes and guilt always attending an appeal to arms.

Mr. JOHNSON, of Tennessee. I desire to ask the gentleman from Ohio if this Magyar race, at a certain period of their history, were not Democratic, and if afterwards they did not of themselves give up their republican form of government and establish a monarchy?

Mr. GIDDINGS. I am not aware of any such incident in the history of Hungary. I think no such exists. Yet I am not discussing the history of that people, nor the form of government which they ought to adopt. I repeat, that is a subject on which they alone should judge. I may differ from them in opinion on that point, but I have no right to control their choice as to the form of government under which they shall live. They have the indisputable right to select such government as to them shall appear best adapted to their wants, whether it be a monarchy, oligarchy, or democracy.

Mr. WILLIAMS. Suppose Hungary should make another struggle to obtain her liberty, and in that struggle she should call in the assistance of the Sublime Porte, would not that be as much a violation of the laws of nations, of which my friend speaks, as if Russia had interfered in behalf of Austria, and would it not be as much our duty to enter our protest against such interference?

Mr. GIDDINGS. If the Grand Sultan sends his armies to assist Hungary in *defending* her against Russia, such defence surely would be no *interference* with the rights of Hungary.

Mr. WILLIAMS. The gentleman does not understand me. I say that suppose the people of Hungary should enter into another struggle for liberty, and the Sublime Porte should step in to assist them, would it not be in conflict with the law of nations and the eternal right of which the gentleman speaks?

Mr. GIDDINGS. I think the gentleman has not well considered his question. Should Hungary again assert her rights, and Russia, in violation of international law and of justice, should again attempt to subject her people to the despotism of Austria, and the Sublime Porte should send an army to sustain the law of nations, by driving back the Russian army and leaving Hungary to establish such government as her people desire, such act cannot be a *violation*, but a *support* of the law of nations—it would be no interference with Hungary, but would prevent such intervention.

Mr. WILLIAMS. Will the gentleman permit me to state another case? When France sent troops to this country, when struggling for liberty, was not that an interference? We were part and parcel of the British Government.

Mr. GIDDINGS. I desire to make no issue with gentlemen upon mere words. We were not part and parcel of the British Government; we had no voice in that Government; we were separated from them by a vast ocean; we constituted a separate and distinct people, possessing the inalienable right to constitute such form of government as to us appeared most likely to secure our safety and happiness. This right was vested in us by the law of nations. England violated that law when she sent her army to subdue us. France maintained the law when she sent her army to protect us and to support the law of nations. Had Austria and Hungary been thus situated, the law of nations would have recognized the right of each to govern itself, and neither would have possessed the right to control the other by the exercise of physical power.

My friend does not distinguish intervention for the purpose of violating the law of nations from intervention to uphold that law. One constitutes the commission of national crime, the other prevents such crime. The supposed intervention of the Sublime Porte to uphold the law of nations, to keep Russia from the invasion of Hungary and protect the Hungarians in forming a government, would surely have been no violation of justice or of law.

But I return to the subject on which I was speaking when interrupted; and I repeat, the object of this Government should be the maintenance of peace with all nations and among all nations. This can only be attained by supporting the law of nations. I need not speak of the benefits resulting from this policy. For centuries, the peasants, the laboring men of Europe, have been oppressed, borne down by heavy burdens incurred for the support and for supplying vast armies and navies, employed only in the work of human butchery, or preparing for the destruction of human life. The immense debt of Great Britain was contracted almost exclusively in the prosecution of bloody wars, in carrying devastation, suffering and death among brethren of the same great family. Her people are now suffering the penalty brought upon their nation by former wars. They are taxed to the extent of endurance to pay for shedding the blood of their fellow men in former days. Such is also the case, to a certain extent, with most European Governments: nor are the Governments of this American continent exempt from such burdens.

We have now reached the meridian of the nineteenth century. As the sun of intelligence shines brighter and more luminous, the folly, the injustice, and the guilt of war and its consequences are more and more revealed to the view, and to the comprehension of mankind. Christianity shrinks back with horror at the contemplation. All our feelings of philanthropy and of patriotism are stirred within us as we survey the sufferings to which war has subjected our race. The question is now forced upon us, upon all Christian, all civilized nations, whether this policy shall continue to deluge the world in blood? Shall intelligent, civilized, Christian men continue forever to slay, to butcher each other? Shall the great mass of people of different nations continue to toil and contribute their utmost earnings to the work of slaughtering their fellow men—not because those who are slain have committed crime, but because they have been so unfortunate as to have weak or wicked rulers? Such policy is only worthy of the dark ages in which it originated: it is unsuited to Christian nations, or the age in which we live.

Here I will remark, that I have read a printed circular on this subject of intervention from a distinguished philanthropist, President of the American Peace Society, the venerable Judge Jay, of New York. I always treat his opinions with great respect; but on this question I think he is laboring under an important error. He bases his argument upon the presumption that intervention will involve us in war; that the exercise of our moral powers, our entire national influence in favor of national law, in favor of peace between Russia and Hungary, will involve us in hostilities. On this erroneous presumption he bases his whole argument.

Now, sir, I may be excused for saying, that to maintain peace among nations we must adhere to principles of justice, which is nothing more nor less than maintaining national law; that our utmost influence should be exerted to induce all other nations to observe and sustain this law. This I propose our Government shall do. And I will add, that our efforts in favor of universal peace will, in my opinion, be of little avail while we remain silent, permitting other nations to trample upon this law without remonstrance or protest from us.

We, sir, and every other nation, have a direct interest in the maintenance of law and order among other Governments. Every Government is bound to exert its influence in support of this law in its full force. The nations of the earth constitute but one vast brotherhood. "If one member suffer all must suffer." If the rights of one be violated all must feel it, for no one will be safe under the law, but in such cases each must rely on physical force to defend its rights. Hence, I regard it as perfectly clear, that observance of national law, which may be regarded as synonymous with natural justice, must supersede the sword before the world shall be blessed with universal peace.

In civil life the observance of law alone insures peace to community. We all see this, and are conscious of the necessity of maintaining our municipal laws to insure peace and safety to individuals. But this duty is not more obvious in civil life than it is in the society of nations. This Government owes the same duties to the society of nations that each individual of this body owes to the society which surrounds him in civil life. There, sir, we exert our individual influence to uphold the law; we remonstrate with our fellowmen, and protest against their violation of law. We cut off from our social circle him who violates the law and tramples upon the rights of others. The same duties devolve upon this and on other Governments in relation to those who disregard the law of nations.

To carry this policy into practice among the nations of the earth, it is requisite that some individual government should first move in relation to it; some one must take the initiative. It will prove a glorious mission to that nation, whose statesmen, inspired by the spirit of Christian benevolence, of elevated philanthropy and of duty, shall move forward in the great work of redeeming the world from the crimes and the horrors of war. This honor I would secure to my country. Let the history of this age bear to future generations the fact that this Republic was the first to solicit the coöperation of other Governments in behalf of universal peace, by the maintenance of the code of international law. I shall regard the fame acquired by such an act of humanity as far more important than all the bloody victories which have stained the annals of our race. The present is a propitious period in which to commence this great work of harmonizing the nations of the earth, by inducing them to observe and obey the great principles of unfailing, enduring justice. Then shall our "swords be beat into plough-shares, and our spears into pruning-hooks; and the *nations shall learn war no more.*"

GRANT OF LANDS TO IOWA.

SPEECH OF HON. A. FELCH,

OF MICHIGAN,

IN SENATE, *February 3 and 4*, 1852.

The Senate having under consideration "A bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain Railroads in said State"—

Mr. FELCH said:

Mr. PRESIDENT: It not unfrequently happens that in discussing before the Senate the merits of measures, the debate takes a much wider range than the subject-matter would seem to require; and I desire on the present occasion to call back the attention of the Senate to the simple proposition contained in the bill before us. It proposes to grant to the State of Iowa a strip of the public land within that State, six miles in width, and lying along the route of two railroads which are to be located under the authority of the State. The land is to be taken in alternate sections, and applied to the construction of the railroads passing through them; and the sections retained by the Government are not to be sold at less than double the prices at which the same are now offered to pur-

chasers. It is contended by the opponents of this measure that under this provision the Government must suffer a loss without any corresponding benefit. But if the principle contained in this proposition should be carried practically into effect, it is manifest that no loss could accrue to the Government. The amount of money received for the alternate sections retained by the Government, the price of which is made double the usual minimum, would be exactly the same as that demanded at present prices for the whole. I am not inclined here to say anything to underrate the advantage which the States would derive from grants of this description; nor shall I deny that they may be made highly beneficial to their best interests. My opinion upon the subject is, that the United States promotes the public interest by making the grants; and that the State receiving them at the same time is benefited by them. If we refer to the experience we have had, as the result of granting alternate sections of land for works of this character, where the sections have been increased in price, we need not fear that this principle will not be carried out. From a statement I have received from the General Land Office, it appears that grants of this description have been made to the amount of 259,423 acres. The rates of the reserved alternate sections, at the enhanced price, have brought into the Treasury, within a small fraction, the amount for which the whole would have sold if no such grants had been made. It has been objected, that although we receive the same amount in consequence of increasing the price of the reserved sections, we in fact take the amount of the increased price from the purchaser without giving him a consideration. The idea does not commend itself to my judgment. By the construction of the road through the public domain the actual value of the lands in the immediate vicinity is increased, and that which before could find no purchaser even at ten shillings an acre, will readily sell at twenty shillings an acre. The increase of price is founded on no arbitrary principle, but it is upon the enhanced value given to the property. A better bargain may be made by purchasing at twenty shillings an acre, when a railroad or canal is constructed through, or in the immediate vicinity of the premises, than by paying the present minimum price of ten shillings an acre. The enhanced value is the consideration given for the enhanced price; and I can see no force in the objection to these grants on that ground.

The interest of the United States, and the interest of the States in which the lands are located and the grants made, go hand in hand. The increased value of property, and the impetus given by public improvements of this character to business and prosperity, are enjoyed alike by both.

If the bill before us becomes a law, the State of Iowa must construct the roads therein mentioned; without this, no land passes under its provisions. If this be done, the public obtain the benefit of the communication thus opened across the country. But many seem to think that the provisions contained in this, and other bills of the same character, bestow upon the State an amount of means sufficient to build the roads described in them. It is thus regarded as a gift of railroads to favored States, while others are not supplied with them.

But does the bill propose to make such roads? Does it provide for a grant to the State sufficient to construct them? By no means. It proposes to grant six sections to every mile along the line of the road which shall be constructed. This amounts to 3,840 acres of uncultivated land, equal, at the Government price of $1 25 per acre, to $4,800 for every mile of road. This amount is far from sufficient to construct the road. The average cost of railroads in this country is not far from $30,000 per mile. In order to secure the construction of the work, an additional sum of $25,200 must be expended on every mile. Without this expenditure of some five or six times the amount granted by the bill, the roads cannot be constructed. The aid given to the State by these grants furnishes a small portion only of the amount necessary to accomplish the proposed work.

Senators speak as though the States were to receive for their own use valuable donations in these grants, which were to enrich the State treasury, and relieve the people from taxation. No State in the western country, by such a grant, or even by the addition of $25,000 per mile made from the public Treasury, could expect to secure a profitable income from the road. The great advantage to be derived from such improvements is to be found in the increased facility for communication, and not in the amount to be received from them into the treasury of the State. Some States have adopted a system of railroad intercommunication, and have expended large sums of money in the construction of their works. I have never learned that a State, in any single instance, has secured a direct income from such investment. Illinois tried the experiment, and abandoned it. The effort was made in my own State, to a greater extent, and, I believe, with a nearer approach to success than in any other. A railroad, more than a hundred miles in length, was owned and operated by the State for several years; but it was found to yield no profit, and was sold to a company.

There is a difficulty in the management of railroads by the authority of a State, which will always prevent their becoming a source of direct revenue to the Treasury. They are not, however, to be regarded as of less importance to the great interests of a community, whose business requires, and whose prosperity depends, in a great degree, on facilities of this character. The advantages yielded by them to the public are such that every State has deemed it an object to encourage their construction by capitalists and others, wherever they can receive support, throughout its limits.

Objection has also been made that such roads may pass into the hands of a company. The grant is to the State, and the particular manner of applying the proceeds to the work specified is committed to the Legislature, without whose authority no company could control the land. Suppose the Legislature should find it expedient to apply it through the agency of a company, would it be the subject of just complaint? Would it be a gratuity to a company, yielding no return? I do not so understand it. For if in granting a charter to a company, the Legislature should furnish any part of the means by which the road was to be constructed, they would take care porportionally to lessen the amount of tolls to be paid, and thus secure the public in the enjoyments of the full benefit of the grant.

Now let us see what are the advantages which the United States Government retain to themselves by virtue of the conditions annexed to the proposed grant. The first is the transportation over the road, free from toll or charge, of all the property and troops of the United States. A slight consideration of the subject will show that this is a matter of very great importance to the Government. Sir, upon the channel of communication through Missouri, to which the Senator from that State [Mr. ATCHISON] alluded the other day, an immense amount of Government property, stores, and munitions of war, are, and will continue to be, transported. The amount paid for their transmission has been enormous, and the saving to Government on that route would, in a very short time, fully repay to the Treasury the value of a grant of land to aid in constructing a road. Another provision of the bill requires the United States mail to be carried over the road, for such compensation as may be fixed by Congress. Few persons have any correct idea of the immense amount which is paid for the transportation of the mails over railroads in the United States. On some of the more important routes, the amount paid is $300 a mile per annum, and the rates are graduated from that sum down to $50 per mile. The Post Office Department has encountered most serious difficulties in making proper arrangements for the transportation of the mails. The subject has more than once been presented to the consideration of Congress; and all have felt, and still feel, the difficulties attending it. The charges of the companies are often exorbitant, and yet the establishment of a system of railroads through the country—now of recent origin, but of indispensable use—has abolished the old system of mail transportation on the great thoroughfares, and rendered this more rapid service indispensable. Without competition or restriction, the companies become monopolists, and demand their own prices. The provisions of this bill securing the obligation to carry the mail, gives to Congress the right to fix the rate of compensation on the road. A fair remuneration for services would of course be made, but nothing more. It is an object to build up roads under provisions of this charactar, not only as competitors with routes not subject to such restrictions, but that an example may be set as to rates of compensation, which may tend to regulate the matter on other great routes throughout the country.

The increased value of the public lands, occasioned by the construction of these channels of communication through them, attracts the attention of purchasers, and increases the sales. A general increase of prosperity to the country, which cannot be secured without roads of this kind, is promoted by the grant.

Mr. President, I shall say nothing here with regard to any general system of internal improvement which may be supposed to be connected with this matter. The honorable Senator from Kentucky [Mr. UNDERWOOD] has taken occasion to discuss that subject, in connection with this bill, but I do not place my support of the policy of these grants on any such grounds. If grants of this character are not sustained upon principles of justice and duty, growing out of the peculiar relations in which the General Government stands to the land States, or of obligations incident to their title, or out of the interest of the United States as connected with the public domain, I shall surely not contend for them upon any other principle. The honorable Senator from Kentucky, the other day, in the able argument which he gave us upon this subject—and I am disposed to regard it as able an argument as any which will be given—alluded to some objections to the grants of alternate sections, to which, without following him generally in his remarks, it may be well to give a passing notice He contended that the alternate sections reserved to the Government are, upon the passage of such a bill, withdrawn from sale, and that a long time must elapse before they will be brought again into market. Time, he asserts, is important. In the early grants of this description (I believe there were but two of them) it was not declared in the law what portion of the alternate sections should be retained by the United States and what should belong to the grantee. This would require the land to be withheld for a short time until the designation could be made. This objection is, however, obviated in the bill before us. It expressly provides that the sections bearing *even* numbers in the official returns, are granted to the State, and the sections with the odd numbers are reserved to the United States; so that no commissioner or agent is required to make the selection. The designation on the plats at the General Land Office decides the question, and the designated sections granted to the State, at once fall under the charge of the proper authorities. The portion retained by the General Government is not withdrawn from sale, and no change takes place in regard to it, except an increase in price on sale from ten to twenty shillings an acre. Nor are there any circumstances connected with the construction of the road which are likely to postpone or retard the sales at the enhanced price. On the contrary, these lands will be sought with more avidity, on account of the advantages added to their locality, than before.

But it has been also alleged that the whole argument, founded on a supposition that the construction of railroads or canals through the public lands will increase or hasten their sale, is without foundation. Now, the Senator from Kentucky states, that for the last two or three years the quantity of lands sold has been increasing, and he cites the official returns for the years 1848-'49-'50. Admitting such to be the fact, (and I do not controvert it,) it is a direct and positive contradiction of the estimate made by the Secretary of the Treasury at the last Congress, in which he told us that the lands were disposed of for bounties and other grants, sufficient to anticipate the sale for sixteen years to come, and that consequently nothing could be expected from that source into the Treasury. Admit, then, a slight increase in the amount of sales, what is his argument? It is that there is no need of any legislation for the purpose of increasing these sales; that you have fixed the minimum price at $1 25 per acre; that at that price they are selling fast enough, and that you ought not to do anything, nor is anything required, nor indeed can anything effectual be done, with the view of in-

creasing these sales. Let me ask that Senator to look further into the tables showing the sales of the public lands, and if so strong an argument is founded on a slight increase in the sales for the last three years, let us see what a longer series of years will teach us. We can deduce correct and valuable knowledge only by looking at the operation of the system, from its first institution to the present time. The sales amounted in 1850 to less than one and a half million of acres. There were also located in that year, under bounty land warrants, a little more than two millions of acres. Adding to the cash sales the lands entered under warrants for bounties at Government price, we have for the amount disposed of a little over $4,000,000. Now let us compare these with the sales in former times. In the year 1833 the sales amounted to four millions of acres; in 1834 to four millions and a half; in 1835 to twelve millions of acres, and in 1836 to no less than nineteen millions. The table of returns show that from 1836, the sales gradually fall, through successive years, to a minimum, and then gradually rise again. Compare the sales of the present time, amounting to some four and a half millions, including entries under warrants, with the cash sales of 1836, amounting to nineteen millions. Instead of a gradual increase, there is an enormous falling off in the demand for these lands. From a general view of the subject, the inference drawn from the experience of the last two or three years would seem not to be justified; on the contrary, it will be most strikingly developed that the fluctuations in the sales, great as they are, depend in a very great measure upon the legislation of Congress. It is not true that because the price is fixed at $1 25 per acre, we can do nothing to increase or retard the sales of the lands, or the settlement of the country. The legislative action of Congress has always affected very materially the annual amount of sales. In 1835 and 1836 a state of things had grown up under the influence of legislation, and produced in part by other agencies, which increased the sales to an enormous extent. A spirit of speculation was engendered and sustained. A depreciated currency was received in the land offices, and purchases were made far beyond the quantity of land required for use. The specie circular put an end to the speculation, and the sales gradually diminished. The history of this matter shows most clearly how true it is that the legislation of Congress, even that remotely bearing on the subject, always does and always will affect the sales; and he who supposes that legislation tending to open the wilderness to the ingress of settlements and business, and to supply the means of intercommunication will have no favorable effect upon the object, I humbly conceive is in great error.

Mr. President, in reporting the bills of this character from the Committee on Public Lands, I ought to say that it has been the endeavor of that committee to select from the numerous applications which were presented, those whose proposed routes would secure great public objects—roads leading from the navigable waters of one great river to those of another, or from the lakes to large towns, or important points on the thoroughfares of the country, and passing through regions of the public domain. And in giving a favorable consideration to these objects, it was not supposed that we were departing from any well-settled principle of the Government; we regarded rather the interest of the whole country as indentified with that of the States where these lands are situated, and that both would be promoted by the proposed grant; indeed, that it was due to all parties, to legislate on the subject with a spirit of true liberality.

The question, Mr. President, to which I have referred, however, relates simply to the *interests* of the General Government. They demand to know "what profit will it be to the General Government to make grants of the public lands for these purposes?" I have endeavored to show, that at all events it can by no possibility be a loss to the General Government. But I go further: In my opinion the position taken by the Senator from Massachusetts, [Mr. SUMNER,] the other day, that there is a *duty* imposed on the General Government to adopt an enlarged view of this subject, and to prosecute a system which shall be liberal not only in regard to the settlement of the public domain, but also towards the States within whose limits the public lands are located is perfectly correct.

It will strike every one that there is a peculiarity in the relations of the General Government to the land States. The General Government holds the title to the entire public domain within their limits. The State governments are themselves sovereign, except so far as that sovereignity is limited by the Constitution of the United States. And yet, sir, within the entire limits of these sovereignties, another power is the holder of the whole domain. From this control it is withdrawn by the slow process of individual purchases. Sir, in every nation in Europe, the King is the primary disposer of the soil within the limits of his Kingdom, and eminent domain is a right always deemed inseparable from sovereignty. The power of this ownership exercises a control almost unlimited over the interests of a country. The right to dispose of the public domain has always been used as an instrument to effect the objects of the sovereign. If the genius of the Government seeks the establishment of arbitrary power, if it would build up lordships and vassalage, if it would establish classes and ranks with the power of the more elevated to oppress those beneath them, all this can most effectually be done, as it has been in other countries, by the manner of disposing of the public domain. In our country no man can doubt that the most liberal policy should prevail—a policy which should best secure the settlement of the country and the freedom and the interests of the purchasers. Even in the despotic Governments of the Old World much of the illiberal and restrictive policy of former times is discarded. Yet here there seems in some quarters to be a disposition to retain, with an iron grasp, the power which the title to the public domain bestows.

In respect to this ownership of the unceded lands within their borders, the condition of the new States is precisely the reverse of that of the old States in this Union. Upon the separation of the Colonies from Great Britain, the right to all the territory within their respective limits was fully recognized in the States. It is in the new States only that the right does not exist. It was never denied to Massachusetts, Virginia, or Connecticut. The State authorities succeeded to the right of eminent domain held by the Crown, and have always retained it. All the lands within their limits not owned by individuals, became the property of the State, by virtue of this right to which I have referred. The title of Virginia, of North Carolina, of Georgia, Connecticut, and of South Carolina, to the new territories in the west, were held by this right, and by no other. It was simply a right derived from the fact that the lands fell within their limits, and therefore the Government was the owner. The reversed condition of the new States in this particular finds no parallel in any of the older States of the Union. On the contrary, the principle which was recognized in regard to all the original States is denied to all the new States, and the title by which the land of the old States, held by virtue of this right, was transferred to the General Government, is the title under which the public domain in the new States is now possessed by the latter. The territory of the new States—the land States as they are called, twelve in number—was ceded to the United States at different dates. In 1784, Virginia ceded the territory which now constitutes the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. In 1787, South Carolina, and in 1802, Georgia, ceded the territory which now constitutes the States of Mississippi and Alabama. Other States made similar cessions. By these cessions the United States became the owner of immense territory. About the time of the formation of the Confederation these cessions began to be made. They had their origin in an apprehension, which had become extensive, of the undue influence which the larger States might have in the Confederation about to be formed.

Maryland and New Jersey for a time refused to become members of the Confederation; they alleged that the large States—Virginia, and some others—claiming territory extending across the continent, to what was then denominated the South Sea, would exercise an irresistible power over the small States; that in such a Confederacy the influence of the latter—the small States—would be lost, and that of the former become supreme. Virginia then embraced—as it would now but for her cession—the whole of the territory northwest of the Ohio, now comprising five States of the Union. The excitement and agitation growing out of the controversy, and the spirit of jealousy which was engendered, had well-nigh thwarted every effort at confederation; and it was not until the cessions were made of their uninhabited territory by the great States, that the country was quieted and the Confederation safely established.

In order to show the relation which exists between the General Government in the administration of the public domain, and the States within whose limits it lies, I wish to call attention to some of the conditions on which this cession was originally made. These conditions, in my humble opinion, secure to the new States the right, and impose on the General Government the duty of adopting a liberal policy in the care and disposition of these lands. The new States, within whose limits they lie, have a right to expect such a policy, as, while it advances the interests of the General Government, shall secure also the settlement and prosperity of the State.

In the grant by Virginia, it is stated to be on condition that "the territory so ceded shall be laid 'out and formed into States containing a suitable 'extent of territory, not less than one hundred nor 'more than one hundred and fifty miles square, or 'as near thereto as circumstances will admit; and 'that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same right of sovereignty, 'freedom, and independence, as the other States."

The cession made by Georgia required the territory ceded to be admitted as a State, in like manner, whenever it should have sixty thousand inhabitants. The Ordinance of 1787, which provided a territorial government for the country ceded by Virginia, also provided for the formation of not less than three nor more than five States, and fixed their boundaries—each to be admitted when it had sixty thousand inhabitants, "on an equal footing with the original States, in all respects whatever." What would have been an "equal footing" with the original States? That provision was sufficiently comprehensive to carry with it eminent domain, and the absolute ownership of the unappropriated land. If they had been admitted "on an equal footing" with the State of Massachusetts, or any other of the old States, most assuredly every foot of territory now owned by the United States would have been the property of the States within which they lie. There would have been no power in the General Government to control the disposition of the lands in Ohio, or any other of the States formed in the ceded territory, but the title of those States would have been perfect. Such would have been the effect, if the provision which I have cited had stood alone in the Ordinance. But there was another provision in that instrument, which changed entirely that "equal footing." There was a restriction imposed; and it is under that restrictive clause, and subsequent action in accordance with its provisions, that the Federal Government, at this moment, holds and administers the public lands in Ohio, Indiana, Illinois, Michigan, and Wisconsin. That clause in the Ordinance of 1787 withheld the title from the States by the express declaration, that "the Legislatures of these 'districts, or new States, shall never interfere with 'the primary disposal of the soil by the United 'States in Congress assembled, nor with any regu-'lations Congress may find necessary for securing 'the title in such soil to the *bona fide* purchaser." And in confirmation of this provision of the Ordinance of 1787, when the new States were admitted into the Union, they were required to give their assent to a similar restriction upon their "equal footing" and equal rights with the original States. Their express assent to the restriction is found in the compact made with all, or nearly all of the new States on their admission into the Union.

The Constitution of the United States, adopted in 1787, provides that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." Some of these cessions were made before the adoption of the Constitution, and some of them subsequently.

These provisions show the manner in which the United States acquired the right to the land in

the new States, and the purpose for which it was ceded. From them we are able to ascertain the design of those who participated in the transaction at that day, and their anticipated results of the cessions. They indicate, also, what was necessary to be done by the Federal Government on their part, in order to secure the full fruition of their hopes. What was this great object? It was not to obtain the benefit of an accession of foreign territory; it was not to secure revenues from an existing commerce, or the right to levy taxes upon rich possessions, or to gain an accession of population then existing. The country was a wilderness, without commerce, without wealth, without inhabitants, save the savage of the forests. The object of this grant is fully and explicitly declared in the provisions to which I have referred. It was to build up States. It was to enlarge this nation by adding State after State to this glorious Confederacy which our fathers were about to form. It was to build up a powerful republic upon principles of government which were not then in existence in any other respectable nation in the world. It was to establish the principles of free government, to increase the strength of the nation, and to give permanency and vigor to its institutions. Everything which was necessary to advance these objects, and to build up and organize new States in that great valley, and prepare them for admission into the Union, was devolved on the Federal Government by the Ordinance of 1787, to which I have referred.

Without keeping in view the ultimate design, and adopting a course of policy commensurate with it, the object of the cession would have been frustrated. How otherwise was it possible to curtail the influence of the larger States, through this session? How, without building up new States, which should become members of the Confederacy and bring their influence and their energies to the common stock, was it expected that the weaker and smaller States were to secure safety in the common councils against the larger and more potent? The anxiety of the smaller States on this subject is shown as well by the history of the times as the express condition of the cession. They would commit the care of these new settlements to no power but the General Government. Even the number of States to be found in the ceded territory had a maximum and a minimum fixed by the first ordinance, and it is curious to see into how large a number it was contemplated that the region would be divided. The States were to be from one hundred to one hundred and fifty miles square. If that provision had been literally carried into effect, instead of five States northwest of the Ohio, we should have not less than ten, nor more than twenty-three; and in the twelve land States, at the same ratio, there would be not less than twenty-seven, nor more than sixty-one.

The very fact that this division into States was made in advance of settlements, shows that the Federal Government was charged with the care of the public domain, in the belief that it possessed both the power and the disposition to hasten its settlement and bring new States into the Confederacy. Here the Federal Government assumed a most important and responsible duty—the duty of forming new and independent States. To secure a rapid and healthy growth; to form institutions of republican government; to foster education and promote prosperity and happiness, required both energy and liberality. The title of King-maker has little meaning when compared with that which indicates the noble assumption of the General Government to raise up free and independent States throughout the wilderness of the western world. The region embraced within their limits was offered as a sacrifice by the noble States of Virginia and Connecticut, and South Carolina and Georgia, to secure the formation of the Confederation. It is now the pledge of the perpetuity of the Union.

History, I believe, can scarcely exhibit a more interesting incident than this to which I have referred. And we should look in vain in the annals of nations for one of similar characteristics.

Among the despotic Governments, misnamed Holy Alliances, are sometimes found deliberating on the condition of nations, and decreeing their fate. Adversity invites aggression; prosperity kindles animosity. To overthrow kingdoms, to divide or destroy nations and partition their territory among conquerors, is a spectacle too often exhibited. But never has history presented a more noble spectacle than that which was exhibited when the Federal Government assumed the charge of a wilderness domain, under deeds of cession which stipulated for future States to be organized therein, and deliberately assumed the charge of their growth and prosperity. Never has a more noble act been performed than that by which old States yielded to the Federal Government the region of the rich basin of the Lakes and the Mississippi, with the enjoined duty of building up free and independent States within it. States in that region, it was required by the deeds of cession, should be admitted into the Confederacy. The people constitute the State, and not merely uninhabited territory; and much was to be done before that distant region could become the abode of civilization, and expand itself into the proportions required for that political organization. While the territorial form of government has existed in this portion of the country, the General Government has exercised a liberal policy in the promotion of settlements. It has been the custom to make roads within the Territories by money appropriations. Within the last year or two, Minnesota, the most recently organized territory in which public lands are offered for sale, has received liberal grants for the purpose of making intercommunications. It seems, however, to be supposed that the moment the State within which the unappropriated land is located, is admitted into the Union, the care and charge of the General Government over it is to cease; that the liberal action of the Government, for the promotion of the settlement and the convenience of the immigrating community, may justly be abandoned, and that the care of every interest which mingles itself with the general prosperity of the country devolves upon the State authorities.

These new States were to be admitted when they contained sixty thousand inhabitants each. We inquire how the admission of the State into the Union can change the duty or the interest of the Government, in regard to the policy of settling and selling the public domain? States, with thirty-five millions of acres, may, on admission into the Union, contain sixty thousand inhabitants—scarcely enough to constitute the population of a well-settled agricultural county. If, when the State is formed and admitted into the Union, the care of the General Government in promoting sales of the public domain is to cease, it were far better to defer the State organization and to remain in a territorial condition. Almost the entire territory within its boundaries is a perfect wilderness. You have a little settlement in a single corner wherever a stream of water runs and navigation can be had. You will find a small settlement here and there along the streams or navigable waters; but the great mass of the State is as much an uninhabited country, and as inaccessible for purposes of settlement, as when its forests were unbroken. And yet it is thought that the duty of the General Government is terminated whenever the State is admitted into the Union.

Maps are sometimes prepared, distinguishing by colors the portions of the new States which are settled, and those where the lands are still held by Government. If any one will take the trouble to examine such a map, he will be surprised at the large tracts of land remaining unsold. The difference between this state of things and that of the old States, where there are inhabitants on every square mile, and where roads are already made, and abundant facilities for communication enjoyed, does not readily occur to the mind. I might refer, for an example, to the condition of my own State. Michigan is composed of two peninsulas. Since my knowledge of the country, which was not many years ago, the settlements were confined to two southern tiers of counties, and the large mass of the State was as much a wilderness as when the territorial government was first established there. Until within the last two or three years, not a single acre of land in the northern peninsula was entered, and even now it is penetrated by no public road or other means of communication inland beyond the lake shore. And yet it comprises about one third of the State. In the southern peninsula, within the limits of the settled counties, on the southern border, we have all the ordinary facilities for travel and business belonging to a settled country; but beyond this the great body of the territory is held by the Government, unsettled, and a portion of it unsurveyed. This condition of things exists not only in that State, but in many of the others. Look at Wisconsin. The settlements there lie chiefly along the lake, and on the southern border of the State, while the great mass of territory in the interior is an untouched forest. The same condition of things exists in Iowa, the State for whose benefit this bill is intended. Of an area of some 32,000,000 of acres, 28,000,000 remained, according to tables prepared in 1849, unsold. In Michigan, with an area of 35,000,000 of acres, 25,000,000 remain unsold. In Missouri, of 43,000,000, the total area, 29,000,000 are public property. In Florida, of 38,000,000 of acres, 34,000,000 still belong to the Government.

Now, sir, it is manifest that over the interests of the land States, the General Government, by virtue of its connection with the ownership of the soil, has a control almost absolute. The prosperity of the State is committed to the charge of the Federal authorities. Suppose the latter, disregarding the prosperity of the former, and undertaking to exercise an arbitrary power over the whole subject, should utterly refuse to make sales of the public lands: would it not embarrass the action of the State government? Would it not check the advance of the public weal? Would it not present an impassable barrier to the growth and thrift of the State? Indirect legislation bearing on this subject even remotely, not unfrequently carries with it an influence which is felt in its retarding effects on the settlement of the new States.

The absolute control which is claimed over the public domain lying within the States, is broad enough to exclude all interference on the part of the latter. The authority of the State is by it made as powerless as that of individuals. Railroads, canals, and other improvements required for the use of the public, and which may be carried, by the authority of the sovereign State, upon making compensation, through any private property, cannot be extended through the public lands. If the continuous line of such an improvement is intercepted by a forty acre lot belonging to the public domain, the power to construct the work is terminated. Every year applications are made to Congress in such cases for permission to cross the public lands by companies whose charters from the State Legislature already grant a full right of location, but which are rendered ineffectual without permission under the solemn act of legislation by the General Government which is claimed over the subject. It is a full power it has over it. The effect of it is, that although the State government has necessarily the care and charge and expense of administering the laws over its entire territories, yet the power to take the land of the United States for any public purpose, is denied, even to its sovereign authority. And this claim carries with it the power, in the land States, to prohibit the most important public works.

I will refer to an instance, a memorable instance, of a conflict between the two jurisdictions in that regard. There is at the entrance of Lake Superior—applications for aid both at the present and at the past sessions of Congress have given Senators to know it—an obstruction between that inland sea and the chain of lakes below it. A canal half a mile in length, with two locks, would overcome the obstruction, and extend a navigation of some twelve hundred miles in length, to the waters of Lake Superior. The State of Michigan loaned money to make the improvement, and men, in the employment of the State, commenced the work, and its early completion was expected. But the General Government interfered. That interposition was not of a peaceable and quiet character, by admonition or remonstrance, or an appeal to the civil authorities, but the force of the United States troops was invoked, and the agents and the workmen were driven off at the point of the bayonet. The State was compelled to relinquish the work, which has remained from that day to the present untouched. Although the necessary means were obtained, and the work put under contract, and its performance commenced, the asserted jurisdiction of the Federal Government over the soil, by virtue of its ownership, interposed and prohib-

ited and prevented its completion. Notwithstanding its great importance, not to the State merely but the nation, the patriotic efforts of the State were defeated by the power of the General Government. This single instance exhibits in a strong light the general fact which I am endeavoring to present,—the fact that the Federal Government, through the stipulations giving to its charge the ownership of the public domain, has committed to it an unexampled control over the best interests of the land States.

There is another portion of the stipulations relative to the subject, which is of equal importance. It is the provision so ably remarked upon, a few days since, by the honorable Senator from Massachusetts, [Mr. SUMNER.] I refer to the power committed to the General Government by the clause relative to taxation. This is a positive prohibition to the States, within whose limits it is located, ever to impose a tax on the public lands.

The right of taxation, as was well remarked, is a sovereign right, and one which cannot be yielded up except by the express assent of the government of the State in which the lands are located. The practical effect of this exemption is most oppressive to those States. The settler in the forest, surrounded in part by the public domain, is obliged to pay an assessment on his premises for roads, for schools, and for his proportion of the expenses of the Government, while the land of the General Government in the same vicinity is exempted from taxation. The non-resident individual owner pays his just proportion of the public burdens, where the great land-owner is exempted. True, every dollar paid for public purposes by the settler inures in no inconsiderable share, to the benefit of that proprietor who has the original disposal of the land, yet that proprietor alone is exempt from all payments. And no authority exists in the State governments to compel a just contribution, according to estate, to any of those general or local objects for which other land-owners cheerfully submit to taxation. If any person will scrutinize the restrictions to which I have called attention, and their consequences, he will not fail to appreciate the oppressive burden which they impose on the land States. So far as my own State is concerned, I would consent to-day to relinquish every acre of land and restore every cent of money received of the General Government, on condition that the public domain should be subject to taxation, and the amount accounted for which would have been heretofore assessed upon it, if it had been private property.

By the terms of admission of many of the new States, a still more arbitrary power, in withholding taxation, was reserved. It was provided that the purchasers from the General Government should be exempt from taxation during a period of five years after the purchase. Aye, sir, and that very exemption remains until this day in the State of Missouri; and there is a bill now on your table, reported from a committee, to abrogate the invidious distinction. In the other States where this exemption existed, it has remained in full force until within a few years, when it was abolished. This provision gave to the United States not only exemption from taxes while owner of the soil, but enabled them to transfer that exemption to an individual grantee, who could enjoy the benefit of the contributions made by his neighbors, without cost to himself.

Many persons here, even, treat this subject as though the restrictions mentioned were unimportant, and as if the ownership of the public domain within the State by the Federal Government, affected no interests or rights, but left the States in precisely the same condition as though it were held by individuals. I have endeavored to show how different from this supposition is the fact. If, as in the old States, the unceded domain within their bounds, were in charge of the State authorities, they would have no occasion to come here and to solicit the aid contemplated by this bill. The proceeds derived from the sales would be more than sufficient for every purpose, and the energy of the State would soon cover it with people, and subject it to taxes. If even by rapid sales it could pass into the hands of individuals, and the exemption from taxes thus be terminated, it would render such aid comparatively unimportant.

If Senators suppose that there is nothing onerous in this condition of affairs, let me ask them to apply the test to their own States. Let me ask the Senator from Pennsylvania upon what consideration his State would consent to relinquish the right of taxation and control, by her authorities, over nine tenths of her territory? Yet nine tenths of some States are still public domain. Upon what condition would the Senator from Massachusetts yield up this right of taxation and control over four fifths of his own State? Upon what condition would Virginia consent to apply to one half the State exemption from taxation, and the exclusion of the ordinary jurisdictional power? No consideration would induce assent to such a proposition. If Senators will apply the principle to their own States, they will appreciate the burden imposed on others. They will recognize a broad distinction between the old and new States. They will see that there is imposed on the Federal Government, as the great landholder in the States, under the conditions already cited, an obligation to sustain a liberal policy towards these States in settling the land, and promoting the general interest. As I before said, the General Government has the power, any moment—to use it would be violating every sentiment of justice—to put its hand upon every principle of prosperity by which these States are now expanding themselves, and becoming, day by day, more and more important.

I may be told that the *powers* to which I refer will never be used by the General Government, and that there has been and continues to be a great liberality exercised on the subject. I do not stand here, sir, to doubt or deny. I have the utmost confidence in Senators here, and in members in the other House, and in the Executive. I know their disposition to do everything which they believe to be justly required. But I have scarcely ever seen an individual from the Atlantic States, who had never been in the western region of our country, and who knew nothing of it more than he obtained from reading and other ordinary sources of information, who could appreciate at all the condition of the land States. With his own State for a standard, the differences of condition escape his attention; or the effects are overlooked or misunderstood. Some matters of public interest may be so presented that he is convinced of their importance. We may present geographical facts which show the greatness and importance of the States. We may present statistical information, exhibiting their rapid progress, and giving a glance at their future destiny. We may point to their commerce, their agriculture, their incipient manufactures; but after all, there remains a difficulty of obtaining a full realization of the great interests of those States, which meets us at every step. I do not attribute it to any want of liberal feeling. On the contrary, I know the anxiety with which, in many quarters, knowledge upon these subjects is sought, and how highly it is appreciated. Senators who so kindly give me their attention at this moment—and for it they have my heartfelt thanks—listen in hopes that something of fact or argument may be presented in my imperfect remarks worthy of their consideration. But with all their disposition to do justice to us, there is a difficulty in appreciating the true condition and relations, the prospects and interests, of the land States; and a still greater difficulty in realizing how all these are interwoven with the great interests of the nation, and how every act which promotes the prosperity of that immense valley—in itself an empire in its broad extent—brings back rich returns to the prosperity of the Union.

A faithful administration of these lands in reference to the interests of the States, requires something more than fixing the price at a low minimum and offering them for sale. Other legislation has an important bearing on the sales, and seriously affects the settlement of the land States.

If there were no other public lands without the limits of these twelve States offered for sale, or to be brought into market; if there were no inducements held out by the Federal Government for settlers to flock into other portions of the country, the attractions of these States to the multitudes who are seeking homes in a new country would continue to have their legitimate effect, and the great masses of immigration would rapidly fill the unsold portion of the lands.

But the Government is daily bringing into the market elsewhere newer portions of the country. Nearly eight millions of acres were last year brought into market. California, Utah, and New Mexico, recently acquired, are inviting immigration. Oregon is just opened to settlement. Minnesota, as productive a region as can anywhere be found, offers inducements to the settler of no slight attraction. These all turn the tide of population from the land States. In Minnesota roads are now being opened under acts of Congress, and at the expense of the public Treasury. In Utah and New Mexico the settler chooses his location, and pays nothing for his land. In Oregon an act of Congress gives large donations of land—from 320 to 640 acres—to every early settler, and even offers, without cost, to all who will emigrate there prior to December, 1853, 160 acres of land; or if married, double that quantity. California has attractions that have made that State the wonder of the world. The golden harvest has allured emigration there with a force never known before. As yet the Government has freely thrown open the whole expanse of her gold-bearing territories to every man who would become a settler, and the history of the world affords no parallel to the rapidity of the increase of population. "A nation born in a day." In Minnesota and in Oregon larger quantities of land are reserved for public purposes than in the land States, and much greater inducements for immigration are afforded.

Would it not be astonishing if the acquisition of these new regions of agricultural and mineral wealth, with free liberty to occupy and possess without cost, and proffers of perfect titles to large tracts of land to the settler, did not turn the tide of emigration? The new field of enterprise now opened on the Pacific—a field where commerce and the various industrial pursuits offer temptations and rewards equaled only by those of her mines, presents more than the allurements of fairy-land.

As might be expected, these inducements turn away the tide of immigration from the twelve land States. They are already feeling its effects. The increased number of immigrants do not swell the sale and settlement of the land in those States, in any thing like the ratio of the increase of that immigration. Their own citizens are joining the emigrants by thousands. The old States are also pouring their population into the great tide which flows towards the new Territories and the Pacific. The great inducements there, are drawing away the thousands who otherwise would become citizens of these States.

And what is now proposed by those who object to the grant provided for in the bill? Why, if I do not misunderstand it, they propose to withhold all aid for the settlement and sale of land in these States, and to do nothing to bring those lands into market, or to secure the advantages which render them accessible, and a settlement upon them desirable; to discharge the Federal Government, henceforth, of all care over the interest of the settlers upon them, and of all obligation to the States in which they lie.

If this same policy now proposed to be adopted were pursued in the new region of country, there would be less cause of complaint; but while this is otherwise there, the settlement of the States must be retarded.

I know the wonderful increase of late years of the tide of immigration; I know that the annual sales of the public lands in the twelve land States may not be actually diminished by all this. But what without these attractions elsewhere would be the state of the case? This great and increasing volume of immigration from foreign lands, and from older parts of our own country, would flow in a continuous current, and rapidly fill up the vacant territory of the land States. They would then have no occasion to solicit aid.

We do not complain of this great liberality to settlers and emigrants in new Territories and States, but we do say that while Government is thus offering inducements and advantages there, the older of the new States should not be forgotten. The ordinary means of access to the public lands in the States should not be withheld. If to these fascinations elsewhere, the Government adopt the policy of withholding here all the facilities required for sale and for settlement of their lands, a most

serious impediment will be placed in the way of the prosperity of the States.

The settlement of all these new countries commences on the water courses, along the borders of the rivers and the lakes. Then come territorial roads, and population flocks along their line into the interior. And that population advances just in proportion as avenues for intercommunication are made. And when the owner of immense tracts of wilderness country ceases to bear his share of the expense, and to add his aid to that of the settler in his neighborhood in advancing such facilities, the inducements elsewhere will turn the tide of emigration into another channel.

It seems to be supposed that great liberality—a liberality amounting almost to prodigality—has been exercised towards the land States, in the grants to and expenditures heretofore made in them by the General Government.

Having regard to the immense extent of the public domain, the great interests connected with it, and the object for which it was ceded, I cannot see this profuse liberality of which gentlemen speak. Individuals sometimes talk on this subject as though they were ashamed of the former liberality of the Government; as though they regarded it an extravagant expenditure and an unjustifiable squandering of property, which should bring a blush on the cheek of those to whom its administration was committed. I cannot concur in this view of the matter; and I wish for a moment to call attention to the extent of those grants.

The grants for school purposes have been liberal; and I shall not stop, in this part of my remarks, to discuss any question in relation to it.

The grant of swamp lands was referred to the other day by my friend from Kentucky, [Mr. UNDERWOOD;] but I do not think it justly exposed to the animadversions which he was inclined to pass upon it. Since I have been a member of the Committee on Public Lands, applications have been presented from counties, and even from towns, in different portions of the country, urging the Government to enter into a system of drainage, and to reclaim lands of this character within their limits—lands alleged not only to be unproductive to the United States and unsaleable, but to cause the country about them to be unhealthy, and to obstruct the settlement of the vicinage. The question at once presented itself to the committee, whether the Federal Government could undertake, in designated townships scattered over this wide domain, to provide and carry into effect a system of drainage for their wet lands? Can that authority properly, and with a due regard to economy, appoint and employ agents for that purpose? Can a general system of reclaiming these lands by drainage, by embankments, or other means in use for that purpose, be successfully carried out by Government? If, under such a system, every acre of land thus reclaimed should be made worth $5 instead of $1 25, its present price, would it be profitable to the Government to undertake the system? Does not every man know that the agency required to execute such a work would cost more than the lands would bring, even at $5 per acre? It was also known that these tracts of swamp lands prevented the settlement of the country, and therefore the inhabitants desired the Government to do what an individual would do if he owned the lands. In the present state the lands were worthless to the Government, and to attempt to reclaim them would cost more than their sale would restore to the Treasury. The committee reported against such applications, and the Senate sustained the report. It was thought both policy on the part of the General Government and justice to the States in which they lie, to make the cession; and under these circumstances the bill was passed.

In making out a statement of grants of lands to the States for purposes of internal improvements, I believe I should not differ very much from the statistics presented by the Senator from Kentucky. I wish, however, for the purpose of making a few comparisons, to refer to the grants and expenditures for that purpose, and to call the attention of the Senate to some of the figures. The quantity of land granted for internal improvement purposes to the land States, including the alternate sections recently granted for the Illinois and Mobile Railroad, is 11,500,395 acres. The bill now before us proposes to make a grant of land for the construction of a *railroad* across the State of Iowa. We can, perhaps, realize more fully the extent and value of these grants by exhibiting the results on the supposition that the total amount is expended in improvements of that character.

I should here observe that the great grant spoken of by the Senator from Kentucky of five hundred thousand acres to each State in 1841, and included in my estimate, was not a new grant of that quantity to each of these States. It was an attempt to equalize the grants to the States. With the exception of Indiana and Illinois, it embraces all the lands previously granted to them. So that instead of receiving 500,000 acres each, under the act of 1841, they have only received under it a quantity which, with the previous appropriations of that kind, would make a total of 500,000 acres. Illinois and Indiana had received much more than that qantity in previous grants, and therefore took nothing under the act.

The whole quantity of land granted for internal improvements in all of the land States gives an average to each of 958,366 acres; which at the Government price would amount in value to $1,197,932. These States received also five per cent. upon the sales of the public lands within their limits, amounting to a total of $3,898,787. This percentage gives to each of the land States an average of $324,899. Two appropriations have been made for roads—one in Mississippi and one in Alabama. The sum expended in constructing these roads amounted to $44,000, or an average to each State of $3,666. While these two roads were constructed in the new States, appropriations were made and expended for roads in Maine, Georgia, and Tennessee, to the amount of $164,303. Then comes the appropriations for the Cumberland road. This road, however, penetrates no further than the State of Illinois, and was not confined to the land States. It extended through portions of Virginia, Maryland, and Pennsylvania. And in its construction about one third of the appropriation was applied in these three States, and two thirds in the new States. The total amount from all sources gives as the amount in money and land received for this purpose in each of the land States, $1,857,231. It should be further remarked, that not only was the Cumberland road charged upon the funds reserved to the States on the sales of the public lands, but those funds were applied to its construction as well in the old States as the new. Of the five per cent. on the receipt from these sales, two per cent. was expressly appropriated for making that part of the road which was located in the old States. Thus saddling the expense of the construction of the road in the old States upon the percentage reserved on the sales of the lands in the new States.

The total amount of all the appropriations in land and money to the twelve land States would be sufficient to make seven hundred and forty-four miles of railroad, giving on an average some sixty-two miles of railroad to each of these States. But Illinois and Indiana have received, as I before remarked, a much larger proportion than any of the other new States. If we average the receipts of the other ten of these States, they are found sufficient to construct only thirty-four miles of railroad in each of these immensely large States. If any one accustomed to look at the subject of the expense for improvements of this kind should be told that in States which contain thirty-five thousand, or forty thousand, or fifty thousand, or sixty thousand square miles, enough had been appropriated to construct thirty-four miles of railroad, he would consider it no great matter for boasting. Compare this result with what has been done in the old States by individual enterprise. No State that has only that extent of railroad, none even of the smallest size, would be considered as having even entered on the work of internal improvements, with only thirty-four miles of road; and yet this is all that has been done by the Government in the great western States. I make the reduction to that criterion, that we may see more distinctly how much, in the way of internal improvements, has been bestowed.

Here, then, is the work of the great land proprietor—the owner of three hundred and ninety-two millions of acres—whose liberality is trumpeted as great beyond example. For fifty years and more this proprietor has been dispensing his bounties and building up his sovereign States.

In the half century donations of land and money for internal communication have been given in this great region, equal to the building of some seven hundred and forty-four miles of railroad. During this time, some two hundred and sixty millions of money have been received from the sales of land therein. An immense work of subduing the forest has been progressing, and the wilderness has been made the abode of civilization, wealth, and prosperity. More than seven millions of people now inhabit those States, extending civilization and the arts from the great lakes to the Mexican gulf. And during this time, after deducting all expense of purchase, survey, and management of the public domain, which has been sold, a net proceed of more than sixty millions of dollars has been received by the General Government, or adding the value at the minimum price of the land used by Government for private purposes, some seventy-five millions of dollars. And yet these appropriations, made for building up and improving this whole country during the last fifty years, amount only to enough to construct some thirty-four, or, at most, sixty-two, miles of railroad in each State. With all the disadvantages under which the individual settlers labor in these new and as yet sparsely settled States, they have accomplished, without aid, a work worthy of note. Alabama and Mississippi and Louisiana and Indiana and Illinois, have each of them more railroads, constructed by private enterprise, than could be built with all the appropriations of land and money for internal improvements of all kinds heretofore granted to them. Michigan has more than five times, and Ohio more than six times as much. The twelve States have eleven hundred and fifty-six miles. These are the results of private enterprise. While the owner of every eighty acre lot deems his interest promoted, and gladly contributes his mite for works of great public importance—knowing that his property is advanced thereby in value, and the interest of the great Republic promoted—it seems to be thought that the great proprietor should do nothing.

In all new countries grants of uncultivated lands have been liberal, and usually made with a view to promote settlements. Nominal prices only have been asked, and conditions of settlement usually imposed. The building of a mill or the making of a road was often a chief consideration. Large portions of country were frequently given away to promote settlement. In none of the original States have the lands belonging to the States been sold at so high a price, or with so little proportional expenditure in opening them for sale, as those held by the Government of the United States.

The State of Maine has within her borders a large extent of territory of unceded lands managed by the State. Massachusetts has also an interest there. Maine has for years administered her lands on the most liberal policy. The agricultural lands are sold at a mere nominal price, and liberal grants are made from the treasury every year for roads through her domain. Texas owns immense tracts of land, and no man dreams of anything but the most liberal policy to advance its settlement and cultivation.

One of the great objects designed by the cessions of the public domain to the United States was, I have already said, to build up new States, and to enlarge and strengthen our common country. We are in danger of overlooking the importance to our nation, and to all the members of it, of this great object. Already the advantages thus derived from the expansion of our country are incalculable.

Let the Atlantic States say whether they have received no benefit from the settlement and prosperity of the West. Let Eastern manufacturers say if they have gained nothing from the profitable traffic with the West. Let the sea-ports of the Atlantic declare if the immense trade with the West has poured no treasures into their coffers.

These twelve States have brought no ordinary offering to the altar of our common country. They exhibit an annual production of 45,000,000 bushels of wheat, 295,000,000 bushels of corn, 30,000,000 pounds of tobacco, 535,000,000 pounds of cotton, 20,000,000 pounds of wool, 28,000,000

tons of hemp, 321,000,000 pounds of sugar. In all of these articles the twelve States not only rival in amount all the other States in the aggregate, but in many of them are almost the exclusive producers. The inhabitants of these States have paid their share of the public burdens. They have added their strength to the Army and the Navy. They have contributed their force to the impetus which in little more than half a century has pushed on the national growth from infancy to its present magnitude and strength.

The great feature that marks the history of this nation is its unexampled growth. The great characteristic which marks the century will be found hereafter in the historic page to be the rapid increase of this United Nation in all that constitutes national greatness. And whoever analyzes this growth will find one of its most important elements doing its work in the basin of the Mississippi and the Lakes, and adding there State after State to the Union.

If once again, shrinking away from our present broad extensions and noble proportions, we fancy the nation compressed within its original limits, and again transformed to the dwarfage of the days of the Revolution, we should realize to some extent the value of our national growth.

For the promotion of this growth the care of the unsettled lands was committed to the General Government. If, in advancing the great object, they had found it necessary to use every acre of the domain to settle it and build up States, it would have been faithfully administered. It would have been a small price to pay for the advantages accruing to the Confederacy, in which every member participates. For the purpose of administering that great trust their power over it is unlimited. Whatever is needed to promote the sales—whatever is advisable to be done in connection with it to bring it into market, or to induce settlers to come upon it, or to foster the prosperity of the community upon and about it with the view to the sales and settlement, they have full power to perform. A policy which should appropriate a portion of it in securing these objects, would be approved on every principle. The right given to dispose of it without defining the manner, necessarily implies this; and the clearly-defined objects and conditions of the grants to which I have before alluded, impose this, in a case where interest would prompt it, as a duty. All net proceeds after such faithful administration of the funds must go then to the Treasury of the Federal Government.

This principle was adopted from the beginning. State-houses, jails, court-houses, and roads, have been built from the public Treasury in the Territories, under the constitutional power giving the charge of the "territory and other property" to the General Government. And all the grants for schools and universities, and other public purposes, have been made under the authority requiring a faithful administration of this trust. To deny the authority would be to repudiate every act of the Government connected with this subject from the first. A construction denying this power at the beginning would have defeated every object of the grant. It would have left the domain a wilderness, and instead of enlarging our Confederation by the addition of new States, would have restricted it to the Old Thirteen.

But this more liberal policy has received the sanction of every administration of the Government and of every party. It has had the approval of the voice of public opinion, and it is sanctioned by that best of all tests—complete success in its results. There is no question, then, of the power to devote the land to the uses contemplated by the bill. The right is founded on a principle entirely distinct from that involved in the question of internal improvements in the States where the Government has no special interests to be subserved. Nor should a spirit of jealousy, lest the State where such grants may be made should receive more immediate benefit from them than the more remote, be indulged. From the organization of the States, this must often necessarily be so in the administration of public affairs.

When we have been told of the lands granted for improvements in the new States, as though these States alone received benefits from the hands of the Government, we cannot fail to turn to other expenditures of the Government, in which the West have scarcely participated. If roads and canals have been made in the West, the East also has had expenditures for the same purpose. The enormous expenditures for the Navy, the large advances of money for steam vessels and the steam-mail service, the great expenditures for the coast survey, and in the construction of dry docks, have afforded immediate benefit to the States of the Atlantic, and little or none directly to the Western. An object of great national importance is none the less so to my mind, because some incidental or immediate advantages may be derived from it by one State which are not extended to all. This is often necessarily so. We should glory in everything which promotes our common prosperity. We should look at the Union as a whole; always remembering, that although the stars which compose that Union are separate, yet they form but a single galaxy, and the glory of that galaxy is one and indivisible.

I do not know, sir, what may be the action of this Congress on the general subject of the public lands. They have become unfortunately *the* subject of agitation.

Many are seeking for a change, as if they were certain that something better might be found, practical in its operations, which should secure the public interest, and extend broader benefits to individuals. For my own part, on a careful examination of the present system and its operation, I can but regard it as a noble result of human wisdom—one which has promoted the growth of our country, and fostered its true interests. I do not say that modifications of it will never be required, nor the varying exigencies of the country will not demand from time to time new provisions. Whenever changes shall be required by the common interest, I will most cheerfully give them my support. But that system, in its main features, has so successfully promoted the growth and prosperity of the country—so advanced and guarded the interests of the new States and the old, that we should be careful to avoid all rough assaults upon it.

I regard, as a part of that well-tried system, a liberal spirit on the part of Congress in administering that domain in the new States. If you once renounce that liberality, and declare that the public domain is not to be thus administered; that hereafter no aid is to be rendered to the settlement of the public domain in the new States; nothing to be granted for communication to or through the lands; and no inducements to settlers to come upon them; in a word, that the policy of the Government is to be entirely changed, I am certain that the land system—with all its merits, or with all its defects, as some will have it—is a doomed system. But I trust no such result will follow. If, however, the system is to be relinquished and its principles abandoned, then I shall look to another power to which to commit the trust and care of this great domain. In my humble opinion, if it is taken from the power of the General Government, it can be intrusted nowhere but to the State authorities; and I should by no means despair, if the present system were relinquished, of conferring the title of this domain within their limits on the governments of each of the States, under such restrictions, and upon such conditions as would secure the interest of the General Government on the one hand, and promote the settlement of the States on the other. But I will not discuss that question at the present time. It may be hereafter presented in a different form. It will then be time enough to discuss it.

And now, Mr. President, I have referred, as far as I desire, to the general features of the subject before us. I shall vote for the appropriation as contained in the original bill. Other bills of a similar character have been reported by the committee, and I shall vote for these also, upon the principle to which I have referred. It is due to all that the Government—the great land-owner within those States—should administer the fund on just and liberal principles, and such as will promote the sale and settlement of these lands, and advance the common interests of the country.

I turn now, Mr. President, to another subject, which has been presented to our consideration since this bill was reported from the committee. The Senator from Kentucky [Mr. UNDERWOOD] has proposed an amendment to the bill, which calls for some consideration, inasmuch as it presents new principles of great importance in their practical operation. This amendment proposes a distribution of the public lands among the old States of the Union. It embraces seventeen of the States, leaving out the twelve land States, and excluding also California and Texas, and distributes the land among these seventeen States in the following manner; that is to say:

To the State of Maine.....583,040 acres;
To the State of New Hampshire.317,760 acres;
To the State of Vermont.....313,920 acres;
To the State of Massachusetts...994,240 acres;
To the State of Rhode Island....147,520 acres;
To the State of Connecticut....370,560 acres;
To the State of New York.....3,097,280 acres;
To the State of New Jersey.....489,280 acres;
To the State of Pennsylvania..2,311,680 acres;
To the State of Delaware.....90,560 acres;
To the State of Maryland.....546,880 acres;
To the State of Virginia.....1,231,680 acres;
To the State of North Carolina..753,280 acres;
To the State of South Carolina..514,240 acres;
To the State of Georgia.....753,280 acres;
To the State of Tennessee.....906,560 acres;
To the State of Kentucky.....897,920 acres.

These lands, by the amendment now proposed, are to be used for purposes of internal improvement or of education, within the several States, as the Legislatures thereof shall direct.

Once before this, Mr. President, a proposition was made in Congress to divide the proceeds of the public lands, and to distribute them into the treasuries of the several States of the Union. Never before, however, has it been proposed to arrest the sales of these public lands, and apportion the domain in acres to the several States. That proposition for the first time, so far at least as I am informed, is presented to the Senate in the amendment before us.

If I understand correctly the argument of the Senator, in support of his amendment, he places the right of the States mentioned in the amendment to the lands, on the basis of grants for similar purposes heretofore made to the new States. He alleges that those grants have been enormous, and therefore claims, as a matter of right, that the old States should receive lands in the proportion designated. The distribution is not urged on any merits of its own, as a measure of right or of public policy, but simply on the principle of comparison, between the benefits received by the old States and those received by the new. He does not expect these States to be made equal to the new in such grants, but modestly asks *a little*, a small proportion, in comparison to what the new States have received for the same objects. I believe, however, sir, that it will be found upon examination that this *small proportion* for which the Senator asks, is a much larger proportion than the new States have received.

It is manifest, from the history of this country, that if a proposition was made now for the Federal Government to enter upon a general system of internal improvements, for local objects, such as is contemplated by this amendment, within the old States of the Union, that proposition would receive but little sanction from any portion of this country. It would receive little countenance in Congress, and still less in the general feelings of the community. That question has been discussed heretofore, long and ably discussed, and so far as public opinion on the subject is concerned, may be considered as finally decided. But, sir, the proposition which is embraced in this amendment, is substantially the same thing, only in a more objectionable shape. It is precisely identical in its fundamental principles. To use land instead of money obviates no objection.

If an undisguised general system of internal improvements in the several States were undertaken by the Federal Government, the works on which the expenditure should be had would be designated. Their cost would be ascertained—their importance to the public decided upon—the manner of construction fixed, and agents, under the direction of and responsible to the Government, would be appointed to superintend them. But in this proposition to amend, the matter is committed entirely to other hands than those of the government which makes the appropriation. It is committed to the Legislatures of the several

States. They will have the power to designate the locality and the character of the work to be undertaken—the manner of constructing it, and the extent of the expenditures. They are not to be confined in their application of the lands granted to works of internal improvement, which are of public importance, but may appropriate it to objects of mere local or private interest. All is committed to the discretion of the seventeen Legislatures, who render no account of the expenditures, and are subject to no responsibility. If, then, the principle were admitted here that it was proper to make appropriations of either money or land proposed by this amendment, there would still be the objection, that the government divests itself of all the care and charge in the designation and prosecution of the work, which is indispensable to a faithful administration of the public means. But, sir, the Senator from Kentucky alleges that his amendment is founded upon principles of equality.

I love that word "equality" as much as any man, and in all matters of grants from the General Government, will ask nothing for the new States that I would not yield to the old. If I did not believe that these grants were sustained upon just principles, in themselves considered, I would not advocate them here. But, sir, assuming the ground which the Senator has taken—the ground of "equality"—what should be the criterion by which to determine here the equal rights of the States, if the public domain is to be portioned out? If lands have been granted to the new States, it by no means follows that on principles of "equality" the same quantity, or any quantity, should be given to the old States. The circumstances should be the same, and the objects to be accomplished identical, before one could be justified by the other.

The States to which it is proposed by the amendment to give these lands are now the old States of the Union. They have passed through their infancy and are no longer in need of that kind of aid which the early settlements require. These grants are to be given for purposes of *internal improvement* within the States; but these seventeen States are, to a greater or less extent, provided with these very improvements which the Western States are now struggling to obtain. It is not even suggested that there is a want of such improvements which the Government ought to supply. Great as some regard the grants to the new States for this purpose, they are not sufficient to give a tithe of the advantages to them that the States named in the amendment now enjoy. If it were proposed to distribute money in order to make necessary public improvements in the several States, it would at once be admitted that the condition of each State in reference to the object of the grant must determine the amount required within its limits; and the absurdity of giving to the small States well supplied with all the means of intercommunication and supporting a dense population, the same—or, as in the case before us—a larger amount than to larger, less populous, yet more productive States, would be apparent to all. This, however, is not the criterion which it is proposed to apply in distributing the land here portioned out to these various States. The distribution is made according to the *population*. Now, sir, the grants of land to the new States were made upon precisely the opposite rule from that which is adopted in the amendment. It has not been done on the basis of population, but rather that of the *want* of population. They were given only where they were few or no inhabitants in the country without advantages of roads, canals, churches, or schools.

When the sixteenth section in each township of land was reserved for school purposes, in ninety-nine townships out of a hundred the foot of a white man had never pressed the soil. They were scattered through the unbroken wilderness, many of them hundreds of miles from any settlement. They were in a region where danger from the savage foe put at peril the life of every immigrant. The patriotic men of those days judged wisely that the spirit of the age, and the unconquerable love of our people for education, demanded that provision should be made for that great cause in the new region. Settlers were invited by it who otherwise would never have relinquished the advantages of a residence in the old States to brave the dangers of the new. It proved a powerful incentive, and has helped to advance the interests of the country and to turn the waste into populous States. Where is the parallel between the grants for this purpose to the new States, and the proposed grants at the present time to the old? Where within their limits is there public domain to be settled—where an Indian foe to be resisted? Where is immigration demanded by a principle of great public policy—and, above all, where is the spot that there are not both the means of education and the advantages of its institutions?

No one can fail to see the palpable difference between a grant of a fraction of a township in the midst of a far-off wilderness, as an inducement to settlement and for the aid of education where no other recourse for the purpose can be had, and the free gift of property belonging to the United States, to a State now enjoying all these advantages at their door and no peril incurred, no sacrifices rendered, no services performed, for which it can be considered a consideration.

The principles laying at the foundation of the grants now proposed to the new States is, that the road intersects public lands in market seeking a purchaser; and the bill grants nothing except where such land is intersected. Where in Massachusetts, or Kentucky, or South Carolina, will you intersect public lands? Where can you expedite sales by making a road or a canal? Where can you obtain remuneration to the Treasury by increasing the price of adjoining sections?

Heartily approving the wise policy of these early grants in the West, whenever a case similar in its circumstances shall be presented, I will go for the most liberal policy. It has hitherto returned an hundredfold to the donor. But I cannot assent to the idea that any reason is found in the action of Government on that subject, for making a distribution of lands among the States named in the amendment.

But we are told that equality is sought by the proposed grants—not that they are sufficient to make the old States equal to the new, but a distant approximation to it. Population is the rule by which this distribution is to be graduated. Let us compare the grants proposed to be made to the States mentioned in this amendment, with the land received for education in some of the land States.

Vermont and Wisconsin are not far from equal in population. In the former State the grant would equal 1,404 acres to every township of six miles square, while the grants to the former equal only 684 acres to the township.

Connecticut and Michigan are not very unequal in their population. The former State would receive 2,950 acres to every township, while Michigan has only 720 acres.

New Hampshire would receive under it, for every township of six miles square 1,404 acres; Kentucky, 864; Virginia and Tennessee, 720; Delaware, 1,512; New Jersey, 2,556; New York, 2,412; Rhode Island, 4,428 acres.

Turning now to the new States, we find grants of only 640 acres for schools in each township of six miles square, while Rhode Island has, under this bill, for the same extent of territory, 4,428 acres; New York, 2,412; New Jersey, 2,556. I have omitted the grant of seventy-two sections to each of the States for university purposes, because it is so small as to make but an inconsiderable fractional addition to the quantity I have named.

If it be contended that population, and not territorial extent should be the measure of distribution, I reply that the latter is the measure by which the grants are made to the new States, and the same rule should apply to both.

But this distribution would be unequal in another respect. The sixteenth section granted for schools, is located at the centre of each of the townships, and never finds a sale until the township begins to settle.

No man goes one, or three, or five hundred miles into a wilderness to select the sixteenth section, when he makes a purchase for settlement. No, sir. It is well known, that in some of the States nine tenths of the whole public domain is unsold. In others of them three fourths are yet held by the Government. We can, therefore, see how large a proportion of these sixteenth sections must remain without a purchaser for years to come, and in the mean time the land yields no income. But, sir, the grant contemplated by this amendment is upon a different principle. It does not confine the beneficiary to a single section in a place, and scatter them throughout the wilderness at a distance of six miles apart not selected, but designated, without examination, in the new States, but it enables him to select the choice land in all the land States, or the Territories where land offices are established. It will, if carried into effect, withdraw from the United States, as a means of revenue, the property now sought for settlement, accumulate large quantities of lands in the possession of the States, and enable the latter to rival the Government in its sale, and oppress the settler with exorbitant prices. The most valuable and saleable lands in the country would be secured under this grant, and could be at once converted at high prices into money. It would not be too high an estimate to say, that the land secured under this privilege would be equal in value to twice or three times the quantity located like the school lands in the new States.

It is perfectly manifest, that any distribution made upon the ratio of the present population, would be an entirely unequal distribution. The new States are capable of supporting as large a population as the old States, and it is generally considered they will sustain a larger population, and they are now increasing in population with a much greater rapidity than the old States of the Union.

Now, sir, if the distribution proposed by the amendment should be made, let us see what equality would require that we should do for the new States, in order to make them equal with the old States under this distribution. Taking for a criterion the population which will exist in these States when they shall have the same amount of population to each square mile which is now, according to the reports of the census, to be found in the old States; to furnish the inhabitants of Indiana with the same *pro rata* means of education as New Hampshire, under this bill, would require 1,318,551 acres, instead of 696,397 acres which they now have. To make the inhabitants of Missouri equal in this respect with those of Massachusetts, would require 9,231,060 acres. Their present grant is only 1,245,219 acres. This would give to Missouri nearly nine times as much as has been already accorded to her under the action of Congress, so liberal as to have elicited censure. Such would be the result in the application of the Senator's rule of equality to the new States when their population shall have acquired the same density as in the old States.

But under the terms of the amendment, the lands granted may be used for purposes of internal improvement as well as for purposes of education. I shall not cavil about the figures which are used by the Senator from Kentucky. According to his statement the twelve land States have received, and are about to receive, 13,752,000 acres of land; and this is held to justify an appropriation of over fourteen millions to the old States. Fourteen millions of acres to the old States are required to give them an equality with the new States, with grants both past and prospective, of thirteen millions. The twelve land States have an area of 160,000 square miles more than the aggregate area of the seventeen States named in the amendment; yet the latter are to receive a larger grant than the former.

If we compare some of the individual States in the new and the old portions of the country, in reference to the grants made and proposed to be made to them, we shall have a more striking contrast than when they are regarded in the aggregate. The grant proposed by the amendment, to the State of Rhode Island, for instance, would be sufficient to make about six miles of railroad. Now, if Missouri were to receive an equal grant in proportion to her area, she would be enabled to construct three hundred and thirty-six miles of railroad. The whole amount of grants, however, heretofore made to that State for internal improvements would make only about twenty-one miles of railroad. All the railroads in the great western valley, intersecting large tracts of country lying between rivers which are navigable, or between towns of great commercial importance, are necessarily of very great length, compared with similar roads in the old States. But in that valley, the construction of

this kind of improvements has but just commenced. The seventeen States which are mentioned in the amendment, have in operation 6,456 miles of railroad; while the twelve land States, having a much greater extent of territory, have some 1,121 miles of railroad.

It will be observed that an expenditure of the proceeds of the lands granted, when converted into money, in internal improvements, would fully answer the expressed object of the grant. It is not so with the appropriation to Iowa under the bill. I have already shown that none of these grants of alternate sections are sufficient to construct the work for which they are bestowed. The State must make further advances to construct the work. Only about one fifth of the cost of the road is supplied by the grant, and where Government bestows enough to construct one mile of road the public is secured in the enjoyment of at least five miles. Not so under this amendment. These States are subject to no such condition. They are required to make no advances, and to render no aid. Every grant of alternate sections in the new States, thus secures five times as much benefit to the public, as the same grant would to the old States under this amendment.

Fourteen millions of acres of the domain within their jurisdiction, the choice lands, are to be held by the governments of the States mentioned in the amendment. All may be located in any one of the States, and thus put in charge of a foreign government a large portion of the land. It may be held from the settler for years, and an exorbitant price may prevent a sale, and retard the settlement of the country.

I am not unmindful of the fact, that this proposed appropriation is to be applied to the two objects of internal improvement and of education, or to either, as the Legislature of the State shall determine. In most of these States one or both of these objects is already provided for. In all of them the means of securing such advantages are at command. In none of them is the condition of an early settlement in existence. To bring them within any rule which should require these grants, the shadow should turn back on the dial to the days when the forest was almost unbroken—when roads, bridges, canals, and schools were just beginning to be established—when the proprietor of the soil solicited settlers and cultivators—when the business of distant points enjoyed no communication—when the great interest of the public, in the growth of community, overshadowed private interests—and, above all, to the time when the proprietor of their own domain held it in his exclusive grasp, and administered it at his will. These days have long since passed with the old States, and nothing remains on which to found a claim for aid on any principles applicable to the region of the new States.

Thus much on the right of these States to a portion of the western lands on the principle of grants to the new States. If the grant should be made, it can find no justification in any legislation in favor of the new States. The right to it as a mere donation, I do not hear urged by the mover of the amendment. If so, it would be easy to show how partial was the hand that portioned it out—how unequally it was divided among the States named in the amendment, and how mistaken the policy of a distribution among the States of the property belonging to the Union. I turn to another branch of the subject.

I deny the power of Congress to make such a disposition of the public lands. I have already referred to the origin of the title to these lands, for the purpose of showing the condition on which they were ceded, the great objects to be secured by it, and the duty of the Government in its administration. I must recur to them now, for the purpose of showing how, after these duties are discharged, the lands or the proceeds are to be applied. The *Government*, the great trustee of the title of the western lands, has not only its duty in the management of this domain, but also its duty in applying all that is not needed to accomplish the more important objects, to which I have already referred.

The act of New York, in tendering a cession of her lands in 1780, declared, that the waste lands in the West "ought to be appropriated as a common fund for the expenses of the war," and therefore they cede them to the United States. In the resolution of Congress, 1780, inviting such cession, the pledge was given to the several States owning the territory, that lands so ceded "should be disposed of for the common benefit of the United States." The first deed of cession, which was by New York, in 1781, annexed the condition, "that the lands should be and inure for the use 'and benefit of such of the United States as shall 'become members of the Federal Alliance of the 'said States, and for no other use or purpose 'whatsoever."

The Virginia deed of cession declares, that they "shall be considered as a common fund for the 'use and benefit of such of the United States as 'have become or shall become members of the Con'federation or Federal Alliance of the said States, 'Virginia inclusive, according to their usual re'spective proportions in the general charge and 'expenditure, and shall be faithfully and *bona fide* 'disposed of for that purpose, and for no other 'use or purpose whatsoever."

These cessions were made before the adoption of the present Constitution. That instrument sanctions not only the title in the United States, and the charge of its administration, but the rights of the respective States secured by the condition of these grants. North Carolina and Georgia made their cessions subsequently to the adoption of the Constitution; and they inserted the same conditions, that the land should be a *common fund for the use of all the States, according to their respective and usual proportions of the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.*

Now, the practice of the Government has been uniform from the beginning, to sell the lands and put the proceeds into the public Treasury. Such portions as were needed for the benefit of the whole, for bringing them into market, for preparing for the sales, for carrying out the great design of building up States for admission into the Confederacy, were justly regarded as within a faithful administration of the trust. But beyond that, Government has not yet advanced. The proceeds of sales have always been paid into the Treasury, and applied, like other funds collected for the purpose, to the use of the General Government. In this way, and in no other, can they be appropriated as a common fund for the use of all the States, "according to their usual and respective proportions in the general charge and expenditure."

The amendment proposes, instead of making sale of these lands, and placing the money in the Treasury, to apportion it out in a specified number of acres to one State, and a specified number to another. The quantities are to depend on population, and are therefore unequal. The only source of revenue into the United States Treasury, except from the sales of the public lands, is the customs. This is not a tax on the several States: if it were so, we might ascertain the proportion of each, and make a distribution "according to their usual respective proportions." It is not an assessment on the inhabitants of each State: if it were so, these proportions would be determined by the decennial census returns. It is not a contribution levied on property: if it were, an official valuation would be required, by which the proportion would be determined. The supply of our Treasury by a tax upon importations, admits of no such apportionment. The articles which pay duty in the ports of the Atlantic are scattered inland, and consumed in unequal proportions over all the States—the consumers refunding the duties as a part of the price. There is not only no official act determining or ascertaining the amount consumed by each State, but there is no possibility of approximating to it. It will not be said that the amount of duties paid in the State is to be considered the proportion of that State in the expenditures of the Federal Government. If so, New York pays a large proportion of the whole expense of Government, while some of the inland States pay nothing. Yet the amendment gives each its share, not according to duties paid therein, but according to their respective number of inhabitants. There is, then, no criterion by which an apportionment among the States can be made, so as to give each its proper proportion according to the conditions of the cession. The Senator's arbitrary rule will not do. The reduction to money, and its receipt into the public Treasury, for the use of the United States, is the only way of complying with this condition.

But if we cease to find fault with the rule applied, another difficulty presents itself under these conditions. The acts of cession give the benefit to all the States. They contemplate the payment of the proceeds of sales into the Treasury of the United States. So careful were the States making the early cessions, that they expressly provided that such States as should thereafter become members of the Union should be entitled to it as well as those then associated. Of the thirty-one States now composing the Union, the amendment comprises but seventeen. Texas and California, and the twelve land States, are excluded. Texas and California pay their "usual respective proportions in the general charge and expense" of the Union. They are entitled to their proportion of the common fund for whose use and benefit the grant is made.

The twelve land States have asked no distribution of the lands. The grant of alternate sections for specified works will be granted, if at all, in pursuance of the other conditions of the cession, and in the due administration of the fund, so as to promote settlement and sale, and advance the interest of the great proprietor. They are not asking a distribution of the fund itself among partners, or a gift arising from no obligation and securing no good for the donor. If they are not given on other grounds, they will of course be withheld. If they are refused, these States are left unprovided for by legislation. If they are bestowed, it would not lessen the right of these States to any distribution in which others participate of the common fund. In proportion to their usual and respective proportion of the burdens of Government paid by imposts, they are entitled to their share. They, however, are excluded entirely from participation, in utter disregard of the conditions.

The Senator says he will be liberal to the new States. But if the old policy is to be abandoned, and the capital itself, instead of the profits, to be distributed, we prefer to be named in the articles of dissolution and partition. It is of no consequence, however, whether the States omitted in this distribution receive a greater or a less proportion under other acts of Congress. If they received ten times as much, it would not justify a violation of the compact. The same rule must apply to all. The same measure of benefit to each must be used, or the power to make the disposition is denied.

In 1833 Congress passed a bill having objects kindred to those of the amendment now under consideration. That proposition was not, however, so radical as the present. It permitted the land to continue to be held as at present, and the sales to be continued, but arrested the net proceeds when they arrived at the Treasury, and distributed them among the States. This bill was arrested in its progress by the President, General Jackson, whose message of the date of December 4, 1833, on the subject, fully exhibited the reasons for withholding his sanction. The principles of that message will never be subverted.

But the present proposition is more bold than that of 1833. The sale of the land, and the receipt of the proceeds into the Federal Treasury, were there permitted according to usual custom, and in accordance with the spirit of the several acts of cession. Here the proposition is to arrest the usual proceedings at an earlier stage. The land is never to be converted into money. It is never to find its way to the Treasury. It is never to be received at the only place where it can be used for the benefit of all the States in the established proportions.

The deeds of cession, after declaring that the land shall be a common fund for the use and benefit of all in the proportions beforementioned, adds this clause: "and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

Here are lands amounting to some 14,000,000 of acres, proposed to be disposed of by alienation, and nothing received into the Federal Treasury as a consideration. The clause which I have read prohibits their disposition except for the specified purpose. The Government may fix the price at a

greater or less sum, according to its discretion, having in view the great objects of the trust; but it is not within the scope of its authority to turn it from its legitimate channel, and bestow it gratuitously on States or individuals. Unless the proceeds go to the common fund for the benefit of all the States according to their usual and respective proportions of the general charge and expenditures, the right to dispose of it is denied by the deed of cession. That such is not the case as provided in the amendment, I trust is sufficiently made to appear.

Mr. President, I fear I have wearied the Senate by the length to which I have extended my remarks. I cannot but regard this question as one of much importance. The great anxiety on the subject of public lands which agitates the community, as well as the public functionaries, to whom its care is committed, admonishes us that it is no unimportant subject. This restlessness of the public mind, and the great variety of opinions, as to what measures are dictated by a due regard to the various interests involved, only render action upon it more difficult and embarrassing.

Mr. President, if, in the course of my remarks, I have found it necessary to refer to the interests and views and rights of the Western States, and, to a certain extent, to contrast them with the older members of this Confederacy, it has been only because the proposition before us was founded on such comparison, and could not be discussed without such reference. I have had occasion to refer to the argument by which this amendment was supported. No one commands my respect to a greater extent than the honorable Senator who introduced it, and I always greatly distrust myself when I find my judgment differing from his. Sir, no man will do me the injustice to believe that I have had any feeling, in this discussion, but that of kindness and courtesy, towards those who may take a different view of the subject. I have desired to ascertain the right, not as applied to local interests, North, South, East or West, but to the whole country. No policy, less comprehensive than that, could receive the approval of the country or the sanction of its Congress.

THE MEXICAN INDEMNITY.

SPEECH OF HON. BENJ. E. GREY,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, *February* 9, 1852,

In reply to the remarks of Mr. BAYLY, of Virginia, on the Mexican Indemnity Bill, which injuriously connected the name of Mr. Benjamin E. Green with the non-payment by Mexico of the indemnity due by her in 1844—

Mr. GREY said:

Mr. SPEAKER: I rise to a privileged question, and ask leave of the House to make a personal explanation.

In the debate on the Mexican indemnity bill, the honorable gentleman from Virginia [Mr. BAYLY] made certain charges, extremely injurious to a friend and relative of mine, who is not a member of this House, and cannot, therefore, answer for himself here.

When, on the authority of a letter addressed to me by General Duff Green, I appealed to the honorable gentleman to retract his charges, he replied thus:

"I know the gentleman from Kentucky by character; I know that he is utterly incapable of doing injustice to anybody, and he does me but justice when he supposes that I am incapable of doing injustice to Benjamin E. Green, and that, if it can be shown that I have done so, I will make the *amende*. I will do so. I will say to the gentleman, however, that I am familiar with this subject, and I assure him that he has been imposed upon by that letter as to the facts in this case, and that the receipt was given before Governor Shannon arrived as Minister in Mexico. [Shannon, on the 27th of August, made known his arrival to the Government.]"

Mr. BAYLY. If the gentleman will allow me a word. In reference to that matter there was a misreport of my remark. I said, before he was accredited; for the very letter I read showed that he was there on the 27th. It was on that day he informed the Mexican Government of his presence, and inquired when he might present his credentials. He was informed that he might do it upon the 1st of September.

Mr. GREY. If the gentleman had heard me distinctly, he would have seen that I did not misapprehend or misquote his statements in regard to the date of the receipt. I perceive, sir, that the gentleman is still under a misapprehension with regard to it. It bears date nineteen days after Mr. Shannon was accredited as Minister in Mexico. He admits that Mr. Shannon was there on the 27th August, and the official record shows, that the receipt was not given until the 20th of the following September. I also proved to the gentleman that he was mistaken in other respects, and that his statement did great injustice to Mr. Green. But he has not yet made the *amende*, as he pledged himself to do; for if he will examine the record, he will find that his charges, although greatly modified in his published speech, are disproved by the record, and do great injustice to Mr. Green.

I cannot suppose, much less do I charge, that it was the intention of the gentleman from Virginia to misrepresent this matter, either here or through the newspapers, or to do injustice to an individual who cannot be here to answer for himself, and therefore I ask his attention to the fact, that his published and corrected speech does not contain the *amende* to which he pledged himself before this House.

I also call his attention to the report of his speech, contained in the Baltimore Sun of the 22d January, which has been extensively copied, and which gives his charges against Mr. Green in their worst form, and at the same time suppresses my reply:

"He then went into an investigation of the payment of a sum of money to Benjamin E. Green, who was Secretary to the Legation before the arrival of Mr. Shannon in Mexico, with reference to which that gentleman was a defaulter; stated that letters which Mr. Green had said were sent to the State Department had never been received; and in his memorial states he had had a conversation with Reverdy Johnson, who declared subsequently that he never saw him in his life, and that no such conversation ever took place as that referred to.

"As to the payment of money by Mexico previous to the arrival of Mr. Shannon, he said there was ample proof, and that it had been raised with much difficulty to pay in gold and silver, in accordance with the convention to that effect; and that Mr. Green, who acted as agent when the transaction took place, and who consequently became a delinquent, and had stated to the Government of the United States that the Mexican Government evaded the payment of the money in the expectation of a breach which was expected to arise from the annexation of Texas, which was then the topic, when they would refuse to make payment altogether.

"Mr. BAYLY concluded a speech of an hour in duration, with some very severe reflections on Mr. Green, who, he said, spared neither high nor low in his attacks.

"Mr. GREY referred to a letter in the Baltimore Sun, from Duff Green, in relation to the conduct of Benjamin E. Green, in which, Mr. BAYLY said, there was not a word of truth, as he could show."

As the House was informed at the time, Mr. Green was then absent from the city. He has now returned, for the purpose of defending himself against the charges made by the gentleman from Virginia, and has addressed to me a statement, couched in terms respectful to the House, and containing no cause of offence to the gentleman from Virginia himself.

I ask the clerk to read that statement, because it will prove to the gentleman from Virginia that he has done Mr. Green great injustice, and will afford him an opportunity of fulfilling his pledge, by making the *amende*.

Mr. HOUSTON. I feel constrained, under the circumstances, to make a point of order here, if I can do so.

[Cries of "Too late!" "Too late!"]

Mr. H. If it is too late, just let the House say so.

Mr. GREY. I will remark, that I am convinced the gentleman from Virginia [Mr. BAYLY] would not object, and I was in hopes that no objection would come from the gentleman from Alabama, [Mr. HOUSTON,] for I am convinced the liberality and magnanimity of the gentleman from Virginia [Mr. BAYLY] will permit an explanation to be made, when he has charged misconduct in relation to a man who, at the time of the alleged misconduct, was occupying a high official and responsible position from this Government to the Government of Mexico.

Mr. HOUSTON. The only difficulty with me is, that I am satisfied the debate will consume the day for explanation. Of course, the gentleman from Virginia [Mr. BAYLY] will desire to reply in some way, and the day will be consumed. I feel it my duty to bring the point of order to the consideration of the Chair, not that I have any desire to interfere with the explanation. I wish the explanation could be made in some way agreeable to the parties themselves, and not consume the time of the House.

The SPEAKER. The gentleman from Kentucky [Mr. GREY] arose in his place, and announced that he arose to a question of privilege. In his explanation thus far, the Chair has not been able to see that it would entitle him to the floor as a question of privilege. The Chair must decide that the gentleman from Kentucky [Mr. GREY] is not in order.

Mr. GREY. I will remind the Chair, that at the time I replied to the gentleman from Virginia, [Mr. BAYLY,] his speech was not published, and was not before me. The gentleman complained that I misunderstood him. Since then, I have seen his speech, and now ask to make a personal explanation, because I feel I was involved by the reading of General Duff Green's letter, which the gentleman from Virginia understood to give an incorrect version of the affair.

The SPEAKER. It may be a reason for allowing the gentleman to proceed, but it can be done only by the unanimous consent of the House, or by a suspension of the rules for that purpose.

Mr. HOUSTON. In a very few days there will be bills from the Committee of the Whole, upon which all this matter may come up.

Mr. JONES, of Tennessee. I am satisfied that the explanation of the gentleman from Kentucky [Mr. GREY] does not come within a personal explanation.

The SPEAKER. The Chair has so decided.

Mr. JONES. I still hope the House will allow the gentleman to go on. The day may be as well consumed in that way as upon other matters.

Mr. HOUSTON. I have no objection, if the House desire to go on with this matter, and I will withdraw my point of order.

Mr. BAYLY. This mode of bringing in a written speech, to be read in the House in reply to remarks made in reference to practices by persons who are not members, I regard as unusual and irregular; but I do not object to the paper being read. On the contrary, I hope that it may be read; and to reconcile gentlemen for allowing the gentleman from Kentucky [Mr. GREY] to go on, they need not apprehend that I am going to make any reply.

Mr. JONES, of Tennessee. In order to settle this matter, and have it proceed in order, I move to suspend the rules, to allow the gentleman from Kentucky to proceed.

Mr. HOUSTON. I will withdraw my objection.

Mr. GREY. I can assure the gentleman from Virginia, [Mr. BAYLY,] that in this communication I think there is nothing to which he can take offence.

Mr. BAYLY. The gentleman will understand me, that I was asking the House to allow him to proceed.

Mr. GORMAN objected.

Mr. STANLY. Is it a personal explanation in regard to the gentleman himself, or a defence of the Messrs. Green?

The SPEAKER. It is in defence, as the Chair understands, of B. E. Green.

Mr. STANLY. Then I object.

Mr. GREY. I will inform the gentleman from North Carolina, [Mr. STANLY,] that it is in consequence of the position in which I was involved by reading a letter to the House, making a statement of certain facts, which the gentleman from Virginia [Mr. BAYLY] controverted, and in regard to which I think I can now satisfy the gentleman that the statements of that letter were correct.

The question was then taken upon the suspension of the rules; and, on a division, there were—ayes 81, noes 30.

Mr. STANLY demanded tellers; which were ordered, and Messrs. EWING, and JOHNSON of Arkansas, were appointed.

The question was then taken, and the tellers reported that there were—ayes 83, noes 36.

So the rules were suspended.

Mr. GREY. I now ask the Clerk to read the communication.

The Clerk was about to proceed in the reading of the communication——

Mr. BAYLY. I only desire that it shall be understood—as this proceeding has been instituted by me in part—that the House will allow me to reply, if I find occasion to do so. It is not probable that I shall make a reply; but if, on the reading of the paper, I should find it necessary to do so to-morrow, I take it for granted, as leave is given to-day, that there will be no objection to my making a reply to-morrow.

Mr. SWEETSER. What is the extent of that communication?

Mr. GREY. I suppose it will not take more than twenty minutes to read it.

Mr. SWEETSER. I have been told that there are some sixty or seventy pages.

The SPEAKER. The Clerk informs me that there are twenty-six pages.

The following is the statement of Mr. Green:

WASHINGTON, *January* 30, 1852.

Hon. BEN. EDWARDS GREY,
House of Representatives:

DEAR SIR: I was absent from the city when Mr. Thomas H. Bayly, of Virginia, made his recent attack on me in the House of Representatives. As soon as I heard of it I hastened my return; but, the navigation being closed, could not reach home till last night. I find that the able, prompt, and generous manner in which his unfounded charges were repelled by yourself, Messrs. Andrew Johnson, of Tennessee, Phelps, of Missouri, Disney and Egerton, of Ohio, and other members of the House, has left it necessary for me to say but little in my own defence. As for the part which you bore in that discussion, you know that, whatever may be said of me in other respects, I have at least one treasury, which to my friends is inexhaustible—a steadfast and grateful heart. To the other gentlemen who spoke in my behalf, my most sincere thanks are due. On them I had no claim of kindred, friendship, or intimate acquaintance, nor any claim save that of truth and justice, which all honorable men are ever ready to recognize, when innocence is unjustly assailed.

My obligation to them is enhanced by the circumstances of the case and the parties. I, the accused, was an humble individual, occupying no high position, and possessed of no commanding influence. My assailant and accuser was a man boastful of the distinguished honors which prodigal fortune had buckled on his back; sustained by the most powerful coalition of wealth and political influence ever formed to control the Government of a mighty people; standing in a lofty position on the floor of Congress, where my voice could not be heard, and where, it might be supposed, no one would trouble himself to shield from wrong so humble an individual as myself. Well might Mr. Bayly express his regret to learn that in you I had a relative and friend on that floor, and well might he be surprised to discover that there were other honorable gentlemen—his own political friends—who would not sit silent spectators of such wrong, but generously volunteered to defend one who had no claim upon them, and from whom they could expect no service in return.

As to the chief charges brought against me by Mr. Bayly, I feel well assured that not one single member of the House, Mr. Bayly not excepted, can now believe that there was the slightest foundation for the charge.

You have ably and triumphantly disproved it, and so far as the House is concerned, I might rest satisfied with your vindication. But for the public it is not enough. That same powerful coalition of wealth and influence which has recently given so marked an illustration of their arrogance and confident power, by venturing to dictate to the House of Representatives, and denounce its members for impeding the consummation of their contract, and diminishing their profits by wasting time in "*needless discussion*," also exercise an equally surprising control over the public press, on which the people are dependent for information, and they give to, or keep from, the public, such information as suits their purpose. I refer you to the condensed and garbled report of the debate prepared at Washington for the Baltimore Sun, and copied into many other papers. That report, after giving the charges made against me by Mr. Bayly, in their original and worst form, suppresses your reply by the following brief notice:

"Mr. Grey, of Kentucky, referred to a letter in the Baltimore Sun, from Duff Green, in relation to the conduct of Ben. E. Green, in which Mr. Bayly said there was not a word of truth, as he could show."

This leaves it to be inferred that the charges were sustained, and that Mr. Bayly was prepared and able to prove that there was not a word of truth in the letter addressed by my father—not to the Baltimore Sun, as that report would make it appear—but to you, just as Mr. Bayly rose to begin his speech. Now, my father's recollection of the facts, hastily stated in that letter, on the spur of the occasion, when informed that Mr. Bayly had been *preparing* himself to make the attack, has been fully sustained and verified by the record, which disproves his accusations. But this fact is withheld from the public, who are left to infer that the statements in that letter were untrue, and the charges against me sustained and proved.

I must also call your attention to the fact, that when you appealed to Mr. Bayly's honor and sense of justice to retract his charges, he said that "he was incapable of doing me injustice, and that, if it could be shown that he had done so, he would make the *amende*." Yet though his speech was kept back several days for revision, and as I have been informed, much that he charged me with was suppressed, he has not only failed to make the *amende*, but persists in accusations which, you proved by the most positive and conclusive evidence, do me the grossest injustice.

This makes it necessary and proper for me to appeal to you, to afford me the opportunity of making my triumphant vindication as public as the unfounded accusation, by presenting this, my reply, to the House in a personal explanation, calling on him to redeem his promise that, when proved to be in error, he would make the amende.

The respect due to the House, to which I ask that this letter shall be presented, restrains me from making any comment not indispensable to the vindication of my own character.

Mr. Bayly's chief charge against me, as modified and amended in the deferred report of his speech, revised and corrected by himself, is that, as Secretary of Legation, I deceived the Minister, Mr. Shannon, and through him my Government, by concealing the fact that the agent charged with the receipt and transmission of the indemnity due by Mexico under the convention of January 30, 1843, had accepted, in payment of the installments, which fell due in April and July, 1844, drafts on an empty treasury, instead of gold and silver; that those drafts have never been paid nor accounted for to the Government of the United States; that I was responsible for this alleged misconduct of the agent, because he was *my* agent; that he, (Mr. B.,) an able lawyer and experienced judge, had seen many men sent to the penitentiary on less conclusive testimony than that, by which he could establish my infidelity and gross impropriety; that I was cognizant of all the facts, and allowed the Mexican Government to impose on our Minister; and finally, that I was moved to this betrayal of trust by "some other consideration than a love of infidelity."

You have already shown that these charges and specifications, even as revised and corrected, amended, modified, and pared down, are fully disproved by the official and published records. You have shown that I had no control or discretion in the appointment of the agents for the receipt and transmission of the money; that those agents were not *my* agents, but were appointed by General Thompson before I went to Mexico; that when he returned home, and I thereby became chargé d'affaires, I was instructed by the Treasury Department to have the money transmitted "*under the arrangement made by General Thompson with the house of Hargous, Brothers & Co.;*" and that I had no choice but to obey my instructions, which I did; that as between that house, and the American Government, the arrangement made with them by General Thompson was not considered by my Government, and could not be considered by me, as affected in any way by his return to the United States; that my authority to renew the power of the partner of that house resident in the city of Mexico, was a mere measure of precaution, not necessary to continue the arrangement made with that house by my predecessor, but only intended to avoid embarrassment and delay, in case the Mexican Government should seek delay by raising any objection based on the departure of General Thompson; and that Mr. Voss was, therefore, not my agent—but the agent of the United States Government, in whose appointment I had no control or discretion.

You also proved by the official documents that I discharged my duty faithfully, and to the satisfaction of my Government; that I exerted myself to the utmost to cause the payment to be made—not to me or to *my* agent—but to the agent selected by my predecessor, and approved of by my Government.

You also proved, what Mr. Bayly persisted in denying, that at the date of the transaction, which he condemns me for, Mr. Shannon had arrived in Mexico; that there was no payment, but a receipt given on the delivery of drafts, under an arrangement previously detailed and explained to Mr. Shannon, whose arrival in Mexico had superseded me, and put an end to my authority and control in the premises; and that that arrangement was adopted after consultation with, and by the advice and approval of Mr. Shannon, my superior officer.

Now, where is the evidence, relied on by Mr. Bayly, to justify his accusing me of having deceived, or withheld information from the Minister or the Government? Where the conclusive testimony, which proves that I was cognizant of all the facts, and allowed the Mexican Government to impose on the Minister? For this is the charge which Mr. Bayly declared he, an able lawyer and experienced judge, stood prepared to prove by conclusive testimony.

You, unfamiliar with the subject and *unprepared*, produced the most conclusive testimony from the official and published record to disprove this accusation. But there were other portions of the testimony, which you, in the hurry and spur of the occasion, overlooked. I refer to page 8, Ex. Doc., No. 133, 1 sess. 29th Cong., where you will find a letter from Mr. Voss to the Hon. John Slidell, (who was sent out by Mr. Polk, with instructions to investigate and report upon this subject,) dated Mexico, December 17, 1845, from which the following is an extract:

"Confident as I felt with respect to the propriety of this course, I did not, however, rely exclusively on my own judgment; for, *before taking any step, I detailed to Mr. Shannon, then residing here as the Minister of the United States*, the facts which I have now mentioned to you, and received his entire approbation of the measure, by which I proposed to protect the interests intrusted to my charge. In consequence of this arrangement, vouchers against different branches of the public Treasury for the sum of $274,664 67 were handed over to the English capitalists; in return for which I gave the Government a receipt (dated 20th September, 1844) for the same sum, as if actually paid; this operation being in fact an exchange of documents, in perfect accordance with the established rule and practice in the financial department here, and the value of my receipt remaining inseparably connected with that of the vouchers given in exchange."

I refer, also, to the evidence of Mr. Ducoing, an American gentleman of high and unimpeachable character, which you will find on page 23 of the document above-mentioned. It is as follows:

MEXICO, *December* 22, 1845.

DEAR SIR: Having been requested by you to state what passed in my presence *between the Minister of the United States of America (Mr. Shannon) and yourself*, with respect to the two installments due to the American claimants in April and July, 1844, I have merely to say that on the occasion referred to, in September of that year, you stated to Mr. Shannon the very great obstacles then existing to the recovery of these installments under the terms of the convention, and mentioned to him a plan by which the collection could be effected through an English house here, (Messrs. Tayleur, Jamison & Co.,) and *in my hearing Mr. Shannon fully concurred in and approved of that plan.*

Your friend and servant,
THEODORE DUCOING.

To Mr. E. Voss, *Mexico.*

In reference to this testimony of Mr. Ducoing, Mr. Slidell, in his dispatch to Mr. Buchanan of the 10th January, 1846, said:

"It may be proper for me to say that Mr. Theodore Ducoing is an American citizen long established in Mexico, and of unimpeachable character." (See Ex. Doc. No. 133, 1 sess. 29th Cong., p. 6.)

Now, on this and other evidence of similar import, Mr. Bayly charged that I was cognizant of all the facts, and by concealing them from Mr. Shannon allowed the Mexican Government to impose on him; and he further charged, that I was moved to this alleged betrayal of trust by "some other consideration than a love of infidelity."

The fact is, as the official record shows, that Mr. Shannon was cognizant of all the facts, and I was not. On his arrival at the city of Mexico, on the 26th August, 1844, I immediately reported to him the general condition of affairs, and especially, that all my efforts to procure payment of the April and July installments had proved fruitless; and I referred him to Mr. Voss, whose business with the Mexican Government made him more familiar than I could possibly be with the condition of the Treasury, for further information as to the prospect of payment. News of Mr. Shannon's landing at Vera Cruz had preceded, by several days, his arrival at the capital, and it had been stated in the American papers, and was generally believed in Mexico, that the failure to pay those installments would be used by him to provoke a rupture with Mexico, and thereby promote the annexation of Texas. The Mexican Government was, therefore, very anxious to make the payment, but could not raise the money. Under these circumstances, on the 25th August, 1844, when it was known that Mr. Shannon was on the road, and would reach Mexico the next day, the proposition of Tayleur, Jamison & Co. for the payment of those installments was submitted to the Mexican Government. On the 27th August, the day after Mr. Shannon's arrival, the President of Mexico approved of the arrangement proposed by Tayleur, Jamison & Co., and thereupon the Minister of Foreign Relations, by his note of the 2d of September, announced to Mr. Shannon, that the installments had been paid, although the proposition made by Tayleur, Jamison & Co., on the 25th August, and accepted by the Mexican Government on the 27th, was not consummated until the 20th September. I had referred Mr. Shannon to Mr. Voss, and "*before taking any step,*" Mr. Voss *detailed* to Mr. Shannon the position of affairs and the true character of the proposed arrangement. It is proved by Mr. Ducoing, that Mr. Shannon "*fully concurred in and approved of that plan,*" and Mr. Slidell bears witness to the "*unimpeachable character*" of Mr. Ducoing. I was not called into consultation, and knew nothing of the arrangement at the time; nor did I know that any receipt had been given by Mr. Voss, until that fact was disclosed by Mr. Slidell's report, long after my return to the United States. Mr. Slidell's report also shows that the receipt given by Mr. Voss was dated the 20th September, 1844. On the following day, Mr. Shannon gave me his dispatch of the 21st of September to copy. Mr. Bayly stated that he had not only examined the published reports, but had also examined the originals on file in the State Department; and he proclaimed, as one of the dark features of this transaction, that the dispatch of the 21st September, was "*in my handwriting;*" to which I need only reply, that I was Mr. Shannon's Secretary of Legation, whose duty it was to copy his dispatches.

You will see that Mr. Bayly's remarks, as reported in the Baltimore Sun, to which I call your attention, charge me with having received, and defrauded the Government, of this money. In the Daily Globe of the 23d instant, Mr. Bayly (interrupting your remarks) is reported to have said as follows:

"The gentleman from Kentucky assumes what all those who attended to my speech yesterday must know I did not say, that I distinctly charge that Mr. Green had received this money. I did not so charge, as the report of my speech will show, for this whole matter was involved in doubt."

Now, whether Mr. Bayly "*distinctly charges*" me with having received that money, or creates an impression that I received it, by saying that "*the matter was involved in doubt*—in either case he does me great injustice. For the report of Mr. Slidell, submitted to Congress and published in February, 1846, leaves *no doubt* on the subject. That report proves, beyond question or doubt, by the concurrent testimony of Mr. Shannon, Mr. Voss, Mr. Ducoing, Messrs. Tayleur, Jamison & Co., and of Messrs. Batres and Esnaurrizar, Ministers of the Mexican Treasury, that neither I nor Mr. Voss ever received the money; and I must express my surprise that in the face of that report Mr. Bayly should say that "this whole matter was involved in doubt." On the 11th of November, 1845, many months after I had left Mexico, Messrs. A. Batres and A. M. de Esnaurrizar, Ministers of the General Treasury of Mexico, in a report upon a petition presented by Mr. Voss asking that the receipt given by him should be returned because the orders given to him had not been paid, said: "*It is true that the amount to which Voss refers was not delivered to him in effective funds by this Treasury, but orders were issued for the payment.*" And though they declined to surrender his receipt, they admitted that he was entitled to new orders on some other fund than that which was designated in the first orders, the payment of which had been prevented by the revolution. (See page 11, document above mentioned.) It is also proved, beyond doubt or question, by the other testimony contained in that report, that up to the date of the revocation of Mr. Voss's authority by Mr. Slidell, in 1846, the orders had not been paid, nor had he received the money.

Certainly, the testimony is conclusive, not to convict, but

to acquit me, of Mr. Bayly's charges, in all their modifications; and I ask you to call on him to fulfill the pledge, made to you in the presence of the House, that he would make the *amende*.

If Mr. Bayly should persist in saying that the arrangement made with the house of Hargous, Bros. & Co. was at an end by General Thompson's return to the United States, and that I disobeyed my instructions by employing Emilio Voss, as the agent, in his individual capacity, I need only cite these instructions, which are as follows:

TREASURY DEPARTMENT, *April* 26, 1844.

SIR: It is the wish and direction of this Department, that any payment made you, under the convention with Mexico, *may be transmitted hither under the arrangement made by General Thompson with the house of Hargous, Bros. & Co.*

Very respectfully, your obedient servant,
JOHN C. SPENCER.
Secretary of the Treasury.

B. E. GREEN, *Chargé d'Affaires of the United States.*

Now, Mr. Spencer's reputation for legal accuracy, ability, and acquirement, is at least equal to that of Mr. Bayly. But if Mr. Bayly be correct in saying that the arrangement made with Hargous & Co. was terminated by General Thompson's departure from Mexico, or by the subsequent authority given to me as Chargé *ad interim*, then Mr. Spencer's letter of instructions was an absurdity, inasmuch as it directed me to transmit the money *under an arrangement which no longer existed*.

So far from employing Mr. Voss in his individual capacity, I did not employ him at all. The arrangement was made by my predecessor, and approved by the Government, and my authority was accompanied by instructions clearly recognizing that arrangement as valid, subsisting, and continuing. If it be said that I assumed an unnecessary responsibility by pointing out Mr. Voss to the Mexican Government as the person authorized under that arrangement to receive the money in the city of Mexico for the house of Hargous, Brothers & Co.; I reply, that Mr. Voss was the partner, then resident and representing that house in the city of Mexico; that in designating him, I designated the right person, and that in doing so I relied on the authority and followed the example of my predecessor, General Thompson, who made "*the arrangement*" with that house. On page 5, Ex. Doc. No. 144, 2d sess. 28th Cong., you will find General Thompson's letter to Mr. Bocanegra, which is as follows:

LEGATION OF THE UNITED STATES OF AMERICA,
MEXICO, *April* 28, 1843.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has received the note of his Excellency José Maria de Bocanegra, Minister of Foreign Relations and Government, of the date of this morning, conveying the very agreeable intelligence that the money is now ready in the treasury to make the first payment under the Convention of the 31st January. *The undersigned has fully empowered Mr. Emilio Voss to receive the same and to grant acquittances therefor; and he requests that the money be paid to him.*

W. THOMPSON.

His Excellency JOSE MARIA DE BOCANEGRA, *Minister of Foreign Relations and Government of the Mexican Republic.*

It may be proper to add, that I then had and still have the most perfect confidence in Mr. Voss, based not only on my own personal acquaintance with him, but also on the official reports of my predecessor, Mr. Thompson, who, in his despatch to the Secretary of State, of the 25th March, 1844, said:

"I am much indebted for the punctuality in the two last payments to the untiring efforts of Mr. Voss, *the partner of Mr. Hargous, resident in Mexico*, and to the great influence which he has with the Mexican Government, and the aid which he is able to give the Government in negotiating loans for the balance of the installment, which they may need."

But it is not enough that I should disprove Mr. Bayly's charges in reference to those installments, for the injustice done to me by Mr. Bayly is not limited to that. It is proper to my own defence, that I should show the manifold errors of his statement, which I propose to do *seriatim*.

1st. On the subject of exchange, in regard to which Mr. Bayly charged me with a purpose to misrepresent and deceive the House of Representatives. In reply to my statement that exchange on New York is in Mexico from ten to fifteen per cent., Mr. Bayly said:

"The man, who says that the real exchange between the city of Mexico and New York is either ten or fifteen per cent., propounds an absurdity and nothing else. Everybody, who knows anything upon the subject of finance, knows that, in the absence of legal obstacles, the real exchange between two places is no more than the cost of transporting the specie, including insurance, commission, and freight."

He then adds:

"Now, sir, *I know that in Mexico exchange on New York is quoted, when at par, at about fifteen per cent.* And why? Because London is the centre of the moneyed operations of the world, and all exchange is quoted in reference to the London standard."

He then goes on to state that the real exchange on New York in Mexico is but six per cent., and endeavors to prove this by deducting from the figures in the quotations of exchange in Mexico on New York, viz: fifteen per cent., (which he calls the *nominal* exchange,) what he calls the nominal exchange between New York and London, to wit: nine per cent.

Without entering upon any elaborate discussion of this subject, I will show that he has fallen into most surprising errors; whether misled by the misstatements of interested bankers, or by his own fallacious theories of political economy and finance, it is not for me to decide. Every merchant knows that his theory on the subject of exchange will not work practically; that it is defective even as a theory, for it omits many items, even interest, the essential element of all banking operations; that there are many other elements to be taken into account besides the cost of transportation and *legal* obstacles, which he asserts to be the correct and full measure of the real value of exchange, namely *commercial* obstacles, the course of trade, the combinations of bankers, the plenty, scarcity, and different values of the curreney, &c., &c. This is strikingly illustrated by the contrast presented by the value of exchange on New York in Mexico, and of exchange on Mexico in New York. If, as he says, "the real exchange between two places is no more than the cost of transporting the specie," then the cost of transporting specie from New York to Mexico is, according to his own statement, only about one and a half per cent., and that should be the real exchange between New York and the city of Mexico. But, let him offer for sale in New York a bill of exchange on Mexico, and he cannot get the money for it without paying a discount of from fifteen to twenty-five per cent. On the other hand, let him offer for sale in Mexico a bill of exchange on New York, and any banker will cash it at a premium of from ten to fifteen per cent. And why this immense difference between Mexico on New York, and New York on Mexico, if the value of exchange, in the absence of legal obstacles, is dependent solely on the cost of transportation, as asserted by Mr. Bayly? This illustration makes it apparent that the real value of exchange depends far less on the cost of transportation and *legal* obstacles, than on the course of trade and *commercial* obstacles. If Mr. Bayly had taken the trouble to examine the official documents contained in the several published reports on the subject of the Mexican installments of April and July, 1844, he would have learned that, so far from the value of exchange being regulated solely by the cost of transporting specie, the course of trade is an influence so much more potent, that it may be said "there is no market in the United States for exchange on Mexico;" which would not be the case if his theory was not an egregious fallacy. To that theory, therefore, I reply by reaffirming the fact, sustained by the quotations, which he admits, that the exchange on New York in Mexico is from ten to fifteen per cent. And though I make no boast of great financial abilities or knowledge, I think my statement of the fact, sustained by the quotations of the money market, is entitled to more weight than his financial theories, when I can show that his boasted knowledge of finance is at fault in the simplest calculations of arithmetic.

To impeach my statement and convict me of misrepresentation, Mr. Bayly, speaking of the memorial which I drew up and addressed to the President, said:

"Their first error is in their statement of the amount of the third and fourth installments. They state that the third was $3,540,000, and the fourth $3,720,000, making the two together $7,260,000. Now it so happens that the third installment was $3,360,000, and the fourth $3,180,000, making $6,540,000, a difference of $720,000. Here is a man who has been negotiating and writing about the payment, for two years, of a sum, the amount of which even he does not seem to know. But $720,000 is less than a million, and Duff Green only deals in millions."

Now I refer to the treaty, which reads as follows: "The remaining $12,000,000 shall be paid at the same place, and in the same coin, in annual installments of $3,000,000 each, together with interest on the same at the rate of six per cent. per annum. *This interest shall begin to run upon the whole sum of $12,000,000 from the day of the ratification of the present treaty by the Mexican Government, and the first of the installments shall be paid at the expiration of one year from the same day. Together with each annual installment as its falls due, the whole interest accruing on such installment from the beginning shall also be paid.*"

My calculation is as follows:

The third installment	$3,000,000
Interest thereon at six per cent. per annum from date of treaty, three years	540,000
The fourth installment	3,000,000
Interest thereon at six per cent. per annum from date of treaty, four years	720,000
Total	$7,260,000

Mr. Bayly's calculation is as follows:

The third installment	$3,000,000
Interest thereon at six per cent. per annum from date of treaty, three years	360,000
The fourth installment	3,000,000
Interest thereon at six per cent. per annum from date of treaty, four years	180,000
Total	$6,540,000

Now, I refer this question of financial accuracy between Mr. Bayly and myself to any umpire he may choose, and am confident that the award will acquit me of any *intention to misrepresent*, and will moreover show that his knowledge of figures and finance cannot be relied upon.

2d. Mr. Bayly next undertakes to show that the contract made by Mr. Webster with the Barings & Co., was better for Mexico than the contract made by that Government with Mr. Marks. To this I reply, that in view of the little reliance which can be placed on Mr. Bayly's calculations, as just shown in reference to the amount of a sum which he, as chairman of the Committee on Finance, has had under his consideration for two years, the Mexican Government should be admitted to be the best judge of the relative advantages of the two contracts, so far as it is concerned. The views of that Government are to be found in the notes addressed by Mr. De la Rosa to Mr. Webster, on the 17th and 24th February, 1851, which prove that Mr. Marks's contract was much the most advantageous to Mexico; that it was "*very agreeable to the interests of Mexico*," and deemed so important that it was only abandoned when "*its abandonment was deemed necessary in order to preserve the relations of friendship and good understanding so happily existing between Mexico and the United States.*" (See Mr. De la Rosa's letter of the 17th February, 1851. Daily Globe, 24th January, 1852, supplement.)

In this connection, I call your attention to the letter addressed by the Mexican Minister of Finance to the Secretary of the Treasury of the United States, dated National Palace, Mexico, 21st October, 1850, from which the following is an extract:

"By the Secretary of the Mexican Legation are sent drafts for the sum of $6,000,000, and interest thereon, to be accepted by you. I beg that you will be pleased to accede to this; since by this the multitude of usurers, who wish to speculate on both Governments, will not remain favored."

Compare this language with the letter of 14th January, 1852, addressed to Mr. Webster by his contractors, the Barings & Co.—printed and laid on the tables of the House—and you will see that they there admit that a large part of their profit, under the contract given to them by Mr. Webster, has arisen from usurious interest, which they have been thereby enabled to extort from the necessities of the Mexican Government.

I also here notice the point made by Mr. Bayly, that "Mr. Clayton had made to the Mexican Government a *more advantageous* proposition of the same kind, through their Minister, which that Government rejected." To prove this, he quotes from Mr. Clayton's letter to the Hon. Mr. Bullard, as follows:

"SIR: I have this moment received your letter of the 14th instant, and in reply to it, I have the honor to inform you that some time in the latter part of last winter, or early in the spring, General Duff Green informed me that Mr. Marks could effect an arrangement with the Mexican Government for the payment of the last two installments of the Mexican indemnity, under the treaty of Guadalupe Hidalgo, reserving to the United States a premium of *four and a half per cent.*—the money to be paid on drafts by the Mexican Government on our Treasury. I had previously endeavored to negotiate with the Mexican Minister at Washington for the payment of the second installment (for which an appropriation had been made by Congress) upon this basis, my object being to take the matter out of the hands of speculators, by paying the money directly to the Government of Mexico. An offer through Mr. Rosa to the Mexican Government, to pay it that installment deducting the export duty (*five and a half per cent.*) on specie in Mexico, was declined by that Government."

To this I reply, that had this proposition to reserve to the United States *five and a half per cent.* been accepted, the Mexican Government would still have required, under that arrangement, the agency of some banker; and none offered such favorable terms as Mr. Marks. And unless Mr. Bayly can show that *five and a half* is less than *four and a half*, he is in error when he says that the Mexican Government had declined a more advantageous proposition. And by reference to our memorial, you will further see, that on that part of the fund destined for the expenses of the Mexican Government, it was to pay to the United States, under Mr. Marks's contract, only *four and a half per cent.*, and to him nothing for his services; and on that portion of the fund destined by the Mexican Congress for the settlement with the creditors, the stipulated premium was to be paid, not by the Mexican Government, but by the creditors, who had previously assented to the arrangement. Mr. Bayly's assertion on this point is therefore incorrect, and his argument, based on mistaken premises, equally fallacious.

3d. I come now to what Mr. Bayly said of my father's letter to Mr. Clayton, of the 12th March, 1850, on the subject of the Gila route and the indemnity. To charge us with misrepresentation, Mr. Bayly said that "not only had no such 'letter been received, but that it was impossible it could 'have been, for there was no trace of it upon the files of the 'Department;" and he produced in evidence a letter to that effect from Mr. Webster, dated 17th January, 1852.

I have shown that Mr. Bayly's financial theories on the subject of exchange are fallacious, and that his accuracy in the simplest calculations of arithmetic cannot be relied on. I will now show, by the record, that both he and his witness are unfortunate in having a treacherous and unreliable memory. For, in the debate at the first session thirty-first Congress, Mr. Bayly admitted the receipt of this letter, which he now says never was received. In the Congressional Globe of that session, page 1833, I find that Mr. Bayly reluctantly, and in answer to inquiries put to him in the House for the purpose of eliciting the facts, said as follows:

"There has been a proposition made to this Government, through a gentleman who represents himself as acting for the Mexican Government, but I am told that he has no credentials. I do not want to refer to the individual.

"This delicacy that I wished to observe, it may not be requisite for me to adhere to. Mr. Webster stated to me, that General Duff Green had made a proposition in reference to this matter, at I believe four and a half per cent., which he (Mr. W.) did not even consider. That is the fact of the case, and it is proper that I should state it."

The statement made by Mr. Bayly at the session before the last, and doubtless forgotten by him, becomes important by the present denial of the receipt of that letter, for that letter contained the proposition, and the only proposition in reference to this matter, made by my father on behalf of the Mexican Government.

4th. Further to impeach my statement, Mr. Bayly reproduced a letter from the Hon. Reverdy Johnson to Mr. Corcoran, denying that he ever gave any assurance that the arrangement, if made by Mexico with Mr. Marks, would be carried out by the Government of the United States; as had been stated in Mr. Marks's memorial at the last session of Congress. To impeach me of misrepresentation, Mr. Bayly adds: "This memorial was Green's production;" which is true. I did draw up that and the other memorials in this case, partly on my own knowledge of the facts, and partly on information derived from others on whom I confidently relied, and I was much surprised at the production of this letter from Mr. Johnson. In a letter addressed to Mr. Bayly, and published in the Southern Press, of the 26th February, 1851, my father stated the facts in explanation. As Mr. Bayly has reproduced that letter, I reproduce in reply my father's explanation, which was as follows:

"I confess myself greatly surprised at a letter from the honorable Reverdy Johnson.

"It is true that neither I, nor Mr. Marks, saw Mr. Johnson on the subject. Mr. Marks was in New Orleans, and I being compelled to go to Georgia, Mr. Latham, my banker and correspondent in Washington, wrote to me that he had received positive assurance that the drafts if drawn would be accepted, and I so wrote to Mr. Marks. Upon my return to Washington I understood that the assurance had been given by Mr. Johnson, and upon application to his friend, through whom the assurance was given, to obtain a written statement from Mr. Johnson, to be submitted to the President, he wrote as follows: "Mr. Johnson declines giving 'any certificates upon any matter in reference to the affairs 'of the late Executive. Whenever the President wishes 'information from him and will write to him on the subject, 'I have no doubt he will answer. You will at once see 'how entirely undignified it would be for an Executive officer to be hawking about certificates."

"I can only add, that in the press of professional duties, Mr. Johnson may have forgotten the conversation with his friend, or it may be that he did not know that the assurance given related to the arrangement to be made by Mr. Marks. But that his friend is incapable of misrepresenting him, all who know them both and the relations they have ever borne towards each other, must believe; and that his friend understood the assurance to relate to Mr. Marks's contract is fully proved by the extract which we have given from his note."

You will see that I had reason to believe that if Mr. Johnson was called upon in such manner as would make it proper for him to speak, without appearing to volunteer in the contest, which had arisen, his statement would confirm the information I had received on my return from the West Indies.

5th. Mr. Bayly next produced an extract from a communication prepared and handed by me to him, as the chairman of the Committee of Ways and Means, at the last session, as follows:

"SIR: As it has been falsely rumored, that the Mexican Government has abrogated the contract made with Mr. Marks, I beg leave to submit to your committee, that the most recent advices from Mexico are contained in the instructions from Don Manuel Payno, Minister of Finance, to Don José Antonio Luares, the confidential agent of the Mexican Government, now here, waiting to reconvey the drafts, when accepted, to Mexico. These instructions clearly show that the Mexican Government, so far from abrogating Mr. Marks's contract, is very anxious that it should be carried into effect, and hopes that the drafts, for the fourth installment at least, will be accepted. In his last letter of instructions to Mr. Luares, the Mexican Minister of Finance says: 'The affair is very delicate, and I therefore recommend to you the greatest prudence and discretion, since I do not wish that it should be interpreted (that 'our purpose was) to oppose the operations of Mr. Webster, 'and much less that there should be manifested, directly or 'in any way, a mistrust, which does not exist. I also wish 'that it should not be said, as it is said, that individuals of 'the Government are to receive for themselves *a part of 'the profits of the indemnity, for besides that this is not 'certain*, it is an offence to the Government, and the individuals who compose it. I charge you, therefore, that 'giving to the affair the *aspect of good faith and frankness* 'which it has and ought to have, you proceed in everything 'with the greatest tact and discretion. * * * I recommend that you use all necessary circumspection, not to 'wound Mr. Webster, using for your guidance the fact, that 'I have been myself forced to negotiate with the agent of 'the Barings for some advances on account of the indemnity.'"

On this, Mr. Bayly commented as follows:

"What these asterisks cover, I do not know. From the character of what is disclosed, we may conjecture the character of that which it is thought necessary to conceal. Why all this mystery in so plain a transaction?"

Now, I ask, what is it that is here disclosed? It is, first, that the rumor circulated by Mr. Webster's contractors, to the effect that the Mexican Government had annulled Marks's contract, was untrue. Secondly, that the Mexican Government, being in great want of money, was very desirous of a speedy consummation of Marks's contract, to avoid the necessity of submitting to the extortion of usurious interest by the agent of the Barings. And thirdly, that the rumor that Mr. Webster was interested in the contract given by him to the Barings & Co., (which originated not with us, but with others, over whom we had no control,) having reached Mexico, the Mexican Government instructed us not to unite in, or give countenance, directly or indirectly, to that accusation; because, besides that the fact was not ascertained, our doing so would be an offence to the American Government, and to the individuals composing it. Surely here was an example which it would be well for Mr. Bayly to follow; and surely what is disclosed shows that we have had nothing to conceal. On the contrary, all the concealment has been on the other side of this question. We have done everything in our power to disclose what is concealed by a full investigation. Our cry for investigation has been so continued that an attempt has been made to stifle it by threatening a prosecution under the act of 30th January, 1799, on a charge of having interfered to thwart the measures of the Government, bearing on its relations with Mexico. I admit that my opposition and perseverance in this matter has tended to diminish the profits of the Barings & Co., under their contract; and that their actual profit has been far less than the probable estimate given by me of what they would have made out of the contract, but for my opposition; and if it was the *purpose* of the American Government by that contract to enable them to speculate on the necessities of Mexico, then is it true that I have interfered *to thwart a measure of the Government bearing on its relations with Mexico*. But for this I am ready to answer whenever the attempt shall be made to punish me for it, under the act of 1799. I seek no concealment. I invite inquiry, and I especially suggest to Mr. Bayly that, as connected with this subject, which I desire to have fully understood, it would be well to inquire into a matter entirely overlooked in the debate, namely, the connection between the contract of the Barings & Co., and the attempt to intimidate Mexico by threatening a British blockade, followed up, as that threat was, by the appearance of a British fleet off Vera Cruz.

It only remains for me to say, that in defending myself, I have endeavored to avoid every expression inconsistent with the respect due to the House of Representatives, and am gratified to believe that I have thereby left Mr. Bayly no apology for withholding the *amende*, to which he stands pledged.

I am, very truly, your friend and servant,

BEN. E. GREEN.

Mr. GREY resumed. The relation which I bear to the parties to this controversy compels me to the part I have taken in it. I have entered into it with extreme regret and reluctance. His political and social position, and the associations of his life, fully capacitate the gentleman from Virginia properly to understand and correctly to appreciate my feelings on this occasion; and I will here assure that gentleman, that towards him I entertain no feelings of personal unkindness, and that it is not my purpose to bring any charges against him, or make any attack on him, but to prove to him that he has done great injustice to Mr. Green, and to afford him the opportunity of putting himself right before the House and the country by doing justice to Mr. Green.

Mr. Speaker, the letter just read refers so fully to the official despatches that but little remains for me to say. I call the gentleman's attention to the evidence contained in Mr. Slidell's report, by which he will see that *not one dollar* of that money was ever paid. I call his attention also to *his own* remarks in the House on the 21st, revised by himself, and reported in the Daily Globe of the 24th ult., which explains how Mr. Shannon came to say, as he did in his dispatch of the 21st September, 1844, that the money had been paid. The gentleman from Virginia said:

"Green, in his letter to Mr. Calhoun of 25th of January, 1845, says, that the money never was paid except by orders upon an empty treasury. In other words, it was not paid at all. But, Mr. Slidell shows that, by the arrangement which was made with Tayleur, Jamison & Co., the Mexican drafts were to be drawn in their favor, and they were to provide for the installments in 'effective money.' These are the terms of the arrangement which was acceded to by the Mexican Government on the 27th of August, the day they say the money was paid. The arrangement, apparently, was a very advantageous one to the house of Tayleur, Jamison & Co., and was a hard one on Mexico. And it was with reference to it, I suppose, that Mr. Shannon spoke, when he referred to the difficulty Mexico had had in raising the money."

But the gentleman from Virginia, subsequently admitting that the money was never paid, nevertheless charges Mr. Green with having violated his "instructions," by employing Mr. Voss as the agent. What were those instructions? They were as follows:

TREASURY DEPARTMENT, *April* 26, 1844.

SIR: It is the wish and direction of this Department, that any payment made you, under the convention with Mexico, may be transmitted hither *under the arrangement made by General Thompson with the house of Hargous, Brothers & Co.*

Very respectfully, your obedient servant,

JOHN C. SPENCER,
Secretary of the Treasury.

B. E. GREEN, Chargé d'Affaires of the United States of America.

The arrangement made with Hargous & Co., was made by General Thompson, who, *under that "arrangement,"* addressed to the Mexican Government the following letter:

LEGATION OF THE UNITED STATES OF AMERICA,
MEXICO, *April* 28, 1843.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has received the note of his Excellency José Maria de Bocanegra, Minister of Foreign Relations and Government, of the date of this morning, conveying the very agreeable intelligence that the money is now ready in the Treasury to make the first payment under the convention of the 31st of January. *The undersigned has fully empowered Mr. Emelio Voss to receive the same, and to grant acquittances therefor; and he requests that the money be paid to him.*

* * * * * * * * * * *

W. THOMPSON.

His Excellency, JOSE MARIA DE BOCANEGRA, Minister of Foreign Relations and Government of the Mexican Republic.

It is clear, from the language of Mr. Spencer, that he did not consider the "arrangement made with Hargous & Co., by General Thompson," as at an end by General Thompson's return to the United States; and the Hon. George W. Bibb, Secretary of the Treasury after Mr. Spencer, took the same view of the subject. In his report of the 25th of January, 1845, on this subject, Mr. Bibb said:

"In April last, Benjamin E. Green, Esq., then Chargé d'Affaires of the United States, was specially empowered to receive the installment falling due on the 30th of that month; and he was instructed by this Department to make a similar arrangement with Hargous, Brothers, & Co., as had been done by the Hon. Waddy Thompson. *This power was not intended as a revocation of that of the latter gentleman, but merely to prevent and meet any objection that might be urged to the substitution of Messrs. Hargous & Co., being considered* BY THE MEXICAN GOVERNMENT, *as at an end, after Mr. Thompson had returned to the United States.* The power to that gentleman was considered by the Department as *permanent until revoked*, as will appear by the documents annexed to his report."

It appears, also, that the same view of the subject was entertained by the subsequent administration of Mr. Polk. For if the arrangement made with that house was terminated by General Thompson's return to the United States, so also would the authority given by Mr. Green, under that arrangement, to Mr. Voss, the partner of that house, resident in the city of Mexico, have terminated by Mr. Green's return to the United States. But that Mr. Polk's administration thought otherwise, is evident from the fact, that long after Mr. Green's return to the United States, Mr. Slidell was instructed to revoke, and did revoke, the authority to Mr. Voss.

The gentleman from Virginia charges, in his revised and printed speech, that Mr. Green deceived the Minister, Mr. Shannon, as to the nature of the payment made to Mr. Voss.

I call the attention of the gentleman from Virginia to what he said in reference to the instructions with which Mr. Shannon went to Mexico. He said:

"Mr. Calhoun had instructed Mr. Shannon that, in the event that the April and July installments were still unpaid, to 'address a note to the proper officer of the Government, 'calling his prompt attention to the subject, and urging in 'the most decided language the necessity of a strict com-'pliance with the stipulations of the treaty.' [In other words, to make a peremptory demand."

Of course the first thing that Mr. Shannon did on his arrival in Mexico with these instructions, was to investigate the subject, and ascertain the true state of things. He found, that on the 25th August, the day before his arrival, Messrs. Tayleur, Jamison & Co. had made to the Mexican Government the following proposition:

[Translation.]

Proposition which the undersigned make to the Supreme Government for the payment of the quarterly installments due and payable to the United States of America.

The following orders are to be delivered: An order to the General Treasury to issue a draft (requisition) on the revenue from tobacco for $110,000, to be paid punctually in the term of two months, and in weekly payment.

Another to the General Treasury to issue a draft for $60,000 on Messrs. Manning & Mackintosh, out of the amounts collected by the force loan.

Another to the General Treasury, in our favor, on the duties on the *conducta*, which is to leave this capital for Vera Cruz on the 1st of January, to the amount of $50,000.

Another to the General Treasury, that the drafts issued from Mazatlan for the portion free from duties to the Supreme Government, whether drawn on us or on Messrs. De la Torre, Yecker, & Co., shall be delivered to us, to the amount of $160,000.

Another to the General Treasury, to receive from Messrs. Tayleur, Jamison & Co., the amount of $274,664 67, in effective money, and $105,335 33 in funds, anterior or posterior to the independence which yield dividends; and for the delivery of which the term of six months is allowed them. Besides which, a premium of one and one quarter per cent. per month is to be allowed to Messrs. Tayleur, Jamison & Co. for their advances.

His excellency the Minister of Finance, in the name of his Excellency the President of the Republic, pledges his word to Messrs. Tayleur, Jamison & Co., as British subjects, that for no cause or motive, whatsoever, the payments set forth in the above proposition shall be suspended until the entire discharge of the debt be effected; and if it should not be thus effected, that the Treasury of the nation shall indemnify them for their losses and injuries.

TAYLEUR, JAMISON & CO.

MEXICO, *August* 25, 1844.

On the 27th of August, the day after his arrival, the foregoing proposals of Tayleur, Jamison & Co., were accepted by the Mexican Government, by the following Endorsement being made thereon:

"This proposition having been examined by his Excellency the President, he was pleased to approve it entirely—directing that the orders be immediately given conformably therewith, as being for the payment of the installments due, quarterly, under the convention with the United States.

[Rubric of] "TRIGUEROS.

"*August* 27, 1844."

It is true that the Mexican Minister of Foreign Relations informed Mr. Shannon, on the 2d of

September, that the money was paid on the 27th of August, and it is also true that it appears by the acceptance of the proposition of Tayleur, Jamison & Co., on the 27th of August, that the President of Mexico directed that the orders should be given "*immediately, as being for the payment of the installments due quarterly, under the convention with the United States.*" But it is also clear that this arrangement was not acquiesced in by Mr. Voss, nor consummated until the 20th of September, because his receipt was given on the 20th of September, and it cannot be supposed that the Mexican Government would have paid the money, or given the orders on the 27th of August, without taking the receipt at the time, much less that it should have made the payment on the 27th of August, and have waited for the receipt until the 20th of September.

It is also clear that Mr. Voss refused to acquiesce in this arrangement until it had been fully explained to and approved by Mr. Shannon.

In Mr. Voss's letter to Mr. Slidell, of the 17th December, 1845, (pages 7 and 8, Executive document No. 133, 1st session 29th Congress,) he says:

"When, despairing of obtaining any direct payment, and war with the United States being apparently decided on here, I reflected on the course which, in the discharge of my duty to the American claimants, would be best calculated to secure their interests, and I considered it a very fortunate event that I was enabled to make an arrangement with an English house here of the highest standing, (then successfully prosecuting a claim of considerable amount on this Government,) by which they assumed the collection of the $274,654 67 due to me as the representative of the American claimants, in addition to their own claim, and agreed to pay over to me the proportion to which I was entitled, gradually, as recovered by them from the Mexican Government. Confident as I felt with respect to the propriety of this course, I did not, however, rely exclusively on my own judgment; for, before taking any step, I detailed to Mr. Shannon (then residing here as the Minister of the United States) the facts which I have now mentioned to you, and received his entire approbation of the measure by which I proposed to protect the interests intrusted to my charge. In consequence of this arrangement, vouchers against different branches of the public Treasury for the sum of $274,664 67 were handed over to the English capitalists; in return for which, I gave the Government a receipt for the same sum, as if actually paid—this operation being in fact an exchange of documents, in perfect accordance with the established rule and practice in the financial department here, and the value of my receipt remaining inseparably connected with that of the vouchers given in exchange."

In the same document, page 23, is the following letter from Mr. Ducoing:

MEXICO, *December* 22, 1845.

DEAR SIR: Having been requested by you to state what passed in my presence between the Minister of the United States of America (Mr. Shannon) and yourself, with respect to the two installments due to the American claimants in April and July, 1844, I have merely to say that, on the occasion referred to, in September of that year, you stated to Mr. Shannon the very great obstacle then existing to the recovery of these installments under the terms of the Convention, and mentioned to him a plan by which the collection would be effected through an English house here, (Messrs. Tayleur, Jamison & Co.,) and in my hearing Mr. Shannon fully concurred in, and approved of that plan.

Your friend and servant,

THEODORE DUCOING.

Mr. E. VOSS, *Mexico.*

In reference to this testimony of Mr. Ducoing, Mr. Slidell says, page 4, same document:

"It may be proper for me to say, that Mr. Theodore Ducoing is an American citizen, long established in Mexico, and *of unimpeachable character.*"

In the same document, page 19, is also a letter from Mr. Black to Mr. Slidell, as follows:

CONSULATE OF THE UNITED STATES OF AMERICA,
MEXICO, *December* 20, 1845.

SIR: At your request, I have the honor to communicate to you what passed between our late Minister, the Hon. Wilson Shannon, and myself, in a conversation which took place in April last, in relation to the two installments of Mexican indemnity due in the months of April and July of 1844, as follows:

On or about the month of April last I received a letter from a Mr. Saulnier, of Vera Cruz, written at the instigation of some of the claimants in the United States, requesting me to obtain from the proper authority in Mexico a certificate showing that the two installments of the Mexican indemnity, due in April and July of 1844, had been paid to the agent of the United States. This letter I showed to Mr. Shannon, at that time United States Envoy, &c., near the Mexican Government, and requested him to give me some information relating to these payments, in order that I might be able to give a proper answer to said letter. He then informed me "that the agent, Mr. Voss, had received bills from the Mexican Government to a certain amount, and that these bills were received only conditionally, and as security, and not to be considered as payment until the payment thereof should be verified; and he further said that, as yet, these bills were not paid, and it was not likely they would be paid very soon."

The foregoing is the information I received from Mr. Shannon at the time, which I see by my answer to Mr. Saulnier, dated April 17th, of the present year, which answer was built on what was told me by Mr. Shannon.

I have the honor to be your obedient servant,

JOHN BLACK.

To the Hon. JOHN SLIDELL, *Envoy Extraordinary and Minister Plenipotentiary of the United States of America, Mexico.*

These documents prove conclusively, that Mr. Voss conferred and advised with Mr. Shannon, and that Mr. Shannon approved of Mr. Voss's proceedings. They show that Mr. Shannon had perfect confidence in Mr. Voss; and in Mr. Shannon's dispatch of the 12th November, 1844, we have evidence that his confidence in Mr. Voss continued undiminished up to the date of that dispatch.

I would also call the attention of the gentleman from Virginia to the instructions of Mr. Buchanan to Mr. Slidell, of the 10th November, 1845, which are as follows:

"The whole transaction between Emilio Voss, Esq., the agent of the United States, and the Mexican authorities, is yet involved in mystery, which this Government has not been able to unravel. You will endeavor, with as little delay as possible, to ascertain the true state of the case in relation to the alleged payment of the installments by the Mexican Government to our agent; and give the Department the earliest information on the subject. A copy of his receipt ought to be obtained, if possible."

These instructions show, that the administration of Mr. Polk considered *Mr. Voss as the agent of the United States*, and not as the agent of Mr. Green; that that Administration, like Mr. Spencer and Mr. Bibb, regarded Mr. Green's connection with that matter as merely nominal, and as a measure of precaution to avoid delay, and obviate any objection which *the Mexican Government* might raise, after the departure of Mr. Thompson, to the continuance of Mr. Voss's authority.

I call his attention, also, to Mr. Buchanan's dispatch to Mr. Slidell, of the 19th November, 1845, in which he says:

"It is not to be supposed that Mexico will contend that the mere delivery to Mr. Voss, of promises in the shape of securities, which have been dishonored, can have relieved her from the performance of her treaty obligations."

I refer also to Mr. Slidell's letter to Mr. Voss, dated 20th December, 1845, which is given at page 12, of the same document:

"I am further instructed to say to the Mexican Government that the mere delivery to you of promises, in the shape of securities which have been dishonored, cannot relieve it from the performance of its treaty obligations. Not having, as yet, been accredited by the Mexican Government, I cannot, at present, make the communication required by my instructions. But as Messrs. Tayleur, Jamison & Co., express their willingness to hold at your disposal, or that of any person whom you may name to receive them, the orders received by them on various departments, for the said installments, I would desire that they should be placed in deposite in safe hands, to be held until the Mexican Government shall reclaim them, in conformity with the request that I am instructed to make, when, I presume, as a matter of course, the receipt which you have given will be canceled or declared of no effect. The act of deposit should, however, reserve to the accredited agent of the United States the right of reclaiming them, should it hereafter be thought expedient, for any reason, so to do. I would suggest that the Consul of the United States, in this city, would be a proper person with whom to make this deposit. I shall communicate to Messrs. Tayleur, Jamison & Co., a copy of this letter."

This shows, that in November, 1845, Mr. Polk's administration did not consider the payment as having been made so as to release the Mexican Government, and also shows that in December, 1845, the drafts were not paid, but, on the contrary, Mr. Slidell reclaimed them, and took them out of the hands of Mr. Voss, as belonging to the United States. Mr. Slidell, as I have shown by the extracts quoted from his instructions, was sent to Mexico for the express purpose, among other things, of investigating and reporting upon this matter.

Under those instructions he held an extensive correspondence in Mexico with all the parties, and reported fully to the Government. The evidence which he collected and forwarded to the Government, establishes conclusively that the whole arrangement, as to the payment of the installments in question, was known to, and approved of, by Mr. Shannon; and in all that voluminous testimony and correspondence, there is no allusion made to Mr. Green, directly or indirectly, nor any intimation whatever that he was advised with, or consulted in relation to, this matter, or acquiesced in the arrangement, or knew anything about it, or was in any way responsible for it.

But, sir, I am very far from censuring Mr. Shannon. There is nothing to indicate that he was actuated by any but the best motives, and I therefore give him credit for having acted with the best motives, and for having done what he thought best for the interest of the American Government and claimants, under the circumstances.

I venture to say, that there is not one member of this House who would have not done the same thing under the same circumstances; for it seemed to be the best thing that could be done; and before I conclude, it is proper that I should read from page 8 of the same document before referred to, Mr. Voss's vindication of his own conduct, as given in his letter to Mr. Slidell, of the 17th of December, 1845. It is as follows:

"I have myself great confidence in the good faith of the present Mexican Cabinet, and I am persuaded of their desire to settle this claim at the earliest moment possible. Had no efforts been made by me to effect the recovery indirectly of the two installments which form the subject of this letter, the situation of the claimants would be in no respect better, for nothing could have been paid by this Government; and in the absence of any extraordinary measure by the Government of the United States to effect the collection, I still regard the chances of payment as improved by the steps which I have taken, and from which I have neither sought nor derived any private advantage."

One word more, Mr. Speaker. The gentleman from Virginia interrupted me in the beginning of my remarks, and said that he did not say that the receipt was given before Mr. Shannon arrived; that he said it was given before Mr. Shannon became the *accredited Minister of the United States in Mexico*, because Mr. S. did not present his credentials until the 1st of September, 1844, and the receipt was given (as the gentleman contends) on the 27th of August. From this it is evident that the gentleman from Virginia is still laboring under a misapprehension as to the facts of this case; for if he will refer to the record, he will find that the receipt was not given until the 20th of September, nineteen days after Mr. Shannon presented his credentials, and thereby became *the accredited Minister.* Now the whole charge of the gentleman from Virginia against Mr. Green, rested on the supposition that this receipt was given by his authority, and before Mr. Shannon's presentation to the Mexican Government; and I cannot permit myself to doubt, that when the gentleman learns that he was wholly mistaken in his facts, he will at once put himself right by retracting his charges against Mr. Green.

NON-INTERVENTION.

SPEECH OF HON. LEWIS CASS,

OF MICHIGAN,

IN THE SENATE, *February* 10, 1852.

The Senate proceeded to consider the following resolutions, which were submitted by Mr. CLARKE on the 19th ultimo:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress recognizes and reaffirms these manifest truths: "That Governments are instituted among men to secure the inalienable rights of life, liberty, and the pursuit of happiness, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government, laying its foundation upon such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Resolved, That while we claim for ourselves these comprehensive rights of self-government, and also, as a consequence of sovereignty, the right to be exempt from the coercion, control, or interference of others in the management of our internal affairs, we concede to others the same measure of right, the same unqualified independence.

Resolved, That it is upon the sacred principle of independent sovereignty that we recognize, in our intercourse with other nations, Governments *de facto*, without inquiring by what means they have been established, or in what manner they exercise their powers.

Resolved, That this Government has solemnly adopted, and will perseveringly adhere to, as a principle of international action, the advice given by Washington in his Farewell Address: "Observe good faith and justice towards all nations; cultivate peace and harmony with all." "Give to mankind the magnanimous and too novel an example of a people always guided by an exalted justice and benevolence." "Sympathy for a favorite nation betrays itself into a participation in the quarrels and wars of another, without adequate inducement or justification." "Against the insidious wiles of foreign influence the jealousy of a free people ought to be constantly awake; for foreign influence is the most baneful foe of republican Governments." "The true rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible." "Why quit our own to stand upon foreign ground? Why, by interweaving our

destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice."

Resolved, That, while we cherish the liveliest sympathy towards all who strive for freedom of opinion and for free institutions, yet we recognize our true policy in the great fundamental principles given to us by Jefferson: "Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none."

Resolved, That although we adhere to these essential principles of non-intervention as forming the true and lasting foundation of our prosperity and happiness, yet whenever a provident foresight shall warn us that our own liberties and institutions are threatened, then a just regard to our own safety will require us to advance to the conflict rather than await the approach of the foes of our constitutional freedom and of human liberty.

Mr. SEWARD's amendment proposes to strike out all after the second resolution of Mr. CLARKE, and insert:

Resolved, That while the United States, in consideration of the exigencies of society, habitually recognize Governments *de facto* in other States, yet that they are nevertheless by no means indifferent when such a Government is established against the consent of any people by usurpation or by armed intervention of foreign States or nations.

Resolved, That, considering that the people of Hungary, in the exercise of the right secured to them by the laws of nations, in a solemn and legitimate manner asserted their national independence, and established a Government by their own voluntary act, and successfully maintained it against all opposition by parties lawfully interested in the question; and that the Emperor of Russia, without just or lawful right, invaded Hungary, and, by fraud and armed force, subverted the national independence and political constitution thus established, and thereby reduced that country to the condition of a province ruled by a foreign and absolute power: the United States, in defence of their own interests, and of the common interests of mankind, do solemnly protest against the conduct of Russia on that occasion, as a wanton and tyrannical infraction of the laws of nations; and the United States do further declare that they will not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, whenever or wherever they may occur.

Mr. CASS's amendment is designed as a substitute for Mr. CLARKE's series. It is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That while the people of the United States sympathize with all nations who are striving to establish free Governments, yet they recognize the great principle of the law of nations which assures to each of them the right to manage its own internal affairs in its own way, and to establish, alter, or abolish its Government at pleasure, without the interference of any other Power; and they have not seen, nor could they again see, without deep concern, the violation of this principle of national independence.

Mr. CASS said: Mr. President, the substitute I propose for the resolution of the honorable Senator from Rhode Island, [Mr. CLARKE,] leaves the field of discussion as broad as it found it. And that is broad enough to embrace all the questions which so strongly excite the interest of the American people, at the present moment, arising out of that flagrant act of arbitrary power by which independence was arrested from Hungary; an interest rendered yet more powerful by the presence and the eloquence of that remarkable man, who is now telling, through our land, in burning words, the story of his country's wrongs—words that fall on ready ears, and go to kindling hearts. My objections to the original proposition are not to the great truths it enunciates—truths drawn from our own State papers, of the best days of the Republic, for to their eternal justice I yield a cheerful acquiescence—but to the narrow application, it is designed to make of them. They met, and were intended to meet, the circumstances of the country, connected with our right to the new position we had assumed, as a member of the family of nations, and with occurrences which took place not long afterwards; but they went no further. The obligations which subsequent events might impose upon us, in relation to ambitious pretensions, incompatible with the public law, and the independence of nations, they neither foresaw nor defined. And thus is it, that we must push our inquiry beyond these limits, before we reach the great question of our true duty and policy now in face of us.

There is always a class of persons, sir, who believe there can be no firm views where there are no hard words, and with whom menacing language is the measure of firmness. I need not say here how little foundation there is for such an opinion in personal or in national life. But I observe, that this standard has been applied to my substitute in some of the journals, which *have found it wanting*. Mr. President, it does not comport with the character or position of the United States to deal in menaces with their coequals of the world. It becomes them to express their views plainly, and with the same respect to others which they claim for themselves, and to maintain them firmly when they come to act. This substitute declares unequivocally an opinion upon a great question of public law, and there it stops, leaving us free to determine upon our course when the time comes. It makes known our *deep concern* at the violation of a great principle, which expression, you well know, sir, is the usual phraseology in national communications for conveying a marked disapprobation of any measure which is peculiarly unacceptable. It is a strong conventional condemnation of the proceeding.

In the brief examination I propose to give to the subject before us, with a view to practical results, rather than to profitless speculations, I have no intention of entering into the vexed question, of the origin of international law, nor into the true grounds of the obligations by which civilized communities are required to submit to it. I assume at once the duty of all Christian people to recognize its binding force, and to aid its operations, so far as they can properly do it. Certainly we cannot trace back this code to a universal legislative origin, as we can trace back a municipal statute to its local source. It grew out of the necessity of regulating the intercourse between independent countries, in peace and in war; and traces of its existence may be found in the earliest recorded annals of nations. It began by assuaging the horrors of war, and by restraining the cruelties of barbarous conquerors; and by degrees, from a few simple maxims, it has become an elaborate system, coextensive with civilization, and appealing, not less to the sense of interest than to that of morality, by substituting fixed and just principles for those wayward passions, which, without such an arbiter, would make the world one vast theatre of carnage.

The elementary commentaries of wise and learned men, the decisions of enlightened jurists, and the discussions of able statesmen, have built up the system, and it is a beautiful monument of the progress and improved condition of society. For it has not been a fixed and immutable code, but has accommodated itself to the advancing opinions and necessities of the world. Few and meagre were at first its provisions, like the wants it was designed to meet; but as these increased, it increased with them, till it has become one of the most useful, if not one of the proudest works of the human intellect.

And let no one reproach it with inutility or imbecility, because it is not always a barrier against interest and ambition; but rather let us be thankful that it is so often appealed to and so often effectual, in restraining the turbulent passions of our nature. And such is the force of public opinion, in this the day of its strength, that even when the provisions of international law are evaded or neglected, its obligations are rarely, never indeed, denied, but constructions for selfish purposes are put upon it, forced and false it is true, but a tribute to its worth, even while its injunctions are practically disregarded.

It well becomes us and the principles of our institutions to profess our fealty to this great code of public morality; and not merely to profess it, but prove it, by our acts and declarations, and labor to enforce its obligations and its observance. It is a curious subject to trace the changes it had undergone, even in very late years, almost all so which are marked by the progress of just opinions, and by meliorations honorable to the spirit of the age. It is a great engine for good, but powerless for evil—a barrier against injustice and oppression, asserting the empire of reason over that of force.

The time has come when we have as much right and as much power to speak authoritatively on this subject as any other nation on the face of the globe. All we want, while professing the duty of obedience, is that other nations should equally obey it. There is none so high as to be above its obligations; none so low as to be beneath its protection.

We believe in the right and in the capacity of man for self-government—not that he is everywhere prepared for institutions like ours. We know, while we regret, that he is not. But we believe that he is everywhere fitted, even now, for taking some part in the administration of political affairs, greater or less, in proportion to his experience and condition; and that everywhere, with time and practice, he may improve himself and his government till both become as free as the state of society will permit. And certainly the expression of the warm hope that this time will come, and come speedily, is consistent with every respect for other Powers.

We claim no right to interfere in their internal concerns. While we are firm believers in our own political faith, we enter into no crusade to establish it elsewhere. Propagandism is no part of our creed, unless it be that propagandism which works its own way by the force of example, thus inviting the oppressed nations of the earth to do as we have done, and to be as free and happy as we are. But we cannot be indifferent to the condition of the human race, however widely scattered. A desire for its improvement, morally and materially, is a sentiment natural to man. And an American can hardly shut himself up in his own selfish egotism, thanking God, in the spirit of the Pharisee, that *his* country is better off than any other, and indifferent to the oppression, and degradation, and misery, which centuries of bad government have entailed upon so large a portion of the earth. Unless the many were made for the few, the governed for the governors, our sympathies should be excited, as were those of Washington, *for every people unfurling the banner of freedom*, and a God-speed them be uttered, not only in the effort to improve their political system, but in the greater effort to maintain it, by improving the condition of the great body of those for whom governments are instituted. And may we not say, as an English parliamentary orator said very recently for his country, "that the spirit of our people is for freedom everywhere?" And may we not echo his sentiment and declare, "that they would not rest satisfied with seeing the *ultima ratio* of European policy lodged in the bayonet of the barbarian?"

Even to the most superficial observer, the signs of the times are as portentous as they are interesting. The accumulated oppressions of ages and the capacity of endurance stretched to its utmost tension, now meet face to face, with existing power, in a struggle for life and death; and the contest will go on, though there may be fitful intervals of apparent repose, still it will go on till one or the other is finally vanquished. Why, sir, is it in human nature, is it in the ordination of a just God, that such tyranny as that which recently made prisoner the aged mother of the illustrious Hungarian exile, now exciting the sympathy of the American people, and was reported by that act to have sent her to the grave, though the report, I believe, was unfounded, and such a consummation of a deed of barbarity is therefore one charge the less in the catalogue of Austrian cruelties, and such tyranny as that which sent his sisters to a dungeon, an *Austrian dungeon*, perhaps to issue from it only to find refuge in that final asylum of the oppressed, where the wrath of man reaches not—can it be that such an unmitigated despotism will be long permitted to revel in the wantonness of its own power and passions?

No, it cannot be; the day of defeat may come, and come again, but the day of victory will also come, and with it the bright day of freedom and happiness for the oppressed and downtrodden people of the old hemisphere. It has been well said, that the great battle of human freedom and progress, "though baffled oft is always won." The combatants, the time, the place, the rulers, and the ruled, may change, but the conflict, however it may be checked, will stop not, till the victory is obtained. This great truth is already written, as with the finger of destiny, upon the history of our age, and the struggling efforts, which are upheaving the social and political systems of the Eastern continent, will go on to their consummation.

Trials and sufferings are the school of nations. Every effort is a lesson, and every defeat but prepares them for a new contest, and stimulates them to greater exertion, and the very process of preparation and resistance teaches them what are their rights, and how they are to be acquired and maintained.

Now, sir, what we want is that freedom should have a fair battle-field. That whenever a struggle is commenced to overthrow an arbitrary Government, other despotic Powers should not be permitted to take part in the contest, and with foreign bayonets decide the issue.

Such is our desire, and this principle of non-interference is well established in the code of public law. It lies at the very foundation of national independence. I need not multiply proofs or illustrations of the truth of this doctrine. It was well laid down by Mr. Roebuck, in the English House of Commons, when he said, "The important principle with which we have to deal was that in the internal affairs of any country there should be no external force or pressure." Its recognition goes back to the time of the Romans, for we are told, that when certain Carthaginians preferred charges against Hannibal, Scipio declared, that the Roman Senate would not be justified in intermeddling in the affairs of Carthage.

No one denies its obligation here or elsewhere. And even while palpable violations of the principle take place by armed intervention to repress the efforts of freedom, they are attempted to be justified, as exceptional cases, which, admitting the general rule, depart from it only in consequence of some great necessity, that universal and eternal plea of arbitrary power. When the allied nations undertook their crusade against France, to put down the revolution, before the passage of the obnoxious decrees, to which I shall refer by-and-by, I presume there was not a publicist in Europe, who would have hesitated to concede the general duty of non-interference even while he defended the invasion as a measure of self-defence, against the contagion of Democratic principles. And signally was this outrage rebuked by the consequences, which for twenty years weighed upon Europe and overshadowed it with the French power, converting its fair plains into battle-fields from Lisbon to Moscow. And thus was Poland blotted from the map of nations, while Frederick and Catherine published homilies upon law and morality, and regretted the *unwelcome* necessity, which the circumstances of that unhappy country imposed upon them to annex it to the dominions of the Allied Powers. And three times was the world insulted by these hypocritical professions, before the whole of old Sarmatia was rescued from the danger of freedom and independence by partition and annexation.

There is one highly-respectable authority—and I know of no other—Vattel, who holds, that in a state of civil war, any other Power may assist the party which it believes to be just. But it is obvious, that such a principle would open every case to direct armed intervention, at the will of any foreign Government; which has only to say, such a party has justice on its side and I will aid it. Now, sir, this doctrine is contradicted, as well by reason as by the whole current of authorities. Wildman, one of the most recent, as well as one of the most able, commentators on the law of nations, condemns the position of Vattel, into which he says he was led by "a misconstruction of a passage of Grotius," and "that it is as little reconcilable with reason as it is with precedent." He examines the cases fully, and shows how erroneous is this doctrine, and announces the result thus:

"But this restriction of interference in favor of the cause of justice, is an absolute prohibition of interference on the part of those who have no jurisdiction to determine the justice of the cause. Hence it follows, that no foreign Power has any right to interfere in the internal affairs of an independent State."

Establish this doctrine of Vattel, and the Emperor Nicholas, who no doubt believes every despotic cause a just one, would have a right to send his armies everywhere to repress the efforts of freedom.

But the case of Hungary is strengthened, if strength were needed, by the authoritative declaration of the Emperor Nicholas, as to this very principle of non-intervention, in the manifesto he issued, when the Russian armies crossed the frontier. He there admits the right of "every State to arrange its own political constitution according to its own mind;" and he admits also the duty of other Powers to "refrain from interfering with any alterations of the form of government which such States may think proper to make." This admission is broad enough to cover the whole ground of national immunity; but it is accompanied with a *reservation*—that is the word—"that in case the reaction of revolutions near him should tend to endanger his own safety, or the political equilibrium on the frontiers of his Empire, his Majesty reserved to himself his full liberty of action." Dark was the oracle of Delphi, but still darker is the oracle of Russian power. We have all heard of the political equilibrium of Europe, otherwise known as the balance of power, that fertile source of war and oppression. But the *political equilibrium on the frontiers of the Russian empire* is a new element in the public law of the world, and I dismiss it for the investigation of some future Grotius. As to the reaction of a revolution, as contradistinguished from its direct action, so as to be dangerous to neighboring States, I am unable to comprehend it, and take refuge in my ignorance. I had supposed, before I saw this Imperial declaration, that the first frenzy of a revolutionary movement was always its most dangerous state, and that reaction brought with it more calmness and security. What kind of a reactive power had taken place during the brief interval between the commencement of the Hungarian struggle and the Russian intervention, we are not told; and it would be vain to inquire. But for myself, sir, I am an utter unbeliever in any claim under the law of nations by which this right of national immunity could be limited. And where such a claim has been practically asserted, it has been so because one party was weak and the other strong. Nations, like individuals, have an indestructible right of self-defence against unlawful danger, and if it should happen that one country is exposed to imminent peril from the proceedings of another, whether in a state of revolution or of internal quiescence, it has certainly the right to adopt all proper means of protection. *But the danger of opinions*, or in other words, the principles upon which a government shall be founded, can give no just cause of offence, unless indeed there is a Quixotic attempt to carry them elsewhere by direct interference. No one accuses Hungary of such folly. She had enough to do without constituting herself the armed champion of propagandism. But, sir, I dismiss these political subterfuges, as unworthy of serious consideration, and will remark, that the Power which claims a right to act in opposition to an acknowledged principle of public law, on the ground of a peculiar exception, should establish its case to every reasonable mind. Is the independence itself, which is sought, a just cause of offence? Surely not, for that right is conceded by the very proposition, and without it there could never be a revolution. Is just offence given by the melioration of existing institutions? It is equally certain that another Power cannot object to such a change, for in that case there could be no revolution which might not be put down by the foreigner, unless the political system of the country were stationary or retrograding, which would be utterly incompatible with every revolutionary effort. As to Hungary, her people sought independence, and they sought to introduce free institutions; though I do not understand that it was ever determined whether the government should be a constitutional monarchy or a republic. But the establishment of a republican government is compatible, not only with the public law of the world, but with the condition of Europe, where such governments have existed from the earliest ages, and some of them are yet struggling to maintain their position. Almost in the centre of Europe is the Republic of Switzerland, and the Emperor Nicholas was himself a party to the formation of the Republic of Cracow, in contact with his own dominions; perhaps because it was a small one which he could control at pleasure. But, sir, it is useless to pursue this investigation. If the Russian Empire was indeed in imminent danger from the improper conduct of the Hungarian patriots, it is for the defenders of Russian injustice to show it. What danger does the Emperor Nicholas assume to apprehend in his public appeal to the world? Why, sir, he talks about "what is now doing and preparing in Hungary," as endangering his safety; as though the struggling revolutionists had not work enough to do without attacking Russia. He talks also about the new State being "raised on the basis of anarchy," and "imbued with that hostile spirit, which the Hungarian Chiefs have against Russia," as furnishing motives for interference to protect his "Polish and Danubian provinces from the scourge of a propagandism, which means to convulse them," &c.

But, sir, this is not the only document, which professes to make known the views of the Emperor Nicholas upon this subject. He had before, at the very commencement of the troubles in Hungary, issued a kind of appeal, or rather an annunciation of his intentions to the Russian people, in which the real spectre, that haunted him, is made known with unmistakable precision, and that spectre is the SPIRIT OF LIBERTY. In this characteristic declaration he says:

"Insurrection and anarchy, the offspring of France, soon crossed the German frontier, and have spread themselves in every nation, with an audacity, which has gained new force in proportion to the concessions of the governments. This desolating plague, at last, attacked our allies, the Emperor of Austria, and the King of Prussia, and to-day, in its blind fury, menaces our Russia, which God has confided to our care."

All this, when divested of its monarchical mysticism, and translated into the language of common sense, means, that many of the nations of Europe are struggling for free institutions, with a vigor of purpose, proportioned to the high prize before them, but that God's vicegerent warns his *faithful subjects* against the danger of indulging in any such dreams of freedom, for if they did, they would surely awaken to their own destruction.

It is not a little curious, however, to find, that in this manifesto, explaining the views of the Russian Government, at that time, there is no claim, whatever, to arrest these revolutionary movements among the independent nations of the earth by armed intervention. The purpose of the Emperor is avowed to be, to "encounter our enemies, from 'whatever side they may present themselves, and 'without sparing our own persons, we willknow 'how, indissolubly united to our holy country, to 'defend the honor of the Russian name, and *the 'inviolability of our territory.*" Marching into the heart of another country, and taking part in an internal conflict there, is a new stratagetic operation in the defence of territorial immunity.

But I pass from these records of professions and pretensions, to the simple fact that, Russia intervened, by an armed force, to put down independence and free institutions in Hungary; and for no other reason than because the Emperor was determined that his people should not have the example before them of a powerful and neighboring nation, acquiring freedom and independence by their own exertions.

I am not going into the history of the Hungarian effort to break the yoke of Austrian despotism. Suffice it to say, that the people of Hungary had enjoyed their nationality for a thousand years; and more recently, while acknowledging allegiance, with Austria, to the same common sovereign, have been connected with that country only by this mutual bond, and have been wholly separate in political rights and in the administration of Government. For causes, as just as ever drove a people to arms, the people of Hungary threw off their allegiance to the Austrian Emperor, and, resuming their independence, established a Government of their own, and for a time maintained it successfully, and would have so maintained it to the end, had not the Russian sovereign, making common cause with his Austrian brother, marched his armies across the frontier, and thus extinguished the liberties and the hopes of Hungary.

And we are told by a British Secretary of State for Foreign Affairs, in his place in the House of Commons, and uncontradicted, too, far different from some of the representations, or rather misrepresentations, made in this country, that he himself believed, from information he had received, "that in this war between Austria and Hungary, 'there is enlisted on the side of Hungary the 'hearts and souls of the whole people of that 'country."

And well might there be this unanimity, when they had to deal with the Austrian Government, which, as an eminent English review remarks, "never swerved from its treacherous and tyrannical policy." That it adheres to the latter, with unshaken tenacity, the deeds of cruelty yet going on against the unfortunate Hungarians sufficiently demonstrate. And that treachery is as active an

element as ever in the administration of the Austrian Monarchy, is shown by a State paper, which a late arrival has brought us, and which is one of the coolest examples of a breach of public faith that the world has witnessed for many an age—aye, and of contempt, too, for its feelings and opinions.

During the progress of the Hungarian struggle, and while its aspect was most threatening, the Austrian Emperor granted a constitution to his States to satisfy and conciliate them, by which their condition was sensibly meliorated. But the danger has passed away, and with it the sense of justice, while power has resumed its natural instincts; and the following document, issued January 1, 1852, tells the tale of treachery to the everlasting disgrace of the Austrian Government:

"We, Francis Joseph, by the Grace of God, Emperor of Austria:

"In consequence of our ordinance of the 20th of August last, our Council of Ministers, and our Council of the Empire, have applied themselves to a thorough examination of the constitution of March 4, 1849, and seeing that it results from the deliberations which have taken place, that this constitution is not adapted to the position of the Austrian Empire, and cannot be executed in its entire arrangements, we consider it our duty, as the sovereign, after having well considered all these reasons, to abrogate the said constitution of March 4, 1849."

Punic faith was the by-word of antiquity for any political treachery, standing prominently forward in the history of human deception. Austrian faith will hereafter be entitled to the same unenviable distinction. "Put not your trust in Princes," says the Book of Inspiration, and woe betide the people, says the book of history, whose rights depend upon the pleasure or the passions of a sovereign, instead of being dependent on their own energy and intelligence.

Although in the retrospect of the Hungarian revolution our indignation is heightened by the oppression of the struggling people and by the justice of their cause, still were these doubtful, instead of being palpable to all the world, the conduct of the foreign aggressor would scarcely be the less culpable, nor the less in violation of the law of nations, which says to the Powers of the earth, when an internal attempt is made to change or to throw off a government, "*Let the parties alone, the question belongs to them.*"

Undoubtedly, in the progress of these internal contests, every nation must judge for itself, when it will recognize the independence of the party claiming it, and this judgment will depend on the circumstances of the case. Formerly such a recognition, before an acknowledgment by the pre-existing government, was considered an act of war, and even in our own revolutionary contest such was the view of England, in relation to the conduct of France; but in this, as in many other cases, a decided melioration has taken place, and such an act now gives no just cause of offence.

Well, Russia intervened with an iron hand, and why? All the world knows, and already history has written it upon pages that neither princes nor their adherents can obliterate. If ever words were used to conceal thought, they are so used in Russian diplomacy. Her armies marched to crush the efforts of an oppressed people; to put down the struggles of almost despairing men, who sought, in the language of Mr. Jefferson, through blood and slaughter their long-lost freedom; they marched, not merely to propagate the principles of despotism, but to establish its power, lest a rumor might cross the Carpathian mountains, and tell the bearded Muscovite, that there was such a thing as liberty in the world, and men who periled life and fortune to obtain it. Civilized man everywhere feels and knows that such were the objects; and public opinion in France, in England, and in this country, and wherever else the tongue or the press was free enough to proclaim it, has announced and condemned this flagrant usurpation, boldly conceived and executed, but hypocritically defended by false representations. Never could there be a more palpable illustration of the remark of Grotius, that "some wars are founded upon real motives, and others only upon colorable pretexts," and especially, if he had added some upon pretexts without color. As I do not intend to argue with any man who believes, after the facts I have referred to, that Russia had any other motive in this crusade than to prevent the establishment of a free government in her neighborhood, I shall assume, with every observer of her policy, that such was her reason for passing the frontier, and for restoring the Austrian sway.

Here was a gross infraction of the law of nations, striking not only at personal liberty, but at public independence, and especially offensive to the free States of the world, both by the violation of a great principle dear to them, and by the example of an armed intervention to put down all personal freedom in Hungary, and to threaten it wherever else its manifestations might be near enough to be unwelcome to the Russian Czar. Under these circumstances, what might the other Powers of the earth say or do by which their opinions or intentions might be made known in this grave conjuncture? Was it their duty to look on, not only the witnesses of injustice, without the means of redressing it, but acquiescing by their silence, in this monstrous outrage, and in the pretensions which led to it, till the despotic sovereigns might interpolate this right of interference into the code of public law, and thus assume to exercise a *surveillance* over the other Governments of the world?

The system of international law would not be worth the paper on which it is written, if such examples of contempt for the feelings and rights of mankind admitted neither resistance nor remonstrance. "Concession," says Bentham, in his forcible language, "Concession to notorious injustice invites fresh injustice;" and this is nowhere more true, than in the career and conduct of nations. And we find, that the right of independent Powers to express their opinions upon grave questions of public law, when that law has been violated, has been so often and so openly exercised, that no doubt can exist of the right and indeed of the duty of thus acting, when the nature and the gravity of the circumstances require such a measure. These declarations of interest and opinion are more or less formal and imposing, depending on the magnitude of the occurrence and the consequences involved in it. They most frequently relate to subjects, directly interesting to the parties and arising out of their intercommunication with each other; but often to questions affecting nations generally, and where the principles and the facts bear directly or in their consequences upon the welfare of the political world. Of the former it is not necessary to speak, as they are of daily occurrence in our own history, and in that of every other Power. But the right to take part in the latter has been so strangely brought into question, during recent discussions in this country, that it may be well "to look to the law and the testimony."

It is the interest of each nation that the rights of all should be respected, because the spectator of injustice of to-day may be its victim to-morrow; and none of the barriers against ambition and tyranny can be broken down without danger to the civilized world. This danger may be greater or less, nearer or more remote, depending on the circumstances of the parties, but it exists for all, and all are therefore concerned in checking or averting it. If one nation issue a manifesto, announcing what its coequals believe to be a dangerous innovation in the principles of public law, and support its declaration by its acts, or endeavor by the acts themselves to give authority to its own assumptions, is the world to look on, indignantly but silently, until precedent usurp the place of principle and acquiescence is appealed to in support of the new pretension? There is not a civilized nation on the face of the earth, which has not, time and again, given its opinion upon questions of public law in some form, more or less imposing—in correspondence, in protocols, in declarations, in manifestoes, in protests, and in whatever mode national representations are made and received. Why, sir, Lord Palmerston, directing the foreign affairs of England upon this very subject, said: "I do not think that the preservation of peace is in any degree endangered by the expressions of opinion in regard to the transactions in Hungary or in other countries." He is, of course, alluding to the proposition then before the House of Commons, to call for the papers in relation to the Russian intervention with a view to the judgment of the House. But here we are told *touch not, taste not, handle not*, great will be the danger thereof. Sometimes the interest involved in questions like this is immediate and important, sometimes it is remote and unimportant; but in the practical relations of independent Powers, great questions may arise which may eventually affect the whole commonwealth of nations. Every Power must judge for itself how far its own interests may be touched by the pretensions advanced, and what course true policy requires it should take. It is not necessary that the evil day should be upon it before it makes known its disapprobation, for in that case aggressions would be eternal, or war the only remedy to resist them. The annunciation of the objects of the Quintuple treaty awakened the liveliest solicitude of the American people, and their determination to resist it to the last extremity, was made known, though they had then sustained no injury, as the treaty had not been ratified; and this very demonstration prevented its ratification and saved them from a perilous contest. No man ever condemned the Executive for laying down, in an authoritative manner, our views of the laws of nations upon the subjects embraced in that treaty, and denouncing pretensions equally dangerous to our rights and our honor. It may be said, indeed, that the danger we had to apprehend from such an interpolation into the true code of public law was imminent, and justified prompt and energetic measures. It was so, and we were therefore prepared to take far more decided steps than would be expedient in a less pressing exigency.

But the principle remains the same. We proclaimed our opinion upon a great question of public law, because a pretension had been advanced, incompatible with the independence of nations, and in which all were interested. And are not all interested in the great right of self-control—in the right of establishing, maintaining, and changing their governments at pleasure, without the interference of any other earthly Power? Is it not probable, that the Russian Emperor, even in his wildest dreams of unlicensed power and ambition, ever contemplated sending his Cossacks to put down free institutions among us, though he put them down in Hungary, for Hungary was within his reach and within his power? But we have a direct interest, a material interest, if you disclaim every principle of action but the utilitarian principle, in the benefits of commercial intercourse, and in the prosperity and stability and independence of nations, by which the resources and commerce of a country are increased, and in the maintenance of those great principles, which protect these rights.

But I agree with one of the most independent of the public men of England, Mr. Roebuck, that higher considerations may justly influence our actions, and that "we should not bind up all our feelings in the interchange of commodities, or the sordid question of profit or loss. He believed there was something more in the souls of the people than that." And the sentimenti, advanced by Lord Palmerston, that a great country should not "be a passive and mute spectator of everything that goes on around," deserves our commendation and concurrence.

There is not a page of modern diplomatic history, in which may not be read the outlines I have already referred to of national conduct. But a strange error seems to prevail, respecting one branch of this subject, which it is necessary to examine; not from the support it derives from reason or authority, but from the confidence, with which it is urged, and because, if not corrected, it may paralize the national action in all time to come. Before, however, I advert to it, I may be permitted to say, that the discussions, which have taken place here and elsewhere through the country, manifest a very unreasonable jealousy of the good faith and sound discretion of the American people. I suppose a man could hardly be found in this broad land, however sensitive he may be on the subject of our foreign policy, who fears the wrath or the power of the Russian or of the Austrian Emperor, should we assert a great fact, now passed into history, that the right and independence of nations have been flagrantly violated in the case of Hungary, and should we declare the principle of public law which ought to have protected that unfortunate country. Well, then, if we fear no such danger abroad, where is the danger we do fear? It is at home, sir. We cannot shut our eyes to

that truth. The signs all around us indicate, with unerring certainty, that the apprehension, felt and avowed, is directed, not to others, but to ourselves.

One would really suppose, there was imminent danger, if this claim to assert an equal right to adjust questions of the law of nations, is once established; that this great Republic would deal with war, as a child deals with a plaything, and that it would rush into it with a blind haste, restrained by no considerations of duty or expediency. Let this apprehension be dismissed. This is one of the last dangers, we have to fear. The honor and welfare of the country are safe in the custody of the PEOPLE, and we need not hesitate to assert our just rights, lest the PEOPLE should betray their own trust. Almost seventy years have passed away, since the acknowledgment of our independence, and in that time we have had but two wars, deserving the name of such. Where is there another nation, great or small, which can say the same for its own moderation? So much for the effect of a salutary public opinion upon the policy of a country.

But to return to the erroneous doctrine, which has been so widely and so confidently spread, and which seeks to deter us from expressing any opinion upon the law of nations, by an apprehension of the consequences, and by which it is maintained, that in all cases where a nation makes such a declaration, it is bound to support its views by war, if these are not acquiesced in, or it will lose its own self-respect, and subject itself to the contumely of the world. There is not the least foundation, in reason, or authority, or precedent, for such an assumption. It is as gratuitous as it is untenable. And yet, this position is repeated, here and elsewhere, from one end of the country to the other, as though it were written upon every page of every treatise on the law of nations, and many a man, who does not doubt our right to express an opinion upon questions of public law, as these arise in the world for consideration, doubts the expediency of exercising it, lest we should be driven to war to support it.

Mr. President, I have already said, that the particular form in which a nation makes known its views, from the most common diplomatic note to the most solemn protest, neither adds to nor takes from its responsibility or obligation. It appears to be assumed, that there is some peculiar pugnacious quality attached to a protest, which necessarily leads to armed action. This is not so. A public declaration in that form no more imposes on the nation making it the duty of vindicating it by arms, than the every day representations which the usual diplomatic intercourse renders necessary. To be sure, the proceeding is more solemn, as the subjects generally are more grave; and it goes forth to the world under circumstances of deliberation which give to such declarations more than usual importance. But that they are necessarily followed by war, whenever they fail in the result, is contradicted by all the diplomatic experience of modern times.

A very few references will place this subject beyond dispute.

Before I advert to them, however, let me remark, that I find a part of my task, that of establishing, that a declaration upon questions of public law, is a legitimate mode of national action, anticipated and taken out of my hands, by the resolutions of the Senator from Rhode Island, [Mr. CLARKE,] which practically admit this right by the very enunciation of many principles of the law of nations. And allow me further to remark, that if a protest, which is truly an act, and a solemn one too, of national intervention, as it points to a particular power and a particular measure, carry with it no necessary obligation for armed action, certainly a declaration of general principles, common to all, cannot impose a higher duty upon the party making it. When, however, a nation, as sometimes happens, distinctly announces in its protest, that acquiescence in its demand, or war is the only alternative, in such a case it anticipates its course, in the event of refusal, and must go on to its belligerent work. These hostile menaces are, however, rare. I believe that England adopted this decisive step when there was reason to apprehend that some of the European continental Powers contemplated aiding Spain in the subjugation of the American States, once her colonies. And now for the precedents:

In 1788 France protested against the invasion of Holland by the Prussians. Even the old monarchy then advocated the cause of national independence. But the Prussians marched on, and put down the liberal party, while France abstained from any further action.

In 1814 Lord Castlereagh protested, in the name of his Government, against the final extinction of all that then remained of Poland, as a nation; but Poland is extinguished, or rather, I trust the fire of liberty is only smothered there for the present, to break out into a bright flame hereafter; and England looked on, silent and inactive.

In 1820 England protested against the intervention of Austria in the affairs of Naples. But this protest did not stop the Austrian army, nor did it induce England to adopt any other measure.

In like manner, an English protest was interposed between the French invading army and Spain, in 1822, and upon that occasion England advanced in the most explicit manner, the great doctrine of non-interference, for which we are now contending. Her Minister said:

"The British Government disclaimed for itself, and denied for these Powers, the right of requiring any changes in the internal institutions of independent States, with the menace of hostile attack in case of refusal."

But neither the Pyrenees, nor the protest, stopped the French army. It accomplished its mission, and the independence of Spain expired, as the last gun—its funeral gun, indeed—was fired from Cadiz. England left her protest upon record, but she has left no other memorial of her disapprobation.

Both England and France protested against the occupation of Cracow, but without effect, and without war.

So much for precedents, and many more could be found, were it necessary. And now for authority:

Lord Palmerston, whose experience in diplomatic questions will not be doubted, and who certainly was jealous enough of the honor of his country to take care she should not be placed in a false position, said, in the debate in the British House of Commons, on the subject of the invasion of Spain, that the British Government had protested against it. "But it is one thing," he continued, "to express an opinion, and another to adopt hostile proceedings to compel the three Powers to undo what they had done." But, according to this new reading of the duties of nations, when England declined to prevent by arms, what she could not prevent by protest, she was faithless to her own self-assumed obligations, and was dishonored in the eyes of the world. Whether this claim of representation or remonstrance is derived, as it sometimes is, from special treaties, or at other times, from general principles, its obligations and its consequences are the same; and by what acts it shall be followed, or whether by any, is simply a question of expediency, involving no considerations of duty or of honor.

"Manifestoes," says Bentham, and such declarations are a kind of protest, "are in common 'usage. A manifesto is designed to be read, either 'by the subjects of the State complained of, or by 'other States, or by both. It is an appeal to 'them. It calls for their opinion." Such is the view of a man of a vigorous intellect, though with a quaint style, which marred his usefulness, and who devoted a long life to all the kindred pursuits, bearing upon general as well as upon municipal law. He says that these declarations are appeals to opinion. A new school of expounders has arisen which denounces them as appeals to force.

One of the most eminent and enlightened political writers of Europe, Von Genz, while deploring the original partition of Poland, and the absence of any opposition to that iniquitous measure, remarks: "But that no public demonstration, no 'energetic remonstrance, no audible disapproba-'tion should have followed, these manifest symp-'toms of general relaxation and decay of strength 'will not escape the observation of the future his-'torian." We cannot mistake the views of this statesman. After regretting that neither France nor England interposed efficaciously to prevent this deed of shame, he regrets that no marked testimony of disapprobation was put upon record to carry down a cotemporaneous condemnation of such a flagrant outrage to future times; and this is the universal judgment of the present day.

Our own history presents a memorable example of the exercise of this right to declare a principle of national law. Mr. Monroe's views on a similar question, solemnly announced to Congress and the world, form a well-known part of our political history. He denied to the European Powers the right to intermeddle with the new governments of this hemisphere, and also the right to establish new colonies in any part of America. He did not, he could not, pledge his country to go to war to maintain this position. He wisely said nothing upon that subject, leaving to the future the duties it might bring with it. His declaration is yet upon record, neither repealed nor disavowed, but remains as the expression of the sentiments of the United States upon this subject. And though it has not been wholly efficacious, it has no doubt contributed, with other causes, to the stability of the independence of the American States, and to check the spirit of colonization. The conduct of France in the La Plata certainly violated these principles, as the pretentions of England upon the Mosquito coast yet violate them; but there has been no war to assert them. But it is easy to see, that with or without such a national declaration, our own interest would dictate to us to watch with jealousy European ambitious designs upon the governments of the New World, and to meet them with firmness. I trust England will become sensible that she is making a dangerous experiment upon the intercourse of the two countries, and especially upon the forbearance of ours, when she pursues measures incompatible with her own conventional obligations, as well as with the principles laid down by Mr. Monroe, to which she yielded her assent. If the maintenance of national independence on this side of the Atlantic is dear to us, and the interest we feel in it allows us to express our opinion upon its just inviolability, I see no reason which forbids us to extend the same views elsewhere; as we have material interests, as well as natural sympathies, connected with the immunity of all nations, and the course we shall adopt is therefore a question of expediency, and not of principle.

Certainly solemn public declarations of this nature should not, would not indeed, often be made, for their frequent occurrence would impair, if not destroy, their moral effect. They should be reserved for those extraordinary events, affecting the honor and stability of all nations, which stand prominently forward in the history of the world; characteristics, indeed, of the age in which they occur. Let no man, therefore, object that such a *conservative* remedy, for once the epithet is a just one, will lead to abuse or will destroy itself by too frequent application.

We ought neither to mistake our position, nor neglect the obligations it brings with it. We have at length reached the condition of one of the great Powers of the earth, and yet we are but in the infancy of our career. The man yet lives, who was living, when a primitive forest extended from the Alleghany to the Rocky Mountains, trodden only by the Indian, and by the animals, his cotenants of a world of vegetation, whom God had given to him for his support. Then a narrow strip upon the sea-coast, thirteen remote and dependent colonies, and less than three millions of people, constituted what is now this vast Republic, stretching across the continent and extending almost from the Northern Tropic to the Arctic Circle. And the man is now living, who will live to see one hundred and fifty millions of people, free, prosperous, and intelligent, swaying the destinies of this country, and exerting a mighty influence upon those of the world. And why not, Mr. President? Is it not likely to be more beneficially exerted, than the influence now exercised by the despotic Powers of the earth? No one can doubt this. Why, sir, even Vattel, enlightened as he was, tells us that "the law of nations is the law of sovereigns. It is principally for them and for their ministers, that it ought to be written," &c. The age has got far beyond this degrading doctrine. That law was made for the great civilized community of the world, and its obligations and their violations will be judged by this high tribunal, and its voice will

become, from day to day, louder and more efficacious. Let us aid it by the expression of our views, whenever questions arise interesting to all the members of the great commonwealth of nations. There are no considerations of right or expediency to restrain us from such a course; for, as I have shown, we are just as free to act or forbear, after such a declaration, as before. But it has been asked, why proclaim your opinion, unless you mean to maintain it by the strong hand? For the same reason, that countless representations and remonstrances have been made by independent Powers, when they had reason to apprehend the adoption of measures, hostile to the just principles of national intercommunication. To mark their disapprobation of the act and of the doctrine, that their silence might not be construed into acquiescence, and that when, in the mutation of political affairs, the proper time should come, they might interpose effectually, if they should desire it, not concluded by the success of violence nor by the lapse of time, that the Power itself, contemplating the step, might pause and review its position and its pretensions, and the consequences to which it might be led; not knowing, of course, what measures might follow these appeals to its sense of right should they fail to be effectual; and, above all, that the public opinion of the world should be rightly instructed and brought to aid these peaceful efforts to preserve the rights of mankind. And let no man underrate the power of this mighty engine for good. It will go on from conquering to conquer, till its influence is everywhere established and recognized. Lord Palmerston, when interrogated upon this Hungarian question, in the House of Commons, and speaking upon this very point, foreshadowed the objection which meets us in this country—aye, and overwhelmed it—that there is no use in these public declarations, for they may be thrown back by an arbitrary Power, which may say, using the langurge of that statesman, "Your opinions are but opinions, and you 'express them against our opinions, who have 'large armies at our command to back them. 'Which are strongest, opinions or armies?" "Sir," he continues—and I recommend the noble sentiment to all who doubt the progress of the age—"Sir, my answer is, that opinions are strong-'er than armies. Opinions, if they are founded in 'truth and justice, will in the end prevail against 'the bayonets of infantry, the fire of artillery, and 'the charges of cavalry." And he adds: "That 'armed with opinion, if that opinion is pronounced 'with truth and justice, we [the people of the 'United States as well as the people of England] 'are indeed strong, and in the end likely to make 'our opinions prevail."

Such sentiments as these, uttered in such a place, were not less honorable to the speaker than to the Administration whose organ he was.

And who can say how often the designs of ambition and injustice have been stayed or abandoned by energetic representations, and by the manifestations of public disapprobation? I have referred to some cases where they failed, but the class of those where they have been successful is vastly more numerous—a tribute to the efficacy of amicable representations and an encouragement to make them.

It has been said, in condemnation, or in reproach of this effort, that there are many other suffering people and violated principles calling equally for the assertion of this right, and why, it is asked sneeringly, if not triumphantly, why do you not extend your regards and your action to all such cases? And as that is impossible with any useful result, as every one knows, we are, therefore, to sit still and do nothing, because we cannot do everything. Such is no dictate of wisdom or duty, either in political or ethical philosophy. The prudent statesman looks to what is practicable, as well as what is right. The principle imbodied in the substitute is general and applies to all cases of armed intervention in the internal affairs of other countries; and if our discussion and our immediate action have reference to the attack upon Hungary, the reason is obvious and justifiable. There are conditions of the public mind, arising out of passing events, favorable to the consideration of particular questions, while others are cast into the shade, and command no attention. The former is the state of things in relation to Hungary; to her rights and her wrongs; and the principles thus brought up are attracting the attention of the world, and are discussed in conversation, in legislative assemblies, in the public journals, and in diplomatic correspondence, and they thus commend themselves to general consideration. And the facts have been of a nature to impart deep interest to the whole subject, and without some degree of interest it were vain to endeavor to engage the public attention.

Mr. President, what earthly tribunal has a better right than the Congress of the American people to pronounce the opinion of that people upon such subjects? I do not speak, lest I should be accused of patriotic exaggeration, of those qualities, intellectual and moral, which are found here, and which are essential to a sound decision; but I speak of its representative capacity, as the depository of much of the power of a people, whose interest and feelings are intimately connected with the broadest principles of freedom and independence. Other Legislatures do not hesitate to speak out boldly and firmly. For several years, the Chamber of Deputies of France remonstrated, in their answer to the annual speech from the Throne, against the annihilation of Poland, and in 1840 in this emphatic language:

"In all the questions that divide the world, France invokes but justice; she demands only the respect due to all rights. Can she cease to recall to Europe those of the ancient Polish nation, and the guarantees that repeated treaties gave to a generous people, whose misfortune time seems only to aggravate."

It is well understood, that the government of Louis Philippe was opposed to these declarations, and that they gave serious offence to the Russian Emperor, who recalled his embassador from the French Court. But no counsels of timidity prevailed with the members of the Chamber. They put their remonstrance into the most solemn form, and spread it on record before the world, unawed by apprehensions like those, which there seems to be a systematic effort to excite in the breasts of the American people. But it cannot be done, Mr. President. You may persuade and convince our countrymen, but it is out of the power of mortal man to drive them from the maintenance of their rights by any consideration, connected with the danger of their assertion.

When I hear a good deal that is said at this day, I become more and more convinced, that the men of the Revolution were peculiarly fitted for the work of the Revolution. They sought security and justice, not in precedents, but in principles, and well is it that they did so, for the history of the world is filled with precedents of tyranny and oppression, while it does not contain a single example of a government like ours. Its establishment is a tribute, due to wisdom, patriotism, and valor, not to antiquated notions, with nothing to recommend them but their age. I believe if we had the work of the Revolution and of the formation of a government thrown upon us, we should not do half as well as our fathers did.

The English House of Commons have, in different ways, and upon many occasions, expressed their opinions upon questions of international law by direct addresses to the Crown, or by votes upon the conduct of Ministers; and it will be a new doctrine there, that such proceedings give just cause of offence to other Powers, or that they necessarily commit a nation to support them by war, when they fail, as a remedy of peace. I shall not turn over the pages of English Parliamentary history to seek examples of this nature, for they are familiar to all who are conversant with the British political annals; but there was a declaration made by Lord Palmerston, upon one of these occasions, so just in itself and so applicable to this country, that I am tempted to refer to it, and to commend it to the attention of all those who desire to inculcate the doctrine, that we ought to live in a state of Chinese isolation from the political affairs of the world, indifferent to events, and to their effects upon the welfare of mankind. The British Secretary of State measured the duty of his country by a far higher standard: "He was not prepared, 'he said, to admit that the independence of con-'stitutional States, whether they were powerful 'like France, or the United States, or of less rela-'tive political importance, such as the minor States 'of Germany, ever could be a matter of indiffer-'ence to the British Parliament, or he should hope 'to the British public. Constitutional States he 'considered to be the natural allies of this coun-'try; and whoever might be in office conducting 'the affairs of Great Britain, he was persuaded 'that no English Ministry would perform its duty, 'if it were inattentive to the interests of such 'States."

As to the feeling of the British Parliament and public, Lord Palmerston speaks as *one having authority;* but as to the people of the United States, no authority is necessary to speak for them, because their feelings are open to all the world. And is the American Congress the only free Legislature where such sentiments find no response, and the rights and law of nations no effectual support? Mr. Canning, upon a memorable occasion, not unlike the present in its relation to the independence of nations, most truly remarked, that "those per-'sons seem to me to imagine, that under no possible 'circumstances can an honest man endeavor to keep 'his country upon a line with the progress of polit-'ical knowledge, and to adapt its course to the vary-'ing circumstances of the world. Such an attempt 'is branded as an indication of mischievous inten-'tions." How accurately does this eminent man, in describing the opposition that liberal efforts encountered in England, point out the very opposition that similar efforts encounter here, and the reproaches they bring with them? He was for "pressing generous and noble sentiments into the service of his country." We are rebuked for advocating such sentiments, and the everlasting fear, that some terrible calamity is to befall us, within the course of the next ten centuries, if we depart one inch from the trodden path, paralyses many a clear head and many a sound heart, and sends them for refuge to the *stand-still policy;* a policy unfit for the age, unacceptable to the American people, and unworthy of our country and its institutions. It is far better to *keep on the line of political knowledge*, as Mr. Canning terms the adaptation of the feelings and policy of a nation to its true position, than to stand still upon the line of precedents, and to let the world get far ahead of us, forgetting or fearing—in the language of a statesman; transferred from this Chamber to the direction of our foreign affairs, the equal of Canning in genius and mental vigor—forgetting or fearing "that we are in an age of progress."

And we may well look around and ask each other, as one of the noblest men that ever occupied a seat in this or in any other legislative body, bright in intellect, pure in purpose, splendid in his powers of eloquence, but now struck down by Providence to the regret of his country, which has anticipated the judgment of history, by one universal tribute of respect for his services and his worth, we may ask each other, as he asked the legislators of a former day, "Are the representatives alone to be isolated from the common atmosphere of the world?" If we commit this error, we shall be isolated from the feelings and confidence of our fellow-citizens, and find, when too late, that we are unworthy exponents of their sentiments.

Many objections, more or less plausible, have been presented to deter us from any action in this matter, but not one of them, with more confidence or pertinacity, nor with less regard to the true circumstances of our position, than that which warns us, that by such a proceeding we should violate alike the traditions of our policy and the advice of our wisest statesmen, and especially the injunctions of Washington and Jefferson. Never were just recommendations more inappropriately applied, than in this attempt to apply the views of those great men to the circumstances in which we are placed.

Non-intervention, it is said, was the policy they maintained, and the legacy they bequeathed to us; but is it possible that a single American can be found, who believes that either of those patriots would condemn the declaration of his country's opinion upon a great question of public law, because they condemned its interference with the affairs of other nations? Why, this is our affair, sir; an affair as interesting to us as to any other community on the face of the globe; one which involves the safety of independent States, and the true intent and obligation of the code, that regulates their intercourse.

What did Washington say on this subject? These are his words:

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

"Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her [European] politics, or the ordinary circumstances or collisions of her friendships and enmities."

These sentiments speak for themselves, and are commended no less by the authority that uttered them, than by their own justice to the American people. Ingenuity itself cannot torture them into the service of the opposition to the present proposition, one which seeks no "alliances" and asks for no "artificial ties." It limits itself to a simple declaration of opinion. But if the language employed by Washington required any special key for its true construction, it would be found in the history of his Administration, and in the peculiar difficulties it encountered. It is well known that the early events of the French Revolution excited a powerful feeling in the United States, and this feeling displayed itself in strong attachment to France and in hostile demonstrations against England. The aid we received from the former Power in our revolutionary struggle, and the efforts of the French people to break the iron yoke which had pressed upon them for centuries, joined to the bitter recollection of the conduct of England during our struggle with her, to her retention of the western ports, and to her notorious violation of our maritime rights, sufficiently account for this feeling; and its manifestation greatly embarrassed the administration of General Washington, and rendered it very difficult for him, even with the weight of his character, which was a powerful coadjutor in the work, to preserve that line of neutral policy he had wisely adopted. And the original treaty of alliance with France had imposed upon this country a serious burden, by guarantying the possession of her West India Islands, thus involving us, as she contended, in her controversy with England. And these were the evils that Washington had encountered, and against the recurrence of which he warned his countrymen. But who demands an alliance with any Power in Europe, or who has the least desire that we should form any other treaties than those which regulate our commerce and our usual intercourse?

And the authority of Mr. Jefferson has been invoked with as little reason in condemnation of this measure. "Peace," said that Patriarch of the Democratic faith, "Peace, commerce, and honest friendship with all nations; entangling alliances with none." Why, sir, there is no room for argument between the man who gives to this language of Mr. Jefferson its true and natural import, and him, who applies it to the assertion of a great national right. They have no common ground to stand upon. When the declaration of an important principle, common to all nations, and made in connection with none, is shown to be an *entangling alliance* with one of them, then may this sentiment be appealed to and the people warned against its violation.

Mr. President, the wonderful advance of skill and science has brought Europe nearer to us now, than was Savannah to Philadelphia, at the adoption of the Constitution. And similar causes are probably destined yet more to diminish the distance; and the increase of the moral and material interchange, consequent upon the progress of the age, has not been less remarkable, than the increase in the facilities of intercourse. We cannot be insensible to the onward march of events in the old hemisphere, nor indifferent to their operation upon the great mass of the people. Undoubtedly Europe, to some extent, has peculiar interests and a peculiar policy, with which we have no concern. Dynastic laws, the balance of power, the influence claimed by five great States—these and other maxims of policy give rise to questions, with which we have no desire to intermeddle. But, besides these, there are great principles of the laws of national intercommunication often coming up for discussion and decision in Europe, and which affect the interest and the safety of all the independent States of the world. The former we may regard, merely with the natural interest, which is felt in passing events; but the latter we should watch with sleepless vigilance, taking care that no innovation be established in the public laws, without our consent, to which we should be called upon to submit hereafter, on the ground of its having been sanctioned by time and acquiescence; as the right to search our vessels would have been established had we not resisted the claim, at its very inception.

Mr. President, near the commencement of the French Revolution two decrees were passed by the Convention, one of which attacked the independence of nations, by inviting the people everywhere to throw off existing monarchical governments, and promising intervention by an armed force; while the other went back to ages of barbarism by proclaiming, that no quarter should be granted to any garrison, which should not surrender within twenty-four hours. Should any nation, rejecting its own duties and setting at defiance the rights and opinions of the world, attempt to establish such principles at this day, by promulgating them in solemn legislative acts, as rules of conduct in all future times, is there any man in this broad land, who would invite our submission to them, even by silent acquiescence, instead of rebuking them in an authoritative manner, as indefensible innovations into the laws of nations?

Whether the administration of Washington took ground against these *quasi* manifestoes, either by diplomatic representations or otherwise, I do not know. His was a period of difficulty, and that was the time of our weakness. Now has come, and still more is coming, the time of our strength, and with it a new position, and, if not new duties, more powerful motives for decisive action. No man can fail to see, that the principles of the first of these French decrees, and of the Russian ukases, for such in effect they are, would give to foreign powers the right to intermeddle in the internal affairs of this country, whenever any of them believed, or affected to believe, that circumstances existed here, condemned by that system of supervision, thus sought to be established?

Rumors have recently reached us, which may warn us to be ready to take our part in the assertion of great rights, intimately connected with the spirit of our own institutions. It is said, and with a good deal of confidence, that the great European continental Powers have remonstrated with England against the refuge she has afforded to political exiles, and in a tone which indicates that what is refused to diplomatic representations may be demanded with hostile menaces. It is difficult to believe that the folly of power and despotism can go so far, and yet a similar demand on Turkey shows, that if it do not, it is not because they are restrained by a sense of right, or by a regard to the independence of other Powers. The liberty of escape is to be wrested from the unfortunate patriot, and the liberty of the dungeon and of death only allowed to him. Europe is to become one vast prison-house, and the aspirations of freedom, inexpiable crimes, which the hunters of men are to pursue eternally, and to punish inexorably.

I believe England will meet such an insolent and barbarous demand in that sturdy spirit of resistance, which her people have so often displayed; and recent advices inform us, that the British Government is already *up and doing*, preparing to meet a grave conjuncture by fortifications, looking to the defence of London, and by other military, and by naval precautions. But who does not know, that if this pretension succeed there, our time of trial would come next? The broad ocean is not broad enough to separate the victims of despotism from the jealous wrath of the oppressor, who might well fear that the gales of the Atlantic would bear to his dominions that loud note of sympathy which marks the interest the American people take, and which Washington took in the struggles of freedom. Well, sir, if this work goes on, and the decree goes forth to the world, either by declaration or by action, are we to wait till the storm bursts upon us, before we even raise a voice in support of national and natural rights? No, sir; he who should recommend such a timid policy, would find his countrymen far ahead of him in their generous appreciation of their rights and their duties. Distinct manifestations of such an intention to attack the independence of England, for such a cause, would rouse a spirit of indignation in this country, which would not be diverted from its purpose by the cold allegation, that we intervene in the affairs of other nations, when we pronounce our judgment upon a monstrous pretention utterly incompatible with the most sacred attributes of independence, and that to do so is to form "entangling alliances," and "artificial ties." As there must be two parties, at least, to all *alliances and artificial ties*, it will be time to announce our danger when there is any serious proposition to unite ourselves with any other Power.

Mr. President, it has often been said, that we have a mission to fulfill, and so, indeed, has every nation; and the first mission of each is to conduct its own affairs honestly and fairly, for its own benefit; but after that, its position and institutions may give to it peculiar influence in the prevailing moral and political controversies of the world, which it is bound to exert for the welfare of all. While we disclaim any crusading spirit against the political institutions of other countries, we may well regard with deep interest the struggling efforts of the oppressed through the world, and deplore their defeat, and rejoice in their success. And can any one doubt, that the evidences of sympathy which are borne to Europe from this great Republic will cheer the hearts, even when they do not aid the purposes, of the downtrodden masses, to raise themselves, if not to power, at least to protection? Whatever duties may be ultimately imposed on us by that dark future which overshadows Europe, and which we cannot foresee, and ought not to undertake to define, circumstances point out our present policy, while, at the same time, they call upon us to exert our moral influence in support of the existing principles of public law, placed in danger, not merely by the ambition, but still more by the fear of powerful monarchs—the fear lest the contagion of liberty should spread over their dominions, carrying destruction to the established systems of oppression. But I repeat emphatically what I said upon a former occasion, when this subject was before us, and what upon no occasion have I since contradicted or unsaid, and I may add, what I distinctly stated to the martyr of the struggles of his own country, now the honored guest of ours, in the first conversation I had with him upon this subject—that the people of the United States were not prepared to maintain the rights of Hungary by war; that the only influence we could exert was a moral, and not a physical one. And certainly the considerations, connected with this branch of the subject, are so obvious to me, that I must be allowed to express my surprise, that any American could seriously contemplate an offensive war, I mean offensive in the nature of its operations, though not in its causes, against Russia and Austria, in the present condition of this country and of Europe, to be carried on by fleets and armies, sent to the Adriatic or to the Baltic, or to both. Such an undertaking can hardly be the subject of serious investigation, nor worthy of serious refutation. The very statement of the necessary preparations would be rebuke enough for such a proposition. With a power of self-defence which could resist the world, our capacity for distant foreign warfare is unequal to such gigantic undertakings. Our present duty and policy are to place our views upon record, thus avoiding conclusions against us, and reserving all our rights and all our remedies, whatever these may be, for future consideration, when the proper exigency may arise, when the political vicissitudes of Europe may strengthen the force of opinion there, by increasing the number and power of the free States, which would be as much interested as we are in this great question, and whose views would be similar to our own. I have no doubt but there are violations of the public law—and this, in my opinion, is one of them—which would justify the armed action of any nation, though it is no part of the task I have imposed upon myself to define or even to enumerate them. I leave that duty to those who may come after us, and whose position may require their decision. In all cases, therefore, of our action upon this subject, I think we should limit ourselves, for the present, to the declaration of our opinions of great questions and there stop, leaving the future to disclose our proper obligations and our proper line of policy. But the present has its duties as well as the future, and among these is a just regard to the condition of the country, and to the prudent application of her resources to objects within our reach, so that while exercising her rights as a coequal power of the earth, she shall be free to choose her remedy and the time for it. The day may come, will come indeed, when we may act

without hesitation, as we may act without apprehension. To that day let us dismiss the question of force.

Mr. President, the Senate will observe that I have not referred to the remarks of the honorable Senator from Rhode Island [Mr. CLARKE] in the course of the observations I have submitted to the Senate. I did not do it because I had prepared this speech before he commenced the discussion. I listened with great pleasure and interest to the views which he expressed on yesterday. There was much that deserved serious consideration, and perhaps, if this discussion is prolonged, I shall take occasion to say something in reference to them. I have not had an opportunity as yet to examine the honorable Senator's speech, as I believe it has not been published.

But there were one or two things, which I wish to refer to at this time. I understood the honorable gentleman to say something about making a hecatomb of the experience we have acquired since the death of the first and greatest of our Presidents, the Father of his Country, as a sort of expiatory sacrifice to his memory. That memory, sir, is written upon the hearts of his countrymen. Of all the names that are recorded on the long roll of history, the brightest and the purest is the name of Washington. If he could descend among us, he would be the first to condemn such a proposition. The Senator calls upon us to make a burnt-offering, like that made by the Arabian Caliph, when he entered the city of Alexandria and burned its celebrated library, saying, with the ignorance of a barbarian and the zeal of a fanatic, that, if it contained only what was in the Koran, it was unnecessary, and if it contained what was not there, it was unholy. The learning of the world was thus sacrificed to a false religion and a false prophet. But no such *auto da fé* becomes the manes of Washington. His precepts and example should be studied with reverence by his countrymen. But the honorable Senator from Rhode Island asks us to reject all we have learned since, to do precisely what that great man did, to stand on the very ground we then occupied, and whatever changes the country may have undergone to change nothing in our line of policy, but to preserve that immutability, while *onwards* is the great word of our day. No, sir, no, I repeat again; let us study with attention the course and the motives of Washington. No one regards them with more reverence than I do; but the condition of our country and of the world has greatly changed since the period of his Administration. We were then young in political life, weak, surrounded with difficulties from without, and divided within; and the wise counsels of Washington guided us through those perilous times, and we gradually acquired strength and security. But Washington would not now administer the foreign policy of this country as he did then, nor would Jefferson, nor Madison. Do you believe, sir, that either of those eminent statesmen would now suffer those notorious violations of our maritime rights, which then took place, without a resort to war? Do you believe they would stop to argue the illegality of such acts of injustice, instead of meeting them with all the power of the Republic? Would they now enter into a diplomatic correspondence about impressment, or Berlin, or Milan decrees, or Orders in Council? Or would they think of non-intercourse or an embargo? No, sir—no. We have got far ahead of all that. The first man taken by force from an American ship, if the act were not immediately disavowed and atoned for, should be the signal for war—to be terminated only by complete satisfaction. He, who reviews the history of our country, during the first four of its Administrations, cannot fail to be struck with the wanton violations of the law of nations, and with the injuries—aye, and the insults heaped upon us by the then two great belligerant Powers of the world France and England. It was a contest of rapacity in which each party justified its own conduct, not because it was right or legal, but because the other had preyed upon neutral commerce, and therefore it would have its share of the spoil. Like the robber, who takes your purse because a predecessor in crime had taken one from you before. And we actually argued all this thing, because we were too weak to avenge it. And bottles of ink and quires of paper were exhausted in the inquiry, not whether we were injured, but which of these Powers robbed us first, so as to afford a justification to the other for robbing us afterwards. Thanks to this age of progress, our country, its power, its position, and its influence, have all changed since then, and a corresponding change should take place in much of our foreign policy. Let us keep on the level of our position, and add our own experience to that of our fathers, and not shut out the light of our own day.

The Senator from Rhode Island, to cast reproach upon Kossuth, compares his conduct to that of Genet, the French Minister, during the administration of Washington. Mr. President, there is no more analogy in the two cases, than there is resemblance in the character of the two men. Genet was the accredited Minister of France to this country, received and recognized as such. In the phrensy which seemed to accompany the commencement of the French Revolution, Genet made propositions to this Government, inconsistent with is neutral position and duties; and, these being rejected, he appealed from the government of the people to the people themselves—thus violating all the comity of national intercourse, as well as the law of nations. It was one of the most unjustifiable, as well as impudent steps, ever taken by a diplomatic agent. But the Hungarian exile comes among us as a private and banished man, with no relations to the Government, but those growing out of laws common to every one, citizen or stranger. He talks to the American people about the wrongs of his country, and he talked to the British people in the same way; and even in England, where the Government is sensitive enough on the subject of its rights, no man, public or private, arraigned his course, as even indelicate to the authorities, while addressing the people. It was a discovery reserved for this country, and, indeed, for the bosom of the American Senate. And are we so jealous of our authority, that we are to censure, perhaps to punish, a foreigner, because he tells the story of his country's wrongs to this great people? Or are we are to punish the people for hearing him? I have heard of many a difficult job, undertaken by ignorance and presumption, but I think I never heard of one like that.

The honorable Senator quoted various passages, from men more or less eminent, relative to the doctrine under discussion, and in support of his position. He did not read them, nor have I had an opportunity to examine them. I cannot, therefore, say what they inculcate, nor how far the views expressed are controlled or limited by the context, without which it is impossible to form a correct opinion upon the subject. When they appear in print, I am willing to examine them, carefully and dispassionately, recollecting, however, that they are but opinions upon a question of our foreign policy, the true course of which is indicated, from hour to hour, by passing events, and by the mighty growth of our power and influence, far more clearly than by the views of individuals, however eminent, formed under far different circumstances. If, however, the Senator was not more fortunate in the other references, than in the one he did me the honor to make to what I said upon a former occasion upon this subject, I do not see, that they add any strength to the position he has assumed. He quoted the remarks I made deprecatory of war; remarks identical in their tenor, with those I have just submitted to the Senate upon that subject, that this country was not in a condition to support the rights of Hungary by war. If the honorable Senator supposed I should vary one hair's breadth from this ground, he is no doubt by this time satisfied of his error. I not only adhere to, but repeat it. But, sir, what has this to do with the right or expediency of declaring our opinion upon a great question of public law? The point involved in this discussion is, whether we shall assert an important principle of the law of nations; and when I am quoted, and correctly, too, as saying that we are not in a condition to intervene by arms, reference is made to a sentiment which, has not the slightest bearing upon the question between us. That is not whether we shall go to war, but whether we shall exercise a coequal power, as one of the Governments of the world, in the adjustment of the great principles of public law.

THE COMPROMISE MEASURES.

SPEECH OF HON. J. J. McRAE,

OF MISSISSIPPI,

IN THE SENATE, *January* 29, 1852.

The Senate resumed the consideration of the following resolution:

A Resolution declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery.

Be it resolved, That the series of measures embraced in the acts entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment, by the said State, of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850; "An act for the admission of the State of California into the Union," approved September 9, 1850; "An act to establish a territorial government for Utah," approved September 9, 1850; "An act to amend and supplementary to an act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793," approved September 18, 1850; and "Act to suppress the slave trade in the District of Columbia," approved September 20, 1850, commonly known as the "Compromise Acts," are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace, and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse.

Mr. McRAE said: Mr. PRESIDENT: It is with very great diffidence that I would rise to address the Senate upon any question. It is with much greater diffidence that I rise to speak upon the resolution under consideration, and the questions which it embraces, which I know have been so often and so ably discussed heretofore, in this Chamber of the Great, by the brightest and tallest intellects of the land. I would not speak at all upon this question, because I concur most fully in the remark which was made yesterday by the honorable Senator from North Carolina, [Mr. MANGUM,] that the discussion of this resolution here is unprofitable; not only unprofitable to the Senate, but unprofitable to the country—I would, therefore, not trespass at all upon the attention of the Senate upon this question, were it not that the necessity of my position seems to require it. And I hope that nobody has formed any high expectations of any poor things which I may have to say, because, if they have, to my embarrassment will be added my mortification to disappoint them.

Sir, the State of Mississippi has occupied a peculiar position in relation to the measures of compromise; and as this resolution, in its original form, was introduced by a Senator from Mississippi, [Mr. Foote,] my late colleague, who was about taking his departure from the Senate when I took my seat here, and it was approved by him in its present form, and as I am now the only Senator here from Mississippi, and as I entertain views different from his with regard to the propriety of the introduction of the resolution, as well as to its present form, I have felt it to be my duty to express the views which I entertain upon it, as well as the views which I entertain in reference to the questions which it embraces. Here I will say, that whatever may have been the opposition of the people of Mississippi to the measures of compromise when they were originally before the Congress of the United States, and before they were passed into laws—and that opposition was at one time general,—and whatever may have been the opposition of a large portion of the people of Mississippi, amounting to near one half their whole number, after these measures were passed into laws, yet now all of all parties in Mississippi have determined to acquiesce in them. I belong to that party in Mississippi which was opposed to silent acquiescence in these measures, for the reason that I believed they were wrong in themselves; that they were unjust to the South. But I was not opposed, nor was the party with which I acted, opposed to them to the extent which has been falsely charged upon us, of being in favor of a dissolution of the Union on account of them. That was not our position.

This question was submitted to the people of Mississippi, to be determined by a direct vote of the people, as to the position which the State should occupy in her relations with the Federal Government in reference to acquiescence in these measures; and a majority of the people decided in favor of acquiescence. I was of that party which

had been mainly instrumental in evoking that expression of the popular will. And after this decision was made by the majority, I felt it to be my duty, and the duty of the party with which I acted, to yield acquiescence to the decision made by the people. That decision did not change my judgment, nor the judgment of the party with which I acted, with reference to the merits of these measures; but it changed our action. It became our duty on a great question of this kind—a great State question, in which two parties had been arrayed against each other, when the majority had decided, to acquiesce in this decision. The main object which we had in view, in evoking this expression of the popular will, was, that the position which we desired the State to take should be maintained. Another was, that if a different position was taken—if those in favor of acquiescence were in the majority—that then we might go to that position; and that the entire will and understanding of the State should be concentrated in that action. This was also a main reason which induced us to evoke this expression of the popular will on this question.

As I have said, I am now for acquiescence in these measures; and the party in my own State whose sentiments I represent here, are also in favor of acquiescence, if, in the course of my argument, or in the remarks which I shall make, I should happen to differ with other honorable Senators in the views which I take as to the propriety of the introduction of this resolution, or as to its merits, and the merits of the measures of compromise, I hope it will not be charged upon me that I am therefore a disunionist; and that I am therefore now in favor of disturbing the measures of compromise.

I shall address myself first to the merits of the resolution upon its face. I shall speak first as to the propriety of its introduction here; secondly, as to its objects; thirdly, as to its merits; and lastly, as to the merits of the measures which it embraces.

First, then, as to the propriety of the introduction of the resolution. I recollect that Byron, in what is called his Dream, in speaking of the youth who was one of the subjects of it, when, after many changes in his life, he stood before the altar to be wedded to one who was not the choice of his boyhood; and describing the thoughts which, growing out of former associations, at that moment filled his mind, shutting out from him the light and the scenes which surrounded him, concludes his stanza most beautifully by saying, in reference to these thoughts,

"What business had they there at such a time."

Well, after seven months of the time of the last Congress being spent in the agitation of the questions of slavery, connected with these acts of compromise—after the deepest agitation, and most intense excitement, not only in Congress, but throughout the whole country, in reference to these measures; and since all the Southern States have determined to acquiesce in them—for coöperation in South Carolina is nothing more than acquiescence; and since there is no proposition in any other quarter of the Union to disturb these measures by the future action of Congress; and when we find this resolution here creating agitation and discussion, shutting us out, as it were, from the light of reconciliation which is beginning to beam in upon us from all quarters, shutting us out from the business of practical and useful legislation demanded by the great interests of the country, may I not well say in reference to it, if not beautifully, at least appropriately,

"What business has it here at such a time."

Mr. President, in my judgment the introduction of this resolution here—the discussions upon it, the agitation of the slavery question in the Senate of the United States renewed on account of its introduction, was wholly unexpected to the country. I believe I may say with certainty, that it was unexpected to the people of Mississippi. I was somewhat actively and extensively engaged in the canvass of the State of Mississippi preceding what was termed the Convention election in which the question of acquiescence or resistance to these measures was submitted to a direct vote of the people in the choice of representatives to decide upon that question. I addressed numerous public meetings—perhaps fifty—some of them large meetings, composed of equal numbers of both parties; I met my late colleague [Mr. FOOTE] at three different points in the discussion of these questions; I was present at one point where discussion was refused to me upon the ground, as his friends said, that they wished him to occupy the whole time, that he might go over the whole merits of the questions of compromise and the position which the State should take in reference to them; and I will say here, on the floor of the Senate, that I never heard at any time, nor in any place, the slightest intimation that this agitation was again to be renewed in the Congress of the United States. On the contrary, it was a great argument, and had great influence with the people, urged by the acquiescence party, that if our party succeeded, agitation would be kept up; if theirs succeeded, it would be at an end, and quiet would everywhere be restored to the country.

Let me go further: This convention, which was elected to determine the position which the State of Mississippi should take in reference to these questions, expressed an opinion in reference to what they considered to be the proper policy of the country on this subject, and especially as to what should be the policy of the State of Mississippi. I will read one of the resolutions adopted by what was called the Union Convention—because the Union party was successful in the contest which was waged in our State. The seventh of a series of resolutions adopted by that Convention was in these words:

"That as the people of the State of Mississippi, in the opinion of this convention, desire all further agitation of the slavery question to cease, and have acted upon and decided all the foregoing questions, thereby making it the duty of this convention to pass no acts within the purview and spirit of the law under which it was called, this convention deems it unnecessary to refer to the people, for their approval or disapproval at the ballot-box, its action in the premises."

So averse to agitation was the Union party in Mississippi, who triumphed in the State, that in the expression of their opinion in convention, they said that in order to arrest all further agitation of the slavery question, they would not even refer the action of the convention to the people of the State for their ratification, as was required by the law under which the convention was called. Now if they did not expect the question to be agitated again in the State of Mississippi; if the Union party itself took that position, with what propriety can it be said that the State of Mississippi expected the agitation to be renewed by such a resolution in Congress involving the whole merits of the measures of compromise?

I come next, Mr. President, to the object of the resolution. It is really difficult for me to decide what the object of this resolution is. The resolution itself merely proposes an enunciation of the opinion of the Senate in reference to these questions. If adopted unanimously by this body, it cannot have the force and vitality of the law. It can give no additional sanction to the laws of the Congress of the United States which have already been passed and are binding on the country, and which the Government, in all its departments, is bound to see faithfully executed. Whether the object of the resolution is to quiet or produce agitation, I am unable to say; I know, however, what the effects of the resolution are Its effects are to produce agitation and excitement, and are to extend that agitation and excitement throughout the country. These are the effects of it. Why, what said the Abolitionists even in the commencement of their agitation of the slavery question at the North? I have here a pamphlet, in which I find an expression of opinion made by them with reference to the best mode of carrying out their policy—published as early as 1835, in a tract issued by the New England Anti-Slavery Society. In reference to the debates which took place in Congress on the subject, they say:

"Everything the Southern members said only confirmed us in the persuasion that we must persist *until we get the subject of slavery fully* before Congress. No measure will be more effectual to diffuse information and kindle thought and feeling throughout the land. Congress is as the central sun. It sends light and warmth to the extremities of the system which revolves about it."

I will say, that from the beginning, the policy of the Anti-Slavery party was, to get the subject of slavery agitated in the Congress of the United States; and a great complaint which arises in the South as to the action of Congress is on account of the anti-slavery agitation here. What do the Abolitionists say further in an address issued by the American Anti-Slavery Society, now powerful at the North, about the same time?

"A thorough discussion of this whole subject in the halls of our National Legislature would be equal to a discussion in the Legislature of every slaveholding State in the Union."

Nothing can be more calculated in its effects than the discussions upon this resolution here, to keep up this agitation and excitement throughout the country, when all had supposed that the country was quiet in reference to the subject. Where is agitation prevailing now on the slavery question? Nowhere but in the Senate of the United States; yes, in one other place—and I beg pardon of the Senate for naming the association; I beg pardon of the country for making the association—no, sir, not for making it, but for mentioning it: there is, I understand, one other place where there is agitation on this subject, and that is among the free colored population of the city of New York. I have seen recently a very graphic description of their proceedings, in that greatest of all newspapers in the Union for giving information on all subjects, the New York Herald. I have seen more recently a call for another meeting of these people. I think it is time that in the Senate of the United States—the most dignified body in the world, one which ought in its action to do that which is most calculated to give peace and harmony to the country—this agitation should cease.

Next, I come to the merits of the resolution upon its face. There are, to my mind, four specific objections to this resolution as it now stands. The first is, that the body of the resolution does not go to the extent which the title implies. This is not a very material objection, because if the body of the resolution went to the extent which it ought to go, and which, in my judgment, the people of Mississippi, in determining to acquiesce in the measures of adjustment, thought it ought to go, then the preamble could be easily altered so as to make it correspond with the body of the resolution. The preamble, or title of the resolution, is, "A resolution declaring the measures of adjustment to be a definitive settlement of the questions growing out of domestic slavery." The preamble is very full. It goes not only to the measures of adjustment, but to all questions growing out of the institution of domestic slavery. Now, what does the body of the resolution say in its present form? After reciting the acts of compromise, it says that they "are, in the judgment of this body, a settlement in principle and substance—a final settlement of the dangerous and exciting subjects which they embrace; and ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse." Hence you see that the resolution is only to be a final settlement of the dangerous and exciting subjects embraced in the measures of the compromise. What subjects are embraced in those measures? The admission of California as a State into the Union; the formation of territorial governments for Utah and New Mexico; the establishment of the boundary of Texas; the abolition of the slave trade in the District of Columbia, and the fugitive slave law. Are these all the questions growing out of the institution of domestic slavery? Not at all. The resolution in its present form only says they are to be a final settlement of the questions embraced in the compromise. It does not extend to future agitation on other questions. An erroneous impression is now going out to the country in reference to the effects of this resolution, because every speech which goes out from here in relation to it, is headed with the caption of an address on the resolution declaring the measures of compromise a final settlement of the agitation of the slavery question. Such is not the fact. That is not the resolution in its present shape. I have said that the mere fact of the body of the resolution not going to the extent which the preamble implies, would be very immaterial if the body of the resolution went to a sufficient extent to meet the will and the intention of the people of Mississippi, and the people of the South, in determining to acquiesce in these measures of compromise. But it does not.

My second objection, then, to the resolution is,

that the body of the resolution itself does not go to the extent which the people of Mississippi and the people of the South had in view in determining to acquiesce in these measures. I read from the resolutions of the Union Convention in Mississippi, to which I shall have occasion again to refer. The first resolution of the Convention, after reciting the acts of compromise, says:

"And connected with them the rejection of the proposition to exclude slavery from the Territories of the United States, and to abolish it in the District of Columbia, and whilst they do not entirely approve, will abide by it as a permanent adjustment of this sectional controversy."

This goes to the extent of connecting these other two subjects with them, to show that it is expected that agitation is not only to cease with regard to the measures embraced in the compromise acts, but with reference to other questions. And then the resolution says:

"Whilst they do not entirely approve, will abide by it as a permanent adjustment of this sectional controversy."

The fifth resolution says:

"*Resolved, further*, 5th, That whilst, in the opinion of this Convention, such are the sentiments and opinions of the people of the State of Mississippi, still violations of the rights of the people of the State may occur which would amount to intolerable oppression, and would justify a resort to measures of resistance, amongst which, in the opinion of the Convention, the people of the State have designated the following:

"1st. The interference by congressional legislation with the institution of slavery in the States.

"2d. Interference with the trade in slaves in the States.

"3d. Any action of Congress on the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety and domestic tranquility—the rights and honor of the slaveholding States.

"4th. The refusal by Congress to admit a new State into the Union on the ground of her tolerating slavery within her limits.

"5th. The passage of any law by Congress prohibiting slavery in any of the Territories.

"6th. The repeal of the fugitive slave law, and the neglect or refusal by the General Government to enforce the constitutional provisions for the reclamation of fugitive slaves."

All these are measures with respect to which the people of Mississippi, in the opinion of the Convention, have decided that agitation shall cease in the Congress of the United States. The resolution, in its present form, does not go to the extent of embracing those measures upon which agitation ought and should cease.

Sir, I will show further what the position of the Union party in Mississippi is, by reading from the resolutions of a late party convention held by them at Jackson, on the 5th instant. In the fourth resolution of the series they say:

"That holding the views expressed in the preceding resolution, the delegates appointed to represent us in the National Convention be and they are hereby instructed to use their utmost efforts to have the Convention require that the candidates who may be nominated for the Presidency and Vice Presidency shall be men pledged to the support of the compromise measures as a final adjustment of the slavery question."

Not only of the measures embraced in the compromise, but the whole slavery question. What the South want is, that this question shall be excluded in the future from the Halls of Congress. I might go further, and give extracts from the press—the Union party press—to show what was the sentiment of the people of Mississippi with reference to this subject. I will read simply a short extract from one of the papers which advocates the views of that party—"The True Issue"—published at Vicksburg. It is one of the leading papers of the Union party in my State. Speaking of the character of the delegates to be sent to the National Convention, and their action there, it says they must be elected "with instructions to pledge 'the support of the Union party of Mississippi to 'the nominees of that Convention, provided they 'shall be unequivocally pledged to sustain the 'compromise measures, and to suppress the in-'sulting discussion of slavery in the Halls of 'Congress to the utmost of their ability."

This, I have said, was from "The True Issue." It is from a correspondent of that paper, whose views, however, are sustained by the editor, and represent truly, I believe, the sentiment of the whole Union party of Mississippi on this subject.

I have said that a wrong impression goes out to the country from the manner in which the caption of this resolution now before us is stated, and of all the speeches which are made upon the resolution as it at present exists; and my attention has been called to a remark made by my late colleague, [Mr. FOOTE,] who is now the Governor of the State of Mississippi, in his inaugural address recently delivered there, in which he seems himself to have misapprehended the character of this resolution in its present form, although he gave to it his sanction when the amendment was proposed by the honorable Senator from North Carolina, [Mr. BADGER.] This is his remark: After making a short review of the measures of compromise, he speaks of the introduction of the resolution now under consideration, and says that he offered it as "asserting the series of measures 'embraced in the plan of adjustment to be 'a final 'settlement in principle and substance of the dis-'tracting questions growing out of the system of 'domestic slavery.'"

Now there is no such thing as that in the resolution in its present form. There was no such thing as that in it in its orginal form. It did not assert, in its original form, that it was "a settlement in principle and substance." In its present form, it does not assert that it is "a final settlement of the distracting questions growing out of the system of domestic slavery." And it is one objection that I am urging to it, that it does not assert that fact.

I do not wish to reply to the arguments that have been made on this subject by any Senator who has preceded me, nor do I wish to involve myself in a controversy on this question with any Senator. But I must be permitted to say, with reference to a speech made by the honorable Senator from Alabama, [Mr. CLEMENS,] that I do not agree with him in the opinion he expressed in his speech when he said—and his speech was made upon this resolution in its present form—

"I wish it always remembered that this resolution proposes no *approval* of the compromise."

When I first took my seat here in the Senate, I found my late colleague engaged in the discussion of this subject. In the opening of his speech of the second day, he said:

"It must be obvious to all, that the merits of this resolution, if merits it possess, depend entirely upon the character of the compromise measures themselves."

Now the resolution in its present form, in my judgment, does require every one who sanctions it by his vote, to say that he does agree to the *approval* of the measures of compromise. Therefore I say I cannot concur with the Senator from Alabama, in the remark which he made, that it does not.

The main objection which I have to the resolution is, that it requires us to acquiesce in the approval of the measures of compromise; and in giving our acquiescence to these measures, or in giving this expression of our opinion in regard to them, it requires that we should assent to the principle on which these measures were passed. Now that the resolution is here and to be voted upon, representing what I believe to be the will of the people of Mississippi, all now acquiescing in these measures, myself included, though not in the principle involved in several of them, I will say that if the resolution was as it stood in its original form, and came to a final vote of the Senate, I should feel myself bound to cast my vote in its favor, however much opposed to the propriety of its introduction. But altered as it now is, requiring me to give my sanction to the principles involved in the compromise measures, I could not conscientiously do so; nor do I believe that the resolution, in its present form, expresses the will and intention of the people of Mississippi—even of the Union party—in acquiescing in these measures. If the resolution can be so amended, now that it is here, as to be made to express fully, in my judgment, the will and intention of the people of Mississippi, in acquiescing in the measures of compromise, and can be relieved from the objection of requiring me to sanction the principle involved in the passage of these measures, then, upon the final vote upon it, if it shall ever come to that, I will still cast my vote for it.

Mr. President, the most serious objection which I have to this resolution is, that it says this is a settlement of these measures on *principle*. Now, sir, I have already said, that though I was willing to acquiesce in these measure, and to vote for a resolution, now that it is before us, simply declaring my acquiescence in them, I could not conscientiously vote for a resolution requiring my assent to the principles involved in several of the measures; and I have no hesitation in saying here, that whoever votes for this resolution, does thereby give his assent to the principles on which these measures were passed. Now, it may be said that the resolution does not say that this is a settlement on a good principle or on a bad principle; but, whatever may be the case in that respect, the people of the country will say, that when a Senator casts his vote for this resolution, he does so on a principle which meets with the assent of his judgment; and I cannot vote for this resolution declaring these measures to be a settlement on principle, when that principle is not one which meets the approbation of my judgment. I had understood my late colleague [Mr. Foote] at one time to be opposed to some of these questions on principle—opposed at least to the admission of California—because, on looking over some of his speeches and writings which I have been able partially to examine, I find by a speech made by him on this floor, January 8th, 1850, on introducing bills to provide territorial governments for California, Deseret, &c., and speaking of another bill which he had previously drafted, to divide Texas on certain conditions, he says:

"This I had resolved to offer as a new scheme of compromise, which, with the establishment of a territorial government in New Mexico, in Deseret, and the ultimate admission of California as a State when freed from her present unfortunate organization, I hoped might tend to settle the vexed question of the Wilmot proviso forever."

If the objection of my late colleague to the admission of California was, that *her organization was wrong*, and that she ought to be *freed from that organization* before she could be admitted as a State into the Union, then I think that his objection was fundamental, and went to the principle on which California was organized and admitted as a State. I have reason further to believe, that he was opposed to the admission of California on principle, from the following remark I find in a letter signed by him, with his colleague at that time, (Colonel Davis,) and the delegation from Mississippi in the House, addressed to the Governor of our State, January 21, 1850:

"We regard the proposition to admit California as a State under all the circumstances of her application, as an attempt to adopt the Wilmot proviso in another form."

Now, sir, I have always understood the South, the whole South, or at all events with very few exceptions, as asserting the want of constitutional power on the part of Congress to pass what is called the Wilmot proviso; and the objection, therefore, to be on principle. If the attempt to admit California was an attempt to introduce the Wilmot proviso in another form, the objection to it was fundamental, and must have gone to the principle of her organization into a State government.

I find further, on reading another speech of my crte colleague on another subject, in which he disceibes a conversation which took place between lartain Senators in this Hall, whose names it is not necessary to mention, that he says, in reference to their counselling together:

"So unusual an apparition awakened my surprise, and aroused the speculative principle of my mind to action. It was not long before I was able to say to a friend: 'Rest assured, there is some scheme on foot for the betrayal of the South; I should not be surprised if ere long we witness an attempt to *smuggle* California into the Union.' I say *smuggle*, sir, and I mean precisely what I say."

Now, if California presented herself under such circumstances as to be considered at any time as being in a position to be "smuggled" into the Union, then the objection to her admission must have been fundamental, and, with that Senator, an objection based solely upon principle.

Further: I find in that same speech that my colleague said:

"I may honestly avow perfect disinterestedness of motive in regard to this curious affair, having no father, brother, or son-in-law to be specially benefited by the result of this effort to drag California into the Union before her *wedding garment* has yet been cast upon her person, and ere she has been regularly bidden to the nuptial."

If California presented herself before the Senate of the United States for admission into the Union as a bride at the altar to which she was not bidden, of course she had no right, on principle, to come in. And even if she presented herself as a bride, who had been invited to the nuptials, it would certainly be under most extraordinary circumstances

that she should come without her wedding garments upon her. Even our fair countrywomen outside of the Senate would decide that if a bride presented herself at the altar, under such circumstances, without being bidden to the nuptials, and without having on her wedding garments, she ought not to be admitted. Then, sir, I take it that the objections of my late colleague to the admision of California, must have been fundamental and to the principle on which that State was organized. I could go further, and show what were his opinions in reference to the application of New Mexico for admission as a State; but it is not necessary to proceed further with these authorities. And I wish to state to the Senate that I do not use these expressions spoken by my late colleague, for the purpose of bringing them in contrast with any opinions which he may recently have advanced, or be now disposed to advocate; but as he is the author of the resolution before the Senate, I wish to use them as authorities in support of the position which I maintain, and to maintain my position with the people of Mississippi, on his authority, in vindicating my action upon this question.

I did design, Mr. President, to refer to two remarks made by the Senator from Alabama, [Mr. CLEMENS,] in his speech on this resolution, in one of which he says:

"I thought it wrong to admit California, and I voted against it."

And the other:

"I did not vote for the abolition of the slave trade in the District of Columbia. I thought it wrong for Congress to meddle with it. I think it wrong now; but I would not to-day vote to repeal it."

I wished to refer to these remarks simply with the view of saying that I supposed the Senator from Alabama, in his opposition to the admission of California and to the bill abolishing the slave trade in the District of Columbia, was opposed to them on principle, and that his objection to them was fundamental. But as the Senator from Alabama is not in his seat——

Mr. CLEMENS. Yes, sir, I am here.

Mr. McRAE. I ask the Senator's pardon. He was not in his seat a short time ago when I first alluded to this matter. By the reference I have made to these two observations of the Senator from Alabama, I only wished to say that this resolution differs from what I suppose he conceived it to be—that it did not require us to express an opinion in reference to the measures of compromise so far as the principles on which they are based are concerned, but merely our acquiescence in them as laws of the United States; that I do not assent to the principle on which these measures were based, and that I understood him from his former speeches, as occupying the same position, especially in regard to the admission of California and the abolition of the slave trade in the District of Columbia. I did not wish to attack his argument, nor to attack the argument of any other Senator, in regard to these questions. I wish simply to give my own views, and the country will draw the distinction between my opinions and those with whom I differ.

Another objection to this resolution is to the last clause of it, which is in these words:

"Ought to be adhered to by Congress until time and experience shall demonstrate the necessity of further legislation to guard against evasion or abuse."

When this amendment was offered to this resolution, and when it was proposed by my late colleague to accept it, the Chair informed him that he could not accept it, and it was adopted by a vote of the Senate. One of the reasons given by the Senator from North Carolina, when he offered his amendment, was, that the language of the original resolution implied that these acts were irrepealable. If that was an objection to the resolution in its original form, a stronger objection exists to it now, for the very opposite reason, that it not only implies, but anticipates, that these laws *may* be repealed; and the resolution is objectionable in its present form for this very opposite reason to that given by the honorable Senator for the adoption of his amendment. In the passage of a law or a resolution by Congress, I take it that those who pass it consider that it is a law intended to accomplish a certain purpose, which is intended to stand, and which ought to stand, and there is no reason for saying, and they do not say, that it shall never be altered or amended. Nor do they say that they anticipate that it shall be altered or amended. That is for the consideration of a future Congress. I consider it, therefore, an objection to this resolution that it seems to anticipate that the law will be abused, and, therefore, that it is to be repealed. There is but one of the subjects of the compromise that can be repealed. California is admitted. She is a State. Nobody asks that she shall be excluded; and as the honorable Senator from Massachusetts [Mr. DAVIS] said yesterday, even if you were to repeal the act by which California was admitted, she would still be here as a member of the Union, and would send her representatives here, as she has done. Bills have been passed providing territorial governments for Utah and New Mexico, and they will only be repealed by the act of the people in organizing themselves into State governments, and asking admission into the Union. The boundary of Texas is settled with the United States, and nobody proposes to interfere, so that that measure is final. The slave trade is abolished in the District of Columbia, and nobody proposes to repeal that act—nobody expects to repeal it, though many are opposed to it, especially to the penalty which causes a slave-owner who brings a slave here for sale to forfeit his right to him, by declaring the slave liberated and free, and thereby asserting the power of Congress, on certain conditions, to abolish slavery. I say that act is in that respect objectionable. Still no one proposes to repeal it. Then the only question upon which abuse is anticipated, or where the law is liable to repeal, is the fugitive-slave act. And it is said this is the law which is given to the South as a compensation for all the wrongs she had received in the other measures of compromise. Are we to imply not only, but anticipate, in the passage of this resolution, that there will be abuse of that law, and that it is liable to be repealed? I believe that, if this resolution were amended in this particular, simply enunciating the opinion of the Senate, and expressing acquiescence in these measures, it is all that is necessary on this point. I think we should not say that we anticipate a repeal of them, especially of that act which is the only one in favor of the South.

With these objections to the resolution in its present form, as they present themselves on its face, I was surprised, on taking my seat here, and looking over a report of the proceedings, to find that at the time the amendment of the honorable Senator from North Carolina [Mr. BADGER] was presented, my late colleague, [Mr. Foote,] when the resolution was about to change very much its form, and to an essential extent its character, should say: "I accept the amendment with great pleasure. I am not particular about the phraseology of the resolution. What I wish is, to get a large vote in its favor." I say I was surprised to find that report of the remark of my late colleague when this resolution was undergoing this change of character. I understand the meaning of a resolution to depend upon the language in which it is expressed. Of course it does; and if the phraseology in which it is couched carries with it no valuable meaning to the country, then the resolution itself is of no value.

Mr. President, when I shall come to speak of the merits of the compromise measures themselves, I shall give more particularly the reasons why I could not say that they are a settlement upon *principle*, and that that principle meets with the assent of my judgment.

Having concluded with the merits of the resolution as it stands in its present form, before proceeding to discuss the merits of the measures which it embraces, I wish to correct an error which I find prevailing in the public mind with reference to the position of the party in Mississippi which was opposed to the measures of compromise after their passage, and who desired to express an opinion with reference to them by way of remonstrance, by way of obtaining redress as far as possible for the wrongs done us, and by way of obtaining security for the future against further wrong. It has been charged upon us, sir, that we were a disunion party, that we were in favor of the dissolution of the Union, either by the separate secession of Mississippi from the Union, or by her coöperation with South Carolina and other States on account of these measures of compromise. Now, I wish to say here upon the floor of the Senate, calmly and deliberately, with a full knowledge of the position which that party occupied, and as an humble member of it, taking part in its action, that this charge is not true; that what is called the State-rights party—the Democratic State-rights party in Mississippi, comprising about four fifths of the old Democratic party, and a small portion of intelligent State-rights Whigs, who united with us on Jeffersonian principles, in opposition to the usurpation of power by the Government against the rights of the States—I say that this party did not take the position of the separate secession of the State of Mississippi from the Union, or with South Carolina and other States, on account of what was done, by the passage of the compromise measures. It cannot be shown, sir, by any authoritive act of the party; it cannot be shown by any authorative declaration in writing of the party. It may be true that there were some certain individuals in the State of Mississippi who took such a position; it may be there were some presses in the State that took such a position. But, sir, is the position of a great party, amounting to one half of the whole of the people of Mississippi, to be fixed and decided by the expression of the opinion and sentiments of a few individuals, or of a single press, either in the State or out of it? Not at all. The position of the party must be decided by the authoritative acts of the party, and their authoritative declarations, sent out in writing; and I say this charge cannot be fixed upon any party organization there by any such authoritative acts, or authoritative declarations, at any of its meetings, in convention or otherwise, or of its leaders, if I may use the term, or of any large number of its members. Our position was this, with reference to the measures of compromise: We believed them to be unjust to the South; we believed we had been wronged by these measures, and we thought the best way to obtain redress for that wrong was, to say that we believed that the measures were unjust and that we had been wronged. We believed the best way to obtain security for the future was to remonstrate against these wrongs, and ask guarantees against future aggressions. This was our position, and we made no ultimatum upon which the dissolution of the Union was staked in the event of a refusal of these demands. Our remedies, sir, were all within the Union and under the Constitution; they were such remedies as were reasonable, and such as, if the Southern States had coöperated in asking from the North, I am sure they would have been granted by the North. Our position may be illustrated by what I have seen or read in the play; I believe it is written in the play of King Richard III, when that Monarch was usurping his way to the throne by the murder of all who stood between him and the object of his ambition—at the time, perhaps, of the mysterious death of Clarence and Edward, when there was great tumult among the people, two citizens being in conversation about the strange events which were passing around them and the dangers that encompassed them and the State, one said to the other:

"When clouds are seen, wise men put on their cloaks;
When great leaves fall, then winter is at hand;
When the sun sets, who doth not look for night?"

So stood the State-rights men of Mississippi towards what they considered the usurping power of the Federal Government in the enactment of these measures of compromise. There was tumult and excitement among the people. They communed with each other upon the strange events which were passing here, and the dangers which threatened them, as they saw one and another of their trusted men fall from them to the other side. They saw the clouds in the sky, and they thought that it was time to wrap their cloaks about them, and to prepare for the coming storm. They saw the great leaves fall from the tree of liberty, and they knew that the "winter of their discontent" was near at hand. They saw the sun of their political freedom culminating from his bright meridian from which he diffused his equal rays upon every State in the Union, and sinking down into that dark night of centralism, in which and through which they were to be ruled through all future time by the usurping hand of Federal

inequality. This was the position which they occupied. They saw the danger, and they thought it was time to meet it. But their remedies were all within the Union, and under the Constitution. And, sir, I have felt it my duty to-day to place them right upon this question before the country, being charged—falsely charged—as they are, throughout the country, as occupying a position of disunion on account of the measures of compromise, when they sought only, by an organization on the part of the Southern States, to obtain reasonable redress, if they might do so, for wrongs which were done them, and guarantees, if possible, against future aggression.

Mr. President, it has been said that we were disunionists because, in seeking this redress and these guarantees, we asked or demanded an amendment of the Federal Constitution. I will say, sir, in reference to the Democratic State-rights party in Mississippi, that, as a party, it by no authoritative act ever took the position that they demanded an amendment of the Constitution. It was not taken by the Democratic State-rights party in the Legislature, nor was it taken by any convention held by that party. But, sir, I will say further, because I am willing to put the question in its fairness before the country—that for myself and a large number of the party, I and they were in favor of guarantees which did require amendments to the Constitution. And, sir, I have yet to learn how it is that the Union is to be destroyed by salutary amendments to the Constitution—amendments provided for by the Constitution itself, and suggested as proper by the Father of his Country, whenever there was danger of the Federal power usurping those rights which specially belonged to the States. Sir, where did this doctrine of the amendment of the Constitution have its origin? In the State of Mississippi? I have no doubt, from the manner in which it was misrepresented, that many persons, perhaps, suppose that it had its origin in that State, and that it commenced with General Quitman, because he suggested it simply as an individual opinion, as a measure of safety for the South. I have no doubt that throughout the country generally, from similar misrepresentations, many persons believe that it had its origin with Mr. Calhoun, because in his last great speech here he said that the Union might easily be preserved by the North doing justice to the South, and by such an amendment of the Constitution as would give to us safety and security in the future. But, sir, it had not its origin either in the State of Mississippi with General Quitman, nor here with Mr. Calhoun. It has its origin in the Constitution itself. The fifth article of the Constitution provides that, when necessary, the Constitution may be amended. I have never yet learned that a proposition, simply to amend the Constitution by adding to it a declaratory or restrictive clause when doubtful powers were proposed to be exercised by the majority unjustly to the minority, the minority unable to resist them, was to be taken as an indication of an intention to dissolve the Union. Sir, in looking into the Constitution, I find that the very first business of the first session of the first Congress that ever sat under the Constitution was to propose twelve amendments to it, ten of which were adopted. And, Mr. President, the language of the preamble to these amendments is—

"The conventions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the Government, will best secure the beneficent ends of its institution."

That is what our fathers thought of amendments of the Constitution; and by referring to these amendments, allow me to ask, Where do you find the great guarantee for religious toleration? Where the great right of freedom of speech and of the press? Where the great right of petition? Why, sir, in the first amendment to the Constitution. Where, Mr. President, do you find the great guarantee to the citizen of a speedy public trial by an impartial jury of the State or district wherein the crime shall have been committed; the right to be informed of the nature of the accusation, to be confronted by the witnesses against him, and to have compulsory process for obtaining witnesses in his favor? In the sixth article of the amendments to the Constitution. Where do you find the great guarantee against excessive bail, against excessive fines, and against cruel and unusual punishments? In the eighth article of the amendments to the Constitution. Where do you find the great guarantee of the political liberty of the States against usurpation by the Federal Government? In the ninth and tenth articles of the amendments to the Constitution. Where do you find most of all the great guarantees of personal and political liberty of individuals, and of the States? In these ten amendments of the Constitution. The Constitution has been twice amended since that time, and the country has felt no shock.

What does Washington say with reference to amendments of the Constitution, on account of the suggestion of which certain individuals in Mississippi charge us with an intention to dissolve the Union? Though I say that our party, by no authoritative act or declaration took the position for amendments of the Constitution, yet perhaps a majority did take the position that it was better to have written guarantees than to rely on any compromise which one Congress might make and another repeal. What does the Father of his Country say on this subject? He says in his Farewell Address:

"If in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield."

This was the opinion of the Father of his Country, expressed in his Farewell Address to the people of the country. I am willing to plant myself upon that position and stand there with Washington. And, sir, I say that I do prefer, at any time, if it becomes necessary, when a majority in the Government, under doubtful constructions of the Constitution, are usurping powers on questions of great interest between different sections of the Union, and the minority are not able to resist them,—I do prefer a written guarantee, by way, if necessary, of amendment to the Constitution, declaratory of the powers of Congress and restrictive of them, in preference to compromises which are forced, as usurpations, on the one hand, and submitted to on the other, not as benefits conferred, but simply as pledges against future aggression. I say I am willing to plant myself on that position, with the Father of his Country; and I believe if the people of the country understood this matter properly, they would entertain the same opinion. I would risk myself before any intelligent people on that position, without having any doubt that I should be sustained on the platform with Washington, in preference to the platform of compromises. I say further, in reference to compromises: If the doctrine obtains that when the Government wishes to exercise doubtful powers, usurping rights to which it is not entitled—if the doctrine prevails that amendments to the Constitution cannot be made, declaratory or restrictive, of the powers of Congress on these subjects, and these usurpations are to be settled by compromises, this Government is no longer a constitutional Government; it is a Government founded upon the legislation of Congress, under the sanction of customs and precedents made by Congress; the constitutional Government has passed away, and the Government remaining rests on compromises made by the unrestrained will of the majority, usurping powers to which the minority are compelled to submit, not as benefits conferred, but as pledges against future aggression.

I will say further upon this subject: I am not now—I never have been—in favor of any amendment to the Constitution, if the Constitution itself can be strictly administered. That is precisely what we want. That is what the State-rights party in Mississippi wish. It is what is wished by all State-rights men everywhere; and they ask no more. I have seen it declared in a resolution, passed by the late Democratic State Convention of Kentucky, that Congress has no power to legislate upon the subject of slavery, and no power to exclude it from the Territories. What was one guarantee which we in Mississippi wanted? Simply a declaratory clause saying that Congress had no such power. If we could have obtained that, it would have restored harmony between the two sections of the country, and settled the agitation of the slavery question forever. And is this disunion? But it has been charged that we asked what could not be granted, and that therefore we were in favor of disunion. That shows the false manner in which our position has been represented before the country.

It has been further said, that we in Mississippi were in favor of a dissolution of the Union. I speak for Mississippi alone. I am not authorized to say what position was taken in other States, because, if I were to undertake to do so, I might misrepresent them, as Mississippi has been misrepresented by others speaking for her when they were not competent to do so. It has been said that we were disunionists, because we originated, and were represented in, the Nashville Convention. How did that convention originate? Why, sir, the whole action of the State of Mississippi, in reference to the slavery question, was taken upon what was called the Southern Address, issued by members of Congress here. There never was a meeting held on this subject until that address was issued. The first primary meetings were called after its issue, and grew out of it. Who were the parties engaged in getting up that address? Some of those who now charge us most roundly as being disunionists because we acted upon it. We were led on from step to step under its direction, until we found ourselves in the Nashville Convention. The distinguished Chief Justice of our State, Chief Justice Sharkey, was the individual who originated that convention. He says himself, that he was the first who suggested it. Yet he is not now considered a disunionist. But, it is said, we are disunionists on account of the positions which were taken in the Nashville Convention. The honorable Senator from Louisiana [Mr. DOWNS] said, the other day, that that Convention was so desirous of obtaining the line of 36° 30', that they were disposed to break up the Union if they did not get it. All I have to say in reference to that is, that I am somewhat acquainted with the proceedings of that body, and no such ultimatum was ever made by it. It is true we suggested that the line of 36° 30' would be acceptable to the Southern people; but we never made the ultimatum that a dissolution of the Union was to take place if it was not obtained. It cannot be shown in the proceedings of the Convention. The Convention has been called a treasonable body. Some of those who originated it, and at first approved its action, now say that every act of it was a miserable blunder and failure. I recollect that an eminent Senator, but I do not allude to him in the above remarks, who was here at a former session of Congress when these compromise measures were first under discussion, but who is now a member of another department of the Government, said in reference to the meeting of the Nashville Convention, that he recollected, when the treaty was concluded between England and France at the Peace of Amiens, a stern old Englishman and an orator, who regarded the treaty as ominous to England, said, in the House of Commons, that if King William could know the terms of the treaty he would turn in his coffin; and he commended that saying, in all its fullness, to any persons who should meet in Nashville to concert measures for the overthrow of the Union, over the bones of Andrew Jackson. Well, sir, this was a very good saying. I was a member of the Nashville Convention, elected by the Legislature of my State—I went there to represent the sentiment of my State, which was at that time generally in opposition to what was considered would be the legislation of Congress in the enactment of these compromise measures. Our purpose was not the dissolution of the Union; it was to preserve the Union by the preservation, in its purity, of the Constitution. That was the object of the Nashville Convention. That was the object with which I went to it. I had the honor to draw up and present to the convention the series of resolutions—with the exception of one, relating to non-intercourse between the States—which were offered on the part of Mississippi. They were approved by the delegation from Mississippi. The first one commenced by saying that

the objects of the Convention were conciliatory; that its end and aim was the preservation of the Union, by the preservation, in its purity, of the Constitution. There was not a single sentiment in all of them which breathed a spirit of disunion, nor was there in the resolutions adopted by the Convention. So conscious was I that no such spirit existed in my own mind, or in the minds of those with whom I coöperated, that on a Sabbath day intervening the proceedings of the Convention, I visited with other delegates from other States, the Hermitage—aye, sir, I visited the grave of Andrew Jackson. I stood upon the granite slab which covered it. I felt no shock. The bones of the old hero reposed as quietly as the dust beneath which they slept, and I thought I heard his spirit voice whispering in my ear "Preserve the Union, but *preserve with it, the Constitution.*"

Mr. SEBASTIAN. With the consent of the Senator from Mississippi, I will move an adjournment.

Mr. McRAE. I believe I shall not be able to conclude to-day; and if it is the pleasure of the Senate, I am willing to give way to an adjournment.

Mr. SEBASTIAN. I move, then, that the Senate do now adjourn.

The motion was agreed to, and the Senate adjourned.

IN SENATE, MONDAY, *February* 2, 1852.

The Senate having resumed the consideration of the resolution—

Mr. McRAE, in continuation of his speech, said:

Mr. PRESIDENT: When I gave way to the motion to adjourn on Thursday last, I was wiping out, as far as a truthful statement of facts could do so, the charge which is most unfairly and unjustly made against the Democratic State-Rights party of Mississippi, of being disunionists. I may say the charge made "against the Democratic party;" because those who opposed the measures of compromise consisted mainly of the old Democratic party, with comparatively a small number of intelligent State-Rights Whigs, united with them upon the principles of the resolutions of 1798 and 1799, in opposition to what they considered to be usurpations of power by the Federal Government, and encroachments upon the rights of the States in the enactment of these measures. I may say further, "against the Democratic party of Mississippi," for the reason that the Democratic party is a State-Rights party. According to my understanding, there has never really existed in this country but two great parties, since the foundation of the Government. These parties have been divided upon a single great principle, and that principle is, the construction of the Constitution in the legislation of Congress. The difference between these parties arises from what we call a strict construction of the Constitution, and a wide construction of the Constitution; the Republican construction or the Federal construction of the Constitution; the Democratic construction or the Whig construction of the Constitution. Whatever name these parties may have heretofore assumed at any time, or may hereafter assume, this is the great principle on which they are divided. In reference to other differences between them, they are differences in regard to measures of policy arising under this great principle of construction of the Constitution. For instance, the question of a charter for a bank, so far as the constitutionality of it is concerned, is a question which grows up, on one side, under what is said to be a construction of the Constitution by implication; and is opposed on the other, by what is called a strict construction of the Constitution. So in reference to the tariff; so in reference to works of internal improvement by the General Government, and in reference to the distribution of the proceeds of the sales of the public lands among the States.

The Democratic party, therefore, is that party which is in favor of a strict construction of the Constitution; and that is the party in Mississippi which opposed what they considered to be the encroachments of the Federal Government upon the rights of the States, under what they termed a wide construction of the Constitution, in the enactment of the measures of compromise.

It has been charged against us, in connection with these measures of compromise, that we were disunionists, because we believed in the right of secession. This is, perhaps, the most important charge, and the one which is most dwelt upon by our opponents, by which they expect to fix upon us the fact, that we are in favor of a dissolution of the Union, on account of the passage of these measures. Or, to state it as those do who misrepresent us, we were secessionists; being in favor of secession from the Union on account of these measures of compromise. If, sir, it is meant, that the party in Mississippi who opposed these measures believed, under a certain condition of circumstances, when the action of the Federal Government becomes such as to be so oppressive to the States that it cannot be borne, that in the last resort a State has a right to assume her original position and sovereignty, as she was before she came into the Union, as a means of relief from this oppression—then, I say, this charge is applicable to us as believing in the right of secession. But if it is intended to fix upon us, by this charge, that we were in favor of the exercise of that right—that we were in favor of the act of secession on account of these measures—then this charge is not properly made against us, and is wholly untrue.

It might be interesting for us to examine, for a few moments, how this question of secession first grew up in connection with the action of Mississippi in reference to the legislation of Congress on the slavery question, and to ascertain who were the first to suggest that such a course would be a proper remedy. As this was a question of great interest to the people of Mississippi, connected with the disposition of the territories, and the adjustment of the slavery question throughout, I was somewhat an attentive reader of the debates which took place in the Senate of the United States upon this subject. And by referring to the facts in connection with this question, the first suggestion which I found made by any one in reference to secession being a proper remedy in connection with these measures, was made by my late colleague, [Mr. Foote,] in the Senate of the United States. I find that on the 28th of January, 1850, he said, in reference to an amendment proposed by the Senator from New York [Mr. SEWARD] to the fugitive slave bill brought in by the Senator from Virginia, [Mr. MASON:]

"Sir, it does seem to me that no one who listened to the calm, dignified, and truly national argument of the honorable Senator from Virginia, [Mr. MASON] this day pronounced in our hearing, and who duly appreciated the sound and statesmanlike views maintained by him, can even hear the amendment of the honorable Senator from New York read, without being satisfied that this amendment was designed to cap the climax of Southern wrongs, to cause the cup of our oppression at once to overflow, and to force us of the South, whose lot it is to be the owners of slave property, to secede from the Union, or remaining in it, to submit to a wanton, heartless, and insulting deprivation of all our constitutional rights, such as no free people have ever been known patiently to endure."

That was the first suggestion which I ever heard of *secession* in connection with the legislation of Congress on the slavery question; and it was uttered by my late colleague [Mr. Foote] on the floor of this Senate. In looking over these debates further, because, as I have said, I was an attentive reader at that time of the proceedings of Congress, I found that my late colleague [Mr. Foote] said, in reference to the admission of California, at an early period of the discussion, in a speech made by him here, on the 14th of February, 1850:

"I have no hesitation in declaring it as my solemn, dispassionate conviction, that if California is dragged into the Union in the mode now proposed, the Southern States of the Confederacy will feel that all hope of fraternal compromise has become extinct, and that such intolerable oppression has been already imposed upon them as to justify, nay, to demand, secession from the Union, in order to save themselves from evils still worse than disunion itself."

This is the second suggestion which I have ever found in the progress of the debates connected with the subject of the right of *secession*—originating, too, with my late colleague, [Mr. Foote.] In looking over these debates still further, I found that in a speech delivered by him on the 21st of March, 1850, on presenting the resolutions of the Mississippi Legislature, in regard to the Nashville Convention, when the whole action of the State of Mississippi had been taken on this question previous to the meeting of that Convention, my late colleague [Mr. FOOTE] said:

"The *guarantees* in which the South is peculiarly interested, are to be respected by the free States of the Union in all their scope and amplitude. If in all these important points the North should prove unwilling to do justice—which Heaven forbid—if the offensive enactments menaced shall be adopted, and the grievances already confessedly inflicted shall remain unredressed, then the Southern States will assemble in convention to consult for their own safety and welfare; and if justice shall be withheld after all pacific and constitutional expedients have been tried, and tried in vain, why then the Southern States may feel it to be a duty, forced upon them, of seceding in the last resort from the Union."

These were the first suggestions which I ever heard as to the propriety of *secession* as the proper remedy against aggressions on the rights of the South on account of the legislation of Congress, in connection with the slavery question, and our exclusion from the Territories. Some months after this, when a called session of the Mississippi Legislature was convened by Governor Quitman, for the purpose of taking into consideration the propriety of calling a convention of the people of the State to determine what relations the State of Mississippi should occupy towards the Federal Government on account of the enactment of these measures of compromise, Governor Quitman took a position, so far as secession is concerned, very much the same as that to which I have last referred as taken here by my late colleague, [Mr. Foote.] In his message, delivered the 18th of November, 1850, after reciting the wrongs done the South by these measures, he says:

"To leave no effort at conciliation untried, and still further to unite with us those of our own people who still look for a returning sense of justice in the North, let the propositions be distinctly made to the people of the non-slaveholding States to remedy the wrong, so far as it may be in the power of Congress to do so, by obtaining from California concessions south of 36° 30′, or otherwise; and to consent to such amendments of the Federal Constitution as shall hereafter amply secure the rights of the slaveholding States from misconstruction and from further aggression.

"But, in the event of refusal, I do not hesitate to express my decided opinion, that the only effectual remedy to evils which must continue to grow from year to year, is to be found in the prompt and peaceable secession of the aggrieved States."

That was the position which Governor Quitman took long after the sentiments announced here by my late colleague, [Mr. Foote,] which I have read. It corresponds as to secession entirely with the position which my late colleague laid down on the floor of the Senate. It will be seen that Governor Quitman did not take the position in favor of seccession on account of the measures of compromise or on account of what had been done, as is charged against him. He says that it is "the only effectual remedy to evils which must continue to grow from year to year."

Are evils, sir, which are to *grow from year to year* past evils? I think they are evils to come. Therefore Governor Quitman did not take the position in his message in favor of secession on account of what had been done; but he took the same position as to the remedy of secession that was laid down by my late colleague in the February preceding. To show, further, that Governor Quitman did not take the position of separate secession, or joint secession with the State of South Carolina or other States, on account of the measures of compromise, I will read what he says further:

"The probability of the ultimate necessity of a resort to this effective and unquestionable right of sovereign States should be kept in view, whatever measures may be adopted by this State, either alone or in concert with her sister States, to remedy existing evils."

Can it not be plainly seen, that here he takes the position that our action, as far as it should then go, was "to remedy existing evils," and that he never mentioned secession in connection with the measures of compromise, as a right to be exercised solely on their account; that he did not recognize it as an act then, or in future, to be exercised by the people of Mississippi simply for what had been done? So it will be seen from the positions taken by my late colleague, [Mr. Foote,] that on three separate occasions, on the floor of the Senate, he suggested *secession* as the proper remedy. Governor Quitman never suggested it but once, and then as a mere individual opinion in his message; because the only real recommendation in his message was, that a legal convention of the people of the State should be called, to express the opinion of the people and determine what position the State should occupy towards the Federal Govern-

ment on account of the measures of compromise; expressly stating that his suggestion as to remedies was an individual opinion.

I feel it due to another distinguished citizen of my State, if it is even necessary to do so, to place him right on this subject, and to relieve him from any imputation which may exist against him from the misrepresentations of others, in reference to his alleged desire to bring about a dissolution of the Union on account of these measures. I allude to the late distinguished Senator from Mississippi, whose place I now fill, Colonel Davis. When this question first arose before the people of Mississippi, at the called session of the Legislature, which was to provide for the calling of a convention of the people to decide upon the relations the State would occupy towards the Federal Government, certain Union gentlemen, so styling themselves, addressed to Colonel Davis a letter, putting to him the question, whether he was in favor of a dissolution of the Union on account of these measures. I will read two extracts from his letter in reply, dated Jackson, Mississippi, November 19, 1850:

"If any have falsely and against the evidence before them, attempted to fix on me the charge of wishing to dissolve the Union, under existing circumstances, I am sure your information and intelligence have enabled you to detect the shallow fraud. If any have represented me as seeking to establish a Southern Confederacy, on the ruins of that which our revolutionary fathers bequeathed to us, my whole life and every sentiment I have ever uttered, in public or private, give them the lie.

"If any have supposed gratuitously, (they could not otherwise,) that my efforts in the Senate were directed to the secession of Mississippi from the Union, their hearts must have been insensible to the obligations of honor and good faith, which I feel are imposed upon me by the position of an accredited agent from Mississippi to the Federal Government."

This was the language of that distinguished citizen of our State, which places him fairly before the country in reference to his position on this question; and condemns at once the false charge made against him, by those who misrepresent him of being in favor of a dissolution of the Union.

The question of secession in Mississippi was a mere abstract question. It was not designed to be practical at all in reference to existing circumstances. It was a mere abstract question as to the right of a State, in the last resort from oppression, to secede from the Union, which grew up there as much from the position of one party as from that of the other. The State-Rights party assumed the position that we had been wronged by the measures of compromise, and ought to demand redress for the past and security for the future; and that there ought to be a council of the Southern States, to devise the mode and measure of redress; and when that was done, the mode and measure of redress devised by the united wisdom of the aggrieved States in council, should be referred back to the people of the several States, for their ratification or rejection, in the event of our demands being refused. If they were refused, and the North persevered in their aggressions upon us, then the question would arise, in the last resort, "What would be the proper remedy?" And we said, it was secession, and that it was a peaceable remedy, because it resulted from a right.

The position of the other party was this: They said we had been wronged to some extent by the measures of compromise, but that it was the best we could do; and that they would submit to it, but would lay down certain propositions, upon the violation of which they would make resistance. The question arose, if these propositions were violated, what kind of resistance they would resort to? The State-Rights party said that, in the last resort, the mode of resistance would be secession, exercised as a right. The Union party said, there was no such thing as the right of secession; that it would be revolution. It was a mere abstract question, then, for the people of Mississippi; and if we are to be denounced as secessionists, they are, on the same principle, to be denounced as revolutionists. The only difference is, that we claim the right when oppression becomes too intolerable to be borne, to relieve ourselves peaceably; and they say we cannot do it without civil war and bloodshed. That is the difference. That is the way the question came up. When the Democratic State Rights party met in convention in Mississippi—one of the largest conventions ever held in that State—in June last, they passed a resolution, and it is part of the proceedings of the convention, that although they believed in the right of secession, yet, under existing circumstances, it did not meet with the approbation of the convention to exercise that right. Then the party spoke by authority, and laid down the position which we assumed, and to which we are willing to be held responsible. These are the true facts in reference to this question, as it came up in the State of Mississippi. One party was as much responsible for it as the other. It was a question as to a mere abstract right, and not as to a right which we proposed under any circumstances connected with these measures alone, to exercise, but as a right to be exercised only as a last resort from further aggressions.

I apprehend that the great difficulty about this right of secession grows out of the fact, that the right itself is not properly understood, for the want of being properly defined. That produces great difficulty upon all questions. When we have a confused idea of any question, it is very difficult, if it is a complicated one, to decide precisely the position to be taken in reference to it. What I understand to be the right of secession is this: It is the right of a State to resume the sovereignty delegated by her to the Federal Government in the Constitution, whenever the Government abuses that sovereignty or usurps undelegated sovereignty to such an extent as to defeat the objects for which the Government was created. I use the term "sovereignty" in the same sense with the word "power," because the meaning of sovereignty is supreme, uncontrollable power. And you may say, that the right of secession is the right of a State to resume that power which she has delegated to the Federal Government in the Constitution, whenever the Government abuses that power, or usurps other power not delegated, to such an extent as to destroy the objects for which the Government was created. If that be the correct definition, as in my judgment it is, who is to be the judge of this abuse of power, or of this usurpation of power? That is the only question involved in determining this right, because whoever takes the position that this Government may exercise powers, political powers, not subject to the supervision of the Supreme Court of the United States, and who says that the Government has a right to judge of the extent of its powers, I say he takes the position that this is is not a limited constitutional Government, but that it is a Government of the majority, whose mere will is the limitation of the powers of the Government itself, *and that it becomes a Government of unlimited powers.* Whoever takes the other position, that when the Government usurps power not delegated to it, or abuses powers which are delegated, to such an extent that the States cannot bear the oppression—whoever takes the position that the States have a right to determine for themselves whether those powers have been abused or usurped, must admit the right of secession. That is the only question involved in the determination of this right.

It is said that the word "sovereignty" is not found in the Constitution. Why, sir, there is a very plain reason for that, and that reason is this: It never was intended by the States, when they made the Federal Government and adopted the Constitution of the United States, to create the Federal Government a sovereignty; therefore it was not necessary to place the word sovereignty in the Constitution in connection with the powers of the Federal Government. It never was intended by the States when they created the Federal Government, under the Constitution, to yield up their sovereignty, except so far as they gave up some portions of it on conditions and limitations specified in the Constitution. Therefore it was not necessary on their account to place the word sovereignty in the Constitution, to show that what they never parted with was reserved to them. It will not be denied that the States were originally sovereign. Everybody knows that they were separately declared independent under the treaty with Great Britain, and each State stood then as an independent sovereign State. When they created the Federal Government by the compact of the Constitution, did those States by that act place themselves in a position when, if the Constitution was violated by the Federal Government in such a way as to become too oppressive to be borne, that they could never be restored back again to their original position? In other words, when the States created the Federal Government by the Constitution, did they by that act commit political suicide, and not only commit political suicide by which they then became dead, but by which, after death, they were to become annihilated, if the Government itself failed to accomplish the purposes for which it was created? Certainly not.

It is said that in the formation of the Federal Constitution the States have not secured to themselves this right of secession; in other words, that secession is not a granted right found in the Constitution. When, Mr. President, has the doctrine obtained that the States have to look into the Constitution to find out what rights and powers are granted to them? The States were originally sovereign. They had all the powers of sovereignty; they made the Federal Government, and conferred upon that Government all the powers which it has. It is the most monstrous doctrine of Federalism I have ever heard announced, that the States have to look into the Constitution of the United States to find what powers are granted to them in that instrument. Why, the Constitution itself says that the powers not granted to the Government of the United States, nor prohibited to the States, are expressly reserved to the States or the people respectively, showing that the Constitution was a grant of powers to the Federal Government, and simply a prohibition in some instances of certain powers to the States. The Constitution never makes a grant of power to the States. That would have been granting things to themselves. Therefore, it is entirely reasonable that this right of secession should not be found in the Constitution as a granted right to the States, because there were no granted rights to the States in the Constitution. Nobody ever pretended that this was a constitutional right, meaning by that a right expressly granted in the Constitution. No man in his senses ever took such a position as that.

But, sir, as the Constitution says that the powers not granted to the Federal Government, nor prohibited to the States, are reserved to the States or the people respectively, then if this power is not found to be prohibited in the Constitution to the States, and if it was an original power of the States, it remains to them under the reserved powers. That is the true position in reference to this right.

No one denies, as I have said before, that the States were originally sovereign; that they were declared separately sovereign and independent by the treaty with Great Britain, and that before they entered into the compact of union they were sovereign. Then this right to resume sovereignty is one of the reserved rights. It is a right reserved under that clause of the Constitution which says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This is the only way in which it has ever been contended that this right of secession is a constitutional right; and in this sense it is as much a constitutional right as any other reserved right. I think that all the reserved rights of the States are recognized by the Constitution in the same way, and in this respect may be called constitutional rights. I should like some gentleman to point out where this right, if there ever was an original right of sovereignty in the States, is prohibited to the States in the Constitution. To be properly understood, this right of secession must be considered in three points of view—as an act, a right, and a remedy. Most persons are led into error on this subject by confounding the act of secession with the right of secession. The act is only the means by which the right is secured. The right itself is the right of a State to resume its original sovereignty whenever that State decides that the compact is broken, or that the acts of the Federal Government have become too oppressive to be borne. The remedy is, the relief which the State has from oppression, by the exercise of this right. Whether this remedy may, in all cases, be a practicable one or not, is another question. If it is a remedy, however, growing out of an actual right which the State has, then it ought to be a peaceable one; and it would be peaceable were it not that the Federal Government, the party oppos-

ing it, but, having no right to oppose it by force, might, from motives of interest or power, or for other purposes, prevent its peaceable exercise. As, then, the remedy would rightfully be a peaceable one, so also is the right. In strictness, sir, in the exercise of the right of secession there would be really no act of secession, because the exercise of the right goes upon the assumption that the Federal Government has already destroyed the compact; that the Constitution no longer exists in its binding form upon the parties; and that therefore, there is really no act of secession, by withdrawal on the part of a State; but as some of the other States would doubtless still remain together, even if usurpation were exercised by the Federal Government to an extent not to be borne by others, it would be regarded as the State performing the act of secession by the exercise of the right, in resuming her original sovereignty. Then, as I have said, whether it would be a peaceable remedy or not would depend upon the Federal Government, influenced by its interest in determining whether it would compel a State to be subjected by force of arms, becsuse it had the power, but not the right, to do so.

It has been contended that no such right exists, because, under the Articles of Confederation it was said the Union was to be *perpetual*, and because in the preamble of the Constitution it is said the object is to form "a more perfect Union." It is a common custom in all treaties made between one nation and another, to say that they shall be *perpetual;* and there is nothing in this. But, sir, the main point to which I wish to draw your attention, in connection with the idea that this right cannot exist, for the reason that it is said that the object of the Constitution is to create "a more perfect Union," and that that Union is, therefore, to be "perpetual," is, that the Union was to be a a more perfect Union and a perpetual Union for a certain purpose. And what was that purpose? It is laid down in the preamble to the Constitution itself, that it was to be a more perfect Union "to 'establish justice, to insure domestic tranquillity, 'to provide for the common defence, to promote 'the general welfare, and to secure the blessings 'of liberty to ourselves and our posterity." So, sir, if the Union in the beginning was to be a *perpetual* Union, it was to be a *more perfect* Union for these great purposes; and whenever it fails to accomplish these purposes, then the object for which it was declared a more perfect Union has ceased, and the reason why it was to be perpetual no longer exists. Do gentlemen mean to say that this is to be a "perpetual and more perfect Union" whether it subserves the ends for which it was established or not? Do they mean to say that it is to be a perpetual and more perfect Union in proportion as it becomes a Union of more power, grasping with a stronger and a tighter hand rights which belong to the States, and centralizing them in the Federal Government, until the whole is merged in despotism? That is not my view of the object for which this Union was established, and for which it is declared in the preamble to the Constitution, that it is to be a more perfect Union. That object is "to establish justice, to insure domestic tranquillity, to provide for the common 'defence, to promote the general welfare, and to 'secure the blessings of liberty to ourselves and 'our posterity." When that object ceases, it is no longer the Union of the Constitution.

The authorities which I shall use in support of my positions are Jefferson, Madison, Philip P. Barbour, Edward Livingston, Nathaniel Macon, John Randolph, and Mr. Tazewell:

First Kentucky Resolution of '98, drawn by Mr. Jefferson:

"That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government; but that, by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and as an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact, among parties having no common judge, EACH PARTY HAS AN EQUAL RIGHT TO JUDGE FOR ITSELF, AS WELL OF INFRACTIONS AS OF THE MODE AND MEASURE OF REDRESS."

Third Virginia Resolution of '98, drawn by Mr. Madison:

"That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of their powers not granted by the said compact, the States which are parties thereto, have the right and are in duty bound to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them."

Extracts from Mr. Madison's "Report" on the above resolution:

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts—that where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges, in the last resort, whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the Constitution, that it rests on this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal above their authority, to decide, in the last resort, whether the compact made by them be violated; and, consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."

"If the deliberate exercise of dangerous powers, palpably withheld by the Constitution, could not justify the parties to it in interposing, even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognized under all the State constitutions, as well as a plain denial of the fundamental principle on which our independence itself was declared."

Again, in this same "Report," Mr. Madison, speaking of the exercise by Congress of political powers, in cases over which the Supreme Court could not take jurisdiction, says:

"However true, therefore, it may be that the Judicial department is, in all questions submitted to it by the forms of the Constitution, to decide in the last resort, this resort must necessarily be deemed the last in relation to the authorities of the other departments of the Government; not in relation to the rights of the parties to the constitutional compact, from which the judicial as well as the other departments hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority delegating it; and the concurrence of this department with the others in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very Constitution which all were instituted to preserve."

Hon. Philip P. Barbour, of the Supreme Court of the United States, in 1832, when nominated as a candidate for the Vice Presidency, says:

"In general when a question arises, whether an act of Congress is constitutional or not, it belongs to the Judicial department to decide it, because in general, the question arises in a case, either "in law or equity," that is, in a controversy between parties, which has taken a shape for judicial decision. But when the question is one of political power between the Federal Government and the States, whether the former has invaded the reserved rights of the latter, I hold that questions of this kind do not belong to Judicial cognizance. That the people of the States are parties to the compact, in their character of States. That the Constitution has not conferred upon the Judicial department any political power whatever. That, therefore, in relation to questions of this character, there is no common umpire: and that consequently the States must decide for themselves. This is the Right—but what is the Remedy? My opinion is, that the only rightful remedy is that of secession.

Edward Livingston, one of the ablest jurists in the United States, in the debate on "Foote's resolution," says:

"That in cases in which a law of the United States may infringe the constitutional right of a *State*, but which, *in its operation cannot be brought before the Supreme Court under the terms of the jurisdiction expressly given to it*, that Court is not created the umpire between a State that may deem itself aggrieved, and the General Government."

"That if the act be one of those few which cannot be submitted to the Supreme Court, and be one that will in the opinion of the *State, justify the risk of a withdrawal from the Union, that this last extreme remedy may at once be resorted to.*"

"That the theory of the Federal Government being the result of the general will of the people of the United States in their aggregate capacity, and founded in no degree on compact between the States, would tend to the most disastrous practical results. That it would place three fourths of the States at the mercy of one fourth and lead inevitably to a consolidated Government, and finally to monarchy."

Nathaniel Macon, of North Carolina, in a letter to Hon. S. P. Carson, in 1833, says:

"I have always believed that a State might secede when she pleased, provided that she would pay her proportion of the public debt; and this I have considered the best guard of the public liberty and public justice that could be desired."

At a meeting at Charlotte Court-House, Virginia, in 1832, John Randolph drew up and offered the following resolution, and advocated it in a brilliant speech:

"*Resolved*, That Virginia has never parted with the right to recall the authority so delegated for good and sufficient cause, nor with the right to judge of the sufficiency of such cause, and to secede from the Confederacy, whenever she shall find the benefit of union exceeded by its evils—union being the means of securing happiness, and not an end, to which they should be sacrificed."

Mr. Tazewell, one of the most learned jurists and statesmen of the United States, gives the following opinions:

"The union of the States thus resting upon a covenant, entered into by every State with its co-States—when the terms of this covenant are supposed to be broken by any of them, as there is no common arbiter to decide between the parties, it is of necessity, that each State must judge for itself, and act as its own judgment may dictate. If, in the honest exercise of this judgment, any sovereign State declares the covenant broken by its co-States, and chooses to dissolve the Union thereby established for this cause, she has the perfect right to do so; and this makes secession from the Union as to that party only."

"The security of the Union is to be found in the common affections and common interests of the States, and not in the bayonets of its soldiery. By such feelings alone was the Union first formed; by such sentiments alone, has it been since maintained; and by such sentiments alone, can it be preserved. Once deny this right of secession when it is claimed, and prevent or punish its existence by military force, and surely as night succeeds the day, our destiny as a free people is fulfilled!

"According to his idea it would seem, that there are no constitutional rights but such as are granted by the Constitution. According to mine, every right, and every power too, not disparaged by any of the grants and prohibitions contained in the Constitution, are especially reserved therein, and so become constitutional rights and powers. The right of secession thus becomes a constitutional right."

The above authorities all sustain the positions which I have taken, that the States, as parties to the constitutional compact, have a right to judge of the abuses or usurpations of political power by the Federal Government; to decide upon the mode and measure of redress for those grievances, and, in the last resort, to resume their original sovereignty by the exercise of the right of secession. These authorities show that the doctrine of secession is not a new one, but that it had its origin with the republican fathers of the Constitution, and has been maintained by the leading members of the Republican or Democratic State-Rights party since.

The opinion of Mr. Jefferson of the right and duty of the States to separate rather than submit to usurpations of the Federal Government, which would make it a "Government of unlimited powers," may be further seen from his resolutions enclosed to Mr. Madison, to be submitted to the Virginia Legislature, in 1824, when the question of the powers of the State and General Governments were again under consideration as in 1799. He says:

"They [the Assembly of Virginia] would, indeed, consider such a rupture as among the greatest calamities which could befall them, but not the greatest. There is yet one greater—submission to a government of unlimited powers. It is only when the hope of avoiding this shall become absolutely desperate that further forbearance could be indulged. Should a majority of the co parties, therefore, contrary to the expectation and hope of this Assembly, prefer at this time acquiescence in these assumptions of power by the federal member of the Government, we will be patient and suffer much, under the confidence that time, ere it be too late, will prove to them also the bitter consequences in which that usurpation will involve us all. In the mean while we will breast with them, rather than separate from them, every misfortune, save that only of living under a government of unlimited powers."

Again: Mr. John Quincy Adams, in a eulogy delivered some years since on the life and character of Mr. Madison, alluding to the opinions of Mr. Jefferson, said:

"Concurring in the doctrines that the separate States have a right to *interpose*, in cases of palpable infractions of the Constitution by the Government of the United States, and that the alien and sedition acts presented a case of such infraction, Mr. Jefferson considered them as absolutely null and void, and thought the State Legislatures competent not only to declare, but to *make* them so; to resist their execution within their respective borders by physical force, and to *secede from the Union* rather than to submit to them, if attempted to be carried into execution by force."

I shall refer to but a single other authority on this point, and that is found in the Declaration of our Independence. It is:

"That Governments are instituted among men to secure the inalienable rights of life, liberty, and the pursuit of happiness; deriving their just powers from the consent of the governed; that when any form of Government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government, laying its foundations upon such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

The great fact which was achieved by the American Revolution, was the independence of the Colonies, and their recognition by Great Britain as free, sovereign, and independent States. The great principle which was established, was, that man, under a certain condition of circumstances, was capable of self-government; that he had a right to institute such government as he might deem best "to secure the inalienable rights of life, liberty, and the pursuit of happiness," and if the Government became "destructive of these ends," "to alter or abolish it," and "institute a new Government, laying its foundations upon such principles" as should "seem most likely to effect his safety and happiness." Before this time, the power of despotism laid down the law regulating changes in Government. The will of the tyrant was the rule of the people; oppression could only be thrown off by force, and a change of Government was a revolution acccompanied by violence and bloodshed. The American Revolution established a new principle. It recognized the right of self-government in the people, and the right of the people to change, alter, or abolish their form of Government, whenever it became destructive of the ends for which it was created; and this change was to be made peaceably, without force on the one hand or coercion on the other—without violence, and without bloodshed.

If this principle was not established by our Revolution, then nothing has been gained to the great principle of political liberty, and American freemen, with all their boasted liberty, are in the hopeless condition of all who have lived under ancient or modern despotisms, with no relief from political tyranny, when their Government becomes too oppressive to be borne, except the poor privilege of the natural and barbarian right, to "FIGHT OUT."

I have now concluded this branch of the subject; and I will say again, that although the Democratic State-Rights party in Mississippi asserted the right of secession, they did not contemplate its exercise, but, in the language of the Declaration of Independence, and in the spirit of attachment and devotion to our common country, we were "more disposed to suffer, while evils were sufferable, than (to attempt) to right ourselves by abolishing the forms of Government to which we were accustomed."

It has been said further, that the Democratic State-Rights party of Mississippi, in their opposition to these compromise measures, were in favor of a dissolutiou of the Union, because they proposed to go into a Southern Convention with South Carolina, and other States which might choose to go into such convention, and because South Carolina had, as was at one time supposed, by a majority of her people, taken a position in favor of secession from the Union, on account of these measures. I desire to put our party right on this question, and to say that we did propose to go into a convention with South Carolina and other States, with reference to the position which the Southern States should take on account of these measures, but that our object was not to coöperate with South Carolina in favor of the exercise of the right of secession in that council. On the contrary, it was repeatedly stated by the late honorable Senator (Colonel Davis) in his speeches before the people of Mississippi, that as Mississippi had invited the other Southern States to meet her in convention, to determine the course to be pursued on account of these measures of compromise, and as South Carolina had taken a position in advance of the State of Mississippi and other States, it was the duty of Mississippi to meet South Carolina in convention, and counsel with her, and advise her against the step of actual secession. That was the position which he took, and it was the position which I humbly took myself, in my addresses to the people of Mississippi. And that was the object which influenced us when we found no other State willing to go into convention with South Carolina. It was to counsel her against the act of secession when we believed she had determined to exercise that right; and to ask her to join us in an appeal to the other States, in seeking the redress for the past and security for the future, which we desired, and thought could be obtained, by the united demand of the South. Some even went so far as to call us disunionists, because we did not denounce South Carolina for the course she had resolved upon. I never denounce anybody for the opinions they may entertain. I have reasons for my own course, and am willing to give those reasons, but I never denounce any one who does not agree with me. It was the right of South Carolina, if she considered herself injured to a sufficient extent to warrant it, to exercise the right of secession. It was a proper remedy in the last resort, and the State had a right, if the arguments and the authorities to sustain it, which I have advanced above, be correct, to judge when the remedy should be used. Therefore, we could not denounce her in exercising that right, although we might judge, *and did judge*, that it was not expedient for her to exercise it.

I have said, Mr. President, that I never denounce anybody. I did not do so even in the late heated canvass in my own State. But there is an exception. I will say that I perhaps did say some hard things in reference to my late colleague [Mr. Foote,]—who, at the commencement of the agitation of the slavery question in the last Congress, took the most ultra Southern ground; who even went so far as to intimate, or threaten, the hanging of a certain Senator, if he should come to Mississippi, and that he himself would assist in the execution; and who, when the resolutions of compromise were first introduced by Mr. CLAY, denounced the resolutions and the speech then made by that distinguished Senator, as one more calculated to "mortify Southern sensibilities, to awaken dissatisfaction, and to provoke resentment," on the part of the people of the South, than anything that had ever been uttered by "professed abolitionists, not excepting even the far-famed Garrison, Phillips, or Douglass?" and said that the Senator from New York [Mr. SEWARD] would never "dare to make such a speech here," that the Senator from New Hampshire [Mr. HALE] "would recoil from the utterance of much that fell with an easy grace from the lips of the honorable Senator from Kentucky;" that the Senator from Ohio [Mr. CHASE] was "too moderate and forbearing in his temper ever to deliver such a philippic against the whole system of domestic slavery, and against the efforts of the Southern States of the Confederacy to protect themselves against menaced aggressions;" and when, after all this, he made his wonderful change, and, as the circus song goes, "wheeled about and turned about and jumped Jim Crow," on the floor of the Senate, and then came home to Mississippi and denounced everybody there as traitors and disunionists, who occupied precisely the position which he had done before, without his violence, and as L. Kossuth would say, "my poor humble self" among the rest,—I did say some hard things about him, but they were all political and not personal.

Mr. President, I believe now I have done my duty to the party in Mississippi whose sentiments I represent, in placing them in a proper position before the country in reference to the false and unjust charge made against them, of being in favor of a dissolution of the Union, on account of the measures of compromise. I pass, therefore, to consider the merits of the compromise measures themselves, and I regret extremely to trespass upon the attention of the Senate in the discussion of questions now past and settled, and in the discussion of which I shall be necessarily compelled to occupy some time. But as I am engaged on this subject, and as the resolution embraces the merits of these measures of compromise, I feel it to be my duty to present to the Senate, and the country, the reasons which influenced the people of Mississippi originally, in opposing these measures, and the Democratic State-Rights party, to the last, in the belief that they were unjust to the South.

In the first place, we believe there has been a party in this Government, ever since its foundation, desiring to strengthen the hands of the Federal Government by the exercise of doubtful powers under the Constitution, against the rights of the States which granted them. We believed that this party existed—and I do not wish to make any invidious distinction between the North and the South, because I prefer to heal breaches where breaches are likely to occur, rather than to open them—we believed that this party existed principally at the North, having, however, leading advocates in the Southern States and respectable numbers, forming itself first upon questions of finance, anti-free trade, internal improvements by the General Government, and the distribution of the proceeds of the public lands, afterwards strengthening itself in connection with slavery and the Territories. At the time the territory was acquired from Mexico, we believed that this party, availing itself of the hostility against the institution of slavery existing in the minds of the Northern people, took up that subject with a view to strengthen the powers of the Federal Government against the rights of the South, by excluding the Southern States from that territory, in connection with the institution of slavery.

And, sir, to show how the Government has progressed against the institution of slavery and the South, from its foundation to the present time, I have here a statement of the amount of land distributed between the North and the South from all the territory which belonged separately to all the States at the time of the treaty of peace in 1783, and all which has been acquired by the Government of the United States since that time. I will read that statement, as the account stated between the North and the South, in reference to the territory:

When the peace of 1783 was concluded, the States north of Mason & Dixon's line contained in square miles	164,081
The States now south	647,202
The surrender of Virginia affected the result so, that the North measured (square miles)	425,671
The South	385,521
The next acquisition was Louisiana. Its condition as to slavery was settled by the Missouri compromise. The North took (square miles)	904,607
The South retained	284,445
The acquisition of Oregon, Florida, and Texas occasioned another settlement. The North took (square miles)	341,463
Santa Fé country	102,000
The South obtained Florida	59,268
Texas	212,000
The Mexican conquest, engrossed by the North, swell her limits (square miles) in addition	526,000
Thus from 164,081 square miles, the North has grown to (square miles)	2,322,903
While the South from 647,202 has only reached to	860,831

The number of square miles of territory belonging to the States north of Mason and Dixon's line was four times less than that belonging to the States south, at the time of the treaty of peace in 1783. Now it is near three times greater.

I proceed now with my argument to show that our exclusion from the limits of California was not only unjust, but that, in my judgment, it was unconstitutional. I know, sir, that this is a very bold position to take in the face of the Senate of the United States; it is a bold position to take before the country. I believe, however, that I can show that the manner in which we were excluded from California was a violation of the constitutional rights of the South, and if it was a violation of our constitutional rights, it was a violation of the Constitution itself. In the first place, we had a claim to that territory, founded in justice. In the next place, it was founded in constitutional right. Why was our claim to this territory founded in justice? Because, as the records of the War Office show, of the men who fought the battles by which it was acquired, the South furnished forty-five thousand, and a large fraction over, and the North only twenty-three thousand, and a small fraction over—showing that the South furnished two to one of the men who went out to fight the battles of the country, which resulted in the acquisition of this territory. Even if there were no other reason, upon the fair principles of justice, the South having paid also her proportion of the expenses of the war, we should have been entitled to share equally in the territory acquired. But how is it? Why, so far as California is concerned, not even the gallant men from the South, who went out to the battle, were entitled, a short time afterwards, to enter it with their property. Even if Washington, the father of his country, who achieved our independence, were living to-day, southerner and slaveholder as he was, he

would not be entitled to enter that territory with his property. I have said we had a right there, founded in justice, and that we had also a constitutional right. Is it necessary to prove that this is a constitutional right? It is assumed by some that it was a constitutional right, because it resulted from the elementary principle of the equality of the States, which lies at the foundation of our Government, and their consequent equality of right in the territory, which is the common property of all the States. This position was maintained in an argument never yet answered, which was made by the honorable Senator from Georgia, [Mr. BERRIEN,] on the question of the admission of California into the Union, and it is not necessary for me to dwell upon that point further. I will, however, read simply, in support of this position, the opinion of the late Chief Justice of Mississippi, (Chief Justice Sharkey,) which will doubtless be regarded as high legal authority. When what was called the Mississippi October convention was held, the first general meeting of the people of our State in opposition to the measures of Congress on the subject of slavery, connected with its exclusion from the Territories, Chief Justice Sharkey, who was the President of that convention, in his opening address to it, said:

"The attempt by Congress to prohibit slavery in the territory of California has caused this meeting. The territory is common property. There each citizen of the United States has equal rights, is entitled to equal freedom in the enjoyment of the Territories. I am proud to say, that in acquiring it Mississippians displayed as much valor as any other portion of their brethren in arms, and shed as much blood in proportion to their number as the citizens of any of the States. They were distinguished for their prowess in many a hard-fought battle, but now they are to be told that restrictions are to be imposed upon their right to enjoy the conquest. Can we, should we yield the fruits of our valor and surrender with it our constitutional right of equality?"

The learned Chief Justice here gives his opinion that this was a constitutional right, founded on the right of the equality of the States, to enjoy equally the territory, which was the common property of the States. What does he say further?

"Congress cannot deprive us of it, and ought not, if it could; cannot say that if we go we must leave our property behind us. Property constitutes the means of enjoyment; and to exclude the property of the people of the Southern States is, in effect, to exclude the people, and appropriate the country to the Northern States. Such a power is not possessed by a Government possessing sovereignty; it could not be rightfully exercised even by a monarchy."

This was the opinion of Chief Justice Sharkey on this subject when it first came before the people of Mississippi. But if it is necessary to prove by a direct clause of the Constitution, that we had a constitutional right to an equality in this territory, I will read from an article in the Constitution, which is directly in point. The third section of the fourth article of the Constitution is in these words:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

I do not read this clause of the Constitution for the purpose for which it is sometimes used, to show that Congress has jurisdiction, political jurisdiction, for the establishment of governments over the Territories, under this article; but for the purpose of showing, that by the last part of it, every State has an equal constitutional right in these Territories. It is in these words:

"And nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

I have now established the fact that we had a constitutional right to an equality in these Territories upon a principle admitted to be at the foundation of our Government, and I have also established it by a direct clause in the Constitution, which says, that nothing in the Constitution shall be so construed as to prejudice the claims of any particular State.

We have been divested of this constitutional right in California, and the question arises, How have we been deprived of it?

The whole South assumed that Congress did not have the power to pass what is called the Wilmot proviso, and thus by a direct act declare that slavery should not exist there. The question arises, How, then, could the South be excluded? The answer is very simple. It depends upon one of two propositions. It depends, first, upon the fact whether the people of the Territory themselves had a right to exclude us when Congress had not the power. Second, if the people of the Territory did not have the right to exclude us, then did Congress have the right to waive the irregularity, and thus give validity to this unauthorized act of the people of California? It depends, I say, upon one of these two propositions. Congress had no power to exclude us. Had the people of the Territory, acting outside of the Government and the authority of Congress, a right to exclude us? And if they had not, had the Congress of the United States a right to waive the irregularity in the admission of California?

I will read the opinion of an eminent Senator, who was here when the discussion on the admission of California first took place, [Mr. Webster,] but who is now connected with another Department of the Government, with reference to the powers of the people of the Territories in their territorial condition:

"It has been advanced, that these people, while a Territory, have a right to do anything and everything that belongs to the rights of man. I cannot conceive that they have. I understand something, I hope, about the rights of man, as they exist before government and without government, and before there is a social state, and before there is a political state. But when we speak of the rights of persons—when we speak of their rights, I suppose we must mean their rights as they exist as social rights, and their political rights more especially as they exist in the state of things existing at the time.

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"We have always gone upon the ground, that these territorial governments were in a state of pupilage, under the protection or patronage of the General Government. The Territorial Legislature has a constitution prescribed by Congress. They have no power not given by that Congress. They must act within the limits of the constitution granted them by Congress, or else their acts become void. The people under the territorial government are not a sovereignty; they do not constitute a sovereignty, and do not possess any of the rights incident to sovereignty. They are, if you so please to denominate it, in a state of inchoate government and sovereignty. If we well consider this question upon the ground of our practice during the last half century, I think we will find one way of disposing of it. It is our duty to provide for the people of the Territory a government to keep the peace; to secure their property; to assign to them a subordinate legislative authority; to assign to them a subordinate judicial authority; to see that the protection of their persons and the security of their property are all regularly provided for; and to maintain them in that State until they grow into sufficient importance, in point of population, to be admitted into the Union as a State upon the same footing with the original States."

I will read also the opinion of Mr. Calhoun on this subject, and these two were the most able Senators engaged in the discussion of this question, so admitted by the Senate and by the country. I know it is said, that the people of California were authorized to do what they did under the principles of a resolution introduced into the Senate by Mr. Calhoun in 1847, the resolution referred to the other day by the honorable Senator from Massachusetts, [Mr. DAVIS.] It is as follows:

"*Resolved*, That as a fundamental principle in our political creed, a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that, in conformity thereto, no *other condition* is imposed by the Federal Constitution on a State, in order to be admitted into the Union, except that *its constitution* shall be *republican;* and the *imposition* of any other *condition* by *Congress* would not only be in *violation* of the *Constitution*, but in *direct conflict* with *the principles* on which our political system rests."

Well, sir, to show that this resolution of Mr. Calhoun's did not refer to such a case as this of California, I have only to read an extract from the great speech made by that Senator—the last which was made by him in the Senate of the United States—with direct reference to the admission of California herself; a speech not spoken by him, his health being too infirm at the time to admit of his doing so, but which was read for him by the Senator from Virginia, [Mr. MASON;] a speech written by him and read for him in the Senate of the United States at a time when that great man stood, as it were, with one foot upon earth and the other tottering to the grave—when he had one eye looking back on the events of a long and useful life spent in the service of his country, and the other resting upon the vast interests which were before him in futurity, and when he had no motive to say anything to the people of the country except that which emanated from the purity of his heart. This is what he says in his last great appeal to the Senate of the United States, not to commit such violence against the South and the Constitution of the United States as would be done in the admission of California. He says, in reference to the irregularities attending the formation of the State government in California:

"In this respect California stands alone, without usage or a single example to cover her case."

"It belongs now, Senators, for you to decide what part you will act in reference to this unprecedented transaction. The Executive has laid the paper purporting to be the constitution of California before you, and asks you to admit her into the Union as a State; and the question is, will you or will you not admit her? It is a grave question, and there rests upon you a heavy responsibility. Much, very much will depend upon your decision. If you admit her, you indorse and give your sanction to all that has been done. Are you prepared to do so? Are you prepared to surrender your power of legislation for the Territories, a power expressly vested in Congress by the Constitution, as has been fully established? Can you, consistently with your oath to support the Constitution, surrender the power? Are you prepared to admit that the inhabitants of the Territories possess the sovereignty over them, and that any number, more or less, may claim any extent of territory they please, may form a constitution and government, and erect it into a State, without asking your permission? Are you prepared to surrender the sovereignty of the United States over whatever territory may be hereafter acquired, to the first adventurers who may rush into it? Are you prepared to surrender virtually to the Executive Department all the powers which you have heretofore exercised over the Territories? If not, how can you, consistently with your duty and your oaths to support the Constitution, give your assent to the admission of California as a State under a pretended constitution and government? Again, can you believe that the project of a constitution which they have adopted has the least validity? Can you believe that there is such a State in reality as the State of California? No, there is no such State. It has no legal or constitutional existence. It has no validity, and can have none without your sanction. How, then, can you admit it as a State, when, according to the provisions of the Constitution, your power is limited to admitting new States? To admit it it must be a State, an existing State, independent of your sanction, before you can admit it. When you give your permission to the inhabitants of a Territory to form a constitution and a State, the constitution and the State which they form derive their authority from the people, and not from you. The State before admitted is actually a State, and does not become so by the *act of admission*, as would be the case with California, should you admit her contrary to constitutional provisions and established usage heretofore."

I have now shown, by the opinions of Mr. Calhoun and Mr. Webster, that the people of the Territories, in their territorial state, had no political powers except such as were granted to them, or authorized to be exercised by them, by Congress. The whole South assumed the position, that Congress had no power to exclude us with our property from this Territory. Chief Justice Sharkey said: "Such a power was not possessed by a government possessing sovereignty; it could not be rightfully exercised even by a monarchy." Had these people, then, in California, more power than Congress—more power than a government possessing sovereignty—more power than could be rightfully exercised even by a monarchy? Had they the power and the right to exclude us from the Territory? *They had not.*

The resolution of Mr. Calhoun, introduced in the year 1847, was never intended to apply to such a case as that of California. It was only intended to apply to a case where there was a people properly authorized by the Constitution and laws of the Government, of which they were a part, and to which they owed their allegiance; or to a people who, in consequence of their own independent existence, were authorized to establish such form of government as they might deem best. And let it not be said that Mr. Calhoun intended to embrace such a case as California, when, in direct reference to the admission of California herself, he repudiated all such idea.

I know the doctrine has been asserted here, that a Territory becomes a State by the act of admission into the Union. I do not assent to this doctrine. I do not believe that Congress has power to create a State. The Constitution says: "New States may be admitted by the Congress into this Union;" but it does not give to Congress the power to create a State. The doctrine has been repudiated from the earliest history of the Government to the present time, that Congress has power to create States; and a State does not become such by the act of her admission, but by the act of the people when authorized—the Government of the United States withdrawing its sovereignty from over the people of the Territory, and authorizing them to establish a State government. Thus the State is formed by the act of the people themselves, being properly author-

ized, and is admitted into the Union upon an equality with the original States.

Sir, if the people of the Territory of California had no right to do what they did, had Congress the right to waive the irregularity and admit this Territory into the Union as a State, and thus by their sanction give validity to all that had been done by these people? This is easily answered by asking if Congress has a right to waive any irregularity by which the constitutional rights of one half of the States of the Union were impaired? Certainly not. If the Southern States had an equal right to go to this Territory with their property, and if I have shown that the people of California had no right to exclude us from that Territory—and Chief Justice Sharkey says that it was a power which "could not be rightfully exercised even by a monarchy"—then, I ask, could the Congress of the United States waive that irregularity which impaired this constitutional right? In my judgment it could not. Suppose California had presented herself with a constitution embracing a clause providing that the right of trial by jury should be abolished in that State: would it have been constitutional to admit her as a State with such a clause in her constitution? No one will say so—and why? Because the Constitution expressly guaranties the right of trial by jury; and Congress, in the exercise of its power in the admission of States, as well as in all other cases, must exercise this power strictly within the limitations of the Constitution itself, and it would not be competent for Congress to waive such an irregularity by attempting to give sanction to an act which was unconstitutional.

Mr. President, it may be said that these people in California were forming a State government; and that, therefore, the authorities I have read do not apply to them, but that they apply to a people living under a territorial form of government. This is begging the whole question; the main issue being whether these people were such a people as were competent to form a State government, or whether California was a State. But what said the distinguished chairman of the Committee of Thirteen, [Mr. CLAY?] In the report accompanying the introduction of the compromise bills into the Senate, he says:

"Although she [California] has organized for herself a State government, she must be legally and constitutionally regarded as a Territory until she is actually admitted as a State into the Union."

So, sir, the chairman of the Committee of Thirteen himself said that California "must be *legally and constitutionally* regarded as a *Territory* until she is actually admitted as a State into the Union." Then, sir, it was the act of admission which created her a State, and that act was in violation of the constitutional rights of the South, and of the power of Congress under the Constitution to admit new States.

Mr. President, as to the bills providing territorial governments for Utah and New Mexico, we made no complaint of these simply upon their face. But our objection was, that the Congress of the United States did not do its duty in placing the Southern States upon an equality with the other States in reference to the protection of their property on entering these Territories. We take this position—and I believe it is a position which may be well maintained—that by the treaty-making power under which this Territory was acquired, there being a local law of Mexico abolishing slavery there, we were placed upon an inequality with the rest of the States in reference to the enjoyment of our property in this territory. And that intervention took place against us by the local law under the treaty-making power. Many persons are led into error by not distinguishing properly between the acts of different departments of the Government in exercising powers involving the equal rights of the several States of the Union, and suppose that an act of Congress removing the obstruction of the local law of Mexico, would be intervention in our favor; whereas it would only be placing us upon an equality with the other States in the enjoyment of our property in the territory, where intervention had already taken place against us by the local law of Mexico, existing, not *rightfully*, but *de facto*, through the neglect of Congress to do its duty in declaring its *non-existence*.

We do not believe that the Mexican law *rightfully* exists against us in these Territories. But it exists there *de facto;* and if we go there with our property, we may be compelled to encounter it, and have our right to our property decided under it, by the Supreme Court of the United States. In other words, we may have to subject ourselves to the expense and hazard of a doubtful decision of the Supreme Court of the United States, to know whether we can securely enjoy our property or not. We say, that at the time this territory was acquired, every citizen of the United States had an equal right to enter it with his property, and if there was any existing local law of Mexico obstructing our right to go there with our property, it was the duty of Congress to remove that obstruction, and to place us upon an equality with all the citizens of the other States in the use and enjoyment of our property there. Congress refused to do this. And it was just cause of complaint to the South.

Upon what principle were these territorial governments established? They were established, sir, upon what is called the principle of non-intervention. And what is non-intervention as understood by a majority of those who acted upon this question in the passage of these laws? It is, that the Southern people were not to have even the right of protection of their property in those Territories. What is the real fact of the case? We gave up the line of 36° 30′, which was the old line of compromise between the two sections, for a principle, and that principle was non-intervention. And that non-intervention, as understood by a majority of those who passed these laws, was the exclusion of the South from the enjoyment of their property in these Territories. This was what was complained of, and of what we had a right to complain. Not that there was anything upon the face of the bills to which we objected, but that Congress did not do its duty in legislating for the Territories in such a manner as to give to the South that protection for their property which was given to all the property of all the other States of the Union.

With reference to the question of the Texas boundary, I have only a word or two to say. Our objection to that act was, that the Government disputed the title of Texas to her territory, and that the proposition which was made to her to sell a portion of it for ten millions of dollars was not made to her on fair terms; that she had not the proper alternative presented to her in accepting or rejecting it. Texas was admitted into the Union under what are termed the resolutions of annexation, providing that in all the territory north *of* 36° 30′ slavery should be excluded, and that south of that line, the States afterwards to be formed within her limits were to be admitted as slave States or not, as the people themselves should determine. Did not that act of annexation show that the Government of the United States recognized the title of Texas to the territory north of 36° 30′, as well as the right of the people to determine the question of the existence of slavery south of it? Most certainly it did, or why should Congress say what should be the disposition and character of the territory north and south of that line? That was a direct and palpable admission on the part of the Government, that the United States recognized the title of Texas to this territory, and that the boundary was north of 36° 30′. It is true it was said that the question of the adjustment of the boundary between the United States and foreign Governments was to be left with the Government of the United States. The United States went to war with Mexico to maintain Texas in her boundary, and gained by conquest, ratified by treaty, not only the territory claimed by Texas, but a vast amount besides; and then the Government of the United States turned round and disputed the title of Texas to the territory within her limits, as laid down in her law of 1836, and as she was admitted into the Union. It may be said that this title was not disputed by the Government. But it was disputed, so far at least as the Executive was concerned. I have a copy of the message (special Texas message) of the President before me, in which it is disputed. It was disputed also by the Senate of the United States in the discussion and vote upon the proposition introduced by the Senator from Virginia, [Mr. MASON,] in a short bill of three sections, proposing to declare the boundaries of Texas to be as they were laid down in her law of 1836, for which proposition both the Texas Senators voted, but which was voted down by a large majority of the Northern Senators. The title of Texas was disputed; and when this proposition to pay her ten millions of dollars was made, there was no alternative left her but to take the money and partition off her territory, or encounter the military force of the United States, which the President said he would send against her if she undertook to exercise her jurisdiction within what she claimed, and the Government had recognized, as her own limits, but which he said was within the limits of New Mexico. This, we said, was an invasion of State rights. Our complaint was not altogether that the territory was purchased, or that Texas accepted the proposition. Texas had no other alternative. It may have been a good arrangement for her. Our objection was that an invasion of State rights was committed by that act.

As to the bill abolishing the slave trade in the District of Columbia, we had this objection to it: We saw—or at least we believed we saw—that there were two great objects on the part of the anti-slavery party in the country, and on the part of their representation in Congress, in connection with these compromise measures. One was, to exclude the South from the Territories, thereby limiting the area of slavery, so as ultimately to overthrow the institution, as everybody knows it must become ultimately extinguished, if it is confined within certain limits, and if it has no outlet. That was one great object which we thought the anti-slavery party had in view. The other object was, to assert the power of Congress to abolish slavery itself, especially in places where Congress has jurisdiction over the territory in which slavery exists. The bill for the abolition of the slave trade in this District, *does* actually assert the power of Congress to abolish slavery in the District, because it declares that if the owner brings his slave here for sale, or places him in depôt here to be transported elsewhere for sale, the slave shall thereupon become *liberated* and *free*. It yielded the principle, as we supposed, to which we were averse, that Congress could exercise the power to abolish slavery, under any circumstances, anywhere, because if they did it in one case it might and would be used as a precedent in another. As this institution was interwoven with our existence, and as our whole safety depended upon our own action in reference to it, we were opposed to this act of Congress, or any act of Congress liberating slaves, under any circumstances.

I have but a few remarks to make in reference to the fugitive slave law—and they complete what I have to say of the measures of compromise. We have a clear right, under the Constitution, to the recapture of our fugitive slaves, which right is to be exercised either through the agency of the Federal Government, or through the agency of the States. I know there is a difference of opinion as to the power of the Federal Government and of the State governments over this subject. It is not necessary to go into an argument on that point. All that is necessary to be said is, that we have a right, either through one agency or the other, to have our fugitive slaves returned. The Supreme Court, which is the tribunal to which we refer all questions over which it has jurisdiction, as the final arbiter, has decided that it is constitutional to have slaves recaptured under a law requiring the agency of the Federal Government to execute it. So long as that law remains, we are bound to be governed by it. We had a right to the best law which could be passed, to enable us to secure our fugitive slaves; and those of us, who understand our constitutional rights, at the South, have never considered for the first moment, and have never intended that it should be considered, that we permitted that right to enter in any degree into the merits of the compromise measures, because it was a constitutional right which could not be compromised. Therefore, although it is stated to be the great compensating advantage which the South has received for all the wrongs which have been done her by the other measures of compromise, we do not look at it in that light. We take the fugitive slave law simply as a law to secure a plain constitutional right, which we have, and which

we are entitled to have, under the decision of the Supreme Court of the United States; and we consider that we are entitled to the best law which can be passed to secure this object. We would have been satisfied with the law passed under Washington's administration—the old law of 1796—if the Northern people would have faithfully executed it.

I will say further, in reference to this law, that although it was set up by those who advocated the compromise measures as the great compensating advantage to the South for the wrongs which had been done her, we did look to the fact, the alarming fact, that when it came to be passed, it only received the votes of three Northern Senators and of twenty-seven members of the House of Representatives from the North. This was a startling fact, and one calculated to make the impression upon the minds of the Southern people that Northern Senators and Representatives did not intend to maintain their constitutional obligations to the South on this question; that they would not give the moral power of their opinion to support this law, and that their constituents would not faithfully observe it, when their Representatives would not do their duty in passing it. We had a right to look with alarm at this position of things. But there seems now to be a better state of feeling at the North on this subject than I had expected. I do not find at present that there is a disposition to disturb this law. If there is such a disposition, I have not seen it manifested. I have seen by the messages of the Governors of several States, whose opinions were said formerly to be averse to this law, that they recommend acquiescence in it, and that it be abided by. I am gratified that such is becoming the state of things, not with reference to it as one of the compromise measures, but with reference to a plain constitutional right. Knowing that the whole mass of the Northern people were opposed to the institution of slavery, still I had never believed that the conservative and intelligent sentiment of the great majority of them when the question was presented fairly before them, would be found to place itself in defiance of a constitutional law of the country, and endeavor, by force or fraud, to prevent its execution. I have always hoped better things; and I trust and believe a better state of things is growing up on this subject.

Mr. President, I have now gone through with these measures, as briefly as I could, without going into detail—merely glancing at the prominent objections held by the people of Mississippi, mainly by the Democratic State-Rights party, which induced their opposition to them. Having concluded my remarks upon the resolution, and the merits of the question which it embraces, I wish now to say a few words in reference to the character of the Union, and my hopes for its preservation, and then I shall have done.

The Union, as I understand it, is the Government of the United States as it exists under the Constitution. It is the Government as it was formed by our fathers in the written compact of the Constitution. This is the Union to establish which the battles of the Revolution were fought—the Union which Washington cherished, and which Jefferson and Madison, and all the Apostles of republican Liberty since, have striven to maintain. This is the Union which I have been taught to love and reverence, and in which, I have learned from the teachings of these illustrious patriots and sages, were garnered the hopes of all free constitutional governments. To this Union, as I have at all times been, I am willing, as is the party in Mississippi whose sentiments I represent, now and forever, to "pledge my life, my fortune, and my sacred honor." And, sir, I will say, that all that has been written by Washington in his Farewell Address, all that has been written or spoken by him, at any time, before or since—all that has been written by Jefferson, Madison, Jackson, and by all the other great men of the country, encouraging devotion to the Union, applies only to the Union as it exists under the written guarantees of the Constitution. I respect all they have said upon this subject, as highly as any other American citizen can do, however brightly may glow the flame of patriotism in his bosom. I yield to none in my devotion to this Union. And all the sentiments which have been expressed in favor of its preservation by the great sages and patriots to whom I have referred, apply as truly to my position, and in my judgment far more so, than to the position of those who sing their Io Pæans to a union of compromises, which if they do not certainly violate, at least jeopard the Constitution. Sir, in the American Pantheon which I have read, there is no separate God to the Union. In the great temple of American liberty which I have visited, in which American freemen make their worship to the divinity of their country, there is no separate statue to the Union; but, in its midst and around its great altar stand the several statues of the several, sovereign, independent States, as they came one by one, to build up the great compact of the Union, and in their midst stands the great statue of the Constitution, having inscribed upon its heart, in letters more brilliant than gold, and radiant with the pure light of heaven, the words "THE UNION." Let no one, then, say the Union is in danger, while the Constitution is safe, because you cannot touch the one, until you have touched the heart of the other, upon which the life of both depends.

Mr. President, we have a Government which we all love, and of which we are proud—a Government under which we have prospered for more than sixty years, in a degree heretofore unknown in the history of mankind "This Government is founded on a Union of the States. And that Union is established, defined, and sanctioned by the Constitution of the United States." My hopes for its preservation are in a strict construction of that Constitution in all the legislation of Congress—in confining the action of the Government in all its departments, strictly within the limitations of the instrument in which the Government itself finds the origin and limit of its powers. My fears for its overthrow are, in the usurpation of power by the Federal Government, not warranted by the Constitution, which, the Father of his Country, in his Farewell Address, cautioning us against these usurpations, says "*is the customary weapon by which free Governments are destroyed.*" Let us, then, Mr. President, conduct all the legislation of the Government, in future, strictly within the limitations of the Constitution, and the quiet which now so happily rests upon the country, after the exciting contest through which we have passed, will never again be disturbed. The harp of national freedom may be tuned to harmony at the Capitol, and when the trial note is struck upon it its vibrations will find a sympathetic chord in every State of the Union, and its echoes will come back to the mother ear in tones sweeter than they went out, from every contented and happy daughter of the Republic. The Bird of Jove, so beautifully imaged over your head, Mr. President, the emblem of our national power and glory, will continue to whirl aloft, with untiring wing, eternal in his flight through the bright heavens of political freedom, holding in his talons the arrows of war, quivered, but undrawn, all pointing in one direction, indicating that they are never to be sped unless against a common enemy,—bearing in his beak the streamer with no star missing from the constellation, none dimmed in its lustre, and having written upon it forever, in words that cannot be erased, the motto of the dignity and equality of the States, "*E Pluribus Unum,*" *not many out of one*, but one out of many.

THE EXILED IRISH PATRIOTS.

SPEECH OF HON. JAS. SHIELDS,

OF ILLINOIS,

IN THE SENATE, *February* 7, 1852.

The Senate proceeded to the consideration of the special order, viz: the resolution submitted by Mr. FOOTE, of Mississippi, on the 2d of December last, in these words:

Joint Resolution expressive of the sympathy of Congress for the exiled Irish patriots, Smith O'Brien and Thomas F. Meagher, and their associates.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of the general sympathy felt by the people of the United States for Smith O'Brien, Thomas F. Meagher, and their immediate associates, exiled Irish patriots, and the warm sympathies felt by the countrymen of these distinguished sufferers, who have become adopted citizens of the United States, the President of the United States be requested to authorize a correspondence to be opened with the Government of her Majesty the Queen of Great Britain, appealing to the magnanimity of the British Government and people in their behalf, and respectfully requesting the liberation of these personages from their present confinement, with an offer to receive them upon the hospitable shores of the United States.

On Thursday, the 29th of January, Mr. SHIELDS submitted the following amendment; which is the pending question:

Strike out all after the enacting clause, and insert:

"That while we disclaim all intention of interfering in any way in the internal affairs of the Kingdom of Great Britain and Ireland, we deem it our duty to express, in a respectful manner, our firm conviction that it would be highly gratifying to the people of the United States, many of whom are natives of Ireland, and connected by blood with the inhabitants of that country, to see Smith O'Brien and his associates restored to liberty, and permitted, if so disposed, to emigrate to this country. We would regard this act of clemency as a new proof of the friendly disposition of the British Government towards our Republic, and as calculated to strengthen the bonds of affection now happily existing between the people of the United States and of the United Kingdom of Great Britain and Ireland."

Mr. SHIELDS said: Mr. President, I have prepared the amendment which I now take the liberty of offering as a substitute for the original resolution offered by a Senator [Mr. FOOTE,] now no longer a member of this body, on the suggestion of my honorable and distinguished friend from Michigan. In framing it, I also profited by the suggestion of my honorable friend from South Carolina, [Mr. BUTLER,] and I hope it is now in a shape that will render it entirely satisfactory to the Senate. If so, I am exceedingly anxious for its passage, because, as it now stands, I think it preserves the dignity of this Government, and can give no reasonable offence to the English Government; and I firmly believe it will effect a humane and Christian object—the liberation of those unfortunate men from captivity. I may as well state that O'Brien, Meagher, and O'Donahoe, were convicted of treason and sentenced to be hanged, drawn, and quartered—which sentence was afterwards commuted, by virtue of an express statute, into transportation for life. Mitchell, Martin, and O'Dougherty, were convicted of sedition—an offence made felony and a species of treason by a statute expressly enacted for the occasion, and they were sentenced to be transported, Mitchell for fourteen years and Martin and O'Dougherty for ten years each. These six persons are now in captivity in Van Dieman's Land. The punishment is not so cruel as it is degrading; but to men like these, death would be more acceptable than degradation. And what can be more degrading than to confine, and in a measure confound, such noble spirits with the vilest convicted criminals of the British Empire? If this resolution has the effect, as I hope it will, of restoring these Irish patriots to liberty, it will be a work of beneficence, and the action of this Government will be to them like the interposition of an angel of mercy. But if it even fails to accomplish this object, it will still be successful in another respect: it will sound like a voice of encouragement to the captives—the voice of a great people. It will give consolation and hope; and if it waft them nothing but hope, it will lighten their captivity, and brighten their dreary existence in that far-distant land. As one of the friends of these Irish exiles, I take this occasion to state to the Senate—and I think I interpret the wishes of all their friends when I make this statement—that if they have the good fortune to ever reach our shores, we have no wish to see them welcomed with any public demonstration or display like that which has been just rendered to the illustrious Kossuth. We ask nothing of that kind. We wish to see them receive no other welcome or reception than that which the generous American heart always renders to the noble unfortunate.

In the passage of this resolution, all we declare is, that the liberation of these Irish patriots would be gratifying to the people of the United States. Surely, there can be no reasonable objection to this. We ask that they be permitted to emigrate to this country—to incorporate themselves with our citizens, and live here quietly and peacefully under the protection of our free Constitution. There are strong natural reasons for the interest which the people of this country take in the fate of Ireland and Irishmen. Not only are millions of native Irishmen citizens of this country at this time, but Irish blood runs warmly in the veins of

more than half the people of the United States. Besides, America is not indifferent to the fate of Ireland or Irishmen, for the best and noblest of all human reasons—because both have been in some sense unfortunate. There is still another and a higher view of this matter, and one which seems to me to rise above all the etiquette of diplomacy. In one sense the people of this country and of Great Britain and Ireland, may be considered as one great distinct family of the human race, connected by strong, natural, and traditional relations, which exist to the same extent amongst no other people on earth—blood, language, literature, the memories of the past and the hopes of the future. America may be considered, not only the second home, but the ultimate home of millions who are born under the British flag. How, then, can it even be suspected, that under all these circumstances an application of this kind could offend the British Government? So far from being offensive, sir, in my humble opinion it is complimentary to that Government. I firmly believe the British Government will not refuse this request. I can scarcely see how any Government, at this age of the world, can well refuse to grant a request, preferred in such a disinterested spirit as this is, for such a humane and merciful object. The British Government has nothing to gain by continuing these men in confinement, and nothing to risk in their liberation. It has nothing to fear from Irish agitation now. Ireland is at this moment as feeble, helpless, and hopeless, as the most anti-Irish heart can desire. Her nationality is gone; her hopes are crushed; her ancient generous race is becoming extinct. She has no future—or if she has, it is a dark one. At such a time, and under such circumstances, how can any Government, great and powerful as the English Government is, retain the last defenders of such a nation in captivity?

At this age of the world, I think it is generally admitted, that to punish a man for a political offence, without a very strong political necessity, is not an act of justice or self-defence; but, on the contrary, an act of cruel, useless, and impolitic vengeance. The British Government is too proud and powerful to stoop to the wicked weakness of vengeance. I think the present a very favorable time for moving in this affair, and for preferring this request. The most friendly relations exist at this time between this country and Great Britain. There is a strong feeling of mutual regard and common interest, and perhaps, I may add, a sense of common danger uniting the people of both countries at this moment, in close and intimate connection. The English people, so far as I can observe, are beginning to appreciate the character, resources, and institutions of this country, and to look with something like admiration upon the growth of this continental Republic. Not only England, but the world begins to see and acknowledge, that this nation is destined to future supremacy. America is the predestined mistress of the future. Such is not the condition of England herself. Great and powerful as England is at this day—and the world admits that she is great and powerful—her circumstances are such, that she will be forced to compromise with the future. She has power, strength, and energy; but her energies may be said to be fettered. She is like a giantess in chains. Her immense debt constitutes her chains and her fetters. The English people are strong and patient. They possess a great many sterling qualities—industry, perseverance, and fortitude; but with all these qualities, such is the vast load which is now pressing upon them, they will be compelled, in my opinion, in the first general convulsion—the first political tempest that shakes the continent of Europe—to fling off the load or perish under its weight. Every Englishman feels this. Every English statesman knows it. With power to put the world at defiance, their circumstances are such, that they are afraid to exercise that power. They cannot employ their power against others without seriously injuring themselves. This may be fortunate for the rest of the world, but it is very unfortunate for England.

There is a volume of instruction in the present condition of England. Every American statesman should study it with attention. The debt which now weighs upon the heart of England—and which no other nation on this earth could support for a single day—was not contracted for any great English object or interest. I am not disposed to engage in a discussion at this time upon the question of intervention or non-intervention; but I repeat, the English debt, or the principal part of it, was not contracted for any great British interest, but for what was plainly and emphatically a continental interest, to crush Napoleon, to defend Austria, Russia, and Prussia, to maintain the old royalties and aristocracies of Europe. Well, the object was accomplished, the old despotisms were sustained, England and Englishmen were mortgaged "to the last syllable of recorded time" to accomplish this desirable object. And what is the result? What is the state of the continent at this moment? Why, from the Frozen ocean to the Mediterranean sea, the despotisms of Europe were never before as closely bound together in deep hostility to England, as they are in this year of our Lord 1852. This, too, after all her sacrifices in behalf of venerable despotism. This is her present position, and this is the present condition of Europe. Sir, at such a time, and after such experience, it is perfectly natural that the people of England should turn their hearts and thoughts to America. It is not only natural but politic, that they should begin to cultivate the friendship of a great kindred people who, from the rapid growth of their population and power, and the extraordinary advantages of their geographical position, will soon be able to influence the destinies of nations, by throwing their whole weight into the scale of liberty, justice, and humanity. And permit me to say, that so far as I know the American heart, I feel bound to declare, that if the English people prove true to themselves and just to their fellow subjects—if they assert and maintain the great principles of religious and political liberty, they will find a more generous sympathy and a more effective, unbought, and unpurchasable support on this continent, in the hour of need, than they can ever hope to purchase or subsidize, with the duplicate of their national debt, upon the continent of Europe. The example of England herself would be, perhaps, the best argument we could use in favor of this resolution, or to enforce this request. Her history, in fact, is full of examples, not only of intercession, but of interference in the internal affairs of other nations. But I will confine myself on this occasion to a recent familiar instance in relation to the Hungarians. England interfered directly in behalf of Kossuth and his companions—while we merely intercede for Smith O'Brien and his associates. She defended these Hungarians against Austria and Russia; we only appeal to her own clemency for the liberation of Irish patriots. She contributed to the liberation of Austrian subjects, although they are, in a certain sense, still dangerous to the Austrian Government. We simply request the liberation of British subjects, whose freedom, in my opinion, at this time, will serve to strengthen the English Government. We all recollect the universal delight with which the American people witnessed the first interference of England in behalf of the Hungarian exiles. When the British fleet appeared at the mouth of the Dardanelles—when the Red Cross of England joined the Crescent of Mahomet, and blazed in defence of the exile and the unfortunate—all America, with one voice, shouted glory and honor to the flag of Old England. She acted gloriously on that occasion. Her conduct called forth the applause of the liberal world. But now we have to moderate this applause, when we think of Van Diemen's Land. We give her credit for her generosity abroad, but we are sorry to be compelled to refuse her equal credit for her clemency at home. Patriotism cannot be a virtue in Hungary and a crime in Ireland. England may be able to make some distinction between the two cases, but the world will refuse to recognize it. She will raise her national character in the estimation of the world—she will establish her disinterestedness before the tribunal of history and posterity—if she follow up her conduct towards the Hungarians with the liberation of the Irish exiles. As it is, her conduct is severely criticised on the continent of Europe. The Austrians and Russians especially accuse her of hypocrisy—of violating the great law of moral and political consistency—of traversing half the globe in defence and support of Hungarian patriots, while at the same time she proscribes, banishes, and imprisons Irish patriots. They say English philanthropy is like the philanthropy of the elder Mirabeau, who was styled "*The Friend of Man*," for his universal benevolence, while he practiced at the same time, within the bosom of his own family, the most cruel, heartless, and unrelenting tyranny. This is the kind of indictment the continent prefers against England at this time. I am not prepared to indorse it. On the contrary, I am thoroughly convinced she will avail herself of the first favorable opportunity to clear her reputation from any such reproach. I am inclined to think she will feel thankful to this Government, for supplying her with a fair occasion, a graceful pretext, to perform a humane and politic act. The world will then see that she is not governed, either in her foreign or domestic policy, by jealousy of Russia or hatred of Austria, but by a great principle of philanthropy and humanity. If we weigh the conduct of these Irish patriots, not in legal but in moral scales, we will find much to justify their attempt. They loved their native country. There is no moral guilt in this. On the contrary, the love of country is one of the noblest sentiments of our nature. When this sentiment fades from the soul, the soul has lost its original brightness. In Ireland, however, this sentiment is almost considered a political offence. There is something so unnatural in this state of things, that what the English law denounces as treason, the Irish heart recognizes as patriotism. An Irish patriot hears himself pronounced guilty in what is called the sanctuary of justice, while he feels in the sanctuary of his heart that he stands guiltless before God and his country. This must be all perfectly understood to appreciate the conduct of these men. In the eye of the law they are convicted felons; but in every honest manly Irish heart they are received and recognized as Irish patriots. And why should it be otherwise? You must destroy the heart before you can destroy this sentiment. Ireland is their native country; they saw her lying around them in ruins. They made a desperate effort to collect the broken fragments and bind them together into something like nationality. The effort failed; it was bound to fail. The spirit of Irish nationality is dead. But I will ask any generous American heart—I will put it even to any generous English heart, whether these men are to be blamed, in the present wretched condition of Ireland, for making the attempt? Who can blame Smith O'Brien, whose ancestors were kings in Ireland before Saxon, Dane, or Norman ever planted a foot on Irish soil, for making an attempt, however hopeless, to raise and resuscitate his fallen country? In fact, who can blame any Irishman for seeking to effect a radical change in the condition of his country? Since no change consistent with social existence can make her condition worse than it is at this time. Poor Ireland! Her history is a sad one. It is written in the tears and blood of her children. Her sons have been so long accustomed to injustice, that they regard themselves as aliens and outcasts in the very land that God gave them as a heritage. Yet they love their country with all the fervor of the Irish heart. The more she suffers, the more they love her. This love has become almost a part of their religion, and of their fervent devotion to their God. As her own sweet poet has so truly and beautifully said:

> "Her chains as they rankle, her blood as it runs,
> But make her more painfully dear to her sons."

This is true; and in the midst of poverty and contempt her sons weep over her desolation, and pray for the hour of her deliverance. There is something incomprehensible to the human mind in the mysterious providence that rules the destiny of nations. Israel gave a Saviour to the world; and the world in return has persecuted and denaturalized the children of Abraham. Greece instructed the world, taught it arts and sciences, lifted it out of a state of barbarism into a high state of civilization—and look at the world's recompense! The Roman and Ottoman, in succession, trampled upon the susceptible heart and beautiful mind of Greece; and now that land of gods and god-like men is the footstool of the unsympathizing Goth. Poland and Hungary saved Christendom in the day of its weakness. They repulsed the Crescent in the day of its power; and in grateful return three great Christian powers have dismembered

Poland, and distributed her bleeding members amongst them; and Christian Europe is now singing "*Te Deums*" and "*Hosannahs*" over the prostrate and mangled body of Hungary. Then look at the fate of poor Ireland!—one of the first-born of Christendom; one of the first of western nations to propagate the pure doctrines of primitive Christianity. She sent forth missionaries amongst the surrounding nations to preach the Gospel, but no armies ever went forth from Ireland to plunder or oppress any nation. As a nation, she never even attempted to wrong or persecute any race or people on earth. And yet perhaps no nation on earth has been more cruelly wronged than Ireland. I ask what national offence, what national sin has Ireland committed to merit this cruel chastisement? Sir, with the history of Ireland in my hand, I admit she committed a great national sin, a sin the world very seldom forgives. *She* always supported the weak and *defended* the *unfortunate*. When the Briton fled from the exterminating sword of the Saxon, he found a home and a refuge in Ireland; when the Saxon fled from the pitiless sword of the Norman, he, too, found a sanctuary in Ireland. Briton, Saxon, and Norman, when banished or betrayed—when they had no other friends on earth, found friends in Ireland; for Irish hearts and Irish homes were always open to shelter the unfortunate. Even English history reveals a fact which, when properly understood, is a perfect revelation of Irish character. Ireland has always been an incorrigible and irreconcilable rebel against power; but when her oppressors became unfortunate she became loyal; when they became friendless and helpless, she drew the sword and poured out her blood for them in the hour of their adversity. The Stuarts at the head of the Empire were her cruel and constant oppressors; yet Ireland sacrificed herself for the last Monarch of that ungrateful race, when, abandoned by his favorites and betrayed by his family, he fled from his throne—an exile, a wanderer, friendless and unfortunate. I hope it will be allowable on this occasion to refer to the conduct of the Irish in your own glorious Revolution. History attests that during that whole period of trial and struggle, a single Irish Tory was not to be found in the thirteen Colonies. Both here and in Ireland, at home and abroad, the Irish heart declared openly and fearlessly in favor of the Colonies. Who defended their cause in the British Parliament with more eloquent ability than Edmund Burke? And who defended it in the hour of danger with more unselfish devotion than the brave Montgomery? The Irish were true to this country then, and they are true to it still. I hope I may venture to say that they have one great virtue that ought to redeem a multitude of faults; they have always proved true, in word and deed, to the republican institutions of this country. In this country alone they have always obtained full and perfect justice. And this justice, I am proud to say, they have always repaid with loyalty and fidelity. But Ireland is now fallen. She is no longer a nation. She is only the broken relic of nearly seven centuries of oppression. And as it always happens, her reputation has fallen with her fortunes. I fear the verdict of the world is against her. For one, I cannot recognize the justice of that verdict. It is not rendered upon impartial testimony—it is not founded in truth. The witnesses, upon whose testimony that verdict has been rendered, have taken great pains to satisfy the world that Ireland has committed national suicide—that she is the victim of her own passions—that she carries her ruin in her character, and the elements of her destruction in her race. This may perhaps be called the Anglican solution of Ireland's present condition; and I am sorry to say the solution is not a very charitable one. Whatever the judgment of the world may be, the Irishman feels that this solution is unjust—that it is a calumny upon his race—that there is a very different solution of the dark mystery of his country's condition. But it is the old story—"*væ victis;*" there is no political or historic justice for the vanquished. The tyrant first tramples upon his victim; and, to justify his cruelty, then brands him with infamy. But permit me to say that I do not regard the present condition of Ireland as the crime of the English people. I have no ungenerous prejudices against English character. The English as a people have many sterling qualities. They are industrious, brave, and independent; and I will add, that there is a strong sense of justice in the English heart. But Ireland has never been governed by the English people. I would appeal to the people of England for justice to Ireland as quickly at this moment as I would to any other people on earth except the American people. Ireland, I repeat, has never been governed by the English people. It has been governed by an Anglo-Irish oligarchy—an oligarchy that has had no instinct but selfishness; no passion but the preservation of its own class. The government of Ireland was the government of a *caste*,—the very abstraction of an evil government. An oligarchy like that must be unjust. Injustice is a necessity of its existence. It must be unjust to all other classes to preserve its own. A tyrant may commit great acts of cruelty, but they are only occasional, and can never reach the great mass of the people; but an oligarchy is cruel from policy, and unjust and oppressive upon a principle of self-preservation. Ireland has been ruled by a government of this kind—a government of caste—composed of Norman adventurers and their descendants; and as these men professed themselves ferociously Anglican, they were always backed and supported by the English Government. Such a government would have ruined any other country as well as Ireland. Even this country would have been ruined had it failed in the Revolution, and been placed under such an oligarchy. There was certain ruin in the very principle upon which it governed. That principle was to Anglicize Ireland—to force an English government on the Irish race, an English church on Irish consciences, and English habits on Irish hearts,—in a word, to transform Irishmen into Englishmen. Of course the experiment has failed. It reminds me of a similar experiment in ancient times. A Roman general was dispatched to Greece to enforce the Roman authority, to collect tribute, and transform the Greeks into Romans. He got amongst the Spartans, and exerted himself with all his might to accomplish his object; but, wearied at last with his labors and disgusted with the Greeks, he wrote an angry letter to his Government, saying that they were an incorrigible race, that they had no proper appreciation of Roman character, and that, in his opinion, they were not even fit to make slaves. The Anglo-Irish government has likewise found the Irish incorrigible—it has failed to transform them into Englishmen, and there is no people on this earth more unmanageable as slaves. Nearly seven centuries have been employed in this work, and Ireland is not yet Anglican. But these centuries have performed the work of destruction; they have destroyed Irish nationality, but seven centuries more will not supply its place with English nationality. They may exterminate the Irish race, but they will fail to make it Anglican. The English Government was the natural growth of the English soil—the logical result of a peculiar condition of English society. It was a great political compromise between rival interests and antagonistic races. There was monarchy for the conqueror and his descendants—aristocracy for the Norman barons and their descendants—and a portion of democratic liberty to conciliate the then despised Saxons, who constituted the bulk and strength of the nation. This government was very well adapted to the social condition of England, but it had no adaptation whatever to the condition of Ireland. On the contrary, it was incomprehensible to the intelligence, and repulsive to the notions and habits, of the Irish people. A pure monarchy or a pure democracy they might have understood; but that strange political monster, with a royal head, aristocratic body, and democratic feet—the head looking one way, the feet moving another, and the body paralyzing and restraining the movements of both—this was something which no Irishman could comprehend or accept as a government. I might press this view much further, but I abstain from it on this occasion. But I must state that there is a national as well as a personal individuality. No people can be improved or elevated except through the medium of their own nationality. To develop a people we must respect the scruples of the national conscience—the virtues of the national heart, and the aspirations, and even prejudices of the national mind. National varieties are as necessary to improve and develop the human race as individual varieties. And political systems ought to be as various as the varieties of national character. A political system to improve and develop a people must grow out of the habits and circumstances of that people. It must be the natural product of the country. Look at the Spanish colonies of this continent. They separated from the mother-country; but instead of building up a government out of their own circumstances—the growth of their own social condition—the product as it were of their own soil—they borrowed the system of the United States, and constructed their governments upon this excellent model. The model was excellent in itself, but it had one fatal defect—it had no adaptation whatsoever to the condition of the people to be governed by it. Now mark the result. These countries are a hundredfold worse off this day than they were under the old Spanish Government. The people of this country pursued a very different course when they separated from England. They borrowed no political system; they imitated no foreign model. They constructed their Government upon the basis of their own social condition, and in accordance with their own circumstances. This is the principal cause of the wonderful success of this Government, which it pleases the world to call an experiment, but which in fact is nothing more or less than the natural, logical, and necessary *resultant* of the peculiar condition of the colonies. A mere experimental government, however perfect in theory, would have proved a failure. What is the cause of half the failures to establish popular governments in Europe? The establishment of experimental governments after some approved or fanciful model. There is France, in some respects the most enlightened nation in the world. Those thirty-five millions of people have a larger share of genius, than is to be found amongst any other thirty-five millions on earth, and yet no people on earth have so wretchedly mismanaged their political affairs. And why? Because they are constantly imitating other systems, or copying some visionary models, whose theoretic perfection constitutes their practical defect. But it is worse, when you attempt to force an uncongenial system of government upon a people. This never fails to crush them. The government which develops one nation will destroy another. This is a truth as old as society. It might be engraved as an epitaph upon the tombs of a thousand extinct nationalities. Oppression is engraving it now for the tombs of Poland, Hungary, and Ireland.

In my opinion the present condition of Ireland demands the serious attention of the English people, and the English Government. Nothing strikes me with more astonishment than the indifference, indeed I may say the satisfaction, with which a large portion of the English press regards the rapid depopulation of Ireland. It is called "the Celtic Exodus." And the expectation is confidently and openly expressed, that as soon as Ireland is depopulated and the present race exterminated, she will be peopled by a more serviceable and manageable race. If anything was wanting to prove that this age is an age of imbecility and false philosophy, it is furnished in this drivel about races. The Anglo-Saxon race and the Celtic race, and this race and that race, seem to be the latest discovery of the present time to account for all moral, social, and political phenomena. This new theory is founded neither on Christianity nor philosophy. Christianity recognizes no such distinctions, tolerates no such distinctions, and Christ preached on the mount, and died on the cross to obliterate such unnatural distinctions. Philosophy recognizes differences, but these differences have their origin in circumstances, not in races. But turn to these cockney speculations about the Celtic exodus. Celts constitute, perhaps, more than half the population of the British Empire. They prevail in Ireland, Wales, Cornwall, and the north of Scotland; and they form a large portion of the basis of the population of England. In fact, they form about half the population of some of the most civilized countries of Europe. Sir, to talk of the extinction of such a portion of the human family is a libel on the human race—a blasphemy against the divine origin of humanity. But I speak of Ireland now in a political sense, and I say her present condition demands the im-

mediate attention of the British statesman. She is suffering under a disease. Disease always attacks the weakest part of the system first. This disease is an imperial one, not an Irish one; and when it consumes the heart of Ireland, it will reach the heart of England also. The ruin of Ireland will involve the ruin of the Empire; and not to see this is the blindness that precedes destruction. Let any great European power, or combination of powers, land twenty thousand well-disciplined men in Ireland, and there will be an end to the British Empire. I mention this because I feel a deep interest, in the first place, in the condition of Ireland, and next, in that of the whole British Empire. In my humble opinion, if the English people pursue a policy towards Ireland, I will not say of justice, because justice is for the strong, and Ireland is weak, but a policy of clemency, of humanity, of generosity and encouragement, they would resuscitate Ireland and strengthen the whole Empire. The first requirement for Ireland is religious liberty; not toleration, but full, equal, absolute religious liberty. She will never be satisfied until she obtains this boon. There is nothing so dangerous to a government in a perilous crisis as a powerful, dissatisfied, religious party, like the Roman Catholic party of the British Empire; and nothing so harmless as religious sects or parties, when a Government abolishes all religious distinctions, and gives full, perfect and absolute religious liberty to all. If you want to put down religious agitation, and destroy clerical influence, give the people equal and universal religious liberty. A mere clerico-political agitation can never benefit a country, although it may annoy and weaken a Government. To deprive clerical agitators of all political influence, it is only necessary for the English Government to give equal and absolute religious liberty to all denominations of British subjects. This is a truth very well understood in this country, yet, strange to say, it has hitherto escaped the penetration of the first statesmen of Europe. Ireland also requires political liberty and an equitable share of all the advantages of the British Government and British Empire, and above all, the Irish people require an absolute interest in the soil of their country. As it is, Ireland may be considered a vast warren—a hunting ground for absentee nobility; and, unhappily, the spoils of the chase are the hearts, hopes and lives of the Irish peasantry. I have long watched and waited to see some great English statesman arise, who could grapple with this monster difficulty. I think the evil and the danger were both felt and understood by Sir Robert Peel for some time previous to his death. Had that great statesman lived, and obtained power, in my opinion he would have devoted his talents and his experience to reclaim and resuscitate Ireland, and thus strengthen and renovate the British Empire. That great statesman entered upon a glorious work of political reform both for England and Ireland; but he was cut off in the midst of his career, with his work unfinished and his destiny unfulfilled. But after all, Ireland must be the great agent of her own regeneration; she must not depend upon England, or upon America, or upon the Continent. If she looks to the absolutists of Europe for support, as I apprehend she does at this moment, she will be deceived and disappointed and betrayed. There is not a despot in Europe, large or small, from the Czar of Russia to the King of Naples, who would not, at this moment, sell and sacrifice Ireland and all her hopes to purchase the friendship of the English Government. I know it is difficult to form a correct judgment of the true policy of a distant nation; but after long reflection upon this subject, I have arrived at the conclusion that the present policy of Ireland is, to abandon all idea of a political separation from England. Her old nationality is gone. She can never recover or restore either her old language or her old nationality. If she were an independent nation this moment, her great effort should be to build up a *new* nationality conformable to her present moral, social, and political condition. Her policy now is to make the most of her present political connection, and to avail herself of all the political, commercial, industrial and intellectual advantages of the British Empire. She should coöperate on all occasions with the most liberal English party. She should throw her whole weight into the scale of liberalism. Her movement should be an imperial one; and by acting in this manner she would raise and regenerate herself in contributing to elevate and liberalize the whole Empire. After all, Englishmen and Irishmen are fellow-subjects: they have fought together on a hundred battle-fields. Irish blood has been poured out as prodigally as English blood in building up the present greatness of the British Empire. Irishmen, therefore, have a perfect title to the honor and glory and advantages of that Empire. They ought not to think of relinquishing these advantages at the present day. On the contrary, Englishmen and Irishmen, the people of both countries—on both sides of the Channel, ought to forget the past, and think of the future, and unite honestly and cordially and resolutely to improve the condition of both countries, to exalt the United Kingdom and place her at the head of the liberal world. Great and powerful as she is, she has to stoop to Austria; she has to sacrifice a minister at the bidding of the Austrian court; she has to bow humbly to Russia; she has to take Louis Napoleon by the hand; she has to congratulate the nephew upon a usurpation, for which she condemned the uncle to the Rock of St. Helena. Sir, this is not the *rôle* for a great nation like England to play at the present time in the drama of the world; this is not the position for her to occupy amidst the great family of nations. The present mixed Government of England has had its day. England must soon choose between absolutism and democracy. These are the two great principles now contending for the mastery of the world. On the side of democracy she will become the arbitress of nations and the benefactress of humanity.

Mr. President, I hope this amendment will be adopted, and that the resolution will then pass without opposition. It is so framed that it can give no offence in any quarter. It is not intended to be diplomatic, but a mere legislative expression of opinion. It is courteous and complimentary to the English Government. My opinion is that, in the present condition of Ireland, the condition of the British Empire, and the uncertain condition of the civilized world, the British Government will rejoice in the opportunity which this resolution will afford to get rid of these captive patriots, by conveying them to this country. Here they will unite with millions of their fellow-countrymen, now citizens of this great Republic. Here they will meet with that kindness and consideration which they have been denied in their native land. Here they will become loyal citizens of this Government, and as such cease to be the enemies of England. This will afford sincere satisfaction to every generous American heart, and tend to conciliate the lacerated but grateful heart of Ireland.

NON-INTERVENTION.

SPEECH OF HON. J. CLEMENS,

OF ALABAMA,

IN THE SENATE, *February* 12, 1852.

The Senate proceeded to consider the resolutions, which were submitted by Mr. CLARKE, on the 19th ultimo. [For resolutions and amendments see page 158.]

Mr. CLEMENS said: Mr. President, when this question was last under consideration, I listened with deep attention to the remarks of the honorable Senator from Michigan, [Mr. CASS.] In that speech—perhaps the ablest of his life—there is much to which I cannot subscribe; but there is also much to which I yield a cordial assent. I had supposed that we differed more widely than we do; and that supposition was a source to me of profound regret, not merely because he is the acknowledged leader of the political party to which I belong, but more on account of the kind and cordial relations existing between us. It was therefore with sincere pleasure I heard him announce that he proposed no intervention in the affairs of other nations beyond an expression of opinion that the conduct of Russia had not been in accordance with the law of nations, and that we could not look upon a similar violation of that law with unconcern.

I shall not go out of my way to discuss with the Senator from Michigan the propriety of the expression of such an opinion. I shall address myself rather to those who go far beyond that honorable Senator, and demand "material aid" for Hungary. I am afraid that there is a disposition in some quarters to undervalue the importance of this question. Indeed I have heard it, on one or two occasions, characterized as an abstraction. I wish it was. In my opinion, it is not only a question of immediate and pressing importance, but it is a question, upon the correct decision of which, must depend the liberty and happiness of generations who are to come after us.

A foreigner has landed upon our shores, preaching a crusade against the nations of the Old World, and boldly asking us to incorporate a new principle in the foreign policy of the nation. Of that foreigner it is necessary that I should say something. That he is an orator of considerable ability, is conceded; but he is an orator merely. To call him a hero, is, in my opinion, a very near approach to the ridiculous. The man who was the first to shrink at the approach of the tempest he had raised, who abandoned his country when he had still an army of one hundred and thirty-five thousand men at his command; who surrendered the powers vested in him for the good of the State into the hands of a man, whom for months, he had believed to be a traitor, is not made of such stuff as Washington, or Sumter, or Marion, or Greene. The excessive laudations which have been heaped upon him since his arrival among us, must, in the eyes of foreign nations, who know his history far better than we seem to know it, cover us with ridicule, if not with contempt. Not long since, I saw a letter, written by an individual in high place, in which the writer seemed to be at a loss for words to express the amount of his *reverence* for the "illustrious Magyar." An American citizen, a freeman, talking about his *reverence* for any living thing below the God that made him! Sir, I neither feel reverence, nor anything approaching it, for one who has proved himself to be as weak and vacillating in the hour of danger, as he was reckless and uncalculating before its approach. But I have no wish to deal in unkind expressions towards him. As an individual I entertain for him no feeling but that of indifference. It is almost impossible that he should ever become either a friend or an enemy of mine. Nor would I speak of him at all, but for the doctrines he advances; and for the further fact, that he has been invested by his advocates with almost numberless virtues, for the purpose of enlisting sympathy in his behalf, and preparing the public mind to yield a readier assent to his teachings. None know better than the demagogues who have surrounded him since his arrival here, that the voice of wisdom may be drowned by the wild shouts of a frenzied mob, clamoring for the establishment of freedom throughout the world. And hence it is that we have him presented to us as a pure republican, whose exile is a consequence of his ministrations at the altar of Liberty, and whose whole life has been one long labor in the cause of human rights.

Now, sir, I do not believe this; but I should not trouble myself to contradict it, if it were not for the intention which dictates the eulogy. That he has labored, and is laboring zealously, to obtain aid for Hungary, is not to be denied; and I neither know nor care what amount of stimulus may have been added to his exertions by disappointed ambition and deep-rooted enmity to the Power that vanquished him. He would not be human, if some such feeling did not find a place in his bosom. I blame him not, if it is there; and do not care to inquire how far it may have governed his conduct. But, sir, the apostle of freedom should illustrate, by his own example, its beauty and simplicity. On a former occasion, I expressed doubts whether he really understood the simple creed, which has been the source of all our happiness and all our greatness. Since that time he has been among us, and those doubts have ripened into convictions. And here again let me say, I do not blame him. He had been accustomed to the pageantry of courts, to the "pomp, pride, and circumstance" which surround the monarchs of the Old World, and he naturally supposed that these were necessary adjuncts to a favorable impression upon the people. To this cause I attribute the unnecessary display of uni-

forms and sabres, which gave to a quiet hotel in this city much the appearance of the head-quarters of a commanding general in a conquered country. To this cause, also, I attribute the bad taste which brought an armed guard into this Hall on the day of his reception here; when, for the first time since their erection, these walls echoed the jingle of arms. Let us hope that it is no omen of scenes which are to follow. But when I remembered the peaceful purposes for which this building grew under the hands of the architect; when I remembered that, to this body, above all others, the people are accustomed to look, to check rashness, to rebuke violence, and to frown down all schemes of extravagance and excitement, I confess I felt something like a shudder at the unwonted rattling of foreign sabres in the inmost temple of American Liberty.

There is another circumstance I must not omit to mention. If Kossuth had been the ardent republican which he is represented, there is one spot in this vicinity no difficulty would have deterred him from visiting. Neither storm nor tempest—the summer's heat nor winter's snow should have prevented him from making a pilgrimage to Mount Vernon, and kneeling at the tomb of the wisest, the noblest, and the purest of all those who have done battle in the cause of mankind. But that great name seems to have awakened in him no enthusiasm, and the spot where the remains of Washington are interred, has been undisturbed by the tread of Hungarian feet. I doubt if there is a monarch in Europe who would have been guilty of similar neglect; who would have manifested so little reverence for the dead—so little regard for the holiest feelings of the living.

Mr. President, I have now done with the individual. It is to his mission that I shall address myself. His first proposition is, that every nation has the right to regulate its own affairs in its own way; and to this I shall interpose no objection. But Mr. Kossuth and I may differ very widely as to what constitutes a nation, and consequently as to who it is in whom this right resides. I do not admit that every part of an empire, whether it be called a province, state, or department, is a nation. Hungary is and has long been a part of the Austrian Empire, and is no more independent of the Chief Executive than is New York of the General Government. If the State of New York should undertake to regulate her own affairs in her own way—to appropriate the immense revenues collected in her ports—to form alliances with foreign nations, and to tax the citizen of Pennsylvania or Massachusetts, whose business required him to pass through her territory, it requires no great stretch of imagination to suppose that an army would soon be collected on her borders, and that her right would be made to depend upon her power to enforce it. I think I but utter an admitted truth, when I say that the right to regulate the affairs of the United States, to watch over the interests of the whole Union, to guard and to defend them, is here, and must remain here, until the people take it away either by successful revolution or by constitutional amendments. So, I take it, the right to regulate the affairs of the Austrian Empire resides in its Executive head, until the people see fit to withdraw the powers they have vested in him. If a minority are dissatisfied and wish to change their form of government, there is no recourse but revolution; and not until that revolution is successfully accomplished can they claim a place among the nations of the earth. If it were possible to collect all the Germans in the United States into one State, the Irish in another, the French in another, although each might speak its own language and be governed by its own local laws, they would no more be entitled to the appellation of nations than now, when they are diffused throughout the whole Republic. Mere difference of language, and of local laws, is no evidence of nationality. Something more is needed; and it would be easy to show that, in enunciating his first proposition, Kossuth has made a case against himself.

But, sir, I do not wish to pursue the inquiry. It is immaterial whether or not any such right is to be found in the law of nations. Indeed it is somewhat difficult for any one at all conversant with the history of the world to suppress a smile while listening to learned dissertations in favor of rights founded on the law of nations. That nation does not exist which has not disregarded all such laws whenever prompted by interest to do so. To take care of its own interest, to provide for its own security, is and always has been the ruling principle of every nation, irrespective of any public law. So universal has been this practice, that I recollect but one instance in all history to the contrary, and that was when Themistocles wished to burn the ships of the other Grecian States, and was prevented by the report of Aristides to the Athenians, that though nothing could be more advantageous to Athens, nothing could be more unjust. England pursued a different course at Copenhagen; and by so doing, struck one of the heaviest blows ever dealt at the power of Napoleon. I make no comment upon the different degrees of morality exhibited by the ancient and the modern, the heathen and the christian. I merely state historical facts, and from them I draw the deduction, that a right without the means of making it respected is a mockery. It is admitted that Hungary has no such means. The question, then, arises, Shall we furnish them? This is the point, the whole gist of the matter. Let me begin by supposing that it is in our power to do so—that we have the ability to punish Russian interference and repel Russian invasion—how are we to be benefited? What portion of the fruits of victory is to inure to us? I do not address this question to dinner orators, brimfull of philanthropy and champagne, nor to vainglorious militia colonels, who are exceedingly anxious to march to Hungary to-morrow, but who could not make it convenient to march to Mexico when our country *was* engaged in war. I address it to grave Senators, who are charged with the interests of twenty-five millions of people, and who are responsible to the present and the future for the manner in which they discharge the duties assigned them.

General Washington has said:

"There can be no greater error than to expect or calculate upon any real favors from nation to nation. It is an illusion which experience must cure, and which a just pride ought to discard."

There is a deep wisdom in this paragraph, and he who disregards or treats it lightly wants the highest attribute of a statesman. We can expect nothing as a favor from other nations, and none have a right to expect favors from us. Our interference, if we interfere at all, must be dictated by interest; and therefore I ask, in what possible manner can we be benefited? Russia has done us no injury; we have, therefore, no wrongs to avenge. Russia has no territory of which we wish to deprive her, and from her there is no danger against which it is necessary to guard. Enlightened self-interest does not offer a single argument in favor of embroiling ourselves in a quarrel with her. So obvious, so indisputable is this truth, that the advocates of "intervention" have based their speeches almost solely on the ground that we have a divine mission to perform, and that is to strike the manacles from the hands of all mankind. It may be, Mr. President, that we have such a mission; but, if so, the "time of its fulfillment is not yet." And, for one, I prefer waiting for some clearer manifestation of the Divine Will. By attempting to fulfill it now, we employ the surest means of disappointing that "manifest destiny," of which we have heard so much. We have before us the certainty of inflicting deep injury upon ourselves, without the slightest prospect of benefiting others. According to Kossuth's own admission, Russia can precipitate upon Hungary one hundred thousand men in thirty days; Austria, at the lowest calculation, can bring as many more into the field. If we give them notice, in advance, that we intend to interfere in the affairs of Hungary, not only these troops, but all the disposable forces of both empires will be collected at the most convenient points, and an attempted revolution would be crushed before we heard it had begun. I need not depict the unenviable attitude in which we would then be placed. Involved in a war without an object, our ally vanquished, the very chains we sought to loosen riveted with tenfold strength, the miserable victims of their own and our folly piling curses upon us, with the sneering taunts of the victors adding the last mortification to the Quixotism of America. Sir, if I had but one prayer to offer for my country, it would be, "May God avert this deep disgrace!" Misfortunes may come upon us all; dishonor attaches only to the unworthy. A nation may be conquered, trodden down; her living sons in chains, her dead the prey of vultures, and still leave a bright example—a glorious history to after times. But when folly and wickedness have ruled the hour; when disaster is the legitimate child of error and weakness, the page that records it is but a record of infamy, and pity for misfortune becomes a crime against justice.

Sir, I do not love that word "destiny"—"manifest" or not "manifest." Men and nations make their own destinies.

"Our acts, our angels are, or good or ill—
Our fatal shadows that walk by us still."

The future of this Republic is in our hands, and it is for us to determine whether we will launch the ship of State upon a wild and stormy sea, above whose blackened waters no sunshine beams, no star shines out, where not a ray is seen but what is caught from the lurid lightning as it treads its fiery path. This, Senators, is the mighty question we have to solve, and let me add, that if the freedom of one continent and the hopes of four shall sink beneath that inky flood, ours will be the guilt, ours the deep damnation it deserves.

Shall I be told these are idle fears? That in a war with Russia, no matter for what cause waged, we must be the victors? That, in short, all Europe combined could not blot this Union from the map of nations? Ah, sir, that is not all I fear. I fear success even more than defeat. The Senator from Michigan [Mr. CASS] was right when he said that our fears were to be found at home. I do fear ourselves. Commit our people once to unnecessary foreign wars, let victory encourage the military spirit already too prevalent among them, and Roman history will have no chapter bloody enough to be transmitted to posterity side by side with ours. In a brief period we shall have re-enacted, on a grander scale, the same scenes which marked her decline. The veteran soldier who has followed a victorious leader from clime to clime, will forget his love of country in his love for his commander, and the bayonets you have sent abroad to conquer a kingdom will be brought back to destroy the rights of the citizen and prop the throne of an emperor.

I have thus, sir, briefly traced the prospective effects of intervention. Let me refer as briefly to its present and immediate effects. We must begin with an outlay, at the lowest calculation, of one hundred millions of dollars; and this, be it remembered, is but a beginning. Our navy must be quadrupled, our army increased not less than an hundred thousand men. Every fort upon our long line of sea-coast, from Maine to the Rio Grande, and from Northern Oregon to Southern California, must be garrisoned, and the immense sums thus expended must be dragged directly from the pockets of the people. All of us know, that in a war with a maritime power, our revenues from imports must decrease below the wants of the Government. But grievous as would be this load of debt, it is the lightest of the evils we will be called upon to bear. From direct invasion, I admit that we have nothing to fear; from battles upon the ocean, between national vessels, just as little. The danger is of another kind. There is not a sea which an American vessel is not this moment traversing. There is not a clime unknown to our commerce.

Whenever war is declared, the lust of gain and the love of adventure will cover the ocean with privateers, and the rich fruits gathered by the arts of peace will be sacrificed to the demon of folly. The spindles of the New England manufacturer will stand still; the door of the New York merchant will be closed; the ploughshare of the Northwestern farmer will rust in the furrow; and the noise of the cotton-gin will no longer be heard. Not a pound of bacon nor a barrel of flour, not a sack of corn, nor a bag of cotton, not a hogshead of tobacco, nor a tierce of rice, can leave our ports without danger of capture. The hardy mariner, who pursues his perilous calling in the northern seas, may find himself a captive, and the fruits of long years of toil swept away before he is aware that he has an enemy to avoid. The life-blood will stagnate in every vein of our commerce; and every interest will wither under its blighting influ-

ence. Is this picture too highly colored? Grant that it is so. Grant that but one tenth part of what is here depicted will come to pass, and the eye of the patriot will still turn with a shudder from the dark prospect on which it rests. But is it in truth overdrawn? There are Senators here who remember the war of 1812, its trials and its sufferings; and all of us have learned from history or tradition that these sufferings were sufficient to cast a veil even over the deformities of treason, and to cause the formation of a party whose object was to make a separate peace with the common enemy, and leave the rest of the Republic to take care of itself. Can it be doubted that with a greatly extended commerce these evils will be proportionately increased, and moreover that they would be aggravated by the reflection that they were brought upon us against reason and without necessity? It may be said, sir, that an argument of this sort extends to all wars as well as to the particular case under consideration. Undoubtedly to some extent it does so. No war can be carried on without detriment to the prosperity or the morality of the people; but there may be cases which justify, there may be wrongs which demand, the sacrifice; and whenever such a case arises, I shall not be the last to draw the sword.

I am afraid, Mr. President, that after the able and judicious remarks of the Senator from Rhode Island, [Mr. CLARKE,] I shall but tax the patience of the Senate by referring to the opinions of former Presidents; but if it should be somewhat tedious to this body, it will not be uninstructive to the country. There has been no disagreement of opinion among them, no matter to what section of the Union they belonged, no matter to what party they owed their elevation to power; all of them have urged non-interference with the affairs of other nations as the dictate alike of interest and of duty. All of them, with singular unanimity, have maintained and enforced the precepts of the Father of his Country. I am aware that it is becoming somewhat unfashionable to argue from the usages and experience of the past. It has been again and again announced that rules which were well enough for the government of an infant Republic, are valueless now; that a change of circumstances necessarily induces a change of policy; and that what was wisdom yesterday may be folly to-morrow. Much of this may be true. I do not mean that we should blindly follow any policy without reference to circumstances. I do not mean to say that, because the Spartans lived on black broth, and used nothing but iron money, therefore we ought to follow their example; but what I do mean to say is, that there are certain great truths which no time can change, no circumstances affect, and chief among these I reckon the duty of every nation to provide for the substantial happiness of its *own* citizens. No matter whether in infancy, maturity, or decline, this is a policy no nation can neglect with safety—no people can disregard without suffering.

It was on this principle that Washington acted. I propose to read, sir, a few short paragraphs from his Farewell Address:

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?"

Now, Mr. President, the authority of the honorable Senator from Michigan to the contrary notwithstanding, I must say that it is not in a document thus carefully prepared, solemnly announcing opinions so maturely formed, that we are to look for advice intended to guide us for a season only. Every word of that Address was intended to have its weight so long as the Republic should endure. Guided by a wisdom but little short of inspiration, he foresaw the possibility of a case such as that which has now arisen, and affectionately warned us to beware of dangers which might prove fatal to the Republic. I trust, sir, that there is yet among the people too much respect for the memory of George Washington, too much gratitude for his services, to permit his counsels to be disregarded. I trust we are not yet prepared to exchange the calm and patriotic advice of the sagacious statesman for the noisy babblings of political aspirants, still less for the interested suggestions of a foreigner, seeking the attainment of his own selfish ends, no matter at what cost, no matter at what sacrifice of the interest of others.

The most popular and the most powerful of the successors of General Washington held similar opinions. I read from the fourth annual message of Andrew Jackson:

"In the view I have given of our connection with foreign Powers, allusions have been made to their domestic disturbances or foreign wars, to their revolutions or dissensions. It may be proper to observe, that this is done solely in cases where those events affect our political relations with them, or to show their operation on our commerce. Further than this, it is neither our policy nor our right to interfere. Our best wishes on all occasions, our good offices when required, will be afforded, to promote the domestic tranquillity and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, *even by the expression of an official opinion*, is contrary to our principles of international policy, and will always be avoided."

I might go on until I had filled a volume with similar extracts; but it is not needed. The obvious good sense of attending to our own business, requires no authority to sustain it. We are now rich, happy, and powerful. If we continue in the course we have thus far pursued, imagination can set no bounds to our progress. I profess, sir, to have as much sympathy for the oppressed as other men. As an individual, I think it quite possible that I would peril life and limb in such a cause, as readily as the noisiest advocates of intervention; but in this Chamber I endeavor to separate the man from the legislator, looking only to the good of the country, seeking to perpetuate its institutions, and preserve unimpaired the high privileges we enjoy; I can permit neither sympathies nor enmities to govern my conduct, nor sway me from the pathway pointed out by reason and reflection. Feeling, pride, passion, prejudice, are all out of place here. The interests of this great nation, and its continued existence as a free Republic, must not be subjected to capricious legislation, dictated by sympathies which may be misplaced—which are always unreflecting. The heart is a bad counsellor at best. An individual may be pardoned for yielding to its promptings when the risk is all his own; but no code of morals, no precept of religion can excuse or extenuate the guilt of him who idly perils a nation's welfare, a people's happiness.

It was an inflexible rule of the Roman Senate, never to make peace with a victorious enemy, lest amid the sufferings and humiliations of defeat they might be tempted to sacrifice the interests of the Republic. No wonder that a people governed by such rules became the masters of the world. Over them the passions had no sway—reason ruled supreme. Cold as the marble columns about them, no wild fancies led them into profitless adventures, no vain dreams of universal philanthropy taught them to forget the higher duties they owed to Rome.

The present project of intervention does not come recommended to me by the company in which it proposes to place us. We are asked to act in conjunction with England, who may well find it for her own interest and her own safety, but who will offer us nothing in exchange for our share in the common danger and the common expense. The policy of England is known to the world, and all history is false if she ever formed an alliance without a selfish end in view. Whatever nation subserves her purposes, is her ally for the time being, but not a moment longer. A league with England, out of which any good could arise to America, is an Utopian dream, of which a school-boy should be ashamed.

In her case, also, even feeling prompts us to reject the proffered fellowship. There are many wounds inflicted in the past whose "poor dumb mouths" plead eloquently against such an alliance. The fierce Tarlton and the merciless Rawdon are not yet forgotten. The house burnings of Cockburn and the savage massacres of Proctor still blacken the page of history. Time has not abated the deep indignation excited by the brutal war-cry which rang over the plains of New Orleans; and none of us remember, without a feeling of resentment, the Vandal inroad to which this capital was subjected. That large class of our population who are of Irish birth or Irish extraction have darker memories to cherish and deeper wrongs to avenge. Many of them have had their infant slumbers broken by the rattle of musketry and the fierce yell of an infuriated soldiery, and none of them have forgotten that there was a time when the frightened peasant who fled to the mountain or the morass for safety, was lighted on his way by the flames bursting from the roof of his cottage; when the dungeon was filled with the noblest in the land, and the scaffold groaned with the weight of its victims; when terror walked side by side with the paid informer, and desolation made its home in Ireland.

These are the souvenirs connected with the name of England; and I will not so libel a gallant people as to suppose for a moment that they have any great anxiety to clasp in friendship hands red with the best blood of their native land. Let me not be misunderstood. I seek no quarrel with England, but I do not forget what she has done, and I want no alliance with her. So long as she attends to her own business, and does not presume to meddle with ours, I am willing that our present relations should continue. But let her beware how she arouses the animosities now slumbering in the American bosom. The bones and sinews of the young giant of the West are fast hardening into mature manhood, and the next time we meet in hostile conflict, the proud boast that the roll of the English drum may be heard from the rising to the setting sun, will be nothing but a tale of the past. Then, too, may the Irish heart leap with a proud joy, for the time will have come when the epitaph of Emmett may at last be written.

Mr. President, we have all read recently, and none of us I trust without deep feeling, the opinions of the venerable statesman whose bodily infirmity now keeps him from among us. Who is there with a higher wisdom than his? Who is there with a wider experience? Who is there with so few motives to deceive himself or others as to the true interests of his country! His voice comes to us clothed with all the sanctity the grave can give, with the added knowledge of existing things, which the grave must take away. Standing upon the verge of two worlds; and looking back upon that which he is about to leave, his heart swelling with a patriotism little less than holy, his vision clear and unclouded by the passions and prejudices which dim our sight, he tells us that ours is a mission of peace, not a mission of blood; that to avoid all interference in the affairs of other nations, to preserve our own independence, to live for America, to labor for America, and if need be to die for America, is a sacred duty, the performance of which will best serve the cause of human liberty in every land beneath the sun. Sir, I shall follow his advice. If my own judgment differed from his, I should distrust it, and feel inclined rather to be governed by the suggestions of him whom all men of every party have agreed to name patriot, statesman, sage.

Mr. President, I have nearly done. It is my habit to compress what I have to say into as small a space as possible, and I have not departed from it on the present occasion. If I have ever studied words at all, it has only been to ascertain how few could be made to answer my purpose. There is one great rule of conduct, applicable alike to individuals and to nations, a stern and rigid adherence to which leads inevitably to power, prosperity, and happiness. That rule has been so well imbodied by England's greatest poet, that I give it in his own words:

"And this above all, to thine ownself be true,
And it will follow, as the night the day,
Thou canst not then be false to any man."

GRANT OF LAND TO MISSOURI.

SPEECH OF HON. J. G. MILLER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

THURSDAY, *February* 19, 1852.

The House having taken up for consideration the bill granting to the State of Missouri the right of way and a portion of the public domain to aid in the construction of certain railroads therein—

Mr. MILLER said: Mr. Speaker, before the vote is taken upon the motion which has been made by the honorable gentleman from Tennessee, [Mr. JONES,] to refer the bill, which was reported by the chairman of the Committee on Public Lands, [Mr. HALL,] my colleague, together with the amendments which have been offered to that bill, I desire to submit a few remarks to the House. I am fully aware that the subject of the disposition of the public lands has been ably discussed by some of our wisest statesmen; and they have shed upon it the bright light of their own brilliant intellects. They have so clearly pointed out the true policy of this Government with regard to granting lands to the States for internal improvements through our public domain, that but little is left for me to say. But, sir, while this subject may be wanting in novelty to attract and secure the attention of this House, we have attained far more in the entire and complete success of a no longer doubtful experiment. The wisdom of the policy has been pointed out and fully established by the grants of public lands heretofore made for works of this character. Since the first acquisition of territory by this Government, down to the present day, the question of the disposition of the public lands has elicited much debate in the halls of Congress—debate in which the strongest intellects have met in fierce conflict—debate in which many a polished shaft has been shivered, but by which a brighter page has been added to the political history of our country. Such, sir, was the debate—without referring to others—in the other end of this Capitol in the year 1830, upon the celebrated resolutions of Mr. Foot.

But while this subject has been thus discussed, while men and statesmen have differed upon the best disposition which should be made of these lands, I believe there has been a very general concurrence of sentiment among men of all parties, and from every section of the nation, in regard to this policy of appropriating or granting the public lands for works of internal improvement, in opening roads and cutting canals through the public domain.

I here beg leave, before passing to the merits of this bill, to state, that though my own State, Missouri, has been somewhat tardy in the commencement of these great works of internal improvement, she has never involved her credit; she has never surrounded herself with embarrassments and difficulties by engaging in wild schemes of internal improvement. And she does not now come to you to ask as a charity your aid in the construction of a work of local interest; but she comes to you with a consciousness of the justice of her claim for a great national work, in which every section of the nation is interested. She comes to you and asks that that justice which you have meted out to others, may be awarded to her.

Mr. Speaker, this bill, which I presume has been laid upon the table of every member of the House, proposes a grant of lands to two roads within the limits of the State of Missouri. One of these roads commences at the city of Hannibal, upon the Mississippi river, about one hundred and thirty miles above the great city of St. Louis, and near to the city of Quincy, in the State of Illinois. From that point the road has been surveyed to the city of St. Joseph, upon the Missouri river, about five hundred or five hundred and fifty miles above the city of St. Louis. It will be seen from this statement, that this road is intended to connect the upper waters of the Missouri river with the better navigable stream of the upper Mississippi. This road, by actual survey upon a straight line, is one hundred and seventy-eight miles in length, but it may be found, upon the location of the road, to be about two hundred miles in length. It will be found, further, if gentlemen will take the trouble to refer to the map of the United States, that this road is upon the parallel of latitude which embraces the capitals of some of the States east of Missouri. It is near the latitude of Springfield, Indianapolis, Columbus, and of Philadelphia; and by the continuation of the road from the city of Quincy, which I understand is already in process of construction, this road will connect with the road at Columbus, in the State of Ohio, thence connecting with the road to Pittsburg, thence with the road to Cleveland, and thence on to the great city of New York.

The other road commences at the city of St. Louis, a point one hundred and thirty miles south from the beginning point of the Hannibal road. It will be found, by gentlemen who will refer to the map of the country, that the beginning point of this road is in the same latitude of other great and important cities and towns and in the latitude of other roads which have been completed, or which are in progress of completion. There is already a company incorporated for the construction of a road from Cincinnati to St. Louis; and since I left my home in the West, in November last, a contract has been made by which the road, which is to connect Cincinnati with St. Louis will be completed in five years. Gentlemen who have traveled in the West know how important is that connection with the Eastern States. I understand that it is in contemplation to construct a road from Parkersburg to Cincinnati. This road will be, as the St. Louis road is, upon the parallel of Parkersburg and Baltimore, and connects with the great railroad which terminates at this capital. The other end of the road terminates at the western boundary line of the State of Missouri.

I beg leave, Mr. Speaker, to ask the attention of the House to some important facts in connection with this grant. We do not ask it for roads which have never been commenced—for roads which are barely incorporated, and whose existence can only be known by the act of incorporation. But we ask it for roads which have been commenced—roads which have capitals of millions of dollars, with which to begin the work, and roads which we hope, by the aid of this Government, to be able to complete in five or six years.

The road from Hannibal to the western boundary line of St. Joseph, at the Missouri river, has been incorporated, and a subscription of stock has been taken by private individuals and counties to the amount of $800,000; and at the last session of the Legislature of our State its credit was loaned to that company in the sum of $1,500,000—that credit to be made available by the bonds of the State, to be issued in sums amounting to $50,000, to be paid out to the company as the road progresses; making, therefore, a present available capital to that company, with which to begin the work, of near $2,500,000. On the 3d of November last the work was commenced, and the first spadeful of earth was thrown up by the president of that road. The other road—the road commencing at the city of St. Louis—has made greater progress than the Hannibal road. It was commenced on the fourth of July last. It has a capital, as I am informed by the secretary of the Board of Directors, amounting to $1,552,200 by private subscription and the subscription of the city of St. Louis and the counties upon the line of the road. It has also the credit of the State, in the shape of its bonds, for $1,500,000, with the understanding that when individual subscription shall have raised the amount of stock to $2,000,000, the bonds of the State to a like amount shall be issued by the Governor of the State, making an available capital of $4,000,000 with which to commence the work. Near forty miles of the work is under contract, and I have been advised, since I have been in the city, by the secretary of the Board of Directors, that by the 4th of July next cars will be running upon that road, and that by the 1st of January, 1853, the whole forty miles will be completed. The length of that road is about two hundred and eighty miles in a direct line; but as I remarked with regard to the other road, the engineer upon that road reports it will be about three hundred miles in length, according to the survey of the route, at a cost of $20,000 per mile, making the aggregate cost of the road to put it in condition for running cars upon it, $6,000,000; and of that amount we have an available capital of $4,000,000, or two thirds of the whole sum. And now Missouri comes to this House, to this Congress, and asks that a portion of that great domain which lies within the limits of the State of Missouri—of that domain which is to be benefited, as I hope to be able to show by the construction of these roads, shall be granted to aid us in the construction of these great works of improvement. The territorial possessions of this Government, embracing the lands ceded by some of the old States, the lands acquired by the purchase of Louisiana and Florida, and by the treaty of Guadalupe Hidalgo, constitute a domain such as has fallen to no other Government or people of ancient or modern times. But here, sir, I speak not alone of the vastness of its extent, but I speak of the fertility and exuberance of its soil; I speak of the salubrity of its climate; I speak of the richness, the variety, and extent of its mineral productions; I speak of the great length of its rivers, as indicating the vast extent of that domain—a domain which embraces an area of 1,584,000,000 of acres, as appears by the report of the Commissioner of the General Land Office. And out of this 1,584,000,000 of acres, there has only been sold by this Government the amount of 146,000,000 of acres, leaving of consequence more than 1,400,000,000 of acres still the property of this Government. I know that gentlemen of the Eastern States who have never visited the great valley of the Mississippi, can, by looking at the map before them, form a very inadequate conception of the vastness of the extent of that mighty valley.

I remember an anecdote, which is related by a very distinguished divine in the State of Kentucky, I believe a very near relative of an honorable member upon this floor, which is illustrative of the idea I have advanced. That gentleman traveled a few years ago over the continent of Europe and through England; and while passing through the latter country, he was thrown into a coach with an Englishman, who was descanting largely upon the mighty resources of his sea-bound isle, of the vast extent of his rivers, and of the great advantages and facilities which they enjoyed for inland navigation. The reverend gentleman listened to him for a while, as you may well suppose, with a smile mantling his cheek; and after John Bull had exhausted all his eulogies upon his own land, the reverend gentleman told him of the length of the Ohio; he told him of the length of the mighty Mississippi; of the length of the turbid Missouri; and he told him that these were the stems of mighty rivers with branches larger than all the streams of England. And, as you may suppose, the eyes and mouth of John Bull indicated his hesitation to believe the story which was told by the American gentleman; and, as the gentleman says, he believed that he was attempting to quiz him with a Munchausen story, and actually cut his acquaintanee. I know that gentlemen from the East, who look upon the map of the country, cannot realize what it is—what that valley possesses—what it contains—until they have measured it by trips upon our steamboats from the city of Pittsburg to the great city of New Orleans, a distance of more than two thousand miles. Then, sir, let them ascend that noble river to the mouth of the Missouri, more than twelve hundred miles; and then let them, if you please, go eight hundred miles further, to Council Bluffs; and then let them ascend on and on for twelve hundred miles further, until they reach the mouth of the Yellow Stone. Then only can gentlemen appreciate the vast extent of the domain belonging to this Government.

Perhaps, Mr. Speaker, the conceptions of northern gentlemen who have never visited the West, with regard to its extent, will be rendered more distinct by a comparison of the area of one State of the number of those which fill up that great valley. Take, if you please, my own State, Missouri, and compare her area and extent with the six New England States:

Area of square miles in Missouri.....	67,380
Maine.....	35,000
Vermont.....	8,000
New Hampshire.....	8,030
Massachusetts.....	7,250
Rhode Island.....	1,200
Connecticut.....	4,750
	64,230
Excess in Missouri over New England of	3,150

Almost enough left to make another State as large as Connecticut, and more than enough for two like Rhode Island.

Well, Mr. Speaker, gentlemen may ask, what of this? I ask gentlemen, who say that there is a disposition to squander the public lands, to look at this fact in connection with another. Here we have a domain of more than 1,400,000,000 of acres, of which there have not been more than 146,000,000 of acres sold. And how much, think you, Mr. Speaker, of all this vast domain has been granted to the new States for works of internal improvement? I gather the facts from the report of the Commissioner of the General Land Office of 1849; and of this vast amount of the public domain, owned by this Government, of more than 1,400,000,000 of acres, only 11,061,859 acres have been donated to the States in the Mississippi valley for works of internal improvement. And how does the matter stand as between those States who have been the recipients of this bounty? Illinois has received 2,746,000 acres, Ohio 1,243,000 acres, Indiana 1,609,861 acres, Mississippi 1,049,120 acres, and Alabama 730,000 acres; the younger sister, Iowa, has received 825,078 acres, and Wisconsin 858,400 acres, while the other States of Missouri, Louisiana, Michigan, and Florida, have each received but 500,000 acres. I hope that Western gentlemen will not imitate the example of one of the honorable members from the State of Ohio, [Mr. SWEETSER,] who addressed the committee of this House at an early period of the session—a gentleman who represents one of the older sisters of the new States—a State which has received more than a million of acres, and which has but little of the public domain left in her boundaries; and yet that gentleman appeals to the House to do justice to the older States by dividing the land equally among all. However well this may come from gentlemen of the older States, it comes with a bad grace from the Representative of a State which has received more than double the amount that some of her younger sisters have received—which has received it for the purpose of internal improvement, and after these younger States have aided her in procuring the grant. I am happy to know that it is not the spirit of gentlemen of the West, and I hope it is not the spirit of gentlemen from the East.

I have spoken, Mr. Speaker, somewhat of the vastness of the extent of the Mississippi Valley. Let me come down to a point in which I feel deeper interest, and speak of the vastness of the extent of my own State, as one of the number in that great valley, and of the little that has been done for her by this Government.

Look at Missouri; she has been for thirty years a member of this Confederacy, and during that period has received but 500,000 acres of land for works of internal improvement; and yet, what is the amount of land within her limits? More than 43,000,000 of acres, of which there has been sold only about 12,000,000 or 13,000,000 of acres, leaving near 30,000,000 of acres unsold within her borders. I ask you to compare it, gentlemen from New York, with your own State. Here we have a public domain within the limits of our State amounting to more than 29,000,000 of acres which does not yield one cent of revenue to our State government—an area almost equal to the whole State of New York, which has but 29,400,000 acres of land. I ask you, gentlemen of New York—I ask you, gentlemen of Pennsylvania, how can you expect us, when there is less than 12,000,000 of acres of land in our State subject to taxation, and more than 29,000,000 of acres which is not subject to taxation—an amount greater in area than the whole of your State—to make such works as are projected and commenced, and such as are needed, through the public domain? You may be prepared to ask me, why we do not follow the example of New York and Pennsylvania, and make these works, if needed, out of our own resources? I answer the interrogatory thus: You have no public domain not subject to taxation, but every acre of land within your States, I presume, may be made tributary to every road projected within your limits. Not so with Missouri. She has but 12,000,000 of acres subject to taxation, while there are 29,000,000 of acres which she cannot touch, because it is the property of the General Government. Can you expect us, under such disadvantageous circumstances, to make roads through the domain, when we have but 12,000,000 of acres out of 43,000,000 which yield us any revenue?

I beg gentlemen to remember this further fact, that every State and county road in the limits of Missouri has been made by the citizens of our State. They have marked out and surveyed not only the roads which pass before their own doors and through their farms, but those across those vast, untenanted, and uninhabited prairies of the West, and where the wilderness intervenes they have cut them, I might say, almost unaided by the General Government, from which we have only received, under the compact between Missouri and the General Government, three per cent of the net proceeds of the sales of lands, within the limits of the State of Missouri—three per cent. of the net proceeds upon the sale of 12,000,000 of acres. All our roads have been opened—all our bridges have been erected, and yet the General Government has never contributed anything save the three per cent., which I have mentioned, and the 500,000 acres of land which were donated a few years since.

I beg, in this connection, to quote from a speech of one of South Carolina's most gifted sons, in a debate in the Senate of the United States, which for loftiness of eloquence, for strength of argument, and pungency of satire, has never been surpassed in the British Parliament in the days of Fox, of Pitt, and of Burke. I beg leave to read the extract, in connection with the remarks which I am now making:

"I can easily conceive that it may be extremely inconvenient, nay, highly injurious to a State to have immense bodies of lands within her chartered limits, locked up from sale and settlement, withdrawn from the power of taxation, and contributing in no respect to her wealth or prosperity."

I ask, does not this state of things actually existing in the State of Missouri, present strong claims upon the Government for the adoption of a liberal policy towards that State? We claim as an act of justice to us the aid of this Government in constructing these roads over vast tracts of the public domain, which are locked up from sale, and which yield to Missouri no revenue. Without a grant from the General Government, the great proprietor, who is to be so greatly benefited by the construction of these roads, we cannot complete them. We have not in the interior of our State many large capitalists, retired gentlemen whose fortunes are made, and who are anxiously seeking investments, but, sir, we have a hardy, enterprising people, men of small fortunes, who are dependent upon the incomes from their flocks and herds, and the produce of their fields, for the support of their families. These are not the men who can be expected to build up these roads, which pass over such vast extent of wild lands belonging to the General Government; although, sir, they have stepped forward and, with a liberality which does them honor, have aided in pushing on these great works. I have said this was no new experiment of doubtful policy, but that it is one which has been tested, and comes to us with the force of complete success. Here I beg leave to refer to some facts in the legislation of the country which bear me out in the assertion I have made. The first grant made by this Government was in 1823, to the State of Ohio, for the construction of a road from the lower rapids of the Miami river to the western boundary of the Connecticut Western Reserve—a grant of one hundred and twenty feet wide for the road, and one mile on each side, to aid in its construction. Next, the grant of forty-nine sections to Ohio, in 1828, to aid the Sandusky and Columbus Turnpike Company in making a road. In 1828, I believe, if I am not mistaken, the first grant was made in which the alternate sections reserved to the Government were sold at the price of $2·50 per acre, and this is in the grant to Ohio for extending the Miami canal from Dayton to Lake Erie. So in 1828, a grant was made to a company in Florida of every alternate section of land for the construction of a road from Tallahassee to St. Marks.

The bill which has been reported by the chairman of the Committee on Public Lands provides for a grant of every alternate section of land—I believe even sections—about the width of six miles on each side, and running the length of these two roads. The bill also provides that the alternate sections which have been reserved to the United States shall be sold at not less than $2 50 per acre. I desire here to answer an objection urged by some gentlemen, and that is, that as the old States are equally interested in the public lands with the new, that therefore these grants should not be made to the new States, unless similar grants are made to them. Let us examine this objection, and see whether or not the old States are benefited by grants such as are proposed by this bill. Under the present system the lands are offered in market for sale at a fixed price. The Government is the proprietor, and holds the land for the ultimate benefit of all the States; but so long as they remain unsold, they are of no profit to any of the States, and are a dead weight upon the States within which they lie, for they are not subject to taxation, and consequently yield no revenue to the States; they do not sell, and consequently yield nothing to the General Government. In this condition of things one of the States proposes to the Government, that if its aid is extended in the construction of a railroad by a grant of a part of this unsaleable land, that she will construct a road that will at once give value to these refuse lands. The proposition goes further; it is, that the refuse lands will not only be made available, but that those lands which before would not sell for $1 25 per acre, shall be advanced to $2 50 per acre. The State also proposes that she will transport all the troops, all the munitions of war, and all the supplies for your Army, all the annuities for your Indian tribes, over the road she proposes to make, without one cent of cost to the Government. And further than this, the State proposes that she will carry the United States mail over the road for whatever sum Congress may agree to pay for this service. Now, sir, let me ask gentlemen of the old States whether, as landholders, they are not greatly gainers by the grant? It is at least certain that they lose nothing.

There is one fact, which I think the history of the settlement of the western States fully sustains; and that is, that those lands are always most eagerly sought for, where there is not too great disparity in the fertility of the soil, which are contiguous to our great navigable streams. The reason is obvious: it is because of the facilities which those streams afford for the transportation of produce; and the emigrant will often select inferior lands near to those great thoroughfares, in preference to those of more beauty and greater fertility, but which are more remote. Hence, the refuse lands are most usually found in the interior parts of the State, remote from the navigable streams.

It will be found by a reference to the facts to which I will call the attention of this House, that they fully prove and sustain the position I have taken. In thirty-two counties lying upon the Missouri and Mississippi rivers, as is shown by the late census report, there are 1,762,222 acres of improved land, while in the other sixty-eight counties of the State—almost double the number—there are 1,149,200 acres of improved land, making 613,000 acres less of improved land in sixty-eight counties remote from the Missouri and Mississippi rivers, than in the thirty-two counties which lie upon those streams. Now, I presume this state of facts will be found to exist in every State of the West. Those lands are first sought after which lie upon the great rivers. I ask you, if you make a canal—if you make a road or highway where nature has furnished no advantages, will not the result be inevitably the same, and the land upon the line of those roads and canals be as eagerly sought after, as lands lying upon the Missouri and Mississippi rivers?

I beg leave to refer to some other statistics which I have gathered from the report of the Superintendent of the Census. While Missouri is only the thirteenth State in point of population, and the fourteenth in quantity of improved land, she is the tenth State in value of live stock, the eighth in value of manufactures, the sixth State in quantity of corn, the fifth in the number of pounds of tobacco. She is the second State in the production of dew-rotted hemp, and the first State in the Union in the production of water-rotted hemp. The fact to which I desire to call the attention of the House, and prove the position I have assumed, is, that where there are thoroughfares and highways opened, either by nature or by art, the lands will be in greater demand, and people will select

and settle upon them. Take the case of the article of tobacco. The whole amount of tobacco raised in the State of Missouri in 1850 was a little upwards of seventeen millions of pounds, and of this amount, more than twelve millions was raised in twenty counties upon the Missouri and Mississippi rivers. Out of one hundred counties twenty counties produced more than two thirds of the whole amount of this great staple. And why? Not because those lands upon the Missouri and Mississippi are better adapted to the growth of this article, but because of the want of facilities for transportation of the article from the interior counties of the State to our great rivers.

Take another article—that of dew-rotted hemp, one of the great staples of that State, and that in which Missouri stands second of all the States in the Union. In the one hundred counties comprising the whole number of counties, there is produced a little over seventeen thousand tons. Of this quantity there are fifteen thousand five hundred tons produced in twenty counties upon the Missouri and Mississippi rivers, while in eighty counties off those rivers there are but one thousand five hundred tons produced. I appeal to gentlemen upon this floor, and ask them, what would have been the effect in the extension of trade and commerce of the West, had thoroughfares been opened through these counties in the interior part of my State, and had they possessed the same facilities for transportation of produce as the counties lying upon the Missouri and Mississippi rivers? I ask you, how vastly would this amount of trade and commerce have been augmented. The whole amount of commerce floated upon our western rivers for the year 1850 has been estimated at $220,000,000—nearly double our foreign commerce. With the foregoing facts in relation to the amounts of production in my own State in counties lying upon the Missouri and Mississippi rivers, what, I may ask, would have been the vastly-increased amount of that commerce, had the great railroads of the West which have been projected and in process of construction, been completed?

I see that my time is rapidly passing away, and I must hurry over many points which I would be glad, under other circumstances, to present to this House, were I not limited by the rules. Here I might pause, and ask my friends around me from the thirteen old States of the Union, whether they will not step forward and aid their younger sister in the development of her vast and inexhaustible resources? The West has aided you in appropriations for light-houses, beacons, fortifications, &c., which, aside from the great advantage to the commerce of those States, afford an additional advantage to those sections of the nation wherein they are expended, by the circulation of large sums of money, amounting to many millions, among the people of those districts of country. The new States do not reap the direct advantages and blessings of such appropriations and expenditures, and it is alone by grants or appropriations of land for internal improvement that Congress can equalize the public benefits of the country; yet the West does not support the appropriations for your Atlantic seaboard grudgingly, but, as a part of this great Union, interested in the prosperity of every other, she lends it her cordial support. I may say that it is our produce that enters into the commerce which swells the sails of your merchant vessels.

Gentlemen may ask, what advantage will these roads be to the Eastern States and to the commercial marine of those States which lie upon our eastern seaboard? I ask you, gentlemen, what it is that contributes to your commercial marine? Is it not the productions of our soil—our hemp, our tobacco, and other products of the West and South, together with the manufactures of your own workshops? Do you not, as you increase the facilities for the transportation of produce from the West, increase the commercial business of the East, and swell the commerce of your country, inland and abroad? As well, sir, might you expect that noble bird which is represented above you, to spread its wings for flight when the barbed arrow has drawn the life's blood from its body, as to see the white sails of your merchantmen expanded for foreign ports unless their ample and capacious holds are filled with the productions of the soil, or with the manufactures of your own workshops. These products and manufactures form the life-blood of your trade and commerce, and these great railways are the arteries which convey it with healthful bound to the extremities. If, then, you would extend your commerce and swell the amount of trade with foreign countries, extend to us the aid we ask in increasing our facilities for the transportation of our produce to your Eastern markets. We are connected with the South by those great rivers of which I have spoken, at least so far as the counties are concerned which lie upon those highways. But there are interior counties in our State which are denied the great advantages of inter-communication with the Southern States, because of the want of facilities for the transportation of produce from the homes of the farmers to the Mississippi or Missouri river.

Again, sir, I would ask, are not gentlemen of the manufacturing districts of our country interested in extending the productions of their workshops in the great valley of the Mississippi? Let them, then, sir, aid us by the extension of their own railroads into our country, for our roads would be, when made, but links in that great chain of roads which commence in the Eastern States and penetrate the valley of the Mississippi. Already, sir, is there a continuous line of road from Pittsburg to Cincinnati, and the great roads of New York will soon be in connection with the Cincinnati and Cleveland road; and since I left Missouri, in November last, a contract has been consummated for the completion of the road from Cincinnati to St. Louis. Why stop there? Why shall your iron horse be checked in his career at the great Father of Waters? Let him stop, if you please, to slake his thirst in that noble stream, and then bound away, with swift and clattering foot, over our mountains of iron, our hills of coal, and our broad and beautiful prairies. Let him bring to us the manufactures of your work-shops, the beautiful fabrics of your looms for our wives and daughters, with all the varied forms of mechanism which your ingenuity has invented and your skill perfected. Let him bear yours to us, and we will return to you the rich produce of our fields—our hemp, our corn, our tobacco, whatever our soil produces or our mines will yield.

Have Eastern gentlemen no interest in all these things? Are they not interested in extending the demand and widening the market for their own fabrics, and increasing the supply of their wants? Every link which is added to the great chain of roads extending from the Atlantic States westward adds to the trade and commerce of those States.

Why, gentlemen, will you stop us? Do you say that the Mississippi shall bound the limits of your road, and that Missouri, Arkansas, Louisiana, and Mississippi shall not be penetrated by your railroads? In what have we sinned, that we are not entitled to the same justice which has been meted out to other States, possessing, as we believe, no higher claim than we do?

I beg leave to call the attention of gentlemen from New York to a remark which was made by a distinguished statesman of that State more than twenty years ago, and it is a remark which the subsequent history of this country and the experience of the last ten years fully bears out as that of a far-sighted statesman. His remark was, that "every link which is added to the great chain of 'roads extending from the Atlantic States west-'ward, adds to the trade and commerce of those 'States, and that there could not be any improve-'ment, however magnificent or however small, 'whether a canal or a Macadamized road, con-'structed in every State, north or south, east or 'west, which the State of New York would not 'feel the benefit of." I ask the gentlemen from New York, has not the experience of the last ten years verified and sustained what was said by this distinguished man of your State more than twenty years ago? And will you, with the experience of the past before your eyes, when we come to you for a pittance like this—will you say that these railroads and means of communication shall not cross the Mississippi river?

But I will pass on to another branch of this subject, and notice another objection which has been made by gentlemen who yield a reluctant support to these grants. The objection is this: The Government of the United States, it is said, is not a proprietor holding the soil and obtaining enhanced prices by reason of improvements growing out of settlement and population; it asks but one price from the beginning to the end of the transaction, and that price does but little more than cover the expense of the management and sale of the lands. It is true that the Government does not ask an advanced price for its lands; but is it not virtually an enhancement of the price, if lands which have been in the market for years, when a railroad is projected through them, are sold for $2 50 an acre, or even for $1 25? Is it not, in other words, making that available which before was totally unavailable to this Government for revenue, and unavailable to the State for the same purpose?

But it is said that the price of these lands does but little more than pay the expenses of management and sale. Why is this? I ask you, gentlemen, to reflect on these facts, and you have the answer to the question. Why is it that these lands do not defray the expenses of management and sale? Because you have to keep open land offices, as you have done in Missouri for the last thirty years, as long as the lands in the State are unsaleable and unavailable. But if you project railroads through those lands they will command a sale, and your land offices may be shut, and your registers and receivers may be dismissed, and this vast expense saved to the Government.

But I pass to another part of the subject. I desire gentlemen upon this floor to remember, that while one end of these railroads unites with the great highways which have been projected from the Atlantic seaboard, have penetrated the Alleghanies, and are now traversing the Valley of the Mississippi, the other end of both of these roads rests upon your frontier immediately adjoining your Indian possessions. I beg you to remember the policy of this Government in planting those Indian tribes upon our western frontier. They are scattered along opposite Missouri, Arkansas, and Iowa. It has been your policy to place them there; but in the progress of the age and of this Government, the position of the Indian has become like that of the "Scorpion girt by fire." He sees the white man is east of him and at his heels—that he has bounded away beyond him, and now busy thousands tread the shores of the Pacific west of him. He sees his hunting-ground invaded by the white man. He sees that the elk, the antelope, and the buffalo, are fast receding from his prairies. And let us prepare, lest at some moment when we least expect it, the war-whoop may be ringing in our ears, and these Indian tribes, goaded to madness, may come upon us, upon our defenceless frontier, and compel our hardy frontiermen to defend with their rifles their firesides and homes from attack. As it was deemed the wisest policy to plant these tribes upon the frontier west of the Mississippi, is it not the policy of the Goveanment to prepare for defence against any irruption of those tribes, when it can be done, without the necessity of garrisoning large bodies of troops upon our western borders?

Mr. Speaker, this Government has heretofore annually expended large sums of money for the transportation of supplies for Indians, and for our troops. By the treaty with Mexico, it is our duty to protect her from the depredations of the Indians within our own borders, and by the acquisition of California and New Mexico, troops have been required along the routes to those possessions west of the Missouri. Since we are forming new treaties with the wild Indian tribes of the plains and mountains west of us, of course, the amount of property of the Government in supplies, annuities, and munitions of war, must be increased, and with that an increase of expenditure. But, sir, aid in constructing those roads, and that expenditure will be saved. Again, sir, much will be gained to the Government in the entire security with which that property may be transported. Heretofore those supplies have been carried up the Missouri river at a heavy cost to the Government, and with great peril and hazard of total loss, from the dangers of navigation in that turbid stream.

Mr. Speaker, I find I have but a few minutes of my time left, and therefore will hasten to a conclusion. It has been said, and I think truthfully, by one of our modern historians, that of all inventions, the printing press and alphabet alone excepted, those inventions which abridge distances

have done most for the civilization of our species. Every improvement of the means of locomotion benefits mankind morally and intellectually, as well as materially, and not only facilitates the interchange of the various productions of nature and art, but tends to remove national and provincial antipathies, and to bind together all the branches of the human family.

Sir, these advantages are not to be lightly esteemed by a people or a Government occupying so wide an extent of country as ours, and where sectional interests too often engender prejudices that lead to alienation of feeling among those who should dwell together with fraternal affection, sympathize with each other in sorrow, and rejoice with each other in prosperity.

We all know, sir, how great were the fears entertained by many of our best citizens and most enlightened and purest statesmen, lest the acquisition of additional territory and the extension of our limits should result in the dismemberment of our glorious Union, and that it would fall to pieces from its own weight. But, sir, there is much to relieve those fears and gloomy forebodings of ill. The invention of the steam-engine, and its application, as a motive power, upon the oceans, upon our rivers and lakes, and the great highways which we are opening through our mountains and hills, and which are traversing our beautiful savannahs and broad and fertile prairies, and over which the car of commerce, freighted with the richest productions of our fields and workshops, is carried with a velocity which outstrips the wind by the iron horse, whose foot never wearies and whose strength never fails. This invention has contributed much to dissipate those fears and strengthen our hopes. By this wonderful discovery, (for truly, sir, it seems that the steam-engine will never cease to be a wonder,) distance is annihilated; the East and the West are brought together, and we trust that under its happy influence the North and South will soon interchange, daily, those civilities which sweeten life and give it half its charms. But, sir, wonderful as are the results of the steam-engine, and happy as are its influences socially and politically, and however great its tendency to strengthen the bonds of our Union, another, if not greater discovery, exists, of more recent date, which promotes fraternal feeling, and thereby strengthens our hopes of the perpetuity of our free institutions. I refer to that beautiful invention by which the winged lightnings are made to obey our behests, and as faithful news-boys, daily and hourly to traverse their wiry track with messages of love, friendship, and affection from those who dwell upon the Atlantic to their brethren upon the western borders of Missouri.

The advantages resulting from associations and social intercourse, are happily illustrated in my own State. There we have the enterprising men of New England, bringing with them the habits and customs peculiar to the land of steady habits. There, the chivalrous and generous sons of Virginia, North Carolina, Tennessee, and other Southern States. There, the frugal, upright and industrious Pennsylvanian, each bringing with him his provincialism, and other peculiarities of his native State. These are settled over our State in the neighborhood of our own hardy and warm-hearted pioneers. At first, it may be, there is some formality in the first efforts and advances towards social intercourse, but by degrees, preëxisting prejudices are worn off, many amiable and noble traits are now discovered, attachments are formed between families, all the offices of friendship and good neighborhood are performed with cheerfulness. The sons of New England lead to the altar the lovely daughters of the South; over all are thrown the ties of friendship and love, which bind us together in harmony, and while each looks back with fond delight to the home of his childhood—the one to the granite hills of his beloved New England, and the other to the verdant plains of the sunny South, yet here is their home, here they dwell in peace, lovers of the Union, attached to the institutions of their country, and ready in a moment to strike down the parricidal arm that would seek to destroy the fair fabric which their fathers have reared, and which shelters and protects them. Extend, then, sir, your railroads; let them penetrate every State, thereby promote social intercourse, and bind together more closely the interests of our people; and though our territory extends from sea to sea, though States be multiplied until an hundred stars shall form the bright constellation, whose cheering light streams upon many a land, the hope of the oppressed and downtrodden who are struggling for freedom and independence, and the dread of tyrants who would quench that light and extinguish it forever,—yet, sir, this glorious Union would stand, a blessing to us, and a bright example to others. Let it be your policy to grant lands for works of improvement like ours. Let the Government pursue the even tenor of its way, content to secure the happiness of its people by wholesome laws wisely administered, holding out to every nation its own success, and the happiness and prosperity of its own people as a beacon-light, forming entangling alliances with none, but sympathizing with all in their struggles for freedom and independence, and it will have done more for the cause of free institutions than could be accomplished by the power of your Army and your Navy.

GRANT OF LAND TO TENNESSEE.

SPEECH OF HON. A. G. WATKINS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

WEDNESDAY, *February* 18, 1852.

The House having under consideration the bill granting to the State of Missouri the right of way and a portion of the public domain to aid in the construction of railroads therein—

Mr. WATKINS said:

At no time during the last or the present Congress have I either felt or evinced a disposition to trespass upon the time or indulgence of the House or committee; being content with a position by which I could discharge my duty to my constituency, my country, and myself, by performing at all times, and under every circumstance, my just proportion of the drudgery of legislation. I have not sought to gain prominence by much speaking. I have not, therefore, thought proper to trouble the House with my peculiar opinions, except upon questions of policy, relating directly to the interests of those whom I have the honor to represent upon this floor. Having been assigned a place by the organ of this body upon the Committee on Public Lands, and having had, since a very early period in the session, a bill before that committee, embracing propositions in which are involved principles and interests highly cherished, not only by a large portion of my immediate constituency, but either proximately or remotely by the citizens of the whole State of Tennessee, I feel that I would not be faultless were I to allow this subject to pass out of the hands of the committee without defining my position. Entertaining opinions in reference to the legislation of Congress upon the policy of disposing of the public lands at variance with a majority of the committee of which I have the honor to be an humble member, I regard my duty upon this occasion as being definitivly assigned me by that circumstance. I shall not occupy the time of the House by discussing in detail the relative and comparative advantages to my constituents, to the State of Tennessee, or to the United States, of the construction of the roads for the advancement of which this bill was introduced. These preliminary questions have all been discussed ably, fully, and efficiently, by persons competent every way to the task, in the States of Tennessee and Virginia, and the policy and practicability of their construction, and the vast advantages resulting therefrom to the States through which they pass and contiguous thereto—to the great works with which they connect, and to the Government of the United States, so clearly defined as to make any effort of mine touching these points a work of supererogation. Nor shall I, for similar reasons, undertake to review the comprehensive and scientific reports of the chief engineers engaged in the different divisions of this work, in which they have so lucidly and so satisfactorily demonstrated and illustrated, not only the practicability, but the paramount and proximate utility, of the whole work, local and general, State and National. I should regard any effort of mine, or of any other friend of this bill, in a discussion of the policy of constructing works of this class generally, and of this work particularly, as implying a failure on the part of those who have for years been so prominently, so energetically, and so successfully connected with, officially and otherwise, this great work, to present its claims appropriately to the consideration of this body and to the whole country,—an implication, sir, the fallacy and disingenuousness of which could not escape the criticism or reprehension of any one at all conversant with the history of the improvement. I shall not, therefore, attempt a repetition of anything that has been said or done in the origin and progress of the road up to this point—all of which has been much more ably and appropriately presented to the American people, and to the American Congress, than anything I could say in its favor, however much I may desire to advance its interests. My object is to present my views as a member of the Committee on Public Lands to this House, in regard to the propriety of disposing of the lands belonging to the United States, upon such terms and conditions as to embrace this bill—the bills that are pending from the States in which the lands lie asking for the right of way and alternate sections—and also a corresponding grant to all the States in which there are no public lands to such works as are obviously of national character and importance. It is for this purpose, as well as to give my views of the policy of legislating upon the subject of public lands as a system in connection with these magnificent improvements, and also in reference to certain benevolent, patriotic, and meritorious objects and purposes, to which I think they might be safely, wisely, and appropriately applied, without any detriment to the Government or the people—without any violation of the Constitution of the United States, or any expressed or implied faith or integrity of the American Congress, either with the States, the people, or the Federal Government, that I have at this time sought and obtained the floor. The course of legislation upon this subject in the last Congress, and the indications thus far in the present Congress, cannot fail to impress every gentleman who has given any attention to the subject, with the belief that they cannot much longer be looked to as a source of revenue to the Government, under the present system. And, sir, if the official reports of those intrusted with the management of this branch of the revenue approach accuracy, they ought not. By this I mean, if the legislation of the last and previous Congresses, to say nothing of the present, placed the period as far distant as is supposed, or assumed, at which any considerable amount of revenue is to be derived to the Treasury, a new and a different policy ought to be adopted.

If it is true, as assumed by the Secretary of the Treasury, that in view of the great amount of lands that will be taken up by the location of the land warrants granted to soldiers under the various acts of Congress upon that subject, the public lands cannot be looked to for the next sixteen years as a source of revenue, I am for abandoning the old system. And, sir, whether this be so or not, if it be true, as I believe it is, that the major part of the lands that can be disposed of for the benefit of the Government, or for a replenishment of the Treasury, for a series of years to come, is to be absorbed by the pensioned officers employed in that branch of the Government service, I am for adopting such a system as will dispose of the whole domain at the shortest notice. And whether either of these assumed facts be true or not—if it is true, as no doubt it is, as shown by the recent report of the Secretary of the Treasury, that there is a surplus of some ten or twelve millions of dollars in the Treasury, showing most conclusively the ability of the Government, economically administered, in view of her vast and inexhaustible resources developed already, and daily being more largely developed, in every portion of the country and in every department of the Government, to defray all her expenses, ordinary and extraordinary, under our wise ond systematically-devised revenue system, which, no doubt, can itself be improved and rendered more efficient—then I am in favor of making such distribution of the public lands among the different States for purposes of internal improvements, and among the citizens of the United States, in the shape of home-

steads and for educational purposes, if there be a sufficiency, as will redound most to the happiness and prosperity of her citizens, to her institutions of learning, and to her works of internal improvement that are most clearly and emphatically of the highest national character and importance. Whether either one or all of the foregoing assumptions be true, if it still be true—and I most sacredly and conscientiously believe it is—that the advantages to be derived to the citizens of the United States, in a moral, political, educational, pecuniary, and, above all, in an independent and agricultural point of view, are coëqual and coëxtensive with the loss to the Government in a revenue point of view—and I am sure it will be tenfold greater—but even then, and in that dire event, I would still go for a distribution such as I have enumerated. But, sir, in the investigation of this subject, by which, after reviewing critically and impartially the whole ground, with all the facts, statistics, and information of every description, direct and collateral, with which I have been able to furnish myself from my official connection with this branch of the political service of the Government, I am doubly confirmed in the belief, long since entertained, that no serious loss or detriment could befall the Government in point of revenue, but that an amount of good would accrue to the country, at no distant period, far superior in value and in ultimate consequences to every hazard and every sacrifice that it could possibly entail upon the Treasury. I am not, however, so enamored of this theory, which may by some be regarded as Utopian, as to go for these appropriations regardless of consequences. I would not support, in debate or by my vote, either one of these measures, however meritorious I might regard it, or the whole of them, as a system, if I thought them either unconstitutional, inexpedient, or impracticable. And, sir, the power of Congress to dispose of the public domain, or to legislate upon the subject, at discretion, is so clearly defined and so generally admitted in theory and enforced by the legislation of the last and prior Congresses, that, except for the sake of bringing the conclusions and evidences upon this assumption in my argument up to the premises, it were almost needless to cite the various authorities in support of it. The Congress of the United States is the law-making power under the Constitution, made so by express declaration of that instrument. The Constitution also declares that no appropriation of money shall be made from the Treasury, except by the action of the law-making power, consequently vesting in Congress the entire, complete, and unreserved control of the Treasury of the United States. This same law-making power has the exclusive control and regulation of the revenue laws of the Government, so as to regulate both the collection and disbursement of the revenues of the Government, under another express grant of power. So that whether it be regarded as revenue of the Government, and by implication construed to be in the Treasury, or merely a part of the means and resources from which revenue is to be drawn to the Treasury, it cannot be disputed that Congress has the sole power to legislate upon the subject, and that it is within her unlimited discretion to dispose of them for revenue, or to appropriate them to any other purpose which she, in the legitimate exercise of her constitutional functions, may deem wise, proper, and expedient. The power given by the Constitution to regulate commerce among the States would apply in this case, particularly to that part of it which proposes to appropriate lands to construct works of internal improvement, as forcibly and appropriately as to any object claimed under that grant in the Constitution. But, sir, exclusive of this, the other express grants of power enumerated are amply sufficient to cover every phase of this whole question. I have no thought, however, that the ability of Congress to legislate upon and dispose of the whole domain upon the abstract question of power under the Constitution, will be seriously questioned by any gentleman upon this floor. And if there be such, and they have been consistent and uniform in opposing all legislation upon this subject, extraneous of that which looks directly to revenue, their efforts and their opposition I can understand and appreciate; for, sir, while I understand that instrument differently, I admire the firmness and applaud the magnanimity of those who, understanding the power not to be conferred, have uniformly opposed its exercise. Many of the arguments upon and evasions of this question, so far as relates to the power of Congress to legislate upon the subject, are most manifestly in conflict with the legislation, not only of the last Congress, but of almost every Congress that has assembled under the Federal Constitution. The members of each Congress are, however, responsible to their own consciences, to the Constitution, and to their constituency, in the premises. But, sir, I do contend that, unless there should be a difference between the views and actions of this Congress in regard to this whole system, as compared with their votes in the last and preceding Congress, affecting directly and vitally the most delicate and intricate points involved in the issue in this contest, there ought to be no conflict of opinion, no delay of action upon any one or all of these bills, so far as the constitutional question is involved. Why, sir, I need not advert to the fact, that in the Twenty-ninth Congress an act was passed by a large majority of that Congress, donating public lands to the soldiers that had served in the Mexican war. In the Thirtieth Congress an act was passed granting bounty lands to the soldiers of the war of 1812, and of the Indian wars since 1790, by an overwhelming majority of that Congress. Upon the final vote upon the passage of the bill, on the yeas and nays, I believe, sir, there were but thirty-two negative votes in this House, composed of two hundred and thirty-odd members. A bill was passed last Congress granting the right of way and making an appropriation of land for the construction of the Mobile and Chicago railroad. Bills have been passed by different Congresses making donations of land to certain humane and educational institutions in the country.

Now, sir, I do not enumerate these legislative enactments to prove the abstract power to exist, for I have referred in a preceding part of my argument, to several provisions of the Constitution itself, in which the power is expressly granted. I have therefore adduced this legislative authority and these official illustrations, to show, in the first place, that the power has been conceded whenever a question has arisen in the legislation of Congress, running back almost to the origin of the Government. And secondly, regarding this chain of high legislative precedents, in which a large portion of the members of the present Congress participated, and doubtless now concur, as authority second only to the Constitution itself, would it not be passing strange should they decide to reject one or all of these propositions, involving precisely the same questions, thereby contravening and negativing what they have time and again declared by their votes to be constitutional. Unless, therefore, there should be a discrepancy between the decision of this Congress and almost every other in which the question has arisen, in view of these high precedents and solemn enactments, all of which have been from time to time not only concurred in by a large majority of those who composed the Congress at which they were passed, but indorsed and ratified by nine tenths of the American people, I am forced to the conclusion, that these bills will ultimately all pass; for, sir, there is no gentleman here that would hold that a grant of land in 1847 to the soldiers of the Mexican war, that a grant of land in 1850 to the officers and soldiers of the late war and Indian wars, or that a grant of land to any of the objects or institutions that I have quoted in my argument, or to the Mobile and Chicago railroad, were constitutional at the time they were made, and that a grant of land now, in 1852, to any one or all of these bills, involving precisely and specifically the same principles, would be unconstitutional. So far as the power is vested it applies equally to an inch or an ell. Having, I trust, maintained conclusively and satisfactorily the first ground assumed, that it is no violation of the Constitution to legislate upon or to dispose of, either in part or in whole, the lands belonging to the Government, as Congress in their discretion may see proper, I proceed to the consideration of the second ground, that it is expedient for Congress to legislate now, in view of the ultimate disposition of any portion, or all, if necessary, of the public domain for the construction of works of internal improvements of a national character, for homesteads to actual settlers, and to educational purposes.

This assumption involves many collateral issues equally pertinent to the proper and just settlement of this question; for, sir, I premise what I hold to be a sound axiom, both in logic and legislation, where the power is presumed to exist, the expediency of an exercise of that power may depend upon many conditions and contingencies, direct and incidental, by which a legislative assembly or an individual legislator may at one time vote for a proposition, and at another vote against it, without rendering him obnoxious to the charge of inconsistency, much less insincerity. I therefore declare it to be my firm conviction, that it is highly proper and expedient to make now, at this session of Congress, liberal appropriations of land to all of these objects; and while I acknowledge myself the unreserved and fearless advocate of each one of them, whether or not I will vote for either one or all of them will depend mainly upon the conditions and contingencies indicated. In short, it will depend upon the fact, as to whether the House is likely to take such action upon the subject as will dispense the benefits of the system as equally and as uniformly among all the States, new and old—among all the people of every portion of the country—East and West, North and South—as circumstances and localities will allow. For, upon this, in my judgment, depends the expediency of the whole question. And should this be carried out in good faith, I contend that it is highly proper and expedient to adopt the system now, and I stand pledged to vote for it. If not, I hold that the legislation would be local and partial, and therefore improper and inexpedient; and I, as an honest and conscientious representative of the people, could not support it.

The ground upon which the majority of the Committee on Public Lands decided the principle upon which they have acted in recommending appropriations of land to certain objects of improvement in the States in which the lands lie, is, that by granting the right of way through the public lands, and by granting alternate sections of the public lands for the construction of railroads to a distance not to exceed fifteen miles on either side, you so enhance the value of the remaining sections by alternation, and the country contiguous thereto, as to advance it in price one hundred to two hundred per cent., thereby, instead of impairing the resources of the Government, making an actual speculation for the Government. Now, sir, I wish the House to bear in mind, that the decision of the Committee on Public Lands sustains, in their broadest terms, two important questions in my plan as advocated in my argument—the constitutional question, and the question of expediency. For, sir, it cannot fail to strike the mind of every gentleman, whether he be the friend or the enemy of this bill, whether he be the friend or enemy of this whole scheme, with the fact, that if a standing committee of this House recognize the authority in the Constitution to go beyond the usual and ordinary course of legislation in disposing of the revenue of the Government, or diverting the means of revenue from its true course, so as to embrace collateral questions looking to ulterior objects, interests, and consequences, they have conceded the whole ground upon which I predicate my argument. And if it be admissible by this indirect legislation, to put in jeopardy the constitutional powers and prerogatives of the Government by appropriating her property to a scheme of speculation dependent upon the laws of supply and demand, and the various other contingencies to which it is incident—the power to dispose of the whole domain at pleasure is thereby recognized. And if it be constitutional to appropriate a portion of the lands in view of these ulterior objects and interests, either to the Government, to the States, or to the people, it certainly cannot be less so to appropriate the whole, upon a plain principle of arithmetical progression, to a much larger class of interests and much greater number of individuals equally meritorious. But, sir, it should be borne in mind, that it is not the mere fact of the location of the road in a sparsely-populated frontier country that directly and of itself enhances at this enormous rate the price of land; but it is the inducement it offers to emigration, settlement,

improvement and cultivation, that enhances the value of land on the line of location. And it is the fact that it opens up a safe, cheap, and speedy avenue to market, upon which the vast amount of the surplus productions of an agricultural community can be transported at fair remunerating profits, that enhances the value of lands in an oldsettled and densely-populated portion of the country.

But, sir, I propose to notice some of the special arguments used by those who are opposed to this bill, and all others of a similar class. It is charged that the General Government ceded to the State of Tennessee all the public lands within her limits, and therefore she should not come in for her equal share in the distribution of these lands, in the event this or some other general system should be adopted. Now, sir, there are certain general reasons, in answer to this objection, which apply to Tennessee, in common with all the States in which there are no public lands, which I may advert to in the course of my argument, should I have time to do so. I shall, for the present, however, review the history of the transaction between the General Government and the State of Tennessee, in reference to the public lands included in the cession act from North Carolina to the State of Tennessee, in 1789.

I have examined this branch of the subject with much care, and I flatter myself that I understand it correctly. The cession act defines the limits of the aforesaid territory, and then makes a formal cession of it, with various restrictions, conditions, and provisoes, which my time will not now admit me either to read or recite literally. The substance of which is in brief to this purport: That all the territory should be held subject to the entry and location of North Carolina military land warrants; that all existing legal claims whatsoever—Indian reservations, preëmption or occupant claims, &c.—were reserved to the State of North Carolina; and should there prove to be an insufficiency to extinguish all these claims, then, and in that case, the General Government was bound, by said act, to make appropriation for the settlement and extinguishment of said claims.

In 1806, Congress passed what is known as the Congressional reservation act, by which the State of Tennessee ceded to the General Government all the lands lying south and west of a certain line, including much the greater portion of the public lands then remaining within her limits, and by which act Tennessee received all the lands lying north and east of said Congressional reservation line, subject, however, to the same restrictions, liabilities, and conditions that were placed upon them in the cession act from North Carolina, with the privilege of using a certain quantity for the erection of a college, and a certain quantity for county academies, based upon the same contingencies.

In 1841, Congress passed another act upon the subject, by which the State of Tennessee was constituted the agent of the General Government to dispose of the remaining unappropriated and unoccupied lands within said State at a price not less than twelve and a half cents per acre, upon the following conditions and limitations: First, that the State of Tennessee should satisfy all legal and *bona fide* claims of North Carolina upon said lands, by making provision by law that the holders of land warrants under the authority of the State of North Carolina might locate the same upon the lands not previously located upon or claimed as occupant preëmptions within one year from the time that the State of Tennessee should make provision for carrying this act into effect. In the event that all the aforesaid claims of North Carolina should not be located or satisfied within one year after the time that the Legislature of the State of Tennessee should pass laws necessary for the carrying into effect the act of 1841, then the act declares that the State of Tennessee shall at any time within two years thereafter pay such claims, whenever presented, out of the proceeds of the sales of said lands; and then, after all these claims and liabilities are discharged and satisfied, it is made the duty of the State of Tennessee to pay over to the General Government whatever may remain of the proceeds of said lands in the month of January annually. After all the lands north and east of this Congressional reservation line were disposed of, in manner and under the various acts referred to, Congress, in 1846, released the residue of the unsold and unappropriated lands lying south and west of said line, upon condition that $40,000 of the proceeds should be applied to the establishment and support of a college at Jackson, and that the State should relinquish all claims and charges against the Government of the United States, as her agent, in perfecting the titles to the lands by her sold, and in liquidating the claims specified in the acts passed upon this subject prior to 1846; with the further proviso, that this remaining pittance be held subject to all the claims, incumbrances, and liabilities of North Carolina, as were the lands north and east of said Congressional reservation line. Now, sir, what does all this show? First, that all the valuable lands that were vacant in Tennessee at the date of the cession from North Carolina were taken up by military land warrants and other claims, mostly in five and ten thousand acre surveys; that Tennessee, nor the people, have ever received any valuable lands from the Government; and that, so far from the General Government having ceded to the State of Tennessee the public lands within her limits, by which the State and her citizens were to be benefited, the General Government only constituted her an agent, with certain specified powers and authorities for the transaction of the business and subserviency of the interests of the State of North Carolina and of the General Government. And after she had honestly and faithfully performed every duty and obligation imposed upon her by the State of North Carolina and the General Government, located all their military land warrants, extinguished all their Indian titles, liquidated all their various claims and liabilities of every character and description from 1789 down to 1846, sold all their valuable lands and disposed of the proceeds in the way in which she had been directed, what is her reward? Why, in 1846 the Congress of the United States, in the plenitude of her power and exuberance of her gratuity and magnanimity, says to the State of Tennessee, If you will pay to the Jackson College $40,000, and release the Government from any liability or indebtedness on account of the important services you have rendered as our agent since 1789, we will cede to you the remaining pittance of our domain within the limits of your State, which is so worthless that you could not sell it for us at twelve and one half cents per acre. Now, sir, this is a true and unvarnished history of the legislation of Congress upon the subject of the public lands in Tennessee, as shown by the various acts passed upon this subject, the terms of which I have quoted in my argument, which I have here before me, and which I would read if I had time to do so. All the deductions I have made from these laws are legitimate. The facts I have stated are in strict accordance with the laws themselves, and my argument in support of the position is but the natural and almost inevitable consequence and result of this state of facts. I would, therefore, ask any gentleman to say whether, after taking an impartial review of the facts, he does not see that the General Government, and not the State of Tennessee, has profited by this transaction, which is one of the chief arguments against this bill. I will not, therefore, pursue this point further, but will conclude the argument on the second leading assumption, by recapitulating that this whole scheme is expedient now, for three grand reasons: First, because, from the highest official authority and data which is before us, it is shown that no considerable amount of revenue can be derived to the Government from the lands for the next sixteen years. Secondly, because there is, as shown by the report of the Secretary of the Treasury, a surplus of some ten or twelve millions of dollars in the Treasury; therefore we are not likely to need the revenue perhaps for many years, if ever, even if it were derived in the ratio in which it was collected before the passage of any of these bounty land laws. And thirdly, because the indications are unmistakable, that in a very few years all the most fertile and valuable lands will have been frittered away by partial and local legislation.

But, sir, before I leave this part of the subject, I desire, in justice to myself, to define more clearly my position in reference to the more minute distinctions upon the subject of internal improvements, without which my general views, as expressed in this argument, might be subject to misconstruction. And whatever may be my opinion as to the power of Congress to make appropriations from the Treasury for objects of internal improvements of this class, I wish it to be distinctly understood, that upon grounds of expediency, I would not now, nor at any subsequent time, under any ordinary circumstances, vote an appropriation of money from the Treasury to a system of internal improvements by the General Government of this class, for the reason that it would be establishing a precedent which, in view of the rapidly-increasing greatness and prosperity of this country, and the immeasurable expansion of her internal resources and interests of every description, would fasten a policy upon her which would most certainly lead to very great abuses, which, in their ultimatum, might bankrupt the Treasury and entail upon the country and the people an onerous and oppressive public debt, detrimental to their interest, disastrous to their prosperity, and which might, in the end, lead to the subversion of their liberty. Appropriations to the improvement of certain rivers and harbors that are most emphatically of a national and not of a local character, do not come under this class of improvements, and are not therefore obnoxious to the abuses and objections of the other system, the power to make which has been recognized, the policy practiced, and the expediency tested and concurred in almost since the organization of the Government down to the present time, without any serious danger of, or tendency to, the consequences apprehended in the other system. I admit that this system is quite imperfect. Many interests and objects of this class have from precedent and custom been fostered by the Government for a series of years without compensating the Government for her outlays, and which ought to have been abandoned; while others, particularly the great waters of the West, including the Mississippi and Tennessee rivers, as the most thoroughly national, and from the improvement of which the most extensive and diffusive benefits would accrue to the great States through which they flow, as well as the surrounding country incident and contiguous thereto, have been most shamefully and most disastrously neglected. Appropriations to these objects are the more innocent and harmless, for the reason that experience has tested that, with the exception of these western rivers, which penetrate vast regions of country otherwise isolated and cut off from the commerce of the world, that while the other system is advancing and expanding with an almost incalculable rapidity—that on account of the overshadowing influence cast upon river and harbor improvements, in consequence of these facts the importance of this system is being diminished in a corresponding ratio. It is contended by a portion of the members of this, and was also by a portion of the last Congress, that the proceeds of the public lands having been pledged by an act of Congress passed in 1847 for the payment of the interest on our bonds, that it is not competent for Congress to divert them to any other purpose pending that indebtedness. A recurrence to the facts and arguments made in support of the two first assumptions in my speech, would remove every technical evasion sought to be made of this bill, or of any one or all of the objects embraced in this scheme by the interposition of this law; for every fact and every argument to show the constitutional power to make, as well as the expediency of making these appropriations, apply with equal force in answer to this law. I do not consider, sir, nor do I suppose that any gentleman does, except for the sake of argument or evasion, that because the Congress of the United States, in the exercise of their legislative functions, should pass a law this Congress for any particular or specific purpose, and at the next Congress should pass a law either repealing in express terms the former law, or by contravening or rendering inoperative its provisions, that they have violated any express or implied faith of the nation. Congress has the power to provide for the payment of these bonds in any way she may think proper, either now or hereafter.

Suppose, for the sake of argument or illustration, that these lands should remain in the possession of the Government, and should not be sold, and the proceeds thereof gathered into the Treasury until after all of these bonds, or all the inter-

est accruing thereon, should fall due: does any one suppose that the Government would, on that account, withhold the payment of this interest or these bonds? Or take the converse of the supposition, and grant that all the lands may have been sold, and the revenue collected before the first installment had fallen due after the passage of that law: will it be contended that those proceeds would have been retained for that specific purpose, as those bonds, or the interest thereon, should annually or periodically fall due; and that Congress, in that event, would not have power to appropriate this revenue to other and different objects at discretion? I apprehend not, sir. Then, sir, it is perfectly clear that but one contingency could possibly arise upon the happening of which a diversion of these lands from the purposes contemplated in that act could be construed to involve any principle of fidelity or integrity of this Government, expressed or implied; and that is to suppose that we would lack the ability and integrity to meet these demands as they fall due, or to provide the means of their payment—an event tantamount to bankruptcy, dissolution, and revolution.

The fourth and last ground taken in the premises is, that it is practicable to legislate upon these bills and these questions, and that, so far from its being true that one branch of the system operates to the prejudice of another, or conflicts with another, that by the adoption of the whole, you institute a reciprocity of interest between the different parts, by which the advantages of each are enhanced, rather than diminished. If it were true that all the public lands would be consumed by the carrying out in its fullest extent either one of those objects, I grant you that this assumption would be false in itself, and that an attempt to sustain it by rational and tenable argument would be an absurdity. But as I expect to show, from conclusive and incontestable facts, based upon the official records of the country, that this could not possibly happen in any reasonable or supposable state of case, I flatter myself that I shall be able to sustain the position.

Now, sir, what are these facts? Why, first, that there are nine millions or upwards of quarter sections of land, belonging properly to the Government, and that this bill asks for one million of acres to the State of Tennessee, to be applied *pro rata* to the construction of the East Tennessee and Virginia Railroad and the East Tennessee and Georgia Railroad. There are thirty-one States in the Union; and, consequently, an equal amount to each for the construction of roads therein, would amount to one hundred and eighty-seven thousand five hundred quarter sections—which is about one fiftieth of the whole—which would be consumed by an equal distribution among all the States in this ratio for internal improvements.

Well, sir, what are the facts and statistics in regard to the homestead proposition? And, sir, upon this particular branch of this subject I shall merely repeat the facts in reference to it that have time and again been stated, so as to show with what complete appropriateness it harmonizes with the other propositions in my argument. It has been stated, and the facts justify the statement, that at the last presidential election there were about three millions of voters in the United States; and that if it were true that every voter were to emigrate and occupy a quarter section of said land, that it would only consume one third part of the domain. But everybody knows that not more than one fourth of that number would occupy the lands and cultivate them under the provisions of this system, which would be 2,250,000 quarter sections, leaving 7,750,000 quarter sections, of which the 187,500 quarter sections specified in the appropriation to railroads in the ratio contained in the first item in the calculation, is about one fortieth, which would leave 7,562,000 quarter sections of the 9,000,000 undisposed. So that it is conclusive, that so far as quantity is concerned, the practicability is shown most clearly to exist, either upon the ratio as laid down in this argument, or upon an increased ratio as high as 5,000,000 of acres to the State, without reducing the domain below the requisite quantity for each of the other objects contemplated in the argument.

I come now, sir, to notice some of the collateral issues that necessarily result from this system, by which I expect to show, that instead of the one conflicting with the other, they all conspire to establish a unity and harmony of interest, by which the whole system will not only be rendered more practicable and efficient, but that the interest of each will be enhanced and improved by the existence of the other. It has been argued, both here and in the country, through the press and otherwise, that the adoption of this system would check the sale and impair the value of bounty land warrants already issued, and daily being issued, under the act of September, 1850, to those who have rendered military service to the Government. Now, sir, I am as certain that the reverse of this would be true as I am that the sun rises in the east and sets in the west; and that so far from this supposition being true, I think I shall be able to show, by fair and legitimate argument, and by the agricultural and productive history of this and every other country on the globe, that they will be enhanced in value, either in the hands of speculators, in the hands of the soldier should he wish to occupy it himself, or in the event, which in a few instances would be true, that the warrants were purchased by individuals who wished to locate them not for speculation but for cultivation.

And, sir, I need not go beyond the experience and practical knowledge of every gentleman upon this floor who is at all conversant with the agricultural, mechanical, and productive interest of every description in the community in which he lives, to prove to this House and to the country, that these arguments are conclusive in themselves. Why, sir, what is the first thing which renders real estate valuable in any country, whether the land be poor or rich? Every one will answer, Settlement. What is the second consideration? The universal response is, Cultivation, followed by such competition, by such distribution of labor, such equalization between capital and labor, as will conform to the ordinary laws of supply and demand, aided by a well-regulated system of education and internal improvement, which, when combined, have never, in the history of the world, failed to render any country virtuous, prosperous, and wealthy; and without which, no country has ever arrived at a very eminent position in this particular. But I am asked, how do you expect to sell these warrants; and how do you expect speculators to invest their capital in the lands which you may appropriate to the different States for the construction of railroads therein, if you pass the homestead bill, and allow every American citizen who is the head of a family, either male or female, to settle upon, cultivate, and possess himself, or herself, of one hundred and sixty acres of land? Why, sir, this is no enigma; the reason is as clear and as lucid as a sunbeam at noon-day; because, sir, every one knows that in nine cases in every ten of those who are to be the beneficiaries of the homestead, you find an individual who could neither possess himself of the land under a sale from a speculator who has purchased the lands, nor from the Government. You are thereby converting that portion of your population that are inoperative, inefficient, and unproductive, into operative, efficient, productive laborers and producers, by which you open up the way, create a demand, and generate an hundred additional inducements to the capitalist and speculator to buy land warrants, and the lands appropriated for the construction of roads, in view of the certain and inevitable enhancement in the value of these lands, in consequence of the settlement, cultivation, and improvement of the lands occupied by those who have possessed themselves of the benign and regenerating influence of the homestead law. I know there is no member in this House, nor was there one in the last House of Representatives, who felt or feels more deeply or more honestly interested in the passage and perfection of the act of September, 1850, than myself. And no one more deeply regrets, I am sure, than I do, that it was not more liberal and comprehensive in its provisions; and could I believe that the adoption of this system, or any part of it, would interfere in the slightest with this law—would diminish its benefits or impair its advantages the hundredth part of a cent, it would not, under any circumstances, get my support.

But I know that the contrary will be true. There is not a member upon this floor that has devoted a single day or hour in the consideration of the practical workings of this system, or who knows anything whatever of the natural or artificial laws of society, but knows that there is not a spot upon the face of this great globe that would not be enhanced an hundred, if not a thousand per cent., whenever the lands surrounding it, or adjacent thereto, are brought into requisition by the husbandman. The warrants issued under the act of 1850, have the preference over all other claims in their location, which, of itself secures them from any loss, and the passage of the homestead builds up a society, and constitutes an interest that would not only insure their speedy sale, but at greatly enhanced prices. And I do verily believe, that nothing would so certainly redound to the interest of the soldier, or so certainly insure the sale of his warrants or his lands when located, and that at fair remunerating prices as the homestead law. Nor is there a speculator or a capitalist in the United States, who has moral courage sufficient to stimulate him to the industry, energy, and activity, necessary to entitle him to the appellation, who has not sagacity enough to see this, and avail himself of its advantages. It is urged by the enemies of this bill, that it is impossible to regulate and graduate the principle of appropriations to objects of improvement, most highly deserving in each State, and, therefore, lest some abuses of the system should ensue, it is safest to withhold them altogether. Well, sir, I confess that I discover no difficulty whatever upon this point. The Committee on Public Lands, and the Congress of the United States, must and can most unerringly judge of the nationality of improvements, upon the grounds already laid down in the argument, and they should, and doubtless would, adopt the principle of appropriating only to the main trunks of great national works, such as the projected road through the States of Tennessee and Virginia, leaving the branches and arms diverging in different directions and localities, to be managed by the interests and influences that would superinduce their construction. The adoption of this principle by the Committee on Public Lands, which would be concurred in by both Houses of Congress, would guard safely and efficiently against extravagances and innovations upon the system. Another collateral issue is, that the old States are in danger of being depopulated by the practical operation of the homestead law. It does seem to me, sir, that this is a most unreasonable and extraordinary objection, when gentlemen reflect that no man who is able to possess himself of a home in any of the old States, unless it perchance be one who desires or intends to emigrate from other considerations, would do so merely for the sake of one hundred and sixty acres of public lands; and it is as utterly impossible to prevent emigration, either with or without this law, as it is to reverse the universal and fundamental laws of nature by legislative enactment.

And furthermore, the policy advocated by those who urge this objection, it seems to me, would injure the old States more seriously than the operation of the homestead proposition. They oppose the homestead because it, in the first place, consumes a portion of the means from which revenue is to be obtained; and secondly, because its tendency is to depopulate the old settled portions of the country. Now, sir, it is perfectly plain to my mind, that their argument produces the very result they are laboring to avoid, while my plan avoids the very difficulty they apprehend. My plan proposes to give a portion of the public lands to those of our citizens whom poverty and misfortune have overtaken—a disaster to which we are all liable—and who, of course, are unable to purchase land, and are, therefore, unable to contribute anything to the revenue of the States in which they reside. While theirs proposes to sell the land to those of their citizens who are able to pay $1 25 per acre for it, thereby withdrawing that part of your population that have means, that are producers and tax payers, and retain that portion that are unproductive and cannot contribute anything to the revenue of your State, merely for the purpose of adding a fraction to the numerical strength of your population. By my argument you lose a portion of your population who have no means and are not tax payers. By yours you lose also a portion of your population who are tax payers, and with

them a considerable amount of capital, which they invest in lands.

It is again asked, and asked as though it were difficult to answer, where we are to get this population to purchase and carry out this system? Sir, if you adopt this, or some similar system, and so regulate and adjust its details as to produce that healthful and invigorative equilibrium that ought to exist between the capital and labor of every country, and without which, in my opinion, no country can be truly prosperous and happy, I guaranty that the people will be forthcoming to carry it out, and that at no very remote period; and from various considerations, I, for one, sir, do not question the procreative capacity, both of the soil and population, of this country to carry out, in its fullest extent, this scheme upon a plain principle of mathematical science and scriptural admonition. Having, I trust, sustained in their broadest sense each of the great principles involved in the scheme by fair and legitimate argument, I have to regret that my time will not allow me to designate and elaborate the practical advantages that would peculiarly apply to at least one fourth of the States in the Union, by the speedy construction of this great national thoroughfare. It has come to be quite fashionable among politicians, particularly about the seat of Government, where there are a thousand schemes on foot to draw an appropriation from the Treasury, to accuse a member of demagogism, if he dares or presumes to make a speech, introduce a bill, or advance an opinion calculated or designed to enhance the interests, or advance the happiness or prosperity of the great mass of the American people. But if the liberality of legislators and the gratuities of the Government are confined to those corporations that are luxuriating in the profits of jobs, contracts, and speculations upon the Government, he who votes for them and speaks for them is an orator, a statesman, and a patriot, and the Government, in their estimation, is a fit and appropriate emblem of the Revolution, the Constitution, and the Declaration of Independence. A very strange sort of benevolence pervades the legislation of this country of late. It is a sort of benevolence, however, that I take to be the natural result of extravagance and luxury, that have grown inveterate by an unfortunate alienation from the true interests of the people, and the original sources and fountains of power and position. It is erudite, chaste, and patriotic to intervene, to look after the affairs of the whole world, husband the resources, defend the rights and institutions, and preserve the liberties of other countries. But it is indiscreet, unfashionable, and in extremely bad taste to let fall the broad and sacred mantle of national gratitude, national protection, national sympathy, national benevolence and magnanimity, to a level with suffering humanity, poverty, and misfortune in our own country. It is very scientific, it is very dignified, it is the very imbodiment of the characteristics of true greatness and statesmanship, to follow the modern telegraphic speed and electric velocity of political progression. But it is very degrading, ignominious, and in obedience to the doctrine of retrogression, to come down to the commonplace domestic interests of the great mass of the American population—the farmers and mechanics of the country. And when, perchance, in the course of a long session of Congress, a member has mustered moral courage sufficient to enable him to resist the fearful and accumulating external and monopolizing pressure that hangs like an incubus upon the political wisdom and eclat of this progressive age, to ask that the munificence of Government, while it is being poured out in torrents through certain favorite channels, should be scattered broadcast upon the land, so that its healthful, its invigorative, and recuperative influences may fall alike upon the just and the unjust, then gentlemen stand aghast, lest some one should say "He is a demagogue; he is a demagogue; he is talking about the farmers and mechanics—is it not strange that he should be sent here? But I suppose he represents an ignorant, benighted people; and although there are a hundred thousand of them, they and their interests are less worthy than one of us and our visionary scheme of speculation." It strikes me, sir, that legislation of late years has been directed, in the main, to objects to which it was least deserving. I recollect an old adage that my father used to rehearse to me by way of admonition, when he first began to teach me the rudiments of practical economy in the humbler spheres of life. It was to take care of the cents, and the dollars would take care of themselves. But it has become the point of the age in the politics of this country to reverse the rule. But so long as I have the honor of a seat upon this floor, whenever, in the regular course of legislation, a discrimination can be made between capital and labor—between what I regard as the ordinary and extraordinary interests of the country, I intend that my vote and my efforts, however puerile, shall be on the side of economy and the common industrial interests of the country.

GRANT OF LAND TO MISSOURI.

SPEECH OF HON. JOHN S. PHELPS,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

On the bill "granting to the State of Missouri the right of way and a portion of the public lands, to aid in the construction of a Railroad from Saint Joseph to Hannibal, and rom St. Louis to the western line of said State."

THURSDAY, *February* 12, 1852.

The House having taken up the bill for consideration, the SPEAKER said the gentleman from Missouri [Mr. PHELPS] was entitled to the floor.

Mr. PHELPS said:

It was my intention, Mr. Speaker, to have proposed an amendment to the amendment submitted by my colleague, [Mr. HALL,] but I suppose, in the present stage of the question, I am precluded from doing so. I will inquire of the Chair if an amendment can now be offered?

The SPEAKER. An amendment is in order, if pertinent.

Mr. JONES, of Tennessee. I will withdraw the motion for reference until the gentleman can submit his amendments, and then will renew my motion.

Mr. PHELPS. I then submit the following amendment, to come in at the end of that proposed by my colleague:

"For the support of common schools in said State."

Mr. JONES. I renew my motion to commit the bill and amendment, and that they be printed.

Mr. PHELPS. I hope the bill which is now before the House may not be committed. I am convinced in my own mind that if it is referred to the Committee of the Whole on the state of the Union, owing to the press of business and the urgent necessity for the consideration of important appropriation bills that will hereafter come up, it will never be reached. It may become necessary at some time then to discharge the committee from its consideration, and it will then be brought before the House for action. There is no disposition on the part of those who advocate the passage of this measure, or others of a similar description, to stifle inquiry or discussion. At the commencement of this session, when a discussion took place upon the reference of the President's message, my colleague took occasion to develop his views in relation to bills of this character, and the reasons why they should be adopted. I was in the hopes then that those who opposed these measures would have debated the public land system generally, and that we should then have had presented to us the various propositions which were intended to be submitted, in relation to the disposal of the public domain, and the peculiar views of gentlemen. In this I was disappointed. I say that a reference of this measure to the Committee of the Whole on the state of the Union, I consider equivalent to its defeat. Cannot we discuss this bill as well in the House as in the Committee of the Whole? In the committee members are not confined to the discusion of the question pending, and I think, therefore, in point of economy, so far as time is concerned, that it is best the measure should be discussed in the House.

But the gentleman from Tennessee assails the proposition, and wishes to know how we can advocate the disposal of the public land in the way proposed in this bill, when opposed to the appropriation of money for the construction of works of internal improvement by the Federal Government. By the granting of lands to the character of works indicated in this bill, the value of the Government land contiguous is enhanced and its sale rapidly accelerated. Not only are individuals benefited by such grants, but the States also. The State in this case aids in the construction of works which improve the value of the land belonging to the United States. The Government of the United States is the proprietor of a large portion of public land through which this road passes.

Mr. FULLER, of Maine. If that is the ground upon which the gentleman bases his claim, why is it this bill provides that in case there is no public land of the Government within the range of six miles on each side of the road, other distant lands may be selected?

Mr. PHELPS. I will answer the inquiry of the gentleman. It provides that if the sections donated to the State have been sold, that the agents of the State shall have the right to select other lands in lieu of them within fifteen miles on each side of the road.

The gentleman will please to recollect that in Missouri we have neither turnpikes, plank-roads, canals, nor railroads, and that the roads provided for in this bill are distant from each other. Having no other avenue, beyond the ordinary roads of the country, to a market, it is obvious that the building of these roads is of great advantage, not only to occupants of lands fifteen, but even thirty and forty miles distant from their several routes, and therefore correspondingly increases the value of the lands thus accommodated.

What are the other provisions of the bill favorable to the United States? They are, in part, that upon the roads the mails shall be carried at prices to be named by Congress, and that munitions of war shall be transported free of cost. And, it should be recollected, that the supplies of the Army for Utah, New Mexico, the plains, and the frontier posts on the borders of the State of Missouri, are forwarded through that State, and that the expense is enormous. Often boats, freighted with Government supplies for the Army and for the Indians, are lost on the Missouri river. Near $200,000 worth were supposed to have been lost by the sinking of boats on that river, during the short war with Mexico. This, with the freight paid each year, made a heavy charge upon the Treasury.

I say, then, that there is ample remuneration to the Government of the United States, for the privilege given to the State of Missouri for the selection of other lands within fifteen miles of the road, should those along the line of the road have been disposed of.

I trust that the inquiries of my friend from Maine are answered. It is upon these principles that we justify it. I will proceed now to remark, that as the Government of the United States is the proprietor of the greater part of the public land through which these roads will pass, and that as the construction of these roads will enhance the value of those lands, and accelerate their sale, that it is the duty of the General Government to make the donation of lands proposed.

I think I am justified in saying, then, that the construction of these roads will accelerate the sale of lands upon the line. The friends of this measure have no doubt that its adoption will greatly facilitate the settlement and sale of the public lands. The *mere* hope that a road to market will be built increases the sales of the lands along its supposed route. In proof of this I am able to say, that within the last eighteen months a reconnoissance of the road leading from St. Louis to the western line of the State was made, and some two or three different lines were indicated. Even along those lines large bodies of land have since been entered—some of the tracts being situated in the prairies eight and even ten miles from the timber. The expectations of those purchasing the lands were, that the road would be constructed upon the line of that survey. I hold in my hand a statement of the receiver of public moneys of the Clinton land district, in my Congressional district. It is the district through which this survey was made. The total receipts of that land office for the year 1849, for cash sales, were $36,270. In 1850 the sales amounted to $59,425; and for three quarters of the year 1851, the sales amounted to $101,000. These increased sales are to be entirely attributed to the fact, that it was expected the road would

pass through that district. It is true that there was a great sale of public lands to emigrants who came to that State to settle there. The number of emigrants to that State is about the same each year, and hence you cannot account for the accelerated sale of these lands except by the fact that the persons purchasing these lands believed that they would be greatly enhanced in value by the construction of that road, and that the road was to be constructed upon the survey thus made. I say, then, if gentlemen will take upon themselves the trouble to make a calculation of the present value of lands, considering that we have public lands which have been in market for twenty-five or thirty years unsold in a certain district of country, they will find that the Government will be the gainer by giving away one half for the purpose of selling the other half in one, or two, or three years. It is a question which every man may calculate for himself, and——

Mr. STANTON, of Kentueky, (interposing.) I ask the Chair if the morning hour has not expired?

The SPEAKER. It has.

Mr. STANTON moved to proceed to the business upoff the Speaker's table; which motion was agreed to.

WEDNESDAY, *February* 18, 1852.

The bill being again under consideration—

Mr. PHELPS said: When this subject was last before us for consideration, I was asking the House that this bill should not be committed to the Committee of the Whole on the state of the Union. I was asking the consideration of this measure in the House, and was endeavoring to show that the discussion of the bill would, in that case, be legitimately confined to the subject-matter, whereas, if it should be the pleasure of the House to refer the bill to the Committee of the Whole on the state of the Union, it would be extremely doubtful whether it would ever be taken up and considered, and that if considered at all, the discussion that would then take place would have the wide and extended range that discussions usually take in the Committee of the Whole on the state of the Union.

There may, perhaps, be some gentlemen here who think that the rules of the House would bring us at some time to the consideration of this bill, if committed to the Committee of the Whole on the state of the Union. I wish, therefore, to advert to one instance which occurred in the Thirtieth Congress. A gentleman then, but not now, a member of this House, and at present a member of the other branch of Congress, having in charge the French spoliation bill, as the member of the Committee on Foreign Relations, had made a favorable report on that bill, and it stood upon the Calendar in Committee of the Whole on the state of the Union number one or two. Repeated attempts were made during the first session of the Thirtieth Congress to obtain a consideration of that bill in the committee, and before that session closed, an amendment to the rules of the House was adopted, by which it was provided that when the House went into committee, the bills should be taken up in the order in which they stood on the Calendar, with the exception of the general appropriation bills. And it is a remarkable fact, that although the French spoliation bill stood at the head of the Calendar in committee, and although that rule was in force, the bill never could be got up or considered during that Congress. I ask gentlemen, then, who are friendly to bills of this description, whether they can expect this bill to be considered if it is referred, at this period of the session, to the Committee of the Whole on the state of the Union? Such a reference would be equivalent to a defeat of the measure.

But, sir, to come now to the bill under consideration. I am not disposed, as a member of this House, to favor those schemes which are wild and visionary, but I am willing to vote for a law which should donate to the States alternate sections of the public lands to aid in the construction of railroads, where I am satisfied that those roads will be constructed, and where States or individuals have embarked their means in the construction of them.

The roads mentioned in this bill, are roads which are to be undertaken under the authority of the Legislature of Missouri. Companies have been incorporated to construct them, and upwards of one million and a half of dollars has already been subscribed towards the construction of the road from St. Louis to the western line of the State. Thirty-six miles of that road are already under contract and will be completed during this year. A company to construct the other road from Hannibal to St. Joseph, was incorporated at the same session of the Legislature; the first was incorporated, and I am informed that the route of the road has been selected over the whole distance, and that a large amount of stock has been subscribed.

In addition to this, the State has so far considered these works of improvement to be meritorious, that the Legislature has authorized a loan of the credit of the State to the company to construct a road from St Louis to the western line of the State, to the amount of two millions of dollars, and to the other company to the amount of one million and a half. I think, therefore, no person can say that these roads have not been commenced with a *bona fide* intention to construct them; they will be constructed in the course of some three or four years.

We ask the General Government, which is the proprietor of the lands through which these roads are to pass, to grant us the right of way through the public lands over which these roads will pass, that they shall permit us to take such materials as may be necessary to aid in the construction of these roads, and that they shall donate to the State for the benefit of these roads alternate sections of the public lands along the routes.

I endeavored to show the other day that this course of policy would expedite the sale of the public lands, and I referred to the amount of money received at one of the land offices within the Congressional district which I have the honor to represent upon this floor during three quarters of the last year. I showed from the returns made by the receiver of public moneys, that more money had been received during three quarters of the last year than had been received for the two previous years. Those returns show that the total receipts of the Clinton office for the year 1849 were $36,272; for the year 1850 they were $59,425; and for three quarters of the year 1851 they were $101,000. It is reasonable to suppose that the increased sale within that land district was in consequence of the reconnoisances or surveys that had been made by the engineers sent there by the railroad companies for the purpose of obtaining information by which correctly to determine the line of the roads. The greater portion of those entries were made upon lands which had been fifteen years in market, seeking for purchasers to take them, but which no one had been willing to take, at the minimum price of the Government, because they were so distant from the river, and because some of them were on the prairies ten or twelve miles from timber. But now purchasers are willing to take them, in the expectation that some work of internal improvement will pass through that section of country, by which a market shall be brought to their door.

We ask from the General Government not what that Government has hitherto done, on the grants of lands to the States of Ohio, Alabama, and Indiana, in 1828. Alternate sections of the public lands upon the line of certain improvements were then granted to those States without increasing the price of the remaining alternate sections. Now, we are willing that the price of the reserved lands shall be doubled. The Government can never expect to realize more than a dollar and a quarter per acre upon those lands unless the price is increased by act of Congress. We are willing, if the General Government will give to the State of Missouri one half of the unappropriated lands within six miles along the line of these roads, that the price of the other half shall be raised to two dollars and a half per acre, so that the Treasury of the United States shall suffer no loss by the donation. Is this a donation at which gentlemen are to be alarmed? Is this to be denounced as land stealing, when the Treasury of the United States will receive more money, and receive it sooner, from the sale of these lands in the manner proposed in this bill, than it could do under the present system.

And will gentlemen recall to their minds the fact, that although the lands of Missouri have been in market since 1803—a period of forty-nine years—and that we have a population of 700,000, and that, too, chiefly engaged in agriculture, not a single land office has yet been closed under that law which annexes one land district to another, when the amount of the unsold lands falls below 100,000 acres? Not even the St. Louis land office has been closed under that act. The best lands situated upon the banks of the rivers and creeks on the borders of the prairies, and near to the cities, villages, and county seats, (and we have more than one hundred counties,) have been taken up. It must be evident, therefore, that the great mass of the best lands of the United States in Missouri have been sold, and that second-rate lands only, in general terms, remain. To sell these in any considerable quantities, thus culled, at the same price at which the best lands have been sold, and that without offering any inducement, will be impossible—at least for many years. Time would undoubtedly accomplish the unjust act. But the act would be ungracious, and the *time* distant and uncertain.

But gentlemen ask, will these lands be purchased at the price of $2 50 per acre? will persons be willing to go and purchase them at that price? and may you not hereafter come to the Congress of the United States and ask that the price of those lands be reduced to $1 25 per acre? Well, I cannot tell what may happen in the future, but I shall never ask for a reduction of the price of those lands; and I believe that when the lines of these roads are definitely fixed, all the lands along the roads that are susceptible of cultivation, will be taken up at the increased price of $2 50 an acre within two or three years.

Second-rate land on the line of these roads, after the price of their wheat and corn and other products shall have been at least doubled, in consequence of the construction of these roads, will sell much sooner and more readily than the first-rate lands now sell—will be worth more than the first-rate lands are now worth. The value of the lands will be enhanced in the same ratio as the net income from the cultivated lands will be increased. Before the Erie canal was dug, I suppose the lands in the valley of the Genesee were not desirable at the price at which the Government now holds its lands, and hence they remained unsettled. They are, probably, now worth from $50 to $100 per acre, according to their location and improvement. That canal effected this mighty change; and like causes will produce like effects. Landholders, if they desire to cash their lands, must make them *accessible;* they must aid in opening the avenues to market.

To suppose that all the lands in the interior of Missouri can be *soon* sold for $1 25 per acre, so long as the farmer is compelled to wagon his crop to a market eighty to two hundred miles distant, is to suppose an absurdity. To sell those lands at present prices, Government or individuals must open channels to market. Shall the Government refuse to do anything? Must the first settlers do all? Will Government, like a miser, hold fast to its lands twenty, thirty, or fifty years, free from the taxes paid by all other land owners, and then meanly sell the values imparted to them by the labor, the capital, and the enterprise of its pioneer settlers and citizens? Surely this would be enacting the part of the heartless speculator.

The Government owns land which has been in market for forty years, and yet has met with no purchaser. So there will be refuse lands lying upon the line of these roads which cannot be sold at any price. It will be a benefit to the Government of the United States actually to give these tracts of land, unfit for cultivation, to the State to dispose of them, and for the Government to cease to become the proprietor of them. It will be for the interest of those persons who desire to purchase lands in the State, to purchase them in the vicinity of these roads at the increased price. These roads will probably be located from fifty to eighty miles distant from any navigable watercourse in the State. I do not, of course, allude to the termini, because one terminates upon the Missouri and the Mississippi rivers, and the other commences on the Mississippi river, and runs westward through the State; but after you have passed some twenty-five miles from these rivers,

these roads run through a portion of country where the people have no other means of taking their produce to market except by the tedious process of wagoning to the river, where they can dispose of it. Within the district in which I reside, many of the people are living from eighty to one hundred miles distant from any navigable stream, and the price of produce in these regions is from thirty to thirty-seven and a half cents per bushel for wheat, and from ten to fifteen cents for corn. Now, if they had the means of passing directly through from their section of country, by railroad, to market, it would, of course, furnish a greater inducement to purchase these lands, and the greater portion of them would be taken immediately. The cost of cultivating a tract of land is the same, whether it be near or remote from market. But the amount of the income to be derived from that tract depends upon the cost of production, and the price which shall be obtained for the produce in market. Now, the construction of these railroads will at least double the price of their wheat and corn which may be raised in that part of the country, and every citizen will be willing to give $2 50 per acre, or even $5 per acre, for lands situated upon the line of a railroad, rather than pay $1 25 per acre now, for they would make money by the operation. The difference in the price of eighty acres of wheat in one year would more than pay for the eighty acres at $2 50 per acre.

This system has been denounced by some gentlemen as embarking in a system of internal improvement by the General Government, and it has been considered by some as anti-democratic for that reason. Now, I do not consider it as embarking in any system of internal improvement upon the part of the General Government at all. I say that it is for the interest of the Government to make this grant, because by so doing you will increase the value of the alternate sections of land remaining in the possession of the Government more than twofold, in consequence of the construction of this road; and it is the duty of the Government, as the proprietor of the domain over which this road passes, to bear its share of the expense which enhances the value of the public lands. And such must have been the opinion entertained by those gentlemen who have favored measures of this kind. I need only to advert to the names of some gentlemen in 1828, when a proposition of this kind, to aid the State of Ohio in extending the Miami canal from Dayton to Lake Erie I find upon its engrossment, before its final passage, the names of C. C. Cambreleng, of New York, R. J. Ingersoll, of Connecticut, Edward Livingston, of Louisiana, Chittenden Lyon, of Kentucky, and George McDuffie, of South Carolina, recorded in its favor. Again, upon another bill granting a quantity of land to aid in the construction of canals authorized by the State of Ohio, I find the names of John S. Barbour, of Virginia, John Bell, of Tennessee, (who was at that time acting with the Democratic party,) C. C. Cambreleng, of New York, Chittenden Lyon, of Kentucky, George McDuffie, of South Carolina, James K. Polk, of Tennessee, and George Wolf, of Pennsylvania. It is a remarkable fact, that at that period of time every vote given by the delegation from the State of Tennessee was in favor of propositions of this kind, and I believe also the delegation from the State of Kentucky were in favor of similar measures.

In favor of the bill granting to the State of Alabama certain lands for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, I find the names of Cambreleng, Livingston, Lyon, McDuffie, Polk, Charles A. Wickliff, and Wolf.

Now, we ask, and it is all we ask, that you shall place the State of Missouri upon the footing upon which you have placed the other States. Why, for the last ten days we have been listening to the arguments of gentlemen on the bill to regulate the mileage of the Delegate from Oregon, which we have just passed. The advocates of that bill demanded that you should make no unjust and odious distinction against any gentleman who was entitled to a seat upon the floor of this House. And that question was decided upon the question of equality. Now I ask that the same rule of equality shall be applied to every other new State.

I hold in my hand a statement of the grants of land made to aid in the construction of roads and canals in certain of the land States. The State of Ohio has received 1,181,134 acres of land, to aid in the construction of roads and canals in that State; Indiana, for the same purpose, 1,609,861 acres; Wisconsin, for canals and improvements of rivers, 498,036; Iowa, 325,078 for the improvement of rivers; Illinois, for the construction of a canal from the Illinois river to Lake Michigan, 290,915 acres; Alabama, under the grant before referred to, 400,000 acres; and the States of Illinois, Mississippi, and Alabama, to aid in the construction of a railroad from Chicago to Mobile, a large quantity of land—to the first named State about 2,000,000 of acres. The amount to the other States I cannot now declare.

Again, we were the proprietors of lands in the State of Tennessee, of which we granted in 1806, at one time alone, 200,000 acres, to aid in the endowment of two colleges within the limits of that State, and also other lands, to aid in the establishment of academies in that State. And since I have been a member of this House, we have granted to the State of Tennessee the refuse lands lying within the limits of that State, and belonging to the Government of the United States.

So, then, we find that grants of land have been made to aid in the construction of roads and canals, and to aid in the construction of railroads in the States of Ohio, Indiana, Illinois, Alabama, and Mississippi, while none have been granted to the States of Missouri, Michigan, Arkansas, Louisiana, and Florida, for that purpose. Now are you willing to make this unjust discrimination against those States? Here, then, are five States against which you have made an unjust and invidious discrimination. I do not include in the estimate the grants which were made to the land States in the year 1841, nor of the grant of swamp lands. The act granting swamp lands applied alike to all the land States. Ohio and Indiana and all the other land States received the same benefits that were conferred upon Missouri. But that only granted inundated and unsaleable lands to the States in which they were situated—lands which could not be sold, unless money was expended to reclaim them.

But again: Missouri has a right to complain for another cause. In virtue of the compact by which she was admitted into the Union, you required that the lands of the Government of the United States should not be taxed. You also demanded, as a condition prior to her admission into the Union, that the lands which the Government might sell, should remain exempt from taxation for the space of five years from and after the sale. You also demanded from that State, against her protest, that two per cent. arising from the sales and proceeds of the public lands should be applied to aid in the construction of a road in distant States leading to that State, but in relation to which, by a subsequent act of Congress, the terminus was fixed at Jefferson City. I allude to the proceeds of the sales of the public lands appropriated to aid in the construction of the Cumberland or National Road. The States of Ohio, Indiana, and Illinois have received benefits derived from the appropriation, but Missouri has received no benefit, from the fact that the road is not constructed to that State. It is only constructed through the State of Ohio, and within the State of Indiana, and partially in the State of Illinois, and there has been a clear and evident intention on the part of the Congress of the United States not to carry the prosecution of that road further. The portion of the road lying within the States of Maryland, Pennsylvania, Virginia, Ohio, Indiana, and Illinois, has been given to the States in which it is situated; and they now, within their respective limits, exercise an exclusive control over that National Road. But I find, on looking to the expenditures of the General Government to aid in the construction of that road, that there has been expended within the limits of Maryland, Pennsylvania, and Virginia, $1,901,041. In the State of Ohio the sum of $2,081,008 has been expended; within the limits of Indiana, $1,135,000; and within the limits of the State of Illinois, the sum of $746,000. But not one dollar for this purpose has been expended within the State which I have the honor, in part, to represent upon this floor, to aid in the construction of that road; and the Government of the United States has abandoned the further prosecution of the road. I therefore say that the State of Missouri has a just claim upon the United States for land to aid them in the construction of the railroads which are designated in this bill, because it is but right that you should mete to that State the same measure of justice which you have extended to the other States—or a majority of them—in which the public lands are situated. We say that you have violated the compact made with the State of Missouri at the time she was admitted into the Union, by the abandonment of the prosecution of the Cumberland Road; and you have not paid that State the amount of some $300,000 arising from the two per cent. paid upon the sales of the public lands reserved for the construction of that road to the capital of the State of Missouri.

But there is another point to which I will advert. You have provided that the public land within the land States shall be exempt from taxation, and in the State of Missouri shall be free from taxation for five years after the sale. Now, why should they be exempt from taxation except it was by the hard terms of the compact which you have imposed upon the new States at the time they came here asking for admission into the Union? You can give no reason for it. Why should the Government not bear its share in the expense of the improvement of the country? Why should it not contribute to the construction of roads and bridges to which the people are subjected who buy the lands of the Government of the United States? The question of the amount of taxation upon the public lands has attracted the attention of gentlemen in another quarter—in another branch of the Government. I should not have adverted to this matter except for an attempt to show that those who demand "justice to the new States," have been mistaken in their estimates, and that the result indicated by their figures is fanciful and poetical. I now wish to show what the State of Missouri would have received had she been permitted to tax the lands of the Government of the United States, valuing those lands at the minimum price which the Government has fixed upon those lands, at the price which we by law declare they are worth.

Within the limits of the State of Missouri there were forty-three millions of acres of land. The value of that land, at $1 25 per acre—for the Government of the United States sells all its lands at the same price, and declares, practically, that the most inferior lands are worth as much per acre as the best lands that can be found in the western country—I say, the value of that land, at the price the Government of the United States has placed upon it, would be $53,750,000. I will now put the tax upon that land at the rate at which all property within the limits of the State of Missouri is taxed. I take the maximum of the taxes. We have our State and our county taxes, as well as our road, and some other taxes imposed in some counties in the State, to which latter I make no reference in my computation. I merely advert to the State taxes and the ordinary county taxes. The value of these lands, as I before stated, estimated at the Government price, is $53,750,000. The State tax of Missouri is assessed at the rate of one fifth of one per centum on its value, which would, computed upon the value of those lands, amount to $107,500. The maximum of the county taxes of our State is two fifths of one per cent., which, computed upon the same sum, amounts to $215,000. The total taxes, then, State and county, upon that land, for one year, would be $322,500. The State of Missouri has been in the Union thirty-two years. If, then, we multiply this yearly tax by the number of years Missouri has been a State, we shall have the sum of $10,320,000. To that sum would the taxes upon the public lands in the State of Missouri amount, by assessing them at the minimum price at which the Government values them, for the last thirty-two years. Those lands are exempt from State and local taxation by an act of the Congress of the United States providing for the admission of Missouri into the Union. But I admit that this computation is but an approximation to the true result. I have not deducted from the total number of acres of land within the limits of that State, the amount of land which has been disposed of

by the General Government. I have, however, a computation of that kind to present. From the returns of the Commissioner of the General Land Office, it appears that there are something like 27,000,000 acres of public land unsold within the limits of the State of Missouri, the value of which, at the minimum price, would be $33,750,000. The annual State tax upon that sum would amount to $67,500, and the annual county tax $135,000, making a total of State and county taxes of $202,500. Increase this sum by the number of times the State of Missouri has been years in the Union—thirty-two years—and it would amount to $6,480,000, being the tax upon the public land which the Government now owns in that State.

Again: there is another matter to be taken into consideration in the estimates of the land taxes. The State being prohibited by an act of Congress from imposing taxes upon public lands sold by the Government for the period of five years thereafter, the improvements which may be placed upon them during that period are also exempt from taxation. Let those lands be enhanced ever so much in value, and become by cultivation ever so valuable, let the best structures and most costly edifices be erected upon them, still such land and such edifices upon them are exempt from the payment of State and county taxes for the period of five years after the Government has parted with its title. Something like thirteen millions of acres of public lands have been disposed of by the Government of the United States within the State of Missouri during the last thirty-two years. If you compute the amount of the taxes upon that number of acres in the same manner as I have made the computation on the public lands now remaining unsold, but for a period of only sixteen years, one half the time that Missouri has been a State, which I consider to be a fair average—but at any rate if it is not the error is against the interest of the State of Missouri—it would amount to the sum of $1,920,000, which, added to the amount of taxes as I have estimated upon the unsold lands, viz: $6,480,000, and we have the sum of $8,400,000 as the total amount of taxes which would have accrued to the State of Missouri upon the public lands up to this time. I said that sixteen years was a fair average of time upon which to compute the taxes on the lands heretofore disposed of If it is not, the error is against the interest of Missouri, for the increased sales took place, principally, from the year 1836 up to 1841. From the year 1841 to 1849 there was very little land sold.

I repeat, the total taxes accruing to the State of Missouri, from the period of her admission into the Union, up to this time, upon the public lands, had she been permitted to tax them, would be $8,400,000. And, in arriving at that result, I have not taken into consideration, nor allowed, the interest which would accure upon those taxes from year to year. Nor have I taken into consideration any special taxes, authorized by the laws of Missouri, to be imposed. I have not taken into consideration the taxes by which the roads of the State are constructed through and over the public lands. These matters have been thrown entirely out of consideration, and I have merely taken into the calculation the taxes which are imposed by the State and county, and which, by their ordinary expenditures are repayed.

What is true of Missouri in this particular is equally true of every other land State, except that you have of late years remitted and paid to the new States, as they have been admitted into the Union, five per cent. of the proceeds of the sales of the public lands accruing in those States respectively. You also now pay to the States of Alabama, Mississippi, Louisiana, Florida, Arkansas, Michigan, Iowa, and Wisconsin, the amount of five per cent. upon the proceeds of the public lands disposed of within the limits of those States respectively. You have refused that to the States of Ohio, Indiana, Illinois, and Missouri. And perhaps there was justice in refusing it to the State of Ohio, because this five per cent. was to aid in the construction of the Cumberland road, and more than $2,000,000 have been expended within the limits of that State for that purpose; and besides, grants of land exceeding one million of acres have been made, to aid in the construction of canals and roads within the limits of that State.

But, Mr. Speaker, it has been urged—and I have heard the objection made by some gentlemen here—that we will proceed with the construction of that road, and after a while the construction may be abandoned, and perhaps the lands set apart for that purpose may pass into the hands of speculators, and thereby the funds arising from the sale of these lands be diverted from the purpose for which they were originally designed. There has been a special provision incorporated into this bill, designed to guard against such a result. I say such an inference is unwarranted. Such a result cannot take place, because there is a provision, incorporated in the bill under consideration, that no portion of the lands granted by it shall be sold by the State, until twenty miles of the road shall have been constructed. Then one hundred and twenty sections of the land may be sold, and the proceeds arising therefrom applied to the construction of the road, and not until then. And so it is with every subsequent twenty miles of the road that may be finished, one hundred and twenty sections of the land may be disposed of, and the proceeds thereof applied as before.

The lands must, by the provisions of the bill, be selected within a short period of time after the line of the roads shall have been definitely fixed. After the lands have been selected, they will be the property of the State, but the State cannot dispose of them, or any portion of them, until twenty miles of the road shall have been constructed, and then only one hundred and twenty sections can be sold, and so on, for every twenty miles of road finished.

There is another provision of the bill by which the Government of the United States will be the gainer. The annual expenditure of the Government of the United States for the transportation of troops and munitions of war, from the city of St. Louis to the western frontier, for the purpose of maintaining a garrison upon that frontier, and for the purpose of keeping up the military posts established in New Mexico and Utah, and upon the Oregon and California routes, amounts, probably, to the sum of from $60,000 to $80,000. When these roads shall be constructed, those troops and munitions of war, according to the terms of this bill, are to be transported upon them, free of any charge or toll. The sum of $75,000, now supposed to be paid by the Government for that purpose, would be the interest upon $1,250,000. And what is the value of the land which you propose to give to the State of Missouri to aid in the construction of that road? It is estimated that about one million of acres will be applied to the construction of the road from the city of St. Louis to the western line of the State, and about half a million of acres to aid in the construction of the road leading from Hannibal to St. Joseph. The value of this land, computed at the minimum price of the Government—$1 25 per acre—will amount to something like $1,875,000. Then the amount of transportation—if it should continue to be as great as at present, and as great as it has been for three or four years past—which will be saved to the Government by the construction of these roads, will be the interest of only about the value of the lands thus to be given to the State.

I have shown that the Government of the United States is not the loser, by giving these lands to the State of Missouri, because you double the prices of the remaining alternate sections, and yet you have this other advantage secured to the Government of the United States; and it is an advantage which, I fear, will do much to depreciate the value of the grant which it is proposed to give to that State.

You have also another restriction in favor of the General Government. I allude to the provision imbodied in the bill, by which the right is reserved to the Congress of the United States to fix the compensation which shall be paid for transporting the mail upon these railroads. We have had difficulties already with some roads situated in the States bordering upon the Atlantic coast, in fixing the amount of compensation to be paid them for such services. In some instances that compensation amounts to three hundred dollars per mile. The Postmaster General, in the last five or six years, has had repeated difficulties with these railroad companies in adjusting the compensation for which they were to transport the mails over their roads. By this bill you have reserved the control of this matter by providing that the Congress of the United States have a right to fix the compensation which shall be paid for such services upon these roads.

I know it is sometimes asked, if these grants of land are made to the land States to aid in the construction of roads, what shall be done with the Eastern States, and those lying upon the Atlantic? If you are going upon the doctrine of *equivalents*, and say that the expenditures of this Government shall be apportioned to every portion of the Union alike, I will say that I am ready to enter into that computation, and I can demonstrate, from the expenditures of the Government of the United States, that a vast amount of that annual expenditure was made upon the Atlantic coast, and not in the West. I am not finding fault in this matter; but gentlemen come up and say that if we aid you in the construction of these roads, you must give us a share of the public lands, and distribute and divide them up. I do not wish to go into an apportionment of the expenditures of the Government, and say that an expenditure shall be made in each State in proportion to its representation. It is unfair. Wherever expenditures are necessary to be made, let them be made, whether upon the eastern and Atlantic coast, or upon the western frontier of our country. It is immaterial to me where they are made. Let me know that the expenditures are necessary, and I am ready to vote an appropriation for them, whether they are for the State I represent, or any other.

GRANT OF LAND TO MISSOURI.

SPEECH OF HON. O. B. FICKLIN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

THURSDAY, *February* 19, 1852.

The House having under consideration "A bill proposing to grant alternate sections of land to the State of Missouri, for the purpose of constructing a railroad from Hannibal to St. Joseph, and from St. Louis to the western line of Missouri"—

Mr. FICKLIN said:

Mr. SPEAKER: The interest which is felt by the people of the West for the construction of railroads connecting that section of country with the Atlantic seaboard, must be my apology, if one be needed, for submitting my views on this bill to the House. The lands in the Northwestern States originally belonged to the British Crown, and came to us by virtue of our revolutionary struggle, and falling within the limits of what was then regarded as the Territory of Virginia, and some dissatisfaction arising with the other States, Virginia by deed of cession in 1784, conveyed her title to the Government of the United States. That portion of the public land lying within the Southwestern States, was acquired in 1803, by purchase from France, known as the Louisiana purchase; and Alabama and Mississippi were ceded in 1787 by South Carolina, and in 1802 by Georgia. Out of these lands, the following States have been formed: Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, Louisiana, Michigan, Arkansas, Wisconsin, Iowa, except Florida, embracing in all 385,866,158 acres, of which quantity there has been granted, up to the present time, from 21,000,000 to 25,000,000 of acres for seats of government, universities, common schools, salines, deaf and dumb asylums, and internal improvements. This is all that has been granted for any purpose out of the immense domain, to the above named twelve States of this Union. Those States have been settled by the hardy pioneers, who have gone forth and subdued the forest and made the land subservient to the desires of the husbandman, despite the toils, hardships and dangers incident to a frontier life. These lands when ceded to the General Government, were the hunting grounds of the Indian; and the immigrant, in making his home in the new States, became the neighbor, if not the associate, of the Red man of the forest. A spirit of adventurous daring, of no ordinary character, is required to urge men forward in an undertaking like this.

These States owe their present prosperity and population, and the public lands owe their value, more to the strong arm and stout heart of the pioneer, than to the munificence of this Government. While they were yet in a territorial condition, with the revolutionary debt unpaid, it was, perhaps, well enough for the General Government to have the disposal of the lands within their limits for the purpose of defraying the expenses incident to the territorial government; but when they were admitted into the Union as States, they should have been placed upon an equal footing with the original thirteen States, and all the lands within the limits of each State, should have vested in the State government. This would have been the case but for a provision of the ordinance of 1787 reserving and securing the titles to those lands in the General Government, which provision was inserted in the several acts and resolutions admitting those States into the Union. This is an instance in which the General Government, having the power to dictate terms to the new States, exercised that power in a ruthless manner. The right of eminent domain, the right to tax the lands within her limits, is an attribute of sovereignty which every State or nation must cherish as being of the utmost importance. Of this right these States have been deprived, and the Government once held nearly 400,000,000 of acres of land, free from taxation, and still holds over one half of that amount. The General Government also holds in the following Territories a large amount of lands:

In Minnesota Territory.....	53,120,000 acres.
In Northwest Territory.....	376,040,960 acres.
In Nebraska Territory.....	87,448,000 acres.
In Indian Territory.....	119,789,440 acres.
In New Mexico.....	134,876,160 acres.
In Utah.....	120,270,720 acres.
In California.....	120,947,840 acres.
In Oregon.....	218,536,320 acres.
Making in all.....	1,231,069,440 acres.

California is included among the Territories, because the lands there, as well as those in those Territories, remain for the most part unsurveyed; and I take the quantity in each case from the estimates of the Commissioner of the General Land Office. We have at this time more than fourteen hundred millions of acres of public lands in the States and Territories—an amount sufficient to answer all the purposes of settlement, including liberal grants of alternate sections for railroads, without any probability of the supply being exhausted for a hundred years to come. It would seem that these broad acres and wide-spread fields of public land left us as little reason for dispute as there was between the herdsmen of Abraham and Lot when they went up out of Egypt, having the whole land before them. So boundless are these possessions that the human mind can scarcely look forward to the period when they shall support a population, per square mile, equal to that of the older States. Our present population of twenty-five millions must be increased to hundreds of millions, to effect such a result. The larger portion of these lands remain unsurveyed, and are as useless and unproductive to the Government as are the untold treasures of the miser which have been hidden for safe-keeping. The small pittance which is now asked by the State of Missouri in aid of her railroads, including, indeed, all the other bills of like character which have been reported to the House, would, if granted, scarcely be missed from this immense fund. It has been attempted by some of our strict-construction Democrats to assimilate a grant of alternate sections of land for railroad purposes, to an appropriation of money from the Federal Treasury for like purposes; but the cases are by no means analogous. By the Constitution itself, Congress is vested with unlimited power over the territory and other property belonging to the United States, while there is no such general grant of power to appropriate money out of the Treasury.

Again, the lands have always been regarded as being placed upon a different footing from money. The policy of the Government from the beginning of the land system has been to grant and set apart certain sections and townships for seminary and common-school purposes; to donate sites for seats of government, and the saline lands to the States in which they were situated. These grants of alternate sections are made in order to induce settlement and to enhance the value of the remaining sections. No such principle can apply in granting dollars from the Treasury. These grants, too, are some remuneration, however slight, to the States for being prohibited from taxing the public domain. Another distinction is this: that internal improvements by the General Government are superintended by the Federal officers, while the works constructed under these grants of land to the States are not. Money in the Treasury, therefore, is one thing; whilst unsold, and in many instances unsaleable land is another, and a very different thing.

The general utility of railroads, and their decided superiority over all other modes of transporting both passengers and freight, together with the incalculable benefits which they confer upon sections of the country devoted to agriculture, and upon commercial points, have established their value upon so firm a basis that it is needless to waste time in attempting to make more plain that which is in itself almost self-evident. The prosperity and advancement of Massachusetts and Georgia—two of the original thirteen—over their sisters, have been stimulated in no small degree by the great extent of railroad lines in successful operation within their borders.

Some members have questioned the importance of these Missouri railroads when completed, but I think that an examination of the map must remove all such doubts. When we consider the vast amount of revenue which Massachusetts derives from her numerous and admirably conducted railroads, we cannot avoid the conclusion that well selected investments of that character must yield remunerating profits. New York, during the last fiscal year, derived from three to four millions of revenue from her public works. The great West, containing a population of from eight to ten millions of people, and embracing that great basin of country stretching from the western slope of the Alleghanies to the eastern slope of the Rocky Mountains, penetrated by some of the longest and largest rivers in the world, containing the fairest lands upon the continent, eminently adapted to agricultural pursuits, presents attractions of no ordinary character to the manufacturing and commercial interests of the Atlantic seaboard. Hence we find Boston pointing her railroads to the Mississippi valley. New York, too, is striving to reach us by means of her canal and her railroads from her metropolis to Dunkirk and Buffalo. Pennsylvania is rapidly progressing with her road from Philadelphia to Pitsburg; and Maryland and Virginia with their roads to Wheeling and Parkersburg. Nor do they stop here. The railroad from Wellsville to Cleveland, and thence to Cincinnati, is in successful operation. Whilst Ohio is being penetrated in every direction by railroads, and is destined to become the common highway for the carriers of western produce, the enterprising State of Indiana is not unmindful of what is due to her position. Already has she five roads centering in her capital, one of which extends across her entire limit, from Madison, on the Ohio, to Terre Haute, on the Wabash. No one for a moment imagines that Terre Haute can long remain the terminus of the railroads pointing westward. The distance from Terre Haute to St. Louis, from Terre Haute to Alton, and from Terre Haute to Quincy on the Mississippi river, is too short, the connection is too important, and the country too productive to admit of a doubt of the speedy completion of the entire line.

These roads from Terra Haute would at once connect themselves with those named in the bill under discussion. As an evidence of the feeling of capitalists in regard to the importance of extending railroads to the Mississippi, I would say that, very recently, an Eastern company has taken the stock of the entire line of railroad from Cincinnati, by way of Vincennes, on the Wabash, to St. Louis; and the initiative has been taken by commencing the work. Illinois, like Indiana and Ohio, will become the great thoroughfare over which the States and Territories, west of her, must transport their produce to the Atlantic marts. There is not one of the contemplated roads crossing Illinois that does not deserve a grant of alternate sections of land to aid in its construction; for when completed, each and every one of them will yield remunerating dividends. The same remark will apply to the roads proposed in the bill now before the House.

The Legislature of Missouri has, on certain conditions, already appropriated two millions of dollars, to be applied to the construction of the road from St. Louis to the western boundary of the State, and one and a half million of the stock has been taken by private subscription.

The State of Missouri has also lent its credit to the amount of one and a half million of dollars to the road commencing at Hannibal, in the State of Missouri, (which is situated within a few miles of Quincy,) and extending westward to St. Joseph. Of the rapidly increasing prosperity and population of St. Louis, it is needless for me to speak. The history of that city is known to the commercial world. To us of the West, the name of St. Joseph is almost as familiar as that of St. Louis. It is one of the principal points of departure for the great army of emigrants for California and Oregon. From the latter part of March until about the first of May, thousands upon thousands of them are congregated at that place, and the country for miles around the town of St. Joseph is converted into one vast camping ground. Those who hope to extend a railroad to the shores of the Pacific, must feel a deep interest in progressing with it now to St. Joseph, the point of ultimate departure across the plains. These roads would not only connect with the Eastern Atlantic States, but also those on the Southeast. The railroad now completed from Charleston, South Carolina, through Augusta, Georgia, to Chatanooga, and under contract from the latter point to Nashville, in Tennessee, will be extended to Louisville, Kentucky, with a branch from Chatanooga to Memphis, on the Mississippi river. These routes being completed, will connect the valley of the Mississippi by railroad and river communication with all the principal cities of the South, and will insure the exchange of the products of the colder for those of a more Southern clime.

Hitherto the grain growing and provision producing States of the northwest have had no other southern market than New Orleans. The Chicago and Mobile railroad and the extension of the Vicksburg and Jackson railroad to Montgomery, Alabama, will contribute largely in facilitating the exchange of the commodities of the Northwestern for those of the Southern States.

The rice, cotton, and sugar-growing portions of the South will not employ their labor in producing wheat, corn, beef, and pork, mules and horses, so long as it can be used to better advantage in cultivating the growth of those staples to which their climate and soil are so eminently adapted. The South and West will be mutually benefited in the promotion of this trade, as the West and East have been profited by like traffic for years past. Nor is it less important to Illinois, and all those States lying east of her, that the bill proposing to grant alternate sections to Iowa for railroad purposes should become a law. Few States of this Union have become so populous in so short a time. One of her roads extending from the Mississippi river directly west through the heart of the State to the Indian country, will greatly facilitate the transportation of soldiers, provisions, and munitions of war, to the frontier when needed, and will give to her hardy and enterprising population an easy outlet for their surplus produce. Those products, too, will largely increase that great volume of railroad transportation passing from the valley of the Mississippi to the Atlantic seaboard.

The tables show that the tolls on the New York and Pennsylvania canals, and on the Boston and Buffalo, the New York and Erie, and Baltimore and Ohio railroads, for the transportation of western produce and travel connected with it, ranges from $15,000,000 to $20,000,000 per annum. The profit does not stop here, nor is it confined to inland freight and transportation, but the Atlantic States own the ships that convey these agricultural products to foreign ports; they have the carrying trade outside as well as inside of the United States, and in most cases receive a much larger dividend of profits than the producers.

The 400,000 tons weight of cotton annually exported from the South, the 200,000 tons of Indian

corn, and the 200,000 tons of flour sent from the grain growing States, give employment to New England shipping at remunerating prices for freight. The agricultural productions of the South and the West now constitute the greater proportion of the freights of New England shipping, and that proportion must increase rather than diminish. Nor are the manufacturing interests of New England, New York and Pennsylvania less favorably affected; the South and the West are their best customers. If they would have their manufactures to thrive, they should do all in their power to cheapen freights, so that the planter and the farmer may send their products to market, and, when sold, have something left to pay for the manufactured articles which they purchase.

The mercantile interests of Boston, New York, Philadelphia, and Baltimore, are not to be disregarded. The merchants of those cities look to the South and to the West for the majority of their customers. To enable those customers to buy, or rather to pay for what they buy, which is the more important to the seller, it is necessary that the surplus products of those sections of country should find a market, and the cheaper the freight and other charges, the more money will be left for making purchases.

New York is not only the great monetary, but is also the great commercial center of this continent, and every rivulet of trade that is opened in the West, contributes in some way to swell the mighty tide that is perpetually pouring into that grand reservoir. Our interests, therefore, are grouped together, and are mutually dependent upon each other.

That the construction of a railroad through wild land will, in all cases, duplicate the value of it, and in many instances make it tenfold, is proved by the experience of every day.

Much of the country between Lake Erie and the Hudson river was, until lately, wild land, and would probably have remained so to this day but for the construction of the canal and railroads across them. Since then those lands have been quadrupled in value, and are richly rewarding the labors of the husbandman.

It is known that the last Congress granted alternate sections of lands to Illinois, Mississippi, and Alabama, to aid in the construction of a railroad from Chicago to Mobile. That road, from Chicago south, passes through an almost interminable prairie, of gently undulating surface, and blessed with soil as rich as any on the continent. These immense prairies would astonish those who have never seen them, but who have been obliged to fell trees and roll logs in order to make a farm. They would not in a century to come have been sold at $1 25 per acre, but the railroad will cause them to be sought after at once at $2 50. Timber for building and fencing purposes will be freighted on the railroad, and the noise and bustle of the busy multitude will be heard and seen all along the line. Hundreds of thousands of bushels of corn are sold in Illinois at ten cents per bushel, to be consumed in stall-feeding cattle for the Eastern market, which in the spring are put upon the road to be driven on foot to the Eastern cities, at a heavy cost, for it requires some seventy or eighty days to make the trip, during which time the animals are shrinking in flesh.

Now, a railroad would enable the owners of corn, wheat, pork, and beef cattle to put them into market in a few days, at a comparatively small cost, and without material loss of weight to the animals.

Those who oppose the grant of alternate sections of land for railroad purposes frequently assume that all of the land is worth $1 25 per acre, which is a very erroneous hypothesis. Most of these lands have been in the market from twenty to thirty years, and, though subject to sale all that time, have not been purchased by individuals. It is true that the Government asks that price, but we all understand that it is one thing to ask a price and another thing to receive it. There is not a State in the Union in which the whole of the wild lands, including mountain and marsh, barren and swamp, would bring that price, or the half of it, and in most States not one tenth of it.

The interesting and able speech of the honorable gentleman from Tennessee [Mr. WATKINS] elucidates this point. North Carolina, in 1789, granted a large portion of the present State of Tennessee, subject to the payment of North Carolina military land warrants, and with some other charges upon them.

In 1846, the unsold portion of these lands were granted by Congress to the State of Tennessee; they were offered at twelve and a half cents per acre, and would not bring it, and now a person wishing to obtain a tract of those lands can do so by paying to the clerk of the court of the county in which the lands lie, seventy-five cents as his fee for preparing the papers. This furnishes one criterion at least, and there are many others similar, by which the value of wild lands may be estimated.

A large portion of the southern part of Kentucky was sold at twelve and a half cents per acre, whilst just across the Ohio river, in Illinois, the public lands could not be had for less than one dollar and twenty-five cents per acre.

The fact that some of those lands in the new States have been in the market from thirty to fifty years, is conclusive in favor of holding out inducements for their sale and settlement.

Those men who have had fortitude to settle a new country and to brook the dangers and hardships, and undergo the toils and privations of a frontier life, and who, by their industry, energy, and improvements in the country, have made lands valuable which were before comparatively valueless, deserve to share something of the benefits which their exertions have added to the country, and the Government, as the great land proprietor of the new States, should be willing to contribute something in the way of improvements.

Suppose that an individual owned belts of land thirty miles in width across the State of Missouri, would he hesitate for a moment to grant alternate sections if he could thereby secure a railroad across them? Surely not, if he understood his own interests; and will this Government be less liberal than an individual similarly situated?

No person who has not been an eye witness, can properly appreciate the hardships and trials connected with the settlement of those States in which Congress owns the lands. The hardships and inconveniences common to all new countries are quite enough for any human being to endure; but when you superadd the fact that each man desires to own land, and that he is constantly embarrassing himself to obtain money to pay to the Government for his land, it will be perceived at once how entirely these new States are drained of their circulating medium, and the conviction forces itself upon our minds that these lands should be ceded to the States in which they lie, and that Federal proprietorship over them should cease.

The national debt incurred during the Revolution by which they were acquired, has long since been paid, and there can be no pretext for holding them longer on that account. Those who believe with me in the great principles of State rights and State sovereignty, must perceive that violence is done to that living and vital principle by refusing to the new States the same attributes of sovereignty which belong to the old.

General Jackson contemplated the cession of the refuse lands to the States in which they are situated, and in one of his annual messages presented his views of this question to Congress. A number of years since, Mr. Calhoun predicted that, owing to the rapid growth of the land States, they would ultimately own these lands, and he therefore proposed, while the old States yet had the power, to do voluntarily what at no very distant day they would be compelled to do from necessity. He presented a bill to the Senate, containing provisions to cede the lands to the States in which they lie, on their stipulating to pay into the Treasury of the United States a portion of the proceeds, and enforced this view of the subject in a speech of more than his usual ability and power. He had the sagacity to foresee, and foreseeing he predicted that these lands could not be retained for any length of time by the General Government; and although he did not live to see it, there are those living who will witness the fulfillment of his prophecy. A similar opinion is intimated by the honorable member from Massachusetts, [Mr. RANTOUL,] whose views upon this question are at once so able and so practical. There is a settled conviction in the new States that they have not been treated fairly in regard to the public lands, and it need not surprise any one that so soon as they shall acquire that numerical strength which will enable them to redress their wrongs, they will do so, by declaring their jurisdiction over, and title to, the public lands within their limits, and maintaining their declaration.

I was surprised to find, Mr. Speaker, that this bill should meet with any opposition from Ohio; not so much on account of the quantity of public lands which that State has heretofore received, as from the fact that the people of Ohio, like those of Indiana and Illinois, are deeply and vitally interested in the completion both of the Missouri and Iowa Railroads.

Mr. STANTON, of Ohio, desired to know who of their delegation opposed this bill.

Mr. FICKLIN replied that two gentlemen, Mr. SWEETSER and Mr. CARTTER, had indicated their opposition.

Mr. STANTON. I am in favor of the bill.

Mr. FICKLIN. I am glad to learn the fact.

Mr. TAYLOR, of Ohio, in appropriate remarks, declared himself in favor of these bills.

Mr. FICKLIN. I thank my friend for the expression of his interest in this matter, and am glad to find that his feelings are with us, and hope that before the discussion shall close he will obtain the floor and give us the benefit of his eloquence.

Mr. CARTTER, (interrupting.) If the gentleman from Illinois is anxious to find a member from Ohio who will oppose this system of appropriation, perhaps I can accommodate him.

Mr. FICKLIN. Oh, no; I know a couple already, and that is enough for me. I have no wish to wake up any more of them. The State of Ohio is a star of the first magnitude; she is one of the first States in this Union. She is already checkered with railroads and canals, and by a well-contrived system of internal improvements, she has brought Lake Erie and the upper Ohio within a few hours run of Cincinnati; she is progressing, with an energy which does herself and her people great credit, in the further construction of railroads, so as to give to the traveler and the shipper of freights a choice of transit across the State in almost any direction. Freights and passengers from the States and Territories west of Ohio must, of necessity, pass over her railroads and through her canals, and thereby augment their revenue almost beyond conception. The interests of her people are almost identical with those of Indiana, Illinois, Missouri, and Iowa, and it does seem to me, Mr. Speaker, that we should not lose a single vote in either branch of Congress.

Mr. MEACHAM inquired if the Iowa roads pointed east and west?

Mr. FICKLIN replied that the one which most particularly attracted his attention commenced at the Mississippi river, and ran west through the centre of Iowa to the Indian country. The honorable member from Vermont need have no apprehension as to the final success of this great enterprise. The people everywhere are alive to this question, and a few more years will witness the completion of a railroad connection between the Green Mountains of Vermont, and St. Joseph, in Missouri.

There is another view which I desire to present, and it is this: the powerful effect which a well-contrived and well-digested system of railroads, penetrating all parts of this Union, will have in binding the States together as with bands of iron.

Much of the prejudice of the people of one country against another, and of the people of different sections of the same country against one another, is either removed entirely, or its acrimony greatly abated after they are brought together in social and commercial intercourse. That result will be effected, in a great degree, by granting alternate sections to aid in the completion of the railroads now contemplated. The completion of railroad connection between all the different parts of the Union will do more to hold us together as one people, than all the resolves of Legislatures and conventions that can be passed in the next ten years, because it is an appeal to a living principle common to mankind—the principle of self-interest—which will be remembered when paper resolves are forgotten.

A proposition has been submitted to divide out

the public lands between the old and the new States; for instance, to give to North Carolina, or Virginia, or some other old State, the title to and jurisdiction over part of the public lands in Illinois. This proposition is utterly preposterous, and I do not wish gentlemen to be deceived longer by it. The new States prize their sovereignty too highly, and are too jealous of their rights, ever to permit a sister State—coequal in municipal rights, but not superior—to exercise jurisdiction over the public domain within their limits. Those, therefore, who are not opposed to this bill upon principle, but who are holding back in the hope of obtaining a part of the public lands, and those also who are desirous of making their votes on this bill count in favor of the increase of the tariff, need not longer deceive themselves.

Mr. CHANDLER. Are we to understand the gentleman that whether or not gentlemen from the Eastern States support these measures, they will get neither the advantages of a tariff, nor any portion of the public lands?

Mr. FICKLIN. So far as I am concerned, I will frankly say to the gentleman that I am opposed to any increase of the tariff on coal, iron, or any of the staples of the country, and that I cannot vote with the honorable member from Pennsylvania for any increase of his tariff.

Mr. CHANDLER. I have no tariff; but I heard the gentleman some time since talk of cutting down trees and rolling logs, and I want to know who it is that has been log-rolling in connection with this measure?

Mr. FICKLIN. I have no information on that subject, and must say to the gentleman that I cannot join him in log-rolling.

Mr. CHANDLER. I do not ask it.

Mr. LETCHER. I should like to ask the gentleman from Illinois a question. I come from one of these old States, and I should like to understand whether the gentleman from Illinois, who says that these lands should be dedicated to a system of internal improvements, would be willing to vote the Virginia and Tennessee Railroad, or the Central Railroad of my State, a portion of these lands, if this general system prevails?

Mr. FICKLIN. I answer the gentleman by saying, that we propose to grant alternate sections along the line of the roads named in this bill, and I would be willing to grant alternate sections along the line of the roads which the gentleman has mentioned.

Mr. LETCHER. We have no alternate sections of public lands along the line of the road.

Mr. JOHN W. HOWE. I want to ask the gentleman if he proposes to bring the lands into the State of Virginia?

Mr. FICKLIN. I do not; but it is about as probable that these lands will be transferred from the new States, and placed, section by section, along the lines of the roads in the old States, as to suppose that they will be ceded to them. It is out of the question. It is bad enough for the General Government to be the proprietor of the lands in the new States; but they would not for a moment tolerate the idea of a sister State exercising similar powers.

I will say to the gentleman from Virginia, [Mr. LETCHER,] that the old States once owned these lands and gave them up; and now, I ask, does it come with a good grace from them to ask them back again?

Mr. AVERETT. I ask whether Virginia ever gave up her interest in these lands as one of the United States?

Mr. FICKLIN. She ceded them away once, and now it would look childish for her to come here and ask to have them returned to her.

Mr. AVERETT. She has ceded them to the United States, but she has not ceded her right to them as one of the partners of the firm.

Mr. FICKLIN. The deed of cession of Virginia conveyed to the General Government all of her right to the Northwest Territory, and any question in regard to the title to these lands must of necessity be between the General Government and the States in which the lands are located. How long it may be before these twelve land States, with the addition of California, may assert and maintain their right to these lands remains to be seen. It will probably not be a great while. I will not detain the House with any further remarks.

GRANT OF LAND TO IOWA.

SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE SENATE *February*, 16, 1852.

The Senate having under consideration "A bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State"—

Mr. BELL said:

Mr. PRESIDENT: When I took the floor on this subject, I stated that it was not my intention to detain the Senate by making an elaborate argument upon the various questions involved in it. I stated then, as I believe now, that it is a question of a great deal of importance. There may be questions of greater interest and magnitude demanding the attention of Congress, but certainly the question of a wise and settled policy of disposing of and administering the public lands for the public good is a very desirable object. For twenty years past, this has been a topic of annual debate in the halls of Congress. The importance of the subject has rather grown of late, particularly since the events within the last four or five years. During that period, large accessions to the public domain have been made by annexation. New questions, new ideas, as to the proper mode of disposing of these lands, have sprung up in the meantime. All of them deserve serious consideration; but I shall attempt to enter into but very few of them at this time.

I wish that, for convenience, for justice, and for avoiding biases and partialities in regard to the particular bill under consideration, these questions could be considered and settled independently of it, and by a separate measure. Although I at first approved the course of the Senator from Kentucky [Mr. UNDERWOOD] in offering his amendment to this bill, yet I now incline to the belief that the entire subject is too large to come up by way of an amendment to a bill such as the one now before the Senate. There are considerations which operate in favor and in behalf of the bill which ought not to prejudice a decision on the general subject. For example, neighboring States have had appropriations of this description made to them very recently; and I am told that at this session we have granted a portion of the public lands for making a railroad in one of the new southern States. I should be glad, if it corresponded with the views of the gentlemen who have taken the lead in this question, that this subject should yet come up in some separate form. I know how difficult it would be to edge in so important a measure between other subjects which excite considerable interest, and which are already before us—the French spoliation bill, the demands making upon us by California, and other similar measures. But this is a subject of such a nature that I think it ought to be settled, and at as early a day as possible; and whether it shall be separated from this bill or not will be for the Senate to consider.

I have said that it was a question of great magnitude. I said the other day that the honorable Senator from Michigan [Mr. FELCH] had presented the argument on his side of the question very clearly, and, as it then appeared to me, fully, forcibly, and ably; but it has since struck me that he omitted to make some statements which it is really important should be brought to the notice of the Senate. I do not know that any of the facts to which I allude as not mentioned by him may not be within the knowledge of Senators: they are in public documents, in the reports of officers of the Government, and have been printed from year to year; but members of this body have not time and leisure to examine carefully all of the important facts connected with matters of legislation. They only have time for cursory reading, with a view to have some general knowledge of all the affairs of Government; and this does not enable them often to bear in mind all the important statistics on great questions. I repeat, that the honorable Senator, although he made quite a lucid and able speech on his side of the question, omitted to state some important facts and statistics on this subject which ought to be brought to the notice of the Senate and the country. I refer more particularly to statistics which relate to the real magnitude of this property which is the subject of debate. In speaking of the public domain, we have always considered it as of considerable magnitude and consequence. We have always known that we possessed a large quantity of unappropriated public lands. We know that it has been extended very much of late. But what is the real magnitude of this interest? what is its condition now? To how much of the public domain has the Indian title been extinguished? How much remains unsold or unappropriated? How much remains of unsold and unappropriated land in all the new States? What is the amount of public land surveyed and now open to settlement by our own citizens and by foreigners, according to our policy in regard to immigrants from abroad? These are statistics which are important, not as affecting the principle of the decision we should come to on this subject, but because they tend to draw a due and proper attention and interest to the subject. My honorable friend from Iowa, [Mr. JONES,] by bringing forward this bill, proposes to appropriate to his State a million and a half of acres. That is a small and inconsiderable item when we look at bills of a similar nature, and to the whole extent of the public lands which may be disposed of in the same way. I do not propose to oppose this bill of my friend from Iowa, unless I should find a very decided spirit of injustice pervading the minds of honorable Senators from the new States. If such a spirit does pervade them, then it may be found necessary to defeat, if possible, every measure of the kind, until those gentlemen be brought to some fair and just consideration of what is due to the other States of the Union—of what is due to the whole country. If they will not do that, then it will remain for us to consider what means we have in our power to coerce—morally, I mean, not physically—what considerations we can hold out to them to do justice to the public generally on this subject.

What, then, is the amount of this great interest? What is the amount of the whole unappropriated domain of the United States within the new States and organized Territories, exclusive of California, New Mexico, and Oregon?—for I do not propose to embrace them in the present discussion. This is a subject which has attracted so little attention of late, that Senators do not expect any results which can change the former current of legislation on the subject; and hence the subject has little attraction. They do not consider seriously whether there ought to be any new policy adopted in administering this great fund or not. It may not be in my power, or in the power of all the gentlemen who take a different view of the importance of this question, to create interest enough in it to bring this body to a decision upon a general proposition establishing our land policy upon some more just, equitable, and permanent foundation; but I shall make the attempt to awaken some deeper interest on the subject. What, then, is the real magnitude of this fund, when considered in relation to the number of acres of the public domain now open for sale, or appropriated in any way Congress may have the power, and think proper to adopt? Tables have been presented by the Land Office at the present session, but they have not been published, and I do not know what they are. But there was a very full and elaborate report made in 1849, which I shall make the basis of my remarks. From the time when the United States took upon itself the administration of this great property to the 30th September, 1849, there had been actually surveyed in the new States and Territories 312,116,000 acres of public land. I leave out odd figures or numbers when they fall below thousands. At that time there were 70,000,000 acres unsurveyed—made up, for aught I know, of lakes and swamps, amounting altogether to 382,523,000 acres. This amount is exclusive of lands which had been settled or appropriated by France and Spain, from whom we derived title to a large portion of our public domain. Up to the same date—that is, September 30, 1849—there had been sold by the United States 101,386,694 acres. There had been granted for school and educational purposes 11,199,000 acres to the new States; for deaf and dumb asylums, 42,000; for internal improvements in the new States, 8,474,000 acres—making in the whole, 121,504,000 acres which had been appropriated by the Government of the United

States. Thus, in 1849, there were unsold and unappropriated lands still remaining in the new States and Territories to the amount of 261,018,000 acres. I deduct from these figures an approximate or estimated statement of the lands granted to the new States during the last Congress, denominated swamp or overflowed lands. I deduct fifteen per cent. of the whole quantity to cover that grant, and estimate the amount of swamp and overflowed lands granted at the last Congress to be 37,500,000 acres. That would still leave in the new States 222,518,000 acres of unappropriated land. Then I estimate that the bounty land and the cash locations during the last two years have amounted to 5,000,000 acres. That still leaves a balance of 217,518,943 acres of unappropriated lands in the new States. After this liberal deduction—and I know it should be liberal, particularly when you consider the everglades of Florida—I make a further deduction for the outstanding bounty land claims. The honorable Senator from Michigan [Mr. FELCH] is familiar with this subject, and he can say whether I have made a proper estimate or not. I estimate that, to satisfy outstanding military bounty land warrants, which we in our liberality have granted to the soldiers of the war of 1812 and of the late Mexican war, it will require 17,000,000 acres. Are there so many?

Mr. FELCH. Probably about that.

Mr. BELL. Deducting these 17,000,000 we still have 200,518,000 acres of unappropriated lands in the new States—to every acre of which, except a small portion of the northwest of Iowa, the Indian title has been extinguished, and they are now open to settlement and sale.

Sir, there is the Minnesota Territory. You know with what rapidity the Indians are required of late to move beyond the borders of a new Territory; and hence we may expect that the Indian title to all the country within the limits of Minnesota Territory will soon be extinguished. That Territory will make an addition of some 50,000,000 acres more to the 200,000,000 now liable to entry and sale in the new States. There will then be 250,518,000 acres.

Now, sir, I propose to make another deduction. It has been generally supposed that there was a large proportion of these lands that never would be fit for cultivation. But experience has shown that these conjectures are not always well founded. Look at the State of Ohio. There are in that State upwards of 25,000,000 acres, and of the whole of that amount there are only about 2,000,000 remaining unsold. Look, also, at the State of Indiana, with an extent of territory not much short of that of Ohio, and there you will find that there are only some 3,000,000 or 4,000,000 acres unappropriated. We all know, sir, that when settlers first come into a country they pass by many good lands in the hope of obtaining those which are still better. The richer lands being first taken up, those of secondary quality are next taken, and so on until all that are cultivatable are taken; and even what are supposed to be barren mountains are not unfrequently filled with valuable minerals, promising a rich harvest to the manufacturer and the miner.

I admit, Mr. President, that in these estimates I go very much on conjecture, as regards the quality of the lands; and I have often inquired why it was that so large a portion of Missouri remains unappropriated. The only answer must be, that though much of the vacant land is rich in minerals and otherwise valuable, yet it is not easily accessible; that it does not lie near the great watercourses, or the channels which lead directly to market, so as to tempt the settler. It is only when driven to take a secondary choice that an emigrant will take inferior lands. They will not make permanent settlements even when better lands are occupied by the Indians in the neighborhood. They will wait in the hope of the extinction of the Indian title.

Now, I have already deducted 35,500,000 acres for swamp and overflowed lands. I propose to make a further deduction of 50,000,000 acres, as barren or unproductive lands. Yet, even after all these large deductions, there will still remain of good lands, surveyed and ready for sale, upwards of 200,000,000 acres. Even you, sir, representing the interests of a new State, and deeply interested in a great question of this nature as you are, yet I doubt if you are not surprised that so large a quantity of the public domain is at this time in the market.

Mr. President, I would like that some honorable Senator would undertake to refute this calculation of this estimate of the quantity of the public domain now offered for sale, and of the magnitude of the interest involved. Yet, sir, with all this, you see how difficult it is to draw the attention of Senators to the subject. There seems to be no disposition to grapple with it.

Sir, I will now come down to some details which are, perhaps, not so important and striking as the facts to which I have before referred, but they are still of some interest. In the three or four States, Illinois, Michigan, Wisconsin, Iowa, and Missouri—and I allude to the Northwestern States more particularly, because it is in that direction that the tide of emigration mainly flows—within the States presenting these claims for lands to be appropriated to the construction of railways—how many millions of acres of unappropriated land do you suppose there are at this moment? After making all proper deductions, there are still about 100,000,000 acres in these five States. And what is it that they now ask? They are asking for some 4,000,000 or 5,000,000 acres for various objects of internal improvement Illinois has already got some 3,500,000, and appropriations for similar objects are now being asked by the States of Michigan, Wisconsin, Iowa, and Missouri—not to go down to Arkansas, and other new States of the Southwest, where they are asking for large appropriations—to the amount of some 4,000,000 or 5,000,000 acres. These States, including the State of Illinois, have 100,000,000 unappropriated land actually surveyed, and to which the Indian title is extinguished. The 5,000,000 acres now asked, if granted, when added to the 8,000,000 or 9,000,000 heretofore granted to the new States for internal improvements, swell the amount to some 13,000,000 or 14,000,000 acres granted to the new States for internal improvements, besides what is given for the purposes of education—besides the large amount of swamp and overflowed lands. My friend from Kentucky [Mr. UNDERWOOD] offers an amendment, proposing to give some 13,000,000 or 14,000,000 acres to be distributed among the old States according to some equitable rule.

Mr. UNDERWOOD. According to population.

Mr. BELL. Yes, that is the basis on which the Senator proposes to make this small distribution of 14,000,000 acres out of these 200,000,000 acres of unappropriated lands in the new States. And what is the reply by the Senators from the new States? "Oh, no!" Now, if my friend from Iowa [Mr. JONES] were present, I would like to reason with him face to face, and appeal to his sense of justice upon this subject. There is my friend from Missouri, too, [Mr. ATCHISON.] I think I can trust to the goodness of his heart, however much his judgment may be biased. He is asking for some 4,000,000 or 5,000,000 acres to the new States. Now, out of the 200,000,000 acres of unappropriated lands in the new States which have already been surveyed, and which are open to settlement, we ask that among the other States of the Union which have shared no part of the public lands heretofore may be granted some 14,000,000. But what is the answer? "No! What do you want with it?" We answer that we want it to pay the interest on our internal improvement debt, or we want it to make internal improvements of our own, or for purposes of education, or charity—such as the providing of asylums for the deaf and dumb, or the blind, or insane, or any other charitable purpose; not to glut the voracious appetites of those who have already more than enough, but for the indigent, the unfortunate, the needy, those whom the bulk of mankind are apt to forget, and to pass by, as they progress down the stream of time, without the knowledge of their being, much less of their sufferings. It is the unfortunate we wish to provide for, but you will not give it; and I believe that a majority of the Committee on Public Lands have settled down on that principle.

Now, Mr. President, as to giving these lands away, it may be that there are some modes in which we have not the power to do so; but it is evident that the Senators from the new States are not disposed to allow this fund to be mutilated except in one way, and that to inure to their own benefit.

Mr. JONES, (jocularly.) Perhaps the Senator from Tennessee would like to take it all.

Mr. BELL. Oh, no; but you won't give us any. We only ask for this pittance of 14,000,000 out of 200,000,000 acres unappropriated, and you say we shall have none. Is that just, or is it generous? I appeal to the generous and noble heart of the Senator from Iowa whether, as an individual, he would act upon such a principle. Sir, it is a very different thing when we come to represent States, corporations, or bodies politic. Very differently do we act in such capacity from what we would do were we individual partners in this great landed concern. Gentlemen seem to act upon the principle that the States being the partners absolves them from all the obligations of justice. I do not believe that either of the honorable Senators from Iowa, if they were individual partners, would ever think of standing up and asserting such a selfish principle.

Sir, I desire now to call the attention of the Senate to the principles on which this exclusive policy of the new States is sought to be maintained. I confess, however, that I almost despair of inspiring a sufficient interest in the subject in the minds of honorable Senators at this time. We are on the eve of a presidential election; and I would propose to adjourn this question to a future period, if I could foresee the time, or hope to see it, when this subject could receive its proper consideration. It seems there is never more to be a proper time for the discussion and dispassionate consideration of these great questions. So important, so overwhelming, so absorbing has become that great question, who shall wield the power of the Executive Government and its patronage, that one election is no sooner past than the canvass commences for the ensuing one with the same eagerness and intensity; but I will endeavor to bring the Senate to reflect upon the importance of this subject. I believe the honorable Senator from Michigan [Mr. FELCH] stated the other day that he could support these appropriations asked for by the new States on principles both of justice and sound policy; but that he could not support a proposition to distribute these lands among the States in any other manner than by the old mode of selling them, and letting the proceeds go into the public Treasury, and thence into the general expenditure.

I also understood the Senator from Illinois [Mr. DOUGLAS] to maintain the proposition that Congress had no power—that Congress could not constitutionally make a distribution of these lands among all the States. The honorable Senator from Michigan assumed that there could be no equitable mode of doing this but that which has been heretofore pursued. But both those honorable Senators maintain that the Government of the United States, being the trustee of this fund, have the power to appropriate a portion of these lands to the States in which they lie for the purpose of improving the remainder, and thereby increasing the fund of which they are the trustees. All that is well enough; and the proposition is clear enough, that the trustee of this great landed interest may grant or dispose of a portion of it in order to enhance in an equal degree the value of what remains; but the argument is, that you can only make a gift or a grant for this purpose to the States in which the lands happen to lie. Where, sir, do you find any such limitation in the principle or in the policy which authorizes Congress as the trustee to give away a part to improve the residue? As a trustee of the fund, as the manager of the estate, Congress can give away whatever portion of it may be expedient to give greater value to the whole estate. That is the principle, and it is reasonable enough; and in its nature there is no restriction as to whom or what persons or corporations this gift or grant of a portion of the estate is made; but the Senators from the new States contend that this gift or grant can only be made to the States in which the granted lands lie. Where, sir, I repeat, is the authority for any such restriction upon the power of the trustee? I answer, nowhere, except in the selfish policy of the new States. Where is the authority for the limitation in reason or in justice? If you can give any portion of these lands at all, why may you

not give them to individuals or companies as well as to the States themselves in which the lands lie, or why not give them to other States in which there are no public lands? Is it any violation of State rights, or any trespass upon their dignity and jurisdiction? It need not be, because the lands can be sold, and the moneys can be collected and distributed among the States by the agents or officers of the General Government. An agent or officer of the old States may never set his foot within the limits or jurisdiction of any of the new States.

Let us examine a little further the grounds of this exclusive policy of the new States. This is the argument: by giving them lands for the construction of railroads within a State, you improve the value of the remaining public domain in the same State to an extent equal to the value of the lands you have given away, so that nothing is lost to the public interest.

How, does this improve the value of the public domain? Simply by making a great thoroughfare through them, and attracting men of business, farmers, mechanics, and others, to the settlement of the country on the line of the road, and by opening a communication to the distant markets of the United States. Very well. But, sir, after thus restating the proposition, I do not see the limitation that these grants of land for railroads shall be made to the particular State in which the lands lie, or for railroads within the same State. I want to know on what principle it is assumed by honorable Senators themselves? I think it can be demonstrated that it is not a sound principle. They say that these railroads enhance the value of the public lands. Admit that; but let me remark that if you had no other road connecting with this road in Iowa, it would of itself be of very little value. It would enable you to get to the Missouri or Mississippi rivers; but during one half of the year it would be comparatively useless, for these rivers would be blocked up with ice. But construct another and connecting link through the States, extending eastward until you reach the Atlantic ports, or southward until you reach the great southern markets, would not your railroad become infinitely more valuable? Would not every farmer, every manufacturer, every trader, along the whole line of the road within the limits of Iowa be benefited by this extension of the line of that road? Most assuredly they would. Then why limit the grant of lands lying in Iowa to railroads within that State, when you know that without roads extending through other States to the East or South your road would not be worth within fifty per cent. of what it would be worth with those other and connecting improvements? Let it be further remembered that the principle upon which it is conceded that the General Government can give away any portion of the public lands to particular States or corporations is, that the value of the general fund or estate in those lands is thereby increased. If that is the true principle upon which these grants are made, why not take a part of the land lying in Iowa for the purpose of extending the Iowa railroad through Wisconsin to the lake, or through Illinois and other States eastward? It will not be denied that such an extension of the Iowa railroad would greatly enhance the value of the public lands in Iowa. Such an extension of the Iowa road would possibly add a hundred per cent. to the value which a road limited to Iowa would confer. I say that there is no logic, no reason, no justice in this limitation attempted to be imposed upon the power of Congress over this subject. It is simply a policy founded upon a cool, clear, and selfish calculation of local interests.

To show the injustice and unreasonableness of this policy of the new States, as maintained by the Senator from Illinois [Mr. DOUGLASS] and others, in a more striking manner, let me put the case of the extension of the road projected through Iowa, westward to the Pacific ocean. Does not every one perceive that such an extension of the road through Iowa would give increased value to every acre of land in that State? But Senators repudiate the idea of giving lands lying in any of those new States to construct a road to the Pacific, or through any State or Territory, except that in which the public lands happen to be. They reject such a policy as utterly inadmissible. Is there a man with a sane mind in Iowa, or Illinois, or Michigan, or Wisconsin who does not know that a road or roads on their borders, connecting their local improvements with some leading channel of communication with other sections of the Union, would enhance the value of the public and all other lands within the respective limits of their own States greatly beyond the effect of roads within their own boundaries? It is not the quantity of land given to any particular road, which increases the value of the remander, that limits the power of Congress as the trustee of the fund; but the principle carried out would authorize Congress to give some lands for the improvement of the remaining stock, so long as giving any, increases the value of what remains; and would therefore lead to giving lands in one State to make roads in another. The making of a road in Kentucky and Tennessee, and thereby forming a connection with the Illinois road at Cairo, would undoubtedly enhance the value of the public lands in Illinois; and, of course, the principle which justifies these grants goes the full extent of granting lands lying in one State to make roads in another. There is no limit to the policy except the discretion of Congress, whenever you concede the power of giving lands for the purpose of making other lands more valuable. To put the argument in a syllogistic form, it may be stated thus: The Government of the United States is bound to manage and dispose of these lands for the common benefit of all the States; but in the management of them as a trustee, the Government may give a portion of them away, provided the remainder of them is thereby improved in value. This general proposition must be conceded. But the Senators from the new States state a second proposition, which is a complex one. The lands, however, say they, thus given away cannot be given for any purpose or object out of the limits of the States in which they lie; and the conclusion, therefore, follows, that no portion of these public lands can be given for any improvement, purpose, or object, in the old States. The second proposition I maintain is gratuitously assumed. It follows from nothing that goes before, and is founded upon no solid reason or principle of justice. I say there is neither logic nor reason in it. It is founded upon a policy which appears to have been adopted by the new States upon a calculation of purely local interest. They have gone a step further still. They say that you can give portions of these public lands to objects within a State, such as a railroad or canal, or some other work of internal improvement or of beneficence; but I understand that the Committee on Public Lands have adopted the further principle, or rather limitation to the granting power of Congress—and the Senator from Michigan [Mr. FELCH] will state if I am correct—which is, that Congress must not only confine its grants to objects within the States in which the lands lie, but that no such grants can be made to individuals or corporations other than the State itself in its corporate capacity; and that the grant thus made, or the avails of it, shall inure as a fund for the separate use and benefit of the State to which it is made forever. I understand that to be the principle adopted by the Committee on Public Lands. At the last session all bills for grants of land to the new States, and all applications for such on any other grounds, were thrown out or rejected.

Mr. FELCH. I will answer the Senator with respect to that matter. That principle has been adopted from the commencement of our action on this subject. There has never been any grant of land to any company for the purpose of internal improvement. The committee, since I have had the honor of being a member of it—which is now four years—have in several instances reported against grants to companies, and the Senate has uniformly sustained the report of the committee.

Mr. BELL. That principle was not clearly settled till quite lately.

Mr. FELCH. I very well remember that at the last session, reports of this kind were concurred in and adopted by the Senate, and I think at the Congress before.

Mr. BELL. Was there no mixing up of companies or individuals in the grant made to Illinois?

Mr. FELCH. I think not.

Mr. BELL. That principle, then, may be regarded as settled now, and will take the place of common-law doctrine in the disposition of the public lands. On what principle is the doctrine founded that you shall not give lands to these private companies or corporations? On what principle can you maintain that you shall neither give to a canal or railroad company, though it may appear that to do so would increase the value of the public domain? Upon what authority, or upon what principle of reason, does that proposition rest? I can easily see that it may be good local or State policy to give to no other object but that of the State, because it may answer as a fund for lightening the burden of taxation in that State, so long as it continues to be a State. That is a sound, judicious, local State policy. I do not dispute that. It is founded in a clear principle of economy, with reference to the interests of the particular people of a State to which these grants are made; but upon what principle of justice with regard to the other States, which are equally interested in the public lands? Upon what principle it is assumed that we can give lands to a State to be a permanent fund to relieve its people from the burden of taxation forever, and yet shall not be permitted to give to any private company, although it might benefit the public lands even more, I cannot perceive. If, sir, there should be any sound reason why the new States should oppose any grant of land to companies within their limits, and insist that all lands granted by Congress in aid of any railroad or other improvement within their limits should be made to the State, and the fund to be applied to such improvement under the direction of the State, still what forbids that the road or other improvement should not inure to the common use and benefit of all the States or people of the Union? If the road is to be constructed under the authority of the State by the application of a fund granted by the United States, why not make the road free to all the citizens of the United States, after paying current expenses and repairs? Or, if tolls are exacted beyond those necessary for these objects, why not distribute the surplus among all the States? Why limit the profits to the State in which the roads are situated, seeing that the Government of the United States furnishes the means for making them? Such roads are a great advantage and benefit to the people of every State in which they are constructed, and especially to those who reside on the line of such roads. They improve greatly the value of all the lands held by individuals, as well as by the Government. It is, then, a great object with any State to have these improvements made, independently of any profit accruing from tolls. But the new States, not content with these advantages, insist upon converting the lands granted to these objects into a permanent fund for the support of the State government forever. Only observe what a magnificent scheme of local or State policy is thus projected and insisted upon. By the bill now before us, it is proposed to grant to the State of Iowa 1,500,000 acres of the public lands. The effect of this grant will be to raise the value of these granted lands, as well as all others in the hands of private persons on the line of these roads, to $5 and $10 an acre—perhaps some of them to $20; but take the average to be $5—then we make a donation to Iowa of $7,500,000.

Take a case still more glaring. At the last session, the honorable Senator from Illinois [Mr. DOUGLAS] was chiefly instrumental in getting through an appropriation of 2,500,000 acres for the State of Illinois. I have seen some estimates as to the value of the land granted to Illinois for the railroad from Chicago to Cairo, which state it at some $20,000,000 or $25,000,000, assuming that it is worth $10 per acre on an average. That may not appear to be an extravagant estimate when all things are considered. Some of the lands will be worth $5, and some $10, and some $20 per acre. Put it down, however, at only $5 per acre, and that will give $12,500,000 to the State of Illinois, to constitute a fund to be used in such a manner that the profits may relieve the people of that State from the burdens of taxation forever. This $12,500,000 is only about half of the estimated value of this magnificent grant; and I will only say to the Senator from Illinois, that if he will only be as clever and liberal to all the other States of the Union, he shall be elected President by acclamation. Give us in Tennessee $12,500,000 to relieve her people from the burden of direct

taxation, and he shall be our Magnus Apollo for the next four or eight years. I invite him to come up and consider the proposition. Sir, it is a glorious boon which he has contributed to bestow upon his own State, and I cannot perceive upon what principle of justice to himself he can refuse to other States an equivalent advantage; nor how he can expect support from those quarters of the Union from which he withholds bounties which his own State has received. In Kentucky and Tennessee, we are compelled to make our own railroads and find our own capital; and, from information I have received, I expect the State of Tennessee will add largely to her public debt this year to aid in the construction of railroads.

Mr. DOUGLAS. Does my friend from Tennessee want an answer? If he does, I will give it with great pleasure.

Mr. BELL. Yes, sir; I want an answer, if you please.

Mr. DOUGLAS. I will state that I will extend to the State of Tennessee, with a great deal of pleasure, precisely the same principle that he extended to Illinois, Mississippi, and Alabama. The principle was to give alternate sections to these States, within fifteen miles of the road, on the consideration of doubling the price of the other alternate sections. You found you could not sell the lands for $1 25 per acre, but by our making the road you can sell them for $2 50. If there are any public lands in Tennessee, let my friend bring forward his bill, and I will to-day vote to give the same grant to Tennessee. But there are no public lands in Tennessee. Why not? Because the General Government has given up all the public lands she had; and, after she has got all, she comes in and complains that Illinois has got a small portion.

Mr. BELL. How much did Tennessee get?

Mr. DOUGLAS. I do not know the quantity, but I know she got the whole.

Mr. BELL. I wanted some candid and serious answer. I thought my friend would think seriously of the question, and endeavor to ingratiate himself with the people of the other States of the Union. I will say that, whatever lands were given to Tennessee, the record, I think, will bear me out in saying that they did not defray one half the expense of survey, sale, and the settlement of the disputed titles. So that that is no answer to my argument.

But I am not arguing for Tennessee alone, but for all the States of the Union which have no public lands within their limits, and are yet equal owners and copartners in the whole public domain. I wanted the Senator to answer me this: He admits the principle of giving away part of the public lands for the purpose of improving the remainder: will he answer whether a railroad made through Tennessee and Kentucky would not add to the value of the public lands in Illinois? And, if so, upon what principle of justice or equity he can withhold a grant of land to Tennessee and Kentucky to enable them to make that road? Will he answer? The public lands in Illinois are as much the property of Tennessee and Kentucky as of Illinois, and they have an equal right to the benefits of any donation of these lands, no matter for what objects or for what purposes made. We gave five or six millions for the national road, on the principle of enhancing the value of our great national domain in the West. So every road leading to Iowa, or Missouri, or Illinois, or Michigan, enhances the value of these lands by giving new facilities for immigration, for commerce, and for a market. Now, I assert again that it is an exceedingly selfish and indefensible policy which declares that you shall only give to objects within the limits of the new States, and in a particular manner, so as to create a permanent fund for the use of those States.

Several modes of disposing of the public lands have been proposed from time to time. Some have proposed to distribute them in kind among all the States, giving the new States a liberal bonus above the other States. Others, again, have proposed to distribute the proceeds of the sales of the lands, after deducting the cost of survey and sale. The honorable Senator from Kentucky [Mr. UNDERWOOD] proposes a distribution among the old States of an amount equal to the quantity already granted to the new States for objects of internal improvement. The honorable Senator from Michigan [Mr. FELCH] has contended, if I understand him correctly, that Congress has not the power to make a disposition of these lands in any of the three modes suggested. Is there any prohibition in the Constitution against any one of these several plans? If there is, I would thank him to point his finger to it. If the Senator's argument is founded upon that clause of the Constitution which recognizes the validity of all preceding contracts, ordinances, and obligations which had been entered into prior to the adoption of the Constitution, I agree that there is some plausibility in it; and let us examine whether the objection is conclusive.

Mr. FELCH. I do not wish to interrupt the Senator, but I would merely say that the only clause in the Constitution to which I referred was the one which he has just cited. At the time of the adoption of the Constitution, there were existing contracts to which reference has been made—contracts of cession. The Constitutional provision gave confirmation to those contracts, as I understand it. The limitation, then, is to be found in the conditions of cession.

Mr. BELL. The power given in the Constitution is simply to make all needful rules and regulations in disposing of the public lands. But the honorable Senator maintains that all these plans are unconstitutional, upon the ground that there were preceding contracts, ordinances, or obligations entered into by the old federal Congress when these lands were ceded. I do not understand that he means to assert that these ordinances and contracts extended to the cession of Louisiana made by France, and to the cession since made by Spain.

Mr. FELCH. They do not.

Mr. BELL. They extend, then, only to the cessions made in the Northwest by Virginia, New York, and Connecticut.

Mr. FELCH. The conditions to which I referred are those which are found in the cessions of the original thirteen States. The Senator will recollect that several such cessions were made—by Connecticut, New York, Virginia, and North Carolina. In regard to the cessions made by France and Spain, there is no special condition on this subject.

Mr. BELL. I inferred as much, and took it for granted that it was so. The cessions by the other States—North Carolina and Georgia—contained conditions also.

Mr. FELCH. Those contained conditions as to the manner in which the lands were to be appropriated, viz: for the common benefit of all the States, as well those admitted after as the original thirteen.

Mr. BELL. I alluded to the ordinance of 1780, to which all the cessions made by the States conformed. It was stipulated that the lands, when ceded to the Union, should be for the common benefit of all the States. The conditions of those cessions of course applied only to the territory lying east of the Mississippi, and do not touch the territory or the public domain in Iowa, Missouri, and Arkansas.

The Senator then says we have no power to make these grants to any of the old States by reason of the prior obligations which we were under to appropriate the lands for the common benefit of all the States. I think he is pressing this argument a little too far when he employs it in defence of this bill, or of the entire batch of bills reported at this session; because if it is a condition of these cessions of the public lands, obligatory upon us, that they must be disposed of for the common benefit of all the States, then, I say, he is violating that condition of the cessions, and of the ordinance of 1780, when he makes these large grants for the separate benefit of the States in which they lie, and not to the common benefit of all the States. It will not do to say, in answer to this, that a railroad in any one State improves the property, condition, commerce, and resources of all the States. That is not the meaning of this ordinance, or of the conditions of the cession acts. The lands shall be disposed of or appropriated to the common benefit of all the States. When he undertakes by this bill to appropriate this large fund to the benefit of a particular State, and not to the common benefit of all the States, he violates the trust which has been committed to Congress as clearly as he would by giving these fourteen millions, asked for by the Senator from Kentucky, to the old States; and even more glaringly, because the fourteen millions proposed to be granted to the old States are no more than they would be entitled to under the ordinance of 1780 and the various acts of cession, on the ground that an equal or equivalent quantity was granted to the new States heretofore. But there is no approximation either to justice or good faith in the management of this great trust fund if the plan is persisted in of making large grants to the new States, to inure to their separate benefit. It will not do to answer that the ungranted lands will be increased in value thereby; for that increased value would follow upon making the roads, without giving the tolls to the States. It is just as much a violation of the ordinance and cession acts to give lands in that way, whatever the pretext may be, as in any other.

Now, will my friend from Michigan answer me on one point, because there may seem to be a gap in this argument? He says, if we do not grant these lands proposed in the several bills reported at this session, there will be no increase in the value of the public lands lying in Iowa, Missouri, Illinois, &c. But we say that we are ready to grant them, and upon a plan that will inure to the common benefit of all the States of the Union. What does the Senator say to that? Will he agree to it? We are ready to give a portion of them for an extension of the Iowa railroad. We want to extend that road from Iowa to the Rocky Mountains and California; and that will enhance the value of all the lands in Iowa, sold and unsold, still more. But we want the road to be public, and to be free to the whole people—to emigrants, to travelers, the soldiers of the United States, and to carry the mails, forever. We want it to inure, as strictly as it can be made so, to the common benefit of the whole country. We are ready to give, on a principle you admit to be sound. We have the power of giving part, to enhance the value of the remaining lands. We consider that the public lands can be improved in value more in this way than in any other. Now, will the honorable Senator answer whether what I propose would or would not be in accordance with the ordinance of 1780 and the cession acts, even in regard to those east of the Mississippi? And when you get beyond the Mississippi, how, or upon what principle, is it that you undertake to say to us, "You shall not give an acre of land in Iowa, Illinois, and Missouri, to make a foot of road beyond the limits of those States, though it may improve the public lands in those States? We admit that; but we have a local policy which will not allow you to improve your lands by granting a part of them, unless you give them to the States in which they lie, to constitute a fund for the separate benefit of those States, and to relieve their inhabitants from taxation forever." I call upon the honorable Senator to state the principle upon which he and the other Senators from the new States conceive they have a right to hold this language to the old States. I know that I am making a useless appeal to the honorable Senator.

The honorable Senator from Michigan did not pretend, any more than the honorable Senator from Illinois, [Mr. DOUGLAS,] to support this ungenerous and unjust policy of the new States by reason or authority. They assumed it as a policy which their States had adopted; and whether right or wrong, just or unjust, they supported it. I do not forget that the honorable Senator did urge some arguments, or rather some extraordinary reasons, for adhering to this ungenerous policy. I propose to advert to a few of them as stated by the honorable Senator from Michigan.

He says these new States ought to be dealt with liberally and bountifully by the General Government. See, he says, the hardships and disadvantages under which they were planted in the wilderness. See how they have extended themselves to the far West. See the amount—the vast amount—they have added to the productive industry of the whole country annually. They ought to be dealt by with great liberality, he says, on account of the privations and drawbacks under which all this has been accomplished. Sir, let us see what those disadvantages were. The honorable Senator from Michigan admitted that the policy of the General Government had not been alto-

gether illiberal, but contended that it had not been liberal enough when the extraordinary claims of these new States were considered. They had been driving off the Indians and extending the frontier from the western borders of the old States until they had reached the Upper Mississippi and Missouri rivers. Let us see what have been the hardships of their condition, and the peculiar disadvantages and drawbacks which they have labored under when contrasted with the circumstances under which the old States were settled. None of us are old enough to go back from recollection to the settlement of the old States, but by recorded history and tradition we know something of the difficulties and embarrassments they had to encounter. I do not refer merely to the old States proper, but to those also which we may call the new old States, and more particularly Kentucky and Tennessee. How were they settled? As a general truth, it may be stated that the inhabitants of the colonies, or of the old States, had to extinguish the Indian title to the lands within their settlements, and to subdue and drive out the hostile tribes at the expense of their own blood and treasure; and every advance into the wilderness was attended by the slaughter of their women and children. They were at once their own soldiers and paymasters; and this state of things may be said to have continued even after the Revolution. Emigrants, in those days, had to trace out and cut their own roads through recesses of the forest, and over the mountain passes, exposed to the ambuscade and tomahawk of the savage; and even after they had penetrated into the great valley beyond the Alleghanies, the early pioneers, from 1779 to 1794, had to grapple with the numerous hostile Indians, whose hunting-grounds they had invaded, single-handed, and unaided by a single regiment of Federal troops. It is quite a notorious fact, that in the last invasion of the settlements in what is now Middle Tennessee, there were only fourteen United States soldiers, and a mere handful of settlers, opposed to seven hundred Indian warriors.

The honorable Senator, it is true, may insist that the advancing settlements in the Northwest have sometimes been assailed by hostile Indians, and that their women and children have also fallen victims to their savage warfare; but let me tell the Senator that the difference in the two cases was, that such dangers and hardships were but exceptions to a rule; and, in the other, of constant recurrence.

Far different, indeed, were the circumstances under which the new States have been settled from those which attended the rise of the old States. These new States have sprung up under the protecting arm and fostering care of a strong and powerful and paternal Government. Wherever the Indians have manifested a hostile temper, large detachments of regular troops have been sent to guard the settler; and when Indian wars have broken out on the distant frontiers, the military power of the Union has speedily repressed them. Strong posts are established in advance of the still extending settlements; and every dollar expended by the new States in their own defence is immediately refunded. The Indian title to every foot of land within their borders, except a small portion of Iowa, has been extinguished by the United States. The new States have not paid a dollar, except their proportion of the whole expenditure of the Government. The old States paid the expenses of Indian treaties and acquisitions, as well as of their Indian wars. The territory within the States of Kentucky and Tennessee may be said to have been conquered from the Indians, by the unaided hardy courage of the early settlers.

I am reminded, by the course of the argument into which I have been led upon this point, that I omitted to advert, in the proper connection of my remarks, to the vast amount which this Government has paid in the purchase of the Indian title to the lands in the new States; and I believe that if the whole expenditure of the Government connected with the public lands be calculated, it will be found that not one cent has been realized by the Treasury from the sale of them. The Senator from Michigan [Mr FELCH] will allow me respectfully to inquire of him how the fact is. Have not the expenditures attending the acquisition of these lands been equal to the receipts from them?

Mr. FELCH. I had—though I have not now here—a statement from the Department showing the whole amount realized from the first to the present time, after making payment for the acquisition of the titles for the service of the public lands, so far as they have progressed, and for the proportionate amount of expenditures in administering the public domain. It appears from that, that there have been received into the Treasury about $60,000,000 more than the expenditures. If you add to that amount the value of the lands which have been used for the purposes of the United States, there appears to have been received into the Treasury some $75,000,000 more than the amount expended. This is including all which has been used for the purpose of extinguishing the Indian title, and acquiring the territory which we obtained under treaties from Spain and France.

Mr. BELL. Does it include the outstanding annuities, and installments upon annuities, payable to the Indian tribes?

Mr. FELCH. It includes all that has been paid or undertaken to be paid. It includes also the amount which was paid to the old States when the cession was made of that portion of the land which was originally ceded by them. I may be permitted to say that when the cession was made, a portion of the expenditure on the part of the States making the cession was provided for by the General Government. Virginia, and other States upon the borders, had expended money in extending their jurisdiction over the territory. They had charge of the forts and Indians, and expended money for the very purpose to which reference was made, taking care of the Indian title, and maintaining the jurisdiction of the State government over that country. A provision was made in the cession that they should receive back all moneys expended for purposes of that sort. Georgia received $2,250,000. The amount was not stated in the cession made by Virginia, but it was to be ascertained, and the State was to receive it. The lands of Georgia were also subject to certain outstanding claims. They were also taken subject to an express agreement that the United States should extinguish the Indian titles not merely in the territory ceded, but in that retained by Georgia, out of which grew the large appropriations for the expenses of the Cherokee wars.

Mr. BELL. I never went into that calculation; but, from my general reading and observation of the facts connected with the matter, I had the impression that the Treasury of the United States never realized one cent from the sales of the public lands in any shape, except indirectly in revenue from the customs. I think further inquiry into that subject will show that I am right in my impression. The Senator, in his estimate, does not include the cost of the Indian wars and disturbances which grew directly out of the treaties for the acquisition of Indian lands. The Florida war alone, which was produced by a too eager desire to extinguish the Indian title to all the lands in that State, cost the Government not less than $40,000,000. The Black Hawk war, which had a similar origin, cost not less than $3,000,000. There was also the *quasi* war waged against the Creeks and Cherokees, to repress disturbances, and to compel them to observe their treaties of cession, and to remove to the West. The concentration of the large military force for this service could not have cost the Government less than $3,000,000 or $4,000,000 more. If I should say $6,000,000, I would, perhaps, be nearer the truth. Now, I am quite sure that, if I could, from memory, refer to all the expenditures of the United States connected, directly and indirectly, with the purchase of the Indian title to the public lands, and their removal from it, and a full statement of the account could be made, the balance would be in favor of the Government of the United States; the public domain would stand largely debtor—I mean there would be a balance of expenditure over receipts. In the administration of this fund, I undertake to lay down this broad proposition—that the Treasury of the United States never derived one cent of profit. But I was on the subject of the liberality due to the new States. I was contrasting the mode in which these new States had been settled under the protection of the eagle of the United States. Troops are called for there even in advance, and sometimes when they are not needed. Every panic that arises, a military force is sent to relieve the fears of the settlers as speedily as possible. It was not so in the settlement of the old States. Besides, great highways have been opened, at the expense of the United States, leading to the new States. We have expended $5,000,000 or $6,000,000 for passing the Alleghanies, and penetrating the forests of Ohio and Indiana, to get to the borders of Illinois. Is not that liberal? And we have given the new States 11,000,000 of acres, worth some $15,000,000 or $20,000,000, or more, for school and educational purposes. We have done more. We have given them five per cent. of the whole of the net proceeds of the public lands, after deducting the cost of survey and sale. I would ask, have not the new States received about $5,000,000 or $6,000,000 from this five per cent. fund?—three per cent. of which was given to be applied within the States for the purposes of internal improvements, and two per cent. of which was to be applied in making roads leading to them; and the States, towards which those roads have not been made, have received the money instead of the expenditure in roads. In addition to this, upwards of 8,000,000 acres have been granted to the new States for internal improvements. Is not all this liberal? Is it not generous? And did not the honorable Senator from Michigan tell us the other day that we built their court-houses, their State-houses, and their jails, and, I believe, we have furnished libraries for their courts. Is not that sufficiently liberal? But the honorable Senator says it is not liberal enough, and we should give at this time to the new States, in addition to all that has been done heretofore, $12,000,000 or $15,000,000 worth of land each, out of which they may lay the foundation of a permanent income for the support of their local governments. Is that required upon any principle of liberality?

To show that this Government has acted with a princely liberality and generosity towards the new States, look at the rapidity with which they have grown up and become powerful. Look at Ohio. The settlement of Ohio may be said to have commenced in 1790. There was no great immigration to that State prior to that time, but she now may boast 2,000,000 of inhabitants. Indiana, an almost unbroken forest at the commencement of the last war with Great Britain, has now nearly 1,000,000 of inhabitants. Illinois has about 900,000; Missouri, 600,000; Michigan, 400,000; Wisconsin, only a State of the other day, 300,000 inhabitants: and Iowa, which was admitted into the Union only four years ago, has, I believe, 200,000 inhabitants. Is not that abundant and sufficient proof of the liberal and generous policy of the Government in the administration of this great fund? Consider the low prices at which the lands have been sold. In order to tempt and hasten emigration, we have held out inducements to people to come and take the richest and most fertile lands in the world at $1 25 an acre. I maintain that the policy of the Government, taking it altogether, has been most liberal and generous. This liberal spirit of the General Government towards the new States has in nothing been more striking and manifest than in the prompt extinguishment of the Indian title. The policy of the Government has been to go far in advance of any actual demand of new territory for settlement and cultivation: hence it is that there are more than 200,000,000 acres yet unsettled in the new States, and to which the Indian title has long since been extinguished. After all this, need I say that, upon the score of generous treatment, there is really no just claim on the part of the new States against the Government of the United States for any enlarged liberality?

The question recurs, can we not appropriate or dispose of the public domain, *to be applied for railroads*, wherever situated, forming connecting links between the old States and the new, or for any purpose whatever, provided only that the principle of equality shall be observed? There was a time in this country when it looked like a violation of the public faith to appropriate these lands in any other way than rigidly for the extinguishment of the public debt to which they were pledged; but that debt has long since been extinguished. We contract new debts almost every day—at least whenever they are needed—for war purposes, or for peace purposes, without the slightest regard

to pledges that have been given of the public lands.

The honorable Senator from Michigan argued that there is no way of having this equitable distribution of the public lands for the common benefit of all the States; and he insists that the scheme of the honorable Senator from Kentucky was not exactly just and equal—that there was a difficulty in fixing the ratio of population and territory. Certainly there is a difficulty in everything relating to morals and government. There is no mathematical exactness that can be applied to any of the great affairs of Government. We can only approximate justice in the purest tribunals. Exact equality is seldom attainable in the distribution of private estates in lands.

The honorable Senator from Michigan will not agree to concede any of the public lands to the old States because there can be no exact justice or equality in the apportionment; and he suggests that the only constitutional and equitable mode of distributing for the common benefit of all the States is to continue the policy of paying the proceeds into the Treasury, and letting them pass into the general expenditure. But I insist that that is not the question now. You are every day narrowing down this fund—taking more and more to be appropriated for railroads in new States; and still they, cry "Give us more of these lands for these purposes." They say to the old States, "You shall not have them for any of your purposes."

If there is no other way of doing justice to all the States, except by distributing the money from the Treasury, after it is paid in the regular mode, let us do that. That was done in 1841. If you will admit nothing else which will approximate what is just and equitable, go back to that. It will assist the States now groaning under heavy debts for internal improvements. Give them equal proportions of the receipts from the public lands, and it will be a great relief to them.

It is a remarkable fact that the act of 1841 stands repealed by a proviso, which, when you come to examine it, ought not and does not, according to the spirit of the proviso, operate as a repeal, for it was meant to stand repealed whenever a higher rate of protective duties was given than the rates prescribed by the compromise act of 1833. I have been informed that the tariff of 1846, as administered with its *ad valorem* duties, does not afford a protection to many of the leading articles of domestic manufacture equal to that of the tariff of 1833. That act gave better protection to American industry than the act of 1846. If that be so, in equity and justice the statute of 1841 stands unrepealed to this day, and Congress has it in its power to declare that opinion. But whether we are of opinion that the tariff of 1833 gave better protection than that of 1846 or not, we can, if we please, approximate a standard of equality by reviving the act of 1841. If the proposition of the honorable Senator from Kentucky be rejected, why may not that be done?

But here is my friend from Virginia, [Mr. HUNTER,] always a stern advocate for the doctrine of State rights. He will not consent to this course. This doctrine of State rights, and the discussion of it, has a singular periodicity. I mean, it is raised with certainty once in every four years. There is always more or less excitement about it once in four years; and this uniformly takes place on the eve of a presidential election. Circumstances in our history of late have imparted some new life to the party which advocates that doctrine; and it is given out that it is just now of more than usual importance that this political creed shall be maintained. The South are admonished that the moment they admit any laxity in the construction of the Constitution, the North will be down upon them; that there will be no safety for their institutions or policy but in upholding this doctrine of strict construction, according to the theory of the straightest sect, which, I believe, is now the Virginia sect—South Carolina having taken the lead awhile, but having now surrendered it to its first and earliest patrons. Such arguments have an imposing effect on the country. I do not suppose, sir, that honorable members of this body can be deluded by any argument not sound in itself. But thousands are deluded upon questions of the class now before the Senate by the specious and imposing manner in which the value of this State-Rights doctrine is often presented. The opponents of a protective tariff, as well as those who are against internal improvements of any kind, remind the South that any departure from a strict and literal interpretation of the Constitution on the subject of internal improvements or of the tariff, exposes a certain species of property in the South to imminent hazard; that the North will not fail to take advantage of any liberal or latitudinous construction which is admitted in our legislation to carry out their policy. Let us see how this doctrine of State rights applies to a tariff. I suppose my honorable friend from Virginia would vote for a tariff of twenty per cent., and perhaps of thirty per cent., upon some articles. I believe he voted for the tariff of 1846.

Mr. HUNTER. I did vote for the tariff of 1846.

Mr. BELL. That tariff laid a duty of thirty per cent. upon some articles, twenty upon others, and so on. A tariff of thirty per cent. was then, at that time, held to be no violation of the Constitution; but if a tariff imposed a duty of thirty-five per cent. on cottons or woolens, or forty per cent. on Pennsylvania iron or Louisiana sugar, then we are told that that would be a violation of the Constitution. If a tariff of twenty or thirty per cent. is no violation of the Constitution, or of the doctrine of State rights, how would a tariff of thirty-five or forty per cent. become so? I know what the reply is. I know it will be said that different rates of duties may be imposed simply for revenue purposes, and that such are constitutional; but the moment a duty is imposed for the protection of the domestic article, then it is no longer constitutional. That is all very well; but how do they derive the knowledge that a duty of thirty per cent. would be the proper rate for revenue purposes, and that thirty-five per cent. would go beyond the revenue point and become protective? It cannot be derived from any source; no two men would agree about it. It is purely arbitrary. Senators who are opposed to a tariff of protection may have sheltered themselves from the charge of inconsistency in voting for the tariff of 1846, by saying it was the best and lowest they could get, and better than the act of 1842. Well, whatever is voted from time to time on this subject is always the best that can be done under the circumstances, and the defence is complete. If you admit the idea of discrimination to any extent, or if you admit the constitutionality of a tariff of duties at all, where is the practical limitation upon the power? If the tariff were to be cut down to ten per cent., there would be protection to that amount. You can never tell what would be the product of any particular rate of taxation on the importations of this country, because the importations vary as well as the value of articles. Those honorable Senators from the South who voted for the tariff of 1846, may, in 1853 or 1854, be compelled to allow an increased duty of five per cent. on some articles and ten upon others, and may have only to declare that in their opinion such increase was necessary for revenue purposes, and who can justly charge them with having departed from their principles? Thus the constitutional objection to the protective principle is too subtle to be made a rule of practice.

In pursuance of a similar policy, any distribution of the public lands, or of their proceeds among the States, is deprecated by the gentlemen of the State-Rights creed, lest it may lead to the appropriation of moneys from the Treasury to internal improvements. I thought that the honorable Senator from Virginia, [Mr. HUNTER,] in his speech the other day, without making any proposition to the friends of the bill, which of course he would not do, gave them delicately to understand that his opposition would be less obstinate if he could be assured that the policy of improving the harbors and rivers by the General Government would not be adopted. He said that this partial appropriation of the public lands to the new States for railroads was less offensive to him than internal improvements by the General Government. That idea was thrown out distinctly, and we know that loud professions are made all over the Northwest in favor of improving the great rivers and harbors of the interior.

As for internal improvements generally, the making of roads and canals through the States by the General Government, I have for twenty years been against the policy, and shall forever be opposed to it, as leading inevitably to a wasteful and corrupting system of expenditure. But I can see no objection, either constitutionally or on the score of expediency, to appropriations for the improvement of those great inland seas—the lakes and rivers—which connect the West with the East and the South. I do not conceive that the opposition of gentlemen to the appropriations for the improvement of rivers and harbors is sustained by any principle of the Constitution, or upon any ground of expediency or policy, except it be on the vague fear that certain great interests will be in danger, if we exercise any powers which may be questioned by anybody. I know the potency of that alarm which is regularly sounded upon every question of this kind. It has been said that it is less objectionable to give land to the new States for internal improvements than to give money from the Treasury for the same objects. Where is the difference? What is the use of this distinction? Does it in the end save the public property or money? Does it husband our resources? Does it prevent the corrupting tendencies of the Government, or the increase of expenditure? Does it prevent the tendency of our system in teaching the people to look to the Government for support, instead of relying upon their own industry and their own resources?

Let us examine this argument for a moment. The system of appropriating $2,000,000 or $3,000,000 to the improvement of rivers and harbors annually, is startling to many minds. It is said that it is a great tax upon the Treasury; that when it is once commenced it cannot be stopped. Some of these gentlemen, who have such a horror of this system, never seem to consider that the fathers of the Republic—the great expounders of the practical operations of the Constitution—have told us, long since, that abuses of the Government were not so much to be apprehended from the usurpation of powers not clearly given, as from abuses of powers conceded and unquestioned. What has this Congress done within the last few years? Why, gratuitously, voluntarily, without any demand in public sentiment for such a thing, they have given away 15,000,000 or 20,000,000 acres of public lands, or $30,000,000 or $40,000,000 worth of property in bounty land warrants. This was a gratuitous pandering to the appetite for popularity, in my opinion. There was no claim or demand set up on the part of recipients. The soldiers who fought in our wars had received their pay, according to promise, and something extra. They had received bounties according to promise; and then, after all that, a proposition was introduced to appropriate 15,000,000 or 20,000,000 acres—to distribute $30,000,000 worth or more of property among the soldiers and their assignees, and not a voice was raised against it. This was done, too, under the war-making power, on the ground that it was proper to cultivate and stimulate the military spirit of the people of this country—as if it needed husbanding—as if there were not sufficient rewards and inducements besides those of land and money, to rouse into action the gallantry and patriotism of our citizen-soldiers. Under the clearly-conceded power of making war, $20,000,000 or $30,000,000 worth of property was gratuitously granted without saying a word—at one swoop—by a single vote. The yeas and nays were not called even; and yet the proposition to appropriate $2,000,000 or $3,000,000 annually, for clearing out the rivers and improving the harbors of the West, is enormous and extravagant waste, and against the Constitution. Scarcely a mail arrives from the great West that does not bring tidings of lives lost by the obstructions in the navigation of the rivers—obstructions in the great rivers which no one State has sufficient resources to remove, and none have jurisdiction over them; yet gentlemen resolutely oppose any interference by the General Government. Gross abuses in the expenditures under this Government, it is clear, are not to be apprehended from the exercise of contested powers, for they are always watched and guarded with greater wisdom than others; and it is well enough that they should be. This furnishes ample security that the power to improve the rivers and harbors of the West will not be abused. I must not be understood as addressing my re-

marks to the gentlemen of the Northwest upon this subject. Many of them, I believe, are sincerely in favor of the improvement of rivers and harbors, and but few, if any, from that section of the country avow their opposition to this policy; but somehow or other we can never get a bill through. There is a manifest reluctance on the part of some of the avowed friends of this policy to come to the vote. The formidable opposition comes from the South. Is it unreasonable to ask appropriations for the improvement of the great rivers and harbors of the nation, when the Government expends millions, from year to year, on other objects not more clearly warranted by the Constitution? Ten millions are annually expended on the navy for the protection and advancement of foreign commerce; and how many millions for the coast survey, to lessen the risks of the carrying-trade between the States on the Atlantic? How much annually for the maintenance of the light-house system, to guide the coasting vessels in the darkness and in the tempests? But not one cent is to be given to improve or light up the great waters of the West. To do this would be unreasonable and unconstitutional, according to the doctrine of a large and respectable class of our statesmen.

The Constitution gives to Congress the power to regulate commerce, internal as well as external, and the jurisdiction of the sea-coast and the navigable waters of the interior follows this grant. I know there is a point in this view of the case which creates some uneasiness. This power of regulating internal commerce and jurisdiction over commerce between the States, is looked upon with some alarm. But the power to regulate gives no power to prohibit trade. There is the safety. We do regulate internal commerce now. We establish ports of entry, and require a registry of vessels trading upon our great Western waters, just as we do in regard to those engaged in foreign trade. According to a late decision of the Supreme Court, the Wheeling bridge is to be abated as a nuisance, because it obstructs a great channel of internal commerce within the jurisdiction of the United States.

I trust I have shown that, should the improvement of the rivers and harbors of the West follow the distribution of the public lands among the States, the evil would not be so great, nor the questions of constitutional power so doubtful, as the gentlemen of State-Rights politics have supposed. Is it not a strange, not to say a monstrous doctrine that you can give millions to light up the sea-coast, but you cannot light up the darkness which often enshrouds the vessels on the rivers of the West? You cannot clear the snags out of the Mississippi, nor afford any facilities to the navigation of that great river, though you may spend millions on the coast survey. To exercise the same powers over the navigable waters of the interior that you do over the bays and harbors and seas on the Atlantic coast, it is said, would be contrary to the State-Rights doctrine, and that is the palladium of the Union. According to the teaching of those who hold this doctrine, to exercise the same powers in regulating internal commerce that are exercised over foreign trade might be dangerous to a great interest often alluded to in the debates of this Chamber. I have already noticed that the power to regulate does not carry with it the power to prohibit commerce in any species of property; but I am not prepared to say that an absolute prohibition of all commerce between the States in the species of property referred to would not be the best thing which could be done for the promotion of that great interest in the South. But that cannot be done, because there is no power to prohibit commerce in the Constitution.

I must recur for a moment to the argument of the Senator from Michigan, that we have no power under the Constitution to distribute the public lands among the States, except upon a principle of perfect equality, and that such exact equality is only to be found in the practice of paying the proceeds into the Treasury, and letting them pass into the general expenditure. If all will agree to that, I am willing. But the new States will not agree to that. We are disregarding that policy in what we do at every session. The lands are in a course of unequal distribution; but because we cannot have a distribution upon any plan of exact justice, is it sound policy to say that we will not have it at all? Over 20,000,000 acres have been given to the new States for various purposes, 14,000,000 or 15,000,000 of which have gone directly for internal improvements, and the old States are not to have a share, because the fund cannot be divided with exact justice to each. Is that a principle of sound legislation? Is not the true policy to get as near an approximation to justice as we can? We have made larger grants of this common property to the new States, which was unjust to the old States, and a wrong. Is it in violation of the Constitution to right that wrong by granting an equal proportion of these lands to the old States? I know it is contended that we have no power to correct an abuse growing out of an unconstitutional act of Congress. But I think that is not a practical view of the subject, nor one quite consistent with common sense and justice. There are some cases where it might and ought to be done. I thought the position of a late Administration—when the Government, by its own act, when, by its own officers, it had placed an obstruction in one of the great navigable rivers of the West, (the Ohio,) and yet denied the power to remove the obstruction placed there by Federal authority—was an error, and an over-strained case of conscience.

There is one other view of the subject which I wish to touch upon before I close. We have more than 200,000,000 acres of land already surveyed and open for settlement, after making all proper deductions for overflowed, barren, and bounty lands. In the five new States of the Northwest—Illinois, Michigan, Wisconsin, Iowa, and Missouri alone—we have a hundred millions of unappropriated lands open to settlement; yet the cry is for more Indian territory, not only from year to year, but from day to day. And I am sorry to hear that this good Whig Administration has, within the last twelve months, authorized treaties to be made with Indians which will supply enough territory for two additional new States, running up to the Red river of the North. We are to have some 30,000 or 50,000 more square miles, and some additional 30,000,000 acres of Indian territory, thrown open for settlement, extending to the northern boundary of the United States, upon the very plausible pretexts that it is necessary to preserve peace among the Indian tribes; that it is a glorious country—rich in the means of subsistence; its lakes and rivers abounding in fine fish, and the soil the very best. It is said to contain minerals of great value and extent, and it will be quite accessible to market when the projected improvements by railroads in that distant quarter of the Union are completed. I believe about $2,500,000 are to be given for this purchase—about $400,000 or $500,000 to be paid down. I state this for the purpose of calling the attention of the public and of the Senate to these facts, that their bearings may be considered and understood.

The three States of Wisconsin, Iowa, and Missouri, have sixty or seventy millions of unappropriated lands surveyed and open to market within their limits. The Indian title has been extinguished to all of it, except a small portion in Iowa. The Indian title will be speedily extinguished to the lands in Minnesota Territory. On what principle, then, or in pursuance of what policy, do we propose to get this large additional territory from the Indians embraced in the late treaties? It is simply a result of the practice and policy of the emigrants and settlers upon their arrival in a newly-acquired territory, as stated by the Senator from Michigan. They will make no selection or settlement of lands except upon water-courses offering a free access for their produce to market, nor upon any but the most fertile lands. The Senator from Michigan stated distinctly, and in so many words, that new settlers will not go into the interior of any territory where the lands are not accessible to market, no matter how rich they may be; they will settle only upon the rich lands on navigable streams. The rich lands upon the navigable streams in Wisconsin and Iowa are chiefly taken up, and therefore there is a necessity for more treaties with the Indians in order to keep up a supply of the best quality of lands. The lakes and rivers, and rich lands of the Northwest, to our furthest limits, must be thrown open to settlement by emigrants before they can be expected to enter and settle upon second-rate lands, or upon even rich lands, when not eligibly situated as to market. Iowa, bordering on this country to which the Indian title has been so recently extinguished, had, in 1849, of lands surveyed within her limits, twenty-seven millions. Deducting two millions for subsequent appropriations or sales, and still there are twenty-five millions. Wisconsin, on the opposite side of the Mississippi, has quite as large a proportion of unsold lands; and yet treaties are made to obtain thirty millions more in order to furnish a chain of settlements on streams and lakes accessible to market, and to attract emigration.

I have stated that in Illinois, Michigan, Iowa, and Wisconsin, and Missouri alone, there are 100,000,000 acres surveyed, and yet unsold or unsettled. No wonder, then, that the Senator from Michigan should warn us that some new, still more unequal and unjust mode of disposing of the public domain, might soon be devised; no wonder that the Senator from Wisconsin, and many of his constituents, have taken up the idea that the principle upon which the new States have been settled does not afford sufficient inducements to immigration, and that, in order to tempt settlers to the interior sections of the State, and to swell the population, the land should be granted on condition of occupancy only. It is thus that from the too liberal policy of the Government in bringing fresh lands into market, far beyond any regular demand for them, has sprung the idea that in those new States the true policy of the Government is to make a free gift of the public domain to actual settlers. In the meantime, the Indians are to be chased still further and further into the wilderness, to add new millions of lands to the two hundred already prepared for settlement. As for the Indian tribes, they are to be so drawn together that they will exterminate each other, or make war upon the frontier. Such is the policy which is more than threatened. For my part, sir, I do not hold it to be good policy to hold out inducements for ship loads of emigrants to come and take possession of the public lands. I do not know that I should object to making provision for some of my Irish connections, or for the Germans, to a reasonable extent, but I object to the policy of inviting whole communities of men of different races, of different habits and mode of thought, of races who hold to the cultivation of their own language exclusively, and will never be content until their language shall be the language of our laws. I have no objection to the rapid settlement of the West. We could not prevent it if we would. It is manifest destiny. But I do not think it is sound policy to be adding millions and millions of acres to the stock of unsold lands, while we have already so many millions on hand, which only tempt to new and mischievous theories. I do not desire to crowd the population in the West; but I want some fair proportion of the lands that are surveyed and open to settlement disposed of, before we open new territories and build up new States. Why, in a few years the new States will be able to control this Confederacy, and I can see no wisdom in hastening that day. The old men of the present generation may not see that day; but the rising generation and the young aspirants of this day may expect to see the time when the new States, including California, Oregon, New Mexico, and the States we are proposing to make north of Minnesota, will control the Union. They will do it in the natural course of things soon enough. They will then have the power to settle all questions of relation to the public lands in their own way.

I had proposed to submit some other views on this subject, but I forbear. I do not want to ask the indulgence of the Senate again. I will, therefore, conclude what I have to say now.

At the last session of Congress we passed a bill giving 2,500,000 acres to Illinois. I have said to the honorable Senators from Iowa, and I would say to the Senators from Wisconsin and Missouri, I shall not oppose these bills of yours; let them go. I will not make fish of one and flesh of another. I will not say to the youngest and weakest State of the Union—weakest in point of population, though strong in the straight-forward and manly course of her representatives on this floor—you shall make an exception. We have given lands to Illinois, and I will not refuse an equal

quantity to other new States. Whatever injustice may be done to the old States, I think it sound policy to cultivate a kind and generous feeling on the part of the new States—to be just, and generous, and liberal to them. But I think they should no longer hesitate to do justice to the application of the old States to have their proportion of this common property set apart for them.

I would be glad, as I said at the beginning of my remarks, if the question involved in this amendment could be presented separately, so that we could go into the consideration of the whole question, divested of all embarrassments. If I thought it would meet the approbation of the Senate, I would myself bring forward a proposition for the distribution of the proceeds of the public lands. I would bring forward a proposition reviving the act of 1841 at once, believing, as I do, that the fact or principle upon which it stands repealed by the letter of the act, does not exist according to the spirit of it. I say I would make this proposition myself, but that I feel restrained by some considerations altogether foreign to this subject. I take a different view from some other gentlemen of some of the other questions pending in this country at this time. I do not mean to go into them now. When I go into them, I wish to do it fully. My opinion is that great principles of public policy require, if our expenditures are to go on increasing, as they will, they should be outward as far as possible, and not internal. It seems that profuse expenditure must continue to be authorized. This, too, is destiny. But I would divert it, if I could, and would throw it as much as possible on external objects. Its deleterious effects upon our republican system should be lessened as much as possible; but this consideration would not restrain me from proposing the distribution of the proceeds of the public lands.

But I am restrained by another consideration—the state of things in Europe. In my opinion peace cannot be expected to be of long continuance there. There will probably be a general war, and at no very remote day. Louis Napoleon cannot stand without war, and he has sense enough to know it. This is my view of his position. On what principle the war will be waged—whether it will be a combination of despotic powers against liberal principles of government, or whether the old jealousies and rivalries, the old idea of maintaining the balance of power, shall be the moving causes—I cannot pretend to say. Whether, after all, England will acquiesce, and there shall be a general calm over Europe under the protecting wings of despotic and military power—all these things are veiled from our eyes; they are in the future. In my opinion they will be revealed at no distant day. I am not for intervention in the affairs of Europe, or for entangling ourselves there; but I say that we are not the people we were sixty years ago. Whenever the trial comes—whenever such a crisis is presented as I predict will arise—we shall not feel trammeled as we were in former times; and if there is anything like a general war in Europe, no matter who are the parties to it, or on what principles it may be waged, we will be drawn into it, whether we will it or not—with or without our approval of the policy upon which it is waged. I have listened to the speeches of more experienced gentlemen on this subject; I have listened to private conversations, hoping to hear something in corroboration of my own views; but I have been disappointed. Still I adhere to them; and, for a month past, I have been gathering up some statistics with regard to our frontier coast—with regard to our 1,600 miles of coast on the Pacific, and our 5,000 miles of coast on the Atlantic. We have 6,600 miles of sea-coast; and we are exposed to be insulted with impunity any day, and with many circumstances of mortification to us, by any power whom we may offend, or who may choose to offend us. It would take two or three years to put our coast into anything like proper condition to protect ourselves against shameful insult. We could not hold California, nor its golden resources, against the first maritime power of the world—we could not hold it against France, or any of the second-rate maritime powers of Europe. We do not know what may be the disposition of France towards this country. If Napoleon maintains his arbitrary authority, who knows but that he may seek to strengthen himself, and conciliate the French people to his despotic rule by avenging some pretended insult of this Government to France by a former Administration? This is mere speculation, of course. I come back to the main suggestion. I think there will be a war in Europe in less than three years, and that we shall be involved in it; and my opinion is, that all our surplus resources should be applied diligently to the strengthening of our military and naval power and resources, in adding to our steam marine, especially, by building screw or other steamships. If we could expend so much profitably, I would vote $5,000,000 extra to the increase of the navy this year; and if, in the next three years, we could expend $100,000,000 in preparing for war, it would be the best means in our power to keep out of war, and to prevent the insults which we will not be likely to submit to. And again, looking beyond the effect of an insult offered to our pride, if any state of circumstances should arise when either duty or honor, or our own safety, should require us to strike, we ought to be in a condition to strike with effect. I want no bravado, no boasting, no blustering; but it is due to our position, to the character of our Government and people, that should an occasion arise demanding that we should declare our purposes, we should be in a condition to command respect. If we are the great model Republic of the world, it becomes us to maintain the character of a wise and an energetic Government. We are not to do this by declarations of what we would do, or what we would not do, in particular circumstances, but by acting prudently—by being in a position to maintain our honor, to discharge our duty, and provide for our safety in every exigency that is likely to arise. I apprehend exigencies of a serious nature at no distant day; other gentlemen may think differently; but, whether there shall be a war in Europe or not, I am of opinion that our navy, especially, is not upon the footing which our great commercial interests in any quarter of the world require that it should be, to say nothing of the exposed condition of our immense sea-coast. Still, these views would not prevent the establishment of some more equitable disposition of the public lands in future.

I have now got through these very desultory remarks, and I am sorry to have been obliged to detain the Senate so long.

GRANT OF LAND TO IOWA.

SPEECH OF HON. R. M. T. HUNTER,

OF VIRGINIA,

IN THE SENATE, *February* 17, 1852.

The Senate having under consideration "A bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State"—

Mr. HUNTER said:

Mr. PRESIDENT: When this bill was first called up, and when, as I supposed, it was about to be acted upon, I submitted a few remarks in relation to it; not that I thought of arresting its passage, not with the design of presenting an argument on the questions which it involved; but merely for the purpose of defining my own position. It seems to me, that I must have been unfortunate in those remarks; for they have drawn down upon me criticisms not only from various, but from very opposite quarters, and I have been assailed for them, not only by the friends, but by the foes of the measure. Sir, I said—addressing myself to my Democratic friends—that we had taken ground against a general system of internal improvements; and I put it to them to say, if there was not danger in thus adopting what would seem to be a partial system of internal improvements; that we had taken ground against a general system of the distribution of the public lands, and that yet we were passing bills of this character, which would lead to a partial distribution of these lands amongst a portion only of the States.

To this the Senator from Illinois [Mr. DOUGLAS] replied; and he said it was no objection to an appropriation that it was partial in its character; because all appropriations must benefit some localities more than others. I say, it is an objection to a class of appropriations, if there be partiality in the system and the principle upon which those appropriations are made. I take the very illustration he gives, as an instance of the reason of the rule which I laid down. He said we make navy-yards on the sea-coast, and that, of course, those places where the navy-yards are made are more benefited than others. That is true, to some extent, but the design of those navy-yards is to maintain a navy; and that is a general object in which the whole nation is interested. This Navy guards the commerce, not only of the sea-coast, but of the whole country; not of the East, or of the North, or of the South alone, but also the commerce of the West. These appropriations are general in their character, general in their objects, and come therefore within the legitimate sphere of our action. But I admitted, in the course of my remarks, that there might, perhaps, be an exception to the rule, with reference to a certain class of internal improvements—a certain class of railroads which pass through the public lands; and that, in regard to these railroads, the Government stood in a somewhat different relation from that which it held to railroads which pass through the older States, where the Government owns no lands. It is no argument in favor of these railroads, that they increase the wealth of the country through which they pass, and the capacity of the people there for bearing taxation; because the same argument would apply to railroads in the older States. But it may be some argument, when you come to advert to the fact, that the Government is benefited, not only in the general mode in which it would be benefited anywhere else by the establishment of a railroad, but that it has a peculiar and special interest, because its property, as a land-owner, is improved in value by the construction of these improvements.

But I said, that it was admitted that the general system is a dangerous one; and that we should practice it only in certain excepted cases; but that these exceptions ought to be guarded within rigid limits, and by certain rules, in order to prevent abuses. I said, too, that there was no other rule by which to guard and define these exceptions than this: The United States was to be treated as any other land owner; and any other land owner, when he contributed money, would expect to have some return in the shape of stock. As an additional precaution, I suggested, that the grants ought to be confined to the sections which lie immediately upon the line of the road; because, when you once depart from that rule—when you go fifteen miles from the line of the road—the next step will be to go thirty miles, and the next will be to appropriate lands anywhere within the confines of the State. In order, then, to prevent our being betrayed into a general and wasteful system, if we do practice upon these exceptions, it would seem that we ought to be guided by some strict and certain rules; and I know of none more certain and strict than this.

Since I made these remarks, which were uttered without much consideration, and upon the spur of the moment, I have considered the question more maturely; and I think I see a rule by which we may accomplish all the purposes of justice, as between the United States and the new States. They say that the difference between these railroads and any others, is this: that, by the construction of these roads, you give an additional value to the lands, and therefore it would be hard, if the United States should pay nothing in return for this additional value imparted to their property by the work of the States. To that I reply, that I am willing to sell to the States the lands on the lines of the railroads, at the Government price—at such price as they would bring if there were no railroads. And if there be additional value given by the construction of the railroad, I am willing the States should have it. That would be fair. Nay, sir, I might be disposed to go somewhat further. There might be portions of those lands not worth the full Government price. I should be willing then to take such a price as they would bring without the railroads. Having done that, I would leave them to the States, to derive whatever additional value they could give to these lands by the construction of their roads. Would not that be fair? Would not that satisfy all the just demands of the States? They make railroads, or they ought to make them, only upon the sup-

position that they are to return them a fair profit—a profit, composed, it may be, entirely of the income of the road; or a profit, composed not only of the income of the road, but of the additional value given to the lands by the construction of the improvement. According to the proposition which I make, the States would derive the whole of this profit—they would derive, not only the income of the road, but the additional value which would be given to the lands. I say, that if we were to practice upon such a rule as this, we would do all that was just, and save ourselves from the danger of being committed either to a general system of internal improvements on the one hand, or from going into a partial and unequal system on the other, and of thus producing in either case heart-burnings and jealousies between different sections of the county. Who, sir, can doubt but that deep and bitter jealousies would arise from a partial and unequal distribution of the benefits arising from such appropriations of the public property?

In the course of the remarks which I made when this question was up before, I said that the public lands had been squandered; and I adverted to the dangers to which we were exposed from an improper appropriation of the property of the country. I said they were squandered, not by the land States, but by Congress. I did not say how they were squandered; whether in bounty laws, or in appropriations to lunatic asylums, or in appropriations for railroads and canals; but I adverted to the fact, and charged the responsibility, if any there were, upon Congress. It seems that this excited the sensibility of the Senator from Massachusetts, [Mr. SUMNER.] The Senator far-away from Massachusetts, felt his sensibilities aroused at the injustice with which the new States had been treated; and he rose to his feet for the purpose of awaking them to a sense of the wrongs upon which they had been slumbering so long. Under the very imposing title of justice to the land States, he has issued a most delightful idyl upon the subject of the public lands—a production in which he has shown that the most barren regions of political arithmetic are not inaccessible to the flights of his muse, and that he can make the dullest domain of prose vocal with his poetry. But the Senator must permit me to say to him, that if he had not used his figures of speech far better than he then used those of arithmetic, he would never have enjoyed the high reputation which he so deservedly possesses, for an elegant and finished style. I have looked into his calculations, and I must be permitted to say, that I have never seen just such a specimen of cyphering before. Whether to call it poetical arithmetic, or arithmetical poetry, I hardly know; but I think it may be fairly said that his calculations are highly metaphorical. He says we are deeply indebted to the land States for taxes for twenty-five years, at the rate of one cent an acre, or, probably, at the rate of two or three cents per acre. He has calculated the amount. He has given the debits and credits; and he makes it out that we owed the land Sates, in 1849, even at the rate of one cent per acre, at least $60,000,000 for taxes, which they had an equitable right to have imposed upon the public lands. At two cents an acre, we should have owed, upon the basis of his calculations, somewhere about $130,000,000, and at three cents a little over $200,000,000.

Mr. President, it so happens that the subject of public lands was before us here in 1840, and it was referred to a committee composed chiefly of gentlemen from the land States, and they made a calculation as to the value of the public lands at that time. They estimated the probable annual amount to be derived from the public lands in the States until they were exhausted, and found the value of that annuity for the term of years so ascertained. From this principal sum they deducted such an amount as would pay the expense of administering these lands; the entire value of these lands—about one hundred and sixty millions of acres—was found by them to be at that time $26,400,000. But, sir, they were not aware of the fact that they were understating their own case. No Senator from Massachusetts had then appeared to inform them as to the large amount of the indebtedness of the General Government to them. After deducting for the nine years the $2,809,619, which he says we owed for taxation annually, it appeared that we were indebted to them $34,713,429, or $8,313,429 more than their estimate of the value of the lands within their limits. And if we suppose them to have been taxed at the rate of two cents, we owed something like $80,000,000; and if the rate of taxation was fixed at three cents per acre, we owed them between $120,000,000 and $130,000,000. But, sir, I wish to make a calculation for him upon data which will help out his assumptions still more, and to a still greater extent than that which is afforded by the estimate made by the gentlemen from the new States themselves.

I find upon inquiry at the Department, that the quantity of land unsold in the land States is a fraction under two hundred millions of acres. I find that for the last ten years the average sale has been about one million eight hundred thousand acres per annum. I find still further, by reference to the past history on this subject, that the sales of the public lands within the land States have not increased in the number of acres, from year to year, but have generally fallen off. Such, at least, is the history of the sale of public lands in Ohio, as given us from the Land Office. But by way of making the calculation as much in his favor as possible, with an approximation to the truth, I will suppose the average amount of sales to be increased, and that they sell something like three millions of acres per annum in the land States, and that the lands are worth the full Government price, or $1 25 per acre, with a deduction supposed to be necessary for the administration and survey of the lands, which is something like twenty-one cents per acre. This I believe is the estimate of the expense for purchase, survey, and administration, as made by the Senator from Michigan, [Mr. FELCH,] in a report made in July, 1850. I put, therefore, the highest income from the sale of the lands within the States at $3,000,000 per annum, an income which is probably much beyond what may fairly be expected if we estimate upon the basis of the present land sales. I designedly overstate the amount, to satisfy the Senator from Massachusetts, well knowing that we can make no calculations which do more than approximate the truth.

Three millions of acres per annum would exhaust the two hundred millions of acres in something less than sixty-seven years. An annuity of three millions of dollars for sixty-seven years would be worth, according to the tables, a fraction over $50,000,000; and we owe them, according to the estimates of the Senator from Massachusetts, something more than $60,000,000, estimating the taxation at one cent per acre, and between $120,000,000 and $130,000,000, at two cents per acre, and more than $200,000,000 at three cents per acre,—a debt which all the public lands and all the customs likely to be received would not enable us to pay for a long time. The only thing which saves us from utter bankruptcy is, that we did not own ten times as much land as we happened to possess. For it is very evident, from the gentleman's calculations, that the more land we own, the larger will be our debt and the poorer we shall become. Calculations like these, Mr. President, must be founded on error somewhere; the data upon which they rest must be false in some respects, if the conclusions are well drawn, for the results are such as must startle even the most common observer.

How does he propose to lay the taxes? At the rate of one cent, "probably of two or three cents," per acre, and on land that would not, after the expense of administration, average in value more than a dollar per acre. This would be one per cent. on every acre; at two cents on an acre it would be two per cent.; and at three cents per acre three per cent. Was such taxation ever heard of in any State in this Union? In the Senator's own State, (Massachusetts,) which has a small superficial extent, and has many large towns and much capital, I understand that the tax does not exceed seven mills on the dollar, or seven tenths of one per cent.; and yet he thinks it just to charge one, two, or three per cent. on lands, many of which are wild and still in possession of the Indians, and thinks it very unjust towards the land States if we refuse to allow it But I pray to know if the history of the past does not show that we have compensated the land States for the right of taxation. In the first place, we sustained them, while they were Territories, at the public expense; and, as the honorable Senator from Tennessee [Mr. BELL] very well remarked, we defended them from all dangers from without and from within. We gave them the sixteenth section or one thirty-sixth part, or two and seventh ninths per cent. of all the land within their limits; and what is more, we allowed them to make their own selections. Not only did we give them six and a quarter per cent. of the entire capital in public lands within their borders, but we put the residue down to a low price, as low as was consistent with the interest of the land States—for I could show that if we sell them at a lower price it would effect great mischief in the States themselves; as fast, too, as they were sold, we gave them five per cent. of the amount received, after deducting the expenses of survey and sale. Nor is this all; for according to the statement of the honorable Senator from Michigan, [Mr. FELCH,] who is generally correct with regard to such matters, we have given them something like ten or eleven millions of acres for purposes of internal improvements.

Now, is not this an abundant compensation for the relinquishment of the right of taxation, if they ever had it? But the honorable Senator from Michigan says they are not equal to the other States, if they have not this right; and he rather seems to argue that they have it on account of the eminent domain which, he says, all sovereign States possess. Equal how? Why, the States are not all equal in point of property, but they are equal in franchises and privileges. These land States can do whatever any other States in this Confederacy can do. How many States grant charters for banks or railroads, and agree, by a contract, not to tax them for a certain time. Are they unequal, because they thus disable themselves from taxing this species of property? How, then, are the States who agree by compact with the United States, and upon a fair and full consideration, not to tax the public lands, unequal in point of dignity, power or privilege, to their confederates? It is a mere property arrangement, made with their own consent, and affecting not their political rights, but their wealth. Let us suppose, sir—what might well happen—that the lands were their own, and sold to companies or individuals, upon the condition that they were to be exempt from taxation for a term of years: would that place them in a condition of inferiority as compared with the co-States? How, then, does it vary their position, if this compact be made with the United States, and especially if it be made upon considerations which are valuable in a moral, a political, and a pecuniary point of view? It is to be observed, too, that the General Government does not force them to come in as States. On the contrary, it says: So long as you choose to remain in a territorial condition, we will support your Government, and you shall be at no expense; but if you choose to come into the Union as a State, when you have population enough to entitle you to one representative in the House, we will admit you, with the one representative in the House and two Senators on this floor—in fact, with more political privileges than a majority of the old States possess, and with a far larger proportional share of the patronage of the General Government; for on the frontiers the larger portion of the Army is generally posted, and there, too, a large portion of the machinery is placed which is necessary for the disposition of the public lands.

How, then, can it be said that the land States are treated with injustice? They have nothing which I am unwilling they should have, and I do not mention these things with any view to object to what they have had, but rather to repel and repudiate the charge that we have treated them with injustice, or that I, in particular, would sanction any course which is unjust in relation to them.

But, Mr. President, I will not follow the Senator from Massachusetts any further. I know that the honorable Senator from Kentucky [Mr. UNDERWOOD] is preparing a broadside of mathematics [laughter] for him from Massachusetts, [Mr. SUMNER,] and I think I can foretell what is to be the result of that contest. I have some reason to believe that he will soon be in hot pursuit of him. Sir, the only doubt I have in my mind in relation to it is, whether the Senator from Kentucky will ever be able to overtake the gentleman from Mas-

sachusetts; for the last we heard of that Senator he was admirably mounted. He was careering past us on the wild horse of Burger; or fleeter still, on his own locomotive, an engine which seems to travel quite as well by water as by land, if we are to trust to the march of his own poetry, for it dashes not only "Tramp! tramp! along the land," but "Splash! splash! along the sea. [Laughter.]

I make no pretensions to the gift of prophecy, but one thing I will venture to predict: Whether the Senator from Kentucky will ever overtake the gentleman from Massachusetts, I do not know; but if ever he brings him within the reach of his arm, then "woe! to the horse and woe! to the rider!" [Great laughter.] The Senator from Kentucky may not figure quite so well in poetical numbers as the Senator from Massachusetts, but these old Arabic numerals are familiar instruments in his hands. [Renewed laughter.]

Mr. President, I tremble at the idea, that the Senator from Kentucky should get among the flower gardens of the Senator from Massachusetts, for I know him well, and I feel perfectly assured that not the gardens of Alcinous, nor the blandishments of Calypso, nor the cup of Circe, nor the charms of Armida, would seduce him into a moment's dalliance, if they stood in the way of his course to public justice. Sir, he is after his share of the public lands, and he would tread down these gay parterres as remorselessly as so much wild heather, if they stand between him and his object. [Laughter.]

But, sir, I have a word to say to the Senator from Kentucky. He said in the course of his remarks, that he had found me in a "constitutional hobble." Sir, had he found me in that predicament, I would have supposed that the least of his kind offices would have been to have helped me out of such a situation. On the contrary, he not only threw me no friendly thread to guide me out of that labyrinth of error, but marched off with as much complacency as if he had left me the captive of his own good bow and spear. Sir, at a time when I had not read his amendment, and supposing that it was merely a proposition to substitute a general for a partial system of distributing the proceeds of the public lands, I said that I would vote for his amendment, although I should vote against the bill, even if amended; but when I made this remark, I must confess that I was not aware of the nature of his proposition. What does that amendment propose, Mr. President? It proposes to establish the old States as landlords in the bosoms of the new States—a measure which could not fail to sow the seeds of dissension and discord between the several States of the Confederacy. And what then, sir? Why, he undertakes to say how the State Legislatures shall apply these grants—that they shall devote them to purposes of education or internal improvement. He not only proposes to make the States beneficiaries of this Government, but he also proposes to determine what shall be their domestic legislation in regard to these grants. Now, upon this principle, if that Senator should have a fancy for the law of primogeniture he would give away these lands upon the condition that the State Legislatures should establish such a system. Or, if he should have a fancy for the abolition of slavery in the States, he might make his grants upon the condition, that the State Governments would agree to abolish that institution; and thus you might draw the whole system of State legislation within the power of the Federal Government. The Senator may sit here, according to this view of our powers, and direct from this place the legislation of his own State. Sir, could anything more monstrous be conceived in the way of constitutional assumption?

The Senator from Kentucky said that I was in a "constitutional hobble." I am confident after this that the Constitution will never hobble him. I am no longer surprised at the little sympathy which he exhibited for my situation, as I should think he would look with something like a feeling of contempt upon any man who would permit the Constitution to "hobble" or impede him.

But, Mr. President, it was reserved for the Senator from Tennessee [Mr. BELL] to bring out a formal indictment against the State-Rights party and all who professed their principles and opinions. He said that it was owing to that party that the old States had not received their share of the land; but he also kindly assured us that he meant no disparagement when he called them the "State-Rights party." He was disposed to tread lightly on the ashes of the dead; and yet he could not practice upon the charitable maxim "*De mortuis nil nisi bonum;*" for he not only accused that party of keeping the old States out of their share of the public lands, but of various other political sins and misdemeanors. Now, Mr. President, I beg to assure that Senator that so far as I am concerned, I consider it no disparagement to be called a "State-Rights man." I assure him that in my case at least he may call a spade a "spade," without risk of giving offence, and denominate me by any name which describes my opinions. I am sorry to hear, Mr. President, that State-Rights principles are at so great a discount in Tennessee as to make it necessary to use phrases of circumlocution in order to describe the persons who entertain them. I beg to tell that Senator that there is still a State-Rights party in existence; that it has neither surrendered nor disbanded. They may be few in numbers. Their line may have been shaken and shattered by the onset of superior numbers; but still they stand by the defences of the rights of the States and cling to the Constitution of the country. Their flag is still flying, and upon its broad folds are yet to be found the stars, each one of which maintains its separate place and its distinct identity. Upon that field at least, they do not "pale their ineffectual fires" before the excessive light of the great Federal sun. I for one, sir, do not believe so poorly of the power of truth over the American people, as to suppose that such a cause can be lost by their verdict. On the contrary, I say to them, and to all who hear my voice, that I conjure them in the language of the dying Calhoun to his colleague, and bid them "never despond." Sir, they are few, I know, but perhaps not too few to stand in the breach until others may come to the rescue. Let them do their duty for the day, and take an appeal from the present to the rising generation, who may come to relieve them on the morrow. Sir, if I were to dare to tell the dream of my fancy, I should say that I seem to hear the distant tread of the thick-coming hosts who will rally upon the defences which guard the rights of the States, and who will restore the Constitution of the country—not, sir, the Constitution as it is now known in Federal glosses and degenerate commentaries, but in all the vigorous simplicity and purity of its original creation.

But, Mr. President, the Senator from Tennessee said that we had prevented this distribution and opposed it, because we could nowhere find in the Constitution the power of the Federal Government to distribute money among the States. Sir, we could not find it; and I must say that he has not shown us where the power existed or how it was to be derived from that instrument. And I would say generally of his speech on yesterday, that it seemed more designed to unsettle the opinions of others than to fix or define his own. He made a long argument in favor of distribution, and yet he said he would not go for it now, because he had some idea there was to be a general war in Europe, and that we might desire to take a hand in it. But as he well understood how costly this might be, he was disposed to expend the Federal treasure in fleets and other military preparations. Therefore, he said, he would not go for distribution now; and yet he would vote for the amendment of the Senator from Kentucky, which would certainly make a very vigorous commencement of the system, as it seems to me. He said, too, if I understood him, that the new States were ungenerous and illiberal in claiming these grants for themselves, while the older States could get nothing, and I thought was attacking the bill with a good deal of vigor. Yet after that argument which he urged so earnestly, he concluded by saying that he should vote for the bill. Now, it seems to me that, in some way or other, his arguments and his votes have been strangely mismatched; that is to say, if I have rightly comprehended his arguments and correctly understood his declarations as to his votes. But, sir, he has accused us of opposing distribution, for the want of the constitutional power to distribute money amongst the States. Before making such a complaint, it would seem to me that it devolved on him to show the existence of the power. Has he done it? can he do it? If it exists at all, it is given by that clause of the Constitution which gives Congress the right to dispose of the public property; and if claimed for this purpose, it must be treated as an indefinite grant of power; and so in times past it has been treated. There is no other way in which he can derive it. And yet, when you come to apply tests to that proposition, that gentleman and others will shrink from it. All admit that you cannot dispose of the proceeds of the lands for the establishment of a church, or for creating a nobility; because it is said the Constitution prohibits such things expressly. I concur with this answer. But does not the Constitution forbid us to exercise any powers which are not granted to us in express terms or by clear implication? According to that instrument, all powers not thus conferred are reserved to the States. The power to give money to the States is certainly not granted expressly or by implication anywhere in the Constitution, unless it is contained in the right to dispose of the public property. Now there is no reason why this power should be contained in the general right to dispose of this property more than any other power. If you can infer this, you may infer any other disposition of the proceeds for whatever object with as much propriety; so that, according to this construction, here is an indefinite grant of power, which would destroy the limitations of the Constitution itself. But according to our construction, the power to dispose of the public property is not more general than that of laying taxes, like the last, is so limited that it can only be used to carry out the powers given by express grant or clear implication—in which list is nowhere to be found the right to distribute money amongst the States. Now which construction, Mr. President, harmonizes best with the Constitution, his or ours? I submit it to the country to say. The country has spoken upon this question heretofore, and decided against him. If the right exists to distribute money amongst the States which arises from a sale of the public lands, it also exists in relation to that which is raised by taxation. You cannot admit it in the one case and refuse it in the other, either in theory or practice. Suppose you attempt to make the distinction. You refuse to distribute the money arising from customs, but you invest it in the purchase of the Louisiana or Florida territory. The lands thus purchased you sell again, and the money thus obtained you distribute, after it has gone through this process. And thus you do indirectly what you said you could not do directly. Sir, you cannot maintain the distinction between the right to distribute money raised in the one case or the other. If the power exists in the one case, it exists also in the other; and if you exercise it in the one, you will soon discover that the time is not far distant when you will exercise it as to both. What, sir, could be more dangerous than to make the States dependent upon the bounty of the General Government? Sir, we altered the Articles of Confederation because they made the General Government dependent upon the States for supplies; and shall we now reverse the thing, and make the States dependent upon the General Government, for the means of domestic legislation? Especially shall we do so on the condition proposed? And what is that condition? The Senator from Kentucky has shown us that it is to be done upon the condition of our controlling the domestic legislation of the States, and perhaps in the end their county police. And what is to be the effect of distributing this property among the various sections of the Union? What would it beget but the bitterest strife and most unwholesome agitation? How long, too, before such a policy would bring on a conflict between the different classes of society in their anxiety to secure as much as possible of the plunder which such legislation would offer as the prizes to those who could effect combinations of the greatest numbers. For, sir, there are propositions not only to distribute these lands among the States, but even amongst individuals. And yet the Senator from Tennessee thinks it is surprising that we should not agree to enter into a system which is to lead, which can lead, to nothing else than the subversion and destruction of State sovereignty and State jurisdiction,—a policy, too, which must eventually

end in the deepest corruption of public morals. Sir, if this were once done, there would be no hope of arresting the process of centralization which is going on far too rapidly.

But, sir, the Senator says we are opposed to a protective tariff, and seems disposed to ridicule and scoff at the opinions of those who maintain the great principles of free trade. Sir, it is too late in the day to treat with ridicule the principles of free trade. They have forced themselves upon the respect of the world; have forced themselves into the legislation of some of the most enlightened countries of the globe in despite of antiquated prejudices, and what were called vested rights. Sir, they will go on and will shake thrones and dynasties, if thrones and dynasties are interposed in the path of their progress. They constitute one of the greatest reforms of the age; and I rejoice to believe there is no power extant, in this country at least, which can arrest their progress, so strong are they in the affections of our people. Sir, the man who would ridicule the principles of free trade at this time must be rated chronologically according to the Old Style. His Anno Domini must be very different from that of the rest of mankind. And yet this too was one of the counts in the indictment which he raised against us.

Mr. President, I have now endeavored to dispose of the objections which have been made by different Senators to the remarks which I offered on a former occasion. I come now to a different branch of the question. It may perhaps be asked, what would I do in order to prevent the evils which threaten us on the one side or the other—the evil of having this great property administered without a just sense of responsibility to the source of authority, in a system of improper, corrupt, or impure legislation, and on the other hand the evil of seeing it wasted, by being partially distributed among a few States for their benefit, and perhaps to the injury of the rest of the Confederacy? I say there is a mode by which I believe we may escape both these evils, by which we may steer between Scylla and Charybdis, and draw to the public Treasury as much money as we are ever likely to derive from any other system.

Sir, I say if you wish to distribute the benefits of the proceeds from the sales of these lands equally, you must apply them to the payment of the debts and expenses of the Government. If you have too much money in the Treasury under this process, apply them to relieve the burdens of taxation, and thus you will distribute them by a rule which is precisely just, and which is certainly exact. You thus relieve the different portions of the people in the precise ratio in which they contribute to its revenue. But in doing this, we should not lose sight of what is just to the new States within whose borders these lands lie; you must look not merely to the profit which the General Government may derive from the lands, but also, you must have adjust reference to the settlement and increase of population within these States. And in order to effect both these ends, I would be willing to advertise the lands at the present price for a certain number of years, and after that time I would diminish the price. In other words, I would graduate the price afterwards, and cede them to the States upon liberal terms, such terms as would compensate them fairly and generously for administering them. Let us see how this would operate upon the old States and upon the new.

It would have a greater tendency than any other one thing I can conceive of, to purify the legislation here. We should thus take away a large public fund which, as I said, is administered here without a proper sense of responsibility on the part of those who appropriate it. The people paying no taxes towards this fund, they do not scrutinize closely enough the manner in which we expend it. Do we not see that every wild scheme for which the projectors even would not ask money directly, is brought here, and aid is asked for them by appropriations of public lands? We have seen petitions from an individual asking appropriations of land, enough to enable him to make a railroad across almost the entire breadth of the continent. Another bill has passed here, more than once, I think, to appropriate lands for the establishment of lunatic asylums in all the States of the Union. Suppose that money had been asked for such a purpose: what an outcry would have been raised throughout the country. We see—as the honorable Senator from Tennessee has said—bills brought here, which appropriate many millions of land as bounties to persons for services which have been fully paid long since—services that have been already compensated according to contract. Could this have been done if the money so distributed had to be raised by taxation upon the people? We see, too, a proposition to distribute these lands among the States, and already a conflict is going on between different sections of the country—as witness the speeches of the Senators from Kentucky and Michigan—in relation to the inequality and injustice of the proposed mode of dividing them. We see, too, propositions to give every man a farm; a proposition to give land to all the exiles who may come from abroad, and who may be said to be victims of oppression; and probably we shall soon have a proposition to put the lands down to a merely nominal price. Such schemes as these most infallibly lead to agrarian agitations, to strife between the different sections of the Confederacy, and warfare in the very bosom of society, amongst its various classes, contending with each other for plunder under the forms of legislation.

But, Mr. President, these are not all the evils we should escape so far as respects our legislation. I believe that it is a matter of cardinal importance to this country, that the stream of emigration and population should be properly directed and distributed. I believe we should treat the stream of emigration precisely as we do that of trade. I would pass no laws to prohibit or discourage it, nor would I give bounties to force it into false and artificial channels, or give it an unnatural impulse and energy. I believe this foreign element when infused in just such proportions as can be assimilated by the American body politic, is eminently beneficial and useful. It imparts a greater variety to American ideas, and gives new strength and impulse to American thought. But if infused in a greater proportion than can be thus assimilated, it may change entirely the political current of our thought and action, and destroy the identity of the American system. As an American I am bound to say that I should regard such a result as injurious and mischievous.

Sir, I wish to pursue the old path of our progress, and to follow the landmarks to which American experience has directed us. I am willing to receive all the additional information and assistance, all the new light and knowledge which may be derived from any source; but still I feel bound to say that I choose to follow in that path which our forefathers marked out for us, when, if I may borrow a woodman's phrase, they "blazed their way" through the wilderness.

But it may be said that it is hardly possible that there could be an infusion of a greater portion of this foreign element than we could assimilate in our system. I believe this to be true, if no false and unnatural direction is given to the tide of emigration by improper legislation. If it is left to the natural laws of population, to the principles of demand and supply, it would distribute itself equally over the whole country, according to its wants and its fitness to receive such a population. Under such circumstances, I believe all would work well and beneficially for both parties; but if, owing to extraordinary legislation, you attract the whole stream of emigration to one portion of the country and concentrate it all there, you may have the process of naturalization going on faster than that of nationalization, and you may then destroy that quality of our population upon which depends the success of our institutions—I mean its homogeneous character. I believe that some of the measures which are proposed would have just such an effect. To give every man a farm, to put down the lands to mere nominal prices, to hold out the idea of giving a farm to every man who comes here from abroad as soon as he reaches our country, would have the effect to turn the emigration to a particular section of the country and produce results like those to which I have referred. I say, sir, that we ought to treat the stream of emigration and population precisely like that of commerce and trade—leave all open to free competition under just and equal laws, resorting to no extravagant legislation, and giving no unnatural direction nor false and artificial impulse to it.

How would such a system as I have proposed operate upon the new States? In my opinion it would be eminently beneficial. In the first place, it would help their finances, giving them a liberal and generous remuneration, and one which they ought to receive for their trouble in administering the lands; and in the next place, it would enable them to regulate the policy of settling their lands according to their own views and interests, and all parties in the Union would be benefited by the fact that these land States would become more conservative upon questions of this character. They would become breakwaters against hasty and mischievous innovations, and the opponents of any scheme which had for its object the giving away of the public lands in the new States and Territories to anybody and everybody who would come and settle for a time upon them; and, sir, they would be eminently benefited by acquiring means and facilities for purposes of sustaining their own government, and they would avoid the temptation which would otherwise be held out to them to force these lands into market more rapidly than they are wanted for actual settlement. It seems to me, sir, that there are two points in the land policy in which the new States are especially interested: One is, that so long as there are wild lands they should be owned either by the General Government or their own; and the next is, that when they are sold they should be sold no faster than they are wanted for purposes of actual settlement, because if sold faster they would be monopolized by capitalists and speculators. They would be held in large quantities, vast inequalities would be found in the landed estates of individuals, and the seed would be sown from which would spring the same harvest of troubles which we have witnessed in the late anti-rent disturbances in New York. But this is not all. I have not stated the whole of the difficulties: these lands will be sold, not in reference to public interests, as would be done by the Government, but with a single view to private interests and individual desires. Neither the population nor the land would be distributed as evenly and equally as under a direction which looked alone to the supply of the wants for actual settlement. And further, sir, I say that this result of monopolizing the land in private hands would take place, whether the United States undertake to sell the lands for a mere nominal price, or whether you adopt the idea of giving to every man a farm. The moment you exceed the demand for actual settlement in your sales or gifts, the excess will be sold at prices so low as to enable individuals and companies to engross large quantities, and withdraw them from market for a long time at least.

It seems to me the new States are especially interested in preventing any policy which would force a sale of the public lands more rapidly than they are wanted for actual settlement; and in that fact you have a guarantee that they would be conservative in the management of these lands. Their financial wants, and the interests of those amongst them who already hold lands, would prevent them from putting them too low, so as to force them into market too rapidly; and on the other hand, the natural desire to increase the population would probably put them so low as would fully satisfy the demands for settlement. The result of all this would be to concentrate the advancing column of population, as it penetrated into the wilderness; it would march with a more measured tread, perhaps, but certainly with a more assured and firmer pace.

New States would not be brought in so rapidly as heretofore; but when they came, they would enter with a more matured thought and, perhaps, a wiser purpose; at any rate, with a purpose more consistent with those of the residue of the Confederacy. Our population would probably not be as much dispersed as it has been by laws which tempted it too rapidly and too far into the wilderness; for I agree with the Senator from Tennessee that the too rapid extinguishment of the Indian title has probably had this effect.

If the policy which I have indicated should have the effect of concentrating somewhat more our population in the new States, and of consolidating, as I said before, the advancing column of emigration, it would be beneficial, as it seems to me, to all the States, new and old; for while, on the one

hand, population would thus be distributed more equally, on the other these new societies would have more time to complete their organization, and to assimilate themselves to the residue of the system to which they were to be attached.

Sir, in whatever point of view I look at the question, I see eminent moral and political advantages to be derived from intrusting the administration of this property to the States themselves. But I acknowledge, that in all this I have been chiefly actuated by a wish to diminish, so far as it can be done, the patronage of the General Government where it is not necessary, and to transfer it to the States. I have been anxious to remove from this body all temptation to a system of legislation which may lead to strife between sections and classes. I have been desirous to save the country from the mortifying spectacle of beholding this vast public property thrown into the arena as a prize for contending sections, or worse, the stake, for which classes were to play in a still more embittered rivalry. And, sir, I believe that if ever the day should come when the States of the Confederacy shall look to the Government for the means of filling their coffers, and when individuals shall look to Federal legislation for the means of making private fortunes, or of obtaining a livelihood, not as a return for services rendered, but in consideration of votes to be given, that then the work of corruption will have been done, and the demoralization of public opinion will be complete. Who, sir, can estimate sufficiently the importance of preserving pure and untainted the public opinion of a country? The soundness or unsoundness of public opinion constitutes all the difference between a capacity and an incapacity for free institutions. Upon the public opinion of this country depends, after all, the success of our experiment in government. Without a pure and enlightened public opinion to execute our Constitution and laws, what would either be worth? Not the paper, sir, upon which they are written. Show me a corrupt state of public opinion, and I will show you a people who not only require a despotic government, but who need a law for almost everything. On the other hand, if a perfectly pure and enlightened public opinion were possible, such a people would scarcely require a law for anything. He, sir, who would taint and pollute this, would infect the atmosphere which we breathe, and would poison the spring from which we drink, for it is the very element in which our institutions "live and move and have their being." We may have strife between different sections; we may have turmoil in our legislation; we may have political aspirants and demagogues agitating for purposes of personal ambition; here and there we may find excitement among portions of the people; but these are the bubbles which float away upon the surface, while beneath, strong without rage, flows the deep current of the sober second thought of the people, which will sweep away every obstruction in its course to empire, so long as it follows the landmarks which wisdom and experience have established to define its limits and direct its way.

Mr. BELL said: I would not ask the indulgence of the Senate for the purpose of adding anything upon the subject to the extended remarks which I made yesterday, except to reply to a few of the strictures of the honorable Senator from Virginia.

As to his suggestions in reference to the graduation of the prices of the public lands by a scale regulated by the number of years the lands have been in market, I believe that project has been once or twice discussed in former years, and I know that a great deal may be said upon it. The argument is plausible, and Congress seems heretofore to have been pretty equally balanced on that subject; but I believe the proposition was defeated in one or both Houses of Congress upon a direct vote. The proposition has been presented, also, to transfer the public lands to the new States, to be administered by them for the General Government. I do not feel at liberty to go into any argument on these subjects, nor do I know that I should be opposed to a well-devised scheme for disposing of the public lands in that way. But the Senator seems to take exceptions to certain passages of my remarks on yesterday as being unjust to his own position, and to others, as being inconsistent with themselves. I did not think it proper to interrupt the honorable Senator in the midst of his speech, because he seemed to have carefully arranged some beautiful episodes, founded on what I had said, with a view to give increased interest to the main body of his argument; and if I had interrupted him, I might have spoiled their effect. The honorable Senator assumed that I had undertaken to disclaim any intention to disparage the State-Rights party, which, it seems, he considers presumptuous and offensive. I should be very sorry to have said anything of that kind; and it seemed to me that the honorable Senator gave a strained construction to my remarks in order to adapt them to the particular views and observations which he evidently desired to submit. In the few remarks made by me on taking the floor on this subject several days ago, I said that I proposed to take some notice of the course of the gentlemen of the State-Rights party on the question before the Senate, but that in doing so, I meant no disparagement to them personally. My exceptions were to their policy in relation to the disposition of the public lands. My remarks were founded upon some of the views presented by the honorable Senator in his first speech. I am fully aware of the high claims which the State-Rights party, or those gentlemen who are understood to belong to that party, have personally upon the respect of the country. The particular point to which I had reference, was what the honorable Senator said in relation to internal improvements. And I did not then, as I do not now, understand upon what grounds the Senator got clear of the argument in favor of the constitutional power of Congress to dispose of the public lands in the way proposed by the amendment under consideration. Whether I constitute any portion of the system, or am one of those bodies which wheel round the Federal sun or not, I do not undertake to say. That must be left to others to decide, according to their construction of my public course.

The honorable Senator seems to me to have overstrained the construction of my argument upon another point, in order to introduce some further remarks of his own, not strictly in reply to anything I really did say. The honorable Senator says that I undertook to ridicule the doctrine of free trade. Mr. President, I said not one word about the doctrine of free trade or its principles. I may have been properly understood as making some remarks in regard to the course of some gentlemen in the Senate of the State-Rights party, who advocate that doctrine; but I am sure I made no allusion whatever to the doctrine itself. I did not propose yesterday, nor do I now propose, to enter into a discussion of the propriety or impropriety of adopting that policy in this country. I should not pretend to employ, nor have I the faculty to employ, with any effect, that powerful weapon in argument—ridicule. But the honorable Senator chooses to infer that I attempted to ridicule the doctrine of the Free-Trade party, from the tenor of what I said in relation to the course of the State-Rights party on the subject of the tariff. I did attempt to expose what appeared to me the inconsistency of those State-Rights gentlemen, who were ever objecting to the want of constitutional power upon every proposition which arises for the more equal distribution of the public domain; and in the course of my remarks upon this point, I alluded to what I might have called the absurdity of their course upon the subject of the tariff; but I did not employ so harsh a term as that of absurdity, in what I then said. I contended that the gentlemen of the State-Rights party acted upon the principle that it was dangerous on any question to go beyond the powers expressly enumerated in the Constitution, lest it might affect this great policy of the South, or a portion of the South, in opposing the protective policy in this country. Now, sir, how do they make out the unconstitutionality of this policy? They admitted, some twenty years ago, by the compromise tariff of 1833, that a tariff of twenty per cent. was not unconstitutional. In 1846 I understand the honorable Senator voted for the tariff of that year, imposing upon some articles thirty per cent.—upon others twenty-five, twenty, fifteen, ten, and so on. In the course of my remarks on yesterday, I asked any gentleman, who had the power and disposition to expound to me, wherein, or by what rule of construction, thirty-five per cent. became unconstitutional, when thirty was constitutional.*

Mr. HUNTER. If the Senator will allow me to explain, I will say that I never opposed a tariff on constitutional grounds. I opposed it on the ground of expediency. Those who take constitutional grounds may explain their position.

Mr. BELL. I was not aware of that. I had taken the Senator as a perfect type of the State-Rights school—as one of the straightest sect. I supposed that he considered the protective principle as a violation of the Constitution. I am happy to hear that he does not belong strictly to that school. He is not a real, genuine blue stocking. I do not know how my friend from South Carolina [Mr. BUTLER] classes himself.

Mr. BUTLER. Does the Senator want a target to fire at?

Mr. BELL. No. I shall take care how I fire in that direction. There is a great difference between firing at random and in no particular direction, and firing at a gentleman who sits face to face to you. I mean to say, that I never could conceive the soundness of the position assumed by some gentlemen on that question. I have always understood that opposition to the protective principle was a part of the State-Rights doctrine, and I understand that opposition generally to be founded upon the idea that the Constitution gives no such power—that the Constitution authorizes the raising of revenue for the support of the Government, but not for the protection of any particular branch of industry, or of all branches together. This was the drift of my remarks yesterday; and I appeal to every Senator who heard me if I undertook in any other manner to ridicule or disparage the principles or the classes of persons, politicians, or statesmen, who are opposed to the tariff or espouse the free-trade doctrines. But as to the free-trade doctrine of the Senator, and upon which he has pronounced so glowing a eulogy, so far as I know, there is not one country in which the free-trade doctrine is practiced. There may be some petty States in which it is practiced; but I do not now remember any such. Does the honorable Senator mean to say that it is practiced in England? I see a great deal upon that subject in the public journals, both of this country and of England; but whatever they, the English, may say or write in their public journals and magazines, however they may declaim or write upon it in their diplomacy and intercourse with this country—and I know England has found a weak point in Brother Jonathan, and is cozening him with some effect undoubtedly—the honorable Senator represents a portion of the country that should teach him that there is nothing real, nothing solid and true, in the declaration of the English Government that they are practicing the principles of free trade. I appeal to him if, on the article of tobacco, which is a Virginia article, there is free trade? No State in the Union has a right to feel more—no gentleman that represents the interests of that portion of the country can fail to have perceived—that there is no such thing as free trade with Great Britain. In what respect, and to what extent, is it practiced? Just so far as suits their present interests of trade and manufactures.

I am sorry to see that the honorable Senator from Virginia has joined the ranks of that great class—it is becoming great not only in America but elsewhere—who broach new ideas and new theories, not only of political and commercial, but of social reform. It is upon these new ideas—these cosmopolitan doctrines and principles—that this idea of universal equality in trade—this idea of entering into fraternity with all nations—is

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**To the Editor of the Globe:*

The following explanatory note was handed me by Mr. Hunter, and I request that you will insert it at the proper place in the shape of a note. JOHN BELL.

NOTE BY MR. HUNTER: In answering this question I did not go into the subject as fully as was necessary to explain my opinions, because I did not feel authorized to interrupt you so long. I said that I had never made constitutional objections to a protective tariff. Why, I did not state. I have never argued it on that ground, because I thought the argument upon the question of expediency was strong enough, and because I knew there would always be a dispute upon the particular bill, as to whether it was a revenue or protective measure. My own opinion is, that a tax laid upon the whole, for the purpose and end of bestowing adirect or indirect bounty upon a part, is against the spirit of the Constitution.

founded. It all belongs to one creed: "We are all one race of mankind; all the nations of the earth ought to be considered as one; there should be a freedom, a perfect absence of all restrictions, and unrestrained intercourse between them all." This is the foundation of all the mischievous heresies of the times.

The honorable Senator further taxes me with having maintained principles different from what I practise, and says I have attempted, in all I have said, to overthrow the opinions of others and find objections to them, rather than state my own. He says that I had arraigned him for his opposition to any plan for securing a more equal system of disposing of the public lands, upon the ground that there was no constitutional power in Congress to dispose of them in any other way than paying their proceeds into the Treasury, and let them be dispensed in defraying the expenditures of the Government; and yet that I had not pointed out any authority in the Constitution to dispose of them as I proposed to do: and he calls upon me to say where I find this power in the Constitution. I might call upon him, in turn, to point to any restriction in the Constitution upon the power of Congress to dispose of the public lands among all the States, in proportion to their respective population and territory. But I have no disposition to evade the question in this way. I say now, as I said yesterday in substance, that the power in the Constitution over the public lands was unrestricted, absolute, and unlimited—the general power, I mean, given in the Constitution to dispose of the public lands, to make all needful rules and regulations for disposing of them, imposing no inhibition against their sale, and distributing the proceeds among the States, or transferring them to the States in kind. The only restriction is contained in the ordinance of 1780, and the cession acts which have been referred to, viz: that they should be disposed of for the common benefit of all the States of the Union. Now, the general power of raising revenue for the support of the Government—requiring the proceeds of that revenue when raised to be paid into the Treasury of the United States, and then paid out for the common defence, general welfare, and support of Government in its various branches—is one thing—a distinct and separate power. The public lands form a distinct and separate fund, which is not raised by taxation, by revenue laws direct or indirect, by customs or internal duties. It is a fund, a large part of which was in existence at the time of the formation of the Constitution, and the remainder has been acquired by purchase or conquest from foreign Governments.

The Constitution, I repeat, made no provision requiring that the public lands should be sold, and the proceeds paid into the Treasury, and to constitute a part of the revenue annually raised for the support of Government. Full and absolute power is given to Congress to dispose of them as it may think proper, with the sole restriction that their disposition shall inure to the common benefit of all the States. It shall not be partial, or distributed either to the old or to the new States, but shall be to them all. Cannot those lands be distributed in kind? Will the honorable Senator from Virginia answer me?

Mr. HUNTER. I think they cannot be so distributed.

Mr. BELL. Where is the inhibition in the Constitution?

Mr. HUNTER. I would remark that a very important difference between the honorable Senator and myself is, that he thinks Congress can do everything which is not prohibited, while I believe they can do nothing but what they are allowed to do by express grant or clear and necessary implication.

Mr. BELL. I will take the Senator on his own proposition. I was going on the presumption with which I commenced my remarks, that he belonged to the straightest sect of the State-Rights party of the country; but he disavows it. It does not matter, however, whether he belongs to that party or not. My argument is the same either way, and I come back to the point. How can it be said to be implied necessarily in this general and express power to dispose of the lands, subject only to the limitation of the ordinance of 1780, and the various deeds of cession, that it shall be for the common benefit of all the States—that it can only be disposed of by paying the proceeds into the Treasury? Is it not an implication just as fair that the lands may either be first sold by the Government, and the proceeds then distributed equally among the different States, or that the lands may be distributed or transferred to them in kind? Where is the requisition upon Congress, either by implication or otherwise, to sell the lands, and let the proceeds go to the ordinary expenditures of the Government? I say, then, there is no such implication fairly arising under the Constitution. There is no clear and distinct inhibition of the power of Congress to dispose of the public domain in any way it may adopt, save the obligation arising in the ordinance itself—that the lands shall be disposed of for the common benefit of all the States of the Union. I ask the honorable Senator again to show me where is the inhibition against giving these lands as lands—distributing them in kind equally among the States, upon some rule of apportionment which we should consider equitable, or approximating to equity and justice as near as may be. I reaffirm that none such exists.

Mr. UNDERWOOD. If my friend will allow me, I will state that that was originally done. The first disposition of the public lands was to make just such a division as he has mentioned among the States in kind.

Mr. BELL. I do not remember that.

Mr. UNDERWOOD. That is a part of the history of the country, when they were set apart and sold for the benefit of the State, in the days of the confederation.

Mr. BELL. I do not remember that passage in the history of this Government; but I would have inferred the power to make such a disposition of them from the terms and limitations of the ordinance under which these lands were ceded. The terms upon which the Congress of the Confederation accepted of them were, that they should be for the common benefit of all. I suppose that would mean that they should be distributed in kind, or sold, and the money given upon any equitable plan which Congress might adopt; provided only, that they should be divided equally among all the States, as far as practicable. I did not go fully into this subject yesterday. I am sure that the honorable Senator from Michigan [Mr. FELCH] understood me to take ground distinctly that it was the only limitation upon the power of Congress, that they should be disposed of for the common benefit of all the States. And I am sure that the Senator from Michigan will bear me out in the statement, that I argued against his assumption that we had no constitutional power to dispose of the public lands in the manner proposed by the Senator from Kentucky. I said that if we went back to the terms of the ordinance of 1780, and of the various cession acts, his bill [Mr. FELCH] was unconstitutional upon the principle assumed by himself. I mean that if you go back to the ordinance of 1780 to prove that we have no constitutional power to distribute these lands in kind, or the proceeds of their sale, among the States, because that would not be a distribution for the common benefit of all the States, then this bill is unconstitutional upon the Senator's own ground; for it is not for the common and equal benefit of all the States of the Union. It proposes to give a portion of the public domain to one State, to constitute a fund which will inure to her separate benefit forever. This bill is more objectionable on the score of constitutional power than the amendment of the Senator from Kentucky.

Now, sir, the exception I meant to take to the course of the honorable Senator yesterday, supposing him to belong to the State-Rights party, was, that although he saw that wrong and injustice was done—although he saw that this principle of common equality and justice between the different States, under the ordinance and under the Constitution, was violated at every session of Congress—yet that he let his notions of State-Rights and his doctrines of the inviolability of the Constitution, construed according to certain rules of interpretation by those of his political creed—that he, under these ideas, suffered this wrong to go on from year to year, and would not right it for fear that he should do wrong, or rather that he would do something inconsistent with his creed. I argued that there was too great severity in this construction of the Constitution. I did not say that it was ridiculous. Far from it. He sees that the public lands are distributed unequally—millions by millions annually—by these partial appropriations by Congress—if not annually heretofore, it is clear they will now become so if we do not check them. He sees that the current of legislation upon this subject has broken out of its natural channels, and is flooding the plain, doing great damage. What is his practice in this case? What is his doctrine? I can do nothing (he says) to divert these waters from their destructive course, and direct them into their natural channels. I will let them continue to flow until the fountain from which they are derived shall be exhausted. I will not hedge up these waters. They may find their way back to their natural channels as they may. Others may vote or act as they think proper on this subject; I stand by my inexorable notions of State-Rights, and a strict construction of the Constitution. That is the argument of the Senator from Virginia. It is the argument which I attempted to bring to the view of the Senate yesterday—meaning nothing offensive to any gentleman who meant to stand upon these grounds. I did not say that these State-Rights doctrines were of no value; for political fortunes are made by standing on grounds that extend to the country no greater benefits than such doctrines as these. He will let things go on in their irregular and wrongful course. Whatever injustice or inequality there is in this mode of disposing of the public lands, it must continue. He says it is irregular, it is true; it is in violation of sound common sense and sacred principles of justice, but I cannot restrict it. I cannot assist others in diverting this wasteful current; for they will not agree with me in my mode of bringing these waters into their natural channels. Therefore, I will not agree to anything which tends to dam up these waters, or divert them into their proper course.

Another point in relation to the course of the honorable Senator on this subject. I did not advert to it in my remarks yesterday, because it had passed out of my mind. In his final speech on this subject, he said he was opposed to a general system of internal improvement, and he feared that the practice of granting lands to these new States for objects of internal improvement would lead to the adoption of a general system, which he abhorred; but he preferred, after all, that these lands should continue to be granted to the new States, rather than a system of internal improvement should be introduced. I believe I do not misrepresent the argument of the Senator. [Mr. HUNTER bowed assent.] I have apprehended him fully. That is one point which I intended to bring to the notice of the Senator yesterday. Let us see how far he is willing to go on this subject. Though these lands should all be misappropriated or misapplied, in violation of the express terms of the ordinance of 1780, (if the practice is continued to the extent of absorbing the whole—and when you admit the practice to any extent, where is the stopping place,) according to the argument of the honorable Senator, he will let the whole of this magnificent fund of 2,000,000 acres of land, unappropriated and now surveyed in the States, be appropriated to internal improvements only in the new States, and will not unite with us upon any practical view of the subject to prevent so gross an injustice.

Mr. HUNTER. I am sure I said nothing like that. On the contrary, I opposed these partial appropriations.

Mr. BELL. I know that.

Mr. HUNTER. The Senator said that I was willing to do nothing to prevent it. I have referred to a system which, in my opinion, will prevent it.

Mr. BELL. I had not come to that point yet. He will do it no way that he finds practicable. He will not unite or agree with any large portion of his co laborers or co-representatives in this body for the purpose of avoiding the misappropriation of all this magnificent fund, because he has an idea of his own which he prefers to all others—I will not say a mere idea—because he has a well-digested, well-concocted system, which he has promulgated to the Senate to-day. How many are there to unite with him on that plan? He shows us very clearly that he is willing to adopt some mode which, if the majority of the Senators

will come up to him, will in his opinion, avoid this unequal distribution of the lands to a few of the States of the Union. But unless we can see his plan just as he sees it, he will persist in his past course, and permit the waste to go on by these partial appropriations to the new States until the whole are exhausted. He will not agree that the whole are exhausted. He will not agree that the moneys received from them upon sale shall be received into the Treasury of the United States as a trustee for the benefit of all the States, and be distributed among them accordingly. A great many advocates are to be found for that system, but he will not agree to that. That would be one mode of securing justice to the whole. Another mode would be to distribute the lands in kind among all the States. But he will not agree to that, because it might lead to a general system of internal improvements, to which he says he is opposed, or which he abhors, as I said a moment ago. I have heard this idea of a general system of internal improvements so often mentioned that I want from the honorable Senator from Virginia some explanation of what he means by it. I have not only heard it from him, but I have seen it on what are called platforms. We are told by these gentlemen that they are opposed upon principle to a general system of internal improvements. I am sure, Mr. President, you have seen such a platform as that. What sort of a system is the honorable Senator in favor of?

Mr. HUNTER. I am in favor of none to be carried on by the General Government.

Mr. BELL. Does the honorable gentleman mean by this general system only such internal improvements by the General Government as lie within the limits and jurisdiction of the States, such as roads and canals running through States? If he does, I understand him distinctly. Many of those who hold to this idea tell us, and have told us for several years, that they are opposed to a general system, but they are not opposed to certain internal improvements. They go against a general system—that is, the making of roads and canals through the States by the authority of the General Government and by moneys paid out of the United States Treasury.

Mr. HUNTER. I am opposed to making roads and canals through any of the States at the expense of the General Government. Is the Senator answered now?

Mr. BELL. No, sir.

Mr. HUNTER. If he will propound his question more distinctly, I will answer it.

Mr. BELL. The honorable Senator is not alone in his doctrine upon this subject. There is a pretty large party holding the same creed. I expect that is the party the tramp of which the Senator heard coming up to the support of State-rights; and it is assumed that they will prostrate all before them. I do not mean to say that, if it should be so, it is a matter which I should abhor by any means; for I do not perceive, in the present aspect of affairs, that there can be any great practical difference in the administration of the affairs of this Government, whether it shall be by one party or another. But the Senator says he is opposed to a general system of internal improvements—that is, to making roads and canals within the jurisdiction of the States at the expense of the General Government. So am I. I have been for twenty years a stern opponent of such a system; and I know of no large party in the United States that is now in favor of such a system. But, sir, upon a well-considered view of what I thought to be a practical and beneficent construction of the Constitution, I am in favor of making certain internal improvements by the authority and by the means of the General Government. I have been led to this view by the further reflection and consideration that it would tend to impair the just wisdom and beneficence of the Constitution, if its final construction should be that we have no such power—if it should be decided that there was an inhibition in the Constitution against the General Government protecting the navigation and clearing out and improving the great rivers and other natural channels of communication and intercourse between the different States, on a continent like this, and in a valley like that of the Mississippi, which is to constitute the major part of this Union in time to come. I would regard it as a great calamity to the whole country. The great rivers of the interior are not within the jurisdiction and control of the States; and if Congress does not clear out the obstructions to navigation, the States cannot. These rivers are deemed to be under the jurisdiction of the United States, as navigable rivers. I repeat that I should regard it as a great calamity if the Constitution should be construed so strictly that we could not have that power; although we have the power of regulating commerce in the interior, given in the same clause and in the same terms of the Constitution which confers it over foreign commerce—the same power over the great rivers and lakes of the interior that we have over the sea-coast. The powers are the same and the objects are the same. But the honorable Senator says that the latter is for foreign commerce only. Not at all. You erect light-houses, keep lights, place out beacons and many other things on the coast, at an annual expense of millions; you expend millions on the coast survey, to give facility and safety to the trade and navigation between the States, inland or coastwise. I say, then, it is an unreasonable and an overstrained construction of the Constitution to make this difference; and that it tends to weaken for it the affections of the people of a large section of the United States. Life and property, trade and prosperity, are considerations to which we must look, in the interior as well as on the sea-coast. But I come back to the honorable Senator. I understand the honorable Senator to say that he is opposed to a general system of internal improvement. I say that I am also. I deem it inexpedient, to say nothing of the power. I would be opposed to it on other grounds; but I do not pretend to go now into the power of the Federal Government to do it, because I have found a sufficient objection to it in its inexpediency, and in the necessity to prevent the extravagance and corruption to which it would lead. But I am in favor of the improvement of our great rivers, and our harbors on the lakes. Is the Senator in favor of internal improvements to any extent?

Mr. HUNTER. I am not.

Mr. BELL. That is the way I understood him the other day, when he said he was opposed to a general system of internal improvements; and that is the point to which I intended to advert in regard to the doctrine of State rights. However much I may respect that gentleman and those who hold similar views with himself; whatever good there may be in having a party in this country that stands out positively on all questions of this description, and is ever on the watch to guard the limits of the Constitution, yet upon these practical and beneficent points of internal trade and navigation, I think it is to be regretted that these gentlemen feel themselves to be so much trammeled.

That was an incidental question noticed in my remarks yesterday. I alluded to it, and I asked in reference to the improvement of the great lakes and rivers of the country, and in reference to the tariff, what practical good, what benefit ever resulted to the country from the course of the State-Rights party, except the general benefit that may be derived from the opposition of a party of this description, always at hand to question and oppose every measure of questionable constitutional power. Now, I wish to say that I have had the highest respect for those gentlemen who constitute the leaders of the State-Rights party from my first coming into public life. I formed my early notions by them. I practiced upon them. I took their principles and their practices upon faith during my novitiate in politics, without any careful examination of my own. I have the highest respect, not only for their talents, but for the sincerity of most of those gentlemen who have figured largely in connection with that subject, and for the Senator who has to-day stood forward as the leader of that party.

I have detained the Senate on these points to show that I regard it as a great misfortune that any party in the country should hold such scruples in regard to the public domain that they allow it to be unequally and partially distributed, for fear that any more equal and just policy would lead to a lax construction of the Constitution in regard to the power of making internal improvements. I would ask of those gentlemen who act upon that principle how it is that by checking or defeating appropriations for the improvement of rivers and harbors, they expect to benefit the public Treasury and lighten the burdens of taxation, when they are so ready and willing to appropriate liberally and bountifully for all other purposes and objects claimed to be within the constitutional power of Congress, including the power to regulate foreign commerce? I have already referred to the millions annually voted to the light-house and coast-survey branches of the public service. I will not refer to the ten millions voted annually to the navy and the maritime defences, for they are for the protection of internal as well as external trade.

But I may refer to the fact that these gentlemen find no objection in the Constitution to expending millions upon millions for the improvement of this city. I adverted yesterday to the fact that $30,000,000 or $40,000,000 were lately appropriated gratuitously under the war-making power, in the shape of bounty lands, without a word of opposition on the part of honorable Senators. I do not believe that even the yeas and nays were called upon the passage of the bounty-land bill. I have adverted to these facts for the purpose of showing that these gentlemen who call themselves State-Rights men vote large amounts of the public money under powers in some instances not more clearly granted than that to improve rivers and harbors.

I trust that I have now sufficiently answered the Senator from Virginia. I trust that I have cleared myself from what I consider the guilt of attempting to ridicule any party of the country, especially the State-Rights party; or that I had attempted to ridicule the ideas and doctrines of free trade entertained by so many eminent theoretical gentlemen, and by some who have shown themselves practical enough on some other subjects.

I trust that I have shown that my argument on yesterday, in support of the proposition to distribute the public domain upon some equitable mode among all the States, was based upon some power in the Constitution, and that I have put my finger on it. Having done this, I am satisfied, and yield the floor. For an answer to the other points made by the honorable Senator, as to the consistency or rather the inconsistency between my argument and the vote I proposed to give upon the bill before the Senate, I refer to the explanation I gave on yesterday.

SYMPATHY TO LOUIS KOSSUTH.

SPEECH OF HON. C. ANDREWS,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

WEDNESDAY, *February* 25, 1852,

On the resolutions of the Legislature of the State of Maine, tendering sympathy to Louis Kossuth, condemning the unwarrantable intervention of Russia in the affairs of Hungary, and asking the influence of the United States against all such intervention in future—

Mr. ANDREWS said:

Mr. SPEAKER: I had the honor to present to this House, some two weeks since, the following resolutions, passed by the Legislature of Maine, on the 16th day of January last:

"*Resolved*, That in Louis Kossuth we recognize a distinguished representative of freedom and constitutional liberty, and that his Excellency the Governor be requested to extend to him a cordial invitation to visit the capital of this State.

"*Resolved*, That we tender to Louis Kossuth the assurance that we entertain a sincere sympathy for the wrongs of Hungary, and a deep detestation of the despotic tyranny of Austria, and the unwarrantable intervention of Russia.

"*Resolved*, That we earnestly desire that the General Government of the United States may exert an influence in some wise and proper manner against all such intervention in future."

I am proud of the position Maine occupies upon this question, as having boldly taken the lead in the noble ranks of patriotic States. It is the bold position inscribed upon her coat of arms "*Dirigo*." She has never yet disgraced it. Her position upon this question, I have little doubt, as a principle, will eventually lead to the political regeneration of broken Hungary, and the further spread of Republican principles in Europe.

I am proud of the generous magnanimity of my native State, when I see her, unsolicited, through the Representatives of her people, and by a decided vote, bare her sinewy arm for the oppressed

of mankind, and against her own pecuniary interest in the improbable event of war; thus causing the dictates of a world-wide patriotism to control the groveling passion of selfishness.

If there is one State in this Confederacy that would feel more than another the effects of war, it is Maine. Her extended sea-board, unprotected save by the hardy inhabitants upon the coast; her immense interest in navigation; her ship-building, in magnitude of tonnage, far before either of her sister States; in short, her every source of business is in the most exposed condition; but the Legislature looked upon such resolutions as sufficient to direct the attention of Congress and the nation to the subject-matter and any just resolutions, as insufficient to drive Russia into a war upon the subject of Hungary, as it must likewise involve her in a struggle with the leading and many of the smaller powers of Europe.

The language of the resolutions is chaste and prudent, and the sentiments calm, dignified, and manly.

They are calculated at least to arouse in the minds of members of this House the importance of the principles involved, and to lead to a careful review of the whole subject-matter.

Mr. Speaker, the agent of the scattered Hungarians, Governor Kossuth, is now with us. He came as the nation's guest, and has been treated by the great mass of our people as became the nation and as was due the man. It was at one time much to be regretted that such sensitiveness was exhibited upon the part of many of our Southern friends, for it bore so strong a resemblance to unreasonable jealousy, that it took a mind quite as free from distrust as my own to be satisfied that it was only being a "little sensitive."

Governor Kossuth, independent of being invited to this country, occupies the same honorable position here as Dr. Franklin occupied in France, in the perilous times of our own revolutionary struggle, only that his case is a much plainer one. He solicits this nation to join Great Britain in intervention in behalf of his country, and at the same time is preparing for war, if it must come, by gathering the *materiel*. His mission is an honorable one, and he is worthy of his mission.

Paid editors may traduce him through their mercenary journals, and such politicians as choose can aid in the work; but they cannot make him otherwise than the wonderful man of the times, and apparently destined for the mighty mission he is so rapidly accomplishing.

Who has seen him but to be won by his child like simplicity, the frankness of his manners, and his unostentatious, but devoted piety?

Who has read his speeches but has admired the wonderful sagacity and prudence with which he treats all subjects, wounding the feelings of no one—pleasing all? And who has heard him speak but was electrified and astounded, if not convinced, by his lofty flights—his bold metaphors—his unanswerable logic?

He seems to possess the purity of a Washington, the sagacity of a Jefferson, and more than Websterian combination and logic, while his eloquence is purely his own—*calm*, *gentle*, *enticing*, *commanding*.

Determined, desperate, and cruel have been the means used to prejudice the American people against his mission; but the influence of his pure doctrine leaps from mind to mind as through the unseen channels of magnetism. Stay his influence!

"Canst thou bind the sweet influence of the Pleiades?"

Louis Kossuth is destined to occupy the choicest niche in the temple of fame, for this age of the world.

Mr. Speaker, the second resolution refers to a land teeming with the liveliest interest from the earliest history of its people.

Tracing the annals of history, we find that the Magyars or Hungarians were so called by the Russians and other Sclavonians. Their true origin is not known. The older writers derive them from the Huns of Attila—some suppose them the descendants of the Fins; but their own great antiquarian, Fejee, (keeper of the library of Pesth,) derives them from the Parthians.

They were first known upon the broad land of the Turan, in Asia, a small band with a fixed resolution to emigrate and push their way westward into Eastern Europe. Before starting, they proceeded to *elect* a chief or prince, and *formed a constitution limiting his power;* and thus, as early as the last of the seventh century, we find this people exercising a right which not only evinced their sagacity, but showed their great discretion and love of liberty.

Just what that constitution was which was made the guide for their prince and people, it is not possible to ascertain; but it became the foundation of a constitution afterwards adopted, and will be referred to.

Thus, at this age of the world, we find this people about to leave the broad plains of Asia, their early home, and the home of their fathers, patriotically forming a *compact*, and making themselves into a nation to be governed by liberal principles, at an age, too, when all republics had gone to decay, and political darkness shrouded the whole earth.

After leaving Asia, they first occupied the country lying between the Don and Dnieper for two hundred years. In 894, they entered Hungary under their Prince Almus, and in 900, made the conquest complete under Arpad, son of Almus, having subdued the Bulgarians, Sclavonians, Moravians, Germans, Italians, and Croatians, with others that then occupied it; thus establishing their reputation for indomitable courage and perseverance, which they have not lost by time or oppression.

In the distribution of the territory thus won, the common soldier came in for his *share*, wherever daring, courage, or other superior merit was found.

This was done without regard to rank, not only as an act of justice, but to establish the noble principle that rank and birth were to have no particular favor with the stern Hungarian warrior or his people.

From 900 to 1000, nothing of particular note transpired, save the gradual introduction of the arts of peace, agriculture, and manufactures; and that Geysa, the grandson of Arpad, introduced christianity, which was violently opposed and made but little progress till after his death.

Stephen, the son of Geysa, was the first King of Hungary, and was crowned in the year 1000. Stephen in fact was the founder of the kingdom, and one of the ablest, and best Monarchs Europe ever produced. He remodeled the constitution, and gave form and symmetry to its rough beauties, and enlarged the liberties of the people by important changes in the social compact.

At this period we are enabled to get at the Hungarian constitution; and although novel to us in some of its features, yet when we reflect that this was an age of barbarism, at or near the time when political darkness commenced its reign over the face of Europe—a darkness that fell like a pall upon the energies of every other nation—all must be struck with admiration at the genius, the justice, and the greatness of the man who, under such circumstances, was quietly giving to his people a constitution of checks and balances, showing great wisdom and a strong republican tendency.

In the progress of her polity subsequently, we find Hungary, like our own Government, was composed of three distinct branches, the one a check upon the other. First, the King; second, the Diet, or Congress, composed of two Houses, the upper and lower. The upper House comprised the dignitaries of the Greek Church and Roman clergy, and the magnates or hereditary nobility. The lower House was composed of the inferior nobles, (not hereditary,) ecclesiastical chapters by their representatives; also, by representatives of the free towns, towns that had been *enfranchised* for some eminent service of war or peace. And, thirdly, by a Judiciary; the Tavernicus, being the President of the Court of Appeal. Another feature worthy of particular note is, that the Palatine, or President of the upper House, was chosen by the Diet from four candidates named by the King, and belonging to any order of the State. This officer ranked next to the King, was Regent, and appointed the Generalissimo of the armies. The King was *chosen* for life. Instead of being King by birth, he was elected by the Diet, which right was always exercised. They frequently changed the line of succession to another branch of the family, and even created a new dynasty. Thus came the power first in the house of Hapsburg.

The powers of the King were limited. He could not declare war without the consent of the Diet, nor could he levy taxes without the consent of the free-towns. In case of disagreement, the Diet decided.

The nobility were compelled to fight the battles of their country, if war was legally declared.

Beyond this, showing the wisdom of these people at an early age, we find the united Greek Church sent their delegates to the Diet, and that religious toleration was guarantied to the nation, and ever after maintained.

After the close of Stephen's reign, about thirty different sovereigns reigned over Hungary up to the Revolution of 1848, all of whom were elected by the Diet. The administration of each was guided and controlled by the constitution of Stephen, and the subsequent changes therein as the fundamental law of the nation.

She was engaged in various wars, the most remarkable of which was with the Turks, covering much of the time from 1526 to 1716; and but for the power and skill of the Hungarian armies, it is more than probable that the *Koran* would have supplanted the *Holy Scriptures*, and the faith of Mahomet been the religion of all Continental Europe at this day.

At all times, throughout a period of more than eight and a half centuries, Hungary maintained inviolate the great democratic principle, that every man has a right to worship God according to the dictates of his own conscience.

Here I would remark, that in the year 1367 King Louis I. established the first high school for *general education*, at the *expense of the State*, and such has been the progress of education throughout Hungary, "that [says Paget in a late history] *nine tenths of the whole* population can read and write in *one* or *two* languages;" thus establishing beyond a doubt, the diffusion of intelligence among the people equal to any in Europe, and in advance of our own at the formation of our Government, if not now.

In 1848, uneasiness prevailed among the people of Hungary. Yet, notwithstanding their King had been elected by the Diet from the house of Hapsburg from the year 1687 to that time, they did not ask the entire overthrow of their limited monarchy; but they asked, with burning eloquence, for redress of grievances and an extension of liberty to the masses.

The Court of Vienna yielded, or pretended to yield, to the just request of the Diet and people, which caused universal rejoicings throughout the kingdom, little thinking of the treachery and fraud to be afterwards practiced upon them.

The history of the bloody and treacherous onslaught upon devoted Hungary—the unwarrantable interference of despotic Russia—the horrid cruelties perpetrated upon Hungarian men, women, and children—the treachery of a Görgey—the fearful brutalities of "the butcher" Haynau, are all too fresh in the memories of this House and the American people to need one word of comment.

Up to this time Hungary was one of the important nations of Europe. For more than eight hundred years her people had occupied the same territory; had maintained her nationality; had progressed in all the useful arts and sciences; had diffused throughout the kingdom an almost universal elementary education; and had kept alive, as a "holy fire," that germ of liberty that animated the breasts of their fathers far away upon the plains of Asia at the birth of their nation.

Her physical and political resources exhibit a people amply able to support their position in the great family of nations.

I take the following statistics from the speech of Mr. Webster at the dinner given to Kossuth in this city, as they are accurately prepared and support my position.

The following enumeration of the races that constitute the population of Hungary is taken from one of the latest and most authoritative publications of Austrian statistics, that of Haeufler:

HUNGARY, *including Croatia and Slavonia.*

Magyars	4,281,500
Slowacks	2,200,000

Russniaks	350,000
Servians	740,000
Croatians	660,000
Slavonians, (Styrians)	50,000
Bulgarians and others	12,800
Slavonians, total	4,012,800
Germans	986,000
Wallachians	930,000
Jews	250,000
Greeks and others	62,500
	10,522,800

TRANSYLVANIA.

Magyars	260,170
Szeklers	260,000
Germans	250,000
Wallachians	1,287,340
Others	60,400
	2,117,910

MILITARY FRONTIERS.

Magyars	54,000
Croatians	692,960
Servians	203,000
Slavonians, total	895,960
Germans	185,500
Wallachians	100,000
	1,235,460

TOTALS FOR ALL HUNGARY.

Magyars	4,605,67
Slavonians	4,905,760
Germans	1,421,500
Wallachians	2,317,340
Szeklers	250,000
Jews and others	372,900
Grand total	13,873,170

By a still more recent account, taken from the official statistics of Austria, it appears that Hungary, including Transylvania and Military Frontiers, has 112,000 square miles, with 14,500,000 inhabitants, and contains—

Cities	75
Towns	888
Villages	16,000
Roman Catholics	9,000,000
Greeks	4,000,000
Protestants	3,250,000
Jews	250,000

Hungary is about the size of Great Britain, and comprehends nearly half of the territory of Austria.

It is stated by another authority that the population of Hungary is nearly 14,000,000; that of England (in 1841) nearly 15,000,000; that of Prussia about 16,000,000.

Thus it is evident that, in point of power, so far as power depends upon population, Hungary possesses as much power as England proper, or even as the Kingdom of Prussia. Well, then, there is population enough—there are people enough. Who, then, are they? Their history is known to you as well as to myself, if not better, and I may say they are a distinct people from nations that surround them. They are distinct from the Austrians on the west, and the Turks on the east; and I will say in the next place, that they are an *enlightened* nation. They have their history; they have their traditions; they are attached to their own institutions and to their own constitutions—which have existed for more than a thousand years.

Mr. Speaker, I have proved, or endeavored to, that Hungary was not only an important nation, but that she possessed, to an eminent degree, the capacities for a republican government.

Her long abhorrence to the centralization of power—her watchful guardianship of the rights of the people, as guarantied by their ancient constitution—jealousy of the people for their rights, and love of liberty and "Fatherland"—all give assurance of this belief; and yet, with the history of her past before us, how often have we heard the remark, "they are totally ignorant of the principles of government, and incapable of sustaining a republic, if unmolested." Such remarks must come from minds ill-informed upon the Hungarian character. Let them look back to the days of our Revolution. Had we then more courage, more patriotism, and could more than "nine tenths of our population read and write in one or more languages?"

The British Constitution, up to the time of the Revolution, was not as liberal as the Hungarian, yet but little complaint was made till near the war; and then, as in Hungary, *our* people made but a request to the King for a redress of grievances. And so it passed along until the Declaration of Independence, in fact till the formation of the Constitution, and then were found some of the purest patriots of the war opposed to our well-nigh faultless structure of government, for the reason of distrust in the intelligence of the people. Such men, it seems, are with us now; if they are such from principle, they are not to be censured; but if they are raising the cry to retard the Hungarian cause, I regard it as a sort of covert warfare in which I would wish to be spared the laurels.

For one, I have no such feelings of distrust of the intelligence of the people. I have always found it there, and from the most careful research I am convinced as much good native sense, as strong powers of mind, enlarged by generous education, exists with the Hungarian masses as with any other nation; and with efficient and pure-minded rulers at the head of a republican government, (and we know they do not lack the men,) I should have no fears of most triumphant success.

But Hungary exists only in name. The foot-prints of the tyrant are upon her soil, and her people are borne down with sore oppression. The Austrian was driven from her borders, but the semi-barbarian soldiers of the Czar of Russia broke her power, and her people have become wanderers in other lands.

Was this right? No! Was it lawful? No! For Hungary had her nationality independent of Austria, and of course had a right to repel Austrian invasion.

All the writers upon international law agree upon *the* principle, that every nation has the right to manage its own internal affairs, and that no other nation has a right to interfere.

"No State has a right to intermeddle in the internal affairs of another.

"This rule is a necessary consequence of legal equality, and exclusive jurisdiction of independent States.

"A right to interfere cannot be claimed even by an ally."—*Grotius.*

"The perfect equality of nations is admitted by all writers to be a fundamental principle, and inviolable." * * "Relative magnitude or imbecility creates no distinction of rights." * * "It is usurpation when a strong power interferes in the affairs of a weak one."—*Kent.*

Vattel lays it down as a principle of the laws of nations—

"That when a rebellion assumes the character of a civil war, foreign powers not only have no right to interfere in favor of either side, but are bound to recognize and respect two independent parties, constituting for the time at least, two separate bodies, or societies. Though one party be to blame, yet there is no *common* judge on earth. They stand precisely in the predicament of two nations unable to agree upon some points of dispute, and who have resorted to arms to settle it, and foreign nations are bound to observe *all the laws of nations* in regard to such war."

Sir, the intervention of Russia in the affairs of Hungary was an open, palpable, flagrant, and wanton violation of the well-settled law of nations. It was an interference which struck the whole civilized world with surprise and horror, and which awakened in patriotic minds, everywhere, a suspicion of her intention to break down liberal principles in whatever form, and wherever they might appear. It awakened an almost universal feeling that such oppression should be repelled—that aid to Hungary should be afforded in that way which time might develop as the most prudent and effective.

I arraign Russia as a violator of the laws of nature, of nations, of mankind; the oldest, the highest, and most sacred laws of Christendom. I charge her with being a nation of *murderers;* for in violation of this law she marched her armies upon the territory of a nation (Hungary) with whom she was at peace, "interfered with her affairs," and ruthlessly slew her citizens by thousands, and made desolate the land.

Mr. Speaker, what is the duty of other nations under circumstances like these?

Says Wildman:

"The laws of nations cannot be varied by municipal regulations. If so, it is a violation of them, and the *violators should be held accountable by all nations.*"

Vattel says:

"All nations have the right to *resort to forcible means* against a nation who *openly violates* the laws of nations."

Grotius, Vattel, and others, say that—

"Nations have the greatest interest in causing the law of nations, which is the basis of their tranquillity, to be *universally* respected. If one openly tramples it under foot, they all may and *ought* to rise up against him, and, by uniting their forces to chastise the common enemy, they will discharge their duty towards themselves, and towards human society, of which they are members."

"The rights of a nation are inviolable and imprescriptible, and cannot be lost for want of use."

This is the law of nations. Hungary had not lost the right to govern herself by *electing* the Emperor of Austria as her King, and when she assumed the right to govern herself, even Austria was unwarranted in her course, independent of her solemn edict to the Diet to give to Hungary the reforms she asked for.

Mr. Speaker, the law that one nation has no right to intermeddle with the affairs of another is as clear and well-settled as any statute law of this nation, or of either of the States. Its justice and necessity is, and must be, acknowledged on all sides. Its importance is far beyond any national or State law, for without such principle operating throughout the world, there could exist no nations—no government. The punishment of a breach of it is more imperative upon other nations, by reason of the vastness of its importance, than the neglect to enforce any municipal law for the punishment of crime.

Sir, suppose an atrocious murder is committed in your quiet neighborhood. For revenge or money one of your neighbors is inhumanly butchered. The murderer is known. The proof is conclusive. Would not there arise at once a universal feeling that the *violated law* should be redressed, and would not every one feel that an important duty rested upon him to aid in bringing the fiend to condign punishment? No one can question but the crime of Russia is much deeper and darker than that of the individual murderer, and no reason can be offered why the duty to vindicate the laws is not more imperative upon nations than individuals.

The world has not considered this question as they ought, and mankind have been inclined to look to the execution of all such laws as they felt a peculiar interest in. The difficulty is this: we are too apt to circumscribe our views by self, not regarding the whole family of man as our brethren, and that we are dependent upon one another throughout the great world; we confine our charities, our aid, our good acts, to *ourselves* and immediate community, and to the *present* time, not guiding and guarding our national liberties for a mighty future.

Mr. Speaker, having shown the unjustifiable, illegal, and inhuman manner of Russian intervention in the case of Hungary, I will for a moment examine the principle of that PROPER intervention, the exercise of which in behalf of Hungary would have been justified by the laws of nations; an intervention not only conforming to admitted principles of international law, but hallowed by the early recollections of that heroic people whose natal morn, though encircled by the worshipers of despotism, found them bowing before the shrine of freedom.

The law seems to be clearly settled upon this point, as well by precedent as by authority. Washington justified intervention by a nation when necessary for the security of what is due to themselves—see Spark's life. The general principle as laid down by Vattel, and sustained by all jurists is, "nations may interfere to protect themselves whether the danger be *remote* or near." And Lord Castlereagh in his circular dispatch of January 1821, insists upon this principle, though qualified by the remark, and says:

"This danger must be justified by the strongest necessity, and be limited and regulated thereby; that it could not receive a general and indiscriminate application to all revolutionary movements, *without reference* to their immediate bearing upon some particular State or States. But its exercise was an exception to general principles of the greatest value and importance; and one that only grows out of the special case and exceptions of this description, could never, without the utmost danger, be so far reduced to *rule*, as to be incorporated into the ordinary diplomacy of States, or into the institution of the laws of nations."

Mr. Canning adopted the same views.

The *discretion* of the statesman determines *when* to exercise a *right* the State possesses. It is a question of *time* only.

There have been many instances of intervention that the world has justified, the most important of which I will name. Cromwell intervened to prevent the extermination of the Waldenses. England interfered to aid the Netherlands against Spain. That of, then noble and patriotic France, in aid of our country. France, England and Russia aided the Greeks, and brought them safely out of their fearful struggle with Turkey. Russia, England, Prussia and Austria interfered in the affairs of Egypt and the Porte. The French interfered in the affairs of Algiers, to prevent the piratical soldiers oppressing the natives—at first; though such intervention subsequently became one of conquest, at the beginning it was not. The five great Powers intervened in the affairs of Belgium and Holland. The *United States* interfered in behalf of the Sandwich Islands to prevent France from taking possession of them.

Several *declarations* have been made by various nations and at different periods, that they should intervene under certain exigencies. Some of these protests have been regarded—others have not.

Perhaps the boldest of them all was that of President Monroe, in his annual message of 1825; and the same doctrine was reiterated by President Polk in 1845.

This grew out of the second Congress of Panama invited by Bolivar. Buenos Ayres and Chili refused to send delegates, which was said to be caused by the desire of Bolivar to create an *empire*. The United States were opposed to this, and believing foreign influence the instigation, in 1825 made solemn declaration "that *European* intervention in the affairs of *South America* would be considered as dangerous to the peace of the *United States*, and the manifestation of an unfriendly disposition." Such is the principle boldly, and I say justly and legally proclaimed.

Whether it would have been *more*, or even a tithe as dangerous to *our liberties* for some nation of Europe to have interfered in the predatory warfare of some of the remote provinces of South America, or as great a manifestation of unfriendly disposition as, in the heart of Europe, at this enlightened age, when an important nation of nearly 14,000,000 is just forming herself into a liberal Government, to overrun her territory with a blood-thirsty soldiery, and at one fell swoop annihilate her, I leave for others to speculate and reason upon.

The case of Greece excited more universal attention than any that history records, save the one under consideration. Many who now hear me well recollect the excitement that pervaded this country. The question of sending an agent to Greece was discussed in this Hall.

Mr. Webster's speech upon that occasion is familiar to all, as it has been recently republished; and in no effort of his life, in my opinion, has that *great man* done greater honor to himself and country. Mr. Clay supported the same position with Mr. Webster. Thus the two great champions of different interests were found together. They laid aside all party animosities, and met upon the broad platform of patriotism and philanthropy.

Mr. Clay now takes different ground. He was then in the full strength of mature manhood. Disease and age had not wasted his physical strength, nor, imperceptibly to him, preyed upon his intellect,

"Like a worm i' the bud."

Greece had no agent here to speak for her, but our citizens were awake to her interest. *Strange* as it may appear to us now, at that time the Legislature of South Carolina called upon Congress to interfere and acknowledge the independence of Greece. And our good neighbors of the city of Washington, in their warm zeal, asked that *material* aid in implements of war might be sent to Greece by our Government.

President Monroe, in his annual message of 1822, in speaking of Greece, says: "The United 'States owe to the world a great example, and, by 'means thereof, to the cause of *liberty* and *human-'ity* a *generous* support." And very similar was the tone of several succeeding messages, while this struggle was pending. There can be no mistaking his views. It is a fact, as I understand it, that his Secretary of State was in open correspondence with the chairman of the Greek Committee in London.

England first intervened by recognizing the independence of Greece.

The interference might, and perhaps should, have been based upon the principles of humanity; but, in the preamble of pacification, the Governments of England, France, and Russia, at London, July, 1827, put their interference upon the ground of "the necessity of preventing the impediments to trade," to "prevent the risks that their subjects would incur to their interests." This must be regarded as the extreme reason one nation can assign to interfere in the affairs of another.

Mr. Speaker, in the case of Greece and Turkey, I have gone more fully into the details, inasmuch as there exists strong reasons that, had not the nations of Europe intervened, this Government would. The case of Greece, though strong, *was weak* as compared with the one under consideration.

That was more than a quarter of a century ago, when the resources of the country were feeble as compared with them now. Then we had a population of ten millions; now of twenty-five millions. Then it was a three months' journey to Europe; now it takes but a dozen days. Then our commercial interests in the European trade were inconsiderable; now they are immense. Then we had a national debt upon us and were poor; now we are the same as free from debt, and the richest people in the world.

We have all felt grateful to France, for her intervention in behalf of our noble ancestors in their perilous struggle for the freedom we enjoy. We never said "it was wrong in her," and that "she was foolish," or that she had "sinister and hidden motives of self." We never condemned the Continental Congress for sending Dr. Franklin to France on the same errand that Kossuth is here; nor have we any doubt that great and good man used his best skill in accomplishing the great purpose of his mission. But for his success our fate must for many years have been that of Hungary.

Mr. Speaker, if I am right, this or any other nation has an unquestionable right to intervene in the affairs of Hungary. First, for the reason that Russia committed a most flagrant violation of a *well-established* principle of *international law* in her intervention; and second, upon the principle of safety, justice between nations, humanity, and, last, commerce.

For a moment I call the attention of the House and country to the course of the Russian Czar, and the monarchs who obey his nod and do his bidding.

Soon after the restoration of the Bourbons, the "Holy Alliance" was formed, and for its singularity—not for its blasphemy—I quote it:

"In the name of the most Holy and Invisible Trinity, their Majesties the Emperor of Austria, the King of Prussia, and the Emperor of Russia, solemnly declare that the present act has no other object than to publish to the face of the world their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, *christianity*, and *peace*, which far from being applicable only to private causes, must have an immediate influence on the counsels of Princes, and guide all their steps, as being the only means of *consolidating human institutions* and remedying their imperfections."

Most precious piety this. It emanated from the *Court of Russia*.

In the Laybach circular of May, 1821, it is declared "all *useful* and *necessary* changes ought only to emanate from the *free will* and intelligent conviction of those *whom God* has rendered *responsible for power*." Great Britain, thank Heaven, repudiated the sacrilegious principle as subversive of the principles of liberty and of her constitution.

Again, in their Congress of Troppau, it is declared by these *precious worthies* that "the Powers have an undoubted right to take a hostile attitude in regard to those States in which an overthrow of the Government *may operate as an example*." It will be seen at once that this doctrine is a complete overthrow of the laws of nations, and if carried out, would soon make the world one great battle-field.

But these *pious* Kings and Emperors, at the instance of other Powers, at London, in 1831, were forced to abandon their former positions. The right to interfere in the affairs of other nations as pronounced at Laybach, in 1821, was denied and denounced. See the protocol issued by the five great Powers.

Mr. Speaker, again we find Russia pursuing the same course with Hungary as promulgated in the accursed doctrine of 1821-'2. And have we not fresh cause of alarm for the progress of despotism, if not for the downfall of freedom everywhere, when we look upon France that was our ally—"our very help in time of need"—the nation we regarded above and beyond all others? The necks of her people are bowed down with oppression—the yoke is upon them—their patriotism seems subverted, and their energies paralyzed, while a *Nero President* is quenching his thirst for revenge with the best blood of her citizens—is gloating over the complete destruction of the tried patriots and best sons of the nation—has destroyed the last ray of the blessed light of liberty, and is enshrouding the land with the gloom of the darkness of most fearful oppression; and approving this, who is foremost to shake the bloody hand of the usurper and congratulate him upon his great successes over HUMAN PROGRESS, but the Czar of Russia? Thus another powerful nation is added to the fell foes of freedom; I trust, sir, for a brief season only; and that the eagle of Republican France will soon strangle in her talons the serpents that have crept within the sanctuary of her liberty.

But a short time before the death of *the great* Bonaparte, he remarked that "in fifty years Europe will be either Republican or Cossack." Heaven grant that the doubting prophecy of that wonderful man will soon find beautiful France the eternal home of free, constitutional, and happy republicanism. It must be so. The instincts of despots assure them this, and that a death struggle is at hand, unless the *calm and just intervention* of other nations prevent it, and quiet the agitated world. Preparation has been gradually going on for the fearful result. All Europe seems now surcharged with the elements of strife. The political sky is dark and portentous. Black clouds, with thunder mutterings of distrust and defiance, are quickly passing across the horizon. The oppressor is uneasy and alarmed; "his knees tremble;" he sees the "hand writing upon the wall." The oppressed are gathering in their harvest, and making all ready for the terrible feast of Mars. Inaction now upon the part of other nations, and it must come. I repeat it, it must come; and no power save "Him who spread the north over the empty place, and hung the earth upon nothing," can stay its progress, or prevent the fearful shock of contending millions.

In such an event will the United States have no interest in the *result*? Our commerce is in every European port, and our trade with all her nations. Have we no interest in the *result*? Peradventure "Europe becomes Cossack," shall we have no interest in the *result*? Then would follow, as effect follows cause, the whole power of despotic Europe to bear upon this happy land. The *result* might be fearful, and well worth warding off when it could have been done, and saved all blood-shed, saved Europe, saved America, (perhaps,) saved liberty, and greatly enlarged its borders.

Mr. Speaker, what is to be done? Shall we assume a quarrel that will lead to arms? By no means. The remedy, in my humble judgment, is before us, which will at once quiet the unholy passions of mankind, and calm the heaving elements of political discord.

I would recommend that the Congress of this Republic emphatically declare:

First, that "no nation has a right to interfere with the domestic affairs of another;"

And, second, that Congress recommend to the President of the United States the propriety of instructing our Ministers and Charges to foreign Governments to invite them to meet our own in a general Congress of nations, for the *consideration*, *adoption*, and *future enforcement* of the above principle of international law.

Such is my remedy, nor have I one doubt of its complete efficiency.

So far as Hungary is concerned, the Czar might fret and fume for the time as the chided child; but the master Powers of the world would awe him

into respectful acquiescence. Talk of Russia going to war upon the promulgation of such a principle by America, England, and the other principal Powers of Europe! The old Czar is not to be caught in any such arrant and destructive folly. His entire marine would soon disappear from the seas, while the navies of England and America would give security to the commerce of all nations. Much of the strength of his armies would be required to guard his ports. And does he not know that Poland yet has her legions of heroes with long unsettled accounts of deep and burning hatred, who soon would hover upon his borders like chafed and hungry lions for their prey—that Hungary would, *en masse*, follow him to the death to avenge their own fresh and bleeding wrongs. France (I mean her people) has not forgotten her Russian campaign, nor the relentless cruelty of the Cossack barbarian, but a deadly hatred yet exists in the breast of the true Frenchman, and such an opportunity could not pass unimproved. Switzerland, too, has a score to settle.

Russia go to war for such a cause, or any cause with such facts before her! He who is credulous enough to believe so must have studied her history with ill success, and looked into the diplomacy of her Emperor with little care. Much more likely would Nicholas be to applaud the edict with lip-words of kindness, and readily yield to it with *court smiles* of approbation.

Mr. Speaker, a word more and I close. Had such a Congress convened one half century ago, many wars would have been prevented, a vast amount of human suffering avoided, and millions of human lives saved. It would be a Congress of perpetual peace. Its moral influence would be irresistible.

I would by no means carry this matter so far as to form "entangling alliances" with any other nation or nations; but such a Congress would insure the peace of the world, and the welfare of mankind, and the spread and ultimate triumph of republican principles in Europe would be its corollary. I would feel proud and happy to see my own beloved country, founded, as she is, upon the rock of eternal truth, take the lead in the declaration and promulgation of a great and universal principle of right in the holy science of national morality.

NON-INTERVENTION.

SPEECH OF HON. J. W. MILLER,

OF NEW JERSEY,

IN THE SENATE, *February* 26, 1852.

The Senate proceeded to consider the following resolutions, which were submitted by Mr. CLARKE on the 19th ultimo:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress recognizes and reaffirms these manifest truths: "That Governments are instituted among men to secure the inalienable rights of life, liberty, and the pursuit of happiness, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government, laying its foundation upon such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Resolved, That while we claim for ourselves these comprehensive rights of self-government, and also, as a consequence of sovereignty, the right to be exempt from the coercion, control, or interference of others in the management of our internal affairs, we concede to others the same measure of right, the same unqualified independence.

Resolved, That it is upon the sacred principle of independent sovereignty that we recognize, in our intercourse with other nations, Governments *de facto*, without inquiring by what means they have been established, or in what manner they exercise their powers.

Resolved, That this Government has solemnly adopted, and will perseveringly adhere to, as a principle of international action, the advice given by Washington in his Farewell Address: "Observe good faith and justice towards all nations; cultivate peace and harmony with all." "Give to mankind the magnanimous and too novel an example of a people always guided by an exalted justice and benevolence." "Sympathy for a favorite nation betrays itself into a participation in the quarrels and wars of another, without adequate inducement or justification." "Against the insidious wiles of foreign influence the jealousy of a free people ought to be constantly awake; for foreign influence is the most baneful foe of republican Governments." "The true rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible." "Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice."

Resolved, That, while we cherish the liveliest sympathy towards all who strive for freedom of opinion and for free institutions, yet we recognize our true policy in the great fundamental principles given to us by Jefferson: "Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none."

Resolved, That although we adhere to these essential principles of non-intervention as forming the true and lasting foundation of our prosperity and happiness, yet when ever a provident foresight shall warn us that our own liberties and institutions are threatened, then a just regard to our own safety will require us to advance to the conflict rather than await the approach of the foes of our constitutional freedom and of human liberty.

Mr. CASS's amendment is designed as a substitute for Mr. CLARKE's series. It is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That while the people of the United States sympathize with all nations who are striving to establish free Governments, yet they recognize the great principle of the law of nations which assures to each of them the right to manage its own internal affairs in its own way, and to establish, alter, or abolish its Government at pleasure, without the interference of any other Power; and they have not seen, nor could they again see, without deep concern, the violation of this principle of national independence.

Mr. MILLER said: Mr. President, it is seldom that I trouble either myself or the Senate with a discussion upon what are called abstract resolutions. In national affairs, I prefer acts to words; and when there is nothing present which duty commands us to perform, it is wisdom to be silent. Yet there are times and occasions in the history of every nation, when it is necessary to speak in advance of coming events, and thereby anticipate threatened evils by a manly avowal of counteracting principles.

The present, in my opinion, is one of those occasions. The Government is called upon to change its foreign policy, and to assume a new position in its social and political intercourse with the nations of Europe. This movement is sustained by various influences, domestic and foreign. Most fervent and eloquent appeals have been made to our national honor and pride, to our love of liberty, and to our sympathy with suffering humanity. All classes and professions have given it their influence. The press, the pulpit, and the bar, are enlisted in the cause; all demanding a change in our ancient international policy. And politicians—especially that most interesting class of them called candidates—surprised by this sudden excitement, become at first confused, then alarmed, and finally throw themselves upon the popular wave to be carried whithersoever the wind may drive them.

In the midst of this outside storm our internal agitations are quite forgotten, and Whigs and Democrats, Abolitionists and Secessionists, who could never agree for a moment in managing our domestic concerns, now unite like brothers in regulating the affairs of the world. Under the pressure of these exciting movements, Congress cannot remain quiet; we must do something worthy of the occasion. But while most agree that our Government should change its present position to meet this emergency, there are none who tell us what that new position should be.

The Senator from Michigan [Mr. CASS] says we cannot stand still; yet he neglects to tell us whither we shall go. The friends of progress expected something more bold and decided from that Senator; but they will excuse him, when they consider the intricacy of the subject, and his present peculiar position.

The Senator from Illinois [Mr. DOUGLAS] is more decided in his determination to change our national policy. At the late celebration of the anniversary of the battle of New Orleans, held in this city, in which the Senator from Illinois, as well as the Senator from Michigan, took a conspicuous part, that Senator said:

"I think it is time that America had a foreign policy—[applause and cries of 'Good!' 'Good!']—a foreign policy predicated upon a true interpretation of the laws of nations—a foreign policy in accordance with the spirit of the age—[great applause]—but not such a foreign policy as we have seen attempted to be enforced in this country within the last three years. [Cries of 'Good!' 'Good!'] We have been told, and you are told every day, that neutrality is the true American policy; and that plea has been the excuse for the acts which have been performed by the existing Administration in connection with the Cuban question. [Great applause.] They employ the American Navy and Army to arrest the volunteers and seize the provisions, ammunition, and supplies of every kind which may be sent in aid of the patriot cause, and at the same time give free passage and protection to all men, ammunition, and supplies, which may be sent in aid of the royalist, and they CALL THAT NEUTRALITY."

Again, the Senator says:

"The distinguished Senator from Michigan [Mr. CASS] has told you that the next President is to be a Democratic President. I believe that it is the will of Providence, and the will of the people also." [Great applause.]

If the "will of Providence," seconded by "the will of the people," should sustain the disinterested opinions of the Senators from Michigan and Illinois, "that the next President is to be a Democrat," there can be no doubt but that the time will have come for America to have a "*foreign policy*." It is much to be regretted that the honorable Senator from Illinois, of whom the world has taken note as standing "the most immediate to our throne," has thus, in advance, declared his determination to change the well-established policy of the Government. All these reformers are for intervention, but the difficulty is to its character. Some are for a declaration of sympathy for the oppressed—some for the denouncement of the oppressors—some for moral, and others for material aid; but all are for intervention of some sort. We cannot, they say, stand still, and be neutral, when all Europe is in motion, and therefore we must say a word, or strike a blow, in the cause of liberty.

Now, Mr. President, I have nothing to say against that noble and liberal sympathy which the people of this country manifest towards the oppressed of other lands. This feeling may sometimes be carried to an extreme, and occasionally fall upon unworthy objects; but it is a noble virtue, and testifies that liberty and humanity are not only merely imbodied in the forms of our Government, but that they have also a deep and warm place in the hearts of the American people. No State policy, however wise, can or ought to prevent heart beating to heart, voice answering unto voice, when the weak and the oppressed call for aid and succour. I have nothing to say against this popular feeling in favor of humanity. My remarks are intended to apply solely to the conduct of the Government in its intercourse with foreign nations, under appeals of this character. The feelings of individuals may lead one way, while the duty of the Government points to the opposite direction.

It is not to be disguised that there exists a disposition among a portion of our people to intermeddle in the political affairs of Europe. This feeling receives strength just now from two sources: first, from the commotions in Europe; secondly, from a desire on the part of politicians at home to use this feeling for party purposes.

Under these combined influences there is danger that this Government may become involved in the affairs of Europe. Everything purely American is fast becoming stale and vapid. There is a disposition to quit our own, to stand upon foreign ground.

There is a class of politicians (not in this Chamber) who seem to live and move in foreign politics. Each revolution in Europe excites them to such a fever heat that they cannot rest until our Government shall express, by word or action, its sympathy or its indignation for or against the parties concerned. With them, everything foreign has a peculiar interest. Foreign goods and foreign labor are preferred to the domestic; and foreign votes, if not preferred, are certainly more courted than those of our native citizens. Impelled by their sympathies, they rush to the ocean shore with eye-glass to detect the incoming ships loaded with the rumors of European agitation; and, confused by a political *mirage*, all that they see over the distant waters is, to their visions, enlarged and distorted. Absorbed in foreign news, they forget the claims of their own country—they have neither eye nor ear for domestic matters. They are deaf to the call of American labor for protection. They have no eye for our neglected rivers and harbors. They cannot see our broken-down forges and our ruined manufactures. While the masses in Europe are the object of their most ardent sympathies, the masses at home are abandoned with cold indifference, and left, unaided, to fight the battles of labor and national independence against the combined capital of Europe. In all that concerns

American advancement and American reform, they are doubtful, timid, and non-committal; but in European affairs, they are fixed, bold, and positive; and although frightened into silence by the noise and confusion of a domestic convention, they can speak in the tones of the war trumpet amid the thunders of European revolutions. Hitherto, the influence of our policy has been to *Americanize* Europe; now, it is to *Europeanize* America. For the last hundred years the people of Europe have been coming to us for liberty and free government; we are now to carry these blessings to them, and build up free institutions upon the rotten foundations of despotism.

To meet this anti-American state of things, the resolutions of the Senator from Rhode Island [Mr. CLARKE] are submitted to the judgment of the country. They propose no new policy, but simply declare what is the settled policy of this Government, relative to our intercourse with foreign nations. The honorable mover of these resolutions has shown, by the most incontestable authorities, that this policy was deliberately established by Washington; that it has been faithfully adhered to by every succeeding Administration; approved of by all our leading statesmen, living or dead, and sustained by the country amidst all the strifes and agitations of parties. If any policy can be established by the conduct of a nation, and sanctified by the opinions of wise and good men, then non-intervention is the settled law of this Government.

We have heard much of party platforms, such as are erected before each presidential election, and demolished so soon as the occasion is over. But we have here a national platform, American in its design, and American in all its materials. It has no foreign stuff about it. It is made of the native timber, and is for home use. I would invite presidential candidates to examine this platform, but let them beware how they disturb any of its proportions; for the time is coming—and at the next election, too—when he who desires to stand where Washington stood, must stand on Washington's platform, stand there firmly, and without equivocation. He must bring with him no foreign plank, no European prop, which may have been cast upon our shores by the storm of trans-Atlantic revolutions. No, sir; he must stand as Washington stood, upon American principles, sustaining American interest and policy.

There is no doubt but that the question of our foreign relations will more or less affect the result of the coming election. The great question will be, whether the Government shall steadily adhere to its ancient policy of non-intervention, or whether it shall be changed to meet the excitement and sympathy of the times. This is a momentous question for the people of this country to decide; and upon their decision depends the future prosperity and glory of our country. I shall, upon this occasion, endeavor to sustain the non-intervention policy of Washington, in its letter and in its spirit.

In discussing the doctrine of intervention, I intend, on this occasion, to abstain from expressing any opinion about the affairs of Hungary, or of the domestic concerns of any other foreign nation. Neither will I enter into any criticism upon the character, the motives, or the conduct of Kossuth. I propose to examine this subject solely with reference to its bearings upon the interests and the honor of my own country; believing that in our intercourse with other nations we discharge the duty we owe to our own country and to the world by confining our foreign policy to the defence and advancement of the peace, the liberty, and the prosperity of our own people.

With these views, I shall proceed to consider the subject-matter of the resolutions under discussion.

In treating this subject, I will show that intervention, by one nation, to regulate the domestic affairs of another, has long been the practice and the law of the nations of the world; that as such, it has been the instrument by which the strong Governments regulated and oppressed the weak nations; that in 1793, Washington discarded the old law of intervention, and promulgated the new law of non-intervention, for the regulation of our intercourse with foreign nations, and theirs with us. I will then contrast the European law of intervention with the American law of non-intervention, and show the effects of each system upon the cause of human liberty, and upon the happiness and prosperity of nations. Intervention has ever been the instrument of ambition and tyranny—the weapon by which the strong Powers of the earth have destroyed the independence of the weak. The ancient nations are known to us more by their aggressions upon other countries, than by what they accomplished for themselves; and their renown in history is derived more from their wars of intervention and conquest, than from the wisdom and virtue of their domestic policy. The States of Greece, when separate, intervened with each other; and when united, the King of Macedonia intervened to divide them. Carthage intervened with Rome, and Rome with Carthage, until Rome became the Power upon earth; and then she commenced a system of intervention upon all surrounding nations, and after destroying their independence, intervened with herself by dividing her empire into two parts,—thus herself falling a victim to that system of aggression which she had practiced upon others. The modern nations of Europe, formed out of the wrecks of the Roman empire, partook of the same spirit of intervention. The treaty of Westphalia, in 1648, is the epoch from which commences the history of the modern science of international law. This treaty terminated the long series of wars growing out of the Reformation; and although it did much for the independence of modern nations and for the civilization of Europe, yet, unfortunately for the peace of the world, it contained the obnoxious principle of intervention. It secured to certain leading Powers the right to interfere with the internal affairs of nations, in order to maintain the balance of power.

The treaty of Utrecht, in 1713, contained the same aggressive principle. It was again reënacted by the treaty of Paris, in 1814, and was finally sanctified by the Holy Alliance at Vienna.

For two hundred years this intermeddling spirit disturbed the peace of Europe. Assuming every variety of form, it was embraced alike by the friends of liberty, and of despotism. Republics and Monarchies, Catholics and Protestants, have each in their turn marched under its bloody banner. Intervention has been the evil genius of European peace. It is the "*red horse*," which was sent forth upon the opening of the "second seal," to whose rider was given power "to take peace from the earth that they should kill one another; and there was also given unto him a great sword." We can trace the horse and its rider in his bloody tramp through a thousand battle-fields, from the Baltic to the Mediterranean, from the Euxine to the Atlantic, over the smoking ruins of towns and cities, trampling beneath his iron hoofs, kings, subjects, law, liberty, and religion.

Up to the era of the French revolution, intervention had been the peculiar instrument of the absolute powers.

Now it was that republicanism tried its hand at intervention. France, in the excitement of her fresh liberty, mounted the *red steed*, and wrenching the "great sword" from the hand of dismounted royalty, commenced her ride of intervention through the nations, over the Alps, through Italy, up the Danube, down the Rhine, over the burning sands of Egypt and the cold snows of Russia, never stopping in her mad career until both the horse and its rider perished upon the field of Waterloo.

Then the absolute Powers again took up the "great sword;" again the weaker nations of Europe felt its keen edge in the dismemberment of their territories. It was just at the time when republican France was using the weapon of intervention against the absolute Powers, and in support of free governments, proclaiming to the world that her object was to give liberty to oppressed subjects, and independence to trodden-down nations, that Washington was appealed to to unite the influence—moral and physical—of our Republic with that of France in the great battle she was waging for republican institutions on the continent of Europe. Washington answered this appeal on the 23d of April, 1793, by his celebrated proclamation of neutrality. This declaration of neutrality was made under most trying and peculiar circumstances:

"Early in April," says Marshall, "the declaration of war made by France against Great Britain and Holland, reached the United States. This event seemed to restore full vivacity to a flame which a peace of ten years had been unable to extinguish. The prejudices against Great Britain, which had taken deep root during the war of the Revolution, appeared to derive fresh vigor from recent events, and by a great proportion of the American people it was deemed almost criminal to remain unconcerned spectators of a conflict between their ancient enemy and republican France. The feeling upon this occasion was almost universal. Men of all parties partook of it." * * * "The few who did not embrace these opinions—and they were certainly very few—were held up as objects of public detestation, and were calumniated as tools of Britain, and the satellites of despotism."

When this storm of public excitement first burst upon the country, Washington was at Mount Vernon. There, in the privacy of that consecrated spot, without even the counsel of his Cabinet, in the calm reflection of his own great mind, guided by that unerring judgment, and that high and noble patriotism which had enabled him on so many occasions to check and resist the popular excitement of the present, in order to secure in the future permanent happiness and lasting glory to his country,—then and there it was that Washington conceived and matured that new principle of international law, since known as American neutrality,—American non-intervention in the affairs of Europe. On the 12th of April, 1793, he writes from Mount Vernon to the Secretary of State—

"War having actually commenced between France and Great Britain, it behooves the Government of this country to use all the means in its power to prevent the citizens thereof from embroiling us with either of those Powers, by endeavoring to maintain a strict neutrality. I therefore require that you will give the subject mature consideration, that such measures as shall be deemed most likely to effect this desirable purpose may be adopted without delay; for I have understood that vessels are already designated privateers, and are preparing accordingly. Such other measures as may be necessary for us to pursue against events which it may not be in our power to avoid or control, you will also think of, and lay them before me on my arrival in Philadelphia, for which place I shall set out to-morrow."

On the 17th of April the President returned to Philadelphia, then the seat of Government, and on the 18th he addressed a circular letter to the Cabinet Ministers, inclosing for their consideration a well-digested series of questions, the answers to which would form a complete system by which to regulate the conduct of the United States in her intercourse with foreign nations. The result was the celebrated proclamation of neutrality of the 22d April, 1793.

It was under circumstances like these, in opposition to the popular sentiment at home, and in the face of all Europe in arms, that Washington proclaimed neutrality. Then it was that he who had been first in war, became first in peace. Then it was that he, who by just war had achieved liberty for his country, gave a new law of peace to the world. Washington, whose blood had been heated in many a patriotic battle, whose ear had been quick to catch the first roll of the drum when country and home called him to the field, now stood cold, deaf, and immovable as a statue at this universal war-cry for European liberty. This was the Washington *stand-still policy*—that policy to which the Senator from Michigan [Mr. CASS] has such a mortal aversion. To stand still when nations are in motion, and all people are for going ahead, is a self-denying virtue which that Senator cannot comprehend. That Senator has a passion for locomotion, and when the world's engine comes puffing along, and blows its whistle in the ear of the nation, he is for putting our Government aboard for a ride through Europe, to make a tour of observation, a visit of concern.

Sir, there is a deeper philosophy in this Washingtonian stand stand-still policy than some gentlemen think for. That nation which can stand still upon its own soil, resting upon its own independence, and relying upon its own resources, while other nations are in commotion, fighting and interfering with each other, is *the* nation of the earth, *the* government of commanding power and influence. That policy which caused us to stand still and look with national indifference upon the exciting conflicts of interest and ambition, of tyranny and of liberty, which grew out of the first French Revolution, has accomplished more during the last ten years for the real progress of free institutions than will ever be attained by *filibustering interveners* and locomotive politicians to the world's end; and if, in the coming storm which now threatens Europe, the statesmen of this country can muster moral courage enough to stand unmoved by its fury, we shall prove to mankind that our house is founded upon a rock.

The great power in nature's system of govern-

ment is a stand-still power; about it circle the heavens and the earth: itself immovable, shedding from its high and isolated position light, and heat, and glory, upon the moving world. As is the sun amid the stars, so is this great Republic among the nations of the earth. Fixed in its own position upon this new continent, it attracts the gaze and the admiration of the world. From it, as from a central light, there goes forth a daily influence of power and reformation. To deprive it of its isolation, to disturb its fixed position, in order to carry its power and influence to distant countries, would be as wise an act as to put the sun upon wheels for the benefit of a benighted planet; or, to make the figure more applicable, to cut up our glorious luminary of liberty into farthing candles, and go about the world to enlighten some spot—a Hungary or a Cuba—overshadowed by a throne, or darkened by a despotism. Let us, rather, stand still and await coming events. Day will succeed to night; and when the Old World shall emerge from the darkness of despotism, and her people be prepared for self-government, our light, steady and fixed, will lead the regenerated nations to liberty and independence. The proclamation of neutrality of 1793 was not, as is said, intended by its author for a mere temporary measure. It was, with him, no time-serving policy. It was the declaration of a great principle, a law for the regulation of an intercourse with other nations during all time. He cherished and obeyed this law during his political life, and when he retired from office, he impressed it with immortality by giving it a place in his Farewell Address. I will read what he says:

"In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempt to deter or divert me from it."

Thus did Washington maintain in life, and bequeath to his country at his death, the great law of non-intervention. This law has faithfully been adhered to by every succeeding Administration, and has called forth the admiration of the wise and great men of other countries. It was to this policy that Sheridan referred, when he said in the English Parliament that the United States "had risen, by neutrality, above the nations of Europe, with a simple dignity that wins the respect, the confidence, and the affection of the world."

Now, Mr. President, let us suppose that Washington had adopted a different course of policy. What if he had yielded to the popular excitement of the hour, and thrown his country—where many of his countrymen wished to go—into the vortex of European intervention? The temptation to such a course was strong; and most men, standing where Washington stood, would have fallen before its influence.

The successful hero of a revolutionary war, against one of the most powerful Monarchies of Europe, at the head of a young and ardent Republic to which he had given liberty and independence, the idol of the people, skillful in war and wise in counsel, the name and character of Washington would have given enthusiasm and strength to any course with which they might have been associated. No time could have been more auspicious for a successful contest of freedom against tyranny, of republicanism against absolute power. All the world seemed prepared for the conflict. United with our former ally in the struggle for liberty upon this Continent, there was little doubt but that the Republics of France and America contending together for republican government in Europe, would have marched to a common triumph; our own flag would have been waved with that of France over the subjugated thrones of the Old World, and Washington, the hero of an hundred battles fought for human liberty, would have rivaled the military glory of Napoleon. But, like Napoleon, he would have sacrificed the independence of his own country in endeavoring to give liberty to foreign nations; and like him, too, would, by forsaking his own to stand on foreign ground, have found an exile's lonely grave, far from his native land. Thank God, Washington had the moral courage to resist the temptation! Unmoved by the plausible and eloquent appeals of an insidious foreigner, pleading for the cause of European liberty; uninfluenced by domestic excitement, and undaunted by the threat of parties and the contrivances of politicians, he stood firmly by his great principle of neutrality, immovable in his purpose as the mighty continent which that principle was intended to protect. Now, behold the result; "look here upon this picture, and on this:" upon the United States resting in her glory and secure in her proud freedom—upon France, writhing beneath the agonies of ceaseless revolutions, submitting in her extremity to military dictation. And by these examples learn, Oh my countrymen! the virtue and the power of neutrality, and the weakness and wickedness of intervention! The proclamations of Napoleon in favor of national independence and human liberty, which he fulminated from every battle-field, have perished with his power to sustain them by war; while this simple proclamation of Washington, coming from the quiet shades of Mount Vernon, will ever live in the peace and glory of this country.

It is said "that this neutral policy was merely intended for our youth, when we were weak, and feeble, and unable to contend with the world, but that it is no guide for our full-grown manhood."

Whatever may be the construction put upon this policy by those who most wish to get rid of its influence, Washington did not so understand it; with him it was a permanent principle of national action, and no one who reads his Farewell Address can fail to perceive the deep anxiety there expressed, that his country might never, in the strength of its manhood and in the pride of coming power, be tempted to disregard the teachings of its youth, and forsake the instructions of its father for the teachings of an intriguing foreigner. It is true that he was speaking to an infant nation; but the object of his teaching was "to train up the child in the way it should go, in the full faith that when old, it would not depart from it." That man, or that nation, who in the pride of manhood neglects the wholesome lessons received in youth, will find that physical power is a miserable substitute for the moral training of infancy.

But, sir, American neutrality in the affairs of Europe is a policy subject to no such narrow construction. It is as wise in age, as it was necessary in youth. It is a policy attached to our whole existence. It grew out of our geographical position, and is assimilated with the spirit and object of our free institutions. It is the instrument for the protection of our liberties at home, and the means of extending them abroad.

It was European intervention that drove our Pilgrim fathers from their native land. They came here to escape its curse. Persecuted by this intermeddling spirit from country to country in the Old World, they sought rest and neutrality in the New.

Intervention, civil and religious; intervention, moral and physical; intervention, social and national, was the curse of European life; disturbing the peace of nations, interfering with the consciences of men, and trampling upon the inalienable rights of life, liberty, and the pursuit of happiness. Relieved of these evils, the colonies rapidly advanced under the policy of non-intervention; and when England afterwards undertook to intervene upon their rights, the aggression was met by a declaration of independence. From that hour to the present we have maintained that policy, not only in our conduct towards other nations, but also compelling them to respect it in their dealings with ourselves.

And when England, prior to 1812, undertook to interfere with our neutrality, by meddling with our free ships upon the ocean, we took our stand upon the great American principle of non-intervention, and under the flag of free trade and sailors' rights, resisted the aggression by war. We all know the result of that contest. It was the first and last of England's attempts to interfere with us, either upon land or water.

Non-intervention in the affairs of Europe, I have said, is our natural policy—our position makes it a necessary law for us. Separated from that continent by a wide ocean, we cannot, if we would, exercise much power over her concerns. At home we are able to subdue a continent, while in Europe we are scarcely competent to take a city. The character and extent of our own country forbid us to waste our energies and our sympathies upon foreign nations. We have enough to do at home; and although we have effected much for the cause of liberty and national independence, by the establishment of our domestic institutions, yet our home-work is but half finished; the principles of our liberty are not yet fully expanded. The fountains of popular education are not yet fully opened. The energies of our people are not entirely developed. We have school-houses to build, churches to erect, and colleges to endow. We have a rich and mighty continent to improve, lands to settle and cultivate, roads to make, rivers to clear out, and harbors to improve.

Our country, though rejoicing in its youth, is just developing the powers of its manhood. Our tree of liberty, though firmly planted, is still growing. If suffered to remain in its native soil, it will each year strike its roots deeper, and extend its branches broader—nurtured by each breeze, and gathering strength from every storm. Its leaves, falling in their natural order, will be for the healing of the nations; but should rude hands attempt to transplant the American tree of liberty into foreign soil, it will either die under the operation, or dwindle into a dwarf beneath the dark shades of some regal forest.

But, sir, our national pride and strength have been appealed to. It has lately been discovered, and that too by a foreigner, that the United States "is a Power on earth;" and to prove this discovery, the Government is called upon to say some *thing*, or do some *act*, which may cause its *power* to be felt and respected in the affairs of the world. Sir, one might infer from such appeals that this Government had been reposing for the last fifty years, like old Rip Van Winkle, in some sleepy hollow among the mountains, alike unknowing and unknown; and that it required the touch of the magician's wand to awake her to life and activity.

Now, sir, I desire to enter a *caveat* against this discovery. I think that the world has long since found out that the United States is a power upon earth. She has proved her existence, not by arrogant proclamations, by Congressional paper resolutions, or bombastic dinner speeches, but by high and noble acts and deeds, telling upon the world's history, and affecting the world's destiny. Foreign nations have seen and felt our power upon the land and upon the ocean, in the battle-field and in the cabinet, in all the marts of commerce and through all the channels of trade. The world sees it now waving at the masthead of ten thousand ships; she beholds it in our glorious national institutions, in our increasing population, in the accumulating wealth and advancing prosperity of our people. All Europe at this moment feels our power at work at the foundations of her despotisms, not by intervention, armed or unarmed, but by the wisdom and justice of our national policy, teaching the world what a nation may accomplish for freedom and humanity, which, while it refuses to quit its own to stand upon foreign ground, offers home and liberty to the oppressed of every land.

But, it is said, that our Government may, by a declaration of its opinion upon the conduct of European nations, exercise a moral influence over their affairs.

The Senator from Michigan [Mr. CASS] is in favor of this kind of intervention. He says in his late speech:

"But I repeat emphatically what I said upon a former occasion when this subject was before us, and what upon no occasion have I since contradicted or unsaid, and I may add, what I distinctly stated to the martyr of the struggles of his own country, now the honored guest of ours, in the first conversation I had with him upon this subject—that the people of the United States were not prepared to maintain the rights of Hungary by war: that the only influence we could exert was a moral, and not a physical one."

All will agree with the Senator, that the only influence we can exert over the destiny of Hungary is a "moral, and not a physical one." But the question is, how shall this moral influence be exercised? The Senator proposes to do it by a resolution of Congress, expressive of the opinion of this Government upon the conduct of Russia and Austria in their dealings with Hungary, declaring that "the United States have not seen, nor can again see, without deep concern," the violation of the rights of the people of Hungary by Russia. This is the meaning of his resolution when applied to

the case of Hungary. This, in my opinion, is taking the first step towards intervention. It is just the way in which that policy commences. One nation expresses a "deep concern" in the affairs of another nation—a concern in a war waged with a third Power—a concern about the result of that war.

Then comes the desire for fair play; then the call for material aid; and the nation, which commenced with "deep concern," must either furnish the aid or abandon all interest in the contest. When the war first broke out in Hungary, I have no doubt Russia commenced her interference by simply expressing her "deep concern" in the matter. This "deep concern" in the affairs of a foreign people is what may be called, *Intervention with a progress*. The Senator from Michigan so understands it, for he tells us, speaking of this resolution—

"This substitute declares unequivocally an opinion upon a great question of public law, and there it stops, leaving us free to determine upon our course when the time comes. It makes known our *deep concern* at the violation of a great principle, which expression, you well know, sir, is the usual phraseology in national communications for conveying a marked disapprobation of any measure which is peculiarly unacceptable."

This, sir, is the common language of intervention. It is borrowed from the vocabulary of European intermeddling diplomacy, of which the Senator has given us several precedents. He tells us that England and France have again and again protested against aggressions upon other nations, but he omitted to inform us that, in most if not in all the cases named, the protest led to war. But why resort to European policy when we have a settled policy of our own? Why abandon Washington's non-intervention principles for the opinions of European statesmen? There can be no moral influence exerted from this source. The influence of a nation is derived from its conduct; acts, not words, form its character, and give to that character its moral influence. By *acting* non-intervention for the last fifty years, we have exerted an influence against the aggressive spirit of intervention which no resolutions of *concern* can either add to or diminish.

There is one other portion of the speech of the Senator from Michigan which requires some notice. After quoting from a speech of Mr. Canning, the Senator says:

"It is far better to *keep on the line of political knowledge*, as Mr. Canning terms the adaptation of the feelings and policy of a nation to its true position, than to stand still upon the line of precedents, and to let the world get far ahead of us, forgetting or fearing—in the language of a statesman, transferred from this Chamber to the direction of our foreign affairs, the equal of Canning in genius and mental vigor—forgetting or fearing "that we are in an age of progress."

What "line of political knowledge" the Senator desires the United States to march up to, I am at a loss to know. Is it into the line of European politics? and if so, where in that line will the Senator place his country in the center, or on either wing? Is the United States to take her position alongside of the autocrat of Russia, stand shoulder to shoulder with Austria, march in lock-step with France, or mark time with England?

Sir, it would be a strange spectacle to see our free institutions, under the lead of the honorable Senator, marching up and taking position in this royal line of Kings and Emperors. Washington was a hero, Jackson was renowned in war, and Scott is the greatest General of the age; yet neither of these distinguished soldiers would venture to conduct such a campaign. The Senator is alarmed, lest the "world may get far ahead of us" in political knowledge. I did suppose that upon this point we were rather ahead of the world.

When Washington declared non-intervention in the affairs of other nations, he took a step in political knowledge, in advance of the world, so far ahead of the old line, that the nations of Europe have hardly yet got within gunshot of our new position. Shall we abandon this advanced post, and desert the "line of national policy" which we have marked out for ourselves on the great field of the world's politics, to fall back upon the crooked lines of European strategy? No! sir; no! I prefer to stand still upon our own strong and isolated position, and let the world march up to us. To abandon it now, would be retreat, and not progress—"*to keep on the line of political knowledge.*" Where shall we find a line straighter and brighter than that marked out by the wise and good Washington. True, it is a straight and narrow way, and few there be of the nations who walk therein; yet, like the path of virtue, it leads to peace and enduring happiness.

America pursues, in her onward career to empire, a path distinct from every other nation. The ruling instrument of European power was intervention; the ruling instrument of American greatness is non-intervention. The one war—the other peace. The one force and fear—the other neutrality and justice. The one an emanation of Heathen mythology—the other of the benevolent doctrines of Christianity. Yet both and each are used as ministers to universal dominion. Theirs, to the dominion of slavery and despotic power—ours, to liberty and national independence.

THE INTERESTS OF THE OLD STATES IN WESTERN AVENUES OF INTERCOURSE.

SPEECH OF HON. R. RANTOUL, JR.,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 18, 1852.

The House having taken up for consideration the bill granting to the State of Missouri the right of way and a portion of the public domain to aid in the construction of certain railroads therein, the SPEAKER said the gentleman from Massachusetts [MR. RANTOUL] was entitled to the floor.

Mr. RANTOUL said: The question before the House seems to me to be very far indeed from a question of mere sectional and local interest. The disposition to be made of the public domain is certainly a great national concern, and ought to be argued with a view to its bearing upon the great national interests of the country, which are common to all sections. I do not see clearly—I cannot be certain, and I think no other man can be certain—that the national domain will continue to belong to the United States as common property, to be applied as it is now applied; for probably—without looking very far into the future—it is probable, that some means will be found to withdraw the public lands from their present position, and to put an end to the long series of controversies somewhat sectional in their nature—to make a final adjustment, upon general, just and national principles, of the whole subject. But into the question whether such an adjustment be possible, and if it be possible, how it ought to be made, I do not now propose to enter. I intend to confine my remarks to the question, whether appropriations, such as are proposed to be made in this bill, ought to be made for the opening of great avenues of internal trade. The old thirteen States have certainly great interest in determining what shall be done with the public lands—an interest as great, in some views, as that of the States in which the public lands are situated—and I wish to inquire, what use can be made of the public lands, at the present, and until some final adjustment is agreed upon, and of the proceeds thereof, which shall be equal in its advantages to the old States, as well as to the new? The proposition now before the House is for a grant of alternate sections of land to aid in the construction of roads in the State of Missouri. It stands upon the same principles as other similar propositions which must soon come before us. What can be done with the public lands that will so conduce to the benefit of the whole country as to use them so as to bring about—especially if it can be done without cost to the National Treasury—to bring about, I say, the opening of all the great channels of internal commerce? I cannot conceive of any other use to be made of them so beneficial. A general plan of roads has already been commenced—a plan, not the product of any one mind, or any one set of minds, and yet well combined, and mutually harmonizing, from the natural tendencies of the trade and intercourse which occasioned their construction, and so, without pre-concert, forming a portion, so far as they are completed, of a great and well-contrived system. Your roads, from Boston, by the way of Buffalo, to the west; from New York by the way of Dunkirk, to the west; from Philadelphia by the way of Pittsburg, to the west; from Baltimore by the Ohio river, to the west; from Alexandria, Norfolk, and Portsmouth, through Virginia—awake at last to her commercial capacities—to the west; from Charleston and Savannah, promising also to rise from their long depression by their connection with the west,—I say all these roads furnish the beginnings of chains of intercourse which must be carried forward further than they now are, in order to derive from them their full benefits to those sections of the Atlantic slope through which they pass. The Atlantic slope can have no valuable commerce, I might almost say, except what she derives from the West; that slope being barren, as compared with the valley of the Mississippi; and the old States being unproductive, as compared with the new States. That western commerce, and that western delivery of agricultural products, which already employs far the greater part of the navigation, will, at no very distant period, employ, comparatively, almost the whole of your navigation. The products of the Atlantic slope to be carried to foreign countries, and the products of foreign countries to be brought here for delivery and distribution to the inhabitants of the Atlantic slope, will be as nothing compared with those products which are to be delivered from, and the merchandise and manufactures to be forwarded to, the valley of the Mississippi

This being the case, then, and the commerce of the nation being, in fact, destined to be an interchange between the valley of the Mississippi and the rest of the world, it becomes extremely important to all who are interested in the commercial prosperity of the old States, that these channels should be opened, and should be made cheap, speedy, and convenient. Now, so far as this bill proposes to continue and aid in the construction of these channels of communication, it proposes to do so without loss to the General Government; without loss, I say, of a single dollar to the general Treasury. You take 1,280 acres of land lying alongside of each other, and you say to the State of Missouri, Take one half of this; take 640 acres, and apply the proceeds thereof to the construction of railroads, and pay the same price for the remaining 640 acres which you formerly paid for the 1,280 acres. You say it is the settlers in those States who are to pay the additional prices, for the sections taken together pay as much as they did before, and the sale is much more likely to take place within a limited period of time—much more likely to take place in a year, or a few years—than it would be at the old prices, and if the access to those lands had not been facilitated. What makes lands within five miles of a great city more valuable than those a hundred or five hundred miles distant? It is simply because the produce of that land has a market, and because the time and expense of getting to that market is comparatively small. Diminish the time and expense of reaching a market from a section of land in the State of Missouri, and you raise the price of that land instantly and largely the moment you do so. Now, sir, of all the inventions that science has struck out, a good railroad is the machine that shortens the time, and lessens the expense, and puts a market at your door most effectually and most surely. That, this bill proposes to do for the inhabitants of Missouri along the line of this road, and proposes to do it in a manner which will not draw from the national Treasury one dollar, and which will not prevent from passing into the Treasury one single dollar; for you will not in Missouri, you will not in any State where a railroad is needed—and if it is not needed it ought not to be constructed—I say, you will not fear, but may be certain that the demand for land, at double prices, will be much more rapid than at the ordinary prices elsewhere.

You propose to give lands, at the present value, at $1 25 an acre, amounting to six sections, worth $4,800, for each mile of railroad to be constructed, which mile will cost something like $20,000. Of this sum $15,200 are to be contributed by the State of Missouri, or by individuals, who, it is to be presumed, will not throw away this amount of capital without some examination into the question, whether the business of the route is sufficient to yield an adequate return. And, indeed, through the fertile regions of the West, if the business is not there, let your avenue point towards a great

market, and the road will bring it there. Ultimately, routes running towards natural centers of commerce will pay. The title does not pass from the United States, unless the road be actually constructed; and if the road be not built, the land reverts. The work, then, must be done, and the State or individuals must contribute the sum of $15,200, or thereabouts—I do not profess to be accurate in this estimate of the cost—for every mile of the road, or else no land will be taken from the United States. If the road be so eligible or desirable to be built, that the State or individuals will contribute this amount, then the probability is quite strong enough that the road is required by the interests of the country, and will be built.

Well, I said that the products of these States, the products of the valley of the Mississippi mainly—the *agricultural* products, I might say—are those which do now support the navigation of the United States. They constitute already almost the whole. Of your cotton, you send to market from 400,000 to 450,000 tons weight, of your Indian corn 200,000 to 250,000 tons weight, and of your flour 200,000 tons. These immense productions support and require navigation. Our ships would be useless, if you take away these articles, which are produced at a great distance from the Atlantic seaboard, and which must be brought to the seaboard, and which require these channels to bring them. Surely, then, it is important that the old States, which have great navigating interests, and great commercial interests, should look well to the agricultural interests of the West; because it is that which keeps alive their commercial and navigating interests. We are their carriers; and without the freights they bring to us, our ships would rot in the docks. I am treating of a great national interest, for the benefits of a free commerce are diffused among the agricultural population of the country as universally and as certainly as among those who carry it on. But because the West is already everywhere alive to these great interests, I address myself more particularly to the commercial interests of the old States. Take the line of railroads that stretches from Boston to Buffalo, the New York and Pennsylvania canals, the Erie railroad, the Baltimore and Ohio railroad, and you will find that these works alone, without including any others, receive from $15,000,000 to $20,000,000 every year, for tolls from the produce which passes over them from the West to the East, and for the returns, with the travel which this business causes. Fifteen or twenty millions of dollars a year is the tax that is levied upon that transportation inland. And when you come to estimate the cost and profit, as the transportation continues across the ocean, it swells up to an amount vastly greater than the profits made upon the internal transportation. Is not this, then, a matter to which the old States—for I address my remarks particularly to that section to which I belong—is not this a matter to which New England, New York, Pennsylvania, and Maryland ought to look? The tolls they receive amount to $15,000,000 or $20,000,000, which is levied upon these articles of produce. Their freights abroad, and for returns amount to vast sums, which I cannot pause to measure now.

There is another great interest—the manufacturing interest. Let me say a few words upon this subject, and I propose to say but a few. The great manufacturing interest thrives as its customers thrive, and it cannot thrive without them, nor without their prosperity. The manufacturing interest in New England, New York, and Pennsylvania perishes if the West ceases to be a good purchaser. The danger to that interest is not from importations from abroad. The hopes of the manufacturing interest should not be in excluding importations from abroad. That interest in the Northeast should cease to look with fear to the other side of the Atlantic; but it should begin to look with hope towards the West. That is the true doctrine for the people of my section of the country. May they learn it, and act upon it in season. Why, sir, the manufacturing interest has everything to hope from the people of the West, who are its best customers. Look at the change that has taken place within a few years past. The President in his message has told us that agricultural products have not risen in price, and experienced an increased demand, as was expected under the present tariff, as compared with the former. Sir, I do not know what gentlemen expected, but their expectations must have been extravagant indeed, if they have not been more than satisfied. If you take the agricultural products of this country, take the whole amount of articles exported from this country—and they are almost all agricultural—from the year 1842 to 1846, during the operation of the last tariff, and compare their export value as stated by the shippers with the value of the same quantities of the same articles at the prices which prevailed before 1842, and you will find the difference to be about $125,000,000. You will find that your exports of products of all sorts brought, under the tariff of '42, about $125,000,000 less than the same articles would have amounted to if sold at the prices which prevailed for four years previous to '42. There is a state of things which agricultural interests would not desire during those four years. How has it been since '46? There has been a general rise of about the same amount; that is to say, about $30,000,000 a year. The articles exported since 1846 down to the present time, if they had been sold at the average prices that prevailed from '42 to '46, would have brought nearly $150,000,000 less than they have brought—a difference of $30,000,000 a year as before. Under the tariff of '42, our exports sold for $30,000,000 a year less than the same qualities had sold for before; and under the tariff of '46, and since that time, they have brought $30,000,000 a year more than the same quantities had brought before.

Cotton exported, with its value, during three periods—from 1839 to 1842 inclusive, from 1843 to 1846 inclusive, and from 1847 to 1851 inclusive:

A.

Four years ending with 1842.	*Four years ending with* 1846.
Quantity..2,272,486,390 lbs.	Quantity..2,876,39 4,612 lbs.
Value.....$227,018,094	Value.....$197,690,291
Price p. lb ....9 99-100 cts.	Price p. lb...6 873-1000 cts.

The quantity of cotton for the latter four years, at the price of the former four years, 9 99-100 cents, would have sold for.....$287,351,822
Official return of its value..... 197,690,291

Loss on cotton by fall of prices... $89,661,531

Five years ending with 1851.

Quantity, (pounds,).....3,930,715,351
Value.....$366,111,042
Price, (per pound,).....9 314-1000 cts.

The quantity of cotton for the latter five years was valued at.....$366,111,042
At the price of former four years, 6 873-1000 cents, it would have brought only 270,158,066

Gain on cotton by rise of prices .. $95,952,976

B.

Loss on fall of prices under the tariff of 1842, and gain by rise of prices under the tariff of 1846:

Under tariff of 1842.

Loss on cotton, (as per table A,) ...	$89,661,531
Loss on tobacco.....	16,786,197
Loss on vegetable food.....	8,519,803
Loss on provisions and animal products.....	4,373,108
Loss on other exports, (estimated in part,).....	7,000,000
	$126,340,639

Under tariff of 1846.

Gain on cotton, (as per table A,)....	$95,952,976
Gain on tobacco	7,482,289
Gain on vegetable food.....	25,173,392
Gain on provisions and animal products.....	8,662,264
Gain on fisheries.....	978,572
Gain on ashes	1,136,781
Gain on other exports, (estimated in part,).....	9,000,000
	$148,486,274

Not only have the prices risen, but the quantities also have vastly increased. The enlargement of the aggregate of a single year's business to the extent of $200,000,000 in five years' time, is enough to satisfy reasonable expectations. Yet this amount is the subject of complaint in the message.

	1846.	1851.
Imports.....	$121,691,797	$215,725,995
Exports.....	113,488,516	217,517,130
Aggregate.....	$235,180,313	$433,243,125

The year 1846, which I have chosen for this comparison, is the year of the largest trade under the tariff of 1842, though it is not so large by several millions as the average of the ten years preceding that tariff.

But it is said the farmers have been disappointed. Let us see with what reason:

C.

Showing the exports of vegetable food and animal products, from 1843 *to* 1850, *inclusive.*

	Animal.	*Vegetable.*	*Aggregate.*
1843.....	$3,963,694	$6,955,908	$10,919,602
1844.....	6,149,379	11,239,437	17,388,816
1845.....	6,206,394	9,810,508	16,016,902
1846.....	7,833,864	19,329,585	27,163,449
	$24,153,331	$47,335,438	$71,488,669
1847.....	$11,113,074	$57,070,356	$68,183,430
1848.....	12,538,896	25,185,647	37,724,543
1849.....	13,153,302	25,642,362	38,795,664
1850.....	10,549,383	15,822,373	26,371,756
	$47,354,655	$123,720,738	$171,075,393

Agriculture is not suffering when we open the door to allow her products to pass to her customers; and manufactures do not suffer when the agriculturists, receiving a high price for their surplus, have something left to expend. The interest of the agriculture of the West is an open door to the largest markets; a free passage back and forth to sell what may be disposable, and to purchase what may be desired. That is the only sound doctrine for sensible men. That being the interest of agriculture, and the difference between the present state of trade and that five years ago, amounting to the vast sum which I have named—is the enjoyment of this field for his sales all the interest which the manufacturer Northeast has in the keeping up of the prices of agricultural products, which is best done by opening the avenues to market? Not at all. It is not merely that you enrich your customer, and therefore can sell to him. That is not all. I am speaking to Northeastern men. By what tenure does New England, does New York, does Pennsylvania, hold the manufactures which they now monopolize? Why do they manufacture for the West, and how long will they do so? Not forever. My friends must be aware of that fact. It is not in the nature of things, if we look at them as they really are, and do not try to impose upon ourselves by any fancies in the matter. New England will not forever make cotton goods, and Pennsylvania iron, for the valley of the Mississippi. Not at all—it cannot be so. The man who thinks that it is to endure for centuries, expects to war against the laws of nature, and overcome them—a result that never happens. Why, sir, can any one tell me why cotton goods should be made in Lowell, or in Massachusetts anywhere, for the valley of the Southwest, when Ohio, Indiana, Illinois, Kentucky and Tennessee are close upon the region that produces the raw material? Why should not cotton goods, at least for their own consumption, be made there? Why should not they be made in Alabama, or in Georgia? For my part, I can see no reason; and therefore I believe ultimately they will be made there. Well, can any man tell me why woolen goods, to supply the West, are to be made in New England forever, when Wisconsin can raise wool at half the price that we can—when Iowa and Michigan are increasing their production of wool as rapidly as the returns in the newspapers tell us they are? Where wool grows cheaply, in a good climate for manufacture—where there is good water-power, and an active and thrifty population—there ultimately will be the seat of the woolen manufactory. Will Pennsylvania always furnish the iron for all of the United States? I think that Pennsylvania has something else to apprehend than importations from the other side of the Atlantic.

The region around Lake Superior has better iron ore than most of that of Pennsylvania, and a great abundance of it. I have here before me the calculation of a single deposit of iron ore there—a

mountain of iron ore, three quarters of a mile in length, and half a mile wide, and from fifty to two hundred and fifty feet deep—to be within bounds, I choose to take seventy-five feet only, as the average depth. Take those dimensions, and you have 145,000,000 of tons of ore, reckoning five tons to the cubic yard. That single spur of iron—70 per cent. iron to the ore, of 145,000,000 of tons of ore, is less than one thirtieth part of the deposit upon the shore of Lake Superior--you have there 2,200,000,000 of tons of iron in a single deposit, reckoning two tons of ore to one ton of blooms. Well, at a million of tons a year, it will last you 2,200 years. And that is what Lake Superior alone has of the finest iron in the world. You can manufacture it already cheaper than you can make it anywhere in Pennsylvania. Will the Northwest be supplied from Pennsylvania, when she has the iron there within her own limits?

Mr. ROBBINS. Has she coal in the same proportion?

Mr. RANTOUL. Not precisely. If it were worth the while, I would argue the question out, and I think I could give my friend an answer to his very pertinent question, which would be satisfactory. But, within the limits now left to me, I have not the time to go into the details of the question. Is St. Louis to be the seat of the great iron manufactory of the centre of the Mississippi valley, or is it not? Is Missouri to bring iron from Pennsylvania? Has not she better ore than Pennsylvania? Has not she ore enough to supply the whole civilized world, thousands of years, and coal, too, not very far off? A very short railroad runs down to a bed of coal that is suitable for the purpose of working her metals.

In East Tennessee there is a quantity, inexhaustible, which makes good, strong, malleable, tenacious iron, very different from the largest part of the iron manufactured upon the Atlantic slope. But is the West to look forever East for its supply? Most assuredly it will not. It seems to me the man is mad who imagines it can be so. Here, then, for the purpose of illustrating my idea, I have taken three branches of manufacture—the iron, the woolen, and cotton. Sooner or later the three, each of them, will depart from their present locations in New England, New York, and Pennsylvania. And when it is for the interests of the people of the United States for them to so do, in God's name let them go. You cannot expect, against the interests of a great people, to hold any branch of industry in any particular location. It must follow its own laws. It must go where it can thrive best. It must go where it is best suited, and leave others to whom it is not suited by nature, to seek out new modes of industry, and to exert their enterprise in other ways. For my own part, I believe that the people of New England and New York will find out other ways in which they can exert their enterprise and industry to quite as great advantage; and I say to the people of the Northeast, cotton, woollen, and iron must some day or other be generally manufactured a great many hundred miles west of where they are now. When will that happen? The answer is an easy one. You cannot give the precise year, but the West will cease to buy these things from the Northeast, and they will produce these articles themselves, just when it ceases to be more profitable to the West to produce agricultural products.

The only safety for the manufacturing States to continue such, is to do all they can—nature has done the greater part, but they can help a little—to make agriculture highly profitable in the West and the Southwest. If a man can make better wages by raising corn or pork, he will not set himself to work to manufacture woolen or cotton cloth; when he cannot make so much by raising corn or pork, he will make iron, and you cannot prevent him. All the legislation in the world cannot say to the West, You shall not manufacture; but legislation may do a great deal to say to the West, Here is something more profitable for you than manufacturing; and the seats of manufacturing may remain for a great many years longer than they otherwise would, in the Northeast. What, then, can the Northeast do? Favor in all ways possible the development of the western agriculture. First by opening the roads to the Northeast, to the East, and to the Southeast, and to the whole Atlantic slope, by connecting them with the valley of the Mississippi in the cheapest and most practicable manner. And next by developing, as far as possible, the foreign commerce; for that, by taking off the surplus of agricultural products, tends to keep up the prices. See how the prices of cotton, tobacco, rice, flour, and corn, have kept up, notwithstanding what is said in the report of the Secretary of the Treasury, and in the President's message. See how they have kept up for the last five years, compared with the previous four.

I do not mean to trouble the House at the present time with columns of statistics. I will give the total here of a few great articles, as I have them before me. Take wheat. The wheat exported from this country for the four years previous to the adoption of the tariff of 1846, averaged ninety-six and three quarter cents per bushel. For the last five years, it has averaged $1 26½—thirty cents higher. Well now, is the Secretary of the Treasury, and the President, to come to this Congress, and say to us, Wheat is low this year, and the tariff does not work well? Do they imagine Congress cannot look back five years, and then over the four years preceding? Very short-sighted, it seems to me, the Executive must imagine the Congress of the United States to be, if he supposed they could not make the comparison that I have made. The comparison I have made with regard to wheat I could make with respect to flour; $4 79 was the average price of flour, $5 59 is the average for the last five years. So with corn; so with meal; so with oats; and so with cotton. Six cents and eight hundred and seventy-three thousandths was the price of cotton for the four years previous to the tariff of 1846; nine cents and three hundred and fourteen thousandths for the five years since that time—an increase of almost fifty per cent.—and yet it is said that agricultural products have not risen. Tobacco was $52 10, and now, for the last five years, it averages $64 18—twelve dollars a hogshead higher than before. Taking this period of nine years, and the same observation would apply to almost all the exports. Almost all have *risen* under the last tariff, just as all *fell* under the tariff of 1842. And the reason is very plain. You cannot carry on a trade but shall have two parts. Every exchange must consist of a sale and a purchase. Stop your purchases, and you stop your sales; so if you will buy nothing on the other side of the Atlantic, you cannot sell anything. Let commerce move freely, and you increase it vastly, and increase the prices of whatever you have to sell, because you increase the power of the other party to buy of you.

Now, because I desire to see the commerce of this Union flourish—its foreign as well as domestic commerce—I wish to see every possible avenue open that will bring down the wealth of the West to freight the shipping of the East. I say there is a common interest between them, and he is an enemy to his country who seeks to divide that common interest. The only way in which the East can prosper, is by the prosperity of the West; for it is that which has swelled our navigation at a rate beyond parallel in the history of the human race. There is nothing like it. Talk of the progress of that of England—it is not to be compared with ours. In 1830 you had 1,191,776 tons of shipping; in 1851 you had 3,772,439. You have trebled your tonnage and navigation in twenty-one years. Has England done anything like that? Not at all. In 1846 the tonnage of Great Britain and her colonies exceeded ours by about 1,200,000 tons. How much does it exceed ours now? Not quite 500,000 tons, according to the last returns; not much more than 400,000 certainly, probably less than that, if we can make the calculation for the present moment. Their tonnage, on the 31st of December, 1850, was 4,232,962, and it had increased about 180,000 in two years. It is now, February, 1852, about 4,330,000. Ours is at least 3,930,000, it would seem probable. Theirs is a very different mode of reckoning, and by which her tonnage appears larger; and in point of fact, you have at this moment a tonnage equal in its carrying capacity to that of Great Britain with all her colonies. We find ourselves already the greatest carrying nation on the face of the globe. We have the greatest navigation. Shall we furnish that navigation with the means of existence—with the means of flourishing and bringing back the blessings which are countless and incalculable to this country; or shall we pursue a short-sighted, narrow, and restricted policy, which shall cut up by the roots our own commerce, and not our own commerce only, but our own manufactures, for so sure as we take the course or policy that shall depress Western industry, so sure will manufacturing industry among us be doomed also? When the West cannot farm with profit, she will manufacture; but that will be an evil day for the West, in my opinion. I think that better things can be done in this world, than the manufacture of cotton or woolen goods, or even of iron.

I have thrown out these ideas, and I do not know but that the House may think I am going too far in arguing this question; but it seems to me the great reason why the Northeast is interested in opening avenues to the West is her own prosperity, which is to grow out of increased intercourse. We have the means now of a foreign and domestic commerce capable not only of employing over three and three fourths millions of tonnage, but a foreign and domestic commerce capable of developing itself much beyond its present limits. What is the limit of our exports, and what has it always been? We shall have $100,000,000 of gold produced in California per year, as much a legitimate article of export as cotton, flour, pork, or tobacco.

And here I must be allowed to express my astonishment that gentlemen, well informed upon other subjects—gentlemen who seem sagacious from the manner in which they argue other questions, should sometimes throw out the idea that the country is really suffering some great injury because gold is exported. What ought to be done with it? If the country produces $100,000,000 worth of gold in a year, is it desirable that it shall remain here? It would be the greatest of calamities if it should remain here. What will be the effect upon your currency? If you add fifty per cent. to your currency per year—and you would add more than that, if you kept your gold and issued paper in the usual proportion—what would be the effect upon property, upon taxes, upon the relations of debtor and creditor, upon the whole frame-work and business of society? All your business relations will be thrown into a state of perfect anarchy. If you could succeed in keeping at home $100,000,000 per year, in addition to your already redundant currency, there would be a state of uncertainty produced in all business relations which would be as fatal to the prosperity of the country as the commercial crisis of 1837. The country would see a crisis upon a tremendous scale, altogether beyond the case of 1837. Fortunately you cannot succeed in keeping the gold at home and deranging everything here. No tariff, no restrictive laws, nothing conceivable upon the subject, could produce such an effect. When Spain adopted laws by which she punished with death the exportation of gold and silver, yet, inasmuch as it was worth more abroad than at home, and it could not be exported regularly, it was smuggled out of the country. And such would be the state of things here, if you were to make a law to-morrow intended to confine your specie here. If you passed your tariff to keep the specie in the country, punishing with death the man who exported it, the specie would go out of the country, because it would be extremely easy to get it out, and because the temptation to do so would soon become so very strong. I say, then, without stopping to argue this question of political economy at length, there is added to our former exports this vast sum of gold: and our imports ought to increase in proportion. Whoever sees cause for alarm, because we have imported 215,000,000 of goods within the last year, instead of the average amount which we used to import formerly, takes a very narrow view indeed of the position of this country, as compared with other countries with whom she carries on her commerce. It is cause for congratulation, and not alarm, and we should rejoice that our trade is extended, provided it is a legitimate extension, founded upon the means of purchase we actually have in our power. I see no evidence as yet that it has gone beyond that. I think the aggregate of imports and exports over 400,000,000 is entirely suited to the commercial means and wants of the country at the present day, considering the great accession of gold from California, and considering the great accession of available produce,

from the opening of channels of communication with the West. If you can carry from Chicago to the Atlantic a barrel of flour for half of what it cost you a few years ago, of course it will be afforded cheaper at the seaboard, and there can be more exported. The means of transporting to the seaboard cotton, tobacco, and every article of agricultural production have been so much cheapened in the last four or five years, that our commerce has been largely increased, and carrying this progress still further, and cheapening the means of transportation, will still further increase our commerce in a still greater ratio than the commerce of the present day as contrasted with the business of twenty or thirty years ago. I can see no good reason why it should not go on increasing in a very great ratio, and yet be a healthy and legitimate business, though of course too rapid a progress is possible.

I had prepared myself with figures and statements by which to confirm the views I have taken, but I will not trouble the House with them. I know details are always less interesting here than general views. The state of things being such as I have indicated, it seems to me the Northeast, as a section, should look carefully at the prospects of its manufacturing and commercial interests, and should inquire whether it is not the best thing that can happen for them, that men should be prosperous in the Valley of the Mississippi, and that they should raise a great deal of corn, flour, and pork, and other products, and sell these articles at high prices. It is not their question alone. It is our question as much as theirs. They cannot raise at great profit, productions which they have no means of getting to market. Open the means for them to reach the market, and you open the means to return that which you purchase for them, or manufacture for them, through the same channel. What is the reason that has caused these manufactures of which I have spoken to increase as they have? What is the reason you have consumed some 70,000,000 or 80,000,000 of pounds of wool in a year? It is because the mass of the agricultural population of the country are so much better off, and they can and do purchase more of woolen goods, both imported and domestic. I do not hold, as some people do, that there is a direct antagonism between commerce and manufactures, but I hold that the true policy for the Northeast, as well as every other section of the country, is that which considers commerce and manufactures as friends and allies, and which looks to the one to aid in developing the other. I believe that view is the one which ere long will be taken by the whole country, without distinction of party. Why, the rapid progress in those branches of industry in the country, which sometimes come to Congress and tell us how distressed they are, is beyond all parallel. Take your cotton manufactures. The census tells us that 641,000 bales of cotton were consumed in 1850. How many in 1840? Two hundred and ninety-five thousand. In 1830 it was 126,000. Here is a business which has grown up from 126,000 bales in 1830—a small addition should be made for parts of the country not returned in the shipping list—call it 24,000, and you have 150,000 bales in 1830. Take the progress for twenty years, from 150,000 bales up to 641,000 bales, and your cotton manufacture has more than quadrupled in twenty years. Terribly losing business to all those engaged in it during most of the time, if we can believe the perpetual outcry, although that branch of industry was increasing faster than almost anything else in the country. Just so with other distressed branches of industry. They have always happened to be those branches which have increased most rapidly. What made people take capital out of branches of business that gentlemen contend are profitable, and put it into these losing concerns? It is a problem which would require a great deal of mathematical ingenuity to solve. The case of my iron friends, I mean the gentlemen from Pennsylvania, into whose souls the iron has entered of late years so cruelly, seems to be much of the same kind.

In 1810 the iron produced in the United States was 53,900 tons. In 1830, 165,000. In 1850, 627,643. I take the documents upon which the Secretary of the Treasury founds his estimates, but not his estimate, for I am inclined to think there is a little omission, which I prefer to supply. Five hundred and sixty-four thousand seven hundred and fifty-five tons of pig iron are set down in the census returns. Thirty-three thousand three hundred and forty-four tons of blooms are used in making wrought iron. Then you had 78,787 tons of ore used in making wrought iron, and 9,850 tons of ore was used in castings, making 88,637 tons of iron ore, the product of which does not appear in the shape of pig iron. Suppose three tons of this ore to yield only one ton of iron, and you get 29,544 tons of iron from this source, to which the Secretary has no reference; making a total of 627,643 tons, against 165,000 tons in 1830—a branch of industry which has nearly quadrupled itself in the last twenty years. Take it from 1830, reckoning down to the extreme point of depression in 1850, as I admit it is, and you still find it is quadrupled. I say, the only question for iron gentlemen to consider is, how can they continue this long career of prosperity, and not how they shall get something still greater—not how they shall induce men to rush into the iron business again, as they did in 1846 and 1847, but how they shall enable the iron business to go on increasing as fast as it has increased upon an average for the last fifty years? If they can do that, they ought to be satisfied, and more than satisfied. So of the coal, too, which is spoken of, sometimes, as one of these distressed interests, which must be protected. In 1840, 865,414 tons were produced by Pennsylvania. In 1851, 4,091,682 tons were sent to market. It is these two interests of coal and iron which have made the most rapid progress—which have always cried out the most lustily that they are terribly distressed. These great interests are to look now to an increased number and wealth of their customers. Our manufacturing interests, which are closely connected with the western interests, must sell to the West, and must buy of the West that on which they feed, and that which they export. Our great manufacturing interests have but one thing to ask of this nation; they ought to ask it, and in my opinion the nation ought to grant it. Instead of restrictions, instead of keeping out that which ought to go in; instead of taxing every man who wears a coat, a large sum of money, in order that the man who makes the coat may gain a very small sum of money—instead of doing that, the manufacturing interests should ask that the restrictions which weigh heavily upon the manufacturing interests should be removed. We should say, let our raw materials come in free of duty. The effect upon the National Treasury is as nothing. When the manufacturer of cotton prints in New England meets in Buenos Ayres, Halifax, or anywhere else, a manufacturer of English cotton prints, is it right that the English cotton printer should have his dye-stuffs, his alkalies, his acids, all his raw material free of duty, and ours be burdened upon all of them? It cannot be for the interests of revenue. In that view, it is but insignificant; but it tends to the destruction of great interests to do it. Instead of asking to shut out woolens, we should let in that out of which we make cottons and woolens.

Now, I take the single article of coarse wool. Why should there be a duty on coarse wool? Coarse wool cannot be produced in this country, so as to enter into our cheap manufactures, but it can be imported. Owing to the ingenuity of an American mechanic, you can make carpets of coarse wool. You can send Turkey carpets to Turkey and undersell the Turk; you can send Brussels carpets to Brussels and carpeting of certain qualities to England, and undersell them all, if your own nation does not shut out the materials you have to use. Let coarse wool and dye-stuffs come in free, and there will not be a pashaw or bey in all Asia Minor, or Egypt, that will not have on his floor a carpet manufactured in the United States. I give that only as one instance. The same thing may be said of silk. Under the ridiculous notion that some day or other we may be able to manufacture silk from silk-worms you shut out raw silk by exorbitant duties. Let raw silk come in free, and place your manufacturers on the same footing as English and French and Italian manufacturers. All our manufacturer wants, is open markets—open markets at the West, open markets at the East, open markets to buy the raw material which he has to consume. But in vain will any of our friends in New England go on upon the old idea of restriction, and imposing taxes upon the nation to keep them alive. The nation revolts against any such impositions. They are henceforth impossible. But if they were possible, they would be found self-destructive, because they compel men to cease to raise agricultural products to export, and to do their own manufacturing at home. That is what it would end in, if we carried out the high tariff system to the extent that many men have desired. I thank the House for the attention with which they have listened to these remarks.

DISPOSAL OF THE PUBLIC LANDS.

SPEECH OF MR. UNDERWOOD,

OF KENTUCKY,

IN THE SENATE, *February* 18, 1852.

In defence of his proposition to grant a portion of the Public Lands to the old States.

The Senate having under consideration "A bill granting the right of way, and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State"—

Mr. UNDERWOOD said:

We have, Mr. President, the spectacle now exhibited of a Senator rising near the hour of adjournment to address empty seats upon the subject of the public lands, embracing a pecuniary value greatly transcending any other which can be brought to the consideration of this body. We have this spectacle exhibited, after the consumption of a whole day upon the question whether a letter from Kossuth should be printed. We spend time, it seems to me, upon small subjects—subjects of mere etiquette—and thus we have very little left for the consideration of the most important questions. But, sir, there may be another reason, besides the lateness of the hour, for the thin attendance of Senators. My friend from Virginia [Mr. HUNTER] I think, did me great injustice by the flourish of trumpets with which on yesterday he announced my advent. His remarks were calculated to induce expectations that something worthy of admiration was coming. The utter incredulity of the Senate, notwithstanding my friend's compliments, is perfectly manifest from the empty benches. But I have a duty to perform, as I think, to my constituents and to the country; and without being dismayed by the disheartening circumstances which surround me, I will endeavor to perform that duty as well as I can.

The subject under consideration has grown in importance, instead of being diminished. The interests involved are greater now, much greater, than they have been at any preceding time. I begin by calling the attention of the country to the incalculable interests now involved, resulting from the acquisition of new territory from Mexico. Our old systems of administration relating to the public lands, were adopted prior to these acquisitions. These golden acquisitions, adding so much to the value of the fund, ought, it seems to me, to produce a revision of the system in reference to the disposition of the public lands. How does the question stand now, in regard to its magnitude? According to the report of the Commissioner of Public Lands, on the 30th of September, 1849, there were within the United States 2,475,385 square miles. About 1,800,000 of these lie in the Territory of Minnesota, the Northwest territory, Oregon Territory, Nebraska Territory, Indian territory, California, and New Mexico. So you perceive that only about one fourth part of the whole territory of the United States can be regarded as populated and formed into State governments, leaving a vast amount of unsettled country, recently acquired, over which some system must prevail, and which should be adopted with a view to the interests of the whole people of the United States. The subject, therefore, is a great one.

There is a difference—and that difference I will notice, because it will become important in the progress of what I have to say—in the modes by which we have acquired separate portions of our public lands. There is a difference growing out of the time when these lands have been acquired, and the nature of our Government at the date of the acquisition, which will produce a correspond-

ing difference in the principles applicable to this discussion. A large portion of our public land was acquired by cessions made by different States of the Union; and of that thus acquired, the part ceded by Virginia was obtained prior to the formation of the present Constitution of the United States; the part ceded by Georgia, afterwards. All the Northwest territory, as it was once called, now comprising five States of the Union, in the forks between the Ohio and Mississippi rivers, was acquired by the United States under the old Articles of Confederation. The Southwest territory, embracing two States of the Union—Alabama and Mississippi—was acquired by cession from Georgia, subsequent to the formation of the Federal Constitution. The cessions from these States embraced all the lands surrendered by the States. Our other territorial acquisitions have resulted from treaties made with foreign Powers since the formation of the Federal Constitution.

Out of those different acquisitions at those different periods, certain principles necessarily arise that ought to be considered in the disposition of this great fund. Those principles will be especially considered, when I come to examine the argument of the Senator from Massachusetts, [Mr. SUMNER.]

When the Northwest territory was ceded to the Confederation, the States of this Union—if it ever be proper to use the expression "sovereign States"—were to a much greater extent *sovereign* than they are now. In my political creed, I reject the title "sovereign," as applicable to any part of our Government, either State or National. I am so much of a republican, so much of a democrat, that I admit no sovereign government whatever over me. I would not quietly live under a government which could be "*sovereign*" with respect to my great and essential rights. I want them excepted from the powers of the Government. I want them reserved and protected by constitutional provisions against the acts of all governments. Examine our Constitutions, State and National, and you will find that many of the great rights pertaining to men have been excepted from, and are not subject to the powers vested in Government. In regard to those great, essential rights, we are independent, and not subject to any "*sovereign*" but God. This exemption from the power of all government, defined by written constitutions, is the true foundation upon which our liberty securely reposes. But, when the territory northwest of the Ohio river was acquired by the Confederation, the States were much more sovereign—if that term can apply at all—than they are now. At that time, they had not surrendered the powers vested by the Federal Constitution in this Government. How did the Confederation acquire the title to that country, and for what purpose was it acquired? These are important inquiries. The old Continental Congress requested the States to surrender their titles to the lands which had been acquired by the revolutionary struggle to the Confederation, absolutely, as a government. Virginia refused to do it. I do not know that this fact has ever been sufficiently impressed upon the American Congress or the American people. During, and subsequent to the American Revolution, the small States upon the sea-board insisted that their arms, their money, their blood, their efforts, were as efficient in acquiring the vast unsettled wilderness, as were the arms and efforts of those States which contended for the right to hold all the country, for their separate use and benefit, embraced by their respective charters. Hence several of the States, Maryland particularly, refused for years even to ratify the articles of Confederation. Congress, at an early period, with a view to allay the dissatisfaction and heartburnings respecting the unsettled unappropriated lands, adopted a resolution inviting the States to surrender their titles to the vacant domain, based on charters from the Crown, to the Confederation for national purposes. It was as follows:

"*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th September last, shall be disposed of for the common benefit of the United States."

That resolution dates as far back as 1780. Its object was to obtain the domain, so that the Congress might make a disposition of it for the whole United States, regarding the whole as a unit, according to our motto, "*E pluribus Unum.*" But Virginia, the great landholder under the charters of the Crown, refused to make a conveyance by which the United States, as a unit or consolidated Government, were to hold and dispose of these lands for national purposes. How did she cede her claim? She conveyed it in 1784, not for the benefit of the United States as a Government, but in trust for the benefit of the several States; Virginia included with the rest. There is an important distinction here, in my mind; and I wish to impress it upon Congress, for the Senator who is chairman of the Committee on Public Lands, [Mr. FELCH,] seems to have overlooked it altogether. The language of the deed of cession executed by Virginia is as follows:

"That all the lands within the territory so ceded to the United States, (and not reserved for certain uses specified,) shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal Alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

These are the words—the terms of the deed; and from them it is perfectly clear that the United States, instead of holding the land as a consolidated Government for the benefit of the nation, holds it in trust for the benefit of the States, in severalty, according to a prescribed rule, by which the division or partition was to be made. Now, I contend, if we could bring a suit against the United States in chancery, we could compel the Government to execute the trust by disposing of the lands, and distributing the proceeds or dividing them among the States, in severalty.

But I will not discuss the general equitable principles which would induce a chancellor to render such decree. I have authority before me to show that it was the very thing that was done. I have before me the first legislation of the old Continental Congress, to show that they so understood the deed of cession; and that they did actually divide and partition among the States this very land which had thus been ceded by Virginia. It is an act of the Continental Congress of May 20, 1785, entitled "An ordinance for ascertaining the mode of disposing of lands in the western territory." It provided for the appointment of a geographer, as he was then called, who was to superintend the survey of the land, and make regulations for the surveying, &c., which I will not detain the Senate by reading. It then provides:

"As soon as seven ranges of townships and fractional parts of townships, in the direction from South to North, shall have been surveyed, the geographer shall transmit plats thereof to the Board of Treasury, who shall record the same, with the report, in well-bound books, to be kept for that purpose. And the geographer shall make similar returns, from time to time, of every seven ranges, as they may be surveyed. The Secretary of War shall have recourse thereto, and shall take, by lot, therefrom a number of townships and fractional parts of townships, as well from those to be sold entire as from those to be sold in lots, as will be equal to one seventh part of the whole of such seven ranges, as nearly as may be, for the use of the late Continental army." [That selection was to pay bounties to the officers and soldiers of the army.] "And he shall make a similar draught, from time to time, until a sufficient quantity is drawn to satisfy the same, to be applied in the manner hereinafter directed. The Board of Treasury shall, from time to time, cause the remaining numbers, as well those to be sold entire as those to be sold in lots, *to be drawn for, in the name of the thirteen States respectively, according to the quotas in the last preceding requisition on all the States.*"

There, you perceive, a lottery was provided, assigning the lands to the States, according to the rule prescribed in the deed of cession. This was carrying out precisely the terms imbodied in the deed. The lands were to be sold for the use and benefit of all the States, Virginia included, according to the usual mode of contributing to defray the expenses of the nation in the revolutionary struggle. The residue of the lands, after reserving enough to pay the bounties, were to be divided among the States by a lottery, and then sold. There was a proviso to this act of the Continental Congress as follows:

"That in case more land than its proportion is allotted for sale in any State at any distribution, a deduction be made therefor at the next."

It would be useless to read how these lands were sold. Commissioners were appointed. The portion allotted to each State was to be sold in that State, and if a State in one allotment received more than it was entitled to, at the next allotment the inequality was remedied. Here we see a practical execution of the trust, and how the terms of the deed were understood and executed by the original trustees. The conduct of the old Continental Congress harmonizes with the principles of my amendment, and is a precedent which should have a controlling influence with us. The Georgia deed of cession is similar in terms to that executed by Virginia. I have not looked at it for many years, but that is my recollection of it. The leading idea in the Virginia deed of cession is, that these lands were to be held not by the Union for its own national purposes, but by the Union as trustee for the States, for State purposes—for the use and benefit of the States. There is, in the deeds of cession, no limitation as to the uses which the States may make of those lands thus ceded to the trustee. You cannot say that they shall be exclusively appropriated to education, to internal improvements, to the building of court-houses, State-houses, or anything else. The deed entitles each State to her share, according to the rule prescribed, and it may be applied for any State purpose. Strained constructions or ingenuity cannot alter the obvious and true meaning of the Virginia deed of cession, as I have laid it down, fortified as it is by the act of the old Confederation. But in these latter days we have, in violation of the deeds of cession, made the property, conveyed to us as a trustee merely, our own absolute estate, and undertaken to dispose of it as such, totally regardless of the rights of the *cestui que trusts*. A more flagrant violation of good faith has rarely occurred in the history of human legislation. We have taken to ourselves as a Government, and use as our own, that which we are expressly enjoined to dispose of for the benefit of others.

Let me suggest an argument here to the Senator from Massachusetts [Mr. SUMNER] upon the subject of taxation. The Virginia deed of cession bears date in 1784. The ordinance for governing the territory northwest of the Ohio, was passed in 1787. The territory northwest of the Ohio was to be formed into five different States. When admitted into the Union they were to have all the rights, powers, and privileges which the other States possessed. Now, sir, it must be recollected that at the time this territory was ceded to the United States, the States were so far sovereign that the ultimate dominion over the soil abided and rested in them. The territory northwest of the Ohio river had been acquired by the States as sovereign and independent States. Virginia contended that by the astonishing and brilliant exploits of George Rogers Clarke and his followers, she had secured an empire northwest of the Ohio river to herself; that she not only was entitled to the whole of that country by her charter, but that she had an additional claim by conquest. She therefore set up a double title. At that period of our history, when General Clarke conquered and captured Vincennes and Kaskaskias, the ultimate dominion over the soil resided in the States. It is not so now in regard to acquisitions of territory by the United States. It is important to consider the difference between things as they existed then and as they exist now, in reference to the question of taxation. Can a State acquire any title to land now by conquest or by treaty? Not according to the Constitution. A State can make no treaty with a foreign country, and therefore cannot acquire territory or title in that way. A State cannot go to war with a foreign country; and hence can make no conquest. Everything that is done now in the way of acquiring territory, can only be constitutionally done by the Union as a national Government. All acquisitions, whether they be by right of discovery according to the old European idea, by conquest, or by purchase, must be accomplished, at this day, through the agency of the General Government. The ultimate dominion, therefore, to all the vacant lands acquired by the United States since the formation of the present Constitution, is vested in the Government of the United States. The ultimate dominion of the lands acquired before the formation of the Constitution, was in the States; and as the States were then sovereign to a much greater extent than they can be or are now, that sovereign power to which the gentleman alludes might, in the opinion of

some, have authorized the new States to tax all the lands belonging originally to the old States. Hence, when acting in regard to the territory once owned by the States, it was no doubt deemed a wise precaution, to prevent all cavilling and disputing, to have it expressly understood, that the States which might be formed out of such territory should not possess the power of taxation over the lands ceded to the Confederation. The devotees to the doctrine of State sovereignty—(for it was not at all trammeled by the provisions of the Constitution of the United States—that instrument having no existence when it was stipulated in the ordinance of 1787 that the five States to be formed should not tax the lands owned by the United States)—may have thought that the new States, when admitted into the Union, might tax the lands which belonged to the Confederation as trustee under the deed of cession. The possibility of such attempt was enough to induce the insertion of the express provision forbidding such taxation. But how is it now? We have acquired Louisiana, Florida, New Mexico, and California. We acquired the title to these Territories as the sovereign, under and in virtue of the Constitution of the United States. These Territories were never owned by any of the States before the ultimate dominion—the title to the lands—vested in the United States. These Territories came to us under the treaties with the nations from which they were acquired, and we have ample power to dispose of them under that clause in the Constitution which relates to the territory and property of the nation. We do not hold these Territories in trust for the use of the States, under deeds of cession from them, or any of them. I think, however, that we ought to place the lands acquired under the Constitution of the United States upon the same footing in all respects with those which were conveyed by the States in trust. It would be but a just liberality to the States, and that we have the power to do it, I have no doubt.

Now, when the ultimate dominion is with and in the Government of the United States, when the Government has the power to dispose of its territory and property, can it be possible, is it consistent with the Constitution, that a State, even if there never had been a compact forbidding it, may dispose of it without the consent of the United States for any purpose whatever? Can a State cut up your wilderness into lots, and sell them out for taxes, in case you refuse to pay what is demanded? A State has no means by which to coerce the payment of the tax, unless by selling the land. To concede the power in the State to make such a sale, and pass a valid title to the purchaser, as against the United States, would be to divest the United States of the exclusive power, under the Constitution, of disposing of its own territory and property. It would be going still further—it would be to tolerate, in a single State, a power to divest the whole of the States, united under the Constitution as one nation, of the territory and property acquired by conquest, or treaty from foreign nations, and held for the use of the whole. Territories thus acquired, in my opinion, are obtained for national purposes; and no State can, in any respect, meddle with or tax them, or any part of them, without the consent of Congress. To allow it, would be granting the power to one State to defeat the national objects which led to the acquisition of the territory. I admit that it is the duty of this Government to open its vacant territories to settlement and improvement by civilized men; and with that view, it should sell the lands. I admit, also, that it is the duty of this Government to form new States out of its territories, and to bring them into the Union. But I deny that the people thus formed into a political body can, upon any principle of law or equity, as soon as they are formed into a territorial or State government, begin to tax the lands, the property of the United States, not yet disposed of. This Government, under the Constitution, has the right to sell at such times and in such manner as in its judgment will best promote the ends for which the territory was acquired; and to allow itself to be hastened in its operations in order to escape an onerous system of State taxation, would be to concede the power to a single State to control, through State legislation, our national policy in respect to the public lands. If a State government can rightfully tax our public lands, may not a territorial government do the same thing? Where is the difference in principle in regard to the power of taxation?

In the case of Johnson's Lessee *vs.* McIntosh, the Supreme Court of the United States consider the manner in which the different European nations acquired title to the territory occupied by Indian tribes:

"Discovery," says the Court, "constitutes the original title to the lands on the American continent, as between the different European nations. The Europeans respected the right of the natives as occupants, but asserted the ultimate dominion to be in themselves," &c. * * "By the treaty between Great Britain and the United States, which concluded the Revolution, the powers of government and the right of soil, which had been previously in Great Britain, passed definitely to the United States."

Since the adoption of the Federal Constitution, the States can make no treaties with Indian tribes to acquire their rights, as occupants of the land. This Government alone can do it. Almost the whole of the country which is now under our consideration, and out of which the twelve new States have been formed, was, but the other day, in the possession of the Indians. According to the decision of the Supreme Court, neither States nor individuals could acquire title from the Indians, and thus defeat the ultimate dominion which rests with the United States.

What right or power has a State—California for instance—to tax the land while it remains Indian territory? Can a State invade the possessions of the Indians, and carve out a little piece here, and a little piece there, and as claimant of the ultimate dominion, make a valid sale of Indian homes, because they will not pay taxes? The practice of the Government under the Constitution, for more than half a century, answers the question. If there is anything in this State-taxation idea of the gentleman from Massachusetts, [Mr. SUMNER,] the States may tax Indian lands. Georgia undertook to divide and parcel out the Indian country within her limits, but not to tax it while the Indians held it.

Mr. SUMNER. I would like to ask the honorable Senator from Kentucky, whether the law admitting California does not contain an express clause exempting the lands from taxation?

Mr. UNDERWOOD. Yes, sir.

Mr. SUMNER. Then it stands on a compact between that State and the General Government.

Mr. UNDERWOOD. I answer, that the insertion of such a clause was only precautionary and cumulative—following the compacts when the States northwest of the Ohio were admitted. It was only done under an abundance of caution, and not because it was absolutely necessary. That is the answer to that question. I have looked at it upon every side. I will now put the case again, because there is no answering it; it is utterly impossible.

The country out of which the new States have been formed, was but the other day covered by Indians and their claims. Now, under the doctrine advanced by the gentleman from Massachusetts, you can tax the whole of it; and if nobody will pay the taxes, you can sell the land. If the States possess that degree of sovereignty, which carries with it the ultimate dominion, then there is plausibility in the idea; because, by the decision of the Supreme Court to which I have referred, it is laid down, that the Indian title does not prevent the sovereign, entitled to the ultimate dominion, from disposing of the land subject to the Indian right of occupancy. This right, then, to dispose of the soil occupied by Indians did, before the adoption of the Federal Constitution, abide in the States within whose chartered limits there were Indian tribes. This right was exercised by Virginia, and probably by other States, in many cases; but since the adoption of the Federal Constitution this right of the States has ceased. It is now with the National Government exclusively, or with it and the States concurrently. In whom does it exist? By the Federal Constitution, Congress alone has the power to regulate commerce and intercourse with the Indian tribes, and to make contracts and treaties, purchasing their titles. In these respects, the States have nothing to do with the Indians or their territory. It follows, as an irresistible conclusion, even if it were not fortified by the case of Johnson's lessee *vs.* McIntosh, that the ultimate dominion is with the United States. The States cannot, therefore, during the existence of the Indian title, touch an acre of Indian land, nor tax a foot of it, nor enter upon it.

When that is the condition of the soil prior to the cession on the part of the Indians, by what species of reasoning does the Senator, as soon as the Indians cede the lands to the United States, prove that it has lost its original character and become now, in the hands of the Government, property which is subject to be taxed? The speech furnishes no answer to the question, and seems not to have contemplated the subject in this aspect at all. I should like to have some one come forward, with sufficient ingenuity to make even a plausible argument, to prove that the Indians and the United States occupy very different positions in reference to the power of taxation which the States may exercise. It is a plain case that such an attempt would be vain. This Government acquires the land after extinguishing the Indian title, and holds it in the place of the Indians; the acquisition is made under the provisions of the Constitution of the United States for high national purposes. This Government, therefore, to accomplish the ends for which the acquisitions were made, must hold the property and dispose of it independent of all State legislation or control. The States, therefore, cannot interfere by taxation, until the lands acquired have lost their national character and become individual property.

But the gentleman from Massachusetts, in his speech, goes into the consideration of the general question of taxing the property of sovereigns. Now, what is the doctrine upon that subject? It is just as plain, as sensible, and as uncontradictory, as anything can be. Property held by a nation or a State, for national or State purposes, can never be taxed by the nation or State which owns it. The thing is impossible. It is like saying "I am enriched, my means are increased, by taking money out of one pocket and putting it into the other." If a nation pays itself out of its own money it is nothing, it gets no more than it had before; it does not increase the pecuniary means of the nation one cent. A nation may sell and convert its property into money, but that is not taxation. A tax allows the property to remain with the owner, and only compels him to contribute money for the support of the Government, and which the Government had not, until the tax or contribution was paid. It is as clear as that two and two make four, that it is impossible for a State or nation to raise revenues by taxing its own property.

Mr. SUMNER. This is clear. But the question is, whether a State, without a compact, can touch the property of the United States.

Mr. UNDERWOOD. I will answer that soon. I wish to show first, that the thing suggested in the gentleman's speech, of a nation's taxing itself or its own property is impossible; it cannot be done. But I will tell you what can be done, what has been done, and what is settled by the authorities cited in the Senator's speech. The man or the woman who is at the head of the Government, and called *sovereign* in the absolute or limited monarchies of the world, often owns individual and private property. The question comes up whether the public burdens ought to be borne in part by such property of the sovereign, or whether it shall be exempt from taxation in virtue of the privileges and prerogatives of the Crown. Now, it has been settled in England, as is proved by the references made in the gentleman's speech, that the individual and private property owned by the monarch ought to bear a portion of the public burdens, as well as the individual and private property owned by the subject. To this extent, prerogative has yielded to a sense of justice, and that is all. But the Senator has given us no case where property held by the sovereign for the use of the nation at large, and not for individual and private purposes, has been taxed. Until he produces a case of that sort, his citations may show his learning, but they do not touch the argument. The property which his speech would subject to State taxation is held for national, not individual and private purposes, and consequently the British statute, restricting the privileges of the individual monarch in respect to his private estates, can amount to nothing in this debate.

I will now attend more particularly to the gentleman's question. I have already endeavored to prove that the States cannot tax the public lands held by the United States for national purposes, and that the compacts by which it is stipulated they shall not tax them are only precautionary measures, having their origin anterior to the formation of the Federal Constitution, and at a time when the ultimate dominion was vested in the States. The whole difficulty originates from our complex system, by which we have divided the the powers of government between two *quasi* sovereignties—the one local, the other national and general, and both possessing the concurrent right to levy taxes for their support upon the private property of individual citizens. Because the States have this power over private property, does it follow that they have it in equal degree over property held by this Government for national purposes? I say no. The States cannot tax our public lands, without leading to the consequences which I have already pointed out. The Constitution and laws of the United States are supreme; the title being with the United States for national purposes, is held by the supreme sovereign—for I must use that word "sovereign," as much as I hate it when applied to human governments, as it is the word usually employed to communicate the idea I intend to express by it, and I use it for that purpose alone—and being so held by the supreme sovereign, the State—the lesser sovereign—cannot touch it without the consent of the greater sovereign, until it becomes private property. We must make our complex system work harmoniously. It is the imperative principle of the system, that there shall be no jarring owing to the division of power. To avoid conflicts, the Federal Constitution and laws, by the rule expressly given, are made supreme. It would disturb the general harmony, if the new States were to impose taxes on the national domain.

I have not overlooked the principles of those judicial decisions to which the gentleman refers. By no means. The United States may own and hold property subject to State taxation. Where land has become private property, and consequently subject to State taxation in the hands of the citizen, I do not argue that as soon as it becomes the property of the United States under any circumstances, it is thereby withdrawn from the power and jurisdiction of the States so that it cannot thereafter be taxed by State authority. I entertain no such opinion. The lands held by the United States which my doctrine exempts from State taxation, are those only which have been acquired for great national purposes, and over which the States never possessed what jurists denominate the ultimate dominion. But the United States may hold title to property acquired in a different manner, and for other objects entirely, and when she does, then the property may be subject to State taxation. Suppose the United States sells a tract of land under an execution in favor of itself, and buys it to prevent fraudulent sacrifices, and to secure the debt. Under such a purchase, the United States would stand in the shoes of the owner of the land, which is bought not to be used for any national purpose, but merely to secure the payment of a sum of money. All lands thus acquired, I admit, are held subject to all the duties and burdens from State taxation to which they were subject when in the hands of the private citizen. In such cases, the purchase by this Government does not change the character of the property or the tenure by which it is held. These remain the same. There is, therefore, no principle upon which it can be contended that such property has been withdrawn by the action of this Government from its liability to State taxation. But suppose the same property, instead of being purchased under an execution to secure a debt, is ceded, with the consent of a State, for national purposes, for forts, navy-yards, arsenals, or other national purposes; as soon as the United States acquires jurisdiction by such cession for national purposes, it becomes at once a property which cannot be taxed by a State. There is the distinction. By the express grants of power in the Federal Constitution, Congress has exclusive jurisdiction over all places within a State purchased with the consent of the States for national uses; and a State, after giving its consent, can no more tax the land than Maryland can now tax the District of Columbia. In the acquisition of foreign territory, the consent of the States is not required. It is altogether a national affair, and before the States can tax such territory, Congress must give consent by converting the territory into individual and private property.

The Senator from Massachusetts does not insist upon the privilege of taxing the public lands by the new States as a legal right; he admits there is no such legal right, but says there is an equivalent equity for the reasons he has advanced, which should be considered, and upon such consideration he finds we are largely indebted to the new States. I have endeavored to show, upon first principles, that the legal right had no foundation whatever to stand upon, and I think, if possible, there is still less upon which to base an equitable right. Is it equitable to tax a wilderness owned and inhabited by nobody except savages? Is it equitable to tax a benevolent Government, which compensates these savages for the surrender of their claims in order to appropriate the lands to uses of civilized men? Is it equitable to tax wild lands, unimproved, unproductive, and yielding nothing to the Government, which is required to pay the taxes for the use of another Government which imposes them, and which last Government has had nothing to do and never spent a dollar in acquiring the title?

What object have we in view in extinguishing the Indian title to large bodies of wild lands? And what constitutional duties devolve on us after we get them? The object is, to give more room to our spreading population, to let them better their condition, and to form new States, when the population in the newly-settled territory is strong enough. Now, sir, while we are doing all this as fast as we can, while we are divesting ourselves of our title, and converting our public lands into private property as rapidly as possible; while we are only acting in the capacity of a trustee for great national purposes, is it not strange that any mind should deem it equitable to tax the trust-fund for the benefit of a portion of the *cestui que trusts*, or for any purpose whatever? Sir, it seems to me to be the strangest foundation for an equity that ever was conceived.

I will now look at this subject in another aspect. The Senator from Massachusetts, it seems to me, has run counter to our ancestral revolutionary doctrines. The motto, in the days of '76, was, "no taxation without representation." He has conjured up an equitable right to tax, in violation of that principle. This Government cannot send a representative to any State Legislature to participate in its legislation.

Mr. President, let us ask ourselves, what is the only just and equitable foundation for any tax? It can only be found in the equivalent which the Government affords in protecting life and limb, character, speech, and conscience; liberty and property. It is protection to the person taxed, in some of his essential rights, which justifies the Government in calling upon him for money or personal service. That is the only equitable, rational, and just foundation upon which any Government can impose a tax. Now, sir, what kind of protection do or can the new States give to the United States for these taxes which are claimed? Was it ever heard that a State protected the lands of the United States by its legislation? The domain of the nation has often been settled contrary to law; the timber cut and carried off contrary to law; the minerals taken and appropriated contrary to law; indeed, they are divested of everything valuable contrary to law. The Government sometimes appoints agents to protect their lands and to lease them; but these agents are so merciful and *sympathetic*—and I am rather glad of it—that they seldom or never sue the poor people who, by trespassing, get a little help to live.

What protection under these circumstances does a State give to the property of the United States? What is the equity founded on, which requires us to pay for protection never given? Sir, there is not a particle of foundation for such an equity. The Government of the United States is not a natural being; it is a body-politic, a soulless corporation; and hence a State Government cannot protect it in anything except its property. As a corporation, it has no liberty or life, conscience, or character, which it may not protect, if assailed, by its own laws, and before its own judicial tribunals. The same is true in respect to its property. Indeed, sir, it is not new to us that some of the States have not only refused to execute the laws of the United States, but have actually prescribed heavy punishments for State officers who should dare to execute certain laws of Congress. Well, sir, I rather think we have the power under the Constitution to protect all national rights, and to execute all our laws, without depending upon the States which have heretofore refused to give protection or aid in some important matters. The judicial power of the courts of the United States, by express provision of the Constitution, extends to all cases where this Government is a proper or necessary party, and it may therefore be legal for the States to refuse protection and to turn the United States over to the jurisdiction of her own courts. I will not discuss the propriety of such a course here, and now. But viewing the claim, brought forward with apparent seriousness, in behalf of the new States to tax the national domain, and to make it the basis in equity which would justify the new States in demanding from us some $70,000,000 or $80,000,000, to be paid in such favors as this bill proposes to grant, I have deemed it my duty to meet such a pretension and to expose it if I could; especially as it has been used with a view to defeat my amendment.

I have endeavored to show that the foundation upon which the Senator [Mr. SUMNER] builds is nothing but sand. It is taxation without representation. It is taxation without protection. It is taxation where we have and want no government. Waste and wild lands want no government. The owner of them wants no government but the Federal Government for their protection. Taxation by the States under such circumstances is, in my judgment, altogether preposterous. It may not be amiss to examine briefly the process—the steps taken in the formation of these new States out of the territories of the United States. The lands which the United States have acquired in the manner mentioned are settled by those who purchase them, and by those who, unable to purchase, take possession, erect log-cabins, clear and cultivate. When the population becomes sufficiently numerous upon 40,000 or 50,000 square miles to entitle them to a representative in Congress, according to the ratio fixed by law at the time, the people usually apply to Congress and ask permission to form a State constitution. Their action manifests a desire to have their moral, religious, social, and political rights placed under the protection of a State government controlled and officered by themselves. In a word, they ask Congress to concede to them all the rights and privileges of self-government, and in these respects to be placed upon an equal footing with the people of the old States, by being admitted into the Union as a State. To this application, Congress replies: Very well; it shall be as you desire; but as we may exercise a sound discretion as to the time of your admission into the Union as a State, and as we shall retain important interests within the limits assigned to you after you are admitted, we deem it prudent, to prevent future difficulties, to prescribe terms to which you must assent. You must agree that you will not interfere with our rights of ultimate dominion, or undertake as a State to tax our lands. They say, We agree to it. They say, We have property enough of our own to be taxed to support the State government which we wish to establish; otherwise we should not have asked to form a State government. Such, sir, are the steps taken, and the stipulations, in substance, on both sides, preceding the formation of a new State, so far as they affect the question of taxing the national domain.

Now, the gentleman from Massachusetts seems to regard these steps and stipulations as concessions on the part of the new State about to be formed. He regards the new State as yielding up some of its rights, particularly that of taxation, to this Government. Not so. As I understand the matter, up to the time the terms prescribed by Congress were agreed to, the people of the contemplated new State possessed no right whatever to tax the land of Congress. Having no such right, they parted with nothing by the agreement not to tax. If a right to tax would have resulted from their admission as a State, without the stipulation to the contrary, Congress, in its discretion,

could have postponed the formation of the new State, until all the lands were disposed of. In view of all these considerations, it was agreed that the State should not tax the public lands. In the face of such an agreement, how an equity can arise upon it directly contrary to its express stipulations, I cannot comprehend. The error into which the gentleman has fallen, results from the erroneous opinion that the people or new States are making concessions to the United States. It is not so. The boot is on the other leg; it is altogether the other way. We concede to the people a State government which they ask for; but in making the concession, we say to them it is to be distinctly understood that no change in our original rights and condition, in respect to the public lands, shall result from the formation of a State government. When that is the palpable and plain state of the case, which no sane mind can fail to see, the gentleman comes forward, and deduces an equity from what he regards concessions on the part of the new States to the Government of the United States. If equities can be built up in this way, the gentleman may perhaps make out the claim for the $70,000,000 which he has brought forward against the United States. But if his principles are as baseless as the fabric of a vision, if there is nothing on which they can stand, then his colossal claim crumbles to nothing, and becomes a mere figment of the imagination, less than a shadow, intangible as moonshine.

I am requested to give way for a motion to adjourn. I will do so, having got through this branch of the argument. On to-morrow I will show that, even if there is anything in the principles contended for by the Senator from Massachusetts, his figures and calculations are entirely erroneous. In the progress of events, my friend, if he will allow the appellation, may make a good President, but such cyphering will never do for a Secretary of the Treasury. I will prove to-morrow that his calculations can no more be relied on than his principles.

THURSDAY, *February* 19, 1852.

The bill being again under consideration—

Mr UNDERWOOD continued: On yesterday, after the discussion upon printing the Kossuth letter had ended, I devoted the little time allowed me to an examination of the question of taxing the lands owned by the United States lying within the limits of the new State governments. I endeavored to show, from the nature of the title which the United States held in these lands, that they were not liable to taxation by State authority. I endeavored to show, that if the States themselves owned the ultimate dominion while the Indians were the occupants, they could not tax the land; and that extinguishing the Indian title and investing it in the United States, did not change the character of the property and subject it to State taxation. I endeavored to show that the lands purchased from the Indians, and held by the Government of the United States for national purposes, were exempt from State taxation as much as the lands purchased for forts, navy-yards, &c., with the consent of a State from a private citizen. I adverted on yesterday to the case of Georgia and the Cherokee Indians. Georgia held the ultimate dominion over the Cherokee lands, which she divided among her citizens. She had relinquished the ultimate dominion over all Indian lands within the territory of Alabama and Mississippi to the General Government; but she still retained it over that portion of the territory in which she interfered with the claims of the Cherokees. Georgia, in regard to her Cherokee controversy, held the position originally occupied by the States prior to and under the Articles of Confederation. I think that the Constitution of the United States operated in behalf of the Cherokees, and that Georgia was wrong. However that may be, still she stood upon very different ground from Iowa; and the other new States which never were entitled to the ultimate dominion over any Indian lands. Whatever justification Georgia may find for her conduct in consequence of retaining the ultimate dominion over the Cherokee lands with which she interfered, her conduct cannot furnish the least countenance to attempts by the new States to tax Indian lands over which they never had the right of ultimate dominion.

But let me again call the attention of the Senate to the speech of the Senator from Massachusetts, [Mr. SUMNER.] I have paid particular attention to his argument from the beginning, for a very striking reason. If it had come from a Senator representing a new State, I could have excused it; I could have seen the motives, the long train of thought connected with personal and political interests, which might have warped the judgment and brought a new State Senator to the propagation of doctrines like those put forth by the Senator from Massachusetts. But, sir, when I consider the speech, coming from a representative of old Massachusetts, one of the original thirteen States, containing an argument, as I think, against the interests of his State and of mine, and published under the imposing head of "Justice to the land States," and which, if its doctrines be true, must defeat my amendment, I am constrained to notice it and its argument minutely and particularly.

Mr. SUMNER. As I understand the Senator, he would have excused the speech if it had seemed to be founded upon motives of interest; but makes a question with regard to it because it is founded upon justice and liberality.

Mr. UNDERWOOD. Not at all; I could have apologized for the speech, upon the ground that self-interest unconsciously warps poor, weak human judgment. Had it come from a representative of a new State, that principle, and thinking for years all on one side, might have excused it; but coming from the quarter it does—if the gentleman will force me to the attribution of a motive—I shall find it among those political considerations which too often influence aspiring men, looking a long way ahead, striving to control future results, and aiming at popularity which is to come at some distant day. [Laughter.] But I am not willing to inquire into motives. If the speech, either in its principles or its effects, be erroneous and mischievous, come from what quarter it may, it is my duty to attack and expose it, especially as its tendency is to defeat my amendment. I desire to call the attention of the Senate to a position taken in the speech of the Senator, which I will read:

"Now the lands held by the United States do not belong to the *instruments* and *means* necessary and proper to execute the sovereign powers of the nation. In this respect, they clearly differ from fortifications, arsenals, and navy-yards. They are strictly in the nature of *private* property of the nation, situated within the jurisdiction of States."

Now, sir, I have already endeavored to prove that the public lands were held as instruments and means to accomplish national objects, and therefore stand upon the same foundation with fortifications and navy-yards. I gave the Senate the other day a case of private property, purchased under an execution sale by the Government, which would thereafter be subject to State taxation. I have already pressed the proper distinctions between property held for national objects and that acquired for other and inferior purposes.

The speech adverts to the prerogatives of the British Crown, transmitted from feudal days, and then says:

"But mark the change. By the statute of 39 and 40, George III., chap. 38, the lands and tenements purchased by the Crown out of the privy purse, or other moneys not appropriated to any public service, or which came to the King from his ancestors or private persons; in other words, lands and tenements in the nature of private property, are subjected to taxation, even while they belong to the Crown."

This is proper and just, and I fully approve it. But I dissent from the conclusion to which the Senator jumps from this statute changing feudal prerogative. By this change, the monarch is considered an officer of Government, and his private estates made subject to taxation, just as the private estate of our President or of the members of this Senate may be taxed.

But does this statute of 39th and 40th of George III. subject the wild and unappropriated lands of Canada and Labrador, of Van Diemen's Land and Australia, held by the British monarch for national purposes, to taxation? There is no analogy between the private property of an English King and our public lands, and I am astonished that the gentleman should refer to the legislation of England, by which the private property of the monarch is subjected to taxation, in the belief that an argument might be founded upon it in favor of the right of the new States to tax our national domain. There is no analogy in the cases whatever. Sir, all the authorities cited in the gentleman's speech show that wherever property is held by the Government for great national purposes, it is as much exempt from taxation by State authority as our forts and arsenals.

Mr. SUMNER. I do not question that principle at all.

Mr. UNDERWOOD. Then, sir, the principle not being questioned, the inquiry is, whether our public domain is held for great national purposes or as private property. I say that it is not held as private property. The Government makes no such use of the land as usually and properly pertains to private property. The Government does not clear, fence it, and cultivate it; nor plant orchards and build houses upon it; nor make it produce subsistence for man or beast. In the hands of the Government, our public lands add nothing to the comforts of human life. It is only when it becomes the property of the citizen that it is improved and used to advance the happiness and comfort of men. The Government never contemplates making the use of it which individuals do, and holds it for no such purpose. The objects for which the Government holds it, must, therefore, be different from those of private persons. What objects can the Government have but such as are general and national, and different from the local and individual objects of private citizens?

But, sir, I am done with the principles and argument of the speech in support of the "*equity*" of taxation by the States. I have endeavored to show that there is no foundation for such taxation, from various considerations. Whether I have succeeded or not, it is for the Senate to decide. But suppose we admit the basis of the Senator's argument to be correct, then another question still remains, and that is, are his calculations correct by which he brings us in debt some $46,000,000. He says it is not a legal, but an equitable claim. Now, sir, I am so organized, and I think my constituents are so organized, that if there is any well founded equitable claim against them, they are willing to pay it, although the claimant may be unable to enforce it as a legal right. This equitable claim, amounting to more than $46,000,000, in behalf of the new States, is now brought forward to justify the grant of some 13,000,000 or 14,000,000 acres to the new States for the railroads in contemplation; and no doubt it will be hereafter relied on to support the grant of millions upon millions of acres, until the whole $46,000,000 shall have been paid, and all the new States, like Illinois, acknowledge themselves fully satisfied. Well, sir, I think we should pay our debts to the *new*, before we are generous to the *old* States. It is, therefore, a matter of some consequence, if the right of taxation be conceded, to examine the calculations of the Senator from Massachusetts, and the *data* on which they are founded, to see that all things are correct before we pay the bill. I have made the investigation at my lodgings, and I desire to lay the result before the Senate.

To do him full justice, I will state what his speech contains. He takes 289,961,954 acres as the quantity of land which has been proclaimed for sale by the officers of the Government. He then says that some of this land has been proclaimed for sale for more than fifty years. He supposes that these lands have been in the market unsold for twenty-five years on the average, and that they have been allowed the immunity from State taxation during these twenty-five years. Now, sir, there never was guess-work wider from the mark, as the tables show. Here they are: and from them it appears that of 14,367,571 acres offered for sale in the State of Ohio, the oldest of the land States, 5,229,635 acres were sold before they had been in market ten years; 3,713,701 more were sold before fifteen years expired; and 1,248,326 acres more were sold before twenty years expired; so that the record proves that more than two thirds of the land offered for sale was disposed of in much less time than twenty years. At the end of thirty years, only 2,483,856 acres remained unsold. This information is obtained from a report made by R. M. Young, commissioner, in November, 1848. It also appears from the same report that a very large portion of the lands were not offered for sale until after the year 1820, and some of them were not offered until 1835. I know personally

that in 1813 a large portion of this State was a wilderness.

Deducting the military reservation between the Scioto and Little Miami rivers, the sixteenth section reserved for schools, and the grants to the State, to which extent the lands were not proclaimed for sale by this Government, and it appears that nearly all the land in the State of Ohio became private property in less than twenty-five years after they were brought into market. The condition of the lands in this State is more favorable to the hypothesis of the Senator than those in any other new State. And yet when the report of the Commissioner is examined, it is found that only a small portion of our public lands have remained unsold long enough to have been taxed twenty-five years as the property of this Government.

In Indiana, only 5,399,405 acres were offered for sale prior to 1830; and of this, only 1,203,828 acres remained unsold at the end of thirty years from the time the first acre was offered. In Illinois no land was offered for sale until 1816. In Missouri, the first offered for sale was in 1818. In Alabama, in 1809. In Mississippi, in 1809. In Louisiana, in 1818. In Michigan, in 1818. In Arkansas, in 1821. In Wisconsin, in 1834. In Florida, in 1825. Iowa is so juvenile, that she has no place in Commissioner Young's tables. Thus, if we but take the trouble to look at the dates when our lands were first proclaimed for sale in the different States and Territories, we shall find that the idea that they were in market sufficiently long to have allowed the States to tax them twenty-five years on the average, is a very wild guess. From the dates I have given, down to this time, new districts of country have been brought into market. It would require a very tedious calculation to give the precise average time that the whole of our public lands proclaimed for sale have been in market. The knowledge, when obtained, would not be worth the trouble of getting it. The dates I have given, prove that the average assumed by the Senator is not an approximation towards accuracy.

Mr. SUMNER. I will remark to the Senator, that my calculations were founded in the main upon the second table which he has before him, which represents, in a tabular form, the sales during the period of thirty years. If that table errs, my calculation errs; but if that table stands, my calculation stands.

Mr. UNDERWOOD. The second table stands, and yet the gentleman's calculation cannot stand. The second table is a mere aggregate of results, and does not give the dates when the lands were brought into market. The gentleman skipped the source of accurate information, took up a table which gave him no light, and jumped to a conclusion in the dark. He made a rule to suit his purpose, without looking at the tables before him, which give the quantity of land in each land district, and the times when, year after year, they were brought into market. Presenting a claim against the United States for more than $46,000,000 in behalf of the new States, (which, when presented, brought the Senators from these States around the gentleman with congratulations, and such a shaking of hands as I never witnessed before,) he ought at least to have examined all the tables, before constructing rules for calculating the amount. The twelve new States, excluding California, have only been in existence as States, upon an average, twenty-five years and a fraction. I took the trouble to ascertain their ages from our statutes, beginning with Ohio, now forty-nine years old, and coming down to Iowa, only six years old, and found by the calculation their average existence as States was twenty-five years and a fraction over.

Mr. SUMNER. Will the Senator allow me to interrupt him? All this I clearly had in view when I presented the estimates I did. These were founded upon an assumed fact, confirmed by the tables, however, that the average period during which the United States held lands in its possession after they were surveyed and proclaimed, is twenty-five years. The average period, I say, is twenty-five years. And the estimate which I presented was of the value of the immunity from taxation attached to a certain quantity of land, whether now sold or unsold.

Mr. UNDERWOOD. The average age of the new State governments is not alluded to in the speech, and the Senator was very unfortunate in not putting his average of twenty-five years on that basis.

Mr. SUMNER. I beg your pardon; but I think you will find it is placed on a proper basis.

Mr. UNDERWOOD. No, sir; I can read it if desired. The speech puts the average of twenty-five years, upon the basis that some of the lands were in the market for fifty years, and that it would be about right to take half that time as the average for the whole. But it makes no difference in the estimate and calculation whether the twenty-five years assumed rests on the one basis or the other. The real and proper inquiry is, if the new States can rightfully tax our public lands after they have been proclaimed for sale and not sold, how many acres remained unsold after proclamation, subject to State taxation? The gentleman's speech says, that he will not make his calculations upon the whole number of acres within the limits of the twelve land States, but will make them only upon "the extent of territory actually proclaimed for sale from the beginning down to January, 1849, amounting to 289,961,954 acres." In another place the speech says, these "289,961,954 acres, 'proclaimed for sale, have been absolutely free 'from taxation during the space of twenty-five 'years, and yet during this whole period have, 'without the ordinary consideration therefor, en-'joyed the *protection* of the State with the advant-'ages and increased value from highways, bridges, 'and school-houses, all of which are supported by 'the adjoining proprietors under the laws of the 'State, without assistance of any kind from the 'United States." Why, sir, the speech is flagrantly inconsistent with itself. It contains an admission that more than 100,000,000 acres of the 289,961,954 brought into market had been sold; and yet it proceeds to calculate the amount of taxes which would have accrued during the whole time of the ascertained average of the existence of the State governments, to wit: twenty-five years upon the whole 289,961,954 acres, without deducting a single acre for the quantity sold and all which was liable to State taxation, in the hands of citizens. Why, sir, if the gentleman had placed his rule of calculation, to wit: his twenty-five years, upon the basis of the average age of the States, then the facts exhibited upon the face of the speech would have refuted his estimates and argument. But arbitrarily assuming that the whole 289,961,954 acres had been liable to State taxation for twenty-five years, without deducting an acre for the sales made; and assuming that a cent an acre would be a reasonable tax per annum, he proceeds with his calculation, and concludes that it would have been *equitable* for this Government to pay tribute to the States at the rate of $2,899,619 per annum, or $72,490,475 for the whole twenty-five years!

He also speaks of the "increased value" of our lands resulting from highways, bridges, and school-houses. Does not the gentleman know that our lands never increase in price? We offer them at public auction shortly after they are surveyed, when they are altogether unimproved except by *squatters*, and thereafter they remain in all coming time at the minimum price of $1 25 per acre; and all the bridges, roads, and school-houses that men can build would not add one cent to the price of the lands. The Government does not get a dollar more in consequence of these improvements.

If the new States had a right to tax our public lands, let us inquire what would have been "*equitable*—for we are discussing *equitable* considerations entirely—it being admitted that there is no legal right. Now, it seems to me that the first principle of equitable taxation, is, only to take as much from the tax payer as is necessary to keep the government well supplied, and no more. If the government is organized by a sufficient number of officers, and they are paid reasonably for their services, can any man ask more than that? Now, sir, what does it cost to support the government of these twelve land States per annum? I have made a calculation based on liberal salaries, a large number of officers, and a fact stated by the Governor of Wisconsin, with reference to the amount wanted for that State for the present year. The Governor says, that for all purposes during the present year, $109,000 will be required to support the government of Wisconsin. That amount will be a large and ample allowance for the civil list of the new States, as will appear to the satisfaction of every mind that will examine the subject in detail. To induce such examination, I will present an outfit that I propose for the governmental purposes of a new State. For a governor, $3,000 salary; secretary of State and clerk, $2,000; four appellate judges, $8,000; fifteen circuit judges, $22,500; seventy-five county judges, $7,500, and fees on the business done to be paid by the parties; one hundred and twenty legislators and their clerks, serjeant-at-arms, door-keeper, &c., $30,000; attorney-general, $1,000; fifteen circuit attorneys, $6,000; seventy-five county attorneys, $7,500; auditor and clerks, $4,000; treasurer and clerks, $3,000. The new land States want no register of the land office, because they have no lands to grant. Thus, sir, the aggregate of these various items, embracing the entire civil list of a State government, just entering upon its career, upon a most liberal scale, amounts to $94,500 and no more. But, sir, I am willing to allow the sum wanted by the Governor of Wisconsin for the present year, and throw in a $1,000 more for contingencies, and thus concede that if we are to be taxed, each new State shall have out of the national Treasury $110,000 yearly.

Mr. SUMNER. Will the Senator allow me to ask him whether his estimate embraces anything more than a simple State tax. I should like to have him state whether it includes the county taxes, the taxes for roads, the taxes by which the trial by jury is carried into operation, the taxes for schools, and the like. I understand him to refer merely to the civil list, which is the smallest portion of the tax upon the people of a State.

Mr. UNDERWOOD. The outfit presented does not include county taxes for roads, schools, &c. I should think that the counties by their capitation tax ought to pay the county charges. And unless you intend to levy all the expenses of the population of each county upon the property of the United States, I think we ought to have a *quietus*, when we pay as much as the Governor of Wisconsin asks, and a $1,000 besides. But let us go on. The Senator will be perfectly satisfied before I get through that I have been liberal in the extreme, and allowed for everything that a Shylock would demand.

Mr. BORLAND. Will the Senator allow me to say, that in my own State, and I think in many other States, the county tax is often greater than the State tax, in many particulars in the table. In my State the tax upon land is one fifth of one per cent., and the minimum valuation of the land throughout the State is $3 per acre—the average valuation being $6 per acre. The county tax at the same time is one fourth of one per cent., and in several counties as much as one half of one per cent. Adding the two together, it makes the tax upon the land about two or three cents per acre; so that in making the estimate, it is necessary to add in the county tax. Taking my State as a basis of calculation, you would have to pay $150,000 more to make out the whole amount.

Mr. UNDERWOOD. We will come to the whole of it in due time—county as well as State tax—if I can be permitted to get along. When my mind has prepared its train of thought, I wish to take it up and proceed in the order I have laid out the work, and in no other way. I do not command the caves of Æolus. I cannot start a whirlwind like some minds, and blow in every direction at the same time. I must continue to move forward in a systematic straight line, at my own slow pace. I will come to county taxation before I am done. I am considering State taxation for the present, and I beg Senators to remember that the Governor of Wisconsin considers $109,000 sufficient for his State. But allowing $110,000 per annum for each of the twelve land States, it would annually require only $1,320,000 instead of $2,897,619, which is the sum the Senator from Massachusetts thinks might equitably be demanded. Giving to each of the new States $110,000 for every year of its existence as a State, and the aggregate would be $33,990,000 instead of $72,490,000, which the Senator from Massachusetts considers equitable. The difference in favor of the new States is only the *trifling* sum of $38,500,000.

Mr. SUMNER. The Senator omits the county taxes.

Mr. UNDERWOOD. The gentleman will fly off to county taxes, from my figures and facts. I apprehend I am touching him upon a tender point. I wish him to rest upon the picture I have presented and contemplate it. Well, sir, the result is, that if we pay the entire civil list of the new States from their foundation, only $33,990,000 would be required, while the gentleman would take $72,490,000 by his mode of calculation; and now, when the error he has committed, exceeding $38,000,000, is demonstrated, he brings in county taxes to make up the difference. I have now in my own way regularly arrived at the proper time and place to consider these county taxes, and the question of our liability to pay them.

To what uses are county taxes applied? In my State we support the poor, and build court-houses, jails, and bridges by county taxation. There are but few other purposes to which our county revenues are applied. Our school-houses are built and our children educated by individual efforts, aided by the school fund of the State. Who owns and uses the jails, court-houses, bridges, and county roads? Not the United States. Indeed, some of the States have openly declared we should not have the use of their jails. These things are for the use and benefit of the people living in the county. Who are the fathers, mothers, brothers, sisters, and neighbors of the poor? Where do the people reside whose sympathies should induce them to provide for the poor? They are usually found in the county where the poor reside. We live, sir, in a sympathetic time; our hearts burst with sympathetic emotions for *filibustering Patriots;* and yet those emotions cannot induce us to support the poor of our own counties in the new States, without considering it *equitable* to tax the lands of the United States to raise money with which to supply their wants. What right, what equity can there be in making a difference between the poor of Kentucky and the poor of Iowa, in favor of the latter. Sir, such a system of inequality would destroy this Government. I have shown you, that for all State purposes the gentleman's calculation errs by tens of millions, and hence he brings forward county taxation for the maintenance of paupers, for school-houses, court-houses, jails, and bridges.

When the bill was introduced the other day, proposing a grant of lands for a plank-road in Michigan, a Senator near me said in his seat: "What in Heaven's name will they want next?" We see all the wants of the new States in the Senator's speech. They not only want out of the public domain enough to support their State governments, but also enough to defray all county charges. In my opinion, things which are to be enjoyed exclusively by the people who live in the county—things in which this Government has no concern, and a very remote interest, if any at all—should be paid for by the people of the county alone, and furnish no foundation whatever upon which to ask favors from the Government of the United States. If the passage of the United States mail over a county bridge or road be sufficient ground on which to ask favors of this Government, then the counties of the old States, having more roads and bridges, and more mails, are, therefore, entitled to more favors than those of the new States. I am glad that the gentleman has introduced county taxation as the basis of an equity against the United States. There is the celebrated Miss Dix, for whom I have some sympathy. I am a married man, sir; but when that lady—who is one of the benefactresses of her race—solicits our aid for charitable purposes; when, acting under the inspiration of Heaven, she calls our attention to the poor lunatic, smitten of God, deprived of his reason for inscrutable purposes, which we cannot fathom; when she asks for a small pittance of our boundless domain to provide for those children of misfortune so near her heart, I wish it remembered, that county taxation to support paupers is an ingredient in the equitable claim of the new States now preferred against us. I hope you will open your hearts, when Miss Dix's bill comes up for consideration.

Mr. DOWNS. We did so, last session. If the gentleman will allow me one moment, I wish to make a suggestion to him; that these benefits from taxes imposed by counties in Kentucky, may be very materially different in the new States, where there are public lands. It happens that some of the largest expenditures made in the States where there are public lands, do not accrue to the benefit of the inhabitants of that country altogether, but also to the United States, because she is one of the largest land proprietors, and whatever facilities of intercourse improve the country, add greatly to the value of her property. And I will mention a most remarkable instance of it in my own State, and there are papers upon your table to show, that more than 2,000,000 acres of land have been sold by the United States that were reclaimed by the State. So that these parish charges in the land States inure greatly to the benefit of the United States, but could not in Kentucky, because she has no public lands.

Mr. UNDERWOOD. Well, Mr. President, whatever benefits the United States derives from county or State governments—and which can be shown by making out a fair account—I am willing to pay. I was for draining these public lands and making the work a part of our business as the proprietor. I saw, and some years ago stated to Congress what could be made out of them, but Congress would not act. Indeed, sir, we are becoming so inefficient that we do nothing in season. We have compensated my friend from Louisiana most amply for any past drainage, by giving to his State the whole of the swamp lands within her borders. We have given them the whole; and made one clean sweep! But, sir, the Senator's statement does not alter the force of my arguments. If the benefits derived by the United States from these local, county improvements, are sufficient to constitute the basis of a valid and equitable claim to be paid by a grant of land to the new States, may we not settle it by paying money instead of land? And are not such improvements, if paid for by us in money, made, in substance, by this Government? The gentlemen have found out at last how to make local county improvements a charge upon the national Treasury. When Whigs rise on this floor and ask for appropriations to construct national improvements, to improve our great rivers, or to build railroads or canals for the benefit of the whole people of the United States, your strict construction, tight-laced gentlemen, say, "there is no power, it cannot be constitutionally done!" But when it is necessary to furnish some pretext, some reason for granting lands to the new States, my friend from Louisiana [Mr. DOWNS] throws in his idea of the benefits derived by this Government from local county improvements, to help sustain the tottering arguments of his coadjutor from Massachusetts. Sir, if this Government cannot make improvements for itself, it cannot pay in land or money for local improvements in counties of thirty miles square—such as school-houses, jails, court-houses, bridges and little mill roads, made by the population of the county.

Mr. President, I hope I have shown the utter futility of all these pretences. But suppose the gentleman from Massachusetts [Mr. SUMNER] is right, and that he has convinced the Senate that the new States are our just creditors to an amount exceeding $72,000,000, then the next inquiry is, has any of it been paid? Have we any just counter-claims to set off? Now, a chancellor, one of those great men whose decisions you and I professionally read, sir, [Mr. BADGER was in the chair,] would state the account on both sides. The honorable Senator from Massachusetts has credited the amount of donations heretofore made the new States; but there are some other items which I think his conscience must allow, when I bring them before him as chancellor. He deducts only $25,000,000 as the value of the donations or grants we have made, leaving the balance against us more than $46,000,000. Now, I put it to him, when he saw the propriety of deducting the value of these grants, whether a little interest ought not to have been allowed upon that value? When we advanced a fund of $25,000,000, and when he saw the equity of allowing for that, was there not an equity in allowing interest upon it also?

Mr. SUMNER. I am perfectly willing to answer that question, if the Senator desires it. I certainly should have placed interest upon that side if I had placed interest upon the other side. If, in estimating the value of the immunity from taxation, I had calculated interest upon it, I would have allowed interest on these donations. I did not take interest into account upon either side.

Mr. UNDERWOOD. The suggestion strikes the mind of the Senator at once, that it would be proper to allow interest, as I have claimed it, upon the advance. But he says he did not calculate interest upon the other side. Why, sir, what was there to calculate interest upon on the other side? The taxes were not all payable in a lump, in a sum sufficient to pay the expenses of government forever. They only became due from year to year, as they were needed.

Mr. SUMNER. I would ask the Senator if any land owner, in estimating the value of his land, fails to take into account the interest upon the original cost, as well as the interest upon the taxes paid annually?

Mr. UNDERWOOD. We are dealing with equities altogether, and not with legal rights. The gentleman admits the receipt of $25,000,000. Now suppose a case between individuals. I place into the hands of my friend the sum of $25,000,000, which he has the use of. After he has had the use of it for a number of years, he comes to me and says "I have an equitable claim against you for taxes, which I could annually have demanded; but I released you from their payment by compact. I think, however, in equity, we should overhaul these old matters, and you ought now to account with and pay me what I unadvisedly surrendered." "Very well," I reply, "I will pay the taxes; but you ought to allow me interest on the amount advanced you, and deduct, from the principal and interest added, the amount of your taxes as they annually accrued. Surely you cannot, in conscience, insist on using my funds so long a time for nothing." Could there be anything more reasonable and equitable than such a reply to such a demand? Giving us interest on the advances, and the account stands thus:

United States, debtor for State taxation	$72,490,475
Contra. Cr. By value of advancements	25,788,257
Balance due, as claimed by Senator from Massachusetts	46,702,218
But deduct twenty five years' interest on the value advanced	38,682,385
And then there is a balance against us of only	$8,019,833

The interest on the value advanced amounts annually to $1,547,295, and this divided by twelve, would give to each new State $128,941 per annum; so that the interest is more than sufficient to pay the amount of taxes which could be reasonably exacted. It would give as the share of Wisconsin near $20,000 more than her Governor requires.

Is there any other item of credit to be taken into consideration? Mr. President, I am almost ashamed to progress further with this investigation, but Senators will excuse me when they reflect that it has been seriously published all over the country that this Government equitably owes $46,000,000 to the land States. There is, therefore, some little propriety, as I think, in presenting a counter statement for the consideration of the people. Now, is there nothing more to be deducted than this advance of $25,000,000, and the interest upon it? I would ask the Senator what has become of the thousands and millions that we have paid for governing the Territories before they became States? Upon an average, they had fourteen years government before they were formed into States; and if you carry the ages of all the territorial governments formed out of the country purchased from France back to the date of the treaty, and in like manner date the ages of all the territorial governments formed northwest of the Ohio back to the year of the Virginia deed of cession, (and which would be perfectly just in consequence of the vast sums expended in prosecuting Indian wars and extinguishing their titles,) then, instead of an average of fourteen years government, you will have more than double. Now, is there no propriety in saying to the people of the new States, "You have been governed year after year as Territories, at our expense; we have paid millions for wars and purchases of Indian titles, and when you claim the equitable right as States

to tax the national domain, even for county purposes, ought you to forget and overlook these things?"

Mr. GEYER. If my friend will permit me, I will say that seven of these new States never had appropriated one dollar to them for legislative expenses, for building court-houses, or any other purpose—except, perhaps, a little for Ohio, Indiana, and Illinois. Seven of these States, down to and including the State of Missouri, were obliged to pay their whole expenses, except the salaries of the Governor, the judges, and the secretaries.

Mr. UNDERWOOD. I have not gone into any calculation to show precisely how much each of them have got out of the Treasury. I have made no examination from the time Louisiana was acquired down to the present, from the time Florida was acquired, and from the time Virginia ceded the northwest territory, to ascertain how much has been drawn from the Treasury for all the territorial governments, and for all other purposes connected with these Territories, including Indian wars and treaties. It was not necessary for my purpose. The fact is, that we did govern them—the fact is, that we did support their governments to a considerable extent, if not entirely. How much we paid for territorial governments, Indian wars, and treaties, I do not know; but I will venture to say that if any gentleman will go to the Treasury Department and ascertain, he will find that it will not only be sufficient as a set-off to extinguish the $8,000,000 remaining, after deducting the value of our advancements and interest, but more than sufficient to balance the whole $72,000,000 claimed by the Senator from Massachusetts. I am nearly done with this gentleman's speech. On yesterday I undertook to show that there is nothing whatever upon which his principle of State taxation can rest. I have now shown, I trust, that if his principle be right, still upon any fair and equitable adjustment of accounts we owe nothing.

I have so far proceeded upon the ground that if the principle was right, then the whole expenses of county and State government were to come out of the public lands; that the back of that old gentleman whom we call Uncle Sam, was strong enough to bear the entire burden, and should bear it. So far I have claimed no credit for the taxes which the people of the new States ought to pay. I have thrown all that in for good measure, so that there could be no grumbling at my mode of settlement. But surely after we have consented to the formation of State governments, and borne all the burdens up to that time, thenceforth a portion of the burdens ought to fall upon the land and personal property owned by the people of the new States. They should at least pay their own county levy. Now, when we estimate the amount of taxes which should be paid by the citizens of the new States, it will greatly reduce the $33,000,000 or $34,000,000 which I have already shown to be the utmost limit of any reasonable State taxation upon the public lands. The extent of such reduction certainly exceeds a third and would probably come up to two thirds of that sum, for more than a third of the land proclaimed for sale has been actually sold; and in addition to the lands sold, the personal property of the citizens added to the improvements on the lands, would greatly increase the sources of State revenue. Thus, instead of the gentleman erring in his figures about $38,000,000 it is evident that his errors amount to more than $50,000,000!

I have now done justice to the speech, and shall leave the Senate to say whether I have given "justice to the land States." I have taken no account of the military lands in Ohio, Indiana, Illinois, and Arkansas. I have not mentioned the lands granted by the French and Spanish Governments before we acquired territories from them. All these lands being private property were subject to State taxation. I have thrown them all in, not needing their aid, powerful as it would be, to demolish the structure erected by the gentleman from Massachusetts. The Yankees are great inventors and great manufacturers, but such a mental invention, such a mental manufacture as this, I never met with before. I now take leave of it to pay my respects to the worthy chairman of the Committee on Public Lands, [Mr. FELCH.] I took up his long speech with pen in hand to mark, as I read, the passages to which I could not assent. On getting through, I found I had made so many black marks upon it, that it was more disfigured than the expunged resolutions of undying celebrity. Indeed, sir, my "black lines" were so numerous, that I concluded my speech must be protracted a day or two longer, should I notice everything I did not approve. I therefore determined, this morning, to take up only a few things of the most exceptionable character, and leave the rest without comment. His first idea which I shall notice, is, that these donations to construct roads for the new States make but a very inconsiderable amount when compared with the outlay of the States in order to complete the work. And, if I understood him aright in the delivery of his speech, he said his State had so mismanaged matters that they had been compelled to sell out one of these roads to a private company. He was then attempting to refute an idea I had advanced, that the States might make large profits by taxing the travel and commerce upon these roads, built in part by national funds. Now, sir, here is a most pertinent confession; and I say, no less pertinent than true. It is a confession that State works, or national works if you please, cannot or will not be managed with the same economy and skill that private individuals, stimulated by those motives of self-interest which so forcibly operate upon all the faculties of man, display in the conduct and management of their business.

This shows the wisdom of that old system which we have unfortunately abandoned. To secure the highest success, the Government should unite with this private enterprise, this private skill, this private assiduity in promoting private interests. The legislator who does not understand the principles of human conduct and action, the motives of self-interest by which we are all more or less impelled, and who does not use them to advance the public welfare, is not fit to fill the place he occupies. The time was when sensible legislators in this country, understanding these springs of human action, blended public with private interests, in order to secure the advantages of interested skill and management. Where can you find an engineer who will superintend a public work with the same diligence and economy that he uses in his own affairs? Where can you find a tenant who will take as good care of the property leased, as he would if it were his own? There may be such, and I hope there are, but my observation through life has convinced me that most men will not attend to business for others like they do for themselves. I pant for an opportunity to show to this Senate how, by investing money in the Louisville and Portland Canal, by mingling national and individual interests, you have been paid back all that you ever invested, and thousands besides; to show, by the operation of that system of coalition with private enterprise, you now own nearly the whole of that splendid work, and that the stockholders who own the remnant of stock are begging you to take it at a fair price, and thus relieve the commerce of the great valley from an onerous tax.

But my friend says, that the lands granted are inconsiderable when compared with the advances required of the States to construct a railroad. I think he underrates the value of the grant. Let me give you the figures. The bill grants the alternate sections for six miles on each side of the road, which is equivalent to all the sections for six miles on one side of the road. The consequence is, that each mile of the road gets 3,840 acres of land. The whole grant is based upon the idea that by making it, you double the value of the land on both sides of the road for six miles. The value of the land is therefore increased to $2 50 per acre, making the total value of the grant amount to $9,600 for each mile of the road; unless you deduct the value of the sixteenth section already granted to the land States, and which will be greatly inproved in value by constructing the road. Our experience in railroad constructions is not very great in Kentucky. But I know that in regard to the contemplated road from Bowling Green and Nashville, that an offer has been made by responsible contractors to grade the road, and put down the rails, a distance of twenty-eight miles, for $11,000 a mile. It is a champaign country, and the proposition excludes all locomotives, all depôts, and many other things which the company will have to provide. The State of Michigan and the State of Iowa are, I believe, as level as any part of Kentucky. Now, the $9,600 per mile, although not enough to complete the road, is nevertheless a large part of the necessary expenditures. In a hilly country where we have to cut through mountains, level ridges, and fill up valleys, it will by no means accomplish the work. But $9,600 a mile is no inconsiderable part of the price of making any railroads in this country.

But the Senator from Michigan cannot bear the idea of one State holding lands within the limits of another State. That is also an objection to my amendment urged by the gentleman from Virginia, [Mr. HUNTER.] They seem to think that if one State should hold lands in another, it would lead to collisions, broils, and everything that is disagreeable. They speak hypothetically, from theory, not experience; from speculation, not from fact. Now, it happens that I can give them a practical illustration upon this subject, that does away with all their theories and speculations. But before I do so, let me ask them why is it worse for the new States that Kentucky holds a strip of land in their borders than for the United States to hold it? Am I more unkind than the President of the United States? Is my State government more unkind than the Government of the United States? Where are all your fraternal feelings, all those ties of fraternity and love which should exist between us? Where are all your sisterly affections, regarding the States in this Union as sisters? Sir, the very announcement that we can tolerate the United States holding lands within the new States but cannot allow an old State to hold them, thus making a distinction between the national Government and our sister States, throwing on them suspicion and distrust, indicates the existence of a feeling that is uncharitable and wrong. Your alarms are not real, but affected, for you ought to know that the old States can, if they choose, purchase and hold the public lands now in any quantity they may be able to pay for. Moreover, if you were really afraid of any abuse, you could put the old States upon terms both as to price and time within which they should sell. These things have been done. You may find precedents for them. Away with your suspicions, then, that the old States would, in case my amendment prevails, act in such a manner as to offend or injure the new States.

But to a case in point. There is a portion of land in Arkansas and Florida, which was granted to the deaf and dumb asylum in Kentucky. What injury to these States has ever grown out of that grant? No human being has ever suggested the least impropriety on the part of those who manage the fund. The suggestion now made that the old States cannot be trusted, is, I think, both groundless and offensive.

But I have another and stronger example to give you. Tennessee and Kentucky once had a difficulty about their State boundaries. Kentucky claimed some fifteen or twenty miles into what is now the State of Tennessee, and the controversy lasted for years. I had the happiness of being the instrument by which it was happily settled. We had appointed commissioners to treat with commissioners upon the part of Tennessee. The commissioners met, but could not agree. I was a member of the Kentucky Legislature at the time, and after the disagreement of the commissioners, I offered a resolution that our commissioners should be instructed to let Tennessee have the political jurisdiction over the country, provided she would yield to us the vacant land. That resolution was adopted, and the controversy was accordingly settled, this Government assenting to the agreement between the two States. Kentucky thus obtained the vacant land in Tennessee, some fifteen or twenty miles wide, by some three hundred or four hundred miles long. Kentucky passed laws appropriating the lands. Her surveyors went into Tennessee and made their surveys, upon which Kentucky issued patents. Tennessee respected our rights, and no difficulty or trouble between the two States has ever taken place. We felt and acted in this transaction like brothers. The land has been nearly all sold, and no trouble has grown out of the arrangement. Here is fact against theory. Here is fidelity and fraternity between

States repelling all suggested suspicions. Have the States no honor, no virtue, no benevolence?

The next idea of the Senator from Michigan [Mr. FELCH] that I shall notice is this: He says the school lands were granted to induce emigrants to settle the country. The gentleman's astute intellect saw how his argument was perplexed by these grants for school purposes. He could only get out of the difficulty by making these grants a local affair. By satisfying the Senate that they were made to stimulate the settlement and improvement of the country, he would establish a rule which would work for the benefit of the new land States to the exclusion of the old. But if he disconnected the grant from local considerations, and admitted it to be for the benevolent purpose of educating the moral and intellectual faculties of the rising generation, he saw at once that the old States would have the same right as the new to claim a portion of the public lands for the education of their children. In this sad predicament, I can see the workings of his mind to devise a rule or principle by which grants for educational purposes to the new States were defensible, while grants to the old States for precisely the same purpose could not be defended or tolerated. My friend perceives that, by connecting the grants for schools with the local interests of settlement and improvement, the old States may be excluded, and my amendment defeated. He therefore plants himself upon that position.

Now, sir, there is not a word to be found in the legislation of the Confederation, which as early as 1785 reserved and dedicated the sixteenth section in every township to schools, indicating that such grants were made to induce the settlement and improvement of the country. On the contrary, the Congress of the Confederation in the third article of the ordinance of 1787, for the government of the Northwest territory, declares that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Here we have the high and holy and true motives which induced the Congress of the Confederation to make liberal grants for schools. The gentleman's argument discards the connection between education and "good government," between education and the "happiness of mankind;" it leaves out of view the great objects avowed by our glorious ancestors in founding schools—the increase of "*religion, morality, and knowledge*" among men—and attributes their conduct to the low and mercenary motive of establishing schools for the purpose of hastening the sale and settlement of the wilderness. His speech makes our revolutionary fathers prize "filthy lucre" more than intellectual and moral improvement; and he does it in the face of their exalted proclamation in the ordinance, declaring good government and human happiness to be their only motives. By the avowal of these, all other motives are excluded. Sir, our ancestors in providing for schools did not confine themselves, as the Senator does, to local considerations. Their large and liberal views embraced all "mankind." They looked at the great interests of the great whole of this great nation, which they rescued from monarchy and established in liberty. They said that the rising generations must be educated, and therefore they gave, as far as they thought proper, a fund by which to accomplish that object. In considering what they have said and done, I find no reason for a distinction between the old and the new States. But even if the grant of the sixteenth section was entirely a local matter, how can the gentleman make grants for State Universities local? How does he reconcile the grant of 10,000 acres by the Confederation to the Moravian Brethren in Pennsylvania as far back as 1787, for the use of such Indians as they might convert to Christianity, with his idea of local interests? Here was a grant to promote the cause of religion and morality. But the Senator, apparently not entirely satisfied with his own argument upon the ground that school lands were only given to induce settlements, presents another consideration upon which he thinks it reasonable to refuse donations to the old States for purposes of education and internal improvements. He says that the old States are already provided with means and facilities and ability to make railroads, build school-houses, and pay teachers, and therefore do not, like the new land States, need any aid for such purposes. According to this argument, the rights of the old States and the new to the public lands depend upon no fixed legal or equitable principles, but upon the degree of wealth or ability in the several States. The rich and powerful should have no part or lot; the poor and needy should have all. Now, I put it to the members of this Senate to say whether the administration of this great land fund shall depend upon a question of wealth or poverty. Does the right or the power to divide the lands among the States, as my amendment proposes, turn upon the relative wealth or poverty of the States? Not at all. But even if it did, if the wants and necessities of the States are to govern, the argument is against the gentleman. The old States that have been improved, that have large farms, that raise much produce for market, stand more in need of conveyances—of railroads to get to market, than the new States, where the farms are not open, and where the people cannot raise more than enough for their own snbsistence. Sir, if the use of the thing be regarded, where there is travel, where there is commerce, a railroad is wanted; but where these is no', a railroad will not pay expenses. It may be that Michigan was not sufficiently advanced in population and commerce when she built the railroad which she was compelled to sell, and that may be the main cause of her failure to manage it to advantage. When the gentleman attributes more wealth, more means and commerce to the old States, he thereby proves their greater need of railroads, and therefore, upon his own principles, the old States should have the preference. His policy is premature. He appropriates the public lands in behalf of the new States to construct railroads through the wilderness.

How is it with regard to education? Why, sir, I am constrained to make a confession which I should like to avoid. If he will look at the census returns, he will find that there are more people in proportion to numbers who cannot read and write in some of the old States, than there are in the new. On this point the gentleman's argument is his best refutation, when the facts are ascertained. He argues from the necessities of the new States contrasted with the old. What are the facts? Look at the census returns, and you will find more information and intelligence in proportion to numbers in the new States than in the old, if the capacity of the masses to read and write is made the basis on which to decide.

Now, sir, if Eugene Sue's doctrine be correct, that "nobody is entitled to superfluities as long as anybody stands in need of necessaries," (and my friend's speech in some of its aspects seems to coincide with it,) then the new States are the violators of this doctrine of social equality; for they are trying to get "superfluities" out of the public Treasury, when, by contrast, the old States are suffering for "necessaries"—for schools and railroads.

Mr. President, there is a reason—a palpable and a striking reason—why these new States, in proportion to the population, have more intelligence than some of the old States. They are the fields of action and of enterprise. Our intelligent young men go to the new States to better their fortunes. They are the active, the enterprising, the industrious, the intelligent, and the working men of the country, who have but little money or property, but expect to double and treble their fortunes by emigration. These are the people that go to the new States. They constitute the enterprise of the country, and are better informed and much more able to provide for themselves and their families than thousands they leave behind. If the object be to provide for the destitute, those who are unable to move or too slothful to exert themselves ought not to be overlooked. Their poor children are not responsible for the indolence and degradation of such parents. By aiding the old States to educate the offspring, we shall imitate the example and follow the precepts of our noble ancestors. My friend's speech in this particular has been made without looking to the facts exhibited by official documents.

I shall now notice the objection he makes to my amendment, because I have omitted to provide in my distribution for California and Texas. He seems to be of opinion that unless all are provided for in the same bill, none can be: that as trustee, we must distribute among all the *cestui que trusts* at the same time, or make no distribution at all. I think, upon a little reflection, that opinion will be abandoned as utterly untenable.

Why, sir, as trustee, you can give an adult his portion of the trust fund, and withhold the infant's, until he attains full age and is capable of managing it. You can give the citizen upon the spot his portion, and withhold that which belongs to the citizen out of the country. You can give to the man, *compos mentis*, of sound mind, his due, and withhold the portion which may belong to idiots and lunatics. You can do all that upon the ordinary principles of equity in reference to an estate owned by private persons. Why are not these principles equally applicable with regard to administering the trust fund belonging to the States?

Now, sir, I have omitted California, because she will be provided for out of lands within her own limits in due time. I have said that Texas has already been provided for. She has had a more liberal grant of land than any other State can possibly receive. But I do not want to go into that discussion again. It is all over. It has been settled. She has got the land. I made my speech against it at the time we were acting upon it. If the gentleman thinks that Texas had a title to New Mexico, let him offer to amend my amendment, and bring her in to share with the old States. If the Senate concur with him, it is well; I shall not complain. Sir, I think it obvious that the gentleman's objection to a partial distribution is a mere make-weight, thrown in to prevent any distribution at all.

If there is anything in the argument, the gentleman might justly say, you can do nothing until Utah comes in, until New Mexico comes in, until Oregon comes in—you must wait until all the Territories are States, before any division can be made.

Well, sir, let us consider another idea of the Senator. He says that my amendment adopts the rule of the federal population. That is true; and with what rule does he propose to substitute mine? He takes the areas of the several States, and insists if a division of the lands must be made, it should be done in proportion to the number of square miles or townships in a State. This rule works admirably well for Wisconsin, Michigan, and other large sparsely-populated new States, but it works very badly for the little States of Delaware and Rhode Island. The gentleman is opposed to any division; but if it must be made, then square miles and not people are to furnish the rule of distribution. Such he insists should be the rule, because in granting the sixteenth section for school purposes, the donation was in proportion to the number of townships. We can readily imagine, Mr. President, that the Confederation in setting apart a portion of the public lands for the use of schools situated in an unexplored wilderness, desired to secure something of value to the people they designed to benefit. If the township was fertile, it would be densely populated, and the reserved sixteenth section would bear a value proportionate to the population. If the township was sterile it would be thinly populated, and the value of the reserved section would also be in proportion to the population. Thus, if we regard the basis upon which we can well imagine these grants were originally made, we can see very clearly that the value of the thing granted was in proportion to the number of persons to be benefited. But the gentleman, overlooking the reason of the rule, thinks it was founded on square miles, and hence he claims, in any future division of the public domain, a share for his State proportionate to her area. Such a rule can never be allowed, until it is proved that dirty acres are our constituents instead of men.

I understand my friend to say that there was no evidence that population had ever been made the rule of distributing favors among the States. Why, sir, he is mistaken. In the act of 1841, distributing the proceeds of the public lands, federal population was made the rule; and, with a view to a prospective population and faster increase of the new States, they were allowed by that act ten per cent. on the net proceeds of all future sales of lands within their respective boundaries. In a recent communication from the Commissioner of the General Land Office, I am informed that the

five, three, and two per cent. funds to which the twelve new land States are entitled under various acts of Congress, amounted to $4,227,058 on the 31st day of December, 1850, all of which has been paid over to them except $138,732. From the same source, I learn that the ten per cent. allowed by the act of 1841 amounted, on the 31st of December, 1850, to $225,097.

My friend also says—and this is his last argument I shall notice—that in proceeding upon the idea of distributing according to population, I depart from the original grants made by Virginia. That grant contemplated the disposition of the lands for the benefit of the States according to their contributions in support of the Government, under the rules prescribed by the Articles of Confederation. Then he says that you cannot ascertain now what that is; you cannot ascertain, under the tariff, how much each State contributes; and because there is an utter impossibility to ascertain this, he will not execute the trust created by the deed of cession. I admit, sir, that there is no possibility of ascertaining the precise sum which each individual or which each State pays to support the General Government under our present system of taxation. But conceding all that, I do not think it follows that we ought not to execute the trust, because our knowledge is imperfect. The Constitution says, in reference to taxation, that it shall be imposed according to the rule contained in my amendment. The rule of taxation is the federal population. Although we cannot tell with absolute mathematical certainty the amounts contributed to the Federal Treasury by the people of each State, may we not, with moral certainty, approximate the truth? Is it not just and reasonable to act upon the idea that the people of the different States consume dutiable goods very nearly in proportion to their federal numbers? You cannot come at this exactly; but, as our revenues depend upon consumption, that is a rational calculation. I do not understand the deed of cession as prescribing a rule of distribution among the States which was never to be altered. On the contrary, it is manifest from the deed itself, that the distribution was to be made according to the amount of taxes paid by the States to support the General Government. Now, as by our present Constitution the rule of taxation and federal numbers is identical, that, by the change of Government, has become the proper rule for distributing the lands in execution of the trust.

I have thus noticed the prominent points in my friend's argument. I have left the minor points untouched, foreseeing that, if I commented upon the whole of them, there would be no end to my speech, which has already been greatly protracted beyond my intention. One or two general remarks, and I am done.

The people of all the States, in reference to the acquisition of new territories by purchase and by war, have contributed their proportion of blood and money. I can say, in behalf of the people of my revered State, that there is no battle-field, North or South, in any war upon which they have not poured out their blood. To them it will be a matter of deep regret, if nothing worse, to see our national acquisitions, vast as they are, valuable as they are, parceled out by the action of this Government for the benefit of the new States, to the entire exclusion of the old States. It does not become the nation or Congress to administer this great fund upon partial principles, and thus dissatisfy any portion of the people of this country. You ought to administer it, if possible, so as to give joy and gladness to the whole. The way to do it is plain; the way to do it is to follow past example; the way to do it is to adopt my amendment; and when new States are hereafter admitted into the Union, extend the same liberality to them which has been shown to the new States already members of this glorious Union.

One remark to the Representatives of the new States: Gentlemen, you represent States that are now new; but your States, in the progress of time, whose wheels never stop, will become old. You will soon appropriate all the lands within your borders. Your policy prefers the bird in hand to a dozen in the bush. You are taking the present cent in preference to the future dollar. You are penny wise and pound foolish. You act for the moment. If you will look at the millions and hundreds of millions of acres yet untouched, and adopt a system of policy which would give you your share of the whole; if you will do justice to all, and harmonise all, and preserve those kind feelings which ought to be cherished among all the States, you will in the end gain much more than you can by now excluding the old States from all participation in the public lands.

I have deemed it my duty, in consequence of my position upon the Public Land Committee, to bring the subject fully before the Senate; and I have done it by my amendment. I wished, also, to bring the subject to the attention of the whole country. There has been a vast accession of territory since we have made any alteration in the land system. If the old States are to derive no benefit from the public lands, we had better say to California at once, take all the gold mines and public lands within your limits, appropriate them to your exclusive use, and save us from all further expense and legislation in regard to them.

I have now vindicated my amendment against its assailants. I have only to thank the Senators remaining [laughter] for their kind attention.

GRANT OF LAND TO IOWA.

SPEECH OF HON. H. S. GEYER,

OF MISSOURI,

IN THE SENATE, *February* 24, 1852.

The Senate having under consideration "A bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State"—

Mr. GEYER said:

Mr. PRESIDENT: Until very recently, I did not suppose that I could be induced to engage in this debate, believing that the bill was thoroughly understood by every Senator, and might be safely left to the vindication of its own claims to the favor of the Senate and the country. But honorable Senators, who have thought proper to debate antagonistic propositions, and to oppose the bill before the Senate, seem to me to have greatly misapprehended its provisions. They assume that this, and other bills on the Calendar of a like character, propose to make donations of large quantities of the public lands for local purposes, without any consideration or equivalent, and then indulge in language of reproach towards the new States, not justified, I think, by anything in their past history or present position. They impute to them a disposition to encroach upon the just rights of the elder members of the Confederacy; and one honorable Senator charges in direct terms that they have formed a combination with the representatives of other interests, in order to carry on a system of spoliation on the public lands.

I feel constrained, therefore, averse as I am to controversy, to ask the indulgence of the Senate while I endeavor to vindicate the new States by an appeal to facts, and the bill, by a plain exposition of its provisions.

Mr. President, the honorable Senator from Kentucky [Mr. UNDERWOOD] was so very sure of the existence of an aggressive spirit on the part of the new States, that he assumed it as an established fact, and proceeded to account for it by saying, in substance, that the new States have been spoiled by indulgence; that they have been so long petted, and have had so many favors showered upon them, that they have grown as willful and perverse "as spoiled children," and will be content with nothing less than all that remains of the public lands. Of the specifications of these favors I shall speak hereafter. At present, all I mean to say is, that when both sides of the account shall be fairly stated, it will perplex that honorable Senator, with all his skill in arithmetic, to strike a balance against the new States; unless he shall find it in the swamp lands which he says are "valueless" now, but are to become "immensely valuable" when reclaimed by the States—a sort of fancy stock of no particular value, I take it, in the estimation of any other person.

The honorable Senator from Georgia [Mr. DAWSON] is not less certain of the evil propensities imputed to the new States; but I infer from his remarks that he does not regard them as entirely destitute of every virtue; for he appeals to their gratitude and magnanimity, not to forbear spoliations, but to let in the old States, Georgia included, to a share of the spoils. But he despairs of success in this appeal, because, as he says, these new States are encouraged and sustained by the representatives of the tariff interest, who desire to squander the public lands in order to create a necessity for augmenting the duties on imports.

Mr. President, that I may not do the honorable Senator injustice, I will ask the reading of a paragraph of his published speech. The Secretary will be good enough to read the first paragraph of the part I send:

"I am perfectly satisfied that this bill will pass. I have been here long enough perfectly to comprehend it. I know that the public lands are going to take just exactly the course they always have; and with all the statements of our rights and interests in other and different sections of the country, we cannot prevent it. There is a most extraordinary combination of interests which will always control this question. And what are they? The representatives from the new States think they are justly entitled to the new lands, and they act upon that impression. They will combine to dispose of these lands, and to bestow them upon the individual States. And there is another class who are unwilling to see your revenues increased, and your treasury filled from any other source than direct taxation. The friends of a particular interest in this country will desire to diminish as much as possible the amount of money derived from the public lands, and placed in your treasury, in order to justify them in increasing the indirect taxation upon the people throughout the United States. These two interests will combine to do this very thing. And what becomes of the public lands? They go to the new States, and they are sold by the new States, and their prosperity is advanced. There are railroads all through that country. There are no people in the land who are going on to prosper more than they. I do not regret it; but what I say is this: Amidst their prosperity, while thus going on so finely, let them remember that it is out of the proceeds of the public lands, and that these public lands belong to every State in the Union. If we act liberally towards you, act liberally towards us. If you are determined thus to dispose of the public lands, do it; but do not forget the principles of equity and justice."

Mr. President, that is a paragraph full of suggestions I trust, however, that when the honorable Senator shall discover that these bills do not propose to diminish the receipts into the Treasury a solitary dollar, he will withdraw the charge against the representatives of the tariff interests; because it implies that they are going forward with inconsiderate recklessness in the hope of accomplishing the design imputed to them, and which they will find cannot be accomplished by this bill. If I could imagine that honorable Senators could be operated upon by any such motive as that imputed to them by the honorable Senator, I should tremble for the fate of this bill; I should expect them, to a man, to stand up in support of the antagonistic propositions which have been presented, or rather suggested. Far better would it be for them, if they desire to reduce the receipts of the Treasury, to support the system proposed by the honorable Senator from Kentucky, which contemplates a partition of the public lands among the States, so that hereafter there shall not be received into the Treasury a dollar from that source; or the proposition of the Senator from Georgia, now for the first time favored by him, to make a distribution of the proceeds of the public lands, and thus to reduce the receipts into the Treasury and furnish an apology for an augmentation of duties; or even with the modification last suggested by him, the proposition of the Senator from Virginia, [Mr. HUNTER,] which is, to reduce the price of the public lands, and eventually cede what remains to the States—whether to the States in which they lie, or all the States, I did not understand. Certain it is, however, that if there is any Senator here who is disposed to vote for a proposition because it will reduce the revenue, it will be better for his purpose to adopt the plan of either one of the Senators I have named.

But I pass on to another mistake committed by the honorable Senator from Georgia. After a very just and eloquent compliment to the State of North Carolina, for her energy and enterprise in constructing railroads by her own means, the honorable Senator says:

"When you throw yourselves upon the waters of the great Mississippi, in that great and flourishing country you find railroads in every direction"—[Surely the honorable Senator has never been in that country]—"without a dollar having been taken out of the pockets of the citizens; but all out of the Treasury, all out of the public lands."

Now, Mr. President, I appeal to Senators who represent the States bordering on "the great Mississippi" to communicate to the honorable Sena-

tor what they know in relation to the railroads—few and short as they are—in "that great and flourishing country." I affirm, without danger of contradiction, that there is not a foot of railroad made by the assistance of the United States in any form within any State touching the Mississippi.

I should not have taken notice of the statement of the honorable Senator to which I have just adverted, but that it has gone forth to the country with the sanction of his name, and will have a tendency to confirm in the minds of those who are prejudiced against the new States, their persuasion that they are what are called "landstealers;" that, after having drawn from the public Treasury a large amount of money to build hundreds of miles of railroads traversing the new States, they are yet demanding more.

The honorable Senator from Georgia, in support of his appeal to the new States to allow the State of Georgia to come in for a share of the spoils, says, "they owe their birth and independence to the old States." Sir, I thought that our independence had been achieved by the men of the Revolution, and not by the Colonies; and I know that of these men—the few who now survive of the heroes of the Revolution—there are as many in proportion to the population within the borders of the land States as there are within the borders of the Atlantic States. We claim to have inherited our independence from our revolutionary fathers; and there is as much of their noble blood running in our veins, as in the veins of an equal number of the people of any other States of this Union.

The honorable Senator says, that by the independence acquired through the old States, the new States are enabled "to control and manage the land to-day." Sir, the new States have not the control and management of the land anywhere. In the old States, the unappropriated lands are managed and controlled by those States themselves; in the new States and Territories, they are under the absolute control and management of the United States.

And while I am upon this subject permit me to say, that in this respect the new States are not upon an equal footing with the original States. The territory within the old States was acquired by the common blood and treasure of the American people, and in the new States by common treasure of the same people. There is nothing, therefore, in the mode of acquisition to authorize the distinction which exists between the old and the new States. I do not mean to say that the old States ought to have made partition of all the territory at the close of the Revolution. But it was territory acquired by conquest—wrested from the hands of the British Crown. Although some of the States had charters, they would not have been worth the parchment on which they were written but for the conquest of the territory by the men of the Revolution. Some of the old States—North Carolina, South Carolina, and Georgia among the number—were regal provinces, and the unappropriated lands within their limits were undoubtedly the property of the Crown prior to the Revolution. I believe, nevertheless, that it was just and proper that the confederated States should hold the conquered territory within their respective limits as the property of the individual States. In my opinion it resulted as a matter of public law. It may be right that the territory ceded by the States for the benefit of the United States, and that acquired from foreign nations, should be owned, controlled, and disposed of by the United States; and, consequently, that the new States formed out of such territory should be required to surrender all claim to the unappropriated lands. All I mean to say now is, that the new States have not the control or management of the land; and in that respect, as in others, they have not the same sovereignty and independence accorded to the old States.

Mr. President, it is well known that during the pendency of the revolutionary war, when the Confederation was about to be formed, Maryland refused to accede to it, claiming—not that any territory within the reasonable limits of the States should become the common property of all the States, but—that the waste lands in the indefinite boundaries claimed by some of them should become the common property of the confederated States.

On the 10th of October, 1780, the Congress of the Confederation passed a resolution inviting a cession of these lands by the States. It is:

"That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States."

After some provisions relating to the size of the States to be formed and the expenses incurred in subduing the ceded territory, the resolution provides:

"That the said lands shall be granted and settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

I read this resolution for the purpose of bringing the minds of Senators to the original object of the cession, and the disposition that was designed to be made of the land, and which ought to be made of it, in the opinion of that Congress.

Under that resolution, cessions were made by New York, Virginia, Massachusetts, Connecticut, and South Carolina, before the adoption of the Constitution. Of these cessions, the deed from Virginia is the only one that contains the clause so much relied on by the honorable Senator from Kentucky, and which he supposes creates a distinction and imposes an obligation upon the United States to make a different disposition of the lands within the Northwest Territory from the lands acquired from other States, or which have been ceded by the treaties with France, Spain, and Mexico. That deed cedes the land "to be considered as a 'common fund for the use and benefit of such of 'the United States as have become or shall be-'come members of the Confederation or Federal 'Alliance of the said States, Virginia included, 'according to their usual respective proportions of 'the general charge and expenditure, and shall be 'faithfully and *bona fide* disposed of for no other 'purpose whatever."

It was supposed by the honorable Senator from Kentucky that this clause covers the lands in the Northwest territory, now embracing five States, and directs the only use to which they can be applied. His position is, that it was a trust for the benefit of the individual States as units, and not the United States as a unit. He referred, in support of his interpretation, to an ordinance passed in 1785, in which it was proposed to make a disposition corresponding, as he says, with this clause of the deed of cession of Virginia. But he forgot to say that in 1788, by another ordinance of Congress, that clause was repealed as impracticable. We have, then, the opinion of the Congress of the Confederation, that it was impracticable to conform to the terms of the Virginia cession, as the honorable Senator from Kentucky supposes they must now be carried out.

In the Convention which assembled for the purpose of forming the Constitution, Mr. Madison, on the 18th of August, 1787, made a proposition to add to the powers of Congress the following:

"To dispose of the unappropriated lands of the United States; to institute temporary governments for the new States arising therein."

This, I take it, was the origin of the third section of the fourth article of the Constitution, as it was adopted; and to my mind, the second clause covers the whole subject of the power of Congress over the public lands. We have nothing now to do with the deeds of cession. That clause was assented to by all the States, Virginia included, and it became the law, the supreme law, on the subject of the public lands. It provides that—

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States, or of any particular State."

What territory then belonged to the United States other than the Northwest territory, which is now supposed to be covered alone by the deed of cession? If it had been designed to refer only to future acquisitions, and to exclude territory which was then owned by the United States, a very different phraseology would have been adopted. The clause of the Constitution, in terms, includes all of the territory then belonging to the United States; and conforms to the resolution of 1780, in respect to the disposition of the lands, reposing in Congress the power to make such a disposition as they might deem expedient.

Stress has sometimes been laid upon the latter part of the clause in question, as limiting the power of Congress over the territory previously ceded, to the mode of disposition contemplated by the deeds of cession—an interpretation, in my judgment, forbidden, by the plain import of the language employed. It saves the *claims* of the States and the United States, respectively, as they stood at the time of the adoption of the Constitution, but it does not limit, or purport to limit, in any way the *power* granted to Congress "to dispose of the territory or other property of the United States," however acquired. At that time, neither North Carolina nor Georgia had ceded any part of the unappropriated lands. Both claimed to the Mississippi, and both claims were disputed. Georgia had no evidence of title, but a commission of the Governor of the Province. Virginia and Connecticut had made reservations of lands in their deeds of cession. New York ceded only her claim of property, reserving her jurisdiction. The object of the clause in question appears to have been to save the rights and claims of the respective parties as they then were, without prejudice to either, and not to limit or restrain the power of either over property belonging to them respectively.

It is supposed by one honorable Senator, perhaps more, that the obligation to dispose of the ceded lands, according to the terms of the deeds of cession, is recognized and continued by the first clause of the sixth section of the Constitution, which declares that "all debts contracted 'and engagements entered into before the adoption 'of the Constitution shall be as valid against the 'United States under the Constitution, as under the 'Confederation." But that interpretation would supersede, by implication, an express power (in terms unlimited) over the whole subject, ratified by all the States, including the parties to the cessions. If the authority of Congress over the ceded lands is limited and controlled by the deeds of cession, there was at the time of the adoption of the Constitution no territory subject to the power delegated by that instrument, and no satisfactory reason can be assigned for the grant.

The clause in question cannot, I think, be regarded as the limitation of the general power granted by the second clause, third section, fourth article. If it had been intended by the convention to limit the power of disposition to the mode contemplated by the deeds of cession, doubtless that intention would have been expressed in apt words in the clause conferring the power. It is not to be presumed that it was designed to continue in force a provision found to be inconvenient and abandoned under the Confederation, and which would be wholly impracticable under the Constitution.

The cessions of North Carolina and Georgia were made after the adoption of the Constitution. That of North Carolina contains substantially, and almost in the same words, the condition in relation to the disposition of the ceded territory contained in the cession by Virginia. The deed of Georgia differs from those of Virginia and North Carolina, making the condition substantially the same as that contained in the cessions of other States under the Confederation, and conforming to the resolution of 1780, in respect to the disposition of the lands.

Now, I presume, it will be conceded that the engagements entered into since the adoption of the Constitution, have the same obligatory force as those made before. If such "engagements" control or limit the power of Congress, as supposed in the one case, they do also in the other; and I ask, will honorable Senators contend that, by the cession of North Carolina, the United States hold the land ceded in trust for the benefit of the individual States? If they will not, they refute their own argument. If they do, I inquire why it was that all the land ceded by North Carolina, that remained undisposed of, was ceded to the State of Tennessee, on one side of a certain line in 1806, and on the other side in 1846? If that land was held for the common benefit of all the States, as units, under the Constitution, the only proper disposition that could be made of it was by partition among the States. The grants

to Tennessee, then, must be regarded as a practical exposition of the powers of Congress over the public lands, held under the cessions by the States—the very opposite of the position taken by Senators here.

The cession made by Georgia differs from those made by other States in a very important particular, not unworthy of notice. That State, having a very doubtful claim to the lands between her present boundary and the Mississippi river, made a sale to the United States at a higher price per acre than was paid for the lands acquired by the Louisiana treaty. She did not, as did other States, surrender her claims for the common benefit of all the States. She demanded that the United States should pay into her treasury, out of the first proceeds of the land, $1,250,000, and should extinguish the Indian title within the limits reserved to herself. What that operation cost in money, I have not had the time to ascertain; but this we know, that the removal of the Indians from her territory introduced a system of policy which has been carried to such an extent as to produce serious injury to the States west of the Mississippi. The location of the Indians upon our western frontier is destined, I fear, to give us more trouble, in all probability, than any of our internal affairs. I blame not Georgia; her prudence and sagacity in making the bargain ought perhaps to be commended. But she can claim nothing on the ground of liberality, seeing that she did not give, but sold her lands, and that, as I have said, at a higher price than was paid for the territory acquired under the Louisiana treaty.

Returning to the question of the authority of Congress over the public lands, I submit that it is the same in respect to the acquisitions by cession of the States, as it is in reference to those under treaties with foreign nations; that the disposition of lands in either of the several modes suggested is not a question of power, as the honorable Senator from Michigan [Mr. FELCH] seems to suppose, but a question of expediency. It seems that even under the Confederation, the attempt to carry out the terms of the cession was abandoned as impracticable; and the Constitution, I think, cannot be interpreted to restore and perpetuate a system which could not be reduced to practice under the Confederation. Ever since the adoption of the Constitution, it has received in practice the interpretation I contend for. The policy adopted and uniformly pursued has always been the same in respect to the lands acquired before and after the Constitution; no distinction whatever was made. A system of survey and sale was adopted and continued. Appropriations of lands were made for the support of schools and seminaries of learning; to aid in the establishment and support of benevolent institutions; and, if occasion required, to promote internal improvements, when, in the opinion of Congress, such appropriations would tend to promote the sale and settlement of the public lands, or the general interest of the country.

Much has been said, during this debate, of the great liberality of the Government of the United States towards the Territories and new States; of the care and kindness of Congress in providing and sustaining territorial governments; and of the favors bestowed upon them upon their admission into the Union. I propose now to inquire into the nature and value of those blessings; and when the facts shall be plainly stated, the new States will be found to be under no particular obligation on account of them.

The first territorial government was instituted by the ordinance of July 13th, 1787, which was made by the Confederation with reference to the country that was "to be settled and formed into States with equal sovereignty and independence as other States of the Union." It contains what is called a compact, irrevocable, "between the original States and the people and States in the said territory." I will not comment upon this proceeding of the Congress of the Confederation, by which they, on behalf of the original States as one party, make an irrevocable compact with a people who are not parties and have not a word to say in it, and with States not in existence, but proceed to the articles of the compact, of which I give the substance.

The first is that the Territory and States were "to remain forever a part of the Confederation." There is no secession there, Mr. President. Whatever may be among the reserved rights of the old States of this Union, there can be no secession, if this ordinance is obligatory, by any States formed out of the Northwest territory. 2. "The inhabitants and settlers to pay a part of the federal debts; 3. The legislatures of the districts or new States never to interfere with the primary disposal of the soil." It seems to have been regarded as a matter of public law, by the Congress of Confederation, that if those States had been formed with the equal sovereignty and independence of the other States of the Union, the lands within their limits would have been their property, and in order to guard against it in advance, this provision was inserted in the ordinance of 1787, as an article of an irrevocable compact: 4. "No tax to be imposed upon lands, the property of the United States. 5. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between them, shall be common highways, and forever free to all of the citizens of the United States, without any tax imposed or duty therefor."

Most of the restrictions imposed by the ordinance on the people of the territory northwest of the Ohio, were imposed also on the people of the other territories by the acts providing for their government; and even when they proposed to form a Constitution and State government for themselves, they were permitted to do so only on condition that they would submit to the same restrictions forever, by an irrevocable compact.

The legislation of Congress for the people of the territories has proceeded upon the assumption of an absolute power over them—to establish any form of government and impose any restrictions at discretion, however incompatible with the principles of free government. To this extent the power has been asserted in this debate. It is claimed not by express grant, but as a resulting power—under the Constitution. The power to acquire territory, it is said, implies a power to govern it. But the government of a territory cannot be regarded as means necessary to the execution of the power to acquire, which, as to the territory acquired, is exhausted in the acquisition; the government of territory may be a consequence, but not the means of acquisition.

In my opinion, the legislation in question cannot be sustained under any power granted by the Constitution; it commenced under the Confederation, by the passage of the ordinance of 1787, which was followed as a precedent in subsequent legislation by Congress, and I am not among those who believe that constitutional powers can be built up by Congressional precedents.

There is a power granted to dispose of and make needful rules and regulations concerning the territory belonging to the United States—that is, the public domain, however acquired—and I agree that there is a necessity, not a granted power, to provide a government for the people inhabiting the territory, as a consequence of the acquisition; or if you please, a necessity resulting from the power to hold territory acquired by purchase or conquest; but it cannot be a legitimate exercise of a power so derived to carry it beyond the necessity of the case, and that necessity, so far as it relates to the Government, is limited to the adoption of a frame of government which, I apprehend, must be in conformity with the fundamental principles on which our institutions are based. Whenever you attempt to prescribe the law of property, or to control the municipal laws, you assume to carry your authority beyond the just limits of your power.

Permit me here to say what I omitted in its proper place. The temporary governments provided for the Territories are in the nature of municipal corporations; and in England it is not in the power of the Crown to establish a municipal corporation for any people without their consent. It may be done by Parliament, in virtue of its omnipotent power under the Constitution of that Kingdom. When Congress undertakes to exert the same power over the people of the Territories, it assumes to the same omnipotent control, especially when it goes beyond the necessity of the case. In this country, however, such legislation derives its obligatory force only from the implied assent of the people.

The same idea of controlling and unlimited power was carried out in the legislation of Congress down to the period of the admission of Missouri. It seems to have been considered here, that the people within a district of country, admitted to be in sufficient numbers and with proper limits, would not have the right to form a constitution unless the organization of a convention was initiated here. In the case of Missouri, and all those States admitted before, Congress assumed to grant to the people of the Territory the right to form a State government, provided they would agree to certain terms dictated by Congress. The debate which occurred here in the years 1819 and 1820, drew the attention of the public mind to this subject; and since that period, I believe, there has been but one State admitted in which Congress did take the initiative. It seems now to be recognized that the people may exercise the right of forming a government for themselves, and that the power of Congress is limited to the consideration of the questions whether they have the necessary population, and a suitable extent of territory, and whether their constitution, when formed, is republican. It was not so in the case of Missouri or Louisiana, or of any of the States admitted prior to the year 1821. In the act purporting to authorize the people of the Territory of Orleans to form a constitution and State government, it was not only required that it should be republican in form, but that it should contain certain specific provisions for the protection of civil and religious liberty, and should provide that their laws should be published, the proceedings of their courts conducted, and their records kept in the English language. And you will well recollect, Mr. President, the conditions in the case of the State of Missouri. In the first place, she was refused the privilege of forming her own constitution—in one House, at least—unless she would agree so to regulate her institutions as to abolish slavery; and eventually the people were allowed to exercise their rights only upon the condition that the States of the South would surrender all the territory acquired by the Louisiana treaty, except the now State of Arkansas, and the district of country immediately west of it which has since been appropriated to the use of the Indians. I do not stand here to complain of it at this day; but when gentlemen make a boast of the great liberality which has been extended towards the Territories and new States, I choose to recall to their recollection the facts, and ask whether in the case of Louisiana, as in that of Missouri, there was not an open infraction of the treaty of Louisiana, as well as a violation of the fundamental principles upon which this Government is founded?

The appropriations for the support of the governments established by Congress over the Territories, have been referred to as among the favors bestowed upon the people of the new States. One or two Senators have made large estimates of the expenditures incurred in the administration of these governments, and propose to charge them against the new States. But the condition of the territories has been misunderstood, and the appropriations much overstated. Sir, the governments were the creatures of Congress. Governors, judges, and secretaries to administer them, were appointed by the United States, and their salaries were paid out of the national Treasury; but in seven of the twelve not a cent was ever appropriated towards the other necessary expenses, except by accident, as it seems. The appropriation for the Territory of Orleans in 1805, includes the pay of the Legislative Council; and in 1816 there was appropriated in Illinois, I think, $1,170 for the publication of the laws.

From the commencement down to 1823 (except in the two instances I have named) there never was an appropriation for the Territories for the payment of the expenses of the Legislature, the publication of the laws, building their State-houses, or their prisons; but a change came over the legislation of Congress about that period. It was then felt that if you established a government without asking the consent of the people, you ought at least to pay the expense of that government: and a greater degree of liberality has been extended towards the Territories since that time. But it is not to be charged as a favor; it was but the fulfillment of an obligation which had before been disregarded.

The Territories were denied the power of taxing the public lands; there was but little real estate in any of them owned by individuals; seven of the twelve were required to pay all the expenses of government, except the salaries of the officers appointed by the United States, and were obliged to impose heavy taxes on the little property and the industry of the pioneer settlers. All were denied the right of self government. The people were prepared to submit to almost any terms to escape from a system which had been forced upon them, in order that they might, to some extent, at least, enjoy their inherent right to govern themselves.

When they made application (as was formerly the practice) for permission to organize a State government, they were told—You may form a constitution, provided it shall be republican in form, but you shall not be admitted into the Union "with the same rights of sovereignty, freedom, and independence as the other States," according to the terms of the resolution of 1780, and intended by the Constitution, but you shall come into the Union, if you come at all, with manacles on. You shall surrender all claim to the unappropriated lands, and the property of the United States shall be forever exempt from taxation.

The honorable Senator from Kentucky appears to be of opinion that those exactions were of no consequence, and contends that the lands would have remained the property of the United States, exempt from taxation, without any stipulation or compact whatever. Why, then, I ask, this solemn trifling? Why make the exactions, if wholly unnecessary? But the Congress of the Confederation could not have entertained the opinion expressed by the Senator, when they passed the ordinance of July, 1787, and no Congress since has ventured, (whatever may have been the opinion of individual members,) to take the risk of leaving the question open to judicial decision. In all the acts authorizing the formation of State governments, the same conditions have been imposed.

I have before referred to certain special exactions in the cases of Louisiana and Missouri. I have now before me the terms, in substance, exacted from all the States. In several of them the relinquishment of title is expressed in these words:

"They shall never interfere with the primary disposal of the soil, or with any regulation that Congress may find necessary for securing the title in said soil to the *bona fide* purchasers"

In the act providing for the formation of a State government in Louisiana, they give an interpretation of that language:

"The Convention shall provide by ordinance irrevocable, without the consent of the United States, that the people of such State do agree and declare that they forever disclaim all right or title to the waste or unappropriated lands within the State, and that the same shall remain at the sole and entire disposition of the United States."

I believe the same provision was made in respect to Mississippi and Alabama.

I say again, if, in the opinion of Congress, it would not have followed as it did in the old States, as a matter of public law in the absence of any stipulation to the contrary, that the States as sovereign would have acquired the titles to the lands, why this solemn trifling so often repeated?

The next condition precedent to the exercise of the right of self-government is, "that no tax shall be imposed on lands the property of the United States." As I understand it, every sovereign State has a complete power to impose taxes upon all property within her own limits, though it may belong to another State, a power which is subject to no limitation not imposed by itself. Therefore, in the absence of a stipulation to the contrary, "lands, the property of the United States, within the new States, would have been subject to the taxing power of the States in which they lie." These lands are not among the means or instruments of Government necessary to the execution of a constitutional power; and, therefore, are not protected by the Constitution.

The honorable Senator from Kentucky says, there is a distinction between lands acquired by the United States from a State—from the Indians, or from foreign nations—and those acquired from individuals; the latter being taxable, the others not. The compact does not make any distinction; it includes all lands the property of the United States, and protects all. Congress did not perceive the distinction made by the Senator. They exacted the stipulation to exempt all, because without it all would have been subject to taxation.

I may be permitted here to ask the honorable Senator, if the United States hold these lands as an instrument of government, and they are not for that reason subject to taxation, whether, when Kentucky shall get the grant that she asks by his amendment, and shall select land in Missouri or some other land State, it will become an instrument of her government, we will be allowed to impose taxes upon it or not? What difference is there between the United States, as a Government, holding property within the limits of a sovereign State, and another State holding property within the same limits?

If the fact of ownership by a State, or the acquisition in large quantities from another State, exempts lands from taxation, the 14,000,000 acres which the honorable Senator proposes to divide among the old States will be exempt, if the principle maintained by him is tenable. On this question of the taxing power of a State, I intended to refer to some judicial opinions in support of the position I have assumed, but I pass on to inquire into the value of the power surrendered.*

The honorable Senator from Kentucky, when he was replying to the suggestion made by the honorable Senator from Massachusetts, [Mr. SUMNER,] seemed to have forgotten entirely the question that we make. It is not whether it was right or proper that the United States should pay for the construction of our roads, or the management of the internal police of our counties, but what would have been the value of the taxing power to the States if it had not been surrendered. The rate and object of taxation is a question of expediency which would have been submitted to the Legislatures of the States.

The Senator from Kentucky, [Mr. UNDERWOOD,] whose advent was announced by the Senator from Virginia [Mr. HUNTER,] with a promise that he would sink the Senator from Massachusetts by a single broadside upon this question of the pecuniary value of the power of taxation, seems to me to have failed altogether in his undertaking. He carries heavy metal certainly, but he does not beat well to windward, and the honorable Senator from Massachusetts had the weather gage on him. That his shot fell short, I do not attribute to any lack of seamanship, or want of skill in gunnery, but the quality of the ammunition he used. It could not carry the shot the required distance.

It has been said that the honorable Senator from Massachusetts has overstated the value of the power surrendered. It may be that he over-estimated the average of time; but there are so many elements entering into the calculation that it would require more time to make an accurate statement than any of us have to bestow upon it. And in order to an approximation, some average must be assumed as a basis of the calculation, in which, perhaps, no two Senators would agree. The Senator from Massachusetts has not overstated the rate of taxation, however. It struck the Senator from Kentucky with surprise only because in his State the lands are owned by individuals, and are all subject to taxation. But the condition of the new States is widely different. There was very little land subject to taxation in any of them at the time of their admission into the Union; and in most of them, at this day, the greater part of the lands within their limits is exempt.

I have before me a statement showing the condition of one of the new States, which will afford the means of an approximation to the value of the taxing power surrendered. The compact between the United States and the State of Missouri took effect on the 1st of January, 1821. The area of Missouri is 43,123,200 acres. Of that quantity, including the bounty lands that have been located, the New Madrid location, the confirmed and unconfirmed grants of land, and the sales by the United States, the whole taxable real estate within the State of Missouri at the time of her admission into the Union was 2,481,947 acres, or one twentieth of the whole. And at this day, but one fourth of the public lands in that State have been sold, and there remain 29,000,000 acres yet unsold, and not taxable. Yet gentlemen are amazed at the idea of one per cent. taxation for State and county purposes.

Mr. SUMNER. My basis was not one per cent., but one cent an acre.

Mr. GEYER. I am aware of it, and intended to say so; but gentlemen are startled at a proposition of the kind because they have resided in parts of the country where the whole of the real estate was subject to taxation. The State of Missouri had, in 1821, 2,481,947 acres subject to taxation, which, at the rate of one fourth of one per cent., would produce annually $7,756; at one per cent. the entire revenue from that source would be $31,024; and when it is remembered that the county and other local expenses are to be provided for, gentlemen ought not to be surprised to find the rate of taxation higher than it is in the old States; it must be so, or the new States would be obliged to throw the chief burden of government on the personal property and labor of the citizens.

I have been informed by Senators representing the new States, that the taxation for State, county, and local purposes, varies from one to three per cent.

The State immediately interested in the bill (Iowa) contains 32,584,960 acres, of which 1,956,214 acres were sold prior to the 1st of January, 1847. I have not the means of ascertaining precisely the amount of land sold since the 1st of January, 1849; but I estimate the quantity remaining unsold on the 1st of January, 1852, at 27,600,000 acres, and the aggregate now taxable, at 2,614,651 acres. And the rate of taxation in that State must exceed that taken by the Senator from Massachusetts as the basis of his calculation. The rate in Missouri, for all purposes, has been, and in some portions now is, above one per cent.

I now propose to show the loss to Missouri by the surrender of the taxing power, assuming the rate of taxation at one third of one per cent. for all purposes. I have before me a table, taken from a paper published at Saratoga, in New York, by which it appears that the aggregate corrected valuation of real and personal estate in the county of Saratoga is, $14,103,943, and the aggregate taxes for the year $48,506,99, making nearly 34 4-10 cents on $100. I suppose, then, that the honorable Senator from Kentucky will not deem it unreasonable to estimate the value of the exemption in Missouri at one third of one per cent.

I have before me a statement of the amount of taxes that would have accrued in Missouri up to 31st January, 1851. The lands then remaining unsold (29,000,000 acres) had been exempt from taxation thirty years. I have ascertained the sales in every period of ten years, and averaging the time, arrive at the period I suppose the lands had been exempt. The lands sold (10,189,322 acres) were exempt for five years after sale—the bounty lands exempt for three years. Taking the value for the purpose of taxation to be $1 25, the aggregate of the taxes accruing up to the 1st of January, 1851, at one third of one per cent., would be $4,529,239. I do not take into the account the exemption of the unsold lands for all time to come; only one fourth of the public lands have been sold in that State during thirty-three years, and if we may form a conjecture as to the time when the balance will be sold, a large portion of it may remain unsold for sixty or one hundred years to come. I do not

*1. The jurisdiction of a nation within its own territory is exclusive and absolute; it is susceptible of no limitation not imposed by itself.—*Exchange* vs. *McFadden*, 7 *Cr.* 116.

2. All exceptions to the full and complete power of a nation within its own territories must be traced to the consent of the nation itself.—*Ib.*

3. That the taxing power is of vital importance, that it is essential to the existence of government, are truths which it cannot be necessary to reaffirm. They are acknowledged and asserted by all.—*Providence Bank* vs. *Billings & Pitman*, 4 *Peters*—514.

4. The rule of construction announced in Providence Bank *vs.* Pitman, was not confined to the taxing power, nor is it so limited in the opinion delivered.—*Charles River Bridge case.*

5. The States have no power to tax any of the constitutional means employed by the Government of the Union.—*McCulloch* vs. *Maryland*, 4 *Wheat.*, 316.

Not for want of an original power in independent sovereign States, but because of the restraints imposed by the Constitution.—*Weston et al.* vs. *City of Charleston*, 2 *Peters*, 380.

6. States may impose taxes on the real estate held by the Bank of the United States.—*McCulloch* vs. *Maryland.*

7. The purchase of lands by the United States within the territorial limits of a State does not of itself divest the jurisdiction or sovereignty of such State over the lands so purchased.—*United States* vs. *Canell*, 2 *Mason*, 60.

take into the account the number of land warrants that have been and will be issued, and are likely to be located in that State, which are exempt by compact from taxation for three years, while they remain in the hands of the grantees.

It is now proposed to charge us with all that was granted by the compact, of which I shall speak more particularly hereafter; and the whole amount of it, including the grant made by the act of 1841, at $1 25 an acre, would be $2,128,472 50, which would leave a balance against the United States of $2,400,766 50. If the honorable Senator can make the swamp lands equal to that, we will then square accounts. [See Appendix A.]

There is another article in the compact of which I desire to speak in this place. It declares that the river Mississippi, and the navigable rivers and waters leading into the same, shall be common highways, and forever free to all the citizens of the United States, without any tax, duty, impost or toll therefor. The effect, I presume, is to deprive the States of the control and regulation of the rivers within their limits, both in respect to their improvement and use. It has lately been decided by the Supreme Court of the United States that a bridge across the Ohio could not lawfully be constructed under the authority of Virginia which shall at all interfere with the navigation, although the boundary of that State extended to the northern shore.

I suppose that when the United States entered into a compact which should make the rivers free, national highways forever, they assumed corresponding obligations, and became bound to do all that the States could or ought to have done if they had reserved to themselves the power over them. I believe it to be their duty to employ all necessary means to render the rivers not only available, but safe, as public highways; and that duty has not been performed. Appropriations have been made to some extent for that purpose, but of late it would seem that the obligation to improve the rivers has been altogether repudiated by the action of Congress.

I come now to the specification of the favors which we have received. The first is, the five per cent. of the net proceeds of the public lands. In six of the States, including Missouri—Louisiana was an exception—three per cent. was set apart for the construction of roads and canals within the States, under the direction of the Legislatures, and two per cent. was reserved to be applied, under the direction of Congress, to the construction of a road leading to their States respectively.

In Louisiana, the whole five per cent. was appropriated to roads and levees, and in the remaining new States, to roads and canals within their respective limits, under the direction of their respective Legislatures.

What was the object of these appropriations? It was not to benefit the States, nor ought they to be charged to them as favors granted. The United States reserved the control of part of the works, and of the application of the money in all, because, as I suppose, the appropriations were made for their own benefit, for the construction of roads, bridges, and canals, which would enhance the value of the public lands and promote their sale and settlement—objects apparent in all the legislation concerning the public lands.

After all, if these appropriations must be treated as grants, what do they amount to? In some of the proprietary governments, six per cent. of all the lands were dedicated to public use for roads, and every grant was subject to an appropriation of that portion whenever it was required. But the United States, the great proprietor, appropriates in all only five per cent. of the net proceeds of sales to aid in the construction of roads, bridges, and canals, for their own benefit, and it is now gravely proposed to charge the whole to the new States.

In six of the States, two per cent. was reserved for making what is called the Cumberland road. That, too, the honorable Senator admits was designed to promote the settlement of the public lands—to increase the demands for sale to individual purchasers, in order to assist the revenue from that source.

I propose now to inquire into the execution of the trust, and show to what extent the United States redeemed the obligations they assumed under the compact to apply the two per cent. reserved to the construction of a road to the States, who were parties. I have before me a statement of the expenditures on the Cumberland road, said to have been constructed under the compacts. That road, east of the Ohio, cost $2,851,331; of which there were general appropriations, $1,606,331; charged to Ohio two per cent. fund, $710,000; to the fund of Ohio, Indiana, and Illinois, $535,000.

It thus appears that a part of the fund reserved under the compacts with Indiana and Illinois to be applied to the construction of a road to those States, was applied to a road in Maryland, Pennsylvania, and Virginia.

The appropriations for the road west of the Ohio, amount to $4,368,815 35; of which there was charged to the Treasury generally, $1,150,000; to the two per cent. fund of Ohio, Indiana, and Illinois, $1,263,815 35; to the fund of Ohio, Indiana, Illinois, and Missouri, $1,955,000. It will be perceived that in making these appropriations, the terms of the compacts were very little regarded. The fund of Ohio, which was to have been applied to a road east of the Ohio, is appropriated to a road west of that river, through Ohio, Indiana, and Illinois. The fund of Indiana, applicable only to a road leading to the State, was appropriated to a road through her territory, and from her western boundary, through Illinois. The reserved fund of Missouri was charged with the expenses of constructing a road through Ohio, and Indiana, and in Illinois, to her seat of government.

The road was commenced and carried forward, I think, upon a false principle; and I agree with the honorable Senator from Kentucky that the proceeding ended in a farce—which, I will add, will not bear repetition. Though I think the road has been of greater benefit to the country, perhaps, than would have resulted from any other equal expenditure of money, I cannot assent to the principle on which it was commenced, and to which I trace its unlucky termination, in what the Senator calls a farce.

Congress proceeded upon the idea that a power to construct the work by appropriations from the Treasury, might be acquired by compact with a few of the States separately. They commenced under a compact with Ohio, to make the road through other States with their assent, and then undertook to extend the road westward through Ohio under a compact with Indiana; through Indiana under a compact with Illinois; and through Illinois under a compact with Missouri. Instead of looking to the Constitution as the source of power to construct such works, it was sought to obtain it by compact with individual States; and though much good was accomplished, the whole proceeding was arrested and the power of Congress set at defiance by a resolution of the Legislature of Illinois.

After millions had been expended in the construction of the road, Congress was about to extend it to the seat of government of Missouri. Two routes were surveyed. Illinois selected that which she preferred, crossing the Mississippi at Alton, and forbade the United States to make the road within her territory, unless they would follow the route chosen by her Legislature. The power which had been derived under the compact with Missouri disappeared at the bidding of Illinois, and so the continuation of the road was abandoned. The whole line of the road from Cumberland westward was put in good condition at the expense of the United States, and surrendered to the States respectively through which it passes. The result is that the United States have made a road for Maryland, Pennsylvania, Virginia, Ohio, Indiana, and Illinois, and the people of Missouri and other States pay toll when they have occasion to use it. Yet, if I understand the honorable Senator from Kentucky, he commends that system of appropriations to construct roads and canals, in order that they may be controlled, not by the United States, but surrendered to the States, to have tolls levied upon his constituents and mine.

Mr. UNDERWOOD. Not at all. That is not my position.

Mr. GEYER. The honorable Senator corrects me. He wants to have the roads free.

Mr. UNDERWOOD. Except the cost of superintendence.

Mr. GEYER. Well, it occurred to me, at the moment that argument was used, that it was a complete answer to the speech he had made. If it is expedient to make roads by appropriations from the Treasury of the United States, which are to be free, except so much toll as will be sufficient to pay the cost of superintendence, why may we not make roads which cost nothing to the Treasury of the United States, and nothing for superintendence?

There is, however, another matter connected with the five per cent. compact, which I think will, when it is brought to the minds of Senators, satisfy them that there is nothing to boast of on that account. I do not know—but perhaps the honorable chairman of the Committee on Public Lands can tell me—how many acres of military bounty land have been and are about to be granted under different laws. I understand that the aggregate will be from eighteen to twenty millions of acres. What then becomes of the five per cent. revenue on these eighteen or twenty millions of acres, that are to be located as military bounty lands? Are the United States at liberty to disregard their contracts? I am not complaining of the military bounty acts; but I do say, that when the United States thus defeat the rights of the new States under their compacts, there is no reason for much boasting as to the favors that have been granted to the new States.

The next item in the account is the school and seminary lands, for which the honorable Senator proposes to charge at the rate of $1 25 per acre. Sir, before any State was formed out of the territory of the United States, in the very first act, [the ordinance of 1785] providing for a disposition of the public lands, and in every act of Congress since passed for the same purpose, provision was made for these very grants, or these very reservations, rather, of school and seminary lands. The object is apparent; the reservations were made to be afterwards granted, as an inducement to persons to go into the wilderness and make settlements. It was to promote the sale and settlement of the public lands—the object contemplated by the acts of Congress—by securing to the settlers of every township a spot on which to erect a school-house and some aid in supporting a school.

By the irrevocable compact contained in the ordinance of 1787, Congress pledged the United States to the encouragement of education, by declaring in the third article that "schools and the means of education shall be forever encouraged." It was not a stipulation to be performed by the people of any Territory or future State, for they were deprived of the means. The obligation was assumed by the United States, and is one of the "engagements" solemnly ratified by the Constitution. How education was to be encouraged, in the opinion of Congress, we ascertain by the ordinance of 1785 and subsequent acts of Congress.

I apprehend that no Congress before or since the adoption of the Constitution, ever supposed that lands appropriated by them for the support of

APPENDIX.—A.

A statement of the value of the taxing power surrendered by the State of Missouri, from January 1, 1821, to January 1, 1851, computed at one third of one per cent.; estimating the sales for 1849 and 1850, at 436,962 acres:

1. Unsold 1st January, 1851, 29,000,000 acres, at $1 25 per acre=$36,250,000. Exemption, 30 years	$3,625,000 00
2. Sold between 1st January, 1841, and 1st January, 1851, 2,634,448 acres, worth $3,280,000. Average exemption, 25 years.	273,333 00
3. Sold between 1st January, 1831, and 1st January, 1841, 6,050,154 acres, worth $7,562,442. Average exemption, 15 years.	378,120 00
4. Sold between 1st of January, 1821, and 1st of January, 1852, 1,094,764 acres, worth $1,368,455. Average exemption, 5 years.	22,807 50
5. Sales between 1st January, 1821, and 1st January, 1851, 10,189,322 acres, worth $12,736,652. Exemption, 5 years	221,277 50
6. Bounty lands, total, 688,973 acres, worth $871,216. Exemption, 3 years	8,712 00
	$4,529,239 00
Granted to State by compact—school lands 1,108,073 acres; seminary lands, 45,520 acres; seat of government, 2,560 acres; and saline lands, 46,625 acres. Total, 1,202,778	$1,503,472 50
By act of 1841, 500,000 acres	625,000 00
	$2,128,472 50

schools and seminaries of learning, were to be charged to the States in which they lie at $1 25 per acre, or at any price.

As to the seminary lands, I would inquire of the honorable Senator what is the value of the power to lease them not exceeding ten years? That was the extent of the interest under the compact. It is true, that in some of the States, and I believe in nearly all of them, permission has been granted to make sale of them, but upon terms prescribed by Congress. The State is only a trustee, charged with the application of the fund for the endowment of a literary institution. It can be applied to no other purpose. The necessary land and buildings must be provided by the State, and paid for out of the State treasury, before the endowment can be made available.

The policy of appropriating lands to the support of education, which has been uniformly pursued by Congress in the new States, was adopted in respect to the lands in Tennessee. In the cession by the United States to that State in 1806, 100,000 acres were appropriated for colleges, and 640 acres in every six miles square, for schools; and in the grant to the same State, in 1846, 40,000 acres were appropriated to similar objects.

I believe I have now disposed of all the specifications of favor under the compact, except the saline lands; and if we include them, and allow the whole against the States, at the rate of $1 25 an acre, and add the 500,000 acres under the act of 1841 at the same price, the new States have an exceedingly hard bargain. Far better would it have been for them to have reserved the power of taxation, if nothing more. It would have been worth more to them than all the lands and proceeds of lands they have ever received for themselves or in trust.

The last item, and the last resort of the honorable Senator from Kentucky, is, the swamp lands. I do not know what may be the opinion of other Senators, representing States including any of these lands, but for my own part, I am perfectly willing, if the honorable Senator can contrive to annex the swamp lands of Missouri to his State, and covets them, that he should have them. They are nuisances which the United States were bound to abate; but rather than fulfill that obligation, they chose to turn the swamps over to the States in which they lie, and leave them to perform the disagreeable job. I know something of the swamp lands in Missouri, and I can tell the honorable Senator that there are thousands of acres, the soil of which he could not touch with a ten-foot pole. Some cannot be reclaimed at all. To reclaim those along the Saint Francis river, will require the removal of a raft miles in length, extending, I believe, into Arkansas.

What the cost of such an operation would be, we may estimate when we look at the appropriations for the removal of the raft on the Red river, and the work accomplished by them.

I come now to the provisions of this bill. I have said that the honorable Senators who have spoken in opposition to it, treat it as if it proposed to make a donation to the State of Iowa of a sufficient quantity of land to build her railroad, and then maintain her government by levying taxes in the shape of tolls upon the citizens of other States.

Here Mr. G. gave way to a motion, and the Senate adjourned.

WEDNESDAY, *February* 25, 1852.

The bill being again under consideration—

Mr. GEYER continued: When the Senate adjourned yesterday, I had concluded that part of my argument which is designed to repel the charges made in this Chamber against the new States. If I have succeeded in making myself understood, I think I have established that, so far as favors can be estimated in money, the balance is decidedly against the General Government; and if the principles of government which we have all professed to cherish are of any value, the new States have been greatly the sufferers by the terms imposed upon them at the time of their admission into the Union. I have adverted to the facts, Mr. President, not for the purpose of using them as the foundation of a claim for the passage of these bills, but to show how utterly destitute of any apology are the opprobrious epithets employed by persons out of this Chamber, and somewhat encouraged by the course of remark within it, towards the new States.

Mr. President, before I proceed in the line of my argument, which I am about to resume, it is due to the honorable Senator from Georgia, [Mr. DAWSON,] to take some notice of an explanation which was given by him yesterday evening of a portion of his speech as published, which I quoted. It seems that he did not design to intimate that we had all the railroads mentioned by him already constructed at the expense of the United States, but that his imagination reached forward to a period when they should be constructed; and then he concludes that they will have been built exclusively from the Treasury of the United States, without the cost of a single dollar to the people of the States. My apology for having made the quotation is, that I supposed the honorable Senator said what was reported, and meant what he said. I accept the explanation, however, and it now results in this, that he concurs with the honorable Senator from Kentucky [Mr. UNDERWOOD] in the general intepretation of these bills which I stated yesterday, namely: that they propose to give to the new States, without any consideration or equivalent, a quantity of land sufficient to construct their railroads, and then to support their governments by levying tolls upon the citizens of other States. That is the proposition distinctly made by the honorable Senator from Kentucky, and which now appears to have the approval of the honorable Senator from Georgia.

If I shall be successful in making myself understood, I hope to show that these bills, if they become laws, instead of diminishing will increase the receipts into the Treasury from the public lands affected by them, and make a large reduction in the annual expenditures of the Government. On this branch of the subject, I address myself more especially to the honorable chairman of the Committee on Finance, [Mr. HUNTER,] who appears to predicate his opposition to the bills mainly on the assumption that their effect will be to diminish the receipts of the Treasury. He regards the public lands only as a source of revenue, or as a fund to support and maintain the public credit, and supposes they may be needed for one or both these purposes at some future period.

The public lands constitute a fund undoubtedly, but a fund to be administered as other funds of the United States—to be applied to the beneficial execution of the trusts confided to the General Government, and for the promotion of the ends for which the Constitution was ordained and established. The power of Congress over the lands is coëxtensive with their power over the public money—they are under no particular obligation to dispose of them in any one mode rather than another. Whenever an appropriation shall be needed for any constitutional purpose, it may be made in lands, or money, or both, as Congress shall deem expedient.

In the course of my remarks yesterday, I said that the policy of the Government, from the beginning, had been to survey and sell the public lands. They are now in the market, and may be purchased at $1 25 per acre, and when that is obtained, all is accomplished that is contemplated by the law under the present land system.

Any State, corporation or persons may purchase, at the minimum price, any quantity of public land subject to entry, and apply it to any purpose at discretion. If they choose to construct a railroad or canal, they may take their own time, appropriate to themselves all the profits on the land, and make their own bargains for the transportation of the mails, troops, and property of the General Government.

Now, Mr. President, there are in every township of six miles square thirty-five sections subject to sale, (section sixteen being appropriated to the support of schools;) at the minimum price a township would produce $28,000, if sold. The bill proposes to grant the seventeen even numbered sections subject to sale in aid of the road, and double the price upon the eighteen odd numbered sections reserved, which would yield to the Treasury $28,800, at the minimum price fixed by the bill—being $800 more than the whole township would produce if sold in the ordinary mode. The bill affects two townships for every six miles of the road, and a road of two hundred and forty miles in length (which, I believe, is the length—one proposed in Iowa and one in Missouri)—would yield an increased revenue (to say nothing of the other advantages secured to the United States) of $64,000. I submit it to the honorable Senators from Kentucky and Virginia now to say, whether this and like bills will have the effect of "squandering away the public lands"—to render them unavailable "as a source of revenue"—whether, if the reserved lands shall sell for the minimum price fixed by the bill, there is a loss or gain to the Treasury.

No Senator who has taken part in this debate has contended, or offered anything like an argument to show that the reserved lands will not probably produce $2 50 per acre. The honorable Senator from Tennessee [Mr. BELL] is of opinion that they will readily sell for $5 or $10 per acre. The honorable Senator from Georgia [Mr. DAWSON] assumes that the granted lands will bring $2 50 per acre at least; but he does not seem to think that the reserved lands will sell for the same price. I think, and may as well say it here once for all, that whatever price may be obtained for the granted lands will be obtained by the United States for the reserved lands; and that opinion, I presume, will not be seriously disputed.

The honorable Senator from Kentucky appears to think that the reserved sections will sell at some time for the minimum price fixed by the bill; but he objects to the bill, because, he says, the augmentation of the price will delay the sale, and thus affect the revenue. Delay the sales how? Mr. President, I can inform the honorable Senator that there are lands in Missouri along the line of the Pacific railroad, so called, now in process of construction, the sales of which had been delayed thirty years under the existing system, and but for the location of the road would in all probability have been delayed as much longer; but as soon as a part of the line of the road was established, every acre of the unsold land, on each side of the road as far as it is located, was entered by persons who made little or no inquiry as to the quality of the land, or the uses to which it might be put; and now the same lands, distant from St. Louis from twenty to forty miles, cannot be purchased at less than from $5 to $10 per acre.

It can scarcely be doubted then, I think, that there will be an augmentation of the market value of the reserved lands to the full extent supposed by the bill, and therefore the revenue derived from the lands reserved will exceed that which would be received under the general land system, for the whole of the granted and reserved lands together. The construction of the roads will create a demand for and accelerate the sales of other lands that probably never would be sold at all under other circumstances. The reason for this was given by the honorable Senator from Illinois, [Mr. DOUGLAS,] and I shall not occupy the time of the Senate by repeating it.

But the honorable Senator from Kentucky commends to him the old adage, "that hogs are the best sacks to carry corn to market in." Where the people are living in prairie districts, distant from timber, or from shipping points, they are to use the honorable Senator's primitive locomotives to carry their corn to market. But how are they to get timber in the midst of these prairies? How are they to be accommodated with the means of transporting the produce of their farms to market? Will it be a sufficient inducement to persons to purchase lands in the prairie or wilderness, settle on them, and open farms, because, in the opinion of the Senator, "hogs are the best sacks to carry corn to market in?"

Mr. President, the value of that argument may be tested by the proposition of the Senator himself. He and other Senators are not content that they and their constituents should have no other means of carrying produce to market, than that so earnestly recommended to the settlers on the prairies. They ask an appropriation of 14,000,000 acres of land for the construction of railroads, that they may send their produce, including "corn" and "sacks," to market, by a somewhat better mode of transportation than that recommended by the Senator.

But to return to the honorable Senator's ob-

jection on account of the delay of the sales. The granted lands can be sold only as the road progresses; the reserved lands may be disposed of at any time after the line of the road is established. The probability is that the sales of both descriptions of land will be made as the road progresses. This certainly may be done, and the demand for the lands will require that it should be. All will no doubt be sold in less than ten years, for the road must be completed within that period, according to the terms of the bill, or the State must pay into the Treasury the whole amount received from sales, no matter at what price the land was sold. The lands remaining unsold revert to the United States, and they retain all the money received for sales of the reserved lands. The bill, therefore, provides abundant security against delay, and full indemnity if it occurs from any cause. Lands may have been sold for a distance of fifty miles or more at $2 50, or, if the Senator from Tennessee pleases, at $5 or $10 per acre. The United States keep all they received, get all the money received by the State, and retain the title to all the unsold lands covered by the bill.

But, sir, if the road is completed, there will be a gain to the United States, as I have shown, of $1,600 for every six miles of road, that is, in the sale of the reserved lands in two townships, supposing the whole of it shall be now vacant. They will secure the free transportation of their troops and property forever along a road which is to be built at the risk and sustained at the expense of the citizens of the State through which it runs. Have Senators ever estimated the value of the transportation which is to be furnished forever free of cost? According to the estimates for the fiscal year, commencing from the 30th of June next, there will be required for the transportation of troops and supplies $1,920,000 for that year, to which must be added the cost of the transportation of other property, the amount of which I have not the means of ascertaining. But the aggregate of expenditure per annum for the transportation of the troops and property of the United States, will be at least $2,000,000 in time of peace. How much of that would be saved by these bills, cannot be precisely ascertained. But some idea of the money value of the service secured to the United States forever, may be formed by considering that to secure an income equal to the estimated annual expenditure, ($2,000,000,) would require a permanent investment yielding six per cent. of $33,333,333, equal to the proceeds of 26,666,666 acres of land. An appropriation of that quantity of land in aid of railroads, upon the terms proposed by the bill under consideration, would secure to the United States the free transportation of their troops and property in peace and in war forever over 7,400 miles of railroad, without the investment or expenditure of a dollar, but with an actual gain to the Treasury, the land yielding more than it would produce if sold.

But in addition to all the advantages to which I have adverted, the United States will have the power to dictate contracts for carrying the mails over the roads. The bill provides, "that the United States mail shall at all times be transported on said railroads," under the direction of the Post Office Department, *at such price as Congress may direct*—a power of no small consequence. Ordinarily there are two parties to a contract; but under the bill, the most important part of it is to be prescribed by one of them. With such decided advantages secured to the United States, the greater the number and the longer the roads that shall be constructed, the better for the Treasury.

What do the old States lose by the operation? And I ask that question, because, during this debate, I have heard almost every gentleman who has spoken in the opposition, complain as if they supposed some injury was to be inflicted upon the old States by the passage of this bill. I admit that they do not gain, except in some consequential advantages which result from the construction of railroads over every portion of the country. But what do they lose? What is it that excites their indignation whenever a proposition is made for the construction of a road in any one of the new States, which is to cost the United States not a dollar? Sir, if they want to make a distribution of the proceeds of the public lands, the amount will be enhanced by the operation, and they will get the more of it. The greater the number and the longer the roads which shall be constructed, the larger will be their dividends of the proceeds of the lands.

This bill, Mr. President, is misunderstood in another respect. Senators speak of it as a "grant" to the State of Iowa, as if that State was to be a beneficiary. The State is made a trustee to manage a fund in a prescribed mode for the promotion of a great public object, and under sanctions that shall secure the faithful administration of the trust. Of what benefit is that to the State as a unit, to use the language of the honorable Senator from Kentucky? Of what peculiar benefit will it be to the new States, that they should have the management of the work with the responsibilities attached to the trust? They have no discretion whatever in the disposition of the lands or the application of their proceeds, and are accountable to the United States if the lands or the proceeds shall be squandered or misapplied. They are required to guaranty the completion of the road in ten years, or forfeit all claim to the lands remaining unsold, and pay to the United States the full amount received from sales, though it may have been faithfully applied to the construction of the road.

I now inquire at whose expense is the road to be built? Because honorable Senators say and insist that it will be done exclusively at the expense of the United States, or in the language of the honorable Senator from Georgia, "Without a dollar being taken out of the pockets of the citizens; but all out of the Treasury—all out of the public lands." How that proposition is to be maintained, I am at a loss to comprehend, since the United States receive more into their Treasury than they ask for the land appropriated and reserved by the bill. Mr. President, the road is to be built, if at all, by the people who are to enjoy the more immediate advantages of the work. And when it is constructed, it must be maintained and kept in operation at their expense and risk—not at any expense or risk to the United States, although they will have the free use of the road for the transportation of their troops and property, and may dictate terms for carrying their mails. The people, by the application of whose money and labor the road will be constructed, and the value of the lands appropriated and reserved augmented, bear all the expense, take all the risk, and suffer the loss, if any happen. The United States invest nothing, lose nothing, risk nothing.

But it is said that the people who travel along the road, or use it for the transportation of property, the citizens of Kentucky and the other old States, will be required to pay toll. Sir, that will be the case with the citizens of Iowa and the other new States named. The roads will be free to no State or people. The United States alone will have the free use of them, when constructed under the provisions of this or other similar bills.

Another mistake into which Senators have fallen, is in assuming that the lands granted in aid of the roads will furnish means sufficient to construct them. They estimate the lands at from $2 50 to $10 per acre, sum up the aggregate and then argue, that the bills propose a gift of that amount in money or lands of that value. Sir, that is a mistake, a very great mistake. Before the lands can be made to sell at any advance of price, there must be a large amount of capital and labor expended upon the roads, at the cost of the State or people who undertake to prosecute the work, and not at the cost of the United States; though the augmentation of the value will benefit them more than it will those by whose labor and capital it is produced.

I have before me a statement exhibiting the results upon the hypothesis that the prices anticipated by honorable Senators will be realized in the sales. Before I present it, however, I desire to notice an error of the Senators in their calculation of benefits to the States. They assume that all the lands comprehended by the bill are vacant, and that the State will receive every even numbered section within six miles of the road. I apprehend that when the time to make the selection arrives, the land subject to appropriation in aid of the road will not exceed, on an average, four sections to the mile; that is to say, that of the lands within six miles of either side of the road there will not be more than eight sections per mile instead of twelve. These four sections would produce the sum of $3,200 at the present market value of the land; but if the value should be augmented by the money and labor applied to the construction of the road to double price, the land will yield only $6,400; and how a mile of railroad can be constructed and put in operation for that sum, I cannot imagine. It is not one third of the probable cost of a railroad in that section of country through which the Pacific railroad, so called, will pass.

Assuming that the grant will secure in aid of the road all the even numbered sections within six miles of the road, the State will receive thirty-four sections for every six miles of the road, while thirty-six sections will be reserved, and the minimum price increased to $2 50 per acre. The whole seventy sections, if sold, would produce at the present minimum $56,000; the reserved sections at the minimum fixed by the bill will yield $57,600. At $5 per acre, the lowest estimate made by the honorable Senator from Tennessee, the reserved sections would produce $115,200; and at $10, the highest estimate, $230,400.

The gain to the United States in money, if the reserved sections shall sell for only $2 50 per acre, will be $266 66 per mile of the road; if they sell at $5, the gain will be $9,833 per mile; and if they bring $10 per acre, the gain will amount to $33,733 per mile. Such would be the profits accruing to the United States, according to each of the estimates of the value of the lands which have been presented. The receipts into the Treasury from the public lands will be increased, if the sales are made at the minimum price fixed by the bill; but if the estimates of the Senator from Tennessee are correct, these bills propose the best possible disposition for the purpose of revenue.

The honorable Senator from Georgia says that we propose to appropriate 1,800,000 acres of land for the benefit of Iowa, by this bill. If his estimate is correct, there will be reserved by the same bill 1,905,882 acres, amounting together to 3,705,882 acres, which at the present minimum price would bring $4,632,353; the reserved lands at the minimum fixed by the bill would yield $4,764,705, being a gain of $132,352. If you advance the price to $5 per acre, the proceeds of the reserved lands will be $9,539,410, a gain of $4,907,057. If the lands will produce $10, the proceeds of the reserved lands will be $19,078,820 and the gain to the Treasury $14,446,467, under the operation of the system proposed by the bill, in Iowa alone.

Now, Mr. President, I do not know that the honorable Senator from Georgia is correct in his estimate of the quantity of land appropriated in Iowa, or the honorable Senator from Tennessee in his, of the prices at which they will sell; but if they are, the gain to the Treasury will be great. I presented the statement, however, only to show that the legitimate effect of the argument of the Senators, is to sustain the bill, and recommend it to favor.

The main objections to the bill, however, are not placed on the ground of anticipated injury or loss to the United States, or to any of the old States; the apprehension is, that it will benefit the State of Iowa, or the people who reside along the line of the proposed roads in that State, or in the other States named in the bills upon your table. The extent of benefit has been measured by the anticipated augmentation of the price of the lands granted. It has been predicated upon the idea that the lands granted would rise in value, from the mere fact that they were dedicated to the purpose of a railroad, whether that railroad should be built or not. Senators have overlooked the fact that before that augmentation can take place, a large portion of the road must be constructed, or the capital must be supplied to insure its eventual construction. It will not rise in value by the mere fact of the passage of the bill. The labor and capital of the people of that country must be bestowed upon the road, before there will be any augmentation in the price of these lands. But when there is that augmentation, then they are to sell for $2 50 per acre; and the honorable Senator from Georgia says that because this bill proposes to appropriate 1,800,000 acres, it is equal to making a present to the State of Iowa of $4,200,000.

Mr. President, suppose that a gentleman in your

State should happen to make a present of a pound of cotton to a traveling manufacturer, who should afterwards work it up into some fabric that would produce fifty or a hundred dollars, would you claim that you had made him a present of the money, or cotton of equal value? You would set some estimate upon his labor; and you would allow him, if it produced a profit to you also, to have the benefit of the profits accruing to himself. But, sir, if the proposition was made to you in a form more nearly corresponding with that contained in the bill, to make a present of one pound of cotton upon condition that double price should be paid for a like quantity—or that, if the double price for one pound should be secured, you would make a present of the other—you would not think it very unreasonable, if you had the cotton for sale, and the price to be received would pay for both pounds. Yet it might be said with the same grace that Senators argue against the bill, that inasmuch as the whole of the cotton would be worked up so as to yield a profit, the entire gain should be charged as a present.

After all, what is there so very mysterious in the proposition contained in the bill that Senators cannot understand it? How would any landholder, how ought any landholder to act under similar circumstances, if an improvement was proposed to be made through land which was for sale at a given price? Might he not give away one half of it upon receiving double the price for the other half, and not consider himself as bestowing a very great favor? I know a gentleman who made precisely that proposition the other day, when he offered for sale a lot for $12,000 to a committee on the part of the church. They told him that he ought to give them something towards building the church, to which he replied that he would give them one half of the lot to build the church upon, provided they would pay him $12,000 for the other half.

Now, sir, who pays the double price for the reserved lands? Who ought to pay it? Eventually the price, whatever it may be, comes off the people who enjoy the immediate advantages of the road. So that it results that the road is built by the contributions of those who enjoy its immediate benefits, is maintained at the expense of those who construct it, and the United States have the benefit of the work.

The honorable Senator from Virginia says that an owner of land would not act in that way. He would take stock. Now, sir, I have to remark in reply that when he takes stock he takes it at a risk, and he would not expect that the whole value of the stock should be paid back as this bill proposes. An individual would not expect to get back every dollar of capital; to have all his property transported free; to share in all the profits of the road, and incur none of its risks. The idea suggested by the honorable Senator from Virginia is ingenious but not original. When the first insurance company was organized in the city of St. Louis, the operation was not understood by many of the ancient inhabitants. An old gentleman, who was the owner of a number of buildings, was advised to insure his property. He asked for an explanation, and they told him that if he paid so much (one per cent., I believe) on the value of his houses, in case they should burn down within a year, their value would be paid to him. "Well," said he, "that all seems very fair; but suppose the houses do not burn—will they pay me back the premium?" Being answered in the negative, he declined to insure, preferring to take the risk himself. Very much like this is, ought, or would be the conduct of a landowner, in the opinion of the honorable Senator from Virginia: he would take stock, and place the whole capital subscribed at risk, rather than give half his land, receive for the other half the full sum he was anxious to get for the whole, and the free use of the road forever, without incurring any of the risks of the enterprise.

The argument against the bill, as I understand it, when it is analysed, may be reduced to a single proposition; and that is this: That no legislation is just or proper, however beneficial to the country at large, if it confers benefits on any particular section or people, unless provision is made for securing equivalent advantages to every other section and people.

That is the foundation of the claim on the part of the old States. They cannot bear the idea that a great public work should be executed without cost to the United States, which confers local benefits on the States in which they are constructed, if they are not rewarded with equivalents. How would that principle work in practice, if carried out in our legislation? I would ask the honorable Senator from Georgia, how it would apply to the roads which they have built in his State? Were all the people of all portions of the State equally benefited, or were equivalents provided for them? When we are asked to make an appropriation for the improvement of the Savannah river, why do not honorable gentlemen, who object to a measure because it confers a benefit on a new State, rise in their places and demand that all the States shall have an equivalent?

When you come to apply the test to the legislation of Congress in appropriating money for improvements on tide-water, and compare it with the appropriations for the improvement of fresh-water rivers and harbors, we should have a right to complain, if the principle which gentlemen assert here is just and proper.

The honorable Senator from Illinois [Mr. DOUGLAS] mentioned several instances of appropriations in the Atlantic States, to illustrate the impracticability of the rule which demands equivalents. I will bring to the notice of the Senate one more. Very large appropriations are annually made for the purpose of supporting lines of mail steamships. The annual expenditure on that account is nearly or quite equal to the whole value of the land proposed to be granted by this bill to the State of Iowa. There are local benefits resulting from these expenditures, but they are confined almost exclusively to the cities of New York, Charleston, and New Orleans. The course of trade has been directed to these points, by the employment of steamships sustained to a considerable extent by appropriations from the Treasury. The advantage of the system to New York has been immense; by means of the steamships, patronized by the Government, nearly all the gold brought from California is shipped to that city; and now we have an application to establish a mint there, to coin the gold. Another appropriation is to be made which shall confer more local benefits; but no equivalents are thought of for other cities.

The principle on which this bill appears to be opposed, is unsound. I, at least, cannot recognize it as entitled to favor. When I am called upon to act on any proposition, which is, in my judgment, constitutional, the only consideration which will operate on my mind, will have reference to the interest of the country, without inquiring or caring whether any particular locality will receive more or less benefit than another.

I have adverted to appropriations made and contemplated, merely for the purpose of showing that the principle which Senators invoke here cannot be carried out in practice; and if it could, would produce no good. It has never been attempted by any of the representatives of the valley States heretofore; no combined opposition has been made by them to appropriations for improvements on the sea-board, although their own rivers and harbors were neglected; they did not assert in practice the principle upon which this bill is opposed, by refusing to vote appropriations conferring a local benefit unless equivalents should be distributed in that portion of the Union represented by them.

But honorable Senators from the old States are so fearful that there will not be a distribution of equivalents, that they suggest and advocate half a dozen different propositions for the disposition of the public lands, either as arguments against the bill, or for the purpose of securing advantages to their constituents. One favors a donation to actual settlers; another proposes to reduce the price of the lands, and grant what cannot be sold to the States; a third, a distribution of the proceeds of sales among the States. The honorable Senator from Kentucky suggests the plan of the Cumberland road, with a reduction of tolls, so as to produce an amount merely sufficient for the expense of superintendence and repairs; but his favorite system is that adopted in the construction of the Louisville and Portland canal, the result of which he calls "a glorious achievement." The United States became a stockholder in a corporation which has been so managed as to tax the commerce of the day, in order that the commerce of the future may be free. The honorable Senator proposes, as the best form of promoting internal improvements, the formation of joint stock companies, the United States to be a stockholder, which are to levy tolls on the commerce of the present year sufficiently heavy for the return of the capital stock, and to enable posterity to use the work free of charge. I had supposed that if posterity was to have the free use of the improvements, they ought to pay some portion of the expense; and that the infant commerce of the country should not be taxed in order that it might be entirely free when it should arrive at maturity. Then comes the amendment of the Senator from Kentucky, which proposes to make partition among the old States. It does not propose to divide the whole of the public lands now, but it establishes a rule by which partition shall be made of a part now, and of the residue hereafter. He proposes to unite the interests of seventeen old States, and combine them against the State of Iowa, in a single bill. The honorable Senator from Georgia says that "in this matter" the new States are operated upon by interest, and complains of a combination among the new States, when, on the very face of this amendment, it is proposed to combine the interests of seventeen old States, by which it is hoped to secure the votes of thirty-four Senators in this Chamber. Why should they form such a combination against the single State of Iowa? If we must have a conflict, why does not some State of equal force take her single-handed? Why present temptations to the interested motives which gentlemen charge upon Senators, especially when they assume that those who represent the new States have entered into a combination with those who represent the tariff interest, in order to squander the public lands and cut off the revenue from that source?

The honorable Senator from Virginia is particularly careful to protect the Treasury; and the honorable Senator from Kentucky also opposes propositions which tend to a reduction of the receipts from public lands; and yet he offers, by his amendment, to take 14,000,000 acres from the land fund, as he calls it, by which the receipts from that quantity would be cut off forever.

That amendment contains other propositions to which I desire to advert for a moment. It gives a liberty to the States to whom the lands are to be granted, not allowed to the State of Iowa, or the other new States. The old States are to have a discretion in the appropriation of the land. It is a pure gift to them, and they are at liberty to appropriate it to the purposes of education or of internal improvement. Then, what is the benefit which the United States are to receive under this amendment? They get no money. If a road, or bridge, or canal, should be built *exclusively* by the means derived from the lands granted, then the United States are to have free transportation. But when it is granted, does anybody imagine that a road, or bridge, or canal, will ever be built *exclusively* by the fund thus procured? Think, you, it will not require additional capital to make the road, canal, or bridge? The old States will then be released from their obligation, to allow of the transportation of the troops and property of the United States free from toll.

The amendment also proposes that the seventeen old States shall have the liberty to select the land from the reserved sections in the new States through which railroads are to pass. They can select it; and how long may they keep it and withhold it from sale? I hope that the idea was not suggested to the honorable Senator from Kentucky by the hope that these lands would rise to $5 or $10 per acre, and that the State of Kentucky might select them at $2 50. It has occurred to me that if there be a defect in this bill and similar bills on your table, sir, it is in not having provided that the reserved sections shall first be exposed to public sale.

The honorable Senator from Kentucky appears to think that the appropriation of these lands by the States, will be a favor to the poor settlers who otherwise would be required to pay for them. He seemed to admit, in the course of his argument, that the settlers would have to pay for them;

but they are "poor settlers," and in order to relieve them, he proposes that the old States shall have the privilege of selecting the land, keep it as long as they please, and have it—on the principle asserted by him—free from taxation forever, if they choose so long to hold it.

Mr. President, I have now disposed of the objections to the bill, and will present a few public considerations in favor of the system of measures proposed, to aid in the construction of railroads by grants of lands on the terms prescribed in the bill.

In the first place, large portions of the public lands which are now unsaleable will be sold, not only within the distance of six miles from the line of the roads, but to a much greater distance on either side. In those districts in the new States which are distant from the navigable rivers, the lands, however fertile, are not in demand. The few settlers have no inducement to production beyond what is necessary for consumption of their household and their stock; and their lands remain to a great extent uncultivated, because the cost of transportation to a market, in time and labor, would be greater than the entire value of the products.

The construction of railroads will at once create a demand for the public lands. The settlements will be extended, agricultural industry stimulated, and its productions greatly augmented—the comforts and the means of the settlers will be increased—and I need not say, that their prosperity will increase your revenues. Every one who is enabled from the profits of his labor to appropriate annually to the purchase of dutiable goods $100, contributes from $20 to $30 to the support of Government.

We cannot over-estimate the effect of these improvements upon production, and consequently upon commerce. When you come within convenient distance of a railroad, access to ports and the means of exchange become easy, rapid, and cheap; activity is imparted to agricultural and commercial industry, and both interests prosper. I am disposed to favor these roads more especially, because I look upon them as indirect bounties on agriculture, and that interest in a large portion of the new States needs encouragement. It languishes now for the reasons I have stated. Few can be induced to occupy and cultivate lands far in the interior, and of those who attempt it, some abandon their farms to seek more profitable employment in towns and cities. Our cities are becoming overgrown when compared with the settlements in the interior, and if we can, we ought to extend and increase the agricultural population; and the system proposed will have that effect. It will present inducements to the settlement and cultivation of farms by affording a ready access to market, and the means of securing a reward for labor equal to that which now tempts too many to resort to the towns and cities to engage in the business of vending the products of Europe, or in some other of the various employments of a city population.

Mr. President, there are special reasons why this Government should aid in the construction of railroads, or provide some other means of rapid transit to the borders of the States west of the Mississippi.

It has been your policy to establish upon our borders numerous tribes of Indians; some of them more or less civilized; some engaged partially in agriculture, but most of them are wild and untameable, accustomed to depredation, sometimes upon the whites, sometimes upon their Indian neighbors more civilized and orderly than themselves. There is continual danger of serious disturbance which this Government ought to be prepared to subdue at any time promptly. The United States are bound to keep the peace on that frontier, and afford adequate protection to our people, and this can be accomplished most effectually by providing the means of rapid transportation for adequate military force.

You have lately acquired large districts of country extending to the Pacific. California and Oregon ought to be brought within supporting distance; and if the war anticipated by the honorable Senator from Tennessee is to come upon us, the sooner it is done the better. Sooner or later it must be done, and can only be accomplished by opening a direct and practicable communication to that State and territory, through the interior. In time of war troops and munitions of war, and it may be the necessary supplies to support the military or naval force, or both, must be transported to the Pacific through the interior of our own country. You cannot safely conduct your operations either across the Isthmus or round Cape Horn; at least it would be unwise to attempt it.

I do not mean to say that there is a necessity to construct a railroad to the Pacific, but I am of opinion that there is a public necessity for a road or roads of some kind, by which California and Oregon shall become of more ready access. If it is desired to preserve and protect your possessions on the Pacific, you should not only open roads, but establish military posts at convenient distances, and maintain at each a sufficient military force to keep open the communication and hold the Indians in check.

When the roads west of the Mississippi, contemplated by the bills on your table, are constructed, greater security will be afforded to the inhabitants on the frontiers. Troops and munitions of war can be rapidly transported to any point at which it may be necessary to subdue hostilities.

Let us turn our attention for a moment to the great valley—the center, the very heart of the country—and we may form some estimate of benefits which will result from the system proposed. The Mississippi running through the center of the valley almost due north and south—its navigable waters within a short distance of those of Lake Superior on one side, and of Red river on the other; the time will come, and that at no distant day, when there will be an open communication by steam from the Gulf of Mexico to the Gulf of St. Lawrence, and from the Arctic ocean to the Gulf of Mexico—embracing the whole of the temperate zone.

If the country shall be traversed by railroads—if those now in process of construction, and others contemplated from the Atlantic border, shall penetrate to the Ohio and Mississippi, and similar works shall be constructed on the west of the Mississippi—you will have it in your power almost in any one day, to concentrate the whole physical force of the country at any one point.

Almost every man's farm will unite nearly all the advantages of every variety of climate and soil within the temperate zone. The means of transportation and exchange will become so easy, rapid, and cheap, that the productions of his own latitude and soil may be readily exchanged for those of any other. In a word, the benefits which will accrue to all the great interests of the country by the system of measures under consideration, can scarcely be over-estimated.

But the honorable Senator from Tennessee says, that the construction of railroads within the old States will contribute as much to promote the prosperity of the country as those proposed by the bills. To that I assent; and if he will submit a plan by which they can be constructed at as little cost to the Treasury of the United States as those proposed by the bill on your table, I will go with him. Nay, more. Influenced by the public considerations I have imperfectly stated, if a matured proposition shall be made to aid in the construction of a road of general benefit to the country, I should not withhold my assent to the necessary appropriation. I believe that such works will advance the prosperity of the country more rapidly, and tend more effectually to the preservation of the Union, than almost any other disposition of land or money.

Mr. President, I have now performed, as well as I have been able, the duty I assumed. I have only to regret that it was not undertaken by some Senator whose intellectual power would have enabled him to perform it more satisfactorily and more effectually. All I hoped was, that I should be able to afford some aid in placing the subject fairly before the Senate and the country. If I have accomplished that, I am content.

Mr. UNDERWOOD said: Mr. President, I have said, that when the amendment which I had the honor to present should be assailed, I would only make brief replies to the objections urged against it. In the speech of my honorable friend from Missouri, [Mr. GEYER,] just concluded, there are some statements to which I wish to call the attention of the Senate; and I will do it now, with a view to economize time which I am sure the Senate is disposed to apply to other matters. We have evidences enough that the Senate is tired of this debate. [Pointing to the empty seats before him.] I fear that I am considered the cause of unnecessary discussion. I regret it; but still, I must do justice to my amendment and to myself. I think our constituents will and ought to feel an interest in regard to the public lands, if we do not. I propose to notice very briefly some of the arguments of my friend from Missouri. A great deal has been said, both by him and other gentlemen, that was thrown away upon me. I subscribe most heartily to everything that has been urged in favor of making these roads, upon which we may "Splash, splash along the sea." [Looking at Mr. SUMNER.] I am a Whig, and have all my life politically gone for the power of making roads and canals, and appropriating money directly to such objects; and gentlemen throw away their arguments when they address me in behalf of these measures. I make no issue with them, either in regard to the policy or power of this Government on the subject of internal improvements. If it be the object of gentlemen to convince those who are not Whigs, perhaps it is well enough. If my friend shall propose a plan—for military purposes, for commercial purposes, for post office purposes—to make a road to the Pacific, with the public lands or with the money of the nation, he will find me standing by his side.

I am one of those who believe that this Government has constitutional power to construct roads for military and post office purposes, through the States of the Union; but unfortunately for us, there is a class of politicians in this country who deny it. You cannot get these politicians to march boldly up, take hold of the Whig principle, and directly, openly, and above-board, construct works of internal improvement; but they dodge our principle, and seize upon the proprietorship of the public lands to get roads and canals made through their States, avoiding the platform upon which we Whigs plant ourselves. That is the partial, one-sided game that is played, giving advantages and aid to the new land States which are refused to the old States; that is the game against which I protest. I make no such issue as that of opposing the construction of roads and canals in the new States, and never have made it. Why, what did I say the other day? I said, if you do not vote for my amendment, if you throw it out, I have voted for this bill in committee and I shall vote for it here. If I cannot get this great fund applied to assist all the States, new and old; if I cannot do all the good I desire, shall I act the part of the dog in the manger? No, sir, no; I will act upon the homely adage—"half a loaf is better than no bread." I will take what I can get of these great public improvements, by this one-sided operation, rather than get none at all. If Senators from the new States will not aid Kentucky, I will still act upon the christian principle, and do good for evil. I can see that a railroad in Iowa or Missouri is a national blessing, and will promote the general welfare. The only thing that astonishes me is, the blindness of the Senators from the new States, who cannot see how a railroad in Kentucky can be national, so that Congress ought to aid in its construction, when it is so clear to their intellectual vision that Congress can build railroads in Iowa and Missouri. I have distinctly declared my intention to vote for grants of land to the new States even if my amendment fails, and I repeat again, that all arguments to prove the importance of the Iowa roads and their utility for national and State purposes, are thrown away upon me. I admit it all.

The point which I have made from the beginning is, that Congress has administered this great fund so that one section of the country obtains advantages over another, one class of States obtain advantages which all are entitled to share equally, in proportion to population. That is my point; and to that the Senator from Missouri has just answered, "You want to be paid in equivalents; and it is impossible that you can have exact equivalents for everything you grant." True, sir, I know you cannot give every family, every neighborhood, and every State, precisely the same amount of blessings from public improvements. The road or canal cannot go by everybody's door.

Some will be benefited more than others. You cannot have a system of exact equivalents; but does it follow from that, that you cannot approximate towards it between the States? My argument was based upon an approximation to these equivalents, showing that if you could not do exact justice to all the States, and all the individuals of the States, you might approximate towards it; and my amendment was offered with a view to such approximation. The gentleman has shown that it is impossible to make us all precisely equal. Has he attempted to show that my amendment, if adopted, would not make us more equal than we will be without it? That is the question. I say that it will make us more equal than we will be without it, and that, I conceive, has not been answered.

My friend, I thought, charged me, in the opening of his speech, with having acted a little unfairly. He said that I spoke to the Senate of the original act of 1785, by which the lands northwest of the Ohio were distributed in kind among the States; but that I took care not to read the act which repealed the act of 1785.

Mr. GEYER. I did not say that the honorable Senator "took care" not to read it; but, I supposed he had forgotten it, for I could not impute to him ignorance of that repeal; nor did I say that he had designedly refrained from reading it.

Mr. UNDERWOOD. The statement was that I had failed to read the act by which it had been repealed. I did not think it was necessary to proclaim to the Senate that the sun shone. We know that there has been no distribution of these public lands among the States for fifty years; and I did not think it was necessary, after telling the Senate that that was once the case, to tell them that the law authorizing it had been repealed. I told them what had been the practice; and if it had ceased, must not everybody know that it ceased by a repeal of the law? And was it necessary for me to say that it ceased by a change or alteration of the law? If the position I took needed support, it would have been effectually afforded by reading the act of 1788, repealing the act of 1785. To show that I have not acted unfairly to the Senate, I wish now to read the repealing act to which my attention has been particularly called by the gentleman's remarks. I shall read it to show that, instead of having a motive to keep the Senate in the dark, I could have found an additional argument in it. Here it is:

"Whereas it is found to be inconvenient to execute that part of the land ordinance passed May 20, 1785, which directs that certain proportions of land be allotted to the several States, to be sold by the loan officers in each State; and whereas a sufficient quantity of lands for satisfying the bounties due to the late army was set apart by the act of Congress passed the 22d of October last, whereby further drafts for satisfying military bounties in lands from the townships lately surveyed, are become necessary."

Therefore the law of 1785 was repealed, and a new system adopted. But why was it repealed? They say, because it was inconvenient to execute it. Now, repealing it, and putting it upon the footing of inconvenience alone, proves that the members of the old Continental Congress believed that they had the power to divide the lands among the States. But what is the argument made now by Senators on the other side of the question? They deny the power; they say that we cannot give the States these lands and divide them in kind. For what purpose did I advert to the original division in kind among the States? I did it to prove both the power and the policy. The original legislation proves the opinion of the Congress of the Confederation as to the rights of the States under their construction of the Virginia deed of cession, and shows the extent to which they exercised power. Did the Confederation repeal the law dividing the lands in kind because the power was denied? Not at all. The reason assigned in the preamble for the repeal is, that it was "inconvenient to execute" the law. The reason assigned proves the existence of the right to make the division which my amendment proposes. Since 1788, owing to the improvement of the country and the facilities afforded by steam power, those inconveniences which induced the Congress of the Confederation to repeal the act of 1785 have vanished, and the States can readily sell their own lands under any division which may be made.

So strong was my friend's conviction, I think, of the force of my argument founded upon the legislation of the Continental Congress in 1785, that he could not rest satisfied by stating that the act of '85 was repealed in 1788. He thought it required something more than that to defeat the policy of distributing the land according to my amendment; and he therefore resorted to the Constitution of the United States to furnish an argument. And how did he handle the Constitution?

He read that clause which gives Congress power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." He also read the clause immediately following, which says, "Nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State;" and then he read further that provision which declares "all debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation."

Our present Constitution went into operation in 1789. Under the general and broad language used in the Constitution to save all rights growing out of the "engagements" of the Confederation, and the specific provision connected with the disposal of the public lands, that the Constitution was not to be construed so as to prejudice either the claims of the United States, or of any particular State, I contend that the rights of the States stand under the Constitution exactly as they stood under the Confederation. The language is as broad as it can possibly be to save all rights resulting from the deeds of cession to the Confederation. My friend was perfectly convinced of this; and hence it became necessary to give a limited meaning to that provision which declared that the rights or claims of both the United States and of any particular State should not be prejudiced, for fear it would embrace the country northwest of the Ohio river. How does he make out that specific limitation? He makes it out by saying, in the case of Georgia and the United States, that Georgia at that time had not made a cession. The United States at that time (upon the principles contended for by the smaller States, especially Maryland, before the Articles of Confederation were formed) claimed the territory now embraced in Alabama and Mississippi. Georgia did not yield it; and these reservations about the claims of States and the United States in the Constitution, were made for that particular case, and intended to go no further. Such is the gentleman's construction. I deny totally the correctness of the construction which thus limits the general language designed to save the rights of the United States and of each State in all cases whatever, and to make it apply to a particular controversy between Georgia and the United States. There is no principle of construction which can allow anything of the kind. But the claim to the lands included in the Virginia deed of cession, is sustained as an "engagement" entered into by the Confederation to execute a trust for the benefit of the States. And to this view of the subject, the gentleman has made no reply.

I do not think it necessary to repeat one word I have already advanced to show that the States had the ultimate dominion before and during the Confederation, and that there was on that account sufficient reason for introducing in the ordinance of '87, the provision saving the lands ceded to the Union from State taxation. I do not think it necessary to prove, by any recapitulation, that since the formation of the Constitution of the United States, the ultimate dominion in the territories since acquired, and over the Indian lands situated in any State, belongs to this Government. All that I have said upon that subject must stand, whether it be conclusive or inconclusive. The argument is too long to enter into again. Nor do I think it necessary to go into the argument which my friend has made here, upon the "*initiative*" in the formation of State governments. He concedes that prior to the admission of Missouri, all State governments were regularly formed by the United States taking the initiative to form them, and after that time, he admits some of them have come in irregularly—at least they formed constitutions before they obtained an act of Congress authorizing the people to assemble in conventions for the purpose of forming them. But the fact that Congress passed no law authorizing the people to meet in convention, does not deprive Congress of any power in deciding on the Constitution which may be presented when a new State asks for admission into the Union. The natural liberty which we under our systems of government allow, may and does justify any portion of our citizens to assemble when and where they please, and to form constitutions, to erect political platforms, or to adopt resolutions, but Congress is not bound to obey whatever the people of a Territory may think proper to dictate. I deny that the people of a Territory possess the right to make a constitution and State government, and to force themselves into the Union. That is a subject on which Congress may and ought to deliberate, and can rightfully admit or reject. If the United States can acquire territory from other nations, she has the right to govern it. She can neither hold nor use it for the purposes for which it was acquired, without governing it. To contend that the inhabitants may rise up whenever they please and form a government for themselves, and force themselves into the Union by declaring, unless they are admitted, they mean by revolution to dissolve their connection with this Government and become independent, is carrying the doctrine of secession further than I have ever known it carried by the most ultra of that heterodox political school. They claim "secession" for the States, not for the Territories. I understood the gentleman to contend that the people have a right to form their State governments and govern themselves without the consent of Congress. If I am mistaken in that, I hope he will correct me.

Mr. GEYER. I will state my proposition. I look upon the power of the Government of the United States over the people of the Territories in forming new States as limited to the necessity of the case, and that it must always be consistent with the foundation and principle upon which this Government rests—the right of the people to govern themselves. I thought I stated yesterday in distinct terms, that the right to form the constitution, the organic law for any people, belongs to themselves. The right of the Congress of the United States—the admission of a State into the Union—is conventional. I contend that the only question with which Congress has anything to do, is to determine the boundaries and population, and that the Constitution, when formed, is of a republican character. If in these respects Congress is satisfied, it is then their duty to admit the State into the Union. I look upon it, as I have said, as being conventional. There must be action on both sides; but then the formation of the fundamental law, the organic law for their government, belongs to the people themselves, and Congress cannot dictate to them what they shall put in.

Mr. UNDERWOOD. I make no issue about that. I think the people have a right to form their constitution just exactly as they please—with or without trial by jury—with or without slavery, &c. There are a great many here who say they have not. Two or three years before these compromise measures were adopted, when you would not divide the territory by extending the line of 36° 30', which I believed you had a right to do, and which I proposed, I said in the celebrated committee of eight, that all you can do, if you will not divide the territory, is to make the inhabitants perfectly free to adopt their own form of government, to consider slavery a local question, and let the people settle it for themselves as they please by their own constitutions and laws. I make no issue about the power of the people in forming their State constitution as they please. That is not the question in controversy. They have the natural right given by the Almighty to govern themselves by their own organic law, and neither Congress nor any other body, upon republican principles, has a right to interfere with them. The onlyi nquiry with us is, whether the constitution presented is republican. There we have a constitutional warrant to interfere, if it be not. If they have not a republican constitution, we are not to admit them, because they could not act in harmony with our system.

The single question before us now is, when the States have surrendered the ultimate dominion of

the lands by their deeds of cession, and when they never had such dominion over territory acquired by the nation from foreign powers, whether, when Congress allows a State to come into the Union, we are bound to surrender our ultimate dominion over the soil to State taxation and to State disposition, and to give up national Territories acquired under national treaties to be taxed and disposed of by the States. That is the point I make.

This doctrine about the power of the people to make their own organic law as they please, in reference to all political questions, has nothing whatever to do with our dominion over the soil. As the soil—the land, was ours at the time we admit the State, as it belonged to us before the State government was formed, I insist we have a right to say to the people about to form their State constitution, Frame your government just as you please, provided you make it republican; but as it belongs to us to fix a time for your admission as a State, and when our territorial government shall cease, we advise you, your State shall not be admitted until it is distinctly understood you are not to interfere with our property in any manner whatever.

That is the point I make; and I think the Senator from Missouri [Mr. GEYER] has not by his argument, by his broadside, touched the rigging, much less shivered the hull.

A word or two, now, as to my friend's calculations. He says that when Missouri was admitted, there were only 2,481,000 acres of private land in that State subject to taxation. Then he says, if you put a tax of one quarter of one per cent. on these 2,481,000 acres, valued at $1 25 per acre, the revenue would only amount to $7,756, and that would not be half enough for the little government they established for the people. There is an error, a most palpable and striking error into which my friend has fallen; and it is a wonder to me that it should have escaped his notice. He values these 2,481,000 acres at $1 25 per acre. He varies the rule of taxation given by another Senator. I have many things to contend against. Here is the Senator from Massachusetts for specific taxation, while the Senator from Missouri is for *ad valorem* taxation. One, whose object is to enlarge the "*equitable*" claim of the new States, levies a cent per acre on all lands in the wilderness; and the other, wishing to bring down the revenue to almost nothing, values improved lands in villages, towns, and cities, at wilderness prices, at $1 25 per acre, and then taxes at the rate of one-fourth of one per cent. *ad valorem!*

If these gentlemen can assume positions for themselves in that way and escape the truth, there is no such thing as arguing with them. When it suits the purpose of the gentlemen from Massachusetts, [Mr. SUMNER,] he takes a specific tax of one cent per acre and makes a fine speech on that basis; and then when it suits the purpose of my friend from Missouri, he imposes an *ad valorem* tax, valuing all the lands, including the city of St. Louis, at $1 25 per acre, and makes a fine speech on his basis. When the Senator from Missouri abandoned the specific tax of a cent per acre adopted by the Senator from Massachusetts, and resorted to an *ad valorem* tax, surely it was his duty to estimate the land according to its true value. Had he done that, what would be the value of the city of St. Louis? What would be the value of the villages and farms in Missouri at the time of her admission? Why my friend from Arkansas [Mr. BORLAND] told us the other day that even in his State—one of the largest and least populous in the Union—the general average value of land was $6 per acre.

Mr. BORLAND. Did the Senator from Kentucky understand me to say that all the land in Arkansas was subject to a valuation, for purposes of taxation, of $6 per acre?

Mr. UNDERWOOD. Certainly not. I understood the gentleman to refer to private property.

Mr. BORLAND. A very small portion of the area of Arkansas is subject to taxation, because the Government of the United States still holds three fourths or four fifths of it.

Mr. UNDERWOOD. Certainly the gentleman does not understand me. I know that the information he communicated the other day related to private property, and not to the public domain. Now, the defect of the argument of my friend from Missouri is, that when he comes to calculate he will not even take what the gentleman from Arkansas gives as the value of private property. He abandons the specific taxation of the Senator from Massachusetts, and he makes a system for himself, which is neither specific nor *ad valorem* taxation; for it is based on $1 25 per acre as the value of lands which, perhaps, were worth $10, $20, or $30, and which, to include the city property, may be worth $100 per acre, for ought I know, upon an average. I do not know the value of property in his beautiful city of St. Louis; but I am told that, in some parts of it, an acre is worth $1,000,000. Now, sir, we see the shifts of these figuring gentlemen, in presenting us data on which to calculate. Their first principles are wrong, and consequently there is nothing but error and delusion in their calculations.

My friend from Missouri has omitted another important matter. He gives us the condition of things when the State was admitted, and there stops. Here are the tables showing that year after year there were continual additions made to the amount of private property in that State, and the value of the whole, no doubt, increased from year to year as the country improved. I will not pursue these things any further. It is useless. The gentleman asks, what will the old States lose, and what will the United States gain? He says we cannot lose anything by the prosperity of these new States. No, sir; we will be benefited by their prosperity—the whole will be benefited; and it is on account of that resulting benefit that I reconcile myself to vote for these bills, if I cannot get all that I want. I have not undertaken to show that my State or any portion of the United States will be injured by railroads in Iowa or Missouri. On the contrary, I believe they will benefit the whole country from the Atlantic to the Pacific, but more especially the new States to which these grants of land are made. These grants are blessings showered down upon the new States by this paternal Government, until they have become almost like spoiled children. That is the harshest word I have ever said about them. I have not abused them. I utterly disclaim all unkindness towards them.

"Envying, fearing, hating none,
Guardian spirit, steer me on"—

has been my motto through life. Noticing some arguments of the Senator from Illinois [Mr. DOUGLAS] I said I was only sorry I could not shower down more blessings upon the new States. When I said they were spoiled children, I only meant they claimed all and got all. I did not intend to villify and insult. To run the parallel, what does a spoiled child do? Why, he cries for the playthings of all the other children; he will not be pacified until he gets the whole, and the unjust parent often forces the older brothers and sisters to yield. Now, some of the older children, so to speak, want a little share in the public lands. They want some baubles and trinkets for their amusement, and do not think it just to be deprived of all share in the bounty and property of their common parent by the fretful and inordinate claims of the younger members of the family, who ought to be taught better manners than to demand and cry for what does not belong to them. In having said this much, I did not suppose I was laying a foundation upon which I could be charged with unkindness towards the new States. If my friend from Georgia has made any intemperate and hasty remark, he can explain his position, and doubtless he will do it in due time.

The Senator from Missouri says that I have presented a system by which I would tax the present generation for the benefit of posterity; and he says, let posterity meet their own burdens. I had thought that it was rather a pleasure to labor for our children—to look at the interests of posterity, and that such was one of the great ends and business of life. It is my rule in reference to my own family. But what is the gentleman's rule? He is for taxing posterity, as well as the present generation, without end. My rule and my system, which he noticed, was to invest funds in companies like the Louisville and Portland Canal, and let them tax until they have been reimbursed their capital and expenses; and when that is done, relieve posterity, relieve travel and commerce, by making the work free from toll. After the capital has been reimbursed, and a reasonable interest has been realized, why not benefit posterity? What is the policy that the gentleman advocates? Why it is to get land for the new States; allow them to construct roads or canals, on their own hook to use a Western phrase, or to do so by entering into partnership with private companies; and then not only to tax the present generation, but to tax posterity forever. His policy is to take national property and hand it over to the new States, excluding the old, so they may use it to secure revenues to themselves by taxing travel and commerce; while my policy is to retain the control of our own funds, keep the improvements made with our money or our lands under our own jurisdiction, and ultimately make their use free to all the people of the United States. But, if I cannot induce Congress to do this, and I fear it is impossible, then I desire that all the States shall participate equally in a just division of the public lands. Whether I am right or my brother, let the present and the future determine.

These are the main points in the Senator's speech which I wished to notice. As to equivalents, I think that my amendment will partially restore an equality among the States. My friend commented upon some of the provisions of my amendment; and he says it allows the old States to select the lands anywhere, and prescribes no time within which they are to be sold. Now, can he show me where any time is fixed for selling the lands granted to the new States? He objects to my amendment, because it allows the States to select lands anywhere. But does it not say, that if the States select lands which have been reserved at $2 50 per acre, they shall only receive half the quantity? What did you do in the act of 1841? I referred to that as the model of my amendment. When, in that act, you granted 500,000 acres of land to the States for purposes of internal improvement, you allowed them to select the lands anywhere; you did not limit them as to time of sale or anything else. I told you when I introduced my amendment, that the act of 1841 was the model on which it was based. I have put the old States exactly on the footing of the new; and if my friend from Missouri can show me that there is a hair's breadth of difference between the position which I propose the old States shall occupy and the position which the new States do occupy, I will change my amendment, and make them precisely equal.

My object in offering the amendment was, not to give the old States an advantage, but to place them on the same footing. Ah, but the gentleman says, my amendment does not provide that if these lands are applied to building any part of a railroad, the whole of it shall be used by the United States in transporting troops and munitions of war without toll; and the amendment does provide that the States may, in their discretion, use the land granted for education, for railroads, or other internal improvements The amendment does contain those provisions; and the reason why I said these lands might be applied to internal improvements or to education, at the discretion of the States, and made no provision for the free use of the improvements by this Government, was, that the grants heretofore made of 500,000 acres to each of the new States for internal improvements, did not require these States to give to the United States the free use of those improvements, which might be constructed with the land so granted. As the new States received each 500,000 acres, without restriction or condition, as an internal-improvement fund, I thought a like exemption would only be just to the old States provided for in my amendment. The new States had been provided for by former legislation, both in regard to education and internal improvements, more liberally than my amendment provides for the old States. While providing a little for the old States, I wished them to have that discretion which would place them on the same footing with the new States, both with respect to education and internal improvements. That is the whole object of the amendment.

In my humble opinion, the more this subject is

sifted, the more it is looked into, the more striking will be the conviction that we are entitled, as a *cestui que trust*, under the deed of cession from Virginia. I think we ought to put the public domain acquired since the formation of this Government on the same footing with the original domain. The more we think and reflect, the stronger will appear the right of the old States to participate with the new. I know that there cannot be exact, mathematical justice, but there may be some approximation to it. That is what I have attempted to accomplish. As to exact equality, I do not ask it. Perfect equality is not attainable. In the act distributing the proceeds of the public lands, the new States get ten per cent. in addition to the five per cent. There is an advantage in favor of the new States. This advantage of ten per cent. on sales thereafter to be made was allowed them for prospective population, and not for the number of townships or square miles, on which the gentleman from Michigan insists.

Mr. GEYER. Mr. President, I desire, in a few words, to correct some mistakes into which, I think, the honorable Senator from Kentucky has fallen, in reference to some of the remarks which I had occasion to make. I have never contended that there was not constitutional power to make a disposition of the public lands, in the mode proposed by the honorable Senator from Kentucky. All that I said was, that we were not bound to do it; that is, that there was no obligation to make an equal distribution, or to distribute the lands among the States as units, according to his idea. You are at liberty to do so; and I expressly said, that I regarded the power of Congress over the lands of the United States to be commensurate with their power over any other property or money.

Mr. UNDERWOOD. I beg leave to say to my friend from Missouri, that I did not intend to apply these remarks of mine to him; because, being a Whig, I supposed he was of my creed in matters of that sort.

Mr. GEYER. In reference to the estimate of taxation upon the lands, I desire to say that the honorable Senator falls into a mistake in endeavoring to fix upon the lands of Missouri a valuation of the present day as having existed in 1820. The sales of the public lands of Missouri commenced in 1818, and the country was then very sparsely populated. St. Louis was a village of some three or four thousand inhabitants. There were two or three other little villages, in which all the lots could have been bought for a very small sum of money. The lands acquired by purchase from the United States were in the interior, and they had then been but recently settled. There was a very little improvement on them, and I estimated, for purposes of assessment, their value at $1 25 per acre. The reason why I adopted the *ad valorem* system of taxation was because, by the constitution of Missouri, that is the mode of imposing taxation in that State.

Mr. JONES, of Iowa. So it is in Illinois.

Mr. GEYER. I believe that is the rule of Illinois, also. I have, therefore, made no error in that calculation, except one, and that is, that I put the rate of taxation at one quarter of one per cent., which was for State purposes; but the taxation for county purposes would be quite as large as that for State purposes. I made the statement in order to show what were the resources of the State as a means of supporting its government, in consequence of the compact of the hard terms, as I called them, which had been exacted from her. Not that I intended, by presenting these terms and exposing them, to ask that now they should be repudiated. Although I think the United States have broken their contract, I do not think it is becoming in the new States to insist on their being released; nor do I predicate any demand for this grant upon the advantages which were obtained by that compact on the part of the United States. My object was merely to show, by the state of destitution to which they were reduced, by the necessity of supporting their own governments instituted by the United States, with the small means they had of levying taxes, they were reduced to the necessity of acceding to almost any terms that might be required from them. This is all I have to say upon that subject.

GRANT OF LAND TO IOWA.

SPEECH OF HON. W. C. DAWSON,

OF GEORGIA,

IN THE SENATE, *March* 1, 1852.

The Senate having under consideration "A bill granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State"—

Mr. DAWSON said: I will detain the Senate but a very short time on this subject. The arguments have been nearly exhausted, and there is little left for me to say upon that side of the question upon which I propose to speak.

Before I enter upon the main subject of the bill, I beg to be permitted to reply to the arguments made, in reply to some suggestions which I offered to the Senate some weeks since, by the honorable Senator from Missouri, [Mr. GEYER.] He replied to three of the suggestions which I had presented, and it seemed to have disposed of them in a manner satisfactory to himself.

The first argument to which the Senator from Missouri replied was, as he stated, that I charged that the protective interests in this body had combined with the new States, in order to dispose of the public lands in such a manner as to diminish the amount of revenue which would otherwise go into the Treasury. That was not my allegation. I said this, and said it truly and properly, that it was for the interest of those politicians who favor protection for the sake of protection, to dispose of all the revenue arising from the public lands in order to diminish the amount of money that might go into the Treasury, and thereby justify an increase of the tariff; and that all men of all classes, whether politicians or otherwise, are disposed to be controlled by those rules which promote their own interests; and I alleged that the new States, through their Senators on this floor, desired appropriations of the public lands for internal improvements within their respective States, for the purpose of advancing the prosperity of those States; and although opposed to a tariff in principle, yet they would combine with those who are in favor of it, and dispose of the lands by bills appropriating them for railroads, because they thus may receive a larger reward than they would by preventing an increase of the tariff. I was right, sir, in that principle. It was no charge inconsistent with the honor or dignity of the Senate. It was founded in truth, and known to be so.

The next is this: That if I, or any other gentleman were transferred to the valley of the Mississippi, I would find that all the railroads to be built there were to be founded upon appropriations of the public lands. My reference was to the speech made by the honorable Senator from Virginia, [Mr. HUNTER,] when he announced that there were some eight or ten bills on the table asking for appropriations for railroads in the new States, and all converging to or uniting with the Mississippi river; and I defy the Senator from Missouri to point out to me a single bill upon that table asking for an appropriation of the public lands, which is not the foundation upon which they expect to build these roads. Hence it was that I said, throw yourself into the valley of the Mississippi, and you will see some eight or ten railroads, the construction of which is to be founded on appropriations from the public lands. There was no impropriety in that. It is a just and true assertion, and cannot be denied.

The next was this: I observed that it was a donation of $4,500,000 to the State of Iowa; and the Senator replied that it was no donation to that State. And the way he illustrated and sustained his position was this: He asks if you, the then presiding officer, being a cotton planter, had a hundred bales of cotton, and in Mobile that cotton is worth eight cents per pound, and I come and say to you that I will give you sixteen cents per pound for one half of your cotton, if you will let me have the other half for nothing, whether you would lose anything or not by the operation? Certainly you would not. But suppose that you had the same capacity to appropriate that cotton in the same way that the individual who applies to purchase your cotton had, and who expects to make eight cents more on the pound, would you not appropriate the benefit to yourself? Sir, suppose the United States, for the purpose of improving the public lands, should authorize the construction of these railroads, and for that purpose should appropriate money out of the Treasury, would not the public property be equally appreciated by the railroads thus authorized by the Government of the United States, and would not the accumulating value of their lands go to the United States? Certainly it would. And mark you, Mr. President, we substitute an individual State, with the powers we are said to possess, to do the same act, and give to that State all the relative advantages arising from it. These advantages inure to the benefit of the State of Iowa. From the General Government solely and exclusively these benefits are obtained; and hence it is that I say that if the United States have the power to appropriate these public lands to Iowa to construct this railroad, it is better that we should appropriate that amount of money to cause the road to be constructed, and thus improve the value of the whole land and not of alternate sections, and let the money arising from the improved value of the land be put into the Treasury of the United States; and when we shall have been repaid the amount of appropriations for these railroads, let them be national accommodations, and let those to whom the land belongs have a right to pass over the roads without taxation. Sir, was not the Cumberland road constructed upon that plan? Did we not make appropriations to construct that road in order to improve the value of our lands in the Western States? Certainly. And when the improvement took place, what became of the road? Sir, the Senate well know that the declaration I made, and which may be carried out in argument, was true—that it was nothing but a donation.

But passing over that, as I desire to be brief on this occasion, we come to the public lands, and there are but few principles connected with them. How and for what purpose did we obtain these public lands? Prior to the adoption of the Constitution, Virginia, by a compact, sold the North-Western territory to the United States; and I refer to that merely to show the relation subsisting between the Government of the United States and the State of Virginia, arising out of that compact. What was that compact? It was that Virginia ceded these lands on certain terms and limitations, restrictions, and conditions. And when they were all complied with, what was then to be done? The contracting party agreed that the whole of the lands, after the payment of the public debt, and after certain other conditions and stipulations in that contract were complied with, were to inure to the benefit of all the States, Virginia included. Now, what was the construction put upon that compact by the honest and worthy men who made it? It was that the lands belonged, even in kind, to the various States of the Union; and the law read by my friend from Kentucky, showing the distribution of these lands in kind, proves that this construction was cotemporaneous with the contract. Hence I allege that there is a construction of the compact between Virginia and the United States which settles the character of this particular compact. What becomes of the relation between the State of Virginia, and all other States included, with the General Government under this compact? If the remainder of the property, after the payment of the national debt and compliance with the conditions therein specified, inured to the benefit of the States, including Virginia, it made the United States a great landed proprietor, having an interest in the land in trust only, while the equitable interest was in the several States; and the United States thereby became proprietor merely for the benefit of others. In 1802, when the articles of cession and compact were entered into with the State of Georgia, the same terms and limitations, in nearly the express words, were there found, with the same privileges—that the remainder of the property, after compliance with certain conditions, should inure to the whole of the States, Georgia included. This was one of the provisions of the articles of cession. There the United States again became a landed proprietor, as trustee, under that compact.

When we acquired Louisiana, a new principle arose. All the lands obtained prior to that period, had been obtained by a contract between the Gen-

eral Government and the States. In 1803, when we made a treaty with France, and obtained the lands in Louisiana, the question was very much agitated whether the Government of the United States had the power, under the Constitution, to acquire territory in that way. But the power was exercised. When the United States purchased the lands within the limits of Louisiana from France, the consideration was paid by the Government of the United States as the representative of the States, and the title was taken by the United States. To whom did that title inure? The consideration being paid in money belonging to the States in the hands of the General Government, the title inured to the benefit of those who paid the consideration; and after the payment of the consideration, the remainder of the lands in the possession of the Government of the United States, were there, as all other lands are, for the benefit of all the States. If B pays a consideration for land, and the deed is taken by A, A becomes a trustee in law for the benefit of B. The United States having paid the money for the States for the land in Louisiana, when that title was made to the United States, it inured to the benefit of the State of Louisiana as well as the other States. I go upon this broad principle, that this Government has now settled the question of power over the public lands, and has a right to dispose of them according to the principles of equity and justice, among the States, or use them for the general benefit of all.

Just so when the lands in Florida were obtained by treaty. After the payment of the sum of money which had been given for them, the balance was to go into the Treasury with the same limitations and restrictions as other public lands. Thus has been acquired an immense body of domain, which is regulated, in part, by compacts and by treaties with other Governments; and the great question is, where did the titles to this property go? They went necessarily to the Government of the United States. But is it an absolute property, subject to no limitations and restrictions in behalf of the States? It is admitted that the United States, being the trustee, the States are the beneficiaries. That is the principle on which I have argued, and I believe it to be a correct principle, and one which should control the disposition of the public lands.

The first question is, how shall the lands be disposed of? I answer, first, according to the terms of the compact under which they were acquired. The lands obtained from Virginia and Georgia have written stipulations which ought to be conformed to; and a court of equity, if the case were between one individual and another, would decree the execution of those restrictions and stipulations; and they are, that after the payment of certain debts, and making certain appropriations of land within their borders, the lands shall inure to the States. What States? The whole of the States, Virginia included, to be distributed upon the principles of justice and equity. Such has been the division of opinion and of parties among us, that some say, keep all the public lands for the purpose of paying the general expenses of the Government, and then there will be equality in the distribution. That is my doctrine. If this could be done, if the proceeds of the public lands could go into the Treasury and be applied to the payment of the expenditures of the General Government, it would be equal and just towards all the States, and all the people of the States, and I should have no objection to it whatever. One class of politicians in this country at one time contended that the proceeds of the public lands should be appropriated to purposes of internal improvement. Another class maintained that Congress had no power to appropriate the public lands for the purpose of internal improvement. That was long debated, and parties were divided upon that question for a long time. But mark, now; those gentlemen who do not believe that Congress has power to appropriate money or land for internal improvements, will do what? They say, you have, as the Congress of the United States, no such power, but we will tell you what you can do. You can give the lands to a State, and the State can direct these lands to be applied to internal improvements. Moreover, you can appropriate these lands, and declare what the State shall do with them, that she shall make a railroad—an internal improvement. Now, sir, I suggest this question to you and to the Senate: If Congress has not the power to do this act, has it the power to delegate it to a State? I think it must appear, clearly and conclusively, that Congress would not have the power to delegate that right to any single State.

But, sir, I pass from these general propositions, and come down to the case directly before us. What is the proposition here? Gentlemen say "We agree with you that Congress has no power to give us these public lands, unless she does it upon the principle that the remainder will be enhanced in value coextensive with the amount granted;" or in other words, that each alternate section shall sell for $2 50 per acre when the whole of the sections would sell for only $1 25 per acre. That is the principle on which the friends of this measure and these measures seek to take it out of the position in which I have placed it. Now, what does that principle involve? It goes on the assumption that the alternate sections are to increase in value. Let me refer my friend from Iowa to this point. The railroad from Dubuque to Keokuck is about two hundred and forty miles—that is the line as it now runs.

Mr. JONES, of Iowa. I beg the Senator's pardon; he is entirely mistaken. It is only a hundred and eighty miles.

Mr. DAWSON. It will amount to nearly what I say. I take it to be two hundred and forty miles.

Mr. JONES. It amounts to one hundred and eighty miles, and no more.

Mr. DODGE, of Iowa. My friend from Georgia refers to me. I suppose he desires to be correct.

Mr. DAWSON. Certainly I do.

Mr. DODGE. I will furnish him with the result of a calculation by the draughtsman of the Senate. He says:

"In compliance with your directions, I have made an estimate of the amount of lands vacant on the 1st of October, 1851, in the alternate odd sections for fifteen miles on each side of a direct line from Dubuque, via Cedar Rapids, Iowa City, and Fairfield to Keokuck, and find 507,720 acres. The distance is one hundred and ninety-five miles; three sections on each side of the line would amount to 1,170 sections, or 748,800 acres."

Mr. DAWSON. The Senator from Iowa says the distance is only one hundred and ninety-five miles. I went to the map for my information, but I may be mistaken. Now, this road of one hundred and ninety five miles is from two points on the Mississippi river, Dubuque and Keokuck, at the mouth of the Des Moines river—not parallel with the Mississippi itself, for there the river bends, and you make a line from the lower part of the bend to the upper part of it—one of the finest streams for navigation in the known world; and yet it is sought to take the public land from point to point on the same river for the purpose of making a public improvement, alleging that for two or three months in the year the ice obstructs the navigation of the river, and on this ground we are to appropriate 500,000 acres of the public land to build a railroad on the Mississippi river from the one point to the other point which I have named. You have to start at Dubuque on the Mississippi, and run one hundred and ninety-five miles below. Now, sir, the first question to be proposed is, is that one of the oppressive cases? Is the public property in such a condition as to require that improvement to be made in order to increase its value to $2 50 per acre? Not so; every gentleman knows that it is not. It is merely a demand to get an appropriation for a particular State, when the circumstances of the case do not justify or sustain it on the principle on which other bills of this kind have been passed.

But let us go a little further. This road from Dubuque to Keokuck goes through one of the finest bodies of land in the whole valley of the Mississippi river; and I am told—and I also went to the map for the purpose of obtaining information, and I have got the population of the various counties through which it passes—that it is already a road which is in the hands of individuals and is incorporated, and will pass through a country which is largely populated. The county in which Dubuque lies has a population of upwards of ten thousand; and three fourths of the public land from Dubuque to Keokuck, five miles right and left of that road, have already been taken up, and the portion of the country in the neighborhood of that road, is the most thickly populated and the most prosperous in the whole of that great valley. Now, where is the balance of the public land to come from? It is said that this improvement will increase the value of the public land remaining to the United States. Sir, there is not a foot of land that can be obtained for $2 50 per acre for five miles along each side of that road, unless it be some of the poorer lands, which is valuable only for its timber. Where is the balance of the land to come from? The bill says, that in the event that five miles on either side of the road shall be taken up, or be subject to the right of preemption, then the State of Iowa, through an agent appointed by the Governor of that State, shall have the right to extend the line fifteen miles on each side of that road, and the alternate sections when taken are not to be put down at $2 50 per acre, but are still to go at $1 25; and hence it is that all the lands taken to build the road from Dubuque to Keokuck will not be taken from the sections which adjoin the line. And we are taught to believe, and the country is taught to believe, that we are improving the public property and throwing money into the Treasury by the passage of these bills; and that our liberality is for selfish purposes; that the Government of the United States does not lose a single dollar by the operation. This, sir, is not sustained by the facts before us; and it is unjust to the country, and unjust to the principle on which these bills have heretofore been advocated. It is time that we should resist it, and let something like justice and principle prevail in the passage of these large appropriations.

But, Mr. President, I pass on from that. How is this road to run? Mark it well, as it is taken under this bill—and I have the map of Iowa before me, and she is a glorious State; and I admire the warmth, and energy, and success, with which her Senators defend her rights here. She is a growing and powerful State, and unless you check her, she will have everything within her limits, and will proclaim in a few years: "Here is the great empress of the West!" Look at our advancement and our prosperity—every dollar of which has been taken out of the Treasury of the United States. These are truths which every gentleman should understand—truths which many gentlemen already know. This road goes from city to city, and then takes a bend more circuitous than the great artery of our western water-courses. It goes through the seat of government, and then runs almost parallel with the great Des Moines river.

I will show you presently what the United States did in 1846 for this great Des Moines river. There it runs. Well, Mr. President, what injury is this to inflict upon others? Have we looked to that? Have we, in our wild and fanciful manner of disposing of the public lands, looked to the injuries imposed upon individuals and corporations? Where are the Senators from Illinois? They ought to look to this, and they would feel it, but from the fact of having had their arms up to their elbows in the Treasury. They dare not come out and advocate the interests of their own citizens, because they stand on soft ground, remembering the old proverb, that "those who live in glass-houses should not throw stones." Who owns the road from Chicago, in Illinois, to Cairo? There is the road from Rock Island to Lasalle, and the road from Burlington to Peoria, all starting on the Illinois side of the Mississippi river, between Dubuque and Keokuck.

Mr. SHIELDS. As my colleague is not here, I would beg of my honorable friend from Georgia to explain what he meant when he said that we had had our arms up to the elbows in the Treasury?

Mr. DAWSON. I meant to say "up to the shoulders." [Laughter.]

Mr. SHIELDS. I wish the honorable Senator from Georgia would confine himself to the question of land, and not branch off to money, because suspicions might arise, particularly against my colleague. [A laugh.]

Mr. DAWSON. Why, I must say that I was not the least astonished that the colleague of the honorable Senator from Illinois was instantly nominated for the Presidency, after he got the appropriation. I will have it all out presently; and

my friend from Illinois knows very well, if he has not forgotten his Euclid, that two things which are equal to the same thing are equal to each other; and let me ask him, if lands are equivalent to money, what is the difference between money and lands? Are they not plain equivalents?

But these are the truths. These railroads (the Illinois railroads) are now being constructed, or in operation, and all by individual enterprise; and yet we are authorizing, by legislation, Iowa to come in conflict with these various companies. These companies cannot be heard even by the Senators of their own State; because the State of Illinois, as I will show you presently, has made one of the most masterly operations that any State in this Union has ever done, but at no expense of the State. Sir, is this all? I have now disposed of the road from Dubuque to Keokuck, and shown you that it will not increase the price of the public land, and I have shown the character of the country through which the road passes; and if I ever move from that part of the country where I now reside, and go to the West, and if the Senators from Iowa are then living, I will settle in their neighborhood.

And what next? Under this same bill—and I desire the Senate and the country to understand it—there is another road running—where? Mark you, running one hundred and ninety-five miles from point to point on the great Mississippi river. Then there is a little place on the Iowa side of the Mississippi river, called Davenport, from which place they start another railroad, and run it directly through the seat of government, Iowa City, passing over this road from Dubuque to Keokuck, at right angles through the City of Iowa. I estimate the length of this latter road at three hundred miles; but Senators say it is two hundred and forty. I think my estimate is right. This road makes a cross in passing over the road from Dubuque to Keokuck to the seat of government of Iowa, and a crucifixion it is. Whose interest does it affect? Whose money builds this great city in the interior of the State of Iowa, and passes one road directly through it from east to west, and another at right angles to it? From bank to bank between the Mississippi and the Missouri rivers, the Senator says is two hundred and forty miles. But taking the map, it is three hundred miles and more. What is all this done for? They say it is done for the improvement of the public lands. The railroad route directly down from Iowa City to the Mississippi river, at Davenport, passes, according to the map, and according to the information which I have obtained, one of the most beautiful regions in the great valley of the Mississippi; but all of it is taken up, and now in a fine state of cultivation, and it is the pride and glory of that young State.

Well, if you cannot get the lands on the line of the road on the right and left, where are you to get them? Why, you are to go off thirty miles, and pick up the lands there. But you do not improve those lands adjacent the value of a single cent. And yet they come here, and announce to Congress and to the country that these appropriations are asked for on the ground that the United States do not lose a single dollar, but that the remaining property is appreciated in value. Now, when we set up a principle as true, let us understand whether the principle or the truth be there. Why, sir, it is wild and fanciful for us to legislate upon this plan, and I see, by the smiling countenance of the Senator from Iowa, [Mr. JONES,] who has popped up here, day after day, to urge attention to this bill, that he has got the sympathy of the whole Senate, under the belief that he is going to do something great and glorious for the United States by increasing the value of the public lands, when, as I understand, there are no public lands within five miles of the road on either side.

Now these are facts which no man can deny. Let no Senator go home to his people and say, I have given away these lands to increase the value of others; because it will be a mistake. Let the people be informed as to this matter. Let us stand upon principle, and do justice. No man upon this floor has ever heard me utter a word of opposition to anything founded in justice and right. But when you come to put your hands into the Treasury of the United States, to aid one section or State at the expense of the rest, I am required by principles of justice and honor to oppose and do what I can to prevent it; for the land is not mine to dispose of. Were it my own, I might do with it as I pleased.

But, Mr. President, is this all? It would really be an interesting thing if Senators would take this map of Iowa, as I have done, and examine it as I did. I did this, because I wished to be honestly advised and correctly informed. I have the map here before me, and I have traced out all these routes; and what are they? After passing Iowa City, approaching the great Missouri, what do you find? You come to a country perhaps a hundred miles from the river, that has not been surveyed to this day. I will ask the Senator from Iowa, whether the lands on the banks of the Missouri have been surveyed and formed into counties?

Mr. JONES, of Iowa. Certainly, they are surveyed.

Mr. DAWSON. Then they are not settled.

Mr. JONES. There are settlements; but I believe, however, the land is not surveyed for the whole distance.

Mr. DAWSON. That is the point which I wished to get at. When you pass Iowa City for twenty-five miles, you go through a country which is unsettled and only partly surveyed, and not in market; and for the purpose of increasing the value of that land, you say, give us the right to build the railroad without any limitation with regard to time within which to complete the road. They say, we want an appropriation to give us possession of the land, and as the country grows up, these lands will improve and belong to the State of Iowa, and then we will build the road. But they call for the lands now. If a railroad were to be dropped from heaven, and laid between Iowa City and the Missouri river, it could not support itself, for there is no population there; and yet we are called on to adopt this measure. I am told that I am too fond of land. No, I am fond of justice and I love liberality, and if your cause was one that you could stand upon, and which you could defend upon principle of right and upon just liberality, I would sustain it.

But, Mr. President, I said something about the river Des Moines. And mark you, sir, Keokuck is the point where the great Des Moines river enters into the Mississippi, and it runs nearly at an angle of forty-five degrees through the State of Iowa; and Iowa City is between the Mississippi and the Des Moines rivers. The Des Moines river is one of the finest navigable streams in the whole West. Has Government done anything for the Des Moines river? Why is it that this little spot of earth between the Iowa and Mississippi and Des Moines rivers should be calling for appropriations from Government more advantageous than any spot in the Union, not even excepting the region around Boston. Why is it so? It is altogether owing to the energy, skill, and fine representative qualities of the Senators from Iowa, and their popularity here.

But I have found that it is almost impossible for me to get a proposition adopted; and when we wish to advance the interests of the States we represent, we had better watch them. Now, sir, let me read the act passed in 1846, to show what was done on the Des Moines. In 1846 the following act was passed, and listen to what it says:

"*Be it enacted, &c.*, That there be, and hereby is, granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines river from its mouth to the Racoon Fork (so called) in said Territory, one equal moiety, in alternate sections, of the public lands (remaining unsold, and not otherwise disposed of, encumbered, or appropriated) in a strip five miles in width on each side of said river; to be selected within said Territory by an agent or agents to be appointed by the Governor thereof, subject to the approval of the Secretary of the Treasury of the United States."

And then it goes on to say, that if one section is taken up, they are to go to another. Now, how many acres of land were granted under this act of 1846? I have ascertained that it amounts to 1,400,000 acres. Add that to the 1,800,000 acres proposed to be appropriated by this bill, and you have 3,200,000 to be granted to this State or to companies, within the narrowest strip of land in any portion of this country where internal improvements are being or have been made. Where do these lands come from. Look at it! Why, some of the lands on the Des Moines are worth $2 an acre. There are many acres in Michigan which would sell at that price. So in Illinois. When Iowa was a Territory, in her territorial character, we gave her alternate sections of land five miles on each side of the river, making ten miles in width up the valley of the Des Moines, the value of the whole of which to-day would be $10 an acre, making $14,000,000 if the lands were held to this day. These lands were granted to improve the Des Moines river, and were taken in 1846; yet I am charged with illiberality and injustice to the new States! Why, the representatives of the old States should rather be charged with illiberality and injustice to their constituents, by permitting a common benefit, obtained by common treasure and common blood, to be thus improperly taken and distributed. I have no unkindness towards Iowa—none at all. I am merely speaking the truth; and I form an issue on any assertion which I make. If I am wrong in any single assertion, I hope to be corrected; for I wish to say merely what is the truth. I do not refer to Iowa out of any unkindness to her. I merely illustrate the principle by reference to that State, as the bill before us proposes a grant to her. I look at the great whole. I am opposed to the appropriations of the public treasure of this country, whether land or money, for local or sectional objects. As new States are added day after day, they call for appropriations of public lands, either by their Legislatures, or they wish to have them given to companies; and strange to say, we have appropriated millions of acres without the Legislatures of the States asking for the appropriations! Senators rise and tell us for what purpose it is wanted, and under such mistaken apprehensions we vote the appropriations. I am not now speaking of Iowa. I will look into Illinois. I am sorry that one of the Senators from Illinois [Mr. DOUGLAS] is not now in his seat; but many Senators who were with me on this floor when the Illinois railroad bill was passed, will recollect that it was said that it would be four hundred miles long from Chicago to Cairo; in other words, from the furthest northern boundary of Illinois down to its most southern on the Mississippi. Alternate sections were donated for ten miles in width. I opposed it then on the ground of its injustice; but I was not even aided by many friends from the old States. I then proclaimed the injustice of it; but I was not sustained. I saw that the rights of the old States were to be thrown over; and I saw what would be the result. The Senator from Illinois threw himself in for railroads yet in embryo, and took land lying six hundred and ninety miles along for a road, as I will show you. Upon that, I suppose, he thought he would ride triumphantly right off to the White House, and he is driving there now. I do not wish to interfere with the gentleman's aspirations, but I do not like to pay for his platform.

I have a statement before me showing the lands granted under the Illinois bill. I call upon Senators and I call upon the country to look this matter in the face, and see whether we, (the old States,) can pass these bills and do injustice to ourselves. Does any Senator on this floor know the length of the road from Chicago to Cairo, for which we granted lands during the last Congress? If I am wrong in my statement I wish to be corrected. For that road, which was unsurveyed; which was not located; which was not called for except by the imagination of Senators; from Chicago down to Cairo, instead of appropriating lands for the length of four hundred miles, as was represented, we appropriated for six hundred and ninety miles, including the branches. We appropriated money, or land, which is its equivalent, for two hundred and ninety miles of railroad which we did not know we were building. Yet you will not vote a dollar for a light-house, for a fortification, or for an improvement in any of the old States, unless surveys have been made and estimates have been presented. Still, you will suffer Senators and others from the northwestern country to come here and take more in millions than you would grant to the other States in thousands, and call it correct legislation, and charge those who oppose it, and make these presentations of facts to the country, with a want of liberality and justice. Here then is a mistake. Instead of granting lands for a railroad four hundred miles in extent, we were granting lands for a railroad six hundred and ninety miles long; and we did not know it!

Let us go a little further. The land which was granted under that act was taken up by Illinois; and how many acres do Senators suppose it was? Why 2,700,000 acres of land. My friend from Illinois knows it to be so. I do not blame the Senators from that State for it. They presented the claim. They made no misrepresentation. They were asked for no information as to the true condition of affairs; and they said to us "If you are willing, let it pass;" and gloriously for them it did pass. I will show you now how it was carried out, who were the beneficiaries, and what was the object and character of the appropriation.

Mr. SHIELDS. Will the honorable gentleman permit me to ask on what basis his calculation is founded?

Mr. DAWSON. From information given by the colleague of the honorable Senator.

Mr. SHIELDS. I wish to know the authority of the gentleman for saying that the road is six hundred and ninety miles long.

Mr. DAWSON. I learn from the gentleman's colleague that the main road, including the branch to Galena and the other branches, will be six hundred and ninety miles long.

Mr. SHIELDS. The road from Chicago to Cairo will not be quite four hundred miles long, but I find that the gentleman includes the branches.

Mr. DAWSON. The six hundred and ninety miles include all. It is immaterial whether it is cross firing or direct firing, the lands have been taken. The Senator corrects me on a part that does not involve any principle. I have not said that the Senators from Illinois acted wrongly. If I was a constituent of theirs, I should probably have approved of their course, by which their State got 2,700,000 acres of land to construct six hundred and ninety miles of road. What does the Senate suppose, what does the country suppose has become of these 2,700,000 acres of land, which are said to be the finest lands in Illinois, and all the lands in that country are said to be of excellent quality. It is one of the most beautiful countries in the West. I was reading the other day the remarks of a gentleman on the subject, and he astonished me; he says it is the finest part of God's globe—the finest country on which civilized man ever settled—promising, healthful, and fertile. Two million seven hundred thousand acres of this land have been taken for the construction of the Illinois railroad. Why, it is but a little more than one year since we passed the bill authorizing the appropriation of this amount of public lands to build the railroad. Illinois, through her Legislature, passed an act authorizing certain agents to dispose of these lands to companies who would construct these railroads. Those agents disposed of these lands to a company formed in Boston and New York, (through their agent, Mr. Rantoul, who made a speech in the other House on this subject a short time ago which astonished me, coming from a Representative of one of the old States,) who undertook to build these railroads and complete them in four years from this date. Illinois, I believe, reserves to herself seven per cent. of the gross receipts of these railroads thus to be built with the proceeds of 2,700,000 acres of the public lands. This number of acres is now in the hands of a company formed in Boston and New York, who, in their corporate character, are the sole and exclusive owners of the land.

Mr. SHIELDS. Lest there might be some misapprehension about this subject, I would take occasion to state that the company only get control of the land as they make the railroad. They are not the absolute proprietors; they only obtain the land in proportion to the progress of the road. If they fail, the land reverts to the State.

Mr. DAWSON. Exactly. The Senator's statement shows that the company receives the land in installments, instead of getting it all at once. What undertaker would pay a man $5,000,000 for work and labor to be executed? He would not pay at all until all the work was done. It is admitted, however, that the title to the land is vested contingently in the company, and as they finish the road from point to point, the title absolutely vests in them. I have gone into the estimates and calculations, and I find that the cost of building a railroad in that country will not exceed $10,000 a mile for laying down the rails, including excavations, embankments, and superstructures. The cost for these, and then for putting on the engines and cars for these six hundred and ninety miles will be $6,900,000. What is now the estimated value of this land by the corporators themselves—by the gentlemen of the corporation in Illinois? The Senators from Illinois know its value. It is the finest land, as is admitted by the Senators, in the whole valley of the Mississippi, and worth at least ten dollars an acre. There are 2,700,000 acres of land gone into the hands of this company, to build a railway worth to them $27,000,000. Thus, by our legislation here, this company will receive a profit of $21,000,000 on six hundred and ninety miles of railroad. If we had acted properly, that might have been done by the United States, and the same profits been received into the Treasury. And yet it is said that this is honest and just legislation towards every section of country! Why, it is an outrage upon the justice and rights of the States which we represent here, and one which ought not to be again permitted to occur.

Nor is this all. These gentlemen say that they will not allow a division of the lands, and will not let the old States hold lands within the limits of the State of Iowa or Illinois, or any other of the new States. They tell us they will not allow other States to hold lands within their limits. Is a State more unkind than individuals? Illinois will allow a corporation of individuals to own 2,700,000 acres of land within her limits. I present this to show that all these ideas are fanciful. They are unjust to ourselves, and unjust to the country. It did not become us, as representatives of the people, intending to do what is right and just between State and State. Why may not a State hold lands within another State? Could not the Governor of Georgia have gone to Illinois and purchased the lands as Governor, by undertaking to execute the contract, and then he could have held the land? Why, where is the constitutional provision to prevent one State holding land within the limits of another? Nowhere. This is the reasoning got up to encourage what are called State-Rights men to support these appropriations. Here is the working of the system now illustrated before the country, and I want the country to know it—2,700,000 acres of land have gone into the hands of a company to build a road six hundred and ninety miles long, which will cost $6,900,000; and the land is worth not a dollar less than $27,000,000. Then here are $21,000,000 gone by our legislation into the hands of a company—gone by our legislation when we were not thinking of what we were doing. This is no fancy sketch. I am telling the truth, and gentlemen know it, and I stand by it.

But, Mr. President, I promised to be short, and I have been. I have taken everything in the way of a calculation out of my speech, because my friends from Kentucky [Mr. UNDERWOOD] and Tennessee [Mr. BELL] argued those matters so fully that I felt it would be unjust to the indulgence of the Senate to go over them. I have only gone over questions which they did not touch upon. What next occurs? My friend from Missouri [Mr. GEYER] talked about the great connecting link which was to run and bind this country together by iron bars. That was the idea, though, perhaps, I am a little more fanciful than he was. And he said that these appropriations were made to carry on great roads, for the purpose of internal transportation upon land from place to place. That is true. Now, let me present a fact to this country. You say, gentlemen, that it is for the public good you do this; and if it did not increase the prosperity of the whole country, it would be wrong, because, under the Constitution, we have no power to benefit a part at the expense of the whole. You say you want to form a great connecting link in the country. Let us begin at Boston. Who built the railroad from Boston to New York? Who built the railroads from New York to Philadelphia, from Philadelphia to Baltimore, from Baltimore to Washington, and on, on, until you strike the Georgia line? These are great connecting links for transportation, for convenience, for rapidity. Who built them? They were built by the people; they were built by individual capital and enterprise. What people? The people of the United States, equally entitled and equally bound first for the benefits, and then for the consequences, of our government. These people did it. And when you get to my own State, one of the youngest of the Old Thirteen, which was kept down for years and years because she could not extend her possessions coextensive with her lines or limits, as they were in the possession and occupancy of the Indians—when she saw the condition in which the country was placed—when she perceived that a connection with the North and South was desirable—that intercourse must be rapid and improve our knowledge of each other, increase our affections for each other, and make us love our Government and love one another—she did what? In the midst of her poverty what did she do? She commenced the line which had ended by the railroad from Charleston to Augusta. She commenced on the Georgia bank of the Savannah river, and with her own enterprise and with her own money ran that road to the Valley of the Mississippi, and it is now in full operation. She went over to Tennessee, and asked an act of incorporation and permission to run her road through that State until we should strike the waters of the valley of the great Mississippi; and I will invite my friend from Missouri [Mr. ATCHISON,] who said that Georgia wanted lands, and would be quiet if she only got them—I will invite him, I say, to return home with me by that route to Missouri. I will pass him over that road at the rate of twenty miles an hour—over mountains and through tunnels. I will place him upon the waters of his own great West by steam, from one end of Georgia to the other, and I will connect him with a steam-boat to carry him in the direction he wishes, and then I will ask him to tell me why was all this done, and by whom? Now, who joins the roads at Cairo with this link of ours? We have now eleven hundred miles of railroad—at the expenditure of a capital of something like $7,000,000 within our own State, all paid out of our own funds—running to the valley of the Mississippi; and when you get to Cairo, and want to go up to Chicago to see the President, if he should ever be there, what do you do? When you land from your steam-boat at Cairo, and go over that road to Chicago, six hundred and ninety miles with its branches, if the honorable Senator from Missouri should ask who built it, the people of Illinois would stand on that road and look as majestic, as magnificent, and as consequential as if it had been done out of their own money and by their own hands, when they got from us six hundred and ninety miles of railroad built at an expense to the Government of the United States of $6,900,000, and by the contract for which a company will make $21,000,000. That will be the result; and then for the Senator to say that Georgia wants her share! If Illinois is entitled to this great benefit, why is not Massachusetts or Georgia. Because Georgia has done these things by her enterprise and energy, is it a reason why any fair, just, or honorable man should say: You have done the work already; you have expended labor and money, and ought to be satisfied? No, sir. The question which ought to be apprehended is this, whose money is it? How should it be divided? To whom does it belong? But my friend, I believe, will go with me, and when he gets into Georgia will say: By-the-bye you ought to have your share. He says that now; but he is fearful of endangering the bill by the adoption of this amendment.

I said—I make the observation now, and it can be explained—I was astonished when I saw the course of some Senators and Representatives from the old thirteen States, upon the land bills, who come out to vindicate the right of the new States to take up all these public lands. I read a speech, as I before observed, made by a gentleman in the other branch of the Legislature, which perfectly astounded me, vindicating these vast appropriations of the public money or public lands, and denying to his own State the right to have her share. I asked why is it so? When I came to search it out, I found he belonged to one of the companies which purchased these 2,700,000 acres of land from Illinois. I make this as no charge. It may have been all honest and fair; but I can see how it is that gentlemen here to-day jumped upon the *Baltic*, because it was the representative of capital, and denounced the idea that capital should be

brought within the view of this Capitol to influence members in their course here; and yet you will do acts here that give capital to the amount of $27,000,000 to those who combine together to do a thing, in consequence of your own legislation. I trust these gentlemen will become alarmed at this idea, that the public lands are all to go into the hands of capitalists. Where is the Senator from Wisconsin, [Mr. WALKER,] that he does not raise his voice against this accumulation of wealth and property in the hands of great landed proprietors and moneyed corporations? Not a word is said; but let Georgia, Massachusetts, or North Carolina, or any other of the old States, ask for what justly ought to be given her, and they will say, No: we will never submit to such a great landed proprietor within the limits of our States. Look at the question, and meet it fairly.

But gentlemen ask where is the power thus to dispose of the public lands as we desire? I have taken occasion to look at this thing, and just let me state what Congress have done. Congress have made grants to communities and individuals for various purposes. They have made grants to the States for education, for internal improvements, for public buildings, and have even granted lands to corporations, &c., for education, and granted them for the deaf and dumb. Where did you get the power from the Constitution to do all these things? If you can benefit all the rest of the world, why can you not benefit the old States? Where is the principle in the Constitution that gives you the power to do that for others that you cannot do for your own? It is an insult to the understanding, and calculated merely to awaken fears in the minds of the people and keep them confused on this subject; but if light ever fully dawns upon them, and they see how these public lands are taken from them, woe be unto that man or that party that seeks to deprive them of their rights. But is that all? You have given land to cultivators, to men to raise olives, and to raise grapes from which to make wine. Where did you get that power, when you cannot give lands to the State of Georgia, or Kentucky, or North Carolina, or Massachusetts, to educate even the poor, and save them from starvation? You cannot do that! Oh, no! but you can give them to foreigners to cultivate the olive and grape; and then to stand up before an honest and intelligent community and tell them you cannot do this, for you have not the power. Gentlemen who do that must have very little respect for the intelligence of the people. I feel amazed at these arguments, and I feel worse than astonished when I find them prevail in some sections of the country over the minds of the people.

But is this all? Since that period, you have given lands to Lafayette, an individual. It was all right. You have made a donation of the proceeds of the public lands. Now, if you are entitled to the proceeds of the public lands, will any one tell me what is the difference between the land and the money for which it was sold? Where is the principle of the Constitution which says you have a right to sell the lands and then divide the money, but which prevents you from dividing the lands among the States, and letting them dispose of them in their own way? There is none at all. It is discreditable to the country to attempt to infuse such distinctions into the minds of the people, and lead them from the main object in view. And, Mr. President, what do we all submit to? I appeal now not to the old thirteen States alone, but to all the States which have come into the Union whose lands are nearly gone. What is the effect of this policy upon our own section of the country? We are called upon here to vote away public lands in this way—for what? To diminish our population, to urge them to emigration and seduce them from the old States, thereby impairing the value of our own lands at home, and increasing the value of those in the new States, all at our expense. And yet we are called upon to sustain these propositions. Gentlemen see it, and understand it. But I will not comment upon or illustrate these positions. I hasten to a conclusion.

I drop everything else, and come down to the last point upon which I shall speak. The great question which has been presented is, what distribution shall be made of the public lands? Are the States of the Union all equally entitled to participate in the advantages growing out of them? Is there a Senator on this floor who dares, in violation of his own good sense, get up and announce that each State in this Union is not entitled to its share of the public lands? Is there one who dare do it? And yet they will waive that question, and adopt a course of policy by which they deny the principle in their action. They will not dare to avow it in their places in the Senate, but they are pursuing a policy that will by degrees sap the whole of the public lands, take from them, time after time, the best land, granting two or three hundred miles at a time to particular neighborhoods, like the Des Moines; and then at another time making a grant of lands ten miles deep for an extent of six or seven hundred miles, and all this for the benefit of individual States, and without any regard to an equal distribution.

If we, the members of the Senate of the United States, composed of sixty-two persons, were partners in this great land fund, and owned it as the United States do, if two of us lived in every State of this Union, if we held the lands under the same compacts, under the same articles of agreement, under the same treaties that the United States hold them, is there a man who would violate his honor and that faith which is due to integrity, by saying that he would dispose of these lands to the injury of his distant friends in other States, by giving the benefit of them only to individuals living in the State in which the lands lie? And if they were to do so, would not the Supreme Court of the United States instantly arrest this attempt to deprive one or more of the copartners of their just rights, and force them by the whole power of the Government to do justice among one another? Yet here we are, without any just cause, without any good reason for it, disposing of our public lands in just the same inequitable and improper manner.

Mr. President, let me suggest that this is the only question remaining between the two old parties of the country. The tariff is settled. The question of internal improvements is settled. Neither is now strictly a Whig or a Democratic question. Portions of both parties take different sides in regard to them. The disposition of the public lands is now the only question left unsettled; and I wish now to present this idea. Is it right, is it prudent for Congress to legislate in such a way as to give dissatisfaction to any portion of the country in relation to their rights? And is it not known that this partial mode of distributing the public lands has produced discontent? And this discontent will grow greater and greater as more and more acts are passed of this character and description. If this is the only question remaining, what ought we to do? Settle it; adjust it. Do it amicably; do it with justice; and do it with unlimited liberality towards the new States. I am one of those who, in such a distribution, would go as far as the farthest in being liberal towards the new States—towards the younger members of the Confederacy, who have had to grow up in the wilderness and the forest. I will do for them as much as any other man. But we all know what has been done for them. My worthy friend from Kentucky [Mr. UNDERWOOD] has told you of the advantages they have received; and I have, through his kindness, before me here a statement of what the three per cent. fund, and the two per cent. fund granted to the new States, have amounted to. And how much do you suppose has been paid out of the Treasury under these land laws, in actual cash, to the new States? Four millions and some hundreds of thousands of dollars—all gone to them already, besides the immense quantity of land they have received for educational purposes and for purposes of internal improvements. I do not mention this for the purpose of creating discontent, or dissatisfaction: nor does it spring from any feeling of unkindness towards the new States. What I say, is, that we have showed liberality upon liberality; and if the representatives of the new States are willing to come to an equitable adjustment of this question, I want to know when they are going to begin? Was there ever a more modest, diffident, unassuming request made, than that which is made by the amendment of my friend from Kentucky? He asks 14,000,000 of acres for the old States. He says, give it to us; we want it to educate our poor people; we want it to increase our internal improvements. Look at what Illinois has got; look at what Iowa has got; look at what Indiana has got; look at all the new States; they are making railroads charmingly, successfully, and prosperously at our expense. Gentlemen of the new States, will you not do something to aid us? If you intend to do us justice, what time will be better than this to begin? What evidence can you give of a returning sense of doing that justice to us which the compact and the articles of cession require should be done, than to allow this amendment to pass? It is small and limited, to be sure—scarcely enough to do much good. Still, if adopted, it would be the beginning of a system founded upon equity and justice, which might grow, and grow, until content and satisfaction would reign throughout those States, founded upon the justness and propriety of your legislation. But if you stop now, and declare that this distribution shall never take place, my word for it, this public land question will be the great question that will disturb the harmony of parties and the aspirations of individuals. I am resolved, for one, that this injustice to the State which I, in part, represent, shall never be perpetrated by any set of men with my approval. If they do me injustice in a case where I am clearly entitled to justice, I shall calculate that they would do me injustice on other grounds; and I may make it a foundation upon which I would make a stand, even against a friend who would not do us justice when it is claimed, and when he knows he ought to do it.

This public land question should not only be made a question in politics, but it should be made a question in morals. By what right can we here combine together to take from one another's people that which justly should be devoted and appropriated to their use, contrary to the law of the land and the moral law? Are we to forget everything here, and go into one common *mêlée* for the purpose of seeing who can get the most? There is a want of morality in that which I cannot approve. I would prefer that a man should win my fortune, and then enjoy himself in splendor upon it, than to get it in such a way as this. There is a want of morals, and a want of principle in this, which should be looked into. I make no charges against anybody. We have forgotten what is due to each other. The section of the country in which I reside, is willing that the proceeds of these lands should be paid into the Treasury, and be appropriated for the payment of the general expenses of the Government. I have so voted. But the representatives of the new States will not permit it to be done hereafter. It is given away for every other purpose than that which would benefit the people of the old States. I have looked into this matter in every form and shape; and the more I have looked into it, the more I have become discontented with the manner in which the public lands have been appropriated. I have felt the necessity of a system founded upon equity and justice, by which the public lands may be disposed of. When will the period arrive when that may be done? Never, unless we begin; and there is no better time to begin than the present. Hence it is that I say, that if this proposition is rejected, it will show that you never intend to adopt any proposition by which the old States of this Confederacy may be benefited by the public lands. If that is done, we will understand you.

I ask pardon for having detained the Senate so long; and I assure them that it was not my intention, when I arose, to have spoken more than thirty minutes.

Mr. UNDERWOOD. I hope the question will not be taken now. I think it would be better that it should not now be taken. The truth is, that if you force me to vote at this time, I do not know but that I shall have to contradict myself. I stated the other day that if my amendment was not acceptable to the Senate, I should still vote for the bill. I told the worthy chairman of the Committee on Public Lands this morning, that I doubted very much whether I ought to do so. And under the feelings which have been inspired by the speech of my friend from Georgia, I really feel almost disposed to retract my former assertion, that I intended to vote for the bill in any event. I feel a sense of the injustice which has been practiced towards the old States to such an extent, that I do not know whether, if something like justice is

not done to my own State, I can vote for the bill. I therefore hope that the question will not be pressed at this late period of the day, but that it may lie over in order that we may all think about it, and that, as the speaking is pretty well over, when we meet again we may be prepared to take up the bill and vote upon it. There is no immediate necessity for acting on the bill now.

The further consideration of the bill was postponed.

NON-INTERVENTION.

SPEECH OF HON. W. H. SEWARD,

OF NEW YORK,

IN THE SENATE, *March* 9, 1852.

The Senate proceeded to consider the resolutions which were submitted by Mr. CLARK on the 19th ultimo, on the subject of Non-Intervention, [see resolutions and amendments page 158.]

Mr. SEWARD. I ask that the amendment submitted by me to the resolutions offered by the honorable Senator from Rhode Island may be read.

Mr. MANGUM. I hope that all the resolutions will be read.

The Secretary read them accordingly.

Mr. SEWARD said: Mr. PRESIDENT: Writers on law teach us that States are free, independent, and equal moral persons, existing for the objects of happiness and usefulness, and possessing rights and subject to duties defined by the law of nature, which is a system of politics and morals founded in right reason; that the only difference between politics and morals is, that one regulates the operations of Government, while the other directs the conduct of individuals, and that the maxims of both are the same; that two sovereign States may be subject to one Prince, and yet be mutually independent; that a nation becomes free by the act of its Ruler when he exceeds the fundamental laws; that when any Power, whether domestic or foreign, attempts to deprive a State of independence, or of liberty, it may lawfully take counsel of its courage, and prefer before the certainty of servitude the chances of destruction; that each nation is bound to do to every other in time of peace the most good, and in time of war the least harm possible, consistently with its own real interests; that while this is an imperfect obligation, of which no State can exact a performance, any one has a right to use peaceful means, and even force, if necessary, to repress a Power that openly violates the law of nations, and directly attacks their common welfare; and that, although the interests of universal society require mutual intercourse between States, it can nevertheless be conducted by those only who in their respective nations possess and exercise in fact adequate political powers.

Austria being situated in Central Europe, with only an inconsiderable seaport, we have known little of her, except that she was one of the oldest, and most energetic and inexorable members of that combination of States which, under the changing names of "The Allied Powers," "The Holy League," and "The Holy Alliance," and with the unchanging pretence of devotion to Order and Religion, have more than half a century opposed and resisted every where the reforming and benign principles of the American Revolution.

Hungary, after having been in ages past the heroic defender of Christian Europe against the armies of Islam, and afterwards the chivalrous guardian of Austria from the usurpations of Prussia and France, seemed near a century ago to disappear, and only four years since came again on the stage, and challenged a part in the drama of nations. She occupied a region within the Austrian Empire with fifteen millions of people, of whom the Magyars, a race that had inherited freedom, arts, and arms, were one third, while the remainder were Germans, Serbs, and Wallachians, and the two latter classes were debased and virtually enslaved by feudal customs and laws. Under the constitution given to her by an ancient king, St. Stephen, Hungary was a limited monarchy and an absolutely independent State. Beginning, however, in 1530, she elected for her kings the successive reigning dukes of the house of Hapsburg Loraine, for a period of one hundred and fifty years, and then gave them succession to her throne by a law of inheritance. Nevertheless, fundamental laws enacted by Hungary, and accepted by the Austrian dynasty, defined the union of the two States, declaring that the king should have no powers before coronation, that he could be crowned only on signing a compact and swearing an oath to sustain the constitution, usages, and laws of Hungary, by virtue of which she was a free and independent State, and that she could be bound by no royal edicts or decrees, but only by laws passed by her own diet or legislature, and sanctioned by the king.

Hungary was always as independent of Russia as we are.

Such, Mr. President, was the condition of Hungary in March, 1848. Now she has neither constitution, nor king, nor diet, nor national functions, nor national organs, nor independence, nor liberty, nor law, but lies prostrate at the feet of the Austrian Emperor, and receives his absolute decrees from the point of the sword. Who has wrought this melancholy and fearful change in a country that had used its liberty so nobly, and had kept it so long? We shall soon see.

In February, 1848, the Hungarian Diet, while revising and meliorating their domestic laws, learned by the telegraphic wires that a Republic had risen in Paris, and that a constitutional government was about to rise in Vienna. Availing themselves of these propitious circumstances, they decreed the establishment of an independent National Treasury, a Resident Palatine of Viceroy and a responsible Hungarian Ministry—institutions equally necessary, just, and constitutional. Hungary received the royal sanction of these measures with contentment and satisfaction at the very moment when only her word was wanting to subvert the Empire. Three days afterwards, the Germans obtained a constitution at the hands of the Emperor, who thus became a limited monarch in his Austrian dominions, as he had always been in Hungary. The Hungarian Diet at once reformed the social and political condition of the State, and abolishing feudalism, but not without just compensation, they established equality of taxation, representation, suffrage, and all legal rights among all races and classes throughout the kingdom; and on the 11th of April, the Emperor crowned this noble and beneficent work by an edict approving and confirming the new laws, "word for word."

A party of reaction, not Hungarian, but Austrian, on groundless pretences fomented insurrection in the Hungarian Provinces of Servia and Wallachia; and inasmuch as tyranny, when panic struck, cannot but be perfidious, the Emperor, violating the constitution and laws, appointed the chief instigator, the Baron Jellachich, to the office of Ban or Governor of the seditious districts. Hungary remonstrated, and the Emperor disavowed the insurrection, denounced and deposed the Ban, and called on the Diet to provide by law promptly and effectually for the safety of the kingdom. Nevertheless, the traitor, privately assured by the Monarch, entered the territory of the Magyars with 40,000 men, and receiving there six auxiliary Imperial regiments, proceeded towards the Hungarian capital, marking his way with inhumanity shocking to describe—burying living men, and slaying women without mercy, and even children without remorse. In the midst of these terrors, the Emperor, the crowned and constitutional King of Hungary, rejected the defensive laws which at his own instance the Diet had passed, restored to the invading chief his dignities, and, suspending the fundamental laws, proclaimed him now not merely Ban of the insurgent provinces, but Supreme Dictator of all Hungary. Then rang throughout that land a well-known voice—a voice that a tyrant had once stifled for three years in an Austrian dungeon, and that in its turn had made that tyrant take refuge in the subterranean vaults of Schoenbrunn, and in the mountain fastnesses of the Tyrol—a voice that has since been heard by all nations. In tones sad yet bold, and in language solemn yet cheering and prophetic, it predicted that this treason of the King would work out the independence of the Magyar State, and closed with the appeal, "To arms, to arms, every man 'to arms! and let the women dig a deep grave be-'tween Veszprem and Felhervar, in which to bury 'either the name, fame, and nationality of Hun-'gary, or our enemy!" The sons of Attila rose as one man, the Diet took its firm resolve, the ministry executed it, and the nation organized almost in a day and appointed and supplied as soon, by the genius which had summoned it to the field, met, defeated, and chased the invader to the very walls of Vienna, and there sat down and waited, unhappily in vain, the concerted rising of the German Republicans for the overthrow of the Empire. The constitutional Assembly of Austria, although cheered by popular victories, vacillated, and then of course cowered, and at last, amid the decimation of the patriots, abandoned the easy revolution. Hungary was thus left alone. Her constitutional compact and oath embarrassed the Emperor. He therefore resigned, and his son, a youth of seventeen, sprang into the throne, spurning the hateful ceremonies of a Hungarian coronation, and trampling the constitution of St. Stephen into the earth. Nine armies at once entered Hungary on various sides, instructed to complete its subjugation by concentrating on the banks of the Theiss. Not one of them reached that beautiful river. All were assaulted, routed, and repulsed; and on the 19th day of April, 1849, only one year after the nation had become free by the act of her Prince, the Diet deposed and banished the house of Hapsburg, pronounced the connection between Hungary and Austria at an end, and declared Hungary an independent State, and committed its Government under due responsibilities to its deliverer, Louis Kossuth, as Governor and President. Three days afterwards the last of the invading armies withdrew, and thus the war ceased, and Hungary was then, in fact, and by success of arms, as well as in law and by the voice of justice, independent and free. Nine months later, that independence was overthrown by 200,000 Russian troops, with 140,000 auxiliaries, at the command of the Czar, on no better pretext than this: that the successful example of Hungary was dangerous to order and religion in Europe. But this was nothing less (in the words of Grotius) than "a deprivation" of Hungary of "what belonged to her," by Russia, "for her own advantage;" and such acts have been universally condemned as criminal by all writers on the law of nations from the dawn of that science until its present noonday. When, in this fresh and accumulated invasion and intervention, the national army, not without extraordinary and cheering successes, were at last hemmed in and around the national fortresses, and there remained only a hope that terms of capitulation might be obtained, Görgey, the victorious and popular military chief, became contumacious towards the civil authorities. He was deposed, but was restored as an indispensable alternative; and then, holding in his own hands the only available means of effective resistance, he exacted an absolute dictatorship as a condition of using them. Invested with supreme power, he used it to complete a surrender of the country in pursuance of previous concert with the enemy, without conditions, except in one instance, and without striking a blow. The civil leader, with a small but heroic band, escaped into Turkey; and now, after long surveillance there, restored to freedom and activity, he is amongst us, with a soul unsubdued by treachery, misfortune, poverty, reproach, and exile, preparing a new revolution for his fatherland, which, as soon as it was surrendered to the Czar, was by him delivered over to the Emperor, and at once submerged in the Austrian Empire.

Sir, on the grounds of these principles and these facts, I submit to the Senate and to the people of the United States that certain propositions implied in the protest offered by the honorable Senator from Michigan, [Mr. CASS,] and fully and distinctly expressed in that presented by myself, are established, namely:

1. That the people of Hungary, in the exercise of rights secured to them by the law of nations, in a solemn and legitimate manner asserted their national independence, and established a government by their own voluntary act, and successfully maintained it against all parties lawfully interested in the question.

2. That the Emperor of Russia, without just or lawful right, invaded Hungary, and by fraud and armed force subverted the national independence and political constitution thus established, and

thereby reduced that country to the condition of a province ruled by a foreign and absolute power.

3. That although the United States, from the necessities of political society, recognize the existing rule in Hungary, yet they are not indifferent to the usurpation and conquest by which it was established.

4. That they may lawfully protest against that conquest and usurpation, and against any new armed intervention by Russia to uphold it against the will of the people of Hungary, if it shall be expressed.

Sir, this being the whole of our case, and it being thus established, I ask why shall we not proclaim that just and lawful protest?

An honorable Senator [Mr. MILLER] answers that we shall not speak, because "the matter is foreign." But how is it foreign? Does it not arise in the family of nations, and are we not a member of that family, and interested in its welfare, and therefore in the laws by which that welfare is secured? There was a Senate two thousand years ago, in which that objection provoked a rebuke from one who never indulged a thought of the Republic that was not divine. "*Haec lex so-*
'cialis est," said Cicero, "*hoc jus nationum extera-*
'rum est: Hanc habent arcem, minus aliquanto nunc
'quidem immunitam quam antea; verumtamen, si qua
'reliqua spes est, quæ sociorum animos consolari posset,
'ea tota in hac lege posita est; cujus legis non modo a
'Populo Romano, sed etiam ab ultimis nationibus
'jampridem severi custodes requiruntur."

Another Senator [Mr. CLEMENS] tells us that interest is the first law of nations, and that an enlightened sense of interest offers no argument for such a course. Sir, granting the extraordinary rule thus assumed, the value of the objection depends on what constitutes an interest. While it is true that this proceeding will not be directly compensated by either treasure or territory, it is equally clear that we need neither, and that the promise of both would constitute no adequate motive. The commerce of Hungary is, however, an interest to be secured by us; and inconsiderable as it must be under a Despotism, it would expand under a Republic. But as it is written for individual guidance, "Man shall not live by bread alone," so it is true of nations, that riches and aggrandizement are means and not objects of Government, and that States live and flourish not on merely physical elements, but just in the proportion that law, order, peace, justice, and liberty are maintained in the commonwealth of nations. What expenses do we not incur, what armaments do we not sustain, to protect our national rights against apprehended injustice? How much more must we not expend, what greater armaments must we not provide, if we by silence or pusillanimity encourage attacks on the common welfare of nations! It was this objection that the honorable and distinguished Senator from Kentucky [Mr. CLAY] reproved on an occasion like this in the House of Representatives, twenty years ago, when he said: "I see, and I own it with infinite 'regret, a tone and a feeling in the councils of the 'country infinitely below that which belongs to the 'country." Sir, it is enough for us if there be a duty, for the great Lawgiver has never subjected either individuals or societies to an obligation, without attaching to the law a penalty for its neglect, and a reward for its fulfillment.

It has already appeared that there is a duty resting upon us, unless, indeed, the act proposed would involve an injury to some real interest of our own. The question, then, is not, what shall we get, but what shall we lose, by the protest? The Senate Chamber and the country resound with alarms of war in reply to this inquiry, and we are frightened with estimates of the boundless cost of the controversy, and with pictures of its calamities, fearful, indeed, if we are to be overborne, and still more terrible if we shall come off conquerors. Sir, I need no warnings of that kind. War is so incongruous with the dictates of reason, so ferocious, so hazardous, and so demoralizing, that I will always counsel a trial of every other lawful and honorable remedy for injustice, before a resort to that extreme measure of redress; and, indeed, I shall never counsel it except on the ground of necessary defense.

But if war is to follow this protest, then it must come in some way, and by the act of either ourselves or our enemy. But the protest is not a declaration, nor a menace, nor even a pledge of war in any contingency. War, then, will not come in that way, nor by or in consequence of our act. If war is nevertheless to come, it must come in retaliation of the protest, and by the act of Russia, or of Austria, or of both. Assume, now, that it shall so come, will it be just? The protest is a remonstrance addressed to the conscience of Russia, and, passing beyond her, carries an appeal to the reason and justice of mankind. As by the municipal law no remonstrance or complaint justifies a blow, so by the law of nations no remonstrance or complaint justifies war. The war then would be unjust, and so the protest would be not a cause, but a pretext. But a nation that will declare war on a pretext will either fabricate one or declare war without any. Let no one say that I misstate the character of this measure. It is neither untried nor new. Austria protested against the mission of Dudley Mann, and President Taylor's avowal of it. Did we go to war? Did anybody think that we ought or could go to war for that? No! we made a counter protest by the celebrated letter of the Secretary of State, [Mr. Webster.] Did Austria maintain her protest by a declaration of war? No; we are at peace with Austria yet, and I hope we shall be so forever. And now, honorable Senators, I ask, if we are to shrink from this duty through fear of unjust retaliation, what duty shall we not shrink from under the same motive? And what will be the principle of our policy, when thus shrinking from obligations, but fear instead of duty?

And who are we, and who are Austria and Russia, that *we* should fear *them* when on the defense against an unjust war? I admit, and I hope all my countrymen will learn it without a trial, that we are not constituted for maintaining long, distant wars of conquest or of aggression. But in a defensive war levied against us on such a pretext, the reason and the sympathies of mankind would be on our side, coöperating with our own instincts of patriotism and self-preservation. Our enemies would be powerless to harm us, and we should be unconquerable.

Why, then, I ask, shall we refrain from the protest? The answer comes up on all sides: Since, then, the measure is pacific, Russia will disregard it, and so it will be useless. Well, what if it should? It will at least be harmless. But Russia will not disregard it. It is true that we once interpleaded between the belligerents of Europe twenty-five years by protests and remonstrances in defense of our neutral rights, and vindicated them at last by resistance against one party, and open, direct war against the other. But all that is changed now. Our flag was then a stranger on the seas; our principles were then unknown. Now, both are regarded with respect and affection by the people of Europe. And that people, too, are changed. They are no longer debased and hopeless of freedom, but, on the contrary, are waiting impatiently for it, and ready to second our expressions of interest in their cause. The British nation is not without jealousy of us. Let us only speak out. Do you think that they would be silent? No, sir. And when the United States and Great Britain should once speak, the ever-fraternizing bayonets of the army of France, if need were, would open a mouth for the voice of that impulsive and generous nation. Who believes that Russia, despotic as she is, would brave the remonstrances of these three great Powers, sustained as they would be by the voice of Christendom? Sir, I do not know that this protest will do Hungary or European democracy any good. It is enough for me that, like our first of orators (Mr. Webster) in a similar case, I can say, "I hope it may."

But it is replied that, if our Protest shall be disregarded, we must resort to war to maintain it, and that Louis Kossuth has confessed so much. I shall not stay long on the quibble of the lawyers who claim to have circumvented the guest at the feast to which they had bidden him. It was so that some of old sought to entangle in constructions of their national traditions the Great Teacher who came, not to dispute with Doctors, but to call all men to repentance. This proceeding is mine, not that of the Hungarian Neophyte in American politics. It is to be settled upon arguments here, not on concessions elsewhere. And now, sir, why must we go to war to sustain our Protest? You may say, because we should be dishonored by abandoning an interest so solemnly asserted. Sir, those who oppose the Protest are willing to forsake the cause of Hungary now. Will it be more dishonorable to relinquish it after an earnest effort, than to abandon it without any effort at all in its behalf? Sir, if it be mere honor that is then to prick us on, let the timid give over their fears. A really great, enlightened, and Christian nation has just as much need to make war on a false point of honor as a really great, enlightened, and Christian man has need to engage in a personal contest in the same case; and that is no necessity at all. Nor shall we be reduced to the alternative of war. If Hungary shall never rise, there will be no *casus belli*. If she shall rise, we shall have right to choose the time when to recognize her as a nation. That recognition, with its political influence and commercial benefits, will be adequate to prevent or counterbalance Russian intervention. But I am answered, that we shall unnecessarily offend Powers whom it is unwise to provoke. I reply, that it is not enough for a nation that it has no enemies. Japan and China are in that happy condition. It is necessary that a State should have some friends. To us, exemption from hatred obtained by insensibility to crime is of no value; still less is the security obtained by selfishness and isolation. Only generosity ever makes friends, and those that it does bring are grateful and enduring.

Again, then, I ask, why not vindicate the law of nations by our protest? One Senator [Mr. CLEMENS] draws an argument against the exercise of national sympathy from the character and conduct he imputes to Louis Kossuth, and represents him as having been reckless and uncalculating before danger approached, and weak and vacillating and shrinking when it was coming on; as having abandoned his country while he had yet one hundred and thirty-five thousand men; and as having surrendered the State unnecessarily or unwisely to one who for months he had believed a traitor; and as being, therefore, not a hero; and finally, as addicted to military display, and irreverent of the ashes of Washington, and therefore not a Republican.

Sir, if these assumptions were as correct and just as it has sufficiently appeared that they are erroneous, what would they or the objection raised upon them have to do here and now? This is a trial of Russia at the bar of the public justice of the world. How can the verdict be affected by any imagined misconduct of Louis Kossuth here, after Russian intervention in Hungary was ended, or even by any errors or misconduct before, of which Hungary alone, not Russia, had right to complain? The objection is as much out of season as out of place. The character of Louis Kossuth was a preliminary question, and has been decided by Congress with unexampled unanimity, and by a decree awarding such honors as the American people have before found none worthy to receive but the constant and generous Lafayette.

> Gods, of whatsoe'er degree,
> Resume not what themselves have given.

Freedom, sir, often undervalues, and sometimes mistakes, her friends; but tyranny never is deceived in her enemies. Let the honorable Senator from Alabama [Mr. CLEMENS] convince the treacherous Bonaparte that Louis Kossuth is not a man to be feared, or the old and subtle Metternich that Louis Kossuth is not a man to be hated. Until then, we must stand upon the judgment we have already rendered.

Once more, then, I ask, why withhold our protest? The Senator from Alabama [Mr. CLEMENS] would reply, that Hungary is an integral part of the Austrian Empire, and entitled to our declaration only when she shall, by successful revolution, have established her independence. The form of my proposition defeats the objection. Hungary had always enjoyed and in that very way had established her independence when Russia intervened. Certainly those who maintain that we could not now employ force to separate Hungary from Austria, when Russia has united them by force, cannot deny our right to protest against the crime that Russia thus committed. It would indeed have been better to have protested during the period of the act itself. But the period was short,

and we remote. The act is yet recent, and the prospect of a new attempt of Hungary continues the transaction, and renders a censure of the past and a protest against the apprehended renewal of Russian intervention important and seasonable.

There remains the objection, that flows so readily from all conservative pens and tongues on this side of the Atlantic, and still more freely from the stipendiary presses of Paris and Vienna, that a protest would be a departure from the traditional policy of our country, and from the precepts of Washington. It is passing strange, sir, that Louis Napoleon and Francis Joseph should take so deep an interest in our adherence to our principles, and in our reverence of the memory of him who inculcated them, not for the immunity of tyrants, but for the security of our own welfare. I know by hearsay that an association during our last contest with Great Britain clothed themselves with these same principles, and even with that illustrious name; that they called themselves the Washington Benevolent Society, celebrated the nativity, and quoted the Farewell Address of Washington to embarrass the Administration in what they were pleased to call an unjust and unholy war, even when it had become a war of national defense. I have known a faction, too, that planted themselves on the same sacred text, to confine to persons of American birth the privileges of American citizenship. A good cause needs not the sanction of that awful name. A bad one often seeks, although it cannot justly claim it. Therefore, I always take the liberty to look underneath the mantle of Washington, on whosesoever shoulders I find it.

Sir, granting for a moment that Washington inculcated just such a policy as is claimed by my opponents, is it so entirely certain that it ought always and under all circumstances to be pursued? Here is a message of his that illustrates the policy he adopted towards, not one only, but all the Barbary Powers, and it received, I think, the unanimous and favorable response of the Senate of the United States:

"*To the Senate of the United States:*

"If the President should conclude a convention or treaty with the Government of Algiers for the *ransom* of the thirteen American citizens in captivity there, for a sum not exceeding $40,000, all expenses included, will the Senate approve the same? If the President should conclude a treaty with the Government of Algiers, for the establishment of a *peace* with them, at an expense not exceeding $25,000, paid at the signature, and a like sum to be paid *annually* afterward during the continuance of the treaty, would the Senate approve the same?

"G. WASHINGTON.

"*May* 8, 1792."

Sir, you and I and all of us would have answered in the affirmative to these questions, had we lived and occupied these places in the last century. I desire to ascertain how many votes such a treaty would receive here now? And I address myself to the honorable Senator from Rhode Island, [Mr CLARKE,] who moved resolutions against any departure from the policy of Washington. Would you, sir, pay a Barbary Pirate $40,000 to ransom thirteen captives, and $25,000 bonus, and $25,000 annually, for exemption from his depredations. He looks dissentingly. I appeal to my emulous friend from New Jersey, [Mr. MILLER.] Would you, sir! No, not I. I demand from the other honorable Senator from New Jersey, [Mr. STOCKTON,] who in the triple character of Senator, Commodore, and General, presided at the Birthday Congressional Banquet in honor of Washington, and dishonor of his Hungarian disciple, Kossuth, would you, sir? No, not he. All who are in favor of such a treaty, let them say, aye. What, sir, not one vote in the Senate of the United States for the continuance of what was in its time a wise and prudent as well as humane policy of Washington? No, not one. And why, sir? The answer is easy: The times have changed, and we have changed with them. No one has ever thought that the Spartans wisely continued the military monastery after their State was firmly established. No one ever has thought that the rape of the Sabine women by the Romans was a policy to be continued.

But, sir, to come to that part of Washington's policy which is directly in question. I shall maintain that it was this: It consisted in avoiding new *entangling alliances* and *artificial* ties with one of the belligerent Powers in a general European war, but it admitted of expressions, assurances, and manifestations of sympathy and of interest in behalf of nations contending for the principles of the American Revolution, and of protest, earnest and decided, against the intervention of foreign Powers to suppress these principles by force; and this, just such as I have defined it, is the traditional policy of the United States, and has been pursued until this very day and this very hour.

Mr. President, I might well excuse myself from proving the truth of this proposition, inasmuch as, on the principles I have established, the United States, being a moral person, could not but cherish all that devotion to their own just and true system of politics which the policy I have described implies; and being, moreover, an enlightened as well as generous Power, they could not but desire to see it successfully adopted by other nations; and being, finally, a free nation, they could not fail to speak out their sympathies with those who might be struggling to adopt it, and to utter their indignation at armed intervention by despotic Powers to deprive them of a right so absolute, and of benefits so inestimable. Least of all could George Washington, the highest human personation of justice and benevolence, have inculcated any other policy than that which I have described. But the issue is one of profound and lasting importance. And therefore history shall prove my proposition to be true, and vindicate my country and her immortal founder.

Political philosophy, as the last century was approaching its close, was engaged in an effort to discover the true theory of government. The American Revolution terminated the dispute, by presenting a practical experiment of a free representative Government, directly established by the people, and depending not merely for administration, but for continuance upon their ever-renewed, constant, and direct activity. France, with mingled motives of previous favor to the new system and of opposition to a hereditary rival, had recognized the United States at an early day, and granted them seasonable and effective aid, and bound them to her by a treaty of mutual and eternal guaranty and alliance. The French Revolution of 1789 was the American Revolution beginning a new career in Europe. When, in 1792, a popular Constitution had been received by Louis XVI., he announced his acceptance of it to the several nations, and with very different results. It roused all the monarchies of Europe, sooner or later, to a mighty and combined effort for the extinguishment of the popular cause in France, as a necessary measure of security to the ancient system. On the contrary, the President of the United States transmitted the virtuous but irresolute King's letter to Congress. The House of Representatives, in their reply, assured him of their "sincere participation in the interest of the French nation on that great and important event, and of their wish that the wisdom and magnanimity displayed in the formation and acceptance of the constitution might be rewarded by the most perfect attainment of its object—the permanent happiness of so great a people." This, sir, was the first salutation to republicanism in Europe by the Government of the United States, and it was, in effect, a protest against the armed intervention then organizing beyond the Rhine. Sardinia and Austria, on the other hand, entered immediately into a treaty, and were soon afterwards followed by Russia, the Netherlands, and Great Britain—and thus was established the first combination, under the name of the Allied Powers, to oppose by force the principles of the American Revolution. To establish this point, it is necessary to refer only to Wheaton's History of the Law of Nations. "It was an armed intervention to restore the ancient order of things in France, and against the principles of the French revolution, deemed to be of dangerous example and contagious influence on the neighboring monarchies."

On the 22d of April, 1794, when France had adopted the republican system, and had driven beyond her borders the Allied Powers who had entered them to vindicate the cause of the deposed and executed monarch, the committee of safety, exercising the executive functions of the State, announced by letter to our Congress, that "a national government had been born in France, and with it victory; that internal order had been restored, and that the conspirators against the Republic had fallen;" and they declared their desire to "draw closer than ever before the bonds of friendship which united the French nation and the United States." The Senate, in reply, assured the committee of safety of their "friendship and good will for the French Republic;" and the House of Representatives declared themselves duly impressed "by the friendly and affectionate manner in which they had been addressed," and tendered "an *unequivocal* assurance that the Representatives of the people of the United States had much interest in the happiness and prosperity of the French Republic."

The question of a *closer political alliance* and of more intimate *artificial ties* with France, thus presented formally by the Committee of Safety, was urged upon Washington with discourtesy and vehemence by agents of that nation. He met it promptly, and denied it emphatically, by the proclamation of September, 1794, in which he declared, that in compliance with duty and interest, the United States would assume and maintain a neutral attitude in the war then raging in Europe. Disappointed as France was, the Convention of that Republic nevertheless, within six months afterwards, ordered the American flag to be displayed, as a symbol of their principles, in the Hall of their debates, and received it, when presented for that purpose by the American Minister, with enthusiastic demonstrations of respect and fraternal affection towards the American people.

Sixteen months after the date of the proclamation, and while it continued to regulate the action of the Government, Washington received the French Minister, Adet, with a letter from the Committee of Safety and the tri-colored standard of the French Republic, on the first day of the new year—a day specially appointed, because it was a day of general joy and congratulation. The committee by that letter informed the United States that they had received assurances of sympathy, which had been given to them by the American Minister in Paris, with rapture, and added that they were well aware that the United States truly understood that the victories of the French strengthened their own independence and happiness. Washington replied, that "his anxious recollections, his sympathetic feelings, and his best wishes, were irresistibly excited whenever he saw in any country an *oppressed* nation unfurl the banner of freedom; and that, above all, the events of the French Revolution had produced in him the deepest solicitude, as well as the highest admiration." Rising into a tone of earnestness and enthusiasm, unusual with that seemingly imperturbable magistrate, he added: "I rejoice that the interesting revolutionary movements of so many years have issued in the formation of a Constitution designed to give permanency to the great object for which you have contended. I rejoice that *liberty*, of which you have been the invariable defenders, now finds an asylum in the bosom of a regularly organized Government—a Government which, being formed to secure the happiness of the French people, corresponds with the ardent wishes of my heart, while it gratifies the pride of every citizen of the United States by its resemblance to their own. May the friendship of the two Republics be commensurate with their existence."

The Senate on that occasion declared that they "united with Washington in all the feelings" he had so ardently and so sublimely expressed. The scene in the House of Representatives was among the most inspiring ever exhibited in the natal halls of American Independence. On taking the chair, the Speaker announced to the House that they would receive a communication which would excite the most pleasing satisfaction in every American heart, and cautioned the Representatives and the people in attendance to confine the fervor of their enthusiasm within the restraints of propriety and dignity. Washington's message was read, the colors of the French nation were received and unfurled, the letter of the Committee of Safety was submitted and considered, and thereupon the Representatives unanimously resolved, amid acclamations in and around the Chamber, that they received the communication of France with sincere and lively sensibility, and that they deemed the presentation of the colors of

the French Republic a most honorable testimony of the existing sympathy and affections of the two Republics, founded on their solid and reciprocal interests, and that they rejoiced in the opportunity of congratulating the French Republic on the brilliant and glorious achievements accomplished under it, and that they hoped that those achievements would be attended with a perfect attainment of their object—the liberty and happiness of that great people. Sir, were not these ceremonies a demonstration of sympathy with democracy in Europe? The victories thus celebrated were won from the Allied Powers combined to oppress France by force. Were not these ceremonies a protest against their unlawful intervention?

Nevertheless, the United States persevered in the course marked out by the proclamation; and Washington, in his Farewell Address, published a year later, declared, in language truly quoted here, that the great rule of conduct for us in regard to foreign nations was, in extending our commercial relations to have as little political connection with them as possible, and to avoid implicating ourselves by artificial ties in the ordinary vicissitudes of European politics, and in the ordinary combinations and collisions of national friendships and enmities. Sir, that policy was necessary, and for that reason, if for no other, was wise. The flames of war raged throughout western Europe, and its lurid blaze lighted up the ocean. Both the belligerents recklessly turned pirates, and supplied themselves by the robbery of our unarmed, unprotected merchant vessels. Great Britain still, in violation of the recent treaty of peace, held the military posts on our Western borders, and had control of the passions of the savages amongst and around us, and was only waiting a pretext for a decisive blow at our newly-acquired independence; and France was seeking at the same time to involve us in the strife, and to force us to give the pretext. Nevertheless, impatient as she was for our co-operation, she was herself deranged and disorganized, adopting every year a new constitution, and nearly every month taking for her executive organ some new and more reckless and ferocious cabal, and thus was unable to assure us against the treachery of her own domestic factions. Well did Jefferson, Secretary of State to Washington, while defending the policy of his immortal Chief, declare that if the United States "had panted for war as 'much as ancient Rome—if their armies had been 'as effective as those of Prussia—if their coffers 'had been full and their debts annihilated—even 'then peace would have been too precious" to have been put at hazard against odds so fearful, with an ally more dangerous than the enemy. And what was the condition of the United States that they should have periled all in the domestic fury of France, or on the angry tide of her foreign conflicts? An infant country, sunk deep in debt, without any land or naval force, with an armed enemy on her borders, and from necessity paying tribute at the same time to the African Corsairs; nay, worse—unable to obtain their forbearance, because unsuccessful in borrowing funds to pay the tribute money. What less than madness would it have been to have entered into closer alliance, and to have assumed more intimate ties with a nation whom they could not have aided, and in going to whose help they would have been certain to have perished? *Salus populi suprema est lex.* Neutrality was a necessity, and therefore a duty.

I admit that the policy of the proclamation was continued throughout the whole war, until its close in 1814. Yes; and I confess, moreover, that congratulations and protests ceased with the last imposing ceremony I have described. But the explanation of both of these facts is at hand. The jealousy of the belligerents did not abate, and the parties changed objects and characters. When France was well-nigh exhausted by factions, the republic went down, and in its place arose, of course, a Dictator and afterwards an Empire. She who had at first taken arms in defense of national rights against internal intervention, afterwards carried war into the bosoms of the intervening States, who now resisted their late enemy to save Europe from an armed Military Despotism. The United States had no longer a cause in Europe to congratulate, to protect, or to defend.

But the American Revolution broke out soon in another region. As early as 1810, the Spanish Provinces of South America declared their independence, and resorted to arms with brilliant success. The allied Powers of Europe, flushed with the recent triumph over Napoleon, frowned on the new Western Republics. The United States held at first a subdued tone, in consequence of severe experience in their war with England, then just closed. Nevertheless, they regarded the controversy between the Colonies and Spain, not as an ordinary insurrection, but as a civil war between parties nearly equal; while the President (Monroe) asked Congress for a law to render the neutrality code more stringent. The design was alleged to be to prevent the departure of ships built at Baltimore for the new States. This policy was too cold and prudent for the great popular leader in that day in the House of Representatives, [Mr. CLAY.] He proclaimed that the President, in his anxiety to stand erect, leaned against freedom; and, alluding to Spain and the Holy League as oppressors of South America, he declared "he had no sympathy with tyrants." The President dispatched commissioners to seek information of the condition and prospects of the insurgents, just as President Taylor recently did in behalf of Hungary, and with the same object. But the great exponent of American republicanism was not satisfied; and he thereupon moved in the House of Representatives an appropriation for a direct embassy to the Republic of the Rio de la Plata. In support of that motion, he demanded, with noble, spirit-stirring vehemence: "Are we not bound 'upon our own principles to acknowledge the new 'Republic? If *we* do not, *who* will? Are we to 'expect that *Kings* will set us the example of ac-'knowledging the only Republic on earth except 'our own?"

A year later, the President (Monroe) taking bolder ground, intimated to Congress and to the world quite distinctly the interest with which the United States regarded the consultations of the Holy League. After saying, in the courtly language of diplomacy, that they had undertaken to *mediate* between Spain and her Colonies, he expressed a very confident belief that they would confine their interposition to the expression of their sentiments, *abstaining from force.* What was this, sir, but an expression of sympathy with the Republics, and a protest against armed intervention by the Holy League of Europe?

One more year ripened these sentiments into action. "It is not in the power of a virtuous peo-'ple," said the President, "to behold a conflict so 'vitally important to their neighbors, without the 'sensibility and sympathy naturally belonging to '*such a cause.*" And after announcing that he had tried to engage the coöperation of other Powers to influence Spain, he added, certainly very much in the spirit of the present proceedings, that "should 'it become manifest to the world that the efforts 'of the parent State to subdue the Colonies would 'be fruitless, it might be presumed that she would 'relinquish them."

The House of Representatives, either thinking that the probable issue was already manifest, or unwilling to wait for the permission of other Powers, at once replied to the President that they were even then ready to provide for diplomatic relations with the new Republics; and they tendered to him their constitutional support of a recognition of them whenever he should be pleased to grant it. They marked this decisive declaration by the unusual formality of sending a committee to announce their determinations to the President, at the head of which was justly placed the now distinguished Senator from Kentucky, [Mr. CLAY.] A medal commemorating the civic achievements of that eminent leader has been recently struck. One of its inscriptions recites this great triumph in behalf of freedom in South America. Sir, in my judgment, it was the noblest of them all.

Long after the recognition of the South American Republics, the Holy League continued to entertain the appeal of Spain for their intervention. But the spirit of the American people would no longer brook such an unlawful act. In 1823, the President (Monroe) atoned for all past hesitation by that decisive and memorable protest in which, after urging the inapplicability of the principles before held by our Government on the subject of intervention to the case of the South American States, he avowed that "it was due to candor and 'to the amicable relations existing between the 'United States and the allied Powers of Europe, 'to declare that we should consider any attempt 'on their part to extend their system to any part 'of this hemisphere as dangerous to our own 'peace and safety" * * * * "And that, while 'we should still remain neutral in the contest, 'our position would change if their intervention 'should render it necessary."

The Holy League, nevertheless, kept on secretly consulting on mediation with the sword for the good of the people of this Continent, until John Quincy Adams, President, not appreciating their benevolence nor having the fear of force before his eyes, accepted for the United States, with the support of Congress, an invitation to attend a meeting of the new brotherhood of American Republics, called to discuss measures for the common safety and welfare. While explaining the reasons for that measure, that incorruptible and indomitable Magistrate thus renewed the protest of his predecessor:

"To the question 'Whether the Congress of Panama, and the principles which may be adjusted by it, may not give umbrage to the Holy League of European Powers, or offense to Spain,' it is a sufficient answer, that it can give no just cause of umbrage or offense to either, and that the United States will stipulate nothing there which shall give such just cause. Here the right of inquiry into our purposes and measures must stop. The fear of giving umbrage to the Holy League of Europe was urged as a motive for denying to the American nations the acknowledgment of their independence. That it would be viewed by Spain as hostile to her was not only urged, but directly declared by herself. The Congress and the Administration of that day consulted their rights and duties, and not their fears. Neither the representation of the United States at Panama, nor any measure to which their assent may be yielded there, will give to the Holy League, or any of its members, or to Spain, the right to take offense. For the rest, the United States must still, as heretofore, take counsel from their duties, not their fears."

And now, sir, the scene changes once more to Europe. Two thousand years ago, mercurial, vivacious, spiritual Greece, after continued and restless activity, fell asleep, and during her long slumber the False Prophet of the Koran bound her limbs with hateful and corroding chains. Within our day she moved, and awaked, and rose from the earth, and seized and attempted to break the instruments of her bondage. It was the spirit of the American Revolution passing by that roused her from that lethargy to that noble achievement. The Holy League of Europe, that had trampled freedom beneath their feet in France and menaced it so long in South America, consulted how to crush it in the land of Homer, and Pericles, and Alcibiades. Greece, confined within her miniature islands and her narrow peninsula, was to us a stranger, a shadow of a name, known to us only by her primitive instructions in all philosophy, by her perfection in all ennobling arts, and by her nursing care of our holy religion. But for all that we were not indifferent; and although despotic Europe offered to league itself with superstitious and despotic Asia for her subjugation, we were encouraged by the humane sympathies of the world, and did not quite fear to speak out. "It is impossible," said the President, (Monroe,) "to look to the oppressions 'of Greece without being deeply affected. A 'strong hope is entertained that that people will 'secure their independent name and their equal 'standing among the nations of the earth. From 'the facts which have come to our knowledge, 'there is good cause to believe that the enemy 'has lost all dominion over them, and that Greece 'will become an independent nation. That she 'may attain that rank is the object of our wishes." This expression of sympathy for Greece, and this protest against the cruelty and oppression of her tyrant, was reiterated every year until, by the armed intervention of other generous Powers, their object, the emancipation of that people, was obtained. Who can say now how much they did not contribute towards that gratifying result?

Mr. President, just after the revolution of France in 1830, I had the honor to visit Lafayette in La Grange. The porch of his chateau was ornamented with two brass field-pieces, captured from the army of Charles X. by the citizens of Paris, and presented to its noble proprietor. The hall of entrance was decorated with the mingled drapery of the tri-colored flag of his own country and the stars and stripes of ours. And there he was in retirement, cheerful and hopeful, although dis-

gusted by the treachery of the citizen King against the principles of the American Revolution, to which he owed his throne.

"Sir," said Lafayette, "Louis Philippe will be King some seventeen or eighteen years; but no son of his will ever sit on a throne in France."

That longest period had not elapsed when the throne in the Tuileries disappeared, and the false monarch was an exile in England. We all recollect that the American Minister, without waiting for a permanent organization of the nation, or for instructions from home, or for intelligence of the dispositions of the monarchs of Europe, hastened to intervene and commit his country by saluting the new Republic. The President (Polk) acted with equal promptness and decision. "The world '(said he to Congress) has seldom witnessed a 'scene more interesting and sublime than the 'peaceful rising of the French people, resolved 'to secure to themselves enlarged liberty, and to 'assert, in the majesty of their strength, the great 'truth that in this enlightened age man is capable 'of governing himself. The prompt recognition 'of her new Government by the representative of 'the United States meets my full and unqualified 'approbation. The policy of the United States 'has ever been that of non-intervention in the do-'mestic affairs of other countries—leaving each to 'establish the form of Government of their own 'choice. While this wise policy will be main-'tained towards France, now suddenly transformed 'from a Monarchy into a Republic, all our sym-'pathies are naturally enlisted on the side of a 'great people who, imitating our example, have 'resolved to be free." * * * "Our ardent and sin-'cere congratulations are extended to the patriotic 'people of France, upon their noble and thus far 'successful efforts to found for their future Govern-'ment liberal institutions similar to our own." Congress echoed these just sentiments, and in the name and behalf of the American people, "ten-'dered their congratulations to the people of France 'upon the success of their recent efforts to consol-'idate the principles of liberty in a Republican 'form of Government."

Mr. President, a spark from the flame which thus breaking out in Paris was regarded with so much pleasure here, kindled the material which had been long gathered and prepared by Louis Kossuth and his compatriots in Hungary. Remote as we were, we watched and followed the revolution in that ancient country with intense interest. We had an agent there ready to tender our congratulations; but the cause went down under the iron pressure of Russian intervention. When we could do no more, we sought the exiled Chief in Turkey, procured his release from duress and surveillance; and while the Russian and Austrian monarchs, with menaces, demanded his surrender to them by the Ottoman, we brought him, with the ovation of a conquerer, under protection of our flag down the Mediterranean, and home to our own shores, and received him with honors that have divided the homage of mankind between ourselves and him.

Sir, even while this slow and languid debate has been going on, we have interceded, informally, indeed; but, nevertheless, we have interceded with Great Britain for clemency to imprisoned patriots who, under auspices hopeless, but under the pressure of national evils quite intolerable, had attempted to renew the American Revolution in Ireland. And you and I, and every Senator here, whether he suppresses utterance as some may do, or speak out as I do, is earnestly hoping that that act of intercession may prevail with the amiable and virtuous monarch who wields a benignant scepter over those realms.

Here, sir, the history ends. I will add no glosses to the recital—I will not attempt to simplify the subject, involved, as it is, in the confusion resulting from the want of definitions of intervention, and from the neglect to discriminate between intervention in the domestic affairs of a nation and opposition against the flagrant act of a strong foreign power in attacking without just cause or motive a weak but brave one struggling with its proper enemy. I shall not ask the Senate or the country to distinguish between intercession, solicitation, or protest, on the one side, and armed intervention, entangling alliances, and artificial ties, on the other. I will only say that either this protest is not an intervention, or we have done little else than to intervene in every contest for freedom and humanity throughout the world since we became a nation. That if this act be wrong, we have never done right. If we approve and own the precedents of our predecessors, this act is one which cannot be justly or wisely omitted. The question before us, then, is not whether we shall depart from our traditional policy, but whether we shall adhere to it.

Inasmuch as some will say that I have presented in too strong relief the action of the Government in behalf of freedom, I call now on those who maintain that its policy has been one of indifference, to show one act that the United States ever committed, one word that they ever spake, or one thought that they ever indulged, of congratulation, of sympathy, or even of toleration, towards a falling despotism or a successful usurpation.

Having vindicated my country and her statesmen against the implications of indifference, coldness, and isolation, I hope it will not now be thought presumptuous on my part, or irreverent to the memory of Washington, or dangerous to the State, if I inquire on what principle the duty of neutrality was founded by that illustrious man, and whether he enjoined that policy as one of absolute and perpetual obligation? "The duty of holding a neutral conduct," said he, in his Farewell Address, "may be inferred without anything 'more from the obligation which justice and hu-'manity impose on every nation in cases in which '*it is free to act* to maintain inviolate the relations 'of peace and amity towards other nations."

Our "freedom" in that case resulted from the circumstances which excused us from coöperating with France, notwithstanding our treaty of alliance; and the exercise of "justice and humanity" was in favor of our own people:

"The inducements of interest for observing that conduct (said he) will best be referred to your own reflections and experience. With me a *predominant motive* has been to endeavor to *gain time* to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which is necessary to give it, humanly speaking, the command of its own fortune."

I will not venture on such a question as whether humanity and justice may not in some contingencies require that we should afford substantial aid to nations as weak as we were in our revolutionary contest when we shall have matured our strength. Nor will I inquire whether time enough has not been already gained to give us, speaking always with a due sense of dependence on an all-gracious Providence, the command of our own fortune.

It is clear enough, however, that we distrust our strength seldom, except when such diffidence will serve as a plea for the non-performance of some obligation of justice or of humanity. But it is not necessary to press such inquiries. What is demanded here is not any part of our fifty millions of annual revenue, nor any use of our credit, nor any employment of our Army or of our Navy, but simply the exercise of our free right of speech. If we are not strong enough now to speak, when shall we be stronger? If we are never to speak out, for what were national lungs given us?

Senators and Representatives of America, if I may borrow the tone of that sturdy republican, John Milton, I would have you consider what nation it is of which you are governors—a nation quick and vigorous of thought, free and bold in speech, prompt and resolute in action, and just and generous in purpose—a nation existing for something, and designed for something more than indifference and inertness in times of universal speculation and activity. Why else was this nation chosen, that "out of her, as out of Sinai, should be proclaimed and sounded forth the first tidings and trumpet" of political reformation to all nations. I would have you remember that the love of liberty is a public affection which this nation has deeply imbibed and has effectually diffused throughout the world; and that she cannot now suppress it, nor smother her desires to promote that glorious cause, for it is her own cause.

Mr. President, I thought that after answering the objections against this protest, I would show affirmatively why it ought to be adopted. But with the disappearance of opposing arguments, the reasons in favor of it have risen with sufficient distinctness into view. I will only add that it is time to protest. The new outworks of our system of politics in Europe have all been carried away. Republicanism has now no abiding place there, except on the rock of San Marino and in the mountain home of William Tell. France and Austria are said to be conspiring to expel it even there. In my inmost heart, I could almost bid them dare to try an experiment which would arouse the nations of Europe to resist the commission of a crime so flagrant and so bold.

I have heard frequently, here and elsewhere, that we can promote the cause of freedom and humanity only by our example, and it is most true. But what should that example be but that of performing not one national duty only, but all national duties. Not those due to ourselves only, but those which are due to other nations and to all mankind. No dim eclipse will suffice to illuminate a benighted world.

I have the common pride of every American in the aggrandizement of my country. No effort of mine to promote it, by just and lawful means, ever was or ever will be withheld. Our flag, when it rises to the topmast or the turret of an enemy's ship or fortress, excites in me a pleasure as sincere as in any other man. And yet I have seen that flag on two occasions when it awakened even more intense gratification. One was when it entered the city of Cork, covering supplies for a chivalrous and generous, but famishing people. The other was when it recently protected, in his emigration, an exile of whom Continental Europe was unworthy, and to whom she had denied a refuge. Sir, it raised no surprise and excited no regret in me to see that exile and that flag alike saluted and honored by the people, and alike feared and hated by the Kings of Europe.

Let others employ themselves in devising new ligaments to bind these States together. They shall have my respect for their patriotism and their zeal. For myself, I am content with the old ones just as I find them. I believe that the Union is founded in physical, moral, and political necessities, which demand one Government and would endure no divided States; that it is impregnable, therefore, equally to force or to faction; that secession is a feverish dream, and disunion an unreal and passing chimera; and that, for weal or woe, for liberty or servitude, this great country is one and inseparable. I believe, also, that it is righteousness, not greatness, that exalteth a nation, and that it is liberty, not repose, that renders national existence worth possessing. Let me, then, perform my humble part in the service of the Republic by cultivating the sense of justice and the love of liberty which are the elements of its being, and by developing their saving influences, not only in our domestic conduct, but in our foreign conduct also, and in our social intercourse with all other States and nations.

It has already come to this, that whenever in any country an advocate of freedom, by the changes of fortune, is driven into exile, he hastens to seek an asylum here; that whenever a hero falls in the cause of freedom on any of her battle-fields, his eyes involuntarily turn towards us, and he commits that cause with a confiding trust to our sympathy and our care. Never, sir, as we value the security of our own freedom, or the welfare and happiness of mankind, or the favor of Heaven, that has enabled us to protect both, let that exile be inhospitably repulsed. Never let the prayer of that dying hero fall on ears unused to hear, or spend itself upon hearts that refuse to be moved.

COALITION IN MASSACHUSETTS.

SPEECH OF HON. G. T. DAVIS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

March 6, 1852,

In reply to the speech of Hon. ROBERT RANTOUL, of the 24th of January, 1852.

The House having resolved itself into Committee of the Whole on the state of the Union,

Mr. DAVIS said:

Mr. CHAIRMAN: On the 23d of January last, I had occasion to make some remarks in reference

to what I considered to be unjust aspersions upon a distinguished citizen of Massachusetts, [Mr. WEBSTER.] They were replied to, not by the gentleman to whom they were addressed, [Mr. ALLEN,] but by another gentleman, a colleague of mine, [Mr. RANTOUL,] who now sits near me. The mode of reply was such certainly as to invite attention, and to require some sort of notice. It was perfectly competent for him to make comments upon my line of argument against the coalition of Massachusetts Democrats and Free-Soilers, of which my colleague is a distinguished member; but this he failed to do, and confined himself to a personal commentary, on my own antecedent opinions. This course taken by my colleague may, I think, be fairly considered as an admission that the coalition, in itself, could not be successfully defended here. There were certain facts connected with my public conduct which my colleague omitted to notice. He made a skilful disposition of other facts, all of them occurring many years ago, at a time when I unquestionably held opinions which I should now consider, and which I have for many years considered, extreme opinions upon the subject of slavery; and by an equally skilful withholding of facts equally public and equally true, and which I think must have also been within his knowledge, he may have succeeded in causing a very erroneous impression in this House, and in the minds of those to whom his speech furnished their only means of information. After showing my action ten or fifteen years ago—after referring to those expressions of former opinions, which certainly were intolerant and proscriptive, and which I should not justify here or anywhere else—if he had gone on to say that twice in succession I had voted for slaveholding Presidents, that in 1844 I was a delegate to the convention which selected a slaveholding candidate for President, and for whose election I voted, and that in my district, during two trials, the second resulting in my election, I was opposed by the Free-Soil party regularly organized there, and casting more than two thousand votes against me, it would have been unnecessary, probably, for me to make any further explanation.

In stating these notorious facts, I suppose that I state enough to give to this House, and to all to whom my words shall come, a general understanding of my position. Far from disclaiming, here or elsewhere, that anti-slavery sentiment which has been a ruling sentiment in Massachusetts, I avow it, justify it, and glory in it. But it is a sentiment in subordination to the requirements of the Constitution and the exigencies of the Union. In the controversies, growing out of this question, which have sprung up between different sections of the Union, much which was intolerant, much which was proscriptive, much which was indefensible, has been said both by individuals and by public bodies. It is to be hoped that recent vivid experience of the imminent national dangers to which such controversies, so conducted, tend, will lead in all parts of the country to the assuming of a more moderate tone, and to the cultivation of a more moderate state of feeling. I admit that the experience of ten years past has brought me to conclusions very different from those of my colleague. He, long known as a national Democrat, is now found acting with those whom he for years denounced as agitators and incendiaries. For myself, I must say that I could not avoid seeing, as I advanced in life, that in the great questions which have agitated the country, such as the question of the annexation of Texas, the Mexican war, the adjustment of the tariff, &c., the bold and consistent advocacy of that which I believed to be the right side was not confined to any section; and that while some Northern men, of whom my colleague can tell us something, were always found ready to aid in stabbing our industry or betraying what we deemed to be our rights, we also found that we could look to the South as well as the North for statesmen to stand up boldly and strongly on what we deemed to be the side of truth. It is impossible that the existence of these facts should not operate to bring about a change in the intolerance of feeling which might otherwise exist between these different sections—a change which would not prevent each section from maintaining with constancy what each should believe to be its rights, but would soften and bring within due bounds of forbearance the tone and temper of controversy. Gradual changes of opinion, the result of ripened thought, and a correct application of the rules of perspective to moral considerations—or sudden changes of opinion, the result of new controlling circumstances, are not only not singular, but they are in conformity with all the laws of a healthy mind. All around us, in this House and elsewhere, among gentlemen from the North and South, we find the evidences of this truth; and, if I am not misinformed, one of the most respected Southern members on this floor, now representing a slaveholding constituency, did at one period of his life hold opinions on this subject nearly or quite as extreme as my colleague claims to have been held by me. Holding his present position, he must have passed in the opposite direction to a point far beyond the views entertained by myself or by any man who clings to the Northern sentiment. Yet this great change has not deprived him, and I do not think that the mere fact of change ought to deprive him, of the confidence of his constituency.

My colleague suggested that I had libelled Massachusetts in what I said in regard to the coalition. I stated nothing except certain facts, from which I drew certain inferences, and the question is whether those facts which I thus stated, and which my colleague did not undertake to deny, warranted those inferences. The facts which I stated went to show that the Free-Soil and Democratic parties of Massachusetts, holding opposite opinions upon what each considered a vital point of national policy, had agreed mutually to barter away offices without reference to the principles which each professed to believe. If these facts, thus stated, are of such a description that the mere statement of them is a libel upon Massachusetts, it seems to me it is for my colleague, and those who act with him, to put their hands upon their mouths and their mouths in the dust, and apologize for having committed acts so flagrant that the mere statement of them should cause every son of Massachusetts to hang his head with shame. My colleague went on to say that the coalition in Massachusetts was, as he termed it, a "masterly combination." That was the expression; and he illustrated it by an analogy, which, as is often the case with analogies and comparisons, was quite defective. He suggested that it would be a strange thing if men of different religions could not unite together in extinguishing a conflagration. I will give him another illustration far more appropriate. Suppose that at one and the same conflagration, half of the persons employed as firemen were busy with tar buckets to add to the fire, and the other half with water buckets to put it out. It might be a very fine thing for the persons employed, and entirely satisfactory to them; but would their satisfaction be likely to be shared by the householders and insurance companies?

The drift of my colleague's argument was this: that it was impossible for any one holding the excessive opinions I had held, to be capable of a just indignation at an unjust aspersion, or capable, under any circumstances, of being imbued with a national idea. Otherwise, why should my colleague have turned off from defending the coalition for the purpose of exhibiting to the House those fossil remains of preadamite opinions, which he, or some one else for him, with much labor of pick and shovel, had disinterred from their ancient, dusty burial places.

The great difficulty, it seems to me, which every fair-minded man has to encounter in political action is not in settling principles, but in applying principles to an ever-changing condition of facts. No party purely sectional or purely national exists, or can exist, in this country. In the conduct of affairs, the line of duty falls sometimes on the one and sometimes on the other side of these opposite tendencies, between which our politics oscillate. It is the motive, and the surrounding circumstances which indicate the motive, which determine the popular judgment upon the changing course of politicians. By his examination of my antecedents my colleague has somewhat importunately invited my attention to his own, and impliedly invited a comparison which I am very ready to make; and before I have done with him, I will show him that whereas so far as his quotations against me go, a statute of limitations of ten years would answer my purpose, nothing longer than three weeks would answer his. [Laughter.]

Without attaching any great importance to those early, youthful opinions, I will begin as far back as 1828, before Jacksonism had any distinct name in Massachusetts, and when a few gentlemen got together for the purpose of celebrating the victory of New Orleans. Mr. Adams being then President, my colleague took quite different views of the importance of that victory from those which he came to entertain immediately after General Jackson's election. He undertook to ridicule the celebration; and his genius expressed itself in some irregular but not unmusical poetry, which, as I understand, the mothers of the Essex district still use as a lullaby for their children. I refer to those exquisite little lines by my colleague:

"Strike the tonjo! Blow the hugng!
Let the loud hosannah sound!
Sing turulturoo! Sing turulturoo!
Sing turulturoo to the god of war!
Who is Andrew?
I don't know, do you?
A fellow with infinite bottom,
He hung up the spies,
So may he rise,
And our stomachs with treasury pap glut 'em."

[Laughter.]

Mr. RANTOUL. Will the gentleman allow me to ask him a question?

Mr. DAVIS. If my colleague will permit me I had rather not, as my time is so limited.

Mr. RANTOUL. I wish to ask the gentleman by what authority he attributes the poetry, which I know perfectly well, to me?

Mr. DAVIS. By newspaper authority.

Mr. RANTOUL. Nothing further. [Laughter.]

Mr. DAVIS. I will ask my colleague, if I am right or wrong?

Mr. RANTOUL. I think the gentleman is decidedly wrong in quoting anything upon anonymous newspaper authority. [Laughter.]

Mr. DAVIS. If my colleague thinks me so decidedly wrong, I suppose he does not intend to follow my example. There is another suggestion of my colleague, in which he does himself less than justice. I refer to his giving me the credit of carrying through the Massachusetts Legislature of 1840, the various resolves in relation to the slavery question, which he says attracted great attention throughout the Union. For those resolves, or for any action which the Commonwealth of Massachusetts, through her Legislature, has deemed fit to take in relation to the question of slavery, I am not here to apologize, nor have I a word to say in retraction or explanation. Some of the grounds then taken by her are not now urged, and probably could not now receive the sanction of her people, but her action was in accordance with her ideas of truth and duty, and represented truly the views of a vast majority at the time when that action was had. But from my colleague's comment on that action, I am sure that the House would get the idea that he was opposed to it, and in this respect I think he does himself or myself less than justice. He is a man of force and talent, and made himself, at an early period, distinctly understood upon both sides of that as well as many other questions which have been agitated in Massachusetts for the last ten or fifteen years. I find that as far back as 1838, every word and syllable of these Massachusetts resolves, the whole doctrine from beginning to end, so far as I can make it out, was anticipated by my colleague from the Essex district, in a letter which he addressed, being then a Democratic candidate for Congress, to a committee of Abolitionists. This letter was dated at Gloucester, November 3, 1838. In answer to certain inquiries, he states at the outset, that he has been nominated for a seat in Congress by the Democratic party of Essex South district. The following extracts will give an idea of the scope and object of the letter:

"GLOUCESTER, *November* 3, 1838.

* * * * * * *

"The institution of slavery, in common with the whole North, and with a large proportion of the more intelligent of the South," * * * "I have always regarded as a curse upon this nation, and particularly on those States within whose limits it exists. If God made of one blood all the nations of the earth, slavery is an outrage on humanity. If the product of one's toil is the surest inducement to industry and economy, slavery is sure to blast with barrenness and poverty the land which it tills."

* * * * * * *

"The entire power of legislation over the District of Col-

umbia being ceded to the United States, they have the same power over slavery in the District that the State of Virginia has within her own limits; and no one doubts that the sovereign and independent State of Virginia can abolish slavery within her boundaries whenever she chooses."

* * * * * * *

"Slavery ought not to exist in the District. So long as it exists there it will endanger the existence of the Union by the continual irritation it cannot fail hereafter to occasion. The legislative power being in Congress for the District, Northern men feel that it is with their consent that slavery is continued there; and this conviction they cannot avoid, except by taking all proper measures for the removal of the evil."

* * * * * * *

"Congress has, also, the entire legislative power over the Territories. Those who look upon slavery as a great moral, social, and political evil, ought not to contribute, directly or indirectly, to enlarge its limits, increase its miseries, or augment the number of its subjects. It would already have been circumscribed within much narrower limits than it now occupies, but for the malign influence exerted by one man, the Hon. HENRY CLAY, some eighteen or nineteen years ago.

"The power to regulate commerce among the several States is given in the same clause and in the same terms as the power to regulate foreign commerce. Under the power to regulate commerce with foreign nations, Congress have already prohibited the African slave trade; and under the power to regulate commerce among the several States, Congress may equally prohibit the slave trade among the several States.

"As this trade tends to prolong the existence of slavery in several States where slave labor is comparatively unprofitable—as it tends to augment the number of slaves in the States where their labor is more profitable—as it heightens the evils inseparable from slavery by suddenly breaking up the ties of acquaintance, connection, and relationship—for these and many other reasons it ought not to be sanctioned by the General Government, but all judicious and practicable measures should be adopted to cause its discontinuance.

"I am in favor of prompt and efficient measures to cause the discontinuance of the slave trade between the United States and Texas."

* * * * * * *

"I have given you frankly my present opinions. I will only add, that, as they have not been hastily adopted, they will not be lightly relinquished.

"Respectfully, gentlemen, I have the honor to be your friend and fellow-citizen," ROBERT RANTOUL, Jr.

"TO E. HUNT, C. R. DODGE, R. F. NEWHALL, E. COGGSWELL, E. HALE, Jr., N. LOUD."

It will be perceived, then, that in 1838, my colleague went the whole length of the Massachusetts doctrines expressed in the resolves of 1840, in reference to the slavery question; with a further assurance, which must have been very gratifying to the inquirers, that his opinions thus stated had not been hastily adopted, and would not be lightly relinquished.

Mr. RANTOUL. Will the gentleman allow me to ask him a single question?

Mr. DAVIS. I really cannot. My colleague ought not to ask it.

Mr. RANTOUL. Well, I will forbear.

Mr. DAVIS. I think my colleague ought not to interrupt me, for my time is very short. In 1840, however, my colleague continued in full communion with the Democratic party, which adopted the following resolve:

"*Resolved*, That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution; that *all efforts of the Abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions.*"

With this party, my colleague continued to act until 1843, when the question of the annexation of Texas had come up, and Mr. Tyler then appointed my colleague to the collectorship of Boston, and I have always supposed that my colleague's opinions on that question were in entire conformity with those of Mr. Tyler. In 1844 and 1848 my colleague was a member of the Baltimore Convention, at which this same resolution against the interference of the Abolitionists was passed, and up to 1849, he held office under Mr. Polk's administration. My colleague was present, and a member of the committee on resolves, at the State Convention of Massachusetts, in 1848, by which the following resolves were passed, amongst others:

"*Resolved*, That this convention is opposed to the exercise of any jurisdiction by Congress upon the matter of slavery in the Territories.

"*Resolved*, That prominent Democrats who abuse the confidence that has been reposed in them with unsparing liberality—falsify their declarations—abandon their principles as well as their party" * * * "and for no loftier end than personal aggrandizement" * * "or to satiate an inordinate or unchastened ambition, justly forfeit their claim to the respect and confidence of all parties."

[Laughter.]

It will be perceived that my colleague did not then imagine that the conduct of such Democrats as he then attacked, would come to be defended by himself as "a masterly combination." My colleague was also a Vice President of the Massachusetts Peace Society.

Mr. RANTOUL. I know my colleague will allow me to say that I never was a member of the Massachusetts Peace Society.

Mr. DAVIS. The gentleman was elected on the 24th of May, 1846.

Mr. RANTOUL. I never was elected. I never was a member of the Peace Society of Massachusetts. I never attended its meetings. The mistake arises from the fact that there is another gentleman of the same name.

Mr. DAVIS. It is very probable that I may be mistaken, for there have been other mistakes of the same kind. But there was another resolve unanimously passed at that Convention of 1848, of which my colleague was a member, which was to this effect:

"*Resolved*, That it is not safe to retain in important offices under the Federal Government, any persons who advocate and sustain doctrines calculated to weaken, if not dissolve the Union; that the collector of the port of Boston and Charlestown is such an individual, and being such, we believe it to be the duty of the Executive forthwith to remove him from office."

This was my colleague's opinion in 1848. He then thought that a merely executive officer, holding such opinions, should be turned out; in 1851 he considers it a "masterly combination" to put a gentleman holding precisely similar doctrines into the highest legislative office of the Federal Government.

Well, sir, I had no reason to suppose nor do I understand that any person had reason to suppose, that these sentiments of my colleague were changed down to 1850. In that year, there had been demonstrations in favor of that coalition, which my colleague calls "a masterly combination," between a certain portion of the Democrats and the Free-Soilers of Massachusetts. The fugitive slave law passed in September, 1850, and in the fall of that year, my colleague was nominated for Congress by the Democratic Convention of his district. That Convention passed resolves against the fugitive slave law. On the 23d of November there was a meeting held in Boston of those in favor of sustaining the compromise measures, and at that meeting, the following resolution, among others, was passed:

"*Resolved*, That the adjustment of the measures which disturbed the action of Congress for nearly ten months of its last session, ought to be carried out by the people of the United States in good faith, in all the substantial provisions, *because*, although we may differ with each other about the details of those measures, yet, in our judgment, a renewed popular agitation of any of the main questions then settled, would be fraught with new and extreme dangers to the peace and harmony of the country, which this adjustment has restored."

Somehow or other, there was an impression among the gentlemen friendly to that meeting that my colleague was friendly to the meeting, and sympathized with them. Accordingly, the resolutions to be proposed at that meeting, including the one which I have read, were printed beforehand and sent to those who were expected to take part in the meeting, and, amongst others, to my colleague, who had been invited to speak. My colleague took the matter into consideration, saying that he approved of the general objects of the meeting, but being a candidate for Congress in his district, his only doubt was whether he had not better abstain from the expression of his opinions. A copy of the resolutions was left with him. He afterwards attended a meeting of the Union Committee, who had in charge the preparations for the proposed meeting. I am authorized by a gentleman who was then and there present, and whose statement, I think, will not be contradicted by my colleague, to say that my colleague then and there said that those resolutions expressed his own sentiments, but that he declined to speak on account of his personal position in his own district.

In the winter of 1850, the "masterly combination" was still further carried out between the Democrats and Free-Soilers; but my colleague, during that winter, was still classed and ranked with what are known in Massachusetts as the hunker Democrats. And, sir, in order to carry out the agreement with the Free-Soilers, by which the Free-Soilers were to have the Senator for the long term, my colleague was brought forward and elected, as a Democrat, he then being absent in Illinois, to fill the short term in the United States Senate. Up to that time I had no knowledge that my colleague had changed his views upon these questions. And here I would ask, whether there is any gentleman of the Illinois delegation present who knows anything of the position and character for veracity of the editor of the Springfield (Illinois) Register?

Mr. CAMPBELL, of Illinois. I do, sir.

Mr. DAVIS. Is it good or bad?

Mr. CAMPBELL. It is good.

Mr. DAVIS. I supposed so. Well, on the 1st of February, only three weeks before my colleague took his seat in the Senate of the United States, he was in Illinois, attending to the obtaining of a charter for some particular railroad before the Legislature there, and at that time the following article appeared in the Springfield Register:

"We have seen it charged in Seward papers, in different quarters of the Union, that Mr. Rantoul authorized his name to be used as a candidate for United States Senator by the Coalition party in the Massachusetts Legislature. *Mr. Rantoul is now in this city, and we have it from good authority that he refused any such use of his name.* He left Massachusetts two or three weeks ago, and, before leaving, distinctly declined the candidacy, and ADVISED A DIFFERENT COURSE FROM THAT PURSUING AT THIS TIME BY THE COALITION ORGANIZATION. He has ever been known in Massachusetts as an ultra Democrat, devoted to the Union, and OPPOSED TO THE RECENT AGITATIONS WHICH THREATENED ITS EXISTENCE. The rumors contrary to these facts are calculated to injure him in the estimation of many who have hitherto regarded him as one of our most distinguished and reliable patriots."

Of this article the editor of the Register afterwards said, "every word of it we had ample authority for uttering." And I have been told that the original of that article is still in existence, and that the hand-writing bears a very striking resemblance, to that of my colleague. [Laughter.] But still I think that it must be a mere casual resemblance because the article contains some personal compliments to my colleague which his diffidence would of course prevent him from penning. [Laughter.] However that may be, my colleague was at Springfield at that time, and will not, I presume, deny that he authorized the article. Down to that time then, down to February, 1851, we find him pledged by every act and sentiment of ten years of public life, by all the gratitude which a public man may be supposed to feel for honors and offices of great pecuniary profit conferred to the political associates who had sustained him, and by the most positive and repeated expressions of opinion as to the Free-Soil movement and the Democrats engaged in it, to set his face firmly against what he called "the recent agitations which threatened the existence of the Union." Yet within three weeks from that time he took his seat in the Senate of the United States, a seat which he could occupy but for nine days; thus ratifying and confirming, so far as he could do, the bargain made by the coalition, and confirming the claim made by the Free-Soil party for the fulfillment of so much of the bargain as pledged the votes of Massachusetts Democrats for a Free-Soil Senator. He brought himself strictly within the rules bluntly laid down about that time by the leading Free-Soil organ, the Boston Commonwealth, in the following article:

"OF COMPACTS AND CONTRACTS.

"It is a familiar and well established principle of law and common sense, that actions speak louder than words. It is by their actions that men signify their real meaning in a manner not to be mistaken. A man may tell me that he does not want my goods, and will not pay me for them; but if after all this I leave them at his door and he takes them in and *uses them*, he is bound in law, equity, and common sense, to pay me for them. Among men of decent understanding and common honesty, there can be no dispute or doubt about this.

"Now, this is precisely the predicament in which the Hunker Democrats stand towards the Free-Soilers on the question of Senator. They may allege, and some of them truly enough, that they never made any express promises whatever. They may even say that they repudiated the coalition from the beginning. O yes! but they have taken and used the goods; and it no longer lies with them to decline paying the consideration.

"Take for instance Mr. Whittaker—we specify him because we happen to know him personally, and to esteem him, little as we like his politics, a man of faith and honor. And we specify him also, because these are cases in which,

to make one's meaning the more plain, it is necessary to descend to specific instances. But what we say of Mr. Whittaker is equally applicable to Mr. Emery and to every other Democratic member of the council, or holder of office of any kind under Governor Boutwell.

"Of Mr. Whittaker's particular course pending the election we are not specially informed. But knowing that he calls himself "a National Cass Democrat," we shall, as well on that account as for the sake of the argument, suppose that he disavowed throughout any coalition and any understanding. *Still, by accepting office bestowed upon him under that condition and understanding he has ratified them both.* He has bound himself to do all in his power, and so have his brother Democratic counsellors, to pay up the price of their own accession to office. There were for these gentlemen two courses open, and only two. One was to decline accepting office on the ground that they could not reconcile it to their views to enter into and carry out the arrangement under which they had been chosen. That course was fully open to them, and would have been perfectly proper, fair, and manly. On the other hand, having taken the goods, they are bound to pay for them; and any attempt to evade that obligation will only expose them to the charge of pursuing a shuffling and tricky course, not compatible with honor and good faith.

"Nor is this obligation limited to the Hunker office holders individually. It extends to all those of that way of thinking who have countenanced the present state of things. It extends to all those who are now clustering about Governor Boutwell, and aiding him with their valuable advice and counsel; to all those who are hurraing for the Democratic Governor, and who wish at the same time to preserve that Governor's honor unimpeached."

The House will perceive, that in the arrangement of matters between these parties there were no flimsy disguises, but the traffic of offices was conducted very much like the purchase of cheese and onions at the grocery shop round the corner. Now, I am bound, by all the rules of parliamentary and personal courtesy, to believe that the sentiments attributed to my colleague in the Springfield Register were his sentiments at the time, and were not assumed for the purpose of obtaining a certain object before the Illinois Legislature. I am bound, then, to believe that the change took place in three weeks—the three weeks immediately before he took his seat in the United States Senate. My colleague talks about the change in my opinions in ten years, and he alluded to Saul of Tarsus; but this is a far more remarkable case. The change in Saul of Tarsus was effected by a supernatural interposition, which I do not think my colleague can claim the advantage of; and in the ordinary course of human affairs, great and entire changes of opinion are effected only by lapse of time or change of circumstances, such as could hardly have happened in three weeks, and in a journey home from Illinois.

I remember a case in history, which in suddenness, I will not say in other respects, reminds me of this. I mean the well known case of the great Duke of Marlborough whilst Lord Churchill. Churchill was one of the few men whom James II had loved and trusted. With his concurrence, and to some extent under his advice, that unfortunate King had indulged in the course of tyranny and crime which lost him his throne; and then, while the rebellion was in progress and on the verge of success, Churchill seized that moment to desert the master, who at that crisis relied upon him as the traveler overtaken by night and storm relies upon the last star of the darkening heaven.

Churchill in this case exhibited the regard to appearances which was habitual with him, and left a letter for the King, in which he stated that he was not induced to make this change by any consideration of the honors and offices which he did in fact attain thereby, but altogether by his zeal and interest in the Protestant religion, which he considered to be in great danger. An English historian says charitably of his conduct, that it "was a singular sacrifice to public virtue of every duty in private life, and required ever after the most upright, disinterested, and public spirited behavior to render it justifiable."

I am bound to suppose that no consideration of mere private advantage, that nothing short of the highest views of conscience and duty could have nerved my colleague to endure the alienated friendships and the averted looks which this sudden, and I must say astounding and inexplicable change, brought, upon him from those old and honored companions, side by side with whom he had for years battled, and from whose hands he must have received many favors.

But my colleague, who in November, 1840, had assented to a resolve which declared, in substance, that there ought to be no further agitation against the compromise laws, and who, in February, 1851, had authorized a statement that he was opposed to the agitation which had threatened the existence of the Union, did not stop with the mere acceptance of a seat in the Senate. He immediately took a prominent part in renewing and stimulating the excitement which, down to February, 1851, he had deprecated. In April, 1851, at a mass meeting, called, I think, by himself, he came out against the constitutionality of the fugitive slave law, or of any law which might be passed by Congress, the act of 1793 inclusive, to enforce the provision of the Constitution which provides for the restoration of fugitive slaves; he maintained a doctrine which, if carried out, would leave Maryland or Virginia no resource but the levying of war if Massachusetts should refuse to execute the constitutional provision; and he accepted a nomination to Congress by the Free-Soil party, on the ground of zealous and untiring effort for the immediate and unconditional repeal of the fugitive slave law. Of the excitement caused by the arrest of the fugitive slave Sims, he took instant and thorough advantage; and the most strenuous advocates of his election, including the counsel who sat by his side in the defense of Sims, were among the men who at that time strove to bring the sovereignty of Massachusetts into armed collision with the authority of the United States. A most remarkable change at once took place in the relations subsisting between my colleague and the Free-Soilers of his district. The name of John G. Whittier is well known throughout the country, and in this House, as that of a gentleman who has taken the strongest views in relation to this subject. He wrote a letter, which was published in the National Era here, and afterwards republished in my colleague's district, while the election was pending, in which he says of my colleague:

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"His speech is precisely such as we had a right to expect from him. Unlike too many of the prominent politicians of both parties, he has never degraded himself by any unmanly concessions to the slave power; and if he has not heretofore been found in the van of the opponents of slavery, he has at least the merit of refusing under temptations, influences which few have resisted, to place any obstacle in their way, or utter a single word of censure or discouragement. His sympathies, always on the right side, needed but a stimulus of a great occasion, like the enactment of the fugitive slave law, to become active enough to press into their service all the powers of his intellect, the vast resources of his learning, and his *well-earned political influence*. He has, therefore, no occasion for retractions, evasions, or uncomfortable explanations. He takes no new ground. He condemns no previously uttered opinion. He comes to the advocacy of freedom with clean hands, and, whether viewed as a politician or as a lawyer, no man has a better right to vindicate law and Democracy against the reproach and shame of the detestable enactment in question, than himself." * * * "In brief, he has been in favor of the abolition of slavery where it exists under the legislation of Congress." * * * *

"The Democracy of Massachusetts will stand by ROBERT RANTOUL. He has been, for the last fifteen years, their acknowledged leader. They are justly proud of his intellectual power, his learning and eloquence. They regard him as a far safer constitutional expounder than the father of the fugitive slave law." * * * *

"We have known ROBERT RANTOUL well for many years. Always progressive, yet with slower steps than we could have wished, he has at last planted his foot upon the platform of the great free party which is destined to triumph in every State of the Union."

Another extract, from a communication published in the leading Free-Soil paper in my colleague's district, will show more clearly the grounds on which my colleague, who now appears to claim his election as a Democratic victory, was elected:

"What to the Free-Soilers speaks stronger than the speech of MR. RANTOUL and the present position and sentiment of the Democratic party, CHARLES SUMNER has been elected United States Senator for six years from the 4th of March, 1851. After a fierce and long struggle the Democrats have vindicated their honor and integrity, and have shaken from them forever a servile and miserable clique who were unworthy of the name they bore. Those who would take that pseudo-Whig, Caleb Cushing, the master-spirit of all the political villany which has been enacted in our Legislature, and his bolting coadjutors as the exponents of Massachusetts Democracy, have formed their judgment by an unfair standard. Such men as ROBERT RANTOUL, jr., FREDERICK ROBINSON, and GEORGE HOOD, we take to be the standard bearers of the Democratic party of our State. Such men as they are worthy to fight by the side of SUMNER, PHILIPS, and PALFREY, and the Democrats and Free-Soilers of Massachusetts should see that such men are placed in positions where their influence can be felt. The two parties can and should unite in Essex upon RANTOUL and in Middlesex upon PALFREY. Such a union each voter should enter into with his whole heart, and they could elect their candidates by large majorities."

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"MR. RANTOUL'S vote, in case of his election, is solemnly pledged against the fugitive slave law. '*Not*,' he says, '*for its modification, but for its immediate and everlasting* REPEAL!'"

In one respect it appears to me that Mr. Whittier made a somewhat invidious distinction. He should have included General CASS, General CUSHING, and the Union committees generally, in praises to which they certainly have just as good claim as my colleague. I can imagine how my colleague, fresh from his negotiations with the Union compromise committee, and from his declaration to the Springfield Register, must have felt when he read this thorough-going eulogium, congratulating him on taking no new ground, and condemning no previously uttered opinion. He must, perhaps, have felt much as Charles Lamb did when he received a valentine comparing his eyes to stars. Lamb says it all sounded very agreeable, but he had a faint perception that it was a little exaggerated. [Laughter.]

But this communication of Mr. Whittier's excites deeper and sadder feelings. It unsettles the foundations of opinion and belief, by showing how little cotemporaneous opinion can be relied upon in the midst of the rage of party. When a man holding Mr. Whittier's peculiar opinions as to the measures and political associations by which my colleague's political influence has been built up, comes to the conclusion that that political influence has been "well earned," and that my colleague has nothing to retract in acting with the Free-Soil party, of how much more value are such conclusions, however fine may be the mind in which they are generated, than the stammering babble of infancy? Again, Mr. Whittier recommends my colleague's election with special reference to the immediate, unconditional repeal of the fugitive-slave law. Where is my colleague on that point? What is he doing on that point? It is now the fourth month of our session, and he appears to have found time to attend to everything but that.

Such, Mr. Chairman, is the result of the investigation as to my colleague's course, which he has impliedly challenged by the remarks which he has made on mine. I believe I have not only stated the facts with accuracy, but that I have also stated all the facts necessary to the formation of a sound opinion of his course. But for the important bearing which they have upon a great public question I would not have stated them; for life is too short for the great duties which press upon it, and it is not well for us, for whom the grave yawns and the worm waits, to waste in petty personal controversies, the time which has nobler calls for its full employment. I have dwelt on my colleague's position mainly on account of its bearing on the state of things in Massachusetts. I will try to refer to that state of things with caution and candor. I know well the disturbing influences of temper in the conduct of human affairs. I know that as at the funeral of the Indian prince the torch-light obscured the starlight, so in political contests the steady, unobtrusive light of truth is apt to be obscured by the smoke and glare of temporary passion. I do not mean now, and I have not meant at any time, to be otherwise than just to the honest intentions and the personal sacrifices of those who, in Massachusetts, claim to be, as a party, the peculiar friends of impartial liberty. I desire that Massachusetts on that question, as on all other questions, should send forth an intelligent voice, an united voice, a voice which shall truly express obedience to constitutional obligations as well as a claim to constitutional rights. I do not recognize any such voice as uttered by the discordant combination of which my colleague is the chosen mouth-piece. On the contrary, however strong may have been my objections to some of the details of the measures, known as the compromise measures, and more particularly to the details of the fugitive slave law, I find in the state of things in Massachusetts, as well as in other parts of the Union, the strongest reasons for sustaining them as a whole, and as a finality, until additional experience shall show the necessity and indicate the character of additional guards to prevent evasion or abuse. There are unmistakable evidences of a great change in the sentiments of a great portion of those most opposed to the compromise measures since their passage. If I look at home, and in my own district, I find that each of the three political parties

at the time of the last Congressional election, passed strong resolves against the provisions of the fugitive slave law; and such resolves passed by the convention which nominated me, had my full approbation and assent. I find that the Democrats of my district, at a meeting held within a few weeks, have unanimously withdrawn their opposition, and voted to sustain the compromise. I find that the Free-Soil party in my own district and county, and throughout the State, have, without the least hesitation, supported for State offices, and in at least one instance for Congress, Democratic candidates committed directly or impliedly to sustain the *compromises*. It appears to me that any continued attempt to modify the objectionable features of the law, would answer no purpose but to subserve the ends of those factions—one professing to sustain the compromises, and the other to attack them, which play their parts before the people of our Commonwealth like well-graced actors, and then, like such actors, go behind the scenes after the performance and divide between them the receipts of the house. I will not coöperate in an opposition which in my own State assumes a character so factious; which in one branch would resist by force this law or any law which enforced that provision of the Constitution, and in the other branch, while professing to sustain the law, would give aid, comfort, and place, to those who most violently oppose it. I disown that connection. I do not find the true Northern sentiment, or the true Massachusetts sentiment there. I recognize it as the safest course, in this war of factions, to sustain the compromise measures as established, with the hope and in the faith that not in storm but in calm, not through abuse which breeds hatred, but after each section shall have become satisfied of the disposition of the other to fulfill its constitutional obligations, all sections shall agree on some scheme of compensation rather than of specific return, which will relieve the North of that which is most repugnant in the whole list of its constitutional duties.

There has occasionally been brought into the discussion of this subject some suggestion of a law higher than the Constitution, and which, in case of conflict, should control the conscience of the citizen. I am not among those who disbelieve in the existence of that higher law; a law which, though above human government, yet lies at the foundation of all government. But there is a preliminary question to be disposed of. Who among us are in a position to avail themselves of the plea of a law higher than the Constitution and inconsistent with it? Not certainly those of us who swear to support the Constitution of the United States. We are in no position to take advantage of that higher law as against that Constitution. The first thing, the thing of all others, Mr. Chairman, which specially attracted my attention on the first day of this session, was a little scene which may or may not have escaped the particular notice of other members of the House; it was the fact that the oath to support the Constitution was administered to our slaveholding Speaker by a gentleman of the House, [Mr. GIDDINGS,] who, perhaps, of all others, is most deeply committed in his opposition to the institution of slavery. I watched this proceeding with interest, because it seemed to symbolize what is most remarkable in our institutions. There are certain clauses in that Constitution which we all understand. It was, so far as a part of it was concerned, as if he had said, "I, Free-Soiler, call upon you, slaveholder, to swear by the everliving God, that should a slave insurrection occur, you will use force or cause force to be used to extinguish that insurrection; and I further call upon you to swear that you sanction the principle that the fugitive slave, by the State or the nation, shall be restored." Such, Mr. Chairman, is the startling import and effect of this oath. If the Constitution which it sanctions were now framed and offered for the first time, how natural would it be for some skilful rhetorician to say of it in words not unfamiliar to our ears, that "into the immortal catalogue of national crimes this has now passed, drawing with it, by an inexorable necessity, its authors also, and chiefly those who, by swearing to support and carry it out, maintain in it the breath of life." Yet, under this Constitution, with these provisions, we all alike act. Upon this common platform we all stand; and the questions which divide us are mere questions of detail as to the manner in which the general principles to which all give their sworn assent shall be carried out. I understand perfectly well how a person who has given no such assent, or who having given such assent has made up his mind to retract it and rush into open rebellion, may feel justified in relying on the higher law. The original Abolitionists of this country—with whom my colleague has shown that I was years ago, in the early development of their views, associated—are consistent, courageous, truthful, and self-sacrificing on this point. They will take no oath to support a Constitution which they denounce. Their most eloquent men renounce all political honors rather than be false to this idea. Their line of action would lead to open resistance, with the sword girt to the thigh, and the banner flung to the breeze; or to passive resolute suffering under penalties inflicted for disobedience to what they deem a cruel or unjust law. But their situation is not the situation of those who swear to support the Constitution, and thus bind themselves to carry it out in good faith in the letter and the spirit, in the belief that the continued union of the States will secure to our children, as it has secured to our fathers and ourselves, a higher civilization, a more diffused happiness, a greater progress in all that embellishes or dignifies human life, than could be found among petty, divided States, rent by intestine wars, and open to foreign conquest. Nothing struck me more in the consideration of the position and circumstances of the distinguished Hungarian who has recently come to this country, than the fact that it was sectional hatreds, provincial hatreds, class hatreds, which, dividing the Croat, the Hungarian, the Transylvanian, the Catholic, the Protestant, did more than foreign despotism could do to shiver the nationality of a thousand years, and to cast out this brilliant stranger to wander with the heavy burden of his genius and his grief an exile throughout the world. I do not know that there will be any dissent, in any part of this House, to these general views.

There can be no question here, except the mere question of detail; the question whether the statute by which this constitutional provision was sought to be carried out, is or is not within the terms and is consistent with the spirit of the Constitution, and presents the proper safeguards to the liberties of those who are subject to its operation. That is a question, of course, on which there is, and on which there is likely to be, a great difference of opinion. I remain of the opinion which I have always entertained, that in details the fugitive slave law, taken by itself, requires alteration and improvement. On the other hand, I believe there is a general and increasing sentiment throughout the country—and that this very discussion has led the public mind to settle down more and more upon the conclusion—that one part of the Constitution is as binding upon us as another, and should be carried out with equal good faith. And as regards this question of detail, the time, as I have already said, is not now; the circumstances which I have stated are only part of the circumstances which might be adduced to show that the time is not now for making any changes. The time may come when, as I have already suggested, by common consent, instead of adhering to the chancery mode of specific performance, the common law mode of compensation, with proper guards against fraud, may be substituted.

THE PUBLIC LANDS.

SPEECH OF HON. H. BENNETT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 25, *and March* 3, 1852.

The House having under consideration "A bill proposing to grant alternate sections of land to the State of Missouri, for the purpose of constructing railroads from Hannibal to St. Joseph, and from St. Louis to the western line of Missouri,"

Mr. BENNETT said:

Mr. SPEAKER: Before proceeding with this debate, and to say what I have to say about this bill, I desire to propose an amendment, or rather a substitute for the bill. I move that the bill be recommitted, or referred back to the Committee on Public Lands, with instructions to report as a substitute for it the bill which I send to the Speaker's table.

The bill sent up to the Chair was the bill introduced, with the following additional sections:

SEC. 7. *And be it further enacted*, That there is hereby severally granted to each State in which there are public lands, to aid in the construction of railroads, except that State to which the largest amount, according to representation, has been granted for that purpose, a sufficient amount of the lands of the United States, including the amount (if any) heretofore granted for the purpose aforesaid, to each of said States respectively, to make each of said States equal, according to representation by the last census, in the grants of land for railroad purposes, and a grant of the right of way and to aid in the construction of railroads in said States respectively, to the amount aforesaid, is hereby severally made to each of said States on the same terms, with the same reservations, and upon the same conditions in every respect as are contained in the act entitled "An act granting the right of way and making a grant of land to the States of Illinois, Mississippi, and Alabama, in aid of the construction of a railroad from Chicago to Mobile," passed September 20, 1850, and all the provisions of said act are hereby extended and applied to the grants hereby made to the said several States, and to all railroads in proportion to their length, made in any of said States wholly, or in part, by means of the land granted by this act. The amount of land to which each of said States shall be entitled under this act, shall be determined in conformity thereto by the Commissioner of Public Lands, and located under such regulations as he may prescribe. Each State, so far as may be, shall locate its lands within its own limits: *Provided*, The lands hereby granted shall be used to construct or aid in constructing railroads, and so much as remains undisposed of for more than ten years after it has been located, shall revert to the United States.

SEC. 8. *And be it further enacted*, That there is hereby severally granted to each State in which the United States have no public lands, a sufficient amount of public lands for railroad purposes, to grant to each of said States respectively, according to representation by the last census, one half the amount heretofore and herein granted to the first mentioned States for the same purpose. The United States mail shall be at all times transported on the railroads made, either wholly, or in part, by means of lands granted by this act, under the directions of the Post Office Department, and for such prices as Congress may by law direct; and all the provisions of the said act for aiding in the construction of the railroad from Chicago to Mobile, so far as the same can be made applicable, are hereby extended and applied to all railroads made wholly, or in part, by means of land hereby granted. The amount to which each of the said last mentioned States shall be entitled to be determined by the Commissioner of Public Lands, in conformity with this act, and located under such regulations as he may prescribe; but no State shall locate any of the lands hereby granted within the limits of any other State without its consent: *Provided*, The lands hereby granted shall be used to construct or aid in constructing railroads, and shall not be sold for higher prices than the United States lands are sold, and so much as remains undisposed of for more than ten years after the same has been located, shall revert to the United States.

SEC. 9. *And be it further enacted*, That the amount of lands granted to the State of Missouri by this act, to aid in the construction of the railroads mentioned in the first section thereof, shall be deducted from the amount to which the State of Missouri shall be entitled under the seventh section of this act.

The SPEAKER. There is a motion pending to commit the bill to the Committee of the Whole House on the state of the Union, and it is not in order either to amend the bill or to commit it to any other committee until the vote is taken upon the pending motion to commit.

Mr. BENNETT. I did not suppose that my motion would be in order until the pending motion shall have been disposed of. But cannot the motion be entertained and decided after the pending motion has been voted upon?

The SPEAKER. It cannot.

Mr. BENNETT. Then I give notice that I intend to submit such a motion.

Mr. Speaker, I entertain some views upon this subject differing somewhat from those which have been presented to the House. In regard to this bill, it will be remarked that it is only one, and the first of a series of bills, to be hereafter introduced, of a similar character. This is the first of the railroad bills. There have been presented to the Committee on Public Lands probably some thirty bills for their consideration, of a like character with this; and from this number, some thirteen or more are to be reported upon favorably to this House. As many more have been presented in the Senate, and are under consideration. If these bills succeed, they will make immense grants—amounting to many millions of acres of the public domain—to aid in the construction of railroads. There is no State in which there are public lands but will apply for this aid for one or two or more roads. I am not one of those who believe that grants of this kind are unconstitutional; neither do I think that an open question. If anything can be settled

by the action of the Government, that question is settled; because it has been the practice of the Government, for thirty years, to grant these lands to the several States for the construction of roads and canals; so that the whole argument of the gentleman, who last but one addressed the House on this subject, [Mr. ORR,] to show the constitutionality of it, it seems to me, was to prove a point decided. This is no objection to me. I believe it is constitutional to make these grants; and I believe that that question has been settled by the action of the Government, by every Congress, and by the decisions of the courts.

But, in justice, some provisions should be made for the old States, also, out of these public lands; and it is to that I wish to call the attention of the House upon this occasion. It is not known generally what the amounts of these grants are, and I have taken some pains to ascertain how much has already been granted to the new States and to the Territories. For that purpose I have an official statement from the Land Office, which shows that there has been granted to the land States—some twelve in number—for all purposes, and to the Territories, 84,000,000 and over of the public lands. There has been granted to a part of the States, as follows:

Ohio	2,273,858.77	acres
Indiana	3,267,460.61	"
Illinois	5,584,167.94	"
Missouri	3,242,627.00	"
Alabama	2,094,284.00	"
Mississippi	4,151,011.00	"
Louisiana	10,210,122.58	"
Michigan	6,170,866.00	"
Arkansas	6,250,813.00	"
Florida	2,022,993.00	"
Iowa	2,713,955.22	"
Wisconsin	3,128,799.00	"
Tennessee	3,353,824.00	"
California	500,000.00	"
Minnesota Territory	2,997,191.00	"
Oregon Territory	12,186,978.00	"
New Mexico	7,493,120.00	"
Utah	6,681,707.00	"
Total	84,222,184.12	"

And there have been sold of the public lands only one hundred and one millions and some odd acres; so that there has been actually given away, by grants to the new States and to the Territories, an amount of the public domain equal to all that has been sold for the public benefit, less only by about 16,000,000 acres. This fact ought to be borne in mind. So far as lands are sold, and the proceeds thereof paid into the Treasury of the United States, they are disposed of for the benefit of all the States.

New York was the first State that ceded her lands to the General Government in 1781; and in her cession thereof, she expressly asserted that it was to place them as "a common fund to defray the expenses of the war." Virginia, North Carolina, South Carolina, and Georgia, made similar cessions afterwards, and in every one of them it was expressed that the lands thus ceded were to be used for the "common benefit" of all the States.

What is the practical effect of these grants? The practical effect, and the claim here set up is, that as far as the lands are granted to the States, they belong *exclusively* to the twelve land States, and you may go on granting as much as you choose; and yet the old States have no right to share in these grants. My opinion may be very different from that of other gentlemen here, but my opinion is, that it is not justice to the old States to grant so much land to the Western States, and deny the old States similar grants for the same purposes. I claim for the old States only justice, and I am willing to do justice and to be generous to the Western States. I do not want to be unjust or ungenerous to them. I do insist, however, that while large grants are made to them for railroad purposes, the old States have a right to ask grants for the same purpose, to some extent at least; and it is as right for the one as for the other. We have but one Constitution, and all the States are upon an equal footing by the Constitution and the laws, and these lands are the common property of all the States. I should like to know how one or a dozen of these States are constitutionally entitled to these grants, and yet it is unconstitutional to make them to the others? Upon what principle is it? If it is right to grant lands for one road, it is right to make grants for others.

There is an ingenious argument used here, which I shall notice. It is this: You have no right to ask these grants for the old States. Why? Because the Western States double the value of the alternate sections on each side of the road, and therefore you have no right to ask these lands for the old States, for they cannot do that. If gentlemen will look into these railroad bills, they will find that the roads proposed, for the purpose of getting their sections, have a range of thirty miles—fifteen on each side of the road—to locate their sections upon. Every one knows that railroads are not made where there are no settlements. They are constructed for business purposes between settlements, and villages, and cities. They are usually made through the most settled parts of the country, and, consequently, will pass through lands located and settled. For this reason it is that they must have thirty miles in width from which to make their selection, in order to get their lands, which they are to take in alternate sections. How is it with the other sections left for the Government? By the law, they are doubled for only six miles on each side of the road, making in all twelve miles; therefore less than one half as much land as is granted to the roads is doubled in price in point of fact. Only the land lying in a strip two fifths as wide as is granted to the roads from which to make their selection, is doubled in price to the Government. This two fifths lying along the road is the part most thickly settled, and on which, therefore, will be found the least land in proportion for the road. I believe it may be safely said that these road bills will not double the price of one half as much land as is granted to the roads; and in addition to that, not one half of the land doubled in price will probably ever be sold at that double price.

[Here the morning hour expired.]

WEDNESDAY, *March* 3, 1852.

Mr. BENNETT (in continuation) said:

Mr. SPEAKER: I have a proposition which I send to the Clerk's desk, and ask that it may be read.

It was read, as follows:

With instructions to report a bill as a substitute therefor, making grants of land upon some equal and just principle of apportionment, and to a proper amount, to all the States, to aid in the construction of railroads therein.

Mr. BENNETT. I propose to amend the motion to refer to the Committee of the Whole on the state of the Union with the instructions just read.

Mr. HALL. I do not wish to interfere with the gentleman's speech, but if he insists upon that motion, I shall feel compelled to raise a point of order upon it.

The SPEAKER. The question raised will be considered at the proper time.

Mr. BENNETT. When interrupted by the expiration of the morning hour on Wednesday last, I had stated the amount of lands that had been sold, and the amount that had been granted to a part of the States, (giving the States and the amount granted to each.)

Amount of land sold	101,033,930	acres.
Amount of land granted	84,222,746	"
Sales more than grants	16,811,746	"

During several years past, the sales have been much less than formerly, while the grants have been rapidly increasing. They will soon exceed the sales. If grants are made to the thirty and odd railroads now asking for them, I have no doubt it would take over 50,000,000 of acres.

A member of the Indiana Legislature wrote to me during our last session, that his State had chartered more railroads than could be built for fifty years. Each of these will apply for a grant of land. The other land States have done, or will do the same; and this system will have no end while the lands last.

This bill embraces two roads through Missouri, a State nearly one fourth larger than Illinois, and yet the estimate is only for 1,500,000 acres for both roads. The central railroad through Illinois took 2,700,000 acres or more. And it is quite certain the gentleman [Mr. HALL] is too modest by half in his estimate.

Mr. HALL, (interposing.) I have it from official returns, that one of these roads will not take over 500,000 acres. We are willing to take the bill limiting the amount to 1,500,000 for both roads.

Mr. BENNETT. The gentleman may be correct as to the amount, but the estimates are generally much below the mark. And the thirteen bills to be reported, and which are to depend on the fate of this bill, will probably average 2,000,000 of acres each. If this guess is near the truth, these alone would make the grants overrun the sales some 10,000,000 of acres.

This system of partial, unequal, and unjust legislation has been pursued too far. It is time it were arrested. It is time to pause before we go on; to make some *general* and *just* apportionment of these grants to all the States, so far as they have been made already, and so far as they are to be made, or to stop where we are and make no more grants at all. The old States bear their full share in every burden imposed by the public lands, and they should share in the benefits of the grants made to the States for public purposes.

At a recent State Convention in Kentucky, it was resolved "that the public lands, having been 'acquired by the common blood and treasure of 'the people of the United States, are held in trust 'by Congress for the common benefit of all the 'States, and we earnestly protest against the pol-'icy, to which the Federal Government seems to 'be fast tending, of granting them away exclu-'sively to the several States in which they lie for 'any purpose whatever."

This matter is important and exciting general attention. It is the most important subject before this Congress.

The policy of making these grants *has been* adopted, and they have been made to a part of the States. What objection, then, to making them to an equal amount, upon the constitutional basis of representation, to each of the land States? and to one half that amount to the old States? and stop there. As it is now, even in the land States, there is nothing like justice or equality in these grants. And while this special legislation is pursued, there never will be. To-day Missouri asks a grant to make her up equal to Illinois, (Mr. Benton proposed at last session a bill for that purpose, giving to Missouri some 2,600,000 acres,) and gets a grant that gives her, when located, a great deal more; to-morrow, or next session, half a dozen States ask grants to make them up equal to Missouri, and so on. In truth, it is a kind of a grab game, where each of the new States gets all it can—the most selfish and clamorous taking the largest share—while more than half of the States, and two thirds of the population, are mere spectators to the skill and rapacity which the twelve land States display in taking the public lands. And they tell us they are doing it for the public good. But it is all appropriated within their own States. The old States should take a portion also, for the public good. Never before was there such a scramble for the public lands as now. The necessity is too urgent to go through the ordinary form of legislation. They are not to be amended or referred. Railroad bills are to be put through at railroad speed. Every grant increases the necessity of more—all claimed by the new States. It is an *exclusive* claim, so far as the grants of lands go—a *pre-emption* right to *all* of the lands. I am opposed to this. I am for a fair division, and for "equal rights." And so far as the public lands are concerned, "*equality is justice*"—equality in paying and equality in sharing.

My amendment, or substitute, proposes, first to make the land States equal, and then to grant to the old States one half as much for the same purposes. There has been granted to the twelve land States, 55,464,179 acres, more than half of all that has been sold for the "common benefit;" of this amount only 11,000,000 acres have been granted for roads, so that my amendment only proposes to give to the old States one half of one fifth, or one tenth as much as the land States have had, confining it to the single item of grants for roads, and for that only one half as much as is given to the new States. To deny this, is to *deny* the old States any share in these lands. When that

is done, for one, I say no more grants. Let it all be sold, and the proceeds go into the General Treasury. *I am for no partnership where I must bear my full share of all the burdens, and am denied any share of the benefits of the common property.*

I have made a computation of the land that would be granted to each State, to make up the land States for railroads equal with Illinois, and to give the other States one half as much:

Land States.	*Representatives.*	*Acres.*
Ohio	21	6,300,000
Indiana	11	3,300,000
Illinois	9	2,700,000
Alabama	7	2,100,000
Missouri	7	2,100,000
Louisiana	4	1,200,000
Mississippi	5	1,500,000
Arkansas	2	600,000
Iowa	2	600,000
Wisconsin	3	900,000
Michigan	4	1,200,000
Florida	1	300,000
California	2	600,000
Thirteen States	78	23,400,000

Of this sum 11,000,000 have been granted, and this only equalizes all the land States. Their population is 7,774,304. Old States one half as much.

Old States.	*Representatives.*	*Acres.*
Maine	6	900,000
New Hampshire	3	450,000
Vermont	3	450,000
Massachusetts	11	1,650,000
Rhode Island	2	300,000
Connecticut	4	600,000
New York	33	4,950,000
New Jersey	5	750,000
Pennsylvania	25	3,750,000
Delaware	1	150,000
Maryland	6	900,000
Virginia	13	1,950,000
North Carolina	8	1,200,000
South Carolina	5	750,000
Georgia	8	1,200,000
Kentucky	10	1,500,000
Tennessee	10	1,500,000
Texas	2	300,000
Eighteen States	155	23,250,000

So that the old States, with twice the population (15,364,108,) get less than the new States, by taking only half as much according to representation. This is a trifling amount, when it is recollected we have near 1,400,000,000 of acres; and this is to aid in making roads all over the Union.

I had referred to the argument as to doubling the price of the alternate sections, and shown that this argument was incorrect. My objections to this are—

1. That in truth, the price is not doubled over half the territory granted to the roads, and this bill will not double the price on half as much lands as the roads will take.

2. That doubling the price is not *selling* it, nor the way to sell it. And the probability is, not one half of it will ever be sold at the increased price.

3. It is an unequal tax, on a part of the public lands, to be paid by settlers mostly from the old States, on whom, so far as any return is made, the whole burden is cast. *It is only an ingenious device to obtain these grants.*

4 It adds nothing to the public property. But, it is said, it prevents any loss. And it is not true even to that extent. It may make up a small part, most certainly not all, and probably not one fourth part.

But a perfect answer to this argument is, the States in which the roads are built have the full benefit of their being made by the public property. The benefit is the same to them whether any lands are left or not. The other States ask the same benefits. If in truth these roads, being near the lands, enhance their value, it is a lucky circumstance, and purely accidental. It does not lessen the obligation to benefit all the States equally, but leaves the ability greater to do so. A gift is not to be measured by what it cost but by the benefit conferred. It may cost less in one case than another. But that is not the standard. Equal benefits are to be given by these lands to all. Their location does not change the rights of any State or make them greater or less. What enhances the price is claimed by the new States, because it does not cost anything. That proves too much. By this mode of reasoning, the new States would be entitled to all the land New York, Virginia, North Carolina, and South Carolina gave to the United States. The old States have as much right to urge this argument as the new States—to claim all that costs nothing. If all the lands had been mere gifts to the United States, the rights of each to them would be equal. Some cost more than others. We make no difference in these grants for that reason. A man who had two farms—one given to him, and the other purchased—and two sons, by this argument must give the favorite the farm that cost nothing, and half the other also.

Wherever lands are granted to States, and are so used as to benefit the other lands, it is for the benefit of all. A man who builds by the side of my village lot, and thereby doubles its price on this ground, could claim half of it. This benefit is my good luck, and his building was to benefit himself, not me. And so of these railroads. They are built for the benefit of the people living in the new States. If they are a benefit to the public lands, each has an equal claim to share in this. It is fortunate that any of these grants will be so used as to benefit the lands, but it adds nothing to the claims or rights of any State. It is *impossible* for the old States to build their roads near the land—they are far away. Therefore they have no right to the land! And it is said by the gentleman from Illinois [Mr. FICKLIN] it is no more probable they will have any of the land than that the land will be removed to the Eastern States! What a lucky thing to be a Western State! They have a different Constitution, and different and higher rights than the East, North, or South.

COST AND EXPENSES OF THE PUBLIC LANDS.

If all that is justly chargeable to the public lands, paid for them or expended to get them and obtain the possession of them—if all the expenditures arising from our acquisition and ownership of the public lands—were to be taken into the account, they have never paid one third part of that amount. So far from being a source of revenue, as it is claimed, they have never paid what they have cost. The gentleman introducing this bill [Mr. HALL] makes them overpay expenses $60,000,000, and puts their entire cost at $74,000,000.

Let me refer him to a speech of the Senator from Missouri in 1840, [Colonel Benton,] in which he gives the facts and figures. (See Congressional Globe 26th Congress, page 88.)

"The public lands have never fulfilled their destination; they have never paid the public debt, nor a shilling of it—not even its interest, nor a shilling of its interest.

"They are themselves in debt to the custom-house revenues for money taken from that source to assist in their acquisition and management. They have cost the United States $112,000,000, and brought into the Treasury $104,000,000, and of that, $28,000,000 has been distributed among the States, under the deposit act; deducting this, they are in debt $36,000,000, and lack that of paying for themselves. They are in debt that amount to the customs, and the burden of the public debt has been thrown upon the customs also.

"We have paid out for them (the public lands) more than they have paid back, that is my assertion, and here is the proof:

Paid for Louisiana	$15,000,000
Interest paid thereon	8,329,353
Purchase of Florida	5,000,000
Interest paid thereon	1,430,00
Paid to Georgia	1,250,000
Same purchase in Mississippi stock	1,832,000
Extinguishing Indian titles	72,000,000
Surveys of public lands	3,250,000
Salaries and expenses of General Land Office,	1,250,000
Other land offices and officers	3,3 0,000
	112,691,353

"So that here is a clear deficiency, under the head of paying for themselves, of $8,000,000. Add to that the $28,000,000 distributed to the States, and the deficiency is $36,000,000. And if to this we should add, as we fairly might, the value of the lands given in exchange to Spain and to the Indians, and the cost of getting possession, *and the deficiency is many hundreds of millions.*"

If this was so in 1840, the debt against the public lands is much greater now; large sums have been expended since in the purchase and management of these lands. This amount and the expenses are *increasing* every year, while of late the sales have been *decreasing*.

Let us see how the account now stands:

Paid to France for Louisiana	$15,000,000
Interest paid thereon	8,529,353
Paid to Spain for Florida	5,000,000
Interest paid thereon	1,489,768
In lands in exchange, (estimated)	5,000,000
Paid to Georgia	1,250,000
Interest paid thereon	1,832,000
Paid for the Yazoo claims	4,282,157
Paid for exploring boundaries of land, &c.	36,500
Paid to Indians for land to 1839	85,088,802
Appropriated and paid since to 1849	17,099,863
Since, for two years, (estimated)	4,000,000
Land Office expenses to 1849	7,461,838
Since, for two years, (estimated)	750,000
Surveys, &c., to 1849	6,369,838
Since, for two years, (estimated)	750,000
Paid to Mexico	15,000,000
Paid to Texas for her title	10,000,000
Additional Army expenses yearly	4,563,266
Same for three previous years	13,689,798
	$207,193,175
Received by sales of land, in all	138,563,266
Deficiency	$68,629,909
Add the cost of the Mexican war	217,175,577
And for the Florida war, the Black Hawk war, and all expenses of Indian wars, and to suppress Indian hostilities, for treaties and removal of Indians, &c., &c., and it will be at least	200,000,000
	$485,805,486

Being nearly $500,000,000 more than we have ever received for them.

But this is not all. *We now owe many millions of annuities to the Indians for land under treaties;* and the expense of Indian treaties, Indian agents, commissioners, &c., amounts annually to a large sum. Indeed, nearly the whole expense of the Indian Department is justly chargeable to the public lands; and these expenditures now annually exceed the amount of the sales of land.

Land sold in 1849	$1,756,890
Land sold in 1850	1,818,819
Land sold in three quarters of a year in 1851	1,938,119
Sales for two years and three quarters	$5,508,828

Expense for the Indian Department from June, 1850, to December, 1851, one year and a half, is $5,051,975 39.

Thus all the sales for two years and three quarters are only a trifle more than the expense of the Indian Department for one and a half years.

It is easy to calculate how much revenue is derived from the sales, when the expense of this one Department are about $3,500,000 and the whole sales are only about 2,000,000 annually; especially when it is borne in mind that we obtained only a part of our lands of the Indian tribes.

To show how much revenue the public lands pay, take another statement:

Appropriations made the first session of the last Congress for the public lands.

For surveys, (in Louisiana $68,000, in Florida $15,000)	$249,762
For Surveyor General of North west Territory	80,720
For receivers and land office expenses	170,825
For Commissioner of Land Office and contingent expenses	140,823
For removal of Seminole Indians, (Florida)	200,000
For treaty with Oregon tribes	25,000
For special Indian agents, (various cases)	13,646
For annuities to Indians, and expenses, &c.	2,216,214
Added by deficiency bill	416,196
	$3,513,328
Sales of land during same year	1,756,890
Deficiency	$1,756,438

The appropriations just about twice as much as the sales! And $283,000 appropriated to Florida and Louisiana for expenses of public lands at a single session. *This all the States must pay.* But the lands are all for these States. And so of all the land States. The expenses are for all the States to pay; the lands are for them *exclusively; and this is justice!*

It is true that entire accuracy cannot be arrived at as to the whole cost and expense of the public lands. But there are many items omitted above. Beside, the truth will always be over and not below the estimate when items are given. At least, no one can deny but what enough can be shown to settle the question, that they have never been a source of revenue, and have never paid what they have cost. If the entire cost of these lands could be ascertained, I have no doubt it is over $500,000,000, and we have received from them less than $140,000,000.

At all events, they have cost an immense sum, and are calling annually for large expenditures—which are paid by all the States. Is it not just and proper that the States which pay most of this, should be repaid by at least some share of the lands granted to the States? We have no right to be generous before we are just, and this policy of

giving all to a part is as unjust to some of the States, as it may be generous to others. All the costs of these lands the old States have paid alone, or helped the new States to pay—(except so far as the lands were given by the old States.) At least three fourths of the entire cost the old States have paid; yet the old thirteen, with the four other States now classed with them as the old States, have not an acre granted to them—and the new States many millions. And this system has only begun. It is frankly declared by the gentleman from Illinois [Mr. FICKLIN] that no grants are to be made to the old States. All the new States agree in this. *And behold the effect of union, the old States cannot even get a bill into the House to give them a little, while the new States are only disputing as to which shall take the most!*

The twelve land States claim all the grants of lands, and the reasons for this are "as plenty as blackberries." Every man has one of his own, and several that he has borrowed. And as fast as they fail, new ones are invented. Some of the more recent ones might be patented; they are proclaimed as "original" discoveries, never heard of before. That is not wonderful; the wonder is they should ever have been heard of at all. The real reason is, the new States want all of these lands they can get, and do not, therefore, want the old States to get any at all.

TAXES.

The latest argument is, not that "taxation without representation" has been resorted to, but that because those public lands have not been subjected to *taxation*, this neglect or omission has transferred millions of acres to the new States, and given to them a "*superior*" if not an "exclusive" right to all they ask of the public domain; and as far as grants are concerned, it is claimed to be an "*exclusive*" right, *and so it has been in fact.*

In the first place, I deny that the new States, or any one of them, ever had a right to tax an acre of the public lands belonging to the United States. Whatever *dicta* may be found, no such principle has ever been settled in this country, no such thing has ever been done or attempted, nor has it ever been so decided. By the common law of England, which is law with us, *public property* cannot be taxed; this is a general rule. By the Revolution, the people here succeeded to all the rights of sovereignty once belonging to the crown. These lands are not *private property*, but *public and national property*, belonging to the people of all the States. The people of the United States, by the General Government alone, can dispose of these lands, or impose any tax or charge thereon. Under our system, it would be a clear invasion of one of the sovereign rights of the United States for any State to interfere in any way with the public lands.

By the Constitution of the United States, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." This expressly gives jurisdiction over this subject to the General Government, and consequently excludes the States. And if the General Government has the power of legislation, it has of taxation, for the one is only an incident of the other.

In the case of the Providence Bank *vs.* Billings, (4 Peters, 514, 561, 563,) Chief Justice Marshall says:

"*The power of legislation, and consequently of taxation, operates on all the persons and property belonging to the body-politic.* This is an original principle, which has its foundation in society itself. It is granted for the benefit of all, and resides in the Government as a part of itself, and need not be reserved when property of any description is granted to individuals or to corporate bodies."

Again: the States are all joint owners, and no one can impose any tax or charge on the joint property without the consent of the rest. Each of the thirty-one States may do this, if any one can.

But this pretence becomes more than absurd, when it is remembered it was resolved in 1780, that "the public lands shall be disposed of for the common benefit of the United States." And it was provided by the ordinance of 1787, that "no tax shall be imposed upon lands, the property of the United States." And this express provision against taxing the United States land was inserted in the acts admitting each of the new States into the Union, so that a *single State* had no right to tax *the public property of the United States;* and for entire certainty, it was so expressly agreed and stipulated by each State in which any of the public lands lay. It is *just* for all to observe the law and fulfill their engagements; and these alike forbade the taxation of the public lands.

Had the right of taxing the public lands existed, and no agreement been made, for what should the new States have taxed the United States lands? Not for any charge or care they had over them. On this ground they might as well claim to tax the light or the air. But it is said they made roads, school-houses, and improvements. Certainly, as fast as the States were settled, and so did every other State in the Union. The hardships of settling the new States, after we had become a nation, was nothing compared to that of the early settlements. The history of the colonies, or of the settlement of Kentucky, as told in the adventures of Colonel Daniel Boone, will fully prove this; but it is a fact known to all.

These public lands did not lie, like a single lot of a non-resident landholder, in a settled community, where all the lands around it were taxed, but in an unsettled wilderness, in large tracts hundreds of miles in extent, into which, as the lands were sold, the settlements slowly advanced in the same manner in the new States as it would have done if it had still remained a territory. There was no reason why the new States should tax the public lands, if they had had the power; and they had no such power, and never claimed or attempted to exercise such a right.

These new States were admitted with boundaries beyond the settlements, on the lands sold, and including public lands unsold, at their own request and for their own benefit—to have the benefits of State government, and to have a State of proper size. But Congress did not grant to them—and they did not seek to gain, by their admission, a right to burden the public domain of the United States with taxes. Congress would have been most unwise, indeed, to have admitted new States with boundaries including many millions of acres of the unsold lands, if they lost any rights or interest in those lands, or subjected them to any liability or charge whatever by that act. No such thing was ever designed or intended by the Government, or by the States admitted. And this new argument about *omitted* taxes, is much higher evidence of genius than of judgment. I deny both the *justice* and *equity* of any claim set up by the new States on this account, *and deny all pretended right of the new States to tax the public lands.*

But we have seen an argument that first complacently *assumes* the new States ought to have taxed the public lands, and then assumes these taxes should be calculated for twenty-five years! Assuming that it has taken fifty years to sell the lands *all* off; and as some are sold earlier and some later, twenty-five years is a fair average. And the lands within the new States in 1849, are taken to estimate a tax on for twenty-five years, that should have been paid to the new States—*assuming*, of course, that these lands had been subject to taxation in the new States for fifty years! There is not a land State in the Union that has been admitted fifty years—Wisconsin only three years ago, Iowa five, and Florida six, and so on. Here are three of the largest land States, and yet they are assumed to have had a fifty years' right to taxes on the public lands then lying in the Territories, or not even owned then by the United States. But they had as good a right to taxes then as now; so that the fact that one of these States was admitted forty-seven years afterwards, and others only recently, does not at all weaken the argument.

Indeed, this whole argument, as to taxes, is remarkable for boldness of fancy—and if imagination is the soul of poetry, it is doubtless one of the most poetical ever made in a legislative assembly.

There is another remarkable feature in this newly-discovered equity. When taxes are talked of, the old States are *sole* owners of the lands, and are to pay *all* the taxes, and the new States are to receive them; but when grants are wanted, the new States have a superior or exclusive right, and are to have all the grants, and the old States none. *That is, the old States are to pay all the charges, and the new States are to take all the lands.*

If all the States were joint owners, if any taxes were to be paid, all must pay their share; as the land States were then near half in number, and over one third in population, they must pay from one third to one half the taxes, and it would take from one third to one half to pay that back, and only the remainder could be of any advantage to them; *or, in other words, as all the States would have to pay their share of taxes in each State in which there was public lands, it would be no object to any State to have the lands taxed.*

Each of the new States now claim all the lands within their limits, and the grants proposed to the old States do not interfere with this claim.

The coolness of this argument is refreshing. The old States must pay all cost of purchase, charges, and taxes—as non-resident land-owners; but the new States must have all the lands, as their right is "superior," not to say exclusive. All this talk about taxes is unfounded and absurd; it will not bear investigation; let it go!

There is but one item as to taxes worthy of remark, and that is the stipulation entered into by some few of the new States not to tax land sold to settlers until five years after the sale. This deprived those States of a right to tax for that time; but the sole object was to induce more rapid sales and settlements in the new States. It was held out as an inducement to settlers. To the United States it was of little consequence whether they sold land in the new States or Territories. But this was a benefit to the new States, for it increased more rapidly their settlements and population, and added to their wealth and prosperity. It was a benefit, and a much greater benefit to the new States than to the United States. These stipulations were repealed or rescinded long ago as to all the States, or all except Missouri; and would have been as to her, if she had asked it at any time, by unanimous consent. She was not included in the repeal, because it said all States admitted up to 1820—and Missouri was admitted after. But this five years' exemption has been made the ground of a claim, and the new States for this have been allowed one twentieth (five per cent.) of the proceeds of the sales in their States; and by the law of 4th September, 1841, appropriating the proceeds of the public lands, ten per cent. in addition was allowed: so that on all the sales five, and on some fifteen, per cent. have been paid to these States—more than a full equivalent for this exemption.

I have taken from an official table, published in 1848, the amount of this five per cent. fund up to December, 1847, in eleven States—Wisconsin was not then admitted—and it is as follows:

Ohio	$966,892 90
Indiana	959,246 25
Illinois	873,042 08
Missouri	559,023 31
Alabama	635,170 39
Mississippi	746,449 74
Louisiana	214,193 43
Florida	4,336 47
Arkansas	85,470 22
Michigan	181,822 73
Iowa	16,422 05
	$5,242,069 77

And this is exclusive of the two per cent. for roads to and through the States, and exclusive of the ten per cent. in addition given by the act of 4th September, 1841. It is in fact the three-fifths of the five per cent. fund only..... $5,242,069 77
Add the two per cent. to this..... 2,096,827 91
The sales for the last four years have been about 8,000,000 of acres, or $10,000,000—five per cent. is.. 500,000 00
Add for the ten per cent., (estimated)..... 1,000,000 00
Amount..... $8,838,897 68
In these eleven States all the sales have been 96,048,484 acres—one cent per acre annually for five years (the estimate made for Texas) is..... 4,802,420 00
Leaving a balance in favor of the States of..... $4,034,477 68

Thus it appears this five per cent. fund has doubly paid the five years, exemption; which exemption was more beneficial to these States than to the United States, and was repealed in 1847 as to all the States, except Missouri. This, then, is

not a matter of complaint by the land States. All the new States have received this five per cent., while the five years' exemption only applied to a few of the States. I think it was four only of the twelve States—Ohio, Louisiana, Missouri, and Indiana.

So much for taxes. The five years, exemption has paid the taxes twice over, when the object originally was to benefit the new States; and thus they have had the taxes paid, and about $4,000,000 besides. So much talk about this, proves one thing more clearly than the right to taxes, and that is, the want of any good argument to justify or excuse this partial legislation.

When we consider that the new States have had their full share of all that has been sold, and some five or fifteen per cent. more, as the case may be; that they have had grants of land for seats of government, for court-houses, for universities, for public buildings, for deaf and dumb asylums, for canals, railroads, and internal improvements, and for almost every purpose, to more than 55,000,000 acres; it is a little remarkable that they are not satisfied, but ask for more, and cry shame on the old States for thinking of having any! They advocate this here, and in the public prints, and tell the old States that it is all done for their good, and they ought to be ashamed of themselves for being so selfish! And we have heard a "solitary and straggling cry" in favor of "justice to the land States," coming from one who hails from one of the old States. "There is something very disinterested in this." At all events, when they take *all* the grants, it is supremely ridiculous to turn to the other States and say, Do us *justice;* we have not got our share. They have taken all! Is their share more than that?

CLAIM OF THE NEW STATES.

The chairman of the Senate Committee on Public Lands, [Mr. FELCH,] in a speech on this subject last Congress, says:

"In some of the States the public lands will soon be, and perhaps now are, so small a remnant as scarcely to remunerate the expense of sustaining the expenditure incident to the sales. In all such cases the relinquishment of the land to the States in which they lie is, in my opinion, required, both by policy as regards the Government, and justice to the States. They cannot be profitably administered by the General Government—to the States they are important.

"The liberality of the grants to the several States has been nobly rewarded by the increased extent and power of the nation, and the addition to its wealth and resources. *Let the same generous policy be pursued; let the hand that gives be still more ready in like manner to bestow.* The public has found, and will find by it, its advancement."

Would not the public prosperity be equally advanced by like liberal grants to the other States, or are a part of the States to have this "generous policy" exclusively applied to them—a policy which, disregarding the other States, is as unjust to the old States as it is generous to the new? Are we to "give" more and more to the land States, "in like manner," until the lands become "so small a remnant" that *justice* will require us to relinquish that "small remnant" also "to the States in which the lands lie?"

Michigan has received over 6,000,000 acres, and has a small remnant of some 20,000,000 more. Give this to her, and it will advance her "prosperity," and thereby the national prosperity also? That is the argument. Would not the same result follow from like benefits bestowed on the other States?

If you give lands for the benefit of the insane in one State, why not in another—or for schools, or roads, or any public purpose? Is there any good reason for this *partial* legislation?

And the Senator's report recommends that "all 'land that cannot well be administered by the 'Government, &c., should be granted to the re-'spective *States in which they are located, to be dis-'posed of by them, and applied to useful purposes.*"

"Grants to aid in constructing the improve-'ments necessary for internal intercommunication 'in *the land States* should from time to time be 'made," &c.

As if the lands were solely to be used to promote the interests of the land States, and the others held them merely as *trustees* and *tax-payers* for their benefit alone! Does the location of this land make the right or title of any State in these lands greater or less? If seven men should purchase a farm, and one joined lands with it and not the rest, would that give the one an absolute title to the whole? The truth is, the new States are like spoiled children; they have been so *generously* treated as regards these lands, that they are going to turn off the older States entirely. They have called them theirs so long, that they regard it as a right settled. Now, I am for stopping here. If grants are to be made, if that system is adopted, and is to be pursued, I claim for my State its share; or I can "give" no more to others.

The Senator thinks the Government cannot manage the lands as profitably as the States. If this is true, it is an additional reason to make these grants; and if experience proves this to be so, we can hereafter adopt such course as shall be best to make the most profitable disposition of the public lands.

PUBLIC DEBT.

If these grants were mere gifts, and the lands had cost nothing, the new States have no claim to them all. They have received more than land enough, at ten shillings per acre, to pay all their State debts, while many of the old States are burdened with debt. Virginia, New York, Maryland, and Pennsylvania, owe near $100,000,000. Not an acre has been granted to them. Wisconsin, Florida, Missouri, California, Iowa, and Louisiana, owe either no State debts at all, or comparatively small ones—about as much as the annual interest upon the State debt of New York or Pennsylvania. To these six new States, near 22,000,000 acres of the public lands have been granted; *and the four first-named States have paid more than twice as much for the public lands as all the land States put together.*

New York, after taxing the energy and enterprise of her people for years in making the most magnificent works of internal improvement in the world—her railroads and canals—is still in debt near $24,000,000. Her works of internal improvement have cost her nearly $100,000,000, ($99,039,015 19;) and this is exclusive of $9,000,000 lately appropriated to enlarge the Erie Canal. This added, makes $108,039,015 19. Her lands she had granted to the United States, as a "common fund" for the general good; and now, even her equal share in the public lands is denied to her by the new States, all of whom reap the full benefit of all her internal improvements as fully as her own citizens. The railroads in Illinois and the other western States, are built out of public property; New York is to build all hers, unaided and alone. Why this wide difference? Why this partiality? Is she to be excluded from the benefits of the public land? *New York has paid more for these lands than any other State in the Union.*

EQUIVALENTS.

But it is said the old States cannot render an equivalent. It has been held that the smallest consideration will support the largest promise; it is only necessary there should be a consideration. In this matter of the public lands, it must be conceded that the smallest equivalents have upheld the largest grants. The western railroads are to carry the mail for so much as Congress will give—so will the old States; they are to carry military stores and forces free—so will the old States. But our bills put in a clause to ask double price for lands, to make up, in part at least, for what we take. If this is deemed indispensable, put that in also. What an equivalent! On this principle grants could be made as long as the land lasted, and none would even be sold, and nothing lost at all! But I have shown the folly of this argument. A man who, having two farms, should give one away and then ask double price for the other, would be deemed fit for a lunatic asylum. But, in legislation, self-interest only is heard, and all rules of common sense forgotten. The old States can give the same equivalents, only they are not *western States.* If that is a condition, it is indeed as improbable the old States should have any grants, as is the removal of the old States to the land, or the land to them.

NEW STATES KEEP ALL THEIR LANDS.

Before these bills are passed, the old States should know, and see how generously—or rather how justly or unjustly—they are to be treated in this strife for the public lands. Of the 55,000,000 acres granted to the land States, about one fifth, or only 11,000,000 acres, have been granted for railroads. The old States, by this proposition, concede everything; they make no account of the 44,000,000 acres, and as to the one fifth granted for roads, only ask one half as much, or one tenth of the whole. After they have conceded all this, they consent to take their lands in the territories far away. The land is more distant, and therefore less saleable and less valuable. By this, the land States make not a step, but a stride towards their wishes; and altogether, in solid column, they take large grants in their several States, and come so much nearer the time when they will take it all. Their "small remnants" are growing, by this operation, "beautifully less," and the relinquishment to them of all the lands within the States, will be near its final consummation. When they are getting it all as they wish, and all they wish, will they object because the old States will get a little too? Bound not to sell it higher than the United States do, what difference will it make to the land States, or to the Territories, whether the old States or the United States sell the lands, if at the same price? There is no reason to oppose this—not even State pride, or a mistaken notion of State-rights—and this interferes with no question as to the disposition of the lands, or the rights of the States. Let us see, upon the record, if this is refused by the western States.

REFERENCE.

A word as to what should be done with this bill. It was introduced here by the chairman of the Committee on Public Lands, [Mr. HALL,] who drew it as he pleased. But when he reported the bill he moved an amendment, and before he yielded the floor, he gave way for his colleague [Mr. PHELPS] to propose an amendment to the amendment and then the previous question was called, and by this legislative legerdemain this bill was adroitly fenced in from any amendment or alteration. All here can bear witness how we have assailed it by amendments and substitutes in every form—in order, and out of order But its mail of proof, under the ruling of the Speaker, has proved invulnerable; and now it is intended, on this most important question, to preclude the House from amending the bill or adopting a substitute, or even referring it to the Committee of the Whole. It must be passed as it is, and that forthwith. And under this extraordinary and unusual course of procedure, it is urged with indecent haste, to make way for the multitude like it to follow in its train. If the friends of this bill do not wish it referred, they should withdraw their amendments and the motion for the previous question, and should give a fair field for discussion and amendment in the House. It may be defended, when the Union is in danger, to gag through a bill in this way, "with all its imperfections on its head," if there is a terrible and pressing necessity; but on a mere question of ordinary legislation, that is not going to upset or overturn a single State, or even, so far as known, a single politician, it is entirely indefensible—and especially on a question relating to the public lands in which all are interested, and which is to determine a principle in regard to their disposal of deep and lasting consequence.

There is no need of being in such "hot haste" to take the public lands. Unless this bill is left in the House free for discussion, and open for amendment, it should be, and I hope it will be referred to the Committee of the Whole on the State of the Union.

THE UNION AND THE STATE-RIGHTS PARTIES OF GEORGIA.

SPEECH OF HON. E. W. CHASTAIN,

IN THE HOUSE OF REPRESENTATIVES,

March 5, 1852.

The House having resolved itself into Committee of the Whole on the state of the Union, and having under consideration the bill to encourage agriculture, &c.—

Mr. CHASTAIN said:

Mr. CHAIRMAN: I do not propose to follow up any of the gentlemen who have preceded me in this argument upon the merits of this bill. I find a disposition manifested on the part of this House to squander the public lands. It is useless for me to attempt to resist it. Suffice it upon this occa-

sion, however, to say that I shall vote against the proposition now before the committee. I shall likewise vote against all propositions disposing of the public land for railroad and internal improvement purposes. I propose, Mr. Chairman, to discuss quite a different subject. Gentlemen who have preceded me in this argument, have assumed the privilege—and I believe it is recognized by the rules and practice of this House—to discuss political questions when private bills are under discussion. I propose, sir, not to make an attack upon any aspirant for the Presidency. I propose not to vindicate any of the aspirants for the Presidency, either upon the Whig or the Democratic side of this House, or the country. But, sir, I have a higher duty to perform. I would have been glad had it fallen to the lot of abler hands. I propose simply to vindicate my own position and the position of the party with which I am now acting —the Union party of Georgia.

Mr. Chairman, the position of the Union party of Georgia has been greatly misunderstood by some, and grossly misrepresented by others. I propose now to consider the causes which led to its organization, the principles upon which it stands, its past action, its present policy, and its probable destiny. My object, principally, is to put the Union Democracy right before the country, and to defend their course from the unjust and unfounded charges which have been so freely made against them.

It is hardly necessary to premise with the remark that the passage of the adjustment measures by the last Congress, and the discussion of the question which that compromise was intended to settle, produced the new political organization of our State. Of the merits of that compromise, and the principles upon which it rests, I have no argument to offer. I will not reopen the questions which were then so elaborately debated. It is my purpose rather to speak of results than of causes. The compromise was passed, and passed by the votes of a majority of the Democratic party. It has gone before the country for its approval or condemnation, and the Democratic party, by an overwhelming majority of its members, have approved and sanctioned it.

Without intending to disparage the claims of those patriotic Whigs who aided so efficiently in the passage of these measures, I feel fully authorized to repeat, that the compromise was a *Democratic measure*, based upon *Democratic* principles, and passed by *Democratic* votes. If it entitles its friends and supporters to any praise or honor, the Democratic party is entitled, as a party, to participate in much the larger portion of that praise or honor; and, on the other hand, if it be a measure of fraud and injustice to any portion of this Union, let the full responsibility of it fall upon the Democracy, for they did the *deed*. If you ask for the proof, I point to the records of Congress, which must forever stand the unimpeachable witness of the truth of what I have said. Having this firm and enduring ground to stand upon, I will not invite the argument which might be offered if I should assert another evidence equally true and undeniable—that this compromise was but the consummation of those great Democratic principles upon which the Republican fathers and Democratic leaders of our country have invariably planted themselves. Let that pass; and for the present we will only consider the *recorded* judgment of the Democratic party as exhibited by the Congressional Journal.

When the compromise had thus become the law of the land, and the question of its approval or acquiescence in it was submitted to the people, it became with the people of Georgia the paramount question, and all other political issues were absorbed in the consideration of this one alone. During the pendency of the subject before Congress, there had risen up a spirit of deep and bitter opposition to the principles upon which it was expected the question would be settled, and upon which it was ultimately settled. Threats of resistance to the Government, and a dissolution of the Union, became as common as household words with those whose morbid spirits brooded over the destruction of their Government with almost heartless indifference to the mighty results involved in their inconsiderate policy. Before the final action of Congress was had, the germ of this new and threatening spirit was fast forming itself into a political party, whose leading spirits were bending all their powers and energies to the wicked work of implanting in the hearts of the people enmity and hatred to the Union of our fathers.

The Nashville Convention, which met shortly thereafter, perfected the work which had already been begun by the master spirits who ruled the hour in that memorable assemblage. From the deliberations and actings of that conclave of heated and maddened spirits, sprung into existence *that sectional party organization* which was recognized by different names in different States, but in my own received its baptismal waters in the name of the Southern-Rights party.

The principles of this new party were partly set forth in their action at Nashville. Opposition to the compromise was the ground-work of its action, and all its powers were directed to the point of making that opposition effectual. That opposition was imbodied in the pregnant declaration of one of their resolutions, "that *all the evils* anticipated 'by the South had been realized in the passage of 'the compromise measures." Their remedy for this evil was two-fold: First, (I give you their language,) "that we earnestly recommend *to all 'parties* in the slaveholding States to refuse to go 'into or countenance any National Convention 'whose object may be to nominate candidates for 'the Presidency or Vice Presidency of the United 'States, under any party denomination whatever, 'until our constitutional rights are secured." You will observe that this was after the passage of the compromise, and it was the constitutional rights which they alleged had been lost by that compromise which were required to be restored, before they would consent to go into any national convention under *any party name whatever*. Let this fact be borne in mind, as we shall have use for it in the sequel of our argument.

Their second remedy was a call for a Southern Congress, whose duty it was to have been to arrest future aggression and to restore *those constitutional rights* that were lost by the passage of the compromise; or, failing in this, *to provide for their future safety and independence*. What that body may do in this latter respect, *when they meet*, I cannot say, nor do I care. There may, perhaps, be those present who have looked more into that matter than I have done, and who may enlighten the House on the subject.

Such, then, were the principles with which this Southern-Rights party set out at Nashville. During the heated contest which followed the adoption of the compromise in Georgia, these doctrines were openly proclaimed and warmly advocated by the adherents of this new political sect. Nor was their anger appeased or their passions satiated with the avowal and advocacy of these heretical doctrines; but, as if from the very fountain of bitter waters, they poured forth one continuing stream of abuse and execration upon the heads of all—whether from the North or the South, whether Whig or Democrat—who had participated in the passage of the compromise measures. They hesitated not to declare that CASS had committed a fraud upon the South in his doctrine of non-intervention—BUCHANAN had deceived them in his promised support of the Missouri compromise—DOUGLAS was a trickster, whose ridiculous pretensions to the Presidency were a fruitful source of bitter mirth—and the whole catalogue of good and true men at the North, who had stood firmly by the South in her many struggles for constitutional right, were alike unworthy of their support and base betrayers of the confidence they had reposed in them. One of their leading journals, (Columbus Times,) speaking of the purposes and intentions of the Southern-Rights party in respect to Northern men, held this language:

"We think we have a good right to know their [Southern-Rights men] feelings and opinions; and we say that they can discover in *no Northern statesman* now in public life, *Whig or Democrat*, one who *they can consistently* support as a true man to the cause of State rights or Southern rights. These men may be few or many in number, but they will be enough *to render ineffectual any attempt to consolidate a national party*. Their divorce from the North is *a vinculo matrimonii*. They will have a *Southern candidate*, a *Southern organization*—for *in* THESE ALONE CAN *they put their trust.*"

These views, thus pointedly expressed, were nothing more or less than an affirmance of the doctrines of the Nashville Convention. They were responded to in the feeble echoes of the less prominent presses of their party, and were clamorously and more offensively advocated in the vapid declamation of their traveling ministry.

Mr. BROWN, of Mississippi. The gentleman seems disposed, in the course of his argument, to hold the State-Rights party of the South responsible for the Nashville Convention, and for all that it said and did. I desire to ask the gentleman this question: Has it escaped his recollection that that convention was gotten up jointly by Whigs and Democrats—by gentlemen who are now Union men and who are States-Rights men? Has it escaped his recollection that the honorable William L. Sharkey of my own State, a prominent member of the Union party, was the first President of the Nashville Convention? If there be mischief springing from that convention, I trust it will be divided between both political parties.

Mr. CHASTAIN. I will respond to the inquiry of the gentleman, and will frankly say to him that it was gotten up as he says; but at the same time I say to him that when that convention promulgated its damning doctrines, the Union party left them. We went with you no further. When you showed your hand that you were determined to run afoul of the Union of the country, then it was that the Union party deserted you, and refused to recognize the doctrines promulged by that convention.

Mr. BROWN. I will ask the gentleman, then, this other question: Whether it is not within his recollection that that convention was denounced before its first meeting—before its first organization, in the same spirit in which it is now denounced? The National Intelligencer, published in this city, denounced it as a treasonable organization. It was so denounced by members upon this floor, and it was so denounced through the country. Did all the leading members of the Union party who have now become so clamorous against the Nashville Convention, join in this denunciation when it was first made by the Intelligencer and other papers?

Mr. CHASTAIN. I can only say in reply to that inquiry, that I did not then see as clear as the editor of the National Intelligencer. He might have seen evil brooding, even in the anticipation of the assemblage of that convention. I did not see it until they had shown their hands. When I had ocular demonstration by their own action, I could not be doubtful in relation to their position. The gentleman would save me trouble by not interrupting me any more. He will have an opportunity of setting himself right if he is wrong—and I feel confident that he is—before the termination of this session. I only ask to be permitted uninterruptedly to pursue my remarks. If the gentleman wants to say anything, I will endeavor all I can to aid him in getting the floor.

Mr. BROWN. For the purpose of setting myself right, I wish to make one remark. I was not a member of the Nashville Convention, had nothing to do with the getting of it up, had no responsibility on account of its action; and now I ask the gentleman can he say as much? Did he not, as a member of the Georgia Legislature, have something to do with the getting up of this far-famed convention?

Mr. CHASTAIN. I can say to the gentleman that I was not a member of the Georgia Legislature at that time. I was a member of the Georgia Convention that repudiated the doctrine promulgated by the Nashville Convention.

Mr. BROWN. Do I understand the gentleman to say that he did not vote to send delegates to that convention?

Mr. CHASTAIN. I did not.

Mr. BROWN. Then I have been misinformed. The gentleman is not responsible for its action—nor am I.

Mr. CHASTAIN. Mr. Chairman, I have not sought to rob the grave, in which it has been entombed, of the vile Billingsgate and abuse with which they pandered to the vitiated tastes and morbid passions of their infuriated readers in their editorial columns. I will permit these evidences of vindictive feeling and rancorous hatred to slumber on in merited oblivion. My purpose is, to present the principles of action which produced their organization, and the results which they sought to accomplish.

When the Southern-Rights party of Georgia met in convention to nominate their candidate for Governor, they declared, in the most solemn form, that by the act of Congress known as the compromise measures, the Southern States had *been degraded from their condition of equality in the Union;* and, by way of giving the most marked and practical response in their power to the action of the Nashville Convention, they nominated, as their candidate for Governor, the president of that convention—the Hon. Charles J. McDonald. It would have been difficult for them to have adopted a more successful mode of identifying themselves with the principles and destiny of that memorable convention than the selection of its head and organ as their chosen leader, and declaring, at the same time, by resolution, that they nominated and recommended Charles J. McDonald as their candidate for Governor—as *the exponent* and *standard* bearer of *their* principles in the approaching election; thus presenting their candidate to the people of Georgia with the additional incumbrance of an open avowal and advocacy of the doctrines of *peaceable secession*, with or without cause at the will of a State. They went into the late canvass in our State: the result is known, and it is not a part of my present purpose to speak of it. *It is now history;* and one which may be profitably studied by all who may desire to guide their future steps by the lamp of experience.

I have not presented this picture of the past for the purpose of reviving exasperated feelings. It may, perhaps, have that effect. I cannot help it; my duty requires me to do what I have done, and I now proceed to disclose the purpose for which I have called the attention of the country to this hurried review of the Southern-Rights party, and if it is not presuming too much, I would ask their earnest consideration of my next remark.

This, sir, *is the party, with these principles* and doctrines, which professes and claims to be *the Democratic party of Georgia.* I, and all other Union Democrats in my State who refused to unite in this organization and subscribe to these heretical teachings, have been held up before the country as deserters from the Democratic faith; upon our heads is sought to be fixed the responsibility of disorganizing the Democratic party of our State. In what does our offence consist in a mere party point of view? I put the question to every truly national Democrat in this House—in this country—and I demand of him as my right that he answers me in the honest conviction of his own unprejudiced heart. I make no appeal to the Free-Soilers, for I know that I shall find no favor with the vile fanaticism which, in its infuriated warfare upon my section of the country, tramples with sacrilegious steps upon the Constitution of the country—that holy bond of our political faith; nor shall I look for a favorable response to the disunionist of the North, who holds that sacred instrument as a covenant with the devil, and a league with hell; nor to the disunionist of the South, who regard our honored Union as the instrumentality which has brought upon him and his household wrong and degradation.

To none of these do I make my appeal, but to you, national Democrats, both of the North and the South, who gave your votes and your voices to the salvation of your country in that dark and momentous hour of her history, when the fanatic flared his incendiary torch around the very temple of our liberties, and treason floated in every breeze; to you who stood shoulder to shoulder with the Union Democracy of Georgia, and by your united votes in favor of the compromise said to the angry waters around you, "Peace, be still." To you, then, I make the appeal, and tell me, in the honesty of your hearts, were we right or wrong in resisting this sectional and disorganizing movement which was sowing broadcast in our land the seeds of discontent and ultimate disunion? Were we, *in your judgment*, deserters from the Democratic faith in giving our support and countenance to those measures of the compromise which had received the votes of a majority of the party, and which have since met the sanction of more than two thirds of the Democracy? Were we deserters from the Democratic party in refusing our assent to the doctrines of the Nashville Convention, that the passage of the compromise had brought upon the South *all the evils* of threatened aggression upon her rights; in refusing to *unite* in the recommendation of that convention not to go into any *National Convention under any party name whatever*, for the purpose of nominating candidates for the Presidency and Vice Presidency; in refusing to coöperate with the friends of the Nashville Convention to carry out their recommendation of a Southern Congress, which was to demand a restoration of lost constitutional rights; and failing in this, then to *provide for our future safety and independence;* in refusing our assent to the doctrine, that the compromise *had degraded* the Southern States from their condition of equality in the Union; in refusing to join in the clamorous and ungrateful denunciations of CASS, BUCHANAN, and those other good and true men of the North who had periled their very political existence in the defense of our constitutional rights; in defending the measures which had been passed by the Democratic party from the relentless assaults of these maddened and infuriated men who now profess to be the only true and sound exponents of Democratic principles; in resisting the doctrine of peaceable *secession*, violative as it is of the great republican doctrines of Jefferson, Madison, and Jackson; in a word, in defending those measures and advocating those principles which ever have and now do receive the sanction and support of an overwhelming majority of the very party from whose fold we are charged with having wandered; or did our desertion consist in repelling the sweeping charge I have already quoted, that there was no Northern statesman now in public life worthy of the confidence and support of Southern men; or was it our fixed and resolute opposition to the organization of sectional parties upon sectional principles, which gives color and substance to this charge against us in the eyes of national men of any political party? If these acts constitute desertion from the Democratic party, then, sir, we have abandoned a party whose principles we never held, and to whose organization we we shall never return; but with us you excommunicate every national Democrat in the land, and desecrate the memory of every republican father whose name is now associated with the struggles and triumphs of Democratic principles.

In presenting this review of the Southern-Rights party, I have virtually considered the causes which brought about the union organization of Georgia. The Union Democracy determined at the outset to resist these encroachments upon our time-honored principles, feeling a firm conviction resting upon our minds that they led not only to the disorganization of all political parties, but if successful, must end in the ultimate overthrow of the Union itself. Our position, therefore, and our principles were the very opposite of this sectional party, and in the action of the Georgia Convention, you will find them imbodied in what is familiarly known to the country as the Georgia platform. We, in common with an overwhelming majority of the people of our State, determined to acquiesce in the compromise measures, and though we did not wholly approve them, yet we agreed to stand to and abide by them as a final and permanent settlement of the slavery question. This we proposed to do in good faith on our part, and we expected and demanded the same on the part of the other sections of the country. The *finality* and *faithful enforcement* of the compromise, in all its parts, was and is the Georgia platform. There we have stood through this whole contest, and there we intend to stand to the end, inviting to our cordial coöperation all who are willing upon these principles to unite in allaying further agitation, giving peace and quiet to a distracted people, and securing the enforcement of the constitutional rights of that section of the country who alone have any practical interest in the settlement of the question. These two organizations in Georgia consisted of Whigs and Democrats. Whether the one or the other contained the majority of the Democracy of that State I will not stop to inquire, nor is it material for my present purposes; for if my positions are well taken, and I stood isolated from the entire Democracy of my State, my appeal should not be the less regarded if it addresses itself to the justice and sound judgment of the country. I demand that my facts and arguments shall be subjected to the test of correct principles, and not tried by the standard of popular power, though we may yet learn that they will not be found wanting when weighed in either balance.

Such are the causes which led to the formation of the Union party, and such are the principles upon which it acted; and I have no hesitation in making the declaration, that there is not a measure which we supported, nor a principle which we advocated, which is not in strict accordance with the well-settled doctrines of the national Democracy. Is it not a familiar fact, that during that heated and bitter contest we were cheered on in our mighty struggle by the encouraging voices of national Democrats throughout the land? If you ask for the proof, I refer you to the evidence which the memory of your own honest hearts will abundantly furnish. Where is the national Democrat who did not sympathise with us in the defense of those truths and principles with which he in common with ourselves is identified? I will not occupy your time with the numerous evidences of this character which I could furnish you from the editorial columns of the Washington Union, the organ of the national Democracy, and other journals of position and prominence; but I cannot forbear reading a short extract from the Pennsylvanian on this point. That able journal says:

"Nor is it material to enable the public, in our judgment, to decide that the position of Mr. Cobb, like that of Governor Trousdale and General Foote, *is the* TRUE DEMOCRATIC ONE, THAT ALONE which will bring the power of the South once more into harmony with the sound public sentiment of all the other portions of the Union, and which will effectually banish from the Federal Government all the agencies of discord."

The Georgia platform of the last year has been already responded to by the DEMOCRACY IN ALL THE WESTERN AND NORTHERN PORTIONS OF THE UNION, and, I will add, ought to have been so responded to, for it imbodied the principles upon which the Democracy of the Union had stood through that memorable struggle.

Entertaining these views, advocating these principles, and sustained and supported by these evidences of Democratic approval, what else could the Union Democracy of Georgia anticipate than that our Union organization would, by force of its own principles, be necessarily thrown into association with the same national Democracy of the country?

To that result we looked, and contemplated the pleasing spectacle in our anticipations of seeing our ranks swelled with numbers of the patriotic Whigs of our own and other States, who had not only given to these principles their sanction and approval, but had identified their political existence with their success and triumph. Shall this anticipation be realized? That is the question to be determined and answered by the national Democracy of the country. If I am asked to say whether or not there is any impediment in the way which cannot and ought not to be overcome, I reply unhesitatingly, that in my judgment there is NONE. Do we submit any new tests? *None.* We simply ask you to affirm your own well-settled principles. We ask you to declare in favor of the finality of the compromise, as a permanent settlement of the slavery question. And you tell us that it is your own deed and you will maintain it. We ask you to declare in favor of its faithful enforcement in all its parts. You tell us that you are opposed to the repeal or modification of any portion of it, and that you are willing and prepared to enforce it faithfully and effectually. These are the personal responses that come from the Democracy of every section.

If, then, such are your principles, and such your determination, why will you hesitate so to declare, fully, freely, and openly, before the whole world? Say so to that Free-Soiler, who seeks to desecrate with his presence the holy temple of Democracy. Say so to that disunionist, who, with hatred and enmity burning in his heart against the Union of our fathers, seeks to be admitted into the council chamber of the friends of the Union.

Whence springs the objection to the declaration of a principle which is so freely and universally conceded? If the principle is right, affirm it; if it is wrong, repudiate it. Let the Democratic party act upon this question with that candor and boldness which characterizes the conduct of honest men in the pursuit of noble purposes. Such a course only is worthy of the proud name they bear, and the vital principles intrusted to their pro-

tection. Is this hesitancy attributable to an apprehension of the effect that such an avowal of correct principles would have in thinning our ranks of some of its unworthy members? If so, the necessity of such action is rendered still more manifest and urgent. Such a declaration of principle by the National Convention will drive from the Democratic party no man who is worthy to be a member of it. It is not asked that there should be an unqualified approval of the compromise. It is not proposed to subject the consciences of those who oppose the compromise to the ordeal of condemning their past action by an affirmance now of principles inconsistent with that action. These are the false lights which have been held up to lead the public mind from the true point. All that is now required or asked is, that the compromise shall stand as a final settlement, and be faithfully enforced—and none but Northern Free-Soilers and Southern disunionists can object to it; and if the Democracy desire to keep company with either the one or the other of these classes, it is time that all sound and patriotic national Democrats should know it, and govern themselves accordingly.

The questions which I have discussed and propounded, must be met and responded to in the action of the Baltimore Convention. We shall be there to participate in your councils, and to cooperate in your movements. Nor will there be in that assemblage representatives from any section of this Union, whose hearts will respond more fully and cordially to the triumph of the great principles of our Democratic faith than the representatives of those who sympathize with me in the feelings and opinions I have now expressed. Upon that Convention will rest a responsibility of no ordinary character. Let them feel and realize the fact, that upon their action depends not only the future fate of the Democratic party, but of the Republic itself.

PUBLIC LANDS.

SPEECH OF HON. J. L. DAWSON,

OF PENNSYLVANIA,

In the House of Representatives,

March 3, 1852,

On the Bill granting one quarter section of the Public Lands to actual settlers.

The House having resolved itself in Committee of the Whole on the state of the Union, and taken up for consideration the bill "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land, out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified,—"

Mr. DAWSON said:

Mr. Chairman: I am in favor of the principle of this bill and of its general provisions. I shall consume but a very small portion of the time of the House in assigning the reasons why I shall give to it my support.

The proposition to donate the public lands in limited quantities, and with certain limitations, to actual settlers, is one of growing importance and of increasing interest to a large portion of the American people. In the few remarks that I shall submit in support of the general proposition, I shall avoid and discountenance any view that may approximate, or even give color to a leveling or an agrarian spirit. I shall avoid any sanction, or any attempt at a demonstration of the problem, that there is a natural or indefeasible right inherent in every citizen to occupy and enjoy land without price, condition, or grant.

The structure of our Government is republican, not only in theory, but it is truly so in all its practical operations. There is no Government in existence now, nor none known to history, where the path to honor and distinction is so broad and so generally trodden as that which has been pointed out under the guidance of our Federal Constitution, nor none where the rewards of labor have been more certain or more generally diffused.

I shall treat the question as one not only wise and just in itself, but as political in its conception and results—as being intimately connected with and forming a part of our political economy.

Our own brief experience as a nation is illustrating the historic truth, that Governments commit egregious errors; that they grow wild in the extravagance of their expenditures as the national revenues increase to an extent evincing not only great prosperity, but great national wealth. In the course of my remarks, I shall take occasion to draw the attention of the House and of the country to the large and increasing receipt into the national Treasury under our revenue system, and to the corresponding expenditure that is marked as a consequence, leaving the inference to be drawn whether the administration of the Government would not be more just, more pure, and more economical, without any real or anticipated revenue from the sales of the public lands.

In the vast possessions of the Government, known as the public domain, there is comprised an area of fourteen hundred millions of acres. Its boundary finds now but a mere scattered beginning on the northwestern borders of Ohio, which was but recently the frontier settlement, and extends through the fertile valley of the Mississippi to the shores of the Pacific ocean, and from the lakes on the north to the Gulf of Mexico and the waters of the Atlantic. It embraces a variety of soil and a variety of climate, enriched in mineral wealth, and fruitful in agricultural productions. There would seem to be nothing wanting to develop its mighty resources, to elevate it to the capacity, the power and dignity of a mighty empire, but to encourage its settlement, to secure its improvement, to stimulate and strengthen the arm that will fell the forest, cultivate the wild prairie, and reclaim the wet and waste lands. It was said by an eminent author that he that would make two spears of grass grow where but one would have grown, deserved the thanks of the community. This remark was made in the spirit of true philosophy, and its practical operation in determining a new policy for the management of the public domain, is deserving the favorable consideration of the American Congress.

The title in the General Government to the public domain has been acquired by deeds of cession, and by purchase through treaties with the Indians, as well as with France, Spain, and Mexico. The success of the revolution of independence gave the colonies or independent States a claim or title to the country lying or situate between the Canadas and Louisiana, which then belonged to France, and from the New England coast to the east bank of the Mississippi river. To avoid a feud that threatened from an angry conflict growing out of unsettled State boundaries, States equal in sovereignty and independence, ceded or conveyed to the General Government their right to the public domain. If Virginia was not the first to lead the way in this great sacrifice or contribution to the common fund, it is nevertheless true—and she may refer to it with pride, as forming a bright passage upon the page of her history—that after the gallant part she bore in the cause of the Revolution from the adoption of the Declaration of Independence to the surrender of Cornwallis upon her own soil, she conveyed to the General Government her right to the most magnificent region of country upon which the eye of man has ever rested. It stretches from the Ohio to the Mississippi and to the lakes, and comprises the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin, and now contains a population of 4,523,139 souls—a country possessing great commercial advantages—almost unlimited in agricultural resources—penetrated by beautiful rivers—crossed by artificial lines of communication connecting the Ohio and the Mississippi with the lakes—covered with churches, school-houses, cities, towns, and villages, and exhibiting all the evidences of high and unprecedented prosperity: and State after State will yet surpass Virginia herself, as Ohio has already done, and vie with her upon this floor for numerical preponderance in the councils of the nation.

By an examination of the books of the Land Office, I have ascertained that the number of acres of public land in each State and Territory unsold and undisposed of on the 30th of June, 1851, was 1,400,632,305.48, and are distributed as follows:

States and Territories.	*Acres undisposed of.*
Ohio	302,195.62
Indiana	1,049,680.91
Illinois	8,219,628.72
Missouri	26,635,589.32
Alabama	15,486,849.23
Mississippi	8,849,165.11
Louisiana	13,579,384.47
Michigan	20,011,143.77
Arkansas	22,303,746.72
Florida	32,863,518.66
Iowa	25,661,550.27
Wisconsin	24,506,294.83
California	120,447,840.00
Minnesota Territory	50,075,931.85
Oregon Territory	206,349,333.00
New Mexico Territory	127,383,040.00
Utah Territory	113,589,013.00
Northwest Territory	376,040,960.00
Nebraska Territory	87,488,000.00
Indian Territory	119,789,440.00
Total	1,400,632,305.48

The aggregate cost of the public lands, to the 1st of January, 1850, the date of the last computation, was as follows, viz:

Cost of purchasing	$61,121,717.12
" surveying	6,369,838.07
" selling and managing	7,466,324.19
	$74,957,879.38

The aggregate receipts from sales of public lands, from the earliest period to the 1st of January, 1850, amounted to the sum of $135,339,093 17.

No estimate has as yet been made for the newly-acquired Territories, or for California, and cannot be made until the land system has been extended to the Pacific, and the actual cost of surveying, &c., ascertained.

Deduct, then, the actual or aggregate cost from the aggregate receipts, and it leaves a net balance—a clear profit—in favor of the Government of $60,381,213 79.

In this computation of cost is included the fifteen millions paid to France, under the treaty of 1803, for Louisiana, and the five millions paid to Spain, under the treaty of 1819, for the Floridas. By deducting this amount ($20,000,000) from the cost, the actual profit to the Government would be $80,381,213 79.

I propose or make this deduction for the reason that, in the purchase of Louisiana, the value of the land within its limits formed *no part* of the consideration whatever. The Government of the United States found it to be their true policy—an indispensable policy—to get possession and command of the mouth of the Mississippi and the Gulf of Mexico, a policy dictated by every consideration of commercial interest, as well as by every consideration, in a military point of view, pertaining to the defence of the country.

The same policy governed in the purchase of the Floridas. This, then, is the most favorable exhibit that can be made of the land system, as a source of profit and revenue to the Government, in a period of sixty-four years, from the year 1787 to 1850.

It also appears that, within a fraction, the one half of the above sum was the result of the receipts for the two years of 1835 and 1836. In 1835, the receipts amounted to $14,787,600 75, and in 1836, to $24,877,179 86.

These extraordinary receipts were the result of reckless speculation, created and stimulated by a depreciated paper currency, which at that time was receivable for public dues, and the evil was only arrested by the issuing of the *specie circular* by President Jackson.

To such an extent had the national Treasury become burdened from the proceeds of the land, that distribution was resorted to, and Congress, by the act of 23d of June, 1836, concluded to deposit with the several States of the Union the sum of $37,468,859 97, of which sum actual deposit was made of $27,063,430 80.

As a mere question, then, of investment in the abstract, the Government might here rest, for it has been more than reimbursed. But in this view of the subject, the question of profit as connected with, and forming a part of, our political economy, presents itself in another light. Commerce is the life and support of every nation. Its foundation is to be traced to the cultivation of the soil, and its prosperity reckoned by the extent of its agricultural productions.

In ancient times, it was commerce that gave wealth and power and grandeur to Carthage, and Tyre, and Alexandria, and in modern times, wealth and empire to Holland and to Venice. The loss of their commerce was the decay of their prosperity,

and the loss of empire. Should it not, then, be our policy to extend far and wide the basis of our agricultural interest, and thus lay broad and deep the foundation of our commercial prosperity?

I might here inquire to what extent, then, would the passage of this bill induce settlement and increase production. The most liberal estimate of those who could avail themselves of the provisions of the bill would not exceed a million of persons. One hundred and sixty millions of acres of wild land, settled, improved, and cultivated, as the result of a policy, shadowed forth and guarantied by the passage of this bill, would not only extend far and wide the basis of our agricultural interests, but it would extend far and wide, and secure our commercial supremacy.

The increase of agricultural productions consequent upon such settlement and cultivation would be almost incalculable. The single item of wheat, estimating a surplus over and above the necessary wants of the producer, at three bushels per acre, would be equal to 480,000,000 bushels; valued at fifty cents per bushel, would amount to $240,000,000. The same rule and estimate will apply to all the other great variety of agricultural productions, the result of settlement, improvement, and cultivation of the soil.

A million of freemen, by the liberal action of their own Government, put in possession of a limited quantity of wild land—a home—would soon supply themselves and families with the necessaries and comforts of life. The history of all prosperous communities exhibits the fact, that we supply our wants and consult our comforts in proportion to the means within our control. With increased means comes an increased demand for all those supplies, the interchange of which is the life of commerce, and constitutes one of the main elements of national prosperity. Much that contributes to our necessary wants and comforts, is the result of foreign production, not only of foreign fabrics, but the production of foreign climates. Assume, then, that each landholder created by the passage of this bill would, in consequence of the increased production, the result of his own labor, be enabled to supply himself and family with foreign productions and fabrics to the value of but $50 per annum, and it would increase our annual imports $50,000,000; the revenue derivable from which, under our present revenue system of thirty per cent., would yield annually to the national Treasury the sum of $15,000,000. The increased importation thus created, would induce a corresponding export of agricultural produce—the result of a wise, just, and benevolent system of governmental policy, which had caused two spears of grass to grow where but one would have grown.

If it is true, as it has been alleged, that it is the policy of the Government to cling to the public domain as a source of revenue and profit, I insist that no grander scheme of speculation can be devised than the passage of this very bill. All land speculations in the valley of the Mississippi have proved successful just in proportion to the extent of the surrounding settlements, improvement, and cultivation. The very basis upon which the numerous grants heretofore made by Congress of alternate sections of the public land to aid in the construction of roads, canals, and railroads, was the assumed increased value that would be given to the remaining sections by the construction of such improvements. It is the great argument relied upon in support of the numerous applications and bills for the partial appropriation of the public domain to aid in the construction of State works and corporate improvements. If Congress has recognized the principle and acknowledged the force of the argument, by sanctioning this system of partial legislation, why not carry out the principle and extend the policy? I am opposed to this partial legislation; and in the general scramble that is about to ensue for the public domain, I want this bill to stand first and foremost upon the statute-book.

Mr. Chairman, in the examination and discussion of this subject, it is important to remark, for it is true, as exhibited by legislative history, that the policy of the Government in the management of the public lands, with a view to revenue, has for years contemplated a change, a relaxation, if not a total abandonment of such policy.

As early as 1832, General Jackson, in his annual message to Congress, stated that—

"It cannot be doubted that the speedy settlement of these lands constitute the true interest of the Republic. The wealth and strength of a country are its population; and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty. It seems to me to be our true policy that the public lands shall *cease* as soon as practicable to be a source of revenue."

In 1840, the aggregate revenues of the Government were $17,666,450 03. The expenditures reached to $24,139,920 11. In 1851, the revenues reached to $52,312,979 87. The aggregate current expenditures for the same year were $50,952,902 59.

In 1840, the population of the United States was 17,069,453. In 1850, it was 23,257,723. Mark the disparity! Why this extraordinary increase of expenditure? The question can be readily answered. The Treasury is too full—its overflowing stimulates an ardent, impatient, and resistless appetite for extravagant expenditure. In the presence of its glittering and imposing influences, all the old fashioned practical notions and safeguards of political economy relax and give way. By the last report of the Secretary of the Treasury, submitted to Congress December 26th, 1851, it appears, that by including the balance on hand at the close of the preceding fiscal year, it is found that the surplus in the Treasury on the first of July 1851, after deducting the current expenses, was $10,911,645 68. It appears further, by the same report, that the estimated receipts for the fiscal year 1852, will be $51,800,000; whilst the expenditures are estimated at $42,892,299 19, being an excess of receipts over expenditures of $8,907,700 81. I may inquire, then, under this state of facts, in the language of President Jackson, if it is not now "practicable" that the public lands should "cease" "to be a source of revenue?"

That the period has arrived when they should cease to be a source of revenue is not only indicated by the recent legislation of Congress, but that they will not for years yield revenue is acknowledged in the report of the Secretary of the Treasury, made by Mr. Corwin to Congress on the 17th of December, 1850.—Ex. Doc. No. 11, page 12. In referring to the sources of revenue, and particularly to that portion heretofore derivable from the sales of the public lands, the report sets forth, that "this source of revenue" "should 'not hereafter be relied upon with any certainty, 'or to any considerable amount, in estimating the 'receipts of the Treasury."

It further appears by the same report that "By 'the various acts of Congress appropriating the 'public lands to objects which withdraw them 'from ordinary revenue purposes, it is quite certain that for several years to come the Treasury 'must be mainly if not entirely dependent for its 'receipts upon duties levied upon foreign merchandise:" and that "The law recently enacted, 'giving lands to those who served in the war with 'Mexico, and, at the last session, to such as had 'served in former wars, in addition to grants to 'States for internal improvements, will undoubtedly supply the market with the greater portion 'of the lands that will be required for occupation 'for many years to come."

The quantity of lands sold and taken from market by virtue of these warrants for the years 1847, 1848, and 1849, is 14,727,742.40 acres; the warrants yet to be presented under these acts will require 78,922,513 acres—in all 93,650,245.40 acres; and at the most liberal average, "over sixteen 'years will be required to absorb and satisfy the 'warrants yet to be issued as estimated, under the 'several bounty land acts now in force." This exhibit presents a state of things requiring the fullest consideration of Congress, and a speedy and radical change in the policy and management of our land system. What better plan, then, can be suggested than that proposed by the bill now under consideration? What more just in its conception—more benevolent in its objects—more conducive to a rigid political economy, or more certain in its practical results, to swell the aggregate of the national wealth, and advance the great commercial interests of the country?

The power of Congress over the public domain cannot be questioned, for it is contained in the Constitution, and is of the broadest kind. The third section of the fourth article is in these words: "The Congress shall have power to dispose of 'and make all needful rules and regulations respecting the territory or other property belonging 'to the United States, and nothing in this Constitution shall be so construed as to prejudice any 'claims of the United States, or of any particular 'State."

The power of Congress over the public domain to make donations and grants is not only given by the Constitution, but it has been freely and liberally exercised from the foundation of the Government up to the present time; at all events, from 3d of March, 1803, to the 20th of September, 1850, the date of the act granting about 3,025,920 acres to the States of Alabama, Mississippi, and Illinois, to aid in the construction of the Chicago and Mobile railroad.

For the purpose of showing that the power has been exercised, and the extent to which it has been exercised, I refer to the exhibit of "donations" and grants to the different States for the various purposes mentioned:

Statement of Donations and Grants of Public Lands to the 30th June, 1851.

States and Territories.	Donations and grants for schools, universities, &c.	Grants for deaf and dumb asylums.	Grants for internal improvements.	Grants to individuals and companies.	Grants for seats of government and public buildings.	Grants for military services.	Reserved for companies, individuals, and corporations.	Swamp lands granted to States.	Central railroad grant.	Total to each State.
Ohio	727,528		1,243,001.77	32,141.24	2,560	1,552,677.96	8,805,976.00	303,329.00	- -	12,664,853.97
Indiana	637,357		1,609,861.61	243.44	2,560	787,696.61	149,102.00	981,682.00		4,169,392.66
Illinois	1,001,765		500,000.00	964.64	2,560	5,541,680.30		1,833,412.94	3,346,400	11,126,892.88
Missouri	1,220,179		500,000.00		2,560	1,409,653.20		1,517,287.06		4,701,678.30
Alabama	925,814	21,949.46	500,000.00	1,981.53	1,920	144,800.00		436,450.00	220,400	2,205,014.99
Mississippi	850,624		500,000.00	15,965.31	1,280	67,602.25		2,209,987.00	549,120	4,234,578.56
Louisiana	882,124		500,000.00	8,413.95		353,580.00		8,877,598.58		10,572,115.56
Michigan	1,113,477		500,000.00	4,080.00	13,300	271,796.97		4,544,189.00		6,446,742.97
Arkansas	939,540	2,007.43	500,000.00	139,366.25	10,600	1,392,285.31	305.75	4,807,673.00		7,734,561.49
Florida	954,588	20,924.22	500,000.00	53,114.00	6,240	31,240.00		562,170.00		2,127,576.97
Iowa	951,224		895,078.22	18,226.86	3,480	2,246,635.06		33,813.00		4,078,457.14
Wisconsin	1,004,728		858,400.00	5,765.82	6,400	1,715,418.17		1,259,369.00		4,849,920.69
California			500,000.00			42,440.00				500,000.00
Minnesota Territory	2,997,191									3,039,631.00
Oregon Territory	12,186,987									12,186,987.00
New Mexico Ter.	7,493,120									7,493,120.00
Utah Territory	6,681,707									6,681,707.00
	40,536,978	44,971.11	9,036,341.60	279,792.07	50,960	15,507,905.83	8,955,383.75	27,397,269.82	3,025,920	104,857,412.88

To come, however, more directly to a full illustration of the constitutionality, not only of the principle of this bill, but of its practical recognition by Congress, I need but refer to the act of

the 27th of September, 1850, making donations of public lands in the Territory of Oregon to *actual settlers*. By the provisions of that bill, the actual settler is entitled to receive from one hundred and sixty to six hundred and forty acres, depending upon the time of his settlement and his condition, whether married or not.

No doubt can exist, then, as to the constitutional right of Congress to legislate in the premises. The exercise of the right in making a disposition of this kind of public property, depends upon the views of Congress under the circumstances before them.

The proposition, benevolent and patriotic in its conception, so far has neither been strengthened by the power, nor incumbered by the prejudice of party, but by the force of merit is attracting public consideration, and gaining strength and power through the force of public sentiment. It has received the sanction of Mr. Webster, now the Secretary of State. Whilst a member of the Senate of the United States, he introduced on the 22d day of January, 1850, the following resolution:

"*Resolved*, That provision ought to be made by law that every male citizen of the United States, and every male person who has declared his intention of becoming a citizen according to the provisions of law, of twenty-one years of age or upwards, shall be entitled to enter upon and take any one quarter section of the public lands which may be open to entry at private sale, for the purposes of residence and cultivation; and that when such citizen shall have resided on the same land for three years, and cultivated the same, or if dying in the meantime, the residence and cultivation shall be held and carried on by his widow or his heirs, or devisees, for the space of full three years from and after making entry of such land, such residence and cultivation for the said three years to be completed within four years from the time of such entry, then a patent to issue for the same to the person making entry, if living, or otherwise to his heirs or devisees, as the case may require: *Provided, nevertheless*, that such person so entering and taking the quarter section as aforesaid shall not have, nor shall his devisee or heirs have, any power to alienate such land nor create any title thereto in law or equity, by deed, transfer, lease, or any other conveyance except by devise by will."

In the discussion of the resolution on the 30th of the same month, the principle received the sanction of General Cass in the following words:

"I desire to say but a word on this subject. I am glad to witness these preparatory discussions. They bring up a great principle—a principle to which I am highly favorable." * * * "I believe it would be better for the country that those who cultivate the lands should be those who hold them. I believe that the time has come, and that this country is now in a situation, when it is best to hold out this encouragement, and that is what I call the 'age of progress,' in reply to the honorable Senator from Kentucky. When I saw him come here in 1806, in the meridian of his life, I did not dream that this age of progress would come; but I hope it has come now; I hope the time has arrived in which the public domain will be held for the benefit of those who will become actual settlers."

Mr. Chairman, the unexampled growth and prosperity of our country is traceable, in a great measure, not only to our vast agricultural productions, but to the fact that the free white population of the United States is an approximation to a community of landholders. The Government of Great Britain, of which, prior to 1776, we were dependent colonies, traces its power to a mighty landed aristocracy, representing one of the legislative departments of the Government—a power far above that of the Army and Navy, if not above the Throne, for it shapes the policy and controls the legislative action of Parliament. There, the rights of primogeniture are adhered to with stubborn tenacity. It seems to be the policy of the Crown to build up immense landed estates. In the United States, we have practiced upon the reverse of such a policy. We have qualified the right of primogeniture, and repudiated the doctrine of entailment. The fruits of our wisdom are visible in every State and in every community. In Great Britain, the Government relies for its protection upon the power of the Army, the Navy, and the House of Lords, representing the landed interest of the kingdom. In the United States, we rely for our success and preservation upon the virtue, intelligence, and patriotism of the people.

In Great Britain, the population in 1851, including Ireland and the islands in the British seas, was 27,619,866. The number of landholders only about 30,000.

In the United States and Territories the free white population, by the last census, was 19,630,738. The number of landholders—the owners of farms—was 1,448,486; add to this the number of freeholders as contradistinguished from farm owners, being 930,997, and it would increase the number to 2,379,483, distributed as follows:

States and Territories.	Free white population.	No. of landholders.
Maine	581,863	46,760
New Hampshire	317,489	29,229
Vermont	313,411	29,765
Massachusetts	985,704	34,235
Rhode Island	144,000	5,385
Connecticut	363,305	22,445
New York	3,049,457	170,621
New Jersey	466,240	23,905
Pennsylvania	2,258,463	127,577
Ohio	1,936,108	143,887
Indiana	977,628	93,896
Illinois	846,104	76,208
Michigan	395,097	34,089
Wisconsin	304,565	20,177
Iowa	191,879	14,805
California	163,200	108
Delaware	71,289	6,063
Maryland	418,590	21,860
Virginia	895,364	77,013
North Carolina	553,295	56,916
South Carolina	274,623	29,969
Georgia	521,438	51,759
Alabama	426,507	41,964
Mississippi	295,758	33,960
Louisiana	255,416	13,424
Tennessee	756,893	72,710
Kentucky	761,688	74,777
Missouri	592,077	54,458
Arkansas	162,068	17,758
Florida	47,167	4,304
Texas	154,100	12,198
District of Columbia	38,027	264
Territory of Minnesota	6,038	157
Territory of New Mexico	61,530	3,750
Territory of Oregon	13,087	1,164
Territory of Utah	11,330	926
Totals	19,630,738	1,448,486

Let us, then, Mr. Chairman, pass this bill, which will necessarily increase the number, and at the same time strengthen the arm of the Government.

Love of country and love of land is a natural association. It existed in a primitive condition of society. Under the organization of government and the forms of society, the desire for acquisition is still greater; and when attained, it enables its possessor to discharge more fully the duties of life—to contribute his part for the support of his country in time of peace, whilst it nerves his arm in the hour of battle. Patrick Henry, whose patriotism and matchless eloquence put in motion the ball of the Revolution, was ardent in the acquisition of land, and at one time, even contemplated a location of the shores of the Chesapeake. Washington, the Father of his Country, who led our armies in triumph through the battles of the Revolution, was equally ardent in the acquisition of land. Even before the Revolution he found no barrier in the Alleghanies to his enterprising spirit, and at that early day, in the district which I have the honor to represent, he made a location and an improvement, which is now often referred to with interest, because, when the dark forest marked it as the wild hunting ground of the Indian, it had received the impress of the Father of his Country.

The area of the public domain, instead of having diminished in proportion to settlement, the increase of population, and of immigration, has increased almost without limit, by purchase and by conquest. We have an immense extent unsettled and uncultivated; and under the best legislation we can adopt, a great deal of it must remain unsettled and uncultivated for ages—it may be for centuries.

The number of acres of public land unsold and undisposed of in the twelve States of Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, and Florida, is 200,000,000—equal in area to the old thirteen States that carried us triumphantly through the Revolution.

The area of the lands remaining undisposed of in the Territories is 1,201,123,557.85 acres, sufficient in *extent* to make *forty-two* States of the size of Pennsylvania. Of this, much is possessed by the Indians, and will be for many years to come; but all of it eventually will become the property of the United States, from the certain operation of the same causes which seem to doom the Indian race to ultimate extinction—a result to be deplored, but which seems to be inevitable. They have already so far disappeared before the advances of civilization, until their homes are now far beyond the angry waters of the Mississippi; and as they travel towards the setting sun, the council fire will gradually disappear in the gorges of the mountain, and the war-whoop finally be lost in the murmurs of the great Pacific ocean.

In this vast region there are certainly large districts that are mountainous, parts of which are unfit for improvement, and for the residence of man; but, after making all necessary deductions on this account, there will yet remain immense districts which will support a dense population, and sooner or later will be converted to the great purposes of civilization and production. What is to be done with this vast region, that it may be converted from an uncultivated wilderness to its natural purpose, and made to bring forth its fruits abundantly? Pass this bill—encourage and secure its settlement.

This Government was founded by the people for the good of the people. Its great basis is popular affection. It possesses an immense property which it cannot sell, but by a process equal in time to a period of centuries. Compare the number of acres sold up to this date and the length of time (sixty-four years) that has been consumed in making the sales, with the number of acres now undisposed of, and it will be seen that it will require, at the same pace, nine hundred years to dispose of the same. The progressive spirit of the age is impatient of the delay, and demands a quickened step. Vast forests and prairies separate our Atlantic and Pacific regions, which every consideration of security and of intercourse require should be settled. Its settlement would place upon a distant frontier a force able and willing to defend us against hostile savages, and thus spare us much of the expense we are now required to defray. It would be justice to the new States in which portions of the public lands are situated, by converting them into private property—subjecting them to taxation—and thus requiring them to bear their legitimate proportion of the burdens of State government.

With all of our unexampled prosperity, Mr. Chairman, in the arts and sciences, in the progress of improvement, in the extent of our commerce, in the growth and success of our manufactures, in wealth and in power, it is nevertheless true that there is great inequality in the condition of life, and that much can be done to ameliorate that condition without doing injustice or violence to the rights of any. There is no Government that has so much to spare as ours, and none where the gift would be productive alike of mutual benefit. It would be the exhibition of a union of philanthropy and national interest, consummating a measure by which worthy citizens would be made comfortable, not by wasting the property of the State, not by exactions from the property of others, but by moderate grants of wild land, the cultivation of which would swell the productive property of the country, and thus contribute its proportion to the common necessities, in peace and in war.

No inconsiderable portion of our population is enabled, for the want of means, to push forward to the frontier, and there form settlements. Desirous of doing so, it requires an expenditure they cannot meet. All that many of them can do, is to reach the country and provide for their support, until the land, improved by their labor, becomes productive. To require them to pay beyond that for the land, amounts to prohibition against their going there. The preëmption system stimulated emigration and settlement; but experience has shown, that inability to pay the Government for the title after a period of severe trials incident to such new settlement, gave the land, in many instances, into the clutch of the speculator, and drove the hardy pioneer again to the forest.

Certainty and *reliability* are words full of import and value in the American language. The certainty of being secure in a small possession—a *home*—even on the extreme confines of civilization, would nerve the heart of many an honest man of limited means to make the effort to secure it. Pass this bill, and it will provide homes, and happy ones, for a vast number of meritorious persons, and teach them the value of a Government which desires to fulfill the first of its duties: that of promoting the happiness and prosperity of its citizens.

What a useful lesson would such a plan prove to the Governments of Europe; and what an example would it furnish of republican care for the good of all, thus promoted by our happy institutions. It would present a spectacle at which the patriot, in the full exultation of his heart, might rejoice—at which the honorable gentleman from Tennessee [Mr. JOHNSON] might rejoice—as Lycurgus did when returning through the fields just reaped, after the generous provision that he had made for the citizens of Sparta and Laconia; and seeing the shocks standing parallel and equal, he smiled, and said to some that were by: "How like is Laconia to an estate newly-divided among many brothers."

The American Government is the great pioneer in the cause of freedom. By the force of republican principles and of unexampled success, it has advanced in nationality until it is now hailed as a beacon-light for every continent, and a star of hope for every people. With a population of but three millions, at the close of the Revolution, we now have twenty-three millions: with but thirteen States, we now have thirty-one, and territory enough for fifty more—a Union stretching across a continent from one great ocean to the other All that is wanted to develop its great resources and fulfill its destiny, is a population commensurate with the fertility of its soil and the extent of its territory.

PRESIDENTIAL PLATFORMS, &c.

SPEECH OF HON. L. D. CAMPBELL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 5, 1852,

On Presidential Platforms—Internal Improvements—the just demands of the Mississippi Valley—and the Inland Lakes.

The House having resolved itself into Committee of the Whole on the state of the Union, the Chairman said the gentleman from Ohio, [Mr. CAMPBELL] was entitled the floor.

Mr. CAMPBELL said:

Mr. CHAIRMAN: My constituents have not sent me here to manufacture presidential capital, or to construct presidential platforms. They require, as of right they may, prompt, honest, and straightforward legislation upon the practical questions which may, from time to time, present themselves in legitimate form, to the consideration of this body. To that duty I hope to devote myself in times to come, during the period of my service, as I have done in times past—fearing no responsibility, and trusting myself for errors it may be my lot to commit, if any, to their generous consideration.

The honorable gentleman from Kentucky [Mr. BRECKINRIDGE] occupied his hour yesterday in making known to the country the position of his gallant friend, (General Butler,) who is the favorite of his no less gallant State of Kentucky for the Presidency, upon the measures connected with the institution of slavery. And the honorable gentleman from Florida [Mr. CABELL] is sorely grieved from the fear that this (the Whig) side of the House may not have a candidate that the South can regard as "sound" on this subject. Now, Mr. Chairman, the honorable gentlemen are both professed friends of the "*finality*" of the acts of the last Congress on the question of domestic slavery—friends of what they call "a compromise"—opposed to what they term *agitation*. It was my fortune, or misfortune as you please to have it, to be a member of the last Congress, in which this whole question was contested. The record shows my opinions upon the measures which came before us for our action, for I never dodged a single vote. My opinions are there expressed in the most solemn form, under the solemnities of the oath which was administered when I, for the first time, took my seat in the Congress of the nation. That record is open to my constituents and to the world. The opinions those votes express are my opinions now, and I have no apologies to make—nothing that I said, either by vote or speech, to take back or to explain. If my constituents wish a presidential platform constructed, they will construct it for themselves; and I am not here to suggest that, at the proper time, they will not have patriotism and intelligence enough to enable them to perform the work better than I could possibly do it.

Both the honorable gentlemen have, by their speeches, evinced great fear that at some time or other the sovereign people of this land, in whom all power is vested under our glorious institutions, may determine to change the fugitive slave law—the only branch of what they call the compromise which is regarded as subject to such change as they, in the exercise of their power, may make. Both of the gentlemen, too, seem to be under the impression that the peculiar institution of slavery is the all-absorbing question upon which all the powers of Government, executive, legislative, and judicial, are to be concentrated, now and forever; and they seem to be deeply impressed with the idea that, notwithstanding the legislation of the last few years has tended to perpetuate and extend that institution, the fortification of that past legislation is to be made the test of future political action. Hence they are busy in the arrangement of platforms. Most of the presidential candidates are driving Southward with great rapidity, and their underworkers are busy in this House in attempting to procure reënactments and reindorsements of the fugitive slave law. They seem to lose sight of the great national interests of *agriculture*, *commerce*, and *manufactures*, which now come before us as legitimate subjects for legislative consideration. I will not interfere in these efforts of the honorable gentlemen to fix up presidential candidates, further than to suggest to them that, whilst they are subjecting themselves to this great wear and tear of intellect to arrange a slavery platform, it would be well enough to make some calculation as to where the votes are to come from to elect their favorites who may occupy the platforms they may make, when the great struggle comes off at the *ballot-box*—the ordeal through which all political aspirants in this country, thank God, must pass before they reach the goal of political power. And I would humbly make a further suggestion to them, as well as to those who are so over-anxious to reënact their "compromise." It is one which their own political intelligence would, on reflection, suggest, viz: that if the fugitive slave law is *right* in its details, a reënactment of it will not make it more so—if it is *wrong*, your resolves will not make it less so—and whether *right or wrong*, the people of this great land have power under our Constitution, through their Representatives, to modify it whenever they please—a power which all the resolutions and speeches of this body which may be passed and made between this day and our adjournment cannot take from them. With all due respect, then, to gentlemen, I may be permitted to say that this whole slavery controversy *now*, is out of time, out of place, and in bad taste.

Mr. Chairman, a great effort has been made to harmonize the discordant elements of the "harmonious Democracy" upon the particular question to which I have alluded. And if our friends, on that side of the House, have got that particular matter fixed up to their entire satisfaction, having reference to acts of past legislation only, I may be permitted to call their attention to some of the subjects upon which the sovereign people demand legislation now and in future. These questions are intimately connected with the bill under consideration. They are, the protection and promotion by national legislation of the three great national interests—agriculture, manufactures, and commerce. I do not mean merely the exterior commerce, but the great inland commerce of the nation; immediately and inseparably connected as it is with the interests of agriculture and the exterior commerce of the country. The honorable gentleman from Kentucky [Mr. BRECKINRIDGE] was somewhat caustic in his charges against the Whigs for running a candidate in 1848, who, he says, was "mum" on the great question of slavery; and he pronounced a most eloquent eulogy upon the Democratic candidates for the Presidency and Vice Presidency in that contest, (Generals CASS and BUTLER.) He says that they fearlessly presented themselves before the American people with an open avowal of their political opinions. Now, sir, I call upon the gentleman to inform the House and the country what principles either of those distinguished men declared in the ever-memorable contest of 1848, upon the right of the General Government to appropriate its property, whether in lands or in dollars, to the improvement of our inland lakes and rivers. Sir, they were "mum" on that great question of interest to the laboring millions of your great interior. We all remember that there was an occasion presented to the distinguished Michigan candidate of the Democracy [General CASS] to make known his opinions upon this interesting point, during the canvass. He visited Cleveland, that beautiful and flourishing "Forest City on the Lake Shore," in my own State. There were merchants who had been reduced to penury and want by the disasters on the lakes, there, too, were mothers who had been made widows, and children who had been made fatherless, by the calamities of the navigation of that great "inland sea," Lake Erie, whose harbors had been so wantonly neglected by national legislation. He was pointed to these by one of his own party admirers, (the present Governor of Ohio,) and his opinion asked. His reply was, "the noise and confusion is so great that I could not be heard!" This, the gentleman from Kentucky would tell us, is a fearless declaration of opinion upon great national principles. Again: as a desperate effort to rally the power of the great basin of the Mississippi and the interests of the inland lakes, a convention was called at Chicago. It was not a convention of party—but a convention of the people—of every party and every condition of men—whose interests, whose lives, to some extent, were involved. They met to consider this great question. That same aspirant for our highest honors was invited. He replied that "*circumstances* prevented his attendance," and to this day, sir, his sentiments have been concealed. To this day the sentiments of General Butler, the gentleman's favorite, have been withheld. And yet, sir, in the face of these facts, and whilst the doctrines of the Whig party are understood by everybody, the honorable gentleman from Kentucky talks about our "mum" candidates, and presents his favorites as perfect specimens of manly independence.

Mr. Chairman, this question—this great interest of the valley of the Mississippi—was evaded or postponed in the last canvass; but it must be met in the next; and I warn the builders of presidential platforms to prepare for it. The question is before this House. It is incidentally before this committee now. I propose, in the short time allotted to me, to meet it, to define my position, to define the position of the Whig party in regard to it, and to vindicate the consistency of that party, as well as to expose the vascillations of our opponents, in relation to the great interests of the laboring millions in the interior.

Since the final payment of our national debt, during the administration of General Jackson, these public lands have been considered as discharged from the lien held by the General Government. The various evidences which have been furnished during the present session of this Congress, make it most clear to the mind of every one that the public domain is no longer to be regarded as a source of revenue, from which the ordinary expenditures of the National Government are to be satisfied in whole or in part. It therefore devolves upon this Congress to provide for their disposition in such manner as to confer the greatest benefits upon the greatest number of people. The question is a grave and important one, requiring calm and prudent legislation. I cannot hope to express clearly my views upon it in the brief hour allotted to me. Nevertheless, I may express some general ideas which will indicate the course which I desire to adopt.

The history of the acquisition of this public domain is, I presume, familiar to all. After our revolutionary struggle was over and the Union was formed, a vast national debt had to be provided for, and the Federal Government was without means. The Congress recommended to the States in which the unoccupied lands were situated that they should be ceded to the Federal Government, in order that this common debt might be discharged. New York, as has been truly stated by the honorable gentleman from that State, [Mr. BENNETT,] led off, and made the cession. Virginia soon followed. Her dominions extended to the Mississippi, covering the territory now occupied by Ohio, Indiana, Illinois, &c.; but were not restricted to that line,

as was stated by the honorable gentleman from Pennsylvania [Mr. Dawson] on yesterday. Her ancient charter, I believe, extended her boundary to the Pacific. Georgia was the last State which made the cession. In every instance these deeds of cession contained a restrictive clause, providing that the lands should be held as a common fund for the benefit of all the States which then formed or might thereafter form a part of the national Union. The residue of the public domain was acquired by our purchase of Louisiana, the Florida treaty, and our conquest of Mexico. Hence I readily admit the position that these lands are the common property of the people of all the States in this Union; and I make no distinction between our power to grant the lands and our power to vote money out of the Treasury, except that the object for which they were originally ceded having been accomplished long since, they revert in equity to the States of the Union.

Sir, I do not propose to go elaborately into the question of constitutional power. A very nice distinction is made by honorable gentlemen between the power Congress has over the property of the people in *land*, and their property in *money*. It is a distinction which is not accompanied with theforce of reason. A few days ago the honorable gentleman from South Carolina, [Mr. Orr,] during the discussion of the Missouri railroad bill, undertook to show that Congress had power, under the Constitution, to make grants of alternate sections of the public domain for works of internal improvement, but could not grant the lands in entire bodies. He found his power in the clause of the Constitution which says:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States."

He argued that we had no right to vote all the lands on a given line of railroad for the purpose of its construction; but that, under this clause, the General Government, as the proprietor of the lands, might donate one half of them for such a purpose, because by the improvements the reserved sections would be made as valuable as the whole of them would be without it; and, therefore, in the end, nothing would be lost. I do not except to the conclusions of the gentleman; but, though not a strict constructionist, I cannot adopt his reasoning. He would make the constitutionality of an act pending before this body, upon which, under the solemnities of our oath, we must vote, depend wholly upon an uncertain contingency to happen years after the act is passed and beyond our control. The mere *probability* of an increase of value is too doubtful. If it so resulted, one's vote would prove to be correct; but if, years afterwards, the reserved lands should depreciate, we should have the satisfaction of discovering that we had violated the Constitution! I must see my way clear, under the Constitution, to vote for the grant, without depending upon the uncertain events of the future. Hence I consider the broad position long since taken and uniformly maintained by the Whig party, as the only safe one: that the General Government may donate either its lands or its money in aid of works of internal improvement which partake of a general character. I cannot see that the distinctions between donating the public property in lands and in money, and between granting entire tracts and alternate sections, is founded in sound reason. We can either appropriate *both lands and money* to such works, or we can appropriate *neither*. That Congress has such power I cannot doubt; and I leave it to the choice of gentlemen to locate that power either in the section quoted by the honorable gentleman from South Carolina, [Mr. Orr,] the clause giving power to "regulate commerce among the States," or in that which directs us to "provide for the common defence and general welfare," as they may see fit.

It is a little amusing to observe the abstractions of this "harmonious" and consistent Democracy, in regard to our constitutional powers over these lands. When, in by-gone times, after the national debt was discharged, the Whig party proposed to make a distribution of the lands, or the proceeds, among the States, for the purposes of education and internal improvements, this Democracy warned the people that it would be a violation of the Constitution; and a bill for that purpose which passed both Houses of Congress by overwhelming majorities, was vetoed. No—General Jackson quietly put it in his breeches pocket!

But how is it since the good old hero has been called from among us? During the last Congress, we passed a law granting to the various States the wet and overflowed lands within their limits, unconditionally and without any equivalent. It was no measure coupled with a condition that would make it constitutional according to the ideas of the honorable gentleman from South Carolina, viz: that an improvement should be made which might reimburse the General Government by increasing the value of its reserved lands. No; no. It was a wholesale operation, by which twelve States got out of the common property of all the States *twenty-seven million three hundred and ninety-seven thousand two hundred and sixty acres of land*, as follows, and the other nineteen States did not get soil enough to sprout a pea upon:

Ohio got	303,329	acres.
Indiana	981,682	"
Illinois	1,833,412	"
Missouri	1,517,287	"
Alabama	436,450	"
Mississippi	2,239,987	"
Louisiana	8,777,998	"
Michigan	4,544,189	"
Arkansas*	4,807,673	"
Florida	562,170	"
Iowa	33,813	"
Wisconsin	1,259,269	"
	27,397,260	"

There were but eighteen Democrats in the House who voted against this measure, notwithstanding their constitutional objections to distribution among the States. One day they tell us that it is a violation of the Constitution to vote alternate sections to States for national improvements—the next day it is perfectly constitutional to vote away this immense body of lands without condition! Mr. Chairman, I should like to know whether there is any Democrat in this Congress who denies having voted for that bill?

Mr. BEALE. I did not vote for it.

Mr. CAMPBELL. I rather think you did.

Mr. BEALE. I beg your pardon. I did not vote for it.

Mr. CAMPBELL. Yes; I have the yeas and nays before me, and the name of the honorable gentleman from Virginia is recorded in the affirmative on the final passage of the bill. Are there any other Democrats who think they did not vote for it? If there are, I desire them to speak out and I will produce the record. Not a single Democrat from Ohio voted against it—not one from the whole Northwest, notwithstanding their constitutional scruples. Even the honorable gentleman from South Carolina found a power in the Constitution which enabled him to vote for it. But gentlemen excuse themselves by saying that these lands were not worth more than half price. That excuse amounts to this: that the Constitution gives power to grant lands worth only fifty cents an acre, but those worth $1 25 are specially reserved by that instrument! Again, it is said they were wet lands! Very true; and we understand very well in the West what these wet lands become when the country is opened. Let us test this Democratic system of construing the Constitution. The constitutionality of the grant is made to depend upon the quantity of water in the soil!—upon the character of the weather when we pass a bill!—upon the quantity of rain that may fall!—upon the change of the moon! When it rains and the ground becomes wet and overflowed, then you can give millions of acres to the States! when it clears off and dries up, the title to the domain is sacredly kept in the General Government! If this mode of ascertaining what authority the Constitution gives us, is to be adopted, I would suggest to the committee that instead of taxing our intellects in the study of the instrument, we should employ Professor Espy, the "Storm King," to attend our sessions and let us know when and where it is raining! And then, whenever the honorable gentleman from Missouri [Mr. Hall] is informed by the Professor that there is a storm on the line of his Hannibal railroad, to obviate constitutional objections, to secure the passage of his bill, he must move the previous question, and bring the Democracy to a vote before the weather clears up!

Mr. Chairman, this is not the way in which I have been taught to determine the meaning of the instrument I am sworn to support. It is not the manner in which it is construed by the party with which it is my pleasure to act upon these great questions of internal improvement and protection to American agriculture, manufactures, and commerce.

But it is said we must begin to prepare for the canvass of next fall. If platforms are to be made and issues presented, I want them to be based upon some practical, tangible points, such as the disposition of these public lands. There are certain purposes to which I would grant them. First of all, I like the principle of the bill reported by the honorable gentleman from Illinois, [Mr. Bissell,] providing a donation of lands to the several States for the support of hospitals for the indigent insane. True, this class of unfortunate persons cannot vote for us; but their necessities appeal to the generous sympathies of our nature in most eloquent terms. It is popular to talk about providing the able-bodied actual settler with a home, who is able to till the soil and vote at our elections; but, sir, there is a class who have been smitten by the Almighty in his wisdom, who cannot become actual settlers. They are deprived of their reason—their fate is dark, dreary, and hopeless. Sir, I leave it to the honorable gentleman who reported the bill, who has both the qualities of head and heart to enable him to present its merits to this House, to discuss it on a proper time and occasion; and I will only say that as a legislator, I would, in respect to this bill, act upon the same principle which would govern me had I two children—one of them of sound mind and good health, the other deprived of his mental faculties—with an estate barely sufficient to support one. I would devise the estate to the latter to secure to him whatever of earthly comfort it might produce. This measure stands first in my regard.

I would make liberal donations to the States to found institutions of learning, regarding, as I do, the dissemination of intelligence abroad through the land as the best means of providing for the defence of our liberties, and the general welfare of the people. On this subject I will quote a single paragraph from an important document which has recently attracted renewed attention. It is from the Farewell Address of Washington:

"Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

I would set apart a limited quantity of lands, with proper restrictions, to actual settlers, satisfied that such a system would promote the great cause of human happiness, and add to our national wealth and our national grandeur.

These three objects are general in their character, and are stripped of the objections which are presented by the old States, who claim a portion of the domain. The residue of the lands I would grant to the inland States of the Union, to enable them to complete and carry out those great works of improvement which have been projected with a view of connecting the Atlantic with the Pacific ocean. For such works I find ample authority. It is the same system which in times past has met the approbation of all parties, and for the last twenty-five years the uniform support of the Whig party of the nation. In one of his annual messages, Mr. Jefferson says:

"To cultivate peace, and maintain *commerce and navigation* in all their lawful enterprises; to foster our fisheries, as nurseries of navigation and for the nurture of man, and *protect the manufactures* adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy we would practice with our own, and impose on our citizens no unnecessary burdens; to keep in all things within the pale of our constitutional powers, and cherish the Federal Union as the only rock of safety; these, fellow-citizens, are the *landmarks* by which we are to guide ourselves in all our proceedings. By continuing to make these *the rule of our action*, we shall endear to our countrymen the *true principles of their Constitution*, and promote a union of sentiment and of action equally auspicious to their happiness and safety."

* The success of this bill may be attributed, in a great measure, to the energy and independence of Hon. Robert W. Johnson, and his State might well afford to erect a monument in honor of his service.

I will also read an extract from the message of Mr. Madison in 1815, bearing directly upon this question of internal improvement by the General Government. It may well be supposed that Mr. Madison knew something of the powers granted by the Constitution, and he says:

"*Among the means of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals, which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed upon them; there are none that do more honor to the Government whose wise and enlarged patriotism duly appreciate them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit.* These considerations are strengthened moreover by the political effect of these facilities for intercommunication, in bringing and binding more closely together the various parts of our extended Confederacy. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages, *by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work.*"

Nothing can be more clear than this.

But, sir, I wish to hurry on and trace, to some extent, the course of parties upon this particular question. I now come to the year 1828. I believe General Jackson and Mr. Calhoun were Democrats. Nobody will doubt that. Well, sir, I want to show the positions taken at that early day by this Jackson and Calhoun Democracy upon this very question, in connection with the subject of protection to manufactures, for which we claim that Congress has a right to legislate. I hold in my hand the organ of the Jackson Democracy of the State of Ohio in 1828. It is a copy of the Cincinnati Republican, published during that celebrated canvass which brought those men into power. At its mast-head I find,

"For President, ANDREW JACKSON.

"For Vice President, JOHN C. CALHOUN."

There was an immense Jackson festival—quite equal to the late Kossuth banquet in this city—held at Cincinnati shortly before that presidential election. Judge Baldwin, a distinguished Jackson Democrat, of Pennsylvania, then chairman of the Committee on Manufactures of this House, was invited to Cincinnati to partake of a public dinner, and here is the Democratic official account of the proceedings of that dinner. It is said, in the introduction, that Judge Baldwin was honored with the high compliment of this dinner in consideration of his great services in the Jackson Democratic cause. He made a speech expounding the true Democratic faith of that day, which, it will be observed, is the same as that then advocated by the friends of Mr. CLAY and Mr. ADAMS, and uniformly advocated by the Whig party ever since. I have time to read two extracts only:

"According to my views of it, the great object of the American system is the *supply of national wants from national means.* It embraces not merely AGRICULTURE which produces, MANUFACTURES which fabricate, or COMMERCE which distributes the articles of private consumption and public defence—but all alike; applying the principle of protection to every branch of national industry, not only by a system of duties on foreign imports, but by the construction of *roads* and *canals*—to diminish time, distance, and expense in transporting the supply of our wants and the surplus of our productions—and thus, by its combined action on all the great interests of the country, to accomplish the desired, the only true object of sound legislation—ECONOMY TO THE CONSUMER—to you, sir, and to every man in the nation who consumes the varied products of every part of the Union. This is the American system—a great and noble one. If I have not truly defined it, let any one do it better; and if such are not its leading features, pray tell me what they are?

"The principle of *protection* is not new in the history of our Government; it is coëval with its first organization; it was liberally extended to navigation, to commerce, agriculture, and the fisheries—objects *worthy of all protection.*"

This distinguished Democrat did not stop on announcing the general principles of Democracy on that subject, but, after elaborately and ably presenting incontrovertible arguments in support of the system, the multitude was refreshed with information of what the party had just accomplished, in this wise:

"*With a majority of the friends of General Jackson in both Houses of Congress a tariff has been passed, which will produce more benefits to the country than any bill ever before passed, viewed as a single act of legislation. It is the most important bill which was ever adopted, and the time is not distant when this so much-abused measure will be hailed in all sections as the source of infinite public good. They have authorized a subscription of $1,000,000 to the Ohio and Potomac Canal, and thus laid the foundation of the great system of internal improvement.*"

I call the special attention of the honorable gentleman from Massachusetts, [Mr. RANTOUL,] who tells us he has always been a consistent Democrat, to this glorification of his party over the passage of the tariff of 1828, the strongest in its protective features that has ever been enacted. That honorable gentleman, in following the men of his party, got away from its ancient principles, both on the subject of internal improvements and the tariff. He seems to have put himself right again in regard to the former, and we may hope for an improvement of his views in reference to the latter question.

It was then regarded as a bright feather in the plume of Democracy, that it had appropriated "$1,000,000 to a canal;" yet now we find members of that same party who consider the Constitution grossly violated if an acre of land is given to a railroad.

It was upon the belief that this great American system would be better carried out under the administration of General Jackson than of Mr. Adams, that the people of Ohio aided to bring General Jackson and Mr. Calhoun into power. But what was the result? The first Congress after the inauguration of President Jackson passed a bill making an appropriation in aid of the construction of the canal around the Falls of the Ohio river, to facilitate the commercial and agricultural interests of the fertile valley of the Ohio. The bill was pocketed, and did not become a law. Subsequently, other appropriations of a similar character, among them the bill for the improvement of the Wabash river, were passed by Congress; but all measures of this class were put down as unconstitutional, and the mass of that party said "Amen;" but the Whigs have, through good report and through evil report, in prosperity and in adversity, adhered to the "American system," and maintained the power of Congress to protect and foster the great national interests it embraced. Their opponents, whose mental visions were bedimmed by the glory of the battle of New Orleans, followed their leader and abandoned their principles. The Democracy of Ohio did likewise, and my colleagues of that party well know, and will not deny, that these measures have uniformly, in all contests, been advocated by the Whigs of that State and opposed by the Democracy. But how is it now with your Ohio Democracy? I have just referred to the appropriation for the canal around the Falls of the Ohio, which, in 1830 and since, was denounced by them as a violation of the Constitution of the Union. I hold in my hand two series of resolutions passed by the Democratic Legislature of Ohio but a few days ago, and transmitted to me by yesterday's mail by His Excellency Governor Wood, under the broad seal of the State. They have been formally presented by my colleagues to the House. In that Legislature, the Democracy have a majority of about two to one. Governor Wood was elected by a majority of about 26,000. And what does this Democracy ask of me as a Representative on this floor? I will quote one resolution from each series:

"*Resolved*, That the Senators and members of Congress from this State, be, and they are hereby, earnestly requested to use their best exertions for the passage of a law *authorizing the construction of a new canal on the Indiana side of the river*, and to prevent the interruption of the commerce of the river, through the Louisville and Portland canal, until some other mode is provided for the passage of boats around the Falls."

"*Resolved, by the General Assembly of the State of Ohio*, That our Senators and Representatives in Congress, be, and they are hereby requested to secure, if possible, the passage of an act providing for the construction of an adequate ship canal at the Falls of St. Marie, by an appropriation of a sufficient amount to construct said canal; the navigation to be free to all American craft."

Now, Mr. Chairman, I have great respect personally for the Governor of my State, as well as for the Democratic members of that Legislature; but very little respect for their political opinions. They are the same men who, during the administrations of General Jackson, Mr. Van Buren, and Mr. Polk, charged that such appropriations were in violation of the Constitution. If the first canal around the Falls was made in violation of the Constitution, how, without an infringement of that instrument, do they propose that we can make the second? If such Congressional acts as they desire were unconstitutional in 1830, by what process do my Democratic friends of the Ohio Legislature make them constitutional now? Has the Constitution been amended? Or do they desire the Ohio delegation in this body to swear to support that instrument, and then violate its provisions merely to accommodate them? No, Mr. Chairman; these Democrats, by these resolves, show that they were wrong in abandoning their ancient policy, and that their opponents have been right in upholding it. Yet they have not the magnanimity to avow it, lest it might work to the disadvantage of the party.

Mr. Chairman, I shall take great pleasure in voting for these improvements, believing them to be called for by the best interests of the country; but not because the men now temporarily in power in my State—who have warred for twenty years against the policy they now advocate—request it. I am willing to have the Democracy of Ohio—I am willing to have the Democracy of the Mississippi valley, and the Democracy of the whole Union—aid us in carrying into effect this great Whig system; but, sir, it must be executed as such. They must not come in now to use it for the purposes of their party. That "thunder" is ours; and I can tell gentlemen, that in the approaching canvass its echoes shall reverberate over every hill and valley of the great basin of the Mississippi. That Democrat who may seek to appropriate it to place in power any of his partisan favorites, will be guilty of a grand larceny, for which, I trust, he will be arraigned before the bar of public opinion.

I desire to submit a few words in regard to the great interests, as well as the rights, of the Mississippi valley and the commerce of the inland lakes. I desire to call the attention of the committee to a few facts, which it may be well to consider in connection, as well with our legislation upon these land bills, as with other propositions which in their proper order will be presented. The late census shows that in that valley there are now upwards of ten millions of people, whose interests are intimately connected with the improvement of the great commercial thoroughfares. That inland commerce of this country has become a matter of the deepest national interest, and is entitled to the fostering and protecting care of national legislation. To prove its importance, a few general statistics must suffice for the present. During the last summer, the statistics of this inland commerce were taken under the authority of the Treasury Department. The statistics of what is termed the exterior commerce have also been taken. From this official data I present the following facts, premising with the statement that, prior to the year 1811, the entire commerce of the Mississippi valley was carried on in a few keel-boats, and in that year the first steamboat in the waters of that "Father of Rivers" was launched at Pittsburg.

On the first of July last, the steam marine of the inland lakes and rivers was 765 steamboats, the average tonnage of which was 204,613 tons, being an excess of 62,000 tons over the entire steam marine of Great Britain and her dependencies. The capital invested in these vessels is upwards of $15,000,000, and the number of persons employed regularly is about 18,000. The number of passengers "to and fro" upon the various inland lines during the year ending June 31, 1851, was about 6,000,000.

The exterior steam marine which is fostered and guarded by national legislation, including the Atlantic and Pacific steamers and propellers, comprises, of steamboats and vessels, only 625, with an average tonnage of 212,500 tons. These facts of themselves present at once the most powerful argument to prove that the system of legislation which has so long neglected the internal commerce of the country should be speedily reformed.

The annual commerce of the Mississippi valley amounts to about $300,000,000.

Prior to the year 1848, the number of steamers destroyed by disasters on the Mississippi and its tributaries was 469.

The losses on the inland lakes and rivers in the year ending July 1, 1851, were 67 vessels—35 by tempest, and 32 by snags.

The number of lives lost by disasters on the rivers during that year was 628; and I am informed on good authority, that from one point on the

Mississippi, may be seen the wrecks of sixteen steamboats.

Notwithstanding the importance of this great inland interest, and the great sacrifice of property as well as of human life resulting from the partial legislation of Congress, there are those representing the interest of the sea-board, on this floor, who are eternally clamoring about the partiality to the West. If Missouri asks the benefit of a donation of land, which would in the end cost the General Government nothing, the cry is raised against her for plundering the old States. If Kentucky asks that she may have the benefit of some of your unsaleable lands to help her in a laudable improvement, to aid her agriculture and commerce, her bill is speedily consigned to the "tomb of the Capulets" by such a reference as gives it a quietus for the session. When cries of distress rise up from the great valley of the Mississippi, and in thrilling tones tell you of the thousands who perish upon her waters for the want of improvements in navigation, these men coolly tell us that they want the money to blow up "Pot Rock," or erect a light-house on the Atlantic coast! The fathers and brothers of those whose lives have been sacrificed in the lakes of the interior in consequence of your neglect, come before you, and in the bitterest tears of their woe supplicate you to give them aid; but you turn a deaf ear to their entreaties, or tell them you have no power under the Constitution to give relief. You can find ample power to vote tens and hundreds of thousands of dollars out of their Treasury for your coast surveys and improvements, and for your exploring expeditions. You can vote away forty or fifty thousand dollars to print a book on *bugs;* but not a dollar nor an acre of land to save the lives or property of your fellow-citizens of the great West, who bear their share of the burdens of your Government. And this is not all. When, despairing of aid from the legislative branch of the Government, to improve the navigable streams, the enterprising people of that valley undertake, on their private account, to cross those streams in the construction of artificial outlets for the products of their industry, as in the case of the Wheeling bridge, another branch of your Government decides that the stream being declared navigable, the bridge is an obstruction, and must be torn down. Yes, sir; when we ask you to take out the obstructions from the river, you come down upon us with your vetoes, and decide that the stream is not a national thoroughfare. When a bridge is erected, you declare it is a national thoroughfare, and we must remove it!

There are upwards of ten millions of people in the valley of the Mississippi. The star of empire is not going there—it is there already! These resolutions which I hold in my hand from the Democratic Legislature of Ohio, is but a premonition to those gentlemen who higgle about the donations of public lands, of what is to come if these great interests are longer neglected. The people between the Alleghany and the Rocky Mountains begin to feel their power, as well as your injustice, and the day is not far distant when they will exercise it. They know that of the $50,000,000 which are annually spent in the administration of your General Government they pay about one half. They know, too, that a great portion of it is expended on the sea-board, in aid of your external commerce. Yet the gentleman from New York [Mr. BENNETT] assails our interests with columns of figures, in which he charges the West with every acre of land she has ever received in aid of improvements, and, I believe, adds the interest to the amount, to prove how much New York has lost. And Ohio is cited as one of the States greatly indebted to the General Government for favors. Sir, I deny the assertion. What have you done for Ohio? What has she done for you in return? You gave her in her infancy alternate sections of some of your public lands to aid in the construction of her canals. She made her improvements promptly and prudently, and thus speedily brought into your national Treasury more money than you would have received for all your lands had the improvements never been made. I admit the arrangement worked to the mutual benefit of my State and the nation; but in dollars we owe you nothing on that account. But how is it in the national expenditure? Her population bears about one tenth of your national burdens, yet you expend comparatively nothing within her borders. My colleague, [Mr. DISNEY,] during the last Congress, did, after a desperate struggle, aided by others of the delegation, succeed in getting a small appropriation towards the construction of a custom-house in Cincinnati. It proved to be barely enough to purchase a site for it, and that seems to be the end of it. The gentleman from New York seems to have a great faculty for cyphering; and he wants the lands to be distributed amongst all the States in proportion to their population. Well, if this part of our national stock is to be thus parceled out, it will be nothing but plain and simple justice that he should propose that in future the dollars should be distributed and expended in the same way. He can go back, too, and make his calculations of principal and interest, showing how much the people of Ohio, and of the West generally, have paid towards the fund which has been expended in New York on the sea-board, and we will make a general settlement of all accounts. The gentleman must have New York's proportion of these lands; and when he gets them, he will want us to vote out of the Treasury, of which Ohio has an interest of near one tenth, money to a large amount to establish a mint in the city of New York, which seems to be about as necessary to the wants of the Government as a fifth wheel would be to one of the omnibuses on the avenue. These gentlemen from the sea-board States have a most wonderful faculty of putting through their own wants and measures, and of letting other people's take care of themselves. They cannot see the valley of the Mississippi. They remind me of a very intelligent lady from New England, who once made a visit to some friends in the West. She went to Pittsburg, thence to St. Louis and Chicago, and home by the northern lakes. An acquaintance inquired what she thought of the Mississippi valley? She replied that when she took steamboat at Pittsburg, she requested the captain to let her know when the boat passed the Mississippi valley, that having heard a great deal of it she was anxious to see it. The captain pointed it out to her, she said, just above Cincinnati, and she was surprised to find that there were some very respectable farm houses in it! I fear there are some legislators on this floor who entertain similar ideas of that vast country. They shut their eyes and their ears to the great truths which exist in regard to its immense resources the one hundredth part of which are not yet developed. I have exhibited, in general terms only, the extent of its commerce, in order to show that our claims to legislative protection are equal if not superior to those of the Atlantic coast, which have been so long fostered at our expense.

Suppose we look briefly into some of the appropriations which this coast interest expects. I have here an abstract of the Coast Survey report. I was induced to look into it in consequence of the casual debate between my colleague [Mr. CARTTER] and myself a few days since, on the proposition to print it, in which I then admitted that I had never attentively read it. There are very many improvements suggested for the benefit of external commerce. Here, for instance, at what is called "Sow and Pigs Ledge at Buzzard's Bay" a light-house is recommended. At "Great Bip," a buoy-boat. At "Shovel-ful Shoals" we are expected to shovel out of our Treasury the people's dollars for a light-boat. At "Holmes' Hole" and "Martha's Vineyard" they recommend bug-lights. Why is it that Holmes' Hole must be lighted up. Because, sir, some Yankee speculator has been out bobbing for codfish, and the suspicion that he might catch one late in the evening, establishes a national commerce in that fish which would authorize the appropriation! You are prepared to vote for a thousand such improvements in that region, but when we point you to a commerce of $300,000,000 a year, upon the Mississippi and tributaries, and the immense tonnage of the inland lakes, you can see nothing but "Holmes' Hole!" "Martha's Vineyard!" and "Hog's Back!" &c. Show me the clause in the Constitution which gives you power to put a light-house at "Buzzard's Bay," and I will then point you to the power to improve our inland rivers and lakes, as well as to vote either lands or money to Missouri and other inland States in aid of their great railroads. To show that New England and New York do not beat the Mississippi in classical names, I can refer to some of equal beauty, which you will find by tracing that great river on the map. There is the cluster of Islands called "Hen and Chickens," where snags, or "Polk stalks" as western boatmen term them, are abundant. There, too, is what is called "Polk's Grave Yard." I might name a thousand points, well known from the disasters which have happened to the commerce of that great water.

Mr. Chairman, this House can make no appropriation of money or lands to works of internal improvement which will be expended in the district I represent. But, sir, the products of the industry of my constituents enters into, and forms a part of the great inland commerce. Every obstruction in the Ohio is a tax upon their labor; every snag in the Mississippi is a standing toll-house which exacts a part of their hard earnings in the shape of insurances. And I wish every laboring man in your inland States to know and feel that, whilst he bears his proportion of the expenditures for the benefit of the commerce of the coast, his industry is taxed by the impediments to the inland navigation. I make no threats, but I take my stand and wish it to be distinctly understood that, until the rights of the inland commercial interest are recognized in some substantial act by Congress, I will never cast my vote for an appropriation of money enough to buy a single pint of oil or a lucifer match to make a light on the coast from the northeast corner of Maine to the Balize. Until the mighty rivers of the West, and the great lakes of the North, and the lives and property of our enterprising people shall be regarded as worthy of national attention and care, I will do all in my power to suspend every improvement on the sea-board. And such, let me say, is the feeling which is rapidly spreading all over the land, and which will ere long display itself in the halls of legislation with a power that will enforce its just demands.

THE PRESIDENCY, &c.

SPEECH OF HON. EDSON B. OLDS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 5, 1852,

On the question of the Presidency—Democratic Distraction—Whig Extravagance.

The House being in Committee of the Whole on the state of Union,

Mr. OLDS said:

Mr. CHAIRMAN: I am free to acknowledge that, as a national Democrat, I am humiliated at the bickerings exhibited by prominent Democrats upon this floor. Have we no common enemy to fight, and has not that enemy already taunted us with our disorganized condition? Why then, sir, just as we are to enter upon a most important political contest, must we waste our common energy by a guerilla warfare among ourselves?

Since the election of the present Administration, State elections everywhere have demonstrated the fact, that the Democratic party is largely in the ascendant. The Democratic majority in the other end of this Capitol, as well as the overwhelming majority upon this floor, proclaims to the world the fact that we are a democratic people. The Democracy of the country, sir, judging from what they consider the unmistakable signs of the times, suppose that, in the coming presidential contest, victory will certainly perch again upon the Democratic banner. I am pained, sir, to be compelled, upon this occasion, to raise my warning voice, and proclaim before this committee and the country, that thick dangers surround the Democratic party.

What, sir, is the spectacle that we present before the country to day? Three months of the present session of Congress have passed away, and yet the Democratic party, largely in the ascendant upon this floor, with a most corrupt administration of the Government against which to battle, has been utterly unable to pass a single condemnatory resolution. In every attempt of the kind, in consequence of divisions in our own ranks, prominent Democrats have been found ready and willing to defend the Administration.

But, sir, this is not the most humiliating part

of the exhibition. The organ of the Administration has the audacity to taunt us with our powerless condition. Knowing, as that organ does, the open, barefaced corruption of the Administration—an Administration run riot in fraud and extravagance—yet he dares us to attempt the passage of a single resolution condemning these frauds and peculations.

How is it, sir, that this Administration and its pampered organ have grown thus bold and defiant in squandering untold millions of the people's money? The answer is to be found in our party quarrels upon this floor. Democratic Representatives are abusing prominent Democratic men. Democratic papers are detracting from the merits and injuring the prospects of Democratic presidential candidates. Most solemnly, sir, in the name of the great Democratic party of this country, I protest against the further continuance of this most suicidal policy. I do not propose to-day, as has been the custom of some gentlemen, to express my preference for this or that candidate for the Presidency. I have my choice, and I am willing to use all honorable means to promote the success of my favorite candidate. I am willing that others should do the same. Suffice it for me to say, upon this occasion, that amongst all the prominent gentlemen of my party, who have been spoken of in connection with that office, there has not been one named that I would not infinitely prefer to the best Whig in the country; not one. And, sir, I do not wish to place myself—I do not wish to see prominent men of my party place themselves—in a position that when any one of these prominent men is nominated, it can be said that this or that Democratic paper, or this or that prominent Democrat, has said such and such things of our candidate for the Presidency. I do not wish, when the Baltimore Convention shall have assembled and nominated its candidates, to be compelled from the stump to defend that candidate against the denunciations of Democratic papers or of Democratic members of Congress. The Democracy, sir, should be in a position, during the coming presidential campaign, to charge constantly upon the enemy, and not be compelled, in consequence of these ill-timed and uncalled-for assaults, to act upon the defensive.

Mr. CHASTAIN. I hope the gentleman did not understand me as denouncing any of those prominent Democrats?

Mr. OLDS. Oh, no, certainly not. The remark is called out not in consequence of any particular speech, but in condemnation of what seems to be a settled policy.

Sir, I heard the speech of the gentleman from Kentucky [Mr. BRECKINRIDGE] yesterday with delight. I admired his tone and the position that he assumed upon this floor. And I can say to that gentleman, that should General William O. Butler receive the nomination of the Democratic party, I shall be most happy, in the coming campaign, to defend him—as I did in '48—against the attacks of the Whig party. I have defended him against Whig assaults, and I am willing still to defend him against all attacks from the same source. But I do not wish to be placed in a position that I may be compelled to defend him from Democratic assaults. I can say also to that gentleman, that should the Senator from Illinois [Mr. DOUGLAS] receive the nomination of the Democratic party, I shall feel just as happy to battle in his behalf as I should in behalf of General WILLIAM O. BUTLER; or, should General CASS receive the nomination, I shall be just as happy to do battle under his banner, or under that of either of the other distinguished gentlemen who have been named in connection with the office. No matter, sir, how pure our nominee may be, we shall have enough to do to defend him from Whig abuse, without having Democratic abuse cast into our teeth.

A MEMBER. How about Mr. Buchanan?

Mr. OLDS. Mr. Chairman, I have said that should any one of the distinguished gentlemen named in connection with the office of President of the United States receive the nomination of the Baltimore Convention, I shall be most happy to do battle under the flag of that successful candidate. Is the gentleman who inquired if I would support the nomination of Buchanan, if he should receive it, sufficiently answered? I trust he is.

I was gratified, sir, yesterday, that the gentleman from Kentucky [Mr. BRECKINRIDGE] alluded to Senator DOUGLAS in connection with the attack of the Democratic Review upon General BUTLER, as it afforded the honorable gentleman from Illinois [Mr. RICHARDSON] an opportunity, of which he promptly availed himself, to deny, by authority, all connection of Judge DOUGLAS with, or knowledge of, any article in that periodical. Judge DOUGLAS, like all other prominent Democratic candidates, has some indiscreet friends. It would be hard, indeed, that he should be held responsible for all the saying and doing, whether wise or foolish, of his friends. I trust, sir, that no man may be heard in condemnation of any of our presidential candidates; but that we may wait with patience the action of the Baltimore Convention, and then, that we may unite our common energies, and do battle valiantly against our common enemy.

But, Mr. Chairman, in this connection, I must notice an attack from another quarter upon one of our present presidential candidates. I am glad that this time the attack comes from the other side of this House. I allude, sir, to the "noise and confusion" attack of my colleague, [Mr. CAMPBELL,] upon the distinguished Senator from Michigan. This stale charge, so often refuted, is again galvanized into life by my honorable colleague. Sir, General CASS needs no defense in regard to his political principles, here or elsewhere. The Baltimore Convention of '48 laid down its platform. General CASS, in accepting the nomination fully indorsed that platform; and, in further exposition of his position, referred to his speeches and votes placed upon the records of the Senate of the United States. Upon river and harbor improvements, as well as upon all other national questions, he had fully committed himself. All the noise and confusion of the universal Whig party will never efface that record.

Having thus disposed of the presidential question, I trust I shall be pardoned for bestowing some attention to the bill under consideration before the committee.

Sir, the question of what shall be done with the public lands of the United States has been a prolific theme of discussion, not only in the American Congress, but before and with the American people. It has been a question, not only dividing the Representatives of the people in the Congress of the United States, but a question upon which the two great political parties of the country have often taken issue. Sir, you and I can well remember, that it was a question entering largely into the presidential contests of 1836 and 1840.

It was then one of the cardinal doctrines of the Whig party, that these lands should be sold, and the "proceeds divided among the different States." I well remember, sir, that in Ohio the contest between the Whigs and the Democrats was animated and lengthy upon this very question. Sir, in 1840 the Whigs of Ohio, having determined upon the plan of the campaign, recalled Tom Corwin from the Congress of the United States, and made him the standard-bearer of their party in Ohio, by selecting him as their candidate for Governor, that they might put into requisition his acknowledged stumping qualities. One of his potential themes of disquisition was the distribution of the proceeds of the sales of the public lands. "Put the Whig 'party into power," said Mr. Corwin, "and they 'will divide the proceeds of the sales of the public 'lands among the different States of this Union. 'The amount that Ohio will receive will be equal 'to one fourth part of all your State tax." "This 'amount," continued Mr. Corwin, "will go into 'your State treasury; and thus, if you vote the 'Whig ticket, and put the Whig party into power, 'you will pay," said Mr. Corwin, "one fourth 'less tax than you will pay if you vote the Dem-'ocratic ticket and keep the Democracy in power." Sir, I do not misrepresent the Whig doctrine as then proclaimed in Ohio, when I say that they designed to support, in part, the different State governments, by giving them the proceeds of the sales of the public lands.

The Democracy in Ohio boldly took issue upon this question of distribution. They saw that it was unjust and unequal in its operations. They saw that our State governments were supported by direct taxation, in which every man paid in proportion to his wealth; and that just in proportion as you diminished each man's taxes, by this distribution, would you benefit him by the operation of this Whig measure. For illustration: the man that paid $100 in tax would be benefited $25; the man that paid $1 in tax would be benefited twenty-five cents, whilst the man that paid no tax would receive no pecuniary benefit.

These lands, the Democracy contended, had not been acquired by a tax upon the wealth of the country; if so, there would be a showing of justice, by dividing the proceeds to every man in proportion to his wealth. But those then held had been acquired by the blood and toil of your revolutionary fathers upon the battle-fields of your country; those since obtained, have been acquired by American valor upon the battle-fields of Mexico. Sir, the price of these lands was the price of blood! And the poor man's blood was as dear a price as the rich man's blood. Sir, let your mind linger for a moment upon the poverty-stricken army of the Revolution. Trace the American soldier, by his blood-stained footprints upon the ice and frozen ground, as, in the dead of winter, he crossed and recrossed the Delaware, to surprise the British at Princeton, and Trenton, and at Bordentown, and then tell me, sir, did not the poor man's valor, and sufferings, and toil, and bloodshed, win for you the rich legacy of these public lands? And then tell me again, sir, in view of such a history as this, should not these lands be divided among the laboring and toiling many, rather than the few rich millionaires?

I may perhaps be told, sir, that these lands have not all been acquired by deeds of valor upon the tented field; but that many of them have been acquired by purchase and paid for in money. True, sir, under our Indian treaties, as well as our treaties with foreign nations, we have paid many millions of money for our extended public domain. But does this materially change the aspect of the case? Has the money with which you purchased these lands been raised by direct tax? Have you called upon the citizens of the United States, each one to contribute in proportion to his wealth? If so, then there would be some showing of justice in the distribution of the proceeds of the sales of these lands to every man in proportion to his taxable wealth. But not so, sir; this money is raised by the operation of a tariff system, under which you tax, not according to a man's wealth, but according to his necessities; by a tax, sir, not upon the wealth, but upon the consumption of the country. Sir, the Democracy of Ohio, acting upon the political axiom of the illustrious Jackson, "that the blessings of a good government, like the dews of heaven, should descend alike upon the rich and the poor," did then oppose, and will ever oppose, every scheme of distribution that tends to make a distinction in favor of the wealth of the country.

Sir, we are told that these lands should be held by the Government; that some day they will be a great source of national wealth and national revenue; adequate, perhaps to the expenses of the Government. Sir, for one, I do not want a rich Government. I never hope to see the day when the wealth of the country shall be hoarded in your national coffers. A rich Government ever has been, and ever will be, a corrupt Government. I never desire to see more money in your national Treasury, than will be adequate to an economical administration of the Government. My theory is a "poor Government, but a rich people!" Past experience teaches us, that the expenses of your Government will be commensurate with the revenues of your Government; especially so, sir, as long as the revenues of the Government are derived from sources, not immediately touching the pockets of the people. Whilst you derive your revenues from a tariff, and from your public lands, you may squander your fifty or sixty millions a year with perfect impunity. But, sir, the moment you attempt to raise $50,000,000 per annum by direct taxation, you touch the pockets of the people; then, sir, they will begin to inquire how, and for what purposes, such enormous sums are appropriated. I care not, sir, how soon you cut off all indirect sources of revenue, and bring us back to direct taxation; then, and not till then, can you expect a pure Government. Sir, I put the question home to the Representatives of the people; and I ask the old, experienced members of this House; gentlemen who have had frequent oppor-

tunities of seeing the curtain raised; gentlemen who have seen the hand of power thrust into the national coffers, purloining untold millions of the public money; I ask these gentlemen, Is it possible to correct these abuses until you touch the pockets of the people by direct taxation. Mr. Chairman, we have seen that you do not change these abuses by changing the Administration. Why, sir, in proof of this, you need but go back to the presidential campaign of 1840, for a very satisfactory illustration.

In Ohio, sir, and I doubt not that the same facts obtained in all the other States of this Union, the Whig stumpers kicked the bark from every stump, crying Reform! Reform!! Sir, they not only operated upon the organ of hearing, but they called into requisition, also, the organ of vision. Do you not remember how, in their mighty gatherings of the people, they exhibited political charts, by which they endeavored to demonstrate the expenses of the different Administrations? If you will visit the residences of our Whig friends, in many of them you will find, hanging in mahogany frames, or suspended back of their looking-glasses, these political charts. I hardly know to what description of architecture they particularly belong; sufficient for all practical purposes to say, that they were made up of "block and figure work." The Whigs, at their meetings, used them as school teachers use the black-board; and they would point with the finger, or, perhaps, with a rod or cane, to the different Administrations—showing how, under the different Administrations, the expenses of the Government had run up and down, according to the circumstances of peace and war, or Whiggery and Democracy, until the year 1839, under the administration of Mr. Van Buren, when the "block and figure work" towered up like the steeple of Trinity Church in New York. Underneath this tower, they placed in large and life-like figures, $39,000,000! Sir, what was meant by this splendid exhibition of the architectural genius of the universal Whig party? Why, sir, these Whig stumpers left us to no doubtful interpretation. They boldly charged corruption and extravagance upon the Democracy; and promised the people that, if they would vote the Whig ticket, turn the Democracy out, and put the Whigs in power, you should have an economical administration of the Government; that the expenses of the Government should be brought down to what it was in the days of the "earlier Presidents;" and, sir, to give coloring to their charges of extravagance, they described, in gorgeous colors, the oriental magnificence of the "East Room." They painted Mr. Van Buren, in his English coach, with his servants in livery; they sent their spoony Ogles to spy about the Presidential Mansion, to take an inventory of his forks and spoons—his towels and bed utensils, that the people might see how the Democracy had departed from the simplicity of the earlier Presidents.

The people, believing that "where there was so *great* a cry, there must be some fire," turned the Democracy out and turned the Whigs in. And what have they experienced? Why, sir, if they would only realize their condition, they would learn the truthfulness of Esop's fable of the fox and the flies: they would feel that they are "losing every remaining drop of blood in their veins."

True, sir, Mr. Van Buren's administration was an expensive administration; but, sir, there were causes why such should be the fact. In the year 1839—the year referred to in the architectural Whig exhibition—we were engaged in the prosecution of the Seminole war. That year alone, sir, this war cost us $13,000,000, which, deducted from the $39,000,000, would have left the ordinary expenses of the Government only $26,000,000.

But, Mr. Chairman, I have already remarked that the people, relying upon these promises of reform, generously gave the Government into the hands of the Whig party. They hold the reins of Government to-day, sir. But where is this promised reform? Where is your boasted economy? What now, under this Whig Administration, are the expenses of your Government? Have we come back to the simplicity and economy of the earlier Presidents? Now, sir, you have a Whig Administration, and you have no expensive war upon your hands. No, sir; in the emphatic and classic language of General Taylor, "you are at peace with all the world and the rest of mankind;" and yet, sir, what are the annual expenses of your Government? Have you reduced them to $26,000,000, what Mr. Van Buren's administration would have cost without the Seminole war? Aye, sir, have you kept them to the $36,000,000, what Mr. Van Buren's administration did cost with the Seminole war? No, sir; this Whig Administration, brought into power under the cry of economy and reform, is costing us annually more than $50,000,000. Nay, sir, this is not all: The Chairman of the Ways and Means has this very day importuned us to take up the deficiency bill giving this Administration some $3,000,000 more.

The highest expenditure of your Government, in any one year, during the administration of Mr. Van Buren, (barring the expense of the Seminole war,) was $26,000,000; and yet, sir, your Corwins and Crawfords perambulated the country, calling for Reform! Reform!! Since that time, Mr. Chairman, scarcely twelve years have passed away, and with your Corwins and Crawfords, as guardians of the national Treasury, your Government expenditures have increased to $52,000,000 annually.

What, Mr. Chairman, has caused this enormous expenditure? The answer can be obtained in that single word, which, in a sepulchral voice, comes to us from the empty vaults of your national Treasury: *Galphinism!*

I may be asked, perhaps, what has all this to do with the bill under consideration? I answer, sir, that you cannot prevent these frauds and corruptions, so long as your national revenues are raised from indirect sources. But, sir, the moment you call upon the people by direct taxation, that moment they will awake to the enormity of these frauds. The moment, sir, you touch the pockets of the people, this galvanizing, this resurrecting operation will cease. Government office-holders will no longer bring to life claims that have been dead and buried for more than half a century. Then, sir, Cabinet officers will cease to act as claim agents; then, sir, your Crawfords and Corwins will cease to use their official influence, to procure the allowance of disentombed claims, by which they can pocket their hundreds of thousands of dollars; then, sir, the names of Crawford and Corwin may cease to be associated with public plunder.

Sir, let me divert the attention of this committee for a single moment to charges that common rumor fasten upon the present Secretary of the Treasury, and which the country demand to have investigated by this Congress. I refer, sir, to his connection with the Gardiner claim. Public rumor charges, sir, that Mr. Corwin received $79,000 as the agent of this Gardiner claim. Now, sir, the inquiry naturally arises, Why did Mr. Gardiner stipulate to pay Mr. Corwin this enormous fee? Was Mr. Gardiner so dumb that he could not act as the agent of his own claim? Not so, sir; he is a man belonging to one of the liberal professions, and cannot be supposed to be devoid of common sense; and, sir, if his claim was a just one, he could himself present it before the proper tribunal and ask a decision upon its merits. But if his claim was bad, he would naturally desire to bring the stronger influence to its support. He could not have selected Mr. Corwin because of his great eloquence; for, sir, a plain, simple statement of facts was all that was allowed before the tribunal. He could not have selected him on account of his legal acumen in taking and arranging testimony, for, sir, this case was prepared and the testimony taken in Mexico; and every one knows that Mr. Corwin, though a great favorite in Mexico in consequence of his "bloody hand and hospitable grave" sentiments, was never in Mexico. Nay, more, sir, a grand inquest of the county, upon their oaths, have said that this whole case is a forgery. Why then, sir, was Mr. Corwin selected? The answer is obvious: Mr. Corwin is a great man with his party. He has been made so, sir, by the Whigs of Ohio. They made him their Representative first in this House; then, sir, they made him the standard-bearer of the party in Ohio, by selecting him as their candidate for Governor; then, sir, they sent him to the Senate of the United States. But this is not all; he was at one time the favorite of his party in Ohio, as a candidate for the Presidency. His name, in connection with that office, was at the mast-head of his party press. Sir, Mr. Gardiner, as a shrewd man, knew all this. He knew that this man must be possessed of great influence with a Whig Administration; and for the exercise of this influence, for the power of this position, Mr. Gardiner could afford to give Mr. Corwin $100,000, if thereby he could get allowed his claim of $480,000. But, sir, in what light does it present Mr. Corwin before the country? The people had sent him here to guard their interests; they were paying him eight dollars per day to watch the national Treasury; they supposed, sir, that with the vigilant and ever-watchful eye of Mr. Corwin upon the Treasury, all would be safe But, sir, rumor says that they were mistaken in their man; for whilst receiving pay from the people to watch and guard their Treasury, this Mr. Gardiner, knowing his man, feed him upon the other side—he outbid the people. Gardiner's $100,000 was as omnipotent over your national Treasury as was the "Open sesame" of Ali Baba over the cavern of the "Forty Thieves."

But I may be told, perhaps, by some political friends of Mr. Corwin, that there was nothing in all this—that Mr. Corwin's duties as Senator did not come in conflict with his duties to Mr. Gardiner. Let me ask such a friend of Mr. Corwin, if he has one, if this case is not a parallel one with taking fees upon both sides? Yet, sir, if a lawyer should be guilty of such a practice, you would silence him before any court in the United States.

Mr. CAMPBELL, of Ohio, (interrupting.) If the gentleman will allow me to correct him, I understand that my honorable colleague has charged upon the Secretary of the Treasury dishonorable and dishonest connection with the Gardiner claim. Do I so understand him?

Mr. OLDS. I have made my statement clearly and explicitly. If my colleague does not understand it, I will repeat it again, if he desires.

Mr. CAMPBELL. I undertake to say that if he does charge upon the Secretary of the Treasury any dishonorable or dishonest connection with that claim, it is wholly gratuitous and unfounded. Now, I happened to have been placed——

Mr. OLDS. I ask my colleague to be brief, as I want all my time.

Mr. CAMPBELL. I will; and I will not stand here and hear imputations and insinuations of dishonesty against an honorable man. I happened to be placed, at the death of General Taylor, in such a situation as to have enabled me to understand fully and completely all the connections of that distinguished man with the claim then before the Mexican Board, and I say this, that so long as Mr. Corwin had any interest, direct or remote, in any claim which could in any possible contingency have to be paid out of the Treasury, he refused positively and peremptorily to take a seat in the Cabinet.

Mr. OLDS. I hope my colleague will not understand me as making any insinuations against Mr. Corwin. [Laughter.] I hope I am not so understood by the House. I charged upon Mr. Corwin that he was elected by the Legislature of Ohio, and given eight dollars a day to watch over the national Treasury; and I charge that while receiving that pay from the people of the United States, he received $79,000 from the holder of a claim, said to be forged and fraudulent, to open that Treasury and take the money from it. I hope this is no insinuation. [Laughter.] I am sorry that my colleague should so understand it.

My colleague says, that before Mr. Corwin took a seat in the Cabinet, he sold out his interest in this claim. Does that change the fraud perpetrated upon the Treasury? Would my colleague insinuate that Mr. Corwin would protect the Treasury by swindling the man to whom he sold his interest in this fraudulent claim? Nay, sir, is it not far more likely that Mr. Corwin had given positive assurances that this claim should be paid? Will any man, in the right exercise of his reason, suppose for a single moment that so shrewd a speculator as George Law would have given $79,000 for a contingent fee of a $100,000 without a positive assurance from Mr. Corwin that the claim should be allowed? Such an excuse as that offered by my colleague, only tends to sink

Mr. Corwin deeper in infamy and corruption than the original charge.

But shame, where is thy blush! With frauds and peculations, bold, glaring, and open; with Galphinism, Crawfordism, and Corwinism written upon every act of this Administration, the Whig organ in this city laughs us in the face, and dares us to attempt a condemnation. The Administration runs riot with the people's money, and its organ casts our weak and divided condition in our very teeth, and dares us to attempt an investigation.

Mr. CAMPBELL, (interrupting.) I wish to say one word.

Mr. OLDS. I cannot yield.

Mr. CAMPBELL. I wish to say that Mr. Corwin will challenge investigation.

Mr. OLDS. Mr. Chairman, if you cut off this indirect source of revenue to your national Treasury, and you come home to a direct tax upon the people, the people will place their eyes upon such men as Corwin and Crawford, and all their defenders upon this floor, and call them to a strict accountability. So long as you have this indirect source of revenue, by which your national Treasury is to be gorged and replenished, just so long the attention of the people will not be called to the enormous frauds which have been practiced under this Galphin Administration, called into power under professions of retrenchment, and promises of an economical administration of the Government.

I do not wonder, sir, that my colleague feels sore under this expose of his bosom friend. I remember, sir, how I felt in 1840, when the Whig stumpers rung their charges upon Swartwout and Price, and the picayune defaulters of that day; defaulters that were as mole-hills compared to the mountain Galphins of this Administration. I recommend patience and meekness to my colleague.

But, Mr. Chairman, I have said that these lands should be given to actual seulers. And I refer to the fact that these lands have not been acquired by the *wealth* of the country, as an argument to which I wish to call the attention of this committee, in favor of the provisions of the bill now under consideration. If you have purchased these lands under treaty stipulation, how have you raised the money? By the operation of a tariff, under which you tax every man, not in proportion to his wealth, but in proportion to his consumption. The poor man, if he consumes as many imported goods, pays as much revenue as the rich man. Is he not, then, as much entitled to the public lands as his more wealthy neighbor?

Sir, the most of our vast public domain has not been acquired under treaty stipulations. They came into our possession by the blood and valor of our revolutionary fathers. I repeat, sir, trace the army of General Washington by their blood-stained footprints upon the frozen ground and snows as they cross the Delaware to surprise the British at Trenton and Bordentown and Princeton, and see if they were the rich men of the country who fought the battles of the Revolution. And, sir, when you come down to the war of 1812, and to the Indian wars, when the whole Northwestern frontier was thrown open to a ruthless savage foe, and when the Indian scalping-knife and tomahawk were reeking with the blood and brains of our defenseless citizens, who were the men who then, in that trying hour, rushed to the battle-field? Were they the rich men of the country? No, sir. They were the hardy pioneers of the West—men who left their homes in the East, not because they were wealthy, but because they were poor; and with strong arms and patriotic hearts, sought to better their condition by locating in the western wilderness. Those were the men that bore the standard of your country in those frontier wars.

Come down, if you please, sir, to the war with Mexico—a war under which you have acquired the vast domain of Utah, New Mexico, and California—were they the rich men of the country who fought your battles and bore in triumph the star-spangled banner over the fields of Mexico? When this Congress declared, that "whereas war exists by the acts of the Government of Mexico," and you called upon the Governors of the different States to issue their proclamations calling for volunteers, did the rich men come from their banking-houses, from their marble palaces, from all the comforts and ease afforded them at home, to rally around the standard of your country? No, sir. There may have been here and there an instance of such a man, who fought for glory and office. But it was as hard for the rich man to leave all the ease and affluence which surrounded him at home, to endure the toils and privations of a campaign upon the battle-fields of Mexico, as it was for a camel to go through the eye of a needle. And, sir, when the thrilling news reached us that General Taylor's army was surrounded on the Rio Grande, and the Governors of the different States sent forth their proclamations calling for volunteers; when in your streets was heard the rattling drum and the shrill fife; when in every village and hamlet was unfurled the banner of your country, the laboring, toiling millions came rushing from their farms and workshops, in such profusion, that in many of the States your Governors were obliged to reject them, regiment after regiment. Go to-day to the battle-fields of Mexico—to Palo Alto, Resaca de la Palma—and tell me whose bones are bleaching upon those memorable battle-fields? You will find that they are not the bones of the rich men of the country, but those of the laboring and toiling millions. Go to Cerro Gordo, Churubusco, or Chapultepec, and tell me whose blood stains those ever-memorable battle-fields? You will find that it is not the blood of the rich men, but the blood of the hardy sons of labor and toil. These, sir, are the men who have sustained your country's cause, and maintained your country's honor.

Then, as an act of justice, I call upon you to give to the laboring men of the country, who fight your battles, their meed of these public lands. Aye, sir, as my friend from Virginia [Mr. MEADE] suggests, give them to these men, whom Mr. Corwin was willing to welcome to Mexico with bloody hands and hospitable graves. But, sir, how have we been met upon this question of giving the public lands to the soldiers of the country? I admit there were many honest and patriotic Whigs in Congress who voted with the Democratic party to give these lands to the soldiers of the country.

But, sir, I must advert for a single moment to my own State, and to the position of parties there, with reference to the question of giving bounty lands to those who had been engaged in the military service of the country. Parties are to be judged somewhat by the sentiments of the candidates they put in nomination. In our last fall's campaign the Whig party made Samuel F. Vinton their standard-bearer. Consequently, he became the exponent of Whig sentiment in Ohio. Now, what was his position with regard to the giving of these lands to the soldiers of the country? If you look at his argument and votes during the last Congress, as reported in the Congressional Globe, you will find that he opposed the bounty land bill. Trace his whole congressional career, and you will find him the opposer of all grants of lands to the soldiers of the country. "You have given to these soldiers," says Mr. Vinton, "all that was 'promised them when they entered the service 'of the country, and all that they ever expected 'to receive."

How much did you give the soldiers of the Mexican war, for all their toils and privations, for periling their health and hazarding their lives in that campaign? You gave them $8 per *month*. And here was a Representative of the people of Ohio, receiving as much per day for labor upon this floor, where there are no "whistling bullets, and no bristling bayonets," as you gave these patriotic soldiers for a month of toil and bloodshed upon the battle-fields of the country. "You have given these patriotic men," says Mr. Vinton, "all you promised to give them, and all they ever expected to receive." I do not misrepresent when I say that so far as Mr. Vinton is concerned, in the State of Ohio, the Whig party, in indorsing him, indorsed their opposition to giving these lands to the soldiers who fought the battles of the country.

But, sir, I would not stop here with regard to these public lands. I would not only give to every man who has fought the battles of his country, or been engaged in military service in the hour of danger, a homestead, and a farm, but I would give to the laboring poor men of my country—the compeers of those who fought and bled, and, by their resolution, gave us a standing among the nations of the earth—to each of the laboring poor men I would give one hundred and sixty acres of these lands; I would say to them, take possession of this public domain; take every one of you a quarter section of this land and cultivate it, and build your log-cabins there; surround the loved spot with all the endearments of home. Then, in the hour of danger, when the rattling drum and shrill fife shall again call to the battle-field, these men will be the first to defend not only, as heretofore, your national honor, but their homes and their firesides.

Mr. Chairman, I would not stop here; for after you have given to each laboring man of the country a homestead, you can still exclaim, in the language of the good old Methodist hymn, "there is enough for all, enough for each, enough for evermore." I would then send the glad tidings across the broad Atlantic; I would say to the down-trodden millions of the Old World—the warm, generous-hearted Irishman, the honest laboring German—to the down-trodden and oppressed of all nations, to every man who loves our institutions and the star-spangled banner which floats over our country, forswear all allegiance to every foreign prince, potentate, and power; leave your father-land, cross the trackless ocean, and take up your residence in this "land of the free and home of the brave," and this Government will give you a quarter section of public land. Then, sir, when war's dread alarm shall again be heard in our midst, when the tocsin of war shall again be sounded, you will find the countrymen of Lafayette, the countrymen of Montgomery, the countrymen of Kosciusko and De Kalb, rallying, as in the days of the Revolution, around the flag of your country. Then, sir, the United States can stand against the world in arms.

Mr. Chairman, I claim these lands for the laboring poor man not alone upon the ground of expediency, but as his inalienable right. Providence never designed that Governments should become great landed proprietors, and that the people should become mere serfs and boors. Providence never designed that Governments should become rich through speculations in that soil which was given to man to cultivate and till. The poor man has a divine right to these lands, emanating from higher authority than the Congress of the United States.

When the Creator gave man dominion over the earth, and sent him forth from the garden of Eden, and said that "by the sweat of his face, he should eat his bread," that Creator intended that he should have the soil upon which to raise his wheat and corn, which he was to eat by the sweat of his face. I say to the down-trodden of the United States and of all the Old World, go beyond the Congress of the United States, go to the Christian Bible, that blessed Book from which every Christian draws his "title clear to mansions in the skies." [Laughter.] And that same Bible will give you the title papers to one hundred and sixty acres of land. [Great laughter.]

Mr. GENTRY. The honorable gentleman from Massachusetts [Mr. FOWLER] desires a repetition of that verse. [Great laughter.]

Mr. OLDS. In the church to which I belong, we consider our psalms and hymns as part of our Bible. [Great laughter.]

It may be said that your Government will become impoverished if these lands are bestowed upon actual settlers. It is not so. Is not your Government now supported by a tariff upon the consumption of the country; and if so, do not those men who locate upon your public lands become consumers of imported goods; and will not you derive indirectly, by the operation of your tariff system, a greater and more enduring revenue than the market price of these lands? Or, if the policy of your country should be so changed as to support the Government by direct taxation, would not these lands, together with the improvements put upon them, under the tax system yield far greater revenue than can possibly be obtained by their sale at $1 25 per acre?

The theory of granting these lands to actual settlers may receive opposition from another cause. It is this: you recollect, under the expansion of the currency in 1836, '37, and '38, that the capitalists and the banks of the country bought up

great masses of these lands—I believe in one year $27,000,000 worth of these lands were sold by the Government. For what purpose, sir, did these speculators buy these lands? Why, sir, that they might hold them until those surrounding them should become settled and improved, and that then they could dispose of them at greatly increased prices—say $5 or $10 per acre. Their design, sir, was to extort increased prices from the actual settlers. But if you pass this bill, and say to the actual settler, "go still further west, and locate upon the public domain," he will do it rather than become the dupe of the land speculator by paying $5 or $10 per acre for land which he purchased for $1 25. Perhaps the opposition to this bill may be traced home to that very source. I do not mean to allude to any gentleman upon this floor; but there are influences outside of this House which are brought to bear upon the action of the members in it.

Give these lands, sir, to the actual settlers; and if you are afraid that by thus donating them you will impoverish the Government, adopt the policy of granting alternate sections, and increase the price upon the reserved alternate sections; do this, instead of throwing these lands into the possession of the speculators of the country. Grant these lands to the actual settlers, and let every man hereafter feel when he is called to fight the battles of his country, that it is for himself, his family, his home, his fireside, that he is called upon to do battle.

Mr. Chairman, I do not desire that this question shall enter into the coming presidential campaign; and inasmuch as the positions of various aspirants are being discussed rather than the merits of this bill, perhaps my whole argument may be considered out of place here. But, sir, there are prominent men in this Government who are in favor of giving these lands to the actual settlers, whose names have been spoken of in connection with the Presidency of the United States. I do not say that they are pledged to any policy of this kind, because the details of the policy might change their position or their views.

This, sir, is a question which, though politicians may fear to discuss it, addresses itself to the heart and affections of the American people. Ere long it must enter into the political arena, and mix, first with our congressional, and then with our presidential elections.

The day, sir, is not far distant when the honorable gentleman from Tennessee [Mr. JOHNSON] may congratulate himself that he took the initiative in giving these lands to the actual settlers; a measure bearing in its ultimate results untold happiness and comforts to the down-trodden and oppressed of the human family.

I hear a voice across the way, sir, which I take to be the voice of my colleague, [Mr. GIDDINGS,] saying that I am advocating the Buffalo platform. That matters not to me, sir, if this be the true platform of the country. I shall not cast it away because it may happen to enter the Buffalo, or the Georgia, or any other platform. It is the platform of the American people—the highest platform in the world. I am glad even that the Free-Soilers have correct sentiments upon the subject of the public domain. I am willing to extend to them the right hand of fellowship upon that subject, and am gratified that for once during their existence they are right.

I shall consume no more time in discussing the merits of this bill. I arose, sir, more for the purpose of deprecating this never-ending quarrel about presidential candidates and sectional parties among our Democratic friends, than for expressing my views upon the subject of giving the lands to actual settlers. I wish that I could send my warning voice to every Democrat in the country. I wish my Democratic friends could view the position of the Democratic party as I view it. I desire to hear no more about your Union party—your Southern-Rights party. My Union party is the old, time-honored Democratic party. It is the only true national Union party. It is the party to which the whole country looks for union and safety. But, sir, from recent developments upon this floor, no sound man can doubt but that underneath that party lies a slumbering volcano, which may be exploded any moment. And, sir, when I see Union men and States-Rights men holding and blowing the burning match ready to explode this volcano, I tremble for my country. And I warn my Democratic friends—no matter whether from the South or the North—no matter whether BUCHANAN men, or CASS men—no matter whether DOUGLAS men, or BUTLER men—to beware how they engender these Democratic bickerings. I call upon them to cast all fire-brands from our midst.

Let us not by our bickerings extinguish the hopes and expectations of not only the American people, but the down-trodden and oppressed people of the whole world. Thousands on thousands of the oppressed of the human family are watching with intense anxiety the action of the American Congress. The despots of the Old World, as well as the Administration here and its pampered organ, are gathering strength and boldness from the weakness of the American Democracy. Sir, our weakness or strength tells with thrilling effect upon the friends of liberty everywhere. Why, Mr. Chairman, what has caused the love of liberty to grow in the hearts of the down-trodden people of the Old World? What has roused the Irishman to a sense of his rights, and driven Smith O'Brien, and Mitchell, and Meagher, exiles from their native land? It is the hopes founded upon what has been demonstrated in the Government of the United States. What drove Louis Philippe from the throne of France? He was a shrewd man, and in his flight, crossing the British Channel, as he looked back for the last time upon France, he exclaimed in the agony of his heart, "I am the last of the Bourbons; I am the last King of France!"

Sir, he realized the fact that the Democratic party of the United States was infusing life and action into the down-trodden and oppressed of the whole world. Democracy has had its effect in Hungary, and in Italy; and although their full results may not now be reaped, yet the seed has been sown by the Democracy of this Union that ere long shall yield a rich harvest. The tree of liberty, planted and nourished by the Democracy of the Union, will ere long overspread with its branches and shadow under its rich foliage the down-trodden and oppressed of the world. To accomplish its great destiny, I trust that the members of this Democratic party may look beyond the poor pitiful questions that divide us on this floor, and return to the time-honored platform of the party.

When the Baltimore Convention meets, I hope to see it indorse the position upon which the Democratic party has fought its battles, and by which victory has perched upon its banner. I wish to see their old resolutions reaffirmed. Let us have the old Democratic platform laid down by our Democratic fathers who have assembled in Baltimore Conventions in years gone by. That is a good enough platform for me. I desire no new test of Democracy; no new organization of the party. I am like the honest old German once in the Pennsylvania Legislature. A bill was under consideration to organize the militia. The old gentleman exclaimed: "Mr. Speaker, I am opposed 'to this bill. I don't want to buy an organ for the 'militia. If you buy an organ, you must hire a 'man to grind out the music. I want to fight the 'British as our daddies and mammies fought them, 'mit the drum and fife."

THE PRESIDENT'S ANNUAL MESSAGE.

SPEECH OF HON. G. N. FITCH,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

March 8, 1852.

The House having resolved itself into Committee of the Whole on the state of the Union, the Chairman announced that Mr. FITCH was entitled to the floor.

Mr. FITCH said: Of the special order, the bill introduced by the gentleman from Tennessee, [Mr. JOHNSON,] I have but little to say. If upon examination that bill is found sufficiently guarded to prevent fraud under its provisions, my vote will be given in its support. It is the President's message I intend to discuss, and incidentally therewith certain men, measures, and things—not including, however, the gentleman from Massachusetts, [Mr. DAVIS,] who immediately preceded me. Of whatever changes in others that gentleman may have convinced his hearers, he has at least satisfied us, by his confessions and his votes, of his own proneness to change, and of his entire devotion to one man, his especial candidate for the Presidency—Mr. Webster—regardless of the inconsistencies in which that devotion involves him. Beyond this, I leave him in the hands of his colleague, [Mr. RANTOUL.]

The policy of a political party is a legitimate subject for discussion; and its acts should be subjected to the closest scrutiny, especially when they grow out of or indicate policy. An index to both the acts and the policy of the present Administration is afforded in the message of the President. There is somewhat of both which is worthy of praise. I have no disposition to deny this. Indeed, to deny it would be disingenuous—would indicate either an incapability of discriminating the right, or a disposition factiously to allege wrong where it does not exist. Furthermore, it would betray a want of magnanimity; while the exercise of more of that quality rather than less in politics—where, unfortunately, too little is now permitted to find existence—can injure no party or no politician. While, however, admitting that there is matter in the message worthy of praise, I am constrained to say there is more deserving of censure. As legislation will be had or attempted, relative to both its good and its evil, a brief enumeration of some of the more prominent acts and matters of policy of both qualities alluded to in it, with a statement of their bearings or probable effect, will at the same time define a position and give the reasons for a vote. I wish, however, not to be understood—while reviewing the message, and adducing certain reasons satisfactory to my mind why the present administrative party should be denied a renewal of its power—as attempting or wishing to intimate any charge against the President, calling into question his character as a citizen or as a man—any charge implying that he has abetted, or knowingly acquiesced in corruption or venality upon the part of his appointees. It is as dishonorable, in my estimation, for a man to make vague, indefinite charges against another, as to submit to such himself. I respect Mr. Fillmore as a man and as an officer, but differ widely with him in politics, and esteem many of his acts and recommendations to be the result of erroneous opinions, and of a policy injurious to the public.

First, I shall briefly allude to a matter of foreign policy which is contained in the message—the policy of non-intervention. The message correctly adheres to that policy; but in the Cuban affair this policy was connected with another, highly reprehensible for its cruelty to our citizens and the humiliation it may yet bring upon our country. A wide distinction should exist and would exist, in the estimation of a party appreciating at its worth a proper national pride, between paternal remonstrances to our own citizens against a violation of our neutrality laws, accompanied with strenuous efforts on our part to prevent such violation, and denunciations of the same citizens of a character calculated, if not deliberately designed, to invite their execution as outlaws, regardless of treaties to which we are a party, and to the benefits of which all our citizens are alike entitled; and calculated, furthermore, to invite interference with our flag upon the part of foreign powers, under the pretense of aiding us in the execution of our neutrality laws, by searching out and capturing any individual such powers might make it convenient to charge with their attempted infraction. It is well known this distinction was not recognized by the Administration, in the position it assumed towards those of our citizens suspected of being engaged in the attempted Cuban revolution. The latter course was adopted, while the former would have been equally as efficacious in securing obedience to our laws—would have been far more honorable to our country, and more promotive of respect for our flag. If visits for espionage were not made to our shipping in the Gulf of Mexico by France, England, and Spain, it was attributable less to a want of implied invitation on our part to make such visits than to a sense of propriety upon theirs, which induced an omission to avail themselves of the

invitation. By his proclamation in advance of outlawry against those of our citizens who might be about to embark in the Cuban enterprise—by his declaration that they would not be recognised as entitled to any of the privileges of citizenship, or any of the protection which our flag owes to all of our citizens, however erring, to the extent, at least, of seeing that they are legally executed, and on due proof of guilt, if executed at all—the President justified if he did not invite visits of the character and for the purposes I have mentioned. There can now be no doubt that had he insisted that all of our citizens who might be suspected of having embarked in that enterprise and were captured should have fair trial, such as they were entitled to by existing treaties, many lives and much suffering might have been saved. When was ever Great Britain known to abandon any one of her citizens a victim to the alleged violated laws of whatever nation, without insisting upon the exercise in his behalf of all treaty rights? And it is because that country is ever prompt to protect the lives and rights of her citizens, and punish any illegal attempt upon either, that her people and flag are so universally respected. Unfortunately, the promptness upon the part of our Government in this case was in withdrawing all protection in advance—not in giving it when it was needed. A comparison of its apathy and indifference in this case, where the lives of many were involved, with the solicitude expressed and exertions used in a recent case by Spain in behalf of one of its own citizens convicted in this country of murder, is humiliating to every American. The invasion of Cuba aroused the ire of the Spanish authorities of that island, and not without reason; for I am far from justifying that invasion, or desiring to see it repeated. It excited a thirst for revenge which the execution of Crittenden and his associates abated, but has not appeased; and which will yet again manifest itself in some act of aggression upon our citizens, the justification for which will be sought in that invasion and in President Fillmore's outlawry proclamation. When that aggression comes, as come it will, whenever rumor chooses to carry to Cuba the suspicion of another invasion, let me ask if the interests of our country, if the honor of our flag shall be intrusted to the keeping of the party who has excused the aggression in advance; and, consequently, will be likely tamely to submit to it? Shall they be intrusted to a man who, like Mr. Webster, has evinced his little regard for either, by refusing to vote men and money for the prosecution of a war—the then existing war with Great Britain? Or worse, shall they be intrusted to a man who, like Mr. Corwin, has disgraced himself, and—so far as any act of his could do it—disgraced his country, by inviting an enemy to welcome our citizen soldiery "with bloody hands to hospitable graves?" Or shall they be intrusted to any other man over whom these have an influence, and whose opinions will be their opinions, and whose policy will be their policy?

Leaving the foreign, we pass next to the domestic policy of the message. To that portion of it devoted to the compromise I take no exceptions. It breathes a spirit, which, if it continues to animate our Chief Magistrates, will afford every desirable assurance of domestic tranquillity and of the perpetuity of our Government. While the compromise was under discussion—while the question was, the *manner* of settlement—it was natural, it was to be expected, that a diversity of opinion would obtain, even amongst those perhaps the most sincerely desirous of a speedy and peaceable adjustment of the questions in controversy. It was not to be expected, however, that whatever opinion was entertained by any representative would be found associated with a want of firmness which would induce him, by dodging a vote, to avoid placing his opinion upon record, as the gentleman from New York [Mr. BROOKS] has admitted was the case with himself. But the compromise having passed, a settlement having been had, surely no right-minded citizen can desire to see it disturbed, to see reproduced all that excitement, that sectional animosity, that threatened domestic strife which accompanied the original agitation of the questions connected with it. The only regret to be expressed relative to the President's now mention of the matter is, that the equivocal position of his party in some sections of the country, and their hostile attitude in others towards the compromise, render it necessary, in his estimation, to again emphatically declare his adhesion to it as a finality, and his determination, so far as in his power, to enforce its observance. By this course he will either coerce the abolition and fire-eating portions of his party into acquiescence in the compromise, in order to retain their position in the party, or, if they refuse acquiescence, into distinct organizations, where they will be much less powerful for mischief than as members of a great national party, the entire of which they seek to poison with their sectional or disunion notions. From present indications, the Seward wing of his party intend adopting the former course, at least during the forthcoming struggle for power, for which they are preparing. But that struggle over, it requires no prophet to predict that the mask will be thrown off, and abolitionism again proclaimed. What the fire-eaters of his party will do, remains yet to be developed. The gentleman from Florida, [Mr. CABELL,] for whom, in common with one or two others upon his side of the House, they appear to have had a strong affinity in the commencement of the last Congress, but who have subsequently read themselves out of the fire-eating ranks, deserted their old associates, and turned their batteries against them—that gentleman has pronounced for the latter course, a seperate organization. He has given us notice that he shall, in a certain contingency, take post as an out-sider, and fire his small shot at both Whigs and Democrats. Very probably after the delivery of his volleys, he will find none more disposed to complain of their effect than himself. He may discover that he has been handling the gun which

> "——— well aimed at duck and plover,
> Kicked and knocked its owner over."

If that gentleman is sincerely desirous of attaching himself to the one great political party which has evinced the most willingness to abide by the compromise, surely the exercise of a very ordinary share of discernment will enable him to choose. The Democrats of the North have everywhere, through their press, their conventions, their candidates, State and presidential—with exceptions so few and far between as to render them insignificant—exhibited not only a willingness to abide by the compromise, but declared their intention to sustain it. Let the Southern Democrats wash their hands of secession and disunion, and they will find those of the North ready to abstain from and discountenance anti-compromise, and anti-slavery agitation. This, then, is a platform, so far as these matters are concerned, upon which the entire Democratic party can unite, though it is a platform negative in its character. But how is it with the Whigs of the North? Several of their most prominent organs are making irreconcilable war upon the compromise—others are lending it a luke-warm support. Many of their State candidates have been selected because of their anti-compromise views. Of their candidates for the presidential nomination, Mr. Fillmore—far the best among them, notwithstanding he is included among the "pale and ineffectual stars" of the Whig "political firmament," by a Mr. Barnett, of Indiana, in a speech at the recent Webster gathering in New York—(was it the noted "butter Barnett," perhaps some of my colleagues know?)—Mr. Fillmore, the best of the Whig candidates, has long hesitated to go into convention, apprehending but little support from the so-called woolly-head faction of his party, and justly fearing that faction may control the nomination. Mr. Webster is kept before the public as a possible candidate by his Massaehusetts friends, with the hope of making his name available in aid of their efforts to recover their lost ascendency in that State, but with very little hope of his nomination, and none whatever of his election if nominated. General Scott is following the example set him by his party in the campaigns of 1840 and 1848. He is desirous of appearing "all things to all men," and seeks by his silent non-committalism to unite all the odds and ends—the discordant material of which his party is composed—in his support. He hopes to receive their aid in the concoction of presidential "soup." He has said nothing—he will say nothing—unless with the advice and consent of the leaders of the so-called "woolly-heads." The latter may, however—indeed very probably will, for the sake of that power which they hope for under him, and under him only,—permit him to give a faint adhesion to the compromise, couched doubtless in ambiguous language, permitting certain mental reservations under which he will hereafter return to their policy. The gentleman from Florida [Mr. CABELL] has no great reason to congratulate the Whigs of the North upon their adherence to the compromise, their devotion to the Constitution, their intention to refrain from further anti-slavery agitation, as evinced by the vote upon a resolution offered a few days since by myself. If he will examine the vote upon that resolution, he will find that of the Northern Whigs who responded to their names, three out of four voted against the introduction of the resolution; while of the Northern Democrats a majority, at least four out of seven, voted for it; a majority which would have been much larger on a direct vote on its passage.

But I must pass on, sir, to another branch of domestic policy, as indicated by the President in the tariff views of the message, and in its exposition of our finances. He makes no very urgent appeal for a change in the tariff, his recommendation looking to little else than a change of duties from *ad valorem* to *specific*. The lukewarmness of the recommendation, coming as it does from the principal advocate upon this floor, if not the author of the tariff of 1842, speaks volumes for the tariff of 1846. Indeed, it may well be questioned whether Mr. Fillmore's views have not undergone a change upon this subject since the former period. He has evinced too much good sense in some other administrative matters to permit the belief that he yet entertains the already antiquated tariff notions of the former period, or is incapable of learning from experience the errors of the past, however pride of consistency may deter him from the confession. It is very probable that his recommendation of any modification in the tariff was made more out of deference to the lingering benightedness of his party—the slight Greeley cloud yet befogging their judgment upon this subject—than any desire upon his own part to see the change. Upon all other of the old party issues his party has given way, and acknowledged the Democratic policy to be correct. They are fast arriving at the same conclusion in this matter. It will not be much longer that the monopolists and their hired press, and the politicians whom they have pushed from their natural obscurity, can deceive in this matter any respectable number of even the proverbially-behind-the-age Whig party. That the President does not intend to lend his aid to any great extent to this deception, is manifest in the "faint praise" with which he "damns" the exploded tariff for protection. I remember to have once heard him express the opinion that the principal difference between the Democratic party and his own was, that the former was usually some ten years in advance of the latter in the race of progression. He has outstripped the protective portion of his party in this race, though once their champion. He has repudiated old associations in this matter, as well as in another well known question of a sectional character.

Our finances, from the message of the President and the report of the Secretary of the Treasury, appear to be in a prosperous condition. These officials are compelled to admit this, although the admission carries with it another, viz: that they have been false prophets. Their heretofore predictions of deficiency of revenue under the present tariff, have classed them with the prophets of Baal. It is well known that General Taylor and his Secretary of the Treasury—Mr. Meredith—predicted in 1849 a deficit on the first of July, 1850, of $5,800,000. But when that day arrived, it was discovered that the wise financiers of his Cabinet had placed their figures on the wrong side of the ledger—for, instead of a deficit of that or any other amount, there was a balance in the Treasury of $6,604,000—a difference between their fancy and the fact of more than $12,000,000. They estimated the deficit for July 1st, 1851, at $10,500,000! but at the end of the year there was a surplus of nearly $11,000,000.

The discrepancy between fancy and facts in the case of the present Secretary—between his predictions and their verification—is still greater. He

came into office in July, 1850, and in December following estimated a balance in the Treasury, at the end of that fiscal year, (June 30th, 1851,) of less than $500,000. But when the day came, it brought with it a balance of near $11,000,000; proving a blunder in his estimate of less than nine months of $10,500,000! He now seeks to escape from the ridicule attached to such blunder, by ascribing the perversely large excess of revenue on *imports* above his estimate, to the high price of one article of *export*, cotton! He, again, this year makes certain predictions, and upon them bases certain recommendations. If his premises (predictions) are wrong, his conclusions (recommendations) must be equally so. If the correctness of his present predictions is to be judged by that of the past, neither them; nor the recommendations based upon them, are worthy of any more consideration than the "idle wind." Yet these predictions of deficiency found credence, even among Democrats upon this floor, during the last Congress, notwithstanding the little reliance to which experience should have taught them any croakings of that character from that source were entitled. During the discussion upon the river and harbor, and other appropriation bills of last Congress, opposition to part of them and the necessity of parsimonious economy were urged by certain Democrats because of the forthcoming deficiency, or at best small surplus, which official estimates so confidently figured out. But the then chairman of Ways and Means [Mr. BAYLY] not laboring under the obliquity of political vision with which the Secretary of the Treasury was and is so sorely afflicted, read the figures of the moneyed future more correctly, and advised the opponents of the former bill to base their opposition upon some other foundation than a deficiency, as that was not tenable, for there would be a surplus.

Their prophecies having all been signally falsified by the facts, the only resource now left the Whigs is an attempt to give the facts themselves a false coloring. To this resource has the Secretary of the Treasury resorted. He says, in his annual report of this session, "The question pre-'sents itself in view of the absolute necessity for a 'continuance of the present receipts from customs, 'whether in all the branches of the industry of our 'country there is that healthy and vigorous action 'which is the basis of substantial and lasting pros-'perity. Without this, we can with no certainty 'presume upon any fixed amount of continuous 'receipts." Yet a "fixed amount of continuous receipts" has been estimated ever since the present tariff came into existence, and in no instance has it disappointed its friends, or yielded a less amount of revenue than estimated. Finding, then, this "certainty," we have the logic of Secretary Corwin proving that "there is that healthy and vigorous action which is the basis of substantial and lasting prosperity"—the reverse of what he wished to prove.

Our exports and imports bear a dependent relation to each other. Finding both large, and the imports yielding a corresponding large revenue, he charges the latter (the imports) to overtrading; and the former to a ruinous exportation of specie to meet the debts thereby contracted, and to a high price, which he calls "accidental," of cotton. Experience of the want of verification of previous prophecies does not deter him from venturing another. The "accidental" high price of cotton is not, in his opinion, to be soon reached again; and upon this supposition and the abundance of agricultural productions in Europe, he assumes "there is every reason to anticipate" a decline "in our exports for the coming year." So obstinately bent, however, are events on the non-fulfillment of Whig predictions, that already since the promulgation of this one has the price abroad of cotton and other of our produce risen. But if this advance in price had been known to the Secretary, it probably would not have changed the character or extent of his prediction; for when he made his estimate of last year of the value of cotton exports, he must have known that the article had, in the early part of the year, attained an unusually high price, though it was then falling. Yet he would not then take the "accidental" high price into consideration in his estimate, as he desired to have his figures exhibit a limited value of exports for the purpose of aiding his tariff argument. He reserved that high price as an apology this year for the erroneous footing of his estimate of the last. If, in the wisdom of Providence, we are to suffer a continuation of the present misrule beyond March, 1853, we shall seek with no little curiosity for the apology hereafter, for the blunders which it is already apparent the Secretary's report and estimates of this session contain. Will it be another European famine, and consequent "increased" demand and high price for our produce? Or another gold mine discovery? Or another "accidental" price which cotton may bear? Which one of all the chapter of accidents will come to his rescue? And the President, either deceived by the Secretary, or not unwilling the attempted deception of others by the latter should be successful, says "the increased value of our exports 'for the last fiscal year is to be found in the high 'price of cotton which prevailed during the *first* '*half* of that year, which price has since declined 'about one half." The "one half" price was certainly not at the date of the message, nor since; and the decline to the extent it has occurred has lessened very little, if at all, the aggregate value of cotton sold—the increased quantity compensating for the diminution in price.

The *now* predictions by the Secretary of ruin from the exportation of gold and silver contrast singularly with his last year's estimate of the exportation of these metals. *Then* he put the amount which would be exported during the year at $50,000,000, and no particular ill effect was to follow. *Now*, when experience has proved this estimate to be only another of the stupendous blunders he is so prone to perpetrate, and the amount exported has proved less than his estimate by $20,000,000, he thinks the $30,000,000 exported a sum so enormous, as necessarily to be productive of serious national and individual evils. His estimates generally of last year, when compared with results at the year's end, manifest deplorable ignorance for the head of a Department, or a wish to pervert known facts in such manner as best to advance a particular interest, and that interest not national. It is true, as he asserts, that money is going out of the country; but yet he is not a reliable witness, for he neglects to tell the "whole truth." Truth is a moral atmosphere; and, like the one we breathe, not to be pernicious must be pure. As the atmosphere, by withdrawing some of its components, or adding others, or changing their quantitative relation, becomes the wildly exhilarating gas or the deadly poison, so truth, when partial by being added to or in part withheld, is more mischievous than downright falsehood. Like poisoned air, it has a semblance of life-sustaining which it does not possess.

The Secretary withholds a part of the truth. He omits to state a fact, to presume his ignorance of which is to presume him ignorant of that he has in charge—the finances. He omits to state that gold is arriving from California in larger quantities than is exported to Europe, leaving us, notwithstanding the exportations, a large accumulating amount. Gold is now, as was stated by the gentleman from Massachusetts, [Mr. RANTOUL,] one of the products of our country, as much so as cotton, wheat, rice, pork, and tobacco; and it is to be expected, perhaps desired that as such it will constitute an item of our exports, else the amount here might soon be such as to materially lessen its value, and injuriously change the laws of commerce. In this matter, the President appears to be again lending himself to the aid of the Secretary's tariff views—not by an open, ingenuous statement of all the facts in the case, but by an apparent disposition to give some of them a false coloring—a disposition which, from the sincere respect I entertain for the man, I am sorry to see him evince. He says:

"The exports of specie to liquidate our foreign debt during the past fiscal year have been $24,263,979 over the amount of specie imported."

This is evidently intended to create the belief that our specie capital and circulation were reduced by that much during the year. Quite the contrary was the case. The coinage at the Philadelphia Mint alone, within the year ending the 20th of December, 1851, exceeded the exportations from New York (from which port all or nearly all the specie exportations are made) almost $17,000,000, ($16,908,309.) It should be borne in mind that the latter half of the year I have cited, includes the time to which the President and Secretary both refer as periods during which the exportation of specie has been greater than usual—so great as that special attention is called to the period by both; the former summing up the amount exported during the three months of July, August, and September, and the latter including two months later in his footing.

When Mr. Corwin makes out that importations must greatly diminish in amount, and "the revenue at once sink far below its present amount," he forgets that he has previously manifested his own want of confidence in such prediction by estimating the receipts from revenue for each of the next two years to equal those of the last year; an estimate which—according to his hypothesis I have just quoted, of diminution in the revenue and its "sinking" "far below its present amount"—is likely to prove as great a failue as his cotton and California gold estimates of last year. Either the estimate or the hypothesis is wrong—he may take whichever horn of the dilemma he chooses; though hereafter, as heretofore, I have every confidence in the tariff of 1846, and in its capacity to yield a "fixed amount of continuous receipts," fully equal to the *proper* wants of Government.

Another disingenuous attempt at misrepresentation is made by comparing the exportation of bread stuffs and provisions in 1847 with that of 1849, 1850, and 1851, and attributing the falling off in the latter period to the tariff of 1846. The Whigs have heretofore uniformly met any attempt to credit the large exports of provisions in 1847 to the tariff of 1846, with the declaration that the great amount of those exports was attributable to the then European famine—a fact in itself sufficiently apparent. The same Secretary who now desires to convey the implication that the falling off in value of exports of provisions since 1847 is chargeable to the present tariff, in his last year's report says: "The extraordinary demand [for provisions] of '1847 was not due to any legislation of our own, 'or of foreign nations. It was the result alone of 'the famine in Europe." What must be thought of the candor, not to say honesty, of a man who in one year after such an admission seeks, merely for the purpose of making a case for his monopolizing tariff, to use the influence which his presumed official knowledge of such matters may give him, to induce the belief that the falling off since 1847-8 is chargeable not to a cessation of the famine, the return of plenty in Europe, and the consequent comparative absence of demand for our surplus, but to the tariff of '46—to the want of a higher duty on *imports!* He reasons upon the supposition that a protective tariff would increase and the present tariff has diminished the appetite, the capacity for consumption of edibles, and the digestion of Europeans. One tariff would make them hungry, and by the other their appetite be appeased without eating! Such is official Treasury logic under its present head!

The President is *particeps criminis* in this attempt likewise at misrepresentation; for he makes the same comparison of exports of '47 with those of '50, and states "a strong probability, amounting almost to a certainty, of a still further reduction in the current year of exports of provisions," &c. A "probability" as yet unsustained by facts.

The Secretary has been among the foremost of those who confidently predicted a want of revenue from the tariff of '46; and his flounderings in subsequent attempts to account for the falsification of his prediction are somewhat amusing. The tariff, deaf to his prophecies (and probably prayers) and those of his political friends, obstinately persisted in yielding an ample revenue. This was last year endeavored to be accounted for by him by declaring, "that the last three or four years have been exceptional ones; that we are indebted for our large revenues in part to the famine, the revolutions," &c., in Europe. The famine has ceased; plenty prevails; revolutions have been few, and unfortunately quickly decided; still the amount of revenue is undiminished—aye, increases! The heretofore assigned causes for a prospective diminution—which is again predicted—of exports and revenue from imports will no longer pass current. Others are now sought in the large influx of gold from California, and the *low price* of cotton!

Mr. STANTON, of Ohio, (interrupting.) If the gentleman will permit me to correct him, I do not understand that the Secretary of the Treasury alludes to the diminution of the exports of breadstuffs as produced by the tariff of 1846; but I do understand that he alludes to that diminution, for the purpose of showing that the diminution and the purchase of foreign imports does not, of necessity, create any demand for the productions of this country, and, therefore, that the foreign demand cannot be relied upon.

Mr. FITCH. The gentleman has *his* reading of the Secretary's report—I have *mine*. I leave the public to judge which is the correct one.

The message informs us that "the production 'of gold in California for the past year seems to 'promise a large supply of that metal from that 'quarter for some time to come." Then, by a pseudo-reasoning process, perhaps intelligible to its author and satisfactory to his party, (for what, too absurd to satisfy them if it but offer them a little political capital?) proceeds to predict "the most disastrous consequences to the business and capital of the American people," from the overtrading to which this supply of gold will lead. If a large addition to the *paper* circulation of the country should be made by bank expansions, without a corresponding increase of specie capital, and overtrading follow such expansion, as it probably would, we can readily understand how "disastrous consequences to the business and capital" might and probably would ensue. The means of payment would be found wanting, as the gold to redeem paper promises could not be forthcoming when demanded. But when business—be it overtrading, that is purchasing more within a given period than the demand requires, or only trading to that extent which all would call healthy—results form a specie addition to capital and circulation, it is not easy to perceive how the "disastrous consequences" are to follow. The means of payment are then always at hand; and a means which will not, when wanted, vanish "like the baseless fabric of a vision," nor require to be converted, at large loss, to the holder, into something more substantial to make it available.

We are referred in this message to the one of last session for "the reasons which induced me [the President] to recommend a modification of the present tariff." Upon consulting that document (last year's message) he is found there to have said "a duty laid upon an article which may be 'produced here, stimulates the skill and industry 'of our own country to produce the same article, 'which is brought into market in *competition* with 'the foreign article, and *the importer is thus compelled* '*to reduce his price* to that at which the domestic 'article can be sold." A desire to reduce prices, to *cheapen* articles, was then a reason urged for *increase* of tariff—a reason which, if put in direct terms and without the circumlocution with which it is apparently sought to be obscured, would be a contradiction in terms. Now, however, without the tariff increase then asked, prices appear to be too much reduced, articles to be *too cheap;* and "depressed prices" are urged in the present message as inducing him "again to recommend a modification of the existing tariff." The inconsistency manifest in the reasoning of this year is equally as glaring as the bad logic of that of last year.

The want of verification of their predictions of deficiency is not attributable to absence of disposition or acts on the part of the Administration to force such result. They have sought by reckless and profligate expenditures—unequaled in the previous history of our country, uncalled for by any thing in its present condition—to empty the Treasury, for the double purpose of fulfilling their own prophecies, and then basing upon the deficiency they had created, additional appeals in favor of a protective tariff. So perfectly did Secretary Meredith and his co-managers under General Taylor fancy they had everything prepared, Galphin claims included, to insure a deficit by large expenditures, that they induced the probably honest, but certainly credulous old general to "recommend that authority be given to borrow whatever sum may be necessary to cover that deficit." And I am credibly informed that Secretary Meredith took the initial towards procuring plates for a new issue of bonds. They were preparing to raise the cry of national bankruptcy and ruin against the present tariff; but it perversely belied their prophecies and spoiled their schemes by yielding more revenue than they estimated—and more, probably, than for the success of their plans they desired. Indeed, it may well be questioned whether, if the present tariff be objectionable, (and what dependent upon human judgment is perfect?) one of the strongest objections which can be brought against it is not that it yields too much revenue, and thus ministers to the extravagance of the party in power. I would almost be willing to vote for any change of duties which would best ensure a reduction of revenue, if we could thereby force a reduction of national expenditures to an economical standard, and the change would not be prejudicial to the producing and consuming interests of the country. If the Administration has honestly believed the revenue would fall off, as it has constantly predicted, why has it not reduced its expenses, and recommended a reduction of appropriations in a corresponding ratio? By refusing or neglecting so to do, it has manifested either unbelief in its own predictions, or a willingness to plunge the country into debt and embarrassment to enforce its desired tariff change. Extravagance in expenditure was charged against Mr. Van Buren's administration, and the charge made to operate much to the prejudice of the Democratic party. Fortunate would it be for the country if this Administration would limit its expenditures to the amount alleged as extravagant in that. During the year ending January 1st, 1838, (Mr. Van Buren's administration,) the expenditures were $31,815,409 91. This amount being the aggregate, included of course the expenses for the year, known to be heavy, of the Florida war, and of the removal of the Creeks and Cherokees. Compare this sum—upon which was rung every conceivable change of the charge of extravagance—with the expenditures under this Administration for the year ending June 30th, 1851, amounting to $48,005,878 68. The comparison shows a difference in favor of the so-called reckless Van Buren administration of $16,190,468 77! And this immense excess over and above an amount then (1838) charged as needlessly extravagant, has been expended in a time of profound peace, there being no Indian or other war, nor large removals of Indians requiring extraordinary expenditures.

The expenses of Mr. Polk's administration for the year ending June 30, 1846, were $28,031,114 20—a sum less by $19,974,764 48 than the expenses of Mr. Fillmore's for the year ending June 30, 1851. There was, it is true, paid during the last-named year $3,915,284 more of the "public debt" than during the former; but the former year included nearly two months of the Mexican war, the expenses consequent upon which, it is fair to presume, would go far towards equaling the difference in amount paid on "public debt." Thus it will be seen that the expenses of this Administration for the year mentioned were nearly double those of Mr. Polk's during the year ending June 30, 1846. But the extravagance of this Administration is placed in still bolder relief by comparing its expenses for the past fiscal year with those of Mr. Polk's for the year ending June 30, 1847, during a war actively and vigorously prosecuted abroad, and while we were maintaining large armies in a foreign country. The latter were $59,451,177 65, a difference of only $11,445,298 97 between the war expenses of a Democratic and the peace extravagance of a Whig Administration. The annual expenditures of Mr. Polk's administration during a year of war were more than double what they were during one of peace. This ratio of increase would have swelled the expenses of a year during the war, if the Whigs had been in power, to near $100,000,000, instead of less than $60,000,000 as they were. Whig statesmen (Mr. Webster especially) estimated the annual expenses of the war at the former sum—an estimate which, had the management of the war been intrusted to them, their subsequent reckless expenditures convincingly prove they would have fully reached. They have sought to blind the public to their extravagance by attributing their enormous expenditures to that war, although it had ceased several months before they came into power. They desire to shift the odium of their own pecuniary malfeasance upon the shoulders of a previous Administration. The common-sense improbability of such a subterfuge is apparent at once; for the great bulk of the expenses of a war must necessarily occur during its continuance and cease with its cessation, especially in a country like ours where most of the force raised to prosecute a war is disbanded immediately it ceases.

Mr. STANTON, of Ohio. I would like to ask the gentleman whether we did not pay a large amount under the treaties with Mexico, which is to be deducted from the amount which has been stated?

Mr. FITCH. Perhaps by the time I have done, the gentleman will be answered. The absurdity—the want of any foundation in fact for this oft-repeated plea in abatement—this "begging off" from the consequences of its own wrong doing, is rendered unmistakably evident by comparing the expenses of each succeeding year since the Whigs this time came into power. The expenses of the first—the year *immediately* succeeding the war, to which year, if to any, the deferred expenses of that war would have been charged—were $43,002,168 69; those of the second year, as before stated, $48,005,878 68; those of the third (present) year, the expenses of the first half being known and those of the second half properly estimated to equal those of the first, are $51,761,219.

Mr. STANTON. I wish to inquire of the gentleman from Indiana whether there has not been paid to the Government of Mexico the sum of $15,000,000; and to citizens of the United States for claims against the Government of Mexico, the sum of $3,500,000, which sum was provided for by the treaty of peace with Mexico, concluded under Mr. Polk's administration. Also whether there was not $10,000,000 paid to Texas in pursuance of the law establishing her boundaries, which was one of the compromise measures that I understand the gentleman to approve; besides the expense of governing the territories acquired by the war with Mexico.

Mr. FITCH. Those amounts are included in no *one* of the three years I have mentioned; and if divided among the three, will account for only about one third of the excess of expenses of this Administration over the peace expenses of Mr. Polk. How will the gentleman apologize for the rest of the excess?

Thus it appears, according to Whig official logic, that the more remote the period after its cessation, the greater are the expenses consequent upon a war. The ratio of annual increase since this Administration came into power, if the country is so unfortunate as to be subjected to its rule for another four years, will, before that period expires, bring the annual expenditures to a sum far larger than it was during the war. If such is to be the cost of a Whig administration during peace, it will be a good pecuniary speculation for the country to place the Democrats in power, even should they bring with them intervention and war; accompaniments, however, a fear of the encouragement of which by any true and prominent Democrat exists only in the morbid imagination of certain Whig journalists; and even by them is expressed more for political effect than because entertained.

Having thus, to the extent of my ability, shown the fallacy of a few, and perhaps the most important of the arguments and apologies adduced by the President and Secretary of the Treasury, defense of their policy and acts; having exhibited the little reliance to be placed upon their estimates and predictions, and shown in their expenditures the character of some of the acts by which they seek to strengthen their tariff arguments; and having probably but very few minutes left, I propose to devote them to answering more fully the interruptions of the gentleman from Ohio, [Mr. STANTON,] and to an enumeration of certain reasons afforded by the present condition of the country, and especially its manufacturing and agricultural interests for——

[Here the hammer fell, the hour having expired.]

PUBLIC LANDS TO MISSOURI.

SPEECH OF HON. JAMES L. ORR,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1852.

The House having under consideration "A bill proposing to grant alternate sections of land to the State of Missouri, for the purpose of constructing a railroad from Hannibal to St. Joseph, and from St. Louis to the western line of Missouri"—

Mr. ORR. said:

Mr. SPEAKER: I propose submitting a few remarks upon the bill now before the House for consideration. I have examined its provisions with great care and attention, and have come to the conclusion to cast my vote for it. I shall, therefore, proceed to state briefly the reasons which have operated upon my mind in bringing me to that conclusion. The first question that is presented to the investigation of the House is this: Has the Congress the constitutional power to make the donations contemplated in this bill? In the Constitution there is the following clause:

"That Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

I suppose that the power conferred by this clause upon the Congress of the United States is as ample, full, and complete, as any other power vested by that instrument in Congress. And the only limitation to that power, in my opinion, is an implied trust that the Congress, in making that disposition of the public lands, shall dispose of them in such a manner as most effectually to promote the interests of all the States. Now, this bill proposes to carry out, as I conceive, the constitutional power vested in the Congress for disposing of the public lands. I do not think Congress would have the power to give away all of the public lands; for in that way the Government would not be carrying out this implied trust. By virtue of its right as the proprietor of the public domain, the Government has the right to give away one half of the public lands, located along the line of railroads that the remaining half may be enhanced in value. Is not that a sound principle? Is it not a correct principle? I do not design entering into an elaborate constitutional argument upon this subject; but I will quote some authorities, which may satisfy the minds of gentlemen who doubt upon this point, which are more concise and infinitely better than any argument which I might make. To these I desire to call the attention especially of the members from the old States who seem to be prejudiced against this bill, because, forsooth, it does not provide for giving lands to the old States. The first authority is that of Mr. Calhoun. I need not say, Mr. Speaker, that his authority with me, has more weight than the authority, of any other statesman living or dead. Whether gentlemen agree with Mr. Calhoun in his general views, or not, it will be conceded by all, I suspect, that he was at least a strict constructionist of the Constitution of the United States, and that he was the last man who has figured in public life inclined, by his acts, to confer upon the General Government greater powers than those which the Constitution plainly give. In the debate in 1848 in the Senate, on the bill making a donation of public lands to the State of Illinois, Mr. Calhoun participated. He said:

"The question in this case is a very simple one. We are authorized by the Constitution to dispose of the public lands. Here is a public improvement, projected either by the State, or by individuals in the State through which it will pass, and by which the value of the public lands will be enhanced. If, then, it will add to the value of our lands, ought we not to contribute to it? Would we not, as individuals, thus act? This is not a novel principle. It has been acted upon for more than twenty years. The case of the canal connecting the Illinois river with Lake Michigan is a striking one. There, alternate sections were given to make a canal; and I suppose I can appeal with confidence to the Senators from that State, whether the lands reserved to the United States were not disposed of afterwards readily?

"Mr. BREESE, (in his seat.) Thousands of acres were disposed of, which would otherwise never have been sold.

"Mr. CALHOUN. I have seldom given a vote the result of which gratified me more than the vote which I gave on that occasion. I then presided in that chair which you now occupy, and gave the casting vote. I take to myself, therefore, some share in the credit of that magnificent improvement. Indeed, I do not think that there is a principle more perfectly clear from doubt than this one is. It does not belong to the category of internal improvements at all. It is not a power claimed by the Government as a government. It belongs to the Government as a landed proprietor. And I will add, that it is not only a right but a duty, and an important duty. Now, what has been considered an equitable arrangement between the Government and the State which may undertake an improvement passing through the public lands? Long since, it was agreed that the grant of alternate sections was a fair contribution on the part of the United States, considered as a proprietor, and from which the United States would be a very great gainer. It appears to me to be an equitable arrangement; and I doubt whether, in any case, either of a canal or a railroad passing through the public lands, the United States will not be a gainer. To that extent I am prepared to go, be the road long or short; if it be long, you gain the more; if it be short, you gain the less: and you contribute in proportion to your gain."

That is one authority to which I wish especially to call the attention of members from the old States, who are disposed to raise a constitutional question against this bill. There is another authority, which I think will be considered upon this side of the House [Democratic] a very high one, from which I will read. General CASS, in that debate, in presenting the reasons why he would support the bill, said:

"This bill does not touch the question of internal improvement at all. It asserts no right on the part of this Government to lay out a road, or to regulate the construction of a road. The Federal Government is a great land-holder; it possesses an extensive public domain; and we have the power, under the Constitution, to dispose of that domain; and a very unlimited power it is. The simple question is, what disposition we may make of the public lands? No one will contend for the doctrine that we cannot give them away to a State. As the Senator from Kentucky has said, every President has signed bills asserting the principle that these lands may be disposed of by the General Government, without restriction as to the purpose of such disposition. We may bestow them for school purposes, or we may bestow a portion for the purpose of improving the value of the rest. What right have you to sit still and see your lands growing in value, through the instrumentality of individuals, without rendering any aid in furtherance of that object? It is the settlement of the lands that makes them valuable."

General CASS subsequently, in the same debate, in reply to a constitutional issue made by the gentleman from Alabama, [Mr. BAGBY,] in a more pointed manner maintained the constitutional power of Congress to dispose of a portion of the public domain to enhance the value of the remaining portion. He said:

"I will answer the Senator. The General Government has no power to make any railroad or canal through any State; but the disposal of a portion of the public domain to raise the value of the rest, is clearly within the power of this Government."

I find, Mr. Speaker, in the 15th volume of the "Congressional Globe," another debate upon the bill granting alternate sections of the public lands to the State of Michigan, in which a number of Senators participated. I believe that at that time Mr. Niles, of Connecticut, and Mr. Bagby, of Alabama, were the only two Senators who raised the constitutional question. In that debate Mr. Calhoun said:

"As far as the Michigan bill was concerned, he understood the principle was simply giving alternate sections of the public land for the purpose of enhancing the value of the remainder. Upon this point he would say that he had not the slightest doubt that the Government not only had the right, as proprietor of the public domain, to grant portions of that domain for such a purpose, but that it was the duty of the Government to do so. The Government, in his opinion, ought to be ashamed of allowing their lands to be enhanced in value by the exertions and at the cost of a State, without contributing in some degree to produce this result."

On that occasion, Mr. Niles, in reply to these observations, charged Mr. Calhoun with inconsistency in voting for that bill, and with an abandonment of his doctrines upon the subject of internal improvement. Mr. Calhoun replied to the Senator from Connecticut, as follows:

"He (Mr. C.) acted now on the principle on which he had acted from the beginning—a principle perfectly clear; and not only was it clearly the right of the Government to make these grants, but he considered that it was the duty of the Government to do so. They did not in so doing act in their sovereign capacity. The question of internal improvements was not at all involved, but simply that of proprietorship, whether, when anything was done to enhance the value of their lands in the vicinity of the works, they were not called on and bound in good faith to contribute something as the proprietors."

He said, further:

"But, in this, and in all cases where a road passed through the public lands, and application was made when the work had been commenced, and there was a reasonable probability that the value of the public lands would be enhanced, he was in favor of contributing largely, and in so doing he abandoned no principle. As far as he could judge of the localities, the canal would be of vast importance. The lands intermediate between the termini would be greatly increased in value. As to the railroad he could not express any opinion, but was desirous to see it completed, and for that purpose was willing to grant the desired appropriation, on condition only that the Government should have the use of it when required for the conveyance of stores and troops."

It appears that explanation did not satisfy Mr. Niles, and he expressed the conviction that there was no difference at all between voting for the Cumberland road and for giving alternate sections of the public lands, Mr. Calhoun replies:

"Mr. C. remarked, in reply, that if the gentleman could not see a distinction between the case of the Cumberland road—a work undertaken by the General Government—and the case in which the Government, in its proprietary character, contributes to works undertaken by States or individuals, he (Mr. C.) could only express his regret. To him the difference was as great as that between night and day. In the one case there was an exercise of the right of sovereignty, in the other simply that of ownership."

Mr. Speaker, page after page of authorities equally clear and explicit, from nearly all of our brightest and most conservative statesmen, extending through a period of more than twenty years, might be adduced, but I forbear reading further quotations lest the House may be wearied. The description of internal improvements objected to, as I understand, by the Republican or Democratic party, is that where the Government *appropriates money out of the public Treasury* for the purpose of building roads, or constructing canals, in certain localities. In the first place, it is said, truly, that Congress has no right to levy money upon the people of the United States for the purpose of constructing such works. That power is not granted by the Constitution. Conceding, however, that the Government possessed the power, one of the strong objections, and to my mind an insuperable objection against the exercise of it, would be that you levy money indiscriminately, all over the country, upon all of the citizens; and in constructing these works of internal improvement, you benefit sections only. The advantage would be local merely; certain portions of the country would be favored, and others would not; and it is, therefore, best to leave the construction of these works with the States, who will take care of their own interests in the premises. Their citizens will be taxed for the construction of those works, and they will receive the benefit accruing by the taxation for that purpose. But does this case come within that principle? Sir, there is not the most remote analogy. In the one case, the Government undertakes the work and pays for it out of the Treasury, to the injury of every citizen; in the other, lands are given, because those retained will be increased in value in amount *equal* to the whole before the donation, and no citizen is taxed a cent.

This bill proposes to donate one half of the public lands within six miles, on either side of the railroad, to aid in the construction of that work. Does this reduce the revenue accruing from the sale of the public lands into the Treasury of the United States? Not a farthing; and why? Because the bill provides that when you give away alternate sections, that those reserved to the Government shall be doubled in value; and those which you are now trying to sell at $1 25 per acre, lands which have remained unsold in market for twenty, thirty, or forty years, at that price, are raised in price to $2 50, with the confident assurance, founded upon universal experience, that those lands will sell more rapidly then, at that enhanced price, than they do now at $1 25 per acre. If this was a proposition simply to give the alternate sections, without those remaining being increased in value, or if it reduced the revenue of the Treasury of the United States from the sale of the public lands, then I admit the objection of my friend from Tennessee [Mr. JONES] would be a valid one. But that objection does not exist to this bill. It is a phantom flitting before his imagination.

I have demonstrated that nothing is abstracted from the Treasury by the grants for the construction of these works, and that all the resources out of which and from which the funds are to come into the Treasury, are not reduced. If this is so, how can it be charged that it is involving the Government of the United States in a system of internal improvements, which has been warred against by the Republican or Democratic party

throughout all time. My friend from Tennessee [Mr. JONES] also in the same speech intimated that it was clearly anti-Democratic, as well as unconstitutional. What are the facts? Almost every one of the present and late leaders of the Democratic party have supported bills identical with this bill in principle. I believe Mr. Polk, while he was a member of Congress here in 1828, voted for a bill similar to this, to aid in the construction of canals. Mr. McDuffie voted for such bills, as you have already heard from some of the gentlemen who have preceded me in this debate. General Cass, Mr. Douglas, Mr. Davis, of Mississippi, Mr. Calhoun, and Mr. Houston, in fact the whole of those who are now or were heretofore looked up to as the leaders of the Democratic party, have advocated and supported bills identical in principle with the bill now upon your table. It is not, therefore, anti-Democratic. If you are to form its articles of faith from the principles and acts of its high priests, you may take the vote by which the Illinois bill passed the Senate, or the vote by which the Mississippi bill passed, and you will find that a majority of the Democrats voted for it. Upon the Mississippi bill there were but eight Senators, of the entire Senate, who voted against it. I think I shall be able to show that this bill, as reported by the Committee on Public Lands, is infinitely a better bill for this Government than the Mississippi bill. I will show when I come to speak of the bill itself, that it is not to be scouted from this Hall, first, either upon the plea that it is unconstitutional, or, second, that it is anti-Republican or anti-Democratic. I do not credit it that either of these pretexts will be available to drive the bill from this Hall; and the gentleman from Tennessee [Mr. JONES] does injustice to his own party when he makes an imputation of that sort; for I take it that even in this House there is a majority of the members of the Democratic party who will vote for the bill.

Having disposed of this constitutional question, more by authority than by argument, and having also disposed of the question of Democracy, I desire to direct the attention of the House to the advantage which is to result to the Government from the passage of these land bills.

What advantage will the Government derive? The first is this: It will bring lands into market which have been exposed to sale, and have not found a purchaser, for thirty years. The road for which this identical bill provides a grant passes through a portion of the public lands in Missouri that have been subject to sale and entry from fifteen to twenty-five years. Those lands have not been sold, and why? Because they are situated so remote from market, so remote from navigable waters, so remote from all the conveniences of life, so remote from timber—for a large part of the land consists of prairies—that persons have been deterred from occupying and settling them. Give them the facilities of a railroad; give them the opportunity of bringing timber to these prairies; give them facilities for sending off produce to market, and you will find the lands reserved to this Government selling rapidly at $2 50 per acre, when they have remained now in market for twenty years, not bringing a dollar and a quarter per acre.

This Missouri bill provides for donating alternate sections of the public lands between the towns of Hannibal, on the Mississippi river, and St. Joseph, upon the Missouri river. For a distance of thirty miles west of the Mississippi river and an equal space east of the Missouri, the public lands have been taken up, so that, although the line of railroad is a long one, yet there are sixty miles of that distance where the company will not receive an acre of land. The settlements there go to illustrate the truth of the theory which I laid down, that when settlers are brought within convenient distances of navigable rivers or of railroads, the public lands are taken up. Where these facilities are not convenient, the public lands lie idle—are of no sort of use to the States or the General Government. In many regions of the country there are public lands, as I have already stated, which have been exposed to sale for many years for $1 25 an acre, but remain unsold, and will remain unsold for fifty years to come, unless improvements of this kind are projected, and the lands brought into market.

I might speak of the lands in Florida. The Committee on Public Lands will report a bill for the purpose of constructing a railroad there, extending from eighty to one hundred miles in length, where there are no settlements at all. In my own State, a railroad was constructed from Charleston to Hamburg, passing through a pine country, where the land was not worth more than from ten to fifty cents per acre. These lands rarely found a purchaser because they were valuable only as a range. Since the construction of that road, the lands have increased in value all along the line of the road from ten cents per acre to $2 50 and $5 00 per acre, not for the purpose of cultivation, but on account of the valuable timber and the turpentine these forests afford, the road offering a cheap and speedy transit to a market, that the lands have risen so much in value. I undertake to say that in Florida, the description of lands of which I have been speaking, will remain unentered for one hundred years, unless some public improvement of this nature is projected and carried out. The Government, then, by making these donations, not only benefits the States and its citizens, but it also benefits itself, and brings hundreds of thousands of dollars into the Treasury, which otherwise would not be derived from the lands. I suspect when you go to the West you will find in many places valuable and fertile lands, capable of producing wheat and corn and cotton, which are not entered at $1 25 per acre. And why? Because they have not facilities for market. The increase in value of land in the new States, consequent upon the construction of works of internal improvement, will be greater than in the old States. And why? Because the land of the new States is better, the soil more fertile, and consequently the production greater. It is a virgin soil, better than that of the Atlantic slope. I do not believe, from all my knowledge of geography, that there is a country upon the face of the earth that has such an extent of rich lands as the Mississippi valley—lands that will produce from a thousand to fifteen hundred pounds of cotton per acre, and from sixty to seventy bushels of corn. Give the cotton planter or the farmer facilities for market, and is he not better able to pay $2 50 per acre than he would $1 25 for land which was forty or fifty miles from market, and where his corn would not be worth more than five or ten cents a bushel, and the cost of transporting cotton or tobacco or flour from one half to one cent per pound? The committee have assumed, in framing this bill, that, as a general rule, the lands lying within six miles on both sides of a railroad will certainly increase in value 100 per cent. I think I can bring some testimony here which might satisfy the gentleman from Georgia [Mr. TOOMBS] that the construction of railroads increase the price of lands, and that greatly. I desire to state, (and if I do not state the fact correctly I hope the gentleman will correct me,) that in the Cherokee country, a region that twelve years ago had no facilities for market at all, their corn was not worth more than ten or twelve cents per bushel; and but little cotton was raised in consequence of the enormous cost of transporting it by land carriage to market. That country now teems with an industrious and thriving population, and the former forests have been converted into beautiful, productive, and profitable farms. The State of Georgia constructed a road there; and in a conversation with an intelligent gentleman from that country, a day or two ago, he said to me, that the lands had increased in value along the line of that road, for thirty miles on both sides, from 100 to 2,000 per cent. The committee assumed that land lying along the lines of these roads for six miles would certainly increase in value 100 per cent. In many instances, I have no doubt it will greatly exceed 100 per cent. and reach 500 per cent., and in some favorite localities reach even 1,000 per cent. But six miles is assumed by the committee as the distance upon the average on either side, and that the increase in value will at least reach 100 per cent. I think the settlers in the new States ought to be liberally treated by this Government, for it requires a bold and enterprising man to give up and renounce all the conveniences and luxuries to be met with in the old States—to take leave of the home of his childhood, the friends of his youth, and the companions of his maturer years, to plunge into a western forest. All this requires courage and enterprise. These people deserve generous consideration from the Government, and are especially entitled to receive it, when the Government does not injure itself or the other States of the Confederacy by extending it. They have but little capital there, and that is one reason why these donations should be made. When persons emigrate to the West or Southwest, as a general rule, all the capital they carry with them is their industry and enterprise. If you give them these lands, so as to enable them to purchase iron for the construction of roads to be realized by a sale of the land, their industry will accomplish the balance.

Now, Mr. Speaker, I wish to submit a few remarks upon some of the details of this bill. It is provided that where the lands have been taken up within the six miles by entry, the company shall be allowed to go a distance of fifteen miles for the purpose of making up this quota. Well, that feature, I am free to acknowledge, did not meet my approbation fully, but I have waived the objection. The Government is amply compensated by allowing this extension from six to fifteen miles. In the first place, it is provided that the mails shall be carried over these roads, not at such prices as the company and the Government shall agree upon, but at such price as Congress shall fix—leaving it absolutely under the control of Congress. I suppose every gentleman on this floor familiar with the operations of the Post Office Department, knows the difficulties that are encountered now by the Postmaster General in making contracts for carrying the mails over the railroads of the country. There is scarcely a railroad company in the United States that does not avail itself of the opportunity presented, to extort from the Government larger compensation for the transportation of the mails than it is justly entitled to. But by this bill you reserve to yourselves the right to say at what price the mails shall be carried. That is one great point gained. The distance from St. Joseph to Hannibal is about two hundred miles, and the cost of transporting a heavy mail, being within the first class, over a railroad between those two places would be $300 per mile. There would be $60,000 paid out by the Government for the transportation of the mails over that road for one single year. That is more than it is worth; and Congress by adopting this policy can apply a corrective, and vote to these railroad companies a fair compensation. But there is another advantage to the Government in this bill, which was not included in the Mississippi bill or in the first Illinois bill. It is this: the bill provides that the troops of the United States shall be transported over these roads throughout all time without charge; and also that munitions of war, and property of the United States of every description, shall be transported free of charge.

Now look at this Missouri road. It points in the very direction which you are compelled to go in traveling to Utah, New Mexico, Oregon, and California. And again let me ask gentlemen, how long are you to have an Indian frontier between those remote States and Territories on the Pacific and the western border of Missouri? It will be, perhaps, a hundred years before the red man of the forest is exterminated, and during the whole of that time it will be necessary for the Government to keep up troops and stations upon the frontier to guard against the incursions which these Indians may make.

Now take the transportation of the mails and public property over these roads for fifty years' time, and I venture the assertion that it will pay you an interest of thirty per cent. upon every dollar's worth of land that you donate to these companies—perhaps an interest of fifty per cent. upon every dollar.

Here let me say, that all the bills that the Committee on Public Lands have determined to report to this House are bills of a national character—are bills which, if passed, will be of infinite service to this Government in time of peace, in the transportation of the mails and public property, and in time of war in the transportation of troops and munitions of war.

Well, sir, there is another clause in this bill which was in none of the bills previously passed, and it is one which should commend itself to the favorable consideration of all the members of this House. It is this: the donation is made, not to

the companies, but to the State, upon condition that the State shall faithfully appropriate the fund for the benefit of the particular companies. But the question may be started, how are you to guard against an abuse on the part of the State? It may be asked, what if the State sells these lands and pockets the money? Well, we guard against that effectually. We provide in this bill that when the road has been surveyed, and the certificate forwarded to the Secretary of the Interior, the Secretary of the Interior shall order that twenty miles of the road may be sold, and when that twenty miles has been sold, no other land along the route of the road shall be brought into market, or be subject to sale, until the Secretary of the Interior has a certificate from the Governor of the State to which the donation is made, that twenty miles of that identical road have been completed. When the certificate is received then the Secretary of the Interior will direct that another twenty miles may be sold, and so on until the whole work is constructed. So that the only fraud—if the State was disposed to practice fraud, and I hardly suppose that any State of this Union would do it—that could be practiced, could not extend to a greater amount than one hundred and twenty sections of land.

This bill does not, as some of the bills formerly did, establish the relation of debtor and creditor between the State and this Government. In the bills passed some years ago, it was provided that if the State sold the lands and did not construct the road, it should refund to the Treasury of the United States whatever money it had received, a relation which never should be created between the Federal and State governments—if for no other reason than the universal *dependence* of the debtor on the whims and caprice of the creditor.

Now, with all these advantages, what good objection can exist to making these donations? It does not cost you a farthing. It does not abstract any revenue from the Federal Treasury. It does not reduce the resources of the Treasury at all. All experience demonstrates that when you have constructed these railroads, the lands through which they pass will sell more readily for $2 50 an acre than they will for $1 25 per acre without the railroads. With this view of the case—the constitutional difficulties being removed—looking to the great advantage which you can render to these States, and to the inhabitants of these States—looking to the immense boon that you can give to them without impoverishing yourselves—I ask, what good reason can be given for not passing the bill and making the donation?

We ask that the bill shall be put upon its passage now, without going to the Committee of the Whole on the state of the Union. Those members who are at all familiar with proceedings here know, if I may be allowed to apply a quotation that is used upon more solemn occasions, that when a bill is sent from this House to the Committee of the Whole on the state of the Union, unless it is a universal favorite or an appropriation bill, it has gone to "that undiscovered country from whose bourn no traveler ever returns." Every member who has had any experience here knows this to be the fact.

I have now, I believe, presented most of the views of this matter that I desired to present, and all I have to say in conclusion is, that I trust the House will deal liberally and generously towards our fair daughters of the West, and I have no doubt that we shall never have cause to be ashamed of or to repudiate them.

GRANT OF LAND TO IOWA.

SPEECHES OF MR. CASS, MR. DOWNS, AND MR. BRODHEAD,

IN THE SENATE, *March* 15, 1852.

The Senate resumed, as in Committee of the Whole, the consideration of the bill granting the right of way and making a grant of land to the State of Iowa to aid in the construction of certain railroads in said State, the pending question being on the amendment of MR. UNDERWOOD.

Mr. CASS said: Mr. President, I have no design to detain the Senate long upon the subject. I have no design to enter into the general question. The empty seats that have marked the progress of this discussion sufficiently evince that the debate ought to be terminated. I represent, in part, one of the States most deeply interested in this question; I shall confine myself, however, to some general remarks, rather in answer to suggestions and difficulties that have been made, than by way of entering into the general question itself. It has already been long and ably discussed; and I must say, that my own State has had full justice done to its feelings and its interests on this subject by the speech, to which the Senate listened with so much attention and interest, of my colleague, [Mr. FELCH.]

Mr. President, this is an old contest. I think we have fought it every session since I have been in Congress. The contest, however, is still going on; but the mode of warfare is changed. The tactics have undergone an entire alteration. At first, the question made against us was, the power of Congress to make these appropriations. Now, that is entirely given up. Not only is the power generally conceded, but a proposition is made to extend the principle to the other States of the Union which have no public lands within their limits. I do not now speak of the question of distribution; but my honorable friend from Kentucky has suggested that we have a right to make roads in other States, with a view to increase the value of our property in the new States, by the additional business that such roads would bring. This is one of the best evidences of progress that I have seen in my honorable friend. It is going beyond any doctrine that we have heretofore maintained on this subject. We have confined the right of Congress within the limits of its own territory, with a view to increase the value of the land there. But my friend now contends that we may make the same appropriations elsewhere, for the indirect benefit which will result from them.

I think that but one gentleman on this floor has denied the constitutional right of Congress to make these appropriations. I think the honorable Senator from Virginia [Mr. HUNTER] made that objection. It has often been gone into, and lies, in fact, in a nut-shell. I shall say a few words upon the subject. The attempt has been made to confound this with the doctrine of internal improvements—with a general system upon that subject, which would enable Congress to penetrate into every portion of this Union, and make roads and canals, and improve harbors and rivers wherever they please. Whence does that power come? Sir, if it come at all, it must come from the Constitution. That is the general question of internal improvements. It has had many latitudinarian constructions; and frequently it is difficult to assign to it any specific limit. In its practical application, it opens a very wide field of controversy. But what is this question? It is the power of Congress to make improvements on its own land. Whence does it originate? From the provision of the Constitution which gives to Congress the power to dispose of the public property. You will observe, sir, that, in the clause, the word "sell" is carefully omitted. To Congress is given the general power to *dispose* of the public lands; and, under that general power, anything coming fairly within the scope of the grant. Under the general power of *disposition* of the public lands, Congress may exercise any power coming legitimately within the scope of the grant. From the time of General Washington's day to our own, this power has been exercised. Early in his administration, an appropriation was made of three tracts of land, as my honorable friend from Kentucky well knows: one where Zanesville now is; one where Lancaster now is; and one opposite Chillicothe, to open a road through the then Nsitthwest Territory from Wheeling to Limestone. So early, then, as the commencement of General Washington's administration, the system began. The power of improving the land, in order to make a better disposition of it, was then fairly conceded and understood; and it has been practiced in almost every Territory of the Union. We all understand that. Congress has the right to do this, because it has a right to increase the value of its property—the right that any other great land-owner would have. Every land-owner has often an interest in giving away a portion of his property; in giving away town lots for instance, and in doing many other acts to increase the value of his lands. And it is precisely that right which we are now called upon to exercise. Very few contend—I believe the honorable Senator from Georgia [Mr. DAWSON] did in some measure contend—that these roads do not increase the value of the land. All experience shows that they do increase it; and therefore, in making this disposition, that important object is effected. It is not only a right, but it is also a duty. It is a moral duty, incumbent upon the Congress of the United States, to make this disposition of the public land. And why? You are an immense land-owner; you hold an extensive public domain; it is valueless in a state of nature. You say it is worth $1 25 an acre; but it is worth nothing like it. It is really worth but little at first; but the land becomes valuable by the labor of the community. Now, ought you to see that value given to it by the labor and enterprise of others, by the progress of settlements, by the privations and exposures to which the settlers are incident, and stand still, with your arms folded, doing nothing yourself? Is it what any just man would do? No, sir; there is no landholder in the world who would pursue such a course. I repeat, it is the progress of settlement, it is the establishment of law, the opening of roads, the building of court-houses, the erection of private dwellings; it is all the machinery of civil society that gives value to your land, by inviting settlements upon your property, by enabling you to sell that which you could not otherwise sell. To this it is your moral duty to make a reasonable contribution, in consequence of the value that you derive from it. That is, in short, my view of the right of Congress, and of the duty of Congress, to make these dispositions of the public domain.

A good deal has been said here about what Congress has done for the Territories. It is said that you have supported the Territories, that you have made appropriations for their governments. Why, what have you done? For a series of years you paid a governor, three judges, and a secretary, in the respective Territories: and you appropriated for them about $7,000 annually. How came you to do this? Was it a boon? No, sir; it was no boon at all. You controlled the legislation of the Territories; you appointed their principal officers, and indirectly, through the governor, almost every other officer. You allowed them no vote in Congress—no political weight in your country. You allowed them to send an agent or delegate here to represent their grievances, but without the power of efficient action. These are the powers you gave, and these are the ends for which you gave them. You kept the principal control in your own hands, for which you gave them $7,000 a year, and this is one of your boasted boons! In this day it is magnified into an extensive grant by Congress in favor of the Territories. Subsequently, indeed, in some Territories, during a part of the period of the existence of their territorial governments, you paid their Territorial Legislatures. But, after all, it depended upon the same principle, because the control of their government was held by you, its operations, in fact, executed by you. Surely you would not thus control their government, and then require them to pay the whole expense of it. It would certainly be an injustice of which no fair legislature would be guilty.

Gentlemen will recollect another fact. In the old States, a vast portion of the labor that has been done for the community has been done by preceding generations. There, houses have been built; there, roads have been made, churches have been constructed, bridges have been constructed, and a vast forest has been felled. There, a large portion of the labor required to put the country in the condition in which it now is has been done by a past generation. All this has to be done in the West by the present generation—by the settler who enters that immense forest and sets himself down with his family to occupy a litt'e nook in a world to vegetate on, and to prepare it by his labor for the support of his family. I have had some experience, and I will say that the man who goes into battle does not display half the courage that a settler does, who with a family around him goes into the forest and almost with his axe alone commences a labor which scarcely ends but with his life. No man who does not know that country can realize the privations and the exposures to which every settler is liable. No

triumph so great has ever been achieved as in this conflict in our country between man and nature. It commenced at the Beach of Jamestown and the Rock of Plymouth, where its labors were interrupted only by the surges of the Atlantic, and it will go on till the last echo of the woodman's axe dies away amid the surges of the Pacific. One of the most marvelous things attending this whole process of settlement, is the time within which it has been effected. It resembles rather the fictions of an Eastern imagination; rather the deeds wrought by the lamp of Aladdin, than the sober realities of actual life. Why, it is half a century since I myself crossed the Ohio river. What was there then? One Territory and a few thousand people. Now, there are there five States and five millions of people. In the whole progress of man upon this globe, was there ever such an instance of human exertion as this? And it is yet going on. It has been achieved by labor—by persevering, triumphant labor. It is a lesson, not only for ourselves, but for the world, to prove the value of labor to a community. Well, now, as Mr. Calhoun said with equal force and truth in the remarks quoted the other day by the honorable Senator from Iowa, [Mr. DODGE]—is this Government to speculate upon all this work of toil and trial—is this Government to sit still and reap all the advantage and do nothing? Mr. Calhoun then said:

"Upon this point he would say that he had not the slightest doubt that the Government not only had the right, as proprietor of the public domain, to grant portions of that domain for such a purpose, but that it was the duty of the Government to do so. The Government, in his opinion, ought to be ashamed of allowing their lands to be enhanced in value by the exertions and at the cost of a State, without contributing in some degree to produce this result."

I have already said that you have fixed your nominal price at $1 25 per acre. That is your statutory price; but it is no price at all. It is a mere artificial, overrated estimate that you put upon the lands yourselves, without the slightest reference to its power of sale. How does it reach that price? By the exertions of the settler; by the progress of settlement; and by all those desirable accompaniments, which mark the progress of civilization and lead others to join the great current of emigration. That is the way it attains your statutory value. I am not going to detain the Senate with many calculations. I am not going much into the subject; but, as I before observed, there are some general views which I must ask leave to present. The amount of land, which had been in market from ten to thirty years, is 154,675,000 acres, of which there has been sold 76,300,000 acres; leaving unsold 78,375,000; making, on an average, twenty years to effect these sales. This is worth, at your minimum price, almost $100,000,000—the value of property which yet remains on your hands; and God knows how much longer it will be in market before it will be sold. Twenty years ago, according to your price, this land was valued at $1 25 per acre. If it was worth that sum at *that* time, you have made a bad business, for it is yet on hand. If it could be sold now, which it cannot be, it would show that the value of the land twenty years ago was something like fifty cents per acre, instead of being $1 25, as you estimate it. It must be recollected that the value of your land is made up of two elements—price and time. It is not merely the price that you put upon the land which fixes its value, but it is the time within which you can sell it. If you can sell land now for $1 25, that is now its fair value; or if you add the interest for a given period it is its fair value; but if you offer property for sale now at a given price, and cannot get that price for fifty or sixty years, it is very evident, that you have asked too much for your property. It is entirely a false calculation for this country to suppose that its national domain is worth $1 25 per acre, or one half of that sum. That is distinctly shown by what I have already stated, for you have been in market with your property for sixty years, and have not sold one third of what you possessed. In the meantime, what has the great landholder done? What part has he taken in all this progress I have described? What has been the boon he has really offered? In other words, what has been the fair consideration he has actually paid for the benefits he has received from the labors and privations of others, which have given an additional value to his property? I can tell you in a very few words. In my own State how does the account stand? There has been granted to Michigan, independent of the school lands, little more than 500,000 acres. That is, you have granted to that State about one and a half per cent. of your property as a full consideration for the improvements that have doubled, and trebled, and quadrupled its value. And that is all you have done. Illinois, which has received the largest grant, has got about seven per cent.; and the average, so far as I have been able to ascertain it by a cursory examination of the subject, for all the new States, is about three and a half per cent. of the amount of your own property. That is the only contribution you have made. It is the only part you have taken in this great work of progress, that has given to you an empire in the Western country. I desire to know—I wish any gentleman would tell me, if he can, if there is or ever was another Government on the face of this globe that has done so little? Why France, and England, and Spain, the nations which preceded us in the occupation of this country, all gave their lands away gratuitously, and considered they were rewarded by the progress of settlement, and the increased advantages as to power and wealth thereby given to them. Many of the States have adopted the same principle; but we have held on with the clutch of a miser, giving little; and when we do give, grumbling much. That has been the history of our territorial liberality.

Besides the land, gentlemen say they have given us five per cent. of the net proceeds of the sales; but for what? The matter lies in a very short space. For what have we received this five per cent.? Why, you have given it in order to exempt your property from State taxation, from paying your share of the expenses of the Government; and what was that exemption worth? I will tell you in a very few words. No man doubts that if the lands were private property, they would be liable to taxation. That is the indefeasible right of the State governments. The land would be part of the general stock of property belonging to the country; and as such, liable to all the expenses incident to the government of society. That right has been abandoned by all the new States; and what have they got for it? They have got five per cent. upon the sales. And what did the States give up for that paltry consideration? I will tell you what Michigan has given up. She has within her limits more than 25,000,000 acres belonging to the United States. At $1 25 per acre, a tax of one per cent on this property would give annually $312,000; at one dollar per acre, it would give $250,000; and at fifty cents per acre, it would give $125,000. I am not going into the question of the amount of taxes in the western country. Gentlemen will recollect that these taxes consist of State, county, and township, and, in many instances, corporation taxes. They will recollect that these are levied for many objects that do not necessarily arise in the East, from the simple fact I have already stated, that much of the work which in the East has already been done, is now doing or to be done in the West. I have no doubt, that the average taxation is beyond one per cent. But assume that rate, and we have seen the result. What do you think Michigan has received for this relinquishment? She has received five per cent. of the net proceeds of the sales of the public lands within her limits; and that, since she has been admitted into the Union, has amounted by the last returns I have seen to $180,000. And if you put the property, as I have stated, only at fifty cents per acre, she would have been entitled to $125,000 per annum from taxation. Putting it at your own value, she would have been entitled to $312,000 annually. Her actual annual receipts will average but little more than some $10,000 if the whole of $180,000, is spread over all the time since her admission into the Union.

Never was such fair inheritance bartered for such a consideration, since the memorable contract between the sons of Isaac, by which the elder yielded his birth-right to the younger. It is the merest mess of pottage ever given for such a consideration. We have got in Michigan $180,000 for the whole time we have been a State, when we might have had that amount, and more too, every year of our political independence. How was this done? Was it a fair contract? The contract of Jacob and his brother was only an improvident one. Each party knew what his rights were; and one sacrificed his own for a mess of pottage—a great estate for an agreeable dish. Still he had his choice, and only himself to blame. But we had no such choice. You laid down certain conditions, and called them articles of compact, and told us that if we agreed to them, we might come into the Union; but if we did not, we should remain where we were for an indefinite period of time—in a state of colonial vassalage. We had nothing else to do but to accept your offer. The bargain was all on one side. You had the strong arm; and you laid down the only terms by which we were to escape from a state of thraldom, and enter into political life—one of the dearest aspirations of the American heart. That was the condition in which you placed us. Let me ask my friend from Iowa, the Senators from Missouri, or the Senators from any new State of this Union, whether they believe that if this were an open question, and if the parties stood in the same relation of equality, in which all men ought to stand who have a fair bargain pending between them, do they believe that one single State would deign to make such an arrangement? No; not one of them would thus betray their interest and forfeit their self respect. It is not a bargain at all. I repeat, it is all on your side. You make the bargain yourselves, and take all the advantage of it; and throw it up at us and say: "We have made an arrangement with you, and you get five per cent. by it." Well, you have made such an arrangement. But I will remark—no I will not carry out my comparison, but I will only say, that it is such an arrangement as the strong often make with the weak. Then you have given us three and a half per cent. of your property to carry on this great work of improvement, from which you have reaped such immense financial advantages. And you have given us five per cent. for exempting your property from taxation. That is precisely the statement, the debtor and creditor account, between this Government and the new States.

I wish the honorable Senator from Georgia [Mr. DAWSON] were here; but he is not, and I am obliged to go on with my remarks, which now connect themselves with his observations. Before, however, I proceed, allow me to observe, generally, that a good deal has been said about the cost of the public lands; and on the debtor side there has been brought in the purchase of Louisiana and of Florida, the Indian wars, and various expenses of that kind. Are these fair items in such a charge? Did we buy Louisiana or Florida for the value of the land? Were not those States worth double and triple the amount paid for them as possessions only, to protect the weak and exposed parts of the country? It was essential to the integrity of the Union. No consideration in relation to the value of the lands ever entered into the minds of the purchasers. The statesmen who conducted and concluded these arrangements, were influenced by much higher considerations.

Again, with respect to Indian wars: Do you believe, Mr. President, you would have had no Indian wars if your boundary had been a stationary, inflexible one? Not at all. With an uncivilized foe in contact with you, it is utterly impossible that you can protect your settlers without being involved in almost continual wars. It seems to be a necessary state of things between civilized and uncivilized man. Let me tell you, there is one element in Indian life, which renders war an inevitable part of their policy. No young Indian man can strike the war post or recite his deeds, which is essential to Indian honor, unless he has dipped his hands in blood; and if he cannot find a red man for this bloody ablution, he must find a white one. Therefore it is, that the institutions of the Indians themselves necessarily lead them to war.

And although our continued progress has at times been resisted, and has no doubt been among the causes of war, still the conflicts of blood would have gone on under any circumstances. The Indians would have hung about our settlements, and frequent collisions would have been inevitable.

The honorable Senator from Georgia [Mr. DAWSON] took a very strange view of some of these

questions. He must have looked at them through a very curious medium, alternately diminishing and exaggerating them in a very singular manner. He told you that the land on the line of the Illinois railroad was worth $10 per acre. He told you that the amount received by the Government from the sales of land in Alabama and Mississippi was $100,000,000, when we all know that it has not amounted to much more than $30,000,000. He calculated that the cost of these roads, together with the engines and cars to be put upon them, at $10,000 per mile, an amount utterly insufficient to make a railroad in any part of the Union. He told you that you had given to Illinois $27,000,000. These seem to be among the objects at which the honorable Senator looked, and certainly, according to my conception, they must have loomed up to his vision in a most extraordinary manner. He seemed to suppose that there was some actual, existing line up to which a given road might add value to the land, but that if you passed beyond that boundary, no such effect would be felt. He spoke first of the six miles, and then of the fifteen miles; but the honorable Senator forgot, that a great railroad becomes an artery, and that not only the lands along it and near it derive additional value from its construction, but that this value extends for a great distance. It is hard to tell how far the benefits of such a road may reach. It increases the price of land within a great distance. Every man in the West knows that perfectly well. You might as well attempt to confine the value of the Ohio river to the country within fifteen miles of it, as to limit the value of a great railroad by such a line. There is no established limitation. It depends on the nature of the country. The road may be felt for fifty miles. It may be felt for a hundred miles, for it may give to the settlers within those limits the means of reaching a market, which they would not otherwise have, and without which their produce might rot upon their hands.

The error of the honorable gentleman in relation to another point, is in losing sight of this very consideration, that the value of the land does not consist in price only, but in price and time. You estimate land to-day at $1 25 an acre; but if it remains for an indefinite period unsold, that is not its present value, but its value at the time it is sold, as I have already explained. If you make an improvement running through it, by which it may be sold within a reasonable period, you enhance its value. You raise the price by securing prompt payment instead of extending it over an uncertain period, no one knows how long. The honorable Senator entirely lost sight of this consideration.

If I understand the honorable gentleman, he objected to one of these roads, because the country through which it was to run was too much settled; and he objected to the other, because it was not settled enough. Where the medium is between too much and too little, so as to be precisely fitted for a road, he has not told us. I should be glad to learn it. There is another very obvious consideration, and it is this: That if the road passes through a country, which is a good deal settled, and where much of the land has been sold, the less is the grant which is made. This state of things carries with it its own corrective. If the whole country is unsettled, the grant is the larger, and the Government will get a larger value in the rise of its own property. Its advantages are precisely in proportion to the amount of land which it holds. Why, we all know—there is no man here, and especially no man from the West—who does not know that you cannot run a road through any portion of that country, which will not immediately render the land valuable, and soon increase its value to a considerable extent.

The honorable Senator speaks of one of the roads running through the heart of an unsettled country. That is the very reason why we ought to make it. If we cannot now sell the land, we should, by making this road, do much towards selling it. And all experience shows, that by the establishment of these roads, the sale of the land follows, as necessarily as cause follows effect. The honorable Senator went on to say that we had given to Illinois $27,000,000; and the basis at his calculation was this: he estimated the land of $10 per acre, and said that we had given to Illinois 2,700,000 acres; and, consequently, this sum at $27,000.000. Now, this is a most extraordinary calculation, and is in direct contradiction to the assumption already made by the honorable Senator. If that road raises the value of the land in Illinois to $10 per acre, it will be one of the best financial operations that the Government ever entered into. I defy you to point out an instance where the Rothschilds' or the Barings' ever made a better operation; for you must recollect that if Illinois gets $10 per acre for her lands, we can also get $10 per acre for the reserved lands along the line. The whole land granted and reserved is 5,400,000 acres, estimating its selling value at $1 per acre, and it was not worth that, you gave to Illinois $2,700,000, which has increased to $27,000,000 and you have retained a quantity of land, in the same situation, which is worth the same amount of $27,000,000. The value of land worth $5,400,000 you have thus made $21,600,000, for yourselves, and have, besides that, increased to the amount I have stated the property of one of the States of the Union. Carry out all these projects, and go on with the system hereafter, and like the touch of Midas, you will turn to gold your whole national domain. But he is entirely in error as to the basis of his calculation. I have caused an estimate upon this subject to be prepared. I will not read it; but the result of the calculation is this, that the average time within which this very land has been in market is twenty years; and during all that time it has been liable to purchase at $1 25 per acre, and was left unsold. Now, by some magical process you have made that land, according to the calculation of the gentleman, worth $10 per acre; and yet he is unwilling to transfer this operation to other States, where it would be necessarily attended with the same result. But there has been no such value given to it. It is an entire misapprehension. It is very easy to test the matter. The honorable gentleman has only to propose, that this land shall be offered at public sale as suggested by the Senator from Missouri, [Mr. GEYER,] and he can command the real value of the property. That value will then go to no speculator. It will go to the public Treasury. If you adopt that principle and carry it through, it will give you precisely the value of the property. If the gentleman's estimate is just, it will put into your Treasury the large sum I have mentioned. The experiment will show how far his calculation is correct. If the result is confirmed, we shall soon have a surcharged Treasury; if it is not a true one, the main principle of his objection to the bill is gone.

I shall not pursue that branch of the subject any further. I will merely remark, that with respect to these particular roads in Iowa, my own personal knowledge of the route is quite limited. I have been through that country, but it was long ago. It was before the white man had established himself there. And a more beautiful country the sun never shown upon.

Mr. DODGE, of Iowa. It is twenty-five years ago, sir, since you came in a canoe along the Mississippi. I saw you then.

Mr. CASS. I was there twice, and both times in that aboriginal conveyance. There are two roads running nearly at right angles—one along the Mississippi, and one penetrating West. Both lead to your own lands. Both will conduct settlers precisely where you want them. The one running West will be of great importance to you, because it connects itself with the Indian country, where the operations of settlement as well as of war may require their use. Such are the considerations connected with these Iowa roads. Independently of the financial results, and of the duty of the Government to take part in the projects of improvement, these roads are peculiarly important to you, for they open communications with your vast domain beyond them.

I hope this bill will pass. I hope so for the sake of my good friends from Iowa, for I doubt whether they have had one half hour's sound sleep since this bill has been under consideration. I must say whether it passes or not, that the State of Iowa owes a great deal to the exertions of her two Senators. I have never seen in my legislative experience a subject of this kind prosecuted more earnestly, with more zeal, energy, and talent, than have been displayed by those Senators in the prosecution of this bill. All our associates in this Chamber can bear evidence to the truth of this statement. All have seen with what perseverance and ability the bill has been urged; how every fact connected with it has been laid before us; and all know as well as I do, that not one instant of time has been lost in consequence of any remissness on the part of these gentlemen.

It is obvious from the discussions, which annually take place in Congress, and from the increased zeal, and, I may add, discordant opinions, which mark the progress of this great question of the public lands, that some fundamental change must ere long occur in the system of their administration. We cannot go on with pretensions so radically different. On the one hand, with a large portion of the real property in many of the new States placed beyond the reach of the respective Legislatures, *tabooed*, in fact, as to all public objects, an inert mass amid a life of struggles and privations, while the great landholder does almost nothing, complaining, indeed, that he is asked to do anything; and on the other hand, propositions are pressed here, which lead in their principles to a division of all this domain among the several States of the Union, constituting their authorities the great landlords, controlling immense regions in other States, with all the difficult and delicate questions, to which such new relations could not fail to give rise. I repeat, sir, everything indicates that we are in a chrysalis condition, fast approaching our destined change. And it appears to me, that there is one practical plan, which furnishes a far better solution of our difficulties than any other proposition yet suggested, and that is to grant a tract of land to every person unable to purchase, and who is willing to occupy and improve it for a given term of years. I have heretofore, in the Senate, when this subject was incidentally before us, connected, perhaps, with a proposition made by a distinguished Senator from Massachusetts, since transferred to the Department of State, taken occasion to express some very general views favorable to the measure. Time has added force to my convictions upon the subject, and I believe to the public impression in its favor. I am not now going into the considerations connected with the question. I shall not withhold my views when it comes before us, as it may probably do in the form of a bill from the House of Representatives, where it is now under discussion. I merely allude to the matter at present as one which must have an important bearing on our future, if not our immediate, action. But I must say, that of all of the propositions I have seen in relation to this question, the bill now before the House appears to me the most judicious and practicable. I think it has been prepared with good feeling and good judgment. With a wish to secure the great object, a home, a homestead to every man willing to make it his own, without money, indeed, in the immediate inception, but not without price, and a heavy one, too, in the final acquisition—years of labor, of exposure, of suffering, of trial, such as a frontier settler only begins to know, when he strikes the first stroke in the great primeval forest. But all these sacrifices bring their reward when the land is reclaimed from a state of nature, and he sees the comforts of life, of independent life, gained by himself for those most dear to him.

Mr. President, I will repeat what I said at another time and place when this question was before me, that it would be a glorious subject for contemplation to see a community, stretching along our vast frontier, each family occupying its own farm, and with all the elements of prosperity and intelligence within their reach. I trust that a patriotic and liberal policy, suited to the age and to our circumstances, will enable every man to become a landholder, thus adding the bonds of interest to those of affection, which bind us to our country, and adding also to the stability of our institutions, which well and wisely extend to each the care of all. Men are more valuable than land, or rather land is only truly valuable where possessed by men for the purposes of cultivation. In the whole range of public duties, I know of no one more important than the adoption of a just system which would insure to every person desirous of occupying and cultivating it, a tract of land in our immense national domain, which his industry might reclaim, and where he and his family

might be prosperous and contented. Talk of adding to the wealth of a nation—what would add more to it than such hosts of producers, laboring for themselves, and where the soil and the climate offer their richest rewards to human industry? Talk of adding to the strength of a nation—what would add more to it than armies like these, ever ready to defend their country against all dangers, whether from foes without or from foes within? Talk of adding to human happiness, to the progress of human intelligence, to the elevation of man in the scale of being—what would be more truly glorious, more encouraging indeed to the lovers of freedom, through the world, than such a measure, flowing from such motives and leading to such consequences? This is the only true agrarian law for this country; a law which would leave all the rights of private property sacred and inviolable, thus fulfilling one of the very first duties of every social and political system, so dangerously called in question by many rash and undigested schemes of the present day; while at the same time it would give to poor but worthy citizens the means of becoming proprietors in our vast public domain, a large portion of which would otherwise remain unreclaimed and useless for ages, it may be for centuries, practically rebuking the great command of the Creator, "to replenish the earth and subdue it." The paternal solicitude for the struggling millions, which such a deed of policy and justice would manifest, would do more for the cause of free institutions through the world than all the rhetorical displays which that subject has called forth from the time of Cicero to our day.

REMARKS OF MR. DOWNS.

Mr. DOWNS said: Mr. President, a great deal has been said on this subject, and all are very desirous of coming as early as possible, to a decision of the question. I shall, therefore, condense my remarks as much as possible. I shall not go into the subject generally, but I shall confine my remarks very much to a reply to some of the arguguments which have been urged against this bill, and are calculated to defeat it. Especially do I wish to pay my respects to the arguments of the honorable Senator from Kentucky, [Mr. UNDERWOOD,] who has taken so prominent a part in this matter, and who has spoken on it so much. I must confess that I, with others, was somewhat astonished at the course which that gentleman has taken with regard to this bill; for I thought that since, during the last Congress, we passed the bill relative to the Illinois railroad—that since the Senate had passed a great many bills of this kind—at the last session, although they did not pass through the other House—the question, at least so far as the Senate of the United States was concerned, was and ought to be considered as settled. The honorable Senator from Kentucky, even in his arguments, admits, impliedly, that it has been settled, because he says we have acquired so much new territory, and this has become a matter of so much greater interest now than formerly, that it is time we should adopt a new practice and new rules for the disposition of this public land from which we have pursued heretofore. Let us see, then, what are the grounds on which the gentleman asks this change; what are the reasons why we should now depart from the policy which has not only been adopted in recent years in regard to railroads, but which in fact has been pursued for many years, as to canals and other improvements. Why should we pause just at this time, and change our policy, and adopt a different system? Let us look at the gentleman's reasoning.

I do not understand the Senator from Kentucky to object so much to this bill, and I cannot say that I understand him to object to it at all; but he seeks to place upon it an amendment which we all believe would be destructive to the bill—one which is entirely different from the provisions in similar bills which have been passed heretofore—and he will vote for this bill now, if his amendment is rejected. But he comes here and asks us to incorporate his amendment for the distribution of a large amount of public lands to States, and that, I suppose, (for it is the only alteration he suggests,) is the change of policy which the gentleman wishes to see adopted.

Now, let us look into this matter. What are the grounds on which he proposes this change? He seems to have the idea that this is a great boon—a great gratuity, an immense grant to a particular section of the country—and that, therefore, something must be done for the other sections of the country to compensate for this. I deny the proposition *in toto*. This is no gratuity. The United States gets a perfect equivalent for all that she grants. The bill is based upon that idea. The arguments which have been made, and which can be made, clearly demonstrate that the Government of the United States have a deep interest, a compensating interest, in the grant which they make. I shall not recapitulate the particulars here. The increased price of the land, the quicker sale of the land, the increased prosperity of the country generally, the advantages in the transportation of the mail and of military stores and supplies, the increase of the commerce of the country, these are the general advantages which the United States at large derive from these grants. But if that were not the case, still the gentleman's argument would not apply. If it did give some advantage to one section over another, is that a sufficient reason for not adopting the measure? or is that a sufficient reason to make grants to some other quarter of the Union to compensate that? I would ask the gentleman when this doctrine of compensation was introduced? When was the doctrine started that you cannot grant anything advantageous to one section of this Union without compensating some other section? It is a much greater innovation than that innovation which he proposes in the system of administering the public lands. When has that doctrine been carried out here? I know no instance of it. Yet I know many instances in which, if the doctrine is correct, it ought to have been carried out years ago. We have had laid on our tables, during this session, a history of the fortifications of the United States on the sea-coast, the cost of those that have been made, and the probable cost of those that are proposed to be made hereafter. I think that, up to the time of this report, we have expended, in round numbers, the amount of $40,000,000. I should like to know if we are to calculate these as local and sectional advantages? If I had then been here, I should not have objected to these appropriations on that ground. I do not object to them now; but I say that if this doctrine of equivalents is to be carried out, I would like to know where the interests of the whole West were when those $40,000,000 were voted from the Treasury for fortifications? Look at the expenditures. Take your light-house system which has been carried on since the very foundation of the Government, and for which large appropriations have been made every year. If the gentleman will carry out his doctrine of equivalents, I hope he will state how much has been expended on light-houses, custom-houses, and fortifications, and then make out the balance justly due to every Western State which has not derived benefit from them. I do not ask it; it is not consistent with our Government that we should ask it. But if this doctrine of equivalents is to be carried out—if we are never to grant anything to one section of the Union unless we compensate another section of the Union, those States which demand the application of this doctrine should begin at home, and return an equivalent for those vast sums which they obtained from the West for objects in which the West had no interest.

Not only that, but there is another memorable event in the history of our country, of which the gentleman ought to have been reminded. One of the longest, most difficult, and expensive wars we have ever engaged in, since the Revolution, was the war of 1812. No part of the country used more of their means, or expended more money, or so much blood, as the section of the Union to which I belong. No part of the country, too, achieved more glory in that war than the West; and yet, what was that war waged about? Was it waged for encroachments on the Western settlements? Was it waged for anything in which they were particularly interested? Could not the people of the West, and the people of Kentucky and Tennessee, which were then the principal of the Western States in existence, have carried on their agricultural and other pursuits as quietly and successfully, without any interference with their rights, without this war? And it must be recollected that the chief object of this war was to protect a class of citizens who were confined entirely to the sea-coast—it was for "free trade and sailors' rights"—chiefly to protect the sailors who came from the Atlantic cities of our country from impressment. The object was to protect them from being impressed and deprived of their liberty in any part of the world by a British vessel. I believe the gentleman himself bore an honorable part in that war, No State poured out her treasure and her blood more lavishly than Kentucky. Did we ever hear of Kentucky in those days saying, "We have no sailors, and we will not go to war, or if we do, we must have some compensating advantage?" They never thought of such a thing—they never dreamt of it. No such idea ever entered the head of a Western man; and I must be permitted to say that I was astonished that such a proposition should now be heard, and from a gentleman, too, coming from the West, who ought to know so much of the feelings, and interest, and history of the Great West. Now, at this time, when the Atlantic States are coming forward and seeing the justice of our claim, I am sorry to see a gentleman from the West coming out against the interests of his section of the country. It seems to me quite astonishing that such should be the case at this time.

I wish to refer to a few facts to show, as well the policy of this, as the great advantage both to the United States and the individual States, by an improvement of the kind contemplated by the bill under consideration. I have before me a statement recently made from the Census Bureau, on this subject of railroads, from which some facts are to be drawn, which, I think, will show gentlemen the interest which not only the Western States, but the whole United States have in this matter. Here is what is said on the subject as to the Illinois railroad:

"By the year 1860 we may expect that the territory of the United States will be traversed by at least 30,000 miles of railroad. It is very difficult to form an estimate of the average per mile of building railroads in the United States. In fact, no average can be assumed as applicable to the whole country. The cost of the roads in New England is about $45,000 per mile; in New York, Pennsylvania, and Maryland, about $40,000. But in the interior of these States the surface of the country is broken, rendering the cost of grading very heavy; and nearer the sea, wide and deep streams interrupt the lines of travel, and make the expense of bridging a serious item.

"In New England, and the more densely-inhabited parts of all the old States upon the Atlantic, as in all European countries, the extinguishment of private titles to the real estate required for railroads frequently forms a large part of the expenses included in the item of construction. In the Southern States and the valley of the Mississippi $20,000 per mile is considered a safe estimate. There, in most cases, all the lands necessary for the purposes of the companies are given to them in consideration of the advantages which private proprietors expect from the location of the roads in the vicinity of their estates.

"In many of the Western States the cost of grading a long line of road does not exceed $1,000 per mile—the cost of timber amounting to nothing more than the expense of clearing it from the track. For these reasons the expense of building railroads in the Southern and Western States is now much less than it will be when the country becomes as densely settled as the older States of the Union.

"The Central Railroad of Illinois is an enterprise which furnishes a remarkable example of the energy and spirit of improvement in the new States. Illinois was admitted into the Confederation as a State in 1818, with 30,000 inhabitants. It has 55,405 square miles of territory, and a population, according to the census of 1850, of 851,470. The Central Railroad is to extend from its southwestern extremity, at the confluence of the Mississippi and Ohio rivers, to the north line of the State, with two diverging branches. The total length of this road, including the main stem and branches, is to be six hundred and eighty miles. The cost is estimated at $20,000 per mile, or $13,600,000 for the entire work, without equipments for operating it. This is the longest continuous line of road now in contemplation in the United States of which there is any probability of speedy completion. It has been commenced with such facilities for executing the plans of its projectors that there is no reasonable doubt that it will be finished within a few years.

"In the year 1850 Congress passed an act, after a very protracted discussion, granting to the State of Illinois about 2,700,000 acres of public lands to aid in the construction of the Central Railroad, to which allusion has been before made. This magnificent donation is reckoned by the company to which Illinois has confided the building of the road to be worth $18,000,000. This was the first instance in which the aid of the National Government had been extended to a railroad project."

Here, according to this official document, is an instance where, by a grant of 2,700,000 acres, or some $3,000,000 in value, of the public lands, you have given to a company through the State $18,000,000; and, as you were just now told by the honorable Senator from Michigan, if that calcula-

tion is correct—and there is no reason to doubt it, for it comes from a very disinterested source—the Government also will receive $18,000,000 for the alternate sections reserved. Is not this an inducement? This report states, it will be observed, that in Europe, and in the older States of the United States, the average cost of making railroads is from $40,000 to $45,000 per mile, and that one of the great reasons of this large expense there, is the great value of the property through which the roads pass; while in the valley of the Mississippi, and in the great West generally, such is the advantage of the soil, such is the advantage of the timber, so anxious are the owners of property to give the right of way to railroads, that it is well ascertained that the average cost of making railroads there is some $20,000 per mile. This expense is much less now than it will be hereafter, for as these lands become appropriated to individuals they will become more valuable. In what position, then, does this place the country? Here, now, is an opportunity which you have of making an immense improvement, such as the world has never before witnessed; such as the Governments of Europe, and of the old States, would have jumped at, if they had had the offer; such as never will perhaps again occur in the world; such as you will loose in a few years, if you do not seize it now. Is not that a strong consideration, why you should not lose the golden opportunity which is now before you?

But there is another view of this subject. This paper shows that there are now completed in the United States ten thousand miles* of railroad in round numbers, and some ten thousand more are in process of construction; and there is reason to believe that before the year 1860 there will be railroads in the United States in operation to the amount of thirty thousand miles. A large portion of this increase is to be carried out in the Western country, where it can be done at this cheap rate, for which purpose these grants of lands are required. Now, is not that a work of such stupendous importance as to be sufficient to induce men to give up some little scruples which they have? Did the world ever see such a spectacle? It has become an old and trite idea, and, therefore, it is unnecessary to repeat it, that whatever divisions we may have had heretofore, or may have hereafter, the great valley of the Mississippi never could and never would entertain the idea of a separation of the Union, in consequence of the intimate manner in which it is connected by streams which penetrate it in every direction, uniting in the great "father of waters," the Mississippi. There is no doubt of the truth of it. But what do these railroads do? When they shall be constructed, the streams alone will not be the solitary link in the general line of intercourse; but they will bind the nation together so firmly that it can never be dissolved. By this railroad system, you may say that you extend the Mississippi, in parallel lines, in every direction through the United States. Railroads have already been extended from Charleston, and from Savannah, through Georgia and Alabama. They have a little gap now to close to reach the Mississippi, at Vicksburg. We have in our State now a proposition to run it across from Vicksburg to the Red river, some one hundred and sixty miles. Texas will, no doubt, carry it through her territory; and with the ample means which the United States have when they get beyond Texas, the Government can easily carry it to the Pacific ocean. What a spectacle will this exhibit? Instead of the solitary Mississippi, as a channel of intercommunication, as the wonder of the world, this great railroad will give you the means of intercourse from the Pacific to the Atlantic, more rapid, more convenient, more advantageous, more calculated to unite us together than that vast stream itself. You may extend these roads in every direction. Why, we are going on so rapidly that we scarcely ever take time to pause and reflect on the vast importance of the changes which these railroads are making and must continue to make in the business and commerce of the country. What was the situation of our commercial cities a few years ago? Why, one of the principal cities of the Union—the very large city of Boston—has not a navigable stream near it; and yet, I believe, it is a fact, that all will bear testimony in sustaining, that of all our great cities, there is not one that has greater facility of intercommunication with the commerce of the interior than that very city of Boston by these railroads, instead of navigable streams. How is it that she taps the Hudson, and draws off so much trade from it? She has no stream running in that direction; but she has now what is better than a branch of the North river, extending from Albany to the city of Boston; and it does not stop here, but extends on to the illimitable West, and gives her advantages so great that it is difficult to realize them.

We in the West cannot do this. We have not the means. We have not the capital. Not only the West, but the other States of the Union would derive great advantages if we could do it. We show you that you can aid us without any difficulty, without any loss, and in fact with advantage to yourselves; but the gentleman says this is not to be done unless something is also done for the old States. I am glad to hear that this opinion is not concurred in by many others. Early in this discussion I was pleased with the very correct and patriotic stand which the honorable Senator from Massachusetts [Mr. SUMNER] took upon this subject. I am glad to see that he does not stand solitary and alone, but that one of the ablest men in the East, whose opinions ought to be entitled to great weight on this and on all other subjects, has emphatically and fully indorsed every sentiment which that gentleman advanced. I refer to the letter of Mr. Webster on this subject. Speaking of the Illinois railroad, he says:

"The undertaking is equally vast in its plan and its importance: and, with the exception of those measures adopted the session before the last, I hardly know whether the present President of the United States has given his sanction to an act of Congress likely to have larger influence on the prosperity of the country.

"Several years ago I was in Illinois, and passed, for a great extent, through the country in and through which this railroad runs. I thought I had never seen such an immense tract of valuable land; and subsequent discoveries of many sorts of the most valuable minerals produce entire conviction that the State of Illinois may become as prosperous in its manufactures as in its agriculture. Ere long we shall see another and a similar work, commencing at the southern extremity of this road, and running through the Southern States, till it reaches the Gulf of Mexico. This is not only probable, but certain, if no great political evil shall in the meantime befall the country.

"The grant to the Illinois railroad disposes of a large portion of the public domain, but it will be well disposed of; and this grant and other similar grants made already, or now in contemplation, while they leave the residue of the public lands more valuable, do not essentially interfere with the objects which I have thought just, and have for a long time zealously supported, of giving land enough for a homestead to every actual settler, on the sole condition of actual residence for a short term of years. In my opinion, the public good and the happiness of individuals alike require this. God gave the earth to man to be tilled, and land is of no value whatever till the approach of cultivation shows that it is about to become the theater for the application of human labor, the all-producing source of comfort and wealth."

This is the true spirit which ought to actuate, not only every man from the West, but every man from the East and every other section, who takes a just, and liberal, and fair view of this subject. There are other opinions which I could bring in opposition to those of the Senator from Kentucky—from the East, also. The gentleman doubtless recollects that, perhaps, one of the first Presidents who pressed this subject, Mr. Van Buren, took decided ground in favor of an early disposition of the public lands in some way, to prevent annoyance and injury to the States. I have before me the speech which he made on the subject, but I shall not read it. He assumes the doctrine, that, although from necessity the control of the public lands by the General Government must be tolerated for a time, yet it is necessarily inconsistent with the welfare of the States, and that the public lands ought to be ceded to the States, to be disposed of by them at as early a day as possible. Another individual, now no more, of great prominence, the late Judge Woodbury, while a member of this body sanctioned the doctrine which the gentleman has so much controverted, that the new States have the power of taxation—(and unless it was given up by the new States they could have exercised that power)—although he opposed grants of land in many cases, and, in fact, in all cases where money could not be granted; yet he admitted that the grant of school lands and some other grants to the Western States were nothing more than a fair equivalent for the power of taxation which they had given up. Yet the gentleman does not seem to be satisfied with all these authorities—with all these reasons. But the gentleman says that we ought not to do this; that it is depriving the old States of their rights; that a portion of those lands was ceded by Virginia and other States on the express condition that they should be disposed of for the common benefit of the Union; and that, therefore, we are bound by that compact. He even went on to produce and read here an ordinance of the Continental Congress, providing that, after the appropriation of certain of these northwestern lands, ceded by Virginia, to the payment of bounties to soldiers, some large proportion of it, (six sevenths, I believe,) was to be distributed by lot among the States; and therefore, he says, it was intended at first that these lands should be distributed among the Statee. But the gentleman seems entirely to have forgotten some circumstances which show that, although that might have been reasonable and proper at that time, it has no application now at all.

While under the Confederation, and before the adoption of our present Constitution, the United States had no separate financial system. She did not levy taxes. She called upon the States for their contributions, and they contributed their quota. The financial operations of the Government depended on the States. Money was not drawn into the Federal treasury, but each State was called upon for its quota. In order, then, to refund this money to the States, or in order that the separate States should have the benefit of these lands as the common fund, it was necessary and proper, after paying some of the general charges, that they should be distributed to the States, because there was no other way to get at it. That ordinance was passed, I believe, in 1787. At any rate, it was a very short time before the adoption of the Constitution. I do not know that the lottery was ever drawn. I do not suppose any State ever drew any lands. If any of the States did, perhaps the gentleman can inform me as to the fact. I find on record no such statement; but I find, as the Government under the new Constitution came into operation, no more said about the drawing of lotteries. It was never carried out. It was a system applicable to the Confederation; but the moment the present Constitution and Government were formed, the lands were sold, and the proceeds paid into the Treasury, and became a common fund, to be expended like all other funds. That has been the system that has been carried on from that day to this. The gentleman's argument, therefore, seems to me to be unfounded, and that the precedent afforded by the action of the Con-

*The following table presents in a convenient form some of the principal facts connected with railroads in the United States on the 1st of January, 1852:

States with railroads in operation, or in process of construction.	Miles of railroad completed and in operation.	Miles of railroad in course of construction.	Area of the States in square miles.	Population in 1850.	No. of Inhabitants to the square mile.
Maine.....	315	127	30,000	583,188	19.44
N. Hampshire..	489	47	9,280	317,964	34.26
Vermont.....	380	59	10,212	314,120	30.76
Massachusetts..	1,089	67	7,800	994,499	127.49
Rhode Island...	50	32	1,306	147,544	112.97
Connecticut....	547	261	4,674	370,791	79.33
New York.....	1,826	745	46,000	3,097,394	67.33
New Jersey....	226	111	8,320	489,555	58.84
Pennsylvania...	1,146	774	46,000	2,311,786	50.25
Delaware	16	11	2,120	91,535	43.17
Maryland	376	125	9,356	583,035	62.31
Virginia.....	478	818	61,352	1,421,661	23.17
North Carolina.	249	385	45,000	868,903	19.30
South Carolina.	340	298	24.500	668,507	27.28
Georgia.....	754	229	58,000	905,999	15.62
Alabama.....	121	190	50,722	771,671	15.21
Mississippi.....	93	273	47,156	606,555	12.86
Louisiana.....	63	-	46,431	517,739	11.15
Texas.....	-	32	237,321	212,592	.89
Tennessee.....	112	748	45,600	1,002,625	21.98
Kentucky.....	93	414	37,680	982,405	26.07
Ohio.....	828	1,892	39,964	1,980,408	49.55
Michigan.....	427	-	56,243	397,654	7.07
Indiana.....	600	915	33,809	988,416	29.23
Illinois.....	176	1,409	55,405	851,470	15.36
Missouri	-	515	67,380	682,043	10.12
Wisconsin.....	20	421	53,924	305,191	5.65
	10,814	10,898			

gress of the Confederation does not apply, under the present Constitution and Government. The proper mode, in my opinion, is, to pay the proceeds into the Treasury, from whence they are to be appropriated, as all other funds.

But the gentleman's argument fails most lamentably in another particular. He says that the condition that the proceeds shall be distributed equally among the States, does not apply to territory acquired from foreign countries, to Louisiana, or Florida, or California, because that was obtained without any such condition. Now, if this be the case, I would most respectfully ask the gentleman what application has the argument; for all the lands which are proposed to be given here, and all the lands which I suppose will be asked for at this or any other session, are proposed to be granted in that vast territory west of the Mississippi, not an acre of which was acquired except from foreign States; so that, according to his own argument as to the duty of Congress to distribute them among the States, his proposition falls to the ground, and amounts to nothing.

Mr. UNDERWOOD. I would state to the gentleman that my argument applied to all the bills. There are bills pending, granting lands in Wisconsin, and, I believe, in Michigan, which formed a part of the original Northwestern Territory.

Mr. DOWNS. Perhaps there may be some applications from States east of the Mississippi, but comparatively they are very small. But there are other considerations which ought to be taken into account in this matter; there are other inducements for making these grants to new States. The gentleman seems to think that between the United States and these new States there is a pretty fair and equal transaction. Emigrants make their way into the wilderness, and connect their settlements as well as they can with the other portions of the country. After they have struggled on through years of difficulty, danger, and trouble, until they get some fifty, or sixty, or seventy thousand inhabitants, they come forward, and ask the Government of the United States to clothe them with the authority and power of a State. If they are then admitted into the Union, he seems to speak of it as if it were a boon granted to the new States—as if it was a discretion they might exercise—as if it was true that they had a right to keep them out of the Union if they choose. Sir, he is totally mistaken. It is a solemn duty which Congress is required to perform, and must perform. So far from the Government having control over the matter, they have but a limited power over it. There is but a single condition which, according to the Constitution, Congress has a right to require, and that is, that the new States shall have republican governments. And, although they may have sometimes refused for a time to admit new States, yet, if the gentleman had looked a little further into the subject, he would have found that with all the power of the United States, they have no practical effect in keeping out a State permanently. They never have done so, and never could have effected it if it had been tried. What was the case with Missouri? She formed her Constitution before she was admitted into the Union. Her State government was organized. Suppose Congress had not admitted her, would she not still have remained a State? Could they have reduced her again to a condition of territorial government? Could they have forced that government upon the people? Could they have enforced their right, which had been agreed upon with the States, that the public lands of the United States should not be taxed? Again, take the instance of California. Suppose she had not been admitted; could the United States have coerced her? I think they could not. These questions are always settled by agreement—are always arranged in some way; and although injustice may be imposed upon a new State, yet, whenever she is admitted, it is not as a boon, but the exercise of a right on the part of Congress, and a right on the part of the new States to be admitted when they have the requisite population; which right the United States cannot, in the exercise of a wise and sound discretion, refuse them.

We are under no obligation, then, to the United States for making these grants. But are there not other considerations in favor of these grants to the new States? How do these lands become valuable? How is it with the lands in Iowa? Why are they so valuable? The same Iowa, with all its rivers and its fine timber, and its mounds, and its groves, has stood for centuries past where it now stands. But would the Government ever have drawn a dollar from it, but for the hardy and brave emigrants who have gone there, and made it what it is? It is the settlers who have made this immense domain what it is; not only in Iowa, but in that whole section of the continent from the Mississippi to the Pacific ocean. It would never have been brought into this Government, and would not, for centuries to come, have yielded a dollar to the Government, but for the enterprise and energy of the Western settlers, who have gone there and made it valuable.

Ought we not, then, to do something for a people who have thus made our land valuable, and enabled us to obtain the immense sums which we have heretofore obtained? But the gentleman has made a great deal of difficulty about the right of taxation on United States land; and he says that the giving up by the new States was no consideration, because they could not exercise it. But here the gentleman has got into as many inconsistencies as he did on another branch of the subject. He admits that when the United States obtain a lot of land for a fort, or an arsenal, or in payment of an execution, or something of that sort, if it has once been private property, they may be taxed. Now, I should like to know the difference between the case where they buy a piece of property from an individual, or from a nation, or tribe of Indians—what difference does it make? It is property. The United States is recognized as a property-holder. Hence the property, could be taxed. But the gentleman has discovered a strange idea, by which he attempts to defeat this right of taxation, because, he says, taxation and representation must go together; and inasmuch as the United States are not represented in the State Legislatures, therefore their property cannot be taxed. The gentleman seems to misunderstand altogether this great doctrine of the Revolution—that taxation and representation must go together. That is true. It applies personally to an individual. That was true in the Revolution, when taxes took so much out of every man's pocket—like the duties on tea, and the stamp duty. It was then contrary to our principles that we should be taxed in that way. But has it ever been contended that individuals, or even nations holding property in a particular State, should not be taxed because they were not represented? Why, we see in every State of the Union, every day, exactly the reverse. In my own State, in the city of New Orleans, there is a very considerable amount of property, I understand, which was owned by the late King of France, Louis Philippe. I suppose it is now owned by his heirs. He derived revenue from this property for years, and paid taxes for it; but I never heard that that wise King, or any of his counselors, ever took up the idea of the Senator from Kentucky, that because he could not choose and select the legislators of Louisiana, his property at New Orleans could not be taxed. Why, we all know that capitalists in Europe own property in many of the States, which is taxed like any other species of property. Yet the gentleman says we cannot tax the property of the United States, because the United States are not represented in our State Legislatures. He is totally mistaken in his opinions on this subject.

There was one idea which was adverted to by the honorable Senator from Kentucky, which struck me as very strange, and very little in accordance with the amiability and good feeling which has always seemed to be his distinguishing characteristic. I mean his allusion to the motives of the honorable Senator from Massachusetts [Mr. SUMNER.]

Mr. UNDERWOOD. Will the gentleman allow me one word?

Mr. DOWNS. If the gentleman would wait, he would find that I was not about to say anything at all offensive. But I will yield to him.

Mr. UNDERWOOD. I owe it to myself, perhaps, to interrupt the honorable Senator. I regret very much the little pass between the Senator from Massachusetts and myself on that subject; and if I said anything offensive in reference to his motives, I beg to withdraw it. It was rather forced upon me in the heat of the moment. I had been saying that I could excuse such a speech as he made, if it came from a representative of the new States. He adverted to that remark of mine, and said to me that I could excuse it upon the principle of interest, but not exactly upon the principle of generosity and justice. I considered it, in the heat of the moment, as requiring perhaps some little reply, and I said that the impression on my mind was, if I were forced to the attribution of a motive, I should look for it in those political considerations which influenced men looking far ahead. If I have given any offence by that remark, I hope I may be permitted to withdraw it, because I did not intend anything offensive.

Mr. DOWNS. If the gentleman had permitted me to go on, he would have found that there was no necessity for making his explanation. I did not allude to this matter for the purpose of interfering in any manner with the honorable Senator, or because I thought there was anything in his language offensive to the Senator from Massachusetts; for I did not so understand him at the time. It was not with that view at all that I alluded to it. The gentleman has made three speeches on this subject. He has elaborated his views most fully. I only proposed to devote half an hour to the subject, and therefore I have to seize upon everything I can to demolish his argument, and I referred to this as one means. The Senator must have been so much impressed with the idea that he was right, and that nobody else could be right who opposed his doctrine, that, with all his liberality and fairness, he could not but attribute some political or other motive to the Senator from Massachusetts. This was the reason why I alluded to it. My astonishment was that the Senator could not have thought it was equally as possible for the Senator from Massachusetts to be right as for him to be right. And perhaps he is as liable to the charge of being actuated by strong motives as the honorable Senator from Massachusetts. But he seems to be so zealous, so keen, and, as yet, so totally unconscious of what is going on within himself, that he looks more to the actions of others. I am sure, if it had been left to the vote of the Senate, or of the audience who heard him, there would have been quite as many who would have considered his opinions were wrong as that those of the Senator from Massachusetts were wrong.

Mr. President, I have almost done. I know it is desirable to bring this matter to a close. I do not wish to enlarge upon the subject. I have said enough, I think, to show that the arguments of the honorable Senator from Kentucky are not entitled to carry that weight with them which it would seem he intended that they should. It is somewhat singular that this question should be raised just at this particular time. We are in a state of transition. The line of political power is passing West—it is going into the hands of the West. Before another Congress meets, a material change will take place in that particular. I have here before me a statement of some changes which will take place under the new apportionment about to go into operation. Under that apportionment, there will be added to the States of the West which are claiming these grants, thirteen new members of the House of Representatives. At the same time there will be taken from the old States nine members. Within the last decennial period, ten Senators have been admitted on this floor from the West, constituting one sixth of the whole power of one of the most important branches of this Government. That increase, although it may not be the same for the next ten years, is likely to go on. We are just on the eve of this change, to a certain extent. I am from the West. I never rely on advantages of this sort, however. I shall not be here when this power shall exist in the hands of the West; but if I were here, I would rely very little upon it. But I must express some little surprise that, when this question has slept so long and undisturbed, just at this moment, when power is about to pass into the hands of that weak but growing section of the country, it should now be brought up. I regret to see it here and elsewhere urged so strenuously. There is great reason to believe that it may do harm. We of the West did not make this issue. We have never made it. I take it that there is too much mag-

nanimity and liberality in the West ever to do so. We have not placed on the records of your Government anything to show that this is a sectional question. But, if you do restrain us—if you keep us down and cramp us—do to us as you may now—a day may come when a reaction will take place, add as in all cases of oppression and injustice, perhaps it may go far, very far beyond what any of us contemplate or desire at present. It may be therefore well doubted whether the Senator from Kentucky consults, in the best manner, the interests of any of the old States by, at this particular time, imposing, or attempting to impose, these restraints on the new States. I have done.

REMARKS OF MR. BRODHEAD.

Mr. BRODHEAD. It is not my purpose, Mr. President, to make what is called a regular speech. As the votes are about to be taken on this model and pioneer bill, I only design, briefly, to explain those I am about to give, and the substitute I am about to propose. The points and propositions which will control my action upon this and the many other similar bills granting alternate sections of the public lands, five miles on each side of the road, (and doubling the price of those retained,) for the purpose of aiding in the construction of railroads, I may discuss fully hereafter. I will do little more than state them now.

Much interest is felt not only in the new, but in the old States, in regard to the public lands. Now that the slavery question seems to be settled, agitation in regard to the public lands has commenced. A contest between the old and the new States, now threatened, should be avoided, and the questions settled upon just, equitable, and constitutional principles.

I cannot vote for these alternate-section railroad bills for several reasons, although I would like to do so very much to accommodate the amiable, talented, and accomplished representatives from Iowa, [Messrs. DODGE and JONES,] whose bill is now under consideration. I feel embarrassed, because my heart is on one side and my judgment and duty as a Senator on the other.

Five propositions are now before Congress upon the subject of the public lands. Debate has been had upon all, and bills submitted to carry some into effect:

1. To grant alternate sections to aid in the construction of railroads. About fifteen millions of acres per annum would thus be taken for years to come.

2. To divide them in kind among all the States—the old States taking as much as are given to the new ones, for purposes of internal improvement.

3. To give them to actual settlers. About four millions of acres per annum would thus be taken. Adopt this plan, and continue the issue of land warrants now authorized by law to the soldiers, and very little revenue will be received from the sales of the public lands, and the expenses of the land system will be thrown upon the Treasury.

4. To cede them to the States in which they lie.

5. To graduate and reduce the price.

These alternate-section bills do not commend themselves to my favorable consideration, because—

1. They connect this Government with a system of internal improvements which, in my opinion, involves a necessity for a latitudinous construction of the Constitution violative of its principles. They provide for an internal-improvement system in disguise. It is an oblique mode of legislation.

2. These bills, if passed, will derange an admirable land system, which has worked so well for many years past, and bring numerous applicants here for years to come. They are local and partial in their character, and will change the course of settlement from one part of a State to another. They do not provide *general* "rules and regulations."

3. They assert the principle that this Government can aid works of internal improvement in States where there are public lands, and cannot where there is none.

4. In point of fact, they provide for a *partial* distribution of the public lands injurious to the old States, and portions of the new ones, through which the roads do not pass. Besides, they facilitate the creation of rail monopolies; for as soon as the grants are made to States, as in the case of the Illinois grant, they are forthwith transferred to railroad companies.

5. The public lands have cost this Government, composed of all the States, large sums of money, and large sums have been received therefor. The records show that we have received nearly as much as we have paid out, provided that the Indian annuities, and Indian department, and Indian wars are not taken into consideration. The account is pretty nearly balanced, and there remain vast quantities unsold. It is estimated that we have about fourteen hundred millions acres, including the Indian territory, undisposed of. In view of the increasing strength of the western country, and of the fact that many of our lands have been a long time in market, and the States cannot tax them; and in view of many other considerations, and I think it is, proper to graduate and reduce the price thereof, not only to actual settlers, but generally.

6. Graduate and reduce the price of the public lands, and leave the construction of railroads, &c., as in the old States, to State and individual enterprise. This plan is simple: it furnishes cheap homes to poor settlers, promotes good feeling among the States, abates the tendency to centralization, prevents monopolies, and is free from constitutional objections. Our land system presents other questions besides those of money and finance.

These are some of the large objections which I have to these alternate-section bills. They are decided, radical, and constitutional, and such as in my judgment outweigh any considerations of public policy which may be urged in their behalf.

My objections, if good, are equally decisive against the amendment of the honorable Senator from Kentucky, [Mr. UNDERWOOD.] That provides for an equal grant to the old States for purposes of internal improvement. If a grant cannot be properly made to one of the land States for purposes of internal improvement, it follows that it cannot be made to the old States, to say nothing of the propriety or impropriety of one State holding lands in another. If a division is to be made, the most unobjectionable mode, in my opinion, is to divide the proceeds of the sale of the public lands among all the States. I do not say that I favor that policy; I only wish now to be understood as saying that I prefer it to the proposition submitted by the honorable Senator from Kentucky. The lands are now indebted to the customs. It will take fifty-five or sixty millions of acres yet to satisfy the land warrants recently authorized to be issued to soldiers. Large sums are yet due the different tribes of Indians under treaties. The expenses of the land department are very heavy. All things considered, I do not believe this Government will ever receive a dollar of net revenue from lands; and therefore, if distribution is made to the States, it must be from moneys collected at the custom-houses. If all the public lands should be ceded to the States in which they lie, and we have nothing but the proceeds of the sales in the Territories, the lands, I am quite certain, will bring us annually in debt. I want the revenue from the lands to pay for their purchase, the Indian annuities, and the cost of their administration. The Post Office Department is made to support itself—so should the land department.

There may be defects in our present land system, but I doubt whether human wisdom could devise one which would thus far have worked better. We must have a general system. Time and circumstances may demand a modification of the present one. We are here to make general laws for the public good, and the fewer they are in number the better. All government should have some settled policy. We cannot legislate in regard to particular localities. We cannot properly or wisely judge whether a railroad should run east, west, north, or south. Some of the old States might want a road to run one way—some another way. Some people in the new States want a road to run one way—some another. Hence questions are brought up not proper for adjudication in Congress. Why should we provide for a sale and settlement of the public lands in a particular part of a new State, and not in another? There is but one rational answer to this question. Every general law will operate injuriously in particular cases, and therefore complaints may seem to be justly made; but it should be remembered that it is much easier to point to defects than to devise remedies, to touch blemishes than to extract them, to demolish an edifice than to erect a convenient substitute.

If we should cede the public lands to the twelve States in which they lie, we would still be obliged to keep up the land and Indian departments for the Territories. A cession would not, therefore, much diminish the expenses; nor would it, in my opinion, much more benefit the new States than to graduate and reduce the price. If the new States were to take them, they would be obliged to incur the expense of their administration. Besides, one State would adopt one system, and another State another. The good of the country does not require at present so rash a disruption of the present system. These twelve land States now ask a cession to them of the public lands within their territorial limits. Some of the old States refuse, and demand that the proceeds of the sales thereof be divided among all. Men sometimes display great wisdom in making concessions at the proper time, where principle is not concerned. Charles I. had no wisdom of this sort, and lost his head; George III did not know when to yield a little, and lost his colonies. The manufacturers made a great mistake in not accepting McKay's tariff bill in 1844, for in 1846 one was passed far more objectionable to them. It seems to me that the Representatives of the old States ought now to agree to graduate and reduce the price of the public lands; and the Representatives of the new States ought to give up these numerous railroad projects, by means of which they expect to get most of the public lands, and break up the present land system.

The bill under consideration is called "A bill granting the right of way and making a grant of land to the State of Iowa in *aid of the construction of certain railroads in said State.*" To the grant of a right of way I have no objections. That would be a valuable grant in the old States. The real object of the bill is indicated in the title—to wit: "to aid in the construction of railroads." It will not do to call a plan to aid in the construction of railroads a measure to settle and improve the public lands. That is begging the question, and the assumption of the main point in dispute. That would be making the interest greater than the principal. Those who come here to get these bills passed in order to have them go into the hands of corporations, have no surplus love for the poor settlers. I wish to call things by their right names in legislation; that is the way to let the people know what we are doing. If it is right for us to build a railroad, or to aid in building one, let us do it at once, not by indirection. These bills not looking *directly* to, and having for their *primary* object a sale and settlement of the public lands, it follows, as a matter of course, that they involve the Federal Government in a system of internal improvement—opposition to which has now become a fundamental article in the creed of the Democratic party. We all know when a breach is once made in a constitution or a great principle, how easily and how speedily it is widened. Last year one bill of this sort passed, and now ten or fifteen are proposed, asking ten or fifteen millions of acres. Next year the number will be the same, if not greater.

Every intelligent man who has witnessed the working of the Federal Government must see the tendency to consolidation. The States seem to be fast becoming mere corporations, looking to the Federal Government for support. Congress is constantly besieged to overstep its legitimate powers. Annually hereafter grants of land will be asked, until all is exhausted in the States, and then applications will come from the Territories. Wherever there is power there seems to be a disposition to use and abuse it. All admit that a strict construction of the Constitution—a forbearance to exercise any power except where an express grant for it can be found in the Constitution—is necessary to the preservation and perpetuity of this government; and yet the restrictions and limitations of the Constitution seem to be of no avail when ambition prompts and interest leads the way. We have a government formed of external and internal sovereignties. The general and great purposes of the Union are to protect us against foreign invasion, to defend us against commotions and insurrections, and to regulate our intercourse

with foreign nations. All other matters, with few exceptions, in the machinery of our government are left to the States. If this doctrine of strict construction can be enforced, Congress will no longer be besieged by jobbers, contractors, and speculators, and people will cease to think that the world can be legislated into the millennium. If discord among the States, rebellion, and anarchy, shall ever destroy this fair land, it will be because this Government has assumed powers not granted by the Constitution. Look at the fearful ratio of increase of expenditure upon the part of this Government. But a few years ago the annual expenses amounted to about $30,000,000, now they are over $50,000,000. It seems almost impossible to resist those who come here to capture the public treasury or appropriate to themselves the public lands.

It is said, however, in answer to constitutional scruples, that it has been the practice of the Government to grant alternate sections to aid in the construction of canals and the improvement of rivers. Precedents are cited, and the aid of great names called in. Sir, I admit the precedents, but deny their force. Precedents? Why, they can be found in this Government for anything and everything. They rise up like Banquo's ghost. Our evil deeds live after us. We are not in *Westminster Hall*, however, where precedents are considered binding. Great names are brought forward. Mr. Calhoun's opinion has been cited. Upon what great question of constitutional construction have not our great statesmen been about equally divided?—and some of them have been found upon both sides of the same question. Take the questions of the bank, tariff, internal improvements, sub-treasury, slavery, &c., and I can show the opinions of statesmen equally eminent on both sides. I therefore think it my duty to read the Constitution for myself; and if I am in doubt, I go on the side which gives least power to the General Government, and most to the States. I confess that I prefer the opinions expressed by President Polk in his celebrated veto message on the river and harbor bill, to those of any other statesman upon the subject of internal improvements.

The Constitution gives Congress "power to 'dispose of and make all *needful* rules and regula-'tions respecting the territory and other property 'belonging to the United States." The bills we are called upon to pass do not purport to make any general "rules" (and all rules we make here should be general) respecting the public lands. Who will deny the correctness of this proposition? If we authorize railroads through the different land States, and change the price sometimes within five and sometimes within fifteen miles of the roads, every one must see that speculation, injustice, and endless confusion and litigation must be the result. If we grant lands to aid one railroad, we must make grants to aid all other projected roads. We make rules—in other words, we make laws—with a view to dispose of the public lands—not with a view to construct railroads and canals. Besides, what right have we to make rules which will promote the sale and settlement of the public lands in one section of a State and not in another? Who will say that this question is not properly put? Every man of experience, it seem sto me, must see the confusion, beneficial only to speculators, to which such a policy would lead. And again: everybody knows that nearly all the lands upon the line of these roads have been sold. Why, then, call it a bill granting alternate sections, when it is well known that they will be obliged to go off ten or fifteen miles from the line of the road to get the required quantity—to wit, five miles on each side of the road.

It has been said, and intimated again and again, that this Government and the old States have acted unjustly toward the new States. I cannot admit the fact. By compacts with the new States upon their admission into the Union, five per cent. of the net receipts of the sales of the public lands is set apart for the use of such States. Three per cent. is to be annually paid to the respective (new) States, and two per cent. to be used in constructing roads to and through them. In most instances, however, the whole five per cent. has been paid to the new States. Out of this three and two per cent. fund, over $4,000,000 have been paid to the new States. Nearly $6,000,000 more were expended in constructing the Cumberland road, to and through the public lands. The General Government paid the expenses of each State while a Territory, and gave each a kind of outfit. Besides, over twenty millions acres of the public lands have been given to the new States for common schools, universities, seats of government, salines, deaf and dumb asylums, &c.

And again: as an evidence that this Government has extended a kind and liberal hand to the people of the West and Southwest, look at their past, present, and prospective growth in all the elements of individual, social, and national wealth and prosperity. It is unexampled in the history of nations. Every stroke of the woodman's axe beyond the Mississippi seems to enlarge their dominion and augment their power. To no one does this prosperity afford more sincere pleasure than to myself. It is a great and glorious spectacle to see the human family thus going out, not lawlessly, but under the benign influences of our Government, to cultivate and subdue the earth, and peaceably to possess its broad patrimony. I would not deal grudgingly with such a people. For many reasons, which I might state, I believe they will do as much, if not more than any other portion of our people to preserve and perpetuate this Government. They must trade in the East, and hence the preservation of the Union is necessary for them. We ought to adopt a liberal policy towards those who lead the way in bringing into subjection the wild and unbroken lands of the wilderness. Hence I bring forward this measure to graduate and reduce the price of the public lands, (in lieu of these railroad projects,) which will operate beneficially to the hard-working pioneer, and cut up the schemes of speculators by the roots. It must be apparent to all that we must choose one measure or the other. I prefer the graduating one. It is the only one which, in my opinion, can pass the House. The more landholders we have, the greater the security for our present form of government. Besides, the rights and interests of the laboring classes should be looked to and cared for. If there is no place where they can obtain land cheap, the supply of labor in the old States will become greater than the demand, and then wages will be forced down as they are in Europe. The evils of a redundant population should be avoided, especially in a republic. I would like to see every laboring man have a *home* which he can call his own, and which he has purchased, however cheap. Men in this country, though poor, do not like to live upon the charity of their neighbors, or upon the bounty of their Government. I am willing that the western people should go on prospering and complaining. Prosperity in the West benefits the East. They can make larger purchases of manufactured articles, and, besides, they must bring their products over our railroads and canals. The interests of all are reciprocal. The great philosopher and statesman, (*Thomas Jefferson,*) who looked further behind and further before him than any other man of his day, made a remark which may well be applied to the western people and western States:

"So we have gone on," (are his words,) "and so we shall go on, puzzled and prospering beyond example, and shall continue to *growl*, to *multiply*, and to *prosper*, until we exhibit an association powerful, wise, and happy beyond what has yet been seen by man."

Those who ask the passage of these bills complain that public lands have been a long time in market, and have not been sold, and that it ought to be a part of the policy of the Government to adopt measures to promote sale and settlement. I admit that a large part of the public domain has been a long time in market; but the reason for it is apparent. The records show that the supply is greater than the demand. We survey and bring annually into market about 12,000,000 of acres, and the annual demand is about 3,000,000. If we pass all these railroad bills, we will only be able to sell about half that quantity because the States or railroad companies to whom these grants are made will supply the other half. It has always been a part of the wise policy of this Government, I admit, to promote the sale and settlement of the public lands. General Jackson, as far back as 1832, well said in his annual message of that year:

"It cannot be doubted that the speedy settlement of these lands constitute the true interest of the Republic. The wealth and strength of a country are its population; and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society and true friends of liberty. It seems to be our true policy that the public lands shall *cease* as soon as practicable to be a source of revenue."

Hence I now propose the graduating policy as better calculated to accomplish that purpose than these railroad schemes. Lands which have only been in market ten years sell for $1 25, the present present price of all; those which have been in market over ten, and not exceeding fifteen, sell for $1; those in market for fifteen, and not exceeding twenty, eighty cents; those in market twenty, and not exceeding twenty-five years, sell for sixty cents per acre; those in market for twenty-five, and not exceeding thirty years, sell for forty cents per acre; and those in market more than thirty sell for twenty cents. The bill I propose also makes provision for preëmptioners.

It is only on the ground that these railroad bills will promote sale and settlement, that their constitutionality is justified; and I therefore submit that, waiving the constitutional question, the measure which I advocate as a substitute would be much more efficient in promoting that object, as well as more just and equitable to all parts of the country. Its constitutionality is admitted by all, and it is the only measure which I think can pass the House of Representatives. I offer it as a compromise measure.

It is urged, as another reason in favor of these bills, that it would be unjust to permit the new States to construct railroads whereby the value of the public domain would be augmented, without making some adequate compensation. It is said that the United States is a great land proprietor, and should aid in improving the country and its own lands. Now, sir, there is a perfect answer to this argument. Does not every railroad and canal made, from the Atlantic border to the western waters, improve the price of the public lands? Therefore, if the new States are to be compensated, the old States should also be compensated, and the General Government would have little else to do than to adjust balances. Pennsylvania would come in for a large share, for she has incurred more debts in the construction of railroads and canals leading to the West than any other State in the Union.

It is further urged, as an argument in favor of these bills, that the Government, although it grants alternate sections five miles on each side of the roads, makes money by the operation, because it doubles the price of those retained, and thus promotes sale and settlement. Now, although this is true to some extent, it is not a better measure than the one I propose; besides, it is liable to the many objections which I have stated. But, if the construction of these railroads do thus enhance the value of the public domain, why do not those who desire to construct them enter and take up *all* the land through which they pass at the minimum price before they begin the work, and thus the increase in value will inure to their own advantage, and not to that of the Government. Those who wish lands can therefore sequester them for their own use.

But the practical operation of these grants, as exemplified in the case of the grant at the first session of the last Congress to Illinois, is this: the grant is made to the State, and forthwith a company is incorporated, and the grant transferred to the company, and thus a railroad company becomes the owner of vast bodies of land, mortgages the same, and thus constructs the road. I do not think the General Government ought thus to lend itself to create facilities for the multiplication of incorporated companies. On Saturday last, I observe by the papers, a complimentary dinner was given at one of the hotels in this city, by a committee of this Illinois railroad company to the Illinois delegation in Congress, in honor of their success. They came here, no doubt, to return thanks for the patronage of the Federal Government.

I have thus, Mr. President, briefly, though I fear imperfectly, stated my views upon the important subject now under consideration. I have studied language to ascertain with how few words I could state facts and arguments, and make myself understood; the Senate and my constituents will judge with what success upon this occasion.

THE UNION AND STATE-RIGHTS PARTIES.

SPEECH OF HON. J. A. WILCOX,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

March 9, 1852.

The House having resolved itself into Committee of the Whole on the state of the Union,

Mr. WILCOX said:

Mr. CHAIRMAN: I am free to admit the fact, that in arising to address the House upon the present occasion, that it is with unaffected diffidence. And permit me to remark, sir, that I would willingly forego the privilege, did I not consider it a duty devolved upon me by the extraordinary developments here and elsewhere since the commencement of the present session of Congress. With regard to the merits or demerits of the bill now pending, I have not a word to say; but shall avail myself of the latitude given in Committee of the Whole on the state of the Union to speak upon another subject. Within the last two years, a startling and significant page in the history of this Government has been unfolded, and its "giant characters," North and South, have arisen as forerunners of a state of things heretofore unprecedented, and which, if not arrested by the conservative spirit of the age, must inevitably result in an overthrow of the Government.

Men of America! the day has come and now is when a recurrence to first principles should not only be our object, but our aim, end, and purpose; not only an abstract reality, but a universal presence; when the principles of the great Father of his Country must have an exemplification in the action of the people. It is known that I appear here as a Union, Jackson Democrat, instead of a Secession, Disunion Democrat—as one who bows submission to the Constitution and laws of the United States. I regret, exceedingly regret, the necessity that compels me to allude to the compromise, and to the reasons of my acquiescence. I acquiesce, then, sir, first, because all the vexed questions growing out of the acquisition from Mexico were referred for adjustment to the gray-headed fathers of the Republic, some of whom had been identified with the Government for forty years—familiar with its wants and demands, its hopes and its fears; men who upon a thousand altars had offered up their morning and their evening sacrifice in behalf of their country's good; men who had not only illustrated the annals of their race upon the tented field, but in the halls of legislation at home, and in the courts and cabinets of kings, queens, and hierarchies of Europe; men who had drank at the fountain of civil and religious liberty, opened by the heroes and sages of the Republic far back in the volume of its history, and whose hearts through sunshine and storm, exaltation and depression, victory and defeat, had ever throbbed in unison with the grandeur and glory, the pride and power of the Republic. These were they who presented to the American people for their acquiescence the world-renowned compromise.

But, sir, I acquiesce, secondly, because in this plan of adjustment I see no infraction of the Constitution. On the contrary, the bill admitting California as a State, and the bills granting territorial governments to Utah and New Mexico were passed in obedience to a principle that lies at the base of the Democratic party, and which has been promulged by the action of every Southern Democratic Convention since the first crusade of the Abolitionists against the institution of slavery. I will not discuss these bills. It is not required of me by my constituents. This was done to their satisfaction during the campaign. But, sir, am I right in the statement made concerning the principles upon which these bills passed? Mr. Calhoun submitted a series of resolutions to the American Senate in 1847, among which, standing in bold relief as the exponent of a vital principle, may be found the following:

"*Resolved*, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness: and in conformity thereto, no other condition is imposed by the Federal Constitution in order to be admitted, except that its constitution shall be republican, and that the imposition of any other by Congress would not only be in violation of the Constitution, but in direct conflict with the principle on which our political system rests."

In obedience to this principle, California, like a Phenix from its ashes, arose into being and existence. And there she stands, like the colossal statue, whose immense size strikes the spectator afar off with wonder and astonishment. Was her constitution republican? It was. Then no other condition was imposed by the Federal Constitution. Acquiescence in her admission, then, was not only right, but the duty of every one disposed to be true to his Government and just to his country.

Now to the territorial bills of Utah and New Mexico. Did they reflect the great cardinal principle of non-intervention—a principle more sacred than any other to be found in the creed of the Democratic party, and upon the preservation and maintenance of which alone depends the perpetuity of the Union? They did. Were they in harmony with the doctrine of non-intervention? Let us see. President Polk, in his message of the 5th of December, 1848, says:

"In organizing governments over these Territories, no duty imposed on Congress requires that they should legislate upon the subject of slavery. Whether Congress shall legislate or not, the people of the acquired Territories, when assembled in convention, will possess the sole and exclusive power to determine whether slavery shall or shall not exist in their limits."

This, sir, is the language of a statesman and patriot, who, in his official relations with the Government, knew no North, no South, no East, no West; and who, throughout his momentous administration, retained the confidence of his friends, and challenged the admiration and respect of his enemies. Again, sir, the Democratic Convention of Virginia, held on the 29th of February, 1848, declared:

"That there was no power in Congress, or anywhere else, save only in the people of a Territory in the adoption of a State constitution preparatory to admission into the Union, to prevent the migration of any citizen of any State with his property, whether it be slaves or anything else, to any domain which may be acquired by the common blood and treasure of the people of all the States."

This is good doctrine, and I indorsed it upon every stump in my district. Again, in a State Convention of the Democratic party of Georgia, held in 1848, it was—

"*Resolved*, That the people of the South do not ask of Congress to establish the institution in any of the territory that may be acquired by the United States. They simply require that the inhabitants of each Territory shall be left free to determine for themselves whether the institution of slavery shall or shall not form a part of their social system."

Here, again, is the doctrine of non-intervention announced by the Democratic party of old Georgia; justly denominated the "New England of the South," in compliment to her progress in railroad enterprise and manufacturing industry, being as much distinguished for her practical hard sense as one of her chivalric sisters is for her love of political abstractions. God bless her! One of the old thirteen, ever loyal and true to the Union and the Constitution.

Upon the principles indicated in Mr. Polk's message, and upon these resolutions, so far as the doctrine of non-intervention is concerned, I conducted the canvass in my State, and was overwhelmingly sustained in nine out of the twelve counties composing the district I have the honor to represent. I will say nothing of the fugitive slave bill and the bill abolishing the slave trade in the District of Columbia.

I now desire, Mr. Chairman, in self-defense, and in vindication of the principles of the patriotic spirits who have honored me with their confidence, to give a brief history of the parties as they stood in the State of Mississippi, that this House may pass upon my claims and pretensions to Democracy. Much has been said in and out of Congress, during the present session, as to *old line* Democrats. And pray tell me, sir, who are they? From whence did they come? From whom do they trace their genealogy? I will proceed, sir, fearlessly and boldly to give a sketch of their acts and doings South. The first clarion note that was sounded was from the headquarters of the Captain General. It spread far and wide, and was echoed and reëchoed by the *Liners* in my State until the arched skies themselves were made to reverberate the sound. It was thought by them that it would be canonized, and that the "historic muse, proud 'of the rich treasure, would march with it down 'to latest times, and give bond in stone and ever-'during brass to guard and immortalize the trust." It was sounded near the place consecrated to the manes of him who was "lord of the Lion heart and eagle eye." Freemen and representatives of the people, will you hear it?

"I have said they have made the appropriation of this territory an instrument to abolish the Constitution. There is no doubt they have abolished the Constitution. The carcass may remain, but the spirit has left it. It is now a fetid mass, creating disease and death. It stinks in our nostrils."

This, sir, is from the speech of Langdon Cheves, delivered before the Nashville Convention, cart loads of which were scattered broadcast over my State, and for a time became the text-book of the disunionists. The next bugle blast we hear is from a source equally distinguished—from one who has done the State some service, and for which he has my gratitude. It was a letter from John C. Calhoun to one Colonel Torply, of Mississippi, and is as follows:

FORT HILL, *July* 9, 1849.

DEAR SIR: I am greatly obliged to you for a copy of the proceedings of your meeting. I have read it with a great deal of pleasure. You ask me for my opinion as to the course which should be adopted by the State Convention in October next. I have delayed answering your letter until this time, that I might more fully notice the developments at the North before I gave it. They are more and more adverse to us every day. There has not been a single occurrence since the rising of Congress which does not indicate on the part of the North a fixed determination to push the abolition question to the last extreme. In my opinion, there is but one thing that holds out the promise of saving both ourselves and the Union, and that is, a Southern Convention; and that, if much longer delayed, cannot. It ought to have been held this fall, and ought not to be delayed beyond another year. All our movements ought to look to that result. For that purpose every Southern State ought to be organized with a central committee, and one to each county. Ours is already. It is indispensable to produce concert and prompt action. In the meantime, firm and resolute resolutions ought to be adopted by yours and such meetings as may take place before the assembling of the Legislature in the fall. They, when they meet, ought to take up the subject in the most solemn and impressive manner. The great object of a Southern Convention should be to put forth, in a solemn manner, the causes of our grievances in an address to the other States, and to admonish them in a solemn manner as to the consequences that must follow, if they should not be redressed, and to take measures preparatory to it, in case they should not be. The call should be addressed to all those who are desirous to save the Union and our institutions, and who, in the alternative (should it be forced on us) of submission or dissolution would prefer the latter. No State could better take the lead in this great conservative movement than yours. It is destined to be the greatest of sufferers, if the abolitionists should succeed; and I am not certain but by the time your convention meets, or at furthest your Legislature, that the time will have come to make the call. With great respect, I am, &c. JOHN C. CALHOUN.

You will discover, sir, that Mississippi was being indoctrinated with the principles of the South Carolina school of politicians. You will further perceive that Mr. Calhoun looked alone to State action. He dictated the time of holding the convention in Mississippi, and suggested that the action of the October convention should be followed by the action of the Legislature. Throughout, he looks to State action, State organization, and State coöperation with other States. Now, sir, by reference to the proceedings in Mississippi, with the suggestions of Mr. Calhoun, it will be seen that his recommendations were implicitly obeyed and followed.

The convention was held in October, as he advised. Mississippi took the lead. A central committee was organized, and an effort made to appoint them in the counties. Firm and resolute resolutions were adopted by the October convention. The Legislature took up the subject in the most solemn and impressive manner. It reserved in the treasury the sum of $220,000, to enable the Nashville Convention to take the necessary steps spoken of by Mr. Calhoun.

But, further, to show how fully they were subjugated to the power of the old *liners* in South Carolina, and how faithfully the convention followed the counsels of Mr. Calhoun, I beg leave to refer you to an extract from the address sent forth by the convention on that occasion, and which flooded every nook and corner of the State:

"Besides and beyond a popular convention of the Southern States with the view and the hope of arresting the cause of aggression, and if not practicable, then to concentrate the South in will, understanding, and action, the convention of Mississippi suggested, as the possible ultimate resort, the call by the Legislature of the assailed States, or still some more solemn conventions—such as should be regularly elected by the people of those States—to deliber-

ate, speak, and act with all the sovereign power of the people. Should, in the result, such conventions be called and meet, they may lead to a like regularly-constituted convention of all the assailed States, to provide in the last resort for their separate welfare by the formation of a compact and an union that will afford protection to their liberties and their rights."

Compare this, if you please, with Mr. Calhoun's letter, and see the exact correspondence:

"In the meantime, (says Mr. C.,) firm and resolute resolutions ought to be adopted by yours and such meetings as may take place before the assembling of the Legislature in the fall. They, when they meet, ought to take up the subject in the most solemn and impressive manner."

Again:

"The call should be addressed to all those who are desirous of saving the Union, and who, in the alternative of submission or a dissolution, would prefer the latter."

But, sir, anterior to this time what was the state of feeling in South Carolina—the State that had assumed the guardianship of Mississippi? What was the tone and temper of her press? I make the inquiry because it is important, and a matter of sheer justice to the old *line Democrats* in my State and elsewhere, and because they now deny, there, here, and elsewhere, that there was any party in the South in favor of a dissolution of the Union on account of the compromise. I make the following extract from the Fairfield (S. C.) Herald:

"We are in favor of a dissolution of the Union. Who, oh! who, shall deliver us from the contaminating influences of the putrid, loathsome masses of the North."

From the Newbury (S. C.) Sentinel, the following is extracted:

"Indemnity for past grievances, entire exemption from all fanatical interference with our domestic institutions, and complete security of the constitutional rights and equality of the South, for all time to come, are the objects to be attained by the delegates to the Southern Convention; and they will most certainly accomplish these purposes—peaceably if they can—forcibly if they must."

Says the South Carolina Spartan:

"We hold it to be the sacred duty of the South, enjoined by every sentiment of patriotism, honor, and interest, to demand and enforce a dissolution of the Union."

Now, Mr. Chairman, for fear of doing injustice to another old line press, permit me to make a short extract from the Wilmington (N. C.) Aurora, a press that sustained the honorable gentleman [Mr. VENABLE] from that State, who, unprovoked, made so terrible an onslaught on Major Donelson a few days ago in this House, and whose "shoe latchet"—on the score of Democracy—"he is unworthy to loose:"

"What will the Southern Convention do? We hope to have no more barren addresses. If that is all the delegates intend, they had better stay at home. If they will methodize a plan to dissolve the Union, we will hail them. What's the remedy? It is a Southern Confederacy, with a capital at Ashville, or somewhere else on the mountains, where the lines of Georgia, South and North Carolina meet."

I will not charge the honorable gentleman from North Carolina as aspiring to the Presidency of that Southern Confederacy. But I do charge that this is the key that unlocks the secret of the opposition to Major Donelson of the Washington Union, for he warred to the knife against the establishment of that Confederacy; and whose press, as the exponent of the principles and views of the Jackson Democracy, did more to save the Union than any other in the Republic. One more gun from an *old liner* in Georgia, and I shall return to my own State:

"My idea is first to perfect the union of the South, now so happily in progress. Secondly, to dissolve the Union immediately, form a Southern Confederacy, and take possession, by force of arms, of all the territories suitable for slavery. Let this territory, then, be settled up by slaveholders; let the Southern States give a tract of land and one slave to every poor family who will settle there."

What an immortality of infamy awaits that individual and the honorable gentleman from Ohio, [Mr. GIDDINGS.] Here you will discover an effort was made to alienate the affections of the poor but patriotic yeomanry of the country; in other words, to bribe them into their treasonable designs against the Government. But, sir, as we say in the South, they "could not quite come it." They were descendants of patriot sires, and could not be betrayed into a crusade against the Government of their fathers. There are no Benedict Arnolds to be found among the hardy sons of toil. They are the salt of the land. They constitute the rank and file of our army, and are ready at the tap of the drum to avenge even a thought or a whisper that threatens our flag with insult. They cling with Spartan devotion to the glorious tradition of their ancestral renown; they respect the graves of the illustrious dead.

But I promised to return to my own State, the home of my adoption, in whose bosom lies imbedded all that was ever dear to me on earth. Bold, fearless, and patriotic in her counsels of State, and intrepid upon the field of battle. And should the time ever come, which God forbid, that her rights should be outraged, and she, from oppression, forced to dissolve the political bonds that unite her with the grand sisterhood of States, I shall nail my colors to her mast, and if she goes down it shall be my pride and pleasure to sink with her.

Now, sir, strange as it may appear, notwithstanding the position Mississippi had formerly taken upon the subject of slavery—and notwithstanding the principles of the doctrine of non-intervention were embraced in the California, and the bills giving territorial governments to Utah and New Mexico—and the failure of Congress to adopt the Wilmot proviso—yet the then Governor, without consulting the people or having any demonstration from them whatever, as to its propriety or expediency, convened the Legislature in extraordinary session, and submitted for their consideration a message denunciatory of the Government, revolutionary in its character, and despotic in sentiment.

In speaking of the institution of slavery, he makes the inquiry:

"What is to be the fate of this institution? If left to the tender mercies of the Federal Government its fate is doomed. With the prejudice of the age against it it requires for its kind development a fostering government over it. It could scarcely subsist without such protection. How then can it exist, much less flourish, under a government hostile to it. A government organized upon the principles of hostility and opposition to the institution. Is it proper? Is it philosophic? Is it not absurd to intrust the prosperity, the protection, and even the existence of a great and delicate interest to a political power having its origin in and drawing its vigor from the very element of hostility to this interest?"

Here you will discover disunion boldly avowed, and the demand made for a Southern Confederacy. You are informed that the institution of slavery requires for its kind development a fostering government over it. How significant and how pertinent to the inquiry of, "What's the remedy?" "It is a Southern Confederacy with a capital at Ashville."

But the Governor seems to distrust that he has made himself sufficiently clear and explicit. And proceeds:

"To state the proposition clearly. The Government of the United States is now hostile to slavery. To save it, to preserve it from its destruction, or at least from a sickly, lingering, distempered, and precarious existence, it must be protected by guarantees more available than the present Constitution furnishes, or it must be wrested from the control of a power which is hostile to it, and seeks its destruction. It must, like every other great interest, be placed in charge of its friends."

"But again, the union of these States has been so grossly perverted from its original purposes as to render its further continuance incompatible with the honor, the prosperity, and safety of the slaveholding States, unless some correction of past grievances, and some additional and more effectual guarantees for our future protection, be obtained from our associates in the Confederacy."

"Let the propositions be distinctly made to the people of the non-slaveholding States to remedy the wrong, so far as it may be in the power of Congress to do so, by obtaining from California concessions south of 36° 30′ or otherwise; and to consent to such amendments of the Federal Constitution as shall hereafter amply secure the rights of the slaveholding States from misconstruction and from further aggression. But in the event of refusal, I do not hesitate to express my decided opinion, that the only effectual remedy to evils which must continue to grow from year to year is to be found in the prompt and peaceable secession of the aggrieved States."

"The probability of the ultimate necessity of a resort to this effective and unquestionable right of sovereign States should be kept in view, whatever measures may be adopted by this State, either alone or in concert with her sister States, to remedy existing evils."

Further: he recommends—

"That a common center of public opinion be authoritatively established; that a committee of safety be appointed, whose duty it should be periodically to assemble at some central point for the transaction of business; that they should be invested with adequate powers, absolute or contingent, to act for their respective States upon all questions connected with the preservation and protection of their domestic institutions and their equal rights as sovereign States."

A bold and fearless stroke of policy that; and in unison with the reign of terror in France, when France got "drunk to vomit blood." A committee of safety, clothed with absolute power, with some modern Robespierre at its head; a power unknown to the Constitution, and which resists all classification and analogy, save the acts and menaces which history has selected as the foulest blots of the Greek democracies—of the Roman republic, in the worst days of its civic furies—of the sanguinary Italian States—nay, of France itself, in the successive tyrannies of Louis XIV—of the Convention and of the Empire. But, further, by way of sustaining this committee of safety, a special message was sent in during the extraordinary session of the Legislature recommending the establishment of a standing army in the State. Had this committee been established, and the army raised, the days of the Republic would have been numbered; and Union men in Mississippi would have been seen only like cold and scattered stars through the gloom of a northern heaven. A sworded dictator is no new fact in history. The ruthless leveler of Corsica had his day of triumph. Cromwell, too, immortal rebel, hewed the throne down to a block. What, sir, do we now behold in France? "Military terrorism established 'throughout the country; France torn from the 'alliance of free nations, to be yoked to the des-'potic monarchies of the continent." There has been a wholesale incarceration of two hundred national representatives, snatched from the midst of Europe's politest capital, without the shadow of crime alleged. The press has been subsidized. And human life is as little respected as human liberty. It combines the apposite attributes of all the more famous seditions; and as far as mere violence goes, it emulates not unsuccessfully even the "bloody proscription of Marius and Scylla."

But, Mr. Chairman, this message and its recommendation of the appointment of a safety committee and standing army, came from an old line Democrat, who, in the election of 1824, between General Jackson and John Quincy Adams, and in 1828 with the strong Federal measures of Mr. Adams's administration before him, was the decided supporter of Mr. Adams, and in favor of his reëlection. Yes, sir, he was at all times opposed to General Jackson, from 1824 to 1836, and all the leading measures of his administration; was an open, avowed, and decided nullifier—the leader of the nullification party in Mississippi, and the author of their associations, conventions, and addresses; and whilst a member of the Legislature voted for George Poindexter for the United States Senate, who was a nullifier, and the violent personal and political enemy of General Jackson. This, sir, is the man whom the old liners in my State chose as their standard-bearer, and whose opinions and sentiments they indorsed: but upon whose opinions and sentiments the people placed the thumb of censure and the seal of disapprobation.

Again, sir, during the session of the Legislature, a bill was introduced providing for the call of a convention, to take into consideration the relation which the State of Mississippi sustained to the Federal Government, and "to obtain indemnity for the past and certain security for the future." While the bill was pending an amendment was introduced, to the effect, that in the election for members to said convention, the question, "Are you for or against the assembling of a convention?" should be propounded, by the returning officer holding the election, to each voter, and if it should be ascertained, that a majority were opposed to the convention, it should not assemble. This proposition was voted down. Another amendment was offered; that for the purpose of affording the convention a fair test of the will of the voters of this State upon the recent laws of Congress, commonly called the adjustment or compromise, that at the election of delegates to said convention, the question should be propounded to each voter, "Are you in favor of acquiescing in the adjustment bills passed by the Congress of the United States?" This proposition was voted down.

Here you will discover, sir, that the Old Liners were afraid to trust the people. Why, sir, my Democracy teaches me that the people are capable of self-government; that they are in fact the sovereignty, the State, and the impersonation of the law itself; yet, sir, a tyrannical and despotic majority voted down the proposition to submit these questions to the people. Why, sir? Because the decree had gone forth in favor of a Southern Confederacy. They had been told that the Union of

the States had been so grossly perverted as to require its dissolution; that the Constitution was a fetid mass of corruption, causing disease and death; and that it stunk in their nostrils. They had been told to separate themselves from the putrid, loathsome masses of the North. Once more they voted down an amendment requiring the members, before taking their seats in the convention, to take an oath to support the Constitution of the United States.

But, sir, this is not all. Whilst this extraordinary body was in session, a committee was appointed of *Old Liners* to issue an address to the people of the State, in which the following language is holden:

"If the North refuse to accede to the demands of 36° 30' through California, and amendments to the Constitution, Mississippi must look to herself for the protection of her rights and institutions out of the Union."

I also make a short extract from the Mississippian, the leading State paper, and especial organ of the Disunionists:

"We place secession upon the clearly-ascertained and well-defined opinions of our people, that the Constitution has been violated, and that there is no remedy for the violation of the Constitution in the Union. Here is our platform."

Again: we find the following in the Home Journal, of Governor Quitman:

"Slavery and the Union cannot long exist together. We recommend State secession. It is a constitutional, peaceful, and safe remedy. We will vote for secession. Let a majority vote with us, and then we will see who will fight."

A distinguished *old line* Democrat offered the following resolution in a town meeting of the empire county of the State, which was adopted:

"*Resolved*, That if we have to choose between submission to said measures and secession from the Union, we prefer the latter."

And in one of the most powerful efforts of his life, in the city of Natchez, Governor Quitman said:

"There is no applying a plaster to a diseased limb. It must be reset, entirely cured, made whole as it was before, or it must be lopped off. We must have such amendments to the Constitution as will guaranty our rights there, and the equality of the South in the Union; or, if our request for such division and guarantees be not granted, we are for a change in our system of Government, and the formation of a Southern Confederacy."

In June following, a State convention was called, and was styled the Democratic State-Rights Convention. Governor Quitman was chosen its standard-bearer for the chief executive magistracy. District conventions were called, and Democratic State-Rights candidates were nominated for Congress. They entered the field with secession and a Southern Confederacy emblazoned on their banners. My worthy competitor abandoned the Democratic doctrine of free trade, and was in favor of excluding all goods manufactured North of Mason and Dixon's line by legislative enactment, and also of placing the State in a state of military defense—the establishment of arsenals and armories. They denounced the national Democracy, as indeed they did the whole North and the Washington Union, and declared that they would not go into the Baltimore Convention. In the meantime I was placed in nomination for Congress as a Union Democrat. I took the ground of acquiescence in the compromise, and opposed the doctrine of secession. But, sir, it was a dark, a stormy, and tempestuous time. The fugitive slave bill had been resisted in the North by a lawless mob in Boston. It was rung upon me upon every stump by the disunionists, as evidence of the uncompromising hostility of the whole North to our institutions. But, sir, it was not long before the clouds that enveloped me were dispelled. The old Key Stone of the arch was heard to speak in tones of thunder, through her convention, "that the Democratic party of Pennsylvania are true to the Union, the Constitution, and the laws, and will faithfully observe and execute, so far as in them lie, all the measures of compromise adopted by the late Congress for the purpose of settling the question arising out of domestic slavery, and this not only from a sense of duty, as good citizens of the Republic, but also from the kind and fraternal feelings which they cherish towards their brethren of the slaveholding States." Nay, more than this: from the lofty hills and valleys of Maine; from the granite fastnesses and sylvan villages of New Hampshire; from the Green Mountains and meandering streams of Vermont; from the sea-beat shore and fertile glebe of Rhode Island, and from the shady banks of the Connecticut, one swelling chorus of the Democracy was heard in favor of acquiescence in the compromise, and the faithful execution of the fugitive slave law. I looked to Tennessee—old chivalric Tennessee—the land of Jackson, Polk, Grundy, and White, and found her patriotic sons unanimous in favor of acquiescence in the compromise. I looked to Kentucky, the land of Clay and of Johnson, and found no secessionists or disunionists there. Twin sisters, whose sons have shed their blood on every battlefield since the Revolution, and who furnished ten thousand men for the war with Mexico. There were no *old liners* there seeking to build upon mercenary ambition, the fabric of political despotism.

But, Mr, Chairman, who are those old liners that claim to be the genuine Democracy? Let us go back a few short years in the history of the Government, and trace their career. In 1828, South Carolina sustained the election of General Jackson with great unanimity. All of her great statesmen devoted themselves to his cause, in opposition to Mr. Adams. In '32, those very statesmen were the leaders of the Nullification party in South Carolina, and the most bitter and violent opponents of General Jackson's reëlection, although they had formed a conspicuous portion of the great republican party that overthrew the administration of Mr. Adams. When they avowed the doctrines of nullification and secession, the great National Democratic party denounced their doctrines, and ceased all intercourse with them; and they were like the fish whom the swell of the ocean had tempted to revel in the high grass of the marsh—left by the returning ebb gasping for their native element, and struggling for life. For years they were isolated, and did not attach themselves to either of the great parties of the country. In South Carolina, where they held the majority (as they now do) in 1832 and '36, they voted for separate and independent candidates for President and Vice President. In other States, where then, as now, they were in a minority, they generally acted with the Whig party, until following the lead of South Carolina, they came into the support of Mr. Van Buren's administration. At this eventful period in the history of the country, a great majority of the secessionists were Democrats. But General Jackson, the great leader of the Democratic party—the whole national Democracy—waged a war of extermination against them, because their doctrines, if successful, would have been destructive to the Union. In this contest between the secessionist Democrats, headed by Calhoun, and the national Democrats, led by Jackson, the national Whig party acted in concert with the national Democratic party as they do now, on the ground that the success of the doctrine of secession was destructive to the Government. The great leader of the Union party in the Senate of the United States in sustaining Jackson's proclamation, was Daniel Webster; and his great opponent was John C. Calhoun, then the leader of the secessionists, as he was until his death. The great leaders of the nullification movement of '32 were bold and brave men. They seceded from the national Democratic party, fought that party, and were conquered. And what followed? They stood aloof from the party, in armed neutrality, in the only State where they had a majority; and in States where they were in the minority, generally acted with the Whig party in opposition to the Democrats. They did not after their defeat attempt to sneak back into the Democratic party under the style of *old line* Democrats, as the secessionists of the present day are attempting to do. If they had had the disposition, they knew better than to make the attempt, when that stern old patriot, General Jackson, was the great leader of the national Democrats. They would have been driven off with scorn and contempt, and forced into the position they originally took—of acting with the Whig party. They had been sloughed off from the Democratic party for attempting to incorporate a foul heresy into its creed—the heresy of secession and nullification; and until they had exhibited proper repentance for the errors they had committed, they were permitted to have no fellowship or communion with us. This policy showed the wisdom of a great statesman, as General Jackson was. It caused the Democratic party to rise triumphantly over all opposition, and its triumphs never ceased until the secessionists joined that party in 1840. Let the national Democratic party now, as then, adhere firmly to the national Democratic creed. Let them denounce secession as a heresy dangerous to be incorporated into their creed. Put the secession leaders, as leaders, in "Coventry." If they enter into the next great national campaign, let them come in as privates, and work their way up to the high positions which they have forfeited, by showing proper repentance for the heresies they have entertained. But, sir, pray tell me where and in what provision of the Constitution is this peaceable, this constitutional right of secession found? I desire light upon the subject.

When the Convention met that framed the Constitution, and was organized, one of the first resolutions that passed the Convention declared that "*a national* government ought to be established, consisting of a supreme legislature, judicial and executive." This designation of powers was substantially carried out in the Constitution. Luther Martin, a delegate from Maryland, was inimical to all the provisions of the new government, which had a "national rather than a federative character." And while the third section of the third article, which defines treason, was under discussion, he offered the following amendment, which he urged with great power and warmth of feeling:

"*Provided*, That no act or acts done by one or more of the States, against the United States, shall be deemed treason, or punished as such; but in case of war being levied by one or more States against the United States, the conduct of each party towards the other, and their adherents respectively, shall be regulated by the laws of war and of nations."

Here was the first development of this accursed heresy—the doctrine of secession—unmistakably presented to the consideration of the Convention. But, thanks to the superior and supernatural intelligence that concerned itself with that body, it met with a cold reception, and was overwhelmingly rejected; on which account its author refused to "sign the Constitution, reported his objections to the Legislature of Maryland, and resisted its ratification when it came before the people." In 1786, General Washington, in reply to Mr. Jay, observed:

"I do not conceive we can long exist as a nation without having lodged, somewhere, a *power which will pervade the whole Union in as energetic a manner as the authority of the State governments extends over the several States.*"

Could anything more clearly "foreshadow" the coming Constitution?

Again he says:

"*Influence is not government.* Let us have a government by which our lives, liberties, and property will be secured, or let us know the worst at once. If they have real grievances, redress them, if possible, or acknowledge your inability to do it at the moment. *If they have not*, employ the force of the Government against them at once."

These remarks were elicited on account of the defects in the old Articles of Confederation, and in consequence of the insurrections in Massachusetts and New Hampshire.

Mr. Jefferson, in alluding to the old Confederation, in 1787, is as equally clear and positive:

"It has been so often said," says he, "as to be generally believed, that Congress have no power, by the Confederation, to *enforce anything*; for example, contributions of money. *It was not necessary to give them that power expressly; they have it by the law of nature. When two parties make a compact, there results to each a power of compelling the other to execute it.*"

Up to this point, in pursuit of the inquiry, we see nothing that authorizes the belief that such a right ever existed. Where, then, is it to be found? I desire light upon the subject. Is it to be found in the construction which the Fathers of the Republic have given to the Constitution? Or has it been incorporated into the messages of the Presidents, and in their last wills and testaments? I think not. In the Farewell Address of the Father of his Country, with a single dash of the pen, he puts to flight this fatal heresy. Hear him, ye sons of freedom, as he speaks with mute and awful eloquence from the tomb:

"The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in

your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously, directed—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

How prophetic! He knew that the Federal Constitution had its enemies in the convention that adopted it; and that, in the course of time, discomfited ambition would use many artifices to weaken, in the minds of the people, the powers of the Constitution and the unity of the Government.

Now, sir, travel with me down to December, 1808, to the city of Richmond, the capital of Virginia, and you will find, in the Richmond Enquirer, the old Democratic doctrine shadowed forth from high Democratic authority:

"On Thursday last the electors of Virginia dined together at the Swann Tavern, in this city. The Madison Corresponding Committee, and the Governor of Virginia, were their guests. These gentlemen, coming from different parts of the State and bringing with them the sentiments of the people, assembled in harmony and unity to interchange the emotions of friendship at this interesting crisis of our public affairs. Spencer Roane, Esq., one of the Judges of the Court of Appeals and chairman of the Electoral College, presided. Robert Taylor, Esq., of Orange, Speaker of the Senate, acted as Vice President. After an elegant dinner the cloth was removed, and the following toast was drank:

"'The Union of States: The majority must govern; it is treason to secede.'"

That such were the opinions and sentiments of the Old Dominion at that time, is confirmed by the letter of Mr. Madison, in answer to Mr. Hamilton, in which he uses this clear, close, and cogent reasoning:

"My opinion is, that a reservation of a right to withdraw if amendments be not decided on under the form of the Constitution within a certain time, is a conditional ratification; that it does not make New York a member of the new Union, and consequently that she could not be received on that plan. Compacts must be reciprocal: this principle would not, in such a case, be preserved. The Constitution requires an adoption *in toto*, and forever. It has been so adopted by the other States. In short, any condition whatever must vitiate the ratification. The idea of reserving a right to withdraw was started at Richmond, and considered as a conditional ratification, which was itself abandoned as worse than a rejection."

Is there an abstractionist in this House, after this exposition, that will have the hardihood to envelop in clouds and darkness the position of Mr. Madison? There could be no such thing as a conditional ratification. There could be no such right reserved. It was desired by the enemies of the Constitution to obtain an express reservation of a right to withdraw or secede from the Union, if their amendments were not granted. In the name of reason and common sense, why was it necessary to make such a reservation if secession was an inherent right, a right never surrendered, as the secessionists now contend. But, Mr. Chairman, the Constitution was ratified and confirmed without the condition. The reservation of the right to withdraw or secede was abandoned; which was, *ipso facto*, an abandonment of the claim of right to withdraw from the Union; for if that right existed independently of the Constitution, why propose the condition to secure or reserve it? I challenge a refutation of this argument. If this heresy is to be ingrafted upon the Democratic party as one of its articles of faith, I desire its existence and its constitutionality to be proved; for the Democratic party is a Constitutional Union party. But, Mr. Chairman, let us, with becoming respect and solemnity, follow Mr. Madison down to the close of his eventful life, and hear his dying words to his country:

"As this advice, if it ever see the light, will not do so till I am no more, it may be considered as issuing from the tomb, where truth alone can be respected and the happiness of mankind consulted. It will be entitled, therefore, to whatever weight can be derived from good intentions, and from the experience of one who has served his country in various stations through a period of forty years; who espoused in his youth and adhered through his life to the cause of liberty; and who has borne a part in most of the great transactions which will constitute epochs of its destiny. The advice nearest my heart and deepest in my convictions is, that the Union of the States be cherished and perpetuated. Let the open enemy to it be regarded as a Pandora with her box opened, and the disguised one as the Serpent, creeping with his deadly wiles into Paradise."

Had the immortal Father of the Constitution been alive to witness the constant changes of positions and platforms of the secession party of Mississippi, from the time they first undertook to obey the instructions of the great Carolinian until being routed, and discomfited, they attempted to smuggle themselves and their Trojan horse of secession into the Democratic party, his allusion to the "serpent creeping into Paradise with his deadly wiles," could not have been more applicable or more filicitous. I might enumerate authority upon authority, but will content myself by submitting a short extract from the old hero of the Hermitage:

"The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, cannot be acknowledged. Such authority is believed to be utterly repugnant, both to the principles upon which the General Government is constituted, and to the objects which it was expressly formed to attain."

Here, sir, is the opinion of one (in the language of the Irish orator) whose fame is eternity, and whose residence creation. The man of a century, who stood at the helm of State during the perilous days of nullification, and who rebuked and crushed the hydra-headed monster that threatened to ingulf the nation in a sea of blood. And, sir, he carried these views with him to his death. By reference to his last will and testament, you will discover that in bequeathing his swords to Major Donelson, General Armstrong, and General Cass, his dying instructions to them were, that they should *always* wield them in defense of our glorious Union and Constitution, whether against foreign foes or domestic traitors. Yes, sir, secession was a doctrine unknown to his political faith. He was in favor of maintaining our rights in the Union under the Constitution. Yes, sir, he was in favor of putting down rebellion, North or South, under the banner of our country—that same old star-lit banner, borne by Washington from conquering to conquer during the perilous conflict of the Revolution—the banner that put down the whisky rebellion in Pennsylvania—that arrested the treasonable designs of Aaron Burr against the Government in his efforts to form a Southern republic—that checked in the bud the machinations of the Hartford Convention—that triumphed over his own head at New Orleans in our second, signal demonstration against the embattled hosts of Great Britain—aye, sir, the same flag that waved from the dome of the city of the Aztecs, while from beneath its ample folds an empire was conquered.

These, sir, are the views and opinions of General Jackson; and they are mine also; and those of the people of Mississippi. Why, sir, in 1834, during the days of nullification, when the Union was threatened, the Democracy of the State held primary meetings in every county of the State, and denounced nullification and secession; and finally on the 9th day of June, 1834, the Democratic party met in general convention at the city of Jackson, over which General Thomas Hinds presided, and passed unanimously this resolution:

"*Resolved*, That a constitutional right of secession from the Union on the part of a single State, as asserted by the nullifying leaders in South Carolina, is utterly unsanctioned by the Constitution, which was framed to establish and not to destroy the Union."

And shortly after, the Legislature met, and—

"*Resolved*, That we will, with heart and hand, sustain the President of the United States in the full exercise of his legitimate powers to restore peace and harmony to our distracted country, and to maintain, unsullied and unimpaired, the honor, the independence, and integrity of the Union."

With these principles, Mississippi triumphed in 1834, and with them she triumphed in 1851.

And let these principles continue as they have been to be the principles of the Government, and we shall yet realize scenes surpassing fable. Look around you for a moment, and behold what grand strides this Union has made within the last fifty years. Behold her internal improvements, her commerce, her agriculture, and her manufactures. Hear the shouts and acclamations of twenty-three millions of freemen, as they behold the great king of day coming up from his watery couch in the Atlantic to bathe his mighty axle in the Pacific. Hear them, in the consciousness of their pride and power, exclaim:

"No pent up Utica contracts our powers,
The whole, boundless continent is ours."

In conclusion, let me say to you, my brethren of the North: If the time ever comes when the starry flag that waves in triumph over this land is to be torn asunder—when that record bright upon which is inscribed the fifty-six signers of the Declaration of Independence is to be divided—the sin will lie at your door. Cease, then—oh! cease your fanatical interference with the institutions of the South. We owe you no harm. We are your brethren. We have "lived and loved together." Recollect that the crimson tide that flowed at Lexington, uniting in one vast brotherhood the extremes of the Union, was shed for us—was shed for you—was shed for all. From this hour let us forgive and forget. Let us begin anew the career of life, and avoid in future the rocks and breakers upon which we came well-nigh stranding. Let us continue to keep our great Republican lamp trimmed and burning, to guide the nations of the earth to civil and religious liberty, and the day is not far distant when we shall behold the peaceful triumphs of our example; when the twenty-seven millions that bow the neck to the throne of England shall be free; when her stars, garters, and titles of nobility shall become extinct; when her Church and State shall be torn from their harlot embrace, and her long line of kings, peerages, and hierarchies shall be numbered among the "things that were, and are not." The English Government is a solid one; but it must be infinitely more so to sustain itself amid such a wild awakening up of men to their rights, "as has been exhibited by that people from the example set by this Government of the capacity of the people for self-government." There is a glory around her peerage, whose honors were laid in the days of Norman chivalry; but it must be brighter than it has ever yet been, to dazzle the eyes of wronged and starving men for the first time open to the true and only means of redress. The Church, with its long train of mitered Bishops, led on by royalty itself, is an imposing spectacle; but it must invent some new majesty to awe a people that openly, boldly cry, "Give us more bread, and fewer priests!" The throne of England towers as majestic as ever; but fearful shadows are flitting over it—the visages of famine-struck, hate-filled men. The chariot, with its blazing coronet, and lazy lord within, rolls by as imposingly as ever; but there is an ominous sound in the streets, which the rumbling of its wheels cannot utterly drown. It is the low, half-suppressed threat, "*Your time is come!*" Her cathedrals and bench of Bishops retain their ancient splendor; but there are eyes looking on them with other purposes than to "admire or revere." England being free, and a Democracy established, the days of king-craft and priest-craft will have been numbered the wide world over. Yes, sir, ruined Athens will no longer sigh over the frail ægis of her fallen Minerva—Italy, oppressed and down-trodden Italy, the land of Brutus and Cincinnatus, of Dante, of Columbus, and Galileo; and bruised and bleeding Hungary will be "redeemed, regenerated, and disinthralled." And all this will be accomplished without any intervention on our part, save the mild and genial influences of our institutions upon the nations of the earth. Seeing that we have so high a mission to accomplish, let us be wise in our day and generation.

THE PUBLIC DOMAIN—THE TARIFF.

SPEECH OF HON. HIRAM BELL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 11, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union, and taken up for consideration the bill "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land, out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified"—

Mr. BELL said:

Mr. CHAIRMAN: I suppose it is some relief to

the committee to learn that the discussion has, to some extent, turned directly upon a question which has heretofore been considered indirect. I am happy to perceive that this question is to be discussed on a bill to encourage agriculture, commerce, and manufactures, and that the subject of the availability of this and that prominent man of the Opposition, which has engaged the attention of the majority on this floor for many days past, is to be laid aside for a brief period at least. Heretofore a great share of our time has been devoted to the salvation of the Union. Nearly every member, who has addressed the committee or the House, has turned his attention particularly and specially to the best means of perpetuating this Confederacy of the New World, although I confess that, before I came here, I was one of those who believed that this Republic was not in imminent danger. Some gentlemen have proposed to save this country, and its glorious and time-honored institutions, by swearing allegiance to the remnants of the compromise measures—or the *adjustment*, to use the language of a certain distinguished ex-Senator—that is, to the fugitive slave law. Soon after the opening of Congress, the Hungarian humbug was brought up—one party claiming that if we were to admit the Hungarian exile into this Hall, the Union would be in danger, although we had welcomed him to our country; and another class insisting that if we did not change our foreign policy, forget the injunctions of Washington, and go across the Atlantic to dictate to Russia and Austria the terms of Hungarian freedom, our Constitution and liberties would be in danger. Another gentleman, one of my colleagues, [Mr. OLDS,] has discovered a new, and at least an easy method of saving the Union. What was it? Why, it was first to make an attack in general terms, specifying nothing, on the Secretary of the Treasury, or, in common phrase, "Tom Corwin, the wagoner boy." He was very careful to point to nothing which one could put a finger on. But his further plan of saving the Union, was an exhortation to his Democratic friends to union, amity, and good feeling—the union of the Democracy as essential to the salvation of the union of these United States, hoping, undoubtedly, by this cunning *ruse* to turn the attention of the country from the divisions existing among his own party at this time, owing to their discordant materials and different opinions and political doctrines held by them, more than difference as to men. But, sir, Mr. Corwin requires no defense at my hands. His whole life, whether public or private, is a refutation to any charge the honorable member has, or may make, of improper conduct or action on his behalf, as a public officer.

Another method, and I confess it appears to me to have some weight, on account of the benefits it would confer, is to grant lands for the construction of railroads, which shall bind us together as a great family of States. But the gentleman from Illinois [Mr. RICHARDSON] proposes to us another salvation; and what is that? Why, he tells us that the perpetuity of the Union and its Constitution, and the prosperity of the nation, depend upon the union of the Democratic party. Well, sir, since the scenes I have lately witnessed in this House, if I could believe the gentleman from Illinois was correct, I should then begin to suspect that the Union really was in danger.

But, sir, some time since we had another feasible plan of salvation—and what was that? Why, the honorable chairman of the Committee on Printing [Mr. GORMAN] proposed a plan or measure which, if adopted, would probably take from your national Treasury $500,000 and give it to the Union newspaper. Well, sir, that looks something like saving *the Union*, for I have no doubt half a million of dollars would save almost any newspaper, and particularly the Union paper of this city.

But why are all these questions before the House? I ask you, Mr. Chairman—I ask the members of this House—why is this compromise question, or that of the fugitive slave law up again for discussion? Why is it brought in here to be reënacted and reagitated in this House? I tell gentlemen it does not, nor has it proceeded from those who are opposed to some of the details of that law. I ask, then, Why is it again brought forward here? Is everything to turn upon that hinge? Is every man who is to be considered a proper candidate for the presidential honors to forego every other interest of the country—to remain mute, and his opinions unknown upon all those great questions which the people of the country demand action upon, and particularly to swear fealty to one law? It is well known that, as far as these compromise acts are concerned, they have been carried into execution, and the question of the propriety of their adoption is no longer before the people, except some objections to the fugitive slave law.

Mr. Chairman, I desire to flatter no man here. There was a time when a large proportion of the people of Ohio believed that the details of that act run counter to many well recognized principles established in our courts of justice, and that they were very poorly calculated to accomplish the objects its friends had in view, and many there are of the same opinion still. They never doubted the right which the people of one State possessed, under the Constitution, to recapture their slaves in another. It was the details of that law which led some of the people in our country to believe it was unconstitutional. That, however, has been decided, and our citizens are always ready and willing to yield obedience to law. I supposed, when I came here to take my seat, that that law, like all others, was to be executed by the President, and other executive officers of the Government, in the same manner that other laws of the land are executed. Are not those officers to execute all the laws intrusted to their execution, without any regard to their opinion of their justice or injustice? Is there any mental reservation in the minds or express reservation in the oaths of those executive officers of the Government by which they are to see one particular law executed in preference to others? None, sir; for it is sometimes *that duty* of an officer that becomes his justification for the execution of an obnoxious or hard law.

But I wish to say a word further in reference to this subject, for my State has been alluded to in connection with this question. I believe the people of the State of Ohio are a law-abiding people, and expect that the fugitive slave law, whilst in existence, like all other laws, will be faithfully carried out in its true spirit. You could expect nothing else of Ohio. The descendants from the Pilgrim Fathers of New England, and those hardy sons of Pennsylvania, New Jersey, Virginia, Kentucky, and other States, who have emigrated to the northwest side of the Ohio river, have not shown themselves unloyal to the Constitution and laws of the country. Let the first beacon-light of alarm or danger to the citizens or the institutions of our sister States be raised upon the opposite shores of that river, and you would soon see that broad sheet of water bridged with the multitude of people from our shores that would rush to the rescue of their Southern neighbors; and their progress would not be arrested until they, in conjunction with their brethren of the South, had quieted all alarm, put down all incendiarism, restored peace, order, and the enforcement of the law—even should their march be required to the Florida coast. Such are the feelings of that people. In the execution of the laws of the country, or in dispensing justice under the institutions of the country, they know no North, no South, no East, no West. At the same time, I tell you, as one of the representatives of that people, they still cherish the principles recognized in their own constitution, adopted by their fathers, and recently reënacted by the sons of those fathers, which excludes all slavery forever from their own territory. They prefer their own institutions to those of any other people. They look back with pride upon the history of their State; with pride do they compare its growth with that of the States tolerating slavery upon the opposite side of the river, and they tell you that their own institutions, and the rights of their own citizens, they are bound to and most certainly will protect. But they are also citizens of this glorious Union, and they will do their full proportion to see the laws of this Union executed, so far as they do not interfere with or violate the rights of the citizens of their own State, as guaranteed to them by the constitution and laws of their State.

But, sir, to come to the object of this bill; and before I approach that portion of it which relates to the division of lands, I propose to call the attention of the committee to one subject—that of the encouragement of agriculture and manufactures. While I desire to be generous, I first want this Government to adopt the motto to "first be just." I hold that for our own States and our own settlements we have great interests, and those for which our constituents will hold us accountable if we do not guard them. Let me advert to one portion of the caption of this bill—it is for the encouragement of agriculture. Why, sir, the agricultural interest of Ohio embraces, probably, one sixth of the whole agricultural interests of this great Union. I repeat it, that the property invested in agricultural pursuits in the State of Ohio embraces near one sixth of all agricultural investment in the United States, as will be seen by an exhibit I intend making to the committee. Now, I ask you what encouragement has been given by our National Legislature, what facilities have been granted to this great interest? How has it been guarded? How have our farmers been protected?

Mr. Chairman, I love my own people better than the people of any other country, and I consider myself in duty bound, as one of their representatives, to protect their interests in preference to that of any other people or nation. Now, how are we to do this? I know that an indirect vote has been given upon a resolution offered by my colleague, [Mr. WELCH,] looking to a tariff of specific duties. But I do not consider that any direct or fair test of the feelings of the members of this House upon this subject. I have examined this subject, and I find that the amount of capital employed in agriculture in the United States, is about $1,281,329,919. This is estimating the improved land at an average of ten dollars per acre. To arrive at the total value of the different articles employed in that pursuit, with their prices, I have prepared for publication the following table, taking the articles, number, and quantity, from the census returns of 1850. The value to each article I have set down, when it is not given in the census return, and my estimate of value may not in all cases be correct; but it is placed in the table, that any one may correct for himself:

Agricultural wealth of the United States, and Ohio alone.

	United States.		OHIO ALONE.	
			Article.	Value.
Acres of land improved	112,042,000, at $10 per acre.	$1,120,420,000	9,730,650	$97,306,500
Value of farming implements	-	151,820,273	-	12,710,153
Value of live stock	-	592,705,238	-	43,976,187
Bushels of wheat	104,739,230, at 80 per bush.	83,809,384	14,967,056	11,973,644
Bushels of corn	591,596,053, at 25 cts.	147,896,518	59,788,750	14,997,187
Tobacco, pounds of	199,532,494, at 6 cts.	11,971,949	10,460,967	628,858
Ginned cotton bales, 400 lbs. each	3,474,214, at 5 cts.	49,484,280	-	-
Wool, pounds of	52,422,797, at 30 cts.	15,726,839	10,069,607	4,718,051
Wine, gallons of	141,925, at $1 per gallon.	141,925	44,834	44,834
Butter, pounds of	319,209,286, at 10 cts.	31,920,928	34,180,458	3,122,386
Cheese, pounds of	103,184,585, at 6 cts.	6,192,075	21,350,478	1,281,028
Hay, tons of	13,605,364, at $5.	68,026,920	1,360,636	6,803,180
Hemp, water-rotted, tons of	13,059, at 8 cts.	2,084,440	464	74,240
Flax-seed, bushels of	567,749, at 80 cts.	454,203	185,598	148,478
Maple sugar, pounds of	32,759,963, at 6 cts.	1,965,555	4,521,643	271,298
Cane sugar, hogsheads of, 1,000 lbs.	318,644, at 5 cts.	15,932,200	-	-
Value of home manufactures	-	27,525,545	-	1,696,601
Hemp, dew-rotted	62,182, at 8 cts.	9,949,120	628	100,480
		$1,281,329,919		$199,159,005

OHIO AGRICULTURAL INTERESTS.

It will be seen that the foregoing table estimates the average value of improved land in the United States at $10 per acre. This may probably be

high enough for all taken together, but in some parts it is more valuable than in others. Such is true, sir, in my State. The improved land there I should estimate at $15 per acre.

The crop of wheat in Ohio in 1850 was not an average crop. There should be fifty per cent. added to the returns of wheat in Ohio in 1850, to make it an average crop It would then stand thus:

Value of agricultural property and products in Ohio, as found in the Table of General Estimates	$199,159,005
Add fifty per cent. on wheat crop of 1850	5,986,822
Add $5 per acre as fair value of improved land	48,653,250
Total value of agricultural property and products	$253,799,077

Now, sir, I assume and assert that with proper legislation, and a reasonable, specific, and protecting tariff upon articles we buy abroad, so as to encourage the manufacture and consumption of our products at home, and their prices not dependent upon foreign markets, with other proper encouragements to farming interests, that all this kind of property and products will be increased more than five per cent. annually on the products, and for a number of years on the land employed in farming.

Five per cent. on this sum employed in Ohio, would show the annual gain to Ohio of	$12,689,953
To each person in our State 63 cents.	
Five per cent. to the whole United States	$64,066,495

I know, sir, that these footings look large, but let any correct them who will.

Now, sir, this may be a dry subject, when you leave the question of the presidential differences. But I ask my colleagues from the State of Ohio, I ask gentlemen from the West, and other agricultural districts, when we return home, and those statistics from the Census report which cannot lie, which are in black and white, have been examined, what account shall we give, if we refuse, by our votes, to establish that kind of protection to our farmers and mechanics which they are justly entitled to at the hands of this Government; and, sir, that kind of protection, which every President, from the Father of your Country down to the last President that now occupies that chair, be he Whig or Democrat, has ever recommended—for you know the Whigs always claimed Washington? Is that all? If, sir, you were to look at the manufacturing interests, you would find that the tables would foot up in such sums as would be startling to those who have not considered it. And I tell you that these footings will be studied by our constituents. They ought to be.

Take the following abstract, from the census of 1850, as to the capital invested:

MANUFACTURES OF THE UNITED STATES.

The entire capital invested in the various manufactures in the United States, on the 1st of June, 1850—not to include any establishments producing less than the annual value of $500—amounted, in round numbers to..... $530,000,000
Value of raw material..... 550,000,000
Amount paid for labor..... 240,000,000

$1,320,000,000

Value of manufactures	$1,020,300,000
Number of hands employed	1,050,000
Manufactured by each person	$971
Loss to each one employed at five per cent.	48
Loss on all manufactured articles at five per cent	51,015,000
Balance of trade against us last year, which is really a debt of the nation	64,462,844
Debts of States in 1850	$275,480,676
Add additional sum up to 1852	40,000,000
Total	$315,480,676
Add balance of trade against us	64,463,844
	$379,944,520
Increase of public debt since 1843	$116,661,940

You find the value of the manufactures to be $1,020,300,000. You find the loss upon the manufactured articles at five per cent; for any one that is accustomed to calculate, will see that this change in the reduction of the tariff affects the manufactured article, more than five per cent. I say, the loss on manufactured articles is every year more than $51,000,000 to the people of this Government. Now, sir, how are we to get along with this free trade policy? It may look very pretty upon paper. Where are we going, and at what point are we to arrive? You go to England to purchase your railroad iron, your manufactured cotton, and woolen goods; you go to foreign ports to purchase millions in value of articles that might and ought to be manufactured here at home; and how are you going to pay for them? That is the question. Gentlemen tell us we have now revenue enough to defray the expenses of this Government. That may be; but are we not still increasing our debt? We are, sir. Look at the balance of trade against us last year—$64,000,000. Then look at the table of debts of the different States in 1850, and you have $275,480,000. Add to that the balance of trade against us, and an additional increase of public debt of States, $40,000,000, and you have the round sum of $379,000,000. You have in the last eight years an increase of debts, by the several States and General Government, of $116,000,000. That stands against you in round numbers. How are you going to pay that debt? How are you going to balance it? You must balance it, sir, by selling the produce and productions of our soil at diminished prices, and dependent upon such a market as you may find in Great Britain, or France, or other foreign countries, unless you throw the protecting arm of Government around those interests, and unless we return back to the counsels of our fathers. I am for taking, in the language of old Davy Crockett, so far as specific duties are concerned, "the back track." I like the old land-marks of our fathers, those marks left by those men, in paths in which they have heretofore trod, and trodden so successfully. Have you no interests at home to protect? I am to be understood as being in favor of all those interests which are connected with our own citizens; and when I, with pleasure, hear men quote the language of Washington, the Father of our Country, and asking the question—why go abroad to stand on foreign soil to regulate the governments of Europe? It occurs to me with additional force that we should ask ourselves, and I put the question to the committee, Why go abroad to stand upon foreign soil, to find a market for the labor and manufactures of your own countrymen, your own neighbors? Why go abroad to stand upon foreign soil, to purchase the manufactures of other countries, when, by a proper course of legislation, you can manufacture cheaper, better, and more durable articles at home? Why, sir, go abroad to foster and encourage a trade exclusively between your Atlantic States and foreign countries, when the lives of your citizens are endangered in every vessel that enters a port upon your rivers, or a harbor upon your lakes? Why go abroad to sympathize with those people who do not belong to you, and for whose prosperity you are not responsible, when there is so much to be done at home? If you take the tables which have been furnished of the loss and destruction of life and property upon your lakes and western rivers, it will surprise those who have not reflected upon the subject.

The following is taken from a St. Louis paper:

Steam-boat disasters on the western waters during the year 1850, as published in the Insurance Reporter:

Total number of boats	119
Total number of lives lost	320
On the western waters during the year 1851:	
From sinking, striking snags, and other obstructions of the river	52
From collapsing of flues	8
From explosions	16
From collisions	8
From fire	13
From various causes	12
Total number of boats	109
Lives lost, as near as ascertained, during same period:	
From collision of boats	86
From explosion and sinking	407
From fire	161
Total number of lives lost	654

Comparative loss of lives during the years 1850 *and* 1851:

	1850.	1851.	*Excess.*
Collision of boats	8	86	78
Explosions and collapsing of flues	161	407	247
Fire and sinking	156	161	5
Excess of lives lost in 1851			330

The following table is referred to as a recapitulation of disasters upon our lakes, taken from a Buffalo paper, which named each vessel lost:

Total amount of property lost in 1851	$730,537
Total number of lives lost	79
The amount of loss by steam-vessels has been	$347,325
Do. do. sail do. do	383,212
Do. do. British do. do	106,740
Do. do. Amerc'n do. do	623,797
The proportion of loss on Lake Ontario is	110,557
Do. do. do. Erie	477,865
Do. do. do. Huron	23,000
Do. do. do. Michigan	79,875
Do. do. do. Superior	39,300

Two hundred and sixty-three accidents are here recorded, thirty-four of which occurred in April, sixty-four in May, (forty-six on the 1st day,) twelve in June, nine in July, fifteen in August, thirty-four in September, thirty-three in October, fifty-one in November, and eleven in December. Five steamers, (not including the Mayflower,) three propellers, and thirty-seven sail vessels have gone out of existence entirely.

	Loss of property.	*Life.*
1848	$420,512	55
1849	368,171	34
1850	558,826	395
1851	730,537	79
Total (four years)	$2,078,146	563

G. W. ROUNDS.

By those exhibits, sir, it appears that the loss of property upon the

Lakes, in 1851, was	$730,537
Western waters, in 1851, number of boats, 109, probable value of boats lost	1,090,000
Total value of property lost	$1,820,537
Number of lives lost in 1851 upon Lakes	79
Western rivers	654
Total number of lives lost in 1851	733

Now, sir, if you add the probable number of lives lost which we have no account of in the above list, upon our rivers and seas, I have no doubt it would make a total of more than one thousand per annum of human beings, the greater part of whom are sacrificed by disasters which might be prevented by proper legislation. Here, sir, is a sacrifice of our citizens more fatal in numbers than the American loss in the revolutionary war, for that only reached seven thousand, eight hundred and fifty-seven, during its continuance—a period of seven or eight years. Yet we pass this subject over from one session to another, and think nothing of it. But, sir, shall we not look to it? Can you separate the interest of one part of the Union from another? You cannot do it; although one part may have a more direct interest in a particular subject than another, but it reacts, and is so connected, and so intersected with the whole, that you cannot separate them. I am, therefore, for making appropriations for improvements of our rivers and harbors as to prevent those evils, and also for levying such a duty, and in favor of such a change in the tariff as shall make the duty specific upon certain articles, and which, at the same time that it affords revenue to the Government, shall protect the interests of all classes. I want to see a proper distribution of the benefits of the Government, so far as legislation is concerned, for the protection of all parties. I want to know why a vessel that enters upon your lake shore is to grope along in the dark, without any of Uncle Sam's light to light them into port, any more than upon the Atlantic coast? I want to see the snags, that now endanger the lives of every man who takes a trip upon our Western waters, taken out. I want to see the treasures of Government appropriated there, as well as upon your Atlantic coast, or wherever they may be required. But I want to see those benefits distributed with some equality; and I intend to vote in accordance with such feelings and views. I am disposed to grant to the new States portions of our public lands to make improvements. Why? Because it makes the Government no poorer, while it benefits them. We lose nothing, but gain in the end, while the new States improve a great deal more rapidly. I would vote for it, if this Congress would bring forward a bill making a railroad through to the Pacific. What I say now I am saying to those who sent me here, and to you.

I wish to notice another remark. Members here have objected to the appropriation of the public lands to the States in which they are sit-

uated for internal improvements, on constitutional grounds. Why, sir, Congress, by the act of April 30, 1802, made it one of the conditions of the act of admission of Ohio into the Union, that one twentieth part of the net proceeds of the lands lying within said State should be appropriated to "the laying out and making public roads leading from the navigable waters emptying into the Atlantic to the Ohio, to the said State and through the same." A part of this was not expended in our State. A similar provision was required of Indiana, on her admission into the Union. The constitutionality of those acts was not questioned then. And I wish to see the same liberal policy pursued now, because when we pursued that policy we were prosperous and happy.

The gentleman from Massachusetts [Mr. RANTOUL] seems to have adopted one other expedient for saving the Union, which I did not mention. It was the free trade policy—reduce the tariff, and not touch the shipping interest. Why, sir, there is a district that is receiving directly the protection of this Government. And for what? For catching fish upon your sea-board; the same as we used to offer in the Western States as bounty upon wolf-scalps, but with this striking difference: we paid the bounty offered out of our State Treasury—the constituents of the honorable member from Massachusetts draw theirs out of the United States Treasury. It appears, by reliable information, that the people in the *honorable gentleman's* district in 1849 drew out of the public treasury of the United States, as a bounty for catching fish, $66,356—a pretty good sum for protecting the fishing interest of one district. Is there anything wrong, while the constituents of the gentleman from Massachusetts [Mr. RANTOUL] upon the sea-board are receiving directly out of the Treasury a bounty for catching fish, that the people of the West, in a new region of country, should enjoy the benefits of legislation by this Government, to enable them to sell their wheat, corn, &c., at a fair price? I think not.

Now, I propose turning my attention for a few moments to the provisions of this bill. What I have said is but the voice of a majority of the people of this country. You know, Mr. Chairman—every member of the committee knows—that the time we are taking up this session in discussing those questions which have been vexed questions, and ever will remain so, so long as they are agitated, is wasted and idle. Suppose you should find some of these propagandists at the North, and should allow them to enjoy the benefit of their theories of equality to all, whether black or white, in all social relations of life, and allow or compel them to form a little community to try practically their theory, I think it would be but a short time before you would see them repudiating their own doctrines. We need fear no danger to the Union from any such source. Nor have I any fears of the stability of this Government from secession, or nullification, or State-Rights agitation. Sir, if there are any who advocate the doctrine of secession from this Union, and could have their desires gratified, by way of experiment, they would be the first to return to the allegiance of their country. Take any one of your Southern States where this doctrine has been the most prevalent, and imagine that by some freak of nature such State is riven from the main land, formed into an island, and her people constituted an independent and sovereign nation, entirely separated from the residue of this Republic—how long do you think, Mr. Chairman, that people would be content with separation from their once sister States? The sun would not make its annual round before the people of that island, or isolated State, would invoke Almighty God by the fiat of his power to assuage and dry up or roll back the dividing waters, and reunite them to this glorious Confederacy, to enjoy all those blessings which are now showered so profusely upon us as a united people under our Constitution.

But, Mr. Chairman, I wish to quit these exciting and useless questions, and come to the subject properly before us. I will call the particular attention of the gentleman who reported this bill to some of its provisions, for I do not propose myself to offer amendments, as the member drawing a bill can always make an amendment more systematically with the remainder of the bill than the one who has not had it all in his mind. I am in favor, as I have said before, of being just before we are generous. I want, then, to say, when I return home, that I have had an opportunity of recording my vote in favor of the protection and encouragement to these great interests, to which I have before alluded, as well as of the provisions of this bill—that I have rendered some assistance to our sister States west and south of us in their internal improvements—that I have had an opportunity of recording my vote in favor of paying the old soldiers that fought your battles forty years ago—nay, some sixty years ago. I want to say to them, although they are now excluded, that this Congress has passed a law allowing them an equal share or bounty of land out of our public domain which you have given to others for similar services. I could not return home and give a reason for drawing a distinction before my constituents. I want to see this Government declare, by its action, that it is one that will meet all of its obligations. You know that there are a class of our citizens between whom and the Government of France our Government stands and assumes to pay their losses, which are now known under the head of French spoliations. I desire to see this Government come up and pay those just debts to her citizens. I am not in favor of this modern notion of liberality, until we can be just, by paying to those who have a right to demand, for services performed, consideration given. Then, if there is a class of our citizens who want land that have not got it, give it to them, under proper restrictions. But I am in favor of providing that if there is a class of the community that will move upon the lands and occupy and improve them, that they may do it. This Government has a vast quantity of wild, unsettled land, which is yet to be occupied and settled; but there will only be so much taken up every year that can reasonably be occupied by our citizens, and I know it is not the design of the framer of this bill, or its advocates, to encourage an unusual emigration from other countries, for the purpose of obtaining these lands. I want, therefore, to see some amendments made. In the first section of this bill, it is provided "that every man or widow, the head of a 'family, and a citizen of the United States, on the 'first day of January 1852, &c., shall be entitled 'to enter and occupy a quarter section of land of 'the United States."

I think, Mr. Chairman, if it is intended to carry the main provisions of this bill into a law, that it should be so amended that our citizens should be embraced who did not happen to be married and the head of a family in 1852, but might be the next year. There is a provision in the second section of this bill——

Mr. JOHNSON, of Tennessee. Merely to prevent a misunderstanding, I will say that I think the precise idea of the gentleman in the amendment he desires to make, is embraced in the first section of the bill. The intention of that section was to prevent those who came into the United States, not citizens already here, and those who would come in afterwards. I will state, the object was that we did not want to open the door to invite foreign emigration. If they come, let them come upon the same principle after the passage of the bill as they would before.

Mr. BELL. I am only alluding to where they were citizens. Now the query I raised was this: Whether those who should be citizens within a year from this time, should not be entitled?

Mr. MOORE, of Pennsylvania. They would be entitled under the provision as it now stands.

Mr. BELL. I think not. I cannot read it so. I am only calling the attention of the committee to it. There is a provision in the second section which provides that patents shall not issue until they have resided upon the land five years. Well, I do not know how that part should be carried out, or that the object of it is right. Why limit it so long? Why refuse to give them the privilege of a portion of this land that they can use as a capital—that they can buy and sell? I would prefer the occupancy of the land for one year before they should have their patent for forty acres—two years for eighty acres, and three years for one hundred and sixty.

Mr. FICKLIN. I wish to say this, in regard to this bill: The object is to give the lands to the actual settlers, and those who are acquainted with the early settlements in the country, know that it took something like five years to establish and make such improvements suitable to a family. To divide it up into forty-acre tracts would require the issue of four patents instead of one, thereby greatly multiplying troubles.

Mr. BELL. There might be some difficulty in that matter, but still it could easily be arranged. There is another provision as to alternate sections. I shall object to that, but I do not say that it shall be a turning point as to my vote. Now, you imagine, in the first place—and I simply name it now to call the attention of the committee to it—you, form a community of men entirely coming under the provisions of this law, who settle upon the land and whom you prohibit from selling the tract for five years. Will you not find a large share of them suffering before the end of five years. Many of the heads of families dying leaving a widow and children destitute of support, they must go back to the old settlements for aid and assistance, where they will be compelled, from necessity, to reside and forfeit the land. I would amend it so that when they had lived three years on the land, they should receive a patent for the entire tract unpatented. I would not require them to serve an apprenticeship of more than three years. I would be somewhat generous when I profess to be. I feel disposed to vote for a bill that shall encourage actual settlers, but yet it should be done with great caution. There might be an effect produced which we cannot anticipate. I know my sympathies and feelings must incline to that class which are intended to be embraced here, and yet I have my doubts whether the bounty and benefactions of Government or individuals are in the end a blessing to the recipients. I presume that out of the large number of occupants of seats upon this floor, that you would find more than nine tenths of them, who began the world without a cent, but who, by industry and perseverance, have arisen to the positions they occupy here. I am disposed to view this bill favorably, and I am inclined myself to sympathize with that class, to which you can render some "material aid" at the commencement in life, although I am not one of those who ever enjoyed any advantages of this kind. I say, then, when this bill shall be modified—and I trust that some modification may be made, I shall be disposed, for one, to encourage, as far as we can safely, the occupancy and settlement of these lands. I will not propose any amendments at the present time. I have made some objections to the bill as it now stands, but will not offer to amend now, because I know it will be better done under the care of the gentleman who reported the bill, [Mr. JOHNSON,] for reasons I have given before. I desire it should be considered, and am glad that it is put over a few days. I desire to have it guarded, and while we are endeavoring to benefit this class of the people, that we shall not make it operate in a manner entirely exclusive, so there can be no facilities given for the transfer of property and investment of capital. All classes must mingle together in order to make a community prosperous and happy.

One of my colleagues from the Pickaway district [Mr. OLDS] told the House, that some of the presidential candidates were in favor of this measure. I have no doubt they are all the friends of the poor. The gentleman did not tell the House who was going to support this bill; but I have no doubt that any of them, who should be elected, if such a bill should pass into a law, would see that it is faithfully executed. It is a new idea in the history of this nation, that there is merit due to an Executive officer for executing the law, or merit due to an individual citizen for sustaining that law, when he is constrained by his oath, and bound by his fidelity to his country and the Constitution, to execute and support it. There is our old friend, President Fillmore; he has, thus far, executed the laws faithfully. And I would suggest to my friends on the other side of the House, that if they have not the right kind of materials out of which to manufacture a President, suppose they take some of our men. The present incumbent of that office is a well-tried statesman, of enlarged views and great experience in the councils of the nation, and his native State, and of undoubted patriotism and devotion to the interests of the whole country. Then there is "Black Dan," who astonished the Austrian Emperor with his vast and com-

prehensive knowledge of that country and its dependencies—who has made Kings tremble upon their thrones, by the force of his logic in enforcing the rights of mankind—who possesses a most thorough knowledge of our Government and its institutions, and who has long enjoyed the proud position of being the greatest expounder of the American Constitution, as well as the greatest diplomatist of the age.

If these men will not do, there is another distinguished man, whose whole life has been spent in the service of his country; and who has done some service on the side of freedom. From A. D., 1807, until the present time—a period of nearly half a century—his mind, energies, and skill, have been devoted to his country's service. In 1812, he is seen on Queenston Heights. The next year he captures Fort George; and the following year is found at the Niagara, rallying his forces against a superior number of the enemy, when he is wounded. In 1832, he is found in the Northwest, on our frontiers, quelling Indian hostilities, and putting an end to the Black Hawk war. In 1836, he is found in the glades of Florida, protecting our Southern frontier. In 1838, he accompanies the Cherokees to their new Western homes. In 1847, a new era dawns upon our hero. The proper authorities of our country demand his services in a war with a neighboring Republic. Scott and his gallant band are in a short time in view of Vera Cruz, and near is the renowned castle of San Juan de Ulua. Fifteen days from the day of investment, the heretofore impregnable castle is surrendered, and the stars and stripes of our glorious Republic is seen waving from its battlements in the land of the Aztecs. You next hear of his rearing the flag of his country in triumph in the city of Mexico. But, sir, it is not only upon the battle-field that the deeds of this man are the pride of his country. When a youth, a prisoner of war in an enemy's vessel, you see him taking the first bold and effectual stand to secure to naturalized citizens equal rights with native born, as prisoners of *war*. Among the sick and dying of that dreadful scourge—the *cholera*—at Chicago, he doffs his epaulets, and practices the good Samaritan, by relieving and administering to the distressed. When our peace was threatened upon our northern and eastern boundary, he acts the part of the great pacificator; and in whatever situation he has been placed, he has proved himself to be possessed of the highest qualifications, both civil and military.

These are some of the incidents, Mr. Chairman, in the life of Winfield Scott.

A generous and high-toned political opponent, a native of the Emerald Isle, but now an adopted countryman, has said of General Scott, that—

"One accustomed to clothe the dry bones of history with their appropriate details, will see that the military career of this great man divides itself into his campaigns against the British in Canada, against the Indians, and against Mexico. How wide is the field in which his laurels have been gathered! The earliest of them sprung up in the cold and hardy north, watered by the mists of Niagara; others were plucked by the then fordless, bridgeless, and boatless rivers of the Southwest, and the last, in order of time, were plucked upon the high *plateau* of Mexico, in the track of Cortez, but with more humane hands."

Now, sir, as either of these statesmen will suit the Whigs, and as compromise is the popular theory of the day, allow me, Mr. Chairman, to suggest the propriety of accepting one of the three eminent personages I have just named for our next President. But if that is not acceded to, Mr. Chairman, I hope you will not be surprised if the people should attend to that business themselves, and give the old soldier a free ticket to take possession of the presidential mansion on the 4th of March, 1853.

NORTH AMERICAN AND EUROPEAN RAILROAD COMPANY.

REMARKS OF MR. WASHBURN,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

March 10, 1852.

The House being in the Committee of the Whole on the state of the Union, on the bill for the encouragement of agriculture, manufactures, and other branches of industry, by granting to actual settlers homesteads out of the public domain, &c.—

Mr. WASHBURN said:

Mr. CHAIRMAN: I will so far depart from the line of debate which has been taken by gentlemen who have preceded me, as to abstain from the discussion of the claims and qualifications of candidates for the Presidency. The party with which I act will, in due time, place in nomination for that office a gentleman whose ability, fitness, and patriotism will need no advocacy on this floor, and whose cause is safe in the hearts and hands of the American people. I propose to submit at this time a few observations upon the matters embraced in a memorial which I had the honor to present to the House sometime ago, in which application is made for a grant of land to the State of Maine, in aid of an important and truly national work—the European and North American railway,—and to state some of the reasons why, in my judgment, the aid should be granted which has been prayed for. The memorial also asks for the passage of a law authorizing a permanent contract for carrying the mails between New York and Galway, and over this railroad.

In stating the grounds upon which the memorialists rely, it will be necessary for me to refer to some facts and statistics. From Halifax, Nova Scotia, to Galway in Ireland, the distance is two thousand one hundred and thirty miles. From the nearest available harbor to Cape Canso on the most eastern point of Nova Scotia—that of Whitehaven—in latitude 45° 10′ north and in longitude 61° 3′ west, to Galway, in latitude 53° 13′ north and in longitude 9° and 13′ west, the distance is about two thousand miles. Whitehaven, according to a report made by Admiral Owen to Sir John Harvey in 1846, "is a most splendid and commodious port, at the nearest available point of North America to Ireland." And Galway harbor is well known to be one of the finest in the world, possessing great advantages over Bristol or Liverpool as a steam-ship terminus.

From Galway to Dublin, a distance of one hundred and twenty-six miles, a line of railway is in progress of construction, if, indeed, it is not already completed. From Dublin, the distance of sixty-three miles across the Irish Channel, to Holyhead, is passed with steam-packets, at the rate of eighteen miles an hour, to which place the Chester and Holyhead railway is already finished, connecting with Liverpool and London—crossing the Menai Strait by the Britannia tubular bridge, which was opened for traffic on the 18th of March, 1850; the distance from Holyhead to London by rail being two hundred and sixty-three miles.

The memorial which I have presented states, and I have no doubt on the best authority, that able parties are ready to place the required steamers on the route, from Halifax or Whitehaven to Galway, whenever the connection by railway shall have been made between New York and either of those ports. It will be my purpose to show that such connection is both feasible and desirable.

From New York to Waterville in Maine, a distance of four hundred and ten miles, there is in operation a continuous line of railway. From Waterville to Bangor, fifty miles, a charter has been obtained for a railroad, which no doubt will be built by local enterprise and capital at an early day.

The European and North American railway in Maine has been incorporated by the Legislature of that State, and an exploration and survey made by an able Engineer, under the authority and at the expense of the State—$7,000 having been appropriated for that purpose, and for the publication of the report of the Engineer and other important papers bearing upon the enterprise. The report of the Engineer shows that, from Bangor to the eastern line of the State and the point of connection with the road in the Province of New Brunswick, the length of road to be built in Maine will be from eighty-five to one hundred miles, according to the route that may be finally adopted, and may be constructed at a cost falling something below $3,000,000. Acts of incorporation have been granted by the Legislatures of New Brunswick and Nova Scotia to the European and North American railway within those provinces, respectively, and grants of the public domain made, and other aid pledged, as will be seen by reference to the acts of legislation which accompany the memorial that has been presented to Congress, and which will secure, beyond doubt or contingency, the construction of the road from the eastern line of Maine to the city of Halifax, or the town of Whitehaven. What is now wanted, and ALL that is wanted, to accomplish this great work—than which none of larger importance to the nation can claim the public attention—is, the means to build that part of the European and North American railway which lies within the State of Maine—between Bangor and the line of New Brunswick. The road from Waterville, or Augusta, to Bangor will nearly absorb the capital that can be obtained for such investment in that part of the State. The means of Bangor and vicinity will be required to extend the road to that place from the west; and as the territory, north and east, through which the route of the European and North American road lies, is thinly settled—in truth, for half the distance an almost unbroken wilderness—it is easily perceived that the capital required for so considerable a work, involving an expenditure of nearly $3,000,000, cannot be obtained in that section of country. As the road will be of no merely local advantage or character, it is not unreasonable that the funds necessary to build it should be drawn, to some extent, from other portions of the country than the immediate vicinity of its location—from the parties who will derive most certain and substantial benefits from its construction—the people of all the States in the Union.

I will now state, briefly and clearly as I may be able, some of the advantages which I think will be likely to result from the grant of the aid prayed for in this case. A continuous line of railway will be put in operation from the city of New York—nay, from all the considerable cities from New Orleans to Portland—to the easternmost available harbor on the continent; a daily line of steam-ships, of the greatest practicable speed and capacity, will be put upon the international ferry between the two hemispheres, and the passage between New York and London reduced to a period of six days' time.

The memorial states:

"Experience has now established, as a general rule, the fact, that the useful speed of railway trains may, under all possible circumstances, be three times as great as that of a steam-ship or sailing vessel. The advantage gained and the time saved in the passage of the mails between New York and London, by adopting the plan proposed, over the present international postal system, may be stated as follows:

From New York to London.

	Miles.	*Days.*	*Hours.*
Railway from New York to Halifax.	867	-	17
Steamer from Halifax to Galway....	2,130	5	5
Railway from Galway to Dublin.....	126	-	2½
Steamer from Dublin to Holyhead...	63	-	3
Railway from Holyhead to London..	263	-	5
	3,449	6	8½

"In the foregoing estimate, a speed of railway transit is assumed such as is employed on the English express trains, and the speed of the steamer is taken at one third the time allowed for the passage of the railway train. Allowing three and a half hours for shifting the mails and baggage, and the time occupied in the transmission of the mails from New York to London is six and one half days, employing the present rates of speed on the most approved and best conducted railways in England.

"Applying the same rates of speed to the present route from New York to London, and the result is as follows:

	Miles.	*Days.*	*Hours.*
Steamer from New York to Liverpool.	3,100	7	14
Railway from Liverpool to London..	211	-	5
		7	19

"Difference in favor of the European and North American railway route, one day ten and a half hours.

"But this comparison by no means does justice to the relative advantages of the two routes. Steam-boats, like race-horses, go with increased speed as you reduce the unnecessary load, and by the shorter sea-route, may undoubtedly be increased equal to *two miles per hour* for the entire voyage. Assuming the correctness of the foregoing statement, the following result is shown:

	Days.	*Hours.*
Steamer from New York to Liverpool.....	8	14¾
Railway from Liverpool to London.....	-	5
	8	19¾

"Difference in favor of the European and Galway route, two days, eleven hours—equal to fifty-nine hours saved.

"The chances would be in favor of the longest land route and the short sea-voyage. The certainty attainable in railway transit, the facilities for repairing accidents and supplying improved engines to make up for detensions, on the one side, and the risks of a long sea-voyage on the other—accumulating almost with geometric progression with the distance—significantly urge the adoption of the proposed plan.

"The greatest speed yet attained in an Atlantic sea-voyage, was by the American steam-ship Pacific (a shorter passage has been made since this petition was drawn up)

during the past year, averaging a speed of thirteen and one eighth miles per hour for the entire distance—having made the run from Liverpool to New York in nine days twenty hours and fifteen minutes.

"The speed of ocean steamers has increased very much in the ratio of their size, and it is not hazarding much to say, that within the next five years a uniform speed of seventeen miles an hour may be reached in ocean steam navigation by the adoption of the shortest passage across the Atlantic.

"We have assumed a speed of railway transit beyond any uniform attainment in this country; but those least informed in the practical workings of railway machinery know that at present the question of speed is a mere question of cost, and has no reference to the absolute capacity for speed of the locomotive engine employed in railway transit. The only limit to the speed of a railway train is the *strength of material*, and increased attention to the construction of railway machinery will enable the locomotive engine, in due time, to measure speed with the wind."

Mr. Chairman, there can be no reasonable doubt that, whenever by means of improvements in the construction and working of steam-vessels, the passage between New York and Liverpool can be made by the present route in nine days, a degree of improvement will have been attained in steam-ship and railway performance, which will as certainly permit the transit, by Canso and Galway, to be made in six days. Considering that nearly half the quantity of coal required for the long sea route will be dispensed with on the other, and the causes of detention in St. George's Channel and the Irish Sea, and on our own coast avoided, I hazard little in the prediction that the average time of transit between New York and London, by the proposed route, will not much exceed one half the time that will be required upon the present routes. Practical and scientific gentlemen of the first eminence in the country, who have carefully examined this plan, have expressed the conviction that it will effect a saving of *at least* one third of the time consumed by the routes now used. It is well known that the principal dangers, difficulties, and delays experienced, are in consequence of the fogs and storms encountered in the navigation of St. George's Channel, and on the coast between Nova Scotia and New York. The commerce and intercourse between this country and Europe is rapidly increasing. Our commercial necessities, the habits of the people, and the spirit of the age, demand the employment of every facility for shortening and cheapening the transit between them. Nothing can be more legible to the understandings of men who have any appreciation of what is demanded by the physical, intellectual, and social activities of the times, than that this project, if the statements and deductions I have made are correct, must be carried out, and cannot be long delayed. The case is one of those plain and palpable ones that do not admit of hesitation, or give room for cavil; one that compels conviction by its own force.

In this busy and steaming life of ours, this day of competition, enterprise, and unprecedented activity, the saving of half a week's time, or of a single day even, determines the whole question. The regularity and certainty of the passage by this route, as compared with any other, will not fail to be regarded as considerations in its favor of great weight; while the fact that it reduces the sea-voyage one half will not escape the attention of those who have experienced the sea-sickness and discomforts incident to such a voyage.

The laws of trade and commercial and social intercourse, as bearing upon this question, are plain and decisive. The late General Dearborn, of Roxbury, Massachusetts, in an able and very eloquent speech before the Portland Convention—a convention of the friends of this enterprise, assembled from different sections of the United States and the British Provinces, in 1850, said:

"All history and all experience show that the necessities of commerce seek out the nearest and shortest routes for travel and business. Calais and Dover have been the points of embarkation ever since the invasion of Cæsar; and for no other reason but because they were the nearest points between the island of Great Britain and the continent of Europe. Cape Sunium was the point of concentration for the trade of Greece, simply because it was the nearest point to Egypt. Why was the Appian Way extended from Capua to Brundusium, on the Adriatic Gulf? Because that was the nearest good harbor near the narrowest place in the Adriatic sea, in the most direct line from Rome to Constantinople. Why was the suspension bridge of Telford extended across the Menai Strait to the Isle of Anglesey; and the still more wonderful work of modern times, the Britannia Bridge across the same straits? Because it was in the most direct line from London to Dublin and Ireland. If you will examine the map of the world, you will find that, in all time past, the points of continents or islands, which approach the nearest, have become the highways of their intercourse and commerce. It is for this reason that I believe that the highway for the trade and communication between this country and Europe must be made to the eastern coast of Nova Scotia."

Nothing is wanting to secure the construction of this highway and the realization of the idea of its projector—a conception as grand as it was simple—but the aid of this Government to a limited extent; and which, in the form of a grant of a small portion of our unoccupied lands, can be accorded without embarrassing its finances or violating any sound principle of public policy. But, sir, this road *cannot* be built without such aid. It is not of sufficient local importance, nor is there the local capital, if it were, to warrant the undertaking. With the assurance that it will be granted, private enterprise and capital may be relied upon for its successful prosecution and completion.

In continuing the statement of the advantages to the people of the United States that will be derived from the establishment of this line of international communication, and of the reasons why it is believed that the General Government should grant the aid that has been solicited, I would call your attention to certain facts and considerations.

Halifax, Nova Scotia, is in telegraphic communication with every considerable city in the United States and the British Provinces, and the day is not distant when that communication will be extended to the Pacific ocean. London is connected by telegraph with the principal capitals of Europe; and a survey of the progress made in this line of improvement, within the last five years, can leave no reasonable doubt that within the next five this connection will be extended, on the one hand to the extreme limits of Europe, if not into Asia, and on the other, by submarine lines across the Channel, to Galway, in Ireland. Then, with a line of steamers of the first class in size and speed, making the passage between Galway and Nova Scotia in five days, (the establishment of which depends upon the opening of railway facilities for passengers and business between Waterville and Nova Scotia,) London, Paris, St. Petersburgh, and Constantinople, if not Calcutta and Canton, will be within six days time of New York, Charleston, New Orleans, and St. Louis. What enterprise of the present day, so simple and so feasible, and to be secured at such small expense, should command the attention and receive the patronage of the people, and of the Government, so readily as this? Its benefits will be enjoyed by every State—in the South and in the North, in the West and in the East—as well upon the shores of the Pacific, in California and far Oregon, as upon the Atlantic. Will it not be of very great advantage to the merchant of New Orleans, the cotton broker, and ship-owner, to be able to transmit or receive intelligence to or from any port in Europe in less than a week? Will the business men in our cities think lightly of the benefits conferred upon them, by enabling them to visit the commercial capitals of the Old World without the hazards and inconveniences of a long sea voyage, and in two thirds of the time that will be required by any other route?

What single measure can the sanction and limited aid of the Government assure, from which a moiety of the benefits could result that would inevitably flow to the people and the nation from this? I feel that I am standing here upon strong ground; that the positions I maintain must be commended to the judgments of men from every section of the country, and of all shades of opinion as to the power and duty of the Government to lend its aid to works of public interest and importance. Grant all that has ever been contended for by the strictest constructionists, and concede the most that can be desired by those who would limit the action of Congress in questions of internal improvements, and I will confidently ask them to support this application, believing that they may do so without the violation of any principle which they regard as important. Why, sir, no grant for the removal of obstructions in our harbors, or for the erection of light-houses and breakwaters, can be of more truly national interest and character, or more clearly within the legitimate scope of the powers of the Government. No expenditure of millions of dollars upon our coasts can confer such certain, demonstrable, and unquestionable advantage and protection to our commerce as would be conferred by the establishment of the proposed line of communication. It would keep the owner and his vessel, in whatever European or Asiatic port the latter might be, separated by less than a single week. It would enable communications, whether of accident, of market, or of destination, to be made and answered without injurious detention or delay. It would reduce the rates of insurance and the prices of freights. It would place the fishing fleets of Gloucester and Cape Cod, upon the coasts of Nova Scotia, in communication with the owners at home by a railway transit that might be performed in less than a day.

There is another point of view from which this work presents a truly national character: it is as a means and implement of *national defense*. Traversing a territory so near the coast, yet not upon it, to the very frontier of the Republic, and connected, as it will be, in its branches and intersections, with every other railroad in the country, it will be of greater service and importance in this respect, than any mere works of protection and fortification that can be erected by the outlay of many millions. On this point I do not speak unadvisedly, or without book. I quote from an admirable letter of Lieutenant Maury, United States Navy, addressed to the Portland committee, July 24, 1850. Having remarked that—

"It [this railway] will connect with railroads from Montreal, Quebec, and Boston; and in view of the consequence which these lines will give it, you eloquently describe it a 'grand trunk line of railway from the State of Maine to the lower British Provinces.' It is only one of the topmost branches; the main trunk extends from the West to the East, from the North to the South, and has its tap-root planted in the heart of the Mississippi valley.

"There is already in contemplation, in process of construction or actually completed, a grand trunk line of railroads all the way from Portland, in Maine, to Memphis, in Tennessee, and other points on the Mississippi river. To complete such a trunk you cannot go amiss for friends and advocates, for its branches are everywhere. Whether you go among the mountains of New England, or the lakes of Canada—in the plains of the South, or the forests of the West—wherever you sound the car whistle for this line of road, you will see the friends of the measure, like Rhoderick Dhu's men, starting up from every bush and bank, in ready response to the call.

"At the speed of Collins's steamers—and we do not mean to rest satisfied with that—the passage across the Atlantic can be performed, when the line of your trunk road is pushed over into Nova Scotia, in a week.

"The advantages of a road which is to shorten one third of the sailing distance between London and New York, Boston and Paris, are too many and too obvious, and too great for enumeration or description. They strike every one."

He proceeds to say—and to this portion of his letter I desire to call particular attention:

"There is, however, one point of view which I wish you would take of this railroad; for it is from that point that I wish to present some of its merits to public favor.

"You know that the system of fortifications formerly adopted for the defense of the coast, as expensive and as necessary as it was, has been rendered almost unnecessary by the system of railroads that has been introduced by the private enterprise and energy of public-spirited individuals like yourselves. We have seen the General Government expending millions of dollars for the erection of a single fortification, and which, when completed, was of no earthly value in times of peace to the citizens or occupations of the country. There it stood—a mere pile of brick and mortar—drawing heavily upon the public Treasury for repairs every year, and dragging out a burdensome existence in peace, that perchance it might be useful in war.

"Now, with the power which this railroad would give you to draw an army, if need be, from the great valley of the West, and in two days march it all the way by steam form Memphis, on the Mississippi, to the frontiers of Maine, or even into foreign territory—with such a power, what do the people of Maine want with any forts and castles, except such as may be necessary to protect her seaport towns from the great guns of big ships?

"You know, too,—for you have only to visit the navy-yard in your State to see evidence of the fact—that the plan was to collect in our navy-yard, and at great expense, large quantities of ship timber, and store it away for the emergencies of war. The emergencies never came, the timber rotted, and the money was lost.

"Now, in time of war, almost any timber that stands in the forests is good enough to build men-of-war. Even if built of green timber they would probably last through the war, when the vast majority of them, of whatever kind of timber they might be built, would be of no further use at any rate. Therefore, with railroads, what do we want of any more stores of ship timber for any such purposes? As for the Navy, railroads have converted almost every forest, 'from Maine to Georgia,' into a timber shed for it.

"Seeing, therefore, the important part which railroads are performing, and will perform in the system of national defenses—seeing that one of the principal objects which moved our fathers to form this Union, was 'the better to provide for the common defense;' and seeing that the public lands are a common fund which is being squandered, I am of opinion that a more righteous, wise, and beneficent dispensation could not be made of portions of these lands than

to apply them to aid in the construction of railroads, and other works which provide so effectually as railroads do, for the common defense."

Not only will this road (in connection with the Atlantic ferry) be convenient for the traveler, enabling him to make the passage to Europe by the shortest and quickest sea route, and over a portion of this continent as yet but little known, but of a most interesting character; through the heart of Ireland—a land whose history and misfortunes, whose vicissitudes and sorrows, have interested us all—and by that grandest achievement of modern art and skill, the Tubular bridge;—not only will it afford direct advantage and protection to the trade and commerce of the country; speed the transmission of intelligence by mail and telegraph, and provide for the national defense; but it will tend indirectly, though materially, to enlarge the trade, and increase the wealth and population of every portion of the country. And here I am happy to be able to read the opinions of the Hon. Robert J. Walker, contained in a letter to John A. Poor, Esq., dated August 9, 1850:

"It was not in my power to comply with the request made by the committee in your name, to attend and address the Convention held at Portland on the 31st ultimo, with a view to the continuation of the great Eastern railway from your city to some point in Nova Scotia, nearest to Great Britain and Ireland. This would, indeed, be a work of vast importance, not only to your own State and city, to Nova Scotia and New Brunswick, but to the whole American Union, and to all the continents of the Old World. It is hoped that, with the improvements now being made in steamers, it might bring some good harbor in Ireland within five days of our American shores. It would greatly enlarge international commerce, and become a new bond to preserve the peace of the world. It would increase our exports to the British provinces and to Europe, with a corresponding augmentation of imports and revenue. It would bring Europe so near to America, that it would greatly facilitate the export and diffusion abroad of our Republican principles, without any diminution or deterioration of the supply left for domestic consumption."

* * * * * * * * * *

"I cann Ministry of Great Britain—the great advocates of a liberal commercial policy—will aid this noble enterprise; that our Government will extend to it all proper facilities by mail arrangements and otherwise: and that the rest will be accomplished by the well known energy of New England, aided by the coöperation of Nova Scotia and New Brunswick.

"From the increased speed, it seems to me that the mail and passengers, between both countries, must be generally carried by this route; as also light articles of value."

The Hon. CHARLES SUMNER, United States Senator from Massachusetts, says in reference to this road:

"I cannot doubt that the material advantages, at least to the community, from such avenues of communication, will be in entire harmony with the greatness of the design. The producer, the manufacturer, and the consumer, will all be brought nearer together; intercourse of all kinds will be promoted; commerce will be quickened; markets will be opened; property, wherever touched by these lines, will be changed, as by a divining rod, into new values; and the great current of travel, like that stream in classic fable, or one of the rivers of California, will fill its channels with golden sands."

This enterprise, says the Hon. EDWARD EVERETT—

"Will be, when carried into effect, of very great utility to the American continent, and will afford the most important facilities to the commercial and social intercourse of the United States of America and Europe." * * *
"I have long looked forward to the commencement of this great enterprise, and I rejoice to see the movement making."

The President of the United States writes to the Portland Convention, as follows:

"Feeling, as I do, a deep interest in all subjects of internal improvement, which are calculated to develop the resources and advance the great interests of the country, I trust that your proposed convention may be productive of the most happy results, and that, through it, another link may be added to the chain which is binding more closely the great commercial interests of this country and Europe."

Mr. Chairman, this road will be a portion of the grand trunk railway that is to span the continent; it will be a link in the vast chain, of which the Missouri road may form a part, which is to be stretched from Halifax to San Francisco. This mighty work is fragmentary and incomplete, until the European and North American road is built. The convenience, the interest, the necessities of the country demand, and will compel its construction by the funds of the Government, if it cannot be built without. As well may you think of sending the mails from Washington to St. Louis by way of Boston, as believe that the country will be satisfied to send them to London by the present route, when they can be carried by another in two thirds of the time. In a case of the magnitude of this, the possible is the determining consideration. It is the peculiar strength of this plan that it cannot be partial in its benefits. Louisiana, Missouri, Georgia, and Illinois, with their vast products, will derive as much advantage from it as Maine. It will bring them nearer to the markets of the Old World.

For these reasons we ask, respectfully, but with confidence, for a grant of the lands of the United States, in which Maine has an interest in common with all the States, for the benefit of all. We ask it on national grounds. We may place our request on considerations which can apply to no other State, and be invoked in behalf of no other public work of the kind.

But, sir, there is another consideration which I desire to address to the House in behalf of this petition. It grows out of the relations of Maine to the General Government, in connection with the northeastern boundary question. The title of Maine to the territory she claimed was clear and unquestionable, and had so been regarded and pronounced by the General Government. Great Britain was extremely desirous of possessing that portion of our State lying north and east of the river St. John, and would probably never have consented to any arrangement which should not have embraced the cession of that territory to her; regarding it, as she did, of great importance as affording a means of direct communication between her upper and lower Provinces. Well, sir, this Government was anxious to have the question settled. It will be remembered that the commercial and exporting sections of the country were exceedingly sensitive on the subject. In fact, Maine was pressed from all quarters to acquiesce in the terms that were proposed to her in 1842; she did acquiesce, and the treaty of Washington was concluded, and all the troublesome questions between these countries were put at rest. Rouse's Point was ceded to the United States, and other advantages secured. But Maine gave up between 2,000,000 and 3,000,000 acres of her lands for the small sum of $150,000—a territory worth, in the products of the forest alone, as experience has proved, much more than that amount. She felt at the time the inadequacy of the sum paid to her; but she was not unmindful of the importance of the treaty to the country, and fully appreciated the reasons of a national character which influenced the distinguished Secretary of State to desire to effect, if possible, an adjustment of the delicate and embarrassing questions which had so long threatened to disturb the peace of the country; and in a spirit of sacrifice and patriotic regard for the interests and wishes of the other States, which did her infinite honor, she yielded her consent to the dismemberment of her territory. And now that she asks of the General Government, in aid of a work within her limits, but of general convenience and importance, a grant of land less in quantity and value than she has ceded at the instance of the Government, and for the benefit of the country, she feels that her prayer will not be looked upon with less favor, to say the least, when presented in connection with the facts which I have stated.

But, Mr. Chairman, it would be unjust to the old States, not to urge this claim upon grounds common to them all. As it is quite probable that these lands are to be given, in greater or less quantities, to the States in which they lie, I have inquired for the reasons which should limit the grants to them alone. The deeds of cession from Virginia and other States, authorize no such distinction; and certainly it cannot be supposed to exist where the lands have been obtained by conquest or purchase from other Governments. I do not propose to argue here the general question of the distribution of the public lands among the States. It would be a work of supererogation, after all that has been said in Congress upon the subject, during the last twenty years. These discussions have shown, conclusively, that the lands are held in trust for the States. They were acquired by the blood and treasure of the old States, while yet many of those in which they lie were not even in the cradle of their existence. And are the States, by whose treasure and whose valor they were obtained, to be told now that they are none of theirs? Are they to be delayed and postponed in their petitions and requests for some share of them, till the new States shall become strong enough to stand up, and boldly avow their determination to be governed, in the disposition of them, by the "simple rule" of Rob Roy—

"————the good old plan,
That they should take who have the power,
And they should keep who can?"

No, sir, I will not believe it. The justice and magnanimity of the land States, not less than their wisdom and sagacity, will dictate a different line of policy. I am disposed to be liberal to the new States. I believe that they ought to have, and will have, more than their *pro rata* share of them. At the same time, something is due to the old States. For very prudence, from a wise regard for their own interest, the new will so act towards the old as to prevent dissatisfaction and just complaint, and to retain their good will. This is worth a great deal—aye, is of infinitely greater value to them than all their broad acres. Gentlemen of the new States! give us something—enough to assure us of your good neighborhood—and you will not only secure the lion's share of these lands, but the strongest relations of friendship and fraternity between all the States. This will be no poor return for such manifest justice as is sought at your hands. I say at your hands—for the old States are so tied up with theories, and cursed by abstractionists who see no power for good, or equal and exact justice, under the Constitution, that even now we are powerless without your aid.

I would have the lands given in part to actual settlers, and the balance appropriated for internal improvements in the States. A system should be matured, by which, while the lands should be held and appropriated for the purposes I have indicated, evils and abuses in the management would be prevented. I am not sure that any of these bills and plans have been sufficiently matured, or are as safe and guarded in their details as they ought to be. Unless extreme care is taken now, we shall build up in the new States vast landed corporations and outrageous monopolies, which may become the instruments of oppression, and the sources of evils intolerable and interminable. Not doubting the policy of granting lands to the States, I would have it executed in a way which should secure to the States the objects in aid of which they are given, without imposing upon them a master who will sit upon their hopes and prospects like the genius of the nightmare. Sir, it is obvious that the evils to which I refer are mainly to be apprehended in the land States, in which the grants will become valuable in consequence of the works constructed therein. But all the grants should be upon conditions which will secure the sale of the lands to settlers, and prevent the aggregation of large estates in the hands of individuals or corporations. Perhaps it would be best that the sales should be made by the General Government, under a uniform system.

I have not thought very much upon this matter; but it has occurred to me, that a system by which alternate quarter sections should be appropriated or set apart for actual settlers, and the other sections, or their proceeds, given to the States, in some just proportion, for works of public improvement, might be adopted. By some such disposition of the lands, we should *provide homes for persons unable to buy them; offer increased inducements to industry and frugality; facilitate, with all desirable rapidity, the settlement of the new country; render substantial aid to the new States in the construction of railroads; do something for the benefit of the old States; preserve harmony and good feeling between all the members of the Confederacy; check the tendencies to centralism, by withdrawing from the central Government the disposition of this vast fund; and effect, once for all, a settlement of this land question.* And who can tell the importance of a consummation like this? Till this question is settled, and finally settled, it will come up every session to plague you, to embarrass all your legislation; it will be connected with every measure of importance before Congress—with tariffs, river and harbor appropriations, coast appropriations, everything. The lands unappropriated will lead to more profligate legislation, to more trading and log-rolling than would be had from all other causes put together.

But I maintain that these lands should be used solely for the improvement and progress of the country, and never an acre sold off to pay our or-

dinary, annual expenses—to my mind, the most shiftless and improvident disposition that can be made of them. By the appropriation I have suggested, you would open new sources of wealth in the country, enhance the value of property, and increase the revenues of the Government. Nay, sir, by this policy, the latter would be speedily increased by an amount larger than the net receipts, under the present system, from the sale of the lands. From every point of view the Government would be the gainer by adopting this policy; and not only the Government, but the people for whose welfare it was established. The Government, after all, has something to do besides taking care of itself. It should have a policy, within the Constitution, in reference to all the great interests of the country, and that policy should keep company with the wants and spirit of the times. This is an age of wonderful activity in material progress. The purely metaphysical age is past. The ideal and the actual are joined in no unwilling matrimony. Thought runs itself out into the implements of human advancement and happiness. Our anointed men are practical men—those who "contrive to make two blades of grass grow where but one grew before." They are the men who have been called, and who have come. What are they doing—what have they done? At the commencement of the present century we had no steam-boats ascending rivers against wind and tide, braving the ocean, and, I may say, bridging it, so as to bring nations the most remote into the same neighborhood; no railroads, "modern Acts of the Apostles of civilization," as they have been fitly called, traversing States, and laying them off into parallelograms; no telegraphs, sending words round the globe in "less than forty seconds;" no daguereotype, staying the light and impressing the sun in the service of art. The development and useful employment of material forces is the work of this age, and the peculiar mission of our country. Looking at the history of the race and the progress of society, we may not doubt as to the character of the work we are commissioned to do. The solution of the problem of civilization is for us and our descendants on this continent. For it, we have been educated and set apart; for it and for us, the world has labored in all the past; for it and for us, this field, so ample and so favorable for the trial, had been reserved—discovered, and opened at the moment when, as it should seem, its discovery and occupation could be of the greatest service. When we consider the state of civilization at the time of the discovery of America; its preparation for new and higher triumphs; when we remember that Luther had been summoned and the Reformation announced, before its settlement, and that men were privileged to bring with them to these shores, in the succeeding century, the great truths in respect to human rights and self-government so well and forcibly taught by a Sidney, a Marvell, and a Milton, and in which have been laid, broad, deep, and forever immovable, the foundations of civil and religious liberty, we can regard the circumstances of the discovery and settlement of America as scarcely other than providential. And not only is this the appointed theater for the development of the powers and capabilities of civilization, but here, we may believe, will be found the men best qualified to be the actors thereon. It was the fortune of this land to be peopled, in the main, by that most vigorous of the races, the Anglo-Saxon. But no race is one and entire. In no race has God mingled all the elements of greatness. And who shall say that in the circling of the suns there shall not arise on this continent—from the mixture and fusion now going on, under circumstances more favorable than ever existed before, of Saxon and Celt, and of the blood of all lands and climes, each of which we may believe has its own excellence—the race more noble, more full and perfect than the sun ever looked upon?

And, as with individuals, so with peoples, the first stages will be those of physical growth and strength; and how favorably are we situated for this stage of our progress! Apart from the hindrances and obstructions of the Old World, the evils and dangers of bad neighborhood, the temptations to war and unprofitable entanglements, our course is plain, our duty manifest. We should cultivate the arts of Peace, and reap and improve her victories. It is ours to open the resources of a vast country, to increase the implements and the rewards of labor; to multiply the means of living; to strengthen the bonds of commercial connection, and to facilitate social intercourse; thus contributing to the highest advancement in life in its intellectual and moral, not less than in its material aspects.

Sir, on this ample and favorable field, with these aids and advantages, we can be no laggards in the work which has been committed to us. We cannot ignore our position or responsibilities.

We have a public domain of many and many millions of acres, which we may suffer to melt away like frost-work in the sun—which may be cut off piece-meal, acre by acre, to pay our ordinary debts—our tavern expenses and grocery bills; or they may be set apart for homes for the homeless, and for works of public improvement, enduring and beneficent memorials of the wisdom of Congress. In this way the settlement of the country would be promoted—the means of intercourse so extended, and the bonds of friendship and sympathy so enlarged and strengthened, that *disunion* would become an obsolete idea, and the word be unspoken and unknown.

And, of the hundreds of millions of acres of land which you own, can you not afford a single million for this work which the northeast State proposes? Will it not pay a thousand fold, in its influence on the settlement of the remaining lands, in its facilities to the business and intercourse of the country, and, finally, in the feeling of good will and confidence it will inspire?

There is another consideration, (hinted in the letter of Mr. Walker,) to which I would allude, not as a substantive argument in favor of the aid proposed, but which, I think, will not commend the enterprise I am advocating with diminished favor to your minds. I refer to the influence it must have, and the benefits it will confer, upon other countries than our own. It will open up the interior of Ireland to the light of day, and introduce there something of the spirit of industry and improvement that marks our own country and blesses it. It will speed the transmission of our ideas and the light of our example to the oppressed nations upon the other side of the Atlantic. It will enable our works to speak to them the more audibly and potently. What American can witness, with indifference, the progress of our ideas and institutions among the nations of the Old World? And who, as he sees them strengthened and established in every land, and under every sky, but will be moved to exclaim, in no spirit of vain boasting or unworthy exultation, nor yet with the sorrowful retrospection of Æneas, as he beheld the memorials of ruined Ilium upon the shores of Carthage; but, rather, in the spirit of hope and unselfish joy and gratulation,

"Quis jam locus——
Quæ regio in terris nostri non plena laboris?"

Sir, be liberal and generous to the new States, but be JUST to all, and forget not the interests of the whole country.

COALITION IN MASSACHUSETTS.

SPEECH OF HON. R. RANTOUL,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

March 9, 1852,

In reply to the speech of Hon. GEORGE T. DAVIS, of the 6th of March, 1852.

The House having resolved itself into Committee of the Whole on the state of the Union,

Mr. RANTOUL said:

Mr. CHAIRMAN: On the 24th of January last, I had occasion to reply to some gross, unfounded, and unprovoked aspersions upon the people of the State of Massachusetts, uttered by one of their representatives upon this floor. The Chairman's hammer fell before I had concluded that reply, and I learned on the next day that it was quite probable a rejoinder might follow what I had already said. I concluded, therefore, to delay any further remarks until that rejoinder should come, because I supposed that the gentleman who had made this assault upon the people of my Commonwealth would follow one or other of two courses: either that he would attempt to establish by evidence the charges he had made against the constituents of us both, and the people of the Commonwealth, generally—which I knew he would not undertake, if he was a wise man, because the evidence to support those charges did not exist—or else, if, like a prudent man, he avoided following up his attacks, I thought that then, like an honest man, he would stand up and retract what he had said about the coalition, and boldly avow his own views. I waited, that the gentleman might choose the one or the other line for himself; and I regret that I did so wait, because, to my disappointment, the gentleman has done neither the one nor the other.

The gentleman attacks the coalition in Massachusetts as corrupt—basely corrupt—infamously corrupt. It will not do for him to get up here and say that he states certain facts, and that other people may draw the inferences or not, as they think proper. The gentleman has himself brought forward here a charge of infamous corruption against a majority of the citizens of his own State. His own terms are—

"This great crime against our institutions, this wholesale corruption, this monstrous—I had almost said this inexplicable falsehood to conscience and to God, to the heart of man, and to the nature of things."

He does not sustain that charge; he does not abandon it. He evades it; and because I had introduced his history—not that the country might reproach him with it; that was not my motive, for I dealt in no terms of opprobrium—but because I had introduced his history as an illustration of the general course of the party to which he belongs, he evades the issue which he himself had tendered, and dodges off to talk about his own consistency, and to make an attack upon my consistency. What does the country care—what does the world care about the consistency of either of us? The issue tendered by the gentleman here was, that the coalition in Massachusetts was corrupt. I accepted that issue. I said the gentleman had not pointed to one act done by that coalition, or to one law or resolution passed or attempted to be passed by that coalition which he dared to assail. I said he had not denied that the men put into office by that coalition were better men, and would fill the offices better, than the men that were removed to make room for them, and that if he denied it, I would join issue with him on that question. He did not walk up to either of those issues in addressing this House. The gentleman has not found fault as yet with any law passed or attempted to be passed by that coalition which he denounces as infamous. He has not pointed to any one appointment to any one office made by the government created by that coalition in which the appointee was not a better man for the place he received than the man who was removed to make room for him. Then, sir, I take all that for confessed. The coalition has been a good coalition so far as its acts go, its laws go, its appointments go; and we come back to the original question, whether the act of coalition, without regard to what the parties did after they combined, was in itself infamous and corrupt. If it was, the gentleman stands justified. If it was not, he may say himself how he stands. I will not define a position for him.

Now, sir, for a few moments—though I am aware it is a very small matter, and I dislike exceedingly, personal explanations, for they take up the time of the nation which ought to be better employed—but still for a few moments, as I know the House expects it of me, let me follow the gentleman's defense of his own consistency and his assault upon my consistency.

First, the gentleman pleaded the statute of limitation. That was not a plea *to the merits*, as the gentleman knows, as well as I do. But I will admit that plea to a certain extent, because I wish to deal fairly with this case. If there is any harshness of language—any unnecessarily irritating form of expression in the resolutions which the gentleman approved in '35, '38, and '40—I will admit the plea of the statute of limitation and let that language be softened down—let nothing that is offensive in the mode in which the ideas are put forward, now stand. But the ideas themselves remain, and the gentleman tells us, in his printed speech, though I did not hear it on this floor, that he glories now in substantially the same senti-

ments as he then avowed. Why, then, does he come forward and apologize, in a manner that I do not like to witness in a son of Massachusetts? Why, if he entertains these opinions, does he not stand up like a man and say, there is my doctrine—that is what I believe—that is what I shall act upon; and why does he not act upon it? He should have done this, because the statute of limitation does not apply to his case; it is only *ex gratia*—that we forget the mere form. Here is a running account—items entered very lately. They take the whole matter out of the statute, as every lawyer very well knows. I was about to comment on those late entries, when the Chairman's hammer fell; and I will proceed to notice them now very briefly. I was going on to show my colleague's position—the position on which he came into this House, what he came here for, what he was sent here to do, and he knows it perfectly well. Why, then, does my colleague talk of the statute of limitation? He was elected in 1850, and the convention which nominated him, and which was held at Northampton, on the 4th of October, passed the following resolutions amongst others:

"*Resolved*, That while we rejoice that the slave trade will no longer be permitted to disgrace the capital of the nation, we deeply regret that the right of trial by jury, so eloquently claimed by our own Representatives for the colored citizen charged with the crime of seeking his freedom, should be withheld from him, and that the constitutional clause under which he is claimed, *odious in itself, should be rendered still more odious and detestable by the mode of its enforcement.*

"*Resolved*, That while, as good citizens, we cannot council open resistance to the execution of the fugitive slave act, we will give *every possible legal aid* and assistance to those who may be arrested under it, in the assertion and maintenance of their rights.

"*Resolved*, That the better to insure the safety and the rights of the fugitive, it is expedient and desirable, in the opinion of this convention, that the Legislature of this Commonwealth, at its next session, should pass an act authorizing the Executive to appoint one or more commissioners in every county, whose duty it shall be to appear for any person arrested as a fugitive under this law, to protect his rights, and aid him in establishing all facts necessary to procure his discharge, and directing the payment of all expenses incurred by any person so arrested, in establishing his rights, to be made from the treasury of the Commonwealth."

Those were some of the resolutions of the Convention which nominated my colleague, when he was elected to the seat which he now occupies. Was this without my colleague's concurrence? Or what did he say to it? I have taken from the Boston Atlas a portion of his reply to the letter asking him to stand as a candidate, and I will read it to the House. The letter was originally published in the Springfield Republican, and was republished in the Boston Atlas of November 7th—the Thursday before the election. It is dated November 2d, and contains these words:

"DEAR SIR: My opinions, in regard to the fugitive slave law, are in accordance with the resolves on that subject adopted by the late Whig Convention for this Congressional district. Nothing, it seems to me, can be more clear than that the right to freedom ought to be guarded with a care at least as jealous, and as formal as that which we deem requisite for the legal protection of property. *No law upon the subject ought to be satisfactory to our people*, OR TO REMAIN UPON THE STATUTE BOOK, which withholds from the alleged fugitive the power to have the question of identity and of freedom determined by a jury within the county or State where he is found."

The rest of the letter refers to the question of high tariffs for protection; and upon those two issues, *and those only*, was my colleague elected to the seat which he now fills. He was elected, because the Convention resolved that the clause of the Constitution, relating to fugitive slaves, was ODIOUS IN ITSELF, and that this fugitive slave law made it MORE ODIOUS AND DETESTABLE; and because he, in his reply, said that those were his sentiments, and that such a law *ought not to remain on the statute book*. Now, I do not think that the question of *protection* excited quite as much interest in his district, at this election, as it has done at some other times. I am, therefore, of the opinion—my colleague can set me right, if I am wrong—that the issue which sent him here, was his declaration, a week before the election, that the fugitive slave law ought not to remain upon the statute-book. Can the gentleman prove to this House that a hundred men in that district would have voted for him—can he prove that *ten* men in that district would have voted for him, if they had believed he would have declared here that he was opposed to the repeal of a statute which, in his letter accepting the nomination, he said ought not to remain on the statute-book? If he can, let him do it, and give the House their names. That is a question for the gentleman to answer.

I think that the plea of the statute of limitation hardly help my colleague here at all. There is the position in which he stands. I did not pick him out for the purpose of holding him up to reproach in this House, for when I spoke before, I believed the opinions he advanced were the opinions which he honestly and sincerely maintained, and I gave him a fair opportunity to get up and defend himself, honestly and sincerely, by one or the other of the courses I have suggested; but he has not chosen to embrace it.

I recommend Northern gentlemen, who present the spectacle to the country of preaching one set of notions at home and another here, to look a little to the South; for we may find some good things there. Southern gentlemen, who find themselves in a small minority maintaining unpopular opinions, do not, as a general thing, so far as I have noticed, come here and whine over it, and apologize for their own past history; and I hope that Northern men will stand up with a little *Southern* spirit—if I must be compelled to go so far for the right word—and say what they believe, as their brethren of the South do. I hope the sad fate of my neighbor of the sixth district will be a solemn warning to other gentlemen in that quarter, who feel an inward working, prompting them to lay their hands on their mouths, and their mouths in the dust, and cry unclean, when they have been guilty of free thoughts. The exhibition is not exhilarating. [Laughter.]

Well, sir, I do not know that it is worth while for me to follow further the private history of my learned brother. I pass from the subject—which it is disagreeable to me to have had to notice—to the question which has been raised here in regard to my own consistency, one which I am quite ready to meet here, or elsewhere, whenever any man chooses to raise it. Why, the gentleman has called me a modest man. I did not grow more modest while he was making out for me a character for consistency, which I think a great many politicians would rejoice to have made out for them. The gentleman has shown me as occupying, a great many years ago, identically the same ground, on very many important questions, as I occupy now; and he has failed to show that during the intervening time I have ever uttered one word in any public speech, or have ever written a word in any printed letter, or in any document intended to be an expression of my opinions; he has not yet found, although Massachusetts has been dragged with a drag-net forty-two days to find it, any written word of mine to convict me of inconsistency in public matters.

Mr. Chairman, what I have done for the last ten years, has not been done in a corner. I have spoken all over New-England, and in New York, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, and Missouri, and I challenge any man, who has heard any public address of mine, to come forward and convict me of inconsistency upon any great national question. That is my challenge; and I think it is quite broad enough to cover all supposable cases. But, sir, I know perfectly well what I am saying; and I am quite willing that all the other States shall be dragged with drag-nets, as Massachusetts has been; for my colleague has had zealous and industrious assistants, fitted by nature to be scavengers, who have dragged every corner, to see if they could not hunt up some stale slander which could be used against me. I am quite willing the other States should be examined in the same way, and if I have been inconsistent upon any one of the great national questions, let the gentleman show it. But, until the gentleman does show some foundation for his charge, I shall not think it necessary to go very much into details of rumors to prove conversations, or supposed publications, with which I had no more to do than my colleague himself.

What right has my colleague to say of me, he "made himself, at an early period, distinctly understood upon *both* sides of that as well as *many* other questions which have been agitated in Massachusetts for the last ten or fifteen years?" I pronounce that simply and plainly to be untrue. I have not been upon both sides of that question, or any other leading question before the country. I do not mean to accuse my colleague of intentionally falsifying the record. I do not believe he would do any such thing. I mean to charge him with simplicity and credulity in allowing himself to be imposed upon by others craftier than himself, to broach the calumnies they dare not utter in person. That is all.

Mr. DAVIS. Will my colleague allow me to say, that one thing which I had in my mind was that the gentleman did sanction, in 1838, a doctrine of the greatest importance—that of interference with the extension of slavery. I understood also, that he was a member of a committee who in 1848 reported a resolution, declaring that Congress ought not so to interfere.

Mr. RANTOUL. I will ask my learned colleague whether he supposes that, because I was in a convention composed of eight hundred men, I am responsible for all that is done in that convention? If I am thus to be held responsible, I will never go to conventions again. I am willing to be responsible for all the resolutions that I write, or all that I sign as president of a convention, and for all the resolutions in relation to which I express my approbation by speaking or writing. But if a man is to be responsible for several columns of resolutions written by a lawyer who does nothing but write resolutions, and passed by an assembly of eight hundred men, there is not a man who attends our conventions who could not be proved to be inconsistent by such a rule. My colleague alleges, that in 1828 I wrote some very bad poetry. I have written a good deal of bad poetry in my life—most of it is burned, and the rest ought to be. But if all the bad poetry that I have written, and twenty reams more that I did not write, were charged upon me here, it should not turn me aside from the great issue before me. It is not a question whether a man writes bad rhymes, or how many of them, or what music he can make from a hugag. It is a question which concerns the great interests of the country, and upon which I am willing that my opinions shall be known. They are to be found written down in plain prose. You must not go to anonymous doggerel to find them. I will begin with 1828, because the gentleman says that in that year I expressed opinions different from those I now hold. In that year the universal topic of discussion in my section of the country was that of a high protective tariff. Upon that issue I stood then just where I stand now. If my colleague can find a seam in my armor which will admit the point of a dagger, let him drive it home.

On the day that the news of the passage of that bill of abominations, the tariff of 1828, arrived at the place where I resided, I wrote and published in the newspapers an article predicting the fatal results of that law—predictions since verified. I showed that the South was cruelly oppressed, and could not be expected to submit quietly. I then gave my reasons for that opinion, and they are reasons from which I have never departed from that day to this. That was my position in 1828, and I am willing to stand by that position now.

In relation to the great question of internal improvements, I would say that in 1830 I wrote articles in favor of the Maysville road bill veto. I am ready to produce the original of those articles, and the gentleman can see whether I have varied a hair's breadth. I have always denied the constitutional power to make grants for a general system of internal improvements in the States. I have always admitted that under the power to regulate commerce, we could build piers and breakwaters, and remove obstructions in harbors; and I have always contended that the same principles applied to harbors upon the lakes and to the rapids of the Mississippi, and the great rivers, as to similar constructions or improvements on the seaboard. That is the doctrine which I asserted twenty years ago, and which I assert now, and I challenge any man to show where or when I have asserted anything else. So of the Bank. I sustained the veto in 1832, and did not waver in 1834, or afterwards. So of the Sub-Treasury. I advocated it before the Administration adopted it, and stood by it till it came out triumphant at last. As to those great questions pertaining to the nature of our institutions, I hold that ours is not a Government of unlimited powers, as some would treat it—although they do not distinctly profess that

doctrine. I hold that this is a Government with strictly limited powers, specially granted, and that the great danger to be apprehended, is from the invasion of the rights of the States by the Federal Power. That is the doctrine which I have always held since I was old enough to hold opinions. Any gentleman who knows anything about my history, knows that I have never held any other opinions. Why, then, did the gentleman say I stood upon both sides of many great public questions? The gentleman makes charges and does not pretend to produce, or to possess the evidence to sustain them. Why? I do not know. Perhaps *he* does not know. Those who suggest the charges may know that they have no others which can be better sustained.

The gentleman does not attempt to assail my position, or my course, upon any of the other great questions of national importance, by saying specifically I am on both sides of it—a charge rather difficult to be made out; rather difficult to be *attempted* to be made out, because there is not evidence to be found, to start upon the undertaking.

The gentleman says that when I was in Springfield, Illinois, during the last winter, an article appeared in the Springfield Register, and he insinuates, what he ought not to insinuate, that the handwriting of that article resembles mine. If the gentleman has the article in his possession, I will thank him to produce it.

Mr. DAVIS. I have not.

Mr. RANTOUL. If he has it not, he must not make the insinuations of resemblance of handwriting; because he had no cause for supposing that I wrote an article of that kind. Nothing in my history would indicate that I was likely to write such an article; and I doubt whether the gentleman, in the bottom of his heart, ever had any suspicion that I wrote it. If he suspects it, let him give the grounds for the charge; for gentlemen should not bring charges without grounds. I think the committee will perceive that I should not have been likely to have written that article, when I have stated a few facts.

I was in Springfield, Illinois, in the month of February, 1851, upon business of great importance to those associated with me, and to myself individually. I was attending to that business, and avoiding politics as far as I could. Before I left home, on the 8th day of October, 1850, I had been unanimously nominated for Congress by a very large Democratic convention, which, even in these days of casuistry, no one has yet denied *was* a *Democratic* convention. It was fully attended by delegates from the several towns in the district, and they nominated me for Congress unanimously. They passed a resolution declaring their firm conviction that the fugitive slave law, just passed on the 20th of September, was unconstitutional. I was nominated on the 8th of October. The election was to come off on the 11th of November. On the 7th of November, I think it was, a meeting was held in the town of Beverly—my native town, in which I now reside, and where everybody knows my history and opinions. At that meeting, I took up the various leading topics of the day, and among others the fugitive slave law, and I then declared, in the most distinct and unequivocal terms, my entire conviction of the unconstitutionality of that law. I gave my reasons for that conviction. That, I say, was on the 7th of November, and the election came off on the 11th.

My learned friend thinks some conversation about some resolutions in Boston convicts me of taking an opposite stand. All I have to say about that is, that when I talk to those gentlemen again, I think it will be in writing. My position was as well known then as I could make it. I had addressed a meeting in the Town Hall of Beverly—a town of some five or six thousand inhabitants, some eight hundred of whom were present. I generally try to talk so as to be understood, and I say those eight hundred men understood me to declare the fugitive slave law unconstitutional, and for the same reasons that I to-day declare it unconstitutional. After that, does anybody suppose I went to Boston to tell them I was in favor of the fugitive slave law? I think, if I had acted in quite so extraordinary a manner, I should have been locked up in an insane hospital. Having made that speech upon the 7th of November, and the election having been held on the 11th of the same month, I went to Boston every day until about the middle of December.

Mr. DAVIS. Will the gentleman allow me to ask him, whether he denies having received those resolutions and looked over them? And does he deny having had an interview with the Union safety committee?

Mr. RANTOUL. I will answer the gentleman with great pleasure. I admit that I had interviews, not only with members of the Union safety committee, but with a large number of the Webster men of the city of Boston. They were so crazy, just at that time, that they might well misunderstand any one they met with. They really imagined that they had saved the Union. I only say, that the world may see from the position which I took every pains to make public, that I did not intend to palm myself off upon Mr. Webster's friends as a supporter of the compromises.

Mr. DAVIS. I merely wish to ask whether it is true that the honorable gentleman took those resolves home with him and returned them?

Mr. RANTOUL. I will answer the gentleman. The resolves were brought into my office in the afternoon, before I left Boston for Beverly. When I came back, I found them upon my office table. These gentlemen may have supposed that I spent the whole night studying the resolutions. Such is not the fact. That I have expressed myself, in the very highest terms, in praise of the intellect of Daniel Webster, is perfectly true, and I will furnish it to the gentleman in print, if he wants to see it. That I have expressed regard for the Union, is true; and I will express it again if I have occasion. That I have said I will stand by the Constitution, is true; and I say so now. A man could hardly say, at that time, that Mr. Webster was a man of great intellect, that he was in favor of the Union, and that he would stand by the Constitution, without being considered a Webster man, and in favor of his election to the Presidency. That was the inference drawn at once; an inference which I did not intend to be drawn in my case, as the gentleman may see from my taking care to pronounce publicly just the opposite doctrine, from time to time, at very short intervals. My position is not an ambiguous one. But here were gentlemen looking for support for Mr. Webster, and every man who did not want the Union dissolved, was set down as almost certain for Mr. Webster. I do not want the Union dissolved; but I shall not help make Mr. Webster President, because I think the Union can be saved without that expedient. If I thought there was no other way of saving it, I might go for him. But the Union was saved on the 7th day of March, 1850, as every gentleman knows as well as I do, and it has been saved every three weeks since, [laughter;] and there are a great many other gentlemen anxious to save it as often as possible, for the credit of the thing.

Now, sir, I went to Illinois immediately after this, and while there, an article appeared in the Springfield (Illinois) Register. I have here a letter, which states the views taken of that article by the editor of that paper, some months after he published it. I do not know that it is worth while to read it through, but my colleague [Mr. DAVIS] or any other gentleman who desires, can examine it. It is a letter which says that the editor "had 'no positive knowledge of your [my] opinions on 'the compromise measures, and, at the time, sup-'posed he was doing you [me] an act of friend-'ship." The writer says further: "I never heard 'you express your views of them [the compro-'mises,] notwithstanding they were several times 'introduced [at Springfield] for the purpose of 'drawing you out."

That is the explanation of the whole matter. Here was a gentleman who imagined that the suspicion of opposition to the compromise might do me an injury, and being desirous of doing me a favor, published an article, which I never saw until many days after it was published. Just as I was about leaving Springfield, it was pointed out to me, and I immediately said it was wrong—that I had not authorized it to be published, and that I regretted that it was. Now, sir, I will allude to another circumstance. The only article published by me while I was in the State of Illinois, is a letter, to which my name is signed. I published nothing anonymously. I deny not only that production, but everything else that may be attributed to me there. I wrote, signed, and published a letter under my own signature. That letter, which was addressed to Hon. U. F. Linder, a member of the House of Delegates, or Assembly, of the State of Illinois, went into a calculation of the cost of certain railroads, concluding by summing up what I supposed to be the advantages to the State of Illinois, from the construction of the railroads then in contemplation; I then added "that 'the advantages of works like these are not con-'fined to the State in which they are located. They 'are common to the country. A railroad connect-'ing the basin of the great lakes with the Gulf of 'Mexico, running from Chicago to Mobile, will 'do more to connect the Union in enduring bands, 'than all the windy declamations of all the dema-'gogues that have spouted in legislative halls for 'the last eighteen months."

Now, I would ask any man of any sense, who will take that letter and read it, if he thinks that the man who wrote it, and signed his name to it, and published it, was trying to pass himself off there as a very high-toned compromise man? If there is a man who can believe that, I will not argue with him, for he is beyond the reach of argument. That is the position I stood upon. I did not argue the compromise matters, and even the latter sentence, probably, if I had reflected upon it, I should have thought in bad taste, and crossed it out. I did not go to Illinois to talk about the compromises. It so happened that I wrote the last sentences in a hurry, and signed my name to it; very fortunately for me, as it turns out, for it shows where I stood then, when it did not occur to me that I was writing a letter for such a purpose as it now answers.

Mr. DAVIS, (interrupting.) If the gentleman will allow me, I desire to ask him another question. He stated, that on no question can any printed remarks be found, showing that he ever stated anything inconsistent with the doctrine of the letter of '38. I ask him, whether, in the election of 1848, he did not make speeches upon the stump, in which he supported the doctrine of non-intervention?

Mr. RANTOUL. I answer the gentleman distinctly, that I did not. Now, if the gentleman can prove to the contrary he can have ample time, and I will aid him in searching for materials. I supported General CASS, and did it in good faith, and in various parts of the country, and did all I could to bring about his election. On most occasions I made no allusions to his Nicholson letter; but when I did allude to it, upon very few occasions, I briefly expressed my dissent from his conclusions; that is all. I did not make it prominent; and when I thought it was absolutely necessary to touch upon it, I took care that my hearers should know where I stood.

Now, sir, I am not going through this long catalogue of small matters, because it is not worth the time. The game is not worth the powder. If my reputation will not take care of itself, it is not worth the trouble of being taken care of. I will risk it; and I will leave unanswered all the other matters which the gentleman has alluded to, simply saying, that if any statement would warrant the fair and honest inference that I have been inconsistent upon any of the questions to which the gentleman has alluded, then that statement is false; that is all. I am not going into particulars, because there is beyond all these a great question, a question vastly more important to the country, and to the world, than the consistency of my colleague from the Sixth district or myself. We are but insects which move about upon the surface of this globe. But there are great interests, concerning all humanity for all future ages, that are agitating this nineteenth century, and which we, as members of this Congress, are bound to meet. It is not for the North, it is not for the South, it is not for any section of this country to rise up, and talk loud and angrily by way of quieting agitation. Agitating speeches do not mend the matter. No section, no great interest, by thrusting its head into the sand like an ostrich, diminishes the danger which it declines to look in the face. Here are certain great interesting questions which must have an issue somehow. How, as yet, God only knows; but it is for us, as men, to look them in the

face, and to determine what are the principles upon which they are to be settled—not to try to make each other angry. I do not respect that man who tries to make me angry when he should argue, because it puts an end to all fair argument, all prospect of our coming to an understanding to the end of time. But let us, with a common desire to see how these questions may be met, mutually tolerate differences of opinion, and allow every man to speak out frankly what he believes, and then respect him the more the more frankly he expresses his opinions. That is my feeling; and I hope it will be met with the same feeling on the part of others.

But, sir, before I touch upon this, let me say a word or two about this coalition in Massachusetts, because the gentleman originally flung his gauntlet down upon that matter. He says it was a corrupt coalition. Now, sir, in Massachusetts there were, and have been for many years, three parties. The law and constitution of the State of Massachusetts required a majority to elect to any office. No one of the three parties was strong enough to establish a government. One of two things was to be done, then. And I ask this House, and every man in it, which we should choose? Either there could be no government for Massachusetts, or else there must be a combination of two parties. Which ought we, as patriots, to have done? Have no government? No. If we were to have a government, a combination was to have been made somewhere. Three coalitions were possible; Whigs and Free-Soilers, Whigs and Democrats, Democrats and Free-Soilers. There can be no other. Which does the gentleman prefer? That is quite plain. The House may see where the shoe pinches. The gentleman and his patriotic friends, whose souls sicken at thought of the new coalition, had made a combination between Whigs and Abolitionists, and had controlled the State by that means. I understand Whig ethics, and the ruling principle is, what puts *us in*, is right, what puts *us out*, is wrong. Now these very same gentlemen who formed a coalition, and carried it out for eighteen years, all at once saw themselves ejected from power. Oh, it is horrible, it is corrupt, it is infamous. They blush for their own State when they find other men doing for good and patriotic reasons, that which they have done for no reason at all, except to share the spoils of office, and to carry out a system of class legislation, out of which they filled the pockets of the managers of this machinery. That has been done for years, until at last the people of Massachusetts could stand it no longer. They determined they would not be ruled in that manner any longer. They rejected all these gentlemen; and when the Whig party was suddenly choked off from the great meat platter which the gentleman saw in apocalyptic vision, it set up a howl that might be heard through Tartarus. At that I do not wonder. What I wonder at is, that there are Democrats in other parts of the country green enough to send back an echo to that howl; who sympathize with Whigs who have been in office for the best part of half a century, and think it infamous to turn them out. This is what I wonder at, and I have not ceased to wonder to this day. Why, sir, a combination was necessary. No man will deny that. The only question was what combination should be made. Only three combinations are possible; the Whigs and Free-Soilers, the Democrats and Free-Soilers, and the Whigs and Democrats. No system of mathematics can make more than these three. The Whigs and Free-Soilers had been united for sixteen or eighteen years. The Whigs had all that time been professing to believe various matters which they did not believe, or else their acts belied their belief, one or the other. They have been, under false pretenses, obtaining goods which did not belong to them, for eighteen years. The Free-Soil party became sick of frauds of that sort, and upon so large a scale. They could stand it no longer. They determined that they would no longer coalesce with the Whigs upon any pretense whatever. Should the Whigs and the Democrats have coalesced? In other parts of the country, I see the effect of Whig and Democratic coalescence. With a little more of it, you will have a Whig majority in the Senate. I find gentlemen rising up here, gentlemen from Southern States coming here, and publicly announcing that they came determined to vote with either party that will go furthest in a certain direction—gentlemen whom I supposed to be Whigs, and to hold Whig principles, but who have no objection to turn Democrats all at once, as a black lobster turns red by boiling; that is, the Whigs, will turn sound, consistent Democrats, if the Democratic party will eat more Southern dirt than the Whig party will. That is the proposition, and it is made unblushingly here; and the people who make it come here and ask the two great parties to put up their principles for sale, to be knocked down to the highest bidder. And they have the impudence to talk to the people of Massachusetts about an unprincipled coalition.

I should like to see the want of principle shown in our coalition, shown by some of those gentlemen who come here and say they are willing to join either party—either party, provided it is a party of profound and thorough *sectionalism*—ignoring all inhabited regions north of Mason and Dixon's line; provided it is a party not having a national idea in the head of any man belonging to it; provided it is a party that believes the Constitution of the United States was created to perpetuate and secure the blessings of slavery to ourselves and our posterity, and for no other purpose; provided it is a party of one idea—they do not care whether it is Democratic or Whig, they will go for it. That is the kind of doctrine advanced upon this floor. And then the men who advance it turn around and berate the men of Massachusetts, and call the creation of a government an infamous coalition. Of that I do not complain so much as that a native son of Massachusetts should indorse all these miserable slanders. It is of that I complain. The coalition, I say, in Massachusetts must needs be of Whigs and Free-Soilers, Whigs and Democrats, or Democrats and Free-Soilers. Now I, as a Democrat, had no idea of coalescing with the Whigs. I had fought them all my life long. The gentleman from Florida [Mr. CABELL] does not see any distinction between the two parties. I have seen a distinction—a broad gulf—a gulf like that between Dives and Lazarus, and I could not leap over it in a single bound. I supposed that there was a principle at the bottom of all this. If I have been mistaken, it is a mistake of which I do not wish to be relieved. I wish to be suffered still to suppose that there is a little principle in the world, instead of thinking that all parties are aggregations of rogues. I think there was a principle at the bottom of the division between Democrats and Whigs; and I could not, as a Democrat, coalesce with the Whigs. You then ask, How did the Democrats coalesce with the Free-Soilers? Was not there a broad distinction between them? I will show gentlemen how broad, for it is best that these things should be understood. You will have to understand them by-and-by; and what is the benefit of talking nonsense in hours together, when we can get at the plain facts, if we chose to do so; and when, having got at the plain facts, we can judge better how to conduct ourselves than by the impositions palmed off here day after day in order to influence the country. I will show gentlemen how far the Democratic party and the Free-Soil party were from each other at the time the coalition was formed. The gentleman knows very well, although the House may not, that the coalition was formed in the fall of the year 1849, and not, for the first time, in the fall of 1850. It was formed in the fall of 1849, and attempted to take the power out of the hands of the Whigs, but did not succeed. It came very near success, but it did not succeed. In 1850 they made a second trial, and succeeded. In 1851 they made a third trial, and succeeded again. Three times has this coalition been in operation; the first time a failure, and the last two times successful. Now, before the coalition was made, of course those Democrats who came the nearest to the peculiar opinions of the Free-Soilers had no difficulty, and felt no repugnance. The repugnance must have been on the part of those who were furthest from the Free-Soilers, and I propose to show where *they* stood. I hold in my hand the resolutions reported by the Hon. Benjamin F. Hallett, September 19th, 1849, the week the coalition was formed; and gentlemen will see how far Mr. Hallett and those who thought with him had to go before they could act without repugnance with the Free-Soil party. The following is one of the resolutions reported by Mr. Hallett:

"*Resolved*, That we are opposed to slavery in any form and color, and *in favor of freedom* AND FREE-SOIL *wherever man lives throughout God's heritage.*"

That is one of the resolutions, here is another:

"*Resolved*, That we are opposed to the extension of slavery to free Territories, and in favor of the exercise of all constitutional and necessary means to restrict it to the limits within which it does or may exist by the local laws of the State."

Now, gentlemen will ask me, what is the vote upon these resolutions of Mr. Hallett? It was a very full Democratic convention, and the vote in favor of these resolutions was a unanimous one, on the 19th of September, 1849. Gentlemen who write one kind of resolutions for the newspapers, unanimously adopted, circulating them throughout the State of Massachusetts, in a printed form, for effect, and who will write another kind of doctrine in private letters to members upon this floor, must submit to have their two systems compared. I say here what I have said in Massachusetts. Print them in parallel columns, and you will find no difference. If the gentlemen wish to make the North all hypocrites; if they wish every man at the North who entertains sentiments that are not perfectly palatable in high southern latitude should falsify his own record and pretend to love that which in his heart he abhors; if gentlemen desire that; why, there is a way to make some men do that, but there is no way to make all men do so. The thing is impossible. I think too well not only of the people, of the freemen, of Massachusetts, but I think, thank God, I am able to say, too well of the freemen of the United States, I think too well of human nature all over the world, to believe that a universal system of hypocrisy upon the subject of slavery, or any other subject, is possible now, or will be at any future day. You may succeed in making——

Mr. CABELL. Will the gentleman permit me to ask him a single question?

Mr. RANTOUL. I have not time. The gentleman can speak after me for an hour.

Mr. CABELL. I only wish to ask the gentleman if the person of whom he is speaking is the same one who is chairman of the Democratic committee?

Mr. RANTOUL. It is the same man—what is called at the North, a Hunker Democrat. [Laughter.] Now, sir, I was saying, and I cannot go over the matter that I had intended to pass over, that this issue of slavery is a great national issue to be met with national, constitutional principles. We have got to see what is to be done with it. I say it is *we*, I say that it is not one third of the Union that is to settle this subject if the United States Government take it up. It will be settled by two thirds of the people of the United States, and not by one third. Yes, sir, gentlemen should remember that the State of Massachusetts has a greater white population than any State south of Mason and Dixon's line, and yet Massachusetts is a small State at the North. Are these States that contain one third part of the white population, to say that the General Government shall take hold of this subject? That is the first proposition. Second: When they take hold of it are they to do what they demand—they being one third of the people, and we, the other two thirds, shall humbly submit to it to the end of our days. They will make that demand, but it will not be granted; that is all. Is it wise to make it? Is it not better to look about a little and see what you can do before you embark in an enterprise of that kind? I see but three issues to this great question of slavery. I will propound them in a few words, for I see my time is very short. There are three issues, I say. It may result in civil war and anarchy. I say that is possible; but in my opinion it is a mere possibility. But it is a possibility that prudent men ought to look at, because bad management may drive the chariot off the precipice, when, with the slightest degree of prudence and skill, the course would be perfectly safe. It may result in civil war, if badly managed, indeed, without any sort of prudence. Then, what are the two other issues in which it may result? Why, there is a Federal, and there is a Democratic issue. Slavery will not last forever; for the seeds of its death are within itself. Now almost the whole civilized world have got rid of it; and that portion of the

civilized world of which I speak—for I say nothing of the barbarians—which still retains this institution, retains a temporary institution, and it must look about to see how, with the least inconvenience and suffering to itself, that temporary institution is to come to an end. That is the great question for Southern men; and if it is to be pressed upon this Government—and I think it ought not to be—then it is the great question for Northern men. And I say there are two issues—a Federal issue and a Democratic issue! What is the Federal issue? That the Federal Government be forced day after day to take more and more interest in this subject of slavery, and to interfere more and more with it, by at one time making a fugitive slave law, to compel all of my constituents to be the catchers of runaway negroes, which is repugnant to my people. They do not like it. Or, by an arrangement which they say is constitutional, and to give the great capitalists of the North an opportunity to raise an amount sufficient for the exigency, either by taking the national lands, or making a great national loan, to build up a great national debt, greater than that of Great Britain, which they would delight to do, to buy up the negroes of the South. That is the Federal issue. Towards it you are tending now. By and by gentlemen will see this tendency more strongly developing itself. It is of no avail for gentlemen to try to shut their eyes to it. When the Federal party see that slavery must come to an end, they will endeavor to prevail upon the General Government to buy it up. Against that I protest beforehand. When that is done, it makes a complete revolution in the whole nature of the Government. It builds up a debt as great as that of England. It gives the President a power which makes the Republican Empire, even though your forms remain unchanged, as France has been transformed into an empire, from the great patronage existing in the hands of one magistrate. But what is the other issue? The Democratic issue is that you take your stand sternly upon the Constitution, and say that the Constitution of the United States does not allow—does not justify the Federal Government in touching the institution of slavery in the States. SLAVERY, AND THE EXTRADITION OF SLAVES, MUST BE LEFT TO THE STATES. That is the doctrine I maintain at home. It is the only doctrine upon which this question can be settled, without one or the other of two results—either civil war, or else the building up of a debt which would crush the freedom of the United States forever. I say, then, stand upon State-Rights, and say, sternly and inflexibly, that the General Government shall not meddle with the institution of slavery in the States; and I ask gentlemen to look, to see if they have not made a fatal mistake in misconstruing a clause of the Constitution with regard to fugitives from labor. That clause no more allows the United States Government to enact a law for the rendition of runaway slaves, to employ its officers for the rendition of slaves, than it would allow this Congress to enact a law to send its officers into the port of Charleston to rescue free men of color seized there, and sold as slaves, because they cannot pay their jail fees. I ask gentlemen if they would think that was constitutional? I can make out as strong a case of constitutionality for that, as any gentleman has yet done for the other. The principles you adopt in the one case, must cover the other. I say, then, if you have already infringed upon the Constitution—if you have already violated it—hereafter cease to do so. You have already entered the point of the wedge. Do not drive it home, by a continual urging upon Congress this question of slavery. What have we heard all of this session? "Quiet agitation;" and quieting agitation is the noisiest business we have—the very noisiest; and also the most irritating. Sir, agitation is not to be quieted by hard words. Hard words will have very little success on either side. This question of slavery can be quieted only in two ways. One way will be for the South to let it alone; and then if everybody at the North would let it alone, which no man can promise, it would be quieted. The other would be to talk about it like reasonable men. Take it up as you take up any other great national interest, and try to get at the merits of it. When you do that, it will be then as quietly approached and treated as any other subject, and by the blessing of Providence on your honest endeavors, a way will be found to pass through that transition of social system, through which most of the nations of Europe have passed within a comparatively recent period.

[Here the hammer fell.]

THE HOMESTEAD BILL.

SPEECH OF HON. JOSEPH CABLE,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 10, 1852.

The House having resolved itself into Committee of the Whole on the state of the Union, (Mr. HIBBARD, of New Hampshire, in the chair,) and resumed the consideration of the special order, being House bill No. 7, for the encouragement of Agriculture, Commerce, Manufactures, and other branches of industry, by granting to every man, &c., one hundred and sixty acres of land; and upon which question the gentleman from Ohio [Mr. CABLE] was entitled to the floor—

Mr. CABLE said:

Mr. CHAIRMAN: I have not arisen to make a set speech, after the order and fashion of the present day; although I do consider the question under discussion *emphatically* THE QUESTION OF QUESTIONS—a subject of more merit and vital importance than any other of this age or generation.

Indeed, sir, if I had the ambition to attempt a *fashionable* speech, in want of certain *exquisitely nice* ingredients, I must necessarily fail. For it is admitted that I have none of that tinseled show of drapery which hangs around the prolific fancy of imagination—none of that flowing pageantry necessary to veil the truth or mislead the understanding; none of the gaudy trappings which surround the dazzling Pagoda of MAMMON; none of the glowing fervor that marks the course of the ambitious aspirant; none of the changeable dyes of the politician; none of the chameleon aspects of the demagogue, by which to allure the judgment or captivate the mind. These may all be drawn upon by others, to fill their sails and waft their popularity upon the breeze; but for my own part, *I choose to travel the path of* TRUTH AND JUSTICE, unawed by the scowl of haughty pride, or the jeers of presumptive arrogance—uninfluenced by the sneers of adventitious power, or the tyranny of the insolent parasite—unintimidated by *bombastic bravado*, or the assumptions of the egotistical liliputian.

And, once for all, permit me here to remark, that I came *not* here to pander to "*the mighty dollar!*" but I came to represent the will, to watch over the interest, and guard the rights of HUMANITY. I was born within my district when it was a howling wilderness, and have ever lived among my constituents. I know their warm, generous impulses; I understand their correct principles of action; their sentiments are as familiar to me as household words, and, to the best of my abilities, I shall carry out *their* wishes, represent *their* WILL, with a watchful care over *their* interest; and, consequently, my course shall be in strict conformity to the Constitution of my country.

The principle—HOMES FOR ALL—of the bill under consideration, was introduced in the last Congress by my friend, [Mr. JOHNSON, of Tennessee,] and referred to the Committee on Agriculture. As a member of that committee, I voted instructions to Mr. Young, of Illinois, to report the bill back to the House, with amendments, which he did. It was then referred to the Committee of the Whole on the state of the Union, where it took the infidel's eternal sleep. The same honorable member from Tennessee raised the subject early the last session, and had a bill of like import referred to the same committee, of which he had then been appointed a member; and with my aid and concurrence he had it again before the House; and it was evident the bill would then have passed if it could have been reached in advance of the appropriation bills, which could not be done. This is briefly the history of this subject in the last Congress. In relation to the history of the past, it might be well here to state that, in the first session of the last Congress, while the subject was with the Agricultural Committee, I presented a bill as a substitute for the one referred, which was more extensive in its operations, entirely changing our whole land system; but the committee preferred his to mine. I found that mine could not be reported by the committee as then constituted, so I came down upon this bill as the most available one.

Again, in the early part of the present session, the gentleman from Tennessee, ever watchful of the interest of the producers, introduced the bill, had it referred to the Committee on Agriculture, (of which I am still a member,) which, with my concurrent vote, instructed the honorable gentleman from Virginia [Mr. MCMULLIN] to report it back to the House; and here it now is, claiming our favorable consideration.

So much for the history of the past; and now for a brief—as lawyers would say—of my views upon the present bill—a bill the importance of which should engage the serious attention of every member of this body, as it most certainly will their constituency. Yes, pass this bill, and you do more for the interest and prosperity of the country—more for the happiness and independence of the toiling millions, than any other act of legislation has ever done. Pass this bill, and you entwine another, a more exalted, wreath to encircle the honor, glory, and renown of the *American name*.

As it is impossible for me to embrace every point involved in this momentous subject in the brief hour allotted to me, I shall pass by the financial part thereof, believing that my friend [Mr. JOHNSON] has, heretofore, conclusively proven that *it is the pecuniary interest* of the people's treasury, both *State and National*, to open up the public lands to actual settlers without cost to them; that it would be an increasing source of revenue to the General Government, and more especially to the States, to give *one hundred and sixty acres* of wild land to each actual settler thereon who would improve it; thereby adding to the general wealth and prosperity of the whole. Thus, the point conceded, as I believe it is, by all who have capacity to understand the subject, I pass to other points involved in the discussion of this question—*a question between humanity and oppression*—between right and wrong.

The history of mankind proves the fact, that the MONOPOLY OF THE SOIL has been a more fruitful source of wars and bloodshed—of oppression and cruelty—of poverty and misery—of debauchery and crime, than *all* other causes; and *they are legion*. I might occupy a whole hour in reciting the cunningly-devised schemes of the PATRICIANS—*nobles*, if you please—of ancient Greece, to seduce and cheat the people of that country out of their lands and liberties—how the monopolizers of the soil seduced the PLEBEIANS, the "common people," from their homes to feasts and games prepared by the nobles for the purpose, and then into the wars, which were also brought about by the nobles, for the complete overthrow of the country and the prostration of the unsuspecting plebeians. But, if so, I would not reach my argument at all, in the time allowed me by the rule.

Therefore, I will come directly to our own times and our own day, where there are facts—facts traced in blood and devastation of human life, strong enough to convince those who can be convinced of any truth whatever. For a single instance, look now at the tears, groans—dying groans, misery, wretchedness, famine, destitution, squalid poverty, and prostration of brave, generous, industrious, and faithful Ireland? What is the great, the leading, the *only* cause of all her calamity? Why does now, *seemingly*, a curse rest upon once the joyous "land of song?" MONOPOLY OF THE SOIL—nothing else!

The fee-simple of the "Green Isle" is held by perhaps less than thirty thousand persons who abstract from *labor* its whole reward, except so much only as may be deemed necessary to keep the laborer's "soul and body together;" and often those who labor, are reduced to starvation, while those in whom the fee simple is vested, roll in wealth and luxury, pride and pomp, dissipation and crime, thus pampered and luxuriating upon the hard earnings of those in poverty and want. The identical year in which we, as a people, were sending over our vessels loaded with the necessaries of life to relieve the people of Ireland from starvation, there were raised in Ireland, and shipped to the landlords in England, (the seat of the worst

Government, because of its power to do more evil than any other on earth,) *one million's* worth of good and wholesome provisions. Thus did the monopolist of the soil in Ireland abstract from the then *eight* (now *six*) millions of Irish people so much of the reward of their labor as to leave, in that year, *one half million* of their number the victims of disease and awful famine—died for want of food! What heart can contemplate such scenes of human misery, agony, and death, even in that one year, without realizing that the tongue can be robbed of utterance other than to invoke God's mercy upon the sufferers and his judgments upon their oppressors? So it has ever been, and so it ever will be, in all countries where the *monopoly of the soil* is tolerated. So, too, it would have been in this country, had not the foresight of our heroic fathers, in connection with our immense domain, prevented it.

Had the boundaries of our own beloved country been confined to the limits of the "original Thirteen States," this people, too, would have been, ere this, trodden down by the iron heel of usurpation, fraud, and tyranny. The Shylocks, bankers, with their paper issues, stock-jobbers, speculators, and their auxiliaries, would have *monopolized* the entire soil of this country long ago and put the people under contributions. But thanks to an all-wise Providence who has guided the star of these States to a more glorious destiny. Our widely-extended domain has thrown an insurmountable barrier in the way of usurpation and oppression based upon the *monopoly* of the soil.

In reference to the fee-simple of our PUBLIC DOMAIN, it is held by some that these wild lands *belong* to the Government. Under our form, under the science of free government, this is a gross absurdity. The title rests with the *source* of sovereignty, and not with the representative agency thereof. To show the fallacy of the assumption that Government owns lands, or anything, other than the record of title gives, it is only necessary to call up the Constitution. All the rights, titles, and interest that this Government has to property or *things*, real or mixed, are given in that instrument, unless it be incidental rights by deed, cession, or gift. The assumption proves too much. If it be correct, this Congress can at once settle the question by enacting that the whole length and breadth of our public domain be divided by the number of officers and members, and title issue to each one for his equal proportion, and then invoke the Army and Navy to sustain us—Napoleon like—in our usurpation and gross perversion of the delegated powers. Hence, such an absurdity can have no lodgment in an intelligent mind. I dismiss it as contemptible. The true position is, *the title, the proprietorship of the unsold lands, (the public domain,) is in the whole people;* and "the Congress" has the disposition thereof *in trust*, and so delegated constitutionally. It then follows that the fee-simple is in MAN, not of this nor the other generation, but of the whole people in all time to come. It was so bestowed by the GREAT CREATOR himself, and passed down the vista of time, and through the toils, sufferings, and privations of the revolutionary war—so *confirmed* to our heroic sages of that war, and through them to those who should follow them in all time to come—so confirmed by the *quit-claim*, the recognition of our independence by the entire civilized world.

My friend from Tennessee, on a former occasion, quoted, as authority on this point, from Moses, Vattel, and Jackson—all good authority, authority not to be questioned in this enlightened day; but he might have gone further—gone with the venerable John Q. Adams, while discussing our title to Oregon, back to the Pope. Yes, he might have gone still further, and *proven the original title* IN MAN *from his creation, bestowed by* GOD *himself upon the whole human family*—not the few! Then first of all to the Bible—that book o books—which declares that, "In the beginning God created the heavens and the earth;" and "there was not a man to till the earth." * * * Again, "He formed man out of the dust of the earth; and breathed into his face the breath of life, and man became a living soul." After his creation, as "male and female," man was directed to "*fill the earth and subdue it.*" "And the Lord God sent him (man) out of the Paradise of pleasure—the Garden of Eden—*to till the earth from which he* (man) *was taken.*" Again: "In the 'sweat of thy face shalt thou eat bread, till thou 'return unto the ground; for out of it thou wast 'taken: for dust thou *art* and unto dust shalt thou 'return."

By these quotations two things are proven. First: that *man* (speaking *alone* of his mortality) is of the earth, belongs to the earth, and, by God's decree, the earth to him while he lives, and when he dies his body *returns to the earth of which it is formed.* Man cannot live in the air *above* the earth, nor *under* the earth; but if he lives at all, he must live *on* the earth, and sustain life by feeding upon its production. Those, if such there be, who will not accede to the Bible doctrine on this point, will find its truth fully demonstrated in modern science. In analyzing the earth it is found to be composed of silica, alumina, peroxyd of iron, carbonate of lime, magnesia, soda, phosphoric and sulphuric acids, &c., &c. And when the *human body* is analyzed, it is found to be composed of *precisely* the same properties, only varied in proportions and somewhat refined. These facts fully confirm the Bible doctrine, that "Thou shalt till the earth, until thou return to it, from which thou wast taken." Then withhold not from thy brother what God had bestowed upon him *before* "thou wast." Secondly. The foregoing quotations, with their contextures, prove man's *inalienable* connection with the earth. For, if you dissolve the body—if you burn it to ashes in the *center*, and scatter them to the four winds of heaven—if you anatomize it, do with it what you will—the *body returns again to the earth from which it was taken.* Consequently, there is no retreating from the fact, that man has an inalienable right to so much of the earth, at least, as will yield him and his household all the necessaries and comforts of life, by industry and application; just as man has a right to life, to the air, the rays of the sun, or the water from the earth. It would be insolent mockery to say to a man live, while you deny him the means of life; to say to him pursue happiness, while you bind him hand and foot, and put a gag in his mouth. And a Government, a Congress, an Administration, that withholds this right to the soil—*a right* conferred by God himself *on all*, "high and low, rich and poor"—from any portion of the people, is guilty of usurpation, tyranny, and fraud.

MOSES prophetically declares that "the land shall not always be sold;" and this prophecy will be fulfilled on this continent, sooner or later.

There was an excuse, an apology for our venerable sages and heroes of our Revolution, in selling the lands. They had involved themselves in a debt of many millions; the people were destitute of everything, except patriotism, honor, and virtue; the *thirteen* separate national governments without resources or revenues. The General Congress could devise no means by which that ponderous debt could be paid. Then it was that the hearts of the bravest began to quake within them. The political clouds were dark and lowering, while the fulminations of monarchical rejoicings were gathering in the horizon. The creditors had become restive. The enemies of DEMOCRACY had become bold and tantalizing. The people of the States—the proprietors of the unappropriated lands, ever true to themselves, came to the rescue, and ceded *their* lands to the General Government, *in trust*, for the purpose of paying *that* debt. In other words: they gave to the creditors, through "the Congress," a mortgage—a lien—upon the domain, as a guaranty that the debt should be paid—that the creditors might be easy. The last dollar of that debt was paid off under the wise administration of the heroic JACKSON, and the mortgage lifted. The lands being thus released from incumbrances, the whole system should then have been changed, as the patriot Jackson recommended. But, *no!*—the *demon*—usurpation, fraud, speculation, and ignorance—held dominion in these Halls, to stifle justice, and insult humanity.

JEFFERSON, the *immortal* Jefferson, and his compatriots—that *August Council of Rebels*, on the 4th of July, 1776, declared that "*all* just powers of government are derived from the consent of the governed." The people, from whom emanate all just powers of this Government, ask the recognition of their right to "life, liberty, and the pursuit of happiness," in a grant of homes and independence upon *their own soil*—soil upon which they had only given a lien to secure a debt—no more! Yes, this demand is made by the proprietors of the soil, and that voice, coming down from the sovereign people, should reach this Hall, and be echoed and reverberated from every tongue here, and will be, so far as the people have representatives upon this floor.

The science of free government teaches that *there is no acquired or incidental right of any stability or virtue that is not based upon or does not flow from a natural right.* Hence, if it be claimed that the people have *not* a natural right to the soil, then, indeed, they could *not* bestow or confer, through their agent, the government, any title to the purchase of land. To repeat, if you destroy man's natural, inalienable right to the soil, you also destroy the virtue and stability of your land titles. This is an important point that should not be overlooked or be treated lightly; especially by those of large estates. For when you strike a blow at the natural, the inalienable right of the people to the public domain, you destroy the basis and virtue of the tenure by which you hold title thereto; and strike a *more* deadly blow at your *acquired* rights to your own possessions. The one follows or flows from the other; and, as the former is denied, the latter is weakened. But when you admit the plain fact of the one, you make secure the other. Thus have we quoted and referred to authority, which must be conclusive to many, from the *Father of all* to Adam, Moses, the Pope, Vattel, Jefferson, Adams, and Jackson. Who can war against all this authority, with Blackstone and a cloud of other witnesses corroborating? There is yet one quotation upon the subject of title, accompanied with an eternal fiat, from which there is no escape. It is no less authority than that of the greatest reformer of which this world can boast; and in whom a redeemed world will ever rejoice. With a quotation from Him, I shall close my remarks, but not yet.

However, there is one class of politicians for whom I have no authority to give. They are that class who claim sovereign, omnipotent power in this General Government over the States and the people; and if the people and States do not submit to usurpation, these degenerate sons of heroic sires claim the power to "ride booted and spurred," even *without* 'the Grace of God,' "over the people rough-shod," by the aid of the Army and Navy. They seem to forget that *this Government was created by a mere breath of the people*, and that the same breath created the Army and Navy, with *all* the official dignitaries here and throughout the length and breath of this country. The power to create implies the power to destroy—the same breath that makes can unmake at pleasure. These kind of politicians reverse the order of Heaven, and claim the power of the *creature* to be greater than the *creator;* and place themselves in the same attitude the Devil placed himself, when he offered Christ all the kingdoms of the world—not owning what he proposed to give. Sovereignty is with the States and the people; and the State is constitutionally and rightfully the *judge* of the extent of the powers she has delegated to the General Government: Thus far thou mayst go, and here shall thy proud usurpations be stayed—says the creator to the thing created. The Army and Navy are *no* exceptions; and they sink into insignificance when brought under the withering breath that has given them all the power and greatness they now possess.

Notwithstanding the people's right to soil is unquestionable—notwithstanding they have paid for these lands *once*, TWICE, or THRICE—yet sage statesmen gravely tell us, the people must pay again; the Government must not lose the price; as though *Government* was something separate and apart from the people!—above the people!—or that there is an ever-continuing strife between the people and the Government! Nothing could be more absurdly ridiculous than an attempt to separate the people and their Government. Such statesmen have only mistaken one thing in their philosophy; and that is—like Jeshurun who "waxed fat and kicked"—they have forgotten the God who made them, and remind me of Milton's fallen angels, fighting against the power that made them all *they were*, while in a state of innocence and virtue.

The only objection to the freedom of the public

lands to actual settlers, which has come to my ear, is, that "we have paid for our lands, and others should be required to do the same." To this envious objection, it is only deemed necessary to remark, that if you have oppressed our fathers to pay off a heavy national debt, which they did pay, *cease* unjustly to oppress their sons. Besides, there is a great deal too much money annually collected and paid into the Treasury. If there was no more than half the amount of revenue collected, there would be less corruption, less peculation and speculation, while the administration of the Government might be reduced to one half of its present expenditures, and those who do the labor and drudgery thereof could be better paid, and still have funds on hand.

Having said thus much of the *right of* LABOR, to fell the forest and tame the wild lands, it may be proper to offer a few thoughts upon the utility and beneficial results flowing from the passage of this bill. My time is so rapidly drawing to a close that I can only throw out bait for the reflective mind. How many young men and maidens are there in this country, who have been raised to farming—whose parents, with their aid, have felled your forests, reaped your fields—who have been burdened so as to be "kept back" by opening up the country and paying the enormous expenses of goverments, and who are unable to give each of their children a farm at speculator's prices "to begin the world upon"—would be benefited by the privilege of locating and cultivating one hundred and sixty acres—*acres*, too, which are their natural birthright, and thereby add to the general welfare. It would relieve them from the necessity of wearing out their best days to feed up the luxurious banquets of the wine-bibber and the task-master, while their own children go barefooted, unclad, and upon scanty food. For it is now understood that he who rents or crops a farm, only realizes *twenty-five per cent.* of what he earns. One half goes to the landlord, a moiety of the other half in the way of taxes, tariffs, and for charitable purposes—all this, too, while you rob him of his natural right to the soil.

Mr. FOWLER. Will the gentleman allow me one question? I notice he spoke of this bill as providing for men and maidens. I would like to know whether the gentleman intends to propose a clause, providing for all the old maids in the country?

Mr. CABLE. If I were a bachelor, I would certainly propose such a provision.

Mr. FOWLER. I do not happen to be a bachelor, and therefore do not ask the provision for myself.

Mr. CABLE. I had reference to maidens now, but who shall become wedded hereafter, for they could not conveniently till the soil.

But I was proceeding to say how many of middle age, who have been toiling and sweating thus far down the journey of life, without a *home*, but with anxious solicitude to raise, school, and prepare their "little ones" for valuable members of society here, and gems hereafter, would yet be able to improve a home in the forest, and

"Make the wilderness blossom as the rose."

By the passage of this bill, how many would be drawn away from your cities, towns, and villages, whose children have continually before them every allurement to vice and temptation to folly, intemperance, and crime, and who, by a removal to a forest life, would be "snatched as brands from eternal burnings!" How many, I ask, of such would be led "to green pastures, the quiet waters by," and become ornaments to society, the bulwark of government, and finally take their places with the patriarchs of old, in a world of happified and glorified spirits?

Pass this bill, and by the close of the present generation the destitution, misery, groans, and starvation of your "*Bonus Courts*"—the pollution, crime, and prostitution of your "*Dandy Halls*," of your large cities, would almost entirely disappear; for it is want, oppression, despair, and imposition in consequence thereof, that "feed up" these caldrons of human dissolution.

But, above all, the *rich*—the heavy capitalists—those in the fashionable circles of this country—have the deepest interest in the passage of this measure, and deeper than others should they reflect upon this subject. The history of families in this country, where there is no "entail," proves, as a general rule, that riches do not remain in family descent more than to the third generation, and very frequently not further than with the second. In further proof of this fact, I would ask, Who are the truly great men—esteemed as such in all the public phases of society? How few are there from the nurseries of the rich in the gone-by generation! Very few—just enough to prove a general rule. This is in consequence of the corrupting and degenerating influence of much wealth. The parents raise their children in luxury, pride, and folly. They are taught neither economy nor labor; and idleness always begets vice. They produce nothing of utility, and are always consuming, until they find themselves stripped of all their wealth. Then, indeed, are they truly miserable—their condition really deplorable. Labor and economy are strangers to them. In such a strait, they yield what of moral training is left, indulge in folly, then in vice, next in crime. The sons become drunkards, gamblers, pickpockets, robbers, and finally end their days in the gutter, the mad-house, the prison, or on the gallows. The history of the daughters I will not trace. Let the broadest mantle of charity cover all their errors and imperfections. But it is an opinion, based upon a scrutinizing inquiry and reliable circumstances, that more than one half of all the destitute, dissolute, criminal, and miserable of this day, especially in your cities, have descended from the wealthiest families of the generations gone by. How many from the vergings of this class would gather up the remnant of a fortune, while their virtue was yet unsullied by crime, and exclaim with the poet—

"O, for a lodge in some vast wilderness."

Then, who is it that should not support this measure of HOMES FOR ALL? Look at its wooing incentives to industry, frugality, temperance, independence, love of country, virtue, and adoration to the beneficent donor—the Father of all. Look at the subject in any aspect you will—revolve it over and over again in the mind—and it presents a glowing picture in prospective glory and beauty for a thousand years to come. Who, then, can withhold his vote from a measure that must have so great a tendency to redeem our race from labor's thraldom, and happify millions "born and unborn."

On the 30th of September last, (1851,) our public domain numbered *one billion, three hundred and ninety-nine millions, five hundred and eighty-six thousand one hundred and forty acres*, exclusive of the Chickasaw cession, which lies in the States of Alabama and Mississippi, and of how many millions of acres I know not. In addition to these amounts, many of the States own large tracts of wild lands. Texas alone has yet unappropriated more than one hundred millions of acres. The greater portions of these lands are superior in soil and climate to the densely populated portions of the Union. It is estimated by some of our best calculators that, in connection with our rapidly increasing population, it will require *seven hundred years* to settle up our public lands—some six hundred, none less than *five hundred years*—to have our wilderness transformed into fields of waving grain, and lawns overspread with lowing herds. The mind can grasp the subject, and each one can make his own calculation, when I give the official fact that *all* the lands sold by the Government, in all the States and Territories, from its commencement up to the 30th of September last, (1851,) were *one hundred and one millions, thirty-three thousand nine hundred and thirty acres*. This shows the fact that we have now a fraction over THIRTEEN AND A HALF *acres unsold to* ONE *that has ever been sold* by the Government, exclusive of this reservation. Where, then, is the propriety or necessity of thus restraining our enterprising young men from entering upon these lands and cultivating them? Why (figuratively) keep all creation *cooped up* in one corner of our country, when there is before us such vast openings for enterprise, industry, and greatness? In the name of justice, sound policy, and humanity, why not pass this bill at once? Who would be injured by it? *Emphatically*, no one.

Pass this bill, and you bring millions of acres of land annually on the tax list, and thousands of dollars to the treasuries of the States and Territories, from that which is now aiding no one. Would it not open up new and increasing demands for *iron*, steel, and all kinds of utensils for felling the forest and cultivating the soil? Would it not increase the demand for cotton and woolen goods, with every species of merchandise? It most certainly would; and give encouragement to every kind of mechanism and manufactures. While you all admit, that when the agriculture of the country flourishes all other branches of industry prosper, yet you obstruct the agricultural prosperity by denying to it the fertile soil.

The fact should ever be kept in view, that there are but *two* sources of wealth in this country—the hand of *labor*, and the *bowels* of the earth. The *child* of toil and *mother* earth produce *all* the wealth of this vast country; and, consequently, they pay *all* the expenses of government, State and national. From these *two sources*, the Shylock, the stock-jobber, the banker, the speculator, draw all their profits and dividends. From these two sources, much as some men seem to despise them, your Army, your Navy, the Congress, the Executive, the Judiciary, throughout all their various departments, are supported, and all your cities are built up. Yes, from these sources supplies are furnished *indirectly* to the general, and *directly* to the State treasury, whence all officers are paid for their services. How important it is, then, that you withdraw the *clogs* from the mechanical and agricultural interests of the country. While other classes are asking, are invoking the power of this Government to enable *them*, under the plea of protection and tariffs, to *abstract* still more and more from *the reward of labor*, the mechanics, artisans, laborers, and farmers, only ask you to remove your CLOGS, which hang upon their rights like an incubus upon the slumbers of an irregular system. They only ask the recognition of their unquestionable rights, that they may be the better *enabled to produce the wealth* of which this Government is so lavish. To ask the producers to raise these vast sums of money, which keep the non-producers in pomp and luxury, to meet all the expenditures of Government, proper and improper, necessary and unnecessary, while you withhold from them the very means—THE SOIL—necessary to enable them to produce the money, is both unjust and tyrannical; it is gross usurpation.

We ask not the derangement of society, or its organizations. We would deprecate anything tending to disorder or anarchy. For, in any such events, it is the producers under free government that suffer most. We seek *not* to strike down the exalted, but to exalt the lowly. We only ask the recognition of our rights—*rights* with which God and nature have endowed all; and that, too, only in the way secured by the Constitution of our common country; and alone in the way it prescribes. And why shall we be denied? Again—I insist upon it—while you demand such heavy amounts of revenue to keep the wheels of Government in motion, and support "the *dignity* of official station," withhold *not from us* the only means by which we can be enabled *to dig it up!* Turn out all your "loose (not tied) floating population" upon the wild lands, and soon they will become virtuous, industrious, independent, and a bulwark to the country. A forest life is free from the contaminating influences of cities; inspires virtue; and will restore the fallen to usefulness, if not to innocence. And while you complain of poor taxes and almshouses—of jails and penitentiaries—you contribute greatly to the number of inmates by usurping their rights, and by denying to them the very means of life—"Thou shalt till the earth until thou return to it."

Again, I ask, triumphantly, who will be injured by the freedom of the public lands to actual settlers? The answer is plain: All will be benefited thereby, and *none* will be injured, unless it be the public plunderer. Why, then, delay the passage of the bill? There can be no reason given against its passage other than that based upon a mean, tyrannical, infernal *spirit of envy and avarice*. It is true, there are involved in this question, as there are in all others, *two elements*. The one is TRUTH, with all its happifying influences, and the other is ERROR, with all its concomitant evils; and it is said that the latter is most dangerous when interwoven with the former. But opposition to this great measure of good to all, has *no salvo!*—nothing to

shield its deformity, except the flimsy robe of *stupid ignorance*.

The policy pursued by this Government, relative to the "alternate sections" reserved in the northwestern part of Ohio, and the blind policy of the State in reference to the lands donated to her for canal purposes, together with the large tracts heretofore, and some yet, held by speculators, are the *blotches* and dark spots upon her brightness and her glory. Had these donated lands and the alternate sections been given to actual settlers twenty years ago, would not the State, ere this, have received *three times the price*, at which they would not sell, in taxes and increased tolls on her canals?—and would not the general Treasury have been benefited thereby more than the price of entry? Yes; had your policy been just and wise, the "swales" would have disappeared long ago; and that which is yet wild would have been the homes for thousands of the sons and daughters of toil—spreading out the fields of luxuriant grain and grazing herds—bringing annual revenues to your treasuries. I blush for the blindness and stupidity of Ohio statesmanship on this point, whenever the thought thereof presents itself.

There is one of the important branches of this great subject, which I had intended to present to the House, but my hour draws to a close, and I regret the necessity which compels me to abandon it.

Pass this bill, and we, as a people, soon become the producers of the necessaries of life for almost the entire civilized world. Our flour and meal—our pork and beef—our wheat and corn—our wool and cotton—our sugar and rice—our butter and cheese—our lard and oil—will soon find a market in all quarters of the habitable globe. Give us, then, the freedom of the soil, and an open sea, and the world is ours. Remove your clogs, and in agriculture no people can compete with us; and hence we will soon have the *world for a market-house!*

Secure to every family a *home*, a spot of their *mother earth* that they can call their own, and you secure a love of country, lasting as the evergreens of our native mountains. From childhood to manhood that love of country will "grow with his growth, and strengthen with his strength." Secure the mother and her little ones from the consequences of weakness or misfortunes—from the vices or follies—the dissipation or crimes of the husband and father—and you thereby rivet the chains of affection in the child which cannot be yielded even with the last pulsation of the heart. The remembrance of the joys and the tears—the bathing waters and flowery banks of the limpid streams—the church and SILENT CITY where repose the loved ones in life who now lie upon the cold pillow of mother earth—will all be present along the pathway of time, to nerve the arm and resist oppression's direful wrongs.

I stand *not* here the advocate of shining riches nor dazzling wealth. The "mighty dollar," the pride, fashion, folly, and vain pomp of the day have no endearments—for

> "To me more dear, congenial to my heart,
> One native charm than all the gloss of art."

It is for the poor, friendless, houseless, homeless, *child of toil*, that I appear before you as a speaker on this occasion; and if I can be instrumental in imparting joy to the troubled, desponding, disconsolate heart—*homes and comfort to the distressed*—I shall feel more delighted, more joyously honored than if I had all the cold formalities of a proud and calculating world to do me homage. Away with your *vain flummery!*—let it glide its downward declivity, until it reaches its level in the stenchy pool of pollution. It is on behalf of the laboring man, the farmer, mechanic, and their children, that I would interpose on this and all other occasions.

Strike down the *monopoly of the soil*, make it free to the *landless*, the actual settlers, and none other, and how soon will the fulminating tones of discord cease? The troubled waters will soon be still. The axeman's cheerful song, and the plough-boy's merry whistle, will soon enliven the forest and cheer the groves. This bill you will pass! It cannot be that this Congress are so blind to their duty, and the great, the truly great interest of the whole country, as to reject a measure so beneficient and beneficial to all.

The ETERNAL FIAT has gone forth that *this* country shall be the *redemption of labor*. Here, labor must be redeemed from that thralldom which now drags it down and robs the toiling millions of their just reward, while they are burdened with heavy taxes, tariffs, and denied, *by their servants*, the means to produce the money they demand of them. Then, sir, let us unite our aid, our votes, and all our energies to accomplish this great event—*homes and independence for all!* Let us not lose our golden hours, but aid the ushering in of that day—that glorious dawn of an immortal day, (O, the happifying thought!) "*when every man shall sit under his own vine and fig tree, where no one dare molest nor make afraid.*"

THE PRESIDENCY, &c.

SPEECH OF HON. J. C. BRECKINRIDGE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

March 3, 1852.

On the opinions of Gen. Butler—the Democratic Review—Judge Douglas—the Presidency.

The House having resolved itself into Committee of the Whole on the state of the Union, on the homestead bill.

Mr. BRECKINRIDGE said:

Mr. CHAIRMAN: Upon the bill which is now before the committee, I have not informed myself, and do not propose to discuss it at this time. I have, upon a little reflection, doubted whether, as a representative of Kentucky, I ought to vote for a proposition, the effect of which might be to depopulate my own State; at the same time it seems, that in reference to the public lands, we are to have a grab game, and if such a system is to prevail, it may be that donations to actual settlers will be the most equal mode of distribution. As to this matter, I do not now propose to express any opinion, but my object is to offer some remarks, chiefly in reply to a portion of the speech delivered some time ago by the gentleman from Florida, [Mr. CABELL.] At that time, the bounty land bill was pending before the House, and feeling a deep interest in its passage, I did not choose to retard it by irrelevant discussion, and since that time no opportunity has presented itself until now.

It is not my purpose to enter upon all the points discussed by the gentleman from Florida, [Mr. CABELL.] Indeed that would be an endless task, for whatever else may be said of his speech, it can justly challenge precedence as the most miscellaneous address yet delivered in the Thirty-second Congress. I will not now follow the gentleman in his discussion of the comparative soundness of the parties at the North upon the slavery question, but only remark that I still have the same opinions on that subject which he confesses he held until a few weeks ago. Nor will I now inquire why he has suddenly seen new light and turned a sharp corner; nor why he rebuked the Constitutional Union party of the South for electing delegates to the Baltimore Convention, by the light of the same facts that compelled him to declare the Northern Democrats to be more trustworthy upon this subject of slavery than the Northern Whigs. These are curious facts, and they furnish the materials for useful meditation, but I pass them by. My object at this time is more limited. The gentleman from Florida, [Mr. CABELL,] while canvassing the claims of certain Northern Whigs to the Presidency and warning off the Constitutional Union party from the Baltimore Convention, holds the following language in reference to that body. I quote from the report of his remarks in the Daily Globe of the 4th of February. Speaking of the Democrats, he says:

> "They will nominate some such man as William O. Butler, of Kentucky, a man whose opinions are not known, except that he has happened to own some slaves, and who will be sustained by Van Buren & Co. as a Southern man with Northern sentiments, and by the Southern-Rights men as one of themselves."

Again, sir, after blowing hot and cold upon General Scott through the greater part of a column, but reaching the conclusion that it is too late for him to be elected, the gentleman adds:

> "What the Democrats will do, I know not. They may go for Butler, or some other *mum* candidate."

Similar allusions to these are scattered through the speech. I believe this is the first time at this session that any gentleman has introduced the name of a political opponent into the discussions of the House in connection with the Presidency. The propriety of noticing this direct assault is so obvious, that I will not detain the committee with an apology for doing so. It would ill become a Democratic Representative from Kentucky to be silent under this attack upon one of her most eminent citizens, especially since the recent action of the Democratic Convention of that State. I address the committee to vindicate the action of the Kentucky Democracy, and, collaterally, to justify their choice. I consider both assailed by the language of the gentleman from Florida. And to guard against all misrepresentation, I desire to say distinctly, that I have not introduced the question of the Presidency upon this floor. It is not my purpose, in defending General Butler against an unjust attack, to disparage other eminent Democrats, still less to bring him in conflict with them. It is our custom in the State of Kentucky to defend and honor all our worthy public men. If the occasion were suitable, I would willingly pay the tribute of my regard to many names mentioned on the Democratic side in connection with the Presidency. There is the distinguished Senator from Michigan, [Mr. CASS,] the man whose undeserved fate it was to be defeated, although since his principles have triumphed. There are others, but I need not enumerate them. The Democrats have many able men, either of whom would adorn the Chief Magistracy, and administer this Government upon the strict principles of the republican faith, and I am willing to trust any that have been named.

The gentleman from Florida, in connection with his allusions to Gen. Butler, thought proper to express a preference for Mr. Fillmore for the Presidency. To this, of course, I have no objection; but he chose also to contrast the positions of these gentlemen, particularly upon the question of slavery, and to draw a conclusion much to the advantage of his friend. If he had simply uttered a eulogy upon Mr. Fillmore, I would have nothing to say. If he had been willing even to take the penance of eighteen months or two years as a sufficient atonement for the efforts of twenty-five years in an opposite direction, still I would have nothing to say; but when upon this particular question he wishes to exalt a very recent convert above an old Christian, and when he proposes to use my friend as a sort of foil to set off the virtues and merits of his own, I may be compelled to advert to their past history in connection with this matter. If the retrospect should not be agreeable to the gentleman from Florida, he may blame himself for having instituted the comparison. First, as to the specific charges I have quoted; I pronounce the imputations of the gentleman from Florida to be wholly gratuitous and unfounded. I hold him responsible for them before this House and the country, and I demand of him to maintain or retract them. When he says that the opinions of General Butler are unknown, the statement is competent as an admission of his own ignorance—for no other purpose. The man, of whom he knows nothing, has been for more than forty years a well-known Southern Democrat. He was for four years a prominent member of this body, during a most important political era. He was afterwards a candidate for Governor of Kentucky, when *all* the issues between the parties were on the field of contest; and then, indorsed by the united Democracy of America, he was the candidate for the Vice Presidency, upon the *written principles* of the Democratic party, against a ticket that displayed no flag. I believe the gentleman from Florida was a warm supporter of the ticket that bore the blank bunting, and he still adheres to part of it. The gentleman made an honest confession the other day, and I now suggest to him that the dissolution of his connection with those whose opinions are unknown, is so very recent as to furnish some excuse for his sensitiveness upon this subject, as well as in regard to mum candidates. It is true, Mr. Chairman, that General Butler has not written a letter with every change of the moon, giving or explaining his opinions, nor would such a course strengthen my confidence in their sincerity or value. Yet his political position upon all subjects is as well known and as little liable to be misunderstood as that of any other public man, and I cannot forbear expressing my astonishment at this attack proceeding from that direction, whether I consider the political

antecedents of the gentlemen whose positions he contrasts, or the action of the parties at the North upon this most vexed and dangerous question.

Mr. Chairman, the gentleman from Florida is a Whig—a Southern Whig. He has so defined himself here. Now, I have to say that the Southern Whigs, and the Northern Whigs should be particularly modest upon this whole question of slavery. The former, by their countenance and assistance, have encouraged the latter to abolitionize almost the whole Whig party of the North. I have never seen a Northern Democrat fall bravely defending our constitutional rights, that the event was not greeted with Whig shouts of exultation from the South. And I have to say, that if Mr. Fillmore, Mr. Webster, and the Northern Whigs generally had aided Butler and the American Democracy, with whom he acted in Congress, to stem the slavery agitation at its origin, the country would have escaped the calamities it has entailed. In speaking of opinions, and in settling character, it may be well enough to refer occasionally to the record. The disorders of the last few years are but the natural development of causes lying aback of them. The debates of Congress will show those causes and the chief actors in them, and history will know where to fix the responsibility. Now, I do not propose to go into this retrospect. I will mention one or two instances for the purpose of showing where his friend and mine stood in the past, before I come down to the present. For more than ten years this country has been violently distracted by the spirit of abolition. That spirit, at first feeble, exhibited itself chiefly in the form of petitions and memorials to Congress for the abolition of slavery in the Territories of the Union, the District of Columbia, and of the slave trade between the States. It was through Congress that the Abolitionists proposed to create strife in the Union, and it was in Congress that the Democratic party undertook to arrest their march. Strong efforts were made, chiefly by the Democratic party, to arrest, in the beginning, this fatal agitation. At the commencement of the Twenty-sixth Congress, Mr. Wise, of Virginia, submitted a resolution that all petitions, memorials, and resolutions for the abolition of slavery or the slave trade in the States, Territories, or Districts, of this Union should be considered as objected to, and the question of reception laid upon the table without debate. Thereupon, instantly, Mr. Fillmore, of New York, said that if it was necessary to object to the resolution, he objected. Upon a motion to suspend the rules for its introduction, I find the name of WILLIAM O. BUTLER recorded in the affirmative; and the names of Messrs. ADAMS, GIDDINGS, FILLMORE, etc., etc., in the negative. Afterwards, sir, at the same session, the famous twenty-first rule was adopted, wholly excluding abolition petitions, whether they referred to the States, Territories, or the District of Columbia. Here again the name of General BUTLER was recorded in the affirmative, and ADAMS, GIDDINGS, FILLMORE, and others, and I regret to add some Southern Whigs, in the negative. Everybody knows Mr. Adams instantly commenced a system of agitation for the repeal of that rule. During the four years that General Butler remained in Congress he uniformly voted against the repeal, while the favorite of the gentleman from Florida as uniformly voted for it. The Kentuckian, who is not to be trusted, fought steadily against abolitionism, and every other anti-slaveryism of the day; yet my friend from Florida reserves his entire confidence for those who fought upon the other side.

Mr. Chairman, one other reminiscence: In the course of his speech, while speaking particularly on the subject of slavery, the gentleman from Florida [Mr. CABELL] says, "I will never give my support to a man whose position is not definitely and clearly known." This is very well, and I am glad to hear it. Farther on he says: "I have never hesitated to express my opinion. I am in favor of the election of Millard Fillmore for the President of the United States." That also is very clear, and by combining the two, it follows that the opinions of Mr. Fillmore upon the question of slavery are definitely and clearly known to the gentleman from Florida. Now, sir, it is well known to the public that Mr. Fillmore, in his famous letter to the Erie Abolitionists, (a copy of which I now hold in my hand,) took ground in favor of the abolition of slavery in the District of Columbia, and of the slave trade between the States. I have never seen any recantation of these principles—never; but from a comparison of the positions of the gentleman from Florida, one of three conclusions must flow—either Mr. Fillmore has abandoned those principles, or the gentleman from Florida has adopted them, or he prefers to all others for the Presidency the man who holds them. The whole thing is shut up to one of these three, and the gentleman at his leisure may select between them.

Mr. CABELL, of Florida. When the gentleman says to this House that Mr. Fillmore has not written, published, or said anything in opposition to the sentiments of that letter, I must say that he should take his insinuation or charge of ignorance to himself; for it is perfectly well known to us all, that the letter in which Mr. Fillmore especially retracted his opinion on the subject of the abolition of the slave trade between the States was published during the last canvass in all of the papers throughout the country. And yet the gentleman says he is not acquainted with it. One single word more. I wish the gentleman to understand that my position is this, and my remarks were addressed entirely and exclusively to the connection of Mr. Fillmore and other candidates for the Presidency with the compromise bills: I said that I would go for no man who was not in favor of the finality of this slavery agitation, and I believed that that end could be accomplished by adhering to these measures. Mr. Fillmore's position upon that subject was perfectly well known, but I did not know Mr. Butler's opinion in reference to it, although I am perfectly well aware of his course while in the Congress of the United States. I desire to have the opinion of candidates for the Presidency in reference to these particular measures.

Mr. BRECKINRIDGE. Does the gentleman consider these particular measures as covering the whole question, and is he perfectly regardless about the fate of the institutions of his section so that he can get somebody to agree to the finality of the compromise? I do not think that this system of measures says one word about the slave trade between the States. I ask the gentleman if he will prefer Mr. Fillmore for the Presidency, should he be in favor of the abolition of the slave trade between the States.

Mr. CABELL. Certainly not. But Mr. Fillmore is in favor of no such measure, as will appear by reference to his letters to Governor Gale, and to Mr. Brooks, to which I have referred.

Mr. BRECKINRIDGE. I am about to allude to that. Now, sir, he tells me a fact that I did not know, and I plead guilty to the charge of ignorance; for I suppose it to be true from the statement of the gentleman from Florida—that Mr. Fillmore published a letter retracting his opinions in reference to the action of Congress upon the slave trade between the States. Upon reflection, I believe I heard something of it on the stump last summer, but I have not seen the letter. Let me ask him this question: Did he in this letter express opinions adverse to the power, or did he only surrender his former opinions in obedience to the decision of the Supreme Court of the United States? Did he voluntarily give them up, or was he driven by the Supreme Court of the United States to surrender? The gentleman nods, and I take it for granted that is it. This is a bad history. You cannot fasten anything of that sort upon the Kentuckian I am defending.

Mr. CABELL. If the gentleman will allow me. I do not recollect precisely the words of that letter. It was addressed to the gentleman from New York, [Mr. BROOKS.] I will ask the gentleman to allow Mr. BROOKS to state what the letter was.

[Cries of "Go on!" "Go on!" "Don't give way, or your time will be wasted!"]

Mr. BRECKINRIDGE. I am perfectly willing; but I do not wish to lose my time. Let the gentleman from New York publish the letter again. I did not understand the gentleman from Florida to say that Mr. Fillmore has ever retracted his published opinions in favor of the abolition of slavery in this District, or that he ever has in the slightest degree varied the uniform anti-slavery tenor of his public life for the last quarter of a century. I will ask the gentleman from Florida if he understands Mr. Fillmore's position to be, that if the Territory of New Mexico, or any other Territory, should apply for admission into this Union, with slavery in her constitution, the Executive would throw his influence in favor of her admission?

Mr. CABELL. By all means, if there were no other objections to her admission.

Mr. BRECKINRIDGE. You know it to be so?

Mr. CABELL. I have no doubt of it.

Mr. BRECKINRIDGE. I will tell the gentleman the only reason why I doubted it. I thought so, inasmuch as the President in his message said it was a final settlement in principle and detail. I applauded him for that, for I was willing to take it as a finality, and am in favor of the finality of the compromise measures; but I find that the distinguished gentleman from Massachusetts, Mr. Webster, a member of his Cabinet, was traversing the State of New York last summer, making public speeches, and stating that his own opinions and those of the President were identical upon this question, and at the same time declaring that he (Mr. Webster) was irrevocably opposed to the admission of any more slave territory into the Union. Therefore, Mr. Webster was misinformed, (which is not probable,) when he declared the opinions of himself and Mr. Fillmore were identical, or Mr. Fillmore does not occupy the position the gentleman supposes. Mr. Chairman, as a sort of conversation has sprung up between my friend from Florida and myself, and as our relations are such that we can question each other without the apprehension of being misunderstood, I will put one other question to him. In connection with his eulogium upon Mr. Fillmore, I would inquire of the honorable gentleman whether he considers Mr. Fillmore perfectly sound upon the question of the removal of the Florida Indians? [Laughter.] I saw a letter from the honorable gentleman in the "Intelligencer" the other day, which looked somewhat significant. Now, I have no disposition to interfere with the private affairs of the State of Florida—none in the world; but there are a great many Kentuckians there, constituents of the honorable gentleman, and I think I have some excuse for asking the question. I hope he will take it kindly, and answer accordingly.

Mr. CABELL. I have already referred to that subject in the papers. I would ask a question quite as relevant as the one he has put to me: What are the opinions of Mr. Butler as to duties upon iron, and in regard to the tariff? [Laughter.]

Mr. BRECKINRIDGE. The gentleman answers my question by asking another. Now, if I waive my right and answer him, it will place him under renewed obligations to reply to my question. I answer that I have no doubt General Butler is in favor of a revenue *ad valorem* tariff, and opposed to an increase of duty on iron. Will the gentleman now answer my question? What are Mr. Fillmore's views in regard to the removal of the Florida Indians? [Laughter.]

Mr. CABELL. I believe Mr. Fillmore was very sound on that subject, but many of the officers were not.

Mr. BRECKINRIDGE. At any rate the gentleman cannot get his Indians out of the country with all the power of the Administration. I think the Administration ought to carry out the treaty by which the Indians were to be removed from Florida, and I should be glad to hear the gentleman's defence of them for failing to do so.

To return from this episode. In what position do the facts I have mentioned, and many others like them, place the gentleman and his friends? While Butler and the American Democracy were striving to stem the tide of fire that swept over the land, the gentleman's present allies were augmenting its volume; but now assume very lofty airs. They profess to be the peculiar friends of the South, and fling their sneers at the men who bravely struggled to avert the calamities they caused. I hope the hour of repentance has come; it is full time. No incendiaries were ever under higher obligations to extinguish the fires they kindled. But for them no compromise would have been necessary; abolition never would have become a dangerous element in American politics, and we would not have heard

of a third party upon a single issue. General Butler, and Messrs. Fillmore, Webster, and others may meet at the compromise, but they will have journeyed to it from very opposite directions.

I have said that the Democracy of Kentucky have presented the name of General Butler to the country for the Presidency upon the principles of the State. The action of that convention is known to the public, and its resolutions have been published in the leading papers of the Union. I may be allowed to remark, that the Democrats of Kentucky have long been distinguished by the fidelity to principle that commonly marks an oppressed minority. No portion of the party is more devoted to the union of the States upon the basis of the rights of the States. I have been asked repeatedly, whether these resolutions express the opinions of General Butler, and whether he has indorsed them? A great many comments have been made in the public papers upon this subject. Now, I believe that in public as in private life honesty is the best policy, and the man who at any time, and particularly at this time, connives at the concealment of his opinions, especially if that concealment be but a cover for deception, is unworthy of the support of any portion of the American people; and I feel that I would merit the contempt of the gallant, able, and blameless gentleman I am defending here, if I failed to answer all such inquiries by all the means in my power.

It appears that sometime ago, Mr. Francis P. Blair wrote to General Butler on political subjects. About the same time I also wrote to him, but without any knowledge of what Mr. Blair had done, informing him of certain charges of corruption and intrigue circulating against him here and springing from certain sources, and requesting him to write me a letter to be used at my discretion. General Butler answered the letter of Mr. Blair. He also answered mine, sending me a copy of the letter to Mr. Blair, and the original also; requesting me to compare them, send the original to Mr. Blair, and use the copy if I saw fit. The following is the letter to myself:

CARROLLTON, KENTUCKY, *February* 9, 1852.

DEAR SIR: I was quite sick at Louisville, and am still too unwell to answer your letter in such a manner as I could wish. I have therefore concluded to send you a copy of one written some weeks since to F. P. Blair, Esq., but not forwarded for the reasons stated. You will please compare them, and hand the original to Mr. Blair. I think it probable this letter may answer your purpose as well, or better than any I can write, as it is the only one I have ever written to any one of the Free-Soil party, and is a full statement of all that has ever taken place between us. I do not wish it published, but you are at liberty to show it to any one you please. Of one thing be fully assured, that whatever support I may receive from that or any other quarter, will be without the slightest condition either express or implied on my part. With high regard, truly, your friend,

W. O. BUTLER.

Hon. J. C. BRECKINRIDGE.

The fact of its being dated so long ago, shows that I have been trying to get the floor without success. This is the letter to Mr. Blair, which I feel justified under the circumstances in making public:

CARROLLTON, KENTUCKY, *January* 27, 1852.

DEAR SIR: I inclose you the proceedings of the Democratic Convention, held at Frankfort on the 8th instant, which it was my intention to have done so soon as I received them, but was prevented by the freezing up of the Ohio, which destroyed all of our mail facilities for near three weeks. The resolutions speak for themselves, and it is only necessary for me to say, that they were submitted to me before they were acted upon by the Convention, and met my entire approbation. What effect they are likely to have upon myself politically, I did not pause to inquire. It is sufficient for me that they are in strict accordance with my own opinions—opinions not of a day nor lightly entertained, and therefore not likely to be changed nor abandoned: opinions, too, in which the American people feel a deep interest, and therefore proper to be made known. In the proceedings of this Convention there is nothing new, nor in the slightest degree at war with that spirit of conciliation which seems likely to pervade every section of the Union. While the first and second resolutions express, in bold and unmistakable language, what the people of Kentucky believe to be their constitutional rights, in relation to the all-engrossing issues growing out of the institution of slavery; still, by the third resolution, the Convention resolves that the people of Kentucky will abide by, and maintain, all the late acts of Congress known as the compromise measures, as a final settlement of all the questions embraced in those acts.

If her opinions should be deemed extreme, it but serves to prove how much Kentucky is ready to yield in the spirit of compromise. Every day's experience but serves to convince me, more and more, of the wisdom and patriotism of the great men who brought about those healing measures. It is as though a great national altar had been erected in our midst, on which every lover of our common country is invited to lay his offering of peace, and to offer up his prayers for the perpetuity of our Union, and the continuance of the inestimable blessings which we enjoy under its protection.

The territorial question, although one of much importance, is fortunately, from its very nature, destined to be one of short duration. In a few years our wild territories will all become populous States, and each State will settle within its own borders the question of slavery, by constitutional enactments that none can question. In the mean time, the rights, whether real or imaginary, of the contending parties will remain unimpaired. Let us, then, wait on *time*, with the full assurance that He whose march is tracked by the desolation of kingdoms and empires in the olden East, will bring "healing in His wings" to the young West.

The fugitive slave law, with the entire South, is one of most vital importance. The people of Kentucky are more interested in it than those of any other State, and their Delegates at Frankfort have properly marked, with much emphasis, the necessity of its strict enforcement. This, we think, we have a constitutional right to demand of the General Government. Kentucky does not make this demand in wantonness, nor for herself alone, nor yet for the South, but for the entire Union; for the people of Kentucky honestly believe, that upon the faithful execution of that law the peace, the prosperity, and the integrity of the Union all are staked.

The compromise measures will, in all probability, be added to the Democratic platform of 1848, as they have been indorsed by most of the Democratic conventions in the Union. Whether this be done or not, every candidate for the office of President will stand pledged to support them.

My native State has done me the honor, through its convention, to recommend me to the favorable consideration of the National Convention, to be held in June next. Without such recommendation, I had resolved that, with my own consent, my name should not be presented to that body. Acting on this determination, I have, until within a few days past, answered none of the many political letters received from other States, which you will please accept as my apology for not having replied to yours. Still, the simple fact that we met together on a crowded steamboat and breakfasted at a crowded hotel, where not one word was uttered by either that might not, for aught I care, have been proclaimed in the market place, connected with another most astounding fact, that you and some of your political friends have dared to commit the overt act of intimating your preference for myself over other gentlemen who are presumed to occupy precisely the same political position that I do, have, it seems, afforded sufficient grounds, with certain writers for newspapers, to charge upon us a corrupt intrigue to secure the vote of the Free-Soil party. I do not refer to this report for the purpose of marking its falsity; that you know full well. My purpose is, to point out distinctly the course I have acted upon and intend to adhere to. I have nothing to do with the hopes and expectations that usually enter into a presidential canvass. They are natural, and, when based on merit and fitness, not blameable. It is enough for me to say that I will not minister to them in the slightest degree. It is my wish to stand perfectly aloof from the contest, and suffer public opinion to form itself. I prize the character of a gentleman much higher than the office of President.

I have now given you my views briefly, but I trust with sufficient clearness, and beg that you will act precisely as you would have done had you known them in advance.

Whatever your course may be, I am satisfied that it will be dictated by your sense of right, and will in no degree disturb, on my part, that friendship which grew up between us when school boys together, and has traveled with us thus far through life, and to which I had the vanity to believe, and still believe, I am indebted for that preference to which has been ascribed a very different and much less honorable motive. With high regard, truly your friend,

W. O. BUTLER.

To F. P. BLAIR, Esq.

That is a letter addressed to a gentleman supposed to be prominently connected with the Free-Soil party, who had written to General Butler to get his opinions. I dare affirm that it is the letter of a patriot and an honest man; perhaps too honest for political advancement in these times, yet he has not a friend who would not rather see him sink beneath the manly avowal of his own opinions and those of his State, than to see him creep into power by betraying both. What the effect of this may be in certain quarters, I know not; but I defy any man, whose heart cherishes the love of honor, to read these letters without admiring the man who wrote them. The charge that General Butler would beat about the bush to avoid political responsibility, will be met wherever he is known with mingled feelings of derision and indignation. This is not the time nor the occasion for me to pronounce a eulogy upon that gentleman; but this much I will say, that from revolutionary times to this day, that name has been synonymous with honor and truth: all the hereditary instincts of his race spurn concealment or evasion. I inform my friend from Florida, [Mr. CABELL,] and all others concerned, that General Butler never dodges, either on the field of battle or on the field of politics. He might have dodged the service of his country, and thus escaped the enduring memorials which his person bears of the second struggle for independence. He might have saved his blood freely shed in Canada, in Florida, at New Orleans, and at Monterey. When he was a candidate for Governor of Kentucky in 1844, against a most able and estimable gentleman, and when the name of Kentucky's great statesman was before the people for the Presidency—that name more potent to rally his clansmen than any in American history, save that of Jackson—Butler might have dodged a direct and manly defense of the preceding Democratic Administration and been the Governor; but he scorned to shrink from any issue. At the head of the Kentucky Democracy, he led the forlorn hope, and struck the first decisive blow in the great battle which resulted in the election of Mr. Polk, and whose immense consequences are felt by this country and the world.

I have shown that there is no colorable pretext for calling him a mum candidate. In truth, he has not avowed himself a candidate at all. The Democracy of Kentucky have put forward his name in respectful terms, and with it a certain platform; that is all. What would the gentleman have? What would others have? Would they have him to roam over the country, clamoring for support, and spreading his sails to every breeze of popular excitement? Would they have him, with indecent anxiety, issuing proclamations like bulletins on a campaign, and making a new character every fortnight to suit the shifting temper of the times? Would they have these things? General Butler has remained, with quiet dignity, at his home in Kentucky; he has not mingled in this presidential strife. To my mind, sir, it is a noble spectacle. It is the homage he pays to the good sense and capacity of his countrymen. This course carries the mind back to the earlier and purer days of this Republic, and recalls the memory of those really great men who neither sought nor declined the Presidency. The avidity with which high offices are sought now-a-days I regard as the worst, the very worst symptom of the times. From it, as from a copious fountain, flow corruption, extravagance, profligacy, national disgrace. The admonitions of history upon this point are full of instruction. Choose where you will, sir, the moral is always the same. We learn that the Prætorian bands used to set up the Roman empire at auction, and enforce *their* bargains by the sword; but sometimes the arts and schemes that spring out of a corrupt civilization furnish means of illegitimate advancement not less effective than arms. It will be time for honest men to despair of the Republic when aspirants struggle after the same fashion, and struggle successfully, for the highest and lowest offices in the land. I hope that the Chief Magistrate of this Union will ever be designated by the spontaneous voice of the people, and that the citizen who is honored by the public choice may deserve the place for his services, his virtues—and his modesty.

Now, sir, of the opinions and course of General Butler in the past, I have spoken. If the gentleman from Florida is in doubt as to the future, I have one more suggestion for his comfort. The Democrats will hold a convention at Baltimore and lay down a written platform. It is their custom to do so—a custom which I most respectfully recommend to the other side. If among the names from which the selection may be made, the choice of that convention should fall on General Butler, I venture to assure the gentleman from Florida that he will stand upon the platform of his party or not stand at all. If he cannot approve whatever resolutions may be adopted, he will, like an honest man, repudiate them and stay at home.

Having thus disposed of the attack of the gentleman from Florida, I will notice for a moment certain rumors having no responsible author, but of late very industriously circulated in this city and elsewhere. They are vague; they are intangible; they are supported by no facts; they are traceable to no authentic source; yet a hundred busy tongues, impelled by interest or the mere love of falsehood, have given them currency. These rumors would be entirely unworthy of notice, but that these are irritable times, and honest men might be deceived. It is rumored that General Butler is himself a Free-Soiler; that he is the peculiar candidate of the Free-Soil portion of the Democratic party; that he has come under obligations to and entered into engagements with Messrs. Benton, Blair, and Van Buren; that Mr. Benton would be his Secretary of State, and that the patronage of the Administration would be thrown in that direction. This, I believe, is the sum of these

rumors. If they were true, General Butler would be eternally dishonored; because the public man betrays his party who comes under obligations to less than the whole; and he who makes agreements with factions or sections, forfeits the confidence of all the rest. But they are not true. In the name of the Kentucky Democracy, I deny them. I meet them recoiling from the spotless character of their object, and I trample them beneath my feet. They are false; false separately; false in the aggregate; false as the hearts in whose morbid recesses they were engendered. General Butler has not contracted and will not contract, alliances, engagements, or obligations with any class, section, faction, or individual. He stands immovably where he has ever stood—a States-right Democrat; and the unbending integrity of his character repels this tide of calumny, as the rock throws back the wave. Kentucky heard these things, and the action of her convention is her commentary upon them.

Mr. Chairman, I have attempted to vindicate the action of the Kentucky Democracy. I have met the charges of the gentleman from Florida, as well as the current, but baseless rvmors of the day. I have shown that the dishonoring inferences which spring from both, do not attach to the choice of the Kentucky Democracy. I now tell the gentleman from Florida, and others engaged in the attacks of which General Butler has been the object more than any other public man, during the last three months, that they do not know the man at whom they throw their random-accusations. I will give them his character in a single sentence, and I appeal to all who have ever known him for its truth: He is a man pure and incorruptible, a Democrat of forty years standing, and of the Jackson temper; a statesman without guile, sir, and as a soldier—why, the very Bayard of his country, the knight without fear and without reproach.

Mr. Chairman, I have been defending this gentleman against a Whig attack. It now becomes my disagreeable duty to notice one proceeding from a Democratic source—if that can be called a Democratic source which traduces all the best and most honored names in the party. It is well now to talk plainly—and it is as well to have these things understood in the beginning—we are all in trouble—Whigs and Democrats. There is no doubt about it; and why not say so? [Laughter.] But the way for the Democrats to get out of trouble is not for a part to fight out, by attempting to mount up on the prostrate bodies of all the best men in the party. Now, sir, my apology for noticing this attack is to be found in the character heretofore sustained by the periodical which contains it, and in some other circumstances that make the whole affair quite an era in American politics. The Democratic Review has been heretofore not a partisan paper, but a periodical that was supposed to represent the whole Democratic party, and to discuss general principles of finance and of government in the sense of the Democratic party. I have observed recently a very great change. The January number of the Democratic Review contains an article, which has been very extensively circulated over this country, the substance of which is, that no man who has been LONG distinguished either for his services or character, is fit to be President; that all who were born away back towards the period of the American Revolution might be very good men for that day, but that their principles belong to an old era, and that they are statesmen of a past generation; their principles are denounced, in the cant language of the day, as "old fogyism," and themselves as "old fogies;" and the public is assured that their age, their experience, and the fatality of their birth, make them wholly incompetent to fathom the ideas or control the policy of this generation. The article announces a new generation of American statesmen—men not trammeled by "the ideas of an anterior era"—men who "will bring not only young blood," but "young ideas," to her councils of the Republic. Now, sir, I am in favor of progress. I like young blood, and I like young ideas, too, (at a certain time of life,) but I do not like this course. This article, sir, has been very generally considered as an attack upon almost every man in the Democratic party whose name has been mentioned in connection with the Presidency. This attack was followed up, in the February number of the Democratic Review, by redeeming a pledge contained in the preceding number, that the editors would descend from generalities to particulars—that having swept the whole off in a mass, they would take off their heads *seriatim;* and they accordingly began with General Butler, of Kentucky. The February number of that Review contains a grossly personal and abusive article against General Butler by name, and against the rest of the candidates covertly—and even impeaches General Butler's Democracy, though he was endorsed by the whole party in 1848, and has been a consistent Democrat since before the conductors of the Review were born. I will not descend to the details of that article and answer them *seriatim.* It is full of gross misrepresentations. I do not now appear specially on behalf of any one of the distinguished members of the Democratic party, but I say that the party should be warned that an influence has sprung up in their midst, under the operation of which a periodical supposed to represent the interests of the whole party, has been converted into a mere partisan sheet, and, under its present conductors, is attempting to promote particular interests by traducing the most honored names in our ranks. I make this statement that the party may understand how much confidence is to be placed in that Review.

Let me say a word now upon this question of progress. I profess to be a friend of rational progress; but I want no wild and visionary progress that would sweep away all the immortal principles of our forefathers—hunt up some imaginary genius, place him on a new policy, give him "Young America" for a fulcrum, and let him turn the world upside down. That is not the progress I want. I want to progress in the line of the principles of our fathers; I want a steady and rational advance—not beyond the limits of the Federal Constitution—but I am afraid that such progress as is now talked about would carry us clear away from that sacred instrument. I want to progress by ameliorating the condition of the people by fair, just and equal laws, and by simplicity, frugality, and justice marking the operations of the Federal Government. Above all, I hope to see the Democratic party adhere with immovable fidelity to the ancient and distinguishing land-marks of its policy. These are my opinions on progress; and I think the sooner we canvass, and winnow, and sift away opposite opinions the better.

Mr. Chairman, I am here to make no charges; I am here to make no assaults; but I am here to say, in a spirit of friendship and warning—not in behalf of A, B, or C, but in behalf of nineteen twentieths of the Democratic party—to those who make these assaults, Gentlemen, this thing must stop.

Now, let me give a brief history of this matter. There was a gentleman, able, full of talent, full of activity, a particular partisan and friend—as he had a right to be—of a particular gentleman mentioned in connection with the Presidency; that gentleman went to the State of Kentucky upon a political pilgrimage last fall, the object of which was, I suppose, to drive General Butler from his own soil—to dishonor him at home—by fastening upon him a corrupt political intrigue; but meeting there the same fate as befell those who went to drive the McGregor from his native heath, he same back and bought up the Democratic Review for a political partisan paper for the campaign, and with no names at the mast-head, that Review is now pursuing a course as fatal to the Democratic party as it is false and unfair.

Mr. Chairman, every man, whether he be a Whig or a Democrat, has a right to be a candidate for every office—that being one of the elements of freedom in this country—and no man ought to be blamed for the misconduct of his friends, unless he connives at it. The individuals assailed in this paper, either covertly or by name, are CASS, BUCHANAN, BUTLER, HOUSTON—in fact, all the candidates, except the distinguished Senator from Illinois, [Mr. DOUGLAS,] who seems to be a particular favorite.

Mr. RICHARDSON, (interrupting.) I wish to say, in connection with the remarks which have been made by the gentleman from Kentucky, that so far as Judge DOUGLAS is concerned, he has no interest in, and no control over, the Democratic Review. He is not responsible for anything that has appeared in its columns, or that may appear, unless it be over his own signature.

I know that Judge DOUGLAS deprecates the assaults that are made by Democratic papers upon Democratic men. His object, his desire, his wish, is, that we may have harmony, peace, and goodwill, among the entire party. He believes, as I do, that the perpetuity of our institutions depends upon the success of the Democratic party. By division, we cannot promote that success.

Mr. BRECKINRIDGE. Mr. Chairman, I am very much gratified to hear that general statement; but for the purpose of enabling the gentleman from Illinois to remove the ill-feeling which has undoubtedly been produced by the appearance of these attacks, I will ask him a question which will enable him to place Judge DOUGLAS upon proper ground; because what we want is the truth. It is known that some gentlemen, members of Congress, long after the leader in the January number of the Democratic Review had been printed and circulated—assailing, in language and style known to you all, the gentlemen whom I have enumerated—signed a paper recommending, and cordially recommending that periodical to the Democracy of the country, and many copies were sent out for distribution. Among others, Judge DOUGLAS signed that paper. I ask the gentleman from Illinois if he is able to state whether it was signed by Judge DOUGLAS before or after the leading article of the January number was printed and circulated?

Mr. RICHARDSON. It was signed previous to the appearance of the January number and not after it. I will state for the information of the gentleman, that so far as Judge DOUGLAS is concerned in this matter, he knew nothing of the January number until he saw it in print. Mr. PECK, from Vermont, formerly a distinguished member of this House, told me that a violent attack upon General BUTLER would appear in the February number; Judge DOUGLAS did all he could to prevent that assault—his object being, as it is now, and I trust ever will be, to promote harmony in the party.

Mr. CARTTER. Will the gentleman from Kentucky permit me to ask him a question?

Mr. BRECKINRIDGE. A short one, for my time is nearly up.

Mr. CARTTER. I ask the gentleman if we are to understand him that the principles of progress advocated in the Democratic Review, are a reflection on the gentlemen he has named?

Mr. BRECKINRIDGE. I did not suppose the gentleman from Ohio would omit a favorable opportunity to wring himself into the debate and say something which might go upon the record, [Much Laughter.] I am unable really to see the point of his inquiry.

Mr. CARTTER. I should be very happy if gentleman would answer my question.

Mr. BRECKINRIDGE. Any progression which sneers at the principles of the revolutionary age of this country, as the musty notions of a bygone time, and which repudiates all blood except "young blood," and all ideas except "young ideas," I do consider a reflection not only upon the gentlemen I have named, but also upon all the tried and standard men of our party. If some wishes could be gratified, it would not be long before our distinctive principles, and the Constitution with them, would be lost beneath a flood of novelties, nor before the cant and slang of "death to the fogies," which even now the political loafers on the streets repeat with parrot-like facility, would be substituted for the honored rallying cries of the Democracy.

Now, Mr. Chairman, I have but two or three minutes of my time remaining, and I will only make a single additional remark. We have heard the statements of the gentleman from Illinois. Gentlemen will bear in mind that I used such language two months ago, when certain gentlemen came to me and said, The proof is positive that General Butler is engaged in a corrupt coalition with the Free-Soil party. Why? Because they are for him; because he was on a steamboat on the Ohio river with Mr. Blair; because his associations speak for him, and he must be measured by them. I have vindicated him, and that is past. I will not apply this rule to others, because at that

time I pronounced it unjust and unfair; but if applied, see how it would cut. This rule may cut in three or four directions between now and the first week in June. Again, I say, let us be just; let us be fair; let no man, by himself or through his friends, attempt to promote individual interests by traducing others. If this course is continued, we will not succeed, we cannot succeed, we ought not to succeed.

Mr. CABELL. I ask the permission of the gentleman to say a word before he concludes.

Mr. BRECKINRIDGE. I have but two or three minutes left, not time enough to take up any other subject, and the gentleman may go on.

Mr. CABELL. I merely wish to say that in a speech which I made upon a former occasion, the allusions I made to General Butler were entirely incidental. I was speaking of the political parties of the country, and of the necessity of their bringing out candidates for the Presidency whose opinions were clearly understood upon these compromise measures. At that time, General Butler had not avowed his opinions upon these measures. I am glad that one candidate has come out in favor of them; and I trust that this example, and what has been said, may have a similar effect upon other candidates.

Mr. BRECKINRIDGE. I hope the gentleman does not intend to say that his speech influenced General Butler in forming or expressing his opinions. [Laughter.]

Mr. CABELL. I did not say, nor mean to say that. The gentleman misunderstands me. But I do say that I shall congratulate myself if I can contribute in any small degree to bring about in others a result which other causes have operated to produce in the case of General Butler. And the gentleman will further bear me out in saying, that it is not singular that I should have expressed myself as I did; I made no charges against General Butler founded on facts in my own knowledge. Charges of Free-Soil affiliations had been made, and never authoritatively denied till to-day. I am happy to hear them denied, and regret that the disclaimer comes so late. But the gentleman's own speech more than justifies what I have said. He has been censuring and denouncing the members of his own party for the offensive manner in which they have spoken of General Butler. I have not charged him with anything like coalition or corruption. This, he says, has been done by Democratic gentlemen and the Democratic Review. I merely stated that he had not given his opinions to the country; which was true till to-day; and that is all I stated. Yet the gentleman arraigns me for making improper charges against General Butler! Why, sir, it is amongst the orthodox members of his own party, according to the gentleman's own statement, and in the columns of the organ of the Democratic party, where General Butler is represented as occupying these improper sectional positions. I made no such charge.

I have said thus much, in order to set myself right. I congratulate my friend from Kentucky, I congratulate the people of Kentucky, and I congratulate the whole country, upon the fact that one candidate has declared his opinions upon these subjects; and I trust the example of to-day will be promptly followed by other candidates for the Presidency, whose opinions are not clearly defined and known to the country.

[Here the hammer fell.]

NON-INTERVENTION.

SPEECH OF HON. J. C. JONES,

OF TENNESSEE,

IN THE SENATE, *March* 18, 1852.

The Senate proceeded to consider the resolutions which were submitted by Mr. CLARKE, on the 19th February, on the subject of non-intervention, [see resolutions and amendments page 158.]

Mr. JONES, of Tennessee said: Mr. President, in appearing before the Senate on this occasion, I do so with unaffected embarrassment—an embarrassment resulting not only from the novelty of my position, but from the conviction of my inability to do justice to the subject under consideration. Not only do I feel my inability to do justice to that subject, but it is a matter of regret to me that I shall not be able to add anything to the interest of the occasion, or to say anything for the enlightenment of the Senate. Thus impressed, if I were to yield to the suggestions of my own feelings and inclinations, I should spare you, sir, and this Senate, this infliction, and save myself from the task to which I propose to address myself. If an apology shall be deemed necessary for this intrusion, I must cast myself upon the kind charities of the Senate, begging them to believe that I am actuated alone by a desire to acquit myself of what I conceive to be a duty which I owe to those who have, in part, confided their interests to my hands.

The question under consideration, Mr. President, is one of deep and vital importance. It is one in which all the States of this Union have an interest. It is one in which all the people of all the States are deeply interested. It is, therefore, proper that all should be heard, and that all should enjoy a just and equal participation in its adjustment. Believing, as I do, that I know the wishes and feelings of those whom I in part represent, I desire to give an expression of those feelings to the Senate.

I know that the resolutions under consideration are regarded as a mere abstraction, a mere declaration of opinion, from which no practical results are to flow. But I confess that I am not thus impressed. I do not so regard the declarations which are proposed to be made. They are no mere abstractions. They are declarations of principles of deep, vital, lasting importance; involving the interests, the peace, the honor, the safety, the dignity of the nation. Sir, I, for one, have no disposition to waste the time of the Senate, or to consume that time in the discussion of subjects involving no question of principle. Is it not true that a recurrence to the ancient usages, habits, principles, and doctrines of this Government, is often conducive to the public interest? May we not, by a recurrence to those principles, learn lessons of wisdom, judging by the experience of the past, by which we may be guided in the discharge of those high and responsible duties that pertain to American Senators? In this view alone, if there was no other merit in the proposition submitted by the honorable Senator from Rhode Island, [Mr. CLARKE,] there is enough to command the respect, the attention, and the admiration of the Senate.

The present occasion, Mr. President, seems to me to be most opportune for a reaffirmation of the doctrines of the fathers of this Republic. It must be manifest to every Senator that there is a restless, feverish feeling in the public mind, and the indications are most conclusive of a disposition to make innovations upon the usages, habits, principles, and policy of the Government. In this state of things, have not the people of our own country a right to demand an expression of opinion from their representatives? Have not the nations of the earth, with whom we have political associations, a right to expect it? In that view alone, I think the resolutions are most meritorious; and I, for one, have no wish either to evade the just and reasonable demand of the one, or to disappoint the expectations of the other. The circumstances that surround us are of a deeply interesting character. All evasions, equivocations, and double dealings are, in my judgment, not to be tolerated. The time has come when the interest and honor of this country demand that we shall speak plainly, openly, fearlessly, and honestly. We want none of the dark, mysterious out-givings and teachings of the oracles of Delphi; but we want the bold, manly, fearless declarations of American Senators. The time has come when, if we are to speak at all, we must speak plainly, distinctly, and unequivocally. I yield preëminence to no man in my devotion to the cause of human liberty, not only here, but throughout the world. My sympathies for the down-trodden and oppressed of every nation and of every people, I trust, are as broad and as deep as those of any other Senator. But, sir, broad, deep, ardent, and sincere as those sympathies are, I trust that I shall never forget that my highest allegiance is first due to my God, and next to my country. My allegiance as a citizen of this Republic is due first to my country. My sympathies are due first to my own people; and though I yield nothing in sympathy, or in devotion to liberty, for the oppressed of other countries, yet all the affections of my heart, all the sympathies of my nature, cling with undying fondness around the altars of my own country and of my country's interest.

The appearance, Mr. President, of the distinguished Hungarian exile upon our shores, has rendered necessary a reaffirmation of the doctrines and policy by which we suppose this Government ought to be controlled and directed. It is not my purpose to assail that distinguished gentleman. All my feelings, all my sympathies, and my sense of justice forbid that I should assail him. I would not detract ought from his name; I would not dim one single gem that glitters in his coronet of fame. He is the architect of his fortunes. Whatever he is, whatever he may be, he owes it to his own power and to his own energy. With him I have nothing to do. I freely and cheerfully consign him, and all that he is, and all that he claims to be, to the arbitrament of the enlightened judgment of the world.

If we were disposed to assail him, I, for one, would feel that I am estopped. He stands before us under circumstances of a peculiar character. He was borne to our shores by a national vessel, and by the national will. He stands out with the broad seal and signet of the national indorsement. Delicacy seems to forbid that I should assail him. If assaults must come, let them come from those whose Government is not committed to a national reception and a national indorsement.

I, Mr. President, as you know, had no agency in assigning this distinguished individual the enviable position which he occupied in this Chamber. It was my fortune, or, it may be, my misfortune, to have differed with the majority of this body upon that subject. I had no agency, therefore, in bringing him here, or of tendering to him the hospitalities of this nation, or committing myself in any degree with him or his views. I ask pardon, sir, I believe I am somewhat committed; but the only committal, I believe, is, that I felt myself constrained, as an American Senator, to cast my vote to defray the expense of that hospitality which this body extended to him. I might have excused myself from that vote if I had desired it; but I trust I shall never so far forget what is due to my own honor and the honor of those whom I represent as to be lost in personal considerations, or be wanting in respect to the national honor whenever a question comes up involving that honor. I would have rejoiced to see the whole Senate standing up as one man to protect the honor and pride of the nation, voting the money to defray the expenses of that hospitality. I regretted that some who were loudest in their hosannas, and foremost in producing the results, were not found to stand by us when we came to perform this last act of duty to ourselves and to the country.

Mr. BORLAND. Will the Senator from Tennessee permit me to make a single remark?

Mr. JONES. Certainly, with a great deal of pleasure.

Mr. BORLAND. I think I owe it to myself, and those who voted with me on the question of appropriating $5,000 to defray the expenses of Kossuth while in this city, to say that neither myself nor any single Senator who voted "*No*" on that occasion, voted against the appropriation on account of any objection, except—as we stated at the time—to the manner, to the deviation from the usual course of legislation in the appropriation of money with the usual forms of law; and we stated at the time that we did not object to the amount to be paid, and that if it were put in a proper form we would vote for it.

Mr. JONES. I hope no Senator will suppose that I intended to impute motives to any one. It is not my habit; and I hope that in my intercourse with Senators here, I shall convince the Senate that it is not my habit to impute motives to any one. It is enough for me to know that I am ever ready to do what I consider to be just, and proper, and right, and leave other Senators to do what they choose. I speak to the facts; I speak to the record; and I intend to impute no improper motives. But there is this fact, that among the objections urged to the payment of these expenses, no gentleman put it upon any higher ground than that of usage or propriety; no gentleman put it upon the ground of a constitutional objection.

Mr. CASS. The gentleman from Tennessee is mistaken.

Mr. JONES. If there were any objection of that kind, I was not aware of it. I am happy to be informed. Then I understand the honorable Senator from Michigan to say, that there is no power under the Constitution to appropriate money from the contingent fund of the Senate to pay these expenses; if that is the ground he occupies, then he may be able to sustain his position before the country. How it is, I shall not pretend to argue, because it is not material to my purpose.

I saw this distinguished exile, Mr. President, standing before Heads of Departments, Senators, Representatives, and citizens of this Republic; I heard him there portray the wrongs of his country in strains of touching eloquence; I heard him there tell the tale of his country's wrongs; and I confess that my heart was moved with the deepest sympathy for the wrongs and oppressions of his country. I saw him, sir, to borrow his own classic allusion, standing like Cineas of old before the Roman Senate, not an ambassador clothed with power and authority, but an exile from the land of his fathers. I saw him thus standing, and speaking for his country; and I saw Senators, and Representatives, and people, swayed by the matchless power of his eloquence, and yielding a ready assent to its gentle teachings. Sir, upon that occasion, was it not unfortunate that no Appius Claudius was there to speak, not for Rome, but for America? There were, sir, illustrious and distinguished Senators there, American Senators, called to bear conspicuous parts upon that interesting occasion. But, Mr. President, no Claudius was there; no voice of warning or remonstrance was heard. Acquiescence, if not approval, seemed to rule the hour.

But we have an American Appius Claudius—not there upon that interesting occasion, like the Claudius of old—worn with disease, feeble, and attenuated in form, with an intellect as bright and unclouded as in the meridian of life—a heart whose every pulsation was for his country and his country's honor; one who never feared anything but dishonor, loved nothing better than his country; one whose proud spirit never quailed before the impending storm; one who ever dared to be as frank as he was free. For him was reserved the noble task of standing up in the presence of the august stranger, there to speak for his country; there to proclaim in the presence of that illustrious exile—in the name of his country—his country's honor, his country's interest; in the name, the sacred name, of liberty throughout the world, there to protest against the doctrines of his Utopian scheme of modern intervention. Sir, it was a spectacle upon which patriotism might have dwelt with rapture and delight; it was a spectacle upon which the genius of American liberty smiled with holy rapture. "In the name of my country, as a dying man, I protest against these doctrines."

Sir, these are days of evanescence. Time and change are passing over us; but these words are to live and enter into the affections of a grateful country, when their illustrious author shall have been gathered—as soon he must—to his fathers, and his pure and patriotic spirit shall be basking in the sunshine of an endless and unfading glory.

As for Kossuth, Mr. President, let him go on. This, sir, is a free country, and we are told that all power resides in the people. As for myself, I have no fear of the people. Let him go on and proclaim his doctrines; let the people hear them. I feel that there is virtue, intelligence, and patriotism enough in the public mind, and in the public judgment, to correct whatever of folly and error there may be. I would not intervene even between him and the people. As for him, I trust that his pathway through life may be as bright and as glorious as it has been hitherto uncertain and difficult. May he yet live to enjoy the triumphs of that patriotism which I am willing to accord to him; may he yet live to see his country redeemed and regenerated, and stand out the wonder and admiration of the world! May that bright and glorious day come when Hungary shall be redeemed from her bondage, and Hungarian spirits shall breathe the pure, the genial atmosphere of republican institutions!

Having disposed of him, Mr. President, the question arises, whether or not the foreign policy of our Government should be changed? This, sir, must be conceded by all to be an important question, and one which seems to me to commend itself to the calm deliberation of every Senator. If nothing else should shield the policy of this Government, which is coevil with its existence, from rude assault, it seems to me that its very antiquity ought to afford it some immunity. The policy of this Government has descended to us bearing upon it the impress of age, of wisdom, and experience. It has the indorsement of the fathers of the Republic; it has results following in its train which must command the respect and the admiration and the devotion of every American heart. Now, I ask you if it is a matter lightly to be treated?—if it is a matter of mere policy, involving no consideration of principle, whether that policy shall be changed or not? Gentlemen seem to treat it as one of the passing questions of the day, as to whether this little thing or the other may be done, when, if they come up and inquire deliberately, they find that it is to change radically the foreign policy of the Government from the days of its first conception down to the present time. Sir, do the advocates of this doctrine of intervention come up and offer us any arguments in favor of a change of the policy? No, sir, they offer us no adequate inducements; but they turn upon us with a sort of special pleading, and ask us what is the danger to be apprehended from it? Now, sir, I think the burden is on the other side. If they propose to change the policy of this Government, it is incumbent on them not only to show the virtue that such a change does possess, but they are bound to show that no evil can result from it. Have they effected this? It may be so; but I confess that I am not thus impressed. Well, sir, when we call upon gentlemen to tell us why we should change this policy, why we should abandon that path in which our fathers trod, and which we have pursued with results the most stupendous and astounding, how are we met? We are met and told that this is "the age of progress," and we are called upon to abandon that policy which we have pursued steadily through all our national existence—and for what? That we may become worshippers at the shrine of this new divinity, Modern Progress. When arguments fail to satisfy the minds and consciences of Senators, we are told that this is an "age of progress," and that that is a sufficient inducement for us to fall into these new schemes. Sir, if by that spirit of progress is meant the wonderful developments that are constantly being made in the country in all the arts and sciences, moral, social, physical, and political, then I own its just claims, and I am ready to bow down and worship that divinity. But, Mr. President, if by the constant presentation of this new divinity here, it is meant to justify or to afford a pretext for innovation upon the usages and habits of our country, where the Constitution and the interest of the country, and where argument itself does not lead, then I, for one, ask to be excused: I am not ready to bow down and worship at any such altar. I fear, sir, that it is often presented for the purpose of affording a pretext for innovations of the most dangerous character.

Sir, another doctrine is advocated here which is in contravention of the one I have suggested. When we are told that this is the age of progress, that we must go forward—go on steadily, firmly, or madly, as you choose, in the development of these great doctrines, then we are turned upon and taunted, and told, "yours is the stand still policy—you are standing still, and are doing nothing."

No, sir, I am not for standing still; I am for going forward; but I am for going forward in the path that is distinctly marked out by wisdom, by experience, by reason, by judgment, by patriotism and by common sense. If I am to be taunted and told that my doctrine is a stand still one, and that I am impeding the onward march of this great and glorious Republic of ours, all I have to say is, that I intend to stand still so long as I know that I am standing where Washington stood, where Jefferson stood, where Adams stood, and where all the fathers of this glorious Republic stood. To stand still in such company as that, would be no disparagement to the loftiest genius of the age.

But, sir, when these arguments fail, and these presentations fail, then we are met by another. We are told that this is not only the age of progress and advancement, but that our course is one of "Manifest Destiny." Why, sir, the conscience, the judgment, the reason of Senators is to be swayed and moulded into form by the presentation of this mighty divinity—"manifest destiny." Sir, we are conjured by all the pains, by all the penalties that are denounced against the unbeliever, to fall down and worship this new divinity of "Manifest Destiny." If, as in the days of Cranmer, religious infidels, and political infidels were to be sacrified, I, for one, should feel that the day had come, and I should expect to be carried to the stake, and there to behold the Senators from New York, and the Senator from Michigan, in robes of grandeur, perform the last solemn service, and consign me to the flames; for, sir, I cannot fall down and worship this blind idol of "manifest destiny." I came here unaccustomed to legislation, and a very young man, at least senatorially; and, sir, when I was called to that desk, [pointing to the chair of the President of the Senate,] there to have the obligation imposed upon me by which I was to be governed, if I remember right, sir, you swore me to sustain the Constitution of the country, not to carry out the dictates of the blind divinity—"Manifest Destiny." I do not know how much of influence, or respect, or admiration, or devotion, or adoration, if you please, is due to this new revelation, I am not certain that it comes to us in a form to command our admiration and devotion. I do not know what political Moses has been deputed to make this new revelation. I do not know whether it comes to us upon tablets of stone or not. I do not know that it was heralded with the insignia of those glorious developments which succeeded the manifestation and the declaration of that law by which we are to be governed morally; and, sir, before I bow down to this divinity, I must be permitted to look at the credentials of those gentlemen who come here as ambassadors from this imperial god of "Manifest Destiny." Before my conscience can be made to bow down to it, in utter disregard of what I conceive to be my duty to the country and the Constitution, I beg to know and to see the Mohammed that is to come up and reveal to us the mysteries of this new political Koran. Sir, when men seek to make innovations upon usages and habits, it is easy, very easy, to find pretexts. If there was ever an attempt to abridge the cause of liberty, was it not ever done in the name of liberty? And if changes are to be effected—if wrongs are to be perpetrated upon the usages and habits of the country, it requires no great stretch of power, of imagination, or of invention to devise a plausible pretext; and I fear that these things are used for the purpose of justifying a departure from the principles of our fathers and innovations upon the established customs and usages of the country. For my part, Mr. President—I may be behind the spirit of the age—I would rather be guided in my course here by the suggestions of manifest duty, manifest experience, manifest justice, and manifest prudence, than by the suggestions of a blind devotion to "manifest destiny."

The resolutions of the Senator from Rhode Island reaffirm the doctrines of Washington, and the fathers of the Republic. Does any one assail those doctrines? Why no one has been found bold enough, even under the mighty power and influence of manifest destiny, to come up and assail them directly. While the resolutions affirm nothing more and nothing less than the doctrines of Washington, gentlemen seem not to be content with them, but offer amendments. One step is taken and then another step is to be taken. It seems to me that the resolutions of the Senator from Rhode Island cover the whole ground, unless gentlemen mean, what I very much apprehend they do mean, to make innovations upon the former policy of this Government. The friends of these resolutions who have preceded me, have endeavored to show that non-intervention is the true policy; and they have fortified that conviction by argument deduced from Washington and the fathers of the Republic. We do not mean thereby to say that we shall adhere strictly and undeviatingly to every act which was committed or approved by the fathers of the Republic, under circumstances which do not

now exist. We mean that the doctrine as laid down by Washington in his Farewell Address, was a declaration of policy and of principle—that it was true then, and is true now—that it was just then, and is just now—that it was politic then, and is politic now. We take the broad ground, and then we quote Washington and others to sustain the position. But gentlemen tell us that we are mistaken; that Washington never meant that; but that he simply meant to express an opinion which was to govern the state of things at the time being. I might rely confidently on the position of the honorable Senator from Rhode Island and the honorable Senator from New Jerney. Their arguments, in my judgment, are conclusive and unanswerable. But if gentlemen choose to make a point there, I choose to meet them; and I deny utterly that Washington meant anything more or less than to declare a great vital principle, essential to the peace, the honor, the safety, and the perpetuity of our Union. I shall not quote from his Farewell Address, his dying declaration, his dying political declaration, at least, to his country. But I ask the attention of the Senate while I read an extract from a letter written by General Washington to Mr. Hamilton, in 1796. At that time Lafayette was imprisoned in Austria, and an effort was made by a gallant American to release him. Young Lafayette came over here, and General Washington, in writing to General Hamilton on the subject, uses very strong and remarkable language. I commend it with the most profound kindness to the distinguished and learned Senators from Michigan and New York, because I know that they would not intentionally do injustice to the memory or to the opinion of the Father of his Country. Upon that General Washington uses this language:

"The result of my reflections on this subject, and which I have communicated to the two young men, is, that although I am convinced in my own mind that Mr. Lafayette will be held in confinement by the combined Powers until peace is established, yet, to satisfy them and their friends of my disposition to facilitate their wishes, as far as it can be done with any propriety on my part, I would, as a *private person*, express in a letter to the Emperor my wish, and what I believe to be the wishes of this country towards that gentleman, viz: that the liberation of him, conditioned on his repairing hither, would be a grateful measure."

General Washington, as we all know, must have had more feeling upon this subject than could have found an existence in the bosom of any other living man. Lafayette was his friend and companion in our conflict for liberty; and with all those generous, and noble, and heaven-descended emotions that must have filled the breast of that great and good man, yet, under circumstances of so much feeling and sympathy, such was the regard of Washington for his own country, that he refused to interpose, even in that case, except as a private citizen. Yet now, Senators stand up here and tell us that we may interpose as officers of this Government. We are now told, in this enlightened day of "progress" and "manifest destiny," that Washington was declaring a policy good for that day, but not for this, when his mighty soul, heaving with affection for his companion in arms, could not so far forget his own policy, and what was due to his country, as to write an official letter in favor of his release.

Again, upon a similar occasion, in writing to Hamilton, when Mr. Talleyrand de Perigord was here, General Washington said:

"My wish is, and it is not less my duty as an officer of the Republic, to avoid offense to Powers with whom we are in friendship, by conduct towards their proscribed citizens, which would be disagreeable to them; whilst, at the same time, these emigrants, if people of good character, ought to understand that they will be protected in their persons and property, and will be entitled to all the benefits of our laws—for the rest, they must depend upon their own behavior, and the civilities of citizens at large, who are less restrained by political considerations than the officers of Government must be."

Here, again, we find General Washington declaring the same principle in language so strong, so clear, and so plain, that none can misunderstand him. I beg the Senator from New York, and the Senator from Michigan, to read these letters. They will see that this was not only a policy, but a deep, vital, cardinal principle with the Father of his Country.

I should find very little difficulty in voting for the resolutions of the Senator from Michigan as an amendment additional to the resolutions of the Senator from Rhode Island; but when they are offered in lieu of them, I cannot reconcile it to my own sense of duty and justice to vote for them. In the main, they are unexceptionable. There is one term, however, employed in them which strikes me as being of an exceptionable character. The Senator's resolutions say that the American people have not seen, and cannot again see, these outrages of Russia and Austria without deep concern. He uses the term "deep concern" there in a conventional sense. He says it has a distinctive, diplomatic meaning. That is true enough when it is addressed to gentlemen of diplomacy; but when it goes out to the country it is of equivocal import, and may mean a great deal, or very little, according to the interpretation which persons may choose to place upon it. Deep concern! Some might say deep concern was to be manifested in that boundless sympathy which is entertained for the sufferings of humanity throughout the world. That would be very harmless. But then some one else comes along, and, like the distinguished Senator himself, says that deep concern is to be manifested by solemn protest and remonstrance. That is said to be harmless, but in this opinion I do not concur. A third man comes along of a less calm and more excitable temperament, and says, when contemplating the wrongs and outrages perpetrated upon the friends of liberty in Hungary, deep concern can only be manifested by armed intervention, or by the application of that physical power and force which may be necessary to redress the wrong. This term, it seems to me, is too ambiguous, too doubtful in its meaning and import.

You know very well, Mr. President—and I speak of it with no disrespect, and with no view to excite any party feeling—that a very distinguished gentleman of your party once used a term which was thought to be plain and distinct, yet that term was made to mean everything or nothing, just as it suited the whims or caprices of the gentlemen who interpreted it. You remember General Jackson's declaration that he was in favor of a judicious tariff. Our friends at the South took shelter under that term, which was plain in itself, and advocated General Jackson as a free trader. Others said a judicious tariff meant a tariff with incidental protection; and others, again, said that there was no judicious tariff which did not cover the whole ground and give protection to all American interests. I want to avoid that state of things. It constitutes the objection I have to the resolutions of the distinguished Senator from Michigan. That Senator repudiates utterly, *toto cælo*, the idea of armed intervention. He says, that none but a mad man would think of going to war to redress these wrongs. I concur with him in that. But then he thinks that a protest is a most harmless, reasonable, and just thing, and that nobody need apprehend any danger from it. The Senators go further, and particularly the Senator from New York goes further, and intimates that those who are opposed to this protest are influenced by fear, by an over-cautiousness, that we are afraid to do it. Well, sir, I confess that I am afraid to do it. I confess that I am afraid to take any step which may by possibility involve my country in difficulties from which it would be difficult to extricate her, without any adequate reward. When I am taunted with pursuing a policy of timidity, with a want of nerve and a want of energy, with favoring a stand-still policy, I wish to commend to the distinguished Senator from Michigan—for whom I have high regard and respect, and who, I believe, is esteemed, at least in my State, as one of the great, if not the great residuary legatee of the political hopes and fortunes of the immortal Jackson, and taking shelter under that name—I beg to read, for the benefit of the gentleman, one short extract from the fourth annual message of General Jackson:

"Our best wishes on all occasions, our good offices when required, will be afforded to promote the domestic tranquility and foreign peace of all nations with whom we have any intercourse. Any intervention in their affairs further than this, even by the expression of an official opinion, is contrary to our principles of international policy, and will always be avoided."

If we are actuated by considerations of timidity, then General Jackson was actuated by the same considerations; and who will stand up at this age of the world, and say that Andrew Jackson ever failed to do anything for want of nerve? I am not his eulogist; but to suppose this, would be to repudiate the truth of history, and to insult the ashes of the dead; for he dared to do anything that he pleased to do. Then I take protection and shelter from this imputation of a want of nerve under the broad mantle of Andrew Jackson; and when the Senator from New York chooses to lift the mantle to inquire who is there, I can tell him all non-interventionists are there, and that the broad mantle of Washington, and Jefferson, and Adams, and Jackson, is enough to shield and protect them and all this glorious Union of ours.

The Senator from Michigan, in his able and learned speech, which was filled with beauty, made a declaration to which I freely assent. It is this, in substance: That every nation has a right to determine for itself when its safety demands that it shall interpose. Now, if that be true, (and I am not disposed to controvert it,) I ask, upon what pretext is Russia arraigned at the bar of the enlightened judgment of the world? I am no eulogist of Russia. I am not her advocate. I despise her cruelty; I scorn and condemn her wrongs and outrages; but if that principle which is asserted by the Senator from Michigan be true, then Russia had a right to intervene. If that is the law of nations, and if each nation has a right to judge for itself, then Russia had that right; and judging for herself, and acting upon that judgment, I want to know how the honorable Senator can get up here and arraign her. I believe there was no necessity for the interposition of Russia, but, according to the principles laid down by the Senator from Michigan, she must be the judge of that. She put it upon that express ground, and used the express words that her safety depended upon it.

But have we a right to interfere at all, and is it proper and expedient that we should interfere? My doctrine is, that our best interests would be subserved by having nothing to do with this matter. If we have a right to speak out at all, we have a right to speak boldly, to speak freely, and to speak authoritatively. If it is the policy of this Government to interfere in the affairs of foreign countries, though I shall oppose it at every step, I want to see gentlemen come up and speak boldly, fearlessly, frankly, independently, and authoritatively, and when we have spoken, then, to borrow the language of a distinguished gentleman of your party, let us maintain it, "at all hazards, and to the last extremity." Suppose you make this protest, and it goes to Russia, and Russia receives it, and treats it with scorn and contempt, tramples it under foot, sends back an indignity and an insult, what do you propose to do then? The Senator from Michigan says that the man who is in favor of an armed intervention is a madman. The Senator from New York says we must not go to war except in self-defense. Then your protest is received with scorn and contempt, and a re-protest is sent back here, full of insolence. How will you receive it? I can speak for you, Mr. President: You would not pocket the insult, you would not submit to the indignity. Now, if we take this step at all, I want to know from the learned Senators from Michigan, and from New York, whether they are ready to take the next step? If Russia treat us with scorn and contempt, and heap odium upon our Government and nation, are we ready to vindicate it? Are we ready to stand up to it, and to vote the men and the money necessary to vindicate the honor of the Government? If they are not ready to do this, in the name of God, in the name of liberty, in the name of the honor of this country, let us stop before we take another step. They have no right to involve the pride and the honor of this country, unless they are willing also to take the necessary steps to vindicate and maintain them. My policy is to let them alone; to let them manage their own affairs in their own way. But if we speak at all, speak like men; speak like Americans; speak as Senators ought to speak. Let us say to Russia, "Hands off; a clear field and a fair fight;" and if she disregards it, and treats it with contempt, we know where duty points the way. I shall oppose it; but if this Government takes the step, if she madly forgets her best interests, for one—though I shall have no agency in it, it may be carried by a majority of the Senate and House—"I am for my country, right or wrong;" and if it should

take the last ship that floats upon our seas, the last American ship upon all seas, and every American soldier that wears the insignia of his country's arms, and every dollar in the American Treasury, I would bring them all and lay them down at the footstool of my country, to vindicate the honor of the nation.

But the gentlemen say they will not fight over this. Well, if you do not mean to fight about it, just let it alone. [Laughter.] I am opposed to fighting as much as you are; but if you mean to get us into a quarrel, in which our honor will be at stake, in which our pride will be involved, I want you to stand up and fight it out, and have no dodging.

But, I would like to know why we should go out upon this crusade? This is a wonderful age, Mr. President. Oh! it is a stupendous age! We are to go out upon a crusade for the liberties of the whole world? There is not enough in this broad Union of ours—"ocean bound," I believe my friend from Illinois calls it—to engage the time and the intellect of Senators; but the redemption, the political redemption of the whole world is brought up, and we are to march out upon that grand crusade. I should like to see the world redeemed; but I am no propagandist; and whilst I feel a devotion, amounting to idolatry, for my country and her institutions, and her peculiar form of government, deeply as I am devoted to it, high and holy as I conceive it to be, I would not impose it upon one single, solitary being upon earth. If a man chooses to be a slave, let him be so. I would not force him from any position he might occupy. Let every people choose their own government; and let us choose ours, and take care of it, and guard it, and protect it, and defend it.

But the very distinguished Senator from Michigan claims that the chief virtue which is to be found in his resolution—his protest, I believe, it is called, though I do not know what notary public has signed it; I suppose when you sign it, Mr. President, it will be—is the moral influence it is to exert upon Russia and the world. Do you remember, Mr. President and Senators, the speech of that learned gentleman, in which he inveighed with such touching and powerful eloquence against the cruelties, the enormities, and the outrages of the Czar of Russia? Why, sir, the veriest monster that ever disgraced the image of his God is an angel transformed into the brightness of light, compared with that miserable wretch, and yet the Senator from Michigan thinks there is virtue enough in this protest to rouse the moral sensibilities of such a devil. It may be so. I cannot tell, but it does seem to me that there is some mistake about the moral influence of such a protest. What amount of moral power and influence is to attach to it? How is it to arise? It must arise either from the inherent virtue and justice of the thing said, the manner of saying it, or the source from which it comes. Now, if that be so, let us see how it would work. The distinguished Senator has said it as strongly as it can be said; but would that give it weight and influence with his royal highness the Emperor of Russia? If there is virtue in the thing said, and that is the moral influence which it is to exert, why, sir, coming from the distinguished Senator, and said in terms so beautiful and classical, and coming from so high a source, it would be entitled to all the moral influence which could attach to it. Yet, with the profoundest respect for that Senator, how do you suppose such a protest, going to the Czar of Russia, would be received? The distinguished Senator from Michigan protests, in the presence of his Majesty, against this outrage upon the rights of humanity and justice. But, going a little further, suppose the little republic of San Marino should publish just such a protest as this, and send it to the Russian court, what moral influence would it possess? I do not suppose it would disturb the quietude of the Emperor for a single moment. Then, I apprehend, the moral influence of a legislative declaration or governmental edict is to be found in the virtue and merit of the thing said, and the physical power and force possessed, to constrain obedience to it. I would not give a straw for all the moral influences of your declarations, unless there be a power behind the throne greater than the throne. There must be physical power, and force, and will, to execute and require obedience to the protest. If that be so, I would like to see in what position we stand. A protest is to go out from the United States, passed by the Senate, passed by the House of Representatives, receiving the signature of the President of the United States. It goes to the court of his Imperial Majesty. It is there read—a solemn protest that we cannot behold these things without deep concern—and accompanying it is the speech of the Senator from Michigan, saying that he who talks about enforcing this protest with armed intervention is a madman. How much virtue do you suppose would emanate from the protest? Just none at all, as it seems to me.

But another sentiment, delivered upon another occasion, by that distinguished Senator, from which I feel myself constrained to dissent, is this: In discussing the question of a protest or remonstrance—I believe that is the term of intervention upon that question—in behalf of the Irish exiles, he uses this remarkable language:

"Mr. President, a great change has taken place in the opinions of the world, on the subject of political offenses. They nowhere carry with them reproach or shame. They violate, indeed, existing laws, but they generally originate in the most praiseworthy motives, and are pursued at the hazard of every earthly good, as Washington and a host of other illustrious men in ancient and in modern days pursued their patriotic enterprises."

Now, if that Senator meant that such a political offense as was committed by Washington is divested of moral turpitude, I am willing to admit it; but such is not the language of his speech, and I, for one, protest against the doctrine, that political offenses have ceased to become offenses of reproach or shame. I have been taught to believe that treason is a political offense, and that it constitutes the highest offense known to the laws of the country. It will not do to take that broad ground, and say that we, who are enjoying here free institutions, are disposed to regard political offenses against governments of oppression and despotism, as possessed of no moral turpitude. That may be true, and we may feel it; but while it is true, other people and other governments enjoy the same right which we enjoy, and would interpret an innovation or an attempt to unsettle or destroy the institutions of our country in precisely the same light that we would interpret theirs. The terms are broad and ample. I do not believe—and I would not do injustice to the honorable Senator—that he meant that his words should have the broad interpretation of which they are not only susceptible, but which they constrain us to take. I have been taught to believe that in this Government, the very highest offense that could be committed would be that of infidelity to the Government. Look at the history of the past and see a melancholy spectacle—Arnold an object of loathing and contempt—Burr, even under suspicion, fell from a height where none but genius dare to soar, a withered, blighted, blasted thing. Why, sir, he who is accused of it is crushed; he who is condemned is doubly condemned, and ought to be doubly damned.

But what good can result from interference in these quarrels? Are we to be advanced? Are our interests to be promoted? Is the honor of our nation to be subserved? If so, why do not gentlemen demonstrate the proposition? No, sir, it is all predicated upon the idea of sympathy. Well, in Heaven's name, does all the sympathy of this glorious Union find itself deposited in the bosoms of those who advocate this doctrine? Are there no other sympathies? Do no other men feel sympathies? I suppose that we do; but the difference is, that the sympathy of the one is first for their country and their country's honor; that of the other may be as largely for their country as ours, for I impute motives to no man, but they are led off upon a false track.

I now come, Mr. President—though I fear I am wearying the Senate—["No!" "No!" from several Senators]—to pay my respects to the Senator from New York and his resolution. The resolution of the Senator from Michigan, as you will perceive, and as every Senator must perceive, is but one single step—it is a very short one, but it is a step—beyond the resolutions of the Senator from Rhode Island. Then comes the Senator from New York, the boldest of the bold, and he takes a step beyond that. Now, if there were nothing less, or nothing more, in this new doctrine of intervention, than these resolutions to alarm my fears, I confess I should be alarmed; because my fears are founded on the fact that when we have taken one step, another becomes more important or imperious; and thus we may go on, step after step, until we find ourselves involved in all the turmoils of European conflicts and quarrels. The Senator from Michigan moves a little; the Senator from New York comes up and takes another step. That is conclusive, if nothing else was, to my mind, to show that just as you find a difference of opinion on the question, in that proportion are dangers to be apprehended from one single step in this mad career. If the Senator from New York is not satisfied with the two which have gone before him, another man coming behind him may take another step, and another, and another, and another; and one false step renders retreat impossible. If you have ever passed the Rubicon, retreat is impossible.

If I had been a man very easily moved, I certainly should have shed many tears in this Senate when I heard the lamentations of the Senator from New York over fallen, bleeding Hungary. God knows, if I know my own heart, that I sympathize with her as sincerely as my capabilities will permit. But we are appealed to to make an invasion upon the habits and usages of our country, to disregard the policy of its fathers, and to despise every suggestion of prudence and wisdom—and for what? For sympathy—sympathy for Hungary. I would like to know of the Senator from New York how it happens that these sympathies of his, and of his allies in this tirade of intervention, have slumbered for so many years? I do not question the sincerity of gentlemen; it would be discourteous to do so; but it is a strange fact that Hungary was subdued in January or February, 1850, and now we are in March, 1852, and the Senator from New York has not filled the land with mourning, and distress, and lamentation. I impute motive to no man; but there is this strange coincidence, that for two years at least, the sympathies of the distinguished Senator from New York, and others, have slumbered; and it is a strange fact that the distinguished exile from Hungary lands in the city of New York—I believe the Senator is from New York—and the tide sets in, flooding an avalanche of sympathy, and power, and influence, over this Union in that behalf, and forthwith the Senators from New York and Michigan, and others, throw themselves upon the tide, and shout with stentorian lungs, "Hungary and her bleeding cause." We all heard the speech of the Senator from New York, in which he portrayed, in the history of Hungary and its distinguished exile now here, the war cry that he raised, when the enemy was upon the shore, "To arms, to arms, all of Hungary's sons." Methinks then it was that the sympathetic voice of the Senator ought to have been borne across the dark wave, "to arms, to arms, every son of sympathetic America." But, sir, that voice was not heard; and now when the tide sets in and popular fervor seems to be swaying the day, the shout is "Hungary, and sympathy for Hungary, 'now and forever, one and inseparable from the 'glorious Union and freedom of these States."

When I heard the powerful appeals of the Senators from New York and Michigan, in which others joined, I felt an impulse that, if I had had the power would have hurried me to Russia to hang every fellow there. But when I came back to examine the records, and ask myself the question, what has been the course of that Government towards us from our infancy down to the present moment, and why we should inveigh in such tirades of abuse and denunciation of her, the feeling changed. That she outraged humanity, justice, and propriety, in her course towards Hungary, I admit; but it ought not to be forgotten—gratitude forbids that we should forget—that Russia has been one of the most constant, firm, decided, and unchanging friends we have ever had. But all that is to be forgotten, and we are to denounce her and enter our protest against her treatment of Hungary, and thereby involve ourselves in the possibility of a difficulty with her! Does not the Senator know that this Government has given some of the highest testimonials of generosity and kindness, and even gratitude and compliment, to that Government? Does he not know that the treaty of Ghent was

signed, by understanding and agreement, upon the birthday of the Emperor?

Mr. SEWARD. If the Senator will permit me, I will remark that this Government did give acknowledgments of gratitude to the Emperor Alexander, and recognized his interposition in behalf of liberty and republicanism in South America and Greece. I desire to be informed if it be true that the Government of the United States has ever recognized any sense of gratitude or obligation to Nicholas?

Mr. JONES. I desire to respond; and I am very happy to have roused the sensibilities of these gentlemen, distinguished as they are, to a review of their past history. It is not material to my purpose whether this Government has ever given demonstrations of respect to Nicholas, or not. Whenever he places himself in a position to justify and merit them, the Government will accord them. But that does not meet the point under consideration. We are to obliterate the records of the past; we are to forget all the kindnesses that have existed, and all the testimonials of respect and admiration that have passed between the two Governments, in this new spirit of progress. We are to forget our relations with other governments, and fall out and quarrel with them, and send *pronunciamientos* of contempt, dishonor, and insult to them—and for what? That we may go out upon a crusade of sympathy for Hungary. I repeat, that as a testimonial of respect to the Russian Government, the treaty of Ghent was signed upon the birthday of the Emperor.

Mr. SEWARD. What Emperor?

Mr. JONES. Alexander, of course. Nicholas was not living at that time as Emperor. It seems to me that might have been known. And yet, although that was the case, we are now disposed to regard Russia as worse than the barbarian tribes.

But, sir, as another point: The Senator from New York, when speaking of the probabilities of difficulty that might grow out of this question, treats most lightly the idea that we are to be involved in war, and maintains that nothing of that can come out of it. It is a matter of too much importance, involving interests too high, too solemn, and too fearful, to be sported with. But listen to a wonderful declaration upon the part of the Senator. He tells us, he tells the Senate, he tells the world, that if insult, and contempt, and everything else that could grow out of it, be heaped upon us, he will not go to war, unless it be for mere defense. God forbid, Mr. President, that it should be the doctrine of the American people that we are not to resent an insult nor enter into a war, unless it be one of mere defense. I hold that the pride of the nation, the honor of the nation, may lead to a war as well as an assault on her territory or citizens; and if they mean to force us along in this mad career, and then stand by and tell us they do not mean to fight out of it, I want them to stop and go no further in it.

But the Senator from New York, in his very able and eloquent speech, relies upon England. He says, if we speak, and England responds to it, that the ever-fraternizing bayonets of France will open their mouth. Heaven save the mark, when you talk to me about France helping anybody in a struggle for liberty; and then we should go on triumphantly and gloriously, and all the Powers of Europe would fall down before the majesty of such a fraternity. Well, sir, this inter-oceanic communication is a terrible thing. Just about the time that the Senator declared that conviction we received the declaration—and I beg to read it to him—of the English Government as coming from its Prime Minister, Lord Derby. It is as follows:

"As to foreign policy, it would be his determination to maintain peace, but he ridiculed the idea of a universal disarmament. Peace would be the best maintained by maintaining a calm and peaceful deportment, not in language only, but by respecting treaties, by regarding the rights of other nations, and by non interference with their internal affairs.

"It was the duty of British statesmen, and would be that of the Government, not to interfere with the form of government which other countries might choose to adopt for themselves." [Cheers.]

Now, sir, for the comfort of the Senator from New York, I would inform him that his ally is not to be found. England refuses to come up to this doctrine of intervention. Then, single-handed and alone, with the broad declaration made to the world that you do not mean to fight out of it, will you go to Russia and make this protest? In the name of my country, I beg you to stop before you place her in so humiliating an attitude.

The Senator, in his speech, thinks it very strange that Louis Napolean and Francis Joseph should have been found expressing feelings of veneration for the memory of Washington, and adherence to his doctrine. That does not astonish me at all. I should not be astonished that every human being, that every Christian people, and that every individual of every Christian nation upon the face of God's habitable earth, stood up in admiration and wonder and astonishment, at the doctrines, principles, and precepts of Washington. Why, it is the highest compliment that can be paid them. Even from tyrants, cold, heartless, selfish, demon-like, as they are, he extorts praises. It fills me with pleasure to see that even Louis Napoleon, whom I regard as a miserable usurper, and Francis Joseph, who is no less to be despised, that even they, in all their power, are constrained to render homage to the doctrines, principles, and precepts of the immortal Washington. But there is an astonishment greater than that, an astonishment that confounds reason and brings the blush of shame upon American cheeks. That astonishment is not that Louis Napoleon and Francis Joseph, should admire the doctrines and precepts of Washington, but that American Senators should disregard them. That is an astonishment, at which I blush for my country. Ashamed of Washington, when tyrants tremble before the majesty of his power! If you are not ashamed of his doctrines, why not come up and vote for the resolutions of the Senator from Rhode Island? They are but the words of Washington and Jefferson; and yet you are not content to take them, but you must go out and seek other words. The astonishment is not that those two personages should admire Washington, but that American freemen should forget him.

But the Senator from New York says, that wherever he finds one wearing the robes of Washington, he claims the privilege of looking beneath them to see who is wearing them. I accord to the Senator that privilege. The name, the fame, the memory of that disinterested patriot, and sage, and statesman, is the common property of the American people. Every man has an inheritance in it; and no freeman would sacrifice his interest in that glorious legacy but with his life and his life's blood I do not blame the Senator, therefore, that he is jealous; I am as jealous as he is, and when I find these robes upon any shoulders, I dare to look beneath them; and when I find them worn by men that want to set aside his doctrines, I cannot but remember a passage that I once read, in which it is said they had "stolen the livery of the Court of Heaven to serve the Devil in." When I find gentlemen wearing the robes, and yet inveighing against the doctrines, of Washington, I come to the conclusion that it is time that every man ought to hoist those robes and see who may be ensconsed beneath them. I do not pretend to wear them. I am willing to stand without wearing anybody's robes; if I can simply follow in the good path, it is all I ask.

I admit that there was a great deal in the Senator's speech. Taken in the aggregate, it was most beautiful. As a history of Hungary, it commends itself to the taste of every gentleman; but when he comes to sustain his position of intervention, I think he utterly fails. He talks to us about France, and read about the demonstrations of respect that were tendered and shown, and the sympathy that was manifested when she threw off her yoke. Now, I will ask him—and I will read from his own speech—if he means thereby to attempt to prove the doctrine of intervention? Sir, it is a refutation of the whole system of argument that he used. Was that the doctrine of intervention, to express sympathy for a country that had established a free, or comparatively free, Government? The history of this Government, from its inception down to the present day, has been uniform upon that point—to recognize every Government, that has established itself firmly, as the Government *de facto*.

Here is the extract from Washington's message, as quoted by the Senator:

"I rejoice that the interesting revolutionary movements of so many years have issued in the formation of a Constitution designed to give permanency to the great object for which you have contended. I rejoice that *liberty*, of which you have been the invariable defenders, now finds an asylum in the bosom of a regularly organized Government—a Government which, being formed to secure the happiness of the French people, corresponds with the ardent wishes of my heart, while it gratifies the pride of every citizen of the United States by its resemblance to their own. May the friendship of the two Republics be commensurate with their existence!"

And now, Mr. President, is it not wonderful, does it not strike the mind with astonishment, that such a passage as that should be quoted by the Senator from New York, to prove the doctrine of modern intervention, where Washington is expressing his heart-felt gratitude and gratification at the establishment of a Government like our own? May we not hoist the robes, and inquire who wears them? May we not justly hoist their folds, and ask whether the man wearing them, in the name of Washington, represents his principles and policy? Here was Washington, rejoicing that the French people had established a Government and formed a constitution in accordance to, or in similarity with, those that we had; and it is brought up here to prove the doctrine of intervention in the quarrels of Europe. But I go on. Again, the Senator resorts to another point, and quotes the Senator from Kentucky, [Mr. CLAY,] attempting to prove that he had sustained this doctrine of intervention. Now, I undertake to say, that at no period of his history, at no moment of his political life, has that distinguished man ever said or done anything to justify that conclusion. The quotation made by the Senator from New York was upon the subject of the South American States. They were struggling to establish republican forms of Government. Mr. Clay expressed his sympathy with their efforts, and moved that a commissioner should be appointed to go there and inquire into the facts; and that is taken to justify and prove this doctrine of modern intervention. I do not claim to stand here to vindicate that distinguished man—it is not necessary; but I stand here to vindicate the truth of history. If the Senator from New York had been as eager and as anxious to inquire into all the opinions of the illustrious Kentuckian, as he was to find something to sustain a feeble and tottering cause; if he had looked a little further, he would have found a bold, open, manly declaration, years ago, from that Senator, against this doctrine of intervention. May I be permitted to read it? Mr. Clay, in his instructions to Mr. Poinsett, upon the Panama mission, used this language:

"Finally, I have it in charge to direct your attention to the subject of the forms of government, and to the cause of free institutions on this continent. The United States never have been, and are not, animated by any spirit of propagandism. They prefer to all other forms of government, and are perfectly contented with, their own Confederacy. Allowing no foreign interference, either in the formation or the conduct of their Government, they are equally scrupulous in refraining from all interference in the original structure or subsequent interior movements of the Government of other independent nations. *Indifferent they are not, because they cannot be indifferent to the happiness of any nation.* But the interest which they are accustomed to cherish in the wisdom or folly which may mark the course of other powers in the adoption and execution of their political system, *is rather a sympathy of feeling than a principle of action.*"

There is what he says upon that subject; and yet General Washington is quoted, and Mr. Clay is quoted, to prove that it all hung upon the simple question that they sympathized with the experiments and efforts that were going on then to establish free Governments.

But again, the honorable Senator from New York, hard pressed to find arguments to sustain his position, comes down to the French revolution and the expulsion of Louis Philippe, and quotes the action of the Congress of the United States, and the opinions of Mr. Polk upon that subject. They are just in keeping with the positions assumed before. There was a government that had broken down and expelled a tyrant, and established what they said was a free, republican form of government; and the question was, whether our Government should recognize that Government as it was formed. It was not a question of interference in putting up or down, or establishing any particular form of Government.

There is another point to which I wish to allude, and then I shall have done. In the conclusion of his address, the Senator from New York paid a glowing tribute to this Union. He told us that the Union was in no danger; that we need give ourselves no fears, no alarms, no apprehensions about the perpetuity of this Union; and, as for himself, he had no fears and no alarms for its safety, and that there was no power which could dissolve this Union of ours. I wish I had a faith approximating to that. That, I suppose, is one of the revelations of this new political manifest destiny. I would that I could feel that this glorious Union of ours was indestructible as the throne of Omnipotence. I would rejoice to believe it. While I have my fears, I admit that my convictions are strong; and I am strengthened, when I hear the learned Senator from New York tell us there is no danger. If there be no danger, how does it come that we believe there is danger? Are we mere machines borne along by this manifest destiny, or have we some work to perform? If there is any security, remember the words of him who says, "eternal vigilance is the price of liberty." Now, if this Union is to be indestructible, it depends upon us to make it so. If this Union is to endure with all its brilliancy, we are the agents and the instrumentalities by which it is to be accomplished; and I submit to every Senator here, who loves this Union—and I would to God that all of them did love it—if they are ready to take a step which, by possibility, may endanger this Union. What are your sympathies, broad, boundless, as they are, compared to the interest, to the honor, to the duty we owe to our own country. We go throughout the whole world in quest of objects of sympathy, forgetting that we have a country to be saved, and a country that is to be honored, and made prosperous and happy. Sir, I love this Union in all its length, in all his breadth, in all its height, in all its depth. Yes, sir, from the Aroostook to the Rio Grande, from the Pacific to the Atlantic, throughout all our borders, I love this Union. For it I am ready to live, and by the grace of God, if necessary for it, I am ready to die. I love it, and, because I love it, I want to act so as to preserve it. Why should we endanger this Union by faction, either North or South? I have no affinities for the one or the other. Wherever there be a man, or a community, or principles which endanger the Union, if I had the power, I would borrow some thunderbolt from the armory of Heaven, and dash the accursed wretch into utter annihilation.

Sir, I love this Union—love of the Union is idolatry with me; and it is because I love and cherish it with the fondness of devoted affection, that I am against any of those Utopian schemes, any of those modern doctrines of progress, or manifest destiny, or higher or lower law, come from what sources they may. Why should we go abroad? Have we not enough to do at home? Have we not a field broad enough for the sympathies of Senators? Are all our sympathies to be exhausted on Hungary? Weep over her wrongs to your heart's content; I will join you in the holy office; but I ask you to come back in the hours of quietude, and look to your own country. Have you not enough here to engage your time, to enlist your talents, to enlist the talents of the loftiest intellect of the age? See your country, with twenty-five millions of population, extending from ocean to ocean; a territory of empires in extent, and yet not enough for the enlarged capacity of some gentlemen. The world itself seems scarcely large enough to contain their boundless sympathies. It is enough for me to know that there are interests here that command and demand my attention. Look at the interests of this country! You have a territory almost boundless; unnumbered millions and hundreds of millions of public domain, that might be made the basis upon which the hopes, the prosperity, the happiness, the grandeur, and the glory of the mightiest nation upon earth might be established. And yet, sir, that is a small matter, that concerns nobody. We must go and weep over Hungary. If your sympathies are so large, go into the valley of the Mississippi, that I have the honor in part to represent. I see the honored representative of my district here now. Go there, and see the unnumbered and numberless lives that are constantly sacrificed to the imbecility and weakness of this Government of ours. There is a hecatomb of living spirits carried down into the deep and angry waters of the Mississippi and its tributaries. There is no sympathy for them. We must go abroad, and shed tears of blood and compassion for the sufferings of Hungary. Better come home, and weep over widows and orphans, left husbandless and fatherless by the neglect of the Government to give protection, and to improve her inland and her external commerce. That is enough to engage the time and the talents of the whole Senate—of the loftiest genius that ever lived. Yet these are very small matters—we may forget them all! We have a sea-coast almost boundless, with harbors to improve, interests to protect, thousands and tens of thousands of American citizens languishing for the want of that paternal regard which the Government ought to extend them, in giving protection to the honest labor of the country. All that moves no sympathetic cord in those hearts that sympathise with the oppressed of all nations. Come home, gentlemen, come home, and let us see if we cannot do something here. When we shall have made our own people happy and prosperous, when the Treasury shall be overflown, when the Navy shall find nothing to do, when the Army shall be a burden upon our hands, then you may go out and fight the battles of other people. But first let us establish ourselves upon a basis, not only honorable, but safe and perpetual.

Mr. President, I beg to tender to the Senate my sincere thanks for the patience with which they have heard a much longer address than it was my purpose to make. I hope to see this Government go on in the course in which our fathers guided it. I hope to see her growing stronger and stronger, every day. My sympathies for the oppressed of other nations, as I have said, are as acute as those of other gentlemen; but I remember that I have a country myself, and that, while I sympathise with the oppressed of other nations, my first duty is to my own country. When I go back, and inquire what have been the achievements, what have been the results that have flown from the policy of our fathers, I confess that I am astounded that gentlemen should choose to change. Why, from feeble colonies, thirteen in number, and three millions in population, we have grown to be a people of about twenty-five millions, with thirty-one States, instead of thirteen. With such results as these, so stupendous and overwhelming, I ask, is it possible that any American can desire to change the policy which has produced such results? As for myself, I desire to see this country go onward. I would invoke the spirit of Him who seems to preside over the deliberations of the Senate, to watch, and guard, and protect, and defend the institutions of our country. Sir, I hope that the column which has been laid by Washington, may go on rising higher and higher, and higher still, until its proud head shall have pierced the clouds of heaven, and be bathed in eternal light. From its proud summit may the light, and the truth of freedom and liberty go out into the whole world, until all its dark recesses shall be enlightened by the revivifying rays that flow from it, and all the world be filled with glory, and be wrapped in one eternal flame of liberty and freedom, now and forever. This is my hope—this is my expectation. God grant that that may be the destiny of our happy and glorious country. I have done.

Mr. CASS. There were some remarks which the honorable Senator from Tennessee addressed personally to myself, that I desire to notice. If the Senate will indulge me, I will go on now, and say all I have to say in a very short time. In the first place, the honorable Senator from Tennessee has come here claiming the honors of martyrdom, and he has invoked the Senator from New York and myself as his judges, and, I believe, his executioners. Let me assure the honorable gentleman that he is not in the slightest danger. There is no martyrdom in this country for opinions. If there had been no more martyrs in the early ages of the world than there are now, we should have had very few Christians carried to the stake, and very few bloody spectacles of that nature recorded on the pages of history. But the martyrdom of a speech in the Senate is a very small affair.

I am not at all satisfied with the view which the honorable Senator took in relation to the votes on the resolution for defraying Kossuth's expenses here. If he meant anything by that allusion, he meant to convey to the American people the idea that those of us who voted against that resolution were unwilling to defray the expenses occasioned by Kossuth's visit. If he meant anything, he meant that. The honorable gentleman knew that we were not opposed to the payment. He knew that in another shape we had declared we should have voted for it. Our votes turned on an entirely different point, and that was the power of the Senate to make such a payment out of the contingent fund, without its passing through the usual process and forms of legislation, and receiving the concurrence of the House. He might as well say, that if a man had a claim for a hundred thousand dollars, and I should vote against paying it out of the contingent fund, I should therefore be opposed to the claim. It was the process by which the money was to be obtained, to which I objected. I believed it to be wrong. I did not oppose the payment itself; and I said I would vote for it if the proposition were put, as it should have been, in the form of an act of Congress.

The gentleman began by finding fault with my resolution, because it expresses the deep concern of the American people at the gross violation of the laws of nations by Russia, in the case of Hungary. Does the honorable Senator mean to maintain that the American people have no concern on the subject? Does he take the converse of the proposition? He confounds the consequences of that concern with the feeling itself. He says, that different constructions of our duty and policy will lead to different results; that some will insist upon a protest, some upon war, and some, perhaps, upon other remedies. Allow me to say, sir, that here is the mistake of the honorable gentleman. The principle I lay down expresses the disapprobation of the American people at a gross violation of the public law; and the Senator objects to it because of its phraseology, using the term "deep concern." I repeat, sir, that to lay down the principle is one thing, and that the consequences to flow from it hereafter is another and quite a different thing; and it is the latter he is anticipating. Why, sir, the resolutions of the honorable Senator from Rhode Island, [Mr. CLARKE,] and which the Senator from Tennessee avows his determination to support, lays down certain great principles of the law of nations. Why does not the gentleman object that this resolution may lead to the same consequences as the other—to war; or to worse evils, if there are any worse? I repeat, the gentleman goes out of the principle itself, and looks to the consequences, while objecting to the phraseology. I said before, sir, that this resolution lays down a great principle, but that it leaves to the future the course of action which the future may require.

As the Senator proceeded, I took some memoranda of such parts of his remarks as related to myself. I must ask the indulgence of the Senate while I briefly examine them.

He objects that no practical good is to result from such a measure as that which I propose. He says we appeal to the force of public opinion; and draws a picture, exceedingly well painted, of our going to Russia, and presenting this declaration to the Emperor Nicholas, telling him to look at it, and take care how he acted. The Senator asks what good will result from that? Now, I never dreamt of making a convert of the Emperor Nicholas to this true doctrine. But all tyrants, in ancient and in modern days, know, and sometimes feel, the force of public opinion. What prostrated Napoleon from his high position, and sent him to die, a prisoner and an exile, on a little island in the great Southern ocean? The public opinion of the world, which he had despised and violated. It is that public opinion, to which, in grave cases like these, we should appeal. And I am sorry to hear an American Senator, on the floor of the American Senate, casting any derision upon the force of that great moral agent.

Why, sir, Lord Palmerston, in the extract I read in my former speech, anticipated and answered this very objection. The Senator from Tennessee is not its author, and cannot, therefore, claim the merit of originality. Lord Palmerston, when interrogated on this Hungarian question in the

House of Commons, touched this very point with great force. It seems that this is not the only country in the world where public opinion is decried and despised. There are, also, men there who do not believe in its efficiency. The British Secretary of State was not one of them. In answer to the objections, he said: "It is urged that there is no use in these public declarations, for they may be thrown back by an arbitrary Power, which may say, 'Your opinions are but opinions, 'and you express them against our opinions, who 'have large armies at our command to back them. 'Which are strongest, opinions or armies?" Sir, he continues, and I recommend the noble sentiment to all who doubt the progress of the age—'Sir, my answer is, that opinions are stronger 'than armies. Opinions, if they are founded in 'truth and justice, will in the end prevail against 'the bayonets of infantry, the fire of artillery, and 'the charges of cavalry.' And he adds: 'That, 'armed with opinion, if that opinion is pronounced 'with truth and justice, we [the people of the 'United States as well as the people of England] 'are indeed strong, and in the end likely to make 'our opinions prevail.'"

And I repeat the regret, that such noble sentiments, so nobly sustained in England, should encounter such fierce opposition here, in this land of moral and not of physical force. Who thinks of going to the Emperor Nicholas, as the gentleman suggests, with this declaration? The public opinion of the world, thank God, is independent of him. He can neither make nor unmake it. This is an age of mutations and vicissitudes. Power to-day may become weakness to-morrow. Monarchical life of one hour may be terminated the next on the scaffold. The light of reason and truth may yet penetrate the Bœotian darkness of a Russian atmosphere. This public opinion is gaining strength, and is moving onwards, and will bear all before it, like the waves of the ocean lashed into fury by a storm.

The Senator has called up an old allusion of mine, made some time since, in connection with political offenses. The sentiment has no relation to the subject before us at all, but it is apparently brought forward now with the sole object of placing me in some unfavorable position. But it is in vain. The effort will fail. The ground I took is impregnable. I said that political offenses had lost that character which formerly classed them with theft and robbery, and other such crimes, and I explained that I alluded to efforts made through the world to throw off the yoke of a despotic government. And I named the very name which the Senator has just invoked, and asked if Washington was a malefactor—if all the men, from the earliest to the latest patriotic effort to secure the blessings of freedom to the world, were vile criminals, to be classed with the very outcasts of society. The gentleman talks of treason, as though all treason, as he would call it, every struggle of despairing freedom, demanded the condemnation of all enlightened men. Why, sir, my friend from Texas, [Mr. RUSK,] who sits beside me, was guilty of this worst of all crimes, as he seems to consider it, in the opinion of the Mexican Government, by his noble conduct, which endeared him to the people of the former country, and ought to endear him to the people of the United States, instead of consigning him to a class of criminals. If he had been taken, he would have suffered that penalty, which the gentleman seems to think the natural, if not the necessary, consequence of treason. But, sir, is there one Senator in this chamber, who considers him guilty of any moral offense, or who is not glad to associate with him as a high-minded, honorable patriot, citizen, and soldier? No, sir, not one. We all hold him in the highest respect. I said, sir, and I repeat, that great melioration has taken place in the opinion of the world upon that subject; and this is shown by the change which the punishment has undergone. Not long since, persons convicted of treason in England were sentenced to be drawn and quartered, and their bowels taken out, to the utter disgrace of English legislation, and repugnant to the best feelings of mankind. Who thinks of such a revolting punishment at this day? For many years not a single person has been executed either in France or England, for a political offence; and all this confirms what I have said, that the subject has undergone a just and merciful change in this respect.

As to the power involved in this right of declaration, it is not necessary I should discuss it. The Senator from Tennessee concedes it, by supporting the declaratory resolution, introduced by the Senator from Rhode Island, [Mr. CLARKE.] The question, then, is not as to the right of declaration, but as to the terms in which such declaration shall be made. There are great truths, great principles, enunciated in the proposition of the Senator from Rhode Island. No American denies them; but the Emperor Nicholas does not believe one word in such rights as these. Who will take that declaration, if it passes under the notarial seal, so happily alluded to by the gentleman from Tennessee? Will he take it, himself, to the Emperor Nicholas, that friend of the United States, and ask his concurrence? If that ceremony is necessary in the one case, it is necessary in the other. And if he is not prepared to go to war with the Russian Emperor, if he should manifest his displeasure at the declaration of the Senator from Rhode Island, why are we bound to go to war to support the resolution I have introduced, should that august personage mark it with his displeasure?

Another thing, sir; the honorable gentleman seems to suppose that all the sympathy attending this Hungarian movement is derived from the visit of Kossuth; that we are like so much tinder, receiving the spark from him which has set us all in a blaze. Allow me to tell him, that more than two years ago I introduced this very subject of Hungarian wrongs into the Senate, but my proposition was voted down; and I may add, that most of the gentleman's political friends—and I say it not by way of reproach, for they had the same right to their opinions that I had to mine—were opposed to the measure. I am no new convert to this doctrine of human rights. My course has not been directed by the arrival of Kossuth, much as I respect him; but it had been marked out and was taken long ago, when those flagrant outrages occured in Hungary which have excited the reprobation of the world.

The honorable Senator talks of the friendship of Russia towards this country. Well, I take it that the friendship of Russia is the friendship of the reigning Emperor, be he Peter, or Paul, or Alexder, or Nicholas. As to the attachment of the people of Russia to this country, we have not the slightest evidence of it, nor indeed can we have, for they have no agency whatever in the direction of national affairs. The Emperor inherits the Government, and inherits the people, and directs all the operations of the Empire; and he whose opinion of public affairs does not coincide with the authorities, he who does not think, and speak, and act like the slave of despotism, is marched off to Siberia, to be taught wisdom by the discipline of the knout, in that great prison-house where so much of the patriotism and intelligence of the country have perished beneath the snows of that rigorous climate.

The Emperor of Russia, in looking at the condition of his country, could not fail to see, that there was one great rival in Europe, whose direct force upon the ocean, and whose moral force upon land, might be most unfortunate for his ambitious projects. He could see, too, that there was a young and rising nation on the Western Continent, liable, as well as himself, to be brought into collision with England by the nature of her pretensions, at variance with free commerce throughout the world. He was just as much interested as we were in the establishment of the just principles of international law upon the ocean, and if he wished us success, it was not the the result of the sympathy of feeling, but of interest, originating in his relations with her who modestly claims to be the mistress of the ocean. It was not a queston of friendship at all, but merely of policy.

The Senator asks me to give him one reason why this declaration should be made. I might retort by asking him to give me one why the declaration that he supports should be made?—for all the consequences that might flow from the former might also flow from the latter. But I will not make this appeal to consistency, obvious as is its justice. I will give four reasons, and very substantial reasons, too, as they appear to me, in favor of the course I propose to take.

In the first place, by this proceeding we put our dissent on record, that it may remain there, so that hereafter, under other circumstances, when we may be prepared to act more efficiently, no nation shall be able to say that we are concluded by our acquiescence in these outrageous acts and assumptions, and that we have therefore no right to oppose the principles they establish.

In the second place, such a solemn proceeding will go far towards assuring the inviolability of the law of nations, which is the great protector of the weak against the strong, and the best preservative of peace which has yet been offered to civilization; far better, to my apprehension, than all the peace societies, much as I respect them, which have undertaken to preserve the tranquillity of the world.

In the third place, this declaration will speak to the struggling millions who are seeking, amid the oppressions of despotism, to recover that freedom which is their birthright. I desire they should know, amid the trials and sufferings which surround them, that across the Atlantic ocean, and on the new continent whose shores it washes, there is a great, and powerful, and free people, who have preceded them in these trying efforts, and who sympathize with them, and who wish them God-speed in the career which they followed before them. This, indeed, is not material aid: but still it goes to the human heart, and it will nerve the arm and strengthen the purpose of downtrodden nations.

And in the fourth place, I desire this declaration for a reason not less powerful than those I have enumerated: I am anxious that our influence should be felt among the great communities of the earth. I am anxious that our country should not be a political cypher; that it should be known throughout Christendom that there are twenty-five millions of people looking across the ocean at Europe, strong in powers, acquainted with their rights, and determined to enforce them.

These, it seems to me, are very good reasons why this measure should be adopted. I need not ask the Senator from Tennessee to give me his reasons against its adoption, for he has already stated them in his speech. And, though they apply in principle to the measure proposed by the Senator from Rhode Island, I will not stop to examine the question of consistency, but will examine the strength of their application. It is urged that this measure will do no good unless you support it by force. But, sir, I say the declaration will do good, whatever action or non-action may follow. It will go far towards the establishment of a great principle, which will finally work its own way, and become the law of the world, elevating moral force above physical force. It is objected, also, that this proceeding will lead to war. Why lead to war? How is it possible that such a declaration of opinion must be necessarily followed by such a result, when we all agree that the country is not now in a condition for armed intervention, and does not intend so to act? That is a question in the future that those who are to come after us must solve.

I repeat, sir, what I said on a former occasion, that at the bottom of this opposition is another distrust of the wisdom and discretion of the American people to conduct their own affairs in their own way. Nobody believes that this Senate and House of Representatives can declare war. I do not mean constitutionally, but I mean they would not dare to declare war unless such a measure were supported by a great majority of the American people. For myself, sir, I sincerely wish that this country may remain at peace till human governments are superseded by the government of Him whose reign will never end. But human nature must essentially change before such a consummation takes place. But I repeat, that no war will ever be declared in this country which is not required and directed by the people. That is my view of the energy of public opinion in this country, and I have mistaken the character of my countrymen if the result does not prove its correctness.

It is also objected that such a course is at variance with the traditions of our policy, and with the sentiments of Washington and of Jefferson. Now, sir, I am not going over all this matter again. I have had my share of it. I said before, that both of those eminent men were opposed to

"artificial ties," and to "entangling alliances;" and so, sir, are we all. We want no such bonds of connection which would inevitably involve us in the collisions of European politics But what has that to do with the subject before us? How is this declaration to be necessarily followed by war, when we all unite in opposing such a measure? This is neither an artificial tie, nor an entangling alliance. It is neither tie nor alliance of any kind, and its adoption would no more render it necessary for us to interfere in the affairs of Europe than in the affairs of Madagascar or of China. Such a consequence is entirely gratuitous, unsupported by one solitary just reason. I confess my surprise at the pertinacity with which this view is urged and repeated. With respect to Mr. Jefferson's opinions, he is the best commentator upon them, and I hold in my hand a letter of his to President Monroe, dated June 11, 1823, which effectually rebukes this attempt to enlist him among those who are indifferent to human rights. I will read an extract from it:

"And on the question you propose, whether we can, in any form, take a bolder attitude than formerly in favor of liberty, I can give you but common-place ideas. They will be but the widow's mite, and offered only because requested. The matter which now embroils Europe, the presumption of dictating to an independent nation, the form of its Government, is so arrogant, so atrocious, that indignation, as well as moral sentiment, enlists all our partialities and prayers in favor of one, and our equal execrations against the other. I do not know, indeed, whether all nations do not owe to one another a bold and open declaration of their sympathies with the one party and their detestation of the conduct of the other. But further than this we are not bound to go; and indeed, for the sake of the world, we ought not to increase the jealousies, or draw on ourselves the power of the formidable Confederacy." (4th vol. Jefferson's works, page 366. Letter to the President, June 11, 1823.)

Here, sir, we have the views of Mr. Jefferson as expounded by himself. His own commentary upon his own principles. We know, what indeed was evident enough before, that when he spoke of "entangling alliances," he meant entangling alliances, and did not mean to deny the right to take our share in the assertion and maintenance of the law of nations; and least of all, lest between her and Japan, some sovereign, great or small, might be offended at Republican presumption.

But, sir, I have another extract from his works, not less significant nor useful at the present juncture. It is to be found in the 264th page of the 4th vol. of his works, and is in these words:

"And the less we have to do with the amities and enmities of Europe the better. Not in our day, but at no distant day, we may shake a rod over the heads of all, which will make the stoutest of them tremble."

Now, sir, here is high confirmation of the ground I have taken. I contended for two main points, first, that we had a right to declare our opinions upon great questions of public law; and, second, that we were not obliged, neither by duty nor by honor, to support such a declaration by war, but that the time might come, would come, indeed, I said, when we might act efficaciously—when, as Mr. Jefferson expresses it, we may shake a rod at which the stoutest would tremble.

Now, sir, allow me to say that I have irretrievably passed into the category of "old fogyism;" but if I should show any lingering attachment to the progress of the age, such as I have heretofore felt, but which may now be considered incompatible with this new relation, I must take refuge behind the shield of that illustrious "old fogey," Mr. Jefferson, the author of the Declaration of Independence, the patriot, the scholar, and the statesman, and the Chief Magistrate of the Republic, second only in the affections of the American people to the first and greatest of our Presidents—the Father of his Country. That patriarch of the Democratic faith, at the extremity of a long life, preserved all that attachment to human rights and freedom which had marked his earlier career, with a heart as warm with hope, as bright, and with convictions as strong, as the most energetic, efficient, care-for-nothing, stop-at-nothing, dare-everything young fogey of our day, who at the advanced age of twenty-one, ripe in experience as in years, surveys complacently the whole field of life, and feels himself prepared to grapple with all its duties, and to come off triumphantly.

The Senator from Tennessee, in speaking of the policy of Washington, comes at length to the conclusion that it was not and ought not to have been an inflexible one; that the existing state of things must always have its just weight, and produce more or less effect upon the course of the nation. Well, sir, the moment this is conceded, what measures we shall adopt, under given circumstances, becomes a question of expediency, to be judged of by those who are responsible for the direction of public affairs. I say, and I have always said and thought, that the course of Washington, during his administration, was a wise and just one, and that he conducted our country through a perilous crisis in a manner which will ever command the national gratitude, and which was the first and great step towards that proud eminence which this glorious Confederation has now attained.

The Senator from New Jersey, [Mr. Miller,] who is not now in his seat, referred to the proclamation of neutrality, one of the prominent measures of Washington's administration. He praised it, as it deserves to be praised, for its justice and wisdom. But he went far beyond that; he spoke of it as the great political act of the age—a new discovery in international intercommunication—as though such a proclamation had not been known before; when in fact such a declaration was a common procedure when a Government desired that its subjects or citizens should not commit its interests by taking part in a contest between two belligerent powers. Nothing is gained by taking extravagant views of any subject. Truth is the best tribute to be rendered to merit. No man reverences the character or the services of Washington more than I do. His was the brighter name, his the noblest deeds, his the purest patriotism ever laid upon the altar of a country; and he stands proudly forward upon the canvas of history the prominent figure to attract the attention and to excite the admiration of all succeeding generations. And when the American people, in ages to come, make their pilgrimage, as they will make it, to Mount Vernon, and lay their hands upon the lowly tomb, may they strive to emulate the virtues, while they bless the memory, of Washington.

The honorable Senator from Tennessee referred, as I thought, with a good deal of complacency, to the refusal of General Washington to make a formal, official application to the Emperor of Germany for the release of Lafayette from the prison of Olmutz. He seems to consider that course as a decisive rebuke of the declaration which I have presented. Why, sir, I cannot, for the life of me, perceive what connection this incident can have with the subject before us. General Washington did not desire to ask an official favor of a haughty Government. He did not wish to commit the dignity of this country by such a measure, by a demand which he had reason to anticipate would be rejected. But what has all this refusal to ask a favor to do with the assertion of a right? Because General Washington declined to become an intercessor with the Austrian Government, does it follow, therefore, that he would yield a great principle of the law of nations, interesting to the lovers of freedom in all time to come? The mistake which the honorable gentleman made in this branch of the subject is very apparent. He does not distinguish between the propriety of asking a favor of another Government and the right to claim all our privileges as a coequal Power of the world.

But though the policy of General Washington was the wisest and best in the circumstances in which our country was placed, still it did not keep us out of war. Within the first twenty-five years of the present Constitution, we had two wars; one of them was happily short, in consequence of a fortunate change in the internal politics of France; the other was the severest contest in which we have ever been engaged, brought on by a series of the most wanton and outrageous attacks ever made by cupidity and power upon an independent nation since civil society was organized. The colleague of the honorable Senator [Mr. Bell] was perfectly right the other day when he said that, do as we may, no Chinese policy of isolation, nothing short of unqualified submission will keep us from being drawn into the first great maritime war in which the Powers of Europe may be engaged. Let us be up and ready to take that part which duty and honor dictate. Orders in council, Berlin and Milan decrees, may not again, in name, make their appearance. But we shall have abundance of pretensions of a similar nature; we shall have impressment and all the machinery which ingenuity, freed from the restraint of principle, can provide, to sweep our commerce from the face of the ocean, as it was swept forty years ago, and by which act the two great belligerent powers gratified the lust of lucre at the expense of character and principles.

What we have to do is not to dispute about "entangling alliances" and "artificial ties;" we all denounce them; but to place ourselves in a condition to fight efficiently the battle of freedom and of honor, should we be driven to the last resort of nations.

Mr. JONES, of Tennessee. Mr. President, I know it is late, but if the Senate will accord me ten or fifteen minutes to reply to the distinguished Senator from Michigan, I will not ask more. I am very happy that my speech has at least had the effect of giving the Senator from Michigan an opportunity of explaining himself. He tells us that he is one of the school known as "old fogies," and that it would be very strange that he should be found advocating these new doctrines of progress. As to the party relations that the distinguished gentleman occupies towards his friends and his country, I have not a word to say. I hope never to find myself disposed to bring that question into debate here. I had certainly no design to assail the gentleman in any party view whatever. But when he tells us he is an "old fogy," and is yet found fighting under the banner of these new doctrines, I think I might be induced, from considerations of justice, to protest, in the name of my friend from Illinois, [Mr. Douglas,] against the position that the Senator occupies. [Laughter.] If he is an "old fogy," I hold that he has no right to be wearing the clothes that my friend, the Senator from Illinois, is entitled to wear. If he is an "old fogy," and belongs to the school that adheres to the ancient doctrines and practices of the days of Noah, he has no right to get up and warn Senators, and conjure them, by the pains and penalties of ostracism, to fall down and worship his new gods, and vote land here and land there, and for intervention here and intervention there. [Renewed laughter.] Now, that belongs to the Senator from Illinois, and it cannot have more than one father. Speaking of General Washington, the Senator says I do not understand that illustrious man. I know, and I am not ashamed to avow, that there is a vast disparity between the distinguished Senator and myself. I almost feel ashamed to come in conflict with one so distinguished; and if I was fighting on my own hook, I would eschew the contest; but when I come here to speak for those who have sent me here, I shall dare to speak, though it be in the presence of the loftiest spirit that was ever honored with a seat in this Senate. I speak not for myself, but for my constituents. It may be that I do not understand the words of Washington. If I do not, it is because I have not intellect enough to understand them; for next to the Revelation of the God of Heaven, the doctrines, precepts, practices, and morals of Washington form the book by which I swear.

I defy the Senator, with all his learning, with all his astuteness, with all his special pleading, to evade the issue which I make—that General Washington declared a principle in his Farewell Address, and that he fortifies it in the letter which I have read, by declaring distinctly and positively that as an officer of the Government he could not and would not interfere even in behalf of the friend of his bosom and companion-in-arms, Lafayette, though as a private citizen he would. That is the point which I make, and I defy the Senator from Michigan, or any living man, to evade it. It is plain. He that runs may read.

The Senator says, that talk of it as we may, there is a state of things coming up that must and will involve us in war; and he alludes to my distinguished colleague, [Mr. Bell.] I do not know what the opinions of my colleague may be upon that subject; but whatever they are, one thing I undertake to say, that when the time comes that he feels that the honor of his country requires him to speak or act, he will never accompany it with a declaration that he will not stand up to it and fight it out if necessary. I know he never

will do it; but if he does, I can say to him that he will not give response to the feeling of the people he represents. I repeat, that whatever his opinions are, whenever he takes the position that this Government ought to declare those opinions officially, he will not attempt to smooth over that declaration; but he will stand by it, and be ready to vindicate it at all hazards, and to the last extremity. If he does not, he is no Tennessean, which I know him to be.

The Senator from Michigan says that, in regard to the resolution for the payment of the expenses incurred by the entertainment of Kossuth, I did him injustice. I should be very sorry to do him or any other Senator injustice. I distinctly stated that I did not impute motives to him or to any other honorable Senator. I stated a fact; the records show that fact. I did not hear until to-day that that resolution was opposed on constitutional grounds. I accepted the explanation which the Senator gave, and that it seems to me should have been sufficient. I reaffirm the fact, and I reassert that in the absence of constitutional objection, the Senator from Michigan ought to have voted for the resolution. He helped to bring Kossuth here by his vote. He assisted in receiving him as one of the representatives of this body. He consigned him to his quarters; and when the time came that the money had to be paid or the Government dishonored, unless there was constitutional difficulty in the way, the Senator ought to have voted for paying the money.

Mr. CASS. The Senator is mistaken in a point of fact.

Mr. JONES. If he had constitutional difficulties I bow to them.

Mr. CASS. I did not receive Kossuth.

Mr. JONES. Was not the Senator a member of the committee?

Mr. CASS. I was; but I was not present at the reception of Kossuth.

Mr. JONES. Then the Senator was deficient in performing his duty.

Mr. CASS. The resolution did not require me to be there. It was a voluntary act on the part of the other two gentlemen of the committee. I was busy at the time.

Mr. JONES. In the debate on this question it was stated by a member of the committee that they had received him. He did not say whether all the committee were present; but the Senator from New York stated distinctly to the Senate, that the committee had received Kossuth and conveyed him to Brown's hotel, there to be entertained. I do not know whether all the committee were present or not, and I do not care.

Mr. SEWARD. It is due to the honorable and distinguished Senator from Michigan that I should state that the arrangements for the reception of Kossuth were made by the chairman of the committee [Mr. SHIELDS] and myself; and that the honorable and distinguished Senator from Michigan did not attend us in making the arrangements, nor in receiving Kossuth, nor in taking leave of him. These duties were performed by us, he being excused from attending on account of his age, dignity, and position.

Mr. JONES, of Tennessee. Mr. President, it just resolves itself into this: The Senator from Michigan, on the committee, from his age, dignity, and position, was excused from attending by the others. It seems that he was not there; I did not know it; and if the Senator had not manifested more feeling than I thought my remarks called for, I should not have responded. I am sorry he was not present on that occasion. I hope he will not be absent on some other occasions hereafter. I alluded to the phrase "deep concern," used in his resolution, and I gave it all the explanation which he can possibly claim under his speech; and I stated distinctly that my objection to the term was its equivocal import, that it was left to the construction of every gentleman, according to his whim or caprice, to interpret it as he pleased. That was my objection. Nothing more. Now, does the Senator attempt to give any better explanation? It stands just where he first left it.

But the honorable Senator quotes from the speech of Lord Palmerston to prove that England coincides with us on this great question. Why, does not that distinguished Senator know that the very opinions and principles which were proclaimed by Lord Palmerston, cost him his seat, and that a new dynasty—a new set of principles has been avowed as the policy of the Government of England? Why, it is manifest to all, that England does not mean to take the position to which some have assigned her. Then, where are we left? To fight the battles solitary and alone. England can have no relations of alliance with us in such a cause. We can anticipate no participation in it from the Government of England.

The Senator says that I do him injustice when I talk about sympathy being delayed so long. Why, I am sure he could not have listened to my speech, for I applied not one single, solitary remark of that to him. My remarks on that subject were applied alone to the Senator from New York; for, although a very young man, and certainly very unaccustomed to conflicts of this sort, particularly with one so distinguished as the Senator from Michigan, I have learned one thing, never to make an assault, unless I know that I can back it. I know very well that that Senator has offered the resolution to which he refers. I have read it, and I have read his speech on the subject, and I am very happy that the Senator has given me an opportunity to speak of that resolution. It was not directed in favor of Hungary against Russia, but was simply a resolution of inquiry to know whether it was not proper and expedient to discontinue our diplomatic relations with Austria. Then we heard very little of that boundless sympathy that seems to fill and heave the bosoms of Senators. Now, he inveighs strongly against Austria, and he did at that time, but that was after the conflict had ended. The time for the struggle had passed away. When the mighty struggle was going on; while Hungary was bleeding at every pore; when she was oppressed in all her borders; and when the hordes were upon her, why was not that voice heard then? To come afterwards and offer a resolution to discontinue diplomatic relations with Austria was a very poor consolation to Hungary, when she had fought and bled, and was then in chains and suffering. If sympathy avails anything it is when we are suffering. If succor is to be tendered, let it come when we are fighting, and not when we have fallen. That is the point I make.

I did not say one word on that subject in relation to the Senator from Michigan. My remarks in relation to it were addressed to the Senator from New York. But he says there are several reasons why we should adopt his resolution, and the protest which it contains. What are they? I will not detain the Senate by reciting them all. I wish I had time to investigate them very briefly. He says he wants our protest on record. Well, suppose you put it on record, what does it amount to? What use is there of any protest unless you mean to enforce it? Why do you protest? It is in order that you may have the legal remedies, or the remedies that power may secure to you; and yet the Senator wants to put a protest on record, and at the same time a declaration that it does not amount to anything—that he does not mean to fight it out. If you do not mean to stand up to it, you had better say nothing about it, and not put it upon record, to stand there as a monument of shame, when trodden under foot and despised by all the nations of the earth, to stand a mockery on record to teach us that the days of our degeneracy have commenced. Why put it there unless you mean to maintain and defend it? If you mean to say it, and to stand up to it, then I will hear you.

The Senator wishes to see the inviolability of the law of nations sustained. He wishes to make a proclamation, I suppose, to all the ends of the earth, and that is to be the inviolability of the law of nations. Well, if that Senator, or this Senate, or this Government has the power to make such a proclamation, and it would be regarded and obeyed by other nations, I might be willing to agree to it; but where do we learn that an edict, proclamation, or protest, issuing from this Government, great, mighty, and powerful as it is, and as I hope it may continue to be, would establish the inviolability of the law of nations.

But the Senator says that if it does no other good, it will strengthen the purposes of the friends of freedom in other nations. God knows that if I could strengthen the heart of one solitary votary of liberty throughout the world, I would gladly do so. How would you strengthen the hearts, and engage the hopes of the down-trodden, oppressed of the earth, by a protest against the injustice and ingratitude of other Powers exercised towards them, and at the same time accompany that protest with an assurance that you do not mean to have any fuss about it; that you do not mean to fight about it; and that you simply mean to tell them that they are a great set of scoundrels, and cruel, and oppressive, and that is all that we mean? If you want to carry consolation to the heart of the oppressed; if you want to nerve them for the conflict, tell them that they are right—tell them to trust in God, and the mighty spirit of liberty, and that we will stand by them, and help them to fight the battles of freedom. Do you not think that that would help them a little more than this mere protest, with a protocol attached that you do not mean to fight about it?

Liberty! Why the Senator talks largely about liberty throughout the world. I do not know whether he means to extend that remark throughout all our borders or not. If he does, there is something to stop me. I go for liberty, but I go for that sort of liberty which the Constitution recognizes, and when a broad sweep is made for liberty throughout the world, and for free and perfect equality, I enter a protest just there—a protest which I shall maintain, at all hazards and to the last extremity, if forced upon me.

I can assure the Senator from Michigan that it was not my purpose to have assailed him unjustly. I simply desired to do him justice, and for aught I can tell that is the very last thing he wants to be done. That was my purpose—nothing more. I have not set down aught in malice, nor aught extenuated. I meant no personal unkindness or disrespect to anybody. I meant to speak plainly, frankly, and fearlessly, as I shall ever do, acknowledging my proper responsibilities to myself as a gentleman, to you as the presiding officer, and to every Senator, with whom I hope to entertain relations of personal kindness and respect. When the time comes that I shall be ashamed or afraid to declare my sentiments here, when I believe those sentiments to be conducive to the public interests, I shall throw down the commission with which I have been honored, and leave this seat to be filled by some more honorable person.

GRANT OF LAND TO IOWA.

SPEECH OF MR. UNDERWOOD,

OF KENTUCKY,

IN THE SENATE, *March* 8, 1852.

The Senate resumed the consideration of the bill granting the right of way and making a grant of land to the State of Iowa in aid of the construction of certain railroads in said State.

Mr. UNDERWOOD said: I had hoped, Mr. President, that it would not be necessary for me to say anything more to the Senate upon this bill. I knew very well, in offering the important proposition which I had the honor to submit to the consideration of the Senate, that, owing to the diversity of the human intellect—owing to the different circumstances by which Senators are surrounded in their different localities—there would be necessarily imbodied a set of principles and views which would combat my amendment from beginning to end. I expected that, and was prepared to meet it; but I did not look for any *argumentum ad hominem*, founded upon my conduct as a member of the House of Representatives, and I was wholly unprepared for that personal assault which the gentleman from Iowa [Mr. DODGE] thought proper to make upon me. I feel myself bound, after his remarks, to detain the Senate as short a time as possible in repelling the charges made against me.

The relations between that gentleman and myself for some ten or fifteen years as members of this and the other branch of Congress, were such that I had no reason to apprehend anything like a manifestation of personal unkindness towards me; and I am sure, from his own disavowal made in the progress of his speech, that his severest remarks were no more than those political gladiatorial thrusts which we all too often indulge in. As his accusations will doubtless be printed and published, it is my duty to put upon record here my reply and my vindication.

His attack consisted in the first place, as I understood it, of a charge of partiality; in the second place, of a charge of hostility; and, in the third place, he spoke of burning in effigy, as if that ought to be the reward of this partiality and hostility on my part.

Mr. JONES, of Iowa. Mr. President, the gentleman will excuse me for interrupting him. I was not present when my colleague made the remark about burning in effigy, but he afterwards told what the purport of it was. He said it was in reference to myself entirely—that I had been burnt in effigy because I had once, as a delegate in Congress, procured a grant for the Territory of Wisconsin similar to the one now before us—a grant of alternate sections of land in a bill like this, providing that the alternate reserved sections should be raised to $2 50 per acre, instead of $1 25. My colleague's remark was directed entirely to me, and not to the Senator from Kentucky.

Mr. UNDERWOOD. Mr. President, I understood it thoroughly. I know the gentleman from Iowa made no direct allegation that I ought to be burnt in effigy. I know that he professed his friendship towards me, and I reciprocate it. But when he spoke of other gentlemen being burnt in effigy for their political conduct, when he spoke of this in connection with my partiality and hostility, it very naturally came into my mind that the motives and actions attributed to me did, in his estimation, deserve the same fate.

Mr. DODGE, of Iowa. I know the Senator from Kentucky desires to be right in all this matter. I wish to disclaim, then, in its broadest extent, by implication or otherwise, any such design or intimation upon my part, even the most distant. My remark had reference entirely to my colleague and myself, and the attitude in which we stood to those for whom we act, growing out of this measure. There was not the least intimation of the sort intended towards the Senator from Kentucky, or anybody else besides my colleague and myself.

Mr. UNDERWOOD. I am sure the gentleman from Iowa did not intend to wound my feelings. The friendly relations which have subsisted between him and me for so many years, in this and the other branch of Congress, forbid any suspicion that he could have intended to insult me. I only notice the matter because of the possibility that his speech may present it to the public in such manner as to imply that burning in effigy would be an adequate punishment for the course which I had heretofore pursued, and was still manifesting, towards the new States. But, sir, under the declaration of my friend—for so I regard him—I will drop the subject altogether, and pay no further attention to it.

Now, in regard to partiality: Upon what does that rest? Simply upon the ground that I suffered a railroad bill for the benefit of one of the Southern States to pass, without attempting to attach to it my amendment. I have already given a very brief explanation of that matter to the Senate. I wish to state it again. I had not my amendment prepared at the time that bill came up for consideration. I had intimated to the members of the Land Committee that I should, in the progress of the session, endeavor to secure some portion of the public domain for the old States; but I submitted to their consideration no distinct proposition to that effect. That is admitted. Nor was I prepared to submit it to the Senate by way of amendment at the time the Southern bill passed. That I acknowledge. But, sir, I disavow entirely any hostility to the North or any partiality to the South, in reference to the particular bill which was permitted to pass without objection; and I hope that the gentleman from Iowa feels no sentiment of that sort in his own bosom, which induces the suggestion that I permitted the Southern bill to pass without objection, and have attached my amendment to the Northern bill.

Mr. DODGE, of Iowa. Mr. President, if the Senator will permit me to interrupt him, I will say that I never mentioned the word Southern or Northern when I made the allusion. Those were not words that entered into my speech upon the bill. I made no intimation of that sort. I did charge, as though I thought it was unkind in him, my associate upon the committee—he being the author, as it were, of the bill, having dotted every *i* and crossed every *t*—to allow a bill of that sort, precisely the same in its features, to pass, and to offer this tremendous amendment of his to ours. But I never made any insinuation about the North or South, nor would anything of that sort attach to the Senator.

Mr. UNDERWOOD. I know that the words *North* and *South* were not mentioned by the Senator; but can there be any foundation upon which the partiality imputed can stand, unless it be the sections which we represent? In endeavoring to fathom the thoughts in the mind of the gentleman which induced him to prefer the charge, I found nothing in my soundings on which the charge could rest, but the localities which we occupy and the sympathies which may be presumed to result therefrom. I can conceive no other basis for it than that.

Now, during the last Congress, I permitted the Illinois bill to pass, granting millions of acres to that State, without offering this amendment. I probably permitted various other bills, making similar grants of land, to pass without offering any amendment to provide for the old States. Would there not have been just as much reason to charge me with partiality for allowing the Illinois bill to pass during last Congress without amending it, as in allowing a Southern bill to pass this session without offering an amendment? Precisely the same. I refer to the passage of the bill during the last session for the benefit of Illinois—a non-slaveholding State—to show that, not having opposed or obstructed its passage in any manner whatever, I could not have been influenced by those sectional feelings which alone can constitute the least foundation for the charge of partiality. Sir, I did not bring my amendment before the Committee on Public Lands, and there are good reasons why I did not. Two of the gentlemen upon that committee have already expressed their opinions diametrically opposed to it. Three of the members of that committee represent new land States. I had no expectation of receiving a particle of support from that committee to any proposition like mine; and I am still without hope, unless the Senate shall perceive justice and reason in it, and vote for it. Therefore I did not consult with the members of the Land Committee upon the subject; besides, the Land Committee had reported this bill for the benefit of Iowa to the Senate before my amendment was prepared. This bill was made the model for all others granting lands to new States for railroads. I resolved to offer my amendment to the first bill giving lands to any State that should come up for consideration after it was prepared. This statement of facts, I hope, will vindicate me from anything like partiality.

The next charge which the Senator has thought proper to make against me, is that of downright hostility to the interests of his State, and the interests of the land States generally; and he has gone back to the Journals of 1838, when he and I were members of the House of Representatives, for the purpose of adducing evidence to prove it. I beg leave to detain the Senate a short time upon that subject. At an early period in the session of 1838, Mr. Slade, of Vermont, in the House of Representatives, introduced a resolution which I beg leave to read to the Senate, (and these matters of history relating to the public lands, which I intend now to communicate, ought to be known, and should receive some consideration in our discussions at this time.) This resolution was introduced on the 18th of December, 1838, a few days after the commencement of the session, and is as follows:

"*Resolved*, That the Secretary of the Treasury be directed to lay before this House a statement, showing the number of acres of the public lands, which have been purchased under laws granting the right of preëmption, distinguishing the several laws under which, and the several States and Territories in which, such purchases have been made; and that he also be directed to communicate any information which may be in the possession of his Department, touching any associations which may have been formed by intruders upon public lands, for the purpose of adjusting their relative rights and occupancy, and putting down competition in the public sales of the lands," &c.

Now, sir, I well remember the stories, or truths, call them which you please, which were in circulation prior to the meeting of that Congress. It was said to be a common practice for associations to be formed to attend the sales of the public lands, when exposed at auction, and to prevent any person bidding for the tract offered, except those who resided near or upon it. These associations threatened the lives of bidders, in order to suppress competition. I well recollect an anecdote circulated at the time. A gentleman, whose name I could repeat if I deemed it proper, wishing to purchase public lands, attended a sale where one of those fraudulent associations had been formed; just before the sale commenced, he mounted a block, addressed the multitude, and told them that he intended to bid for what land he pleased, and if he was to die for it, if they intended to make war against him and other bidders situated as he was, he thought the battle had better be fought before the sale opened, and dared them to commence. These were the statements in circulation at that time, upon which Mr. Slade's resolution was based. It is not worth while to read when that resolution was adopted

On the 5th of April, 1838, the Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Commissioner of the Land Office, giving all the information called for by the House, in Mr. Slade's resolution. Here is the report. So far as respects the latter portion of the resolution, it appears that the Secretary, Mr. Woodbury, addressed a letter to Mr. James Whitcomb, the Commissioner of Public Lands, and obtained the information from him which he sent to the House of Representatives. It is as follows:

"So far as respects the latter portion of the resolution, directing the communication of 'any information in possession of the Department, touching any association which 'may have been formed by intruders upon the public lands, 'for the purpose of adjusting their relative rights of occupancy and putting down competition at the public sales of 'said lands,' I have the honor to state that it is not known that any such information exists upon the files of this office other than what has been heretofore communicated to Congress in reply to former calls. It is recollected, however, that, since the date of those reports to Congress, rumors have reached this office, and two or three newspaper accounts were forwarded from unknown sources, respecting voluntary associations among settlers with a view to secure their respective settlements when public sales take place. One of these instances was in the northeast section of Indiana, and one or two of the instances it refers to related to settlers in Michigan; and the newspapers were not placed on the letter files, and cannot now be found."

So you see that the information, contained in the papers in regard to these combinations and associations, was not preserved in the Department; and of course nothing was communicated in answer to the call, further than to state that such papers had been transmitted, but had not been filed.

That was the condition of things at the commencement of Congress in December, 1838; and during that session the preëmption bill came up for consideration, and my votes and my conduct in reference to that bill is, I suppose, the basis upon which this charge of hostility is made against me. Now let me call your attention to the facts. I read from the Journal:

"The question recurred, that the House do agree to the third amendment, reported from the Committee of the Whole House, to wit:

"'Nor shall the benefit of this act extend to any person 'who has before availed himself of a preëmption right to 'the entry of any public lands, and acquired title thereto 'by reason of such entry.'"

Now, it would seem to be reasonable that when the Government had granted one preëmption, the party ought to be satisfied; and yet that amendment, proposing that restriction, and reported too by the Committee of the Whole House, was voted down by a vote of 75 yeas and 93 nays. I voted for the amendment; and so far as that vote is evidence of hostility, the gentleman has a right to use it. Now, what evidence of hostility is there in giving a man one preëmption, and limiting him to that? At that time it was said, that as soon as Mr. A, for example, had obtained his preëmption upon a first-rate tract of land, recently purchased from an Indian tribe, he sold it—having, perhaps, gone into the country even before the Indian title had been acquired, and selected the best bottom land he could find, or the best site for a town, or the best situation for a ferry; as soon as he got his preëmption he sold out at a great profit, and then went into the wilderness and made another selection, obtained another preëmption, and again sold out; and thus preëmption after preëmption was obtained and sold. Here was an amendment intended to confine him to one preëmption, and say to him, "After you have invaded the wilderness, selected your home, built your log-cabin, made

your improvements, you must remain there, become a good citizen, work your farm, and the Government will give you aid and assistance." But this did not satisfy those gentlemen who represented the land States in that day. They were in favor of your speculating preëmptioners, those who would go on and obtain preëmption after preemption, and sell them as fast as they could, and keep up this game without end. I was against that state of things; I wished to put a stop to it, but I could not do it. I am glad to say that the act of 1841 did arrest this speculating preëmption system, for opposing which, in 1838, I am now arraigned as an enemy to the new States. My policy improved the lands, settled them, and made farms upon them, instead of allowing these speculating preëmptioners to abandon their settlements and roam over the wilderness, multiplying their claims and making sales of them, very often to other speculators, who purchased, not to improve, but to sell again at higher prices.

I have, in the Journal before me, a series of measures in respect to the public lands, which, in the session of 1838, I proposed. I am in the habit, upon most occasions, of placing myself upon the record, and the world is at liberty to look, see, read, and publish all that I have said or done. After various propositions to amend, I proposed to dispose of the bill in the following manner. I read from the Journal:

"A motion was made by Mr. UNDERWOOD that the said bill be referred to a select committee, to be composed of one member from each State, with instructions to report a bill repealing all laws which direct the sales of the public lands, or any part thereof, at public auction, and to graduate the price of the public lands in such manner as the committee may deem reasonable."

As I am reading, I beg leave to comment as I go along. The information which we then had—and that information will be verified by looking at the report of the sales—was, that the public auction system was nothing but a farce. The finest lands in the best locations could not be sold, in general, for more than the minimum price, owing to the associations and combinations to which I have alluded. If you will look at the reports made by the Commissioner of Public Lands, you will find that the facts upon record justify the statement I make, and upon which I acted at the time I proposed to recommit the bill with instructions. I therefore proposed to abolish the auction system, and in lieu of it to adopt a system of graduation My design was, to require higher prices than the present minimum for the lands sold during some years first after they were brought into market; and to reduce the price every succeeding period of five or ten years, until prices were reduced to fifty cents per acre. It was useless to expect that lands would bring their value at public auction, when bidders were deterred by associations threatening their lives. I then go on to say:

"To graduate the price of the public lands in such manner as the committee may deem reasonable; fixing different prices for the public lands, having respect to the period of time they may remain unsold after being brought into market."

I believe I told the Committee on Public Lands during the present session, that I was in favor of a just graduation system. I have now read my proposition to that effect, submitted to the House some fourteen years since. I then go on:

"And providing for a distribution of the net proceeds of the sales of the public lands, or the lands themselves, among the several States, according to their Federal numbers."

Thus, the Senate perceives that my amendment offered to the Iowa bill is not a new principle with me. So far as I know, I am the first man in either branch of Congress that proposed this method of distribution. At all events, it preceded, by some three years, the act of 1841, making the distribution or *deposits* among the States. No doubt others had thought of it; had talked about it. I believe it was suggested in one of General Jackson's messages, that it was the proper course, after the public debt was paid. I claim nothing, however, for the idea, or for having made the proposition. It is no invention that deserves a patent right. I then go on to say that this distribution of the net proceeds, or the division in kind, should take place from and after such day as the committee may deem proper; but I did not stop there. I did not overlook justice to the settler. I went on, and instructed the committee to provide a

"Preëmption in favor of all those now *bona fide* settled upon the public lands, with a view of securing homes for themselves and families, and not securing the lands for others."

Thus, you perceive that I provide homes or all those who had *bona fide* settled in their own right and for themselves, and not to secure lands for others. At that day, I well recollect the idea was suggested that there were a set of men who had money, but could not secure to themselves preëmptions by settling upon all the good lands—all the fine town sites, and ferry places. They lacked the power of ubiquity; but to obviate that disadvantage they were in the habit of hiring A, B, and C, to make settlements and procure preemptions upon favorite sites for them, and by such contracts to secure choice spots to themselves. My proposition contemplated breaking up that system of fraud. I provided that settlers should be secured in their homes, which they had settled for themselves; but should not be secured when it was shown that they had settled for the benefit of some speculator, and not for themselves. I then concluded my proposition by saying:

"And to prevent settlements upon the public land from being made, after the passage of this act, until the lands are legally entered and paid for."

I suppose this latter part of my proposition is the main principle upon which the gentleman relies to sustain his charge of hostility on my part to the settlers. What was my object in offering that? It was justice. It was impartiality. It was to prevent a speculating settler and intruder against the law, upon Indian lands, from getting an advantage over men who abided by the law, and waited until the lands had been surveyed and regularly brought into the market. I wished all to have an equal chance. I desired to avoid a scramble for preferences by acting illegally, and going into Indian territory. I have read my propositions. They prove my desire to secure a *bona fide* settler a right to a preëmption; but with a view of getting clear of all the frauds which were suggested, and which were believed to exist in a very great degree, I thought a change of system absolutely necessary. I proposed, therefore, that when the Indian lands were purchased, instead of allowing speculating settlers to run and get all the choice spots, nobody should invade the territory until it was actually surveyed and ready for the market; and then they might enter upon it under that system of graduation which I proposed, pay their money, and get their lands. If that be hostility, the gentleman from Iowa has a right to make the most of it. It seems to me to be justice, and nothing but justice.

I have thus replied to the charges of partiality and hostility, by an explanation and exhibition of facts. I wish, now, to call the attention of the Senate and country to a few more things which have been brought to my mind by the arguments of the Senator from Iowa.

The Senator says he can vote for improvements upon the great arteries of commerce, such as the Mississippi river—I believe he mentioned the Mississippi, but I do not know whether he mentioned the Ohio; perhaps he did both—as national improvements, but that he could not vote for the improvement of such a river as the Illinois, which connects the Mississippi with the lakes. Now, I wish to inquire for a short time, whether, under the powers which this Government possesses, under a rational construction of the Constitution, any such distinction can be taken between the improvement of such a river as the Mississippi, running through and by various States, and the improvement of such a river as the Illinois, confined within the limits of a single State? Does the length of a river make its improvement national and constitutional, and the shortness of another river render its improvement unconstitutional? Is it constitutional to improve a river which touches many States, and unconstitutional to improve a river that touches only one State? If there are any such distinctions as these in the Constitution, I cannot find them. According to my idea, the nationality and constitutionality of a public work is not to be tested by the length of the river, or its particular locality in reference to the States. But there is a sensible rule which will determine the nationality and constitutionality of a public work, and which, I think, no sober, reflecting, investigating, patriotic mind, can deny. What is it? It depends upon the use of the thing—whether it is national or not national. If the Government has great use for it, it is national. If the Government has no use for it, it never can be national, and never can pertain to the execution of any of the powers of the Government. If the Government needs it for use, it does pertain to the execution of its powers, and becomes national by its very connection, in point of utility, with the operations of the Government. If the Government cannot use it, then it never can be national, whether the river be one thousand miles long, or five hundred or one hundred. It does not depend upon the length, nor upon the number of States through which it may run, to make it national or to lose that character. It depends totally and entirely upon the amount of use that the Government has for it, and that use must be connected with the execution of the powers of the Government.

To illustrate: Suppose we were at war again with Great Britain, and the mouths of the Chesapeake and Delaware were blockaded, and New York also, so that you could not send a fishing boat to sea. From the head of the Chesapeake bay over to the Delaware river, we all know a canal has been made, about fifteen miles long. But suppose that, instead of being fifteen miles apart, the Chesapeake and Delaware, at that point, approximated within a mile; and suppose that instead of taking a year to make a canal through, the force which the Government could bring to it could cut it and put it in use in a week; I put it to Congress, I put it to the common sense of every man who hears the question and the facts stated, whether, in this state of the case, the Government might not for military and naval purposes cut that canal, a mile long, between the waters of the Delaware and Chesapeake bays? I suppose gentlemen would say that in time of war, perhaps, such a thing might be done, and that it would be a national work to open that mile of communication even if it were exclusively within the limits of the little State of Delaware, because there would be a great and controlling necessity for its use on the part of the Government. The case proves that the nationality of the work depends on its uses in executing some power vested in the Government. And here are the military and naval powers that cannot well operate under such a state of blockade unless by constructing the canal, and opening the communication from bay to bay. You may have a naval force, but it is divided, half in the Delaware and half in the Chesapeake. If you can unite them by this canal and throw them together, they may whip the enemy at either outlet. Here is a military and naval operation for you. You perceive, in this case, that a mile makes a work just as national as if it was five thousand miles. Turn to the gentleman's case. He can vote for the improvement of a large river like Mississippi, but not for the Illinois. Now, the Illinois river, and the connection between the Illinois and Chicago by a canal for all governmental purposes, may be more valuable than any portion of the Mississippi and Missouri above the mouth of the Missouri; and why? Because of the use which the Government has for that particular work in transporting troops, and military and naval supplies. The use being the rule of nationality, and the Government having much more use for the communication along the Illinois river and canal up to Chicago, and thence down the lakes, the gentleman ought to vote for these improvements in preference to voting for one upon the Mississippi or Missouri, where the Government is not benefited to such an extent by the use of the improvement. Sir, it seems to me that the politicians of the country have puzzled if not distracted their brains with their theories in regard to national works of internal improvement; inquiring whether rivers are long or short; whether they touch one or more States; whether they can be improved above ports of entry or delivery; without paying the least attention to the rule of truth and safety so palpable, so clear—to wit, the utility of the work in aiding Government to execute the great objects and powers of the Constitution.

But to illustrate again: we now have the Saut Ste. Marie, where a canal one mile in length—the distance which I have already supposed to form a

connection between the Delaware and Chesapeake—will connect Lakes Huron and Superior, the two largest inland seas of this continent. Will not the Government have great use for that, in the transportation of troops, and of munitions of war of every sort, in the passage of its ships from one Lake to the other? Nobody can doubt it; and if the use shall determine the rule, connecting this use with the operations of the Government in its naval and military powers, we have ample authority to construct that canal around the Saut Ste. Marie, although it is within the limits of a State. The same is true of a ship-canal around the Falls of Niagara. But these great works, so conducive to success in the military and naval operations of the Government, and so intimately connected in point of utility with the powers expressly conferred on Congress by the Constitution, lie neglected and untouched. Our hands are paralyzed by the doctrines of the Democratic creed, and we can do nothing except grant lands to Michigan to make the canal at Saut Ste. Marie; and as we have no lands to grant in the State of New York, the Niagara canal must remain forever a vision of fancy. No earth or rock will ever be excavated by this Government, unless the people shall select legislators of my principles.

Sir, it is conceded by those gentlemen who want land to make internal improvements, that in a Territory you may make roads and canals upon the ground of improving our property; and under that principle they admit you may make a canal, or other water communication, from the Mississippi to the Red river, of Hudson's bay, through the Territory of Minnesota. Now, where is the difference, in the Constitution, between making an improvement that the Government wants for its uses connected with the powers vested in it, in a State and in a Territory? Is there any? Not one particle. The argument applies just as strongly to a State as it does to a Territory. I deduce the power to make internal improvements from the war power, from the navy power, from the commercial power, and from the post office power, which are vested in this Government, and in it exclusively. The States can exercise none of these powers. What does the Constitution say? That all means "necessary and proper" for the execution of any power vested, Congress may legitimately exercise and employ. Here, sir, is the rock upon which it seems to me all my political opponents split in establishing their creed upon this subject. They consider the means to accomplish the end, as coming within the objects and purview of the Constitution. Why, the Constitution has nothing to do with means. It gives the great ends for which the Government was formed, the great objects of its formation, and the great powers to accomplish those ends and objects; and then it leaves Congress perfectly at discretion to exercise its own judgment in the selection of the means. The fault in the Democratic creed is, that when they look into the Constitution, if they cannot find a corporation, for example, expressly provided for, which the Whig only uses as a means to accomplish some constitutional object, they say it is unconstitutional to use a corporation, because it is not expressly provided for in the Constitution. Can you find any means provided for in the Constitution? None at all. They are left to the discretion of Congress. Whether a corporation, or an association with private individuals, or internal improvements shall be the means to accomplish constitutional objects, the Constitution is silent, and gives no directions to us. We are left to exercise our judgment and discretion in the selection of the means. What have you been doing every day, and what are you now doing? I showed you the other day how you were forming associations, indirectly, by giving your lands to States and letting them make partnership arrangements with companies; and my friend from Georgia [Mr. DAWSON] demonstrated the nature of that arrangement in the case of the grant to Illinois, and showed how the State and company were to profit at the expense of the people of this country. We have a right to select the means, and the point to which I wish to call attention is this: you select means in reference to the postal arrangement with foreign countries, and even with the different ports of our own country, by entering into partnership with private individuals in ship building. Where are your Collinses who made the great exhibition and gave the great feast the other day—your Aspinwalls, and Whetmores, and other individuals who come here to unite with you as partners, under the pretense that they are to build ships which you are to use for war purposes, and to profit by this association for the construction of those ships? I do not deny the constitutional power to do all this; but I bring up your Democratic practices—you have had a majority here for years—and I bring up these things to show that whenever it suits your purpose, you enter into combinations with individuals; you exercise that power which I say you can exercise over means to accomplish constitutional ends and objects; but when I want you to do the same thing, in principle, by constructing railroads in Kentucky, or granting her a portion of the public lands, Oh! it becomes unconstitutional, and you cannot see that in reference to the old States your powers are as broad and extensive over the means as they are in the new States—and especially in the particular cases which I have pointed out, and which you have sanctioned and practiced. I am tired and utterly sick of such inconsistencies. No man who will look at the practice of parties, and endeavor to ascertain the principles of the Government by facts constantly exhibited, but must be heart-sick, soul-sick, mind-sick, and every way nauseated with this system of things—this unjust, partial, and one-sided system. It is enough to weaken, if not break up, popular governments; for, in my judgment, republics cannot stand when they cease to be governed by honest principles. Equal justice, as far as possible, to all parts and portions of the country, is the best and most efficient course to make the people love and support their government.

But, sir, let me present some other considerations to illustrate the proper selection of means to accomplish constitutional ends. If the Constitution defined and limited you to the use of specified means, then, under the idea that all powers not expressly granted are prohibited to this Government, to the correctness of which I heartily subscribe, you never could go beyond the means which existed at the time the Constitution was formed. If you are tied down by the Constitution to those which then existed, you would be excluded from the use of any improvements in the arts which might be afterwards invented. When the Constitution was adopted and went into operation, we had no steam-boats, no railroads, no telegraphic wires in the world; consequently, if you are tied down to the use of such means as were known to the members of the convention, and which may have entered into their contemplation in framing the Constitution, you never can constitutionally build a steam-ship, transport an army or munitions of war on a railroad, or transmit an order by lightning. Our great fathers were pigmy blockheads if they intended to circumscribe and limit Congress in the selection of the best means to accomplish constitutional ends. They did not do it; but on the contrary expressly conferred full discretion in selecting means, by that provision of the Constitution which declares that Congress shall have power "to make all laws which shall 'be necessary and proper for carrying into execu-'cution the foregoing powers, and all other powers 'vested by this Constitution in the Government 'of the United States, or in any department or 'officer thereof." I believe if the aëronaut Wise should establish his theory about the practicability and utility of navigating the atmosphere, we would have as much right to use his balloons in executing governmental purposes as to use a bank or corporation, or to associate with private individuals, or to build a steam-ship, or to use a railroad or Morse's telegraph. In executing the war power, no one will deny our right to buy wagons and use them; to buy horses and mules and use them. That has been the practice, and I suppose nobody will deny the right. How can you use wagons unless you have a road? May you not open a road to drive your wagons along; or construct a bridge to pass over a stream? And yet these are internal improvements. Ah! but gentlemen will say, that would be a military road or bridge, and if the road or bridge did not exist in time of war, you must construct them as an act of necessity, otherwise the army and its baggage train might be unable to march. Where do you find in the Constitution that you can rightfully do in time of war what it is illegal and unconstitutional to do in time of peace? I thought that one of the wise principles upon which all civilized nations acted was, that in time of peace they should prepare for war. A road, and especially a railroad, leading to one of your great commercial points, one of your naval stations, depôts, or navy-yards, is one of the most essential means, considering the present condition of the world, in the military defense of any country. And why is it? It is because you can thereby concentrate the military force of the interior at that point to repel an invading army, or thence to take ships for distant operations. It is because by the velocity of movement and concentration, half the force, half the expense will defend a country, which would be required without such a capacity for speedy concentration. A railroad at the place where the Government needs it for use is, therefore, just as constitutional under the war power as your fortifications spread along the sea-coast. A little more constitutional, if there be any difference, because an invading army can get out of danger by marching at a distance around the fortifications, when it might not be so easy to escape a rencounter with the forces conveyed by the railroad to meet them. But by the means of communication through canals and railroads, you obtain military supplies, munitions of war, food and clothing for soldiers quicker and cheaper. Without these, the country cannot successfully carry on its military operations. That mind is lamentably demented, which cannot see that canals and railroads in proper places will constitute the best and surest means of aiding and executing the military powers of the Constitution.

How is it with the Navy? We have reserved, Mr. President, some of our lands, because they grow live-oak. Now, can it be that we have not constitutional capacity to make a road to get our live-oak timber where we want it? May we not improve a river, down which to float it? If these things cannot be done our ship-building may be seriously retarded. If you have a right to build a navy, you have a right to get the timber to the navy-yard; and if you cannot get it there without improving the river and making a road, you have as much right to make such improvement as you have to build the ship. They are nothing but means for accomplishing constitutional ends. And, sir, if you can improve a river or make a canal or a road to get the live-oak for ship-building, when it is grown upon your own land, you can make the same improvements to accomplish the same objects when you purchase timber grown upon the lands of private individuals. Hemp is an indispensable naval article; and if it is grown only in Kentucky, or Missouri, or Illinois, you have as much right to improve the facilities to bring it to your naval depôt and navy-yard, so that your expenditures may be lessened, as you have in the case of live-oak timber. They are all means to accomplish constitutional ends. In like manner you have the power and the right to penetrate with your improvements the agricultural districts to supply your Army and Navy with food. These are illustrations, growing out of the naval and military powers of the Government. The post office power is equally striking. We contract with railroad companies for the use of their roads and for the transportation of our mails for limited periods. Now, if we can constitutionally enter into such a bargain for four years, why may we not purchase the use of the road forever? And if we may contract for such use without limitation or end, why may we not build the road in the first instance? Suppose you build a navy-yard, and afterwards nature, by deposits, fills up the channel so that your ships cannot reach the yard, have you no power to open the channel? If you can open it when it fills up after the navy-yard is built, may you not first open the channel and then build the yard? Let gentlemen take hold of these questions and give us satisfactory answers, if they can.

We had a petition presented the other day to make the Wheeling bridge, (which the Supreme Court has said was an obstruction to commerce,) a post route. By having it established as a means to accomplish the ends of the Government in the transportation of the mails, the petitioners saw, correctly in my opinion, that it could not then be

abated as a nuisance. The decision of the Supreme Court, if I am correctly informed, for I have not read the opinion, turned upon the constitutional power of Congress over commerce between the States and foreign nations. We must construe and apply all the powers given by the Constitution in such a way as to make them harmonious; and these petitioners wisely saw that if you bring the post office power and sanction of Congress to tolerate the bridge, then it would follow, as Congress had the exclusive regulation of commerce between the States, as well as the power to establish post roads, that the dormant commercial power could not authorize the destruction of the bridge as a nuisance when it had been adopted by Congress as a means to execute the powers of the Government in transporting the mails. Now, sir, if Congress can adopt a bridge, erected by a State or corporation as a post road, and thus protect it, when otherwise it would be deemed an obstruction to commercial intercourse and a nuisance, may not Congress build its own bridges to aid in the transportation of its mails over navigable streams where neither States, nor corporations, nor individuals will build them? Indeed, if I am correctly informed, and I regret I have not yet read the opinion, a bridge cannot be rightfully erected under State authority over a navigable stream without the consent of Congress, in the judgment of the Supreme Court. Now, sir, if bridges cannot be built by State authority, or if States, corporations, and individuals will not build them, are the mails of the United States to be delayed for want of a bridge or boat? or may this Government build its own bridge or boat to aid its operations in transporting the mails? What is "necessary and proper," in the language of the Constitution, may be done. A bridge or boat is not only *necessary* and *proper*, but absolutely required to enable the Government to discharge its constitutional duties. Hence this Government may build them; and the same reasoning which proves we may build a bridge or boat will equally prove our constitutional power to build a railroad as the best means to transport our mails.

But, sir, look at another case. Suppose your mail has to pass, as it does in some portions of the country, directly over a mountain, elevated some six or eight thousand feet. You can have no railroad there; you can have no coach there; and if your mail is carried at all, it must be upon the backs of mules, or other beasts of burden. When we, in our electioneering schemes, and particularly during the year a President is to be elected, load down steamboats and railroad cars with mail matter, enough to employ and break down stage after stage; and, sir, when it is banked up by cart-loads and wagon-loads on the wayside, have you not the right, in the case of a very high mountain, even to make a tunnel underneath it, to facilitate the passage of your mails? You need not wait for the States to do it in mountainous regions thinly populated, for they never will do it. It is no profit to them. It is useless for commerce, and only valuable for mail purposes, and you are the exclusive manager and conductor of the mails. If you wait for the people in the vicinity to do it, it will never be done, because they are poor, and sparsely settled, owing to the sterility of the country. The consequence is, that the locality of an intervening mountain burdens this Government with heavy expenditures forever, and retards the transportation of the mails, and there is no remedy, unless we have the constitutional power of making a tunnel half a mile or a mile under the mountain.

I have thought proper to present all these illustrations, to show the distinction between means and ends, instruments and objects. We cannot enlarge the powers on the objects of the Federal Constitution. I am as much opposed to that as any man living. In that respect I am a strict constructionist. But in selecting means and instruments to accomplish the great, beneficent purposes and objects of the Constitution, I think we may freely choose among the unnumbered instrumentalities of human genius and improvement.

Now, sir, with these views, I find myself greatly perplexed, and do not know yet what I ought to do, in voting upon this bill, if my amendment is rejected. Having entertained these opinions—having, as I think, matured them by years of reflection—having gone for all works of internal improvement everywhere—and when I cannot get that which I think my State ought to have, still going for those which benefit other States; going for a partial system, because I can see national advantages resulting from it, it seems to me that the Democrats take advantage of my principles, and appropriate them to their exclusive benefit. Whenever they ask anything for internal improvements they get my vote; but when I ask them to reciprocate and extend the same benefits to all the States, they shrink into a very narrow compass, and say to me, "We have no constitutional powers to do what you wish; we can take 'gifts of your lands to improve the States in 'which the lands are situated, but we cannot allow you to take the land or the money to improve 'other States, or to accomplish the things you 'want for national purposes." I say it perplexes me exceedingly to know what to do in the attitude in which I stand. Whether I ought to help these gentlemen any longer, upon the principle I avowed the other day, of doing good for evil, or whether I should go with them no further, and stop voting for their improvements, until I see them rise to my scale of liberality and justice, is the perplexing question. For the present, I shall wait to see the fate of my amendment, and only withdraw any commitment in favor of the passage of the bill.

It is insisted that our rights as proprietor—a great landholder—and the advantages to be derived from increasing the value of the lands by these improvements, are true grounds upon which we may constitutionally grant lands to the new States to aid in the construction of roads and canals, and to improve their rivers. Now, these grants do not increase the value of the lands so long as they are retained by the Government. No matter what improvements are made, the lands remain and are sold at the minimum price of $1 25 per acre. We cannot get more than that, without increasing the price by additional legislation, as this bill proposes to do. The basis of the argument, therefore, is entirely fallacious. There is no increase of price, and can be none without a new law. But the gentlemen representing the new States are willing to make a new law, and double the price of the alternate sections within six miles of the road. That, however, does not bring one cent more into the Treasury. By giving away half, and only doubling the price of the remainder, the Government receives on completing the sales exactly the same amount. The operation of doubling the price of the lands within six miles of the road is a losing business, as my friend from Georgia [Mr. DAWSON] demonstrated the other day. The lands within six miles of the line of the road are taken up at the minimum price as soon as the road is spoken of, and hence there is none left upon which the new law doubling the price can operate. It follows, conclusively, that every acre granted by the Government at a greater distance than six miles from the line of road is a pure donation to the new States. Where the lands within six miles of the road have been taken up, these railroad bills permit the new States to select lands within fifteen miles on either side, to make up the deficiency. And yet, sir, when by the practical operation of these bills the Government is losing thousands upon thousands of dollars, the gentleman from Missouri, [Mr. GEYER,] proceeding upon the fallacious idea that all the lands within six miles of the road remained unappropriated, undertook to prove that the Government would be benefited by these bills, $800 for each township, in consequence of the reservation of the sixteenth section for school purposes!

It is thus perfectly clear that the attempt to sustain these bills upon the ground of pecuniary advantages to the Government is a failure. The only ground upon which they can stand is, the national uses that may be made of the roads when constructed, as means to execute the constitutional powers and objects of the Government. Instead of placing these bills upon a national basis, they are supported as mere instruments to aid the Government in peddling, and speculating, and selling its lands at higher prices! Thus avarice becomes the basis of our legislation, and our high duties under the military, naval, commercial, and post-office powers of the Government furnish no motives and confer no authority to aid in the construction of improvements, except as subsidiary and subordinate to making good bargains in the sale of lands!

Now, sir, I think there is not much in the argument which exclusively places the right and the power to aid in constructing roads and canals in the new States upon our ownership of large quantities of land within their borders. But if there is anything in it, why cannot you make a railroad from Newport, in my State, down to Memphis, in Tennessee? You own land both at Newport and at Memphis. Such a road might run by Louisville and Nashville, and strike the Mississippi at a most desirable point. You have a navy-yard at Memphis, and you have barracks at Newport. All the old States have lands in them belonging to the United States. They are lands ceded to the United States by and with the consent of the States, for national purposes. I have heretofore shown that the lands held in all the land States were held for national purposes. And if the mere fact of increasing the value of the lands in the new States a few cents an acre will be sufficient to justify you in building a railroad within their limits, why would not the fact of increasing the value of your arsenals, navy-yards, and depôts, justify a like improvement in the old States? You may have to sell them at some time or other; and why would not this rise in value avail in the old States as well as in the new? There is no way of escape. You cannot make a difference in the cases, except by saying that the United States own a great deal of property in the new States, and very little in the old. If that be the test, then it depends upon the quantity of property we hold in the different States. Who ever heard of such an argument? If the argument be true, then, as the powers of the Government depend not upon constitutional provisions, but upon quantities of land held in different localities, it necessarily follows that the powers of the Government to make roads and canals must dwindle away as the quantity of land decreases; and when all the lands are sold, the power of the Government expires, and thenceforth and forever it can aid no other improvement. If we own a great deal of property in a State, then we may constitutionally make any amount of improvements. If we have very little, or none, then we cannot improve by constructing any public work, no matter how useful to the Government in other respects, because there is no public land to be increased in value.

I wish to put all these arguments upon record, so that *admiring posterity* may know, in some future age, when it is asked why this Government ceased to make railroads and canals, that it was because the public lands gave out, and after that there was no longer any constitutional power to do it! Mr. President, if the proprietary argument is worth a cent, it is just as good to establish the right and power of Government to make a road across Kentucky and Tennessee, in order to get from your public lands in Illinois to your public lands in Mississippi and Alabama, as it is to prove that you can rightfully and constitutionally force a passage through the private property—the farms and plantations of private citizens—in any one of the new land States, with a view to unite and connect any two districts of your public land by a railroad. As proprietor, suppose it were conceded that you had a right to improve your own property, does it follow, because you may improve your own, you may improve mine also, and that, too, contrary to my will? Proprietors must confine themselves to their own property, and not meddle with that of other people. Ah! but it may be said, the citizens of the new States are willing to give the United States the right of way through their private landed estates, to induce the construction of the railroads so beneficial to them. Admit it. Does that prove the constitutional power of this Government to build a railroad through the private estates of the citizens of Illinois and Iowa, or to accept as a donation the right of way from such citizens? To make the constitutional power of this Government depend upon the whims and caprices of the citizens of the new States, in giving or refusing the right of way, is worse, if possible, than putting it upon the quantity of public land in a State. I therefore demand of gentlemen who support these

bills exclusively upon the right of a proprietor, to tell me, how is it that the proprietary rights of Government are greater than the proprietary rights of citizens over private property? How does the owning of land in a State by this Government, whether the quantity be large or small, create and vest in us the power to accept as a gift, or to take by paying for it, the right of way over the lands of individuals? Sir, I think no gentleman can prove the power to make a railroad over private property in a new State, without convincing himself that the same thing can be properly done in an old State. But I will pursue the question of power no further.

My friend from Iowa [Mr. DODGE] brings forward again the objection of one sovereign holding property within the jurisdiction of another; and he has warned us that the anti-rentism of New York, and a great many other mischiefs may grow out of it. I have already said to this Senate and the country, that the State of Kentucky can buy as much public land as it pleases, and when it pleases. Nobody has denied that argument. We can pass a law directing our Governor, or any other agent, to purchase for us millions of acres. If the States choose to speculate in the public lands, they can, as the laws now exist, do so. It would be as wise to alarm ourselves at the possible evils which may result from the present capacity of the States to acquire lands within other sovereignties by paying for them, as to make ourselves unhappy by anticipating abuses and evils in case they should acquire a few millions of acres under donations from this Government. Will the evils result which the gentleman mentions? No, sir; if we hold lands by donation from this Government, as we can now do to any extent by purchase, there is no possible, conceivable power which the State of Kentucky could exercise as a *sovereign* in any shape or way within the limits of the new State in which the lands may be located. Kentucky would hold the lands just like a private individual holds his private property.

I had a motive in presenting my amendment in its present fo m, instead of attempting to carry out the proposition made by Mr. Allen, of Kentucky, some years ago, in the House of Representatives, and which the gentleman from Iowa has thought proper to read. Mr. Allen proposed that the lands should be reserved by the United States for the use of the States, to prevent their being taxed by the new States. Now, I wish the new States to have the privilege of taxing them. I wish to fill their coffers. I have said, again and again, that my desire is to shower upon them more and more blessings. If this Government should grant lands to Kentucky, according to my amendment, then the national uses and purposes for which the lands are now held under the Constitution of the United States, will cease, and the State in which they are situated will have the legal right to tax them as private property. Kentucky will not be able to exercise the powers of a *sovereign* over these lands, or in the States or Territories where they may be situated, any more than a private individual could if the lands had been granted to him. All that Kentucky could do would be to sell, to lease, and to pay taxes. If her tenants should become tainted with the doctrines of *anti-rentism*, as the gentleman suggests, she would be the only sufferer. But, profiting by the suggestion, I think, if we get the lands, we shall never enter upon a system of leasing and renting, but sell them as soon as possible. There is much more danger that anti-rentism may grow out of the conduct of these great railroad proprietors and contractors, who will secure to themselves, by such contracts as that mentioned by the Senator from Georgia the other day, all the lands we grant to the new States.

But, Mr. President, I wish to refer to other cases to prove, by past experience, there is no danger likely to arise from one State holding property in another. No one has attempted to answer the cases I have already mentioned. I gave the case of Kentucky owning lands in Tennessee the other day. Now, I wish to refer you to the Virginia military reservation, between the Scioto and Little Miami rivers, lying in the State of Ohio. Has any civil war or difficulty grown out of that? None whatever. And there is likewise the Connecticut reserve in Ohio. I believe no difficulty has grown out of that. A friend [Mr. SEWARD] says that Massachusetts owns a large tract in New York—a fact of which I was not before aware. We have thus case after case, proving that the arguments made by gentlemen are not sustained by anything in our past history, but condemned by our experience in many cases. These cases do credit to our States and our people—a self-governing, law-abiding, justice-loving people in the main; and these cases will be followed as precedents should my amendment prevail, unless demagogues should so act upon the passions of avarice and the jealousies against non resident landholders as to induce the rejection of them, and lead to a violation of the public peace. Gentlemen will not stand by these facts; they will not reason upon these cases and point out the evil which has resulted, if any. They are governed by feeling, instead of reason. They assert the evil, contrary to the fact.

Mr. JONES, of Iowa. Will the Senator allow me to ask him a question? Has not the State of Kentucky a large district in Florida which has occasioned difficulty?

Mr. UNDERWOOD. No, sir. I will tell the gentleman all about that. As much as a township, I believe, was given for a deaf and dumb asylum in Kentucky. Its location was divided between Arkansas and Florida. The Arkansas land has been all sold, and I believe most of the Florida land likewise. The little remnant left we are very anxious to get off our hands. I understood that when the bill we passed the other day, giving five years longer time in which to dispose of this land, went to the House of Representatives, it was opposed on the ground that we were keeping the land for speculation, and thus preventing the settlement of Florida. That is its history.

Mr. JONES. How many acres are there?

Mr. UNDERWOOD. It was only one township at the start. I cannot say how many acres are left; but I will write home and get the information for the gentleman before the end of the session, if he considers it a matter of importance. If half of it remains unsold, he shall have the benefit of the fact.

The secret of this opposition on the part of the new States to my proposition, is this: they are anxious for political purposes to have their wild waste lands settled as fast as possible. I do not blame them for it. They want voters; they want people, and political weight, and power. That is what they are after; and they are only human beings when acting under the influence of such motives. The public domain is used as a political hobby, upon which men ride after popularity.

It is now threatened that, if we do not grant these lands to the new States, we shall have to grant them to actual settlers—to whoever will go and take possession: and this, I believe, is about the last position of my friend from Iowa which I shall notice. It is said that if we do not give these lands for railroad purposes and canal purposes, just as the new States please, then those who represent the new States will give the lands to actual settlers, and to nobody but actual settlers. Now, that is a glorious speculation! That would be a fine thing, to increase with rapidity the political weight and power of the new States. And then, instead of having running preëmptioners, every farmer in Iowa would be strongly tempted to pull up his stakes and move from the old farm where he had resided ten or twenty years, and settle down half a mile or a mile distant on a new piece of land, to become its proprietor without the payment of a cent. He could do it, and draw all his supplies from the old homestead. And he would not have a son, nor a daughter, nor a son's son, nor a daughter's daughter, but would get a tract of land close by; and before my people and your people, Mr. President, [Mr. BADGER being in the chair,] got there; before your constituents from the pine fields in North Carolina could get half way beyond the Alleghanies, the people of the new States, and their children, and their children's children would have covered every foot of good land in Illinois, Iowa, and every other new Western State. If the Representatives of the new States can accomplish this wholesale system of donations to settlers, and thus secure all the good and choice lands to their own people for nothing, I suppose, instead of effigy burning, we should have rejoicings and jubilations in the new States, compared with which the jubilees of Israel would be stale and insignificant. Now, sir, I do not exactly see the justice of taxing your constituents and mine to carry on wars of conquest, or to pay for Territories purchased from foreign nations or from Indian tribes, just for the benevolent purpose of giving the lands away to actual settlers. It would no doubt gratify our sympathies to witness such scenes of congratulation and joy in the new States, but for the reflection that the land had been obtained by the blood and money of those excluded entirely from all participation in its enjoyment, unless they consent to leave the homes of their childhood and the graves of their fathers to remove to and settle in the new States. It is evident that before the poor of the old States could get to the new States, the best lands would all be taken up under this settlement system. The rich would have great advantages over the poor, because their means would enable them to travel faster, and they could hire persons to explore the wilderness for them and make locations. The monstrous injustice of this proposition in reference to the whole people of the United States, must strike every mind capable of thinking. If that is the game which is to be played, I shall go for a larger game, and vote for a Georgia lottery to divide the lands among all the people of all the States, and give every man his share, no matter where he resides.

Another consequence of this donation policy to actual settlers, would be to induce a very large emigration from Europe. If such a proposition should be adopted, Kossuth had better bring Hungary here, than try to raise "material aid" to get back there. It would be better for him, under this new state of things, to have Hungary move over *en masse*, and put up a kingdom in the United States, instead of attempting to establish it in Europe.

Mr. SEWARD. Not a kingdom, but a republic.

Mr. UNDERWOOD. At an early period of the session I called for the Hungarian Declaration of Independence, with a view to ascertain what kind of Government the Magyars intended to establish—to ascertain whether they had committed themselves in favor of a republic; but no document could be produced, and no satisfactory information was given to prove that the Hungarian war against Austria was for republican liberty. But we will not dispute about that matter now. It is enough to say that, under this new system of donations, we might have a Hungarian "republic" set up among us. This suggestion of the Senator, that if we do not grant these lands to the new States for internal improvements then they will be given to everybody who settles them, is, it seems to me, the prediction of a system of public spoliation. It is an invitation to Shylocks and beggars, rich and poor, in all parts of the world, to come and take the lands which our own people have bought and paid for. It will secure to the people of the new States great advantages over the people of the old. And when it shall be adopted, if it ever is, many good and just citizens, whose feelings and opinions ought to be respected, will think that selfishness, partiality, and sections have triumphed, in the administration of this great land fund, over liberality, justice, and the general welfare.

I am not influenced by any expectation of popularity or dread of censure. I had rather retire to private life, as I shall soon do, with the conscious conviction that I have been alone influenced in my public career by what I thought to be just, and right, and equal to all parts of this great country of ours, than to have all the honors which could be purchased by consenting to a partial and unjust system of legislation. I have no faith in partial donations to benefit particular individuals or a class, at the expense of the Government. Such legislation is both unjust and demoralizing. I have been poor, very poor, myself. I have had to make by labor, by attention to business, by application to my profession, the property I have to support myself and my family. The personification of my idea of human misery and degradation may be found in the man too lazy to work, sauntering as a vagabond, spunging upon acquaintances, and hoping for gifts and legacies from rich kin and broken-hearted parents. I have faith in that me-

chanical and manufacturing labor, and agricultural labor, and professional labor, and commercial labor which accumulates dollar after dollar until the citizen has enough to support himself and his family. I have no faith that those who need donations as beggars will ever be able to retain the gift, and use it profitably after it has been received. They will spend as fast as you give; and when they have spent it all, sometimes they curse because you have nothing more to give. Whenever our population becomes so corrupt as to insist upon donations from Government to enable them to live, just as soon as they have exhausted the public treasure, they will then go for a division of private property. Honest labor and its profits cannot be protected against the rapacity of unprincipled idlers, when they have the power to plunder by controlling legislation. A recent example in France, after the overthrow of Louis Philippe, might teach us wisdom. People must have bread. Starvation never listens to moral lectures. If we prosper individually or nationally, we must be a working, industrious people—living by our labor, and not upon donations from Government. There is something of dreadful import in this "vote-yourself-a-farm-policy." It may be the road to popularity; but it leads beyond that to agrarianism. It strikes at the very foundation and basis upon which virtue and civilized society, and everything that is great and noble in life depends and rests. I see it; I know it; I feel it. I have been a very poor man. I am far from being rich now, and I speak to the poor because I am of them. I tell poor men every where, if you desire to elevate yourselves in the scale of human beings, if you wish to raise yourselves and your families to eminence in society, you must work—you must go to some business and follow it with industry and economy. You must make yourselves useful men in society. If you will do that, you need not ask favors from the Government; but you will be the support and the stay of the Government. If you will pursue that course, you will soon, in your prosperity, learn the patriotic duty of teaching your Representatives the propriety and necessity of protecting you in life, liberty, property, and labor, by wholesome laws. They will then find that popularity is to be gained by just legislation in protecting every right and interest, and not to be purchased by land donations. Purchased popularity is evanescent as the bubble. It only lasts so long as the ability to pay continues. He who runs after applause or office, and expects success by paying for it, either with his own money or the public funds, will generally, at the end of his career, find that he is a bankrupt both in purse and character. While such persons are destroying themselves, it is the duty of all patriots to prevent them, if possible, from injuring the country.

Mr. President, I have seen enough of political life to know that all the virtue and all the excellence of our nature is not concentrated in the public men who occupy stations here, or in the other branch of Congress. I do not believe that the great progress of the world is helped on by political men of the present day, to any great extent. I see no movement to improve our system. I have seen, as I think, several retrograde movements. We choose to labor for men, office, place, and power, more than for principles. I do not believe that human progress at this day depends so much upon human legislation as some gentlemen suppose. No, sir; human progress depends upon mental and moral improvement; it depends upon the labor-saving inventions of mechanical genius, and those great engines in the arts by which all the conveniences of life have been vastly multiplied, and food, raiment, and lodging placed more within the reach of the people of the world, furnishing cheaper, more abundant, and better articles for less labor, thereby allowing more time for mental and moral culture. These are the true foundations of human progress, in my opinion. Sound and wholesome legislation is the result, the effect, and not the cause of human progress and development. I wish I had time—perhaps I may do it before the end of the session—to take up the question, and investigate the connection between legislation and human progress. It would be highly useful to ascertain by what means our physical, mental, and moral nature can be best and most successfully elevated. It is too large a subject to enter upon now. I do not believe, however, that this Government will advance the people a great way towards the perfectible point, by giving lands to settlers in the new States, and refusing all assistance to those who cannot get there, or do not choose to go.

I do not know that there is any other thing in the argument of my friend from Iowa which I wish to notice. I took notes, but will not detain the Senate to look over them. This reply has been drawn from me, because I supposed there was something like an unkind personal allusion to myself. I desired to show that I was not actuated by partial motives in favor of the Southern States, in letting the Mississippi bill pass. I desired to show that my principles in 1838 are my principles now; and that I wished then, as now, to administer this great fund for the common benefit of all the people and all the States of our Union. I do hope that in the progress of the remaining speeches which may be made on my amendment, nothing will be said to extract from me another remark. I can assure the Senate that I am heartily tired of this discussion, and have no wish to prolong it. I will not, unless under peculiar circumstances, again address the Senate on this subject.

PROGRESS, AND THE DEMOCRATIC PARTY AND ITS PRINCIPLES.

SPEECH OF HON. J. APPLETON,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

March 17, 1852.

The House being in Committee of the Whole on the state of the Union, and having under consideration the "Deficiency Bill,"

Mr. APPLETON, of Maine, said:

I am not among those, Mr. Chairman, who think this political debate is calculated to do any great injury to the country, or, what is pretty much the same thing, to the Democratic party. The augury, on the contrary, which I draw from it, is directly the reverse. The exhibition, sir, of vigor, and frankness, and eloquence, which we have had, seems to me to presage a brilliant future of Democratic success. It is when the political waters are stagnant and quiet, that the cause of sound principles has most to fear. It is after an "*era of good feeling*," that your younger Adams becomes President; while, upon the other hand, it was only from the very tempest and whirlwind of passionate excitement, that the hero statesman of the Hermitage received his most triumphant majority, in 1832. While Sampson sleeps, the Delilahs may approach him with ease and impunity; but when he is awake and vigilant, and stands forth in all the glory of conscious strength—his brow erect, his eyes flashing, his muscles swelling, and every fibre of his system instinct with life—then, woe unto the man, and woe unto the party, which shall attempt to stay him in his advance to victory. Let not our political opponents, then, lay the flattering unction to their souls, that they have anything before them in the coming contest but utter and overwhelming defeat. What they have listened to here, and imagined to be *discord*, I beg to assure them is only the *tuning of the instruments*. When the Baltimore nomination is made, we will give them a harmonious burst from that full band, whose music has driven them often heretofore from the field of battle.

Mr. Chairman, the Democratic party has won many great triumphs in this country, but it has always won them upon an avowed creed of principles. That creed, in a fair fight, has never yet been overthrown. That creed, in my judgment, never *will* be overthrown, when it is fully and fairly before the people, so long as our institutions endure. But, sir, there seems to be now more occasion than usual for reasserting it in all its length and breadth. From the excitement of the last three years, a single subject has so come into prominence, as to threaten to overshadow everything else. The gentleman from Florida, [Mr. CABELL,] who opened this debate, came here, as he says, with the intention of taking his position with reference only to one single issue, and that issue the issue of the compromise. He selected, then, his seat upon the Whig side of the House, because, as he told us, in the Democratic caucus at the beginning of the session, there was not found a majority who would indorse that series of measures. But after the vote* which was taken here the other day—when it was found that there was a Democratic majority in favor of the compromise, quite equal in numbers to the whole of those who assembled in the Whig caucus at the beginning of the session; and when it was also found that the decided Whig majority which was said *then* to have affirmed the compromise, was, on the late vote, *non est inventus*—I do not see how, from his own showing, the gentleman can remain longer where he is. I think he must change his position to this side of the House; provided, always, he can find a seat here; for the Democratic party is really getting so crowded, that there is but little room to accommodate any more. But, Mr. Chairman, his position and his course show the prominence, to which I have alluded, of this subject. It is not strange, perhaps, that this prominence should exist. I do not speak of it in order to complain of it. I am not at all unmindful of the circumstances out of which the compromise grew; nor do I under-estimate the services and the courage of those men, who, in doubtful times, stood firmly by it, and carried it forward to success. Since that period, it has furnished its own vindication. It has gone abroad through the whole length and breadth of the land, with healing upon its wings; and wherever it has appeared, the waves have subsided, the storm has disappeared, and there has been peace among the people. Sir, I am a compromise man myself. If I had been in the Congress which passed it, I would have voted for it; and I hope there is now no serious intention in any quarter of this Union to disturb it. I have no right to speak for the whole North, but from my observation in that section, I do not believe that any such disposition exists there; and I assure gentlemen, if they desire to know the Northern sentiment upon this subject, they should gather it, not from the discordant voices of Massachusetts, but from those sounds of victory which have just come to us, distinct, emphatic, and cheering, from the good old Democratic State of New Hampshire.

But, Mr. Chairman, however valuable it may be, and however much it may deserve, upon proper occasions, to be affirmed, yet the compromise is not entitled to be dignified into a political creed, by itself. I concur with the gentleman from Georgia [Mr. HILLYER] who spoke upon yesterday, that it is not even a political principle. It is only the fruit of certain old and established Democratic principles, applied to a serious exigency in affairs. Had the Democratic party triumphed in 1848, I do not believe the compromise would ever have been necessary. But the Whigs first plunged the nation into difficulty, and then called upon the Democracy to come to its relief. The Democracy, always true to the call of patriotism, obeyed the summons; and every difficulty was thus safely overcome. But now, sir, instead of dwelling too earnestly upon the remedy then applied, is it not rather the part of wisdom to guard against the recurrence of any exigency which may make a similar remedy necessary? Our safety lies, it seems to me, in administering our Government faithfully, according to the design of its founders, and never permitting its accurate adjustment of powers to be disturbed, or any of its compromises violated. "The Government of the United States," said President Polk, the youngest of our Presidents, as he was one of the purest and soundest of our statesmen, "is one of delegated and limited pow-'ers; and it is by a strict adherence to the clearly 'granted powers, and by abstaining from the ex-'ercise of doubtful or unauthorized implied powers, 'that we have the only sure guarantee against the 'recurrence of those unfortunate collisions between 'the Federal and State authorities, which have oc-'casionally so much disturbed the harmony of our 'system, and even threatened the perpetuity of our 'glorious Union."

Mr. Chairman, when our fathers emerged from

*This vote was taken in the House of Representatives on the 1st of March, when Mr. FITCH, of Indiana, moved a suspension of the rules for the purpose of introducing a resolution of acquiescence in the Compromise. On this motion the record shows 82 Democratic votes in the affirmative and 38 Democratic votes in the negative; while of the Whigs, 37 voted *yea*, and 36 *nay*.

the Revolution, and had had time to look about them and to understand their own political wants, they met in convention and framed for themselves a constitution. That admirable instrument, for its structure, its simplicity, its wise adaptation of means to ends, is still one of the wonders of political science wherever it is known. Yet what, after all, is its great merit? Why, as it seems to me, *that it governs so little*. Other systems have failed, because they attempted too much. Ours has succeeded, because it undertook only what it could perform. Our fathers had a just appreciation of individual freedom, and a wise confidence in the usefulness of local governments. Hence they were cautious and limited in their grants to the Central Government, and, as far as possible, avoided all interference with the freedom of individuals, and the sovereignty of the States. Thus, a man may live a life-time in the interior of this Union, without feeling directly the action of the General Government. His business is with the parish, the town, the county, the State; and the Central Government operates chiefly to protect all these in the discharge of their respective functions. Under this protection, and restrained only by laws which he himself has assisted to make, every citizen is free to fashion his own fortunes in his own way. He may think, and write, and publish. He may toil, and invent, and improve. His intellect and his hands are his own, and he may do with them as he will. Equally free, under some familiar restrictions, are the local governments. They feel the direct action of the people, and take their very shape and form from the popular will. They are moulded, and remoulded and improved, from time to time, just according to the judgment of those who control them. Sir, something was said here the other day upon the principles of political progress. Here, in my judgment, among the people and the States, is the great theater of progress, under our Government. It has been brightly illustrated, too, in our history during the last few years. Virginia, and Ohio, and New York, and Kentucky, and Maryland, and Delaware, and I know not how many other States besides, have recently adopted new and reformed constitutions; and it is gratifying to observe that wherever these reforms have been accomplished there has been a decided accession of strength to the Democratic party. But the Federal Constitution has remained the same, and in its structure and general principles, I trust it will thus continue for generations yet to come. It is not perfect in all its provisions. It has been amended heretofore, and it may be amended again. Yet no one can fitly approach it for that purpose, without feeling that he treads upon sacred ground. Experiments there are of too great importance to be lightly hazarded; and, he who attempts to employ his improving skill upon the Constitution, should feel that he uses the knife of the surgeon in the very region of the heart. The Constitution is not perfect, but it is founded, I believe, upon true principles; and I have great distrust of any progress which has no reference to these principles. In politics, as in other sciences, he who would improve must have some starting-point of doctrine, and some recognized truths to guide him. Of what value would be the calculations of an astronomer, who neglected the laws of gravitation, or those of a mathematician, who had forgotten the multiplication table? And so, what confidence can be had in a political movement of reform, which has no starting-point of admitted truths, and is guided by no sea-mark of principle?

Sir, there are two kinds of progress. The one is definite, regulated, and steers by compass; the other is wild and dashing, and too magnificent to be defined. The one drives the chariot of the sun, so as to give light to all the earth; the other, like the fabled Phaeton, seizes the reins with passion, drives madly off the course, and nearly ingulfs the world in darkness. The one moves on with steady step and sure, "like a steed that knows its rider;" the other, like the wild horse of Mazeppa, goes careering over bush and brake, over moor and mountain, through morass and forest, until, at last, from sheer exhaustion, it sinks down amidst the regions of barbarism and savage life. From progress of the one kind have come those wholesome State reforms to which I have referred; from progress of the other kind have come those numerous fantastic schemes—the very *bloomerism* of politics—which, under various familiar names, infest the country at the present day. Sir, agitation is not always progress. We have had some signal illustrations of this in the career of France, where, from time to time, the ocean heaves and rages, but accomplishes nothing but destruction. France has shed blood enough during the last sixty years to fertilize a continent for liberty. Yet what useful results has she accomplished? She has changed a King for an Emperor, and an Emperor back again for a King; she reposed a little while beneath the degrading sway of Louis Philippe, and has now emerged from a new revolution to complete her degradation by sinking into subjection, beneath the shadow of a name. She has established no *Magna Charta*, no bill of rights, no religious liberty, no *habeas corpus* act, no freedom of speech and the press; and seems really to have no other idea of Government than that of a great central power in the midst of Paris, which shall control not only all general and national affairs, but shall extend its Briarean arms to regulate the concerns of every department, and every village, and every *family* in the Empire. The President of the French has now all power. He can make and unmake; he can regulate, or reform, or destroy. But such happily is not the condition of the President of the United States. His duties, under the Constitution, are limited in number, and extend only to certain clearly defined objects. He is not the source of reform, or the center of all authority. He holds a great office; for he is the head of a great and prosperous Republic, and has the confidence of a numerous and enlightened people. But, if he is worthy of his exalted position, he will "keep steadily in view the limitations as well as 'the extent of the Executive power, trusting to 'discharge the functions of his office without trans-'cending its authority"—and, with General Jackson, he will "bear constantly in mind the fact, 'that the considerations which induced the framers 'of the Constitution to withhold from the General 'Government the power to regulate the great mass 'of the business and concerns of the people, have 'been fully justified by experience."

Sir, the Northern Democracy are sometimes called *doughfaces, eaters of Southern dirt*, and similar euphonious names, because they have usually been allied in politics with the South. Yet the whole secret of their alliance is found in this policy of Government to which I have now referred. When the Constitution was formed, there were those who regarded it as yielding too little to the General Government; while there were others who doubted if an error had not been made in the opposite direction. Hence arose the early division of parties under the Union. The one party feared the people and the States; and the other party feared the Government. The one was most apprehensive of anarchy, and the other of centralism. Thus came the two theories of constitutional construction, upon which Jefferson and Hamilton divided, and upon which parties have differed ever since. This division, in its principles and its consequences, controls, naturally, the political organizations of the present day. It is the great gulf of separation, which the gentleman from Massachusetts [Mr. RANTOUL] spoke of last week. The South has been, for the most part, upon one side of it—the State-Rights side; and the Federal, or Whig party, upon the other. The Northern Democracy, agreeing on this subject with Jefferson, and not with Hamilton, have necessarily taken a position with the South. They could not do otherwise, without a violation of their intellects and their consciences. They both stand upon the same platform of the Constitution. They both maintain the doctrine of strict construction. They both respect the local rights of the States—Maine being as free, for example, to exclude slavery, as South Carolina is to cherish it. And how, under these circumstances, when they are together upon those fundamental doctrines, out of which have grown bank, tariff, internal improvements, and other questions, and out of which new questions will probably grow hereafter; how, I say, can they help being, as Jefferson called them, the natural allies of each other? It cannot be otherwise; they must act together; and with a Whig candidate and a Democratic candidate in the field, it would be marvelous indeed if any State-Rights voter should prefer the Whig. And, Mr. Chairman, there seem to be sufficient indications around us, towards an increased centralism in Government, to unite those who, in feeling and opinion, are against such a tendency, in an active and cordial resistance to it. The eagerness with which States, and companies, and individuals look now for aid to the General Government; the preference which is shown for national employments over State employments; the great and increasing patronage of the Executive, which was forcibly alluded to a short time since by my colleague, [Mr. SMART:] the enormous aggregate of Government expenditures; the rapid increase, within the last five or six years, of claim-mongers around the Treasury, who have even been represented in the Cabinet; all these seem to me to be symptoms of the times which ought not to be overlooked, and which call loudly for the restoration to power of the Democratic party.

Mr. Chairman, I believe the people desire this restoration; and if they can secure that, they care comparatively little, in my judgment, under what name the restoration is accomplished. If we give them a candidate who is right-principled, honest, and capable, I doubt not they will elect him. It is of trifling consequence, whether he comes from one section or another section, if he has principles as broad as the Union. It matters little, whether he is younger or older than some of his competitors. Age is no sufficient test of presidential fitness. It is not even a test of those young ideas which were so eloquently discussed here the other day. William Pitt was the youngest prime minister that England ever had; yet he was perfectly frigid with conservatism; while Charles James Fox, his senior, was running over with everything that was enthusiastic in feeling and generous in character. John Quincy Adams was much younger than General Jackson in 1824; and General Jackson was an old man when he fought his great battle with the bank, but I never heard that his lion heart failed him, or that the blows which he struck were feebly given. Neither do I believe that the young radical can always be relied upon for a life of progress. A man who has formed himself to habits of progression during years of public service, will sometimes display much greater earnestness in reform than he who, full of youth and ardor, assumes responsibility for the first time. I remember, not a great many years ago, when Disraeli, in Great Britain, rallied a party under the standard of "Young England," and took the field of politics full with new schemes of progress. Yet, within the last month, we have seen this same Disraeli drive out *old* Lord John Russell, the *reformer*, and come himself into office as a leading member of the most conservative party in the kingdom.

Mr. Chairman, words are not always things. For genuine progress, I will go as far as he who goes furthest. Progress is a Democratic word, and a Democratic fact. It has been illustrated in the whole history of our country. What other nation has ever progressed so rapidly? And why should any man complain of the results which we have accomplished under our admirable Government? From thirteen States we have become thirty-one. We have doubled and redoubled, and doubled again our population. We have extended our commerce, until we rival England upon the ocean. We beat the world in the beauty and velocity of our ships and steamers. And, above all, there is no Government, where intelligence, and virtue, and happiness, are more generally diffused among the people. Let us try no rash experiments with a policy which has worked out such results as these. Let us rather permit that policy to continue its work of improvement and progression. The future which opens before us, if we are thus true to the principles which have hitherto guided us, it is difficult for the imagination to conceive. We should be criminal to hazard it by any division upon technical questions, or any personal differences about men. The Democratic party has many distinguished candidates for President, either one of whom could do it honor, and either one of whom, I believe, could be successful. The gentleman from California alluded, in fervid language, the other day, to his own favorite, for that eminent place, and the favorite of his own State. From nothing that he said in praise of Judge Douglas, do I desire to dissent. If he shall be nominated at Baltimore, there is no man, even in his own Illinois, who will support him with more

hearty good-will than I shall. And I shall do so, not chiefly because he has risen from poverty to greatness, and thus illustrated happily the admirable working of our institutions, for there are many others who have done the same. General Cass also started in life a poor boy, and crossed the Alleghanies on foot, to become the artificer of a success, of which any man may well be proud. But I shall vote for Judge Douglas, if he is nominated, because I believe him to be a sound Democrat, and to possess all those qualities of head and heart, which will enable him to discharge honorably the duties of President. But there are other States in the Union than California, who will present candidates at Baltimore. Besides Michigan and Illinois, to which I have already referred, Pennsylvania—a State which has recently vindicated anew her right to be called the Key-stone of the Union, by maintaining, against great odds, some of those principles upon which the Union is based—Pennsylvania presents the name of that great statesman of hers, whose pure character and long career of public service eminently justify the distinction which is accorded to him by his native State; Kentucky brings forward the name of her accomplished and gallant Butler; Texas presents the hero of San Jacinto; while from New York, Indiana, and New Jersey, candidates are also mentioned, whose names are familiar to the people, and honored by the country. We are embarrassed only by our very wealth. But whoever may be taken from this brilliant roll, as one humble voter, I am free to say that I can cordially give him my support. There is not one among them, in my belief, who would not be elected. They will each bear the test of Jefferson—Is he honest?—Is he capable?—and each has proved his attachment to Democratic principles. This is the true test. It is time that the doctrine of *availibility*, which is getting to weigh so heavily upon the politics of this country—excluding from public life, I know not how many good men, and bringing into public life, I know not how many bad men—was discarded, and suffered to die. The general truth ought never to be doubted, that the best man is the most available man. The Whig party have tried *availibility* on several memorable occasions, and have suffered, as they deserved to suffer, in consequence. Success is good for nothing, unless it bring with it some valuable results. I respond to the manly sentiment of the letter which was read to us, the other day, by the eloquent gentleman from Kentucky, in which General Butler declared that he preferred the character of a gentleman to the office of President; and it is better, far better, that after each succeeding contest, we should be able truthfully to say of ourselves, "we have lost everything except our honor," than that our opponents should be able truthfully to say of us, "they have lost their honor, and have gained everything else."

THE UNION AND THE STATE-RIGHTS PARTIES OF GEORGIA.

SPEECH OF HON. J. HILLYER,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

March 18, 1852.

On motion by Mr. HOUSTON, the Committee of the Whole on the state of the Union proceeded to consider House bill No. 207, "To supply deficiencies in the Appropriations for the service of the fiscal year ending the 30th of June, 1852."

Mr. HILLYER obtained the floor and said:

Mr. CHAIRMAN: I desire to call the attention of the committee to a remark made by the gentleman from Virginia, [Mr. MCMULLIN,] some weeks ago, in reply to the gentleman from Florida, [Mr. CABELL,] in which the honorable gentleman from Virginia took occasion to say of the Union party of Georgia, that it was composed of factions of all parties; and he saw proper to apply to that honorable and patriotic association, the term "piebald."

Mr. MCMULLIN, (interrupting.) I did use the word attributed to me by the honorable gentleman, but I used it under the excitement of the moment. I intended nothing disrespectful to that party; for the gentleman is, perhaps, not aware that I acted and coöperated with it during the last Congress.

But, sir, with the permission of the gentleman from Georgia, I will make one further remark, for I do not expect to trespass upon the House again. I did feel somewhat sensitive upon the subject of the Union party——

[Mr. BROOKS here rose and made a point of order, that the debate was out of order, according to the 31st rule of the House. The chairman decided, that by the usage of the House the debate was in order, from which an appeal was taken, and the committee sustained the decision.]

Mr. HILLYER, (resuming.) Mr. Chairman, I have no objection to relieving the gentleman from Virginia, but the same position and the same sentiments have been often avowed by others—by those who grossly misapprehend, however, the history of the Union party in Georgia; for I am proud to say to-day, and on this floor, that so far from the Constitutional Union party of Georgia being composed of factions of all parties, that from the mountains to the sea-board, down all our line, there is not one disunionist—there is not found one Abolitionist—there is not found one Free-Soiler—there is not found one tariff man for protection—there is not found, within my knowledge, one bank man, and, I believe, there is not one internal improvement man. But all within that mighty host—for I will call it mighty in principle and purpose, though it is small compared in number with the great parties of the Union—are for a strict construction of the Constitution, and for the sovereign rights and powers of the States. We are, in political principles, a unit. We occupy, it is true, at this moment, an isolated position outside of the two great parties of the nation, and it shall be my purpose to-day to vindicate that position, and to show that we have been brought to it consistently with our principles and with our love of country.

Mr. Chairman, we have but to refer to the history of the last two years. In 1849, the Legislature of Georgia, while in session, passed an act requiring her Governor, on the happening of certain contingencies—one of which was the admission of California into this Union, on her then pending application—to call a convention of the people of Georgia, for the purpose of determining what course should be pursued in that emergency, and whether the State of Georgia would submit to what the Legislature saw fit to consider an aggression upon her rights. Well, sir, the State of California was admitted into the Union, and the Governor of the State, in the exercise of the duty imposed on him by this act, convened a convention. For what purpose? To consider whether the State of Georgia would submit to the legislation of the Federal Government in regard to the admission of California. That was the distinct, separate, definite issue submitted by the Legislature of Georgia, to be determined by the people of Georgia. Remember, Mr. Chairman and gentlemen, that that issue was distinctly made by our own law, and by our own legislation, and the people of Georgia were called upon to determine upon the one single political question—shall the people of Georgia submit to the admission of California, and the passage of what was generally called the compromise measures.

Mr. Chairman, I desire to direct the attention of the House to the state of the public sentiment in Georgia. I will not say there is a disunion party in Georgia. It is not necessary to my purpose. I will not say there ever was a party organized for the avowed purpose to dissolve the Union. Such a position, I repeat, is not necessary to my purpose. But I will show that there were those, high in the confidence of the people of Georgia, who did openly and avowedly advocate the doctrine, that this Union ought to be dissolved; and I will say that that doctrine was openly and plainly urged before our people; and to prove it, I now desire to call the attention of the committee to a few extracts, which I will read. I read from the Georgia Telegraph, one of the organs of the Southern-Rights party of Georgia. Listen to its language. And I tell gentlemen that similar sentiments were uttered by many other distinguished men in that State:

"For our own part, we believe the issue is, *resistance* of some sort, or abolition. Disguise as we may, this solemn question we cannot evade." * * "*We are for secession, for resistance—open, unqualified resistance.*"

This is the doctrine of that organ of the Southern-Rights party of Georgia. Listen again. I read from the Columbus Times, another organ of the same party:

"*We go for secession; quietly if let alone, forcibly if made necessary.*" * * "Our own *first* choice will be for *secession*, and our votes and efforts will be steadily given to effect that end."

Another organ of the same party says:

"We abandon the Union as an engine of infamous oppression. We are for *secession*—open, unqualified, naked *secession*. Henceforth *we are for war upon the Government*; it has existed but for our ruin; and to the extent of our ability to *destroy* it, *it shall exist no longer*."

Another organ of the Southern-Rights party, the Savannah Georgian, says:

"We gave our advice in regard to the acts of the convention, and we now stand ready to support them; if they are for *secession, we are with them*."

Another organ of the same party says:

"Beware of the false cry of *Union*. It is the word of talismanic charms that is relied on to prepare your free limbs for bondage. And whenever a Union croaker rings sickly sentimentality to you, thunder back to him the issue—*Disunion, or Abolition*."

I read further from the Augusta Republic:

"No cause for resistance to the injustice of the mother country was *half as great* as that which would in this case *demand the resistance of the South*."

Mr. JACKSON. I ask my colleague to give the date of the article he has read from the Savannah Georgian. I desire to know what convention it refers to.

Mr. HILLYER. I intended to comply with the request of my colleague as soon as I had finished reading these extracts, for I have "a few more of the same sort left." I now read from the Federal Union, another Southern-Rights paper:

"The bill for the admission of California has passed the Senate, and its friends confidently believe that it will pass the House, and receive the sanction of the President. If it does, the Executive has no choice; his duty is defined, and he will promptly discharge it. The Convention will be called. Upon it, will devolve a responsibility sufficient to make the shoulder of an angel quake." * * * * * "It cannot for a moment be believed, that that Convention will take counsel of its fears?" * * * * * "It cannot be believed that that Convention will give the lie to the often-reiterated declarations of the people, that resistance to aggression was their right and their duty." * * * * * "It will then—there can be no alternative—determine upon resistance." * * * * * * "It may be that the Convention will decide upon separate action by the State—in other words, immediate SECESSION."

Another organ of the Southern-Rights party in Georgia, says again:

"As for ourselves, it is needless to say, that we look forward with joy to the period when the impositions of our Northern brethren shall, by dissolution, be removed. We hope that the refusal, on the part of the North, to execute the provisions of the fugitive slave bill, will be 'confirmation strong as proofs of holy writ' that it is madness to think of continuing in the Union. Without awaiting, however, a further development of Northern sentiment upon this or any other question, we will hail the dissolution of this Union as a 'CONSUMMATION MOST DEVOUTLY TO BE HOPED FOR.'

"We frankly tell you that, so far as we are concerned, *we despise the Union, and hate the North as we do hell itself.*"

These are extracts from organs of the Southern-Rights party of Georgia. But my colleague [Mr. JACKSON] asks me to give their dates. The one to which he alludes, as well as all the rest, appeared after the introduction of the compromise measures into Congress, but before the assembling of the Georgia Convention, to determine what should be done in consequence of the adoption of those measures.

Now, while the question of disunion was distinctly made by the Legislature of Georgia, and was pending before the people; while these sentiments were uttered by the leading members of the Southern-Rights party of Georgia, what were patriotic men, of both the Whig and Democratic parties, to do? What was Mr. COBB, the leading man of the Democratic party, and Messrs. TOOMBS and STEPHENS, leading Whigs in the State, to do when their country was imperiled—when the very pillars which supported their Government were rocking to their foundations? Were they to adhere to the old party organizations, and prefer the interests, the triumphs, and successes, of the Whig party or the Democratic party, to the Union? Why, of what value were the principles of the Whig party when the Union was dissolved? Of what value were the principles of the Democratic party, I ask, when our country had ceased to exist? In that dark and trying hour, the watch-word in Georgia was: "First preserve our country, and then determine upon what principles its affairs are to be administered." I may confidently appeal to every member in this House, and to every man in the country and ask what other course was left to those who were determined to

save the country, but to throw off the allegiance of both parties, and stand up for the Constitution and the Union—to forego all former quarrels; forget all former issues, all former struggles, triumphs and defeats, and come together like brethren upon the great issue brought upon us by the legislation of the country? In an issue so important, so overwhelming, I say, we were driven by every consideration of patriotism, and every hope of the future, to organize another party.

In no other State of this Union was this issue made by its Legislature. It was not made in Mississippi; it was not made in Alabama, nor in any other Southern State or Northern State. But in Georgia the people, being called upon by their own statute to determine whether they would resist or acquiesce in the compromise, were compelled to disregard all former political organizations, and form new parties.

From this necessity resulted the Union party of Georgia; and who does not rejoice that it was formed and that it triumphed?

I know well the object of my colleague [Mr. JACKSON] in asking of me the dates of the extracts I have read. I know he will say, that after the convention of Georgia met and determined to acquiesce in the compromise measures, the Southern-Rights party in that State abandoned all idea of secession. They abandoned that idea, and went for—something. And if that gentleman answers my speech, I defy him to say what they intended to do.

I will now call the attention of the committee to the subsequent position of that party. At first, many of their leading men went for disunion openly and boldly; after the people of Georgia had determined to acquiesce in the compromise measures, they did not go openly and boldly for disunion; but they failed to tell what they did go for. We could not understand them. I will read an extract from the proceedings of that convention, held in the spring of 1851, in Milledgeville. I tell my colleague the date of the extract that I am about to read: it is subsequent to the meeting of the Georgia Convention and the determination of the people to acquiesce in the compromise measures; and in that convention, this language was used:

"The country is passing through an alarming crisis, in which the Government of the Union has undergone, and is in danger of still undergoing fundamental changes, in its federative character. By the acts of the late Congress, known as the compromise measures, the Southern States, being a minority in federal numbers, have been deprived by high hand of all their interest in the territories acquired from Mexico; have been degraded from their condition of equality in the Union; have been forced to surrender territory, unquestionably and legitimately their own, to the use and enjoyment of the hireling States, thereby increasing the preponderance of votes already arrayed against them, and have been compelled to witness and endure the insidious act of the abolition of the slave trade in the District of Columbia, which can only be regarded as the entering wedge to measures intended to end in the overthrow of her cherished institutions."

Here then are the sentiments of that party, uttered subsequently to the decision of the Georgia Convention, upon the issue made by our statute. And what do they say? Why, that the people of Georgia have been *plundered* with a high hand, by the superior strength of the Federal Union, of territory legitimately their own; that the people of Georgia have been *degraded* by the legislation of the Federal Government. So said that convention, and South Carolina uttered precisely the same sentiment. South Carolina pronounced the South degraded, and ruined by the high-handed legislation of the Government. The people of South Carolina everywhere manifested a disposition to resist to the last the compromise measures, and the Southern-Rights party of Georgia were identical in principle with South Carolina. The people of South Carolina were rallying with most extraordinary unanimity in favor of secession; and this convention on that day proclaimed to the world the doctrine which South Carolina had published—the right to go out of this Union, if she thought proper to do so, and that no other State in the Union had a right to ask her why, or wherefore, she had so done. Well, sir, we are compelled to meet them again upon this issue. This party in Georgia were arrayed with South Carolina, defending the same principle, and the legality of the remedy proposed by the latter State. Now, under these circumstances, what course was left for us as patriotic men? Will it not be perceived that this contest had not yet terminated?—that another great battle was to be fought, and that it was again to be determined whether the Union should be saved or lost? I wish I had time to go more fully into this matter than I can now go. But I will state further, there was unquestionable evidence enough to satisfy the mind of every candid man, that South Carolina was ready to go out of the Union at any moment, if she could get any of the other States to coöperate with her; and the Southern-Rights party of Georgia were standing upon the same principles, and endeavoring to prove the measures of redress which South Carolina had recommended to be legitimate. The gentlemen from South Carolina do not deny that those were the principles upon which their State acted. It is too notorious to deny it. Further, sir: this Southern-Rights party, in the platform which they have laid down, nowhere indorsed the compromise measures. I call upon my colleague [Mr. JACKSON] to say if what I assert is not the fact. They have denounced them as arbitrary and as a high-handed usurpation and robbery, as degrading to the South; and they distinctly assert the doctrine that they have the right to leave the Union as voluntarily as they went into it.

Are we to infer, Mr. Chairman, that the free-born descendants of our revolutionary ancestors—the descendants of those men who lay in the swamps of Carolina and Georgia during the nine years of the revolutionary war in defense of our rights—are we to say that the descendants of these patriotic men intended to submit to wrong and oppression and robbery, and worse than all, to degradation? Let us rather say we were right in inferring that there was danger under this platform, and that every man who loved the Union was bound to rally to its support. That was the great day and hour of trial. Well, sir, we met the foe; we gained the victory. And we now come to the present moment, and times are changed, and the people of Georgia now determine to acquiesce in the compromise measures. They now say that they will abide by the measures of the last Congress. We have gained the victory, and the question remains to be determined, what further is to be done? And right here let me say that I have not gone through the history of this matter for the purpose of throwing any censure, any denunciation or abuse, upon the Southern-Rights party of Georgia. They acted as they saw proper. They had a conscience as well as the Union party. They obeyed the dictates of their own judgment, and followed the suggestions of their own patriotism. I make no complaint about them for that. Nor do I refer to their history for the purpose of engaging in any controversy with them whatever, but merely for the justifiable purpose of vindicating before the whole country the position of the Union party of Georgia.

The position I set out to establish was, that the formation of the Union party in Georgia was a matter of necessity. It was founded in patriotism, and we could do no otherwise. We were driven to it by the force of circumstances beyond our control. That is a proposition which I think I have demonstrated, and I have referred to the history of the Southern-Rights party for the single purpose of vindicating the character of the Union party of Georgia, and for saying that we have not erred in the formation of this new organization.

What further now is to be done? This question is very properly asked, and I shall endeavor to answer it. The Union party of Georgia has determined, by their representatives in the last Legislature of that State, to hold a convention in April next, for the purpose of considering the presidential election, and the propriety of sending delegates to the Baltimore Convention. I will take occasion to say here, that that movement of the Union party meets my cordial and entire approbation. All my life I have been a Democrat, and with pride I stand here this day in the midst of the Democratic party of this Congress; but when I say this, let me not be understood to say that I approve of all the actions of the Democratic party. Let me not be understood to say that I have nothing to ask of the Democratic party. It would be strange, unprecedented, if this party should be without fault, and without error. I cannot forget that you number within your limits Free-Soilers by the thousands. I cannot forget that you number within your limits, tariff men for protection, by thousands; and internal improvement men by thousands. There is scarcely a creed or a sentiment, political or religious, that is not represented in the Democratic party by respectable numbers. Your party ought to be purged, and we ought to lay down a platform upon which every man should be *required* to stand. We should lay down principles which every man should be *required* to subscribe. This is what we ask at your hands this day. The Union party of Georgia will go to the Baltimore Convention, not for the purpose of asking you to ingraft upon your platform any new principle. This course seems to strike the Southern-Rights party with surprise, and to induce the idea that it is a great absurdity. But the Union party of Georgia ask the Democratic party to add no new principles to its platform. We ask no such thing.

I take occasion here to notice another idea, suggested by the gentleman from Mississippi, [Mr. BROWN,] that we, being a party outside of the Democratic organization, can with no propriety go to the *Democratic* Convention. Why, gentlemen, there can be no difficulty in this matter. There are two ways to go to Baltimore. We can by our resolution resolving to go to Baltimore, upon the faith that the Democratic party will do us justice and carry out its true principles, resolve ourselves into the Democratic party and become members of it. We have an illustrious precedent of this course in the action of the Southern-Rights party in Georgia. They organized a separate party for the purpose of carrying out their doctrines and their dogmas, and for the purpose of maintaining the rights of the South; and have, by a meeting of many of their leading men, in November last, resolved themselves into the Democratic party. Their convention, which is to assemble before the close of this month, will no doubt affirm the action of this meeting. Cannot we do the same? The moment that we determine to become members of the Democratic party, we have a right to send delegates to their convention as *Democrats*. There is no question about that. They say they are Democrats. Cannot we say that we are Democrats? I can see no inconsistency in this course. My friend and colleague [Mr. JACKSON] was once a member of the State-Rights party. He was once outside of the Democratic party, and he resolved himself into the party; and other individuals, members of the party, continually do the same. If one man can resolve himself into a party, cannot a hundred, a thousand, or fifty thousand do the same thing? The Southern-Rights party have set us a noble example in this matter, and one which we are disposed to follow.

There is another way that we can get to Baltimore. I say there is no impropriety—and here I wish my honorable colleague from Georgia [Mr. STEPHENS] was in his seat, that he might hear me, for upon this point we greatly differ—I say there is no impropriety, no degradation, no forfeiture of self-respect, in the Union party of Georgia resolving to send *ambassadors* to Baltimore to propose terms to that Convention, and agreeing upon the terms upon which we shall act with them hereafter. There is no objection to that course; and I am not sure but that is the better course of the two. And I say here, as I want to be perfectly frank in relation to this matter, that I am perfectly indifferent as to which of these courses is adopted by the Union party of Georgia, when they meet in convention. I say I can see no objection to our sending delegates, in the character of ambassadors, to Baltimore, for the purpose of proposing and agreeing upon the terms of our union with that party.

Now, Mr. Chairman, allow me to say one word in relation to the course which ought, in my judgment, to be pursued by the Union party of Georgia, and I would say it for the benefit of the Whig members of that party. I regret that their representatives [Messrs. TOOMBS and STEPHENS] are not in their seats. It is necessary to call the attention of the House to the history of the Whig party of Georgia. I know well its history; and I have prepared no documents to prove the truth of the statements I am about to make, because I intended to have made them in the presence of their

representatives, [Messrs. Toombs and Stephens,] with the distinct understanding with one of them, that he was to correct me if I misrepresented that party. But I am not afraid to state in his absence what I would state in his presence, because if he were here, I do not think he would make a single correction. I shall speak of facts historically, and so plainly that there can be no controversy about them. I will commence in 1828, when I first became a man. In that year, I cast my first vote in favor of the principles, and men, and measures of the Democratic party. At that time the Whigs of Georgia were known as "Troop men," and they were as legitimately descended from the old republican party of Georgia, as a child is descended from its ancestors. They stood identical, in principle and organization, with the Democratic party of Georgia, and supported General Jackson. They supported his administration; they voted for him in 1828, for their electoral ticket was elected, and the electoral ticket of the Clark party was defeated. In 1832, the Troop party, which is now the Whig party, again elected their electoral ticket, and they cast their vote for General Jackson, and Mr. Van Buren. The other party voted for General Jackson, and Mr. Barbour, of Virginia. But the Troop electoral ticket was elected. In the year 1833, the question of nullification came upon us, and that great controling question materially disturbed the organization of both of these parties. Then I became identified with the Union party. Prior to that time I had acted with the Troop party, which descended legitimately from William H. Crawford, and from the old republican stock. I voted for General Jackson in 1828; for Jackson and Martin Van Buren in 1832, as a Troop man; and when the question of nullification came upon us, I felt it to be my duty to stand by my country. Many other Troop men pursued the same course, and acting with a great body of the Clark party, we threw the preponderance in favor of that organization, and the Troop party were defeated. They assumed the name of "State-Rights," and we the name of "Union men." The organization maintained this name for several years. The State-Rights party of Georgia refused to join the national Whig organization. In 1836, they voted for Mr. White. They refused to vote for the nominee of the Whig party, and voted for Mr. White. The Union party of Georgia voted for Mr. Van Buren. There is no question about that. In 1840, the State-Rights party of Georgia, for the first time, united itself with the Whig National party, and voted for General Harrison. The Democratic party again voted for Mr. Van Buren. Upon that occasion, very many of the State-Rights men abandoned their party, adhered to their principles, and joined the Democratic party, because they thought that the State-Rights party had abandoned its principles; and that, by the abandonment of their principles, and their incorporation into the National Whig party, they forfeited all claim to the support and confidence of those who valued their principles more than they did their party prepossessions. If I am not mistaken, Colonel Jackson was of the number of those who, in 1840, joined our standard. Whether that is the precise time, or not, is not material. He came to us for similar motives, either upon that or a subsequent occasion.

Now, the point to which I shall direct the attention of the committee is, that during all of this time the Whig party of Georgia and the Democratic party of Georgia have been identical in principles, as the records in our own State will show, as made up by the journals of our Legislature, and the meeting of our political parties in convention, in our counties as well as of our State. Both these parties held the same great, fundamental principles of a strict construction of the Constitution; of the sovereignty of the States; of the economical administration of the finances of the Government; of opposition to a tariff for protection; to a bank; to internal improvements by the Federal Government; and, I will add, the disbursement and collection and keeping of the revenue by the officers of the Government. Let me not be misunderstood here. The Whig party objected to the details of the subtreasury, as it was called; but I never understood them as objecting to the Democratic proposition—the Democratic principle—that the revenue should be collected, kept, and disbursed, by the officers of the Government. There has been, then, no material difference between these two parties as to principles. I hold here in my hand an extract from the Congressional Globe, which will show that, in 1842, when the State of Georgia was represented here by Messrs. Black, Collquit, Cooper, Dawson, Habersham, Meriwether and Gamble, when the tariff of 1842 was pending before this House, all of these men, with the exception of Mr. Meriwether, voted with the Democratic party against it. Mr. Meriwether was not in his seat. I am free to state my opinion, unhesitatingly, that if he had been in his seat, he would have voted with his colleagues. The Whigs of Georgia, and the Democrats of Georgia, having of principle nothing worthy to divide them, have lately, upon a great and mighty issue coöperated. With all former party positions dissolved, we have taken each other by the hand; we have met, triumphed and rejoiced together Why not, then, being together, continue our march together in the support of our country. I can see no objection to it, and hence, from my heart, I approve of the movement in Georgia to send delegates to the Baltimore Convention, where our principles, by fair interpretation, in my judgment, will carry us all; when we get to that convention, we will ask of them the adoption of the compromise measures. I have said that I would ask the Democratic convention, at Baltimore, to ingraft no new principle upon its platform, and that is true; but I draw a broad distinction between a political principle and a political measure. I say that the principles of the Democratic party are coeval with the existence of our Government, and that there is nothing to add, or to abstract therefrom. They are a strict construction of our Constitution, and a cordial support of all national questions involving and promoting the national interest. These are the great principles of the party, and they induce the support of many distinct and separate *measures*. The measures of the Democratic party cannot be coeval with its existence. Members of the Mississippi Southern-Rights Convention spoke of the principles of the Democratic party being coeval with its existence, and thought they ought not to be added to; but they failed to discriminate between a principle and a measure. They refer to the principles of Jefferson, and Madison, and others of our old Republican fathers, as being the principles of the Democratic party. This language, when criticised, is mere nonsense and absurdity. What did Mr. Jefferson know about the sub-Treasury? What did Mr. Madison know about the annexation of Texas to this Government? What did these men know about the Mexican war? What did they know about the admission of California, and of the organization of these territorial governments? And yet, sir, these are all, but one, Democratic measures. These measures came upon the country, and it was necessary that the Democratic party should take action upon them. I say this is the sound proposition; this is the true doctrine—that whenever a measure arises, national in its character, it is the duty of the Democratic party to take sides upon that measure in accordance *with its principles*, and to go wherever its principles will carry it. That is the true doctrine; that is the Democratic creed; and all that I ask of the Democratic party when we go to the Baltimore Convention. We ask not that they shall ingraft new principles upon their creed, but that they shall adopt these measures according to the principles they have already avowed and acted upon. If it be true that the compromise of the last session of Congress is a great national question, involving and promoting the interests of all the people of this Republic, from one end to the other, and that it is sanctioned by the Constitution of our country, I say that the Democratic party are bound by their principles to adopt it. It becomes their measure from the very fact that it is constitutional, and national, and promotes the interest, and repose, and happiness of the whole country. And if that Convention fails to avow it, it will commit a dereliction of duty unworthy of the Democratic party; and it will be the first time, within the history of this great Republic, that that party has faltered or wavered in the discharge of its duty.

These are the sentiments of the constitutional Union men of Georgia, who favor sending delegates to Baltimore, and I say then to our Democratic brethren of Mississippi, our Southern-Rights friends, and to many upon this floor, that they greatly err when they suppose that we are going to Baltimore to ask that convention to ingraft upon its platform a new principle. We will do no such thing; but we go there to exhort the Democratic party to stand up to those principles, and resolutely to go where they will carry it, and abide the consequences. Mr. Chairman, I shall not discuss the merits of this compromise, to show that it comes within the principles of the Democratic party; for I believe that every man here, in his heart, feels that it does. Even my Southern-Rights friends, those who have determined to abide by the measure, feel in their hearts that it is a national question, the result of that spirit of compromise, concession, and forbearance, which lies at the foundation of our Constitution; and that, therefore, it is the duty of the Democratic party to avow and carry these measures through—to maintain it to the death. I must hasten on. This issue sleeps, but it is not dead. What have we heard the honorable gentleman from Massachusetts, [Mr. Rantoul]—and I regret that he is not in his seat—avow upon this floor? That one of the measures of this compromise was unconstitutional. He is a member of the Democratic party, and he is bound by his oath to the Constitution to seek its repeal, if he believes it to be unconstitutional. Well, here is the gentleman from New Hampshire, [Mr. Hibbard,] who wrote an able and patriotic letter to his constituents, indorsing, in general terms, the compromise, in every feature and line. He goes on, however, to specify the different features in the compromise, but utterly fails to notice one important measure—that the compromise pledged the faith of this Government—that Utah and New Mexico should be admitted into the Union with or without slavery, as they saw proper to determine. That portion of the compromise he passed over in perfect silence. I regretted to see it, but I hope that it was an oversight upon his part.

Mr. HIBBARD said he had made no mention in the letter referred to of the principle stated by the gentleman, because he deemed it unnecessary. He was of opinion that no State otherwise qualified for admission, should be debarred from the Union because its constitution did or did not tolerate slavery. It was a matter which each State must regulate for itself. This was right, and would have inured to States applying for admission to the Union if it had not been stipulated, as to Utah and New Mexico, in the bills establishing territorial governments there. He believed the principle so universally recognized among his constituents that it was unnecessary to remind them of it.

Mr. HILLYER. Perhaps I ought to ask the gentleman's pardon. I knew from the style of his letter that he would speak as he has done, if drawn out; and my object was to draw him out. I have no more to say to that honorable member. I wish that every man in this Union was so reliable—the Union could not be in danger, and no man would care whether this question was ingrafted upon the Democratic platform or not. Mr. Chairman, this question sleeps, I have said, but it is not dead. And here let me say to our Northern friends—(I do not know whether I shall call them friends or not)—that it is not as a Southern man I wish to urge this question upon the Democratic party. It is not as a Southern man and a slaveholder that I feel a deep solicitude for the maintenance of these measures; for I declare here, in the midst of the representatives of the American people, that for the institution of slavery I have no fear. That institution is in no danger; and I can inform the gentleman from Ohio, [Mr. Giddings,] that "the overseer's lash" is still heard in the South, and that the Southern slave still bends to his daily labor without a murmur and without a hope, and his merry laugh and his lively jest tells that he is happy and contented. It is not to preserve the institution of slavery; for I assert that the rage of Abolition fanaticism against the institution of slavery is as vain and impotent as the rippling of the Atlantic wave against the eternal rock of Gibraltar. But it is for my country that I fear. It is to preserve this Union and to maintain the American Constitution that I de-

sire to see all patriotic men at the North arrayed against the Abolitionists. I know that the Abolitionists at the North have dealt many a fierce and heavy blow, and that those blows have fallen thick and fast—not upon the institution of slavery, but upon our country. Time after time this Government has rocked to its very foundation—never once has the institution of slavery trembled upon its base; and every Southern man knows this to be true. Why, sir, the pulse of the human system does not indicate with more unerring certainty the health of the body than does the price of property in the market indicate the stability and permanence of the investment; and at no time within my recollection, or, perhaps, of the recollection of any member of this House, have slaves borne a better price here in Virginia, upon the border of the slave country, than during the period of the greatest excitement in relation to that institution. We have, then, no fear for slavery; we have fear for our country. We are struggling to maintain our country. We are struggling to maintain the Union of these States; and hence we go with propriety to the great parties of this Republic at the North, and we say, not in the spirit of faction, but in the spirit of patriotism, that this battle is to be fought among yourselves. If this fugitive slave bill is indorsed by you, we will give you our support and coöperation. Let us see Southern Democrats and Northern Democrats cordially united, and together sustaining the rights of our countrymen and the constitutional guarantees of all the citizens of the Republic. This is the course I propose, and I say that it is founded in patriotism, in right, and in correct principles.

But the question may be asked, Why prefer to go to the Democratic convention rather than that of the Whig party? Because the Democratic party are identical with the people of Georgia in principles. The great objection that the *Whigs* of Georgia have heretofore urged to the Democratic party is, that it has contented itself with laying down correct principles, and does not carry them out.

Can we affiliate with the Whigs? Never! I say it boldly, never, with the Whig party as a Whig party; but I did greatly desire, and am willing now, if circumstances would permit it, to coöperate with the true and conservative men of both parties, and to organize out of both a party better and more patriotic than either. Having failed in this great, noble, and patriotic purpose, we must now look for the party which will best subserve the interests of our country. Upon the question of slavery, we have seen the Democratic party of the North struggling in behalf of the Constitution, and we can point to man after man, by hundreds and thousands, among them, who are true to the South. But when we look among the Whigs, for my life I cannot count upon any one with certainty. Upon the floor of this House, sitting in the midst of the Whig party, is a member from Massachusetts, sent here by the Whigs of that State, who has voted to give white men the liberty of marrying negro girls. He is sent here as a Whig, and is sitting in full fellowship with the Whig party. I cannot conceive what that gentleman wants to marry a negro girl for? [Laughter.] I do not know what his constituents want to marry negro girls for. What can be the matter with the white girls of Massachusetts? [Laughter.] This is no laughing matter. [Laughter.] Here is a sovereign State of this Union gravely determining by legislative enactment that the negro girls of Massachusetts shall be brought in competition with the white girls of Massachusetts. I say, that something must be the matter with the white girls in Massachusetts.

Mr. DUNCAN. Will the gentleman yield me the floor for a moment?

Mr. HILLYER. My time is too near out; I cannot yield.

Mr. DUNCAN. I was about to remark that white gentlemen have never availed themselves of the privilege granted by that law, that I am aware of. [Laughter.]

Mr. HILLYER. There is an evasion worthy of notice. The white men of Massachusetts have not availed themselves of the privilege of that law. It turns out that they do not want the privilege, and do not value it. Why did they insist upon having it? If no white man wanted to marry a negro girl, why pass a statute authorizing it?

Mr. SMART, (in his seat.) It is like the right of secession; if asserted, not to be consummated.

Mr. HILLYER. I cannot understand it. Why do you value the right, that no man wants to exercise? I say it is no laughing matter. [Laughter.] When we see a sovereign State of this Union passing a law, bringing in competition the white and negro women of Massachusetts, upon the subject of wedlock, there must be something very dark underneath somewhere. [Laughter.] I say I wish I could understand it. There is something there, which is not brought to light. [Laughter.] But the gentleman has given an explanation here worthy of remark, and it is for that purpose that I made these remarks. I have not gone through this good-humored digression for the mere purpose of making a laugh, but to bring emphatically and distinctly before the House, the purpose of this resolution. I understand it, and say, as my opinion, without doubt, that there is not a man on this floor from Massachusetts, not even he who advocated the passage of that bill in the Legislature of Massachusetts, who would discard the Anglo-Saxon girl, with her blooming cheek, bright eye, and warm heart, in favor of a black, greasy, aromatic negro wench. [Laughter.] That was not the object; no such taste as that influenced them; but it was intended as an insult upon the South; and it is one of those reiterated, and many, oft-repeated aggressions, which have alienated the minds of the Southern people from the North, and that has induced this strong language of our Southern-Rights brethren in Georgia, when they say they hate the North, as they hate hell itself. That is the truth; there is no doubt about it. Let this conduct upon the part of the Massachusetts Whigs be noticed. I wish I had time to comment upon the course of the Free-Soilers, and the Free-Soil Representatives from Massachusetts. Mr. RANTOUL is a little more acceptable in point of taste, but no more in point of principle. He openly avows, that the fugitive slave bill is unconstitutional, which is one feature of the compromise. The fugitive slave bill, and the publicly-pledged faith of this Government to admit California and Utah into the Union, with or without slavery, are the life and soul of the whole compromise. One he has pronounced unconstitutional; and I doubt not he would have pronounced the other so, if his attention had been called to it.

But I will not pursue that matter, as he is not in his seat. What course will that gentleman pursue? I understood him to assert that fugitives from labor must be surrendered. But he does not inform us in what way, and by what authority. If by the power of the States, then I would ask has he ever used his influence in his own State to induce that State to execute this clause of the Constitution? Here is the great law of the land, that fugitives from service—which means slaves—shall be surrendered; and here is a gentleman upon this floor, who is a leading, influential member of his party, who denies the constitutional power of this Government to execute that clause of the Constitution, and yet he has never attempted to induce his own State to execute it. If the Constitution of the United States devolves upon Massachusetts the duty of executing this clause on the subject of fugitive slaves within her limits, and she fails or refuses to comply with the requisition, it would surely follow that the Southern States would have the right to make war upon her for not having done it—which involves so much that is absurd that it cannot be necessary to enter into an argument with the gentleman——

[Here the hammer fell.]

CONTESTED ELECTION IN NEW MEXICO.

SPEECH OF HON. R. H. WEIGHTMAN,

OF NEW MEXICO,

IN THE HOUSE OF REPRESENTATIVES,

March 15, 1852,

On the memorial presented by the Hon. JOHN S. PHELPS, of Missouri, from A. W. Reynolds, contesting the right of the sitting member from New Mexico to a seat in the House of Representatives.

Mr. WEIGHTMAN said:

Mr. SPEAKER: I was anxious, the other day, that this question of privilege in regard to the seat of the Delegate from New Mexico should come up, not for the purpose, as I then stated, of making any objection to the printing of that memorial and the accompanying papers, or to their reference to the Committee of Elections, but for the purpose of contradicting, promptly and at once, the gross charges which have been made against the honorable gentleman who is now Governor of New Mexico. I regret that he has not a better advocate than myself on this occasion. I regret that he has no forceful BRECKINRIDGE or brilliant MARSHALL to stand up here in his defense. But such as I am, I bring to this question the highest regard for that honorable gentleman, and admiration of his course in New Mexico. In my belief, the honorable Governor of New Mexico has pursued a course calculated to make the Mexicans—who have been separated from their Government by no act of theirs, and who now owe allegiance to the Government of the United States—feel that they are at least a part of this Government; that they have rights here that ought to be protected; and that the Government to which they belong was created by the people, and ought to be administered for their benefit. The elevation of policy and motives which distinguish the Governor of New Mexico, I believe is not appreciated, and cannot be appreciated by some of those who would injure and belie him. Against the Governor of New Mexico there have been arrayed divers and powerful influences. I think I am well enough acquainted with my countrymen to know, that when they understand that powerful influences are brought to bear against any individual, and that there is an attempt to crush a man who is in the discharge of high and honorable duties, the mere knowledge of that fact will make those influences powerless.

I shall allude, now, to one of those influences. I am about to read from a newspaper which, I understand, has the largest circulation of perhaps any paper in the Union; I mean the National Era. It is the number of February 26th, and the article is headed—

"SCOUNDRELISM IN OUR TERRITORIES—KIDNAPPING UNDER A GOVERNOR'S LICENSE.—We publish on our fourth page an editorial from the Deseret News, disclosing a state of things in our Territories which demands the immediate attention of the Chief Executive. According to the statement, Governor Calhoun, of New Mexico, is no better than an infamous kidnapper. Gangs of traders, with licenses bearing his name, authorizing them to purchase Indian children, as slaves, for the benefit of persons in New Mexico, have lately been driven out of the Territory of Utah. Bad as the Mormons are represented to be, they are not so devilish as to connive at this new trade in human blood, which a United States officer, appointed by Mr. Fillmore, seems ambitious to establish."

* * * * * * *

"The apprehension evidently prevails that proper attention to territorial grievances may lead to discussion on questions connected with slavery, and that any enlightened attempt to redress them may involve, unavoidably, the exercise of a power over the Territories which the compromise virtually abandoned.

"O, how this infernal Element of evil—the slave power, obstructs all useful and beneficent legislation!"

Now, I wish to refer to the article from the Deseret News, to see how much authority the editor of the Era had for that statement:

"SLAVE TRADERS IN NEW MEXICO AND UTAH LICENSED BY GOVERNOR CALHOUN.—We find the following in the New York Herald:

"The United States officers who returned from Utah, have stated that persons were expelled from the Territory if they became obnoxious to the censure of the Mormon authorities. The following is a copy of an editorial article in the News, in relation to a regularly-licensed trader, who, it seems, was not well regarded by the Saints:

"'A copy of a license given to Pedro Leon to trade with 'the Utah Indians, signed by James S. Calhoun, Superin-'tendent of Indian Affairs, dated Santa Fé, August 14, 1851, 'attested by D. V. Whiting, has fallen under our obser-'vation; and we understand the said Pedro Leon was at 'Manti, in the county of San Pete, on or about the 3d in-'stant, accompanied by about twenty Spanish Mexicans, 'trading and desiring to trade horses, for Indian children, 'fire-arms, &c.; and we are also informed that there are two 'other companies, of about the same size, and from the same 'source, one of whom holds a blank license, dated 'Execu-'tive Department, Santa Fé, New Mexico, July 30, 1851,' 'signed by 'J. S. Calhoun, Superintendent of Indian Af-'fairs,' authorizing said blank holder to proceed to the Salt 'Lake county, in the Territory of Utah, for the purpose of 'trading with the Utah Indians in said region.'"

And that is all. He does not say for the purpose of trading for Indian children, as slaves.

There are other parts of this article which it is not necessary for me to read. But the Deseret News, the quoted authority of the Era, does not confirm the statement, that by the license of Governor Calhoun there has been authorized trade in

children of any kind, notwithstanding the reckless and unscrupulous statement of the National Era. This is one of the influences to which I alluded. This influence, brought to bear against Governor Calhoun, may be traced in a kindred paper in Santa Fé, edited by a gentleman who is an agent of the American and Foreign Anti-Slavery Society, who does little else than malign the Governor, the gallant Sumner, commanding the troops in New Mexico, and the humble individual who now addresses you. This society is a powerful one; and it is one of the chief influences which has been brought to bear against the Governor of that Territory.

To show the design of the National Era, in its reckless and unscrupulous statements in reference to Governor Calhoun, I wish to read a letter which I wrote at the request of General Foote. I wrote it early in the present session of Congress. I desire to read it in connection with the comments of the National Era, in which the editor makes the *threat* that I shall be made to *feel* for my contumacy, if I continue the course which I have thought proper to pursue. Here is the letter:

WASHINGTON, *December 16th*, 1851.

MY DEAR SIR: In compliance with your request, I give you my views as to the popular feeling concerning slavery in New Mexico.

The popular feeling in New Mexico is, I believe, firedly set against that country being made the arena in which to decide political questions in which the people have no practical interest, and all attempts which have heretofore been made, or which hereafter may be made, to induce the people of that country *to take sides* on a question in which they are not at all interested, have been, and will, I trust, forever be, utterly abortive.

There are in New Mexico a few negroes, in all, as shown by the census, seventeen; and of this number there may be as many as five or six slaves—house-servants of officers of the army and others.

There has, up to this time, before the judicial tribunals, been no case of a negro held to slavery suing for his freedom. When such a case shall occur, it will, in my opinion, be adjudicated without popular excitement of any kind, though the people are, I believe, opposed to the introduction of slave labor amongst *themselves;* and when the time shall come when they shall think proper to seek admission as a State of the Union, they will, I am inclined to think, should there be in their opinion danger of the introduction of slave labor there, *prohibit it.* But as there is at this time no such danger, there is no excitement on the subject; and as I see in the future no likelihood of the introduction of slave labor there, I apprehend that the popular mind will, as now, remain calm on this point, and the question of prohibiting, admitting, or remaining silent, concerning slavery, will be treated simply as a matter of policy in reference to being admitted into the Union.

To show the freedom from excitement of the people on this question, I refer you to the fact, that in the State constitution of New Mexico, of last year, though slavery was prohibited, the undersigned, though falsely denounced in the *only* newspaper in New Mexico as a slavery propagandist, was elected to the Senate by an overwhelming vote; and this, too, despite the general knowledge among the members of the Legislature that he was in favor of so arranging the slavery clause as to effect our admission into the Union, and without regard to any other circumstance whatsoever. I was confident that no constitutional provision could bring about the introduction of slave labor there; and, being satisfied with the substance, did not trouble myself about a prohibition of what could never affect us. And this, I believe, is the popular feeling in New Mexico.

We in New Mexico have suffered too much already, by having our soil made use of by others as a political battlefield over which to settle the slavery question, to again permit it to be so used *if we can avoid it.* It is, I believe, the fixed determination of the people to take no sides on this question which in no way practically concerns them. When the question comes up, we will treat it simply as a matter of policy, by which to facilitate our admission into the Union. Once admitted we can do as we choose. We desire the friendship of all; entangling alliances with none.

A vigorous effort was this year made to interest the people in this vexed question, but all in vain. A document entitled "Address to the Inhabitants of New Mexico and California, on the omission by Congress to provide them with Territorial Governments, and on the Social and Political Evils of Slavery," was industriously circulated in New Mexico, in the *Spanish* language, by an agent of the American and Foreign Anti-Slavery Society, who is at this time the editor of the "*Santa Fé Gazette*," in the columns of which paper he is republishing occasional chapters of this document. In this is drawn a comparison, more highly wrought than true, between the North and South in reference to state of education, state of morals, state of religion, disregard of human life, disregard of constitutional obligations, population, military weakness, &c. In the conclusion, the people are urged to set up an independent government, "unless exempted from the curse of slavery," and are promised, in that case, the assistance of the "whole North." I send you an English and a Spanish copy.

You will perceive that the unscrupulous persons who are urging the law-abiding New Mexicans to the commission of treason, and promising assistance they have no right to promise, have signed their names to the document.

This attempt to draw the simple, pastoral, and unarmed people of New Mexico into an act of treasonable resistance to the powerful Government to which they owe and yield allegiance, will meet with the profound indignation it deserves from all parts of the United States, but no more profound than the contempt it met with in New Mexico.

Though supported by the *only* newspaper in New Mexico, whose editor is, as I have stated, an agent of the American and Foreign Anti-Slavery Society, no excitement took place in New Mexico, outside the immediate family of the editor, clothed though he was in the garb of a missionary—a minister of the Gospel—a minister of peace.

If there are any persons in the United States who desire to colonize slaves in our Territory, I apprehend there would be no objection on the part of the people of New Mexico, let the decision of the courts be what it may. Perhaps the attempt would be beneficial; it would at all events settle the question, and effectually thwart any further attempt to make New Mexico the scape-goat, to bear the burden of a question which concerns her not. We object to being made the scape-goat, and would prefer not being made use of even as an illustration.

Should the courts in New Mexico decide that slaves may legally be held there, I am sure that no popular excitement would follow; and I am equally sure that those who embark in the colonizing experiment will speedily send or sell their slaves *out of* the Territory. *Slave labor will not pay in New Mexico*, and in that is comprised the whole question.

We desire to be in a position in which Congress, unembarrassed by the slavery question as regards us, may direct its attention to legislate so as to promote the interest of that neglected and sympathy-deserving section.

This letter I place at your disposition, to be used as you may think proper, though not written with that carefulness as regards periods, or with the compactness I would desire.

Very respectfully, your obedient servant,

R. H. WEIGHTMAN.

Hon. H. S. FOOTE, *U. S. Senate.*

I give this letter for the purpose of showing what are the sentiments, or the absence of *sentiment*, that the National Era takes ground against, and the reason for its hostility against me. On this letter the Era comments as follows, in its paper of January 1, 1852:

"MR. WEIGHTMAN AND NEW MEXICO.—Mr. Smith, former Delegate from New Mexico, was rejected by the Senate as nominee for the Secretaryship of the Territory, because he had once written an address to the people there, advising them to exclude slavery on economical grounds. He was a Kentuckian, the son of a slaveholder, and not an abolitionist. But he had offended against the majesty of slavery—and that was a deadly sin.

"His successor, R. H. Weightman, has taken warning, and bends the knee in time to the ruling power. In a letter from him dated December 21st 1851, to Mr. Foote, and read a few days ago in the Senate, he undertakes to vouch for the utter indifference of the New Mexicans on the question of slavery. He says they cannot be persuaded to take sides, and that all the arts of designing people to excite them against slavery have failed.

"'To show,' he says, 'the freedom from excitement of 'the people on the question, I refer you to the fact that in 'the State constitution of New Mexico, of last year, though 'slavery was prohibited, the undersigned, though falsely 'denounced in the *only* newspaper in New Mexico as a 'slavery propagandist, was elected to the Senate by an over-'whelming vote; and this, too, despite the general knowl-'edge among the members of the Legislature that he was in 'favor of so arranging the slavery clause as to effect our ad-'mission into the Union, and without regard to any other 'circumstance whatsoever.'

"He says that when the question shall come up, 'we will 'treat it simply as a matter of policy by which to facilitate 'our admission into the Union. Once admitted, we can do 'as we choose. We desire the friendship of all; entangling 'alliance with none.'

"He is exceedingly anxious to impress upon the slaveholders, that the people of New Mexico have not the slightest objection, in principle, or on the ground of a moral sentiment, to slavery; that could it live there, it would encounter no hostile feeling. In a word, he sees nothing at all objectionable in a system which brutalizes the colored man and degrades the poor white man.

"'If there are any persons in the United States who de-'sire to colonize slaves in our Territory, I apprehend there 'would be no objection on the part of the people of New 'Mexico, let the decision of the courts be what it may. 'Perhaps the attempt would be beneficial; it would at all 'events settle the question, and effectually thwart any fur-'ther attempt to make New Mexico the scape-goat to bear 'the burden of a question which concerns her not. We ob-'ject to being made the scape-goat, and would prefer not 'being made use of even as an illustration.'

"'Should the courts in New Mexico decide that slaves 'may legally be held there, I am sure that no popular excite-'ment would follow; and I am equally sure that those who 'embark in the colonizing experiment will speedily send or 'sell their slaves *out of the* Territory. *Slave labor will not 'pay in New Mexico*, and in that is comprised the whole 'question.'

"What can be expected of a Territory the first act of whose first Delegate is one of abject submission to the slave power?"

"We trust Mr. Weightman may live long enough to learn that servility to a sectional interest 'does not pay.'"

It may be that the National Era and those whom it represents *may* make me "*feel*," because of the views I conscientiously entertain; and if, in its endeavors to make me "feel," it is as unscrupulous in its attacks on me as it has been on Governor Calhoun, I doubt not I will be shown up in a way to induce the subscribers of that paper to believe me a monster of iniquity.

There is another newspaper in the United States that has thought proper to take up the cudgels against Governor Calhoun. It is the St. Louis Republican. This paper has the largest circulation of any paper west of the Alleghany mountains—at least I am inclined to think so—and was built up by the energy and enterprise of the editor, who is the proprietor also. As the circulation of this paper increased, so did the views of its editor enlarge, until he has at this time, I believe, taken under his sole control the whole State of Missouri, not only as regards its general policy, but he can tell you who is the best man, of all the men in the country, to be brought out as constable for any township in the State. He has extended himself also to the State of Illinois, in the same way, and will be able to give the members from Missouri or Illinois excellent advice as to the way in which they are to conduct themselves in Congress.

He has also attended, generally and largely, to the Indian policy of the Government, and knows more now about the Indians lying between Behring's Straits and the southeast corner of Texas, than Fitzpatrick or any of those old mountaineers, intelligent and educated men who have spent forty years among the mountains; and if the Government could only be persuaded to turn over to the editor of that paper the charge of the Indian affairs, they would be placed upon a bottom as broad and substantial as the editor's, and all that "old fogyism" about Indian policy, begun by John C. Calhoun and continued by his successors, in the War and Interior Departments, would be securely shelved forever.

He is also able to give excellent advice in regard to the contiguous potato-patches of New Mexico, Utah, Oregon, and California; and, should the circulation of his paper be still further extended, will be found quite competent to regulate the affairs of the universe. This paper, for some reason which I will not undertake to determine, published, with apparent pleasure, anonymous articles which were abusive of the Governor of New Mexico; and while he did this, it was with a great deal of difficulty that the insertion of any publication, in the nature of a defense of that gentleman, could be obtained, although the communication might not be anonymous. I refer to a communication of my own, which appeared in the paper after a considerable contest with the editor, and which was over my own signature, and which I will read in the course of my remarks. Whether the general disposition of this editor to publish assaults on, and indisposition to publish defenses of, Governor Calhoun, is attributable to his desire to arrange the world's affairs generally, to the fact that his nether integuments too tightly fit him, or to the fact of his residence in a mercantile community, and that the merchants of New Mexico have been pleased to combine themselves against Governor Calhoun, or whether it is attributable to the myriads of "toddies" that he has drunk with certain merchants with whom he has affiliations in New Mexico, I will not undertake to determine. But that he is prone to attack, and indisposed to defend, is the fact. I suppose that he is the representative of the *mercantile interests* in New Mexico. *That* is one of the influences which is brought to bear against Governor Calhoun. This influence is more extended and ramified than might be supposed. The Santa Fé merchants owe five, or twenty, or fifty thousand dollars to St. Louis merchants, to Boston, New York, or Philadelphia merchants, and all of them are interested in being paid their money, and to that extent are interested in carrying out the views of the Santa Fé merchants.

There is another, a *military* influence in New Mexico, which has been brought to bear against this worthy Governor, of which I shall presently speak. The petition of my honorable contestant contains in itself matters and averments altogether sufficient for a defense against all the charges contained in the memorial, and, indeed, I may say against all the charges, bearing directly or indirectly on the election, that have been put before this House by the honorable gentleman from Missouri, [Mr. PHELPS.] This memorial sets forth that a notice of his intention to contest my election was served upon me in New Mexico, and that *that notice of contest contained this charge of improper and illegal interference on the part of the Governor of New Mexico, and of his corrupt influence in the election.* It acknowledges, also, the receipt of

my answer, which denies that interference and corruption. *Here, then, is the issue made up;* and according to the law of the United States, passed by the Congress of the United States, regulating the mode of taking testimony in cases of contested elections, there was a fixed mode in which to take testimony. Now, the question is, *why was not that testimony taken?* Here is the reason, as set forth in the memorial:

"The following is an extract from a letter directed to your memorialist by P. J. Pillans, Esq., dated Santa Fé, December 29, 1851:

"'Mr. Ashurst and myself have made two attempts to 'take the depositions for the contest; but it is absolutely 'impossible to get two justices of the peace together at one 'time. Why, I cannot tell; but *I can very shrewdly guess.*"

When, Mr. Speaker, you turn to the law of Congress, prescribing the mode of taking testimony in cases of contested election, it will be found that those gentlemen had no right to go before two justices of the peace for the purpose of taking such testimony. *They* are not the officers prescribed by law. They might, therefore, as well have averred that they could not get *two old women* together for the purpose of taking the testimony, because of the corrupt influence of Governor Calhoun.

Then the reason why, after the issues were made up, no testimony was taken, was, that no two justices of the peace could be got together; and, at the same time, it is a fact that *two justices of the peace do not constitute the proper tribunal before whom to take the testimony.*

Here are the officers prescribed by section third of the act prescribing the mode of taking testimony in cases of contested election. I read from the law of Congress:

"SEC. 3. *And be it further enacted,* That when any such contestant or returned member shall be desirous of obtaining testimony respecting such election, it shall be lawful for him to make application to any judge of any court of the United States, or to any chancellor, judge, or justice of a court of record of any State, or to any mayor, recorder, or intendant of any town or city, which said officer shall reside within the Congressional district in which said contested election was held, who shall," &c.

The contestant in his memorial has made reference to this very law, and he knew that they ought to take the testimony according to it; and yet *they did not try* to take the testimony in accordance with it, *because they dared not meet the issues.* The officers before whom this testimony should be taken are a judge of any court of the United States, the chancellor or judge of any court of record, the mayor of any city or town. These are the officers prescribed by law.

Now, I ask any candid man, if it was the *bona fide* intention to place a statement of testimony before this House which should be reliable and not to be misunderstood, would not any man have gone to Judge Watts or to Judge Mower, United States judges, in preference to any New Mexican alcaldes, to take testimony *in English?* That is the question. But there is a very good reason why it might be advantageous to take the testimony before two Mexican alcades, *who did not understand the idiom in which the testimony was to be taken.* One of these gentlemen, who is charged with taking the testimony, *is a forger—known to be a forger by the contestant*—Ashurst, Merrill Ashurst, a refugee from Alabama. There is a reason at once why, instead of going before the officers prescribed by law, they come here and say that they could not take this testimony, because, forsooth, they could not get together two justices of the peace. The law did not permit them to take testimony before such officers, so long as there was one of those officers whom I have mentioned in the Territory of New Mexico.

Section tenth of this same act is as follows:

"That when no such magistrate as is, by the third section of this act, authorized to take depositions shall reside in the Congressional district from which the election is proposed to be contested, it shall be lawful for either party to make application to two justices of the peace residing within the said district, who are hereby authorized to receive such application and jointly to proceed upon it in the manner hereinbefore directed."

There is the case in which, *and in which only,* the testimony may be legally taken before two justices of the peace. But if justices of the peace were inserted in the third section as the proper persons to take lawful testimony, I submit it *is pregnant with suspicion,* that, when it is a notorious fact that Judge Watts, appointed from the State of Indiana, (an honorable gentleman, whose character needs no eulogium from me,) and Judge Mower, appointed from the State of Michigan, (also of deservedly high character,) were in that Territory, they should seek to go before two alcaldes—alcaldes elected by the people of New Mexico, who, of course, having the majority, elected alcaldes from their own countrymen—who did not understand the idiom in which the testimony was to be taken. I stated, therefore, that in this memorial there was sufficient to vindicate Governor Calhoun from the charges set forth in the memorial. The issue was made up; but they did not take a particle of testimony, and they come here with suspicious reasons to account for it. I said *they were afraid* to take this testimony before intelligent United States officers, who would put these things understandingly before Congress.

Now, I will read my answer, and this House will get a *glimmering* from it *why they did not dare* to meet the issue:

SANTA FE, (N. M.,) *September* 17, 1851.

SIR: There has this day been served upon me by Mr. Jones, the United States Marshal, a document, or paper, signed "Skinner, Pillans & Ashurst," attorneys for A. W. Reynolds, which purports to be a notice that you will contest my "election as Delegate to the presen Congress of the United States from the Territory of New Mexico."

Though this document is not signed by yourself, but by "Skinner, Pillans & Ashurst," with the descriptive words, "attorneys for Reynolds," I leave with my friend and attorney, E. P. West, Esq., this letter, to be delivered to you in case you recognize and confirm as yours the document alluded to.

I have taken the precaution not to reply to Messrs. Skinner, Pillans & Ashurst, before discovering that their act was by you recognized, because I was unwilling to place you—now absent in the Nabajo country, from which no advices have been received since a day anterior to the day of election—in the position of directing or authorizing them to contest, for you, my election, at any risk and at all hazards, without yourself knowing how fairly or unfairly the election might be conducted, or, indeed, without knowing what might be the result of the election itself.

* * * * * * *

The objection that the Governor's proclamation, dated the 8th of August, was not *printed* or distributed until the 13th, is, I respectfully suggest, one of which *you* can take advantage, inasmuch as the proprietors and controllers of the *only* press in New Mexico are your partisans. No one is better informed than yourself that, since the sale of said press (conducted by yourself) by order of the quartermaster's department, in the year 18—, the control of it has been with *your* friends, never having been uninfluenced, either as editor or proprietor, by your own chief and confidential clerk, Mr. T. S. J. Johnson, late an officer of the 8th infantry, United States Army.

If, then, the failure to print, and, consequently, to distribute, is in any wise a *tort,* it is one of your friends, or *yours,* of which *you* can take no advantage.

* * * * * * *

I rest the validity of my election on the ground that I have, as appears by the returns, a large majority of the legal votes of the Territory.

That my majority has been much decreased by acts of organized violence of your friends, thereby intimidating the people, and driving them from the polls; this at the ranchos of Taos, and, at least, one other precinct of that county, and also in other parts of the Territory. That, in order that the popular will may be truly reflected, which is the aim and object of an election, the votes thus lost to me should be added to the majority I now have on the face of the returns.

* * * * That officers of the army have themselves voted, and sent their soldiers to vote, and in one case brought or marched them in a body to the polls, and otherwise illegally and improperly interfered with the elections. That at least one officer of the army was in company with a number of armed men, (not soldiers,) who were engaged in acts of violence which did intimidate the people, and prevent a number of them from voting for me; this at the ranchos of Taos. That the precinct at the ranchos of Albuquerque was assailed by a body of armed men—Mexicans and Americans, portions of yours, headed by one Candido Ortiz, supported by at least one soldier and two wagonmasters recently in the employ of the quartermaster's department, with the intent of preventing the people from exercising their right of voting at the election; and though this outrageous attempt was frustrated by the spirited resistance of the indignant people, the circumstance will furnish one link in the chain of testimony I will bring out, that there was a design on the part of your friends, military and civil, by violence to prevent the people from voting for the undersigned, and thus thwart the popular will, and bring about your election; your election which, according to the popular belief, was to bring about the recall of the troops from the frontier, and the reinstatement of the quartermaster's department, in its late strength and influence, in this Territory.

You charge illegal and improper interference of the Executive in my behalf. This I deny; and charge improper interference of the military generally, and of the quartermaster's department in particular, aided and abetted by the sutlers, corn contractors, *et id genus omne,* who draw profits from the presence of the army in the interior, and from an extravagant administration of the quartermaster's department, and have no interest in the Territory I have the honor to represent. Your obedient servant,

R. H. WEIGHTMAN.

Captain ALEX. W. REYNOLDS,
Assistant Quartermaster, U. S. Army.

A short account of the military government which existed in New Mexico, will account for many of the circumstances which have happened; will furnish the key to many of the charges brought against Governor Calhoun; and will, in particular, account for the fact that I stand here, returned by a large majority. This history will show, that I stood up for the people to protect them against outrageous violence—outrages the most insufferable ever perpetrated anywhere. In order first to give an idea of the combinations of parties at that day, I will read from the Union, of October 8, 1850, an article prepared by myself then, with no reference, as a matter of course, to this question:

"WASHINGTON, *October* 7, 1850.

"*To the Editor:*

"SIR: I desire to correct an error into which the editor of the Union has fallen. The error is contained in the following paragraph of the editorial of October 6, entitled '*The Late Session:*'

"'Scarcely was the new President installed, when it be-'came known that the commissioner of Texas, sent to or-'ganize counties in the Santa Fé country, had been foiled 'by the troops of the United States, and that the military 'commandant, acting under instruction from Mr. Crawford, 'had set on foot a movement for forming a State government 'in the Territory claimed by Texas.'

"The idea that the State movement was set on foot in New Mexico by the military commander, or by any influence other than the will of the people, is so injurious to New Mexico, now applying for admission into the Union as a State, that I deem it to be my duty to correct it; and I doubt not the columns of the Union will be open for the correction of any and all errors into which its editor may have unwittingly fallen—and particularly should the error, as in this case, seriously involve the happiness and well-being of a large and respectable community, which is justly entitled to the esteem and sympathy of the people of the United States.

"So far from it being the fact that the State movement in New Mexico was set on foot by the military commander, *the reverse is true.*

"The State movement was set on foot by sixteen civilians, citizens of the United States—some of American and some of Mexican blood—some Democrats and some Whigs—some natives of southern and some of northern States. Their address to the people appeared in the columns of the 'New Mexican,' December 8, 1849, and was replied to by a counter-address in the columns of the same paper, signed by sixty-two other civilians, among whom were included all the judges of the circuit courts, the prefectos, the sheriffs, the alcaldes, and in fact the great body of the officers of the civil government of the military commander, *all of whom held their offices at his absolute will and pleasure.*

"The State movement was by them denounced as a *factious movement,* and the movers as the *Alvarez faction.* As the movement progressed, it was discovered that the military commander had a decided leaning towards the territorial party—*indeed, his acts were decidedly partisan, and against the State party.*

"The State party at the late elections triumphed in every county but one, and did so despite the partisan acts of the military commander, despite the almost unanimous opposition of the judges, prefectos, a caldes, &c., who held their offices at the will and pleasure of the military commander, and despite the almost unanimous vote of the employees of the quartermaster's department."

The same combination exists now. Here is the quartermaster, and his friends are here with him. I have merely wished to show that the present opponents of Governor Calhoun are the legitimate successors of that old military party, and that it is no wonder the man who opposed it should stand here, elected triumphantly by the people, and without the necessity of the improper or corrupt interference of any one. I continue from the article in the Union:

"The civil officers, who held their offices at the will and pleasure of the military commander, were about one hundred and fifty in number, were distributed over the whole country, and all of them, except about five or six, opposed to the State movement. They were, of course, in a state of organization for any purpose in which they thought proper to act together, and the power they could bring to bear and did bring to bear; that they were not particularly scrupulous in their action may be inferred from the following extract from the memorial of the Legislature of New Mexico to the Congress of the United States."

This was a part of the United States *then.* I want every one to understand where such outrages were committed *in open day:*

"'The inhabitants of New Mexico, since February 2d, '1848, have groaned under a harsh law, forced upon them 'in time of war, when they were thought undeserving of 'confidence.

"'The military is independent of and superior to the civil 'power.

"'The inhabitants have no voice or influence in making 'the laws by which they are governed.

"'Some power other than the Congress of the United 'States, has made judges dependent on its will alone for the 'tenure of their offices, and the amount and payment of their 'salaries.

"'Some power other than the Congress of the United 'States has subjected us to a jurisdiction foreign to the Con-'stitution and unacknowledged by our laws.

"'We are taxed without our consent, and the taxes, when

'collected, are not applied to the public benefit, but embez-'zled by officers irresponsible to the people.

"'No public officer in New Mexico is responsible to the 'people. Judges, unlearned in the law, decide upon life, 'liberty, and property. Prefectos and alcaldes impose fines, 'and incarcerate without the intervention of a jury.

"'Alcaldes assail the right of the people freely to exer-'cise their religion without restriction, and dictate to con-'gregations what priest shall administer the 'sacraments of 'the Church.'

"The full extent of the power to control and injure, which this unrestrained and organized band of office-holders wielded, can only be entirely understood when it is known that the military commander held to no accountability civil officers charged with assaults upon the religion of the country, and embezzlement of the public funds.

"The influence of the quartermaster's department in the late elections was by no means an inconsiderable one. With its army of employees, with its contracts to let, with its agencies to purchase the entire surplus of the corn and forage of the country, and with its easy means of communication by express at government expense, it proved itself very formidable; and this influence, with some honorable exceptions, was thrown against the State party.

"This web of influence, extending to the frontiers of New Mexico, was, like the other, organized, and, like it, also, easily managed from the center; and the managers of both webs were acting in concert, and, as has already been told, *against the State party.*"

The managers of both *webs* are here, Mr. Speaker, and they are Houghton and Reynolds:

"Nor is this all. In the first days of February of this year, the government printing press, the only available one in the country, was sold, and fell into the hands of the territorial party. Being owned by an army sutler and contractor, and edited by the chief judge under the military government and the chief clerk of the quartermaster, all communications of the State party were excluded from the columns of their paper. They refused to print ballots for the State party, who were obliged to write tickets (the election being held by ballot) to the number of fifteen or twenty thousand.

"With the press against the State party, the office-holders against it, and the moneyed interest of government against it, it cannot be said, Mr. Editor, that the State movement was born of or grew to manhood by Executive influence; but rather, it must be admitted that the voice of the people has made itself heard under very difficult circumstances.

"The difficult boundary question will, it is confidently expected, soon be settled by the assent of Texas; and, the boundary difficulty at rest, New Mexico stands in the same attitude as California did previous to her admission, and in the same attitude as Michigan *previous* to her admission, and *after* the adjustment of her boundary difficulties with Ohio and Indiana.

"New Mexico asks for no more than justice. She asks it of all parties and all sections. She comes here unconnected with any party or any section. Of her delegation, two are Democrats and one Whig—two southern and one northern born. She appeals to the *whole* United States, and claims as a *right*, if her constitution is republican, to be admitted to the enjoyment of *all* the blessings of liberty.

"With much respect, I have the honor to be, sir, your obedient servant, R. H. WEIGHTMAN.

"P. S. I omitted in my communication to refer to the correspondence, already published in the newspapers, between Governor Alvarez and Colonel Munroe, in which the latter expressed his determination to resist the operation of the State government "with all the means at his disposal," as furnishing evidence that the military commander was not favorable to the State movement or State party.

"By inserting this with my communication, you will confer a favor. Very respectfully, R. H. W."

Now, Mr. Speaker, you will be surprised at the amount of pains I took to reform that military government. I have a perfect stack of charges here, made by me against it to Governor Munroe, for oppressions upon the people, to not one of which did he pay any attention. I will refer to these by their heads, intending to publish them *in extenso*. The first is the case of Judge Houghton—the chief Judge of Colonel Munroe, the fountain of justice in New Mexico. I charged him with a variety of iniquities—of putting other people's money in his pocket, of never paying over anything he got his fingers on, and of gross official misconduct. *He* is one of the respectable constituents, *quoad hoc*, of the honorable gentleman from Missouri. [Laughter.]

Here is the document at large:

SANTA FE, (N. M.,) *December* 1, 1849.

Influenced, sir, by duty and inclination, I lay before you charges of a most serious nature against the highest judicial officer in this Territory—Judge Joab Houghton; charges so serious, that, if true, it is an act of mere justice to the community that he should be removed from office.

In consequence of peculiar, agitating, and dangerous questions which now exist in the United States, it has been thought proper and even patriotic in Congress, to withhold from us a territorial organization, which, except for the agitating questions there existing, we would doubtless long since have obtained.

As it is, a *de facto* government obtains here of a most anomalous character, having no parallel in our history, opposed to the spirit and genius of our institutions and laws, and unrecognized by any competent authority.

This government *de facto* was established under the laws and usages of war; and upon the conclusion of the peace, February 2d, 1848, having been found in existence here, to prevent anarchy, continues by the acquiescence of the authority, whatever it may be, which is competent to change it.

Under this government, as it actually exists, the Governor exercises military, executive, and legislative functions.

To show that he has exercised legislative functions, I make reference to orders No. 10, dated February 5th, 1848, laying duties and taxes, providing for their collection and for the payment of salaries, creating offices, &c.

I presume, however, that no argument is necessary to prove that the Governor has the power under this government, as it actually exists, whether legally or not, to relieve the community of a corrupt, ignorant, or objectionable judge.

In making charges, it is necessary to be precise, and to enter into particulars; otherwise the accused will have just cause to complain that he is tried on charges which are undefined, and to which, therefore, it is not possible to make a defense.

Though by entering into unpleasant, though necessary details, I may, in the eyes of the undiscerning, appear to want good taste, I shall not refrain from so doing; preferring rather to deserve this censure, than to subject myself to the charge of concealing from the accused that which is brought against him.

In the form, then, of charges and specifications, I accuse Judge Joab Houghton, as follows:

Charge 1st. His conduct has been characterized by breaches of faith of such a nature, that the continuation of him in so elevated and responsible a station, can but have the effect of lowering in the eyes of the public the standard of American character.

Specification 1st. It has been substantiated in a court, to the satisfaction of a jury, that he has received, as the agent of Colcord & Hall, a sum of money exceeding $3,000, and not paid the same to his principals.

Specification 2d. He has received money as the agent of East & Anderson, for the specific purpose of paying duties under orders No. 10, of date February 5th, 1848, and instead of paying the money into the hands of the collector, placed therein, in lieu of money, his audited accounts for his salary as judge, which accounts were received as cash; and subsequently, when that part of orders No. 10, laying and collecting of duties was annulled, he withdrew said audited accounts from the hands of the collector, and replaced the bonds of East & Anderson, which said bonds are now in the hands of the collector, and money of East & Anderson in the hands of Judge Houghton.

Specification 3d. That on or about the 19th day of June, 1848, he was engaged in business as a merchant, being a partner in the firm of E. Leitensdorfer & Co.; that about that date, the firm of Leitensdorfer & Co. introduced into Santa Fé goods, the original cost of which, including the outfit, was not less than $100,000; that subsequently, on or about the 21st day of September, E. Leitensdorfer and Joab Houghton dissolved partnership; that on or about that date, E. Leitensdorfer left Santa Fé, appointing Joab Houghton his agent and attorney for the transaction of business; that on or about the 11th day of December, 1848, E. Leitensdorfer made an assignment of all his effects for the benefit of his creditors; that the effects assigned amounted to about $40,000, and the ascertained debts of the firm to more than $116,000; that between the dates June 19th and December 11th, E. Leitensdorfer was, for the greater or a great part of the time, absent from Santa Fé, the place of the house of business of the firm, and that the deficit is not accounted for; that nearly all, if not all, of the goods taken south for sale by the said Leitensdorfer are accounted for, while the part left in Santa Fé generally under the charge of said Houghton, is the part not accounted for; and that this failure is fraudulent, and Judge Houghton guilty of the fraud.

Specification 4th. So much of the specifications under charges second and third as may be applicable to this charge.

Charge 2d. His occupying his position on the bench amounts to a denial of justice, in a large class of cases.

Specification 1st. The case of Campbell *vs.* Leitensdorfer & Co., involving about $8,000, was brought by attachment, based upon an affidavit of fraud, on the 26th day of May, 1849, and was in due course for trial at the June term of that year, but could not be tried, because the judge was interested; it could not be tried at the October term for the same reason, and cannot be tried for the same reasons under existing circumstances, so long as Judge Houghton occupies his present position.

Specification 2d. The case of Kelly *vs.* Leitensdorfer & Co., involving about $8,000, based on affidavit of fraud, was filed June 30, 1849, and was for trial in due course at the last October term, but could not be tried, and cannot be tried for the same reasons as above.

Specification 3d. The case of Webb *vs.* Leitensdorfer & Co., involving about $8,000, based on affidavit of fraud, was filed June 30, 1849, and was for trial in due course at the last October term, but could not and cannot be tried, for the reasons set forth in Specification 1st of this charge.

Specification 4th. There is now in the hands of the undersigned, liabilities of the firm of E. Leitensdorfer & Co., and bills against it for the gross sum of $3,659 70, to recover which six suits will be necessary; but have not filed suits, because he has not been able to discover property of that firm, the court having declared that it will adjudicate no point about which there is a contest.

Specification 5th. There is now in the hands of Mr. Biggs, by the agreement of all the parties to the suits, a large sum of money abiding their issue, and must there remain until they are decided, to the great damage of the owners thereof.

Specification 6th. There are a number of other creditors of E. Leitensdorfer & Co., who would bring suits, if they believed justice could be obtained.

Specification 7th. By the death or going away of important witnesses, the ends of justice, which are now delayed, may be entirely defeated.

Specification 8th. So much of the specifications under charges 1st and 2d, as may be applicable to this charge.

Charge 3d. Ignorance of law, and disregard to his obligation as a judge.

Specification 1st. Before trial, out of court, he has expressed the opinion that a man about to be tried for his life was a murderer.

Specification 2d. He has admitted to bail the man whom he said was a murderer.

Specification 3d. He has written articles in the Santa Fé Republican concerning a point of law, about in due course to come before him for decision, on which depended a large class of cases involving a sum of money exceeding $80,000.

Specification 4th. Had he adjudicated on the bench as he adjudicated in the newspapers, he would have been benefited by the adjudication.

Specification 5th. At a meeting of the bar, held in the city of Santa Fé, on or about the 26th of July, 1849, at which meeting were present Messrs. Smith, Tully, Angney, Wheaton, West, Pillans, Ashurst, Beach, Hall, and Weightman, the question was discussed as to the propriety of inviting Judge Houghton to resign; at this meeting it was the opinion of *all the members present*, that he was incompetent to fill the office, and eight of their number signed a letter requesting him to resign, two of them declining to sign the letter on personal grounds; the two who declined being Messrs. Smith and Hall.

Specification 6th. So much of the specifications of charges 1st and 2d as may be applicable to charge 3d.

The witnesses to prove the above charges and specifications are *at present* in New Mexico; how long they will remain there it is impossible to say.

I have to request, therefore, as early notice as possible may be afforded me, that an investigation will be had; the commission, or whatever other body or person to whom these charges, &c., may be referred, should have power to send for persons and papers.

With much regret that I have to trouble you with so disagreeable a matter, I am, sir, very respectfully, your obedient servant, R. H. WEIGHTMAN.

Brevet Colonel JOHN MUNROE,
Civil and Military Governor of New Mexico.

It may be proper to mention that I sent word to Colonel Munroe's *Fountain of Justice*, that I had preferred charges of a grave character against him, and that if he would seek of Colonel Munroe, with me, an investigation, and I could not make the charges good, I would freely and cheerfully, as publicly as I had made, retract them and make amends. *He did not seek an investigation*, notwithstanding he very much desired my good opinion. He had applied to me for a certificate of character. He applied in these words:

SANTA FE, *September* 9, 1849.

SIR: In consequence of slanderous words used by you in conversation with Lieutenant Taylor, at the sutler's store, in Albuquerque, with J. L. Hubbell, Esq., at Socorro, at Santa Fé, and generally throughout the Territory, within the last few, I demand of you an unequivocal retraction of such slanders, or the satisfaction due from one gentleman to another. J. HOUGHTON.

R. H. WEIGHTMAN, Esq.

To this anxiously-expressed desire to obtain from me a *character*, I courteously replied to his friend, who handed me his application, from which reply I extract as follows:

SANTA FE, *September* 19, 1849.

SIR: I received at your hands a note from Judge Houghton, of this date, in which he is pleased to say that, in consequence of words, which he characterizes as slanderous, used by me to Lieutenant Taylor in Albuquerque, to J. L. Hubbell, Esq., in Socorro, at Santa Fé, and generally throughout the Territory, within the last few "days," (I suppose was intended, a word being left out,) he demands of me an unequivocal retraction of such slanders, or the satisfaction due from one gentleman to another.

Besides the application of the word slanderous to my words, I have an objection to make to the general tenor of his note, which is this: it leaves open the inference that I made the remarks alluded to not in Judge Houghton's presence. To rebut which inference, I have to say, that three or four months ago, it became my duty, as counsel in the case of Colcord & Hall *vs.* Smith D. Town, to comment upon the conduct of Judge Houghton, in receiving, as the agent of Colcord & Hall, a large sum of money, in the neighborhood of $3,400, and not paying the same over to his principal, as it was intended he should, and as he was trusted to do. In my remarks to the jury, the judge was spoken of as a faithless agent, and it may perhaps not be inappropriate to mention that the jury found a verdict in accordance with the theory laid down by myself and the other gentlemen with whom I was associated on that occasion. Judge Houghton was not present on this occasion, but my remarks and the finding of the jury are matters of public notoriety.

Again, in Socorro, at which place he refers to a conversation with Mr. Hubbell, I made the same or similar remarks in a public speech to the people, Judge Houghton being present, and distant perhaps six feet from me at the time.

I deem this statement due to myself, in order to make it apparent that I have in no wise *secretly* assailed the character of Judge Houghton.

In conclusion, I have to say that in consideration of the fact that Mr. Houghton occupies at this time the important positon of chief judge in this Territory, and is recognized as a gentleman by persons of high standing, yourself among the number, I feel myself at liberty to accept the latter of the alternatives he has been pleased to offer me. I accept his challenge, and will meet him this day at as early an hour as can conveniently be agreed upon between yourself and the gentleman who will hand you this.

* * * * * * * *

Very respectfully, &c., R. H. WEIGHTMAN.

JAMES H. QUINN, Esq.

We did meet that day, and he got no certificate of character or any concession whatever. He was willing to risk his life to obtain my indorsement of him, but feared to meet an investigation. *He* pro-

posed *trial by wager of battle*, and lost his cause, but declined meeting the more modern and less barbarous trial, (proposed by me,)—by the examination of sworn witnesses.

In reference to this memorial Colonel Munroe took no *action*.

Here is another document—which is a complaint that certain of the civil authorities (who are removable at the will and pleasure of Colonel Munroe) interfered with the rights of the clergy and people of New Mexico freely to exercise their religion. Here it is:

By the authority of the Vicario, Mr. Juan Felipe Ortiz, the chief ecclesiastic of the Catholic Church in this Territory, to whom has been confided the control of all ecclesiastical affairs pertaining to that Church here, I bring to your notice certain infringements on the right of that Church freely to exercise its religion.

I am authorized in saying, that the Vicario perfectly understands his responsibility to the Government under which he lives; he knows that he is amenable to the laws, as a citizen or resident, in the same manner as any other citizens or residents. The Vicario, however, should be able to enjoy the right to exercise the functions which the Church to which he has attached himself has conferred upon him, otherwise that Church is deprived of "the right freely to exercise its religion," which right is guarantied by the Constitution of the United States.

In speaking of the *Church*, I wish to be understood to mean those persons, who, entertaining similar religious sentiments, voluntarily conform themselves to a certain set of opinions, and conform themselves to certain rules. With that understanding, then, the Catholic Church in New Mexico comprehends those persons who conform themselves to the worship, discipline, and government of that Church as it obtains here. It is the practice of all the churches to adopt rules or laws for their own government, and this necessary practice is not restrained by law. As an instance, the Episcopal Church confides the care and control of the church property to the vestries of the different congregations, and there it is, under the protection of the law, not because of any municipal law, but because it is the law of the Church. In the Catholic Church here, as well as in other parts of the United States, the property of the Church is confided to the care and control of the Bishop of the Diocese, as is also the discipline, worship, and government thereof, and by him is subdivided as may be necessary or convenient. This state of things prevails in New Mexico; the Bishop of Durango, to whose diocese New Mexico has until recently belonged, confided the particular control here to the Vicario, whom he holds responsible that that control is judiciously exercised; and the Vicario, in his turn, has subdivided it among the curates of the different parishes, whom he holds responsible.

This law, custom, or usage, be the same general or special, has been adopted by the Catholic Church, and is not forbidden by law. When it is forbidden, then will the right of that Church freely to exercise its religion have been infringed. So familiar is the fact to all in the United States, that no civil authority has a right to interfere in matters of church discipline or government, that the assertion of it must pass for a trite truism. Notwithstanding this, the following outrages have been perpetrated here in New Mexico:

The limits of parishes, as they have been arranged under the authority of the Church, have been altered by civil officers to suit their ideas of propriety or convenience. This has been done in reference to the parishes of Socorro, Albuquerque, Belem, Tomé, and perhaps others; and it is believed by the authority or connivance of Judge Antonio José Otero.

Since the arrival of the American troops in this country, a Secretary of Territory and acting Governor has suspended, or attempted to suspend, Mr Juan Felipe Ortiz, from his ecclesiastic functions as Vicario; threatened to *banish* a priest, who suggested a doubt as to his power to do so; and finally ordered that priest to take advantage of the first opportunity to leave the country. This was done by Mr. Donisiano Vigil.

An alcalde, in the absence of the parish priest, has demanded the keys of the church of Tomé from the sacristan; opened the church; taken from it the sacred vestments and consecrated vases, and delivered them to Nicholas Valencia, a non-conformist and suspended priest, to celebrate a marriage and mass. This was done by an alcalde of Valencia county.

An alcalde has directed Friar Benigno Cardenas, a non-conformist, suspended priest, and refugee from justice, to go to the parish of Tomé, and receive, without excuse or protest, from José de Jesus Baca, the regularly appointed parish priest, the delivery of the church property, taking an inventory of it. This was done by alcalde Vicente Amijo, of Valencia county, and Friar Benigno Cardenas is now exercising his forbidden functions in the parish of Tomé, from which Padre Baca is excluded.

Two suspended priests are at this moment exercising ecclesiastical functions in the county of Valencia; to this there is no objection. When any members of a church, lay or ecclesiastical, desire to apostatize, they have the right to do so, and, if they please, to be the founders of another creed. In doing this, however, they have no right to seize upon or occupy the temples of the church from which they apostatize. If they are ambitious to be reformers, they must do as the Protestants did of yore—draw off from the Catholics; build temples of their own, and leave the property of that Church where they found it, in the hands of the owners, the Catholic Church.

The suspended priests alluded to, Friar Benigno Cardenas and Priest Nicholas Valencio, are now occupying parishes or temples, from which the civil authority, without judicial decision, have ousted their predecessors. This matter stands on very simple ground. Padre Otero, at a certain date, was in possession of the temple at Belem. Padre Baca, at a certain date, was in possession of the parish of Tomé, with its dependencies, and without judicial decision on either the right of property, or possession, were ousted by the civil authority, and their places filled by non-conformists, or, which is the same thing, by apostates. Now, whether the possession of Padres Baca and Otero was founded on right or not, nothing can be clearer than that they should have been permitted to retain that right until deprived of it by due course of law.

The ousting of Padres Baca and Otero, if done under color of law or authority, not having been effected by judicial decision, or legislative enactment, must have been done by executive acts. Of the executive here, you are the undoubted head; and I therefore request, as an act of justice at your hands, that the Catholic church be restored to the possession of the property of which she has, without law, been deprived by executive acts. And inasmuch as a change of government will soon be had here, and because of the ignorance of the present judiciary, (not one of the judges having been bred to the law,) to prevent future difficulties, I suggest that the courts be restrained from taking cognizance of cases involving property of the church until a new government is legally in operation, or until the bench of New Mexico is occupied by less ignorant persons.

Should you, sir, deem it proper to make investigations concerning these matters, I caution you against the Secretary of Territory, Mr. Donisiano Vigil.

It is within my knowledge that, when Colonel Washington, desirous of giving relief in one of the cases above cited, officially directed Mr. Vigil to write to Prefecto Manuel Otero to annul the order of Alcalde Vicente Armijo, and restore Padre Baca to his original position, that Mr. Vigil did dispatch such an order; *and also, and without authority of Colonel Washington*, an old order of his; which old order, as will be perceived by the second note of Prefecto Otero, dated October 21, is made the basis of special pleading, which has resulted in Padre Baca's being still excluded, though the express object of Colonel Washington was to reinstate him. I have also to say, that the identical reasoning contained in the second note of Prefecto Otero was used in conversation with me by Mr. Vigil.

Among the documents which I lay before you, I had intended to include the decree of December 24th of last year, referred to in one of the papers I lay before you; but have not been able to obtain from Mr. Vigil a copy, though I have made as many as four or five personal applications for it.

In conclusion I have to say, that all the material facts in the above can be substantiated by affidavits or documents.

Very respectfully,

R. H. WEIGHTMAN, *Attorney.*

To Brevet Colonel JOHN MUNROE,
Civil and Military Governor of New Mexico.

On this complaint, Colonel Munroe took *no action*.

Here are two letters of my own, bringing to the notice of Colonel Munroe further outrages, together with a respectful memorial signed by one hundred owners of a church, declaring that they had been disturbed in the enjoyment thereof, and humbly requesting that he would examine into the conduct of their oppressor, and remove him from office.

SABINAL, *June* 18, 1850.

SIR: At the request of the people of this vicinity, I have drawn up in Spanish a memorial directed to you. Of this memorial I send a copy in English.

I was sent for by express to Albuquerque by Don José Chavis, informing me that he would like me to repair to this place with all dispatch, as he feared, unless the people were pacified, violence might be committed, as the authorities were attempting to force upon the people, against their will, Padre Cardenas.

Padre Cardenas is the same person who was attempted to be forced on the people of Tomé, which outrage Colonel Washington countermanded, as you will perceive by the papers I had the honor to lay before you. Upon my arrival in Los Lunas, I met persons who informed me that Judges Houghton and Otero had arrived in that place, and that for the present all was quiet. I remained in Los Lunas, and in the morning discovered that the judges, together with the prefecto, had set out on the evening before for Sabinal, a second time. I therefore hastened on. On my arrival in Belem, I was informed that the people (of Sabinal) were in a state of revolution, and that Colonel May with his company was there, &c. From Belem I galloped to this place, but found the people working in their fields, and that Colonel May had neither arrived nor been heard from. The judges had also passed below, though the prefecto was still there, justifying the conduct of the alcalde, and threatening the people with the consequences of their insubordination. Colonel May has since been heard from, and declines interfering.

Since hearing from Colonel May, the alcalde has cited, through the constable, armed men to be present, to assist him in enforcing order, for which there is no cause, as order prevails, and will prevail, unless he disturbs it. The armed men have not yet made their appearance, and I presume will not.

Of one thing I can assure you—that though determined to resist the entrance of Padre Cardenas into their church, no people who are so anxious can be more peaceable. I agree with the people entirely, that the whole is an electioneering trick to intimidate the people into voting for the existing authorities.

The people here are anxious for you yourself to examine into this matter, and not to delegate the examination to either of the judges, or the prefecto, as they believe that the whole originated with them.

Houghton, who had been at Otero's house, and Otero arrived, though not in company, on the same day, and Cardenas on the day before. On the arrival of the judges, operations commenced, and rumors of assassination and revolution, in the midst of which I am living, enjoying the good things of this life with much relish, and with an abiding confidence in the virtue of the people, and none whatever in the judges and prefectos.

The Mexicans are learning rapidly their rights, and in a few more elections cannot be imposed upon by any pretended authority. Six months ago, two judges, a prefecto, and alcalde could have done what they pleased out of Santa Fé or Taos; but Democratic doctrines are very progressive, and much liked by every people who have had an opportunity of witnessing their operation. I have every confidence in the virtue of the people. The only thing of which I have any fear, is the wholesale frauds, which experience has taught me to expect.

Be so good as to preserve this letter, as I desire to make a copy. Very respectfully yours,

R. H. WEIGHTMAN.

Colonel JOHN MUNROE,
Military and Civil Governor of New Mexico.

[Translation.]

SABINAL, *June* 18, 1850.

SIR: With much respect we desire to represent to your worship, that for a long time past we have suffered many injuries at the hands of the alcalde, Jesus Silva, and that in the last few days, to wit, on Sunday last, the 16th of this month, he, the alcalde, attempted to force on the people, against the will of a great majority of the owners of the church, the Friar Cardenas, that he might perform a mass in the church.

The pretext of the alcalde for this act is, that the Cura Otero, our regular cura, has not performed mass for some time. The reason why the Cura Otero has not performed mass is, that this same alcalde, some time since, put him in the public jail, and for this reason the cura fears to live here until this alcalde may be removed from office, or he can have confidence that his rights will be respected.

The owners of the church in all, are one hundred and nineteen. We send a list of more than one hundred. We desire to say, that it is our desire to obey the laws, and deport ourselves as good citizens; but it is not possible to submit ourselves with patience to the tyrannical and illegal conduct of Alcalde Jesus Silva. We desire your worship to examine *yourself* into the conduct of the alcalde.

It is necessary for us to say, that the alcalde, *before* his act of Sunday last, was in company on that same day with the circuit judges, Houghton and Otero, and that afterwards the prefecto arrived here, and has condemned the people and approved the alcalde.

We desire to say very respectfully, that it will not be just for your worship to order either of the judges, Houghton or Otero, or the prefecto to decide upon the conduct of the alcalde; for we think them equally interested with him; and we say to your worship, with all respect, that the act of Sunday last was nothing more than a project to intimidate the people, and to obtain votes in the election soon to take place.

In fine, we desire to conduct ourselves as good citizens; but we do not care to be subjected to this alcalde; and for this reason we send you this letter, to say that we have fear of his bad acts, and to petition your worship to suspend him until you can examine into his conduct.

With much respect, &c.

Signed by one hundred of the citizens of Sabinal, owners of the church.

To the Governor JOHN MUNROE.

SABINAL, *June* 19, 1850.

SIR: Last night I dispatched a courier from this place, with a petition, signed by more than one hundred persons, informing you of the arbitrary conduct of Jesus Silva, and praying that he might be suspended from his functions until you could examine into his conduct, and requesting that neither Judge Houghton nor Judge Otero, or Prefecto Ramon Luna, might be detailed to make the examination as they were believed to be equally culcapable with the alcalde.

I have now to report to you other outrages attempted to be committed. This evening, while in company with Pedro Torres, José Armijo, and another, before the house of the first, there arrived the constable of Belem, with two other persons, with a document, (of which I send you an exact copy,) directing said constable to go to the house of José Armijo, and seek of him a list of persons who, in company with him, had *embarrassed the arrangements or disposition* o the alcalde. It is stated in this document that this list was understood, *by report*, to be in possession of said Armijo. This is supposed to be the same list which was last night forwarded to you. The constable was further directed to take the bodies of José Armijo and of all the persons mentioned in the list, and bring them before the honorable Prefecto Ramon Luna, to-morrow at sunrise, there to have their offense examined into. *To-morrow*, I beg you to notice, is the day of the election, and the persons whose names are signed to the list, all to a man are opposed to the existing civil authorities. The capture of so many people it was doubtless supposed would have the effect of intimidating the people, between this point and Los Lunas, besides having the effect of depriving the captured of the right of voting.

This citation being illegal from beginning to end, I advised Don José Armijo, not to notice it. The people here are much frightened, and have offered to pay me to stay and defend them. Still these are the people who are represented as being in a state of revolution. They expect, and with good cause, to be harassed with fines and imprisonment by the authorities.

The people, up to this time, have not committed a single illegal act; but if they are harassed still further, it is possible that through ignorance they may err. It is because of this fear that they desire me to remain with and advise them. They desire to maintain their rights, but not to break the law. If a wrong has been committed, then is the whole population, with not more than fifteen exceptions, implicated. A simple remedy for the existing evils, I take the liberty of suggesting; it is this: for you to direct the authorities here to indict, before the grand jury, all the culpable; and, in the interim, not to trouble them more concerning

this matter. The investigation will then be conducted by the prosecutor of the Territory, and then if the people have offended, they will then be punished and not annoyed by petty molestations. I have to say, moreover, that it is of the utmost importance, to examine into the conduct of the alcalde. I have further to say, what I have before laid before you, that very few of the civil authorities are capable or desirous, of examining dispassionately into the conduct of others of their number; as they are, as I have had the honor of stating to you, banded together for mutual protection in their iniquities. The prefecto of the county of Bernalillo is particularly objectionable; indeed, I know of but one prefecto, whose character I am acquainted with, whom I consider competent to the task, and he is the prefecto of San Miguel, Mr. Grolman—with this gentleman I have no personal acquaintance, and his political views are opposed to mine, but he has the character of an upright, honorable, and sensible man.

As I mentioned in my communication of last night, that the cause of the difficulty here is, that the alcalde attempted to open the church that Friar Cardenas, a *suspended* priest, might perform therein a mass. To this step of the alcalde more than one hundred, of the hundred and twenty owners of the church, objected, signing a paper to this effect: "We do not care for Padre Cardenas;" or, in other words they did not desire his services. Mr. José Armijo, an elderly gentleman of good repute was deputed spokesman, and, in company with a number of the congregation, told the alcalde that it was against their will for Padre Cardenas to say mass in their church. The alcalde replied that "he had the power, and did not recognize that of the people." To which was replied: "If you do not recognize the people, or their sovereignty, the people will not recognize you as alcalde." And these words have been construed into *rebellion*.

With the sincere hope that the cries of a distressed people may not be unavailing, I have the honor to sign myself your obedient servant, R. H. WEIGHTMAN.

Colonel JOHN MUNROE,
Military and Civil Governor of New Mexico.

To these appeals of an oppressed and distressed people Colonel Munroe turned a deaf ear. And the unfortunates of Sabinal were arrested, taken to the northern limits of the county, a distance of thirty miles from their homes—passing by the very door of a neighboring alcalde—to be examined, and but for the public-spirited conduct of Mr. José Chavis, of Padillas, would there all have been incarcerated. This gentleman, moved by the generous impulses which nature implanted in his heart, came forward and gave bail for the oppressed in the sum of $15,000 for their appearance at the next term of the criminal court—at which, despite the declaration of the prosecutor that no offense had been committed, they were indicted, and those of them who could not give bail a second time, were thrown into prison until it should be convenient to try them at a subsequent term of the court; and some of these persons were still in jail when Munroe's administration ended, and Calhoun's began, in the month of March last.

Here is the report of the Auditor of New Mexico, charging certain officers with embezzlement of the public funds. I will not read it, but it distinctly charges willful and deliberate fraud and collusion between certain officers (holding their offices at the absolute will and pleasure of Colonel Munroe) to embezzle the public funds, and exhibiting proofs of the embezzlement, on which Colonel Munroe took *no action*.

Here is the case of Simon Rosenstein, to which I invite particular attention. Here it is:

SANTA FE, (N. M.,) *November* 16, 1849.

SIR: It is my painful duty as counsel for Simon Rosenstein, a citizen of the United States, to bring to your notice a most grievous and distressing outrage, which has been committed on his person.

Without law, or color of law, while peaceably engaged in the prosecution of his lawful business as a trader, or merchant, he was arrested by a non-commissioned officer and four soldiers belonging to the garrison at Albuquerque, and, without trial or form of trial, confined in the guard-house of that place for the night, during which he was furnished with neither food nor bedding, and without being permitted to write to his friends, though he requested permission so to do.

This arrest took place on Tuesday last of this month, at about one o'clock.

On the next morning he was told that he must be blindfolded, as it was necessary to take him to another room that he might be questioned, and having been blindfolded, he was led into another room and *stripped*, and *bound*, and *scourged*.

He was left insensible, and is at this moment suffering from the effects of this illegal and brutal treatment, and knows not to this hour for what he has been punished.

Side by side with the statement of this outrage, I place the words of the Constitution of the United States: "In 'all criminal prosecutions, the accused shall enjoy the right 'to a speedy and public trial, by an impartial jury of the 'State or district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause 'of the accusation; to be confronted with the witnesses 'against him; to have compulsory process for obtaining 'witnesses in his favor, and to have the assistance of counsel for his defense."

Has the sufferer, Simon Rosenstein, been accused?

Has he enjoyed the right to a public and speedy trial by an impartial jury?

Has he been informed of the nature and cause of the accusation?

Has he been confronted with witnesses against him?

Has compulsory process been afforded him for obtaining witnesses in his favor?

Has he had the assistance of counsel for his defense?

Who is the perpetrator of this outrage upon the person of a citizen and upon the laws of the country, a court of inquiry may discover? * * *

As counsel for Simon Rosenstein, I feel called upon respectfully to ask of you, sir, in your double capacity as Civil and Military Governor, to cause a strict investigation to be made into this whole matter, in order that the real perpetrators may be brought to light.

I am, sir, very respectfully, your obedient servant,

R. H. WEIGHTMAN,
Counsel for Simon Rosenstein.

To Col. JOHN MUNROE,
Military and Civil Governor of New Mexico.

And on this complaint Colonel Munroe did take *no action*.

Mr. PHELPS. Who commanded at Albuquerque?

Mr. WEIGHTMAN. I am talking about complaints I laid before Governor Munroe, upon which he took no action.

Mr. PHELPS. Who commanded at Albuquerque?

Mr. WEIGHTMAN. Major How.

The papers I have read will serve to show the character of the military government in New Mexico—a government which was continued in existence in spite of the claim of the people in the absence of Congressional legislation to put in operation such form of government as to them might seem best until Congress should legislate—a government which, despite the expressed will of the people, was upheld and maintained by the bayonets of the United States—by troops of the United States which had been placed under the command of Colonel Munroe for the purpose of protecting, and not for the purpose of oppressing the people of New Mexico; a government which was continued in existence in spite of the positive instructions of the President of the United States, the constitutional Commander-in-Chief of the Army and Navy.

The article over my own signature, which appeared in the Union of September 8, 1850, and which I have read to the House, alludes, in the postscript, to the correspondence which had taken place between Colonel Munroe and Governor Manuel Alvarez. I will now place before the House a portion of that correspondence, together with a joint resolution of the Legislature of the State of New Mexico.

Letter from vice-Governor Manuel Alvarez (acting Governor in the absence of the Governor elect) to Colonel J. Munroe, commanding 9th military department:

GOVERNOR'S OFFICE, *July* 13, 1850.

SIR: In my note of yesterday, I intimated that I would take an early occasion to answer your communication of the 11th instant, in which you are pleased to allude to a conversation, solicited by yourself through your adjutant, which we held on the 10th, in which, among other matters, you intimated a disposition to disregard any acts of the Legislature overstepping the bounds of your proclamation of date of 28th May, 1850, a determination to sustain the authorities hitherto administering the functions of government, and alluded to the course of the new government, in organizing its departments and proceeding to exercise legislative power, as unwarranted and revolutionary.

From the terms of your conversation, I learned that you entertain the idea that the people, in organizing a government, were bound to follow your proclamation literally, strictly, and that they can exercise no power beyond its license. In this construction of the people's right, our opinions are entirely different, since I hold the true ground to be—

1st. That the people had an undoubted right to hold a convention, form a constitution, and organize a civil government, without either your first or second proclamation, or without even consulting with you.

2d. That any private citizen, as well as the commandant of the 9th military department, could have issued the proclamation, or could, by common consent, have been designated for that purpose; and, if obeyed, it would have been just as effectual and obligatory on the people and yourself.

3d. That in the absence of any Congressional legislation over us, we have as free and undoubted a right to reform and remodel our old system, or to establish a new and different one, not violating the Constitution of the United States, as the people of New York or Virginia.

4th. That the civil power exercised by you under a military order from General Scott, can be no greater, nor more restrictive of the rights of the people, than that exercised by the President of the United States.

5th. That the President of the United States cannot delegate a greater power than he could himself exercise; and nothing is clearer, than that he, without the sanction of Congress, has no power either to dictate a government to us, or to prevent us from making such a one as we may prefer.

6th. That it has never been pretended even by the President of the United States that he had any authority to make a government for us, or to insist that we should observe the one left to us on the termination of the war. President Polk, in his message of December 5, 1848, holds this emphatic language, in speaking of New Mexico and California: "Since that time, (13th May,) the limited power pos-'sessed by the Executive has been exercised to preserve 'and protect them from the inevitable consequences of a 'state of anarchy. The only government which remained 'was that established by the military authority during the 'war. Regarding this to be a *de facto* government, and 'that, *by the presumed consent of the inhabitants, it might* 'be continued temporarily, they were advised to conform 'and submit to it for a short intervening period before Con-'gress would again assemble and legislate on the subject." And again, in his previous message of 8th July, President Polk declares, that "the war with Mexico having termina-'ted, the power of the Executive to establish or to continue 'temporary civil governments over these Territories, which 'existed under the laws of nations whilst they were re-'garded as conquered provinces, in our military occupa-'tion, has ceased." Secretary Crawford, in his late report, (November 30, 1849,) advances a similar view: "The 'peculiar condition of the Territories of California and New 'Mexico, in respect to their internal governments, and the 'absence of any clearly-defined authority by Congress for 'this object, has imposed delicate and difficult duties on the 'army. One of its assigned duties is to aid civil functiona-'ries, when required, in the preservation of public tran-'quility; but it is believed that the civil authority, so far 'as it has its origin in political power, in a great measure 'disappeared by the transfer of the sovereignty and juris-'diction from Mexico to the United States. The military 'regulations established for their government during the 'war, were superseded by the return of peace." I refer you also to the instructions given to Lieutenant Colonel McCall. Not having these instructions, I can only refer you to them.

All of these opinions, emanating from distinguished statesmen, are indorsed by the great politicians of the country. There is hardly any question of State-rights better settled than that the people have an inalienable right peaceably to assemble to take steps to reorganize or remodel the government, and to establish such laws as are by them deemed most just and salutary. These extracts show—

1st. That the government hitherto existing in New Mexico is one simply of consent—a consent presumed; and the people are advised to submit temporarily to it.

2d. They show that the President disclaims any power to establish or continue temporary civil governments.

3d. That the military regulations established for (our) government were superseded by the return of peace.

If the positions above stated are true—and I am not aware that statesmen differ about them—it has always been competent for the people to take the step they have recently taken; and that the commanding officer of the ninth military department has exercised the functions of a civil governor, has arisen solely from the *consent* of the people. That consent is now withdrawn. The people have amicably, and through the recommendation of yourself, proceeded to the full organization of a civil polity. Until the national Congress shall undo it, or refuse to sanction it, by the law of nations and the rights of States, it will remain our only legitimate government.

Had the President power to make us a government, long ago he would have so ordered. This power is reserved to Congress; and, until it acts, the people must adopt such a government as to them may seem best.

The people of California have pursued a similar course. The government went into immediate operation; the officer commanding the troops of the United States retired from the discharge of his civil functions: and his conduct and the course of the people have met with general approbation in the United States.

If a State government is likely to be beneficial to the people of New Mexico, why should they be delayed in its enjoyment? Are they less able to sustain it now than they would be in six months, or a year? And what right has the military commandant of the 9th military department, when the President himself has no such power, to say that such a government should be indefinitely withheld from the people?

If I understand the second proclamation issued by you, it contemplates the organization of the government, so far as may be necessary to elect United States Senators—that is, it contemplates that at least the Executive and Legislature should qualify and proceed in this election. The Governor and Legislature, by the very law that constituted them—the popular voice—were, before entering upon the discharge of their duties, required to take an oath to support the constitution of New Mexico. Before an election could take place, it was necessary to pass a law on this subject, and to provide the mode of authenticating the credentials of the Senators. This the proclamation did not contemplate; yet it was necessary, and the signature of the vice-Governor, acting in the absence of the Governor elect, became necessary, to perfect the law. The signature of the commanding officer of the 9th military department to the credentials of the Senators would, to say the least of it, have been novel, and exposed them to the commentary of asking for seats with an unusual and unconstitutional evidence of an election. Why were the formation of a constitution and the election of an Executive and a Legislature necessary to choose United States Senators? Simply because by the Constitution of the United States such officers must be chosen by the Legislatures of the States, and they are necessary to authenticate the credentials. If, then, it was competent for the Legislature to make one law, is it not competent to them to make two, or as many as they may deem proper? Was the vice-Governor an officer constituted with full power yesterday to perfect the law "to regulate the election of United States Senators," and is he less an officer to-day, or is his signature to another law adopted by the

same Legislature less efficacious, or absolutely null and void? He cannot be an officer with full authority one day, the next without such authority, and on the third vested again with his official dignity and power; and if he has been Governor for one hour, he is so until his term expires, and, being so, there is no other; for the coexistence of two governors coeval in the same State is impossible, and contrary to all law and experience.

I have failed to discover in the extract you were pleased to send me any principle contradictory of the positions here laid down. The propositions are stated generally, and are the law as commonly received. The questions discussed are not the ones that at this time vitally affect New Mexico.

It is certainly true, that, so long as we are not constituted a State, the Congress has power to make all needful rules and regulations respecting us. But we are not a Territory until these needful rules are made. Congress has done nothing—has not declared us a Territory, nor extended over us the laws of the United States. The doctrines asserted (although inartificially stated) in the extract are sufficiently true, and, as general propositions, will not be discussed; yet, applied to our present attitude, they lose all applicability.

I have deemed it proper to say this much in reply to your communication of the 11th, and, while I assert an earnest desire to see the early prosperity of my adopted country, subscribe myself your most obedient servant,

MANUEL ALVAREZ.

To Colonel J. MUNROE,
Commanding 9th Military Department.

Letter of Colonel John Munroe, commanding 9th military department, to Manuel Alvarez, vice-Governor of New Mexico:

HEADQUARTERS NINTH MILITARY DEPARTMENT,
SANTA FE, NEW MEXICO, *July* 12, 1850.

SIR: I have to acknowledge the receipt of your letter of this date, addressed to me, as commander of the 9th military department, and informing me that, in fulfillment of your voluntary promise to let me know of any important steps taken by yourself, you now inform me that you have proceeded to nominate those officers which the constitution requires shall be filled in that manner.

Having, in my proclamation of the 28th of May last, calling an election for an Executive and Legislature to consummate the proper arrangements for the presentation of the State constitution to the Congress of the United States, &c., stated "that all action by the Governor, Lieutenant 'Governor, and of the Legislature, shall remain inoperative 'until New Mexico be admitted as a State under said con-'stitution, except such acts as may be necessary for the pri-'mary steps of organization, and the presentation of said 'constitution properly before the Congress of the United 'States;"

"The present government shall remain in full force un-'til, by the action of Congress, another shall be substitu-'ted."

Applying principles clearly in accordance with the Constitution of the United States, with the decisions of the Supreme Court, and the laws of Congress, I had no right to suppose that the officers elected under its provisions would assume to themselves authority beyond the conditions on which they were elected by the people, or that they would engage in any acts to supersede the present government. But, soon after the meeting of the Legislature, I became convinced, from the expressed opinions of members, of other gentlemen occupying important positions, and from the acts of both Houses, that, in addition to its legitimate business, there was an obvious intention of subverting the government by legislative action. In a sincere hope that a purpose so repugnant to law and injurious to the well-being of New Mexico might, by conciliation on my part, be averted, I have done whatever lay in my power to avoid the possibility of opposition, either in feeling or in action, by the Legislature, or the party by which its majority was elected, against the constituted authorities and established government.

Reluctantly as I approach the subject, I now declare that the nomination of officers, and their confirmation, to assume the exercise of functions which (by superseding the officers now in commission) will affect the laws of this Territory, as at present constituted, will be deemed and considered as an act, on the part of all concerned, in direct violation of their duties as citizens of the United States.

My official obligations imperatively require that the present government be sustained until superseded by another legally constituted; and this duty I will fulfill with all the means at my disposal.

I am, respectfully, JOHN MUNROE,
Civil and Military Governor Territory New Mexico.
MANUEL ALVAREZ,
Lieutenant and Acting Governor.

Joint resolutions of the Senate and House of Representatives of the State of New Mexico:

Whereas a letter signed by John Munroe, styling himself civil and military Governor of New Mexico, and directed to Lieutenant Governor Manuel Alvarez, has just been communicated to the Legislature, in which said Munroe expresses a determination to maintain the civil authorities hitherto administering the government in New Mexico, and also threatening to use all the forces at his disposal to resist the effective operation of the State government now in complete organization, with an evident intention to overawe the people, the Legislature, and the different departments of the government, and to annul, by means of military power, the peaceable desires of the people; and whereas seven eighths of the entire population of New Mexico are clearly in favor of putting in immediate operation the civil State government lately adopted by them by an unheard-of unanimity, and to be relieved from the sinking, infective, and abhorrent system which they have peacefully respected for nearly four years:

Resolved, 1. That it is the indisputable right of the people, in the absence of all Congressional legislation on the subject, to organize a civil government and put it in immediate operation.

2. That the right of exercising any civil function by the commander of the 9th military department (if it ever existed) was superseded by the organization of the State government.

3. That we heartily approve the communications dispatched by vice-Governor Alvarez to Colonel Munroe, dated in July, 1850.

4. That we heartily approve the intention of Governor Alvarez to establish and maintain in operation the government just organized.

5. That the people have a clear and sacred right to take any step to put in operation the State government, and that this right was superior to, and entirely independent of, the military government hitherto existing in this Territory.

6. That Colonel J. Munroe has no legal or other right to restrict the peaceful action of the people in organizing a government; nor had he authority, either in law or from the General Government, to subject the action of the late convention to any conditions or limitations whatever.

7. That the commander has assumed a power not delegated to the President of the United States, and directly in opposition to the expressed principles of President Taylor in his reply to the investigations made by the Congress of the United States.

8. That the Secretary of State be required to furnish copies of the above preamble and resolutions to Colonel J. Munroe, Governor Alvarez, and to the Senators and Representatives to Congress.

W. Z. ANGNEY,
Speaker of the House of Representatives.
JOSEPH NAUGLE,
July 15, 1850. *President of the Senate.*
A true copy: LEWIS D. SHEETZ,
Secretary of State.

The correspondence and documents, of which I have just laid before the House a part, were transmitted to Washington with the accompanying letter of Colonel Munroe.

Letter of John Munroe, (no longer styling himself Civil and Military Governor, but) Brevet Colonel United States Army, commanding, to Major General R. Jones, Adjutant General United States Army:

HEADQUARTERS NINTH MILITARY DEPARTMENT,
SANTA FE, NEW MEXICO, *July* 16, 1850.

SIR: The political affairs of New Mexico have assumed so grave a character that it has become my imperious duty to make the Executive of the United States acquainted, through you, with the material fact that the new State government, organized so far only as to take the preliminary steps towards admission into the Union, has assumed to supersede the actual government, and go at once into operation.

The ratification of the constitution, and the election of an Executive and Legislature by the people, was held under the proclamation I issued on the 28th day of May last, and there has been no official expression of their dissent from that instrument, nor any authority given by them to the Governor and Legislature to act beyond its provisions.

Merely adverting to the unadjusted claim of Texas and the probability of a territorial organization as causes of delay, I have, independent of these questions of expediency, decided that my obligations are not to acknowledge the authority above assumed, but to await the determination of the Congress of the United States as to the legality of that authority, or the orders of the Executive in relation to the course I am to pursue.

The purpose of the new State government being, by the appointment of its officers and other acts, to supplant the present establishment with as little delay as possible, you will perceive how important it is that instructions for my guidance be sent me without loss of time.

A reasonable delay on the part of the Legislature, at a time when there is every prospect that the people of New Mexico will soon have a government in accordance with their wishes, is a policy which I have no doubt the New Mexicans in that body would have adopted as best suited to their interests, and as respectful to the Government of the United States: but opinions have been prepared for them here by those having no ties binding them to the Territory, except the possession and expectation of office, and if any serious consequences arise from the adoption of their advice will be found safely beyond its limits.

Those persons well understand the unstable elements of the Mexican character, the general ignorance of the people, their manifest dislike (although latent) to Americans, and the strong sympathies a large number entertain for Mexican institutions and its government as opposed to that of the United States; yet, with this knowledge, they have pursued a course, understandingly, from which, sooner or later, disagreeable consequences will undoubtedly arise.

As charges, both general and specific, have been made, and will be urged at Washington, against those who have administered the affairs of this Territory, an investigation into their conduct is due both to the people and themselves. If such an investigation should be ordered, I am satisfied it will be shown that the persons and property of the inhabitants of New Mexico have been protected to the full extent of the guarantee provided by the treaty with Mexico.

A separate paper will enumerate the documents which accompany this communication.

I am, respectfully, your obedient servant,
JOHN MUNROE,
Brevet Colonel U. S. A., commanding.
Major General R. JONES,
Adjutant General United States Army.

With all the information concerning the contest for power between the people and the military, as it had been presented by Colonel Munroe himself, the President directed the Secretary of War to instruct Colonel Munroe to abstain from all further interference in the civil and political affairs of New Mexico.

Here is the letter of instructions:

Letter of the Secretary of War to Brevet Colonel John Munroe, Fort Marcy, Santa Fé:

WAR DEPARTMENT,
WASHINGTON, *September* 10, 1850.

SIR: Your letter addressed to the Adjutant General, dated Santa Fé, New Mexico, July 16, 1850, having reached this Department, and, together with the documents accompanying the same, been submitted to the President, I am directed to make the following reply:

The President has learned with regret that any misunderstanding should exist between a portion of the people of New Mexico and yourself in relation to the government of that country, and hastens to relieve you from the embarrassment in which that misunderstanding has placed you.

I have now the pleasure to inform you that Congress has at length passed a law providing for the establishment of a territorial government in New Mexico. The President will proceed with the least possible delay to organize the government; and, as soon as it goes into operation, all controversy as to what is the proper government of New Mexico must be at an end, and the anomalous state of things which now exists there will be determined. You will perceive, however, that the same act (a duly authenticated copy of which accompanies this communication) also fixes the boundary between New Mexico and Texas, and that its operation is suspended until the assent of Texas shall have been given to the boundary established by the act.

Although there is little doubt that such assent will be given, yet, as some time must elapse before it can be obtained, it is proper that some instructions should be furnished for your guidance in the interval.

It is at all times desirable that the civil and military departments of the government should be kept entirely distinct. Although circumstances may occasionally arise which require a temporary departure from this principle, that departure should cease with the necessity which occasioned it. No necessity seems to exist at present for departing from it in regard to New Mexico. The country is represented to be tranquil; and, although the inhabitants have undertaken to establish a government for themselves without the authority of a previous act of Congress, nevertheless there is no reason to believe that in so doing they intended to throw off their allegiance to the United States; and, as the government they seek to establish is entirely consistent with the lawful authority and dominion of the United States in and over the Territory and its inhabitants, the President does not consider himself called upon to suppress it by military force. Unless, therefore, it should become necessary to suppress rebellion, or resist actual hostilities against the United States, (an event hardly to be apprehended,) or unless the inhabitants, or a portion of them, should demand from you that protection which is guarantied to them by the ninth article of the treaty of Guadalupe Hidalgo, you are directed to abstain from all further interference in the civil or political affairs of that country.

In case you should have any further communications to make to this Department in relation to the civil and political affairs of New Mexico, you will address them directly to the head of this Department.

Very respectfully, your obedient servant,
C. M. CONRAD, *Secretary of War.*
Brevet Colonel J. MUNROE,
Fort Marcy, Santa Fé, New Mexico.

To the letter of instructions I have just read, the Secretary of War, in his annual report to the President, of November 30th, 1850, thus alludes:

"Prior to the passage of the law establishing a territorial government in New Mexico, the inhabitants of that country had held a convention, adopted a State constitution, and proceeded to put it in operation. On the other hand, the officer in command of that military department refused to recognize the government thus established. To put an end to a conflict of authorities, which might be productive of unpleasant consequences, as soon as the above-mentioned law was passed, instructions were dispatched to the officer in command, to abstain from all further interference in the civil and political affairs of that country."

It was considered sufficiently important by the Executive here to send the letter of instructions of September 10th, 1850, *express* to Santa Fé, and it was placed in the hands of Mr. Henry Hardy, who delivered the same into the hands of Colonel Munroe, at Santa Fé, on the 22d day of October, 1850.

This positive order of his chief, Colonel Munroe neglected to obey. Keeping the people in ignorance of the tenor of his instructions, he continued precisely as before in the exercise of his power as civil and military Governor, during the entire *interval* (indicated in the letter of instructions) between the reception of his order to abstain and the organization of the territorial government, by the installation of Governor Calhoun, which took place on or about the 3d day of March, 1851; and thus with all its repugnant officers, whom the people had condemned through the ballot-box, continuing in power a government in which the military was supreme—in which he was supreme—a government which harassed and oppressed the people—which interfered with their religion—which disturbed congregations in the

control of their own temples—which fined and imprisoned the people without the intervention of juries—which taxed them without their consent—which embezzled the taxes when collected, and which scourged them without trial.

That Colonel Munroe continued to exercise power as civil and military Governor, after the arrival in Santa Fé of Mr. Henry Hardy, who carried out his instructions, up to the installation of Governor Calhoun, is well known, and, indeed, is notorious in New Mexico. But as this fact is not so well known here in Congress, I will produce a document to this point also.

This document has written across the back of it a note to me from Mr. Pillans, an honorable, though prejudiced and impulsive gentleman. The indorsement is as follows:

"Dear W.: At the last hour, and after I had closed and mailed your letter, I have received a transcript of the record, as the Clerk calls it—but the letter is wanting—yet I send this. Truly, yours,

"P. J. Pillans."

The document, indorsed as I have just read, is as follows:

In the Prefect's Court, Rio Arriva County.
January Adjourned Term, 1851.

Territory of New Mexico vs. *Francis Lopez et al.* } An action for trading without license in said county.

By order of the court, in compliance with instructions from Colonel John Munroe, dated at Santa Fé, January 5th, 1851, this case is dismissed.

On motion of the Prosecuting Attorney, it is ordered by the court, that the copy of Colonel Munroe's letter to the Prefect be entered upon the records of this court.

True copy: James Barry,
Clerk Prefect's Court, Rio Arriva county.

He received his instructions to abstain from all further interference in the civil and political affairs of New Mexico on the 22d day of October, 1850, and on the 5th day of January, 1851, directed a court to dismiss a suit.

This last matter, Mr. Speaker, of Colonel Munroe's neglect to obey orders, I have mentioned to show the blinding partisanship into which he permitted himself to be drawn, and the hostility which he, the military commander, had to civil government in New Mexico. There had been, then, no abatement of the antagonism between the military and civil authority up to the 3d of March, 1851, when Governor Calhoun was installed. Well, Mr. Speaker, Governor Calhoun entered upon the duties of his office, and his administration has been supported by the people, *because it in nowise resembles Munroe's.*

Governor Calhoun thinks, as I do, that the people of New Mexico are capable of self-government. He thinks, as I do, that they are not the miserable, degraded, and vicious people they have been represented to be by the adherents of the *immaculate* military government now in this city, whom the honorable gentleman from Missouri [Mr. Phelps] has vouched as *so respectable*. He thinks, as I do, that they deserve the kindly sympathy of the Government and people of the United States. He thinks, as I do, that their right freely to exercise their religion is guarantied as well by the treaty of Guadalupe Hidalgo as by the Constitution, and should not be infringed. He thinks, as I do, that the elective franchise should be respected, and that for the majority to govern is democratic—republican. He thinks, as I do, that the rights of the minority should be respected. He thinks, as I do, that kindness and justice attract, and oppression and injustice repel.

Yes, Mr. Speaker, you may feel sure that the honor and dignity of this Government will not be tarnished by Governor Calhoun. Yes, sir, and you, and this House, and the people of the United States, may be assured that the national character for sympathy with the oppressed will be illustrated by the administration of Governor Calhoun, in New Mexico.

The New Mexicans no longer feel as Helots—they know and feel that they truly have a voice in their own local government—they elect their own legislators, and make their own laws—they are sensible of their freedom. Their freedom commenced when the administration of Calhoun began, and that of Munroe ended.

By its fruits should a tree be judged. Let us see if the administration of Governor Calhoun, *not enforced at the point of the bayonet*, is supported by the people.

I read, Mr. Speaker, from a letter, dated Albuquerque, September 28, 1851, written by Judge S. M. Baird, (a gentleman well and favorably known to the whole delegation from Texas) to General Sam Houston, which I have been permitted to read and make use of:

"I must also apprise you of the fact that we have two political parties here, of rather a violent character, not divided by the lines which separate you in the States, but by a disposition on the part of a large majority who support the present Governor, Mr. Calhoun, in the leading policy of his administration, to promote the best interests of the Territory, (as I think,) and a disposition on the part of a faction, as I am bound to call it, headed and upheld by a violent abolition paper, edited by a man who pollutes the robes of a Presbyterian minister of our holy gospel," * * * "to do all, any and everything, to create any disorder, rebellion, or revolution, or spread any falsehood to carry their point, and bring the present administration into disrepute. Some of their emissaries will be in Washington, and if you could have the slightest interest in knowing such men, (ever plausible,") * * "they can be pointed out to you. *I called it a faction.* It is such, to all intents and purposes, made up of the disaffected, disappointed, and unfortunate, reminding me very much of the cliques that used to infest the city of Austin, and a few other points, during your last *successful* administration of the by-gone Republic; and from thence operating in all manner of dirty works in a manner sufficient to have '*deceived the very elect, if possible.*' Such a faction have we here, only tenfold worse; made up of worse material, and combined for fouler purposes," * * * "As an evidence that it is a faction, I will state that in the Senate, out of thirteen, they had —— one." * * * * "In the lower House they had seven—which they claimed, though several doubtful and fluctuating, and others laboring under the force of circumstances, which means in the main, *Government money.* And thereby hangs a tail longer than that of Burnill's pig."

It appears that out of a Legislative Assembly of thirty-nine members, the administration of Governor Calhoun was supported by thirty-one. *This is the verdict of the people that the government is administered for their benefit.*

When I arrived in New Mexico in the month of July last with my family, with no intention or desire to be a candidate for the office I now hold, I was met upon the frontier by gentlemen, bringing me a request from the majority of the Legislature then just adjourned, not to withdraw my name, then already before the people for election. These gentlemen told me that a number of the members of the Legislature had kept together after the adjournment *sine die*, hoping that I would arrive in time to see them before they separated. I was the candidate whom the people thought of; and those who have listened to the history I have given, will perceive that I have been no obscure actor in New Mexican affairs, and that it required no corrupt influence of the Governor to point me out to the people, or to elect me when pointed out. No, sir, when the oppressors of the people of New Mexico were strong and powerful, and hesitated not to divert, from their legitimate duty of chastising the Indians, the troops of the United States and use them—yes, sir, *the troops of this Republic* to oppress the people—I, sir, humble I, sir, did stand up in their defense, and everywhere—from the house tops—in English and in Spanish—did denounce the oppressors of the people and charge home upon them their corruptions—and when I review my past conduct in battling for the rights of an oppressed people, I can stand here, Mr. Speaker, and in your presence, and in the presence of this honorable House, with my hand upon my heart and say, it leaves *here* no pang behind.

Well, Mr. Speaker, the election for Delegate came off. It came off on the same day with the election for county officers, and the entire vote cast for the candidates for Delegate equaled that which was cast for county officers—in itself a sufficient refutation of the charge against Governor Calhoun that he corruptly withheld notice of the election for Delegate. And the result, Mr. Speaker—the result—the whole number of votes cast was 7,658. I received a majority of 592 votes, *excluding the precincts at Abiquiu*, where the election was adjourned over by the people, who erroneously believed they had a right so to do, and when, on the day after the election, I received an additional majority of 150, which, though irregular, is a *bona fide* expression of the popular will. I trust the honorable gentleman from Missouri will pardon my mentioning this fact, as it may seem to bear more upon my right to a seat here than to the defense of the Governor of New Mexico. In extenuation of my fault, if fault it is, I plead that the gentleman's assault upon Governor Calhoun, is calculated to throw suspicion on my holding my seat here, by another tenure than the fairly expressed popular will. I ought also to say that the comparison of the votes, and statement of the result, was made by Secretary Allen, and not by Governor Calhoun, as has been charged. So much for that accusation.

On my arrival in St. Louis on my way to this place, I published in the St. Louis Republican, the letter to which I have before alluded, and about the insertion of which, unmodified, I had so much contest with the editor. The letter speaks for itself. Here it is, sir:

November 13, 1851.

To the Editors of the Republican:

Gentlemen: Upon my arrival in this place I find the newspapers filled with the most excited accounts of affairs in New Mexico. The Governor, a gentleman of high character, nominated by a Whig President, and indorsed by a Democratic Senate, is charged with remissness in his duties, and a culpable disregard of the lives of the native citizens of his own country. The "murders," as they are called, of Burtinett and Skinner, are in public meetings attributed to his policy; the Mexicans declared unfit for self government, and as entertaining feelings of hostility of such a deadly nature towards Americans, as to make American heads sit lightly on American shoulders; and it is charged distinctly, that the policy of an American Governor has brought about this state of things. This is not all—the Judiciary is also brought in as *particeps criminis*. In the "Santa Fé Gazette," a paper of which I shall presently give the history, it was charged that Judge H. Mower "expressed satisfaction at the death of Burtinett," and that Judge Grafton Baker failed in his duty in the investigation concerning the death of William C. Skinner.

Upon the adjournment of the Legislature, it was treated to a "charivari," or a musical entertainment, in which tin pans were the instruments.

The same persons who have given currency to slanders and falsehoods, monstrous and deliberate, against the Governor, Judiciary, and Legislature of New Mexico, the three departments of the government placed over them by the laws of their country, are those who are now maligning the people of New Mexico.

They are mad, *and there is method in their madness.*

It will be recollected, that last year in New Mexico there was a contest for power between the military government (which no one in the United States need be told was entirely unauthorized by any law) and those who were the advocates of self-government.

As soon as the President was informed of the difficulty, an order was dispatched to Santa Fé directing Colonel Munroe "to abstain from all further interference with the civil and political affairs of New Mexico;" which order Colonel Munroe neglected to obey for several months after its reception.

Well, a territorial government was organized, and the military gentlemen ousted; and where do you suppose these now are? You will naturally answer, "why against the present government;" *and sure enough there they are.*

Among the enactments of the first Legislature under the territorial bill, is one defining the qualifications of voters, by which officers and soldiers are excluded from voting. What was the consequence of this? Why, they are *more* against the civil authorities.

When Colonel Sumner arrived in Santa Fé to relieve Colonel Munroe, he brought with him a train of empty wagons, and two days thereafter the head quarters were on the march to the Moro, one hundred miles from Santa Fé; and, in fifteen days after his arrival in Santa Fé, the body of the troops, which, under the command of Colonel Munroe, had been stationed in the larger towns, were on the march to the Navajo country. The healthful air of which region will, I hope, soon bring about the conviction that they are, *and ought to be*, the servants and not the masters, of the people.

The removal of the troops from the larger towns to the frontier, injured the prospects of the post sutlers and traders who dealt with the soldiers and quartermaster's men, and the *contractors*, and those who hoped to be contractors, to a considerable extent; and, in fact, the activity and energy of Colonel Sumner, which are giving so much satisfaction to the great body of the people of New Mexico, has at one blow broken to pieces the pet money making scheme of many a hay contractor, corn dealer, and sutler.

When it is known that in New Mexico the removal of the troops from the larger towns to the frontier was generally attributed to the influence of the Governor and the undersigned, the public will be at no loss to discover how the traders, sutlers, and contractors arrayed themselves.

Cotemporaneous with the arrival in Santa Fé of the energetic Sumner, came an order from Washington with a view to the curtailment of the wasteful expenditure of public money, directing the quartermaster to dismiss all the citizen employees in the department. The operation of this order threw suddenly out of employment upwards of one hundred men.

This order also was in New Mexico attributed to the influence of the Governor and the undersigned, and the quartermaster's men arrayed themselves accordingly.

And where were the judges, prefectos, alcaldes, alguasiles, &c., who held office under the military government? Why, where you will naturally suppose—against the present government.

These are some of the classes arrayed against him whom your correspondent, "Mack," truly calls "the good old Governor."

But the whole cannot be understood without the promised history of the Santa Fé Gazette; and surely the *only* press in New Mexico deserves the little history I have promised.

The press from which issues the Santa Fé Gazette was originally taken to New Mexico by General Kearny, to be used during the war as a means of communication with the people; after the ratification of the peace it was ordered to

be sold by the War Department, and was sold while Captain Reynolds was temporarily in command in his department in Santa Fe. It had been considered quartermaster property, and was offered for sale by the quartermaster. The press was sold by auction to the highest bidder, *but at neither of the points to which public attention had been directed as the place of sale*, and fell into the hands of an employee of the quartermaster, though a bidder was on the ground eager and anxious to buy for $1,000. This bidder, Mr. Love, the son-in-law of the present Governor of New Mexico, while still waiting on the ground to which public attention had been directed as the place of sale, was informed that *the press was sold, and at the price of* $180. Mr. Love immediately waited on Colonel Munroe and gave information of the facts. Colonel Munroe immediately passed over the intervening steps between his quarters and the quartermaster's office, but was too late, the money had already been paid and *the press delivered*.

The excitement in Santa Fé may readily be imagined. This took place during the heat of the struggle between the State party and the adherents of the military government. The quartermaster, Captain Reynolds, asked for a court of inquiry, and a court was convened, to inquire, first, "if the sale of the printing press was legal or illegal," and second, "if illegal, what connection had Captain Reynolds with it." When the court convened, the undersigned made in writing an application to be permitted to prosecute the first branch of the inquiry. To this application the court informally made reply that it had no authority to grant the request; that it should be made to Colonel Munroe, the officer convening the court. The undersigned then made application to Colonel Munroe, who, in writing, declined.

The inquiry resulted in the court giving the opinion that the sale was legal, and Captain Reynolds was honorably acquitted of all blame.

The next paper, or extra, which issued from this same press, was under the editorial control of J. Houghton, chief judge under the military government, and T. S. J. Johnson, chief clerk of Captain Reynolds; and from that day to this has (either as editor or proprietor) been under the control or influence of Mr. Johnson, who has, from that day to this, been an advocate for the political advancement of his immediate chief. It was on the occasion afforded by this inquiry that Captain Reynolds, in his defense before the court, let off the following eloquent passage: "I am an officer of the army, and scorn to follow in the dirty mazes of political intrigue and political corruption."

The Santa Fé Gazette has been and is the opposer and reviler of the Executive, Judiciary, and Legislature of New Mexico. Two of its proprietors offered the violent resolutions against the good old Governor in the meeting held in Santa Fé soon after the news of the death of Mr. Skinner reached that place.

If one of these proprietors, Mr. J. L. Collins, was as well informed in the simplest principles of law as he is skillful in his *profession of monte dealer*, he would never have held the Executive accountable for not performing judicial functions—for all this outcry against the Governor amounts to this, and no more, that the Governor is expected by these excited persons to arrest or have arrested, to try or have tried, to punish or have punished, certain persons charged with the commission of crimes. It should not be necessary to instruct a well-informed school-boy of sixteen that these functions appertain to the judicial department of the government, and that for the Governor to interfere with them would be a gross impropriety. If he ordered the marshal to arrest a citizen, the marshal would undoubtedly disobey him; and if he attempted to control a judicial investigation he would be punishable for contempt of court. It may be that Mr. Collins, too, was excited by the removal of the troops; if rumor be true, he thereby lost some of this best customers, for I have never understood that he felt himself constrained by any scruples of conscience to refuse the bets of officers, whether they belonged to the line or the *disbursing* departments.

Mr. T. S. J. Johnson, another of the proprietors of the Santa Fé Gazette, at the same meeting, introduced resolutions denunciatory of the Governor.

The Governor's friends in the United States will doubtless feel anxious for his fair fame, when informed that Mr. Johnson was an officer of the army; but their anxiety will abate by learning that he is no longer one. He was cashiered for embezzlement and peculation, and this sentence was read at the head of every regiment and company in the service.

But the public cannot know the Santa Fé Gazette without being introduced to its editor. He arrived in New Mexico in the garb of a *missionary*—a minister of *peace*. He brought with him a number of copies of a pamphlet. This pamphlet is published in English and *Spanish* by the American and Foreign Anti-Slavery Society, and is entitled "Address to the Inhabitants of New Mexico and California, on the omission by Congress to provide them with a territorial government, and on the social and political evils of slavery."

The pamphlet has eleven chapters, as follows: 1st. Increase of population. 2d. State of education. 3d. Industry and enterprise. 4th. Feeling towards the laboring classes. 5th. State of religion. 6th. State of morals. 7th. Disregard of human life. 8th. Disregard for constitutional obligations. 9th. Liberty of speech. 10th. Liberty of the Press. 11th. Military weakness. And the *moral* of the whole may be gathered from the concluding paragraph. Here it is:

"Such, inhabitants of New Mexico and California, is the 'detestable institution which a few haughty and selfish 'men are endeavoring to force upon you, to augment their 'own political power, and to open new markets for their 'human cattle; and such are the calamities which their 'success will entail upon you and your posterity for ages 'to come. Every dictate of patriotism and of Christian 'benevolence impels us to resist to the uttermost the extension of this abomination of desolation over the new, 'fair, and vast addition recently made to our Federal Union. 'Much as we may prize this splendid acquisition, may it 'be forever lost to us rather than it shall be converted by 'the American people into a region of ignorance, vice, 'misery, and degradation, by the establishment of human 'bondage. We wish you to be a free and happy portion of 'our great Republic; but if the condition of your union 'with us be your submission to the mandates of slaveholders, 'we counsel you, we implore you by all your obligations to 'your God, yourselves, your children, and to the opinions 'of the world, to spurn the loathsome, the sinful condition.

"You have all the elements essential to the creation of a 'great, prosperous, and *independent empire*. If you can 'not be free, happy, and virtuous, in union with us, *be free, 'happy, and virtuous under a Government of your own*. 'But you are not reduced to such an alternative. The slaveholders have refused you a territorial government—*form 'one for yourselves*, and declare that no slaves shall taint 'the air you breathe. Let no feudal lord with his hosts of 'serfs come among you to rob you of your equal share of the 'rich deposits of your soil. Tolerate no servile caste, kept 'in ignorance and degradation, to minister to the power and 'wealth of an oppressive aristocracy. BE FIRM AND 'RESOLUTE IN DECLARING FOR INDEPENDENCE, 'unless exempted from the curse of slavery, and the whole 'North will rally in your behalf."

The missionary who brought with him to Santa Fé this pamphlet, and has scattered it broadcast in New Mexico, has of late abandoned preaching altogether, and devoted himself exclusively to editing the Santa Fé Gazette, *in the columns of which paper is now being reproduced, by chapters, the amiable document to which I have alluded*.

If you wish to see the editor, go to Santa Fé and ask for *Padre* Kephart.

In thus parading for the inspection of an admiring public some of the influences which are combined against the government in New Mexico, I wish to be understood now, once for all, that while I desire to be understood as being general, *very general*, in my remarks, I do not mean to be *universal*. I know there are merchants, officers, quartermaster's employees, soldiers, and, for aught I know, sutlers and contractors, who are not governed by the influences I have here laid bare; men who, while belonging to the classes here described, stand aloof, or are supporters of the Governor. It must not be supposed that all the Americans in New Mexico are opposed to the Governor. Of those who have really determined to make New Mexico their home, who have married in the country, or, having their families with them, have settled there, the great majority are his supporters; and excluding those who belong to one or other of the classes above enumerated, I know *but a handful of the bona fide settlers in New Mexico who are not his supporters*. But the Americans in New Mexico do not number more than six hundred, all told, and this includes the employees of the quartermaster; while the Mexican portion of the population exceed sixty-five thousand. How do the latter stand affected towards the Governor? The absurd talk of your numerous correspondents about his policy bringing about a war between the races, &c., &c., all goes to show, to prove, where they are. They are against the revilers of the Governor; they are against the revilers of the Judiciary; they are against the revilers of the Legislature; they are against the maligners of themselves. If there is any danger of a civil war in New Mexico, *from what quarter may it be apprehended?* If there is danger of a revolution in New Mexico, *who will be the revolutionists, and who the supporters of the authorities placed by the Government of the United States in that Territory?*

When the excited and disaffected persons who, frothing at the mouth with imagined zeal for public justice, and feigned fear of personal danger, were uttering threats of *hanging* the Governor and chief justice, who were they who sent to the Governor and offered to place at his disposal troops, paid for by themselves, for the protection of the United States authorities? Why, New Mexican born citizens of the United States.

The indignation I feel at the unwarrantable assaults upon the characters of officers diligently exerting themselves in their respective departments for the public weal, is far less than at the systematic efforts for a length of time persevered in to malign the character of the people of New Mexico. These officers stand before the people of the country, indorsed by their Government; and from their fellow-citizens of the States, from which they were respectively appointed, scores of friends would, if necessary, rise up in their defense. Not so with the people of New Mexico. And could the malice of a few designing persons be consummated, the happiness and well-being of sixty-five thousand people would be prostrated. The military would be recalled from the frontier, again to be superior to the civil power, and again to harass a law-abiding people.

But, no, this will never be. The troops will not be recalled from the frontier, again to garrison the towns; commanding officers of posts will not again be three-tailed bashaws in New Mexico; the object of chastising the Indians will be vigorously prosecuted, and all the economy consistent with this object rigidly enforced. Nor gentlemen contractors, sutlers, and traders, and office-holders in the military government, need you prolong your apprehensions that crime will go unwhipped of justice; you may safely lay them aside; the criminal courts will all be held, murder will not go unpunished, and should any disaffected persons carry out the design *they say* they entertain of putting to death the authorities placed over them by the Government, *they* too will be punished *for levying war against the United States*.

The murders, as they have been called, of Burtinett and Skinner, about which so much has been said in your paper by Santa Fé correspondents, are now in process of being judicially investigated, and I doubt not justice will be done; at all events, it is premature to condemn before the facts are known. With Mr. Skinner, who was a resident of this city, and for the bereavement of whose relatives I have much sympathy, I have had relations of a peculiar nature; I was his captain when the American troops under Kearny took possession of Santa Fé; and this consideration, independent of all others, would induce me to tread lightly over the ashes of the dead. But regard or even affection for the dead should not prevent us from rendering justice to the living. Mr. Juan Christobal Armijo, charged with the unlawful killing of Mr. Skinner, is a gentleman of the highest honor and integrity, measured by the best standard in the United States. He has talents, wealth, and influence, and is esteemed and loved by rich and poor for his kindness of heart and purity of life.

The committee who reported to the excited town meeting say, they "believe that his excellency will not call out 'the militia, or take any steps to protect the American citizens of Bernalillo, *further than to see that the common, 'uncertain, and dilatory course of the law is taken*." The committee then go on to say: "This we believe, from the 'fact, that the murdered man was a political opponent, and 'from the indifference manifested to the transaction in 'which we found him, and he exhibited throughout our 'consultation with him." The committee in all charity, might have given the Governor credit for better motives of action, and to discover others they need not have gone beyond his oath of office, "*to see that the laws be faithfully executed*," to convince them that he should be the last person in New Mexico who should take one step beyond those laws. The Governor did not call out the militia, I suppose, for the simple reason that he apprehended no resistance to the laws, and, I may add, *there has been none*.

Judge Baker, in his letter, republished in the St. Louis Intelligencer, says:

"Much was done in Santa Fé for a day or two before I 'went to Bernalillo to produce the impression that a state of 'civil war existed in that county, and that it would be unsafe to venture there without the aid of a strongly-armed 'posse; and I was really led to apprehend the existence 'there of a dangerous state of things; but upon my arrival 'I found the people in a state of perfect quietude. And I 'must do the Mexican population the justice to say, that the 'respect shown by them for the court, and the marked decorum observed throughout the investigation, I have rarely 'seen equaled, and never surpassed, by the people of the 'States of the Union."

The Governor is well aware of the conspiracy which exists in New Mexico to bring about the belief in the United States that there is danger of the Mexican part of the population revolting against the Government of the United States. He is aware, also, of the aims and objects and interests of those who would bring about this belief, and so is the undersigned, the Delegate of the people of New Mexico. The Governor knows of the various and sundry rumors of revolution which from time to time have been set on foot, and of their utter falsity. He is accustomed to this sort of clamor, and knows what estimate to put upon it. His recollection had indeed been refreshed. The rumors of the revolution in Taos county, the attack on, and destruction of, the "St. Vrain mills," and of the movement of troops consequent thereon—the public in the United States were advised of all this through the public prints; but they have not been advised that, upon the arrival of the troops ordered from Santa Fé, they found the people of Taos county peacefully cultivating their fields and guarding their flocks and herds, and the *St. Vrain mills in active operation, grinding flour for the government*, in which laudable object long may they persevere.

The revolution of Bernalillo county is another rumor of this same sort. The committee, as they called themselves, informed the Governor that it would be only prudent to take with him to Bernalillo for his protection two hundred armed men, and one of the committee was kind enough to offer to raise fifty armed men at his own expense. The Governor declined the offer, saying that he would take no armed men with him, that the whole was mere rumor. To this was replied, "that governors of New Mexico had lost their lives by not paying attention to rumor." The commentary on all this is, that the Governor, in company with Chief Justice Baker and Judge Watts, the interpreters, and a few friends, went to Bernalillo; but what was more, stopped at the house of the very man who, it was represented, intended to inveigle him into his house to assassinate him, and the Governor purposely stayed with this very man *alone* in his house for several hours. The gentleman with whom he stopped was Ambrosio Armijo, who will favorably compare, in all the virtues which adorn a man, with *the most respectable* of those who figured in the public meeting, either as committee-men or otherwise.

The public doubtless suppose that those whose names appear in the proceedings at Santa Fé as the "committee," are the only persons who waited on the Governor. Not so. A large body of more than fifty persons, many of them armed, with unseemly deportment, thrust themselves upon the Governor's privacy at night, when enjoying with his friends the fireside game of whist, demanding that he should consent, then at once, to call out the militia, to call out *them* as the militia; an act which would have inflicted a deadly blow upon the character of the people, and would have gone far to establish in the United States the belief that anarchy and confusion prevailed in New Mexico—*the first step in bringing back the troops and military rule*. That this result is hoped for appears from your correspondence from New Mexico. In your paper of October 28th, are letters from various points. From a letter dated Santa Fé, September 27, I clip as follows:

"Santa Fé is dull, very dull; dull in the superlative de'gree. The headquarters of the army have been removed 'from here to a place where there are said to be some holes 'of water in the prairie, (and here called "Holes in the 'Prairie,") somewhere north of Barclay's fort. Money 'seems to have taken its flight with the army. The glory 'of Santa Fé has departed, I fear me, forever. I yesterday 'was told by one of the chief merchants of the place, that 'for the last twenty days he had not paid expenses. But 'the hope of better times is entertained by us all, and gives 'us some comfort."

And from a letter from Albuquerque, September 24, as follows:

"I much fear a civil war, as, when this news reaches 'Santa Fé, no doubt from the excited state of the public 'mind, a large body of Americans will be disposed to take 'the law into their own hands, punish those concerned in 'this affair, and in that of those who killed Burtinett. All 'this has grown out of the ill-feeling of the Mexicans to-

'wards the Americans, and if Congress does not do some-
'thing for us, a general war of the races will be the result.
"*Troops will have to be stationed in the towns* to prevent
'bloodshed. Most of the army are now on a campaign
'against the Navajoes."

The sketch here presented is very imperfect, but the contest which my opponent, Captain Reynolds, has formally advised me will take place, will afford me the opportunity of developing the whole. The testimony will show how furloughed and discharged soldiers, among whom was *Burtinett*, and quartermaster's employees, among whom were two wagon-masters, to wit: Glasscock and Ormsby, with their comrades, made an assault on the polls at the ranchos of Albuquerque; how, after the firing of pistols, they knocked down one of the judges of election, leaving him stunned and apparently dead upon the ground; how they took possession of the polls, driving away the Mexicans; how several pistol-shots were fired at an old grey-headed man, *because he was the prefecto's father;* how the Mexicans, rallying in support of the freedom of elections, regained and reopened the polls; how a number of armed Americans, traders, contractors' employees, &c., accompanied by an officer of the army, by violence and intimidation, delayed and prevented the voters from the opening to the closing of the polls at the ranchos of Taos; how, in defiance of the law, officers voted or attempted to vote; how they sent their soldiers to vote or attempt to vote; and how the election of Captain Reynolds was attempted to be carried by a system of organized violence at the polls. The religious excitement gotten up in his behalf should not be forgotten, nor *the election tickets headed with the Catholic cross.*

The contest which Captain Reynolds has promised, will afford me the opportunity of laying bare all the combinations and designs in New Mexico, and the unwarrantable means resorted to to carry out those designs.

From this contest I beg Captain Reynolds to let no consideration whatever induce him to withdraw; and I promise him to make an exposé of affairs in New Mexico, in which he himself shall not escape unscathed. I mention this to keep him up to the mark. If he has an atom of chivalry, and his is the "glorious profession of arms," he cannot now withdraw.

This communication has been extended far beyond what I originally intended, though my effort has been to condense as much as possible.

There are many parts of this communication disagreeable to me, but I do not feel at liberty to withhold from the public any fact which may throw light upon the designs of those who are maligning the law-abiding people who have honored me with their confidence.

In the face of all the stories of revolts and anarchy, confusion and revolution in New Mexico, I here throw down the gauntlet, and defy the maligners of the people of that country to *cite and substantiate a single instance* in which the New Mexican citizens of the United States have offered resistance to the execution of the laws, to which, since the treaty of peace, they have owed allegiance.

R. H. WEIGHTMAN,
Delegate of New Mexico.

Before making any comments on this letter, I desire to say, that beside the correction of some typographical errors, I have altered a single expression since its publication in St. Louis. At the time of writing the article, I did not recollect a single *bona fide* American settler in New Mexico, not embraced in one or the other of the classes I had described, who was not the supporter of Governor Calhoun. I have, however, subsequently recollected five or six who are not his supporters; and I have, therefore, stricken out the words *not one*, and substituted *but a handful*.

The letter I have just read, is the one which the editor (junior) of the Republican hesitated to publish; the objection being to my allusion to *the profession* of Mr. Collins, one of the proprietors of the Santa Fé Gazette; and this was the objection, after the publication in his columns of much of the matter charged against Governor Calhoun, which has been reproduced on this floor by the honorable gentleman from Missouri, [Mr PHELPS,] who has indorsed all the signers of the letter to the President, from which he has quoted, and declared, if I have not misunderstood him, that their statement is sufficient—taken with the proceedings of the public meeting held in Santa Fé—to justify the President in dismissing Governor Calhoun from office. The editor (junior) of the Republican said, that he did not know that to be a gambler in Santa Fé made any difference; perhaps the gentleman from Missouri may think so also. For my part, I am free to say that such a calling or vocation is not improving to the morals, either of those who exercise it, or of those *for whose benefit* it is followed. And on this point, Mr. Speaker, I will produce a document also. It is an advertisement from the *National Intelligencer* of January 12, of this year, and is as follows:

CAUTION TO THE PUBLIC.

QUARTERMASTER'S OFFICE,
WASHINGTON, *January* 10, 1852.

Whereas certain drafts, purporting to be those of an officer of the quartermaster's department, on Major General Thomas S. Jesup, Quartermaster General, have been presented for payment, which drafts are forgeries, it becomes necessary to issue this caution, in order that the public may be on its guard should other drafts of a like character be in circulation.

The drafts presented as above bear the forged signature of Captain L. C. Easton, Assitant Quartermaster United States Army. They are numbered 173 and 174, dated Assistant Quartermaster's Office, Santa Fé, New Mexico, 1st July, 1851; the one for $2,350, the other for $5,000, and both in favor of Gustavus McHarcourt, formerly a clerk in the employment of Captain Easton, recently stationed in Santa Fé. They bear on their face the forged signature of Colonel E. V. Sumner, approving the same.

Said McHarcourt has been reported to this office as having committed extensive frauds on his employer, Captain L. C. Easton, and it is feared he has defrauded the community to a large amount by means of forged drafts similar to those described.

This caution is given that all may be on their guard against receiving drafts whether in favor of or indorsed by said McHarcourt. It is believed there are no genuine drafts of Captain Easton's outstanding on which the name of McHarcourt appears in any way.

By direction of the Quartermaster General:
WM. A. GORDON, *Chief Clerk.*

Now, what is the history of this. This young man (McHarcourt) was taken to Santa Fé, from some of the States, by Captain Easton, one of the most honorable gentlemen who holds a commission from this Government—he was taken to Santa Fé because of his knowledge of business, and the extraordinarily high evidences (testimonials of officers in whose employ he had previously been) to his *uprightness and integrity*. McHarcourt acquired in Santa Fé a taste for *monte*, and, without the knowledge of his employer, indulged that taste—lost—forged his employer's name, and fled to Chihuahua.

The *St. Louis Republican* letter I have just read, Mr. Speaker, has been denied from various sources—the flutterings of the wounded have been astounding—eight or ten columns of denial and abuse of myself at the very least, sir.

I will not abuse your patience and that of this House by taking up all the parts of, or indeed all of the denials themselves. I will, however, mention some of them.

Mr. Collins denies that Colonel Munroe ever interfered in the civil and political affairs of New Mexico. He also denies that my history of the sale of the printing press is correct. But what part of it is incorrect? Does he deny that I applied to prosecute?

I read my letter of application to the court to be permitted to prosecute. Here it is:

SANTA FE, *February* 22, 1850.

SIR: I desire to inform you, and through you the court of inquiry now sitting, at the desire of Captain A. W. Reynolds, that it is my intention, should there be no prohibition, to attend the sittings of the court. My interest in this matter grows out of the fact that I, with other gentlemen, was prepared to bid through an agent the sum of $1,000, should the same be necessary, for the purchase of the printing press which was recently sold for $180.

It will be in my power to direct the attention of the court to correspondence which has taken place on this subject, which may throw some light on the subject under investigation; and to show, should I be permitted so to do, that the sale of this important engine was not made at the point to which public attention had been previously directed, and that, therefore, the public did not all alike have an opportunity of purchasing, as the law intends they should have. Very respectfully,

R. H. WEIGHTMAN.

Brevet Lieutenant Colonel ALEXANDER.

On my presenting this letter to the court, it was cleared of outsiders, for consultation, as is usual with military courts; and when the doors were reopened, I was informally, politely, courteously told by Colonel Alexander, a personal friend, for whom I have much regard, that the court was of opinion that they had not the power to grant my request, and that application should be made to the officer convening the court. That officer was Colonel Munroe, and to him I, on the next day, addressed a letter, of which this I now read is a copy:

SANTA FE, (N. M.,) *February* 23, 1850.

SIR: I have been permitted to see the order convening the court of inquiry now sitting in this city.

I perceive there are two subjects for the investigation of the court—first, to inquire if the recent sale of the printing press was legal or illegal; and, secondly, if illegal, did Captain A. W. Reynolds know of this illegality?

Believing that the sale of the press was illegal, I desire to be considered in the light of prosecutor for the first branch of the investigation, and by this letter make application to be placed in that position, and invested with the rights and privileges of prosecutor.

Towards Captain Reynolds I do not desire to occupy this attitude.

Very respectfully, R. H. WEIGHTMAN.

Brevet Colonel JOHN MUNROE,
Military and Civil Governor.

To which letter Colonel Munroe returned the answer I now read. This is original, and not a copy:

SA TA FE, (N. M.,) *February* 23, 1850.

SIR: I have just received your letter of this date, asking to be placed in the light of prosecutor in the investigation now pending, in relation to the recent sale, under the direction of Captain Reynolds, A. Q. M., of a printing press, the property of the United States, and beg leave, in reply, to decline authorizing you to occupy that position.

I am, very respectfully, your obedient servant,

JOHN MUNROE,
Brevet Colonel United States Army, Commanding.

To R. H. WEIGHTMAN, Esq.

Does he deny that Captain Reynolds was acquitted? No. Does he deny that the next issue was under the editorial control of J. Houghton, chief judge, and T. S. J. Johnson, chief clerk? Here is one of the papers, Mr. Speaker, having at the head St. Vrain, proprietor, and Houghton and Johnson, editorial committee. Does he deny the eloquence of Captain Reynolds? It is on file in the War Department.

He does, however, deny that Mr. Johnson is *now* an owner of that press. If I have made a mistake here it is not my fault.

The first few numbers of the Santa Fé Gazette contain the prospectus, which, amongst other matters calculated to attract subscribers, contains the announcement that the proprietors are J. L. Collins, T. S. J. Johnson, and Hugh N. Smith. At the head of the numbers containing the prospectus, there is on the first page, left hand side, J. L. Collins & Co., proprietors, and so have the subsequent ones, up to No. XLII of that paper, issued January 31st, 1852, the last arrival from Santa Fé. Soon after this denial of Mr. Collins, I carefully looked over the imperfect file of the Gazette in my possession, for any notice of change of owners, and could not find it. But it may be there, or in numbers not in my possession. But the *present* ownership is not important, and for the purposes of the argument, and in the spirit of *conciliation and compromise*, I admit that I might have been mistaken on this point.

Messrs. Glasscock & Owmsby, the wagon-masters, have denied that my account of the death of Burtinett, at the polls at the ranchos at Albuquerque is true. Judge Baird will speak to this matter, though I contend that no testimony on this point is necessary, as it was charged in my answer to Captain Reynolds's notice of intention to contest, and trial of the facts by sworn testimony *they dared not meet.*

Here is the letter from Judge Baird to me; it will speak for itself.

SANTA FE, NEW MEXICO,
January 31*st*, 1852.

DEAR SIR: I have to acknowledge, by the last mail, the receipt from you of one newspaper containing the message and reports of departments, for which you will be pleased to accept my thanks.

With the exception of some depredations by the Gila Apaches, confined to the Rio Abajo and the Jonada, I can congratulate you on the prosperity of our Territory, surpassing that of any period since she has been occupied by the United States Government. The army and its dependants, I believe, have concluded to let us alone here, and confine their operations to Washington and the newspapers of the States. This is well enough, for it leaves us quiet here, but for the interest we feel for our friends charged with our affairs at Washington, and rids us for the time being of a set of men by no means essential to our prosperity or *moral culture. Has monte been opened in Washington yet?*

You request that I should give a detailed statement of the Burtinett and Skinner affair, at Los Ranchos. I cannot at this time enter into lengthy details, as I only received a notice of your request at Albuquerque on yesterday at dinner. I started immediately after, and have just arrived here, with but little time before the departure of the mail, and very tired. Nor do I deem a detailed account necessary. It certainly is not necessary to me, because I knew the object of the visit to Los Ranchos before the catastrophe had occurred. In regard to Burtinett, I shall, therefore, confine myself chiefly to what I know.

On the day before the election, Mr. Candido Ortiz (who has recently acknowledged the error of his ways) came to my house, and in the course of conversation asked me if I intended going to Los Ranchos on the day following, to which I replied in the negative. He then asked me where I would be on the day following? To which I replied, that I supposed I should be in my house the greater part of the day. He then remarked that he should be at Los Ranchos, and that he should, without doubt, fight with Don Ambrosia Armijo, (the prefect.) He repeated the expression, to which, as well as I can recollect, I replied, "Very well;" regarding it as mere gasconade. I, however, that morning went to the polls at Albuquerque, for the purpose of voting, and looking on to see that no injustice was done. And, I must say, that the Mexican population, when left to themselves, are the most orderly people I have ever seen at an election. I have attended two, for the purpose of voting and looking on. Their custom is to open the polls by read-

ing the proclamation of election aloud. They all take their seats, draw their ojas, punche, flint, and steel, and, like philosophers, fall to smoking, and conversing in the most courteous and affable manner, about everything but the election. One party gets through voting before the other intrudes. Then the judges announce that they are ready to receive the votes of the other party. It must be understood that this is the case only in precincts where Americans are absent; and, I regret to say, that this system of good order and harmony was interrupted on the two occasions alluded to, where I was present, by the intrusion of Americans, who had not even a right to vote at the precinct in question, and some of them, under the law, no right to vote at all.

It must also be understood, that breaking up an election in this country is regarded as a masterly political movement by those who now style themselves "the *unfortunate* party." On the morning of the election, I saw nothing of Mr. Ortiz, or the Americans concerned in the affair at Los Ranchos, until a number of votes had been taken, when Ortiz, and I think some twelve Americans, entered the room, Rafael Armigo being with them. Some of them, and Ralf among that same, had bottles of liquor in their hands. Some of the Americans who were from Santa Fé presented themselves to vote, to which the judge objected. (Burtinett was one of them.) They immediately assumed a threatening manner towards the judges, who, it was evident to my mind, were intimidated. I then spoke to the judges, and advised them to receive their votes, placing the objection opposite their names, on the poll book. It was accordingly done. Oritz, and voted. One of those veracious Americans pledging himself that Burtinett had been discharged, which was a falsehood. He was only on furlough. Then, there being no pretext for a riot there, they left, I knew not whither at the time. After they had left for the ranches, I was informed they had gone in a body for that place, for the purpose of doing some violence, and my informant stated that one of the party had importuned him for his pistol until he let him have it, stating that unless certain things, as to which my memory is not distinct, were done at the ranchos, there would be blood shed, &c. You must recollect that the ranchos give a large majority against the party to which these men belonged, and it was, I believe, generally well understood, that a part of the system of the opposition was to break up the elections at all the precincts giving large majorities against them. How the impression got out I know not. About the time they were preparing to start for the ranches, two young men, natives of Ireland, by names of Gleason and Welsh, came over from Captain Walker's camp, from the opposite side of the river, (where they were encamped en route for California,) for the purpose of voting for Captain Reynolds, Gleason having been in his employment for some time anterior. They were there told by some of the party that they would have to go to the ranchos to vote; that no Americans were permitted to vote at Albuquerque, (utterly false,) and thus these two unsuspecting young men were decoyed into the difficulty, and Welsh badly wounded. This was told me by Gleason afterwards. Ortiz returned in the evening wounded; and it was rumored among the crowd that he said he had shot the president of the election, Atanacio Montoya. The people remained quiet and composed, notwithstanding a lengthy harangue from Rafael Armijo to excite them. I went to the ranchos next day, saw Montoya wounded on the head; saw Burtinett dead; one Mexican shot in the arm; several Americans wounded. There was one missing, who came into Albuquerque next day, stating that he had broken jail through a window. As no one has ever been found who knew anything of his confinement, it is generally supposed that he sought shelter in some out-house during the panic, and fancied himself imprisoned, and broke out of the window while the door was open. Don Juan Armijo states distinctly that Glasscock shot at him five times, with a pistol, before any attempt at defense was made on the part of the citizens. If any one doubts the hospitality and kindness of the people of the ranchos, he has but to go there as a gentleman, to change his opinions. I live neighbors to them, and have never had better neighbors in any country. If those men had succeeded in breaking up the election, I have no doubt that the whole plan, and its success, would have been matter of boasting. Bear in mind that some of these men, as I am informed, presented themselves at the ranchos to vote, after having voted at Albuquerque, and the refusal on the part of the judges was made the pretext for the riots.

In regard to the affair of Skinner, I can add but little to the testimony that has been published, although it was badly reported. On the evening of that unfortunate occurrence, I was busily occupied in attending to some out-door work, when Mr. Thomas—whose veracity no one will doubt who knows him—arrived at my house on a visit. Not finding me at the house, he came to the field where I was, and, after passing the usual compliments among friends, he remarked, in rather a jocose manner, that he had met Skinner and Saracino on the road to the ranchos, and that Skinner seemed to be in quite a passion, and was going to the ranchos to cowhide or horsewhip some one. About this time Lieutenant Robertson approached us in haste, and advised us that Skinner was killed, which cut the conversation of Thomas. Robertson remarked, in substance, that the Americans in town felt some apprehension in going to see about the matter, and desired me to go, as I was on good terms with the people of the ranchos. I did so as soon as possible, and was the first to arrive there from Albuquerque. About the time I was ready to start I received a note from Don Ambrosia, informing me of the same fact, and requesting my presence. When I arrived there I found Skinner lying in the position in which he had fallen. An inquest was immediately summoned, and examined his body, and then, with the assistance of some Americans who had subsequently arrived, and Mexicans, we removed him to a room and laid him out. Mr. Webber and myself stayed all night at Juan Christoval's, where Skinner was, and were very kindly treated. Juan Christoval spoke to me to take the matter in charge as his counsel. I did so. When I returned home I questioned Mr. Thomas further, when he detailed to me the facts, as contained in his testimony. I have not a doubt but that Skinner unfortunately fell in the rash attempt to carry out his threat, as made to Thomas. I know nothing more than what is contained in the testimony as published.

I well know that the dire hostility that has been entertained towards the people of the ranchos has arisen wholly from the fact that they give a large majority of votes against the political interests of those who are harping upon these matters. I have shared some of it myself. This you can use as you please; but I do not wish to figure in the newspapers, unless absolutely necessary.

Yours, truly, S. M. BAIRD.

Hon. R. H. WEIGHTMAN, M. C.

Of all the deniers, Padre Kephart seems most desperately wounded. I call him Padre Kephart, because his political friends have always complained that the Catholic clergy of New Mexico generally entered into politics, and on our side, and have inveighed against the political influence of the padres; and in an editorial of the Gazette, he being editor, he spoke of a certain majority his friends could achieve, if *the Padres were tied up*. Now, it always struck me as extraordinary, that a Protestant padre should speak so unkindly of the Catholic padres for doing exactly what he was then doing, and without so good a reason; for I here take occasion to say, that until their order was attacked by the Secretary of the Territory, the circuit judges, the prefectos, and alcaldes under the military government, *they did not generally take part in politics*. Their order and religion was assailed, and they defended themselves by using their influence against their oppressors, and in favor of those who thought that all religious denominations should be permitted, each for itself, to arrange its own religious affairs, without intervention of secretaries, judges, prefectos, or alcaldes.

And now I ask, is it anything extraordinary, that the Catholic clergy of New Mexico have taken part in politics? Imagine, *if you can*, Mr. Speaker, either of the political parties here to have assailed any religious denomination in the United States—the Methodists for instance—as the Catholics in New Mexico were assailed; and let me ask, if you would be surprised to see the clergy of that denomination raise their voices against the party who thus outraged their rights, and the laws of the country?

Captain Reynolds, the contestant, denied in sweeping and general terms; and so has his *tried* and *trusted* clerk, Mr. Johnson. Mr. Johnson, in a communication to the St. Louis Times, says *that I knew*, when I made my allusion to him, that *no moral* blame attached to him, &c., &c. This is a serious charge which Mr. Johnson has made; it intimates insincerity on my part, and I must defend myself. Here is another document, Mr. Speaker, which I will read to the House; and if any member will rise in his place, and say that truth requires me to take back the words I have used towards Mr. Johnson, I will cheerfully do so.

GENERAL ORDERS—No. 22.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
WASHINGTON, *May* 30, 1845.

1. At the General Court-Martial, which convened at Key West, Florida, on the 20th day of March, 1845, pursuant to "*General Orders*," No. 2, of February 18, 1845, and of which Captain E. S. Hawkins, 7th Infantry, is President, was arraigned and tried first Lieutenant *Thomas S. J. Johnson*, of the 8th Regiment of Infantry, on the following charges and specifications:

CHARGE I.

"*Embezzlement and misapplication of public funds.*"

Specification. "In this: That he, the said first Lieutenant Thomas S. J. Johnson, 8th Regiment of Infantry, did, in the month of December, 1844, or in the month of January, 1845, at Key West, Florida, embezzle and misapply funds pertaining to the Subsistence Department at the military post at said place, to the amount of about two hundred and seventy dollars, and has failed to turn over the amount, thus specified, to his successor, or to apply the same to its proper objects and purposes—which is in violation of the spirit and meaning of the 39th Article of the Rules and Articles of War and of Paragraph 1134, General Regulations of the Army."

CHARGE II.

"*Conduct unbecoming an officer and a gentleman.*"

Specification 1st. "In this: That he, the said first Lieutenant Thomas S. J. Johnson, 8th Regiment of Infantry, while in command of 'F' company of said Regiment, at the United States Barracks, Key West, Florida, between the 29th July, 1844, and about the 16th of November, 1844, did embezzle the funds of said company to the amount of about one hundred and seventeen dollars, or did misapply the same by appropriating them to his own use and benefit, or by appropriating them to other improper objects and purposes, and has, since he was relieved in command of said company,'(viz: about the 16th of November, 1844,) failed to return the balance due the company to the commanding officer of the same. This in violation of the spirit and meaning of the 39th Article of the Rules and Articles of War, and of Paragraphs 167 and 168 of the General Regulations of the Army."

Specification 2d. "In this: That he, first Lieutenant Thomas S. J. Johnson, 8th Regiment of Infantry, in an official communication to Captain E. A. Ogden, 8th Infantry, his commanding officer, dated Key West, January 3d, 1845, did falsely assign as a reason for being in default to company 'F,' 8th Infantry, for the fund of said company, that having used said fund for the purchase of subsistence stores, he had not received a sufficiency of subsistence funds to close his accounts, and that therefore his account with the company aforesaid remained open—whereas, said Lieutenant Johnson had, on the 13th December previous, received at least five hundred dollars on account of the Subsistence Department, which was more than sufficient to close all of his subsistence accounts at the post. This at the United States Barracks, Key West, Florida."

Specification 3d. "In this: That he, the said first Lieutenant Thomas S. J. Johnson, 8th Regiment of Infantry, did, on his official examination before Lieutenant Colonel T. F. Hunt, Deputy Quartermaster General, acting as Inspector of the Subsistence Department at this post, give to said Lieutenant Colonel Hunt an incorrect statement of his subsistence accounts, making it appear, that there would be due him on a full and final settlement of said accounts, a balance of about seventy nine dollars—whereas, there was, after deducting outstanding debts, a balance due the United States of more than one hundred dollars. This at the United States Barracks, Key West, Florida, on or about the 13th day of December, 1844."

Specification 4th. "In this: That he, First Lieutenant T. S. J. Johnson, 8th Regiment of Infantry, did, in an official communication of January 12, 1845, to Captain E. A. Ogden, 8th Infantry, his commanding officer, falsely represent, or endeavor to convey the impression, that between the reception of his subsistence funds (on or about the 12th December, 1844,) and the arrival of the Paymaster, (on the 3d January, 1845, a period of but twenty-two days,) he had spent for family necessaries the amount for which he was in default to the Subsistence Department, whereas, he did apply said deficient funds, (which amounted to about two hundred and seventy dollars,) or the greater portion thereof, to other purposes, and did fail to pay his account for family necessaries purchased of the Assistant Commissary of Subsistence in the month of December, 1844, and likewise his account with the Sutler of the post and other private accounts with merchants and grocers residing on the Island."

Specification 5th. "In this: That he, First Lieutenant T. S. J. Johnson, 8th Regiment of Infantry, having, at a public ball in the city of Key West, expressed a determination to quarrel with a citizen, and having been remonstrated with on that account by Assistant Surgeon Levely, United States Army, did, in the presence and hearing of several citizens, threaten said Assistant Surgeon Levely with personal violence, and afterwards call him a liar, and otherwise behave in a highly disorderly and ungentlemanly manner. This at Key West, Florida, on or about the 12th day of December, 1844."

Specification 6th. "In this: That he, First Lieutenant T. S. J. Johnson, 8th Regiment of Infantry, did, in the city of Key West, publicly and grossly insult the Honorable William Marvin, resident judge of the United States District Court, and endeavor to provoke him into a disgraceful personal encounter, shaking his whip at said Judge Marvin in a threatening manner, accusing him of being officious in aiding the Brigadier General commanding the 9th Military Department in proceedings against him, repeating several times in a very insolent and offensive manner that he (Judge Marvin) was a tool of said Commanding General, and demanding an explanation of his conduct, or words to that effect—which conduct of said Lieutenant Johnson was unprovoked and ungentlemanly, and unbecoming an officer in the public service, as manifesting and calculated to produce a want of respect for the principal civil functionary of the Island. This at Key West, Florida, on or about the 2d and 3d of November, 1844."

CHARGE III.

"*Conduct subversive of good order and military discipline.*"

Specification 1st. "In this: That he, First Lieutenant T. S. J. Johnson, 8th Regiment of Infantry, having, while at a public ball, engaged in a quarrel with Assistant Surgeon Levely, United States Army, and having, in consequence been ordered into arrest, and to proceed to his quarters, by Second Lieutenant C. Hetzel, 8th Infantry, did fail, promptly, to obey said order in violation of the 27th article of the Rules and Articles of War. This at the Island of Key West, Florida, on or about the 12th December, 1844."

Specification 2d. "In this: That he, the said First Lieutenant T. S. J. Johnson, 8th Regiment of Infantry, while in command of 'F' company, 8th Regiment of Infantry, at the United States Barracks, Key West, Florida, between the 29th July, 1844, and about the 16th November, 1844, did, in violation of the spirit and meaning of the 39th article of the Rules and Articles of War, and of Paragraphs 167 and 168 of the General Regulations, embezzle the funds of said company, (to the amount of about one hundred and seventeen dollars,) or did misapply the same by appropriating them to other improper objects and purposes, and has, since he was relieved in the command of said company, (viz: about the 16th of November, 1844,) failed to return the balance due the company to the commanding officer of the same."

To all which charges and specifications the accused, pleaded "Not Guilty," except to the third charge and its second specification, to which he objected to plead, on the

ground that the same matter was embraced in the second charge and its first specification. The court decided to strike out the second specification of the third charge, on the ground that this specification does not sustain the charge, and the accused then pleaded "Not Guilty" to the third charge and its specification.

FINDINGS AND SENTENCE OF THE COURT.

After mature deliberation, the court finds the accused, First Lieutenant *Thomas S. J. Johnson*, of the 8th Regiment of Infantry, as follows:

CHARGE I.

Specification.—"Guilty;" and "guilty" of the *Charge.*

CHARGE II.

1*st Specification.*—"Guilty."
2*d Specification.*—"Guilty."
3*d Specification.*—"Guilty"—"finding the amount referred to in this specification to be about one hundred and twenty-two dollars and eleven cents."
4*th Specification.*—"Not guilty."
5*th Specification.*—"The Court find the facts as set forth, but that they occurred under circumstances of provocation."
6*th Specification.*—"Guilty," except the words "publicly and," and "unprovoked and ungentlemanly and;" and "guilty" of the *Charge.*

CHARGE III.

1*st Specification.*—"Guilty, but that it is not in violation of the 27th Article of War, and attach no criminality thereto;" and "not guilty" of the *Charge.*

SENTENCE.

And the Court does "sentence him, First Lieutenant *Thomas S. J. Johnson, to be cashiered.*"

II. In conformity with the 65th Article of the Rules and Articles of War, the proceedings of the General Court-Martial in the foregoing case have been transmitted to the Secretary of War, and by him submitted to the President of the United States. The President having duly considered the said proceedings, has been pleased to *approve* the same, and First Lieutenant *Thomas S. J. Johnson*, of the 8th Regiment of Infantry, accordingly ceases to be an officer of the Army from this date.

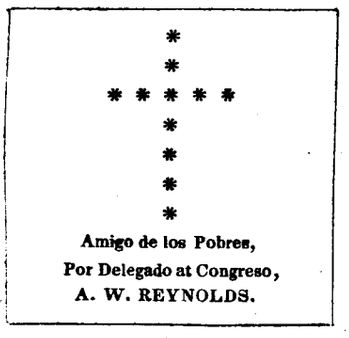
III. The General Court-Martial, of which Captain E. S. Hawkins, 7th Infantry, is President, is hereby dissolved.

By command of Major General Scott:

R. JONES, *Adjutant General.*

I will produce one more document in reference to the St. Louis Republican letter. I will make no other comment than that it was printed at the *only* printing office in New Mexico, and was one of the achievements of the genius of Mr. William S. Messervy.

Here it is, sir. It is an election ticket:



The honorable gentleman from Missouri [Mr. PHELPS] has read certain resolutions passed by a meeting in Santa Fé on the 25th day of September last. This meeting certainly met under circumstances of great excitement—of frenzied excitement, growing out of the account brought from the Rio Abajo, by Mr. Merrill Ashurst, (of whom I have heretofore spoken,) of the death of Mr. Skinner, or as the meeting assumed it to be, *the murder* of Mr. Skinner. The resolutions speak of it as *inhuman murder and brutal butchery*—as *murder most foul, and that it originated in the policy of the Governor.* The committee in their report call it *inhuman and savage murder*—and the Santa Fé Gazette, with leaded columns, under the head, "ANOTHER HORRID ASSASSINATION IN BERNALILLO COUNTY," commencing its remarks with the words, "Hung be the heavens with black," says "we only wonder that even so much *calmness* should be expressed" in the public meeting—renews his atrocious insinuation against Judge Mower of "ill concealed satisfaction" "at the *murder* of the unfortunate Burtinett"—compares the Governor's game of whist, to the *fiddling of Nero over the burning of Rome*—gives the history of the whole affair, as derived, from *Mr. Ashurst*—says, speaking of the public meeting that "*we were glad to see so much calmness manifested.* It was a *triumph* of the spirit *of law and order* over the most violent dictates of maddened passion, which speaks well for our citizens." Again he says:

"We have no heart to mince words in our present circumstances. There is not an American in the Territory who does not feel his head sit more lightly upon his shoulders if such a state of things is permitted to go on. We cannot shut our eyes, or close our mind against the conviction that, had our civil authorities taken prompt and efficient action in the murder of the unfortunate Burtinett, instead of manifesting a cold indifference, and in some instances an ill concealed satisfaction, the blood of poor Skinner had not this day been upon their guilty souls. Before God we would not have that blood upon our soul for the wealth of a universe, and how much less for the insignificant gain of a brief political triumph in the Territory of New Mexico."

Again in the same editorial he says: "Squads of 'men might be seen collecting and mingling like 'electric clouds marshaling for a thunder-shock. 'There were 'curses not loud but deep,' and the oft-'repeated exclamation of 'Poor Skinner!' mingled 'with deep-breathed and fearful vows of vengeance, 'told how fearful were the elements that were war-'ring in every bosom. *It was proposed by some, to 'raise a company in Santa Fé immediately, march to 'Bernalillo, and execute the most summary vengeance;* 'and had the means of transportation been at hand, 'we have reason to *fear* (?) such a project would 'have been immediately put in execution;" and in a postscript to his editorial, adds: "We learn that the 'Governor, accompanied by Chief Justice Baker, 'and Judge Watts, have gone to Bernalillo, for the 'purpose of instituting an investigation in the case 'above recorded." It was under such excitement as is here depicted; excitement brought into existence by the false statements of Merrill Ashurst, and stimulated by the incendiary appeals of the editor of the Santa Fé Gazette, the *only* newspaper in the country, that a committee, composed of two lawyers and three merchants, report to the excited town meeting in the concluding paragraph of their report, as follows: "This has been the action of 'your committee, and they have been unable to ob-'tain any information (except as before stated) as 'to what steps he would take in the matter; and we 'believe that his Excellency *will not call out the 'militia,*" (of Santa Fé) "or take any steps to pro-'tect the Americans of Bernalillo, *further than to see 'that the common, uncertain, and dilatory course of the 'laws is taken.* This we believe, from the fact that 'the *murdered* man was a political opponent of his 'Excellency, and from the indifference manifested 'to the transaction in which we found him when 'we called upon him, and which he exhibited 'throughout our consultation with him."

And, Mr. Speaker, it was under such circumstances of excitement—such a *threatening* aspect of affairs, brought about by the false statements of Merrill Ashurst, stimulated by the appeals of the editor of the Gazette, that the Governor of New Mexico refused to take upon himself judicial functions—refused to call out the militia of Santa Fé—refused to carry out the military government precedent of *Rosenstein*, of *punishing first and examining afterwards*—and declared his intention to do what he might lawfully do, to see the laws faithfully executed, and "*to see that the common, uncertain, and dilatory course of the laws* was taken." Yes, Mr. Speaker, he went to Bernalillo (seventy miles) with the judges, the United States attorney, the attorney employed by the Odd-Fellows, to prosecute, was there also, and the interpreters, and Judge Baker presiding. The examination, or inquiry, was had. The evidence taken in this inquiry was reduced to writing, in the language in which it was given; read to the witnesses, who corrected and signed it, and was made part of the record, and was translated by a sworn interpreter. I will not read all the testimony, Mr. Speaker; I will read only the testimony of two witnesses called for the prosecution, personal and political friends of the deceased, and his companions just before the lamentable occurrence; and of two called for the defense, one of whom, at least, Antony Thomas, as appears by his testimony, no admirer of the Governor.

I mention the belongings of the witnesses, because the honorable gentleman from Missouri [Mr. PHELPS] has read from a letter directed to the President, and signed by William S. Messervy, J. Houghton, A. W. Reynolds, J. L. Collins, William McGrorty, T. S. J. Johnson, John R. Tulles, and James H. Quinn, in which, in allusion to this very case, it is charged that the Governor of New Mexico *has protected the Mexicans in the perpetration of murder.* I wish to show that *the facts* of the case, as *proven*, in great part, *by the friends of the deceased*, were the true protection of Mr. Juan Cristobal Armijo, charged with the murder of Mr. Skinner. Here, Mr. Speaker, is the testimony of Francisco Sarracino, called for the *prosecution:*

UNITED STATES OF AMERICA.

TERRITORY OF NEW MEXICO, *County of Bernalillo.* } ss.

THE UNITED STATES, *vs.* JUAN CRISTOBAL ARMIJO, } *Charged with the murder of one William C. Skinner.*

Evidence of Francisco Sarracino, on behalf of the United States, given in Spanish and interpreted by Mr. Ward, sworn interpreter.

I do not know what day I was in company with Mr. Skinner; had been in company with him some days since. I was in Albuquerque on the day Mr. Skinner was killed. He [witness] came on that day to get some papers signed, and to be sworn by the prefect. He was at the house of the prefect when some words ensued between Mr. Skinner and the prefect. The prefect refused to administer the oath; I said to Mr. Skinner, it would have been better we had not come at all, as we could not get what we wanted. We then left and said no more. After that Mr. Skinner left the door some distance ahead of me. We rode to the wall of Armijo's house, where he left me; I called to him and asked him where he was going. Mr. Skinner went to the door, and I went on the main road. Mr. Skinner went to the door facing south, and got down at the door. At the time he got down he went in; shortly, very shortly, from five to ten seconds, I looked back and saw five or six men coming out of the door. After I saw this, I heard a poise as of people walking; believe I saw a man fall a short distance from the door. I then went on and saw no more; was going along in the road and merely halted when I heard the noise; could not hear any talking; was too far from the door; heard some hallooing, but could not say what it was; could not distinguish any voice. The prefect is Mr. Ambrosia Armijo, and is brother to the defendant—such is the way I know him. I did not see Mr. Skinner draw his arms as he was going along the road; could not see; I did not know any of them; could not distinguish Mr. Skinner, but think I saw a light head by the reflection of the sun. All I can say is just what happened in front of the door. The man with me said it was Mr. Skinner; he could see well; they were moving as if fighting; [the witness here, with his hands, indicated the manner of a melee;] could not say that I did not know it was Skinner. I do not know the cause of Skinner's falling; could see a stick rising and falling. I could not distinguish Juan Cristobal Armijo from his voice or appearance; I could not distinguish any of the persons; they seemed to be fighting in a row. This occurred in the county of Bernalillo, I believe on Tuesday, the 22d or 23d instant. I am not certain of the day of the month.

Cross-examined by Judge Baird, counsel for the defendant—I cannot say; I suppose as far as from here to the wall.

FRANCISCO SARRACINO.

Here is the testimony of Geronimo Apodaca called also for the *prosecution:*

Geronimo Apodaca testified in Spanish—Ward, interpreter:

"I was in company with Francisco Sarracino and Mr. Skinner on the 23d day of the present month; we went as far as the wall of Armijo's house, when Skinner left me and Sarracino, (I was in company with Skinner and Sarracino.) When Skinner left us, we got off about fifty yards from the house; turned round and saw Mr. Skinner defending himself; cannot say against whom he was defending himself; we were some distance off—he was defending himself against men; there may have been five or six, I could not see very well on account of some spars lying in front. I did not see Juan Cristobal Armijo. I heard a voice saying, 'Give it to him,' but could not distinguish it. I cannot say what they were doing, going in and out of the door, but think they were fighting. I did not see any sticks, clubs, or bars of any kind. I saw Mr. Skinner alight from his horse at the door of Juan Cristobal Armijo; he took a pistol from his holster."

Cross-examined by defendant's counsel:

"I live at Pajarito, and came from there in company with Don Francisco Sarracino on the day Skinner was killed. I left Albuquerque ahead of Skinner and Sarracino, and left the Prefecto's house in company with Skinner and Sarracino. I had been transacting some business with the Prefecto; on my return I met Skinner and Sarracino, they asked me to go back with them. Mr. Skinner did not go to the Prefecto's on any business. No conversation took place; I was a little ways behind them; Mr. Skinner said nothing when he left us to go to the house of Juan Cristobal Armijo. Myself and Sarracino were together when the affray occurred; no conversation passed between us at the bridge; we did not wait at the bridge; had no conversation before we parted with Skinner; merely turned to look at the crowd at the house of Juan Cristobal Armijo, and went on. I am not certain whether any words passed between us or not.

[Signed] GERONIMO APODACA."

And here is part of the testimony for the defense:

[Here the evidence on behalf of the prosecution closed, and the counsel for the United States rested the case. The following witnesses were then introduced and sworn on behalf of the defendant.]

Anthony C. Thomas testified in English:

"The last time I saw Mr. Wm. C. Skinner was on the evening he was killed, between this and Abuquerque. Mr. Sarracino was with him. After saluting him I inquired of him the news, and, as well as I remember, his reply was,

that there was no other news except in relation to the proceedings of Ashurst, relating to the difficulty that had occurred here previously. As well as I recollect, I then inquired what had been done in relation to the matter; he stated nothing, and that there was no justice in the ranchos; my reply was, that there was no justice in any part of the Territo y; he replied again, that if there was no justice for one there would not be for another, but in consequence of which there was one man he intended to cowhide, or whip —I do not recollect his expression—and then started to leave, when he observed to me that he would return in the course of two hours, and would see me again. This was about the extent of what passed, as well as I recollect at the present. He showed me the whip at the time; he did not tell me where he was going, nor did I ask him, when he spoke about whipping a man, he showed me the whip I do not recollect if he used the word 'whip,' but flourished the whip in his hand. Whether he intended to cowhide or whip I do not recollect, neither did I ask him. I thought he was rather excited. I was under the impression that he was under the influence of liquor. I cannot tell how long after this I heard of his death; it was not long after I reached Albuquerque, certainly not more than one and a half or two hours."

Cross-examined by counsel for the United States:

"He did not know who he intended to cowhide or whip; he had no reason to believe it was Ambrosio Armijo; I was in a hurry and believed him to be under the influence of liquor. [Signed.] A. C. THOMAS."

Julian Apodaca testified in Spanish—Ward, interpreter:

"I knew William C. Skinner; last saw him in the store of Juan Cristobal Armijo, on the 23d day of the present month. I was inside of the store; Skinner rode up to the door, got down off his horse, took a pistol from his holsters, entered the store, and walked up to the counter with a pistol in his hand, and presented the pistol at the breast of Juan Cristobal Armijo. Then Juan Cristobal Armijo closed on him to prevent his shooting him. The pistol had several shots. They were wrestling together until they got to the door of the counter. At this time some other people came up to them, when they all went out of the door. I did not see any more, as Mrs. Armijo came out, who wished to see me. I did not see any more, as I was endeavoring to get the lady away from the door. I did not see any more until I came out, when I saw Mr. Skinner lying dead. Juan Cristobal Armijo was behind the counter in the store; he was charging in a book against a man who lived in San Antonio. Juan Cristobal Armijo did not see Skinner until he entered the store; he stopped his horse at the side of the door. Skinner had two pistols; Skinner passed through the door of the counter. Juan Cristobal Armijo asked him 'What is it?' when he replied, 'You will see now what it is!'"

Cross-examined by counsel for the United States:

"I was leaning against the counter when Skinner entered the store; I was at one end of the counter, while Juan Cristobal Armijo was in the center. I first saw Skinner as he was going in the door; could not see him as he dismounted at the door. I was present when Skinner was killed, and no others; Ambrosia Martinez was also present; no other persons entered after Skinner came in. Do not know who killed Skinner. [Signed,] JULIAN APODACA."

Ambrosio Martinez testified in Spanish—Ward, interpreter:

"I live in San Antonio; I know Juan Cristobal Armijo; I did not know Mr. Skinner; I was at the house of Juan Cristobal Armijo on or about the 23d instant. I was purchasing some varras of brown muslin. I was in the store of Juan Cristobal Armijo at or about three o'clock, p. m.; whilst there, Mr. Skinner entered, he came close up to him; he then advanced with a pistol in his hand towards Juan Cristobal Armijo, when Armijo closed on him. I was standing close by when they came from behind the counter, struggling and wrestling by themselves. Skinner's arm was over the shoulder of Armijo, with a pistol in his hand. When I saw the position of the pistol over Armijo, I ran out of the store; there was nobody left in the store but Armijo and Apodaca; I never went in again. Skinner had a pistol on his waist, and one in his hand. They grappled each other by the hair."

Cross-examined by the counsel for the United States:

"I took my brown muslin, and ran round back of the house, where I had my animal. The pistol was towards me whilst over the shoulder of Armijo. I did not return until after dark. I saw Mr. Skinner lying dead."

Re-examined by defendant's counsel:

"Skinner came to the door; Armijo asked 'What is the matter?' when Skinner replied, 'I will let you know in a minute. [Signed,] AMBROSIO MARTINEZ"

And, after other testimony, the case was submitted by the counsel without argument; Judge Baird, counsel for the defendant, reading from Starkie's Ev., vol. 2d., p. 52-3, as follows:

"The accused may also show in justification that he committed the act in self-defense. If A manifestly intends to commit a felony on the property or person of B, by *violence or surprise*, B is not obliged to retreat, but may pursue his adversary till he finds himself out of danger; and if in conflict A happeneth to die, such killing is justifiable."

He also referred the court to the case of the State of Tennessee *vs.* Grainger, for the law applicable to this case.

And, Mr. Speaker, after full investigation, the court gave the opinion I now read:

"The court recognizes the correctness of the doctrine just read from Starkie. The same principle is laid down by Foster, Hale, Hawkins and Russell; but the correctness of the decision of the supreme court of Tennessee, in the case cited from 5th Yerger's Report, is not admitted—the rules laid down in that case having been limited by the courts of other States. The testimony in this case establishes, with reasonable certainty, these facts: 1. That the deceased, before and at the time of his death, cherished feelings of a hostile character towards the accused. 2d. That, in accordance with these feelings, he had threatened him with personal chastisement, of a nature the most degrading to an honorable mind. These facts are proved by the witness, Thomas. He states that he had no reason to suppose that the threats were pointed at Ambrosio Armijo; and the deceased having made the assault upon the accused immediately after an interview with Ambrosio, the reasonable presumption is, that they were aimed at the accused. 3d. That at the time the attack was made, the accused was in his store, engaged in his ordinary pursuits; and that the assault upon him by the deceased was a matter of surprise, and wholly unexpected. 4th. That the deceased entered the store with a hostile intention, and armed for deadly conflict. 5th. That prior to the giving of the fatal blow, several other persons became engaged in the conflict.

"In view of these facts, suppose the deceased had killed the accused, what would have been the character of his crime? Bearing malice against the accused, as it appears he did, he would have incurred the guilt of murder of the darkest dye. A man's house has been styled his 'castle,' and the law holds it sacred from all unlawful intrusion. But this was a store, and it may be said that all persons might lawfully enter there. True, all persons might, during proper hours, lawfully enter, provided it be for a lawful purpose; but against the intrusion of all persons actuated by unjustifiable motives, the law holds it as sacred as it does his dwelling, the earthly sanctuary of his family.

"When the deceased entered the store in the manner shown by the evidence, and presented his cocked pistol at the breast of the accused, had he cause to apprehend that great bodily harm was about to be inflicted upon him? That he had, the court is satisfied, and had he then taken the life of the deceased it would have been a clear case of *justifiable homicide*, and the court would not have hesitated a moment to discharge him.

"So, too, if he had killed him after they got from behind the counter, or after they got out of the store, or at any time before the interference of third persons, provided the deceased still retained the means and the power, and manifested the intention, to do the deceased some great bodily harm.

"It is the *necessity* of taking the life of an assailant in order to prevent him doing one some great bodily harm, that constitutes the *justification* in the eye of the law. When that *necessity* ceases the *justification* also ceases. Whether the necessity which did at one time exist in this case, ceased before the fatal blow was given, is a matter involved in much obscurity, and one about which the court has serious doubts. It would seem that the timely interference of two or three bystanders, properly directed, might have rendered it unnecessary, for the safety of the accused, to take the life of the deceased.

"Considering all the facts and circumstances of the case, in the entire absence of any proof of malice or ill-feeling on the part of the accused towards the deceased, it seems to the court that the highest offense they could constitute would be one of the lower grades of manslaughter.

"The court will require the accused to enter into bond, with one or more good and sufficient sureties, in the sum of $1,500, conditioned according to law for his appearance at the next term of the district court of the United States, for the third judicial district of the Territory of New Mexico, to be held at the court-house of the county of Bernalillo, on the 25th day of October, 1851, and in default of such bail, that he stand committed to the jail of the said county until discharged by due course of law."

Mr. Juan Christobal Armijo gave the required bail, and conscious that he had violated no law of the land, remained quietly in his own house, presented himself before the district court of the United States, and Judge Mower presiding, the bill against him was *ignored* by the grand jury.

And now, sir, I wish to call your attention to the fact, that this is the very case out of which grew all the excitement in Santa Fé at the town meeting referred to by the honorable gentleman from Missouri, [Mr. PHELPS.] And I ask you, Mr. Speaker, and this House, if the Governor erred in supposing that examinations into matters of this kind belonged, not to the Executive, but to the Judiciary? I ask if he has shown any want of interest in the matter? If he was wrong in refusing to call out the militia of Santa Fé, where "*it was proposed by some to raise a company immediately, march to Bernalillo, and execute the most summary vengeance?*" I ask if the killing of Mr. Skinner had been murder, how is the Governor connected with such murder? And I ask, sir, if you believe there has been a murder committed at all? No, sir; when a man engaged in lawful, peaceful pursuits, under his own roof-tree, with his pen, an implement of peace, in his hand, surrounded by his friends, dreaming of no attack on his life, is suddenly startled by the presentation of a pistol at his breast, kills his assailant, or his friends kill him then at once, *no murder is committed*, sir. Yet this very case, in the town meeting, whose proceedings the honorable gentleman from Missouri [Mr. PHELPS] has introduced on this floor, has been resolved to be a murder—then, that no American's life is safe in New Mexico; then, that the policy of the Governor has brought about this state of things; that he will not call out the Santa Fé militia, or take any steps to protect the Americans of Bernalillo, *except to see that the common, uncertain, and dilatory course of the law is taken.* Now, I ask, Mr. Speaker, if a meeting which could *unanimously* pass such resolutions, brought to the meeting with them minds sufficiently *calm* and *free from error*, to enable them to give an opinion which was deserving of consideration about the *policy* of Governor Calhoun, or about anybody else's policy? *I have shown they were mistaken about the facts;* and their *opinion* of the *Governor's policy* alone remains. Can men so bigoted by prejudice, or blinded by passion as to consider it matter of complaint instead of cause for commendation, that a Governor would only consent to be governed by law, and that he refused to take upon himself judicial functions, be fit persons, under such circumstances, to give opinions about *policy* which would justify the President in dismissing an officer, or Congress in reprimanding him?

And I now take occasion to say, that I desire not to be understood here in this House as being unfriendly to the merchants in New Mexico. My past connection with them proves the contrary. When *they* were oppressed by the military government, I was their willing counsel to defend them, and it was my fortunate chance to be the means of having them relieved *of a tariff of six per cent. ad valorem, imposed by the military government, on goods introduced into New Mexico from the State of Missouri, and since the treaty of peace;* and in the month of March or April, 1847, in the city of Chihuahua, in a council of war, called by Doniphan, to the extent of my poor ability I advocated the justice and wisdom of providing, before leaving that city, for the protection of the interests of the American merchants there. I hope I have sufficiently eliminated the fact that the action of many of the merchants in Sante Fé was had under circumstances of peculiar excitment, produced by false information and stimulated by incendiary appeals. The excitement a few months ago so fierce and furious in Santa Fé, has almost entirely passed away—few traces of it are now discernible, the *Santa Fé Gazette* alone continuing as recklessly as before. Late advices from Santa Fé, display the fact, that Mr. Preston Beck, *the president* of the meting, a part of whose proceedings the honorable gentleman from Missouri [Mr. PHELPS] has read to this House, was harmoniously acting in concert with Governor Calhoun in promoting the welfare of the people of New Mexico.

Of the officers of the army in New Mexico I wish to speak also. I desire them and this House to understand my true position towards them. Of Colonel Sumner, and the officers who reached New Mexico with him in July last, no one that I am aware of interfered in politics. Of those who served with Munroe some did not, while others did interfere in politics; and I regret that the withdrawal of my contestant from an examination by sworn witnesses in New Mexico, into the issues made up between us, leaves my general averment of army influence in the election unmodified by the proof of the particular facts alluded to in my answer to his notice of contest. Had the contestant not withdrawn, the facts would have been drawn out and the general averment explained. As this has not been done, I deem it due to myself, as well as to the officers there, to make this explanation.

There is one of the signers of the letter to the President containing the atrocious charges against Governor Calhoun, some of which the honorable gentleman from Missouri [Mr. PHELPS] has read, to whom I regret to have been under the necessity of alluding as I have done—Mr. Collins—whose services in the war have won for him the admiration of the people of Missouri; his cool intrepidity at Sacramento; his headlong bravery at Santa Rosalia; the sustained courage with which he opened the communication, with a handful of men, between Doniphan at Chihuahua, and Wool at Buena Vista, deserve general commendation. But, Mr. Speaker, while I regret I insist, sir.

It has been my effort, Mr. Speaker, to display to this House, and thus deprive them of the power to injure, the powerful influences which are operating against Governor Calhoun, and the friends of New Mexico generally. *The influence of the American and Foreign Anti-Slavery Society*, with its instigations to treason, and rebellion, and false

promises of assistance; the reckless course of the *Santa Fé Gazette* and *National Era*, the *St. Louis Republican*, and *the mercantile influence*. This influence can be calculated *to a dollar*, sir, by any curious investigator. I have been informed by the distinguished officer and worthy gentleman who is the chief of the quartermaster's department, that since the inspecting tour of Colonel Swords, of that department, and since Sumner, with seven hundred additional men for service in New Mexico, relieved Munroe, he has been enabled to reduce his estimates for *forage* $300,000 per annum. I think I understood him correctly; and have no doubt that other reductions of expenditure have taken place, to what extent the *curious investigator*, while verifying this, can determine for himself. And then the *military influence*—but this is at an end, and operates no longer. Munroe has been relieved by Sumner, and Sumner, Mr. Speaker, is a man of points; with the personal strength of a bull he combines the energy of a rat-terrier. The troops are no longer stationed in the larger towns; they are afar off, on the frontiers, operating against the enemies and not the citizens of the United States; living among crags and cliffs, where eagles seek to build; and, sir, *we have no election precincts in those localities*.

Mr. Speaker, I have given a history of politics in New Mexico—a *documentary history* of politics in New Mexico. Sir, I have shown what kind of government was the military government, and that the opponents of Governor Calhoun *generally*, are the old adherents of that government—and who doubts this? During the election under the State constitution of New Mexico, in 1850, the military government candidates for Senators were Houghton and Reynolds. Under that government Houghton was chief judge, and Reynolds chief quartermaster. The military government party editors were Houghton, chief judge, and Johnson, chief clerk. The managers of those two webs of influence, having Santa Fé as their common center, and extending to the frontiers of New Mexico, were Houghton, the controller of the civil officers, who held at the absolute will and pleasure of Munroe, and Reynolds, chief of quartermaster's department, "with its army of employees, with its contracts to let, and with its agencies to purchase the entire surplus of the corn and forage of the country."

And have we not the same influences here? Aye, sir; the same individuals are here now in Washington. Yes, sir; and as if to point the moral and adorn the tale, the Grand Caliph himself is here. Caliph Munroe is here, and his grand vizier or fountain of justice, his quartermaster, and his *tried* and trusted clerk, and the sutlers, and corn traders, and contractors, and recipients of Government jobs.

It being the case that the supporters of the military government are the opposers of Governor Calhoun, have I not demonstrated that, without the necessity of charging him with corruption, or the clergy with corruption, or the people with ignorance, vice, perjury, and murder, Governor Calhoun naturally, and for good cause, is supported, and the military government and their adherents are condemned by the verdict of the people, as expressed through the ballot-box? And have I not shown, that after issue was made up between the contestant and myself as to the corrupt interference of Governor Calhoun in the election—*he averring*, and *I denying*—that *he* (*the contestant*) *dared* not take testimony in reference to that issue either before Judge Mower or Judge Watts, both notoriously in that country, or before any other officer or officers prescribed by law.

Mr. Speaker, I trust, sir, I have placed this matter clearly before this House, and that I have vindicated the Governor of New Mexico. If I have not, sir, it is the fault of the head, and not of the heart, for I entertain for the Governor of New Mexico sentiments of the highest respect, admiration and affection; I esteem him one of the most worthy gentleman with whom it was ever my good fortune to become acquainted. But, sir, I trust he has been vindicated, and that this House is satisfied that the honor and character of this Government, as well as the best interests of New Mexico, have been confided to worthy hands—that he stands undaunted at the helm, and with justice, and honor, and firmness, and benevolence for his counsellors, steers wide of that horrid beacon, the military government.

A few words more, Mr. Speaker, and I am done. The signers of the letter to the President, to wit: Messrs. Messervy, Houghton, Reynolds, Collins, McGrorty, Johnson, Tulles and Quinn—besides indicating the removal of Governor Calhoun as the means of bringing about the good they desire for New Mexico, also indicate the theory of the Government they approve. Their letter to the President contains these words: "We are 'fully convinced that there is no hope for the improvement of our Territory *unless Americans rule* 'it, and that the spirit of Mexican rule must be 'corrupt, ignorant, and disgraceful in a Territory 'of the United States, and that we know from experience that under such rule, there can be no 'sufficient guarantees for the secure enjoyment of 'property, or even of life; that, &c., &c., &c."

American rule, then, is the panacea that is to heal the wounds of New Mexico. Now, Mr. Speaker, how, until by emigration the Americans outnumber the Mexicans, can *American rule* be brought about? Before considering that question, I wish to inform you, Mr. Speaker, that out of a population in New Mexico (as shown by the late census) of 61,547 souls there are, unconnected with the army, but 538 persons born in the United States *in all New Mexico*. There is a modest request for you, Mr. Speaker—a republican request—a Democratic request—that the 538 should govern and control the 61,547! Now, how can this state of things, by them considered so desirable, be brought about? That's the question. I answer it can only be done by repealing or *disregarding* the existing law of Congress organizing the territorial government, which acknowledges the right of the people to elect their own Legislature, county officers, &c., and by the *reëstablishment of the military government*. That is the only mode in which it can be done.

I cannot close my remarks without saying a few words of denial of the charges which have been directed against the people I represent. Should I close my remarks without speaking in their behalf, I would be unmindful of the courtesies, and kindness, and hospitality, I have invariably received in every part of New Mexico, and be unworthy to represent a people who, with frankness and confidence, have trusted to me to represent their true condition and promote their interest and happiness. The people of New Mexico have been represented as entertaining feelings of deadly hostility towards native-born citizens of the United States, which makes their lives unsafe in New Mexico—that the New Mexicans are on the very eve of revolt against the Government of the United States. So help me Heaven, Mr. Speaker, this is all untrue. I assert it to be untrue on my responsibility as a Representative, and honor as a gentleman. Were it true, the Governor of New Mexico had long since exposed it, and I would not be here as the Representative of such a people. But these are *my assertions*—I would convince *your reason*. New Mexico was taken possession of by General Kearny, with fifteen hundred men, "without firing a gun or shedding a drop of blood." This was when the New Mexicans, in time of war, were organized to resist us, and desired to keep us out of their country, and when they had a right to expect the support of the Republic of Mexico; and now, without hope of assistance from Mexico, with more than fifteen hundred soldiers in their country, ordered there to suppress Indian depredations, themselves unorganized, it is asserted that they are on the very verge of revolt against the Government of the United States, whose power they now full well understand. Of all those who have been loudest in their outcries that there was no safety for American lives in New Mexico, what two of them have ever thought it necessary to come together for the purpose of combining for self-defense? In the midst of all this outcry, Mr. Speaker, there has been no case of a native citizen of the United States fleeing, for fear of his life, from his place of business in New Mexico. They are living now, and have been all the time, in perfect security; living in whatever town in New Mexico interest or freak dictated—in many cases a *single one* living in a town where, for months at a time, he could meet no one with whom he could converse in the English language—living with New Mexicans, eating with New Mexicans, trading with New Mexicans, and, in some instances, *sleeping with New Mexicans*, without its ever occurring to them to fear the consequences of so doing, except, theoretically, when passing resolutions for political effect. The picture which has been presented of my constituents by the old adherents of the military government, is false in coloring, and untrue in details. I have never met in any part of the United States, people more hospitable, more law-abiding, more kind, more generous, more desirous of improvement, more desirous that a general system of education should be established among them, more desirous that the many, and not the few, should govern, more apprehension of the tendency of power to steal from the many to the few, more desirous of seeing in their own idiom the Declaration of Independence, the Constitution of the United States, the history and words of the Father of his Country, the messages of Presidents, and State papers illustrative of the spirit and genius of our Government. Among them I have met gentlemen of incorruptible integrity, of honor, refinement, intelligence, and information. I began my remarks with the production of documents; so will I conclude. The document I now propose to read is a private letter, not intended for public inspection. I trust my young friend, the writer, will forgive me. I think he will; for I make use of his letter to vindicate his countrymen, whom I here represent, from the sweeping, general, and universal charges of ignorance, corruption, vice, and degradation, which have been brought against them by the adherents of the military government.

The young gentleman from whom I received the letter I am about to read, is Mr. Joaquin Perea, now studying law in the city of St. Louis. In coming to Washington from Santa Fé, I had met Mr. Juan Perea on the prairies, and asked him to give his consent that I might nominate his son, Joaquin, as cadet to the Military Academy at West Point. Mr. Perea was unprepared for this request, though pleased that I should desire to nominate his son. He told me that Joaquin had been a number of years absent from home; that his mother and relations desired much to see him; that he would prefer his son to return home; but that if he desired to go to West Point he would not withhold his consent. On my arrival in St. Louis, I related this conversation to young Perea, and told him that *he* must decide the matter; that if he desired it, I would procure his nomination. I discovered that this young gentleman had an ardent desire to go to the Military Academy; that several of his intimate friends were there as cadets, to whom he had paid a visit at West Point, and that his every inclination was to accept my offer. A few weeks after this conversation, I received the letter which I now read, *verbatim et literatim*.

ST. LOUIS, *December* 22, 1851.

DEAR SIR: When you was here last, we had some conversation concerning the appointment of a cadet to the West Point Military Academy, from New Mexico; and you expressed a desire that I should accept it, very kindly saying that as it was to be the first appointment from New Mexico, it was desirable that one shou'd receive it, who should take a respectable stand in the Academy, and do honor to our hopeful Territory as well as to himself; and it was further an object, that such an one should be a native of the Territory. I was not then prepared to give you a definite answer; the reason whereof was, that I did not then give to my father's wishes the consideration that I now think they deserve. I would not baulk my father in his least wish; and it is reasonable that I should not; for I know him, and know that he would not oppose a mere whim of his to my real advancement. I know that for years he has looked forward to my return, with high expectations of pleasure. I can turn to my old letters, and read in almost every one his exhortations to apply myself, that I might the sooner return to the family circle; and not to trifle away the time during which they deprived themselves of my company—a sacrifice on their part for my good. But, not to trouble you any longer with my reasons, I will, in short, say, that though I have an inclination, and also in consideration of that compliment before alluded to, I would have liked to oblige you; still, as my father has expressed a preference that I should not accept it, I deem it my duty respectfully to decline the honor you intended me; and do so thus early, that you may take what measures you may think proper in order to fill the appointment. I hope, and doubt not but you will find, some one who will combine all the qualities which you desire.

It is very strange that I have received no letters from home; I expected some, but was disappointed. Gutierrez arrived here some days past. He says that he met father at the Vegas, and all were well.

I hope you are all well—as well as I wish you to be. D°

me the honor to remember me kindly to your family, and believe me, ever your most obedient, humble servant,
J. PEREA.

This letter, Mr. Speaker, contains itself the evidence of a filial piety to which any member of this body might be glad to feel assured that his own young sons would certainly attain. The sentiments here expressed are emphatically *home sentiments*, sir; derived, as such sentiments ever are, from the teachings of an honored father, and at the knee of an excellent mother.

Mr. Speaker, I have done. I trust, sir, I have vindicated as well the Governor of New Mexico, as the people I have the honor to represent.

A distinguished member on this floor has said that he desired to watch New Mexico and see what was doing there. I also invite the strictest scrutiny and attention not only of this House but of the people of the whole United States—I invite sufficient of the attention of the people of the United States to make it manifest that New Mexico is not so remote as to be *without* the influence of the salutary and restraining control of public opinion here.

SOUTHERN-RIGHTS AND UNION PARTIES IN MISSISSIPPI.

SPEECH OF HON. J. D. FREEMAN,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

March 18, 1852,

In reply to Hon. ALBERT G. BROWN, on Southern-Rights and Union Parties in Mississippi—the Nashville Convention and Baltimore Convention.

The House being in Committee of the Whole on the state of the Union, and having under consideration the "Deficiency Bill,"

Mr. FREEMAN said:

Mr. CHAIRMAN: It is not my intention upon this occasion, to address the committee. I simply desire to say——

The SPEAKER. The Chair will remark to the gentleman from Mississippi, that the gentleman from Alabama [Mr. SMITH] only yielded the floor for explanation.

Mr. FREEMAN. I wish to make a personal explanation. I was not in my seat, the other day, when my colleague [Mr. BROWN] from the fourth district, addressed the committee in relation to the politics of the State of Mississippi. Had I been here upon that occasion, I should have felt myself called upon to respond to him at length. It was not my intention to have introduced this subject into this congressional hall. We have had a painful and a protracted struggle in that State upon the great questions which have agitated this country. The Union party, to which I was attached, have succeeded; and I, for one, was willing to rest upon the laurels we had achieved; and had my colleague [Mr. BROWN] contented himself with giving a fair statement of the position of parties in that State, I should not have arisen to make this explanation. I shall not, Mr. Chairman, go into a discussion of those topics. They are matters with which this House has nothing to do. But there are some things in the speech of my colleague [Mr. BROWN] which I could not permit to go unexplained before the country, and I shall, therefore, ask the privilege of sending to the Reporter such response as I choose to make to his speech.

Now, sir, another word. It was stated here upon the floor, the other day, by the honorable gentleman from Ohio, [Mr. GIDDINGS,] and also by the honorable gentleman from Massachusetts, [Mr. RANTOUL,] and also by the honorable gentleman from Ohio, [Mr. TOWNSHEND,] this morning, all claiming to be free Democrats, as I understand them, that they had recently ascertained the fact, that neither the Constitution of this country, nor the higher law, as they call it, require of them to catch any more of our slaves. They are, therefore, resolved not to be our slave-catchers. I will take this occasion to express my profound gratitude, alike for myself and my constituents, that those learned and *pious philanthropists* have at length ascertained that fact. They and their confederates have already *decoyed*, *caught*, and *harbored* some *twenty-five* or *thirty thousand of our slaves*, and that is the last that we have ever seen or expect to see of them. I am glad that they have ascertained at last, that neither the Constitution nor the higher law binds their consciences to engage in this disreputable, and, I may add, *criminal* occupation.

Mr. Chairman, I had not the pleasure of being present the other day, when my colleague [Mr. BROWN] addressed the committee on the joint resolution "authorizing the Architect of the Capitol to continue in employment the mechanics, laborers, and others employed upon the two wings thereof." Hence this delay in my reply. Upon such a topic, I had supposed that my colleague would have said something of the pressing necessities of the mechanics and laborers whose work had been suspended; of the character of the work, as far as it had progressed; and of the necessity for its completion; but, much to my surprise, he said nothing about the mechanics, the laborers, or the Capitol, but wandered off some two thousand miles, to the State of Mississippi, and delivered a funeral oration upon the rise, progress, last illness, and death of the Southern-Rights party.

I know it is unusual to respond to a funeral oration; and had my colleague confined himself to the *corpse*, the *coffin*, the *pall bearers*, and the *mourners* of the deceased, I should have suffered the eulogy to have gone down to the grave with its subject. But, sir, after burying his dead, he turns upon his heel, and makes war upon the living. Not content with reciting his elegy upon "Bill Pringle's pig," he attempts to cast reproach and dishonor upon the Union party of Mississippi. The secret of the gentleman's speech is to be found in the fact that the *Union* Democrats of Mississippi have called a State Convention, and sent delegates to the Baltimore Convention. Subsequent to this event, the *Secession* Democrats did the same thing. Fearing that the seceders will not be permitted to enter that convention, my colleague has undertaken to show that the seceders are the true *national* Democrats, and that the Union Democrats are themselves the seceders from that party.

Few men would have had the courage to attempt such an enterprise, under such adverse circumstances. My colleague declares that "The State-'Rights party of Mississippi were never out of 'the ranks of the Democratic party; and that by 'no act of theirs have they ever put themselves 'beyond the pale of the Democratic party." He also denies that his party went into the contest with *secession* inscribed on their banners; insists that "they *kept up the old organization;*" took their candidates from the "old line Democracy, with General John A. Quitman as their standard-bearer." He compares the Union party to a hotel where there is no provision for man nor beast. He says "they are for the Union, and for nothing 'else. They are for that to which nobody is op-'posed. They are constantly trying to save the 'Union, and are making a great outcry about it, 'when, in fact, nobody has sought or is seeking 'to destroy it." This is the substance of the speech; and I will now proceed to show that my colleague is mistaken in all his positions.

If it be true, as my colleague asserts, that his party were never out of the Democratic ranks, and have never placed themselves beyond its pale, why does he admit that the movement of his party is dead? He says "It died at the hands of its early friends, its fathers; *it is now very dead.*" Like "Billy Pringle's pig,"

> "When it lived, it lived in clover,
> And when it died, it died *all over.*"

Now, if my colleague's party be dead "*all over,*" would it not be an act of barbarity to exhume its nauseous remains, and carry them to the Baltimore Convention? Sir, I think Barnum's Museum would be a far more appropriate place of deposit. Under his genius, it might be made to pass for an Egyptian mummy.

But my colleague insists his party never placed itself beyond the pale of the Democratic party. The records of the country will show to the contrary. The acts, declarations, and resolutions of his own party prove to the contrary.

Immediately after the passage of the compromise measures, my colleague [Mr. BROWN] returned to Mississippi, and in the capital of the State made a violent harangue against the compromise measures, in which he declared, "So help 'me God, I am for resistance, and my advice to 'you is that of Cromwell's to his colleagues—'Pray 'to God and keep your powder dry.'"

Governor Quitman, on the same occasion, declared that if Mississippi did not *resist* the compromise measures, he would throw down her flag with contempt, and refuse to carry it longer.

Messrs. Davis, McWillie, Featherston, and Thompson, made declarations to the same effect; and the whole State was rallied from the stump, and by the press, to resist the compromise measures. (Was this Democratic doctrine?) It so happened that neither of these laws was to be executed within the State of Mississippi, so that no practicable or forcible resistance could be offered to them there. In this dilemma, Governor Quitman called an extra session of the Legislature, declaring his intention to be to take the necessary steps to enable the State to resume her sovereignty, and to *maintain* it. Can the *sovereignty* of a State be *resumed* and *maintained* without a dissolution of the Union? It was this proclamation, with its attendant notes of preparation, that gave rise to the Union organization. In his message to the Legislature, the Governor says:

"The slaveholding States have been absolutely excluded from the greater portion, and by far the most valuable part of all the territory," &c., &c. * * * "May I not, then, be justified in asserting that by these measures the slaveholding States have been virtually excluded from the use and enjoyment of *every acre of* the vast public domain acquired from Mexico?"

Speaking of the *admission of California*, he says:

"The whole character and structure of our Government has been changed by this act, and the principle admitted that new free States may be created *ad libitum;* and how has this been done? I assert, by a most flagrant violation not only of the principles of justice and equality, but also by a breach of the constitutional compact between the States."

"It (slavery) must be *protected* by *guaranties more available than the present Constitution* furnishes," &c., &c. "It must, like every other great interest, be placed in charge of its friends," &c., &c., &c. "Such, then, gentlemen, I am called upon, by an imperious sense of duty, to declare is the present condition of Mississippi, in common with the other Southern States. The prospects before us are gloomy indeed. The times demand the firm and energetic action of every patriot. To permit ourselves to float down the stream *without a struggle*, would inevitably *seal* our *doom*. To resolve again that we will not submit to *further aggressions*, after our *former resolutions* have been so *contemptuously disregarded*, and after we have been *virtually stripped of every acre of the public domain*, would invite *further aggressions*, if it did not *justly subject us to the scorn and contempt of mankind.*" * * * *

"The practical good sense of Mississippi discards the shallow excuse. Relying upon truth and justice, she dares meet the question, and look it in the face. Her resolutions have long since been proclaimed to the world that she *would not submit—she will not submit.*" * * * *

"To devise and carry into effect the best means of redress for the *past*, and obtain certain security for the future, I recommend that a *legal convention* of the people of the State should be called, with *full* and ample *powers* to take into consideration our Federal relations, the aggressions which have been committed upon the rights of the Southern States, the dangers which threaten our domestic institutions, and all kindred subjects, and *jointly* with other States, or *separately*, to adopt such measures as may best comport with the dignity and safety of the State, and effectually correct the evils complained of. A convention thus assembled, and representing the sovereignty of the State, would of course possess plenary powers uncontrolled by any instructions or restrictions which the Legislature might possess." * * * * "For the reasons which have been hastily glanced at in this message, the Union of these States has been so grossly perverted from its original purpose, as to render its *further continuance incompatible* with the honor, the prosperity, and the safety of the slaveholding States, unless some correction of past aggressions, and some additional and more *effectual guarantees* for future protection, be obtained from our associates in the Confederacy." * * * * "Yet to leave no effort at conciliation untried, and, still further, to unite with us those of our own people who still look for a returning sense of justice in the North, let the propositions be distinctly made to the people of the slaveholding States to remedy the wrong, so far as it may be in the power of Congress to do so, by obtaining from California concessions south of 36° 30′, or otherwise, and to consent to such amendments of the Federal Constitution as shall hereafter amply secure the rights of the slave olding States from misconstruction and from further aggression."

"But in the event of refusal, I do not hesitate to express my decided opinion that the only effectual remedy for evils which must continue to grow from year to year, is to be found in the *prompt* and peaceable secession of the aggrieved States."

"The probability of the ultimate necessity of a resort to this effective and *unquestionable right* of sovereign States, should be kept in view, whatever measures may be adopted by this State, either *alone* or in *concert* with her sister States, to remedy existing evils. In the mean time, and as early as practicable, it is of the *highest importance* that some common center of *opinion* and *action* should be authoritatively established. This may be effected by the conventions of the several assenting States providing for the

organization, and subsequent *frequent* periodical *appointment* or *election* of a *committee of safety* for each State, to consist of a number equal to their Senators and Representatives in Congress. These committees, whose duty it should be periodically to assemble at some central point for the transaction of business, should be invested with adequate powers, *absolute* or *contingent*, to act for their respective States upon all questions connected with the preservation and protection of their domestic institutions, and their equal rights as sovereign States. Such a body of men, if clothed with the authority of but two or three States, would command respect, and secure quiet and peaceable results to their determinations."

On the day that this message was delivered, the Union Democrats then at the seat of Government denounced it as treasonable to the nation, and so denounce it now.

Here was mapped out the whole plan of the "Southern Confederacy." Unless Congress receded from the compromise measures—which no one supposed could occur—the Federal Government was to be abandoned, and the Union dissolved by the "prompt and peaceable secession of the aggrieved States."

And, sir, what kind of Government was proposed in its stead? A "committee of safety for 'each State,"—"invested with powers, *absolute* or 'contingent, to act for their respective States, upon '*all* questions connected with the preservation and 'protection of their *domestic institutions* and their '*equal rights* as *sovereign* States." This covers all the power of an *absolute monarchy*, to be intrusted to committees of safety here, upon the free continent of America, in the middle of the nineteenth century.

> "Now, in the name of all the gods at once,
> Upon what meat doth this our Cæsar feed,
> That he hath grown so fat?"

And, sir, shortly after this message, still another was sent to the Legislature, recommending the organization of volunteer companies without limit, providing a fund for their equipment and support, adopting the rules and regulations of the *standing army* of the United States for their discipline, and requiring that the officers and men should *take an oath to serve* for the term of *five years*. Such was the opening page of "peaceable secession."

In pursuance of these recommendations, the Legislature ordered delegates to be elected to a State Convention, with power to consider of the whole subject.

Now, sir, what does all this mean? Was an extra session of the Legislature, a State convention, and a five years' *military armament* necessary to assert the *abstract* right of *peaceable* secession? Is there no evidence here of an intention to set the laws of the Union at defiance? Is not a forcible resistance of the laws of Congress a practical dissolution of the Union? Is it not by virtue of the federal laws that the Union lives, moves, and has its being? Does not the Union necessarily perish when the laws cease to be executed?

Sir, my colleague [Mr. BROWN] is a *lawyer* by profession; he has been a *judge* of the circuit court; he has served several years in the State Legislature, four years as Governor, and six years in Congress. He knows the *meaning of language*, and the binding obligation of *laws;* he knew it was a high crime to *resist* the laws; he knew that laws could only be *resisted* by *force;* and with a full knowledge of these facts, he himself assumed the character of the Oliver Cromwell of the South, boldly declaring, "So help me God, I am for resistance!" What did such language, from such a source, and at such a time, mean? Did it not breathe war, and consequent disunion? Was it not, on its face, the gallant manifesto of an indignant and valorous heart, ready to spend its blood to avenge supposed injuries? If it was not all this, then it was the vainglorious boasting of a mere Bombastes Furioso. Will my colleague assume such a position? Is he willing, here in this Hall, and before the eyes of the nation, to confess himself a mere mountebank—the impersonation of a harlequin? Will he do this gross injustice to himself and the brave men who fought the battle of secession in his advance? And all for what? Simply to insure a seat in the Baltimore Convention. Sir, we ask no such degrading terms. Let him confess the error he has committed; let him abandon the inglorious heresy of "peaceable secession," and we will receive him and his friends into the Democratic fold. But, sir, Governor Quitman and my colleague [Mr. BROWN] were not alone in this matter. The Southern-Rights associations all over the State passed similar resolutions, and proclaimed it in their speeches and addresses. The following, from the Southern-Rights men of the county of Madison, will serve as a specimen of the whole:

"1. *Resolved*, That this association cherishes the hope of seeing assembled a Southern Congress, empowered to speak the voice of the aggrieved States, and to pledge them to united action against the aggressions of the Federal Government.

"2. *Resolved*, That should none of the States advise to meet in Congress at Montgomery, Alabama, by the Nashville Convention, but South Carolina, still it would be the duty of Mississippi to be there by her delegates, and mingle her voice with that of South Carolina in consulting for mutual safety.

"3. *Resolved*, That it will be the duty of the Convention of this State to make such demands of our rights of Congress and the Northern States as have been specified by the Nashville Convention and the Legislature of this State.

"7. *Resolved*, That should the demands for justice, proposed in one of the foregoing resolutions, be refused by Congress, and the Northern States, then the interests and safety, as well as the honor of the Southern people will require that they should *establish a separate Republic—a Government of their own*—having no other views, purposes, or sympathies but to secure, promote, and defend the rights, interests, property, and prosperity of the South, upon the principles of republican liberty intended to be established by the Constitution of the United States."

Does my colleague see no evidence of *secession* or *disunion* here? Would not the establishment of a separate Republic in the South dissolve the Union? Is this "the old organization," the "old line Democracy," of which he talks so flippantly in this Hall?

Again, sir: the Southern-Rights convention which nominated General Quitman for Governor—of which my colleague was a prominent member—with a full knowledge of his sentiments, reaffirmed and passed, among others, the following resolutions:

"5. That we would regard the passage by Congress of the 'Wilmot proviso,' (which would in effect deprive the citizens of the slaveholding States of an equal participation in the territories acquired equally by their blood and treasure,) as an unjust and insulting discrimination, to which these States *cannot, without political degradation, submit;* and to which this convention, representing the feelings and opinions of the people of Mississippi, *solemnly declare they will not submit.*

"6. That the passage of the Wilmot proviso, or of any law abolishing slavery in the District of Columbia, by the Congress of the United States, would of itself be such a breach of the Federal compact as, in that event, *will make it the duty*, as it is *the right*, of the slaveholding States *to take care of their own safety, and to treat the non-slaveholding States as enemies to the slaveholding States and their domestic institutions.*"

"12. That this convention declares, *that it regards the admission of California*, as a State into the Union, as the enactment of the '*Wilmot proviso in another form.*'"

Here is an open declaration of enmity and warlike hostility. It contains the valorous sentiment ascribed by a classic poet to a Trojan hero:

> "To this I call thee, gods! one constant state
> Of lasting rancor and eternal hate."

That same convention passed the following resolution:

"8. That in view of the frequent and increasing evidences of the determination of the people of the non-slaveholding States to disregard the guarantees of the Constitution, and to agitate the subject of slavery, both in and out of Congress, avowedly for the purpose of effecting its abolition in the States; and also, in view of the facts set forth in the late 'Address of the Southern members of Congress,' this convention proclaims the deliberate conviction, that the time has arrived when the Southern States should take counsel together, for their common safety; *that a convention of the Southern States having been held in accordance with the above recommendation, at Nashville, in June*, 1850, *we sanction and approve the resolutions of that body.*"

Among the resolutions of the Nashville Convention, are the following:

"1. *Resolved*, That the Union of these States is a Union of equal and independent sovereignties, and that the exercise of powers delegated to the General Government can be *resumed* by the several States *whenever it may seem to them to be proper and necessary.*

"2. *Resolved*, That we earnestly recommend to *all parties* in every State of the South *to refuse to go into or countenance any national convention* whose object may be to nominate candidates for the Presidency and Vice Presidency of the United States, *under any party denomination* whatsoever, until our constitutional rights are secured.

"3. *Resolved*, That we urge as a defensive course, forced upon us by our assailants, and as not only unavoidable, but essentially just, that the Southern people do immediately adopt the following protective measures:

"1. That every county, district, parish, or other civil division of each of the assailed States, do hold a primary meeting, and form a society or association to adopt and effectuate any and all lawful measures and means whereby the resources of the South shall be employed towards domestic manufactures and internal improvements, and *whereby all social, commercial, and political intercourse between the South and North shall be wholly suspended*, until the North shall become prepared to concede and guaranty to the South the full measure of her constitutional rights.

"2. That such local societies do appoint and empower committees of vigilance and safety, each to exert observation over its locality in respect to incendiaries and incendiary publications, pamphlets, and papers; to bring such incendiaries, or the disseminators of such productions, to public justice; and to act generally as policemen in respect to the assailed institution of the South.

"3. That it is incumbent upon the southern people to build up southern institutions, and foster southern literature, by giving all possible preference to them. Especially we would discourage the expenditure of large sums by our citizens in their tours to the North and East, preferring not to favor those who return our gratuities by wrong and insult."

This same June convention of the Southern-Rights party, which my colleague [Mr. BROWN] calls a Democratic convention, was composed alike of *Whigs* and Democrats; *it did not pass a single Democratic resolution.* It did pass the following:

"16. *Resolved*, That it is a source of heartfelt congratulation that the true friends of the Constitution and of the rights and honor of the South, *of whatever party name*, are *now united* in a *common cause*, and *can act together* with *cordiality* and *sincerity.*"

What a beautiful specimen of "old line Democracy." "Black spirits and white, blue spirits and gray."

But, sir, I have yet an unkinder cut than all these for my colleague. You will recollect he emphatically denies that his party went into the contest with secession or disunion inscribed on its banner; he declares that "*no such thing is true.*" He says that all the Democratic presses were on his side of the controversy. I will now prove, by his own party presses, that such a thing *is true;* and, moreover, that himself and his colleagues had publicly abandoned the Democratic party.

"We place secession upon the clearly ascertained and well defined opinions of our people, that the Constitution of the Union has been violated, and that there is no remedy for the violation in the Union. *Here is our platform.*"—*Mississippian, December* 13, 1850.

"We are not afraid to meet the raw-head and bloody-bones disunion, face to face; and it is time that the people had become more familiar with the monster, than politicians had wont them to be heretofore."—*Mississippian, August* 16, 1850.

"The deed is done which must inevitably result in a dissolution of the Union at no distant day."—*Mississippian.*

"We recommend State secession." "We see but two ways, secession or submission." "Let the issue be fairly presented to the people—secession or submission."—*Natchez Free Trader.*

"We will vote for secession: let a majority vote with us, *and we will see who will fight.*"—*Ib.*

"We must and will secede from this Union. Either we must submit to *disgrace*, and soon to *abolition*, with all its horrors, or we must prevent it, and that is by *secession.*"—*Woodville Republican.*

"It only remains to be decided whether we will submit or resist. For one, we are for resistance."—*Vicksburg Sentinel.*

If the party presses of my colleague, and the resolutions of his party, may be called the *banners* of his party, then *secession* and *disunion* were both *inscribed upon their banners.* In this connection, my colleague has omitted to state several other important facts. The secession party in the State Senate had a large majority of Democrats, and had the power, as it was their duty, to elect a Democratic President of the Senate; but to show their good faith to their *Whig* allies in secession, they elected a prominent Whig to that station, and then their secession Governor (Quitman) resigned, and placed that Whig President of the Senate in the office of Governor of the State. The secession party also had *two candidates* for Chancellor, and both were canvassing laboriously for the station. Seeing that both of them must certainly be defeated if both continued in the field, at their June Convention, they *ruled off* Colonel Tarply, a *professed Democrat*, and recommended Judge Guion, the *ablest* and most *unrelenting Whig* in the State. In several of his speeches, he is reported to have said that he had always been and was then a State-Rights Whig, and that the Democrats had *come to his position*, and not he to theirs.

The truth is, that Whiggery and Democracy had nothing to do with the organization of the parties. It was simply a question of acquiescence in the compromise measures, or *resistance* to those measures, for the ultimate purpose of establishing a "*Southern Confederacy*" upon the ruins of the present Union. The boundaries of the proposed Confederacy were all marked out; the resources of the people within its limits for self-protection, and for the protection of a national government, were publicly canvassed; and pamphlets, containing geographical descriptions of the "Southern United States," their wealth, population, and po-

litical powers, were freely circulated among the people. Why, then, conceal the whole truth? When did the National Democracy, or the Mississippi Democracy, propose such a measure? Never, sir, never! But why does my colleague now cast reproach upon the Union party? Their creed was simply "acquiescence in the compromise measures as a finality." In this House, the other day, he himself voted for that same creed in sustaining the compromise resolution introduced by Mr. FITCH. His partisans in Mississippi profess to have done the same thing; and their leading journals are now offering to support Buchanan, Butler, Douglas, Dickinson, and others, for President, who are all Union Democrats—compromise men. Why, then, make war upon the Union men of Mississippi? And now, sir, as to the abandonment of the Democratic party by my colleague and his associates, I have still further evidence. Their organ, the Mississippian, quotes the following from the Albany Argus:

"The Whig party at the North are, on the slavery question, *essentially with the Abolition party proper.*"

It then remarks, as follows:

"If the Democratic party at the North are any sounder, we would like to know why they repudiated Dickinson in New York, and took up Dix, the Free-Soiler; or why they united with the Free-Soilers in Massachusetts and elected Sumner. The time will soon roll around for the assembling of another *Baltimore Convention, but we opine the Southern Democracy have experienced enough of Northern perfidy to keep out of it. Hereafter, let us take counsel among ourselves.*"

And yet another:

"And why should the Northern Democracy longer expect the Democracy of the South to unite with them in 'National Conventions?' Have the latter not learned sufficiently well what is to be gained in such councils? Does not bitter experience teach us *to avoid them as the deadly upas for the future?* It is true, that until within the last year, a feeling far more conservative prevailed in the Democratic ranks North, than in the Whig party; but candor compels us to say that the faith of the Northern Democracy, as evinced during the last Congress, may be described by the word *panic.* They have maintained their Southern brethren only so far as suited their notions of expediency. Time and again were resolutions passed, in National Democratic Conventions, condemning all interference by Congress with questions of slavery; but how many Democrats at the North voted against the odious bill with reference to slavery in the District of Columbia? Not one! We search the records in vain to find a Democrat from the North, who was willing that that bitter cup should pass, untouched, the lips of the Southern people.

"When the South has been thus treated, and is thus situated—when she has been deprived of inestimable rights—when she has been branded as an *inferior*—when her oppressors are forging new chains for her—when she is threatened by an enemy more terrible than 'an army with banners'—when she has reposed her trust in Northern pledges only to reap the bitter fruits of disappointment—we appeal to every reasoning man to say, *is it not time for her to look to her* interests, and cease striving to elevate 'Northern men with Southern principles' to the presidential chair? Until Northern Democracy evince a more liberal and conservative spirit then they have exhibited for the past two years, or are now evincing—until they show a determination to do us justice—to restore our rights which they assisted in extorting from us—*we would say, away with all 'National Conventions,' and joint Presidential caucuses.* Let the South look to herself and her sons who have stood faithful in the present perilous and momentous crisis."

Such was the language of the chief organs of the secession party; and the same tune was piped by the presses of that party all over the State, and shouted from the stump by all their orators, including my colleague, [Mr. BROWN.]

Such, sir, was the high-toned language of my colleague and his associates in the early part of the campaign; but about the month of September, the voice of the people fell upon them in tones of appalling denunciation; their secession candidates for the State convention were nearly all cut down; and the gallant but misguided Quitman fled from the field in dismay. Then it was that the scales fell from the eyes of my colleague and his associates, who were longing for the "flesh pots of Egypt;" then it was that they turned to the old Democratic platform as their only hope of succor and relief, their only chance for "manna and quails;" then it was that they cried out "Lord, Lord, have we not taught in thy name, and in thy name done many wonderful works?" And then it was that the people said, "Depart from us, we know you not, ye workers of iniquity." My colleague alone escaped from the wreck, by playing the part of the "lame captain;" and here he now stands before the Democratic party of the nation, a meek and lowly "*submissionist,*" a singular "monument of the safety with which error of opinion may be tolerated, where reason is left free to combat it?"

He is now willing to beg his way into the Baltimore Convention upon any terms whatever. Hear him:

"Now, sir, to come a step further in the progress of Mississippi politics. As soon as the election in our State *resulted adversely* to my *friends* and *to myself*, we, as a *matter of course, abandoned the contest.* It was a contest for the maintenance of a particular State principle, or State policy. We were overthrown by a majority of the people of our State, and consequently we gave up the contest."

* * * * * * *

"*We do not believe the Democratic party is going to come up to our standard of State-Rights*, but we know they will come nearer up to it than the Whig party; and we therefore intend to go into the Democratic Convention with an honest purpose to support its nominees. We trust you to make us a fair and just nomination; and if you do, we intend to support it. If I am asked who the State-Rights Democrats of Mississippi would sustain for the Presidency, I will answer, they will sustain any good, honest, long-tried, and faithful member of the Democratic party, who has never practiced a fraud upon them.

"I can tell you this, that, in going into that convention, the *Democracy of Mississippi will not ask from it an indorsement of their peculiar notions*—if, indeed, they be peculiar—on the subject of State-Rights.

"Mr. CHASTAIN, (interrupting.) Let me ask the gentleman if he would vote for Mr. Cass?

"Mr. BROWN. If I were to answer that question, I might be asked by other gentleman whether I would vote for this man or that man. I do not choose to engage in any controversy about men.

"Sir, I was saying that *we shall not ask, at the hands of the Baltimore Convention, an indorsement of our peculiar views on the subject of State-Rights*—if, indeed, these views be peculiar. We shall ask, in the name of the State-Rights party, no place upon the national ticket—neither at its head nor at its tail. And when we have aided you on to victory, we shall ask no part of the spoils, for we are not of the spoil-loving school.

"What we ask is this: that when we have planted a great principle which we intend to nourish, and, as far as we have the power, protect, that you shall not put the heel of the national Democracy upon it to crush it."

My colleague here admits that he abandoned his *State policy of resistance to the laws of the land*, because he was *beaten*, not because he was *wrong;* and he now asks to be admitted into the Baltimore Convention, confessing that his views of State-Rights are not in harmony with those of that body, and declares, in advance, that himself and his friends *will not ask the convention to indorse* their peculiar views of *State-Rights.* All he asks is, to be allowed the mental reservation of hugging secession to his inmost soul, and to roll the sweet morsel, as the "poison of asps, under his tongue." He is willing to "make clean the *outside* of the platter, while *within* it is full of rottenness and dead men's bones." He is very humble, as one in his condition would naturally be. He asks no place either at the "head" or the "tail" of the National ticket; from which, I understand that he is not a candidate for President or Vice President; this will be a great relief to the numerous aspirants for those stations; they will now breathe freer and lighter. He has a great aversion to the spoils of office, and is only anxious to aid on the party to victory; and for all this self-abasement he simply asks the poor privilege, Lazarus like, of feeding upon the crumbs that fall from the Democratic tables. Really, such a wail is hard to resist; but inasmuch as my colleague admits that he *abandons the contest* when he is *beaten*, what guarantee have we that he would not make a similar proposition to the Whig party in the event of their success and our defeat? His case is peculiar, and should be referred to the committee on "propositions and grievances."

Sir, my colleague says, the Union party kept the Union hotel, and we kept nothing else, and he found no entertainment there. That is true, sir, and I am glad he has had the candor to admit the fact. We did keep the Union hotel, and it was very hard work to keep it. My colleague and his secession soldiers besieged the Union hotel for six long months; they assailed us with all the weapons of civilized and barbarian warfare; they gave us a long and desperate fight, but we finally broke their serried ranks and drove them from the siege in disgrace. As Cromwell said of one of his famous victories, "we had execution of them for fifteen miles,"—aye, more, sir, for *forty-eight thousand square miles*—the whole length and breadth of the State of Mississippi was strewn with their dead. If my colleague found no entertainment at the Union hotel, it was because he was an *alien enemy* of the Union, and not entitled to enter its doors. He is indebted to our humanity, that he was not hung as a spy.

My colleague is pleased to speak of the Democratic Union candidates, and of the learned and venerable editor of the "Flag of the Union," as "so called," and "self-styled Democrats." He says that Governor Foote was once elected to the Legislature in a *Whig* county; it is very true that the Whigs of Hinds county did once pay that compliment to his exalted talents and his great personal worth; but, sir, that same Whig county once elected Colonel G. R. Fall, editor of the Mississippian, to the same Legislature, and Colonel Upton Miller to the Senate; and they, like Governor Foote, were both Democrats. Sir, the Democracy of Governor Foote needs no vindication at my hands—his fame is identified with the fame of the nation, and his name is honored and cherished by the good, the wise, and the patriotic throughout the length and breadth of the Republic. As for General Clarke, our candidate for State Treasurer, he was a Democratic candidate for Congress in North Carolina before my colleague was born—he has been twice elected a Democratic treasurer of Mississippi, and holds that office now. The same is the fact with regard to Dr. Pickett, the editor of "The Flag of the Union," always a consistent Democrat. The columns of his able journal refute all the sneers and slanders of his enemies, and place him high upon the scroll of the able and distinguished Democratic editors of the United States. Our candidates for Congress were all Union Democrats from their infancy, and three of them are now here upon this floor. It is true, sir, that we had many gallant and patriotic Whigs in our Union ranks, and we thank God that we had them. But for their aid—in the reigning madness of the hour—Mississippi might now have been a disunion State; the proposed Southern Congress might have met, and this country might now have been a scene of strife and of bloodshed, which no language can depict. It is equally true that many of the ablest and most influential Whigs were in the secession ranks, and in the "forefront of the hottest battle."

And now, sir, as my colleague has raised the personal question of Democracy, I will "return the poisoned chalice to his own lips." It is common fame in Mississippi that my colleague was reared in the Whig faith, and commenced his political career as a Whig—that he settled in the Democratic county of Copiah, and was soon after sent to the Legislature from that county. He there met with one of his former Whig friends, who inquired of him how it was that the *Democrats* of Copiah sent a *Whig* to the Legislature? "Oh!" said my colleague, "I found they were all Democrats in Copiah; it was easier for *me* to *go* to *Copiah* than for *Copiah* to *come* to *me*, and so I *went* to *Copiah*." I tell the tale as it was told to me.

My colleague is in the same position now, and his speech shows that he has adopted the same strategy. If the Baltimore Convention will not *come* to him, he will go to the Baltimore Convention—the old case of Mahomet and the mountain. But my colleague says that all parties in Mississippi were responsible for the Nashville Convention. This statement must be taken with many degrees of allowance. For the *first session* of the Nashville Convention all parties were and are responsible. I take my own share of it. I believe it in part induced Congress to pass the compromise measures and abandon the Wilmot proviso, and therefore produced a good effect. The first session of that body took no ultimate action. They declared what were the rights of the slaveholding States, and adjourned in order to see what would be the final action of Congress, which body then was discussing the same subject. Judge Sharkey, of Mississippi, was the president of that convention, and it was made his duty to reassemble the convention immediately after the adjournment of Congress. Congress passed the compromise measures. With these Judge Sharkey was satisfied, and he *refused* to *reassemble* the Nashville Convention. He did not do it. It was reassembled by one having no authority to do so. It was sparsely attended, and in all respects, "a beggarly account of empty boxes." The whole delegation from Mississippi, elected by the State Convention any by the Legislature, *refused to attend* this *second* session. Governor Quitman, *without* any *authority* of law, appointed three delegates to represent him in that convention. The *people* of Mississippi had no part

nor lot in the matter. It was this *second session* of the Nashville Convention that recommended resistance to the compromise measures—that passed the *secession resolutions*—that recommended a *southern Congress* and an *abandonment* of the *National Democratic* party. The seceders in Mississippi sustained the proceedings of this *second session* of the Nashville Convention—the Union men *condemned* them. Why did my colleague take refuge under a *partial* statement of the facts on this point? Is that a specimen of *secession* Democracy? And now, sir, as to the Baltimore Convention the Union Democrats of Mississippi claim their seats in that body as a matter of *right*, and not of *favor*.

The call for the so-called Democratic State-Rights Convention, was simply an *editorial article* published in a secession newspaper which, in the hands of its *former* conductors, *had been* the Democratic central paper of the State; but under the control of its *present* owners, had openly abandoned, by its editorials, the national Democratic organization, and pinned its faith to the scheme of resistance. The editors of this paper had no authority to speak for the Democracy of Mississippi under such circumstances—there was no Democratic State organization—no Democratic central committee—no corresponding county committees. In the struggle upon the scheme of *resistance*, former Whigs and Democrats had mutually commingled on either side. In this state of affairs thirty-three leading Union Democrats from *all parts of the State* who had been elected to the State Convention by the people at the ballot-box, knowing that the seceders had *publicly abandoned the National Democracy*, as before shown, published a call for a State Convention to be held on the 5th of January last.

In pursuance of this call the convention assembled, appointed seven delegates to the Baltimore Convention, and resolved as follows:

"1st. That this convention adheres to the principles and measures of policy adopted by the National Democracy, in the conventions held in Baltimore in 1840, 1844, and 1848, whose wisdom, we believe, has been illustrated by the prosperity which, under their auspices, has attended the administration of the Government.

"2d. That in view of the efforts which have lately been made to ingraft upon the Democratic creed what we believe to be a dangerous heresy, which sound Democrats have heretofore condemned, which we have resisted, we deem it due to ourselves, and required by the importance of the occasion, to declare our concurrence in the language of the patriot Jackson, that to call secession 'a constitutional right 'is confounding the meaning of terms, and can only be done 'through gross error, or to deceive those who are willing to 'assert a right, but would pause before they made a revolu-'tion, or incur penalties consequent on a failure;' and to reaffirm the declaration of the Democratic Convention held in the city of Jackson on the 9th of June, 1834, 'that a con-'stitutional right of secession from the Union, on the part of 'a single State, is utterly unsanctioned by the Federal Con-'stitution, which was framed to *establish* and not to destroy 'the Union of the States; and that no secession can, in fact, 'take place, without a subversion of the Union established, 'and which will not virtually amount in its effects and con-'sequences to a civil revolution.'

"3d. That the perils from which the country has but lately escaped having arisen from agitation upon the subject of slavery, and further agitation or the toleration of it by patriotic men being, in our opinion, fraught with danger to the perpetuity of the Government, it is our deliberate judgment that the measures of compromise, whose efficacy has been felt in quieting a dangerous controversy, should be taken by all sections of the Union to be a final settlement of the vexed question."

These resolutions are in accordance with the public resolves of the entire Democracy of the country—throughout the whole of our painful and perilous struggle we have sustained the *national* Democratic faith—we have carried the good old flag, with all its glorious emblems, high above the raging storm of sedition, and we now present our trophies to the Baltimore Convention. Shall we be received, or will our vanquished and suppliant foes be permitted to "steal without shame, and wear without remorse, the diadem of the Cæsars?"

If the Baltimore Convention repudiates these principles, and with them the Union Democratic delegates from the South, it had better never assemble. Such an act would be a political suicide, from which there could be no redemption.

The Union men of the South hold the presidential election in the palms of their hands. They require the Baltimore Convention to give them nominees for President and Vice President, free alike from the sin of secession and abolition—men whose past lives and public services will personify the great principle of the integrity of the Union, and the equal rights of the States.

We also demand *peace* upon the slavery question—the whole domain of the nation is now provided with laws, State and territorial, and there is no plausible pretense for further agitation of this subject. We claim the right to "worship under our own vine and fig-tree, with none to molest or make us afraid." We look to the National Democracy *now*, as in *by-gone days*, to secure us in the enjoyment of this right. They have the *power* to do it—the Democracy of the Republic, in their primary assemblies, have already declared that they *will do it*. If the Baltimore Convention fails to execute this decree *its nominees will fail to be elected*.

The institution of slavery is ours, and under the providence of God and the Constitution of our country, we intend to protect it. "The ways of Providence are inscrutible, and past finding out." He has planted this institution among us; it has grown with our growth, and strengthened with our strength. Compared with the condition of their native race in Africa, Southern slaves have been transported from a worse than Egyptian bondage to a land flowing with milk and honey. Their food and raiment is better, more abundant, and more certain than that of thousands of the free laborers of the North; they are reared in all the industrial and mechanical employments that pertain to the husbandry of the soil; they are protected by State laws from unjust punishments; they are early imbued with the principles of morality and religion; they have their temples of worship and their fireside altars, and they have more professors of religion than any equal number of people upon the face of the earth. They are deprived only of those rights which, by nature, they are incompetent to enjoy, and are as happy beings as live. Why, then, make war upon the condition of a race which is evidently filling its appropriate place in the sphere of human economy?

Hair-brained philosophers, pseudo-philanthropists, and corrupt politicians have carricatured, vilified, and slandered this institution for half a century, and yet it has progressed without any perceivable change in its character or destiny. The ignorant, the wicked, and the corrupt must have an occupation. Conscious of their own depravity, their constant effort is to direct the attention of the world from themselves to others. They have selected the institution of slavery as their victim, and they are now attempting to make an instrument of Congress to accomplish their ends. I am glad to see that their puny but malignant babblers upon this floor are treated by a large majority with that derision, scorn, and contempt which is due to their ignorance, impudence, and moral and political depravity.

MISSISSIPPI POLITICS, &c.

SPEECH OF HON. B. D. NABERS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

March 18, 1852,

On Mississippi Politics—The Union and the State-Rights Parties—The Presidency, &c.

The House being in Committee of the Whole on the state of the Union on the bill "to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1852,"—

Mr. NABERS said: I wish to call the attention of the honorable member from Alabama, [Mr. SMITH,] before I go to the intended subject of my speech. He seems to have misunderstood the point to which I invited his attention. I say, that by the phrase "Young America," he means nothing at all, or, I fear, something bad. That is the point; and I wish now to know the difference between Mr. Buchanan, General Cass, and General Butler, and young America, with regard to progress? In what respect is young America in advance of all others?

Mr. SMITH. I will reply to the gentleman, with a great deal of pleasure. I think I have been sufficiently and distinctly understood by the House. I do not wish to be dragged into the discussion——

Mr. NABERS. Be very brief, if you please.

Mr. SMITH. I will, sir. I have nothing to say of Mr. Buchanan, as a man and a gentleman. I have no doubt that he is worthy of the distinction that he has received in this country; but I do not wish to be understood as including him in young America. The gentleman says that he understands young America means something very bad.

Mr. NABRES. Sir, I said that young America meant nothing at all, or else something bad. Now, I wish to know, and I put it to the gentleman that he may distinctly understand me, does young America include in her principles, a change in the long established policy of this Government? That is the point.

Mr. SMITH. I say yes, sir; "yes," with three letters, that it may be distinctly understood. What I want is, that young Americans should come in and take a share equal with the old.

Mr. NABERS. I hope the gentlemen of this House will pay attention to this matter. This is a subject of more vital importance, in my opinion, than anything that has been brought before us; and unless the aged, the steady, and the sober men of this country look at it properly, and nip the mischief in the bud, it will, in the end, I apprehend, involve our country in more serious difficulties than any subject ever presented to the American Congress. There is one very remarkable thing about the speech of the gentleman: I mean the notice which he gave us in the beginning of this session, about sending criminal laws to a certain gentleman, and having people arrested and so forth. [Laughter.] Now, it strikes me that that speech would cover the whole of the Kossuth affair, intervention and all. A wonderful change has come over that gentleman within the last month or two; and I wonder if he understands now that a Don Quixotte expedition is to be undertaken by young America? Does young America embrace in her conceptions a universal Republic? I think they mean *that*, if they mean anything. If they don't mean that, they mean nothing at all, and that is far more probable. Why, sir, if young America has come to the conclusion that the world is now prepared for freedom, that blunder, of itself, is enough to put me against young America, although the gentlemen was kind enough to embrace me in its ranks. I do not feel, however, complimented by it. I say again to gentlemen, that if they are guilty of the great error of supposing that the entire world is prepared to appreciate and enjoy such institutions as we have, that of itself is sufficient to put me against them; but, sir, I submit to this House, that the invidious distinction drawn between young and old men, is in exceedingly bad taste.

Mr. SMITH. I will answer you that question.

Mr. NABERS. I desire that you should answer it, but in your time, and not in mine. I do not propose, sir, that he should go into an answer now, but he may do so upon a future occasion. I merely make that observation to call the atttention of the House to this fact, and I say now that it would be with extreme relustance that I would support for President any man indorsed by the young American party. I shall believe there is something wrong about it. Unless they will explain their opinions, I shall believe that their intention is to involve the country in some serious departure from the plain provisions of the Constitution, and to divert us from the path which our fathers trod; and they will have to define those opinions very well before they can get me to vote as a man—as an individual. And, sir, is it not another very strange thing that, according to the arguments of young America, men become simple and foolish in proportion as they advance in years? Look at that. Why, according to that process of argumentation, then a fixed period is necessary for our becoming fools. [Laughter.] I never hear this observation without thinking of that old and trite saying, to which I direct the attention of the gentleman from Alabama, that if young people think that old ones are foolish, old ones know that young ones are foolish. [Laughter.] That is an old nursery maxim—a maxim taught the gentleman by his mother—which each man's mother inculcated upon his mind, and which, I trust, no man will ever forget; but I am sorry to say that several gentlemen at the present time seem to have forgotten it.

Now, sir, I have been drawn, unintentionally drawn, into these remarks, and I will go a step further. A very strange observation, as it seems to me, fell from the gentleman from California [Mr. MARSHALL] about young America, the other day;

and that was, that the State of California, which, of course, did not expect anything, was the best exponent of national feeling of any State in this Union. Now, sir, if intervention is a part of national feeling; if a departure from the policy pursued heretofore by us is a part of national feeling, I think California is, because there, sir, you will find the language and the sentiments and the feelings of every people upon the face of the earth. You find every possible grade of feeling represented by the people of California, because they have rushed there from all the quarters of the world. If we are to embark our Government in a crusade to shelter all the people of the world under our wings, why, California will be a very proper guide—very proper indeed; but not without. But I beg pardon for saying so much as I have about this matter; but I wish you to understand distinctly, that I have no ill feeling towards the gentleman from California, who spoke upon the subject of the Presidency. Not at all; and if any gentleman considers the remarks I have made offensive, in opposition to young America, I wish to be understood as disavowing any hostility at all. But I think every man upon this floor is bound to say something about the question, for every man on this floor is interested in it. I do not make these remarks out of any ill will to that gentleman, but I do it to vindicate my State; and every other member, from every one of these thirty States, is bound to say something, or they are disgraced.

By way of giving preëminence in all things to Judge Douglas, it was said that he was the best cabinet-maker, then the best lawyer, the best judge, the best Representative, and now the best Senator; and, by necessary inference, would make the best President! Now, as to my own State, [Mississippi,] allow me to say this: that Mississippi never saw the day but what she had upon this floor a man of equal talent to that distinguished Senator. I will never take it back; no, never. [Laughter.] From the day Mississippi was admitted into the Union—from the day upon which she became a State, to the present day—she has always had the equals of Judge Douglas; I will not even except the present Congress. (You must understand me, I refer to my colleagues.) [Laughter.] I reassert, sir, that I do not claim superiority for the former or present delegates of Mississippi over the distinguished man referred to, but equality, and I claim it for the remaining thirty States of this Union; and I will go further, and say that there have been hundreds of men who come and go, and have never elicited any particular public attention, who are equal in talent with that gentleman. I will now go a step further about young America. We have got this matter to settle, and we may as well settle it now as any other time. I wish to notice some of the peculiarities of that "*par excellence*" candidate of the Democratic party. He was absent when the fugitive slave bill was passed. This has been explained to the country, and I am satisfied with the explanation; but here is the point: he now complains because a certain distinguished gentleman, now no longer a member in the other House, by the introduction of a particular resolution, has given him a chance to record his vote in favor of sustaining the very thing which he said he would have voted for if he had been here. He complains, in his 8th of January speech, about the Union family. I am very partial to that family; and among other things, he says—I will give you the idea, as I have not the language before me——

A MEMBER. Yes, do, it will make your ideas swim.

Mr. NABERS. I am not among the class of gentlemen who entered college with ambitious motives; nor did Judge Douglas, who, as I understand, entered a cabinet shop. I entered the corn field about the same time that young America entered a cabinet-maker's. Now, here is a point that I call the attention of the members upon this floor to. That gentleman said, in his 8th of January speech, to the Whig party—and I hope they will improve by it—that if it had not been for their affiliation with the Abolitionists, why the Union would never have been put in danger. Is it not a very strange thing that that gentleman seems to scare off from asserting the finality of the compromise to the fugitive slave bill particularly? Whom would he have offended? Why, he would have offended the Abolitionists; and he could not, by possibility, have offended anybody else.

It is claimed by young America, the giant of the great West, that his democracy is strong enough to save the Union. Is it intended to include the following vote, as a part of his strong democracy?

"On motion by Mr. SEWARD, to amend the bill by inserting at the end of the 38th section: 'Neither slavery nor involuntary servitude, otherwise than for conviction for crime, shall ever be allowed in either of the said Territories of Utah or New Mexico:'

"It was determined in the negative—yeas 23, nays 33.

"On motion,

"The yeas and nays being desired by one fifth of the Senators present,

"Those who voted in the affirmative are,

"Messrs. Baldwin, Bradbury, Bright, Chase, Clarke, Cooper, Corwin, Davis of Massachusetts, Dayton, Dodge of Wisconsin, *Douglas*, Felch, Green, Hale, Hamlin, Miller, Norris, Seward, Shields, Smith, Upham, Walker, Whitcomb.

"Those who voted in the negative are,

"Messrs. Atchison, Badger, Bell, Benton, Berrien, Butler, Cass, Clay, Clemens, Davis of Mississippi, Dawson, Dickinson, Dodge of Iowa, Downs, Foote, Houston, Hunter, Jones, King, Mangum, Mason, Morton, Pearce, Pratt, Rusk, Sebastian, Soulé, Spruance, Sturgeon, Turney, Underwood, Webster, Yulee."

If that amendment, for which Judge Douglas voted, had passed, a million of such giants could not have saved the Union. But it is said he was instructed. Very well. How would Andrew Jackson have acted in such an emergency? He would have taken the responsibility to vote his own mind, or he would have resigned. I do not think any man fit for President who would sacrifice principle for office. In this case, admitting the Judge to have a brave heart, his legs were treacherous. He seems to be timorous about it. It is all right, no doubt; yet I say that it is remarkably strange in a gentleman who accuses the Whig party of endangering the Union by affiliating with Abolitionists, expressing a great deal of reluctance in voting for a particular measure, when it is known to everybody that that vote only can offend Abolitionists. It could not offend any one else. There is no Union man, no State-Rights man, and no Democrat worthy of the name, North or South, but what desires to see the fugitive slave law fully executed. If the man under whose flag it is proposed we should battle in the coming presidential canvass fights shy, by extreme sensibility, of the compromise, for fear that he might offend some of his abolition brothers, I will tell you I will not make many speeches for him. I cannot do it. And here perhaps I might say, once for all, in regard to this matter, that I have been, and am, in the habit of making my own speeches in my own way—always. I say that the course of the gentleman strikes me as very strange; and I make these remarks by way of calling the attention of the Democratic party to it. It is easy—very easy—for a man to nearly break his neck in trying to get here, but be a little too late. Whenever a man has the power to put himself right upon the record, it is his duty to do so; and no man is worthy of the support or confidence of any party who refuses to do it. I have, always been a Democrat; and, sir, suffer me to say that I have no intention of going into a systematic proof of my democracy. Not at all. I will say, however, for the benefit of my future biographer, [laughter,] and for the vindication merely of the truth of history, that I have always, when the issue was made between the two great national parties, voted with the Democratic party. That statement will place the future history of the world right, and that is all I care for. [Laughter.] Well, the Democratic party, be it distinctly understood; has always claimed to be a party of principles, and I have heard read frequently very severe lectures against the Whig party, because it was charged they were merely a party of expediency. Well, I submit that a party without principles is the most contemptible thing in the world. I care nothing for party any further than it is the representative of principles. What is true in church is equally true in state. A man may be the best Christian in the world in appearance, and yet be the most arrant hypocrite. That happens frequently. So it is in politics; and if we do not predicate our position upon principles, we will make ourselves the object of contempt and scorn to all honest, fair-minded men.

The Democratic party always has claimed to be a party founded upon principle; and I pledge myself to hate forever any party that is not governed in the same way. I have the utmost philanthropy for all men who profess to be guided by principle. I have never yet fallen out with a gentlemen who upon principle was *in* favor of secession. I think the advocates of that doctrine do themselves the greatest injustice in the world. Why deny a thing you believe to be right? What is there to mantle any man's cheek with shame who believes to be right what he inculcates? And the very fact that gentlemen, who claim the right of secession, fly from it and deny it, is a tacit admission upon their part that there is something a little rascally about it. If it be the doctrine of the Constitution; if it be a right which the State never gave away, why not, like brave men, nail your colors to the outer wall, and if you perish, fall gloriously beneath your flag? I do not profess to be braver than other men, but I say, that a man who denies his doctrine casts odium upon himself. This is a kind of indirect way in which I preface to come around to Mississippi politics. I will now make a few remarks in reference to that subject—not many. I made a great many speeches against a gentleman who held a seat upon this floor for many years, and I will now take the occasion to say, that he was equal to the distinguished Senator from Illinois. I will leave it to all members present who knew him. I do not claim any compliment for myself in defeating such a man. Gentlemen might imagine that this was an indirect way of telling the gentleman from Alabama [Mr. SMITH] that I was the young man for the Presidency that he was talking about, because I had beaten the equal of young America. I meant nothing of the kind. The peculiar circumstances which surround me at this time make it necessary that I should say a few words upon former events—a subject which I always approach with extreme delicacy. I wish, in the first place, to correct one or two errors into which many gentlemen seem to have fallen with regard to the exact issues made before the people of Mississippi. The issues were made not upon the course pursued by my predecessor and others with regard to their votes upon the compromise bill. My opponent was accustomed upon many occasions to wash his hands clean before our audiences and tell them that even I, a partial judge, had acquitted him. I never, on any occasion, made one single point against my opponent, or any other man, with regard to the manner in which they felt it to be their duty to vote during the pendency of those measures before Congress. That was not the controversy. The question was not whether in any event the State of Mississippi would have a right to withdraw from the Union—call it secession, but Union men call it revolution—but the question was, Did the compromise constitute a case of intolerable oppression to justify revolution? Everybody in the United States will agree with me that, in any case of intolerable oppression, men have the right to throw it off if they can. I contended, however, that the compromise did not constitute any such case, and it was, therefore, the duty of the people of all the States to acquiesce in and abide by the laws.

Mr. SMITH. I desire to ask the gentleman from Mississippi, as I understand that he was elected as a Union candidate, whether he means that there is any such thing as secession—the right of secession in any possible form?

Mr. NABERS. I will answer you at a convenient season, and now is the time. [Laughter.] I wish I had my platform here. [Renewed laughter.] I mean the platform upon which I came here—the one upon which I traveled. I contend it is not a right to be found in the Constitution.

Mr. SMITH. That is not an answer to my question.

Mr. NABERS. I recollect again and again, quoting from Mr. Madison, that resistance was an extra and ultra constitutional right. I uniformly denominated it, not the right of secession, but the right of revolution.

Mr. SMITH. Now, give me two minutes.

Mr. NABERS. Oh, come. [Laughter.] Well, I will, for I find that I will have to make a great many speeches.

Mr. SMITH. I am glad of the opportunity.

I will in a few words explain my idea of the right of secession.

Mr. NABERS. Be very brief.

Mr. SMITH. I will. In the canvass which I passed through last summer, it was distinctly and freely admitted that the right of secession was neither a reserved nor a constitutional right, and my opponent sustained himself in this position by reading the letter of the distinguished gentleman who now presides in the other branch of this Congress, [WILLIAM R. KING.] Admitting that the right of secession was neither a constitutional nor a reserved right, it was claimed as a natural right. I answered that a State being an artificial thing could have no natural rights, and of course that proposition was conclusive. It was then claimed as the right of revolution. I said that the right of revolution was an absurdity, and did not exist. I say it here, sir, that the right of revolution does not exist. The word *right* means the uncompassed, the unembarrassed liberty to do or not to do a particular thing. Right means the unembarrassed privilege to act. I say, then, that there is no such thing as the right of revolution, because revolution begins in rebellion, and under the law, as it exists, there is no right to rebel. In order to illustrate my position, in which I deny distinctly the existence of any such thing as the *right* of revolution, I call the attention of the House to the assembling of our fathers, when they signed the Declaration of Independence. Was it the right to sign? Did they have the right to make it? It is admitted in history, that they entered the hall with halters around their necks. What sort of right is that? Do you remember when Charles Carroll, of Carrollton, a man of great wealth, signed the paper, the people in the galleries whispered: There goes half a million. And, why? Because the signing involved the idea, that the British Government would confiscate his property.

Mr. NABERS. I am satisfied with the explanation. [Laughter.]

Mr. SMITH. I hope this will not be considered as a quibble upon words, and I ask, had they any *right* to sign it, under the law of treason, as it exists between the governor and the governed?

Mr. CLEVELAND. That is higher law.

Mr. SMITH. It was a duty, the glorious duty, of patriotism. And I say, that while a man in oppression might not have a right to act, it might be his duty to expose his neck. When our fathers signed the Declaration of Independence, they did it as a great duty, and in a way which gave liberty to the country, and immortality to themselves.

Mr. NABERS. I presume that members upon this floor understand the doctrines of the particular subject referred to by the gentleman from Alabama, [Mr. SMITH,] as held by himself and others. They were published everywhere, and I will take this occasion to say, that I shall append my views in regard to the doctrine of secession briefly to my reported speech, and I will not take up my time about it now. I wish to make a few remarks more with regard to the contest in Mississippi and Alabama, which, no doubt, was substantially the same. I do not know whether my colleague from the fourth Congressional district [Mr. BROWN] is present or not; I am certain the gentlemen from Mississippi will agree in every statement I make with regard to the contest in that State. I will take this occasion to observe, that it is a fact well known to every attentive and impartial reader of the politics of Mississippi within the last eighteen months, that the test of acquiescence or resistance to the compromise bills was to be determined without regard to the distinctions heretofore known among Whigs and Democrats. The opponents of the compromise, be it remembered, began to organize resistance to it under the title of Southern-Rights men. Here allow me to compliment my friend from Georgia, [Mr. JACKSON,] who sits near me, and I mean what I say. He is a member of the Southern-Rights party, and in the course of his speech, he never once used the term Democracy.

I will make a statement which cannot be controverted, although I have not the papers here, for when the canvass was over I threw down all the papers, not expecting to have any use for them, that the party in Mississippi, to which I stood opposed, ran before the people, in the space of twelve months, under three names. In November, 1850, they organized under the title and name of the Southern-Rights party. They continued under that name up to the 16th day of June, 1851, when they assembled together to lay down their platform. Then they assumed the name of the Democratic State-Rights party, but they did not say one single word in the platform about the Democratic doctrine. Not a word. They continued under that name until the first Monday in September, when that concern broke down. [Laughter.] General Quitman retired from the canvass, and he was succeeded by Jefferson Davis, who came out under the title of the Democratic candidate for Governor, but without any change of the Southern-Rights platform. I wish to know if that party were guided the whole time by principle, where was the propriety of changing names. But look here—I will prove to their own satisfaction that they sought Whig votes as zealously as I did. [Laughter.] No man will deny it, here or elsewhere. I say that on the 16th day of June, 1851, the Southern-Rights party laid down their platform, and what was it? I will not go into a detail of it, for I have not time, but in one of these resolutions you will find the following idea, which is this: that it is a source of sincere congratulation that the true friends of the Constitution and the rights of the South, of whatever party name, are now united upon a common platform, and can act together with cordiality and sincerity. If that was the Democratic party, how did this resolution get in there? It was not intended to be a Democratic party platform, and hence they put in that resolution, that men of whatever party name could act together with cordiality and sincerity. I will tell you how we stumped about that matter before the people. And to illustrate the beautiful consistency of that position, I will tell an anecdote, as I find other gentlemen can tell them. I had not expected to deal much in yarns here, [laughter,] but I find that they are tolerably current. Now mark the argument between myself and my opponents in Mississippi. The claim which they now make is, that they are the Democratic party of the State of Mississippi. I ask you how came that resolution there? No man in the world can account for it only upon the statement I now make, that they sought with as much zeal and energy to procure the votes of the Whig party as I did. [Laughter.] I do not deny that I did; I talked straight-right out before the people, and that is the way to get votes. I never tried to cover up anything. But here is the anecdote I was going to relate, to illustrate the ridiculous claim set up on the part of particular gentlemen in the State of Mississippi, that they are the only Democrats of the State. I will say of my colleagues here, that they are good Democrats [Laughter.] I will leave myself out: I recollect I was in Memphis some years ago, when a man, famous for his ability as an auctioneer, made a beautiful speech over some suspenders which he was offering for sale to his audience. I recollect the manner in which he closed struck me with peculiar force. "Gentlemen," said he, "the great beauty of my suspenders consists in the fact, that while they are short enough for any boy, they are long enough for any man." [Laughter.] I invite your attention to that resolution that I spoke of. I ask every candid man to look at it. If the platform was short enough for any Democrat, I will ask any candid man if it was not long enough for any Whig? [Laughter.] It is a plain matter of fact that no man will deny here or elsewhere. I tell you, I procured all the Whig votes I could get by telling them plainly and frankly the views I entertained. The opponents of the party with which I acted did the same thing. I take this occasion to say, that most of the leading and distinguished Whigs of my district were against me. The circuit judge was against me, the district attorney was against me, and many others were against me. But to close this matter, and give you the whole thing at one glance, the politicians of both parties of Mississippi were on the side of resistance, and the people were for the Union as it is. That is the truth of the matter. I invite any gentleman, who feels enough interest in it, to examine this matter minutely. I shall go to Baltimore and knock for admission. I have been appointed to go by Democrats who never faltered. I say this, that if the Democratic party assembled at Baltimore in convention, shall nominate a sound man, such as I could mention, I will sustain him. I will sustain any honest and frank man who may be nominated—who writes his principles in characters of living light, so that all the world can read and understand them. I will never vote for a man who will do otherwise, so help me God, if you will allow me to quote General Foote. [Laughter.] I am not afraid to say this at home, because I say there always precisely what I please. I say that any party who will dodge an issue, is unworthy the support of any candid man. Why dodge, I say?

I do not attempt to dictate what shall be the Democratic platform in June next, as laid down at Baltimore. Not at all. But I ask of the Democratic party not to lay down a platform which I cannot understand. If you want to incorporate secession, put it there, but put it clearly, and so that I can understand it. If you wish to lay down a platform by which you can blow hot and cold, and ring in Free-Soilers, Abolitionists, and birds of every feather, do it, but I am not in that mess. [Laughter.] If you wish to indorse the finality of the compromise, do it. The only point I make is, that the Democratic party should lay down a platform in a manner that is altogether unmistakable. If I were to have my way, I would add a couple of planks to that establishment, and, as it is possible that at some future day my opinion may be a matter of some importance, I will give it. [Laughter.] I would add a plank pledging the faith of the National Democratic party to use its entire influence to have that provision in the Constitution of the United States, giving us a right to recapture our fugitive slaves, faithfully carried out. That ought to be done, in my honest opinion. Well, sir, there is another plank I would like to add. In consequence of the significance of young America, and the thousand and one high-flown notions of the present day, I believe that the Democratic party of this nation should avow its solemn determination not to depart from the advice of that greatest of men, [pointing to the portrait of Washington.] I believe that should also be done. Those are the two planks I would add to the Democratic platform.

Now, I have heard some gentlemen here say that they are against doing this. They claim to be men of progress, and yet refuse to add another plank to the platform. That is beautiful progress, is it not? They refuse, for fear of offending some Abolitionists, to pledge the faith of the Democratic party to the faithful enforcement of the fugitive slave law, which is the only thing that we of the South care much about. If the Democratic party claims yet to be a national party, it must have the same principles from Maine to California, and, allow me to say, that, in my humble judgment, the approaching contest will decide the fate and character of the Democratic party, perhaps, for all time to come. The year 1852 is to decide whether the Democratic party is to remain a national party, or whether it is to be cut up into as many fragments as there are opinions north and south of Mason and Dixon's line. This year will determine whether we are to remain a national organization, or a mere expediency, sectional, local party, held together—I shall not say by what; but some gentlemen may remember a remark once made by Mr. Calhoun. I will not repeat it. [Laughter.]

Mr. Chairman, I shall not detain the committee much longer upon the subject of Mississippi politics; because, as I before intimated, I do not desire to obtrude upon this committee, or upon this Congress, matters that are peculiar to ourselves. I wish to say this, however, that there was a party in the State of Mississippi to which the gallant State of South Carolina looked for coöperation, and that party was not the Union party. Every gentlemen here from South Carolina, will admit that they looked to the States-Rights party of Georgia, Alabama, and Mississippi, for coöperation, and not to the Union party of those States. That was understood everywhere. What might have been the fate of our Government had the States-Rights party triumphed in those States, I leave you to conjecture. The very fact, however, that South Carolina has stopped, is a significant commentary upon the result of the elections in the southern States, to which I have alluded. If Georgia, Ala-

bama, and Mississippi, had followed after South Carolina, no man doubts, I suppose, that an attempt would have been made to dissolve this Union. That was the policy of leading gentlemen in Mississippi. And here I am going to demonstrate the fact that there was a secession party in Mississippi. What does it take to constitute a party? Is it numbers, or is it principles? Everybody will say it is principles that determine the character of a party. Well, I have heard many men in Mississippi say, that they were for secession *per se*. Suppose there were only thirty, forty, fifty, one hundred, or a thousand, still it would be a party. And here is another fact, that whilst a number of distinguished men in the State of Mississippi, were in favor of secession, I will venture to assert that not one third of those who voted for them, were in favor of secession. The people followed them, not because they were in favor of secession, but because they had been in the habit of following them, and because they claimed falsely to be the old rank and file leaders of the Democratic party. This is a simple statement of some of the leading facts that were before the people of the State of Mississippi during the canvass of 1851. Well, we defeated the State-Rights party on all occasions, and I am satisfied. The truth is, I have been in perfect good humor all the time. [Laughter.] Few can beat me at that. Well, our opponents in Mississippi seem now to be willing to acquiesce in the compromise measures of 1850. That was all I asked them to do. I never asked anybody to indorse the compromise. I never did that myself. It was not a question of approval. I never made that issue with my opponent. The issue simply was, resistance on the one hand, or acquiescence on the other. They now say they acquiesce, and I am satisfied. That is all I ever asked them to do. True, the State-Rights party of Mississippi are a good deal like an old gentleman who once thought he was going to die, and sent for his neighbor Smith, with whom he had had a quarrel. Well, they talked it all over and settled their difficulty, and then Smith bade the old gentleman good bye, and was leaving the room, when the old man sat up in bed and said, "Look here, neighbor; mind you, if I live, I take it all back. I shall hate you like I always have hated you." [Laughter.] Now, I think a great many of the State-Rights men have this feeling towards the Union men. They simply claim the privilege of hating us. Well, if it affords them any satisfaction, I do not object. But how they could hate me, has always been a mystery to me. [Laughter.] I expect to die without a proper elucidation of that most mysterious circumstance. [Laughter.]

Mr. Chairman, I have made these few observations about things in general not for the purpose of putting myself right before my constituents, because I have never been wrong before them, but simply to vindicate from what I conceived to be a very unjust assault, the men who have been coöperating with me in Mississippi and other Southern States. I profess to have been governed in the whole contest and to be governed now, by principle, and by my honest convictions of truth. That satisfies me; and it is a matter of no great consequence whether other gentlemen are exactly satisfied or not. I have endeavored on all occasions, to throw around myself that brazen bulwark—conscious innocence; and nothing but the peculiar emergency that has been pressed upon the people of Mississippi, would ever have induced me to become a candidate for a seat upon this floor. It was inconvenient for me to leave home, and I regretted it; and—perhaps this remark may be heard by my political opponents at home and may be of service to them—I am not exceedingly anxious to continue to be a member on this floor, though I find myself surrounded by an exceedingly interesting body of men. [Laughter.] But I have no particular anxiety to continue a member upon this floor; and if what few opponents I have left desire to get rid of me, the best way to do it is for them all to come down and say I am a clever man. [Laughter.] But I can never retire, when I am under fire. And here let me say, that you can very easily tell the difference between a Union man and one who is a good deal disaffected against the Union. The good Union man says "Union," right straight out; but the other man is very apt to twist his mouth in this fashion, "glor-i-o-u-s U-nion." Now I speak the word right straight through. I do not pretend to say that this glorious Union has no faults. I have never denied that a series of blunders have been committed in the administration of this Government; but I have said of the Union what I would say of my own wife—for I have a wife, and a very fine-looking one, too. If I could admit that my wife had a fault—which I do not admit—I make no such admission; if she had one, or two, or many faults, I would say to her "with all thy faults, I love thee still." [Laughter.] So I say now with regard to the Government founded by my fathers: I do not believe it is a perfect Government, or one without faults and blemishes; but I do claim that we have better secured the ends of justice, peace, prosperity, and happiness, under our own form of Government, than they have been secured under any other form of government beneath the sun. And although I am thousands of miles from my family, I feel today that they are just as secure, although this vast distance intervenes between us, as if I was there to protect them. Why? Because the ample folds of the flag of this Government waves over them. It is because the combined power of twenty-three millions of freemen are pledged to protect that which is dear to my heart; and the saddest day, in my judgment, that has ever dawned on this country, will be that on which our present form of Government shall be destroyed.

[Here the hammer fell.]

I was to add a few words to define my views of secession. I adopt the language of General Jackson, in his nullification message of January 16, 1816:

"The right of the people of a single State to absolve themselves at will, and without the consent of the other States, from their most solemn obligations, and hazard the liberties and happiness of the millions composing this Union, *cannot be acknowledged*. Such authority is believed to be utterly repugnant both to the principles upon which the General Government is constituted, and to the objects which it was expressly formed to attain."

Again:

"It is not the right of the State, but of the individual, and of all the individuals in the State. It is the right of mankind generally to secure, by all the means in their power, the blessings of liberty and happiness; but when, for those purposes, any body of men have voluntarily associated themselves under a particular form of government, no portion of them can dissolve the association without acknowledging a correlative right in the remainder to decide whether that dissolution can be permitted consistently with the general happiness."

The following preamble and resolutions I had intended to offer, as expressive of my understanding of the compromise:

Whereas, the Congress of the United States, in the year 1850, passed "An act for the admission of California into the Union; an act to establish a territorial government for Utah; an act to amend and supplementary to the act entitled, 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12, 1793; an act to suppress the slave-trade in the District of Columbia; and an act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico:" And whereas the people of the United States have expressed a determination to abide by these several acts as a final settlement of the questions to which they refer: And whereas the future tranquility of the country can only be maintained by the mutual good faith of the various sections thereof: Now, therefore, to prevent misconstruction, and a consequent renewal of strife—

1. *Resolved*, That in accepting the acts above recited as a final settlement of the questions to which they refer, it is distinctly understood that Congress is to take no further steps with the subject of slavery in the District of Columbia.

2. That Congress is to take no steps, directly or indirectly, either to establish or prohibit slavery in the Territories of New Mexico or Utah; nor shall the Legislatures of said Territories have power to establish or abolish slavery.

3. That Congress is not to refuse the admission of a State into the Union, because the constitution thereof may recognize African slavery.

4. The State of Texas is understood still to have the right of erecting within her present territory four other States besides the said State of Texas; which States shall be admitted into the Union either with or without slavery, as their constitutions may prescribe at the time of admission.

5. That Congress is not to interfere with the trade in slaves between the States, and is to see that the fugitive slave law be faithfully executed.

Let all sections of the Union stand firmly by the Constitution and laws of the United States, and clouds will soon disappear, and our Government will not end till time shall be no more.

THE UNION AND STATE-RIGHTS PARTIES OF GEORGIA.

SPEECH OF HON. J. W. JACKSON,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

March 16, 1852.

The House being in Committee of the Whole on the state of the Union on the bill "to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1852,"—

Mr. JACKSON said: Mr Chairman, I have forborne from addressing the committee upon any occasion during the present session, because I have little belief that it is possible for me to throw light upon any questions within the sphere of legislation. I profess not to be an orator; I make no pretension to extraordinary intellect; I claim only to possess the power of judging for myself upon all public measures, and the honesty to give my vote as my conscience directs. I have forborne from answering the speech which was delivered some few days ago by my colleague from the fifth congressional district of Georgia, [Mr. CHASTAIN,] because, with all respect for him—with the kindest feelings toward him—I have been afraid of myself. I have been apprehensive that I would use language which I would sincerely regret. It was because I feel disposed to be on terms of the kindest intercourse with him, and because in speaking of a portion of the people of Georgia, I am apprehensive that I might, if I followed the example of my colleague, speak in terms of intemperance. True, I endeavored to catch the Chairman's eye immediately after he had concluded. It was not my fortune to obtain the floor, and I thank God that it was not. But it becomes my duty now, when another respected colleague, representing the sixth congressional district, [Mr. HILLYER,] has addressed the committee, and in a temper which I am glad to say is much more moderate, it becomes my duty to stand up here and defend my own course—and to defend the course of the Southern-Rights party of Georgia, one of whose representatives I have the honor to be. I am sent here by that portion of the people of Georgia who have been denounced upon this floor as disunionists. If that people who have sent me here be disunionists, the inference is irresistible, that I, also, have forgotten my duty to my country, and am a disunionist. If there be any man upon this floor who has drawn that inference, I feel it to be my duty, from a regard to myself, from a regard to my posterity, and from my respect for my countrymen and this House, to disavow the fact, and to say here, as I do, before my country and my God, that never, with all the causes which in my judgment the Southern people have for dissatisfaction, in a long course of twenty years' legislation, have I felt the first desire to see the Union of this country dissolved. It is inferred from my course here during the first session of the Thirty-first Congress, from the fact of my having voted against sundry measures of what is now known by the name of the "compromise," that I was disaffected towards my country. My course was this, sir: I voted against the Texas boundary bill; I voted against the bill abolishing the slave-trade in the District of Columbia; and I voted against the bill for the admission of California. I voted for the bill organizing the territorial government of Utah; I voted for the New Mexican territorial bill, when it was proposed by the present Speaker, [Mr. BOYD,] then the chairman of the Committee on Territories, as an amendment to the Texan boundary bill, and was incorporated in it; and I voted for the fugitive slave bill. I voted for three of the measures which constituted the compromise, and I voted against the other three.

It is not necessary here, Mr. Chairman, to go into the examination of why my votes were so given. I have no disposition to recall the recollection of those scenes. I have no disposition again to agitate the slavery question; I have no wish to state the arguments for or against; but suffice it to say, at least it must be sufficient so far as I am concerned, that the votes I rendered were honestly rendered, as I believed, under the obligation which I owed here as the representative of my people. I shall stand to the correctness of those votes as long as my Creator allows me life.

I voted in common with a large portion of the representatives of the people of the United States upon these questions. They were greatly divided.

It is said, Mr. Chairman, that I abandoned Democratic principles and Democratic measures by voting as I did. I utterly and entirely deny it. If it be a Democratic principle, as I understand it is, that territorial governments, when they propose to come into the United States, have a right to lay down their constitution, adopting or rejecting slavery as they please, I voted for that principle by voting for the bill organizing the Territory of Utah, and for the amendment organizing the territorial government of New Mexico. If it be said that I voted against the Democratic principle because I voted against the admission of California, I reply, that as I understand the Democratic principle and practice, it has reference to organized territorial governments. When organized territorial governments have existed, and when they are matured for coming into the Union, then it is competent for them, agreeably to the practice of the Government, to lay down their constitutions as they shall please; and there is no other basis upon which they can be rejected, but under the Constitution, where they shall be found not to be republican in their institutions. I abnegate and reject the idea, that any set of people have the right to take possession of the territory of the Union—of the unorganized and unsettled territory of the Union—place themselves upon it, not owning an acre of the public territory, organize themselves, and claim, without the authority of this Government, to make a State constitution, elect Senators and Representatives to come here, and demand from the representatives of the people, that they shall be admitted as a State. If I voted against a Democratic measure, I voted upon that subject in common with many other Democrats, both of the Senate and the House. So also in relation to the Texas boundary bill. If you will look to the Senate of the United States, you will find that when the question was put upon the third reading of that bill, that a majority of the Democrats voted against it. And it was only upon the question of the passage of the bill, that there arose a small majority of the Democrats of the Senate who were in favor of it. It is notorious, that the Democratic party of this country were divided upon nearly all of the measures which were passed. I will not go further in the discussion of that question. Let it pass. I have simply made these remarks for the purpose of defending myself against the implication which may arise from the arguments of my colleague, [Mr. CHASTIAN,] that in opposing some of the measures of the compromise I had abandoned Democratic convictions, and opposed Democratic measures. Permit me to say this—and I ask it in all deference to gentlemen upon this floor—if I opposed Democratic measures, I ask whether the honorable Senators from Virginia [Messrs. HUNTER and MASON] abandoned Democratic principles and were opposed to Democratic measures when they voted against the admission of California, against the Texas boundary bill, and against the bill for the abolition of the slave-trade in the District of Columbia? I ask whether the seven representatives from that State abandoned Democratic measures and opposed Democratic principles when they also voted against the same measures? I wish to know whether the republican people of Virginia, who have recently, if I understand it, elected a Governor, a Lieutenant Governor, and Attorney General, all of them opposed to the compromise, have abandoned Democratic measures and Democratic principles? I wish to know whether a large portion of the people of North Carolina are themselves no longer Democrats, for they returned to this floor three gentlemen who voted exactly as I did? I wish to know whether the Southern-Rights people of Alabama, who returned one gentleman who voted as I did, to this Hall, are no longer Democrats? I desire to know whether the people of the Mobile district, now represented in the person of a gentleman upon this floor who entertains the same sentiments with me, are no longer members of the Democratic party, or Democrats in principle?

The people who sent me here are charged with being disunionists——

Mr. HILLYER. I would ask my colleague to permit me to explain one moment. I make no point with the gentleman. I make no point upon the Southern-Rights party of Georgia, for I hold in my hand an extract from the proceedings of a portion of the Southern-Rights party assembled in Milledegville in November last, in which they expressly declare that their Democracy or the reorganization of the Democratic party, shall be made to depend upon the action of the Baltimore Convention ratifying and affirming the principles of the compromise. The point which I make is upon the Democratic party. I do not go back to the action of the last Congress. I speak of the future. I say that the principle of the Democratic party, founded upon our Constitution and on the compromises of the Constitution, require that the Democratic party shall rally around a great national question which has arisen, for the purpose of giving peace to our whole country. And upon this point I stand identical with my colleague from Georgia, and identical with his party in Georgia, as expressed here in the extract from the proceedings of the meeting of a portion of that party at Milledgeville. Let me repeat: My position is, that the principles of the Democratic party, acting in the future, require that they shall, in view of the compromises of our Constitution and our political system, carry out the great national questions which are to give peace to our whole country.

Mr. JACKSON. Nothing I have said was calculated (certainly it was not intended) to bring out my colleague in the explanation he has just made. With the most perfect respect for him, I say, I was not thinking of his argument at the time he interrupted me. I was defending my course, and proposed to defend the course of that party which was known as the Southern-Rights party of Georgia. It has been said it was a disunion party. The argument made by my colleague from the fifth congressional district, and of my colleague from the sixth is, that there were certain presses of that State, and in the year 1850, before the sitting of the Georgia Convention, who declared themselves in favor of secession and disunion. I am a fair man, and I trust I am never disposed to misrepresent and deny what is true. I state that I believe it is true, that there were certain presses in Georgia which, anterior to the session of the Georgia Convention, were in favor of secession. Our whole country was agitated, and divided, and the measures of compromise cast throughout this whole country alternate hope and despair. Those who were the most sanguine, thought they were calculated to restore peace and quiet to the country. Those less sanguine, believed that they were not so calculated. Many eminent and worthy gentlemen of the South believed that the compromise measures would prove an effectual panacea for restoring peace and harmony. Others believed, that instead of being an effectual panacea, in stilling the troubled waters, the effect would be still to continue the agitation. There were also a large portion of the Southern people who thought as I did, that the effect of these measures would be to deprive them of all the territory acquired by the common blood, by the common treasury, by the common patriotism, of this immense Confederacy. I believe the Southern people have lost all of California, from the thirty-second degree of latitude up to the forty-second. I believe that never again will the Southern States of this Union be strengthened in that connection. I believe that to be the effect of the Utah and New Mexico bill, although I voted for them willingly, and felt it to be my duty to do so, because they entertained no inhibition of slavery, and because their general principles are correct. I believe that the effect of these bills, in connection with what has been called the Mexican law upon that subject, is this, that slavery will never go there, and the Southern country will be deprived of the whole of it. If there is any portion of the Southern people who now say that we have been dishonored and degraded by the compromise measures, I do not agree with them, because I believe that a majority of the members who were upon this floor from the North desired at the time of the adoption of the compromise, to withhold the Wilmot proviso. I do not believe they then wished to put it upon us, and they forbore from doing so; but I must, at the same time, say, that they believed in this Mexican law, and they could not reasonably anticipate that the withholding of the proviso would enable us to go there. We were not insulted—we were not degraded by the imposition of the proviso. Those who had power withheld it. I look to the effect of the New Mexico and Utah provisions, in connection with the universal belief among Northern statesmen, that the Mexican law still prevails. The Southern people believed that the effect of these two territorial bills would be to take the whole of the territory from the South. Is it astonishing, is it surprising, that the people who believed themselves deprived of the whole of this common property, should be excited to the highest degree? I believe there is no people within the limits of the United States, in the Northwest, or the East, in the South or in the Southwest, or any portion of our country, in the valley of the Mississippi or upon the Atlantic, who, if they believed they were divested, by force or stratagem, of a portion of their common property, would not feel strongly excited towards the Government. When the question arose, whether, under the circumstances, the people of Georgia would abide by the compromise, or would secede from the Union, or adopt some other remedy, a very different question arose. My own position was this: That I was not prepared to dissolve the Union of my country. I returned, after those measures had been passed, to my home, but I had informed my colleagues previously upon this floor, that I would make no question of union or disunion. When arrived in Georgia, I received a letter from citizens of South Carolina, inviting me to a festival given in honor of my friend from South Carolina [Mr. COLCOCK] and the honorable Senator from South Carolina, [Mr. BARNWELL,] inviting me, as a Southern man, to go to their meeting, or, if I could not go, to advise them as to the course South Carolina should pursue. This was in October, 1850. My answer to them was, do not secede; consult your sisters of the slaveholding States—not one, two, or three, but all the slaveholding States. They will consult with you wisely. Do not act rashly. Secession will do you more injury than good. I saw no good to come from it to her, and I saw boundless injuries that would result. Sir, time passed on, and the Georgia Convention met, and sat, and it prescribed her platform. I had, as my colleague from the fifth Congressional district has said, been one of the old State-Rights party of Georgia—a party which I loved, a party to which I was as much devoted as any lover ever was to the maiden who first won his affections. I, as one of the old State-Rights party of Georgia, said, my State has decided, and it is my duty, and that of every other son of hers, to obey her. Well, sir, in the course of time, the people of the first Congressional district of Georgia did me the kindness to express in various ways approbation of my conduct, and they called me again to serve them. The immediate call to which I responded was from the people of Bullock county, who had always been Union men, who had been firmly attached to that party to which my friend and colleague says he had been so long attached—the old Union party of Georgia of 1833 and 1834. These people, calling themselves Union Southern-Rights men, addressed me a letter, and called me out. My reply to them was: Gentlemen, I, too, am a Union Southern-Rights man. Gentlemen of the Democratic party—I speak now to the gentlemen of that party, for I understand from the tenor of the speech of my colleague this morning that it may not be considered that I am a Democrat upon this floor—I said to the people of Bullock county, in my letter of acceptance, in substance: "I am a Union man according to a strict construction of my country's Constitution. I have been a Southern-Rights man all my life. I am also a Democrat, and I will permit no Constitutional-Union man or Southern-Rights man to cut me off from my connection with the Democratic party. As soon as I return, if I am elected again to the H[illegible]s of Congress, I shall place myself instantly in the ranks of the Democratic party." I spoke of my confidence in the Democratic party of the Southern States, and declared, there were many high-minded Northern Democratic statesmen in whom I had confidence. I said the Northern Democratic party was much sounder on the subject of slavery than I believed the Northern Whig party to be. If, after

this declaration, you consider that I am unworthy of a place among you as a Democrat, then exclude me, and exclude my people; for the Democratic people of my district, with my Democratic attachments everywhere declared, with a full knowledge of the sentiments that I avowed in my letter of acceptance, returned me, and returned me with an increased majority.

Mr. Chairman, in what have I been a disunionist? My friend from the fifth Congressional district has charged the Southern-Rights people of Georgia with abuse of the grossest character, and has talked of the Billingsgate of their newspapers, and traveling ministers. I know nothing of the traveling ministers, for I confined myself entirely to my own district, where none came, if there were any; but as to abuse, we know that in all such contests there is abuse enough on both sides. Granting that the Union constitutional party were abused, granting that Governor Cobb was abused—there was full measure of abuse of the Southern-Rights people, and their candidate, Governor McDonald; there was abuse for abuse. In relation to myself; it does so happen that, upon the Texas boundary bill, I voted with the gentleman from Ohio, [Mr. GIDDINGS,] who has addressed the committee to-day; and whilst the names of the gentlemen from Virginia, North Carolina, Alabama, Mississippi, Louisiana, and Arkansas, who voted with me, were suppressed, my name was placed alongside of the name of the gentleman from Ohio, in the largest capitals, in several of the Union papers of my State, for the purpose of showing that I sympathized with the Abolitionists, and with the sentiments of the gentleman from Ohio. Let that show, as an example, to what extent abuse was heaped upon the Southern-Rights party of Georgia. And recently, because in the course of my duty, as I conceived it, I thought proper, in the Democratic caucus here, to vote to lay upon the table a resolution indorsing the compromise measures, for this reason, also, has abuse been heaped upon me by some of the constitutional Union papers of Georgia. I have not been directly charged by them with being a disunionist, although one of them has called me, I am told, the head "fire-eater" of my district. I have not been directly charged with being an Abolitionist. I have not been directly charged with being disposed to destroy the country, and be a traitor to the Southern cause; but my name has been published in connection with the names of Messrs. RANTOUL, PRESTON KING, and other gentlemen who agree with them, whilst many other names are suppressed; and I am made to affiliate with those men with whom everybody here in this Hall knows I have no special intercourse, and not the least sympathy. I voted in the Democratic caucus to lay that resolution upon the table, because I believed that the question, whether the compromise measures should be indorsed, or simply declared to be acquiesced in, was a question not for members of Congress to decide, either in this House or in caucus, but that the question should be determined by the party when the Convention assembled; and I therefore determined, by my vote, to give it that direction.

Now, I will meet my colleague from the sixth Congressional District of Georgia. He says he desires that these measures shall be declared final. I, sir, meet him thoroughly on that point. As a friend to the country—as a friend to the whole country—as a man whose mind has never consented or looked towards disunionism, I ask the Democratic party, when they assemble in convention at Baltimore, to declare the finality of that compromise. I ask it because I believe it is due to the Southern people, that, having lost, in my judgment, all the territory west of the Rio Grande, and much of Texas besides, the people of the North should enforce the Constitution which they are sworn to obey. Can there be a more reasonable request, than that you should carry out the requirements of the Constitution of the country in relation to fugitive slaves? Do you, gentlemen of the Democratic party, recognize a higher law than the Constitution of the country, in relation to worldly and political affairs? Are you higher-law men, or are you American citizens? Are you higher-law men, or are you American statesmen, bound to look, in all that you do, to the preservation of the rights of all the people? I ask of you, gentlemen, when you assemble at Baltimore, if any of you shall be there, to carry these sentiments with you; and I ask you to do that which every Southern man has a right to ask, viz: to put it in your platform that the compromise—strongly opposed as it was, in my judgment, to the Southern right to the territory west of the Rio Grande—yes, that the fugitive slave law—all that remains to the Southern people—shall be honestly carried out.

Sir, it is said that the Southern-Rights party of Georgia were a disunion party, because they placed ex-Governor McDonald as a candidate before the people for Governor of the State. It is true that Mr. McDonald presided at the Nashville Convention. He went there in obedience to the behest of his State. He did not volunteer to go there. He was called either from professional life or from his private home, by proceedings of the Legislature of Georgia, of 6th of February, 1850, which I will read, and to which I ask the attention of the committee:

RESOLUTIONS to send Delegates to the Nashville Convention.

The Joint Committee on the state of the Republic, to which were referred certain resolutions of the members of the Legislature of the State of South Carolina, and other resolutions introduced in the House of Representatives of this General Assembly, relative to a proposed convention of the people of the slaveholding States, recommend the adoption of the following resolutions:

Resolved, 1st. That this General Assembly regard most favorably the recommendation emanating from the people of Mississippi, that the people of the slaveholding States meet in convention at Nashville, on the first Monday in June next, as eminently conducive to harmonious and efficient action among them in defense of the institution of slavery, and all the rights incident thereto, guaranteed by the letter and by the spirit of the Constitution.

Resolved, 2d. That both branches of the General Assembly will meet in the Representative Hall, on Thursday next, at 11 o'clock, for the purpose of sending four delegates from the State at large to the Nashville Convention.

Resolved, 3d. That we recommend to the people of this State to send two delegates from each of their Congressional Districts of this State to said Nashville Convention, to be elected on the first Tuesday in April next, by the people of said districts; and that his Excellency the Governor, by his proclamation to the people of this State, make known the day of election herein designated, to be held as elections are for members of the Legislature, and that the returns of the election so held by the people, shall be made to the Governor, as elections for members of Congress by the people are; and upon the returns so made, his Excellency the Governor shall, by his proclamation, make known the persons so elected; and in the event any of the delegates so elected shall refuse to accept the appointment by the 15th of May, or if any vacancy shall in any manner occur, then the Governor shall be, and he is hereby, requested to fill such vacancy, by appointment from whichever party the vacancy shall happen.

Resolved, 4th. That in the election of delegates to the Convention, we would recommend that the same be done by the election of an equal number from each political party in the several counties in this State

Resolved, 5th. That his Excellency the Governor be requested to forward a copy of these resolutions to the executive of each slaveholding State, to be laid before the Legislature of each State.

ASSENTED TO, *February* 6, 1850.

In passing back, I find on the 23d of February, 1850, the Legislature of the State of Georgia passed this resolution:

Resolution relative to Delegates to Nashville Convention.

Resolved, &c., That his Excellency the Governor be, and he is hereby, requested to inform the honorable M. Hall McAllister, Charles J. McDonald, Charles Dougherty, and William Law, of their election as delegates to the Southern Convention, to be held at Nashville, in June next, and request their acceptance; and that, in case they, or either of them, shall refuse to accept the appointment by the first of May next, it shall then be the duty of the Governor to appoint some suitable person in the place of such delegate so refusing to accept, from the party in which the vacancy occurs; and in case of a vacancy from any other cause, the Governor is hereby authorized to fill such vacancy.

ASSENTED TO, *February* 23, 1850.

Now, sir, McDonald did not go to the Nashville Convention as a volunteer. He was called upon by the State of Georgia to go there. He was called upon by a Legislature, composed of both Whigs and Democrats—himself a Democrat. The resolutions were passed almost unanimously. I do not recollect now the name of a single dissenting voice. There may have been a few who voted against them. I will not be positive there were; but he was called by his State Legislature, responding, as Georgia did to the call of Mississippi and South Carolina. Governor McDonald, as a faithful servant, obeyed the call, and went to Nashville, and when he arrived there was made a Vice President of the Convention, and an honorable gentleman from Mississippi (Judge Sharkey) was made President. But that convention did nothing then which may justly be called objectionable. It did nothing more than to express a wish—perhaps it may be construed into a demand—that the Missouri compromise line should be carried to the Pacific ocean. They asked that; and was it more than a large portion of the country were willing to give to them? They asked for precisely the same proposition which was afterwards introduced into the Senate of the United States by the Senator from Tennessee, (Mr. Turney,) and for which I think every Southern Democrat voted. Yet will any gentleman rise here, and say that they were not Democrats? Turney's proposition was voted for by honorable Senators, among whom were Messrs. Foote, Downs, Clemens, and Houston. Yet I never doubted myself that they belonged to the Democratic party. But, surely, if the advocacy of the Missouri compromise line be an abandonment of Democratic principles, and an advocacy of any other principles, then those gentlemen who voted for that measure in the Senate of the United States come in equally for an abandonment of Democratic principles, with the Southern-Rights party who demanded that line.

But, sir, the Nashville Convention adjourned. It adjourned, subject to the call of the President. The President resigned. In conformity with his duty, his commission from Georgia not having been in any way revoked, McDonald returned to Nashville, where it devolved upon him to preside over that body. At the opening of the convention he delivered an address, which I do not hesitate to say is consistent, not only with the rights of the Southern country, and with the feelings of a Southern citizen, but it is also consistent with those of a citizen devoted to the Union of his country; and I am willing, perfectly willing, if I can have the opportunity, to argue that question with my friend and colleague, [Mr. HILLYER.] If he will take up that opening speech at the Nashville Convention, and show that it is wanting in patriotism, I will follow him, with the permission of the committee, and show not only that it is consistent with Southern feeling and Southern devotion to Southern institutions, but, at the same time, with a proper love for the Union and the country. But, sir, they did adopt one measure in that convention, to which I should never have given my assent. I had nothing whatever to do with getting the convention up. I did not contribute to its call by word or deed. But, as I said, it adopted one resolution which I never could have approved; and if it had come home to me that McDonald had approved of it, I should not have voted for him. It adopted a resolution that the people of the Southern States should hold a Southern Congress, and that the deputies there assembled should have full power to determine the course of the Southern people. I look upon that resolution as not being Democratic or safe in its character. I considered that when great interests to the country are at stake—when the great interests of the States are at stake, the determination of a Congress or convention, whatever the name, should be referred back to the people of each of the States, the Congress or convention represented.

But, I ask, what evidence is there that McDonald approved of that resolution? He was the presiding officer of that body. You, Mr. Chairman, are the presiding officer of this body, and I desire to know if, on that account, you approve of everything that is done in this body? and whether, because you make a report upon the rising of the committee, you thereby approve of everything which you report, or whether you simply make a report of the facts, without any reference to your own opinions? I ask the same thing in relation to the Speaker of this House, when he signs a bill which has been passed by the Congress of the United States. I wish to know whether he intends to give his approval personally to everything contained in that bill? Sir, Governor McDonald did preside in that convention, and signed its proceedings, as it was his duty to sign them, stating the facts which occurred. Time passed on. McDonald came back to Georgia, and the people of Georgia held their convention. That people determined to abide the measures which had been adopted by Congress, declaring at the same time that they did not wholly approve of them. Now, what act was

there of Governor McDonald that showed he was disposed to disregard the compromise measures, after Georgia had, in sovereign convention, decided? I know of none. On the contrary, he has expressly and repeatedly, in conversation, letters, and addresses, declared that it was the duty of every man in Georgia to submit to the decision of the Georgia convention.

Mr. HILLYER. Will my colleague permit me to answer his question? I will not impugn the motives of Governor McDonald, nor will I undertake to say that his subsequent conduct was intended by him to dissolve the Union. He disclaims any motive or purpose, and I believe him. I do not believe that that noble and patriotic son of Georgia had any such object. But I give this answer to my colleague's question: I believed that Governor McDonald indorsed the Carolina principle and the Carolina remedy; and I believe further, that his success, and the success of his party, would have endangered the Union, whether he so intended or not. And so the Union party believed. And hence we felt it our duty, although we did not regard them as avowed and open disunionists, to put them down in this second great political battle as we had done in the first. We thought it necessary for the safety of those great compromise measures.

Mr. JACKSON. My colleague has only anticipated what I was going to say in relation to secession, and McDonald's opinions upon it.

Mr. ORR. It may be in my power to do justice to Governor McDonald in reference to this matter. I happened to be with him last summer in the State of Georgia. It was, I believe, after his nomination as a candidate for Governor. I had a conversation with him then as to the politics of South Carolina. A contest was going on then between those who believed the State should secede whether she got the coöperation of other States or not, and another party which believed that she should not secede unless that coöperation was obtained. Governor McDonald expressed himself as strongly as it was possible for him to do, upon the subject. He believed it to be highly impolitic, inexpedient, and unjust to the other Southern States for South Carolina to secede.

Mr. JACKSON. I understand that to have been the decided opinion of Governor McDonald, and I shall be able to show it, if I have time, by letters which I am ready to produce.

It is said here that the convention which nominated McDonald was a disunion convention, because it laid down the principle of the right of secession. I shall come to that. It did lay down the principle that each State in the Union has the right to secede. But when my friend from the fifth Congressional district said, as he did in his speech the other day, that the convention declared a State might secede, *with or without cause*, I say that my friend did not recollect; that his memory had failed him. The convention recognized the principle that ours is a Constitution of States, which came into the Union by compact. It was not a Constitution which looked to force. It recognized the principle that each State is an independent State, having the right of secession whenever it should deem it necessary for its *safety* and *happiness*.

My colleague from the fifth Congressional district [Mr. CHASTAIN] has called it a heresy. My worthy friend who sits near me, [Mr. WILCOX]—with whom I have been well pleased to make an acquaintance upon this floor, which I trust will mature—has also called it a heresy. Sir, under the peril of being called heretical, under the peril of being called a disunionist, under the peril of being called whatever it may please those who differ from me to call me, provided they do not so call me to my face, I will say that I do believe in the right of a State to secede, and I will stand up and maintain that right, as a State-Rights man, so long as it shall please Heaven to let me live. I do not derive it from the Constitution. I believe it to be a great right founded upon the sovereignty of the States. I believe these States are sovereign. That is my principle, and it is the foundation of my political course. I believe the States are sovereign and I believe they retain the right, when the Constitution has been infringed upon, to judge of the infraction, and to judge for themselves of the measure of redress. That is my belief, and I cannot divest myself of it; nor do I feel any disposition to do so, because I believe upon that depends the salvation of the rights of each and every State in the Union.

Now, let it be once established that this Government has the power to do what the will of a mere majority may dictate, and you effect consolidation; the consequences of which will be, that all other States may combine against the Southern States, or all may combine against the Eastern States, or against the Western States, or against any minority portion of the Union, so as to bring it into entire subjugation to the majority States. If this is to make me a disunionist—if this doctrine is to make me no longer a lover of my country—if this doctrine is to unchurch me as a Democrat—why, unchurch me as soon as you please. I acknowledge no allegiance to the Democratic party which shall make me recreant to the cause of my State, or recreant to the rights of the other States.

Sir, it is the *right* of the State of Georgia to secession for which I contend, when necessary to *her safety and happiness*. I am opposed to the exercise of it for any past causes. But I tell gentlemen that, whether she believes the right of secession exists as a constitutional right, or whether she believes it exists as a revolutionary right, or whether she bases it upon sovereignty, she will exercise it whenever she deems it necessary for her preservation. Her entire people will sustain her.

I voted for McDonald; and I voted for him, not because I had disrespect for that distinguished and accomplished gentleman, Governor Cobb, whom I esteem, as a man, as much as does any constitutional Union man in Georgia. I voted for McDonald, not because I had less respect for Cobb, or more for McDonald, but because I loved my principles and consistency.

The Southern-Rights people of Georgia, believed in the right of secession; and they believed that the compromise measures of the last Congress were not wise, just, and liberal. It was understood throughout a large portion of the State, that Governor Cobb had on several occasions in his public speeches, declared those measures to be *wise, just*, and *liberal;* he was believed to condemn secession as purely revolutionary; and they who agreed with me, felt it their bounden duty to cast their suffrages against him. Those who believed with me that the right of secession exists, and that it was necessary that the right should be asserted by the State of Georgia, in order that in all future time she might refer to her expressed belief in the event of continued infractions of her rights, voted with me for McDonald. Sir, I say, unhesitatingly, that if his supporters had supposed that Governor McDonald was in favor of present disunion, or that he sanctioned the resolution of the Nashville Convention, of which I have spoken, or that he desired to go counter to the platform of Georgia, he would have been forthwith abandoned by an immense majority of them. I would not have voted for him.

Mr. Chairman, I am nearly through, but I think it my duty to refer to one or two letters of Governor McDonald. It was stated during the canvass, that Governor McDonald was desirous of destroying his country, and that he was in full correspondence with the distinguished Senator from South Carolina, [Mr. RHETT.] It was said that Governor McDonald was blowing his horn, and that Mr. Rhett had said so, and therefore it must be so; and that he was calling together his clans for the purpose of precipitating them into South Carolina, there to wage, with her, the battle of her independence. If there was a single letter which passed between Mr. Rhett and Governor McDonald, I know it not. I have never seen one, nor heard of one. After Governor McDonald had accepted his nomination, he received a letter from Charleston, inviting him to attend a public meeting; and upon the subject of what South Carolina should do, he addressed her in the following language. Speaking of the people of other Southern States, he says:

"They hope, and they are led to hope by men in whose judgment they have confided, that the hand of wrong has done its last work of injustice to them, and that the Government has arrived at the point at which its aggressions will cease. The people of Georgia, entertaining these opinions, have, in their sovereign capacity, determined to *abide* the wrongs they have suffered, and hope in the future fidelity of the Government to the Constitution. You cannot expect, therefore, the coöperation of Georgia in any measure of resistance against the past measures of Congress. She has taken her ground, however, for the future, and declared what she will and ought to do should the General Government continue its injustice and wrongs to the South. Whether any other Southern State would unite with you in seceding from the Union, I do not know. I think it extremely improbable. A large number of the people in other States, who think with Carolina, that the wrongs of the Government are scarcely endurable, are unwilling to resort to so strong a measure of resistance. Is it not a matter well worthy to be considered by South Carolina, whether it is not best to defer to the opinion of her sister States, equally wronged with herself, and whose sympathy she has, and not proceed separately and alone to a measure of, at least, questionable expediency? If the hopes of other States are realized, and the Government returns to a due respect for the rights of the South and a faithful administration of the Constitution, I most respectfully ask if it is not better to remain as we are, a united people? I think so, decidedly; for all we want is a faithful administration of the Constitution. It will give us all our rights. I confess that my fears are, that these hopes are without solid foundation."

Here is Governor McDonald calling upon the people of South Carolina to wait and see if there will not be a return by the whole people of the country to a faithful observance of the Constitution, and asks them whether, if there shall be such a return, it is not best that we should remain an united people?

Mr. HILLYER, (interrupting.) If my colleague will permit me to interrupt him just a moment, I will not ask him to read Governor McDonald's letter, but I will request him to put another extract in his speech when he publishes it. In this same letter Governor McDonald says that South Carolina has a perfect right, under our Constitution, to go out of the Union, if she thinks proper to do so, and that if the Federal Government attempts to execute its laws over her; if she exercises this great sovereign right, this interference on the part of the Federal Government will deluge the South in the blood of all the lovers of constitutional liberty. Governor McDonald says to that effect in this same letter, and which we inferred in Georgia was a direct pledge to South Carolina of the coöperation of all the Southern-Rights men if she thought proper to secede from the Union.

Mr. JACKSON. There is no doubt that he used language like that my colleague refers to. I will give, as he desires, another extract, which, I suppose, embraces all he wants. McDonald desires no concealment. His letter was published throughout Georgia. He dared to say, not only to the people of South Carolina, but to the people of Georgia, that the right of secession he believed in; and it is undeniable, and I have no wish to deny, that if South Carolina had determined on secession, and the Federal Government had determined to force her back, that thousands of Southern men from the North and South would have thrown themselves within the limits of her State for her defense.

[Here the Chairman's hammer fell.]

Extract desired by Mr. HILLYER from Governor McDonald's letter to the Charleston people:

"Time will develop these things. They are in progress and will be accomplished. The people are to determine what is best to be done for their own protection, and the people of each State must determine for themselves. The right of a State to secede from the Union is unquestionable. The secession of a State from the Union being the exercise of a right reserved by the people in the Constitution, it being the exercise of a power not prohibited to the States, it follows that the Government has no power to subjugate her. It being no offense against the Constitution, against the law of nations, nor against the rights of the General Government, it will be no cause of war. If the State secede, she will be a foreign State to all intents and purposes, and the General Government can no more enforce its laws on her territory, than it can on the territory of any other foreign Government. These positions are, I believe, undeniable. If your State were to secede from the Union, the General Government could not interfere to force her into the Union, nor could it enforce her laws over her. If the Government were to attempt it, it would light up a blaze of civil war which could never be extinguished, but in the life's blood of the lovers of constitutional freedom. But I sincerely hope that you will not take the assertion of these unquestionable propositions as encouragement to proceed to extreme measures, to secession from the Union. There are Southern States which are in the same predicament with South Carolina, which have been as much wronged and as much injured by the unequal measures of Congress. Their people, however, do not see the danger to them so imminent, as do the people of your gallant State."

THE UNION OF THE DEMOCRACY—RESOLUTIONS OF '98.

SPEECH OF HON. N. S. TOWNSHEND,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 17, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union, (Mr. MEADE, of Virginia, in the chair,) &c.—

Mr. TOWNSHEND said:

Mr. CHAIRMAN: I desire to avail myself of the latitude of debate usually tolerated in this committee, to present what I conceive to be the true method to secure the pacification of the country in general, and of the Democratic party in particular.

The action of the last Congress on the series of measures known as the compromises; the efforts made to secure their indorsement by both party caucuses at the beginning of the present session—and subsequently in this House and in the Senate; the resolutions adopted by the Legislatures of several States, and the avowed opinions of several presidential candidates prove, beyond the possibility of doubt, that SLAVERY, in some form or other, either rightfully or wrongfully, is, in fact, the great question now before the country. It occasions more strife, both sectional and personal, has more to do with the selection of our public officers, and interferes more with the legitimate business of Congress, than all other political questions put together.

In view of this, I ask, in seriousness, the question, What has Congress to do with slavery?

For an answer to the question I shall not intrude upon the committee my own opinions, but refer directly to the authorized creed of the Democratic party—the Baltimore platform:

"*Resolved*, That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution," &c.

With this doctrine, the platform of the Ohio Democracy agrees. After asserting that slavery is an evil, &c., it says:

"*But be it further resolved*, That the Democracy of Ohio do at the same time fully recognize the doctrine held by the early fathers of the Republic, and still maintained by the Democratic party in all the States, that to each State belongs the right to adopt and modify its own municipal laws, to regulate its own internal affairs, and to hold and maintain an equal and independent sovereignty with each and every other State, and that upon these rights the National Legislature can neither legislate nor encroach."

So well settled is this position, that it is indorsed also by the Buffalo platform of 1848, as follows:

"*Resolved*, That slavery in the several States of this Union that recognize its existence, depends upon State laws alone, which cannot be repealed or modified by the Federal Government, and for which that Government is not responsible; we, therefore, propose no interference by Congress with slavery within the limits of any State."

These resolutions all agree in declaring slavery to be a State, and not a National institution; they all assert it to be under the sole control of the States where it exists, and therefore not a subject for national legislation.

I come now to a second inquiry. If Congress has no power granted by the Constitution over slavery, by what right has Congress been legislating in reference to it, and what propriety is there in bringing the subject continually before Congress? On this point, the Baltimore platform is equally explicit. The remainder of the resolution, of which I have already read a part, is as follows:

"And that all efforts of the ABOLITIONISTS, or OTHERS, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

It is plain enough, Mr. Chairman, that the convention that adopted this resolution, or, at any rate, its framers, supposed that Congress was liable to be disturbed by agitations of the slavery question, and solicitations to legislate on the subject coming from two opposite quarters; first, from the opponents of slavery, who are here called ABOLITIONISTS; and secondly, from the friends of slavery who come under the general description of "OTHERS." The opponents of slavery seem to be suspected of wishing Congress to interfere with slavery in the States, and the friends of slavery, on the other hand, of desiring Congress to legislate in its behalf, or for its extension beyond State limits. From whatever quarter agitations might come, or efforts to induce Congress to legislate on the subject, such efforts, according to the Baltimore platform, are greatly to be deprecated, and ought to be discountenanced.

I propose now to inquire, from which side these instigations to national interference have come, and whether the friends of slavery or its opponents are to blame for the consequent disturbance of the public harmony.

The law of 1793—the first example of national legislation on the subject—was passed at the demand of the friends of slavery, to enable them to recapture their runaways with greater facility. This law not only gave national aid to a State institution, which is declared to be no concern of ours, but it was an unconstitutional assumption of power on the part of Congress, violating the sovereignty of all the free States.

By another act of Congress, the General Government became responsible for the existence of slavery in this District, and Congress has been legislating on the subject, for the District, more or less ever since; and this, doubtless, to please the friends of slavery.

At different periods, North Carolina and Georgia made cessions of territory to the United States, out of which, Kentucky, Tennessee, Alabama, and Mississippi have been formed. Congress accepted the cession of this territory with an express proviso—a sort of anti-Wilmot proviso—that Congress should never abolish slavery there. Thus giving, at the desire of the friends of the system, a national, though unconstitutional guarantee for its security in those Territories.

Louisiana and Florida were ceded to the United States by France and Spain. The treaties of cession required the United States to secure the blessings of liberty to all the *inhabitants;* yet Congress was induced to tolerate slavery there, forgetting, perhaps, that the National Government was framed for a nobler purpose than the protection of slave property.

And subsequently, when California sought admission into the Union, with such a constitution as she had a right to adopt, because she preferred a free and homogeneous to a mixed population, half free and half slave; because she preferred a system that admits of unlimited progress, to that system which has brought such a Rip Van Winkle sleep on some of the slave States; because her sons chose by honorable labor to get an honest living, rather than to whip it out of other men; for this, and for no other reason that I know of, the friends of slavery resisted her admission. Who is responsible for the agitation growing out of that resistance?

And finally, the friends of slavery clamored for, and secured the passage of the fugitive bill, which Congress had no right or authority to pass. In all these cases, and others I have not time to enumerate, who is responsible for "efforts to induce Congress to interfere with questions of slavery?"

On the other hand, I have yet to learn where the opponents of slavery have demanded any unconstitutional interference with the system. They have petitioned for the abolition of slavery in this District; but this is simply asking of Congress to undo what it had no right to have done in the first place. The interference is on the part of those who gave slavery a legal sanction here; not on the part of those who sought its removal.

The stoppage of the coastwise slave-trade has also been demanded; but before any petitions for this object had been presented, Congress, by direct legislation, had taken this traffic under its protection and regulation, prescribing all the details.

Petitions have also been presented asking the prohibition of the inter-State slave-trade. But previous to the presentation of these petitions demands had frequently been made on Congress for payment for slaves, and such claims are even now before this body. Is it strange that the opponents of the system, if compelled to recognize slaves as merchantable commodities, should ask to have the trade in such commodities regulated as other commerce may be, or even prohibited as any other immoral and injurious traffic may be?

The opponents of slavery also resisted the admission of Missouri into the Union as a slave State. The terms on which this territory was ceded, if faithfully observed, would have excluded slavery. To give territory purchased by the common treasure of the country up to slavery, is virtually to exclude every laboring freeman from its borders; they cannot live where labor is degraded by the presence of slaves.

When Oregon was about to have a territorial government, the opponents of slavery insisted on the adoption of the Jeffersonian proviso. They had been excluded from every foot of the territory acquired since the adoption of the Constitution, except the State of Iowa. They had some rights surely. But they insisted on the proviso for a still better reason—that the General Government had no right to tolerate slavery within its jurisdiction.

We resisted, also, the provision in the acts establishing territorial governments in New Mexico and Utah, by which it is said to be settled, that when these Territories are admitted as States they may come in with slavery if they please. Had the last Congress a right to say upon what terms a future Congress should admit new members into the Confederacy? Is not that a question for the States which may then constitute the Union to settle for themselves? The unconstitutional legislation on this subject, in advance of the time when any legislation was required, is another instance of the meddlesome interference of the friends of slavery.

But the last and crowning iniquity is the passage of the fugitive bill. This was resisted, of course; and I can assure gentlemen that there is no prospect of quiet for them, while such an act remains in the statute book. I do not propose to discuss its demerits at this time. I regard it as utterly and entirely unconstitutional. But had I time, I would read parts of the Kentucky and Virginia resolutions of 1798, which cover the entire question. I shall not hesitate to treat this fugitive bill as Jefferson and Madison treated the alien and sedition laws—as absolutely null and void.*

Now, then, Mr. Chairman, I am prepared to assert that, according to my understanding of the Constitution, and from what I know of the history of the country, all the reprehensible agitation of the slavery question, and unconstitutional legislation on the subject, is chargeable to the friends of the system, and not upon its opponents.

I now come to another question. What can be done to quiet the country in reference to this subject? In my opinion, we shall not secure the result either by passing compromise measures, or by indorsing or reindorsing them; every indorsement being only a repetition of the outrage. Two things are required; first, that all existing unconstitutional legislation on the subject be immediately repealed, and then, that the friends of slavery, and all parties, keep within constitutional limits for the future. These are absolutely necessary, even to the beginning of harmony in the country.

I have heard it said, that if the fugitive bill is repealed, or slavery abolished in this District, the South will dissolve the Union; but, gentlemen, that cry has been heard too often to make much impression upon the North. Coming from that quarter it is simply nonsense; for who does not know that the Union is infinitely more important to the slaveholders, than the slaveholders are to the Union. I think of this cry of dissolving the Union as I do of the boy's threat, who, because his mother would not suffer him to pinch the cat's tail when he pleased, declared he would go to the neighbors, where they had the measles, and catch the disease, and die, to spite her. [Laughter.]

I now come to the question which, perhaps, interests us most. What must be done to secure the harmony of the Democratic party? Democrats throughout the country, I suppose, agree on certain great and fundamental principles, while there may often be found among them some disagreement in their application; particularly on this question of slavery it is apparent enough there are great differences of opinion. What will you do? Will you adopt some stringent party test, and de-

* See the resolutions at the end of the speech.

mand that all who are to be recognized as belonging to the party shall subscribe to it? This plan would probably result in such a purging of the party as the gentleman from Georgia recommended; but I respectfully submit if it is not probable that the operation might result as in cholera cases, and the patient be afterwards found in a state of collapse? If you undertake to exclude from the Democratic party all those who, holding the great doctrines of the Democratic faith, dislike the institution of slavery, you will, I imagine, scarcely retain a corporal's guard in some of the States. However, I will not venture to speak of States whose representatives are here to speak for themselves.

But I believe the Democracy of Ohio intend to maintain the spirit of their own State platform, and will not quietly submit to an indorsement of the compromise measures, some of which are directly hostile to our own avowed political creed. At three several State conventions, (the last held on the 6th day of August last,) a resolution was adopted preceding the one I read at the commencement of my remarks. It is as follows:

"*Resolved*, That the people of Ohio now, as they always have done, look upon slavery, in any part of the Union, as an evil, and unfavorable to the full development of the spirit and practical benefits of free institutions, and that, entertaining these sentiments, they will at all times feel it to be their duty to use all power clearly given them by the terms of the national compact to prevent its increase, and to mitigate and finally eradicate the evil."

If I understand the matter aright, some of these compromise measures are in direct opposition to the often expressed position of the Democracy of Ohio. The proviso respecting slavery in Utah and New Mexico is directly opposed to our determination to use all constitutional means for the limitation and final eradication of the system, and it is my conviction, if the Democratic party in the Baltimore Convention adopts a resolution indorsing those compromises, the electoral vote of Ohio will not be given to the nominee of that convention. There may be differences of opinion on this point; but I think the position of the Ohio Democracy was honestly and deliberately taken, and I cannot suppose they were so hypocritical as to avow doctrines and sentiments before the people, and then falsify them by their own action.

As an evidence that the people of Ohio will stand up to the doctrine of the resolution I have read, I may allude to the fact, that of her twenty-three representatives in Congress, including Senate and House, only four were found friendly to an attempt to secure an indorsement of the compromise measures by this House. There are differences of opinion in Ohio, as that vote will show; for I take it for granted that every one of my colleagues represents the wishes of his constituents.

I may also allude to another significant fact. The only Democratic members who voted for the fugitive bill were left at home by their constituents, and are not members of the present Congress.

Mr. OLDS, (interrupting.) Will my colleague allow me to say, in regard to Mr. Miller, one of the gentlemen to whom he alludes, that the nomination came off in his district before the passage of the fugitive bill?

Mr. TOWNSHEND. This may be so. I presume my colleague cannot be mistaken. However, it does not materially affect my statement, for every one knew perfectly well how Mr. Miller would vote, if he voted at all.

I may mention another significant fact, which I have seen noticed in some papers, and which, from personal knowledge, I believe to be correctly stated. At the State Democratic Convention on the 6th of August, before alluded to, a committee of twenty-one, or one from each Congressional district, was appointed to present resolutions to the convention. One gentleman proposed a resolution indorsing the compromises, and supported his motion by a very able speech—indeed, the best I have ever heard in favor of such a course. But when the question was put to vote, but one solitary vote—that of the mover—was given in the affirmative. It is possible that some of the members of that committee may have been themselves in favor of considering these compromise measures as a settlement of a vexed question; but the fact that they did not choose to go into the State election with such a millstone about their necks would indicate, I think, that there can be but little room for mistake respecting the sentiments of the people of Ohio. After rejecting the compromise resolution, and adopting what I have read, the Democratic party of Ohio received a much larger majority than it had ever before obtained.

Mr. OLDS, (interrupting.) I wish to say a word with regard to the August convention. I think I understand the Democracy of Ohio; and by their resolutions they merely wished to reaffirm the resolutions of 1848, upon which they had carried the State for General Cass. And, sir, I believe the Democracy of that State stand now where they did when they carried that State for General Cass in 1848. I have no doubt that if the question were submitted to them to-day on sustaining the compromise measures, the Democracy of Ohio would vote to sustain these measures. True, they did not pass resolutions affirming or condemning, but those measures were understood as a finality by the people. And when my colleague says that we treat the fugitive law in Ohio as our fathers did the alien and sedition law, I hope he does not refer to the Democratic party. We are a law-abiding people, and until you repeal that law, we shall abide by it.

Mr. CABLE. I wish merely to say one word in reference to the point in controversy between my two colleagues. I can speak for my district alone, and so far as it is concerned the Democracy stand decidedly opposed to the fugitive slave law, and to the Utah and New Mexico bills.

A VOICE. And the Texas boundary bill.

Mr. CABLE. Yes, and to the Texas boundary bill.

Mr. TOWNSHEND. My colleague [Mr. OLDS] says that the August convention simply reaffirmed the resolutions of 1848, upon which the State was carried for General Cass. This is not quite correct, for although the resolutions of 1851 were first adopted in 1848, and again in 1850, the convention of 1851 did not reaffirm in general terms the resolutions of the platform of 1848, but only adopted so much of that platform as had been reaffirmed in 1850, which, in fact, was only the slavery resolution.

In justice to the Democracy of Ohio, I ought also to say, what at the moment had escaped my recollection: That still another Democratic State Convention, held as late as the 8th of January of the present year, has reiterated in full these resolutions on slavery. At this last convention, held since the commencement of the present session of Congress, the Democracy of our State have put forth an admirable platform, giving good evidence of the progress of free principles in the State; for while it shows a determination to do equal and exact justice at home, it expresses a proper abhorrence of tyranny abroad.

My colleague says the people of Ohio are a law-abiding people, and he wishes to relieve himself from all participation in such of my remarks as referred to the fugitive bill. I am of course willing that he should have the benefit of his disclaimer; and I beg to say to the House that I too claim to be a law-abiding man; but I do not consider an unconstitutional enactment to be law, nor any enactment in palpable violation of the dictates of common justice or humanity. I am fully aware, Mr. Chairman, that there are differences of opinion on these subjects among the Democrats of Ohio. I have not said that I represent the views of all he Democrats of the State; but what I do say is this, that while some Democrats in Ohio will sustain the fugitive bill and agree to the compromises generally, there are others all over the State, quite as radically Democratic, and even more reliably Democratic on all questions at issue between the Whigs and Democrats, whose views, I think, I do not misrepresent when I say they are unalterably opposed to these compromise measures. Of such I presume there are as many in the district I represent as in any other part of the State. What I desire is not to give the impression that we are all agreed, but admitting our disagreement to draw from that fact an argument against the introduction of any new party tests, the effect of which, as I have already said, would be to lose the electoral vote of the State for your presidential candidate.

Mr. EDGERTON, (interrupting.) I suppose the gentleman is now also speaking for his district alone, and not for the State. I wish to understand distinctly whether my colleague speaks now for the whole State or for his own district?

Mr. TOWNSHEND. At the moment of my colleague's question, I believe I was expressing simply my own opinion, without assuming to speak for any one else, and I repeat it in substance. If Democrats in the district I represent, and those Democrats in other parts of the State, whose views I represent, do not vote for a candidate put on a compromise platform, I give it as my opinion that he will not get the vote of the State.

Mr. EDGERTON. I beg leave to say, as one of the representatives from the State of Ohio, that I dissent from the opinion of the gentleman.

Mr. TOWNSHEND. I certainly do not wish my friend held responsible for any opinion I may think proper to express, though, perhaps, we are after all not so far asunder, for I think he voted with me, the other day, to keep these compromise measures from coming before the House.

Mr. EDGERTON. Most assuredly I did.

Mr. TOWNSHEND. And I have no doubt, Mr. Chairman, that my colleague, in that vote, faithfully reflected the will of his constituency, all of which goes to prove the correctness of my opinion that the compromise measures are not popular in Ohio, not even in that gentleman's district.

Mr. HENN. I desire to ask the gentleman from Ohio, whether there are two Democratic parties in Ohio?—and whether the convention of which he has spoken, was a convention of the regular Democratic party?

Mr. TOWNSHEND. The convention that adopted the resolutions I have read, was the convention of the regular Democratic party of the State. It was the same convention that nominated Reuben Wood for Governor.

Mr. EDGERTON. Will my colleague allow me to interrupt him for a moment? I beg to say that there is but one Democratic party in Ohio, and there never was but one Democratic party in that State, and that party invariably supports the nominee of the National Democratic Convention for the Presidency. And when you can show me a man in Ohio, a Democrat, who has voted against the regular nominee of that convention, I will show you a man who is not regarded as a true Democrat by the party of the State. He may be regarded as such in his district, but he is not in good standing with the Democratic party of that State at large.

Mr. TOWNSHEND. Mr. Chairman, whether my colleague or myself is considered in Ohio as the better Democrat, is, I presume, of little consequence to this House. For myself, I have only to say, that I shall faithfully represent my own convictions of duty and the wishes of my constituents. If this is incompatible with a standing in the party, I must submit to the loss of it. And I suggest to my colleague that neither is he called upon to speak for the whole State of Ohio; but simply for his own district.

Mr. GORMAN. Will the gentleman from Ohio allow me to ask him a question? Will he be kind enough to say for whom he voted, in 1848, for the Presidency?

Mr. TOWNSHEND. I answer the gentleman with great pleasure. I voted for Martin Van Buren, a good Democrat, and one who had often been thoroughly indorsed by the Democratic party. On one point I can, perhaps, say more than some of my Democratic friends: I have never voted for "Whigs."

I have only a few words more that I care to say, and these could have been uttered some minutes since, had I not been interrupted. If union is necessary to the success of the Democratic party, that party must eschew all merely sectional tests, and adopt a platform in strict accordance with the fundamental principles of the party as heretofore understood. Upon such a platform only can the Democratic party of the whole country stand in harmony.

[Here the hammer fell.]

KENTUCKY RESOLUTIONS of 1798.

[*Original draft prepared by Thomas Jefferson.*]

The following resolutions passed the House of Representatives of Kentucky, November 10th, 1798. On the passage of the 1st resolution, one dissentient; 2d, 3d, 4th, 5th, 6th, 7th, 8th, two dissentients; 9th, three dissentients.

1. *Resolved*, That the several States composing the United States of America are not united on the principle of

unlimited submission to their General Government; but that, by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, VOID, and of NO FORCE; that to this compact each State acceded, as a State and as an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

2. *Resolved*, That the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the high seas, and offenses against the laws of nations, *and no other crimes whatever;* and it being true, as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people;" therefore, also, the same act of Congress, passed on the 14th day of July, 1798, and entitled "An act in addition to the act for the punishment of certain crimes against the United States;" as also the act passed by them on the 27th day of June, 1798, entitled "An act to punish frauds committed on the Bank of the United States," *and all other of their acts which assume to create, define, or punish crimes other than those enumerated in the Constitution, are altogether* VOID *and of* NO FORCE; and that the power to create, define, and punish such other crimes is reserved, and of right appertains, solely and exclusively, to the respective States, each within its own territory.

3. *Resolved*, That it is true, as a general principle, and is expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people;" and, that no power over the freedom of religion, freedom of speech, or freedom of the press, being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or to the people; that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged, without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated, rather than the use should be destroyed; and thus, also, they guarded against all abridgment by the United States, of the freedom of religious principles and exercises, and retained to themselves the right of protecting the same, as this, stated by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference; and, that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares that "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," thereby guarding, in the same sentence, and under the same words, the freedom of religion, of speech and of the press; insomuch, that whatever violates either, throws down the sanctuary which covers the other; and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals. That therefore, the act of the Congress of the United States, passed on the 14th of July, 1798, entitled "An act in addition to the act entitled an act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is NOT LAW, but is altogether VOID and OF NO EFFECT.

4. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the State wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual States, distinct from their power over citizens; and it being true, as a general principle, and one of the amendments to the Constitution having also declared that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," the act of the Congress of the United States, passed the 22d day of June, 1798, entitled "An act concerning aliens," which assumes power over alien friends, not delegated by the Constitution, is NOT LAW, but is altogether VOID and OF NO FORCE.

5. *Resolved*, That in addition to the general principle, as well as the express declaration that powers not delegated are reserved, another and more special provision inserted in the Constitution, from abundant caution, has declared that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." That this Commonwealth does admit the migration of alien friends, described as the subject of the said act concerning aliens; that a provision against prohibiting their migration is a provision against all acts equivalent thereto, or it would be nugatory; that to remove them, when migrated, is equivalent to a prohibiton of their migration, and is, therefore, contrary to the said provision of the Constitution, and *void*.

6. *Resolved*, That the imprisonment of a person under the protection of the laws of this Commonwealth, on his failure to obey the simple order of the President to depart out of the United States, as is undertaken by the said act, entitled "An act concerning aliens," is contrary to the Constitution—one amendment in which has provided, that "*no person shall be deprived of liberty without due process of law;*" and that another having provided, that "in all criminal prosecutions the accused shall enjoy the right to a public trial by an impartial jury; to be informed as to the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defense"—the same act undertaking to authorize the President to remove a person out of the United States, who is under the protection of the law, *on his own suspicion, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defense, without counsel, is contrary* to these provisions, also, of the Constitution, is therefore NOT LAW, but utterly VOID, and of NO FORCE. That transferring the power of judging any person who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides that "the Judicial power of the United States shall be vested in the courts, the judges of which shall hold their office during good behavior," and that the said act is void for that reason also; and it is further to be noted, that this transfer of judiciary power is to that magistrate of the General Government who already possesses all the executive and a qualified negative in all the legislative powers.

7. *Resolved*, That the construction applied by the General Government (as is evinced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress power to lay and collect taxes, duties, imposts, excises, to pay the debts and provide for the common defense and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution: That words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of that instrument: That the proceedings of the General Government, under color of these articles, will be a fit and necessary subject for revisal and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

8. *Resolved*, That the preceding resolutions be transmitted to the Senators and Representatives in Congress from this Commonwealth, who are enjoined to present the same to their respective Houses, and to use their best endeavors to procure, at the next session of Congress, a repeal of the aforesaid unconstitutional and obnoxious acts.

9. *Resolved*, lastly, That the Governor of this Commonwealth be, and is hereby, authorized and requested to communicate the preceding resolutions to the Legislatures of the several States, to assure them that this Commonwealth considers union for special national purposes, and particularly for those specified in the late federal compact, to be friendly to the peace, happiness, and prosperity of all the States; that, faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe, that to take from the States all the powers of self Government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these States; and that therefore, this Commonwealth is determined as it doubts not its co-States are, not tamely to *submit* to *undelegated*, and consequently, unlimited *powers, in no man or body of men on earth;* that if the acts before specified should stand, these conclusions would flow from them—that the General Government may place any act that they think proper on the list of crimes, and punish it themselves, whether enumerated or not by the Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person, who may himself be the accuser, judge, and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable description of the inhabitants of these States being, by this precedent, reduced as outlaws to the absolute dominion of one man, and the barriers of the Constitution thus swept from us all, no rampart now remains against the passions and the powers of a majority of Congress to protect from a like exportation or other grievous punishment, the minority of the same body, the legislatures, judges, governors, and councilors of the States, nor their other peaceable inhabitants, who may venture to reclaim the constitutional rights and liberties of the States and people, or who, for other causes, good or bad, may be obnoxious to the view, or marked by the suspicions of the President, or to be thought dangerous to his or their elections, or other interests, public or personal; that the friendless alien has been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed, for already has a sedition act marked him as a prey; that these, and successive acts of the same character, unless *arrested on the threshold*, may tend to drive these States into revolution and blood, and will furnish new calumnies against republican governments, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is everywhere the parent of despotism—free government is founded in jealousy, and not in confidence: it is jealously, and not confidence, which prescribes limited constitutions, to bind down those whom we are obliged to trust with power; that our Constitution has, accordingly, fixed the limits to which, and no further, our confidence may go; and let the honest advocate of confidence read the alien and sedition acts, and say if the Constitution has not been wise in fixing limits to the Government it created, and whether we should be wise in destroying those limits? Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on the President, and the President of our choice has assented to, and accepted, over the friendly strangers to whom the mild spirit of our country and its laws had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms and substances of law and justice. In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution. That THIS COMMONWEALTH DOES THEREFORE CALL ON ITS CO-STATES for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes hereinbefore specified—plainly declaring whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove their attachment to limited government; whether general or particular, and that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked on a common bottom with their own; but they will concur with this Commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration that the compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise, over these States, of all powers whatever. That they will view this as seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States, (not merely in cases made federal, but in all cases whatsoever,) by laws made, not with their consent, but by others against their consent, that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural rights in cases not made federal, will concur in declaring these acts VOID and of NO FORCE, and will each unite with this Commonwealth in requesting their repeal, at the next session of Congress.

EDMUND BULLOCK, *S. H. R.*
JOHN CAMPBELL, *S. S. P. T.*

Passed the House of Representatives, *November*, 10, 1798.
Attest: THOS. TODD, *C. H. R.*

IN SENATE, *November*, 13, 1798—unanimously concurred in.
Attest: B. THRUSTON, *C. S.*

APPROVED, *November 19th*, 1798.
JAMES GARRARD.
Governor of Kentucky.

By the Governor:
HARRY TOULMIN, *Secretary of State.*

THE VIRGINIA RESOLUTIONS OF 1798.

[DRAWN UP BY JAMES MADISON.]

IN THE VIRGINIA HOUSE OF DELEGATES,
FRIDAY, *December* 21, 1798.

Resolved, That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the constitution of this State, against every aggression, either foreign or domestic; and that they will support the Government of the United States in all measures warranted by the former.

That this Assembly most solemnly declares a warm attachment to the Union of the States, to maintain which, it pledges its powers; and that for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them can alone secure its existence and the public happiness.

That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in DUTY BOUND, to interpose, for arresting the progress of the evil and for maintaining within their respective limits, the authorities, rights, and liberties, appertaining to them.

That the General Assembly doth also express its deep regret that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases, (which having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued,) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and so as to *consolidate the States, by degrees, into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or at best, a mixed monarchy.*

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the "alien and sedition acts," passed at the last session of Congress; the first of which exercises a power nowhere delegated to the Federal Government, and which, by uniting legislative and judicial powers to those of executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which acts exercises, in like manner, a power not delegated by the Constitution, but, on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm, because it is leveled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

That this State having, by its Convention which ratified the Federal Constitution, expressly declared that, among other essential rights, "the liberty of conscience and the press cannot be canceled, abridged, restrained, or modified, by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having, with other States, recommended an amendment for that purpose, which amendment was, in due time, annexed to the Constitution, it would mark a reproachful inconsistency, and criminal degeneracy, if an indifference were now shown to the most palpable violation of one of the rights thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this Commonwealth, having ever felt, and continuing to feel, the most sincere affection for the brethren of the other States; the truest anxiety for establishing and perpetuating the union of all; and the most scrupulous fidelity to that Constitution which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions in the other States, in confidence that they will concur with this Commonwealth in declaring, as it does hereby declare, that the acts aforesaid are UNCONSTITUTIONAL; and that the necessary and proper measures will be taken *by each* for coöperating with this State in maintaining unimpaired the authorities, rights, and liberties, reserved to the States respectively, or to the people.

That the Governor be desired to transmit a copy of the foregoing resolutions to the executive authority of each of the other States, with a request that the same may be communicated to the Legislature thereof; and that a copy be furnished to each of the Senators and Representatives representing this State in the Congress of the United States.

Attest: JOHN STEWART.

Agreed to by the Senate, *December* 24*th*, 1798.

H. BROOKE.

A true copy from the original deposited in the office of the General Assembly.

JOHN STEWART, *Keeper of the Rolls.*

NON-INTERVENTION.

SPEECH OF HON. PIERRE SOULÉ,

OF LOUISIANA,

IN THE SENATE, *March* 22, 1852.

Mr. CLARKE's resolutions on non-intervention, and the amendments to the same moved by Senators SEWARD, of New York, and CASS, of Michigan, being under consideration—

Mr. SOULÉ, of Louisiana, who had previously obtained possession of the floor, rose and said:

I am appalled, Mr. President, by the vast and imposing assemblage which I see congregated in this Hall. I fear much, sir, that the announcement, so flatteringly made by some newspapers, of the part which it was presumed I would take in this contest, has raised expectations which it will not be in my power to gratify; and the anxiety, the distrust, and torment, which such an apprehension is so well calculated to engender, are not a little augmented by the awful magnitude and the difficulties of the subject before me. However, sir, I have no wish to avoid the task. It were too late for me now to disown its claims or to repudiate its exigencies. I will therefore proceed with it, tremblingly, yet, with some faint hope that I may still be able to bear its burden in a manner not altogether unbecoming the dignity of an American Senator.

Whatever be the fate of the resolutions upon your table, Mr. President, the debate which has grown out of them will have its influence and bear its fruits. I rejoice that it has afforded us a fit opportunity for proclaiming to the world our abiding faith in the rectitude and ultimate triumph of those great principles on which rest the hopes and the destinies of mankind; for, we are heard at a great distance when we speak from the high places which we occupy here. What of hope and encouragement, what of interest and sympathy, we express for downtrodden and oppressed nations is echoed throughout the remotest regions of the world; and while we give utterance to the thought, it runs swiftly on the magic wire until it moves to congenial and harmonious vibrations every fibre of the human heart.

I have no conception that there is so glaring a discrepancy in the sentiments entertained by those Senators who first moved in this debate. What of disagreement I have been able to discern among them, would seem to arise rather from a misconstruction of the object aimed at by each respectively, than from any real antipathy in their opinions as to what principles we should assert and vindicate here. Though the original resolutions may have been intended (as I have no doubt they were) as a sort of political breakwater, thrown up to compress and still those surges of the popular sentiment to which I took occasion some time ago to allude—though they seem to advocate impassiveness, absolute impassiveness, as the only policy under which we can grow and prosper—yet a discerning eye will not fail to detect that feverish and restless anxiety, the offspring of a keen and unerring foresight, which betrays itself through the dubious, mystic, timid, I had almost said bashful admission contained in the last of them, of a possible contingency on the occasion of which "a 'just regard to our own safety *will require us to* 'advance to the conflict rather than await the approach 'of the foes of constitutional freedom and of human 'liberty."

The policy so solemnly commended, and so skillfully developed in the remarkable speech by which the Senator from Rhode Island [Mr. CLARKE] opened this debate, is here held under check by the express reservation and protest that IT may come to its last day, and be superseded by another that *will require us to advance*—mark the word!—*to advance to the conflict, and to fight for constitutional freedom and for human liberty.*

But, much to my wonder, and still more to my deep concern, that contingency, so strikingly pointed at in the resolutions, was entirely overlooked in the speech, where it is not even alluded to. Sir, I had determined that it should not remain unheeded, and I now plead its implied concessions in vindication of the views which I propose to lay before the Senate.

I am decidedly against this country being pent up within the narrow circle drawn around it by the advocates of the policy of impassiveness. Escorted though it comes to us by the authority and imposing names of men deservedly honored in history, that policy has no claims to my sympathies—it is set forth in antagonism to the policy by which the statesmen of the progressive school attempt to initiate, as it is said, a system of interference with the affairs of other nations; the first finds security in inertness; the second, in action. One, under that infatuation which a long series of successes is so apt to produce, points to the past, and credits them all to a system of measures which but prefaced their history; the other invokes the very state of things which those successes have brought about, and, obeying the dictates of new exigencies, strives to turn to profit the solemn warning, "*non iisdem artibus, retinentur quibus comparantur.*" I am for the last; and, while vindicating its expediency, I shall attempt to show that the opposed policy cannot claim the support which it so freely borrows from the doctrines and teaching of the immortal sages under whose protection it shelters itself. Sir, the policy of Washington, as elucidated by his own acts, was by no means that unimpassioned, phlegmatic, cautious, and inactive policy which our opponents would induce us to believe; but, on the contrary, a watchful, sharp, and active policy, ready to interpose wherever and whenever a great interest or a great principle was at stake, and disdaining that submissive wisdom which could abide the most revolting assumptions on the part of foreign powers, from the moment that they did not affect too ostensibly the immediate concerns of the Republic.

Through a most strange confusion, the presumed principles invoked in the proclamation of neutrality in 1793 are made the ground-work—indeed, the very foundation—of those proclaimed in the Farewell Address of the revered patriot hero; yet who knows not that the neutrality adopted in 1793 was but an essentially transient measure, looking solely to the then situation of the country, and to the demands which that situation, with its surrounding perils, made upon it?—that it was considered in no other light by General Washington himself, is most unequivocally exhibited from the fact that, alluding to this very subject in his Farewell Address, he speaks of it thus: "The period 'is not far off when we may take such an attitude 'as will cause *the neutrality* WE MAY AT ANY TIME 'RESOLVE UPON TO BE RESPECTED," &c. And this is not the only evidence of the meaning which he intended that the proclamation should convey. It came to be debated in cabinet council how far, in issuing that proclamation, General Washington had not transcended the powers vested in the President by the Constitution; and we have the authority of Mr. Jefferson to the effect that "*he apologized for the use of the term* NEUTRALITY." "The President," remarks Mr. Jefferson, "de-'clared he never had an idea that he could bind 'Congress against declaring war, or that anything 'contained in his proclamation could look beyond 'the day of their meeting." * * * The President said "he had but one object—the keeping our people quiet till Congress should meet."

Sir, the circumstances under which the neutrality of 1793 was resolved upon are of sufficient interest, I should imagine, to deserve a passing notice, and to command attention, for a few moments at least, on the part of the Senate.

We were just emerging from that sea of agitation which had been stirred up by the recent remodeling of the National Government, with a treasury exhausted by the incessant demands that were every day made upon it, to satisfy the obligations incurred during a protracted and expensive war. We were unsettled, restless; doubtful whether the new experiment would realize the hopes of those who had advised and attempted it. A war had just broken out between France and England—I should say, between France and coalised Europe, France alone struggling for her liberties and the liberties of mankind, against the world in arms. The question arose, what part America should act in that awful conflict. Would she redeem those pledges which ardent and enthusiastic minds had persuaded themselves that she was under, and, taking the part of France, strike by her side for the liberties of the world? She could not join England in a crusade against those liberties. Would she, then, participate in the struggle, or would she rather remain a quiet spectator of the gigantic scene, and trust to God the destinies of her ally? Necessity—stern, inflexible necessity—could alone impel her to choose the last alternative.

"This was," says Lyman, in his American Diplomacy, "an extraordinary period; France 'had now become professedly a Republic, and was 'threatened with annihilation by a European co-'alition, at the head of which was England." "The distance of America from Europe—the 'youth and peculiarity of her government, at that 'time little understood, and certainly far from 'being confirmed, the narrowness of her re-'sources, the entire absence of every species of 'armament, powerfully combined to point out the 'course she should adopt." And now how curious it is to see what little that proclamation of neutrality did realize for America. It was issued in April, 1793. In the summer following, Great Britain, Russia, Spain, Prussia, and the empire of Germany, entered into treaty, for the purpose, among other things, "of closing their ports and 'prohibiting the exportation of naval stores, corn, 'grain, and provisions, from their ports to the 'ports of France." They also engaged "to take 'all other measures in their power for injuring 'the commerce of France," and to unite all their efforts "*to prevent other powers not implicated in the* 'war from giving any protection whatever, direct-'ly or indirectly, *in consequence of their neutrality*, 'to the commerce or property of the French *on* 'the sea or in the ports of France." You well know, Mr. President, that in the celebrated treaty of Utrecht between France and England, even naval stores were declared "free of war;" and you know, also, that there are treaties on record between England and the United Provinces in 1645, with France in 1667 and 1668, with Spain in 1713, with Denmark in 1782, and with Russia in 1804, in which *provisions* are by name *excluded from the list of contraband.* Shall I say anything of the insults, wrongs, outrages, offered by England to America under the neutrality policy? Why, sir, they were such as to force upon us, within less than a year, the necessity of sending a special embassy to the court of St. James, in order to plead redress for past offenses, and, at all events, to obtain, in future, security that our rights under the neutrality should be recognized and respected.

The alarm of the country—its sufferings, its impatience, and irritation—may well be judged from the intimations which our minister was directed to give of them in England. Says our Secretary of State, in his instructions to Mr. Jay, 1794: "You will keep alive in the mind of the 'British minister that opinion which the solemni-'ty of a special mission must naturally inspire of

'the *strong agitations* excited in the people of the 'United States by the *disturbed* condition between 'them and Great Britain." * * * * * * * *

"You will mention with *due stress* the *general irri-* 'tation of the United States, at the *vexations, spo-* 'liations, captures," &c., &c.

Such was the situation in which the United States found themselves in the year 1794, hardly ten months after the issuing of the famous proclamation. Mr. Jay succeeded in effecting a treaty. What the treaty secured to the United States is what I propose now to investigate. His instructions were explicit. The anxiety of the United States to see those principles acknowledged which alone could render our neutrality available, was extreme. What did the treaty end in? Turn first to the instructions under which Mr. Jay was directed to act. He was to listen to the suggestions of a commercial treaty, and to keep in view, amongst other objects, the following:

1st. Reciprocity in navigation, particularly to the West Indies, and even to the East Indies.

2d. Free ships to make free goods.

3d. Proper security for the safety of neutral commerce in other respects, and particularly by declaring provisions never to be contraband, except in the strongest possible case; by defining a blockade; by restricting the opportunities of vexation in visiting vessels.

And what did the treaty allow? A direct trade between the United States and the West Indies in vessels not exceeding *seventy tons* in burden; but the United States were under an obligation to restrain their vessels from carrying certain articles, the produce of those islands, to any other place than the United States. The Americans were forbidden from "carrying any molasses, sugar, 'coffee, cocoa or cotton, in American vessels, either 'from his Majesty's islands, or from the United 'States, to any part of the world, except the Uni- 'ted States." The treaty restored the ports of the western frontier, but without indemnity for their long detention, or for the slaves carried off by Sir Guy Carleton. Ship-timber, tar, hemp, sails, and copper were declared contraband, though free in all other treaties made by the United States. Provisions were declared contraband, and there was an express declaration that the flag did not cover the merchandise—the only treaty ever signed by the United States in which such an acknowledgment is to be found. England, however, at the peace of Utrecht, had acknowledged *that the flag covered the merchandise*. Thus, nothing was secured. None of the rights which Mr. Jay had been directed to assert and vindicate were recognized, and the treaty signed by him justified the judgment passed upon its merits, through the appellation by which it went, of *an instrument that settled nothing*. Nor were those rights respected by England after the treaty. Her aggressions went on, increasing until they forced us into the very extremities which the neutrality was intended to provide against; and we realized the pungent witticism by which one of our early statesmen defines a neutral power—"*a power* that both belligerents plunder with impunity."

Lyman, from whom I have already quoted, writes thus of the motives which induced the United States so long to forbear under repeated inflictions of outrage and wrong:

"America, a new State, was thrust hastily, with all the attributes of sovereignty, into the midst of the old nations of Europe. Not having grown up with them, trying her wings, feeling her strength as she advanced to mature age along with those powers, her relative position was not ascertained, and acts of the parties engaged in the European wars were patiently endured, not from want of sagacity and spirit, both to perceive and resist the injustice and wrong, but from a well-founded doubt and distrust of the real strength of the people."

And qualifying, afterwards, the system of self-denial which had then to be adopted, he adds, that it was "both originally mistaken, and pursued to a pernicious extent."

I desire now to direct the attention of the Senate to the sentiments entertained by Washington, of the obligations which this country had assumed under the proclamation of neutrality. He clearly did not consider that it had so fettered this Government as to wrest from it all discretion to determine how far it could interfere and take concern in the affairs of the world. He was not the man who could have surrendered the right of asserting boldly and fearlessly those principles which were at the very bottom of our independence, and stood up to our dignity, whenever and wherever they might be assailed or put in danger.

Sir, at the very moment that he was instructing Mr. Jay to listen to propositions of a treaty on the part of England—at the very time that he was asserting, through that minister, the rights of neutrals—he was urging, also, the expediency of sounding ministers, then at the Court of London, as to the probability of an alliance with their respective nations, to support certain principles involving great international interests.

I find amongst the instructions given to Mr. Jay the following:

"You will have no difficulty in gaining access to the ministers of Russia, Denmark, and Sweden, at the court of London. The principles of the armed neutrality would abundantly cover our neutral rights. If, therefore, the situation of things, with respect to Great Britain, should dictate the necessity of taking the precaution of foreign cooperation upon this head, if no prospect of accommodation should be thwarted by the danger of such a measure being known to the British court, and an entire view of all our political relations shall, in your judgment, permit the step, *you will sound those ministers upon the probability of an alliance with their nations to support those principles.*"

One of Mr. Jay's objects was, therefore, to obtain the recognition of *certain principles;* but, if he should not succeed in this, what was he to do? Await until they were assailed and put in peril at our own doors? By no means; but proclaim them to the world under the sanction of powers allied with us to enforce them, that it might be understood on what grounds America would act, and would insist to be dealt with.

There is another fact in the diplomatic history of that epoch which most strikingly illustrates what opinions were entertained by the immediate advisers of Washington with respect to the course which it might be expedient for this country to pursue, under circumstances arising out of that neutrality which, it is said, constituted then the policy of this Government.

But before I proceed to enter this branch of the subject, let me place before you, Mr. President, a fact that will speak out louder than any words of mine, how far Washington himself considered that his proclamation of neutrality constrained the American Government from interposing where the eternal right of nations to provide for themselves a suitable government was interfered with by Powers foreign to them. On the 10th of June, 1794, he directs his Secretary of State to instruct Mr. Monroe—then our Minister to France—to the following effect:

"You will assure the French Government that the President has been an early and decided friend of the French revolution; and whatever reason there may have been, under our ignorance of facts and policy, to suspend an opinion upon some of its important transactions, yet *is he immutable* in his wishes for its accomplishment, *incapable of assenting to the right of any foreign prince to meddle with its interior arrangements.*"

Nor were these proceedings on the part of the American Government in contradiction with the recommendations contained in the Farewell Address, as I shall hereafter most conclusively show.

Let me now remark that the Address bears date September 17, 1796. We are—I mean in thought—in 1797, at a most critical epoch of our history, when painful difficulties were on the eve of breaking out between us and France. Washington had been recalled to the command of the army. Alexander Hamilton was to be his second in that command. Such was the confidence which Washington reposed in General Hamilton that he made his appointment to this high rank the condition of his own acceptance of the trust tendered him by President Adams.

The Spanish colonies were in great ferment. The example of the British colonies had roused their spirit, and moved them into an active search of assistance to shake off the authority of the mother country. They had sent to Europe emissaries, who were now holding council in Paris. From that place these emissaries were sending confidential agents in all directions to promote the great object of their mission—the emancipation of the Espano-American colonies. They had just agreed to a *projet* which they had sent to England, to be submitted to the gigantic, though youthful minister, who then lorded it over the destinies of that country.

Here is an extract from that *projet:*

"ARTICLE 4. A defensive alliance formed between Great Britain, the United States, and South America, is so recommended by the nature of things—by the geographical situation of the three countries—by the productions, wants, character, habits, and manners of the three nations—that it is not possible that it should not long continue, especially if care is used to consolidate it by an analogy in the political form of the three Governments—that is to say, by the enjoyment of civil liberty wisely conceived," &c., &c.

General Miranda—who, up to this moment, had been opposed to any such movement on the part of the Spanish colonies—was persuaded to join in this scheme; and he immediately wrote to Mr. Hamilton, asking his concurrence and support. "It appears," says he in one of his letters, "that 'the moment of our emancipation is arriving, and 'that the establishment of liberty on the whole 'American continent is confided to OUR care by 'Providence." Here was, you will admit, Mr. President, a fair opportunity for testing the principles of neutrality laid down in the proclamation, and the doctrine of non-interference, asserted in the Farewell Address, as constituting the settled and permanent policy of the country. Here is the answer of Hamilton to General Miranda:

"NEW YORK, *August* 22, 1798.

* * * * * * * * * * *

"The sentiments I entertain in regard to that object have been long since in your knowledge; but I could personally have no participation in it, unless patronized by the Government of this country. It was my wish that matters had been referred for a coöperation in the course of this fall on the part of this country; but that can now be scarcely the case. The winter, however, may mature the project, and an actual coöperation by the United States may take place. In this case I shall be happy, in my official station, to be an instrument of so good a work.

"The plan, in my opinion, ought to be, after that of Great Britain, an army of the United States—a government for the liberal Territories agreeable to both coöperators, but about which there probably will be no difficulty. To arrange the plan a competent authority to some person here from Great Britain is the best expedient. Your presence here will in this case be extremely essential. We are raising an army of 12,000 men. General Washington has resumed his station at the head of the army. I am appointed second in command.

"With esteem and regard, &c.,

"A. HAMILTON."

Nor was this correspondence so mysterious as not to admit of its secret to be transferred to the cabinet council of Mr. Adams, and to the foreign minister then representing this country at the court of England.

Mr. Hamilton incloses his answer to Miranda in a letter to Rufus King, in which he alludes to the disclosure which he had made in high quarters of the whole scheme. He writes thus on the 22d of August, 1798:

"I have received several letters from Miranda. I have written an answer to some of them, which I send you to deliver or not, according to your estimate of what is passing in the scene where you are. Should you deem it expedient to suppress my letter, you may do it, and say as much as you think fit on my part, in the nature of a communication through you."

"With regard to the enterprise in question, I wish it much to be undertaken: but I should be glad that the principal agency was in the United States—they to furnish the whole land force, if necessary. The command, in this case, would very naturally fall upon me: and I hope I should disappoint no favorable anticipations." * * * *

"Are we yet ready for this undertaking? Not quite; but we ripen fast, and it may, I think, be rapidly brought to maturity, if an efficient negotiation is at once set on foot upon this ground. Great Britain cannot alone insure the accomplishment of the object. I have some time since advised certain preliminary steps to prepare the way consistently with national character and justice. I was told they would be pursued; but I am not able to say whether they have been or not."

In a subsequent letter of General Miranda to Hamilton, I find what follows:

"Your wishes are, in some degree, fulfilled, since it is here agreed (he writes from London) that the English troops shall not be employed in the land operations. The naval force shall be English, while the troops employed will be American. Every arrangement is made, and we are only waiting for the declaration of your President to depart."

I need go no further to show that the policy which Washington meant to recommend and to act upon, was, that while we should not entangle ourselves *in permanent alliances*, or implicate our interests in the *ordinary vicissitudes* and the *ordinary combinations* of the politics of Europe, while we might trust to *temporary alliances* for extraordinary emergencies, we should not therefore disown ourselves, and cower beneath the fear of giving umbrage by a dignified assertion of our rights under the law of nations.

We have found him as early as 1794, scarcely a year after the proclamation of neutrality, directing Mr. Munroe to give assurances that he

was incapable of assenting to the right of any foreign prince to meddle with the affairs of other nations. About the same time he instructs Mr. Jay to sound the ministers of Russia, Denmark, and Sweden, as to the probability of an alliance with their nations to support certain principles; and behold! he urges the mustering of our forces at the very moment when Hamilton joins a combination through which an American army of twelve thousand men is to enter Mexico, under his lead, to effect the independence of that country. Is not this policy of action a disclaimer of that other policy advocated upon this floor by the mover of the original resolutions, and by those who side with him? But we have still another example tending to subvert the entire structure built up by the advocates of the policy of impassiveness. I have shown what construction in practice Washington had placed upon the principles laid down in the Farewell Address. His policy ended not with him. It went on, infusing itself through those who came after him. President Monroe, who had enjoyed his full confidence, who must be presumed to have imbibed his opinions and views, did not hesitate to take a bold and decisive stand when came the crisis which threatened a coalition of certain European powers to reduce the Spanish colonies to submission, and to organize them again into monarchies. You well remember, Mr. President, that famous passage in the address which he sent to Congress in December, 1823; though the solemn declaration has fixed itself indelibly in the memories and hearts of our people, the circumstances that brought it about are comparatively but little known, and may not seem unworthy of a brief notice. Mr. Rush, a statesman of the most pure patriotism, as well as of the highest order of intellect and talent, whose lofty character has so deeply impressed itself in the diplomatic history of that period, who exhibited in his person the rare combination of the most profound wisdom and the most extensive knowledge, with the bland and fascinating manners, the accomplishments and polish of the gentleman, who never said a word that was improper, nor betrayed a thought that might peril his country's fortunes—Mr. Rush was minister at the court of St. James. Among the important negotiations intrusted to his management was that of obtaining from England a recognition of independence for the Spanish Colonies. He approached the subject with inexpressible skill and adroitness, and soon brought the British minister to his views by suggesting a joint declaration of the principles upon which that independence should be vindicated. The conferences which took place between him and Mr. Canning are full of a most lively interest, and pay richly the reader for the time he bestows upon their perusal. I am assured that I cannot seem ungracious to the Senate if I attempt to put them in possession of some remarkable passages which I have extracted from the book in which they are registered.

Alluding (1823) to a note from Mr. Canning to the British ambassador at Paris, relative to a presumed design on the part of France to bring some of the Spanish possessions in America under her dominion, either by conquest or by cession from Spain, Mr. Rush had expressed the sentiment that it implied clearly that "England would not remain passive under any such attempt by France." Mr. Canning then asked Mr. Rush, "*What he thought the American Government would say to going hand in hand with England in such a policy?*"—("Residence at the Court of London," p. 400.)

In the course of the same conversation, Mr. Canning added that—

"The knowledge that the United States would be opposed to it as well as England, could not fail to have its decisive influence in checking it."—(Ibid, p. 403.)

And in a note bearing date the 20th of August, 1823, Mr. Canning asks again:

"If the moment has not arrived when the two Governments (England and the United States) might understand each other as to the Spanish American colonies; and if so, whether it would not be expedient for them, and for all the world, that their principles in regard to those colonies should be clearly settled and avowed; that as to England, she had no disguise on the subject."—(Ibid, p. 412.)

In reply to Mr. Canning's communication, Mr. Rush declared:

"That the United States would view as unjust and improper any attempt on the part of the powers of Europe to intrench upon the independence of the Spanish possessions in America."

And in a note of August 27, he asserts:

"That his Government would regard the convening of a European Congress to deliberate upon the affairs of the Spanish Colonies as a measure uncalled for, and indicative of a policy *highly unfriendly to the tranquillity of the world;* that it could not look with insensibility upon such an exercise of European jurisdiction over communities now exempt from it, and entitled to regulate their own concerns unmolested from abroad."—(P. 419.) "That, could England see fit to consider the time as now arrived for fully acknowledging the independence of the new communities, he (Mr. Rush) believed that not only would it accelerate the steps of this Government, but *that it would naturally place* HIM *in a new position in his further course on the whole subject.*"

"Should I be asked," (writes Mr. Rush in his letter to the American Secretary of State, dated London, August 28, 1823)—"Should I be asked by Mr. Canning whether, in case the recognition be made by Great Britain without more delay, *I am on my part prepared to make a declaration, in the name of my Government, that it will not remain inactive under an attack upon the independence of those States by the Holy Alliance, the present determination of my judgment is, that* I WILL MAKE SUCH A DECLARATION EXPLICITLY, AND AVOW IT BEFORE THE WORLD."—(P. 421.)

Nor was Mr. Rush insensible of the importance of the step he was prepared to take. In his communication to the American Secretary of State of April 30th, of same year, he says:

"I am fully sensible of the magnitude of the subjects to be treated of, *the complicated character of the considerations involved in most of them, and of their momentous bearings, in present and future ages, upon the interests, the welfare, and the honor of the United States.*"—(These words borrowed from the Secretary's own letter to which he was answering.—P. 423.)

On the 15th of September Mr. Rush writes to the President:

"That it is still his intention to urge upon Mr. Canning the immediate recognition of the new States by Great Britain as the only footing upon which he could feel warranted in acceding to the proposal made to him."—(P. 427.)

Speaking of the declaration asked of him by Mr. Canning, he remarks:

"The value of my declaration would depend upon its being formally made known to Europe. Would not such a step wear the appearance of the United States implicating themselves in the political connections of Europe? Would it not be acceding, in this instance at least, to the policy of one of the great European powers, in opposition to the projects avowed by others of the first rank? This, hitherto, had been no part of the system of the United States. The very reverse of it had been acted upon. Their foreign policy had been essentially bottomed on the great maxim of preserving peace and harmony with all nations, without offending any, or forming entangling alliances with any. Upon the institution as upon the dissensions of the European powers, the Government and people of the United States might form and even express their speculative opinions; but it had been no part of their past conduct to interfere with the one, or being unmolested themselves, to become parties to the others. In this broad principle laid one of my difficulties under his proposal."

To this Mr. Canning would reply:

"That, however just such a policy might have been formerly, or might continue to be, as a general policy, he apprehended that powerful and controlling circumstances might make it inapplicable in particular occasions," &c.

And upon the rejoinder, Mr. Rush says:

"For myself, speaking only as an individual, I could well conceive that the interposition of an authoritative voice by the United States, in favor of these communities, admitting that the powers of Europe usurped a claim to control their destinies, would imply no real departure from the principles which had hitherto regulated their foreign intercourse, or pledge them henceforth to the political connection of the Old World. If, too, that voice happened to be in unison with the voice of Great Britain, it might prove but the more suspicious to the common object which both nations had in view, without committing either to any systematic or ulterior concert. But I added, that as the question of the United States expressing this voice, and promulgating it under official authority to the powers of Europe, was one of entire novelty as well as of great magnitude in their history, it was for my government, and not for me, to decide upon its propriety." * * * * * *

"Let Great Britain immediately and unequivocally acknowledge the independence of the new States." * * *

"I will not scruple, on seeing that important event come about, to lend my official name to the course proposed, and count upon my Government stamping with its subsequent approval what I have done."—(pp. 436, 437.)

Mr. Rush then goes on to tell us:

"By the early transmission of the proposals made to me by Mr. Canning, in his notes of the latter end of August, the copies of them, as well as of my reports of our conferences on the whole subject, arrived at Washington in time to engage the deliberations of President Monroe and his Cabinet, before the meeting of Congress in December, and it was very satisfactory to me to learn that the part I had acted was approved."—(pp. 456, 457.)

The policy of impassiveness, therefore, has no warrant in the past, and the warnings of Washington and of his compeers, so far, do not reach the ground covered by this debate. Let me define distinctly the position which I mean to occupy. I am not for entangling ourselves by permanent alliances in the ordinary vicissitudes of foreign politics, or in the ordinary combinations and collisions of foreign friendships or enmities. I am for trusting to temporary alliances in extraordinary emergencies; but I cannot be for surrendering the high rank which we are entitled to occupy at the council-board of nations. I can neither abdicate the rights which that position implies, nor disavow the obligations which it imposes; and, inasmuch as the amendment proposed by the distinguished Senator from Michigan [Mr. CASS] carries me not beyond the ground covered by the avowals just stated, to that amendment shall I give my unqualified support and vote. It imbodies my views in the guarded yet significant form of its language; it speaks out, in dignified terms, sentiments which responded to the throbs of every American heart, and shows that, while penning the resolves, the distinguished Senator had not out of mind the remark made by Washington, in his message of December 3, 1793, "*that there was a rank due to the United States among nations which would be withheld, if not entirely lost, by the reputation of weakness.*"

But suppose I were in error with respect to the bearing of the Washington policy, as exemplified by his own doings; the question would still remain, whether it was ever intended it should remain an immutable rule, to be pursued by this Government under what changes soever might occur in the history of its progress.

Speaking of our commercial intercourse with foreign nations, Washington himself, in his Farewell Address, recommends the "establishment of 'certain conventional rules, *the best that present circumstances and mutual opinions will permit, but temporary, and liable to be from time to time abandoned 'or varied, as experience and circumstances shall dictate.*"

Our policy, upon the same principle, must also change. It is not in the power of man to impart immutability to any of its works. Our policy must change; it will change. Who is the statesman, where is the statesman, who will consider himself so constrained by the traditions of the past as to admit that it binds the present in shackles, and keeps the future in thralldom? Sir, we cannot thus be enslaved to the opinions and judgments of those who have preceded us. Are we the nation we were in 1793? Does Europe stand to us in the relation it then stood? Consider: We were but three millions of people then; we are now twenty three millions. The area of our territory exceeded hardly eight hundred thousand square miles; it now measures upwards of three millions. Our commercial relations with the whole world embraced an aggregate of $115,000,000; they reach now to upwards of $318,000,000; on a comparative survey of the commercial progress of this country and of England we find that, while the mercantile movement of the United States in half a century has increased in the ratio of three hundred per cent., that of England has only attained two hundred per cent. Taking for granted that the two countries will progress in the same ratio during the coming century, we find that in 1890 the commerce of the United States will be $870,000,000, that of England $1,200,000,000: and in 1940 the commerce of the United States will be $2,377,000,000, while that of England will only be $2,289,000,000—thus leaving the United States with a surplus over England of $88,000,000.

We have now a sea-coast extending 5,620 miles in length; it extended in 1793 but 1,700 miles. We had scarcely a commercial marine; now our steam force alone amounts to upwards of fourteen hundred steamers, measuring 417,283 tons; while the whole steam marine of all Europe in 1848 did not exceed twelve hundred and twenty-four steamers, of 164,713 tons burden.

To insist, sir, that while our numbers, the extent of our territory, our commerce, and our shipping, have so much changed, our interests, our wants, our rights, our obligations under those rights, should remain what they were sixty-five years ago, is to scorn the teaching of our judgment, and to belie the wisdom of God.

But it is said that we should have no concern with interests connected with European policy, and that we should confine ourselves to extending our commercial relations with foreign countries without ever entangling ourselves in their politics—

aye, sir, if we can so separate those relations as to keep them in absolute freedom of each other; but this it is not in our power to effect. Commercial intercourse will, and must of necessity, beget political entanglements. The question is not how you may avoid them—they will defy your prudence, and put in default all your diplomacy—but the question is, how will you meet them with the least possible danger to your peace and your prosperity? You could not, if you would, disconnect yourselves at this day from Spain, England, or Russia. There they stand nailed to your sides. Suppose, for a moment, that Spain chooses to transfer Cuba to a foreign government, would we stand still? Suppose England were to exercise somewhat more ostensibly than she does at present her dictatorship over the Central American republics, would we stand still? Suppose Russia should reissue her ukase of 1821, and so extend the circle of prohibition, which she had then the boldness to draw around herself, as to exclude us entirely from the northern waters of the Pacific, would we stand still? No, sir; we would not—we could not. Again, sir: suppose England were induced to join a European coalition, and become a party to another *continental system*, can you realize what advantages Europe could tender her that would not be ruinous to our interests? Might not, perchance, a new Pozzo de Borgo instil into the brains of some raving autocrat the thought, by him suggested in 1817, of subjugating these States, in order to protect the world against the poisonous effects of their institutions?*

I repeat it again, you have no power either to surrender your rights or to disown your obligations. Assert your rights and fulfill your obligations. Let the world know that while you are prepared to comply with the latter, you cannot suffer the former to be questioned or invaded. But some will say, this is war! Not quite; and if it were, I could not see that we ought on that account abstain from asserting what is good and just in itself. Know you not, sir, that moral power, in time of war as well as in time of peace, acts the first part, and often coerces the powers of numbers to unconditional surrender? Let me read you from Heffter a few lines, which define more accurately than anything I have yet read, the origin, the sanction, and the imposing commands of the law of nations:

"The law of nations has neither lawgiver nor supreme judge, since independent States acknowledge no superior human authority. Its organ and regulator is public opinion. Its superior tribunal is history, which forms at once the rampart of justice, and the Nemesis by which injustice is avenged. Its sanction, or the moral obligation of all men to respect it, results from the moral order of the universe, which will not suffer nations and individuals to be isolated from each other, but constantly tends to unite the whole family of mankind in one great harmonious society."

What! speak you of isolation? Have you not markets to retain for your present excess of production, and markets to secure for the surplus of your future wealth? Can you rely on the sympathies of Princes, Kings, or Czars for a continuance of those relations which alone can enable you to retain the advantages which you enjoy on the old continent? Disown not yourself. Be not unmindful that you are a member of the great family of nations. Do not repudiate the relations which that membership implies. The law that binds nations to each other is your law as well as theirs. Let it not be violated with impunity. That law rests on the dictates of public opinion. Will you give up your share in forming it? In vain seek you to remain isolated. The tendencies of your political organization, your commercial as well as your social interests, that thirst after the unknown, which you can neither compress nor satisfy, will throw you forcibly into contact with foreign powers. What their policy may induce them to attempt against your commerce will not cease to be a political aggression, though it should affect only your mercantile interest. With the progressive ratio of your production compared with your population, you may have in 1900 an excess of seven hundred millions in your produce. Where will you find a market for it? In the East!—in the East! There you must look to for custom—thither seven hundred and fifty millions of consumers invite your commodities and your excess of wealth. The dependence of England on your great staple for the supply of her extensive manufactories may counsel her to take you into partnership in the enjoyment of the gorgeous boon. But should Russia gain the ascendency there, what would your prospects be? Her policy is essentially exclusive, antagonistic to your interest. Suppose she lays hands on Turkey, and shuts you out of the Mediterranean: might not this great basin become again the great reservoir and entrepôt of eastern commerce? You see then, sir, that interest alone presses you on all sides not to remain isolated. In self-defense you are bound to watch every movement of European policy. See how strangely have fallen those Balkans which wise and far-seeing statesmen had raised in the combined strengh of Hungary and Austria against the devouring ambition of the Cossack! Austria now a Russian province, is but a relay to the Czar on his route to Turkey. He can now approach Constantinople by Vienna as surely as by Bucharest.

It may be too late for us to interpose a protest against an accomplished wrong; it is never too late to provide against its recurrence. Do not late events speak loud of the future? See you not England herself succumbing to the continental coalition? How anxious she seems not to give offense to European despots! Mark her condescensions to their biddings. On the very day that Lord Palmerston was surrendering his seals, Vienna was reveling in joy and exultation at the triumph which the anticipated fall of that minister prepared to Austria. Lord Malmesbury bends in humble compliance to the remonstrances of France and Austria, and narrows the circle of the liberties conceded to European exiles; and Lord Derby inaugurates his advent to power by withdrawing the bill which extended the electoral franchises of the British subjects;—and thus is England belying her past, as if she no longer recollected those proud days of her glory when her minister could exclaim in the House of Commons, "We go to plant the 'standard of England on the well-known heights 'of Lisbon; where that standard is planted foreign 'dominion shall not come;" or, when hurling defiance at France, then in possession of Spain, the same minister triumphantly avowed his resolution, "that if France had Spain, it should not be Spain 'with the Indies; that he had called the New 'World into existence to redress the balance of 'the Old." But, sir, while she shows herself so submissive to European despotism, see how menacingly she rides our waters, and how arrogantly she deals out her protectorate to Nicaragua, Costa Rica, and the Kingdom of Mosquito. Even this wavering and irresolute Administration of ours could not speak out high words of complaint—indeed, sir, the very words of the amendment introduced by the Senator from Michigan, to remonstrate against the untoward assumption. But, the complaint was soon stilled by empty excuses in one case, and in the other by the reassertion of the very right and power denied and protested against. The Senate will recollect what occurred upon the appearance of the French and British squadrons in the Gulf of Mexico. A conference took place on that occasion between the acting Secretary of State and Mr. Crampton, then British Chargé d'Affaires to this Government, and a correspondence was had between the same acting Secretary and the French Minister, in both of which our Government asserted its deep concern at the unlooked-for interference, and insisted upon obtaining satisfactory explanations. The French Minister, with a frankness and in a tone which do great credit to his character, and yet with that dignified reserve that behooved the representative of a great nation, met the question in perfect fairness, and declared, "first, that the instructions issued by the 'Government of the Republic were spontaneous 'and isolated; secondly, that those instructions 'were exclusive, for an exclusive case, and applicable only to the class, and not to the nationality, 'of any pirate or adventurer that should attempt 'to land in arms on the shores of a friendly nation."

The answer was conclusive, and this Government deemed it satisfactory. But how was it with the British Chargé d'Affaires? The memorandum of the conference informs us that "Mr. Crampton, at an interview with Mr. Crittenden, at the 'Department of State, on the 27th of September, '1851, stated *that he had been directed by her Majesty's Government to say to the United States Secretary 'of State, that her Majesty's Government had learned,* 'with DEEP REGRET, that expeditions have again 'been prepared in the ports of the United States, 'for an attack upon a territory belonging to a sovereign at peace with the United States, and in 'friendly relation with her Majesty." * * *

"That her Majesty's Government deem it due 'to the frankness which ought to characterize the 'intercourse between the two Governments to state 'to that of the United States, THAT HER MAJESTY'S SHIPS-OF-WAR ON THE WEST INDIA STATION, 'WILL HAVE ORDERS TO PREVENT BY FORCE ANY 'ADVENTURERS OF ANY NATION, FROM LANDING WITH 'HOSTILE INTENT UPON THE ISLAND OF CUBA."

I had thought, sir, that, under the prevalence of this doctrine of non-intervention, the distinguished statesman who is at the head of the State Department, with that tone of voice that bespeaks the depths of his thoughts, though not always the invincible energy of his will, might have gravely told the British Chargé, "Sir, this is no concern 'of yours. Withdraw your ships. We can 'minister for ourselves the police of our affairs 'over our own waters." But I am mistaken, I think; it was not Mr. Webster, but Mr. Crittenden, who then occupied the chair of State. And very strenuously does he retort, "*That the 'President could not,* WITHOUT CONCERN, *witness any 'attempt to accomplish the object" in contemplation of the British Government "by means which might eventually lead to encroachments on the rights of the people of the United States;*" that "the execution of the 'orders received by her Majesty's squadron would 'be the exercise of a sort of police over the seas 'in our immediate vicinity, covered as they are 'with our ships and our citizens, and it would involve, moreover, to some extent, the exercise of 'a jurisdiction to determine what expeditions were 'of the character denounced, as well as who were 'the guilty adventurers engaged in them;" and he closed by expressing "the hope that there may 'never arise any occasion for carrying any such 'orders into execution." What answer, Mr. President, do you suppose Mr. Crampton made to the State Department? Here is the communication he addresses Mr. Webster on the 12th of November. It incloses a letter to himself from Lord Palmerston, reasserting, as I have already said, the very right and assumption of power complained of and protested against:

BRITISH LEGATION,
WASHINGTON, *November* 12, 1851.

SIR: With reference to our conversation on the 10th inst., and in compliance with your desire, I have the honor to inclose a copy of the dispatch addressed to me by Lord Palmerston, which I then read to you, upon the subject of the orders issued to her Majesty's ships-of-war on the West Indian station, respecting unauthorized expeditions against the island of Cuba.

I avail myself of this opportunity to renew to you, sir, the assurance of my highest consideration.

JOHN F. CRAMPTON.

The Hon. DANIEL WEBSTER, &c., &c., &c.

[No. 16.] FOREIGN OFFICE, *October* 22, 1851.

SIR: I have received your despatch No. 29, of the 6th inst., and I have to acquaint you that *her Majesty's Government approve the course pursued by you in communicating to the Government of the United States the orders issued by her Majesty's Government to the Commander-in-chief of her Majesty's ships in the West Indies, respecting the prevention of lawless expeditions against Cuba.*

If you should have any further conversation with the Secretary of State of the United States on this subject, you may assure him that every care will be taken that, *in executing these preventive measures against the expeditions of persons whom the United States Government itself has de-*

* A SINGULAR HISTORICAL FACT.—The New York Express brings to light a singular historical fact, which is not generally known. It says that, in 1817, a Russian of eminence, M. Pozzo de Borgo, being then in Paris, proposed in a memoir addressed to his court on the importance of replacing South America under the dominion of Spain, that the United States should be subjugated. He said that, "founded on the sovereignty of the people, the Republic of the United States of America was a fire, of which the daily contact with Europe threatened the latter with conflagration; that as an asylum for all innovators, it gave them the means of disseminating at a distance, by their writings, and by the authority of their example, a poison of which the communication could not be questioned, as it was well known that the French revolution had its origin in the United States; that already troublesome effects were felt from the presence of the French refugees in the United States." The Russian ambassador went on to state and argue that the conquest of the United States was an easy enterprise; that the degree of power to which the Americans had risen made them objects of fear to the European monarchical governments, &c. The editor of the Express came in contact with this curious paper in the State Library at Albany, in an old file of the Missouri Republican, printed more than thirty years ago.

nounced as not being entitled to the protection of any government, no interference shall take place with the lawful commerce of any nation.

I am, &c., PALMERSTON.

JOHN F. CRAMPTON, Esq., &c., &c., &c.

Here is, then, on the part of England, the assumption of the right not only to exercise her police over our waters and over vessels sailing under American colors, but to decide for herself of the nature and character of an expedition departing from our shores; for, the squadron "has orders *to prevent, by force, any adventurers* OF ANY NATION *from landing*, WITH HOSTILE INTENT," upon the Island of Cuba! Has reparation been yet demanded of the insult thus offered to the majesty of the American flag? Has the Minister of England apologized for the unceremonious evasion with which the Chargé d'Affaires escaped the necessity of a committing answer? The accomplished and truly skillful gentleman who now represents Great Britain near this Republic would be loth to admit that his Government had transcended its privileges, or might, under any circumstances, surrender the exercise of its assumed rights. Here was, you will admit, Mr. President, a fit opportunity for this Administration to display some of that watchful energy which it so mercilessly exhibited on a kindred occasion. Why is it that it suffered its wrath to be so easily soothed and its susceptibilities to slumber? What business had it to be thus tolerant and accommodating when it had pursued, with such an unrelenting rancor and severity, that little band of deluded, but brave and chivalrous men who had engaged in that unfortunate and ill-advised expedition which ended so miserably at Baya Honda? Was it love for non-intervention that prompted the policy which branded the invasion with deadly names, and doomed the invaders to an ignominious slaughter? Sir, I disapproved then, as I disapprove now, the reckless undertaking; but those who engaged in it had stout and noble hearts; they were enthusiasts—maniacs, if you choose—but enthusiasts—maddened by the most disinterested and the most lofty aspirations. What right had this Administration to track them through the waters of the Gulf, beyond the line of our municipal jurisdiction? Will its friends show me where, in the Constitution, is lodged the power which the President thought proper to exert on that occasion? And, as if the butchery made of fifty of our citizens, slaughtered in full daylight, within view of our flag waving sadly over our ships-of-war, and in wanton violation of the most solemn and the most explicit treaty stipulations, was not enough to satisfy the most extravagant exactions of Castilian pride, Castilian punctilio, and Castilian revenge, we are driven to witness, in the great metropolis of the South, the heart-rending spectacle of a salute booming out to exulting Spain, repentance and atonement in the name of the United States of America! The triumph won by the Spanish minister on this occasion over the susceptibilities, once so keen, of our statesmen, has no precedent in the annals of the diplomatic history of any nation.

But to return to the present aspect of affairs in Europe, and to the new attitude in which England stands to the continental Powers. Believe you, sir, that she would now be so humble, so dejected, so submissive to Austro-Russian dictation, if she had firmly stood up by those principles which her Chathams and her Cannings had so proudly proclaimed to the world? How dearly she pays for her impassiveness, while the Roman Republic was falling under French bayonets, while Hungary was slaughtered by Russian sabers, and while Cracow laid prostrate at the feet of her plunderers.

Sir, let us not be lulled into slumber by the idea that we are too distant from Europe to be affected by her political convulsions. Know you not that violence and oppression are contagious, and that their triumph in any point of time, or on any point of the globe, reacts on the moral world?

Why, Mr. President, speak of isolation, when you can ride your floating palaces from continent to continent in less time than it took your fathers, fifty years ago, to travel from Buffalo to New York—from Boston to Philadelphia?—when every wave of the ocean brings you swift messengers, blown over to these western shores by the same breeze that wafted them away from the eastern hemisphere?—when, low as it beats, you can hear every pulsation of the European heart beneath the iron hands that strive to compress and stifle its languid and agonizing energies?

But it is insisted that an expression of our sympathies is more a matter of sentiment than of right and policy. Ah, sir, I pity the statesman who does not know that public sentiment, which sometimes supplies and sometimes corrects the law, is always its strongest support.

Sir, believe me, it is our interest, and if not our interest, our duty, to keep alive, by good offices among the nations of Europe, that reverence for the institutions of our country, that devout faith in their efficacy, which looks to their promulgation throughout the world as to the great millennium which is to close the long calendar of their wrongs. Let their flame light up the gloom and dispel the darkness that now envelop them. Humbled though they be, despise them not. It was not their choice, but treachery that made them slaves; and if you should ask why is it that they seem to look with approving smiles and contented hearts to the hands that brandish the rod over them, forget not those deluded wretches destined to the beasts for the entertainment of the Roman Emperors, who could not be persuaded that Cæsar was not Rome, and who, upon entering the Coliseum, as they passed his seat, would bow to him in respectful submission, and exclaim: "*Cæsar, morituri te salutant*"—Cæsar, though doomed to die, we salute you.

I heard, the other day, the honorable Senator from Tennessee, in one of those soul-stirring feats of eloquence so peculiarly his own, disclaim that there be anything like destiny in the callings of a nation. How could he have thus overlooked that there is not a work of God's wisdom, nor a striving of the human intellect, that bears not the indelible seal of destiny? Onward! onward! is the injunction of God's will as much as *Ahead! ahead!* is the aspiration of every American heart. We boast exultingly of our wisdom. Do we mean to hide it under the bushel, from fear that its light might set the world in flames? As well might Christianity have been confined to the walls of a church, or to the enclosures of a cloister. What had it effected for mankind, what had it effected for itself, without the spirit that promulgated it to the world? Onward! onward! To stand still is to lie lifeless—inertion is death. Had Mahomet stood still, would he and the mountain have got together? Had the colonies stood still, would this be the Government it is? Had Jefferson and Polk stood still, would Louisiana be ours? Would Texas, would California, sit here in the bright garments of their sovereignty?

You commend the policy of the fathers of the Republic, as if time, that withers the strength of man, did not "throw around him the ruins of his proudest monuments." Have I not shown how mutable it had been? Let us not calumniate the past by fastening its usurpations upon the future. I revere its teachings, but cannot submit to make them the measure of present wisdom. Speaking of the sages whose names and authority have so often been invoked in this debate, the elder Adams attempts to exculpate the defects of their views and policy by this remark: "The present actors 'on the stage have been too little prepared by their 'early views, and too much occupied with turbu-'lent scenes, to do more than they have done." And with what ardent fervor and hope, with what enthusiasm, he speaks of the scenes which display themselves to his view in the future of his country? "A prospect into futurity in America is like con-'templating the heavens through the telescope of 'Herschel. Objects stupendous in their magnitude 'and motions strike us from all quarters and fill us 'with amazement!"

My reverence for opinions consecrated by the authority of the sages who preceded us, will not induce me to disintegrate this Republic, and shear from its domain Louisiana, Texas, Florida, the Californias, and New Mexico, because, forsooth, Washington, Adams, and Hamilton may have held that any accession of new territory to the area embraced by the old States was unconstitutional. I could not give a vote for the rechartering of a national bank, because its institution had the assent of the same great men. Nor could I shut my ears on their account, to those whisperings of the future that betoken the rising of new generations impatient to throw themselves on our lap. Sir, I have a mind to place before you the record of strange prophecies made on the future growth, strength, prosperity, and empire of these States, at a time when they were but dependent and subordinate colonies of a distant nation. They are to be found spread over in the Memorials of Pownall, who lived eight years in the colonies, from 1753 to 1756, and who held successively the offices of Lieutenant-Governor of New Jersey, of Governor of Massachusetts, and of Governor of South Carolina, and who in those three capacities must be presumed to have been afforded every opportunity that could enable him well to appreciate in the people that surrounded him that peculiar forwardness and energy of purpose which have since realized so wonderfully what that great and wise man had contemplated in vision, through the telescope of his far-seeing mind. Sir, I feel assured that the Senate will thank me for trespassing yet a moment upon its patience, while I shall read to you some of his most striking revelations:

"North America has advanced, and is every day advancing, to growth of State, with a steady and continually accelerating motion, of which there has never yet been any example in Europe." * * * * *

"It is young and strong." * * * "Its strength will grow with its years, and it will establish its constitution and perfect adultness in growth of State. To this greatness of empire it will certainly arise." * * * * "America will become the arbitress of the commercial world, and perhaps the mediatrix of peace, and *of the political business of the world.*"

"Whoever knows these people will consider them as animated in this new world, if I may so express it, *with the spirit of the new philosophy.*"

"Here one sees the inhabitants laboring after the plough, or with the spade and hoe, as though they had not an idea beyond the ground they dwell upon; yet is their mind all the while enlarging all its powers, and their spirit rises as their improvements advance."

"The independence of America is fixed as fate. She is mistress of her own fortune; knows that she is so, and will actuate that power which she feels, both so as to establish her own system, *and to change the system of Europe.*"

"Those sovereigns of Europe who have been led by the office-system and worldly wisdom of their ministers—who, seeing things in those lights, have despised the unfashioned, awkward youth of America—when they shall find the system of this new empire *not only obstructing but superseding the old systems of Europe*, and crossing upon the effects of all their settled maxims and accustomed measures, they will call upon these their ministers and wise men, '*Come, curse me this people, for they are too mighty for me*;' their statesmen will be dumb; but the spirit of truth will answer, '*How shall I curse whom God hath not cursed?*'"

"America will come to market in its own shipping, and will claim the ocean as common—will claim a navigation restrained by no laws but the law of nations, reformed as the rising crisis requires."

"America will seem every day to approach nearer and nearer to Europe. When the alarm which the idea of going to a strange and distant country gives to the homely notions of a European manufacturer or peasant shall be thus worn out, a thousand repeated repulsive feelings respecting their present home, a thousand attractive motives respecting the settlement which they will look to in America, will raise a spirit of adventure, and become the irresistible cause of an almost *general emigration to that new world.*"

"Whether the islands in those parts called the West Indies are naturally parts of this North American communion is a question, in the detail of it, of curious speculation, but of no doubt as to the fact."

Then, giving way to the enthusiasm of his prophetic spirit, he addresses himself in direct language to America:

"A nation to whom all nations will come; a power whom all powers of Europe will court to civil and commercial alliances; a people to whom the remnants of all ruined people will fly; whom the oppressed and injured of every nation will seek for refuge," he exclaims, "ACTUATE YOUR SOVEREIGNTY, EXERCISE THE POWERS AND DUTIES OF YOUR THRONE."

Arise! ascend thy lofty seat,
Be clothed with thy great strength—
Lift up on high a standard to the nation!!!

Mr. CASS. He was an old fogy after my own heart.

Mr. SOULE. And I rejoice that your heart is as stout and comprehensive as his own.

Sir, public opinion has already responded to that mighty appeal from the past. It scorns the presumptuous thought that you can restrain this now growing country within the narrow sphere of action originally assigned to its nascent energies, and keep it eternally bound up in swaddles. As the infant grows, it will require a more substantial nourishment, a more active exercise. The lusty appetite of its manhood would ill fare with what might satisfy the soberer demands of a younger age. Attempt not, therefore, to stop it in its onward career; for as well might you command the sun not to break through the fleecy clouds that

herald its advent in the horizon, or to shroud itself in gloom and darkness, as it ascends the meridian.

EXTENSION OF THE CAPITOL.

REMARKS OF MR. JOHN McNAIR,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

March 13, 1852.

Remarks prepared and intended to have been delivered in the Committee of the Whole on the state of the Union, (but cut off by the previous question,) on Senate "Joint Resolution authorizing the Architect of the Capitol to continue in employment the mechanics, laborers, and others, employed on the wings thereof."

Mr. STANTON, of Kentucky, offered the following resolution:

"That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the period between the passage of this resolution and the end of the fiscal year terminating June 30th, 1853, the sum of $500,000 for the continuation of the work on the two wings of the Capitol."

Mr. McNAIR said:

Mr. CHAIRMAN: This amendment to appropriate $500,000 to be expended in the extension of the Capitol, was very unexpectedly introduced in this House to-day. The resolution for a joint appropriation of $10,000, passed by the Senate, for the purpose of continuing the men at work on the Capitol, and frequently attempted to be brought forward by the chairman of Public Buildings, was the resolution which I, and no doubt nearly all the members of this House, expected would be brought forward this day, to be put upon its passage. But, instead of this, an amendment, or, rather, a substitute is introduced for $500,000, and that to be put into the hands of the President, to be expended and disbursed in the same manner, of course, as the $100,000, heretofore appropriated, have been.

In order to ascertain how this money which was appropriated for the extension of the Capitol was drawn from the Treasury, and on whose warrant or by whom drawn, I addressed a note to the Secretary of the Treasury, who very politely furnished me with the following information:

TREASURY DEPARTMENT, *March* 10th, 1852.

SIR: In reply to the inquiries presented for my attention, by your letter of the 9th instant, I have the honor to remark, that the appropriation of $100,000, for the extension of the Capitol, &c., made by the act of Congress, September 30th, 1850, has been drawn from the Treasury by warrants, as follows:

August 2d, 1851, warrant in favor of Thomas U. Walter for	$20,000 00
September 25, 1851, warrant in favor of Thomas U. Walter for	20,000 00
October 16, 1851, warrant in favor of Thomas U. Walter for	20,000 00
October 30, 1851, warrant in favor of Richard Wallach for	691 73
November 7, 1851, warrant in favor of Thomas U. Walter for	20,000 00
December 8, 1851, warrant in favor of Thomas U. Walter for	19,308 27
	$100,000 00

The several sums set forth as having been paid to Thomas U. Walter, architect for the extension of the Capitol, were drawn upon requisitions upon this Department in favor of Mr. Walter, by the Secretary of the Interior, and the respective amounts were, from time to time, as drawn, charged to Mr. Walter upon the books of the Treasury: The sum of $691 73 was paid to Richard Wallach upon a certificate from the Register of the Treasury, showing the adjustment of an account in his favor for that amount as Marshal for the District of Columbia.

The preceding statement exhibits, it is believed, the information requested in your letter; should you, however, find that anything which you desired has been omitted, and will apprise me of the fact, further attention will, with pleasure, be given to the subject.

Very respectfully, sir, I remain your obedient servant,

THOMAS CORWIN,

Secretary of the Treasury.

Hon. J. McNAIR, *Chairman Select Committee to investigate the foundation of the extension of the Capitol.*

As this $100,000 has been drawn from the Treasury, so will the $500,000, if appropriated by Congress. If this will pass, it will be throwing an immense sum of money into the hands of the architect for disbursement. It may be appropriated right, but throws a great temptation in the way to do wrong. I never would trust so much money in the hands of an agent of this description, and especially at a time when the presidential contest is approaching. No person can tell how much of this money might be used for electioneering purposes. This most extravagant substitute is now, if possible, to be forced through this House without consideration, without time for members to judge whether it is just or unjust. Such hasty legislation and extravagant expenditure can never have my sanction or approval.

Great and extensive power in any government, and most especially in a republic, should not be given to one man, particularly where a large amount of money is under his control. The funds of this Government should never be taken out of the hands of its proper representatives, without control or check. It appears, by "an act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1851, and for other purposes," and passed September 30th, 1850, the following appropriation was made, viz:

"For the extension of the Capitol, according to such plan as may be approved by the President of the United States, one hundred thousand dollars, to be expended under his direction, by such architect as he may appoint to execute the same."

It seems to me, that if gentlemen who passed this appropriation had had more time to deliberate they would have acted differently. When it was made, there was much excitement and great fear that the appropriation bill would not pass at all. Would any gentleman in this House, upon cool reflection, vote for an appropriation for the extension of this Capitol, the plan of which is to be approved by the President, after being submitted to him by his architect? Would it be reasonable that we should give the power out of our own hands to build a house, in which we ourselves are to legislate, into the hands of another? Taking it for granted, with due respect to the President, that he knows little about building, we must conclude that the plan of the building, and the expense attending it, will be almost entirely under the control and regulation of the architect. If we make the appropriations as they are wanted by him, if we advance further with this extension on the foundation as now laid, we know not how many millions we may have to expend. An appropriation of $100,000 is now made and expended. With this the outside foundation walls are not yet finished. This immense foundation is laid with the present appropriation; no doubt the architect believing that, when this is once laid Congress will be obliged to vote the necessary appropriations to finish the building, let it cost what it may. Now, it is impossible for us to know the cost before we proceed any further, for we are in the power of the architect. He may make any estimate he pleases, and we cannot tell whether it will cost twice as much as the estimate, or what amount it will cost. There is a great temptation for a man to keep himself in employment a long time, when his salary is $5,000 a year. This appropriation once made, and the building continued one year longer, and the architect will have it in his power to continue his salary six, eight, or ten years at pleasure. When we take into consideration the memorable Girard College, we have at least some ground for believing that it will not be finished very soon.

The plan of this extension of the Capitol was decided on by the President on the 11th of June, 1851; and, on the 30th of June, 1851, the fiscal year for which the appropriation of $100,000 was made, closed.

The corner-stone, with appropriate honors, was laid on the 4th of July, 1851.

The outside wall of this building, at the base, is eight feet nine inches; above the footings it is six feet nine inches.

The stone, amounting to 18,000 perches, the lime, sand, and cement, are all furnished by contract.

Excavations and stone masonry are done by days' work.

The present Capitol is 352 feet 4 inches by 121 feet 6 inches. The portico is 160 feet in width on the eastern front, and the projection west 83 feet.

The wings of the Capitol will be 44 feet from each end, connecting with the present Capitol by means of corridors.

Each extension, the one on the north and the other on the south, is 142 feet 8 inches by 238 feet 10 inches, exclusive of steps.

The whole length of the building from north to south, when finished, will be 751 feet 4 inches; and from east to west the width will be 324 feet.

The ground that will be covered over by the whole building will be 151,112 square feet, or 652 square feet more than three acres and a half. The present building covers over 61,201 square feet; and the new wings 91,911 square feet. The base of these new wings will have to sustain a weight of about 200,000 tons. A foundation, in order to sustain such an immense weight, should be laid with solid mason-work, and the stones of the hardest gneiss.

In each wing there will be a hall of 55 feet square, embellished with 20 marble columns.

The hall of Representatives will occupy the western half of the south wing, and will have 50 windows. The dimensions of the House will be 130 feet by 97, and it will accommodate 400 members with separate desks, and allow a sufficient space for the lobbies. The hall will have galleries on three sides, and it will accommodate 1,200 persons.

The Senate Chamber will be 97 feet 10 inches by 70 feet 6 inches, and 35 feet in height. In this there will be room for 100 members, and in the galleries 1,200 persons.

The whole of this immense building is to be faced with white marble. This white marble is not of so durable a nature as some other kinds of stone. It in time fades, and, after a few years, from the rains pouring upon it, yellow streaks will be seen running over the face in many places.

The cost of the entire design of this building, in accordance with the drawings and models, will be $2,675,000. This estimate is made independent of any extras, and upon the assumption that the interior of the new buildings will not be more expensively finished than the present Capitol. But as the plan of the extension is put entirely under the approval of the President in the appropriation, it will depend on him whether these expensive embellishments shall be made, or not. But this estimate is for the extension of the Capitol alone, and it is reasonable to suppose that there will be a very large increase on the first estimate. And I have no doubt, that by the time this extension is entirely finished, and all expenses taken into consideration, the whole cost will not be less than $5,000,000. This large amount of money, if no change is made by Congress as to the manner of drawing it out of the Treasury, will be drawn, as has been shown in the appropriation already made, by the warrants of the architect. The amount first appropriated was among other appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1851. The corner-stone of this extension of the Capitol was laid after the year had run out for which the appropriation was made; namely, on the 4th of July, 1851, four days after the fiscal year for which the appropriation was made; and nearly all of the money thus appropriated was expended after that time. And since, all the money thus appropriated has been expended, and a large amount of the stone is not paid for; yet the stone is still continued to be delivered on the ground as though the Government certainly would be compelled to pay for them. There are seventeen hundred barrels of lime from the State of New York not used, and, I believe, not paid for. A large contract for marble, of some hundreds of thousands of dollars, is made, and applications are making for the brick-work; a contract for which is now made, or soon will be; and all these things progressing without any authority from Congress, or any appropriations made to pay the amount of these contracts. Who is so certain that this Government is ready to expend $5,000,000 in the extension of the Capitol, when there is really but one room for a library, about thirty feet long by twenty wide, needed? Would any member of this House exercise such economy in his own affairs?

Should this large amount of money be expended in the extension of the Capitol, we know not how soon or at what time the seat of Government may be moved to the West, or some other situation that will be nearer to the center of the States. I suppose the answer to this will be, the greater the amount expended in building the Capitol, the more likely it will be to remain here. In reply to this, I would say, that as soon as the people of

the West, Southwest, and Northwest, would discover that large expenditures were made for retaining the seat of Government here, the sooner they would vote for removing it. Many members who have a great distance to come to the seat of Government would vote for moving it West tomorrow, and there is now a petition in the hands of one of the members for that purpose. Only one thing now keeps the seat of Government at Washington, and that is, that members at a distance get a larger amount of mileage than those who live nearer.

MISSISSIPPI POLITICS.

SPEECH OF HON. A. G. BROWN,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

March 30, 1852,

In reply to his colleague, Hon. JOHN D. FREEMAN, on the state of parties in Mississippi.

The House being in Committee of the Whole on the state of the Union, and having up for consideration the Homestead bill, Mr. FULLER, of Maine, was entitled to the floor.

Mr. BROWN. I ask the permission of my friend from Maine [Mr. FULLER] to make a single explanation?

Mr. FULLER. I will yield if the gentleman will not take up much of my time.

Mr. BROWN. Only a moment.

[Mr. FULLER, of Maine, yielding him the floor, Mr. BROWN, said:

Some days since, my colleague [Mr. FREEMAN] published a reply to a speech of mine, delivered on the 12th of this month. I desire to rejoin to that speech, but do not care to consume an hour of the public time in doing so. Besides, I desire to reply promptly, and it may be some days or even weeks before I can get the floor. The subject is one not very interesting to the House, but of some interest to our constituents, and I take advantage of this, the earliest moment when it may be considered in order, to give notice that I will follow the example of my colleague, and publish my rejoinder without delivering it. To this course, I suppose there will be no objection.

There was a general expression of acquiescence, and Mr. BROWN submits the following remarks:]

Averse as I am to the continuance of a controversy with my colleagues on the subject of Mississippi politics, I am not the less constrained to reply to a speech of my colleague, from the third district, which I find printed in the Globe of the 19th of this month. I am wholly at a loss to account for the ill temper which the speech exhibits. Surely there was nothing said by me to call forth such a reply. One of my colleagues, [Mr. WILCOX,] when the "HOMESTEAD BILL" was under debate, made a party speech, in which he represented, among other things, that my friends in Mississippi were attempting to "sneak back" into the Democratic party. It became my imperative duty to reply, and I did so. My colleague rejoined, and here I supposed the matter might very well have rested. But the gentleman [Mr. FREEMAN] returned from an excursion to New York, and without the least provocation from me, took up the cudgel, and proceeds to deliver himself of a speech full of acrimony; so full, indeed, that one as familiar as I am with the productions of his usually cool head, could hardly repress the conviction that a "torpid liver" must have influenced the calmer impulses of his mind.

If he entered the lists because he fancied that his friend had not successfully met my positions, I not only forgive him, but confess myself flattered by his consideration. "Thrice armed is he who hath his quarrel just;" and though my three colleagues should all assail me, armed, trebly armed as I am in the justice of my cause, I shall not despair of success against them all.

The gentleman tells us, in the opening paragraphs of his speech, that the *pious philanthropists* at the North have "*decoyed, caught, and harbored some* TWENTY-FIVE OR THIRTY THOUSAND *of our* SLAVES, and that we never expect to see them again." Precious confession! If the compromise, fugitive slave bill and all, is going to be executed in good faith, as my colleague and his *Union* friends assured the people of Mississippi it would be, why should he thus abandon all hope of recovering these "*twenty-five* or *thirty thousand*" slaves? The truth is, that all my colleagues are very ready to lecture me for a want of faith, but neither of them has the least confidence in the efficacy of the compromise. The one [Mr. FREEMAN] has no expectation that we are to recover our "twenty-five or thirty thousand slaves," and the other, [Mr. WILCOX,] less desponding, and yet evidently in doubt, concludes his speech with an earnest invocation to the North to do us justice. If the compromise were executed in good faith, we should get back our slaves. But, like my colleague, I "never expect to see them again." If the North has given us justice in the compromise, why this invocation to their sense of justice now? The honest truth is, that in our secret hearts we all know that justice has not been done us, and we have little hope that it will be in future. We have submitted to one wrong; will we submit to another? "We never expect to see our slaves again." All that we now do, is to invoke justice for the future.

My colleague, though he "*never expects to see the slaves*" that have been "*decoyed, caught, and harbored*" by the "*pious philanthropists,*" is yet full of hope, in the conclusion of his speech, that we are to have *peace* in future. I do not care to be impertinent, but I should like to know on what he bases the hope that "*decoying, catching, and harboring*" slaves is going to cease, and why it is that, despairing as he does of recovering the slaves already taken from our possession, he is yet confident that we shall recover those that are "*decoyed, caught, and harbored*" hereafter? At his leisure, I shall be gratified to hear his answer. To my mind, we are as likely to recover those already "decoyed," as we are to recover those that are taken hereafter. *I never expect to see the one or the other.* The fugitive slave bill has not been executed; and if by its execution is meant an honest and faithful surrender of the slaves—such a surrender as is made of every other species of estrayed or stolen property—it never will be.

My colleague commenced his reply to me with an expression of his regret that he did not hear my speech. It certainly would have gratified me had he given me his audience; but as he did not, I should have been satisfied had he done me the honor to read a printed copy of my speech. This I am sure he never could have done. I know my colleague is a sensible man, and I hope he is just, and I am well satisfied that no sensible and just man who had read my speech could ever have published such a reply as that which I find printed by order of my colleague.

If my colleague's speech had been delivered in the House, I should have thrown myself upon his indulgence, and asked a portion of his allotted hour to correct his errors, as one after another he fell into them. But as it suited him better to print his speech without delivering it, I am left to no other alternative than that of asking the indulgence of the committee whilst I make such responses to his several allegations as in my judgment they merit.

It was an ungenerous fling from my colleague to criticise my remarks as he did in the opening paragraph of his speech. He thinks that upon such a question as that of appropriating money to continue the work on the Capitol, I might have said something of the pressing necessities of the mechanics and laborers on these works—of the character of the work, &c. Now, the plain English of this is, that I made a speech out of order, and that an act so unusual called for his special animadversion. I am sorry the gentleman did not see at an earlier day the necessity of sticking to the subject under debate. Three days before I spoke, our colleague from the second district [Mr. WILCOX] made a speech, to which the gentleman listened with infinite delight. The subject was "THE HOMESTEAD BILL" of the gentleman from Tennessee, [Mr. JOHNSON.] "Upon such a topic we may have supposed that our colleague would have said something of the pressing necessities" of the landless, the houseless, and the homeless. "But, much to our surprise, he wandered off two thousand miles," to bring up and discuss before us the state of parties in Mississippi. The gentleman [Mr. FREEMAN] heard this speech. He enjoyed it. "He rolled it under his tongue as a sweet morsel." It was foreign to the subject under debate. It was out of order. It was in advance of any single remark from me on the subject of Mississippi politics. But it was from the political twin brother of my colleague, and therefore he had no word of rebuke to utter. But no sooner do I rise to "vindicate the truth of history" than my colleague rolls up his eyes in well-dissembled horror, and begins a pious lecture on the "pressing necessities of the mechanics and laborers whose work had been suspended." Why did not the gentleman thus rebuke our colleague from the second district, when first he lugged these foreign topics into the House of Representatives?

My colleague says, "the secret of the gentleman's [my] speech is to be found in the fact that the *Union* Democrats of Mississippi have called a State convention, and sent delegates to the Baltimore Convention." I am not aware of any secret purpose entertained by me in making that speech. It is upon its face my reply to a colleague, and no one can read it without seeing that it could only have been suggested by the speech to which it was a reply. Let me assure my colleague that what he calls "a *State* Convention of the *Union* Democrats of Mississippi" has never given me a moment's uneasiness. I looked upon it more in sorrow than in anger. It was a poor abortion at best; and the only concern I ever felt in regard to it was, that it became the "slaughter-house" of a few pure-minded and upright Democrats.

The gentleman says I admitted "that the movement of my party was dead," and that "my party was dead." Now, sir, I made no such admissions; said nothing from which such an inference could have been drawn; and, if the gentleman shall ever take the trouble to read the speech to which he wrote a reply without having listened to its delivery, and without reading it after it was delivered, he will see how grossly he has misstated what it contains.

I said the "Southern movement was dead;" and so it is; but I said explicitly that it was not the movement of my friends or of my party. It was, I said, and as I now repeat, the movement of all parties in the South—Whigs and Democrats, Union men and State-Rights men. My party is not dead nor dying. It lives, and moves, and has a being; and so long as there is true Democracy in the South, it will continue to grow and flourish. It is the party of progress. It contains all that is sound in the creed of the ancient fathers, and all that is pure and original in that of the "Young Democracy." Its steps are guided by the lights of past ages, and its course is onward and upward, to that destiny which awaits the votaries of freedom in every land. It is, I repeat, neither dead nor dying. Its glory was eclipsed in the late contest in our State, as the glory of the National Democracy was eclipsed in 1840, and again in 1848. But these things must pass away, even as the clouds pass over the face of a summer sun. The gentleman and his party cannot blot out the glory of the TRUE Democracy. Impotent attempt! As well might they strive to eclipse the true glory of the sun with the light of a penny candle, as thus to throw discredit upon the National Democracy, by their eternal cry of Union, Union. Theirs is a feeble light at best. It burns dimly in Georgia and Mississippi, and throws a sickly glimmer over a part of Alabama. Everywhere else it is lost in the sun-like blaze of a National Democracy—a Democracy which is as broad as the continent, and as athletic as Hercules. The Democracy of my colleague and his Union allies is of a feeble nature. It is constantly going into spasms about the safety of the Union. Ours is of a different kind. It has no fears for the safety of the Union. The Union is strong, and can defend itself. If it should ever get into trouble, the National Democracy will be ready to give it a helping hand. I had rather rely upon one friend of the Union, who would stand by it in the hour of its peril, than a whole regiment of defenders who would go into hysterics every time some mad-cap cried "SECESSION!"

My colleague says, that after my return home in 1850, the compromise bills having passed, I made a "violent harangue," in which I said: "So help me God, I am for resistance; and my advice to you is that of Cromwell to his colleagues, 'Pray to God and keep your powder dry.'" Here, again,

my colleague blunders. I made no "*violent harangue*" after my return home. It is true I made a speech, but it was characterized by everything rather than violence. I had no reason, at that time, to suppose that the speech did not meet the approbation of my colleague. We were upon terms that would have justified him in communicating any disapprobation he may have felt; and his failure to do so left me under the impression that I had said nothing which shocked his confidence in my devotion to the Union and the Constitution.

It is true that I used the two expressions which my colleague attributes to me, but not in the connection in which he employs them. I said, after the compromise bills had passed, or after it became manifest that they would pass, "So help me God, I am for resistance." I used that expression here, on this floor. I may have employed it elsewhere. But is my colleague at all justified in concluding that I used the term *resistance* as synonymous with *secession*? Not at all, sir. When Jefferson, and Madison, and Randolph, and Nicholas, and Clay, *resisted* the alien and sedition laws, were they for secession? When Jackson *resisted* the Bank charter, was he for secession? When the whole Democracy of the nation *resisted* the tariff of 1842, were they all *seceders*, traitors, and disunionists? I used the term as it had been used from time immemorial—as expressive of my strong disapprobation of the compromise bills, and of my determination to induce my constituents, if possible, to withhold from them the meed of their approbation, and to refuse, as far as practicable, to allow them to become precedents in the future legislation of the country. My constituents have *never sanctioned* the compromise. They have never *said it met their approbation;* and, in my judgment, they never will.

I used, in my speech at home, after my return from Congress, the Cromwellian expression which ever since has so much annoyed the peculiar guardians of the Union: "Pray to God, but keep your powder dry." And it was as if I had said, "Hope for the best, but be prepared for the worst." The true meaning of this expression will be understood when I state, that on that occasion, as now, I said appearances, in my judgment, are delusive. We have suffered much at the hands of the North, and we have not seen the end. We are destined to suffer much more. Some gentlemen say we have a final, and lasting, and eternal settlement of the slavery question. *I hope it may be so.* But I am incredulous; I would not cease to watch on such an assurance; I would hope for the best, but be prepared for the worst. "I would pray to God, but keep my powder dry."

The gentleman takes up the message and general policy of Governor Quitman, and attempts to hold the Democracy of Mississippi responsible for all he ever said and did. I will make this bargain with my colleague: If he will undertake to be responsible for all that Governor Foote has said and written, I will respond for the writings and sayings of Governor Quitman. Secession, disunion, revolution, Southern rights, and similar terms, are as common along the path that General Foote made in the Congressional record as mile-posts on a turnpike; and yet the gentleman passes over all these, and attacks Quitman's message. I leave others to decide whose "platter is clean on the outside," and whose is "filled with rottenness and dead men's bones." If my colleague's *platter* is clean without or within, it has, to my mind, a marvelous strange way of showing it.

The gentleman says that on the day the message of Governor Quitman appeared, "the *Union Democrats* then at the seat of government denounced it as treasonable to the nation, and they so denounce it now."

The day that Governor Quitman's message was delivered, there was assembled at the seat of government (Jackson) a convention. It was not a Democratic convention; it was not a *Union* Democratic Convention; it was a convention in which the Democrats stood to the Whigs as about one to five. This convention denounced the Governor's message, it is true. But I never heard before that the voice of denunciation was that of the *Union* Democrats. I heard it at the time as the voice of the Union party, and then, as now, I recognized it as the growl of whiggery.

But how came there to be a convention at the seat of government? Was it called to deliberate on the Governor's message? Not at all. This could not be; for the convention was composed of persons (chiefly Whigs) from all parts of the State, and it had actually assembled and was in session at the very moment when the Governor's message was delivered. For what purpose did it assemble? Not, certainly, to consider a message yet not made public, and the contents of which were as little known to the members of that body before they assembled as to the people of *China*. I judge of the purpose of its assemblage by what it did. It formed, created, and brought into being the *Union party*. Mark you, it was not the *Union Democratic* party. There was no "Democratic" about it. It was the *Union party;* and it was formed outside of, above, and beyond the Democratic party. It was an attempt to form a third party. It failed; and then the ringleaders threw an anchor to the windward. Then it was that, finding the national Whigs and national Democrats were laughing at them, my colleague and his Union friends hung out the "Democratic" banner. At first, it was all Union; and when they found the Union would not save them, they called themselves *Union* Democrats.

One of my colleagues [Mr. NABERS] the other day asked, in the course of his speech, "What it was that constituted party? Was it numbers or principles?" He said it was numbers, and as there were *numbers* in Mississippi who avowed themselves secessionists, he concluded there was a secession party there. My colleague's premises are badly laid, and his conclusions do not follow his premises. Numbers do not constitute party. It takes principles and numbers both to constitute party; and it takes something else—it takes the *organization* of numbers on *principle* to constitute party. Whenever the gentleman shows that the secession *numbers* in Mississippi were organized on the *principle* of seceding from the Union, he will have shown that there was a secession party in Mississippi. And then I will show that neither I nor my friends belonged to or constituted a part of those *numbers*.

There were two, and only two, political arganizations in our State—the "Union party" and the "Democratic State-Rights organization." I never heard of the *Union* Democratic party until after the elections were over, and a convention was about to be called to send delegates to Baltimore. The candidates in the State elections were announced as Union candidates and Democratic State-Rights candidates. The tickets were printed "Union tickets" and "Democratic State-Rights tickets."

It is strange how a sensible man hates to confess he has done a silly thing. I know my colleague [Mr. FREEMAN] feels bad. He feels that he has been playing truant to the party of which he professes to be a member. The best way to get out of it is to confess his folly, quit all this tom-foolery about the Union, and settle down again into a quiet, orderly citizen, and betake himself to the study of true Democracy. I commend to him the consolation held out in the two lines—

> "While the lamp holds out to burn
> The vilest sinner may return."

The gentleman expresses some strange ideas about the anxiety of my friends and myself to get into the Baltimore Convention. I must confess this part of his speech is all jargon to me. "We have on the wedding garment,"—"our lamps are trimmed," and I know of no reason for any anxiety on our part. We are Democrats, and have always been. We appointed our delegates in the usual way, and, upon my word, I can see no reason to doubt that we shall take our seats like other members of the family. So far as my colleague's remarks apply to me personally, I can only say that I am not an appointed delegate; and in this he and I are alike. He has been appointed by a *Union* convention, it is true. But I take it, a *Union* convention has no more right to appoint delegates to a Democratic convention, than the Pope of Rome would have to appoint the pastor of a Methodist church.

One of the strangest features in the gentleman's speech is, that the whole Democratic party of Mississippi are secessionists, because certain county meetings and certain newspapers promulgated secession doctrines and sentiments. Is my colleague serious in this? If he is, I will show in ten seconds, by the same rule of evidence, that he is a Whig. He proves that I am a secessionist, because the Mississippian, Free-Trader, Sentinel, and other Democratic papers, used expressions supposed to indicate, more or less, a disposition to secede. Suppose I take up the Vicksburg Whig, Natchez Courier, Holly Springs Gazette, and other Whig papers now in the service of the gentleman, and show that they are for the Whig cause and Whig principles throughout—does not the gentleman, by his own rule, thereby become a Whig? He does. And yet, sir, I do not pretend to say that he is a Whig. Parties are to be judged by what they say and do, in their organic capacity, and not by the acts and speeches of individual members of the party. Before a party can be justly held responsible for the acts and speeches of any one or more of its members, it must be shown that such members had authority to speak for the party. This can never be done when the party in convention has spoken for itself. In such cases individual members become responsible for their own expressions, and the party, as a whole, *and each member of it*, is responsible for what the organic body, the convention, has said. By this rule I am ready to see my party tried, and by it I mean to try the gentleman and his party.

He introduces a series of resolutions, which he says were passed by the convention which nominated Governor Quitman. Numbers 5 and 6, as I find them in his speech, were resolutions originally passed by a joint convention of both parties—Whigs and Democrats—in our State. They were copied by our convention simply because they had received the sanction of all parties, and were, therefore, not liable to objection, as we supposed, from any quarter. The same resolutions had been reaffirmed by the Union convention, and now stand as a part of their platform. *Such at least is my recollection.*

The resolution number 12, as printed by my colleague, declares the admission of California into the Union to be the "Wilmot proviso in another form." This resolution, as my colleague knows very well, imbodies the substance of a letter written by the Mississippi delegation in the last Congress (including Governor Foote) to Governor Quitman. I hope Governor Foote, and my colleague as his snpporter, will each take his share of the responsibility. *I am willing to take mine.*

Next comes a series of resolutions passed by the Nashville Convention in June, 1850, and incorporated into our platform in June, 1851. These resolutions were passed at Nashville, when Judge Sharkey was presiding—when the convention was full of what is now called Union men—and they received the deliberate sanction of them all. They were approved at the time by Governor Foote and by my colleague, and if they afterwards denounced them, the most they can say of us who sustained them is, that we stuck to what we said a little longer than they did.

But my colleague thus speaks of this very Nashville Convention and its acts, in the speech to which I am now replying. He says: "For the '*first session* of the Nashville Convention, all par-'ties were and are responsible. I take my own 'share of it." Why, sir, these resolutions were passed by the *first session* of this Convention. And again: To this Convention the gentleman attributes the success of the compromise, and the defeat of the Wilmot proviso. He takes his share of the responsibility, and yet he quarrels with us because we incorporate a part of its wonderful works into our platform. If these works had done the mighty things he attributes to them, he might at least have spared them the bitter denunciation he has heaped upon them.

This disposes of our resolutions so far as I find them copied in my colleague's speech, with but a single exception, and that is an immaterial one. Here it is:

"16. *Resolved*, That it is a source of heartfelt congratulation that the true friends of the Constitution and of the rights and honor of the South, *of whatever party name*, are *now united* in a *common cause*, and *can act together* with *cordiality* and *sincerity*."

And here is my colleague's commentary on it:

"What a beautiful specimen of 'old line Democracy.' 'Black spirits and white, blue spirits and gray.'"

When before was it doubted that the "old line Democracy" "were the true friends of the Constitution?" When before were the true friends of the South sneered at as "black spirits and white, blue spirits and gray?" When before was it considered a matter of reproach that the friends of the Constitution and of the South acted together with cordiality? I leave my colleague to answer.

The gentleman is at great pains to leave the impression on the minds of those who shall read his speech, that the Democratic party of Mississippi approved of and made a part of its creed the address, or resolutions, or some other of the proceedings of the *second session* of the Nashville Convention. Now, sir, I say emphatically, that he is mistaken. We never did, as a party, in any manner, shape, or form, by resolution or otherwise, indorse, approve, or sanction the proceedings of the *second* session of that body. He admits his own and his party's responsibility for the *first session*, but attacks the *second session* of the Nashville Convention. The second was but a continuation of the first. The gentleman's party never indorsed the acts of this *second* session, nor did mine. For the proceedings of the JUNE Nashville Convention, my friends and myself made ourselves responsible. But if my colleague shall show that we made ourselves responsible for the acts of the NOVEMBER session of that body, he will show what I have not yet seen.

My colleague argues that the Union movement grew out of the doctrines contained in the Quitman message, and the acts and resolutions of the second session of the Nashville Convention; so, at least, I understand him. The Union movement in Mississippi could not have grown out of that message, nor could it in any way have been influenced by the second session of the Convention at Nashville. The Union party was organized at a mass Union meeting in Jackson, on the 18th November, 1850. On *that day* the Governor's message was delivered to the Legislature, and on *that day* the convention assembled at Nashville, Tennessee—four hundred miles off. The Union mass meeting was not, therefore, assembled to deliberate upon the one or the other of these things. Of both, the members of that body were profoundly ignorant at the time of their assemblage. The Union party was organized by this mass meeting. It held a convention in April, 1851, and under the style of "Union men," put its candidates in the field. The "Democratic State-Rights party" met in June, 1851, and made its nominations, calling them "Democratic State-Rights men."

Our position in the canvass was, that a State had the abstract right to secede from the Union, and to do it peaceably. For taking this position, we have been denounced as secessionists and disunionists, although we declared, in the same sentence in which we asserted the right, that it was "the last resort, the final alternative, and that we opposed its present exercise."

What was the position of my colleague and his party? They designated six distinct acts, the doing of any one of which would justify *resistance*, and among these was the repeal of the fugitive slave law, or its material modification. My colleague, I believe, indorsed, and perhaps yet indorses, the Georgia platform. It declares that "Georgia will resist, even to a disruption of every 'tie that binds her to the Union, the repeal of the 'fugitive slave bill;" and further, that, in her judgment, "the perpetuity of our much-loved Union depends upon the faithful execution of that law."

When I say I am for resistance, my colleague says I mean secession, or disunion. And pray, sir, when he says that he is for resistance, what does he mean? He will not secede, but he will *resist* if the fugitive slave law is repealed. Yes, sir, he will *resist, even to a disruption of every tie that binds him to the Union;* but he will not secede. He will perpetrate no such "abominable heresy" as *peaceable seeession*. He will resist, he will sever the ties that bind him to the Union; but he will not do it peaceably—that is a heresy too abominable to be thought of. Well, sir, there is no disputing about tastes; but, I must confess, if it shall ever become necessary to "sever the ties," as I trust it never may, I shall prefer to see it done peaceably.

If language means anything, the gentleman's party in Mississippi was about as far committed to secession, by their resolutions, as was my party. I shall hold myself responsible for the resolutions of my party in general convention, and I ask the gentleman to assume no higher degree of responsibility himself.

My colleague complains that a Democratic Senate in Mississippi elected a Whig (Judge Guion) to preside over it. This was not the first time that such an event had happened, and therefore it was not even singular. In the palmiest days of Jacksonism, Colonel Bingaman, an old-fashioned John Quincy Adams Whig, was elected both Speaker of the House and President of the Senate; and I heard nothing said against it. It caused no political convulsion in the State. Men and parties moved on just as they did before. It was a tribute to his high character and exalted worth as a gentleman and a native Mississippian. A Democratic Senate did the same thing for Guion, than whom Mississippi boasts no more noble, generous, and talented son. If Democratic Senators were willing to waive their claims to the President's chair, and the Democratic party made no objection to Guion's election, pray, sir, who else had a right to complain? But, says the gentleman, "When the Whig President was elected, the se-'cession Governor (Quitman) resigned, and 'placed that Whig President of the Senate in the 'office of Governor." I can appreciate my colleague's "affliction of soul" at the accession of a Whig to the gubernatorial chair; but I hope he may find consolation in the fact, that the Whigs have done *him* some service in their day and generation.

My colleague cannot, I am sure, mean to convey the idea that Quitman resigned with a view of conferring the office of Governor on Judge Guion. My colleague is very familiar with the facts attending Governor Quitman's resignation. He knows how he was charged with participating in the *first* Lopez expedition to *Cuba*. He knows that whilst others, who confessed to have been at *Cardenas*, were permitted to visit *this city*, and to travel everywhere, without molestation, Quitman was hunted like a common felon, and finally forced to resign the office of Governor. He knows, too, that when he presented himself in New Orleans, and demanded a trial, the prosecution was *instantly* abandoned. All this my colleague knows. There is abasement enough in it for our State, God knows, without making the resignation of the Governor the pretext for further charges.

The gentleman speaks of a "standing army," projected by Governor Quitman, and recommended by him to the Legislature. And this, he says, was a part of the "secession scheme." I have heard of this "standing army" before, and I will exhibit the *monster* in all its proportions. Some years back, when the gentleman was Attorney General, and I was Governor of Mississippi, the subject of reorganizing the militia was discussed. It may have escaped the recollection of my colleague, but it has not mine, that we concurred in the opinion, that the militia system of the State was a nuisance. Accordingly, in preparing the Executive message, I brought the subject to the attention of the Legislature; but nothing was done. My successor, Governor Matthews, took up the subject, and pressed it on the attention of the Legislature; but with no better success. When Governor Quitman came into power, he took it up where Governor Matthews and myself had left it, and, like ourselves, he failed in getting the favorable action of the Legislature.

I always regarded this "standing army" as one of the humbugs of the campaign. I had the fullest confidence in the wisdom and patriotism of Governor Quitman, and I confess, therefore, never to have examined critically his scheme for reorganizing the militia. But if I am not mistaken, it will be seen by reference to the record, that he was following out substantially the positions taken by me, and which I had no reason to suppose met the disapprobation of my present colleague and the late Attorney General of Mississippi.

If there was not much more in this "standing army" than I have supposed, it is mine; I claim it by right of *invention*. It was my squadron; I first put it in the field. But as the relations of Mississippi with the Federal Government were at the time of a most pacific character, not extending beyond a dispute about a very small fraction of the two per cent. fund, and as the compromise had not been heard of, I hope to escape the imputation of harboring hostile designs against our venerable relative, "Uncle Sam."

The whole extent, body and breeches, of the "standing army," as I understand it, is this: It was an attempt to substitute an organized corps of volunteers for the ridiculous and troublesome militia trainings that are now required by law. In what precise terms it was presented by Governor Quitman, I say again, I do not know. But this is the monster as I have seen him in all his huge proportions.

The gentleman next charges that Colonel Tarpley, a Democrat, was *ruled off*, and Governor Guion, a Whig, *recommended* for Chancellor of Mississippi. It so happens that there was no ruling off in the case. Both gentlemen agreed to submit their pretensions to an informal meeting of mutual friends. Those friends advised Colonel Tarpley to withdraw, and, like a true man and a Democrat, he did it. One would naturally conclude that my colleague, from his manner of speaking about this transaction, would have voted for Colonel Tarpley, the Democrat, if he had continued in the canvass. But I tell you he would have done no such thing. He had already made up his mind to vote for CHARLES SCOTT, another Whig. His party had him in the field, and they all voted for him, and, what is more, with a little help from our side they elected him. When my colleague votes for a Whig himself, he takes no account of it. It is all very natural that he should do so. But if I, or my friends, do the same thing, then it is all wrong. My colleague, in all this, seems to admit that we are the old liners, "the salt of the party," and it grieves him to see us going astray. I thank him for the admonition. True men should be always circumspect. More latitude may be allowed those to whom no one looks for examples of fidelity to the party.

In extenuation of this *atrocious charge*, so vehemently laid against my party and myself, of having voted for a *Whig Chancellor*, I may mention a few facts. For twenty years, the people of Mississippi have elected their own judges, and in no single instance within my knowledge has a judge ever been chosen on party grounds until it was done by the *Union* party. It stands to the everlasting credit of our people that they did, with Roman firmness, withstand for twenty years all the appeals of the politicians to mix up politics with the administration of justice. Judge Sharkey was again and again elected from a Democratic district, though he was always a Whig. Judge Posey, though a Democrat, has presided with dignity and ability for a long time in a *Whig* district. Judge Miller, a Whig, was elected and re-elected in the strongest Democratic district in the State. It is not to the credit of the Union men that they departed from this time-honored usage. And I think the example they have set us will be "more honored in the breach than in the observance."

The gentleman intimates, that after the September election of 1851 had resulted adversely to my party I changed my policy, and by a timely retreat saved myself from defeat. No one knows better than my colleague that such an insinuation is grossly unjust. After the result of the September election was known, and when the Union party was fuller of exultation than it ever was before or since, and in the midst of their rejoicings, I published an address to the people of my district. A few short extracts from this address will show how much I quailed before the frowns of a party flushed with victory. This publication was made to vindicate myself against the slanders of my enemies. I said:

"'There are my speeches and there my votes; I stand by and defend them. You say for these my country will repudiate me. I demand a trial of the issue.' This was my language in the first speech made by me after my return from Washington. I repeat it now. I said then, as I say now, that the charge laid against me that I was, or ever had been, for *disunion* or *secession* was and is FALSE and SLANDEROUS."

If I stood by my votes and speeches, and defended them to the last, in what is the evidence of my faltering to be found? I submit the concluding paragraphs of this address:

"In the approaching election, I ask the judgment of my constituents on my past course. I claim no exemption from the frailties common to all mankind. That I have erred is possible, but that the interests of my constituents have

suffered from my neglect, or that I have intentionally done any act or said anything to dishonor them in the eyes of the world, or to bring discredit upon our common country, is not true. In all that I have said or done, my aim has been for the honor, the happiness, and the true glory of my State.

"I opposed the Compromise with all the power I possessed. I opposed the admission of California, the division of Texas, the abolition of the slave trade in the District of Columbia, and I voted against the Utah bill. I need scarcely say that I voted for the Fugitive Slave bill, and aided, as far as I could, in its passage. I opposed the Compromise.

"I thought, with Mr. Clay, that 'it gave almost everything to the North, and to the South nothing but her honor.'

"I thought, with Mr. Webster, that the 'South got what the North lost—and that was nothing at all.'

"I thought, with Mr. Brooks, that the 'North carried everything before her.'

"I thought, with Mr. Clemens, that 'there was no equity to redeem the outrage.'

"I thought, with Mr. Downs, that 'it was no compromise at all.'

"I thought, with Mr. Freeman, 'that the North got the oyster and we got the shell.'

"I thought, at the last, what General Foote thought at the first, that 'it contained none of the features of a genuine Compromise.'*

"And finally, and last, I voted against it, and spoke against it, because it unsettled the balance of power between the two sections of the Union, inflicted an injury upon the South, and struck a blow at that political equality of the States and of the people, on which the Union is founded, and without a maintenance of which the Union cannot be preserved.

"I spoke against it, and voted against it, in all its forms. I was against it as an *Omnibus*, and I was against it in its details. I fought it through from Alpha to Omega, and I would do so again. I denounced it before the people, and down to the last hour I continued to oppose it. The people have decided that the State shall acquiesce, and with me that decision is final. I struggled for what I thought was the true interest and honor of my constituents, and if for this they think me worthy of condemnation, I am ready for the sacrifice. For opposing the compromise, I have no apologies or excuses to offer; I did that which my conscience told me was right, and the only regret I feel is that my opposition was not more availing."

This is what the gentleman calls *meek and lowly submission*. These were my positions on the day of my election; they were the positions of my entire party; they are our positions now; we submitted to nothing but the voice of our State. Then, as now, when Mississippi speaks we are ready to obey; the State had a right to decide for herself what, if anything, was necessary in vindication of her honor. She made that decision, and of it I thus spoke in the address from which I have been reading.

"I opposed and denounced the compromise, but I did 'not thereby make myself a disunionist. *I thought in the 'beginning that it inflicted a positive injury upon the South, 'and I think so now. This opinion is well settled, and is not 'likely to undergo any material change.* I gave my advice 'freely, but never obtrusively, as to the course which I 'thought the State ought to pursue. That advice has not 'been taken. Mississippi has decided that submission to 'or acquiescence in the compromise measures is her true 'policy. As a citizen, I bow to the judgment of my State. 'I WISH HER JUDGMENT HAD BEEN OTHERWISE—but from 'her decision I ask no appeal."

After this publication was made, my colleague and General Foote both visited my district with special reference to my defeat. Others traversed it. The newspapers became more reckless than ever. Slander upon slander was "piled up like Pelion upon Ossa, until the very heavens cried for quarters." But all to no effect. And now we have the sickly excuse rendered, that I turned "submissionist." The charge is entitled to my pity and contempt, and I give them both without stint and without grudging.

The gentleman speaks of my willingness to beg my way into the Baltimore Convention. In this he is about as accurate as in his other statements. So far from begging my way into the Baltimore Convention, I have expressly declined going in at all. I wrote to my party friends at home requesting not to be named as a delegate. I did so because our party had years ago, from proper motives, determined to exclude members of Congress from presidential conventions, and I wanted no departure from the rule in my case. If the gentleman means that I am begging for the admission of my friends, he is again mistaken. I know the strength of the true Democracy of Mississippi. We polled within a thousand of a majority at the last election, and we can poll many more at another trial. And I suppose the nominees at Baltimore and their friends will be quite as anxious to receive our votes as we will be to give them. This, however, was one of the gentleman's ill-tempered flings, to which a reply is hardly necessary. No man of sound judgment, not carried away by passion, can suppose that there will be any more question about the admission of the delegates from Mississippi than from any other State. I have not canvassed the question, because I never supposed that it admitted of a doubt in any man's mind, except that of the gentleman himself, and his friend Governor Foote.

The gentleman thinks it singular that I should expect to enter the Baltimore Convention with opinions not altogether in harmony with the sentiments of Democrats elsewhere. Let us see how much there is in all this. Let us see in what my views "differ from the great body of the National Democracy." And let us inquire whether these differences of opinion have not been tolerated on former occasions. There are three classes of Democrats: *Federal* Democrats, *Union* Democrats, and *State-Rights* Democrats. And the question on which we differ is this: "What redress has a State, suffering intolerable oppression from the Federal Government?" or, "What remedy has a State for a violation of the compact between herself and the Federal Government?" It will be observed that the question is one which each State must, of necessity, decide for itself. And every individual will decide it for himself according to his Federal or Republican proclivities. A *Federal* Democrat would say that a State should submit under any and all circumstances. A *Union* Democrat would advise *revolution*, and he would, I suppose, lead a rebel army; but where to, and against whom, God only knows. A *State-Rights* Democrat would advocate *peaceable* secession. But we all agree that each State must be left free to shape its own policy. No one would think of consulting the Federal Government or the National Executive as to what a State should do in such a case. National parties and national conventions have nothing to do with State policy, and have no right to instruct a State as to "the mode and measure of redress" in cases of "infractions of the compact." It follows, therefore, that the Baltimore Convention can have nothing to do with the policy of Mississippi; and if it shall assume to tell her what are her rights as a member of the Confederacy, it will transcend its authority, and its act, in this regard, will be null and void. The Baltimore Convention will commit no such folly. It is a question of State policy, with which national parties, national Executives, and national conventions have no concern. Now let us see whether, in days gone by, the Democracy of Mississippi has been required to submit its *local* or State policy to the supervision of a national convention.

Three times the Democracy of Mississippi has shaped the policy of that State without consulting the Democracy of other States. Twenty years ago, the Democracy of Mississippi determined to elect judges by the people. It was a bold innovation. New York, Pennsylvania, and other States laughed at our temerity. But New York, Pennsylvania, and other States have followed our example.

Fifteen years ago, Mississippi Democracy set its face against banks and banking. Under the lead of McNutt every bank in the State was swept away. We took the lead. The Democracy of other States hesitated, and finally refused to follow.

Twelve years ago, the Democracy of our State declared against paying certain BONDS, issued in the name of the State, and bearing its seal. The Democracy of other States was horror-stricken; but we had our own way.

In no one of these cases had we the support or countenance of the National Democracy; and in all of them there were bolters from the party, who denounced it, as my colleague now denounces us. When we resolved to elect judges by the people, they called us anarchists and levelers When we made war upon the banks, we were Jacobins and Red Republicans. When we were opposing the bonds, they denounced us as repudiators and public plunderers. The true Democracy of Mississippi survived the gibes and taunts of its enemies in those days; and it will survive the denunciations of the gentleman and his associates now. We settled all these cases without losing our identity with the National Democracy, and without consulting its wishes. And we never failed to meet them on national questions, in national conventions; and we shall not fail now. We shall not dictate what others are to do in vindication of their rights, nor will we tolerate dictation from others as to how we shall defend our own.

The gentleman, strangely enough, misunderstands what I said respecting General Foote's being at one time a Whig. He speaks of Colonel Fall, Colonel Miller, and other Democrats, having represented the *Whig county* of Hinds. In this, he misses the point. These gentlemen were all elected as *Democrats*. It was a high tribute to their worth, to be elected from a strong Whig county; yet it caused great labor and extraordinary diligence on the part of their friends. General Foote had an easier time of it. *He run as a Whig. He was elected as a Whig. He served as a Whig.* As a member from Hinds county he voted, as the journals show, for a Whig United States Senator. I hope I am now more clearly understood.

I should never have introduced the name of General Foote into this debate if it had not become necessary in vindication of Governor Quitman. I commend to my colleague a homely adage, "that those who live in glass houses should not throw stones."

My colleague "thanks God" that his party had in its ranks "many gallant and patriotic Whigs." It may be all a matter of taste, but it seems to me it would have been more appropriate if he had returned his thanks to another quarter. I can hardly think it was a celestial influence that made the "gallant and patriotic Whigs of Mississippi" the followers of my colleague. But I discern in this part of the gentleman's speech two things worthy of commendation—*gratitude and common sense*. It is right that he should, in this or in some other way, manifest his gratitude to those who elected him. And it indicates good common sense to retain as far as he can the good opinion of his Whig friends. It is very certain they will be needed in another election, if my colleague should be a candidate.

It may be that my colleague has captured a large number of Whigs, and means to march them into the Democratic camp. I have heard such an intimation. If it turns out to be true, I hope he will post his *captives* in the rear, and not in the front of our line. And I would particularly caution him against giving them commissions and high rank until he is certain they will be faithful to our flag. It is not safe to make commanders of those too recently taken from the ranks of the enemy. They may betray us in the hour of trial; or, from the force of habit, turn their arms against us. Besides, the old veterans in our ranks may object to following these *captive* commanders. Senator Brooke, for example, is an excellent Whig, and, for aught I know, he is a very good *Union* Democrat; but I know many an "old liner" who would not like to follow his lead in a presidential campaign.

My colleague is sensitive when allusion is made to an existing connection between the Whigs and *Union* Democrats. He has reason to be. The success of the Union party in Mississippi has given the Whigs more offices and more patronage, than they have enjoyed for many years. If the gentleman means well towards the Democratic party, he cannot but regret that through the instrumentality of his party friends the most influential and important places in the State have been given to the Whigs. It is due to the Whigs for me to say, they have selected men of high character, and such as will be likely to make their present official positions felt in future elections. I honor them for their sagacity.

My colleague introduces a silly story about my settling in the Democratic county of Copiah, and *being soon* after sent to the Legislature, and about my meeting a former *Whig* friend, who inquired how it was that the *Democrats* of Copiah sent a *Whig* to the Legislature; and some other twaddle of the same sort. The story, if it had any purpose, was intended to leave the impression that I had at one time been a Whig. I am sorry that my position in Mississippi has been so humble that it has failed to attract the attention of the gentleman. He is entirely ignorant of my personal history, else he never could have retailed second-hand, and much less have coined, such a story. Instead of my settling in Copiah and being *soon*

*General Foote, in speaking of Mr. Clay's *compromise resolutions*, said: "I shall always be unable to see in his resolutions, any of the features of a genuine compromise." The allusion is to this expression.

after sent to the Legislature, I went there with my father when I was eight years old, and have resided there ever since, except when absent in the public service. At the early age of twenty-one, I was sent to the Legislature as a Democrat, and at each succeeding election, from then until now, I have been a candidate. I have invariably run as a Democrat, and have never suffered defeat. There is not an old Democrat in my Congressional district, and scarcely one in the State, that could not contradict the implied declaration of the gentleman, that I had been a Whig. If the story was meant for wit, it was flat; if intended for effect, it was simply ridiculous. My colleague need not concern himself about my position, nor his own. I have been in the party all the time. He has the right to return, and, like a truant boy who had been a day from school, take his place at the foot of the class. I hope he will do it without grumbling.

The gentleman speaks of the "so-called Democratic *State-Rights* Convention," to send delegates to the Baltimore Convention. As usual, he mistakes the facts. There was no call of a "Democratic *State-Rights* Convention" in Mississippi to send delegates to the Baltimore Convention. The call was for a "DEMOCRATIC CONVENTION." It was made as such calls have usually been made, through the central organ of the party—the Mississippian. The gentleman errs again in saying, "it was simply an editorial article." It was a call made in the usual way and through the usual channel, and upon consultation with the oldest, longest tried, and most substantial members of the party residing at and near the seat of Government. The call embraced the *whole* party, *without* reference to past differences; and it was responded to by the party generally in Mississippi. Soon after the appearance of this call, several members of the "compromise convention," then at Jackson, issued a call for a "*Union* Democratic convention;" thus marking, in distinct terms, their resolution not to unite with the great body of the party. It is worthy of remark in this connection, that the gentlemen calling this convention used the term "Union Democratic Convention." And it was the first time within my recollection that this term ever was used in Mississippi to designate an organized party. I had heard of "Union Whigs" and "Union Democrats," but it applied to individuals *only*. When the party, *the organization*, was spoken of, it was called the "Union party." That is my recollection.

I repeat, sir, the DEMOCRATIC convention in our State which appointed delegates to the Baltimore Convention, was called as a *Democratic convention*, and not as a "*so-called Democratic State-Rights convention*." But why should my colleague have such a horror of "State-Rights?" Is he not a State-Rights man? He may think that an oppressed State has no right but the right of submission, or revolution, and that if she judges for herself of "infractions of the compact," and of the "mode and measure of redress," the *Federal Government may reduce her and hold her as a conquered province*. This may be his notion of *State rights*. But I recollect that in 1841 (and I appeal to the public newspapers in Mississippi for the correctness of my recollection) the gentleman ran on the "Democratic State-Rights ticket" for Attorney General in our State. He had no horror of *State rights* then. In that year the term "Democratic" meant the right of the people to rule, and "State rights" meant the right of the State to reject the payment of an unjust demand for money. Our opponents said, I know, that Democratic State rights meant *Repudiation*. My colleague won his first laurels in this celebrated campaign. In 1851, ten years after we hoisted the "Democratic State-Rights banner," again. *Democratic* meant, as in 1841, the right of the people to rule, and *State rights* meant the right of a State, in the language of the Kentucky resolutions, "to judge of infractions of the Federal compact, and of the mode and measure of redress." But the gentleman refused to fight under this banner, and he now denounces it as emblematic of treason, civil war, bloodshed, strife, and all the horrors known to man. I hope he will not get out of temper if we tell him that some of us think differently, and that we mean to enjoy our opinions.

The gentleman says the *Union* Democratic convention of Mississippi appointed "seven delegates to the Baltimore Convention." That "the Union men of the South hold the presidential election in the palms of their hands." They *demand* thus and so, and if the Convention does not comply with these demands, "it had better never assemble." *Wake snakes and come to judgment*—the times are big with the fate of nations. "The Union party of the South holds the Presidency in its hands," even as the Almighty holds the Universe. It stamps its foot, and the earth trembles. It speaks, and the sun stands still, as at the bidding of Joshua. Seriously, I hope "the *seven* men in buckram" from Mississippi do not contemplate upsetting the Universe, even if the Baltimore Convention should refuse some of their demands.

I have treated these domestic squabbles at greater length than their importance may seem to justify. I have treated them fairly, I think, and I hope in good temper. I set out with a determination not to be provoked by the ungenerous assaults of my colleague, and I have kept that resolve steadily in view. I am now done.

The controversy between my colleagues and myself has not been of my seeking. Our constituents did not send us here to fight again the campaign battles of Mississippi. And if I had been left alone to pursue the inclinations of my own mind, I never should have introduced the subject of Mississippi politics on this floor. The subject is foreign to the business of legislation on which we have been sent, and ought never to have been introduced here. But when my colleagues combined, as I thought, to make up a record prejudicial to my party-friends, prejudicial "to the truth of history," and calculated to fix on the mind of the country and of after ages a wrong impression as to the principles, objects, ends and aims of my friends, I should have been false to those friends, false to the truth of history, false to the reader of these debates in after times, if I had not interposed.

They have made their showing—I have made mine; and I submit the issue to the impartial arbitrament of the country and of posterity, without one shadow of doubt that justice will be awarded to us all. I ask nothing more, and will be content with nothing less.

This discussion is not suited to my taste. It obstructs the legitimate business of legislation, and incumburs the Congressional record with matter that has no business there. Its present effect must be, if it has any effect, to weaken the Democracy and give strength to the Whigs. For all these reasons, and for many others, I am most anxious to get clear of it. If the future depends on my action, there will be no recurrence to the subject, here or elsewhere.

IOWA LAND BILL.

SPEECH OF HON. A. C. DODGE,

OF IOWA,

IN THE SENATE, *March* 3 and 4, 1852.

The Senate having under consideration the bill "granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State"—

Mr. DODGE, of Iowa, said:

Mr. PRESIDENT: Although the bill now under consideration is one of much moment to the State which I in part represent, I had not expected, until within a few days, to trouble the Senate with anything more than brief explanations in support of it; nor should I now do so were it not for the many obstacles which have been interposed to its passage and the wide range the debate has taken. It is a measure which was brought to the notice of the Senate by my colleague, a few moments after he first took his seat in this body, in 1848, and which, at the subsequent long session, (rendered memorable in the history of the country by the passage of the compromise measures,) passed this body by some two thirds majority, but was not acted on in the House of Representatives. Upon the occasion of its passage, my colleague explained all its provisions, described the course and direction of these roads through our State, and he alluded, in that connection, to the one which runs east and west, with that great continuation of railroad line which, commencing at Boston, or further east, is destined, we hope at no very distant day, to reach the Pacific ocean. He commented on the many benefits which would inure, not only to Iowa, but to the whole nation, from the construction of this east and west road. He also referred to the advantages which would result to our State, to St. Louis, and to the States bordering on the Mississippi, from the construction of the north and south road through Iowa, beginning, as it is proposed it should, at the city of Keokuck, a point on the Mississippi below some very noted obstructions to the navigation of that great river, thence running through the interior of the State, and terminating, for the present, at the city of Dubuque, in northern Iowa.

The routes of the roads through the interior of the State are to be fixed by our Legislature. Their prospective benefit to us is greatly enhanced from the fact that the navigation of our rivers is seriously impeded by ice and low water for nearly five months in the year. But it is not now my purpose to speak of the localities, courses, or distances of these roads; they have been or will be determined on by the constituted authorities of Iowa. My object is to present, as far as I can, reasons for the passage of the bill.

Mr. President, the question of granting alternate sections of the public lands to the States and Territories in which they are situated, to aid in the construction of roads, canals, and the improvement of rivers has been, within a few years past, so often and ably discussed, that I am quite certain I can shed no new light upon it; it is one which has occupied the attention of the master minds and of the ablest intellects of America.

It is, in my humble judgment, an eminently wise and just policy, if unaccompanied with any increase of the price of the reserved lands; and I am glad to perceive it has been supported by distinguished men of our county, who have, I think, demonstrated both its constitutionality and expediency.

I beg to trouble the Senate with some extracts which I have taken from the Constitution of the United States and the speeches of those illustrious men who have spoken upon the subject.

The Constitution says:

"That Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The power to make this appropriation of the public domain, it seems to me, is explicitly conferred upon Congress by the clause just read.

In his justly celebrated report upon the memorial of the Memphis Convention of 1845, Mr. Calhoun says:

"Your committee will next proceed to consider that portion of the memorial which relates to the communication by railroads between the Valley of the Mississippi and the southern Atlantic States. They regard works of the kind as belonging to internal improvements, (that is, improvements within the body of the States,) and as such, are, in their opinion, not embraced in the power to regulate commerce. But they are, nevertheless, of the opinion that where such roads, or other works of internal improvements, may pass through public lands, the United States may contribute to their construction in their character of proprietors, to the extent that they may be enhanced in price thereby. This has usually been done by ceding alternate sections on the projected line of such works; and it is believed that no mode of contributing more fair or better calculated to guard against abuses can be devised. That Congress has a right to make such contributions, where there is reasonable ground to believe that the public lands will be enhanced in proportion, under its right to dispose of the "territory and other public property of the United States," your committee cannot doubt. In making this assertion, they hold to the rule of strict construction, and that this power, like all the other powers of the Government, is a trust power, and, as such, is strictly limited by the nature and object of the trust. In this case the rule requires that the lands and other public property of the United States should be disposed of to the best advantage; and where that can be done by contributing a portion to works which would make the residue equally or more valuable than the whole would be without it, as is supposed, they hold it would be strictly within the rule. Your committee go further. They are of the opinion not only that Congress has the right to contribute to the extent stated, in such cases, but that it is in duty bound to do so, as the representative of a part of the proprietors of the land to be benefited. It would be neither just nor fair for it to stand by and realize the advantage they would derive from the work, without contributing a due proportion towards its construction. It would be still less justifiable to refuse to contribute, if its effects should be to defeat a work, the construction of which, while it would enhance the value of the land belonging to the public, and that of individual proprietors, would promote the prosperity of the country generally."

In 1848, on a bill proposing to make a grant of land to Michigan, Mr. Calhoun, then a member of this body, said:

"The question in this case is a very simple one. We are authorized by the Constitution to dispose of the public lands. Here is a public improvement, projected either by the State, or by individuals in the State through which it will pass, and by which the value of the public lands will be enhanced. If, then, it will add to the value of our lands, ought we not to contribute to it? Would we not, as individuals, thus act? This is not a novel principle. It has been acted upon for more than twenty years. The case of the canal connecting the Illinois river with Lake Michigan is a striking one. There, alternate sections were given to make a canal; and I suppose I can appeal with confidence to the Senators from that State, whether the lands reserved to the United States were not disposed of afterwards readily?

"Mr. BREESE, (in his seat.) Thousands of acres were disposed of, which would otherwise never have been sold.

"Mr. CALHOUN. I have seldom given a vote the result of which gratified me more than the vote which I gave on that occasion. I then presided in that chair which you now occupy, and gave the casting vote. I take to myself, therefore, some share in the credit of that magnificent improvement. Indeed, I do not think that there is a principle more perfectly clear from doubt than this one is. It does not belong to the category of internal improvements at all. It is not a power claimed by the Government as a government. It belongs to the Government as a landed proprietor. And I will add, that it is not only a right but a duty, and an important duty. Now, what has been considered an equitable arrangement between the Government and the State which may undertake an improvement passing through the public lands? Long since, it was agreed that the grant of alternate sections was a fair contribution on the part of the United States, considered as a proprietor, and from which the United States would be a very great gainer. It appears to me to be an equitable arrangement; and I doubt whether, in any case, either of a canal or a railroad passing through the public lands, the United States would not be a gainer. To that extent I am prepared to go, be the road long or short: if it be long, you gain the more; if it be short, you gain the less; and you contribute in proportion to your gain."

Again he said:

"As far as the Michigan bill was concerned, he understood the principle was simply giving alternate sections of the public land for the purpose of enhancing the value of the remainder. Upon this point he would say that he had not the slightest doubt that the Government not only had the right as proprietor of the public domain, to grant portions of that domain for such a purpose, but that it was the duty of the Government to do so. The Government, in his opinion, ought to be ashamed of allowing their lands to be enhanced in value by the exertions and at the cost of a State, without contributing in some degree to produce this result."

He said, further:

"But, in this, and in all cases where a road passed through the public lands, and application was made when the work had been commenced, and there was a reasonable probability that the value of the public lands would be enhanced, he was in favor of contributing largely, and in so doing he abandoned no principle."

Mr. Niles attacked Mr. Calhoun bitterly; and

"Mr. C. remarked, in reply, that if the gentleman could not see a distinction between the case of the Cumberland road—a work undertaken by the General Government—and the case in which the Government, in its proprietary character, contributes to works undertaken by States or individuals, he (Mr. C.) could only express his regret. To him the difference was as great as that between night and day. In the one case there was an exercise of the right of sovereignty, in the other simply that of ownership."

Upon the same occasion, the Senator from Michigan, then and now a member of this body, [General CASS] said:

"This bill does not touch the question of internal improvement at all. It asserts no right on the part of this Government to lay out a road, or to regulate the construction of a road. The Federal Government is a great landholder; it possesses an extensive public domain; and we have the power, under the Constitution, to dispose of that domain; and a very unlimited power it is. The simple question is, what disposition we may make of the public lands? No one will contend for the doctrine that we cannot give them away to a State. As the Senator from Kentucky has said, every President has signed bills asserting the principle that these lands may be disposed of by the General Government, without restriction as to the purpose of such disposition. We may bestow them for school purposes, or we may bestow a portion for the purpose of improving the value of the rest. What right have you to sit still and see your lands growing in value, through the instrumentality of individuals, without rendering any aid in furtherance of that object? It is the settlement of the lands that makes them valuable."

Mr. President, upon the point of constitutional power, it appears to me, the most rigid constructionist should be satisfied with the arguments of Messrs. Calhoun and Cass, but to these names I could add those of the lamented Wright, Polk, McDuffie, and many others, who have supported bills like the one now before us.

Leaving that branch of the question, I beg to call the attention of the Senate to some special facts and arguments, in support of the claims of Iowa for grants of land to aid in the construction of her proposed railroads. Mr. President, I do this because I have been frequently told, that we ask too much; that a great deal has been done for us; that we have been a bill of cost to "Uncle Sam."

These objections would seem to arise in the minds of Senators from the fact, that only a few years ago our territorial expenses were paid by the General Government. I think we have strong claims on you to again pass this bill which has been often and urgently asked by our people and Legislature. We claim it because you have granted to our sister and adjoining States, Illinois and Indiana, a million or more acres for similar objects than this bill grants to Iowa. If our roads, or their proposed courses and distances are assailed, we ask you to refer to the map and observe the track of the roads for which you granted lands on the opposite side of the river. If it be objected that one of our roads is to commence at a point on the great river of the West, and terminate at another on the same river, we point you to the fact that to the Illinois roads, double the length of ours, the same objection would apply and to a greater extent: for they are to run from Cairo to Mobile, in Alabama, notwithstanding the uninterrupted navigation of the Mississippi between those points. But no one, I believe, either in committee or the Senate, has made this an objection to our roads, save the Senator from Georgia, [Mr. DAWSON;] and his reason for referring to them is, to defeat, not improve the bill.

Mr. President, as this is a time in which a great deal of cyphering has been done, touching the public lands, I propose to show you in facts and figures how the account stands between Iowa and the General Government. For this purpose I read to the Senate the table which I hold in my hand, the items composing which I have obtained from different offices having charge of the respective branches of the public service. This tabular statement exhibits the cash account, up to the 30th of September last. It also shows all our territorial expenses; those which were so much dwelt upon by the Senator from Kentucky, [Mr. UNDERWOOD.] It is entirely fair to embrace in it the item relating to land warrants, because they were issued by this Government, for its own purposes, for the prosecution of its wars, with which we had nothing to do:

Area of Iowa in acres.	Cost of lands, or amount p'd to Indians.	Area of lands sold.	Amount received for lands sold.
32,585,600	$1,935,819 34	*2,707,284.43	$3,383,105 53
		†2,501,880.00	3,127,350 00
Total acres.....		5,209,164.43	6,510,455 53
Deduct cost of land.....			1,935,819 34
Total amount received by the U. S. over and above cost.....			4,574,636 19
From this deduct the territorial expenses of Iowa, as follows:			
Public buildings.....		$55,000 00	
Roads.....		36,872 48	
Bridges.....		19,926 17	
Executive.....		32,910 61	
Judicial.....		232,338 64	
Legislative.....		208,819 50	
			585,867 40
Leaves over and above cost of lands and all expenses of the territorial government..			3,988,768 79
Deduct Iowa's *pro rata* share, Louisiana purchase.....			519,398 96
Present balance in favor of United States.			$3,469,369 83

*Cash. †Land warrants.

This statement shows a balance in favor of the United States of $3,469,369, say to the beginning of the present year. But I propose now to furnish another statement, showing how matters will stand with us in the prospective. But I know the *penchant* of the worthy and distinguished Senator from Kentucky for figures, and I propose on this occasion to go with him as far in arithmetic as he or the Senate may desire. I refer to the Senator from Kentucky, because he has raked up everything in the way of land grants, territorial and other expenses, against the new States and Territories.

Sir, I do not dread the *exposé;* and since it has been resorted to for purposes hostile to us, I am willing, so far as Iowa is concerned, to make it broad and deep, and for that purpose call attention to another statement:

	Acres.
Total area of lands undisposed of in Iowa.....	24,578,676
Deduct quantity now proposed to be granted...	1,500,000
And there will be undisposed of.....	23,078,676
Which, at $1 25 per acre, will amount to.....	$28,848,345

To this add additional amount that will be received on the 1,500,000 acres which will be raised to $2 50 per acre; to wit, 1,500,000 acres at $1 25 per acre.....		$1,875,000
And we have.....		$30,723,345

which the Government will yet receive for lands in Iowa.

I have still another statement to which I invite attention, because it not only embraces all the lands which have been appropriated to Iowa, but all the money which the Government has paid or will have paid for lands within her limits when fifty or an hundred years hence all treaty stipulations will have been complied with.

	Acres.	
Total area of Iowa.....	32,585,600	
Received as school lands—16th sect....	905,600	
" 500,000 acre grant of 1841....	500,000	
" Des Moines River grant.....	1,225,078	
" Saline lands.....	46,080	
" University.....	46,080	
		2,722,838
	29,862,762	
Deduct lands already disposed of by the United States.....		5,209,164
	24,653,598	
Deduct acres proposed to be granted for railroads..		1,500,000
Leaves balance to be disposed of.....		23,153,598
Which, at $1 25 per acre, equals.....		$28,941,997 50
Deduct what is paid and to be paid to Indians.....		$3,408,488 00
Deduct Iowa's *pro rata* share Louisiana purchase.....		519,398 96
		3,927,886 96
Leaves a net profit to the United States of..		$25,014,110 54

Mr. President, an exhibit from our sister State of Wisconsin would be much more favorable to that State than this is to ours; that is, the sales there have been much larger, amounting to $7,000,000, while the cost of extinguishing the Indian title has not been much greater. But, sir, here is another, and the last statement of this kind to which I wish to call your attention; and I have to say, to those who brand us as land-stealers and depredators upon the public Treasury, that my solemn conviction is, that this Federal Government is now, and has been, the greatest speculator in lands that I know of, and has made more out of its domain than any other Government, ancient or modern, that has ever existed. Witness a single operation growing out of the first purchase of lands in our State:

Area of Black Hawk purchase, 5,760,000 acres, at $1 25 per acre, equals.....		$7,250,000
From which, deduct amount paid to Indians.....	$736,000	
Cost of survey, at 2.07 cents per acre,	119,232	
Cost of selling and managing, at 5.32 cents per acre.....	306,432	
		1,161,664
Net profit on Black Hawk purchase.....		$6,088,336

Iowa may be said to have been born out of the Black Hawk war; for at its conclusion the treaty was held, in 1832, by which the first cession of territory was made on the right bank of the Mississippi north of the State of Missouri.

Mr. President, if I were disposed, on an occasion like this, to complain of my friend from Kentucky, [Mr. UNDERWOOD,] it appears to me I could do so with very great justice. We are both members of the Committee on Public Lands, and, as I have already stated, my colleague introduced this bill on the second day of the session, and it is number one upon the calendar. The bill was detained several weeks in committee, expressly to allow that Senator to mould and shape it to suit his own views, no other member of the committee having any objections to the form in which it was sent to us. To this I willingly acquiesced, because I understood him to be a friend of the bill, and I was anxious to harmonize with him, expecting, as he had dotted every "i," and crossed every "t" in it, that we should have his powerful aid in carrying the bill through the Senate. Judge, then, sir, what was my surprise and regret when he moved his "*omnibus*" amendment to the Iowa bill, a part and parcel of his own work; and that, too, after sitting in his seat, and allowing a bill precisely similar in all its features to be passed without its ever having been examined or reported upon by any committee, as an act of courtesy to

a retiring Senator, [Mr. Foote,] now no longer a member of this body.

Mr. UNDERWOOD. When that Mississippi bill passed I had not my amendment prepared; I had not then made the calculations upon which my amendment is based. I wanted to make the distribution according to the federal population of the different States. I had not, at that time, prepared it. I have already stated that it was my intention to support these bills. I have done so in committee. But the other day, after hearing the speech of my friend from Georgia, [Mr. DAWSON,] I intimated that perhaps I had gone too far in pledging myself to support these measures, if the old States were excluded. I would further say, that I have not yet fully made up my mind how I shall vote, and cannot do so until I see how this amendment of mine is disposed of. I make this statement now, to show that I had no partiality in favor of one bill over the other. I did not care whether my amendment was offered to the Mississippi bill or the Iowa bill. I have regarded them all in the same favorable aspect; but still, I want my amendment attached to some of them; and I can assure my friend that it was no motive of partiality which induced me to act as I have done.

Mr. DODGE, of Iowa. I did not intend to charge the Senator with any designed partiality; but I do intend to charge him, face to face, with having a most extraordinary manner of manifesting his friendship for this measure. He has declared, in emphatic language, and upon several occasions, that he is a friend to this bill and would vote for it. From such friends as the Senator from Kentucky has shown himself to be, God save the bill, and we will endeavor to guard it against its enemies.

Mr. UNDERWOOD. I do not know but that I will take the Senator at his word.

Mr. DODGE. I have no doubt that the Senator will take me at my word; I had no doubt of that some time ago; and certainly if I had had any doubts, the congratulations which he offered to the Senator from Georgia [Mr. DAWSON] on the diatribe which he delivered against the new States, would have removed them all.

I am constrained to say something of the evils and unfairness of killing a measure by amendments. They are familiar to every one acquainted with legislative proceedings, and we were recently entertained, if not instructed by a most able dissertation on that subject between the late Senator from Missouri [Mr. BENTON] and the Senator from Kentucky, [Mr. CLAY.]

Mr. President, internal improvements, State rights, tariff, distribution, and almost every other topic of interest has been discussed in connection with this Iowa land bill, especially by the Senators from Tennessee and Virginia [Messrs. BELL and HUNTER.] I do not propose to follow the learned Senators in the wide range of their remarks upon these topics; but I wish, by a reference to one subject which they have introduced, to prove, if I can, the unfairness and injustice of tacking on amendments to bills deemed to be proper in themselves.

The Senator from Kentucky and myself hail from the West, and both are understood to be friendly to appropriations for western rivers. For myself I can speak; and I solemnly declare that I am determined, in my votes and in my action here, to make this Government treat our western waters as it has treated and does treat the eastern waters. The measure, which above all others I wish to be instrumental in accomplishing, is the improvement of the navigation of the upper Mississippi. I am not only willing to vote liberal appropriations for that great river, but also for such harbors on the lakes as are necessary to protect human life and the commerce of the country.

But what, I ask, has been the greatest objection to river and harbor bills? What is it that has caused opposition so determined and deadly to them? Does not every member of this body know that it is mainly on account of the "omnibus" character of the bills making appropriations for these objects?

Sir, it is so. You begin with a proper and a strong bill, but amendment after amendment is made to it, until that which had strength, and would have passed on its merits by a large majority, is crushed beneath the weights piled upon it.

The application of these remarks is, that the Senator from Kentucky, himself a member of the Committee on Public Lands, with a bill before us, the work of himself and associates, rises and offers an amendment to embrace seventeen additional States, and appropriating nearly ten times as much more land as was proposed in the original bill; an amendment which, if adopted, will effect a radical and fundamental change in our land system—a change which, in my humble judgment, is contrary to the spirit and genius of our institutions, because it introduces one State sovereignty within another; a measure which is to go on accumulating evils, *ad infinitum*, and which I assert, from my poor knowledge of our land system, is one of the most ill-digested propositions which has ever been submitted to the Senate in connection with that system; submitted, too, without having been referred to or considered by a committee.

Sir, for some reasons given, I have averred that the amendment is an extraordinary and ill-digested one; I wish to add, that in my poor judgment, one of the most deadly, hostile character to the region of country from which I hail. This I do not say in any spirit of resentment towards the Senator from Kentucky, for having interposed obstacles to the passage of a bill which my State has been so long and anxiously expecting. He is a descendant of that illustrious man, George Rogers Clark, who, with a few destitute and worn-out soldiers, conquered the Northwest, and planted the victorious banner of Virginia on the banks of the then distant Mississippi; winning, by his genius and valor, for himself the *soubriquet* of the Hannibal of the West, and for his native State, an empire. But, strange to say, the Senator from Kentucky has been uniform and consistent in his hostility to those who have performed the great work of settling and subduing the vast wilderness region which his ancestor brought under our dominion. In that dearest and most vital of all human considerations, the procurement of a homestead, the Senator has ever been their indefatigable and untiring foe. I have said that my State was born out of that Indian war, known as the "Black Hawk war." It was settled without law, and against law; as the Boones, and Kentons, and others, had settled Kentucky; as the Seviers and others, who crossed the mountain barriers of North Carolina, and descended into the valley of the Cumberland, established their future homes, while threatened with State and Federal halters; and one of them, John Sevier, was arraigned and tried for treason against the laws of North Carolina. During all the time that the Senator has held a seat in Congress, and whenever any of those measures were depending in which we felt the deepest interest, we have found him opposed to us.

Mr. UNDERWOOD. Will the gentleman be kind enough to point out the particular measures to which he refers, in reference to my past course?

Mr. DODGE, of Iowa. I charge that on the 22d of June, 1838, JOSEPH R. UNDERWOOD, then a member of the House of Representatives, in the other wing of the Capitol, voted to deny the right of preference to ten thousand people in the State of Iowa, in the purchase of their homes. I charge that on the 1st day of June, 1840, he gave another vote, denying the right of preference in the purchase of their homes to the early settlers—to those pioneers who had braved the Indian tomahawk and penetrated the forests, followed by their wives and little children, and who were surrounded and environed with all the poverty and difficulties which attend the settlement of new countries. This, too, at a time when bidding upon them at the sales was looked for, and when, by petition and the voice of their few Representatives, they were imploring you to protect them from the loss of their all—their homes. The Senator will, I trust, say if I am in error. Unfriendly as the Senator has shown himself, (and I deeply regret that it seems to be the general feeling of his State,) odious as is his present proposition, and certain as it is to kill our bill if adopted, it nevertheless almost has a Kentucky precedent, in a proposition brought forward by one of the members from that State, a colleague of the Senator, (Mr. C. Allan,) in 1837.

Mr. C. ALLAN summitted the following preamble and resolution:

"Whereas, Congress has heretofore made donations of the public lands for the purposes of internal improvement and education:

To the State of	Ohio	1,737,833	acres.
" "	Indiana	1,112,552	"
" "	Illinois	1,712,225	"
" "	Missouri	1,181,248	"
" "	Mississippi	731,244	"
" "	Alabama	1,216,450	"
" "	Louisiana	920,053	"
To Territory of	Michigan	509,973	"
" "	Arkansas	996,338	"
" "	Florida	947,724	"
In the aggregate amounting to		11,057,685	"

"And whereas, each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union, and every wise and good American having agreed in the opinion that the cause of general education is indissolubly identified with the cause of general liberty: Therefore, to do equal and exact justice to all States; to aid in diffusing among the rising generation intelligence enough to comprehend, and spirit enough to defend their rights, and thus to elevate the national character, and insure the perpetuity of our free institutions—

"*Be it resolved*, That a select committee, to consist of one member from each State, be appointed, whose duty it shall be to inquire into the justice and expediency of making to each of the thirteen original American States, together with each of the States of Maine, Vermont, Kentucky, and Tennessee, such grants of the public lands for the purposes of education, as will correspond in a just proportion with those heretofore made in favor of the first-named States and Territories; and that said committee have leave to report by bill or otherwise. *But, to avoid the objection of one State holding land in another, the committee is directed to insert a clause in the bill which they may report, providing that the grants to be made thereby shall be subject to sale under the laws of the General Government now in force, and that the proceeds arising therefrom shall be paid over to the States entitled to the same.*"

In the resolution of Mr. Allan, upon which there was a fierce battle fought, it will be seen that there was some squinting at the sovereignty of the States—the words, "But to avoid the difficulty of one State holding lands within the borders of another," &c., shows that it was not steeped in unadorned Federalism, as is the amendment now offered by the Senator. Sir, I trust that if a majority of this and the other House are to sanction this ricketty and deformed bantling of the Senator from Kentucky, he or they will insert in it some clause like that contained in the resolution which I have just read.

Mr. UNDERWOOD. Will the gentleman allow me to say one word here?

Mr. DODGE, of Iowa. Certainly.

Mr. UNDERWOOD. I would greatly prefer the proposition of my former colleague in the House of Representatives, [Mr. Allan;] but I thought my proposition would be more acceptable to the gentleman, inasmuch as I believe the land granted by it will be subjected to taxation. Mr. Allan's object was to save the lands from taxation. But I thought the proposition would be more acceptable to the new States by giving them the privilege of taxing the lands. If the gentleman will vote for an amendment like the proposition which Mr. Allan introduced, I would greatly prefer it in that shape myself, and would be willing to accede to it.

Mr. DODGE. The Senator wishes me to vote for his amendment; and I declare, before God and this Senate, that if you would grant double or quadruple the quantity of land which this bill proposes to grant to Iowa—if you would streak her over with railroad grants, the proposition of the Senator from Kentucky could never receive my vote. If you are not willing, upon its own merits, to pass the bill, vote it down. But how was Mr. Allan's resolution received? Why, voted down by a large majority, without even being sent to a committee. I wish now to read, what I doubt not is pretty good authority with my friend from Kentucky, and with my Whig friends generally. Mr. Vinton, of Ohio, a gentleman whose legal and political information entitle his opinions to great weight, was one of those who opposed Mr. Allan's projet; and how did he meet it? He met it with a resolution in these words:

"*Resolved*, That the said inquiry extend to all the States, and that the said committee be further instructed to inquire into the expediency of inserting a clause in said bill to pay said new States the value of the improvements made by them on the public lands, or to pay to them the amount the public lands would have been assessed for taxes, if they had been private property.

"Mr. VINTON had no objection to have this subject go to a select or standing committee, but he could not, as a representative of one of the new States, consent that the impression should be raised in that House, or elsewhere, that the

new States had received a larger proportion of the public lands than they were entitled to receive. He argued that the grants of lands to the new States was not a gratuity, and that the General Government had received an equivalent therefor. The State of Ohio and other States assessed no tax on the public lands, when private citizens were taxed by the State to make improvements on those lands which enhanced their value. A large proportion of the roads in the State of Ohio were made on the public lands, and the property of private individuals was taxed to make them. By this means lands which were worth nothing before, were immediately sold, and the proceeds sent into the public Treasury. The Government, to be sure, had made donations of lands for canals and other improvements, but it always received an equivalent. He instanced the grant made to the canal connecting the waters of the lakes and the Ohio river, and for which the Government had the privilege of transporting troops and public property on the same free of toll. For the purpose, then, of doing the new States justice, he had proposed an amendment providing that, if land was given to the old States, the new States should receive an equivalent in taxes."

The amendment was twice offered by Mr. Vinton, and advocated in speeches from which I have read a synopsis. Mr. Vinton, too, you will bear in mind, is a politician who has never been charged with being over loyal to the West. When a Delegate in the House, I shall never forget that he opposed every measure which I ever brought forward for Iowa.

Mr. SUMNER. When did Mr. Vinton make those remarks?

Mr. DODGE. During the session of 1836-'37. I read from the proceedings of the 17th of January, 1837. The resolution of Mr. Allan had for its object the distribution of the proceeds of the sales of the public lands to a given number of States—that measure which, upon a larger scale, subsequently became, for a very brief period, the law of the land, and which was so long and so bitterly debated in and out of Congress, and was finally wiped from the statute-book. That was distribution, indirect, but with some little respect for the sovereignty of the States.

This is partition—degrading, ignominious partition. Iowa, Illinois, Wisconsin, and Missouri, the four most favored of the public land States in fertility of soil and means of approach, are to be parceled out—the soil within their borders to be apportioned to the old States, which own and have enjoyed the benefit of all the lands in their own limits.

Under the amendment of the Senator from Kentucky, the mighty Atlantic States of New York and Pennsylvania may take nearly six millions of acres of land in the very heart of Iowa, the land in our geographical center being all liable to be swept under its provisions, to an extent exceeding the area of five or six of some old States.

Mr. President, before a measure is adopted which would break up and unhinge the whole political and moral foundations of States, I beg, sir, to call the attention of Senators to the horrid but truthful representations of violated law, contemned authority, and open, daylight assassination and murder of sheriffs and posse upon the large Van Renssalaer grants in the heart of the old and civilized State of the Senator from New York, [Mr. Fish,] now in my eye. I ask you if you are going at this time, to adopt a system of legislation, in disposing of the public lands of your country, which is to produce, in politics, religion, and morals, the state of things which exist in the anti-rent district of the State of New York. I trust not. I had fondly hoped that the opposite policy—the policy of sub-dividing the lands and graduating their price—was about to be adopted. These are measures near and dear to my heart; and yet, when they were brought forward and offered as amendments to bills which I thought should be passed or rejected on their own merits, I did not hesitate to vote against them.

The Senator from Kentucky felt a deep interest in the bill making land warrants assignable, because of the increased value he thought it would impart to the large number held by his constituents. I was not friendly to the assignment, but consented to it if registers and receivers could be paid. When that bill, for whose passage he was thus anxious, was under consideration, the Senator from Wisconsin [Mr. Walker] offered his proposition for the disposal of the public lands as an amendment, and, although it appealed strongly to my sympathies, and would be of immense benefit to my State, I voted against it, because I thought a measure of such magnitude should be passed or rejected on its own merits. But now the Senator from Kentucky rises and proposes to connect his mammoth proposition with the Iowa bill. Sir, if you have any special or concealed reasons for objecting to our roads, vote them down upon their own merits. Whether ours are passed or defeated, I shall, believing them to be right, gladly vote for the bills of my friends from Missouri, Arkansas, Louisiana, and elsewhere; but we wish no combination.

The distinguished Senator from Tennessee, [Mr. Bell,] who treated my colleague and myself with so much courtesy, and our bills with so much fairness and friendship, discussed, among other matters, the question of the improvement of rivers and harbors, and brought the Senator from Virginia [Mr. Hunter] directly to points, as to what he would do, or not do, in the way of internal improvements.

It is, sir, I doubt not, a very unimportant matter that I should define my position on this question; but I choose to do so, not only because others have done it, but because I have introduced a bill which proposes to appropriate one hundred and fifty thousand dollars to remove the rocks in certain parts of the channel of the Upper Mississippi. The principal obstruction designed to be removed is just at the southeast boundary of Iowa; and although our delegation may feel a more lively interest in the accomplishment of this work than others do, it is one in which the nine States fronting on our great "inland sea" are interested, as do I think all are who desire to advance the commerce and business of the whole nation. But, sir, I wish this measure combined with none other, and to be passed or rejected upon its own merit or demerit. Whether the Senator from Louisiana, [Mr. Soule,] who honors me with his attention, shall vote for my bill or not, I shall vote for deepening the channel of our great river at the Balize—a work for which he has heretofore manifested much interest. I will vote, too, for the removal of the snags in the intermediate position of the river—those snags which have so long obstructed navigation, and have caused the destruction of human life to such an extent as to have conferred upon particular localities the cognomen of "grave-yards." But, sir, I want no strong and laudable measure to be made to "pack" weak and worthless ones.

I will vote to improve the channel of the Mississippi river from the Balize to the Falls of St. Anthony; but I will not vote money out of the common Treasury to improve the Wisconsin, the Illinois, the Wabash, the Osage, in Missouri, or the Des Moines, in Iowa, because I do not think that rivers of that class are of national importance. Those rivers which course exclusively within the limits of sovereign States, can be much better, and more economically, improved by State authority. I will add, that I would vote for the improvement of the Arkansas and Red rivers, which run through and beyond States up into the vast territories of the United States, and where they have their Indians, their forts, and troops to be supplied.

I go for appropriations for national objects; when they become local I go against them. I have referred to these rivers because they are in and of our own magnificent valley. They are the highways and outlets of my neighbors, to whom I choose to speak plainly. I admit that the precise point at which an object ceases to be national and becomes local is difficult to define; but it exists, and, as has been suggested by one of the wisest and most prudent statesmen that ever held a seat in this body, (the lamented Wright,) the best practical mode of arriving at it is, to let each object of appropriation undergo the ordeal of a separate vote in the two houses of Congress, unconnected with anything else.

But to return to the amendment in which I consider the life or death of our bill to be involved. I have already mentioned the fact, that New York and Pennsylvania alone could possess themselves of six millions acres of lands in the heart of Iowa. This amendment gives the lands to the States without any other restriction than that their proceeds are to be applied to internal improvements or education. The lands may be selected around, or even upon the spot where our seat of government may eventually be located. The minimum price is fixed, but no maximum; they can, therefore, subdivide them into ten-acre lots, or less, if they choose, and sell them at their respective seats of government or county court-houses of the States owning them at prices and terms to suit themselves. A partisan majority in the Legislatures of the States may sell them, at a real or nominal price, to a favorite aspirant for the Presidency, or some ardent supporter of such aspirant, and thus be enabled to control the balance of power in many of the new States. Give me the control of men's homes, and of all the means by which they derive support for themselves and families, and I will be enabled unduly and improperly to influence their political action if I choose. Any and everything that can possibly lead to a result so calamitous in a republican country, should be avoided. Do we not see the papers from the oldest and most civilized States in the Union teeming with accounts that the followers of this or the other popular leader have got all the ten millions and other contracts, and will be enabled to carry the elections in such States for the next fifteen or twenty years? The same anti-republican influence is attributed to large manufacturing establishments; but these—all these—are as nothing compared to the evils of land monopoly. Why, sir, one hundred and nineteen thousand acres, lying between the Des Moines and the Mississippi rivers, known as the "Half-breed tract," in Iowa, settled upon as this land will be if given to the old States, had a controlling influence on the politics of Iowa for at least four years, keeping us two years without Senators in this body after we had been admitted into the Union by act of Congress. If the people living on one hundred and nineteen thousand acres of land could produce such a result, what, I ask, could and would be done with these overshadowing grants in a young State like ours, located, if desired, in its very heart?

This bill is most strenuously and bitterly opposed, not so much upon principle as for the supposed immense local benefit it will confer upon Iowa. Before God and this Senate, I declare that there was no time during the six years which I served in the House of Representatives, as a Delegate from the Territory which as a State I now in part represent, when I would have accepted, or dared to have accepted, unless I wanted to sign my political death-warrant, any such bill as this which I now, under yearly instructions, twice or thrice given, of my Legislature, advocate and shall vote for, because of the anxiety of those who have a right to command my vote to carry on these railroad improvements in our young State.

When interrogated by my friend from Virginia [Mr. Hunter] some time ago, I stated in reply to him, that I regarded the bill as a very small boon to the State of Iowa; and must so regard any grant which had coupled with it what I then pronounced and now regard as an outrageous clause—the one requiring us to pay $2 50 per acre for the reserved lands. The Government loses nothing by it, and in truth our citizens are taxed, in the enhanced price of the land, to build the railroads.

I said precisely the same thing when the Illinois bill was under consideration. What further do the discussions on that bill show on this point? Why, that the Senator from Wisconsin [Mr. Walker] rose and moved to strike out the $2 50 provision, saying that, although almost a native of that State, having grown up in it from childhood, and knowing the character of the lands and the poverty of the people, he could not consent to vote for any bill requiring them to pay $2 50 per acre. His opposition threatened the loss of the bill, and it was only by an eloquent appeal made to him by my friend from Illinois, now in my eye, [Mr. Shields,] and other western members around him, that he could be induced to withdraw it. My colleague, [Mr. Jones,] when he represented the Territory of Wisconsin in the other branch of Congress, was enabled, after very great exertions on his part, to get, in 1838, a large grant of the richest and most fertile lands in Wisconsin, to aid in connecting the waters of Lake Michigan with those of Rock river, an improvement which was strongly urged by the Legislature and many citizens of the Territory whose Delegate he then was. The lands were, in some parts, densely settled; but preëmptors and claimants had not had an opportunity to purchase their homes and claims

before the price was doubled. The consequence was, a storm of popular indignation from those residing on the alternate sections; and instead of the plaudit "Well done, thou good and faithful servant," he received curses, loud, long, and deep, and was burned in effigy by those from whom, above all others, he expected gratitude and thanks. After controlling the elections in Milwaukie county for several years, Congress was asked to take back its grant, and did so.

[Without concluding, Mr. DODGE gave way for a motion to adjourn. On Thursday, March 4, the Senate resumed the consideration of the same bill, and he spoke as follows:]

Mr. President, in resuming my remarks to-day, it is my purpose to show that this idea of granting, or otherwise disposing of alternate sections of the public lands, with a view of enhancing the value of the remaining lands, did not originate, as is charged, with the people of the West. Sir, it commenced with the Federal Government; and, as I believe, in the fixed determination of the members from the old States to get every dollar from the people of the new States for the lands upon which they had settled, which, by any ingenious device in the mode of selling, could be wrung from them.

The public lands, when first exposed to sale, were offered by alternate townships, with the design avowed, that the settlement and improvement of those lands thus sold would enable the Government to obtain a greatly-increased price for the reserved townships; and this expectation, in most cases, was realized, as at that time the practice of bidding against the pioneer for his home was general. Why, in looking into the history of this matter, I find that, even under the administration of John Quincy Adams, the public lands were sold by *alternate* sections. I read from one of his proclamations, bearing date the 26th of January, 1826, one year before the first alternate section was ever granted for a western improvement:

"I, John Quincy Adams, President of the United States, do hereby proclaim and make known, that a public sale will be held at the land office at Jackson, in the district of Cape Girardeau, in the State of Missouri, on the first Monday in June next, for the disposal of certain sections of land situate in townships numbered thirty-five, thirty-six, and thirty-seven, of range numbered five, six, and seven, west of the fifth principal meridian line, to wit: the alternate sections in each township, numbered one, three, five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen, twenty-one, twenty-three, twenty-five, twenty-seven, twenty-nine, thirty-one, thirty-three, and thirty-five."

The portion of this proclamation to which I wish to call the special attention of the Senate, is this: "the alternate sections in each township, num-'bered one, three, five, seven, nine, eleven, thir-'teen, fifteen, seventeen, nineteen, twenty-one, 'twenty-three," &c.

Over a large portion of Missouri and the southern part of Illinois, the policy of selling the public lands by alternate sections was adopted. And it was done upon the principle that the settlement and cultivation of the sections sold would enhance the value of those reserved. Thus did the Government seek to profit by the labor, enterprise, and capital of its own citizens.

These facts are within the knowledge of the Senator from Missouri, now in my eye, [Mr. GEYER.] He knows that many of these lands have been sold for $50 and $60 per acre. I remember very distinctly that some lands were also sold in Wisconsin, (then Michigan,) at her first land sales, at like high prices, though they were not offered by alternate sections. The Des Moines river grant, in Iowa, was referred to yesterday by the Senator from Georgia, [Mr. DAWSON,] with quite a flourish of trumpets; and he read a section from the law making the grant. Sir, for that, the only grant of land we have ever received for internal improvements, I am thankful. But it is due to truth and myself to say, that if coupled with the conditions attached to the grants proposed in this bill, I should not have accepted nor dared to accept it. The Senator studiously avoided to read or notice this important fact in that law, that it did not double the price of the farms of our settlers. I allude, Mr. President, to this increase of price frequently and warmly, because of its importance in a twofold point of view upon this question. First, sir, it violates what with me has been a cherished principle—the reduction of the price of the public lands; and second, it has been the cause of the greatly-increased number of applications for grants from the new States. It is the yielding of this principle, on the part of the people of the public land States, that has induced the belief that we can get a grant for any road leading through the public lands, if we will take it upon the onerous conditions contained in this bill. As before remarked, I should never have supported or advocated any of these measures which double the price of the reserved sections except in obedience to the commands of those for whom I act.

Mr. President, every little grant of land, such as the 16th section, which you made unasked by the Western people—made by you for your own purposes, and which were to settle your waste and wild domain—are now paraded before the Senate and the country, to display the unbounded generosity of the old States, and the selfishness and grasping propensities of the new. Sir, from the spirit in which this subject has been treated at the present session, I fear that the just and reasonable expectations of the people of the West for assistance in their infant, struggling, and noble railroad enterprises, are to be dashed to the ground, as, for more than a quarter of a century, have been their hopes of a liberal preëmption, graduation, reduction, and donation law, for the indigent and landless; disappointed, yet always apparently on the point of realization.

The Senator from Massachusetts, [Mr. SUMNER,] who has spoken for our bill with an enlightened liberality which I thought eminently proper in a representative from one of our greatest commercial cities—a city (Boston) which may be said to be the eastern terminus of one of our roads, and which (save New York) is, in fact, more interested in them than even we are—has drawn down upon his devoted head all the eloquence, mathematics, and wrath of the Senators from Kentucky and Virginia, [Messrs. HUNTER and UNDERWOOD.]

It is not my purpose to vindicate the Senator from Massachusetts, nor to undertake the vain task of adding anything to his able argument, enriched, as it was, by the appropriate manner and eloquent language in which it was made. He wants no aid from any one, and least of any could Lafford it, however grateful we feel to him for his splendid defense of our bill. But why these furious attacks upon him? For daring to say, that in his judgment, the new States had an equitable claim to some equivalent for that portion of their sovereignty which they surrendered, to wit, the right to tax the public lands within their limits. Sir, if there be nothing in this equitable claim but poetry, as has been alleged, why is it that a formal demand has been made upon each of the new States, as a condition precedent to its admission, to surrender this right to tax the public domain? Why is it that in your various acts of Congress, you solemnly assert that you will give us a sixteenth section, and a percentage upon the net proceeds of the sales of your lands within our borders, and other paltry considerations, if we will pass an ordinance irrevocable except by the consent of the United States, that we will not tax the public lands? I believe it is true that the Cumberland road had its origin in this idea of giving the Western States an indirect equivalent for the taxing power which they were forced to surrender, or stay out of the Union. Mr. President, the new States are peculiarly situated, and are entitled to the sympathy and active aid of all the friends of State rights, in their efforts to extinguish the Federal proprietorship to the lands within those States. No one who is not in and of them can fully realize the disadvantages under which they suffer. The free, sovereign, and independent State of Iowa is deprived of one of the highest attributes of sovereignty as long as another Government owns the eminent domain within her limits; for it is scarcely possible that she can make a road of any considerable length without running it over some portion of the public lands. I know of none proposed that would not do so, and thus be liable to be stopped in its progress by any forty-acre tract through which it might pass, unless you choose to grant us the right of way. There are very few, if any, of our county tribunals which do not, especially in the distant counties, commit a trespass on the lands of the United States whenever they order even county roads to be laid out; and, if the laws were executed, as they may at any time be when intrusted to a spiteful or revengeful Federal officer, our constituted authorities are liable to be amerced in heavy damages.

Mr. President, is it desirable that even this state of things should long exist in the new States? I think not. But how incomparably worse it would become under the proposition of the Senator from Kentucky, [Mr. UNDERWOOD]. "Words, indeed, would be things," were that to be adopted; and what interpretation, I ask you, is to attach to the language used in the acts for our admission, when it says that we are admitted with the same rights of *sovereignty, freedom, and independence*, as the other States. Sir, if the new States, on coming into the Union, have the same rights of sovereignty as the "other States" have, where do you find your power to give all the land in Iowa to those States whose equal she is declared to be? Old States, averse, as all of them are, to losing their population, might hold up their lands in a new State at a price so high as to forever prevent the new State from becoming settled.

Mr. President, in the elaborate speech which the Senator from Kentucky made on introducing his proposition, he mentioned, in pointed terms, and more than once, the swamp lands which were ceded to the States in which they are situated, at the long session of 1849–'50, as another of the many acts of bounteous generosity to the new States. It was in vain that the Senator from Arkansas [Mr. BORLAND] endeavored to represent that, however desirable it was that the States should have those lands for the purpose of reclaiming them, that in their present condition they were of no very great value to the United States. The Senator from Kentucky, thinks otherwise and seems deeply to lament that the Federal Government had not retained them, and entered on the work of reclaiming them itself. And here, Mr. President, allow me to do an act of justice to the Senator from Arkansas, [Mr. BORLAND.] It is to say, that in my opinion the new States are indebted to him, more than to any other man, for the industry and talent with which he undertook this matter and pressed it to a successful consummation. For more than a quarter of a century it had occupied the attention of the members from Missouri and Arkansas; men indefatigable, untiring, and of no ordinary ability—who sought in every way possible to invoke some action on the part of this Government, having for its object the reclamation of these lands; but to no purpose.

That the topography and hydrography of these swamp lands may be better understood and the value of the gift more correctly appreciated, I will trouble the Senate with an extract of a letter from a late Senator from Missouri, Dr. Linn, written in 1834, and addressed to the Senator from Massachusetts, now in his seat, [Mr. DAVIS,] then chairman of the Committee on Commerce, descriptive of that region of country, but for which no swamp-land bill would have ever been asked or passed.

Dr. Linn writes as follows:

"From the town of Cape Girardeau to Helena, below the mouth of the St. Francis, is a distance of several hundred miles, and from the banks of the Mississippi to the high grounds in Missouri and Arkansas will average sixty or seventy miles. The greater part of this area, with the exception of a narrow belt stretching along the border of the Mississippi, is covered by an immense morass, inundated by the overflowing of the 'Father of Waters,' or submerged by the rushing torrents from the neighbouring hills, the principal of which is the St. Francis. These streams, having their origin in elevated regions, when flushed by heavy rains or dissolving snows, fall into this great basin with tremendous force, and, either from obstructions which actually exist, like the rafts on Red river, or from not having sufficient descent to carry off the rapidly-accumulating waters, spread over the country, giving it the appearance of a vast lake, over which magnificent forests of cypress and other gigantic trees wave their branches in gloomy solitude. In the midst of this wilderness, islands of rock and elevated portions of land appear, of various dimensions, like oases in a desert, and denominated by the French '*côte sans dessein*,' or hills without design. How came these lost hills in this position? The most reasonable answer that suggests itself to that question, in my opinion, is, that the far greater portion of this gloomy region annually covered by water, and at all seasons by a heavy growth of timber, thick cane-brakes closely interwoven by many plants of the convolvulus order, was *once* high ground, but during some convulsion of nature sunk to its present general level, leaving spots unaffected, to tower in grandeur over the surrounding scene of desolation. At the same time the St. Francis, forced from its bed or ancient channel, was compelled to seek its devious way to the Mississippi through lakes, lagoons and slimy quagmires. Nor is this opinion altogether unsupported by facts, or based on mere conjecture. The memorable earthquakes of Decem-

ber, 1811, after shaking the Valley of the Mississippi to its centre, vibrated along the courses of the rivers and valleys, and, passing the primative mountain barriers, died away along the shores of the Atlantic ocean. In the region now under consideration, during the continuance of so appalling a phenomenon, which commenced by distant rumbling sounds, succeeded by discharges as if a thousand pieces of artillery were suddenly exploded, the earth rocked to and fro, vast chasms opened, from whence issued columns of water, sand, and coal, accompanied by hissing sounds, caused perhaps by the escape of pent-up steam, whilst ever and anon flashes of electricity gleamed through the troubled clouds of night, rendering the darkness doubly horrible. The current of the Mississippi, pending this elemental strife, was driven back upon its source, with the greatest velocity, for several hours, in consequence of an elevation of its bed. But this noble river was not thus to be stayed in its course. Its accumulated waters came booming on, and, overtopping the barrier thus suddenly raised, carried everything before them with resistless power. Boats, then floating on its surface, shot down the declivity like an arrow from a bow, amid roaring billows and the wildest commotion. A few days action of its powerful current sufficed to wear away every vestige of the barrier thus strangely interposed, and its waters moved on their wonted channel to the ocean. The day that succeeded this night of terror brought no solace in its dawn. Shock followed shock; a dense black cloud of vapor overshadowed the land, through which no struggling sunbeam found its way to cheer the desponding heart of man, who, in silent communion with himself, was compelled to acknowledge his weakness and dependence on the everlasting God. The appearances that presented themselves after the subsidence of the principal commotion were such as strongly support an opinion heretofore advanced. Hills had disappeared and lakes were found in their stead; and numerous lakes became elevated ground, over the surface of which vast heaps of sand were scattered in every direction, whilst in many places the earth for miles was sunk below the general level of the surrounding country, without being covered with water, leaving an *impression in miniature of a catastrophe much more important in its effects, which had, perhaps, preceded it ages before.* One of the lakes formed on this occasion is sixty or seventy miles in length, and from three to twenty in breadth. It is in some places very shallow, in others from fifty to one hundred feet deep; which is much more than the depth of the Mississippi river in that quarter. In sailing over its surface, in the light canoe, the voyager is struck with astonishment at beholding the giant trees of the forest standing partially exposed amid a waste of waters, branchless and leafless. But the wonder is still further increased on casting the eye through the dark-blue profound, to observe cane-brakes covering its bottom, over which a mammoth species of testudo is occasionally seen dragging its slow length along, whilst countless myriads of fish are sporting through the aquatic thickets."

That, Mr. President, is a truthful description of the country for whose recovery from its present deplorable situation the Senators and Representatives from Missouri and Arkansas had for thirty years implored the interposition of the Federal Government, but without success. The Federal landlord would neither give the lands to the States, nor appropriate a few thousand dollars to remove the rafts of fallen timber which contributed so much to cause the submerging of those lands. In vain it was represented that these lands were valueless; that they spread death and desolation among the people and surrounding country; and furnished naught but an abode for wild beasts and loathsome reptiles. For thirty years these representations were unheeded; and it was not until the session before the last when, by the successful exertions of the Senator from Arkansas, Congress consented to surrender its barren sceptre over those doomed spots of earth.

If the cession of the swamp lands in Iowa is to be brought forward here, and assigned either as a reason why the amendment of the Senator from Kentucky should be adopted, or as a reason why you will not make us this grant, I am prepared to vote for a proposition repealing the swamp law so far as my State is concerned. It is a matter of small consequence to Iowa; and if it is to be used to defeat her in one of deep moment, I say I am willing to wipe it from the statute-book.

Mr. President, I am perhaps too latitudinarian in my views of the proper construction of the Constitution of the United States. The fear that I am so, is the greatest weight that rests upon my mind in the performance of my public duty. I have declared my willingness on all occasions to vote money to remove obstructions in those rivers and lakes which can be fairly regarded as of national importance; and there I wish to stop. Most other improvements of an internal character can be much better and more economically made by the States.

Now, the Senator from Kentucky, in expatiating on the value of these swamp lands, expresses his deep regret that the Government of the United States did not undertake their reclamation rather than surrender them to the States. I cannot believe that this great Federal Government, which was framed to conduct the foreign relations of the country and other general matters, should enter the limits of sovereign States, spade in hand, and become a digger of ditches or drainer of swamps. I think the very best disposition which could have been made of them, is that which has been made.

Now, look at the State of Louisiana. Individuals in that State for hundreds of miles, almost up to her northern boundary, have thrown up levee after levee, and, by their own labor and money, have protected from overflow vast bodies of land, in rear of which the United States owned all the land, the value of which was greatly enhanced by individual and State enterprise. And the Land Office records attest this fact, that the Government sold its land just in proportion as the citizens reclaimed the country from inundation.

Mr. President, I spoke yesterday of some of the difficulties which I thought would attend the execution of the amendment of the Senator from Kentucky if it should be adopted. I trust I shall be pardoned for again alluding to that branch of the question now before us. I do it because I feel that it is one of transcendent importance to the well-being of the noble young State which I in part represent. Sir, I declare to you, and to my constituents, that I believe, if that amendment becomes the law of the land, that the old States will pass laws fixing the minimum price at the highest rates at which their lands can be sold. Agents will be sent to attend the sales, to bid high against the farmers, emigrants, and the men who desire to cultivate the soil. Prices will be run up to ten, fifteen, or twenty dollars an acre, depending upon the proximity of those lands to our towns, to our rivers, and our great thoroughfares. The preservation of the timber will become an object of the highest consideration to those distant owners of the soil of Iowa; and hosts of spies and informers and witnesses, will be sent into the new States to waylay the settlers, and to dog our people round their farms for the purpose of detecting and prosecuting the man who cuts a tree, or lifts a stone, or breaks the soil of those absent landlords.

While the land is held by the United States, and the proceeds go into the common Treasury, there is not that deep interest felt to make it yield the last cent that it can possibly be made to yield, that there would be if it should change owners. Under the operation of this amendment, the lands are to be divided out by a rule of apportionment which will give nearly all of them to the large old States. Of the present *douceur* of 14,000,000, New York and Pennsylvania get nearly 6,000,000 of acres. From the moment that these lands become State property, every means will be resorted to to make them produce the largest possible amount of money for the States to which they belong. Once let companies of individuals, or corporations, or societies, get hold of the lands, and you will see that the means to which I have referred will be resorted to. The people of the West and Southwest may then bid an everlasting farewell to anything like a liberal and just policy in regard to the public lands. Each of our distant and lordly proprietors will tax its ingenuity to devise schemes by which the life-blood of our people will be extracted to pay for the lands within our borders—dividing the lands off into smaller tracts, selling by alternate twenty or forty-acre tracts, and waiting for us to enhance the value of these reserved lands; affixing a minimum of ten or fifteen dollars, and only reducing it when, after years of trial, they have been unable to get the price demanded. And who, Mr. President, are foremost in pressing this measure upon us? Kentucky and Tennessee—States which never have given a foot of land to the General Government; but one of them, (Tennessee,) after struggling many, many long years before Congress, actually got the United States to grant her, for a nominal price, all the lands within her limits, amounting to 3,352,000 acres. Sir, I can tolerate much that Virginia may say when she speaks; because she, in that spirit of justice, magnanimity, and patriotism, which has ever marked the course of that mother of States and statesmen, voluntarily surrendered, as an offering to the peace and harmony of the country, an empire in the West, in the valley of the Mississippi.

I have not had the pleasure of perusing the last speech of the honorable Senator from Kentucky. But he used in it some very severe expressions, as applied to the new States, in reply to the remarks of the Senator from Massachusetts, [Mr. SUMNER.] In one portion of his speech he remarked, that it was unkind in us that we were unwilling that the old States should hold lands within our borders; and he thought that there was but little difference between such proprietorship on the part of the old States, and that which the United States have. There is, at least, this important difference: We are part and parcel of the Government of the United States; we have a vote and a voice in its action; we have some Representatives here, while we have none at Frankfort, at Albany, or at Harrisburg. There is no one there to make known our views, wishes, or feelings, in regard to the settlement and sale of those vast tracts of land which these States are to acquire in the center of our territory.

Another fact, that cannot have escaped the attention of this Senate, is this: The Committee on Public Lands consented, with one voice, that five or ten years longer should be allowed to the State of Kentucky to sell a small body of land which was granted to her many years since in the then Territory of Arkansas, for the insane. From her poor success in selling this small tract of land, I presume not many of the fourteen millions of acres now proposed to be dealt out to these large States, will be located in Arkansas; nor, from the character of the Louisiana lands, will much of it be taken in that State. I believe the provisions of this amendment would fall with crushing force and severity upon the State whence I come. The very signification of the word "Iowa," is, *none such.* Her lands are fair and beautiful, and the agents of the Governors of the old States, if authority is given them, will pounce down upon us with merciless severity. So, also, of Wisconsin. The lands of Arkansas, Louisiana, and Missouri, will not be taken. Arkansas is one of the States now before you asking for appropriations for her railroads. She has been a State since 1836, but is in the rear of the other States of the Union in point of population.

Mr. BORLAND. I simply desire to correct an impression which the Senator's remarks, unnoticed by me, might make on the public mind which might be somewhat injurious to my State, though of course not so intended by him. He used the expression, that Arkansas was in the rear of the other States in point of population. I wish merely to say, that within the last ten years the State of Arkansas has increased more in proportion to her population than any State in the Union, except the State of Iowa, which the Senator represents, and the State of Wisconsin. While the average increase of population in the other States of the Union has not, I think, quite reached forty per cent., the State of Arkansas has increased considerably more than a hundred per cent.

Mr. DODGE. I am rejoiced to hear it. I have known that State long and well, and wish it the greatest possible prosperity. I referred to it, because of the fact which I had noticed, that during the time when this Union was supposed to be convulsed on account of sectional difficulties, her talented and chivalrous Representative in the other branch of Congress, in an address to his constituents on the subject of those difficulties, cited, as one of the reasons why that State should, in certain contingencies, look favorably upon a disruption of the Union, the long and cruel neglect and illiberal policy of the Federal Government towards it and its inhabitants in relation to the public domain. It will be borne in mind, that the American Government is the only one that has ever speculated off of its own citizens, by selling them the soil of their country. The English, French, and Spanish Governments, which preceded ours on this continent, made grants and donations to their people without stint or price, and of double, treble, and quadruple the quantity which this Government has granted even in Oregon. Many of the lead mines in Missouri, to which I have alluded, and which once agitated a large portion of the Old World, and were the exciting cause of the operations of the celebrated John Law, were granted to individuals. The governments which preceded us in the management of these lands, granted miles to their citizens, whilst our citizens, settling and working by their side, have had to pay two dol-

lars and a half an acre for mineral land, and a dollar and a quarter for agricultural land.

Mr. President, what could you get now for the richest lands that the sun may shine upon in Nebraska, in Utah, or in those other Territories over which you lord it, and have the ownership? If you were to expose them for sale to-morrow, could you get six and a quarter cents an acre? You could not get one cent, nor can you ever sell, at any price, until the people of the country have encountered Indian hostilities, braved the elements, and every other species of hardship and difficulty, and have overcome them, settled the country, and made it to bloom and blossom as the rose. Then it is you follow them with your land officers, and take their last dollar in payment of those lands which their labor and enterprise alone have enabled you to sell.

The Senator from Kentucky twice—three times—referred to the grant of an additional section which was made to the citizens of the Territory of Oregon for educational purposes. He deeply laments this, as he seems to regard it, large appropriation of our domain in that infant and distant Territory, and calls attention to the fact, that he had asked the yeas and nays on that grant, and, for reasons doubtless satisfactory to himself, had voted against it. Sir, men are differently organized, and what is sweet and pleasant to some, is bitter and disagreeable to others. Of all the votes which it has ever been my destiny to cast, none ever afforded me more sincere and heartfelt pleasure than the vote which I gave in behalf of the children of Oregon; those poor little children who followed their fathers and mothers in the exodus which took place in 1843, under the strong inducements held out by Dr. Linn's bill, which passed this Senate, and which, I am sorry to think, have not been realized by the Oregon pioneers. The provisions of the bill to which I refer proposed to grant to the emigrant, his wife and children, twice the quantity of land which has been given to them by law. I have ever regarded Linn's bill as pledging the faith of this Government to the early settlers of Oregon, male and female, for the quantity of land which it proposed to give; and I shall, whenever an opportunity is offered, most willingly vote to redeem that pledge. If you have an Oregon Territory—if you have planted your star of empire on the Pacific, to whom do you owe it? To those people who, with their wives and children, crossed your desert plains, scaled the Stony Mountains, and took possession of the valley of the Columbia and the iron-bound coast of the Pacific. Unaided by this Government, and ever in advance of it, these pioneers have encountered the fierce Camanche and other barbarous tribes of savage men, who have even eat of their flesh and drank of their blood, and who have carried their children into captivity; still they have pressed on; and the known fact that they would not recede, forced a settlement of the long-vexed question of boundary on the northwest between the United States and Great Britain.

Sir, the appeal of the Senator from Kentucky, that although we are now a young State, we will soon be old enough to have no public lands, and will then be deeply interested in his partition policy, is lost on me, as I trust it will be on my successors for all time to come. I want the people of Oregon and the distant Territories to profit by that domain which God and their own enterprise and valor have given them.

Mr. President, I trust that the Senator from Kentucky has the magnanimity to excuse me, if I have referred to him in terms of apparent harshness or severity. I beg that he will bear in mind that I am not a trained debater; and speak under some excitement, but with no purpose to wound his feelings; for in all the relations of life, there is not a man in this body nor in the country whom I more highly respect; there is not one in whose patriotism and devotion to his country I have a higher confidence; for, however diametrically opposite, and far apart as the poles we are, on every question of politics or public policy, I trust that we are honestly so. But the Senator, in one of his several speeches, declared, looking me in the face, that this Government was uniformly kind to the people of the new States;—never sued, never harassed, never annoyed our people; and that we were allowed, in addition to our other privileges, to go on the public lands and use the timber on them. I know, when the Senator said that, he did it not to wound my feelings; but he spoke without that knowledge of the subject which I possess, and which I have been determined to possess from the records, that I may be accurate in what I say. What is the fact? There are now in Alabama three suits; in Mississippi two suits, embracing six persons; in Louisiana two suits; in Ohio thirty-eight suits, for trespass on the public lands; in Illinois, four suits, embracing eleven persons, for cutting timber; in Michigan forty suits, for cuttting timber; in Minnesota, seven for cutting timber; in Wisconsin, seven for cutting timber, and forty-four to recover notes given for seized timber; and seventy-seven in that State since January 1, 1852; in Iowa, twenty for cutting timber upon the public lands. That my statement may not be taken alone in relation to these matters, I have here a letter from a respectable lawyer in Clayton county, next to the most northern county in Iowa, dated February 5, 1852, from which I will read an extract:

"There is still another grievance, of which we bitterly complain here, and that is, the contemptible trickery resorted to by Government officers to indict our citizens for cutting timber on public lands. It is true that none of us yet have gone to the penitentiary; but this is not the evil; it drags our citizens from their homes, under heavy expenses; they have to pay their money to lawyers to get them clear, besides being subjected, in some instances, to be thrown into that dirty hole, the Du Buque jail; while lawyers, marshals, and clerks are making money by the operation. And how long is this state of things to continue? * * *

"I have actually known, myself, the marshal to travel a long distance (*mileage and per diem*) and seize upon a few cords of steamboat wood, cut from an island that alternately overflows, and sell it back again to the man who cut it for two or three cents a cord, bringing to the Government some two or three dollars, while she was paying the marshal some two or three hundred dollars for doing the job of selling. And now the system has come to this: A man cuts two or three or four hundred cords of wood on public land; as soon as he has done so, he sends a polite note to the marshal, informing him of the fact; the marshal sends him a note that he will be at his wood pile on a certain day; and, as true as the needle to the pole, he is there. And here commences a Government auction, with no one present but this high Government functionary and the man who cut the timber, except the wolves, the coons, or the badgers. The marshal cries, 'What am I offered for this wood?' One cent a cord, bids the man. 'Who bids higher? I can't dwell; bid quick, or its gone; I can't take up the time of the Government on this small pile; I have another to sell yet before night.' Down slaps his hand upon his leg, 'Who is the lucky bidder?' Why, the man who cut the wood. Now, sir, this system of plunder is actually going on; and is there no way to stop it? Could you not introduce a bill repealing that celebrated statute, or at least defining its provisions?"

That is a truthful exposé of the state of things in the new States. The writer of the letter is well known to my colleague and myself, and, as I before remarked, is one of the most respectable and honorable gentlemen in our State.

I left the great body of my Democratic friends, to vote, on the night of the 3d of March, 1849, to create the Department of the Interior. If they will forgive me for having done that, I think I can assure them that it is the last time I will sin, when a proposition is before us to extend the power of this Government. Listening to the arguments which were used by a distinguished man and public officer, (honorable R. J. Walker,) as to the necessity and expediency of this new department, I became satisfied that it was called for by the growth of the country and the augmentation of the public business, and voted accordingly.

The arguments of the Senators from Mississippi and Louisiana, [Messrs. DAVIS, FOOTE, and DOWNS,] in support of the measure, had much weight with me; and I allude to them only to say, that thus far they have not been sustained in their anticipations of benefit from the law. It was represented that a friend of the new States would undoubtedly be placed at the head of the Department of the Interior—one who, feeling a lively interest in the affairs of the new States, would annually present to Congress cogent and forcible recommendations in favor of extending and liberalizing the preëmption system; of graduating and reducing the price of the public lands, and making donations in limited quantities, with proper restrictions, and a repeal of all laws affixing pains and penalties upon our pioneer settlers. I also expected that we would have suggestions and recommendations touching our railroad grants, river improvements, and other matters of deep moment to the people of the West, from the head of this Department. But, sir, the most of my expectations have been disappointed. The late Senator from Ohio, (Mr. Ewing,) to whom I refer in no terms of disrespect, was first placed at the head of that Department. He was known, throughout his whole term of service here, as one of the most implacable enemies to the settlers on the public lands who ever occupied a place in Congress. He was the author of the most odious proposition touching the disposition of the public lands, which was ever suggested by any of our enemies—to wit: the substitution of secret and sealed bids, to be opened at Washington city, in lieu of the present mode. I do not refer to the matter for the purpose of attacking the Ex-Secretary of the Interior, but to show what are the sentiments of those into whose hands this Department, from which we expected so much, has fallen.

The present Secretary of the Interior, acting upon a system of administrative policy commenced by Mr. Ewing, has shown himself equally hostile to the promotion of our new settlements. An obsolete statute, whose sole object was to prevent trespassing upon live-oak timber which was wanted for naval purposes, is hunted up and enforced against our citizens, who are sued and harassed, and their substance eaten out, in the manner before described. The Senators from Wisconsin, just at the close of the last session of Congress, addressed the head of the Department of the Interior a respectful letter, calling his attention to the extent of the prosecutions which were commenced against the people of that State for taking timber from the public land, for their own use, and the frauds resorted to by the agents of Government in commencing and conducting those prosecutions; and also, desiring to know whether some measure could not be devised to stop these suits, &c. Notwithstanding the letter was official, and the Senators here waiting expressly for a reply, it was answered through one of the organs of the Administration, the "Republic;" and accompanying the Secretary's letter was an editorial article in the newspaper before-mentioned, declaring that the letter of the Senators was a sort of Parthian shot—that the writers had run off as soon as they had written it; when the truth was, that they were waiting here for the reply of the Secretary, and very willing to meet in any manner all the responsibilities of their communication; but not taking his newspaper, they did not receive his reply, nor learn for several days, and then only by accident, that their letter had been answered.

It is no part of my business to interfere in the little passage between the Senators from Wisconsin and Mr. Secretary Stuart. Suffice it to say, that as the Secretary chose the public prints, the Senators replied to him through the same medium, in a document to which he has attempted no answer; and if he is satisfied, I have no doubt they are.

I heard, with extreme regret, some remarks which were made by my friend from Tennessee, [Mr. BELL,] the other day. In the course of the able speech which he made upon this bill, he traveled far beyond Iowa, and wandered up into the northern region of Minnesota, for the purpose, as it seemed to me, of finding fault with the land system, or something connected with it. He remarked, that even this most excellent Whig Administration had gone on and made certain treaties for the extinguishment of vast bodies of the Indian land in that Territory. May I be allowed to say to my respected friend, in the way of defense of this Whig Administration—a service I do not often undertake to perform—that Congress took the initiative in that matter, and by an appropriation which it made at the session before the last, virtually ordered the Executive to make the treaties in question. I trust that the reference of the distinguished Senator to those treaties, is not ominous of a design on his part to oppose their ratification. The voice of that Senator is potential in all matters, but more especially so in these. His present position on the Committee of Indian Affairs, the long time during which he served as chairman of the same committee in the House of Representatives, and his having been at the head of the War Department, gives, and deservedly gives, great influence to any opinion of his touching these treaties; besides, they have to undergo the ordeal of a two-thirds vote. Sir, the eyes of the people of Minnesota are now anxiously turned to this body; all their long-cherished hopes

and expectations of growth and prosperity depend upon the confirmation of these treaties; and if the reference of the distinguished Senator from Tennessee to them is understood to be adverse to their ratification, it will carry alarm and sorrow to the hearts of the people of that distant Territory.

If I were disposed to be governed by mere State or local policy, and to take what I regard as a contracted view of a very large question, I might say and think, that it would not be to the interest of my State to have those acquisitions of territory made for many years to come, and act accordingly; but I neither so say nor think. My opinion is, that the interests of Minnesota, the Northwest, and the United States, are all promoted by the extension of our settlements.

"Wide shall our own free race increase,
And wide extend the elastic chain
That binds, in everlasting peace,
State after State—a mighty train."

The enlarged and liberal views which have heretofore characterized the Senator from Tennessee will, I doubt not, continue to influence him; but whatever may be his course on these matters of deep and vital interest to those on whose behalf I speak, I am sure he will be actuated by a sense of duty, however he may differ from me.

I think the treaties were properly made; I think they are wise treaties. I have never heard an allegation against the motives and conduct of the commissioners by whom they were negotiated. The present Commissioner of Indian Affairs, (Hon. Luke Lea,) and who I believe to be a most competent and upright officer, was the more immediate representative of the President of the United States upon the occasion of the negotiation of these treaties; and I cannot think he would do injustice either to the Government or the Indians. We are not now at liberty to discuss these treaties, nor to do more than speak of them in general terms. Leaving the subject, I cannot withhold an expression of my most anxious wish, that when they are passed upon by the American Senate, that its judgment may be favorable, and that instead of our action carrying to Minnesota profound regret and disappointment, it may awaken joy and gladness in the hearts of the people of that Territory.

The Senator from Georgia, [Mr. DAWSON,] who immediately preceded me in this debate, made a furious onslaught on the bill now before the Senate; upon the Illinois bill, which has been a law of the land for nearly two years; and, indeed, upon all grants which ever have been proposed or made to any new State—a speech in which that Senator, unintentionally I am sure, has misrepresented almost every fact connected with the subjects upon which he spoke. He put this language into our mouths: "Give us the right to build the railroad, 'without any limitation with regard to time within 'which to complete the road." "We want an 'appropriation to give us the possession of the 'land, and, as the country grows up, these lands 'will improve and belong to the State of Iowa, and 'then we will build the road." But then he adds, "they call for the lands now." These declarations of the Senator from Georgia show that he has never read the bill upon which he has made a studied, violent, and most unjust attack. I ask him if he has ever read the bill now under discussion?

Mr. DAWSON. Every word of it.

Mr. DODGE. Then the Senator's memory is exceedingly defective, as I shall show. If the Secretary will read the fifth section of the bill, it will be seen that we are bound to finish these roads in ten years, or to refund the money which we may have received from the sale of any of the land.

The Secretary accordingly read it as follows:

"*And be it further enacted*, That if the said railroad shall not be completed within ten years, the said State of Iowa shall be bound to pay to the United States the amount which may be received upon the sale of any part of said lands by said State."

Mr. DAWSON. I had the impression that it contained no such provision.

Mr. DODGE. Again, the Senator says: "If 'a railroad were to be dropped from heaven, and 'laid between Iowa City and the Missouri river, it 'could not support itself, for there is no popula-'tion there; and yet we are called on to adopt this 'measure." Davenport, on the Mississippi river, is fixed in the bill as the starting-point for this road, and it is so fixed under the express and oft-repeated instructions of the Iowa Legislature; but it is assumption in the Senator to designate Iowa City, or any other point on the route, as no others are named in the bill. But, sir, let the road take the direction he has indicated, or any other of the several routes spoken of, and it will pass through numerous growing towns, and a district of country with a considerable population at present, and which is most rapidly increasing. This road is designed for a great central thoroughfare through our State; and you pass this bill, and I will guaranty that before ten years, or five, even on the Missouri there will be large towns and a heavy population. The Senator is hard to please. On one road the country is too old, and the land has been too long in market; on the other it is too new, and the lands have not yet been surveyed.

Again, the Senator says:

"The Des Moines river is one of the finest navigable rivers in the whole West. Has the Government done anything for the Des Moines river? Why is it that this little spot of earth between the Iowa, Mississippi, and Des Moines rivers should be calling for appropriations from Government, more advantageous than any spot in the Union, not even excepting the region around Boston? Why is it so? Is it altogether owing to the energy, skill, and fine representative qualities of the Senators from Iowa, and their popularity here?" * * "If ever I move from that part of the country where I now reside, and go to the West, and if the Senators from Iowa are then living, I will settle in their neighborhood." * * "Why, sir, it is wild and fanciful for us to legislate upon this plan; and I see by the smiling countenance of the Senator from Iowa, [Mr. Jones,] who has popped up here day after day to urge attention to this bill, that he has got the sympathy of the whole Senate."

Surely, the Senator would hesitate to go before the people of the Northwest with the declaration that the Des Moines is one of the finest navigable streams in the West. That river, though one of the most beautiful, can only be made navigable by means of dams—by those slack-water improvements now in process of construction. By these it can be made navigable up to the mouth of Raccoon river, and even a considerable distance above that point. In its present condition, all who are acquainted with the Des Moines will tell you that it is only during the high waters of the spring, or the early part of the summer, that a steamboat can ascend it. We hope that this will not long continue. Hitherto the appearance of a steamboat upon that river has formed an era in the local history of the country, and been spoken of as a rare thing by the men, women, and children residing upon its banks.

Again, the Senator from Georgia says:

"But I have found that it is almost impossible for me to get a proposition adopted; and when we wish to advance the interests of the States we represent, we had better watch them. Now, sir, let me read the act passed in 1846, to show what was done on the Des Moines. In 1846 the following act was passed, and listen to what it says:

"'*Be it enacted, &c.*, That there be, and hereby is, 'granted to the Territory of Iowa, for the purpose of aiding 'said Territory to improve the navigation of the Des Moines 'river from its mouth to the Raccoon Fork (so called) in said 'Territory, one equal moiety, in alternate sections, of the 'public lands (remaining unsold, and not otherwise disposed 'of, encumbered, or appropriated) in a strip five miles in 'width on each side of said river; to be selected within said 'Territory by an agent or agents to be appointed by the Gov-'ernor thereof, subject to the approval of the Secretary of 'the Treasury of the United States.'

"And then it goes on to say, that if one section is taken up, they are to go to another. Now, how many acres of land were granted under this act of 1846? I have ascertained that it amounts to 1,400,000 acres. Add that to the 1,800,000 acres proposed to be appropriated by this bill, and you have 3,200,000 to be granted to this State or to companies, within the narrowest strip of land in any portion of this country where internal improvements are being or have been made."

Mr. President, the law granting lands for the improvement of the Des Moines does not go "*on to say, that if one section is taken up, they are to go to another.*" It did not grant 1,400,000 acres. The highest estimate of the Department makes it but 1,225,078 acres.

The present bill proposes to grant 300,000 acres less than the Senator states, as I tried to make him understand when he was speaking.

As the Senator from Georgia has taken particular exceptions to our roads, I have a question to ask him; and I trust he will answer it with his characteristic candor. Are there any other roads in Iowa that would suit him better than those which are named in the bill; and if so, will he vote an appropriation of the alternate sections to aid in their construction? I pause for a reply.

Mr. DAWSON. I will answer the Senator with great pleasure. In the event that any arrangement could be made to dispose of the public lands, equally and fairly, to all the States, I would give to his State large appropriations of land for the purposes of internal improvement.

Mr. DODGE. That is not an answer to my question. That is a proposition for a bargain.

Mr. DAWSON. Not at all. If the Senator's question is, whether I am willing to give away the public lands to one State, to the exclusion of others—if that is the Senator's idea, I should unhesitatingly answer, No.

Mr. DODGE. I asked the Senator a specific question, and I am sorry it is so difficult for him to answer it. He attacked our bill in front, flank, and rear, for reasons doubtless very sufficient and satisfactory to himself. He spoke of the courses and distances of these roads; he objected to one of them, because, as he alleged, it was parallel with the Mississippi and Des Moines, and passed through lands which had long been in market; whilst he complained bitterly of the other road, because its course was through a new district of country, in which the public lands had not all been surveyed and settled. I wish to bring the Senator to points. I want to know if there are any other roads in Iowa for which he will vote, if these were stricken out of the bill?

Mr. DAWSON. I would not vote for them, unless all ths States were to be conceded equal advantages.

Mr. DODGE. I knew it—I knew what the response would be.

The Senator, in his speech, complimented my colleague and myself for, as he says, our "energy and representative qualities" in supporting the interests of our State. Now, I desire to make my most profound acknowledgments to the Senator from Georgia for the compliment he has seen fit to pay us. I will not permit myself for one moment to doubt his sincerity; nor would I intimate, on this occasion, that he eulogizes the Senators from Iowa that he may the more effectually defeat the bill which they advocate. The compliment may be due to my energetic and indefatigable colleague; but whilst I am honored, and most thankful for this passing notice of the Senator, I regret, on account of the State and people whose representative I am, that I merit it not. And, Mr. President, that I may not, even for a moment, wear laurels to which I am not entitled, I beg to inquire, when any measure, in which we have felt a deep interest, has become a law? When did the Senator from Georgia ever vote for anything for Iowa or the West? Let his fierce, I might almost say his factious, opposition to the river and harbor bill, and to all our land bills, large and small, answer that question. Certain it is, that our energy, tact, and skill, if we have any, has all been lost on him. Iowa has been placed in the forefront of the public land and railroad battle, which has been so fiercely waged for some months past in this body. The consequence is, that we are assailed at all the points, because, if our bills can be loaded down or broken down by any means that may be resorted to, all the others from the new States will share a like fate.

The Senator from Georgia, [Mr. DAWSON,] whilst he has been exceedingly courteous to my colleague and myself, has been unsparing in his animadversions upon the bill, and upon all the new States, which he boldly charges with having thrust, and of designing to thrust, their arms into the Treasury of the United States up to their shoulders. Allow me to say of that distinguished Senator, (and certainly he is entitled to everything I can say respectfully and kindly of him,) that owing to his superior colloquial powers—to his smiling face, his bland and elegant manner—his command of temper, which is so inimitable, and makes him the model Senator—his devotion to the best interests of his State—that, in my humble judgment, but for the wholesome amendment which the economical Senator from Virginia [Mr. HUNTER] had added to our rules, and which forbade the offering of private claims from Georgia, as amendments to appropriation bills, the clarion voice and overpowering eloquence of the Senator from that State would have weighed down and broken the backbone and ribs of the civil and diplomatic bill. My opinion is, judging from his success in Georgia claims, before the alteration

of the rule alluded to, that the Senator, if he did not annually galvanize that bill by his operations, would certainly have *Galphinized* it.

The Senator estimates the cost of building the Illinois roads at $10,000 the mile. I wish it were so. But it happens that this matter has been looked into, and most minute calculations have been made by scientific men, and men of large experience in these matters, and they place it at $28,000 a mile.

I trust that the Senator from Georgia will remember, when he is pressing the amendment of the Senator from Kentucky, the history of his own gallant State. When Georgia was, as she thought, likely to suffer a serious grievance by the Federal Government taking the side of the Indians within her limits, she resisted both unto the death. We all know, if there has ever been an instance of practical and successful nullification on the part of any of these States, Georgia is the one that can boast of it. While she has talked much less upon the subject of nullification than her neighbor, South Carolina, or some other States, she has done a great deal more of it. She did it boldly and determinedly; but I am not finding fault with her course in relation to that matter. She did more: she drove a most successful bargain with the General Government, and made the lands which she ceded to the United States cost them more than any which have ever been acquired even from foreign Governments. She stood up boldly to the Federal Government and the Indians, and she carried her points.

Mr. DAWSON. The lands which were obtained by the General Government from Georgia did not cost the General Government more than about $10,000,000. Now, the aggregate proceeds of the sales of the public lands in the States of Alabama and Mississippi, which were acquired from Georgia, have amounted to nearly $100,000,000—all of which has gone into the Treasury of the United States. If there ever was a bargain made advantageous to the General Government, that was one; for we all know Alabama and Mississippi then contained the finest lands bordering on the Gulf of Mexico. They have now nearly all been disposed of. If the Senator will look at the account-current between the States of Alabama and Mississippi and the General Government, he will find what I state to be true.

Mr. DODGE. The calculation of the Senator, as to the amount received from the sales of the public lands within those States, may be correct; but it varies very much from what I have heretofore understood to be the fact.

Mr. DAWSON. I will state to the Senator, that in 1817 and 1818, some of the first lands in Alabama were sold at public sale, and went as high as $50 per acre.

Mr. DODGE. I alluded to this portion of Georgia history for the purpose of making a connection and an application of it to the series of measures now to be acted upon for the benefit of the new States. Georgia throttled the General Government. I do not know whether my friend helped her to do it or not. She spurned the decision of the Supreme Court of the United States, and in defiance of its mandate she hung the Indian by the neck until he was dead, dead!

Mr. DAWSON. According to law.

Mr. DODGE. To Georgia law. Certain it is, she rallied her people, and resisted the Federal Government at all points. That, I think, is conceded. The application is this: Georgia pressed things to this extreme to get rid of the Indians within her borders. What was the result to Arkansas, then a Territory? She was forced to contract her limits and to withdraw her jurisdiction, laws, and people, from about one third of her territory, upon which her citizens had made farms, villages, and manufactories of salt, to furnish a place of abode for those Indians which Georgia was so determined to get rid of. That young and feeble State, thus wronged by the Government during her minority—thus pressed upon and surrounded by a dense body of savage men, whose presence endanger the lives of her people—thus used as a convenience to carry out the policy of the old States in getting rid of their Indian population, is one of those States which now has a bill before this Senate asking a grant of alternate sections to aid her in the construction of roads vital to the development of her long-hidden resources. Can you refuse her? Can you refuse this poor boon to that patriotic young State, whose sole Representative (Colonel Yell) left his seat in the other branch of Congress when the news came to him that the torch of war had been lighted upon the Rio Grande, and that the American Army was beleagured at Point Isabel; and raising a regiment of gallant volunteers, marched at its head, amid privations and dangers of every sort, up to the mountain passes of the Angostura—where, upon the ever-memorable day of Buena Vista, with daring impetuosity, he led his men to the charge, and, precipitating himself upon the ranks of the enemy, he fell in the arms of death, with his frank and manly face cut to pieces by Mexican steel.

I do not refer to Georgia and her difficulty with the General Government, and the Indians, with any other than feelings of respect for her Senator and for his spirited State.

Mr. President, I feel that I owe an apology to the Senate for having occupied so much of its time. I am not to blame for the numerous topics which have been introduced into the discussion other than the distinct subject upon which we are acting. The fact that the Western people have abandoned their opposition to the $2 50 provision of these bills, and are now anxious for grants to build railroads, even though coupled with that heretofore odious requirement, has greatly augmented the applications to Congress—our people believing that they ought to be allowed a grant anywhere through the public lands, if the United States lose nothing by making it. How is it in regard to my native State, (Missouri,) so ably represented by her Senators on this floor, at whose instance bills have been passed at previous sessions, but, like ours, failed in the House of Representatives? Why, a large portion of the land over which her proposed railroads will run has been enriched by the blood of her early settlers, in defending their homes and firesides. Missouri was admitted into the Union as a State in 1821, after delays and difficulties of the most serious and alarming character, and which it is unnecessary now to recapitulate. She has yet 29,000,000 of acres of public land within her limits; and although she has taxed her citizens heavily to build railroads to, and over your lands, you have never granted an acre for a road or a river within her borders. Her claims are even stronger upon your justice than ours. I most sincerely hope that the just and anxious expectations of her people, now greatly excited, are not destined again to be disappointed by the failure to make her the grants she asks, and which, when made, will leave her greatly in arrear of Illinois and Indiana in the quantity of land she will have received.

I venture most respectfully to warn some gentlemen who are so intent on defeating these railroad grants, but who still like them better than a free grant to actual settlers, that the latter proposition is daily gaining strength, and that, too, in those sections of the country whence it has not hitherto received much support. It is a measure having the most meritorious and substantial claims to Congressional favor. It is a measure for the benefit of men, not corporations or States. It has intrinsic strength, and, though baffled oft, will yet be won.

I wish to do more; I wish, most respectfully, to call the attention of Atlantic members to this: Heretofore almost all the appropriations made for commerce have been expended upon foreign commerce. In the mean time, our internal trade has increased with a rapidity ten times as great as the growth of our foreign. The increase of our internal commerce has been *pari pasu* with the growth and extension of the country. Within the last thirty years, our foreign trade has only about doubled, whilst in that period our domestic trade has increased tenfold. And what, think you, have been the expenditures on account of foreign commerce within the last fifty years? More than $500,000,000. What has been the appropriations for the lakes, rivers, canals, and railroads of the interior of our country? Probably not one twentieth part of that expended for foreign commerce. Navies, light-houses, custom-houses, and even bounties—the most partial and most unjust of all legislation—have been supported and paid from the National Treasury. No people have ever borne taxation with less complaint than the people of the West. They are told that a navy is needed to cause our nation to be respected by the Powers of the world, and they cheerfully contribute to the support of it, although they derive none other than a most remote benefit from it. When, upon a recent occasion, Congress voted $1,500,000 for the maintenance of an ocean steam line, the people of the West did not complain, although the partiality of such an appropriation is plainly to be seen.

This patient acquiescence on the part of the representatives and people of the West to whatever legislation the Atlantic States required, entitles us, it seems to me, to some consideration. It is not much that is needed, and, I trust, not a very great deal that is asked for. But, I submit, notwithstanding we are assailed on our land bill by a transmontane influence, by our neighbor, Kentucky, that there ought to be, and I trust are, some Western measures in which not only Iowa and Kentucky can unite, but all the other States in the Valley of the Mississippi. If the money of the nation is still to be poured out at this capital to make your already splendid buildings tower to the clouds; to line the ocean with mail and other steamers; to erect your magnificent custom-houses upon the sea-board, I trust there is sufficient Union amongst us western men to go together upon some points, that we may make ourselves felt if we are to be driven to the wall. For one, I will avow now, here, under all the responsibilities that pertain to my station—and no party allegiance or personal appeal shall cause me to swerve—that until justice is done to the new States on the land question, and until the western waters are placed upon an equality with your eastern salt waters, I will never vote a dollar for your steamers, harbors, light-houses, or custom-houses on the Atlantic. We claim that our great rivers and lakes be recognized to be upon the same footing with the Atlantic ocean, in regard to these appropriations. We contend that the good policy and wisdom of these alternate-section grants has been tested. Look at the beneficial effect which the passage of the Illinois Canal and Railroad bills have produced upon that State. She was overwhelmed with a State debt, incurred in an unwise attempt to mark the State all over with railroad improvements, commenced as far back as 1836 and 1837, when she voted to tax herself, and has since been taxing herself, to make these very railroads on the public lands which you have since granted to her. Illinois has been almost lifted up out of the mire of State indebtedness by her railroad grant, and yet it is more from its moral effect, from the credit and standing which it has imparted to the State, than from the intrinsic value of the grant. Illinois has made something, the United States has lost nothing; as evidence of which we now see the former already feels the beneficial effects of the grant, while the latter realizes no loss or inconvenience from it.

After concluding his speech, Mr. DODGE proceeded to fortify a position which had been questioned by Mr. DAWSON. He said:

A statement has been furnished me from the official documents, to which I wish to call the attention of the Senator from Georgia, in reference to a matter upon which he said a few words unexpectedly to me a moment since. I understand that from an actual inspection of the amount received by the General Government from the sales of the public lands in Mississippi and Alabama, it has amounted to but $33,290,739.

Mr. DAWSON. Will the Senator be so kind as to tell me whence he derives his information?

Mr. DODGE. From the report of the Commissioner of the General Land Office.

Mr. DAWSON. No doubt the gentleman thinks so; but it is a mistake. That matter, however, is not involved in the issue.

Here the conversation dropped on that point; the following letter, since received by Mr. DODGE, may, however, be deemed an authoritative statement on that subject:

GENERAL LAND OFFICE, *March* 17, 1852.

SIR: I have the honor to reply to your inquiry of the 4th instant, that the gross amount received by the United States from the sale of lands ceded by the State of Georgia, by the

articles of agreement and cession of the 24th April, 1802, up to the 30th September, 1851, appears to have been $30,795,782 09, from which is to be deducted the amounts paid to the State under those "articles," viz: $1,250,000 "as a consideration for the expenses incurred by the said State in relation to said Territory," and $4,282,151 12 on "Yazoo claims," admitted under the act of 3d March, 1815, for which the United States was liable under the second article of the "cession," which will leave the amount actually received by the United States, after discharging the incumbrances under the articles before referred to, $25,263,630 97. With great respect,

J. BUTTERFIELD, *Commissioner.*

Hon. A. C. DODGE, *Senate.*

The following facts are obtained from the office of the Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, *March* 10, 1852.

SIR: As desired in your letter of the 5th instant, I have the honor to inform you that, from the best data in the possession of this office, the amount of cost to the Government of lands in the State of Georgia, (exclusive of the sum of $5,532,151 12, paid on account of the "Yazoo purchase," under the compact with that State of April, 1802,) is about $7,800,000. It became necessary, in arriving at this result, to fund, at five per cent., such provisions of the treaties as were permanent in their character, and hence it is proper to state that, under the result, no further sum on account of the purchase remains to paid.

Very respectfully, your obedient servant.

Hon. A. C. DODGE, *Senate United States.*

The amount received from the sale of lands in the States of Alabama and Mississippi, both north and south of the 31st deg. of latitude, to the 30th of September, 1851, is $31,075,372 22; from which deduct the $1,250,000 and the $4,282,151 12, leaves $25,543,221 10.

The whole quantity of land ceded by Georgia was 58,898,512 acres; the cost of which, as appears from the letter of the Commissioner of Indian Affairs, was $7,800,000, exclusive of $5,532,151 12 paid to Georgia under the deed of cession of 1800, amounting in the aggregate to $13,332,151 12, which would make the land ceded cost the United States about twenty-two and six tenths cents.

The average cost of the extinguishment of the Indian title to the lands in Iowa is twelve and a quarter cents an acre. The Black Hawk purchase, the first made in Iowa, cost but a little more than a cent and a half an acre. A cent and a half was the cost of the Louisiana purchase from France.

THE CENSUS PRINTING—PRESIDENTIAL CANDIDATES.

SPEECH OF HON. W. R. SMITH,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

March 18, 1852.

The House being in Committee of the Whole on the state of the Union on the bill making appropriations to supply deficiencies in the appropriations for the year ending June 30, 1852—

Mr. SMITH said:

Mr. CHAIRMAN: I almost regret that I took upon myself the responsibility of making a speech today. I feel a timidity, just now, which is not very common with me. It is awful to attempt to make a speech in this Hall, especially when one is impressed with the belief that what he is about to say ought to be heard. I confess I wish to be heard.

Sir, the prominent idea which has been developed in this House during the debates of the last few days is, the confusion of the Democratic party. If the confusion really exists, the great question to be solved is, how is that confusion to be quieted? It is to this question that I propose to address my remarks on this occasion. I do not admit the force of the suggestions which have been made as to the extent of that confusion. I believe the body of the party was never more quiet and composed. The confusion exists here, in Washington city, the hot-bed of political confusion, and nowhere else. It is brought about by a few party leaders, who are almost insane with ambition, and their adherents, who are frantic for the spoils. This is to be expected. Ever since the Democratic party adopted the convention system, this confusion has existed; and it will always exist as long as the controversy is personal between the candidates who are to come before the convention. Denying the full force of the suggestion as to the extent of the confusion of the party, but admitting that this confusion does exist in a certain degree, the great question is, how is it to be quieted; and if the Democratic party desire to be triumphant in the next canvass, it is their duty so to direct their action in this Congress as to sustain the present power of their party. How is that to be done? By the utmost caution in the votes which they may give upon the great questions which are now before Congress, involving the interests, the character, the money, and morality of the country. I hold the great principle to be true, that the majority party in Congress is the responsible party. Everybody knows that the free and enlightened people of this Government will not hold a minority Administration responsible for acts which could be controlled by a majority party in Congress. Hence the necessity that that majority Congress should so direct their acts as to sustain the power of their own party at home.

The Congress of the United States has a great duty to perform. We are in the midst of censors and assailants. I beg to call the attention of the House to a newspaper paragraph, which, though not of great importance, is yet worth notice. The Washington correspondent of the New York Post assails the present Congress in very violent terms. He says that it is a Congress of monopolies, and accuses it of little industry and great corruption. Here follows an extract:

"Washington is full, and the Capitol is full, to cramming, of moneyed men and their agents, all alive with energy and fervor, and bent upon driving their every project through the present Congress. Western and Southwestern land companies, Gulf and Isthmus and Pacific steam companies, and last, not least, the Ocean Company, are here by their agents, groaning out wealth by tens of thousands, to compass their grasping greed. We do not accuse of open bribery, but there is a bribery just as effective, and far more safe—the bribery of lavish opulence, which, by a thousand social appliances, captivates, and at last controls. Every railroad train delivers its dainty load of the choicest brands of wine and brandies, and the most elaborate and costly jewelry, and rare books in princely binding."

I deprecate such paragraphs as this: they are but the ebullitions of bribed letter-writers, who prowl in your lobbies, who are themselves the hired agents of monopolies, and the bribed advocates of these gigantic schemes which are designed to plunder the Treasury. Their duty seems to be to misinterpret and slander Congress. And, although the paragraph may be of slight importance, still it may serve to press the necessity of the greater caution in the votes which you may be called upon to give upon the great questions here pending.

I lay down the position, Mr. Chairman, that every Administration makes or destroys itself. Every party makes or destroys itself. The Democratic party is now in the ascendant everywhere; and in order that the power may be maintained, I beg to call the attention of the party, to some solemn truths which may possibly have been forgotten.

The canvass of 1840 cannot yet have been forgotten. I call the attention of the Democratic party to the fatal career of Martin Van Buren. It will be remembered that he came into power upon the heels of the most popular Administration ever known to the Government. Yet his downfall was rapid, signal, and complete. He owed that downfall to himself and his partisans. And how? Why, in the midst of their bloated pride and arrogance, they came to the unwise conclusion that there could be no revulsion in public sentiment; no end to the race of triumph. Arrogant in their claims, and careless in their designs, their policies were undisguised and repulsive. I remember a certain phrase which was uttered in the other end of this Capitol by a distinguished partisan of that Administration; and I refer to it now, as connected with the argument which I shall submit, involving the principle avowed. It was distinctly avowed that "*to the victors belong the spoils;*" and the party adopted it as a motto, and practised it as a principle. I do not propose to inquire now into its truth as a political abstraction, nor its justness as a principle, but into the propriety of its utterances by a partisan, and its public adoption as a principle by the party. I remember, very distinctly, that that phrase contributed more, in my section of the country, to discomfit the Democratic party, than all the other abuses brought to bear upon it. The common people, the people who live in the far off cabins of the wildernesss, will not recognize a political principle to be just, which proclaims "that the spoils belong to the victors." They may admit it in the abstract—but deny it in the application. And the minority party never fails to take advantage of the avowal of such a principle.

In connection with this phrase—that the spoils belong to the victors, as mixed up with the fatal career of Van Buren, I now approach the proposition to print the census on the plan presented by the Secretary of the Interior. Not long ago, the Committee on Printing brought in a resolution to give the printing of the census to Donelson and Armstrong, and that resolution is still pending. The policy was avowed, in the course of the debate, (and it was but the reiteration of the policy of Mr. Marcy, to which I have referred,) that, all things being considered equal, the printing ought to be given to the press of the dominant party. I deny the propriety of the proposition. Who can see his friend and enemy alike, or, as between them, make all things equal? Sir, I congratulate the House and party that they refused to pass that resolution. Do you know the magnitude of the question? I apprehend that it had not been maturely examined. I beg the House, for a moment, to deal with me kindly and calmly in a brief examination of the proposition to print the census of 1850, upon the enormous plan suggested by the Secretary of the Interior. Here is a plan presented as a copy. According to the estimates which I have made, under the direction of experienced gentlemen in the art of printing and publishing, if the census be printed upon this plan to the extent of 100,000 copies, it will cost nearly the sum of $1,400,000, independently of the binding.

Now, sir, in order to illustrate the magnitude of the proposition, I will advert to the letter of Mr. Rives, published some time ago in the Globe, in reference to the profits which he made on the printing of the last census. That gentleman, with the utmost candor, states that he received for printing the census $137,000, and that he made one hundred and twenty-five per cent. clear money on the job; that is, he made $75,000 clear profit on the job of $137,000. The same prices for printing prevail now, I suppose, that prevailed then. If, on a job of $137,000, a profit of one hundred and twenty-five per cent. was made by the printer, what would be the profit arising out of a job that would cost the Government $1,400,000? Sir, the proposition must have been made unadvisedly and without a thorough examination, and I congratulate the House on its refusal to pass the resolution. In reference to this question of printing, rejecting, as I do entirely the idea of paying a party organ out of the public money, I say that these jobs ought to be reduced to such a size that it would not be of much importance, as to profits, who did the printing. And now, as a matter of economy and justice, both to the people and to the Government, I propose to show that it is folly in the extreme to print this document on the plan proposed.

The calculation which I make, in regard to this printing, is this: Here is the census of Maryland, and there is a historical portion attached to it which costs the Government $2,400. Well, there is another portion of it, called the medical department, which is as perfectly and utterly useless as anything could be, and it will cost the Government upwards of $3,200. In order to show the utter absurdity of printing this medical part, allow me to call attention to some few items in it.

Mr. Chairman, the estimated cost of every page here is $135, supposing that one hundred thousand copies are printed upon this plan, (this quality of paper used.) Every line is about the one hundredth part of this cost. The line *running through the entire edition* of eleven thousand pages, and one hundred thousand copies, according to the estimate, each line then would swell into a cost of $10,000 or $14,000. Well, sir, here is a line [Mr. SMITH here held up the page] running across this page, which states that one man died on the Eastern Shore of Maryland, by an *accident not accounted for*. That line, I proclaim, if it should run through eleven thousand pages, will cost the Government $12,000 or $14,000! Here is another line running across this page, "accident by fire; one man died." Here is another, "accident by water—drowned." I now name some of the diseases of which these parties died! Here is one line, stating that one man died on the Eastern Shore of Maryland, of diarrhea! Here is another line for dyspepsia, and another for dysentery; and another for gout, and another for gravel; another for hernia, another for old age, and another for *worms!* each to be printed at the same enormous cost! The

whole thing is spread out, page after page, and repeated frequently in different locations, until it reaches twenty-three pages, for the medical statistics of the single State of Maryland! I do not say that these lines will actually run through the entire number of pages; but in the State of Maryland—as presented in this plan of one hundred and four pages—the lines to which I refer, or the most of them, actually run through twenty-six pages—one fourth of the whole work. The lines running through the work, then, in the same proportion as to the other States, each line would cost the one fourth of the $14,000—$3,500.

Now, in order that my remarks upon this subject may receive more attention than they would perhaps otherwise do, I beg leave to say that I know something about printing, for I have occupied almost every position in a printing office, from devil up to editor. [A laugh.] I know the phrases of printers, and the mode of their counting profits.

Mr. Chairman, printers receive full pay for a page whether the impression of the types run all over it or not; the blank portion of the page is what printers call "fat," and a very good and illustrative word it is. The cost of a page is the same whether the types are there or not, because it requires the same paper and the same press-work. A page having only one line on it, or totally blank, if in the body of the book, costs the same as a full and complete page of types.

Mr. GORMAN, (interrupting.) Do I understand the gentleman to say he is a practical printer?

Mr. SMITH. No, sir.

Mr. GORMAN. Then do I understand him to say that the margin is what is called "fat?"

Mr. SMITH. Certainly not. I said that where a portion of the page was not covered with types, that was called "fat."

Mr. GORMAN. But if each page is exactly the same as the other, there is no "fat."

Mr. SMITH. Of course not. If it is all lean, of course there is no fat. [A laugh.] I will show you a little larger dish of fat. Here [holding up a blank page in the book] is a completely blank page, which is *all fat*, except the margin. The printer gets the same amount for that page as he would if it was covered with types.

There are fourteen pages of this book devoted alone to the city of Baltimore, in which the most complete nonsense is repeated for each and every ward. There are twenty wards in the city. There is one line running through four pages, stating that there is one *cage-maker* in the city, with a capital of *seventy-five dollars invested*—a most important piece of information, in which the birds, at least, must necessarily be greatly interested. Sir, to appreciate the follies and expense of these tables, as they are got up and spread out in this book, would require but a moment's close examination; and I cannot so well explain them as to request each member to examine the pages and tables at his room. It will be seen that the whole of the information contained in the fourteen pages referred to could be imbodied in two or three tables of one page each.

The cost, in the estimates above made, does not include the binding. If the volumes are put up in the form of the American Archives, the cost of binding each volume would be about sixty cents. If the work should run to eleven volumes, then the cost of binding each copy would be $6 60 each. If the edition should reach one hundred thousand copies, then the cost of binding alone would be $660,000; which, added to the $1,400,000, would make the whole cost over $2,000,000.

I will not delay much longer upon this subject, because I wish to touch upon others. But is it possible that this House, with these facts before them, which cannot be materially contradicted, will be guilty of the folly of printing this book on the plan proposed by the Secretary of the Interior, at the cost of $1,400,000? Independently of these considerations, I beg leave to call the attention of the House to another matter. I hold it to be the duty of Congress to have documents done up in such a manner that the people may enjoy the benefit of them.

Now, Mr. Chairman, here lies a copy of the census of 1840 on my desk. You see what an enormous pile it is—a small mountain; and if shaken, I am not sure but the old phrase—"The mountain heaved, and a mouse was born"—would be *literally* verified, for I see on the fringed margin of its musty pages, the unmistakable nibblings of the rat family; and it has been the fate of this document to be food for mice. If I had time, I should like to examine the pages of this book, and show the mortal quantity of "fat" in it. But I must pass on. Allow me to say, that the same amount of matter which is in one of these large pages, even without abridging, can be put into a small page of the fourth of the size of the page proposed, in small type, and would cost but one fourth the amount of money. Now, let us inquire into the propriety of printing it in a small volume. Do you remember, that connected with our public documents, is mail transportation? Do you remember what an immense part of the cost of that mail transportation the franking privilege is? Do you remember the frequent applications which are made to your Post Office Department for increase of service, for increase of pay, for remuneration for the breaking down of stage coaches, and everything of that sort; applications arising from the overloading of your mails? In this view of the matter, the House ought to pay some regard to the portability of the documents. Eight or eleven volumes of this work, under the plan contemplated, of the size of this copy, would weigh almost as much as a patent iron chest, and occupy almost as much space! And think, if you please, a moment, of franking one hundred thousand iron chests through the country! I hope this suggestion will not be lost on the House.

I can show beyond controversy that there are about forty-five pages in this book—sample for one State only—which ought not to be printed at all; and I can show that the matter which ought to be printed for the whole of the States, may be put in a small volume; and that the true policy, both for economy and convenience, is to have it in a small volume. Sir, the books that Congress sends out to the people, ought to be food for the brain, and not food for the vermin. How many gentlemen, within the sound of my voice, know that they placed their census returns for 1840, away in some old box or barrel, to be devoured by the rats and mice, because they could not put them on the shelves in their libraries, owing to their ponderous and unwieldy size. The book ought to be of a size to be placed by the farmer on the shelf, by his ink bottle, that he may read it at his leisure.

The census can be printed in a volume twice the size of the American Almanac, giving to the people all the information they desire, at the expense now sustained by Congress for printing the Patent Office Agricultural Report. That is a book of great value to the people; but if you were to send it out in large volumes like this, it might, perhaps, never be read. I do not know the estimated cost of the Agricultural volume of the Patent Office Reports, but I suppose that $50,000 would cover the entire expense. I ask, then, will not this House get down from the high horse on which it has been riding for the last forty years? Will not the members of Congress, in this instance at least, cease to have everything done on such a magnificent scale? I know that, coming, as some of us do, from our log-cabin wilderness, leaving our people with their simple and civil manners behind us, when we approach this grand place, and this grand establishment, with all the gorgeous richness of tower and grounds, of goddesses and Indians, of ponds and fishes, our hearts naturally grow, and our ambition begins to put on its feathers, and strut.

"Vain man!
Clothed in a little *brief* authority."—

We are struck with the magnificence and grandeur that surround us. This leads us to imitate; but I trust, sir, that no member will forget himself too far; and I beg to suggest the wisdom of a recurrence of his thoughts to the humble scenes which he left behind him. If you forget the log-cabin voter whom you left behind, he will surely forget you, at a time when you most need him.

I will now turn to something else. I have only called the attention of the House to the more visible follies of this document. I hope every gentleman who has the book at his room will examine it. I have made these calculations upon the basis of printing one hundred thousand copies of eleven thousand pages, on the best paper, upon the plan presented in this sample before us. These expenses would be reduced according to the reduction of the number of pages and the size of the edition.

Mr. GORMAN. Will the gentleman allow me to interrupt him for a moment? The calculation of Mr. Rives goes upon the supposition that we are to print one hundred thousand copies, and upon the supposition that it will make four volumes as large as the American Archives, and to contain eleven thousand or more pages. He also goes upon the supposition that we are to print in them all the same historical statistics that are contained in the copy for Maryland, which has been laid upon our desks. He also goes upon the supposition that the prices are to be fixed at rates comparing with those of 1819; and upon these suppositions he makes out the cost about $1,400,000. Now, I am authorized by a gentleman worth half a million of dollars to say, that according to the plans proposed by the Secretary of the Interior, he will bind himself, in the sum of half a million of dollars, if necessary, to do it for less than $200,000. The calculation of Mr. Rives was predicated upon false premises, made for the purpose of producing an effect against the proposed printer of the census. It was legitimate, I suppose, in his way of argument; but I apprehend, baseless, so far as the facts of the case are concerned, with the action of this House.

Mr. CLINGMAN. With the permission of the gentleman from Alabama, [Mr. SMITH,] I desire to propound one question to the gentleman from Indiana, [Mr. GORMAN.] It is this: If the gentleman to whom he has alluded will do the census printing for $200,000, then why not let it out to the lowest bidder? Why does he propose to give it to Donelson & Armstrong?

Mr. GORMAN. We do not propose to give it to Donelson & Armstrong, except upon such terms as may be agreed upon as reasonable by the Committee on Printing. That committee said to this House, so far as I spoke for them, that they would take into consideration the price, and that they would make it out at as low a rate as it could be done for, and yet secure promptness and neatness of execution. We did not pretend that it could be done for this or that price. But we said that when the price was equal, between a friend and foe, politically speaking, we would give it to a friend.

My friend's calculation is based upon the supposition that Mr. Rives was correct in his statement that one hundred thousand copies would be printed. Now, I am able to demonstrate that that calculation is based upon a hypothesis that is not going to happen. The hypothesis which he lays down as probable, is no more likely to be adopted by this House, than it is that every man upon this floor will take wings and fly over this Capitol.

PRESIDENTIAL CANDIDATES, &c.

Mr. SMITH. Having closed my remarks upon printing, and not having time to settle the quarrels of printers, as to their various bids, I will take advantage of the *wings* so fancifully furnished by the honorable gentleman from Indiana, [Mr. GORMAN,] and fly over into the political arena.

Gentlemen must all have been impressed with the interesting character of the controversy which is now going on in this Hall, and elsewhere, in the public journals, between what is called old fogyism and young America. Mr. Chairman, I regret and deprecate the use of such epithets. I reject the epithet "old fogy" from my political vocabulary. I regret to hear that term of contempt employed in this contest. I regret that it has been applied to gentlemen who are prominent members of the party—to those old veterans who have covered themselves and their country with glory and honor, both upon the battle-fields, and in the councils of the nation. I reject the words old fogy as cruel, and ungenerous, and heartless upon the part of the young Democracy, as applied to the old veterans of the party. Why, according to the use which is made of this cruel and heartless phrase, every gentleman of both parties who has arrived to the age of sixty or seventy years, is to be denounced as an "old fogy," without any reference to circumstances. If General Jackson were here,—that man of the iron will, who never did grow old,—

he would fall under the ban. If Mr. Calhoun was here, he whose intellect was more that of an angel than of a man, he would fall under the ban. Jackson and Calhoun, dead, fall under it, and Clay and Webster, alive, fall under it. I say, then, that it is heartless on the part both of the young Whiggery and the young Democracy, to use such phrases.

Now, Mr. Chairman, I do not mean by this that I have no claims to present for young America; but I want everything to be done in a fair way. The levelling potency of this phrase seems to be directed chiefly to those gentlemen who are now candidates for the Presidency. I will mention but two of those distinguished individuals, and I do it with the utmost respect. I refer to those who were run on the ticket of 1848, and were defeated. Although I do not acknowledge the existence of such a word as "old fogy" in my political vocabulary, yet I lay down this proposition: You admit that the party is confused—you cannot reorganize a confused party by bringing before the people candidates who have already been covered with defeat. I desire to do the fullest justice to General Cass and General Butler. The latter has been already defended upon this floor, in a manner highly creditable to the taste and judgment of the distinguished young gentleman [Mr. BRECKINRIDGE] who undertook the task; but having performed that task, and satisfied the suggestions of duty and the inclinations of his heart, he cannot have the remotest idea that any man dreams of General Butler as the candidate of the party for the Presidency.

Allow me to say, in reference to General Cass, that I sustained him in 1848 with all my feeble powers, and I believe that I did full justice to his great character and capacity. I consider my duty performed for that time. But when I come to the contest again, I want to raise a new name; because, when an old man's army is defeated, it requires the infusion of new blood to reorganize and restore it. You remember the story of Metellus and Marius, in Numidia. I remember that after Metellus had been defeated by the young Jugurtha, and driven from the field, his army scattered, disorganized, partly disbanded, and flying in confusion before a few fierce Numidian guerrillas, the young Marius was sent out to restore their organization and to close the war. The rapid, furious, and well-arranged movements of this young blood, in a single campaign, reorganized the army, restored its discipline, defeated his antagonist, and carried him, in three months, in chains to Rome. I remember that Pompey did the like, under similar circumstances. So, sir, when an old man has once been defeated either upon the field of battle or in a political conflict, his army of friends can only be reorganized by the infusion of new blood into it—a new name—either young or old. I do not, by any means, exclude the old, and would not be so understood.

Mr. Chairman, I do not know the force or power which brings General Cass before the country. I take it for granted that it is not the great body of the Democracy of the country. It is not surprising that partisans regret to abandon the leader of the old campaign now, and take up a new man. They do not wish to lose the labor which they expended in a disastrous race. This must be the power which still holds him up. And this power carries with it many who are kindly disposed towards him, and who are led along invisibly to sustain him by the delicate dictates of friendship. Sir, there is a limit to the requisitions of friendship. A man should not force his friend, by importunately pressing for favors, to show the dark side of his heart. It is ungrateful to do this. "When a man finds that his friend is *all honey*, he should not eat him up." That is an old phrase, and it ought to be remembered. I am willing to give this distinguished statesman the fullest credit for the elevated patriotism which has marked his career, and for the success which has attended his various efforts in behalf of his country. But I deem it to be his duty to his own dignity, and to his friends, to retire from this canvass, and not to force his friends to reject him. Let him give the field to a younger, a stronger, and a more intellectual generation.

Mr. Chairman, I beg to present to this committee the question of the propriety of nursing a man longer than four years for the office of President, as connected with the rapid increase of our population. We have now twenty-three millions of population, and to nurse one man four years, when there are so many aspirants, is long enough. *Rotation in office is a Democratic principle;* and I repeat, that with twenty-three millions of population four years is long enough to nurse any man, when there are so many aspirants. Why, is not every man upon this floor a candidate for President at some time? [Laughter.] Our country doubles its population every nineteen or twenty years. Now, according to this calculation, in that length of time we shall have a population of forty-six millions. Will you still continue this plan of nursing one man not only four years, but eight? Then you would give eight years to one man in proportion to all the political aspirants in forty-six millions. In nineteen or twenty years more, to carry out the same course of reckoning, we shall have a population of ninety-two millions; and will you continue to nurse one man for the Presidency for eight years, when the aspirants for that office will be four times, nay, ten times as numerous as they are now?

Sir, those members of the Democratic party who still continue to press the claims of defeated candidates—men who have had their days of glory and office and honor, peril the success of their party, and do it great injustice; and I think it is the duty of the friends of General Cass, however reluctant they may be, to advise him to retire from the field. Sir, he should not be deceived by appearances. Passing from the stage of his grandeur and glory, he is now evidently in the decline of life—physically, not intellectually. Glory is a thing that is passing away, like all the other delusions of life.

"Glory is like a circle in the water,
Which never ceases to enlarge itself,
Till, by broad spreading, it disperse to naught."

A gloomy picture of the end of ambition! A sad consolation to those who pant so passionately after fame! Yet, what an illustration of the truth: that man cannot live and cease to court FORTUNE until FORTUNE herself vanishes away!

YOUNG AMERICA.

Sir, the duty and business of the young men of America has been, and still seems to be, to nurse the old ones. [Laughter.] I ask the young men of this Congress, either Whig or Democrat—I ask the young men of the United States of America, either Whig or Democrat, whether they are still willing to continue to hold the milk bottle to the lips of political second childhood? [Great laughter.] Is it not a magnificent occupation? [Renewed laughter.] For my part, I am willing to quit this business, and I intend to do it.

With all respect to the distinguished gentleman of whom I have been speaking, and with my utter repugnance to the application of the term "fogyism," as I have already stated, I think that Young America has reached the day when she will not only assert, but maintain her position. All that Young America has to do—I care not whether Democratic or Whig—and I do not see any reason why Young America should not come together, if the old issues be dead, as is said; and happily so for the country—all that Young America has to do, is to assert, with determination, and maintain with practical energy, her rights, and she will take her proper position on the political arena. Sir, shall we, in this age of progress, reverse the lessons of history? Go back with me for a moment—and I hope I shall not be considered as playing pedant, it being too small a game to be played in a place like this—do you remember that Pompey, at the age of twenty-three, had conquered in many battles? Do you remember that he returned to Rome, and had a triumph before he was twenty-six? And when old Sylla refused to vote him the triumph, and urged against him that he was a beardless boy, and too young to be a Senator, do you remember that he turned upon Sylla and exclaimed: "More men worship the sun rising than the sun setting;" and that Sylla sunk under the phrase, and voted the triumph? It was a *pagan* truth; it was a *heathen* truth; and it *is* a *christian* truth, and as applicable to this day and generation as it was to that. Why, sir, when Charles the XII, in his boyhood, was reading the history of Alexander the Great, and was told that Alexander died at the age of thirty-two, the young prince exlaimed, "is not that long enough to live when a man has conquered the world?" This same Charles the XII, at the age of eighteen, had overrun the Muscovites, and was dictating a King to Poland. All remember the brilliant career of that Swedish king, and that, in the brief period of eight or ten years, he did more to immortalize himself and revolutionize the countries around, than any man of his century; and was the successful compeer of Peter the Great, the immortal Czar of Russia. These are not the only examples to which I could refer to show the fact, that in past ages, when men lived longer than they do now, the age of eighteen, twenty, and thirty, was the time when men came into the first offices of the land. Sir, shall we whose day of life is all the time growing shorter—shall we reverse the lessons of history?

I have referred you to the young Marius and the young Pompey, reorganizing defeated armies: I now refer you to Napoleon Bonaparte, who, a beardless boy, about the end of the last century, when France and her armies had been defeated, dispersed, and in the utmost confusion and disgrace, pitched into the arena, and in a few years covered his country with glory, and presented to history a career perfectly unparalleled, while he was still a youth. Hannibal and Napoleon both crossed the Alps at the age of twenty-six. This was the greatest achievement of each. And this same Hannibal, in his youth, on the immortal field of Cannæ, had beat the Roman army under Varo, and was ready to storm the immortal city, in the very prime of her glory. These examples are of warriors.

The same principle exists in parliaments, politics, and morals. Pitt was a prime Secretary of State in England at the age of twenty-six. Who ever had a more brilliant career? Bolingbroke was a prime Secretary in the British Ministry at the age of twenty-six or twenty-eight. Who ever run a more brilliant career?

Passing from England, let us come home. Why, sir, history remembers the day when Henry Clay came into the Senate at the age of thirty, and charmed the earth with his eloquence at that early day. History remembers the day when Mr. Calhoun, a youth, charmed the world with the ingenuity of his logic, and the eloquence of his condensed phrases. History remembers the day when Daniel Webster, in his youth, charmed the world with his learning and his capacity to *expound*.

Mr. NABERS, (interrupting.) I want to ask the gentleman a single question.

Mr. SMITH. I do not wish to lose any time. I will be more *neighborly* at any other time. [Laughter.]

Mr. NABERS. Well, I only want to ask him what he means by "Young America?" I want him to show the difference between the *old men* and the "Young America."

Mr. SMITH. I mean by Young America every man over twenty years of age, and (to include the gentleman from Mississippi) under sixty. [Laughter.] The gentleman from Mississippi [Mr. NABERS] is amongst us, [laughter,] for I apprehend he is not more than fifty-nine. [Renewed laughter.]

I will tell you seriously what I mean by "Young America." I mean all those intellectual persons who entered life with a laudable ambition to make themselves *men*, and who by degrees have got up the ladder, and who desire to continue to climb by the force and power of genius and learning, whether they are twenty, forty, or sixty. I mean all this glorious and growing generation, *excluding worn-out politicians* and grannies in pantaloons! I mention these things seriously, in order to show that I do not wish to exclude old men because of their age; and let no man understand this as a Douglas speech. There is here a distinguished gentleman from Oregon who belongs to "Young America." Kentucky has more great men besides General Butler, and one who is prominent in this Congress. Georgia has a distinguished young man, whom many of you know. They belong to Young America. I have not made up my mind as to whom I will support, and it is not necessary that I should do so yet; and I intended only to mention the names of two gentlemen, as connected with the defeat and disasters of the last presidential campaign. I am no man's pet—I pet no *man*.

But, perhaps, the young men who are in this

House, and who constitute a very large portion of it, will say that they are *not ambitious*? Will they pretend to cover themselves with that flimsy veil of affected modesty, and exclaim, "I am not ambitious, I am not aspiring?" I will say to all such that they deceive themselves; and I will tell them a truth which they will remember, and perhaps it will do them good to hear: a politician without ambition is like a "dragoon without spurs," he will never get into the thick, hot fight, where he ought to be.

Mr. Chairman, if it be admitted by the "Young America," whom I have addressed this day, that the word ambition, as I have used it, is not inapplicable to them; if they pant for the performance of the high duties of their mission, what a splendid task they have before them. Let them cast their eyes to the western wilderness, yet unopened, but to be opened by them. Let them look to the Rocky mountains, which have to be leveled by them. Let them look to the places now wanting to be consecrated by churches, and spires, and towers—all to be done by them—all to be done by the bold enterprise of young America, vigorous in body, strong in heart, earnest in design, and grand in intellect, advancing from the east to the west, scattering blessings and wealth, and the flowery wreaths of mind and fancy as they go! Let them look to the unpeopled and uncitied shore of the Pacific, and let them know that that shore is to be peopled and *citied* by them. What a grand duty, what a grand spectacle, how energizing to the thought of young Ambition! Well, while working this moral revolution, this mercantile revolution, this agricultural and mechanical revolution, let them look also to a political revolution.

Sir, I have not said all that I desired, nor half; but I must close, as my hour is out. I wish to add, that the House will not consider that I have made a speech, as applicable to any individual; that I do not reject any man as a candidate for the Presidency, except the two whom I have already named, as connected with the last disastrous canvass. And let young America remember that I exhort them to come into this great canvass and aid in a revolution, by which they can bring about a radical change in the manner of dispensing the honors and offices of this great Republic.

THE PRESIDENTIAL QUESTION, &c.

SPEECH OF HON. C. H. WILLIAMS,

OF TENNESSEE,

In the House of Representatives,

March 31, 1852.

The House being in the Committee of the Whole on the state of the Union on the Homestead bill—

Mr. WILLIAMS said:

Mr. Chairman: I have not obtained the floor for the purpose of making an argument in favor of the homestead bill; I have obtained it for a far different purpose. It is true, however, that with regard to the homestead bill I differ from my friend from Kentucky from the Ashland district, [Mr. Breckinridge,] who the other day expressed a doubt whether he ought to vote for the bill, believing that it would likely lesson the population of Kentucky. I would vote for it if I were conscious of the fact that every Tennessean, who has not a home, would move and participate in the benefits of this bill, if it shall become a law; and I would look upon it as a proud fact in Tennessee's history, if we could truthfully say that every Tennessean had a homestead. I desire, however, sir, to make what may be called a political speech. I have too much regard for the time-honored custom of this House to confine myself to the bill under consideration. [Laughter.] I wish to make a political, and it may be denominated, a President-making speech. I am aware that the newspapers are charging that these speeches are wrong, ill-timed, and out of place. Ordinarily speaking, when there are no questions involved in a presidential nomination but those of mere expediency and of policy, I would most heartily subscribe to that doctrine; but, believing, as I do, that in the approaching presidential canvass, there is a question involved, connected with the permanency and durability of the Union, and therefore, in importance, infinitely above all mere questions of expediency;—and remembering, too, that President-making includes all kinds of legislation, and sometimes very exciting legislation, I have, in my judgment, sufficient reason for seeking the floor for this purpose.

I desire in the outset of my remarks to pay my respects briefly to the gentleman from the Ashland district of Kentucky, [Mr. Breckinridge.] I will not follow the bad example set me by my friend. I trust I shall not, in my ardor to do justice to anybody that is my favorite, do gross injustice to another. I speak to the question of abolition petitions, for the naked purpose of placing the history of that question fairly before the country. My friend from Kentucky [Mr. Marshall] the other day debated this question. He went into it minutely. His argument was able and unanswerable. I desire to present it in a somewhat different and more general aspect. It so happened that I was here in the Twenty-fifth Congress—one Congress before the distinguished gentleman from Kentucky, so ardently defended by his friend, [Mr. Breckinridge,] had a seat upon this floor. During that Congress, Mr. Slade, of Vermont, made a speech upon the slavery question. The late President of the United States—Mr. Polk—was then Speaker of the House. During the debate, and while Mr. Slade was exhibiting the opinions of Thomas Jefferson, James Madison, William B. Giles, and a host of other distinguished Virginians, upon the abstract question of slavery, the late lamented Legare, of South Carolina, rose in his place and, with extraordinary gesture, implored the gentleman from Vermont to cease that manner and mode of debate, and save the Union. Mr. Slade, with a cold-blooded purpose, pursued the tenor of his argument; and a member from Virginia, and one from South Carolina, called upon Southern members of the House to go, pell-mell, without adjournment, down to the room of the Committee for the District of Columbia, in order to devise ways and means to protect the South. Southern Senators were invited to attend the meeting. The invitation was promptly accepted. And accordingly the Southern Representatives assembled in the committee-room. I was in that meeting for two hours; and I here state in my place—and I do it not for the purpose of reflecting upon any gentleman who participated in that debate—if I had the capacity to understand the purport of argument, not a solitary argument was advanced, while I was there, but what looked to a dissolution of the Union, directly or indirectly, as the remedy. I retired, after remaining there two hours, refusing to participate any longer, assigning as my reason that my constituents had not sent me to Congress for the purpose of calculating the value of the Union. Their sittings continued for three days, if my memory is correct, and the result of their labor was the introduction of Patton's celebrated resolution. It is short, and I will read it:

"*Resolved*, That all petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring slaves in any State, District, or Territory of the United States, be laid upon the table without being debated, printed, read, or referred, and that no further action shall be had thereon."

The House adopted it. The Senators from the South, in the Senate of the United States, assisted in concocting this resolution. They could neither be read, debated, nor referred for consideration. Six days thereafter, with remarkable inconsistency, the late John C. Calhoun, of South Carolina, after having thus coöperated in tying the hands of the House on this exciting question, introduced in the Senate a series of abstract resolutions on the subject of slavery, and opened the whole question in a debate which continued for weeks. If the decision of this House was correct, and it was wrong to dicuss that question here, by the representatives of the people, can any man assign a sensible reason why it was right to pursue a different course in the other end of the Capitol?

I coöperated with the Southern Representatives, and supported Patton's resolution. When convinced of an error, I am at all times willing to admit it. Subsequent experience satisfies me, and I think must convince every impartial mind, that the policy of refusing to receive and refer petitions on the subject of slavery, was unwise, and failed to produce any good result in allaying and repressing the dangerous sectional excitements growing out of that question. It enabled the unprincipled agitators of the North to combine a great popular question, which commended itself to the acceptance and approval of that entire section, with the abstract hostility to slavery which is known to exist in that portion of the Republic; and thus a faction, which had previously been contemptible in numbers, and powerless for mischief, grew into a magnitude of strength which has for years disturbed the peace of the Republic, and now threatens its very existence.

The succeeding Congress, William O. Butler became a member of the House of Representatives, and voted for Mr. Wise's resolution, which was similar in its provisions to that of Mr. Patton, and which afterwards became the 21st rule. This rule was the law of the House for a period of six years, if my memory serves me correctly; and during that whole time, public business was obstructed in Congress, and this House was kept in an uproar of excitement, by a struggle between Northern and Southern members—those of the North contending that the constitutional right of petition was nullified by the 21st rule, and therefore demanding its repeal—those of the South insisting that the maintenance of the rule excluding Abolition petitions was essential to the safety of that peculiar institution of theirs, which was so constantly and vehemently assailed by the fanatics of the North. This excitement—this uproar—continued until the session of Congress immediately succeeding the election of James K. Polk to the Presidency, when the 21st rule was repealed. This House will bear me witness—the whole country knows—the honorable gentleman from Kentucky [Mr. Breckinridge] must himself admit—that with the repeal of that rule, excitement and contention has ceased upon this floor on the subject of abolition petitions. The Democratic party was in a majority when it was repealed—the succeeding Congress was largely Democratic, but did not restore the rule. There is an overwhelming Democratic majority in this House now—abolition petitions are received and referred without debate, and without creating the slightest excitement in the House. In view of such facts as these, I think I can claim, from the candor of the gentleman from Kentucky, [Mr. Breckinridge,] the admission that the patriotism and wisdom of Mr. Fillmore's votes on the subject referred to, stand vindicated. The imputation of the gentleman from Kentucky, that Mr. Fillmore was a Free-Soiler, is no new idea. In the presidential canvass, it was advanced upon every stump in Tennessee. Then we were told, that should we vote for General Taylor, and he should be elected and die before the expiration of his term of office, we should fall into the arms of the Abolition party, because by that event Mr. Fillmore would accede to the Presidency. The Southern people were told everywhere that their interests would be unsafe in the hands of such an Abolitionist.

How stands Millard Fillmore's presidential record? How stands this prediction of the Democratic party? Will the honorable gentleman from Kentucky—will any candid man—persist in repeating the imputations made against him during the last presidential canvass? In the providence of God General Taylor did die—Millard Fillmore acceded to the Presidency. In addressing such an audience as this, I need not attempt to describe the state of the country when this event transpired. Congress had been in session more than seven months, making unsuccessful efforts to adjust the difficulties growing out of the question of the admission or non-admission of slavery into the Territories which had been acquired by conquest from Mexico. The North insisted upon prohibiting the introduction of slavery into those Territories by Congressional enactment; the South vehemently claimed the right to participate equally with the North in the advantage of that conquest, and to carry the institution of slavery into that territory. The contest between the two sections of this Union, up to the time referred to, had defeated every attempt to extend the laws and jurisdiction of this Government over the country referred to. Discarding all narrow and selfish motives of action; loyal to the obligations of patriotism—against the passions and prejudices of that section of the country in which he lived, he unhesitatingly wielded all the influences

which legitimately attached to the high station which he occupied in favor of those measures then pending before Congress, known as the compromise measures, and *thus secured their enactment into laws.* For the value of those measures I need but refer to the well-known opinions and hopes of the wisest and best men of all parties in every section of the country. Defying the calumnies and aspersions of Southern disunionists and Northern abolitionists—faithful to the whole country—the President has steadily and firmly insisted that the measures referred to should be regarded "*as a final settlement, in principle and substance, of the dangerous and exciting subjects which they embrace.*" Thus, by his official acts, he has vindicated himself from the imputations made against him while a candidate for the Vice Presidency, and repeated against him in this debate by the honorable gentleman from Kentucky. He makes a new appeal to the fears of the South upon this subject. Mr. Chairman, let me tell the gentleman that such abolition as has been developed in the official career of the present President of the United States does not excite the fears or anxieties of the South. All the people of that section would be happy to know that there were no other kinds of abolitionists in the country.

Thus, as I believe, having "vindicated the truth of history," I now propose to notice briefly a reckless assertion of the gentleman from Maine, [Mr. APPLETON,] who, in a written, studied, and well-digested speech, expressly gives it as his opinion, that if a Democrat had been elected President of the United States in 1848, that the compromise measures of the last session would not have been necessary. Does not that gentleman know, that by that assertion he blotted out at least six hundred pages of his country's history? If I were disposed to follow the bad examples which have been set me, while struggling, as I am, for the perpetuity and preservation of my country and its institutions, I would begin with the question of annexing Texas; the Mexican war; the acquisition of Mexican territory, and run rapidly down to the point of time at which the compromise measures were adopted; and prove that the Democratic party was warned at every step, in the progress of those measures, that the policy pursued by that party would inevitably produce the consequences which the gentleman from Maine says would not have been produced had a Democrat, instead of a Whig, been elected President of the United States. I will not, however, upon such a question, and on such an occasion, indulge in party crimination. It will not, however, be a violation of this purpose to refer to the well-known fact, that when the treaty of peace was concluded with Mexico, a Democratic Administration was in power; James K. Polk was President of the United States; and against all the influence which he could wield, the Wilmot proviso, excluding slavery from the territory acquired by that treaty, repeatedly passed the House, receiving almost the unanimous vote of the Representatives from the North, of both parties. Every motive, whether selfish or patriotic, that can be presumed to influence the conduct of a man, combined to inspire President Polk with the strongest desire to settle and adjust, before the expiration of his presidential term, the national difficulties, which had grown out of the acquisitions of territory made by the successful termination of the war with Mexico. Bills, having this object in view, had been introduced in the Senate and in this House; and, supported by all the influence which the President could wield, had failed repeatedly. In view of these unquestionable historic truths, how can the honorable gentleman from Maine [Mr. APPLETON] unblushingly declare, that if a Democrat had been elected President in 1848, the dangers and difficulties sought to be remedied by the compromise measures, would never have arisen?

Mr. Chairman, my friend from Georgia, [Mr. CHASTAIN,] following the bad example of my friend from Kentucky, in a speech delivered some time since, claims the adjustment measure of the last Congress of the United States as a Democratic achievement, and gives a faint and damning praise to the good Whigs who came up and helped them to do the noble work.

My friend from Georgia was not a member of the last Congress, which fact, to some extent, excuses him for the position that he assumed. Had he witnessed, as I did, day after day, week after week, and month after month, the combined efforts of Lewis Cass and Henry Clay, Daniel Webster, Sam Houston, and other patriots, good and true, of both political parties, laboring to save the country from a conflict of arms, if not from dissolution, he would not have made that assertion. Had he been here and seen your present Speaker and members of this House, Whigs and Democrats, acting in like manner—anxious, above all things, to adjust the difficulties growing out of the acquisition of Mexican territory—he would have witnessed and acknowledged the proud and gratifying fact, that the passage of the compromise measure was a triumph of patriotism over party.

If I could truthfully claim these great measures as a purely party achievement—a Whig achievement—I would deem it a most unfortunate truth for my country—portentous of its early downfall. Such a claim would assume that the great Democratic party, constituting nearly one half, if not a majority, of the people of the country, was faithless to the Union, and to the sacred obligations of patriotism.

Mr. Chairman, while I am addressing this House, preparations are being made, from Bangor, Maine, to San Francisco, preparatory to the approaching presidential election.

I desire, if I have the ability to do so, to submit to this committee, and through this committee to the country, some practical suggestions that I believe, although the remark may savor of egotism, if acted out will give quiet and peace to the country on the subject of slavery. Do you desire, gentlemen, to run a presidential race, and let this question mix and mingle in it?—a question so vital, and one which is calculated to destroy your Government? You know, that since the adoption of the compromise measures, the entire country, both Whigs and Democrats, have indorsed them, by an overwhelming majority. The two great parties now have it completely in their power, by an act of noble patriotism, so to shape their presidential organizations as to adjust this question of slavery virtually and effectually. If both parties will nominate men identified with the compromise measures, will it not inevitably drive the abolition party into a separate organization and a presidential nomination of their own; or will they not be compelled to abandon their heresies and merge themselves in the two great party organizations of the country? Do you desire to continue to bid in the market overt for abolition votes? Do you not know, by past history, that it was such bidding by both parties that brought your country upon the verge of dissolution at the last Congress? You do know it. This fact cannot be denied. Will you continue to presevere in such a course? I will take the case of the gentleman from Ohio, [Mr. GIDDINGS,] who is now absent. Do you want to bid for his vote? If you do, you differ with me. That gentleman said at the last session of Congress, in a speech made by him against the President's message, that he would prefer the fame of the dead to the fame of the living Webster. When he first uttered those sentiments, I felt for the moment some indignation, but it was only a momentary feeling. On reflection, I remembered that that gentleman was not the first or only man that had preferred a road that would end upon the gallows, to an honorable course. Do you want to bid for the vote of the gentleman from Massachusetts, [Mr. RANTOUL?] who stands preëminently high as a man of ability—a man of known and acknowledged ability. That gentleman, in a speech made here the other day, said that he did not indulge in hard words, for they would not settle this question. Oh, no, you have to meet it like statesmen. It is not to be disposed of by hard words. Forgetting himself, he charged, in substance, that every man North, who advocated and voted for the compromise measures at the last Congress, and all persons now advocating them, were Southern *dirt-eaters.* I would like to know of that gentleman, when he delivered an eulogy upon Judge Woodbury, if he in that eulogy styled him a Southern dirt-eater? I would like to know, when he was an ardent admirer of John C. Calhoun, as I have been informed he was, if he considered himself a Southern dirt-eater? I would like to know, when he was receiving crumbs from John Tyler's presidential table, if he was a Southern dirt-eater? I look upon that remark as a cold-blooded defamation of the best men of the country, whose patriotic exertions settled this question. If, then, both the great parties pursue the course I have indicated, we can have the proud satisfaction, when the presidential contest comes off, to break a lance in a fair and manly fight, upon questions of expediency and policy, with the proud and gratifying fact always in view, that this glorious Union is safe, let victory perch where it may. Pursue this policy, and all is well. I repeat, if you continue to bid in market overt for abolition votes, the very reverse will be the consequence, and, sooner or later, the country will be again involved in another dreadful sectional conflict, imperiling the very existence of the Union and public liberty. I have not taken this view of the subject hastily. I have done so upon mature and deliberate reflection, from a conviction of duty to the country. After the excitement of the first session of the last Congress, when the compromise measures were passed, I, in conjunction with a goodly number of others, signed a pledge, which was published at the time, and is as follows:

The undersigned, members of the Thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of slavery would be both dangerous to the Union and destructive of its objects, and seeing no mode by which such controversy can be avoided, except by an adherence to the settlement thereof, effected by the compromise acts passed at the last session of Congress, do hereby declare their intention to maintain the said settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by the general consent of the friends of the measures, and to remedy such evils, if any, as time and experience may develop; and, for the purpose of making this resolution effective, they further declare that they will not support, for the office of President or of Vice President, or of a Senator or of Representative in Congress, or as member of a State Legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal, in any form, of agitation upon the subject of slavery.

Henry Clay,	Howell Cobb,
C. S. Morehead,	H. S. Foote,
Robert L. Rose,	William Duer,
W. C. Dawson,	James Brooks,
Thomas J. Rusk,	Alexander H. Stephens,
Jeremiah Clemens,	Robert Toombs,
James Cooper,	M. P. Gentry,
Thomas G. Pratt,	Henry W. Hilliard,
William M. Gwin,	F. E. McLean,
Samuel A. Eliott,	A. G. Watkins,
David Outlaw,	H. A. Bullard,
C. H. Williams,	T. S. Haymond,
J. Phillips Phœnix,	A. H. Shepard,
A. M. Schermerhorn,	Daniel Breck,
John R. Thurman,	James L. Johnston,
D. A. Bokee,	J. B. Thompson,
G. R. Andrews,	J. M. Anderson,
W. P. Mangum,	John B. Kerr,
Jeremiah Morton,	J. P. Caldwell,
R. I. Bowie,	Edmund Deberry,
E. C. Cabell,	Humphrey Marshall,
Alexander Evans,	Allen F. Owen.

I signed that pledge deliberately, with no earthly purpose or intention to injure any one who is aspiring to the presidential chair. If that pledge affects the interest of any candidate, it is his fault and not mine, for it was made without reference to any particular individuals. I returned to my home, and upon every stump, in as graphic and glowing colors as I could, I described to my constituents the extraordinary and dangerous excitement that pervaded this Hall, and the universal burst of joy which pervaded the whole country when the compromise measures passed. I then said to them that I was determined to maintain those measures, and, if need be, to throw off my party allegiance in doing so. I told them that, upon a question like this, I would rise superior to party feelings, and, trampling party shackles in the dust, I would vote for no presidential candidate of any party who did not commit himself in favor of the adjustment measures, in an unmistakable manner, as a final settlement of the exciting questions which they embraced. I went further, and said, that if Gen. Winfield Scott, who had won for himself and his country a world-wide fame, should not choose to place himself in this position, and the Democratic party should nominate a man who was unmistakably identified with those measures, before high Heaven and my country I would support him. I intend most faithfully and honorably to redeem that pledge; and I now say, if when I look over the presidential field, I shall discover a little black sectional rag held up by one of the standard-bearers, and a national flag unfurled by another

standard-bearer, I will take position under the national standard. I will not stop to inquire whether he is a Whig or a Democrat. I can never become a Democrat. I differ with them about the disposition of the public lands, tariff, and nearly all questions of expediency. I further believe, that the party with which I have been ever acting understands better the wants and interests, the character and genius of the American people than the opposition party. If they were continued in power they would develop more rapidly the vast and mighty resources of this country. But I never will stop to inquire about the expediency of this or that policy, when a question like this, which has well-nigh destroyed this Government, is involved. We are told, and it is published by an anonymous letter-writer, that General Scott, in his private conversation, has emphatically indorsed the compromise measures, and expresses surprise that any human being should doubt him upon this subject. He further declares, that it is susceptible of the best proof that, but for his efforts, these compromise measures would not have passed. Is it true? If it is, I appeal to all men at the North, who stand forth as the friends of General Scott, if indeed they believe these statements, why it is that they are unwilling for General Scott to make a formal publication, over his own signature, of his opinions.

My Northern friends say to me, we can elect General Scott if he makes no publication, although we know him to have been in favor of the compromise measures. If they can vote for him, and, *as they say*, elect him, knowing him to be in favor of those measures, how is it that a publication of his approval of those measures, over his own signature, will blight and ruin his prospects? Is there a cheat in contemplation? Do you intend a fraud? Which section is to be cheated—the North or the South? How is this? Frankness, candor, courage—moral courage, as well as physical courage—are the attributes of a noble hero! How can he remain silent *under existing circumstances*? How can he repress his patriotic impulses? How can he permit his glorious fame, and the influence which it gives him, to be prostituted to the vile uses of sectionalists and Abolitionists—and wielded by them against the friends of the Union and of the compromise measures? Let him turn his thoughts to the illustrious statesman of Kentucky, [Henry Clay.] Let him, like that great man, choose "to be right rather than be President."

General Scott has been nominated by Whig conventions in the States of Maine, Pennsylvania, and Indiana. In all of these conventions, there was a portentous silence in relation to the compromise measures—a silence terribly eloquent to the South—a silence which, louder than sevenfold thunder, proclaims to the Southern people that their safety and their rights are in danger. The newspapers of the Northern States that oppose the nomination of Mr. Fillmore, as the candidate of the Whig party at the next presidential election, and favor the nomination of General Scott, tell us that Mr. Fillmore cannot receive the united Whig vote of the Northern States, because he has removed from office some officers of this Government who held opinions, and cherished principles, which made it impossible for them to act efficiently in executing the laws of the United States enacted for the purpose of carrying into effect that provision of the Constitution which provides that "no person held to service or labor in one State, 'under the laws thereof, escaping into another, 'shall, in consequence of any law or regulation 'therein, be discharged from such service or labor, 'but shall be delivered up on claim of the party to 'whom such service or labor may be due."

Mr. Chairman, before the elected President of the United States can enter into the office of President, and assume the high responsibilities which that great office imposes, he is required by the Constitution to take the following oath:

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Mr. Chairman, is it not a manifest fact, that the only objection made to Mr. Fillmore is, that he has been faithful to the obligations of his official oath? What is his crime? According to the newspaper and Congressional orators who oppose his nomination and election to the Presidency, it is that he has removed from office those who held opinions and principles which made it impossible for them to coöperate with him in executing the Constitution and laws of the United States. If this charge against the President be true, it is a proud and glorious feather in his cap. It is a charge which establishes his fidelity to his official oath, and his loyalty to his country, and his whole country. If, however, the opposition to Mr. Fillmore, by northern Whigs, is personal, and not political, there is yet another northern man associated with Mr. Fillmore in the administration of the Government, who has been as loyal to the Constitution and the Union, and who has exercised quite as much influence as the President in settling the great questions which I am discussing. I mean Daniel Webster. Who is he? You all know him. The historian of this Republic, who shall truthfully tell posterity how and by whom our country has been saved from the greatest dangers that ever assailed it, must award to Daniel Webster the highest position among those who are entitled to that glory.

Mr. Chairman, if Millard Fillmore and Daniel Webster shall be set aside, under the circumstances, and with all the lights now before the country, and Winfield Scott shall be nominated as the Whig candidate for the Presidency, in my opinion the people of the Southern States will protest against—

"The deep damnation of their taking off."

I further state, that the party which shall be guilty, at this trying time, of nominating a man whose opinions are not known, will, in the language of S. S. Prentiss, of Mississippi, sink so deep that a bubble will never rise to mark the spot at which it went down. It must be so; it ought to be so. So deeply rooted and imbedded are the compromise measuses in the minds of both Whigs and Democrats in the State of Tennessee, that if each member from the State—Whigs and Democrats—upon this floor, should go home with a nomination like that, "coming in such a questionable shape," and make their utmost efforts to sustain such a nomination, they would meet with overwhelming and inevitable defeat. I am speaking plainly. I know that a portion of the party with which I am associated will mark this speech as most mischievous. It is not so designed. I desire to play an honorable part with my party. It is infinitely preferable for me, like an honorable and determined man, to pursue this course, than to withhold my coöperation with them after a nomination shall be made. I seek not to do General Scott injustice. I have an object infinitely above the success of this or that man for the Presidency. I am struggling to maintain the nationality of the party to which I have ever belonged, and to conserve the interests of my country.

Mr. Chairman, I speak only for myself. I do not assume to speak for the people of Tennessee, nor for my constituents, as to what course they will feel it to be their duty to pursue, if General Scott is nominated under the circumstances to which I have referred. I may venture, however, to say, that in my opinion, if General Scott shall be nominated, surrounded as he is by the facts and circumstances to which I have alluded, it is my honest and sincere belief, that there cannot be found Whigs enough of talent and character, in the State of Tennessee who will consent to form an effective electoral ticket. [Laughter.] I know that there are gentlemen who differ with me. Some say, that he can carry Maryland. Some say, that he can carry North Carolina; and some say, that he can carry Kentucky and Tennessee. I have only to say that I differ very much with those gentlemen, and in my humble opinion, they are the worst judges of public opinion that I ever knew. [A laugh.] Mr. Chairman, is it wise for this great Whig party to sink its nationality in sectionalism? Mr. Chairman, General Scott is either for or against the compromise. How is it? Who can answer? Some gentlemen say he is for it, and others that he is against it.

Mr. POLK. He is for it in the South, and against it in the North.

Mr. WILLIAMS. If he is for the compromise, that is all I want to know. Let him declare it. If it is intended to fix a movable platform, to suit a northern latitude and a southern one, it ought to be known. I am not controverting the fact, that General Scott, in *private conversation*, *vehemently* declares himself for the compromise. But there must be some mystery, if he is not willing to put in writing what he will state in conversation. Mr. Chairman, let us put ourselves right before the country with regard to the great question of the day and of the age. Let both of the great political parties pursue the course which I have pointed out, and nominate two sound men unequivocally pledged to the maintenance of the compromise measures, and, I repeat, the Abolitionists will either be driven into a separate and distinct organization, or compelled to renounce their heresies and merge themselves in the Whig and Democratic parties.

I do not know that it is necessary for me to pursue the thread of my discourse any further. In endeavoring to condense, I have run so rapidly through the points I intended to make, that I have but little more to say. I wish to declare to this committee that I have made this speech without consultation with any human being. It was the working and prompting of my own mind. I leave my remarks made to-day as a legacy to my party, and I hope that whatever may happen hereafter, it will be remembered that I made an honest, fair, candid, and manly effort to preserve the nationality of the Whig party.

MR. FILLMORE AND THE SOUTHERN WHIGS.

SPEECH OF HON. H. MARSHALL,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATVIES,

March 19, 1852.

The House being in Committee of the Whole on the State of the Union and having under consideration the bill to supply deficiencies in the appropriations for the fiscal year ending June 30, 1852—

Mr. MARSHALL, of Kentucky, obtained the floor at three o'clock, p. m., and was about to proceed, when he was interrupted by

Mr. JOHNSON, of Arkansas, who said: I wish to make a statement, if the committee will allow me. The deficiency bill has not been spoken to at all, as yet. I ask the privilege to say a few words upon that bill this evening, in behalf of the Committee on Indian Affairs; and to make a brief explanation in regard to several estimates made by the Government, which have been rejected by the Committee of Ways and Means. I hope this committee will hear me this evening, and, by unanimous consent, that my friend from Kentucky may proceed with his speech to-morrow morning.

[Cries of "Agreed!" "Agreed!"]

Mr. MARSHALL. Surely, I should have no objection to such a course, if it were in the power of this committee to allow me to proceed to-morrow. But the House has ordered this debate to close at four o'clock this evening. Can the Committee of the Whole make any arrangement out of the scope of the order of the House?

The CHAIRMAN. By the order of the House the debate must close at four o'clock this day, and it is already past three.

Mr. MARSHALL. While I am thankful for the desire manifested by my fellow-members to afford me a more pleasant opportunity to address the committee, I think it will be my duty to proceed at once. It is unpleasant to be compelled to tax the patience of gentlemen, already wearied by the protracted session of to-day; but, under the orders of the House, I shall have no other opportunity; and as the public business presses, with the sanction of the Chair, I will submit some observations now. Whatever apology may be due to the committee or the country for the consumption of time, will be found in the necessity which has been imposed upon his Whig colleagues, by a speech which was pronounced in this Hall a short time since, by the talented member from the Ashland district of Kentucky. Certain observations of the member from Florida, [Mr. CABELL,] supposed to be calculated to affect injuriously the political fortunes of a friend and favorite fellow-citizen of my colleague, brought him forward, as he said in that speech, (a copy of which lies before me,) "to vindicate the action of the

Kentucky Democracy, and, collaterally, to justify their choice."

In the discharge of this self-imposed duty, had the honorable member been content to produce the proof in his possession, to vindicate General Butler from the implication of political duplicity, and even to follow up such vindication by eloquent eulogy of his life and services, no occasion would have arisen for a reply. But, while offering to his own favorite the tribute of personal and political friendship, he chose, under the cover of a comparison between Mr. Fillmore and General Butler, to embrace within the scope of injurious criticism, if not of unmerited denunciation, the entire Southern Whig party. If a mere suggestion by the member from Florida—that the existing opinions of William O. Butler touching slavery, were not known, and therefore, he might be supported by slaveholders and free-soilers, under a misconception of their exact tenor—was sufficient provocation to induce my colleague to enter upon "the vindication of the Kentucky Democracy, and, collaterally, of their choice;" with how much more reason will a reply now be required of some Whig member from Kentucky, to prevent the unfavorable conclusions likely to flow from the assault of my colleague upon that man who is the choice of the Kentucky Whigs, as well as upon the conduct of the whole Southern Whig party?

I shall not participate in the contest which has been carried on in the presence of this House for the past ten days. Gentlemen on the other side of this Chamber are entirely competent to the adjustment of their own family jars. Though General Butler is my constituent, and, therefore, entitled to my attention upon proper occasions, I recognize the fact that his interests are in hands more competent than mine to do them justice before the tribunal of Democratic opinion. I will remark, however, that a long acquaintance with William O. Butler enables me to say of him—and it affords me pleasure thus publicly to say—I never have entertained the idea for a moment, that he would be a tame and quiet tool in the hands of any set of men. I have never heard dissimulation attributed to him, by political foes or personal enemies. I believe him, to be a manly, straightforward, and honorable character, conspicuous for the purity of his private life, and his fidelity to every observance of a personal honor, which is not only unstained by reproach, but above suspicion. Whatever political opinions he may entertain, I cannot doubt the sincerity with which he maintains them, or the candor with which he will always express them; for, though we are political adversaries, separated by opinions which are irreconcilable, I must say, that I do not believe any office could present a prize sufficiently precious and tempting to compensate William O. Butler to stoop to deliberate deceit. I was not surprised to see his letter; for I calculated upon something from his pen which would state his true position. I think, however, that even my honorable colleague does not define clearly his present views, and that the remarks I shall make will bring the committee to the same conclusion.

My colleague [Mr. BRECKINRIDGE] thought fit to compare the votes of Mr. Fillmore and General Butler, upon some points connected with the power of Congress over the matter of slavery in some of its aspects. I observe that the contrast selected by my colleague is a strong one. The point of view presents General Butler and Mr. Fillmore in direct antagonism to each other, upon a grave question of constitutional law. The time and question for each being the same, I admit that the friends of either may fairly institute the comparison. My colleague specifies against Mr. Fillmore thus:

"At the commencement of the Twenty-sixth Congress, Mr. Wise, of Virginia, submitted a resolution that all petitions, memorials, and resolutions for the abolition of slavery or the slave-trade in the States, Territories, or Districts of this Union, should be considered as objected to, and the question of reception laid upon the table without debate. Thereupon, instantly, Mr. Fillmore, of New York, stated that if it was necessary to object to the resolution, he objected. Upon a motion to suspend the rules for its introduction, I find the name of William O. Butler recorded in the affirmative; and the names of Messrs. Adams, Giddings, Fillmore, &c., &c., in the negative."

Now, sir, the direct inference from these remarks is, that my colleague coincides with the view of Mr. Wise as presented by his resolution. That view denies to the citizen the right to petition for any legislation by Congress respecting slavery or the slave-trade, because it is not in the competency of Congress to act upon the question in any aspect.

It is clear that where Congress possesses the power to act, the constituent has a right to petition for action. The free exercise of that right is consistent with the discretion vested in Congress, to determine the expediency of granting or refusing the prayer of the petition: for the distinction is plain between the right to petition, and the policy of conceding the request of the petitioner.

Mr. Wise's resolution, to which reference is made, was based on the idea that Congress, having no right of action in any of the particulars specified in that resolution, should not entertain, even by reception, a petition for legislation upon any of them. General Butler voted with Mr. Wise throughout, and, I must presume, entertained the same opinion. Mr. Fillmore, believing that Congress did possess the power to legislate upon some of the subjects suggested by the resolution, voted against its passage, in order to preserve the correlative right of the people to petition for action wherever Congress had the power.

The various propositions presented to the Twenty-sixth Congress for the disposition of abolition petitions exhibited, by their difference from each other, the shades of opinion entertained by members of that body. I remember a resolution, offered by Judge Chinn, of Louisiana, which proposed to receive the petition, and immediately to refer it, *without debate*. Upon this, also, Mr Fillmore and General Butler were opposed to each other, the former voting in the affirmative. This resolution, taken in connection with Wise's resolution, presented very distinctly the questions of Congressional power, and of the right of petition; and the votes we are reviewing do prove General Butler to have belonged, at that day, to the class of statesmen who denied the power of Congress upon all the points and subjects suggested by the resolutions, and do prove Mr. Fillmore to have admitted the power of Congress over some of these subjects, at least; but, at the same time, to have been disposed to pass such as belonged to Congress, after a respectful reception, to the quiet of the committee-room.

The issue being thus distinctly formed upon the constitutional power of Congress, may we not assist our judgment upon the correctness of the respective conclusions of those gentlemen, by reference to other passages of political history?

In the records of the Thirty-first Congress, among that series of measures known as "the compromise measures," is an act "to suppress the slave trade in the District of Columbia." It exhibits the actual exercise, by Congress, of the identical power which was disputed between Mr. Fillmore and General Butler, and the exercise of that power, too, over one of the subjects actually embraced by the terms of Mr. Wise's resolution. Here, then, is a stronger case for judgment than that selected by my colleague. It is no preliminary step for the parliamentary disposition of a question, but an actual law—a legislative act—upon the subject-matter as to which his case would only raise a question. And more: that act derives its vitality from the approving sanction of this same Millard Fillmore against whose vote to receive the petition of the people my colleague so eloquently inveighs.

I demand of my colleague: Does General Butler regard the passage of that law as beyond the constitutional power of Congress? Does my colleague so regard it? Should his answer be in the negative, how can he condemn the representative, Fillmore, for being willing to hear a petition for legislation upon a subject, when he approves the sanction of President Fillmore to the law answering the demands of such petition? Should he answer in the affirmative, then I demand to know why the "Amen" he and General Butler alike cry to the compromise measures does not stick in their throats? Methinks I could not say "Amen" to any series of legislative measures, when one of that series violated the Constitution of my country. My colleague cannot consider the act to which I refer to be an unconstitutional act, or he would not embrace the series to which it belongs as a settlement of the questions involved; for he would not abide a settlement which involved a violation of the Constitution. What remains of the issue? Nothing, as I think, but the duty of my colleague to confess that the action of Congress upon the very question he has selected for examination—the approving sanction of the American people to that exercise of power—the resolution of the Kentucky Democracy acquiescing therein, and the direct approbation thereof by General Butler himself, all prove that, since the era of the Twenty-sixth Congress, "a change has been going on in the public mind," in General Butler's, as well as others, and all vindicate the vote of Mr. Fillmore, which has been produced by my colleague for his condemnation.

Mr. BRECKINRIDGE. If my colleague will allow me to interrupt him for a moment, I will be brief. Probably some of the resolutions, and especially that of Mr. Wise, *had* reference among other things, to the slave-trade in this District. But the greater part of the memorials presented to Congress during the period in which Messrs Fillmore and Butler served together in Congress, had reference to the abolition of slavery in the States and in the District of Columbia, and of the slave-trade between the States. As far as I have examined the records, I assert that Mr. Fillmore voted for the reception of these petitions, and General Butler against them. The latter placed that vote properly upon the ground that Congress had no constitutional power to abolish slavery in the States, or in the District of Columbia, or to abolish the slave-trade between the States.

Mr. MARSHALL. I commend my colleague to the books again. He has chosen to arraign Mr. Fillmore's vote *on Wise's resolution*, and to contrast that vote with General Butler's on the same proposition. I insist that we shall stick to the point, and that we shall not wander off to another until we have concluded this. I say that my colleague will not find, I think, any resolution offered by gentlemen of the South at the period referred to, which did not, in terms, embrace the slave-trade in this District as among the powers denied to Congress. It certainly is embraced as among the powers prohibited, according to Wise's resolution.

Mr. BRECKINRIDGE. I will not interrupt the gentleman any more, but I want to be clear upon this point. I understand him now to take the position, that all those petitions, memorials, and resolutions upon the subject of slavery, while they embrace the subject of slavery in the States, the slave-trade between the States; and slavery in this District, also embraced the question of the slave-trade in this District, and he justifies Mr. Fillmore in voting for their reception, upon the ground that one of the items contained in the petitions and memorials, was one about which Congress had the power to legislate.

Mr. MARSHALL. I do not pretend to say what was in the memorials or petitions. You might as well talk of counting the sands on the shore, or the leaves in the forest, as to say how many petitions connected with slavery have been presented, and for what purpose? I spoke of *resolutions*—aye, resolutions imbodying principles—and especially I spoke of that resolution offered by Mr. Wise, of Virginia, which the gentleman himself had selected for examination. I spoke of Mr. Fillmore's vote on *that* resolution, because it was *that* vote the gentleman selected to condemn him upon. I have looked to the principle of that resolution; and I insist that, after arraigning the President upon a general charge with specifications, my colleague shall stand still long enough to hear the answer to the charge and specifications filed, before he attempts to amend by additional and new specifications, which will serve to shift us from the ground we now occupy.

Mr. BRECKINRIDGE. I have not amended it.

Mr. MARSHALL. I say, that in Mr. Wise's resolution there were terms, or subject-matter covered by those terms, which justify and vindicate Mr. Fillmore's vote, if his act, as President of the United States, can be vindicated by his signature to the bill to suppress the slave-trade in the District, which passed in the compromise series. Mr. Butler voted with a class of gentlemen who denied the power in its broadest terms. I admit his votes are consistent throughout. I have a right to rest the vindication of Mr. Fillmore's vote against that resolution upon this point: that the terms of the

resolution expressly denied a power to Congress, and a right to the people, which he believed them, each, to possess, and which General Butler, and even my colleague, will now confess the Congress does possess, and which Congress has exerted, with the approbation of the Kentucky Democracy, and indeed of the American people.

Mr. BRECKINRIDGE, (interrupting.) I will interrupt my colleague for a single moment. He cannot draw me into a controversy on the compromise. I approve it; and I approve Mr. Fillmore's course, so far as he sustains it. My remarks grow out of the comparison instituted by the gentleman from Florida, [Mr. CABELL,] between the past course of Gen. Butler and Mr. Fillmore on the slavery question. I was forced to examine that comparison. In doing so, I showed that General Butler had always voted against the reception of petitions to abolish slavery in the States—in this District—and the slave-trade between the States, while Mr. Fillmore had voted for them. My colleague seizes upon the single matter of the slave-trade in this District, and avoids the other and more important questions. I do not deny the power of Congress to pass the compromise measures, and upon the isolated question of the slave-trade in this District, I make no issue. But will my colleague respond to this? Does he consider that Congress has power to abolish either slavery in the States, the slave-trade between the States, or slavery in this District? And if he does not, would he entertain petitions for that purpose, believing Congress possessed no power to grant those petitions. If he would not entertain such petitions, would he vindicate whatever votes Mr. Fillmore has cast, for the reception of petitions of that character? That is the point.

Mr. MARSHALL. My colleague, it must be admitted, has come to the point a long distance off from the place where he thought he had first made it. He asks me what *I* would do, instead of examining what Mr. Fillmore has done. He proposes to catechise *me*, instead of Mr. Fillmore. I answer my colleague briefly: I do not seek to draw my colleague into a *controversy* upon any point. The compromise measures he stands by. That is right. He makes no issue on the power to suppress the slave-trade in the District of Columbia. That admits the propriety of Mr. Fillmore's vote on Wise's resolution and on the twenty-first rule; because that power was expressly denied in both. My colleague talks of *petitions* and *memorials*—I speak of *resolutions*. He arraigns a vote upon a resolution, and proposes to try the President upon what may have been contained *in a memorial*. It is like the old justice who issued a search warrant for the saddle, and tried to convict under it upon suspicion of stealing a turkey. When the vote on a memorial is produced, and we see what the memorial proposes, it will be time to reply to that new specification. As to the other point, I am surprised at its character. I cannot presume he thinks either Mr. Fillmore, or I, or any one else in this Hall, believes Congress to possess the power, under the Constitution, to abolish slavery in the States. The worst Abolitionist who has appeared in Congress, has not pretended to invest it with such power. The power to abolish the slave-trade between the States has been denied to Congress by a decision of the Supreme Court of the United States, and I suppose no statesman contends for it as a constitutional power. I believe the member from Ohio [Mr. GIDDINGS] does not. Certainly Mr. Fillmore does not.

Mr. BRECKINRIDGE. Mr. Fillmore once held it.

Mr. MARSHALL. I despair of getting through with a speech. My colleague proposes again a *new* topic of discussion before his questions are answered. I desired to follow his specifications against the President, and to run out the parallel between Mr. Fillmore and General Butler as to the slavery question. But I see that the gentleman tires of that, and would carry this examination into my own political opinions. These are well known. They have been expressed frequently, and are seen in my legislative course. *They* cannot throw light upon the parallel between General Butler and Mr. Fillmore, and I will proceed, therefore, to look to the next specification made by my colleague against the President. He says:

"Afterwards, sir, at the same session, the famous twenty-first rule was adopted, wholly excluding abolition petitions, whether they referred to the States, Territories, or the District of Columbia. Here, again, the name of General Butler was recorded in the affirmative, and Adams, Giddings, Fillmore, and others, and, I regret to add, some Southern Whigs, in the negative."

Now, sir, this collocation of names is not expected to do Mr. Fillmore injury here among politicians and statesmen, but in the farm-houses and cabins of Kentucky and the South. There, as is well known, the name of the member from Ohio [Mr. GIDDINGS] is not popular. His principles do not suit us, and his sentiments are not according to the feelings of our people. It may be supposed that the association of Mr. Fillmore's name with that of Mr. GIDDINGS, of Ohio, may produce a prejudice against Mr. Fillmore, and operate upon his political prospects injuriously. I mean to send the antidote with the poison. I mean to examine the *principle* of this vote, and of whatever other votes gentlemen produce.

Now to the second specification. The twenty-first rule did no more than present the principle of the Wise resolution. Mr. Wise's resolution raised the question of reception on the ground that there was no power in Congress to entertain the subject. The twenty-first rule absolutely excluded the petition, instead of making the disposition of it on the *question* of reception. The multiplication of examples, therefore, on this point has no further force than to indicate the matured and fixed conclusions arrived at by Messrs. Fillmore and Butler, respectively, upon the principle of the rule. But, sir, this illustration is equally unfortunate for my colleague as the other.

The twenty-first rule was right or wrong. If the House did right to adopt it, the House did wrong to repeal it; because it asserted a principle and contained an exposition of a limitation upon the constitutional power of Congress. Adopted by the Twenty-sixth Congress, it was repealed by the Twenty-eighth Congress. Adopted by a House containing a Democratic majority, it was repealed by a House with a yet larger Democratic majority, and the latter decision was confirmed at the opening of the Twenty-ninth Congress by another overwhelming Democratic majority. Who did right? His party has acquiesced in the last decision, as that of "its sober second thought." I must presume, from the approbation of Mr. Fillmore's sanction to the bill to suppress the slave-trade in this District, which General Butler has given in his letter, that *he*, too, would now vote against the adoption of the twenty-first rule; for if he is not now with Mr. Fillmore *upon the principle of the rule*, then are his words empty and unmeaning. If such a rule *should* exist, where have been the Democrats since the Twenty-ninth Congress, that they have not attempted to revive it? Where has been the voice of my colleague [Mr. BRECKINRIDGE] during this whole Congress, while questions upon the subject of the fugitive slave law, and slavery in a variety of forms, have been pouring through this House, that he has not attempted to revive it? In assailing Mr. Fillmore's vote for the adoption of that rule, he will see that he arraigns the vote of his own party in repealing it; and the action of that party in repealing the rule I present to the country as a vindication of the President for the vote selected for his condemnation.

The course of the Democratic party in connection with the twenty-first rule offers an instructive lesson, by which the people of this country may well study and better appreciate the philosophy of passing events. That rule was adopted at the session of Congress immediately preceding the presidential election of 1840. The competitors for the Chief Magistracy were Harrison and Van Buren, that "Northern man with Southern principles," whom the Democracy so delighted to honor. The agitation of the slavery questions, the presentation of abolition petitions and memorials concerning slavery, had goaded the Southern people to a degree of excitement which rendered them an easy prey to whatever faction might choose artfully to play upon their sensitiveness in regard to "the peculiar institution." The discussion of Thompson's resolution, which immediately succeeded the rejection of Wise's proposition, offered the opportunity to drag the whole subject of slavery, as it exists in the South, into the arena of party politics. Pressed in the contest for power, and weighed down by the thousand evidences of Van Buren's mal-administration, which were being developed to popular observation, the Democracy, in their desperation, seized the slavery question, with the intent to manufacture therefrom electioneering capital for the occasion. A Southern Democrat—now no more—opened the war upon the Whigs of the country, by the general accusation that *they* were allied to the Abolitionists. Comparing, with elaboration and apparent accuracy, the votes of parties, he deduced from selected instances sufficient materials to authorize, in his opinion, a general conclusion—which his party adopted—that Harrison was an Abolitionist; that his supporters were the allies of the Abolitionists; that Martin Van Buren was the man "with Southern principles," upon whom the South might lean with unhesitating confidence, and that the Van Buren Democracy of the North alone could be relied upon for the protection and maintenance of the constitutional rights of the South. Sir, I do not mean to recur to the incidents of that canvass. Some there are here who imagine that the people were misled by the cry of "log cabins, hard cider, and coon-skins." This is a sad mistake. The regret with which the Democrats still look back to Van Buren's defeat, and the insufficiency of the causes to which they attribute it, argue little appreciation of the difficulty we escaped by avoiding one whose views of the slavery questions have since been so distinctly developed, and less respect for the popular intelligence. The people, sir, saw through Mr. Van Buren before the politicians did. I will do the Southern Democrats of 1840 the justice to say that they were particular, at least in the arrangement of the terms upon which they brought the abolition question within the range of partisan politics. *They* were not content—as some of the Democrats of to-day—with whatever platform a National Convention might choose to adopt. *They* were not willing to refer such vital questions to a mixed arbitrament of Massachusetts Coalitionists, New York Free-Soilers, and Southern Secessionists. They required, at the beginning, a legislative exposition, and applied to the Northern wing of the party the severe test which the twenty first rule proposed. That test seemed to offer the chance of making electioneering capital out of the slavery question, and at the same time to secure the establishment of a principle which would exclude from the future consideration of Congress all petitions relating to slavery and the slave-trade in the States, Territories, or District of Columbia. They committed a fatal error in consenting to bring the constitutional rights and peculiar institution of the South into the range of *party* conflict upon *any* terms. But, sir, their test *was* applied, and the Van Buren Democrats "took the pledge." Methinks I can now behold the conclusion of that memorable scene. Mr. Vanderpoel, of New York, was the spokesman of the Northern Democracy. He uttered, in their behalf, with solemn emphasis, this memorable pledge: "Until we become wretches and *wholly insensible to the obligations of covenant and duty, we will faithfully fulfill the compact.*"

The compact referred to was the compact to accept the Southern interpretation of the Constitution, to wit: "To recognize slaves as property; 'to continue them as an element of representation 'on this floor; and finally, not to entertain, by 'Congress, any petition touching slavery or the 'slave-trade in the States, Territories, or District." He then called the previous question, and upon the vote the twenty-first rule was adopted, I admit, by the accession of the Van Buren Democracy of the North to the mass of the votes of both parties from the slaveholding States. This is true, sir; but a further reflection is also suggested in this connection. *There was no sincerity in that declaration—it was a cloak worn for the occasion, and the pledge was immediately repudiated by the masses at the North whom those obligers represented. This is history.*

Mr. John Quincy Adams at the next Congress moved to rescind the rule—in less than sixty days after the election—and even then every Democrat but two from the State of New York voted for the repeal. The election had passed by, and the continuance of the rule could no longer answer the purpose of a political manœvre.

In the Twenty-seventh Congress there was a

Whig majority. The rule was not repealed by that Congress. But at the commencement of the Twenty-eighth Congress, the resolution of rescission failed by only four votes. There was in the Twenty-eighth Congress a large Democratic majority. At the second session of that Congress, it was repealed by a vote of one hundred and eight to eighty! Mr. Chapman, of Alabama, attempted to revise the rule at the commencement of the Twenty-ninth Congress, but failed by a decisive majority. The history of the twenty-first rule is, then, a story of political inconsistency. When my colleague arraigns the vote of Mr. Fillmore against its adoption, he brings at the same moment into strong light that grave delinquency of the Van Buren Democracy, which assumed a principle of action without intending to pursue it, or abandoned it without an honest and open confession of a change of sentiment. Mr. Chairman, with these lights of the past shining full on his path, my colleague ventures to say, that again the South should base its reliance upon the Democratic party of the North. If the lessons of that past, and especially the action of that Democracy upon the rule referred to, have been lost upon my colleague, the force of political affiliation must confuse his generally accurate perceptions. I have a good deal to say, and I must hurry over these matters.

Mr. BRECKINRIDGE. There is another specification which I would be glad my colleague would notice.

Mr. MARSHALL. I suppose my colleague refers to the Erie letter. I do not know what else? If he does, I understand Mr. Fillmore's view upon that subject to be expressed succinctly in his reply to Governor Gayle. I refer my colleage to that letter.

I was surprised that my colleague, in the conclusion of his comparison between the President and General Butler, should affect to doubt the soundness of the President upon great questions that may arise for Congressional action touching the institution of slavery. Sir, we refer to the writings and votes of public men for evidence of their probable course when invested with official power. They are accepted as guides to our calculations of their conduct upon unsettled questions through an uncertain future. It was upon such trust the Democratic party accepted Mr. Van Buren, though his subsequent developments of sentiment exhibited the fallacy of their hope and the insecurity of their reliance. His avowals were fortunately not put to any severe test during his administration. But in Mr. Fillmore's case there remains no room for speculation; there is no apology for the pretense of a doubt. He has been tested officially, thoroughly, entirely. His views are known from his official action as President of the United States His determination has been expressed in regard to the future by his acts through the past, and by subsequent declarations in well-considered state papers touching the future, made under all the lights of the past. From the Atlantic to the Pacific his messages have been read and his invocations to his countrymen heeded—to regard the series of measures, known as "the Adjustment," as the final settlement, in principle and substance, of the distracting questions they embrace. He has been tried through a fiery ordeal. We, who were members of the Thirty-first Congress, cannot fail to remember the extraordinary circumstances which existed at the moment of Mr. Fillmore's accession to power. There was a gulph opening between the North and South which momentarily widened. The ligaments binding the sections of this confederacy in union were strained, and parting by degrees. A question of political right threatened to assume the dogmatism of a religious tenet. The passions of sectionalism had been thoroughly aroused. The counsels of patriotism seemed to have lost their control of the public mind. They who had excited the zeal of fanaticism for selfish purposes, unable now to guide the storm, were impelled by its force, and became the exponents at once of its direction and its fury. The ship of state, freighted with the noblest aims and proudest hopes of man, was already in the breakers. There was no pilot at the helm. The most experienced had yielded effort to despair. To save, it was essential to change her course. This was necessarily the operation of a moment, but required the nerve of a hero, and the skill of a consummate master. It was effected promptly, decisively, and successfully. Millard Fillmore brought to the great task the decision of a statesman, and the sentiments of a patriot. His adherence to the propositions then pending for the adjustment of the difficulties between the States, was instantly announced as *the principle of his administration*. Discarding all sectional considerations, he embraced in one view the rights and interests of the whole country, and planted his position where nothing should be lost by any section, and everything should be saved by all. His influence was immediately and widely felt, not only in the Congress, but throughout the country; and it was exerted with a boldness which left no room to doubt the sincerity of his convictions, and the patriotism of his purposes. His attitude was glorious; and when contemplated by the future historian of that great crisis, will be pronounced the manifestation of an exalted, farseeing, and sublime love of country. The enactment of the series of measures known as "the Adjustment," was no ordinary experiment of legislation. It was opposed by no ordinary combination of foes, whether considered for energy or genius. A man of irresolute character would have quailed before this opposition; a man of facile dispositions would have adapted his course to meet the wishes of his own powerful section of the country. The President—restrained by no fear of persecution, animated by no wish for power to be gathered by the oppression of the weak, and sustained by the force of the strong—loyal to the oath he had taken, and true to his duty, at once identified himself with those measures of compromise, and declared that his administration should stand or fall with them.

Mr. BRECKINRIDGE. Will my colleague allow me to ask him a single question, because I sincerely desire to have an answer which will relieve my mind, and the minds of others, upon this subject? The gentleman may be assured that if I find I have been in error, I will readily acknowledge it. I have never hesitated to give Mr. Fillmore credit for what I considered good acts, in reference to the compromise measures. This is the point, however, that I want to ascertain, as the gentleman appears to be speaking by authority. The Kentucky Democrats understand THE PRINCIPLE settled by this compromise to be this: that *any Territory* hereafter applying, *at any future time*, for admission into this Union, as a State, is to be admitted with or without slavery, as the people of the Territory may choose. Does my friend understand that to be Mr. Fillmore's position?

Mr. MARSHALL. Most certainly.

Mr. BRECKINRIDGE. If he does, will he be kind enough to explain why it was that Mr. Webster, the present Secretary of State, when he was traversing the State of New York last summer, in company with Mr. Fillmore, declared his own opinions and those of the President were identical upon this subject, and declared, at the same time, that he [Mr. Webster] *was irrevocably opposed to the admission of any more slave territory?* Did Mr. Webster make a false representation, or is my colleague certain that he understands Mr. Fillmore's position?

Mr. MARSHALL. I saw all of this in the speech of the gentleman from Florida, on the interrogatory of my colleague. Why is it repeated?

Mr. BRECKINRIDGE. Because I did not get a satisfactory answer then. I want one now.

Mr. MARSHALL. I do not know how far Mr. Fillmore can be held responsible by this country, for Mr. Webster's speeches. I certainly do not know under what circumstances Mr. Webster's speeches were made. I understand the President to be responsible for the acts of the Secretary of the State; but not for Mr. Webster's dinner speches, or his railroad speeches, or any other matter not transacted in his official capacity.

Mr. BRECKINRIDGE. Mr. Webster said the Administration was a unit upon that subject.

Mr. MARSHALL. I have heard from the gentleman upon this subject before; but I suppose every gentleman in the Thirty-first Congress will understand distinctly,—because, if they do not understand it, they do not understand the import of the English language,—that the States which are to be carved out of the Territories will come into this Union as States, with or without slavery, as the people forming the State may choose.

The gentleman asks me if Mr. Fillmore is in favor of that? Why, sir, that is "nominated in the bond." It is the point, distinctly and emphatically, as my other colleague [Mr. BOYD, who sat just before Mr. MARSHALL,] will know upon which we of the South counted. That was *the* consideration we received. That killed "the Wilmot proviso." That power of the people belonged to them, it is true, before; but it was distinctly asserted in BOYD's amendment, and it was the hinging point of all. We would have nothing ambiguous about it, and BOYD's amendment contains that provision in express terms. We would not have passed the Texas boundary bill without it. My colleague will sustain me?

Mr. BOYD, of Kentucky. It is in the bill.

Mr. MARSHALL. Does not every one recollect that it is in the bill? Therefore, I am astonished when my younger colleague asks me if Mr. Fillmore, who signed the bill, is in favor of it, and says that is what we, the "Kentucky Democracy," understand by it. Of course they do, *and so do we all*. If Mr. Webster asserted that he understood it in any other way, I can only say, that "Homer sometimes nods."

I have heard it said, and repeated in this Hall—I have seen it published in partisan newspapers—that those compromise measures were *Democratic* measures—that the Democratic party was entitled to the credit of them. My colleague, joining in the general chorus, commends silence and modesty to the Southern Whigs on the whole question of slavery. It is needless, Mr. Chairman, to ransack the past for proof to rebut this direct accusation made against the Southern Whigs by the honorable member. Look at the vote of the Southern Whigs upon the test question—the passage of the Texas boundary bill, with the amendment embracing the institution of civil government in the Territories—contrast it with the vote of the Southern Democracy upon the same test: The country will then easily judge what validity there is in the claim asserted for the "Democratic party," and which of the parties in the South should most incline to preserve silence and to practice modesty upon the subject. There were twenty-eight Whigs from the slaveholding States in the Thirty-first Congress. Of those, two were absent when that vote was taken. Both would have voted for the proposition. Of the twenty-six who were present, twety-five voted in favor to one against the test proposition. On the other hand, the Democratic representatives from Louisiana, Arkansas, Mississippi, North Carolina, South Carolina, and all, except one, from the State of Alabama, cast a vote against the proposition. This count will satisfy the country of the relation each of the parties from the South held to the compromise bills. A Democratic measure! Where was the Democrat from Arkansas? Where the Democrats from Mississippi? from Louisiana? from South Carolina? from North Carolina? from Alabama? Where were the majority of the Democratic Representatives from the State of Virginia?

Mr. BAYLY, of Virginia. I beg your pardon——

Mr. MARSHALL. I do not require the gentleman to ask my pardon about it. Suppose we try your Democrats by that which we all acknowledge to be the test votes—the vote upon Boyd's amendment and upon the Texas boundary bill, as amended by the territorial bill, establishing civil government in the Territories. I say these will be recognized by every fair man as the test votes upon the compromise measures.

Mr. BRECKINRIDGE. Including the fugitive slave law?

Mr. MARSHALL. There was no debate about the fugitive slave bill, and men upon all sides of the House understood the tests to be as I have stated, and that the balance of the series of measures was to pass as a matter of course.

Mr. HARRIS, of Tennessee. If the gentleman from Kentucky will allow me, I will ask him if BOYD's amendment to the Texas boundary bill was not adopted by more Democratic than Whig votes? He will find by reference to the Journal that sixty-one Democrats, and only forty-six Whigs, voted for that amendment.

Mr. MARSHALL. I will not do the gentle-

man's party any injustice; for I have come here *to vindicate the truth of history*. [Laughter.] I am now examining where the *Southern* Democrats were. I say that the Democrats from the States of Arkansas, Louisiana, Mississippi, South Carolina, North Carolina, and, all but *one*, from Alabama, cast the united vote of the Democratic party *against* the measure. Virginia——

Mr. MEADE. Will the gentleman allow me to interrupt him?

Mr. MARSHALL. I have but a few moments. I will do Virginia justice.

Mr. MEADE. Will you take an admission from me? I admit that in every portion of that compromise where the South conceded anything, the Whigs did it. [Laughter.]

Mr. MARSHALL. I will enter that upon the Journal as the declaration of the gentleman; as a State-Rights man, who is yet discontented with the compromise. The vote, as I recollect it, of the Democratic portion of the Virginia representation was six and six; the gentleman in my eye being absent.

Mr. BOCOCK. But being against it decidedly.

Mr. MARSHALL. One of the votes of the missing Democracy was from North Carolina. The gentleman whom I now see [Mr. ASHE] was missing upon the final passage, but voted to lay the Texas bill, as amended, upon the table, and against its third reading.

Mr. ASHE. I voted against it.

Mr. MARSHALL. If I had these missing votes, what would be the exhibit? While there were thirty-one Democratic votes against it, there were but twenty-seven votes in favor of it. Georgia, I believe, was divided upon this question.

Mr. JACKSON. Southern-Rights men, as well as Union men, were all for the amendment.

Mr. MARSHALL. Not for the Texas boundary bill, as amended.

Mr. JACKSON. We voted for BOYD's amendment; the whole delegation.

Mr. MARSHALL. I will dispense with these interruptions. I state from the record, that the Southern Democratic party was against the measure, and voted against the compromise upon the test question. Where were these Southern Whigs, who are now arraigned upon that question? There were but twenty-six of them here; twenty-five of that twenty-six cast their votes in favor of the compromise, upon the test question. I am proud to say, that the border States—the States of Kentucky, Tennessee, Maryland—cast their entire Democratic vote in favor of these measures; the State of Missouri, with the exception of one of its members, also. There is the quarter from which the pacification flowed, so far as the slaveholding States were concerned. I have never failed in the presence of my people, and elsewhere, to bestow upon my colleague [Mr. BOYD] the meed of praise, for his energy, activity, zeal, and patriotism, in regard to these measures.

The passage of the compromise measures was not the close of the contest. Having passed Congress, the issue of the statesmen was yet to pass in review before the American people. The President staked his political fame and the hope of his Administration upon that issue. After Congress adjourned, and the people were called upon to pass their judgment on the compromises of 1850, what action did each of the Southern parties take upon the question? We hear of the Union party and the State-Rights party. This was but a change of names, sir. The mass of the Whigs were for sustaining the compromises; the mass of the Democrats were opposed to them. Governor McDonald was sustained by the great bulk of the Democracy proper; the Whigs voted for Governor Cobb. The representatives from Mississippi admit that Quitman was sustained by the mass of the old Democracy, while the mass of the Whig party sustained the Union candidates. They, too, claim the compromise measures as *Democratic* measures! Imagine, had they been left to the tender mercies of the Democrats of Mississippi, other tenants would occupy their places upon this floor. The Southern people know full well that the Whigs, with singular unanimity, sustained the compromise measures, and everywhere indorsed the action of Congress in passing them. When they heard complaint of the settlement, or saw a man who threatened to resist it, or who talked of secession, or about disunion, or who branded those who sustained the compromises as submissionists, or who carped at and caviled with the terms of the adjustment, and tried to foment discontent with the provisions of those laws, the chances were as a thousand to one such a person was not a Southern Whig.

I have never attempted to make party capital for electioneering purposes out of the history of the measures referred to. I have not desired to appropriate to party uses a great and noble effort of patriotism, which, by a joint exertion and influence of representatives of all parties and of all sections, snatched the Union from the very jaws of destruction, and gave renewed hope of the stability and permanence of that Government under which we have been blessed with so much of progress and prosperity. But when gentlemen on this floor and out of doors, undertake to claim for the Democratic party the merit of having either devised the compromises of 1850, or of having passed them by any peculiar influence of their own, and commend modesty and silence to the Southern Whigs upon the subject, then I say that the party of the South, which was the most united, the firmest, and the most steadfast in support of the measures was the *Southern Whig party*. They court no comparisons; but they shrink from no scrutiny. Their political history will well compare with the history of any party known in the annals of the Republic. Their ranks exhibit bright and shining examples of devoted patriotism, of exalted talents, of wise statesmanship, and of characters which through ages will form models for future imitation. Their political principles will successfully pass the examination of history, whose province it is to scan the philosophy of action, and to decide upon the good or evil in its tendency.

To add proper and fair facilities to commerce; to improve the condition of our own country; to promote the development of its natural resources by a wise and beneficent system of legislation; to ameliorate the condition by increasing the comforts of the American people; to nerve the arm of labor; to encourage art; to protect the inventions of genius; to sustain the dignity of our own country at home, by securing to every man his personal and political rights; to perform scrupulously every national obligation, and to vindicate promptly every right of our own country abroad; to stand upon our own, and not on foreign ground; to cherish and protect the integrity of the Union, and to frown upon the very dawning of any spirit which would lead to its destruction—these, sir, constitute the principles, the philosophy, and, permit me to say, the pride of the Southern Whig.

INTERNAL IMPROVEMENTS, &c.

SPEECH OF HON. W. M. CHURCHWELL, OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

March 30, 1852,

On Internal Improvements by the Federal Government—the policy of Grants—importance of Agriculture.

The House being in Committee of the Whole on the state of the Union, and having under consideration the Homestead bill—

Mr. CHURCHWELL said:

Mr. CHAIRMAN. Respect for age would seem to require that I should yield to my honorable colleague, [Mr. WILLIAMS,] who seeks the floor; and had I my own choice, I would much prefer to hear him, rather than speak myself. But circumstances require that what I have to say should be said at once, as I expect to leave the city this evening, to be absent a few days; and knowing the liberality of my generous colleague, I shall go on, and ask him to pardon my seeming indelicacy or want of modesty and respect, which I know he will do.

Mr. WILLIAMS. Certainly, sir; go on. I will hear you with pleasure.

Mr. CHURCHWELL. Mr. Chairman, had I expected that I would be preceded by the honorable gentleman from Maine [Mr. FULLER] with such elaborate arguments and with facts so forcibly presented, I should have trembled at the idea of throwing a lance, for fear that my armor would not be sufficient to receive one in return. But if the arguments of the honorable gentleman and the positions which he assumes be correct, then I shall have no fear of what I may hereafter say as to the correctness of my positions.

I may as well say here, as further on in my remarks, that I do not intend to touch politics, for the reason that I think fully enough has already been said on that subject, to the very great neglect of the public business. I shall try, sir, to confine myself to the bill and subject under consideration, and, although a little contrary to our habit of late, I hope I may not be called to order for so doing. [Laughter.]

The honorable gentleman from Maine [Mr. FULLER] assumes positions hostile to the homestead bill, which, I think, are erroneous. He admits the fact that the public land belongs properly to the people. But, while he admits that fact, he denies to the people the right to dispose of that property, and contends for the old policy, which is now no longer necessary, and which is abandoned by force of circumstances. This is a position which I am at a loss to understand. If we were starting out with our Government—if this was the beginning—the first legislation on the public lands—then the argument of the gentleman from Maine might seem to be more plausible. But in this advanced state of the public mind, when our whole country has been agitated upon the great land question, it is too late to go back to first principles to avoid inevitable consequences. As before stated, if we were starting now upon this great question, I would at once yield to the honorable gentleman's arguments. But such is not the case.

The policy of the General Government in regard to the proper disposition of the public lands seems now unsettled in both branches of our National Assembly. At no period in the progress of the Republic has there been so much anxiety mani fested on this subject as at present.

The landed estate which it is proposed to divide is one of immense value—the claimants to which, and the interests involved, are so diversified and so complex that the human mind can scarcely comprehend the many bearings that a particular decision may affect and the results it may produce. The present generation is not alone interested; but the legislation on this subject is to extend to other times, and affect future generations.

This being so, how well does it become us to exercise a wise discretion in the policy we may adopt touching the disposition of this great Government estate! The national mind seems ready for the enactment of such laws as necessity may require in the case. To dispose of the whole property (since it is no longer required to liquidate the public debts) as speedily as practicable, seems to be the wish of a large number of the owners—perhaps of a majority of them—as is indicated by their immediate representatives; and, as a result of this fact, we have no less than thirty or forty schemes presented from different quarters of the country, proposing to divide the property held in charge by the Government for the use and benefit of the people to whom it properly belongs. The day has gone by when it was thought proper to argue the proposition, that the land belongs properly to the people. The time has arrived to act; let us act in a manner that will be satisfactory to an approving conscience, and alike to the country; for such legislation carries with it a responsibility of the greatest importance; by it we are to mark out the channel through which the landed interest of twenty-three millions of people, estimated at over fourteen hundred millions of dollars, is to pass. Then how careful should we be to so dispose of a portion of this vast property as to advance the interest of the largest number of those to whom it properly belongs, without injury to any.

Taking this view of the subject into consideration, it may not be improper to review briefly some one or two of the many plans proposed.

Among the projects, we have one asking Government land to aid in constructing a railroad across the entire continent, penetrating the mountains, bridging the rivers, and filling the valleys, until a track is graded and smooth enough for the great iron racer to run over our empire, from ocean to ocean. To say no more of this scheme, the author is at least entitled to the character and credit of a bold adventurer. But are we ready and willing to assume the responsibility which such heavy legislation would impose? Are our lands sufficiently peopled? And are we prepared to com-

pete and exchange the products of our soil and labor with all the world? But it is not my purpose to argue the merits of this stupendous scheme at present.

Another proposition which has been submitted to Congress, of less magnitude, but perhaps of more utility to a portion of the American people, is that of donating alternate sections of land for railroad purposes in particular States in which the land happens to lie.

This plan has been argued, and I have listened to the logic of its friends with much pleasure, while they were demonstrating the constitutionality of such a course, contending that it is constitutional for Congress to make these grants, on the ground that it will not diminish the resources of the Treasury; that by running a railroad through the land, granting every alternate section on the line of the road for six miles on either side for its construction, thereby the remaining sections will be increased to such an extent as to keep up the means of the Treasury; that the object and interest of Government is to settle its wild lands; that this plan will speedily do it. And my honorable friend from South Carolina [Mr. ORR] brings to his aid the opinions of two of our greatest statesmen, which were given in the debate in the Senate in 1848 on the bill making donations of public lands to the State of Illinois, to strengthen his own position, and to show to us and the country that he is not blazing out a new and untraveled path through the political forest. Hear their opinions on the powers given by the Constitution to the General Government:

"Mr. CALHOUN. I have seldom given a vote, the result of which gratified me more than the vote which I gave on that occasion. I then presided in that chair which you now occupy, and gave the casting vote. I take to myself, therefore, some share in the credit of that magnificent improvement. Indeed, I do not think that there is a principle more perfectly clear from doubt than this one is. It does not belong to the category of internal improvements at all. It is not a power claimed by the Government, as a government. It belongs to the Government as a landed proprietor. And I will add, that it is not only a right but a duty, and an important duty. Now, what has been considered an equitable arrangement between the Government and the State which may undertake an improvement passing through the public lands? Long since it was agreed that the grant of alternate sections was a fair contribution on the part of the United States, considered as a proprietor, and from which the United States would be a very great gainer. It appears to me to be an equitable arrangement; and I doubt whether, in any case, either of a canal or a railroad passing through the public lands, the United States will not be a gainer. *To that extent I am prepared to go*, be the road long or short. If it be long, you gain the more; if it be short, you gain the less: and you contribute in proportion to your gain."

Now, that the proceeds are not needed in the Treasury, and the land has ceased to be a revenue, this argument cannot be applied.

General Cass, in that debate, in presenting the reasons why he would support the bill, said:

"This bill does not touch the question of internal improvement at all. It asserts no right on the part of this Government to lay out a road, or to regulate the construction of a road. The Federal Government is a great landholder; it possesses an extensive public domain; and we have the power, under the Constitution, to dispose of that domain; and a very unlimited power it is. The simple question is, what disposition we may make of the public lands? No one will contend for the doctrine that we cannot give them away to a State. As the Senator from Kentucky has said, every President has signed bills asserting the principle that these lands may be disposed of by the General Government, without restriction as to the purpose of such disposition. We may bestow them for school purposes, or we may bestow a portion for the purpose of improving the value of the rest. What right have you to sit still and see your lands growing in value, through the instrumentality of individuals, without rendering any aid in furtherance of that object? It is the settlement of the lands that makes them valuable."

General Cass subsequently, in the same debate, in reply to a constitutional issue made by the gentleman from Alabama, (Mr. Bagby,) in a more pointed manner maintained the constitutional power of Congress to dispose of a portion of the public domain to enhance the value of the remaining portion. He said:

"I will answer the Senator. The General Government has no power to make any railroad or canal through any State; BUT THE DISPOSAL OF A PORTION OF THE PUBLIC DOMAIN TO RAISE THE VALUE OF THE REST IS CLEARLY WITHIN THE POWER OF THIS GOVERNMENT."

While I respect the views of Mr. Cass and Mr. Calhoun, at the same time I claim the privilege to differ with them, if their notions come in contact with mine, however humble. Upon this particular point I desire to be distinctly understood. I am not taking ground against the constitutionality of such a course; for I grant that Congress has power ceded by the Constitution to dispose of the public property. But a power may exist, when it is impolitic to exercise that power; and I desire to show, if I can, that to adopt such partial legislation would be inexpedient, unjust, and hurtful to the interests of the Government, because unequal. It certainly cannot be sustained on principle; it may be propped by policy. The former is, I believe, acknowledged, while the latter is contended for, but we think not sustained, by the arguments adduced. That Congress has power to make all needful rules and regulations, and to dispose of the public property and lands, no one will pretend to deny. But is that power special or general? If not special, then it must be general, and consequently applied generally—not to one State, but to thirty-one States; and, as before said, if exercised at all, in this partial way, it must be upon policy and not upon principle. It was once the principle of the Government that the proceeds of the sales of the public lands should go into the Treasury to meet the national debt, not of the people of one State, but of the whole people of the United States. Since that is no longer necessary, we may now abandon it, and adopt a new policy that may end in the establishment of a new principle, sound or unsound. And we think the legislation tending to this new principle, to be sound, must be national in its character. Government may aid a particular State in its work of internal improvement of a national character without abandoning a principle, while to aid it for a special purpose would only require a change of policy. The former, when once established, may be abandoned—it cannot be changed; while the latter may be formed, modified, and amended.

Are we to suppose that it was ever contemplated by the insertion of that clause in the Constitution which the honorable gentleman from South Carolina [Mr. ORR] refers to—"*that Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States*"—I say, was it contemplated by this clause that our General Government would at any time assume the character of an arbitrary and landed proprietor, managing its property for speculative purposes, to the detriment of its best interest and that of its citizens? For, unless we admit this fact, the arguments of honorable gentlemen must grow weak the closer we survey them. I contend that the Government is a national trustee, holding the property in charge for the use and benefit of the whole, having no delegated power to appropriate it to the use of any one State exclusively, nor to an old State exclusive of a new, and the reverse. But I pass on from the constitutional question to consider this new policy. They tell us the best interest of the Government is to people its wild lands—to bring the soil in contact with the plow; thereby to develop its strength and productive qualities. And we are told this alternate-section scheme, which proposes to double the value of the remaining sections, and to people them, will effect all these desirable results, while we contend that, to accomplish such ends, the price of the land must be cheapened rather than increased. In this conclusion we think the facts are plain, and sustain us.

It is not the policy of the Government to double the value of her lands; for, in doing so, the object and aim of applying labor to her lands (without which they are of little value) is at once prevented by the lands being placed beyond the reach of the working man. We agree that to people the wild lands as speedily as the laws of nature and the necessities of society may require, is subserving the true interest of Government, and carrying out the intention of the framers of the Constitution.

But the question upon which we differ is, that to grant alternate sections of land for railroad purposes to the new States in which the lands happen to lie, exclusive of the old States that have ceded, or the other States that have contributed to acquire that same land for the Government, will not effect that end so generally as at first view we are led to believe. Here we take issue. The argument, that by increasing the remaining alternate sections on the line of a railroad in any new State, where the population is sparse and unfixed, thereby you do not diminish the resources of the Treasury, I think incorrect. My opinion is founded upon the fact, that in proportion as you increase the value of a particular class of your land, by running a railroad through it, in the same proportion you diminish the demand, price, and sale of lands in the other portion of the State and country, distant from the line of railroad. This assertion I propose to sustain by the argument of honorable gentlemen, reversed; because you cannot construct railways through all your public lands; if you could, or if there were no more public lands unsettled than those on the lines of roads now projected, then the reasoning would be more plausible. But such is not the case. Government owns much more than that, and requires such legislation as will operate as equally as possible upon its citizens.

It is said this scheme or plan will much enhance the value of the surrounding country, by rapidly settling the lands. If honorable gentlemen expect results in a new State, where the population is sparse and not fixed, which usually flow in the old States, where the land titles are perfected, and the population dense and fixed, they are much mistaken. But they do not; for the honorable gentleman from Missouri [Mr. HALL] tells us—and it is one of their main arguments—that, in the new States, only the good lands on the rivers and roads are taken up, while there are numbers squatting about, waiting for the Indian title to become extinguished, before they make permanent settlement. This being so, give them alternate sections for their railroads, and what is the consequence? Is it not evident, by their own argument, that you have a general rush of population to get near the line of the railroad? And does not this very fact point out to us plainly the inevitable consequence, which is the abandonment and depopulation of the back country? And is it not very evident, that the price and sale of Government land in the region of country distant from the line of railroad, must decrease and diminish in proportion as the labor is extracted from it and the demand increased for it elsewhere? In an old State, this is not so much the case, because, as before stated, the population is fixed, and the land titles perfected. Such economy we conceive of but little value, towards keeping up the resources of the Treasury; and if we count it by dollars and cents, the Government would perhaps lose as much by the diminished, as by the increased value of the public lands. Besides, such a system would seriously affect the interest of those who have made early purchases and settlements, as well as the interest of the Government. But its tendency is, to injure and prejudice the value of the lands belonging to individuals more than the Government; because the latter gets the advantage of an increase elsewhere, while the former is not compensated in any way. I think this an important fact, and worthy of the serious consideration of members from new States. I must believe the true interest of our governmental policy requires us to adopt some measure that will secure the general settlement of her public lands, irrespective of localities, conditions, or qualities. I cannot believe the alternate-section scheme will fully carry out this object, because too limited in its operations and effects. Nevertheless, I am willing to grant lands to the States, respectively, from policy, more than upon principle, for works of a great national character—such as the railroad from Cincinnati, through the very heart of the nation, to the southern sea-board at Charleston; or the road now under way from New York, through the valley of Virginia and Tennessee, to New Orleans. These are truly national in their character; and, although being constructed rapidly by individuals and States, they might be encouraged by Government.

But I leave this branch of the subject to talk of another idea which is advanced before us. It is contended by some—whether in earnest or not I cannot even conjecture—that the lands belong, and ought to go to the States in which they happen to lie. This is a simple proposition, and easily demonstrated. As well might the child claim and demand the whole of its parent's property, because the parent had been kind enough to grant the child liberally of his patrimony, or a trustee the rights of the beneficiaries. The principle is an arbitrary one, unsound, and cannot be established

in justice. Mr. C. said the land was an estate in common, belonging properly to the whole people, no matter how acquired, either by purchase, cession, or conquest; and no artificial boundary lines could affect the validity of the claim of one single claimant in the whole twenty three millions. It was theirs in common, as a whole; and no one State had the right to demand the appropriation of any portion of it to its own use and benefit, to the detriment of the interest of the whole. For (said Mr. C.) suppose this system had been adopted in the earlier days of the Republic, before the cession of 1780, before Virginia conveyed to the General Government her vast landed possessions lying in the great Northwest, extending from the Ohio to the Mississippi, and to the lakes, out of which the five noble States of Ohio, Michigan, Indiana, Illinois, and Wisconsin were formed, and now bear a population of over four millions; suppose this idea had been practically carried out previous to that date, then this brilliant galaxy of stars in the Northwest, that now hangs so beautifully, shedding light upon our political hemisphere, would be merged in the glorious constellation of the Old Dominion.

What were the conditions of the cession act of 1780? They were, that the land, when ceded to the Union, should be for the common benefit of all the States, and not for the separate use and benefit of any particular State. The land conveyed by Virginia in 1784 was in trust, for the benefit of the several States, Virginia included—which will be seen by the wording of the deed of cession executed by Virginia, which is as follows:

"That all the lands within the Territory so ceded to the United States (and not reserved for certain uses specified) shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

And now, to make large grants of land to particular States for their own use and benefit, in which they happen to lie, I contend is a violation of the ordinance of 1780, and that there is no good faith in such a course.

But, in the further extension of my remarks, I desire to bear more upon the subject under consideration, and to inquire the extent of the landed estate held in charge by our national trustee. The number of acres undisposed of on the 30th of June, 1851, may be seen from a statement which I have had prepared by the Commissioner of the General Land Office, as follows:

States and Territories.	*Acres undisposed of.*
Ohio	302,195.62
Indiana	1,049,680.91
Illinois	8,219,628.72
Missouri	26,685,589.32
Alabama	15,486,849.23
Mississippi	8,849,165.11
Louisiana	13,579,384.47
Michigan	20,011,143.77
Arkansas	22,3 3,746.72
Florida	32,863,516.66
Iowa	25,661,550.27
Wisconsin	24,506,294.83
California	120,447,840.00
Minnesota Territory	50,975,931.85
Oregon Territory	206,349,333.00
New Mexico Territory	127,383,040.00
Utah Territory	113,589,013.00
Northwest Territory	370,040,960.00
Nebraska Territory	87,488,000.00
Indian Territory	119,789,440.00
Total	1,400,632,305.48

From this table it may readily be seen to what States the largest number of acres of the public land have been donated, and for what purposes. I will not go into the figures in detail. All I desire to show, in this connection, is the extent of the public domain, and that out of the 1,400,000,000 of acres unsold and unappropriated, 160,000,000 might be well donated to actual settlers.

If it is the true interest of Government to people her wild lands—to develop the strength of her soil by tillage and agriculture, by combining the strength of man with that of the soil—then this plan must meet our favorable consideration. It is general in its provisions; it is equal in its operations, resulting in a sure reward to honest industry and a healthy influence to Government. Agriculture, in every age of the world, has been regarded the highest, as well as the most useful and independent occupation of man. Since the days when the plowman was called from his unfinished furrow to head the armies of a great warlike people, and to be their statesman and leader, up to our time and day, no calling has afforded to mankind, in so great a degree, that object which his nature leads him to seek, as the cultivation of the soil—the natural occupation of man, healthful and pleasant in its operations, profitable in its results, and independent in its character, calculated to nerve the arm to deeds of valor and of worth, while it operates powerfully on the faculties of the human mind, and expands and gives tone to all the nobler feelings of our nature. It has a tendency to calm and soothe our rough and troubled passions, and to mould them into virtue instead of vice. Indeed, the farmer who is regular in his habits—"early to bed, and early to rise"—and, like Socrates, temperate in all things, must feel the effects of a mind pure as the morning breeze, conscious of its own rectitude, and full of joy. Sir, these men constitute the heart of the Republic—they are its life-blood. In those times when war was a principle in the politics of nations—when the greatest battles were fought, and the most brilliant victories achieved—we are told a plain farmer commanded the troops, themselves cultivators of the soil. And when we read of the splendid details of the Trojan war unreflectingly, we "associate with the title of prince all the pageantry of modern potentates" that were distinguished by similar titles. But in this history tells us we are wrong; for there was probably not a leader of all the Greeks who did not, like the father of Ulysses, assist in the farming operations with his own hands. Cincinnatus was summoned from the plow, standing in the furrow, to be dictator of a mighty empire, while the Samnian ambassadors found Curius Dentatus cooking his own repast of vegetables in an earthen vessel. In those days, when agriculture flourished among the ancients, to excel in the cultivation of a particular vegetable was considered a great honor. Then some of the noblest families of that age derived their patronymic name, we are told, from vegetables in the cultivation of which their parents excelled, as in the example of the Fabii—Pisones and Lentulii. We are told that, when they praised a good man, they called him an agriculturist and a good husbandman, and he was thought to be very greatly honored who was thus praised. How different now! How changed is the occupation in the estimation of the progressive age! To-day the tiller of the soil, to be honored and called great, must be galvanized by wearing the title honors of office, or whetted on the grindstone of reform. The plan before us proposes to encourage this art, which dates far back, perhaps with the birth of man, and has progressed, step by step, slowly but steadily through all the various convulsions and vicissitudes of the world, meeting no retrograde revolution in its course. It is still the means of man's existence, and from its original nature must ever remain so. It has been encouraged in every age of the world. In the infant state of a once mighty empire, her ruler in partitioning the lands, assigned to no one more than he could till, which was considered two acres. But we are told by Pliny, that after the Kings were expelled, seven acres were allotted to each citizen. This was the size of the farm of Curius, Regulus, and Cincinnatus, and on these small parcels they dwelt and cultivated them with their own hands. They were honored men of their time, and agriculture was their chief occupation. They were nobles—they were farmers! Agriculture is the base of all trade: commerce is king, but agriculture wears the crown. As the cultivation of the soil and the encouragement of agriculture are of more importance to the great interest of a nation and a people than any other science or art, all means legitimate, and in the natural course of things, should be given towards the furtherance of its extension and perfection. To do this, the wild and uncultivated lands should be given to actual settlers. The unlimited quantity of our public domain will enable us to bestow upon that unfortunate class of our population who need assistance a boon which would forever fasten the feeling of gratitude to Government stronger than any other imaginable tie or influence could possibly do.

It is a great measure—a plan that provides for all; and it need not be said that all are not now needing its provisions; for the wheel of fortune ever turns, and with it turns the fortunes of men—to-day in the sunshine, to-morrow in the shade. By this scheme you take from poverty thousands whose indigent circumstances render them wholly unable and incompetent to perform the duties of good citizens. They cannot extend to their children even the benefits of common-school education, and thus prepare them for the ordinary duties of life. This class of citizens are worth but little to a State in a revenue point of view; they pay no taxes. To give them homes in the West would be to better their wretched condition, and to afford an indirect revenue to the Government, while it could not depopulate or detract materially from the old States. It was remarked, a few days ago, by the honorable gentleman from Kentucky, [Mr. BRECKINRIDGE,] "that he had not made up his mind how he should vote; but he hardly thought he would vote for a bill that would depopulate his own State."

Suppose there are one million in the thirty-one States that would probably avail themselves of the homestead. They would not all be drawn from one State, or from all of them at once, but gradually, and as one would emigrate, his place would soon be filled, and so on throughout; so that we think it cannot be objected to on that ground. The emigration, scattered as it must necessarily be all over the States, would almost be imperceptible. The system must ever be one of great importance to supporting the base of all trade and the sustenance of all government; for the wealth of a nation consists in its soil, its population, and its power to produce. The division of labor, the exchange of its products, and the health of its people, all depend upon the cultivation of the soil. Labor, to use the words of Adam Smith, was the first price—the original purchase-money that was paid for all things. It was not by gold or by silver that the wealth of all the world was purchased. And in proportion as the powers of the soil to produce are developed, in the same ratio will the wealth and strength of a nation increase.

The defense of every nation in the world depends upon the powers of the soil to produce; if not of its own, foreign soil; and soil will not produce without labor. Armies must have sustenance—nations must have armies.

If we take only a selfish view of the subject, we must favor it; because it is easily demonstrated that by the plan proposed something is to be produced out of unproductive materials—that man is to create means out of muscles, or money out of work.

The land is idle—worth nothing—without labor on it. We have a large number of landless citizens, who have but little stimulus to exertion. Give them each one hundred and sixty acres of the public domain—a homestead—and you instil at once the proud feeling of owner and proprietor, and thereby you elevate and encourage him to labor and industry, and the whole nature of the man is changed; he looks up, instead of down, and feels like a man. The effects of this great plan must be to lessen the turpitude of crime, and improve the moral as well as physical condition of man. By giving him this homestead, you place in his hands the means to support himself and his family, and you give him, virtually, over and above the land, one third of his crop, because that would be the rent were he still on the land of his lord. Hence, by this benevolent plan, you place the unfortunate man in possession of not only a home, but you give him a surplus of one third of his earnings, which before he was compelled to pay for the use of the land he tilled. This surplus of one third of his labor he can lay up for a rainy day, or buy some of the luxuries of life, of which he has seldom or never before tasted.

In a dollar-and-cents point of view, as well as every other way, the Government must derive great advantage. Our commerce will be augmented in a ratio proportioned to the encouragement of agriculture, and the duty received thereon will be commensurate with the imports, which of course will be increased in proportion to the products exported.

But there are more and far higher views that might be taken of the subject. It is the duty of every well-regulated Government, I hold, to make all laws and rules that will better the moral as well

as physical condition of its citizens, as the one is as necessary and indispensable to its permanence and stability as the other. And I ask if any plan more judicious can be conceived, that will tend more to elevate the man in his own mind, to better his moral nature, and alleviate his sufferings, than the one submitted by my honorable colleague, [Mr. JOHNSON,] which is now under consideration?

It is a plan, if adopted, which must result in the happiest effect upon society in America; elevating and bettering the conditions of thousands now degraded; promoting industry; making all independent, and the ballot-box once more untrammeled, and giving a free exercise of the elective franchise. Sir, I believe if you pass this bill to encourage industry and agriculture, it will exercise a powerful influence on the politics of the nation; it will strangle the spirit of consolidation; it will quench the corruptions that flow from moneyed powers, and restore that honesty and purity to the public mind, which it had in the earlier days of the Republic. Sir, a radical change in the administration of the public lands is inevitable. Demonstrations from every quarter of the country proclaim it. Pass this bill, and you eradicate the seeds of death and dissolution now sown broadcast throughout our happy land; pass the bill, purge the ballot-box, and preserve our honors and our liberties.

We are told by a distinguished Senator in the other Chamber [Mr. Bell, of Tennessee] that we ought to husband the means of the Government, to brush up our Navy, and to put on our armor, and to be prepared for war, which he says must come upon us in three years. If that conclusion, which is drawn from facts shadowed forth, but yet in the womb of time, be true, what better means of fortification or national defense can we resort to than to pass this bill, and make a million more of our people the producers of the means necessary to support an army? For while you effect the one, you effect another result equally important: they not only produce the sustenance of life, but you make better soldiers of them. To estimate their true value, make a calculation of what these one million farmers would produce of a single article of produce in one year. Take the Indian corn. Say there are one million—and the most liberal estimate does not exceed that number—that would or could avail themselves of the provisions of the law, and go in possession of the homestead at once. Suppose each man raises thirty bushels to the acre, and tends twenty acres; but we deduct ten bushels per acre, or two hundred bushels, for his own use; and then take the surplus of twenty bushels per acre, he will raise twenty times twenty, or four hundred bushels—and one million, in the same ratio, would produce four hundred million bushels. Leaving the producer for his own use two hundred bushels of corn, and the balance of his entire crop of wheat, rye, oats, barley, potatoes, &c., &c., which is amply sufficient for his support, and then we have a surplus of corn for one year of four hundred millions of bushels, which, at fifty cents per bushel, is equal to two hundred millions of dollars—an amount sufficient to support an army of fifteen hundred thousand troops for thirty years in the most extravagant manner—a period of time more than twice as long as that occupied by our fathers in the bloody struggles of the Revolution achieving the liberties we now enjoy; and the most fruitful imagination, or the readiest dreamer, fails when he attempts to sketch scenes on battle-fields, or hardships of war like they endured. The world will never witness another struggle similar to the American Revolution. But seeing the great results to be derived from this system, what better forts, I ask, can Government erect on its north-western frontier than the homesteads? And if war comes, let it come; the recipients of this national boon will be the first to mingle in the shout and respond to the sound of the clarion and the clangor of arms; and when the dread and sanguinary conflict grows doubtful, their blood will freely enrich the soil that gave them birth, defending their homes and their firesides. And, if fate should ever be against them, or any one of them, and he should fall with his "*face to the field and his feet to the foe*," in the heat of battle, methinks I hear him whisper as he expires, "I go—death is sweet in defense of right, and that Government that provides for and protects my wife and my children."

But, sir, I will take another view of this great and benevolent plan. Over and above the foregoing results, there are others of much importance and great value. By the passage of this bill, we do not encourage one branch of industry alone; but, on the contrary, every branch—the mechanic, the merchant, the ship-builder—indeed, every branch known to the industrial world. The wider agriculture is extended, the greater will be the demand for farming implements. By this system you open a market for the labor of the honest and industrious mechanic, placing the means in the possession of the producer or cultivator to purchase these implements.

Let us make a calculation of the implements and farming tools of prime necessity that occupants of the homestead would use:

Articles for each man.	*No.*	*Price.*	*Amount.*
Plows	1,000,000, at	$5 00....	$5,000,000
Spades or pick-axes	1,000,000	1 50....	1,500,000
Hoes	1,000,000	50....	500,000
Pruning-hooks	1,000,000	2 00....	2,000,000
Chopping-axes	1,000,000	1 25....	1,250,000
Scythes	1,000,000	3 00....	3,000,000
Cradles	1,000,000	4 00....	4,000,000
Trace chains, blind bridles, and harness.	1,000,000	5 00....	5,000,000
Total		22 25	22,250,000

By this calculation we see at once a new market for the labor of our industrious mechanics, and we see the means to pay for their products, and also the great principle fully developed of the necessity of a division in the labor of a country to make it prosperous and happy. It is this division of labor that creates the wealth and expands the resources of a nation. Hence, as above, we have one million producers, giving a surplus of real value of $200,000,000 for one year, opening a ready market for farming tools of prime necessity to an amount over $20,000,000; leaving the producers, over and above this heavy expenditure, one hundred and eighty millions of money to buy some of the luxuries of life; a library; to build churches and school-houses; to educate their children; to construct works of internal improvement, or to do with it as they may think best to better their condition in life.

Taking into view all the bearings and sure results of Mr. JOHNSON's great scheme for the alleviation of suffering humanity, its whole tendency towards increasing Government prosperity and Government wealth and strength, together with the great good to grow out of it in a moral as well as a physical point of view, I must believe it a duty we owe those we represent to pass the bill. It shall have my vote.

THE HOMESTEAD BILL.

SPEECH OF HON. C. SKELTON,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

March 30, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union, (Mr. HUBBARD in the chair,) on House bill No. 7, being a bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is at the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same,—

Mr. SKELTON said: Mr. Chairman, I desire to give the reasons that will induce me to vote for the bill under consideration. The question presented to this House is, to a considerable extent, a new question. It is one upon which there is a great difference of sentiment. Inasmuch as I intend to vote for the bill under consideration, when perfected, I desire that my reasons for so doing shall go forth to my constituents. In the first place, you will allow me to say, before I enter upon the argument, inasmuch as the charge of agrarianism is made against those who advocate measures of this kind, that I disavow any sentiments of agrarianism, or any disposition to dispossess the property of any man, or to give to any man that property which he himself has not produced. I believe that the true principle, the principle upon which this Government differs from all other Governments that have preceded us is, that we allow here the utmost liberty to be given to each individual consistent with the safety of his fellow-citizens. In the ancient nations of Europe, citizenship is swallowed up in nationality; and where individual liberty is destroyed there can be no national liberty. On this ground I advocate the principle of the utmost liberty to each individual consistent with the public safety. On this basis rests the prosperity, the peculiar prosperity, of our country; and this principle, you will perceive, is directly opposite to socialism or agrarianism. I have heard honorable gentlemen, since I have been sitting upon this floor, charge sentiments of this character upon those who favor the adoption of such a measure as is here proposed. I wish to say, in the commencement, that I utterly repudiate any sentiments like these.

In discussing this question, I desire to be considered as taking a great national view of a great national question. I wish to discard, as far as possible, any sectional feeling that might actuate me. As a member upon this floor, I desire to advocate the interests, and the whole interests, of the whole country. It is true that the State of which I have the honor to be a representative is a small State in this Confederacy, but it is equally true that it is one of those small States that entertain large and patriotic sentiments. We do not boast of being the "mother of States and statesmen," but we do boast of this, that upon our soil—the soil of New Jersey—the sun of liberty rose in the American Revolution. Upon our soil—in the district which I have the honor to represent—the minions of Great Britain were hurled back by the patriots of the Revolution; upon that soil, the tide of adversity was turned, and the sun of liberty rose upon this whole continent.

I have another reason for supporting this bill. There might, perhaps, or there might not, be other projects that would receive my support, but the time has arrived, in my opinion, when some disposition of this public domain will have to be made. We have before us bills to distribute the public lands to railroad companies, covering about thirty millions of acres, and to those propositions I dissent. The reason why I shall vote for the bill now before us is, that it will not only be a positive benefit to the country, but that it will prevent the carrying out of other projects, which are hurtful in themselves. The doctrine of the Democratic party is in opposition to chartered monopolies, in opposition to chartered companies and incorporations, and I wish to say on this occasion, that I am surprised to find so many of my Democratic friends advocating the distribution of the public lands to build up such institutions.

It is stated that this land question is one in which all the States have an equal share. This I admit to be the true position. The public lands are in the hands of the General Government, to be disposed of for the public benefit, and for the benefit of all the States. Now, I contend that this bill is one that secures this great object, the benefit of the whole Union and of all the States—the old as well as the new. It benefits the new States by giving them that labor which is indispensably necessary to their prosperity, and, at the same time, it relieves the older States of the redundancy of labor which contributes to depress and paralyze the arm of industry in those States. It gives free scope to labor; it gives labor where it is needed; it gives to the poor man, who has no land to till, a place where he may flee from oppression—where he may direct his energies and his labor to the best advantage, and where he may possess the results of that labor. It is claimed that the Western States desire to have these lands settled; and it is right they should. These lands are given for the habitation of man. And before proceeding further, you will allow me to state, in this connection, that I do not propose to advance any theories of man's *right to the soil*. What I desire to say is this, that the land without the cultivating hand of the laborer is valueless; and that, after labor has been devoted to the cultivation of that land, the labor becomes intimately blended with the land, and cannot be separated from it. It is on this ground that I base the right of the individual to the possession of the soil. His labor is connected with, and becomes a part and parcel of the soil, and the soil is valuable in consequence of the labor he has devoted to its cultivation. On this ground, I contend that the individuals who possess the

soil of the country, have a right to it in the right of possession, and in the right of cultivation and labor. Who will pretend to say that it is not the interest of this Government to cultivate and settle our great Western wilderness? Who will question the expediency, or deny the propriety and benefit to result from it? No one, I presume. It is the interest of the whole country that our vast territory shall be settled and cultivated.

But I may be met here by the argument, that in supporting this bill, I am voting away the public money—giving away the property and lessening the revenue of the General Government, which ought to be devoted to paying the expenses of the Government. Now, I do not believe that would be the result. I believe, as has been correctly stated on this floor, that by giving away the public lands to actual settlers, who will cultivate them, the revenues of the Government will be increased instead of diminished. We have already, as is well known, disposed of large tracts of the public lands which were yielding no revenue, but from which we already derive a small revenue. It is the interest of the country to encourage the cultivation of the soil of the West, because of the impulse which it gives to every interest and every branch of industry throughout our land. I am situated in a State where the land is already possessed. I reside in a State where the mechanic arts and manufacturing are the great interests of the people, and we look to the prosperity and extension of the western settlements as affording us the best market for our surplus labor. We look to the great West as the place where we shall find an outlet for the produce of our surplus labor; and in finding a market for the handiwork of our mechanics and manufacturers, we are rewarded a hundredfold more than we should be by receiving a small pittance in the way of revenue for the expenses of the General Government.

But, in addition to this, when you stimulate agriculture, you not only benefit manufactures and the mechanic arts, but you increase the commerce of our country. What is it that has produced this great work upon this great continent in little over two hundred years? What is it that has felled the forests and driven the savage beast from his lair throughout this broad extent of country? What is it that has reared your mighty cities? What is it that has built your churches and schoolhouses, and studded and dotted with human habitations the hills and valleys throughout the wide expanse of our country? It is the hand of labor; it is the strong arm of labor that has felled the forests; that has reared your cities and splendid habitations; that has freighted your ships with the produce of the soil and the products of industry—those ships that now traverse every ocean, whose sails whiten every sea, whose flag is now found in every harbor and on every river throughout the world. What has done this? Industry—the energy and labor of man have done it.

We are now receiving from the commerce of our country, fifty millions and upwards of revenue. Twenty years ago the revenue derived from our commerce amounted to little over half that, although the imposts upon foreign products were higher. What has caused this increase of revenue? What has caused the coffers of our nation to be now full and overflowing? Has it been the proceeds of the sales of the public lands? No, sir; it is the stimulus which industry and energy have received throughout this vast country. This same cause is still operating, and it is our duty, as statesmen, to develop industry everywhere throughout our country.

Now, sir, the great difficulty under which laborers suffer in our part of the country is, that there is too much competition. The laborer goes begging for the leave to toil. They enter into our market and underbid each other, and reduce the remuneration of labor, until they are compelled to work for a pittance which is not sufficient to sustain nature in the condition in which it ought to be sustained. But what will be the effect of throwing open these public lands upon this excess of labor in the Eastern States, and upon the men there who are bowed down in the dust, and who, by competition with each other, have reduced the price of their labor to the lowest possible point? Honorable gentlemen tell us that these lands are already in the market at a low rate, and that a man can obtain a farm in the West by paying a dollar and a quarter an acre for it. I know something about the interests of the laboring man. I have toiled long and hard in the mechanic's workshop. I know his wants. I know the evils under which he labors, and the incubus which weighs him down. It is competition and the reduction of his pay to the lowest point. I say, that by throwing open these public lands, you not only fertilize and improve the West, but you relieve us of the Eastern States of an evil that is pressing us into the earth. I ask you how a man getting fifty cents a day can support a wife and six children and pay a heavy rent? And yet that is the pay that many of the laboring men get in my part of the country. I appeal to any honorable gentleman here if it is possible for such a man ever to acquire sufficient to purchase a farm in the West, and take his family out there? He cannot do it. It is utterly impossible.

What, then, is the remedy? The great problem of this age, and it has been the great problem of every age, is, how can labor be best rewarded? The reduction of the compensation for labor has been the ruin of many nations. When men are compelled to work sixteen or seventeen hours per day for a mere pittance, how is it to be expected that any attention should be paid to the culture of the mind? It is true that in the East we have done something to provide for this class of our citizens. It is true that we have recently levied a direct tax upon all the property holders in the State, for the purpose of supporting schools, and providing the means of education to every child, whether poor or rich. I recollect hearing it said by some one, that in passing through one of the Eastern States, and seeing the barren and stony hills of Massachusetts, said, "What do you raise here?" The Yankee, with that acuteness which is peculiar to the well-educated and well-trained citizens of that State, replied, "We raise men, sir." Sir, we raise men in New Jersey; and we have a few of them to spare occasionally to people the great West. And now, is it not best that we should throw open this great West to our citizens, and place the means in their power to educate their children, rather than to force them into our crowded cities? Is it not best that our farmers' sons and mechanics' sons, who cannot again divide their fathers' farms, because they are already perhaps too much divided, should be enabled to provide themselves homes in the great West, rather than that they should be driven into the closely-confined and illy-ventilated work-shops of our cities, there to remain until their energies are broken down, until they become debilitated and prostrated by want of exercise and wholesome air and sunshine? I say, if this is a question concerning man, it is a question which involves not only the increase of the wealth and happiness of the nation, but it also involves the morals of the rising generation; and upon this ground it is a noble question. Talk about dollars and cents! Let us take care of the laboring man; let us take care of the energy of our country. What do you see in our crowded cities, where these young men are compelled to go, for want of any other place? You find upon one hand luxury, idleness, vice, and licentiousness, destroying their energies and their morals; while, upon the other hand, you see another class, toiling and drudging, and wearing out their lives and their very existence for the support of these very men. Now, shall we build up our large cities—sink-holes of licentiousness—or shall we enable our citizens to become worthy, intelligent freemen, qualified to defend our country from foreign invasion? No statesman can hesitate for a moment, in a case like this, which course he will pursue. Talk about hoarding up dollars and cents, at the expense of human sacrifice! Why, I saw a statement not long since, that twenty thousand females in the city of New York were earning their living by their needles—toiling on, day after day, and not receiving more than a quarter of a dollar per day. Why is this? Is there not something wrong in our social condition?

A MEMBER. Why not give the land to them?

Mr. SKELTON. The gentleman says, why not give the land to them? I tell that gentleman, that had we given the land to their fathers and grandfathers, they would not have been found there.

But, sir, I will draw you a picture. A young man comes to a city to learn a trade; he is compelled to do it, because his father has not a farm sufficient to employ all his sons. He learns his trade, and, for a while, receives comparatively good wages; after a while, like all virtuous young men, he marries a wife; now, in what condition is he to support a family of half a dozen children? In the course of time he finds his constitution giving way under excessive toil; and, being confined in an unwholesome atmosphere, shut out from the sunshine of heaven, he finds his life giving way. I have seen these men myself, I have attended by their bedsides when they were stretched upon the bed of death. In my professional avocation in the city of Philadelphia, I have attended many such cases where the person was physically and intellectually prostrated by extreme application and want of air and sunshine. I have seen them prostrated on the bed of death, surrounded by half a dozen children and a helpless wife.

I recollect some time since visiting one of these cases. He had a package of medicine by his side. I said to him, "Do not touch it. What you want is air and sunshine. This will restore you." "But, sir," said he, "my family must be fed and clothed. I cannot work out of doors, because my health is so much impaired. I can work at my light avocation—that of making shoes." "But," said I, "if you continue to do so, you will go down a martyr to the grave." Said he, "I have no other remedy."

Now, sir, we talk about human sacrifices; we talk of an unfeeling mother throwing her child into the Ganges. Now, which is worst, to take a child as soon as it is born, and throw it into a river, and thus put an end to its misery at once, or for a series of years to make it a human sacrifice on the altar of mammon?

I say, sir, that we have in this country human sacrifices, offered annually by thousands upon the altar of mammon. Let the Christian blush when he hears of it from the Halls of the nation, that America is a nation where human sacrifices are offered to the god of mammon. I call upon every honorable member here to-day, representing as they do interests from all parts of our country, to come up and make some remedy for these evils. I call upon them to assist and say, that in this Christian land of liberty, this home of the free and land of the brave, we will no longer sacrifice the laboring thousands of our countrymen for the purpose of sustaining a false principle in society. Let the masses of our land, who produce all that is worth possessing, and who produce everything, become degraded, grind them down to poverty, and reduce them to ignorance, and what becomes of our boasted Republic? No man will pretend to say, nay, even suppose, that we could maintain a republic. Could we support the prosperity of our country anyhow? Is it possible that a nation can exist for any series of ages, where labor is degraded, and the laborer trodden down to the earth? It is impossible. Our great prosperity consists in elevating labor to the highest standard.

But, sir, I am not one of those levelers that wish to pull down elevated men. I do not envy men the honor of distinction, when they merit that honor. I would bestow as much honor as any man upon the old and venerated sires of the Revolution, or upon the old and venerated statesmen who have labored for the interests of our country. I honor and respect them; and the man who has accumulated property by his energy and industry, I honor and respect him, too. I would not pull one farthing from his pocket; but this I would do: I would do all that laid in my power to elevate the laborer to the same standard of intelligence, if I could not elevate him to the same position in wealth. Nor do I believe, sir, that it is desirable to do so. In my opinion, it is not desirable that the great mass of our citizens should become wealthy; for when men become wealthy, they become licentious; when licentious, indolent; and when indolent, vicious. When these vices reign in our land, then the sun of liberty would cease to shine. Hence, I would like the laboring man elevated. I would like to see him receive a just compensation for his labor, and placed in a position where he could maintain his family in respectability—supply all their wants, and feed, clothe, and educate his children, as they rise up

around him. We have but a few days to live here, and we must shortly pass off this stage of action, and leave our children behind us. Sir, it is to them we must trust for the prosperity of our republican institutions; it is to them we must trust for the success of this great experiment of national liberty which we are now practising in this country.

I will make a few remarks in answer to the honorable gentleman who has spoken upon the opposite side of this question, [Mr. FULLER.] That gentleman tells us that he protests against this scheme as illegal in the first place, and in the next unjust. How, sir, is it illegal? The public lands are placed in the hands of the representatives of this country, to be disposed of to the best advantage of the citizens of the nation. So far, then, for the illegality of this scheme. Then, for the injustice: How are these lands situated, and who are the owners of them? I contend, sir, that the people of this country own those lands—those vacant lands. The people, the whole people, hold those lands, and every man has an inherent right, as an American citizen, to those lands. And how much of those lands have we got, sir? Why, there is enough there to supply, three times over, every citizen of the United States, after you have given all you propose to give; hence, the individual who takes possession of one hundred and sixty acres, does not get his full share of the public lands of the country. Is there any injustice in that? Look around you for a proper example. A father here has sons, and he leaves them a farm for their inheritance. It is theirs, and they have a right to do with it as they think fit. It may suit those sons to divide that land, or to sell it, and divide the proceeds. In either case there is no injustice perpetrated. The one man only gets his share of his father's land in land, and does not wrong his brother who gets it in kind. He has a right to do with it as he thinks fit, for it is his possession. Thus it is with the great lands of this continent. They belong to all the people; and we have to say to the owners of these lands, who are entitled to them by law and justice, "Go forth and settle upon that land, and relieve the redundant population of our Eastern States; relieve our confined cities; return the food to us you raise on our lands, and we will send you the products of our manufactures." Hence, there is no injustice in this proposition; there is no agrarianism about it. It is just and legal according to the established usages of society.

The gentleman from Maine says that men must rely upon their own resources; let them take their money and go there and cultivate the lands. Now, I would like to ask the gentleman if the man who goes into the Western wilderness, that wild, uncultivated forest, where there is no habitation, no cultivation, no fences, and faces not only the savages, and the savage beasts, but the inclement seasons and storms, and takes his axe upon his shoulder, and fells the forests trees, and digs the ground to plant his corn-field, and prepare his potatoe-patch, whether he does not rely upon his own energies? Yes, sir, that is a noble reliance; it is what I want. I want to give every man a chance to rely upon his own energies. But can a man, in a crowded State, where he is compelled to beg leave to toil, depend upon his own energies? No, sir, there is no field of labor for him. There is no employment. I have, myself, gone for three months around the streets of Philadelphia, when not a dollar's worth of work could be obtained. Is that a place for a man to depend upon his own resources? Place him where he can get no labor, no land to cultivate, shut him off from the public domain, and then insult him by telling him, "Sir, depend upon your own resources." What sort of resources are these? The only resource is beggary, theft, or starvation.

But we propose to accept the proposition of the gentleman from Maine, [Mr. FULLER,] and we propose to give a laboring man a chance to depend upon his own resources. Place him upon the soil where he can raise his own bread, his own cattle, his own poultry, and dig his own potatoes, and feed his family, and then you will find the man relieving himself by the energy of his own resources; and not only so, but you will find him producing a general good, by adding to the products of the earth, and supplying, to those who want them, the necessaries of life.

The gentleman from Maine [Mr. FULLER] says he is in favor of disposing of these lands for the benefit of all the people; and the only difference between the honorable gentleman and myself upon this subject is, that I believe that this project of settling the Western country is one which is calculated more eminently to benefit the whole country than keeping them as idle and uncultivated lands. And I would like to know how many gentlemen there are upon this floor who believe that the great interests of the whole community of this continent can be promoted by keeping these lands in an uncultivated and wild state. Who receives the benefit? Why, sir, we have, from a computation made upon this floor a few days ago by the gentleman from Pennsylvania, [Mr. DAWSON,] a statement that it will require, at the present rate of increase, and present progress of our country, over nine hundred years to settle those vacant lands. Now, sir, value those lands at $1 25 per acre, and suppose that you keep them nine hundred years before you sell them, what will the interest amount to, and what will be the loss to the country, by the loss of energy not only, but by the loss of the products of the soil? What will be the loss to the laborer, who is compelled to devote his labor to unprofitable pursuits? If there is any project that is calculated to benefit the whole country, I believe this to be the one. And it is upon this ground that I vote for it. As I stated, I would not vote for it, if I believed it to be a mere sectional question; and I can say to gentlemen from the East and the West, from the North and the South, that I know no sectional, geographical distinctions in this common country of ours. We meet here as the representatives of a great nation, and the advocates of the common and great interests of this whole country. That is the feeling which animates me; and I hope that every gentleman advocating a question of public policy will be guided by the same sentiment, and will look to the interest of the whole people of this nation.

But the gentleman from Maine [Mr. FULLER] says we might as well dispose of the Smithsonian fund in this way. Is it possible that the gentleman cannot see any distinction between that noble bequest of the honorable Smithson, for a specific purpose, and the trust in the public lands? That, sir, is given to us for a specific object; and I hope that as long as this country endures, that specific object will be carried out in the very letter and spirit of the institution. It is to diffuse intelligence and to increase knowledge among mankind. Any measure which is calculated to promote intelligence, diffuse knowledge, establish virtue, increase industry, has my warmest support everywhere; for I ardently desire to see this not only an industrious, a prosperous, and intelligent, but a virtuous nation; for upon this point depends the maintenance of our institutions. Without industry, we have no wealth; without intelligence, we do not direct aright our energies; and without virtue, all is worthless.

The gentleman from Maine [Mr. FULLER] further states, that we prefer to see the proceeds of these lands devoted to the promotion of commercial purposes. Now, look at this proposition. We vote the proceeds of these lands to the encouragement of commerce. Now, what is commerce? It is merely an interchange of commodities between one nation and another; and if we have no industry—and I place industry, agricultural, mechanical, and the manufacturing arts before commerce, because commerce is based upon them, and is stimulated and kept in existence by them—I say, if we have no industry, what will be our commerce? But look at the patronage commerce has received. What are we doing for commerce? We are spending for our Navy some $7,000,000 or $8,000,000 annually. Is not this sufficient for the support of commerce? How much do you spend for the promotion of agricultural pursuits? Not one cent. And yet honorable gentlemen come here to say they want not only the revenues derived from the duties on imported goods devoted to the promotion of commerce, but they want the proceeds of the sales of the public lands devoted to the same object. I would like the honorable gentleman to say, in the name of common sense, whether commerce is not sufficiently patronized.

Let us turn our attention to the true wants of civilized life, and commerce will take care of itself. If we have commodities to exchange with foreign nations for their productions, we will readily find avenues by which to conduct those exchanges. If we have not these commodities to exchange, commerce fails of course, and we cannot sustain it. Hence the most effectual way to sustain commerce, is to sustain and patronize agriculture, manufactures, and the mechanic arts. This is the true system upon which commerce is to be based, and made a source from whence we derive our revenue.

The honorable gentleman observed that these lands are the balance-wheel that regulates the labor of our country. Here I am happy to agree with the gentleman. Only for this, he says—and he has no doubt an intimate knowledge of the Eastern States—the laborer there would be trodden down and oppressed. That is the place to which men fly from oppression. It is the balance-wheel that preserves our country from degradation and vice. Now, I agree with the gentleman upon this ground, only with this difference, that his method, I believe, of regulating the balance-wheel is a bad one. If that is the place where the poor and oppressed laborers of the older States are to flee from heavy burdens, is it right to say "Get yourself a home?"—for in selling the public lands you effectually exclude him, as it must be known to every gentleman who is acquainted with the condition of the poor and laboring classes of the Eastern cities. When they can get the means to go there and purchase a farm, they need also means for their subsistence there for a year or two besides. It is an expensive business traveling to the West, and a man has to wait for some time before he realizes a return for his expenditures. He must wait for his crop to grow, and if he pays to the Government his last farthing, what is to become of his family? He has to starve or become dependent upon his neighbor in the West. I do not believe that he would be allowed to starve; because I know enough of the Western character, that they would not allow people to starve when they could help it. No!—it is in our large Eastern cities where men and women starve. It is not in the West. There is there an abundance and generosity among those settlers, who have contended against the elements in that inhospitable climate. There is, I say, sufficient generosity in the West to prevent men and women from starving. But it places him in a state of dependency.

Now, Mr. Chairman, in conclusion, if this is the balance-wheel which regulates the liberty of our country—if this is the asylum to which the oppressed are to flee for refuge—if this is the place where the intelligent, the industrious, and worthy may go to get themselves homes, I would like to know why every man, a citizen of this country, should not have a plat of ground which he may call his home? I would like, I repeat, to see every man possessed of thus much. Let each man have a plat of ground to live upon, and a house to dwell in. Then you will have built up there a population of intelligent and independent freemen, who will defend our country in the day of need and the hour of danger. We have given our public domain to our soldiers who have nobly breasted our enemy on the battle-field, which meets my hearty concurrence. There is not a word of fault to be found with that bounty of the Government. If a man stands nobly in the defense of our country against a foreign foe, he deserves a reward. But who has built up the prosperity of this country? We have another class of soldiers—the laborers. They compose a hardy population that would more effectually repel the Indian than any hireling soldiery. If a man goes to the Western frontier of our country, fells the forest, makes the wilderness blossom like a rose, and by his courage and address repels the savages without charging the Government one cent—I say if this man accomplishes this much, is not he equally entitled to the land of our country as the soldier who only for three or four months stands up and faces the common foe? Of all the soldiers that ever have shouldered the musket or rifle, give me the Western frontiersman with his sharp-cracking rifle. He is the most effective defender of his country's liberty. Who fought the battles of the Revolution? Who were feared most by our powerful British foe? Why, sir, it was our frontier settlers—Colonel

Morgan, with his Virginia sharp riflemen. They were the men dreaded. Who were feared in the war of 1812? The men of the West—of our frontier settlements. Why? Whenever they took their aim the enemy fell. I repeat that our best, bravest, and most useful soldiers—our most useful citizens, are the pioneers of the West, who extend civilization from the rising to the setting sun. Let us now express our approbation and sympathy for these men, and say to them: "Go on as you have commenced—you have commenced at the Atlantic, spread civilization to the Pacific, cultivate the prairies, clear the forests, erect churches and school-houses, and hunt from his lair the savage beast, and continue in the good work until smiling plenty shall bless the land from the Atlantic to the Pacific."

AMERICAN PROGRESS, &c.

SPEECH OF HON. E. C. MARSHALL,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

March 11, 1852,

The House being in the Committee of the Whole on the state of the Union, on the bill to encourage agriculture, manufactures, and other branches of industry, by granting homesteads to actual settlers upon the public domain—and in regard to the Presidency, American progress, and in defense of Judge DOUGLAS—

Mr. MARSHALL said:

Mr. CHAIRMAN: It is not my purpose to-day to discuss the special order in committee, although that is a measure in which I take much interest, and which I believe is of great importance to the country. But, sir, there has been delivered upon the floor of this House, by a distinguished gentleman from Kentucky, [Mr. BRECKINRIDGE,] and a member of the Democratic party, a speech containing sentiments wholly at variance with those I entertain. From the conclusions to which the honorable gentleman has come, I am forced to dissent, and the insinuations as to matters of fact (for the gentleman says he makes no charges or accusations) have been already demonstrated to be unfounded and false. There are many circumstances which compel me to make some response to this speech, though there is no member of this House more unwilling unnecessarily to occupy the time of the House or the committee than I am. No member of this House can more sincerely regret that the debate has taken this course, or that it has arisen at all; no one deprecates more the consequences which may, and probably will, flow from it to the party, than myself. Yet the attack made upon the individual who is, I believe, the favorite of the people, and who I know is the nominee of my constituents for the Presidency, and the attack upon those principles which I regard as the life-blood of American Democracy, and to which my constituency owes its existence, calls imperatively for some reply.

I believe that discussion of this character should not be introduced upon this floor, so long as there is a single great measure of public policy not completed,—so long as there is a single bill which ought to pass not acted upon, so long as there is a single private claim against the Government not adjudicated. I think all discussions of this sort are wrong under existing circumstances; but I do not propose that those who do the wrong shall enjoy all the advantage, and I would rather consume one hour of the time of the committee, than permit a speech containing such political doctrines, or such personal insinuations as that of the gentleman from Kentucky, [Mr. BRECKINRIDGE,] to go forth to the country, even with the negative indorsement of my silence. I regret this debate, because of its probable effect on the Democratic party, and of certain waste of the public time. It was prophesied once (and really that prophecy seems approaching fulfillment) by one of the most learned, acute, and thoughtful of all foreign commentators upon our country and its Constitution, that the very thing which is now happening would happen—that the Congress of the United States would cease to discharge its constitutional functions as the legislative power of the nation, and would become, (what it has not yet become, but what I fear it is approaching,) a mere factious, discordant, ill-balanced, inefficient caucus of presidential electors. But while I deprecate such a result, and deplore even the small share I have in bringing it about, I must insist that all the responsibility rests with those who have induced the necessity for further argument.

The State of California, which I have the honor to represent, in part, upon this floor, is the greatest result of Democratic principles and the perfect illustration of Democratic progress. That State owes its very existence to the doctrines at which the gentleman from Kentucky permits himself to sneer, a doctrine upon which he turns all his sarcasm, but to which he addresses no argument, and against which he has adduced not one clear and manly reason. He did not venture to state the question in any fair or intelligible propositions, nor did he dare to meet the conclusions logically resulting from such a statement. I should not, then, represent my people if I were to permit the very principles to which they owe their political existence to be made the subject-matter for ridicule and scoffing in speeches in the House without reply. But, further than that, there has come up from the people of California one unanimous, universal, spontaneous expression of opinion in favor of Judge DOUGLAS as the Democratic candidate for the Presidency, and I should not represent my people if I were to allow an attack—for the whole speech was an attack—a most subtle, covert, and formidable attack, in its spirit and tendency throughout—upon Judge DOUGLAS, and the principle upon which his popularity rests, to pass unanswered. I am, for these reasons, forced to respond, at least, so far as a clear and distinct expression of my own views and opinions are concerned.

The nomination of Judge DOUGLAS by the State of California is an event of the highest import, of the greatest significance, and requires from the Democratic party in Congress, and in the nation, a graver consideration, and higher respect, than any other mere State nomination could possibly receive. Look at the population of that country. There is not a State in the Union, not a city, village, or neighborhood, which is not represented there; a nomination, therefore, from such a State is the highest evidence and best criterion of national popularity. No nomination from any other State carries with it the same authority, for upon every other State local interests, State pride, and the thousand indirect influences which control human action, are brought to bear. California is a great national convention, composed of the best material, men proven by the test of emigration to be the best, upon whom no sinister or selfish motive could possibly operate—it is a great unpacked, uninfluenced, disinterested national convention. There was no bargaining for the position of Secretary of State, then, for California knows that except the offices within her own limits, she has no hope of Executive patronage. Being, then, the fullest and fairest national convention, and the best exponent of national sentiment, I claim for her expression of opinion in favor of Judge DOUGLAS—unanimous as it is, so far as it has been expressed, and enthusiastic as I know the feelings of that people to be towards him, from a personal acquaintance with almost every Democrat in the State—I say claim for it before this House and the country, a high authority, infinitely transcending any similar expression of opinion in any other State.

Sir, I shall not lose any portion of my time in reading extracts from the speech of the gentleman from Kentucky, but I shall content myself with a short and simple statement of its general effect, and the purpose it was intended to carry out. And here I desire to say, and to be well understood when I say, that I intend on this floor, as everywhere else, to say exactly what I think, and exactly what I mean, and I hope it will be no anomaly in a politician's life, or in a political speech. I intend to tell what I believe to be the truth—the result of my own observation and experience, and the conclusion of my own reasonings. For what I am saying now nobody is responsible but myself. I express my own opinions. I speak for no section of the Democratic party. But I speak merely what I believe, and upon my own responsibility, to my constituents. Nobody has any connection with or control over me, and I do not intend anybody shall get into any scrape on account of imprudences I may be about to commit. I say this in advance that I may not injure a good cause by injudicious advocacy.

The speech of the gentleman from Kentucky commenced with a thin and transparent affectation of a defense of General Butler! A defense of General Butler! If the gentleman had forborne to attack others of his own party by implication and inuendo, and had not gone on to rail at and ridicule opinions held by nearly all the intelligent men of the party and the nation, if he had not proceeded to lay down a platform upon which not one fourth of the party could take position, I would have had nothing to say; if, when he had pronounced a panegyric upon General Butler which ranked him with heroes and demi-gods, he had gone no further—if when he had painted with a most accomplished and masterly hand a portrait which all would admire as beautiful, but which no one could recognize—if the subject had been suffered to rest with this eulogy, and the gentleman would have been content to free his friend from all imputations, and leave him raised above all anxiety and almost all human interest or passion, and not proceeded to degrade others, I should have had nothing to say. But he did not stop. His graceful and artistic declamation upon the Democracy and general character and services of that distinguished citizen forms a very small part of his speech, and is well-nigh forgotten in the more striking effects of those offensive portions which give its true intent and genuine spirits. The gentleman takes up two articles which have appeared in the Democratic Review, one of which contains only an abstract discussion on general principles, which he construes into an attack on all the tried and standard men of the party; the other being in fact an assertion of the same principles contained in the first, and an application of those principles to General Butler, demonstrating the unfitness of his nomination to be made by the convention. He proceeds to comment upon these articles, but does not controvert or even state fairly and intelligibly a single principle they contain, or deny, as sound political doctrine, any notion which is contained in the Review. The facts charged he pronounces false, but does not even attempt to prove them so, and contents himself with denouncing the editor of the Review and the whole character of the publication, without measure or moderation.

Mr. BRECKINRIDGE. If the gentleman will allow me for a moment. My friend from California says, that not one fact charged directly, or by implication, against General Butler, or any other candidate in the Review, did I deny. I did not, sir, except in general terms. My time did not suffice to go into detail. I pronounced the statements in the February number untrue. I repeat now the general statement, and I substitute it for a particular denial of every charge.

Mr. MARSHALL. That is but a confirmation of what I have said, and is precisely what I stated the gentleman's position to be. He did not meet the reasoning of the Review, and did not disprove its facts. It is a periodical in which I feel no special interest, except so far as it is a bold and ably edited paper. But in connection with his denunciation of the article, and the editor, he most adroitly, and with the skill of a special pleader, insinuates that Judge DOUGLAS, in whose interest he assumes the Review to be, is responsible for its course. These insinuations—for the gentleman denies having made any charge—have been met and refuted by the gentleman from Illinois, [Mr. RICHARDSON;] but whether the effect has been done away or not, is another question which remains yet to be decided. The gentleman's motive in making that speech is as clear as day-light. Everybody can see for what purpose it was made. Every one can tell precisely the course of consultation and agreement which that speech carried out. The article to which it pretends to be an answer, attacked the principles of all those candidates whom the gentleman had characterized as the tried and standard men of the Democratic party. It was a doctrinal article—eminently so—which attacked the principles of those who have been denominated, and correctly so, "old fogies." Yes, sir; and there are lots of "old fogies"—candidates for the Presidency—in the Democratic party. And I am obliged to admit, what I wish to Heaven I could deny, that these "old fogies" have friends—

active, energetic friends—drawn to their support by State pride, the patronage of the Presidency, and other influences, and although not particularly strong, individually, yet collectively, they appear formidable. Yet, sir, all these influences are not sufficiently national to give any one a proper prestige for the presidential office. The Democratic candidate for that office must personify the idea of national progress. Yet the gentleman from Kentucky, who, from his instincts and age, ought to be a friend of progress, and sympathise with the great national feeling, and whose enthusiasm would be becoming in this connection, is selected to make this attack, and to carry out the "old fogy" notions.

Mr. BRECKINRIDGE. The gentleman is mistaken in point of fact.

Mr. MARSHALL. Everybody can see how this thing occurred. These "old fogies" are as much at war with one another as they are with Judge Douglas. They considered the attack upon their principles in the Review as fatal to the whole system of "old fogyism" and the claims of all of its representatives; and I must be permitted to hope that their apprehensions are founded on good reason. The friends of these candidates saw at once that this attack might be made a bond of union among them, and seeing that Judge Douglas was the *second* choice of everybody, and the *first* choice of very many, determined, by a combination, to defeat the most powerful of all the candidates, and to distract and destroy the whole Democratic party; and in the execution of this design, they steal the legitimate thunder of young America for the purpose of breaking down and crushing the hopes of young America. That task could have been more fitly assigned to other hands. There is a gentleman in this House, and high up in this House, a friend of General Butler, an *old* friend and messmate of General Butler, and an older *man*, though not an older *fogy*, than the young gentleman from Kentucky. [Laughter.] What a tribute it is, then, to young America that when there had to be something done, bold, dashing, adroit, and adventurous, and an assault made, intended to be mortal, that the "old *fogies*" take the back-ground and intrust this attack to a younger gentleman's hands. None of them will put themselves in view, but put young America forward to make the attack. I say it is a high tribute to young blood and young energy when an old and rotten cause leans upon it for support.

Mr. BRECKINRIDGE. I do not wish to interrupt the gentleman's strain of eloquence, but I desire simply to say that the gentleman is mistaken when he supposes that my remarks were the result of any arrangement and consultation with the friends of anybody. I say further that I have not been put forward in this House by anybody, and if I know myself I am not a man to be thrust forward by any who might wish to put me in the breach, and themselves remain in the back-ground.

Mr. MARSHALL. I do not know but it may be in accordance with his inclination and his interest to take this particular position, because if General Butler should by any accident be elected President—and I allude now to motives which operate more or less upon all politicians, except those who come from California, [laughter,] because they cannot get anything, and they know that they have no chance, and do not look to patronage—I say there is nothing more natural than, if General Butler should be President, there being the office, the very respectable and dignified office, of Attorney General of the United States—and that office runs in the family of the young and distinguished representative from Kentucky, [Mr. BRECKINRIDGE,] his grandfather having filled it—I say there is nothing more natural than that such appointment should be made; and when you couple with that, the further consideration that the gentleman is the first Democrat that has ever come from his district to Congress, and that the tenure of his office is said not to be a life tenure, it is not unnatural that he should assume this task. [Laughter.] I have observed with some attention the political life of the honorable young gentleman, and I have examined it with the more care since he has assumed his present position in this presidential contest, and I am sorry that so young a politician should be involved so early in contradictions and embarrassments so manifest. I would rather, upon my honor, undertake to defend the inconsistencies of General Cass, or Mr. Buchanan, than those of that young gentleman.

Mr. PENN, (interrupting.) Will the gentleman allow me to ask a question?

Mr. MARSHALL. Not at this time. I know what the question is, and will give you an appropriate place to put it in directly. There was an exhibition in his native State of one of the most remarkable outbreaks, they tell me, of this principle of progress which the gentleman now opposes and ridicules: one of the most complete and radical reforms, the widest departure from established law and time-honored usage, that has ever been attempted in the United States—a change in the constitution, which the "old fogies" and conservatives of all parties predicted would overturn the constitution of society and reduce it to universal anarchy, so far as the State government is concerned—a movement which, I am free to confess, with all my progressive notions, I thought a dangerous experiment. But it was popular, and among the loudest advocates of it, among the most earnest defenders of its greatest extravagances, was the gentleman himself.

Mr. BRECKINRIDGE. Will the gentleman allow me to interrupt him for a moment? I have been and am in favor of Democratic progress, as accomplished by changes introduced into the State constitutions and also in the General Government, within the limits and according to the spirit of the compact. I was in favor of the new constitution of Kentucky, which popularizes the institutions of that State. My remarks on progress were wholly incidental, and were directed to that sort of progress which the tone and spirit of the Democratic Review indicated as proper to be carried out through the Federal Government. I did not believe the federal compact, under our limited system of government, could be used for any such purpose. It is limited, it is fixed, and in my opinion the theory and limitations of our federal system sprang perfect from the Convention at Philadelphia like Pallas from the head of Jove. The distinction I take is broad and striking. The Federal Government is not formed on the notion of a pure democracy, nor even of a simple representative system. Hence, though in favor of an elective judiciary for Kentucky, I would oppose the application of that principle to the Federal judiciary. I cannot now enlarge, but I consider the opposite view as tending directly and fatally to consolidation. These remarks apply to the new ideas of federal progress. They do not touch the question of the extension of our country. I was in favor of the annexation of Texas, the Mexican war, and the acquisitions that grew out of it.

Mr. MARSHALL. I desire to ask the gentleman from Kentucky a question in this connection. It is rumored, and the rumor, if false, ought to be contradicted—I am not prepared with evidence to prove the fact, but merely suggest the question—it is rumored here that there was a large and influential Taylor meeting held in 1848, about three months before the convention met for the nomination of the Democratic candidates, and it is said that at that meeting a young gentleman of Kentucky did pronounce the most transcendent and glowing eulogy, did give to the country some of the most immortal eloquence in advocacy of General Taylor's claims, that has ever been heard in that notoriously eloquent State of Kentucky. Mr. BRECKINRIDGE was said to be the gentleman.

Mr. BRECKINRIDGE. If the gentleman——

Mr. MARSHALL. Oh, I can't give you time to defend yourself, it would take all of my hour, and more hours than I ever mean to consume upon this floor, to defend yourself from that charge. I want to know if the charge is true: did you make a Taylor speech at a Taylor meeting?

Mr. BRECKINRIDGE, (rising.) The gentleman is too fair a man to make a charge and not allow me an opportunity to reply. I will answer the question, though I do not admire the taste that prompts it. For several days I have been the object of various attacks—friendly attacks however. The gentleman from Illinois [Mr. RICHARDSON] began them, and the gentleman from California follows him. I understand it was contemplated, by one or two persons, to prove, if possible, that I was a Whig at one time of my life. It is not true. The error springs from the fact that the republican principles skipped one generation in the family. Part of them deflected from the right line. [Laughter.] I never was myself a Whig.

Mr. RICHARDSON. I never believed the gentleman to be a Whig.

Mr. BRECKINRIDGE. I did not say my friend from Illinois had so charged. Indeed, I know he did not. In reference to the Taylor demonstration, the meeting to which the gentleman from California refers, took place in the summer of 1847. Soon after General Taylor won his battles upon the Rio Grande, and soon after the editor of the "Cincinnati Signal" had written him a letter, in which he took Democratic ground in reference to the bank, tariff, internal improvements, and other questions, and when General Taylor had answered that letter, indorsing all those positions, (and mark it, this was his first political letter,) there was a meeting held in Lexington, (in which I participated,) which recommended him to the people for the Presidency. The best Democrats in the country also took part in that meeting—indeed, I think they composed the majority in it. Afterwards, when other principles were avowed, and when he was taken up by the Whig party and received the nomination of the Whig convention, I was found upon the right side. If there was an error committed, which I deny in the then state of facts, why, then, I say in the language of a distinguished Democrat, who was also in that meeting, "that it was the only political error of my life." [Laughter.]

Mr. MARSHALL. The explanation is about as good a one as could be made under the circumstances, but I appeal to all the Democrats of this House, and throughout the country, if that gentleman does not exhibit conclusive evidence that in party tactics he should follow, and not lead; that before the action of the Convention has regulated his judgment, he is the most unsafe adviser in the selection of candidates that could possibly be consulted. [Laughter.] Does he not come, with an admission of the kind which he has just made, admirably recommended to the Democracy of this country as one of its leaders—particularly as one of its advisers upon so delicate and momentous a question as that which he has undertaken to decide.

Mr. BRECKINRIDGE. I have given no advice about the Presidency, and I challenge the gentleman to point out the place where I have done so.

Mr. MARSHALL. I said in the opening remarks which I made, that I should not quote literally from the gentleman's speech—that I should not respond to the *words* of that speech—that it was to its vital spirit, its design, malignant towards an individual, and ruinous to the party and the country, that I should oppose truth, candor, and reason. The gentleman is very adroit, the speech was well considered, well weighed, modest, and unpretending, no dictation to the party was apparent in its language, but its effect was to unite all the candidates against that one known to be most popular—to diffuse suspicion and distrust throughout the Democracy of the Union, and to elevate General Butler, who had not a living chance otherwise, into the second choice—the compromise candidate of the convention. Whatever ulterior views the gentleman might have, that was the tendency, and, I believe, the intention of the speech; and it is to defeat that intention, to counteract that effort, that I address the committee to-day. And I will now ask the gentleman from Louisiana, [Mr. PENN,] who has been so anxious to catechise me, a single question. I ask him, as a known friend of Mr. Buchanan—and I hope that the friends of other candidates will not hesitate to answer, as if the same question were addressed to them, for it is addressed generally—I ask the gentleman from Louisiana, if he did not hold consultations with the gentleman from Kentucky [Mr. BRECKINRIDGE] upon the speech referred to?

Mr. PENN I had a consultation with Mr. BRECKINRIDGE upon the manner in which he was to defend his friend General Butler, but nothing in relation to Mr. Buchanan.

Mr. BRECKINRIDGE. I trust I may be allowed to ask the gentleman a question. I ask the

gentleman from Louisiana to say whether, in any casual conversation he may have had with me before I made my speech, there was any intimation on the part of either of us, that my speech was intended to be either an assault upon anybody, or a combination of other candidates against one?

Mr. PENN. There was nothing of the kind.

Mr. BRECKINRIDGE. That is all.

Mr. MARSHALL. Well, I have had the fortune——

Mr. PENN. Will the gentleman allow me to ask him a question?

Mr. MARSHALL. Not now. I will answer the question after awhile, voluntarily. I am going to take up the point it involves, though it is a very unimportant one; but I will say in advance, that I never sought to injure Mr. Buchanan, because I really do not think he is in the race. [Laughter.] If any part of the Democratic party were trying (in the language of Mr. BRECKINRIDGE) "to fight out of trouble by attempting to mount up on the prostrate bodies of all the best men in the party," in such a conflict Mr. Buchanan would escape, as not being worth the killing. [Laughter.]

Mr. PENN. If you talk of old fogies, I want to ask, if you did not, with the Whig papers, attack Mr. Buchanan; if you did not furnish the article against Mr. Buchanan which appeared in the Republic of last Monday?

Mr. MARSHALL. Yes, sir; I did just that thing. [Laughter.] I had in my possession——

Mr. PENN. You admit that you called upon the Whigs to assist you?

Mr. MARSHALL. I wish I had more copies of it, for in the present juncture it is likely to be a useful document. [Laughter.] I had a Democratic paper in my possession, known to be the organ of General Cass in Pennsylvania, a paper which I knew had been franked, broadcast all over the country, by a Pennsylvania Democrat from the other end of this Capitol, who lived in Pennsylvania, and who was, consequently, a better judge of the propriety of its circulation than I *could* be. This Democratic paper contained a number of charges against Mr. Buchanan, a catalogue abundantly long enough to have occupied any stump speaker in answering, the two hours that any crowd would listen. Mr. Buchanan's public life has been a long one; there were many curious passages, particularly scattered along the early part of it. [Laughter.] It was a Democratic paper, and I have every reason to presume, was circulated with the approbation of General Cass—at least, I have as much reason to think so, as you have to presume that Mr. Douglas was connected with the Review; under these circumstances, I felt that I had a perfect right to circulate that document. But I had a more capricious reason, more influential with me than any other. The Republic had taken the trouble to collect and collate the various attacks made by the various organs of the various Democratic candidates for the Presidency upon each other. This document was wanting to complete the record, and to made a perfect exhibition of the state into which the party had got itself; [laughter;] and so I put it on record. I did not want to hurt Mr. Buchanan. I *had* no malice against him. I *have* none now, but I desired to be able to show, that the sensitiveness of the friends of the "old fogy" candidate for the Presidency took no alarm from newspaper attacks, till the reply to a newspaper article gave them the opportunity to unite for the destruction of that individual who was the most formidable to them all. I do not believe that the paper republished at my instance, will ever do Mr. Buchanan any harm. The charges it contains have all been before the country for years; the effect of them *has* been, and I trust will continue *to be*, that it is not a nominee of the Democratic party for the Presidency against whom they are urged; that is what I hope.

As I intended to say when I was interrupted, it is impossible for any man to prove positively a charge like that which I have brought against these gentlemen—of combining their interests to crush their strongest opponent. It rests simply upon probability. It is natural. The gentleman from Kentucky has achieved that result. The friends of all the "old fogy" party are now distributing, in unexampled numbers, the speech, which every man who reads it knows is the most formidable attack that could be made upon Judge Douglas, The gentleman from Louisiana, I will venture to say, is a large subscriber, and has franked this document right and left, not because it is a vindication of Butler, but for its attack upon the man who is recognized and feared as the natural nominee of the Democratic Convention. That is what gave to the speech of the gentleman from Kentucky its value. I do not know what other gentlemen may think, and, as I said before, no man is committed to my own views; but it appears to me as if the battle had now to be fought between the sections of the party upon principle; that we can scarcely avoid an open, but, I hope, a fair war between young America, with its progressive doctrines, and "Old Fogyism," and beaten candidates with Retrogression as their motto. It is possible that I may be deceived by the spirit and temper of the country from which I come; but I do not believe the result can be doubtful. I do not apprehend disaster or defeat in such a conflict; and I, for one, am willing to make and meet the issue. It is barely possible that some one of the representatives of a former age may be nominated—perhaps the favorite of the gentleman from Kentucky. I say nothing here now, nor do I propose ever to say anything which may make it inconsistent in me to follow a banner with either of the names inscribed upon it, which we followed once before to signal and glorious—*defeat!* If it be raised again with the additional inscription extracted from the gentleman's speech, and containing its whole spirit in two words—"Retrogression, Anti-Progress"—some of the Democracy (and I among them) will follow even those colors, but it will be with muffled drums, by the left flank, in *great confusion*, and to the melancholy wail of the dead march.

It was my design, but it is one which I shall not have time to execute under this unfortunate one hour rule, to have examined, carefully and thoughtfully, the sneering insinuations of the gentleman in regard to this doctrine of progress, and to explain and defend the true Democratic doctrine. Every one who heard that speech knows, and all who read it will find, that there is in it no statement of the gentleman's conception of progress. He says—and makes it ludicrous by the art of the rhetorician, combined with stage trick and great knowledge of stage effect—that we want "to hunt up some imaginary genius, and place him on a new policy, give him young America as a fulcrum, and let him turn the world upside down." Now, I cannot reason with a proposition like that. I have never consulted with Judge DOUGLAS as to what his opinion is on the relative position of the two sides of the world, but I have no doubt but he is perfectly sound upon that question. [Laughter.] And from a somewhat careful examination of his political writings, and a good deal of conversation with him upon general topics, I am clearly of opinion that he has no intention to disturb the equilibrium of the physical universe. [Laughter.] But he does cherish an idea, however, that the United States are not now absolutely finished, and ready to be enclosed and painted. [Laughter.] He has looked back, and looking carefully and thoughtfully over the history of the human race, he has found no system of law, or condition of society, perfect; there has never been any political system in which there was not room for improvement. This is a conclusion to which, I think, all thoughtful minds will come, which every serious and contemplative student of history must approve. He thinks that the United States, great as they are, rich as they are, powerful as they are, and free as they are, may become yet freer, richer, more powerful, and more extended than they are, with perfect safety, and under the Constitution. He thinks that the rank of this Government in the scale of nations may be elevated. He thinks, and the progressive Democracy maintain, that it is possible to hold a more influential position among the peoples of the world than it now does. This is a hasty and imperfect sketch of his opinions of progress; and with his eye steadily fixed upon the Constitution, as that of the mariner on the compass, he would steer for each worthy object that will promote the prosperity, develop the resources, sustain the power, and augment the glory of the whole Union. Those are his opinions of progress; and they are mine. This is nothing like turning the world upside down; we seek no innovation upon the Constitution; but we seek to progress under the Constitution, and with the Constitution. The whole history of the United States is a history of progress—physical, geographical progress—intellectual, moral, civil, social, and political progress. The internal idea, the abstract notion of better things, the hope of freedom, the determination to resist oppression, all that active principle which makes a great country and a great people, have wrought without ceasing in the American mind. Would gentlemen who are afraid of progress stop this? Would gentlemen arrest it? Do gentlemen desire or believe it possible to check the free current of thought? This is not metaphysics or nonsense. It is a fact, which every man who looks back for a moment to the philosophy of the history of the country, must recognize and subscribe to. The gentleman, in the defense of a rotten conservatism, seeks authority in the epitaphs of our honored ancestors; but the inscriptions are in a character unknown to him. He reads them falsely. He does not take the magnificent and inspiring lessons which those grave-yards teach to the careful and disinterested inquirer. There is no sermon on progress so eloquent as to stand and reflect, earnestly and honestly, by the side of the grave of the Father of his Country. And in these irritable times, I would recommend to politicians an occasional visit to Mount Vernon, to soothe their excited feelings, and calm them for the grave consideration of principles. We learn from the history of the fathers of this country, and most of all from the life of him who was the most illustrious of all, that progress is the duty of every citizen. Did *they* not progress? Look at their movements. The grandest, the most august Revolution that any mortal man, or any set of men, ever undertook, they accomplished. But their views were necessarily limited. They did enough for one generation, and more than any generation before, or since, have ever accomplished; but did not do all. They left much undone. What was their mission? What was the evil they were called to remedy? The eyes of the men of the Revolution were directed towards Europe. They had no jealousy but upon one subject, and that was, European interference. They sought the independence of these States, and they sought little else. To make their own laws, and impose their own taxes, and regulate their domestic affairs, according to laws enacted by representatives they themselves would choose—that was as far as *they* went, and as far as *they* could be expected to go. But the condition of the country at the successful conclusion of the war of the Revolution was as wholly different, and the then policy and opinions of men were as clearly distinguishable from those now entertained, as ours are from the policy and opinions of the Chinese.

The territory of the Union was narrow; limited by the Mississippi upon the one side, by Louisiana upon another, by the Lakes and by the Atlantic. Why, it was scarcely larger than a preemption claim, in these days of expanded liberality on the subject of public lands. It was a narrow tract. They aimed to give it dignity by peopling it with brave and free men. They thought of it only as a small star, a bright spot upon the surface of that continent, which neither their ambition or policy embraced. They never dreamed of the vast and glorious constellation which was to glitter around it; their policy consequently could not be the same as ours. Progress was the very condition of the existence of the next generation. There were found conservative gentlemen in that day who opposed the first step of progress after the revolutionary war was closed, who were afraid the world was agoing to be turned upside down by every reform. When the debates arose upon the purchase of Louisiana—and we all know with what heat those debates were carried on—there was no want of politicians to declare it unconstitutional, and a violation of the principle and doctrines of our revolutionary ancestors. The most radical Democrat of that day, the author and founder of progressive Democracy, doubted if under the Constitution any territory could be added to the Union. The same sort of appeals and arguments were made then as now. Every reform, every advance which the nation has made,

has been opposed by the same conservatism which would now paralyze the national energy. There is nobody now who questions the propriety of the purchase of that territory, or the annexation of that more important territory, which has been acquired since. The policy has vindicated itself in its triumphant experience.

But there is another sort of progress, to which I have before alluded, and the idea of which I would wish to develop, because it constitutes a great national characteristic. There is another sort of progress. What I have adverted to and illustrated, is mere physical and geographical advancement. I have, as yet, only spoken of the acquisition of territory. I allude now to that progress which has enlarged and liberated the American mind since the days of the great patriots of the Revolution, constituting in itself a revolution as important as that which liberated the colonies from British oppression. There has been going on in the human mind and the human heart, through all that series of years, revolutions, each and all of them of vast importance. There rushes upon the mind and memory of every man a thousand illustrations of what I mean. It was good old Democratic doctrine—a conservative and safe doctrine—that the highest power in this country, the power upon which men's lives, property, and reputation depended, should hold its unapproachable and inaccessible position within the inner temple; that the judiciary, unlike the legislative or any other power in the country, should be irresponsible to that people from whom their power was legitimately derived; that they should not be elected by the people. An elective judiciary? Such a heresy in the days of the Revolution would have raised an outcry from all our assembled revolutionary ancestors. Nearly all the States in the Union have made this change in their constitutions. It has resulted from a gradual but constant pressure of public opinion, which was irresistible.

There are other illustrations; one more striking than this. There was a law which existed in every one of the old thirteen States, and many others—a law which was approved by our revolutionary fathers, and acted upon by them; a law which took away all discrimination or distinction between guilt and misfortune; a law which incarcerated the debtor in the same prison with the felon; which placed the man, from whom accident may have taken a fortune, or who had incurred obligations which Providence may have made it impossible to meet, upon a level with the thief; a law which gave into the hands of a single individual in this country the power, by process of law, to imprison and disfranchise a fellow citizen, guilty of no crime, and to make the victim, by the oppressor's own act, incapable for life of ever escaping from this thraldom—the power to separate husband and wife, the father from his family, to spread desolation and ruin through those homes which, in all civilized society, should be sacred. The law I allude to is imprisonment for debt; a law which public opinion would not now tolerate in any State in the Union. These illustrations exhibit the extent and direction of the progress of the American mind. There is another illustration of the same principle. In the revolutionary times, and long after, in nearly all of the States of the Union, to be a free white citizen gave none of the privileges of a citizen. Property was made the basis of the elective franchise—a property qualification. It was so universally, at one time. Would that be tolerated now? Will any conservative gentleman say that that principle of our venerated revolutionary fathers can be taken up, and defended before the people now? Does the gentleman fear to get rid of a principle like that?—one which deprived half the people of some of the States of any interest in the Government? Why, sir, practical experience and a moment's consideration show, that to do away with that was a safe experiment. Look at the achievements—the glorious achievements of our volunteer forces in the war with Mexico. Scarcely one of those volunteers would have been a voter under the old revolutionary principle.

Mr. BRECKINRIDGE. Will the gentleman allow me to say a word?

Mr. MARSHALL. My time is nearly out, and I cannot let you say a word. [Laughter.] Would our army have been furnished with such soldiers if it had not been that each shoulder that sustained a musket consciously sustained, at the same time, the fabric of the Government at home? Each man felt that he was fighting for and in defense of the Government he had aided to construct, and in which he had a part.

Well now, the progress of which this is an illustration, is the kind that Young America contends for. You cannot put down what is natural and ought to exist; and whatever abuses ought to be overthrown will be overthrown; because when once the human mind is awakened—when once men begin to think upon subjects like this, you might as well attempt to control the human conscience, which leads us to God himself, as that other motive principle, which leads us to liberty Men will work out for themselves a more perfect system. It is a spirit more active, more real than gentlemen generally choose to think. It is one which must be appealed to in all political contests. It is one which we were beaten for not consulting once before. We must find a candidate who is a national man. In the language of this Review—and most of the ideas of it I indorse to the fullest extent—in the language of this Review, the Democratic nomination *must mean something*. It must be a man who is able to create national sympathy—who can understand the people, and can make the people understand him. A man whose history, character, mind, position, and opinions are all popular, must be selected, or we will inevitably, in my opinion, be beaten; and we shall deserve to be beaten when we have got such a man in our ranks and do not select him. There is no character with which I have become acquainted in American politics that has such strong points of sympathy for the people as that of Judge DOUGLAS. I am not here for the purpose of pronouncing a eulogium on him, though I should like to do that very much, if I had time; but I shall not stop to do more than just to point out the elements of success in a popular contest which this man has about him. He was a poor boy, sprung from the midst of the people—a mechanic, passing the earlier years of his life in the best training that is possible to discipline the character and make a man popular, fashioning his conceptions of utility and art from the materials of nature—a dignified way of saying that a man was a cabinet-maker. [Laughter.] He was the best cabinet-maker, as he has been the best at everything he has undertaken. He took a medal for it, and that medal should be hung round his neck alongside of that California watch which he received for his eminent services to that State in the agitation of the compromise measures; and the two would reflect glory upon each other. I should hold that medal, if it were mine, given to me as the best cabinet-maker, a prouder mark of honor and a higher distinction than any cross which ever glittered on the breast of a soldier. I reckon the triumphs of peace as far more glorious than those of war. A little later, we find him a lawyer, and the best lawyer, the most successful, and having the best business. Progressing safely and regularly, by dint of force and merit, we see the poor cabinet-maker passing through the experiences of a barrister and taking his place on the district bench of his State. The best of the judges on that bench, he was promoted to a higher judicial tribunal. Singular and uninterrupted success has crowned his whole life. The distracted and disorganized Democracy of his own State, knowing his power, called him from the bench to complete its organization. He did complete it, and there is not now a Democracy in all the States of the Union—unless it be that of California—that is more united than the Democracy of the State of his adoption. Taking his place upon this floor, who won more laurels? Who was more distinguished here? No man in this House. Steady to this principle of safe and regular progress, notice the other step in his career. As he had passed from a barrister to a judge, and from an inferior to a more important tribunal, he passed from this House to the other branch of Congress, where he has seen more triumphs than any man of his age had ever done before, or than any man has done in that House since he has had a seat there.

And now, having scarcely reached the middle of a protracted life, he stands the most prominent, as I believe he is the most meritorious, of all the candidates of the Democratic party for the Presidency of the United States. Take this man as I have described him—and described without exaggeration—raise the flag for him inscribed with these opinions and doctrines, spread them over the country, and I give you my word that there will spring up in the American heart, from one end of this continent to the other, an enthusiasm which will make his election and our success absolutely certain.

[Here the Chairman's hammer fell.]

THE HOMESTEAD BILL.

SPEECH OF HON. T. J. D. FULLER,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

March 30, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period herein specified, being under consideration, in Committee of the Whole—

Mr. FULLER, of Maine, said:

Mr. CHAIRMAN: I sought the floor some days since, for the purpose of urging some of the objections which I entertain to the principles of this bill, and to the various other projects, of a somewhat kindred character, now pending before Congress.

I regard the bill as *unconstitutional*, *partial*, and *unjust*, in its provisions. If I were before another *forum*, differently constituted from this, I would premise my remarks by a motion to dismiss this bill—this writ of partition—for so I must regard it, filed by the honorable member from Tennessee [Mr. JOHNSON] before this grand legislative inquest, and reported with sundry amendments by the Committee on Agriculture.

I deny the title of these petitioners, either in law or equity—I deny the authority of this Government to make the partition—I deny that this Government holds the public domain by such a *tenure* as that it is susceptible of any such severance and partition as is prayed for by the bill. I ask by what right—by what warrant—by what title deeds—a certain class of persons, aliens and foreigners, or citizens of a limited age—of a particular condition in their domestic relations—of a particular condition in their pecuniary affairs—as they chanced to be, on the 1st day of January, 1852, appear here and claim that all, or any portion of the public lands—the common property of the whole people of the United States—shall gratuitously be set off to them, by metes and bounds, and thereafter be held and owned in severalty, to the exclusion of a much greater portion of the people, possessing equal rights and equal privileges.

Sir, if there be any one subject, having a political or legislative bearing, upon which the American people are more sensitive and jealous than upon another, it is, the partial and unequal bestowment of Government favors, pensions, or bounties.

The axiom that "the blessings of Government, like the dews of Heaven, should fall alike equally upon all," meets with an affirmative response from every breast. The history of our pension system, and its gradual extension, is a striking illustration of the pervading influence of this idea.

Congress began, in 1818, by pensioning a class of the revolutionary soldiers, who, in the language of the law, "*by reason of his reduced circumstances in life, shall be in need of assistance from his country for support.*"

In 1820 Congress authorized the Secretary of War to cause to be stricken from the list of pensioners such persons as were not, in his opinion, "in such indigent circumstances as to be unable to support themselves without the assistance of their country." The effect of these discriminations gave universal discontent among the entire class of the brave old soldiers. Public clamor at length became so loud, you were compelled to repeal the odious distinction, and place all upon an equal footing—which was just and right. The soldier who, to his services in the cause of his country, had added, by his industry and frugality, a personal compe-

tence, thereby adding to your national wealth, saw himself for that very reason deprived of your bounty; yes, more, from receiving his just dues. You began by pensioning the widows of deceased revolutionary soldiers, who were married prior to the close of the war, in 1783; you then extended the time to 1794, and after that, to 1800; and now petitions are pouring in upon you, to repeal all limitations as to the time of the marriage—and you will have to comply with the prayer.

This bill provides for a class of persons as they were circumstanced on the first day of January, 1852. That day is but one, out of the three hundred and sixty five in a year; each successive day will furnish an additional member to the class of persons qualified under this bill, for land bounty; and how long do you think they will remain satisfied, before they will demand their share? And as it will be with successive days, so it will be with successive years. The proposition of the land-bounty law of September 28th, 1850, was at first, to provide for the twelve and eighteen months' men in the war of 1812. It became so extended as to include periods of thirty days' service; and by your law of this session, you have extended it to almost every kind of service. I refer to these facts, in support of my position, that if you open the door for the distribution of the public lands, there is no stopping-place; each successive Congress must exceed its predecessor, until every man, woman, and child shall receive their quarter section of land, or else universal dissatisfaction will follow.

These remarks which I have made apply more particularly to the bill under consideration. But, sir, I do not stop here. I am equally opposed to all of the thousand and one schemes, pending before Congress, by which you propose to rid the General Government, in the shortest possible time, of the public domain. I hold that the present land system, the one which has been substantially in force for the past thirty years, is the best system that the wit of man has yet devised. If proof were wanted, every day's observation and experience, the unprecedented growth of our country, the rapidity with which new States have been added to the Union, furnish abundant evidence of it; and surely, that system cannot be a bad one which has produced results that have astonished the world.

Sir, in further support of the position that our present land system is better than any other, I wish to read an extract from a report made by Lord Durham, in the year 1839, to the British Parliament. I intended to have read more from the same report, but, unfortunately, the volume from which the extract is taken was burned with the Congressional library. It seems a commission was sent out by the Home Government, to examine into the Crown-land system, existing in the British North American provinces. I presume it is well known to the members of this House, that *Crown lands* are donated to actual settlers, for a mere nominal sum, barely paying the expense of survey. This system commenced with providing for the Loyalists, as they were termed, who adhered to the Crown in our revolutionary war. Several regiments were settled in New Brunswick in this way, and even as late as after the war of 1812, one regiment was disbanded, and land donated to it, with agricultural implements, and a year's stock of provision. These lands were located upon the St. John river, upon as fine and productive soil as can be found on this Continent in the same latitude. Within a year past I have had occasion to travel through that settlement, and observed its condition—contrasting it with other sections in the same region. The settlement upon which the Government bestowed its patronage appeared to be struck with blight and mildew, compared with other settlements, whose inhabitants relied upon their own unaided energies. The idea is an erroneous one, and proceeds from false notions, that the Government, by any system of bounties, can build up a substantial and independent yeomanry. Men must rely upon their own resources, and when they do so, success crowns their efforts.

It was a matter of great surprise to the British Government, that the better portion of the emigrants, particularly the English and Scotch, as they passed up the St. Lawrence to Canada West, where fine choice settling lands can be had for the mere expense of survey, should prefer to pass into the United States and pay $1 25 per acre for land not in any way superior to that upon the north side of the great lakes. Some have ascribed the cause to be a preference for our institutions; but I think not. The Scotch and English are very loyal in their attachment to their own institutions. And nowhere do the burdens of Government rest lighter upon the shoulders of the subject than in the colonies

Comparing the colonial Crown-land office system with ours, Lord Durham remarks:

"The system of the United States appears to combine all the chief requisites of the greatest efficiency. It is uniform throughout the vast confederation; it is unchangeable save by Congress, and never has been materially altered; it renders the acquisition of new land easy, and yet, by means of a price, restricts appropriation to the actual wants of the settlers; it is so simple as to be easily understood; it provides for accurate surveys, and against needless delays; it gives an instant and secure title; and it admits of no favoritism, but distributes the public property among all classes and persons upon precisely equal terms. That system has promoted an amount of immigration and settlement of which the history of the world affords no other example, and it has produced to the United States a revenue which has averaged about half a million sterling per annum, and has amounted in one twelvemonth to about £4,000,000, or more than the whole expenditure of the Government."

This is the opinion of one who ought not to be considered as possessing any partiality for our system over that of his own Government.

Now, sir, I come to the main subject of my argument, and I affirm these three positions as applicable to our public lands:

1. That the public lands shall be *disposed* of for the use and common benefit of all the people of the United States, as a whole.

2. That each State shall participate in that common benefit, according to its respective and proper proportion in the general charge and expenditure.

3. That they shall not be *disposed* of for any other use or purpose whatsoever.

Sir, when I saw at the commencement of the present session of Congress the great number of memorials presented from the land States, asking for large grants of land, (encouraged, probably, by the success which unfortunately crowned the efforts of the friends of the Illinois Railroad in the last Congress,) I was led to examine into the title of the General Government, its power of disposal, and the purposes for which it may appropriate the lands, or the proceeds of them.

The United States acquired all its title to the public domain east of the Mississippi and north of the East and West Florida line, from seven of the States of this Confederacy. I have taken the trouble to copy, and propose to have printed in my speech, so much of those several deeds as bear upon this point of title and power of disposal of these lands.

1780, *October* 10. The old Congress, for the purpose of inducing and encouraging such of the States as laid claim to the Western Territory to cede to the United States, for certain purposes therein specified, the public domain, passed the following resolution:

"That the unappropriated lands which may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th of September last, *shall be disposed of for the common benefit of the United States*, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States."

This was the pledge of public faith made by the old Congress to the land States, to induce them to cede their lands to the United States. What followed? It will be borne in mind this was before the adoption of the present Constitution.

1. 1781, *March* 1. The State of New York, in the old Congress, by her Delegates, executed a deed of cession to the United States of her claim to all territory lying twenty miles west of the most westerly bent or inclination of Niagara river; and the material part of the deed is in these words: "*To be and inure for the use and benefit of such of the United States as shall become members of the Federal Alliance of the said States, and for no other use or purpose whatsoever.*"

2. 1784, *March* 1. Virginia made her deed of cession in the following words:

"That all the lands within the territory, as ceded to the United States, and not reserved for, nor appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, *shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of this Confederation or Federal Alliance of said States, Virginia inclusive, according to their respective and usual proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.*"

3. 1784, *November* 13. The Legislature of Massachusetts passed an act authorizing a cession to be made to the United States of all lands claimed by that State between the Hudson and Mississippi rivers, for the purposes mentioned in the resolution of Congress adopted October 10, 1780; and in the deed is contained the words: "*To be disposed of for the common benefit of the United States.*"

4. 1786, *September* 14. Connecticut ceded to the United States all her interest to the lands one hundred and twenty miles west of the western line of Pennsylvania; and in the act of authorization occur these words: "*For the common use and benefit of said States, Connecticut inclusive.*"

5. 1787, *August* 9. The Delegates of South Carolina ceded to the United States her claim to the public domain, and that deed recites: "Whereas 'the Congress of the United States did, on the 6th 'day of September, recommend to the several States 'in the Union, having claims to Western territory, 'to make a liberal cession to the United States of a 'portion of their respective claims *for the common* 'benefit of the Union; and whereas this State is will-'ing to adopt every measure which can tend to promote 'the honor and dignity of the United States, and 'strengthen the Federal Union," &c. Yes, sir, "to strengthen the Federal Union," South Carolina made an offering of her claim in the public domain, acquired by the common blood and treasure of all the States.

6. 1790, *February* 25. North Carolina, by her two Senators, especially empowered, ceded her vacant land, after the adoption of the Constitution, and even after she had opened her land office, and made considerable dispositions of her domain, to the United States, upon the express condition, "*That all the lands intended to be ceded by 'virtue of this act to the United States of America, and 'not appropriated as before-mentioned, shall be consid-'ered as a common fund, for the use and benefit of the 'United States of America, North Carolina inclusive, 'according to their respective and usual proportion in 'the general charge and expenditure, and shall be 'faithfully disposed of for that purpose, and for no 'other use whatever.*"

7. 1802, *April* 24. Georgia ceded her public lands to the United States; and the third condition in the deed is in these words: "*That all the lands 'ceded by this agreement to the United States shall, 'after satisfying the above-mentioned payment of '$1,250,000 to the State of Georgia, and the grants 'recognized by the preceding conditions, be considered 'a common fund for the use and benefit of the United 'States, Georgia included, and shall be faithfully dis-'posed of for that purpose, and for no other use or 'purpose whatsoever.*"

These are the deeds, and these the conditions, upon which the United States hold in trust for the benefit of all its citizens, so much of its public domain. The United States have not, in these lands, an unconditional fee. It is a title *in trust;* and the purposes and objects of the trust are clearly and unmistakably set forth in the deeds. The proceeds of the lands are to be applied according to each State's "*respective and usual proportion in the general charge and expenditure.*" What is the general charge? The revenues—the fifty-odd millions of dollars which are now annually collected, to *discharge* the general charge and expenditures upon the Treasury.

Now, sir, this bill proposes to divert these lands from the *general charge and expenditure*, and to bestow them, not upon all the people, but upon a *select, favored few.* Is this honestly executing the trust? The seven States, from whom the United States derived its title, and all its claim, are now represented upon this floor by eighty-seven Representatives. I ask you, if you can sit quietly by and witness so gross and palpable a violation of the objects and purposes for which these grants were made—yea, more—be instrumental in thus violating the sacred compact? From the perusal of these deeds of cessions, it will be noticed, that four of them contain the language that the cessions were made—

First. New York—"*for the only use and benefit of such of the United States,*" &c.

Second. Massachusetts—"*be disposed of for the common benefit.*"

Third. Connecticut—"*for the common use and benefit of said States.*"

Fourth. South Carolina—"*for the common benefit of the Union.*"

While the deeds of the three States of Virginia, North Carolina, and Georgia, contain not only the same language, but go further, and prescribe how the common benefit is to be realized, and *in what proportion* each State shall share in this common fund, viz: according "*to the respective and usual proportion in the general charge and expenditure.*" What is this general charge? Has it ceased to exist? Your common treasury has a continual drain and charge upon it—increasing most fearfully within the past few years. And yet you propose to divert from it a portion of its accustomed supply. It will be noticed, that the two deeds of cession of North Carolina and Georgia were executed after the adoption of the present Constitution. And mark the change in the phraseology from the words "*use and benefit of the States,*" or "*such of the States,*" to the words "*for the benefit of the United States.*"

These conveyances are in terms perpetual; no change in the destination of the funds, arising from their *disposal*, is contemplated. It is for the payment of no particular debt, to which they stand pledged, but for the "*common benefit*"—"*common use*" of the United States, so long as a charge remains upon the Treasury. These donors or grantors, for the purpose of preventing themselves at any future day from being deprived of their "*share,*" or *proportion*, and to clinch the nail, so far as confidence could be reposed in the integrity of man, added the words, "*to be faithfully and bona fide applied for that purpose, and for no other use or purpose whatsoever.*" Such, sir, is the language of the deeds under which you hold your title in trust, which trust appears on their face; and I submit whether, from these deeds, I have not made good my three propositions.

But it has been said, and seems to have been assumed in the argument as undisputed, that the clause of the Constitution, article fourth, section third, which declares "*that Congress shall have power to 'dispose of, and make all needful rules and regulations 'respecting, the territory or other property belonging 'to the United States, and nothing in this Constitu-'tion shall be so construed as to prejudice any claim 'of the United States, or of any particular State,*" has altered or impaired the force of these deeds, by conferring upon the United States the unlimited power of "*disposal,*" and that the right of *disposal* necessarily includes the right to judge of the *manner* of disposal, and to what purposes the proceeds may be applied. What means the latter clause in this section? The States, as proprietors, had parted with the title, "but nothing in this Constitution shall be so construed as to *prejudice any claim of the United States, or of any particular State.*" What else does it mean, other than to leave the rights of the United States, and the respective States, as they were previously regulated by the deeds of cession. James Smithson died in London, and bequeathed to you, *in trust*, half a million of dollars, to found an institution in the city of Washington, "*for the increase and diffusion of knowledge among men.*" You accepted the trust—you appointed one of your ex-Presidents to collect these funds. The title of Smithson's effects, by virtue of his last will and testament, vested in your Government. You, as a proprietor, could *dispose* of the property. You did so. You invested the effects in stocks and other productive property. The British Government, with a strict regard to the sacred rights of the living, and respect for the benevolent dead, through her courts of justice aided you in the collection of the funds. And who will say that this Government may divert this fund to the building of railroads, or to any of the purposes contemplated in this bill to promote and encourage agriculture, or that the obligation does not rest as strong upon this Government to respect the *trust* in the one case as in the other?

But, it may be said, the deeds from the seven old States do not cover but a small portion of the territory of the United States. Now, the fact is, that a consideration in money was actually paid by the United States in each of the three treaties made with France, Spain, and Mexico—thirty-five millions in the aggregate—besides the accumulating interest, and the yielding up of Texas to Spain, and the expense of two wars, which formed only a part of the consideration for the acquisition of the remaining territory. Can the Government do that *indirectly*, which it cannot constitutionally do *directly?* This territory represents money to the extent it has been paid for it—the land cannot be appropriated to any other object than the money could have been before it was turned into land. If this reasoning be incorrect, the Government is without limitation as to the purposes for which it may appropriate money. All it has to do is to turn money into "*stocks,*" or "*lands,*" and then it may make appropriations for any conceivable object, and thus accomplish by indirect means what it cannot and ought not to accomplish by direct means. If the land States, by reason of the public domain being within their exterior limits, have superior rights to, or claims over, this "*common property,*" so have the old States to the custom-houses, forts, arsenals, and other public property situated within *their* limits. Where is the distinction? In the latter case the old States *ceded* their jurisdiction—in the former case the new States, in quite as solemn and formal a manner, pledged their faith not to assert property or jurisdiction over the public domain.

In support of the conclusions to which my own mind has arrived, I propose to annex extracts from President Jackson's veto of the land distribution bill, sent to the Senate December 4, 1834:

"The Constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it '*shall be so construed as to prejudice any claims of the United States or of any particular State,*' it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only make *needful rules and regulations* for carrying them into effect. All beyond this would seem to be an assumption of undelegated power."

Again he says, speaking of the lands acquired by treaties:

"Those which have been acquired by the purchase of Louisiana and Florida having been paid for out of the common treasury of the United States, are as much the property of the General Government, to be disposed of for the common benefit, as those ceded by the several States. These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States, which had won liberty, were willing to pay for that Union without which, they plainly saw, it could not be preserved."

Referring to his veto on the Maysville road bill, he says:

"The leading principle then asserted was, that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle, I cannot be mistaken in supposing, has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly that the interests of our people, and the purity of our Government, if not its existence, depend upon its due observance. The public lands are the common property of the United States, and the moneys arising from their sales are a part of the public revenue. This bill proposes to raise from and appropriate a portion of this public revenue to certain States, providing expressly that it shall '*be applied to objects of internal improvement or education within those States,*' and then proceeds to apply the balance to all the States, with the declaration, *to such purposes as the legislatures of the said respective States shall deem proper.*"

But it has been urged that the old States *ceded* these lands for the single object of paying off the revolutionary debt; and as that debt has been liquidated, Congress is now at liberty to make any other disposition of them it thinks proper in the exercise of its discretion.

1790. *August* 4. Congress passed an act making provision for the payment of the debt of the United States, and the twenty-second section of that act provides—

"That the proceeds of the sales which shall be made of lands in the western territory now belonging or that may hereafter belong to the United States, shall be, and hereby are, appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use, until said debts shall be fully paid."

Although the public domain has been relieved from that charge, yet subsequently Congress again pledged the remainder of the public domain for a similar purpose.

1847. *January* 28. Congress authorized a loan of $23,000,000, and by an act approved on the same day, it is provided—

"That for thep ayment of the stock which may be created under the provisions of this act, the sales of the public lands are hereby pledged, and it is hereby made the duty of the Secretary of the Treasury to use and apply *all moneys which may be received into the Treasury for the sales of the public lands after the first day of January*, 1848—

"First, to pay the interest on all stocks issued by virtue of this act; and, secondly, to use the balance of said receipts, after paying the interest aforesaid, in the purchase of said stocks at their market value: *Provided*, No more than par shall be paid for said stocks."

The principal of this loan is not redeemable until 1868, the interest being payable annually; and this law stands unrepealed upon your statute book.

By the exhibit of the finances, in the annual report of the Secretary of the Treasury, January 6, 1852, it appears our public debt is $62,560,395 26—annual interest on this debt is $3,879,690 70.

If you adopt the policy that the public lands shall no longer be a source of revenue, you create a deficit in the Treasury to the amount of millions per year. As a question of finance, this subject assumes a very interesting form; but the course I have marked out for my argument, will not allow me to follow out this branch as I should desire to do. Neverthless, I wish to present in this connection a few facts. You collected, the last fiscal year, in the form of duties on importations, $49,000,000. That is an average of over two dollars per head for every man, woman, and child, black and white, bond and free, in the United States, as per your last census. The State of Maine has 585,000 inhabitants, or thereabouts. The proportion of this annual revenue paid by Maine is between $1,100,000 and $1,200,000. So much does Maine contribute annually to support the extravagance of the National Government. The annual amount of the State tax of Maine is about $205,000. Each inhabitant of Maine, therefore, pays annually over two dollars for the support of the General Government, and a trifle over one third of a dollar for the support of her State Government.

Maine is essentially a commercial and maritime State, and upon every principle in the world she should be a free-trade State. She is so; and *all* commercial restrictions are hampers and *fetters* on her navigation.

Mr. Calhoun said, in his celebrated speech, in 1841, in opposition to Mr. Clay's distribution scheme of the proceeds of the sales of the public lands among the several States, which became a law, September 4, 1841:

"The fatal effects of high duties on commerce is no longer a matter of speculation. The country has recently passed through two periods: one, of protective tariffs and high duties; and the other, of reduction of duties; and we have the effects of each in our official tables, both as regards our tonnage and commerce. They speak a language not to be mistaken, and far stronger than any one could anticipate who has not looked into the tables, or made himself well acquainted with the powerful operation of low duties in extending navigation and commerce. As much as I had anticipated from their effects, the reduction of the duties, the lightening of the burdens of commerce, have greatly exceeded my most sanguine expectation.

"I shall begin with the tonnage, as more immediately connected with naval power; and, in order to show the relative effects of high duties and low on our navigation, I shall compare the period from 1824, when the first great increase of protective duties took place, to 1830, inclusive, when the first reduction of duties commenced. During these seven years, which include the operation of the two protective tariffs of 1824 and 1828—that is, the reign of the high protective tariff system—our foreign tonnage fell off from 639,972 tons to 576,475, equal to 61,497; our coasting tonnage, from 719,190 to 615,310, equal to 103,880 tons; making the falling of in both equal 165,370 tons. Yes, to that extent (103,880) did our coasting tonnage decline—the very tonnage, the increase of which, it was confidently predicted by the protective party, would make up for every possible loss in our foreign tonnage from their miserable quack system. Instead of that, the falling off in the coasting trade is even greater than in the foreign; proving clearly that high duties are not less injurious to the home, than to the foreign trade."

Now, what followed this assertion of Mr. Calhoun? It will be remembered, this language was uttered at the extra session of Congress following the election of General Harrison, at which session the bankrupt law was passed. At the next regular session of Congress, August 30, 1842, was passed the celebrated Whig tariff, for *protection*, as it was *misnamed*. What was the effect of this tariff on the commercial and ship-building interests of Maine? I annex the following table, taken from the annual reports of commerce and navigation:

From 1842 to 1846, inclusive—five years—Maine built tons of navigation, as follows:

1842.....tons..38,040		1845.....tons..31,015	
1843.....do....15,120		1846.....do....49,747	
1844.....do....20,900		Total.....154,912	

making an average, per year, of 30,982 tons.

Under the Democratic revenue tariff of 1846, for five years, ending June 30, 1851, Maine built 409,243 tons of navigation, as follows:

1847.....tons..63,548		1850.....tons..91,211	
1848.....do...89,974		1851.....do...82,255	
1849.....do...82,255		Total.....409,243	

making an average, per year, of 81,848 tons.

Thus stands the comparison of a protective Whig tariff with a Democratic revenue tariff; and making, in the aggregate, a total of 563,155 tons of shipping, built by Maine alone, in ten years—over one-seventh part of the entire commercial marine of the United States at the present time, and showing a difference of 50,866 tons per year between a high and a low tariff, and this, too, for a period of five years under each system—making an aggregate difference, for the two periods of five years each, in Maine alone, of 355,331 tons.

I have selected Maine, because my constituents will readily perceive and properly appreciate matters of such vital importance to them. Now, follow the same comparison of the whole tonnage built in the United States during the same period of ten years, and you have results quite as striking. I annex the table, because it will be convenient as a matter of future reference.

The whole tonnage built in the United States during the same period, was as follows:

1842....tons..129,083		1845...tons...146,018	
1843....do.... 63,617		1846...do.....188,203	
1844....do....103,537		Total, 5 yrs..630,458	

Average number of tons, per year, 126,091.

1847....tons..243,732		1850...tons...272,218	
1848.....do...318,075		1851....do....298,203	
1849.....do...256,577		Total, 5 yrs.1,388,805	

Average number of tons per year, 277,761; average difference in favor of a low tariff in the above five years of 758,349 tons.

So much, then, for this part of the subject, and its relation to the finances of the country, and its bearing upon my constituency. My colleague from the Penobscot district, in his speech some days since, urging Congress to make a donation of land to aid in the construction of the European and North American Railroad, showed very satisfactorily the great national importance of that work. It is a work in the success of which I feel a deep interest. It passes through my district into the province of New Brunswick; and I concur with my colleague, that upon every principle of justice and equality, Maine is quite as much entitled to a donation out of the public domain, from the General Government, to aid that work, as any of the land States are for their railroads. Yet I cannot concur with him in *all* his views. He says:

"I maintain that these lands should be used solely for the improvement and progress of the country, and never an acre sold off to pay our ordinary, annual expenses—to my mind, the most shiftless and improvident disposition that can be made of them."

Now, sir, as a matter of principle, here I must differ from my colleague. To be sure, sir, we belong to different schools of politics; but I hold, on the one hand, that the proceeds of these lands should be paid into the common Treasury and thereby lighten the burdens common to us all. I hold, sir, that the public domain is as much a legitimate source of revenue to this Government as duties on imports, and should so be applied. The doctrine held by the Democracy of my State is, that the General Government has not the constitutional power to engage in works of internal improvement. I believe on this subject there is no difference of opinion. They hold that you have no right to convert this Government into a railroad corporation, and tax their pockets for works of this description. It would be unjust and unequal. And equally averse are the people of Maine to involve their own State government in works of internal improvement; and so jealous were they of their own Legislature, lest in an evil hour it might be induced to embark in some schemes of this description, while the power was temporarily delegated to it, that in 1848 the people of Maine amended their constitution in these words: "*The 'credit of the State shall not be, directly or indirectly, 'loaned in any case.* The Legislature shall not 'create any debt or debts, liability or liabilities, 'on behalf of the State, which shall, singly or in 'the aggregate, with previous debts and liabil-'ities incurred, at any one time, exceed $300,000, 'except to suppress insurrection, to repel inva-'sion, or for the purposes of war." And I have reason to know that the condition in which Maine saw other States had involved themselves by the imprudence of their legislation had great influence in producing this fundamental law. Therefore, I cannot for a moment suppose that the people of my own State would desire the General Government to embark in works of internal improvement, or even indirectly render "*material aid*" to any favorite project of their own, when the means to be drawn from the common Treasury of the United States must be refunded by a system of indirect taxation, operating most injuriously upon the ship-building and commercial interests of the State. I believe when the people of my own State desire to impose taxes upon themselves for the purposes of internal improvement, they can find a more efficient and less expensive tax-gatherer than the United States, to collect the money.

Of all the modes yet suggested, whereby the municipal institutions of the country are to be invoked in aid of internal improvement, I give my preference to that by towns; and for the reasons, that the three great objections which exist against either the General Government or State governments, embarking in objects of internal improvement, have not the same force. First, the money is voted by those who have to pay it, and not by agents. Second, the people can judge for themselves whether the project will be feasible and profitable. Third, the money will be expended under their own eye, and therefore economically, and their agents will be held to a strict accountability.

Again: it has been argued by some, that where the Government is a land proprietor, and as a proprietor, it donates half of a township of land, for improvements, by which the remaining half is thereby doubled in value, the Government does not involve itself in a work of internal improvement. Now, I would like to ask if the Government may donate one moiety of a township for improving or doubling the value of the remaining half, why may it not make the improvement itself, and thus double the value of both moieties? I can perceive no reason why it may not. There are a great many points, no doubt, upon the vast public domain, where money could be very profitably expended by the General Government, and the value of the property increased thereby. That, however, is no part of the duty of the Government. It should leave matters of that kind wholly to the forecast and energies of its citizens. If Congress is to be called upon to grant alternate sections of land to every railroad enterprise that a spirit of speculation may incite, I think we had better do as is the practice in my section of the country, send out a committee to *view* and make report to us, whether the public convenience requires a road, and what its utility may be.

But, sir, in addition to the spirit of speculation which now seems to be rampant in the new States, for gratuitous donations of land for the construction of railroads through uninhabited regions, I was forcibly struck with the remarks of the honorable Senator from Michigan, [Mr. FELCH,] who is at the head of the Committee of Public Lands in the Senate. Coming from one of the new and flourishing States of the West, and in consideration of his long experience on this subject, I beg to quote from his recent speech. In adverting to the causes of dissatisfaction with our present land system in that quarter, he says:

"California has attractions that have made that State the wonder of the world. The golden harvest has allured emigration there with a force never known before. As yet the Government has freely thrown open the whole expanse of her gold-bearing territories to every man who would become a settler, and the history of the world affords no parallel to the rapidity of the increase of population. 'A nation born in a day.' In Minnesota and in Oregon larger quantities of land are reserved for public purposes than in the land States, and much greater inducements for immigration are afforded.

"Would it not be astonishing if the acquisition of these new regions of agricultural and mineral wealth, with free liberty to occupy and possess without cost, and proffers of perfect titles to large tracts of land to the settler, did not turn the tide of emigration? The new field of enterprise now opened on the Pacific—a field where commerce and the various industrial pursuits offer temptations and rewards equaled only by those of her mines, presents more than the allurements of fairy-land.

"As might be expected, these inducements turn away the tide of immigration from the twelve land States. They are already feeling its effects. The increased number of immigrants do not swell the sale and settlement of the land in those States in anything like the ratio of the increase of that immigration. Their own citizens are joining the emigrants by thousands. The old States are also pouring their population into the great tide which flows towards the new Territories and the Pacific. The great inducements there, are drawing away the thousands who otherwise would become citizens of these States."

I will not deny, that by giving away land to actual settlers, it may serve, in some degree, to check the tide of emigration from these new land States; and I really felt, upon reading these remarks of the honorable Senator, that I could sympathize with him at the state of things in Michigan. How is it, sir, in my own State, in reference to emigration? From 1830 to 1840, Maine increased in her population thirty-three per cent. From 1840 to 1850, her increase of population has been only sixteen per cent. Yes, sir, Maine is almost reeling by the depletory effect of constant emigration. Her stalwart sons march away by scores and hundreds to the "piny forests" of the Northwest, or to the Pacific shore; and though we who remain regret to part with them, if they must and will go, let prosperity attend them. And all I can say is, most fortunate is that State or Territory which shall receive the largest accession of them; for, like the renowned men of the olden time, "*they are famous for lifting up the axes upon the thick trees.*"

The gentleman from Massachusetts [Mr. RANTOUL] commenced his speech in favor of donating alternate sections of the public land for the construction of railroads in the new States, in language which struck me as being somewhat peculiar. He says:

"I do not see clearly—I cannot be certain, and I think no other man can be certain—that the national domain will continue to belong to the United States as common property, to be applied as it is now applied; for probably—without looking very far into the future—it is probable, that some means will be found to withdraw the public lands from their present position, and to put an end to the long series of controversies somewhat sectional in their nature—to make a final adjustment, upon general, just, and national principles, of the whole subject."

Whoever knew one try so hard *not* to say what he seemed anxious should be understood, as the honorable gentleman in his introductory remarks? Another honorable member, from Illinois, [Mr. FICKLIN,] quotes the prophetic language of Mr. Calhoun, where he says that "owing to the rapid growth of the new States, they would ultimately own these lands;" and therefore proposed, while the old States yet had the power to do "voluntarily, what at no distant day they would be compelled to do from necessity"—and adds, "a simi-'lar opinion is intimated by the honorable member 'from Massachusetts, [Mr. RANTOUL,] whose 'views upon this question are at once so able and 'so practical." What Mr. Calhoun, years ago, predicted might be the state of things thereafter, and what the gentleman from Massachusetts "*cannot be certain about*," and "*cannot see clearly*," the gentleman from Illinois openly and boldly avows upon the floor of the American Congress. He says:

"There is a settled conviction in the new States, that they have not been treated fairly in regard to the public lands, and it need not surprise any one, that so soon as they acquire the NUMERICAL STRENGTH which will enable them to redress their wrongs, they will do so by declaring their jurisdiction over, and title to, the public lands within their limits, *and maintain their declaration.*"

This, sir, is a very significant declaration of Western rights.

In regard to the period when this "jurisdiction and title of the new States" will be asserted, the gentleman, in another part of his speech, says:

"How long it may be before the twelve land States, with the addition of California, may assert and maintain their right over these lands, remains to be seen. It will probably not be a great while."

This, sir, is extraordinary language to emanate from a representative of a State which was carved out of the territory ceded by the seven old States to the United States, and concerning the government and future disposition of which the *tri-party ordinance* of July 13th, 1787, was made. For, in that ordinance, among other things, it is stipulated that "*The Legislatures of those districts, or new*

'*States, shall never interfere with the primary dis-*
'*posal of the soil by the United States in Congress*
'*assembled, nor with any regulations Congress may*
'*find necessary for securing the title in such soil to the*
'*bona fide purchasers.*" The same compact was recited in the act of Congress of April 18th, 1818, by a *proviso*, that "the constitution of said State 'shall *not be repugnant to the ordinance of* 1787, *be-*
'*tween the original States and the people and States of*
'*the territory northwest of the river Ohio,*" and which authorizes the people of the territory of Illinois to form a State constitution, and which was reaffirmed in the resolution of Congress of December 3d, 1818, admitting said State into the Union. Should the State of Illinois, therefore, undertake to usurp the fee of the public domain within its limits, and proceed to make grants of land, would not a question for the judicial power of this Government to decide, at once arise? How striking is the contrast in the tone and temper of the language and sentiments of the gentleman from Illinois, and the disinterested and patriotic language and sentiments in the deeds of the old States to the United States!

I ask, in what respect the land States "*have not been treated fairly?*" What is the grievance? Illinois has already received some five millions and a half of acres—some too millions and a half more than Indiana or Ohio—and this partiality to Illinois is made the foundation for further demands by other States.

But a new source of discontent on the part of the land States has quite recently been discovered. The honor of this discovery belongs exclusively to the Senator from Massachusetts, [Mr. SUMNER,] who claims it as an original idea. It is the deprivation of the new States of the right to tax the public domain within their limits. Now, I have a word to say on this point; and, as evidence of the estimation in which this privilege is held by the State of Illinois, I will show from the laws of that State, that it is a prerogative held in slight estimation. It will be recollected by those members of this Congress who served in the last, that on the 20th of September, 1850, a donation was made to the State of Illinois of some two millions and a half of acres of land, to build the "Great Central Railroad" in that State, commencing at the southern terminus of the Illinois Canal, and extending to Cairo, with branches extending from the point of beginning to Galena and to Chicago. At the time of the passage of the law making this grant, it does not appear that any survey of the road had been made, or any company incorporated to construct it. In February, 1851, thirteen gentlemen—eleven of them residents of the city of New York and two of Massachusetts—were incorporated by the name and style of the "*Central Illinois Railroad Company,*" with authority to construct said road; and, by a document which I have before me, purporting to be published by the authority of the directors, it appears that immediately after said act of incorporation, the State of Illinois conveyed to this company all the land donated by Congress. A portion of the twenty-second section of that act of incorporation reads as follows:

"The lands selected under said act of Congress, and hereby authorized to be conveyed, shall be exempt from all taxation *under the laws of this State, until sold or conveyed by said corporation or trustees, and the stock, property,* and *effects* of said company shall be in like manner exempt from taxation for the term of six years from the passage of this act."

The time and manner of disposing of this immense tract of land may be seen from the following extracts from the proceedings of the directors:

"*Financial plan of the company, submitted to the directors April* 23, 1851, *and by them adopted.*

"It would be *injudicious* at present to submit an estimate of the probable cost of the whole road and branches, and your attention will be particularly devoted to the plans to be adopted for the best use of the lands and properties which have been given to the company for the purposes proposed by the grants.

"*To retain the lands in your actual possession until the increase of population caused by the facilities created by the railroad shall have given to them a high market value seems to be the most judicious course,* and therefore it will be necessary to avail yourselves of the authority given by the charter to build the road and its branches by the proceeds of bonds to be issued for the construction charges, to be secured in the most perfect manner in your power. The details of the arrangement, as far as it has been matured, are now submitted."

This, sir, was certainly a most "judicious plan," inasmuch as these lands, which are estimated by the gentleman from Massachusetts to be worth in ten years about $25,000,000, are to be free from taxation for the period of thirteen years!

By a letter appended to the same document, over the signature of one of the directors of said company, the honorable Robert Rantoul, jr., it further appears what the estimated value of this land will be at the time it is proposed to bring it into market. The closing paragraph of that letter is as follows:

"I consider, then, that any estimate which shall give to the lands belonging to the company an average value of from ten to twelve dollars an acre, to be reached in from twelve to fourteen years from this date, is *amply sustained* by the facts presented in this communication."

Now, sir, considering the peculiar relations which are believed to exist between the Senator from Massachusetts and the honorable member on this floor from the "Essex district," their two published speeches on the policy of donating lands for the construction of railroads, and the pecuniary relations of the latter gentleman to the great Central Railroad of Illinois, as appears by his published letter, I was forcibly reminded of the political position which a certain ex-President was said to occupy in regard to national affairs. It was said of him, that he was "a Northern man with Southern principles;" and I think the question might well be asked, whether the honorable gentleman from Massachusetts is not, upon this matter, an *Eastern* man with *Western* principles? In the days of the conflict between this Government and the old United States Bank, it was alleged that certain distinguished members of Congress occupied a relation to that institution which was supposed to influence their political action; and at the present session of Congress members of a certain *political stripe* have declared that a high public functionary ought not to be intrusted with large financial negotiations of the Government, because of his supposed friendly relations with the bankers and stockholders of "State street and Wall street." Now, sir, when a member of this House, from an Eastern State, uniting in his person the duties of a Representative, and of a Director of a *Western railroad*, shall become the ardent advocate of a system of gigantic donations of the public lands for the construction of railroads which are to thread the great Valley of the Mississippi like a net-work, covering the unsettled, as well as the settled portions of that valley, may it not properly excite some attention?

A word more, Mr. Chairman, and I will not further detain the committee. Our present system is, in my opinion, just and equal towards all sections and interests of the country. I seek no change—I desire none. I ask nothing for my own section of country that I am unwilling to extend to every other section. I disclaim all sectional feeling. I believe our past growth has been greatly promoted by the existing policy. If it shall be materially changed, it cannot fail to produce gloomy apprehensions for the future growth and prosperity of the people. Our present land system operates like a great balance-wheel upon our political institutions. It regulates the value of real property; it controls the wages of labor; and so long as one day's work will purchase an acre of productive land, and secure a certain and sure title, directly from the Government—eastern manufactures can never control the wages of labor. The value of real property in the agricultural regions of the older States is adjusted, in a great measure, by this system. As our population increases and becomes more dense, they will emigrate to this broad domain, occupy and cultivate the soil, establish schools and churches, and form settlements, and thereby avoid those evils incident to a more dense and thickly-settled country. But offering extraordinary and unusual inducements for settlement will not increase the number of good and reliable settlers. Such settlers multiply only by time and the natural course of events. I trust, sir, that our public domain may be long so held, and that our children, and our children's children, may always have the privilege of resorting to it for settlement and support, and at an unvarying price, with a certainty of title, until the almost countless acres of our unoccupied domain shall be covered with a virtuous, industrious, and happy people.

THE DEFICIENCY BILL.

SPEECH OF HON. G. S. HOUSTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATVIES,

March 22, 1852.

The House having resolved itself into Committee of the Whole on the state of the Union, and taken up the bill to supply deficiencies in the appropriations made for the year ending June 30, 1852, upon which bill Mr. HOUSTON was entitled to one hour to close the debate on the bill—

Mr. HOUSTON said:

Mr. CHAIRMAN: It will be impossible for me, within the hour allowed me, to take up each and every item in the bill now under consideration, and bestow upon them even a brief explanation. I will not, therefore, attempt it. I must rely upon being able to give the necessary explanations, aided by other members of the Committee of Ways and Means, when we shall have passed under the rule allowing five minutes' speeches. I will, on this occasion, confine my remarks to those leading and important items which seem likely to obstruct the speedy passage of the bill.

I will take occasion, however, first to call the attention of the committee to an item of $279,517, for subsistence in kind, which appears in the bill, and which, without an explanation, may be regarded as a deficiency, when, in truth, it is not. By that item being in this bill, the Committee of Ways and Means propose that Congress shall pass a law authorizing the subsistence department to use that amount of its appropriations for the next fiscal year in advance of the passage of the regular army appropriation bill. The Committee of Ways and Means regarded this course as proper, and intended to enable the department to use that sum, in the months of March and April of this year, in the purchase of supplies for the fiscal year ending 30th June, 1853, that the department may be enabled to have them in a state of forwardness, to meet the demands at the beginning of that fiscal year. Again: it is thought by those best acquainted with that subject, that the spring is the best season of the year for making such purchases. This course has been heretofore pursued; was recommended by the department at this session, and concurred in by the committee. This item, then, is no deficiency, nor is it an increase of the appropriations for that branch of the service. The amount of the item has been deducted by the Committee of Ways and Means from the regular bill for the army.

In the beginning of this investigation it may be proper for me to inquire how and why does this deficiency exist?—by whom, and in what way was it brought about? Some gentlemen attempt to account for it by saying there was not a sufficiency given in the bill of last year, and that a deficiency could not have been avoided; others say there was enough given but that the Aministration has wasted it.

I will speak to both of these points. Our friends over the way say the appropriations under these heads of last year being reduced one half by Congress, were insufficient to meet the absolute wants of the Government. Admit this to be true, whose fault is it? Is it the fault of this side of the House? Clearly not. The Administration made its estimates to the last session of Congress for the present fiscal year, and when those estimates were being considered and examined into, a distinguished friend of the Administration proposed to cut them down one half, upon the ground that one half was sufficient for that branch of the service. His movement was approved and sustained by several other prominent gentlemen of his political friends, and agreed to by the House. The political party with which I am connected did not propose the reduction—many of them, however, sustained it; some upon the ground that they believed the amount amply sufficient, others upon the ground that as they had not had the same opportunity to investigate the correctness of the estimates, as the particular friends of the Executive, in whose possession the most reliable information was to be found, were willing to reduce whenever and wherever the party in power might say reduce. Whenever the friends of an Administration shall say in their places in this Hall, that they can get along efficiently with one half of the sum proposed to be appropriated, the course of the other side should

be to vote the reduction, unless they *know* such reduction will injure or cripple the interests and operation of the Government. It is evident, then, that if the appropriations in the last bill were really too small, the responsibility is upon the other side of the House, and not upon this—the friends of the Administration are themselves to blame, if wrong has been done, and they should be the last to complain that the reduction was made.

I repeat, if the sums appropriated were too small, they are responsible for the reduction; and if they were not too small, then it follows that they have wasted and squandered the money, and are responsible for it to the country.

Allow me, then, to inquire whether there are abuses in the expenditure of the public money in the quartermaster's service; and in answering that inquiry, I will be compelled to say what every member, who has at all looked into the subject, knows quite as well as I do—that there have been, and are *now*, enormous abuses in the expenditures of money through that department.

The first abuse to which I desire to call the attention of this committee, is that growing out of the improper location of the various posts upon our long line of frontier. I am glad to be able to say, that in some of these cases, the Secretary of War is endeavoring to correct the error that has been committed, and prevent others of a like character. Many of the posts are located in towns, villages, and other improper places inconvenient to water, fuel, grazing, and forage of all kinds; and, as a legitimate consequence of such improper location, they have to haul all of these things a considerable distance, and at enormous prices.

One of the posts in New Mexico is established in Santa Fé—a most extravagant place—a place where all the supplies for the army, where all the forage, and everything that keeps up the army—men and horses—costs considerably more than it would have cost had the post been located nearer to the frontier, and in a place more convenient for supplies of every description.

I mention only this one post; I might mention others, to which these remarks would apply with equal force. Colonel Swords, who belongs to the quartermaster's department, reports that some half dozen of these expensive and unsuitable posts have been abandoned, and new sites selected.

Another item of abuse, to which I call the attention of the committee, is in the manner of making contracts for the supplies for the army. Contracts are made by the subsistence department, in pursuance of law, under the direction of the Secretary of War. Those supplies are often, if not always, contracted to be delivered at points remote from the place where they are to be used. Supplies intended for the posts on the Texian frontier are frequently delivered and received at Baltimore, Philadelphia, and New York, thereby increasing the distance and the cost of transportation to a very large extent. The cost of transportation is one of the heavy items that absorbs the money appropriated to the quartermaster's service.

But there is another thing. We find that contracts to deliver supplies at distant points not only increase the cost of transporting them to the points of consumption, but that another abuse arises out of it; and that is in the manner of packing up the provisions preparatory to their being received by the quartermaster's department. In many cases provisions are packed up in casks, or barrels, weighing one third as much as the provisions. To sustain this statement, I will read an extract from the report of Colonel Swords to the quartermaster general:

"As a means of reducing the expenses, I would suggest the proper packing of the subsistence stores. Large quantities of bacon and hard bread have been sent out packed in heavy barrels, the weight of the barrel being as forty-five to one hundred and eighty-five of the bacon, and as thirty-five to ninety-five of the hard bread. Of the latter article, very little if any should be sent out, flour being much more convenient to pack, and generally prepared by the men. Hard bread might be made in the country when necessary. I would also suggest that the flour and bacon sent from the Missouri frontier be purchased at Fort Leavenworth instead of at St. Louis, the neighborhood of Fort Leavenworth furnishing supplies of as good quality, and at as cheap rates, as they can be purchased at St. Louis. This course would save the expense of its transportation up the Missouri, and avoid the risk of its being lost or damaged on the way."

Thus, sir, you see we have not only to pay transportation for that great distance, but we absolutely pay, in the case of hard bread, transportation upon ninety-five pounds of bread, and upon thirty-five pounds of wood, which contains it. Now, it seems to me that there is no economy in this, but great abuse; for near one third of the cost of transportation is paid for transporting that which is of no use when it reaches its destination.

It is also before us in the report of the quartermaster general, that, in transporting these provisions to the place where they are needed, from fifteen to twenty per cent. of them are spoiled, or so damaged that they are condemned as unfit for use, and have to be sold at a great loss or thrown away entirely. I will read a statement from Brevet Capt. A. W. Bowman, to show the amount of subsistence stores condemned at Paso del Norte, Texas, from October 1st, 1849, to July 31st, 1851:

3	barrels and 68 pounds of pork.
58,561	pounds of bacon.
7,088¼	pounds of hams.
36	barrels and 172 pounds of flour.
394	pounds of hard bread.
3	bushels and 7 quarters of beans.
517	pounds of rice.
96	pounds of coffee.
183	pounds of sugar.
12	pounds of candles.
4	quarts of salt.
114	gallons of pickles.

Of the bacon received of Captain Coburn:
San Elizario, 2,956 lbs., issued to Capt. Johns, condemned.
Dona Aña, 5,450 lbs., issued to Lieut. Trevitt, do.
Copper Mine, 4,351 lbs., issued to Lieut. Green, do.

I could read other reports and statements equally strong and pointed, but I have not the time. I merely refer to this as a sample of the manner in which this department of the public service is being carried on.

Then, Mr. Chairman, there is another great abuse that has crept into the service. It is to be found in the high prices paid for forage of every description. We have, in some instances, in a country abounding in grass, paid thirty, forty, and as high as fifty dollars a ton for hay, as food for horses, and that, too, made out of the grass growing in the woods, which our troops could as well cut and save as any one else. All must admit that there is great wrong in this. But this abuse is not confined to hay alone. You may take grain of every description, and the prices paid for it are enormous. Take, also, the article of fuel, I mean wood, cut from the woods in which the posts ought to be located, if they are not; and what do we find? Some of the posts are so located that the wood has to be hauled twenty-five or thirty miles. Is not that an extraordinary state of things? Let me read an extract from the report of Colonel Swords:

"I proceeded to Albuquerque, the station of one company of dragoons and one company of infantry, for whose accommodation quarters were hired at the rate of $275 per month. (See page No. 4.) The expenses at this post were large, owing to its position. Fuel had to be hauled from twenty-five to thirty miles, and some of the corn from thirty to thirty-five miles. The price of the corn ranging, at the crib, from one dollar sixty cents to two dollars eighty cents per bushel, and the price of fodder from one dollar fifty cents to two dollars per one hundred pounds. In addition to the dragoon horses and mules, there were one hundred and ten mules and seven horses requiring to be fed on the forage purchased at these high rates."

Now, it seems to me that when the commanding officer has the whole country in which to select a site for a post, it would, at least, seem proper that he should locate it near to places where he could get his supplies, of every description, with more convenience, and at a more reasonable rate of cost.

Mr. HALL. I will ask the chairman of the Committee of Ways and Means how much it now costs the Government of the United States to supply each horse in the dragoon service in New Mexico? I ask if it does not cost three or four hundred dollars a year?

Mr. HOUSTON. The reported cost of the keep of one mule in New Mexico is $320 a year, but in that, the gentleman from Missouri will find, by reference to the table, was included many other things besides the mere feed of the mule—with the permission of the gentleman I will refer to the table:

Estimate of cost of the keep of one mule for one year on grain exclusive of other forage.

Eight quarts per day, 365 days, is 90¼ bushels, at $2 00	$181 00
One teamster for six mules, at $25 per month, and a ration, is $372—take one sixth part	62 00
One wagon-master to fifteen wagons, at $60 per month and a ration, is $792, and the keep of his horse $187—$973, is $65 per wagon, or per mule,	10 50
Farriery, medicine, &c	$13 50
Wear, tear, losses by death, disability, expenses extra of herding during disability—ten per cent. on cost, $80	8 00
	$275 00
The above was an approximate estimate of the cost of keep of a mule, mentioned in my communication to the quartermaster general, but corn *cannot* be bought at $2 00 on the average: it should be $2 50—add to above	45 00
	$320 00

L. C. EASTON,
Captain, Assistant Quartermaster.

Mr. HALL. I only wish to ask the chairman of the Committee of Ways and Means, if he knows of any good reason why it should cost the Government nothing for forage in the war with Mexico, while it now costs $320 to support a horse in New Mexico in time of peace?

Mr. HOUSTON. Mr. Chairman, I will notice those points as I progress with my remarks. When the honorable gentleman interrupted me, I was remarking upon the cost at one of the posts selected, and which has since been abandoned. I was remarking upon the great expense of carrying corn and hauling fuel and all such articles—articles which cost the Government large amounts. Some of the posts are located so far from water, that they have to keep a four-horse team, and at one, I believe, a six-horse team, constantly employed in hauling water for the supply of the troops. Now, sir, it seems to me that this is a great abuse, and an extravagant waste of the public money. I must, however, proceed a little more rapidly, or I shall not be able to conclude my remarks in the time allowed me.

My friend from South Carolina [Mr. ORR] asks me who is responsible for these abuses, who is responsible for this waste of the public money? My mind, sir, is made up upon that subject. And, in the opinion I have formed, I differ materially from the gentleman from New York, [Mr. BROOKS,] who addressed the committee on Saturday last; and I differ materially from many gentlemen who expressed an opinion at the last Congress, the debates of which I have recently read.

It was stated by some gentlemen at the last session of Congress, that the quartermaster general was responsible. I have come to a very different conclusion. Let us see what is the authority and responsibility of the quartermaster general. He has to furnish the transports for all the supplies that are intended and purchased for the army, and also for the army itself. Can he direct that the supplies which are to be delivered at New York by the contractor, under the terms of his contract, shall be sent to San Antonio or Indianola? Most certainly not; nor can he direct the subsistence department to make contracts for articles deliverable at those points. The quartermaster general has no control over the contracts made, or to be made, for the subsistence of the army. No, sir; these contracts are made by another and different officer of the Government. They are made by the subsistence department, under the direction, if necessary, of the Secretary of War, and he is responsible for the contracts, and not the quartermaster general. The quartermaster general is bound to receive the barrels with the proportions, two pounds of hard bread and one pound of wood wherever the terms of the contract require the delivery to be made, and is bound to transfer them, wood and all, at the cheapest price he can. I repeat the question, for what is he responsible? Does he control the location of the posts? Certainly not. I understood the gentleman from New York as attempting to show, under the regulations of the army, that the quartermaster general did locate those posts.

Mr. BROOKS. No; that is not so.

Mr. HOUSTON. Very well; I will take that back. The gentleman from New York is agreed with me upon that subject, that the responsibility of the location of these posts is with the Secretary of War, who is one of the Executive officers of the President of the United States. It is suggested to me that it is the commanding officer who is responsible; but I beg leave to read regulation No. 970, which settles that point.

A MEMBER. Read it.

Mr. HOUSTON. The regulation is as follows:

"970. No barracks, quarters, or hospitals, shall be erected at the public expense, but by order of the Secretary of

War, and according to plans which he shall have approved; and no officer, whatsoever may be his rank, shall make the slightest alteration in any plan of barracks, quarters, or hospital, so approved, without the order of the Secretary of War, communicated through the quartermaster general. These restrictions do not extend to temporary huts, where troops may be compelled, by the unhealthiness of their positions, to leave their quarters during the summer season, or where, from the circumstances of the service, they may be required to occupy positions on the Indian frontier, in advance of the established posts."

Well, sir, it will be observed that this regulation fixes the entire responsibility upon the Secretary of War. Regulations 970 and 971, by a recent regulation of the Secretary of War, are attempted to be rigidly enforced. I would like to read the regulation just referred to, but I have, unfortunately, mislaid it. It evidences a determination on the part of the present Secretary of War to stop this great source of impropriety and abuse; and if I had not mislaid it, I would feel it due, as an act of justice to him, to read it. So there is clearly no responsibility on the quartermaster general here.

I have no doubt but that the commanding officer does, in many, and possibly in all cases, select sites for the establishment of posts; but it must be done on the responsibility of the Secretary of War, who could, by his mere order, prevent such location, if he should see fit to do so. But let us press this matter a little further. One of the abuses to which I called the attention of the committee particularly, and to which I will now refer briefly, is that of renting quarters and barracks at the various military posts, at such enormous sums. Why, sir, rents are paid at some of the posts which it seems to me must astonish every person who hears the facts. I beg leave to read a table or two, showing some of these extraordinarily high rents:

No. 2.—*Statement of Buildings rented by Quartermaster's Department at post of Santa Fé, N. Mexico.* [Taken from Capt. Reynolds's papers.]

From whom rented.	Amount paid per month.	Remarks.
Samuel Ellison	$100 00	Quarters for Major Morris, Captain Bee, 3d infantry, and Lieutenant Parke, Topographical Engineers. To be vacated at the option of the assistant quartermaster.
P. J. Pillows	81 00	Quarters and office for Lieutenant McFerran, assistant commissary of subsistence. To be vacated at the option of the assistant quartermaster.
Jesus Loya	15 00	Office for Lieutenant Parke, Topographical Engineers. To be vacated at the option of the assistant quartermaster.
Jertrude Barcela	60 00	Quarters for Colonel Munroe, at Lieutenant McLaws. To be vacated at the option of the assistant quartermaster.
Kendrick & Peck	180 00	Quarters for Brevet Lieutenant Colonel Brooks, Brevet Major Kendrick, Lieutenant Griffin, Lieutenant Beall, and mess-room and kitchen for Colonel Munroe. Contract expires May 31, 1851.
Antonio Ortiz	12 00	Slaughter-house and cattle pen for the subsistence department. Can be vacated at any time.
Juan Domingo Valelez	12 00	Store-house for grain and sub-istence stores at La Joya. Can be vacated at any time.
Moore & Reese	30 00	Store-house for grain and yards for public animals at Tecaloté.
Charles Plummer	85 00	Quarters for Captain Easton and the Rev. Mr. Reed, chaplain. Rent expires August 1, 1851.
Juan Sanchez	21 00	Four rooms for storing grain at Penasco. Can be vacated at any time.
Jesus Montoya	12 00	Quarters for Lieutenant Buford, dragoons. To be vacated at any time.
Magil A. Montoya	51 00	Store-rooms for grain at Tecaloté, San Miguel, and La Cuesta.
Antonio Lena	50 00	Office for Captain Easton, and rooms for clothing depot.
A. W. Reynolds	-	Quarters for Dr. McDougall, surgeon United States Army, Captain Reynolds, being absent, and nothing to be found in his office showing the agreement.
James Conklin	50 00	Five rooms, purveyor's store-room for medical department. Can be vacated at any time.

SANTA FE, NEW MEXICO, *July 23, 1851.*

L. C. EASTON, *Captain, A. Q. M.*

Statement of quarters, &c., hired at Las Vegas.

Quarters for Col. Alexander, commanding,	$50	per month.
Office for commanding officer, and quarters for Dr. McPhalin	20	do.
Hospital	30	do.
Quarters for F company, dragoons	80	do.
Quarters for K company, dragoons	60	do.
Quarters for G company, infantry	35	do.
Quarters for G company, officers' quarters, and ordnance store-room	50	do.
Officers' quarters and mess-room	30	do.
Blacksmith shop and bake-house	26	do.
Carpenter-shop and store-room	20	do.
Forage-master's quarters	4	do.
Store-room for subsistence department	10	do.
Store-room for subsistence department	20	do.
Quarters for teamsters	4	do.
Total	439	do.

I have not time to specify others, but they are to be found in the documents accompanying the quartermaster's report. Now, I ask, what control has the quartermaster general over these rents? By reference to regulations 965 and 968, the committee will see that he has no power to refuse these things, when they are demanded by the officer in command. I will read the regulations:

"965. When an officer arrives at a post, if he be entitled to quarters and fuel, he shall make a written requisition for them on the officer of the quartermaster's department stationed there, accompanied by a copy of the order placing him on duty. If he be accompanied by troops, his requisition must embrace his whole command, and designate the number of officers of each class or grade, as well as non-commissioned officers, musicians, artificers, private soldiers, servants, and authorized washerwomen."

"968. When officers and troops are assigned to duty at stations where there are no public buildings which they can occupy, the officers of the quartermaster's department shall hire quarters for them, not exceeding the number of rooms to which the officers are entitled, and the space to which the troops are entitled."

Here is the manner, then, in which quarters shall be demanded, and the manner in which they shall be provided. So that we see, for the items of rent, which appear to be enormous, the commanding officer or commander-in-chief is mainly responsible. The officers are entitled to quarters of certain dimensions; and where there are no public buildings for that purpose, the quartermaster is required to rent quarters, if demanded by the officer in command. I do not deny that the quartermaster is responsible for the price he may agree to pay for rent, or anything else he may have to purchase; and if in any case he gives more than a fair market value for the article obtained by him, he should be condemned and promptly punished; but the commanding officer in the field, under the authorities in Washington city, can alone dispense with rents. They could say these rents are so high we will order the army—officers and men—to use their tents, until they can build or rent at reasonable prices; but if they persist in their demands for quarters, the quartermaster has no discretion, but must furnish them at the most reasonable prices in his power.

It has been frequently asked me within the last few days, "Why don't General Jesup make the soldiers cut their own wood?" That seems to me to be a very pertinent and sensible question. It is, however, easily answered, by saying he has no power to make the order, as will be seen by reference to regulation 981, which says:

"981. At all posts in the vicinity of public or Indian lands, which afford fire-wood, the necessary fuel will be provided by fatigue parties detailed from the troops, under the direction of the several commanding officers; but should fuel be provided by the labor of soldiers on extra duty, it shall be taken up, on the returns of the officers of the quartermaster's department of the respective posts, and accounted for, as public property, according to the regulations."

Now, under these circumstances what has General Jesup to do? The regulations say what each of the officers shall be entitled to, and what each man shall have in the way of fuel—so much in summer, and so much in winter, so much in one latitude, and so much in another—all specifically set forth. But if the quartermaster general should think proper to say: "I cannot give you fuel; here are public lands around you, go and cut your wood," what would be the result? He would be disobeyed, because he has no right to give the order. The commanding officer has a right to give that order, and it should have been given long since. If General Scott should issue his order, or the Secretary of War should issue his order, requiring it, then the commanding officer will have it done. Our troops at those ports, for at least a portion of the time, are doing little or no duty that would prevent them from cutting their own wood, and saving their own hay, yet other persons are hired to do this work, making the wood cost from three to ten dollars a cord. I regard that as an abuse; but the quartermaster general has no power to change it. The Commander-in-Chief can change it, and is in my view remiss in the discharge of his duty for not having done it long since. These remarks as to fuel, apply with the same force to hay. Why is it, I ask, that we are paying $30, and $40, and $50 a ton for hay, when there is the very grass growing all around our posts out of which that hay is made? I will leave others to answer that question.

Mr. MARSHALL, of Kentucky. I wish to ask a question.

Mr. HOUSTON. I cannot yield, as my time will not allow me to do so.

Mr. MARSHALL. The question is merely this: Whether it does not appear from the documents reported by the Secretary of War, in New Mexico especially, that the officer in command there has not issued an order requiring the soldiers to cut their own hay, whenever the price at which it can be purchased exceeds $10 per ton?

Mr. HOUSTON. I intended to come to that, and state that I had heard of the existence of such an order. I have not found any such order, however, in the documents to which the gentleman refers. These abuses appear to have occurred in 1851. We have not received the statements in detail since that time; and, as I stated in the outset of my remarks, efforts are being made to correct many of them.

I desire to have the attention of the committee a moment to another point. It is said by members, that the quartermaster general ought to change the forage that is furnished to the animals we have there in the service. If the commanding officer makes a requisition upon the quartermaster's department for forage, specifying what that forage shall be—either grain, fodder, or what not—the quartermaster's department is bound by that requisition, and has no discretion to change it. If he calls for grain, the quartermaster has no right to supply the demand with long forage. The regulations allow to a mule eight quarts of corn for each day, and if the commanding officer requires it, the quartermaster general has no right to say, that but four or six quarts shall be given; and the idea that the quartermaster is responsible for these things is a delusion. It is erroneous in all its length and breadth.

But my friend from New York, [Mr. BROOKS,] on Saturday last, argued to show (and I was astonished at it) that Congress, and not the Executive, was responsible for these expenditures. Now, has it come to this?—has it come to this, I ask, that an Administration, with the exclusive power of making estimates—with the power and duty of making honest and economical expenditures—shall attempt to shirk and evade the responsibility incident to such action? I flatter myself that the gentleman from New York [Mr. BROOKS] has spoken without authority. I flatter myself that those in power—the Executive branches of the Government are not so cowardly—I will not employ that language—are not so lost to all sense of magnanimity, of honest responsibility, as to induce them to endeavor to escape the responsibility of their own expenditures. It is a most unheard of proposition—that Congress is responsible for the careless and wasteful disbursement of the funds which it has, by law, placed in the hands of the President. Congress may unwisely bestow money upon an unnecessary object; but if the President so carries out the law as to make the expenditure unnecessarily large, the responsibility is his, and he cannot evade it. It may, or may not be wise, for Congress to appropriate moneys to maintain armies to suppress Indian hostilities; but, after making the appropriations, the President is alone responsible if he shall wastefully expend money in carrying out the intentions of Congress. If the President, in carrying into execution the laws of Congress, adopts wasteful, inefficient, and dilatory methods, he, and not Congress, is solely responsible; no art can avail him to escape it, and he ought not to desire to escape it if he could.

It is true, that the Executive cannot expend a

dollar without authority of law; but when the law-making power gives him authority to expend money on a specified object, he is bound, in making that expenditure, to be governed by principles of economy—I will illustrate: Because Congress, by a law, authorizes him to build a fort at a particular point, and gives him *permission* to expend $100,000 in the erection of that fort, it by no means follows that he shall expend all of the $100,000; but if in the progress of the work he can save $50,000, or any other portion of the sum appropriated, he is bound to save it—the object and purpose of Congress in making the appropriation is to enable the Executive to build the fort, if he can do it, at a cost not to exceed the sum appropriated. The law does not require him to expend all of the $100,000, but only so much—within the appropriation—as the public interest, consulting true economy, may require; and if he shall extend his expenditures beyond the point of true economy, he, and he alone, is responsible for such abuse.

An appropriation serves to check or restrain within limits the expenditures, but never to increase them. Congress neither expends the money nor does it *require* the President to expend it. Congress passes a law by which it allows him to do it, if the public good require it. An honest Executive—and I would like to believe all to be honest—a faithful Executive—one who is disposed to do his whole duty to his country, it seems to me, would not like to make an improper or wasteful expenditure of money, but that he would look to the wants of the country, and whenever the country wanted less than the appropriation, he would feel it his duty to make the expenditures less—I mean that he will not go up to the appropriation merely because he has power to do it. Can it be possible that the President of the United States, who has the right to expend $50,000 or $100,000, will say, "It is true I have expended that money, and it is also true that it was not necessary; but you are responsible, because you gave me the power to expend it. I knew it was unnecessary and wrong, but I did it because I could." If he knew it to be wrong, it was a violation of duty and good faith in him to make the expenditure.

Mr. Chairman, there never has been, and never will be, a Congress of the United States that can make all necessary and proper reforms in the Government, either in the appropriations or anything else, without the coöperation of the Executive Department. We may reduce this and that item, but with rare exceptions, we will not be likely to act understandingly when the Departments fail to sympathize with us in the movement; to be successful and do good to the country, we must have a responsive feeling from the other end of the avenue. We may cut off estimates. We have the power to do it, but we never may know, until we try it, whether we cut precisely right, deep enough, and not too deep, and whether we are not striking at an estimate we should not touch, unless we have a hearty coöperation from the Executive branch of the Government. The estimates are made and laid upon our desks, but what do we know about them? What can we know about them? With their estimates they give us their reasons; we scan those reasons; we investigate them; and do everything in our power with the view of making them correct. If we find we cannot show that they are improper, we make the appropriation, and we should make it. The President of the United States is responsible for his estimates, and Congress has nothing to do with them until they are received. They are made alone upon the responsibility of the Executive. But the gentleman says that Congress, by voting in accordance with these estimates, thereby indorses them, and thus becomes responsible. Let us test that. Let us see whether it is a sound, a correct principle. The estimates are sent to us, and, as I contend, constitute what a lawyer would call a *prima facie* case for appropriation. I desire distinctly to be understood upon this point. The estimates make a *prima facie* case for an appropriation. They come to us and are referred to our committees. It is the duty of those committees to investigate and examine carefully into the estimates; to scrutinize, to correct, and to do everything to detect error and impropriety; to expose and lop off, if thought necessary. The committees then report to Congress, and it becomes alike the duty of all the members to investigate and probe the estimates to the full extent that their facilities will enable them to do; and if, after all this, we cannot give a good reason for reducing or refusing them, we should, in my opinion, make the appropriation estimated for. I state that as the principle which will ordinarily govern my action in such cases. But, then, what sort of responsibility does the gentleman from New York attempt to give Congress? We are called upon daily to repose confidence in the Executive Department of the Government. We are told by his friends that we must rely upon him to some extent; that we should not cut down their estimates without a reason; and then, if we agree to give them the appropriation, the same gentlemen turn immediately round and say, Congress, and not the Executive, is responsible for the expenditure, when it does neither expend nor direct the expending of a dollar! This is strange reasoning.

Here I wish to say a few words upon the blunders the gentleman from New York [Mr. Brooks] has endeavored to establish upon President Polk's administration as to estimates and deficiencies. Now, I agree with that gentleman, that estimates are approximates, in some sort, to the amount that will be required under the various heads of expenditure; but then the gentleman did not do Mr. Polk's administration justice when he attempted to establish, before this committee, that that Administration had estimated for large deficiencies for the army upon objects and items which had been estimated for previously. Take up all the bills of which he spoke, and examine what they are. The one of the 8th of May, 1846, five days previous to the war with Mexico, was called a deficiency for that year. Our relations with Mexico had become of that delicate and interesting character that indicated to the Administration that war might soon break out, and consequently large numbers of troops were directed towards the frontier of Texas and Mexico, which made it necessary, therefore, in May, of 1846, for the Administration to ask for money to defray the expenses consequent upon that movement; those items of exenditure had not previously been estimated for. It was no deficiency, in point of fact, because the troops had been ordered to the frontier, to defend Texas, after the regular army bill had passed, in which there had been no estimate to cover those expenses. Then there were large deficiencies, the gentleman says, in the bill of 1847. I ask him to refer to and examine that bill. I ask every member of this committee to examine it; by doing so they will find, as is the case with all the other bills of that Administration during the war with Mexico that the estimates were made not in truth as deficiencies, and for objects previously estimated for, but they were made for troops for which estimates had not been previously made. I am utterly astonished that the gentleman from New York [Mr. Brooks] did not note and state those facts in his comments.

Mr. BROOKS. I was interrupted by the gentleman from Tennessee, [Mr. Jones,] who asked me if there were not fifty thousand volunteers called into service? Those fifty thousand volunteers were called into service, when war was declared in 1846.

Mr. HOUSTON. Not at all. The President of the United States had discretion to call out fifty thousand volunteers, but he did not call them all out at that time.

Mr. BROOKS. But he made his estimates.

Mr. HOUSTON. The gentleman is mistaken; he made no estimates for them till he called them out, and he called them out in different numbers and at different times, and the very bill to which the gentleman has referred shows the fact. The language of the law making the appropriation, which the gentleman calls a deficiency, shows it to be no deficiency. It is an estimate for an item which had not previously been estimated for by the Administration. I regret that my friend from New York [Mr. Brooks] thought fit not to state the language of the law, so that every member of this committee could at once see that the entire deficiencies, as he calls them, were not so in point of fact. These are facts which the law itself proves; and the course pursued by the gentleman only serves to show the resorts of some gentlemen in their efforts to assail and injure a political adversary. I have no further time to appropriate to this branch of the subject. One other remark, however, upon the Administration of Mr. Polk, before I pass from it. The papers report that the gentleman from Pennsylvania, [Mr. Chandler,] not now in his seat, a few days ago, and the gentleman from New York, [Mr. Brooks,] argued, the other day, to show the same thing—that these deficiencies were to pay the debts of Mr. Polk's administration. The gentleman from New York, in reply to the gentleman from Missouri, [Mr. Hall,] said they were to pay Mr. Polk's debts. Now, I feel justified in saying that this statement is an error from beginning to end. There is no evidence upon record, and I defy the gentleman to produce any, which shows any such fact. There is but one outstanding claim that can be charged upon current appropriations, and that is the civil fund of California; and with that Mr. Polk's administration had nothing to do, and did not even know of it until after the wrong had been done; if, indeed, they ever knew of it until after they had gone out of power. But I happen to have the evidence furnished me by the Secretary of War himself, where he specifies that the balance of the war appropriations, in the Treasury, on the first of July of this year, was $855,279. This, he says, is liable for the settlement of the accounts which accrued during the war with Mexico.

I understand that my time is nearly out, and I will publish these things with my speech. I wish to say a word or two to my friends upon this side of the House. We are now called upon by the Administration to give them money. For what purpose? To sustain an army upon the frontiers for the protection of our citizens, and for the purpose of carrying out our treaty with Mexico. It is our duty to sustain our army and protect that frontier, not only from our treaty obligations to Mexico, but from the highest obligations we owe to our citizens and to our emigrants, who are passing through that country to Oregon and California. We owe them protection, and we must give it to them. This morning, I noticed in the Republic newspaper intelligence of Indian depredations upon our western borders; and if we refuse to give the money asked for, we thereby withdraw our protection; we had better disband the army. My Democratic friends sometimes tell me, that we gave the Administration enough, but they have wasted it. Admit that, if you please, is that a reason why we should not keep up the army? Because the Executive has wasted the money, is that a reason why we should refuse to supply our troops, and protect our frontier settlement? Certainly not. Admitting that the President of the United States has squandered the money, it will not do for us to say, because he has wasted it, the army shall be disbanded—starved, or unclad. I hope such a course will not be pursued. I hope this bill will pass, and we will go before the country and show who is responsible. Our army is the army, not of the Whig or the Democratic party; it is the army of no party, but of all parties; of no section, but of the whole country; and, as such, must be regarded and maintained. The defenseless, in whose protection that army is now engaged, are our brethren and fellow-citizens, and should neither be abandoned nor neglected by the representatives of the people. Gentlemen say they will take the responsibility of refusing supplies. Even if we believe the Administration has been extravagant, wasteful with the public money, I think that is not the proper course; we must keep up the army for protection to our frontiers, and guard our appropriations in future, if deemed advisable; go to the people upon their extravagance, produce the evidence, establish the fact, and the people will eject them from place.

If you turn your army loose, and refuse to protect the frontier, you will create a burst of feeling and indignation among the settlers of that part of the country, and through all parts of the country, that will overwhelm us, if we stop here and refuse to sustain the army, we may talk about extravagance, but the people will not hear us, when their wives and children are being butchered by the savages. We must vote these supplies, and put the responsibility where it properly belongs, which is on the Administration. From the course of the gentleman from New York, [Mr. Brooks,] I am led to believe that he is striving to defeat this

bill. He has done it more harm than its worst enemies.

I was tempted to believe that the gentleman took this ground, hoping to make the Democrats defeat the bill, that they might smother up and merge the charge of extravagance against this Administration, by taking advantage of the burst of indignation which would come up from all quarters of the country upon the defeat of the bill; and in such an event we would have to defend ourselves against a charge of withdrawing our support and protection from our frontier settlers.

[Here the hammer fell.]

Mr. HOUSTON. I had a sum which I intended to submit to my friend from New York, [Mr. BROOKS,] and, if the committee will indulge me, I will yet do so.

He stated as a fact, and argued to prove, that during the Florida war the cost of our army per man was about as great as it is now, and in that way attempted to justify the extravagance of his friends. I have not examined into the correctness of his statement, but will, for the present, give him the benefit of it. The Democratic party had the President during that war, and I sasure the gentleman it was a very dear war to us. He and his friends charged us with extravagance; the people believed them; and it cost the Democratic party a signal defeat. You beat us most shamefully. I therefore submit to him this sum: If, during a time of war, the cost of our soldiers engaged in it was so great per man that the people of the United States beat us so badly that we only received the votes of seven States in the ensuing Presidential election, how many States will his Administration receive next fall, when he admits that in a time of profound peace the expense of the army per man is as great as it was during that period of war? If he will work out that sum, he will find where he and his friends will be next fall; and if he does not work it out, we will do it for him and furnish the answer.

SLAVERY QUESTION—PUBLIC LANDS—THE TARIFF—NON-INTERVENTION.

SPEECH OF HON. ORIN FOWLER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

March 31, 1852,

In the Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair,) on the special order—the Homestead Bill.

Mr. FOWLER said:

Mr. CHAIRMAN: It is not necessary for me to say a word of the fitness of Presidential candidates, for the purpose of informing the constituency which I have the honor of representing. That constituency (which, for intelligence and patriotism, I am sure, is unsurpassed in this country) think and act for themselves. Nor need I define my position. This is known of all. My constituents examine the record. They are aware that no vote has been dodged—that my opinions and votes accord with the views they expressed in their own resolutions in 1848, and in 1850. They are an enterprising people, and expect their representative to give attention to the duties imposed upon him by their suffrages. In the matter of making Presidents, and presidential platforms, they can perform their own work; and when the time comes, they will do it.

Turning from these matters, as inappropriate on this floor, I propose to examine some practical topics of legislation now before this House. I propose to take a rapid view of a great principle involved in the design of this Government; and then examine some of the measures upon which we are called to act.

MASSACHUSETTS.

Before I proceed with my purpose, however, I must briefly notice the remarks made the other day by an honorable member from Georgia, [Mr. HILLYER.] After affirming that "there is not one Abolitionist, not one Free-Soiler, found where he resides; that there are those high in the confidence of the people of Georgia, who have openly advocated the doctrine that this Union ought to be dissolved; that the institution of slavery is in no danger; that the overseer's lash is still heard in the South; and that the slave still bends to his daily labor, without a murmur and without a hope, and is happy and contented;" as he proceeds, he turns to Massachusetts and her people, and charges that her legislation "was intended as an insult upon 'the South, and is one of those reiterated and oft-'repeated aggressions, which have alienated the 'minds of the Southern people from the North;" and in view of what he calls her "legislative enactment," he asks, "What can be the matter with the white girls of Massachusetts? Are they left to compete with negro girls?"

Now, sir, all this might be suffered to pass unnoticed as mere declamation. Massachusetts needs no defense. Her doctrines and her deeds vindicate her reputation. She can afford to stand upon her dignity. Neither envy nor detraction can tarnish her fair fame. But her generosity will excuse me, if I briefly allude to a few facts for the benefit of the gentleman from Georgia. He boasts that there is not "one Abolitionist—not one Free-Soiler" where he resides. Sir, I am proud to tell him, and to proclaim it to the world, that in Massachusetts there is not one slaveholder, nor one person held in bondage. Among all her people the "overseer's lash" is never heard. Elsewhere

> ——"man devotes his brother and destroys;
> And worse than all, and most to be deplored,
> As human nature's broadest, foulest blot,
> Chains him, and tasks him, and exacts his sweat
> With stripes that mercy, with a bleeding heart,
> Weeps when she sees inflicted on a beast."

The passage from which these lines are selected is from Cowper's truthful description of human bondage. This passage, and others of similar import, found in the writings of the best English and American authors, are being denounced in some quarters as unsuited to youthful minds. What a degrading system that thus perverts the wisest sense, and leads men professing republicanism, to shun the noblest sentiments of the human heart! In Massachusetts all are as free as the air they breathe; and all have the rights and the joys of freedom. Sir, this it is, not the overseer's lash, that gives them contentment and happiness.

> "'Tis liberty alone that gives the flower
> Of fleeting life its lustre and perfume,
> And we are weeds without it. All constraint,
> Except what wisdom lays on evil men,
> Is evil, * * * and begets
> In them who suffer it a sordid mind,
> * * * * * * unfit
> To be the tenant of man's noble form."

In Massachusetts we have no disunion party. If a few strangers, with disunion sympathies, have appeared among us, they are so few that, were they all to reside in a single school district, they would be in a hopeless minority. Why, sir, the people of our State, where the first blood of the Revolution was shed; parents—children—aye, "the girls," while nobly struggling to maintain the cause of constitutional liberty for man, consider themselves as *trustees*, holding a priceless treasure, in which all the friends of freedom have a stake. They know that the eyes of the world are upon them, and they are true to the Union. Sir, as you gaze with joy upon the stars of our country's flag, I hazard a prediction for Massachusetts, it is this: her star will be the *last* that will fall from the galaxy, to plunge into the outer darkness of disunion—the darkness of disgrace, ignominy and ruin.

The most adverse influence which the Union encounters is the senseless cry of danger, raised by selfish men. The Union grows more stable with our growth, and was never more firmly seated in the affections of the people than it is to-day. The guarantees upon which it rests are stronger than compromises. These guarantees, I trust, will long endure. The rain may descend, the floods come, the winds blow, and beat upon the citadel of the Union, but it will not fall; it is founded upon a rock.

But, says the gentleman from Georgia, there is that "legislative enactment," which gives liberty and equality to all. He says it "alienates Southern minds;" and he fears, forsooth, that it leaves the Massachusetts "girls to competition." Sir, that enactment obliterates a relic of by-gone times, and puts every female, whatever the color of her skin, in a position to be lawfully wedded, whoever may woo her. *Rumor* told Massachusetts there were those elsewhere who have predilections for dark color. Mr. Chairman, if they visit Massachusetts to gratify their instincts, that "enactment" will protect their rights of wedlock, and make the mothers of their children, together with their offspring, *free*. But that competition! Let it not trouble the gentleman. It might not be safe in some latitudes; but the one hundred thousand blooming-cheeked, bright-eyed, warm-hearted Anglo-Saxon girls of Massachusetts are of solid worth and peerless charms. They have no fears. They will compete with the world, most cheerfully. Being for liberty and union, they are sure to triumph. Still, the gentleman says he cannot "understand it." He sees nothing but "insult" and "aggressions." A few statistics will enlighten his understanding.

Massachusetts has a population of 994,499. She has 3,987 free schools. She has, in these schools, 199,429 children. Her people tax themselves $1,021,775 a year for the support of these free schools. She has 854 academies and private schools, which she supports by the annual payment of $332,000—making $1,353,775 which the people pay voluntarily for the education of the youth of all classes, whether native or foreign born, whether of light or dark skins. This does not include our colleges, nor our professional seminaries.

The condition of our State treasury, according to the auditor's report, just printed, is as follows: Credits, $10,383,000; debits, $6,391,000; excess of credits, $3,992,000. Massachusetts always pays. To educate the people; to deal justly with all; to owe no man anything: this is the progress in which Massachusetts glories.

Of our eight thousand teachers, five thousand are females; and other thousands of our females are teaching in every State and Territory, and in nearly every country on earth. Others, again, employ the pen, and are distinguished as authoresses of high repute. One of our New England females has just published a tale entitled "Uncle Tom's Cabin; or Life Among the Lowly;" a work which, for descriptive power and truthful delineation of character, is unrivaled, and will be read wherever the spirit of liberty beats in the heart of man. Our females, go where they may, are coveted, and wedded, and then make such mothers as Madam de Staël told Napoleon France needed; mothers that can instruct the people, and teach, by precept and example, that He who made the world "made of one blood all nations of men."

I must not detain this House to speak of the burning aspirations of Massachusetts for universal emancipation—for the universal diffusion of knowledge—for the healthy and constant progress of man; nor of her numerous worthies, nor of her brilliant achievements. These are known. They stand out boldly upon our country's history. Every valley and every hill-top of the land resounds with the voices of her sons and daughters; her blood swells in every vein of the Republic; her glory is reflected from every portion of the nation. I rejoice in the brotherhood of her industrious, brave, free population, and with humble gratitude reverently praise my Maker that my birth was among the offspring of the Puritan Pilgrims of New England. There is Massachusetts, as two eventful centuries have revealed her. Yes, there she is; her schools, her asylums, her patriotism, her charities, her laws, her whole character—these are her eulogy.

OUR GOVERNMENT.

One ultimate purpose of this Government is the enfranchisement of man. Our Union has been formed, and this Government has been established, not merely to protect and bless our own citizens—not merely to remove great evils and reform great abuses—but to furnish a model for the human race. All men have a right to the immunities of self-government. The people everywhere begin to see that Heaven designed that man should have liberty and independence. As the visions of freedom rise before their minds, and as the aspirations of freedom find a lodgment in their hearts, they look to *us* for model institutions, for lessons of practical liberty, for the solution of that political mystery, that the strongest government is that government which has its basis in the affections and in the welfare of the governed.

Poland and Hungary—unfortunate, yet noble—bleeding under the rod of the oppressor, and bleed-

ing the more profusely for their struggles to be free, received their first emotions of freedom from us.

The people of Prussia, of Austria, of Italy, of Portugal, with scarcely sensibility sufficient to understand their wrongs, and scarcely knowledge sufficient to recognize their rights, yet show some significant prognostics of what our institutions will ere long accomplish in their behalf. This is clearly seen in the terrible scowl of despots at the simple mention of the immunities which are the birthright of man, and which our republican system guaranties. Let this system be perfected—let it progress with unimpaired efficiency, and it will soon drive every despot from his throne. We foresee the future achievements of this system, from what it has accomplished. And we are assured, on authority that never errs, that truth and freedom are to reign on earth; and the part this Government and this people are to act in consummating this assurance, indicates the greatness of our destiny.

By invoking the favor of our great Father, and acknowledging his protecting Providence, as we enter upon our daily duties in this Hall, we but imitate the renowned actors in the great events of our country's history. In every step they recognized the hand of God.

Said Franklin, in the Convention of 1787:

"I have lived a long time, and the longer I live the more convincing proofs I see of the truth that *God governs in the affairs of men*; and that if a sparrow cannot fall without his notice, an empire cannot rise without his aid."

Said Washington, in his first Inaugural Address:

"No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency."

Said Jefferson:

"The same Being led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessaries and comforts of life, and covered our infancy with his Providence, and our riper years with his wisdom and power."

Providential agencies may be traced in the peculiar period of the discovery of this continent. God, in his inscrutable, yet wise Providence, locked up this great country from the knowledge of civilized man for fifteen centuries after the Christian era—till commerce and the arts had shown their mighty energies in liberalizing and elevating communities; till free cities and legislative assemblies appeared in Germany, in France, in England; till King John had given *Magna Charta* to the sturdy barons at Runnymede; till the Hussites of Bohemia, the Waldenses of Lombardy, and the Lollards of England arose to question, to expose, and to resist the intolerant powers of their times; till the production of the mariner's compass proved that the ocean was no longer trackless; till the invention of printing created an agency powerful upon the human mind beyond what man had ever conceived. It was just at that eventful juncture in human affairs that Columbus made the discovery of America. Had this discovery been made three or five hundred years earlier, or two hundred years later, the result might have been most fatal to the best interests of our race.

Again: the hand of Providence is seen in the peculiar character of the first colonists. They were the choicest materials of Europe; and were prepared by Providence to found an empire fitted and destined to fill the earth with liberal influences.

Again: the hand of Providence is seen in the events which prepared the way for American independence. A single one of these may be noticed, to wit: the struggle between England and France for the mastery in the American colonies. In that struggle England triumphed; but in that triumph she only exchanged her own colonies for those of the French—a result foretold by Montcalm, and confirmed by Washington, Putnam, and their associates. The men who followed the British banner to Martinico, to Louisburg, and to Quebec, were apt scholars under Wolfe and the veterans of the British army; and such men, thus trained, were not likely to quail when they struck for their own liberties.

Again: providential agencies may be traced in the purposes and principles of the first settlers, and of the revolutionary fathers of this country. The Puritans came to America to assert, maintain, and enjoy their natural rights. Their objects were, religious liberty, civil liberty, and, as essential attributes of both these, intellectual power. Civil independence, as truly as religious liberty, nerved them for their great undertaking. Opposition to the English hierarchy was their master passion; and to place themselves beyond its power, they emigrated; and for their security after their emigration, they devised a plan of government, upon which they established their community; it was, indeed, a nominal subjection—it was truly an actual independence. They resolved to secure religious liberty under the auspices of a free commonwealth. This is the key to their policy—the ennobling spirit, that breathes and lives in all their institutions. The idea of independence was first conceived by the first settlers of New England. The administration of the civil affairs of Massachusetts, the first sixty years after the settlement of that colony, was a phenomenon in the annals of human Government. *Theoretically*, her relations were colonial; *practically*, they were those of an independent commonwealth. At that period she claimed and exercised attributes of sovereignty far higher and broader than she now claims, under the General Government of the United States.

She declared war and made peace; she erected judicatures, coined money, laid taxes and imposts, and inflicted fines, penalties, and death. She erected a mint at Boston, impressing the year 1652 on the coins, as *the era of independence*. When the crisis that "tried men's souls" came, in 1776, the people were prepared to imbody their principles, and assert their rights, as they did in the Declaration, and subsequently in the Constitution. They boldly told the world that "ALL MEN are created EQUAL," and have a right to "life, liberty, and the pursuit of happiness."

Our civil polity, based upon these fundamental principles, is adapted to thirteen, thirty, or thrice thirty States. It contains the elements of boundless credit and mighty power, in giving to one combined agency the exclusive control of the military and naval forces of the nation, of the revenue of its commerce, of direct taxes for national purposes, and of the public domain. It disclaims all interference with institutions that chiefly affect the rights of persons and property, and regulates social and domestic life, thus leaving those interests which "come home to the business and bosoms of men" to the State governments. These two Governments—the State and National—act in perfect harmony. Each has its separate sphere, and its peculiar powers and duties. Neither can dispense with the obligations which all good citizens owe to the other; neither can call itself master of the other; the people are the masters of both. The State governments are the real sovereignties of our system, and they place our interests under our own eye and in our own hands.

Our polity recognizes the great principle of universal suffrage, and makes every man of every calling, and every profession, eligible to every office. It sanctions the freedom of the press, and makes this potent agency subservient to the diffusion of knowledge. Every person may think, speak, and publish, what he pleases, provided only that he does not wantonly abuse his liberty. The press, with its three thousand papers and periodicals and quarterlies, makes this great country one great school. It gives its lessons in the rail-car, the steam-boat, the counting-room, the work-shop, the cotton-mill, the farm-yard, and the mines of the Schuylkill and of the Sacramento. Our civil polity harmonizes society. If we have political parties—if these parties are zealous, and sometimes violent—their differences are not fundamental. They look to men and measures, not to first principles; to matters of policy—not to the form of government. In this country, party spirit, being confined to questions of administration, is the electrical fluid of the political atmosphere. It may terrify—occasionally it may desolate—but it always purifies and invigorates society. In Europe party spirit looks to the support or the subversion of government; whereas, in this country, if we do not all vote for the same men and the same measures, we are all satisfied with our form of government. Our civil polity encourages universal education, and general knowledge; it gives freedom of conscience to every individual; it keeps the civil and ecclesiastical relations distinct, and protects them both; it gives to mind room and motive for activity and expansion; it opens a wide field for honest industry and honorable enterprise: it recognizes no princely prerogatives—no entailments—no hereditary legislators—no privileged orders—no national church. It was not grafted upon an old trunk; it was planted in the seed, and the root, branch, and fruit, are redolent with the odors of freedom.

The fact that this Government has existed so long, and given such entire satisfaction, inspires confidence in its perpetuity. Confidence is the energy of the body politic. It was the energy of confidence that nerved Leonidas and his three hundred to stand firm against the Persian legions at Thermopylæ. It was the energy of confidence that sustained Columbus under the refusals of princes, the perils of untried navigation, and the threats of a mutinous crew. *Their* confidence was firm under adverse probabilities; *ours* should not waver on the full tide of successful experiment. The excellence of our polity is now generally conceded and universally felt—it is a polity fitted to the wishes and the wants of the human race.

Again: providential agency is seen in the benevolent movements of some of the noblest spirits of the nineteenth century. I refer to our foreign missionary organizations. The directors, agents, and patrons of these organizations are exerting an influence upon mankind scarcely, if at all, less than that of the Government itself. A single one of them, (American Board of Commissioners for Foreign Missions,) has four or five hundred persons, born and bred among us—persons of great worth—at work, silently and peacefully, in the four quarters of the globe. They are diffusing the principles of Christian truth, and of American liberty. They are exerting an influence upon the temporal (to say nothing of the spiritual) well-being of mankind, more potent and more permanent than that of fleets and armies. They are giving to the tribes of men a knowledge of letters, a sound Christian literature, and the principles upon which our republican institutions are founded; and they are prosecuting their noble work with an annual amount of pecuniary means, that would constitute only an item in our civil and diplomatic appropriation bill. The peaceful revolution in the manners, minds, and morals of men, which they are working out, will, in no long time, extend from the rising to the setting sun.

Again: the agency of the Divine hand is seen in our location and resources. God planted this nation in the most magnificent dwelling-place on the face of the globe. The sun does not shine on another land of such large tracts of fertile soil, such stately forests, such noble rivers, such beds of coal, such stores of mineral wealth, so extensive a seaboard, a population so rapidly increasing, of such fearless energy, such sturdy determination, such successful enterprise, such aptitude for self-government.

That Being who "setteth up one and putteth down another" has placed us in an unrivaled position among the existing nations, and furnished us with the resources of commanding influence over the rest of the world. Evidence of our influence may be gathered from the acknowledgment of friends, and the unwilling admission of foes—from the hopes of the struggling majorities and the fears of the oppressive minorities of mankind.

Apart from those self-exalting exaggerations to which we are so strongly tempted, and in the light of sober facts and truth-telling statistics, we can hardly appreciate the present and prospective greatness and consequent influence of our country. Every possible view of our location and resources, deepens the impression. What an extent of territory! reaching from the Atlantic to the Pacific—from Maine to California—from the great inland seas constituting our northern boundary to the great gulf of the South, and intersected everywhere by navigable rivers—those highways of commerce and intercommunication.

The Missouri is 3,500 miles in length—twice as long as the Danube. The Ohio is 600 miles longer than the Rhine. Our lakes extend from east to west over fifteen degrees of longitude, draining a territory of 250,000,000 of acres. The Mississippi, and its tributaries, afford 30,000 miles of steam-boat navigation. Our inland commerce

amounts to $600,000,000 a year—more than twice the amount of our foreign commerce. The Western States and Territories have natural resources sufficient to supply the world with breadstuffs.

What a numerous population is this country destined to sustain! In fifty years more, when the present century closes, we shall number seventy millions; and, fifty years later, two hundred millions; filling up the great basin of the Mississippi, and stretching across the Rocky mountains to the shores of the Pacific, and occupying centers of commercial wealth and moral power, in near proximity to Australia and China. Long before that time comes, the appliances for transportation and intercommunication now in progress, will be completed. Dispatches can then be sent across the continent in a few seconds; and men can travel continuously, from Bangor to San Francisco, without infringing upon the Sabbath.

What indomitable enterprise marks the character of our people! What immense forests have disappeared, and given place to cultivated towns, thriving villages, and wealthy cities! Agriculture, and manufactures, and commerce, and schools, and public buildings, and houses of public worship; all these testify to our matchless enterprise. The rapidity of our progress throws all Eastern countries into the shade. We build steamboats for the Sultan of Turkey, and railroads for the Autocrat of Russia; and our enterprise extends to the icebergs of the poles—to India, China, and Japan.

On the other side of the Atlantic, there is no common principle of cohesion. Europe is divided among diverse nations, of diverse languages, customs, interests, and religions; whereas, though we have more than thirty States, we all speak one language, have one literature, and one great national soul; and here the process of homogeneity and nationality are perfected with ease and rapidity. This unity and nationality gives us an element of influence of immense value. Now is our time to use this influence. "There is a tide in the affairs of men" when trivial circumstances may turn the balance of individual and national destiny. We have reached a period in our national progress when, if we are true to our trust, and use our resources, and our elements of power—taking broad views of our legislative duties, views as broad as our territory, and our present and prospective national influence—our institutions will be copied, and we may exert a benign and decisive influence on the destinies of the world.

I have thus adverted to some of the characteristics of our history and condition, that I might call the attention of the House and the country to the measures of great public moment, which it becomes rulers and people to foster.

The time allotted me will allow of only a brief consideration of these measures. I begin with the

PUBLIC LANDS.

According to the annual exhibit of the Bureau of the Land Department, the entire area of the public lands, exclusive of the lands in Oregon, California, New Mexico, Utah, the Indian and Nebraska Territories, is 424,103,000 acres; inclusive of those lands, it is 1,616,935,000 acres. About one quarter of the 424,000,000 has been sold, and nearly an equal amount has been granted by Congress as donations to States, corporations, companies, and individuals. The annual amount of *sales* for fifty years is about 1,250,000 acres, and the total amount received for all the sales which have been made is about $140,000,000. The cost of our public lands, including the purchase-money, the annuities to the Indians, and the expenses of the Indian department, the cost of surveys and of sales, with several other items, is a much larger sum than that which we have received. As a whole, the expenditures have greatly exceeded the income, and all the States have borne their proper share of these expenditures.

The total amount of the public domain remaining unsold and unappropriated is now about 1,400,000,000 acres. If one quarter be deducted as unfit for cultivation, there will remain 1,050,000,000 acres to be disposed of. If the Government dispose of it by sale and donation at the rate of the last fifty years, it will require more than three hundred years to dispose of the whole. The Constitution devolves the management of the public domain upon Congress, and the question, What shall be done with these lands? is one of general interest.

The public domain was procured by the blood, treasure, and patriotism of the whole country, and belongs to the nation. In managing and disposing of it, the proprietorship and rights of all should be regarded; and that equality and reciprocity which will promote harmony should be observed. I desire to make generous—very generous—grants to the new States for education and internal improvement. I insist, also, that liberal grants should be made for like purposes to the old States, in proportion to their representative population. This being done, I believe it will prove to be a wise policy to make grants to actual settlers without charge; and for this purpose I support the bill before us.

England, France, and Spain, granted the public domain, upon a liberal scale, to promote and advance the settlement of the country. By the laws of nations, as well as by treaty stipulations, it became the duty of this Government to respect all those grants, and to carry into full effect the intentions of our predecessors in sovereignty.

If the territory of New Mexico, Utah, Oregon, Minnesota, Nebraska, and the Indian and the Northwest Territories—comprising an area of more than 1,000,000,000 acres—be laid off, ultimately, into States as large as the average of the six Northwestern States, it will make thirty-seven States. If a Territory, (say that territory lying west of Missouri and Arkansas,) equal to those six Western States, be set apart for the colored people of this country, sufficient territory will remain for thirty-one more States for the white population.

We are told by the advocates of slavery that the white and the colored people of this country must be separated; and that, until provision is made for the latter, slavery must continue. I am ready to meet such persons on fair and feasible ground. I propose to set apart a territory, of sufficient extent for the necessities of our colored countrymen. It is now in our power to grant them as large a territory as they need, and reserve enough to double our present number of States. It is but justice that we should make the grant. With few exceptions, our colored people are native Americans. They were born upon our soil; they have cultivated our fields; they have fought our battles; they are entitled to share our immunities; our common Creator has endowed them with all the powers, instincts, sympathies and capabilities which we possess; they have the same kind, brave, generous spirit; the same devotion to family, friends, and country; the same noble impulses of patriotism and benevolence. In pursuance of the grand design of the Constitution, let us now recognize their inalienable right to life, liberty, and the pursuit of happiness; let us do them speedy justice, and thus insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Provision being made for our colored countrymen, I wish to make grants, in suitable and just proportions, to all the States, and to hold the residue of the public domain for the benefit of those who are willing to become actual settlers. I desire to make such provision, by law, as shall give to every native born person, and every man who shall become naturalized, of twenty-one years of age, a farm and a home, provided he shall enter one quarter section, and actually reside upon it, and cultivate it for a term of years; and, in the event of his decease, that his widow or his children, continuing their residence and cultivation, shall possess the home.

I advocate the free disposal of a portion of the public domain, because I desire to see every homeless family furnished with the means of living, of comfort, of education, of moral and religious advancement; and because, to encourage the agricultural, the mechanical and the laboring multitudes of the nation to become the occupiers and owners of the soil, will promote as well the highest interests of the country as the true happiness of families. When men plow their own fields, and harvest their own grain, and eat their own bread, cultivation will be more active, provisions will be more abundant, and the possessions of individuals will constitute the wealth of the nation. When every family owns a permanent home, every man will feel that his own interests are linked with the Constitution of his country, and that in preserving the one he promotes the other. The cultivators of the soil constitute a substantial basis of society. They are the safest advocates of national progress, and the surest friends of constitutional freedom; and it is our true legislative policy to seek enduring wealth by making all the people practically rich.

We expend seven or eight millions of dollars a year upon the Navy, and as much more upon the Army. We make liberal grants to those who have been connected with our land and naval forces. We expend large sums of money for harbors, fortifications, breakwaters, docks, light-houses, coast surveys, the construction of railroads and canals, and for various other objects. We ought now to do something generous for the encouragement of agriculture. By giving homes to the landless and houseless, we rescue them from want and crime—from the alms-house and the penitentiary. We place them in a condition conducive to private virtue and public prosperity: a condition to become independent freeholders, pledged to consecrate the spot where the family altar is to stand and the family circle is to remain, to the support of the Government that has remembered and nourished them.

TARIFF.

The wisdom, policy, and constitutionality of raising revenues for the support of Government from duties on imported goods, are universally conceded. A duty laid upon articles which our countrymen can produce, stimulates domestic enterprise, and enables us, in no long time, to furnish those articles, of better quality and at lower prices than they can be imported; and thus both the producer and the consumer are benefited. Our artisans, our manufacturers, and our agriculturists are reciprocally aided, and their pecuniary interests are inseparably united; each affords important support to the other, the whole country prospers, and the ability to furnish our own supplies in every department of life, makes us in fact, as well as in theory, an independent people, whether in war or in peace. As a great question of political economy, therefore, the tariff concerns the whole nation—all professions and occupations—laborers, artisans, capitalists, mechanics, manufacturers, farmers, exporters, importers, consumers. Hence this should not be made a party question. It *is*, and it should be held to be, a national question—an American question. Let a system of American legislation be judiciously pursued on this great national subject, and let it be adhered to patriotically for twenty-five, for fifty years, and no tongue can tell—no imagination can hardly conceive—of the greatness, the glory, the happiness which, under a benign Providence, awaits these United States. Our mountains are filled with the richest ores; our rivers are bedded with the purest gold; and our American genius, extending one hand over the sea and the other over the land, is creating energies that exert an influence on the other side of the globe. If we legislate as Americans for Americans, we may confidently expect to stand forth, *in truth* as well as in *resources*, the most powerful and prosperous nation on earth; and soon we will cause the precious savor of our republican institutions to be felt and shared by all people. The great interest that needs protection in this country is *labor*. The poor man's capital is the labor of his arm and the integrity of his heart. If this capital receives the fostering care of the Government, it will insure constant support to himself and his family, and the means of ultimate wealth and independence. At least three fourths of the value of most of our manufactured articles lie in the labor bestowed upon them. It is the protection of this labor that we are chiefly to regard in our legislation on the tariff.

I do not advocate a *high* tariff: we do not need it. The amount of protective duties to be levied upon imports should be determined by the wants of the Treasury, connected with the agricultural, manufacturing, and other industrial necessities of the country. I object to a high rate of imposts; because it would amount to prohibition; because it would diminish revenue; because it would give an unnatural stimulus to domestic manufactures; because it would lead to overgrown investments;

because it would glut the market; because it would bring ultimate and early ruin. On many articles, our present rate of duty is high enough; on a few others, as iron, cotton and woolen fabrics, and, perhaps, some others, amoderate increase is urgently demanded.

But the great ends to be secured are permanency and uniformity. A wise, liberal, national policy is what the nation needs. We want the true policy and the stable policy. Confidence and success will follow. To secure these ends, the atriff question must be divested of a partisan character. It is a question above all party schemes; and it must no longer be made the foot-ball for mere politicians to play with. Country must not be sacrified on the altar of political ambition. The partisan character with which this great subject has hitherto been invested, constitutes the worst feature of its history. Irrespective of *partisanism*, every enlightened statesman would forthwith favor the true American policy. I call, most earnestly, upon every member of this House, of every party, to unite in raising this question up from the mire of party politics, and in making it, henceforward, what it truly is, an American question. Let us legislate with American hearts, for American interests and for the American people—remembering that we are one great American family, indissolubly linked together, and that we cannot touch the chain without causing a vibration that will be felt at either extremity.

Further: to secure permanency and uniformity, *specific* must take the place of *ad valorem* duties, so far as it may be practicable. Ad valorem duties fluctuate with the prices of imported articles. They are the highest when the prices are the highest, and lowest when the prices are lowest; and they offer strong inducements to fraud and perjury—inducements by which many are overcome. Specific duties, on the other hand, are equal and uniform, in all places and at all times, and they encourage the importation of good articles, rather than those of inferior quality.

If, in modifying our present tariff, we have regard chiefly to permanency and uniformity, based upon equal justice to all interests and all sections, we shall surmount every obstacle, fulfill our high mission, and give new life to the enterprise of the people, and a new stimulus to the hopes of our race. We shall show to the world, that enjoying the privileges of a free Goverpment, our duty to ourselves and to mankind moves us to carry out the measures that the largest freedom dictates. By regarding the interests of the plow, the loom, and the anvil, in our legislation, we shall show that our eye is upon labor: that we nurse a system which gives success to labor; a system which enables the *working* man to clothe, to feed, to educate his children, and to provide a competency for his household; at the same time we shall unite the interests and the feelings of the employer and the employed, and prove that they have a common object and common interests; and thus, by promoting domestic enterprise, we shall become more and more independent of other nations, and acquire growing power over the destinies of mankind.

CONSTITUTIONAL LAW.

Legislative action is of a high moral character. It bears with great power upon the permanent interests of States, nations, mankind. The stream of its influence is perpetual. It runs on with successive ages. In all acts of legislation which involve the personal rights and moral duties of the governed, the great principle to be observed is that of righteousness, and not that of party predilections, nor sectional interests, nor political expediency. Nations are to be governed by the same rule of right as individuals. "Whatsoever ye would that men should do to you, do ye the same to them." This is the rule for rulers as well as the ruled, and we all know it. For the honest observance of this rule the great Ruler will hold us responsible; and woe be to him who overrules this golden rule.

The constitutionality of legislation is, on no account, to be overlooked. Every law upon the statute-book should be in harmony with the Constitution—and with all parts of the Constitution. It should harmonize also with liberty and justice. The constitutionality of an act may give it validity with the executive officers of Government, and authorize its enforcement. But, if you would have law seize the conscience of the citizen and secure his willing obedience, it must neither violate his rights nor require him to violate his duty; it must neither require him to suffer wrong nor to do wrong.

Suppose Congress should pass a law for the extradition of the Hungarian exiles—requiring that they shall be delivered in chains to the agents of Austrian cruelty, to toil in the galleys or suffer death by the garrote; and suppose this law should demand of every citizen his aid in chaining and delivering up those innocent men—the law might not conflict with the Constitution; but would it be a righteous law? Would it take hold of the conscience of good citizens? Would you, Mr. Chairman—would one of us lift a finger in its execution? Would we refuse food, or shelter, or any of the rights of hospitality to those proscribed persons? No, sir. We would sooner be impoverished by fines, shut up in dungeons, or ascend the scaffold. We would not forcibly resist the law, while it is law. God forbid! But we would endure its penalties till it should be modified or repealed.

Washington, in his Farewell Address, said:

"It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

The period has arrived when we are that great nation. Let this Government now give to mankind this example of impartial justice and national freedom, in every act of legislation.

Let it not be supposed that I discard the Constitution. Far, far from me be the thought. I honor the Constitution of my country, and yield it a hearty allegiance. Fairly interpreted and humanely administered, I abide by it in good faith, under all circumstances. It can require nothing of me, or of any other person, which God's law forbids. It looks with the tear of compassion upon the oppressed whom it cannot emancipate. As if blushing with shame for his wrongs, it sternly refuses to recognize him as a *chattel*, as a *thing*, and boldly calls him a *person*—a *man*.

In that long catalogue of blessings conferred on us, we may exult in the great fact that *ours* is a constitutional government—a government of law—a government that binds the ruler in the exercise of his legislative functions, as well as the citizen in the discharge of his social duties—a government in which legislators have the power of making laws, not by their own will, but by the authority conferred upon them by the people. Such is the priceless inheritance of this nation—an inheritance that secures individual rights and public tranquility. The difficulties that the Constitution surmounted at its formation and adoption—the perils from which it has delivered us—the conflicts from which it has guarded us—the prosperity which, under its protection, has filled our land with plenty and made us the admiration of the world—these are enough to insure the loyalty of all good citizens. But, though I venerate the Constitution as our great organic law, I do not put it above the law of God; nor will I consent to prop it up with doubtful, or dangerous, or wicked compromises. There are legislative compromises which are lawful and proper. If, for example, one great interest in this section of the country demands aid, and another in that section, and no question of moral right or wrong is involved in the demand, the friends of each may compound the matter. In such cases the principle of compromise is justifiable. But when the application of this principle tramples upon the rights of conscience, and intrudes upon the domain of morals—when it assumes to take away from any person the birthright of freedom, and to deprive him of impartial justice, it must be condemned by all honest men.

As the measures usually, though erroneously, called the compromise measures are continually thrust upon our attention; and as most determined efforts are being made to rivet the worst of them upon the country, and, if possible, to place them beyond the hope of modification, it is my right, and my duty, to give free expression to my views of those measures. What are they? The admission of California as a free State; the organization of territorial governments for Utah and New Mexico, with a declaration that new States shall hereafter be admitted, whether they exclude slavery or not; the surrender to Texas of one hundred thousand square miles of free territory, with a donation of $10,000,000; the prohibition of the importation of slaves into the District of Columbia for traffic; and the fugitive law.

Was there anything gained to freedom by these measures? Was there any reciprocity as between the free and slave States? Did not the slave power obtain all she asked?

California presented herself with a republican constitution, excluding slavery, and was admitted just as Wisconsin and other new States had been.

The bill relating to the slave traffic in the District of Columbia was a small matter. It does not loose the bonds of one of the three thousand six hundred and eighty-seven slaves held here under the shadow of the Capitol. It only puts slavery in the District on a level with slavery in Maryland. That is all. Freedom gains nothing by the act. I protested and voted against the territorial bills, the ten millions bill, and the fugitive bill.

Utah, New Mexico, and the one hundred thousand square miles given to Texas, were free territory; and, in my humble judgment, it was a great wrong to surrender those large possessions up to the dominion of slavery.

Texas had no claim whatever to one acre of New Mexico. She never had actual or constructive possession of it. She never exercised the shadow of authority over one rod of it. She never had a single soldier stationed there, nor a court of justice there, nor a magistrate, nor a tax-gatherer. And it was unwise and unjust to give her so much free territory and $10,000,000, simply because she threatened to fight, and to dissolve the Union.

The fugitive law, and the declaration that hereafter new States shall be admitted to the Union, whether their constitutions shall exclude slavery or not, are most objectionable measures. By the one, slavely is to be made a national concern; by the other, the area of slavery is to be extended indefinitely; by both of them, the original and leading purpose of this Government is to be thwarted.

I bring no complaint against that clause of the Constitution on which the fugitive law is founded; nor do I object to a law for the recovery of fugitives, provided it conforms to the principles of humanity and the safeguards of the Constitution. Our Constitution was formed for freemen. It has no affinities for slavery. Slavery is anti-republican and sectional. If this Union should ever be destroyed, and this Government overthrown, slavery will cause the catastrophe. Freedom is national and conservative. The Constitution embraces, with patriotic devotion, the whole country—east, west, north, south. The friends of freedom are the true friends of the Constitution and of the Union. It is their magnanimous aspiration to diffuse the principles of liberty and justice to all men everywhere. *Theirs* is a courage that never falters and a patriotism that never wavers. In the maintenance of right, their firmness is as enduring as these marble pillars.

"What constitutes a State?
Not high-raised battlement or labor'd mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crown'd;
Not bays and broad-arm'd ports,
Where, laughing at the storm, rich navies ride;
Not starr'd and spangled courts,
Where low-brow'd baseness wafts perfume to pride:
No! Men, high-minded men—
With powers as far above dull brutes indued
In forest, brake, or den,
As beasts excel cold rocks, and brambles rude—
Men who their duties know,
And know their rights, and knowing, dare maintain;
Prevent the long-aim'd blow,
And crush the tyrant, while they rend the chain!
These constitute the State!"

The spirit of these fine lines was the spirit of the *founders* of this *Republic;* the spirit of the American Revolution; the spirit of Washington, the most commanding *model* of genuine *patriotism* the world ever saw.

The framers of the Constitution were anti-slavery men. They looked and labored for a speedy annihilation of a system of bondage which they considered as an unmitigated curse upon the nation. They expressed their sentiments and purposes in the first sentence of the Constitution. Justice and liberty for all, were the paramount ends of that instrument. They provided for the termination of the slave trade at the end of twenty years; which they expected would be the death-blow of the cruel system of which it was then the

main support. They adapted the clause for the recovery of fugitives to a state of universal freedom. The fair interpretation of the proceedings of those venerable men is, that each State should provide for the early extinction of slavery within its borders; that the foreign slave trade should cease in 1808; that soon thereafter slavery should be abolished; and that slavery should never enter the Territories nor extend beyond the States in which it then existed. That this was the full understanding of all concerned, the history of those times, as well as the Constitution itself, abundantly proves. The framers of the Constitution had no thought of the perpetuity of slavery. In providing for the extradition of fugitives, they took care to use language which applies to apprentices, and will be appropriate when slavery shall be done away. The Constitution, in its present form, would never have been adopted if the people had dreamed that in this free Republic a single slave would have been found upon its soil in 1852.

The fugitive law is both unwise and unjust. It is designed to fasten the responsibility of slavery upon the whole country, and thus to give it nationality. And the measure is as objectionable in its details as in its designs. It aims a fatal blow at some of the sacred defenses of personal liberty. It denies to the alleged fugitive the right of trial by jury—a right guarantied to all persons by the Constitution. It destroys the value of the legal presumption that every person under this Government is a freeman till he is proved to be a slave. It surrenders the victim upon a mere affidavit of the claimant. It clothes a petty officer with the most important judicial power ever exercised by man—the power of deciding the question of personal liberty; and it requires him to proceed "summarily," and it may be in a corner, and not in open daylight. It imposes fines and imprisonment upon all who feed him or give him a cup of cold water, or in any way show him sympathy or kindness. It requires every freeman in the nation to aid in seizing and binding his unoffending brother man, and to sustain what he knows to be the most cruel system of oppression on the face of the globe. Search the records of Christendom, you cannot find another law so unjust in its provisions.

The Constitution exercises a watchful guardianship in behalf of all persons, who have a question in controversy before our judicial tribunals, whether it be a question of property or a question of personal liberty. If a question at common law, involving property to the amount of twenty dollars, be put upon trial, it must be settled by a jury. If a person be charged with felony, he cannot be held to answer until the grand inquest have found a bill against him; nor can any person be put upon trial for crime except before his peers—a jury of twelve impartial men. Now, the fugitive law attempts to abrogate these fundamental principles, guarantied by the Constitution. It ought, forthwith, to be *repealed*, or *modified* in its essential details.

The *finality* of the compromise! Our ears are saluted with the expression almost daily. How do the advocates of slavery understand this language? Do they mean that there is to be no more slave territory annexed to this country? Nothing like it. When they are prepared for the acquisition of territory, the acquisition will be made, unless defeated by the timely remonstrances of the friends of liberty and Union. Those who so loudly proclaim the finality of the compromise, look beyond the fugitive law. With them this law is a secondary matter. They have their eyes chiefly on the declaration, that hereafter new States may come into the Union with constitutions sustaining slavery. The indefinite extension of the area of slavery is their great point in the compromise. The division of California for the purpose of making a slave State; the dismemberment of the adjacent provinces of New Mexico; the annexation of Cuba;—these are the great ulterior measures. These measures are to be accomplished, first by the reindorsement of the compromise, and, secondly, by securing a Federal Executive that will use the immense patronage of the Government to carry out this indorsement. Such is the interpretation that this term *finality* will ultimately develop. It will presently be claimed, that all discussions of the evils and the wrongs of slavery, here and elsewhere, are to cease.

And will the friends of national freedom and impartial justice be silent? No, sir; they will never consent to be tongue-tied touching a system which, says Professor Stuart, "Degrades men, made in 'the image of their God and Redeemer, into brute-'beasts, or, (which makes them still lower,) con-'verts them into mere goods and chattels." You may indorse and reindorse the compromise every session, and every day of every session, and still the people will think, and they will speak their thoughts; and, when the time comes, they will demand a repeal or a modification, and what they require will be done. At length, freedom and justice will triumph. Of the ultimate issue I have no doubt. I know not what may intervene; but I know that God is just, and that he reigns on earth and in heaven. I know that he is on the side of liberty and right—that none can stay the hand of his providences—that American slavery is against his law, and against every moral attribute of his holy character; and I am sure that, under his controlling providence, it cannot long stand against the public opinion of the nations—against the civilization, the common sense, the political economy, the moral principles of mankind. You had better look the subject in the face now, than to wait till there are five, ten, twenty millions of slaves upon the soil, sending up their cries to Heaven for the interposition of divine justice. You cannot—no, you cannot hinder the march of human freedom. As well might you attempt to stay the stars in their course. Make the trial. Indorse and reindorse the attempt. The Greater and the Lesser Bear, the Crab, the Lion, the Twins, and all that twinkling company, will pursue their stately and steady course. The dial of human progress is not moving backwards. Man, indeed, dies; generations pass away—but truth never dies. The principles of righteousness are immortal. Light is too widely diffused for the long-continued reign of oppression; and the light now sending up its beams, is the light of the morning. Dark as the doom of the oppressed now seems, the time is not distant when the claims of humanity and the principles of justice will triumph.

OUR FOREIGN RELATIONS.

The subject of our foreign policy is assuming an aspect of unwonted interest, because of the power which our commanding influence enables us to wield, and because of the masses, among all nations, who are struggling for their rights. In this attitude of things the question of intervention or non-intervention is a very grave question, and should be gravely considered. After much deliberation, I see no sufficient reason for an essential change of our foreign policy. In my humble judgment, our true doctrine is yet, as hitherto, honest friendships with all nations, "entangling alliances with none." Adhering to this doctrine, I would, nevertheless, receive and succor the oppressed of every nation. I would tender our warmest sympathies to all who are under the iron rod of oppression, and to all who are struggling for the rights of freedom. Moreover, I would be always ready to acknowledge the nationality and independence of every people, so soon as the laws of nations permit it to be done. We may give free utterance to our sentiments touching the rights of man; and no nation, however connected with us by treaty or by commercial relations, can reasonably take offense. Our neutral relations must be observed in good faith; but we may, at the same time, proclaim, without restraint, our fixed purpose to form our own opinions of the civil equality and inalienable rights of mankind, and to promulgate these opinions freely and fearlessly. I would give the most unrestrained utterance to our great principles of constitutional liberty. I would use every fit opportunity to diffuse everywhere, as on the wings of the wind, a knowledge of our sentiments and sympathies. These sentiments are fast gaining a glorious ascendancy in both hemispheres; and this Government and this nation have a prominent part to act in urging forward this ascendancy until it shall pervade the entire world. We are justified—nay, more, as true friends of humanity, it is demanded of us—to declare that every nation has a right to establish such form of government as it chooses; and that no nation has a legal or moral right to interfere with the domestic affairs of another people. This is the law of nations, as laid down by the best authorities, and recognized by the civilized world. The intervention of Russia in the affairs of Hungary, and of France in those of Italy, was a palpable violation of this law—the most important and the most sacred of the laws of nations. I protest against this violation, and arraign the despots of those empires at the bar of the public justice of the world. I protest, and I call upon all the functionaries of this Government, and upon all civilized men, to protest against these and all other violations of natural right and national law.

But the intervention which I advocate is neither belligerent nor officious; it is the intervention of the principles of truth and justice—principles which I trust are hereafter to govern the world, and secure the permanent welfare of our race. If military power may be employed in repelling invasion—in defending our soil against foreign aggression, and maintaining law, order, and domestic quiet—it is a power that should never be exercised in promulgating the principles and blessings of liberty.

Hungary, Italy, Japan, and all other nations, have a right to regulate their own civil and domestic affairs as they please; and neither we, nor any other Government, can lawfully interfere. Sir, we all know that Commodore Perry is about to sail for the East Indies; but we know nothing of the objects of the expedition. If they are peaceful, and only peaceful, I give my hearty approval. If the instructions to the commander of the squadron are in the spirit of those given to another commander, sent forth in the year 1838, to promote the interests of commerce, science, and humanity, then I sincerely implore for all concerned the favor of my fellow-men and of our common Father. Those instructions were highly creditable to the man (J. K. Paulding) who drafted them, to the man (Martin Van Buren) who approved them, to the man (Charles Wilkes) who fulfilled them; all of them, to her honor be it spoken, of New York.

Said the Secretary to Captain Wilkes:

"You will neither interfere nor permit any wanton interference with the customs, habits, manners, or prejudices of the natives of such countries or islands as you may visit; you will carefully inculcate on all the officers and men under your command that courtesy and kindness towards the natives, which is understood and felt by all classes of mankind; and you will display neither arrogance nor contempt and you will appeal to their good will rather than to their fears."

The results of the expedition, thus nobly projected, contributed more to advance the true glory of our country, and the best interests of our race, than any—I had almost said, than all—the other naval expeditions this Government has ever fitted out.

If this Japanese expedition goes forth under similar instructions, may blessings crown its every movement. But, sir, the public prints affirm, (and hitherto I have seen no official contradiction,) that this squadron is to establish commercial relations with Japan, *at all hazards*—by which, I suppose, is meant, peaceably if they can, forcibly if they must. I cannot credit the affirmation. I do not believe any Administration would meditate such an outrage upon the rights of nations, and of humanity. No, sir; I do not believe it. If I am mistaken—if such an outrage is designed; if this squadron goes to Japan with belligerent purposes; if it goes to establish commercial relations by force, provided peaceful measures fail;—if such be its objects, I enter my protest against its movements, here on this floor, standing among my peers, the representatives of twenty-three millions of people. I protest for myself, for my constituents, for the State which I have the honor to represent in part. I protest in the name of justice, civilization, humanity, Christianity. I protest in the name of my country, of all good men, and of the Judge of all.

I repudiate the war system. It is wasteful, cruel, iniquitous. It has cost this nation, in sixty years, $1,000,000,000. If half this sum had been devoted to schools, canals, railroads, the improvement of harbors and rivers, agriculture, and various other objects of domestic prosperity, what an accumulation of material and moral power would our country now possess; and what a spectacle of real grandeur and enduring glory would be presented to the eyes of mankind! Ours is a mission of *peace*. The freedom and prosperity we enjoy, are

the results of *peace*. The *peace* policy is a safe and salutary policy. It makes us mighty at home, and mighty abroad. Let us hope that the time is near, when national controversies will be adjusted by peaceful arbitration; when "nations shall beat their swords into plowshares, and not lift up a sword," nation against nation, "neither learn war any more." In securing such a consummation, truth is our great weapon. In *truth* lies the mightiness of our power. This power is strong enough to cope with all despotisms; and, ultimately, to shake and prostrate the throne of every despot. The greaves of the tented soldier, and garments rolled in blood, are not our proper costume. The cannon's thunder is not our proper utterance. Oh, no! The voice of truth, of wisdom, and of love, will be more efficient than the blast of trumpets, and the roar of artillery; it will sooner deliver the oppressed and give freedom to man, than the heaviest ordnance of the battle-field. Let us utter this voice firmly, till the joyous day shall be ushered in, when constitutional liberty, regulated by law, shall be the inheritance of all people.

Of the noble Hungarian, whose visit to this country brings great pain to some and great joy to others, I have time to say but a few words. An attempt to pronounce his eulogy would be premature. All the materials for a final judgment of the character of Louis Kossuth will not be furnished till his career is ended. I will render honor to whom honor is due; but I am an American freeman—I will worship no man. There are those who cast reproach upon the Hungarian; I am not of that category. It is not strange that he is reproached—it is the lot of patriotism. Socrates was poisoned; Aristides was ostracised; Cicero was hunted down and murdered; and, at one period of the Revolution, Washington was suspected, and Arnold was trusted. It is not strange that such a man as Louis Kossuth, striving for universal liberty, should be defamed. Despots are interested in destroying his reputation. Some of them seek his life. While he lives and pleads the cause of humanity so eloquently, they feel an insecurity which poisons the cup of every enjoyment. While such an advocate of liberty and right is in the field, monarchy and money will find creatures to do their work. But, in spite of their efforts, this mighty champion of human rights will not suffer, nor speak, nor live in vain. No man, with intellect so profound, patriotism so exalted, eloquence so charming, reliance on God so unshaken, can speak or live in vain.

"They who labor for freedom undertake
The noblest cause mankind can have at stake;
Religion, virtue, truth, what'er we call
A blessing, freedom is the pledge of all."

Louis Kossuth throws the energies of his own great soul into the cause which he pleads, and though he sees that cause prostrate he does not despair. The cause of humanity needs such a hero. What other man has appeared among us, uniting in one person so many qualifications for the work he is doing? I do not affirm that all his wishes should be gratified and all his sentiments adopted. There are grave matters of great public concernment involved, which time and mature thought alone can settle. But such an appeal for liberty and humanity, from such a man, in such relations!—I receive it with profound respect. His sufferings, his sacrifices, and his sorrows, enlist my heart. And, Mr. Chairman, if we decline to make great sacrifices and perform great deeds in his behalf—if we hesitate to use the strength of our national arm, and to interpose the weight of our national authority in the cause which he pleads—let us, as American citizens, and as the Representatives of a great nation, show to the world that we embrace, in our aspirations, the enfranchisement of our race.

THE DEMOCRACY OF CONNECTICUT—THE SLAVE QUESTION.

SPEECH OF HON. C. M. INGERSOLL,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

March 31, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. HIBBARD in the chair) on the Homestead Bill—

Mr. INGERSOLL said:

Mr. CHAIRMAN: It is not my purpose to discuss the subject-matter now before the committee.

If an apology were necessary for the course of debate which I shall pursue, all will admit that it might be found in the line of safe precedents set by older and more experienced members who have addressed the House at its present session.

My remarks may take somewhat of a personal turn, and if an apology for this were necessary, gentlemen will, I trust, be disposed to grant it, when they consider that I have been honored with a seat in this body without any public pledges, written or oral, and without a public address delivered upon the great questions which have so recently occupied the public mind both North and South. It seems to me, therefore, due to the constituency I have the honor to represent—a constituency I am proud to say unsurpassed by any in this Union in point of learning, intelligence, industry, patriotism, and morals—that I should at least give them some acknowledgment for the generous support with which they honored me on my election to this body.

In the remarks which I shall submit, I shall endeavor to respond to what I believe to be the sound opinions of my own district and State in regard to that "vexed question" which has for years past so unhappily produced animosities and heart-burnings between the two great divisions of our common country, and which I sincerely believe has recently brought this Union upon the verge of dissolution.

Mr. Chairman, the Democratic State Convention of Connecticut, which met recently at New Haven, among other resolutions, adopted the following:

"*Resolved*, That the principle of a strict construction of the powers granted by the Constitution of the United States forms a fundamental part of the creed of the American Democracy, and that the application of this radical principle will maintain in their integrity the rights of the States, will furnish the most effectual antidote against the centralizing tendencies of the Federal Government, and will preserve the Constitution and the Union, making a confederacy of States equal to the task of bearing peaceable sway over the North American continent.

"*Resolved*, That the Democratic party of this country is essentially, from its principles and its component elements, the true Union party—abstaining from the exercise of doubtful powers on the part of the Federal Government, and upholding the rights of the States, it has preserved the integrity of our political institutions; that it has maintained the honor, developed the power, extended the area, and promoted the prosperity of the Republic.

"*Resolved*, That the Democracy of Connecticut, acting through their State Conventions, have never, amid all the excitement which has prevailed for some years past, given the slightest aid or comfort to sectional animosity; and that they have passed no resolution at war with the creed of the National Democracy; and that, having last year fully expressed their acquiescence in the compromise measures of Congress, they can now proudly point to their official proceedings, for a series of years, as unstained by fanaticism, and embracing principles as broad as the Union.

"*Resolved*, That we will cheerfully abide by the decision of the Democratic Convention which is to meet in Baltimore in June next; and that, from whatever quarter of the Union the nominee may be selected, we pledge him in advance the entire and hearty support of the Connecticut Democracy."

Every word of these resolutions I subscribe to, and am prepared to defend, and I shall make them a sort of text for what may follow from my lips to-day.

Now, Mr. Chairman, I do not intend to discuss the abstract question of slavery, much less to affirm that I am in favor of white or black slavery, or to stand forth as its champion; it is a matter foreign to the issue which I propose to make. Nor is it necessary that I should discuss the mere question of African slavery as it existed before the Revolution, while we were colonies; as it existed in the States after we formed our Constitution, or as it exists now in the South. If it is a curse, as some men call it, it is one which falls upon the slaveholder, and for which we of the North are in no way accountable, and which should draw from us regret at its existence, and sympathy rather than rebuke, towards the descendants of those who with our forefathers fought shoulder to shoulder for that Declaration which made us free, and for that Constitution which secured to us freedom. It is an evil, says the philanthropist. Admit it—what then? Look into our social system, and behold evil surrounding us on every side. Why, sir, the very life which men hold so dear, is made up of evils and blessings—there are the hopes of youth blasted—the energies of manhood destroyed—the sorrows and decrepitude of old age—these, with the good men enjoy, makes up the sum total in the reckoning of human life; and it is the very existence of evil which makes man prize the good which falls to him. And if this rule holds true in the social, how much more should we look for it in the political, which owes all it possesses to the social state? Who will tell me of a political State that has existed from the earliest dawn of government, which has been free from evils? The philanthropist may, with the lantern of Diogenes, look for it, but in vain.

Mr. Chairman, I have watched the slavery agitation, which has been and is so rife in our midst, with much solicitude. A child of common understanding may see where it is tending, and the point at which it will arrive, unless "the sober, second thought" of the North nips it now in its full-grown bud.

I have no sympathy with abolition agitation, or what, in the parlance of the Buffalo Convention, goes by the name of free-soil agitation; and I believe the intelligent people whom I represent agree with me in the views I entertain of its effects. I stand not here to arraign the motives of men, much less to question the honest intentions of those, many of them, at least, who uphold politicians in the war they are covertly making upon the institutions and the peace of the country. But when the Democracy of the North, in their efforts to preserve inviolate the constitutional rights of the States, are told here, as we were the other day by the honorable member from Massachusetts, [Mr. RANTOUL,] that they are "eating Southern dirt," I take this occasion to say, that my democracy teaches me no fellowship, politically, with agitators who scarcely merit the rebuke of an offended people, which, in times gone by, fell upon the head of Arnold, and the whiter head of Aaron Burr.

And let us stop here and see what position the honorable member from Massachusetts, who accuses the Northern Democracy of eating "Southern dirt," himself has occupied. It was in the year 1838, that Mr. RANTOUL wrote a letter to the effect, if I am right, that slavery ought to be abolished by Congress in the District of Columbia, and forbidden in the Territories, and that Congress had full power to do so. I have not his letter by me, but I think I cannot be mistaken about the fact.

In 1840, 1844, and 1848, the honorable member pretended to act with the political party which, by resolves, deprecated all interference of the Abolitionists; and, at the Democratic State Convention of Massachusetts, in 1848, he was one of a committee which reported a resolution which reads as follows:

"*Resolved*, That this convention is opposed to the exercise of *any jurisdiction*, by Congress, upon the matter of slavery in the Territories."

He also went with the party which favored the annexation of Texas to this Union, and the Mexican war. He *now* says—if I understand his position—that he always continued in the belief of the doctrines of his letter of 1838, and that he did not believe a word of the resolve of 1848, which he aided in reporting, or which, at all events, went to the country under his sanction.

The question now is, whether this avowal helps his political character for sincerity? In May, 1851, at a mass Democratic convention, called in his district, and "called," to use his own language before that convention, as reported in the "Commonwealth" of April 4, 1851, "as I suppose at *my suggestion*;" and six months (bear in mind) after the fugitive slave law had passed Congress, and after he had gone through repeated unsuccessful trials for an election to this body, he came out against the constitutionality of the fugitive slave law!

Now, why, if the honorable member did not believe that the doctrines of the Democratic party, in regard to slavery, were, in 1848, sound, did he not THEN come out and oppose them, instead of remaining quiet and permitting resolutions, the doctrines of which he did not believe in, to go forth to the country indorsed by his name? And is it for the gentleman now to taunt me, and those who think with me, with "eating Southern dirt?" But I have digressed too much. I leave it to the gentleman to satisfy, if he can, the world, and particularly the party who loved, in other days, to

honor what they then believed to be his principles and his talents, in regard to his course. He has not yet been able to satisfy me.

Sir, the efforts of the class of politicians just spoken of point to but one issue, and that the rule or ruin of this Union; and with such an issue before me, shall I hesitate where to stand? No, sir. Give me the Union as it is, rather than what goes by the name of liberty, with anarchy and civil war the result. Give me the "*E Pluribus Unum*" which I now live under, rather than the "Liberty, Equality, and Fraternity" of a licentious French Republic.

I speak as a Northern—a Connecticut man; proud of my State, which sent more of her sons to the battle-field of the Revolution than any other State, in proportion to her population; proud of her institutions of learning, her common schools, her quiet abodes of religion, of industry, and of thrift; and proud of her adventurous citizens, whose hardy enterprise leads them to the four quarters of the globe; and I say that the "land of steady habits" loves too much the Union as it is, and she and the whole North are indebted too much to it for her and their prosperity ever to countenance treason against it.

But, sir, I know I may be met here with the cry of these agitators, that there is no danger of dissolution;—it is a part of the policy of these sentinels "on the watch-tower of freedom," while they apply the torch, to cry, "All's well;" but who, sir, that has listened to the facts which have come out in the debates upon this floor, at this session, of the honorable members from Mississippi, can for a moment doubt it? Why, sir, the very fact that men *talk* of secession, is enough to rouse the patriot to his sense of duty—is sufficient to warn us of the volcano which is under our feet. Let us pause for a moment, and see by contrast where we stand. During the late war with Great Britain, a convention of the New England States met at Hartford—that convention, it is well known, sat with closed doors, and the seal of secrecy was put upon its members. It was, in my opinion, as unworthy a conclave as ever met together; and I blush for my native State, that it was ever permitted to hold its sittings within the borders of Connecticut. What was the object of that convention? Nothing was positively known at the time, but suspicion—that suspicion which, as Randolph once said on a memorable occasion, is often "more than equal to the most damning proof," proclaimed that it met to take measures for the secession of the New England States from the Union. You know, sir, how the public mind received this startling news, and the bitter and well-merited indignation which went up from all parts of the Union against this treasonable assemblage. Sir, the rebuke of an insulted people followed its members to their graves, not one of whom hardly dared present himself after the war to the people for their suffrages. Suppose, sir, that at that time, any one had predicted that in less than a half century secession would be openly advocated: who doubts but that he would have been considered, if not a traitor to his country, at least a fit subject for the lunatic asylum?

But what are we now witness to in this age of reason and progress in government? Why, sir, when, above all other times and seasons, we should prize this Union of ours, whose ægis covers the Atlantic and the Pacific shores—whose prosperity is a wonder even to ourselves—whose flag is mistress of the sea, and under whose ample folds the oppressed of every nation are taking refuge, we see conventions openly called, presses openly advocating, and orators proclaiming from the house-tops—"secession," and "dissolution;" and the people discussing that, which to think of, even at the time just alluded to, the public mind rose as one man to rebuke.

And yet we are told that there is no danger in all this. Surely

> "It is the very error of the moon;
> She comes more near the earth than she was wont,
> And makes men mad."

Mr. Chairman, the secession of a sovereign State from this Union is by some persons considered a very easy act to perform, where there is a will (and God grant it may never arise) to do it. Whether it is a constitutional or revolutionary right which must be exercised, is a question which I have no time to discuss here. I prefer to look at the practical bearing of the result, should the issue of secession ever be made. Suppose a State determines upon secession, what power (I speak not of "right") of the Federal Government, under the Constitution, will force it to remain in the Confederacy? Has it any power? In theory, even, it is questionable to some minds, while in a practical point of view it is powerless. What! a Government formed upon a compact and a compromise, and founded upon the will and affection of the people governed, and deriving all its strength from the popular voice, compelling the people of a sovereign State, at the point of the bayonet, to remain in a Union whose only bond is good will and affection. The idea is at war with every principle of our republican Government. But if it is carried out, what then? Tell me the worth of that State to this Union which is kept to us only by force of powder and ball. Let a State determine upon secession, and while the strong arm of Federal authority cannot force it to return to its place in the friendly galaxy of stars which compose the Union, it will be no easy undertaking to persuade it back to the point it before occupied by the side of its sister States in the Confederacy.

Mr. Chairman, the people of the North have not, until of late, aroused themselves to a knowledge of the ruin which has threatened the Union. Immersed in business, and bent on the pursuits of honest gain, they have been unmindful of the danger which has surrounded them; while designing men and politicians, with selfish ends, have been sporting with the institutions of the country, like a child with a bauble. The political question of slavery in the States or in the Territories, the Federal Government has nothing, in my opinion, to do with. If I, finding the culture of tobacco unprofitable, choose to plant my field with corn, I have no right to destroy my neighbor's field, or abuse him, because he continues to plant a weed which, in my opinion, forced upon me by my own experience, is destroying his land, and which, in its effects, has an injurious influence upon the health of the community around us. No more right has the State of Connecticut to say to South Carolina, Your slave labor is unprofitable; *we* have found it so, therefore *you* must abolish it. If I and my friend from Virginia are owners of a tract of land, which he and I contributed to purchase, I have no exclusive right to tell him how that land shall be cultivated or managed, nor has he that right over me; and so it is with the Territories belonging to this Government—it is not in the power of the Federal Government to say that Connecticut may go into them with *her* factory mills, and that Virginia cannot enter them with *her* property.

Mr. Chairman, whoever has listened, upon this floor or elsewhere, to the speeches of those gentlemen who claim to be the exclusive friends of what they term the anti-slave influence in this country, must have remarked the frequent expressions of "liberty," and "humanity," with which they abound, and the taunts of "African oppression," which is so freely lavished upon the ears of those whose notions of the institutions of this Government do not correspond with their own; as if these gentlemen were the only pure-minded men in the land, and reflected the sound views always held upon the slavery question at the North.

Now, sir, I believe I am as good a friend to liberty and humanity as the most violent Abolitionist or Free-Soiler in this Hall of Congress; and I further believe that the illustrious men of revolutionary times, who helped to frame our Constitution, had as strict notions of the "rights of man," as any of its advocates in this our day and generation.

It is curious to look into the history of the States of this Confederacy, and examine the positions which they have occupied in regard to this matter of slavery. Let us see how New England has at times stood.

It is well known, sir, that in the Convention which framed the Constitution of the United States, the subject of slavery and the slave trade was a prominent topic of debate. Up to this time the States had a right to import slaves from Africa, or from any part of the globe. This subject was referred in the Convention to a committee to report upon, and that committee reported in favor of stopping the slave trade after the year 1800. The South were not satisfied with the restriction proposed, and the subject was again referred back to the committee who reported the limit of 1800, and the committee finally reported to extend the time to the year 1808. This report was accepted, and the result became a part of the Constitution. Now, let gentlemen look at the record of the Convention, and see what States voted to extend the duration of the slave trade, from the time originally reported to the convention. What do we find, sir? Why, that the only New England States then represented in the Convention—Connecticut, New Hampshire, and Massachusetts—voted to extend the duration of this great evil while Virginia, a slave State, and the States about Virginia, voted in the negative. Yes, sir; and whom do we find from Connecticut, as members of that Convention? I will mention but two of them—men of pure hearts, and patriots in the times which tried men's souls—the one, Roger Sherman, the signer of the Declaration of Independence, and the other Oliver Ellsworth, afterwards Chief Justice of the United States. And these are the men who, had they lived in this our day, would probably have been told by the honorable member from Ohio, [Mr. GIDDINGS,] not now in his seat, that they were "following the crack of the slave-drivers' whips," and such like generous expressions, so freely used by that honorable gentleman during this session. Now, sir, these illustrious patriots did not like slavery *per se* any more than do the noisy declaimers of abolition on this floor; but they were men who loved their country more than injustice, and they looked at this slavery question like practical, sensible men, with the good of the Union and the prosperity of New England at heart.

Again: in this same Convention, when it was moved to insert that provision in the Constitution, which provides for the delivery of fugitives from service, New England voted with the same unanimity as before in favor of the provision.

Sir, it is almost unaccountable how men, claiming to be Americans, in view of the dangers which threatened the country during those debates, with the history of that Convention before them, will persist in this crusade they are making upon the Union and the rights of the States.

And what ally have these agitators in the war they are waging upon the peace and prosperity of the country?

England, the enemy, the inveterate enemy of America and everything American. England, who never yet acted without a motive of self-aggrandizement, and who did not abolish slavery in her West India colonies till she foresaw that those colonies were destined to languish, while her East India possessions, bringing golden treasures to her vaults, were the points to which her own energies should be exerted; and now we witness a member of the British Parliament landing upon our shores to lecture us upon the horrors of slavery, and inciting our citizens to oppose the laws of this Union. And who is this worthy pioneer of modern English philanthropy?—I refer to the notorious George Thompson, the Representative of the Tower Hamlets of the city of London. I invite gentlemen to look into the condition of the district this man represents in the English Parliament.

In the summer of 1851, some Americans were permitted, under the safe-conduct of a posse of her Majesty's police officers of the city of London, to take a look into the situation of the people they understood this agitator represented in the English House of Commons. The House will pardon me, if I read to them a faithful description of one or two scenes of vice and misery they witnessed, almost under the battlements of the Tower of London itself, and of which notes were taken in the day and time of it, and for the truth of them I can vouch:

"We now threaded our way through a long, dark street, or alley, and of a sudden found ourselves in a dingy hall, filled with the fumes of tobacco, beer, and gin, and where some sixty persons were collected, a portion sitting on benches around the room, smoking pipes and drinking, while the greater portion were shuffling in the dance, to the music of an old blind fiddler in the corner. There were a dozen, or more, women, and as many children, in the motley crew. 'Do you know where you are?' asked the police guide. 'No,' was the reply. 'Surrounded (he continued) by pickpockets and thieves! and look, you see that man and the girl whose hair is cropped? They are but recently from Newgate.'

"We left this place to go to another of the same kind, but

worse than the former. We passed through dark and dreary lanes, the stillness of death only broken by the occasional churl or bark of a dog, or the oaths of the drunken inmates of the dens, with windows and doors all barred and bolted, and the light shut up within. We passed by, and we were now in the worst part of London! in a city of thieves and vagabonds, with hardly an honest being, except policemen, within sound of a pistol! We entered a low, arched gateway, and at its terminus stopped. The officer rapped at the door; at last it was opened, and such a scene! In a long, dimly-lighted, smoke-begrimed room, with rafters and a roof once whitewashed, but now covered with smoke and dirt, were some seventy men, women, and children, most of them returned convicts from Botany Bay. As the policemen entered, they stood aghast, and they gradually receded and crouched in the corners and along the wall, as the policemen came amongst them. The officers told them that they came merely on a visit, to conduct the strangers who accompanied them, and that they had nothing to fear. They gradually regained their composure, and after awhile got up a sparring-match, and afterwards a dance, in which a young girl of fourteen years, the daughter of a noted burglar, and the pet of this den, danced the hornpipe. Among this motley crew, we had pointed out to us thieves, burglars, and one murderer, who, but six months before, had escaped the gallows through some technical point which came up on his trial. From here we went to other dens less notorious, but bad enough, and to dancing saloons filled with drunken sailors and women, many of them unable to stand. And now we started for the neighborhood of the 'Tower,' the poor beggar's home, and the abode of misery, poverty, and degradation. We visited several places where for a half penny a night the poverty-stricken, who by day hang about the London wharves, may find a place to lay their heads; and what a scene was before us as the policeman opened the doors of these wretched abodes, and turned his dark-lantern round that its rays might light up the floor upon which we now stood! There they lay, upon dirty straw and paper-shavings, covering the floor, in small rooms, with hardly what might be termed a window, to let in a breath of air or the light of heaven—men, women, and children all huddled like swine together, with hardly rags to cover them, to the number of thirty and forty in a room!"

And this, sir, is the district represented by the individual who joins hand in hand with Garrison and his associates, in exclamations of holy horror at the existence of an institution in this country, which was forced upon us, against the wishes of the colonists, and which the States alone, where slavery exists, can, under the Constitution, regulate.

Look at the present condition of Ireland, brought to its present state by English legislation, and British oppression. Behold a country, intended by God for the happiness of the most virtuous people upon the globe, brought by English laws and English neglect, to a poverty which steeps poor humanity to its very lips! Look to England! behold her, proud and arrogant, filled with self-conceit; her East India possessions and the far-distant colony of Australia bringing to her lap the treasures of their store; while Ireland, who gave to her a general, the conqueror of Napoleon, sits knocking at her doors, crying for bread, and exhibiting her children dying and dead from hunger.

Let me read to the House one or two, among many scenes, from an eye-witness, in the summer of 1849, in that ill-fated isle:

"Between Cork and Killarney, there was little to glad the eye or the heart—the country itself, intended for the home of industry and thrift, is now in progress of rapid decay. Miserable bog-huts line the road-side—huts with no windows, and where the swine and his owner have an equal home. The people are the most poverty-stricken beings ever looked upon—covered with rags, pale, and emaciated, they line the road-side, casting an imploring eye to all who pass by. Some of the huts were of turf and mud, and hardly high enough to enable a man to sit upright in them."

Again:

"We stopped at the little town of Sardeen, on the banks of the Shannon, and we visited two or three huts, where the inmates were boiling *sea weed* for their dinners; and this, we were informed, was all they had had to live upon for weeks."

Again:

"We had now arrived in the county of Galway. Words can give you but a faint idea of the misery which we saw upon every side. All along the road we passed roofless cottages, or cabins, where the landlord had burnt the roofs over the heads of his poverty-stricken tenants, in order to force them to leave the land! and near by each ruin we saw the poor tenants occupying kennels dug out of the roadside—the poor creatures, as they crawled out to beg a penny of the traveler, had hardly rags enough to cover them; and several boys were in a complete state of nudity. One woman we met told us that she had left six children starving in her cabin, and had then walked ten miles in quest of something for her and her little ones to eat; and that she had not tasted a morsel for the last twenty-four hours.

"The most frightful picture in this scene, where all was desolation, was that of a little girl of about twelve years. She came up to us, leading a little brother, both worn by hunger to skeletons. They were so weak from starvation that they could hardly move their limbs! These children had, the week before, lost both father and mother from hunger, and the little boy and girl lived in the hut near by. We visited this hut, and found nothing in it but an iron kettle, and some *rushes* which the little ones had gathered by the road-side to sleep upon."

Again:

"Near the town of Clifden, we saw a poor boy, of about fifteen years of age, lying in the gutter of the road, apparently in a dying state. We stopped, and asked him what was the matter? He faintly replied, 'Hunger.'

"Passing along the road, we saw smoke issuing from a hole in a bank on the side of the road. We stopped, and out of the hole creeped a child—then another, and then the mother, with an infant in her arms. The woman told us that her husband had left her two weeks before in quest of food.

"Further on, we passed another of these burrows. A man lived there with his four children. He approached us with, 'for God's sake, give us something to eat. I and my little ones are dying.'"

Oh, there is enough in all this to sicken the heart of everything of English influence in the affairs of this country.

Mr. Chairman, I have thus given, in as concise form as possible, my views of what I believe to be the feelings of the people of my district upon the all-absorbing question of slavery in the States and Territories of this Union.

Upon the question of the compromise, I believe the people of Connecticut to be sound, and that they will abide by it in good faith, and with an honest determination to carry out all the provisions of its several parts. I do not know that I can better describe the feelings of the people of Connecticut in regard to it, and in opposition to all slavery agitation, than by reading the following call for a public meeting in New Haven, signed by about one thousand names, comprising the most worthy citizens of the place, of all professions and callings, during the agitation consequent upon the passage of the compromise measures, in December a twelvemonth since. It is as follows:

"The undersigned, believing that any alteration of the compromise measures adopted at the last session of Congress is not only inexpedient, but that it is the duty of every good citizen of this Republic to support and vindicate the same, do therefore recommend that a public meeting of the citizens of this place, without distinction of party, be convened, to express our united determination that the same shall be executed to their fullest extent, and our united opposition to any further agitation of the subject, or the subject of slavery in any form."

And now, sir, thanking the House for its attention to these imperfect remarks of mine, I will conclude by quoting the eloquent and patriotic language of a venerable speaker at that meeting—one of the most learned divines of New England, and Professor of Divinity in that old Institution, which educated a Calhoun, and others of both the North and the South's best sons. I refer to the learned Dr. Nathaniel W. Taylor, Professor of Theology in Yale College:

"Thus far we have passed through the storm; I hope it is over; I am afraid it is not; I am afraid there are evils yet to come—but I think the prospect brightens. I do think that we have reason to believe that, though surrounded with distracting causes and influences, the people are coming to right views, and that here we have indications that the God of our fathers cares for us. He is, I trust, restraining the madness of the people, and that in his own good time, amid the roaring of the tempest, he will say to the winds, 'Cease,' and to the waves, 'Be still.' Stand, then, my fellow-citizens, by law! stand by the Constitution of our country; that Constitution—why, sir, like the atmosphere around us, it blesses us every breath we draw; we wake, we sleep, we talk, we think, we hope, we rejoice every moment under its influence. Our commerce that floats on every sea, our trade in city and in country, the harvests that wave in our fields, the cattle on our thousand hills, aye, sir, every flower that blooms in our garden, and every bird that sings in these green trees, all, all are under the guardianship of the Constitution. It is like the providence of that God whose gift it is, and which watches us with an eye that never slumbers, and protects us with a hand that is never weary. What would become of us, if the Constitution were trampled in the dust? No, sir; as has been said, so say I, with all my heart and soul—if any of my fellow-citizens do not value the Constitution enough to defend it, they are not worthy of the blessings it gives them. [Cheers.] I say again, let us stand by the Constitution and the law, and as some one has said, as near as I can remember, 'I would not merely protect it with the shield 'of honest Ajax, I would protect it also with a wall of brass; 'and when this would not serve the purpose of protection, 'then would I circle it with the living hearts of my coun-'trymen.' In its defense, I, we, all would rally, till the last pulse of life, and the last drop of blood were expended, to save the Constitution!"

NON-INTERVENTION.

SPEECH OF HON. J. M. MASON,

OF VIRGINIA,

IN THE SENATE, *April* 6, 1852.

The Senate having under consideration the Resolutions offered by Mr. CLARKE, with amendments offered by Mr. SEWARD and Mr. CASS, reaffirming the doctrine of non-intervention—

Mr. MASON said:

Mr. PRESIDENT: The resolutions which have been offered by the honorable Senator from Michigan, [Mr. CASS,] and also by the honorable Senator from New York, [Mr. SEWARD,] are directed to an occasion that has passed by. They are intended to express the sense of the Congress of the United States on the armed intervention of the Emperor of Russia between Austria and Hungary, one of its dependencies. But, though the occasion is passed, these honorable Senators regarding, I doubt not, the strong feeling which was manifested in some parts of the country on the occasion of that interference, have deemed it proper to bring the subject before Congress, in order, first, that the Congress of the United States may express, so far as lies with them, the sentiments of the country on the subject of that intervention; and, secondly, with a view to foreshadow what those Senators, and others who think with them, take to be the true position of this Government, and of this country, in reference to all similar occasions when they may arise.

Now, sir, we cannot shut our eyes to the fact, that among some of the people of this country—confined, I believe, pretty much to the West and North—a strong sensation has been excited by the presence of one of the refugees from this resubjugated country of Hungary, who came among us—brought out under the safe conduct of our flag, as was supposed, with a view to find a republican home; or if not, then simply to make his acknowledgments for that safe conduct; but as it has turned out, he came with a view to establish himself as a propagandist in this country; to invite the councils of the nation to what he apprehended to be the duty that this country owed to others, and more especially to his own. The feeling natural to the occasion was very much inflamed by the peculiar talents of the man as a popular orator. And so it has been that your table, Mr. President, now has on it memorials and petitions from various parts of the country asking the Government to review, in order to remodel, the policy that has been the guide of this country for the last half century in its intercourse with and in its relations to foreign countries.

Sir, the resolution which has been offered by the Senator from Michigan, adverting to this armed interference of Russia between Austria and Hungary, expresses, on the part of the United States, the declaration "that they have not seen, nor could they again see, without deep concern, the violation of this principle of national independence," the principle being, as recited in the resolution, that which is an undoubted law of nations, that one nation has not the right to interfere with the domestic concerns of another.

The resolution of the Senator from New York goes a little further. In that resolution it is declared that—

"The United States, in defence of their own interests and of the common interests of mankind, do solemnly protest against the conduct of Russia on that occasion, as a wanton and tyrannical infraction of the laws of nations; and the United States do further declare that they will not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, whenever or wherever they may occur."

The sanctions under which these resolutions were offered to the world are pretty much the same in both instances. The Senator from Michigan says that "the United States cannot see without DEEP CONCERN any future violation," &c.; and the Senator from New York says that we "cannot see it WITH INDIFFERENCE." The import of the two expressions, I apprehend, being pretty much the same; but they both go to this extent, that it is the duty of the United States to express a *purpose* on their part, should there be any future intervention by one foreign nation in the domestic concerns of another.

Mr. President, the reasons which Senators have assigned in sustaining these resolutions have gone

further than the resolutions themselves. They have shadowed forth—some more distinctly, some less so, and I refer especially to the remarks of the Senator from New York, [Mr. SEWARD,] and those of the Senator from Louisiana, [Mr. SOULE]—they have shadowed forth on the part of these honorable Senators this idea—that the time was at hand when it became this country to review its policy in this respect, although not expressed in language sufficiently pointed to enable us to understand to what extent that review should be carried.

But the honorable Senator from Louisiana went somewhat further. He undertook to show that that which had been assumed as being the policy of Washington—a subject of late much discussed at public meetings in the country as well as in the newspapers—was a sort of historical misconception—that there had been no such policy at all, or if there had been, that it was a policy adopted only for an occasion, and which ended with the occasion which gave it birth. This suggestion would seem to render it proper that we should go back to the early history of the country, and trace from their first beginning, the rules and maxims which it is alleged, on our part, were instituted by the Fathers of the Republic, to guide us in our intercourse with foreign nations.

Thus looking back, we shall find three great occasions on which the policy of this Government, in its relations to foreign powers, was brought prominently before the country:

First, in the wars following the French Revolution, towards the close of the last century.

Second, on the threatened intervention of the "Holy Alliance" between Spain and her American colonies.

Third, on the invitation to this Government by the South American Republics, to meet them in a Congress at Panama.

The first arose immediately after the organization of the Government. Washington was inaugurated as President in 1789, and his celebrated proclamation of neutrality issued in 1793. To this proclamation history goes back as the great landmark in every review of our foreign policy. It will be useful, therefore, briefly to recall the position of the country at the time, and the occasion that brought it forth.

From the commencement of the American Revolution, France had looked to the ultimate separation of England and her American colonies with an eye of favor, and, as a consequence, nothing was left undone on their part to engage France in the contest.

Dr. Franklin had been sent to Paris to conciliate the good will of that country, and to procure aid. He was kindly and graciously received, though not formally acknowledged as the representative of his country. But soon the favor of the French Court was strongly evinced by permitting military stores and other supplies to be shipped to America, and even vessels of war to be armed and equipped in her ports against England. The gratitude of our country thus strongly awakened—for even by such connivance France incurred the hazards of a war—was soon more keenly excited by the treaty of 1778, by which she made herself a party belligerent, and guarantied our independence. It was to be expected, therefore, that the American people would strongly sympathize with those of France, when they were soon after found in a like struggle for freedom, as was fondly believed, against a league of foreign despots.

The year 1793, just ten years after the independence of the United States had been finally established by the treaty of peace, found our old enemy, England, confederated in arms with Austria, Prussia, Sardinia, and the United Netherlands, against republican France. The occasion was imminently calculated to unsettle the judgment of the country. The despots of Europe in league to subjugate republican France, that France who, but ten years, short years, before, had been our ally in a like contest with one of those very Powers then armed against her.

Fortunately for the event, the destinies of the country were then under the guidance of men who were statesmen, as well as patriots. They were, (to borrow the appropriate word of the Senator from Louisiana,) [Mr. SOULE,] "*impassive*"—unmoved by the stirring excitement of the occasion; they took counsel only of the duties they owed to their own country. They well knew that, however equally our country had reaped the benefit, France, in becoming our ally, was actuated, as nations always are actuated, by considerations, *first*, of her own interest.

France and England were then the great rival Powers of the world, and at that very juncture, the former was yet smarting under the humiliations of the treaty of Paris of 1763, by which she lost her possessions in North America, and England had acquired them; and, without disparaging the important aid which we had derived from France, they knew, also, that she had not committed herself to a breach with England, until the success of our arms in the campaign of 1777, in the plains of New Jersey, followed by the surrender of Burgoyne at Saratoga, showed our country capable of maintaining the independence it had declared. In fine, they knew that the first, if not the single object of France, was to weaken her rival, by dismembering her colonies.

Mr. Gerrard, one of the commissioners on the part of France, who signed the treaty of 1778, stated to the American Commissioners:

"That his most Christian Majesty was fixed in his determination, not only to acknowledge but to support their independence; that in doing this he might probably be soon engaged in a war, yet he should not expect any compensation from the United States on that account, NOR WAS IT PRETENDED THAT HE ACTED WHOLLY FOR THEIR SAKES, since besides his real good will to them, it *was manifestly the interest of France, that the power of England should be diminished by the separation of the colonies from its Government.* The only condition he should require, and rely on, would be, that the United States, in no peace to be made, should give up their independence and return to obedience to the British Government."—*Ramsey's History of the United States.*

Reasoning as statesmen should, Washington and his Cabinet acknowledged only the responsibility of the nation, to itself. Although under treaty stipulation to guaranty to France her West India possessions, there was none that America should make herself a party to the war. Thus we were at peace, though France was at war; and, by direction of President Washington, the proclamation of neutrality issued. Its character simply was, to define the relations of the country, as existing with all foreign Powers, under the laws of the country—nothing more. It laid for the first time, but it laid broad and deep, the foundations of our foreign policy. In communicating it to Congress, at the first session thereafter, by his message of December, 1793, the President said:

"As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties, and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under those impressions, the proclamation which will be laid before you was issued."

Of this proclamation the Senator from Louisiana [Mr. SOULE] says, it was only a "*transient* measure, looking wholly to the then situation of the country, and to the demands which that situation, with its surrounding perils, made upon it."

And again:

"It came to be debated in cabinet council how far, in issuing that proclamation, General Washington had not transcended the powers vested in the President by the Constitution; and we have the authority of Mr. Jefferson to the effect that '*he apologized for the use of the term* NEUTRALITY.' 'The President,' remarks Mr. Jefferson, 'declared he never had an idea that he could bind Congress against declaring war, or that anything contained in his proclamation could look beyond the day of their meeting.'" * * * "The President said 'he had but one object—the keeping our people quiet till Congress should meet.'"

The impression that would seem to be conveyed by the honorable Senator in the expression thus used, is, that this proclamation was one intended only to indicate a policy altogether transient; a policy that should die with the exigency which had given rise to it; and he cites from the "ANA" of Mr. Jefferson, published with his correspondence, to show what General Washington himself thought of the proclamation. He says that General Washington declared that he had no idea of committing Congress by that proclamation; but that his only object was to "keep the nation quiet until Congress should meet." Now, sir, it did not require any declaration on the part of General Washington, as to what the character of that proclamation was; for the proclamation speaks for itself. It did not require anything from General Washington to inform the American people of that day, of the extent of his powers; for the extent of his powers, as President, were defined in the Constitution. Washington declared, and declared correctly, that the proclamation originated nothing. It was no enactment of a law. It was a simple declaration of the existing relations between this country and all foreign Powers—relations not arising from his will, not created by the proclamation, but existing under the laws. His purpose and sole object was, to declare to the American people, the obligations which existing laws imposed upon them. What were those laws? Laws recognizing that this country was at peace with all the world. And the proclamation was nothing more, than that being at peace, it was his duty, as the conservator of the laws, to see that that peace was not broken.

Sir, parties were somewhat divided at that day upon the policy which it became this country to pursue towards France; one party asserting that our proper position was neutrality, another party asserting that we ought to embark in the war—that it was a duty which we owed to our ancient ally, to sustain her in her war for independence, as she had recently sustained us. But, until war was declared by the Congress of the United States, who alone were competent to declare it, there could be no difference of opinion as to the duty of the Executive, to take care that the peace of the country was preserved. The country was then new. The Constitution was new. It was comparatively untried. The extent of power confided under it, to the Executive, and to the Congress of the United States, although to be gathered from the instrument, was a matter that very much occupied the minds of statesmen of that day. It does appear, on the relation of Mr. Jefferson, that in the Cabinet, occasionally, Alexander Hamilton, whose latitudinarian opinions upon the subject of power we all know, advanced the opinion, that there was something more potent in this proclamation of neutrality, than a mere declaration of the existing state of things. Hamilton seemed to have entertained the opinion, that it was competent for the President of the United States, by a proclamation of neutrality, to *create* a *neutrality;* and he went so far in maintaining his position, as to declare his belief that, under the treaty-making power, it was competent for the President and the Senate, to stipulate a neutrality with a foreign nation, and thereby take away from the Congress of the United States the right to declare war in that particular case. In this broad opinion, Mr. Hamilton seems to have been sustained by General Knox. Mr. Jefferson and Edmund Randolph combated it; and General Washington, it would seem, agreed with them, declaring, as reported by Mr. Jefferson, "that he had but one object, that of keeping the people quiet until Congress met." The proclamation, in truth, originated nothing; it created nothing. It established the *status* of the country, only until Congress should meet. But it declared the opinion of President Washington as to the duty of his country, and that that duty was NEUTRALITY.

The Senator from Louisiana—whose absence I very much regret, because I am commenting on the very able speech which he delivered here a few days ago, and which, I doubt not, will have its effect upon the country in the decision to which they will come on this question—in speaking of this proclamation says further:

"A war had just broken out between France and England—I should say, between France and coalesced Europe, France alone struggling for her liberties and the liberties of mankind, against the world in arms. The question arose, what part America should act in that awful conflict. Would she redeem those pledges which ardent and enthusiastic minds had persuaded themselves that she was under, and, taking the part of France, strike by her side for the liberties of the world? She could not join England in a crusade against those liberties. Would she, then, participate in the struggle, or would she rather remain a quiet spectator of the gigantic scene, and trust to God the destinies of her ally? Necessity—stern, inflexible necessity—could alone impel her to choose the last alternative."

He here conveys the idea that the American people were deterred from embarking in that war with France, only because of their debilitated condition. That, he holds was their "necessity." Now, I apprehend the history of that period shows very differently. Washington issued the procla-

mation of neutrality in April. Congress met in the ensuing December; and so far from declaring any war, with a view to aid our former ally, France, Congress passed, from time to time, a series of laws to protect this country in the neutrality thus established. Things went so far, as we know from the history of the times, that Congress at last authorized reprisals to be made against France, on account of spoliation on American commerce; and the scene closed by a formal act of the Congress of the United States, *repealing* the treaty of 1778, and with it all the guarantees which it had made to France. I adduce this for the purpose of showing, that, so far as the spirit of the American people is to be ascertained from the legislation of the country, during the whole of that trying period, Congress sustained the President of the United States in his neutral policy, and passed every law which they considered would conduce to the preservation of neutrality, and keep the country free from all foreign obligation.

It is known, Mr. President, that Mr. Jefferson, who afterwards became the head of the Republican, as distinguished from the Federal party in the country, was a member of General Washington's administration. His sympathies and kindness towards the people of France, none have ever doubted; but Mr. Jefferson was a statesman. He sustained Washington in issuing the proclamation, as he sustained the Government thereafter in the principles upon which it had been issued. In looking back to that day, I have taken an extract from a letter written by Mr. Jefferson, then Secretary of State, to Mr. Morris, then Minister of this country in England, dated August 16, 1793, in which he states:

"On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves that our citizens were not in the first instant sensible of the new duties resulting therefrom, and of the restraints it would impose even on their dispositions towards the belligerent Powers. Some of them imagined (and chiefly their transient seafaring citizens) that they were free to indulge those dispositions, to take sides with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this nature, as there was reason to believe. In this state of public mind, and before it should take an erroneous direction, difficult to be set right, and dangerous to themselves and their country, the President thought it expedient, through the channel of a proclamation, to remind our fellow-citizens that we were in a state of peace with all the belligerent Powers; that in that state it was our duty neither to aid or injure any; to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility, for the punishment of which the laws would be appealed to: and to put them on their guard also, as to the risks they would run if they should attempt to carry articles of contraband to any. This proclamation, ordered on the 19th and signed on the 22d of April, was sent to you in my letter of the 26th of the same month."

In a subsequent part of the same dispatch, the Secretary says:

"Mr. Genet, not content with using our force, whether we will or not, in the military line against nations with whom we are at peace, undertakes also to direct the civil Government; and, particularly for the executive and legislative bodies, to pronounce what powers may or may not be exercised by the one or the other. Thus, in his letter of June 8th, he promises to respect the political opinions of the President till the Representatives shall have confirmed or rejected them, as if the President had undertaken to decide what belongs to the decision of Congress. In his letter of June 14th, he says more openly that the President ought not to have taken on himself to decide on the subject of the letter, but that it was of importance enough to have consulted Congress thereon; and in that of June 22d he tells the President in direct terms that Congress ought already to have been occupied on certain questions which he had been too hasty in deciding; thus making himself, and not the President, the judge of the powers ascribed by the Constitution to the Executive, and dictating to him the occasion when he shall exercise the power of convening Congress at an earlier day than their own act had prescribed."

Mr. Jefferson there shows the purpose of this proclamation—that it carried with it his approval—and that it was a paper declaring the existing state of things between this country and the rest of the world, requiring neutrality in the war then existing between France and the allied Powers.

I need not recall to the memories of Senators how severely the sympathies of the people of this country were tried in the state of things that then existed. The whole, or nearly the whole of Europe was armed against France. She was appealing to us, not only through our national honor, but through treaty stipulations to give her aid. She sent a minister over here—the celebrated Genet—who thought that he had a right to appeal from the Government to the people, and to coerce the Government through the people, to depart from its neutral policy. But Congress sustained the Administration in the position of neutrality, and it was never departed from. And why? Not because our people did not sympathize with the people of France, but because our people felt, and our statesmen knew, that the first great duty of the country was to itself, and that nothing should lead them to embark in a war between foreign powers, but their own direct and immediate interest. For the purpose of showing the extent to which the Government of France went in that day, in attempting to break down the Administration which issued this proclamation, I annex here an extract from a letter addressed by Genet, the French minister, to Mr Jefferson as Secretary of State, after the latter had requested his recall:

"Persuaded that the sovereignty of the United States resides essentially in the people, and its representation in the Congress; persuaded that the executive power is the only one which has been confided to the President of the United States; persuaded that this Magistrate has not the right to decide questions, the decision of which the Constitution reserves particularly to the Congress; persuaded that he has not the power to bend existing treaties to circumstances, and to change their sense; persuaded that the league formed by all the tyrants to annihilate republican principles, founded on the rights of men, will be the object of the serious deliberations of Congress, I had deferred, in the sole view of maintaining good harmony between the free people of America and France, communicating to my Government before the epoch at which the representatives of the people were to assemble, the original correspondence which has taken place, in writing, between you and myself on the political rights of France in particular, on the interests of general liberty, and on the acts, proclamations, and decisions of the President of the United States, relative to objects which require, from their nature, the sanction of the legislative body. However, informed that the gentlemen who have been painted to me so often as aristocrats, partisans of monarchy, partisans of England, of her constitution, and, consequently, enemies of the principles which all good Frenchmen have embraced with a religious enthusiasm; alarmed at the popularity which was reflected on the Minister of France by the affection of the American people for the French Republic, and for the glorious cause which it defends; alarmed, equally at my unshaken and incorruptible attachment to the severe maxims of democracy, were laboring to ruin me in my country, after having reunited all their efforts to calumniate me in the view of their fellow-citizens, I was going to begin to collect these afflicting materials, and I was taking measures to transmit them to France, with my reports; when the denunciation which those same men have excited the President to exhibit against me, through Mr. Morris, came to my hands."

The Senator from Louisiana, in order to show that General Washington himself was not indisposed to depart from the neutral policy maintained in his proclamation, has referred to expressions which he used in the instructions given to Mr. Monroe when he was sent as minister to France, to show that President Washington retained some idea of an obligation on the part of his Government, to interfere between France and the enemies of France.

In the instructions to Mr. Monroe, then minister to France, the Secretary of State, speaking for the President, says, under date June 10th, 1794:

"He has been an early and decided friend of the French Revolution; and whatever reason there may have been, under our ignorance of facts and policy, to suspend opinion upon some of its important transactions, yet is he immutable in his wishes for its accomplishment; incapable of *assenting* to the right to any foreign prince to meddle with its interior arrangements; and persuaded that success will attend their efforts, and particularly, that union among themselves is an impregnable barrier against external assaults."

Mr. Monroe had been kindly received by the French Government, then "the Convention," and in the instructions, he was authorized to say that the President was incapable of "*assenting*" to the right of any foreign Prince to meddle with the interior arrangements of France. At that time there were five Powers of Europe in alliance to put down the revolution in France, and this expression of the President seems appealed to to, evince, that he considered there was resident in this country, a right to interfere between that alliance and the people of France. The expression is, "the President was incapable of *assenting;*" the word is clearly not to be taken in its literal sense; because literally, the President could neither assent, nor dissent, to an act of independent power. If not received literally, then its meaning is to be gathered from the context, and that clearly imports only, that the President was incapable of *admitting or avowing* the right. And, yet, this seems to be appealed to by the honorable Senator, to show, that President Washington thereby implied some consciousness of a duty, on his part, to interfere between France, and the enemies of the liberties of France.

The Senator has also adverted to the instructions given to Mr. Jay, as minister to England, in 1794, to show that the President had it in contemplation, to form alliances with the neutrals of Europe. Mr. Jay had been sent as minister to England for the purpose of negotiating, if he could, such a treaty with her, as would relieve us from the embarrassments in which we were placed by hostile demonstrations on the part of that country. In his instructions, the President had reference to the existing state of things. The United States was then almost like the grain of wheat, between the upper and the nether millstone. They were neutral, whilst nearly all the rest of the world was at war. Spoliations, without number, were committed on her commerce by the belligerent maritime Powers; decrees were passed by the "Convention" of France, and by the Government of England, as measures of retaliation on each other, but the tendency of which must ultimately be, to force this country from its position of neutrality. In that state of things Mr. Jay was sent to England. General Washington and those around him were responsible for the safety of the country. They knew perfectly, that it was the duty of statesmen to anticipate every emergency to which the country might be brought, in providing for that safety. Mr. Jay was accordingly instructed, first, to make a treaty upon a certain basis with England, if he could, and if he could not, then to apply, without attracting observation, to the Representatives at London of those powers in Europe, who were not engaged in the war, to see if some concerted measures could be taken, which would enable them to preserve their neutrality. The instructions were as follows:

"You will have no difficulty in gaining access to the ministers of Russia, Denmark, and Sweden, at the Court of London. The principles of the armed neutrality would abundantly cover our neutral rights. If, therefore, the situation of things with respect to Great Britain should dictate the necessity of taking the precaution of foreign coöperation upon this head; if no prospect of accommodation should be thwarted by the danger of such a measure being known to the British Court; and if an entire view of all our political relations shall, in your judgment, permit the step, you will sound these ministers upon the probability of an alliance with their nations to support those principles."

The proposition, then, was simply this: The minister was sent to England to negotiate a treaty, if he could, upon a certain basis, which would relieve the country from the difficulties then existing; and he was instructed, if he found he could not negotiate such a treaty, then cautiously to approach the representatives of the neutral Powers, in England, to see if they would enter upon some concerted measures of armed neutrality—for what purpose? For the purpose of preserving their neutrality—for the purpose of preserving their respective Governments from the necessity of embarking in the war. What war? The war in which the larger Powers of the continent of Europe were in league, to put down the revolt in France against the government of the King. Sir, if this can be used at all, it must be used for a very opposite purpose to that of establishing any design to depart from neutrality. General Washington caused that paper to be most guardedly worded. The spirit of it is, a declaration that "it is the interest of this country to preserve neutrality. The President believed that an armed neutrality would be respected, provided all the neutrals were armed; provided all the neutrals were agreed on that point; and, therefore, he said to the minister, If you fail in forming this treaty with England, sound the neutral Powers, and see whether they will agree to enter upon an armed neutrality, which, he believed, would be sufficient." Our Government was then poor; our people were few, and those few had all their resources exhausted by the protracted war of the Revolution; and it was a wise, able, and statesman-like effort on the part of President Washington, if he failed in making a treaty with one of the belligerent Powers, and that the principal one, to see if he could, by a temporary alliance, preserve the neutrality of the country by arming our ships.

But the proposed alliance was a measure of the last resort; a measure not to be adopted from choice, but one forced upon a weak Power, to preserve her from the necessity of becoming a party to the war.

I think I have now brought before the Senate evidence enough to show that the policy estab-

lished by that proclamation was never departed from by the legislative authorities of the country; that the policy of neutrality, no matter who were parties to the war, or for what purpose it was waged—so long as it was a war between foreign nations—was sustained by the country, and eventually carried out by the unprecedented act of repealing a treaty by legislative enactment.

There was an instance in 1797, which was not adverted to by the Senator who preceded me, to which I shall briefly advert, for the purpose of showing what was the spirit of the Republican party, in reference to foreign alliances, so far as it was evinced by its action in the Senate.

At the special session of May, 1797, President Adams invited the attention of Congress to the expediency of holding a conference in some form with the neutral Powers of Europe. In his message at that session, he said:

"Although it is very true that we ought not to involve ourselves in the political condition of Europe, but to keep ourselves distinct and separate from it, if we can," &c.

* * * * * "It is a natural policy for a nation that studies to be neutral, to consult with those nations engaged in the same studies and pursuits. At the same time that measures ought to be pursued with this view, our treaties with Prussia and Sweden, one of which is expired, and the other expiring, might be renewed."

This recommendation was speedily followed up by the nomination of his son, John Quincy Adams, afterwards President of the United States, as minister to Prussia, having first by his message suggested the idea that it was important to institute a mission to Prussia, for the purpose of consultation with other nations, engaged in the "same studies and pursuits," to wit, the study of neutrality, and the pursuits of peace. When the nomination came in, it was strongly and sternly resisted by the Republican party; those were the days of Republicans, and Federalists. A motion was made in executive session—the injunction of secrecy has been removed, and the journals have been published—that "in the opinion of the Senate, no present occasion exists that a minister should be sent to Prussia." The debate that followed, showed that the question dividing parties was, whether, by instituting a mission to Prussia, under the auspices of the message, there would not be risk of forming an alliance with Prussia, even for the purpose of neutrality. The yeas and nays were called upon that motion, and stood—yeas 11, nays 18; and amongst the yeas—and I call the attention of my friend, the distinguished Senator from Michigan [Mr. Cass] to the fact—were all the Republican members of the body.

I come now to the next epoch, the next starting point in the history of the country, which affected our foreign relations. It was the Spanish American question. Where were we then? Upon our own continent. The colonies of Spain were in revolt against the mother country; and the relations of our Government with the mother country were those of peace. Notwithstanding every effort was made to induce the country to change those relations, that peace was preserved, and never departed from. It was for a long time a matter of doubt whether the provinces of South America would be able to establish their independence; but this Government refrained from interfering in the slightest degree, and in any form whatever, until we were satisfied that the dominion of Spain was gone forever; then, as we had not only a right, but as it was our duty to do, in the year 1822 we recognized the independence of the colonies. To show the policy of the country at that day, I have taken an extract from a letter of the Secretary of State—Mr Adams—to the minister of Spain, who complained of what had just then taken place, namely: the recognition on the part of our Government of the independence of certain of the South American colonies. The Secretary says, under date of the 6th of April, 1822:

"In the conflicts which have attended these revolutions, the United States have carefully abstained from taking any part, respecting the right of the nations concerned in them, to maintain, or new organize, their own political constitutions, by observing, wherever it was a contest by arms, the most impartial neutrality. But the civil war in which Spain was for years involved with the inhabitants of her colonies in America, has, in substance, ceased to exist.

"This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use, with the view of reuniting those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts, with the view to the regular establishment with the nations newly formed, of those relations, political and commercial, which it is the moral obligation of civilized and christian nations to entertain reciprocally with one another."

The Secretary of State there shows that the United States felt it their duty to abstain from all interference whatever between the parent country and her colonies, although those colonies were at our very door; and he very strongly and lucidly shows, that the recognition of the independence of these colonies was no interference; for if Spain could again reduce them, she would be allowed to do so without any hindrance on our part. England had not at that time, recognized the independence of the South American Republics; but she stood towards them, notwithstanding, in relations of very close connection. A very large commerce, it appears, had grown up between England and South America. The people of England had embarked large sums of money in the mining interests of that country, so that the attention of England was strongly attracted to that quarter, and it became important to her, to have a responsible government to deal with; but England had alliances upon the continent which disturbed and embarrassed her not a little, in her deliberations on the South American question; and it was while England was halting thus between her allies and her interests, that the Government of the United States proclaimed to the world, that there should be no intervention by any foreign Power, in the contest between Spain and her colonies on this continent. I refer, sir, of course, to the celebrated message of President Monroe, at the December session of 1823.

It had been made known to the Government in a manner presently to be stated, that the allied powers of Europe had it in serious contemplation to come to the aid of Spain in reducing to submission her revolted colonies in America; and the President seized the occasion to make it known that no such interference would be tolerated on this continent.

I quote from the message:

Extract from President Monroe's Message, December 2d, 1823.

"We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. But with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States.

"In the war between those new Governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

"Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its Powers.

"But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied Powers should extend their political system to any portion of either continent, without endangering our peace and happiness, nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord.

"It is equally impossible, therefore, that we should behold such interposition in any form with indifference."

The ground upon which President Monroe based this deliberate declaration was, as will be seen, that the allied Powers could not extend their political system to any portion of the continent of America *without endangering our peace and happiness.* That was the distinct, independent, and sole ground on which he justified this ostensible departure from the established policy of the country. It was boldly and wisely done, and was sustained by the American people. This declaration went upon the principle, that whilst this Government disclaimed all right to interfere in controversies between foreign Powers, yet such disclaimer was obviously limited to controversies which could not affect our own people; when by any such controversy a different aspect was presented—the safety and interest of our country became our sole guide.

It becomes interesting, and will be illustrative, to ascertain how this celebrated declaration was brought about. The Senator from Louisiana has brought to the attention of the Senate a conference which had taken place a short time previously in London, between Mr. Rush, our then minister at the Court of St. James, and the British Secretary for Foreign Affairs. The view taken by the honorable Senator was, that Mr. Rush had been charged by his Government to negotiate with England on the subject of the recognition of South American independence.

Speaking of Mr. Rush's interviews with Mr. Canning, &c., the Senator says:

"Among the important negotiations intrusted to his skill and management, was that of obtaining from England a recognition of independence for the Spanish colonies. He approached the subject with inexpressible adroitness and delicacy, and soon brought the British minister to his views by suggesting a joint declaration of the principles upon which that independence should be vindicated."

If I construe the Senator aright, and he meant to say that our minister had been charged by his Government to sound the British Cabinet on the policy of "a joint declaration of the principles upon which that independence should be vindicated," I concede, if it were so, that it would have formed a striking departure from our previous policy of refraining from all political connection with any foreign Power. The Senator refers for this, to the very interesting book subsequently published, by the minister, on his "Residence in London." I have carefully examined the work, and do not find that the minister had been instructed by his Government to negotiate at all, or for any purpose, upon the subject of South American independence.

Mr. Rush was the minister of the United States, resident in England, where he had been for some years, and, in this connection, says, that he had recently, before that time, received dispatches from home, committing to him five several subjects, upon which he was to open negotiations with the Government of England; and he received, with those dispatches, specific and minute instructions upon every point. He states what those subjects were. The first related to commercial intercourse between the United States and the British colonies in America; the second, to the suppression of the slave trade; the third, to the unsettled boundary between the two countries; the fourth, to the admission of consuls of the United States into the commercial ports of England; and the fifth, to the fisheries of Newfoundland; every one being utterly alien to anything connected with the recognition of South American independence. Nor do I find anywhere, that he had been commissioned by his Government to hold any conference whatever, with the Government of Great Britain on that subject. He says, further, that thus commissioned, he sought an interview with the British minister, Mr. Canning, for the purpose of consulting him upon the subjects of negotiation thus committed to him; and, at page 399 of his book, speaking of this interview, he says:

"*The proper object of it over, I transiently* asked him whether, notwithstanding the late news from Spain, we might not still hope that the Spaniards would get the better of their difficulties?"

Such was the question he put to the British minister, in an interview, which had been obtained for a totally different object, which he did not put, until the business of the meeting had ended; and it was then, as Mr. Rush expresses it, a *transient* inquiry. That transient inquiry found the British minister fully charged with the whole subject of the Spanish question, and it came upon him like a torch thrown into a magazine. It opened his eyes in an instant, as it would seem, to the prospect of obtaining an ally upon this continent, upon the very embarrassing question, which was about to separate his country from her allies upon the European continent. Mr. Canning answered the question so far as it went, as to the probable effect of the late news from Spain; but showing an interest in it, he pursued the subject in a series of unofficial or private notes, for several subsequent days, with a view to learn from Mr. Rush, whether the Government of the United States would join England in a *concerted declaration.* So that the proposition for the joint action of the two Governments came from the British minister to Mr. Rush, and not from Mr. Rush to the British minister. That interview took place August 16th, 1823. The United States

had recognized the independence of the South American Republics in the preceding year. Thus, the relations between this country and the South American Republics were established; those between England and those Republics were not. Nor does it appear that Mr. Rush was authorized to negotiate with the British Government to any extent, as to the principles on which that recognition, by either Government, or by both Governments, if made by England, should be vindicated. Because, of her "entangling alliances" no the continent of Europe, the policy of England in reference to the South American colonies had not yet been matured. The British Cabinet saw that the time was approaching when England must stand committed in reference to those colonies; and they saw, or thought they saw, that the very first decided step England took in recognizing the independence of the colonies, would be followed by a declaration of war against her, on the part of the allied powers of Europe.

The Government of Spain was then in a most unsettled condition. Spain had passed successively in revolution, through every form of government; from Provincial Juntas to a Central Junta, then to a Regency, then a Cortes with a constitutional monarch, from which the King, held in a state of pupilage by the Cortes, was appealing to his allies for aid. England was one of those allies, and England was placed in a position, in which she must either abandon the whole policy of her people in reference to the Spanish question, or provoke a war with her continental allies. The fear was—and there was great reason for the fear—that the allied Powers of Europe would go to the aid of Spain. The Government of France, one of the allied Powers, had marched an army of one hundred thousand men into Spain to rescue Ferdinand, who was one of the Bourbons. Military occupation was thus taken of Spain by France. The other Powers of Europe were at the back of France, sustaining her in that movement; and England saw that a critical moment had come, in which she must definitively announce her position on these embarrassing questions. It was at that very juncture that the question was put to Mr. Rush by the British minister, whether England would find an ally in America, if she took the decided step of recognizing the independence of the South American colonies. Mr. Rush, who conducted himself with a degree of ability which fully justifies the deserved encomiums which have been passed upon him by the Senator from Louisiana, was placed in the delicate and responsible position, of acting on so momentous an occasion, without authority from his Government.

The American minister, however, availed himself of the occasion to press upon Mr. Canning the decisive step on the part of England, to recognize the independence of those colonies. Not because he had any instructions from his Government to do so, but because Mr. Canning had opened the door to it, and because he knew how important it was to those colonies, and how grateful it would be to his own country, that her example, in this respect, should be followed by so important a Power as the British Government.

But he explicitly declared that he had no power from his Government to express its views, far less to commit it to the proposal of Mr. Canning, that THE TWO GOVERNMENTS SHOULD UNITE IN A JOINT PROTEST AGAINST ALL FOREIGN INTERVENTION.

This conference was continued by correspondence for several days, until eventually, Mr. Rush, in the absence of all instruction, boldly assumed the responsibility of *assenting* to Mr. Canning's proposal for a *declaration* of the two Governments, *provided*, Great Britain, as a preliminary, would recognize the independence of those colonies.

In his letter to the Secretary of State, communicating the determination thus formed, he said that he had been led to it, on being distinctly informed by Mr. Canning that—

"He had received notice of measues being in projection by the Powers of Europe, relative to the affairs of Spanish America, as soon as the French succeeded in their military movement against Spain."

But he told the Secretary further, that—

"Should the issue of things be different, and events notwithstanding arise threatening the peace of the United States, or otherwise seriously to affect their interest in any way, in *consequence of such a declaration by me*, it would still remain for the wisdom of my Government to disavow my conduct, as it would manifestly have been without its previous warrant."

Eventually Mr. Canning *withdrew* his proposition, on the ground of Mr. Rush's *want of power to commit his Government*. Of course, the whole matter was immediately communicated by Mr. Rush to his Government.

As Mr. Canning had withdrawn his proposition, it became unnecessary for the Government of the United States to disavow what he had done. But the fact remains, that no such power was thereafter given. And as the best evidence that our Government determined to keep itself free from all connection with England in the matter, the President availed himself of the meeting of Congress, then near at hand, to make that declaration *separately*, on the part of the United States, which Mr. Canning had proposed should be made *jointly* with England.*

I think, then, if this were to prove anything whatever, it would prove, in the first place, that the proposition came from the British Government to this Government to unite with her in this important act in reference to the South American Republics; and, in the next place, that this Government declined to do it. None doubt at this day, that the allied Powers of Europe had it in serious contemplation to lend their aid to Spain to enable her to reduce to submission her revolted colonies in America. Great Britain knew it. Our Government knew it. It was communicated to our Government, as well by Mr. Rush as by our *chargé* at Paris. Great Britain, as I have said, felt that whenever that was done, she must take a step which would implicate her in war, and break off her continental alliance. Mr. Canning, the Secretary for Foreign Affairs, and one of the ablest statesmen of his day, looked at once to the avenue which he thought had been opened by Mr. Rush, to obtain a new ally on this continent; but his proposition was not met. The American Government took the lead, without any communication with England, or with any foreign Power whatsoever. The President of the United States, in recommending to Congress such measures as he thought the condition of the country required, made the declaration to which I have referred, and based it altogether upon his opinion that the *peace and safety of our people* required it. It was not because we sympathized with those colonies in their revolt; not because any speculative philanthropy required of us to go to their aid; but it was because this foreign intervention would *endanger the safety of our own people*, that he put forth that celebrated declaration. To prove that such apprehension was not without foundation, I have taken an extract from the diplomatic records of that day, showing that after King Ferdinand was restored to his throne, by the armed intervention of France, he solicited his allies to come to the aid of Spain, in suppressing the revolt of the South American colonies.

It is taken from a dispatch addressed by the Condé de O'Falia, as Prime Minister of the King, to his Majesty's ministers at Paris, St. Petersburgh, and Vienna, dated the 26th December, 1823, and communicated by the Condé, to Sir William a Court, the British embassador at Madrid:

"The King, our sovereign, being restored to the throne of his ancestors, in the enjoyment of his hereditary rights, has seriously turned his thoughts to the fate of his American dominions, distracted by civil war, and brought to the brink of the most dangerous precipice. These reflections powerfully animate his majesty to hope that the justice of his cause will meet with a firm support in the influence of the Powers of Europe. Accordingly, the King has resolved upon inviting the Cabinets of his dear and intimate allies to establish a conference at Paris, to the end that their plenipotentiaries, assembled there, along with those of his Catholic Majesty, may aid Spain in adjusting the affairs of the revolted countries of America.

"His Majesty, confiding in the sentiments of his allies, hopes that they will assist him in accomplishing the worthy object of upholding the principles of order and legitimacy, the subversion of which, once commenced in America, would presently communicate to Europe; and that they will aid him, at the same time, in reëstablishing peace between this division of the globe and its colonies."

When this paper came to the knowledge of Mr. Canning, he answered forthwith, on the part of his Government, that the first step taken by the allied Powers towards this intervention, would be followed, on the part of England, by the immediate recognition of the independence of the South American colonies. We have the very high authority of Mr. Brougham, then a member of the British House of Commons, that the declaration of Mr. Monroe, made thus in the same year, had the effect of deterring the allied Powers of Europe from the threatened intervention. I read, from the Parliamentary Debates, an extract from the speech of Mr. Brougham, in the House of Commons, in 1824:

"The question with regard to South America," said Mr. Brougham, "was now, he believed, disposed of, or nearly so; for an event had recently happened, than which no event had ever dispersed greater joy, exultation, and gratitude over all the freemen of Europe; that event which was decisive on the subject, was the language held with respect to Spanish America in the speech, or message, of the President of the United States to Congress."

Mr. Brougham then proceeded to state as an indisputable fact, that "Ferdinand had been promised by the Emperor Alexander, that, if the King of Spain would throw off the *constitutional fetters* by which he was trammeled, he would assist him in recovering his transatlantic dominions."

It is thus seen that this threatened *intervention* by President Monroe was placed distinctly on the ground that it was necessary, and due to the interests and safety of our own people. That declaration had its effect, an effect recognized by the statesmen of England, and best proved by the fact that, although Spain demanded the assistance of her allies, she never received it.

It will be seen, Mr. President, that the term used by President Monroe, in this potential protest, is the same that is found in the resolution of the honorable Senator from New York, that the United States cannot see, &c. "with indifference." But how was it construed in the British Parliament? Why, it was construed as a determination, that if the declaration should be disregarded,

*NOTE.—It may not be uninteresting to hear the English account of this conference between Mr. Rush and Mr. Canning; it conforms entirely to that given by Mr. R., and will be found in "The Political Life of Canning," by Stapleton.

[EXTRACT.]

"It was with this view that, towards the latter end of August, 1823, Mr. Canning sounded Mr. Rush, the then Minister of the United States in this country, as to whether, in his opinion, 'the moment were not arrived when the two 'Governments of Great Britain and the United States might 'not come to some understanding with each other, on the 'subject of the Spanish American colonies; and whether, 'if they could arrive at such understanding, it would not 'be expedient for themselves, and beneficial for the world, 'that the principles of it should be clearly settled and 'plainly avowed.'

"The English Government said Mr. Canning had nothing to disguise on the subject.

1. "'It conceived the recovery of the colonies by Spain 'to be hopeless.

2. "'It conceived the question of the recognition of 'them to be one of time and circumstances.

3. "'It was, however, by no means disposed to throw 'any impediment in the way of an arrangement between 'them and the mother country by amicable negotiations.

4. "'It aimed not at the possession of any portion of 'them for Great Britain.

5. "'And it could not see any part of them transferred 'to any other Power with indifference.

"'These were its opinions and feelings; and if they 'were shared by the Government of the United States, 'why,' asked Mr. Canning, 'should they not be mutually 'confided to each other, and declared in the face of the 'world?

"'Was Mr. Rush authorized to enter into any negotiation, and to sign any convention upon the subject? or 'would he exchange ministerial notes upon it?

"'A proceeding of such a nature,' continued Mr. Canning, 'would be at once the most effectual and the least offensive 'mode of intimating the joint disapprobation of Great Britain and the United States of any project which might be 'cherished by any European Power, of a forcible enterprise 'for reducing the colonies to subjugation on the behalf, or 'in the name, of Spain, or the acquisition of any part of 'them to itself by cession or by conquest.'

"This was the substance of the confidential communication made by Mr. Canning to Mr. Rush.

"As that gentleman's answer is written in the same spirit of confidence, it will not be right (and fortunately it is not material) to state the nature of that answer, further than to say that in every respect it was highly creditable to its distinguished author, who, unfortunately, was not furnished by his Government with instructions which would justify him in committing it to an expression of its sentiments, which was to be formally recorded in writing.

"'Had Mr. Rush felt himself authorized to have entertained any formal proposition, and to have decided upon it 'without reference to his Government, an eminently beneficial practical result' might have been produced by the correspondence; 'but as he had no specific powers,' Mr. Canning found that, 'in the delay which must intervene before he could procure them,' the progress of events might have rendered any such proceeding nugatory; and the being engaged in a communication with the United States, in which a considerable time must have been consumed before it would have been possible to have arrived at a conclusive understanding with them, would have embarrassed any other mode of proclaiming our views, which circumstances might have rendered it expedient to adopt.

"Mr. Canning, therefore, allowed the matter to drop; but what was done in it was far from proving wholly useless, as will be seen hereafter."

the United States would sustain it by force. The declaration had its effect, and warded off the threatened intervention.

But the honorable Senator from Michigan, for whose opinions upon all subjects, and more especially upon those connected with the foreign relations of the country, I have the most profound respect, has cited a number of instances from the modern history of Europe, tending to show that these protests are not unusual things—that they have been made over and over again by one European Power to another, and have been habitually disregarded; and yet that no war followed. It would appear, then, that the best reason which can be assigned, for the proposed expression of purpose, in regard to this Hungarian interference, is, that it will not be regarded; and, therefore, no serious consequences can ensue. Now, I appeal to the American people—and I make the appeal with confidence; I have no fear of their answer—that whenever their Government takes a position, and expresses a *purpose*, in its relations with foreign Powers, that they will look to the Government to make it good. I appeal further to the American people, that they will countenance no declaration of intention on the part of their Government, which they do not intend to maintain. Why, how was the declaration on the part of Mr. Monroe considered by Mexico? If you will look at the correspondence between the minister of the United States in the city of Mexico and the Government of Mexico, after that declaration was made, you will find that the minister of the United States said to Mexico, (in reference to Mr. Monroe's declaration,) that "the United States 'had pledged themselves not to permit any other 'Power to interfere, either with their independence 'or form of government;" and again, "in the 'event of such an attempt being made by the 'powers of Europe, we would be compelled to 'take the most active and efficient part, and to 'bear the brunt of the contest."—*Mr. Poinsett to Mr. Clay, 28th September*, 1825.

And you will find, in reference to the Panama Congress, to which I shall presently come, that one of the objects for which that Congress was convened, was for settling and determining by treaty stipulations between this country and those Republics, the extent to which we thus stood committed. It was, then, a committal of this Government to the purpose of preventing, by armed resistance if necessary, such an intervention. Yet the expression used was, that it would not be looked at with "*indifference.*"

The last epoch to which I shall advert in this very tedious review, is the occasion of the celebrated mission to Panama, during the administration of John Quincy Adams. In his message of December, 1825, he informed Congress that the Government of the United States had been invited by several of the South American Republics to unite with them, through representatives, in a General Congress at Panama, for certain purposes which were set out in the invitation; that the invitation had been accepted on his part, and that ministers would be commissioned. Subsequently, when he sent to the Senate of the United States the names of these commissioners, for their advice and consent, he submitted to the Senate—as on the occasion of appropriations would necessarily be submitted to the House—the policy and expediency of such a mission. It would seem that this project of a General American Congress, to be held by all the South American States at Panama, had originated with Bolivar, President of Columbia; and, in treaty stipulations between several of the South American Republics, it had been arranged by them, that such a Congress should be held. The parties to these treaties invited the United States to meet them in that Congress, and President Adams accepted the invitation. The nominations came to the Senate. They were Richard C. Anderson, of Kentucky, and John Sergeant, of Pennsylvania; and their title "Envoys Extraordinary and Ministers Plenipotentiary to the Assembly of American Nations at Panama." The nominations were referred, with the message, to the Committee on Foreign Relations. That committee made a report, from which I shall read a few extracts, for the purpose of showing to the Senate, first, the opinions entertained by republican statesmen of that day, on the expediency of forming political connections with any foreign Powers, even our own neighboring Republics; and second, the jealousy and distrust with which they viewed any departure from the well-established policy of *isolation* in our foreign relations. And I call the attention of the honorable Senator from Michigan [Mr. Cass] to the fact, well known to him, that Nathaniel Macon, of North Carolina, was the chairman of that committee, and made the report—a man second to none, except Jefferson, in the estimation of the Republican party of the country. There they recognize, that there was a course of policy uniformly and happily pursued by the United States, from the creation of the Government down to that time.

The committee held this language:

"The first question which suggested itself to the committee, at the very threshold of their investigation, was, what cogent reason now existed for adopting this new and untried measure, so much in conflict with the whole course of policy uniformly and happily pursued by the United States from almost the very creation of this Government to the present hour? By the principles of this policy, inculcated by our wisest statesmen in former days, and approved by the experience of all subsequent time, the true interest of the United States was supposed to be promoted by avoiding all entangling connections with any other nation whatsoever."

"And to maintain with each relations of perfect amity, and of commerce, regulated and adjusted by rules of the most fair, equal, and just reciprocity, the United States have hitherto sedulously abstained from associating themselves in any other way, even with those nations for whose welfare the most lively sensibility has been at all times felt and otherwise manifested."

"During the conflict for freedom and independence, in which these new States of America were so long engaged with their sovereign, although every heart in the United States beat high in sympathy with them, and fervent aspirations were hourly put up for their success; and although the relations then existing with Spain were well calculated to excite strong irritation and resentment on our part, yet the Government of the United States, convinced of the propriety of a strict adherence to the principles it had ever proclaimed as the rule of its conduct in relation to other nations, forbore to take any part in this struggle, and maintained the most exact neutrality between those belligerents."

"What cause exists now to prompt the United States to establish new and stronger relations with them, and so to abandon that rule of conduct which has hitherto been here so steadily and happily pursued?"

"And the United States, who have grown up in happiness to their present prosperity by a strict observance of their old well-known course of policy, and by manifesting entire good will and most profound respect for all other nations, must prepare to embark their future destinies upon and unknown and turbulent ocean, directed by little experience and destined for no certain haven."

The members of the Committee on Foreign Relations, at that time, were Messrs. Macon, Tazewell, Gaillard, Mills, and Hugh Lawson White, of Tennessee. It is said, and I believe with authority, that the report was drawn up by Mr. Tazewell; and I apprehend that there cannot be found an argument of greater strength, and more perfectly unanswerable, to show, first, what the policy of the American Government, up to that period in its foreign relations, had been; and then, to illustrate the wisdom of that policy, and that it would be the very opposite of wisdom, to depart from it. I have cited it, as I have the occasion itself, for the purpose of showing that, amongst our wisest and best statesmen, in 1825, at least, there existed a recognized policy, which they traced back to the administration of Washington, which they presented to the American people as the safe and wise policy of the country, and from which they advised the American people never to depart. What was it? To avoid political connections with any other country whatever, unless an occasion should arise in which the *interests* and *safety* of this country demanded a departure from it; and in no other case whatever.

I will cite now, very briefly, passages from the speeches of other statesmen of that day, in the Senate of the United States, in debate on this Panama mission. The first I will read is that of the gallant Hayne, of South Carolina, whose character is well known to the country both as a patriot and a statesman. He said:

"But, I beg pardon, sir; I am wandering from the question, and have trespassed too long on the patience of the Senate. The whole question may be resolved into this: Are we prepared now to depart from the fundamental policy of this country, never to interfere in the concerns of other nations? Are we ready to embark our fate with that of the Spanish American Republics? To become parties to an 'American Confederacy,' against the 'European Confederacy?' Sir, it will not, it cannot be denied, that the proposed measure is entirely out of the course of ordinary diplomatic relations; it has no precedent but in that 'great alliance,' profanely called 'Holy,' and equally offensive to God and to man."

I cite these passages not only to show what the opinions of these statesmen were, but to show by the history of the country that there was *a policy* guiding our external relations, established from the days of Washington, and not departed from, recognized by these gentlemen, and by them again recommended as the true policy of the country. The next passage I shall read is from the speech of the late Judge Woodbury, who said:

"Where, also, is the crisis, where the emergency, to justify such an extraordinary measure? 'Why quit our own, to stand on foreign ground?' Why join our fortunes in any case, much less in any useless war with Powers of another origin, another tongue, another faith? Have we become incompetent to our self-defense? Are we in need of foreign 'counsel,' and foreign 'deliberations,' to manage our own concerns? Or are we so moon-struck, or so little employed at home, as, in the eloquent language of our President, on another occasion—when the sentiments expressed found a response in every patriot heart—as to wander abroad in search of foreign monsters to destroy? Speaking of America, and her foreign policy, he observed, 'She has 'abstained from interference in the concerns of others, even 'when the conflict has been for principles to which she 'clings as to the last vital drop which visits the heart.' Whenever the standard of freedom and independence has been, or shall be unfurled, there will her heart, her benedictions, and her prayers be. But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own."

Hugh Lawson White, of Tennessee, held this language:

"If this mission should be advised, a new era will have commenced in the history of our foreign relations. Have peace with, and good will towards, all nations—entangling alliances with none—has been our cardinal policy in time past. It was recommended by the Father of our Country; repeated and practiced upon by the republican successors. When given we were few in number, comparatively poor, and insignificant in the scale of nations; now twelve millions, rich in men, in means, and in character. Our prosperity has surpassed the most extravagant calculations of the most sanguine amongst us.

"In our late contest with the most powerful nation in the civilized world, unaided by and unallied to any other nation, we furnished conclusive evidence, both upon the ocean and upon the land, that we are able and willing to defend the rich inheritance derived from our ancestors.

"The sincerity of our conduct in our intercourse with other nations, a careful abstinence from all interference in their concerns, united to our determined and successful resistance to lawless encroachments upon our rights, have given us a proud name throughout the nations of the earth. Happy at home, and respected abroad, why should we change the policy by which these blessings have been obtained?

"We ought not to advise it, except to obtain some lasting and important benefit for the United States, certainly to be attainable in this mode—probably to be attained in no other; never from sympathy for others—from a desire to serve them, or from the desire to gratify national vanity."

The last that I shall cite is an extract from the speech of Martin Van Buren, delivered at the same time. He said:

"At this moment the United States (thanks to the wisdom of their early counsels) are unfettered. No Government has a right to demand our aid or interference in any of the changes in the condition of the world—come what may, we are now unembarrassed in our choice. Until lately, I had flattered myself that the acknowledged obligation on the part of our Government to maintain that condition was as firmly fixed as its republican character. I had the best reason to think so, because I knew it to be a principle in our public policy which had for its support all that is instructive in experience, all that is venerable in authority. That authority is no less than the parting admonitions of the Father of his Country. The earnest, eloquent, and impressive appeals upon this subject, contained in his Farewell Address, are yet, and will, I trust, long remain fresh in our recollections; nor were the sentiments he thus avowed mere speculative opinions, founded upon an abstract consideration of the subject. No; they were sentiments matured by reflection, and confirmed by actual experience of the practical results which had arisen from a connection of the character he so ardently and so justly deprecated. A reference to the history of that period will illustrate the fact, and is replete with instruction."

I might multiply passages of a like kind, but it is unnecessary. What I have read, shows that the statesmen of that day, in 1825, believed that there was an established foreign policy for this Government, and that it was unwise to depart from it. This was in the days of John Quincy Adams, who had a parliamentary majority with him in both Houses of Congress. His nominations were consequently ratified. But when the commissioners went to Panama, fortunately for the country, they could find no Congress there.

What is the proposition now? It is a declaration on the part of the Congress of the United States, if the resolution of the Senator from Michigan shall be adopted, that the United States cannot again see, without "deep concern," the vio-

lation of this principle of national independence, to wit, the interference of one European Power in the internal affairs of another. If the resolution of the Senator from New York shall be adopted, it will be a declaration that the United States will not be *indifferent* to a similar act of national "injustice, oppression, and usurpation." I submit to the Senate, upon the authority of those who have gone before us—upon the experience of the country, if these resolutions are adopted, and it should happen (which, I apprehend, will not happen, at least within the lives of any now in being,) that Hungary should be in a position to call on this country to make their word good, if we should not be bound to do it; if the honor of the country will not be involved; if they require it of our people, will we not be committed to it? There will have been avowed a distinct purpose on the part of this Government not to allow a like armed intervention against any European Power. Where shall we stand then? I do not know that those who may come after us, will feel themselves called on to make our declaration good before the world. But if they do not, we shall have placed them in a position to lower the proud standard of their country. It will place the American people in a position—compelling them to descend from that proud eminence which they attained, by the declaration of Mr. Monroe. I shall feel myself constrained, then, so far as I am concerned, with perfect respect to the gentlemen who entertain opposite opinions, to stand by the policy of Washington and Jefferson—to adhere to it as the creed of republican America.

Mr. President, I will weary the Senate no longer than briefly to sum up the points I have thus endeavored to establish, by reference to the appropriate history of our country. The policy of the United States in her intercourse with foreign nations, as established by Washington, and followed by his successors, I take to be this:

That the Government shall keep itself free of all political connection with any foreign Power.

That the first and great object in view is to preserve relations of peace and amity with all; and this is best subserved, by avoiding all alliances, whether transient, or permanent.

That the cardinal maxim of the Government, when any measure affecting its policy is proposed, is to consider first, and to consider last, how it will affect the *welfare and safety of our own people*, and to do nothing (consistent with the honor of the country) which will endanger either.

That in case of war between two or more Powers with whom we are at peace, both duty and interest require of us, strict neutrality.

That should such war, or other form of hostilities, exist between a Government and its own people, or its dependencies, however we may sympathize with the one party or the other, accordingly as we may consider on which side is the right, our duty of neutrality is not the less incumbent, than in case of such war between independent Powers.

That the laws of nations have their sanction only in the faith and in the honor of nations; whence it results that, whatever opinions may justly be entertained of the offender, when they are violated or disregarded, no nation is called upon to enforce such law, or to redress the wrong, unless thereby injury be committed against herself.

That in any case where one nation interposes by force or otherwise, with the internal or domestic affairs of another, however it be in violation of the law of nations, our American policy prescribes, that it is no affair of ours, unless such interference shall either directly, or ultimately, affect the safety or interest of our own people; in which case, such affair becomes ours, and our Government is bound to act accordingly.

That in regard to any such foreign interference, our *duty* is measured only by our *interests;* we may be called to intervene when its consequences are, or may become, injurious to our *own people*, but not because of its injury to *another people.*

These maxims of policy have guided us thus far to honor, dignity, and strength. Under them the country is prosperous at home and respected abroad. To abandon them now, would, be in the very wantonness of power, to hazard in speculative philanthropy, the peace and welfare of a whole people.

THE HOMESTEAD BILL.

SPEECH OF HON. C. L. DUNHAM,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

April 6, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. HIBBARD in the chair) on the Homestead Bill—

Mr. DUNHAM said:

Mr. CHAIRMAN: In attempting to address the committee upon this occasion, I shall be guilty of a violation of what is at least the usual practice here; for I propose to discuss, mainly, during the hour allotted to me, the bill legitimately under our consideration. I think it one of the most important measures that has been before this House or the country for many years.

I know, that in certain quarters, this proposition to grant lands to actual settlers is regarded as but of small moment; by some, as being a question of revenue merely, and they suppose that, owing to the flourishing condition of the finances of the country at this time, it makes but little difference whether we should dispose of the proceeds of the public lands, as they have heretofore been disposed of, as part of the revenues of the country, or whether we should change our whole system of their disposition in accordance with some scheme of the kind which is now before the committee. But I look at this matter in a much broader and more comprehensive view. It is not the mere disposition of two or three millions of the annual revenues of the country. No, sir; any man who looks back and traces the history of this Union, and examines the causes of our growth, prosperity, and greatness, must come to the conclusion that the public lands, and the manner in which they have been disposed of, form one of the most important.

Sir, I think there is nothing except the Constitution and institutions of the country, that has contributed more to that growth, to that prosperity, and to that national greatness, than these public lands. The people of the older States have spread themselves over this vast territory, and have built up not only villages, towns, and cities, but many great and growing States; and it is this, more than anything else undoubtedly, which has attracted the gaze and excited the astonishment of the nations of the Old World. Why, sir, as they have watched our onward progress, they have seen State after State rise up in the advancing West, as "Alps o'er Alps" tower upward to greet the admiring gaze of the approaching traveler.

As our national vessels have, year after year, visited their seas, they have seen almost each successive year add another star to the bright galaxy upon our national flag. It is this rapid extension of our country, this rapid growth of our power, this rapid increase of our wealth, and of the comfort and happiness of the immense number of our population, which undoubtedly, more than anything else, has attracted their attention and excited their astonishment. It is an important question, then, not only in a financial point of view, but it is important in its moral, its physical, and its political consequences to our own country and to the world.

There are others who regard this measure as a trifling one, because they consider it a mere demagogical movement on the part of some individuals who are courting political popularity and power. They do not believe that there is any settled policy either in this House or in the country, to bring about such a change in the disposition of the public land, as this bill proposes. Let me say to all such, that they are very much mistaken. The people of this country, when their attention is aroused to a subject, pursue it with avidity; and if the principles upon which that subject is advocated, are sound, and commend themselves to their reason and judgment, they continue to pursue it until the object is accomplished; and it strikes me that this is one of that character of measures, and that sound policy, sound judgment, sound reason, will at least sustain a modification of our present mode of disposing of our public lands. If this be so, you may rest assured that the energy of character and intelligence of the people—especially of the Western States—and their constant disposition to investigate, will lead them to pursue this subject, now that it has attracted their attention, until some result will be brought about from that investigation. I tell gentlemen from the older States, that it is perfectly useless for them to undertake to resist the onward progress of this reformation. They will not, they cannot succeed. Why not, then, act the part of wise and prudent statesmen, and, like the boatman in his little bark, who, when the tide sets too strongly against him, instead of endeavoring to stem, puts his craft before the current, keeps it upon the right track, and guides it to a safe and proper haven? This would surely be a much more prudent course than to undertake to turn back the tide of public opinion, and defeat measures which have taken a deep hold of the popular mind and the popular judgment; for the one you may do, the other you cannot.

Now, sir, there will undoubtedly be a change in the mode of disposing of the public lands of this country; and, for that change, gentlemen who represent, and who have heretofore represented the old States, may thank themselves; for it is the legitimate result of their own course. Year after year, propositions have been brought forward in this House, and at the other end of the Capitol, to graduate and reduce the price of these public lands, so that those which were comparatively worthless, should not either remain unsold in the midst of densely-populated districts, or be sold for the same price as the choicest lands in the country. But, gentlemen from the older States have set their faces against these propositions, and the result is, that you have kept, in the older of the new States, if I may use the expression, large districts of land hoarded up, yielding nothing to the revenues either of the General or the State Governments; they have remained in the midst of our settlements, breaking up our townships and county organizations, our school and road districts, and our neighborhoods; yielding nothing to the national wealth of the country, for the support of the race, or for any other beneficial purpose whatever. These things have become an eye-sore to the people of the new States; and they naturally ask, would it not be better that these lands should be given to men who will go upon, improve, and make them contribute *something* to the national wealth and to the comfort of the race and the benefit of society, than remain in this condition?

I know that representatives from the old, cannot appreciate the feeling that has grown up in the new States in reference to the disposal of these lands. But if gentlemen will examine the character, and trace the history of those who have peopled the Western States, I think they will appreciate it. Who are they who have settled them? Mostly people from the older States. They are—or, rather, were—the young men of the older States; the sons, perhaps, of men who had but small homesteads, which were barely sufficient to yield them support, and enable them to educate their children in economy, temperance, and industry. Their sons have grown up, and it is time they should start out and look after their own welfare and fortunes. They look about them in the old States, and find that it will be impossible to buy themselves homesteads there until after years of toil, and they will then have barely accumulated enough to buy land in which to lay their bones. They turn their attention to mechanical pursuits, and they see that every branch is full, leaving them therein no chance for success. They look to the learned professions; but every one knows that it is useless, nay, worse than useless, for a young man in the old States to attempt to succeed in either of them, unless he has wealthy and influential friends to stand by and sustain him, or, at least, until he has worn into that success by the toil and deprivation of years. They naturally turn their eyes to our fertile, prosperous, and ever-hospitable West; but before they can accomplish their journey and locate themselves there, they must first have the means. They toil day by day, and month after month, and lay aside the little pittance they earn until each has saved enough to bear his expenses thitherward, and enable him to locate his quarter-section of land. When he has accomplished that task, and finds himself upon what is to be his home, as he gazes upon it, the thoughts which naturally pass through his mind are: "Well, here is my future dwelling-place. Here are my for-

tunes cast. This I have acquired after years of toil and labor. And, in the mean time, what good has this land yielded? Who has been benefited by it? It has been lying here in idleness. It has yielded nothing for the support of our race. It has contributed no revenues to State or nation. It has lain here, so much waste capital, which has done no one good. Could I have expended upon it the labor which I have expended to acquire it, I might ere this have made it a beautiful home. Here I might have reared my family." And is it surprising that he should consider the propriety of a Government of the people keeping in abeyance this amount of capital which might have been improved had he been permitted to have applied to it his labor, and thereby increased its value and made it productive? These are the feelings that have operated upon the population of the West, and nduced this disposition to effect a change in the mode of disposing of these lands—and a change will be effected, you may depend upon it. But what shall be that change? This is the question. Shall it be the old proposition for graduating the prices of the public lands? That is a change which I myself should perhaps prefer. But we have seen it often attempted without success, and I have abandoned all hopes of its accomplishment.

But other and new propositions have been brought forward. One of them is to make liberal grants of these public lands to aid in the construction of railroads. This is a favorite measure at this time. Well, sir, I confess that I am in favor of disposing of these lands for the benefit of the new States within which they lie, in some form or other; and if no better proposition shall meet with success, I shall undoubtedly favor such grants to a reasonable extent. But I say unhesitatingly, that I prefer the proposition of this bill, to give these lands to actual settlers, who will cultivate and improve them. And why? Because it seems to me more reasonable and rational than the other.

The argument in favor of granting these lands for building railroads is, that it would result in the settlement and improvement of the country. In other words, if you build a road through a section of unimproved lands, that railroad will carry with it a population to improve and make them productive. That is very true; but it seems to me that we are commencing in the wrong way. I think it would be much more rational that we should first build up the population, and then, as a natural consequence, as they subdue the forest, improve the country, and produce a surplus, railroads, or other means of intercommunication, will follow. This will be the result, for two reasons: In the first place, if you induce population to go upon these unimproved lands, and cultivate them, there will be a surplus of productions at one end of the road, while at the same time there is a necessity in the commercial and manufacturing communities at the other for that surplus, for their commercial and manufacturing purposes. At the same time you will find these commercial towns contain goods and merchandise in their markets which are needed in the remote settlements of such new country. So there is a double stimulus; for there is a surplus at each end which is desired at the other. You need have no fear of the want of energy or enterprise in this country. Where there is a want of communication, wherever there is need of an outlet for the surplus productions of the country, they will find their way. As well might you attempt, by your puny structures, to stop the onward course of yon mountain torrent, as to block up the outlet for the surplus productions of any extensive region of country, when those productions need and must have a market. They will break through all barriers, and will not stop till they find their proper and legitimate channel. Let me give you an example: Take one of the Missouri railroads, which my friend from Missouri [Mr. Hall] is so earnestly advocating. In St. Louis there is a surplus of merchandise which needs a market. Now, you grant this land to actual settlers in the interior of that State, and you build up a population there which, while they will furnish a market for that merchandise, will, at the same time, produce a surplus of agricultural productions that will be needed in that city for her commercial purposes. So that you will have a powerful interest at both ends of your road conspiring to build it up.

Mr. HALL. If the gentleman will allow me to interrupt him, I will say that he misunderstands my position in relation to these railroads. I insist that the Missouri railroad will be made whether we get this grant of land or not. But I also insist that, by building this railroad, we confer a great and important benefit upon the Federal Government, which is a landed proprietor in our State; and I say that it is only right that the Government should pay something for the favor we thus confer.

Mr. DUNHAM. I do not wish to controvert the position taken by the gentleman from Missouri, [Mr. Hall.] I understand and appreciate it. I was only using the example to enforce a different argument, not at all conflicting with the gentleman's position.

Another argument in favor of this method of disposing of the public lands over that of granting them in aid of the construction of railroads is, that in this country, particularly where there is not a superabundance of capital, our citizens do not like to invest their money without a prospect of a SPEEDY return; and where you extend a railroad into an unsettled region of country with the expectation that the work will carry with it a population, you must of necessity wait until that population can improve and cultivate the same, and produce a surplus for market, before the investment in the work can be made profitable to the capitalist, or advantageous to that community by whose wealth and enterprise it was constructed.

But, Mr. Chairman, let us hold out such inducements as will stimulate settlers to go out and cultivate the prairies and subdue the forests on our Western frontiers, and we secure not only profitable freight for our roads, but quicken into activity a population who will be both willing and able to aid by their hands, as well as by their means, in their construction. In the one case, you build a railroad first, under the expectation that, *in time*, population will follow, and produce, a surplus for its profitable employment; while in the other, a surplus will await its completion, and at once afford it such freights as will make it yield an immediate income.

It seems to me, therefore, Mr. Chairman, that of all the propositions which have been made here for the disposition of the public lands, this is certainly the best. Grant the lands to actual settlers—encourage population—stimulate enterprise in your new States, and the surplus productions that will follow will create a necessity for railroads as an outlet to your markets, as well as ability to build them, and, at the same time, the same necessity will exist in your commercial towns to dispose of their commercial materials in exchange for that surplus, so that a double interest will be brought to bear that will carry through these works of improvement.

But there is another point of view in which, as a great question of political economy, I wish to present this subject. It is this: These lands are a portion of the capital of the country. When I speak of capital, I do not use the word in that limited and technical sense in which it is used in the books merely, but I use it rather in the sense of material; for there is no real capital in the country except its natural material. What is technically called capital—the money of the country—is but the medium through which the labor is applied to the real capital, the material; and there is no way of increasing the wealth of a country except by the application of the labor of it to that material. There can be no other way. There is no man, however ingenious, under the broad canopy of heaven, who can devise any other way for producing wealth but by bringing labor to act upon material. These public lands are a part of the material of the country. Here is, then, a part of the capital of the country lying in a state of unproductiveness, because uncultivated. Now, sir, go into your older and more thickly-populated States, and you will find a surplus of labor which, if not absolutely idle, is but partially employed, or, at least, not as profitably employed as it would be if it had the material to work upon. In the West is the material—these lands, lying unemployed and unproductive. If this labor, then, was employed upon this material, it would not only be itself more profitably employed, but that profit would be increased by the use or income of this material beneficially used and developed by it.

The difference is precisely this: One mechanic starts out in the world to make his fortune by his own unaided toil; another starts out with a capital or material of his own to work upon. The one receives the income derived from his labor alone, while the other receives the income derived from his labor and capital combined. I submit, then, to the committee, whether it would not be better that the unemployed, or the unprofitably employed, labor of the country should be applied to this unemployed material, and it developed, improved, and made to yield, than that it should remain unproductive, and the labor but partially occupied, and partially remunerated? As a question of political economy, would it not be better that this capital of the country should be brought into a state of productiveness? Here are millions upon millions of capital lying idle, while you have the labor to make it productive, and which, if applied to it, would add to the wealth, the comfort, and the happiness of the people of the nation. But you say you will not allow this labor to be applied to this material unless the laborer will pay you for the privilege of thus adding to the wealth and welfare of your country. And this you call statesmanship; and this policy of mine, which would bring the toil of the country to add to its wealth and happiness, you call demagogism! Yours is statesmanship, though you are deriving no benefit from the immense amount of material. Mine is demagogism, because I desire to employ the means to improve that material—to develop it and make it productive to the country and to the world. Judge ye between the two! I repeat, this land is capital. Yet it is only when labor is applied to it, that it becomes productive—that it becomes valuable.

What, sir, (turning to Mr. Rantoul, of Massachusetts,) makes those beautiful fabrics which are turned out from your cotton-mills so much more valuable than the raw material of which they were made? It is the labor of your operatives—the skill and ingenuity of your mechanics.

(Turning to Mr. Dawson, of Pennsylvania.) Your iron lies idle in the bosom of your mountains—it is unproductive—it is valueless, and adds nothing to the national wealth of the country.

It is only when you bring the labor of the country to bear upon it, and remove it from the earth, and give it form and comeliness, that it assumes a value, that it adds to the national wealth. So it is with the soil of our fertile valleys. It is like the iron in your mountains, which, uncultivated, is valueless. It yields nothing. It is only when you bring the toil of the husbandman to bear upon it, to stir its turbid bosom, and open it up to the sun and the dews of heaven, that it begins to yield something for the support, the comfort, and the happiness of man, and to add to the wealth of the country, and of the world. But you will not allow your citizens to toil to add to your wealth, your power, and your greatness, unless they pay you tribute. You are like the miser, who, if he cannot get ten per cent. for his money, hoards it up, and gloats over it, day after day, and year after year, and it yields him nothing, when he could, perhaps, have profitably and safely invested it at a smaller per cent., to the benefit alike of himself and his fellow-men. It seems to me that there is little or no difference between the policy of hoarding money, and hoarding land. In the one case as in the other, you add nothing to either individual or national wealth; it pays no taxes, and yields no revenue to the State or nation. The capital, in both cases, lies idle, waste, and useless; it seems to me in violation of every maxim of good policy and sound sense.

But it is said that this measure of granting public lands is entirely selfish, and that the measure is exclusively for the benefit of the new States. But is this so? I undertake to say, sir, that so far as legislation removes restraint from the free labor of the country, or from the free enjoyment of the natural material of the country, just so far you add not only to the wealth of the country, but you benefit all classes of citizens of every section. Now, I will illustrate it by the question of the tariff, which we have been discussing for so many years. When you reduce the tariff, you add to the common welfare of all classes of community

equally. Why? Because you remove the unnatural restraint from the enjoyment of the labor and the materials of the country, and allow your citizens to seek the best market for the disposal of their surplus and for the supply of their wants. Apply the same principle to your public lands. Just so far as you remove the restraints, you add to the wealth and to the welfare of every portion of this nation. But place the poor and humble man who now, by unremitting toil, is able to make enough to support his family, and barely make the ends meet at the close of the year—place him upon one of these farms of the West, now lying idle, and he will be thenceforth adding to the capital of the country. He increases his wealth, sends his produce to market, and receives its return. That return is the comforts of life, which are manufactured in that region of country which is represented by the gentleman upon my right, [Mr. RANTOUL.] This increases the market for manufactured goods. The manufacturer is benefited by having the farmer in a position where he can furnish something for commerce and is able to buy and consume his manufactures.

But my Southern friends say, how does that benefit us of the South? *We* do not manufacture.

Mr. FULLER, of Maine, (interrupting.) My own little town consumes seventy thousand bushels of corn, twenty thousand bushels of wheat, and ten thousand barrels of pork. If all our population should remove to the West, where will the growers of the West find a market?

Mr. DUNHAM. If there was any objection on that score, it ought not to come from gentlemen from New England. It ought to come from Western men. And I tell that gentleman that we are not afraid of a competition in this respect. Even if you will send out all the surplus population of New England, and settle them upon our uncultivated land, and bring them into immediate competition with us, we fear not that competition. We feel, at least, that your people, when they are planted upon the virgin soil of the great West, cultivated under the nourishing dews of heaven, are supplying themselves and their families with plenty. That, at least, is something. Nor do I think, sir, that any portion of the gentleman's constituents will go to the West, unless they are convinced it will be for their interest. Surely, then, the gentleman, as a faithful Representative, ought not to oppose a measure so well calculated to secure the welfare and happiness of any portion of those whom he represents.

But I was alluding to another matter. Gentlemen of the South say, "How are we benefited? We can see how you of the West are benefited. It fills up the country, increases the products of that country for market, and enables your people to receive in return for them the manufactured goods of New England, New York, and other manufacturing States, and this is a benefit to those States; but how does *that* benefit us of the South?" The effect by the medium of commerce is felt throughout every part of this Union, like the heart's blood, which is sent out by every pulsation to the remotest extremity of the physical system. Do you not have the benefits of our productions? And, in alluding to this, I allude to a dogma which has been thrust upon the country year after year, by one section—I mean New England. They have told us in the West, "You ought to give us a protective tariff." Why? Because the South derives all the benefits of a low tariff or free trade; that Europe furnishes a market for but little of our agricultural products except the tobacco and cotton of the South, in which we are not interested; that it is only the Southern planter and slaveholder that finds a market in Europe.

But is this true? Are the cotton and tobacco which go to Europe from this market only the products of the slave labor of the Southern planter? No, sir; they are more. They are our hogs, our cattle, our horses, our mules, our wheat and corn, which are changed into this shape, and thus find their way to an European market. We of the West find our market for these agricultural products upon the sugar and cotton farms of the South. The Southern planters use these as materials for carrying on their planting operations, and they change these materials into a different form, but which, in that new shape, are as much our agricultural productions as your cotton is your production, although changed by the industry and skill of the operative into the manufactured goods of New England; and it is in this new form that they find a market in New England and Europe. We of the West are, then, as much interested in this trade of cotton and tobacco, as the people of the South themselves; for, if we can furnish these materials, out of which you manufacture your cotton and tobacco, cheaper than you can raise them yourselves, you buy them of us, change their form upon your plantations, send them to market for us, and enable us to obtain, through the medium of commerce, in exchange, such manufactures and merchandise as we desire for our comfort and pleasure. In this manner every portion of the country is benefited. The manufacturer of New England is benefited, not only in finding a market for his goods in the West, but in finding an ample supply to feed the operatives in his manufacturing shops. Not only so, but if, by this increase of productions in the Northwest, we supply, more readily and cheaper, the support of the slave labor of the South, which furnishes the raw material for the employment of those operatives, will not that raw material be furnished cheaper, and in greater abundance? Will he not thus derive a benefit from this measure? I repeat, sir, that when you remove from any of Nature's great elements of wealth the restrictions which the artificial legislation of government has thrown around it, you increase the wealth, and add a stimulant to the energy of every portion of this broad Union, I care not whether it be North or South, East or West.

Well, there is another class that will reap the benefits of this measure. It is the commercial class. Your ships find their employ in transporting the agricultural products of the West, and by importing such articles as are received in exchange for them. It cannot, then, be otherwise than as you increase those products you increase that commerce, and in increasing it, you furnish these abundant supplies to the starving nations of Europe, taking in return the productions of their labor, to minister to the comforts and pleasures of our own people. It is like the circling wave, which spreads broader and broader until it loses itself upon the most distant shore.

I need not speak more of what such a system would add to the national wealth of this country. I need not tell intelligent men that a quarter section of land in cultivation, with its buildings and improvements upon it, is worth much more to the nation than in its uncultivated state. I need not say that a man will save more of the proceeds of his labor when he is located upon that land, and can constantly lay out that labor, or its earnings, in its improvement, than if he were living with no fixed home and no fixed purpose. You, therefore, in thus bestowing land upon those who will occupy and improve it, add more to the individual and national wealth of the country, than by any other disposition of it.

But another objection to this bill, and it is one to which I have perhaps already incidentally alluded, is: that it takes the proceeds of the sales of these lands from the public revenues, and it is alleged that we shall thereby decrease these revenues; but I think not; for, if it be true, (and no one will controvert it,) that by giving these lands, as this bill proposes, to men of limited means, you augment the income of their labor, you increase their ability to purchase, and consequently their desire to consume those articles of commerce upon which a tariff is levied, and from which our revenues are derived, this will increase the importation of them, and, as a matter of course, the resulting revenue; and this increase, I doubt not, will equal, if not exceed, the revenue now derived from the sales of these lands. If it should not, the deficiency will be supplied by the tariff; and, as the articles upon which that is imposed are mostly consumed by our agricultural population, those who enjoy the benefits of the provisions of this bill, will also bear the increased burdens resulting therefrom—for, as the people of the West are mainly engaged in agricultural pursuits, and can reap little or no benefit from the tariff, and being the largest consumers of those articles taxed through our custom-houses, it is, as a necessary consequence, they who must make up, as consumers of imports, any deficiency in the revenue which may be occasioned by this bill.

But, sir, I had like to have forgotten the question of the gentleman from Maine, [Mr. FULLER.] He asks me if the individual who emigrates from the New England States and settles in the West, consumes anything more than he did before he removed from the East? I answer yes, because he betters his condition, adds to his wealth, and hence to his ability to indulge in the gratification of his taste and comfort—and ability always begets desire to enjoy—and this increased gratification increases consumption. And if the consumers of New England shall emigrate to and settle upon these lands, others will take their places—the annual increase of her own citizens and the many coming every year from the various parts of Europe, which is sending us not its pauper population, as we are often told, but its thriving and industrious laborers.

Another of the objections urged to this bill is, that it grants land to foreigners; but I think it is sufficiently restrictive in this respect, for its benefits are guardedly limited to those only who shall be in the country at the time of its passage; and even they are required to become naturalized, as a condition precedent to their availing themselves of the benefits of the measure.

But I must confess that if the proposition be true, that labor properly applied increases wealth, and is an advantage to the country, and that this land unemployed yields nothing to increase that wealth, I cannot see how it should be injurious to us, that the honest, industrious, and hard-working German should come here and settle upon a quarter section of this unemployed land, and make that which is now worthless, valuable and productive—that which is a wilderness, to blossom as the rose. I cannot see how the nation has lost anything by it. I cannot see how humanity has lost anything by it. I know something of the German and Irish who come to settle upon our soil. There is not a better, a more industrious, nor a more loyal population anywhere. They may come here with a little exuberance of republicanism, if you please, just as they have escaped from the shackles of tyranny, which have fettered their spirits and restrained their energies; but give them land to cultivate, and labor will soon sober down their judgments, and teach them the important lesson that that only is true liberty which is regulated by law.

But suppose gentlemen differ with me, and consider that this immigration of foreigners is an evil? Yet evil or no evil, its increased momentum every year is a fixed fact, and cannot be prevented. We cannot, if we would, adopt the Chinese policy of national isolation. No one, at this day, will think of preventing the oppressed victims of the tyranny of the Old World from seeking an asylum upon our shores. No one can be so selfish as to desire to prevent others from partaking of these blessings of liberty which have been showered upon us with so bountiful a hand, and, especially, when their enjoyment cannot diminish our own. So long, then, as your country maintains its superiority, so long as your institutions are worth enjoying—in short, so long as your liberties remain, this immigration will continue. It were better, then, to cease to inveigh against it, and endeavor to make it useful; to consider how we shall diminish its evils and augment its benefits. You can in no way so well accomplish this as by holding out such inducements as shall prevent these people from congregating in your towns and cities, as shall take them out upon your soil, where their labor can be profitably employed, and where, at the same time, they can obtain a permanent interest in that soil. There is something in the nature of man which makes him cling to that spot of earth he can call his own, and to the government that protects him in its enjoyment.

From whence came we? Your fathers and mine were of those very foreigners who heretofore came to this country, whose glory and prosperity you have so much at heart. Did they ruin it when they came? No, sir; our liberties, as you all know, and as our history will demonstrate, were won by emigrants, or the immediate descendants of emigrants. With no example before them, they established this Government and its institutions; and shall we, at this day, fear to trust a

similar people, who have fled from the same oppressions of the Old World to enjoy the liberties of the New—when, too, they have these institutions and their glorious results before them, as also the example of the millions who have been born beneath them, and who understand and have enjoyed them? Let us not, sir, by a narrow policy, in effect say, that the countries from whence sprung the progenitors of the Washingtons, Jeffersons, Lafayettes, Montgomeries, and De Kalbs, have exhausted "the breed of noble bloods;" and that henceforth nothing distinguished by talent, or exalted in patriotism, can spring from the countries of our own ancestors.

I cannot, Mr. Chairman, abide the narrow-minded, cold-hearted policy that wraps itself in the cloak of its own selfishness, and says, It is well with me, let others take care of themselves. Nor can I appreciate this vaunting philanthropy, which talks of going forth to right the wrongs of other lands, yet would refuse a home to the oppressed in our own; would refuse to allow them to occupy what we cannot use or enjoy; and, especially, when by doing so they add to our wealth and greatness, and help us to bear our burdens. I repeat, the wealth and prosperity of the Republic is produced by the application of the labor of such honest, industrious men to the material upon every side of us unemployed. If we take too much of your population from the old States, supply yourselves from those daily seeking homes upon our shores; and, in doing this, we shall be accomplishing the great mission for which we were sent—to relieve mankind, and restore to them liberty and happiness. I believe, Mr. Chairman, I am, perhaps, an enthusiast upon this subject, that we were placed here for wise and glorious purposes—to restore poor, downtrodden humanity to its long-lost dignity; to overthrow despots, and shed abroad the genial influence of freedom; to break the bonds of the oppressed, and bid the captive go free; to liberate, to elevate, and restore—not by going abroad, sword in hand, conquering and to conquer, as did Mahomet—but our destiny is to be accomplished by peaceful means, by the sword of the spirit, by the genius of our institutions. And this very bill will do more to extend the influence of those institutions and make them popular; more to break the chains of tyranny, and give an impetus to freedom, than anything else you possibly could do. What has given the people of Europe the ideas they possess, of our system of popular Government? Is it the mere right of your citizen to go to the ballot-box, and vote? Why, sir, the late example in France shows us that the most downtrodden wretch under the iron heel of tyranny, has been permitted to do the same. No! it is not that; it is something more. It is the spirit of our institutions; it is the fact that, wherever the American flag has been borne the people have been taught that here men enjoy the rights of men; that they stand up in the image of their God, responsible to none but Him for their action, not only morally and physically, but politically. It is this that has given *eclat* to the Government of our country; and, in no way can you add to that *eclat* more effectually than to let the world see that your citizens are in the enjoyment of the greatest blessings and benefits under it. I am sometimes reproached here, for my refusal to vote for appropriations for your magnificent public buildings, and your other public works; that I am penurious in regard to appropriations of public money. I will acknowledge the charge to a certain extent, and I will give my motive for it. We are frequently pointed to the public buildings, and the public works of the nations of Europe as examples, and it is said that we must, like them, have magnificent public buildings; a magnificent army, and a magnificent navy. I tell you that we never can rival her in matters of this kind, nor do I desire that we should.

It is not these which strike the attention of the European traveler when he visits our shores and passes among our people; but it is your home firesides scattered all over the land; the fact that wherever he finds a hearthstone, it is almost always the happy consolation of him who rests by it, that the little roof that shelters him and his family, protecting them from the storms of heaven, belongs to himself, and not to some mercenary landlord, and that it has been improved and beautified by his own honest industry. It is this that constitutes the *eclat*, the glory of our institutions, and of our country.

Our public works I would make convenient but plain, simple, and unostentatious. The Government I would administer on principles of the strictest economy. I can never forget that every dollar uselessly expended has been earned by the labor of the citizen, and takes so much for empty show of what would otherwise be employed to add to the pleasures and comforts of a home. I can never forget that we are but the servants and agents of the people, clothed with their power and dispensing their means, and that we should exercise that power and dispense those means only for their good. I can never forget that these magnificent public works are like the bright and brilliant blaze of some burning city that flashes upward to the *skies*, but which consumes and destroys. I much prefer to light the many cheerful blazes upon the home hearthstones, which, like the stars above us, speak of hope, of happiness, of heaven.

By this bill, which places within the reach of all the power of becoming owners of the soil, you demonstrate the beneficient spirit of our institutions, you add to their reputation, and give a new impulse to the cause of liberty throughout the world. It is doing much, not only for ourselves, but for mankind everywhere. My friend here [Mr. AVERETT] asks me where we got these public lands? I repeat, that they were paid for out of the public Treasury, but I have no hesitation in saying, that the Government will receive a far greater income by this disposition of them, as a consequence of the increase of tax-payers and of consumers of imported articles, upon which our tariff is levied, and from which our revenues are derived, than it could by the present mode of selling them at the minimum price of a dollar and a quarter an acre. And, besides, I have endeavored to show that the people of the older States, who have helped to buy these lands, would derive a benefit from the increased market which this bill will create for their surplus, equal if not greater than they now receive from the revenues derived from their sale. The gentleman says his State has nothing for us to consume. Sir, if Virginia, that boasts so much and so justly of her statesmen and her orators—Virginia, so proud of her early deeds of chivalry, has become only a consumer, producing nothing to add to the surplus of the country, contributing nothing to the national wealth, then has she fallen low indeed. She may have no surplus manufactures, but has she no agricultural products, which will go to feed the increased number of manufacturing laborers that will be called into requisition elsewhere, to supply the increasing wants of those who shall occupy these lands, and make themselves able to purchase and consume?

Mr. AVERETT. I have only to say to the gentleman——

Mr. DUNHAM. I would yield with pleasure to the gentlemen, but that clock admonishes me that I have but a few minutes longer to speak. I beg the gentleman, therefore, will allow me to proceed uninterruptedly, in the few remaining moments left me. I have spoken of this measure merely as one of political economy. I want now to speak of it, as a great question of moral right. I am no "filibuster." I am no red republican. I do not desire to take a man's home from him, because he may have a little more land than he needs, or can properly cultivate; but this Government of ours is a peculiar one—a very peculiar one. It is a Government of the people. It has not one single dollar in its public Treasury; it has not one single dollar invested in its public works; it has not one single dollar invested in its public lands, but what has been paid from the earnings of the people, and which does not belong to the people. It can, then, *give* nothing to them. It may restore that which they have contributed, and which belongs to them, as it ought, when their interests will thereby be better subserved. I, then, submit this question to the committee and to the country: Is it right for such a Government to hoard up what belongs to the people, so that it cannot be used by them, especially when its use would be for the common benefit of all—to let these lands lie waste when your citizens need them for their support and sustenance? I do not believe it is. I do not believe that we are accomplishing the purposes for which this Government was ordained. I do not believe that we are faithful to the trust of our citizens in keeping in idleness these immense resources of wealth and happiness, doing no good to the people or to the country. I have often admired that lofty expression of the great Tecumseh—for he was great, though a savage; he was one of Nature's great men, made in God's own image, he spoke God's own language—the voice of nature—who, when General Harrison—I think it was General Harrison—was negotiating a treaty with him and the Indians under his command, ordered his interpreter to set the great chief a chair, and to tell him that his father desired him to take a seat. He drew himself up, only as can he who feels the dignity of a man, and replied: "My father! The Great Spirit is *my* father, the earth is my mother, and upon her bosom will I repose." And he stretched himself upon the bosom of our common mother. But you, in your wisdom—in your statesmanship—as intelligent American legislators, refuse to allow your fellow-men to repose upon that bosom, and to draw sustenance therefrom. This you call statesmanship, fulfilling the great trust which has been committed, under Providence, to your care by the American people. I would not take from one man to give to another I believe the public land, the soil, should be under the control of the Government; but I submit to you whether, as the representative, the agents of the people, we ought not so to control as to afford to them the greatest facilities for the enjoyment of it.

Those of our people who are starving from want of sustenance could draw it from the bosom of our common mother; but you will not permit them.

Sir, if this measure will add to the revenues of the Government, and to the wealth of the country; if it will add to the happiness of our citizens; if it will add to the prosperity of the people; if it will augment the power and glory of the nation, shall we not do more by adopting it to diffuse the spirit of liberty throughout the world than you will by going forth, sword in hand, to accomplish such a result? Our mission is one of peace. The principles of liberty must be disseminated in the still small voice of moral and peaceful influences; not proclaimed by the roar of cannon and the clangor of arms. War is anti-republican in its tendencies. The very organization, the very discipline, of an army or a navy is anti-republican. It concentrates power in the hands of those who administer the Government. It destroys the people, and consumes their substance. If we would keep the fires of liberty burning brightly upon her altars, we must cultivate the arts of peace, we must add to the prosperity, the virtue, the intelligence, and the happiness of the people. You will thus give an influence to the cause of freedom that armies and navies cannot restrain. Tyrants may attempt to beat it back, but it will overleap their embattled walls, and break the serried hosts of their steel-clad soldiers, and find its way to the hearts of their oppressed people. It will kindle a love, a burning love, of liberty which cannot be restrained until oppression shall be swept away as with the besom of destruction. Freedom will be widely extended, and our own people will be prosperous and happy.

Mr. Chairman, in my efforts to condense within the limited time allotted to me, the remarks which I desired to make, I have run so hastily over them that I fear I have done neither justice to the subject or to myself; but as I have touched upon all the points to which I desired to allude, and as my hour has expired, I yield the floor.

THE HOMESTEAD BILL.

SPEECH OF HON. G. PORTER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

April 1, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union, on the bill to encourage agriculture, commerce, and manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the pub-

lic domain, upon condition of occupancy and cultivation of the same, for the period therein specified—

Mr. PORTER said:

Mr. CHAIRMAN: Having obtained the floor, I propose, if I can get the attention of the committee, to submit a few remarks more or less germain and pertinent to the general subject embraced in the bill which is the special order, and which, for some weeks past, has, to a greater or less extent, engaged the attention of the committee. In regard to the various incidental questions, such as "political platforms," "the merits and demerits of "presidential aspirants," "the "Union and Secession parties" of the South, and the "Abolitionists of the North,"—in regard to all that class of questions, on which honorable gentlemen have favored us with able and eloquent speeches—to which I confess I have listened with much interest—at this time and in this place, I have nothing to say. In these various questions, it is true that, in common with all the Representatives of the people upon this floor, I feel a becoming interest. But there are, I submit, outside of these Halls of Legislation, tribunals before which the sovereign people intend, in their own good time, and in their own manner, to settle and dispose of these questions. And whatever disposition members of this House make of these questions, the people, if they think proper so to do, will take their appeal therefrom, and decide them upon such terms, upon such principles, and in such manner as to them may seem meet.

In regard to the bill—which is the special order proposing to donate to actual settlers, upon certain conditions, portions of the public domain—I have but little to say. *Against* a measure, the beneficent effects of which are at all likely to be such as eloquent gentlemen on this floor claim for it—which they have painted in such roseate hues—with such angelic tints—what need I say? *Against* a measure, the effects of which can be demonstrated to be, to settle up the wilds of the West with a virtuous and hardy population, to cause "the desert to blossom as the rose," "the waste places of the earth to rejoice," and to pour countless blessings upon Government and people, in all time to come, what can I say? But let me say, in all candor, to honorable gentlemen who advocate this measure, and who are such friends, as I doubt not they esteem themselves to be, to the bold pioneer who, with his rifle on one shoulder, and his axe on the other, "leads the advancing columns of civilization" into the wilderness, and redeems it from the savage and the wild beast; if you wish to show to him—to the poor toiling denizen of the crowded city, and the densely settled rural district, whom you would allure to the backwoods, by this inviting offer—a real charity; if you wish to make him really independent and comfortable, can you not aid the State of his adoption by grants, on fair terms, of small portions of that "free land,"—in building roads by means whereof he may find access to market with the surplus products of his toil, and obtain the necessaries and comforts of life for himself and his household, and enable him to direct his energies and industry to some profitable account? If, by the passage of this act, you lure him from his early home, humble though it may be, and induce him to settle on such public land as most of such emigrants as could avail themselves of the provisions of the bill would have to locate upon—remote from any market, and without any facilities of access thereto, with low prices or no price for his surplus products, cut off by an illiberal policy, on the part of this Government, from a due participation in its benefits and blessings,—is there not reason to conclude that, in most instances, you will have imposed upon him the same obligation of gratitude, as the lioness upon her whelp, which she brought forth in the solitude of the mountain, and left to perish amid the winds and storms of the desert? If the Government is about to "make partition" of its "broad acres" among the landless people of the world, in the name of all that is sensible, and all that is liberal, let it do so on such terms that the boon which it confers may not by its barrenness shame the mighty giver, but may be a real charity and blessing to the recipient. Let our charity be such that it may truly be said of it, as the great poet says of the quality of mercy:

> "It is not strain'd;
> It droppeth, as the gentle rain from heaven
> Upon the place beneath; it is twice bless'd;
> It blesseth him that gives, and him that takes."

Then, and then only, shall we entitle ourselves to the gratitude of the bold and generous-hearted pioneer, who has redeemed the public domain from its wilderness state, and from the hands of the savage.

INTERNAL IMPROVEMENTS.

Mr. Chairman, I am one of those who hold, and have ever held, that the clause of the Constitution which gives to Congress power to regulate commerce with foreign nations, between the several States, and with the Indian tribes, confers upon this Government the power, and makes it their duty, to construct, or aid in the construction of, such public works as are calculated to facilitate the commerce and develop the resources of the country, whether these improvements are in the interior of the country, or upon the sea-board; whether within the jurisdiction of the States, or within the Territories; with the solitary limitation that they are not merely local, but of general utility, designed and calculated "to provide for the *common* defense, and promote the general welfare" of the country. And so holding, I maintain that this Government has the undoubted constitutional power, and that it is its imperative duty, to make liberal appropriations of the public revenue, or the public domain, to improve the navigation of the great rivers of the country, and the harbors upon the same, and to construct, or aid in the construction of, roads or canals, wherever deemed necessary for the public defense, or the promotion of commerce between the States of this Union, with foreign nations, or with the Indian tribes.

I was rejoiced to hear the honorable gentleman from New York, [Mr. SEYMOUR,] the chairman of the Committee on Commerce, declare, in the early part of this session, that he was in favor of appropriations of public money for the purpose of improving the navigation of the great rivers of the country. I was equally rejoiced to hear the declaration of the honorable gentleman from Indiana, [Mr. ROBINSON,] the chairman of the Committee on Roads and Canals, that he was in favor of similar appropriations, and of reporting bills to this House embracing such objects of internal improvement as are of national importance. Sir, the commerce which floats upon the lakes and rivers of our country is of equal importance—equally entitled to the protection of this Government, as that which floats upon the high seas, and is protected by the "stars and stripes" of our country. *Both* are entitled to the fostering care and protection of Congress, and our aid and assistance in affording them all necessary facilities. The same clause of the Constitution which gives power and jurisdiction to Congress over the one, gives that body power and jurisdiction over the other. The broad shield of our blessed Constitution is thrown over both. In this case I maintain that the *power* of Congress, and the *duty* of Congress are correlative terms. It is the *duty* of Congress to exercise its constitutional *power* in this behalf efficiently, in affording those facilities to our inland commerce, for want of which the lives and fortunes of the people are annually and constantly exposed, to an extent which is truly appalling. If this Government, from any cause or consideration, whether from the "spirit of party," or indifference to the great interests involved, fails to exercise that power efficiently, it is simply derelict in one of its most important duties, and fails to meet one of its heaviest responsibilities to a great and free people, who have generously confided their power to its hands. The honorable gentleman from Ohio, [Mr. CAMPBELL,] if I mistake not, alluded to the opinions of President Madison, "the Father of the Constitution," as he has been not inappropriately called, in favor of the construction of "roads and canals," under the "national authority." The earliest, as he was the staunchest friend of the construction of "interior communications by land and water" between the *East* and *West*, *North* and *South*, as he was of all those liberal and beneficent measures of national policy which are calculated to stamp this Government, as a Government *of the people*, and *for the people*, was the "Father of his Country;" who, "though dead, yet speaketh" to the understandings and consciences, as I trust he yet lives in the hearts of his countrymen. And can we doubt that, "though lost to mortal sight," his great spirit yet hovers over these scenes of his earthly glory, and contemplates, with all the intensity of which his immortal nature is susceptible, the manner in which we, who hold in our hands the legislative power of this great nation, discharge the sacred trust which is committed to us by those to whom he gave liberty and independence. Hear an extract from that precious legacy which he left us—his "Farewell Address."

"The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common Government, finds in the productions of the latter great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious."

RAILROAD GRANTS.

But, Mr. Chairman, one of the most interesting aspects in which the subject of "internal improvements" can be presented, and one which avoids political prejudice, and all ground of constitutional scruples on the part of gentlemen honestly differing in their construction of the Constitution, is the *aid* proposed to be given by this Government out of its immense public domain—estimated to be at the present time, more than 1,400,000,000 of acres—to the "land States," by grants of alternate sections, along the lines of their railroads, and other public works, which they have projected, towards the prosecution and speedy completion of those important works which, when completed, will directly, and to an almost incalculable extent, benefit not *merely* the States in which they are built, but the Government of the United States, and the whole country. Sir, to my surprise, gentlemen seem to have started something akin to a constitutional objection to the making of these "grants;" at least intimating that Congress would violate some principle, as sacred as a constitutional provision, by making the proposed grants. Now, sir, it seems to me, any such position as this is totally unfounded and indefensible. The honorable gentleman from Tennessee, [Mr. CHURCHWELL,] who entertained us with a very plausible, well-delivered speech a few days since, seemed to be inclined to the opinion that these grants of alternate sections were in violation of the rights of the old States; and especially of the rights of Virginia, as secured by the ordinance of 1780, by which she ceded her public domain north of the Ohio to the United States, "as a common fund 'for the use and benefit of such of the United States 'as had become or should become members of the 'Confederation or Federal Alliance of said States, 'Virginia inclusive, according to their usual respec-'tive proportions in the general charge and expendi-'ture." The honorable gentleman did not seem to bear in mind the fact, that we were not then a "constitutional Union;" we were then a mere "alliance of sovereign States;" and that that surrender of her public domain was made by Virginia to the States forming that "Confederation," for the purpose of paying off the public debt, and defraying the expenses of that Government which the States, as States, were required by the "Articles of Confederation" to pay in certain proportions. One of the effects of this surrender was to lighten the contributions which Virginia and the other States had to make to "the general charge and expenditure." That "Confederation" was found to be "a mere rope of sand," and not a firm bond of "Union," and was abolished by our present Constitution, adopted in 1789. Now, what does that Constitution provide in regard to the public domain? It

gives the "power" to Congress "to dispose of, and make all needful rules and regulations respecting, the *territory* or other property belonging to the United States." The "*jus disponendi*," or power of disposal of the public domain is thus given to Congress in the most explicit terms which could be employed—without any *restriction* or *reservation* whatever. The whole subject is left to the discretion of Congress. The honorable gentleman, [Mr. CHURCHWELL,] however, says—and I wish to do him nor any other gentleman the slightest injustice, and I quote his language—that "he is willing to grant lands to the States respectively, from policy more than upon principle, for works of a great national character—such as the railroad from Cincinnati, through the very heart of the nation, to the southern sea-board at Charleston, or the road now under way from New York, through the valley of Virginia and Tennessee, to New Orleans. These are truly national in their character, and although being constructed rapidly by States and individuals, they might be encouraged by Government." Now, sir, I claim the vote of the honorable gentleman for these grants of land which the new States of the West ask, and which I doubt not Tennessee would ask if she had any public land within her limits, "upon policy;" for I can assure the gentleman that the roads projected in the West, are as truly "national," as the roads to which he alludes. They can be vindicated either upon "principle" or "policy."

Mr. BEALE. May I ask the gentleman a question? I wish to ask whether the constitutional government of 1789 did, by the fundamental law, or the practice of nations, abrogate the contract made with Virginia under the conventional government of 1784, in relation to the public lands?

Mr. PORTER. I will answer that question. The State of Virginia was a party to the convention by which the Constitution was formed, and, with the rest of the States, ratified it, and was bound by its provisions, each and every one of them. That Constitution gave the Congress of the United States the power to dispose of the public domain, without limitation or restriction, so that then, sir, any limitation or restriction which might have existed under the "Articles of Confederation," was completely abrogated and annulled. Her being a party to the "Federal compact," commits her, as well as the rest of the States, to the unconditional grant of power to Congress to dispose of the territory belonging to the United States. What might have been her rights under the "Articles of Confederation" if the Constitution had never been formed, or never adopted, does not at all affect the question. The parties to *any* contract or agreement have an undoubted right to alter or abrogate it at pleasure.

Mr. BEALE. With the gentleman's permission, I should like to put another question.

Mr. PORTER. No, sir; I cannot consent. I cannot yield the floor for further interrogatories, as my hour is rapidly passing away. I hold, sir, the policy and propriety of this disposition of the public domain is unquestionable—not less so than is the constitutional power to make this disposition. This matter of grants of "alternate sections" of public land to the new States, to aid them in the construction of important and feasible public works, is not new in our history; but an established policy, tested by the touchstone of experience. It is not pretended that the General Government has lost anything by this policy. Grants upon this principle were made to Ohio and Indiana, to aid in completing their canals. Behold the result! Not only has the *residue* been sold for more than the *whole* would have been sold for, if those grants had been withheld upon any of the plausible pretenses upon which some honorable gentlemen on this floor seem inclined to withhold the grants now asked; but a ready sale has been effected, precisely because these grants expedited, if they did not effect, the construction of those important works. There now remain in the State of Ohio only about 300,000 acres of public land, and only about 1,000,000 acres in Indiana. It is most manifest that the General Government has been greatly benefited by means of these grants, by an increase of her revenue from that source, and a large increase of the cash value of her lands lying in the States to which the grants were made. What is the history of the country on that subject? Why, sir, when these grants of alternate sections of public land were made to aid in the construction of certain railroads, and liberal donations of land as a reward for military services, it was anticipated and confidently predicted, by not a few, that revenue to the Government from this source would be pretty much cut off. But has such, or anything like it, been the result? What says the Commissioner of the General Land Office, in his last official report?

"The amount of land sold during the first quarter of the fiscal year, commencing July 1st, 1851, was 470,140.65 acres; for which there has been received the sum of $601,691.01. The amount of land sold during the corresponding quarter of the last fiscal year was 266,789.66 acres; for which the sum of $349,876.06 was received. The sales thus appear to be largely on the increase."

And the President, in his last annual message, in alluding to this large increase of revenue from that source, uses this language:

"It will be seen that the cash sales of the public lands exceed those of the preceding year, and that there is reason to anticipate a still further increase, notwithstanding the large donations which have been made to many of the States, and the liberal grants to individuals as a reward for military services. This fact furnishes very gratifying evidence of the growing wealth and prosperity of our country."

But the honorable gentleman from New York [Mr. BENNETT] says "he claims for the old States only justice, and is willing to be just and generous to the Western States—that the old States have an equal right to grants of land, to some extent, as the new States." He does not deny the good policy and beneficent effects to all parties concerned from these grants; he does not oppose them on their own merits, but says, in substance, if these grants are made, injustice will be done to the old States, because they do not get *their* "*share*." To this I answer, the old States have not chosen to have or demand a "partition" of these lands, nor a distribution of their proceeds, (except during the short-lived existence of the act of September 4th, 1841.) Those States, having a majority in this body, have chosen to get *their* "*share*" *and proportion* of those lands, through the medium of the national Treasury. On that ground I meet the gentleman, and say to him, according to his own position and the history of the operation of our land system, it must be admitted that the old States, in justice to themselves, as a mere question of dollars and cents, ought to continue this system of granting alternate sections for worthy objects, and on terms of just reciprocity, to the "land States," instead of stopping short, and playing the part of "the dog in the manger," by neither using these *refuse* lands, small amounts of which we ask, for beneficent national purposes, and for a fair equivalent, nor suffering us to do it. But permit me, sir, to ask those who make, or incline to assent to this objection, or any kindred one, a question; and I do it in all candor. You say the old States ought to have provisions made for them out of these public lands different from what have been made, and that the *small* grants asked by the new States shall not be made till these provisions are made for the old States: Have the old States, or any of them, ever heretofore demanded such provisions for them out of the public domain, either in land or the representative of land? Have the old States, or any of them, ever asked of the *liberality* of this body donations of land for a praiseworthy or beneficent purpose, and had their request denied? I perceive, by reference to the United States statutes, that Kentucky, not many years since, asked for a township, or *three thousand eight hundred and forty* acres of land, for the benefit of her lunatic asylum, and received it; and that Connecticut also asked a donation for a similar purpose, and got it. If there be any instance of such a request and *refusal*, it has escaped my knowledge; and I shall be obliged to the gentleman from New York, or some other, to advise me of it, if there be such an instance upon the Congressional records of the country. Why, then, do you complain? Do you blame the new States, and bring "railing accusations" against them, because Congress, of whom you compose a majority, have not "buckled lands upon your backs?" My Bible teaches: "*Ask* and you shall receive, *seek* and you shall find, knock and it shall be opened unto you." I commend the matter to the especial consideration of the venerable gentleman from Massachusetts, [Mr. FOWLER,] who made us a speech on yesterday; in which he incidentally spoke of these proposed grants of alternate sections to aid the new States in building their projected "railroads," and expressed himself willing to go for them on certain terms. Let the old States make a *reasonable* demand of this sort for any praiseworthy object, specially affecting them; and —if the new States refuse to aid them in getting it—then there may be at least a "decent pretext" for refusing to do at the instance of the new States what is admitted to be just and beneficent, national and expedient, in every point of view in which it can be regarded.

But the honorable gentleman from New York [Mr. BENNETT] seems to assume that the new States are disposed to play "a grab-game" in regard to the public lands. He says: "Each of the new States now claim all the lands within their limits, and the grants proposed to the old States do not interfere with that claim. The coolness of this argument is refreshing," &c. *The new States set up no such claim.* At least, I speak advisedly for Missouri, and I think I can for the rest of the land States. I deny the honorable gentleman's position *in toto*. They do not *claim* all the lands lying within their limits; nor do they *ask* of this House qualified grants of one tenth or one twentieth part of the lands that lie within their limits. The new States are actuated by a sense of justice. They do not seek to deprive the old States of their "share" of the public domain. They respect the just rights of, and are moved by a sense of gratitude and filial affection towards, the glorious "Old Thirteen," who "bore the brunt of the Revolution;" whose soil has been pressed by the footsteps of the heroes of '76, and moistened by their blood, and beneath whose surface their sacred dust reposes. They seek to do them "no wrong." They only ask small grants of portions of the *refuse* public domain, which they have aided to win for the Government by their dangers, toils, and privations, in the wilderness. They ask these not as a gratuity, but upon the strictest principles of equivalents and reciprocity of benefits. But the honorable gentleman brings up columns of official figures to show us that there have been donated for all purposes to fourteen new States, including Tennessee, and the four Territories, Utah, New Mexico, Oregon, and Minnesota, some 84,000,000 acres of land; and that the Government has sold only about 101,000,000 acres of its domain—only about 16,000,000 more than it has thus donated. Now, what does all that prove? What do these donations prove? Some 25,000,000 of the quantity, it seems, were donated to the Territories of the United States, and was, I suppose, for the benefit of the people of the United States—including those of New York—or "a curse to them," as the case may be. What do these donations of land prove? They were made for school purposes, in order that "the schoolmaster" might be sent in the track of the pioneer; for roads and canals; for asylums, and perhaps other beneficent purposes. The residue of the public domain was doubtless enhanced in price thereby; the settlement of the country—a great desideratum always with Congress, as its whole land system shows—was thereby expedited. Every gentleman knows, and every husband and father feels, that one strong inducement to emigrate to a "new country," is the knowledge or assurance of the fact that he will find there the means of a good common-school education. Those means were in part furnished in the new States through these donations of land —this act of voluntary liberality towards the new States and Territories. Now, I submit, if it is not fair to presume, that but for these *donations* there would not have been more than two thirds of the amount of sales that there has been? So that the new States *owe* the old States nothing on *that* score. And it is, I doubt not, precisely because these liberal donations and grants of land have been made by the General Government, that it has received over one hundred millions of dollars, which the honorable gentleman from New York seems to consider such "a beggarly account of empty boxes." Those one hundred and odd millions of dollars have gone into the Treasury, and I trust New York has received her full *share* of it. Well, sir, while I am on the subject of "figures," I will allude briefly to some statistical statements of the honorable gentleman from New York, about the "five per cent."

in eleven of the new States, (including Ohio,) in which he sets down the amount Missouri has received, up to December, 1847, at $559,023 21, and which, he says, was "exclusive of the two per cent. for roads to and through the States." Now, Missouri has received only three per cent. of the net proceeds of the lands sold within her limits, either directly or indirectly; which, it appears by a statement of the Commissioner of the General Land Office—which I hold in my hand—amounted, up to the 31st of December, 1850, to $374,457 83; the two thirds of which that she ought, in justice, to have ere this received, up to the same time, was $249,638 55. The act of the 6th of March, 1820, "to authorize the people of 'Missouri Territory to form a constitution and 'State government, and for the admission of such 'State into the Union on an equal footing with the 'original States, and to prohibit slavery in certain 'Territories," among other things, provided "that 'five per cent. of the net proceeds of the sales of 'lands lying within the said Territory or State, 'and which should be sold by Congress from and 'after the first day of January [then] next, after 'deducting all expenses incident to the same, 'should be reserved for making public roads and 'canals, of which three fifths should be applied to 'those objects within the State, under the direc-'tion of the Legislature thereof; *and the other two* '*fifths* in defraying, under the direction of Con-'gress, the expenses to be incurred in making a 'road or roads, canal or canals leading *to* said 'State." The Cumberland road was designed to be built to the seat of government of Missouri, in fulfillment of the above-recited stipulation—which, with other proposals contained in that act to Missouri, was accepted by her organic convention, and thus became a solemn compact between the Government of the United States and that of Missouri. The Cumberland road, though completed through some of the States, and partly finished through Illinois, was abandoned, and never completed *to* Missouri; so that the compact remains unexecuted on the part of this Government. One of the conditions of that five per cent., and the other stipulations contained in that act, (all of which were accepted by Missouri, and became obligatory upon the United States,) was, that the said "convention should provide, by an ordinance 'irrevocable without the consent of the United 'States, that each and every tract of land, from 'and after the first day of January [then] next, 'should remain exempt from any tax laid by order 'or under the authority of the State, whether for 'State, county, or township, or any other purposes, 'for the term of five years from and after the day 'of sale; and that bounty lands granted, or here-'after to be granted, during the [then] late war for 'military services, should, while they continued 'to be held by the patentees or their heirs, remain 'exempt, as aforesaid, from taxation for the term 'of three years from and after the date of the 'patents respectively." The road or canal has not been built to the State by Congress, nor has the two per cent. been otherwise made good to her. We, therefore, claim for Missouri that that two per cent. may be made good to her, so that she may be put on an equal footing with the other new States, each of which has received five per cent. of the net proceeds of the sales of the public lands within their limits, either directly or indirectly. But, in regard to the 84,000,000 acres "donated," and now sought to be charged to the new States and Territories, it will be observed that over 27,000,000 acres of that quantity is swamp land. They were entirely valueless to the General Government, and, in their unimproved condition, not only useless, but impairing greatly the value of the other public lands in their vicinity. They never would have been of any value to the United States unless it went into a system of drainage, which, it is apprehended, the "old States" never would have consented to go into. The States to which they were donated may, in process of time, have them drained, and thus greatly benefit the General Government, as a landed proprietor and as a tax-gatherer, and perhaps otherwise. So, it is hoped, that that item may be "expunged" from the "bill of particulars" against the "land States." The remainder, in most instances, were donated as a gratuity—for beneficent or benevolent purposes—was unasked and unsought by the new States and Territories, and when made thus, or for internal-improvement purposes, upon the "alternate-section" principle, it was done by this Government more with a view to its own benefit than to that of the new States and Territories; in order to promote their settlement, sale, and reduction to cultivation. All should know, and all who are *inclined* to do justice to the new States, will admit, that these were the controlling considerations with this Government, and very wisely and properly so, and in perfect consistency, not only with an enlarged and liberal policy, but with the strictest reference to economy as touching its pecuniary interests.

But the honorable gentleman from New York [Mr. BENNETT] says—in an ironical way—and I quote his words: "Wherever lands are granted to 'States, and are so used as to benefit the other lands, 'it is for the benefit of all." He continues: "A 'man who builds by the side of my village lot, 'and thereby doubles its price, on this ground 'could claim half of it." Now this objection to the alternate-section principle, which assumes that the General Government is at least, and necessarily, *indemnified* by the enhanced value of the reserved and remaining lands on and near a railroad, goes upon a wholly false hypothesis, and, like every other argument built upon false premises, must fall to the ground. It goes upon the idea that the State first builds the road, or causes it be built, and then claims a portion of the refuse public land lying on its route, as a reward for having enhanced its value. Whereas, it will be observed that the State asks the alternate sections to *aid* her in building a road, which, without that aid, could not be built. It is a case analagous to this—and I will state a plain and familiar one: Suppose an individual owns three vacant lots in a new town or village, for which he cannot get a fair price, or the price he asks. By letting an industrious mechanic, who wishes to "set up in business" in the place, have one of the three lots, on condition of his building upon it, he will be enabled to sell the remaining two readily at the price which he asked, but had failed to get for the *whole three* unimproved lots. Would he not, as a man of common sense, go into the arrangement? Would he, as a sensible man, consider that he had lost anything, or was worth any less by the operation? Would he not, on the contrary, as a citizen and property-holder, interested in the improvement and prosperity of the community, be benefited—profited—by the arrangement? Would he, as a fair man, ever, on any future occasion, or under any circumstances, think of bringing a charge against the mechanic for the nominal price of the vacant lot? So it is with us as the trustees of the public land, bound by our oaths to make what we think the wisest disposition of it, for the benefit of the people, in whom the beneficiary interest resides. If, by granting alternate sections, as is proposed on the lines of these different railroads, which have been or shall be brought before us, we enhance—and we unquestionably will by the building of the road—the aggregate value of the public land, rendering the residuum of more value than the whole would be without the public road through it, then, as honest legislators and faithful guardians of the interests of the whole people, are we not bound to do just what, in an analogous case, a prudent man would do with his own property? Such is the correct view of the case—sustained by the experience of the country—which is worth more than all the fanciful theories and far-fetched reasonings which can be devised—which is sustained by reason, and must be approved by the sober judgment, and should be adopted by the patriotic practice of this House, as has been the case in the past legislation of the country. But there is another objection taken in debate here, as to the "alternate-section" system, which I will notice. It is this: that the building of the road—rather the making of these grants therefor—will draw persons to the road to buy lands there, and thus tend to depopulate the sections remote from the road, and thus diminish the sales of the lands back from the road. There might be more force in this, if the building of the road did not increase the emigration to the new State in which the improvement is made. But every gentleman knows, that it invariably has that effect. The aggregate population of the country is increased, and consequently the demand for, and *cash sales* of the public domain in the State, are increased. The increase of the price of the lands on the road, however, as a general thing, is by no means in proportion to the increase of the actual, intrinsic value caused by furnishing facilities of access to market and other circumstances. Such is the life-giving effect of the construction of this magnificent species of improvement! Seeing, then, that your land "fund" is not diminished, but manifestly enhanced, by the small grants we ask, even if this were the only view of the case, we ask you why will you refuse us that, the retaining of which will do you no good, but the granting of which to us, in our present condition, with a sparse population, and our resources but partially developed, will be of incalculable benefit to us? We do not ask you *to build* these roads for us; we merely ask you *to aid us*, as the younger members of our political household, in doing that speedily and promptly which, *without that aid*, we would be compelled to do, perhaps, through a long and tedious series of years. We ask you to do it upon such principles and on such terms that *you* cannot lose anything, and must, by all past experience, be greatly benefited. We ask nothing at your hands as a matter of charity. 'Tis true, we are comparatively scarce of active capital—poor—but we have a becoming pride, which should inspire the bosom of every American freeman. We will not receive these lands—we ask them not as a mere gratuity; we will not suffer ourselves to be placed in the attitude of pensioners upon the bounty of our sister States, or of this Government. We would scorn a mere "gift" of the public domain, to be solicited and sought by us as a matter of favor. Our fathers and we have braved the dangers and privations of the wilderness to add new stars to the bright constellation of American States. The tall forests have fallen before the axe of industry; the beautiful prairies have been brought in subjection to the plow; thousands and myriads of happy Christian freemen occupy the lands over which but the other day the savage and the wild beast roamed. We are not content with merely giving you, in consideration of these grants, the direct benefits resulting to you by opening a road through your lands and to your lands; but we propose, by the bills which have been reported to this House, to transport the mails of the United States at such price as Congress may prescribe, and troops and military supplies free of charge. The value of this equivalent to the Government has been already ably commented on by my colleagues and others who have preceded me, and I have not time to dwell upon it. But I cannot forbear from alluding to one view of it. Examine the report of the Secretary of War, and it will be seen that the cost of transportation for that arm of the public service has increased from $130,053 52, in 1845, to $2,094,408 51 in 1851. The causes of this increase are clearly set forth in that report, and are, in substance, that the army is necessarily stationed mainly on the remote frontier; the increased remoteness of the military posts from navigable rivers, and the necessity of reaching them by long overland journeys; the smallness of the army, involving the necessity of frequent changes of position, in order to protect the frontiers of the Western and Southwestern States against the Indians, which it has been the policy of the old States to transport from their own limits and settle upon the borders of the new States and Territories. We propose, then, as a *full equivalent* for the lands proposed to be granted, not merely great "highways of commerce"—constituting links in the great chain destined sooner or later to connect the rock-bound coast of the Atlantic with the golden strand of the Pacific—but great military roads, free for the use of the grantor for an indefinite period, of incalculable value to Government and people. It is on these terms of the strictest and most unquestionable reciprocity of benefits and advantages, that we demand, as an act of justice, the passage of these bills. They propose no "gift." In the most unfavorable light for the new States, they are virtually advancements—loans of these lands, to be repaid—promptly repaid—"with usury."

The beneficent results to flow from these grants cannot be successfully, nay, not even plausibly denied. If you stop short now, and refuse these grants, (which we thus ask in good faith, and upon

terms manifesting the most scrupulous regard to the rights and interests of the whole country,) as some propose to do, what, let me ask, will be the consequence? What condition do you leave us in? During the last Congress you made, and rightly and wisely made, to our sister State, Illinois, a grant of more than 2,500,000 acres of land, upon terms similar to those embraced in the bills now pending before this body, for a road or roads not more meritorious than those favorably reported upon by the appropriate committees of this body, at this present session—certainly less important in a military aspect. If you turn away and deny us a similar act of justice—of beneficence, (if you resolve to call it such)—then do you not do "partial justice" to Missouri, Arkansas, and the other "land States," who now ask for only similar grants? The two roads in Missouri, a bill to make grants to aid in the construction of which has been reported to this House—one therefor having passed the Senate—have been undertaken and commenced. They are not mere chimerical projects. The State which I have the honor in part to represent on this floor, has proved herself, throughout her history, to be one of the most cautious and economical of the States of this Union. She has deliberately embarked her credit to aid in the building of these two roads, to the extent of $3,500,000. The private subscription upon the St. Louis and Pacific road is not short of $1,500,000. Forty-five miles of that road are under contract, and in rapid process of construction, the first spadeful of earth having been removed at its eastern terminus on the 4th of July last. The private subscription to the "Hannibal and St. Joseph road" is not short of $800,000. The survey of the route of that road has been made by a competent engineer. Both these roads pass through the district which has honored me with a seat on this floor; and all my constituents, as well as the entire constituency of my colleagues, have a deep and abiding interest in the success of these measures; and all are intently and anxiously looking to the result of the action of this House upon the bills which propose to aid them.

On the 3d day of November last, "ground was broke" at the city of Hannibal upon the "Hannibal and St. Joseph Railroad." My honorable colleague from the St. Joseph district [Mr. HALL] and myself had the pleasure of being present and participating in the proceedings which transpired on the interesting occasion. The immense concourse of the freemen of Missouri there assembled adopted a series of resolutions, setting forth in terms at once clear, temperate, and dignified, the advantages of the road, and its claims upon the favorable consideration of Congress, and which I will take the liberty of reading in the hearing of the committee:

"1st. *Be it resolved by the meeting here assembled*, That the construction of the Hannibal and St. Joseph Railroad will develop the resources of northern Missouri, invite to our State a numerous and valuable immigration from the older States and the continent of Europe; turn into the channels of productive industry a vast amount of labor now employed in the business of transportation; diffuse more generally throughout the interior of the State education and the blessings of social life; form an important link in the chain of connection between the far East and the far West, the Atlantic and Pacific ocean; facilitate the intercourse between the various members of our Federal Union, and tend to make friends and neighbors of those who now denounce each other with intemperateness and zeal in proportion to their ignorance of each other's institutions, manners, and customs.

"2d. *Resolved*, That the Hannibal and St. Joseph railroad is a work of vast utility, not only to the State of Missouri, but to the nation at large; and that Congress has the power, and that it is its duty, to make a liberal appropriation of land in aid of the enterprise.

"3d. *Resolved*, That the large grants of lands by Congress, to a neighboring State, to aid her in the construction of a railroad, authorizes the State of Missouri to rely upon the justice and impartiality of the Federal Government for a similar grant of lands, to aid in the construction of the Hannibal and St. Joseph, and the St. Louis and Pacific Railroads; that the lands of the United States, in the neighborhood of the contemplated Missouri railroads, will be enhanced in value by the construction of said roads, quite as much as similar lands have been, or will be, by the construction of railroads in any other State; and that every reason which properly exists, or has existed, to induce such a grant of lands to any other State, exists in regard to the State of Missouri.

"4th. *Resolved*, That the people of northern Missouri have subscribed liberally to the stock of the Hannibal and St. Joseph railroad, and have expended large sums of money in preparing for the construction of said road, relying confidently upon a grant of lands by Congress to aid in the work; that they have expected such aid, not only from the magnitude of the work, and its importance to the West and to the nation at large, but because similar aid has been extended to the State of Illinois under similar circumstances, and because a bill to appropriate lands to aid in constructing the two great Missouri railroads has twice passed the Senate of the United States, by very large majorities, and, we are assured, would have passed the House of Representatives, had it been reached on the Calendar before the necessary adjournment of Congress. Looking to the *past*, we have embarked in the enterprise, relying upon the assistance of the General Government, and we still feel assured of that assistance.

"5th. *Resolved*, That we earnestly urge our Representatives in Congress to take prompt and active measures to secure the grant aforesaid, and for that purpose recommend to them to coöperate zealously with the friends of the St. Louis and Pacific railroad.

"6th. *Resolved*, That such liberality on the part of Congress would insure the speedy completion and the permanent prosperity of our railroad, and enable us, with increased confidence, to recommend its stock to capitalists as a profitable investment of money.

"7th. *Resolved*, That we cannot refrain from expressing our gratification at the act of the last Legislature, which so liberally extended the credit of our State to the Hannibal and St. Joseph, and the St. Louis and Pacific railroads; and that we tender our hearty commendations to those members of the Legislature who supported said bill.

"8th. *Resolved*, That the extent and fertility of the soil of Missouri, her mineral wealth, and facilities for commerce entitle her, if but true to herself, to a high stand among the States of this Confederacy, and to a position among the first of the Western States, and that we hail the commencement of the Hannibal and St. Joseph, and the St. Louis and Pacific railroads, and the action of the State Legislature in relation thereto, as making *a new era* in the history of our State—an era to be signalized by the development of the vast resources of the State, and exhibition of the energies of our people."

These resolutions reëcho the feelings and deliberate convictions of all the people of the patriotic, Union-loving State, which I have the honor, in part, to represent on this floor.

There is much more I should be gratified to say in behalf of the claims of these important measures; important not merely to Missouri, but to the country at large, in developing its resources, increasing its capabilities, opening new avenues of wealth, prosperity, and independence, if my time permitted. It is admitted, on all hands, that this is one of the most auspicious periods in our country's history, for the vigorous and successful prosecution of works of internal improvement. The energy and enterprise of our people are fully awakened, astonishingly developed. The nation is full of vigor, rife with all the elements of wealth and prosperity. Of this interesting crisis, it may be truly said, it is the tide in our affairs,

"Which, taken at the flood, leads on to fortune."

Come, let us sacrifice all local and sectional feelings, prejudices, and resentments, upon the altar of our common country. "Let us reason together," as becomes brethren and fellow-citizens, as to the wisest disposition to be made of our common property for our common benefit. As we cannot agree in all particulars, let us not, by recrimination and invective, aggravate our unavoidable difficulties; but by mutual forbearance, moderate counsels, and prompt action, bring about that "harmonized difference of opinion," by which the truth may be attained, and justice done to our constituency and the country.

The dark cloud of sectional strife, which lately lowered upon our political horizon, has rolled away,—may we not hope forever

"In the deep bosom of the ocean buried?"

The object nearest every patriot's heart should be to maintain the integrity of our Federal Union; "to strengthen the sacred ties which link together its various parts;" and to promote the triumphs of a peaceful progress. To this glorious end, there is no means so effectual as to bring the members of our great American family into *close* proximity by means of railroads.

Space, formerly considered by some of our profoundest statesmen as a practical argument against the extension of our territorial limits, is thus, as it were, annihilated; and a ready exchange of the products of the farm and the work-shop being brought about, our glorious Union, defended at all points, is rendered firm as "the everlasting hills," and this "immense temple of freedom," within whose massive walls and beneath whose towering dome all the oppressed and wretched of the earth may find refuge and repose, is established forever.

THE PRESIDENCY.

SPEECH OF HON. W. T. WARD,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

April 7, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. HIBBARD in the chair) on the Homestead Bill—

Mr. WARD said:

Mr. CHAIRMAN: I rise to address the committee under some degree of embarrassment, originating from two considerations: One is, that the course I am determined to adopt in the speech I design making is in violation of all my notions of propriety. I do not think it proper that we should convert a legislative hall into a political husting; and, in the second place, the bill under consideration is one in which I take a deep and exciting interest. It is a bill, I think, of more importance than any bill that has heretofore been, or will be, submitted to the consideration of this House during this session. It is therefore a bill upon which I should have liked to have made a speech *direct;* but as I have resolved to deviate from that course, owing to the course pursued by the honorable gentlemen from Florida and Tennessee, I will pursue the course to which I alluded in my preceding remarks, and make a political speech, although much against my desire and against that rule which has heretofore regulated my action in legislative assemblies. I consider myself forced to this from the conduct of the honorables above alluded to, and therefore the House and country will excuse my departure from the general rule of my conduct.

Mr. Chairman, at the commencement of this session, the gentleman from Florida [Mr. CABELL] thought proper to commence a political debate. That political debate, and the remarks he made upon that subject, were doubtless prompted by the best of motives; but I looked upon it as tending in its end to produce consequences not calculated to give strength to the party to which we both belong; although, on that occasion, I think the gentleman said he belonged to neither of the political parties, and that he had come to this House under the expectation of being compelled to act in unison with the party to which I am opposed. No feeling or expectation of that sort operates upon me, Mr. Chairman; for I hope and expect to remain a Whig, in truth and fact, in word and deed, during my whole life. I am not one of those who believe that this political controversy in relation to the institution of slavery, which has originated within the last few years, and which has brought this once proud and happy Republic to the verge of dissolution, has originated the absolute necessity of creating a new party in order to preserve the Union. I am one of those who believe that the destinies of this Republic are in the hands of two old parties, and that if there is no political honesty or firmness in them to sustain and perpetuate this Government, it is lost, and no new party can arise that can save it.

Although I differ widely, in most measures, from my political adversaries, I believe that they have, in their bosoms, patriotism enough to preserve this Republic. I believe, also, that the Whig party have love of principle and country more than sufficient for that purpose—enough to preserve this Union, and so conduct it as to hand it down, not only unimpaired, but even improved, to the latest ages of posterity. I, therefore, expect to act with my own party, and share its fate for weal or wo, and never expect to make a member of any new party, or enlist under Democratic banners. I love Whig principles, the Whig name, and its noble and inspiring associations, too well to desert them. It is the name of the friend and advocate of freedom and man in past ages; it is the name under which our patriot sires fought for and gained our national independence and liberty. I do not fear the destruction of this Republic in Whig or Democratic hands, nor see any necessity for forming any new party to save it. In the course of the remarks made by the honorable gentleman from Florida, since followed by the honorable gentleman from Tennessee, whose opinions are worthy of consideration, they thought

proper to assail General Scott, (not directly and boldly, but by insinuations and innuendoes,) whose name, by some of his grateful countrymen and political friends, is presented in connection with the next presidential race. Now, Mr. Chairman, I am no worshipper of man. I have no feeling of partiality to gratify, no enmity to avenge. I have a deep and abiding love for the great principles upon which our party is organized. For them, I am willing to do much—yea, all that can honestly be done; for I am satisfied the principles of our party are calculated to develop the estimable character of our institutions, and to advance the true interests, not only of our own citizens, but of every lover of freedom on the broad earth. For the success, therefore, of our party and principles, I am forced to take the steps I now take, and make the remarks which I now design to address to the committee.

It is true, sir, that I have my prejudices and my partialities as well as any who are of human mould, and all of us have them, in a greater or less degree; but those partialities and prejudices which I may possess shall be sacrificed upon the altar of my country's good. I am not disposed, sir, to sacrifice my principles upon the shrine of partiality to any man, whether he be the present Executive, or the one who expects, by the aid of his friends, to be so made. I expect nothing from executive patronage; I ask for nothing; I hope for nothing. It is only the devotion to those principles to which this gentleman to whom I have referred, and myself, are so deeply attached, that induces me to say anything upon the present occasion.

Mr. Chairman, in the present crisis of our political history, I believe the gentleman against whom these insinuations are made, is the man around whom the Whig party ought to rally, if they entertain any hope of success in the coming conflict. I believe it due to Whig principles, and not to the man; for I would do nothing to or for a man that would tend to injure or jeopardize principles which I consider important, not only to the preservation of Whig rule—not only to the preservation of this Union, the proudest monument of man's wisdom—but important to the preservation of liberty itself. Sir, in this it may be thought that I give to this man, and these principles, more than their just due; but it is the honest conviction of my heart; and believing that, I could not permit these remarks, although amounting not to a direct charge, to pass unanswered. I doubt not the purity of these gentlemen's motives; but as to the policy of the acts they have performed, and as to the policy of the course they have thought proper to pursue, I have doubts; and I cannot in silence see the principles, for which I have labored for the last twenty years, driven to the wall.

I believe, sir, the real practical question is, whether we Whigs will take Scott and Whig rule, or Democratic rule for the next four years, and, perhaps, half a century? Although I respect my Democratic friends, I do not wish to see the reins of Government pass into their hands, and I will do all I can to prevent the success of the Democrats, because I look upon their rule as prejudicial to the best interests of this Government. With the best motives, sir, I think their policy is bad; with the best intentions, I think they will not produce the amount of good which would authorize us to trust them with the reins of Government; and, believing that, I array myself as one who is opposed to the powers of this Government passing into their hands. The gentlemen from Florida and Tennessee, and myself, are Southern men, who are deeply interested in Southern institutions and the guardianship of Southern interests. What is their objection to General Scott? I propose to examine that question. I propose to set down "naught in malice, nor nothing extenuate" in reference to Scott and Fillmore. I am willing to compare the records between them. I am willing to compare General Scott with the present Executive in reference to that matter, and with any man, whether he be Whig or Democrat. I believe, with my friend from Tennessee, that this triumphant passing of the compromise measures ought not to be claimed by either party. It was a triumph of patriotism over party. I believe that patriotic men rallied round the standard of their country, forgetting party ends and party differences; but I am frank to acknowledge upon this occasion from what has since occured, that the salutary effects of these measures have not been as great as the patriots hoped they would be, and that that peace, the existence of which is so necessary to the welfare of the North and South, has not been produced by these measures. This makes me fear that a storm, as severe as that which was stilled and calmed by those measures, will again arise over this country. But I hope for better things; I hope that the patriotism which characterized the actions of this House at that time will still have its influence over our actions here and elsewhere; and I do trust that mere party ends will not induce us to do that which will bring about that storm, in force far greater than heretofore felt, because there is danger in that question, which, if agitated by the North or the South, ruin will result sooner or later. General Scott took, as all will admit, an active part in pressing these measures, and having them passed into laws, producing the happy consequences which were supposed would legitimately flow from them. The part which he took was not in a corner; the acts which he did none can gainsay or deny. He attended a Union meeting at Castle Garden while these measures were in agitation, and there uttered sentiments alike honorable to his head and heart; he, it is said, wrote letters to Clay and Webster, congratulating and thanking them for the part they took in said measures; he used his influence with friends to vote for said measures; he expressed his warm approval of the indorsement of those measures by the Whig caucus, at the commencement of this Congress, and disapprobation of the Democratic caucus, for voting down POLK's resolution approving the compromise.

In this connection, permit me to call the attention of the committee, and particularly the Whigs, to the patriotic and truly Whig letter of EDWARD STANLY, of North Carolina, a member of this House, when the compromise measures were passed—a letter that honors its talented and patriotic author; he acknowledges his preferences, but at the same time does justice to another, and points out the true duty of the Whig party, in case Scott is our nominee. Had the speeches of my friends from Tennessee and Florida breathed the spirit of his letter, I should not have troubled this House with any speech in relation to politics. Mr. STANLY is a long-tried Whig, and stands justly high in his own State, and throughout the Union. He is a Southern man, never even suspected of abolition or Free-Soil tendencies; in truth, he is known to be the violent and unrelenting enemy of all such things. He took part in the passage of those pacific measures, and knows the part Scott took, and states it in his letter. I will read so much of said letter as refers to that subject:

"I have never concealed my opinions from any of my friends upon public matters, and have often said, what I now repeat, that Mr. Fillmore is unquestionably the first choice of the people of North Carolina; that I believe they would support him, if nominated, with as much enthusiasm as they ever supported Mr. Clay. Mr. Fillmore's whole course as President has commanded the approbation of patriotic men of all parties in the South, and his approval of the compromise measures, his determination expressed in his messages to regard them as a 'final settlement' of the questions embraced in them, his prompt efforts firmly adhered to to sustain and enforce the laws against treasonable schemes to overthrow them, have made a deep impression on the minds of the Southern people. They want no better President, and are satisfied with him.

"It is also unquestionably true that General Scott has been most unjustly represented as 'the adversary of Mr. Fillmore's administration,' and an 'opponent of the compromise bills.' It is, I believe, certain that no man can receive the vote of North Carolina who is not known to be in favor of maintaining the compromise acts as 'a final settlement.' There is probably no man in the State who holds a different opinion. Our greatest leader, Mr. Clay himself, if, in answer to the prayer of millions, he could be restored to health and youthful vigor, with all the enthusiasm which he only could excite, could not receive the electoral vote of North Carolina, if he were a candidate, and opposed to the compromise bills.

"But it is due to myself to say that I have never said, and will not now say, that 'I can't and won't go for Scott.' On the contrary, I have always said I knew he was as earnest, ardent, and zealous a friend of the compromise measures as there was in the United States. *I know, of my own knowledge, that he was so, before their passage through Congress and afterwards.* I heard him reprove Northern men who were opposed to them, before they passed Congress, in such strong terms that I thought would offend them. I know he is a Southern man by birth. The country knows he poured out his blood on the northern frontier, under the stars and stripes, receiving wounds, the scars of which he yet bears, while fighting against England's haughty power in the war of 1812. The world knows the wonders he achieved, with Northern and Southern, Eastern and Western soldiers, in that unparalleled march from Vera Cruz to Mexico. I know he is a true Republican, and has always been; and I have no fear that such a man would not prove as true to his country's best interest in peace as he has been in war.

"I do not believe, at this time, there is one man in Congress, from any section or of any party, Whig, Democrat, or Free-Soil, who does not know General Scott is in favor of maintaining the compromise acts. In a speech of Mr. Cabell, of Florida, delivered in the House of Representatives, February 3, 1852, he says:

"'General Scott individually is entitled to the support of 'all compromise men. I happen to know, during the last 'Congress, the opinions he entertained on these questions. 'Whilst acting Secretary of War, subsequent to the death of 'General Taylor, and previous to the formation of Mr. Fill-'more's Cabinet, he exerted his personal influence to the 'utmost to effect the passage of the compromise meas-'ures.' Two months have passed by, and this declaration has not been contradicted and will not be. Mr. Cabell at the same time, said that it was 'almost if not entirely too 'late for this gallant soldier to do himself justice, to extri-'cate himself from the false position into which the acts of 'designing men have enveigled him;' by which I suppose he means what the writer of the letter to which I am replying speaks of as 'the influences, the atmosphere that is created to elect him.'"

"I quote Mr. Cabell's speech to show that General Scott's opinions were well known and never were concealed; and that I may say, at the time the speech was made, I told Mr. Cabell I thought he was wrong in saying it was necessary that General Scott should 'spread his opinions on the record,' and after he, Mr. C., had declared that he was 'entitled to the support of all compromise men.' I remarked to several gentlemen that I thought Mr. Cabell was mistaken in the opinions he expressed of the probability of General Scott's receiving electoral votes of Southern States; that Mr. Cabell's character was so favorably known to my constituents, I thought they could trust General Scott when Mr. C. declared he was entitled to '[illegible]upport of all compromise men;' and that I thought, where I was known, I could tell what I knew of General Scott's opinions; and I flattered myself I would be believed.

"The people of North Carolina want a man whose opinions are known, who is worthy of confidence, in all the relations of life—of tried patriotism and unsuspected integrity. They do not want a man who writes letters and makes pledges just before an election—letters that would require 'personal explanations' every ten days to enable the country to understand them.

"It is an old trick, by which I do not intend to be alarmed, to excite prejudice against one who may be nominated by the Whigs, to charge him with want of fidelity to Southern interests. Mr. Clay, General Harrison, General Taylor, Mr. Fillmore, Mr. Webster, and General Scott, have all been denounced as Abolitionists when their names have been brought forward as candidates for the Presidency. So it will be, no matter who is nominated.

"No candidate for the Presidency is to be blamed because unworthy men may try to get into power by supporting him unless he solicits their support, or tries to conciliate them. The Abolitionists—Cleveland, Preston King, and Rantoul—voted for Mr. Speaker Boyd. Could anything be more unjust than to say Mr. Boyd was not worthy the confidence of Southern men because of their support?

"In the 'Annual Report of the Massachusetts Anti-Slavery Society, by its board of managers, January, 1852,' page 8, occurs this passage:

"'The opening of the Thirty second Congress has not 'been auspicious to the pacific hopes of the compromises. 'At the preliminary caucus of the Democratic party, now 'largely in the ascendant, an attempt was made to indorse 'the compromise measures, and to pledge the party to their 'maintenance. The drift of the proposition was discerned, 'and the party declined making a Whig platform the basis 'of their policy, and dividing the spoils of office, now al-'most within their grasp, with their antagonists. The Dem-'ocrats were well content to allow the Whigs to do the 'servile work necessary to pacify the slaveholders, but they 'had no intention of sharing with them the plunder of the 'nation thus obtained. So the motion was laid on the table; 'and Mr. Linn Boyd, of Kentucky, obtained the Speaker's 'chair solely on this condition.'

"Does this make Mr. Speaker Boyd an Abolitionist, or create around him 'influences' or an 'atmosphere' that make him unworthy the confidence of Southern men?

"Suppose the Senator who declared that 'the fugitive slaves of the United States were among the heroes of our age,' and said, 'in sacrificing them to this foul enactment of Congress (the fugitive act) we should violate every sentiment of hospitality, every whispering of the heart, every dictate of religion'—suppose he, who declared he was not a Whig—suppose he should support a Democratic candidate for the Presidency, in the hope 'of sharing the plunder of the nation;' would this make the candidate unworthy the support of Southern men? This same man was guilty of the following atrocious declaration, speaking of the fugitive bill:

"'But when we consider the country and the age, I ask 'fearlessly, what act of shame—what ordinance of mon-'arch—what law can compare in atrocity with this enact-'ment of an American Congress?'

* * * * * * * * * *

"'Into the immortal catalogue of national crimes this has 'now passed, drawing with it, by an inexorable necessity, 'its authors also, and chiefly him who, as President of the 'United States, set his name to the bill, and breathed into 'it that final health without which it would have no life. 'Other Presidents may be forgotten, but the name signed to 'the fugitive bill can never be forgotten. There are depths 'of infamy as there are heights of fame. I regret to say what 'I must, but truth compels me. Better far for him had he

'never been born; better far for his memory, and for the 'good name of his children, had he never been President!'

"Should such a man, the foul reviler of Mr. Fillmore, the opponent of General Scott, the malignant defamer of Mr. Webster—should he support the nominee of the Democratic Convention, will the Democratic party for that reason abandon their nominee?

"I trust such men will be excluded from both Democratic and Whig conventions. His abuse is praise of the great men he reviles.

"Let us see how this rule, applied to General Scott, will work in other instances. Governor Seward—whose name is used in certain parts of the Southern country to frighten blockheads and babies—Governor Seward, it is generally understood, is hostile to Mr. Fillmore's administration. If Mr. Fillmore should be nominated by a national Whig convention, North Carolina delegates, obeying the wishes of her people, voting for him—and Governor Seward, from dislike to other candidates, or for any other reason, should support Mr. Fillmore's nomination, will the sensible people of the good old North State forthwith oppose Mr. Fillmore? It would be an insult to her people to suppose so.

"Again: If the Democratic Free-Soilers succeed in their wish, and nominate General Butler, of Kentucky, will the Southern Democracy oppose him because of their support? They are not quite 'soft enough for that.' No Southern Whig who knows that truly honorable gentleman and most gallant soldier as I do, could patiently hear him accused of being unworthy of Southern support, because Democratic Abolitionists, 'desirous of sharing the plunder of the nation,' had determined to vote for him notwithstanding his advocacy of the compromise measures.

"Let us imagine that a candidate for the Presidency had procured the services of a friend to prepare a biographical sketch of such candidate; that the said candidate corrected with his own hands the proof-sheets of his friend's sketch, or of one of them; and that in a short time afterward the biographer, who was on intimate terms with the candidate, had, for fear of certain accusations, departed mysteriously from all his usual haunts, and suddenly 'left his country for his country's good'—would this conduct of the biographer, especially if he [illegible] under 'abolition influences,' cause the candidate's party to disown him? And why not, according to the rule by which some are disposed to try General Scott?

"Take another instance. Let us imagine a rapidly-rising anti-'old fogy,' young blood, young America candidate, who did not dodge the fugitive slave bill, who defended it at home most patriotically, in the midst of Free-Soilers, in a non-slaveholding State; let us imagine such an one, 'a Northern man with Southern principles'—one hundred and fifty of them, if you please—a non-slaveholding slaveholder nominated as President, with a Southern slaveholder as Vice President, nominated by the Baltimore Convention, known and acknowledged as advocates of the compromise measures, but supported by such men as Hallett, Rantoul, Sumner, Cleveland, Preston King, *et id omne genus*—will Southern Democracy vote against such compromise men, because of these 'abolition influences' and the horrid 'atmosphere' they would make around any candidate? Not until green cheese is had from the moon. And I maintain that the Southern Democracy could with propriety support their nominees, provided they were, as I have supposed, known friends of the compromise measures; not guilty of having dodged any of them to conciliate abolition votes, and not nominated by Abolitionists.

"But I will close, having written more than I intended. My apology is, it may be better to publish this than to consume valuable time in the House of Representatives; and that I could not consent my name should be used even unintentionally to do injustice to a great and good man, whose reputation is part of the most valuable property of our nation; and though the election of Mr. Fillmore would be to my constituents and myself 'more acceptable than that of any other man in this country,' yet should General Scott, or any other man who 'exercised his personal influence to the utmost to effect the passage of the compromise measures,' and who is well known to be 'individually entitled to the support of all compromise men'—should such a man be nominated, it will not be 'too late' for the country to do him justice, or for me to give him a cordial, whole-souled, enthusiastic support; and should the Democratic Convention that is to assemble at Baltimore allow such Abolitionists as I have referred to, to fraternize with them, to guide and direct their counsels, and aid in their nominations, in the hope of getting the 'plunder of the nation,' the good people I represent will prepare for them such a hot 'hasty plate of soup,' as was never thrown in the faces of British or Mexican enemies.

"Very respectfully, yours,

"EDW. STANLY."

Yet, our party—which has heretofore thought that acts were more to be regarded than words; that bids for nomination were not to be made, and that pledges presupposed the idea that a man's life was not a record upon which others could look and trust—our party now, or those attached to it, say that he has done wrong in not proclaiming upon the house-top the part he took. Why, sir, if he had proclaimed it, it would have savored of egotism, and it would have done more to destroy and break down his high and noble character than all his critical friends and enemies will ever be able to do. It would have been a proclamation upon his part that he was a candidate for the Presidency, which he is not; that he was bidding for nomination, and that he was proclaiming his acts to the South, to steal upon their feelings, and extort from them their support by the acts of the wily politician, and not by the acts and deeds of the statesman and patriot. His acts on that occasion, and for the last forty-odd years, are before the Union. Read them; if they prove him worthy, trust him; if unworthy, sacrifice him; trust not in mere promises, for the strict performance of which there is no guarantee, and to compel the performance of which there is no coercive power. We are advised to trust not the promises of princes. I say trust not the promises of politicians made upon the eve of an election; but rather look to their life; let that testify of them. The attitude in which these gentlemen would place General Scott, he ought not, and, I hope, never will, occupy, and no one who may or ought to be advanced to the presidential chair will place himself in such a cringing, begging, and time-serving attitude; in candidates for offices of less dignity such things may be overlooked; but not in those worthy to be the chiefs of this great and growing Republic. If, in looking back at the long history of Scott's life—and it has been both long and eventful—the American people cannot see enough done by him to prove the fact of his patriotism, to prove the fact that he cannot be a sectionalist, all the declarations he or his friends could make from now to eternity should not merit their confidence. General Scott capable of feeling sectionally! General Scott capable of forgetting his duty to this great and glorious Republic, to build up which to its present high and justly elevated position he has done more than any living man! It is absurd—"Tell it not in Gath; proclaim it not in the streets of Ascalon." Yet, sir, this is the impression attempted to be given to the public, in relation to that man—a man who has worn himself out in the service of his country. Forty-odd long years has he debarred himself from the pleasures of the social fireside to protect the liberties which we now enjoy. Can he forget the patriotic feelings which impelled him to seek the tented field, and even death? Can he forget all that, and be now willing, standing, as he is, on the verge of eternity, to sacrifice this Union for which he has done so much? Will the people of this Union believe such an insinuation offered against a man like General Scott? If they do, credulity goes further than I thought it did.

Now, sir, his acts are acknowledged to be right; his acts are acknowledged to be what the people of the South desire them to be, and that they were so during that storm which by the patriotism of parties was averted, and which did not break in fury upon the devoted head of this Republic. The rectitude of his acts are acknowledged, and the only offense alleged against him is, that he does not proclaim, on the highways and byways, the part he took, thereby placing himself before the American people as a candidate for the Presidency. He is willing to do and has done deeds which redound to the interest of the whole country; but he is not willing, after they are done, to claim at the hands of the American people, any other compensation than the approbation of his conduct if right; he asks no reward for doing his duty as an American citizen. But he has written no letter, and given no bonds, that he is a true compromise man. His whole life are his letters; his deeds of gallantry and daring, his time-worn and scarred and wounded body, are his bonds. If these are not enough, he despairs of satisfying you. You would not be satisfied though one arose from the dead. He, too, avowed, at the meeting at Castle Garden, that sort of noble sentiment which should characterize every American citizen. He there claimed to know no South, North, East or West, but only the Union, to which he had devoted his long life. He thus has spoken where occasion has demanded. He occupies towards the American people no position requiring of him a recapitulation of the acts he had done, or the deeds he has performed; and had he occupied that position he would not have shrunk from the responsibility of giving those opinions, at any place and at all times. There is no man living who has approached him on the subject of the compromise, with whom he has used the least disguise; he has responded to every inquiry demanded of him, avowing himself content with those measures of adjustment, and yet he has written no letters; and of that those honorable gentlemen complain—for that they blame the General.

Nor did General Harrison in 1840, or General Taylor in 1848, write any letters, proclaiming what they would or would not do. They proclaimed, Mr. Chairman, the true Whig doctrine—the doctrine of common-sense philosophy; to wit, that human actions are the criterion by which we are to judge of men, and not by tales made up for the purpose of catching votes.

Mr. Chairman, I never was a lover of those platforms, I never was a lover of those pretended pledges made by the candidate to a few individuals, because their tendency is to withdraw the candidate from the people, and withdraw him from his duty to the country and to the Constitution itself, and give him into the hands of a few political intriguers. That is the tendency of such a thing. But in the days of Washington this was not known—in the days of the ancient Republic this was not dreamed of. It was reserved for the days of Martin Van Buren—who introduced a number of things which no one now approves of—to originate that system of conducting canvasses. I think, however, that a candidate should permit his sentiments to be known. But there are ways better than by declarations. The history of his acts should be examined; but if not found to be sufficient, to proclaim what his sentiments are, all high-flown declarations made upon paper never could produce an effect upon my mind, and never should produce it upon the mind of any man. Actions are more to be relied upon than words—which is the true doctrine the Whigs have practiced, and upon which General Scott has placed himself at this particular time.

Now, sir, I believe, from the excitement that has arisen by the agitation of this subject upon the part of the North and South at this time, that a declaration upon that subject is important in the coming canvass, and I believe both parties will make it. I had believed at the commencement of this session, but I am glad I have got out of that opinion, that the Democratic party desired to evade that question, and they wanted to do so, because they said we had beaten them by means of the slavery agitation; and they wanted the benefit of that question to beat us; but I am happy to think that the majority think differently now, and that they, together with the Whigs, will be bound to indorse, as did the Whig caucus, the compromise measures as a finality upon the subject of slavery. They will do it just as certainly as the convention meets. It will be done by both parties, and neither party will have the daring to refuse the demand of the South upon that subject.

If General Scott were to make ten thousand declarations—give ten thousand written obligations upon that subject, my confidence in him would not be increased one particle, or diminished by the act. I do not believe it necessary. I believe it improper. I believe, if introduced into the Whig creed at this time, and under the present circumstances, it will not be calculated to do any good. The motive, doubtless, was a proper one, which actuated and prompted these gentlemen to take the course they have towards General Scott, but the gentleman has not treated General Scott with due courtesy, because he had not kept up with the improvements in the Whig creed. He had not known that the principle upon which the Whig party had been fighting heretofore, of no pledges, had been by the sachems of the party abolished as part of their party creed. I think it would have been but treating him with due courtesy to have informed him of the fact, and he would have probably written enough letters to satisfy the gentleman upon the subject. I know not how it may be with others, but the action of our party in other times, compared with what these gentlemen now demand of the General in the name of the true Southern Whig party, as to the propriety or impropriety of making these declarations, do not speak well for the party to which we both belong. If it was wrong to make pledges in 1840; if it was wrong to make pledges in 1848, the same principles would make it wrong to make them in 1852. Any man who has practiced the doctrines we ourselves have preached; who has practiced the principles all Whigs have heretofore laid down for thus practicing, should not be by us condemned, especially when that man's record is such a one as that of General Scott—especially when that man has sacrificed as much for the benefit of the Government we live under as has General Scott.

Scott's failure to write letters now is according to Whig doctrine, and to the actions of the ancient and purer Presidents of this Government. Slow, slow should be the mind to conclude anything ought to be done that would throw the least degree of suspicion upon a man situated as he was towards the Whig party and the American people.

Now, so far as Mr. Fillmore is concerned, I honor the man. I believe, from the time the Executive mantle fell upon him, he has performed his duty as fully and completely as any man could have done. It fell upon him in trying times; but I am far from giving to Mr. Fillmore the undivided, the entire credit of proposing and carrying into execution—successful and happy execution—these compromise measures. They were not proposed by him. They were not advocated by him upon this floor, and no vote of his was recorded in behalf of them. According to my understanding of the history of the times, they were proposed and advocated by such men as Clay, Cass, and Webster; and, by their joint influence, they were passed into laws, and their benign influence felt by all of the American people. I acknowledge that he signed them, and, since that signature, has faithfully executed the part he was compelled to execute under the Constitution and his oath of office. He has done his duty fully, fairly, and manfully since that time, for which I give him all credit. He has done his duty to the South; but he is not the only man in the North who is willing to do the South justice in regard to this question. There are divers others in the ranks of both parties willing so to do.

Unfortunately, in looking over the history of our party, which, two years ago numbered as many in this Hall as did their opponents—for many weeks there was a struggle between the parties to decide which was in the majority—we notice that it has dwindled down until we have scarce a corporal's guard left. For that decrease, it seems to me, there is some cause, and that that cause can be remedied by proper attention to the matter. It seems to me, in going into this struggle, our prospect is not as bright and as flattering as some suppose it to be, and we are mistaken when we calculate upon the divisions in the adverse party as promotive of any good to the Whig party. I have known them to have wars before. I have known bickerings in the adverse party, but they were always settled before the election. They will vote, as one man, for whoever the Baltimore Convention may nominate; and I am determined, so far as I am concerned, to vote for whoever the Whig Convention may nominate, whether he be Scott, Fillmore, or anybody else. I will do all my humble ability will admit, to promote the success of whoever may be the Whig nominee. I believe there is in the history of General Scott more to address itself feelingly and understandingly to the American people and the American heart, and to meet with a favorable response, than in that of any other man in our ranks. I believe that his history is better known in the mountains, upon the hills, and in the valleys, than the history of any other man of our party; and if the American people are called upon to give that office to any individual on account of gratitude for acts done by him, of all other men, Scott is the man best calculated to produce that impression upon their minds. And, believing that as we are now almost a forlorn hope in the point of numbers, that power is passing from us in every direction; and believing that something is necessary to arouse and awaken the people, to awaken their hearts favorably to the Whig cause, I say that Scott is the man to do that; and now is the day, and this the hour, that Scott ought to be put upon the presidential ticket in preference to any other man.

I am not inclined, Mr. Chairman, to do injustice to any member of the Whig party, or to withhold from any member thereof the meed of praise which he justly merits; but I am very much opposed to this system of moving upon the political surface, and getting up a political ferment with reference to prejudices and sentiments which do not exist. I am opposed to thus attempting to manufacture public sentiment, public predilection, and forestalling, or attempt to forestall, that sentiment. I believe that that thing has been done in a greater or less degree. Efforts of that sort have been made, but they cannot and will not finally succeed. General Scott is not the man to lend his aid in attempting to manufacture political predilections in his favor. The tent in which he was raised, and the camp in which he has spent his life, is not well calculated to develop that faculty in the human mind. It is, therefore, nothing extraordinary, that upon the surface of public sentiment, these ebullitions make the demonstrations so much talked of, and which are brought forward for the purpose of influencing the action of the Whig party in the coming convention. If the feelings of the American people, and the Whig part of that people, are properly appreciated and understood, he will be found to be the favorite of that portion of the American people, to a very great extent, in my view.

So much better has Mr. Fillmore administered the Government than the South feared he would if he became President, that a degree of gratitude is felt for him that does honor to the Southern heart; but that does not prove that the men who have at last this question to dispose of, have entered into that enthusiasm, and that feeling, which the mere politician has demonstrated. They have not. They cannot. It is not in their nature or their temper so to do. They have not done it, and the Southern feeling, if properly probed and ascertained, is for Scott in preference to Mr. Fillmore. I know that of late people, in their conventions, have said the contrary; and the individual opinion of any man, let him be ever so high—and I admit that I occupy an humble position—is as nought compared with that declaration, unless supported by reason and common sense. They—the friends of Fillmore—admit the fact, so far as the North is concerned, or they substantially admit it, that General Scott is the favorite. And the fact of his being the favorite of the North, is urged as an objection why the South should not trust him. Now, I do not understand or appreciate the force of that reason. If the North think proper to prefer General Scott, they have a right to do so. And they—the Fillmore men—wish the inference to be drawn, that he, Scott, is preferred because he has tendencies to affiliate with their peculiar notions upon the subject of slavery. General Scott has none such, and there is no event in his life that justifies the inference. He was reared in a Southern State. In the South his earliest, if not his best hours, have been spent; and among us he numbers his earliest, if not his best friends; knowing the Southern temper and the Southern disposition, he cannot and will not desert us, if the crisis should come; which Heaven, in its wisdom, I hope will avert. I do not know whether I am right in the feeling or not, but I do not think any man upon earth, who knows the temper of the South, and who was reared in a Southern State, ever can make war upon that institution; because he knows how deeply involved are the feelings and prejudices of the South in sustaining that institution. General Scott and the balance of this Union must know, that sooner or later, if you war upon that institution, the power of man cannot keep together this Union of ours. No, sir! The hour of forbearance, so far as that institution is concerned, is at an end; and he who wars upon that institution any longer, wars against this mighty Republic that we live in. You will have to see its downfall, unless you respect Southern institutions and Southern feelings. The South has already, as she believes, been slandered and traduced, in reference to that subject, as far as she can bear. Scott knows it. He has mixed with those whose feelings are thus aroused and thus excited, and he would be the last man upon earth to countenance anything that would carry that excited feeling to the verge of civil revolution. It is not in his nature, or his temper, and he loves the Union, in all of its parts, as devotedly as any man can, and stronger testimonies of that fact can be produced for him, than can be for any other man. Then he is not to be doubted upon that subject.

But there is one remarkable thing in this whole controversy—in this whole fight and struggle between the relative friends of those two men, that demonstrated itself to me twelve months ago. There is an evident itching anxiety and uncontrollable desire upon the part of my Democratic friends to take hand in the settlement of this question. They are all Fillmore men. Why they should take so much pains to settle that question for the Whigs is unaccountable to me, except upon one ground—that they are desirous of selecting the candidate against whom to put their man; and they are undoubtedly not desirous of selecting the one they think to be the strongest. If they are, they have not the discretion they usually have. According to my short experience in political life, they have selected for us upon two or three occasions. Their interference in our selection has been disregarded upon two or three occasions; and when disregarded we have generally beaten them. When, however, they made our candidate, they have universally beaten us. Now, if you look at the leading articles of the Union for the last two or three weeks, (and particularly the editorial in the Union publishing the letter of Mr. CABELL—I have great respect for the editor,) you will see that he is laboring as hard as possible to show the truth of the statement contained in the letter of the gentleman from Florida, [Mr. CABELL,] that the selection of Scott, as he is, as the Whig candidate, would be the breaking up of the Whig party.

I presume that the breaking up of the Whig party is an event which, as an individual of the Democratic party, he would not have been very much interested in. He has no desire to sustain that party, and he seems to be working for some end, and manifests much anxiety to have some other man put up than General Scott; and the only motive which can rationally operate upon him is, he knows that General Scott is the only man who has any chance of being elected. The editor of the Union labors hard to satisfy the world, and the Whigs in particular, that the nomination of Scott would ruin the Whig party, if not the Union. The gentleman from Florida, in his speech and letter, leans to the same conclusions. So does the gentleman from Tennessee. They are all working for the same end. They all want General Scott out of the way. The gentleman from Florida [Mr. CABELL] announces that he has preferences for Mr. Fillmore, which are perfectly legitimate for him to entertain; and the editor of the Union apprehends that, in a conflict with Scott, and on account of the *prestige* which attaches to his name, the Democratic flag might be lowered, and trailed in the dust. I suppose that is the motive which operates upon him; and if we are to indulge in the conjectures and suspicions in which the gentlemen from Tennessee and Florida indulge in regard to General Scott's purity upon this question, we can entertain the same suspicions about Mr. Fillmore's purity in regard to Democratic tendencies and sympathies; in proof of which read the closing remarks of the correspondent "X," in the Sun, in which he says that Fillmore's popularity is increasing with the Northern Democracy, and if they could elect a Whig president, Fillmore would be the man. I think the argument they use is not a good and just one, and is highly improper. Mr. Fillmore has never forfeited his claim to be a true Whig; and notwithstanding the advocacy of his claim indirectly by the editor of the Union, he is a good, worthy, and noble Whig, worthy of the confidence either of the North or South.

According to my opinion General Scott, too, is a Whig, a worthy and true Whig, deserving of the confidence of the South, notwithstanding the fact may be that Seward prefers him to Fillmore. Whether he does or not I am unable to say. It is a declaration universally made, but for the truth of which I cannot vouch. Of one thing I am satisfied; that I would be authorized in making a declaration that Mr. Seward and his friends never could control General Scott so as to make him forget his duty to the South, North, East, or West. General Scott knows his duty to the country, and he knows the Southern feeling, and appreciates it, and would guard it with as much particularity and jealousy as any man living. I do not think there is a safer guardian of the nation's welfare in the Union. If he is not to be relied upon, no man is. There may be other causes for this preference of the Northern Whigs for General Scott over Mr. Fillmore, than those attributed to them, but they cannot influence General Scott. They and Fillmore may have aided each other in giving currency to those principles which led to a crisis. They may have been all

Free-Soilers, and Fillmore's turning around to wreak vengeance upon them may be an offence which they are not so ready to forgive. Men do not forgive such an act readily. They are willing to suffer wrong or punishment at the hands of an opponent; but when a friend, who is traveling with them in the same political road, where they have made their mark along the road-side in favor of the principles which they favor, turns around and wreaks vengeance upon them, then unforgiving feelings will legitimately and naturally arise in the human heart. These they allege to be the cause of opposition upon the part of some to Mr. Fillmore. They do not expect any favor at the hands of General Scott. They are willing, as are the Free-Soilers of the Democratic party, to return to their allegiance to their party if permitted to do so. They think they have a good excuse to return under the standard of him whose glory is written upon at least fifteen or twenty battle-fields. They have a better excuse to return to duty under his standard, than under the standard of the man whom they consider to have been instrumental, as well as themselves, in making the doctrines of Free-Soil popular. These are the reasons they give. Whether true or false, I am unable to say. It is a family quarrel—a New York quarrel—springing up from a spirit of rivalry between the friends of the two men. I leave them to settle it as best they can; but in their attempts to settle it, I do not intend to allow imputations to be cast upon General Scott, and his truthfulness or faithfulness to the South, to the Union, or any portion of it.

I presume no man in the world will doubt the purity and patriotism of the nominee of the Baltimore Convention, whoever he may be; for they —the Democrats—claim to be the especial friends and guardians of the South, Heaven save the mark! If my friend from Massachusetts [Mr. Rantoul] chooses to support him, or my friend from Connecticut, [Mr. Cleveland,] the honorable gentleman who spoke the other day, will all Democrats desert the Democratic nominee, and rally under the Whig national banner? No, not one of them, I fear. The nominee is not responsible for the acts of his friends. If every man is to be judged by such a rule, there is no man worthy of any position of trust in America. It is an improper and unjust rule, and a rule under which all men would be condemned, and no one could pass the ordeal unscathed and unharmed. Then that can be no objection with me, or any good Whig; but it settles this matter in controversy: That it is impossible to elect Fillmore without New York, and that he cannot carry, on account of this family quarrel. Scott, in all probability, can and will carry both New York and Pennsylvania, and we must have both, to elect. We now, being in the minority, are compelled to have our whole party united, or we had as well give up the party, and disband, and make the best terms we can with the victorious enemy. If we are not willing to unite every particle of our party, North and South, we have no hope of success, and cannot expect it. Being in a minority, and divided in that minority before we commence the fight, it is weakness and folly to break a lance with the victorious adversary. We cannot do it successfully. I am the last man upon the earth to yield in a struggle where so much is involved; but if this thing is to be done, and if a portion of the Whig party, small as it is, is to be killed off, and then, with the remaining portion, we are to go into the fight, I submit. But we cannot reasonably hope for success in such a controversy. We must fall in the conflict. I am willing to fight with my foes to the last. I cannot have any hope in such a controversy as this. I would have the aid of all Whigs; and I wish to draw aid from the indifferent portion of the community, if required; and in the history of General Scott there is that material which will enable us to make a call upon those persons, which will be responded to. The history of no other man in our party can accomplish this so effectually. I know that this is not flattering the vanity of many in the party to say this. I do it, not out of any feeling towards them, or from any love for General Scott. It is not that I love Scott more, or Fillmore less, but because I love Rome more. It is because I love the principles at the bottom of all these things, and these principles have to be made triumphant by the instrumentality of the man whom we select; and that man ought to be selected who would have the best chance of carrying those principles into successful operation. We cannot succeed in any other way. In vain may we boast of our principles; in vain may we declare our devotion to them, if, whenever a controversy like this arises, we are to sacrifice those principles upon the altar of individual predilection. I have done it twice in my life; and no profit to myself or the country has ever been derived from it. This kind of fight I want no longer. This thing of sacrificing all upon the altar of men, and none upon the altar of principles, is a policy that the Whigs have pursued almost to their ruin, and I hope it will be pursued no longer. I have no partiality for any man presented as a candidate, and I am under no obligations to any man, nor have I rendered my allegiance to any one. The principles, which lie at the foundation of our party, I have no hope of carrying into execution, unless we can select some man who will obtain the greatest strength among the Whigs, and among those who are not strict partisans. I think the institutions of this country would be safe in the hands of any man who has been named in connection with the Presidency, whether he be Whig or Democrat. I believe Webster would faithfully carry out the provisions of the compromise. I believe Cass would do it. I believe Buchanan would do it. If I have any misgivings towards any of these candidates, it is Marcy. I never had a fancy for him. He may be as true as any of them, though, but I would not like to trust him a great deal. Douglas, I doubt not, would make a good *Democratic* President. So would the gallant Butler, of my own State. You Democrats have presented none except Marcy about whom I have the least suspicion. Marcy's history does not affect me very favorably.

My friend from Tennessee [Mr. Williams] makes one remark which, taken in connection with General Scott, is truly remarkable. He says if he beholds a Whig standard, when speaking of General Scott, and the possibility of his nomination, under a sectional white flag, and the other under a national one, he will not hesitate under which to enlist. He will rather enlist under the broad banners of the Democratic flag, if it is a national flag, than a sectional white flag. When a man surveys the history of General Scott, whether with partiality or otherwise; when he looks at the Heights of Queenstown, at the field of Lundy's Lane, or goes to the city of Vera Cruz, travels with him to Cerro Gordo, Contreras, Cherubusco, Chepultepec, Molino del Rey, and to the city of Mexico, where the stars and stripes were placed upon the walls of the halls of the Montezumas; and when he reads the history of such a man, who for forty-two long years has fought beneath the stars and stripes boldly, successfully, and gallantly, whose body is marked and mangled by wounds received in defense of his country and the broad national banner of the stars and stripes, and then talks about his willingness to enlist himself under the banner of disunion, he is uttering things which are absurd and ridiculous, and he might as well talk of turning back the torrent of the mighty Mississippi to its source. He might as well talk of revolutionizing all the laws of nature's God, as to breathe such a suspicion as this in connection with General Scott. He bear a sectional flag—he forget his own glorious deeds in the service of this mighty Republic, and all this from the paltry expectation of being made President for four years, and then sink to a dishonored grave to be execrated by all honorable men! Is not such a suspicion too absurd? Has it come to this? Can you indulge in a suspicion of that sort in reference to a man surrounded, as General Scott is, with his deeds, speaking trumpet-tongued to you, and proclaiming his purity and love of union? It is but a poor return for a life spent in the manner his has been. It is but a poor return for the privations he has undergone in the campaigns in which he has fought for forty-odd years, for gentlemen to indulge in the suspicion, that for the sake of being President of this Republic, he would be willing to turn traitor, and crown his life by an act of damnable treason.

Entertaining the views that General Scott must entertain, and regarding this question of slavery as the rock on which we must split, if we do split, it would be nothing but an act of treason on his part to bear a sectional flag which must in the end dissolve this Union. Yet he is suspected of being capable of doing such a thing; and the gentleman from Tennessee says that, in such an alternative as that, he would rally among his Democratic friends around a Union flag. Sir, that alternative is an impossibility. When it comes, the gentleman may do it. When it comes, all may do it.

Sir, General Scott had a chance to be false to the country in behalf of which he had sacrificed so much. He had a chance, if report speaks truly, to have exercised the powers of the Executive of a Republic, with far higher pecuniary considerations than the American President obtains. He had this chance, too, when his proud heart was shaken and mortified by the unmerited slights put upon him by the then Administration. When he had marched with an army only numbering ten thousand men, achieved the victory of Vera Cruz, and those other victories to which I have referred, and placed the banner of the Union, the stars and stripes, in triumph over the halls of the Montezumas; at a time when the grateful feelings of the American heart rushed as a mighty torrent towards General Scott; at that time, for some purpose best known to the heart of the then Executive, he was stricken down in the midst of those whom he had conquered, placed under arrest substantially, and brought home from that victorious army under an escort of some fifteen or twenty dragoons. And while he was under the feelings which this treatment excited, an offer was made to him that if he would accept the Presidency of Mexico, he might have it, with a salary guarantied to him of $1,250,000. I do not vouch for the truth of this, but it is so reported. If, then, the little leaven of the traitor lurked within his heart—if the love of country, which I believe exists there, did not exist—there was an opportunity of treason. But, no; leaving the powers which had been vested in him, and which he had used for the advancement of the honor and glory of the American name, he returned in disgrace—started as a criminal to the American shore, thus showing his devotion to the American cause, and his obedience to the laws of his country. Although deeply wronged by the action of the Executive, he refused the offers of the Mexican people, and returned here to meet the charges which had been wrongfully leveled against him at the very acme of his glory. If he had been capable of fighting under a sectional flag—if he had been capable of warring against this Republic—then was the time, then the occasion. And as he failed to do it, then common honesty and justice, it seems to me, require that he should stand far above suspicion at the present day and hour. He has sacrificed his all upon the altar of his country's good. He is now standing almost within reach of the summons which is to call him hence; and I do think it is flagrant injustice and ingratitude to talk about the possibility of his rallying himself under a white sectional flag which will end in dissolving this Union, and destroying the last hopes of man upon the broad surface of the earth; for we are not only the asylum of the oppressed of all nations, but we are the last beacon-light of liberty that blazes over this mighty world. Extinguish it, and the whole world will be involved in interminable, absolute monarchy and darkness. General Scott cannot do it, and it is wrong to suspect him of the possibility of doing it. My friend from Tennessee cannot lay his hand upon his heart and say that he can indulge such a suspicion against Scott. If he does, I look upon him as an exception from all the balance of the human family. It is an unnatural and forced construction, and one that humanity itself almost shudders at the bare contemplation of.

Gentlemen say there are men who wish to sacrifice Mr. Fillmore. Now there is no one, as far as I know, that would do that. But the struggle seems to be to sacrifice Whig ascendency for the purpose of attempting to keep Fillmore in power. Now, that is a sacrifice of principles for men; and whenever you can satisfy me that that is politically right, I will go as far as he who goes furthest to do it. But I am not prepared to consent to sacrifice the Whig cause and Whig principles for the purpose of making such a fruitless and desperate effort. In my judgment it is an effort too desperate for rational men to engage in. We cannot

succeed in it. The empty honor of the nomination can do him no good. It will not place him higher in human estimation than he now stands. It cannot possibly do it. The defeat of himself, his friends, and the whole Whig party must stare every rational man in the face. And have we come to this, that we must sacrifice our only hope of doing the community good, that we may honor an individual? I cannot and will not adopt that course yet. I did it in my younger days, but I cannot willingly be brought to do it again. I raise my warning voice here against the possible effects of such a step. That voice may be unheeded, and I may be compelled to fight the desperate and forlorn fight to which I have called the attention of this committee and of the country; but I never shall be found faltering in my part of it, and I shall never seek shelter under the flag of the Democratic party unless my mind shall undergo a complete revolution respecting the general policy of the two parties. It is said that it would be very pleasant to my friends, the editors of the Union, and to a great many gentlemen on the other side, if this particular nomination could be brought about; for then their quarrel among themselves might be indulged to any extent, and no prospect of defeat stare them in the face. But their quarrels will be healed, and the fight will have to be with the combined and united party Their generalship upon other occasions proves to us that they can quarrel by the wayside, and all go together to the polls. They will do it, and that hope which is indulged in by some Whigs, and which gives rise to efforts for some nominations, springing out of the fact of this seeming division, ought not longer to be indulged in. They will make it up—Union men, nullifiers and all. The gentleman from Georgia, [Mr. CHASTAIN,] made a Union speech the other day, from which one would have supposed that he was willing to break up all parties for the purpose of preserving the principles embodied in the Georgia platform. Well, I read a letter from him, within the last day or two, in which he says that this thing of a Union party is all a Utopian dream, and that they had all better rally around the nominee of the Baltimore Convention. That convention, and all this fuss and confusion about a Union party, and whether the Democratic party is in favor of secession or disunion, or in favor of union in the Democratic ranks, will do the Whigs no good. When the fight comes off in November, the Nullifiers of the South and the Free-Soilers of the North will be found hand in hand with the old Democratic party. Quarrel as they may between now and then; consume as much of the people's time as they may, they will be united, and we shall have no fractional party to contend against. No hope ought to be indulged in by any Whig aspirant that we shall have to fight a fractional party.

Mr. Chairman, I hope and believe there is still enough patriotism in the old parties to adopt the means necessary and proper to preserve this beloved Union of ours; and I think the absolute necessity must and will become so apparent to each of them, when in convention assembled, of indorsing these compromise measures, that each of said conventions will march up like patriotic men and make that sacrifice, upon the altar of their common country; for I am satisfied that the influence of either, being thrown into the scale of the agitationists and disunionists, either directly or indirectly, will, in all human probability, enable them to accomplish their fell purpose of destroying the Union! Therefore, Whig and Democratic Union men, as you love liberty, and appreciate the works of our venerated ancestors—as you love yourselves and posterity, come up like true men, and still this threatened storm, and give peace to our distracted country! You alone can do it! Can you, will you falter? You cannot, you will not! But, rising over mere party trammels, you will, one and all, make this offering upon the altar of liberty, and then return to your place in the ranks of your party, and fight for victory; and when victory perches upon either standard, let the power of such victory be used to cement the Union and to advance the true interest of this great Republic, and not for mere party purposes, in rewarding friends and punishing enemies; for, in our Government, all are, or ought to be, friends. Our enemies inhabit foreign lands. All Americans are brothers, and must share the same fate. Embarked in the same vessel, all must ride into the harbor safely together, or together sink and perish in the voyage.

THE PRESIDENCY—COMPROMISE MEASURES.

SPEECH OF HON. WM. H. POLK,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, *April* 8, 1852.

The House being in the Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair,) on the Homestead Bill—

Mr. POLK rose, and said:

Mr. Chairman, I shall vote for the bill now under consideration. I am in favor of its passage, for the reason that I believe it to be auxiliary in carrying out the mission of this great Republic. I believe that its passage would have the effect to attract from the cities on the sea-board that portion of the laboring classes who are living there in a state of poverty, in many cases the most deplorable, and place them in the independent position of the cultivators of the soil, thus contributing to the development of the resources of our country and adding to our progressive greatness.

The Government of the United States, Mr. Chairman, is a great one; its policy should be a magnanimous one. For what purpose or object should it retain in its possession the immense tracts of wild land belonging to it? Should it be, sir, to have the grass, the native fruits, and the forest trees growing in wild luxuriance, while a population of laborers, with sinewy arms, are suffered to throng our cities, with not a pulsation in their veins directed to the progress of the Republic? Or, sir, shall we, in our endeavors to carry out our mission, to preserve and advance a great nation, send laborers to the plow-share, give them a right and an interest in the soil, and make their patriotism identified with the advance of the country? If we do that, if war should ever again breathe upon our land, they will enter the army not only with cheerfulness, but with enthusiasm. They will know as they march, and when the bullets, the destructive missiles of death, whistle about them, they will be enabled to say, although we may fall here, although we may be cut down, although one of these messengers of death may send us to "that bourn from whence no traveler returns," yet a great, a good, a magnanimous Government has furnished for our wives and our babes an abiding-place—a home which cannot be wrested from them. Would not such reflections inspire the hearts of any soldier? Would not this policy identify the foreign population with the country and make them of us? These are some of the reasons, Mr. Chairman, which will induce me to vote for the bill.

As it has been the custom, however, to speak upon presidential matters, perhaps it would be well enough for me, in this connection, to say something upon that subject; and I shall, in the progress of my remarks, call the attention of the House particularly to some remarks, untrue in themselves, identifying the Whig party with the compromise measures, that were made on the first day of this session, and which have been subsequently repeated upon this floor, for the purpose of creating a Whig capital to which they are not entitled, but to which they have directed all their attention to form, to operate upon the country.

I am, Mr. Speaker, one of those denominated the young Americans. I am in favor of young America; but my definition of what constitutes young America may differ from that of others. What I understand young America to be, is to keep up with the progress of the age; to understand the progress of the Republic; to live in the eye of the world, and to carry out our great mission. I do not denounce "old fogyism," nor do I classify it is as meaning a broken limb, a wrinkled brow, decrepit body, age hanging upon the forehead. I mean by young America, the man that lives up to the present point of our progress, and is ready, and willing, and determined, to wield the influence and power of this great Republic, and to carry it out for the great public good. I contend, sir—and upon this occasion I especially state it—that I object to the remarks made by some who belong to the same glorious party with myself, and whose blood leaps and dances through their veins, as mine does.

I object, Mr. Chairman, to the attacks that have been made upon the old Democrats who have stood and battled for the success of our cause, which, as I believe, is the country's cause; the men who stood in the front ranks, and who marshaled us, as young Americans, up to the struggle against our common enemy—the Whig party. I, Mr. Chairman, would consider it parricidal to strike a blow against one of those gallant bosoms, so sacred in the service of our country.

I go for the interest of the party, because I believe that the success of the principles of the party and the purity of the Government are identified. I may have my own preference—that preference I will frankly avow; but do not ask me, if you please, young Americans, in whose fold I live, (and I sympathize with the palm that never grasps another insincerely)—do not ask me to strike Lewis Cass a blow. I cannot do it. I will not. Take me where you please—lift my arm, and it shall fall dead to my side when that noble old bosom is presented to me to inflict a wound upon it. I will not do it. He has served his party too long. He has served his country in various positions. He has maintained its dignity abroad. He has sustained its honor at all times. He stands to-day of those men who are progressing to the grave, marked with nearly three score years and ten, "the noblest Roman of them all."

So much, Mr. Chairman, for my position with regard to "young America," and "fogyism." I hope I am an honest Democrat, ready to go forward, place my hand upon the altar of my party—and that altar I consider the altar of my country—and say that I will sustain and vote for the nominee of the Baltimore Convention. I will make the sacrifice of any preference I may have. Is there a Democrat here who will not do the same? Is there a single one who will paint upon his flag his own preference, and ask all others to obey it? Such a request upon me I will never obey. Such a request I will never dare to make; and I deprecate the course of debate which has been assumed upon both sides of this House. The Whigs have their troubles about their candidates; and we have our own. We will arrange ours at the Baltimore Convention; and, if they ever get into Convention, I suppose they will arrange theirs, which is considered at this time very doubtful—judging from the recent Whig caucus, in which it was *ruled out of order*, by the chairman, (Mr. MANGUM, Senator from North Carolina,) to offer or consider a resolution approving the compromise. This fact of itself speaks the tone of sentiment governing the Whig party.

Mr. Chairman, I will touch now upon the all-engrossing subject. Who is responsible for the agitation of the slavery qustion? Without stopping to enumerate or to cite the record of the country in regard to it, I am here to-day—I proclaim here to gentlemen upon the other side of the House, and I stand prepared to prove, that the Whig party are responsible for the origin of the slavery agitation; that they have nursed it; that they have fed it; that they have stimulated it to the present hour. And if anything is to follow from it; if anything is to grow out of it; if the Republic is to be destroyed by it, to you gentlemen, alone belongs—particularly the Southern Whigs—the blame. You are now allied with the Northern Whig abolitionists. You stand entirely coalesced with them. Let this be denied! Without the Northern Abolition party, there is no Whig party in the land. There is no Whig party in the whole country that has strength enough to claim the consideration of a party, if *separated* from the Northern Abolition strength. Deny it, and I will prove it. How many Whig Governors have you who are for the compromise? One, and Tennessee can boast of him. Name another. Gentlemen on the Whig side please answer me.

Mr. CABELL, of Florida. I represent a small State, and our Governor is a decided compromise man.

Mr. POLK. It is so small a State that I had almost forgotten it. [Laughter.] It is not a Whig, but a Democratic State. I submit the plain proposition, that there is not, north of the Potomac,

at this hour, a single Whig Governor but was elected upon the principle that he was for the repeal or modification of the fugitive slave law. I will take Vermont—I will take Rhode Island. Indeed, I will take all of the States where the Whigs have Governors, and there is not a single one of them—Hunt, of New York, and all—but who was elected upon the plain and distinct proposition, that the fugitive slave law should be altered, modified, or repealed. Will any Whig deny it? Then why do you assume to yourselves the prerogative of being the compromise party? Show me the record—show me the act of the people—their decision between the Whigs and Democrats throughout the nation to that effect! I am willing it should be so, if you can name to me a single man North—a single State that acts, that votes with you, that assists you in electing presidential candidates, or that acts with you in caucus to make presidential nominations. Name to me the single State North that stands by you, except upon the principle of destroying the compromise of 1849 and 1850, which is the third great pledge of peace between the North and the South

Mr. KING, of Rhode Island. I wish to ask the gentleman this question, as Rhode Island has been mentioned: Does the gentleman mean to say the Governor of Rhode Island was elected upon the principle that he states—opposition to the compromise measures?

Mr. POLK. Is he a Whig, or a Democrat?

Mr. KING. A Democrat.

Mr. POLK. Then he was elected as against the repeal of the fugitive slave law. [Laughter.]

Mr. KING. I will address to the gentleman another question. Does the gentleman mean to say that that question was at all agitated in the State of Rhode Island during the last election—the question of the repeal of the fugitive slave law?

Mr. POLK. About the State of Rhode Island I will only answer, that I cannot stop to attend to such little matters. I can only state this: that a gentleman from North Carolina—Mr. Jones—once fought a duel in it, and the Governor demanded him of the Governor of North Carolina. He answered by letter, stating that the next time he went there to shoot he would fire across his little State. [Laughter.]

Mr. KING. I will only reply that the gentleman has made an assertion which he has no testimony to support, in regard to the test in that State.

Mr. POLK. Does the gentleman tell me the Whigs of Rhode Island are against the repeal or the modification of the fugitive slave law?

Mr. KING. I say that question was not agitated.

Mr. POLK. I ask you what they will do about it, and will wait, if you have an answer to give.

Mr. KING. When you answer mine in regard to the other question. [Laughter.]

Mr. POLK. Are you for or against the amendment or modification of the fugitive slave law?

Mr. KING. I am not for agitating that question.

Mr. POLK. Will you go for or against it? I will wait for an answer.

Mr. KING. I have no objection to answering the gentleman.

Mr. POLK. I have made no statement that is not susceptible of proof; and if the gentleman intends to intimate in the slightest manner that I intentionally made any statement not consistent with the record, he does me injustice—he states what is not in accordance with truth.

The action of the two parties in the last Congress is succinctly stated by the following remarks of my colleague, [Mr. HARRIS,] and my friend, [Mr. RICHARDSON,] and so clearly as to dispense with the necessity of dwelling upon the course of parties in the last Congress. The facts attested by the Journals, and uncontradicted by the most reckless partisan of the Whig party, must be convincing:

"Mr. HARRIS, of Tennessee, (Mr. Richardson yielding the floor,) said, that during the progress of this discussion, he had analyzed the vote by which the fugitive slave law had passed the House of Representatives, and found, upon examination of the Journal, that eighty-two Democrats voted for that bill, and only twenty-six Whigs; and this, too, in a House composed of about an equal number of Whigs and Democrats.

"Out of seventy-six Whig Representatives from the North, ONLY THREE VOTED FOR THE BILL. And out of only fifty Democratic Representatives from the North, TWENTY-EIGHT RECORDED THEIR VOTES FOR IT.

"The State of New York had at that time thirty-two Whig Representatives upon this floor, and not one of them voted for this bill; while the Hon. Hiram Walden, the only Democratic Representative from the State, recorded his vote for it.

"In the Senate there was not a Northern Whig vote for the bill. And, sir, if gentlemen will take the trouble to analyze the vote by which the other bills composing the adjustment were passed, they will find, as already stated by my honorable friend from Illinois, that there were about two Democrats to one Whig that voted for those bills. When these facts have gone to the country, the people will be enabled to determine from them to whom they are indebted for the passage of these measures, and the settlement of those vexed and agitating questions.

"Mr. CAMPBELL. Are these three Whigs in this House? They were in the last House.

"Mr. HARRIS. I meant the House of Representatives when I used the term. But three Whigs of the last House voted for the fugitive slave bill.

"Mr. MARSHALL, of Kentucky. How many of those Democrats who voted for it have got back to this House?

"Mr. HARRIS. There were more Democrats returned than Whigs. I see quite a number around me—I have not counted them—my friend Mr. Richardson, and a number of others.

"Mr. RICHARDSON. I will with pleasure reply to the inquiry of the gentleman from Kentucky, [Mr. Marshall,] and I am under deep obligations to him for affording me the opportunity of placing this fact before the House and the country. Of the twenty-eight Democrats from the North who voted for the fugitive slave bill, twelve are members of this House, viz: Messrs. Bissell, Dimmick, Dunham, Fuller, Gorman, Hibbard, McLanahan, Peaslee, Richardson, Robbins, Ross, Wildrick. Mr. Buell, of Michigan, was beaten by a Whig for the vote he gave for the bill, and it may be that this Whig was one of those Northern Whigs who, in caucus this morning, adopted the compromise as the Whig platform. Of the twenty-eight Northern Democrats who voted for this bill, fifteen were candidates for re-election, twelve elected, two defeated by Whigs, and one by a Democrat."

It is shown that but three Whigs voted for the fugitive slave bill; that the compromise acts were passed by the virtue alone which belonged to the Democratic party, with a slight postscript from the Whigs; an indefinite sort of postscript—not enough, scarcely, to swear by. Still, they make a parade, and proclaim to the country that they are the best compromise men in the land. The result of the course of the Democratic party upon this subject is evidenced here. We find that a large majority of the members present are in favor of the compromise. We find the Democratic party in a large majority here. How does this occur? Has it been the result of accident, or the result of the force of principle? Surely we must take it in the latter sense. Surely we must understand that every Democrat who left this hall, and went to the bosom of his people, taught them the importance of the compromise, and that they sustained and returned him. The Whigs have strangely dwindled in their opposition. This accounts for the victories which constantly reach us upon the wings of a friendly lightning. It brings to us constant information of the triumph of Democracy; of the triumph of our principles.

The gentleman from Florida, [Mr. CABELL,] upon the first day of the session, made the following remarks:

"They (the Democratic caucus) voted to lay it (the compromise resolution) on the table. I say, then, that I came to Congress, believing there was truth in what we had heard, and with a determination to cut myself loose from all party affiliations; to stand by those who stood by the rights of my section of the Union, and by the Constitution of these States. When I came to the city of Washington, on yesterday, I learned that a resolution, approving of the compromise, had been introduced into the Democratic caucus, and, much to my surprise, had been defeated. The Whig party held a meeting to-day, and, I confess somewhat to my surprise, put themselves upon my platform."

I wish this House to mark that "somewhat to my surprise."

"They stand where I stand; where the great Union party of the South stand; they stand upon the Constitution as it is; they indorse the compromise, as a total and final settlement."

Now, I take issue with the gentleman from Florida, [Mr. CABELL,] and will prove that the Whig party never indorsed it. I stand here, as I believe, with facts and figures to show that a majority of the Whig party there assembled—certainly never one third of them—approved of it as a finality. I hope my friend from Massachusetts [Mr. FOWLER] will please indulge me in making him a witness. [Laughter.]

Mr. FOWLER. Will the gentleman allow me to explain?

Mr. POLK. I know you will do what is right. [Laughter.] But before I proceed to speak any further of their action, I will make a brief explanation. I had the honor, if honor it was, to introduce a resolution into the Democratic caucus; and, as I stated upon the first day of the session, there was not a single objection to the purport, meaning, and finality of it. It was a question only of time, of numbers, and of propriety. The caucus assembled. I had the honor of introducing the resolution. Objection was made by my friend from Tennessee, [Mr. STANTON,] as good a Southern man, as good a finality man, as there is in the House, and he urged that the matter should be referred to the Baltimore Convention. The reasons urged for this course were, that there were but eighty-nine out of one hundred and forty-two Democrats present, and that it was not right that they should assume and declare to the country, that the Democratic party indorsed a thing when they scarcely had more than a majority of the whole number present. No! Why? The action of the Democratic party has ever been to consult all its members freely, and to make the caucus an imbodiment of the sentiment and feeling of the whole party. We are always endeavoring to make it, as far as we can, a direct reflection from the people. Should eighty-nine out of one hundred and forty-two, attempt to dictate to the whole Democracy? With what sort of force would it fall upon their ears? Would they regard it as the action of the party? Could I have told the people of Tennessee, that it was the action of the party? No, sir! As the author of the resolution, when I found there were but eighty-nine present, I did not insist upon its adoption, but was willing to leave it for the action of Congress. But did the Democratic party adopt the compromise resolution or not? I say they did. Every officer, every nominee presented by that caucus to this House was known to have been for the compromise measures of 1849–'50. We did not leave our action to live in the verbiage of the resolution, but we made it live in the act that we performed and put on record there. The Speaker, the Clerk, the Doorkeeper, the Postmaster, the Sargeant-at-Arms, were not only known to be for the compromise as a finality, but known to have been for it, in the trying hour when its fate was doubtful. You tell me, then, in the organization of this House, that the Democratic party took no definite action upon the compromise measures. Who is your Speaker? Who is your Sergeant-at-Arms? Who is your Clerk? Who are the officers appointed in the organization of this House? I stand here, and now proclaim that they were all not only for the compromise, but are now for its finality. Now, after the Democratic party in their caucus have presented an act so distinctly, an act by which they place themselves on record, I should surely judge their action to be more of a finality than that of the Whig caucus. Let us look a little into the history of the Whig caucus. The Whigs upon this floor have ninety-one members, all told; a meager minority, I will allow, but their sins have brought it upon them. They have ninety-one here. How many attended the caucus that passed the finality resolution? Let us see. First, there is Mr. BROOKS, of New York, a good witness, who, on the first day of the session, states that "there were fifty or sixty present at the 'caucus, and that, by a clear and unequivocal reso-'lution, they acquiesced in the compromise meas-'ures." Suppose we take Mr. BROOKS upon his own extreme statement, and the greatest number claimed to have attended the Whig caucus is some fifty or sixty—one third of whom, according to Mr. FOWLER's statement, voted against the compromise. So taking the basis presented on Whig authority, less than one half the number of Whigs here, passed the resolutions. Mr. FOWLER's statement I will come to directly. According to Mr. BROOKS's statement, less than one half of the Whig members voted for the finality resolution that now flies at the flag-staff of the "Republic." There are Whigs upon this floor, who, if they will answer, will say that this is true; and that this finality resolution was not the expression of the opinion and feeling of the party. I state that it was not, and I am fully prepared to prove it; and if any Whig will deny it, I will prove it. Now, according to the gentleman from Massachusetts—[Mr. FOWLER]—I love him, because I am trying to imitate his good morals and considerate course of conduct. [Laughter]

Mr. FOWLER. Will the gentleman allow me one word?

Mr. POLK. I love you wisely, but not too well. [Laughter.]

Mr. FOWLER. I am very happy to learn, that the recent lessons taken by the gentleman, have had so desirable an effect. [Laughter.]

Mr. POLK. I dislike to tell a story that happened in a school. I will read the statement of the gentleman from Massachusetts, [Mr. FOWLER,] made on the first day of the session. Here is what the gentleman said:

"Mr. Clerk, I was at that caucus. I moved to lay these resolutions upon the table. I stated, in connection with that motion, that I would not be bound by these resolutions. [Laughter and applause.] *In my judgment*, there were about forty members there. I did not count them. I will further say, that in the vote to lay the resolutions upon the table, which was on a division by ayes and noes, I judge about one third were in favor of laying them on the table. [Laughter.] I will say in conclusion, Mr. Clerk, that I deem it my duty to have the facts known as they are. If *I am a Whig*," &c.

Mr. Chairman, Mr. FOWLER, I know, would not make a statement unless he believed it was true. He has lived too long in the service of morals, and his political influences have not prejudiced his mind. He, therefore, comes like a gray-headed father, to tell the House the truth, and nothing but the truth. [Laughter.] And he tells us, that there were forty members there, and one third of them voted against the resolution.

Mr. FOWLER. I will say in addition to what was stated that day, that I have ascertained that there were forty-one or forty-two only there. If I am mistaken in this, I beg gentlemen who were there to announce themselves. It is very easy to ascertain the fact.

Mr. POLK. I understand the fact is distinctly stated, that there were but forty-one or forty-two. [Laughter.] Now, of ninety-one Whig members of Congress, there were forty-one assembled, one third of whom, voting against the compromise, would leave but twenty-seven going for the resolution; and, as you have thirty-two Whig members from the South, I wonder where your Northern friends would come from? [Laughter.] Then, I understand the fact to be this: that only twenty-seven members of the Whig party pronounced the finality upon the resolution which now flies at the mast-head of the "Republic," the Administration organ.

In connection with this, I would call the attention of the House to a most singular coincidence. I have fairly proven, by the gentleman from Massachusetts, [Mr. FOWLER,] that only twenty-seven members voted in the Whig caucus, before the commencement of the session, for the finality resolution; and upon a similar resolution, presented to the House by Mr. JACKSON, of Georgia, the same number, probably the very same twenty-seven Whigs, voted to sustain it, as will appear by the record:

For Jackson's Resolution.

Northern Whigs.....	7	Democrats.....	35
Southern Whigs.....	20	Democrats.....	39
	27		74

For Hillyer's Resolution.

Northern Whigs.....	10	Democrats.....	36
Southern Whigs.....	22	Democrats.....	30
	32		66

Now, sir, I ask you, I ask the House, particularly the Whig part of it, how they can claim to be the finality party, when two test votes, one in caucus and one in the House, have exhibited that the whole Whig strength in Congress in favor of the compromise measures, as they now are, is only twenty-seven?

Mr. OUTLAW. I had the honor of presiding over that meeting, but I am not able to state distinctly the number present, because I did not count the persons who were there. The gentleman who acted as secretary of that meeting, was directed to ascertain the individuals who were present, and he informed me he had done so. Upon the motion to lay the resolution upon the table, there was a large vote, though I am confident the gentleman from Massachusetts [Mr. FOWLER] is mistaken when he says there was one third. There was a considerable number who did vote to lay the resolution upon the table; but upon the adoption of the resolution, I state—and I am sure all who were there present, will confirm my statement—if there were more than four or five opposed to that resolution, they made it convenient to keep that opposition to themselves. They did not declare it upon that occasion. I was about to state further, that when the resolution was adopted, the honorable gentleman from Massachusetts, [Mr. FOWLER,] and the honorable gentleman from Pennsylvania, [Mr. STEVENS,] and perhaps one or two others, retired from the Hall——

Mr. POLK. I cannot allow the gentleman to occupy any more of my time.

Several VOICES. Oh, let him finish.

Mr. POLK. Very well.

Mr. OUTLAW. I was going on further to state, that when the resolution was adopted, the honorable gentleman from Massachusetts, [Mr. FOWLER,] and the honorable gentleman from Pennsylvania, [Mr. STEVENS,] and perhaps one or two others, retired from the meeting. My own impression is, that there were about fifty members present, though I cannot state positively as a fact the number present, because I did not count them.

Mr. FOWLER. I wish to add one single word. It was the understanding, at the suggestion of the gentleman from Kentucky, [Mr. MARSHALL,] that the vote to lay on the table should be the test vote. I think he will agree with me as to that. And that vote being taken, several gentlemen have told me they did not vote on the passage of the resolution, as the test had passed.

Mr. MARSHALL, of Kentucky. I concur in the statement made by the gentleman from Massachusetts. My statement in the caucus was, that the men who would lay that resolution on the table, and who could not vote for it, had no business in a Whig meeting.

Mr. POLK. I am sorry to be creating so much contradiction on the other side of the House, but as there seems to be a difference of opinion as to the action of the Whig caucus, I want to know, gentlemen, where is your record? It was stated by the gentleman from Massachusetts [Mr. FOWLER] that you took the yeas and nays; where is your record?

Mr. FOWLER. That is a mistake. I stated that there was a division.

Mr. POLK. You stated that there was a division by yeas and nays, and you are so reported in the Congressional Globe of the first day of the session. The record is correct, I know.

Mr. FOWLER. I had no intention of saying that the yeas and nays were taken. I meant to say that the ayes were called, and that the noes were called. That is what I meant,

Mr. POLK. The gentleman from Massachusetts, I know, measures his language carefully, because he would not do an injustice to friend or foe. He is never in the habit of allowing his passions to lead him off into declarations that are not strictly in conformity with truth, and he said upon the first day of the session, and is so reported by those gentlemen there, (pointing to the official Reporters,) who always report correctly:

"I will further say, that in the vote to lay the resolutions upon the table, which was on a division by ayes and noes, I judge about one third were in favor of laying them upon the table."

Mr. FOWLER. Very well; that was true. I did not mean that the yeas and nays were called.

Mr. POLK. I do not like to keep the gentleman from Massachusetts too long upon the floor, but I understand that the Whig party, as a body, assembled in caucus on the Sabbath. I was astonished that they should have assembled on the Sabbath for the purpose of perpetrating a wrong on the Democratic party, and of trumpeting forth declarations that did not contain the imbodiment of the sentiments of the party; but the only thing that brought a chilling doubt across my mind was that my good parent—the gentleman from Massachusetts—should be there. [Laughter.]

Mr. FOWLER. Does the gentleman affirm that I attended a caucus on the Sabbath?

Mr. POLK. Was not the caucus held on the Sabbath?

Mr. FOWLER. That caucus was held on Monday, at ten o'clock in the morning.

Mr. POLK. I stand corrected. Leaving the resolution, I now come to another point, to draw a line between the action of the Democratic caucus and the action of the Whig caucus. If the Whig caucus passed a resolution in favor of the finality of the compromise, why did they not nominate a man for Speaker who would reflect those principles to the country? I ask the gentleman from Massachusetts if, after the adoption of that resolution, a motion was not made to nominate a candidate for Speaker upon that basis, and if that motion was not voted to the table?

Mr. FOWLER. I will answer the gentleman's question. The subject of nominations was incidentally spoken of and dropped, *before* action was had upon that resolution.

Mr. POLK. I ask the gentleman if a distinct proposition to present a gentleman as the nominee of that party, upon the basis of the compromise resolution, was not made and voted down?

Mr. FOWLER. No, sir; no such thing.

Mr. POLK. Was no such motion made?

Mr. FOWLER. Whatever was said in regard to nominations, was said before the resolution was introduced.

Mr. POLK. Then, was anything said on that subject before the introduction of the resolution?

Mr. FOWLER. It was incidentally spoken of, but no specific action was proposed. I call upon the honorable gentleman from North Carolina, [Mr. OUTLAW,] who was chairman of the meeting, and every other member who was there, to sustain me in this declaration.

Mr. OUTLAW. If the gentleman from Massachusetts will allow me, I will answer the question of the gentleman from Tennessee. The honorable gentleman from Massachusetts, [Mr. FOWLER,] as I before stated, retired from the caucus. Subsequently a motion was made by the gentleman from Kentucky [Mr. MARSHALL] to present a candidate for Speaker, and it was voted down.

Mr. POLK. Then, sir, the Whig caucus that passed the finality resolution, voted to the table a proposition to nominate a candidate for Speaker, upon the principles which would be reflected from the adoption of that resolution. Now, how does the Whig party stand in this connection? They pass a compromise resolution by less than one third of their number; they vote down a proposition to nominate a candidate for Speaker upon that basis; and then they come here and claim that they are compromise men! Why, sir, it is only one of those vaporings that are characteristic of that party. They are afraid of the light. They are afraid of publication. The gentleman from Kentucky [Mr. WARD] stated that the Whig party succeeded gloriously in 1840. Why? Because they published no opinions. He stated that in 1844 they inscribed their principles upon their banners, and were defeated; and that in 1848 they did not make known their principles—they did not give the people an opportunity of knowing them, and they succeeded again. I am quoting Whig authority; and he argues that one wrong upon the public mind, one infliction upon its purity and patriotism justifies a gross and malignant sin now. Why, sir, the Whig party, according to Whig authority, have never been able to succeed, save when they concealed the cloven foot and fought under a veil of darkness. I agree with the gentleman from Kentucky, that the only fair and generous fight was in 1844. Since then, we have been fighting an insidious enemy, who are coalescing, harmonizing, and fraternizing with the men who steal our negroes.

Mr. Chairman, I do not believe that the compromise acts of 1849 and 1850 gave to the South the full measure of her just rights. I do not believe that, in the adoption of those measures, full justice was done to the faith which we had pledged twice before. In the formation of the Constitution, the most fretful question that agitated the minds of our fathers was the slavery question. They compromised it. The country passed on prosperously until 1820, when Missouri made her application for admittance into the Union. Another compromise was then made, marking out a line dividing slavery from the non-slaveholding population. This was considered the second offering we had made to our Northern brethren upon the altar of our country. Time passed on; the country prospered; in 1849-'50—that memorable session, which will long be remembered—the questions arising out of the territory achieved—if I may use the word—as indemnity

from Mexico, presented themselves. I was then in the still wilds of the deep West. I was not familiar with the progress of politicians and parties; I was unprejudiced by that magical sort of influence. I was looking at this matter, I trust, as a patriot should do; when I saw the old man Cass, and the old man Clay, who stands at this hour with one foot in the grave and the other upon its crumbling brink, and the young, gallant, spirited, and noble man from Alabama, [Mr. Clemens]—when I saw them all standing under the portals of this Capitol—Douglas was there, too, grasping the main pillar, like Samson of old, but to save the edifice, not to destroy it—when I witnessed their efforts to carry the compromise measures, I threw aside any opinion that I might have, and went in, and fought with them, and I will fight with them still. And I claim for Tennessee to-day, that when the Republic falls, she will stand ready to shed her tears, and give forth her loudest moans over its ashes.

There is but one Whig Governor in the whole Union who is for the finality of the compromise measures, and he is the Governor of Tennessee. I ask each member from that State if he was not elected upon that finality? If you were elected on that finality, can you vote for General Scott? Will you betray the confidence reposed in you? Can you say to the people of Tennessee that General Scott is sound upon this question? I know the gentleman from Kentucky [Mr. Ward] said that General Scott marched under his country's flag to Vera Cruz, to Cerro Gordo, to Pueblo, to Cherubusco, to Molino del Rey, to Chepultepec, and to the city of Mexico—that he stood upon those fields, and did battle upon them manfully. If General Scott did all this, has he fallen into such a state of second childhood that he is unwilling now to fling his banner to the breeze? Do you mean to say that the old soldier who fought in Mexico now refuses to inscribe his principles upon his banner? Will the gentleman from Kentucky [Mr. Ward] tell me how it is that this gallant spirit, who belongs to his party, is unwilling now to declare what he is for and what he is against? I ask any member of the Whig party, for the purpose of bringing this thing to a direct issue, if General Scott is elected will he veto any measure having for its object the repeal, change, or modification of the fugitive slave law? Gentlemen, I wait for your answer. Is there no voice to answer me?

Mr. WHITE, of Kentucky. I cannot sit silent and listen to such an interrogatory, without endeavoring, at least, to answer it. I believe that I am authorized to say, from General Scott himself, that he is opposed to any alteration of any of the measures contained in the compromise.

Mr. POLK. Will he put it in writing? Will the gentleman from Kentucky say to me that General Scott will put that in writing?

Mr. STANTON, of Tennessee. Will my colleague allow me to call his attention to the fact, that the gentleman from Kentucky says that *he believes* he is authorized to say that General Scott is opposed to any change of the compromise measures.

Mr. POLK. As the gentleman from Kentucky has seen proper to answer for the Whig party, will he state to me that he is authorized by General Scott to say that, if President, should such an effort be made, he would veto any such alteration, amendment, change, or modification of the compromise acts of 1849-'50?

Mr. CAMPBELL, of Ohio. I do not speak for any candidate for the Presidency; but I undertake to say that General Scott is a Whig, and that, as such, I believe he would act in accordance with the long-established Whig doctrine, that no President of the United States should veto any law passed by Congress upon the ground of expediency alone, [laughter,] and——

Mr. POLK. I cannot yield to the gentleman to discuss the principle. He is running off into one of those side-bar——

Mr. CAMPBELL. I hope the gentleman will allow me to ask him a question. I wish to know of the honorable gentleman from Tennessee what Democratic candidate for the Presidency has pledged himself to veto any measure that is not in violation of the Constitution of the United States?

Mr. POLK. All of them. [Great laughter.]

Mr. CAMPBELL. In other words, I wish to know what Democratic candidate for the Presidency would veto any measure upon the ground of expediency alone?

Mr. POLK. I now understand the gentleman's explanation. One gentleman understands General Scott one way, and another another.

Mr. CAMPBELL. The gentleman misrepresents me—not willfully, I am sure. I did not say what General Scott would do. I expressly said I did not speak for him, except as one who has always been recognized as a Whig, sustaining this particular Whig doctrine in regard to the veto. That is all.

Mr. POLK. Oh, I will not do injustice to the gentleman.

Mr. CAMPBELL. I hope the gentleman will answer my question.

Mr. POLK. What was it? [Laughter.]

Mr. CAMPBELL. Whether any candidate of the Democratic party is pledged to veto any law to alter or modify the fugitive slave law?

Mr. POLK. All of them.

Mr. CAMPBELL. I would like to see the record.

Mr. POLK. The whole policy of the Whig party is apparent. The old soldier, he who has fearlessly faced the enemies of his country, has yielded himself to the trammels of Whig principles and policy. He has been encircled bodily within those mysterious coils which that party, on the eve of a presidential contest, throw around their candidates to give them hope of success. Through its magic influence they expect again to succeed, as we have been boastingly told by the gentleman from Kentucky, [Mr. Ward,] they have heretofore succeeded. No more disclosures for the public eye! No inscription upon their banner! Concealment and strategy are to do the work. As an evidence that the Whig plan of operations will be to deceive the people into the support of their candidate, I will quote from their papers, North and South.

The Kennebec (Maine) Journal in the plainest language advocates the doctrine of supporting their candidate without a pledge. It says:

"We ask no more of them (Southern Whigs) in this case than we conceded to them in the election of 1848. We then accepted General Taylor as the Whig candidate, without requiring any pledge upon the subject of the Wilmot proviso, and we now ask them to accept General Scott without requiring any pledge touching the compromise measures."

The New York Tribune, a paper of undoubted influence with a large portion of the Whig party at the North, thinks there is no necessity for a Whig National Convention, or a Whig platform, to aid the party in the coming contest. It is decidedly opposed to the idea that General Scott should occupy a definite position upon the subject of the compromise. It says:

"It is well known that the Northern Whigs, as well as all parties at the North, entertain a great repugnance to the provisions of the fugitive slave law. Any law for returning runaway negroes would be distasteful enough, but the existing law is especially and justly odious. For this reason, *no Whig presidential candidate can hope to carry a single Northern State, if he were to run as the especial advocate and supporter of that law; in a word, and softly speaking, if he were to run as a 'compromise' candidate.*"

See how willingly the Southern wing of the Whig party adopt the mum policy. The Richmond Whig, in a recent article, says:

"The Richmond Enquirer is perfectly right in supposing that we have entire confidence in General Scott; and that, having this confidence, we do not desire any pledges from him; and that we shall be very happy, if he is the Whig candidate, to see him receive the votes of Free-Soilers and everybody else. The vote of our cotemporary himself will be very welcome; it will be received with thanks, and no questions asked. At any rate, we should not fear that his vote for General Scott would taint the General with Democracy, any more than we should fear that the Free-Soil vote would make him a Free-Soiler. *Satisfied with the soundness of our candidate*, we wish him to get as many votes as possible. To use a piscatorial figure, everything will be fish that comes into our net.

"We repeat the declaration too, that we would not vote for a man, whatever pledges he might make, if we did not have confidence in him without pledges. Any dirty demagogue will not hesitate to make pledges, which he will violate without scruple. We believe it may be set down as a universal principle, that a man who will make pledges to gain an office will not be restrained by those pledges when elected. A man's life and actions and reputation constitute the best guarantee for the faithful discharge of public trusts."

Mr. POLK. Such is to be the Whig policy. Something has been said with regard to the Democratic candidates and the fugitive slave law. I consider it but justice to the honorable Senator [Mr. Cass] at the other end of the Capitol, to state his position upon that measure. Mr. Chairman, although I am a young American, and although I am for young America; although I repudiate the act of the *Democratic Review* in assailing Butler, Marcy, and others; although I repudiate the act of the *Pennsylvanian* in assailing Douglas; although I repudiate the act of the *Keystone* and other newspapers in assailing Mr. Buchanan, and although I repudiate every paper in the country that has assailed any Democrat, and hold them all alike criminal, yet I regard them all as having done injustice to General Cass. That gentleman has been assailed upon the fugitive slave law. Now, I stand here ready and prepared to prove that General Cass made the first speech in favor of the execution of that clause of the Constitution which was to carry it out. I will read an extract from his speech, delivered in the Senate of the United States, March 13, 1850, to be found on page 518 of the Congressional Globe, part I, 1st session 31st Congress.

On this occasion General Cass said:

"My own opinion is, sir, that we should take up the bill for the recapture of fugitive slaves, reported by the Judiciary Committee. I am disposed to suspend all our discussions, and to lay aside all other business, with a view to act upon that bill, without unnecessary delay, and to pass it in such form as would be acceptable to a majority of this body. That is a point upon which the South feels most acutely, and in regard to which it has the most serious cause of complaint. I have heard but one man in this body deny the existence of this evil, or the justice and necessity of providing an adequate remedy.

"The act of 1793 provided that the State magistrates in the various cities and counties of the Union should carry that law into effect. This provision has been since rendered nugatory, as these officers will not now act, and, consequently, the judges of the United States alone have jurisdiction over the subject. They are not enough for that purpose, and the law, therefore, requires an amendment. I, for one, am willing to take up the subject, and provide the necessary means of carrying the provision of the Constitution into full effect. Such a procedure would have the very best effect upon the South at this time. It would be a pledge of our sincerity, and of our desire to do justice to that great section of our common country."

I mantain that General Cass was the first man upon the floor of the Senate who proclaimed that he was willing to give authority to the State governments to carry out that provision of the Constitution of the United States for the rendition of fugitive slaves. Douglas stands there now. Marcy stands there; Houston stands there; Buchanan stands there; Butler and Dickinson stand there; and every champion of the Democratic party stands there; but Cass was the first. The day has scarcely marked a *sunset*, preceding the hour that I speak, that General Cass has not, by a distinct vote in the other end of the Capitol, recorded his vote against the alteration, modification, or change of the provisions of the law, adopted and imbodied as a leading and prominent feature of the acts called the *compromise acts*, of 1850-'51—I mean the *fugitive slave* feature. Let the vote speak; it gives the position of General Cass, of Judge Douglas, and others.

The vote to lay on the table the petition presented by Mr. Seward, praying the repeal of the act of Congress for the delivery of fugitives from service or labor—(see Senate Journal, March 29, 1852,) viz:

"YEAS—Messrs. Adams, Atchison, Badger, Bayard, Borland, Bradbury, Brodhead, Brooke, Cass, Clarke, Clemens, Cooper, Dawson, Dodge of Iowa, Douglas, Downs, Felch, Geyer, Gwin, Hunter, Jones of Iowa, Jones of Tennessee, King, Mallory, Mangum, Mason, Miller, Norris, Rusk, Sebastian, Spruance, Underwood, and Walker—33.

"NAYS—Messrs. Chase, Davis, Dodge of Wisconsin, Fish, Foot, Hale, Hamlin, Seward, Sumner, Upham, and Wade—11."

And now, Mr. Chairman, I may as well notice the remarks of my clever friend from Mississippi, [Mr. Nabers,] who manifests a decided disposition to ostracize Judge Douglas from the Democratic party, solely on account of a vote given by him in the Senate under express instruction from the Legislature of Illinois, and against which he entered his protest before and after it was recorded, and declared that he should never hold himself responsible for it. It is well known to the country that no member of either House of Congress was more bold and inflexible in his opposition to the Wilmot proviso than the distinguished Senator from Illinois. He has always opposed the agita-

tion of the slavery question in Congress; he brought forward the Missouri compromise as a part of the bill for the annexation of Texas; he advocated the same measure as a substitute for the Wilmot proviso in 1846-'7, and voted against the two and three million bills because they contained the proviso. He voted against the proviso in 1848, when proposed as an amendment to the treaty of peace with Mexico. He voted for the Clayton bill in the Senate the same session; and after its defeat in the House of Representatives by the votes of a few Southern Whigs, he brought forward the Missouri compromise, which was adopted in the Senate on his motion, but defeated in the House of Representatives. All these measures having failed, he wrote most of the bills, and supported and defended all the measures of the compromise which has happily done so much to give peace and quiet to the country. Mr. Chairman, the Senator who can show so perfect a record as this, of his course in council at a time when the Union was heaving in throes of threatened dissolution, needs no eulogy at my hands. History will cherish the record of such fearless and faithful service, and administer the proper rebuke to those who from malice or envy may seek to detract from his fair fame.

The *true* position of Judge DOUGLAS with reference to the allusion made by the honorable gentleman from Mississippi, may be gathered from the following extract of his speech, delivered to the Senate on the 3d June, 1850, and published in the Congressional Globe, p. 1114:

"I wish to say one word before this part of the bill is voted upon. I must confess that I rather regretted that a clause had been introduced into this bill providing that the territorial government should not legislate in respect to African slavery. The position that I have ever taken has been, that this, and all other questions relating to the domestic affairs and domestic policy of the Territories, ought to be left to the decision of the people themselves, and that we ought to be content with whatever way they may decide the question, because they have a much deeper interest in these matters than we have, and know much better what institutions suit them than we, who have never been there, can decide for them. I would, therefore, have much preferred that that portion of the bill should have remained as it was reported from the Committee on the Territories, with no provision on the subject of slavery the one way or the other; and I do hope yet that that clause in the bill will be stricken out. I am satisfied, sir, that it gives no strength to the bill. I am satisfied, even if it did give strength to it, that it ought not to be there, because it is a violation of principle—a violation of that principle upon which we have all rested our defense of the course we have taken on this question. I do not see how those of us who have taken the position which we have taken, (that of non-interference,) and have argued in favor of the right of the people to legislate for themselves on this question, can support such a provision without abandoning all the arguments which we urged in the presidential campaign in the year 1848, and the principles set forth by the honorable Senator from Michigan in that letter which is known as the 'Nicholson letter.' We are required to abandon that platform; we are required to abandon those principles, and to stultify ourselves, and to adopt the opposite doctrine—and for what? In order to say that the people of the Territories shall not have such institutions as they shall deem adapted to their condition and their wants. I do not see, sir, how such a provision as that can be acceptable either to the people of the North or the South. Besides, it settles nothing; it leaves it a matter of doubt and uncertainty what is to be the condition of things under the bill; and, whatever shall be ascertained to be the condition in respect to slavery, it may turn out that, while the law is held to be one way, the people of the Territory are unanimous the other way.

"And, sir, is an institution to be fixed upon a people in opposition to their unanimous opinion? Or are the people, by our action here, to be deprived of a law which they unanimously desire, and yet have no power to remedy the evil? I, for one, think that such ought not to be the case. In my own opinion, I have no doubt as to what the law would be under that provision; but if I were left to the exercise of my own judgment, and to carry out my own principles, I desire no provision whatever in respect to the institution of slavery in the Territories. I wish to leave the people of the Territories free to enact just such laws as they please in respect to this institution. *On this one point I am not left to follow my own judgment, nor my own desire.* I am to express the will of my constituents, which has been solemnly pronounced. My vote, sir, will be in accordance with their instructions; but I desire that that vote shall be given upon the direct question; to come fairly up to these instructions, and not to this indirect mode, which settles nothing, whether it is adopted or rejected."

Now, Mr. Chairman, the position which I have claimed for the distinguished Senator from Illinois is proven by his debates in the Senate and particularly in his famous speech before the infuriated populace of Chicago in defense of the fugitive slave law, and in his speech in the Senate, in December last, on the resolution of General Foote, the distinguished Senator from Mississippi. With the permission of the House, I will read extracts from two of these speeches. In his Chicago speech, in speaking of the compromise, he says:

"The first three of these measures—California, Utah, and New Mexico—I prepared with my own hands, and reported from the Committee on the Territories, as its chairman, in the precise shape in which they now stand on the statute-book, with one or two unimportant amendments, for which I also voted. I, therefore, hold myself responsible to you, as my constituents, for those measures as they passed. If there is anything wrong in them, hold me accountable; if there is anything of merit, give the credit to those who passed the bills. These measures are predicated on the great fundamental principle, that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way. It was supposed that those of our fellow-citizens who emigrated to the shores of the Pacific and to our other territories, were as capable of self-government as their neighbors and kindred whom they left behind them; and there was no reason for believing that they have lost any of their intelligence or patriotism by the wayside, while crossing the Isthmus or the Plains. It was also believed, that after their arrival in the country, when they had become familiar with its topography, climate, productions, and resources, and had connected their destiny with it, they were fully as competent to judge for themselves what kind of laws and institutions were best adapted to their condition and interests, as we were who never saw the country, and knew very little about it. To question their competency to do this, was to deny their capacity for self-government. If they have the requisite intelligence and honesty to be intrusted with the enactment of laws for the government of white men, I know of no reason why they should not be deemed competent to legislate for the negro. If they are sufficiently enlightened to make laws for the protection of life, liberty, and property—of morals and education—to determine the relation of husband and wife—of parent and child—I am not aware that it requires any higher degree of civilization to regulate the affairs of master and servant. These things are all confided by the Constitution to each State to decide for itself, and I know of no reason why the same principle should not be extended to the Territories. My votes and acts have been in accordance with these views in all cases, except the instances in which I voted under your instructions. *Those were your votes, and not mine. I entered my protest against them at the time—before and after they were recorded—and shall never hold myself responsible for them.*" I believed then, and believe now, that it was better for the cause of freedom, of humanity, and of republicanism, to leave the people interested to settle all these questions for themselves."

In the Senate of the United States, in the early part of the present session—Mr. Foote's resolution, declaring the compromise measures to be a definitive adjustment of all the questions growing out of domestic slavery, being under consideration—Judge Douglas said:

"Mr. PRESIDENT: It is not my intention to go into an elaborate discussion of the measures known as the compromise, nor of the resolution presented by the Senator from Mississippi, [Mr. Foote.] At the close of the long session which adopted those measures, I resolved never to make another speech upon the slavery question in the Halls of Congress. I regard all discussion of that question here as unwise, mischievous, and out of place. Yet in the course of this debate, certain points have been presented to the public view in connection with my course, which require me briefly to respond; and if in doing so I am constrained to refer somewhat in detail to myself, my votes, speeches, and general course of conduct, I trust it will be attributed to no spirit of egotism on my part, but to the necessity imposed upon me by others to vindicate my action and character.

"The Senator from Texas, [Mr. Houston,] in the course of his speech, took occasion to say that he was the only Senator now holding a seat upon this floor, who voted for all the measures of compromise. That may be so, for aught I know to the contrary. But the inference drawn from that remark, and the distinct idea conveyed by it, do great injustice to me, and, perhaps, to other Senators. I voted, sir, for all the measures of the compromise but one; and I undertake to say, in regard to that one, that it was well known to the Senate before the measure passed, and at the time it passed, and has been distinctly proclaimed to the country since, that I would have voted for the fugitive slave law, if I could have been in the Senate at the time; and that I was anxious to be here for the purpose of casting that vote. I say it was distinctly known, because I had so declared in debate prior to the passage of that act; because every Senator on both sides of the Chamber who conversed with me, knew that I was friendly to the measure; and because when I returned home, before my own constituents, I assumed the responsibility of an affirmative vote upon the bill. Yet, sir, the imputation has been repeatedly made by implication on this floor, and in express terms by the partisan journals, that all those whose names are not recorded on the passage of the bill dodged the question! Whatever political sins I may at any time have committed, I think I may safely assert that no Senator ever doubted my willingness to assume the full measure of responsibility resulting from my official position. The dodging of votes—the attempt to avoid responsibility—is no part of my system of political tactics. And yet, sir, the special organ of the Administration has, on several occasions, accused me, in connection with the distinguished Senator from Michigan, with having dodged the vote on this bill. In order to put this accusation to rest, once for all, now and forever, I have concluded to give a detailed account of the circumstances which occasioned my absence at the time the bill passed, although it may subject me to the mortification of exposing my private and pecuniary affairs to the public view. I had a pecuniary obligation, maturing in New York, for near $4,000, in payment of property which I had purchased in Chicago. Apprehending that my public duties with reference to these very compromise questions, might render it improper to leave the city when the day of payment arrived, I made an arrangement with Mr. Maury, President of the Bank of the Metropolis, to arrange the matter for me temporarily until my official duties would enable me to give it my personal attention. Feeling entirely secure under this arrangement, I thought no more of it until, on the day the debt became due, I received a note from Mr. Maury expressing his deep regret and mortification that, in consequence of the unexpected absence of a majority of the directors of his bank on that day, he was unable to carry out the arrangement. I thus found myself suddenly placed in the position in which I was compelled to go to New York instantly, or to suffer my note to be protested, and the commercial credit of my indorser to be greatly impaired. I immediately passed around the Chamber, and inquired of several Senators on each side, friendly to the fugitive bill, whether I could venture to be absent three or four days for the purpose of attending to this item of business, and I received from them the uniform answer that the discussion would continue at least a week, and probably two weeks longer, before the voting could begin. Relying implicitly upon this assurance, I went from the Senate chamber directly to the cars, and, riding all night, arrived in New York the next day. Meeting several Illinois friends there, I was enabled to meet the obligation, and avoid a protest during the three days' grace allowed me by law. While dining with these friends at the Astor House on the day I had concluded my business, one of them alluded to the fact that the fugitive bill had been ordered to be engrossed for a third reading in the Senate. I expressed my surprise, and doubted the correctness of the statement. He then showed me the paper containing the telegraphic announcement, when I immediately rose from the table, and told my friends that I must leave for Washington that afternoon, in order to be able to *vote for the bill on its final passage* the next day. I will take the liberty of mentioning the names of some of the gentlemen to whom this announcement was made. Among them was Judge Dickey, of the northern circuit of Illinois; Mr. McElroy, the district attorney; Mr. Cook, the sheriff of Cook county; and, I believe, Mr. Gurnee, the present mayor of the city of Chicago, and several others of the most respectable citizens of my State. I left New York in the five o'clock train that afternoon, and, after riding all night, on my arrival here the next day, I found that the final vote had been taken the day previous. I immediately consulted with my colleague, now present, [Mr. Shields,] who authorizes me to say that he distinctly recollects the conversation in which I expressed my deep regret that I could not have arrived here in time to vote for the bill, and that I intended then to ask of the Senate permission to explain the causes of my absence; in reply to which my colleague suggested that such an explanation would be entirely unnecessary, for the reason that it was well known to the Senate and the country that I was in favor of the bill; and for the further reason that, in all probability, the bill would undergo some amendment in the House of Representatives, which would require its being returned to the Senate for concurrence, when I would have an opportunity, not only of speaking, but of voting for the bill. I acquiesced in this suggestion of my colleague, and for that reason made no explanation at that time. A few days afterwards, as you well know, [Mr. Shields being in the chair,] and as many other Senators may recollect, I was taken ill, and rendered incapable of being in the Senate but a few times during the residue of the session. I was confined to my bed for several weeks, extending beyond the adjournment, having been rendered a cripple by a surgical operation on one hip. So soon as I was able to be removed, I was taken home under the care and kind attention of one of my colleagues of the House of Representatives. Everywhere on my route I found the most boisterous and determined opposition to the fugitive law; but nowhere was the excitement so fierce and terrific as at Chicago, where I had recently taken up my residence. There the press and the pulpit had joined in the work of misrepresentation and denunciation. A spirit of determined resistance had been incited, and seemed to pervade the whole community. The common council of the city, in its official capacity, had passed resolutions denouncing the fugitive slave law as a violation of the law of God and the Constitution of the United States, calling upon the police of the city to disregard it, and the citizens not to obey it. The next night a meeting of two thousand people assembled; and in that meeting, in the midst of the most terrific applause, it was determined to defy 'death, the dungeon, and the grave,' in resistance to the execution of the law. I walked into that meeting, and from the stand gave notice that on the next night I would appear there and defend every measure of the compromise, and especially the fugitive slave law, from each and every objection urged to it; and I called upon the entire people of the city to come and hear me. I told that body of men there assembled, in the face of their denunciations and of their threats, that I was right and they were wrong, and if they would come and hear me I would prove it to them."

And again, he says:

"And now I come to the main point, which explains the object of the detailed statement which I have just made. The Legislature of Illinois, by a combination of every Whig in each house, with a few Free-Soil Democrats, had passed a resolution instructing me to vote for a bill for the government of the territory acquired from Mexico, which should contain an express prohibition of slavery in said Territory. The instruction did not go to the extent of the Wilmot proviso, by attempting to prohibit slavery in the States as well as the Territories; but the movers of it contented themselves with the provision that slavery should be prohibited in the Territories while they remained such, leaving the people to do as they pleased when they became a State. Yet, the instruction was designed and deemed sufficient to compel me to resign my seat, and give place to a Free-Soiler, for there could have been no expectation of their electing a Whig. They knew my inflexible opposi-

tion to the principle asserted in the instruction, at the same time that they knew that the right of instruction was the settled doctrine of both parties in my State, which no man could repudiate with safety. Knowing that this combination of Whigs and Free-Soilers flattered themselves that they had succeeded in a party trick which would drive me from the Senate and give place to a Free-Soiler, who would come here and carry out Abolition doctrines, I confess that they would have succeeded in their plot had I been certain that all the measures of the compromise could have been passed without my vote, and in opposition to the vote of an Abolitionist in my place. Notwithstanding these instructions, I wrote the bills and reported them from the Committee on the Territories without the prohibitions, in order that the record might show what my opinions were; but, lest the trick might fail, a Free-Soil Senator offered an amendment in the precise language of my instructions. I knew that the amendment could not prevail, even if my colleague and myself recorded the vote of our State in its favor.

"But, if I resigned my place to an Abolitionist, it was almost certain that the bills would fail on their passage. After consulting with my colleague, and with many Senators friendly to the bills, I came to the conclusion that duty required that I should retain my seat. I was prepared to fight and defy Abolitionism in all its forms, but I was not willing to repudiate the settled doctrine of my State in regard to the right of instruction. Before the vote was taken, I made a speech reviewing my course on the slavery question and defining my position. I denounced the doctrine of the amendment, declared my unalterable opposition to it, and gave notice that any vote which might be recorded in my name, seemingly in its favor, would be the vote of those who gave the instructions, and not my own. Under this protest, I recorded a vote for this and one or two other amendments embracing the same principle, and then renewed my protest against them, and gave notice that I should not hold myself responsible for them. Immediately on my return home to my constituents, and in that same Chicago speech to which I have referred, I renewed my protest against those votes, and repeated the notice to that excited and infuriated meeting that they were their votes and not mine."

With this record, I think that Judge Douglas may justly defy the most malignant assailant. I am willing to rest his defense here—to challenge attack, and leave his cause to the generous decision of a liberal public.

[Here the hammer fell.]

Mr. POLK. I was proceeding to say——

[Cries of "Order!" "Order!"]

Mr. POLK. Well, I hope I shall be allowed to publish a postscript. [Laughter.]

Several VOICES. Oh, certainly, certainly.

Mr. CHANDLER obtained the floor.

Mr. CAMPBELL, of Ohio. I ask the gentleman from Pennsylvania to yield me the floor for a moment, in order to allow me to propound a question to the gentleman from Tennessee, who has just taken his seat.

Mr. CHANDLER. I will yield for explanation.

Mr. CAMPBELL. I understood the honorable gentleman from Tennessee to assert, that all the Democratic candidates for the Presidency are pledged to veto any law that Congress may pass affecting in any way the fugitive slave law. I understand him to state this distinctly. Now, I desire to say to that gentleman, that it will be a matter of great interest to the country to see that pledge reduced to writing; and if money is any inducement, I will undertake to pay to that gentleman, or to any other gentleman, $1,000 who will produce any such pledge in writing from these men.

Mr. DEAN. Why, money has no effect with the Democratic party; you must make such propositions to the Whigs.

Mr. POLK. In reference to the doctrine, that no President should veto any bill on grounds of expediency, which the gentleman from Ohio [Mr. CAMPBELL] says is *Whig* doctrine, I have to say, that such is *not*, nor never has been, *Democratic* doctrine; nor was it the doctrine or practice of Washington; and even Mr. Van Buren, it will be well remembered, pledged himself to veto any act of Congress abolishing slavery in this District, though he acknowledged the constitutional power to do so. So, also, I feel authorized to pledge any nominee of the next Democratic convention for the Presidency, to give a like pledge as to a repeal or modification of the fugitive law, unless, indeed, such modification (not at all likely to happen) should prove necessary to its more effectual execution, and be generally demanded by the South itself. In short, any Democratic nominee will unhesitatingly pledge himself to discountenance, and, if necessary, *veto*, any attempt to modify the fugitive slave law, in accordance with the views and demands of those who are aiming to effect that end. In a word, I feel authorized to say, in the most unqualified manner, that there is not a candidate for the next Presidency in the Democratic ranks who is not heart and soul in favor of *the compromise measures as they are—in favor of the faithful execution of the fugitive slave law*—against its modification or repeal. I defy any gentleman on the Whig side of this House to say as much for General Scott. You cannot, you dare not, commit your candidate. The light of truth is death to Whiggery.

The gentleman from New York, [Mr. BROOKS,] in the early part of the session, vauntingly asserted that the Whig party had, in its caucus for nominating officers of the House, indorsed the compromise measures as a finality. If the meager vote given on that occasion is to be considered, as then claimed, as an indorsement, by that party, of those measures, they certainly have, on a recent occasion, manifested a determination to change their policy. To judge from the present record, and from the persistence of General Scott in withholding any public expression of opinion in regard to the fugitive slave law, they have, as a party, abandoned the position they claimed to have assumed in the early part of the session. As an evidence of it, I will append a classification of the vote given to lay on the table the resolutions of Messrs. JACKSON and HILLYER, declarative of an adherence to the compromise measures. By this classification it will be seen, that of the sixty Northern Whigs—of whom forty-three actually voted—but eight voted against the motion to lay on the table; or, in other words, but eight were willing to indorse, as a finality, the compromise measures of the last Congress. But here is the classification, showing the votes given, and the absentees, copied from the Union of the 7th and 8th instant:

The whole number of both parties in the House, classified politically and sectionally:

Members of the House of Representatives.

Northern Democrats	84	Northern Whigs	60
Southern Democrats	57	Southern Whigs	32
Democrats	141	Whigs	92
Total members			233

For laying on the table.

Northern Democrats	24	Northern Whigs	35
Southern Democrats	11	Southern Whigs	2
Democratic Free-Soilers	5	Whig Free-Soilers	2
Total	40	Total	39
Northern vote			67
Southern vote			13
Total			80

Against laying on the table.

Northern Democrats	34	Northern Whigs	8
Southern Democrats	40	Southern Whigs	20
Whole Democratic vote	74	Whole Whig vote	28

Absent, and not voting on Mr. Jackson's resolution.

Northern Democrats	25	Northern Whigs	23
Southern Democrats	9	Southern Whigs	10
Democrats	34	Whigs	33

Absent, and not voting on Mr. Hillyer's resolution.

Northern Democrats	26	Northern Whigs	23
Southern Democrats	11	Southern Whigs	8
Democrats	37	Whigs	31

Thus it appears that, upon Mr. JACKSON's resolution, more than *one third* of the entire Northern Whig delegation, and about *one quarter* of the Northern Democratic delegation, failed to vote. Of the Southern Whig delegation, about *one third*, and of the Southern Democratic delegation less than *one sixth*, failed to vote. The proportion of the absentees to the voting members of each delegation upon Mr. HILLYER's resolution is not materially different.

The Whig party, doubtless, have arranged it already, that General Scott shall be their candidate, and that he shall make no avowals for the public eye. They will hold him up to the abolitionists of the North as an anti-compromise man, and the South will be asked to support him on the mere declaration of Southern Whigs in Congress, that he is conservative on the slave question, and that he had taken an active part in procuring the passage of the fugitive slave law. Whether the American people can be deceived by such strategy remains to be seen.

MAN'S RIGHT TO THE SOIL.

SPEECH OF MR. G. A. GROW,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

March 30, 1852.

The House being in the Committee of the Whole on the state of the Union on the bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man, who is the head of a family, and citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period therein specified—

Mr. GROW said:

Mr. CHAIRMAN: The bill under consideration, though it only provides for granting to every head of a family one hundred and sixty acres of land on an actual settlement and cultivation for five years, still it involves the entire question of the proper disposition to be made of the public lands. With a domain of fourteen hundred and two thirds millions acres of unsold and unappropriated land, it becomes a grave question what is the best disposition to be made of it—whether to cede it to the States in which it lies, to be disposed of as they think proper, or for internal improvements and school purposes, or to grant it in limited quantities to the actual settler at a price barely sufficient to cover the cost of survey and transfer, with such limits and restrictions as will prevent its falling into the hands of speculators. Passing over, for the present, the first two propositions, I propose briefly to consider the latter.

The power given in the Constitution "to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States," leaves the mode and manner of disposal entirely to the discretion of Congress; so that it becomes a question merely of sound policy and correct legislation; it is therefore the duty of Congress to exercise it in such a way as best to promote the real and permanent interests of the country.

The chief objection to granting these lands to actual settlers, and the one of seemingly greatest plausibility, is that they have been purchased by the common treasure of the country; and as each citizen has contributed his share to the purchase money, it is doing injustice to one class, who, from their circumstances in life, could not avail themselves of the benefit of the grant; for, but a small portion of those who own farms in the old States would abandon them for a home in the West, and therefore the grant is unequal and unjust. If there be any natural impediment, or the circumstances of any man be such in life that he is unable to avail himself of the advantages of any particular act of legislation, it is his misfortune, and no fault of the law. If these lands, then, have reimbursed their entire cost, then you do no injustice to any citizen by this grant, unless it be proper for the Government still to hold them as a source of revenue.

By the report of the Secretary of the Interior, made to the last Congress, we find the aggregate receipts from the sale of the public lands, to January 1st, 1850, amounts to.....$135,339,092
and the entire cost.....74,957,879

Leaving a net balance of receipts over expenditures of.....$60,381,213

Which amount is made up of $15,000,000 paid France for Louisiana; $5,000,000 paid Spain for the Floridas; $1,489,768 66 paid Georgia for Alabama and Mississippi; $4,282,151 12 for Yazoo claims under Georgia; $35,589,566 for extinguishing Indian titles; $6,369,838 07, for surveying; $7,466,324 19 for selling and managing—making the above sum of $74,957,879,

And, if there be deducted from this balance the $15,000,000 we pay Mexico for New Mexico and California, and the $10,000,000 paid Texas in settling her boundary, and every other amount that is properly chargeable to the lands, it will still leave an excess of receipts over expenditures, if the statement of the Secretary be correct. In this calculation it is not proper to include the cost of the war of the Revolution, for that was a war waged for the rights of man and not for land; and even if it was, its cost was incurred and paid by a generation

that has passed away. Nor should the cost of the war of 1812 be included; for that was a war waged in defense of the dearest rights of the American citizen, and to teach the world that he is secure against violence and wrong while under the protection of the stripes and stars.

While, then, the amount appropriated to the purchase of our domain has been reimbursed from its sales, no citizen can complain that you do him injustice by this grant, for you take from him nothing but what you have repaid, unless it is a proper subject of taxation, and ought to be retained by the Government as a source of revenue. With equal justice and propriety, you might make the air and the sunlight a source of revenue—as well grant to certain men, if it were possible to be done, the right to bottle the atmosphere and prevent dying men from inhaling the contents unless their right is first secured by parchment—or divide the sun into quantum of rays, and dole it out to groping men according to their ability to pay. What right has Government to monopolize any of the gifts of God to man, and make them the subject of merchandise and traffic?

But even if it be proper for the Government to look to the lands as a source of revenue, what probability is there of deriving any from them for the next quarter of a century? The Secretary of the Treasury, in his annual report to the last Congress, says:

"By the various acts of Congress appropriating the public lands to objects which withdraw them from ordinary revenue purposes, it is quite certain that for several years to come the Treasury must be mainly, if not entirely, dependent for its receipts upon duties levied upon foreign merchandise. * * * * * * * *

"The warrants yet to be presented under these acts will require 78,922,513 acres, valued at $98,653,140. At the above average of 4,909,247 46 acres per annum, over sixteen years will be required to absorb and satisfy the warrants yet to be issued, as estimated, under the several bounty land acts now in force."

In addition to the above estimate should be added such portions of the 104,857,412.88 acres heretofore granted for the purposes denoted in the following statement as remains unsold, and consequently in the market. [See table A.]

And by the land warrant assignment bill, passed a few days since, another large quantity of land is thrown into the market in the form of bounties to soldiers. So that, judging from these estimates, there is no probability of the Government deriving any revenue from the lands for years to come, for the purchaser can buy the warrant at less than the Government price. And, while the receipts from the lands are thus dimimishing, the expenses of legislation relative to them are increasing. There are already before this Congress some thirty-five or forty bills asking grants of land to aid in the construction of railroads, the whole length of which is something over nine thousand miles, being almost three thousand miles greater than the entire length of all the railroads now constructed in Great Britain, and a little more than a thousand miles less than those of the United States, and requiring altogether some thirty-five millions acres of land. [See table B.] On an average it will require at least four days to consider each of these bills, and determine the propriety of its passage. And each day's legislation costs the Government about three thousand dollars. So that near half a million of dollars will be spent this session of Congress in discussing and settling the propriety of making grants of the public lands to railroad companies, and local improvements, with still increasing demands at each subsequent session of Congress; and, while the clause of the Constitution giving the power to dispose of these lands is general in its terms, is it correct legislation, to exercise this power in such way as to bring it in conflict with other powers of the Constitution? The power of Congress over commerce is to regulate and not create it. It may therefore improve and make safe the channels of trade that already exist; but by what right under the Constitution can Congress open entirely new avenues or channels? Is it sound policy, then, for the Government to undertake indirectly to do, under this clause, what they would not have the power to do directly? Such being the prospective condition of the revenue to be derived from the public lands, the opinion of Andrew Jackson, in his message of 1832, as to the Government embarking in a scheme of internal improvements, may well apply to the present. In opposing the policy and wisdom of such legislation he says:

"Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections, by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men."

The danger and expense of this kind of legislation would be avoided by granting the lands to the settler, while at the same time it would be an advantage to the new States, and add revenue to the Government by their settlement. For, from every person that you induce by this grant to settle upon the lands, you derive more revenue than you would by a sale without settlement to a speculator. You sell one hundred and sixty acres for $200, the interest of which, at six per cent., would be twelve dollars; and that is your yearly revenue unless it be settled. Every man, however, that you induce to settle upon the public lands, by the passage of this act, you make a consumer of the articles imported into the country. And it is by your duties on imports alone, with the exception of a few millions of dollars, that the revenue for the Government is collected. The average amount of imported articles consumed by each person, for a series of years, is estimated at about seven dollars' worth. [See table C, p. 426.]

Calling the average, then, consumed by each person seven dollars, and seven in a family, it would make forty-nine dollars of imported articles consumed annually by each family. And as the average of duties under the present tariff is about thirty per cent., each family of seven would pay to the Government yearly fifteen dollars—three dollars more than you derive from the same quantity of land sold to the speculator without a settlement. The true interest of the Government and the States is not the sale, but the actual settlement of these lands. It is important to the States, for thereby they increase the means of taxation as well as the means of developing their resources. By these grants you would also induce the settlement of lands that have remained a long time in market. For though they might be of poorer quality, and not in so desirable a location as some others more remote, still there are many who would take them in preference to going further into the wilderness, though they might not be willing, or if they were, they might not be able to pay the Government price. Man is by nature attached to the scenes of his childhood and the home of his kindred; and while there is an opportunity for a comfortable location for life, he prefers to remain amid the scenes of his schoolboy days, rather than seek a home amid strangers in a strange land. By the settlement of this class of lands you would remove, in a great degree, the objection made by the land States, that the Government is a proprietor within their limits, but not subject to their jurisdiction or taxation.

But would the passage of this bill induce any person to settle upon the public lands that would not under the present system? We often hear it said, that $1 25 is a small price for land, and any

TABLE.—A.

Statement showing the areas of the several land States and Territories, the amount of land disposed of to individuals, companies, and States, and the amount unsold and undisposed of on 30th June, 1851.

States and Ter.	Donations and grants for schools, universities, &c.	Grants for deaf and dumb asylums.	Grants for internal improvements.	Grants to individuals and companies.	Grants for seats of gov't and public buildings.	Grants for military services.	Reserved for companies, individuals, and corporations.	Swamp lands granted to States.	Central railroad grant.	Total to each State.	Acres of land in each State and Territory.	Total acres unsold and unappropriated of offered and unoffered lands, June 30, 1851.
Ohio	727,528	-	1,181,135.47	32,141.24	-	1,552,877.96	8,805,976.00	303,329.00	-	12,664,853.97	25,576,960	302,195.62
Indiana	673,357	-	1,609,861.61	843.44	2,560	787,898.61	149,102.00	981,683.00	2,246,400	4,169,302.66	21,637,760	1,049,680.91
Illinois	1,001,785	-	500,000.00	954.64	2,560	5,541,680.30	-	1,833,412.94	-	11,196,802.88	35,459,200	8,919,628.73
Missouri	1,222,179	-	500,000.00	-	2,560	1,409,653.20	-	1,517,287.00	230,400	4,701,678.20	43,123,200	96,635,689.33
Alabama	992,814	-	500,000.00	1,981.53	1,920	144,900.00	-	436,450.00	549,120	2,983,014.99	32,027,490	15,488,649.23
Mississippi	860,624	21,949.46	500,000.00	15,965.31	1,280	67,602.25	-	2,239,987.00	-	4,234,578.56	29,895,638	8,849,165.11
Louisiana	832,124	-	500,000.00	8,412.98	-	353,580.00	-	8,877,998.58	-	10,573,115.56	29,715,840	13,579,384.47
Michigan	1,113,477	-	500,000.00	4,080.00	13,300	271,796.97	-	4,544,189.00	-	6,446,742.97	36,985,520	20,011,143.77
Arkansas	932,540	2,097.43	500,000.00	139,366.25	10,600	1,349,285.31	-	4,807,673.00	-	7,734,561.99	33,406,720	22,303,746.72
Florida	954,583	20,924.22	500,000.00	52,114.00	6,240	31,240.00	305.75	562,170.00	-	2,127,576.97	37,931,520	32,863,518.66
Iowa	951,924	-	895,078.22	18,226.86	3,840	2,946,633.06	-	33,813.00	-	4,075,457.14	35,661,550	25,661,550.27
Wisconsin	1,004,728	-	859,400.00	5,705.82	6,400	1,715,418.17	-	1,959,269.00	-	4,849,920.99	34,511,360	24,506,294.83
California	-	-	500,000.00	-	-	-	-	-	-	500,000.00	130,947,840	130,447,840.00
Minnesota T.	2,997,191	-	-	-	-	43,440.00	-	-	-	3,039,631.00	53,120,000	50,075,831.85
Oregon Ter.	12,186,967	-	-	-	-	-	-	-	-	12,186,987.10	50,347,520	37,983,040.00
New Mex. T.	7,493,120	-	-	-	-	-	-	-	-	7,493,120.00	218,536,320	206,349,333.00
Utah Ter.	6,681,707	-	-	-	-	-	-	-	-	6,681,707.00	134,876,160	127,383,040.00
Northwest T.	-	-	-	-	-	-	-	-	-	-	130,970,720	113,589,013.00
Nebraska T.	-	-	-	-	-	-	-	-	-	-	376,040,960	376,040,960.00
Indian Ter.	-	-	-	-	-	-	-	-	-	-	87,488,000	87,488,000.00
Total.....	40,558,978	44,971.11	8,974,475.30	279,782.07	50,860	15,507,905.83	8,955,383.75	97,397,960.52	3,025,920	104,857,412.88	1,616,935,598	119,789,440.00
												1,400,639,305.48

TABLE.—B.

The following table presents, in a convenient form, some of the principal facts connected with railroads in the United States on the 1st of January, 1852:

States with railroads in operation, or in process of construction.	Miles of railr'd completed and in operation.	Miles of railroad in course of construction.	Area of the States in square miles.	Population in 1850.	Number of inhabitants to the square mile.
Maine	315	127	30,000	583,188	19.44
N. Hampshire	489	47	9,280	317,964	34.26
Vermont	380	59	10,212	314,120	30.76
Massachusetts	1,089	67	7,800	994,499	127.49
Rhode Island	50	32	1,306	147,544	112.97
Connecticut	547	261	4,674	370,791	79.33
New York	1,826	745	46,000	3,097,394	67.33
New Jersey	226	111	8,320	489,555	58.84
Pennsylvania	1,146	774	46,000	2,311,786	50.25
Delaware	16	11	2,120	91,535	43.17
Maryland	376	125	9,356	583,035	62.31
Virginia	478	818	61,352	1,421,661	23.17
North Carolina	249	385	45,000	868,903	19.30
South Carolina	340	298	24,500	668,507	27.28
Georgia	754	229	58,000	905,999	15.62
Alabama	121	190	50,722	771,671	15.21
Mississippi	93	273	47,156	606,555	12.86
Louisiana	63	-	46,431	517,739	11.15
Texas	-	32	237,321	212,592	.89
Tennessee	112	748	45,600	1,002,625	21.98
Kentucky	93	414	37,680	982,405	26.07
Ohio	828	1,892	39,964	1,980,408	49.55
Michigan	427	-	56,243	397,654	7.07
Indiana	600	915	33,809	988,416	29.23
Illinois	176	1,409	55,405	851,470	15.36
Missouri	-	515	67,380	682,043	10.12
Wisconsin	20	421	53,924	305,191	5.65
	10,814	10,898			

Length of railroads in Great Britain, 6,621 miles.

one of any enterprise can buy a farm out of the public domain. That may be true in theory, but not in fact; for though the Government sells at $1 25, that is not the price the settler, in most cases, has to pay. The speculator has selected the best land and most desirable locations, so that the settler must pay him an advance of two or three hundred per cent., or take an inferior location, or press still further on into the wilderness. In most cases, he prefers to pay his money and remain within the confines of civilization. But about your cities and in the densely-populated portions of the country, wherever there is a surplus population, you will find great numbers of men who are but just able to obtain a livelihood, by reason of such surplus, the tendency of which, by its constant competition, is gradually to reduce wages to the starvation point; and therefore they are unable to save from their earnings a sum sufficient to purchase a farm on the public lands and remove their family to it. They give but little thought, however, to that mode of bettering their condition, for they shrink from the trials of a border life, and they have not, and see no prospect of ever having, the means to stop short of the extreme limits of civilization; and thus they grope on in their misery, and perhaps end their days in pauperism or crime. Open your public domain, and you induce a large number of that class, and that, too, the better portion of it, to become producers of the necessaries of life, instead of mere consumers; and you then place them in a condition to help support the Government, instead of as now being the means, in a greater or ess degree, of abstracting from the earnings of the citizen to support your alms-houses and criminal jurisprudence. And, in addition to the amount of imports each family may consume, the market for domestic manufactures is enlarged and extended. The Secretary of the Treasury estimates that each individual consumes, annually, $100 worth of all kinds of products, including furniture and clothing, seven of which being for imports; some thirty or forty of the remaining $93 ought, probably, to be set apart for the purchase of articles not manufactured or produced by himself. Thus, in every family of seven you furnish an annual home market to the domestic manufacturer to the amount of some two or three hundred dollars, while they are producing the necessaries of life to make the exchange with; and thus add so much to the real wealth of the nation.

But even if the Government could derive any revenue by the actual sale of the public lands, it is neither just, nor sound policy to hold them for that purpose. As long ago as 1832, General Jackson, whose sympathies were ever with the sons of toil, and whose heart was as warm as his will was stern or his intellect penetrating, said in his annual message to Congress on this subject:

"It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty." * * "To put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

Though the old Hero of the Hermitage is wrapped in his shroud, he is not dead. Such men never die. From the tomb they speak to the living. Though man's life is short and soon passes away, yet the principles that he may develop are eternal. But aside from the question of sound policy, the Government has no right founded in reason and the nature of things to make the public lands a source of revenue.

Aware, however, sir, that it is a poor place, under a one hour rule, to attempt to discuss any of the natural rights of men, for, surrounded by the authority of ages, it becomes necessary, without the time to do it, first to brush away the dust that has gathered upon their errors; yet it is well sometimes to go back of the authority of books and treatises—composed by men reared and educated under monarchial institutions, whose opinions and habits of thought consequently were more or less shaped and moulded by their influence—and examine, by the light of reason and of nature, the true foundation of Government and the inherent rights of men. For power everywhere has a tendency to augment and strengthen itself, and in this Government its dangers are twofold—one, that the Federal Government, in its centralizing tendencies, may encroach upon the reserved rights of the States; the other, which is common alike to both, is, that the Government and States, by their local and special legislation, are constantly encroaching upon the rights of the citizen.

The fundamental rights of man may be summed up in two words, Life and Happiness. The first is the gift of the Creator, and may be bestowed at his pleasure; but it is not consistent with his character for benevolence, that it should be bestowed for any other purpose than to be enjoyed, and that we call happiness. Therefore, whatever nature has provided for preserving the one, or promoting the other, belongs alike to the whole race, and each may, of right, appropriate to his own use so much as is necessary to supply his rational wants. And as the means of sustaining life are derived almost entirely from the soil, every person has a right to so much of the earth's surface as is necessary for his support. To whatever unoccupied portion of it, therefore, he shall apply his labor for that purpose, from that time forth it becomes appropriated to his own exclusive use; and whatever improvements he may make by his industry becomes his property, and subject to his disposal. For the only true foundation of any right to property is man's labor. That is property, and that alone which the labor of man has made such. What rights, then, can the Government have in the soil of a wild and uncultivated wilderness? Or what right has one man more than another to an acre of uncultivated land to which not a day nor hour's labor has been applied, to make it more productive, and answer the end for which it was created, the support and happiness of the race?

It is said by the great expounder of the common law in his Commentaries, that "there is no foundation in nature or natural law, why a set of words upon parchment should convey the dominion of land." The use and occupancy alone gives to man, in the language of the Commentaries, "an exclusive right to retain, in a permanent manner, that specific land which before belonged generally to everybody but particularly to nobody."

As it is man's labor, then, applied to the soil that gives him a right to his improvements—for by nature he is entitled to the products of his industry—so he is entitled to a reasonable quantity of wood-land, it being necessary to the full enjoyment of his improvements; for wood is necessary for building purposes, fencing, and fire-wood. Therefore, he becomes entitled out of this common fund to a reasonable amount of wood-land, which by an implied conventional agreement among men each would be permitted to retain in his exclusive possession, as a necessary appendage to his improvements.

And to prevent conflicts, as to what portions are appropriated to each individual's use, it is necessary that his claim should be defined; and this is best done by a survey. Therefore it is proper that the settler should pay the Government the cost of survey; for the surveys as conducted by the land office is the best and most convenient mode of laying off land.

Besides, he wants his title recorded in such way as not to be compelled to rely upon the memory of men, or be exposed to the dangers of perjury. It is therefore proper that he should pay the necessary expense of the paper title, but for nothing else. As property is the only proper subject of taxation, nor should the Government look to aught else for its support, it has no right to hold the public lands as a source of revenue. It may be said, True, such would be men's rights to the soil in a state of nature; but when he entered into society, he gave up a part of his natural rights, in order to enjoy the advantages of an organized community.

This is a doctrine, I am aware, of the books and treatises on society and government; but it is a doctrine of despotism, and belongs not to enlightened statesmen in a liberal age. It is the excuse of the despot in encroaching upon the rights of the subject. He admits the encroachment, but claims that the citizen gave up part of his natural rights when he entered into society; and who is to judge what ones he relinquished but the ruling power? It was not necessary that any of man's natural rights should be yielded to the State in the formation of society. He yielded no right but the right to do wrong, and that he never had by nature. All he yielded in entering into society was a portion of his unrestrained liberty, and that was, that he would submit his conduct, that before was subject to the control of no living being, to the tribunals to be established by the State, and with the tacit consent that society, or the Government, might regulate the mode and manner of the exercise of his rights; but why should he consent to be deprived of them? It is upon this ground that we justify resistance to tyrants. And whenever the ruling power so far encroaches upon the natural rights of men that an appeal to arms becomes preferable to submission, they appeal from human to divine laws, and plead the natural rights of man in their justification. That Government, and that alone, is just which enforces and defends all of man's natural rights, and protects him against the wrongs of his fellow man.

But, it may be said, although such might be the

TABLE.—C.

Years ending—	Value of foreign merchandise.			Population.	Consumption, per capita.
	Imported.	Reexported.	Consumed and on hand.		
Sept. 30.....1821	$65,585,724	$21,302,488	$41,283,236	9,960,974	$4 14
1822	83,241,511	22,286,202	60,955,309	10,283,757	5 92
1823	77,579,267	27,543,622	50,035,645	10,606,540	4 71
1824	80,549,007	25,337,157	55,211,850	10,929,323	5 05
1825	96,340,075	32,590,643	63,749,432	11,252,106	5 66
1826	84,974,477	24,539,612	60,434,865	11,574,889	5 22
1827	79,484,068	23,403,136	56,080,932	11,897,672	4 71
1828	88,509,824	21,595,017	66,914,807	12,220,455	5 47
1829	74,492,227	16,658,478	57,834,049	12,543,238	4 61
1830	70,876,920	14,387,449	56,489,441	12,866,020	4 39
1831	103,191,124	20,033,526	83,157,598	13,286,364	6 25
1832	101,029,266	24,039,473	76,989,793	13,706,707	5 61
1833	108,118,311	19,822,735	88,295,576	14,127,050	6 25
1834	126,521,332	23,312,811	103,208,521	14,547,393	7 09
1835	149,895,742	20,504,495	129,391,247	14,967,736	8 64
1836	189,990,035	21,746,360	168,233,675	15,388,079	10 93
1837	140,989,217	21,854,962	119,134,255	15,808,422	7 53
1838	113,717,404	12,452,795	101,264,609	16,228,765	6 23
1839	162,092,132	17,494,525	144,597,607	16,649,108	8 68
1840	107,141,519	18,190,312	88,951,207	17,069,453	5 21
1841	127,946,177	15,499,081	112,447,096	17,612,507	6 38
1842	100,162,087	11,721,538	88,440,549	18,155,561	4 87
9 months to June 30, 1843	64,753,799	6,552,707	58,201,092	18,698,615	3 11
Year to June 30.....1844	108,435,035	11,484,867	96,950,168	19,241,670	5 03
1845	117,254,564	15,346,830	101,907,734	19,784,725	5 15
1846	121,691,797	11,346,623	110,345,174	20,327,780	5 42
1847	146,545,638	8,011,158	138,534,480	20,870,835	6 60
1848	154,998,928	21,132,315	133,866,613	21,413,890	6 25
1849	147,857,439	13,088,865	134,768,574	21,956,945	6 13
1850	178,136,318	14,951,808	163,184,510	22,500,000	7 25

rights of men, yet the Government has a right to these lands, and may use them as a source of revenue, under the doctrine of eminent domain. This claim by Government had its origin in the maxim, that whatever was capable of ownership must have a legal and determinate owner. Therefore, whatever was not appropriated by individuals, as it belonged in common to the whole State, was vested in the King as its head. Not only was forests, waste-grounds, and wrecks, but the sole proprietorship of the soil of his empire; and he might grant it to his lords, and deal it out in manors to the favorites of his court. But it is not necessary for me to spend time in noticing the origin of, or the wrongs inflicted on man under this doctrine of eminent domain; for the claim of this Government, so far as this point is concerned, is embraced in the right of discovery. This is a claim, also, upon which the books vest a right to the soil in the King, or ruling power, under whose patronage land is discovered not before known to civilized man. It might be proper that a nation that has sent forth a fleet, and discovered land, should have the direction of the legislation for the government of the men who should settle it—have jurisdiction of the laws of the territory; but how can it acquire rights which man himself cannot acquire by the same process? It is a reasonable supposition, that a man is attached to the Government and institutions of his fatherland; and if the men who first discover a country were to settle in it, and enact a system of laws, the presumption is that they would be similar to those of the land of their kindred. Therefore, there is a propriety in giving to nations jurisdiction over the men and property of the country they may discover, but not a proprietorship to its soil.

It is only necessary briefly to refer to the facts and history of discoveries on this continent, to show the want of a reasonable foundation for any claims to the land itself by reason of discovery.

Spain being the first to encourage voyages of western discovery, was the first European Power to claim any rights to land on this side of the ocean. But as Columbus made his first landing on an island of the gulf stream, and saw not the main land of the continent till after it was visited by other voyagers, the right of eminent domain became divided with other nations. John and Sebastian Cabot, sailing under the auspices of England, first discovered the continent of North America, the shores of which, from Albemarle Sound to north of Nova Scotia, were afterwards explored by the latter. From that time forth Henry VII claims the proprietorship of the soil, basing his right to the land, from ocean to ocean, on the fact that the first civilized man who gazed upon a few miles of the rocky coast of New England was a subject of the British crown. And thus he becomes the sole disposer of a vast continent which his foot never pressed and his eyes never saw.

James Cartier, a native of St. Malo, lands at the inlet of Gaspe, on the shores of Canada, and erects there a shield with the Lillies of France—and henceforth a wide, tenantless territory is to be esteemed a part of the dominions of France, and subject to the royal grants of her King.

Juan Ponce de Leon plants the cross on the coast of Florida, and throwing to the breeze the castles and lions of Spain, takes possession of the country in the name of Charles the Fifth. Nineteen years later, Ferdinand de Soto gave to the world the first knowledge of the Mississippi, and sank to his grave beneath its flood. As the fruits of these discoveries, Spain claims the Floridas. Such is the origin of the rights claimed by France, England, and Spain, to the North American continent; and by conquest and parchment, this Government has taken their title to the territory now composing the United States: that of England by the Revolution and grants to colonial subjects and proprietors; of France by the cession of April 30, 1803, and of Spain by the treaty of February 22, 1819. We became vested, it is true, with all their rights, but they had nothing to convey, save that a subject of theirs was the first to discover land never before, in their own quaint language, "looked upon by Christian eyes." What kind of a foundation is that upon which to base a right affecting the happiness of man and the destiny of the race? What is there in the constitution of things, giving to one individual the sole and exclusive right to any of the bounties provided by nature for the benefit and support of the whole race, because, perchance, he was the first to look upon a mere fragment of the creation? By the same process of reasoning, he who should first discover the source or mouth of a river, would be entitled to a monopoly of the waters that flow in its channel. Or he who should first look upon one of the rills or fountains of the earth, might prevent fainting man from quenching there his thirst, unless his right was first secured by parchment. Why has this claim of man to monopolize any of the gifts of God to man been confined, by legal codes, to the soil alone? Is there any other reason than that it is a right which, having its origin in feudal times—under a system that regarded man but as an appendage of the soil that he tilled, and whose life, liberty, and happiness were but means of increasing the pleasures, pampering the passions and appetites of his lieged lord—and, having once found a place in the books, it has been retained by the reverence which man is wont to pay to the past and to time-honored precedents. The human mind is so constituted, that it is prone to regard as right what has come down to us approved by long usage and hallowed by grey age. It is a claim that had its origin with the kindred idea that royal blood flows only in the veins of an exclusive few, whose souls are more etherial, because born amid the glitter of court, and cradled amid the pomp of lords and courtiers; and therefore they are to be installed as rulers and lawgivers of the race. Most of the evils that afflict society have had their origin in violence and wrong enacted into law by the experience of the past, and retained by the prejudices of the present.

Is it not time you swept from your statute-book its still lingering relics of feudalism? wiped out the principles ingrafted upon it by the narrow-minded policy of other times, and adapted the legislation of the country to the spirit of the age, and to the true ideas of man's rights and relations to his government?

For if a man has a right on earth, he has a right to land enough to rear a habitation on. If he has a right to live, he has a right to the free use of whatever nature has provided for his sustenance—air to breathe, water to drink, and land enough to cultivate for his subsistence. For these are the necessary and indispensable means for the enjoyment of his inalienable rights, of "life, liberty, and the pursuit of happiness" And is it for a Government that claims to dispense equal and exact justice to all classes of men, and that has laid down correct principles in its great chart of human rights, to violate those principles, and its solemn declarations in its legislative enactments?

The struggle between capital and labor is an unequal one at best. It is a struggle between the bones and sinews of men and dollars and cents; and in that struggle, it needs no prophet's ken to foretell the issue. And in that struggle, is it for this Government to stretch forth its arm to aid the strong against the weak? Shall it continue, by its legislation, to elevate and enrich idleness on the wail and the woe of industry?

For if the rule be correct as applied to governments as well as individuals, that whatever a person permits another to do, having the right and means to prevent it, he does himself, then indeed is the Government responsible for all the evils that may result from speculation and land monopoly in your public domain. For it is not denied that Congress has the power to make any regulations for the disposal of these lands, not injurious to the general welfare. Now, when a new tract is surveyed, and you open your land office and expose it to sale, the man with the most money is the largest purchaser. The most desirable and available locations are seized upon by the capitalists of the country, who seek that kind of investment. Your settler who chances not to have a preëmption right, or to be there at the time of sale, when he comes to seek a home for himself and his family, he must pay the speculator three or four hundred per cent. on his investment, or encounter the trials and hardships of a still more remote border life. And thus, under the operation of laws that you call equal and just, you take from the settler three or four dollars per acre, and put it in the pocket of the speculator. Thus, by the operation of your law, abstracting so much of his hard earnings for the benefit of capital; for not an hour's labor has been applied to the land since it was sold by the Government, nor is it more valuable to the settler. Has not the laborer a right to complain of legislation that compels him to endure greater toil and hardships, or contribute a portion of his earnings for the benefit of the capitalist? But not upon the capitalist or the speculator alone is it proper that the blame should fall. Man must seek a livelihood, and do business under the laws of the country; and whatever rights he may acquire under the laws, though they may be wrong, yet the well-being of society requires that they be respected and faithfully observed. If a person engage in a business legalized and regulated by the laws, and uses no fraud or deception in its pursuit, and evils result to the community, let them apply the remedy to the proper source; that is, to the law-making power. The laws and the law-makers are responsible for whatever evils necessarily grow out of their enactments.

While the public lands are exposed to indiscriminate sale, as they have been since the organization of the Government, it opens the door to the wildest system of land monopoly—one of the direst, deadliest curses that ever paralized the energies of a nation, or palsied the arm of industry. It needs no lengthy dissertation to portray its evils. Its history in the Old World is written in sighs and tears. Under its influence, you behold, in England, the proudest and most splendid aristocracy, side by side with the most abject and debased people; vast manors hemmed in by hedges as a sporting-ground for her nobility, while men are dying beside the inclosure for the want of land to till. Thirty thousand proprietors hold the title-deeds to the soil of Great Britain, while in Ireland alone there are two and a half millions of tenants that own no part of the land they cultivate, nor can they ever acquire a title to a foot of it; yet they pay annually from their hard earnings $20,000,000 to absentee landlords for the privilege of dying on their soil. Under its blighting influence you behold industry in rags, and patience in despair. Such are some of the fruits of land monopoly in the Old World; and shall we plant its seeds in the virgin soil of the New? Our system is subject to like evils, not so great in magnitude, perhaps, but similar in kind. Let the public domain, then, be set apart as the patrimony of labor, by preventing its being absorbed by capital, and thus, instead of blessing the race, become its curse. And, while asked to grant these lands to corporations and States, in order to develop the resources of the country, and thereby add to its greatness, let us not forget in what its true greatness consists. We are pointed to the cities and villages that will spring up along the line of these improvements, as a reason why such appropriations of the land should be made. Every American will rejoice at whatever adds to the true greatness and glory of his country. But it is doubtful whether the appearances of greatness that grow up under a system of local and special legislation are to be considered as adding to the real glory of a country.

It is not a sure indication that the people of that country are most prosperous and happy in which you behold the most splendid edifices, the greatest profusion of wealth and concentration of capital. He who bases his opinion of the real happiness of a people upon such evidences alone, is equally foolish with him who, in view of a vast city, judges the condition of its inhabitants by the lofty spire and towering dome, forgetting that beneath those gorgeous structures, in damp cellars, deep in the earth, dwells the most squalid poverty, misery, and woe—while in its streets are to be seen the haggard and care-worn laborer, the over-taxed seamstress, and the child trained to beggary and to crime.

If you would raise fallen man from his degradation, elevate the servile from his groveling pursuits to the rights and dignity of men, you must first place within their reach the means for supplying their pressing physical wants, so that religion may exert its influence on the soul, and soothe the weary pilgrim in his pathway to the tomb. For it is in vain you talk of the goodness and benevolence of an Omniscient Ruler to him, whose life from the cradle to the grave, is but one continued

scene of pain, misery, and want. Talk not of free agency to him whose only freedom is to choose his own method to die. In vain you entreat him to cultivate the intellect and purify the heart whose days are dragged out in procuring a morsel to sustain life, and whose last prayer, as he falls broken-hearted into his kennel of straw, is that he may never behold the light of another day. In such cases, there might, perhaps, be some feeble conception of religion and its duties—of the infinite, everlasting, and pure; but unless there be a more than common mind, they would be like the dim shadows that float in the twilight.

Riches, it is true, are not necessary to man's enjoyment; but the means to prevent starvation are. Nor is a splendid palace necessary to his real happiness; but a shelter against the storm and winter's blast is.

If you would lead the erring back from the paths of vice and crime to virtue and to honor, give him a home—give him a hearthstone, and he will surround it with household gods. If you would make men wiser and better, relieve your almshouses, close the doors of your penitentiaries, and break in pieces your gallows—purify the influences of the domestic fireside. For that is the school in which human character is formed, and there its destiny is shaped; there the soul receives its first impress, and man his first lesson, and they go with him for weal or for woe through life. For purifying the sentiments, elevating the thoughts, and developing the noblest impulses of man's nature, the influences of a rural fireside and agricultural life are the noblest and the best. In the obscurity of the cottage, far removed from the seductive influences of rank and affluence, is nourished the virtues that counteract the decay of human institutions—the courage that defends the national independence, and the industry that supports all classes of the State.

It was said by Lord Chatham, in his appeal to the House of Commons in 1775, to withdraw the British troops from Boston, that "trade, indeed, 'increases the glory and wealth of a country; but 'its true strength and stamina are to be looked for 'in the cultivators of the land. In the simplicity 'of their lives is found the simpleness of virtue, 'the integrity and courage of freedom. These 'true, genuine sons of the soil are invincible."

The history of American prowess has recorded these words as prophetic. Man, in defense of his hearth-stone and fireside, is invincible against a world of mercenaries. In battling for his home, and all that is dear to him on earth, he never was conquered save with his life. In such a struggle every pass becomes a Thermopylæ, every plain a Marathon. With an independent yeomanry scattered over your vast domain, the "young eagle" may bid defiance to the world in arms. And even though the foe should devastate your seaboard, lay in ashes its cities, they have made not one single advance towards conquering the country. For, from the interior comes up your hardy yeomanry, and with their hearts of oak and nerves of steel, they expel the invader. Their arms are the citadel of a nation's power, their hearts the bulwarks of liberty.

While but a few days since you passed, in a deficiency bill, almost two millions and a quarter of dollars for the army, and are annually called upon to appropriate still increased sums for its support, by reason, as is alleged by your adjutant general, of the increased extent of territory and line of frontier, it becomes the part of wisdom for the Government to hold out every reasonable inducement for the settlement of these lands; for thereby you place upon them a self-constituted and self-supporting army, to repel frontier attacks and foreign invasion. Every consideration of policy, then, both as to revenue to the General Government, and increased taxation to the new States, as well as a means of removing the causes of pauperism and crime in the old, demands that the public lands be granted in limited quantities to the actual settler. Every consideration of justice and humanity calls upon you to restore man to his natural rights in the soil. But there is one consideration above dollars and cents; it is a consideration that appeals to the gratitude and generosity of the American people, and to such an appeal they never yet turned a deaf ear.

You grant bounties to the soldier of the tented field. It is well. For the men who go forth at the call of their country, to uphold her standard, and vindicate her honor, are deserving of a more substantial reward than tears to the dead and thanks to the living. But there are soldiers of peace, as well as of war; and though no waving plume or floating ensign beckons them on to glory or to death, their dying scene is oft a crimson one. They fall, leading the van of civilization along untrodden paths, and are buried in the dust of its advancing columns. No clarion's note wafts the expiring spirit from earth to heaven; no monument marks the scene of deadly strife; and no stone their resting-place. The winds, sighing through the branches of the forest, alone sing their requiem. Yet they are the meritorious men of the Republic; the men who give it strength in war, and glory in peace. From the backwoods, the workshop, and the plough, came the men who gave victory to your arms in the struggles of the Revolution; that upheld your standard amid the cane-brakes of Marion, and on the bayou of New Orleans; and that have borne it in triumph over the battle-fields of your frontiers. The achievements of your pioneer army, from the day they first drove back the Indian tribes from your Atlantic sea-board to the present hour, have been the achievements of science and civilization over the elements, the wilderness, and the savage. The settler, in search of a new home, long since o'erleaped the Alleghanies, and, having crossed the great central valley of the Mississippi, is now wending his way to the shores of the Pacific; the forest stoops, to allow the emigrant to pass; and the wilderness gives way to the tide of emigration. Only sixty-three years ago, the first white settler of Ohio pitched his tent on the bank of the Muskingum. But little more than half a century has passed away, "since this great State, with all its settlements and improvements, its mighty canals and growing population, was covered up under the canvas of a single wagon." Within the period allotted to the life of man, a State, girt with railroads and scored by canals, is in existence, five times as large, in extent of territory, as its mother, Massachusetts, and containing almost two millions of inhabitants. But the rapid growth and development of Ohio stands not alone. During the two and a quarter centuries since Jamestown and Plymouth Rock were consecrated by the exile, trace the footsteps of the pioneer, as he has gone forth to found new States, and build up new empires. In these two and a quarter centuries, from an unbroken forest, you have a country embracing almost every variety of production, and extending through almost every zone. The high regions of the North have scarcely thrown off their icy mantle, while the Southern reaper is preparing for his harvest-home. The morning sun tips your Eastern hills, while the valleys of the West repose in midnight darkness. In these two and a quarter centuries, a whole continent has been converted to the use of man, and upon its bosom has arisen the noblest empire on the globe. True, the united energy, enterprise, and industry of the entire American people have produced this vast result.

But in a new country the first and most important labor, as it is the most difficult to be performed, is to subdue the forest, and convert the lair of the wild beast into a home for civilized man. This is the labor of your pioneer settler. His achievements, if not equally brilliant with those of the plumed warrior, are equally, if not more, lasting. His life, if not at times exposed to so great a hazard, is still one of equal danger and of death. It is a life of toil and adventure, spent upon one continued battle-field, unlike that, however, on which martial hosts contend—for there the struggle is short and expected, and the victim strikes not alone, while the highest meed of ambition crowns the victor. Not so with your hardy pioneer. He is oft called upon to meet death in a struggle with fearful odds, while no herald will tell to the world of the unequal combat. Startled at the midnight hour by the war-whoop, he wakes from his dreams to behold his cottage in flames; the sharer of his joys and sorrows, with perhaps a tender infant, hurled, with rude hands, to the distant council-fire. Still, he presses on into the wilderness, snatching new areas from the wild beast, and bequeathing them a legacy to civilized man. And all he asks of his country and his Government is, to protect him against the cupidity of soulless capital, and the iron grasp of the speculator. Upon his wild battle-field these are the only foes that his own stern heart and right arm cannot vanquish. While, then, the shield of this Government is thrown over the moneyed interests of the country, fostering, by your protective laws, its associated capital, withhold not justice from the men who go forth, single-handed and alone, to subdue the forest, tame the savage and the wild beast, and prepare, in the wilderness, a home for science and a pathway for civilization.

AGAINST GIVING AWAY THE PUBLIC LANDS.

SPEECH OF HON. TIMOTHY JENKINS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

April 14, 1852.

The House being in the Committee of the Whole on the state of the Union, on the bill for the encouragement of agriculture, manufactures, and other branches of industry, by granting to actual settlers homesteads out of the public domain, &c.—

Mr. JENKINS said:

Mr. CHAIRMAN: I shall devote the hour allotted to me mainly in discussing these questions: Has Congress the rightful power to make *donations* of public lands, either for the construction of railroads, or to actual settlers? Would it be expedient for us to exercise that power, even if we posses it?

The Committee of this House upon Public Lands has reported a bill granting to the State of Missouri a portion of the national domain for the purpose of constructing two railroads in that State—one from St. Joseph to Hannibal, a distance of one hundred and eighty miles; the other from St. Louis to the western line of the State, a distance of two hundred and thirty-two miles. By this bill it is proposed to give the State of Missouri between one and two millions of acres of land. I said to the *State* of Missouri; not quite so. *Corporations* have been created by that State, authorized to construct these roads. These corporations, therefore, stand behind the State, eager expectants of the nation's bounty.

If this were the only project for such donations to be pressed upon our consideration, we possibly might pass over the subject with less concern; but this bill is only the entering wedge. Other bills are to follow, which, if carried through Congress, will sweep away, at the present session, from twenty-five to fifty millions of acres of the public domain.

The Committees upon Public Lands in both Houses of Congress are pushing forward a scheme of internal improvements at the nation's expense, unrivaled in extravagance by any former legislative body. Let us look into the document room, and see what intelligence the Senate, through that channel, has communicated to us upon the subject. We find sent there prior to the first of last March a large volume of bills making donations of public lands to certain favored States, of which I give a brief abstract:

Donations proposed in the Senate at this session, as estimated by the Commissioner of the General Land Office.

FIRST—FOR RAILROADS.

States.	*Length of roads in miles.*	*Amount of donation in acres.*
Michigan	534	341,760
Wisconsin	156	599,040
Iowa	434	3,107,417
Missouri	232	890,880
Arkansas	488	1,873,920
Alabama	314	1,205,760
Florida	932	5,882,880
	3,090	
Making for railroads		13,901,657

These 3,090 miles of road will cost $60,000,000.

SECOND—DONATIONS TO STATES, NOT LIMITED TO RAILROADS.

Ohio	302,195
Louisiana	13,508,259
Illinois	35,000
	13,845,454
Add the above for railroads	13,901,657
Proposed donations, in acres	27,747,111

Thus an effort is made to bring the united votes

of ten States into the measure, by holding out a reward of the value of $35,000,000.

One scheme of prodigality never stands alone. Others of like character soon cluster around the leading project. The circle of combinations is constantly enlarging, and each unauthorized application is made to depend on the success of all. The system in fact goes further. Meritorious subjects for legislative action are quite sure of defeat, unless united to the prescribed circle. The influence of the whole scheme is pernicious, and tends to change our legislative Hall into a market-place, where vote may be bartered for vote.

The power of the General Government is derivative—conferred on the one hand, and limited on the other, by compact. The States have an independent existence, and are clad with the elements of supreme power. It is the business of States, and not of the General Government, to support the poor; to disseminate learning; to encourage the arts, promote agriculture, and construct roads and canals. The jurisdiction of the General Government begins where that of the respective States ends. Who will claim that the National Government has a right to construct railroads? The mode in which the business is necessarily carried on upon these roads furnishes an abundant answer to this question. From their very nature they are exclusive. He who wants to travel, cannot put his own car on to the track. He must submit himself to the dictation of others. He must enter cars prepared for the road. Fast or slow, the engineer controls the movement, and the murmurs or plaudits of the passenger, alike unheard, neither increase nor diminish the speed. How unlike the navigation of our rivers, our lakes, or the ocean! There, each master spreads his own canvas to the propitious wind, or dashes onward, at pleasure, with his huge but obedient steamer. The former is close and restricted; the latter is free and national. The one is suited to the minutiæ of State legislation; the other to the broader field of national commerce. The one constitutes the thoroughfares of individual States; our great rivers and lakes are the highways of the nation. The objects, therefore, to which these funds are devoted lie beyond our constitutional limits. As well might we devote funds from the Treasury for the establishment of a bank at *Hannibal*, as to send out a railroad from that place through the wild lands of the West.

Is it said that these lands are given to the *States*, and that, inasmuch as the *States* have an undoubted right to construct railroads, therefore the constitutional objection is answered? Let us test this question. If this bill proposed to make a general distribution of the public treasure to all the States alike, the project would evidently be more just than the present; yet it would then be open to the strong objection of collecting money from the people, for distribution among the people, abating the expense of collection and payment. But this proposition is to give a large amount of land to a single State, with a provision requiring that State to devote the avails of the land to the construction of two specified railroads. If we have not a constitutional right to construct railroads, have we a right to make a donation of funds for the construction of railroads? If we have no right to accomplish an object *directly*, have we a right to accomplish the same object *indirectly*? If there be any reason which will enable us to bring about this result, it lies beyond discovery by mortal vision.

These public lands are held by the United States in a fiduciary capacity. In the sale and disposition of them, Congress acts as a trustee. What right has a trustee to give away the trust estate? Have we any more authority to give away the public lands than we have to put our hands into the Treasury and make a donation in specie? If these lands are taken from the market and given away, that source of revenue is cut off. Increased taxation, by way of import duties or otherwise, is necessarily resorted to in order to supply the deficiency in the public revenue thus created. Instead, therefore, of selling the nation's lands to pay the nation's debts, we give away these lands and tax the people to pay these debts! Let the argument be put in this form, and will any one rise in his place and maintain the right in Congress to make any such donation? The very nature of the trust is at war with this gross assumption of power.

But, sir, I propose to examine this question of power further. How, and under what circumstances, did the General Government obtain title to the public lands east of the Mississippi river? Were the grants by the States to the General Government absolute or limited? Let it be remembered that most of the original grants from the British Crown to the American colonies, covered lands from the sea-board westwardly to the Mississippi river, and some purported to extend to the Pacific ocean. These grants were made long before the country was fully explored. Little attention was paid to their northern or southern boundary, and hence these grants lapped upon each other. Disputes began to arise between the States as to the rightful extent of these grants, until the American Revolution, quieting these disputes, gave rise to a more momentous question. To whom did these unappropriated lands rightly belong? The blood and treasure of all the States were freely poured out in that great struggle for the benefit of the whole nation. The war was yet raging, and the national debt rapidly increasing. How shall this debt be paid? Shall the patriotic States of New Jersey, Delaware, Maryland, and Rhode Island, whose grants were limited, bear the severe burdens of the war, and then quietly sit down and pay their proportionate share of the expense, leaving the other States to the enjoyment of the vast region of unappropriated lands lying between the settlements on the sea-board and the Mississippi? or shall these lands be regarded as a national fund, devoted to war expenses and the common benefit of all the States? These were questions, at that important juncture, worthy the thoughts of statesmen. The subject was one of vital interest, and was treated with the grave deliberation suited to its importance.

Some of the States refused to sign the Articles of Confederation until an equitable adjustment of this matter should be made. In 1779, Congress passed a resolution soliciting the then land States not to dispose of the unappropriated lands during the continuance of the war. Maryland, Delaware, and New Jersey evinced a strong desire that justice to them should be done, and ardently pressed Congress for a settlement of this question. Virginia, unwilling to resign her claims to any of the unappropriated lands, remonstrated against any interference with her possessions on the part of the General Government. This subject had approached a dangerous crisis, when the Legislature of the State of New York in 1780 patriotically came to the rescue, and passed an act authorizing their delegates in Congress to limit the western line of that State, and cede the lands west of such line to the United States, for the benefit of such States as should become members of the Federal Alliance. Before such cession was actually made; Congress passed a resolution inviting the other States to follow the example set by New York; and in that resolution expressly pledged the faith of the nation to dispose of the lands which should be ceded to the General Government by the respective States, for the *common benefit of the United States*. Whereupon the State of New York, in 1781, three years in advance of any other State, ceded her unappropriated lands west of her present State line to the United States, pursuant to the resolution of Congress. The other land States followed the example of New York, and, relying upon the resolution of Congress, ceded their unappropriated lands to the United States in the following order: Virginia in part in 1784, and finally in 1788; Massachusetts in 1785; Connecticut in part in 1786, and finally in 1800; South Carolina in 1787; North Carolina in 1790; and Georgia in 1802.

What were the purport and effect of this resolution of Congress pledging the faith of the nation to dispose of these lands for the common benefit of all the States, and the cession of land by the States pursuant thereto? These transactions together constitute a compact obligatory upon the parties now in full force, and binding as the Constitution itself. What legal or moral right have we to break that compact? Where do gentlemen find the power authorizing Congress to trample this solemn agreement under our feet, and instead of disposing of these lands for the common benefit of all—instead of collecting their avails for the support of Government, and the payment of the national debt—give them away under the name of States to railroad corporations and voracious speculators? What right has Congress under this compact to give them away for any purpose?

The Constitution of the United States provides that—

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States or of any particular State."

This is the only clause in that instrument relating to the public lands. What do the words conferring upon Congress the power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States, mean, when taken in connection with the clause *prohibiting Congress from prejudicing any claims of the United States or of any particular State therein*? Can it in truth be said, that any one of the States has no interest in the public lands? If each of the *States* has an interest in them, what power, what right has Congress to *prejudice such claim* by giving them away, either to States, individuals, or corporations? Is it not also obvious that any such donation works a *prejudice to the claims of the United States* in the public domain? These questions admit of but one answer. The Constitution itself, therefore, not only fortifies the position I have taken in respect to the public lands east of the Mississippi river, but secures to the respective States their interest in the public domain everywhere throughout the Union.

In the ordinary transactions of business, where several persons purchase a tract of land, and all assist in paying for it, each has an equitable right to his share; though the legal title may be held by one of their number or by a third person. In 1803 we purchased of the French Republic the Territory of Louisiana for upwards of eleven million and a half of dollars, and stipulated to release that Republic from all liability for spoliations upon our commerce prior to 1800, amounting to about as much more. In 1819, we purchased Florida from Spain, for $5,000,000. Immense sums of money have been yearly paid to the various Indian tribes for the extinguishment of their titles even to a small part of the public domain. For the extinguishment of Indian titles to 116,349,899 acres of land between the 4th of March, 1829, and the 4th of December, 1838, we paid and agreed to pay to Indian tribes, the sum of $72,562,056. Larger sums still will be required from year to year for the purchase of other Indian titles. The Indian appropriation bill, for years, has exceeded a million of dollars annually. At the present time, the amount of annuities and interest payable to Indian tribes is $822,215. Of this sum $150,310 is a perpetual annuity, equal in value to two and a half millions of dollars. We owe various tribes of Indians, upon which we pay annual interest, the sum of $5,271,600. If we take into consideration the present value of all annuities due these tribes, together with the amount of funds belonging to them and now in the hands of the General Government, this branch of our national debt alone cannot be less than twelve millions of dollars.

The survey of our public lands for some years past has cost the Government from $200,000 to $300,000 a year. We have paid Mexico for the acquisition of territory $15,000,000, and relinquished claims upon that Republic amounting to about $6,000,000 more. We agreed to pay Texas $10,000,000 for her claim upon New Mexico.

The stipulations entered into between the United States and Georgia, upon the cession of the unappropriated lands of that State to the General Government, resulted in the Florida war, and the consequent removal of the Indians from that section of the Union west of the Mississippi. The war with Mexico resulted in a war for the acquisition of territory. In the treaty of peace the United States agreed to protect that Republic from depredations by Indians residing within the United States. What these wars have cost, and what amount will be required to keep up an army upon our southwestern frontier in order to comply with the terms of the treaty with Mexico, it is not easy to determine.

These immense sums have been expended from the public Treasury, substantially for the acquisition of public lands. These moneys have been, in part, paid out of the Treasury of the nation, and the residue must also be drawn from the same Treasury.

Mr. JOHNSON, of Tennessee. I wish to ask the gentleman from New York a single question. If the amount we have paid for the acquisition of Florida, Louisiana, California, and all the other acquired territory, is chargeable to the public account? I to some extent answer the question by asking another: If there were not a foot of vacant unoccupied land, would not the United States have been justified in paying the amount which has been paid for the extension of our jurisdiction?

Mr. JENKINS. The last question put by my honorable friend from Tennessee, is not quite pertinent to the matter under discussion; for, in one sense, we may have been remunerated for these expenditures in the glory of our arms and the fame of our achievements. When we have purchased territory, and paid a vast sum of money for it, even though our jurisdiction is thereby enlarged and benefits result to the nation from such extended jurisdiction, yet this cannot authorize Congress to *give away* such territory, and leave the people to pay the stipulated price. I therefore answer, that the price paid for these acquisitions is chargeable to public account.

Sir, this Government has been engaged in the survey and sale of our unappropriated lands about seventy years. The whole *sales*, up to the close of the last fisca year, amount only to 100,560,790. The amount received upon sales does not half equal the amount we have paid for the public lands. The question, then, arises, whether it would be discreet, even if we had the power, to give away these lands until after the sum which has been paid out shall have been realized from the sales of them? If a surplus can be saved, to whom should that surplus go? Obviously, it should be placed in the Treasury for the benefit of the whole nation.

Our registered public debt is now $62,000,000. Add to this the unregistered debt of $10,000,000 due Texas, and our liabilities of $12,000,000 to the Indian tribes, and we see that the payment of $84,000,000 is to be provided for. How is this vast debt to be paid? Throw away the public lands, and the sober realities of taxation, drawn from the sweat of the brow, will give a reluctant but admonitory answer to this question.

If, then, there were no compact and no constitutional provision against these donations, the plainest principles of common justice should be an adequate barrier against them. I am aware that the plea for infractions upon constitutional rights is always put forth in a plausible form; and ardent appeals to interest are made, and subtle combinations entered into, until a vast force is brought to bear upon the object in view. Why is France now governed by the arbitrary will of a tyrant? I answer, the Legislature of Republican France led the way. That body first set the Constitution at defiance. Against the letter and spirit of that instrument, the French Chamber disfranchised a large portion of the constitutional voters, and invaded the liberty of the Press. They squandered the public treasure in balls and banquets. They taught the people to live upon the Government. They crushed the rising spirit of liberty in Rome, and Frenchmen did not complain. The Constitution was overruled by mere legislative enactments, broken by legislative usurpation. What is liberty when the guarantees of the constitution are gone? A mirror, to see a tyrant's face in.

Infringements upon the Constitution always produce disastrous effects. Let any State in the Union transcend its constitutional powers, and embark upon a scheme of gigantic expenditure, and though such expenditure may seem to be for a praiseworthy object, yet the incipient wrong wakes into life a horde of ravenous expectants of public plunder. The very fact that the organic law has been broken, to open the way for such unauthorized expenditure, is itself an invitation for the artful and designing to set their wits in motion for the most adroit mode of robbing the public Treasury. Donations of such vast amounts of public lands to the States, for the construction of railroads, is liable to the same fraudulent mode of expenditure. These lands become a fund attractive to speculators, who throng the halls of State Legislatures. At their instance, corporations are created, the lands transferred, the prices raised, the roads surveyed, and cities and villages in abundance emblazoned upon the map. Scrip for corner lots, and gardens, and farms, and mill-sites, are blown into every market. The adroit speculator knows well who to choose for customers. He does not invite the attention of men who understand his appliances. It is the unsuspecting and the credulous whom he marks for victims. Thus, if these measures shall pass, the speculating mania of 1835 and 1836 will be reënacted, with the advantage of new scenery and fresh embellishments.

The friends of this system propose to take the lands in alternate sections, and confine the range within fifteen miles of the road. They would then require the sections retained by the General Government to be sold for not less than $2 50 per acre, while they propose to allow the States to which the sections shall be granted to sell the lands thus granted for such price as they may choose. Thus it is claimed that because the price on the half reserved is to be doubled, the half given away is no donation. If this proposition be sound, as a general rule, why do not the States, so clamorous for railroads, so anxious to force Congress into this new way of making money, themselves purchase all the lands on each side of the proposed railroads at the small sum of $1 25 per acre, and thus relieve the General Government from the speculation? I more approve of the caution which governs the acts of these States than their advice by which they would have the legislation of Congress directed. Some acquaintance with the sales of the public lands during the last twenty years, and the amounts of land purchased remaining unoccupied to this day will show how illusory this position is. Under the reign of speculation in 1835 and 1836, the Government sold the enormous amount of 32,639,343 acres of land, for the sum of upwards of forty millions of dollars. The best judges upon this subject are of the opinion that not one half of this land sold during those years has yet gone into the hands of actual occupants. Why is this? The soil is good, and the land well located, for it was purchased upon actual examination by men of experience. But, sir, the amount of lands sold during those years was enough to supply the whole tide of emigration westward for twenty-five years. Many who have taken up their abode in the new country chose to purchase lands from the General Government, and hence a large share of the lands bought upon speculation remains unoccupied to this day. Gentlemen from the new States complain that large amounts of land have been surveyed and in market for a long time, and yet remain unsold. They think that a number of railroads in each of the new States, and in the Territories, would induce actual settlers to purchase these lands. This reasoning is fallacious. No such extraordinary effects can be expected. The moment these lands are put in the market, if they are to be so desirable as some suppose, they will be seized by the speculators before the real settler from the Eastern States has time to think of emigration.

Since 1820, the Government has sold the public lands, according to the judgment of those best acquainted with the subject, at a price not much, if any, above what they cost us, including the expenses of survey and sale. Efforts have been made from time to time to *reduce* the price below $1 25 an acre, for the purpose of encouraging emigration to the new States. But now, a policy directly the opposite is pressed upon our consideration. The advocates of these railroad projects would *raise* the price, and thus place the lands beyond the reach of the emigrant possessed of small pecuniary means. This policy is also advocated with a view of increasing emigration to the new States. Antagonistic as these measures are to each other, Representatives from the same States have, by turns, supported both. It is also supposed that a large majority of the advocates of these railroad schemes, are in favor of giving away the public lands to actual settlers. From the want of unity in these projects, we are admonished to examine them all with some care. It has been said in the course of debate, by a member of the Committee on Public Lands, that donations of public land for over twenty railroads are reported, and to be reported, and the construction of these roads recommended by that committee at this session. It is plainly seen, that from combination of interest, if one passes, all will. This is the new system for increasing the sale and disposition of the public lands, and promoting emigration from the old States to the new. Suppose you could manage one or two roads upon choice localities to advantage, what will you do with the great number of them contemplated in this scheme? Where are the settlers to come from, sufficient to people such a vast amount of territory within the time indicated by the haste in which these measures are pressed upon us? A few hundred thousand settlers a year will not answer the purpose; nothing short of emigration by kingdoms, in a body, can satisfy such huge desires. Sir, depend upon it, emigration will not be materially increased by the means proposed. If lands were not raised in price, emigrants might be concentrated for a time in the vicinity of the proposed roads, instead of taking up their abode elsewhere. This is concentration in a particular locality, not an increase of population in the new States.

In the course of debate, allusion has been made to grants of alternate sections of land by Congress, in 1827, to the State of Illinois, to aid in the construction of a canal connecting the waters of the Illinois river with Lake Michigan; and, also, to another grant, during the same session of Congress, of like alternate sections to the State of Indiana, to aid in the construction of the Wabash and Erie canal. The acts making these donations required the price of the sections reserved to the General Government to be raised from $1 25 to $2 50 per acre. It was, doubtless, an object of importance to connect the waters of the Mississippi, through the medium of lakes and canals, with the waters of the Hudson river. Perhaps so strong an appeal could not have been made for any other similar donation. The New York canals, between the lakes and the Hudson river, were then in successful operation; and, it was inquired, why not construct canals in the new States, and send the products of the Mississippi valley to the commercial metropolis of the nation? The supposed benefits of these projects by no means equaled the injury arising from these donations. The grants neither blessed the giver nor receiver. They stimulated the States of Indiana and Illinois to embark upon a system of wild and extravagant expenditure. They issued stocks in profusion, and the markets were filled with them to overflowing. No adequate provision was made even for the payment of the interest, much less the principal. Consequences quite natural followed. These two favorite States, unsurpassed by any in the Union for beauty and fertility, overwhelmed by pressing liabilities, were forced to the threshold of repudiation. Their stocks were hawked in the marketplace; their credit was lost, and their public works stopped. These States turned over their lands to corporations created for the purpose. The price of the lands was fixed at five dollars an acre; and although a quarter of a century has gone by since the donations were made, more than half of them remain unsold to this day. These vast debts, created by the States of Indiana and Illinois, have prevented settlers from going there. The hardy pioneer does not relish heavy taxation. He goes where lands are good and cheap, and expenses light. Hence, the sales of land belonging to the General Government in these two States, have, without doubt, been much retarded.

Our experience upon this subject does not stop here. In 1838, Congress made a donation of alternate sections of land to the Territory of Wisconsin, for the construction of the Milwaukie and Rock River canal. This grant, like those to Indiana and Illinois, embraced the alternate sections for the distance of five sections on each side of the canal. In like manner, also, the price of the sections reserved to the United States was raised from $1 25 to $2 50 an acre. These lands were not surpassed in fertility, climate, or convenience of location, by any in the Union. A corporation was created to take the lands and construct the canal. This canal was to be some sixty or seventy miles long. The lands are gone, of course, but where is the canal? A dike, now used for mill purposes, a mile and a half in length, tells the whole tale of

this munificent donation. Not discouraged at this disastrous result, in 1846, Congress granted to the same Territory like alternate sections of land, for the improvement of the Fox and Wisconsin rivers. In 1848, Congress, aware that the whole project resulted in a failure, not only reduced the price of the alternate sections of the lands reserved to the General Government in both grants to Wisconsin back to $1 25 an acre, but paid to those who had purchased these reserved sections at double that sum the excess above $1 25 an acre. Let the Governor of Wisconsin, in his annual message to the Legislature of that State in January last, be heard upon this subject. He is on the ground, an eye witness to the effects of this system of unauthorized prodigality. I give his language:

"These large grants of the public lands to the State, in trust for the benefit of specific works of internal improvement, under the supervision of private incorporated companies, will retard the settlement of the State, by engrossing the most valuable portions of the vacant lands, and in every instance, will probably have the effect to keep them out of the immediate market, as well as to increase the original cost to the settler when offered for sale. If granted, as is usual in such cases, in alternate sections, the practice has been, and will probably continue to be, to increase the price of Government lands so alternately reserved, thus making the land, both granted and reserved, a profitless bargain to the capitalist, as well as placing them beyond the reach of a large proportion of emigrant settlers, who would otherwise become resident producers in the State. The consequence would be, they would avoid Wisconsin and seek more favorable localities in other States and Territories, where vacant lands could be procured at the usual Government price. If a grant be made for the benefit of only one certain work, or a particular company, and no other should be allowed, it would be objectionable, as conferring a special and exclusive benefit upon a particular section of the State, out of a general and common fund that belongs to all portions and sections of the State alike. If one grant should become a precedent reason for allowing others, and grants should continue to be made as often as any work or improvement could be demonstrated to be of utility and importance to any section of the country, in a very short time all the public lands in the State would be absorbed and engrossed by numberless projected internal improvements, each under the management of special and private companies, and all requiring the supervision of the State government. The companies having charge of these various works, would or might consider it for their interest to make such a high appraisement of these grants as would necessarily keep them a long time out of market, and prevent their occupancy and settlement. In the mean time, in order to obtain the requisite means to commence and carry on these works, they might see fit to issue bonds, scrip, or other evidence of debt, making these lands the basis of their credit and security, and by their sale and negotiation in a foreign market, have the effect to place these lands, in a measure, under the control of non-resident money speculators."

Mr. EASTMAN. Does the gentleman from New York intend to say that the sentiment expressed in the extract just now read from the message of the Governor of Wisconsin reflects the public sentiment of Wisconsin on this subject? If he does, I feel it to be my duty to correct him. The doctrine held by the Governor may be his own, but I assure the gentleman from New York, and the committee, and the country, that it is not based upon the public esntiment in that State; and I venture to assert here, that if that had been msde an issue at the election he would have been defeated by an overwhelming majority. I know of but one press in the State which pretended to sustain the position assumed by the Governor, and I am informed that even that one press has abandoned his defence in this particular.

Mr. JENKINS. These appear to be the sentiments of Governor Farewell, elected to that office by the *people* of Wisconsin. This is the best evidence we can have of the sentiments of the people of that State on this subject. The facts which I have given, also fully support the opinion of the chief magistrate of that State.

Thus, sir, theory and experience unite in placing the stamp of condemnation upon this system. If it were authorized by the Constitution, or by the nature of the trust which the General Government holds in the public domain, the project would nevertheless be inexpedient, and unworthy of our support.

I think it may be safely laid down as a principle, that no railroad should be constructed at public or private expense, unless it should first be obvious that the business which would be done upon it could not fail to make it a profitable investment. When the population is sufficiently dense to warrant this result, capitalists in the vicinity of the proposed improvement, perhaps aided by their friends abroad, will quite naturally enter upon the work. The funds will then be expended with care, and the work carried on with economy. In this manner, one railroad, or more, from the Mississippi river westward, commenced at some appropriate place, will follow the settlement of the country. It will be constructed by the surplus funds which the hardy enterprise of the West well knows how to accumulate and to manage. The same enterprise will begin and extend one railroad or more, from the shores of the Pacific eastward. The increasing population and the growing wealth and commerce upon both sides of the Rocky Mountains will extend the works until it shall be an object to the larger capitalists to supply the deficient link between the Atlantic and Pacific sea-boards. This step-by-step progress, begun and carried on by individual enterprise, called for by the real wants, and supported by the solid means of the country, is always sound and reliable. But make these vast donations for the construction of an army of railroads through the wilderness everywhere, and you will have stronger appeals, and more of them, hereafter for donations to run the cars than you now have to make the roads.

The present system of disposing of the public domain has been steadily pursued upwards of thirty years, and has worked well. It was adopted after forty years' experience. Prior to 1820, we tried high prices and the credit system. A debt of $22,000,000 due this Government, which the settlers were unable to pay, was the result. The lands were then reduced to $1 25 an acre, and sold for ready money. There they have stood, breasting the attack of several Administrations, warding off the assaults of interested combinations, private and corporate, and successfully pleading their own cause against every effort to make them common or State plunder. The system has never been equaled by any other Government, and will never be surpassed for its adaptation to the wants of the settler and the interest of the country. Here the nation has a vast treasure, which we can well rely upon in war and in peace. It has been guarded as a sacred trust, and I greatly mistake if that guardianship will ever be abandoned. I deprecate the weak and fallacious notion, promulgated in certain quarters, for no good purpose, that the new States are going to rob the nation of the public domain, and that this vast treasure will, in some way, be all squandered. He is a prophet of doubtful integrity who prognosticates evil, and then, by his own act, contributes to the fulfillment of his own prophecy.

We must expect that a great treasure will need some effort in its protection. Is it said that the interest of the new States will overleap all bounds of justice, and vote all these lands away from the nation? Where are the votes to come from? Ohio is already an old State; and Wisconsin, Indiana, Illinois, Mississippi, and Alabama, will soon take rank in the same class. The success of speculators, during the last Congress, in obtaining several millions of acres for the benefit of railroad corporations, should stand forth as an admonition against such encroachments.

The suggestion that the public lands tend to corrupt legislation, is a poor apology for giving these lands away. The argument amounts to this: We fear that future legislators will become so corrupt as to squander these lands; therefore let *us* squander them; let us save *their* reputation, by ruining our own! As well might such statesmen take the ground, that liberty itself is too great a treasure to be preserved long. It is assailed on every side. Posterity will not have integrity enough to guard it. Sooner or later it must go. *We*, therefore, being safe guardians of the public interests, will put an end to this troublesome matter, by the establishment of a despotism! Sir, free Governments always have had, and always will have, great treasures to guard and defend. Perhaps, the freer the Government, the more difficult is the guardianship of these treasures. "Property, liberty, national honor, are always open to assault, and assailants are ever at hand. One palpable legislative wrong opens the door to many more. Let us, therefore, stand up now against these encroachments, and the victory of right over wrong will hereafter be more sure.

If we would benefit the settlers, and keep an inheritance open to the attainment of the sober and industrious in this and coming generations—if we would encourage those who begin life without property, and hold out to them the strongest possible inducements to lay by their earnings for the purpose of securing to themselves and their families a permanent home, we must banish from our legislative Hall the projects of donation, graduation, and distribution of the public domain, and hold fast to the system which experience has demonstrated to be the best. Under this system the pioneer moves into the new country amid many disadvantages; but he is rewarded for his perseverance with the *first* and *best* choice of a farm. Each new settler increases the value of the adjoining lot, and hence those lots which at first would be rejected as a gift, in process of time are better worth the Government price than the best were at the period when they were purchased. This process, itself so simple and natural, is the best mode of land graduation which has ever been devised. It does not reduce the price, but raises the value of the poorer lands, as settlements advance, up to and above the Government price. It enables the pioneer to settle his children around him from the fruits of their own earnings, each content that the price is exceeded by the value of the purchase. This system keeps the great body of the lands out of the hands of speculators; for no speculator can purchase a large body of land at Government prices, keep it on hand for years, paying taxes and agency fees, and make money from the investment. It pledges to the young men of our country, and to emigrants from foreign lands, an asylum and a home, as a reward of their frugality and patient toil. So long as forty acres of good land can be purchased for fifty dollars, and eighty acres for one hundred dollars, a farm is within the reach of every one who is not disabled by sickness or old age. Our land system, therefore, holds out a reward to industry and frugality. The hardy virtues of earning and saving lie at the foundation of individual and national prosperity. Of what use is land to a man who is too indolent to cultivate it, or too prodigal to keep it? Give it to him, and he will place no real value upon it. Move him on it, and he will quit it. Encourage him, and he nevertheless sinks as though he were afflicted with an incurable disease.

The donation of public lands to actual settlers did not originate in the United States. The system, years ago, was reduced to practice in some of the Spanish republics upon this continent, and also by the British Government in Canada. The effect produced has not commended the continuance of the practice to the favorable consideration either of the philanthropist or statesman. The project has the merit of good motives. It originated in the best feelings of the heart. In theory, it is, at first view, somewhat attractive; but when it is carefully examined, I think it will be found void of any considerable amount of practical benefit.

The honorable gentleman from Tennessee [Mr. JOHNSON] proposes to reduce this theory to practice in this country, by giving to each settler one hundred and sixty acres of land, upon condition of occupancy and improvement for five years. This project has the sanction of the Committee on Agriculture. Surely the committee does not propose this as a measure for improving the agriculture of the old States; for we need there twice the population we now have to bring the agricultural districts up to an appropriate standard of improvement. The only reason which has been or can be offered for this scheme approaching plausibility is, that it will provide a home for the poor.

There has been a tendency in the General Government for some years to engross the business of State legislation. If a State is so derelict of duty as to neglect to provide for its own poor, is it the province of the General Government to furnish an almoner and to supply their wants? If we take this step, where shall we stop? Other omissions of duty in State governments, crying out more loudly for redress than it is in the power of poverty itself to put forth, may come to our ears, and shall we redress these grievances also? These principles, carried out, would leave the States with nothing to do. They might remain in name, with their boundaries on the map, showing where States had been; but without vitality, their name would be a reproach. All of the ob-

jections arising from a want of constitutional power, or intrinsic right in the General Government to make other partial donations are also applicable to donations of this character. If the bill provided for a donation of lands to all who should occupy them for five years, without regard to the pecuniary condition of the occupant, yet such legislation would be partial and unauthorized. The whole population of the old States cannot move away from their homes. A gift to a man who cannot take possession of it without a sacrifice, is no gift. Suppose a corporation owned land in the State of Iowa, and that the directors should pass a resolution that each stockholder should have his share of the land if he would move on to it and occupy it for five years. Some might be willing to go; some might find it quite impossible to abandon their present comfortable abodes for a home in the West. Would the division of the lands, founded on the condition of such occupancy, be in any respect just? No one can claim that this would be an equitable partition.

If Congress had the rightful power to make donations to actual settlers, and thus hold out a bounty to every man who will move from the old to the new States, few, very few, would move there who would not go without such bounty. It requires a much larger amount of means to prepare for the change of abode, and pay the expenses of a journey to the West, than is needed for the purchase of a farm there. Whoever has made such a beginning as will enable him to move to a distant country, and have enough left to commence the cultivation of a farm, will soon accumulate enough more to purchase a farm. He will then place a higher value upon it than if he were indebted to public charity for his land. He will, by his previous self-discipline, have prepared himself to take care of his earnings. How many of the extreme poor who throng our cities and larger towns, would ever take possession of lands in the wilderness? Not one in a thousand. Their associations, their modes of living, and their employments, alike disincline and unfit them for a frontier life.

The gentleman from Pennsylvania [Mr. CHANDLER] seems to believe that the benefits of this law to the poor who inhabit our larger cities will be incalculable. He represents a part of the city of Philadelphia, and must be acquainted with the condition of the poor in his own district. Allow me to read a short article, published in the National Intelligencer of this city a month or two since, upon this subject:

"DESTITUTION IN PHILADELPHIA.—The Philadelphia American gives an account of a visit made a few days ago to the hovels of many of the poor and destitute of that city, who live in small unventilated rooms, for which they are compelled to pay ten cents rent each day. It is supposed the number of these unfortunate beings is about five thousand. Many of them were found with their hands and feet frozen for want of fuel to keep them warm, while others had even disposed of most of their scanty clothing to buy bread. In one cellar a family were found who had been turned out of home because they were unable to pay their rent. In another place, a poor miserable woman and several children were found in a shed, the children covered up in a heap of ashes to keep them warm. Having no clothing whatever to cover them, the mother had been driven to this resort to keep them from freezing. The clothes had been sold to buy bread."

These are the persons who need help. When will they move on to the wild lands of the West? Will the city of Philadelphia—will the State of Pennsylvania furnish them the means to go with? If the poor are allowed to languish without food, or raiment, in the very seat of opulence, the coffers which are shut fast against them at home, will not be unlocked for any such purpose. How then shall they go? and how live, if sent penniless to that remote land? If it is the poor whom you would help, point out, I beseech you, some practicable means of enabling them to enjoy the relief you would grant.

Mr. CLARK. Does the gentleman from New York argue that the giving away of the public lands will *promote* the suffering and destitution of the poor in the cities?

Mr. JENKINS. Certainly. If we give away the public lands and cut off this source of revenue to the General Government, a higher duty upon imported articles is the inevitable consequence. Do not the poor pay a duty, a tax, upon many of the necessaries of life—the food which they eat and the clothing which they wear?

Mr. MOORE, of Pennsylvania. The gentleman from New York refers to the large amount of suffering which exists in Philadelphia, according to the account which has just been read. I would say to that gentleman, that the suffering in our populous cities arises in a great measure from the surplus of labor. Now, if a portion of industrious laborers and mechanics remove to the West, does it not leave room for the employment of those persons who are now suffering?

Mr. JENKINS. I doubt this alleged surplus of labor. The lands in the vicinity of Philadelphia would admit of the employment of many more laborers to advantage—so throughout Pennsylvania—so in New York. If the poor cannot get occupation in Philadelphia, why do they not apply to the farmers in that vicinity for employment? Besides, if the passage of this bill will not materially increase emigration to the West, then of what benefit is the law to the poor in the cities?

Mr. CABLE. I understand the gentleman to say that even these poor people pay duties to this Government; then I would ask the gentleman how he can deny them any participation in the Government; or, in other words, an equal participation in the public lands, in which they have an equal interest?

Mr. JENKINS. I would by no means deny to the poor a full participation both in the Government and the public lands. I would protect them in the enjoyment of both. The poor have their voice in the Government equally with the rich, and the funds derived from a sale of the public domain, and devoted not only to the support of Government, but to the common defense of the nation, result alike to the benefit of the humble and the affluent.

Mr. JOHNSON, of Tennessee. I would like to ask the gentleman a question. The bill under consideration, it is true, would not give immediate relief to the suffering condition of this description of population; but there is one thing equally clear and true, and that is, that it would not make their condition any worse. But I would ask the gentleman whether, if these persons had homes and land which they could have cultivated, and out of which they could have obtained a support, they would have been in this wretched condition?

Mr. JENKINS. Of course not. If you had the *right* to devote the *national* funds to procuring lands for them in the vicinity where they reside, you might thus bring relief to their wants. But no man will claim that the *national* Government has any such power. This is the business of the State in which they live.

But if your unauthorized bounty, from the very nature of things, shall flow to those only who can well take care of themselves, what justice is there in pleading the cause of the *needy* in order to gain a gratuity for the *prosperous*? Doubtless, the condition of the poor can be greatly improved, but such improvement must be commenced and carried on among the community in which they reside. Individual instances there may be in which a donation of western lands would be of service to settlers, who might not otherwise obtain for themselves a homestead. But if any legislation upon this subject is begun by Congress, it must be a general law, open alike to all. If you give a farm to those only who are worth not exceeding $500, according to the recommendation of the committee, children of the wealthy, who have not quite yet come into possession of the large estates of their parents, will nevertheless be entitled to the gratuity, while the young man who has bent his neck to six years patient toil, and laid aside $600, would be excluded. Would not such a provision open the door, also, to the grossest frauds? Many years since we granted pensions to such revolutionary soldiers only as were destitute of property. What was the consequence? The wealthy complained that, because they had been more industrious, and frugal than their companions-in-arms, and had, by that means, saved some property, they were therefore excluded from the nation's liberality. Some clandestinely put their property out of their hands, in order to obtain pensions. The injustice and inexpediency of this partial and one-sided legislation at length became apparent, and Congress soon abrogated the discrimination, and bestowed pensions alike upon the rich and the poor. If you bestow the public domain upon the penniless only, will not the industrious and frugal who, by the most rigid economy, have laid up a few hundred dollars, complain of their exclusion, for that cause, from the public bounty? Trace out the effects of such a law, based upon a discrimination between those who are worth over $500, and those who fall below the prescribed line, and consequences the most mischievous will not fail to be the result. Far better distribute the proceeds of the public lands at once among all the States, and let them be your almoners, than to undertake the proposed scheme. Much as I condemn any squandering of the public domain, nevertheless, if this inheritance must go, I would put it in a shape where it should be sent home to the door of want, and cause it to rejoice the heart that pines in the darkest cellar. I would not mock poverty with donations of land in the far West beyond the reach of the penniless; but if we must turn aside to do the business of *State* legislation, I would throw open the Treasury of the nation, and do a work worthy of a nation's bounty. However agreeable to our feelings such errands of mercy would be, fidelity to the Constitution requires us to avoid this inviting field of legislation. Our duties, more stern but not less important, lie in another direction. The guardianship of the public treasure is committed to our hands. Our power is limited. In time of war, other sources of revenue may be cut off. In such an event, the public lands have, and will continue to replenish our empty coffers, unless we forget the duties of our trust, and allow them to pass from our control.

THE PUBLIC DOMAIN—PUBLIC SCHOOLS, &c.

SPEECH OF HON. J. ALLISON,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

April 20, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period herein specified, being under consideration, in Committee of the Whole—

Mr. ALLISON said:

Mr. CHAIRMAN: I shall offer no other apology to the committee for proposing to occupy a brief space of time, than to say, that my constituents feel, in common with their countrymen, a deep interest in all questions connected with our public lands.

The policy to be adopted for the management and disposition of our public lands, has ever excited a lively interest in the minds of the people. In connection with, and growing out of the policy to be pursued in disposing of our public domain, arise other grave and important questions; the settlement of which, one way or the other, may very seriously and very differently affect the various sections of this country. We have had some able and very instructive arguments addressed to the committee, since this bill has been under consideration; and, it is to be hoped that the discussion will continue until the subject shall be exhausted.

In expressing my views and opinions upon this bill, I will take occasion to notice the various propositions connected with this subject, which have been submitted for our consideration.

The policy which has been adopted, and heretofore pursued in regard to the public domain, has generally been considered wise and beneficent. The Government has, by its preëmption laws, and the prices at which the lands have been sold, placed it within the power of almost every man who desired it, to become a land proprietor. Under the genial influence of this system, the West has grown and prospered beyond all precedent in the history of the world. The Government has not looked to the sale of her lands as a source of revenue merely, to meet the burdens of the State; it has been its aim and object to adopt such a policy as would insure the most speedy sale, improvement, and cultivation of its immense bodies of wild land.

These lands have been acquired at different periods in the history of our country, and in various ways. A part of those lands were ceded to the old Confederacy, and afterwards to the Union, by

Virginia and Georgia. Large debts had been incurred by the several States in the prosecution of the revolutionary struggle. Our fathers were poor. Their immediate resources had been exhausted by a long and expensive war. Virginia and Georgia held nominally—we may say absolutely—the title to a vast domain. It is true that it had been wrested from the mother country at the same time that we were successful in asserting our rights to independence. By the common courage that made us victorious in battle, and at the common expense of the States, Virginia, fully aware of all these circumstances, first led the way, and with a magnanimity above all praise, ceded to the confederation of States that immense domain now comprising five States. The deed of cession is in these words:

"That all the lands within the territory so ceded to the United States, (and not reserved for certain uses specified,) shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or Federal Alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

Georgia afterwards, in the same spirit, and for the same purposes, ceded to the General Government, in trust, the lands comprising Alabama and Mississippi. Afterwards, we acquired from France and Spain, by purchase, large acquisitions. And at a later day, from Mexico, still more extensive territories.

It is estimated that the extent of our public lands now cover an area of 2,475,385 square miles; or something over 1,400,000,000 of acres. This is a splendid domain—invaluable estate; and it becomes the duty of us, who are called upon to legislate upon this subject, to act wisely and prudently. We should inquire whether the wants of the people—the prosperity of the whole country—demand a change in our land policy. This is the first question to be settled. Has our system worked well? We may look to the present power and wonderful prosperity of the new States for an answer.

I may be, and doubtless would be, answered by some, that the proceeds of the public lands should cease to be a source of revenue. By others, that these lands should be granted to the States in which they lie, to aid in the construction of railroads, and for the benefit of education.

Gentlemen who advocate these measures would find no enemy in me, were they willing to permit all the States to share in the benefits. I look upon these lands as belonging to all the States. They should be a common fund, out of which all the States should receive an equitable portion. The new States have already had generous grants made to them for the purposes of education and for internal improvements. They cannot charge the General Government with niggardly meanness or parsimony. Generosity has characterized the legislation of Congress upon this subject. The whole amount of lands granted to the new States for these purposes, amounts to over 80,000,000 of acres, as follows:

Ohio	2,273,858.77	acres.
Indiana	3,267,460.61	"
Illinois	5,584,167.94	"
Missouri	3,242,627.00	"
Alabama	2,094,284.00	"
Mississippi	4,151,011.00	"
Louisiana	10,210,122.58	"
Michigan	6,170,866.00	"
Arkansas	6,250,813.00	"
Florida	2,022,993.00	"
Iowa	2,713,955.22	"
Wisconsin	3,128,799.00	"
Tennessee	3,353,824.00	"
California	500,000.00	"
Minnesota Territory	2,997,191.00	"
Oregon Territory	12,186,978.00	"
New Mexico	7,493,120.00	"
Utah	6,681,707.00	"
Total	84,222,184.12	"

I do not complain of these grants. I only ask that they be extended to all the States.

If our policy is to be changed—and I am inclined to believe that that is the purpose of many, whether a majority of the present Congress, time will soon determine—then I, as one of the Representatives of an old State, ask that justice be done the old States. No! I will not ask that even full justice be done the old States. But I think that we may be allowed to ask that something which approximates justice be done to them. Would this impoverish the new States? Would it detract from their power? Would it retard their progress? Would it prevent, or clog their onward march to prosperity and to greatness? I think not. There is enough for all, if we but legislate wisely for all. If we play the part of the prodigal, and squander our rich inheritance, by throwing it away upon visionary projects, in mere wantonness, which a consciousness of superabundance, and sudden wealth, sometimes begets in the possessor—if we act thus, we may in time, find ourselves in the condition of the prodigal. But if, on the other hand, we legislate wisely and act justly, we may advance the prosperity of our common country, and promote the happiness of all. We have 1,400,000,000 of acres of land. It is a low estimate to say that these lands are worth $1,600,000,000. With such a fund, what may we not accomplish for the good of the whole country? Academies and schools could be established in every valley, and upon every hill, where they may be needed. Is this not desirable? Who, that is a lover of his country and of his countrymen, would not rejoice to see the means of a liberal education extended to every youth in this broad land? Who would not rejoice to see the day, when the schedules prepared for taking our decennial enumerations, or census, shall no longer contain a column, to enumerate the number of our fellow-citizens, over the age of twenty-one years, who can neither read nor write? A dark column is this in our census returns. A Republic—a Government based upon the intelligence of the people, should not permit this reproach to continue. As we extend education, we deepen, widen, and strengthen the foundations upon which our institutions rest.

It was my desire and intention to lay before the committee the statistics showing the number of white persons, over twenty-one years of age, in the United States, who can neither read nor write; but the returns are not fully made out for all the States. I have obtained the result in a few. These partial returns are sufficient to show us that there are a vast number of our fellow-citizens who have, from various causes, been deprived of the blessings of an education. In the abundance of our benevolence, we propose to give to the landless of our fellow-citizens one hundred and sixty acres of land. This is well. But let us inquire, first, whether we have discharged our duties and obligations to that other class of our fellow-citizens to whom I have already referred. The voices of some hundreds of thousands of our uneducated fellow-citizens answer in the negative. What poor man would not rather know that a good education was secured to all of his children, than to have the privilege of settling upon one hundred and sixty acres of wild land? I may be told that this is not the business of the General Government. And some constitutional hair-splitter may object, because the Constitution does not, in express terms, provide for the education of the youth of the country. In answer to such objectors, I would say, that the principle has been recognized, established, and encouraged by our Government. Look at our Military Academy, and our Naval Academy. The very same clause in the Constitution which authorized the establishment and organization of these schools, authorizes grants of land to the several States for the purpose of establishing common schools for the education of all the youth throughout the land. But, ah! says the objector, these are schools to impart a knowledge of military and naval science. True; and very necessary, I grant. Common schools impart a knowledge of elementary science, and of government; and fit and qualify our children to sustain and perpetuate our republican institutions, and discharge the highly responsible duties pertaining to republican citizenship. What higher or nobler motive for action can address itself to the guardians of the public weal?

What American does not feel a just pride in the professional skill and scientific attainments of such men as Bache, Wilkes, Maury, and others of our military and naval officers? gentlemen who have shed imperishable luster upon their professions! While I conceive it to be our duty to afford every facility and encouragement to those institutions which have been established for the purpose of imparting to those young men who may wish to devote themselves to the service of their country, either in the military or naval service, a thorough education, I deem it no less the duty of the country to see that the youth of the Republic are properly educated, so that they may act well their parts in the civil departments of life. Let us make broad the basis of our institutions. How can we so well do this as by providing the means of educating the youth of our country? What plan so feasible as that to grant to each State a sufficient quantity of land, or the proceeds thereof, as will establish a system of common schools within the borders of each State, that will be adequate to the attainment of an end so desirable and so noble?

I am pleased to know that an honorable gentleman from Tennessee [Mr. CHURCHWELL] has introduced a bill appropriating 100,000,000 acres of land among the States, for the purpose of establishing common schools in all the States. I think that this bill should have precedence, inasmuch as it is the case of a judicious parent first to educate his children before he provides them with a farm. Out of our abundance we may well afford to do this. Nor will we, in doing so, impoverish ourselves to such an extent, that we cannot aid all the States in prosecuting those great schemes of enterprise which now engage the attention of the people of every State. Avenues for travel and trade could be opened from the sea-board to every section of the interior. The valleys of the South and West could be made accessible by railroads leading in every direction. Thus, intercourse and communication between the citizens of the North and the South, the East and the West, would be greatly facilitated, and the barriers which now separate the people of different sections of the country would be removed; and that kindly feeling of common brotherhood which is so desirable between the people of all sections of a common country, would be cultivated, and the bonds of the Union greatly strengthened.

After what I have already said, I need scarcely inform the committee that of all the projects that have been heretofore proposed and discussed, I prefer that scheme which was so ably and eloquently advocated by the greatest living American statesman—the distinguished Senator from Kentucky. It was a part of the great American system projected by that great man; but, unfortunately for the country, heretofore rejected. I prefer that scheme, because it would be in accordance with the spirit of the deed of cession, in the first place; secondly, it would be a fair and equitable disposition of those immense bodies of land which have been acquired by the common treasure of the country. Thirdly, because it would work no injustice to any section or State. I have heard of no sufficient reason for withholding from the old States what they are clearly entitled to, by the deeds of cession, and in consideration of the money paid out of the common fund. We have heard of all imaginable arguments. Some eminent statesmen, under the plea of a want of constitutional power in Congress to make a distribution of the proceeds of the public lands, have denied justice to the old States. The Constitution remains the same. But we have a different interpretation. An equitable distribution of the lands among all the States would still shock the constitutional sensibilities of some gentlemen. And yet they would grant millions upon millions to the States wherein the lands lie. The power of the General Government to make appropriations of money for internal improvements, is stoutly denied. Yet some of these same gentlemen will not hesitate to appropriate lands to construct railroads. They would have us believe that the General Government cannot constitutionally appropriate a dollar to pull a snag out of the Mississippi river, but has the power to grant lands for the purpose of cutting down forests, leveling hills, and filling up valleys, through which to construct railroads, *provided* it is done within some of the new States. Some gentlemen would esteem it a flagrant violation of the Constitution to make an equitable distribution of the public lands among *all the States*, in aid of internal

improvements; but entirely constitutional to grant them to the States wherein they lie, for the same purposes. Such constructions appear to me to be more restrictive than strict. We become bewildered in this maze of constitutional crudities—denying us the power to do justice to-day, and assuming the power to do wrong to-morrow. As long as there was a national debt hanging over the country, the old States were willing that their equitable claim should remain in abeyance. The result may show that this was an error. Now, we may say that there is no such pretext. But alas, for the old States, divided counsels upon this subject, together with the fact that the star of empire moves West, is likely to prove fatal to our rights and interests.

When we look at the vast amount of money expended by the old States, and the incorporated companies within the old States, in the construction of canals and railroads, we think it strange that any person would refuse to admit the justice of their claim, or deny the policy of granting it. The old States have, within a few years, invested large sums of money in railroads. In many of those States, the construction of such improvements is very expensive, owing to the rough and uneven surface of the country. Much has been done, but much remains to be done. The available means for such purposes are nearly, if not quite exhausted. The following table will show the number of miles of railroad completed within each State, and the number of miles in course of construction; also the number of square miles, and the number of inhabitants to the square mile. For this valuable table I am indebted to J. C. G. Kennedy, Esq., the accomplished and able head of the Census Bureau.

States with railroads in operation, or in process of construction.	Miles of railroad completed and in operation.	Miles of railroad in course of construction.	Area of the States in square miles.	Population in 1850.	Number of inhabitants to the square mile.
Maine.....	315	127	30,000	583,188	19.44
N. Hampshire..	489	47	9,280	317,964	34.26
Vermont.....	380	59	10,212	314,120	30.76
Massachusetts..	1,089	67	7,800	994,499	127.49
Rhode Island..	50	32	1,306	147,544	112.97
Connecticut...	547	261	4,674	370,791	79.33
New York.....	1,826	745	46,000	3,097,394	67.33
New Jersey....	226	111	8,320	489,555	58.84
Pennsylvania..	1,146	774	46,000	2,311,786	50.25
Delaware.....	16	11	2,120	91,535	43.17
Maryland.....	376	125	9,356	583,035	62.31
Virginia.....	478	818	61,352	1,421,661	23.17
North Carolina.	249	385	45,000	868,903	19.30
South Carolina.	340	298	24,500	668,507	27.28
Georgia.....	754	229	58,000	905,999	15.62
Alabama.....	121	190	50,722	771,671	15.21
Mississippi....	93	273	47,156	606,555	12.86
Louisiana.....	63	-	46,431	517,739	11.15
Texas.....	-	32	237,321	212,592	.89
Tennessee.....	112	748	45,600	1,002,625	21.98
Kentucky.....	93	414	37,680	982,405	26.07
Ohio.....	828	1,892	39,964	1,980,408	49.55
Michigan.....	427	-	56,243	397,654	7.07
Indiana.....	600	915	33,809	988,416	29.23
Illinois.....	176	1,409	55,405	851,470	15.36
Missouri.....	-	515	67,380	682,043	10.12
Wisconsin.....	20	421	53,924	305,191	5.65
	10,814	10,898			

In the Eastern States, it costs about $40,000 per mile to construct railroads. In the South and West, about one half that sum. The construction of these great avenues of trade and travel have benefited the whole country. And I think, that even those who so earnestly oppose an equitable distribution of the public lands, cannot but acknowledge that the West has been greatly benefited by their construction. The West, whose Representatives upon this floor told us that we cannot have an acre of those lands, owe much to some of the old States. They are largely indebted to the internal communications constructed by New York and Pennsylvania, for their present prosperity and power. New York was the pioneer in this great enterprise. The bold conceptions of the mighty intellect of Clinton, were an age, almost, in advance of the men of his day; but not in advance of the real wants of his country, as the result has proved. The idea of connecting the waters of the Hudson with the waters of Lake Erie, by means of an artificial river, was a magnificent conception, and was evincive of the greatness of the mind of the projector.

It might be profitable, in these days of apparent ingratitude and forgetfulness, to inquire, what would have been the present condition of the great West, had not New York and Pennsylvania constructed their great lines of internal improvements? There are, doubtless, great difficulties in the way, which will prevent us from making an accurate estimate. But I think, that any candid mind must admit, that had not those great avenues been constructed, the settlement and improvement of the Western country would have been retarded. The benefits were mutual, I grant. But the expense and burdens consequent upon their construction, were borne by those States alone. Had these canals not been made, is it probable that the West could this day boast of its present population? No, sir. The Western States would not be this day what they are, and what I rejoice to know they are. I am no enemy to the West. The importance of these improvements to the West, as well as the East, should have stamped them with nationality. But, no! The poverty of the General Government at the close, and for some years after the last war, added to the imperious necessity which urged their construction, made them State improvements in name, and in ownership; while they were eminently national in their character, objects, and benefits.

For nearly thirty years, there has been an almost constant stream of emigration from the East to the West, flowing through the New York and Pennsylvania canals. These great arteries have been throwing a continued tide of life to the western extremities of the Republic. It is in vain to attempt to estimate the benefits which the whole country has derived from these State works. We should not lose sight of the fact, that New York and Pennsylvania have prosecuted their grand schemes of internal communications with great perseverance ever since the great chief of the Democratic party struck down the policy of the General Government making appropriations for internal improvements. These States had either to construct those great works with *their own means*, or they would not have been made. A doctrine adverse to internal improvements had been promulgated by the great chief then in power. And both of those great States were too loyal in their fealty to the party in power, not to bow their assent to the newly-promulged doctrine From that time up to the present, the Whig party have battled against this doctrine. They have in vain importuned Congress to distribute the proceeds of the public lands among the States. It was a wise policy twenty years ago; it is a wise policy to-day. But, unfortunately for the country, it is not the policy of the party which has a majority in this House. New York and Pennsylvania alone have expended, in the construction of canals and railroads, about $200,000,000.

The State of Pennsylvania is in debt for her State works about $40,000,000. A few years ago this was felt to be a grevious load; too intolerable, under the then existing state of affairs, to be borne. Her citizens could not meet the annual interest upon her enormous debt as it became due. Her plighted faith, for the time, became tarnished. Her credit abroad was destroyed. Her fair fame was questioned at home. Her stocks, if sold at all, were sold at ruinous rates. But her people—jealous of the honor of the State, increased their taxes, and with the returning prosperity caused by the passage of the tariff of 1842, were enabled to wipe out the dishonor that had obscured her escutcheon, and promptly paid the interest on the State debt as it became due. Many of her citizens have indulged the hope that the day was not far distant when they would receive some aid from the public lands. Must we tell them that there is no hope that justice will be done? It will be unwelcome news to our heavily-burdened, honest, tax-paying farmers, to be told that they must no longer expect any aid from this source. Shall we say to them, "Although it is true that your taxes are paid for the purpose of discharging a debt incurred in the construction of internal improvements, which have benefited the General Government, by opening an avenue for communication and emigration to the West, and thereby creating a demand for public lands; and, on the other hand, affording increased facilities to the western farmer to reach the eastern markets with the products of his cheap and fertile lands—and these come in direct competition with the products of your farms—although all this is true, you will have to abandon all hope of any relief?" Nor is this all. We must, in addition, say, that these lands, a part of which are theirs of right, are to be given away to the new States, to build railroads free of cost to the citizens of those States, so that they may enter the eastern markets over railroads which cost them nothing, and compete with and undersell the products of the high-priced and heavily taxed lands of the old States. This will be but poor encouragement to our farmers in the old States, who have paid high prices for their lands, and have had to construct their own railroads and canals, and pay annually high taxes. After the Government has refused to give them a just and fair portion of the public domain to aid them in the construction of their improvements, they will be slow to see the justice of giving their lands to other States for the same purposes. Will they believe that the Government is alike just to all? It strikes me that our people will have just cause to complain of the Government. By your policy, you strike down our great manufacturing interests. You extinguish the fires of our furnaces. You stop the hammers of our forges. You turn thousands of our manufacturers and laborers out of employment. You render useless and valueless millions of capital, which, under the encouragement of your laws, our people have invested in establishments for the manufacture of iron. You paralyze the arm of industry. You deprecate the value of real estate. You make a bid for our population, by holding out inducements for our productive laborers, to leave their old homes, under the seductive promise *of lands for nothing, and railroads without taxes*, thereby decreasing our population, and consequently increasing the burdens of those that remain in the old States. Under such circumstances, some men appear to think it strange, that we of the old States, will not, with a supple subserviency, grant lands to make every railroad that is asked for in the West. Why, sir, we are asked to appropriate lands to construct a railroad from different points on the Mississippi river, one of the most magnificent navigable streams in the world.

Why should our Western friends think it strange that the Representatives of Pennsylvania should refuse to countenance a policy so entirely selfish and contracted—a policy at war with every principle of justice and good faith? Were there not an abundance for all, we might not think it so strange that our Western friends should wish to monopolize. Besides all this, there is a serious objection to giving lands to mammoth land corporations, under the style and guise of railroad companies, in this way building up princely fortunes for a few favorites, who may be so fortunate as to be the corporators.

If the following extract, which I take from a speech recently delivered in the other end of this building, be correct—and I have no reason to doubt it—is it not time for the party which professes to oppose "special privileges," and to hate corporations and "class legislation," to arouse—to sound the alarm, and marshal their hosts against the old enemy of Democracy? The Democratic party has ever professed to be jealous of soulless corporations. Senator Dawson thus speaks of the bright prospects of the Illinois Railroad Company. That distinguished Senator, in alluding to the grant of land made at the last session of Congress to the State of Illinois for the purpose of building the Great Central Railroad, and which land goes into the hands of a company incorporated by said State, uses the following language:

"I have gone into the estimates and calculations, and I find that the cost of building a railroad in that country will not exceed $10,000 a mile for laying down the rails, including excavations, embankments, and superstructures. The cost for these, and then for putting on the engines and cars for these six hundred and ninety miles, will be $6,900,000. What is now the estimated value of this land by the corporators themselves—by the gentlemen of the corporation in Illinois? The Senators from Illinois know its value. It is the finest land, as is admitted by the Senators, in the whole valley of the Mississippi, and worth at least ten dollars an acre. There are 2,700,000 acres of land gone into the hands of this company, to build a railway worth to them $27,000,000. Thus, by our legislation here, this company will receive a profit of $21,000,000 on six hundred

and ninety miles of railroad. If we had acted properly, that might have been done by the United States, and the same profits been received into the Treasury. And yet it is said that this is honest and just legislation towards every section of country! Why, it is an outrage upon the justice and rights of the States which we represent here, and one which ought not to be again permitted to occur.

"Nor is this all. These gentlemen say that they will not allow a division of the lands, and will not let the old States hold lands within the limits of the States of Iowa, or Illinois, or any other of the new States. They tell us they will not allow other States to hold lands within their limits. Is a State more unkind than individuals? Illinois will allow a corporation of individuals to own 2,700,000 acres of land within her limits. I present this to show that all these ideas are fanciful. They are unjust to ourselves, and unjust to the country. It did not become us, as representatives of the people, intending to do what is right and just between State and State. Why may not a State hold lands within another State? Could not the Governor of Georgia have gone to Illinois and purchased the lands as Governor, by undertaking to execute the contract, and then he could have held the land? Why, where is the constitutional provision to prevent one State holding land within the limits of another? Nowhere. This is the reasoning got up to encourage what are called State-Rights men to support these appropriations. Here is the working of the system now illustrated before the country, and I want the country to know it—2,700,000 acres of land have gone into the hands of a company to build a road six hundred and ninety miles long, which will cost $6,900,000; and the land is worth not a dollar less than $27,000,000. Then here are $21,000,000 gone by our legislation into the hands of a company—gone by our legislation when we were not thinking of what we were doing. This is no fancy sketch. I am telling the truth, and gentlemen know it, and I stand by it."

Is this the way that the public lands are to be disposed of? Are these grand schemes of plunder to be favored? Is this dispensing equal and exact justice to all the States? No wonder that the distinguished Senator from Georgia was indignant, when he saw the injustice done his own State—which had so generously and magnanimously ceded to the Government for the benefit of *all* the States, millions upon millions of her lands. Are the old States to be deprived of their rights, that stock-jobbers and speculators may realize splendid fortunes? Private land speculators have been the objects of fierce denunciations. Epithets too opprobrious could not be used in describing private individuals who purchased land on speculation; but a mammoth land monopoly may be tolerated with favor.

Pennsylvania, which, according to population, has an equitable interest of $120,000,000 in the public domain, is denied an acre.

We are told that the new States can never consent that any of the old States shall hold lands within their borders. But they make no objection to the citizens of Massachusetts, or of England, as corporators, holding millions of acres within their borders. In plain English, they are not willing that the Smiths, Joneses, and the Browns of Pennsylvania shall hold an acre—as a State—but are entirely willing that the Rothschilds, and the Barings, of London, shall control millions.

It is said that one State, to which a large grant has been made, has transferred these lands to a corporation, and has released them from taxation as long as they remain the property of the corporation. If this be true, it removes the force of the argument which has been urged against the principle of an equitable distribution—that is, that one State ought not to hold lands within the borders of another, free of taxation.

Mr. Chairman, a Government should never act in bad faith toward any of its people. If we should give away those lands, either to corporations to construct railroads, and to build up private fortunes for the corporators, or should give them away to actual settlers, would we not be obnoxious to the charge of having acted in bad faith toward Virginia and Georgia? They ceded an immense territory—seven States—to the Union, in trust for the benefit *of all the States*. They had a design in this. There was a noble purpose which actuated those States. There is an implied trust, but you refuse to appropriate the lands in execution of that trust, and for the purposes designed by those who ceded them. Suppose that Virginia and Georgia could bring the *cestui que trust* before a court of chancery, and allege that the trust funds have been misapplied; that, instead of the trust being faithfully executed in accordance with the deed of cession, the trustee was squandering the trust funds to the great injury of those States. Suppose, then, sir, that Virginia and Georgia would allege, among other things, that they had within their borders large bodies of unimproved and uncultivated lands, which they greatly desired to have settled, improved, and cultivated, but that the course of policy adopted by the trustee in departing from the instructions given in the deed of cession, was resulting to the prejudice and great injury of those States, by rendering valueless their unimproved and unoccupied lands, and greatly depreciating the improved lands of those States, and all this, too, in violation of the letter and spirit of the deeds of cession; do you suppose that any court in Christendom would refuse to enforce the execution of the trust, or command a surrender of the trust, and the *discharge* of the trustee?

Mr. Chairman, the bill now before us has a very imposing title. And I am very sure, that if its passage would secure to the country the benefits which its title promises, we should not hesitate to give to it a favorable consideration, and a speedy passage through this House.

It is to encourage agriculture, commerce, manufactures, and *all other* branches of industry. These are all desirable objects. And if, by passing this bill, we can attain them, it is our highest duty to pass it. But I greatly fear that it is like some of those cure-all medicines, which we see placarded at every corner. *It promises too much.* It sometimes happens that in endeavoring to fix up a nostrum that will perform wonders, we mix so many ingredients that they neutralize each other, and render the whole worthless. The gentleman who framed the title, appears to have been impressed with the necessity of affording encouragement to the various industrial pursuits of the country. I am also impressed with a sense of that necessity. Agriculture is the great interest of this country. Yet agriculture, when not stimulated by a ready demand and fair prices for its products, must languish. To insure such a demand, and such prices, it is necessary to have an adequate number of consumers. Our production in any department depreciates the value of the product. The nearer you can approach to a proportionate diversity of pursuits, the better for all. It would not do for all the citizens of any community to engage in chair making, unless they could find a market abroad for their chairs. Nor would it be wise for all of our people to become farmers; or all to become manufacturers or mechanics. Over-production in any department has a tendency to depress that department, and depreciate the value of labor employed in it.

When the foreign importations of a nation are paid for by the products of the domestic labor of the country, or the products of the soil of the country making the importations, commerce and agriculture both flourish. But when, in addition to this, there is such a diversity in the productive labor of the country as to afford a ready home demand for the products of the soil, and full employment and adequate compensation for the labor of the country, then do we see the greatest degree of prosperity in the country. Will this bill have a tendency to produce such a diversity in the productive labor of the country as will secure such a result? That is the question which I desire to have answered. If answered satisfactorily, I will vote for the bill. We want such legislation as will secure to us a diversity of labor. In my district, we have two large iron rolling-mills. When they are in full operation, the surrounding country feels the healthful stimulus sensibly. When their fires are extinguished, and the hundreds of laborers are forced to abandon their hammers, and seek employment in agriculture, and are thus changed from being consumers of the products of the farmer, and become producers and competitors, I say that, when this is the case, it is not a healthy state of things for the country. We feel that to be the case in Pennsylvania at this time.

But I am digressing. Are there too many persons engaged in commerce, in manufactures, and in the mechanic arts? If there are, then this bill is well calculated to encourage and benefit all those departments of productive labor. Because it is a bounty offered to men who are engaged in those pursuits, to abandon them, and become farmers. Is it not a seductive lure, which is well calculated to induce many laborers and mechanics, who are now doing well at their homes in the old States, to leave them, and engage in agriculture? The desire which is almost innate in our people, to be land proprietors, will lead many to abandon prosperity, and exchange it for disappointment and adversity. I am well persuaded that no pursuit in this country is more likely to feel the evil effects of over production than agriculture. Our exports of breadstuffs, have fallen off very much within a few years. A foreign market cannot be relied upon. A home market is what the American farmer wants. And that is to be given him by encouraging a *diversity* of labor, and not by offering bounties to induce others to engage in agricultural pursuits. A strange way, truly, to encourage agriculture, by *increasing* producers, and *decreasing* the number to be supplied with agricultural products. Our exports of breadstuffs have been declining since the passage of the tariff of 1846, although quite a different result was predicted by the friends of that measure. Our exports for the five years last past, are as follows:

In 1846–'47 we exported.....	$27,000,000
In 1847–'48.....	19,500,000
In 1848–'49.....	23,700,000
In 1849–'50.....	12,200,000
In 1850–'51.....	8,100,000

But I may be answered that the main object of the bill is to aid that unfortunate class of our fellow-citizens who are poor and landless. Here I meet my friend from Tennessee, [Mr. JOHNSON.] I feel that in the pursuit of this object we can travel together. Our aim shall be the same. I would not have his heart beat a generous pulsation for the honest poor, but that I could wish to respond to it, with pulsations as generous. Now, let me ask my friend if he will go with me a step further.

We have in Pennsylvania hundreds and thousands of honest, poor men, who would like to participate in the benefits proposed by the bill. But they love the State of their nativity. They are accustomed to breathe the pure and exhilarating air of her mountains. They would with reluctance exchange the ruddy complexion of Pennsylvania health for the pallid hue, which the chills and fever never fail to impart to its victims. Now, such men are as worthy of the bounty of the Government as those who would lightly abandon their native State, and all its tender endearments. Then, let us amend the bill, so as to give to all such an equivalent in money, upon their giving security that the same shall be expended in the purchase of a piece of land, within their native State, or the State in which they may reside.

But, Mr. Chairman, I have no intention of proposing such an amendment. I merely desired to show how unequal and partial would be the operation of the bill. Our worthy poor men, who would be deprived of the bounty by remaining at their homes in the old States, would be slow in seeing a good reason for denying them the privilege of enjoying the generous bounty of their country. Besides all this, there are immense tracts of unsettled and unoccupied land in New York, Pennsylvania, Virginia, Georgia, and other States. Good policy requires that these States should have their wild lands subdued and cultivated. But we must meet things as they are presented to us. The honorable gentleman from Tennessee [Mr. JOHNSON] has a noble and benevolent purpose at heart. I honor him for it. And if we are to choose between his bill and the railroad bills, which confine grants to the States where the lands lie, I will go with him; and I shall most cheerfully vote for the bill making grants to all the States for school purposes.

Another argument is used in favor of this bill, which has some plausibility; but when we examine it closely, and remember the policy pursued toward the men who first plunged into our illimitable forests, it loses its force. It is the alleged necessity for offering inducements to settle the wild and uncultivated lands of the interior. There was a day when such a policy might have been advocated with reason, and enforced by necessity. It was at that day, in the early history of the country, when the Boons and the Logans commenced the settlement of Kentucky, and the Zanes, the Bradys, and the Wetzels settled Western Virginia and Western Pennsylvania. The stories of privations and hardships endured, the perils encountered by the early pioneers of the then West, pass in these days as idle tales. Few

of this generation can realize the perilous situation of those little settlements, which, far away in the wilderness, broke the monotony of forest scenery; when the idea conveyed by "the West" was bounded by the Ohio river—when the Indians still met the white man in savage conflict on the borders of Western Virginia, Western Pennsylvania, and Kentucky, and claimed those sections of our country as their hunting-grounds, and fought their last battles over the graves of their fathers.

The West, now, is the Pacific. The red man is no longer feared. The tiller of the soil in the most distant settlements no longer carries with him his trusty rifle to the field of his daily labor. The mother, in her secluded and lonely cabin rests in security, no longer under apprehension, when she retires at night to rest, that the scalp of her babe may ornament the belt of some savage warrior in the morning. Such were the perils encountered by some of our pioneer fathers in the last century. There were giants in those days, if we may judge by their prowess and deeds of daring. How ill did our Government requite their services? You gave them no land. The services of the scout and pioneer are well-nigh forgotten. You insulted their memories the other day, by rejecting the proposition of the honorable gentleman from Kentucky, [Mr. MARSHALL,] which proposed to grant to the heirs of certain soldiers, who were killed in battle, or who have died since the wars, the bounty land which they would have been entitled to had they lived. I recorded my vote for that bill with great pleasure, and hope to have an opportunity of doing so again. Let us, by liberal and just legislation, meet all proper demands made upon us by the West.

PROGRESS.

Progress, progress, is the spirit of the age. Old customs, old opinions, old ideas of justice are contemned. The speed of the locomotive is tardy, and scarcely meets the wants of this impetuous age. Is this the spirit that is to characterize our legislation? We no longer wait until the wants of the people require railroad facilities. But we now build railroads where *people* are wanted. We are asked to construct railroads which commence at some village, and terminates in the wilderness. We are asked to legislate, as if there was but a very limited time in which to perform the residue of the world's labor. And, then, this New World of ours was to stop short in its career of progress, because *we* had ceased to occupy these seats. Are we to act as if we were the last of the race who may know what disposition to make of our public lands—how to legislate for generations yet unborn? I am not of this school of thinkers. I have a faith in the race. I believe that our sons will be quite as capable of disposing of our broad domain, for their own benefit, and to suit their own convenience, as we are. Some may be disposed to judge the present generation harshly, when a comparison is instituted between our fathers and us. They were men suited to their times. Let us, by prudent, wise, and useful legislation, show that we are equal to our duties—suited to our times. Let us not anticipate the future wants of the country too much. In striving to do so, we may do incalculable injury to that future. Our fathers had faith in us; they left us something to do. They did not distrust us. Let us leave something for our sons to do. Let us not distrust them.

YOUNG AMERICA.

The honorable gentleman from Alabama, [Mr. SMITH,] the other day, made a call upon that portion of young America sitting on this side of the House. The call is in these words:

"YOUNG AMERICA. Sir, the duty and business of the young men of America has been, and still seems to be, to nurse the old ones. [Laughter.] I ask the young men of this Congress, either Whig or Democrat—I ask the young men of the United States of America, either Whig or Democrat, whether they are still willing to continue to hold the milk bottle to the lips of political second childhood? [Great laughter.] Is it not a magnificent occupation? [Renewed laughter.] For my part, I am willing to quit this business, and I intend to do it."

I would respond to that gentleman, by saying that, on our side of the House, we have no such specimens of superannuated fogyism. We have no candidate who needs the "milk bottle of political second childhood." But as our friends on the other side appear to be in tribulation, on account of the number of "old fogies" who are candidates for the Baltimore nomination, I would respectfully beg leave, to make a suggestion. I would propose a compromise, between old fogyism and young America. The wisdom which a ripe experience imparts, is doubtless desirable on all sides. But, energy and vigor are not less desirable. If all can be found united in one person, what an admirable President he would make? Is this practicable? I answer that it is. But, like everything in these days, it requires a "compromise;" a compromise of the principles of youth and old age. I will relate an incident, which my friend may possibly have heard of, which illustrates my suggestion. It is this: The Abbé Fauchaund, of the province of La Vendee, in France, while sitting in his study one day, was aroused from a reverie by the noisy gambols of a young dog, who was engaged in a fruitless effort to arouse an old mastiff, who lay upon the hearth at his master's feet, to join him in his gambols. The incident attracted the attention of the Abbé, and the inquiry was suggested to his mind, why this difference between old age and youth? Has the brain lost its tone and activity, or does it arise from the fact that the blood of old age becomes stagnant, and the heart refuses to perform its office, and ceases to drive the vivifying current through the arteries and veins? Has the blood become stagnant in old veins? or has the brain become torpid? The good Abbé became deeply interested in solving these difficult questions. A happy thought struck the philosopher's mind, and it was no sooner conceived than he became impatient to test its practicability by an experiment. He immediately called to his aid his servants, and ordered them to bind the legs of both dogs. He then made two incisions into the breast of each dog, and inserted in the orifices two tubes, which connected the dogs. After a short time had elapsed, the philosopher thought that he perceived a change in the countenance of the old mastiff. The sullen gravity, which had hung about his old face for years, gradually gave way to the playful expression of youth. The delighted Abbé ordered the dogs to be separated, the tubes to be withdrawn, and the bandages to be removed. To his great delight and joy, the old mastiff sprang to his feet with all the energy of early youth, and gamboled through the room as if he were a pup. The attention of the excited Abbé was so entirely engrossed with the frolicksome humor of his old friend, that, for the time, he had forgotten the pup. Upon looking for him, he found him snugly esconced in a corner, laying with his head resting upon his paws, looking with all the gravity and contempt of old age upon the youthful follies of the old mastiff. Great was the joy of the Abbé Fauchaund. The experiment had solved the mystery; and the human race, in after ages, would be greatly benefited. Fauchaund would be another name which would live forever. The brain does not grow old or wear out, but retainsits pristine vigor to the latest ebb of extreme old age, cried the Abbé; and by this wonderful discovery, the world may have the benefit of the brightest intellects, and the ripest experience, simply by the transfusion of young blood into old veins!

How important does this discovery become at this important juncture! A transfusion of the blood from some ardent young American into the veins of some one of the "old fogies" who are candidates for the Presidency, would give satisfaction to both divisions of the Democratic party, and restore harmony. Let "young America" furnish the blood, and "old fogyism" the brains, and the Democratic party may have a candidate worthy of its palmiest days, thus giving to "young America" young blood for progress, tempered by the wisdom and experience of "old fogyism."

THE HOMESTEAD BILL.

SPEECH OF HON. WILLARD P. HALL,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

April 20, 1852.

The House being in Committee of the Whole on the state of the Union on the Homestead Bill—

Mr. HALL said:

Mr. CHAIRMAN: It is my wish to give my views with reference to the bill before the committee; and as that can be effected most satisfactorily, perhaps, by noticing the objections which have been urged against it, I will pursue that course.

In the first place, then, it is said that the compacts made with the States ceding their lands to the United States stand in the way of this bill. I answer, if that be true, the objection can be obviated by excepting from the operation of the bill the very small portion of the public domain which is affected by these compacts. But the objection is unsubstantial. The very compacts referred to require the lands "to be disposed of." Any one who will examine them will at once perceive that the settlement of the lands and the disposal of them to private individuals was one of the chief objects of the deeds of cession. Your present land system defeats that object. Under it immense tracts of country are retained in the condition of a wilderness for years after they have been opened to settlement. This Government has fixed one uniform, unvarying, and invariable price upon all its public domain. The result is, that the best lands are sold, while the inferior lands remain to the United States for a half century or more, dividing neighborhoods and entailing upon the new States all the evils and inconveniences of sparse settlements. We have petitioned and remonstrated against the continuance of these unjust regulations. We have explained, over and over again, the injustice and folly of fixing $1 25 per acre as the price of a tract of land of inexhaustible fertility, covered with heavy and valuable timber, and situated near a navigable stream, and of fixing precisely the same price upon another tract of land of thin soil, destitute of timber, and remote from navigation. And, as a remedy for the evil, we have asked that the price of the public lands be graduated according to their real value. Our petitions, remonstrances, and explanations have been received by Congress in a manner very nearly contemptuous. The United States have chosen to keep their lands until the States within which they are situated construct railroads and other improvements to give them value. Is it a fair execution of the deeds of cession, and the compacts requiring the public domain to be disposed of, to hold it at such prices that it cannot sell until the new States expend millions of money in giving it value? Did Virginia intend that the Northwestern Territory should not be disposed of until the States formed out of it should construct canals and railroads over and through it? Did Georgia intend that the same policy should prevail with regard to Mississippi and Alabama? No, sir; no, sir. By refusing to reduce the price of your public lands, you have violated your compacts. You have at the same time speculated off of the new States; for you have availed yourself of the improvements constructed by them, near to and through your lands, without giving them one cent in return. This is unjust; it is ungenerous. But relief is now offered us by the old States. They are not willing to sell a single acre of public land for less than $1 25; but they are willing to give away the whole of the public domain, subject to private entry, to actual settlers. I, for one, accept their proposition, and I trust that the new States will bring to this bill their united support and pass it into a law.

"But the bill is unconstitutional." There is not the slightest pretext for this position. The Constitution of the United States declares that "The 'Congress shall have power to dispose of, and 'make all needful rules and regulations respecting 'the territory or other property belonging to the 'United States." If this clause does not give us the power to grant land to actual settlers, I do not understand the meaning and force of the English language. Why, sir, under it, we claim the right to organize territorial governments. And on what ground? Partly, if not principally, in order that the territory may be settled, that our people may be induced to migrate there, and that the public lands may become the homes of American citizens. Yet these very gentlemen, who assert that under the clause I have quoted, we may appoint governors, judges, and other officers, and put into operation all the machinery of a government, for the purpose of settling the public domain, deny that we can, in order to secure the same object, grant a single acre of land to an actual settler. Now, sir, it appears to my mind, that granting land to

actual settlers is a natural exercise of the power to dispose of the public domain; while the establishment of territorial governments is by no means so legitimate a consequence from that power. At all events, I am not able to appreciate the argument which maintains that granting land to actual settlers, is not a disposition of the territory of the United States.

The preëmption law involves precisely the same principle which is involved in the present bill. That law gives the settler upon a tract of public land, the right to purchase it at $1 25 per acre, in preference to any other individual at any price. What principle does this assert? Most assuredly that Congress has the right to accept the settlement of the public lands, as part payment of those lands. If we may constitutionally permit the settler of a quarter section of public land to enter it at $1 25 per acre, in preference to any other individual who may be willing to give fifty, or even one hundred dollars an acre for it, why may we not give the land to the settler, free of charge? If we may relinquish to the settler nine tenths, or ninety-nine hundredths of the price of a tract of public land, why may we not relinquish to him the other tenth, or the other hundredth part of the price? It appears to me, that the power to relinquish a part of the price of the public lands to the settlers, involves the power to relinquish to him the whole price, if it be promotive of the interest of the Government.

Nor is this all. The privileges conferred on one class of our settlers, by existing laws, is far greater than any proposed by this bill. Under our present system, the public lands are first surveyed, and then made subject to preëmption. After remaining in that condition such a length of time as the President may direct, they are offered, at public sale, to the highest bidder; and then, and not until then, they are subject to private entry. According to the provisions of the preëmption law now in force, an individual is permitted to settle upon the public lands as soon as they are surveyed; and, if he will erect a cabin on a quarter section of public land, and live in it but a single night, he may forthwith enter it, no matter how valuable it may be, for $1 25 per acre, to the exclusion of all the world besides. It is very manifest that the privilege of entering, at $1 25 an acre, a quarter section of land, worth $10 or $20 an acre, in consideration of a single night's residence on it, is very much greater than the privilege of obtaining a quarter section of refuse land, worth $1 25 an acre, at most, by occupying it for five consecutive years. Yet the former is the privilege conferred by existing laws; the latter is the privilege proposed by the bill before us. No one, however, complains of the preëmption law—and why? Because experience has shown the preëmption system to be a wise and beneficent one for the Government, as well as for the people. But I must repeat, that system establishes no other principle than this: that the settlement of the public domain is a valuable consideration, rendered by the citizen to the Government, which it is proper for Congress to recognize. Now, the preëmption system, though good as far as it goes, does not go far enough. Under it, and by it, the speedy settlement of your best lands alone is secured. It requires a more liberal policy to secure the speedy settlement of your worst lands. Pass the bill under consideration, and it, in conjunction with present laws, will secure the settlement of all your lands, good and bad, *pari passu*. It will lead forward civilization, in a solid column, in the place of that scattered march which has prevailed with our advancing population since the foundation of this Government.

Mr. Chairman, what is it that gives value to the public domain? Settlement, and settlement alone. When this country was first colonized, the lands along the Atlantic were worthless; but as our numbers and wealth multiplied, real estate became valuable. The wilderness was explored and subdued; roads, ferries, and bridges were established; churches and school-houses were erected; villages, towns, and cities were built up—all of which, combined, served to impart to the lands in the old States value and importance. Now, sir, settle the West, and the history of the East will be its history. Our lands will appreciate; our means of intercommunication will be improved; and all those advantages which, in this country, are peculiar to the old States will be placed within the reach of all of us. Depopulate the new States, and the lands within their limits would be valueless. Multiply their population tenfold, and you will multiply correspondingly the value of their lands. Only a few years ago land in Oregon was considered worth absolutely nothing. But many of our people have recently removed to that Territory; they have made their homes there, and have carried civilization along with them. Lands in Oregon are now becoming valuable; and as its population increases, the price of its lands will increase, until the whole of them are settled, cultivated, and improved. Now, sir, the settlement of the public domain is always a work of difficulty, and oftentimes a work of danger. The pioneer can never expect to enjoy the luxuries, and is more than fortunate if he can procure even the comforts of life. Encountering the diseases incident to a new country, subjecting himself and his family to the toils and exposures of a first settlement, he explores your Western forests, and by his labor, energy, and capital, gives value to your public domain. Is it right, is it fair, is it just, that this great Government should speculate off of such a citizen? No, sir; no, sir. Let us rather encourage him to go on, by securing him in the enjoyment of his little farm against the speculator and capitalist.

Mr. Chairman, while the settlement of the public lands advances so rapidly the welfare of the new States, it at the same time promotes the welfare of the old States. It is the new States which are the chief consumers of the fabrics of the American manufacturer. Separate the Mississippi valley from the Atlantic States, and what would be the condition of the latter? A tariff would be unavailing to protect them from ruin. Your large cities would lose their wealth. Pittsburgh would perish. Boston, New York, Philadelphia, Baltimore, and Charleston, would dwindle into insignificance. But if the growth of the West has heretofore benefited the old States, why will not its continued growth continue to benefit the same States? It will have that effect. The prosperity of the new States makes the prosperity of the old States; and every day the connection between the two sections is becoming more and more intimate. Almost every hour our means of intercommunication are becoming more easy. And every change in the West is transmitted, at once, through the ten thousand channels of trade and business to the Atlantic seaboard.

It is not our manufacturing interest alone which is promoted by the settlement of the West. The transportation of Western produce, and its returns, gives employment to a multitude of commercial agents, sailors, and ships. Every pound of cotton, hemp, tobacco, and other produce sent from New Orleans to New York, or Liverpool, increases the demand for Eastern labor. Your ship-yards are crowded, and your ship-builders are constantly employed, because the new States prosper. And the more they prosper, the more will the commerce of the nation, and all those connected with it, prosper also. The lumber-man of Maine, the iron-master of Pennsylvania, the cordage-maker, the sail-maker, and the pitch, tar, and turpentine manufacturer of North Carolina, all, all find a demand for their labor in order to carry on the commerce furnished by the new States of the Union. The farmers, too, of the old States, are enriched by the growth of the new States, for they find the best market for their products in the towns and cities which throng the old portion of the country, and which, but for the West, would languish, and many of them die. Thus it is that the settlement of the West promotes every branch of Eastern industry, manufacturing, commercial, and agricultural.

Some gentlemen fear that population will be drawn from the old States, if this bill should be passed into a law. Similar apprehensions have been entertained whenever a proposition favorable to the new States has been introduced into either House of Congress. But, surely, an uniform experience should dissipate all such fears. It is true, the Western States have advanced with great rapidity; but it is equally true that the Atlantic States have, at the same time, grown and prospered; and the more rapid has been the advancement of the former, the greater has been the prosperity of the latter. Massachusetts never before improved so much in numbers and wealth as she has done in the last ten years. The same is the fact with regard to New York, Pennsylvania, and the other old States. Why, then, should any one be jealous of the growth of the West? Our prosperity acts and reacts through the channels of trade and business upon the old States, and everything that aids us, aids equally the old States of the Union.

Mr. Chairman, it appears to me to be a most selfish, unwise, and contracted policy which opposes everything that promises to benefit the new members of this Confederacy. Suppose that the new States should oppose all governmental expenditure and improvement in the old States, on the ground that such expenditure and improvement would keep population in this section of the country, how would such conduct be received? With approbation? No, sir; but with the strongest terms of condemnation and reproach. Yet such action on the part of the West would be just as proper as the action of those Representatives from the old States who oppose the present bill, because it will promote the growth of the new States. The West, by contributing to the support of your Navy, your armies, and your fortifications in the East, contributes to the defense of the whole country. And so the old States, by facilitating the settlement of the public domain, promote the welfare, and strength, and power, of the entire Union.

That the effect of granting land to actual settlers will be to hasten the settlement of the West, I have no doubt. But why object to that? Population will leave the old for the new States, only because the change will secure them larger returns for their capital and labor. If a man, by removing from Maine to Missouri, can double his income, his removal will be of great benefit, not merely to himself, but to the Union. The wealth of a nation is made up of the aggregate wealth of its citizens; and whatever increases the latter, adds to the former. If one hundred men in an old State can make but $10,000 a year, and by removing to a new State can make ten times as much, who does not perceive that the whole country would be benefited by the migration of those one hundred men from the East to the West? I do not say that such is the difference between the earnings of men in the old and new States. But I do say, that men will not, as a general thing, go West unless they can increase their earnings by such a removal. And if their earnings be so augmented, the removal is for the benefit of the whole country, and should be favored by all.

It is objected, however, that by granting land to actual settlers, we shall throw the whole expense of the land system upon the customs. To a great extent this will be so. But we shall at the same time very greatly augment the receipts from imports. Our exports, with which our imports are bought, are furnished by the agricultural States. The Mississippi Valley and California now furnish three fourths of all the exports of the United States. Now, if you will increase the population of these sections, you will also increase their products, and of course the exports of the country. But in precisely the same ratio that you increase our exports, will you also increase our imports, and thus swell the revenues of the Government. While, therefore, the bill under consideration will reduce the revenues from the public lands, it will, to a great extent, increase the revenues derived from other sources. In truth and in fact, it is a revenue bill. Under its operation our aggregate revenue will augment much more rapidly than it otherwise would, and the period will be hastened when our present exorbitant rate of taxation can be reduced. The settlement of the public lands will swell the revenues of the Government in two ways. In the first place it will render productive tracts of country which are now a waste. And in the next place it will add greatly to our population. No proposition is truer than this, that as you increase the means of subsistence you increase the population of the country. Now, there is nowhere else on the face of the globe such an abundance of the mere means of subsistence as there is in the West. Our people are exposed to many hardships; they are denied the luxuries enjoyed by many other sections of the country. Many of them are poor, very poor. But there is no one in the new States who has not at all times enough to eat. It is this cause, among others, which has occasioned the

rapid increase of our numbers. Let the poor men of the old States move to the new States, let them escape from penury and want by removing to a land of plenty and abundance, and our population will increase at a greatly augmented ratio. In one word, sir, the multiplication of our numbers, the multiplication of our wealth, the multiplication of our power and prosperity, are the effects which the bill before us is certain to produce.

Mr. Chairman, I have said that our present rate of taxation is exorbitant, and that this bill, by increasing our revenues, will enable us to reduce our rate of taxation. I do not wish to be understood, however, as saying that our taxes may not with propriety be reduced at this time. On the contrary, I believe that our revenues should be reduced. We are expending some $50,000,000 a year. If this amount were equally divided among our people, it would be nearly $2 50 per head—to every man, woman, and child, white and black, bond and free, in this Republic; and that is our present tax for the ordinary purposes of the Government. I believe that tax is too high. I think it can be reduced with great advantage to the Government and the people. Now, sir, the tax which presses most heavily upon my section is the tax upon the public domain. The price of $1 25 per acre is, to all intents and purposes, a tax upon the settler on the public lands. It is just as much a tax as a duty on iron or broadcloth. If, then, our taxes are to be reduced, where can we begin the reduction more properly than with public lands? I know of nothing that can be made tax free, with more benefit to the country at large, than the Government domain. I am, therefore, for making that domain free to the actual settler first, and then for reducing our taxes on other articles, until our revenues come down to the proper revenue limit. And as the settlement of the public lands will have a powerful tendency to swell our revenue from the customs, I am for reducing our duties from time to time, as circumstances will justify, in this way lessening the burdens on every section of the country as the occupancy and cultivation of the western land progresses.

Mr. Chairman, I do not believe that granting land to actual settlers is to cut off our revenue from the public lands altogether. By no means. One hundred and sixty acres of land will not be found to satisfy the settlers generally. Each settler will, after a short time, want to enlarge his farm, and that can be done only by purchase, for this bill will not permit any one individual to receive more than one quarter section of land under its provisions. Besides this, the rush of immigration to the new States which, granting land to actual settlers, will induce, will appreciate the value of western lands generally. The present settlers will, therefore, enlarge their farms, and I have no doubt but that a large part of the expenses of the Land Department will continue to be defrayed by the sales of the lands themselves, after their fall passes into a law, if it should pass.

But foreigners will settle the public lands. Be it so. There was a time when every white man in this country was a foreigner. It is from such a stock that we have sprung. And I presume foreigners are just as worthy now as they were when the United States were first colonized. Two centuries have not been without their effect, in improving the mental and physical condition of the people of Europe. During that time they have learnt something of the rights of man, and something of the principles of free government. I am not afraid that their settlement in the United States will injure either our morals or our politics. But, aside from this, the people of Europe will migrate to this country. Every year our immigration is becoming more and more numerous. And no man supposes that this Government will undertake to prevent it. The question, then, is not whether we shall have foreigners in the United States, but what is the best disposition to be made of them. Now, I have no doubt but that it is much better for us in every point of view, that our foreign population should live in the new States as independent farmers, than in the old States in dependent want. At present the European immigrants crowd our large cities. That is not the situation most favorable to the study of the character of our institutions, nor best calculated to impress a stranger with the extent of our privileges. But if, by a system of legislation at once just and beneficial to our citizens generally, we can induce the foreign immigrant to make his home in the West, we secure his attachment and fidelity to our institutions. As soon as he finds himself in possession of a home of his own, and occupying a position that makes him a freeman—free from the control, direction, and oppression of a superior, he will and must feel proud of American citizenship. He becomes identified with us in hopes, in interest, and feeling. He realizes the fact that our prosperity is his prosperity, and his study will be to discharge all the duties of a good and faithful citizen; and he will be bound, through good report and through evil report, to the cause of the country. The poor immigrant who remains in an old State, and is there subject to numberless annoyances and oppressions which men of his condition but too often experience, may, possibly, entertain but little concern for us or our Government; but the poor immigrant who, escaping from the pauperism and distress of Europe, is given a homestead in a new State, and is thus secured in an abundance for himself and family, must feel his heart swell with gratitude for the nation which has done so much to promote his welfare, and must labor for its success and perpetuity.

But it is said, that every person in this country can purchase a quarter section of land, at the present Government minimum, and hence the grant of land to actual settlers will amount to nothing. From this position I must dissent. It is certainly a very easy thing for a lawyer, a physician, or merchant to lay up two hundred dollars. But it is far different with a laborer, whose whole earnings are fifty cents or less a day, and who has to support a large family out of this small pittance. Such a man may by possibility, through the most rigid economy and excellent management, if blessed with uninterrupted good health, save two hundred dollars at the end of a great many years. But if stricken down by disease, or overtaken by any other serious misfortune, nothing much short of a miracle can enable him to accumulate a single cent. To the large class of common laborers, the bill under consideration will be of incalculable advantage. It will give to each and every one of that important and useful number, an assurance of independence, and open to each and every one of them a refuge from oppression; yes, sir, I say, a refuge from oppression. For as much as we boast of the equality of our people, it is nevertheless true that even here, in many parts of the Union, such inequalities do exist as illy comports with free institutions. The poor workingman, whose daily bread depends upon his daily labor, is not as free as I would like to see him. The employer who can at will discharge from his service, and reduce to extreme want, hundreds of his employees has more control over the votes and actions of his fellow-citizens, than the well-wisher of this Government can approbate. I certainly deeply regret a state of things which gives to one man the command, not merely of the comforts, but of the subsistence of another. I fear, however, that such is one of the evils inseparable from every crowded community, and that all we can do is to alleviate the evil. The most important and potential alleviation that we can accomplish, is to offer a free home to every American citizen who will settle upon the public domain. Such a law will make every man in this country, who possesses energy and industry, a freeman in fact as well as in name. It will enable the very poorest to escape from thralldom to independence. And it will secure to the American farmers, for many generations to come, a freedom of thought and of action, which are absolutely necessary to the preservation of this Government. Our safety is not less in the independence, than in the purity of our people. If by any means it shall ever happen, that a few men will have the control of the labor, and consequently of the head of the masses, they will to a great extent control their votes also, and our Republic will become an oligarchy of the most degraded character. It is with a view of putting off this evil day, if not forever, at least, for an indefinite period, that I desire land granted to the actual settler—a farm secured to every individual in this Union, who loves freedom and independence enough to seek them, even in the wilderness. No doubt, it is true, that many, very many will prefer living in the old States in independent poverty, to encountering the hardships and fatigues of migrating to the West. But surely it can be no good reason for us to refuse relief to any, because we cannot relieve all. Let us pass a general law granting land to all actual settlers, the benefit of which every person may, if he will, enjoy. Active and energetic men will seek its privileges. And the conciousness that a home is always within their reach, will impart to our working men a feeling of noble independence which will do much to elevate the character of our laboring population generally, and much to preserve the true character of our political institutions.

Mr. Chairman, I am as much opposed as any man can be to this Government transgressing the purposes for which it was founded. But I, at the same time, feel a deep interest in the welfare of the masses, who, in every country save this, are the mere hewers of wood and drawers of water for society. I would, if possible, preserve this nation from the calamity which such a condition of things would entail upon it. And I can see no other policy so likely to answer the end I have in view, as the passage of the bill under consideration. At this very time, the danger I have alluded to threatens us. Not a winter passes during which there are not hundreds—nay, thousands of our people in the large cities reduced to the very verge of starvation. In this metropolis, within the last few months, many a workingman, able bodied and industrious, has been without fire, and almost without food, because he could not obtain employment. In other localities, I fear the suffering has been greater than it has been here. Now, it cannot be, no, it cannot be for the interest of my section of the country that these distresses should continue. Starvation and suffering enrich nobody. Far better is it for all of us that every man should have constant employment, than for a portion of our people to live in idleness and want. The old States will be benefited not less than the new States by a policy which will enable every person who wants work, and cannot get it in the East, to find employment on his own farm by removing to the West. And it appears to me to be neither wise nor patriotic, to keep our immense public domain a wilderness, in the hope of realizing a small annual revenue from that source, rather than have it cultivated and made productive by the poor and needy, who suffer in many of the Atlantic States. Such a line of policy I cannot consider as demanded either by the obligations of the Constitution or by duty to any portion of our constituents.

Grant that the States are the proprietors of the public lands; that we are their trustees; yet when we dispose of the public lands for the good of all the States, I cannot see why we do not fulfill our constitutional duties in this respect. If this be so, the question arises, what disposition of the public lands will best promote the welfare of all the States? And I answer, without hesitation, granting them to actual settlers. By such a course, you strengthen the Government, for you increase our population. You swell the receipts into the Treasury, for you augment our exports and imports. You elevate the laboring masses, upon whom rests your institutions, for you make them independent. You, at the same time, alleviate the distresses of thousands of your citizens, for you give them comfortable homes and constant employment. Bills similar to the present, in principle, have been repeatedly passed heretofore by the Congress of the United States. I will call the attention of the committee to a few instances only.

In the year 1795, an act was passed granting 24,000 acres of the public domain to the French inhabitants of Gallipolis, upon condition that the grantees should make or cause to be made, an actual settlement on the same. The act was entitled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned." It was approved by President Washington, on the 3d day of March, 1795, and in order that its character may be clearly understood, I will read the fourth section of the act. It is in these words:

Sec. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized and empowered to cause to be surveyed, laid off, and divided, the remaining 20,000 acres of land, residue of the 24,000 acres, into as many lots, or parts, as the actual settlers of Gallipolis shall on ascertainment aforesaid amount to, and

the same to be designated, marked, and numbered on a plat thereof, to be returned to the Secretary of the said Territory, together with a certificate of the courses of the said lots, the said lots or parts of the aforesaid tract, to be assigned to the settlers aforesaid by lot. And the President of the United States is hereby authorized and empowered to issue letters patent as aforesaid, to the said actual settlers and their heirs, for the said 20,000 acres, to be held by them in severalty in lots to be designated and described by their numbers on the plat aforesaid, with condition in the same letters patent, that if one or more of the said grantees, his or her assignees shall not, within five years from the date of the same letters, make or cause and procure to be made an actual settlement on the lot or lots assigned to him, her or they, and the same continue for five years thereafter, that then the said letters patent, so far as concerns the said lot or lots not settled and continued to be settled as aforesaid, shall cease and determine, and the title thereof shall revert in the United States, in the same manner as if this law had not passed.

Here is the original of the bill before us. Both imbody precisely the same principle. That principle was sanctioned and established by the founders of this Government, in the earliest days of this Republic; and I, for one, am proud to stand upon the same ground occupied so well by these truly great and good men. The only difference between the bill of Washington's administration and that of the gentleman from Tennessee is, that the former was local and partial in its application; the latter is general. The former was confined to Frenchmen; the latter extends to all American citizens, and is therefore more in accordance with the principles of our Government, and more worthy of our approbation. During Mr. Van Buren's administration, an act was passed granting land to Dr. Perrine and his associates, for the purpose of encouraging the cultivation of tropical plants in the United States. One of the provisions of that act required the land granted to be occupied by an actual settler. On the 4th of August, 1842, an act was passed granting to actual settlers within a certain district of Florida, one hundred and sixty acres of land. This act required a residence of five consecutive years to entitle the settler to a patent. And during the last Congress, an act was passed giving land to actual settlers of the Territory of Oregon. From this reference to the legislation of the country, it will be seen, that granting public land to actual settlers is no new policy with us. It originated with the administration of Washington, and it has been praticed, from time to time, down to the administration of Polk. General Jackson strongly recommended it in one of his messages. The bill under consideration, therefore, involves no novel principle. It merely proposes to make general, and apply to all of our people, a principle which has been repeatedly recognized by this Government, partially and in its application, to a few individuals.

Mr. Chairman, it has been frequently said, and I believe it is true, that this is the only Government on earth which speculates off of its public domain. All other nations except ours, encourage the settlement of their territories by granting land to actual settlers. Such is the case with England, France, Spain, and Mexico. Many States of this Union practice the same policy. Arkansas gives away all the lands which become forfeited to the State for taxes, to actual settlers. Texas disposes of her lands in the same way. This policy has not brought upon either of these States the evils which some gentlemen fear will be its result, if adopted by the United States. Neither Texas nor Arkansas have been overrun by foreigners. Neither have been cursed with a worthless and idle population. On the contrary, the effects of encouraging settlements within their limits have been so manifestly beneficial to all classes and pursuits, that those States do not contemplate any change in the mode of disposing of their public lands. Why, then, if granting land to actual settlers within the limits of a portion of our States benefits those States, will not grants of lands to actual settlers within all the new States benefit them also? These grants will have that tendency. They will induce the cultivation of our, at present, waste lands; lead to the development of Western resources, and greatly add to the independence and comfort of our people generally.

Mr. Chairman, there is another, and by no means unimportant consideration, which recommends the bill before us. It will have a very powerful tendency to prevent speculation in the public lands. Under our present system speculations of that kind are, all the time, more or less practiced; and in periods of great monetary prosperity they are carried to an extravagant extent. During the year 1836 the sales of the public lands reached the enormous amount of over 20,000,000 acres, most of which were bought on speculation. Lands thus purchased are not improved, but are held up at exorbitant rates, and either retained unsettled or occupied by a dependent tenantry. A sort of Van Rensselaer manor is in this way established in the new States, which greatly arrests their settlement and improvement. In this way, too, many millions of dollars are taken from commerce, manufactures, and agriculture, and invested in lands which remained for a long period unproductive. Large amounts of capital are thus locked up, as in a miser's chest, in a form which does serious injury to the new States by retarding their growth, and as serious injury to the old States by depriving them of a heavy sum of available means. Granting lands to actual settlers will not, perhaps, terminate land speculation altogether, but it will, to a great extent, check and restrain it. The capitalist will not be willing to invest very largely in public lands, when millions of acres just as fertile as those he purchases can be procured by the actual settler without price. Should the bill under consideration accomplish no more than this, it will be productive of a great national good. It will secure capital to the various branches of active industry, and save the new States from the pest of large estates owned by absentee landlords, which are the curse of every country in which they exist. Shall our public lands be owned in small parcels by the cultivators of the soil, or shall they pass into the hands of a few large proprietors, to be leased out to tenants, is the issue we are called upon to determine.

Some gentlemen seem to think that a certain number of people, and no more, will migrate to the West under all circumstances. This is a great error. Migration to the West depends entirely upon the inducements presented to it. If your public lands should be put up to fifty dollars an acre, western immigration would cease. If they be reduced in price, or given away to the settler, the tide of western emigration will be greatly augmented. To the man of wealth, it certainly is unimportant whether a quarter section of land, actually worth $1 25 per acre, be sold to him at that price, or be given to him. But to the man without any other means than his own labor, it makes a vast difference. And to the latter class is the West chiefly indebted for its settlers. Besides this, much land in the new States is not worth the present minimum price. My meaning is, that there are lands in the West of an inferior quality and remote from timber and navigation which will not yield to the settler ordinary interest at $1 25 per acre. But if the price of that land should be reduced, or if it should be given away, it would be occupied. The effect of the present bill, if passed, will be to settle all that kind of land —land which, at present prices, will remain a waste for generations. Experience justifies this statement. The effect of the laws granting land warrants for military services has been to reduce the price of the public lands. These warrants can be bought for very much less than one dollar an acre. And every gentleman from the West can testify that under this state of things, thousands of acres of public land have been taken up, which had been in market twenty, thirty, and even forty years without a purchaser. Such has been the case in Missouri. And such, the returns of the Land Office show, has been the case in every other new State. The effect of the present bill will be similar to the bounty land law. It will lead to the settlement and cultivation of lands which cannot sell for the Government minimum. It will, therefore, not only increase migration westward, but it will secure the improvement of tracts of country which, under our present system, will never be settled, or at least not for a great while to come.

A word or two with regard to another subject which has been constantly introduced into this debate, and I shall be done. I refer to the propositions to grant alternate sections of public land, through which railroads pass, to the States within which such lands lie, in order to aid in the construction of those works. The object of the grants just mentioned, is to give increased value to the public domain, and in that way to secure its settlement. The bill before us, and the railroad grants, are but parts and parcels of the same great system. The purpose and effect of both are the same. Both propose the settlement of the public lands; both will draw population to the new States, and convert the wilderness into the habitation of men; both are recommended to me by the same great considerations, and both shall receive my support. Securing homes to our people is a very great and noble object; securing to them railroads and markets, to make their homes comfortable, is an object scarcely less important and praiseworthy; and I trust that this Congress will do itself the honor of establishing both the one and the other as the permanent policy of the country, not by the usurpation of undelegated authority, not by the exercise of powers dangerous to the welfare of the Republic, but by the disposal of the public lands of the Union in accordance with the express grant in the Constitution of the United States.

NON-INTERVENTION.

SPEECH OF HON. JOHN BELL,

OF TENNESSEE,

IN THE SENATE, *April* 13, 1852.

The Non-Intervention Resolutions proposed by Mr. CLARKE, on the 19th of February last, [See page 136,] being under consideration—

Mr. BELL said:

Mr. PRESIDENT: I cannot but feel some embarrassment in proceeding to address the Senate, after what has just transpired; and I regret exceedingly to find myself in a position which seems to require that I should speak on this subject at all, when so many measures of urgent interest and importance seem to demand the prompt attention of the Senate. Nevertheless, this day having been assigned for the consideration of the resolutions just announced from the Chair, with the indulgence of the Senate I beg leave to proceed.

Some question was made with regard to my views upon the resolutions offered by the honorable Senator from Rhode Island, [Mr. CLARK.] I am not so vain, sir, as to suppose it of any public importance that I should state what those views are; but still I choose to avail myself of the courtesy usually extended to Senators on such occasions; and, moreover, to exercise the common privilege of Senators to express their views freely on any question, which they may deem of sufficient importance, and which may appear to be pertinent to the duties and powers of Congress.

I am aware, sir, that this subject has lost much of its freshness—still more of its attraction—by the discussion it has already received, and more particularly by the abatement of the excitement which existed in the country, previously to the introduction of the resolutions by the honorable Senator from Rhode Island. Still, I am of opinion that the subject has lost none of its intrinsic importance by the lapse of time, or by the consideration it has already received; nor, in my judgment, has it yet been discussed in all its more interesting connections and bearings; and it is for the purpose, chiefly, of expressing my views upon several aspects of the general question, which other gentlemen do not appear to have thought of sufficient interest to present, that I have risen to-day.

I wish it to be understood in the outset, that I do not propose to occupy the time allotted to me, on this occasion, by noticing particularly the arguments of gentlemen who have preceded me. I am aware that it might, perhaps, be expected of me to take some notice of the strictures of the honorable Senator from Louisiana, not now present, [Mr. SOULE,] upon the course of the Administration in relation to the Cuban invasion, the officious intermeddling of the British Government in that affair, and the circumstances under which the Spanish consul returned to New Orleans. Sir, while I doubt not that the policy and proceedings of the Administration in relation to those transactions are susceptible of a very satisfactory explanation, yet I shall leave to others—who may be

more familiar with all the circumstances of those transactions than I am, and to whom it may be both more convenient and agreeable—the task of elucidating, and of deducing from them the just vindication of the Executive.

I desire, further, to have it understood that I do not attach very much importance to the question so earnestly debated—after all that has transpired in relation to this subject—whether the resolutions offered by the honorable Senator from Rhode Island shall be adopted, if adopted at all, without amendment, or whether we may not incorporate with them some expression of the opinions entertained by the country of the intervention of Russia in the affairs of Hungary. While it gives me pleasure to acknowledge that no member of this body is more distinguished for his good sense, for his sound, practical, and statesmanlike views upon any question he chooses to investigate than the Senator from Rhode Island; and while I admit that his resolutions embrace every sentiment which I think important for this country to declare in connection with the Hungarian question; nevertheless, I mean to say, that I do not lay the same stress that others have done upon the question whether the resolutions shall pass in the shape in which they now stand, or whether they shall be so amended as to declare, in fitting and proper terms, the sentiment of the country upon the practical question of intervention in the case presented between Russia and Hungary. In my view of the subject, if Congress, entertaining the opinion that any important principle of international law has been violated by the intervention of Russia in the affairs of Hungary, should deem it expedient to express the concern with which the people of this country had witnessed that intervention, and even to protest and remonstrate against any future and similar violation of the law of nations, in temperate yet firm language, I do not consider that such a proceeding would disturb the amicable relations existing between the two countries. I hold that such a proceeding on the part of the United States would be no just cause of offense to any foreign power, nor any violation of national courtesy. Indeed, sir, there may be some danger that, in our caution to avoid one extreme, we may fall into the opposite one; for, while I agree that neither sound policy, nor a just regard for our own character and dignity, nor a due respect for any foreign nation with whom we desire to cultivate relations of amity and commerce, do not warrant or justify the employment of the language of invective, of menace, or bravado, in protesting or remonstrating against any actual or supposed aggression on their part, upon the rights of any other nation or people; yet there is a wide difference between such forbearance in language—between a firm and yet temperate expression of our opinions and sentiments, and the tameness and submissive acquiescence, which might be implied from absolute silence, when we conceive that there has been a violation of any great conservative principle of that system of international law, the boast of modern civilization, which has, by common consent, been adopted to secure the equal and independent rights of the weaker and smaller States, as well as of the stronger and more powerful, among the family of nations.

I have thrown out these suggestions rather to maintain the right of any one nation to take exception, by protest or remonstrance, to the acts or conduct of any other power, conceived to be an infraction of the law of nations, without being necessarily committed to any other or forcible intervention to compel its observance, than with any view to the exercise of the right on the present occasion. For myself, I am quite content with the resolutions as they were presented by the Senator from Rhode Island. If it were important, or proper, or expedient, to add to the resolutions, by declaring our sympathy with the fortunes of Hungary, or to protest against any future intervention by Russia in the affairs of that gallant people, I am not prepared to say that either the amendment offered by the Senator from Michigan, [Mr. CASS,] or by the Senator from New York, [Mr. SEWARD,] is in a form which could receive my assent. The language of the amendment offered by the Senator from New York I consider decidedly objectionable.

But I do not propose to examine the question whether there has been any violation of any great conservative principle of the law of nations by Russia—whether the interference of that power, upon the invitation of Austria, with the affairs of Hungary—a dependent kingdom of the Austrian empire—was such a violation; nor do I propose to go into the discussion of what may be the true interpretation of the law of nations, as to the question, how far one nation may be justified or allowed to interfere in the internal affairs of another, when its own safety or interest may seem to require such intervention. It is enough to say that, whatever may be the rule of international law, the practice of nations, as shown by all history, is—and, sir, it ever will be—that, whenever any great power considers that either its own safety, interest, or the success of its ambitious schemes suggests the policy of intervention in the affairs of other nations, it will not hesitate to interfere. It may be said with truth of the law of nations, as it has been said of municipal law, in certain conditions of society and government, that it is too often found to be a dead letter, when great criminals are to be brought to justice. It is a principle of international law that no nation has a right to wage war against another nation without just cause; and yet, more than nine tenths of the wars which have afflicted the world even in modern times, have had no other foundation, or pretext, than the lust of conquest, the love of glory, or of spoil.

It will be perceived, sir, from the tenor of these introductory remarks, that I have not risen to continue the discussion upon the subject of the policy of intervention or non-intervention by the United States in the affairs or quarrels of Europe. It is not a question of intervention or non-intervention, then, theoretical or practical; it is not the cause of bleeding Hungary, nor of her highly-gifted, though over-zealous and presumptuous chief, who no sooner set his foot upon our shores than he commenced to teach us the true interpretation of international law, and to give us lessons upon the moral duties of our position in the great family of nations; nor is it the cause of liberty in Europe, or of human rights in general; nor is it the question as to what is to be the fate of Europe, or the consequences of recent changes, or the present condition of affairs on that continent upon its future destiny—however interesting such questions or inquiries may be—that I avail myself of the privilege of addressing the Senate.

My purpose is to call the attention of the Senate, and of the country, so far as I may be able by my humble voice, to another question—to another and far different inquiry, suggested by the resolutions under consideration, and fairly embraced within their scope. That inquiry is, how are we to be affected—how is this continent to be affected—how is the New World to be affected by the recent changes and present condition of affairs in the Old World. How are American ideas and interests of government to be affected by European ideas and institutions. This I consider the great American question of the times; and one which may well occupy the thoughts and attention of the Senate and of the country. I could only desire that the inquiry had an abler expositor than I may hope to be. And I would that I had an opportunity of going into the subject under circumstances less embarrassing and more propitious and favorable to a hearing. I regret—I deplore—that I have neither the ability nor the favorable occasion for doing justice to a subject which appears to me to be one of the highest importance to the future condition and fortunes of this country.

I have said that the great American question of the day is, how is this country to be affected by the present condition of Europe.

What, then, is the present position and attitude of Europe in relation to the great principles and questions connected with the organic forms of government? Sir, I propose briefly to sketch the recent changes and, what I consider to be, the present condition of Europe in these important aspects.

You may remember, sir, that general tranquillity and confidence in the established order of things had reigned in Europe for a considerable period, when the sudden and unexpected overthrow of Louis Phillippe, followed in rapid succession by popular and insurrectionary movements in Italy and the German States, in Austria and Hungary, roused the world from its supineness. The simultaneous movement of the liberals in so many States, and their partial successes, inspired the lovers of freedom everywhere with hopes of the most beneficent results, and led to the greatest excitement; but the public mind, with the receding tide of republican successes, regained its composure without its confidence. The unsettled condition of affairs, and the power of contending factions in one great country still held the public mind in suspense, and all awaited the solution of French politics; perceiving, that upon that would depend, in no small degree, the future quiet of the Continent. That solution came like a clap of thunder to unexpecting ears, in the *coup d'etat* of the 2d of December. The excitement was now intense, and expectation was on tiptoe, until the question could be solved, which had no clue in the knowledge or conjectures of this country—whether the French people appealed to, as they were, with every external show of freedom of choice, would condemn or approve the daring usurpation of Louis Napoleon. While in this suspense, lo! tidings came that upwards of seven of the eight millions of adult male population of France had approved and sanctioned the decree which abolished the Republic; and confided to the arbitrary will of one man the power of reconstructing their Government. Thirty-six millions of freemen thus voluntarily surrendered their liberty, and gave their powerful sanction to the creed that popular sovereignty was not a safe element in the organic form of a government!

If the event of the 2d December was startling, these last tidings were absolutely astounding; and men's minds were set to work to account for the strange and unexpected result—scarcely yet doubting that the next arrival of a steamer from abroad would bring accounts of a spontaneous and successful uprising of the partisans of freedom in France which had hurled the daring usurper from power. But, astonishing as were the events I have just recounted, the fact—the most amazing to me at the time of all that have transpired since the expulsion of Louis Phillippe from his throne—remains yet to be stated. Contemporaneously with the first report of the event of the 2d of December which reached this country, came vague—and at the time little credited—assurances that the movement of Louis Napoleon would not only be successful, but that the peace of France, and of Europe, would be rather consolidated than disturbed by its success! And now, after four months—after more than a hundred days have passed, fresh assurances reach us from so many reliable sources to the same effect, that it would seem a species of madness any longer to resist absolute conviction on that point—assurances the more incredible from the first, when we consider that they were accompanied by advices that the King of Prussia, following the lead of France and Austria, was proceeding as fast as he durst to remodel the constitution of his Government upon a basis which excluded every vestige of republicanism.

What, then, sir, is now the recognized and well-understood position of the nations of Europe—the cradle, and still the great nursery of modern civilization—in regard to popular rights and free government? Let facts speak the answer. If what we hear be true of Prussia, then the four great Powers of the Continent are modeling their Governments upon the basis of absolutism—upon the theory that popular sovereignty, or popular control, to any extent in the affairs of government, directly or by representative assemblies, is incompatible with peace and order, and utterly subversive of the securities and blessings of civil society. Sir, a new order of things has arisen which decrees the abolition of the very symbols of liberty. Every monument of the transient existence of former Republics—every inscription, every memento of former freedom, is to be razed to its foundations—effaced and obliterated, so that no trace shall remain—no tradition be allowed to go down to posterity of the time when republican forms had found a foothold in Europe.

Thus, sir, the great and imposing fact stares us in the face that the continent of Europe has reverted to the old ideas of monarchy and absolutism! and liberty lies prostrate, discarded and dishonored.

And what, I repeat, is still more surprising, the opinion prevails, founded upon the most reliable sources of information—the entire mercantile class, the stock market, the great capitalists upon the London Exchange and the Paris Bourse, the money kings, who have their Argus eyes fixed upon every part of the Continent, and their secret agents in every cabinet—not only that republicanism is down, but that there will be no further commotion, no war; and that this state of things is permanent in Europe!

Can this be true, Mr. President? Can it be true that the spirit of liberty is extinct in Europe; or, if existing at all, so feeble, so exhausted, so dead, as to give no signs of future awakening; no promise of an early resurrection; and this, too, in the middle of the nineteenth century—and among the most civilized people of the earth! this, too, in the full and meridian blaze of science, moral and physical—in an age, which has been emphatically and universally proclaimed and recognized as the age of progress, to distinguish it from all antecedent ages and generations of the world! Why, sir, at such a time as this—in such an age as this—among a people so civilized, to affirm that a new order and condition of things has arisen which rejects and repudiates the idea of popular rights or sovereignty as incompatible with the ends of society; and that this state of things is permanent! to affirm that republicanism is *effete*—fast becoming an obsolete idea—that its merits have been weighed in the balance and found wanting; that the handwriting has appeared upon the wall, announcing confiscation and banishment to the partisans of freedom. Why, sir, I wonder that some gentlemen do not start from their seats in this Chamber, upon the announcement of so stupendous a fact upon any creditable authority—and yet the authority is the highest known in the range of human testimony!

And this is the advancing spirit of the age! This, the *denouement*—the final result of sixty years of revolution, of agony, and of blood! in the cause of liberty in Europe.

But can it be true, that the cause of republicanism is lost—is irretrievable in Europe? I have given you the testimony of the stock exchange and the mercantile classes. I will now give you, if possible, a still more reliable authority—the official and public declaration of the late Ministry of Great Britain, reaffirmed by the present. I refer to the declarations to be found in the late debate in the British Parliament, which arose upon the dismission of Lord Palmerston from the Ministry. The whole debate is pregnant and significant of European ideas and prospects upon the question of free institutions. But I will not detain the Senate by referring to any part of it, except the concluding sentence of Lord John Russell's speech—the public avowal of the facts and sentiments of which, by a Prime Minister of Great Britain, must be regarded, and will ever be regarded, as one of the most remarkable circumstances of the present century. I read from the London Times:

"I have the happiness to say that the relations of peace exist between this country and foreign nations in the highest degree. I trust they may continue to do so; and while I deplore events which have passed on the continent of Europe—events which I fear were but the too certain consequences of the Revolution of 1848—I do *trust* that by peace and civilization, by the intelligence which is daily pouring in on us, by the inventions made to improve the condition of mankind, liberty shall be at *length introduced* and established, and that, with religion, it shall govern the hearts of men, and produce happier days to mankind."

Thus has the knell of liberty in Europe been tolled; its obsequies publicly celebrated, and its fall wept! with what sincerity I do not pretend to say.

England—aye, sir, England! the proclaimed champion of freedom in Europe!—England, that sympathizes with the diffusion of constitutional governments on the Continent!—England, that has been so often depicted as the flaming sword which guards the eastern gate of the Eden of liberty!—England, acquiesces in the new order of things! What a commentary upon the announcements so frequent of late, of English sympathy with America and with freedom throughout the world!

The English Prime Minister, then, *trusts* that, by the increase of knowledge, by civilization, and the inventions of the age, liberty may at *length* be *introduced*—may appear upon the Continent, and bring happier days to mankind!

Let us pause here and speculate a moment upon this great fact, which marks the progress of civilization in the nineteenth century. Let us pause and consider the conclusion and the causes which have led to it, of the strange, eventful story, of a contest, which may be said to date further back than the first revolution in France—going back even to the middle of the fifteenth century, when the human mind awakened after a slumber of ages, to some conception of the civil as well of the religious rights of mankind. It is said that the last scene of the fifth and last act of the great drama of freedom in Europe is brought to a close. But I ask again, can it be true that the contest is over? I call to mind another fact in addition to all I have before stated in confirmation of the conclusion that all is over. A late number of the United Service Journal, a periodical of approved authority, states that the armies on the Continent number four millions of bayonets. And they are arrayed on the side of despotism. It is true, that some of the more ardent friends of liberty contend that the conclusion does not follow from this fact, that the contest for freedom is at an end. They allege that it has only yielded, for a time, to the overwhelming physical force brought to bear against it. But, on the other hand, it is strongly maintained that one of the results of the progress of the age is, that the bayonets of Europe have been taught to think; that they have come to regard themselves as a part of the people from among whom they are recruited, and that they will no longer be, as in former times, the blind instruments of their employers in making war upon popular rights. The idea, too, has been often proclaimed in tones of exulting confidence, that public opinion has become stronger than the bayonet. All this may be true, and is certainly very beautiful in theory; but from the complexion of recent transactions in Europe, it would unfortunately seem, that not only the thinking bayonets, but that public opinion also, has rejected popular intervention as an unsafe basis of government.

But a few years ago, it must be admitted that the current of republican ideas and aspirations was tending rapidly to undermine all the monarchical institutions of Europe. Now, all is reversed. Men's minds, perplexed and confounded by recent events, naturally go in search of some fact or theory which may account for the change. Some take the view, that there is no great principle or maxim, in morals or government, so fixed and established as to be free from the influence of fashion, the love of novelty, or beyond the reach of those changes in sentiment and opinion, which are observed to occur at intervals and periods of greater or less duration, according to circumstances, among mankind, even upon subjects the most interesting to their own happiness and welfare. Some bold speculators have gone so far as to affirm that all religious forms and creeds wear out by time, and pass away; that weariness and lassitude are inheritable qualities—that they descend from generation to generation, and that, in the lapse of ages, the human mind seeks, by a natural impulse, to throw off old ideas and sentiments upon all subjects of mere faith and speculation.

The theory is more plausible when applied to governments than to religion. The passion for civil liberty is common to all, except the governing classes, in any stage of civilization. The passion for personal freedom may be said to be universal. Yet how often has it happened, in the history of the world, that these passions have yielded to other and still stronger and more controlling influences? There have been periods in the history of Europe, especially in the ages which immediately succeeded the overthrow of the Roman power and civilization, and even in later times, when personal freedom afforded no security to life or property. It was in such distracted times that whole villages, and the rural population of whole districts and provinces voluntarily became the serfs and bondsmen to some powerful suzerain, or chief, who had the power to protect them from the general license and plunderings of the times. And so, sir, I can readily understand that a state, or condition of things, may arise in any country when, by the madness, the turbulence and violence of factions, the restraint and sanctions of law and government may become so relaxed that a whole people, however attached to the cause of free institutions, may seek repose and protection in the embraces of despotic power. So it has been, in times past, in many memorable instances, and so it is likely to be in the future.

The passion for civil liberty, strong and universal as it is, has been known again and again to yield to one that appears to be even stronger than that—the love of national glory. There is still another sentiment, common to the mass of mankind, that has had a powerful influence in human affairs, and one which, aside from religion, many regard as the strongest in the human heart—I mean the sentiment or spirit of loyalty to a chief, or the heirs of his name and renown. The servile worship of eminent men—of men who, by some sparkling or dazzling qualities, or achievements in military or civil affairs, have fixed the popular admiration—is kindred to it. If we would calculate the strength of this sentiment of loyalty we have only to consider the errors, the blunders, and sometimes even the *crimes*, which it often overlooks in a favorite. We, sir, can bear witness to the intensity and force with which this passion, or the kindred one, has operated in our own times and in our own country in those party conflicts which have become so fierce and formidable. Presuming upon the strength of this sentiment, a dictatorship is sometimes assumed in the direction of affairs, only less offensive and galling to the feelings of manly and independent freemen, than the actual usurpation of all the powers of government. I need not say—what every one at all read in history must know—that the public liberty has often been a victim to this passion.

But neither the love of novelty, nor the influence of fashion, nor the passion for national glory, nor the sentiment of loyalty, nor the servile worship of eminent men, nor any law of change, nor all together, are sufficient to account for the revolution that must have taken place in the opinions of people of Europe within the last few years, if what we have heard be true—that the arbitrary authority assumed by the Continental Powers is founded in public opinion. The revulsion in public sentiment—the reactionary feeling, must, indeed, have been strong and overwhelming, as in so short a time, not only to have reversed the rapid and fitful current of republican ideas, but the more steady, deep, and broad one which has been setting in so long in favor of constitutional monarchies.

There is—there must be still, some great fact behind. There must be some solution of this enigma—some latent or patent cause for a change so adverse to the hopes and anticipations which cheered the last moments of so many illustrious martyrs to the cause of freedom, within the last three-score years.

One great preliminary fact I assume as certain and unquestionable: It is, that what we, in this country, call the bone and sinews of society—the great and respectable class of industrious and thrifty agriculturists, artisans, tradesmen, shopmen, and the mercantile classes generally, have come to the conclusion that popular forms of government cannot be maintained on the continent of Europe, in sufficient force and authority, to accomplish the great ends of civil society, the repression of internal disorders, and the security of life and property. Whence this great change in the sentiment and opinions of the populations of Europe, after so long a period of conflict and suffering? There can be but one answer to this question—but one solution to this problem. It is, it must be, the ultraisms—the wild and visionary schemes and theories of society and government, of liberty, of universal equality, which have been avowed and taught by the great popular leaders of the revolutionary and republican movements on the continent of Europe, and the sanguinary excesses of many of their followers. These are the men, and these the doctrines, which have brought obloquy upon the very name of republicanism throughout Europe. They have enveloped a noble cause in a cloud of prejudice. They have frightened the timid by the exhibition, not of the horrid specter of anarchy, but the living demon! They have disgusted and alarmed the stout-hearted and more reflective advocates of free

government; put arms into the hands of the enemies of freedom more formidable than bayonets, and sent despair into the hearts of all who were ablest to maintain its cause.

Let it not be said that the wild and fanciful theories of a few revolutionary leaders, and the excesses of some of the more reckless of their followers, cannot and ought not to be supposed to have had so great an influence upon the great body of sincere and republican patriots, in any country, as to seduce them from their principles, and to abandon a cause to which they had been so long attached! No. I agree that the dreams of the delirious disciples of any creed, or the excesses of the desperate and abandoned, who are always ready to avail themselves of any popular commotion to gratify their appetites for plunder or revenge, neither ought nor can be supposed to have had any great influence on the considerate and steady champions of a great reform; but, unfortunately, those wild and destructive theories of social and political reforms which have struck terror into the hearts of the liberals of Europe have not been confined to a few or to a small class of zealots. German philosophy, for a series of years, has combined with the popular literature of the day to ingraft upon the minds of their excitable and imaginative readers, all over the Continent, the same mischievous theories. New, strange, and bewildering theories of the destiny of man and of human society, and of the perfection of which both are, by nature, susceptible, have quite unsettled the faith and confidence of tens of thousands in all existing institutions, both social and political. The followers of the new philosophy, everywhere, seeing that their theories of universal happiness and equality are not likely to be realized in any of the known or existing forms of society or government, become the advocates for the abolition of both. Denying all imperfection in the nature of man, and seeing that the Christian religion stands in the way of their reforms, they are compelled to abandon their own cherished theories, or to renounce that also. And hence we observe that the policy of reconstructing imperial and arbitrary governments on the continent of Europe embraces the altar as well as the throne.

The great curse of Europe of the present day is, that the theories and doctrines of the champions and advocates of liberty and republicanism have, all along, proceeded upon the same error, which rendered all the philosophy of the schools of antiquity abortive, and, for the most part, utterly useless to mankind. They all proceed upon abstractions. All their theories of society and government—all their ideas of liberty and equality, and the forms they would institute to secure them, are founded upon some preconceived notion of what they conceive ought to be right and proper, without the slightest reference to any practical test—to anything that has been proved to be sound and practicable in the past history of the world. Sir, to get *right*, and to be able to construct true and practical systems of government, they must first reconstruct their system of philosophizing; they must reconstruct their own theories, and adapt them to human nature as they have seen it developed in the past—as they see it displayed at present. They must adapt them to the races of men, as they perceive them to exist, in all their varieties and differences of capacities and propensities, without troubling themselves about the question of original unity or equality. They must found their theories upon experience, and not upon fancy. They must come to understand that the competency of man for self-government is not a simple or universal truth; but that it is a complex and conditional proposition—that it may be true of one and the same people at one stage of their progress, and not at another; and as to races, they must come to learn that every race has a civilization peculiar to itself, and physical and mental faculties of various grades of capacity for improvement and development, as all history testifies. In short, they must adopt the method of reasoning and theorizing pointed out by the great founder of modern progress—Bacon. When they shall have done this, they will have taken the first step towards a true progress in the science of government. Discarding all unmeaning cant and catch terms about liberty and equality, they must come to know that there is a liberty—that there is an equality which is agreeable to nature—a liberty and an equality resting on a basis that will stand; and that all else is spurious, delusive, and mischievous.

I trust, sir, I may now be allowed, without taking my final leave of Europe, to pay a short visit to America. America—always open and exposed to every disease or contagion, moral and physical, that originates in a foreign atmosphere. We see it proclaimed through the columns of a thousand presses in this country, that the spirit of Democracy is necessarily progressive. I ask pardon; for I intended to divest myself, as far as possible, of every partisan view and feeling in delivering my sentiments on this great subject; but I am unable to proceed in my argument, without the use of terms and allusions which may seem to have a partisan cast. We are told that reform in this free country is a laggard; that it lingers far in the rear of the advancing spirit of the age. Sir, it is said through the same channels, and proclaimed to the people of this country, that too much of the old anti-democratic leaven still lurks and ferments in our constitutional forms and in our legislation. By a more circumscribed party, but still widely diffused over the country, and of no insignificant influence, our institutions are denounced as being oppressive and unjust to the natural rights of mankind, alien to liberty, upholding social forms and ideas, which admit of no equality of position or of happiness; that there is no true fraternity—no freedom such as the spirit of the age and the progress of civilization demand.

Whence this type of Democracy in this country? There can be no mistake as to its paternity. It is European born. It is the same spirit and type of Democracy which have undone the cause of liberty in Europe; and its mission in this country can never be accomplished but by the ruin of liberty in America. Does not every one know that the most popular and leading champions of the cause of Republicanism and Democracy in Europe regard with positive contempt, nay, that they turn away with disgust, at the very mention of American Republicanism? They scorn to receive our American, home-bred ideas of liberty. Why, say they, *You* have no philosophy; *you* have no true and lofty conceptions of the destiny of man, and of human society; you are far in the rear of European enlightenment upon all these subjects! Such are the arrogant pretensions of the European champions of liberty. Some of the more reckless among them have the hardihood to declare that our whole system is false; and that if it cannot be reformed they are prepared to destroy it; that it is a model which misleads the friends of freedom abroad; and that it had better be pulled down than upheld in error!

I should like, if I had time, to say a word about this age of progress. That it is an age of increased population, wealth, and power in this country, and of an increased knowledge and science everywhere, no one doubts. That is all for good. But I should like to know in what consists that progress of the age which is announced as the basis of reforms in regard to political institutions. The highest moral institution on earth, except religion, is that of government. What is the progress of the age in the science of government? It is an experimental science. New revelations of facts lay the ground-work for reforms and improvements in government. What is that progress in America? We have seen what modern progress has done in Europe in this department of science. But I ask, what progress has there been in America? Have any new and better forms of government been discovered?—any new principles brought out by experience better calculated to advance and secure the happiness of mankind, than the institutions as they were devised and digested by the architects of our revolutionary period? What new theories have been developed in the lapse of the last half century which show an advance in the science of government? Has our legislation become wiser and purer—founded in more patriotic ideas, and better calculated to advance the interests and happiness of the people? Are our public functionaries, executive, legislative, or judicial, of a higher order of intellect, of enlightenment, of patriotism, and of fidelity to their great trusts? Is there less of corruption, waste, profligacy, and favoritism in the public administration? And, to notice some of the ordinary tests, has crime diminished? Are frauds less prevalent in trade? Are life and property more secure? Is the administration of justice more pure, able, and impartial? Is the spirit of personal ambition less pestilent? Is the spirit of faction less turbulent and mischievous? And in regard to the great distinguishing characteristic of a people competent to self-government, and to uphold a Republic—loyalty to the law—is that more prevalent and abounding? But I cannot dwell longer upon this subject. I fear, sir, that this idea of progress is to be our ruin. Ninety-nine hundredths of those who talk of it, (not in this Chamber, of course,) and of those who proclaim it to the country, do not discriminate between change and progress. We are all progressive. There is a progress in time—a change in everything. We are not what we were. We cannot remain what we are. We must go forward. But a true progress in public morals and in society, which may justify material changes in American institutions, I wait the proofs of.

Mr. President, I have occupied more time in these general views than I intended. I must revert now to the main subject of inquiry; that is, How are we to be affected by the changes in the condition of Europe? If what I have said and what I have attempted to prove be true—if the present state of things in Europe is permanent—then let me say to you, what, in my judgment, will be the result. In that state of things, and under recent circumstances in this country, will be found the germ of a lasting hostility on the part of the Powers of that Continent against the Republic of the United States; and, sir, we shall see that the next great war which is to fill the world with its desolations will be a war between the Old Continent and the New—between the Old World and the New World—between the ideas, the principles, and the interests, and the passions of European or Eastern civilization, and the ideas, the principles, the interests, and the passions belonging to the new and more vigorous civilization of the continent of America. This is the natural order of progress in the civilization of the world. The jealousy of all Europe has been effectually roused and excited by the late and vast accession to our territory; foreshadowing in its results the profits and resources of the trade of the gorgeous East. As long as this Republic shall continue united and prosperous, it must continue to be a standing rebuke to despotic power. It will haunt the dreams of the enthroned masters of Europe like the ghosts of murdered princes, and they can never be at heart's ease until they shall have made one great and united effort to crush this disturber of their repose. Principles of Government so diverse—adverse interests, so deep and imperishable, cannot exist on continents between which the barrier of an ocean is removed by modern inventions, without bringing jealousies, rivalries, hatreds, and collisions, which, sooner or later, must result in war—fierce, protracted war—which can only be terminated but by the mutual exhaustion of the parties, or the final triumph of one over the other.

A voice whispers me, Where will England be in a contest between the despotic Powers of the Continent and this Republic? What guarantee have we that she would be disposed to interpose her broad shield between America and her assailants? Will kindred race and language be a guarantee of the friendship of England? Never, sir; as long as the story of the Revolution shall be handed down; never, while the brightest pages of our history shall still be those which record our triumphs over British valor and British domination. The dire and lasting hate engendered by family feuds is proverbial; and the lasting enmity of England is decreed by an inexorable law.

But may not kindred institutions be a guarantee of her alliance and protection? No, sir. The throne, the altar, the aristocracy, the whole governing race, including the wealthy middle classes of England, have as great a horror of republicanism, and of the leveling theories of the fierce democracy of the Continent as the Czar of Russia himself. Nothing can be more unmeaning, hollow, and deceitful, than what we hear so often announced, through some of our own jour-

nals, of the desire of Great Britain to draw more closely the bonds of amity between the two countries. Neither the cause of liberty, nor any interest in the diffusion of constitutional monarchies, has been the basis of British policy in this age, or in any other, in her relations with the Continent, or with America. These were not the causes of her involvment in the last general war of Europe. They were purely and simply the protection of her own interests and her own safety.

Will her trade—will her rich commercial connections with the United States—bind her to our cause against the Powers of the Continent? I still answer, unhesitatingly, No! If there is one great fact in the future history of the world that can be foretold with greater certainty than any other, it is the great conflict, not now, but soon to be, between Great Britain and the United States for the empire of the seas, and the command of the trade of the world. Instead of becoming our ally in a war with the despotic Powers of the Continent, Great Britain would have cause to exult; and let me say that she has at this moment cause to exult, and her far-seeing statesmen doubtless do exult, in the dawning of a state of things which may place all the Powers of the Continent, even Russia, heretofore in her policy friendly to the United States, in an attitude of lasting hostility and resentment to this Republic. Great Britain may see, in recent events on the Continent and in this country, causes equally new and unexpected, which may prolong her power and her ocean dominion to a date in the future far beyond all former hope or calculation. She would rejoice to see our commerce cut up, and our youthful energies paralyzed and crushed under the weight of a European combination. She may stand off, to be sure; but if the Powers on the Continent will only pursue a pacific policy towards her—if they will keep their ports and commercial marts open, on liberal terms, to her trade and manufactures, they will have her free consent to model their governments upon principles of the purest absolutism; they may extinguish every spark of liberty among their own subjects, and crumble into dust every republic on the globe. True, England may clamor for some concession to popular rights; she may write strong diplomatic notes; she will bluster in a thousand ways to delude and conciliate the liberals at home; but it will be all mere vapor; and the whole farce will be played off with a perfectly good understanding between her and her neighbors.

As I stated upon a former occasion, Great Britain, for the present, avails herself, as fully as she may, of all the advantages she can derive from the weak points of her cousins in America. She has discovered that a little well-timed flattery goes a great way with them. She is now carrying on a courtship with them most satisfactory to herself. By a profession of the principle, and a practice of the semblance of free trade, together with some relaxation of her navigation laws, she has quite overcome the jealous prudery of America. In the mean time, compliments to the ingenuity and invention of Brother Jonathan in the manufacture of agricultural implements, and with ill-concealed chagrin, to his skill in the construction of sailing vessels, are showered in profusion.

I hope I appreciate as I ought the liberal and valuable features of British institutions; and above all do I appreciate the well-earned renown of Englishmen in every department of human effort—in the arts and sciences, and especially those which contribute most to advance the happiness of mankind exceeding all Grecian, all Roman fame. I must ever honor the land, as I ought, which has given to the world a Shakspeare, a Bacon, a Milton, a Hampden, a Newton, a Watt, an Arkwright, with a hundred other names illustrious for their genius and inventions; but, with all this, I regard the embrace of Great Britain as death to American development. Her approaches are like the serpent's, with honeyed and fair speeches on her tongue, but with venom and destruction in her heart. My blood boils within me when I perceive the signs of her successful enchantment; every little guileful compliment to American skill and enterprise carefully and ostentatiously heralded in the columns of the ablest public journals of the country, as though we could not feel assured, that we are entitled to respect, until it is yielded by Englishmen—as though the policy of England, artfully, yet systematically pursued, now as always, was not to undermine, and finally to pull down, the main pillar in the fabric of our power—the Union. No, sir, if it shall ever be our misfortune to be engaged in a struggle with the great Powers of continental Europe, we can have no reliance upon the friendship and support of Great Britain. In such a conflict, we must stand or fall, submit or conquer, contending single-handed—relying alone upon American valor and Americanresources.

I have now, Mr. President, closed what I proposed to say upon one branch of the important subject I have undertaken to discuss. I am aware that I have pursued a train of thought and argument which may not interest Senators greatly; but other and different aspects of the subject, remain to be noticed, and which I think of sufficient importance to claim the further indulgence of the Senate.

Notwithstanding the apparently overwhelming weight of authority upon which the opinion is founded, that the tranquillity of Europe will not be disturbed—at least for a long period—such is the singular complexity of affairs on that Continent—so many facts and circumstances exist leading to a contrary conclusion, that some doubt and apprehension may well be felt upon that point. If such apprehension may be entertained upon plausible grounds, none will deny that they deserve our serious consideration.

Nothing, I admit, can be more hazardous to him who would be thought far-seeing in affairs—which I do not pretend to be—than to predict, with any certainty of confidence, what will be the result, immediate or remote, of the present condition of the States of Europe, or of any change or events likely to occur in any of the more powerful among them. How utterly delusive, not to say worthless, all such speculations, even the most ingenious and profound, especially in relation to France, may prove to be, we have only to reflect that, at this moment, and while I am speaking on this subject, by the passing of a single breath of air—the going out of a single spark of life—the snapping of a single chord—the newly-invented machinery by which a great people are moved and governed, may be exploded; and the fires of a conflagration kindled which may envelop all Europe! Wonderful and mysterious Providence! that the destiny of a great nation—it may be of a whole continent—should be so intimately entwined with the fate—the life of one man; and he of no antecedent position, significance, or renown! Nothing can be more strikingly characteristic of the age in which we live than this single fact. It may well be regarded as ominous; and teach us that rationally, nothing in society or government can be regarded as so fixed and well established, as to defy convulsion and overthrow. The complication of causes has recently become so curious and intricate as to make all reasoning from them to effects abortive; because we can neither perceive nor comprehend the infinite variety of minute yet operative fibres and elements, of which the moral tissue is compounded. The faculties of the greatest intellects stand rebuked, mortified, and confounded by rapid, successive, and unexpected developments. Yet speculations and conjectures as to the future, however extravagant or visionary they may be, will still occupy the thoughts and imaginations of men.

The more sanguine believers in the increased knowledge and civilization of the age, as a sure guarantee of the advancing spirit of liberty, basing their calculations on the fact that the late changes in Europe are palpably retrogressive, affirm that the spirit of liberty on the continent of Europe is not extinguished; that it is only entangled for a time in the toils of the hunters, and that it will speedily break the vain fetters, and rouse itself to greater energies than it has ever yet displayed in combating its enemies. It is this class of speculators on the signs of the times who affirm that, at this moment, Europe is on the verge of the great war of opinion so often foretold—a conflict between antagonistic principles of government—the one supporting free, and the other, despotic forms.

There is another class who go still further in their conjectures, and suggest that Europe is probably upon the verge of a still more terrible and formidable war—a war between classes—a more sanguinary, destructive, and wide-wasting war than the world has ever seen—a war between the poverty-stricken masses on the one hand, and the proprietors by purchase or inheritance of the soil, and the depositaries and holders of all other descriptions of wealth, the accumulations of industrial pursuits in a period of a thousand years, on the other side. There have been wars of ambition and conquest, wars between races, wars of religious creeds, wars for civil and religious liberty, and for anything we can foresee, the blood of many more such wars may yet stain the earth. Nation will continue to rise up against nation, race against race, and the tide of victory will yet ebb and flow on many a battle-field, on which freedom shall contend against oppression. But there are several causes which will prevent or postpone for ages, either this last great, conflict which threatens the civilization of Europe foretold by some, or the solution of the problem propounded by others, who maintain that civilization, whenever it reaches a certain stage in any of the great divisions of the globe, among any of the races of mankind, must finally yield to the great law of change—to the inevitable destruction and decay, the seeds of which are planted in every form of society known in the history of the world. The civilization of any one race of people, like the nations they compose, and like individual man, it is said, has it ages, its culminating point, after which it must gradually decline, and be lost to view, or only live in history. But though the civilization of western Europe may have reached its culminating point—though its populations and the races of which they are composed may be verging to decline—and though in numbers overstocking the land, yet, just upon their eastern borders, there is still that great store-house of nations—of fresh and vigorous races, to replenish and reinvigorate their decaying energies—to preserve, to perpetuate, and it may be to advance their civilization. The discovery of this New World of ours, and the facilities supplied to immigration by modern inventions, will mitigate, if not remove, the great evil of redundant populations. And so I think there is no reason to apprehend the catastrophe of that war of classes, or of a declining civilization in Europe, which some of the despondings prophets of the times have suggested as certain or probable.

While I cannot give myself up to the belief that the cause of civil liberty in Europe is irretrievably lost; and while I am reluctant to come to the conclusion that there will be no immediate or early effort, by the more rational friends of freedom, spontaneous or concerted, to resist the arbitrary principles upon which the great Powers of the Continent are proceeding to model governments—to throw off the hateful incubus—to break the chains, ere they are riveted, which are forged to bind fast their liberties; yet I must confess that in the intelligence which reaches us from the other side of the Atlantic I see nothing to encourage the expectation of such a movement; and so I conclude that there will be no war on that ground.

But I come to a different conclusion from those who are of opinion, that the quiet which now reigns upon the continent of Europe is permanent; or that there will be no war within any short period. There are too many causes of discord; too many jealousies; too many rival interests; too many outcast, yet intriguing and influential dynasties; too many great armies ready to take the field, and, with all, the never-dying ambition and thirst for dynastic and national aggrandizement, to allow any strong faith in the hypothesis of continued peace.

In adopting this conclusion, I do not forget the opposing testimony borne by the stock market and the mercantile classes. Nor am I unmindful of the powerful influence of the purse-holders of Europe—the great moneyed capitalists—upon the questions of peace and war. Nor do I forget the plentiful professions of peaceful intentions by the governments most likely to disturb the peace; but I regard professions and diplomatic assurances of very little value. I look to more substantial facts I look especially to the political necessities which may drive a great nation to war. Notwithstand-

ing all the assurances we receive from abroad of permanent tranquillity, that there still exists some uneasiness in Europe on that subject, we have only to recur to the fact that all the States of that continent are looking carefully to the condition of their national defenses; and while they all profess a willingness to disarm, they are increasing their armaments, both by sea and land. In addition to this, when we consider that there are now four millions of bayonets ready to be put in motion; and that the different maritime powers can put afloat two thousand ships-of-war, who shall say that there is no ground to apprehend a war in Europe?

I am aware that there are many causes existing in great force in Europe to make peace desirable. The enormous public debt, exceeding in the aggregate $7,000,000,000, under which the States of Europe are weighed down, may restrain the temptations to war, as it would undoubtedly cripple their military energies; but this is an argument which, like a two-edged weapon, cuts both ways. To pay the interest on this debt, and sustain public credit, takes the bread from the mouth of labor, engenders discontent among the thrifty and industrious classes, and desperation among the impoverished. Besides, four millions of armed soldiery, though their swords are unsheathed, must be fed and paid; hence the constant temptation to try the chances of war, and by forced contributions to throw upon their neighbors the burden of their support. The only remedy for this state of things is a general disarming by the great Powers, which their mutual jealousies will not permit.

There is a more potent influence still, that may possibly exist, to restain the Governments of Europe, and compel them to keep peace. The republican ideas and fierce democratic spirit which have so deeply infected their populations of late, and which has been the key to their policy for the last four years, may yet exist in sufficient force to control their councils. The snake that crept into the palaces of kings, may be scotched—not killed. The popular volcano that burst forth in 1848 with such fury, may not be burnt out; it may only slumber; and the vibratory motions of the mountain may impart fears of another irruption and outporing of the burning lava. If this should be so, all causes of discord, all mutual jealousies, all ambitious schemes will be suspended, until this common danger to the internal peace of the States of Europe shall pass away, or cease to be formidable. But I have thrown out these suggestions, upon an assumption which I see little reason to justify. The danger of popular commotions appears already to have passed, and I recur to the opinion already expressed, that the promise of a continued peace will not be realized.

France holds in her hands the issue of peace or of war. If she is quiet, all may be quiet. But can she—will she be quiet? She cannot. Louis Napoleon must disturb the peace of Europe or fall. It is upon France that the world now fixes its gaze; and with whatever seeming composure the result of her present anomalous position, and the development of her policy may be awaited, it is impossible but that the most callous and fearless statesman of the times must expect them with some solicitude. It is true, this second Napoleon may be suddenly cut off. It is true there may be a revulsion of public sentiment so universal as to drive him from power. In either of these events France may become once more the prey of faction; and relieve the apprehensions of her neighbors, and of all Europe, by exhausting her energies and resources, in rending her own vitals. But if Louis Napoleon shall survive the perils which attend him in the initiative operations of his government, then, I say, France will become aggressive. If there was nothing in the singular spirit, and, to me, mystical genius of that daring man, who has seized into his own hands the construction of a government for a great people, leading to the conclusion that he would become aggressive, and plunge his country into war, he is still under a political necessity to make war. It is true that in doing so he may but rush upon his fate. Be it so. He cannot pause in his career. He must give employment to his four hundred thousand soldiers, or they will divide and assimilate with the factions, or fraternize with the republicans. At all events, to prevent these dissensions in his army, he must have the control of large means; and they can only be acquired by levying contributions upon the resources of his neighbors. He wants, too, the prestige of military renown to still further conciliate and consolidate the esteem and affections of Frenchmen.

This remarkable man has hitherto in his policy, his tact and energy in civil affairs, evinced many kindred qualities, and trod with striking fidelity in the footsteps of his illustrious relative. Doubtless, like him, he considers himself the child of destiny—born to carry out all that was projected by the great Napoleon: Imperial power attained—the boundaries of France enlarged to the Rhine—the kingdom of Italy reconstructed and restored—the pride of England humbled, or her power broken, and a barrier interposed to the ambition of Russia, or a close league with that great Power for an equal partition of the empire of the world!

The great Julius fell by the daggers of domestic conspirators; and his nephew, Octavius, a stripling, unknown to fame, after a sanguinary struggle with the leaders of opposing factions, with the aid of the distractions of the times and an adroit coalition with Antony, succeeded to the power of his illustrious uncle. The great Napoleon fell by a combination of all Europe against him; and his nephew, Louis Napoleon, after a longer interval of changing dynasties and contending factions, has succeeded to his power; a man who seems to combine all those qualities of a profound dissimulation and strategy in civil affairs, with the additional advantage of personal courage, which enabled his prototype, Octavius, to succeed, in what was, at first, regarded a desperate and hopeless enterprise. In all history can there be found so many striking coincidences in the leading features, incidents, and fortunes of two great families—in the circumstances of two great political revolutions; one of which changed the condition and destiny of ancient civilization, and the other, it may be, is destined to change that of modern Europe. The parallel fails in the persons of Nicholas and Antony. Nicholas is a very different personage from the pleasure-loving Antony; but still he may not disdain an alliance with the only Power that can curb his ambition in the west of Europe, and he may choose to share equally, if he cannot win universal dominion. On the continent of Europe there are now, in truth, but two great Powers—France and Russia—or at most three, if Prussia be so considered. Austria lies prostrate and paralyzed by the variety and implacable antipathies of the races which occupy her provinces and dependencies. Prussia must be more or less fettered by the jealousies of the petty sovereignties in her neighborhood, and the democratic spirit which may still infect her subjects; but the great German nationality, including Prussia, may be conciliated by a tripartite partition. The provinces of the lower Danube, and all Turkey, with the prospect of further acquisitions in Asia, may suffice Russia. England may be intimidated, or her power broken, by reviving the continental policy of the great Napoleon.

But I have not time to pursue these speculations, as to all the various combinations that may arise out of a state of war, or their consequences.

If I am asked, why I give such prominence to France in holding the issues of peace and war—is she so powerful; is she so formidable; or will she have the audacity, under present circumstances, to disturb the peace of Europe?—I answer, that France, united under a favorite chief, has not only the courage to commence a war, but the power to become formidable to her neighbors. She is formidable not only from her thirty-six millions of inhabitants, and her compact territory, but from the gallant, excitable, and glory-loving character of her population; the French being now, as they have always been, the most warlike race of Europe—perhaps of the world. Twice has France, in the earlier periods of her history, rolled back the tide of conquest which threatened to change the destiny of Europe; twice has she, single-handed, protected its religion and its civilization—once on the plains of Chalons, where she met and overthrew Attila, and his host of three hundred thousand warriors collected from the hordes of Asia; a second time under the lead of the famous Charles Martell, when she checked the victorious career of the Moslem power, in the neighborhood of Tours. Twice has she been upon the point of subjecting all Europe to her dominion—once under Louis the Fourteenth; and, again, at a period so recent that it seems only of yesterday, under the auspices of the great Napoleon. Twice, in her career, has she succumbed; and then only when a world rose in arms against her. Such is France.

If Louis Napoleon has the sagacity and the ambition which I attribute to him, he will neglect no expedient to still further attach the French people to his fortunes. The French have become essentially democratic in their spirit and feeling; that tendency must be counteracted by counter influences. That spirit, strong as it is, has yet, again and again, yielded to a stronger passion—the love of national glory. Under the intoxication of that passion, twice have the French people surrendered their liberties; and there will not be wanting stimulants or occasions to rouse and keep alive that passion. The pride of all true Frenchmen was humbled on the field of Waterloo. That wound to her national vanity remains to be soothed or avenged. Louis Napoleon may bide his time for that; he may find some more feasible undertaking in which to flesh his maiden sword. If he does not find it among his neighbors, he may look to another continent. Africa presents too barren a field for splendid achievements. He may even be tempted to cast his eyes upon America. The recollection of the haughty and dictatorial menace yielded to by Louis Philippe, under which the last installment of the French indemnity was paid, still rankles in the bosoms of Frenchmen; but I beg pardon. I know how wild the idea will be considered; but I think it is not extravagant to suppose that, backed by jealousies and resentments of the other Continental Powers towards the United States, Louis Napoleon, perceiving the defenseless condition of our extended ocean frontier, and counting on his superior naval force, may seek to win renown by seizing and laying under contributions our rich and flourishing cities upon the Atlantic coast. Nay, he may be tempted still further, and seek to indemnify France for the loss of empire in America, in the cession of Louisiana, by attempting the permanent conquest of the Pacific coast. I repeat, that I am aware that this may be regarded as an extravagant and irrational conjecture; but who, at this day, and after all the wonders of the times, will say that it is incredible? But I must cease these speculations upon this prolific subject.

Senators may inquire, to what practical conclusion I design to apply all that I have said upon this branch of the subject? In the first place, if, upon a review of the whole ground, the position I have assumed, that at no distant day—in six months, in twelve, or at most in twenty-four months—a war will be kindled in Europe upon some pretext, or of some character or other, be well founded, then I undertake to predict that the United States will sooner or later, be drawn within its vortex; and, if this hypothesis shall seem to be supported by plausible reasons, then a further practical inquiry will be, what should we do to be prepared to meet the exigency?

In some of the views presented in the course of my remarks, it will be recollected that I supposed a state of things might exist in Europe which would leave the United States no option as to the question of peace or war—a state of things, which would lead to a hostile combination of all the despotic Powers of the Continent against the Republic of America. That may never happen.

But should that war of opinion, so long predicted—that war of principle—that great conflict between the free and the despotic forms of government—should such a war as that arise in Europe, do you think, Mr. President, as a sound practical statesman, and after your experience and observation of this country, and its present population—do you suppose that if such a conflict should arise in Europe—a conflict involving the settlement of principles which may have universal ascendency for centuries—that we should be so unimpressible, so indifferent, that we could not be drawn into it, despite all calculations of policy or of interest? Do you conceive, sir, with your knowledge of the heart of this country at this day,

that a cold and sordid calculation of mercantile profit—that the devotion to Mammon, or any more laudable service, would be so faithful and intense, as to restrain even those reckless passions and emotions which belong to our nature, to say nothing of freezing up all generous and noble impulses, tempting us to enlist on the side of freedom, in such a strife? No; the time has never been, when, in any one country in Christendom, mind meets mind in fierce conflict upon principles which touch nearly the social feelings and interests of men, the mental strife, would not become contagious and move the sympathies of every other. But let the clash of arms add to the excitement, and the blood will be stirred and fired in its inmost recesses. Let the tidings of such a conflict—such a war of opinion, but reach our shores, and, my word for it, whatever may be the conclusions of mere policy, Young and Old America alike, will be swayed to and fro by the passions natural to the occasion, like the trees of a forest swept by a strong wind. Little time, I ween, would be allowed for weighing the counsels of the illustrious and immortal sages of fifty years ago. Nor are the feelings and calculations which sway the twenty millions of freemen of this day, the same which controlled the two or three millions of fifty years ago. All change is not progress; but the law of change, under changing circumstances and conditions, is inexorable. We have our destined career to run. Time progresses; so do nations. They cannot stand still, until the time of maturity and manhood is passed; as yet we go forward: and we will go forward; whether for good, is another question. We may not, however, be put to the test of a war of opinion in Europe, at this juncture.

But if a war should spring up in Europe of the old-fashioned kind—a war of aggression on one side, and defense on the other—a war of ambition and conquest—with the feelings of jealousy and of resentment which may exist on the part of the nations of Europe against the United States at this time—do you suppose that a war can rage in Europe for one year—especially if any of the great maritime Powers be parties to it, without compromising the peace of this country? Our commerce and navigation are too extensive and widely diffused; the general competition for the trade of the world is become too fierce to allow any escape from a collision with the belligerents of Europe. Have you not seen, sir, in the last few years, how difficult it is, even in times of peace, to digest the insults which the war-vessels of Great Britain, presuming upon their superior naval power, occasionally offer to our flag? But let there once be war, and you will soon perceive the difference in the calculations and feelings which control the people of this country, and of this generation, and those which controlled them fifty years ago. Since that period, we have grown six or seven-fold greater in population and resources; and, true to the characteristic traits of our lineage, we have grown in conceit of our puissance still more. Neither our temper, nor our prudence improves with the changing circumstances of our condition and resources. Let there be a war in Europe, and the first open violation of our neutral rights—the first breach of the accustomed courtesies to our flag, will be instantly retaliated, and thus the war would be begun; all unprepared as we may be. And let me say to the people of this country that, with the feelings which exist probably at this moment in Europe, any of the considerable maritime Powers of that continent would be nothing loth to accept the issue of war thus presented. The weak points in our condition—our six thousand miles of inadequately protected sea-coast, to say nothing of other causes which may paralyze our energies—are as well understood abroad as at home. And let me say further, under existing circumstances, that it will be rare good fortune if, in any European war in which we shall be engaged, we shall not have the sympathies of every other Power of that continent enlisted against us, except only such as may be strengthened by our interposition.

Before I conclude, it may be well to turn for a moment to those evidences of that sober discretion—that steady adherence to home interests—that reverence for the teachings of our ancestors—that conciliatory and forbearing spirit towards foreign Powers, so much relied upon, to shield us from the wasting and ruinous folly of foreign wars, exhibited in the last few years.

It is true that in the matter of the Cuban invasion, the intervention of England, and the return of the Spanish consul to New Orleans, our Government has pursued a policy singularly modest, as respects any conceit of our own pretensions, and in the highest degree forbearing and conformable to a peace policy.

But let us see whether we have manifested equal discretion and forbearance, and an equally conciliatory spirit in regard to the recent disorders on the continent of Europe.

It was but natural that our sympathies should be deeply moved by the gallant struggle of the Hungarians in their attempt to maintain their nationality, and to assert their liberty and independence. It was but just and natural that when the Austrian oppressors were driven out of Hungary, and trembled on the verge of defeat under the walls of Vienna, we should have beheld with no little indignation the intervention of the Czar of Russia in arresting the victorious career of Hungary. Nor was it possible that we should not be deeply moved by the atrocious cruelties alleged to have been—and, as we suppose, were—perpetrated by Austria against the captive Hungarian chiefs. Nor was it to be supposed that the popular feeling would not find expression through public journals, public meetings, and various other channels of communication to the world. Nor could it have been supposed, under such circumstances, that, through the same *media*, the popular ideas and theories of governments and human rights in general, should not be manifested in violent invectives and denunciations against the despotic principles and policy of the Austrian and Russian Governments. All that might have been expected, and could not have been a ground of complaint.

But these expressions of popular feelings and principles did not stop there. One of the most distinguished and eminent statesmen of the country—and I refer to this in no personal unkindness to the honorable Senator, [Mr. CASS]—brought forward a resolution to suspend all diplomatic intercourse with one of those Powers, (Austria.) And afterwards, another Senator, who has attained considerable distinction in the country, moved a resolution, which was acceded to by the Senate, calling upon the President to interpose his good offices for the release of Kossuth, and his companions in exile, from their captivity in Turkey, and to tender to him a national vessel to bear him and his suite to America. Kossuth and his companions were accordingly released, and ostentatiously borne, under the national flag, to our shores, where he was received with triumphal honors. But this did not suffice. After we had thus, and to this extent, interfered in the affairs and quarrels of two of the great Powers of Europe, we proceeded still further to provoke them by a breach of national courtesy—such a breach as is never forgotten or forgiven, however the revenge may be delayed. The man, already so highly honored, was at the time, and is now, regarded by the Emperor of Austria the prime mover—the living, animating principle of an internal convulsion which shook his throne to its foundation—brought humiliation upon his House—attached a stain to the proud escutcheon of the Cæsars, that can never be effaced; the man who seeks to be to the Czar of Russia what Sir Sidney Smith sought to be to Napoleon, his evil genius—dedicating his life, his genius, and his eloquence, to the disparagement of his character—preaching a crusade against his policy, his power, and the principles of his government—the man, who at the same time is proclaimed to be, at once, the martyr and the apostle of liberty in Europe—this man, by a vote of the Senate—their attention being called to him in a message of the President of the United States himself—was invited to the seat of the National Government, entertained at the public expense, and by a formal reception in open session of the Senate, had honors heaped upon him which the proudest citizen of the ancient Commonwealth of Rome might not have declined. A greater insult to those two great monarchies, Russia and Austria, you could not have inflicted by an open declaration of war. How idle, how ridiculous, after this, to be gravely debating and considering whether we shall proceed to express our sympathy with the fortunes of Hungary, or to protest against the intervention of Russia in her affairs, by further resolutions; or as to what shall be their forms; unless, indeed, we desire still further to provoke and insult Russia and Austria, by a more formal declaration of our implacable hatred of them.

Now, sir, from these proceedings we may form some estimate of the true character and extent of that moderation and sober discretion of the American people and of their representatives, of the present times and generation, so confidently relied upon to keep us in the faith and in the counsels of the fathers of the Republic. Truly, we have before us a most notable and instructive example and illustration of the progress of the age.

But did it never occur to those who have been most forward by their proceedings to give to the world some memorable expression of their devotion to the cause of the equal rights of mankind, and of their abhorrence of all such despotic governments as that of Russia, that it was proper to consider whether the system of Russia, in the present condition of her population, may not be the very best that could be devised to advance their civilization and prepare them for ultimate freedom? Did it never occur to them to consider with what caustic severity the Czar of Russia might retort their criminations of his Government, and their pompous declaration in favor of liberty and equality, by a slight reference to our own practical construction of the theory of those rights?

But, in our proceedings in relation to Hungarian affairs, we have not only departed from the wise policy laid down by our forefathers, in giving affront to Russia and Austria—we have also compromised the interests and the safety of the Sultan of Turkey. Who knows but that at this moment he may be the doomed victim of the resentment of those two great Powers! Have we ever considered that, in our officious intermeddling in the affairs of Europe, we have incurred obligations and responsibilities—obligations of duty, of honor, and of self-respect, which can only be fulfilled and discharged—exposed ourselves to insults, which can only be retaliated by war? I reason not upon the chances that, in the present condition of European affairs, it may be the policy of the two great Powers whom we have so deeply aggrieved, to waive their resentment against Turkey, and to maintain amicable relations with us for the present. I am for acting upon the maxim, which holds good in private and individual affairs as among nations: he who voluntarily incurs a responsibility—who deliberately inflicts an insult, should, if he is wise, lose no time in putting himself in an attitude to meet the consequences, whether they come or not.

The last great practical conclusion to which I have intended to direct all my remarks, is: that, in view of the present posture of European affairs; in view of the prospect of a war, at no distant day, in which the United States may be eventually involved; in view of the obligations and responsibilities we have already incurred; in view of the honor, dignity, and duty which attaches to our position in the family of nations; in view of the wisdom, prudence, and forecast which should distinguish a great model Republic in providing against the contingencies of the future; in view of our own safety; in view of the best method of preserving the blessings of peace; in view of the policy of reviving and cementing a truly national spirit and sentiment throughout the land, we should lose no time in making every essential preparation to put forth the energies and resources of the country in any emergency which may arise, in such manner as to successfully fulfill and discharge all our obligations, all our duties; and which, if we omit to do, we may justly incur the reproaches, and, it may be, the curses, of the present and of future generations.

What are those preparations? What I propose is:

First, to look well and narrowly into the operations of our financial system; to provide the proper securities for an ample revenue against the contingency of war, and the consequent interruptions of foreign trade; to give every encouragement within the competency of the National Government to the improvement and extension of inter-

nal commerce, and especially to establish a direct overland communication, by the construction of a railway, between the valley of the Mississippi and the Pacific coast.

Secondly, to give to the spirit and resources of the country their full efficiency and development, it becomes our duty to guard with increased vigilance against all causes of sectional irritation, and to eradicate, as far as possible, from the national councils and policy, the seeds of sectional strife as we would the deadly nightshade from our grounds; not by proscription and denunciation, but by cultivating a spirit of mutual forbearance and conciliation.

Thirdly, to strengthen our national defenses; to place them upon a footing which may not leave the country exposed, in the event of war, to shameful and mortifying disasters; and especially, to add largely to our military marine—a measure demanded by our extended foreign trade and the manifest inadequacy of the present naval establishment to give to it that protection and security which is necessary even in time of peace.

From a statement, the most authentic and reliable I have been able to procure of the present naval armaments of the States of Europe, it appears that Great Britain can put afloat a fleet of 678 effective war-vessels of all classes—150 of which are propelled by steam—with an aggregate complement of 18,000 guns. The French navy consists of 328 effective war-vessels, with an aggregate of 8,000 guns. Russia has a fleet of 175 effective war-vessels, besides 440 gun-boats, with an aggregate complement of 6,000 guns. The proportion of war-steamers in the navies of France and Russia, I am not able to state upon any reliable authority; but from statements I have seen, and which I attach some credit to, the war steamers of the French navy may be set down at one hundred. That was the number authorized by the government of France in 1845.

I will not detain the Senate by any notice of the naval establishments of the inferior maritime Powers of Europe; but I am sure the Senate will take an interest in the statement I am able to make of the Navy of the United States, which consists of 76 effective vessels of all classes, with an aggregate complement of 2,250 guns, and of these vessels, six are propelled by steam!

Such is the naval force that we must rely upon for the protection of the honor of our flag—our commerce, which penetrates every sea accessible to American enterprise, and an ocean frontier of six thousand miles in extent!

Such is the beggarly and miserable preparation of the means of maritime warfare, either offensive or defensive, with which we proceed to provoke and insult the great Powers of Continental Europe! Why, sir, one single fact ought to be sufficient to awaken in the minds of the people of this country a lively apprehension of the perils of the condition in which we may be placed. Our communication at this moment with California and Oregon, for all purposes of effective supply and defence, is by sea—requiring an average voyage of four thousand miles by the Isthmus route, and of sixteen thousand miles, and not less than six months time, if the passage be made around Cape Horn, or through the Straits of Magellan. It will thus be seen at a glance, that either of the maritime Powers of Europe, whose navies I have alluded to, could in one or two months time so effectually block up our only reliable communication with California and Oregon, as to defy all the resources of this country short of a year or two's preparation to reopen it.

But that is not the most lamentable and mortifying aspect of the condition of affairs in this country. At a period of time when all the eastern world may be regarded as trembling upon the verge of convulsion and change; when principles most vital and momentous to mankind threaten to become the subject of universal conflict; at a period when we may be exposed to a hostile combination of all the great Powers of Continental Europe. At such a period as this—under such circumstances as these, what are the prevalent ideas, and passions, and cares, which occupy American politicians and statesmen? The passion for place and position—the idea of power! These are the ideas and passions which control every great interest in this country; every branch of public policy, internal and external; foreign and domestic commerce; the extension and improvement of internal communications; the public defenses,—all, all are become but secondary considerations, neglected or moulded into shapes and forms subservient to the purposes or adapted to the exigencies of the great, the eternal conflict which goes on as to whose hands, or what clique, or faction, or party, shall be made the depositaries, from time to time, of the power and patronage of the Government. Even the slave question could not escape the predominant and controlling passion of the times, originally stimulated into being and wrought up to its present complexion by the same interests, it is indebted for all its present disturbing vitality to the necessities and exigencies of these factions, or parties—if you please to dignify them by the name—including, if you choose, the party to which I belong.

I would not do so great an act of discourtesy or injustice to the honorable members who grace this Chamber by their presence and enlighten it by their counsels, nor to the politicians and statesmen of the country generally, as to deny that there are many individual exceptions to the general averment I have made as to the passions and influences which control public affairs. But, with this explanation, I repeat that all political calculations and speculations verge to one end. One idea reigns triumphant throughout the land—the idea of power! And this, too, at such a period in the affairs of the world; this, too, in the American Republic! Well may we invoke the spirit and the counsels of Washington to inspire us with wisdom, and kindle once more in our bosoms the flame of revolutionary patriotism.

THE COMPROMISE MEASURES, &c.

SPEECH OF HON. G. R. RIDDLE,

OF DELAWARE,

IN THE HOUSE OF REPRESENTATIVES,

April 20, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. HIBBARD in the chair) on the Homestead Bill—

Mr. RIDDLE said:

Mr. CHAIRMAN: Upon the subject properly before the committee, I shall make but a few remarks. The public lands, all things considered, are likely to become a tax, rather than a source of revenue, to our Government. As originally viewed, I was taught to regard them not only as a sacred trust for specific purposes—not only as possessions for the general benefit of all the States—but as the only tangible basis of national credit, and our final resort in times of need. This was evidently the view taken by the Democratic party when they resisted the distribution of the proceeds of their sales among the States; and it is the position which I would now attempt to sustain, if I could perceive in the future the faintest shadow of a hope that success would follow the effort. But, sir, the future holds out no such prospect. Instead of deriving seven or eight millions of dollars annually from their sales, for the support of the Government—which was the average receipt between 1830 and 1840—the amount during the last year, notwithstanding the great increase in population and emigration, was but two and a third millions, is likely to dwindle down to nothing, and the deficiency be supplied by indirect taxes upon the people.

I will not, upon the present occasion, allude to the causes of this, but embrace the opportunity to say, that the sooner we dispose of this unsettled and uncultivated territory, the better it will be for the public Treasury, and the people of the United States. The sooner we donate these public lands to the States, for purposes of education, internal improvement, or whatever their constituted authorities may direct, or, if you choose, to individual settlers, in the shape of homesteads, as the bill provides, thereby extending the benefits to the citizens of the old as well as the new States, the better it will be for the entire people of the country.

Mr. Chairman, the views which I have thus so briefly expressed, will evidently meet with favor and disfavor upon both sides of this House. I shall now desert the subject for a future day, and allude to one of more apparent interest, if not to the public, certainly to some of their Representatives at Washington.

We have lately been edified, and I may say, without designing to detract from the eloquent remarks of several distinguished gentlemen upon this floor, somewhat amused, at the championship which has been displayed for prominent presidential candidates. My friend from Florida [Mr. CABELL] made the first charge to the Fillmore tune. This grated harshly upon the ears of "the higher law party," or the friends of General Scott. Upon this side, he was replied to by the eloquent gentleman from Kentucky, [Mr. BRECKINRIDGE,] less with the view of advocating the claims of General Butler, than presenting the true character of that distinguished Kentuckian to the American people, and denouncing the course of an independent political press. This reply elicited, as it was well calculated to do, a rejoinder from the member from Illinios, [Mr. RICHARDSON,] and the member from California, [Mr. MARSHALL,] who in turn espoused the cause of the very popular and distinguished Senator from Illinois, [Judge DOUGLAS;] and, overlooking many well-timed and eloquent defenses of President Fillmore, we were indulged a few days since with a most extravagant eulogium of General Scott, by the gentleman from Kentucky, [Mr. WARD,] thus converting the House of Representatives into a political arena, in which principles are overlooked, and every man who speaks at all must become a gladiator, having in the fight, as his object or prize, the individual whom he would personally prefer as the next President of the United States.

Mr. Chairman, I am well aware of the position which I occupy in this House. As one of its youngest and most inexperienced members, I neither arrogate to myself influence to control, ability to direct, or wisdom to suggest the course which the Democratic party should pursue. Yet I think that party will take care of itself. Its representatives in National Convention derive their power fresh from the people, and will reflect the people's views, independent of any strife which now exists, or may hereafter exist, upon this floor. This opinion I believe well grounded. When such is not the case, we may for the first time despair of the permanent success of our party. Why, then, should we day after day consume time, which could be more profitably devoted to other purposes, by discussing the merits of particular men? Are not the lives and public services of all who are mentioned in connection with the office well known to our countrymen? Who can speak of the distinguished Senator from Michigan, the undoubted choice of those whom I have the honor to represent, whose course upon the quintuple treaty alone, independent of a thousand other considerations, should endear him to every American heart, without feeling he was speaking of an old, well-tried, and familiar friend? Who can allude to the services of the younger, but equally patriotic Senator from Illinois, justly styled the young giant of America, whose course but two years since caused every true-hearted, Union-loving, and law-abiding citizen to thank his God there existed in the Northwest at least one spirit willing to resist, and able to divert, the current which threatened to overwhelm our glorious Constitution, without experiencing a glow of national pride at the mention of his name? Who can speak of Pennsylvania's favorite son, the candidate of the Keystone State, the firm, unflinching, weather-beaten soldier of the Constitution, without feeling his eulogy is but faint praise of the man who so successfully directed the helm of State during the memorable administration of President Polk? And who can allude to the character and distinguished services of William O. Butler, last whom I shall mention, but not least in the estimation of the American people, and without reference to his scars, honorably as they were gained, not feel that he is almost treading upon sacred ground? These, and others whom I could mention, need no eulogy from us, and above all should not be arrayed one against the other upon this floor. Each and all of them are worthy of the Democratic party—worthy of their support, and worthy of the confidence of every enlightened freeman.

Such, sir, are my opinions of the men; and as I have no personal ends to accomplish, or any

other than the success of my party, and the triumph of principles which I consider essential to the prosperity of the country, if not the perpetuity of its republican institutions, I shall never appear, here or elsewhere, as the champion of individuals, when great national and fundamental principles are at stake. Besides, have we forgotten, because of our strength here, there is a common enemy in the field—bold, insidious, and unscrupulous, glorying in our divisions, and courting success, regardless of the means they employ? Have we forgotten the excitement which prevailed throughout the length and breadth of our country in 1850, when the stratagems of a weak Administration, impotent to good, but powerful in their ability to do harm, threatened to rend in twain this great Republic? Can we close our eyes to the fact, that scarcely a year has passed since that Administration came into power, without developing some stupendous fraud upon the Treasury, by which, and through which, a Cabinet minister has grown rich? No, sir; no! Such facts stand out in bold relief amidst the tottering fabric of the Whig party, with but few supporters, either here or elsewhere. Why, then, I repeat, should we, upon this side of the House, delight in an apparent effort to array the best men, and the best Democratic blood of the country, against each other? Why thus furnish weapons to our enemies? Why talk so much of "old fogies," and "young fogies?" Are not the young old enough to give dignity, and command respect for their administration—and the old young enough to direct it with energy and purpose? If not, let us have old men for counsellors, and young men for war; but be sure the people select them, lest, as was hinted by my friend from Pennsylvania, [Mr. CHANDLER,] we meet the fate of Rehoboam, and cause the tribes of the Democracy to revolt from the house of their fathers.

You cannot doubt—this House cannot doubt—the country cannot doubt that the success of the Democratic party in the coming contest is essential, not only to the purity of our Government, but the peace and quiet of the Union. How can we judge of the future but by the past, and the retrospect, too, confined to the history of our own country? We must not travel back to the days of ancient Republics. They form no criterion for our action. We need only to take the history of the two parties of our country during the last few years (others I deem unworthy of notice) to be convinced of the truth of my position. I am well aware it is an easy thing for members to explain away their votes, and regret, particularly after failing to defeat measures which prove instrumental of great good, they did not vote with the majority; but it is fortunate for us, and still more fortunate for our successors, that there is a tablet upon which the acts of every party and public man are written, and from which they can never be erased. The hearts of our people, and the history of their country, constitute a volume to which we may always safely refer, with a certainty of not being deceived. How will the Whig party stand when arraigned before this tribunal? What excuse can they offer for the throes of agony and the tears of blood which their unholy course has abstracted, on more than one occasion, from a disturbed and excited country?

In speaking thus of the Whig party, I would be doing injustice to some of its members, both in and out of Congress, if I did not make them honorable exceptions. I treat the party as a national organization, and as such must speak of them, or not speak at all. I charge them with being the cause of all the troubles the country has experienced, growing out of either the slavery question, or the acquisition of territory; and I assume for the Democratic party, as a party, the credit of settling such questions upon a basis satisfactory to the country, and to the honor and credit of the American people. Take, for instance, the pacific or compromise measures of the last Congress, which, as is generally conceded, would not have become laws of the land when they did, had General Taylor lived, and his Cabinet continued to exercise their controlling influence. I shall not allude specifically to them all, or discuss any, but content myself with noticing the fugitive slave bill, the great *sine qua non* with the Southern States, and a test vote upon the all-exciting question—the opinion of the gentleman from Kentucky [Mr. MARSHALL] to the contrary notwithstanding. This bill would never have been clothed with its importance, or considered necessary by a single Representative of a single State, if the act of 1793, and the spirit of the Constitution had been carried out in good faith by the united people of the North. But such was not the case. A spirit of opposition had grown up, north of Delaware, and, I am sorry to say, found no little support and encouragement among the Whigs of that State, which endangered institutions of the South, and caused her statesmen to seek refuge under the wings of the Constitution; to fall, if fall they must, beneath the battlements their forefathers had bequeathed them.

Since the passage of this bill—and there is unmistakable evidence before Congress that its provisions meet a hearty response from a vast majority of our countrymen—an effort is made upon this floor, and the first day of the session, by the gentleman from Florida, [Mr. CABELL,] who is entitled to the credit of giving the compromise measures his support, seconded by the gentleman from New York, [Mr. BROOKS,] who is best known to me through his unceasing efforts, as an editor, to produce the storm which he never labored to subdue, to induce the Democratic party to pass resolutions declaring them (the compromise measures "a finality in their totality."

It is to be regretted that the honorable gentleman from Florida should have been inveigled into the trap of the New York politician, and particularly when that trap was so badly set. Sir, every true Democrat upon this floor, recognized as such by his party, was unwilling to disturb, either for the purpose of amendment or repeal, one of these compromise measures. They were in favor of them being regarded as a finality in their totality; but they, or some at least, were unwilling to subscribe to an act which would cause future generations to doubt that the credit, the immortal credit of these measures, as far as the House of Representatives was concerned, IS CHIEFLY DUE THE DEMOCRATIC PARTY. Such declarations should be made, if made at all, by the national conventions of the two parties. It is their legitimate province, as representatives of the entire people of our country, to express their views, boldly and fearlessly, upon this or any other subject presented them, and the party which shrinks from such responsibility from fear of losing the support of any particular class of politicians—I care not whether it be the Democrats or Whigs—I hope to see defeated. I was glad to hear the honorable member from Tennessee, [Mr. WILLIAMS,] who addressed the committee some days since, and whose liberality and patriotism we have had cause more than once to commend, speak so boldly upon this subject. I congratulate my party upon the prospect of his support for the nominee of the Baltimore Convention.

Mr. STANTON, of Ohio, (interrupting.) As the gentleman finds so much to approve in the course taken by the gentleman from Tennessee, [Mr. WILLIAMS,] I wish to inquire of the gentleman whether he will follow his example, and refuse to support the nominee of the Baltimore Convention, unless the convention shall indorse the compromise?

Mr. RIDDLE. I have said no such thing. The views of every Democrat spoken of in connection with the Presidency, are known upon this question. But I will say, if it affords the gentleman any satisfaction, I will support no man whose views upon the compromise measures are unknown to the country, or who is afraid to make them known. But, sir, the objections to Congress making such declarations were twofold. First, it might be regarded as a precedent, that it is necessary for a future Congress to reaffirm the acts of their predecessors, in order to make them effective or binding; and, secondly, it detracts from the independence of good men, by allowing others to crawl in, at the eleventh hour, and share their victory. Yet I would say to the gentlemen upon the other side of the House, as far as this particular case is involved, had such resolutions been passed, even by your votes, your former acts would not be forgotten. The motive was too glaring; and I have more confidence in the intelligence of the American people than to suppose them incapable of perceiving it. The Ephesians passed a law consigning the name of the youth who fired the temple of Diana, on the night Alexander the Great was born, to oblivion; but the act had been done, and, notwithstanding that law, the youth had accomplished his object—had immortalized his name. Now, I say to the Whig party here, who resisted the most important compromise measure of the last Congress, that all the resolutions you may pass to whitewash your past votes, will be as ineffective as the Ephesian law to suppress the name of Herostratus. His name will be forgotten when your acts will be brought up in judgment against your children's children.

Mr. Chairman, I have taken the trouble to examine the vote upon the fugitive slave bill by the House of Representatives of the Thirty-first Congress in the nine Northern Atlantic States, embracing that portion of our country which generally nominates and makes Whig Presidents, when made at all. The States and votes I have arranged in tabular form, and they truly present a one-sided game.

	Present.		*For the bill.*		*Ag't the bill.*	
	D.	*W.*	*D.*	*W.*	*D.*	*W.*
Maine	5	1	3	0	2	1
New Hampshire	2	1	2	0	0	1
Vermont	0	3	0	0	0	3
Massachusetts	0	4	0	0	0	4
Rhode Island	0	2	0	0	0	2
Connecticut	0	3	0	0	0	3
New York	2	21	1	0	1	21
New Jersey	1	2	1	0	0	2
Pennsylvania	6	10	6	0	0	10
Totals	16	47	13	0	3	47

Thus we find present, when the vote was taken, from these nine States *forty-seven Whigs* and *sixteen Democrats*, including among the Democrats the gentleman from the eighteenth district of New York, [Mr. KING,] who is better known to the country as a Free-Soiler. Of these forty-seven Whigs, not one, not a single man, voted for the bill, notwithstanding it constituted one of a series of measures upon which the very fate of the Republic was then supposed to hang.* Of the sixteen Democrats, *thirteen* gave the bill their votes and cordial support. But let us examine this matter a little further, and see how many "dodgers" these States owned at that period—making a reasonable allowance, of course, for those who were sick and necessarily detained from the House. They had upon this floor ninety-two members, of which number *seventy* were Whigs and *twenty-two* Democrats. Of these ninety-two members, as I have already said, but sixty-three voted, leaving twenty-nine unaccounted for. What, I am asked, were the politics of these twenty-nine dodgers? My reply is, *twenty-four Whigs* and *five Democrats*. So not only did sixteen Whigs to one Democrat vote against the bill, but the Journal shows there were five "Whig dodgers" to one "Democratic dodger" when the vote was taken. If these facts are not conclusive as to who, which party, in the North are the friends and which the enemies of the measure, I am at a loss to conceive what proof would be deemed sufficient. How, then, do these facts comport with the declaration made a few days since by the member from Connecticut, [Mr. CLEVELAND,] "that the fugitive slave bill is a Whig measure?" It is to be considered a Whig measure, I suppose, because *he* did not vote for it. I do not doubt he thinks so; for since I first became acquainted with that gentleman, I have thought it the best speculation at Washington (and you know, sir, there are many good ones here) to buy him at what he is worth to the Democratic party, and sell him at his own price, provided I could get a purchaser.

Now, sir, at the time of the passage of this bill, no Democrat in the North, to my knowledge, doubted the constitutionality of the law; and no man, claiming to be a Democrat, excepting the honorable gentleman from Massachusetts, [Mr. RANTOUL,] has since doubted it. I will not detain the committee with an argument upon this point. The second section of the fourth article of the Constitution is clear enough for me. If not, the act of the 12th of February, 1793, which declares "that the owner of a fugitive slave, his agent or

* Mr. Eliot, a Whig from Massachusetts, voted for the fugitive slave bill. This vote was overlooked, from the fact that he was a new member, elected upon the resignation of Mr. Winthrop, and his name not appearing among the original members of the House in the Thirty-first Congress.

'attorney, has a right to pursue such slave within 'any State or Territory of this Union, and upon 'satisfactory proof of his property therein, remove 'such slave to the State or Territory from which 'he or she fled. And any person who obstructs 'such owner, agent, or attorney, in seizing or ar- 'resting such fugitive, or harbors or conceals such 'fugitive after notice that he or she was a fugitive, 'shall forfeit and pay the sum of five hundred dol- 'lars," would be satisfactory. Sir, it would be an act of supererogation on my part, even to call this law into question. In addition to the facts, that it has been sustained by the highest judicial authorities known to our land, and supported by the most distinguished expounders of the Federal Constitution, it was passed by a Congress (the second) which contained in this House alone, conventional delegates from six of the twelve States which then constituted the Union. New Hampshire, New Jersey, Pennsylvania, Virginia, North Carolina, and Georgia, were represented in that Congress by gentlemen who were in the convention that adopted the Constitution of the United States in 1787, at Philadelphia, and who, it is to be presumed at least, would be best able to interpret their own acts. The law of the last Congress is but an auxiliary to the act of 1793, and to pronounce the one unconstitutional, is certainly to condemn the other.

But let us see who rendered the act of the last Congress necessary, and who are consequently answerable for troubles of that day, as well as justly entitled to the suspicions and unworthy the support of a Union-loving people. Massachusetts I will overlook as far as possible. She is bound to her idols, and I will let her alone; although during her last election there was a Spartan band who contended for the guarantees of the Constitution, and left a ray of hope upon her political horizon. In 1831, as is well known to this House, the last violent slavery excitement, or rather anti-slavery fanatacism, may be said to have commenced. The Governor of South Carolina then heard that societies were being formed in the city of Boston to interfere with the institutions of the South, and at his request, Mayor Quincy traced the agitation to an interview between a certain Lloyd Garrison and a negro boy in a small room in a retired part of the city. This individual (Garrison) then predicted that the foot of the young liberator would make the nation tremble to its centre. How well that prediction was verified, the history of 1850 too plainly answers. But so the excitement began. Who fanned the flame, and furnished fuel for the destructive element, until becoming alarmed at the extent of their deeds, created though they may have been for sectional purposes, they fled for protection behind the barriers of the Constitution? Prominent among those embraced in this category stand the present President and Secretary of State of the United States. It is true we have no reason to complain of their recent official acts bearing upon this subject; but I think it equally true that no wise or prudent man would willingly trust that individual with the management of private or public affairs who, in one year alone out of twenty, had been right—even though that year be the last. Admit such men into your political family. Encourage them to come. Give them, if you choose, posts of honor at your banquets, but hesitate lest you place them too soon at the head of the table. They may there be guilty of the indiscretions of earlier days, and dishonor the house you invited them to adorn.

In alluding to these gentlemen, or rather the course they have pursued, I shall necessarily be brief. Of Mr. Webster I shall first speak, not because he can be considered a very formidable opponent to either President Fillmore or General Scott, but because of his being an exponent of the principles of Northern Whiggery—because of his age and superior ability as a statesman, and because of the confidence I have always reposed in his statements upon matters of fact. It would be sufficient for most men to cite the course of Massachusetts, as she has always, in her conventions and by her laws, reflected the views of her greatest statesman. But let us look at his individual acts.

To do so I will not travel back to the troubles of 1819, 1836, or 1838, when he and his friends in Massachusetts, and the other New England States, were willing to take measures to effect the abolition of slavery in the District of Columbia, abolish the slave trade between the States, and prevent the admission into the Union of a slave State; but come down to periods within the recollection of us all, and quote from his speeches in 1847 and 1851. I have said that I place confidence in Mr. Webster's statements upon matters of fact. I hope no Whig will have less. Then let us see what he says at Springfield, on the 29th of September, 1847:

"I hope there are some among the Democrats who will go with us in support of the proviso, but when we come to the real question—*the vote*, who and how many can we rely upon to help us? Sir, what occurred the other day at Worcester, may serve to shed some light upon the matter. *The Wilmot proviso was scouted out of the assemblage of the Democracy.*"

And this, Mr. Chairman, is Free-Soil, Abolition Massachusetts. At Abingdon, about the same time, I think, he declared in effect, that there was no Free-Soil party other than the Whig party—that *it* was, *per se*, the Free-Soil party. Now, I would think it particularly bold, and especially in a young man, to contradict the declarations of Mr. Webster, upon a matter, too, relating to the action of his own party in the New England States.

There are other and later speeches from this distinguished gentleman, which I might quote, such as his speech at Buffalo, in 1851, in which he declared "he would never consent that there 'should be one foot of slave territory beyond what 'the old thirteen States had at the time of the 'formation of the Union;" if my time would permit, and there was any apparent danger of his being the nominee of the Whig party.

As to Mr. Fillmore, his course, though less conspicuous, is certainly as objectionable to a national man. Take him where you will, and when you will, prior to his elevation to the Presidency, he was always recognized as the firmest friend and supporter of what is now termed "the higher law party." In October, 1838, he boldly declared to the Abolitionists of Erie county, New York, in a letter addressed to William Mills, that he was opposed to the annexation of Texas into the Union under any circumstances, *so long as a slave was held therein;* that he was in favor of abolishing the slave trade between the States; and in favor of immediate legislation for the abolition of slavery in the District of Columbia. These opinions Mr. Fillmore has never retracted, although I do him the justice to say, he has expressed a disposition to be governed by the decisions of the courts, which we all know he could not control.

Again, overlooking other votes which have already been alluded to the present session, on the 11th December, 1838, Mr. Atherton introduced resolutions in the House of Representatives, among which was the following:

"*Resolved*, That all attempts on the part of Congress to abolish slavery in the District of Columbia, or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the country and another, are in violation of the Constitution, destructive of the fundamental principles in which the Union of these States rests, and beyond the jurisdiction of Congress."

This resolution, expressing, as it did, the soundest national views, passed by the decisive vote of *one hundred and thirty-seven yeas to sixty-six nays;* but among the nays will be found *the name of Millard Fillmore*. Sir, his whole political course has been in keeping with these votes; and until he became the President of the United States, and found that to persist in such a course would inevitably dethrone him, if not destroy the Union—he was always found supported by and adhering to the Abolitionists of New York, and the New England States. But his recent course as President, bearing upon this question, I have alluded to. That course the American people have indorsed, and the Democratic party have approved, and given him credit for. Yet, for this independence and patriotism, whether arising from the just convictions of his mind, or a spirit of obedience to the will of the majority of the people, and of Congress, he is to be, if not already, ostracized by the entire Whig party of the Northern States. The fact speaks for itself; and it is more honorable in him to be defeated under such circumstances, if defeat awaits him, than to be elected under any other.

Such are the men whom the Whigs of the South promise to support; but, Mr. Chairman, there is another under whose flag they will be most likely to fight, and who, let me tell them, will be nominated, chiefly by the nine States which I have mentioned. I need scarcely add that I allude to General Scott. I will not say, nor can my Whig friends say, they object to his principles, or his views upon great national questions. No man knows what they are, and no man can vouch for what they will be. When he is nominated, "mum" will be the word; and when his forces are rallied, and you ask for the principles for which they contend, Lundy's Lane, Vera Cruz, Cerro Gordo, Chapultepec, and Mexico, will be engraved upon his banners. But, pause a moment, ye men of national views, and see who are second in command, and likely—aye, certain—to direct the peace establishment should the camp-fires of the enemy be extinguished. Seward, Clayton, Johnson, and *id genus omne*. They have placed him in nomination; they have charge of his conscience, and they will control his acts. They will constitute the better portion of his Cabinet, and dictate the policy which his Administration shall pursue. Doubt this if you choose, but if you live to see the fourth of March, 1853, and General Scott should by any possibility succeed, (which God forbid!) there will not be a shadow of that doubt left.

Here, then, is the issue presented to the Whig party, and to be presented the American people: A statesman, or a soldier? A man not only familiar with the duties of the Executive, but the policy of the Government, and its foreign and domestic relations; or a man who has been educated in the camp, and imbibed his notions of Government and political economy from the mouth of the cannon?

Of the latter kind we have had one President—God forbid we should have another. General Taylor was a brave, generous, and honorable man. He richly merited the thanks of his countrymen. But he was one of that class of men who live too long for their reputation. Had he reposed upon his honors—brilliantly acquired in the fields of Mexico—his name would be held in grateful remembrance—a rich heritage to his country. But ambition seemed to control his destiny, and proved his destruction. He became the victim of corrupt and designing politicians. His administration became the scoff and scorn of honorable men of both parties; and the country, while it lamented his loss, had cause to glory in its own gain.

Under General Scott must we not expect the same condition of things? Was he not educated in the same school? And has he a better knowledge of our institutions and their necessities, or our public men—their virtues and integrity? Is he not indorsed by the same authority? Is he not urged upon you by the same individuals? I ask you, in all candor and sincerity, to think upon and answer these questions. I ask you, not as a politician, but one who, I trust, loves his country better than his party, and who will go with you to-morrow for a national Whig in preference to an unsound, sectional Democrat. If General Scott be nominated, and elected, (of which, I admit, there is but little chance,) there is nothing more certain than that he will be governed by the men who controlled the administration of the lamented Taylor, and who, in eighteen months, almost blotted the Whig party out of existence.

There is one other fact to which I will allude before dropping this branch of my discourse, and to which I also invite the attention of the National Whigs. Since the last of the compromise measures became a law, six of the nine Northern States to which I have alluded, have elected members of the other branch of Congress, viz: Vermont, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania.

From these six States, three Democrats and three Whigs have been sent to the Senate of the United States. How do such Senators stand upon the compromise measures? The Democrats not only acquiesce in those measures, but are ready to resist, under any and all circumstances, their amendment or repeal, whilst the Whigs, or two at least of them, are virtually pledged to avail themselves of the first opportunity to repeal the one which cements the whole together. Then, in view of these facts, which I suppose no man will

attempt to deny, how can a national Whig, a Union Whig, or a Democrat, who is *ipso facto* a Union man, doubt the soundness of the Northern Democracy? How can they overlook the acts of that Democracy here, or the additional fact that wherever they have had recent elections, as in Pennsylvania, New Jersey, and the gallant Granite State—the State which you, sir, have the honor in part to represent, whose Democracy have recently covered themselves with glory in a contest with the allied forces of Whiggery and Abolitionism—they have inscribed the compromise measures upon their banners, and conducted such banners triumphantly to victory?

These remarks, Mr. Chairman, I have addressed particularly to the National Whigs, because, as a party, they are worthy of every respect, and, as individuals, men with whom we can proudly associate. Let me now turn to my political associates, and the people of the country at large, and see if there are not reasons, numerous and strong, to induce us to avoid even the semblance of a quarrel, which may possibly affect the nominee of the Baltimore Convention. It is true we are strong—strong in this House, strong in the country, and strong in the heart of every lover of republican institutions throughout the world—yet no house is so strong that, divided against itself, it will not fall. If the seed of such division be scattered here, we, sir, will have an awful retribution. We will justly be held responsible by an outraged constituency, amidst the wailings of unexpected and unnecessary defeat. I say, we will justly be held responsible for such a result. The Whig party cannot, dare not, make issue with us upon principles before the American people. Their measures have long since become obsolete, while the policy of the Democratic party has carried the country onward to unexampled and almost miraculous prosperity and wealth.

Behold that country to-day, and think what it would be if the clamor of "no more territory and no more States," the battle-cry of the Federal and Whig parties since the admission of Tennessee in 1796, had had its desired effect, and the spirit of progress, so sneeringly hinted at by many, been nipped in the bud. We would be yet but a feeble Republic of thirteen Atlantic States, with no national character abroad, and at home surrounded by petty republics, jealous of us and of each other, and at peace or war whenever the arts of European diplomacy would so direct. Who, in the language of a distinguished Democrat, can doubt this? Who annexed Louisiana in 1802, against the deadliest hostility of the Federal party? Jefferson, backed by the Republican party. Who reclaimed Florida from Spain against the same opposition? The Democratic party. Who recognized the independence of Texas at the first moment, without waiting to see if Mexico, by the aid of some foreign intervention, could conquer her back again? Andrew Jackson. And who brought her into the Union, the first independent State united to us out of independent contiguous territory? A Democratic Congress and Democratic people, notwithstanding the Legislatures of most, if not all, the Whig States protested against it.

Of California I need not speak. Her coasts and her ports, more valuable by far than the millions of gold which she annually pours into the coffers of the other States, would still be controlled by the soldiers of a military despotism, but for the policy of the Democratic party. Behold, then, I repeat, our country as it is, and think what it is to be if the Democratic party are but true to themselves! The flight of the American eagle is no longer obstructed by the waters of the Mississippi. He now rises with the morning sun, to bathe his beak in the Atlantic, and, accompanying that sun throughout the day, retires to rest within sound of the gentle murmurs of the Pacific, surveying, in his entire flight, the fruits of Democratic policy and Republican progress. To these statements I challenge contradiction. There is neither wild fancy nor error of historical fact in one of them. Let me, then, in conclusion, venture to express the hope, that no act of ours, no act or acts of the Democratic party—and especially growing out of predilections for men, or differences between individuals, any one of whom is justly entitled to the support and confidence of the American people—will tend to check the wheel of progress, or circumscribe the limits within which the emblem of our nation will be respected. Let us, rather, go on conquering and to conquer; not by force of arms, but the more potent genius of free institutions, until the whole North American continent will worship, of one accord, at the same political altar, and be bound together under the hallowed name of the AMERICAN UNION!

THE POSITION OF NEW YORK ON THE PRESIDENCY.

SPEECH OF HON. GILBERT DEAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

April 23, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. HIBBARD in the chair) on the Homestead Bill—

Mr. DEAN said: Mr. Chairman, I would not have occupied the attention of the committee at this time upon any subject, but for the very extraordinary language of the honorable member from Arkansas, [Mr. JOHNSON,] and of the honorable gentleman from Iowa, [Mr. HENN,] charging upon the members of this House, from the Eastern States, New York included, concerted action to defeat all bills, without regard to their merits, favorable to Western and Southwestern interests, and calling upon the Representatives from those sections to combine and adopt retaliatory measures. Such language and such charges are not only unjustified by the facts, but demand a prompt and open denial on the part of those against whom they are made; and, as I have uniformly voted against putting the railroad bills on their passage, without a reference and full discussion, I shall take occasion, before I resume my seat, to give the reasons which have determined my action, and which, I doubt not, have been controlling with those who have voted in the same way. And I shall do this for no purpose but to place our action right before the country, and disabuse the minds of the gentlemen who suppose they have observed, in our united votes, indications of a different motive; for, sir, there is no feeling which I more deeply deprecate here than that which would lead a member of this House to look with favor, or the reverse, upon a public measure, in consequence of the place from whence it originated, or the portion of the Confederacy which it was supposed chiefly to benefit. In legislating here, I know but one Government, made up, it is true, of different members, but forming, for all purposes of national action, a single whole; and I do not recognize the right, duty, or power of this Government to legislate for the States, either for good or for evil. Each State is an independent sovereignty, and has the exclusive power to manage, in its own way, and in the manner it chooses, all matters relating to its domestic concerns; and the National Government has no more authority to intermeddle with these than it has to interfere with the internal affairs of Russia or Great Britain. The Federal doctrine of the merger of the distinct and absolute sovereignty of the States into the sovereignty of the nation, for any purposes of domestic legislation, finds no place in my Democracy. Consequently, I would confine this Government, in its legislative and administrative action, exclusively to national objects; so that the States, either by themselves, or companies incorporated by them, should construct their own roads. This was, and this is, Democratic doctrine; and gentlemen will find that it will require the combined action of a united party to resist the inevitable tendency of the National Government to centralization and the exercise, within the States, of powers not given by the Constitution. This effort to apply the public property to local objects, I regard as an exhibition of this tendency.

THE PRESIDENCY AND NEW YORK POLITICS.

Before proceeding to reply to the charges made against us for our votes upon these bills, and giving the reasons which induce me to favor the measure now under consideration, I desire the attention of the Democratic portion of the House to a few words on the presidential question, and the position of New York on that subject. And I would not have done this but for the remark that has recently been made, and quite frequently repeated, that New York could not be carried for the Democratic nominee; that a nomination should be made without reference to it; and that the President could be elected without the vote of New York. One would suppose the experience of 1848 quite sufficient to teach men, even dull of comprehension, a lesson which would prevent its repetition, and that wise men would know better, even without the lesson. But I feel that such remarks are unjust to New York, and such action on the part of the Democratic Convention would be not only dangerous, but suicidal and ruinous to the party. I do not propose to reopen the discussion here, about "Old Fogies" or "Young America." In these I have taken no part, nor will I. Any kind of "Fogies" suit me better than *Whig Fogies*. Our common object is to drive them from the White House and the Executive Departments. We have now a Whig Administration conducting the Government upon the principles which have always actuated the Federal party. On the 4th of March next this policy must be changed. How is an end so desirable to be accomplished? Not by voluntarily and with premeditation and malice aforethought, disfranchising a State, or ostracising one half of her Democracy. Not by advocating upon this floor the claims of any man to a presidential nomination. No man has a *claim* upon the Democratic party. I utterly repudiate the doctrine. But if any one had such a claim, this is the last place to advance it by speeches in its favor. Such speeches only generate feelings which it may take months to allay. And gentlemen ought to remember that a nomination, even by the great Democratic party—potent as it is, with its twenty-six Governors of States; with its vast majority of State Legislatures; with its overpowering numbers in both branches of Congress, and its deep lodgment in the popular heart, that even now a nomination is not an election. The Whig party, though defeated everywhere, is not disbanded or destroyed. Though they are now quarreling—and one gentleman tells us General Scott cannot get respectable men enough to form an electoral ticket in Tennessee; another proclaims Mr. Fillmore's weakness—yet, when the "Slaughter House Convention" meets, I believe all these forebodings will cease—all these prophecies be forgotten, and all remnants of principle will be offered up on the shrine of party. They will support the nominees of that convention, as in a memorable instance, the recollection or the record of which has not yet passed away,—they went—

"For Tyler, therefore,
Without a why or wherefore."

I understood the honorable gentleman from Kentucky [Mr. WARD] as avowing it publicly here, as a Whig custom, which he thought should be followed in the next campaign, to make no declaration of principles—but to go it blind; and when asked for the principles, to drown the inquiry by shouting Lundy's Lane, Cherubusco, Chapultepec, and the Halls of the Montezumas. Really I did not expect so frank an avowal here.

Mr. WARD. I have never said in this House or elsewhere, upon any occasion, that the Whig party did not make a declaration of principles; but on the contrary, I said that they had. I stated that they made no *platform* in 1840 or '48.

Mr. DEAN. I stand corrected. I will put it in my published speech, "no platform" of principles. I must say, however, that a gentleman, who can make a distinction between the two sentiments, must have a mind so constituted, as a difference to see

"'Twixt tweedledum and tweedledee."

But whether avowed or not, they *will* go it blind; for it is a peculiarity of the leaders of that party to scent the public plunder as far as a hyena will a grave, and to follow by instinct wherever there is the remotest prospect of securing it. The question in dispute among them now, has slight, if any, relation to principle. It is chiefly a question of spoils. General Taylor—whom history will say, was nominally President for a brief period—was brought forward by the availibility portion of the Whigs. After his nomination, "the Woolly Heads" of New York and some other States made a feint of bolting, and held out for some two months, until they had had sufficient

time to consult with his committee, and get a pledge for the patronage. Whether they ever got this pledge or not, I do not say. Only that they did, simultaneously—the Free-Soil portion of the Whig party—unite in his support, and that a Cabinet of a certain description was formed, and that they did have the control of the appointments. You can judge as well as I, by putting that and that together, how the thing was arranged. It was certainly a remarkable coincidence—an unaccountable accident, one of those wonderful coincidences, which never occur by chance, but are to be attributed solely to that kind of Providential interposition, which gives victory to the best disciplined troops.

That the honorable Senator from New York, and his branch of the Whig party, did have the control of General Taylor, is a historical fact, which need not be repeated in Washington. The Vice President, Mr. Fillmore, could have nothing to say in the bestowal of Executive patronage. When General Taylor died, then the Vice President, the heir apparent, and his friends who had been obliged to starve, or eat at the second table, invited the Senator and his retainers to stand back and wait. Mr. Fillmore is now under certain influences in distributing the offices—those who control these matters now want to keep him where he is—the other set, with appetites sharpened by their long fast, threaten vengeance, and are determined to name his successor, or let a Democrat take his place. Mr. Fillmore could propitiate them in an hour, by giving them the control of the appointments.

As a means of ousting the present incumbent, they early started General Scott as their candidate, and thus have, or suppose they have him committed to their interests. But if he should cut them now, would we hear any more fears expressed by the Silver Greys, think you, about his principles? They all know that no man, without losing caste, can escape from his political associates; that they must cling to him like his shadow; and that of them, and by them, must his appointments be made; that even a man with the iron nerve and unyielding firmness of General Jackson, was thus influenced. They understand perfectly well, therefore, that the party who bring forward the candidate and secure his nomination, have his ear, and can, in a great measure, control him. The Whigs, ever since they elected General Harrison in 1840, by aid of the mum committee, have had a fight of this kind among themselves, and the point in dispute is, not which is the fittest and safest candidate for President, but which set shall name the man, and, consequently, be the committee to control the Administration. Because, for all purposes of making appointments, and distributing the Executive patronage, the committee, "the power behind the throne," is the President, and not the thing that occupies the chair of State.

What do these men, who are now the peculiar champions of General Scott—the keepers of his conscience—the guardians of his tongue, and restrainers of his pen—care for him? In 1812, while the Republican party was sustaining the war, which first placed him in position before the country and the world, they were rejoicing at the defeat of our arms. And the war with Mexico, which gave to this nation such a proud name abroad, so great an acquisition of valuable territory, and added the crowning glory to his fame, they not only opposed, endeavoring to produce divisions in our councils, and bring defeat upon our arms, but gave publicity to treason by openly hoping the Mexicans would welcome our brave soldiers "to hospitable graves." They care no more for General Scott than for the epaulette which adorns his shoulder, or the buttons that glitter on his coat. General Taylor has been used by them. General Scott is now the object of their designs; and if General Santa Anna, or General Tom Thumb, should promise greater availability and *maleability*, they would drop the one and take up the other to-morrow.

In my mind there is no doubt, as to which division will succeed at the Whig Convention; for Mr. Seward is as potent with the Whig party of New York as Meg Merrilles ever was with her troupe of gypsies. Governor Johnston and his friends are said to be equally powerful in Pennsylvania. These States cast sixty-two votes, and will be sufficient, acting together, to control the convention; and they will nominate some man in the interest of that coterie of politicians. They are too experienced and skillful sportsmen to allow the game, when within their reach, to escape. As to his *principles* on the compromise, or any other subject, they will not be particular, for it is due to the Senator, and those acting with him in New York, to say, that they are exceedingly liberal on these subjects; they are never solicitous about the principles or official capacity of their candidates; the capacity of being useful to them, being, in their estimation, the only standard of value. And General Scott is of immense value to them now, as a lever with which to hoist the present Executive from his seat. If they can succeed in his election, very well; but if not, they dispose of Mr. Fillmore, get a Whig candidate from some State *other than New York, and leave the field open for Mr. Seward in* 1856.

If gentlemen want to understand the power of Mr. Seward in his party in New York, and know how completely he is there "*the party*," as a certain king was "the State," they have but to look at events in the fall of 1850. Mr. Fillmore had been inaugurated the preceding July; he had adopted his policy, and it was natural, it was in fact, but an act of common courtesy for the State convention to approve it. The attempt was made, but the decree had gone forth. Mr. Seward was lauded by name, in a resolution, while the resolutions introduced by Mr. Duer, then a member of this House from New York, approving of the President's policy, were promptly voted down. The President, out of a large convention, mustered forty; these, headed by Messrs. Granger and Duer, left the convention, called another, and when that other convention met, they dare not repudiate the action of the former, but fired some blank cartridges in the shape of harmless resolutions, and went home after agreeing to support the woolly ticket. I say, therefore, the "Woolly Heads" will succeed, because they are the fighting men, with us, while the "Silver Greys" are like the coneys, a feeble folk—they show little courage and no "stomach for a fight." This being the position of affairs in the Whig party of Pennsylvania and New York, I ask again, can there be any doubt of the action of the Whig National Convention? For no political party will make a nomination with the certainty of losing those two States by it, when, by making a different one, they might have at least a hope of securing their electoral vote—sixty-two in number—making a difference of one hundred and twenty-four. No political party in this country is strong enough to afford to throw this vote away. But it makes little difference to the Democracy of New York, whom the Whigs nominate. With a fair nominee of their own, one who can stand alone, and bear his own weight, we can carry the State beyond a peradventure. And I say here, that in my judgment, that Whig does not live who can obtain the electoral vote of New York from the nominee of the Baltimore Convention, if wisdom, prudence, and the true principles of the party shall control its action.

As for General Scott, while I honor him as a military chieftain, and respect him as a man, truth compels me to say, that in my judgment, he can get only the Whig vote; and for reasons I will name, not all of that; and the Whig vote of New York is a minority at any contested election. That, in saying this, I do not speak at random, I give the facts. Look at the figures:

In 1848, Mr. Van Buren rec'd	120,497 votes.
" General Cass received	114,319
	234,816
General Taylor received	218,583
Being a majority of	16,233

over General Taylor. This was by no means a full vote of the Democratic party. For Mr. Polk, in 1844, received in that State 237,588 votes, nearly 3,000 more than General Cass and Mr. Van Buren together—our population having in the mean time very greatly increased. This small vote was occasioned by the fact, that thousands of Democrats, dissatisfied with the divisions in the party, knowing there was no prospect for the success of either our general or local tickets, stayed away from the polls and took no part in the election. So that General Taylor, although he obtained the electoral vote of the State by a majority of 104,264 over General Cass, yet lacked 16,233 of having a majority in the State. And no man acquainted with the local politics of New York, will pretend that General Scott can now carry the proportional vote, that General Taylor then did. In the first place, the name and reputed character of "Old Rough and Ready" took with the "boys—" and we have a few of them with us. Then his no party professions—having no friends to reward, and no enemies to punish—led many, very many, Democrats to his support. The Whig party since that time, by the proscription of the friends of Mr. Seward, toward the national Whigs is rent in twain;—the two divisions being known by the classic cognomen of Woolly Heads and Silver Greys. Between these the lines are as distinct and well-defined, as existed between the Barnburners and Hunkers in 1848. General Scott is there regarded as identified with the Woolly Heads; and no compromise pledges, or campaign certificates, can ever take the kinks from his hair, nor can the thickest or longest wig conceal its texture. Those who have been squeezed to death, or knifed by the "Woolleys," because of their avowal of national feelings and sympathies, will *scent* the animal in every tainted breeze.

The Woolly Heads have had a majority in our canal board until the first of January last; and since the division, in 1850, they have appointed only men of their own kind, and removed from office every Silver Grey who happened to be in before; and the patronage of that board is immense. I have here an official list of removals and appointments in 1850 and 1851, furnished me by a Silver Grey at Albany. And if there is any one of the friends of Mr. Fillmore who desire it, they can look at this and see their fate, should the Woolly Heads get the control of the General Government. I do not say that this division is an equal one between these two factions of the Whig party; but it is sufficient to make a difference of several thousand votes against any Whig who shall be nominated and identified with either section. Governor Hunt, who was elected in 1850, a known and decided Woolly Head, has, in all his appointments, observed the same course. Not a national or silver grey Whig has been appointed by him to any office. This proscription, on the part of the dominant party, to say nothing of a professed difference in principles, has irritated the minority, until there is no longer any fellowship between them. While this breach has been widening in the Whig party, the division in our own ranks has ceased to exist. In 1850, the Democratic party there united on a national platform. This union was no coalition of parties disagreeing in principle for the sake of the offices, but an agreement upon principle. Before the two sections united, they met in separate conventions and agreed upon their resolutions, and in every case, before nominations have been made, a set of resolutions, avowing distinctly fraternity and agreement in principle with the Democracy of the Union, have been adopted. The effect of that reunion of the party in New York was not limited to our own State; but in Michigan, Illinois, and other places the district organizations were abandoned. If I had the time, I would read the resolutions—the platform of the New York Democracy.

Several VOICES. "Read!" "Read!"

Mr. DEAN then read them, as follows:

Resolved, That the Democratic party of New York are proud to avow their fraternity with and their devotion to the great principles of the Democratic party of the Union, as declared in the National Democratic Conventions held at Baltimore in 1840, 1844, and 1848; and they look forward in hope and confidence to the complete triumph of that party in 1852.

Resolved, That we congratulate the country upon the recent settlement by Congress of the questions which have unhappily divided the people of these States.

Resolved, further, That the Constitution of the United States is the only bond of union among us, alike obligatory upon the several States and the people thereof, and that to preserve this Union unimpaired, every requirement of the Constitution, and especially every duty enjoined by it, must be sacredly observed.

Resolved, That the Democratic party of New York will meet with their brethren of other States in a national convention, and that we shall cordially support the candidates nominated thereat, according to the usages of the Democratic party of the Union.

Resolved, That, devoted to the principles and form of our Confederation, ever mindful to the blessings it has secured to ourselves and to mankind, and regarding the citizens of all sections of our country as members of a common broth-

erhood, we cherish the Union of the States as the ark of our political covenant, and that we deprecate all sectional agitations at the North or South calculated to impair its sacred obligations or to threaten its perpetuity.

Mr. CHANDLER. Did the Democratic members from New York vote for the compromise resolutions the other day?

Mr. DEAN. Their votes are recorded. Surely the gentleman cannot desire me to read the Journal of the House for him.

Mr. Chairman, these resolutions which I have read were adopted *unanimously* before any nominations were made; and, at the first election after it, the Democrats elected more than half of their State ticket, and last fall elected the whole ticket, with one exception, caused by a local question. By these two victories they have obtained the control of the canal board, which, in the hands of the woolly Whigs, has been such a terrible engine of corruption, fraud, and extravagant expenditure.

In regard to this matter, recent investigations show clearly that this canal board, in Whig hands, was used for the purpose of controlling elections and supporting the hangers-on of the Albany junto. That its immense revenues, instead of being applied, as the Constitution directs, to the completion of the canals and the payment of the debt created for their construction—that with these vast revenues, and the patronage of the board, they have subsidized the press—bribed the banks—corrupted the Legislature, and even attempted to invade the temple of justice, the last sanctuary of popular and constitutional liberty.

A Member. Will not the Democrats use it to control elections now?

Mr. DEAN. Mr. Chairman, the gentleman inquires whether these canal revenues will not now be used by the Democrats in the same way. Sir, he must be ignorant of the political history of this country. It is a matter of record, known to everybody, that the Democrats are always honest in the administration of the public funds—that the *Whigs* have an exclusive monopoly of the system of "pipe-laying" and "Galphinism." [Laughter.]

As the Whigs have now lost this source of patronage and corruption, and are now divided, is there any doubt that the Democracy of that State, united as they are, under the excitement of a presidential canvass, with candidates the representatives of their principles, can outnumber a divided and already twice-successively defeated party. I know something of the feelings of the people there, and I know that they only want a fair opportunity to show to the Democracy of the nation, that when united, they can carry the State against all opposition. That the National Convention will, by its wise, temperate, and judicious action, afford us this, we cannot doubt. It will not needlessly force upon us the memory of past divisions or forgotten contests. It will not thus chain our limbs, or paralyze our tongues, but give free action to the Young Lion of the North.

A Member. The Young Giant!

Mr. DEAN. No, sir; not the "Young Giant" of the Northwest; and lest I may be misunderstood, I mean by that expression the "Young Lion," the Young Democracy of New York, the young men, who are determined, forgetting all past divisions, to place and keep New York where she should be—at the head of the Democratic column.

As to who the nominee should be, I express no opinion, except that it should be the one, with sound and known principles, for whom the entire Democratic vote of the nation can be polled; to whose support, at the sound of the bugle, the clans will all rally, from the forests of Maine, the everglades of Florida, and the placers of the gold State.

Of one thing I am certain, New York has no desire to name the candidate. She has, it is true, a citizen of her own, the late distinguished Secretary of War, who is mentioned in connection with this nomination. We know him, the nation knows him, to be a true man, and a reliable and sound Democrat. I say no more. I am not his advocate; I have not even the honor of his acquaintance; nor have I had any correspondence with him. We ask only for the convention to do with him as it shall deem best for the success of the entire party. We present no *claims* of the man or the State, and we acknowledge no *claims* of any other man or State. We came to Baltimore in 1844 believing that we had, and I am sure the Democratic party cannot have forgotten that when disappointed and aggrieved, burying all resentment and remembrance of the past, we took our own Wright from the Senate he adorned—placed him in the foremost rank of the battle, where there was no alternative but success or political death, and carried the State against even Harry Clay, at the bare mention of whose name every Whig within our boundaries was stirred to the wildest enthusiam; and that, by this action on our part, the field was won. For this we make no claim upon the party now, except for an opportunity—with an open field, unfettered by sectional issues, free from any overpowering incubus of sure defeat—to meet the enemy, and we will take care of ourselves. We care not under whose name, or what flag he fights.

We have the fullest confidence in the wisdom and patriotism of the National Convention. We know that no body of politicians will go on, madly and blindly, to make a nomination, with the certainty that any considerable portion of their own party, in either of the States of Pennsylvania or New York, will not rally to its support—that any portion is lukewarm, and will stay away from the polls even. If, however, any party shall do this, it needs not the ken of prophecy to foretell in the result, another evidence of the truth of that aphorism—"*Quem Deus vult perdere, ille prius dementat.*" As to which section of the Whig party shall succeed in the Slaughter-house Convention, is quite immaterial to the Democracy of New York, or of the Union—for we must expect the whole party, with slight exceptions, will go for the man they nominate. We can rely upon no organized opposition. We must, therefore, prepare ourselves to meet and defeat the whole party. But how? Not by quarreling about the prospects, or claims of candidates, or discussing abstract questions, which can have no practicability in them in the next canvass. There is work enough for us to do without attending to amateur matters—work, real work—in directing our energies to ferreting out the frauds and corruptions, and exhibiting the enormous extravagances of this Administration, and bringing all in a proper shape before the country. Why, the whole nation was aroused in 1840, by the cry of extravagance and corruption, because the annual expenditures of the Government, including the Florida war, exceeded $20,000,000. But now, in time of profound peace, the Secretary of the Treasury makes a report to this House, and puts down the expenditures of the Government for the last fiscal year at $50,952,902 59. Is it not our duty to bring these matters before the country, and show the people how these expenditures have been made? That they have originated, in part, in speculations of Government officers on the Government itself; by giving to men connected with the public service contracts at exorbitant prices which they never intended to execute themselves, but by which they have made large sums in selling to others. Shall we not take some effectual measures to drive off these vermin who are infesting the capital, and fattening upon corruption? Then there is the pretty little bonus, only $520,000, which is said to have been made by the payment of the Mexican indemnity, or which could have been saved to the Government, is that to go unnoticed? Or are we to wait for all these things until after the presidential nominations are made? It is not the man whose name they use as their candidate, but the *party* of which he is the representative, that is responsible for all these abuses. Let us no longer be wasting time here, or exhausting our strength in fruitless controversies; but set ourselves at work investigating these matters, and bringing them before the public. That there have been frauds, the most palpable perpetrated by the direct sanction of the Administration—that corruption of the grossest character exists, no one doubts. That large and extravagant expenditures have been made unauthorized by law, that powers have been used which the persons employing them had no right to exercise, is undisputed. Are we, then, who are sent here as the nearest representatives of the people—as the peculiar guardians of the public Treasury—are we to hold our peace while it is being robbed? Are we not to bring these deeds of darkness to the light? Is it not our business to smoke out the rats that are undermining the foundations of the Government? Because the head of the present Administration is not a Julius Cæsar or a Cromwell, with nerve and strength enough, battle-axe in hand, to attack the Capitol and hew down the pillars of the Constitution, are we, in consequence of his weakness and inbecility, to suffer him to proceed in whittling them away with a jack-knife?

What are to be the issues of the next canvass? Is it not high time they were settled? The Whigs say they have abandoned their ancient ally, the National Bank, that it has got to be poor, do'nt wear good clothes, and is out at the elbows, out of capital, out of cash, and out of credit. That is the way. When the bank was in the full tide of its prosperity, then the Whig party was its particular friend. But without cash, credit, or good clothes, nobody has a right to be a Whig—they may own him on election day—not after. [Laughter. "True, true." "That's it."]

The repeal of the present tariff, or the alteration of its principles, cannot be made an issue. For, on the motion of the gentleman from Ohio, to suspend the rules, to permit him to introduce his resolution to modify it, the whole Whig delegation from North Carolina, with but one exception, voted in the negative. A majority even of the Whig delegation from New York did not vote in its favor; while some Democrats voted for it as it was, and many others, including myself, would have voted for a proper resolution on that subject. There are Democrats in favor of a modification in the present tariff on iron and other articles. There are Whigs for it and against it. The Whig party have ninety-two members in this House, and they mustered just *forty-six votes*—exactly one half—in favor of their "*test resolution*" as some of their newspapers in the Northern States call it. They will undoubtedly seek to make it an issue in some localities, and have on this, as on other subjects, a movable platform. But it cannot become a *national issue*. Most of the great measures of the Democratic party have been established by former Administrations, and are generally acquiesced in. On these, therefore, they will not meet us. There must be some issue, for it is folly to have a contest to put out one set of men for the mere purpose of putting in others like them in their places.

The Whigs tell us here every day, that there is no issue between the parties; that the Democratic party has established the Independent Treasury and its other great questions of policy, and that they feel no disposition to disturb them. Well, really, gentlemen of the Opposition, why do you run a presidential candidate? And why are you here, if our principles and policy are right? Is it not a little too bad for us to fight these things through, and then for you to administer them? Is not that trading on borrowed capital? Is it not grand larceny for you to steal Democratic thunder with which to hurl your bolts? [Laughter.] And then you have now changed the place of holding your conventions—from Philadelphia to Baltimore—chosen our place—I hope it is not to steal our platform, too. [Great laughter.]

But, Mr. Chairman, there is an issue, and one which we must take with them; on which the battle must be fought, and the victory won; and that issue is between an economical, constitutional government, and a lavish, profligate, and grasping administration of public affairs; between, on the one hand, a Democratic Administration, doing only what the Constitution and the laws authorize, confining the Executive to what a strict construction of the national compact enjoins, leaving the rest where it belongs, with the several States, and an Administration that is, by its extravagant expenditures, enriching its members, camp-followers, and parasites, from a Treasury supplied by the toil of the people, stretching its Briarean arms to their utmost extent, to bring everything within its corrupting embrace.

Sir, we were told in this Hall within the last few weeks, by an honorable member from Tennessee, who stands high in the confidence of the Administration—its chosen champion on this floor—that he could not be a Democrat—"*they were too penurious.*" I am glad to record such a confession, coming, as it does, from so high a source—that the Democratic party is the party of economy, and that the Whig party is the party of lavish expenditure.

But, Mr. Chairman, let us pause a moment, and ask ourselves—and repeat to the country the question—what is to be done? Is this not an exigency which is really alarming? If the national expenditures increase at such an enormous ratio, from whence, in 1862, is the revenue to be derived to pay out to the palaced-paupers who hang about the Government the $100,000,000 requisite to support their extravagances? Not from our imports, because it is impossible to collect that amount from any system of duties; and the very men who are guilty of these enormous expenditures, are the ones who cry loudest against foreign importations *A direct tax and a national debt, then, are staring us in the face*, unless a system of retrenchment, thorough and immediate, is at once adopted.

That the people may know a little of the use that is now made of the $51,000,000 extracted from the public purse—that they may understand one or two of the new drains that this Administration is using with which to empty the Treasury, I will call their attention to the "*Department of the Interior*," commenced March 4, 1849, by General Taylor, and continued now:

Secretary's salary.....	$6,000 00	per annum.
Chief clerk.....	2,000 00	"
Three commissioners to settle land titles in California.	18,000 00	"
Three clerks to same.....	4,500 00	"

There are also in this Department clerks almost innumerable—some with salaries, and some with per diem compensation—some of them necessary if this Department had not been created, but others the exclusive production of the "Department of the Interior." Then we have the Census Bureau under this same Department.

Salary of the Superintendent.....	$3,000 00	per annum.
Eighty-nine clerks, at $1,000 each.....	89,000 00	"
Messengers.....	2,900 00	"

Besides men at $3 00 per day.

There has been appropriated for this Census Bureau already the sum of $1,267,500. The Superintendent now asks for $150,000 more. And Mr. Rives tells us that the printing of one hundred thousand copies of it, of the size proposed—of eleven volumes, each volume as large as the American Archives—will cost $1,500,000 more.

This is, indeed, a *splendid* Government; and the wishes of those who desired to make it rival in splendor the monarchies of Europe, are fast being realized. The Superintendent, in a communication to the Secretary of the Interior, informs him, and, through him, the public, that he has been traveling abroad at our expense; that, in consequence of his public capacity, he was treated with great consideration, and was invited to address the British Association at Ipswich, at which Prince Albert was present. That is really an honor, worthy to be communicated by a representative of a Republic to the Representatives of the American people!

Gentlemen, this must be stopped. And if the President chooses to go on and expend money, as he has done, in violation of law, and in advance of appropriations, we should refuse to vote them. The keys of the Treasury are in our hands, and we should see to it that it is not uselessly rifled. The people are already alarmed by this profusion of national expenditure, and need only the facts to array at least two thirds of them against the Whig policy. And it is necessary for us to show our sincerity by something more than words. Our actions must correspond. An early adjournment should test our desire for retrenchment. There is no complicated question, like the independent treasury, or the compromise measures, to be discussed and finally settled, and we ought not to stay here many weeks longer. Public business does not require it. Beside, there are cooler places than Washington in which to spend the dog-days. The proper disposition of the public lands, the propriety of a modification of the tariff, and the necessary appropriation bills, are the only matters of a public nature that detain us here. And upon this, which I have indicated as the great issue of the approaching contest, a constitutional, economical, and restricted administration of the Government, the Democracy of New York are with their brethren of the Union. They have already fought this battle over and over with the Federal party in the State government. Her people, by taxation, have paid too dearly for the law "higher" than the Constitution, which has hurried her "higher law" governors and legislators to violate its plainest provisions, to be insensible to its importance; and they will come into the service of the nation as veterans, armed and well disciplined, enlisted for the war, ready to range themselves under the lead of whomsoever the grand council of the nation may choose as standard bearer in the contest.

You gentlemen of the South will have an easy victory. Every indication of the campaign shows that it is on our soil the seat of war is to be located—that it is there the fight is to be thickest and hottest. There, the real leader, the prime minister of the Oppesition, is at home; there he can employ his skillful tactics, and use to best advantage his trained troops. Give us, then, a leader in whom our soldiers can confide; whose name will raise a shout from the ranks. Is this asking too much for New York, when she must summon her utmost energies, or be overwhelmed? But whether this is granted her or not, whoever may be chosen, after the selection is made, no questions will be asked as to his age or paternity. On whichever of the distinguished men now before the country the choice may fall, or if some other good man and true shall be selected, her old men for council and her young men for war, united in action, will pour the strength of her unterrified Democracy on the heterogeneous cohorts of Federalism; preferring to go on under the command of the humblest officer in their own army, rather than the proudest captain of the enemy. And though on *their* central column may be seen streaming "No principles for the public eye," and at either wing, "The Union a league with the devil," "The Federal Constitution an atrocious bargain;" *we*, standing on the battle-ground of the nation, under national colors, will bear aloft in success or disaster, in victory or defeat, in the conflict and after its close, THE CONSTITUTION OF OUR FATHERS—THE UNION AS IT IS!

Though this will be the principal issue, it is not, and cannot be the only one. The hour has arrived for us to assume our proper position among the nations of the earth. It is for us to dictate the terms upon which a foreign Power is to occupy any portion of this continent, or its adjacent islands; and to take redress for any wrongs committed upon our citizens; to make the name, *American citizen*, at once a *passport and a shield*. And we must do it. A nation containing twenty millions of "*live Yankees*," must prove itself a *live* nation. [Laughter.] It is the nature of power to develop itself; and we cannot remain where we are—stationary—stationary! There is no such state of existence. Growth or decay, progress or retrogression, life or death, is the law of our being. And for a nation like our own, in the young manhood of its existence, to think of stopping in its career, is folly; it is madness. We could not, if we would; we should not, if we could. It is for the Democratic party, now, as in years past, to lead the Republic to its destiny; to go onward with the swelling tide of human progress, leaving the party of conservatism behind, clinging to the moss-covered rocks of bygone ages.

I forbear to enlarge upon this theme; but trust that now, as in the former history of our party, the convention at Baltimore will be true to the mission of humanity; while it preserves in its creed all that is valuable and practical, it will not attempt the impossible task of stopping the revolution of the earth, of resisting the advancement of our race, of cramping and restraining the grown giant of to-day, by the cast off-drapery of his childhood, or of compressing and rocking the expanded man, in the cradle of his infancy. I find no fault with the old doctrines of the party. Not a word of it; they were best adapted to the measures necessary for the time, and consequently were successful, and accomplished their work. The same principles, the right of the voters to determine at the ballot-box upon every public measure, reliance on the people, their faith, their intelligence and virtue, their capacity for self-government and tendency to improvement, opposition to the centralizing influence of the General Government, the absolute sovereignty of the States so far as all matters of a domestic character are concerned, a strict construction of and a rigid adherence to the Constitution, the emancipation of labor from its degraded thraldom to capital—these cardinal principles of the Democratic creed are now to be applied to the new questions which have arisen, are rising, and will arise, in our diversified and rapidly-increasing and extending national affairs. An iron way is to be stretched across the continent to league the oceans, attach with "hooks of steel" commonwealth to commonwealth, and revolutionize the trade of the world. The industrial interests of the people are to be fostered by the equality of laws, and our national resources developed by removing unnecessary restrictions. To accomplish all these, is the mission of Democracy; and to this mission is Democracy alone equal, and only when it is accomplishing these is it true to its mission.

THE PROPER DISPOSITION OF THE PUBLIC LANDS.

Now, for a few words in reply to the charge of the gentlemen from Arkansas and Iowa, as to the hostility of New York to Western interests. No man has a right to use that language in respect to New York or her Representatives upon this floor, when every interest of hers urges the development of the utmost resources of the great West. Look at her central position—at her seven hundred miles of canals in full operation—and the millions she is now expending to increase their capacity. See her fourteen hundred miles of railroads constructed at an expense of over $70,000,000. Behold the shipping in her port prepared to carry the productions of the continent to its consumers. Where are all these to be supplied but from the golden harvests of the West? Why, the fact is not generally known, but it is true, that our canals carry to market many of the productions of Tennessee and Kentucky, instead of the Mississippi river—of flour, wheat, corn, and all other grains—butter and cheese; a much larger quantity reach tide-water at Albany and Troy by our canals than arrive at New Orleans by way of the Mississippi river. These productions seek a market in this direction, to avoid the heat, by the way of New Orleans, and must always do so. The tolls on our canals last year amounted to $3,722,163 11, and the receipts of our railroads in 1850 were $5,780,404; of the increase since, I am unable now to speak. We have two roads in full operation—one upon the bank, the other in no place over twenty-five miles east parallel with the Hudson river. Trains of cars of a mile in length are seen on these conveying the products of the West. There are two railroads connecting the lakes with the Hudson. The opening of new avenues in the West are of absolute necessity to the continued prosperity of these stupendous works. The fountains of the mighty river, which rise high in the mountains, away from the thronged city, are not more necessary for the flow and volume of the stream than are these numerous tributaries to the prosperity of the Atlantic States. It is our interest, therefore, to aid the development of the material productions of the West—to assist in establishing there a thriving and industrious population. And I tell gentlemen of the West that New York will go as far as the furthest to aid in all constitutional methods in advancing their prosperity. But we must be the judges of our own conduct. We must be permitted to examine and determine for ourselves what is constitutional, what is politic, and what is proper. We are willing to listen to reason and to argument, but to dictation, never. No, sir. We know too well what belongs to the dignity of a Representative of the people to degrade ourselves by yielding to threats. We have no votes to sell; we have no fears to be excited.

There are before Congress now from thirty-five to forty bills granting to incorporated companies 35,000,000 acres of land. All these cannot be for national purposes. But who is to select the wheat from the chaff, when we hear a call for the advocates of all these to combine in their support? We are told that the Government loses nothing by giving away half its land, because the other half will sell for as much as the whole. Who pays this advanced price but the settler who goes out there to find a home? And we then are called upon to tax them for the benefit of railroad corporations—to legislate for capital at the expense of humanity! Such a principle can never receive

my sanction. But if the price of the remaining land is to double, so that the Government loses nothing by giving half away, why do not these corporations buy all on the line of the road at the Government price, and let it double in their hands? By this means, if their theory is correct, they make as much as by having one half given them. On this subject I speak only for myself. My action on these bills has been dictated purely by motives of public policy. My time will not permit me to discuss the merits of any of these bills, but simply to indicate the objections to them. It seems like reversing the natural order of events, to build a railroad through an unsettled and uncultivated country, unless to connect centers of population. Railroads should be the result of population, and not its producer.

But the great objection in my mind, which has been and is insuperable, and which an examination of the subject has increased rather than diminished, is the manifest tendency of these bills, in their present form, to create land monopolies in the corporations to which the grants are made. And I tell gentlemen of the new States that it is better for them to have no railroads than to build them by subjecting the adjoining population to the curse of landlordism. They will find it, as we have, the curse of curses. It is this which divides England between the inhabitants of the palace and the hovel. It is this which has made Ireland a vast work-house for absentee landlords—which has driven her children exiles and wanderers from their native soil—which has sent her noblest sons to the scaffold, and placed upon the manly brows of Mitchell, O'Brien, and their associates the felon's brand, dooming them to a life of banishment and sorrow. But we need not seek examples at so great a distance. Portions of New York have suffered by this system from its first settlement, and its destructive influence will be felt for generations. The land was originally granted in large quantities to favorites of the Crown, or friends of the Colonial Governors. Some of these "patents," as they were called, were almost unlimited in their extent; and it is in this that our anti-rent difficulties have originated.

Cadwallader Colden, the surveyor general of the province of New York in 1732, (New York Historical Collections, volume I, page 384,) in a report to the King in relation to the lands which had, as early as that time, been given out in these large tracts, speaks of its effects upon the settlement of the country as follows:

"But the consequence has been much worse, as to the improvement of the country, for though this country was settled many years before Pennsylvania and some of the neighboring colonies, and has many advantages over them, as to the situation and conveniences of trade, it is not near so well cultivated, nor are there near such a number of inhabitants as in the others, in proportion to the quantity of land; and it is chiefly, if not only, where these large grants are made, where the country remains uncultivated, though they contain some of the best of the lands and most conveniently situated. And every year the young people go from this Province and purchase land in the neighboring colonies, while much better, and every way more convenient, lands lie useless to the King and country. The reason of this is, that the grantees themselves are not, nor never were, in a capacity to improve such large tracts; and other people will not become their vassals or tenants for one great reason, as people, the better sort especially, leaving their native country, was to avoid the *dependance on landlords, and to enjoy lands in fee*, to descend to their posterity, that their children may reap the benefit of their labor and industry. There is the more reason for this, because the purchase of unimproved land is but a trifle to the charge of improving them."

That is the language of a real philosopher and true land-reformer. But the policy he recommended was not adopted, and the prosperity of our State has been seriously affected by it.

I have already alluded to the disturbance of the public peace, which has resulted, in later years among us, in consequence of this system; it is not necessary, nor would it be proper, in this place, to say which were in the right, the landlords or the tenants, in those unfortunate controversies. But it is proper, and it is the duty of every enlightened legislator, who has witnessed these events, and is satisfied of the unmitigated evil of which such a system is productive, to use his utmost exertions to prevent its infliction upon any other community. And while I have a seat upon this floor, or in any other legislative body, I will never vote for any scheme whose remotest tendency is to foster such a system. If a proposition the steady prosperity of the descendants of these men now inhabiting that region, can be attributed to the substantial character of the parent stock. New Jersey, Pennsylvania, Maryland, and Virginia, retain, in their population, laws and customs, the characteristics of the original settlers. This first settlement being so important for the future welfare of a State, we want to see the West, the *great West*, which for centuries must be the chief agricultural dependence of this continent, settled by a people owning their own farms, tilling their own soil. We want labor there to receive its full reward, and not merely the share to which the landlord may stint it. No, sir; I can never go for any of these measures until the danger of this great evil is wholly averted. The pestilence may visit your land and scourge the inhabitants—the conflagration may lay your cities in ashes—the whirlwind, the tornado, and flood tion were now made, by which my own State was to acquire the largest share in the public lands, and by that means, the probabilities of the introduction of land monopoly were increased, I would vote against, and oppose it, to the last extremity, and gentlemen ought not for the mere purpose of transient popularity in their districts at home, to inflict a lasting evil on their States. Because the influence of the first settlement continues for ages—I had almost said forever. New England owes her enterprise to the character of the men who earliest emigrated and established colonies there. The early settlers of eastern New York were the industrious, frugal, and thrifty Knickerbockers,—free from that restless, wandering disposition which distinguishes their New England neighbors—and may do their work of destruction—all these are but comparatively for a day—returning health, enterprise, and persevering labor will again restore everything. But to a country groaning under the incubus of land monopoly, there is no speedy relief but in revolution. Labor there cannot be prosperous, because robbed of its reward. Enterprise cannot exist there, because its vitality—remunerated exertion—is banished. An industrious and thriving population cannot be kept there. The fruits of its toil are blasted.

Do I hear gentlemen say there is no danger to be apprehended from this source, because it will be for the interest of the companies to sell the lands to obtain the means for building the road? Listen while I read an extract from a report of the Illinois Central Railroad Company, to which the last Congress made a donation of two million five hundred thousand acres of land:

"*Financial plan of the company, submitted to the directors April* 23, 1851, *and by them adopted.*

"It would be *injudicious*, at present, to submit an estimate of the probable cost of the whole road and branches, and your attention will be particularly devoted to the plans to be adopted for the best use of the lands and properties which have been given to the company for the purposes proposed by the grants.

"*To retain the lands in your actual possession until the increase of population, caused by the facilities created by the railroad, shall have given to them a high market value, seems to be the most judicious course*—and, therefore, it will be necessary to avail yourselves of the authority given by the charter, to build the road and its branches by the proceeds of bonds, to be issued for the construction charges, to be secured in the most perfect manner in your power. The details of the arrangement, as far as it has been matured, are now submitted."

Thus the lands are not to be sold at present, but to be "held by the company until the increase of 'population caused by the facilities created by the 'railroad shall have given to them a high market 'value." Is not this the germ of a mammoth monopoly? Is not this land speculation? An individual who engages in this you call, in the West, a "land-shark." Here is a grand—not sea-serpent—but leviathan of the land, created by Congress, and we are asked to give birth to such monsters, and spread them all over the country.

It is alike the interest of us all to guard the disposition of the public lands. It is, sir, not only the question of this Congress, but it is the question of this generation; and upon its proper determination depends, in a great measure, the continued prosperity of this nation. Every hour as it passes—every wave that breaks upon our shore, swells the accumulating millions of our population. They come from the Highlands of Scotland, and the dykes of Netherlands—from the land of O'Connell and of Tell—from the deep-sunken mines of Poland, and the crowded manufactories of England—the Saxon and the Celt—the Roman and the Gaul—men of every faith, and men of no faith—men who have grown grey under oppression, and the infant untaught to lisp its native accents—men who have been wronged and robbed by bad government and corrupt religion—impatient of restraint—seeking free land to till and free air to breathe. For them—for their children—for their welfare, and our own, what is to be done? What are *we* to do. Here is a problem practical and necessary—a problem which *must* be solved—an exigency which must be met—a question upon which we must act. No Chinese wall can be built around our ocean-bounded coast; no ranks of armed men that can prevent their landing. The day for confining man to any particular locality is passed. Locomotion, steam, and intelligence have imparted to him their own spirit. "The world is all before him, where to choose."

The emigration to our shores of the overstocked countries of Europe is a fixed, an unalterable destiny—as natural as the rush of the air to a vacuum—as irresistible as the laws of gravitation. We are placed here by Providence upon missionary ground, where necessity and duty alike constrain us to action, compel us to benevolence; where the instincts of self-preservation no less than the dictates of enlightened philanthropy command us to act for humanity.

By this constant influx of the tide of emigration, our Atlantic cities and towns are crowded with laborers seeking employment. Our own citizens, in many cases, are deprived of the means of earning a respectable livelihood by the ruinous competition produced, the supply of labor being greater than the demand. What is the remedy? We have millions of acres of public lands unoccupied, and in that condition worthless to the Government—bringing no revenue to the Treasury. Here, then, is a vacant place to which the stream of population may be directed. The wealth of a nation is made up of its productive industry. Here idle hands may find employment, and by this means relieve cities of their crowds, and add to the national resources. The true policy of this Government is to dispose of these lands for purposes of public education, and to grant, upon proper terms, to every citizen who desires and will occupy it, a home where he can have a freehold of his own, a stake in its welfare; an interest to maintain its institutions. To secure this end, these lands must be kept from the grasp of the speculator, and the dominion of corporations, and offered to settlers upon such terms, free from all constitutional objection, as will induce their acceptance of them. I am, therefore, for the principle of the bill now before the committee, though in some of its details I regard it as highly objectionable. By this means the new, or land States, will speedily be settled, and the necessary railroads constructed much sooner, in my judgment, than by any grants of lands to the monopolies that are now, by their agents, besieging this Hall, and filling its lobbies. While I avow a preference for such a disposition of the public lands, let me not be understood as indorsing, in any manner, those idle vagaries of crack-brained theorists, those wild agrarian ideas that have been promulged in some of the crazy newspapers of the day, and repeated here, that land is no more the subject of property than air. Such a doctrine strikes a fatal blow at the existence of Government, and is subversive of society itself. The desire of acquiring property, inherent in the human mind, is the main-spring of exertion, and can never be eradicated. Air, being from its very nature incapable of appropriation, can never be the subject of property. But land, or any other thing which can be possessed and located, and appropriated to individual use, must, in every civilized Government, be the subject of title and transmission, by bargain and sale and inheritance. It is this, in fact, which is the first distinguishing feature between civilization and barbarism. It is this which stimulates industry—nerves the arm of labor, and gives to toil its stimulus and sure reward—which endears to its possessor the home that he has earned, and sanctifies the hearth-stone. Oh, there is more influence in that word of talismanic power—*home!* than philosophy can teach. At its mention the "burial places of memory" give up their sainted dead—its associations hallow the past and irradiate with hope the path of the future—soften the

asperities of the present, and throw their humanizing influence on all around us. Home, it is the habitation of the heart—the center of the domestic circle—the city of refuge from the mad pursuits of life—the fountain of virtue and filial affection—the safe of hoarded happiness. Away, then, with all those atheistic dogmas, whose envenomed touch would blast the fruits of this remaining paradise! Banished forever from this Hall be that legislation whose tendencies would weaken these influences—cherished in each heart of hearts that policy which secures to every family the power to possess *a home!*

A single remark in relation to our future conduct on these land bills. The gentleman from Iowa [Mr. HENN] was pleased to say, in substance, that New York wanted a mint and a dry-dock; and intimated that if we did not come up to the help of the land States in this emergency, we could not have them; that the West and Southwest would combine against it. Well, gentlemen, be it so. We ask not these as a gratuity—we ask no alms. If it is not for the common weal—for the interest of the people of this Union—if it is not a national object and benefit to locate a mint in New York—we are content. If the public good does not require the construction of a dry-dock there, I beg you to withhold the appropriation. A State, sir, which reaches from the ocean to the lakes; whose population is equal to that of thirteen States of this Confederacy added together; which has a single port where two thirds of all the revenue is collected that supports this Government; whose exports and imports are greater than all the Union beside; where, in a single year, more than $45,000,000 of gold dust was received; where a large portion of the duties are paid in foreign specie, which requires recoinage before it can enter into our circulation to advantage; where nearly the entire foreign emigration centers, and where the $10,000,000 of foreign specie they annually bring with them first goes into circulation. It does not become such a State to assume the attitude of a suppliant here, nor will she. If the people of the country are willing to pay a double tax on all their specie that needs coining, we will not complain. We have no rivalry with Pennsylvania, nor with any other State. New York is assured of her position. Nature has placed her where wealth is her inheritance, while the enterprise of her sons and the far-seeing policy of her statesmen have rendered the land, the lakes, and the ocean, tributary to her greatness. There are her stupendous works of internal improvement, constructed wholly by herself; use them if you choose. There is her harbor; in it the merchandise of the continent must center; there will the shipping of the world enter; and no matter what this or any other Congress may do, New York, true to herself and loyal to the Union, will pursue her onward march, rejoicing at the prosperity of all, conscious that every extension of national dominion is contributing to her greatness—that each new star that beams from the constellation of freedom is adding brighter luster to the "Excelsior" that burns on her escutcheon. But, sir, proud as is the position of New York, she is not, she has never been, arrogant; she has not assumed, nor does she, nor will she assume, or claim, any superiority over the smallest State in the Confederacy. She desires, in all things, to discharge her duties to the National Government, and to every State composing it. She believes that the welfare of one is the common interest of the whole—that there is but one hope and but one safety to us all—and, as important as New York, by her commercial capacities and her central position is to the Union, true statesmanship teaches her that these advantages and inexhaustible resources can only be properly developed *in the Union.*

THE PUBLIC PRINTING.

SPEECH OF HON. A. W. VENABLE,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

April 19, 1852.

The proposition to recommit the report of the Committee on Printing to said committee, with instructions to make a contract, after advertisement of ten days, with the lowest responsible bidder, for the execution of the Public Printing, being under consideration,

Mr. VENABLE said:

Mr. SPEAKER: I had not intended to take any part in the discussion of the distribution of the printing patronage of this House and the Senate. My views as to the proper mode of disposing of that matter were freely given at an early day of the session. This determination was unchanged until, on Friday last, the chairman of the Committee on Printing, [Mr. GORMAN,] on closing the debate which had consumed the previous days of the week, declared that the opposition to the measures proposed by that committee was the result of a combination of Free-Soilers and Abolitionists on the one part, and Secessionists and Disunionists on the other, to proscribe the Union and Republic newspapers because of their decided stand for the measures known as the compromise; their loyalty to the union of these States, and their determination to arrest agitation, and restore repose and tranquillity to the country, constituted the head and front of their offending in the opinion of those who now resisted the proposition to divide the printing emoluments of this Congress between those two journals. I felt that it was due to all concerned that this error be exposed, and that the facts of the case should be placed in array before the country. I could not consent to be a silent listener to such a statement, especially as the honorable gentleman was pleased to designate me as one to whom his remarks would apply. I have availed myself of the first occasion after the previous question has exhausted itself, to perform that task, and now ask the indulgence of the House whilst I develop the details of the votes given upon the report of the committee, present an analysis of those votes, and then leave it to the decision of all candid men, whether the gentleman has not fallen into a great mistake.

And I would here remark, that the fact of an existing combination of the friends of the "Union" and "Republic" is a matter apparent upon the face of the report of the committee itself. It is confirmed by the declarations of the honorable chairman, who, on this floor, avowed himself to be a party man, and that in many meetings of the joint committee, he had uniformly voted to give the whole printing to the Union, and that the division of this patronage was a conclusion arrived at after many tie votes in the committee. It is also most strikingly apparent from the fact, that there is a Democratic majority in both Houses, and according to the common *parlance of party* discipline, the emoluments should be appropriated to the partisan editor who was so fortunate as to be esteemed the organ. This is the usual routine observed; and I think I may safely say, that the Whigs, being in power, have never given an example of any distribution of the good things out of their own party family. I mention this not with approbation, because I have always believed that a separation of the party press from the public Treasury was as indispensable to the purity of the press itself as it was conservative in the administration of the general powers of those who conduct the details of Government. But I only refer to it as such a departure from previous customs as to indicate an understanding that both political parties were to be conciliated by the arrangement. The result was, that a large amount of printing was to be distributed between these two journals at a price greatly in advance of that for which the public printer, Boyd Hamilton, had engaged to perform the work, and he was to loose the difference thus paid to others. The Democratic party, when formerly in power, became satisfied that the office and emoluments of the public printer had become an abuse, and abolishing that office, enacted the present law of letting out the printing by contract to the lowest bidder—a system under which we have conducted that branch of the business ever since. As to the policy of that measure, I shall speak presently, and mention it now as a proof that one party in power, and that the Democratic, did, with a view to economy, abolish one of the richest offices within their gift, and adopt a policy which promised to lessen the burdens by diminishing the expenses of Government.

Now, sir, in the face of an existing law to let out the public printing by contract to the lowest bidder, the committee report a project of contracting with the editors of two journals in this place, occupying the extremes of party lines, and that, too, when the Democratic party is dominant in both Houses. No one is so green as to suppose that this is to be attributed to generosity, or that it was adopted upon principles of a just and equal distribution. The votes of the committee show that it was adopted because the peculiar friends of the Democratic journal could not command a sufficient number of votes for the sole enjoyment of this lucrative employment. Upon this showing of the case, my friend from Mississippi [Mr. BROWN] charged, and I thought proved, that there was a coalition of the friends of those two papers to consummate this division of the printing profits. It will be recollected that there was resistance made to the whole scheme, and made most promptly. The whole of the last week was exhausted in the investigation, and a decided vote of disapprobation is found upon the records of the House. This vote has been reconsidered, and I now offer the resolution which I read before commencing my remarks, as the expression of the wishes of this House as to the whole printing subject. The honorable chairman, [Mr. GORMAN,] on Friday last, attempted to defend the action of the committee, by charging upon those who opposed it here, the formation of a coalition of Free-Soilers, Abolitionists, Secessionists, and Disunionists, for the purpose of proscribing the Union and Republic, because those journals were the known and constant advocates of the series of measures known as the compromise acts of the last session. The House were gravely informed that such motives determined the action of those opposed to the proposed distribution of the printing. The country was admonished of the danger which such a coalition must produce, and all of us thus designated were to be known, I suppose, as disturbers of the peace. If such a combination existed, Mr. Speaker, it was produced by the instantaneous shock which the sense of propriety in a majority in this House experienced when the novel mode of distributing the printing was announced. They had no favorites to reward, no organs to supply with wind, no presses or editors to subsidize at the Treasury, and, to say the least of it, were disinterested in the spoils. The coalition for the benefit of the Union and Republic was upon advisement, and had *substantial aid* for those presses for its object. That which arose in opposition was unpremeditated, and originated in a purpose to save the public money and the purity of the press. This I pledge myself to show from the analysis of the votes given on the motion to lay the report of the committee, the resolutions, and the amendments upon the table. It is no answer to a charge to retort by making another. This is the usual resort of weakness, and a virtual admission of the truth of the charge to which a reply is made. It will never explain the previous action of this committee, that after the determination was made known, there was concerted opposition to the policy which they proposed—a kind of argument most forcibly illustrated in Tom Jones, a work familiar to us all, where two characters having engaged in a discussion, one declared the inference of the other to be "a *non sequitur.*" "You are another," was the prompt reply. This was to the full as satisfactory an answer as that made by the honorable chairman, when it was charged that a coalition between the friends of the Union and the Republic had been formed for the division of the public printing, promptly replies, you have formed another to oppose and proscribe those self same journals. There must be something more, and beyond this, to satisfy the inquirer into this policy.

Mr. Speaker, I confess my surprise that the honorable chairman of the committee should have fallen into the error which induced him to classify the opponents of the policy of his report. I say, sir, my surprise. For a decisive test vote had been taken a few moments before he spoke, and if he had been at all attentive to the details, he would have perceived that he could not find enough of the material of which he declared the opposition to be composed, in the House. I do not know who he considers Free-Soilers and Abolitionists; neither do I know, certainly, who he would designate as Secessionists and Disunionists. He meant somebody here, and voting in this House. I have reflected much, and the result is the conclusion, that the vote on the resolutions offered by the gentleman from Georgia [Mr. JACKSON] would be the

readiest guide to a proper conclusion. I assume that those who voted for these resolutions are orthodox Union men, and those in the negative composed of the classes described by the honorable chairman. I was induced to do so, because of his own reference to the compromise measures as affording a test of the feelings of gentlemen towards the Union of the States, the Union newspaper, and, in this particular point, the Republic. Although there is one difficulty which I mention here, the gentleman himself announced such high State-Rights doctrines; was so explicit in avowing that secession by a State would not be treason, and only exposed the seceding State to the casualties of war, that I wondered that he should not have paused before he said such bitter things about those who are called Secessionists, because they assert the same right of secession for cause. But to return. He must have heard and known the character of the vote, and the party position of those who voted. At his instance, on Friday last, there was a call of the House with a view of securing a full attendance of the members; and then a motion was made by the gentleman from Tennessee [Mr. JONES] to lay this whole subject upon the table, which was by the House decided in the negative. The gentleman heard the result announced, and the vote read by the Clerk—yeas 81, nays 89. Had he attended to that vote, and given himself the trouble to analyze it, he would have saved me the trouble of this reply, and himself from the error into which he has fallen. It is a grave charge to make here, that opposition to measures proposed by the Committee on Printing for distributing public money in the shape of a distribution to party presses, finds its source in a combination of Abolitionists and Free-Soilers, Secessionists and Democrats *per se*. And that charge becomes still more grave when it is applied to a majority of this House. Particularly when those who make it are seeking to reward their friends and organs, and those against whom it is made, having no such object, are simply endeavoring to prevent a prodigal and secure an economical expenditure of the public money. Had the gentleman consulted the Journal he would not, I am sure, have made any such charge. The facts would have prevented him from assuming so assailable a position. I shall in the appendix to this speech publish that analysis of the votes, and the names of those who voted.

The revelation made by the honorable chairman, that opposition to the measures of compromise was the basis of the opposition to the division of the profits of the printing of Congress between two antagonistic and party prints, struck me as the coolest specimen of far-fetched inference to which my attention had been called. We have been more than once informed, by speakers upon this floor, that approbation of these measures was a high test of patriotism. Gentlemen have spoke of coöperation in procuring their passage as a high distinction; and some have disputed with others the honor of prominence on that memorable occasion. I shall never compete with them for that distinction. I have changed no opinion as to the character of those measures, and regret no vote which I gave in reference to them. But it is the consummation of coolness for those who voted for and approved them—most of whom (and some even from the South) pronounced them fair, liberal, and just—to assume to themselves the claim to peculiar patriotism because they now acquiesce. They acquiesce because they approve, and approving, are contented. A hungry person might, with equal propriety, claim credit for the alacrity with which he partook of rich viands prepared for his necessities. No, sir; this is pure, unadulterated *humbug*, and the sagacity of the people is much underrated by those who suppose that it will not be so pronounced.

Mr. CHASTAIN, (interrupting.) I have no disposition to disturb the gentleman in his speech, nor would I do so were it not for the fact that he called the gentleman from Indiana [Mr. GORMAN] to order upon the discussion of the same subject. I think the gentleman from North Carolina is traveling away from the question under consideration. As I said, he called the gentleman from Indiana to order for discussing the same subject.

Mr. VENABLE. If the Chair will allow me, I will show him that I am not out of order.

The SPEAKER. The Chair is of opinion that it is not in order to discuss the compromise measures.

Mr. VENABLE. I know that it is considered out of order, to allude to those measures which have been considered a panacea for all the disorders of the body politic. In this I think gentlemen are mistaken. It was said by Sir John Falstaff, that he was not witty himself, but the cause of wit in others. So, the resolutions recognizing the finality of the compromise are not disorderly in themselves, but the cause of disorder in others. I am not discussing the compromise measures, although a motion to print the whole subject is open for debate; and it has been asserted by the honorable chairman of the Committee on Printing, that the opposition to the Union and Republic newspapers, as the employees for executing the public printing, originated in a coalition of Free-Soilers and Abolitionists, Secessionists and Disunionists, because of a common dislike to the editors of those journals;—that this dislike arose from the support given by them to the compromise measures of the last Congress. It is strictly legitimate to show that my opposition to the report of the committee, is not founded upon such a puerile consideration, and to meet and reply to arguments urged in favor of a measure of which I disapprove. It is often indispensable to answer *clap-trap*. If passed unnoticed—it may pass for argument with careless readers and listeners. I desire that the true issue may not be kept out of view, and overslaughed by such devices. But the remarks submitted, concerning the compromise, are not out of order. I am conscious that the view which I have taken, does not commend itself to the taste or feelings of every one. I have not to learn that those who think that they possess power, sometimes manifest intolerance before they have been firmly seated in authority. What sacrifice to the peace or the Union of the States have they made? In their view justice has been done, and they would be doubly criminal to complain. But with that facility of perversion which ceases to astound, because it has become so common, the attempt is made to fix the disturbance and agitation upon those who, in obedience to the command of their States, consent to abide by and demand the enforcement of the laws. Who, sir, have made sacrifices to the union of these States, to the repose of the country? They are to be found amongst those who—whilst they felt insulted and oppressed by the action of Congress in the passage of those laws, as good citizens *endure*, *bear*, and consent to suffer in silence the infliction of wrong—"call it not patience, it is too near akin to despair,"—to them, who, feeling a deep sense of unrequited wrong, but yet come to the altar of the country and make another sacrifice for peace, to buy off their invaders once more, until all but the treasury of the temple is exhausted—to them is meeted out denunciation and reproach. I do not complain of such a course; I mention it merely that the shallowness of the device, and the injustice of the assault, may reach the public mind. No, sir, there has been no agitation in this Congress by those who opposed the measures of compromise. The firebrand was thrown into the Senate early in the session, by one who no longer has a seat there, and it still glows and burns, diffusing its malignant heat, until it kindled a kindred flame in this House.

Let those who agitate take the responsibility to themselves. Let those who covet the honor of being approvers of the compromise, and advocates of its provisions, array themselves with all the glory which such services ought to secure; but modesty forbids them to claim peculiar patriotism, because they acquiesce, or because they denounce those who, not approving, peaceably abide by and quietly endure a wrong. Sometimes it is not pleasant to place former transactions in view; and it is considered under such circumstances a breach not only of order, but of good manners. Those who approve of and cordially acquiesce in those measures, should rejoice in their own self-complacency. They are living illustrations of what I have long since known—"That there is nothing which men bear with so much philosophy as their neighbors' misfortunes, or with so much forbearance as the wrongs of others." I leave them to the illustration of this high and disinterested moral feeling, with the assurance that if the power of the Free-Soilers and Abolitionists, Secessionists and Disunionists, is so great and so powerfully combined in this House, they are not so secure as they suppose in the control of all things as they may will. There were three defeats sustained on Friday last by those who urged the adoption of the report of the committee. But, sir, it is easy to demonstrate the fallacy of any such charge. By reference to the vote to lay the whole subject upon the table, it will appear that there were fifty-two old-line Democrats.

Mr. FREEMAN. What do you call old-line Democrats?

Mr. VENABLE. I will tell you presently. Are you one of them?

Mr. FREEMAN. I am.

Mr. VENABLE. I hope the gentleman is satisfied; he decides that he is an old-line Democrat, and need not raise the point with me; and inasmuch as we have not voted together on this subject, there are some old-line Democrats on both sides. But, sir, upon the vote to lay the whole subject upon the table, there was this demonstration made of those who voted to sustain the action of the Committee on Printing: There were thirty-three Whigs, and forty-nine Democrats, including nine who voted against the compromise resolutions. Of those who voted against sustaining that action, there were fifty-two of the old line, and eight Free-Soil Democrats. Of the Whigs, there were twenty-eight of those who voted against the compromise resolutions of Mr. JACKSON, there were nine Northern and eleven State-Rights Southern Representatives. If the vote on those resolutions be a test of opinion, to wit, conservatism, loyalty to the Union, and profound patriotism on the part of those who voted in the affirmative, and of Free-Soilism, Abolitionism, Secessionism, and Disunionism, the gentleman might have avoided the position which his charge of coalition has forced him into—he would have seen that all put together that the fire-eaters, and all their so-called allies, could raise but sixty-four votes against Mr. JACKSON's, and sixty-five against Mr. HILLYER's resolutions, whilst his company numbered, on the first, one hundred and one, and on the second one hundred votes. This patriotic host of one hundred and one, were a few days after beaten by the minority which they had so lately trampled under their feet. Should it be asked how this occurred? I will answer the question. It was a principle which decided the vote on the resolutions of the two gentlemen from Georgia. It was a matter of distribution of party spoils which determined the other. A majority became a minority because the principle of cohesion was changed. Members changed places, voted as they chose, without reference to former votes on subjects affecting no principle involved in this. I shall pursue this part of the subject no further—it was due to all concerned to examine it and probe the charge to the bottom. Indeed, there seems of late to have sprung up a sort of sense of violated majesty amongst some of the Democrats of this House, if the editor of the Union newspaper is spoken of with that freedom which ought to regulate the speeches of those who discourse about a journal professing to be a party organ.

And here, permit me, sir, to remark, that a solution may be found to the inquiry so often made, why is the Democratic party in such confusion here? And why is there so little harmony amongst the Whigs? The inquiry admits of an easy solution. There was a time when principles separated the parties. Distinct creeds made the lines of demarcation between them. That time has passed; and the only principle which now governs the controversy is the $60,000,000 a year, multiplied by four, and looking to the Presidency as the organ of distribution. This, taken together with the number of aspirants, the hopes of Cabinet appointments and lucrative stations, have created so many expectations in such a numerous host, that the fluctuations of stocks, real and fancy, in the market, does not more excite the interest of brokers, and give more energy to the action of the bulls and the bears. Animals of prey are not gregarious. The lonely condor, the watchful vulture, and the swift-winged kite, like the tiger and the leopard, rarely hunt in couples. From the prowling wolf to the crafty fox, the lordly lion to the

insinuating weasel, the towering eagle to the midnight owl, they are solitary in their habits, and will not associate without contest and strife. The reason is, that they are not prepared to divide the prey. It is equally true of those who, having fixed their eyes upon the emoluments of office, and the good things which are connected with the Treasury; they abhor long division, or such a diffusion of the spoils as may lessen their share. Real party issues, upon which we were wont to rally, are, in a great measure, obliterated, antiquated, or dead, from the progress of events. Many are barred by the statute of limitations, or become defunct and decayed in themselves. Time, Mr. Speaker, that destroys all things, has brought about that decay, and they are perishing from before us as things of no importance. The question of great interest is the $60,000,000 multiplied by four. This $240,000,000 will array more than a hundred thousand claimants upon the President to be elected. This is the nerve which vibrates so readily; this produces the neuralgia now so manifest in the political body. Where, sir, are the old issues? Does Whig or Democrat desire a United States Bank? Does any clamor reach our ears against the Independent Treasury? A desire to modify the tariff is common to many Democrats, as well as Whigs, and a large number of Whigs have become advocates of low duties. The right of the Government to make grants for internal improvements is an open question, and, in the face of the Baltimore platform, most of the Democratic aspirants vote for or approve such appropriations. The distribution of the proceeds of the public lands is a dead issue, because there are no proceeds to distribute; and under the system likely to prevail, there can never be any more. Whigs and Democrats vote for steam lines and the millions which it takes to sustain them, and Whigs and Democrats vote against them. This is also true of French spoliations, and other great and wasteful drafts upon the Treasury. Dry-docks, steamers, spoliations, and the whole category of expensive paraphernalia are thrown upon Congress, and Democrats vie with Whigs who shall vote the largest sums. I ask, then, where will you draw the party lines? Am I censorious when I say that it is a struggle for spoils, and not for principles? If for any principles, for the seven so famous, to wit: the five loaves and the two fishes. This, sir, is one great trouble. If we add the fact, that there are many aspirants to the highest offices in the Republic now about to be bestowed by the popular vote, actually members of the Cabinet and of Congress, this, with the interest and influence of friends and expectants, will sufficiently account for the elements of trouble now so painfully manifested.

I know that public opinion is often much affected by names and associations. None of us are ignorant of the use of what is called a *cry* in party conflicts; and one of the reasons of the confusion in each of the parties here is that they cannot agree upon what their respective cries shall be. They have not been able to make choice of a gathering word—a sort of answer to all arguments. We heard the full blast of that cry during the last year. It was *Union! Union! Save the Union!* Many a one found himself the temporary idol of a constituency alarmed by false apprehensions of danger, and holding office solely by the force and effect of that cry. A cry of fire, whether false or true, puts all in motion on whose ear it falls. This humbug performed its office. This cry died out, until its faint echoes could no longer amuse or deceive. Another became necessary, and we have it now in full chorus, *Peace, quiet, repose, and finality of the compromise measures.* This fierce and restless desire for repose, this horror of agitation, is now the cry, and in the *calm spirit* which it generates disposes partisan leaders to assault without mercy or reserve all who are not as disorderly in their desires for peace as themselves. The measures of compromise are so pacific, so composing, that none can escape the character of agitators by being only willing to abide by them, but must express a sense of obligation to all who ever advocated and approved of them. And as every cry has its echo, the Simon Pures regard all such as ultras—at the North, Free-Soilers and Abolitionists; at the South, Secessionists and Disunionists, *per se*, who do not fully concur with them. This, sir, may do for a very short season, but like the feeble cry of a dying infant, it will sink into silence and the grave. It shows, however, a willing mind in those who use it to proscribe and destroy those against whom it is raised. The most ridiculous exhibition which I have seen is the effect of the mention of the compromise in this House as a subject of legislative action. This anodyne, this pacificating and composing expedient, on its bare mention here, throws the whole House into disorder and confusion. None can mistake the cause. We have indeed resorted to the expedient of resolutions reaffirming those measures, recognizing the finality, and acknowledging the universal assent of the people and ourselves to their provisions. But, sir, however the record may appear upon paper, it will excite a smile when perused by any one who witnessed the fierce resistance made to this authoritative acknowledgment of harmony and peace. A calm succeeded for some few days, but symptoms of discontent continually arise. If people would be quiet, they are not permitted to be so. Like the gentleman from Indiana, [Mr. GORMAN,] some cordial approver of those measures of peace and concord, reproaches those who do not admire them as fully as himself, calls hard names, and places them in unpleasant associations, and all is at sea again. The effect of the resolution of concurrence in a series of laws now on the statute-book lose their composing effect; the buttress gives way, and the temple of peace threatens to tumble. I have heard it suggested by judicious persons, that resolutions of acquiescence in the measures of compromise ought to be passed every Monday of the session, and the laws enacted on that occasion done into respectable verse, and committed to memory, to *be said or sung* by all friends of peace and harmony. That, as resolutions affirming the compromise laws were necessary to fix the authority of those laws upon the hearts of the people, so there ought to be weekly resolutions recognizing and reaffirming those which, having been past, need the revivifying effect of a recognition, lest they loose their hold upon our minds. It may answer another valuable purpose: that of furnishing an excuse for an assault on those who are unwilling to support every measure of party favoritism, or enlarged scheme of public expenditure. It may afford an opportunity to classify and denounce such persons, and thus aid to prolong the dying notes of a party cry. Such expedients have often been effectual for most mischievous purpose. The people are sometimes misled for a time, and great injustice is done to good and patriotic men. Those desiring immediate reward for party services, cannot wait, and, as time and tide wait for no man, the tide must be raised, and the occasion seized for the attainment of the end proposed. Of course, I would not attribute such motives to members of this House; but all of us are more or less affected by that pressure from without which is felt from the operation of public opinion, however formed. I am one of those, sir, who voted for the recognizing resolutions, and am watching with great interest their effect in giving peace and tranquillity. I am willing to be advised, and pass them again if they are like to grow old or cold, should those who are expert in political practice recommend such a proceeding, by way of repeating the dose.

But, sir, it is a grave question, how far it is proper to resort to the denunciation of classes, in order to carry any favorite measure here. History has instructed us that although such expedients have been for a time successful, in the end they have brought ruin and reproach upon the authors. The Abolitionists and Free-Soilers are unpopular South, and the advocates of the right of secession in bad odor at the North. Should members who are either suspected or believed to hold opinions on those subjects which are called extremes, happen to vote together upon any question, the cry of a coalition between those who, however differing in opinion, are charged with a desire of gratifying a common hostility, is made to answer every argument suggesting economy in the public expenditures, or purity in the sources of public information. We know that the desire to obtain a prize increases with the prospect of success, and when so near as to glitter in the eyes of the pursuer, is apt to absorb his entire attention. Whatever may obstruct the pursuit is cause of irritation; whoever may defer or disappoint the acquisition is regarded an enemy. These obstacles must be removed, and as politicians and statesmen exist by the breath of public opinion, the readiest mode is to make them odious—in monarchies and despotisms, to inform and place them within the iron grasp of power—in such a Government as ours, to render them objects of suspicion and distrust. The cry, the war slogan of party, is raised at their heels, and sometimes they are hunted down with success. Those who were bold enough to censure the excesses of Charles II., found in Titus Oates and the Popish plot the consummation of that vengeance, which follows political proscription when sufficiently authoritative. The best blood of England drenched the scaffold; neither age nor services, rank or station, afforded protection or safety. *The plot*, the plot, echoed and reëchoed—overwhelmed all proofs of innocence, obliterated all evidences of patriotic devotion to the unworthy individual elevated by their favor, and now impatient of rebuke for crime. Men turned pale for fear, and fled for safety, whilst Oates, the informer, and his myrmidons fattened upon plunder, and grew strong in favor. Spirits, which had never quailed at danger, gave way before the ominous shout of the *plot, the plot*. But reason resumed its sway, and the blackest page in English annals records the perpetual infamy of Titus Oates, the blood-thirsty and unprincipled assailant of the lives and characters of honest men. We read history, sir, to but little profit, if we do not treasure up its lessons. The beacon is of but little use to the mariner who will not look upon its light, or steer his bark by its guidance. Titus Oates did not die upon the scaffold, to which his false testimony had sent so many others. He lived to suffer the protracted punishment of universal scorn; to be whipped at the tail of a cart through the streets of London, and to live, in after times, as an imbodiment of that infamy which must attach to those who make themselves instruments unjustly to destroy or injure others. The Popish plot had its day, and so have all succeeding cries, raised to make classes odious, had their day. New ones are raised, and the same weak points of human character may give them their day also.

But, sir, to return to the proposed disposition of the printing. I wish to be understood distinctly, that I am a law-abiding man, and that as long as you have upon your statute-book a law that the printing shall be given out to the lowest bidder, comply with it, or repeal it. It is a reproach to this House, as it is a reproach to the Government and people, that you should have a statute upon your books, and that you should legislate adversely to that statute from day to day, without repealing it. Gentlemen tell me that the plan of giving the printing to the lowest bidder is a bad one. Admit that to be true; then introduce a bill before the House, let it be discussed, and, if advisable, repeal it. If it is a bad law, let it be repealed, but let us have a fair test of the question. Do not repeal it practically, by indirection. Do not let us set the example of violating our own enactments, while they are in force upon our statute-book. It is a bad example—an evil example to all those departments under our control. If you demand a strict compliance with our enactments, you will hear of no more deficiency bills; you will hear of no more violations of law by your bureaus and departments, and of excess of expenditures beyond appropriations. If there is a law upon our statute book, and we daily violate it ourselves; if we have a law clearly indicating how this House should act, and disregard it ourselves, how can we demand of others to execute any law when we decline to execute our own enactments?

It is said, and I have heard it said more than once, that the course now recommended, and the votes recently given by this House, are calculated to cast censure upon the Committee on Printing. Mr. Speaker, I vote upon every substantive proposition precisely as it is presented. I feel that if my censure is just, I have done nobody wrong. If it hurts—if it strikes any one, it is his fault, not mine. I have no censure to pass upon the committee, except to say that I do not approve of their recommendation and their resolution, and that according to my ideas of this resolution, they give to the Union and to the Republic the printing for time past and to come—all that is behind, and all before. And it has been strongly illustrated by

my colleague, [Mr. CLINGMAN,] that under that arrangement, Boyd Hamilton may see all the valuable public printing pass from his hands into the hands of Donelson & Armstrong on the one side, and the Republic on the other.

But, Mr. Speaker, it is not my purpose to reflect injuriously upon the Committee on Printing; for when the resolution was introduced by my friend from South Carolina, [Mr. ORR,] who stated at the time that he introduced it for the purpose of avoiding anything like an appearance of censure upon the Committee on Printing, and requested my friend from Mississippi [Mr. BROWN] to strike out the Judiciary Committee, and insert the Printing Committee, it was accepted and approved by the gentleman from Tennessee, [Mr. POLK,] who said that he was gratified at it, because, as the resolution then stood, it was an apparent censure upon the Committee on Printing. I concurred in it. I felt no disposition to place the gentlemen on that committee in a disagreeable position before the public. I was not disposed to force them to an explanation which might be painful to them, and which might not be intelligible to anybody out of this House. I was willing that the report might be referred back to them. What, sir, is the succeeding history of it? When that proposition was made, it met with great favor in the House. When the question was to refer the resolution to the Committee on the Judiciary, there were many members of this House who voted against it, not desiring to appear to cast censure upon the Printing Committee. Gentlemen have so told me. I voted to refer it to the Judiciary Committee, not with a view of censuring the committee, but with the view of getting a system of printing with which I should be satisfied. As soon as the proposition to refer it to the Judiciary Committee was voted down, the chairman of the Committee on Printing rose in his place, and said, (I quote from recollection, not having his printed remarks before me,) "I hope now that the House will unanimously send this back to the Committee on Printing." I united in the general expression of the House, "Agreed!" "Agreed!" Just at that moment the gentleman from Tennessee, [Mr. JONES,] arose and raised a question of order, that this House had no right to send it to them, because the Committee on Printing was a joint committee of the two Houses. A vote was taken whether it should be sent to the Committee on Printing or not; and, to my utter astonishment, the chairman of that committee, and every member of it upon this floor, voted against a reference back to his committee of which he had approved, and which was proposed for the protection of the feelings of those composing that body.

When they expressed themselves satisfied; when the House was willing to send it back to the Committee on Printing; when the gentleman from Indiana, [Mr. GORMAN,] the chairman of that committee, said: "I hope the House will unanimously agree to send it there," when there was "Agreed!" "Agreed!" on all sides of the House, in order to avoid any sort of appearance of casting censure upon the committee, I confess my astonishment when I saw the committee themselves voting against the proposition. Now, sir, that is so far above and beyond my comprehension, that I cannot understand it. If they were willing to take it back; if the House were willing to send it to them, not wishing even an implied censure upon them, why did they oppose it? That question was fairly presented; the chairman said that he hoped there would be no objection. I, also, hoped that there would be none. But the courtesy of the gentleman from South Carolina [Mr. ORR] had been made available to keep it from the Judiciary Committee, and save the committee from censure, and I suppose had performed its office. The Judiciary Committee was rejected by that courtesy, and a reference to the Committee on Printing was to be disposed of on a point of order. To one uninitiated in mysteries, this is not easily understood. I refer to the record, and find that I am sustained in every statement that I have made, and gentlemen leave this unexplained, and tumble upon the naked, unsustained explanation of the opposition to their arrangement, by declaring that we have eighty-nine men in this House who are Free-Soilers, Abolitionists, Disunionists *per se*, and Secessionists, who have combined for the purpose of crushing the Union newspaper and the Republic, because they are such devoted friends of the Union, and because they have stood up and defended the compromise and the Union against assaults.

Sir, whenever the struggle shall come; whenever the question shall arise before us, which calls for sacrifice or exposure; whenever a wrong shall be inflicted upon our common country; so long as the stars and stripes wave over us, there will be such a response made as shall satisfy the judgment of all men that patriotic hearts are in their bosoms, which are at the service of their country.

Mr. PARKER, of Indiana, (interrupting.) If the gentleman will allow me, I wish to remove a difficulty. The gentleman places me in the same category with the Committee on Printing, when he says there was an universal cry all over the House to refer it back to that committee. Such was the fact; but it was to refer it back with instructions. That is what we have been struggling to do. Let the committee act in the independent manner in which the law places them, and not control them with instructions which we have no right to give. That committee was created by the law of this Congress, and of a former Congress. It is not a tribunal which belongs to this House, and that is the difficulty to which the gentleman refers. I say now, as I have said uniformly, that this matter belongs to the Committee on Printing, and we have no more right to instruct that committee, than we have to instruct the President, or to instruct the Mexican Commissioners. There is the difficulty which the House is in, and which the gentleman does not understand.

Mr. VENABLE, (resuming.) The gentleman does me great injustice, when he says I do not understand it. I think, with great respect, he does not understand it. I had intended to discuss that point. I find it upon my notes of the gentleman's remarks, made on Friday. There was no exception made. The instructions were annexed to the motion to refer to the Committee on Printing. But, sir, I will confess that there were feelings in my heart, which I am unwilling to describe here, when I was told by gentlemen that eighty-nine gentlemen in this House, including gentlemen North and South, had entered into a petty combination with Free-Soilers, Disunionists, and Abolitionists—for what? For the purpose of breaking down two little newspapers. Why, sir, I would just as soon have believed that Bonaparte would have brought together his fourteen hundred cannon at Leipsic, for the purpose of battering down a peasant's cottage. I would just as soon suppose that all the materials of war of Europe would be paraded for the purpose of destroying a little petty tribe upon the Barbary coast. What is a newspaper? What are one or two newspapers, in this great country, if separated from the Government? And I would here remark, that the party which owes its organization to the influence of a newspaper, that derives all its ideas of harmony from melodies ground out by a party organ, is composed of bad judges of music, and unworthy to exist. Sir, we shall never be able to clean the Augean stable of our Government from the foul corruption that smells rank to heaven, until we have delivered the party press from the Treasury. As long as the press is fed by the party who control the Administration, there will be skillful apologists for every and any abuse. Whilst they can put their suckers into that pond, and draw out the means of life and vigor, so long as they can clutch the money earned by hard-working people, the sources of public opinion will be corrupted and polluted, the public mind misinformed, and the continuance of evil administration in high places secured. The press that feeds upon the Treasury will become so corrupt that all the water of the ocean cannot cleanse it, and all the spices of Arabia cannot preserve for it the fragrance of a good name.

The press must be free to be pure—independent in order to be respectable—honest in order to be useful. Those who control it should look to the approbation of good men as their reward, the consciousness of patriotic motives as their consolation; and then they will speak from an eminence which will insure them a hearing from posterity, and the gratitude of the great and the good. Contrast, sir, this position with the mischief which a corrupt and hireling press inflicts upon the world. From it a current of thought and opinion continually issues flowing from a great generator of miasma and filth, poured upon the country to deluge all who have the independence to withstand its abominations and assert the rights of the people. Approaching this condition as it is, all patriots desire that it should be rendered powerless and nerveless. The eyes of the public have been opened, and they begin to learn that they have been misled by the guidance of dependent and mercenary manufacturers both of facts and opinions. Such is the feeling spreading widely amongst the yeomanry of the country, and they will arise and put things right. The press, sir, which cannot live without being fed from the public Treasury ought to die, and the party which cannot live without the aid of such an organ ought also to die. Such vitality sustains a moral monster, an unmixed, unmitigated evil. There is no greater fallacy than to suppose it necessary to sustain a party organ at the seat of Government by public patronage. The party in power has usually sustained its organ in this way, but rival organs are at the same time sustained by their subscription lists. Although a pampered lion feeds from the Treasury storehouse of provisions, yet other lions equally formidable range in the adjoining forest. I repeat, that a party who can live and prosper only by subsidizing the press by support from the public Treasury, has no desirable vitality; and no good man ought to sigh when the supply is cut off, and the doom of death comes upon it. This matter, sir, lies deep. The evil under which we are laboring lies deep. Here we may learn the reason of the increased and increasing expenses of our Government—why there is a demand for more money in a time of peace than in a time of war—why an army of 12,000 in peace costs more than 60,000 in time of war. Here we may learn the reason of the want of harmony.

Mr. FREEMAN. Will the gentleman allow me to put a question to him? Does the gentleman propose to convey the idea to this House that Whigs and Democrats, and the editors of all party newspapers in the United States, are to be excluded from entering into a fair competition for the public printing, by lawfully contracting for the same?

Mr. VENABLE. Not at all, sir. I confess myself surprised at the question. The resolution proposed by me looks only to a printing job intended for all of those who work upon types, whether printers of a higher or lower degree, all are invited to come in and bid for the mechanical work; but it is to be done at the lowest bid, and therefore they are under no particular obligation to the party who gives it to them. And this brings me to the remark of my friend from Indiana, [Mr. PARKER,] to whom I always listen with pleasure. He never fails to interest, and often instruct me; but I think he has clearly misapprehended the law in answering the question which I put to him the other day—that the power of this committee was supreme while acting under the law, and that whenever they have made a report to this House, that report is not under the control of this House. Now, just pursue this idea. The Senate have three members on that committee, and three members from our House; and between the Senate and the House of Representatives, playing battledore and shuttlecock, you never could make any committee responsible. You never could get hold of them. If the Senate find fault, the members of the House raise the point of order, and say the law is supreme, and our committee is the exclusive final judges of the law, as well as of their duties under that law. Should the House find fault, the same point of order is raised, that the committee is supreme, and that they are not bound to obey our instructions; and if we bring the committee here, they say we have no authority to make them obey. But the reply is, that the action of the committee is under the law. You pass a joint resolution in the Senate that lies six or nine weeks upon your table. The mischief then is done; the contracts are given to partisan editors; the public money is gone before the subject can be acted upon. Then, sir, can any man look at that matter and not see that it carries upon its face such a construction of the law as renders that law entirely impracticable? and I know my friend, who is a distinguished lawyer, and I am satisfied that the rule of construction which has been universally adopted by those who administer justice upon the bench,

would never justify such a construction upon any law as to render that law impracticable.

Mr. PARKER. The gentleman misapprehends my remarks if he supposed I insisted, when that committee had made a report to this House, this House would not take action upon the report, and make what disposition they thought proper. I did not intimate anything to that effect. Far from it. My idea was this: that this committee was a tribunal not created by this House, but by the law of the land—that the law prescribed their duties, and the line of their duties, under the law, was beyond the control of the House. I hope I am now understood.

Mr. VENABLE. This is precisely what I am coming to. Who are to judge whether they are or are not within the line of their duty?

Mr. PARKER. Let me observe, whether they are or are not within the line of their duty, we cannot instruct them. We cannot instruct them, because they are not our own committee. There is a portuon of them belonging to us, but that is not the committee. It is a tribunal, as I said before, constituted by law, and we must go to that law to ascertain their duties.

Mr. VENABLE. Clearly, but they have made their report to this House, as I understand the decision of the Chair.

Mr. PARKER. My friend from Virginia put the matter in a bold light, which would strike any one at once. Suppose we gave one instruction, and the Senate give another, only half of the committee belong to us.

Mr. VENABLE The difficulty is imaginary, and has no real existence. It cannot have escaped the acuteness of my friend, that the law of 1836, to which he refers, recognizes the two committees as having separate existence, and only acting as a joint committee when directing the printing of Congress as contradistinguished from the printing of each House separately. The extra numbers ordered to be printed by each House are referred to the members of the committee of that House. But we can displace our committee. I believe in the usefulness of the power of negation, and if our committee does not do their duty we can displace them. Clearly the House has the power to remove them at any time they think proper. Any other construction of the law referred to would recognize a power which I never supposed scarcely to exist anywhere, and certainly to have no advocates in this House. I will state my view of this subject. This committee has made a report which gave the House jurisdiction, and the matter is before the House by the voluntary act of the committee. If you, Mr. Speaker, were a judge, you cannot compel my colleague from North Carolina, [Mr. ASHE,] and the gentleman from Tennessee, to bring a suit in your court; but should one of them file his bill summoning the other to answer, the jurisdiction of the subject is settled at once. You have the parties before you. This House cannot compel the committee to report. They may be removed by a vote of the House, or they may be censured; but the report must emanate from them. You have no power to make it. When this committee make their report the question of jurisdiction is settled. The committee are before us, and tell us what they have resolved to do; and it is legitimate for us to say we do not approve of what you have done, and we instruct you to do another thing. This is every day's practice in this House. This committee, having considered an order for printing an extra number of documents, make their report recommending that ten, twenty, or thirty thousand of any public matter should be printed, does not this House pass upon it?—and if the House approve they order them to be printed. The matter is thus by them brought before the House, and, being brought before us, is settled. There can be no doubt but that the House has a right to express its opinion, as well as its pleasure, to the committee. Let us put a case upon a lower ground, that of my resolution, which only suggests a request of this House, and will meet any difficulty presented. I presume that no committee would have the hardihood to do what this House expressly says it shall not do. Suppose this House passes a resolution instructing that committee to do a certain thing in regard to the public printing: I ask if that committee would disregard the wishes of this House? If they did, I for one would vote for censuring them for so doing.

Mr. GORMAN. I have declared, again and again, to the country, while speaking before this House, that any directions that the House might give to that committee I should make it my duty, out of respect to the House, to carry out as far as in my power.

Mr. VENABLE. I so understood before. I did not apply that observation to you, but to your colleague, [Mr. PARKER.]

Mr. PARKER. I understand, but I think you misapprehend the remark of my colleague. He says that whatever instructions this House might give him, or give to that portion of the committee that belonged to this House, he would feel himself in duty bound to carry out upon that committee, but that he could not carry them out if the three members of this House were one way, and the three members of the Senate another way.

Mr. VENABLE. And then there would be nothing done. If my friend from Indiana [Mr. PARKER] recollects, I said, putting it upon even lower ground than the one taken before, that the committee would not, if they knew it, disregard the expressed wishes of the House. I know, because I heard the chairman of the committee state that he would not; and the resolution submitted by me does not instruct, but simply requests. I know no committee would, and if they did they would expose themselves to the censure of the House. I have no idea, in the first place, of violating a clear provision on your statute-book; and whilst the law declares that the committee shall, in case of failure by the public printer to do the work contracted for, take such steps as they may think proper to have the public printing executed, I am sure that should the House direct the printing to be let out to the lowest bidder, according to law, this committee would do it. The object of the resolution is, whilst we have an existing law requiring the printing to be executed by the lowest bidder, and since gentlemen of the Printing Committee have come before the House and reported their action on the subject, it is competent for us to dissent from, or concur in that action. To approve of their contracts and engagements, or to resolve that the committee be requested to advertise for and let out the printing not done according to contract to the lowest bidder, in compliance with a law now in force, we occupy the unenviable position before the country of acknowledging a law to be in force, and which we are determined not to execute.

But, sir, in another aspect of this matter, we surely can have no purposes, either directly or indirectly, to crush the public printer and take the printing out of his hands, which he can execute. The resolution proposed by me would confine the committee to the taking of just such printing as has not been executed. There would be no power given by which he could be held by the committee on one hand, and skinned by the new employers on the other; it would not authorize them to give all of the printing to another person, with a higher rate of prices for performing the work. If it is necessary to have the delayed printing done, justice as well as kindness demands that it should be contracted for on the best terms, and at the lowest prices, in order to reduce the losses which this poor contractor must sustain. All beyond remunerating compensation for the delayed work is just so much extorted by color of law from one who seems to have but few friends here; who edits no newspaper; flatters no person in power, and cannot be made available for the presidential canvass which approaches. He is the organ of no one but himself, and under this action will have full occupation in making known the bitterness of legal pressure. We who opposed the proposed arrangement have been described as hostile to the Union and Republic newspapers, and determined at all hazards to proscribe and put them down. In the first place, this conclusion rests upon an egregious error. In the next place, the enterprise was so small that I could not meddle in it, if that was the only result to be accomplished; but above all the rest, I was anxious to record my solemn protest against the connection of the public press with the Treasury. I desire to bring about a new state of things; that the newspapers shall be sustained by their own merits, and shall not look to the Treasury for their support. I trust we shall hear no more of the coalition of Southern State-Rights men with those having strong feelings of abolition, with the purpose of disturbing the harmony of the country, and destroying the Union. This clamor has performed its mission and has had its day. It has passed over the country like a whirlwind, and has produced its mischief, and it cannot be revived. People know better, and it cannot come again. No one cares about having the Popish plot revived here, and I do not care upon what question the cry of disunion, abolition, secession, combination or coalition is raised—whether the printing of Congress or otherwise—it is done for the purpose of black-balling certain gentlemen, because they happened to vote together for the purpose of public economy, and the protection of the public Treasury.

Mr. GIDDINGS. By the permission and kindness of the gentleman from North Carolina, I will say a word. I do not think that it is necessary for the Free-Soilers to deny the charge to which the gentleman has referred. I would think the Free-Soil party had sunk low before the country, and the people of this Union, if it were necessary for one member of that party to deny the accusation which has been alluded to.

Mr. VENABLE. That is a matter of taste, which I do not want to decide. [Laughter.]

Mr. GIDDINGS. I say further, that, so far as the Free-Soilers are concerned, we should have looked upon this transaction with much more favor, had the party in power selected the Union, as the sole organ to execute this printing. We reject with scorn, and contemn everything in favor of the Republic. [Laughter.] And if the Free-Soilers are to coalesce, it will be with the Democrats in favor of the Union, and not in favor of the Republic.

Mr. VENABLE. As to the position the Free-Soil party may choose to occupy—whether they prefer the Union newspaper to the Republic—is no concern of mine. I do not wish to control their preference. It is a matter of taste, which I will not decide.

Mr. McMULLIN. Will the gentleman allow me to ask the gentleman from Ohio a question?

Mr. VENABLE. I cannot farm the floor out to the gentleman from Virginia, [Mr. MCMULLIN,] and the gentleman from Ohio, [Mr. GIDDINGS.]

Mr. FREEMAN. I trust my friend will permit me to call his attention to a practical point, to which I desire him to speak. It is this: there must be an end to all things; and, of course, to this discussion, and we will come by and by to what this committee is to do. Now, as I understand it, that committee have tendered portions of the printing to the Republic and the Union, upon certain terms, which have been refused by both papers, except upon certain other conditions stated, to which the committee have not acceded. The matter, therefore, stands where it stood originally, where it would have stood had the committee not acted at all. Neither the Republic nor the Union have accepted the contract for the printing. I want the gentleman to state what his objection is to the course of the Committee on Printing; and inasmuch as he is in favor of carrying out the contract system, I desire that he shall say whether he wishes to instruct the committee to declare that the contract with A. Boyd Hamilton is already null and void, or whether or not the committee shall go on, as they have heretofore done, and execute the law of the land as it now exists?

Mr. VENABLE. I will reply to my friend, that my resolution explains itself. It refers to that printing which has not been executed by the public printer, and *requests* that it shall be let out to the lowest bidder on ten days' advertisement. It is not to declare A. Boyd Hamilton's contract void. I am not prepared to do that, looking at the printing we have had placed upon our table, which is the best we have yet had.

Mr. MARSHALL, of Kentucky. I desire to know from the gentleman from North Carolina whether he supposes that it is within the power of this House to instruct the Joint Committee on Printing? If his resolution passes, would it be productive of any effect except upon the members of the House.

Mr. VENABLE. That is precisely what I

desire—to instruct, by a distinct request, the members of the House upon that committee. I wish to have an expression of the opinion of the House upon the matter.

Mr. STANTON, of Kentucky. I ask the gentleman whether the printing to which he has referred was done at the office of the contractor, or whether it was done in Philadelphia?

Mr. VENABLE. It is very good. I do not care if it was executed in the moon, and came down on a rainbow, if it is done in compliance with his contract. I do not care if it were drifted from the waves of the sea, if it is in accordance with the terms of the contract. I am satisfied with it. Frequent interruptions have broken the connection of my remarks, which I shall endeavor to restore when I prepare them for publication. I shall take that occasion to expand and enforce them. Whilst I have no sympathy with the doctrines of Free-Soil and Abolition, I shall never be weak enough to repudiate and reject the assistance of any member of this House who concurs with me in what I regard an honest purpose. To regulate my votes by those of others, either acceding or opposing, as prejudice may lead, would be to surrender the privilege of free thought, and the manliness of free and independent action. I trust that I shall ever hail with pleasure the rally of the members of this House to every honest purpose. I rejoice when members, of whatever shade of opinion, come to the rescue; neither will I censure them for saving the public money.

Mr. STANTON, of Tennessee. Does the gentleman mean, then, to say, that those who have voted contrary to himself are dishonest?

Mr. VENABLE. I question no man's motives. I said that I had no objection to a coöperation of honest men to save the public money; but I can say to that gentleman, and those who are disposed to throw firebrands and create discord, give hard names and make uncalled-for insinuations, that the time may come when they may lack the friends that have aided them. A river swollen by rains, might not claim kindred with a little purling brook which emptied itself into it; but when a long drought made bare its bed, the importance of the little streamlets would be appreciated. I am willing to say to gentlemen who denounce Southern men and Southern demands, and strive to make them odious, that those aforesaid gentlemen thus denounced, do not mean to enact the folly perpetuated in the fable of Æsop. He teaches how unwise it is to place entire confidence, before the grounds of that confidence have been examined. He tells us of the adventure of a fox and goat, who had fallen into a pit. The fox told the goat to stand up against the side of the pit, and that he would mount upon his back, and in that way get out, and that when out, he would pull him out by his horns. The fox availed himself of the kindness, but taunted his friend with his folly, when reminded of his promise, and left him in the lurch. I warn gentlemen, that while they are complaining of a want of organization and harmony among their friends, and giving causes of provocation by denouncing men by classes, that the time may come when those they denounced may, possibly, be of some use. They may call upon the spirits of the vasty deep, but they will not come. I do not say this by way of menace. I wish gentlemen to know that I have no threats to make to anybody. I desire every man to follow the dictates of his own understanding, the convictions of his own conscience, and seek the approbation of his own heart, which, if a man makes his enemy, will give him a troublesome time. He need fear no collisions with the world, so long as all is peace there. I tell gentlemen, that hard names, denunciations of classes, harsh expressions, *never*, NEVER, NEVER will produce harmony. The application of sandpaper to an excoriated surface, never was considered a healing operation. To pour sand into a sore eye will not cure it; and the denunciations of men, and the attempt to make them the focus of public indignation, never will restore good feeling; and the time may come when they will become the dominant party, and teach those who have heaped denunciations upon them, that they are suicides; that they are stricken down by their own hand, and that they are the victims of their own folly. Their memory will be regarded with anything but sympathy or respect.

I conclude by remarking, that an impression seems to have been made that I have some personal objections to the editors of the papers to whom the committee propose to give the printing of the two Houses. Far from it, sir. My objections are purely of a political character. The Treasury belongs to the people, and I have no purpose to vote for a prodigal expenditure of it to favorites of either or both parties. I never enter into controversies with editors. It is bad judgment to do so. They command the types, and shoot twice whilst you shoot once. Besides the play is not worth the candle. Much has been said here and elsewhere about the principles and politics of Andrew Jackson. No man more sincerely venerates his memory than myself; but I am not so lost to my own self-respect as to worship his frailties as well as to acknowledge his pre-eminent greatness. He knew men, and his unbiased judgment was almost infallible. I ask no man to instruct me concerning his opinions and his merits. They are matters of history, read and known of all men. No recent commentator can disclose new beauties in the text. I decline to take it at second-hand. It is admitted that a rose will smell as sweet by any other name, but I know of no law of nature which can communicate the fragrance of that queen of flowers to a substance naturally destitute of that property, whatever may be its name. Even christian names do not uniformly transfer the qualities of those from whom they have been borrowed. Neither do legacies of swords or wealth possess that magic power. The sword of Jackson, and the bow of Ulysses, must be wielded by the illustrious owners, or they sink to the level of common weapons. The most resentful man I ever knew rejoiced in the name of Moses. He who was a proverb for restless impatience was known as Job. I have seen many men named Solomon who never reminded me of the wisdom of the great Hebrew ruler; and the most perfect specimen of physical imbecility that I have ever seen gloried in the name of Samson. Experience and observation have taught me caution as to those particulars, and I have learned to consult the text before I sought lights from commentators who might possibly be mistaken in its meaning. I do not mingle social and political relations. I am unwilling to poison the current of my feelings with personal rancor. I speak plainly and frankly. I speak to be understood, but do not mean that the shadow of a great name cast on the wrong side of the light shall obscure the truth or mislead men at my expense. I have done with this subject. I have made the issue with those who are determined to combine for the purpose of sustaining opposing party organs by dividing the printing. I am responsible to my constituents, and I rejoice in that responsibility.

The vote on Jackson's compromise resolutions was as follows:

YEAS—Messrs. Willis Allen, William Appleton, T. H. Bayly, Bocock, Bowie, Bragg, Breckinridge, Brooks, Albert G. Brown, Busby, E. Carrington Cabell, Caskie, Clark, Cobb, Curtis, Daniel, John G. Davis, Dawson, Dockery, Dunham, Edmundson, Ewing, Faulkner, Ficklin, Fitch, Florence, Freeman, Thomas J. D. Fuller, Gamble, Gentry, Gorman, Grey, Hall, Hamilton, Hammond, Hart, Haws, Haven, Hendricks, Henn, Hibbard, Hillyer, Houston, Howard, Ingersoll, Jackson, Andrew Johnson, James Johnson, George W. Jones, Kurtz, Landry, Letcher, Lockhart, Edward C. Marshall, Humphrey Marshall, Martin, Mason, McCorkle, McDonald, McMullin, Meade, Miller, John Moore, Morehead, Murray, Nabers, Outlaw, Samuel W. Parker, Peaslee, Penn, Phelps, Polk, Price, Richardson, Riddle, Robbins, Robinson, Ross, Savage, Schermerhorn, Scurry, David L. Seymour, Origen S. Seymour, Smith, Frederick P. Stanton, Richard, H. Stanton, Abraham P. Stevens, Stone, St. Martin, Strother, Stuart, Sutherland, George W. Thompson, Venable, Walsh, Ward, Watkins, Addison White, Alexander White, Wilcox, and Williams—101.

NAYS—Messrs. Aiken, Allison, Ashe, Averett, David J. Bailey, Barrere, Bartlett, Brenton, George H. Brown, Buell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Chapman, Clingman, Conger, Dean, Doty, Durkee, Eastman, Edgerton, Floyd, Fowler, Gaylord, Goodenow, Goodrich, Grow, Harper, Holladay, Horsford, Thomas M. Howe, Ives, Jenkins, John Johnson, D. T. Jones, Preston King, Kuhns, Mann, McQueen, Meacham, Millson, Miner, Molony, Newton, Orr, Penniman, Perkins, Powell, Rantoul, Sackett, Schoolcraft, Scudder, Smart, Benjamin Stanton, Stratton, Sweetser, Benjamin Thompson, Tuck, Walbridge, Wallace, Washburn, Wells, Woodward, and Yates—64.

The vote on laying on the table the report, resolutions, and amendments of the Committee on Printing, was as follows:

YEAS—Messrs. Willis Allen, William Appleton, Thomas H. Bayly, Bartlett, Bowie, Bowne, Briggs, Brooks, Burrows, E. Carrington Cabell, Chastain, Clark, Cobb, Cullom, John G. Davis, Dawson, Dean, Disney, Dockery, Dunham, Faulkner, Thomas J. D. Fuller, Gaylord, Gentry, Gorman, Hamilton, Hammond, Haven, Hendricks, Ingersoll, Andrew Johnson, Robert W. Johnson, George W. Jones, George G. King, Landry, Letcher, Lockhart, Mace, Martin, McCorkle, McLanahan, McMullin, Meacham, Miller, Henry D. Moore, John Moore, Morehead, Nabers, Outlaw, Samuel W. Parker, Penn, Polk, Porter, Price, Riddle, Ross, Russell, Sackett, Savage, Schermerhorn, Schoolcraft, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Stanly, Frederick P. Stanton, Richard H. Stanton, Stone, St. Martin, Sutherland, Taylor, Benjamin Thompson, George W. Thompson, Thurston, Ward, Watkins, Wells, Alexander White, Wilcox, and Yates—81.

NAYS—Messrs. Aiken, Allison, John Appleton, Ashe, Averett, Barrere, Bocock, Bragg, Brenton, Albert G. Brown, Joseph Cable, Lewis D. Campbell, Carter, Caskie, Chandler, Chapman, Clingman, Curtis, Dimmick, Doty, Eastman, Edgerton, Edmundson, Ficklin, Fitch, Florence, Floyd, Fowler, Giddings, Goodenow, Goodrich, Green, Grey, Grow, Hall, Harper, Isham G. Harris, Sampson W. Harris, Henn, Hibbard, Horsford, Houston, John W. Howe, Thomas M. Howe, Hunter, Jackson, James Johnson, John Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Mann, Humphrey Marshall, Mason, McDonald, McNair, McQueen, Meade, Millson, Miner, Molony, Morrison, Murray, Newton, Olds, Orr, Andrew Parker, Peaslee, Penniman, Perkins, Phelps, Powell, Rantoul, Robbins, Scudder, Smart, Smith, Snow, Benjamin Stanton, Thaddeus Stevens, Sweetser, Venable, Walbridge, Wallace, Washburn, Addison White, and Woodward—89.

So the House refused to lay the report, and the motions in reference thereto, upon the table.

Of these there were in the affirmative, 49 Democrats and 33 Whigs—in the negative, 60 Democrats and 28 Whigs.

Note.—Since the decided expression of opinion in the House, I learn that the committee have carried out the result of the combination by contracting with the Editors of the Union for the printing of the House, and with the Editors of the Republic for the printing of the Senate, at an advance on the bid made by Towers for the same printing.

HOMESTEAD BILL—THE STATE GF PARTIES—THE PRESIDENCY.

SPEECH OF HON. A. H. STEPHENS,

OF GEORGIA,

In the House of Representatives,

April 27, 1852.

The House being in the Committee of the Whole on the state of the Union on the Homestead Bill—

Mr. STEPHENS, of Georgia, said:

Mr. Chairman: It is not my purpose to say much about the bill which is now under discussion, and upon which the gentleman from Maryland [Mr. Bowie] addressed the committee yesterday. I can hardly claim to be either an advocate or opponent of that measure as it now stands. I do not, however, I will take this occasion to say, think that it is liable to those objections which the gentleman from Maryland urged with so much ability and eloquence yesterday; nor do I think that so great benefits are to be derived from it as its author [Mr. Johnson, of Tennessee] and its advocates have so zealously represented to this House. I will also say frankly, that if the public lands are to be squandered without regard to the rights of the old States, as they have been for the last session or two of Congress, I am decidedly in favor of giving them away in this manner, in preference to the other method, which seems to me about to be incorporated as a system, into our policy. Congress has given to railroads, to the States for internal improvements, and to the soldiers, as bounty, within the last two years, nearly one hundred millions of acres of lands. If the question was submitted to me whether I would give one hundred and sixty acres of the public domain to the poor, the indigent, and the homeless of our land, or rather to each head of a family who is destitute and without land, I would not hesitate to say that I would prefer such disposition to that other system, which seems to be gaining so many friends and advocates amongst us. I am myself in favor of a new policy in regard to the public domain. It is a question in itself, and is likely now to become one of much more general interest. It is now looming up in the distance, and before long must become a controlling question in national politics. I will state to the House, that if some

general system for the disposition of the public lands upon the principles of justice and equality towards all the States were presented, I would be willing to incorporate this as one of the features of such a system. At present, without any defined policy being presented, I am rather inclined to think that this question better be postponed until some general and just system be matured and brought forward.

But my object, Mr. Chairman, as I stated, is not to discuss the questions growing out of this bill.

A gentleman from Maine, [Mr. SMART,] who entertained the House the other day, with a speech—and I will say that I also was highly entertained with it—particularly his historical facts and statistics—commenced by saying that he rose to defend the North. To that defense he devoted all his energy and all his zeal. I do not intend to respond to that defense. It is not my object to assail it. Nor is it my object at this time to defend the South. But it is my object to defend the Constitution of the United States, embracing both North and South, and the rights of the South under that Constitution. This leads me to an inquiry into the condition of the country. I could, if my time allowed me, travel somewhat into the past, as well as dwell upon the present and the future; but the present and the future being more pregnant with interest than the past, I shall confine myself to them.

This country presents at this time a spectacle never before witnessed in our national councils. It is said that in all republics there will be parties. I will go further, and say that in all free countries where the principle of representation is recognized and acted upon, there will necessarily be parties. Because perfect agreement upon public questions and measures can hardly be expected. And the friends and opponents of measures will act in opposition to each other. Organizations founded upon such agreement and disagreement upon questions touching administration, are natural, legitimate, and to be expected. But the strange and anomalous condition in which this country now stands is, that while the public mind is divided upon great leading and paramount questions of administration, parties cease to make these controlling questions the proper and legitimate test or basis of their organization.

It is true we hear a great deal of "the two great parties"—the Whig party and the Democratic party; but these are but names; they designate no class of persons holding common sentiments upon the public questions of the day. If the administration of the Government were left in the hands of either, as now arranged and nominally classified, it could not stand an hour. Can the Democratic party, so called, with a majority of fifty upon this floor, sustain and maintain those great questions with which the country has been so fearfully agitated lately, and which involve the stability of the Government itself? They cannot, and the record shows it. Could the Whig party, as at present organized, do better even if they had the majority? The same record shows that it could not. Why is this? It is because parties are not organized upon the right principle and basis. That a majority of this House, as well as a majority in the last Congress, are and were in favor of these important measures, and one in particular which is essential to the existence of the Government, we all know. But that majority consists now, as it did then, partly of those calling themselves Whigs, and partly of those calling themselves Democrats. That is, not only does administration, but the very continuance of government depend upon the union and coöperation of men who, in the party vocabulary of the day, have no designation or a name. And who, stranger still, instead of acting in concert for the continued maintenance of Government upon the principles which brought them together, are about under these old organizations to be arrayed against each other in efforts to drive each other from this Hall. Did a free and intelligent people ever before exhibit such a spectacle? There is in this a deep and radical error. That error consists in the principle upon which parties are attempted to be formed and classified. It is in attempting to keep and bear a common party name when there is no common agreement in opinion, sentiment, and action. Nothing can be truer than that all parties deserving the name of party should be organized upon the principle of agreement and concurrence upon the paramount questions of the day. To speak, therefore, of this House as divided between Whigs and Democrats is, for all practical purposes, just as absurd and unmeaning as to speak of the British House of Commons, at this day, as divided between Cavaliers and Roundheads, upon the anti-corn laws, or the income tax. They are unmeaning terms when you come to designate and define the position of members upon any of the leading public questions. I repeat, sir, that in all representative Governments, parties to be efficient, living, and energetic, must sooner or later be organized upon those questions of public policy which control administration.

You may organize a faction, or you may combine the fragments of factions under the general names of "Whig" and of "Democrat," but you cannot administer the Government by such factions or their combinations. Administration must stand or fall upon its policy, its principle, its measures; and such are the lessons taught in that school from which we derived the precepts and principles upon which our Government was founded. I see it stated in the papers—it may have been announced upon this floor—that between the North and the South, in the two great national parties, there must always be a disagreement of opinions and principles upon one great subject. It is said that the Whig party North must disagree with the Whig party South, and that the Democratic party North must disagree with the Democratic party South, upon all matters relating to this question.

And what is one of these matters? Why, nothing short of the constitutional right of the people of the South to the reclamation and extradition of their fugitives from labor. Now, sir, this is one of the leading, and I may say the paramount, questions of the day. And it is said by some of those who cry lustily for old party names, that there must be disagreement between Northern men and Southern men upon this question in all national organizations—that is, if I understand the logic of the assertion, that upon the recognition and enforcement of a clear and important constitutional right—one without which the Government never would have been formed—men must agree to disagree with their party associates to be good party men. Sir, if this be so, it is time the country knew it. And if this is to be the basis of either the Democratic or the Whig national organization by their silence, at their approaching conventions, it is time the country should know it.

If it be true, as some allege, that there is a large majority of the people of the North who are unwilling to stand by this constitutional guarantee, I want to know it, and the country ought to know it. I intend to speak upon this question as plainly as I have ever done upon any question upon this floor—and I generally speak plainly, whether it be acceptable or not. If, I say again, it be true—and mark you, I do not intend to intimate an opinion that it is, for I do not believe there is anything in the assertion but the cant of a few bad men at the North, who want to hold power by pandering to the misguided prejudices of the people—but if it be really true, I want to know it. As a Southern man, and as a national man—as a friend of the Constitution—I say, if this be really true, I, for one, am for tearing asunder every bond that binds us together. If this Union cannot be maintained upon the principles and for the objects of its organization and formation, then it ought no longer to exist; and no man, true to the principles upon which it was founded, will longer adhere to it. Any people capable of defending themselves, who would continue their allegiance to a Government which should deny them a clear, unquestionable, constitutional right of the magnitude and importance of this to the people of the South, would deserve to be stigmatized as poltroons. Such are not the people of Georgia, and I should scorn to represent them if they were. If the North will not stand by the Constitution of their fathers—if they shall disregard it, at their doors will lie the responsibility of a breach of the compact, with all its consequences—not at ours.

Two years ago, in this very Hall, the great majority of the North, of both the two great parties, upon this and other kindred questions, were arrayed against the South. There were a few exceptions, whom I hailed then, and now, as the friends of the Union and the Constitution. There were only eleven, in all, I believe. One I see now, [Mr. GORMAN,] a Democrat; another sits near me, [Mr. BROOKS,] a Whig. I stated then what I say now, that if the North intended to thus override us; if they intended to disregard the constitutional compact of their fathers; if they intended to bring this Government in hostile array against us, I, for one, was ready and willing to dismember the Confederacy; and I reaffirm the same sentiment this day—I tell gentlemen from the North and the South not to draw too hasty or flattering conclusions from the present apparent quiet of the times. If gentlemen want to secure permanent peace to the country, they can only get that peace by the faithful fulfillment and discharge of their constitutional obligations. During the struggle we had on these questions in the last Congress, I also stated what I now also reaffirm. I then said I did not believe the people of the North would do as some of their Representatives upon this floor said they would do. They told us the people of the North would never yield the questions at issue; that they would never permit the slave-catchers to come and hunt the poor fugitive—as they pathetically declaimed; that the North would never submit to this, and that they would never yield the restriction of slavery in the Territories. I said then, that I believed that when the true American spirit of the North was thoroughly awakened; when the great masses of the people of the North were moved, and their patriotism aroused, and they understood the nature of the question, that the same sort of American heart would beat in their breasts that animated the bosoms of their brethren of the South. I felt confident that the Genius that presides over our fortunes and destiny, was only slumbering and sleeping for a time. Subsequent events show that that assurance was not ill-founded. Those agitations that shook the deep foundations of the Government, aroused the people to the remotest corners of the Republic, as an earthquake, from their midnight dreams. It was then that the true and real American spirit of the whole country rose in its majesty, and said that right should be done; that constitutional obligations should be discharged! And so I can but believe it always will be when the right is fairly and firmly presented.

And I say to those who are attempting to get up a party platform, either for the Whig or the Democratic party, that none of your platforms will stand the popular will of this country, unless you build them upon the rock of the Constitution. You need not "lay the flattering unction to your souls," that the people of the South will get upon any of them, or support any administration which does not stand upon that basis. You may adjourn them from your party caucuses at Washington to your Baltimore conventions. It will be of no avail. But upon this question of "postponement," I wish to say a word, in connection with another word, which is so much "abused in its using" lately—"progress" is what I mean. I do not mean, at this time, to sketch that kind of progress which I consider becoming and befiting to this country; but I wish to say that history furnishes many examples of progress backwards, as well as forwards, in governments. And one of the greatest strides in this sort of backward progress in our history, I think, was taken last December, in what was called the Democratic caucus; and the bad example of which was so soon after followed by what was called a Whig caucus, of recent notoriety. That is the "postponement," by the immediate Representatives of the people, of the consideration of all questions of public policy, which is to control the administration of the Government, to the decision of a Baltimore convention. This, sir, I consider not only progress backwards and downwards, but progress in a direction exceedingly dangerous to the purity, integrity, and stability of representative government, if it be continued.

It is the submission of the will, the judgment and action of the Representative upon the most important of all public trusts committed to his charge, to the dictation of an irresponsible body of people, unknown to the laws and Constitution of the country. The members of this House, and the members of the Senate, chosen and selected in pursuance of

the organic law of the land, are the men to whom the people proper, have intrusted the consideration and settlement of all questions pertaining to the Legislative department of their Government. In these Halls, sir, the people, by their Constitution, have said that questions of public policy shall be considered and settled. We are the men who are responsible to the people for our acts; and here is the place where principles should be settled. What will be the character of an American Congress when its members and Senators shall disfranchise themselves, abnegate their powers, and stand before the world as the self-confessed, self-acknowledged, and self-degraded instruments of party, registering the edicts of an unknown, irresponsible oligarchy. Instead of being the Representatives of a free people, such men, in my opinion, will be the fit subjects—the self-abased slaves of any master who may have a use for such miserable miscreants—such as any usurping Cromwell or Louis Napoleon would not hesitate a moment to drive from the halls of legislation to suitable prisons and dungeons. Sir, what can be more humiliating than for an American Representative to submit his will, to bow his neck, to give up his own sentiments, to announce his own disqualification for the office he holds, and say, that an outside body, unknown to the law, and without any regular authority either from the people or the Constitution, shall make the politics, shall fix the policy, shall settle the questions of constitutional law and right, by which he and his constituents are to be governed? If this is to be the future progress of this country, might not we as well adjourn at once—disband both Houses of Congress, and give up the Government of the country to the projectors of Baltimore *pronunciamientos*. If this is to be your progress, it requires but a short sight to see your ultimate destiny.

But it was upon no such principles your Government was founded. Such were not the doctrines of our Republican fathers. And such, I venture to say, are not the sentiments of the American people to-day. But, sir, this step of progress has been taken;—whether at the instance of the "old fogies," "or young America," I do not know, and do not care. Your conventions, therefore, I suppose, will assemble, and they will doubtless put forth their platforms or *pronunciamientos*. With them, at present, I have nothing to do. I wish, however, to give you notice that, in my judgment, you will find that the American people will renounce all platforms that do not rest upon the Constitution. The people, sir, are not quite as pliant and pliable as some of their Representatives. I give you my own sentiments, sir; I speak for no party, but I speak in behalf of what I believe to be a majority of the American people. I do not speak in behalf of either Whigs or Democrats, as they call themselves. Nor do I stand up here to-day to reflect the sentiments of even my own constituents, or to say whether they will vote for this man or that, or with this party or that. I am here to advocate great principles, which I tell people of all sections of the country, my constituents with the rest, ought, in my opinion, to govern their action on the present public questions. I claim to be the exponent of no man's views, feelings, and sentiments, but my own. As a sentinel upon a watch-tower, I feel it to be my duty to speak as plainly to my constituents as to other people. If they do not like what I say, they may mend it by sending somebody else to fill my place. I have not been catering to find out who they will vote for, or who they will not vote for, for President; or what platform they may be willing to stand upon. But it is part of my duty here to make known to them my opinions, touching those principles which must enter into the canvass, and which must and ought to control it. This I intend to do, and then they can do as they please, which it is their right to do.

I say then, to you and to them, that, in my judgment, they ought not to vote for any man for President who is not known to the country to be unqualifiedly, openly, and boldly in favor of the existing fugitive slave law, and its efficient and faithful execution. I say further, that, in my judgment, they ought to affiliate or hold party association with no party at the North, whether styled Whig or Democratic, which does not, with equal clearness, adopt and proclaim the like sentiments. Those men at the North who are waging war against this law, whether they call themselves Whigs or Democrats, I hold to be public enemies. So far from affiliating with them under a party name, I hold it to be the highest duty of the citizen everywhere, to put them down, and drive them from power. I hold them, sir, to be the open and avowed enemies of the Government—enemies of the Constitution of their country. I would just as soon hail a hostile fleet—I would just as soon hold out a blue-light to a British invading army, as to give countenance to such men. Public duty and the highest dictates of patriotism, require that all such factions should be crushed.

But, sir, I am willing to affiliate with any and all those gentlemen from the North, whether Whigs or Democrats, who stand with me upon the great principle which I maintain this day. There are such—I see numbers of them around me—men who threw themselves in the breach in the darkest hour of our country's history, breasted the foul calumnies of these same public enemies of whom I have spoken, and saved the Union of the States by standing up for the Constitution of their country, even at the peril of their own personal popularity. Those men stood by me then, or, rather, we stood together, because we stood in common upon the broad Constitution of our common country; and I am not for discarding such men now, or ever, whether Democrats or Whigs, for the purpose of foisting into their places others, who, at that time, and now, were, and are, their and my enemies upon this great question; and for no better reason than that the new claimants of power assume a party name that may be thought to be more acceptable to me. Sir, I should consider such conduct a most shameful dereliction of public duty. When these conventions, therefore, get together, what they recommend, respectively, will be respected by me, just so far as what they say and do may accord with the principles I have here maintained. I give this timely notice to all those wire-workers who are fixing up the platforms to be there erected. But if it is really and *bona fide* the intention of the leaders of either, or both of these two great parties, to *reorganize*, and put their parties upon a national basis upon these questions, by driving out of their ranks what is commonly known as the Free-Soil element and higher-law party of the North, I wish to state to them, with perfect distinctness and kindness, that this must be done without equivocation or mental reservation. I want plain dealing; I do not intend to be deceived, nor do I intend that my constituents shall be deceived by any shallow artifice or political humbuggery, if I can prevent it. To be plain, it will not suffice for me to be told that one or the other of these parties have indorsed my principles and sentiments. I must see the proof of it. To illustrate what I mean, I ask the attention of the House to an editorial of the Union newspaper in this city, from which it appears to me that the editor of that paper evidently intends to create the impression that the Democratic party, as it now stands organized, is in favor of the late compromise measures—the fugitive slave law included—and that the fate of these measures will be safe in the hands of that party, if the administration of the Government should be confided to it on its present basis of organization. If that be the object, and if such showings as he makes are to be the only evidence of it, I wish to say it will be wholly unsatisfactory to me. I have before me the analysis which he gives of the vote upon the resolutions offered some time ago by my colleagues from the first and sixth districts, [Messrs. JACKSON and HILLYER.]

Here is that analysis:

"The resolution presented by Mr. JACKSON reads as follows:

"'*Resolved*, That we recognize the binding efficacy of 'the compromises of the Constitution, and believe it to be 'the intention of the people generally, as we hereby declare 'it to be ours individually, to abide by such compromises, and 'to sustain the laws necessary to carry them out—the provisions for the delivery of the fugitive slaves, and the act of 'the last Congress for that purpose, included; and that we 'deprecate all further agitation of questions growing out of 'that provision of the questions embraced in the acts of the 'last Congress known as the compromise, and of questions 'generally connected with the institution of slavery, as unnecessary, useless, and dangerous.'

"The resolution presented by Mr. HILLYER reads as follows:

"'*Resolved*, That the series of acts passed during the first 'session of the Thirty-first Congress, known as the com-'promise, are regarded as a final adjustment and a perma-'nent settlement of the questions therein embraced, and 'should be regarded, maintained, and executed as such.'

"On the motion to amend Mr. JACKSON's resolution by adding to it the resolution of Mr. HILLYER, the vote stands as follows:

Affirmative.		*Negative.*	
Northern Democrats	36	Northern Democrats	25
Southern Democrats	32	Southern Democrats	19
Southern Whigs	23	Southern Whigs	1
Northern Whigs	12	Northern Whigs	29
Total	103	Total	74

"After the adoption of Mr. HILLYER's amendment, the House determined to vote separately on the adoption of each of the resolutions.

"Mr. JACKSON's resolution was then adopted by the following vote:

Affirmative.		*Negative.*	
Northern Democrats	35	Northern Democrats	22
Southern Democrats	39	Southern Democrats	11
Southern Whigs	20	Southern Whigs	1
Northern Whigs	7	Northern Whigs	30
Total	101	Total	64

"Mr. HILLYER's resolution was then adopted by the following vote:

Affirmative.		*Negative.*	
Northern Democrats	36	Southern Democrats	20
Southern Democrats	30	Northern Democrats	16
Southern Whigs	22	Southern Whigs	1
Northern Whigs	10	Northern Whigs	27
Total	98	Total	64

The editor then goes on to say:

"It thus will be perceived that if the fate of Mr. JACKSON's resolution had depended upon the vote of the Northern Democrats only, it would have been sustained by the triumphant majority of 35 to 22—that is, by a majority of nearly two to one."

Now, sir, the disingenuousness of this statement, is in the assumption of a possibility, under our Constitution, for such questions ever to be left to the decision or vote of the Northern Democrats alone, or to the Northern Whigs alone. There are in this Congress two hundred and thirty-two members. The sixty-one Northern Democrats who voted on Mr. JACKSON's resolution, all told, constitute but a small part of the aggregate whole. But further on, the editor says, speaking of this analysis:

"These facts give a distinct and final answer to the question, 'which of the two great parties of the North deserves the support and coöperation of Southern men, who are mindful of the constitutional rights and the most important interests of their section?'"

Now, sir, what I wish to present to the public is, that the question to be determined and acted upon is not which of these old parties, either North or South, are most to be relied upon on these points, but whether either of them, as they are now constituted, can be trusted, or ought to be trusted. That is the true question; and can any man from this record, maintain the affirmative side as to either of these parties? I say he cannot. Suppose, for instance, Mr. JACKSON's resolution had depended solely upon the Democratic party, how would the vote have stood?

Northern Democrats	35
Southern Democrats	39
Total	74

But it required eighty-three to pass it. So, notwithstanding there are one hundred and forty-one Democrats in the House—giving them a majority of fifty—if this great paramount question of the day had depended solely upon that party, it would have been lost. Can that party be called a sound party, and a safe party, to be trusted with administration which, with a nominal majority of fifty, could not carry on the Government an hour? This measure was saved, however—and how? This record shows. It was saved by the unanimous vote of those styled Southern Whigs, (save one,) with seven Northern Whigs, and the seventy-four Northern and Southern Democrats, who voted in a body against those Northern Democrats and Northern Whigs and Southern Democrats, who opposed it. These are the facts of the case, and they show what I said some time ago, that while there are two great national parties in name in this country, that they are not organized upon such principles as that, if either were intrusted with power, the Government could be carried on a day under their auspices. Do you ask, then, how it is that the Government stands and administration moves on? I tell you, sir. It is because the real parties in this House—the one which is for

and the other which is against these leading and paramount questions of the day—are neither Whigs nor Democrats. They are composed of men on both sides, according to those appellations. If the editor had meant simply to state that in this real national party that sustains these measures which he and I deem essential to the peace and quiet of the country, there were more of those men who call themselves, or are called by others, Democrats, at the North, than there are of those styled Whigs, in the same section, I should not have made this comment upon his editorial. This is true, sir. But this is no reason why the people of the South should join an organization that would drive from this House those Northern Whigs whose votes were essential to the passage and maintenance of these measures, to have their places filled perhaps with Free-Soil Democrats, and which would drive from this House also those Southern men called Whigs, whose votes are likewise essential to the support of the same policy, to have their places filled with those who perhaps may be the open opponents of those measures.

But, sir, I call the attention of the House to another short article in the Union a day or two ago. And it is with no unkind feeling either to the editor or the gentleman alluded to that I do it. I do it to show what I think is an attempt to quiet the South by preaching "peace," where there should be no peace. Here is the article:

"THE HON. MR. DEAN, OF NEW YORK—The general desire which has been expressed to us for the early publication of the speech delivered by the able member from New York, Mr. Dean, has induced us to place it in our columns to day. It is an admirable *exposé* of the position of parties, and cannot fail to commend its author to the favor and confidence of sound Democrats in every quarter of our Union. The tendency of the movement in favor of General Scott is unmasked with a master's hand. Its sectionalism, its subserviency to the spirit of fanaticism, and its manifest determination to disregard all other considerations but those of availability in the next presidential canvass, are put forth in striking contrast with the uniform adherence of the Democratic party to those great principles under whose guidance the country has marched so steadily to its present greatness and prosperity."

Now, sir, what unsuspecting man at the South would suppose, in reading this notice, that the gentleman, who had made such "an admirable *exposé* of the position of parties," and who is thus so flatteringly commended "to the confidence of sound Democrats in every quarter of our Union," stands enrolled in that same record, to which I have alluded, (the action of the House on the resolutions of my two colleagues,) against that side which the Union itself holds to be essential to the rights of the South?

Mr. DEAN. The gentleman is under a slight mistake. I voted for Mr. HILLYER's resolution.

Mr. STEPHENS. The vote of the gentleman which I have here is against Mr. JACKSON's resolution.

Mr. DEAN. Yes; I voted against Mr. JACKSON's and for Mr. HILLYER's.

Mr. STEPHENS. That is the way the gentleman stands recorded. And why did the gentleman vote for Mr. HILLYER's resolution and not for Mr. JACKSON's? Simply because, I suppose, Mr. JACKSON's resolution expressly embraced the fugitive slave law, while Mr. HILLYER's did not. That is the exact point I was on. The gentleman who is thus commended to the confidence of good Democrats everywhere—in the South, I suppose, as well as the North—by the editor of the Union, refused to stand by the fugitive slave law. This is the point; and I question if that gentleman will rise and say, that he is ready now to vote to sustain that law. Now, sir, I state to this House, and to the country, that I am not to be deceived or bamboozled in any such way. Why, I believe, there were but four Democrats from the entire New York delegation in this House, who voted for these resolutions of my colleagues, or either of them. And I say to the editor of the Union, that such men as he seems to think sound must be read out of his party, before he can claim for it the character of a national organization. No such general platforms as those of 1844 and 1848 are going to satisfy the demands of this day. But, sir, the same editor of the Union, with the same purpose, no doubt, of quieting the South and preparing them to affiliate with the Northern wing of the Democratic party on the old platforms, in a late article, which I have not before me, speaks of the prevailing sentiments of the Democratic press at the North being in favor of what he calls the "finality" of the compromise.

Well, sir, I have just got a copy of the New York Post. This, I believe, is a Democratic paper, and a leading paper of that party in the city of New York. I call the attention of the House to an editorial in it. I commend this article especially to the consideration of those Southern men who are persuaded to be satisfied with Mr. DEAN's *exposé* of the position of parties in New York:

"SORROWS OF THE FRIENDS OF THE COMPROMISE.—It is a maxim with moralists that we make the greater part of our own miseries. The friends of a certain political measure adopted by Congress two or three years ago, have had experience of its truth. They passed the compromise measures, and for a short time were happy; but they have been miserable on its account ever since. The compromise has been hatched, but there has been ever since the most painful anxiety on the part of its friends, lest it should not do well. The Journal of Commerce gives tokens of the acutest sufferings on this account. In the leading article of this morning that print says:

"'The Democratic national delegates who met at Albany 'week before last to appoint two State delegates to the 'Baltimore Convention, adjourned without passing any res-'olutions favorable to the compromise. The omission, since 'it was at a convention held with respect to the Presidency, 'is highly significant, and indicates that at Baltimore an 'effort will be made to give the go-by to that measure, and 'elevate to power a candidate who will look with greater 'favor on its enemies than on its friends. The Barnburners, 'who, through the partial defection of a few Hunkers, held 'the control of the Albany Convention, owe their power to 'stifle the progress of opinion in this State among the Demo-'cratic party in favor of the compromise, to the effort of one 'or more candidates at Washington to bring about a har-'monious state of feeling between the Secessionists, who 'have opposed that measure, (we speak of the series of acts 'as a whole,) because it gave too little to the South, and 'the Barnburners, who have opposed it because it gave too 'much, and who stand ready to carry out their opinions 'whenever they have the means to do so. Virginia was also 'silent on the subject, doubtless from the same cause, at her 'late Democratic Convention. No State has hitherto been 'more consistent and pertinacious in adhering to principles 'under all circumstances than Virginia, but she seems now 'to have fallen from her high estate, and to regard the suc-'cess of men as of greater importance than an honorable 'triumph founded on adherence to important measures. 'She stands now in the same category with New York, 'keen for the spoils, determined on success. Had she spoken 'out for the compromise, in a tone to show that she meant 'to insist on its supremacy at Baltimore—a supremacy ne-'cessary for the peace of the country, she would have been 'imitated here in the expression of her opinions, as she has 'been in the policy of silence. Those who ruled in the late 'convention, were prominent in supporting the Buffalo 'platform—a position from which they were driven by the 'patriotism of the country—and they would soon have found 'rest for their feet in the one towards which they were 'marching, (that formed by the compromise,) but for the 'aid administered to them by Southern men. The desertion 'of this great measure of peace by Virginia has arrested en-'tirely in this State the progress of the Democratic party 'towards its adoption as a finality, and given its enemies a 'paramount influence. Its inevitable effect is, to sacrifice 'those in this State who have been national, and to elevate 'those who were sectional, and who were quietly yielding 'to what patriotism demanded.'

"This is a melancholy state of things, and we do not wonder that it makes the Journal a little gloomy. The case is even worse than it is presented in the passage we quoted. Virginia gives up the compromise; but if we go a little further south we find North Carolina giving up the compromise also; and if we pass to a still more southern latitude, South Carolina detests the compromises.

"The Georgia Democrats, with the exception of those who have coalesced with the Whigs, are disaffected with the compromise, and there is no evidence that Florida cares a button for the whole batch of measures which pass by that name. Yesterday, as will be seen by the debate in the House of Representatives, Mr. Brooks, of this city, an old friend of the compromise, reproached the Southern Whigs with having repudiated it, and was answered by Mr. Stanly, a Whig member from the South, with contemptuous scoffs.

"If things go on much longer in this way, the friends of the Union in this quarter will be left like whales on the strand; they will have lost everything at the North and gained nothing at the South. As the best remedy which the case admits of, some of them are talking seriously of calling another meeting at Castle Garden. There is great virtue in a meeting at Castle Garden; it saved the Union a year since, and now it may save the Union party. In another part of the Journal, we find an article complaining of the conduct of Senator Mangum, of North Carolina, who is against making the compromise a test question. It says:

"'Does Mr. Senator Mangum's course in this matter indi-'cate to any extent whatever, the Whig feeling of the 'South? If so, the friends of the Union at the North have 'been most outrageously humbugged by their brethren in 'the Southern States. If the Whig party in the South are 'willing to leave the matter of the compromise open for agi-'tation, then indeed have the friends of the constitutional 'rights of the South in the Northern States taken a deal of 'pains to give themselves a great deal of trouble.'

"What the writer here intimates is true enough: the Union party have been humbugged, and such consolation as they can derive from the assurance that they have discovered their real grievance we cheerfully administer. They *have* been humbugged; outrageously, if they please; the South never cared much for the compromise, except in so far as its adoption by Congress was a triumph over the North. Having obtained that triumph, having subdued the will of the Northern States to their own, they now fling off with contempt the pliant instruments with which they then worked, and for which they have no longer any occasion.

"But a meeting at Castle Garden—that panacea for every evil in the political world—will set all right again. The article in the Journal, from which we last quoted, says:

"'If, then, the battle is to be fought over again in the 'next election, let all parties have due notice, that the cam-'paign may begin at once. The men who constituted the 'majority of the Whig caucus in Washington, last night, 'either had or had not the feelings of a majority of the nomi-'nating Whig convention on their side. If they had, then 'General Scott will be their choice; and with the distinct 'understanding that when he rides into power, this fraternal 'war will again be opened between the friends of the Union 'and the promoters of agitation. But if that majority does 'not represent the Whig feeling of the country, then how 'long should the Webster, and Fillmore, and Constitution, 'and Union Whigs of this city be in calling a great mass 'meeting at Castle Garden, for the purpose of leveling an-'other blow at the head of this hydra that is once more lift-'ing itself into the light of day?'

"Let us, by all means, have a meeting at Castle Garden. The Democratic candidates at our last State election, particularly the Free-Soilers, owed their success, in part, to the famous meeting held by the Union party in that place."

I have one other short extract from the same leading paper, of the 24th instant, which I will read:

"It is a fruitless appeal, as well as an unmanly one, which these people now make to the South. The South has neither the disposition nor the power to help them. The South cannot change that public opinion of the North, of which Mr. BROOKS feels so keenly the censure. Nor has the South any respect for the Northern auxiliaries who aided it to enact the fugitive slave law. It was glad of their votes at the time, but it despised those who gave them, and now, after a decent lapse of time, begins to give unequivocal tokens of the contempt it has always felt."

Now, sir, I repeat, if the Baltimore Convention intends to organize the Democratic party upon a national basis, it must drive all such men as the editor of the Post out of its ranks first. And after having spoken so plainly to the wire-workers on one side, I wish to be equally plain with those on the other. If you, who are fixing up a Whig Convention, and a Whig platform, intend to organize a party upon a national basis, you must exclude, cut off, and drive out of your ranks all of those who are opposed to the faithful execution of the fugitive slave law.

And for your benefit, I will read a short piece I see in another paper I got the other day from New York—I mean the Tribune. Here it is:

"The slave hunters are on the track of a man, according to the Express, and a warrant is already issued for the seizure of the audacious criminal who has had the temerity to cross Mason and Dixon's line for the enjoyment of 'life, liberty, and the pursuit of happiness.'"

That is from Horace Greeley. He is one of the men who say that Northern men must hold their opinions upon slavery, and Southern men theirs. That is, that national parties must be organized upon the principle of agreeing to disagree upon the protection and enforcement of a great constitutional right. And for the especial benefit of some of these Southern gentlemen around me, who call themselves Whigs, I wish to call their attention to an article, or a letter, which I find in the number of the same paper, which came this morning:

"The alleged 'rupture' in the Whig ranks is really a very small and harmless semi-defection. There is no reason to suppose that there are half a dozen Whigs in Congress who would not be found supporting General Scott for the Presidency, if he were nominated to-morrow without any reference to compromise resolutions. The real defection, so far as it goes, is almost entirely of a purely *personal* character. And the question of the *Vice Presidency*, let me say, has quite as much to do with it as the *Presidency*."

Now, sir, I said before, that I did not undertake to speak for Southern Whigs. You, gentlemen, can speak for yourselves. But I will say, that I am pretty well acquainted with those Southern gentlemen who are called Whigs; and if there is a single one of them who is in favor of running any man for President, who is not openly and avowedly in favor of the compromise, the fugitive slave law included, I do not know him; and I should like, Mr. Chairman, for any one of them, if any such there be, within the sound of my voice, to rise up and say so; but I do not believe such a man is to be found here. Is he a Kentuckian? Is he a Virginian? Is he a North Carolinian? Is such a man to be found in Maryland, Tennessee, Alabama, Mississippi, Florida, or Louisiana?

Mr. SAVAGE. I understood Mr. WARD to

say, that pledges were not necessary for the presidential candidate.

Mr. STEPHENS. I was not present when Mr. WARD spoke, but I understood from some remarks made by him at a subsequent day, in explanation, that he was only opposed to party platforms; that the sentiments of the candidate should be made known. But, sir, Mr. WARD can speak for himself. What I said and say is, that if there be a single Southern Whig of whom the remark in this letter is true, I do not know it. And I am glad that it is so; for, if Southern men go into these national conventions, it is due to themselves, it is due to the Constitution of their country, and it is due to those men of their party in the North, who have stood up against the clamor of heartless demagogues in their own section for the maintenance of the right—it is due to—nay, it is demanded by, the highest consideration of the constitutional rights of their own South, as well as the general quiet or peace of the country, that they shall insist upon clear and unequivocal declarations in affirmance of those rights. If those Southern men who go to both these conventions would do this, they might render a great and essential service to their country; they would either compel a reorganization of both of these old parties, upon a true national basis, by driving out the Barnburners, Free-Soilers, and Abolitionists, or they would break these parties up, as they ought to be broken up, if they continue to refuse to put themselves upon national ground.

In case this attempt at purgation should succeed, then all the abolition elements in both parties would be left free to act together, coalesce and unite under the lead of the gentleman from Ohio, [Mr. GIDDINGS,] where they legitimately belong, and where they would be harmless and incapable of doing mischief. It is only as an element in one or the other, or both of two great parties, that Abolitionism in this country is to be feared. Upon an open, naked, and direct issue, even before the people of the Northern States, with all his allies duly marshaled, under the lead of the gentleman from Ohio, [Mr. GIDDINGS,] I should have no fears for the institutions of the South.

I wish at this point and in this connection to revive some recollections and to present some statistics. Many who hear me can well remember a great deal of the style and manner of some gentlemen in the last Congress in speaking of slavery and the hard fate and miserable condition of Southern slaves. And some were curious and anxious to make some important discoveries through the census tables. Well, sir, we have had all the statistics and facts solicited compiled, and I wish to call the attention of the House to one table in the census report. I have no time to do more than present it. [See statement A, in next column.]

From this, it will be seen that the ratio of increase of the whites for the last ten years has been thirty-eight per cent. and a fraction. In this ratio foreign immigration is a considerable element. The free blacks has only been ten per cent. and a fraction, while the increase of the slaves has been above twenty-eight per cent. without any aid from foreign immigration. If the condition of the free black be so much better off than that of the slave, as these false philanthropists would teach, how can these facts consist with their theory?

I ask the attention of the House also to an article just received in the April number of Blackwood's Magazine, giving a sketch of the present condition of the island of Jamaica, where the British Government carried out their emancipation policy a few years ago. I refer to this paper and the facts it contains for a very different purpose from that of the editor of that Magazine. He, however, belonged to the Abolition party then, and is of course good authority on that side of the case, for which I use it:

"We have lying before us a copy of a Jamaica paper, the Daily Advertiser, of date 19th January last, containing a full report of a meeting in the parish of St. George, convened for the purpose of taking into consideration the present deplorable state of the colony. We regret much that we are precluded from commenting in this article upon the statements made by the several able speakers; but we may give, as a proof of the decline of the produce of the island, the following statement by Mr. Hosack:

'"'The past history of Jamaica shows a crop and export 'of 150,000 hogsheads of sugar, and 34,000,000 pounds of 'coffee. The present shows a crop and export of 36,000 'hogsheads of sugar, and 5,000,000 pounds of coffee.'

"Another gentleman, Mr. Dunbar, thus described the appearance of the island:

'"'The present crisis of affairs is fearfully appalling, and 'cannot be viewed by those immediately concerned without the greatest dismay. Within the recollection of the 'youngest amongst us, but a few years ago our fields wore 'the garb of luxuriant culture; our population was active 'and cheerful; our homes were easy, comfortable, and hospitable; and our towns and villages presented the appearance of busy life. Now, the scene is all changed. There 'is a widespread desolation; the din of industry is no longer 'heard; we have been driven by distress from our long 'cherished homes; the jungle has taken possession of the 'fields, where, but lately, the waving canes met the eye; 'our costly buildings are mouldering into decay; and we 'ourselves are now suspended on the brink of a precipice, 'created by the unwise and heartless policy of the mother 'country, in the lowest abyss of which we must ere long be 'ingulfed, unless some kind, protecting angel should come 'to the rescue.'

"Still more significant, perhaps, of the state of the colony is the account given by the collecting constable of the parish. We insert it here in order to show the effect of liberal legislation upon British capital invested in a British colony:

'"'I will show that properties which formerly paid £1,400 'taxes, are now, if not entirely abandoned, very nearly so. 'Let him continue his ride through the sugar district, and 'I envy not the heart of that man who can look on approvingly when he beholds so many valuable estates grown up 'in common brushwood; the residences of many falling 'into decay, and scarce affording shelter to the watchman.

'Let him ask how long has all this been brought about, and 'I will tell him—that by the list I now hold in my hand, 'and about to submit to you, sir, it will be found that twenty-six of these coffee properties were valued in 1841 by 'the assessors of the parish, appointed by the House of 'Assembly, at a total of £53,060; that these properties paid '£619 public and parish taxes; that fourteen of these sugar 'estates, now nearly all abandoned, were then valued for '£83,600, and they then paid £782 taxes; that in 1850 the 'whole of the taxes of the twenty-six coffee properties 'amounted to, and were reduced to £147!—and of the fourteen sugar estates, £144. Are these not damning evi'dences of the destructive policy?'

"Mr. Sollas then laid before the meeting the following statement, which he had prepared for the occasion:

SUGAR ESTATES.	Assessor's value, 1841.	Public and parish taxes, 1841.	Public and parish taxes, 1850
Eden*.....	£4,500	£45 14 9	£5 0 1
Paradise†.....	7,000	60 18 9	12 3 11
Lenox*.....	10,000	94 8 9	13 19 0
Hart Hill*.....	6,000	59 16 0	12 13 10
By Brook*.....	1,000	18 19 6	2 14 6
Hope*.....	1,600	22 4 0	3 5 11
Spring Garden†...	20,000	181 3 1	36 5 8
Cainwood*.....	6,000	56 10 0	8 1 10
Buff-Bay River*..	3,000	33 2 6	6 13 4
Elysium*.....	8,000	72 4 0	15 16 7
Craigmill*.....	3,500	35 14 0	4 9 10
Skibo*.....	3,000	32 13 1	6 11 5
Chepstow*.....	8,000	39 4 0	9 13 4
White River*.....	2,000	29 15 9	7 8 8
	£83,600	£782 8 2	£144 17 11

*Abandoned. †In partial cultivation.

COFFEE PROPERTIES.	Assessor's value, 1841.	Public and parish taxes, 1841.	Public and parish taxes, 1850.
Wallenford†.....	£2,500	£23 16 0	£5 7 1
Ashcott*.....	300	6 15 0	2 1 8
Glengyle†.....	1,500	16 0 0	4 3 3
Cascade†.....	2,500	23 4 1	7 5 6
Birnamwood*....	5,000	51 0 0	8 17 9
Spring Hill*.....	5,000	45 4 0	8 14 4
Smithfield*.....	1,500	15 11 6	4 3 11
Orange Vale*.....	2,500	39 15 0	11 18 5
Wakefield†.....	1,500	15 0 0	2 10 4
Ellerslie†.....	1,500	14 5 0	1 3 1
Middleton*.....	1,500	23 3 0	6 3 9
Corsham*.....	1,000	12 3 0	4 5 3
Green Hills*.....	800	8 19 6	1 3 11
Galloway*.....	1,000	12 15 6	3 12 7
Leighfield*.....	2,500	27 15 0	7 3 6
Silver Hill*.....	3,000	37 1 3	9 1 4
New Haven*.....	1,500	23 5 3	4 2 6
Mount Pleasant*..	3,500	25 1 4	6 11 6
Cherry Hill*.....	360	5 3 11	2 3 6
Pleasant Mount*..	3,000	27 19 0	7 15 10
Belcarres*.....	5,000	50 1 0	9 19 7
Prior Park†.	1,500	38 3 0	7 0 1
Trafalgar†.....	2,000	41 0 0	11 10 4
Dry River Retreat*	1,600	22 10 0	5 13 6
Rectory*.....	500	7 4 11	1 0 11
Mt. St. Bernard*.	500	6 16 0	3 13 6
	£53,060	£619 12 3	£147 16 11

* Abandoned. † In partial cultivation.

A.—*Statement of Population by Classes decennially, from 1790 to 1850 inclusive.*

	1790.	1800.	Ratio of increase.	1810.	Ratio of increase.	1820.	Ratio of increase.	1830.	Ratio of increase.	1840.	Ratio of increase.	1850.	Ratio of increase.
Whites.....	3,172,464	4,304,489	35.7	5,862,004	36.2	7,866,569	34.19	10,537,378	33.95	14,189,695	34.7	19,630,738	38.28
Free colored.....	59,466	108,395	82.2	186,446	72.2	233,524	25.25	319,599	36.85	386,245	20.9	428,661	10.09
Slaves.....	697,897	893,057	27.9	1,191,364	33.4	1,538,098	29.01	2,009,043	30.61	2,487,213	23.8	3,198,324	28.58
Seamen in U. S. service.....	-	-	-	-	-	-	-	-	-	6,100	-	-	-
Total free.....	3,929,827	5,305,941	-	7,239,814	-	9,638,191	-	12,866,020	-	17,069,453	-	23,257,723	36.25
Total colored population, free and slaves.....	3,231,930	4,412,884	36.4	6,048,450	37.0	8,100,093	33.92	10,856,977	34.03	14,576,140	34.1	20,059,399	37.61
	757,363	1,001,452	32.2	1,377,810	37.6	1,771,622	28.58	2,328,642	31.44	2,873,458	23.4	3,696,985	26.22

What an appalling picture is here presented of the effects of that policy, which some of the infatuated and blinded zealots of a mistaken philanthropy would have the people of the Southern States of this Union to adopt! But I cannot dwell on this point. I only meant to present these facts for the consideration of those who are always speaking of the sentiments of the people of the North upon the subject of slavery as it exists in the South. That there may be something of a morbid sentimentalism there upon this subject, produced by error and prejudice, I doubt not; but, like all other morbid conditions, it must yield to a sound, wholesome action of the system. This is as true in the intellectual and moral world, as it is in the physical or physiological. I recollect to have heard a gentleman from Ohio, in the last Congress, [Mr. ROOT,] declaiming, with great emphasis, against the institution of slavery in the South. He was predicting its early doom, as did the gentleman from Massachusetts [Mr. RANTOUL] some weeks ago; and the great truth that he announced as the foundation for his prediction was, that it was useless to war against a principle; that this was true in mechanics, and was equally true in politics. Now, sir, I agreed then with him in his premises; that is, that it was worse than folly to war against a principle; and that that is just as true in statesmanship as it is in mechanics. But I came to just the opposite conclusion to the one arrived at by him. The whole of this sickly sentimentalism about the relative condition of the

African race to the white man, in the Southern States, springs from a spirit at war with a great principle; and that is the radical difference by nature between the races. It springs from a spirit at war with the works of the Creator. The African is different, mentally, morally, and socially, from the Anglo-Saxon—so made by Him who made the stars to differ "one from another" in magnitude and lustre, and who made some vessels of honor and some of dishonor; and every attempt, by human means and human efforts, to make those things equal which He has made unequal, and those things alike which he has made unlike, must prove to be unavailing and abortive in the end. The negro, in the scale of creation, occupies an inferior grade or place to the white man. That is his natural place. That is the place he fills with so much comfort and happiness to himself in the Southern States; and hence the favorable contrast, in the census report, of his condition and position there, with his condition and position when left to his own free, undirected will; and hence the difference between the state of the island of Jamaica now, compared with its condition before those who undertook to improve it, by abolition, finished their work.

But, sir, to return from this digression to the other alternative I presented. In case the Southern delegates to both these conventions should insist upon such terms as shall not be granted, and should lead to a rupture in both conventions, then equal good, though not in the same way, would result to the country from their firm and patriotic action. Old parties, refusing these terms and issues, would, it is true, be broken up and dissolved. But this would only facilitate the coming together of homogeneous elements throughout the country. Men who think alike upon public questions and public policy, would be free to conform their action to their own free will and unbiassed judgment, which is the only legitimate basis of all party association. Whether Southern men, in these conventions, will take the same view of the responsibility resting upon them that I do, I cannot tell. Whether they will make the issue, and prove themselves to be equal to the crisis, time must determine. But, sir, if they do not, and if both conventions adjourn with nominations barely, and a set of resolutions full of equivocation, or without meaning—resolutions to be expounded, and not to be understood—the grave and important question will be presented to the people of the United States, which, I trust, they will have the nerve and patriotism to meet promptly, squarely, and boldly—and that is either to choose between the candidates thus presented to them, or to rise in their majesty, vindicate their rights, repudiate the action of both conventions, and put forward a national man upon national principles, and call upon the good men and true of all sections—those who feel greater attachment to their country than to party—to rally to their standard.

The first effort to carry an election under such an organization might fail. But defeat in such a cause would be more honorable, as it would be more acceptable, to every patriotic heart, than success in a cause that could bring no hope of harmonious, good government with it.

It is useless for gentlemen to attempt to disguise the truth from their minds, or to shut out the light from their eyes. The Government cannot be administered by either of the parties as now constituted. The broken fragments or factions of these parties may meet in convention, and form combinations which, for a time, may be "held together," in the language of Mr. Calhoun, "by the cohesive principle of public plunder," but there can be no harmony, no concord in an administration thus raised to power. If the people of this country want a national party to govern it upon national principles—those principles which are imbodied in the Constitution, and which have made the country what it is—those principles which have made this young Republic, in less than three quarters of a century, one of the first powers upon earth—they must have a party based and organized upon sound American constitutional principles—a party that shall drive from its ranks every man tainted with Abolition or "higher law" heresies—a party formed upon those controlling issues which present the paramount questions of the day. Shall I be told that the policy I indicate will lead to sectional parties? Have not a majority of the American people, through their Representatives, spoken upon all these questions? Can those principles be said to be sectional which have been sanctioned by every Department of the Government—the Legislative, the Executive, and the Judiciary? Sir, if I did not believe that all these issues, if fairly made and met, would be sustained by a large majority of the people in every section of this wide-spread country, I should not indulge in these fond hopes for the future with which I am inspired. If I believed it was true that there must be a disagreement between the North and the South upon a fundamental principle of constitutional right, I say that the future would be robed in darkness to me.

Now, what do I ask of you, gentlemen of the North? I do not speak to you as Whigs or Democrats, but I appeal to you as American Representatives. What do I ask of you that you should not cheerfully render? Do I make any such demand as that stated some time ago by the gentleman from Massachusetts, [Mr. Rantoul,] that you should "eat Southern dirt?" No, sir. I simply ask of you to discharge your part of a constitutional obligation. Is it degrading to you to do what your fathers solemnly engaged that they and you would do? But the gentleman from Maine [Mr. Smart] said that he did not want to be put in "bonds to keep the peace." Sir, you are already in bonds. All I ask is, that you will comply with the terms of the bond. It may be that your people do not intend to comply with these terms. If so, I want to know it. But I do not believe it; and I shall not believe it until the issues are made and met. I am for making those issues; I am for presenting the questions fairly and squarely to the whole American people; I am for going to the country upon these questions; I am for appealing, if the necessity shall arise, from party conventions, on these issues, directly to the people. And in the language of the Earl of Derby, "to use the words which the worst felon who stands in the prisoner's dock has a right to employ, but which I do not deem unworthy" of any statesman upon any great question, "to say I elect," upon these issues, "to be tried by God and my country."

DEFENCE OF THE NORTH AGAINST THE CHARGE OF AGGRESSION UPON THE SOUTH.

SPEECH OF HON. E. K. SMART,

OF MAINE,

In the House of Representatives,

April 23, 1852.

The House being in Committee of the Whole on the state of the Union on the Homestead Bill—

Mr. SMART said:

Mr. Chairman: I have obtained the floor for the purpose of defending the North against certain charges of aggression, recently made by gentlemen in both wings of the Capitol. Sir, I dislike to speak at any time of sections of the Union, by way of contrast or comparison, but I believe an intelligent understanding of the relations which have hitherto existed between the North and the South, will, at the present time, have a tendency to insure justice and cement the union of our country. I am, sir, a Northern Representative; but "I ask nothing that is not clearly right," and, as a Northern man, I will "submit to nothing that is wrong." What, sir, is the best method of preserving the Union, so far as the action of the North is concerned? It is to insist on our rights, and with equal alacrity to concede, at once, all that belongs to our Southern friends. This I intend to do.

The gentleman from Georgia, [Mr. Jackson,] who introduced a resolution, not long since, requiring a pledge of non-agitation on certain subjects, did not, I presume, mean to preclude a Northern Representative from defending his constituents from unjust imputations. Be that as it may, I shall not acknowledge, in this respect, the "binding efficacy" of his resolutions. In his late speech, he used the following language:

"If that people who sent me here be disunionists, the inference is irresistible, that I also have forgotten my duty to my country and am a disunionist. If there be any man upon this floor who has drawn that inference, I feel it to be my duty, from a regard to myself, from a regard to my posterity, and from my respect to my countrymen and this House, to disown the fact, and to say here, as I do, before my country and my God, that never, WITH ALL THE CAUSES WHICH, IN MY JUDGMENT, THE SOUTHERN PEOPLE HAVE FOR DISSATISFACTION IN A LONG COURSE OF TWENTY YEARS' LEGISLATION, have I felt the first desire to see this Union dissolved."

This, as I understand it, is a plainly implied reflection upon the North, and doubtless has reference to the subject of slavery. It should not pass without a reply.

The gentleman speaks of legislation, not non-legislation. In reply to him, I pass over the acts of the last Congress, because they appear to be supported by a majority of the Southern people; and I pass over the establishment of a Government in Oregon, because the South have always affirmed that they had no desire to propagate slavery in that hyperborean region. I also pass over the formation of Territorial Governments in Territories where slavery had been excluded by the ordinance of '87 and the Missouri compromise, because a reënactment of what was already the law in relation to slavery in these Territories injured nobody; and, passing over these, I assert, that no slave-holding right has been infringed by Congressional legislation during the period designated by the gentleman. With the exception of certain acts of the last Congress, and acts in relation to the Territories, I find only the following legislation upon slavery for the last twenty years:

Act of 1834. E. Brooke may remove two slaves into the District of Columbia.

Act of 1841. John Carter may bring his slave into the District of Columbia.

Act of 1843. Balance of indemnities, to be paid to persons or companies for slaves lost at Nassau, Bahamas.

Act of 1844. Slaves of persons residing within the reputed limits of Arkansas, but found to be within the limits of Texas, may be brought back.

In addition to this, I believe claims for slaves have been allowed within the time named by the gentleman from Georgia. This is the sum of the legislation during the period mentioned by the gentleman. Now that I am speaking upon the subject of slavery, I have a few words to say in reference to the escape of slaves.

The census has been cited to show how many slaves have escaped to the North. Here is what was said by a distinguished Senator from South Carolina, [Mr. Rhett,] a few weeks ago:

"I see that, according to the census returns for the year ending the 30th of June, 1850, upwards of one thousand fugitive slaves escaped to the North from the South. That amounts to $800,000 worth of property at the market value of slaves."

Now, sir, the census does not demonstrate that a solitary slave has escaped to the North. It only purports to show how many have been lost. Many have probably escaped to neighboring swamps; and it would not be strange if large numbers have been taken and carried away, for sale, by persons residing in the South. With the exception of the border slaveholding States, I do not believe that many slaves escape from the South to the North. The census pretty conclusively establishes the fact, that the number alleged to have escaped to the free States is greatly exaggerated.

It shows that in the New England States, there has been a small decrease in the number of its colored population. The following table of colored persons will be found interesting:

	1850.	1840.	1830.	1820.	1790.
Maine.....	1,313	1,355	1,177	929	-
N. Hampshire...	477	537	607	783	788
Vermont.....	710	630	881	918	271
Massachusetts..	8,773	8,668	7,049	6,740	6,001
Rhode Island....	3,543	3,238	3,578	3,502	4,355
Connecticut	7,415	8,105	8,072	8,008	5,572
	22,231	22,633	21,364	20,881	16,987

In the State of New York the decrease during the past ten years has been 2,583 in the colored population. In none of the free States has there been any increase of consequence, except in Pennsylvania and Ohio. The entire increase in the Middle States is much less than that reported in 1840.

Now, making due allowance for births in the last ten years, and for emigration of free persons of color from slave to free States, it does not appear that large numbers of slaves have gone to those States. They are not there. Have they gone to Canada? They are not even there, to the extent generally stated. It is said one thousand

slaves escaped for the year ending June, 1850. This, it will be recollected, was prior to the passage of the fugitive slave act. Without inquiring further whether they did or not escape to the free States, and without going into the question of responsibility in the matter of their escape or recapture, I ask what was the loss incurred during the year our Southern friends suffered the most? Why, sir, it amounted, after all, to only about one thirtieth of one per cent. on the whole number of slaves in the United States; and supposing the slave property in the South to be worth $1,500,000,000, it amounted to about one eighteenth of one cent, or one half mill on a dollar! It would seem that this property, as a whole, has been held by a more reliable tenure than bank stock or shipping, or almost any other property you can mention. Considering the nature of the property, I think it is as secure as can reasonably be expected. The feeling got up upon this subject by certain Northern "Union patriots," reminds me of a story of a client who had not a very good cause of action. His lawyer, however, presented the case with great eloquence and power. The client watched his advocate, during the argument, with great attention, and at last burst into a flood of tears, saying that he had no idea before how badly he had been treated. So it is in this case. Till Mr. Webster made his demonstration, Southern gentlemen, I think, had not felt themselves badly aggrieved in this particular matter.

But at all events the people of the North are now charged with having committed the most flagrant aggressions upon our Southern friends. I will read some of the specifications:

"It has been said by Southern men, 'that the South knows the Federal Government only by its exactions and oppressions, and that she has never received benefits and advantages from its power or influence.'"

And again:

"I wish to show to this Senate that in all the operations of this Government, there is but one story throughout—the North lives—the South suffers."

* * * * * * *

"This Government openly says to us, we will govern you as we please; we will plunder you by tariffs; rob you of your territories; assail your institutions, and if you attempt to escape our power by secession, we will put you to the sword."

* * * * * * *

"Let us now go back to the fiscal operations of this Government. If I mistake not, they will exhibit one consistent course of aggrandizement on the part of the North at the expense of the South.

"If I mistake not, from the very foundation of this Government to this day, the operation of it in its financial and pecuniary relations, has had but one uniform tendency; and that has been to aggrandize the North at the expense of the South. If I mistake not, the course of usurpations submitted to has led to their legitimate sequences in the measures of aggression which have been denominated the compromise. To test the truth of this position, I propose now to go back and trace the financial operations of the Government for many years past."—*Speech of Mr. Rhett, of South Carolina, December 15th and 16th*, 1851.

"The honest truth is that in our secret hearts we all know that justice has not been done us, and we have little hope that it will be in future. We have submitted to one wrong; will we submit to another?"

* * * * * * *

"I used in my speeeh at home, after my return from Congress, the Cromwellian expression, which ever since has so much annoyed the peculiar guardians of the Union. 'Pray to God and keep your powder dry.' And it was as if I had said, 'Hope for the best, but be prepared for the worst.' The true meaning of this expression will be understood, when I state, that on that occasion, as now, I said appearances in my judgment are delusive. We have suffered much at the hands of the North, and we have not seen the end. We are destined to suffer much more."—*Speech of Hon. A. G. Brown, of Mississippi, March 30th*, 1852.

We are told by our Southern friends of exactions and oppressions, wrongs and aggressions; of their being governed by their bitter enemies, and always excluded from the benefits and advantages of the Government. These are the complaints; and I doubt not they will be solemnly repeated on Monday next, at the anti-submission Convention in South Carolina. But I hope to be able to show that they are unfounded. In justice to a portion of our Southern friends I will say, that they do not make these very grave charges against us. If any of the gentlemen who do make the charges, put them forth as a sufficient cause for a dissolution of this Government, they should see to it that they are not fallacious. When our fathers signed the Declaration of Independence, the great facts it contained were true. Nor was this all. They demonstrated to the world a magnitude of injustice on the part of Great Britain, which abundantly justified them in the course they pursued. The complaints I have read cover the whole history of the Government. They have only known the Government by its exactions and oppressions. If Northern men were to acquiesce in the justice of these complaints, by admitting them to be well founded, or by remaining silent under them, I should fear for the safety of the Union. The immortal Jefferson said, in his first Inaugural:

"If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, WHERE REASON IS LEFT FREE TO COMBAT IT."

If, sir, we are left free to combat the errors of those who would dissolve the Union, all will be well. We must be permitted to look over the books, and to take an account of stock. The different sections of the Union entered into a partnership more than three-fourths of a century ago. Some of the partners, it seems, have become dissatisfied with the dividends they have received. Such being the case, I think it would be an act of wisdom for the complaining partners to review the profits they have realized from the concern, and to determine whether these profits have not been ample and abundant, and whether there is any serious justification for complaints against the Northern members of the firm. I purpose, sir, to take a glance at the accounts, and to speak of some of the benefits which have inured to our Southern brethren, in virtue of our great Confederacy. I will endeavor to give some facts in answer to the complaints of Southern gentlemen, of oppression, and of being governed by the North. As there is no limitation as to the period covered by these complaints, I will refer, for a few moments, to a time anterior to the formation of the Constitution.

I do not mean to rely, in my defense, upon the deliberations and transactions of the North and South during the period to which I refer. Public men at that time were poor individually and collectively, and could not bestow local or personal favors to any extent. It was enough that they gave to posterity the general benefit of the freest and best Government in the world. While I do not rely for my answer to the charges of Northern aggression upon the period of our history anterior to the formation of the Constitution, I expect, by a reference to it, and by other facts in our subsequent history, to show that the South have obtained, by the magnanimity of the North, or by the political tactics of Southern politicians, not less, but often more than their share of the benefits and advantages of the Government. In passing to the subjects I purpose to notice, some allusion to our early history is drawn from me by the recollection of a declaration made by Mr. Calhoun a short time previous to his decease.

That eminent man, in his last great speech in the Senate, (read by Mr. MASON, of Virginia,) spoke of Washington as the "illustrious Southerner;" and subsequently (March 13th, 1850) he said, in his place in the Senate:

"I reminded the Senate and the world, and rightly reminded them, that Washington was an illustrious Southerner." * * "We have a right to claim him as an illustrious Southerner—for he was a Southern man, a Southern planter; and we do not intend he shall be taken out of our hands."

Now, sir, I repudiate entirely such distinction for the memory of George Washington. He is remembered as an illustrious American, and as the property of every section of the Union; and in the opinion of the world, the best man the world could furnish to conduct the revolutionary war to its glorious termination. This was apparent *soon after*, if not at the time of his appointment, as Commander-in-Chief. If, indeed, he might at that time be regarded as a "Southerner," for the reason that he resided at the South, and was known personally to few of the people of the North, I claim for Northern men that they were magnanimous to him and to the South. By whom was he made Commander-in-Chief of the armies of the Revolution? To use the phraseology I have quoted, it was done by "illustrious Northerners." The motion was first made for the appointment of Washington, by John Adams, "the Collossus on the floor of Congress" in favor of the Declaration of Independence. By whom, I ask, Mr. Chairman, was that motion seconded? By none other than Samuel Adams, of Massachusetts, a man worthy to be placed in the category with Hampden.

Northern men by this act superseded their own military commanders for the sake of the cause. Their strongest reason for doing so was, to unite the South in the war. I mean no disparagement of the patriotism of the Southern colonies. A large portion of their citizens were early in the fight, and among the last to remain on every field. But the North had, at the commencement of the war, a stronger spirit of resistance. The Pilgrims had been the children of oppression, because they were dissenters from the established Church. They fled for refuge from the intolerance of their country. The persecutions of Britain had pursued them to the then inhospitable shores of America.

"Wild was the day; the wintry sea
Moaned sadly on New England's strand,
When first the thoughtful and the free,
Our fathers, trod the desert land."

The settlement of New England was the result of persecution—that of Virginia was a matter of choice. In 1609 a charter was granted to Virginia, and the grantees were incorporated by the name of "The Treasurer and company of ADVENTURERS and Planters of the city of London for the first Colony of Virginia." The early settlers of Virginia were generally of the established Church, and were, in some degree, the favored colonists. They were less annoyed by the acts of the British Government, and had fewer grievances to redress. Their leading spirits had made common cause with the North; but with a view to unite the Southern colonists fully in the war, the North resolved, with great magnanimity, to take the Commander-in-Chief from the most important Southern colony. The military men of the North were passed by in favor of one who, in consequence of that act, become, not an "illustrious Southerner," but an illustrious American. They were passed by in favor of one who for twenty years had not drawn a sword or mixed in public affairs. The superseded generals were brave and true men. There may be those who would detract from their merit and magnify their faults. To such I would reply, in the language of a British historian, "Were the defects of the 'heroes of New England far greater, and their virtues far less, they would yet throw into the 'shade of merited oblivion the character of their 'defamers, either of the past or the present age." Sir, I am not much given to poetry, but I can feel what a New England poet has written:

"Oh! never may a son of thine,
* * * * * *
Hear, unmoved, the taunt of scorn
Breathed o'er the brave New England born;
Or mark the stranger's jaguar hand
Disturb the ashes of thy dead,
The buried glory of a land
Whose soil with noble blood is red,
And sanctified in every part,
Nor feel resentment like a brand
Unsheathing from his fiery heart!"

Indeed, it was objected to the commanders of New England that they had been too decided for independence; and, therefore, the appointment of one of their number would be impolitic! As I would be careful not to misstate history, I ask attention to the following authorities for what I have said:

"Among the *Southern* colonies, Virginia, for numbers, wealth, and influence, stood preëminent. *To attach so respectable a* colony to the aid of Massachusetts, by *selecting a Commander-in-Chief from that* quarter, was not less warranted by the great military genius of one of her sons *than dictated by sound policy.*"—*Ramsey*, vol. I, p. 216.

"It was questionable, however, in what light an attempt to supersede General Ward would be viewed. This difficulty, however, was overcome by the MAGNANIMITY of the New England delegation. John Adams proposed the adoption of the provincial troops as a continental army, and at the close of his remarks he expressed his intention to propose a member of Congress from Virginia.

"All persons understood it to be Washington." *Lossing*, page 164.

"There were officers in the country older in years than Colonel Washington, who had acquired a reputation in the last war, and whose services would be necessary. To pass over such as should be thought by themselves or friends to have higher claims on the score of former rank and standing, a point in which military men are always so sensitive, might be a hazardous experiment.

"Besides, the troops already in the field were wholly from the New England provinces, and it was uncertain how far they would be reconciled to a commander from the South, with whom no one among them had a personal acquaintance, and would not be supposed to understand their habits,

feelings, and prepossessions. General Ward, who had hitherto been at the head of the Army, by the appointment of Massachusetts, was cheerfully acquiesced in by the other New England colonies, was an officer of experience and ability, and it was questionable in what light an attempt to supersede him might be viewed. It should be said, to the credit of the New England delegates, that they were among the foremost to propose, and the most zealous to promote the appointment of Colonel Washington. As the contest had begun in Massachusetts, *the inhabitants of which had been the chief sufferers*, and as the existing army was mostly raised there, it would not have been thought an extravagant assumption, had that colony aspired to the honor of furnishing a Commander in Chief.—*Sparks's writings of Washington*, vol. I, p. 140.

"General Washington was placed on all those committees whose duty it was to make arrangements for defense; and when it became necessary to appoint a Commander in-Chief, his military character, the solidity of his judgment, the steady firmness of his temper, the dignity of his person and deportment, the confidence inspired by his patriotism and integrity, and the independence of his circumstances, *combined with that policy which actuated New England, and indeed a wish to engage the Southern colonies in the war*, to designate him, in the opinion of all, as the person to whom his country should be confided."—*Marshall's Life of Washington*, vol. II, p. 236.

"But we were embarrassed with more than one difficulty; not only the party in favor of the petition to the King, and the party who were jealous of independence, but a third party, which was a Southern party against a Northern party, and a jealousy against a New England army under the command of a New England general. Whether jealousy was sincere, or whether it was pride and haughty ambition of furnishing a Southern general to command a Northern army I cannot say.

"Several gentlemen declared themselves against the appointment of Mr. Washington, not on account of any personal objections against him, but because the army were all from New England, had a general of their own, appeared to be satisfied with him, and had proved themselves able to imprison the British army in Boston, which was all they expected to desire at that time.

"Mr. Pendleton, of Virginia, and Mr. Sherman, of Connecticut, were very explicit in declaring this opinion. Mr. Cushing and several others more faintly expressed their opposition, and their fears of discontent in the army and in New England. Mr. Paine expressed a great opinion of General Ward, and a strong friendship for him, having been his classmate at college, or at least his cotemporary; but gave no opinion on that question. This subject was postponed to a future day; in the mean time, pains were taken out of doors to obtain a unanimity, and the voices were generally so clear in favor of Washington, that the dissentient members were pursuaded to withdraw their opposition."—*Works of John Adams*, vol. II, p. 416.

Let me not be misunderstood. The concession was, indeed, as fortunate as it was generous. Washington, I repeat, the world has decided, proved to be a better man for the crisis than the world could furnish. It is true, also, that the North had grievances to be redressed, and views to accomplish in his appointment. But what I wish to assert is, that "illustrious Northerners," nevertheless, performed an act of great magnanimity at that period, in bringing forward George Washington. This no one can deny.

I hope, sir, it is understood that I do not make any complaints for the North in this discussion. If they have grievances, I am not now about to state them. I mean, before I sit down, to make out, if I can, a defense against the charge of injustice to our Southern friends. As I am speaking for this purpose, I may notice a smaller incident. General Washington, in 1787, was unanimously elected President of the Federal Convention, upon the nomination of Mr. Morris, of Pennsylvania, a Northern man. I find a note in the Madison papers, upon the subject, which I take the liberty to read:

"The nomination came with particular grace from Pennsylvania, as Doctor Franklin alone could have been thought of as a competitor. The Doctor was himself to have made the nomination of General Washington; but the state of the weather and his health confined him to his house."

Now, sir, if Northern gentlemen had been disposed to overlook the great claims of Washington, they might have done so by the selection of a native of New England, whom Jefferson declared to be, "at the age of eighty years the ornament of human nature," and who was worthy to preside over any deliberative body in the world.

"The name of Benjamin Franklin will be immortal in the records of freedom and philosophy. We hope they (the people of America) will learn with interest the funeral homage which we have rendered to the Nestor of America."

Thus wrote the President of the National Assembly of France, in 1790.

I make, Mr. Chairman, no merit of this matter. But I say, we were not unjust to the man whom the great Carolinian designated as the "illustrious Southerner."

In connection with these revolutionary incidents, I will remark here that I have heard complaints recently by a distinguished Senator, in the other end of the Capitol, that large sums of money have been received by the North in revolutionary pensions. This is not a new alleged grievance. More than twenty years ago, the talented Hayne invested this "grievance" with sufficient dignity to be introduced into one of his eloquent speeches in the United States Senate. To this I have a short answer. The laws granting pensions apply to all sections of the country equally; and if the North have received a greater amount in pensions than the South, they furnished more men for the war.

The following statement of troops (continental and militia) furnished by the respective States, during the revolutionary war, from 1775 to 1783, inclusive, is from the collection of the New Hampshire Historical Society:

By the North.		*By the South.*	
New Hampshire.....	14,580	Delaware.....	2,693
Massachusetts.....	83,162	Maryland.....	18,039
Rhode Island.....	10,192	Virginia.....	32,288
Connecticut.....	39,831	North Carolina.....	7,263
New York	21,635	South Carolina.....	6.417
New Jersey.....	16,781	Georgia.....	2,679
Pennsylvania	32,965		
Total.....	219,155	Total.....	69,379
	69,379		
	149,776		

It appears, by this statement, that the North furnished, during the war of the Revolution, 149,776 more soldiers than the South. These figures, Mr. Chairman, will, I think, explain any inequality as to the amount of pensions allowed to the different sections of the country.

Mr. MEADE. I wish to correct the gentleman as to a matter of history. The gentleman does not mean to say that all those persons from the North were actually engaged in the war. The State of Massachusetts, and other States, made all their militia soldiers, soldiers of the revolutionary war. That accounts for the difference.

Mr. SMART. I understand all that, and I said continentals and militia. The difference is not, I think the gentleman will find, accounted for in that way. The North, it is well known, furnished by far the largest number of active soldiers who served in the field. But I ask gentlemen, respectfully, not to interrupt me. I say to you, "hear me for my cause, and be *silent* that you may hear;" and, by the way, I have a better cause than Brutus had. [Laughter.]

I now come to a consideration of some of the more important acts of Government under the Constitution. I purpose to notice some of the important provisions of the Constitution, and the manner in which those provisions have been carried out. We find the power given to Congress to establish the seat of Government. I had not the pleasure of being in the last Congress—and I have no doubt it was a pleasure—but I recollect of reading a speech of the gentleman over the way, [Mr. Clingman,] in which he said, "I tell gentlemen that this is our slave-holding territory." But the gentleman did not tell us that the Federal Government, established its seat here, when it was nearly an unbroken wilderness! and that the splendid wealth and cultivated appearance of this city is to be ascribed to Northern votes, and, to a great extent, to Northern treasure. At the time of General Washington's inauguration, the temporary seat of Government was located in the city of New York. But at the first session of the first Congress, the subject of a removal, and permanent establishment of the seat of Government was agitated; and at the second session, a bill actually passed, transferring the seat of Government, after 1800, to some place on the Potomac, between the mouth of the Eastern Branch and Connogochegue, and it was transferred accordingly. The Northern States had a majority of four in the Senate, upon the passage of the bill, and yet it was carried by two majority. They also had a majority of five in the House, and yet were defeated by a majority of three. Messrs. Elmer, of New Jersey, Langdon, of New Hampshire, and Morris and McClay, of Pennsylvania, of the Senate, voted for the Southern location; and Messrs. Sinickson, of New Jersey, and Clymer, Fitzsimmon, Hartley, Heister, Muhlenburg, Scott, and Wynkoop, of Pennsylvania, of the House, voted for the same location. It is worthy of notice, that at the first session of the first Congress, both Houses voted for a "Northern position" for the seat of Government, and still the North were defeated.

The House of Representatives, September 7, 1789, passed the following resolution:

"*Resolved*, That the permanent seat of Government of the United States ought to be at some convenient place on the banks of the river Susquehannah, in the State of Pennsylvania, and that until the necessary buildings be erected, the seat of Government ought to continue in New York."

An additional resolution was passed, authorizing the appointment of commissioners to carry out the spirit of this resolution. On the 25th of September, 1789, the resolution of the House was stricken out by the Senate, and the following amendment inserted:

"*And be it further enacted*, That the President of the United States be authorized to appoint three commissioners, who are under his direction, to locate a district, not exceeding ten miles square, in the said counties, [in Pennsylvania,] and including therein the said Northern Liberties and town of Germantown, and to purchase such quantity of land within the same, as may be necessary, and to accept grants of land for the use of the United States, and to erect thereon, within four years, suitable buildings for the accommodation of the Congress, and the officers of the United States."

On the 26th of September, this amendment was sent to the House. It was now apparent that the House would adopt the amendment of the Senate; but Mr. Madison, who was warmly and ably the advocate of the "Southern location," on the 28th of September offered an unimportant amendment, and the Northern men were entrapped into its adoption. This carried the bill back to the Senate for action upon this additional amendment. It was immediately returned to the Senate, and postponed to the next session. This gave the friends of a "Southern location" what they desired, to wit, time to gain over additional strength. They afterwards obtained the entire vote of Pennsylvania, in both Houses, which State got in return, the trifling equivalent of the temporary location of the seat of Government till the year 1800. If the seat of Government could be established in a Southern position, certain Southern members were willing to give to the North an additional equivalent; they were ripe for "compromise." And what was the equivalent? I answer, the assumption of the State debts. There were not wanting men who thought the North gained as much as the South by this "compromise." But how miserably fallacious was this equivalent.

These debts were contracted for services and supplies in the war of the Revolution, and the obligation to pay them rested equally on the Southern as upon the Northern men. Nor is this all. This very assumption gave to the South $11,200,000, and to the North, only $10,300,000. This, and the seat of Government at Philadelphia for ten years, make up the equivalent to the North for trucking off the capital to the South, to remain forever. Another idea was also kept up, that the nation was to incur no cost for the erection of public buildings, &c. This proved to be equally fallacious. Here was no aggression of the North, certainly; but a mastery, by the aid of political tactics, on the part of the South.

I have looked into the discussion upon the subject, and I must say that some of the speeches are as fresh and natural as if made but yesterday. Men, eminent for their patriotism and character, brandished in debate the same weapons we often witness in this and the other Hall. I am incapable, Mr. Chairman, of intending any disrespect to the memory of those who have passed away; and the instances I give, are offered as illustrations merely of the language of certain *localities* towards other *localities*. I take the liberty to read a few extracts.

Mr. Lee, of Virginia, (in the House of Representatives, September 3d, 1789,) "Asked whether 'this Government was intended for a temporary, 'or a lasting one? Whether it was to be a fleeing 'vision, or continue for ages? He hoped the 'result would proclaim that the Government was 'calculated for perpetuity. If that was done, the 'Government would be removed to the Potomac; 'if not, we should stop short of it. He said he 'was averse to sound alarms, or to introduce ter-'rors into the House; but if they were well 'founded, he thought it his duty.

The same gentleman (in the House of Representatives, July 6th, 1790,) observed that—

"While the present position continued to be the seat of Government, the agriculture of the States east is invigorated, while that to the south is languishing and expiring. He

then showed the FATAL TENDENCY to this preponderating encouragement to those parts of the country, already considered as the strongest parts of the Union, and from the natural operation of the principles he inferred that the interest of the Southern States must be eventually swallowed up. The decision of the Senate (in favor of the South) affords a most favorable opportunity to manifest that magnanimity of soul which shall embrace, upon an extensive, liberal system, the best interests of the great whole. He then drew an ALARMING PICTURE of the consequences to be apprehended from DISUNION, ambition, and rivalship. He then gave a pleasing sketch of the happy effect to be derived from a national, generous, and equal attention to Southern and Northern interests. Will gentlemen, said he, blast this prospect by rejecting this bill? I trust they will not."

These speeches were delivered more than sixty years ago. But, sir, the language of this eminent man sounds as fresh and natural as a speech of yesterday. He hoped the result would proclaim that the Government was calculated for perpetuity. If that was done, the Government would be removed to the Potomac. He then showed the fatal tendency of giving preponderating encouragement to the North; therefore he said the preponderating encouragement of the capital must go South. Then comes the fearful apprehension that the South will be swallowed up; then an alarming picture of the consequences of disunion; then a pleasing sketch of happy effects to be derived from an equal attention to Southern and Northern interests; then an appeal to Northern gentlemen not to blast this beautiful state of things by rejecting this bill—yes, by rejecting this bill. This is the grand finale. It seems that the attention to Southern and Northern interests was to give the South the seat of Government, in view of "alarming pictures," and of impending terrors. This was the spirit of the language addressed to Northern gentlemen then, and the same in spirit is addressed to them now.

These speeches, it is true, did not have a great effect, for the South got but few more votes than appear to have been stipulated for. There was indeed rivalry of feeling between Pennsylvania and New York, which powerfully contributed to the defeat of a northern location. The South were in a similar danger of dividing between Baltimore and the Potomac; but that able statesman, Mr. Madison, saw the danger and sounded the note of alarm. He made an appeal, which appears to have called the Southern members together like the blast of a trumpet. He said:

"We have it now in our power to procure a Southern position. The opportunity may not again speedily present itself. He knew the various and jealous interests that exist on this subject. We should hazard nothing. If the Potomac is struck out, are you sure of getting Baltimore? May no other places be proposed? Instead of Baltimore, is it not probable we may have Susquehanna inserted, perhaps the Delaware.

"Make any amendments, sir, and the bill will go back to the Senate. Are we sure that it will come back into our possession again?

"By amending we give up a certainty for an uncertainty. In my opinion, we shall act wisely if we accept the bill as it now stands; and I beg leave to press it on gentlemen, not to consent to any alteration lest it be wholly defeated, and the prospect of obtaining a Southern position vanish forever."

Thus we see, sir, the South controlled the decision. They controlled it without much regard to the arguments on the other side. Upon this subject *one* Southern gentleman [Mr. Bourke of South Carolina] said, in the House of Representatives, July 6, 1790:

"It is unjust to the people of this city (New York) to remove from this place until the expense they have incurred is repaid them. It is a breach of honesty and of justice. It is injustice to the State—to the whole nation. He entered into a consideration of their sacrifices and services. He thought it a very extraordinary measure, indeed."

Mr. Gerry, of Massachusetts, said:

"When the Constitution was adopted, Congress determined that the first meeting should be in New York; and, from this determination, it became necessary that accommodations should be provided.

"Had not New York done this, they would have been charged with parsimony, or disaffection, or with both. It would have been said that this city, having been a British garrison, was careless and indifferent in respect to the Government.

"These considerations and their attachment to the Constitution produced the elegant building in which the sessions of Congress have been held; in addition to this, they have incurred other heavy expenses to beautify and render more convenient the seat of Government. These expenses the city has incurred to do honor to the new Government, and they have not been reimbursed."

Such is the history of this transaction.

Having thus described the manner in which the seat of Government was established in this District, I hasten to consider the advantages and benefits derived by a Southern community in consequence of its permanent location. During the discussion upon this subject, to which I have alluded, Mr. Madison said:

"The seat of Government is of great importance, if you consider the diffusion of wealth that proceeds from this source. I presume the expenditures which will take place when the Government will be established, by those immediately concerned in its administration, and by others who may resort to it, will not be less than $500,000 a year."

If, sir, Mr. Madison had been correct in this prediction, there would have been expended among our Southern friends, for the benefit of this city and the agriculturists in this neighborhood, upwards of $25,000,000; but he did not approach the reality. I now go to show the amount expended in this District since the permanent establishment of the seat of Government.

Why, sir, here is a great and thriving city grown up upon Government patronage, and the agriculturists of Virginia and Maryland are constantly deriving large revenues from the expenditures of Government in this locality. I have a statement of the money expended for local objects in the District of Columbia from 1790 to 1849–'50, prepared by Townsend Haines, Esq., Register of the Treasury, in compliance with a resolution of the House of Representatives of July 26, 1850. The total amount thus expended, as appears by this statement, is put down at $10,090,387 23.

The civil list of expenditures, about three fourths of which are expended in the city, from 1791 to and including 1832, amounts to	$37,158,047 00
From 1832 to and including 1850 to	46,019,302 00
Total	$83,177.349 00
Three fourths of this sum is	62,383,012 00
Add the amount expended in the District for local objects, as already stated	10,090,387 23
And you have a total of	$72,473.399 23

It is proper to state that the report of the Secretary of the Treasury for several years included in the civil list the expenses of foreign intercourse. The amount for those years I have therefore estimated.

If, then, we take into account the expenditures of the foreign legations and others who resort to the capital, the immense amounts lavished in printing contracts, &c., I think it will not be extravagant to say that one hundred millions of dollars have been expended in this city in consequence of the establishment of the seat of Government here, on the banks of the Potomac. The figures I have given are sufficient to justify me in this declaration. These are some of the "benefits and advantages" that our Southern friends have received from the Government. Instead of half a million, as predicted by Mr. Madison, there have been expended in this District about two millions per annum, without serious molestation by the "uncomplaining North;" for no serious attempt has ever been made to remove the seat of Government. I will not now add more under this head. I proceed to my next point.

The Federal Government has power, under the Constitution, to bestow office and emoluments upon the citizen. What share have the South had in the administration of Government, and in the execution of the laws? Have they, in this respect, been the victims of Northern domination and oppression? From what sections have the Chief Magistrates of the nation been taken? At the close of Mr. Fillmore's term the presidential chair will have been filled—

From the South	49 years.
From the North	15 "

Let it be remembered that, from the first formation of the Government, to the present moment, the North have had a decided preponderance of numerical strength; and yet they have forborne, with few exceptions, to use that strength for the elevation of their sons to the first place in the nation. There have been sixteen elections of President; and how many times do you suppose, sir, a majority of the North have voted for a man of Southern birth? They have done so eleven times. And how many times have a majority of the South voted for a native of the North? Let me answer, But once;—only once in sixty-four years. In the sixteen Presidential elections, 3,456 electoral votes have been cast; 790 votes have been given by the North for Northern candidates: 1,190 by the South for Southern candidates; 1,155 by the North for Southern candidates, and 321 by the South for Northern candidates.

The South have stood with their serried ranks for their own men, generally asking, and seldom yielding; and now some of their citizens are complaining of "Northern domination and aggression." Men sometimes complain to obtain more than their rights. Sir, I am reluctant to bring myself to believe that our Southern friends are actuated by a similar policy.

Several of the important places have been filled as follows, up to March 4th, 1849:

	From the North.	*From the South.*
Presidents	12 years.	48 years.
Chief Justices	11 "	48 "
Secretaries of State	20 "	40 "
Attorneys General	20 "	39 "
Speakers of the House	23 "	37 "

With about one half the white population, the slaveholding States have had, if I am not in error, a majority of the Cabinet, of the members of the Judiciary, of the Foreign Legations, and of the officers of the Army and Navy. They have now the President of the Senate, the Speaker of the House, the Commanding General of the Army, the Chief Justice of the Supreme Court, and a majority of the Cabinet officers. There have been from the South twenty-one Presidents *pro tempore* of the Senate, and from the North thirteen. These are the facts, and this is the answer to the charge of Northern aggression, that is forever sounding in our ears. I ask attention to these facts, and ask gentlemen to remember that there are 13,000,000 of white people at the North, and only about 6,000,000 at the South. I have alluded, sir, to the first places under the Government. I have not mentioned second and subordinate offices. Now, I ask, what justification can there be for the complaints of a distinguished Senator, made in the late convention, of Southern-Rights Association, held at Charleston? Hear him:

"The Southern States can no longer be the nurse of great statesmen. The ambition of the eagle's flight will be no longer seen—we may have crows and ducklings who will be ready to be satisfied with the crumbs and garbage of office. There are those who will be willing to make an easy transition to degradation by being candidates for the secondary and subordinate offices. Suppose there were a provision in the Constitution that no man from the South Atlantic States should be eligible to the Presidency; it would not change the present state of things. Such a clause might as well be in the Constitution for all practical purposes.

"*The young men of the South, throwing off the ties of trained politicians, should look to their own destiny. They need look to no Federal preferments that are worthy of their ambition. Third and fourth places they might attain, when they would be entitled to the first if they were in their rightful position.*"

These extracts were cut from the newspapers, and I suppose them to be correct.

This able and ardent champion of what I regard as factitious grievances, modestly claims that the rightful positions of the young men of the South, are the "first positions" under the Government. But, sir, I cannot understand how they have any exclusive right to be first on the list of important places. They have a right to an equality of condition under the Government, and nothing more. But admitting what seems to be the modest claim of the distinguished Senator, and the facts show that their names have remained on the first pages of the Blue Book, first, last, and all the time.

Why, sir, they have not only had the "first places," but their "crows and ducklings" have been well cared for. Here is a list taken from official tables:

"From these tables it appears that of fifty one principal officers of Government, heads of Departments, bureaus, chief clerks, &c., there were 24 born in free States, and 25 in slave States, nine of the former being born in Pennsylvania, and eleven of the latter in Virginia. Two are foreigners, namely, the Commissioner of the Patent Office, and one of the Assistant Postmaster Generals.

"Of 1,698 clerks and other officers, (not including custom-houses,) 1,442 were natives of the United States, 136 foreigners, and 120 whose place of birth was unknown. Of the 1,442 Americans, 632 were born in free States, and 810 in slave States; 275 were born in Virginia, which is 79 more than from any other State. Maryland has 196; Pennsylvania 177; New York 144; District of Columbia 128; Massachusetts 83; Kentucky 47; North Carolina 44; Maine 42; New Jersey 41; Connecticut 39, &c.

"Of the 136 foreigners, 34 were born in Ireland; 31 in Eng-

land; 21 in Germany; 8 in France; 7 in Scotland; 3 in Spain; 2 in Canada; 1 in Wales, and 29 in other foreign countries.

"In the table showing the number appointed from each State, we have excluded the custom-houses, as those employed in them are always appointed from the States in which they are located. This table shows that of 1,698 persons, 631 were appointed from the free, and 930 from the slave States, the difference in favor of the latter being 299. Of these, 1,177 were employed in the city of Washington, 369 being from free, and 729 from slave States, showing that in that city there are 360 more Government officers from slaveholding States, than from the free. The number employed in Washington city appointed from each State, is as follows: From Maine 20, New Hampshire 10, Vermont 10, Massachusetts 30, Rhode Island 5, Connecticut 13, New York 81, New Jersey 15, Pennsylvania 100, Ohio 40, Indiana 15, Illinois 12, Michigan 8, Iowa 4, Wisconsin 5, California 1; total from free States 631. Appointed from Delaware 6, Maryland 96, District of Columbia 326, Virginia 163, North Carolina 25, South Carolina 10, Georgia 16, Alabama 12, Mississippi 11, Louisiana 8, Texas 3, Florida 6, Kentucky 16, Tennessee 18, Missouri 10, Arkansas 3; total from slave States 729. Not reported 79."

Let me say here that the idea of filing a list of the offices in the local custom-houses at the North as a "set off" to these places is simply ridiculous.

The people of the South are entitled to fill their own local offices, and the citizens of the North are entitled to discharge the duties of the offices in their section, but the offices "at large" should be filled from all sections in proportion to population. If the experience of the past is worth anything, it certainly affords no ground for gloomy apprehensions on the part of Southern gentlemen, and no reason for a dissolution of the Union. But I go further. If the North should hereafter claim their share of consideration in these matters—and I hope they will have spirit enough to do that—Southern gentlemen cannot complain, unless they can show that they have a divine right to the "first places." Any right, founded on any superior capacity or intelligence, I trust they will not urge upon us at the present day. It will be observed that the distinguished gentleman, to whom I have referred, considers a participation in the Government of the country, by the occupation of high official stations, as an important matter. So do I. To take the Government from the King of Great Britain, and to give it to our own citizens, was one important design of our glorious Revolution. But the design was to give it to the whole country, and not to the South or North exclusively. The "first places" in all governments, among all people, civilized and uncivilized, have been deemed objects worthy of the most ardent aspirations, and of the most tremendous struggles. It may be in accordance with human nature for one section to desire them all, but having obtained nearly all, it is certainly not reputable to pour out murmuring accusations. Without adding more upon this point, I beg the indulgence of the House while I call attention to the power—

TO LAY AND COLLECT TAXES, DUTIES, IMPOSTS, AND EXCISES.

Taxation has ever been regarded with jealousy by the Anglo-Saxon. Charles I., it has been said, lost his head by the levy of a twopenny tax of ship-money. I propose to look into the manner in which the power of taxation has been wielded in this nation.

First, of direct taxation. At the time of the formation of the Constitution, a contest arose between the North and the South, as to the basis of representation. The North contended that the Government should be one of free people exclusively, and that the representation in Congress should be based wholly upon free population. The South, however, succeeded in obtaining a "compromise," by which three fifths of the slaves are added to the whole number of free persons in the several slaveholding States as the "representative population." As an equivalent for this concession of the North, the South consented to prescribe, in the Constitution, that direct taxes, when laid, should be apportioned among the States in the same manner as representatives. The equivalent, however, has proved to the North wholly fallacious. But four comparatively inconsiderable taxes have been laid since the adoption of the Constitution. "The slaveholding States," in the language of another, "have enjoyed the benefits of this compromise, without feeling any of its burdens."

The slave basis of representation is equal to some twenty-four Congressional constituencies, and how much has been received by the Government in direct taxes? McGregor, in his Progress of America, puts down the whole amount at $12,000,000. Not only has there been little resort to direct taxation, but when resorted to the South have had comparatively few slaves for which to be taxed. In 1798, the period of the first direct tax, the slaves enumerated, for purposes of taxation, amounted to only 393,219. But when the subject comes up again the South will find the North for direct taxation, and itself against it, whatever has been said upon the subject to the contrary notwithstanding.

Mr. CARTTER, (in his seat.) That is true.

Mr. SMART. It is proper that I should allude to another fact, immediately connected with this subject. In 1836, an act of Congress was passed depositing the surplus revenue with the States; and about $27,000,000 were actually distributed to the several States, in proportion to their respective representations in the Senate and House of Representatives. This was money in the Treasury of the United States, and was distributed according to representation, while we were collecting revenue, not according to representation, but upon a basis, in fact, much more favorable to the South than to the North. The money was collected by one rule, and distributed by another. The distribution to the South was undoubtedly greater than their contributions. They received, by this act of Government, more money, in virtue of their slave basis of representation, than they ever paid in direct taxes. It will be seen, therefore, that, under the compromise of "taxation and representation," they have never sacrificed a dollar; that they have obtained the advantage of slave representation without any equivalent. For some thirty-five years, no serious effort has been made by the North to resort to this constitutional mode of taxation. During all this time the slaves to be enumerated, for the purpose of taxation, have numbered from 2,000,000 to 3,000,000. Here, sir, is a clearly constitutional right which might be made to fall heavily upon the South, and no resort to it for the last thirty-five years. Does this look like Northern aggression? Rhetoric and oratory may give to the winds the complaint of aggression, but facts are far more important for a thinking people. Thus much for direct taxation.

A word of indirect taxation. The expense of collection of duties upon imports and tonnage in the North, has been exhibited as an instance of Northern oppression! This view of the subject has been taken without any regard to the amount of revenue collected in the free States. Let us see how the matter stands. I hold in my hand a statement showing the total amount of revenue derived from customs, and the expenses of collection, from 1791 to 1850, as appears by M'Gregor's Progress of America, and from a statement kindly furnished me by the Secretary of the Treasury. I respectfully ask for it the attention of the House:

Whole amount of revenue	$1,169,299,265
Expense of collection	54,257,320
Amount of revenue in free States	932,222,911
Amount of revenue in slave States	237,076,354
Expense of collection in free States	36,894,926
Expense of collection in slave States	17,362,393

It will be seen by these figures that the South have collected only about one fourth of the whole duties on imports and tonnage. In fine, sir, the expense of collecting one hundred dollars in the South has been nearly double that of collecting the same sum in the North. These facts, when thus presented, without any sophistry, really furnish our Southern friends, they being judges, with no just cause of complaint.

But to lay and collect taxes, duties, imposts and excises, is one of the most important acts of sovereignty. If the power of taxation has been abused, and generally wielded against the interests and wishes of our Southern friends, I admit it may be a just cause of complaint on their part. It is impossible, Mr. Chairman, for me to go into the effects of all the tariff acts upon all sections of the Union. I do not propose to do that. But there are some facts going to show that in this matter the North have not committed substantial aggressions against the South. I know, sir, it is believed by many in the South, that they have been always injured in the exercise of the power of taxation; and, I dare say, it is supposed by many that a majority of the South have scarcely ever voted for the revenue laws under which we have lived; but if it be found, upon investigation, that a majority of the Southern members of this House have voted for a majority of all the tariff acts passed since 1789, I think they are estopped from presenting a bill of indictment against the Government or the North in this matter.

In the House Journal may be found the yeas and nays upon twenty-one tariff acts, and of these a majority of the Southern members have voted for twelve, and against only nine. I hold in my hand the votes of Southern members upon these acts. They are as follows:

		Yeas.	*Nays.*
Tariff of August	10, 1790	22	3
" March	3, 1791	7	16
" May	2, 1792	11	15
" March	3, 1797	27	11
" July	8, 1797	14	31
" March	26, 1804	47	00
" March	27, 1804	27	20
" July	1, 1812	41	15
" July	29, 1813	44	21
" April	27, 1816	25	38
" April	20, 1818	19	33
" May	22, 1824	19	70
" May	19, 1828	17	62
" May	24, 1828	44	24
" May	29, 1830	65	19
" July	14, 1832	54	31
"	1833	84	4
"	1842	17	73
"	1846	62	22

Such is the vote given in the Journals of the House; and I am confident an investigation of the Journals, will show that no tariff, distasteful to the South, has remained long on the statute book. It is a little striking, sir, that the first tariff, upon which sufficient interest was felt to take the yeas and nays, and the last tariff—the one now on the statute book—received an overwhelming majority of the Southern vote. It is easy to talk of Northern aggression; but here are facts, and I commend gentlemen to a critical examination of them. Since 1833, a period of about nineteen years, we have lived under a tariff, voted for by the South, with the exception of some four years.

But I am aware it is often affirmed by our Southern friends, that they pay more than their just proportion of the revenues of the country. Since 1833, the tariff acts being, to a great extent, the work of the South, with the exception of four years, have not, I am bound to believe, contained unjust discriminations against that section. The statements generally made, of the benefit of the tariff to the North, of the amount of money that it throws into their hands, at the expense of the South, I know are, in a great degree, fallacious, and had I time, I could demonstrate it to any one. Our tariff system is a tax on consumption. Our people are taxed mainly according to their necessities, according to what they may need to eat, drink, or wear. Such being the fact, I think it can be demonstrated that the North bears even more than their share of the burdens of taxation, in proportion to their ability to acquire. Let me give an illustration.

In 1850, the receipts from customs amounted to about $40,000,000. Maine and South Carolina, if assessed with a direct tax, agreeably to the Constitution, in a revenue of $40,000,000, would pay about $1,000,000. Now, let us assume for a moment that the slaves of South Carolina consume no articles paying duty. The white population of that State being a fair average of that of all the other States, would consume enough to pay of the $40,000,000 revenue, $560,000, and Maine would pay, upon the same principle, $1,160,000! I have assumed that the slaves consume no articles paying duty.

This is not true, I confess; but it is not very far from the fact, as I will endeavor to demonstrate. In the Patent Office Report for 1849, is an account of the management of one of the best plantations in South Carolina. There are upon this plantation two hundred and fifty-four slaves, upon which the following cash expenses were incurred in one year:

Two hundred pairs of shoes $175, annual supply of hats $100	$275 00
Bill of cotton and woolen cloth	810 00
One hundred cotton comforters in lieu of bed blankets	125 00
One hundred oil-cloth capotes	87 00
Twenty small woolen blankets for infants	25 00
Calico dress and handkerchief for each woman and girl	82 00

Christmas presents in lieu of negro crop	175 00
Fifty sacks of salt	80 00
Four hundred gallons of molasses	100 00
Total	$1,959 00

The above articles are given as the whole consumption of two hundred and fifty-four slaves, exclusive of what is produced on the plantation. I leave gentlemen to examine these items at their leisure, and to ascertain the amount of duties actually paid upon them. I will not pursue this matter further; but I think it is evident from this illustration, that if our system of taxation is an aggression, it will be found like the aggression of winter, somewhat more searching and rigorous as you go North. I come now to the power—

TO ESTABLISH POST OFFICES AND POST ROADS.

Let us see if there are Southern grievances upon this point. I find, by examination, that there is one post office in the North, to eleven hundred free population; and one in the South, to about eight hundred free population. Such are the accommodations furnished. And who pays the bills for this branch of the public service? Why, sir, the men, women, and children of the North pay an immense sum for transporting the mails for the benefit of our complaining friends of the South. I ask attention to the following tables, which I have condensed from a statement politely furnished me by the Post Office Department.

Statement showing the cost of transportation in each *free* State and Territory, for ten years, from 1st July, 1841, to 30th of June, 1851; also the amount of net revenue for the same time:

	Cost of Trans.	*Net Revenue.*
Maine	$548,693 00	$684,205 42
New Hampshire	345,555 00	446,332 87
Vermont	398,643 00	421,671 76
Massachusetts	1,226,433 00	2,598,010 64
Rhode Island	102,182 00	308,125 64
Connecticut	531,559 00	781,572 21
New York	3,061,489 00	6,745,761 24
New Jersey	584,660 00	479,244 59
Pennsylvania	1,684,953 00	3,187,982 61
Ohio	1,784,936 00	2,007,657 15
Michigan	509,885 00	430,597 47
Indiana	690,994 00	543,486 90
Illinois	1,239,385 00	659,909 17
Iowa	128,578 00	126,332 08
Wisconsin	199,664 00	299,114 44
Minnesota Territory	1,578 00	3,936 18
	$13,039,187 00	$19,723,940 37
		13,039,187 00
Net revenue		$6,684,753 37

Statement, showing the cost of transportation of the United States mails in each slave State, for ten years, from 1st July, 1841, to 30th June, 1851; also the net revenue from the Post Office during the same period, in said States:

	Cost of Trans.	*Net Revenue.*
Delaware	$89,812 00	$101,632 69
Maryland	1,366,536 00	1,067,798 48
Virginia	1,842,927 00	1,236,203 13
North Carolina	1,600,270 00	409,518 10
South Carolina	1,154,147 00	693,263 97
Georgia	1,514,537 00	812,576 70
Florida	374,135 00	128,132 90
Missouri	697,538 00	586,405 42
Kentucky	1,157,431 00	699,297 05
Tennessee	798,926 00	515,932 84
Alabama	1,832,226 00	711,422 02
Mississippi	868,485 00	462,357 99
Louisiana	529,103 00	965,403 04
Arkansas	556,352 00	120,066 29
Texas	334,336 00	88,015 45
	$14,716,761 00	$8,601,026 09
	8,601,026 09	
Deficit	$6,115,734 91	

It will be seen by this statement, that in a period of ten years, $6,000,000 have been paid by the citizens of the North—by the men, women, and children of that section of our country, to transport the Southern mails. From this data I leave gentlemen to calculate the amount paid during the last sixty years. But, sir, I have not time to dwell upon this point.

ACQUISITION OF TERRITORY.

I ask the attention of gentlemen to the action of the Government under the power to acquire and relinquish territory. This power is not *expressly* granted by the Constitution; but we have on several occasions exercised the right of making territorial acquisitions and relinquishments. These acquisitions have been highly favorable to Southern domination and prosperity. In 1802 we purchased the Territory of Louisiana, and paid for the same the sum of $15,000,000. In 1819 we purchased Florida, and advanced in cash $5,000,000. In 1842, from three to five millions of acres of Northern territory were surrendered to Great Britain by the treaty establishing the Northeastern boundary. In 1845 we annexed Texas to the United States. In 1847 we surrendered our claim to about one half of Oregon, extending five degrees on the Pacific. Here are three great acquisitions, and two grand relinquishments. The acquisitions were all slave territory, and relinquishments free territory. So far, all the acquisitions were for the use of the South, and all the relinquishments at the expense of the North. For these acquisitions our Government paid from the common Treasury of the nation—

To France	$15,000,000
To Spain	5,000,000
To Texas	10,000,000
Total	$30,000,000

It is true that a part of the Louisiana purchase is now free, but by far the larger part of this is waste territory, and of no value. To give a just idea of the benefits derived by the free and slaveholding States relatively, in consequence of our acquisitions, I ask gentlemen to consider the value of real and personal property, according to the late census, in the States acquired from foreign countries. I hold in my hand an authentic statement, which I will read:

Free States.		*Slave States.*	
California	$22,131,914	Louisiana	$227,029,092
Iowa	21,436,138	Texas	51,114,488
		Florida	22,033,637
Total	$43,568,052	Missouri	99,129,712
		Arkansas	36,368,765
		Total	$435,675,694

I ask honorable members, who seem to grudge even California, to look at this statement, and then decide for themselves, who have realized the benefit of foreign acquisitions under this Government. But I have not done. Much complaint has been made by some of our Southern friends, at the disposition of our "Mexican acquisition." But how is this? Texas is a slaveholding State. California is free. Utah and New Mexico are open to slavery. This, I believe, is not denied by any one. Henry Clay has stated such to be the fact, and so, I think, Senator Downs has very recently affirmed.

Our whole acquisition of Mexican territory amounts to 834,000 square miles, and is appropriated as follows:

Territory open to Slavery.

Texas	237,321 square miles.
New Mexico	219,774 "
Utah	187,923 "
Total	645,018

Not open to Slavery.

California	188,982 square miles.

It is not an answer to this statement to say that Utah and New Mexico will remain free. According to the provisions of their territorial government, they are to be admitted with slavery, if adjacent States will have it so; for, from their contiguous position, they have the power to settle it. Four fifths of this acquisition is, in truth, open to slavery propagandism. Even California was not made free by Northern votes, against the votes of the South. She made herself free. But this is not all. The Missouri compromise line has been altered to give territory to the State of Missouri. Hear Colonel Benton, upon the annexation of the Platte country. In a speech delivered in the United States Senate, he uses the following language:

"By that act of annexation a part of the Missouri compromise line, one hundred miles of it on a straight line, was abolished and a new line substituted, nearly three hundred miles long on its two sides, cutting deep into free soil, and converting it into slave soil. The six beautiful counties of the Platte country were gained to Missouri by this operation—gained to a slave State, and carved out of free territory, made free by the compromise of 1820, and all by the help of Northern votes."

Sir, if complaints are to be made in the premises, Southern gentlemen are the last persons to prefer them.

It may be proper in this connection to say a word in relation to the Northwest Territory. We are often told by Southern gentlemen that Virginia gave up this Territory for the exclusive use of the North. In reply to this, I ask gentlemen to recollect that Massachusetts, Connecticut, and New York claimed the same Territory, and those States, together with Virginia, ceded their rights to this tract of country. It may be said further, that even if Virginia had the best claim, her cession was a voluntary act of her own, and not a Northern aggression. But has the South been deprived of the use of this tract of country in consequence of the cession? Not at all. The sons of the South have enjoyed it in common with those of the North. There are at this moment, I am confident, as many citizens from the South as from the North upon this Territory, in proportion to the population of each section of the Union.

I am now naturally brought to quote again from the Constitution:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory of the United States."

Under this provision it is contended that we are authorized to make regulations concerning the public lands. How have we exercised this authority? Has any injustice been done to the Southern States in the action of the Government, or in the conduct of the North upon this matter? How does the case stand? The lands have been held, among other purposes, as a source of revenue to the Government.

The receipts for public lands have been as follows:

Free States.		*Slave States.*	
Ohio	$20,853,694 33	Missouri	$13,674,258 62
Indiana	21,870,255 57	Alabama	17,722,124 74
Illinois	20,491,177 17	Mississippi	13,353,247 49
Michigan	11,704,607 76	Louisiana	4,405,389 31
Iowa	3,402,878 88	Arkansas	4,071,121 73
Wisconsin	6,243,321 13	Florida	1,294,893 52
Total	$84,565,934 84	Total	$54,521,035 41
	54,521,035 41		
	$30,044,899 43		

Showing that there have been received for the sale of public lands from the free States, $30,044,899 43 more than from the slave States, up to the 30th of September, 1851. I obtain this information from a statement furnished me by the Commissioner of the General Land Office. Thus much for the revenue from the sales of public lands, and the men who have furnished that revenue. Sir, I shrink from nothing in this investigation; and I now ask the attention of the House to an abstract from a statement furnished by the Commissioner of the General Land Office, showing the donations, grants, and reservations of land to the several States for all purposes whatever; up to 30th September, 1851:

Free States.	*Acres.*	*Slave States.*	*Acres.*
Ohio	11,152,523	Missouri	3,310,694
Indiana	3,566,667	Alabama	4,453,233
Illinois	3,515,341	Mississippi	3,895,468
Michigan	6,310,317	Louisiana	10,218,534
Iowa	1,997,445	Arkansas	6,438,357
Wisconsin	3,318,476	Florida	2,096,564
California	500,000	Total	30,412,850
Total	30,360,729		30,360,729
			52,121

By which it appears that the slave States have received 52,121 acres more than the free States. The donation for the Illinois and Mobile Central Railroad is not included in this calculation, it being of a character of the Cumberland road, for the benefit of several slaveholding and non-slaveholding States.

These donations, grants, and reservations have been made to six slaveholding and six free States. If there is any propriety in making them, they should be made according to population. This proposition is, I think, apparent. If one State has 500,000 children to be taught in schools and colleges, and another has 1,000,000, lands should be given to each State, if given for educational purposes, in the same ratio. So, if they are given for any other purpose. I ask, then, the attention of gentlemen to the population of States to which lands have been given. It is as follows:

Free States.		*Slave States.*	
Ohio	1,980,408	Missouri	682,043
Indiana	988,416	Alabama	771,671
Illinois	851,470	Mississippi	606,555
Michigan	397,654	Louisiana	511,974
Wisconsin	305,191	Arkansas	209,639
Iowa	192,214	Florida	87,401
Total	4,715,353	Total	2,869,283

Here is a population, in round numbers, of 4,700,000 in six free States, and 2,800,000 in the same number of slaveholding States.

The six slaveholding States have one half as much population as the six free States, and have received, not one half, but more of the public domain. If, indeed, a citizen in a free State is equal to a citizen in a slaveholding State, then the land States of the South have little reason to complain. But what of the future? I ask a moment's attention to the donations of land, prepared in the United States Senate at the present session:

Free States.		*Slave States.*	
Michigan	341,760 acres.	Missouri	890,880 acres.
Wisconsin	599,040 "	Arkansas	1,873,920 "
Iowa	3,107,417 "	Alabama	1,205,760 "
Ohio	302,195 "	Florida	5,882,880 "
Illinois	35,000 "	Louisiana	13,508,259 "
Total	4,385,412 "		23,361,699 "

This is the programme of legislation for the present session. Let gentlemen study these figures, and remember that even *Northern* men can be found to talk of aggressive legislation upon the South!

So much for donations, grants, and reservations of lands.

But I have not yet explained the whole connection of the Government with land matters. Our Government has been a land purchaser from the aborigines of the country. It is pertinent to this discussion to make a brief examination of the extinguishment of Indian titles. To whom have the benefits and advantages of this Government accrued in the extinguishment of Indian titles?

The number of acres of land purchased from the Indians since the establishment of the Federal Government, according to a statement kindly furnished me by the Commissioner of Indian Affairs, amounts to 481,644,448 acres. The Indian title has been extinguished, by purchase, to 293,889,091 acres of Southern territory, and to 187,759,351 acres of Northern territory. The excess of Southern territory, to which the Indian title has been extinguished, is 106,125,746 acres. At $1 25 per acre, the excess of land in the South thus disincumbered, would amount to $132,657,182. Its extent is more than twice as large as all New England. I do not, however, profess that this statement is precisely accurate; as in two or three instances Indian tribes were located in what is now partly the slaveholding, and partly the non-slaveholding section of the Union. I think the statement is, if anything, most favorable to our Southern friends.

But I have not time to say more relative to the purchase of lands from the Indians. Before I conclude, I shall allude to other expenses immediately connected with this subject, and in consequence of which the whole Southern country was freed from the presence of hostile Indians.

GOVERNMENT EXPENDITURES NORTH AND SOUTH.

But I must pass along. There are many matters of less importance which illustrate the unfortunate character of this charge of aggression. Among the grants of power we are authorized to coin money. Now, there are three establishments for this purpose at the South—one in North Carolina, one in Georgia, and one in Louisiana, and but one at the North, in Philadelphia. It will be recollected, that Congress has been petitioned year after year for a branch at New York, and the petitioners have been denied their reasonable request. The Southern establishments have been brought into existence by Northern votes—and if this may be called a Northern aggression, I may as well say that the business men of New York and New England would be very glad to be visited with a Southern aggression of a similar character. It cannot be said that the business of coining will not be done as cheaply at the North. Upon that point I will not detain gentlemen long. I will briefly refer to the mint operations for 1851. An official document sent into Congress from the Treasury Department shows the mint operations of the United States, during the year 1851, to have been as follows:

General Recapitulation.

	No. of Pieces.	Value.
Philadelphia	24,985,736	$2,689,878 43
New Orleans	3,527,000	10,122,600 00
Charlotte, N. Carolina	105,366	324,454 00
Dahlonega	83,856	351,592 00
Total	28,701,958	$63,488,524 43

The expense of coinage at Philadelphia is forty-two hundreths per cent.; at New Orleans one and eight hundreths per cent.; at Charlotte three and fifty-five hundreths per cent.; and at Dahlonega three and thirteen hundreths per cent.

It is impossible to comment in detail upon all the acts of Government in a single speech. Nor is it necessary to this defense; for I have Southern testimony of a very comprehensive character. I will read:

"In many instances of the highest importance and greatest moment, the policy of the United States has been in favor of the South, and under the control of the South."

* * * * * * *

"I remember to have heard Mr. Calhoun say, not many years before his death, that the South always had, and always would control the Government when united. This is abundantly shown in our past history.

"Since the formation of the Federal Government, the Southern States have given to the Union, nine Presidents out of thirteen; and have had a very large proportion of all the Federal offices. Three fourths of this time the South have been in power, and have had the control of the Government.—*Extracts from Speech of Hon. B. F. Perry, House of Representatives, South Carolina, December 11th*, 1850.

But I do not ask honorable members to rely on general assertions concerning the more important operations of Government. I have some additional facts and figures. I am able to show the total expenditure, in each section, for internal improvements by the General Government from 1791 to 1837.

These facts are taken from the reports of the Secretary of the Treasury of January 17th, 1835, and March 16th, 1838.

By this data the expenditures have been:

In the slave States	$5,614,113 60
In the free States	4,292,593 23
Excess in the slaves States	$1,321,520 37

The sums expended in the District of Columbia are included, amounting to about $500,000—but I have excluded from the statement the expenditures for the improvement of the Ohio and Mississippi rivers, and for the Cumberland road—these thoroughfares leading through both sections of the country. I am not able to give the amount expended from 1837 till the present time; but these figures will, I think, demonstrate that the impression has been very erroneous as to the sums expended in each section of the Union for internal improvements.

As intimately connected with this subject, I have a statement showing the total expenditures for light-houses from 1791 to 1837, as derived from the reports already referred to. I have condensed that statement, and will make the following exhibit:

Total amount expended for light-houses from 1791 to 1837	$5,203,083 05
In the free States	2,511,265 39
In the slave States	2,691,817 66

The appropriations made for light-houses since 1837, are as follows:

In the free States and Territories	$864,127
In the slave States and Territories	794,262

Add these appropriations to the expenditures already stated, and we have this result:

Expenditures and appropriations in free States	$3,375,392
Expenditures and appropriations in slave States	3,486,079
Excess in slave States	$110,687

I have little more than time to *state* the facts, which I wish gentlemen of this House to consider, and I pass to another point which I think should not be over-looked. This nation, from its common Treasury, has made immense expenditures for the peculiar benefit of our Southern brethren; to protect them from and relieve them of the Indian race. Who, sir, does not realize that the means to carry on the Indian wars, and to keep up commerce with the Indian tribes, in the South and Southwest, came from the common Treasury of the nation? Now I ask gentlemen who say this Government has only oppressed them, to listen to the language of the distinguished individual of South Carolina, whom I have already quoted. What does he say? Hear him:

"There are the Indian wars on the southern frontier, for the protection of the Southern people, at a cost to the Federal Government of near $200,000,000. This is surely feeling the power and influence of the Union, not by its exactions and oppressions, but by its care, protection, and liberality. These Indian wars are not only waged for the protection of the South, but have resulted in the entire removal of the Indians from the Southern States, at a *very heavy expense to the Federal Government.*

And who is the honorable B. F. Perry? In January, 1851, the Washington Union, Thomas Ritchie, editor, held the following language concerning him:

"We have been taught to appreciate his character. He was formerly the editor of the Greenville Mountaineer, and displayed great talents in his arduous vocation.

"During the nullification storm of 1832-'33 he was a Union man. He is now a prominent member of the bar, and a distinguished delegate in the House of Representatives of that State, (South Carolina.) Even the breath of suspicion has never tarnished his escutcheon. He is a man of high honor, firmness, and talents."

Such is the testimony as to the character of the witness I have called to the stand. But let us look at the action of the Government a little further, under the provision of the Constitution to provide for the common defense. I find important information in a report of General J. G. Totten, Chief Engineer, on the subject of the national defenses. From that report I obtain the following statement:

Fortifications upon the Coast and Northern Frontier.

	Estimated cost.	*Amount expended.*	*Cost of Armament.*
FREE STATES.			
Northern Frontier	1,153,537	612,650	331,068
Class A	2,598,810	2,131,214	1,272,007
" B	4,367,108	4,217,108	1,282,621
" C	630,442	130,442	125,663
	$8,749,897	$7,091,414	$3,010,359
SLAVE STATES.			
Class A	1,673,328	1,452 528	447,119
" B	9,241,358	8,955,861	1,050,283
" C	8,300,580	3,772,386	1,238,688
	$19,215,266	$14,180,775	$2,736,090

The classes A, B, and C, embrace the old works repaired, the new works completed, or nearly completed, and the works now under construction.

It will be seen that the total estimated cost of these works amounts to $33,661,512; and that two thirds of the cost of these fortifications are in the slaveholding States. This statement embraces the defenses not only on the Atlantic and Pacific coasts, but upon the great Lakes.

To give a more just view of this application of he funds of the nation for purposes of coast defense, I will make an exhibit of the extent of the American coast. I have made a statement from information kindly furnished me by Professor Bache and Major Stevens, of the Coast Survey Office. I ask attention to it.

The shore line of the United States of America, including bays, sounds, &c., is as follows:

Free States and Territories.	*Statute miles.*
Maine	1,355
New Hampshire	18
Massachusetts	887
Rhode Island	200
Connecticut	236
New York	50
New Jersey	510
California	1,110
Oregon	1,171
United States shore line of the great Lakes as follows:	
Lake Superior	855
Lake Michigan	1,100
Lake Huron	420
Lake Erie	350
Lake Ontario	200
Total	8,492

Slave States.	*Statute miles.*
Delaware	230
Maryland	730
Virginia	947
North Carolina	845
South Carolina	205
Georgia	250
Florida	1,943
Alabama	240

Mississippi	155
Louisiana	1,247
Texas	910
Total	7,032

By the facts here presented it will be seen that the shore line of the slaveholding States is more than one thousand miles less than that of the free States and Territories; and yet they in the slaveholding States have received two thirds of the national expenditures for purposes of coast defense.

There are many other matters upon which I might dwell. I have not noticed all the expenditures of Government, nor is it possible for me to do so on the present occasion. It is fair to state that in the construction of naval vessels, &c., the larger amount has been expended at the North; but with very good reasons. The cost of construction at the North has been much less. This is no aggression, but the exercise of a wise economy. Put this and whatever other items of a similar character that may appear upon the record down to the Northern account, and still, I affirm, that, taking into consideration the expenditures of every description, they are very far from furnishing our Southern friends any decent reason for complaint.

Before concluding, I must briefly allude to one other cause of uneasiness. It has been said that the people of the North make money out of the commerce of the country. This is put down among the list of grievances. But are the North to blame for that? The question is briefly answered by a writer in De Bow's Commercial Review, a work of high authority and standing at the South. Hear him:

"The ships of the North come to our shores laden with rich stores from all quarters of the globe—silks and teas of China, coffee from Brazil, the manufactures of England, France, the spice of Sumatra, the gold of California. For almost every article of necessity and luxury we use from foreign countries we are indebted to Northern enterprise, to which we annually pay a large tribute, the immense profits of which might accrue to ourselves had we the enterprise and energy to enter the field. Will any man of sense pretend to say that there is any action of the General Government to prevent a merchant of Charleston, Savannah, or New Orleans, from fitting out ships for the whaling business, importing teas from Canton, or coffee from Brazil? Are the duties on foreign goods any higher in Charleston than in New York?

Sir, the case is well put, and I have only to add that, for the "tribute" they pay, they receive from the North a valuable consideration, in the services described in this extract. And if they do not think so, they have the same right enjoyed by the citizens of my own State, to become carriers for themselves and the world, to enter into both foreign and coastwise trade. And the remark will apply with equal force to every branch of business known to civilization.

Mr. Chairman, the remarks I have submitted have been prompted by my regard for the Union, and by a respect for the principles of equity and justice. I have often thought that a fair and candid investigation of the benefits and advantages of this Government, enjoyed by the South, would disarm the spirit of disunion; that our Southern friends, by an examination of the facts, would be induced to demand less of the North. It seems to me, too, that the Northern volunteers in behalf of Southern grievances, by looking into the action of the Government, instead of acquiescing in the charge of aggression, will see that we have rights—fair, just rights, which we have seldom asserted. They have made, in some instances, concessions that I am frank to say I would not have yielded, because a submission to unreasonable demands never makes for peace. If the people of the North desire a perpetuation of the Union they should ask what is right. They should ask, it is true, nothing more. They should, I repeat, submit to nothing wrong. They should not consent to be put under bonds to keep the peace, or to keep any law, because, doubtless, without any intention of those who wish to impose the bonds to do so, it puts those who consent to be bound, wrongfully on the record as criminals by their own confession! No man is called upon to get bonds that he will not violate a law, unless he is suspected of criminal intentions. As a member of the Democratic party, I hope no such bond will be demanded at the Baltimore Convention. I hope there will be no interpolation of new obligations into the Baltimore platform. It is, however, fair to warn our Democratic friends at the North that they have been notified that they must be "bound to keep the peace." Are these the terms to offer to the proud spirit of freemen? Will they be submitted to? We shall see. The Democracy of Maine have repudiated all such offensive tests. In their late legislative State Convention they adopted the old Baltimore resolutions without additions or interpolations. Such is the overwhelming voice of the Democracy of the State I have the honor in part to represent, sustained, as it is, with unparalleled unanimity by our Democratic press. "Bonds to keep the peace," indeed! Without intending disrespect to any one, I must be allowed to remark that these are terms fit only for slaves. Neither should the people of the North on any occasion quietly submit to unjust attacks from men in their own ranks, or from those who understand little of their character or intentions.

It is often the case, that extreme men charge the North with aggression, and the idea is caught up by a certain class of men from the free States, who stand ready to do swift and willing injustice to their own section. Sir, Northern politicians, who, to advance their own political fortunes, brand the North with injustice to the Southern people, and thus create, at the South, causeless dissatisfaction, do not, in my judgment, exhibit a very sincere patriotism. They are the swift witnesses, who come voluntarily to the stand to blacken, by their testimony, the land of their birth. They will do more: they will advocate unworthy concessions, and, if successful in their work, the young men of the North may finally become impressed that they have no rights to be defended; that they are not the equals of those residing in other sections of the country; that they are not as great or good. But I trust they are not to succeed in dwarfing the position of our young men, or in creating a servile spirit that dares not defend our interests and honor when assailed. I trust the time is not near at hand when an American citizen will not dare to utter his honest opinions. Such a spirit of political bondage, fastened upon the minds of men, would wither the land like the blight of mildew. It would be a species of bondage that would turn the fairest country on earth into a moral desert. With such a condition of things fixed upon us, it would be no longer delightful to look upon the green fields and the busy towns of our country. "Even the croaking of frogs in the 'uncultivated fen, or the howling of wild beasts 'on the mountain-top, where liberty dwells, would 'be preferable to the nightingale's song in the 'vales of slavery, or the melting notes of Correlli 'in cities clanking their chains!" What is thus characterized is not more galling than the intolerant spirit which would stifle the thoughts and crush the voice of freemen!

One word more, and I have done. The North have faults, though not grievous ones, I think; but that we have been visited with unjust denunciation and intolerance by some, and often betrayed by others, must be apparent to all. As it has not been the object of these remarks to make complaints, I only state this now as due to the truth of history.

ON THE LAND POLICY OF THE UNITED STATES, AND IN DEFENSE OF THE WEST.

SPEECH OF HON. RICHARD YATES,

OF ILLINOIS,

In the House of Representatives,

April 23, 1852.

The House being in the Committee of the Whole on the bill "to encourage agriculture, manufactures, commerce, and other branches of industry, by granting to every man who is the head of a family, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period herein specified"—

Mr. YATES said:

Mr. Chairman: I shall endeavor, in the few remarks which I shall make upon this occasion, to confine myself chiefly to the subject legitimately before the committee. The consideration of this bill very properly invites discussion, as to the whole land policy of the Government. Whether the present policy as to the public lands is to be continued, or whether Congress shall adopt a new policy, are questions which are now occupying a large share of the attention of Congress, and of the country. In the attempt to present my views upon this question, I am aware that nothing short of the presidential question seems to awaken the interest of the committee, and I almost shrink from the effort to arrest its attention, by remarks upon the appropriate business and practical questions which it is our duty, as legislators, to investigate.

The constitutional power of Congress to make grants of lands to actual settlers, or to the States, for the construction of railroads, has been denied by most of the gentlemen who have addressed the committee against these propositions. I do not propose to discuss the question of constitutional power at length. If a question can be settled by precedent, then I think that the right of Congress to make these grants may be considered a settled question. When the propriety of such grants first came before Congress, the question of constitutional power underwent a thorough discussion. The greatest minds in the country were pitted against each other, and I believe the power to make the grants was finally conceded by nearly all. Most certainly, it has been repeatedly exercised without being called in question. Grants for purposes of education, to asylums, to actual settlers, and for the promotion of internal improvements, have been made at sundry times, beginning with the administration of Washington, down to the present day. When we have the opinions of such men as Mr. Clay and Mr. Webster, General Cass and Mr. Douglas, and nearly all the leading men of both parties, and especially the opinions of the strict constructionists of the Constitution, including Mr. Calhoun, who was ever jealous of the exercise of any doubtful constitutional power: I say when we have such an array of authority in favor of this constitutional power, added to the uniform practice of the Government, and enforced by the legislation of almost every Congress, it would seem that this might well be considered a settled question. I do not say that precedent is everything, but I do say that the opinions of our profoundest statesmen and lawgivers, expressed after mature deliberation, are entitled to high consideration.

The arguments against the exercise of this power, relied upon by gentlemen who have addressed the committee, are presented in their strongest light in the National Intelligencer of this morning, and I will call the attention of the committee to the two strong points taken in that paper, and which I do not consider well taken. That paper says:

"The property of 'the people of the United States,' whether it is money in the Treasury or the public lands, cannot be rightfully used by those who govern our affairs, unless it is done '*in order to form a more perfect Union, 'establish justice, insure domestic tranquillity, provide for 'the common defense, promote the general welfare, and 'secure the blessings of liberty to ourselves and our pos-'terity.*'"

Now, if it can be shown that the passage of this bill will accomplish any of these objects, then the "public lands may be rightfully used for these grants to the objects indicated." Now I submit to this committee the question, Is it not for the "general welfare" to promote the settlement of the public lands? Is it not for the general welfare to establish an independent yeomanry upon our broad and beautiful public domain of one thousand four hundred million acres of land? Is it not for the general welfare that we encourage the agricultural productions of the country and improve the condition of our industrious poor? Is it not for the general welfare to discourage speculation in the public lands, to fell the forest, to make "the wilderness bloom and blossom as the rose," and to cover that mighty area of territory extending from the Ohio river to the Pacific ocean, with a population of independent freeholders, and to withdraw population from the temptations and vices of crowded cities to the purer atmosphere of rural life.

The same paper says:

"A title by 'actual settlement' is absurd, unless *legal policy* may thus encourage hardy pioneers to enter the forest and plant the footsteps of civilization in its dark recesses. With this view, however, what are called '*pre-emptions*' may be justly favored and protected."

The constitutionality of granting preëmptions is not denied by any. The consideration upon which

they are granted is to encourage settlement. Is it not the same "*legal policy*" to encourage that settlement by making grants to the actual settler? Under the preëmption system, the settler often has the privilege of buying, to the exclusion of all others, land at $1 25 per acre worth ten times that sum. He can enter upon the public lands as soon as they are surveyed, and before they are offered at public sale, and purchase the same at the Government price, though at the sale others might be ready and willing to pay five times that sum. If the Government may thus surrender its rights to promote settlement, may it not, for the same object, grant lands worth $1 25 per acre, or less, to the actual settler? The principle is the same in both cases. It is the same in grants of bounty lands to the soldier, and when the "*legal policy*" is admitted in the one case, it cannot be denied in the other.

I call the attention of gentlemen to that article of the Constitution which provides that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States." "It shall have the power *to dispose of*"—here is an unlimited power. It is not derived by construction or implication—it is an EXPRESS power. The manner of this disposition, and the objects of the appropriation, are of course to be left to the discretion of Congress.

Mr. Chairman, it is amusing to see how certain gentlemen can find authority to make appropriations to some objects, and at the same time deny any power to make appropriations for other objects of precisely the same character. The gentleman from New York, [Mr. JENKINS,] in his speech, maintained that our rivers were very properly the objects of national concern, and that appropriations for their improvement were legitimately within the power of Congress, but stoutly denied that Congress had any power to make grants of either money or lands for the construction of railroads. *These*, he says, are the objects of State concern exclusively. Now, here is a "distinction without a difference." The only difference is, that the one is water, the other iron. The object of both is to facilitate intercourse between the different portions of the Confederacy. Certainly communication by means of railroads is more direct; it is cheaper, safer, and speedier. All the operations of commerce, and all the objects of such a grant, can be as well or better carried out by the construction of railroads than by the improvement of rivers, and therefore I can see no objection to grants of lands to the State to aid in their construction.

EXTENT OF PUBLIC DOMAIN.

There are several specific propositions before Congress—the bill now pending, granting lands to actual settlers; the bill granting 10,000,000 of acres to the States to be applied to the relief of the indigent insane; and various bills granting alternate sections of the public lands for the construction of railroads. I am in favor of the principle contained in all these propositions. I speak not of the details of these bills. If wrong in detail, when the time arrives for their consideration they can be amended to obviate objections. I am surprised that some of the advocates for grants to actual settlers, and for the relief of the insane, seem to regard railroad grants as coming in conflict with them. Why, sir, nothing can be further from the fact. There is no conflict. There are enough lands for all. They cannot and will not be exhausted for a thousand years to come. The following table will show the quantity of public lands, sold and unsold, the proceeds of sales, and the grants and reservations of the same for all purposes, up to the 30th September, 1851:

Sold	101,633,930	acres.
Grants for schools, &c	40,558,978	"
For Deaf and Dumb Asylums	44,971	"
For internal improvements	11,500,395	"
To individuals and companies	279,792	"
For seats of government, &c	50,860	"
For military services	16,019,065	"
Reserved for salines	422,325	"
Reserved for benefit of Indians	3,400,725	"
Reserved for companies, corporations, &c.	8,955,383	"
Confirmed private claims	7,123,903	"
Swamp lands granted to the States	27,397,260	"
Central railroad grant	3,025,920	"

Total of acres unsold and unappropriated, of offered and unoffered lands on the 30th September, 1851, 1,399,586,140.53 acres.

It appears from this table, that in a period of seventy years only 101,633,930 of acres have been sold, and that the Government still has on hand a mighty domain of over thirteen hundred millions of acres. Is here not an ample fund for all the purposes of education, for the relief of the insane, for homes to the actual settler, and for the purposes of internal improvement?

GRANTS FOR RELIEF OF INSANE.

Mr. Chairman, much as I desire to see portions of the public lands appropriated to internal improvements, yet this is not the chief measure with me. In my humble estimation, the first and most desirable application of the public domain, is to make ample provision for the insane, the deaf and dumb, and the blind. The Government could not make a more useful application of a portion of the public domain, than by assisting each State and Territory to endow an institution for each of these objects. The census of 1840, in a total population of 17,069,453 persons in the United States, exhibited an insane population of 17,457; and the census of 1850 in a total population of 23,267,498, gave an insane population of 27,000. The increase of the victims of insanity, is in a ratio far greater than the increase of the whole population. But, sir, the results of proper medical treatment in institutions established for this purpose have been most gratifying. Thousands who were considered hopelessly insane have been restored to reason, and there is every reason to believe that the frightful increase of this dread malady may be in a great measure stayed, if proper relief is afforded.

The grants in favor of these objects, should be munificent, and such as, with the aid of the States, would place these institutions beyond the contingency of want. These grants are not contended for on the ground maintained by certain political economists of France, that it is the duty of the Government to furnish direct subsistence to the people, and which has led her impulsive population to clamor for Government aid, instead of relying upon the surer rewards of honest industry and persevering labor. It is upon the higher principle of duty to the children of misfortune, who, by the inscrutable decrees of an overruling Providence, are deprived of the ability to procure means of support or education. There comes to us, sir, an appeal from these unfortunate classes of our population addressing itself to the kindliest sympathies, the noblest impulses of the heart, as well as to the highest considerations of patriotism. Yes, sir, from the dethroned intellects of the twenty-seven thousand maniacs in the land, the stopped ears of the deaf and dumb, from the sightless eyeballs of the blind, closed forever to the beautiful frame-work of art and nature, by which we are surrounded, comes this appeal.

No longer needing the public lands as a source of revenue, some statesmen of great eminence have regarded their possession as a curse, rather than a blessing. But this depends upon the uses to which they are applied. If our public domain is discreetly applied, it will be an exhaustless fountain of blessedness to the people. And, if Congress will look at it aright, and will grant to the States a sufficient quantity of these lands to endow these institutions, and to place the means of relief within the reach of these sad children of misfortune, it will have accomplished one of the noblest and most sacred objects in the sight of God or man. Much is said about progress, but this is a sort of progress which will prove incontestably the christian enlightenment of the age, and bind new and bright glories around the brow of the Republic. It may be a weakness in this business age of finance, steam, and railroads, a *sickly sentimentality* perhaps; yet I confess that for appropriations for these sacred objects is my first desire, and I would rather see all the projects for grants of the public lands fail than these. I would have each State, by the aid of these lands, erect a magnificent edifice, with comfortable and spacious apartments, adorned with the decorations of art and every pleasing embellishment; surrounded by large inclosures of forest tree, beautiful shrub, and blooming flower. So that if your wife, or daughter, or mine, should ever fall victims to insanity, (and it is a calamity to which all are liable,) instead of being confined within narrow apartments and prison-houses, she may walk forth in the light of God's glorious sun, breathe Heaven's pure air, and, if her fancy choose, pluck a flower by the wayside.

Sir, that page of history which shall record, that the American Congress, in the year 1852, made ample provision for these sacred objects, will be an *immortal* page. And when noble edifices for these objects are erected, and these institutions are firmly established, they will redound to the lasting honor of the Congress which made the appropriation, and will be pointed to by our children and children's children from generation to generation, as the proudest monuments of the glory of the nation.

I cannot here forbear to refer to the fact, that the State of Illinois, in addition to her tax for the support of the Government, and in addition to her separate tax for the payment of the public debt, with a spirit worthy of her people, imposed a separate tax for the relief of her insane and the education of her blind and deaf and dumb. And perhaps three nobler edifices are not to be found in any State than those which she has erected—the pride of every citizen, the admiration of every stranger, and the glory and delight of every patriot and Christian. Sir, what must be the pleasure with which every citizen of Indiana and Illinois reads the following tribute from Miss Dix, the great philanthropist of the age, and the illustrious benefactress of her race. She says:

"Look at Indiana—noble, clear sighted Indiana. She adopted a wise and noble policy, equally prudent and humane, and levied a special tax for the insane, for the deaf mutes and the blind within her borders, at a cost of more than $200,000." "There, in that young State, almost within the shadow of her capitol, stand these monuments of a Christian and enlightened age, recording a forethought and munificence which, under the circumstances, has no parallel; though Illinois, ranging side by side geographically, almost completes a corresponding page in her history."

The above extract is taken from her memorial to the Legislature of Maryland. And, in justice to my State, I may say that the expenses already incurred by the State of Illinois for these objects exceed considerably the sum of $200,000. Now, sir, when it is considered that both these States, and many others, are embarrassed by heavy debts, and that all the States are taxed to the utmost of the ability of the people to bear, it will be seen that this aid from the public lands would be most timely and appropriate, and of the greatest importance.

GRANTS TO ACTUAL SETTLERS.

Mr. Chairman, I shall not go into the discussion at length of the bill under consideration. I have for many years entertained opinions favorable to grants of the public lands in limited quantities to actual settlers. But I humbly conceive that those advocates of this bill, who oppose grants for railroads are much in error; for it is only by opening roads through the public lands, and making them accessible to market, that they are to be made *desirable homes* for the actual settler.

A better illustration of the effects of the present land system could not be given than the declaration which has been made by the gentleman from New York [Mr. SUTHERLAND] to this committee. He says that he knows, at his boarding-house, four individuals, who own 50,000 acres, each, of the public lands. I would ask that gentleman, if that system is to be considered beneficial, which tolerates the withholding of these lands from settlement and occupation in the hands of wealthy speculators, to the exclusion and injury of the poor and industrious citizen? Would it not be better to have these lands in cultivation, divided into small farms, and occupied by our industrious poor families, than for them to remain unimproved, and absorbed entirely by speculators? Is that a just system which permits the wealthy speculator, who makes no improvements, to hold on to these lands until the actual settler, by the improvement of adjacent lands, has made them valuable, and then to charge him five times the Government price for them?

The only plausible objection to the policy of these grants to actual settlers, which at first struck me, but which, I believe, has not been advanced here, was, that the effect would be to depreciate the lands in the hands of present proprietors. But

the reverse, I believe, will be the effect. The class of persons, who would go on a quarter section and occupy and cultivate it for five years to get a title thereto, would be in the main poor persons, and unable to buy of present proprietors. I doubt, sir, whether it would make a single purchaser less. The bounty land laws, which have absorbed 16,019,065 acres, have not had the effect to reduce the prices of lands already occupied and improved. The effect, I think, would be to increase prices to present owners, by bringing into settlement and improvement the public lands which would otherwise remain in market for sale, and which now come into competition with the lands of present owners. The prices of lands in the hands of present owners, are unquestionably kept down by the large quantity of the public lands which are subject to sale at $1 25 per acre—purchasers being unwilling to pay from five to twenty dollars per acre for improved lands, when they can get them at the Government price.

The new States have a deep and vital interest in the passage of this bill. They want settlement. They want these lands to pass out of the hands of the Government into the hands of individuals, so as to make them taxable, and contribute their share to the support of the State governments. The passage of this bill would increase greatly the immigration to the land States, insure the settlement and improvement of the vacant lands, and augment the capital of the new States, which they so much need to enable them to engage in manufacturing, the construction of roads, and other important public enterprises.

The General Government would lose nothing—the settlement and improvement of portions of the public lands would increase the value of the contiguous lands remaining unoccupied, and would add vastly to the aggregate of agricultural production and national prosperity.

But, sir, the highest consideration is the effect which it would have to raise to independence, and to elevate a large portion of our fellow-citizens who gain a hard, scanty, and uncertain subsistence from the earnings of daily labor, or who, in the dependent relation of tenants, pay one third or one half of the proceeds of their labor to the owners of the soil.

I cannot forbear to quote, in favor of the passage of this bill, the very extract which the gentleman from New York [Mr. JENKINS] has quoted against it:

"DESTITUTION IN PHILADELPHIA.—The Philadelphia American gives an account of a visit made a few days ago to the hovels of many of the poor and destitute of that city, who live in small unventilated rooms, for which they are compelled to pay ten cents rent each day. It is supposed the number of these unfortunate beings is about five thousand. Many of them were found with their hands and feet frozen for want of fuel to keep them warm, while others had even disposed of most of their scanty clothing to buy bread. In one cellar a family were found who had been turned out of home because they were unable to pay their rent. In another place, a poor miserable woman and several children were found in a shed, the children covered up in a heap of ashes to keep them warm. Having no clothing whatever to cover them, the mother had been driven to this resort to keep them from freezing. The clothes had been sold to buy bread."

Now, sir, the gentleman is most unfortunate in making this quotation. If he had labored for months, he could not have presented a more forcible argument in favor of the bill. Pass this bill, and a strong inducement will be presented to every one who is destitute of the means of support, and who has industry, to fly to the public lands; and instead of five thousand persons in unventilated rooms, and in a state of destitution, in the city of Philadelphia, we will, in a few years, have as many independent landholders in the Western States in the full enjoyment of all the blessings of life.

Representatives from the West will bear me out in the assertion I am about to make. There are thousands of tenants in the Western country with large families, who are unable to make a dollar over and above the amount required for the support of themselves and families, after paying to the owners of the soil one third of the proceeds of their annual labor. How much ameliorated would their condition be, if they had their own soil to cultivate—homes of their own, and the exclusive enjoyment of the hard earnings of their daily labor? Secure to the industrious poor man a home of one hundred and sixty acres of rich and productive land, and you attach him to the country. You give him a new and certain interest in the soil. He is then a freeholder, a proprietor of his own broad acres. His interest is identified with the Government and society. He pays taxes; he takes an interest in schools and churches, roads and bridges, and in the voice of the ballot-box. He feels like a man, and he is then, in the full sense of that proud appellation, *an American citizen*. For these, and numerous other considerations, I hope this Congress will decide, that out of the 1,400,000,000 unsold acres of the public domain, *every* family, every poor and homeless American citizen, may find *a home*—a home, sir, which he can call his own—his castle of strength, where, secure beneath his humble roof and around his own fireside, "he can worship God beneath his own vine and fig tree, none daring to molest or make him afraid."

GRANTS OF LANDS TO ILLINOIS.

Much has been said in the progress of this debate about the grants to Illinois. While the twelve land States are denounced by the gentleman from New York as playing a "grab game in the struggle to see which could get the largest share," and are denounced as *land stealers*, Illinois unfortunately is looked upon as, par excellence, the *biggest land thief of all*. Her good fortune in securing liberal grants, has caused her to be regarded with a sort of *maliciousness*, which she in nowise merits, and which are by no means justified by the facts of the case. What was the principle upon which Congress appropriated alternate sections of the public lands to aid her in the construction of her Illinois and Michigan Canal and the Central Railroad? Did the United States make them without an equivalent? Did Illinois claim them as a charity, or for her exclusive benefit? No, sir; very far from it. The grants were made upon higher considerations than mere benefit to Illinois—considerations of the general welfare and national prosperity. The State occupied the relation of trustee or agent to the General Government to appropriate the lands to the construction of works of acknowledged national importance, and in such a way as to present inducements for the sale and occupancy of her other wild lands which had never before existed. These works were essential links in a great national highway extending from the ocean to the gulf, and affecting in a high degree the interests of one half the States of the Americen Union. Take the map of the United States and look at it. From Portland, in Maine, from New York and all the Eastern cities, by various routes to Lake Erie, across that lake to Detroit, thence to New Buffalo, thence across Lake Michigan to Chicago, thence by the canal and Illinois river, or Central Railroad, to Cairo, and through the States of Kentucky, Tennessee, Mississippi, and Alabama to Mobile, a distance of one thousand eight hundred miles! Why, sir, the world in all its past history has not seen such a route. Here, sir, is the greatest highway of ancient or modern times. The Roman ways were the pride of the people in the days of Roman power; but they dwindle into insignificance compared with this mighty track of the iron horse. It was not for Illinois alone, but for the nation that these grants were made The State of Illinois was the mere crossing-place for the States of the Union.

But what has the Government lost by her grants of land to Illinois? The lands along the line of the Central Railroad had been in market exposed to sale at the land offices for twenty-five years, and on account of their remoteness from market and destitution of timber were likely to remain unsold for half a century more. They came under the denomination of *refuse* lands, and belonged to that class which at a former session of Congress were proposed to be ceded to the States in which they were situated, to enable the Government to dispense with the expensive machinery of land offices and other expenses, which cost the Government more than the revenue derived from their sale. Sir, it would not take long to convince any gentleman on this floor, who would go along the route of the Central Railroad, that the Government, as a great landholder, had adopted the most effectual means of imparting value to her lands and bringing them into market, and that, while doing this directly, she had *indirectly* given an impulse to trade, a stimulus to production, and opened new fields to enterprise, affecting in no small degree a large portion of the Union. It is a fact, that a large number of the citizens of southern Illinois have for many years occupied and improved portions of the public lands, without procuring any title from the Government, and without the fear of having their possessions disturbed. These lands being in sparsely-settled sections, and inaccessibly situated, were a hard bargain EVEN to the settler, and failed to excite the cupidity of the speculator. But now that this road has been projected, they are becoming anxious about their titles, are asserting their preëmptions, and thousands are anxiously waiting, with their hard dollars, or warrants laid by, to take up the reserved lands within the thirty-mile strip reserved from sale the moment they are brought into market. And yet not a spade of earth has been removed on the road; but these lands will now, in bare expectancy of its completion, readily yield the $2 50 per acre, and thus realize to the Government every dollar she asked for the whole at a period much earlier than she could have realized the same without the grant. If the gentleman from Maine [Mr. FULLER] is right, they are, or soon will be, worth $10 per acre. What, then, has the Government lost?

THE ILLINOIS AND MICHIGAN CANAL.

The gentleman from New York [Mr. JENKINS] has asserted, (I know not upon what authority,) that the grant of alternate sections of lands to the State of Illinois, to aid in the construction of her canal, has resulted in great injury to that State. It is easy to show that the construction of this great work has had an immense effect in promoting the settlement of the public lands and the prosperity of the State of Illinois. To show its influence upon the commerce and prosperity of northern Illinois, it is only necessary to call the attention of the committee to some of the statistics of the commerce and growth of the city of Chicago, situated at its terminus on Lake Michigan. In the year 1847, before the completion of the canal, the imports and exports of the city were only $4,500,000; while in the year 1848, the first year after its completion, they amounted to $20,000,000. The shipments of corn from the port of Chicago in the year 1847, were 67,305 bushels; in 1848, 550,460 bushels; and in 1851, 3,221,137 bushels; and of this amount, 2,235,362 bushels were received into Chicago by way of the canal. The lumber trade of the city doubled in a single year after the completion of the canal. So immense is this trade, that considerably over 100,000 tons of lumber are annually transported on the canal, and down the Illinois river into the interior of the State—the evidences of which, as remarked by the Chicago Tribune, may be seen in the transformation of the rude log-cabin to the elegant mansion, and in the erection of commodious church edifices and comfortable schoolhouses, and in a great variety of valuable and extensive improvements.

General Cass said in the Senate Chamber in 1848, "It is now twenty-five years ago that I sat 'all night in a canoe at the head of a pond at 'Chicago, there being no human habitation in 'which we could obtain shelter from the mouth of 'the Illinois to the mouth of the Chicago river.' And yet, sir, Chicago is now an important city—the second city of the lakes. Look at its wonderful growth. Its population in the year 1840 was 4,479; in 1848, 20,023; and now, in 1852, it is 40,000. And hence, sir, her destiny is onward to her proud elevation as empress of the lakes, the great commercial emporium into whose commission houses shall pour one third of the commerce of the Union—a mighty city, rivaling ancient Carthage in her pride of power. And since the period referred to by General Cass, the country stretching from the mouth of the Chicago to the mouth of the Illinois river—a distance of four hundred miles—has made rapid advancement, and has now a better foundation for solid and durable prosperity than any portion of the American Union of equal extent.

In the year 1831, I first ascended the Illinois river. The whole commerce of the river was then carried on by some four or five old steamboats, which being unsafe for the dangerous navigation of the Mississippi river, were transferred

to this river, whose current is gentle, and in good stages of water perhaps the best navigable stream in the world. But now, sir, from fifteen to twenty-five medium sized steamers ply weekly between St. Louis and Lasalle, the western terminus of the canal, a distance of three hundred and twenty miles, laden with ponderous cargoes of merchandise, produce, and lumber, and thronged with thousands of travelers in pursuit of business or pleasure on their routes South, by way of the Mississippi, or to the new States and Territories of the Northwest by way of Galena, or by way of the Northern lakes and railway routes to the Eastern cities.

ILLINOIS RIVER.

It will surprise many to learn, that since the construction of the canal, the transportation and travel on the Illinois river is greater than that on either the upper Mississippi or Missouri rivers. In the year 1851, there was imported into the city of St. Louis from the Illinois river 385,267 bushels more of wheat than from the Missouri river, and 215,277 bushels more than from the upper Mississippi. The difference in the article of corn is still greater. In the year 1850, there were seven hundred and eighty-eight arrivals of steamboats at the city of St. Louis from the Illinois river, and in 1851, six hundred and thirty-four; and in the two years, the arrivals from the Illinois river were one hundred and forty-eight more than from the Missouri, seven hundred and thirty-one more than from the upper Mississippi, four hundred and seventy-two more than from the Ohio, and six hundred and ninety-two more than from New Orleans. And, moreover, one half of the tonnage on the Illinois river finds its outlet north by way of Chicago, instead of south by way of St. Louis. Of the three million bushels of corn transported on the river, two millions seek its Eastern market by way of the canal and the lakes. An estimate furnished me by Captain A. B. Dewit, one of the oldest and most experienced navigators of that stream, shows that about 1,160,000 tons of produce, 820,000 tons of merchandise, and three hundred tons of lumber and salt are annually transported on this river by means of steamboats and canal boats.

While on this subject, it may be proper for me to remark, that from three to five months in the year the navigation of this river is obstructed by bars and flats, producing great delay, expense, and losses, preventing access to market, and affecting vast and important interests connected with the commerce of the river. There are twenty-eight bars or flats between Lasalle and the mouth of the river, composed, some of them of sand, and others of mud, which could be easily removed by dredging, at an expense most inconsiderable when compared with expenses incurred for removing obstructions in harbors for the benefit of foreign commerce; and when we consider that this stream is a very important link in the chain of national intercommunication which extends from the Atlantic to New Orleans and Mobile, on the Gulf of Mexico, it is of the highest national importance that these obstructions should be removed. Congress, by special enactment, once declared this stream a national highway; and it is as much entitled to the claim of nationality as the Mississippi itself; for it is, for the purposes of commerce, a direct extension of that very river, to meet the mighty northern thoroughfare extending by railway and the lakes, to the Atlantic ocean.

But, sir, the traveler along the canal not only sees a new and flourishing commerce, but he sees another object dearer to the patriot's heart. He sees every canal boat and steamer thronged with travelers, citizens from every portion of our common country. Here he finds the Western man, the Southern man, and, of course, "Brother Jonathan," expressing their astonishment at the magic and wonderful growth of that Western world of ours, discussing stocks, finance, railroads, trade, agriculture, corn, cotton, and *codfish;* the compromise, secession, slavery, and, what is better, learning from each other that there is no good reason for the local animosities which have heretofore existed and exhibited themselves in alarming aspects, threatening to jar the pillars of the Union and which, happily, the contact and collisions of modern commerce and business intecourrse are fast wearing away.

Mr. Chairman, I feel like complimenting the honorable gentleman from South Carolina [Mr. Orr] for his lucid and eloquent speech in behalf of the Missouri roads; and it is not for his eloquence alone I thank him, but for his magnanimity. That gentleman well knew that these roads did not point to the South, but to the East; and that, while the South would enjoy no direct benefit from their construction, they would pour the rich treasures of a new and valuable commerce into the commission houses of the Eastern cities. Yet, sir, he did not pursue the illiberal policy of opposing grants for these roads, because calculated to benefit the East more directly than the South. I will say to that honorable gentleman, I trust the day is not far distant when, by means of the Illinois and Alabama road, we can supply the South with the productions of our Western farms, and receive in exchange the rice, cotton, and sugar of the South; when the citizen of the South, flying from the heat of a Southern sun, shall find a pleasant summer's retreat in our beautiful groves and prairies of the West; and I tell that gentleman, if the halcyon day predicted by my friend from Missouri [Mr. Miller] shall ever come, when the young men of the South shall intermarry *with our* beautiful daughters of the prairie, it will not be long till all their notions of secession and disunion will be blown *sky high.* A union of the descendants of Sumter and Marion with those of Boone and the Western pioneer, would be a union indeed, and, I think, would be "preserved for the sake of the Union."

GRANTS FOR RAILROADS.

Mr. Chairman, I do insist we have a right to complain of the old States, because they refuse to help us when they can do so without injuring themselves. We propose to give them all they ask for the lands. If we build the roads, the Government gets $2 50 per acre for the reserved alternate sections, which is all it asks for the whole. If we do not build the roads, we get none of the lands—they revert to the Government.

The argument is, that the lands belong to all the States—that they are a common fund. I admit it. We do not propose to diminish the common fund. Then is it not illiberal in the Representatives of the old States to withhold from us a positive benefit when they lose nothing? The public lands, you say, are common property. Let us see what there is in this argument. Suppose that a custom-house was needed in New York, or that some obstruction in the harbor of that city required to be removed, and the gentleman from New York should bring forward a bill appropriating money out of the Treasury, and I should say to him, "Sir, you must not take the money in the Treasury; it is common property, and belongs to the people of all the States, and you must not appropriate it to these objects, unless in the same act of appropriation you give to the State of Illinois an equal amount for some object she may have in view." Why, if we can make no appropriations unless they confer equal benefit on all the States, then we can make none at all. The argument that, being common property, the public lands cannot, therefore, be appropriated to great objects of public utility, because they happen to lie in a particular section, is an argument which, in the present case, may pander to the cupidity of the Representatives of the old States, and to their jealousy of the West; but it is not very creditable to the schools and colleges in which they were taught the principles of logic.

There are paramount reasons why the Government should make these grants. First, as a great landholder; the Government, in the management of its property, ought to exercise, as far as is practicable, the same prudence and foresight which an individual under similar circumstances would. An individual owning large tracts of forest or prairie land, remote from settlement and market, and valueless, would readily sell, or even give away, a portion of said lands, to increase the value of the residue; and especially, if by so doing he could make that residue yield in a short time more than the whole would in its unimproved condition.

Second, as a measure of economy, to hasten the sales of the public lands, and thus at the earliest period enable the Government to dispense with the expensive machinery of land offices and other disbursements incurred in the sale of said lands.

The sale of the public lands cannot be more effectually promoted than by opening roads through them. Take the route from Burlington to Lafayette, or from Springfield to Terre Haute, portions of which run through large bodies of the public lands—prairies extensive and untenanted, and distant from market—lands not worth Government price. Suppose that by an Almighty fiat, a river straight as an arrow, unobstructed by snags or bars, and navigable for steamers of the largest class at all seasons of the year, should be run through those beautiful and productive lands: how long would it be before the Government would sell every acre within a day's travel of that stream? How long before commerce would flap her thousand sails upon that river? How long before its shores would resound with the roar of steam and the rattle of machinery? How long before its banks would teem with smiling villages, and its broad acres bend beneath fields of waving green, and the ripened harvest? Well, sir, the railroad will produce the same results; yea, for all the purposes of commerce, speed, and safety, the railroad surpasses the river.

CLAIMS OF THE WEST.

The gentleman from New York [Mr. Bennett] in his speech says:

"In truth, it is a kind of a grab game, where each of the new States gets all it can—the most selfish and clamorous taking the largest share—while more than half of the States, and two thirds of the population, are mere spectators to the skill and rapacity which the twelve land States display in taking the public lands."

Rapacity!—This is a term applied to barbarians and robbers. Sir, this comes well from the modest State of New York. If there is anything that ever will keep that State in the back ground, it is her wonderful modesty. She never asks for anything. She never gets anything. She is languishing to death for want of some appropriations out of the Federal Treasury. Now, sir, to be serious, I do not complain of New York. I do not complain of what she has got. As a citizen of this nation, I am proud of the Empire State. I glory in her prosperity, in the Napoleon-like energies of her people, and in that daring enterprise of her merchants and tradesmen which has sent our flag into every port, and planted the feet of our sailors on every island of the sea; and I hope, sir, that the liberal hand of the Government will ever be extended to her in promoting our commerce with foreign nations; but, sir, as a Western man, I hurl back the charge of rapacity made against us for asking grants of worthless wild lands to enable us to get to her markets, and to swell the sails of her commerce.

Mr. Chairman, much consideration is due to the new States. The old States came into the Union proprietors of all the public lands within their limits. Upon the separation of the Colonies from the mother country, they succeeded to the right of eminent domain, which, up to that time, had existed in the Crown. They have received the proceeds of these lands into their State treasuries, and they have been disbursed for the benefit of their citizens. But not so with the new States. In most of them the General Government is, to this day, the proprietor of the larger portion of the lands within their limits. These States, before their admission into the Union, were required to subscribe to the conditions contained in the ordinance of 1787—"never to interfere with the primary disposal of the soil;" and "to impose no tax on land the property of the United States;" and in the acts of their admission into the Union as States, they were required to subscribe to another condition—"that every tract of land sold by 'the United States, after the day of their admis-'sion, should remain exempt from any tax for 'State, county, township, or any purpose what-'ever, for the term of five years from and after the 'day of sale." The first condition is still in force, and the latter remained in force until January, 1847, when Congress passed an act authorizing the States admitted into the Union prior to the 24th day of April, 1820, to tax the lands from the day of sale. It is true, the United States gave the sixteenth section; a township for a seminary of learning; the saline lands, and two fifths of the five per cent. of the proceeds of the public lands to the State of Illinois in exchange for this immunity from taxation. But it is very easy to show

that the State has lost several millions of dollars more by this surrender of her sovereign right to tax the lands than all she has obtained from the concessions of the Government in consideration for this immunity.

But, again: there is an equitable claim which entitles the new States to some consideration. The citizens of the new States have reclaimed the public lands from the wilderness, and given them all the value they possess. The actual settler, by his labor and cultivation of the one hundred and sixty acres he buys from the Government, gives value to and brings into market the adjacent lands. Every furrow made by his plow, every road he opens, every bridge he builds, and every house he erects, adds value to the adjacent Government lands; and in Illinois, and in most of the new States, the system of taxation being on the *ad valorem* principle, the more he improves his lands the higher are his taxes; but the General Government being the largest proprietor, derives the full benefit of these accessions of value, but pays no taxes.

The reclamation of that vast territory west of the Alleghanies from the savage and the solitude of the wilderness, is a high compliment to the adventurous spirit of the pioneer, whose dauntless courage has impelled him to encounter all the vicissitudes of a frontier life, and to lay broad and deep the foundation of great commonwealths in these wild forests and untenanted prairies. The settlement of the West is the grandest achievement of the age. An half century discloses a magnificent empire, and the establishment of the institutions of law, religion, and liberty on that territory which, at the beginning of the Government, had been consigned by prophecy as the perpetual domain of the savage.

And what has the Government done? It is true, she has negotiated treaties with the Indians, but by her *Indian* policy she has hedged up the path of the pioneer from the frontiers of Virginia at each successive advance to the Rocky mountains by walls of wild Indians, who stand ready on the border-line with the implements of death to massacre him, his wife, and children. By her *land policy* she has wrung from the hard earnings of the pioneer $1 25 per acre for redeeming her territory from savage occupation, and making farms for her in the wilderness—that $1 25 to be drawn into the abyss of the Treasury, to be expended anywhere else than in the region of its acquisition. The poor immigrant—the actual settler has followed, with his axe in one hand and his gun in the other, close on to the receding council-fire of the Indian, leaving behind him all the conveniences of society—destitute of schools and churches—dwelling in rude log cabins, and exposed to every conceivable danger and privation. He has made your lands valuable, and paid you $1 25 per acre for them, which, instead of finding its way into the State Treasury to be disbursed among these settlers, has gone into the United States Treasury, to be expended for the benefit of foreign commerce. All your boasted liberality—all your "I would be generous to the new States," amounts to this, that out of your thousands of millions of acres of public lands, you have granted to the land States, for the purposes of internal improvements, only 11,500,395 acres.

RIVERS AND HARBORS.

Sir, the rivers and harbors of the West must remain unimproved; her three hundred millions of commerce and her ten millions of people must have no protection; the lives and property of her citizens must be sacrificed for the want of small appropriations to remove the snags and bars from her rivers; her vast stores of agricultural productions must rot in her barns for the want of small portions of the public domain in aiding her to get them to market; and this, too, when it is incontestably proven that the Government receives more immediate benefits from the grants than the States themselves.

From statistics taken by direction of the Treasury Department, it appears that, in the year 1851, 67 vessels were lost on the inland lakes and rivers, 35 by tempest, and 32 by snags; 628 lives were lost during that year, and the total value of property destroyed was near two millions of dollars. I noticed, the other day, a letter of a St. Louis insurance company to pilots on the Mississippi river, directing them to avoid a certain snag in the channel of that stream, and stating that three fine steamers had been sunk by striking that same snag, at a sacrifice of $40,000. Now, if there was any obstruction in any harbor on the sea-board, how long would it be before Congress would make an appropriation for its removal, and who would vote for it more cheerfully than Representatives from the West? On my way to this city, down the Illinois and Mississippi, and up the Ohio rivers, I saw scores of boats stationed on sand-bars, making ineffectual efforts to proceed on their journeys. The boat on which I was a passenger, was detained twenty-four hours at the mouth of the Cumberland river. Who, sir, is responsible for these obstructions to commerce, expensive delays, and immense sacrifices of life and property? Let the party whose policy it has been to vote down and veto every river and harbor bill, answer? Why, sir, while we have been discussing the relative claims of "Young Fogy" [Mr. DOUGLAS] and "*Old Fogy*," [General CASS,] we could have passed a river and harbor bill, which would have sent a gladsome thrill of joy throughout the mighty Valley of the Mississippi. A small appropriation—no burden on the Treasury—an amount we would never miss, would clear out the snags and deepen the channels of our Western rivers; would rouse the young West, stimulate her enterprise, and advance her prosperity!

There can be no question as to the obligation which rests upon Congress to make these appropriations. The same clause of the Constitution which confers upon her the power to protect life and property upon the ocean, confers power to protect life and property upon the lakes and rivers. Congress voluntarily assumed this obligation in the passage of the ordinance of 1787, which says:

"The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between them, shall be common highways, and forever free to all of the citizens of the United States, without any tax, impost, or duty therefor."

Congress having thus declared these rivers to be *common highways* for all the States, and deprived the States of any power to improve the same by impost, tonnage duties, or other tax, she has taken upon herself the irrevocable obligation to improve them, and make them in truth "*common highways*" for the citizens of all the States. There is no power in the States to make these improvements. If it is replied that the States can do it with the consent of Congress, then I rejoin *that to do it with consent is not power*, it is permission. And what State will undertake the enterprise? "What is everybody's business is nobody's." What States will undertake, out of the moneys in their treasuries, to make improvements in which all the States have a common interest, and ought to contribute their common share?

Is this Government not partial in its appropriations? The golden regions of California are scarcely in the Union, before millions are drawn from the Treasury to connect New York and San Francisco by ocean steamers. The Eastern emigrant, after a speedy journey in a floating palace, finds himself safely harbored in the bay of San Francisco, while the Western emigrant, in his ox wagon, must pursue his weary and perilous pilgrimage across mountains and wild deserts, and fight his way through hordes of savages, who infest his path at every step of his advance. For one third of the money expended for steamers, the Government could open a national road between the frontiers of Missouri and San Francisco, establish the necessary military posts, and station companies of soldiers within convenient distances all along the route. But the cries of distress along that route, and the murders and depredations committed, are far below the notice of Congress.

THE WEST—EXTENT AND RESOURCES.

It is time our brethren of the East had informed themselves of the extent and resources of the West. If they had, they would not look upon her States either "as spoiled children asking for what they were not entitled," or as Goths and Vandals, "seeking every opportunity to pillage the Treasury." To judge from the legislation of Congress, one would infer that they look upon the mighty Mississippi and all its tributaries as not entitled to as much consideration as the most inconsiderable harbor on the sea-board. If they would inform themselves, they would find, as the gentleman from Ohio [Mr. CAMPBELL] says, that "we had *some country*, and *some people there*." Take your stand at the mouth of the Missouri, and look up to its source, 3,217 miles, up the Illinois 400 miles, the Ohio 1,000 miles, and the mighty Mississippi, the great trunk of all, as she sweeps her turbid waters 3,500 miles, from her headland home in the wilderness to the Gulf—traverse the valleys of the Wabash, the Kaskaskia, the Rock, the Iowa, the Des Moines, the Wisconsin, the St. Peters, and you will find there is some *territory* there. An accurate historian of the West, the Rev. Mr. Peck, informs us that, "The Mississippi and Ohio, and 'their tributary waters, form an inland navigation 'exceeding twenty thousand miles, for various 'classes of boats, during two thirds of the year, 'to the point of junction at Cairo; from thence to 'New Orleans the river is navigable for the whole 'year for boats of the largest class." There are broad valleys there; mighty lakes and rivers, and beautiful prairies; mines of inexhaustible wealth; mountains of iron; vast beds of lead, zinc, and copper, and "coal enough to keep the hearth fires of the world bright for a thousand centuries." But, sir, there is also there, the sure and durable element of wealth, the *soil*, a rich and productive soil—a soil producing, with little labor, and in great abundance, those staple articles which promote the subsistence, as well as constitute the commerce of the world. Agriculture produces the raw material, commerce distributes it, manufactures prepare it for use. But, sir, the latter depend on the former. Agriculture is the only unfailing basis of wealth. The proudest emporiums are liable to decay by the opening of new ways or the diversions of the channels of trade; but these channels of trade, go where they will, they depend for their life-blood upon the productions of agriculture.

"While trade's proud empire hastes to swift decay,
And ocean sweeps the labored mole away,
This self dependent power shall time defy,
As rocks resist the billows and the sky."

The West is progressing rapidly in commercial prosperity. In the year 1811 the first steam-boat was launched on our western waters. On the 1st day of July, 1851, there were on the inland lakes and rivers seven hundred and sixty-five steamboats, with an average tonnage of 204,613, and carrying 6,000,000 of passengers, and with an aggregate annual commerce of $300,000,000, exceeding the whole amount of our commerce with foreign nations.

To show the rapid advance and relative position of the West in the construction of railroads, I have gleaned the following statistics from a table published by the Railway Times:

In the United States.

Total number of railroads	337
Number of miles in operation	11,565
Number of miles in course of construction	11,228
Cost of roads completed	$335,150,848
Average cost per mile	$28,979

In the Valley of the Mississippi.

Total number of railroads	103
Miles in operation	2,826
Miles in course of construction	7,5 6
Cost of roads completed	$50,531,435
Cost per mile	$17,845

In Illinois.

Total number of roads	18
Miles in operation	946
In course of construction	2,246

Thus it appears that the West has already one third as many roads as all the States, and nearly three fourths of all the roads in the course of construction in the whole Union.

Mr. Chairman, the population of the Valley of the Mississippi already constitutes more than one third of the entire population of the Union. And, sir, the time is not distant when the seat of empire, the strong-hold of numerical power, will be west of the Alleghanies. The handwriting is on the wall. It is *manifest destiny*, sir. It is written on the signs of the times in clear, fresh, and unmistakable lines. And then, sir, her Representatives will stand on this floor clothed with the power to *demand*, and not to beg, like crouching mendicants, for justice. But, sir, when her voice shall be potential here, I believe, and trust, it will not be felt in partiality or oppression; but with a

high and patriotic regard for the interests of the whole country, she will sympathize with, and cheerfully coöperate in, every measure for the common prosperity, without regard to section or locality. She will then try and establish the proposition, that three hundred millions of commerce on the lakes and rivers is entitled to protection, as well as the same amount on the ocean; and that the life of a man on the Mississippi is worth at least one fifth part of the life of a man on the Atlantic.

What has the West done? Has she not contributed her equal share to the support of the Government? Has she not cheerfully voted every appropriation for the support of the Army, Navy—for the protection of our foreign commerce—without inquiring what particular sections it was most to benefit? And when the country has required the services of its citizen soldiery, who has sought the field with more alacrity? Let the history of the country answer. The West can point to many a battle-field in the war of 1812, and in the Mexican war, which will stand forever as the imperishable monuments of the prowess of her sons. And yet, sir, they claim only, in common with their countrymen everywhere, to have done their duty, and nothing more; and they ask only equal consideration at the hands of this Government.

THE ROADS THROUGH ILLINOIS.

Mr. Chairman, I have not time to present the claims of the various roads for which grants have been asked, and which pass through the State of Illinois. The Burlington and Lafayette road, the extension of the Alton and Sangamon road to Bloomington, connecting St. Louis and Chicago by the most direct line, and the Cincinnati and St. Louis road are most important thoroughfares; and when these measures come up, I will, if I can get the floor, present their claims to the best of my ability. I would not have the committee infer that we expect to get grants for all the roads asked for, for, as Mr. DOUGLAS said in the Senate, this is out of the question. We, of course, will expect the House to select from all the roads brought before it such as present the strongest claims to the consideration of Congress. As the bill introduced by my friend from Indiana [Mr. DAVIS] will probably first come up for consideration, I will say a few words as to the route it proposes. This is an extension of the Hannibal and St. Joseph road eastward to Terre Haute. From the Mississippi to the Illinois rivers a road is now in process of construction. From the Illinois river to Springfield a road has been in operation for several years. It is now proposed to grant alternate sections of the public lands for six miles on each side of the road, to extend it to Terre Haute, a distance of one hundred miles. From Terre Haute to Indianapolis a road is in operation, and thence to Columbus a road is in process of construction, and from this point a choice of routes can be shortly had to any of the Eastern cities. The importance of this road can be seen at a glance. St. Joseph, Quincy, Springfield, Indianoplis, Columbus, and Philadelphia are all on the parallel of latitude forty, running through the geographical center of all these States, equidistant from the lakes on the north and the rivers on the south, through the finest agricultural districts in the world; it is the short, central, and convenient route of the cities of the East to the Mississippi and the Missouri, and at a future day, to the Pacific ocean. I verily believe that this is the route which is destined to bear on its long lines that majestic procession of the commerce of the continents of Europe, America, and Asia. Perhaps not a century will elapse before the citizens of Springfield, Illinois, will see in the same train of cars the merchant of Liverpool, New York, San Francisco, and Pekin; and that trade which built up Babylon and enriched Holland, and which has been the theme of British eloquence for centuries, will find its natural channel over the Rocky Mountains and the prairies of the West.

Mr. Chairman, I shall conclude what I have to say by expressing the hope that in our legislation upon the public lands we will not be governed by the narrow considerations of sectional jealousy. Are the railroads for which we ask grants, for the benefit alone of any particular section? Do they not open new and profitable markets for your cities? Are they not outlets for your merchandise and the fabrics of your manufactories? And do they not bring the productions of the mighty West, cheapened and in greater abundance to your doors? Do they not freight your own roads and canals, build up your cities, and laden your ships with the cargoes of valuable commerce? A railroad in Illinois, like a light-house on the seacoast, is the common property of the nation. Shall we adopt the policy that we will pass no measure unless it confers equal benefits on every section of the country? Then, sir, we can pass none. Then, sir, stop all appropriations for custom-houses, ocean steamers, and coast surveys; for these add to your wealth, these make your merchant princes, these swell the sails of your commerce, while we share their benefits in an indirect and incidental way only. But I trust, Mr. Chairman, the West will never oppose an appropriation for the "general welfare or common defense," because the locality of that appropriation may receive especial advantage from it. Whatever benefits the East or South is our benefit—if not for our benefit, it is for the nation, and that's enough. The ocean steamer that plows the deep, it is enough for us that she bears aloft our stars and stripes, and displays to the world the commerce, power, and renown of our country. It is enough for us that she bears the trident of the seas, and outstrips the power

"Whose flag has braved a thousand years
The battle and the breeze."

Away, then, sir, forever away with arguments like those of the gentleman from New York, [Mr. BENNETT,] addressed to our sectional prejudices and local cupidity. We have one country; our interests are one, our history is one; our destiny is the same—a glorious destiny of free and sovereign States to unexampled power and renown. The same flag that flashes its stars to the sun on the banks of the Hudson and Potomac is hailed by millions of rejoicing freemen on the banks of the Mississippi and the Columbia.

Mr. Chairman, I confess I was delighted the other day at the vivid description given by the gentleman from New York [Mr. BROOKS] of the extent of our newly-acquired possessions, and the vast area of our country. Within the last five years three new States have been added to the Union, and there is the territory at the head of the Missouri and the Arkansas, the Territories of Nebraska, New Mexico, Utah, and Oregon—and the vision of an ocean-bound Republic is now a reality. Sir, what a mighty theater for American enterprise! What a mighty course for the race of democratic liberty!

The gentleman from New York informed us that we had upon the frontiers an army of 12,311 men, 118 military posts, and 6,800 miles of frontier requiring our protection. Now, sir, who can doubt that railroads, enabling us to concentrate at given points our Army and munitions of war at the shortest notice, will be a more reliable and surer defense than thousands of military posts and fortifications? And, sir, when we have united the Atlantic and the Mississippi, our oceans, lakes, and rivers, by these iron bands of commerce, we shall have stronger and more impregnable bonds of union "than all the constitutions which man ever formed." This, sir, will be a new era—an era, not only of commerce, which is an exchange of commodities, but also of the exchange of ideas, the rapid transmission of thought—the birth of a literature commensurate with this mighty theater of action—a progression in science, art, and political economy and diplomacy *pari passu* with this new power of locomotion. Wherever the iron horse travels, he will carry, not only the rich productions of our soil, but our laws, our liberty, and our religion. Flying over the rivers and mountains and wild deserts, it will realize the bright vision of Isaiah: "The valleys shall be exalted, the mountains laid low, and straight in the desert, shall be made a highway for our God."

It is already our boast as a nation, sir, that we enjoy more of liberty, a more universal diffusion of knowledge, and a more exalted national character than any nation on the globe. But the striking feature of the American character is its enterprise—an enterprise that knows no obstacles, counts no costs, fears no dangers, triumphs over all obstacles. Look at California—three thousand miles away in the wild deserts, and mountains and savages between. And yet, sir, a young empire is there—a sovereign State, she has her Representative on this floor, who delights us with his eloquence; and who, to quote my friend from Kentucky, [Mr. BRECKINRIDGE,] is ready to turn the world upside down with his brilliant notions of "young fogyism," "young America," and "manifest destiny."

But, sir, the most felicitous thought is now, that the fears of disunion growing out of the increased extension of territory no longer alarm the patriot. It will be no matter how far Charleston is from New York when, sir, they can have constant communication with each other in a few days. Rome, by her military prowess, spread her empire over the world; and her eagles winged their triumphant flight over conquered provinces; but these provinces were beyond the reach of the Roman lawgiver. The eloquence of Cicero thundered in the forum, but it reached no further than the ears of the conscript fathers and the Roman populace. But not so with us, when the message of the President can be read in the most distant State on the day of its delivery. Not so with us, when we travel by steam, print by electricity, and talk by lightning.

Then, sir, with the proper application of the resources that belong to us, and a faithful development of the true principles of our freedom, we may look forward, fearless of disunion, to the magnificent destiny which awaits us,—a nation renowned in arts and arms, her institutions of benevolence and public works the wonder of the world—her republican example the beacon light to light up the world to freedom!

Mr. Chairman, I see that my time is about expired, and I close by thanking the committee for the attention it has accorded me to what I have offered for its consideration.

THE HOMESTEAD POLICY.

SPEECH OF HON. H. D. MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

April 30, 1852.

The House being in the Committee of the Whole on the state of the Union on the Homstead Bill—

Mr. MOORE said:

Mr. CHAIRMAN: I am opposed to that feature of the bill restricting its benefits to those who are worth less than $500, because I am opposed to this exclusive legislation, or rather this legislation for a portion only of our citizens, and especially when that legislation is on a matter in which every citizen of our country is alike and equally interested. Why, sir, I care not if a citizen of Philadelphia, or New York, or Boston, or any other portion of our country, be worth $100,000, if he will go and settle upon a hundred and sixty acres of the public land, and cultivate it for five years, and otherwise comply with the features of this bill, I am perfectly willing he should have the benefits of it; for it will tend to make a producer of him, and he would be doing some good for his country.

Mr. Chairman, I was somewhat instructed and a good deal amused with the speech of my honorable friend from Virginia [Mr. MILLSON] yesterday, and he so forciby reminded me of an anecdote I read in one of our papers a few days ago that I think I must tell it. It appears that shortly after the meeting of the present Congress, two of the members, (one from the East, and one from Virginia,) met on the avenue, and after exchanging the usual compliments, the Eastern member remarked that he had just enjoyed the pleasure of celebrating thanksgiving in his State; to which his friend replied that they never had thanksgiving in Virginia. "Well, I suppose it is because you never have anything to be thankful for," remarked the other. "No, sir," replied the Virginian, as ardent as a Southern sun could make him, "We do not have thanksgiving, because it is not laid down in the Constitution, and is nowhere recognized in the resolutions of '98." Now, Mr. Chairman, inasmuch as this principle of land reform which we are endeavoring to establish is not laid down in the Constitution, according to the opinion of my friend from Virginia, and is nowhere recog-

nized in the resolutions of '98, I can very readily conceive why he cannot support it.

My honorable friend from Maryland, [Mr. BOWIE,] in his speech on Monday, denounced this bill as a proposition to give away all the public lands, and seemed to think, from his argument, that these lands belonged entirely to the Government, and that the citizens of this country had no right to them; and, indeed, this appears to have been the chain of argument used by those who have opposed the grant of lands to the Western States for improvements, that they belonged to the Government, and that the States had no right to them. Now, sir, I must differ with them—and I am happy to know that my friend from Virginia agrees with me on this point at least: that these lands do not belong to the Government, but to the people, the citizens of the country, and that they are held by Government in trust for the use and benefit of the people. Now, what do we propose by this measure? Why, sir, to give to every citizen, under certain restrictions, a title-deed to a portion of that land in which they are now joint owners. But, says the gentleman from Virginia, you have no right to do this, and asks if the money in the Treasury does not also belong to the people, and why not divide that also among them? No, sir; the money in the Treasury does not belong to the people in the same sense. It did once belong to them, before they had paid it away; but having paid it away to the Government for a certain and specific object, which was to pay the expenses of their government, they have no right to it, and it cannot be diverted from the object for which it was paid! Not so with the public lands; they have not been paid away to the Government, but given to it in trust for the people. Now, I may ask, if this is my argument, if I maintain that every citizen has a claim upon this land, and that we have a right to give them a title-deed for it under certain restrictions, why not give it to them without those restrictions, and let them sell it, or do with it just as they please? Well, sir, why does not a parent who is possessed of property and a number of children give to each of those children its share, and let them do with it just as they please? Why does he give it to them under certain restrictions? Why, most assuredly, for their good and their benefit; and so with these public lands. I hold that the Government has the undoubted and constitutional right to donate these lands to the citizens under any restrictions which it may think will be for their good and their benefit.

Now, Mr. Chairman, the honorable gentleman from Maryland alluded to the fact, as have other gentlemen, that our Government is in debt because of the recent war with MEXICO, and that these lands are pledged for the payment of these debts, and therefore we ought not to pass a measure of this kind; but not one of the gentlemen have intimated the least doubt on their part of the perfect ability of the Government to pay that debt, even though we do not receive a dollar of revenue from the public lands! And my friend from Maryland also said, that we might possibly be engaged in another war, and that some of our venerated statesmen had warned us that "in times of peace we should prepare for war," and that therefore the Government should hold and retain these lands, as a sort of reserved fund to fall back on in such an event! Why, Mr. Chairman, the argument of the gentleman is, with me, the very strongest argument he could use in favor of this bill; for I say to-day, sir, I would not hesitate to vote away every foot of this land to the citizens of our country, if I thought, by so doing, it would prevent the country from ever again incurring a debt to carry on a war of aggression, or a war for conquest! And as for a righteous, defensive war, a war in defense of our homes, our institutions, and our liberties, this country needs no such reserved fund to fall back upon for that purpose, for it will never find any difficulty to raise all the men and means which may be necessary to carry on any war in defense of our institutions, our firesides, and our liberties; and especially would it never find any difficulty, if it would pass a measure of this kind, giving to the houseless and homeless, a home of their own to love and fight for.

Much has been said, sir, about the strength and durability of our institutions, and the courage and patriotism of the American people, and I would not detract in the least from either; but would rather strengthen and perpetuate the institutions of our country by infusing into the minds of the people a love and reverence for them, which would enable us to bid defiance to a world of despots! And we can do this, sir, by giving to the homeless of our family—for we are but one great family—by giving to them, I say, a home on the unappropriated soil, where they could learn to live and to reverence the institutions which thus cared for and protected them; and where they could teach to their children the same lessons of duty and patriotism. This, sir, would make us more happy and prosperous as a people than we ever have been; and, as a nation, it would make us invulnerable against a world of despots, for every hearth-stone in the land would become a Thermopylæ, and at every threshold would be found a Leonidas, to protect and defend it. No, sir; I say then we do not need any such reserved fund as these public lands to be held by Government as an incentive or encouragement to wars of aggression or conquest; and, as I have before said, in a war in defense of our homes and firesides, we can always find the men and means necessary for it. And, Mr. Chairman, my honorable friend from Maryland took occasion at this point of his remarks, to speak in a somewhat sneering manner of the quiet, peaceable, Quaker citizens of Philadelphia, and seemed to think that it might do for those citizens of Philadelphia who were members of peace societies, to support a proposition of this kind. Let me say to that gentleman that as quiet, peaceable, and peace-loving as are those citizens of Philadelphia of whom he has spoken, they have ever been found ready, and will again be found ready, if occasion requires it, to defend their city, their homes, and their country! And let me further say to my friend, that if some of those same quiet, peaceable citizens of Philadelphia had been in his own State, and his own district, the British army never would have crossed it and got here to the Capitol of the nation to burn it.

But, Mr. Chairman, my friend from Maryland seemed to look at this proposition as if it was a Hydra-headed monster, a sort of initiatory step to the worst kind of agrarianism, or a division of property, as he seemed to understand it. Well, sir, there will be differences of opinion on this as well as on other subjects, and I must be allowed to differ with those who thus think; for I believe, that if we shall pass some measure of this kind, where the homeless of our country can, if they desire it, find a home of their own on the unappropriated soil, it would be the surest protection of the rights of property, and the surest safeguard against that spirit of discontentment which finds its origin in the minds of the suffering classes of our community, as they behold the inequality of condition by which they are surrounded, and which is daily and hourly increasing around them by the power of wealth, which enables its possessor to monopolize even the very soil of heaven, which is as necessary to our existence as is the air we breathe. Now, Mr. Chairman, this is, in my opinion, the most important point for consideration in this whole matter, viz: that of preventing, if possible, by some wise and salutary laws, any more of the public lands of our country from becoming the property and in the possession of the wealthy and the speculators of the land. Now, I would be willing to vote for any project that will prevent this evil; and I could, with a great deal of pleasure, vote for the first feature in the proposition offered yesterday by my friend from Indiana, which was, to reduce the price of the public lands to a sum that would enable them to be within the reach of any one who would go and settle upon and cultivate them, and at the same time prevent them from being sold to any one who would not settle upon and cultivate them. And, Mr. Chairman, my friend from Maryland alluded to, and quoted somewhat at length, from the agrarian laws of Rome, and seemed to infer, sir, that to these laws entirely might be attributed the downfall of that Empire. But he seemed to keep out of the view of the committee the facts or the causes which gave rise to all the difficulties at that time in reference to this matter, which were, that nearly all the public lands had become to be, from various causes, in the possession of the wealthy capitalists and speculators. Now, sir, I have here the "Encyclopædia Americana," from which I read, as follows:

"The lands thus claimed by the public became naturally a subject of extensive speculation with the wealthy capitalists, both among the nobles and other classes. Appian says, that the nobles and rich men, partly by getting possession of the public lands, partly by buying out the shares of indigent owners, [just as the speculators of our country are buying up the bounty land warrants of our poor soldiers,] had made themselves owners of all the lands in Italy, and had thus, by degrees, accomplished the removal of the common people from their possessions. And Dionysius informs us, that this public land, by the negligence of the magistrates, had been suffered to fall into the possession of rich men."

Now, Mr. Chairman, these were the great and serious evils they had to contend with in those days, and they are the evils, sir, which I wish this country, while it has yet the time and the opportunity, to avoid and prevent, by legislation, from ever becoming the evils and curse of our happy land. Thank God, sir, this evil does not now exist in our country, except to a very limited extent indeed; and as my friend from Indiana [Mr. PARKER] said yesterday, "while the mutterings 'of the thunder are so distant as scarcely to be 'heard, while the cloud is no bigger than a man's 'hand," let us so act as to prevent the storm from breaking over our yet happy and blessed country. Now, Mr. Chairman, I discussed this subject at some length in the last Congress, and on that occasion gave my views upon it, and my reasons for supporting it; and I shall now do what I dislike much to do; that is, repeat at this time some portions of my argument on that occasion, and my reasons for doing it are these: We could not get this subject directly before the last Congress, and I was obliged to make my argument on it when we were in committee on the bounty land bill; and there is not probably ten members of this House, who were members of that Congress, who remember one word of my argument; and we have also about one hundred and thirty new members in this House, not one of whom heard a word of my remarks at that time; and as we are about to vote now on the subject, I want the members of this House to know my argument on it, and my reasons for supporting it—and I do not know that I could present any stronger arguments at this time than I did then:

"Now, sir, the evil we propose to obviate by this measure is, to prevent these lands, or the most valuable portion of them, from becoming, in a short time, the property of a comparatively few, and those the rich and wealthy, to the injury of the poorer or laboring class, who form by far the largest portion of our population. And the good we propose to accomplish by it is, to secure good and comfortable homes for the poor and friendless of our country; and I am sorry to say that, as a general thing, the poor are friendless.

"Now, it cannot be denied, sir, that for the last ten or fifteen years, there has been carried on in our country, a system of speculation in our public lands, which, if allowed to continue and increase, must eventually place the most valuable of those lands in the hands of speculators or men of wealth; and some of the holders thereof are foreigners, too, subjects of Queen Victoria! It is not long since that I was informed by a gentleman of Philadelphia of the fact, that the son of a British Peer had recently employed an agent here to purchase thirty-five thousand acres of these lands in some one of our Western States as an investment. And it will not be long, under this state of things, when a poor man, who may wish to escape from our crowded and populous cities, which are fast becoming lazar houses, and take his wife and children where they can breathe the free and pure air of heaven, will, if he be enabled to purchase at all any of the land in which he now has an interest, be obliged to pay just what price the selfish interest, or grasping avarice of the owners thereof, may see fit to demand! And what, I would ask, is to be the result of these things if allowed to continue? Cannot any one possessed of the least discernment perceive, that it must eventually terminate in a species of industrial feudalism, or a system of landed monopoly, which has ever been, and will ever continue to be, the curse of any country that tolerates or encourages it. And I am but speaking the sincere convictions of my heart and mind, when I say, that I think this is a subject,

more closely linked and connected with the interests and prosperity of our country, than any other subject which can come before this House for its consideration: for I do most firmly believe, that if the time shall ever come—as I fear it may, unless some means are taken to preserve the unappropriated soil for the mass of the people of this country—I say, if the time shall come, when that soil shall become vested in the hands of a comparatively small portion of its citizens, and the masses shall be precluded from the cultivation thereof, or the enjoyment of the same, except it be at the will or bidding of the few who own it, that time, sir, will be the beginning of a scene, the end and the termination thereof no man can tell! Why, sir, look at the condition at this time of a large portion of those who make up the population of the principal cities of our Union! Are not the working classes almost constantly, in some portion of the country, engaged in what is denominated "strikes," for a higher rate of wages, in consequence of the price of labor being insufficient to support their families? Are there not thousands and tens of thousands actually suffering for the want of employment and the necessaries of life? It is but a few days since that I cut from one of the papers in the city where I live, an appeal to the citizens, by the sewing women or tailoresses of Philadelphia, which, if any member of this House would read and reflect upon, I am sure would awaken every sympathy of his nature, an I arouse every energy of his mind to the adoption of some measures whereby such evils as are there recited, might be removed from among us or prevented for the future! And they exist not only in Philadelphia, but in every city in our Union. And what is the cause of these evils? Why, one prominent cause is, an overplus of labor in the market, and a consequent reduction in its price or value, by the competition it produces: for labor, like everything else, must and will be governed in its price or value by the demand for it; and every year in our country, by the steady increase of this portion of our population, and the superseding of labor by machinery, is the demand for labor decreasing, while labor itself is increasing. And what is to be done with the surplus labor—these thinking, moving, mental machines, who require meat and drink to sustain the life their Creator has given them? Are we to build poor-houses and almshouses to people them with this portion of our population? Are they to die and rot as in Ireland for the want of that sustenance which they would gladly earn in the sweat of their brow, if the privilege of so doing could be granted them? Are they to beg or steal that which they cannot earn? Sir, it is to prevent such scenes and consequences as these that we advocate the measure now claiming our attention. To the laboring man and mechanic of our country, who are unable to procure employment, and whose families are in this suffering condition, we would tell them to leave these crowded and populous cities, these busy marts and whirlpools of strife and contention, where sordid avarice is crushing the feeble, and selfish interest cares not for the helpless, and go to the green hills and sunny plains of the far West, where they can have a home of their own, and where they can worship their Maker under their "own vine and fig-tree." Sir, if we could tell this at the present time to those weary and toil-worn creatures, in whose breasts there is scarcely a ray of hope left, with what a thrill of rapture would it be received by them! Tell such a poor creature that he is the owner of a quarter section, or even eighty acres, of good land, and give him a title to the same, of which he nor his children can ever be divested, either by the cunning of his fellow-man or the iron grasp of the law, and independent of the joy you will have infused into his heart, you will have done an act which will have tended to secure more firmly than ever the prosperity of our people and the perpetuity of our institutions; for, by an act like this, you will have made a citizen one who will feel that he is in truth and reality a part of this Government, and that, in its continuance and durability, he is directly and intimately connected; ay, sir, the moment you give a man like this a title-deed to a portion of the soil upon which he lives, and by which he is enabled to support his family, that moment does he indeed feel that he is a man; and you identify his interests with the Government under which he resides; and in the sustaining of that Government, and the enforcement of law and order, you will find him ever ready to the sacrifice of his life, if necessary. I question, sir, whether there is a member of this House, whose experience will not sustain the truth of this position; who cannot say, from actual observation, that, as a general thing, the law-abiding and useful citizens of the community in which they reside, are those who have some vested right, or pecuniary interest at stake, in which the laws of their country is to protect them. Now, I do not wish to be misunderstood in this matter; I do not wish to be understood as saying, that I believe the property holders, or the rich and wealthy, are the best citizens of this or any other country, while the poor are the worst and most useless class, as I do not so believe; for I believe those are the best citizens of any country who are neither rich nor very poor, and that the happiest community where the means of subsistence is within the reach of all. But the fact which I wish to enforce or illustrate is this—that as a general thing, of those who make up the long catalogue of criminals and offenders against the laws of our country, not one in a hundred will be found to be owners or possessors of property of any kind; and whenever we are called upon to witness the destruction of property, or of life, by riots or mob violence, as has recently too often been the case in our country, not one in a hundred of those composing the active participants of those riotous assemblages, will be found to have any pecuniary interest at stake, under the laws they are thus violating. Now, I do not suppose, by any means, sir, that any legislation whatever, which may emanate from this body upon the subject of the public lands, or any other subject, will effectually cure all these evils, or render entirely useless the criminal code upon our statute books: but I do believe, that by legislation here, we may cure some of the present evils, and prevent many future evils of this kind, to our country; and in no manner do I think it can be more safely and effectually done than by securing this beautiful domain, this soil of Heaven, which is, after all, the true source of all our wealth, and from which every creature of God must subsist, either directly or indirectly. Secure this I say, from the blasting, avaricious grasp of the speculator, and retain it for the poor and friendless of the present, as well as future generations. Now, as I said at the commencement of these remarks, I may be charged with the manifestation of an agrarian spirit, or desire to limit the acquisition of wealth, by preventing the citizens of this country from buying and selling and trading, to any extent they may see proper, in these lands, the same as they do in any other marketable commodity. Such is not my feeling or intention, sir; I desire to put no limit whatever upon the acquisition of wealth, for I care not if the money-worshippers or money-seekers of our country shall count their dollars by millions, and their title-deeds and mortgages by hundreds; but when that portion of the soil which is now vested in the right of the citizens, and the various avenues of trade and commerce are insufficient to satisfy their avaricious thirst for wealth, and they shall seek to increase their already untold thousands by grasping that portion of the soil now held by Government, and which belongs to the people, then I would say to him, Hands off. I would tell him that this soil is not to be bought and sold like bank stock in the market. Why, sir, if we wanted any illustration of the evils arising from an extended system of land monopoly, it is unnecessary for us to go to unhappy Ireland for it, where it exists to such an alarming extent, and where we have seen the terrible evils resulting from it, and to which the honorable gentleman from South Carolina [Mr. HOLMES] has this morning alluded, when he called our attention to the millions who die there from starvation and want. We have here in our own country an instance of evils which result from a large system of land monopoly. I allude to that portion of the State of New York which is known as the anti-rent district, and where have been enacted scenes which, to say the least, are discreditable to an enlightened community and a republican Government like ours. And I wish it to be understood, that in thus alluding to the disturbances in this portion of the State of New York, that I do not uphold those anti-renters in their violent measures and opposition to the laws of our country; for if they have no right or title to the land on which they reside, and the title be good and valid in the family who claim it, then those tenants are not, and cannot be, justified in forcibly violating or resisting the law of their State which would enforce the collection of their rents. But I allude to this existing state of things in that district, as an evidence of some of the evils which result from a very large system of land monopoly; and I believe, if the time shall ever arrive, as I fear it may, unless some means are adopted to prevent it, when the soil which is now held by Government shall become the property of a comparatively small number, and the mass of the people shall be precluded from the cultivation of it, or the enjoyment of the same, except it be at the bidding of the few who own it—I say, if this time shall come, if we do not, our children at least may live to see these scenes of the anti-rent district enacted in more than one portion of our now happy country. Why, sir, I presume the fact is well known to the most of the members of this House, that the whole of one county in the State of Illinois is at this time in the possession of a gentleman who is a resident of the city of New York. I was at first informed that it belonged to a gentleman who was but recently a member of this House, but have recently been told that it does not belong to him, but to a brother; nevertheless the fact exists, that the whole of that immense tract is now in possession of one family.

"Mr. VINTON, (in his seat.) Yes, and they procured it through this very system of bounty land warrants, which this bill proposes to increase.

"Mr. MOORE. Yes, sir; I know it is as the honorable gentlemen from Ohio observes: they did not buy this land directly from our Government under the operation of the present system of disposing of these lands, but they got them through the operation of this bounty land system. And I do not allude to this fact in the way of a complaint against that gentleman, for he had an undoubted legal right at least to buy those lands at the very lowest prices he could from the poor soldiers, who were obliged by their necessities to sell them for whatever they could get for them; but I allude to it as an evidence of the fact, that so long as this system of bounty land warrants, or any other, is in operation, by which the capitalist can, by means of his wealth, secure the soil of our country at such prices as must inevitably largely increase his wealth, so long will he do it, utterly regardless of the injury which may accrue thereby to the mass of the people around him, who are unable even to buy sufficient whereon to live and support their families. And I would ask, what is to be the ultimate result of these things if they are allowed to continue? Take the instance I have just alluded to as an example, and no sane man, I apprehend, will believe that the purchaser of those lands bought them for the purpose of selling them again at the same prices with the simple addition of interest to his money. We all know human nature too well for that. And it is not unreasonable to suppose that in the course of a few years the land adjoining or contiguous to that land will be settled upon by thriving and industrious farmers, which will add immensely to the value of his land; and if a poor man shall then want to buy a farm of that proprietor, think you he will not have to pay a little more than six per cent. advance on the original cost? ay, sir, and it may be more than six times six; and perhaps he will not sell at all, but will only rent his farms, as in the case of the anti-rent district; which he would have an undoubted right to do, for the land belongs to him, and he can never be divested of it, and never should be divested of it, let him do with it as he might. And suppose he should collect around him one or two hundred tenants with their families, who would be dependent on his will or the will of his heirs for the tenure of the soil they were thus enriching and cultivating: is it to be supposed, I would ask, that that community would be as happy, and thriving, and prosperous? Would they be as good citizens as they would, could every man say that the land he was enriching and cultivating was his own and for his children? I was forcibly impressed with the truth of an observation in a speech of the honorable gentleman from Virginia, [Mr. MEADE;] he said, 'Blessed is

that country where every child is born a landlord.' Ay, sir, blessed is that country indeed, as is the case with every child who now first draws the breath of life in this free country of ours. And I would not only have it continued so, but I would have it so that every such child at the age of maturity should have, if he needed it, a title deed to a portion of that land whereon he might live and support his family. It is not unreasonable to suppose, sir, that we have at the present time in our country, at least one hundred thousand families,—yes, I believe we have five times that number, who are sadly deficient of the means of securing a comfortable subsistence; and suppose each of these families could be given, as the honorable gentlemen from Maryland and Ohio say, a quarter section, or eighty acres of these lands, I ask these gentlemen if they, or I, or any of us, would be any poorer for it? Would our country be any poorer for it? Ay, indeed, sir, who of us but would not be richer, far richer, for this act of mercy, which would be the stepping-stone, as it were, to an eventual and thorough reformation of the ignorance and misery with which shuddering humanity is now cursed all around us. And when I see the pure and noble-hearted philanthropists of our country, struggling in their vain efforts to reform these abuses, and to raise up the downtrodden and debased among us by their efforts to dispel ignorance by education, and relieve the misery and wretchedness around them by their daily acts of charity, I bless my God that we have such noble hearts among us; and while I admire and reverence the noble spirit they are thus manifesting, I cannot but feel that the task or duty in which they are engaged is a hopeless one, and must ever continue so, until the cause of these evils is removed. It is in vain for us to talk of secular education, of religious instruction, or of those daily acts of charity which relieve the momentary wants of humanity, so long as the suffering mass around us are without any homes; and by this word, sir, I mean something more than a mere hovel or wretched tenement, which many of them are now inhabiting, and which may perchance keep out sufficient of the cold wintery blast to prevent their freezing! Something more than a crust of bread and a cup of water, merely to keep the death-rattle from their little ones. I mean a home which shall be such in every sense of the word—one that shall belong to the occupants of it, and one where, amid the social comforts and enjoyments of the family circle, the children of the present, and who are to be the fathers and mothers of the future generation, shall be taught and schooled in those lessons of duty and patriotism which shall fit them to take charge of the destinies of this great and mighty Republic; and into whose hands they are soon to be committed by those of us who are passing from the stage of life.

"Sir, when I shall see this Government engaged in a system of legislation, which shall care for, and protect those of its citizens who need its care and protection, and who have a right to demand it, then shall I believe, and feel, that we are fulfilling our true mission among the nations of the earth. Then shall I believe that the tree of liberty is striking its roots so firmly in the soil in which our fathers planted it, and which is in the affections of the people, that it shall bid defiance to the storms which are now shaking the empires and kingdoms of the Old World to their center! The honorable gentleman from Wisconsin, who so eloquently addressed this committee a few days since, said that we were living at an important period in the history of our country. We are, indeed, living at an important period, not only in the history of our country, but the world; we are living at a time when nations around us are upheaved and convulsed by the storms of internal dissensions and bloody revolutions; at a time, sir, when the 'crashing of an empire is but a tick of the great Clock of Eternity;' at a time, when the great heart of humanity throughout the world is beating a lively response to the song of liberty and freedom, first echoed and resounded on the plains of Lexington and the heights of Bunker Hill; and let us be careful, sir, that the notes of complaint and dissatisfaction arising from penury and want among us, are not heard mingling their discordant elements in that happy song which is becoming the morning hymn and the evening anthem of universal humanity. And I would appeal then, sir, to the Representatives of this great people now assembled here, if they would strengthen and perpetuate the institutions of our country, and increase the happiness and prosperity of the people, that they so legislate upon this subject, that the soil which is now held by Government, and is free from the blasting curse of the speculator and monopolist, may ever continue so, and may become the happy homes of the virtuous and patriotic sons of freedom. Give to the poor and friendless among us a home which will not impoverish us, but which will make them rich indeed; and although the benefits arising from it may not at once be felt throughout our country—though society may not immediately reap the rich harvest of reward which must ultimately be realized from such an act of mercy, depend upon it, the seed will thus be sown, from which, if we do not, our children at least may reap the fruits of a rich and abundant harvest."

Now, Mr. Chairman, these were my reasons then for supporting the measure, and they are my reasons now. I think it establishes a great and glorious principle—the best for the interests of the Government, the best for the interests of the country, and the best for the interests of the citizens, individually and collectively.

THE HOMESTEAD BILL.

SPEECH OF HON. R. I. BOWIE,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

April 26, 1852.

The House being in the Committee of the Whole on the state of the Union on the Homestead Bill—

Mr. BOWIE said:

Mr. CHAIRMAN: There is no subject which can engage the attention of Congress of more profound interest than the disposition of the public lands. Whether we consider their cost, the struggles of war, the expenditure of blood and treasure, their immense and almost immeasurable extent; the States which have sprung, and those which may spring from them; the means of public credit, public confidence, and national wealth they contain, or the solidity and concentrativeness they impart to the Union, nothing can exceed the interest they inspire.

Our title to these lands is twofold: conquest and purchase, sanctioned by treaty, and deeds conveying them to the United States

Precedents are not principles, and, in a question of constitutional power, should only be regarded as evidence of cotemporaneous or consentaneous construction.

Yet, when statesmen for a series of years have legislated on a given subject, in every variety of manner that legislative power can be executed, it requires some unusual pretension to infallibility, to pronounce such legislation an usurpation of power.

Congress has given millions of acres to schools, colleges, asylums, canals, &c.; why question its authority to aid in the construction of roads through its own territory? Territory without population is a howling wilderness. Population will not penetrate without roads, and roads cannot be constructed without means. The power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States, *literally* interpreted, embraces all these propositions; because the "*jus disponendi*," or right of disposing, unqualified, is the strongest expression of our language; but this power must be limited by another phrase of very wide import, yet narrow compared with the former—"to promote the general welfare," &c.; and by the deeds of cession, as to all the lands lying northwest of the Ohio.

It is unnecessary, for the purposes of this argument, to discriminate. All the lands are now admitted to be common property, subject to be disposed of by the Congress of the United States, for the general welfare.

The Constitution expressly gives this power of disposition; there is, therefore, no question about the right to dispose of, the mode is the matter for discussion.

Five propositions have been presented:

Graduation and reduction of price; cession to the States wherein they lie; donation to every occupant; partition among all the States; donations to railroads, canals, &c. All of which have their friends, and are worthy of consideration.

No period in the history of the Union has been more favorable for the dispassionate discussion of this topic than the present; and it is deeply to be deplored that another of more exciting character, but scarcely of more intrinsic moment, has intervened. It is hoped gentlemen will divest themselves of all sectional feelings, partialities, or prejudices, and, assuming the elevated views of American statesmen, impress our legislation with a national character.

The tendency of the public mind to revert to this subject, after violent political convulsions, is remarkable.

Just twenty years ago, when the storm which then threatened to involve us in domestic strife was subsiding, the public lands were the Ararat on which the ark of State rested. Then, as now, extravagant schemes were projected; yet the sober second thought of the people, notwithstanding the highest names and most commanding influences conspired to patronize them, overriding political partialities, listened to the voice of experience and wisdom, and acquiesced in the system established by our revolutionary fathers.

Gentlemen cannot have forgotten the political drama enacted by the Senate of 1832. The President recommended the lands should be ceded to the States in which they lie. A Democratic majority, against the protest of the committee, referred the message on the subject of the public lands to the *Committee on Manufactures;* and when that committee reported against the cession, and in favor of distribution, the majority referred the report of the Committee on Manufactures to the Committee on Public Lands; which reviewed the report of the Committee on Manufactures, reversed all their positions, and indorsed the policy of the President.

The idea of cession to the new or land States to the exclusion of the old, was avowed then, not only by candidates for the Presidency, but by Governors; and Legislatures were found to advocate it. Since more national views have prevailed scarcely a statesman can be found radical enough to renew such a proposition.

Sound as public sentiment seems, it may not be unwise to advert for a moment to the vast considerations which constitute the Federal title to the public domain:

The sacrifices of a seven years' war, in which fifty thousand lives and $200,000,000 were spent by the Old Thirteen form the first installment; $15,000,000 in money and $5,000,000 indemnity for American claims against France in purchase of Louisiana, the second installment; $5,000,000 for Florida, the third; fifty thousand lives and $150,000,000 in money in prosecuting the Mexican war, the fourth; $15,000,000 under the treaty of Guadalupe Hidalgo, the fifth. Add to this the extinguishment of title and removal of aborigines, the erection of forts and defense of frontier, the survey and location of lands, and all the machinery of the land system, and the aggregate can scarcely be less than $300,000,000 When to these are added the formal deeds of cession from Virginia, New York, Massachusetts, Connecticut, North and South Carolina, and Georgia, and the treaties with France and Spain and the Indian tribes, a chain of title is woven which must be recognized as long as the basis of property exists. All the schemes now under consideration have this redeeming feature—they admit the title of the United States and their right to dispose of these lands.

A prominent idea advanced by the advocates of graduation is, that timely concessions often avert total losses, and that unless such a system is adopted, the hour may come, when the whole will be wrested from us. Such arguments, in my judgment, are unworthy of the East, and unjust to the West. Are they not bone of our bone, and flesh of our flesh? Can they forget the deeds of their fathers, or the homes of their mothers? Nay, have they not recently mingled their blood upon the same battle-fields, rallied round the same flag, and shouted for joy at the same victories? One language, one Constitution, one country, is the common sentiment from the Atlantic to the Pacific, from the Rio Grande and Gila on the South, to the Oregon and Aroostook on the North.

The cession to the States has nothing to recommend it, consonant with the principles of the Constitution and Confederacy. Like the graduation system, it seems to spring from distrust, or that magnificent patriotism, which prefers to be generous rather than just.

The public lands are a patrimony sufficient for centuries to come, to combine and sustain the Union against foreign aggression and domestic dissension. While they remain common property, disposed of for the common welfare, they constitute capital, to strengthen public credit; they create a sinking fund to extinguish the public debt; they furnish means whereby the Federal Government, exercising a wise discrimination, may promote the mutual and reciprocal prosperity of the East and West, by extending means of communication, transportation, and population.

It is an unenviable and ungracious duty, to oppose any proposition, for the amelioration of the condition of those who feel "poverty's unconquerable bar," "the proud man's contumely," and "the oppressor's scorn;" but the General Government cannot act as the grand almoner of the States. Each State, each county, and each city, must alleviate the sufferings of its unfortunate population. I am far from confounding poverty with crime, and feel the force, as well as beauty, of the poet's exclamation,

> "How many a soul sublime
> Hath felt the influence of malignant star,
> And waged with Fortune an eternal war!"

I do not propose, Mr. Chairman, to discuss the constitutional question which has incidentally been examined. I do not propose to ask whether this Congress possesses the legal power to dispose of the public lands in the manner indicated by the special order, but to inquire into the expediency of now dissipating what I regard a most sacred portion of the public treasure. I hope, in the remarks I may submit to the committee, uttered, as I propose to utter them, in a frank and candid temper, no one will suppose I intend to impugn the generosity of the motives of those who now sustain the proposition before you. I accord to every man what I ask for myself—purity of intention; at the same time, I cannot close my eyes to what I apprehend to be the destructive tendencies of such legislation. It is legislation, in my judgment, based entirely upon a new principle. It is legislation calculated to sap the foundations of our Government, and, if persevered in, must result in the most deplorable consequences. I refer to the bill entitled a "bill to encourage agriculture, commerce, manufactures, and *all other branches of industry*," by granting to every man, a citizen of the United States, (and as amended,) to every man who declares his intention to become a citizen of the United States, one hundred and sixty acres of land. This bill is familiarly known as the homestead bill. If, sir, this bill, in my judgment, would effect half it professes to do—if it tended, in fact, to encourage commerce, agriculture, and manufactures, I would not here be found to oppose it; but in my humble opinion, its tendency is just the reverse. Its tendency is to paralyze each and all of these, and to retard them for an immeasurable time to come. I regard the bill as, in fact, a proposition to cede the lands to the States in which they lie—a proposition upon which a distinguished Senator of the West, [Mr. CLAY,] when he examined it in 1832, remarked, "Can you imagine that 'the States of Ohio, Kentucky, and Tennessee, 'would quietly renounce their right in all the pub-'lic lands west of them? No, sir! No, sir! They 'would wade to their knees in blood, before they 'would make such an unjust and ignominious 'surrender." This is the startling proposition now submitted to us, under a more amiable and engaging form.

Mr. Chairman, upon what principle is this bill based? Upon the principle of gratuity—a principle not ingrafted as a system before in our laws. I admit that here and there instances may be found in which, upon some sudden public calamity, this nation has felt itself bound to respond to the spontaneous feeling of pity, and open its hand to relieve necessity, but no man can say that heretofore the Legislature of this country has adopted the principle of donation as a basis of systematic disposition of the public lands. This, if nothing else, is enough to wake up this Congress to the consequences of the bill. This, if nothing else, is sufficient to make us inquire if we grant this boon, when and where are we to stop? What Treasury will be ample enough to relieve the wants of the indigent who will crowd around us? What will be its effect upon the industry of the country? It has another most offensive tendency. Its effect is to appeal at once to the sordid passions of those upon whom this body lives, and in whom they have their political being. It is a direct appeal to the venality of voters. It assails the citadel of suffrage—the purity of the ballot-box. It is calculated to divide society into two parties—those who are in favor of voting the public lands to the indigent, and those who are opposed to it; and who can doubt, when a motto of that kind is engraven upon their banners, which party will prevail. It constitutes a privileged class, to be pensioned on the Government. Can we justify, or excuse ourselves, except under some great necessity, in making such an assault upon the sanctuary of the Republic? Am I visionary or extravagant in supposing this to be its tendency? Will not gentlemen admit, that from the hour this bill becomes a law, and it is proclaimed to the world that the Thirty-second Congress have granted one hundred and sixty acres of land to every citizen or intended citizen, that other minds and other men, more generous and benevolent than these—dearer friends of the people—will rise up and offer a larger boon for the public favor and public gratitude? I regret to say, Mr. Chairman, that the only precedent to be found for this legislation, is to be found in the decay of the Roman Republic, and there we find it staring us in the face in its most formidable and revolting features. Yes, this bill is in principle but a repetition of that agrarian law which was reënacted by Caius Gracchus; but not carried to the same extent. Gracchus, after requiring there should be an annual distribution, also required that granaries should be established and the poor supplied with corn below the market price. He also obtained a decree, by which the revenue of the estate, bequeathed by the King of Pergamus to the Roman people, should be allotted for the maintenance of the poorer citizens. This, for a time, lifted the Tribune above the Senate, and above the Government. He won golden opinions of all sorts of men. These signs were portentous, Mr. Chairman. They preceded and foreshadowed that decline of the Republic and that decay which ultimately resulted in the most formidable of empires, and the most odious despotism. Let us not fail to be instructed by history, though it be the history of the schools.

Mr. CHANDLER. I am indifferent about any remarks upon myself; but I ask that my old school friend, Tiberius Gracchus, may not be misrepresented. It will be found, if gentlemen will examine a little more carefully, that the Gracchi were not so censurable as they have been considered. When the aristocracy write history, woe to the plebeians. Tiberius Gracchus, if I remember correctly, (and I am taken a little by surprise in this matter,) never attempted any wrong upon the citizens of Rome. Tiberius Gracchus, sir, was an *honorable* man—the *Honorable* Tiberius Gracchus, for he was a member of the House of Representatives of Rome. He found that horrible abuse had crept into the practices of the aristocracy, who, during the absence of the plebeians in the war, got possession of the public lands, of which, by law, no man could hold more than three hundred and thirty-three acres, and for that must pay a *usury*, or ground rent. But, in the absence of the soldiers, these grasping landholders refused to pay the rents, and Tiberius Gracchus, to prevent the civil and servile wars, sought to revive the Licinian law. He sought to prevent the accumulation of the public lands in the hands of those who could not plead preemption rights, and would not pay for the use of them. And, sir, this attempt of Gracchus to restore the public land to public use would have gone on very well, but the aristocracy bribed one Octavius, one of the Tribunes, to take part against the measure which he had approved, and this led to a disturbance. And, let me add, that the very consul (Opimus) who, under pretence of great purity and patriotism, made such a rumpus in Rome on account of the reforming influence of Gracchus, and of his homestead land bill exertions, was subsequently convicted of sacrificing the interests of his country for the gold of Jugurtha! Sir, let me say that this cry of "agrarian laws" and the Gracchi are inapposite. By agrarian laws, people are led to understand a legislative attempt forcibly to equalize the possession of lands. Sir, no such attempt is made in this bill—none, as far as I know, ever was made in Rome. Rome never had a law, I believe, that limited the individual possession of land—certainly she had none at the time of the Gracchi. Every citizen might own as much as he could pay for, and might occupy besides that three hundred and thirty-three acres, if he would pay the small rent. To this T. Gracchus limited the operation of his law, and Caius Gracchus only undertook to divide the *public* lands among the soldiers and others who had aided to conquer them—bounty lands, sir, which the aristocracy were laying their hands on for their foreign slaves to cultivate, while they (the rich occupants) were holding in fee simple any amount of lands which they could purchase.

The honorable gentleman speaks of his schoolbook authority. Sir, authorities are to be found later and better than those he seems to have read. The honorable gentleman speaks of these attempts of Gracchus to correct the rapacity of the aristocracy as occurring in "the decay of Rome." Does my honorable friend think that Rome owed her decline and fall to the attempt of patriotic citizens to check the civil wars of the country, lessen the corruption of the nobles, and extend the comforts of the great mass of the people? Or was it the failure of the Gracchi to effect the remedial objects they proposed, that hastened the catastrophe they foresaw and dreaded? I am without books, and my memory does not serve me with particulars. But spare the Gracchi, and read Niebuhr.

Mr. BOWIE. I have no doubt the gentleman is accurate in his recoilection, but I quote Plutarch and Ferguson for what I have said. The original law upon this subject was not proposed by either of the Gracchii. It was a law proposed by Licinius.

Mr. CHANDLER. That was a very old law, brought back by Tiberius Gracchus.

Mr. BOWIE. Yes, soon after the destruction of Rome by the Gauls, Licinius proposed a law which prohibited any citizen from holding more than a certain number of acres of land, and a certain number of cattle. But two hundred and fifty years after that, Tiberius Gracchus having disgraced himself in some measure in the wars, and subjected himself to the rebuke of the Senate, returned to Rome, and attempted to revive the law of Licinius, in order to reëstablish himself in favor of the people. I have taken care to provide myself with a report of the speech made before the people—not in the Senate—by Tiberius Gracchus, and I propose to read it, to show the remarkable coincidence in the thoughts and expressions of two gentlemen—one living before the Christian era, and the other in the nineteenth century. I mean my honorable friend, [Mr. CHANDLER,] the member from Pennsylvania, now before me. Since the honorable gentleman has corrected my memory of history, I will attempt to recite from Plutarch, as quoted by Ferguson, the remarks of Tiberius Gracchus:

"Every wild beast in this happy land has a cover and place of retreat, but many valiant and respectable citizens, who have exposed their lives, and who have shed their blood in the service of their country, have not a home to which they may retire. They wander with their wives and children, stripped of every possession but that of light and air. To such men, the common exhortation to fight for their tombs and their altars, is a mockery and a lie. They have no alters or monuments."

This is the language of Tiberius Gracchus. Now refer to the language of the honorable gentleman from Pennsylvania:

"Why not be generous to those who have, at times, exposed their lives or health for the public good? Why not grant to them what they ask for? Are the defenders of European States of more consequence than the defenders of the United States? Our own people fought and bled for these lands—let them have some individual right in them."

Again, in another place, he says:

"If we deny it (a home) to them, we deny what God has given to us; we deny what our fathers fought and bled for. We deny what your ancestors achieved, and sought to distribute among all men."

Much as I respect my learned friend, and highly as I regard his theology, I ask him to show any divine right for our lands in this country. I think

it would puzzle him: as he said, not irreverently, "the earth is the Lord's, and all that therein is;" or "the fullness thereof," according to another version. But we are bidden to earn all that we have by the sweat of our brow, and this is the only title sanctioned by divine authority that I know of to property of any kind. The interrogation of the gentleman from Pennsylvania, leads me to notice other sentiments which that honorable gentleman uttered with great eloquence, shaking my own convictions, and causing me to doubt my judgment in the result; but since I have examined those sentiments, I find them to be like that honey extracted by bees from the beautiful, but poisonous, flowers, sweet to the sense, yet mortal to the soul. Yes, sir, I ask the honorable gentleman to review the sentiments which he has offered in his speech, and I think in his calm and more deliberate moments, he will acknowledge that he could have uttered nothing which would have a more direct tendency to weaken the bonds of society, and shake the title of property throughout the world. He has said, sir, speaking of that Book which has been handed to us, to be our light through all the darkness that may surround us, that "the whole history of the people 'of the Bible, is one of land claims and land dis-'tributions, managed, it will be recollected, with 'more courtesy, on the part of Abraham towards 'Lot, than is exhibited by some of the patriarchs 'of this Hall." The Bible—the history of the people of the Bible, a history of land claims, and land distributions! The journey of Abraham, under divine direction, the wanderings of the Israelites, and the invasion of Canaan, adopted as a precedent to sanction that which, if followed, is calculated to authorize any enthusiastic, or fanatic horde, deeming themselves inspired (under the lead of some modern prophet) to seize the fairest portion of this land. Once adopt the idea that the Bible sanctions an equal partition of lands among the people, and you arm your enemies, you arm those who have lost the light of conscience, you arm the most dangerous members of society against all the institutions of civilization and accumulations of honest industry.

What other tendency has this bill? It proposes not only to give to every citizen of the United States, but to every man who will declare his intention to become a citizen of the United States, a quarter section of land.

Mr. JOHNSON, of Tennessee. No such provision is contained in the bill. The first section provides for all citizens of the United States, and all those who were, or may become citizens, as required by the naturalization laws, on or before the first day of January, 1852, and not for those who may come into the country thereafter.

Mr. BOWIE. I beg the gentleman's pardon. I meant to present no feature which did not actually exist in the bill.

Mr. AVERETT. As I understand it, the bill advocated by the gentleman from Tennessee provides that any person who will swear that he possesses no land, and has sold none, to obtain the benefits of this bill, may receive one hundred and sixty acres of the public land. It seems the gentleman has backed out from that. The present limitation is that the land be granted to those worth less than $500.

Mr. JOHNSON. In reply to that, by the permission of the gentleman from Maryland, I will state, that the gentleman from Virginia understands something which does not exist. I backed out from no such position. I will take the bill with or without that provision, just as the majority of the House may determine. But for the purpose of having a correct understanding upon the first section, I hope the Clerk may be allowed to read it as it is. It will not consume much time.

Mr. AVERETT. I think I cannot be mistaken about this matter. I believe I have in my port-folio the bill which the gentleman from Tennessee so enthusiastically advocated.

Mr. JOHNSON. There will be no difficulty if the gentleman will hear me. The committee propose that as an amendment. I state that I will take the bill as originally introduced, or with the amendment as proposed by the committee—either way I am in favor of it.

Mr. AVERETT. Take it either way and the result is to give an exclusive benefit in the public domain to a special class of persons.

The Clerk then read the first section of the bill.

Mr. BOWIE. It may be recollected, Mr. Chairman, by those who did me the honor to listen to my introductory remarks, that I considered the tendency of this bill—its effects as a precedent—as one of the greatest objections to it. I repeat, that though this bill may not contain provisions which will *now* admit all future emigrants from Europe, yet, let it become a law, and it becomes a wedge by which our public domain will be forced open to them. The first agrarian laws to which I have alluded, were but restraints upon the quantity of land to be held by each person. The first agrarian laws were not laws of partition or donation, but of restraint upon the quantity which any one should hold; but the succeeding Tribune, anxious to distinguish himself above the rest, required an annual distribution, and required that the granaries should be opened, and the treasury divided. Sir, we must guard against small things—"*obsta principiis.*" We must arrest the flood at the commencement, or not arrest it at all. Arrest it now, or the barriers which the Constitution and law designed to throw around this invaluable property will be swept away.

Mr. Chairman, can anything be more dangerous than the infusion of an undue proportion of a dissimilar people among our own? Can anything, in other words, be more dangerous at this period, than the infusion of an undue proportion of foreign sentiment, foreign habit, and foreign influence, into the American mind? Our census now shows us that almost every fourth—at least every fifth man—in this country is an European, or the descendant of an European since 1790. Reflect, sir! See the large influence, social, moral, and political, which they are daily acquiring. Consider the increase of 1,500,000 within the last ten years, and, if newspaper accounts are to be credited, the increase of nearly a quarter of a million within the last nine months. What effect must these have upon the theory and action of this Government? upon our foreign and domestic policy? upon intervention at home and abroad? Is there no danger of European ascendency in American councils? Ours is a Government which lives and acts by public opinion. The honorable gentleman from Pennsylvania [Mr. CHANDLER] has gone so far as to intimate that the tenure of our lands has changed with public opinion; that legal rights and constitutional rights are dependent upon public opinion. Look at his classical quotation, and his classical translation of it. He says, "*tempora mutantur,* 'and *nos mutamur cum illis.* That is, 'the tenure 'of our public lands has changed, and opinions, 'it is evident, are changing with them.'" How has the tenure of our public lands changed? Are not the deeds of cession from the old land States as strong as ever? Are not the provisions of the Constitution, which authorize us to direct their disposition, as binding as ever? Does public faith lose its obligation by time? Is there any statute of limitation against our conscientious obligations to observe and construe these deeds of cession according to their true tenor and meaning? I defy any man to assign a rational foundation for such an argument. It is the argument, not of one who has examined into the legal claims of the United States, but of a generous heart, borne away by superserviceable zeal. Ay, the milk of human kindness, which flowed so abundantly in his bosom, has drowned his judgment. The tenure of the public lands can never change as long as there is any obligation in our oaths to support the Constitution, and as long as there is any force in the deeds which ceded them to the United States; if the hour shall ever come when these solemn sanctions are not to be observed, it is better that they be blotted out; for then there will be no ghost to rise up and remind us of their violation. It would be better, not that black lines be drawn around them, but that by common consent, they be annulled. I would rather witness a solemn convention of the people of the United States absolving each and every man from his oath of allegiance to the Constitution, than to see the principle adopted that the tenure of public property held under the Constitution, should change with public opinion; for then, *might* would be *right.* Why, Mr. Chairman, I ask, are we not content with things as they are? Has this country been dwarfed by the operation of the land system? Are our limits now straightened for want of room? Have we not attained gigantic proportions? Has ever a nation attained the same maturity—the same development of mind and means, under similar circumstances? Why not let well enough alone? Why not retain these lands for national purposes? Why not let them, as they have done formerly, form the nucleus of public credit? Why not let them, as they have done under a liberal appropriation, be the means of extending communication between the North and the South, the East and the West? Why may not our constitutional power be exercised in a salutary manner in opening the forests of Missouri and Iowa? Why may we not give liberally to these enterprising States who are now endeavoring, with the aid of the General Government, to make the desert blossom as the rose? Why may we not coöperate in all these grand schemes, and yet retain our control over them, and participate in the common welfare and benefit which they diffuse? We must, as a National Legislature, exercise a national discretion. I am no advocate for a wasteful expenditure of our means; and I adopt the construction of Mr. Calhoun, when he said, that, as proprietor, it was our duty to bear a part of the burden of the new States. I hold that this is the most rational interpretation of the powers of the General Government over them. I do not find it in that vague, illimitable power which some would find under the term "general welfare;" but I hold, as a proprietor of the public lands, it is the duty of the General Government to exercise a liberal and national feeling, in the promotion of works of national improvement, and all others I would exclude. Let no man say that this principle is not Democratic. It is a maxim, it was the theory, of one whom the Democratic party have been wont to honor—it is the sentiment of Andrew Jackson. Difficult as it is, objectionable as it may be in practice, it is still a theory which may be exercised, which may be practically carried out without any infringement of the Constitution. But this cession of lands to every occupant, seems to me to be a surrender of the whole. It is a trite and true saying, that "we should be just before we are generous." I have the authority of the honorable gentleman from Pennsylvania [Mr. CHANDLER] for saying, that we must not only be satisfied with this bill as constitutional and legal, but we must be satisfied that it is expedient.

Mr. Chairman, I ask gentlemen to look cursorily over the condition of the United States, and having surveyed it, to decide for themselves whether we stand in that lofty and impregnable position which entitles us to dispose of our treasure as one who is about to lie down and fold his arms to pleasant dreams. Have we finished our course? Is our career closed? Have we no debts to pay? Are we impregnable against our enemies? Have we provided in peace against the dangers of war? Have we no rivals now to compete with? All of these questions must be answered in the negative. We have a large debt unsatisfied—the debt of the last war. Sixty-two millions are yet to be paid for our Mexican acquisitions. We have some five millions to be paid to creditors who have been thronging the doors of these Halls for nearly fifty years. The sufferers by the French spoliations are yet unsatisfied. We have not less than ten or fifteen thousand private claimants now suing at your doors for redress. These, all these, are unsatisfied. We have unfinished fortifications which will require sixteen to twenty millions of dollars to complete, and which are essential to place this country in a position of equality with her natural enemy, if we have a natural enemy. Yes, let gentlemen look into the report of the Secretary of War; let them look at the vast naval power of those with whom we are contending for supremacy on the seas. Let them look at England and France and see the immense destructive power they command, and ask themselves if their country is now secure? Will the strong arms and brave hearts of the yeomanry that you send into your forests be a protection against the steam navies of Europe? No; you must have fortifications; you must have a navy, armed at all points, and equal to cope with them, or the history of this Republic may be written in two words, "*Illum*

fuit." Our oldest and most venerated statesmen warned us, in peace to prepare for war. But, in the judgment of these gentlemen, we are so panoplied in our power, we are so secure, we are so independent of the world, so capable of repelling our enemies, that we can give that away which is literally the war fund of the country; that which was pledged for the redemption of the debts of the revolutionary war; that which now stands pledged for the debts of the Mexican war; and that which may be wanted—(because we are yet but in our infancy)—that which may be wanted in less than twenty years. What national dementation, then, what national madness, I say, to strip ourselves of the means of defense, and impose upon ourselves the necessity of additional taxation, and take away one twenty-fifth part of the revenue for the purpose of giving gratuities to the poor and suffering of Europe. It may be that in the great national peace convention, such a policy would prevail; but among men instructed as we are by the lessons of history and by recent experience, among statesmen capable of looking upon events which are now evolving in Europe, in my judgment, it would be the grossest improvidence. How long has it been since a distinguished President of the United States had to postpone the just claim of the creditors of the Government for the exigencies of war? How long has it been since those bills, essential to protect human life in the great West, have been suspended for the want of means? One year's income from these public lands, would save hundreds and thousands of lives upon your lakes and your great rivers. I put the question to the philanthropic and benevolent, whether it is our duty to save those who, in the common and necessary course of travel and trade, are exposed to imminent danger and hazard, or whether we should first relieve the lanes and alleys of our cities of their crowded population? It is a noticeable fact, that this bill comes recommended by no report. It comes to us labeled with two ominous words, "no report," upon the face of it. The gentlemen who have sent it to us, full of these sentiments, and pregnant as the Trojan horse with evil, have given us no argument in its support. They have not shown how it will affect the finances or prospective internal improvements; how it will affect all the necessary fortifications which are on hand. Nor have they shown how it will enable us to meet the deficit in the Treasury, if there be one, for we have now a surplus of $884,565, of income over expenditure only—a mere trifle, compared with the contingent wants of the Government; and with a large national debt yet unsatisfied, nothing can be more certain to result in a paralysis of all those projects dependent upon the generous liberality of the Government, however necessary they may be for the national character, national safety, or national credit, than the adoption of a bill which has almost the necessary tendency of taking away the revenue of the public lands.

Let us look, Mr. Chairman, at another aspect of the subject for a moment. You have but just now passed bills remunerating the warriors of 1812 for their services. There is no man in this country, scarcely excepting a small portion of the Navy, who has not been amply repaid for his military services. I say, as a class there are no men not provided for by our bounties. But many of these warrants, to be worth anything, must find a sale, and you propose a measure which will at once reduce them to one half their present value. For, sir, who will purchase bounty land warrants, when, by occupying, he may have a quarter section? Why have you

"Kept the word of promise to the ear, but broken it to the hope?"

All those who have just now, with buoyant hearts and swelling bosoms, acknowledged the gratitude of the country in repaying them at this late day, after the lapse of a quarter of a century, for the exposure of life and limb, will be constrained to say, "You have given me but the shadow, and taken away the substance; we asked for bread, you have given us a stone." The people of the old States cannot embrace the benefits of this bill; the poor of the old States cannot reach these lands; the citizens of the new States will have the advantage of vicinity, of acquaintance with the lands and their value, and they will settle upon them and pre-occupy them. I understood an honorable gentleman on the other side of the House, who addressed the committee in favor of the bill yesterday, to say that it was not the poor whom he expected to benefit; but that the middle classes—those owning two, three, or four hundred dollars, would occupy the lands. If this be the fact, then all those appeals of my honorable friend from Pennsylvania in behalf of the homeless and houseless, were but mere pictures of the fancy—idle children of the brain.

The public lands have already subserved the great national purposes before indicated. They have contributed to extinguish our revolutionary debt, and that incurred in our second war of independence. They are now pledged in support of the public loans contracted in prosecution of the Mexican war, and are daily remunerating the scarworn veterans of the late wars, in their sacrifices in behalf of their country. They may be called the fund of public credit, public gratitude, and public prosperity. Let them remain to effect the same noble ends, under the administration of our successors. Let us not, through distrust or jealousy, or an over anxiety to anticipate the future, squander the most noble domain and firmest basis of national prosperity the world has ever known.

There is an obvious connection between the East and West, which makes the prosperity and advancement of either immediately react on the other. The most circumscribed mind must discern the mutual dependence of these sections. They are, politically, as intimately united as human limbs are naturally. The life-blood which animates the whole, springs from a common *center—the Union.* "United we stand, divided we fall," is not more trite than true. The West requires roads and canals; the East, harbors and fortifications. The West is agricultural; the East, commercial and manufacturing. The nine millions of the Mississippi valley pay into the common Treasury an equal amount of the customs, with the same population elsewhere, which defray the expenses of the sea-board, the Navy, and Army. Yet they have no immediate interest in the protection of the commerce, or defense of the cities on the coast. May they not as consistently refuse to vote supplies for these purposes, as the East refuse appropriations of land to aid them in their war upon the wilderness? Pioneers, to use a solecism, are the soldiers of peace. They encounter all the hardships and many of the perils of war, without the incitements of ambition, or the rewards of victory. They hew their way, solitary and alone, sentinels on the outposts of society, with no sound but the echoes of their own axes to break the silence; no voice to urge them onward, but the cries of want.

Maryland requires two millions or more to protect her cities and sea-board from maritime incursion. As a member of the Union, through which the whole may be assailed and vitally wounded, she expects the Federal Government will appropriate a portion of the common income, to make her and them secure. She has given up all the customs which might have been collected in her sea-ports. For the common benefit, she has surrendered the right to support a navy in her own waters. The broad Chesapeake, in which the navies of the world might float, has no ægis but the flag of the Union. She spreads her arms now to the West, for more intimate commercial intercourse. She salutes Kentucky, Ohio, Indiana, Illinois, Tennessee, and Missouri, as sisters, and would bind them together with hooks of steel, which shall never corrode, but grow brighter and stronger as time rolls on. Pennsylvania, New York, and Massachusetts, in the East, and Virginia, South Carolina, and Georgia, in the South, are breaking the barriers of nature, and spanning the earth with iron, to attain the same ends. Would so much wealth and labor be expended by the leading States of the East, if there were not incalculable advantages in the connection? Every mile the iron path penetrates the West, adds to the power and affluence of the East. The cars of commerce empty the cargoes of navies in the center of the continent, and the minerals of mountains in the cities on the sea.

THE PUBLIC LANDS, &c.

SPEECH OF HON. T. A. HENDRICKS,

OF INDIANA,

In the House of Representatives,

April 27, 1852.

The House being in the Committee of the Whole on the bill "to encourage agriculture, manufactures, commerce, and other branches of industry, by granting to every man who is the head of a family a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified"—

Mr. HENDRICKS said:

Mr. Chairman: There are two measures now before the committee in which the West has a special interest; and as I represent a portion of that great and growing section, I will occupy the attention of the committee while I present my views in relation to them. I refer, sir, to that class of bills which propose to give the right of way over the public lands, and to donate to several of the Western States, to aid them in the construction of important lines of railroad, the alternate sections of the public lands lying within six miles of the proposed roads, on either side, and the bill (which is now the special order) which proposes to give to the actual settler, who is the head of a family, one hundred and sixty acres of the unappropriated public lands. The latter bill, Mr. Chairman, is objected to, as unequal and unjust in giving to a portion of the people that which belongs to all, and to avoid this objection, I desire to see it amended. And if it be in order, I will, before taking my seat, move that it be reported to the House, with a recommendation that it be recommitted to the Committee on Public Lands, with instructions to report in its stead, a bill securing to all persons, who settle upon the unappropriated public lands, in good faith, for their own exclusive use and benefit, the right to enter one hundred and sixty acres thereof, at the cost price to the Government. This measure of reducing the price of the public lands to actual settlers to the sum they cost the Government, and the measures to which I have alluded, of donating to the new States portions of the public lands, to aid them in the construction of railroads of general importance, I propose to discuss. And, sir, I desire to present them in connection, as they form, together, a policy which will secure the early settlement and improvement of the unoccupied lands of the West. In this result, Mr. Chairman, I have intimated that the West has a special, paramount interest. But, sir, with the West every other section of the country, and all the leading interests of every section, would be greatly benefited and promoted. It has been said that these measures are antagonistic; that securing lands to settlers upon such easy terms would greatly impair, if not defeat the purposes of the grants to the railroads. And I believe that some of the friends of the railroad grants oppose the other measure upon this ground. Sir, these measures should go together. They will sustain and strengthen each other. The policy of stimulating immigration and encouraging dense settlements in the interior of a new country, without providing any means of transporting their produce to market, would be scarcely less wise, than that of constructing railroads into an unoccupied region, without, at the same time, encouraging the speedy settlement, improvement, and cultivation of the surrounding country.

But before alluding to the considerations in favor of the policy, I will notice the positions assumed by some of the gentlemen who oppose it. The gentleman from Maine [Mr. Fuller] and the gentleman from Virginia [Mr. Averett] deny the constitutional power of Congress to donate the public lands to the States, for internal improvement purposes, or to individuals, for the purposes of settlement and improvement. The whole power of Congress over the public domain, grows out of the following provision of the Constitution of the United States:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

The mode of disposing of the public lands, is not here pointed out, but is left to the discretion of Congress. Any disposition of the lands by Congress, whether for an adequate, an inadequate,

or for no consideration whatever, would seem to be within the letter of this clause. But, sir, I need not stand behind so *literal* a construction of this provision. Leaving the letter, and looking only to the spirit of the clause, I ask, in what manner may Congress dispose of the lands? I am answered, by sale; the proceeds going into the common Treasury. Then, I ask, may not Congress do, in respect to the lands, whatever is necessary or useful, in bringing them into market, and securing an early and profitable sale thereof? This is not called in question. And upon this principle is based nearly all the legislation of Congress in relation to the public lands.

The gentleman from Virginia asks, where is the power of Congress to educate the children, provide for the poor, or cure the insane? I freely answer, there is no such power given. And as an object sought for itself, and not as incidental to something else, neither education nor charity may be provided for by the Federal Government. But if, in the administration of the public lands, these enterprises become necessary or useful, either to bring the lands into market, or to secure a speedy sale of the less valuable portions, by making them more desirable to the purchaser and settler, then may Congress lend her aid to these purposes. And under this right, from the earliest time, has Congress made donations of the public lands for schools, for seminaries of learning, for charitable institutions, and for roads and canals. Further, sir: in the wise administration of the public domain, under the provision of the Constitution which I have mentioned, Congress has exercised the highest power which any government may possess, the power of organizing governments in the Territories. These measures on the part of the General Government were not less wise than they were just and right. Thereby the country was assured of the early establishment of schools and of law and order in the new countries. And thus men were induced to leave the too populous portions of the country, to find society and wealth in the new sections. And under this policy, the great agricultural resources of the West have been thus far developed.

The gentleman seems to repudiate the weight and authority of precedent. To this position he is forced, for the whole practice of the Government since 1791 is against his argument. Although no usage of the Government may create a power, yet, to ascertain the extent of that which is conferred in cases of doubtful propriety, or uncertain construction, it is well to consult the Fathers of the Republic. And to their counsel and decisions, given and made in the earlier days of the Republic, I would listen with almost reverential regard. I will briefly notice some of the precedents they have furnished us. Before the adoption of the Constitution, as early as 1785, (which was one year after the cession of the Northwestern country by Virginia,) in an ordinance prescribing the mode of disposing of the public lands in the Western Territory, there was "*reserved the lot No. 16 in every township*," for the maintenance of public schools therein. Again, in 1787, we find similar legislation. After the adoption of the Constitution we find no change in this policy of the Government in relation to the lands. In 1791 an act was passed "granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio river." By this grant four hundred acres were given to each settler that was the head of a family. The force of this precedent is somewhat impaired by the fact, that as to a portion of this grant, there was an obligation upon the Government to make it, incurred before that time. In 1795 Congress passed a law granting twenty thousand acres of land, situate on the northern bank of the Ohio, and at the mouth of the Little Sandy, to such French inhabitants as should, within five years from the date of the patents, settle upon said lands and maintain such settlements for five years. Such a law as this the gentleman from Virginia [Mr. AVERETT] pronounces unconstitutional; and yet it was passed by a Congress in which were many of the framers of the Constitution, and signed by the illustrious man who presided over the Convention which framed that instrument. In 1792 a grant of a township of land was made to John Cleves Symmes and associates, for the purpose of establishing an academy, public schools, and seminaries of learning. In 1802, by the law providing for the admission of Ohio into the Union, the sixteenth section in every township was granted to the inhabitants thereof for the use of schools; the six miles reservation, including the Scioto Salt Springs, were granted to the State, to be leased for limited terms, "for the use of the people;" and the one twentieth part of the net proceeds of the lands lying within the State were set apart for the construction of roads leading into and through that State; all, however, upon the condition that the lands sold by Congress in the State shall be exempt from taxation for five years from the day of sale. In 1804, in the law providing for the disposal of the public lands in the Indiana Territory, the sixteenth section in every township was reserved "for the support of schools" therein, and one township for the use of a seminary of learning. In 1816 an additional township was granted to the State of Indiana, "for the use of a seminary of learning," and five per cent. of the net proceeds of the lands lying within that Territory was "reserved for making public roads and canals." By laws of Congress, passed in 1819 and 1820, five per cent. of the net proceeds of the lands lying within the States of Alabama and Missouri was reserved for works of internal improvement. In 1826, 1827, 1828, 1830, and 1831, lands were granted to the States of Kentucky, Alabama, Arkansas, Indiana, and Ohio, for benevolent and educational purposes, and for the construction of works of internal improvement.

Mr. Chairman, I will not weary the committee by a further detail of this legislation. Commencing with Washington's administration, and closing with the laws granting lands to settlers in Oregon and Minnesota, I might multiply the precedents upon the gentlemen, almost beyond number. The laws of this class are so numerous, in every administration, that they are as footprints along the pathway of the country's history. I will leave this branch of the subject, by saying, that the constitutionality of this class of legislation is sustained by every mode which we regard as authoritative.

Mr. Chairman, opposition is made to these measures upon the ground, as charged, that they are unequal and unjust, and in violation of that trust, under which the General Government holds the lands which were ceded by the States. And to sustain this position, gentlemen refer to the several deeds by which the lands east of the Mississippi and north of the Floridas were ceded to the United States, in which were provisions that the lands were for the common use and benefit of all the States. And much stress is placed upon the language found in the Virginia and North Carolina deeds of cession, that the lands ceded should be considered as a common fund for the use and benefit of the United States "according to their 'respective and usual proportions of the general 'charge and expenditure, and shall be faithfully 'disposed of for that purpose," &c. This language was first used in the Virginia deed, which was made while the States were held together under the "Articles of Confederation," and to be properly understood must be taken in relation to the mode of assessing and imposing the "general charge" upon the several States. Under the Articles of Confederation, the revenues of the General Government were not collected directly from individuals, but were assessed upon the several States, in their proportions, and each State collected its proportion, and paid it into the common treasury. To this charge upon the several States, the Virginia deed refers. But under our present revenue system, the States are not thus charged, but the revenues are collected from individuals, by a tax upon that which they purchase from abroad. And under the Constitution this peculiar phraseology of the Virginia and North Carolina deeds, can have no practical meaning and effect, unless, perhaps, in the event of a resort to a "capitation or other direct tax," which (under the Constitution) would be laid in proportion to the census or enumeration.

Mr. Chairman, the first step taken to secure a cession of their lands by the States to the General Government was in 1780. Under the Articles of Confederation, the General Government, as I have said, could not impose any tax directly upon the people; and by reason of the general derangement of trade and commerce in the country, some of the States were unable and failed to furnish their proportion of "the general charge and expenditure." Congress was thus greatly embarrassed in raising means to prosecute the war, and on the 6th of September, 1780, passed a resolution recommending to the States to surrender their lands to the United States. Further to induce this surrender, on the 10th of October of the same year, by resolution of Congress, the States were assured that the lands "should be disposed of for the common benefit of the United States." Under this call, New York alone surrendered her lands. On the 18th of April, 1783, Congress again appealed to the States, assuring them that, to discharge the national debt, reliance was had on the "prospect of vacant territory in aid of other resources." Virginia then surrendered her lands. But so great was the solicitude of Congress to obtain the control of the residue of the vacant territory, that in April, 1784, the subject was again presented to the attention of the States; and they were urged to consider "that the war being now brought to 'a happy termination by the personal services of 'our soldiers, the supplies of property by our citi- 'zens, and loans of money from them as well as 'from foreigners, these several creditors have a 'right to expect that funds shall be provided on 'which they may rely for indemnification; that 'Congress still consider vacant territory as an im- 'portant resource; and that therefore the said 'States be earnestly pressed, by immediate and 'liberal cessions, to forward these necessary ends, 'and to promote the harmony of the Union." Upon this call, Massachusetts, Connecticut, North and South Carolina, and Georgia surrendered their lands to the General Government. And, sir, as soon as all these States, except Georgia, had made their cessions, Congress, by a law of 1790, pledged the lands in the Western Territory to the payment of the public debt.

For what purpose, then, sir, were these lands conveyed to the United States? The gentleman from Maine [Mr. FULLER] says it was not to pay any debt. Sir, I do not insist that it was for that purpose only. I repudiate the whole of the doctrine that these lands were held by the Government, in trust, to pay the public debt, and after that for the benefit of the several States, and out of which grew the whole of the land distribution policy. But the whole transaction by which these lands were acquired by the United States, and the pledge of them to our creditors in 1790, show that the great consideration and inducement on the part of the States, in their surrender, was to provide for the exigencies of the country during the war, and to discharge the public debt afterwards; and, sir, after these ends were accomplished, the Federal Government held these lands, not specially in trust, but as she holds all her other property, to be used and disposed of by her, as the representative of the whole people, for the public good. And, sir, it is upon this very doctrine of the public good, that I advocate a reduction of the price of the public lands to the settlers. Now that the debts of the Revolution, and of the war of 1812, have been discharged, I deny that Congress may rightfully speculate in the lands off of the settlers. It is not for the public good. In his message of 1832, President Jackson says:

"Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution, it was recommended by Congress that a portion of the waste lands owned by the States, should be ceded to the United States for the purposes of general harmony, and as a fund *to meet the expenses of the war*. The recommendation was adopted; and at different periods of time, the States of Massachusetts, Connecticut, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the *uses for which they had been asked*. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people."

Again, in the same message, he says:

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, *and that they shall be sold to settlers in limited parcels at a price barely sufficient to reimburse to the United States the expenses of the present system and the cost arising under our Indian compacts.*"

If these lands are held under so strict a trust,

and may not be diverted for any purpose, as gentlemen contend, then I ask, how came the numerous grants to schools, academies, and works of internal improvement, at every period of the country's history? Did Washington, Jefferson, Madison, Monroe, Adams, and Jackson violate a sacred trust in signing the numerous bills making the grants?

But, Mr. Chairman, lest I be misunderstood, I will say, that I do not advocate, and will not support, all of the bills making grants of lands for railroads now before Congress. Many of them I will oppose. I will only support such as I believe to be of general interest and importance, "national in their character." The bill introduced by my colleague [Mr. DAVIS] I will support. That bill proposes to give to the States of Indiana and Illinois, to aid in the construction of a railroad from Terra Haute, in the State of Indiana, to Springfield, in the State of Illinois, the alternate sections of the public lands, for six sections in width on each side of said road. Now, sir, how can the Government, or any portion of the country, sustain any loss by this grant? Under it, about 61,000 acres will be given to these States, upon the condition that the railroad is constructed. But, under the provisions of the bill, the 61,000 acres reserved by the Government are required to be sold for $2 50 per acre; and thus, upon the construction of the road, the reserved lands will bring as much into the public Treasury as the whole would have brought without the road. And, sir, no man can doubt that the lands so reserved by the Government will sell more readily at this increased price than, without the road, the whole would have sold for $1 25 per acre? And the purchasers may well afford to give the enhanced price, for, by the construction of the road, the lands are rendered that much more valuable. This road will form a portion of the great line of railroads running from the East to the West, connecting by this chain the States of Pennsylvania, Ohio, Indiana, Illinois, and Missouri. When this great enterprise is completed, it will be a work of national importance.

There is, sir, a provision in this bill, and I believe the same provision is found in the other railroad bills, the importance of which is, I think, overlooked. It is, that when the road is completed, the Government shall have the right of transporting in the cars the troops, munitions of war, and army supplies of the United States, at the lowest rates paid by individuals for like services; and that the public mails shall be transported thereon, under the charge and direction of the Post Office Department, at such prices as Congress may establish. By reference to the report of the Postmaster General, we find that during the last fiscal year, the transportation of the mails upon railroads throughout the United States, cost the Government about eleven and one half cents per mile; by coaches about five cents and three mills; by steamboats, about eight cents and three mills; and by other modes not specified, about four cents and eight mills per mile. In the State of Indiana the total annual transportation of the mails was 1,760,844 miles. Of this transportation, 99,216 miles were upon railroads, at a cost of $10,650, being about ten and three fourth cents per mile; the remaining transportation of 1,670,628 miles, was by modes not specified, at a cost of $77,634, about four and two thirds cents per mile. Mr. Chairman, it is very obvious that with but little delay, railroad companies might transport the mails with less inconvenience, and at less expense than it can be done by any other mode. Yet the Government is now paying them for this service at a rate of from one hundred to two hundred and fifty per cent. higher than is paid to the other contractors for the same service. This is owing to the fact that these companies can have no competitors for carrying the mail with equal speed. The right secured to Congress in this bill, of establishing fair prices for carrying the mail over the road, if secured in the roads now carrying the mails, would save annually of the post office revenue, about $500,000—nearly one sixth of the entire cost of transportation of the mails in the United States, and nearly one fourth the amount received from sales of the public lands. What, then, sir, will this right be worth, when the roads now commenced, or in contemplation, are completed, and two thirds of the mail transportation is upon them? Sir, it would save annually to the Government nearly as much as we receive from the lands. I have no means of estimating the annual saving to the Government likely to accrue from the provision in these bills, that the troops, munitions of war, and army supplies of the United States shall be transported on the roads at the lowest rates paid by individuals for like services; but I will say, that if the demands of the railroad monopolies for this service are as exorbitant and unconscionable, as they are for carrying the mails, then this provision cannot but be valuable, and in time of war, for the speedy transportation of the army without extortion, it would be of the greatest importance.

In his report of last November, the Commissioner of the General Land Office, speaking of the Western States and the Territories, says:

"In those States and Territories there now remains an aggregate of more than fourteen hundred millions of acres of unsold land, abounding in all the varieties of mineral wealth, and fruitful in all the productions of the earth that can minister to the happiness or comfort of man."

Fourteen hundred millions of acres! So vast is it, sir, that our minds fail to fully take in and comprehend its extent. "Fruitful in all the productions of the earth, that can minister to the comfort or happiness of man," this vast portion of the earth lies yet a wilderness. Holding these lands for the people, in what way shall the Government dispose of them? What, sir, should be its policy in reference to this great territory? Should it be liberal, encouraging its early settlement, and the speedy development of its vast resources; or, to secure two or three millions of dollars annually to the public Treasury, should the lands be held on to with a miser's grasp? Sir, let them be settled, improved, and cultivated, and the settlers will pay into the Treasury, in the import tax upon foreign goods which they must consume, more than we are annually realizing from the sales of the lands. And what a market will New England be called upon to supply from her shops and factories, and Pennsylvania from her furnaces, and the South with the productions of her soil! And how will our commerce be stimulated—our ships laden down with the productions of that vast country! I say to gentlemen of New England, and the Atlantic States, that we all have an interest in this great enterprise.

But we are met with the sectional and selfish reply, that the advantages of this liberal legislation cannot be available to the people of the East. I ask, why not? Why may not the industrious and enterprising young men of your States, who have not means to secure a homestead where the land is so high, go to the West, and, at the cheap rates which I propose, secure to themselves a freehold, and the independent position of Western farmers?

It is true, Mr. Chairman—and I freely admit it—that, in this policy, the Western States have the greater interest. By bringing these wild lands into cultivation, and subjecting them to State taxation, we are made the richer, while you are made none the poorer. In this we take nothing from you, but will bring our wealth up out of that earth which is now idle and waste. We ask no unequal and unjust protective laws, by which you shall be taxed that we may become rich. Mr. Chairman, I will not disguise the fact that upon this question I feel and speak as a Western man; and I am bold to say that the West may now rightfully claim that a liberal, generous policy be adopted in the disposition of the public lands. To show, sir, the profit made by the Government in the sales of the lands to the people of the West, I will read from the report of the Commissioner of the General Land Office, of December 9, 1850. He says:

"That by a careful examination it is ascertained that the entire area of the public domain, exclusive of the lands in Oregon, California, New Mexico, Utah, the Indian and Nebraska Territories, was 424,103,750 acres. About one fourth of this land has been sold, and the purchase money received for it amounts to $135,339,092. The cost of the whole of these lands, including the amount paid to France for Louisiana, to Spain for the Floridas, and amount paid for extinguishing the Indian title, was.....$61,121,717

A portion only of these lands has been surveyed, the cost of which, including salaries of surveyors general, and clerks and expense, attending the surveys, is..... 6,369,838

Less than half the land surveyed has been sold, and the whole cost of selling and managing the same, including every expense, not previously charged, is..... 7,466,324

Aggregate outlay of every kind.....$74,957,879
Net profit to the Government.....$60,381,213

This will be more fully appreciated when it is understood that the average cost to the Government of acquiring title to the public lands, including the extinguishment of the Indian title, is.....cents 14.41 per acre.
Cost of survey..... 2.07 "
Cost of selling and managing..... 5.32 "

Total average cost.....21.80 "

While for each acre sold, the Government gets $1 25, or a net profit, over and above every cost and expense, $1 03 1-5 per acre."

Yes, Mr. Chairman, the lands cost the Government not twenty-two cents per acre, and she sells them for $1 25. The eighty acre tract costs her not quite $17 60, and she sells it for $100. And for the quarter section, which costs her less than $35 20, she gets $200, making a profit of $164 80, on every quarter section she sells to the farmers of the West. This profit not being required to meet any expenses connected with the lands, goes into the Treasury, and forms a part of the general revenue. It is a tax, sir, to that amount upon the settlers of the West.

But, Mr. Chairman, let us prosecute this inquiry a little further. When the Indian title is extinguished, and the surveys are completed, what are the lands that are situated far out from the settlements worth to the Government? What can she get for them? Not anything, sir. Not even the twenty-two cents per acre. But, as the advancing column of emigration approaches, bearing down the forests, opening farms, building up towns, constructing roads, erecting school-houses and churches, organizing society, and establishing law and order, these lands are brought into market, and are rendered valuable and desirable, and then the Government may command for them the $1 25 per acre from the hardy, enterprising, adventurous men, who lead the advanced ranks of civilization. Sir, it is the bold pioneers of the West that have given value to your lands. And when they or their sons wish to improve and cultivate a portion thereof, their Government charges and taxes them with this very value which they have given to it. To show the profit which the General Government has made out of the sales of her lands to the people, I will refer to the sales that have been made in the State which I have the honor in part to represent. And first, sir, I will say, that I have heard very much said since I have taken my seat in this Hall, about the donations of land that have been made to the State of Indiana, and other Western States. And these donations have been spoken of as if they were mere benefactions from the hand of the Government. Let us see how the account stands with Indiana.

The grants made to her for schools, colleges, &c., for roads, canals, and other internal improvements, for the seat of government, and for swamp lands, in the aggregate amount to 3,267,460 acres, which, at $1 25 per acre, would amount to $4,084,325. But, sir, for 675,917 acres of this, amounting, at $1 25 per acre, to $844,996, granted by the law providing for her admission into the Union, Indiana surrendered the right of taxing the lands sold by the General Government for five years after the sale, a full consideration, and that grant is no donation. This leaves the Government to claim as a donation to the State only 2,591,543 acres, amounting to $3,239,329. I have not included the three per cent. of the sales of the lands in the State, secured to her by the same law, for that was but a part of the consideration for which the State surrendered her right of taxing the lands for five years after their sale. The people of Indiana have purchased of the lands within her border 15,918,790 acres. This cost the Government not quite twenty-two cents per acre, amounting to $2,502,133 80. For this land the Government received from the purchasers $21,870,255 57, more than $1 37 per acre, making a profit to the Government upon every acre of land sold to the people of Indiana of $1 15.

Mr. Chairman, after deducting the donations to the State, estimated at $1 25 per acre, and the costs of the lands, the General Government has made a clear profit upon the lands sold to the set-

tlers within the State of Indiana, of the sum of $16,128,793. When was a people so taxed? and who were the men who paid this enormous profit? Not men of wealth; not speculators, sir. They were bold men, energetic and enterprising; but they were generally poor men—men who, to secure a home for themselves and their families, paid out the last dollar to the Government, and without means encountered the hardships of the border life; without means opened their farms, built their houses, and made their roads. What a contrast in the policy towards the East, with her manufacturing establishments, and the West, with her agricultural interest. The former you have protected, encouraged, and stimulated, while the latter, in its infancy and in its weakness, you have made to pay a burdensome tribute.

And, sir, where has this money, that the West has paid into the Treasury, gone? Not in any way has it been received by the West. Not a tithe have we received back again. While our navigation and commerce are neglected, and our great national rivers are unimproved, this money that we have paid into the Treasury is taken to construct your breakwaters, improve your harbors, and build your light-houses upon the Atlantic coast. And yet Maine, and New York, and Virginia cry, Hold on to the lands; tax them, we must have revenue from them. Sir, the pioneers of the West have paid enough; let their sons have cheap lands. Give the young men of the country lands upon easy terms, and they, as independent farmers, will make you a good return of virtue, of patriotism, and of revenue.

Mr. Chairman, in this connection I will refer to the sentiments of President Jackson, expressed twenty years ago. And I do so with great pleasure, for he understood Western interest, and comprehended the importance of agriculture more thoroughly than any other statesman of our country. And if his sentiments had governed in other administrations, we would not have seen the West, in its infant struggles, so burdened by the hand of Government, while the East was protected and strengthened. He says:

"It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty."

Again, he says:

"The adventurous and hardy population of the West, besides contributing their equal share of taxation under our import system, have, in the progress of our Government, for the lands they occupy, paid into the Treasury a large proportion of forty millions of dollars, and of the revenue received therefrom, *but a small part has been expended among them.* When, to the disadvantage of their situation in this respect, we add the consideration *that it is their labor alone which gives real value to the lands*, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, and to put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise, the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

Mr. Chairman, there is but one other consideration in favor of the reduction of the price of the public lands, which I shall now notice. It is, sir, that it will provide for the foreign emigration that is yearly landing upon our shores in greatly-increased numbers. Motives of humanity, as well as considerations of sound policy, require that we provide cheap lands for these emigrants. Whether we desire it or not, they will come. In Europe, the battle for freedom seems to have been fought, and lost. Despotism has settled down upon the people. All who long for liberty are looking towards our shores. Ireland is coming, and Germany is sending her children. Oppression has made them poor, and many destitute, and many with small means, are landing. For their good, for our good and safety, give them cheap lands.

Sir, I am not one of those who are troubled with fears of danger to our institutions on account of the presence of a foreign population amongst us. I think that the man who leaves the land of his nativity, the associations of his youth, and the attachments of his manhood, because he admires our institutions, and longs for the liberty they secure, and makes ours the land of his choice and adoption, gives a high guarantee of his fidelity to our laws and institutions. But to those who think differently, who believe there is danger in this foreign emigration, may I not address my argument?

Whence do you apprehend the danger? Under what circumstances is it most imminent? Is it not where we find them in great numbers dependent upon city labor for subsistence? But hold out inducements for them to go out to the new country, each man to settle down upon land that is his own, and labor there for himself and his children, associating with the native farmers around him, and how soon will they become Americanized—imbued with the pervading love of country? They will then feel that they and their children have a stake and interest in the country and its institutions. In peace they will be quiet, law-abiding citizens, and in war the country's cause will be their cause, and her enemies their enemies.

Mr. Chairman, I know of no object that, as philanthropists and statesmen, we can more desire, than that every man who cultivates the soil shall have his own land to labor upon. But, sir, there is force in the objection to the bill under consideration, that it gives the land to the settler without any price; that it is taking that which belongs to all, and giving it to a part. And to avoid that objection, I propose the amendment that the Government shall be paid for each piece of land what it has cost her. None can then complain of inequality or injustice. And the price, twenty-two cents per acre, is but a small impediment to the settler in getting his freehold. It is but a small impediment too, to the speedy settlement of the Western wilderness.

I therefore move that the bill and pending amendments be reported to the House, with a recommendation that they be recommitted to the Committee on Public Lands, with instructions to report a bill securing to the settler the right to enter a quarter section of land at the price it costs the Government.

The CHAIRMAN. That motion is not now in order.

Mr. HENDRICKS. Then I will make it when in order, if I can get the floor.

THE HOMESTEAD BILL.

SPEECH OF HON. H. H. SIBLEY,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

April 24, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union on the bill for the encouragement of agriculture, manufactures, and other branches of industry, by granting a portion of the public lands to each actual settler thereon—

Mr. SIBLEY said:

Mr. CHAIRMAN: I have repeatedly endeavored to obtain the floor, during the last three or four weeks, with the intention of lending my humble aid in support of the bill before the committee, and until now have as often failed. Meanwhile, so many speeches have been made by gentlemen in favor of its general provisions, that nearly the whole ground has been covered, and I now find so many of my arguments to have been anticipated, and so much of my thunder appropriated, in the course of the discussion, that I am precluded from entering as fully into the merits of the question as I was previously prepared to do. But, sir, the bill involves principles of such vital consequence to the Territory I have the honor to represent, that I shall take the liberty of stating, in very concise terms, the reasons which, in my judgment, should secure for it the favorable consideration of Congress.

Sir, I am prepared to admit that the bill may be defective in some of its details. I believe that the section which requires a residence of five years, before the settler shall be entitled to receive a patent for his land, may be advantageously modified by substituting two years; for I am satisfied, that any man who will consent to remain for that period, upon a quarter section of wild lands, and bestow his labor in cultivating and improving it, may justly and equitably claim that he has dearly earned a fee simple to it, at the hands of this Government. Be this as it may, it is not my purpose, as I have before mentioned, to advert to the minor points involved in the bill, but briefly to defend the general policy of the proposed alteration in the land legislation of the country. That some change in the present system of disposing of the public domain is absolutely necessary, may properly be inferred from the facts set forth in the speech of the honorable gentleman from New York, [Mr. SUTHERLAND,] in opposition to the bill now before the committee. He stated, that for the last ten years, the sales of the public lands had very little exceeded the average of one million of acres per annum. Does not that gentleman perceive, that such an admission is fatal to his own plea in favor of the present system, and that other means must be resorted to by this Government to increase the ratio of settlement upon the fourteen hundred millions of acres of the public domain, unless it be the determination to hold it for centuries in its present state, as a fit abode only for the wild beasts of the prairie and the forest? No, sir, the existing laws, regulating the disposition of the public lands, if fairly judged by their results, are radically wrong, and the problem which the people, even now, are calling upon Congress to solve, is, how can these laws be so modified as to produce a greater amount of practical good to the people?

Mr. Chairman, in the examination of this question, it may not be unprofitable to go back to first principles, and to ascertain whether there is any other argument than that of physical force, in favor of the claim of governments to withhold from their citizens, or subjects, the privilege of reclaiming and becoming *bona fide* owners of such waste and unoccupied tracts of land, as they may fix upon for a homestead. Two hundred years ago, an eminent writer thus answered that question. Said he:

"The *nutrition* of a commonwealth consisteth in the *plenty* and *distribution* of materials conducing to life. As for the plenty of matter, it is a thing limited by nature to those commodities which, from (the two breasts of our common mother) *land* and *sea*. God usually either *freely giveth*, or, for labor, *selleth* to mankind."

A more modern author, distinguished for the able manner with which he has treated those topics connected with the science of political economy, expresses himself in these words:

"The earth, as we have already seen, is not the only agent which has productive power; but it is the only one, or nearly so, that one set of men take to themselves, to the exclusion of others, and of which, consequently, they can appropriate the benefits. The waters of rivers, and of the sea, by the power which they have of giving movement to our machinery, carrying our boats, nourishing our fish, have also a productive power; the wind which turns our mills, and even the heat of the sun, work for us; but, happily, no man has yet been able to say, 'the wind and the sun's rays are mine, and the service which they render must be paid for.'"

Sir, these quotations assert the same great principle. They take the broad and open ground that the land, in its original state, should be as free to the actual settler as the other elements, and that no government has any more right to restrict him from enjoying the fruits of his labor, produced from previously waste or unappropriated lands, than it has to prevent him from breathing the pure air of Heaven, or from quenching his thirst at the living stream. And it may be remarked, as somewhat singular, that the sentiments of the writer first alluded to, who lived at a period when the world was barely emerging from the darkness of the middle ages, should now be responded to in this day of advanced civilization, by a large portion of the American people. The petitions which are daily introduced here, signed by hundreds and by thousands of our worthiest citizens, praying for the passage of the bill under consideration, breathe the same doctrines. They assume the position, that so long as public lands are lying waste and unproductive, the first man who will go forward, make his home upon them, and cultivate them, is entitled to receive a fair portion as his rightful due, to the exclusion of all others.

Mr. Chairman, the opponents of this bill should make manifest, if they can do so, that its enactment into a law, will work injury to any class of our citizens. If they can accomplish that; if they can show that even a large number will suffer serious detriment by the passage of this bill, then there can be no doubt that it will be the duty of Congress to reject it. But if this cannot be done, and if the result will only operate to lessen the

profits of land speculators, and save to the Treasury a paltry million or two of dollars each year, then is it equally certain that this bill should become a law. Sir, so far as I have been able to learn, the main grounds of opposition to this measure are, that the public lands, under its operation, will cease to yield any revenue to the Government, and that, as a necessary consequence, those who are not directly benefited by its provisions, must bear an increased burden of taxation for its maintenance. These are plausible objections, but they have been sufficiently answered by those advocates of the bill who have preceded me, and who have shown satisfactorily that free grants of land to actual settlers, would so swell the number of consumers of foreign goods, as greatly to increase the amount now received from the duties on imports; and in that way far more than compensate for any diminution in the receipts from the sale of the public lands. As a mere matter of economy, therefore, the plan now proposed should be adopted.

But, leaving out of view entirely the mere question of dollars and cents, the proposition that this republican Government shall continue to grasp all of its immense unoccupied possessions with the tenacity of a miser, and to say to its citizens, "You shall not have a title to any portion of these lands, no matter how long you may have resided upon them, or how much you have improved them, without paying a large sum therefor," is repugnant to every sentiment of the age and the country in which we live, and should be at once discarded. It comes in direct conflict with the political axiom, that all popular Governments should remain poor, however prosperous may be the condition of the people. The argument which is commonly used against all innovations upon established laws and customs, in this country as well as elsewhere, is, that as the community has hitherto prospered, we should be content to follow in the old and beaten paths. But it should be recollected, "that although many modern States have risen 'to wealth and power, in the midst of taxa-'tion and restrictions, this is not owing to those 'restraints on the natural course of human affairs, 'but in spite of such powerful causes of discour-'agement. The prosperity of the same countries 'would have been much greater, had they been 'governed by a more enlightened and liberal pol-'icy. All that can be desired is, that laws condu-'cive to the general interest of society, should be 'made and carried into execution. This is the 'problem which different political constitutions 'more or less imperfectly solve."

Who is there among us at this day who believes, that if the laws regulating the sales of the public lands had been less rigid and exacting, or if free grants of the public domain had been offered many years ago to actual settlers, the Republic would not now be much further advanced in all the elements of wealth and power, if not in population, than it now is? It is a fact, that the increase in the sales of the public lands has by no means kept pace with that of the population, since the foundation of the Government. The high rates at which your lands were held, have forced thousands upon thousands to remain in the corrupting atmosphere of your large cities, who otherwise would have become contented and happy tillers of the soil. Upon every individual who has purchased a quarter section at the minimum price, this Government has imposed a tax, through all time, of $15 or $20 annually, estimating the interest upon the capital of which you have deprived him, at the usual value attached to the use of money in the West. That new tax has become "a new charge on production, and has raised the natural price." When gentlemen undertake to state the amount which has been received into the Treasury from these sales, they should not fail to add these items of interest, if they desire to present the question in a fair and proper light before the country. And when this has been carried out in all its ramifications, it will at once be perceived how onerous has been the tax imposed by this Government upon purchasers of the soil, and to what an extent the land States and Territories have been victimized under the operation of the present system. It should be borne in mind, likewise, that the records of your General Land Office show the whole cost of the public lands, after taking into consideration the expense of extinguishing the Indian titles, of surveys, salaries of officers, and other contingencies, to be less than twenty-two cents per acre; consequently a clear profit is made by the Government of more than one dollar upon every acre that is sold. If an individual capitalist should take advantage of his wealth to monopolize, and to hold at exorbitant rates any article indispensable to the comfort or subsistence of the community in which he lives, he would be justly denounced as a wretch, unfit to associate with honorable men. And yet in no respect would he be more heartless or worthy of blame, than is a Government which exacts from its citizens a fivefold price, for those lands which are absolutely necessary for their support.

It is not the true policy of this Government, Mr. Chairman, to restrain the people within fixed limits, or to confine them by "metes and bounds." Permit them to go where they will throughout your broad domain, and to transform whatever portion of the soil they may choose to take possession of, from a waste, into fields teeming with those productions of the earth which are required for the sustenance of man. And when they have done this, let them feel that you have secured to them a home, of which no earthly power save their own volition can deprive them, or their children after them. This should be the premium offered by you upon industry, which, however small in reality, will yet be gratefully appreciated by the gallant spirits who lead the way into the wilds of the West. Sir, I have never spent a month in any State of this Union. My life has been passed in the Territories, upon the outer verge of civilization. I know the character of the pioneer, and of the men who even now are on their way to the West, and I speak understandingly when I say, that it is such homes as this bill, if adopted, will create, which will ever remain the nurseries of that love of freedom, by which alone our present happy form of government can be perpetuated. From the abodes of the working classes of your inland population, there will issue, in the hour of danger to the country, a power not only self-sustaining, but abundantly able to bear the ship of State safely through all the storms that may beset her. In these "piping times of peace," this power if not dormant, is only partially developed at the polls, for it cannot be called forth in its full majesty by the ordinary struggles for party ascendancy. If, then, the future hopes of the Republic must rest, not upon the denizens of crowded cities, but in the masses who daily toil in the workshop and upon the farm, there can be no question that the best line of policy which can be pursued, is that which favors the increase of these industrial classes.

But hitherto a course has been taken in direct opposition to this plan. The Government has watched its public domain with a jealous eye, and there are now enactments upon your statute-books, aimed at the trespasser upon it, which should be expunged as a disgrace to the country and to the nineteenth century. Especially is *he* pursued with unrelenting severity, who has dared to break the silence of the primeval forest by the blows of the American axe. The hardy lumberman, who has penetrated the remotest wilds of the Northwest, to drag from their recesses, the materials for building up towns and cities in the great valley of the Mississippi, has been particularly marked out as a victim. After enduring all the privations, and subjecting himself to the perils incident to his vocation—when he has toiled for months to add, by his honest labor, to the comfort of his fellow-men, and to the aggregate wealth of the nation—he finds himself suddenly in the clutches of the law, for trespassing on the public domain. The proceeds of his long winter's work are reft from him, and exposed to public sale for the benefit of his *paternal* government—or rather for the advantage of its minions—for not one cent ever finds its way into the Treasury; and the object of this oppression and wrong is further harassed by vexatious law proceedings against him. These outrages in Wisconsin and Minnesota, are sanctioned by the same Government that permits the public lands in California and Oregon to be overrun by both citizens and foreigners, who are allowed to appropriate to their own use what is *upon*, as well as *under* the earth, without hindrance. Sir, the time is at hand when the arbitrary exercise of power, such as I have alluded to, will be rebuked. The people are becoming more and more alive to their duties and responsibilities; and while they will yield to that Government, which is the mere agent of their will, all needful respect and aid in the discharge of its proper and legitimate functions, they will divest it of all powers, which may be turned into an instrument of oppression to any class of citizens. Nor will it long be suffered, that the immense public domain shall continue to be barred against those, who have not the means to pay for the privilege of tilling the ground which God has bestowed upon all his creatures, but of which the avaricious temper of the Government has hitherto deprived even its own citizens.

I conclude what I have to say upon this branch of the subject, by repelling, with indignation, the charge that has been made here, that the bill now before the committee is tinctured with agrarian doctrines. Sir, when I see the honorable gentleman from Pennsylvania [Mr. CHANDLER] rising in his place on this floor, to advocate a measure of general policy with the eloquence which he has displayed in the defense of this bill, and find him sustained by such men as his colleagues, [Messrs. DAWSON and MOORE,] by the chairman of the Public Land Committee, and other gentlemen equally distinguished and conservative in their views, and when I find that measure to be in exact accordance with the sentiments heretofore avowed by the lights of both the great parties of the country, and particularly those of the Democratic party, I can but express my astonishment, that any member could be found with boldness sufficient, to denounce it as I have heard it denounced in this Hall.

But, Mr. Chairman, while I desire most earnestly that the bill originated, and so ably advocated by the gentleman from Tennessee, [Mr. JOHNSON,] may speedily become the law of the land, with such modifications as shall render it most acceptable to the actual settler, there is another land bill now ready to be reported by the Committee, which, I wish I could flatter myself, would *not* receive the sanction of a majority of this House. I refer to that which was introduced by the honorable member from Illinois, [Mr. BISSELL,] providing for a donation of ten millions of acres of the public lands, to be apportioned among the States, in the compound ratio of their area and representation, for the relief and support of the indigent insane therein. It stipulates that each State having public lands of *a suitable quality* within its own limits, shall receive its portion therefrom; but those not having such lands, shall be authorized to select from the public domain, *not in the other States, but exclusively in the Territories.* This is the identical scheme which the same gentleman introduced, and pressed so warmly during the last Congress, but which was ultimately defeated.

Mr. Chairman, much as it grieves me to oppose any bill emanating from my honorable friend, my duty is so plainly marked out, that I could not evade its performance, even if I desired to do so. I am led to resist the measure at the very threshold, while I have the opportunity, with the hope of convincing this House in advance, that should it prove successful, a great and irreparable injury will thereby be inflicted upon the Territories of Minnesota and of Oregon. The bill, at my earnest solicitation, was modified in two important particulars, so as to render the draught, if we are to be compelled to swallow it, as little nauseous as possible; but it is still very objectionable, and more particularly so, in the invidious distinction which it proposes to make between the States and the organized Territories.

Sir, when these temporary governments were established, there was an implied but solemn pledge given by Congress, that so soon as the increase of population would justify it, these Territories should be admitted, in accordance with established precedent, into the Union, with the same advantages and upon an equal footing with the original States, in all respects whatsoever. It is with this assurance, that Minnesota and Oregon are now augmenting in population with unexampled rapidity; and no man immigrates to either, who does not look forward to their speedy admission into the Union. It is this expectation which nerves the settler to meet all the trials, and overcome all the difficulties, which fall to the lot of those who lead the vanguard of civilization. Thousands

have already gone into these favored regions, and other thousands are even now following in their footsteps, to purchase your lands and cultivate them in accordance with your invitation, and with implicit reliance upon the good faith of the Government. Will you falsify your pledges, and bring bitter disappointment to the breasts of these men, by passing a bill which will deliver them over to the tender mercies of the several States? Will you take the lands, which the pioneer has rendered valuable by the sweat of his brow, for the benefit of his friends and relatives, and transfer them to a foreign jurisdiction having no sympathy with him, and no regard for the sacrifices he has made? Will you cripple and embarrass your Territories, and retard their admission into the Union for long, long years? If this House is prepared to inflict such a train of calamities upon us as I have indicated, and to trifle with the faith of the nation, it will pass this bill, but not otherwise.

The land States object most peremptorily to any grants of public lands, within their limits, being made to other States. They have the power to make themselves felt in the two Houses of Congress, and therefore their protest will be effectual. There must be grave reasons for the stand thus taken by them; and the same reasons exist in full force, against any such scheme being carried into effect in the organized Territories. They should be prepared to resist any measure of this kind, if intended to be enforced upon the latter, with the same alacrity and zeal that they would manifest, if their own States were to be subjected to a like outrage. If it is wrong for the General Government to transfer to a State its title to lands in another State, it would be a strange train of reasoning which would lead to the conclusion, that it would not be equally so to give to the same State, its lands in the Territories so soon to become States. No, sir; if the plan proposed in the bill alluded to should be carried out, it will be because Minnesota and Oregon have no vote in either House of Congress, and are consequently powerless to defend their rights.

I was somewhat surprised yesterday, on listening to the speech of the gentleman from Illinois, [Mr. YATES,] now in front of me, to hear him eulogize this bill of his colleague. I cannot believe that he has examined its provisions, or he would hardly have supported a measure with such warmth, which, if successful, will work so much injury to the organized Territories. Nor, do I suppose that, upon examination, he would be willing to record his vote in favor of any such scheme.

Mr. YATES, (Mr. SIBLEY yielding.) I reply to the gentleman, I would apply no principle to the Territories which I would not to the States. In my remarks yesterday, I did not speak to the details of the bill, but in favor of the objects of the grant; that is, aid to the States in the endowment of institutions for the relief of the insane.

Mr. SIBLEY, (in continuation.) I will be a little more explicit. I simply alluded to the fact that the gentleman from Illinois had eulogized the bill about to be reported by the Committee on Public Lands, and expressed my surprise and regret to find him assuming a position of, as I conceived it, hostility to the interests of the Territories. But I took occasion to say at the same time, that I did not believe the gentleman had examined the details of the bill, or he would have hesitated to commit himself to its support. I desire now to pay my respects to another gentleman, who I am sorry to see is not in his seat. I refer to the honorable member from Missouri, who is chairman of the Public Land Committee.

Mr. HALL. I am here, if the gentleman alludes to me.

Mr. SIBLEY. I ask his pardon. I did not perceive him, as he was not in his seat. Well, sir, I hold that honorable member in as high respect and estimation as I do any other individual on this floor; but I must be permitted to propound an interrogatory to him, as I wish for information on a particular point. In consulting the debates, or rather the Journal of the last Congress, I notice as a singular fact, that the gentleman's vote is recorded in the negative upon a motion to suspend the rules, for the purpose of discharging the Committee of the Whole on the state of the Union, from the further consideration of the very bill he is now prepared to report from the committee of which he is the chairman, and which I learn he is now prepared to support. Will the gentleman explain this seeming inconsistency in his views?

Mr. HALL. If the gentleman will turn over the Journals of the last Congress, he will find that upon a resolution introduced by Mr. McClernand, of Illinois, to instruct the Committee on Public Lands to report a bill granting 10,000,000 acres of the public lands for the relief of the indigent insane, I voted for that resolution. When, however, the bill was introduced here, I voted against it, because I did not like its features. The present one, however, is an entirely different bill, or at any rate it removes the objections which I had against that of the last session.

Mr. SIBLEY. I am glad to hear the explanation of the vote given by the gentleman on the occasion referred to, although I cannot agree with him that there is any essential difference in the features of the bill now ready to be reported from the Committee on Public Lands, and that introduced during the last Congress. There is one limitation, to be sure, in the present bill, and that a very proper one, restricting the States having lands assigned them from selling them at a higher rate than the minimum price of the public lands.

Mr. HALL. Another thing is, they shall be compelled to sell them within twenty years.

Mr. SIBLEY. I do not regard any such limitations as of the least value. Now, sir, I must say that I have been disappointed at the position assumed by my friend from Missouri. I looked for powerful aid from that quarter, with much the same confidence that the Trojans placed in Hector, when they were hard pressed by the Greeks. I had not the least idea that he would be selected to report such a bill as that proposed, to this House. If he does persist in his support of this measure, we shall indeed be again "wounded in the house of our friends." He lives so near to the Territories, and has always manifested so much sympathy with the frontier population, that I have not anticipated, nor will I yet believe he will aid in the scheme by which my constituents are to be injured and oppressed.

Mr. HALL. This is a bill in which I do not feel any great interest; and I would suggest to the gentleman, that if he can devise any restrictions with reference to this bill which are not now in it, and which will secure the Territories from the evils which this bill subjects them to, I will go for the restrictions. I suggest, therefore, if it would not be proper, before that bill comes up, to consider what further limitations might properly be applied to this bill, to protect his people from its effects. I do not want to injure the Territories, and will not, if I know it.

Mr. SIBLEY. Although he has agreed to report this bill, I do not think he is heartily in favor of it.

Mr. HALL. I do not care much about it.

Mr. SIBLEY. It is for that reason I am endeavoring to convince him of the wrong which we must suffer by its adoption, and to persuade him to come to our rescue. I will now proceed with my remarks.

That Congress has the power to control the public lands, whether in the States or Territories, no man will deny. But, that this power should be exercised with a just regard to the interests of those who dwell within the limits of such States and Territories, is equally certain. There is no moral or equitable right in this Government to make any disposition of its public domain, or other property, which would result in certain detriment to any community of its citizens, especially when the previous action and invitation of Congress, have induced them to place themselves in a position where injury must follow to them from such disposition.

Mr. Chairman, it has been very plausibly urged in defense of this bill for the relief of the indigent insane, that it protects the actual settler in the possession of his rights; that it confirms pre-emption claims; that it prevents the States from selling the lands at a higher rate than the minimum price of the public domain, and that it restricts the locations to the lands subject to private entry at the time of its passage by Congress. Above all, we are told that we in the Territories, shall have the right to tax the lands to be selected by the States therein. Now, sir, I would not give a farthing for all the limitations, and restrictions, and guarantees, that you can crowd into this bill. If the lands are once but transferred to the States, the same majority which passes this measure will be found ready, whenever occasion requires, to scatter all these limitations and guarantees to the winds of Heaven, and to forbid the Territorial authorities from imposing any tax upon such lands. And even supposing that this would not occur, the past experience of this nation affords ample evidence, that in any controversy which has arisen between the General Government and the individual States, the latter invariably have prevailed. Let the public lands in Minnesota and Oregon but pass into the possession of the States, and I will venture the prediction, that they will be managed without regard to any previous contract or agreement with the Federal Government, and without the least reference to the general interests of either Territory. Should this be the case, where is to be found the remedy for the poor settler thereon? He has not the means to coerce a State, by the institution of legal proceedings in the Supreme Court of the United States, and he must consequently abandon his improvements and the fruits of his toil and labor, or suffer such exactions as the agent of the State may see fit to impose. It is no sufficient answer to assert, that no State would pursue a vexatious or improper course towards the tenant of its lands. It is enough for me to know that the actual settler would find himself in the power of a foreign jurisdiction, to cause me to turn with abhorrence from any project, which would tend to place him in so humiliating a position.

Mr. Chairman, if the several States must receive aid from Congress, to enable them to discharge their obligations to an unfortunate class within their own limits, let the vote given be a direct one upon the simple proposition which I have submitted to this House. The bill introduced by me several weeks since, provided that the proceeds of the first ten million acres of the public lands which may be sold, shall be equitably divided among the States for the relief and support of the indigent insane therein. Sir, I will be frank, and say that I do not think any such arrangement as this, would be in accordance with the spirit of the Constitution. Although that instrument gives to Congress the complete control of the public lands, without imposing any restrictions, *in words*, as to the particular objects to which they shall be devoted, I do not believe that any strict constructionist will contend, that it was the intention of its framers to grant to the National Legislature, authority to alienate these lands for purposes strictly local in their character, as is contemplated by the bill to which I refer. Nor can I perceive how any man can, with propriety, oppose the project for the distribution of the proceeds of the public lands among the States, which was, and still is, so obnoxious to the Democratic party, and yet vote to distribute the lands themselves in the same manner. Sir, in my poor judgment, the one is as open to objection as the other. If Congress possesses no right to dispose of the money in the Treasury, received from the sale of the public domain, otherwise than for the defense of the country, or the general welfare, he would have to be possessed of much metaphysical subtilty, who could convince me that the domain itself could rightfully be parceled out, except for the same specific objects. It may be presumptuous in me, Mr. Chairman, to be thus obtruding my opinions as to the constitutional powers of Congress, upon this House, as I profess not to be "learned in the law." But it appears to me that a plain, common-sense view of the subject should prevent any one, who is not an advocate for a latitudinarian construction of the Constitution, from voting for any such scheme, as is contained in the bill which I am now opposing. And I have only been induced to introduce a substitute, such as I have mentioned, because of the two projects, my own, being the choice of two evils, will, at least, not be attended with injury to my immediate constituents.

But there is still another mode by which the object can be reached, if there is a majority of the members upon this floor, who are determined that the several States shall benefit by some such division of a portion of the public domain, as is con-

templated. In such case, allow the land States to select their distributive share of the ten million acres, within their own limits, and provide for the issue of scrip to the other States, in proportion to the amount they may be entitled to receive to be sold but not located by them. To this plan I can perceive no reasonable objection, that can be made by the friends of the bill in question. It would give the States the benefit of these donations, without inflicting an injury upon the Territories. The scrip would sell in the market for the same price as land warrants, and the money be realized much more speedily than if the land itself was granted.

Mr. Chairman, of the land States, (so called,) not more than eight, should the bill originally introduced succeed, would be able to find public lands "of a suitable character" within their own boundaries. Including Texas, which has no other soil but its own, and which would have a right to share in the general apportionment, there would then remain twenty-four States to be provided for in the Territories. And it is but reasonable to suppose, that fifteen of these would choose their distributive share in Minnesota Territory. Supposing this bill to have become a law, with what hot haste would not the agents of these speculating States be despatched to our fair region, each one eager to anticipate the other, and to seize first upon the choicest tracts? As the bill provides that the selections may be made according to the legal subdivisions, there would be a general and disgraceful scramble to enter here a forty, and there an eighty acre lot, without any respect for the interests of others or those of the people of the Territory. Who does not foresee, in such a state of things, endless disputes and litigation among the States themselves, and utter disregard of all the comity and good feeling which should exist among them? Minnesota, with millions of acres of her best lands thus appropriated, to the exclusion of other claimants who would otherwise become *bona fide* settlers, must languish under a system of non-resident proprietorship which has heretofore, but to a less extent, been the bane and the curse of the West.

Sir, the Minnesotians are a peaceable and law-respecting people; but it may well be imagined—that after they have penetrated the wilderness—endured all the trials and sufferings inseparable from the settlement of a new country—made sacrifices of every kind in advancing the interests of our beautiful Territory—and built up villages and towns by the labor of their hands, with a view to meet the wants and requirements of a rapidly-increasing population—I say, it may readily be imagined, that they would not be prepared to greet with much cordiality, the emissaries of the States who might go among them "to spy out the land" which their own toil had rendered valuable, in order to secure its transfer to absentee proprietors, to the exclusion of the friends and former neighbors of the pioneers of the country.

Mr. YATES. I wish to explain. The bill provides that where a State has lands, it shall take its share of the grant out of the lands lying within its own limits. After all the States having lands within their limits have taken their share of the lands, it is not likely that the quantity located in the Territories by the other States, would be great enough to injure the Territories. These locations, it is not likely, would be confined to any Territory, but would be scattered over all the Territories. I cannot believe they would seriously injure Minnesota.

Mr. SIBLEY. My friend is very much mistaken in his views upon this subject. I have already stated my conviction that if this bill becomes a law, at least fifteen States, having no public lands within their own limits, will select their portions in Minnesota. Among these will no doubt be numbered the four largest States in the Union, to wit: New York, Virginia, and the States so ably represented in part by the gentlemen now in my eye, [Messrs. CHANDLER and EDGERTON,] which, from the number of their population, would be entitled to a large proportion of the grant. When I estimated that six out of the ten millions acres contemplated to be distributed in this bill would be selected in my own Territory, I have no doubt I fell short of the mark. I feel certain that more than six millions would thus be located there. And, in view of this fact, I would be glad to know with what propriety the members from the land States can vote for such an accumulation of evils upon Minnesota, when they will not entertain a proposition that another State shall hold one acre of public land within the confines of their own State? Alas! sir,

> "'Tis all men's office to speak patience
> To those who wring under the load of sorrow;
> But no man's virtue, nor sufficiency,
> To be so moral when he shall endure
> The like himself."

Sir, I trust no such anomalous proceeding will take place as this bill proposes—no such dangerous experiment be tried. Who is there among the members of this House, who would not recoil from being the instrument of fixing upon Minnesota and Oregon a system which will retard their prosperity, and under the operation of which they will come into the Union, if at all, embittered in feeling against their sister States, because the latter had previously fixed upon them by legislation a withering blight, which they had been especially careful not to inflict, even to a comparatively small extent, upon each other?

Mr. Chairman, it may be deemed strange by many, whose attention has not been called to this subject, that I have taken so early an opportunity to state my objections to this bill for the relief of the indigent insane. God knows, sir, that no man sympathizes more that I do in the sufferings of that unhappy class of beings; and no one would be disposed to make greater sacrifices than myself to ameliorate their condition. The States themselves are abundantly able, however, to provide all the requisite means and appliances for their comfort, without burdening the National Treasury. If you now give lands for their support, you will have applied the entering wedge, and you will next be called upon to aid in the construction of hospitals and of school-houses, and public buildings for other purposes. The only safe method is, to let all these matters alone. They legitimately belong to State jurisdiction; and the Federal Government, in my judgment, has no right to interfere in any projects of this kind.

But, sir, I know very well that the bill is in the hands of those, both here and in the Senate, (for it has been introduced in both Houses,) who will strain every nerve to procure its enactment into a law of the land. And I most sincerely regret that the blow which, if not arrested, is to penetrate the vitals of Oregon and Minnesota, will have been dealt by Western men. That they do not appreciate the deep injury we are to suffer by the passage of their darling measure, and that they will not be convinced of it, is our misfortune. All that can be done by my gallant friend from Oregon and myself to resist it will be accomplished. I sincerely trust that he may be as successful in this struggle, as he has been on other and more dangerous fields in days gone by. His constituents and mine are solely interested in the solution of this question; as, happily for them, in this case, the other organized Territories are too remote, and too difficult of access, to fear any injury, whatever may be the result.

In conclusion, Mr. Chairman, I beg leave, in the name of the people whose interests have been confided to my keeping, most solemnly to protest against the passage of the bill introduced by the gentleman from Illinois for the "relief and support of the indigent insane" within the limits of the States. Minnesota and Oregon have an undoubted right to ask of every member upon this floor, protection against any proposed measure of legislation which would tend to retard their advancement, or destroy their prosperity. In their present infant and defenseless condition, they do call for such protection. I invoke the aid of those Representatives who are opposed to the exercise of doubtful powers by the General Government, and of such as are friends of the Territories, to arrest this scheme in its inception, and thus entitle themselves to the approbation of all who maintain the doctrine that

> "Government, through high, and low, and lower,
> Put into parts, doth keep in one consent;
> Congreeing in a full and natural close
> Like music."

THE PRESIDENCY—HOMESTEAD BILL.

SPEECH OF HON. R. S. MOLONY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

April 22, 1852.

The House being in the Committee of the Whole on the bill "to encourage agriculture, manufactures, commerce, and other branches of industry, by granting to every man who is the head of a family a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified"—

Mr. MOLONY said:

Mr. CHAIRMAN: I rise with the intention of occupying the greater part of the time allotted to me in the discussion of the bill before the committee; but I shall ask the indulgence of gentlemen to allow me a slight departure from that object, intending, however, to occupy but a few minutes on matters foreign to the subject legitimately under our consideration.

We are approaching, Mr. Chairman, one of the most important presidential elections that ever came off since the formation of our Constitution—one involving vast interests to the American people, and one which is to be decisive of the principles and measures which are to be in the ascendency in our Government for a long while to come; one which has created a deep interest within these Halls, and which is awakening a corresponding interest throughout the country—perhaps never surpassed in any former election. It is natural that it should be so, in view of the vast interests that the country have at stake.

That there should be a variety of candidates on the Democratic side of this House, is just what we should expect, and it is salutary and right; but that the zeal of gentlemen, in behalf of their favorite candidates, should be carried so far as to send forth to the country the unfounded declarations—that upon the selection of THEIR candidates as the standard-bearer of the Democratic party, hangs the triumph of the principles of that party in the approaching contest, is alike impolitic and untrue. It may be—yes, undoubtedly is true of the other side of the House—that party has ever obtained power in *one* of two ways: either by the divisions of the Democratic party, or by uniting its fortunes with the destiny of some military chieftain, whose services in the tented field have endeared him to the country; or by both of these ways;—while, on the other hand, the Democratic party has ever been struggling for the ascendency of principles, not men, and as relying upon its principles, not upon its candidates for its triumphs, it has ever gone into our political contests with its principles inscribed upon its banners as with a sun-beam, appealing to the intelligence and patriotism of the people for success.

Mr. Chairman, there has not been a man named in the Democratic party for the office of President, who, if in the wisdom of the convention which is about to assemble at Baltimore, should be selected as the standard-bearer of the Democracy, would not bear that standard gloriously triumphant throughout the contest.

Sir, the ground upon which this conviction of my mind is based, has no reference, or very little, to the availability of candidates, but is derived from the fact that the soundness of the Democratic policy in theory, and its admirable working in practice, has endeared it to the hearts of the great mass of American voters, and that they will give to it the emphatic approval, on the ides of November, that their fathers did to the principles and measures of Jefferson and Jackson. Sir, the policy of the Democracy is no new idea, either in theory or practice; it has been in the ascendeney in the administration of national affairs through our whole political history, excepting the administrations of the elder and the younger Adams. It has gone through the trying ordeal of almost every presidential election held under the Constitution; for, with the exception of the contests of 1840 and 1848, that policy has been directly and clearly in issue, and as *directly and clearly approved* by the country; while the conservative, antiquated, exploded policy of the Whig, or Federal party, has been INVARIABLY and emphatically condemned. Still, a severer test, a more searching ordeal, has

awaited the policy of our party, and that is its *practical operation* in the administration of our national affairs for almost fifty-six years, out of which, like gold tried in the fire, it has come purer and brighter, and during which period our country has had a rapidity of progress in population, wealth, and everything that constitutes a great people, before unknown in the history of mankind.

Mr. Chairman, has there been anything in the recent operation of the platform of principles laid down by the Baltimore Convention in 1844, and which has been ever since in the ascendency, to render those principles and measures less dear to the people? Anything to induce them, on the ides of November next, to reverse the verdict of approval that has heretofore been invariably rendered by the popular tribunal? Has there been anything to call for a repeal of the tariff of 1846, and the independent treasury, and a return to the oppressive and rejected tariff of 1842, (and when once the Federal party shall be in power, untrammeled by a Democratic Congress,) to a connection of bank and State, if not in name, to some fiscal agency, as in 1842, which would give you the substance?

It is fresh in the memory of us all, that upon the enactment of the present revenue tariff and independent treasury, and while those measures were pending before the Congress of the United States, that the tocsin of alarm was sounded by Whig Congressmen, and the Whig press, through the land. Croakings of ruin were sounded in the ears of your farmers, manufacturers, and commercial men. We were told that the gold and silver would be drawn from the channels of trade and commerce, to liquidate the balances of trade, in the shape of a foreign debt, against us; that what would not thus be drawn out of the country would be locked up in the vaults of the sub-treasury. The basis of our paper circulation being thus withdrawn, a universal bank-suspension was to follow, inflicting upon the capital, industry, and trade of the country, the distress and ruin of a depreciated, *irredeemable*, worthless paper currency. Nor was the catalogue of our woes which were to be let loose on the country upon the adoption of the revenue tariff and independent treasury, as from Pandora's box, yet full. Our national treasury was to become empty, our national credit was to be ruined, and our bonds were to go begging in the markets of the world for takers.

Such, Mr. Chairman, were Whig predictions in 1844-'5-'6, all of which we now, in 1852, see falsified in every particular, and in the aggregate. Yes, sir, in the place of a drainage of the precious metals, it has been constantly accumulating in the vaults of your banks, and in the channels of trade. Capital has found a ready, profitable, and safe investment; labor a sure and rich reward, while every branch of American industry, your agriculture, your commerce, and your manufactures too, for the last eight years have flourished to a degree that *eclipses* in splendor all other periods of our history. Our national treasury has been full and overflowing, instead of the predicted poverty and depletion. Our national credit through all the period of a foreign and expensive war, which made vast demands upon your Treasury, testing severely the credit of our Government stood, in the midst of conflicting and powerful elements, firm and UNSHAKEN; our bonds, not only at all times taken, but *eagerly sought for* in the markets of Europe and America at high premiums. Mr. Chairman, is it an exaggeration of the facts to say that there never was a period in its history, when the Democratic party stood so strong in the confidence and affections of the people as they do at this moment. And that being the case, it is idle, sir, it is more, it is special pleading in behalf of favorite candidates, not only not calculated to aid the triumph of our principles, but in disregard of the harmony of our party and the triumph of its principles, which are objects that should always be held by Democrats high above all selfish and personal considerations, for any man on this floor, or elsewhere, to say that the triumph of the Democracy in November, 1852, depends upon the nomination of any *one* man. Sir, all that is necessary for the Democratic Convention of Baltimore to do is, to reconstruct the time-honored platform of 1844 and 1848, and plant upon it a man worthy of it, and true to its principles—a man whose commanding intellect, ardent patriotism, exalted purity of character, experience in civil affairs, and whose life devoted to the best interests of his country, either in the councils of the State, or the field, command for him the confidence of the American people; and I repeat, sir, whoever that man may be, whether Lewis Cass, of Michigan, James Buchanan, of the Keystone State, S. A. Douglas, of Illinois; or any one else of the distinguished gentlemen whose names have been honorably mentioned in connection with the Executive office of the Government—that a triumph awaits us over the nominee of the Whig party, with all of his military glory, that would do honor to the days of Jefferson or of Jackson. The Democracy rely now as ever before, more upon the availability of their principles than that of their candidates. They have confidence in the intelligence of the people to appreciate the truth of Democratic principles, and their adaptation to the wants, progress, and high destiny of this great Republic, in spite of the glare of mere military glory, however resplendent. That confidence in the intelligence of the people has never been misplaced. The conviction of *this truth* has taken a deep hold of the public mind and heart, viz: that the prosperity of our country, as it has been—its greatness *as it is*—has been entirely the result of Democratic policy; also, that upon the ascendency of that policy, *hereafter*, in the administration of our national affairs, depends the accomplishment of its *magnificent future*.

Mr. Chairman, I will ask the indulgence of the committee for a few minutes before I proceed to consider the bill legitimately before us—to a few remarks, unusual for me, which will obtrude my humble self before you. It is to explain, if the committee please, the position of your humble speaker upon certain political questions—*past*, *present*, and *to be*. Mr. Chairman, the reasons of this explanation, personal to me, is, that my positions and political associations, in some prints, and some sections of the country, have been misrepresented.

I would say, sir, then, that the first vote that I ever cast in my life was in the good old Granite State, which you have the honor in part to represent; at old Dartmouth, sir, where you had the honor of graduating—for Andrew Jackson, of Tennessee; and, sir, *there*, among the hills of my childhood, my own Democracy, and that of the stock from which I sprung, is known to be as firm and immovable in the faith as your own granite mountains—from that day to this every presidential vote that I ever gave has been given for the Democratic nominees. And I further state, that every vote that I shall hereafter give will be for the maintenance of the same principles.

A MEMBER. Right or wrong.

Mr. MOLONY. Right or wrong, some one says. The Democratic party may occasionally be wrong, but it is *radically* always right, if now and then it errs in detail. Besides, it is progressing always in the right direction, and, consequently, corrects this year what experience has shown to be the error of the last. Hence, if you are wrong in a particular now, by adhering to the Democracy, in the progress of the party you are sure to come right. In 1844, when the Democracy unfurled their banner to the breeze, upon which blazed the *lone star of Texas*, I was among the ardent friends of that measure, viewing it, in relation to its expediency, in the same light in which our fathers viewed the acquisition of Louisiana, as opening up to the commercial and manufacturing States, in the future, a vast home market also for the breadstuffs and provisions of the Northwestern States, besides giving us the control of the cotton market of the world, strengthening the bonds of our glorious Union, while the measure was not adding one square mile to the slave territory of North America, nor consigning to bondage one human being. And, sir, I viewed it then, as I view it now, a naked question of expediency between us and Texas alone, and in which Mexico had no right to interfere. Texas had fought for her independence, and won it; and at the time of annexation, and for years preceding it, was in fact sovereign and independent of Mexico, and as such had been recognized by the great Powers of the earth. No hostile Mexican force had for years invaded her soil, but their arms had been routed, driven from the country, their great military leader and executive chief had been taken prisoner, who prostrated himself at the feet of the hero of San Jacinto, begging for protection from the fury of that soldiery the lives of whose brothers, friends, and companions in arms, he had sacrificed like dogs. His life was protected by the hero whose bravery is only equaled by his magnanimity, and Santa Anna acknowledged the independence of Texas. Therefore, it was *right* and *expedient* that the United States should possess herself of Texas. And the feeble but ardent support that I gave to that great measure, is among the most gratifying acts of my life, convinced, as I am, that it will add incalculably to the wealth, power, and resources of our common country, and that the star which represents the State of Texas, is to be one of the most brilliant in our glorious constellation of States. In 1848, when the Democratic party was rent in my district *in twain*, when such numbers of the Democracy left us, that our plurality was reduced from four thousand to two hundred, on Cass and Butler, I, taking the same exceptions to the doctrines of the Nicholson letter that they did, still I remained true to my party, and spent as much time, and made as much effort, to carry the nominees in triumph through my district, as any man in it. Let me not be understood as reflecting in the least upon those gentlemen of the Democratic party who thought it to be their duty to support Mr. Van Buren in that contest; their motives I never questioned, nor their Democracy, and I look upon them as reliable for the support of the next Baltimore nominees as any Democrats in the Union. And here, sir, let me say, in conclusion upon this matter, that if the next Baltimore Convention should select the great and veteran statesman of Michigan as the standard-bearer of the Democratic party, where I was in 1848, there I shall be in 1852, true to the man and the measures as the needle to the pole. I was understood, pending the election that brought me here, as differing with General Cass in the views of the Nicholson letter; also, upon other questions then prominent in the public mind, involving the question of slavery; and whether my professions *and my acts here* are consistent, *let my record*, which is before the country, *answer*. Still it was equally well understood that I was a National Democrat, and that I should support all Democratic nominations fairly made, irrespective of its views upon matters involving the question of slavery—from President down to constable.

Mr. Chairman, this concludes what I have to say upon presidential matters, and I now proceed to the consideration of the special order of the day.

Sir, I view the bill before the committee as one urgently appealing, not to individuals or sections merely, but to every section, and the whole American people. This bill, when introduced here, found but a few advocates upon this floor, but being based upon broad national considerations, appealing strongly, as it does, to the agricultural, manufacturing, railroad, and commercial interests of the country for support, it has been steadily and surely advancing in popular favor, and its friends entertain strong hopes of passing it into a law this session of Congress. Mr. JOHNSON of Tennesssee, the father of the bill, deserves, for originating and pursuing this object, the gratitude of his country.

In discussing this subject, I propose to follow the course that has generally been pursued in this discussion, and consider first its constitutionality, and then its expediency. My remarks upon this division of the subject will be chiefly in reply to the gentleman from Maine who, a few days ago, addressed the committee in opposition to the bill, certainly with ability, whatever may be thought of the soundness of his conclusions. The gentleman denies to Congress the constitutional power to pass this bill, upon the ground that the United States are a trustee, by whom the public domain is held for a *specific purpose*, and *that purpose* for sale, and the transfer of the proceeds to the national Treasury, and for no other; that that specific object is expressed in the deeds of cession, by the States to the Confederation and the United States, and that the same object and purpose is recognized in the Constitution of the United States, and that a donation of the public lands to individuals for

actual settlement, to the States for educational purposes, or for charitable purposes, or for purposes of internal improvement, are all and each of them a diversion from the above-named specific object, a wrong to the States, and a violation of the Constitution of the United States.

Mr. Chairman, in looking into the Constitution I find nothing in its letter or spirit that sustains the gentleman in his position. I there find no such specific object, but full and ample powers to dispose of the public lands for any object, without restriction or limitation, provided that object shall promote the common good and general welfare of the United States. The language of the Constitution is, "Congress shall have power *to dispose of* and make all needful rules and regulations respecting *the territory* of the United States," &c., going on to say that no disposition of said territory shall be made, so as to prejudice the claims of the United States, or any particular State—and the general object which runs through all the deeds of cession, from the States to the Confederation and the United States, was that they should be used as a common property, and to be disposed of by Congress at its pleasure, subject only to one limitation, viz: that it should be disposed of for the common good and general welfare.

(Here Mr. FULLER made a remark not audible to the Reporter, but which can be inferred from the response.)

The gentleman from Maine asks if Congress would have power to divert the Smithsonian fund from the object to which it has been applied? I answer, No, certainly not; for the reason, obvious to every one, that the condition upon which it was granted is, that it shall be applied for the specific purpose to which it has been applied, and *that only*—a restriction that he has failed to show, and that cannot be shown to exist in regard to the public domain. Sir, donations of public lands for educational, charitable, internal improvement purposes, run through every administration of our Government, from the time of Washington, in 1792, down to the present time. Think you, sir, that George Washington, he who presided over the deliberations of the Convention which formed the Constitution, knew not its letter and spirit? Think you, sir, that James Madison, whose hand penned its every word, and who breathed into it the spirit of immortality, knew not the creature of his own creation? The sanction of their great names is given to the constitutionality and expediency of these grants, in which they are sustained by Jefferson, Monroe, Adams, Jackson, and all the Presidents down to and including Millard Fillmore.

Sir, this constitutional question must be regarded as a foregone conclusion that has been long ago settled; and it cannot be successfully raised as a barrier to the passage of this bill, provided it can be shown that not a section *alone*, but that the whole country will be benefited by its passage.

I now proceed to the consideration of its *justness and expediency*. First, then, as a revenue measure, it is defensible as a means of settling up the public lands, developing their wealth, adding to the aggregate revenue of the country, which, through indirect taxation, will add to the receipts of your national Treasury an amount greater for each quarter section taken by the actual settler, than would the interest of two hundred dollars if the land should be sold and go into the Treasury. I shall content myself with the statement of the proposition, for the want of time, and proceed to other considerations.

In the next place, this bill is defensible as a bounty to *citizen soldiers*, pioneers upon your western frontier. In the other end of the Capitol, you are this day about voting millions of money for the defense of your frontier against the savage foe—for defense of your Mexican frontier, reaching from Texas to the Pacific—a frontier no longer in extent, no more infested by a savage foe, than that stretching from the British possessions in the north, to the Gulf of Mexico in the south. That frontier has been successfully defended, not to any great extent by the money of your Treasury, but chiefly by the adventurous and brave pioneer, who has been induced to leave his native home, and all of its endearing associations and privileges, with the hope of becoming a freeholder upon the western frontier, and of acquiring an asylum for himself and family. The Secretary of War, in his report to Congress this session, says that the expense, annually, for the defense of our Mexican frontier, cannot be less than $4,500,000. This is paid out to sustain your military establishment upon that frontier, for a service no greater than that rendered, for the last fifty years, by the pioneer citizen soldiers of the West. This service has been rendered for no mercenary motive, but from the love of home and the impulses of an ardent patriotism. Now that the pioneer comes before you, asking for a free title to that home, which he has made so many sacrifices to obtain; to *that soil* which his own toil has made valuable, and in defending which and its inmates from the torch and tomahawk of the cruel savage, he provided for himself, by his own stout heart and faithful rifle, that protection which, if needed, it would have been the duty of this Government to have afforded, shall it be denied him? I repeat, sir, as an act of simple justice to that adventurous class of our fellow-citizens, their home should be given them *as bounty from this Government*.

The gentleman from Maine [Mr. FULLER] says that this bill is calculated to build up the Western States in wealth and population, at the expense of the Eastern and the Atlantic States; that it will draw population from the old States, depopulate and impoverish them. There is, upon the face of this proposition, much apparent truth, which disappears by a reference to official data, directly bearing upon and illustrating this point. There is no doubt, sir, that this bill, should it become a law, would give a mighty and onward impulse to the West in population and wealth. There is no doubt that thousands and hundreds of thousands would be induced by it to leave their native States, in the hope of bettering their condition in the West. But, sir, it will not only *not depopulate* and *impoverish* the old States, but it is certain to promote the growth of their population, and the advancement of the manufacturing, commercial, and planting interests. There is not the antagonism of interests between the West and the East; that exists *only* in the gentleman's imagination. On the contrary, the great interests of agriculture, commerce, and manufactures, are in perfect harmony. That policy which is best calculated to promote the advancement of western agriculture, which tends to settle up and develop the vast agricultural resources of the Mississippi valley, is the best for the manufactures and commerce of the East, and, by promoting those great leading interests of the East, builds up your commercial and manufacturing cities, and populates and enriches those States. The agricultural interest of the Mississippi valley is the great interest of our people; it furnishes the customers of your manufactories, and its exports and imports are the source of all your prosperity. It is the heart of our system, whose strong and regular pulsations, when in health, imparts life, vigor, and prosperity to every branch of American industry; but over which, when the central organ of the system languishes, comes paralysis and decay.

Let us turn to some statistics pertinent to the point: From 1820 to 1830, the increase of the Northwestern States in population, was 677,000; from 1830 to 1840, 1,497,000; from 1840 to 1850, 1,753,000. In the Western and Southwestern States, viz: Kentucky, Missouri, Arkansas, Louisiana, Tennessee, Mississippi, and Texas, the increase from 1820 to 1830, was 777,000; from 1830 to 1840, 1,206,000; from 1840 to 1850, 1,631,919; making an aggregate of the increase in population of the Mississippi valley, during the last ten years, of 3,385,509—an increase greater than the entire population of the United States at the formation of the Constitution, and with which no preceding decade of our history can furnish any parallel. According to the proposition of the gentleman from Maine, the last ten years must have depopulated and impoverished the manufacturing and commercial States. It must have been a season of great adversity to them. But what say official facts upon the subject? From 1810 to 1820, the increase of population in New England, was twelve per cent.; from 1820 to 1830, seventeen per cent.; from 1830 to 1840, fourteen per cent.; from 1840 to 1850, twenty-two per cent.

Massachusetts alone, has increased in the three last decades as follows: From 1820 to 1830, 87,000; from 1830 to 1840, 127,000; from 1840 to 1850, 256,000!

New York, during the same periods respectively, as follows: From 1820 to 1830, 535,000; from 1830 to 1840, 510,000; from 1840 to 1850, 668,000!

The gentleman from Pennsylvania who last addressed the committee upon this bill, opposed it upon the ground that it would depopulate Pennsylvania, put out the fires of her furnaces, stop the hammers of her forges, turn labor from her manufactories, he taking the same view with the gentleman from Maine, as if there was in the growth of the agricultural West an antagonism to the interests of his State. The growth of Pennsylvania, for the last three decades of our history, is as follows: From 1820 to 1830, her increase of population was 298,000; from 1830 to 1840, 375,000; from 1840 to 1850, 587,000!

The increase of the Atlantic planting States, during the same periods respectively, is as follows: From 1820 to 1830, 584,678; from 1830 to 1840, 279,547; from 1840 to 1850, 753,429.

It will be remarked, Mr. Chairman, that during the last ten years, while the West has been increasing her population with a rapidity before unknown in our history, or the history of the world, that the Eastern or Atlantic States, from Massachusetts to Florida, have also added to their population more than at any previous period, exhibiting a most vigorous growth, illustrating conclusively the unsoundness of the proposition of gentlemen, that the growth of the West must necessarily depopulate the East. Are not these few statistics, completely refuting as they do all ideas of antagonism between the interests of the different sections of this Union, easily explained? What are the leading interests of the old States, upon fostering of which they must rely to sustain their present population and prosperity, and to which they must look as the stimulus and support of their future progress? In the Southern Atlantic States, the cotton or *planting* interest is the great interest; in the North and East, the manufacturing, commercial, and railroad interests are the *great wheels* that turn all the machinery of your industry, absorbs all your surplus capital, sustains a great demand for *labor* at high wages, and is the key to the solution of the problem of your present high prosperity, and the only ground upon which to rest an assurance of your future brilliant career.

Strike down the agricultural interests of the great Mississippi valley, whose products, which are now wafted across the great chain of lakes, and which are unceasingly flowing along your railroads, canals, and through all the channels of commerce, to an eastern market, by hundreds of millions annually, and which, under the adoption of a liberal policy towards us, will be counted shortly by thousands, instead of hundreds of millions—I repeat, strike down that interest, or greatly retard its development, and the manufactories of the East, for the want of a market, will go to decay; the cotton interest of the South, losing its demand in the East for the raw material, would languish; commerce, losing the transportation of the products of the great valley, would find the employment for its millions of tonnage ruinously diminished; *it would rot* at your wharves, paralysis would seize its *right arm;* its cities would decay, and grass would grow in the streets of our commercial emporiums; *ruin*, wide-spread ruin, would overtake the whole circle of American industry.

The gentleman from Maine called the attention of the committee to the fact, that the population of Maine had increased during the last ten years only sixteen per cent., while in the decade preceding the last her increase was from thirty to forty per cent.—a result, as he alleged of western emigration. The truth is, Mr. Chairman, Maine has suffered all the disadvantages of a drain upon her population by the growth of the West, without turning our vast growth to her advantage, as Massachusetts, Pennsylvania, and New York have shrewdly done. Look to the census, and you will see an explanation of this fact. While Massachusetts has two hundred and thirteen cotton manufactories, Maine has twelve. In woolen, Massachusetts has one hundred and nineteen, Maine thirty-six. New Hampshire has forty-four cotton factories; woolen, sixty-one. It appears that Maine, with the elements for a manufacturing and commercial people not surpassed by

any State in the Union, in her vast water-power and extensive sea-coast, and fine harbors, has directed her attention to but a very limited extent *to one* of those sources of wealth; and in that neglect is found an explanation of the fact that she alone has stood still, while other manufacturing and commercial neighboring States, of no superior advantages, have advanced so rapidly. Massachusetts has the same interests and the same antagonisms as the State of Maine; but how different do a part of her delegation in both ends of this Capitol stand, and how different are the views of the State Legislature of Massachusetts from the policy announced by the gentleman from Maine! The former State well understands that with the growth of the West is identified inseparably her own prosperity; hence I expect to see her delegation here, where her State Legislature is, united in support of this bill.

Mr. APPLETON, of Maine, made an inquiry, which was inaudible to the Reporter.

Mr. MOLONY. I mean this, that if you ever intend to stop this downward career, you must not hold up your little flickering taper in competition with the glories of the Western luminary. Your agricultural interests have long since ceased to be a star of much magnitude in our constellation, the *center and support* of which is the glorious *Western orb*. From 1820 to 1830 the fertile lands of the Mississippi valley were shut out from the markets of the East; then Maine was a great agricultural country; then New Hampshire and Vermont, and the emigrants from the Old World poured into your bosom. At that time you were *thriving*. But upon the West has dawned a new era. Steamboats, railroads and canals have transported her rich soil alongside of your barren acres; one quarter section of our rich prairies can be brought into a higher state of cultivation in one year than yours can be in fifteen; and when put in cultivation, one acre of our prairie soil is worth ten of yours. You must give up your suicidal rivalries and jealousies of western agricultural interests, and turn your attention, as Massachusetts, New York and Pennsylvania have done, to the development of your elements of manufacturing and commercial prosperity, and at the end of the next decade of our history, instead of mourning over your declining prosperity, you will be able to challenge a comparison of your progress in wealth and population with the most thriving States of the Union. *This, sir, is my remedy for your troubles.*

At this time the amount of capital which is invested in railroads in the United States is from three to four hundred millions, and which, if no reverses betide our country, and especially the agricultural interests of the Mississippi valley, will, in a few years, swell to the amount of a thousand millions. All of this vast interest is, or is to be, *owned by Eastern capitalists*. Most of these roads are stretching out to the great valley of the West, as a plant shut up in a dark place will turn to the portal through which beams the light of day, for the vivifying influences of its light and heat. To the agricultural products of the West and their returns do the owners of that stock look for fair dividends upon their investment; upon our progress *hangs the value of that investment*.

While upon the subject of railroads, I will notice a remark that fell from the gentleman from Maine, and also from the gentleman from New York, [Mr. JENKINS,] in relation to the Illinois Central Railroad, which was, in substance, that that grant had conferred millions of acres upon a rich railroad company, with a loss to the Government of the amount of the grant, and greatly to the injury of my State, by withdrawing that great body of land from market, preventing its settlement, and retarding our prosperity.

Now, Mr. Chairman, a few words only upon this branch of my subject. In the first place, the Central Railroad Company will not have one acre of that land unless they shall complete within five years from this time from five to six hundred miles of the best class road in the world. That road is to run through the center of the State, opening up to market and settlement ten millions of the richest acres in the world, embracing an area in square miles as large as the State of New Hampshire, and most of which has been in market from ten to thirty years without sale, for the reason of its distance from market and its great distance from fuel, and which must have remained unsettled, its vast wealth undeveloped, without the removal of the barriers named by the construction of this road. By it markets and fuel will be made accessible to every quarter section, the advantages of which are so highly appreciated, that a flood of emigration is setting already towards that portion of our State; and if the road shall go on to its completion in the manner and within the time stipulated, (and upon the performance of their contract depends the company's title to the land,) it may be safely stated that there will not be a single quarter section of good land within thirty-five miles of the road that will not pass from the hands of the Government, and most of it be in the possession of the actual settler and tiller of the soil within the next ten years, adding, as a direct consequence, hundreds of thousands to our population, vastly to our taxable property and the aggregate wealth of the nation. Would it have been wise in our State to have refused all of these great accessions to her wealth and population, lessening as they will the burdens of taxation upon our people, by dividing the burdens of our State debt among a greater and richer population, simply because *the company* by whose *capital and energy* these great benefits are to accrue to our State and country will make a large fortune by the two millions of acres donated to them? This fortune depends upon their completion of the work according to contract. If they fail, they get nothing; if they succeed, they truly will make a fortune, and they deserve it, as distinguished benefactors of the State and nation. As an evidence of the effect of this road upon the prosperity of my State, as it is anticipated, by the far-seeing bankers of Wall street and Europe, I will add that the price current of State stocks shows a rise in Illinois State bonds since the contract with the company of fifty per cent.

Sir, no argument can be drawn from the results of that grant to our State and the nation, which have already taken place, and which can probably arise, calculated to deter this body or Congress from giving its approval to bills of a similar nature now pending before us. On the contrary, whether regarded as a revenue measure—as a means of opening up to our vast public domain the markets of the East, thereby increasing emigration, and fostering and promoting all branches of our industry—this system of aiding the States in the construction of railroads and canals strongly commends itself to the favorable consideration of Congress, without being liable to the insurmountable objections of constructing a system of internal improvements by appropriations from the national Treasury.

Mr. Chairman, I have an amendment to the amendment of this bill, which I will submit to the committee, one which provides *for all*, who may become citizens of the United States from and after the passage of this bill, without limitation of time. I look upon our foreign population, which has been induced by the liberal policy of our Government to come among us, as possessing a degree of intelligence, virtue, and patriotism, not surpassed by any class of our fellow-citizens. I have the honor of representing upon this floor many thousands of our adopted citizens, and while I can justly say that the district which I have the honor of representing, is not surpassed for intelligence, virtue, and devotion to the Union, by any one in the United States, I take pleasure in saying, that no class of our population is more law-abiding, more true to the Constitution and the laws in peace, and more ready to defend them from *all assaults* with their treasure and their blood, than our own adopted citizens. They have been distinguished for their devotion to the free institutions of their adopted home, and whenever that land has been invaded by a foreign foe, or the honor of their country's flag has summoned them to the tented field, they have ever been prompt in responding to the call of the country. Yes, sir, there is not a battle-field from Bunker's Hill to the Rio Grande, and from Vera Cruz to Mexico, which has not been enriched by the heart's blood of the patriotic, enthusiastic son of Erin, of our German, and other adopted citizens, whose bones are now mouldering where they fell, battling for the rights and the honor of their adopted land. I hope, Mr. Chairman, that this amendment will be adopted, both as an act of humanity to the unfortunate sons of want and oppression in the Old World, and as a measure sustained by high national considerations.

AGRICULTURAL BUREAU.

SPEECH OF HON. EBEN NEWTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

April 20, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period herein specified, being under consideration, in Committee of the Whole—

Mr. NEWTON said:

Mr. CHAIRMAN: I am much obliged for the floor, even after four weeks stuggle for it, not so much on my own account as for the subject I advocate. I am in favor of the bill now under consideration, and have prepared some remarks directly applicable to it, which it will give me pleasure at some future day to make to the House or committee. The remarks I am about to make were prepared to be made upon reporting a bill from the Agricultural Committee, of which I am a member, and which has been in the hands of my honorable friend from Wisconsin for the last two months, for the establishment of an Agricultural Bureau. My remarks are, however, applicable more or less to the subject now immediately before the committee, and are made now, because no opportunity has been afforded to report the bill to which I have referred.

From 1796 to the present time, the subject of an Agricultural Board, or Bureau, has been an object of Executive consideration and recommendation to the National Legislature; and yet little, formally, and nothing effectively, has been done. While all our other interests and relations have been sedulously guarded and liberally patronized, agriculture, the foundation on which all others rest, and the source from which all others flow, and the fountain from which all others are sustained and increased, has been left to struggle alone, and not acknowledged in the great family of national relationship.

From that period to the present, we have increased in numbers with greater rapidity than any other nation or people—advancing from less than four millions to nearly twenty-five millions—possessing a territory extending from ocean to ocean, and from a tropical sun to near the polar region, embracing all the various climates, soils, minerals and vegetable productions of the whole earth. Inhabited by a people from all nations, and of all kindreds and castes, with intelligence and enterprise more generally disseminated than any other people on earth; yet, lamentable as it is, in national agricultural science, patronage, and attention, we are behind any other enlightened nation under Heaven.

Our soil is more generally adapted to agriculture, and more of our people engage in that pursuit, than in any other country. It was the first—it is the chief and general employment of our inhabitants, and more than eighteen millions are engaged in its occupation. The freedom and facility to acquire the ownership of the soil, is that which gives us a prominence over any other people. There is a prominence in the absolute ownership of the soil, and its general occupation by our citizens, that gives us a more general and important national character than any other nation.

If America is guided by wisdom and patriotism, forty years hence she will probably contain more absolute freeholders than all the world besides. Improvement of our national agriculture is the strongest bond of union with which the nation can encircle its territory. Its neglect is but too legible in this aspect. While other countries are under the necessity of furnishing scenes of amusement, with which to employ their inhabitants, we employ ourselves in cultivating the soil.

Nature is a good agriculturist; she has guided her citizens, and not this nation her subjects. She fits the soil, originally, with all the properties necessary for the growth of all the plants. And from the large quantities of virgin soil in almost

all parts of our extended country, that have been from our earliest history, and still are being brought into actual occupation and improvement, our agricultural products have been so large, that the public mind has been lulled into apathy and indifference as to the necessity or means of renovating old and dilapidated soils, or of increasing the aggregate amount of our products.

This morbid national feeling is having a deleterious influence upon us nationally and individually. As a consequence, land in America is not worth half what it should be, and otherwise would be, if the standard of agriculture was elevated. Americans do not become farmers from choice, but from necessity, and for want of other adequate employments. Sons of wealthy and influential men loathe the farm as they would a prison. It is the drudge of youth, and the servant of old age, after ambition has been cloyed and satisfied. According to the prevailing fashion, and popular feeling, the farm furnishes few inducements for the youthful aspirant for national honors and preferment.

While every other profession and calling, from the highest to the most inconsiderable doorkeeper in the land, is sought after and hunted up, with an avidity that is truly surprising—professions, trading, offices, and agencies, are among the most fashionable employments of the age; yet how few, compared with the number of those engaged in those pursuits, ever arrive at any eminence or competency for themselves or families.

The tenure by which most of these are held and enjoyed, is so transient and fugitive, that no permanent preparation can be made for home and its enjoyments. The employment of the families of those engaged in these temporary pursuits, are so ephemeral that they are unfitted for the substantial business of life—and more especially for those adverse circumstances that so frequently occur.

If the nation wish to people her farms with skillful and scientific farmers, elevate her standard; give her a name and a place, and an independent position among our national palaces, where the Father of our Country strove with his own hands to place her, and where he most earnestly recommended the nation to place her, and not turn her off with the crumbs that fall from another's table.

Methinks I see him yonder, over the way, with the manuscript of his plan in hand, and the wisdom of his countenance guiding our deliberations in perfecting his most favorite object.

Remember, I beseech you, this great and practical truth, that whatever emanates from the nation, has a national influence, and a national example, and do not turn us off with the inhospitable excuse that another and inferior jurisdiction may do this, and not the nation. Through our whole history the nation's voice has never been heard in an effective effort to recognize agriculture, by a separate institution, or to throw around it any of the Governmental patronage or influence, or to clothe it with science and skill, so that its national honors may be borne and enjoyed by its occupants.

From General Washington down to the present Chief Magistrate, every recommendation to establish a board for its elevation and improvement has been entirely neglected.

Every report from committees upon this subject has been permitted to sleep upon the table, and not even a discussion provoked.

The great and primary object of this bureau, is to elevate the social condition of the agriculturist, and increase his means and facilities for improvement. That this is necessary, all will admit. We need not go beyond our Hall to see how few farmers are selected as national legislators. Look to your professions and mechanics, and see their skill and productions; then cast the mind of the nation, in the person of its Representatives, over the country; let each Congressional district be examined, and see how few model farms are to be found, and how few prize articles possessed. See how few farms that may not be greatly improved, in price, value, and productions. Look to your agricultural products that are sent abroad, and see how many are branded as unmerchantable, or second rate, and compare the general reputation they bear abroad with our mechanical inventions and improvements, and the answer can better be understood than expressed. It is the sentiment of every patriot, that "it should be the study of every statesman, and the primary object of every legislator, to elevate the agricultural interest." It can never be done in any other way than by the action of the nation; it never has been in any other country, and never will be in this. There are in all revivals, religious or political, times of declension, and unless there is some general power above and below to guide and sustain them, they will fade away. Here the science can be concentrated and diffused by the national Representatives. Let the farming interest see that the General Government will give them any aid in this great movement for advancement, and you will electrify all their efforts, and warm into life thousands of others. Repulse it, and you freeze that which is now alive.

I have said that agriculture was the first employment of our citizens. General Washington, the Father of our Country, was a practical farmer. As early as 1786, we find him engaged in sending abroad for seeds and implements of husbandry. On the 6th of August, of that year, in writing to Arthur Young, of England, he says:

"I shall take the liberty, in this place, to observe, that some years ago, from a description or recommendation of what was then called the Rotherham, or patent plow, I sent to England for one of them; and, till it began to wear and was ruined by a country smith, no plow could have done better work, or appeared to have gone easier with two horses."

In the same communication, he says:

"Agriculture has ever been among the most favorite amusements of my life, though I never possessed much skill in the art.

"The system of agriculture, if the epithet of system can be applied to it, which is in use in this part of the United States, is as unproductive to the practitioners as it is ruinous to the land holders. *Yet it is pertinaciously adhered to.*"

On the first of November, 1787, in another letter to the same man, he says:

"Our lands, as I mentioned in my first letter to you, were originally very good, but use and abuse have made them quite otherwise."

In the same letter, he enters into a particular description of the price of products. "Wheat," he says, "for the last four years has been worth four shillings sterling by the bushel; rye, two shillings and four-pence; oats, one shilling and six-pence," and gives the price of a great variety of other articles. To Mr. Young, December 4th, 1788, he says:

"I cannot help thinking that improving our breed of sheep would be one of the most profitable speculations we could undertake. Though we do not feed them on leaves, as you say they do in some parts of France, yet we cannot want for pasture enough suitable for them. I am glad to find you are likely to succeed in propagating the Spanish breed of sheep in England, and that the wool does not degenerate, for the multiplication of useful animals is a common blessing to mankind."

Again, he says:

"I have a prospect of introducing into this country a very excellent race of animals also, by means of the liberality of the King of Spain. One of the jacks he was pleased to send me is about fifteen hands high, his body and limbs very large in proportion to his height; and the mules I have had from him appear to be extremely well formed for business. I have likewise a jack and two jennets from Malta, of a good size, which the Marquis de La Fayette sent me. From these I hope to secure a race of extraordinary goodness, which will stock the country. Their longevity and cheap keeping will be circumstances much in their favor. I am convinced, from the little experiments I have made with ordinary mules, which perform as much labor, with vastly less feeding, than horses, that those of a superior quality will be the best cattle we can employ for the harness; and, indeed, in a few years, I intend to drive no other in my carriage, having appropriated upwards of twenty of my best mares to breeding them."

To the same man, under date 5th December, 1791, he says:

"The English farmer must entertain a contemptible opinion of our husbandry, or a horrid idea of our land, when he is to be informed that not more than eight or ten bushels of wheat is the yield of an acre."

To cure these evils, so general and so much to be deprecated, and to introduce the advantages and improvements necessary and desirable, while President in 1791, he issued a circular to many of the most experienced and influential men in the business of agriculture, in the States of New York, New Jersey, Pennsylvania, Maryland, and Virginia, among whom were Thomas Jefferson and Alexander Hamilton, to collect statistics as to the value of land, its culture, the kind of articles produced, and their quality and price. The information was extensively communicated, and left on record for the information and imitation of those who may come after him. "This kind of general and important information is one great object now sought by this Board." In his correspondence with Sir John Sinclair, also of England, under date July 20th, 1794, he says:

"I know of no pursuit in which more real and important services can be rendered to any country, than by improving its agriculture, its breed of useful animals, and other branches of a husbandman's cares; nor can I conceive any plan more conducive to this end, than the one you have introduced for bringing to view the actual state of them in all parts of the kingdom, by which good and bad habits are exhibited in a manner too plain to be misconstrued."

Again he says, under the same date:

"It will be some time, I fear, before an agricultural society, with Congressional aids, will be established in this country. We must walk, as others have done before, before we can run. Small societies must prepare the way for greater, but, with the lights before us, I hope we shall not be so long in maturation as older nations have been."

Here we have his prophetic vision clearly expressed as early as 1794, after the lapse of nearly sixty years, fulfilled by smaller societies moving the nation to acquiesce in these movements for improvement.

Again, in the same letter, he gives an illustration of his improvement:

"Nor is the wool of our sheep inferior to that of your common ones—as a proof: after the peace of Paris in 1783, and my return to the occupation of a farmer, I paid particular attention to my breed of sheep, (of which I usually keep about seven or eight hundred;) by which attention at the shearing of 1789, the fleeces yielded me the average quantity of five and a quarter pounds of wool."

Again, in writing on the 10th of July, 1795, to Mr. Sinclair, and speaking of their Board of Agriculture, he says:

"From the first intimation you were pleased to give me of this institution, I conceived the most favorable ideas of its utility, and the more I have seen and reflected on the plan since, the more I am convinced of its importance, in a national point of view, not only to your own country, but to all others which are not too much attached to old and bad habits to forsake them, and to new countries that are just beginning to form systems for the improvement of their husbandry."

Here I digress from his correspondence for a short time, to consider the messages immediately preceding his recommendation to Congress to establish a board. In his third annual message, 25th October, 1791, he says:

"Your own observation, in your respective situations, will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation."

Again, in his message of 8th December, 1795, he says:

"Our agriculture, commerce, and manufactures are flourishing."

Always placing agriculture in the front rank, with a mind well stored with knowledge and experience, by practical agriculture, as well as by extensive correspondence with men of science and experience in the practical operations of national boards. On the 7th of December, 1796, in his eighth, and last, annual message, he says:

"It will not be doubted that, with reference to either national or individual welfare, agriculture is of primary importance. In proportion as nations advance in population, and other circumstances of maturity, this truth becomes more apparent, and *renders* the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse—and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of boards, composed of proper characters, charged with collecting and diffusing information, and *enabled*, by premiums and small pecuniary aids, to *encourage* and assist a spirit of discovery and improvement, by stimulating to enterprise and experiment, and by drawing to a common center the results everywhere of individual skill and observation, and spreading them thence over the whole nation. Experience, accordingly, hath shown that they are very cheap instruments of immense national benefit."

This sentence in the last annual message of General Washington is the last official sentiment upon this subject expressed by one whom the united voice of the world consent to call one of the greatest men the world ever produced, taking all the relations of life—one whom every American is proud to call the Father of his Country, and whom all have consented to place before us as a perpetual monitor—one whose Farewell Address (pronounced in September, before this sentiment was uttered) all agree is a text-book for all after time. How, may I not ask, has this sentiment (full of wisdom, experience, and practical utility) been considered and treated? I answer, entirely neglected for more than half a century; and why, I will by and by give an answer in his own words.

On the 11th of January after this message, Judge Swift, of Connecticut, to whom was referred the message of the President, made a report, setting forth the great advantages the people of America have over the people of other countries, by being the fee-simple owners of their land; and if the business of agriculture was encouraged and patronized by the Government, we should become the most enlightened nation upon that subject. He also sets forth that many agricultural societies have been formed throughout the United States, but were on too limited a scale to answer the purpose for the United States, and recommended that there be a national agricultural society formed, and from it a board selected, giving his plan in detail; and upon this report no action was had by Congress. On the 6th of March, of the same year, (1797,) General Washington writes again to Mr. Sinclair, as follows:

"Under the circumstances here mentioned, I should not have troubled you at this time with so short a letter, but for the purpose of accompanying it with two or three pamphlets on the subject of agriculture; one of which treats more extensively on gypsum as a manure than any I have seen before. The other two will only serve to show that essays of similar kind are making in this infant country.

"I am sorry to add, that nothing *final* in Congress has been decided respecting the institution of a National Board of Agriculture, recommended by me at the opening of the session. But this did not, I believe, proceed from any disinclination to the measure, but from their limited sitting and a pressure of what they conceived more important business. I think it highly probable that *next* session will bring this matter to maturity."

The great object I have in introducing this correspondence, is to show at one view, his thorough knowledge of the plan recommended, and to see if this House will regard his opinions upon this subject as entitled to the same weight they have upon the great and exciting subject now occupying the public mind; and if I fail in this, it will console and encourage the enterprising farmer to persevere in his efforts to improve the soil and the domestic animals of the country, and to strive to elevate the farming interest to its proper level; and to point the youth of the country to the soil, as the great fountain of wealth, honor, and fame.

Here he sets forth the reason a board was not formed, for he says: "It did not arise, as I suppose, from any disinclination to the measure, but 'their limited sitting, and the pressure of what 'they conceived more important business." Here again is a clear expression, that he regarded that as the most important business, and Congress had omitted it, because they supposed they had more important things to do. He says: "He supposed the next session would perfect it." He continued his correspondence with Mr. Sinclair upon the same subject, down to a few days before the meeting of the next Congress, and that session passed over, and nothing done; and about the time of the next Congress, 1799, he died, and with him, the advocate of the farmer. Our subsequent history is but that of a gigantic nation, spreading its wings over most of the Western hemisphere, without stopping to consider the details of policy by which we can secure, perpetuate, and improve that which we have, but to get more and more. While excitement and enterprise swell every heart, and animate every legislative body, can we not profitably pause for a few moments, to consider the details of that policy, so thoroughly studied, practiced, uuderstood, and earnestly recommended by one who, through life, guided, sustained, and conducted us from a little band of patriots, to a great and model nation?

Mr. Jefferson, in his sixth annual message, recommends a national establishment for education. He uses this language:

"Not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manage so much better all the concerns to which it is equal, but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle; all the parts of which contribute to the improvement of the country, and some of them to its preservation."

Mr. Madison, in his sixth annual message, says:

"The present is a favorable season, also, for bringing again into view the establishment of a national seminary of learning within the District of Columbia, and with means drawn from the property therein, subject to the authority of the General Government. Such an institution claims the patronage of Congress, as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty cannot be fully enjoyed, or long preserved."

Mr. Monroe, in his second message, says:

"The conduct of the Government in what relates to foreign Powers, is always an object of the highest importance to the nation. Its agriculture, commerce, manufactures, fisheries, revenue; in short, its peace, may all be affected by it. Attention is therefore due to this subject."

Mr. Adams, in his fourth annual message, recommends attention to agriculture, in conjunction with commerce and other interests.

The opinions entertained by Presidents succeeding Mr. Adams, down to the time of Mr. Polk, I have not the time to examine critically in relation to their particular views, further than to copy a single sentence of President Jackson, in the commencement of his third annual message:

"Agriculture, the first and most important occupation of man, has compensated the labors of the husbandman with plentiful crops of all the varied products of our extensive country."

President Polk, in his fourth annual message, says:

"With the repeal of the prohibitory and restrictive duties of the act of 1842, the great and important interests of agriculture, which had been not only too much neglected, but actually taxed, under the protective policy, for the benefit of other interests, have been relieved of the burdens which that policy imposed on them; and our farmers and planters, under the more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products."

That part of the President's message was referred to the Committee on Agriculture; and a very full report emanated from that committee, showing clearly that the farming interest had received no aid at all under the law of 1846, over that of 1842. This subject I cannot now consider, and all I introduce it for is to show his opinion, that that interest had been too long neglected.

The agricultural societies that sprung up during the life of General Washington, died away at his death; and, within the last few years, have been again revived and increased; the particulars of which I will, by and by, show, and with them the public attention again called to the original object of General Washington.

What a happy thing it is for this Government, that the crowded page of history, after nearly sixty years, can be reviewed with so much satisfaction and profit!

President Taylor, in his annual message of December, 1849, called the attention of Congress directly to this subject, in the following manner:

"No direct aid has been given by the General Government to the improvement of agriculture, except by the expenditure of small sums for the collection and publication of agricultural statistics, and for some chemical analyses, which have been, thus far, paid for out of the patent fund. This aid is, in my opinion, wholly inadequate. To give to this leading branch of American industry the encouragement which it merits, I respectfully recommend the establishment of an agricultural bureau, to be connected with the Department of the Interior. To elevate the social condition of the agriculturist, to increase his prosperity, and to extend his means of usefulness to his country, by multiplying his sources of information, should be the study of every statesman, and a primary object with every legislator."

Upon this message, and resolutions of several State Legislatures, Vermont, New York, (nearly or quite unanimous,) Massachusetts, Tennessee, Pennsylvania, Alabama, and State boards of Ohio and New York, and of agricultural societies, and also petitions, extensively, from individuals, a bill from the minority of the Committee upon Agriculture was presented to the House on the 31st of July, 1850, to establish an agricultural bureau, and laid upon the table; and there it remained and was never called up; and from all this mass of evidence, and the weight of its influence, and the demands and wants of more than *eighteen millions* of people—this little bill, from the minority of the committee, is the *product*, and the only product. May not the farmers of the country be constrained to cry out, "Our voice is not heard; our prayers are not regarded; our interests are passed over with too much indifference?"

Within the last two years, that prophetic declaration of General Washington, that smaller societies must move the nation, to which I before referred, is being more strongly demonstrated. New York has a State society, and from seventy to eighty county societies. Pennsylvania has from twelve to twenty county societies, and many grouped together. Ohio has a State society, and seventy county societies. Massachusetts has twelve societies, and in many of these societies several counties together. Michigan has twenty county societies. Indiana, a State society. Kentucky, five county societies. Georgia, a State society, and fifteen county societies. South Carolina has six county societies. Virginia has a State society, and three county societies. Maryland, a State society, and four county societies. Vermont, a State society, and four county societies, and was the first *State* to ask us to establish a National board. New Hampshire, a State society, and eight or nine county societies, and also asked Congress to establish a board. Connecticut, a number of county societies. Rhode Island has also passed resolutions asking Congress to establish a board. Maine has six county societies. Iowa, a State society, and six or eight county societies. Wisconsin, a State society. Illinois, three county societies. Tennessee has some county societies, and two years since unanimously recommended a National board. Florida has passed a resolution for a National board. Louisiana, in 1848, passed a law for a bureau.

President Fillmore, in full view of the increasing agricultural interests of the country, and with great practical wisdom, on the 2d day of December, 1850, made the following recommendation:

"More than three fourths of our population are engaged in the cultivation of the soil. The commercial, manufacturing, and navigating interests are all, to a great extent, dependent on the agricultural. It is, therefore, the most important interest of the nation, and has a just claim to the fostering care and protection of the Government, so far as they can be extended consistently with the provisions of the Constitution. As this cannot be done by the ordinary modes of legislation, I respectfully recommend the establishment of an agricultural bureau, to be charged with the duty of giving to this leading branch of American industry the encouragement which it so well deserves. In view of the immense mineral resources of our country, provision should also be made for the employment of a competent mineralogist and chemist, who should be required, under the direction of the head of the bureau, to collect specimens of the various minerals of our country, and to ascertain, by careful analysis, their respective elements and properties, and their adaptation to useful purposes. He should also be required to examine and report upon the qualities of different soils, and the manures best calculated to improve their productiveness. By publishing the results of such experiments, with suitable explanations, and by the collection and distribution of rare seeds and plants, with instructions as to the best system of cultivation, much may be done to promote this great national interest."

Upon this message, last year, in the House, no bill was reported, or action had. In the Senate a bill was reported, but no action.

Secretaries Ewing and Stuart, in their annual reports, both strongly recommend a board.

At this session President Fillmore again makes the following recommendation:

"Agriculture may justly be regarded as the great interest of our people. Four fifths of our active population are employed in the cultivation of the soil, and the expansion of our settlements over new territory is daily adding to the number of those engaged in that vocation. Justice and sound policy, therefore, alike require that the Government should use all the means authorized by the Constitution to promote the interests and welfare of that important class of our fellow-citizens. And yet it is a singular fact that, whilst the manufacturing and commercial interests have engaged the attention of Congress during a large portion of every session, and our statutes abound in provisions for their protection and encouragement, little has yet been done directly for the advancement of agriculture. It is time that this reproach to our legislation should be removed; and I sincerely hope that the present Congress will not close their labors without adopting efficient means to supply the omissions of those who have preceded them.

"An agricultural bureau, charged with the duty of collecting and disseminating correct information as to the best modes of cultivation, and of the most effectual means of preserving and restoring the fertility of the soil, and of procuring and distributing seeds and plants and other vegetable productions, with instructions in regard to the soil, climate, and treatment best adapted to their growth, could not fail to be, in the language of Washington, in his last annual message to Congress, a 'very cheap instrument of immense national benefit.'"

And is it not due to his official relation, after his repeated recommendation, that we act either for or against it?—and which way? is the question.

General Washington, Mr. Jefferson, Mr. Madison, Mr. Monroe, and Mr. Adams, for a period of thirty-six years consecutively, all recommended an improvement of agriculture, or national schools; and the same principles and powers are involved in each of their recommendations, and no one of the subsequent Presidents advising against it; Mr. Taylor and Mr. Fillmore strongly recommending, and their Secretaries; the resolutions of legislatures, petitions of agricultural societies and of the people, and the interest of eighteen millions of our inhabitants, yea, of the whole, I ask, if all this combined is entitled to any attention, to any consideration? It has received but very

little. But I am told there is a Patent Office, and the farmers are abundantly enlightened with the crumbs that fall from its table. The Patent Office, until 1831, during General Jackson's administration, when he called Mr. Ellsworth to it, was a burlesque, and is now, upon farming, compared with the wants of this great nation. Mr. Ellsworth was a practical farmer; but he had all to do, and nothing to do with. He was the first in that office to give any attention to agriculture. But the first appropriation for that object was in 1839, $1,000, for collecting agricultural statistics; in 1842, $1,000; in 1843, $2,000; in 1844, $2,000; in 1845, $3,000; in 1847, $3,000; in 1848, $3,500; in 1849, $3,500; in 1850, $4,500; in 1851, $5,500; total, $29,000 in seventy-five years. The cost of printing is not included, and cannot be ascertained, as the report of the Commissioner was all published in one volume until the last two years. What can this small pittance do for this great nation? Scarcely enough in any one year to defray the ordinary expenses of correspondence.

The fund is to be distributed by the Commissioner of Patents, who is not selected for his knowledge of agriculture, (whose main business is of a different character, and more than he can do,) and may or may not be acquainted with it. The business must therefore be done by an unaccredited agent. Where is our agricultural department? Pent up in the cellar of the Patent Office, and cannot be found at mid-day without a candle; and when found, a single clerk, struggling to get up the report. When it is up and out, there are but four hundred volumes for each Congressional district of one hundred thousand population, and that a reading people; and there is more call for this document than all others of a public character, and fast gaining in reputation from editors over the Union and the public generally, inadequate as it is.

There is no country where the mind is so inquisitive and information so generally desired and possessed as in America. Travel over the whole world and return, and the truth is seen and felt more palpably. To us the masses of the world are looking for improvement, physically and morally, and for it they seek us in thousands daily. In the United States there are but about thirty agricultural periodicals published, and there are five hundred thousand copies taken and read by the people—a mere drop to the ocean. There are agricultural journals in the State of New York that have six times greater circulation than any single paper of the kind in Europe. This only shows how great the thirst we ought to assist in gratifying. In America there is not an agricultural school aided or patronized by the Government; and, in fact, it may be said, there is none at all. Some are just beginning to struggle for life, but the faint, feeble feeling of the General Government infuses itself into every part of its great family and paralyses the whole body. There is not what may be regarded as a text-book in any branch of agriculture or rural economy in America.

Compare what America as a nation has done with what has been done by other nations. I can but glance at it. Russia has in all sixty-eight schools and colleges. She has an agricultural institution with forty college buildings, occupying three thousand acres of land, and attended by several thousand students. The Agricultural Society of St. Petersburgh was established by Queen Catharine. There are under the patronage of the French Government seventy school farms, besides five first-class colleges, in which professors are employed to lecture on botany, zoölogy, chemistry, agriculture, and the treatment of diseases in cattle; on the culture of woods, forests, &c. These are supported throughout the country. National establishments for the improvement of breeds of stock, and colleges for the education of veterinary surgeons, and investigating the uses of all discoveries contemplated for agricultural improvement. The Government expend in three veterinary schools a year for instruction 754,200 francs; for instruction in agriculture, 2,731,468 francs; for encouragement in agriculture, 700,000 francs; for improvement in the breeds of horses and science connected with it alone, 1,776,400 francs. The requirements for admission into these veterinary schools are as follows: The applicant must be not less than seventeen years of age, and not over twenty-five, and have the following qualifications: to be able to forge a horse or ox shoe after two heatings—pass an examination in the French language, arithmetic, and geography, and after four years' study, is permitted to practice veterinary surgery, and receive a diploma. In Belgium great attention is paid to the subject. There are an hundred agricultural schools or colleges established by the Government—a high school of veterinary surgery. The science of agriculture is the most fashionable in the kingdom. They have their palaces furnished more or less with rare specimens of the product of the land, and are farmed like a garden. These facts I know, having traveled over considerable part of that country. In Saxony they have five schools; in Bavaria thirty-five; in Wurtemberg seven; in Austria thirty-three; in Prussia thirty-two; in Italy two; in Scotland two; in Ireland sixty-three. The one at Glasnevin, near Dublin, I visited. It now consists of one hundred and twenty-eight acres of good land, and convenient buildings, and are about to add to their farm, and increase their buildings so as to accommodate one hundred or more students. With the teacher, Mr. Donaghy, I became acquainted. He is an intelligent, practical man. With him I viewed the farm, and their farming and buildings, &c.; and it is carried on very successfully. These schools are doing more for Ireland than any other attention the Government is giving them. They have colleges and agricultural schools in England, sustained by the Government—some four or five with large farms attached to them—where all the sciences connected with the general business are taught with great perfection, and millions of money each year invested in the general science of agriculture by the nation. It is an investment and not an expenditure. Other countries are engaged in the same business, but I cannot go further into detail. Sufficient is said to draw a parallel between their views and ours. Abroad they invest millions each year, in a country not larger than an average of our States. Here, in all our country, for seventy-five years, for the general object we have expended $29,000.

I come now to consider the provisions of the bill proposed by your committee. We present what we supposed could be passed, rather than what the capacity and wants of the country in all respects required. It is in the most unexceptionable shape we could devise and mature.

The first section provides that there shall be established, at the seat of Government of the United States, an agricultural bureau, the head of which shall be called "the Commissioner of Agriculture," whose term shall be four years, appointed by the President, with the consent of the Senate, and shall receive a yearly salary of $3,000.

The second section provides that the Commissioner shall collect agricultural statistics; procure and distribute valuable grains, seeds, cuttings, buds, and tubers; procure and put in operation a chemical laboratory at a cost not exceeding $2,000, and cause to be made all desirable analyses of minerals and mineral waters, and such as relate to the composition and improvement of soils, and to collect information of the same, and of the proportions and uses of soils; feeding of domestic animals; preparation and preservation of provisions and breadstuffs; the culture of cotton, rice, corn, wheat, flax, hemp, and sugar, and such manufactures as may be directly connected with agriculture and arise immediately out of agricultural products; and to prepare and make, annually, a full report to Congress, containing an account of such experiments as may have been made, and such useful information as he may have obtained in the duties of his office; and all the duties appertaining to agriculture shall be transferred from the Patent Office to this.

The third section provides that there shall be appointed by the Commissioner a chemist, at a salary of $2,000; a chief clerk, at a salary of $1,600; one recording clerk, $1,000; and one messenger, $750 a year.

Here is a bill as simple and plain as the elements of our Government, as express and explicit as language can make it in all its details, and embracing an outlay of $10,350. The general policy of the nation appears to be agricultural rather than manufacturing; to buy our merchandise rather than to make it. Many of those who have been engaged in manufacturing must turn their attention to agriculture for want of other business. It is the main business in which foreigners, as they come to our country, can engage. Our new country is being opened and settled rapidly with enterprising farmers.

There is a general increased attention to agriculture within the last few years over the world. More has been done in Europe in six years than has been in twenty before to improve it; more in America in five years past than in forty-five before. Since the present session began, four States have passed resolutions, almost unanimous, as I am informed, asking this organization—Florida, New Hampshire, Rhode Island, and Indiana.

The present proposition is not a new principle, but only an improvement upon our present policy. Last year, $5,500 was appropriated; now we only ask the appropriation to be distributed by an accredited agent. Every member of this House, who has or will bestow any attention to the manner in which the business is now done, can but see that some improvement is necessary. The first and most obvious one would appear to be, a disconnection from the Patent Office. It does not appear to have any more necessary connection with it than it would have with the War or Navy Office.

All communications upon this business are addressed to the Patent Office, and from the vast amount of the business of that office, these communications can receive only a passing and incidental attention, and passed to the clerk of agriculture, who is only temporarily employed to do the business. He may be only engaged for one month, or for six, or for twelve. The appropriation is only for a year, and it may end entirely at the end of the year. There may be twelve different clerks employed in the year, and each one have a different mode of doing the business. No method or system is required, and no one has any object or credit to make it systematic and methodical. Detach it from its present connection, and you necessarily require that the duties be defined, and that some one take charge. It is objected by some that the General Government should not interfere, for it belongs to the States. The States refuse with precisely the same reason and force that induce the Government to decline, and say that it does not belong to them, but individuals should do it. Individuals refuse, because the States and General Government refuse, and there is nothing done. There is not a township in the United States where an improvement connected with agriculture is proposed, that a majority of the farmers would not refuse coöperation, also, from the influence the national negative would have. Such is a nation's influence, and such its examples upon the people; and has been through our whole history. The science of agriculture sprang up in the days of Washington, Jefferson, Swift, and others, and struggled for a common head and a common fountain, that might supply all the streams of commerce and want over the land, and for want of it withered away. It has sprung up since, and strove for the same object, and died away from the same cause. It is now springing up again, and extending as our common country has extended and increased, and as our common wants multiply and extend—is making a vigorous effort, and calling loud, long, and often, upon the nation for this common head, this common fountain; and if it is repulsed and fail, its fate will be the same, yea, worse, for it is loaded with the weight of many defeats, and the wails of many millions.

Nations stand to States and individuals as parents do to their offspring; and with us this relation is exceedingly forcible, numerous, and endearing; for our children are increasing, as the sands of the sea, and seem to be covering the whole earth. Already their cries for aid, protection, and instruction reach us from the Rocky Mountains. This relation imposes reciprocal duties and obligations from one to the other. From us to our offspring, aid, protection, and instruction, and from them to us fidelity. And may this relation, through all time, be preserved, cherished, and cemented. The children, yea, the children of this great agricultural family ask, *yea*, importune the parent, the

nation, for a head, for a fountain, to which they can look for instruction, science, and wisdom, to guide them in their infancy, and sustain them in old age. Do not repel us with the negative—that the family is numerous, the wants many, and the expenses great. We reply, you begat us, and bear us; you have scattered us over the face of the earth, to you alone can we look, and to you will we cling. Grant the prayer, and the protection is visible, and the fidelity enduring. But I am told agriculture should be free, unprotected, untaught. These terms free, freedom, and free trade, in their latitudinous and indiscriminate use, are as unmeaning and suicidal as it would be for a nation to let loose and unbridle all the passions and propensities of her subjects, and the reins of her government; or for a parent to say to his child, at its birth, go, be free to your maturity; or for the agriculturist to dig out the bowels of the earth and return nothing to it, and turn it off because it is worn out. No, this will never do. The agriculturist asks for nothing that interferes with the general well-digested views of any member of this body. We only ask for the scientific influence and power of the Government, to aid and direct all our various avenues of freedom and enterprise away from the shoals and quicksands that beset our path, without a chart or compass. We propose only to furnish at the seat of Government, where all our nation centers, where all other nations center to transact business, a scientific organ or agent of our own creation, to analyse our soil and accumulate information in the manner we propose, and send it over the country broadcast, in the shape of reports, for the benefit and improvement of the masses.

Permit me to give a single instance of the result of analyzing soils in our immediate vicinity, which I got from the public journals, and from Mr. Johnson himself.

Hon. Reverdy Johnson in 1849 bought a farm near Baltimore, so poor that the last crop of corn would not yield a peck to the acre, and all plants and vegetables growing upon the two hundred acres would not make a load of manure. He applied to a chemist, who analyzed the soil, and found all the elements of fertility except phosphoric acid, and no trace of that. He recommended a preparation of bones, which was applied at an expense of ten dollars an acre. Health was restored to the deserted soil, and the next crop was twenty-nine bushels of wheat to the acre. That soil is of a similar character to all the poor and partially-deserted soil about this region. Who knows, and who may not rationally infer from this single example, that your chemist in a single year, in your own neighborhood, may not earn and save enough to this nation to pay his salary for fifty years.

But I am told by some honorable members of our committee, for whom I entertain a high regard, that the plan is unconstitutional. What! Is it to be said that America is the largest land holder in the world, and yet the poorest farmer? and that there is no remedy, no cure; for she has engrafted into her own organic law, seeds, the fruit of which will produce her own decay and destruction? No. It is a mistake: it cannot be.

The length of my remarks forbid dwelling long upon this.

I have already said, by this plan we propose nothing new, only an improvement upon our adopted policy. We have the same power to do this, that we have to establish the Navy, War, and other Departments, and bureaus, to transact our business;—the same power, as to employ hands constantly to improve and ornament the public grounds at Washington. The science we propose to accumulate and diffuse, by this agency, is as directly applicable to the Government and its prosperity and welfare as it is to individuals and their welfare. Your coasts, and geological surveys, and a vast variety of others, are of the same character and family, except that those are more local in their effects, and this more general, and therefore less objectionable. To apply this construction to the great agricultural interest of the country, when it is not extended to any other interest besides, would be strange indeed. But the Constitution provides that Congress may do whatever is necessary for the general welfare of the United States. This question resolves itself into one of fact, and not of law. Suppose it became necessary to cut a ditch, as an outlet to a million acres of swamp land, belonging to the Government, now worth nothing, but by it worth five dollars an acre, could it not be done? We have power to make all needful rules and regulations respecting the territory and other property of the United States. This bureau relates directly to the elements of our soil and its improvement, as does the ditch, or the ornamental trees and shrubs of your public grounds.

America! towards whom a kind Providence hath been more bountiful than to all the sons of men before thee—thou who art, and art to be the teacher of all the nations of the earth—and whose sons are to be the citizens of the whole inhabitable globe—whose united wisdom is the admiration of the world—whose united strength, the giant of the world—do not scorn the earth that gave thee this rich heritage; do not, I beseech you, add another negative to the long catalogue that hath stained each bright page of our history—do not longer disregard the recorded counsel of our departed yet present counsellor. Do not again smite the earth, lest she cry out, "Why hast thou smitten me these seventy times? Am I not thy servant that hath clothed and fed thee ever since I was thine? Do not permit the stranger to gaze upon your greatness and my deformity." Awake from the long night of slumber, and strive for our future prosperity. And of the recorder, who hath recorded this bright page of our past history, may I inquire, "What of the future?" I fear the response, and will withdraw the interrogatory.

THE PUBLIC LANDS—HOMESTEAD BILL—RAILROAD GRANTS—JUSTICE TO THE WEST.

SPEECH OF HON. B. HENN,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

April 29, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period therein specified, being under consideration, in Committee of the Whole—

Mr. HENN obtained the floor and said:

Mr. CHAIRMAN: I shall detain the committee but a short time, and shall confine my remarks entirely to the subject of the disposition of the public lands, and more immediately to the proposition now legitimately before the committee; to advocate the cause of humanity, justice, and right; and, if possible, to assist in placing upon our statute book a law that should have been enacted among the first after the Declaration of Independence—one that should exist in every land and country; a law given to us by Him who made the earth, and who alone can cause the soil to produce that which will sustain animal life, and prolong our physical existence.

The earth being given to man by his Creator, I contend that we have, as a nation, no more right to restrict the use of it, by levying a tax upon those who desire to cultivate it, than we have to make the air we breathe, the light that shines on our pathway, or the water that falls from the clouds above us, sources of revenue, or articles, the use and control of which we have a right to limit. When man enacts laws contrary to those that Nature has written—when he pursues a course contrary to the dictates of Divine wisdom—then does he show his own weakness, and entail upon his posterity a corresponding mischief.

What, let me ask, is the value of land, unconnected with the "sweat of the brow?" The most obnoxious and poisonous weeds, the vilest reptiles, the most ravenous beasts, are tenants alike of an untilled and uncultivated soil. It is *labor* alone, then, that replaces these natural products with others that are capable of furnishing sustenance and support to the human system, and which causes a wild and unsightly waste to become a soft and pleasant landscape, checkered with the rich colors of ripened grain, emblems of peace and happiness.

Let us look, for a moment, Mr. Chairman, upon the moral effect that this proposition will have upon our citizens if it becomes a law. That it would induce hundreds and thousands to become independent and happy freemen, who are now toiling day and night to earn sufficient to maintain a mere physical existence; that it would take many from the crowded cities and densely-populated districts, who are now dragging out a miserable existence in poverty and idleness, and place them where ambition would stimulate them to labor and worth; that it would open up a vast field in which could labor the human intellect of thousands, who now find employment only as some new inducement is held out to satisfy the increasing desire of the animal passions; that it would erase from the dockets of our courts a greater portion of those endless lists of criminal cases that stain the pages of our national history, and in the trial of which so much of the valuable time of our citizens is consumed,—are questions about which, I think, there can be no cavil.

Although leveling in its tendency, it is *not* agrarian. It will only *elevate* the condition of the masses to a common platform that will have a solid foundation, and on which *all* may enjoy "life, liberty, and the pursuit of happiness."

What, Mr. Chairman, is the line of distinction between a savage and civilized life? or, in other words, why is it that the Anglo-Saxon race have wrought so great a change in the physical appearance of the North American continent, and that, too, in so short a time, while the savage and barbarous tribes that have preceded them have left no permanent physical impress of their existence? The history of races shows that civilization and its concomitants are *sequents* to permanency of residence. That song of songs, "Home, Sweet Home," is indebted for its popularity entirely to the sympathetic chord which alone exists in the bosoms of a civilized and enlightened people. It is not the beautiful, soft, and picturesque scenery of the prairies of the far West—it is not the wild and frowning appearance of the cataract—it is not the lonely silence of the dense forest—still less the common attachments of civilized man—that binds the savage to a particular locality. Although nature has implanted a "love of country" in the heart of every human being, the movements of the savage are almost entirely governed by the demands of animal appetite; and wherever you find the greatest facilities for satisfying these demands, there the "poor Indian" loves to make it his abiding-place. In civilized life, the greatest inducements should be offered to man to adorn and beautify his home; for, so much as you add to the attractions of that home, so much do you add to the contentment and progress of the nation.

Our people have, to a great extent, become migratory in their character; and although it is doubtless in the bold spirit of *adventure* implanted in the bosom of the American people, that exists the greatness of our Republic, yet I cannot but believe that even this spirit may grow too rapidly, and become in its progress an evil. It was the germ of this spirit that effected the landing at Plymouth Rock, it is the growth of this spirit that has led onward our population in its various steps, to the entire occupancy of the eastern and western slopes of this continent; to the filling up of the great central valley of the world; to the surmounting of all the physical obstacles and difficulties that presented themselves in the occupancy of the whole continent. While it was another spirit—a spirit produced by the effusion of blood—a spirit possessed in common by man and the wild beasts of the forest—that enabled Napoleon to pass over the apparently insurmountable Alps—it was the spirit first alluded to, that prompted those who headed the great expeditions that first crossed the Alleghanies, and the more recent ones that climbed the perpendicular walls, and stemmed the swift currents that flow in the cañons of the Rocky mountains. It is that spirit which prompts each individual of our nation to seek the comforts of pecuniary independence; that fills his mind with visions of better days; that whispers in his ear the prospective enjoyments of a HOME. He looks forward to the day when, within the walls of some stately mansion, or, perhaps, beneath the roof of some lovely cot, free from care, with no wants to supply, he can enjoy the family circle that will surround his fireside, or drink the sweet enjoyment

which lurks amid the flowers and groves that surround a

"Simple, happy home."

Is it not our duty, then, to give the legislative aid of the country to the advancement of the social happiness of the people? Should we not encourage all who desire to make themselves a permanent home, by giving them a permit to occupy a portion of the public domain of the country, that has no intrinsic value in itself, and which is of no national value, until reduced to occupancy and use?

The principle of inducing a permanency of residence, has been gradually gaining ground; and within the last few years, we find that the subject has received the serious, and, in some instances, the successful consideration of the Legislative Assemblies of the States. In some States, an exemption of the "homestead" from execution and forced sale, have been the fruits of this agitation. In others, the subject has not only advanced this far, but some of the ablest statesmen have urged the propriety of *exempting the "improvements" that may be put upon the land;* or, in other words, the *labor* of the occupant from *taxation.*

But let me pass from the considerations of policy and humanity to those of a pecuniary nature.

Will it not be beneficial to the monetary affairs of the nation, and of this Government, to make these grants? If we are legislating for the future, and not merely for the passing hour, I contend that it will. If we look either to direct taxation, or to the present indirect, unjust, and expensive mode of raising a revenue, it matters not. Pass this bill, and within the space of ten years the taxable property at home, and the consumption of foreign productions, will both be increased to an extent that will increase our revenue to at least *fourfold* the sum of that now derived from the sale of the public lands.

Take, for example, the State which I have the honor in part to represent. What will be the effects of such a law upon the small extent of public lands within her limits?

The total area of lands in Iowa now undisposed of is 24,578,676 acres. Of this amount there has been asked for railroad purposes about 2,500,000 of acres, (and of this proposition I will speak hereafter,) leaving a balance subject to the operations of this bill of 22,078,676 acres. Of this quantity at least one fourth would not only be susceptible of cultivation and use, but would actually be settled upon and reduced to cultivation. We have then 5,519,669 acres added to the productive area of the State. Putting the annual estimated yield per acre at twenty bushels of wheat, and we have an annual aggregate product of 110,393,380 bushels of wheat, which, at fifty cents per bushel, would be worth $55,196,690, which sum would be an actual annual increase to the real wealth of the State and nation. Again, it would give to us at least 144,000 additional landholders, being ten times the present number; and they would annually consume articles of foreign growth and production that would pay duties equal, in the aggregate, to more than *three and one-half millions of dollars,* which amount alone exceeds the present annual revenue derived from the sales of the public lands.

But the area of unsold lands within the limits of Iowa does not comprise one fifteenth part of the public domain owned by this Government. The total area of unsold, unappropriated public lands at this time is estimated at about fourteen hundred millions of acres. Suppose that one half of this quantity is susceptible of being occupied and used for agricultural purposes, and making the calculation upon the same basis of the calculation just made in regard to Iowa—that is, making the estimate of land that would be used for agricultural purposes at one fourth of the total quantity that would be settled upon and occupied, or *one eighth* of the total area, and we have one hundred and seventy-five millions acres added to the productive area of the country—capable of producing *thirty-five hundred millions of bushels of wheat,* worth, at fifty cents per bushel, the enormous sum of *seventeen hundred and fifty millions of dollars,* as an annual addition to the wealth of the nation. We would have an increase of four millions five hundred thousand in the number of landholders, the present number being less than one third of this aggregate; and they would consume articles of foreign growth and manufacture that would pay duties that would annually amount to full one hundred millions of dollars. Or, if you abolish the present indirect system of taxation, and adopt a direct one, a tax of one cent per bushel on these products would yield an annual revenue of *thirty-five millions of dollars*—a sum sufficient in itself to defray the expenses of any ordinary economical administration of this Government.

But what would be the advantages of this enormous revenue compared with the moral, social, and political advantages that would accrue to the nation? An impetus, unparalleled in the history of nations, would be given to every branch of industry. Our mechanic arts would keep pace with agriculture. Science, the handmaid of husbandry, would receive new vigor; and, most of all, a contented and happy countenance would become a peculiar characteristic of the American physiognomy. May I not add, in truth, that the safety and perpetuity of the Union will be materially strengthened by the operations of this bill. It is in the crowded cities and densely-populated districts that disunion finds advocates. It is where your population is thrown upon the cold charities of the world that treason germs. It was Mr. Jefferson, I believe, who likened large cities to sores upon the body politic. In older countries than this, and particularly on the European continent, cities give strength to despotism. Their walls, whether built of bayonets or stone, are but barriers to republicanism and progress. Where, let me ask, would be the power of a Louis Napoleon but for a Paris? of a Nicholas but for a Petersburgh? Separate your population so that they may be able freely to enjoy nature's bounteous gifts, and you sever the cord that binds them to discontent and its thousand ills. Show me a "disunionist" if you can among the landholders of this country! It is the degree of interest we have in an object that causes us to value it. We love our dwelling because it is our castle. Our home is high in our affections because all our interests center there. Love of home begets a love of country. Like the father loves his child, because a common blood courses their veins, so does a landholder beget a love for the country in which he has a direct and substantial interest.

As a measure, then, that is calculated to bind together our common sisterhood with cords of love, I look upon this bill as one of immense *national* importance.

The constitutionality of the bill has been brought in question by some of those who have addressed the committee. One gentleman from Pennsylvania [Mr. ALLISON] took the position that we might with the same propriety give money to the poor, as to give them lands, as proposed in this bill. Three gentlemen from New York [Mr. JENKINS, Mr. SUTHERLAND, and Mr. DEAN] took similar grounds—and all agree, I believe, in saying that it will be particularly unconstitutional to make grants to the new States to aid in the building of railroads, without at least giving a *pro rata* amount to the older States in which no public land is found. These gentlemen seem to mistake altogether the grounds on which the friends of these bills claim to base them. They do not ask these lands either for the settler or for the railroads without returning an equivalent to the General Government. Was it unconstitutional to give to the new States generally every thirty-sixth section, and to California, Oregon, and Minnesota every eighteenth section for schools? or, to settlers in Oregon six hundred and forty acres? Are the acts that have been passed for a number of years back, giving lands to the State universities, for saline purposes, town sites, &c., &c., unconstitutional? I do not think that any of these gentlemen will claim that they are; and yet these gifts or grants were made for the same objects and the same considerations, so far as the Government is concerned. It is, and always has been, the interest of the Government to induce the settlement of her domain, in order to render it *saleable* Hence she held out the inducement of common schools, by giving lands in each township for that purpose. She offered also higher educational advantages in each new State by creating a university fund. She proffered assistance in developing the mineral resources of the country by granting a certain number of the salines and a quantity of land adjoining. She offered to tradesmen an inducement to settle by giving the proceeds of the sales of town lots for the grading and improving of the streets of the town in which they might settle. She made a free gift to those who would brave the hardships of an Oregon trip. And thus has it been from the commencement of this century down to this time, that the General Government has been constantly devising means to induce the settlement of her domain, in order that that domain might become saleable and thereby at least pay cost, if not produce an actual revenue. But, notwithstanding all these inducements the public lands have been steadily and rapidly increasing in quantity until we now have, as before stated, the enormous aggregate of over *fourteen hundred million acres* on hand, for which there are no purchasers, and which, unless the legislation of the country keeps pace with the *progress* of the country, will remain on hand for several generations yet to come.

Connected with these ideas of progress and inducements for settlement of the public domain, is one which had almost escaped my recollection, and which, in itself, when properly considered and investigated, has great weight, but which has received comparatively little notice, if I may except that given to it by one whose scholarship and originality and boldness of thought make him a fit and noble representative of the great Bay State. To the Senator from Massachusetts [Mr. SUMNER] I will cheerfully award the merit of nobly advocating in the Congress of the United States a claim which, although the new States considered one of great consequence, yet they never had strenuously urged it against the General Government. I allude to the non-taxation of the public domain. Ten, twenty, and thirty years ago, and the statesmen then in Congress saw more clearly than those of this day the importance of exempting the public domain from taxation. Not only did they predict the difficulty of settling the public lands, but they actually went further than you of this Congress are willing to go, in order to effect their settlement. They not only made a compact with the new States that the lands belonging to the Government should not be taxed, but they provided that the same should be exempt from taxation for five years *after* they had passed into the hands of private individuals; thus holding out an extraordinary inducement for purchasers to buy the lands, and even assuming a questionable authority to take from the powers of a sovereign State to add to the prosperity of its individual citizens, and to her own peculiar benefit. Let me here say, that this privilege of exempting Government lands from taxation was not, as appears from the history of our country, a *barren* privilege. Those that have gone before us as legislators in this Capitol, not only saw with a clearness of prophecy the immense length of time that would be required in disposing of the public domain, but by their very acts, in asking an exemption, conceded the right of a sovereign State to tax all the lands within her limits, whether the owner of that land was an individual, a corporation, or *the General Government itself.* While, in Iowa, the General Government is the owner of two thirds of the land within her limits, the individual owners of the other third pay all the taxes and all the expenses attendant upon the opening and settlement of the public domain. Her citizens open roads, build bridges, establish and maintain schools, &c., &c., while the lands of the General Government are enhanced in value by these improvements and advantages, equally with those belonging to individuals. Who, then, can say that this exempting of public lands from taxation is not an actual gift by the new States of thousands and millions to the General Government?

One word to my friends who look upon the proposed grants to aid in building railroads as being antagonistic to the measure now under consideration. Unlike them, I view them as being a necessary part of the machinery that is to cause a settlement of the public domain. The land that we propose to give as a home to the homeless is situated on our frontier, at so great a distance from most of those who are to be benefited, that the expense of removing to it will exceed their means; and the gift will amount to nothing practically beneficial, because such a limited number can avail themselves of it. But make liberal donations of

land to build railroads into the interior and through these lands, and you accomplish a threefold benefit. You induce the emigration, by creating a demand for labor: you afford facilities to emigrate; and you produce a market for the immense products of the country. The gentleman from Pennsylvania, [Mr. Dawson,] who has so ably discussed this measure, and for whom I bespeak the gratitude of the people of my district, has shown that the General Government has been a speculator off of the people of the new States to the amount of over $80,000,000. The gentleman's colleague, [Mr. Allison,] but more particularly the gentleman over the way from New York, [Mr. Jenkins,] make a different footing of the cost of the public domain. But if we take their footings, we can, with greater propriety, charge the Atlantic States, not only with the money expended by the General Government in the building of lighthouses, dry-docks, fortifications, &c., &c., but with the whole cost of the Navy of the United States, and $500,000,000 would not square their account. The latter gentleman debits the new States with the cost of the Florida and Mexican wars! Let me ask him if New York alone has not received more benefit by the acquisition of Texas and California than all the new States put together? I think that he will acknowledge that she has. And here let me say, lest I may overlook it hereafter, that the allusion of another honorable member from New York, [Mr. Dean,] to the importance of a Mint at New York city, as being a national object, is, in my mind, an unfortunate allusion; else why the extreme anxiety of the far-seeing and talented Representatives of that locality on this floor? Why is it, that above all other measures now pending, this one excites so great a solicitude, unless local advantages, far above those of a national character, are to follow? Again: the same member, as well as others from the same State, ask us of the West to look at the fact that two thirds of the revenues of the country are collected at that port, and consequently the legislation of the country should favor that section more than any other. In answer to this assumption, I will merely ask a few questions. Who pays this revenue? Who charges a per centage upon this revenue, and thereby amass sufficient wealth to erect the marble palaces that grace the "up town" of that splendid metropolis, and which line the banks of that noble river on which my friend resides? Who but citizens of New York are paid for handling this great amount of Uncle Sam's money? And who but citizens of New York reap a benefit from this great centralization of foreign trade? I think if every Western man would be at the trouble of calculating the amount that is yearly taken from his pockets to assist in building up these marble palaces and enriching the coffers of Wall street, that it would be found that we, in the back-woods of America, would be considered as an integral part of the nation, and of no trifling importance to the welfare and prosperity of those who harp upon the vast amount of revenue collected at their ports. Why, Mr. Chairman, we might, with the same propriety, give great credit to that tax collector in our States who should succeed in obtaining the greatest amount of money from our citizens, or to the assessor who might levy the highest per centage of tax upon their property!

But, again: my friend from New York, [Mr. Dean,] as well as others, has said a great deal about legislating for the benefit of monstrous corporations, for monopoly, and so on. Let me ask them if they are not now trying to build up one of the greatest monopolies in the world, under the pretense of making cheap postage between this country and Europe? Not less than $600,000 are now asked as a gratuity to one of the richest companies in America, and for what? Why, for carrying a few hundred pounds of letters and papers for your Eastern merchants from one side of the Atlantic to the other! Let me ask my friend from New York to adopt the Bible maxim, and first cast the beam out of his own eye, before he seeks to dictate to the West, and tell her of her faults.

But let me return to the question, as to the difference between the *cost* and *proceeds* of the public lands. I have never (until within the last month) heard it questioned, but what the General Government had been a speculator off of the public domain. Every official report of the Government officer having the public lands under his charge, has shown that she has. The estimated cost per acre has never exceeded thirty-two cents; and the most recent and accurate estimates have placed it at about *twenty-two* cents! And yet one dollar and twenty-five cents is the minimum, or least price per acre which she has received! Assuming that the cost is twenty-five cents, it is proposed still further to speculate to the amount of one dollar on each acre yet to be sold, or in the aggregate, to the enormous sum of $1,400,000,000. This is speculating at the rate of five hundred per cent., or in case of the two dollar and a half lands, at the rate of one thousand per cent. What, let me ask, would the Eastern manufacturer say, if this Government should lay a tariff of five hundred per cent. on all the *raw material* that he might import from other countries? Would he not say it was a burdensome tax? that it was oppressive and unjust? Yea, would he not refuse to submit to it? And yet, Mr. Chairman, the tiller of the soil is not only taxed at these rates, but for settling upon the public lands, and thereby placing himself in the power of the Government to be thus taxed, he has, in days not long gone by, been denounced as a "lawless intruder" and "pirate!"

RAILROADS IN IOWA.

But, Mr. Chairman, I wish to say a few words in regard to the propositions now before this House which contemplate granting a portion of the public domain to the State of Iowa, to aid in building certain roads in that State, which are destined to become great thoroughfares, and which have a national as well as a State importance. The people of Iowa ask, at the hands of this Congress, in all about two million five hundred thousand acres of the public lands, within her limits, for railroad purposes, being two hundred thousand acres less than were granted to our sister State Illinois by the last Congress, for a like object. Iowa contemplates building three important roads within her limits; one extending from Burlington west to the Missouri river, following nearly on the line of the 41st degree of latitude. It commences at a point on the Mississippi river where, within two years, will be the terminus of the great chain of railroads extending from Philadelphia, through the States of Pennsylvania, Ohio, Indiana, and Illinois, to the eastern bank of the Mississippi river. Sixty miles west from this point it taps the great valley of the Des Moines—a valley which, by all who have seen it, is conceded to be the most beautiful and fertile in the West, if not in the world—a valley that is capable of furnishing, not only immense quantities of agricultural products, but which is rich beyond calculation in coal, iron, gypsum, and other minerals. Crossing this beautiful valley at nearly right angles, the road will proceed west, through one of the richest prairie countries on the globe, and will terminate on the Missouri river, at the great starting point of the overland emigration to Utah, Oregon, and California; and where, at no distant day, will be the great city of the upper Missouri—one that will command the fur trade of the Northwest; that will be the center of trade for some two or three great States now in embryo, and which, within twenty years, will be knocking at these doors for admission into the bright galaxy of stars that grace our national escutcheon. Aside from the fact that it will be a continuation of the great thoroughfare from Philadelphia west to this important point, this road will open up to settlement and cultivation as much rich and valuable prairie land, as perhaps any other road in the country.

Another of the contemplated roads commences at Davenport, on the Mississippi river, where, within two years, will be the western terminus of the numerous roads extending westward from Boston and New York, and runs to the Missouri river, at or near Council Bluffs, a point that was prominent in importance as a western military post near half a century ago, and at or near which all the great western roads extending from Boston, New York, Philadelphia, and Baltimore, must unite and *form a common tract to the Pacific*. It commences at the bridge point of the upper Mississippi, and cuts the State centrally east and west, passing through a similar country to the road first mentioned, and will have an equally beneficial effect in bringing into market and use large tracts of fertile prairie.

The third road in contemplation runs at right angles with the two first-mentioned roads, and although called a distinct and separate road, is, more properly speaking, a feeder or branch of the others. It extends from the extreme southern boundary of the State to Dubuque, in the northern part, taking in its course a tier of counties separated from navigable streams, and that have but few natural traveling facilities. Its two termini are situated above and below the two great obstructions in the Mississippi river, so that the Government alone, in her intercourse with the Indian tribes of the north, will be particularly benefited by its construction. It also will open large bodies of prairie to settlement, and add much to the rapid sale of the public domain.

Mr. Chairman, may I here so far digress from the subject as to give a short description of our Iowa prairies, for the satisfaction of my Eastern friends who have not yet been favored with a personal view? The prairies comprise nearly all the high portions of the country, being at an elevation of from fifty to two hundred feet above the bottom lands on the streams. The face of the country is undulating, assuming at times the appearance of the ocean after the subsiding of a storm. The soil is rich black loam or mould, resting on a substratum of clay, which is also rich and productive, and both of which have an aggregate depth of about five feet. These prairies are covered with a growth of rich and nutritious wild grass, and vary from one fourth of a mile to thirty miles in width, and in length, correspond with the length of the neighboring water-courses. They will produce good corn, wheat, and potatoes the first year that they are cultivated, and, unlike a timbered country, it does not require the labor of one generation to clear the land of stumps in order to get the use of the whole surface. They constitute a good grazing country without any cultivation, and hundreds and thousands of beef cattle are annually fattened upon them. An abundance of excellent water can always be had by digging from twenty-five to thirty feet, and no portion of the country affords so pleasant and healthy a summer residence as do these elevated prairies. Yet, vast quantities of this beautiful land is so distant from timber, and so far from a market, that unless some great thoroughfares are opened through it, the major quantity will remain on the hands of the Government for years, and will be unoccupied by individuals, although it be made a free gift to them. With grants for these three roads, I venture the prediction, that during the coming five years, more public lands within the limits of Iowa would be disposed of than has been disposed of during the fourteen previous years that lands have been open for purchase. I have no doubt but that every foot of the land retained by the General Government under these bills, and which is to be increased in price to $2 50 per acre, will be sold at an earlier day than they would be at $1 25 per acre, should they fail to pass.

Mr. Chairman, I see no justice or reason for increasing the price of the alternate sections to be retained by the Government, but really a great injustice. For the same reason that I will support the bill now under consideration, I would vote for limiting the *maximum* instead of the minimum of all the lands, including those granted to the States, as well as those retained by the Government. The gentleman from Indiana, who addressed the committee on Tuesday, showed that the people of that State, in which nearly all the lands are disposed of, had paid about $16,000,000 more into the Treasury than had been paid out in the purchase, care, and disposition of the same.

Now, so far as Iowa is concerned, I can prove that her citizens have already paid into the Treasury of the United States, for lands, over *two and one half millions of dollars more* than all the lands within her limits have cost, including all expenses attending the survey and sale of these lands, and all other moneys expended by the Government for the benefit of the people of that State—not excepting the Executive, Legislative, and Judicial expenses, salaries of Territorial officers, the erection of public buildings, making roads, building bridges, and all other matters whatsoever. Here are the figures:

Statement showing the amount paid the Indians for lands in the State of Iowa, to 1st January, 1852.

Year.	Tribe or Tribes.	Treaties.	Amount.
1833.	Sacs and Foxes.	21 Septemb'r, 1832.	$69,474 00
1834.	do.	do.	21,540 00
1835.	do.	do.	21,540 00
1836.	do.	do.	21,540 00
1837.	do.	21 Sept., 1832, and 28 Sept., 1836, and 21 Oct'r, 1837.	122,159 00
1838.	do.	do.	216,210 00
1839.	do.	do.	44,860 00
1840.	do.	do.	44,860 00
1841.	do.	do.	45,680 00
1842.	do.	do.	45,689 00
1843.	do.	do. & 11 Oct., '42.	340,526 34
1844.	do.	do.	82,680 00
1845.	do.	do.	82,680 00
1846.	do.	do.	82,680 00
1847.	Sacs and Foxes, Pottawatomies and Winnebagoes.	Sacs & Foxes, 21 Sept., 1832, 28 Sept., 1836, 21 Oct'r, 1837, and 11 Oct'r, 1842; Pottawatomies, June 5, 1846; and Winnebagoes, Oct'r 13, 1846.	311,930 00
1848.	do.	do.	109,080 00
1849.	do.	do.	109,080 00
1850.	do.	do.	109,080 00
½ of '51.	do.	do.	54,540 00
			1,935,819 34

Statement of the Expenditures of the Territory of Iowa, from January, 1838, to 30th December, 1846.

		For the Exec'tive.	Judiciary.	Legislation.	Total.
	1838..	-	$3,225 54	-	$3,225 54
	1839..	$3,784 24	15,185 87	$31,354 00	50,324 11
	1840..	3,877 17	25,475 95	68,450 00	97,803 12
	1841..	4,193 91	21,711 56	-	25,905 47
	1842..	5,012 09	34,197 66	25,569 00	64,778 75
To June	1843..	1,850 00	11,800 00	27,096 00	40,746 00
"	1844..	3,926 09	29,889 56	21,175 00	54,990 65
"	1845..	4,050 00	50,800 00	6,983 00	61,833 00
"	1846..	2,174 99	36,002 50	25,377 35	63,554 84
To Dec.	1846..	4,042 12	4,050 00	2,815 15	10,907 27
		32,910 61	232,338 64	208,819 50	474,068 75

Appropriations and payments for Public Buildings, for Roads, and for Bridges, in the Territory of Iowa.

	Appropriations.	*Payments.*
For public buildings	$55,000 00	$55,000 00
For roads	37,500 00	36,872 48
Repaid and carried to the surplus fund		627 52
For bridges	$20,000 00	$19,926 17
Repaid and carried to the surplus fund		73 83

To these expenditures is to be added properly the cost of survey and sale of lands up to this time; and to please my friend from New York, I will add the *pro rata* share of the purchase money paid by this Government in acquiring the "Louisiana purchase"—and we find the following

Aggregates:

Iowa's share Louisiana Purchase	$519,398
Paid to Indians for their title	1,935,819
Cost of surveying the whole State, being 32,585,000 acres at 2.07 cents per acre	674,489
Cost of selling and managing 5,208,364 acres at 5.32 cents per acre	277,085
Legislative, judicial, and executive expenditures for Iowa while a Territory	474,068
Paid for public buildings, roads, and bridges	111,798
	$3,992,657
Amount received for 5,208,364 acres of land at $1 25 per acre, being receipts up to January 1, 1852	$6,510,455
Net profit thus far to United States	$2,517,798

And there is yet to be disposed of within the limits of Iowa, after deducting the proposed grants for railroads, over 22,000,000 of acres, which, at $1 25 per acre, would amount to $27,500,000; and to this add the speculation of $2,517,798 already realized by the Government, and there will be a total speculation of $30,000,000 off of the people of Iowa. Under this state of things, Mr. Chairman, do you think our requests unreasonable? Are they not just and equitable in every particular? Some gentlemen who have spoken against these grants, have assumed the ground that sufficient means are expected to be realized from the lands, if granted, to build the contemplated roads, and put them in running order. With a little calculation, they need not have run into this error. The money that would be realized from the sales of these lands would only amount to $4,800 per mile—even if none of the lands were disposed of, so that the full six sections would be obtained for every mile. Everybody knows that $4,800 will not pay one half of the actual cost of a mile of railroad. For the remainder of the expense our citizens expect to pay out of their own pockets; and for the expenditure of which the Government is benefited more by far than any one else.

But propositions have been introduced, both in this and the other wing of the Capitol, to grant a proportionate part of the public lands to the old States: and on what grounds are these demands made? It is said that the land is owned by all the States in common, and that it is *equitable* to grant a portion to the old States. Some gentlemen have said that they are willing to put up with less than full justice. That anything that "approximated justice" would satisfy them. Some ask for a donation of lands for a railroad; but do they propose to take it on the same terms as those asked by the new States? Oh, no!—they want the grant without returning an equivalent to the Government; and to "cover up," as it were, the true position of things, it is asserted by not a few who have spoken upon this subject, that we of the new States are asking unconditional grants for our railroads, when there is not one bill reported, or even introduced, but what proposes to increase the minimum price of the land retained by the Government to double the present price; and to give the *free use* of the road for the transportation of Government troops and munitions of war! Some ask a grant for schools; but is any immediate benefit to result to the Government in return? Some ask lands for a lunatic asylum; but do they show how the General Government is to be paid for such grants? The fact is, Mr. Chairman, the old States have not only received more than their share of *money*, but of the public lands also. Let us see how the account stands:

The West has received something like five millions of dollars in the way of appropriations for improving rivers, and building roads and canals; while, for harbors, light-houses, dry-docks, custom-houses, canals, bridges, roads, dams, &c., &c., in the East, not less than one hundred and fifty millions of dollars have been expended. In the way of lands, including those granted for schools and institutions of learning, which cover the greatest quantity, and exclusive of Oregon, California, New Mexico, and Utah, but about fifty millions of acres have been granted to the new States. By the several military bounty acts, not including the act of 11th February, 1847, which is the only act of the kind where the bounty was not given as a gratuity, not less than one hundred millions of acres have fallen, and will fall, into the hands of Eastern men. But you of the East are not even content with this; you ask that your soldiers shall receive a still greater gratuity, by giving to each one hundred and sixty acres; that your marines, too, shall each receive one hundred and sixty acres; that your lunatic asylums shall be endowed with a few hundred thousand acres; and, to "cap the climax," that a few millions of acres shall be given to the old States for general purposes! And do these appropriations and grants correspond with the population of the country? Let us examine: The Eastern States, including the Atlantic sea-board, as far South as the keys of Florida, contain about thirteen and one quarter millions; while the Western States, including only the great valley of the Mississippi, contain about ten millions.

Now, one word as to what I always thought were Western States until I came here; for, on the charts that are published in the East, and circulated throughout the West, Ohio and Kentucky are represented as being West of the Alleghanies. Little did I dream that those States, which but a few years ago were the frontier States in this Union, should, in less than half a century, have Representatives on this floor hostile to Western interests. Little did I think that Ohio, who, within the short space of ten years, has been asking grants of not only land, but money, for works of internal improvements, and who is even now clamoring for money to improve her harbors and build her light-houses, should send to this Hall as her national Representatives, men who would oppose the measures so much needed as are the grants for railroads.

And while speaking of the Representatives from Ohio, I cannot longer refrain from correcting what I conceive to be a slander that was uttered a few weeks since in the debate upon the land warrant bill, by one gentleman from that State, [Mr. Carter,] against the Indian fighters of the Northwest. He called them nothing but "cornstalk soldiers;" and such was his bitterness against this most worthy class of the pioneers, that he must needs repeat the opprobrious epithet some half dozen times. I could not but pity the frailty of human nature, to reflect that a State like Ohio, whose soil has been so often stained by the blood of the victims of the scalping-knife and tomahawk, and whose early history is filled with deeds of chivalry and suffering, on the part of this same class, that Ohio should have so far degenerated in her stock as to be represented on this floor by one who would utter such sentiments. Can it be that her chivalry has thus oozed out? Has the memory of Anthony Wayne faded from the recollection of those who now occupy the battle-field, where so much blood was poured out in resisting the encroachments of the savage? I can tell the gentleman that had he been one of those "cornstalk soldiers," he would have found a little different state of affairs there than he is accustomed to meet with, when he engaged in such a "free fight" as occurred between himself and his colleagues on this floor in the early part of the session—and which I looked upon as being as disgraceful to all engaged in it, as were glorious the deeds of the "cornstalk soldiers" he talked about.

But to return from this digression. Under this state of affairs, I call upon Western Representatives on this floor to stand together as one man, and oppose this one-sided legislation. Let us now, at this session of the American Congress, assert our rights. Let us as one man say *no* to every proposition brought forward by the East, until a returning sense of justice shall give a little better demonstration of friendship to Western interests than has yet been evinced during this session.

You of the West ask not for *grants* of land in fact, but for the privilege of taxing your own citizens for the lands they may desire to occupy. The East meet you and say, We will let you do that if you will give to us a proportionate number of acres *free of cost* to our citizens. You ask for an appropriation to remove the obstructions in that great channel of commerce—that "great inland sea," as it has been appropriately named—the Mississippi. The East say, If we give you a few thousands for this purpose, we must have a few ten thousands for the improvement of our rivers, &c.

This, my friends, is the spirit in which we are met. And should we longer submit? Shall we suffer thousand after thousand and million after million to be taken from the Treasury for the benefit of the Eastern States, and not raise our voice against it? Shall we give your Eastern speculators some fifteen millions in the item of French spoliations, some hundreds of thousands for light-houses, harbors, navy-yards, steam-ships, mints, overshoughs, Delaware breakwaters, and a thousand and-so-forths? No! I say emphatically, No! We owe it to ourselves, as Representatives of the great and mighty West, to vote against every local measure brought forward here, until we have some intimation that justice will be done to us. We should unite ourselves together as closely as the mighty Father of Waters and its tributaries unite our interests and commerce; and then we may expect to return to our people and show a faithful discharge of our trust. I say, then, once for all, that until justice is done to the West, you of the East should not expect our votes for any local measure you may bring forward. In looking round among my Western friends, methinks I read a general assent to the correctness of this course. I do not wish my New York or Pennsylvania friends to think that this is a threat; for I do not say what I do say in the spirit of defiance

or braggadocio. It is the cool deliberations of one who knows and *feels* that his constituents have not received their equal share of the bounties of this Government, and that what they now ask is but justice.

But to return to the immediate provisions of the bill under consideration. I am in favor of its general features; because a residence of sixteen years upon and in the immediate vicinity of the public domain has convinced me that such a law would be beneficial to the emigrant, beneficial to the new States, and beneficial to the General Government. That I do not mistake the feelings of the people I have the honor to represent will appear evident when I read to you the irrecorded views, as contained in the following preamble and joint resolution, passed at the last session of the Legislative Assembly of the State of Iowa:

Joint Resolution asking a donation of land to actual settlers.

Whereas the preservation of the public liberty, and the perpetuity of our happy form of Government, are dependent in a great degree upon the virtue and intelligence which are found among the independent freeholders of the country; and

Whereas a great number of the able-bodied inhabitants of the United States are destitute of a permanent home, and of the ready means of procuring a sufficiency of land upon which to obtain a certain livelihood for themselves and families; and

Whereas it should be the policy of the National Government to encourage, by every suitable means, the early settlement and cultivation of her extensive public domain, and thereby to promote the industry and comfort of the landless multitude within her borders: Therefore,

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their efforts to procure the passage of an act granting to each landless head of a family, who desires the same, a reasonable quantity of the public lands, upon such conditions, as to improvement and occupancy, as in their judgment will secure a comfortable homestead for the use of said family.

As to the details of the bill, I will not now discuss them. There are, perhaps, some objectionable provisions; but these I will leave until the bill is taken up and considered by sections. Then I may think proper to offer some amendments; but for the present I will leave the subject to others.

NOTE.

HOUSE OF REPRESENTATIVES, *May* 1, 1852.

From a conversation had with Mr. CARTTER, of Ohio, this morning, I am happy to learn that I have misconstrued his remarks on the Land Warrant bill; and that it was an entirely different class of persons than the Indian fighters of the frontier that he intended to characterize as "cornstalk soldiers." B. HENN.

FRENCH SPOLIATIONS.

SPEECH OF MR. BRADBURY,

OF MAINE,

IN THE SENATE, *April* 15, 1852,

On the bill providing for the payment of claims for French Spoliations previous to the year 1800.

The Senate, as in Committee of the Whole, resumed the consideration of the bill to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the year 1800.

Mr. BRADBURY said:

I desire to say to the Senate, at the outset, that it is my hope and expectation that we may get a vote on this bill to-day; and, therefore, instead of making an elaborate speech, I shall confine myself to a reply to such positions in the ingenious and able argument of the honorable Senator from Michigan, [Mr. FELCH,] as have a material bearing on the merits of the question. I agree with the honorable Senator in one of his concluding remarks, that it is our duty to examine, with great care, all claims presented against the Government, and especially those of long standing; and I appeal to the Senate to bear me witness that such has been my uniform course, ever since I have had the honor of being a member of this body. I entered upon the examination of this case with caution, if not distrust; and I feel bound to say, that a patient and extended investigation of the subject, forced upon my mind the conviction that these claims of our citizens, for French spoliations, are as just as it is possible for any demand to be. I am convinced they are *an honest debt;* and believing this, I regard it as no part of a wise economy, highly as I prize that virtue, to refuse to pay honest debts.

As the Senate is called upon to act in a judicial character, upon a question of right and wrong, between the Government and individuals, who have no other tribunal than Congress to appeal to for redress, it is but the dictate of justice and common honesty, that the subject should be understood by those who are to decide upon it. Any magistrate who would undertake to determine such a question between contestants, without taking the trouble to understand it, would be considered unworthy of his position. I ask Senators to give their attention to this subject, and examine it thoroughly; the claimants can desire nothing more, and need then, I believe, have no fear of the result.

I proceed at once, Mr. President, to the question at issue.

In my opening remarks, I stated the positions on which the committee placed these claims. Some of these positions have been candidly admitted by the honorable Senator from Michigan, and others denied; and I ask attention to *what is admitted*, and *what is denied*, that we may understand precisely the points in controversy between the friends and opponents of the bill.

I understand the honorable Senator to admit—and if I am wrong I will thank him to put me right—that, prior to the convention of 1800, numerous American citizens had just demands against the Government of France, for property seized and confiscated under authority of that Government, in violation of treaties and national law. I understand him to admit, that for these spoliations France was bound to make indemnity to the sufferers. I understand him to admit, that our Government undertook the prosecution of these demands, as was its duty as the guardian and protector of its citizens; and that when urged upon France, that Government set up counter claims of her own against the United States. I understand him to admit, that in the ratification of the convention of 1800, our Government canceled these demands of our citizens, and forever released France therefrom. I understand him to admit, that our Government obtained for this release a renunciation by France of the national claims and those of her citizens, which she preferred against the United States.

These several propositions are admitted. Now *what is denied* by the opponents of the bill?

The honorable Senator denies that the claims of France were of any validity. He contends that they were a mere pretext, that could constitute no valuable consideration, and that the claims of our citizens had been extinguished by war. I appeal to the honorable Senator to say, whether I have not stated these positions fairly?

Mr. FELCH. Yes, sir.

Mr. BRADBURY. If so, then the only question left open is this: Were the mutual claims valid and subsisting at the time of the opening of the negotiation of 1800?

Mr. FELCH. The Senator must not understand me to admit, that the claims we had against that Government, and the claims which were urged against us for the renewal of the treaties, were demands admitted on both sides, and were weighed one against the other. What I said was, that they presented claims on their side, and for a renewal of the treaties, and that they made them as an excuse for not allowing our claims.

Mr. BRADBURY. I am correct, then, in my statement of our respective positions. We come, then, to the only question of difference between us. It is this:

Were the claims urged by the respective Governments in the negotiation of 1800, *and renounced, the one for the other, in the ratification of the Convention, existing and valid at that time?*

A word respecting their origin. On the 6th of February, 1778, the United States, struggling for national existence, secured the alliance of the Government of France, and formed with her a *treaty of alliance*, by which we guarantied to her forever the integrity of her West India Islands; and a *treaty of amity and commerce*, by which we gave to her the exclusive use of our ports for her armed vessels and prizes in all future wars. By the aid of this ally thus obtained, our independence was achieved; and we can never estimate too highly the value of that aid, rendered in the darkest hours of the Revolution, without which our struggle for liberty might have proved a failure. The French Revolution, which broke out in 1789, soon involved that country in a general war, in which the principal powers of Europe combined to force France to restore the dynasty she had driven from the throne. It appeared to be certain she must be crushed in the struggle; and our Government began to feel that we were chained to an ally doomed to destruction, and unless we could sever the bond, we might be involved in her fate. We feared to stand up to the treaty of alliance. It was better to meet the claim for damages, than to attempt a fulfillment of our guarantee of the French Islands, which would require our whole force, and inevitably involve us in the wars of Europe. Accordingly the President issued his celebrated proclamation of neutrality of April 22, 1793. This created great disappointment and dissatisfaction in France. It was followed by the decree of the National Convention of May 9th, of that year, which authorized the seizure of provisions in the ships of neutrals, on the plea of necessity, with the assurance that the value should be paid to the owners. Our commerce suffered, misunderstandings arose, difficulties multiplied. On the 19th of November, 1794, our envoy, Mr. Jay, signed a treaty with England, the enemy of France, and the master spirit in the hostile combination against her, which contained stipulations in conflict with our obligations in the treaty with our ancient ally. The promulgation of this treaty, in May, 1796, was followed by a burst of resentment throughout France; and under color of authority of the decree of the Executive Directory, of March 2, 1797, authorizing the seizure of American ships unprovided with a "*role d'equipage*," a document which no American vessel ever carried, the ocean was literally swept of our commerce; several hundreds of our ships and cargoes were confiscated; and a large portion of the spoliations committed which are now the subject of complaint. This state of things could not long be allowed. Our Government having failed to terminate it by negotiation, resorted to defensive measures. Several acts of Congress were passed, looking to this end, and one declaring the abrogation of our treaties with France. I shall have occasion to notice these acts more particularly hereafter. In October, 1799, a second mission was sent to France, consisting of Messrs. Ellsworth, Davie, and Murray, who entered upon negotiations with the French Ministers in April, 1800, which resulted in the Convention out of which the claim of our citizens on their own Government arises. This brief outline of some of the leading events is sufficient, perhaps, to show the position of parties at the opening of negotiations.

They stood thus: France claimed damages for the non-fulfillment of the treaties, and the recognition of their continued existence; also for losses sustained by her citizens. The United States claimed indemnity for spoliations of the property of their citizens, and the payment of the just demands they had on the Government of France. After protracted negotiation, a convention was signed on the 30th of September, 1800, which restored the two countries to a state of mutual intercourse. The second article declared, that the parties "being unable to agree at present respecting the treaties, and the indemnities mutually due or claimed," would negotiate further on these subjects at a convenient time. It was ratified by the First Consul, and sent to the Senate of the United States. The Senate advised its ratification, after expunging the second article, and limiting the convention to eight years; and on its return to France, the First Consul accepted the modification, upon condition "that by this retrenchment the two nations renounce the respective pretensions which are the subject of said article." This condition was approved by the Senate. It may be convenient here to state, that the fourth article secured the restoration to the owners of all property not definitively condemned, or the payment of its value; and the fifth article provided for the payment of debts contracted by either nation, or its citizens, with the citizens of the other—but with the express restriction that it "shall not extend to indemnities claimed on account of captures or confiscations." The second article contained the only stipulations in regard to them.

Thus it was, that the demands of our citizens for indemnities were set off against the claims of

France under the treaties, and discharged, the one for the other. It was not a mere abandonment of the prosecution of the demands. It was a release. They were not returned to the owners. The French Government was forever discharged, and the claimants cut off from their remedy upon the original debtor. The liability of our Government rests, therefore, on this ground, not of neglect to prosecute the demands, but of appropriating them to its own use, in purchasing onerous obligations against itself—a purchase for which we proffered large sums of money in vain, but consummated by the appropriation of these spoliation claims..

The first point to be considered is this: *Were the claims of France, thus bought up by the claims of our citizens, valid or not?* If they were they constituted a good consideration for the release. What were they? They arose under the treaties to which I have referred.

By the *Treaty of Alliance*, the United States guarantied to France forever the then existing possessions of the Crown of France in America, as well as those it might acquire by the future treaty of peace, in consideration of the guarantee by France to the United States of their liberty, sovereignty, and independence. Such was the guarantee—the possessions of France in America, *forever!* The whole power of the nation pledged to assure those possessions to France, and that for all coming time. Well might the honorable Senator from Michigan feel that those treaty obligations were too onerous to be resumed consistently with our safety and tranquillity as a nation. But we never were released from them until the final ratification of the Convention, *with the second article expunged*, that article being the last ligament that bound us to them. *This treaty had never been violated by France.* She had kept it honorably and with marked fidelity. She had expended more than $200,000,000 from her treasury, besides the profuse sacrifice of her blood, in the war it brought upon her. Her armies stood side by side with ours in the battles of the Revolution, and our independence had been achieved by her firm and invaluable assistance. She had lived up to the treaty, while her American possessions, which we had guarantied to her, had fallen under the arms of Great Britain, in consequence of our refusal to protect them, though earnestly pressed on that point. (See note A.) I now call on the honorable Senator from Michigan to say, if he can, that this treaty had ever been broken by France. I challenge those opposed to the bill to name any time, any occasion when it was ever violated by that nation. I pause to yield the floor to any one who will respond.

No one answers. No one alleges that such was the fact. No one has ever attempted to show that France ever violated the Treaty of Alliance. The United States stood bound by its obligations. The act of July 7, 1798, which undertook to declare the treaties abrogated, could not relieve us from them. One party to a compact cannot release itself without the assent of the other. If a nation refuses to comply with a treaty specifically, such nation remains answerable for the damages which result from such refusal. Treaties would be worth no more than the blank paper upon which they were written, if either party could discharge itself from their obligations at pleasure, and without responsibility. It is under this treaty that one portion of the claims of France arose—damages for its non-fulfillment, resulting in the loss of the guarantied possessions, and a recognition of its continuance. How can we estimate the extent of the liability, or the value of the release? How better than to consider what could induce us to assume that liability now? Would the amount which this bill proposes to be paid to the claimants be the slightest inducement? Assuredly not. It would not be considered for a moment. I present, then, the claims of France under the Treaty of Alliance, and the release from them, as a full and ample consideration received by our Government, to bind it by all the ties of justice to pay the claimants, whose demands were exchanged for this release.

Let us now turn to our other treaty with France, the *Treaty of Amity and Commerce*. By this treaty each party stipulated to make its ports an asylum for the ships of war, privateers, and prizes of the other party, and to exclude those of her enemies; stipulations that had become essentially important to France in her contest with England. This treaty had been violated by Jay's treaty with her enemy, as interpreted and enforced by our Government. Let us place these treaties side by side, and compare them. I will read from the *French Treaty of Amity and Commerce, of* 1778:

"Art. 17. It shall be lawful for ships of war of either party, and privateers, freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or any other judges; nor shall such prizes be arrested or seized when they come to and enter the ports of either party; nor shall the searchers or other officers of those places search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships-of-war shall be obliged to show; on the contrary, *no shelter or refuge shall be given in their ports to such as shall have made prizes of the subjects, people, or property of either of the parties;* but if such shall come in, being forced by stress of weather, or the dangers of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible."

"Art. 22. It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King, nor citizens of the said United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions."

I will now read from *Jay's Treaty with England of November* 19, 1794:

"Art. 23. The ships of war of each of the contracting parties *shall at all times be hospitably received* in the ports of the other, their officers and crews paying due respect to the laws and Government of the country." * *

"Art. 24. It shall not be lawful for any foreign privateers, (not being subjects or citizens of either of the said parties,) who have commissions from any other Prince or State in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest port of that Prince or State from whom they obtained their commissions."

"Art. 25. It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes, when they arrive at and enter the ports of the said parties, be detained or seized; neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation, or commerce,) nor shall such officers take cognizance of the validity of such prizes, but they shall be at liberty to hoist sail and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships-of-war or privateers shall be obliged to show. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. *Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other Sovereigns or States.* But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article."

It will be perceived, Mr. President, that these stipulations in the British treaty are in direct opposition to our previous engagements with France.

In the French treaty, (art. 17,) we had agreed that no shelter or refuge should be given in our ports to the ships-of-war of the enemies of France. In the British treaty, (art. 17,) we agree that the ships-of-war of England, the enemy of France, shall at all times be hospitably received!

In the treaty with France, (art. 17,) we had agreed that the French ships-of-war and privateers might carry whithersoever they pleased the ships and goods taken from her enemies. In the British treaty, (art. 25,) we agree that no shelter or refuge shall be given in our ports to the ships-of-war or privateers of the enemies of England; and in art. 24, that no privateers of any other nation shall arm their ships, or sell their prizes in our ports! We thus close our ports to the armed vesse s of France and their prizes, when the stipulated use of them became of vital importance upon the loss of her West India possessions.

The provision in the twenty-fifth article of the treaty with England, that it should not be construed to operate contrary to former or existing treaties, as interpreted by the acts of our own Government, did not save our engagements with France. Mr. Jefferson, Secretary of State, in a letter to Mr. Hammond, dated September 9, 1795, says:

"Though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty, made long ago, for valuable consideration."

Such was our construction of the privileges of France, prior to our treaty with England. After that time, on the 30th of June, 1796, Mr. Pickering, Secretary of State, addressed Mr. Ellsworth, Chief Justice of the United States, relative to the sale of prizes taken by a French privateer from the British, saying:

"I presume your decision was, that the sales should not be made, it appearing that the permission of such sales would be a violation of the twenty-fourth article of our treaty with Great Britain."

On the 12th of July, 1796, the Secretary of State wrote to Mr. Otis, district attorney at Boston, saying:

"Orders have been issued from the Treasury Department to the collectors, *not to admit to an entry* any prizes taken by foreign privateers, commissioned by any prince or State at enmity with Great Britain."

And again, in a report to the President, of July 15, 1796, he says:

"The twenty-fourth article of the British treaty having explicitly forbidden the arming of privateers, and the selling of their prizes in the ports of the United States, the Secretary of the Treasury prepared, as a matter of course, circular letters to the collectors, to conform to the restrictions contained in that article, as the law of the land. *This was the more necessary, as formerly the collectors had been instructed to admit to an entry and sale the prizes brought into our ports."—Senate Docs.*, 1st *Sess.*, 19th *Cong.*, vol. 5, p. 345-6.

Thus it appears that the privileges guarantied by treaty to France, as admitted by our Secretary of State, were denied her, after our treaty with her enemy.

It is well-settled national law, that a sovereign already bound by a treaty, cannot make others contrary to the first. Vattel says:

"As the engagements of a treaty impose on the one hand a perfect obligation, they produce, on the other, a perfect right. To violate a treaty is, then, to violate a perfect right of him with whom we have contracted, and thus to do him an injury. A sovereign already bound by a treaty, cannot make others contrary to the first. If it happen that a posterior treaty is found in some point to contradict one that is more ancient, the new treaty is null with respect to that point, as disposing of a thing that is no longer in the power of him who appears to dispose of it."

What justification had we for this violation, by Jay's treaty, of our treaty obligations to France? None whatever. Was France then pursuing a course to provoke it? The very reverse. Our previous difficulties with her were mostly adjusted. Jay's treaty was signed November 19, 1794. On the 10th of that month, nine days previous, Mr. Monroe had effected such an arrangement, that he was able to write that—

"All the objects to which his note of 3d September extended, were yielded, except that of allowing our vessels to protect enemies' goods."

And that was also yielded early in January following. And on the 20th of February, 1795, the President, in a message to Congress, says:

"It affords me the highest pleasure to inform Congress that harmony reigns between the two Republics, (France and the United States,) and that those claims (of American citizens) are in a train of being discussed with candor, and amicably adjusted."

The time and circumstances under which we formed the treaty with England, divest us of all pretense that the conduct of France authorized the violation of her rights. We can urge no such justification. (See note B.) Had France, then, no claim on us for damages, under the treaty of amity and commerce? Might she not point to the property lost, in consequence of the refusal of our ports as an asylum for her ships and prizes, and claim, before the tribunal of the civilized world, that, if we would not fulfill our treaty engagements, we should be held responsible for the damages?

I have now shown, Mr. President, that there was a full consideration in the claims of France under the treaties, for the release of the claims of our citizens; and, as they were claims against the Government representing the whole people, the cost of their discharge ought not to fall upon a single class.

But it is not essential to the liability of our Government that *we* should be of the opinion that the claims of France were just. It is sufficient that they were so regarded by that nation. They were seriously urged, and, being found onerous and embarrassing, it became a matter of national im-

portance to be relieved from them. Having obtained that relief, we should pay the price of the purchase we had so anxiously sought and so beneficially effected.

Mr. President, there is another view of this subject, which I wish to submit to the Senate, as a full, fair, and complete answer to all that has been urged by the honorable Senator from Michigan, [Mr. FELCH,] and all that was urged by the honorable Senator from Virginia, [Mr. HUNTER,] in his able speech and report, at the last session of Congress against this bill. They contend that the claims of France, under the treaties which were exchanged for the claims of our citizens, were of no value, and that, therefore, our Government received no consideration for the release, and is not bound to pay the claimants whose demands they gave up. Why were the claims of France of no value? Because France first violated the treaties on her part, say the honorable Senators, and thus released us from their obligations. But how did she violate them? By the seizure and confiscation of the ships and cargoes of these very claimants. It was their property, then, that purchased immunity from the treaties. I state the proposition fairly, on the hypothesis assumed by the Senators. If we were exonerated from our treaty obligations by reason of the conduct of France in seizing and confiscating the property of the claimants, it was their property that paid the price of the immunity. What obligations and what immunity? They were the obligations that secured an ally, without whose aid our independence could not have been achieved when it was, and which subsequent events had made so onerous that the honorable Senator from Michigan regarded their recognition as inconsistent with our national security. It was immunity from a debt of the Revolution, procured by the property of the claimants, and the whole burden of the purchase ought not to be thrown upon them.

I come now, Mr. President, to the consideration of *the claims of our citizens against France.*

It is admitted that they were once just demands against that Government.

Were they extinguished by war?

It would seem to be a sufficient reply to the question that there was no war declared, no war waged, no war recognized by either nation, and no treaty of peace.

The acts referred to as establishing the fact of war prove the reverse. The act of May 28, 1798, is the one relied on for that purpose, and I will read it:

"Whereas armed vessels, sailing under authority, or pretense of authority, from the Republic of France, have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof, on and near the coasts, in violation of the law of nations and treaties between the United States and the French nation; therefore," &c.

And then follows its only section, in these words:

"SEC. 1. *Be it enacted, &c.*, That it shall be lawful for the President of the United States, and he is hereby authorized, to instruct and direct *the commanders of the armed vessels belonging to the United States* to seize, take, and bring into any port of the United States, to be proceeded against according to the laws of nations, *any such armed vessel which shall have committed, or which shall be found hovering on the coasts of the United States for the purpose of committing, depredations on the vessels* belonging to citizens thereof; and, also, retake any ship or vessel of any citizen or citizens of the United States, which may have been captured by any such armed vessel."

This is the act which is regarded as the declaration of war; and yet it will be seen that it authorizes no war. It was merely a measure for the protection of our commerce, to bring into port for condemnation those vessels that were capturing our ships. It did not authorize the capture of any private unarmed ship of the French. Our cruisers having captured eleven French merchant ships, our courts promptly ordered their restoration to the owners. Again, the act of July 7, 1798, to which I have referred, which undertakes to abrogate the treaties, shows that this was not a declaration of war; for, if it had been, it would have abrogated the treaties, without the necessity of any act of abrogation. Again, by the act of March 2, 1799, entitled "An act giving *eventual* authority to the President of the United States to augment the Army," Congress provided that it should be lawful for the President of the United States, *in case war should break out between the United States and a foreign European Power*, &c., to raise twenty-four regiments of infantry, &c. And, in the act for better organizing the Army, passed the next day, Congress repeats the declaration contained in a former act, that certain provisions "shall not take effect *unless war shall break out between the United States and some European Prince, Potentate, or State.*"

On the 20th of February, 1800, an act was passed to suspend the act for augmenting the Army "*unless, in the recess of Congress, and during the continuance of existing differences, war should break out between the United States and the French Republic.*"

Mark the words of this act. I call particular attention to the language—"*unless war shall break out.*" It was passed about the time of the arrival of our envoys in Paris: it authorized the suspension of another act, *unless war should break out between the United States and the French Republic;* and yet, we are told in the face of this act, which provides against it as a contingency not then existing, that war had been raging between the two nations for nearly two years! How shall we characterize a position that requires such logic to sustain it? It would seem that the reading of the act would be sufficient to explode the new war theory, now presented to defeat the measure under consideration. The honorable Senator from Michigan took occasion yesterday to speak of the claims of our citizens in their infancy, as then weak and unacknowledged, and abrogated by war. Did any one pretend in those days that war existed, and had abrogated the claims? I might retort upon the allusion by saying, that this war argument is now in its infancy, for the men of that period knew perfectly well that Congress neither declared nor recognized war between the two Republics—that the Executive of the United States did not regard the differences as war, nor did the Government of France. To establish these positions I need add nothing more than to refer to the instructions of October 22, 1799, given to our Ministers, when the mission was sent to France. Those instructions, having recurred to the numerous acts of wrong committed on the commerce of the United States, and the refusal of indemnity by the Government of France, proceeded to say:

"This conduct of the French Republic would well have justified an immediate declaration of war on the part of the United States; *but desirous of maintaining peace, and still willing to leave open the door of reconciliation with France,* the United States contented themselves with preparations for defense, and measures calculated to protect their commerce."—*Senate Docs., 19th Cong.*, vol. 5, p. 561.

I will also refer to a communication of the French Ministers to the American Envoy, made but a few weeks before the signature of the convention, as conclusive that the Government of France repudiated the idea of war as emphatically as our own. They say:

"In the first place, they will insist upon the principle already laid down in their former note, viz: that the treaties which united France and the United States are not broken; that even war could not have broken them; but that the state of misunderstanding which has existed for some time between France and the United States, by the act of some agents, rather than by the will of the respective Governments, *has not been a state of war*, at least on the side of France."—*Ibid.*, p. 616.

I have now shown the absolute repudiation of the war theory by Congress, by the Executive, and the Government of France. But I need not stop here. It would be a sufficient answer to the argument of the honorable Senator from Michigan, to refer to a well-settled principle of national law. The mere fact of war does not extinguish a claim. If a claim is the acknowledged ground of a war, and a treaty of peace is made without obtaining the acknowledgment of the right of the claim, it would be regarded as abandoned, as the new relations of the parties on the subject of the war, would be fixed by the treaty of peace. But if the adverse party admit the claim, and agree to provide for it, nothing can be more unsound than to say that the demand is extinguished which is provided for, or to be the subject of future action.

Again, it was France, and France only, that had the right to take the objection that she was exonerated by war, or otherwise, from demands against herself; and as she did not do it, but, on the contrary, negotiated on the basis of peace, the ground is not open for us.

Mr. President, the claim for indemnities was recognized by both Governments to be existing and just, throughout the entire negotiation. This great fact, now controverted, was acknowledged by the negotiators themselves, and affirmed by the Executive Departments of both Governments. The history of the negotiation is full of evidence on this point. I will read from the instructions of the Secretary of State, of October 22, 1799, to our Envoys, Messrs. Ellsworth, Davie, and Murray:

"First. At the opening of the negotiation, you will inform the French Ministers that the United States expect from France, *as an indispensable condition of the treaty, a stipulation* to make to the citizens of the United States *full compensation for all losses and damages* which they shall have sustained by reason of illegal or irregular captures or condemnations of their vessels and other property, under color of authority or commissions from the French Republic or its agents. And all captures and condemnations are deemed irregular and illegal when contrary to the laws of nations, generally received and acknowledged in Europe, and to the stipulations in the treaty of amity and commerce of the 6th February, 1778, fairly and ingenuously interpreted, while that treaty remained in force.

"Second. If these preliminaries should be satisfactorily arranged, then, for the purpose of examining and adjusting all the claims of our citizens, it will be necessary to provide for the appointment of a Board of Commissioners, similar to that described in the sixth and seventh articles of the treaty of amity and commerce between the United States and Great Britain.

"As the French Government have heretofore complained of infringements of the treaty of amity and commerce by the United States or their citizens, all claims for injuries thereby occasioned to France or its citizens, are to be submitted to the same Board; *and whatever damages they award will be allowed by the United States, and deducted from the sums awarded to be paid by France.*"—*Senate Docs., 1st sess. 19th Cong., vol. 5, p. 562.*

Compensation for irregular captures is here made an indispensable condition of a treaty.

On the 7th of April, 1800, in their first letter to the Ministers of France, Messrs. Ellsworth, Davie, and Murray say:

"CITIZEN MINISTERS: The undersigned, appreciating the value of time, and wishing by frankness to evince their sincerity, enter directly upon the great object of their mission, an object which they believe may be best obtained by avoiding to retrace minutely the too well known and too painful incidents which have rendered a negotiation necessary.

"To satisfy the demand of justice, and render a reconciliation cordial and permanent, *they propose an arrangement*, such as shall be compatible with national honor and existing circumstances, *to ascertain and discharge the equitable claims of the citizens of either nation upon the other, whether founded on contract, treaty, or the law of nations.* The way being thus prepared, the undersigned will be at liberty to stipulate for that reciprocity and freedom of commercial intercourse between the two countries, which must essentially contribute to their mutual advantage."—*Ibid., p. 580.*

To ascertain and discharge the equitable claims of the respective parties is declared to be the great object of the mission.

How was this proposition met by the French Ministers? Do they deny the liability? Do they repudiate the demand for indemnity for injuries? Do they set up a discharge by war? Not at all; not at all. They meet the demand fairly, and acknowledge the responsibility. I will read their response of April 9th to the American Envoys:

"The Ministers Plenipotentiary of the French Republic have read attentively the proposition for a plan of negotiation, which was communicated to them by the Envoys Extraordinary and Ministers Plenipotentiary of the United States of America.

"They think that the first object of the negotiation ought to be the determination of the regulations, and the steps to be followed for *the estimation and indemnification of injuries for which either nation may make claim for itself, or for any of its citizens;* and that the second object is, to assure the execution of treaties of friendship and commerce made between the two nations, and the accomplishment of the views of reciprocal advantages which suggested them."—*Ibid., p. 581.*

It is here conceded that the first object of the negotiation ought to be *indemnification of injuries*—a full and frank admission that the demand therefor was existing and just.

Again, in their note to the American Envoys, of May 6, 1800, they acknowledge, in terms, *the principle of compensation.* They say:

"In hastening to recognize the principle of compensation it was the intention of the undersigned to exhibit an unequivocal proof of the fidelity of France to her ancient engagements."—*Ibid., p. 591.*

The admission of our claims by the French Ministers embraced *indemnities for spoliations*, as well as debts founded on contract, and, indeed, had reference mainly to them as the great subject of negotiation. This is demonstrated by the correspondence. "*Compensation for irregular or illegal captures and condemnations,*" is made the indis-

pensable condition of a treaty in the instructions to our Envoys. They present the claims founded on *treaties, national law*, and contract, in one mass, in their first note to the French Ministers; and in a project of a treaty, submitted by them to the same ten days afterwards, the second article recites the complaints of the American merchants, "that 'they have sustained considerable losses and dam-'ages by reason of irregular or illegal captures 'and condemnation of their vessels and other prop-'erty," &c., and then provides as follows:

"It is agreed that, in all such cases, full and complete compensation shall be made by the Government of the French Republic."—*Ibid., p.* 586.

The reply of the French Ministers, admitting the principle of compensation, was made on the 6th of May following, at which time this project of a treaty had been for several days before them. I need say no more in answer to the objection that has been taken on this point.

I will now refer to some of the propositions that were submitted in the course of the negotiation, as they are important not only in their bearing on the point I have been discussing, but as evidence of the embarrassing character of the treaty claims, and of the consideration we were ready to give to be relased from them.

In the letter from the *French Ministers to our Envoys*, of *August* 11, 1800, they *insist* "That the 'treaties which united France with the United 'States are not broken." And they then proposed "Either the ancient treaties, with the privileges 'resulting from priority, and the stipulation of 'reciprocal indemnities: or a new treaty, assuring 'equality without indemnity."—*Ibid., p.* 618.

Although the indemnity due to our citizens was thus freely offered, yet the overture could not be accepted by our Envoys, because we could not then give to France the *priority* and *equality* in our ports—which she had uniformly demanded as a *sine quâ non*—having, by Jay's treaty, given the *exclusive* right to her enemy, Great Britain.

Our Envoys having exhausted their efforts in vain, to obtain the admission that the treaties were annulled by our act of Congress, finally yielded the point; and admitting the continued existence of the treaties, sought to purchase out their most onerous stipulations by a proffer of large sums of money, or the avails of the indemnities due to our citizens. Their counter proposition to the French Ministers, of *August* 20, 1800, was accordingly as follows:

"1st. Let it be declared that the former treaties are renewed and confirmed, and shall have the same effect as if no misunderstanding between the two Powers had intervened, except so far as they are derogated from by the present treaty.

"2d. It shall be optional with either party to pay to the other, within seven years, three million francs, in money, or securities which may be issued for indemnities, and thereby to reduce the rights of the other as to privateers and prizes to those of the most favored nation. And during the said term allowed for option, the right of both parties shall be limited by the line of the most favored nation.

"3d. The mutual guarantee in the treaty of alliance shall be so specified and limited, that its future obligation shall be, on the part of France, when the United States shall be attacked, to furnish and deliver at her own ports, military stores to the amount of one million francs, and on the part of the United States, when the French possessions in America in any future war shall be attacked, to furnish and deliver at their own ports a like amount in provisions.

"It shall moreover be optional for either party to exonerate itself wholly of its obligation, by paying to the other within seven years a gross sum of five million francs, in money, or such securities as may be issued for indemnities.

"4th. The articles of commerce and navigation, except the seventeenth article of the treaty, shall admit of modifications, reserving for their principle the rights of the most favored nation, where it shall not be otherwise agreed, and be limited in their duration to twelve years.

"5th. There shall be a reciprocal stipulation for indemnities, and these indemnities shall be limited to the claims of individuals, and adjusted agreeably to the principles and manner proposed by the American Ministers in a project of a treaty heretofore delivered, except when it shall be otherwise agreed; public ships taken on either side shall be restored or paid for.

"6th. All property seized by either party, and not yet definitively condemned, or which may be seized before the exchange of the ratifications of the present treaty, shall be restored on reasonable, though it should be informal proof of its belonging to the other, except contraband goods of the United States, destined to an enemy's port. This provision to take effect from the signature of the treaty; and if any condemnation should take place contrary to the intent of this stipulation before knowledge of the same shall be obtained, the property so condemned shall be paid for without delay."—*Ibid., p.* 625.

To this proposition the French Minister offered the following modification on the 25th of August, 1800, viz:

"1st. The ancient treaties shall be continued and confirmed, to have their full force, as if no misunderstanding between the two nations had ever occurred.

"2d. Commissioners shall be appointed to liquidate the respective losses.

"3d. The 17th article of the treaty of commerce of 1778, shall be continued in full force, with a single addition, immediately after these words, to wit: 'And on the contrary, 'no shelter or refuge shall be given in their ports or har-'bors to such as shall have made prize of the subjects of his 'Majesty, or of citizens of the United States,' there shall be added, 'If it be not in virtue of known treaties, on the day of the signature of the present, and subsequent to the treaty of 1778, and that for the space of seven years.' The 22d article subject to the same reservation as the 17th article.

"4th. If, during the term of seven years, the proposal to establish the 17th and 22d articles, be not made and accepted without reserve, the award for indemnities determined by the commissioners shall not be allowed.

"5th. The guarantee stipulated by the treaty of alliance, shall be converted into a grant of succor for two millions. But this grant shall not be redeemable unless by a capital of ten millions."—*Ibid., p.* 628.

The following counter proposition of the American Envoys was submitted to the French Minister on the 29th of August, 1800:

"If the United States shall at any time within seven years from the exchange of the ratifications of the present treaty, offer to the French Republic an article of the tenor following, viz:

"'It is agreed that the United States shall pay to the French Republic, within seven years from the day of exchanging the ratifications of the treaty of ————, eight millions of francs in money, or such securities as have been or may be issued to citizens of the United States for indemnities under the said treaty, together with interest hereafter at the rate of —— per centum per annum, until the principal shall be discharged. And that, as a consideration of such engagements, the United States shall forever be exonerated of the obligation, on their part, to furnish succors or aid under the mutual guarantee of the 11th article of the treaty of alliance of the 6th of February, 1778; and the rights of the French Republic, under the 17th and 22d articles of the treaty of amity and commerce, of the same date, shall be forever limited to such as the most favored nation shall in these respects enjoy'—

"The French Republic will accept the same; or if the French Republic shall at any time within that term, offer such an article, the United States will accept the same. And in either case, the article so offered shall become part of the present treaty:

"To such a stipulation, in connection with the first, fourth, fifth, and sixth propositions offered by the American Envoys, in their note of the 20th of the present month, they would agree, so great is their desire to terminate without further loss the present negotiation."—*Ibid., p.* 629.

This proposition of our Envoys shows their estimate of the value of a *prospective* exoneration from the treaties with France. For this they offer EIGHT MILLIONS OF FRANCS, and if we add thereto the damages for past breaches on our part, the aggregate would show the real value of the exoneration which our Government eventually obtained by the release of our claims.

On the 4th of September, 1800, the French Minister submitted to our Envoys the following proposition:

"We shall have the right to convey our prizes into the American ports.

"A commissioner shall regulate the indemnities due by each of the two nations to the citizens of the other.

"The indemnities which shall be found due by France to the citizens of the United States shall be discharged by the United States; and as an equivalent, France makes an abandonment of the exclusive privilege resulting from articles seventeen and twenty-two of the treaty of commerce, and of the rights of guaranty resulting from the eleventh article of the treaty of alliance."—*Ibid., p.* 630.

By this proposition, France admitted the claims of our citizens, and proposed to pay them by a sale to our Government of her exclusive right (reserving a right of equality, however) to the use of our ports, and of our guarantee of her islands. But she does not include in the proposed sale her *national* nor *individual* claims to indemnity against the United States. She offers only the *prospective* exoneration from the treaties.

On the 6th of September, 1800, our Envoys presented to the French Minister the following counter proposition:

"1st. The former treaties shall be renewed and confirmed.

"2d. The obligations of the guarantee shall be specified and limited, as in the first paragraph of their third proposition of the 20th of August.

"3d. There shall be mutual indemnities, and a mutual restoration of captured property not yet definitively condemned, according to their fifth and sixth propositions of that date.

"4th. If, at the exchange of ratifications, the United States shall propose a mutual relinquishment of indemnities, the French Republic will agree to the same; and in such case, the former treaties shall not be deemed obligatory, except that under the seventeenth and twenty-second articles of that of commerce, the parties shall continue forever to have for their public ships of war, privateers, and prizes, such privileges in the ports of each other, as the most favored nation shall enjoy."—*Ibid., p.* 631.

By this proposition, our Envoys offered to France the *whole* of the indemnities (spoliations) due from France to our citizens for *less* than the whole of the political privileges and indemnities claimed by France from our Government.

The reserved right of France to equality in our ports for her privateers and prizes thus offered by our Envoys, which the French, in all stages of the negotiation insisted on retaining, and we most anxiously but in vain sought to extinguish, as being the most certain, direct, and dangerous source of conflict, is here thrown into the scale of inducements to release the United States from her embarrassing treaty engagements to France. The extraordinary circumstances attending this feature of our Envoy's proposition are worthy of especial notice. The offer of our whole claim on France for indemnities was refused, and now we offer not only the whole of the indemnities, but in addition the right to "*continue forever to have for their public ships of war, privateers, and prizes such privileges in the ports of each other as the most favored nations shall enjoy,*" notwithstanding the impossibility of our compliance, as we had already parted with the *exclusive* right of such use of our ports to her enemy, Great Britian. This offer shows the deep and all-controlling desire and determination of our Government to get rid of the treaty obligations to France at all hazards, which was finally accomplished, at the cost of the spoliation claims alone, which are now under consideration.

It will be seen that throughout the whole negotiation, and all the propositions of the negotiation respectively, the validity and subsisting claims of our citizens for these spoliations was admitted, and on no occasion denied.

In the instructions to our Envoys, (Messrs. Pinkney, Marshall, and Gerry,) they are directed to offer to France an annual war subsidy of $200,000 in future, in lieu of the general aid required by the guarantee in the treaty of alliance.

I now invite the attention of the Senate to the highest authorities of which the case is susceptible; first, that of the French Minister of Exterior Relations, Talleyrand himself; and second, that of Napoleon Bonaparte. At the close of negotiations, after the convention had been returned, ratified by the Senate of the United States, with the second article expunged, Talleyrand gives the following instructions to M. Pechon, the Chargé d'Affaires of France to the United States, on the 4th August, 1801:

"As in ratifying without explanation the two Governments would have found themselves in an unequal position, relative to the pretensions expressed in the suppressed article, (the suppression of this article releasing the Americans from all pretensions on our part relative to ancient treaties, and our silence respecting the same article *leaving us exposed to the whole weight of the eventual demands of this Government relative to indemnities,*) it has become necessary that a form be introduced into the act of ratification, in order to express the sense in which the Government of the Republic understood and accepted the abolition of the suppressed article."—*Ibid., p.* 698.

This language is significant—"leaving us exposed to the whole weight of the eventual demands of this Government relative to indemnities!" It admits the existence of the claim for indemnities—that neither war nor negotiation had terminated them—that they were then valid, and of such weight, that it was necessary for the protection of the French Government to guard against them, by an express stipulation in the act of ratification. This, be it remembered, was after all the acts of war, to which reference has been made—after the pretended abrogation of the treaties, and after all the efforts to negotiate respecting them—that the French Minister declared that they would remain against that Government, unless released by ours. *At that day*, we heard nothing of their abrogation by war—no denial of their validity. France would resort to no such defense. But what do we witness *now*? We are told at this day, that they had no weight, and that France never admitted their validity! And this, when the admission of their "weight" comes from one whose authority precludes denial; who possessed the most ample means for understanding the subject, united with an intelligence and sagacity that has become proverbial.

The authority of Napoleon Bonaparte is equally full and explicit. He was First Consul, and

signed the additional article which was prescribed by France, and accepted by us. Gourgaud says that the ex-emperor referred to the convention of 1800, and declared, in those statements, that he was preparing for a history of the events of the times:

"That the suppression of the second article, at once put an end to the privileges which France has possessed by the treaties of 1778, *and annulled the just claims which America might have made for injuries done in time of peace.*"—*Gourgaud's Napoleon.*

This is an express admission that the privileges under the treaties existed, until terminated by the convention; that there had been no war, as the injuries were committed in time of "peace," and that the American claims were "*just*," and remained valid, until they were annulled by the release in the ratification of the convention. (See note C.)

It would seem, Mr. President, that the authority of our great men of the time, who were identified with the events out of which these claims arise, and fully conversant with all the circumstances, ought to be entitled to great weight in determining a question like this. But I have time only for a reference to one or two.

James Madison, then Secretary of State, in a dispatch to Mr. Pinkney, Minister to Spain, dated February 6, 1804, says:

"The claims, again, from which France was released, were *admitted by France*, and the release was FOR A VALUABLE CONSIDERATION, IN A CORRESPONDENT RELEASE OF THE UNITED STATES FROM CERTAIN CLAIMS ON THEM."—*Senate Docs., 1st sess. 19th Cong., vol. 5, p.* 795.

John Marshall, in the extract from his journal transmitted to the Secretary of State, dated 17th of December, 1797, says—

"That it was his conviction that, if the claim of American citizens for property captured and condemned for want of a *rôle d'equipage*, was referred to commissioners, it would be committing absolutely to chance AS COMPLETE A RIGHT AS ANY INDIVIDUAL EVER POSSESSED."

In the letter of our Envoys of the 2d October, 1797, detailing to the Secretary of State the proceedings, (X Y Z,) they say:

"We told him (Talleyrand) that France had taken violently from America more than fifteen millions of dollars."—*3d vol. Wait's State Papers, p.* 497.

Again, he says:

"We observed to him that none of our vessels had what the French termed the *rôle d'equipage*, and that if we were to surrender all the property which had been taken from our citizens in cases where their vessels were not furnished with such a *rôle, the Government would be responsible to the citizens for the property so surrendered*, since it would be impossible to undertake to assert that there was any plausibility in the allegation that our treaty required a *rôle d'equipage*."—*Senate Docs., 1st sess. 19th Cong., vol. 5, p.* 469.

I now refer to Mr. Preston's letter to Mr. Caustin, on the same subject:

COLUMBIA, *January* 29, 1844.

SIR: I have this moment received your letter of the 24th instant, inquiring of me concerning Judge Marshall's opinion on the claims for French spoliations anterior to 1800.

When that subject was under discussion in the Senate some years since, as a member of the committee to which it had been given in charge, I bestowed no little pains in the investigation of it, and, as I believe it will happen to every one that does so, I became thoroughly satisfied of the justness of the claims.

While they were under discussion in the Senate, they happened to be the subject of conversation between Mr. Leigh, Mr. Calhoun, and myself, one evening in our mess parlor, when Judge Marshall stepped in, and, having overheard or being informed of the subject of conversation, asked to share in it, saying that, having been connected with the events of that period, and conversant with the circumstances under which the claims arose, he was, from his own knowledge, *satisfied that there was the strongest obligation on the Government to compensate the sufferers by the French spoliations.* He gave a succinct statement of the leading facts, and the principles of law applicable to them, in so precise and lucid a way that it seemed to me a termination of the argument by a judicial decision. It was apparent from his manner that he felt an interest in the inculcation of his opinion, arising from deep conviction of its truth.

I most heartily desire that the long-delayed and very inadequate justice now proposed to these unfortunate claimants will be made this session.

I am, dear sir, your obedient servant,
WILLIAM C. PRESTON.

I leave it to the Senate to determine the weight that ought justly to be attached to the authority of such names. Comment can add nothing where their knowledge of the subject, their capacity to investigate, their judgment and integrity are known and appreciated.

It has been intimated that at the period of which I have been speaking, our commerce being exceedingly profitable, our merchants assumed the risk incident to the troubled state of affairs, without expecting any indemnity from the Government in case of loss. It is the duty of a Government to protect at all times, in their lawful pursuits, the citizens who render it allegiance and give it support. But the claimants are not left to stand on that ground alone. They were specially invited to send out their ships upon the ocean, under assurance of protection, by the President of the United States. The Secretary of State, in a circular issued August 27, 1793, says:

"I have it in charge from the President to assure the merchants of the United States concerned in foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas, or in foreign countries, contrary to the law of nations, or to existing treaties: and that, on their forwarding hither well-authenticated evidence of the same, proper proceedings will be adopted for their relief."—*Senate Doc., 1st sess. 19th Cong., vol. 5, p.* 217.

We here have the fact that the Government was so anxious to encourage a commerce that was filling the Treasury with the means to discharge the debt of revolution, that it stimulated our merchants to prosecute their adventurous business, by a special assurance of prompt protection. Is it then anything less than a mockery of their wrongs, to tell them now, they are entitled to no relief, as they could never have expected that measure of redress which Government ordinarily afforded?

A word as to the antiquity of these claims. It is urged that if they had been just they would have been paid at the time, and that their antiquity is evidence that they are unfounded. There are cases where this objection has weight. If a claimant withholds his demand until the traces of truth are effaced by time, it is a fair inference that he has some sinister object in keeping it back, which should weigh against it. But in this case, the claimants promptly presented and urged their demands at the time; and they have continued constant in their application from that period to the present hour. And so far from its being true that the traces of truth have become extinct, the very foundations of truth, the very sources from which a large mass of the evidence is derived, was sealed up for a quarter of a century. The Government, on whom the obligation of payment rested, kept the whole history of the negotiation a sealed book in the Department of State, until it was brought out and published on a call by the Senate, in 1826. The instructions to the negotiators, the various propositions that passed between them, recognizing the validity of the demands, and the offers for adjusting them, were unknown to the claimants, until this publication. Yet, without this great accumulation of evidence, there was still sufficient to satisfy the great men of the time, of their justice. In their infancy, to which the honorable Senator from Michigan has alluded, all the strong men of that day were for them. More than twenty petitions were presented to Congress within sixty days of the ratification of the convention, and there was almost a tie vote in the Senate on a resolution to take them up for consideration, while they were before a select committee which had not yet made its report; and the opposition to the resolution was urged on the ground that it would prejudice the claims by premature action. The delay of action, for so long a time, has been the result of a seeming necessity. We had a debt upon us of nearly eighty millions of dollars, for the payment of which the whole public revenue was pledged. The embarrassments arising from the embargo occurred in 1808, and the war of 1812 increased the public debt to such an amount, that when time had enabled the Government to discharge it, and be in a condition to pay these claims, the cry was raised against them that they were too old to be just.

The honorable Senator has referred to the reports of committees that have been made from time to time on this subject, and it is necessary that I should correct certain misapprehensions on his part. The first report was made by Mr. Giles, as chairman of a select committee of the House of Representatives, in 1802, setting forth the facts strongly in favor of the claim. The next report was by Mr. Marion, in 1807, in which he says that upon mature consideration the committee "are of 'opinion that this Government, by expunging the 'second article of our convention with France of 'the 3d of September, 1800, became bound to 'indemnify the petitioners for their just claims 'which they otherwise would rightfully have had 'on the Government of France." Then there are two adverse reports, one by Mr. Roberts, in 1818, and the other by Mr. Forsyth, in 1824; both based on the ground that there was no evidence that France ever recognized the justice of the claims, or intended to pay them. The report of Mr. Rusself, which is cited by the honorable Senator, is confined to the case of a single vessel, the Triumph, and the decision is mainly placed on grounds not involving the general question.

We have then two adverse reports upon the general question, both denying relief for want of evidence that the French Government had ever admitted the validity of the demands, or shown a disposition to meet them. The evidence was slight at that time, compared with what we now have. When the history of the negotiation was given to the public, disclosing the fact that France not only admitted the justice of the demands, but offered to submit them with her own claims against the United States, to the adjudication of an independent and impartial tribunal, it forever exploded the foundation on which these adverse reports were placed. From that day to this, no committee of either House has ever made an adverse report; while no less than twenty-eight reports have been made in their favor since they have engaged the attention of Congress. Such extraordinary unanimity is of itself an argument entitled to respectful consideration.

The delay that has arisen, notwithstanding the favorable action of the committees, is not a matter of surprise to those who are acquainted with Congressional proceedings. The difficulty is to get action upon a subject, where there are so many ways by which a minority can avoid a direct vote. In the legislative history of this question, if my recollection serves me, the House has been brought to a final vote but once, and the Senate three or four times; and in every case the majority has been for the bill. Postponement, delay, delay—these have prevented action.

Although the aggregate of the claims is large, the individual interests are generally small; they are held by a large number of persons, scattered in distant parts of the country, between whom it is impossible to secure the concert of action which could exist if the number of claimants was more limited.

I am satisfied from all the information that has come to my knowledge, since I have turned my attention to this subject, that the intimation occasionally thrown out that these claims have passed into the hands of speculators, is without foundation. The heirs of those who were ruined by the spoliations—the poor, too much impoverished to come here and solicit any one to attend to their cause—helpless families, and the aged sufferers who yet live in the hope that justice will at last be done—these constitute the great mass to whom you will bring relief by the passage of this bill. I do not know a solitary case of purchase by a speculator; although it would be strange if there were not occasional cases of the kind. But to guard against the possibility, the bill prohibits the payment, to any assignee, of any greater amount than he shall have paid and interest thereon. The consideration that no single claim would be paid by the Government without providing for the whole, and that the entire public revenues were pledged for the payment of the public debt, excluded inducement for speculators to engage in such purchase.

I will here take occasion, Mr. President, to correct an erroneous impression in regard to the amount of the spoliation claims remaining unpaid. The whole mass of our demands was estimated by our Envoys, Messrs. Pinkney, Marshall, and Gerry, at from fifteen to twenty millions of dollars. We have received of France, under the 4th and 5th articles of the Convention and the Louisiana treaty, for debts, &c., and of Spain, under the Florida treaty, for Spanish participation, about $7,000,000. Making allowance for the usual exaggeration of such estimates, and for subsequent injuries, and then deducting the amount received, there probably remains unpaid *from seven to ten millions of dollars*—all of it for a class of claims for which the petitioners have received nothing

whatever. Again: the five millions in this bill is a conclusive and final termination of all liability on the Government. As we did not obtain from France a payment in money for these claims, but a release from treaty obligations, the value of which Congress alone has the authority to estimate, it necessarily results that the estimate in the bill is the limit of the liability; and each claimant is therefore required, on filing his demand before the Commissioners, to file also a release of all claim against the United States beyond the dividend he may receive under this bill.

I have time to urge only one further consideration upon the attention of the Senate, consistently with my purpose to come to a vote on the bill to-day. It is a consideration that appeals to our national honor. A portion of the captures made by the French cruisers, were carried into the ports of Spain for condemnation. Our Government demanded redress, and compelled Spain to compensate every American citizen whose property was taken and confiscated by French cruisers within Spanish jurisdiction. We secured to that class of sufferers the amount of $2,845,609 20, under the Florida treaty. So wanton did we regard the outrage of these spoliations, that we enforced satisfaction from a third party for participation by acquiescence. We said to Spain, the demands of these merchants is so just, they must be indemnified even by you. We did this after our Government had put itself in the place of France, in regard to the claims of the present petitioners. Now, sir, I ask with what consistency, not to say decency, could we make this demand on Spain, the passive and uninterested instrument, and then turn to the class of sufferers to whom we had assumed the liability of the principal, and recipient of the plunder, and tell them we would not pay them a farthing? What, sir, enforce on a third party a demand whose justice we refuse to admit against the principal! If American vessels, captured by the French, in Spanish ports, are entitled to indemnity, on what principle is it that those captured by the French, in French ports, have not, at least, an equal claim? And, yet, these petitioners have not received a dollar. Is ours the only Government that denies justice to our citizens? Indemnities for similar spoliations have been secured from Great Britain, Denmark, and Naples. And if the subjects of any other respectable Government on the globe, stood in the place of these petitioners, who are our own citizens, they would have been paid long ago. We would not dare to deny the payment after enforcing like claims upon others, and meet the reproaches that such injustice would bring down upon us from every part of the civilized world. Let this honest debt be paid, and the stain effaced. But I must pursue this topic no further; time will not permit. Omitting much that I would like to have said, I have endeavored to confine myself to such points as would answer the argument of my friend from Michigan, and remove, as I hope, difficulties that I have found to exist in the minds of gentlemen who have not had an opportunity fully to examine this subject.

I now thank the Senate for the attention they have given to the tedious remarks I have felt it my duty to submit, upon a question which possesses none of the charms of novelty, and has been too often discussed to be otherwise than dull and uninteresting, except to those to whom hope has been deferred for more than half a century.

NOTE A.

In Mr. Genet's letter to our Secretary of State, of September 18, 1793, he says:

"That the Secretary of War, to whom I communicated the wish of our Government of the Windward Islands, to receive promptly some fire arms and some cannon, which might put into a state of defense, possessions guarantied by the United States, had the front to answer me, with an ironical carelessness, that the principles established by the President did not permit him to lend us so much as a pistol."—*Ibid.*, *p.* 219.

And in a subsequent letter, from the same to the same, of November 14, 1793, he makes a peremptory demand of the execution of the guarantee, viz:

"I beg you to lay before the President of the United States, as soon as possible, the decree and the inclosed note, and to obtain from him the earliest decision, either as to *the guarantee I have claimed for the fulfillment of for our colonies*, or upon the mode of negotiation of the new treaty I was charged to propose to the United States, and which would make of the two nations but *one family*."—*Ibid.*, *p.* 231.

And Mr. Adet, the successor of Mr. Genet, wrote to our Secretary of State, on the 15th of November, 1796, as follows:

"The undersigned, Minister Plenipotentiary of the French Republic, now fulfills to the Secretary of State of the United States, a painful but sacred duty. He claims, in the name of American honor, in the name of the faith of treaties, the execution of that contract which assured to the United States their existence, and which France regarded as the pledge of the most sacred union between two people, the freest upon earth. In a word, he announces to the Secretary of State, the resolution of a Government, terrible to its enemies, but generous to its allies."—*Ibid.*, *p.* 355.

In reference to the guarantee, Mr. Morris, our Minister to France, thus wrote to the Secretary of State, as early as December 21, 1792:

"The circumstance of a war with Britain [by France] becomes important to us in more cases than one. The question respecting the guarantee of American possessions, may, perhaps, be agitated, especially if France should attempt to defend her islands." * * * "I will only pray your indulgence, while I express my wish that all our treaties (however onerous) may be strictly fulfilled, according to their true intent and meaning. The honest nation is that which, like the honest man,

'Hath to its plighted faith and vow, forever firmly stood,
And, tho' it promise to its loss, yet makes that promise good.'"—*Ibid.*, *p.* 32.

And Mr. Jefferson, in a letter to Mr. Madison, of April 3, 1794, says:

"As to the guarantee of the French Islands, whatever doubts may be entertained of the moment at which we ought to interpose, yet I have no doubt but that we ought to interpose at a proper time, and declare both to England and France, that these islands are to rest with France, and that we will make a common cause with the latter for that object."—*Jefferson's Works*, *vol.* 3, *p.* 303.

NOTE B.

Of that treaty, Mr. Jefferson says, in a letter to Mann Page, of August 30, 1795:

"Our part of the country is in considerable fermentation on what they suspect to be a recent roguery of this kind. They say that, while all hands were below mending sails, splicing ropes, and every one at his own business, and the captain in his cabin attending to his log-book and chart, a rogue of a pilot has run them into an enemy's port. But, metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty."—*Jefferson's Works*, *vol.* 3, *p.* 315.

And our Secretary of State communicated to our Minister at Paris, on the 14th of July, 1795, the following:

"The treaty is not yet ratified by the President, nor will it be ratified, I believe, until it returns from England, if then." * * * "The late British order, for seizing provisions, is a weighty obstacle to a ratification. I do not suppose that such an attempt to starve France will be countenanced."—*Senate Docs.*, *1st sess. 19th Cong.*, *vol.* 5, *p.* 119.

This British order, although a "weighty obstacle," was soon found to be no obstacle at all; for, in about one month following, on the 25th of August, 1795, our Minister in England was thus instructed:

"Minute instructions cannot now be given concerning that order, as our accounts of it are not very perfect; but if, after every prudent effort, you find that it cannot be removed, its continuance is not to be an obstacle to the exchange of ratifications."—*Ibid.*, *p.* 321.

The ratifications were exchanged *without* a repeal or relaxation of said order, and immediately thereafter it was even more rigorously enforced.

NOTE C.

The proceedings of the French *Corps Legislatif*, on the final ratification of the convention of 1800:

"The following papers will serve to exhibit the causes which, for a moment, ruffled the harmony between the two States, and the grounds of the treaty upon which the relations of interest and friendship, which at present unite them, are based.

"Grounds of the projected law relative to the convention concluded between the French Republic and the United States, laid before *Corps Legislatif*, by citizen Rœderer, Counsellor of State, charged by the Consuls with the presentation thereof."—*Session of Nov.* 26, 1801.

"Citizen Legislators:" * * * "Such was the state of things when three American negotiators arrived at Paris, led thither by the desire and the hope of preventing a signal rupture.

"American commerce was alleged to have suffered considerable losses; the negotiators demanded indemnity for them. The French Government had also to allege claims for her commerce, which had suffered for a long time. It recognized that *it was just to liquidate, compensate, and close*, if it were possible, *the indemnities which might be respectively due*," *&c.*—*Code Diplomatique, Par Portiez—Tribune, July*, 1802.

THE COMPROMISE—THE PUBLIC LANDS—COMMON SCHOOLS—COLONIZATION.

SPEECH OF HON. S. W. PARKER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

April 28, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period therein specified, being under consideration in Committee of the Whole—

Mr. PARKER said:

Mr. CHAIRMAN: I am gratified that I have obtained the floor at last. And after much of that tribulation, that seems to have become the common law of this House, in such cases made and provided, I now deem myself particularly fortunate that I am let into the arena on this day. I had intended to have addressed the committee exclusively on the subject ostensibly before us—the homestead bill and the public lands—but the events of yesterday and this morning have compelled me to partially change my mind. I regard this limitless range of discussion as promotive of little good and much evil; but the *lex loci* will justify me here, and I shall trust to the country and an indulgent constituency to allow me, so long as I remain at Rome, and when the occasion may seem to require it, to do as Romans do.

Legitimate debate, it strikes me, in the council chamber, where practical men commune, should for the time being, be confined to the same practical end. But, sir, into what far-off region, what *terra incognita*, have we not wandered during the many days of this miscellaneous, yet magnificent debate? Bewildered, as I have sometimes been, with the myriad of objects, of thoughts and fancies, that it has from time to time conjured up, the remembrance of a passage in my early life has frequently passed before me.

Nearly a quarter of a century ago, I was traveling over that mighty wilderness, without a wood that stretches away from my own State, through Illinois, towards the setting sun. From early morning until near the closing in of the evening I was out upon that great plain, without the sight of tree, or bush, or shrub, to indicate a spot where the pioneer's camp-fire might be kindled for rest and refreshment, and where he might again take his latitude and departure for the long-sought site of his intended home. You may well suppose that it was a tedious day, and, as it wore to its close, full of anxiety.

And now, sir, after listening to the counsels and following the lead of others so long, in passing over the grand prairie—if you will allow the figure—of this debate, and having at length obtained the floor, I feel like I were approaching "the timber"—about to emerge from the wildering waste, where, by noting the course of the streams, the range of the hills, and the moss upon the trees, as the pioneer does, I may determine my present position, and "blaze" the way I would travel.

Mr. Chairman, I cannot omit noticing a few things in the speech of the worthy and distinguished gentleman from Georgia [Mr. STEPHENS] on yesterday, and a certain manifesto I find in the Republic this morning, addressed "To the Whigs of the United States" by some ten or a dozen honorable gentlemen, members of this House. I feel myself, and that portion of the Union whence I come, so involved in these matters, that I do not deem myself at liberty to pass them by at this juncture.

Sir, there is no one thing, I presume, that the public man desires more, than that his record may not only be clean, and so kept, but that it may so appear to all men. I presume there is nothing that every gentleman here covets so much as he does the public belief that his course has been, and is, a straight one, and that he has good reasons for the course he has pursued.

I am here, Mr. Chairman, from a district somewhat peculiarly situated. It has had within it an unusually large third party—a Free-Soil party, so called. They have held the balance of power in their hands, and would again, should they deem it a duty they owe to themselves and the country to organize, and throw themselves, as a body,

into the embrace of either of the two great parties. And I am here, as I have good reason to believe, because large numbers of all parties there, and a very large majority of my constituency, had confidence that I would be true to them, to the Constitution, its compromises, and the spirit thereof—true to the Union—in a word, that I would not misrepresent them. I am here mainly on the ground of the matter so ably discussed by my friend from Georgia on yesterday—on the ground of the matter which has brought out the manifesto this morning.

I do not intend to be misunderstood, or misrepresented in this behalf, nor shall my people, if in my power to prevent it. I do not—I cannot believe that gentlemen here—and I esteem every member such—will willfully or wantonly so post up me or mine. I am sure we have been placed in a false position. It is my purpose to rectify that. And that is not all in this connection. I have no little anxiety, which reaches, I trust, above and beyond me or mine. It is for the harmony of the whole country—the perpetuity of the Constitution and the Union. For that I have struggled long. And so long as I have a country, and life remains, with God's blessing, I will not give over.

And now, sir, I address myself to this manifesto. The signers of this paper are my friends, I believe all of them. I know them to be gentlemen of integrity and honor. But they have taken it upon themselves, it seems, amongst other things in this paper, not only to indicate their own position, but the position of other gentlemen who met with them, in a private meeting in this Capitol, a few evenings ago, in reference to a settled question, about which the American people have felt, and still feel, a deep interest. I find my name enrolled here upon the face of this document, in connection with the names of several honorable gentlemen. They are entirely competent to take care of themselves. I will endeavor to do the same for myself. I make no complaint of the mere exposure of my name, my position, my counsels, in any meeting, be it public or private; but I cannot be placed in a false light, and remain silent. I wish, therefore, to enter my protest, and am happy in having the opportunity of doing so at this early hour, against the deductions gentlemen have been pleased to make in this paper, in so far as they involve me. I am not willing that a position shall be assigned to me, in matters vital to the peace, the harmony of my fellow-citizens, if not the existence of this Government, that both my head and heart repudiate.

I shall not consume the time of the committee in reviewing this article in detail. My purpose will be subserved, by directing attention to some half dozen lines, which read in these words:

"Regarding the vote on GENTRY'S amendment as the emphatic declaration by the meeting, either that the persons present remained uncommitted as to their own support of the adjustment measures, or that they refused to establish any such test of the qualification of the nominee of the National Convention, no course remained," &c.

Now, sir, that is not my position by any means. I stand here committed to the support of the adjustment measures; and because I so stood before my constituents; it was, above all other things, that they sent me here. And, sir, before them, I established for myself that test as the "qualification" for *my* candidate for the Presidency, let him be presented to me by a National Convention, or in any other mode. But, sir, I do not go to a National Convention to learn what my politics, my principles, my obligations to my country are. I claim the privilege, as an American citizen, as a Whig, to adjust those matters for myself. I am very sure I shall allow no such irresponsible body to do it for me. I tolerate that body in doing one thing for me, and only one, because I cannot do it myself. When there are two or more *pretenders* for the Presidency among those whom I deem my political friends, I allow them to do whatever such a body may do—to clear the field of all who would be general officers, but one, and to place the banner of our hosts in his hands. And then, sir, if I like the general, if I think I can serve my country better under his lead, than any other of whose success there may be any hope, I will enlist. But I will think of that; yes, sir, I will think of that. So I hope the authors of this manifesto will understand that I am not in the category where they have posted me. I am a Whig. Am I now understood? Have I not spoken the plain language long enough yet?

Mr. Chairman, as I indicated, I committed myself on the compromise measures before my constituents; and it was because I did that thing, they sent me here. And when they did so, had they been called to pass upon my case alone, and on the issue made—unincumbered by other election contests—they would have sent me here, not merely with the respectable majority of near six hundred, but with such a majority, I venture to say, as no gentleman in this House, whose seat was contested, can call his own. The Whigs—the Taylor Whigs of '48—supported me almost to a man. Some hundred or so of the old line Democracy, pure-hearted, clear-headed, patriotic men, supported me. Many more of them, who could not see their way clear, did not vote at all. And I am proud to say, that out of some sixteen hundred men in my district, who, as Free-Soilers, felt it their duty, in the last presidential struggle, to range themselves under the banner of Van Buren, many of them also gave me their cordial support; and I have reason to believe that many more of them—a large majority of them, I think—would have been found in the same support, had it not been for their warm personal attachment, and the obligation they felt themselves under, to my honorable competitor and immediate predecessor on this floor, who had with great zeal and ability carried their flag in that presidential struggle. Thus, sir, my position at home, and that of my constituents, is known and understood.

And am I not committed here? The record shows I am. I could not be otherwise than committed, if I would, unless, coward-like, I had deserted the post, in confidence and good faith, assigned me. That I cannot do. Infinitely rather would I prefer to be shot down upon the field, and die with a clean heart, where the ensign of the Constitution and the Union is unfurled. Such a death would not disgrace my children, and it would not be without the comforting hope of a bright resurrection. Yes, sir; I am committed here—no less than *three times* in about as many months. First, in the private meeting of my Whig brethren, on the morning of the first day of the session. Subsequently, on the two separate resolutions of the two gentlemen from Georgia, [Messrs. JACKSON and HILLYER.] And I would now inquire when is this thing to stop? When is there to be an end of this agitation? My constituents had tried me in the ordeal of a fiery canvass, when my positions, as I have said, were clear, well-defined, and thoroughly understood.

The compromise measures had been settled; and as I have said, it was because a large majority of my constituents were determined to abide by the settlement, discountenance further agitation, and invoke the spirit of peace and good brotherhood, to come again and dwell with us and all the people of this blessed Union, that I was sent here. I will not lend myself willingly, here or elsewhere, to the uncapping of this fearful volcano again, and scattering over the country its baleful fires. Sir, it has been my study and struggle to remain consistent. Hence I regretted exceedingly to see that resolution introduced into our preliminary meeting; and was anxious to be rid of it. For I deemed it the low muttering of the storm-spirits, mustering their forces for another frightful tempest. But when forced to the vote, or fly, I knew where I stood, and where I was expected to stand, and I could not and did not hesitate to indorse the resolution.

Again, when the resolutions of the gentlemen from Georgia came up in this House, it will be seen that I voted for every motion to lay them on the table, and thus get rid of them without discourtesy to their honorable movers. And throughout that tedious and stormy day that they were before us, it will be also seen that I voted against every motion for adjournment, for I was not willing to desecrate another day with them, and determined to sit it out, if possible. At length the House was brought to the direct vote; and again I was without a doubt as to my duty. There was no cloud, no shadow of a shade upon my mind. And thus twice more I indorsed the compromise in varied form, the same in substance, as before my people.

And now, sir, I repeat, when is this thing to stop? Who next is to open this box of Pandora, and scatter its furious ills amongst us? My notion is that the time has about come when right-minded men, the real friends of the Union, its peace and harmony, will begin to feel like crying out, as did the old Roman, to a certain disturber of the peace, once upon a time, *Quamdiu nostra patientia*, &c. How long is our patience to be tried?

Why, sir, I hear *bonds* talked of as being desired from the North, that we will keep the peace. This, I must confess, sounds strangely to my ears, knowing, as I do, the fidelity of the North to the Constitution, and the ardent anxiety that abounds there, and is becoming stronger and more intense every day, for a faithful execution of all our laws, to abide by the compromise and have an end to this frightful agitation.

Are our brethren really in earnest when they suggest that this requisition of *bonds* is to be made here, or elsewhere? I hope not; for in that event, I should fear my case might be as unfortunate as that of the quiet gentleman named in the books, who was carried off and locked up in the lunatic asylum, by his cunning yet mentally-disordered brother, through apprehension of being ordered there himself, by that quiet, well-disposed, and law-abiding man. But enough of this. It is kindness—compassion for each other's frailties, rather than *bonds*, that must make us *brothers*, if we would be such.

I pass to the alternative position assigned me with others, some forty-six in all, out of sixty-seven named in this manifesto. It is that we refuse to establish any such test of qualification as the compromise measures for the nominee of the national convention. Now, Mr. Chairman, I am well understood, in this behalf, at home. I took very high ground, on this very subject, throughout the late canvass that resulted in placing me here. I said then, as I say now, that no man can have my vote for the Presidency, unless he stands clear and unquestioned upon the ground of the compromise. I must not doubt in regard to this thing. I will not doubt about it. So, personally, I do not stand in that category.

But am I asked how I am to be satisfied that my candidate is orthodox on this great question? I answer that I am satisfied already, beyond the shadow of a doubt, in so far as the three distinguished gentlemen are concerned, who alone are now seriously named for the Presidency. I do not anticipate the least trouble in this behalf. If I did, the Baltimore Convention that we are to have, or any other convention, county, State, or national, is the last place on this earth that I would think of looking to for the quieting of my mind on the subject of *doctrinal* troubles. But I shall have particular occasion to look at this matter more closely, when I come to notice the speech of the honorable gentleman from Georgia, [Mr. STEPHENS,] whose remarks, in this connection, I deem peculiarly happy, just, and wise, in a word, eminently WHIG.

Am I now asked why I did not vote for entertaining the compromise resolutions, attempted to be forced on our late meeting? I think I have pretty well answered that question already. Men who have minds better than monkeys, are not to be *indoctrinated* by a caucus. Rational men will think, and choose, and act for themselves, in matters of principle. Caucus resolves and caucus decrees, therefore, on articles of *faith*, can serve no other practical end than to distract. But were it not so, as I have already said, I repeat, at what period in the world's history are we to have done with this agitation? When are we to get through with *adjusting the adjustment*? Sir, whenever or wherever we roll this Trojan horse into our midst we must tear down the walls to get him in. When that is done, from his bowels have ever issued, and will ever issue, legions of armed men; and bitter feelings, envenomed hostilities, horrid war will come like evil spirits and possess us, leading us withersoever they will. I have seen, and felt, and deplored this so much for a full score of years, I confess that a chilling shudder seizes me whenever I see symptoms of a renewed paroxysm arising. I have learned some wisdom, I trust, from the sad experiences of the past, and I cannot deem him a wise and prudent counsellor who has not.

Entertaining these sentiments, I cannot lend myself to scatter these fearful firebrands among

my brethren, with whom, from whatever quarter of the Republic they may hail, I would dwell in unity. And, sir, I am sure I know my people. They want peace—an end of agitation; and the best evidence of their sincerity, as I have shown, is the fact that I am here. And must I go back to that people and tell them that, however much they may cry "*Peace!*" "*Peace!*" our Southern brethern will have no peace? I hope not.

But I say again, I would not entertain those resolutions, at that time and in that place, because they were clearly out of order, and had no business there. It was so ruled by the patriotic and distinguished Southern Senator, [Mr. Mangum,] who occupied the chair, on the ground that they were not *germain* to the business before the meeting; and in this the chairman was gallantly sustained, not by the North merely, but by several Southern Senators and Representatives, whose devotion to the compromise and the peculiar institutions of the South, is not only ardent, but above suspicion.

And was not this right? Sir, all political caucuses and conventions are, at best, unpopular with many; and they are only tolerated when they assume not to dictate to freemen how they may THINK, and what DOCTRINES they may cherish; but when, by the common consent of competing aspirants, and their respective friends, they arbitrate between the MEN understood to correspond in cardinal *articles of faith*, and determine whom they would advise to retain the field for concentrated action. Thus far may they be tolerated, and no further.

And what was the object of our meeting? Everybody understood it—nobody questioned it out of doors. It was simply to fix the *time* and *place* for the National Convention. And where did we get our authority for this? The necessity of the case seemed to indicate that it must be done by a meeting of the Whig members of Congress. With one voice the entire Whig press of the Union called upon us to do it. And no discordant note was heard throughout the land. Neither press, nor pen, nor tongue intimated that anything further was expected or desired of us, than to agree upon that *time* and *place*, until gentlemen in caucus obtruded these resolutions upon us to determine who could, or who could not, go into a Whig National Convention. With this record, I put myself upon the country, confident that its verdict will give me no disquiet.

Mr. Chairman, I am done with the manifesto, if its authors are done with me. I hope my position now is well enough understood, and that I will have no future occasion to protest against the ascription of either sentiment or motive to me in this behalf that I utterly repudiate. I am pleased with my record. I would not change it, or any part of it, even could I obliterate the change from the remembrance of all men, and forever. I cannot anticipate that sufficient motive to change it can ever be presented to my mind, unless, peradventure, I am brought to despair of dwelling with my Southern brethren in harmony, and finally despair of the Union.

Mr. Chairman, I am sorry that the gentleman from Georgia [Mr. Stephens] is not in his seat to-day. I have listened with more interest and more pleasure to no address to this House than I did to his on yesterday. Nearly all the sentiments that he presented meet with a cordial response in my own heart. There are some things, however, about which we should differ *toto cælo*. Sir, my friend from Georgia is laboring under a great misapprehension in reference to the North—a very great misapprehension. Let me read you a short extract from his address, as I find it reported in the National Intelligencer this morning, and I have no doubt reported correctly, for it corresponds with my own recollection of what he said:

"The great leading and controlling question which was likely to enter into the political contest of this country, and the administration of its Government, was the constitutional right of one section of the country to the reclamation of its fugitive slaves; and it was said that there must be a disagreement between Northern and Southern men upon this question: that is, that men must disagree upon a great constitutional question."

Now, Mr. Chairman, my friend from Georgia either confounds the fugitive slave law with the Constitution, or else he misrepresents—without design—I know—the position of the great mass—the millions of the North. Sir, you know the sentiments upon this floor. We have all manner of spirits here. But I think I might call up the members of this House now, and not one single gentleman, North or South, would answer and say that he stood upon this question as the gentleman from Georgia has laid it down. Where is the man at the North who denies the constitutional right of the South to reclaim their fugitive slaves? That was the proposition, and it was argued as such. Sir, I know the Northern people. My destiny was cast with them. It is with them now. I never spent three days where slavery existed by law until I came to this capital last winter—never! I know those people too well to believe for one moment that doctrines of that kind are entertained amongst them. Sir, there are not to be found in this broad land hearts truer to the Constitution, in all its spirit, compromises, and requisitions, than are to be found throughout this whole North to which the gentleman refers. That will never be disputed—no, never, where that people are known. Our Southern brethren may dismiss their fears, and we beg them to do so. They greatly misapprehend the North.

I will tell you what exists in the North, however. There does exist in the North a contrariety of opinion in regard to some of the provisions of the fugitive slave law. There is no question of that. It is useless to attempt to conceal it or to deny it. But, that there is a disposition in the North, at this time, to agitate that question, I confess to you, I do not believe. I do not believe it exists in my district. I know of no place where it does exist.

The people of the North want harmony, they want quiet in this Union, and they will stand by the Constitution, depend upon it, as long as there is a plank of it left to stand upon. But, my God! may we not *think*? May we not have our own private sentiments in reference to these things? Southern gentlemen must not ask of us that we shall no longer be entities—sentient beings. It is going too far. It ought to be enough for them that they have got the law and that we are going to stand by it. For one, I will not touch a hair of its head, until they themselves call for it, and I believe that is the feeling of the North. It ought not to be misunderstood. I come, as I have said, from a portion of that North, and from a district as sensitive upon this subject as any other that I know of. I came here particularly upon this question, and I know the feeling of the people in regard to it. They will abide by that compromise; they will stand by it; and over and above that, they will countenance no man, in the presidental chair or out of it, who will oppose or dissuade a faithful execution of the fugitive slave law.

Mr. Chairman, there is probably no law ever passed by Congress that has been so much misrepresented as that fugitive slave law has been. There are bad features in it; and yet, strange to tell, my own State has a more inhuman law on her own statute book, of her own enacting, and upon this same subject; and, to this day, I have never heard a voice raised for its amendment, modification, or repeal! I told my constituents, as I say now, that had I been a member of the last Congress, I would not have voted for that bill, unless I had known that my vote was essential to save the Union, for I consider that paramount to every other question. I will vote for no bill that I do not approve, except it be in some such desperate contingency. But when it has become *law*, as this has—a part of a compromise for the purpose of sustaining the Constitution and the integrity of the Union, and preventing the effusion of blood; and when, too, we got other laws passed on which our hearts were set, that we could not have got had not that law been passed also, I should consider myself too base for a seat upon this floor, if I would hesitate to stand by it until the gentlemen for whose particular benefit it was made asked that it should be amended or repealed.

Now, let me make a further suggestion to my Southern friends. They mistake the North. No agitation has come from there, no petition, no resolution in reference to this subject. And do you not descry in this the blessed ark of peace, of good fellowship—the promise of halcyon days to come? Where has the agitation come from? I do not put this question with any bad feeling or unkind spirit towards any gentleman upon this floor; but where has it come from? Not from the North; but it is without controversy that the South has opened these wounds and made them bleed afresh. Southern resolutions, here and elsewhere, have been irritating and festering those wounds, from the first day of our session until now, and this is still threatened at a *time* and *place*, where, if persisted in, the doctors will pronounce each wound *immedicabile vulnus*. The North is quietly acquiescing. It is true you may occasionally see ebullitions there, as you always will everywhere whenever there is contrariety of opinion. Our great cities, counties, States, lines of public works, are not unfrequently marked by outbreaks, desperate opposition to the execution of our local laws, bloody and fatal rencontres, in which officers of the peace are murdered—hundreds of these to one obstacle thrown in the way of the execution of the fugitive slave law. But the great heart of the North is sound as your Constitution itself. About that there should be no mistake. It is sound, and the South need have no fears unless they come to fear the possibility of the existence of free government, and despair of the Constitution and the Union. All I ask, and all that my constituents ask, is, that we may turn our backs upon this ever-recurring and pestilent question, and let it be where the Constitution and the laws have placed it.

But, sir, I wish to read a little further from the address of the gentleman from Georgia. I find nothing in that address that more heartily meets with my approbation than the paragraph which I shall now read; and it points the way in which I think we may have unity and good feeling again:

"He was willing and ready to aver that, so far as he was concerned, as a Representative he never could consent to say that any other body of men, unknown to the law and unauthorized, should proclaim the politics by which he was to be governed. It was the duty of Representatives to act according to the provisions of the Constitution; they were individuals known to the law and the country. And what spectacle could be more humiliating than that an American Representative should submit his will, bow his neck, and give up his own sentiments to an outside body of men, unknown to himself and irresponsible, and permit such a body to dictate the policy which is to govern him and his posterity? A representative Government could not stand, nor our Constitution be preserved, if this system of things should be continued. Who constituted these conventions? Men entirely unknown to the law and the Constitution—men selected informally in the primary meetings held over the country. What kind of a spectacle would the American Congress present, coming here the mere instruments—the shameful, vile instruments—to register the decrees of a body unknown to law?"

So say I; and, thank God! it is good Whig doctrine. My friend from Georgia and myself, though our homes are so far asunder, on this great question "see eye to eye," as do all good Whigs. No, sir, no Baltimore or Philadelphia Convention can make a platform for me. I am an American citizen. I am a freeman yet, and, with the blessing of God, I will remain one.

If my Whig friends meet together, and present to the American people a man—and that is their only province—in whom I have confidence—a man whose sentiments I think correspond with my own—I shall not hesitate to sustain him. But if they present no such man as that to me, I shall know where my course is at once. I told my constituents before I came here how I stood. I told them that unless the next presidential candidate of the Whig party was sound—sound as I have represented myself to be—on the subject of the compromise, I would take the position of Henry Clay, as expressed before the Legislature of Kentucky—I would go for a Democrat who was sound rather than him.

Mr. Chairman, we may, as Whigs, forego the great cardinal articles of our faith. We may permit the veto, the one-man power, to demolish and override, with imperial prowess, the Representatives of the people in Congress. We may endure the oppression of the toiling millions of our own countrymen, by holding them down in the homeless, penniless, breadless, poverty and thraldom of the forlorn subjects of European princes, throwing no kind arm of protection around their industry, and see our country bled and exhausted into hopeless bankruptcy and ruin, as it would be, were it not for the yet unexhausted resources of its virgin soil, its opulent mines, and the irrepressible energies of our people. We may tolerate the shameful inconveniences, the fatal disasters, springing

from a criminal neglect to improve our national harbors, lakes, and rivers, where hecatombs of our people, with their wealth, are annually ingulfed—calamities more to be dreaded than ocean pirates, highwaymen, or bandit hordes; but the union of our States, the brotherhood of sections, the harmony of our people, are essential to our national existence. We may not forego this. Peace and harmony within are essential to all associations of men. And even

"Devils with devils damn'd firm concord hold."

So you will mark that, sir! No man shall have my vote for the presidency unless he stands firm on the ground of the compromise.

But I do not think it belongs to that convention to fix the politics of the people of this Government. Suppose the convention should take it upon themselves to repudiate the compromise, am I not free? Am I to obey their behests simply because I am a Whig? Sir, I claim to be something more than a mere party hack, dear to me as are, and have ever been, the distinctive principles of the Whig party. I will not give up to party what was meant for mankind. I say that no man ought to be irrevocably bound to the nominee of the National Convention—certainly not to any *doctrines* they may assume to fulminate; doctrines most probably shaped and concocted by a conclave of scheming office harpies, suddenly assembled, in some dark chamber, during the night just preceding the convention. They may agree upon, and advise the adoption of the *man*, but not the *measures*. That is their province. But I will determine my own *measures*, and so will every freeman. And then, when the field is cleared for action, I will determine for myself under whose banner I can best promote the "general welfare." I know of but one thing in the action of these conventions that ought to be deemed conclusive, as against anybody. Personal honor requires that. It is that every candidate whose name is submitted to the convention, if not chosen, should retire at once, and thenceforth, during the campaign, in good faith, afford no factious opposition to the election of the man selected, and against whom he has had his chances. I would trust no man who did not recognize this obligation. But the people ought to be free, and above these irresponsible bodies. It is, and always has been, good Whig doctrine, that we pay no blind homage to the fulminations of Ned Ruckers, General Commanders—irresponsible men, picked up at random and with little other thought than that they have the party label hanging out, and a little extra money that they can spend in travel, or, peradventure, "cast like bread upon the waters," to be sought for again about the days of inauguration! Sir, it is better to use the plain language. I profess to be a plain man. I live among a great many very plain people, whose "yea is yea, and whose nay is nay."

Mr. Chairman, we do not know what these bodies will do. We suppose, and believe, they will do right. But the best of us are liable to err, however pure may be our purpose. Remember, if you please, the lamentable scenes we have witnessed, even here, in this august body, wisely provided for by the Constitution we so much admire, created by a discreet people, with so much care and circumspection; composed of gentlemen acting under the most solemn obligations to God and the country; having the high responsibility of shaping the destinies of this great Republic for the time. Remember the confusion, the disorder, that make a Babel of this Hall almost every hour, to say nothing of the shameful outrages that sometimes occur—the difficulty, even under our long-established rules, so well understood by every member, of framing, even with the aid of our carefully-constituted committees, any law, however trivial or important, so as to please everybody—and then tell me, not what assurance, but what hope, can we or our people have, that these self-constituted or informally-chosen, suddenly-assembled, impatiently-acting, irresponsible convocations of perfect strangers to each other, will lay the foundation stones of governmental policy wisely or well? But, above all, must we take these to be our Daniels, to sit in judgment on the Constitution? I think not.

But, Mr. Chairman, I have heard of the division of California—the project of bringing the Southern half into the Union as a slave State. Now, I put it to my Whig—my Democratic friends—all supporters of the compromise here—should either of our Baltimore Conventions, yielding to a Southern pressure, declare in favor of such a movement, would you feel yourselves bound to give in your adhesion to the measure. The North certainly would not; no sincere friend of the compromise in the South could do it. The repeal of the fugitive slave law would not be a more palpable and flagrant violation of the compromise than that. The admission of California as a free State, with her prescribed boundaries, was an essential part of the compromise. Should she now make herself a slave State, it would be a clear violation of the *spirit* of the compromise. Should one half, or any part of the present State, at any time hereafter, be converted into a slave State, and be so admitted into the Union, it would be a gross violation of the *letter* of the compromise. We do not suppose that any trick or circumvention in this behalf was intended or thought of by Southern gentlemen. And we say to them, that we expect them also to abide by the compromise in good faith, and we of the North expect to do the same.

Let the whole matter rest as originally adjusted, after such a protracted, agonizing, and frightful struggle, until all our people become cool and harmonized again—until we can talk about it calmly, with no chafed feelings, but as brothers counseling for the common good. The sooner this happy day shall come the better it will be for all. For I am quite sure there are defects in this adjustment, the remedy of which neither party could now maintain its self-respect in asking at the hands of the other. My opinion is, that our Southern brethren will ask some modification or amendment of the fugitive slave law, full as soon as the North will insist upon it. Good neighborhood is often found very convenient, when, peradventure, the day before, we deemed ourselves independent. "It is pleasant for brethren to dwell together in unity."

Mr. Chairman, for what purpose do the Whigs need a National Convention? Where is the gentleman of that party who will confess that he needs it to inform him what his politics are? To make him a PLATFORM, inasmuch as he has not got any—never had any—and does not belong to a party that ever had any! Sir, when I hear a professor of the Christian religion confess that he needs a conference or a synod to make him a BIBLE, inasmuch as he has not got any—never had any, and does not belong to a sect that ever had any—and can be brought to understand what that pious man means—then I may be able to appreciate the forlorn and destitute condition of my good brother. Until some such time I shall despair of ministering to him any consolation.

Will any Whig say that he needs a convention to inform him what manner of man either Scott, Fillmore, or Webster is? Sir, I never heard the question asked after the nomination for the Presidency, who the candidate was, but once. And then, after the first few days of his candidacy, it was never asked by his friends, but always by his opponents. And they had a significant way of putting the question, that seemed to be withering every hope of the nominee and his friends, until in an evil hour, his illustrious competitor, whose history was as familiar to his countrymen as their household gods, and whose fame filled the world, was induced to write *another letter*, and then he fell, as did the charioteer of the sun, when Jupiter struck him down with his bolt.

SCOTT, FILLMORE, and WEBSTER—may I not say the world knows their history by heart? As Whigs, nobody assumes to question either of them—they are without guile. And as Union men—men who will, in good faith, abide by the compromise and promptly execute every law of the land, may they not be trusted, whatever the crisis or the peril? Webster's name has almost become another for the Constitution and the Union. That Fillmore is true, and may be trusted, all agree. And where is the press, the pen, or politician, in all this broad land, that has assumed to question the soundness of Scott? Sir, did we not all know how he brought the great energies of his character, his clear head, signal discretion, and powerful influence, all into eager action to secure this adjustment, without which the wisest apprehended a bloody civil war, or the dissolution of the Union?—did we not all know this, I say, the positive declarations of the honorable gentlemen from Florida and North Carolina, [Messrs. CABELL and STANLY,] on this floor, and before the country, would settle that question and leave no room for cavil. Sir, with all this before the country—with no stain on his record in this behalf, in former years—the consummate pacificator, to whom the Administration and all the people looked—and not in vain—to soothe and settle the nullification difficulty of 1832, and subsequently the Patriot difficulties, when our whole Canada frontier was in flames, because of the burning of the "Caroline," and the murder of our citizens by British soldiers within our own waters—may not he, too, be trusted? Will not he execute the laws, who, with brave heart, strong hand, and unflinching purpose, at the call and bidding of his country, has periled life a thousand times, received the bullets of his country's enemies in his person, and charged up to the muzzles of their artillery? Does he not love—will not he defend that Union, whose eagle he has cherished, and whose banner he has proudly borne aloft in sunshine and in storm, for nearly half a century? He who has executed every trust confided to him, the most hazardous in war, the most delicate and difficult in peace, so promptly, discreetly, skillfully, as to have finally elicited the universal praise of his own countrymen, and the admiration of the world—may still be trusted.

But is he now to be asked for pledges that he will not belie the consistent yet brilliant history of his whole life? Should he now, with a view to the Presidency, so stoop as to allow himself to be catechised by, or make pledges to, any individual or convention—unbounded as is my trust in him, it would then be most lamentably shaken. But he who scorned the proffered gold and sceptre of an empire prostrate at his feet, by his own prowess, will neither betray his own country, nor crook his knee to attain her highest honors.

But why are written pledges desired from a uniform, consistent, and honorable Whig candidate for the Presidency? Is it that he may be induced, cajoled, or dragooned into the prostitution of Executive power and patronage, to influence the free action of Congress either for or against a measure, further than to give "*information* of the state of the Union, and *recommend* to their consideration such measures as he shall judge necessary and expedient?" If that kind of service is required of him, and he should be base enough to perform it, then he would no longer be a WHIG. Is it that he may be called upon and required to override and demolish the considerate legislation of Congress by the force of the Executive VETO of measures of mere expediency? If it be, and should he do that which kings now scarcely dare, then again would he be no WHIG.

Mr. Chairman, I am just in receipt of a letter from one of the most prominent and intelligent Whigs in my State; and though a private communication, I shall avail myself of a paragraph in this connection. He says:

"What do these men want? Do not they know that the slavery question is dead in the North, unless they agitate it? Do not they know that old Lundy's Lane cannot be forced into giving a pledge to veto any act of Congress on grounds of expediency, even should that act be an amendment of the fugitive slave law? They ought to know that such a pledge would destroy him in the North, and among true Whigs everywhere. Men cannot swallow all they have been preaching for a quarter of a century. Let Scott stand firm where he now stands, and give him the nomination, and his election is certain."

Those are my sentiments—the sentiments of the Whig people of my district, and my State, who have spoken everywhere in their primary meetings, and in a recent most enthusiastic and numerously attended State convention, with but one voice, and with a hearty zeal that indicates such an up-heaving of the masses—such political "ground swells" as have not been witnessed in Indiana or elsewhere, since twelve years ago we took up our old Territorial Governor, and bore him away to this capital with a resistless power that may remind you of the spring floods of the Father of Rivers, when draining the great valley, it bears a deluge of waters away to the ocean!

Mr. Chairman, I am through with this matter to which I was so unexpectedly invited, but which I could not pass and maintain my own self-respect, my notions of duty, and the expectations

of those who sent me here. I hope that I am now understood, and the position of my constituents vindicated, and that I may never have occasion to advert to this subject again. I am sure there is no gentleman from the South whose heart beats more warmly or more profoundly for the support of the Constitution, in letter and spirit, and for the perpetuity of our blessed Union, than do mine and that of my constituents, the great heart of the entire North. No conventions have been gotten up there to inquire how much this Union is worth, nor to inquire how tolerable our condition would be were it dissolved, nor to devise the means to attain that end. No, sir; nor do I believe such feelings are entertained there. I am sure that none such have ever existed in my bosom. God forbid that they should ever be harbored by me or mine. If we have grievances on either side that cannot be remedied in the Union, they never can be out of it. With the blessing of Heaven, I will, as I always have, look upon my Southern brethren as brothers indeed. I would, in all the perils of the Union, reach out my arms, embrace them all, and, in the affectionate language of Ruth, say to them, "Where thou goest, I will go; where thou lodgest, I will lodge. Thy people shall be my people, and thy God my God."

Mr. Chairman, perhaps I had no occasion to make these remarks. But they are made; and I now address myself to the bill before the committee.

The remarks of the gentleman from Georgia, [Mr. Stephens,] in reference to this subject, likewise meet with my cordial approbation. I approve of the principle involved in the original bill of the gentleman from Tennessee, [Mr. Johnson,] and of the substitute which has been offered by the gentleman from Mississippi, [Mr. Brown.] But I think them both very defective in detail, for a final settlement of the land question. And, therefore, I concur with the gentleman from Georgia, in what he said yesterday upon this subject. I think the time has come, when this matter should be brought to a settlement—a final settlement—upon some new basis. I hear the low mutterings of a rising storm from every part of the country, in relation to these public lands; and it is the part of a wise man to heed the storm when it is rising, though it were yet in size no larger "than a man's hand." The careful sailor does that, however long and unruffled may have been his voyage He passes out upon the yard-arms, takes in his canvas, and prepares to meet what may be a tempest. And so should we. If we take time by the forelock, I think we may effect an adjustment for the final disposition of our vast domain yet in the wilderness, in a way that shall give satisfaction to the country; and when done, relieve Congress from a great trouble annually recurring.

Now, Mr. Chairman, there has been no other question, which we have had so constantly before our eyes, and yet which has been so far removed from the right kind of legislation—as it strikes me, if we abandon the system of sales which has hitherto worked so well, as I am sure we will—as has the disposition of the public lands. Vesting the lands absolutely in the States where they may lie—graduation of their price—distribution of their proceeds among the several States, in turn, or altogether—have agitated the whole country for many years. If we adopt a new policy, it should be a national policy; one which shall not dispossess the old States altogether, of what they may deem their interest in the lands, nor one which shall build up one interest, or one section of the country, at the expense of another. This will not be wise—it will not be meting out equity alike to all—it will surely leave these difficulties to reappear.

I hold in my hand the outlines of a plan which I design presenting before this bill is finally disposed of, if I ever get the opportunity of doing so in a parliamentary form. I will read it to the committee, and then offer a few brief remarks upon it, which will consume the little time I have yet left. Should a proper time arrive, I shall move to refer the whole subject to a select committee, with instructions to bring in a bill upon the basis of these propositions. I have bestowed much reflection upon the subject, and I can conceive of nothing which will work better, and better conduce to the general welfare, than this plan. It covers essentially, as I have said, the leading principle contained in the bill now before us; and while, I trust, it will give satisfaction to the old States, it gives us of the new, all we should ask as Western men. It is as follows:

1. That hereafter the sales of the public lands of the United States, when made for cash, shall only be to such persons as will make oath that they purchase for *actual settlement;* and sales so made shall be at the rate of *twenty-five cents per acre*, and no more. And patents shall issue on such sales so soon as there shall have been five years' continuous occupation by the purchaser, his heirs, or assigns.

2. That all the public lands now in market, if not sold within five years, shall vest in the States respectively where they are situate; and all lands hereafter brought into market, if not sold within five years thereafter, shall in like manner vest; and all lands so vesting shall be sold by the proper State, within a reasonable time, for such reasonable sum per acre, as to the State may seem expedient. And the net proceeds of all such last-mentioned sales shall be appropriated as follows: One third thereof to the State making the sale, for a perpetual *common school fund;* one third to be ratably apportioned among the other States and the District of Columbia, in proportion to the representation of each State in Congress, and regarding the District as entitled to one Representative, *for a like purpose;* and the remaining third to the American Colonization Society, for the *colonization* of the *free blacks* of the United States, *with their own consent*, in the Republic of Liberia.

Thus you see it provides that lands shall be sold by the General Government to none except those who shall make oath that they intend to become actual settlers. That is right. Every gentleman who comes from the West has seen and deplored the effect of the manner in which the public lands have been taken up by speculators. I fell in company with a gentleman during the last year, in my own State, who had made investments in these lands simply for speculation. He was from the State of Connecticut, and told me he was then on a short visit to Indiana to see lands he had entered there some thirty years ago; of which he assured me he had one hundred and sixty acres near the capital of our State—probably adjacent to the plat of the city. "I let it lie," said he, "for some fifteen years, and then went out to make some arrangements with regard to the payment of taxes upon it, and I am now upon a similar visit. Thirty years have elapsed, yet an axe has never been upon my land; and though I paid but the Congress price per acre, every acre is now worth $150."

Now, who has given such great value to these lands that lay, like a nobleman's hunting grounds, by the side of our cities, or are surrounded by the teeming farms of even the children of our stalwart pioneers? My colleague, [Mr. Hendricks,] on yesterday, adverted to the reason, sir. When the speculator entered those lands, they were probably not worth even $1 25 per acre; but he entered them because his keen eye watched the track of the bold pioneer, with his rifle in one hand and his axe in the other, and he knew that where he went, the waste wilderness would soon "blossom as the rose," and be soon crowded by toiling millions. He made his investment; and where he sowed cents he reaps a net harvest of dollars. And who has made this harvest for him—richer than Egypt ever knew in her years of plenty? Sir, it has all been done by the indomitable energy of the pioneer—his privations—his peril, not only from savage men, but from disease and death, so common in all new countries. It has been done by the hard labor of the descendants of those men, with whose sweat that of the speculator never mingled. I do not complain of the speculator for this; but I do complain of the Government that first speculates upon the pioneer itself—and then encourages him to do it. Neither his hand nor his purse have aided in clearing any of our fields, building up any of our towns and cities, making any of our turnpikes, canals, or railroads. Yet he reaps a full share of the harvest with those who have "borne the burden and heat of the day."

I flatter myself that every gentleman here will agree with me that this system of speculation ought to be broken up. Surely, every friend of the new States, and of yielding to privation and toil their just reward, will help to break it up. You can hardly conceive of anything more vexatious than this to our people, who have constantly before their eyes the iniquitous workings of this system. By the side of their plantations they find large tracts of land locked up from the time they first worked their way into the wilderness, on their pack-horses—untouched save by the blazing-axe of the Government surveyor; and so it will remain until the distant owner—whose face was never seen there—shall please to sell it; or, more probably, until it is disposed of by his heirs or executors.

This should not be so. Discontent and bad feeling are engendered. Every one must acknowledge that the system is wrong. The land ought to be sold to actual settlers, and to no others.

To them, then, I provide that these sales shall be made at twenty-five cents per acre, because that is deemed fully adequate, as a compensation to the Government, for original purchase, survey, and patent to the purchaser. In this I am fully sustained by the figures of my colleague, [Mr. Hendricks,] as presented yesterday. That sum is enough, and it is little enough—for any man who has spirit enough to erect a log cabin upon his land, or clear a field, can surely raise his $10 for forty acres, $20 for eighty acres, or $40 for his one hundred and sixty acre tract.

Mr. Chairman, I have not the face to stand up here and ask any gentleman on this floor to tax his people to buy farms for a portion of mine. No, sir; my people are not very rich, but, thank God, they are independent. They can, and will, take care of their own poor. I did not come here to ask alms. I got my instructions very clearly on that point, before I came. But, I am here to ask for justice. To ask this Government not to make herself a professional land-jobber—speculating upon her own citizens. Nor to allow herself to be used by others for a like purpose.

I have no agrarianism in my composition, sir. I abhor it. Where the settler has acquired and hewed out his homestead in the wilderness, I would secure it to his family safely, against improvidence or misfortune. But let him be a freeman still; and if he desires to change or sell his home, I will not take from him the power to do so. When the pioneer has thus paid for the land as much as it cost the Government, and most probably as much as it is really worth, he will feel that he is not a mendicant, dependent upon the bounty of the Government, and can, like an honest, true-hearted man, enter upon his land, make himself a farm, and not make his children ashamed of their father. There is one great objection I have to the bill of my friend here, [Mr. Johnson.] He asks every man, before he can entitle himself to a farm, to swear that he is a poor man. Sir, honest poverty disgraces nobody. But had I my health, and could keep my family from absolute suffering without it, I would not take that oath, if I were not worth the shirt I wear. No, sir; and it seems to me that no man of spirit enough to be anything else than a menial, ever would, could he, as I said, avoid it, and prevent his wife and children from being turned out of doors. Where is the man that has an independent heart in his bosom, who will, for the mere purpose of having alms granted to him by the Government, go up and swear that he is so poor that he cannot well get along unless you and I help him? You find such a proposition in this bill. It is wrong. It does not correspond with the feelings of American hearts, or with the feelings of those true hearts that are flocking to our shores from foreign lands, because they love our country better than they love the country of their fathers. For, if the foreigner come thus—and is not *sent* here as a felon or a helpless pauper—from whatever land the love of liberty brings him, and whatever may be his religion—if he but declare his intention, in good faith, to become in heart one of us—I would hail him as a brother, and as effectually open a way to a home for him, as I would to the native born.

Mr. Chairman, the American people are accustomed to say, with swelling bosoms,

> "Thy spirit, Independence, let me share,
> Lord of the lion heart and eagle eye."

And let me tell you, inasmuch as we are now fixing up—if this bill pass in its present form—a mode by which the charities of the Government are to be doled out to her citizens—that you will find quite as much of that royal spirit below as above, your five hundred dollar measure. It is not the worshipper of mammon, supple for thrift, and too care-worn to sleep when night comes; it is not the incumbent of official station, however elevated, that can appropriate to himself that spirit of

the lion and the eagle. No, sir; they who suppose so, make an egregious mistake. If you wish to see that spirit fully developed, go amongst those men who have sought, and now seek, homes in the untamed wilderness, and there you will find, often amongst honest poverty, and even with absolute want, a noble spirit of independence, of self-sufficiency, without arrogance, that would deem it no particular compliment were the King to call them cousin. Enter the home of such as these, if you will, at the close of a summer day's long labor, and while you hear the husbandman's song, you may appreciate not only the spirit of his independence, but his happiness also.

"Sweet is the bread that toil has won,
And sweet the sleep it brings;
And sweetly, when the day is done,
My cheerful help mate sings.
How proudly round my hearth I see
My sturdy sons draw near;
And oh! how kindly smiles on me
Each one that's gathered here."

There, sir, you will find the spirit of independence that corresponds with the feelings of American hearts, and with that of those hearts which are coming to us from foreign lands, because they love our country better than they love their own.

The next main feature in my proposition is this—and I wish to attract the particular attention of the House to it—that such of these lands as shall have remained subject to private entry, at twenty-five cents per acre for a term of five years, shall vest in the States, respectively, where they are situate, for particular purposes.

Now, one great end that will be subserved by this, will be to rid the General Government of a great deal of trouble in the management of these lands. The States will do it much more economically and better than the General Government can. And when it is done, and the lands shall have been sold at such reasonable price as the States may think proper to ask, then a particular disposition is to be made of the proceeds.

Mr. Chairman, what guarantee have we that the States will execute this trust judiciously? The best in the world. We bring it directly home to those who are most interested in the increase of population upon their lands, in opening them up to cultivation, or in holding on to them for their own good, and, as a consequence, for the good of the whole, for what is for the good of a part in this behalf is for the good of the whole. The *imperium in imperio* being thus ended, all occasion for jealousies and heart-burnings, growing out of the management of the lands, will also end. But my time does not allow me to elaborate any of these propositions, as I would.

The States having thus sold the lands, let me invite attention to the proposed disposition of the proceeds. Mr. Chairman, we have yet many a long league of unsold land. They are settling rapidly. About 102,000,000 acres are already sold, and yet we have some 1,400,000,000 undisposed of. But is our country to endure no longer than our public lands continue? What is to be the condition of things then? In what attitude ought we to stand to these lands, viewing the generations that are to come after us? Sir, did our fathers build up this Government simply for their generation, or for the then present condition of things alone? Was it simply that they might spend the little remnant of their days under a free constitution that they expended so much blood and so much treasure? Not at all. They looked far, far away into the future. The motto of "*Esto perpetua*" was always upon their lips. Why, here is a patrimony that has descended to us, much of it through our fathers, all of it, as it were, from God. What shall we do with it? Shall we act as unwisely as did the man in the fable, "kill the goose that lays the golden eggs"—that our generation and the generations that may exist while the lands yet remain unappropriated, may enjoy all? I hope not. It is the part of the wise statesman to lay up for after ages, as the wise and provident father will let the patrimony he received go down to his posterity unimpaired.

Provide for the citizen an easy mode of acquiring a farm, and yet keep him so unlettered that he cannot read or write his name, and will he thank you for it? Will he hold your memory in sweet remembrance when you are gone? I know to whom I am talking. Many a gentleman here has been told by his old father, in his young days, "My son, if I can but give you a good education, that is all I expect I can do for you, and then you can take care of yourself." Sir, enlightenment and intelligence lay the foundations of our institutions. Some one has well said that "an American would resent his being deprived the use of his musket; yet you deprive him of a stronger safeguard, if you deny him the intelligence necessary to a knowledge of his Constitution." If we would then have our children and "our children's children to the latest generation, rise up and call us blessed," let us look again to this plan.

It is, that when these lands have been five years in market, free to all settlers, at twenty-five cents per acre, let them vest in the States where they lie, and then let them be sold, and the proceeds disposed of in the form I have indicated—one third to the State making the sale, for a perpetual common school fund—one third to be ratably apportioned among the other States, and the District of Columbia, in proportion to the representation of each in Congress, and regarding the District as entitled to one Representative, and the remaining one third to the American Colonization Society for the return of the free blacks, with their own consent, to the home of their fathers, whence we stole them.

Now, Mr. Chairman, let me suggest another idea. Some of my Northern friends here—in fact I believe some from all the old States—seem troubled with the idea of giving up these lands at a low price, to the Western settler, because they have cost the country so much. They refer to what Louisiana and Florida have cost, and they speak of the ten millions given to Texas, and they speak of the cost of our wars, and all this sort of thing. Now, I put it to gentlemen, if this is not a wrong view of the case. Did the General Government give to France fifteen millions for Louisiana, simply for the purpose of buying her lands? Where is the statesman who can contend for that for one moment? Sir, it was another, a different and higher object we had in view. That mighty River of our great Valley, that nearly drains the continent, makes its way to the ocean through this very domain. It was for the SOVEREIGNTY of the territory that we were willing to pay those millions. The value of the land, merely as land, ought never to be talked of, never thought of, in this connection; and the last thing, I expect, that Jefferson thought of when he made that acquisition was, that we could put so much money into the Treasury by buying the land at wholesale, and then peddling it out by retail to our own citizens! No, sir; it was to make an outlet for the multiplying millions of the great Mississippi valley, to acquire extended sovereignty, that this money was paid. The same was the case, when Madison paid Spain five millions for Florida. It never entered into the debates of those days, either, I presume, how much we might make by selling those lands to our own citizens. It was the same in the purchase made of Mexico. In all these acquisitions, it was the sovereignty—extended empire—not the land, that our hearts were set upon. The gold and silver of California, and Utah, and New Mexico, were not thought of, when the territory became ours. The tide of emigration was pushing forward, and difficulties were anticipated, if we did not avail ourselves of extended domain, harbors on the Pacific, more room, and a larger outlet upon the West. It was for that reason, and not that we might get money to put into the Treasury, that these millions were also paid. I say nothing of the BLOOD that was shed in this last acquisition. That is a by-gone. Let it rest. The American people have acquiesced in it all. So there ought to be no trouble with the gentlemen from the old States upon this ground.

It was not then simply to buy the lands, but to acquire sovereignty, that so many millions were paid. Take that out, and how much do your lands cost? My colleague, [Mr. HENDRICKS,] on yesterday, based his calculations of the cost of the lands, reckoning these payments as an element of cost. But it was yielding the true position—giving too much; and even then he only made your lands cost *twenty-two cents* per acre.

Now, Mr. Chairman, my proposition is this: our Eastern friends, our Northern friends, those of the Middle States and the Southern States, have equal rights with us of the Western States in these lands. *Right*, however, is one thing, and *merit* is another. The question for us, then, is, What is the true policy for the nation? Sir, you owe these people much, who have driven back the savage hordes upon the frontier. You owe them much for peopling, opening up, and improving a great wilderness for you in that far-off country. They have taken their lives in their hands, and have gone out with their wives and their little ones, and hewed out an empire for you. And I know my brethren of the old States too well to suppose that they can look upon them with a niggard eye. Many of these people are New England born—the great mass of them are emigrants, or the sons of emigrants, from the old States. Can the mother forget her offspring?

I do not argue the constitutional question here, because I think it is too well settled—settled beyond doubt or equivocation. We may even give away these lands, if we think it expedient to do so. We may "dispose" of them in any way we may deem best.

Now, under my plan, one third of the proceeds of the lands which remain unsold after having been in market five years, and which may be disposed of by the States in which they are situated, at such times and upon such terms as they may deem expedient, goes to the States themselves making the sales. They have the responsibility of the sales, and the accounting for the money, and the cost of doing it. But over and above that, they have the great merit of having rescued this region from savage hunting-grounds, of having converted the tangled forests into fruitful fields, and then of having constructed the railroads, the turnpikes, the canals, and built up the cities which have given to these lands nearly all the value, as mere land, that they have. Is it not right, then, that they should have so much of the proceeds as I have proposed for *a perpetual common school fund*?

Another one third is to be divided among the other States, in connection with this District, in ratable proportion, for a similar purpose. I think there is no man, who will look upon this matter as a statesman should look, for future advantage, as well as for present, but what will agree with me that this is really the wiser policy. Why, sir, cannot you and I take care of ourselves about as well as our children will be able to take care of themselves? Shall we absorb this great bounty of Heaven, this heritage from our fathers? Shall we build no monuments for posterity? Shall we leave nothing of this to those that are to come after us? In a word, shall it only be said of us, *Consumere fruges*? Let us rather smite the rock now, while we may, and open intellectual fountains that shall flow down the stream of time coeval with the Republic. I confess my spirit revolts at a policy here that does not look to the future. I cannot contemplate it with complacency. I do not think it the true doctrine; it shall not have my sanction if it be possible to do better.

Further, Mr. Chairman, my proposition contemplates that the remaining one third shall be appropriated for the purpose of removing the free blacks, with their own consent, from our country. What are we doing with these people? Let me make a suggestion to my friends of the Northern States. We are very sensitive about slavery as it exists in the slave States, so called. Our hearts bleed because of the thraldom in which our poor black brother is kept. But let us go to our own homes, go to our own States, go into the streets of our cities, through the lanes and highways, the filthy hovels, damp cellars, and dirty sculleries of our own free land, and we will find that poor, forlorn, outcast, downtrodden, disfranchised people still enslaved, and in a desperate thraldom, that would freeze our pure Christian blood, I fear, could we only extract some of the motes from our eyes. I ask my Abolition and Free-Soil friends, what are we doing?—where are the contributions we are making for the emancipation of *our* slaves in the free States? If we have consciences that are tender, and would thank God that we are not altogether as other men, but holier than they, here is something to be done. None but crazy people think of amalgamation. We will never give our daughters to them in marriage. Hence equal privileges, citizenship for them with us, are out of the question. We are of different races. God

has made the difference, and we should act as wise men. My own State has spoken out; and if her *humanity* now shall only equal her *bravery*, she will have taught the world a lesson that will soon cause "Ethiopia to stretch out her hands to God."

Twenty-three years ago, when I went to the State of Indiana, before this calamitous excitement had sprung up between the free and the slave States, there was a deep interest there, as elsewhere, which pervaded the whole community, in regard to the lamentable condition of the free black man; and the people seemed on the point of repealing some of the "Black Laws," enlarging their liberties, and giving them many powers and privileges which they had not. But this unfortunate question arose—and what has been the consequence? Sir, Mr. Clay never made a truer remark than he did to the people of my district ten years ago—when he told the congregated thousands that met and greeted him there, that this slavery agitation had put back the cause of emancipation fifty years!

Sir, I hold in my hand an extract from a letter written by a clergyman, a missionary in the Southwest, which may be found in the National Intelligencer of May 27, 1851. The writer says:

"Please say to the Abolitionists of the North, and those who advise the fugitive slaves to resist, that in the opinion of one who has been a missionary for more than fifteen years in the State of Mississippi, one half of my time being devoted to the instruction of the colored people, they are doing more to perpetuate slavery, and more damage to the slaves of the South, than all the world beside; and that I do regard them as the worst enemies the slave has upon the earth. Will they think of this?"

Well, sir, what else have we? The people of my State have just been making a new constitution, and by a majority of some *ninety thousand*, have declared that no foreign black man shall ever again set his foot upon the soil of Indiana, and that the scheme of colonization is their remedy for the evil of our existing black population. Are we Christian men? Do we love our kind? Have we bowels of compassion, or will we, like the "Priest and the Levite," pass by and see this people thus trodden under foot, denied any right to make an effort to place themselves in a better condition, and, as it were, banished from the earth? They have, as slaves, done much to render our domain valuable in the South, say our Southern friends, and we have them now in the North. And when they will not, or cannot take care of themselves—we will take care of them; as their thronging numbers in our jails, and penitentiaries, and poor-houses, most lamentably instruct. And shall we not now devote a little portion of public domain to enable them to go to the home where God placed their fathers? That little colony at Liberia has been doing wonders there. The Colonization Society was organized in this city only a little over thirty years ago, and thus far it has greatly exceeded the wonders when the American continent was settled by our fathers. There are great things to be effected there, not simply for this hapless people, now everywhere amongst us, tantalized and insulted by being called free. But, sir, I think I see a great light springing up in Africa. We cannot enter into the councils of the Almighty. His "footsteps are in the sea." Yet we have often seen, that "behind a frowning providence He hides a smiling face."

Once the slave trade was indulged in by all the Christian world without compunction. Now it lacerates the hearts of all Christian men, and Christian nations call it piracy. The framers of our Constitution determined to break it up. But how futile have been all of our efforts to that end, since their days. Sir, the combined fleets of Europe and America have tried it, and now acknowledge the discomfiture. All such efforts are but man's "footsteps in the sea;" and the result is a signal rebuke to us for not listening to the small, still voice from those little colonies planted by Christian charity and individual benevolence. The colonies planted upon the African coast have broken up the horrid traffic along some six hundred miles of that coast, as quietly and effectually as the victim dies under an exhausted receiver. And, what is still better, the ten thousand emigrants that the benevolence of the land has carried thither, have been scattering intelligence and the light of Christian truth through all that border. This little band have now some two hundred thousand of the natives under their jurisdiction; in the main living quietly, mildly, and pleased with the colonists. There is hope here for the philanthropist and the Christian, it seems to me, such as has hardly ever sprung up before since the dawn of the world's morning. We have these people among us, and we owe it to them, as well as to ourselves, to do whatever we can for their relief.

Mr. Chairman, it is not enough for us simply to say, in reference to the compromise, about which our predecessors legislated at the last Congress, that there is no difficulty. There is, and will be, difficulty until every black man is removed from the free States. So long as he remains amongst us to tell the story of his wife and children in bondage, there will be disquiet. But our people will be still, trusting that the clouds we have so much dreaded are "big with mercy."

The people of my own state have spoken in this behalf, in very plain language, not only in their new constitution, but through their Legislature, now in session. I hold in my hand their "earnest request" to me, as one of their Representatives here, to coöperate in this great enterprise of colonizing our free blacks. I will read one of the resolutions, involving their view of the slave trade:

"*Resolved, further*, That reason dictates, and experience has shown, that this crime against our race, and the just laws of God, can be more certainly put down than by any plan heretofore tried, by the planting and rearing to maturity and power, colonial States upon the African coast, with republican forms of government, from the free black population of the United States; and that it is the duty of the Congress of the United States, and of the Legislatures of each of the States of this Union, to enact such laws in harmony with each other, as would promote a general system of colonization, not only for the purpose of suppressing the African slave trade, but also to separate, as far as possible, the white and the black race upon this continent, by sending off, where they might consent to it, all colored persons in the United States, except those who may be held to service, to such colonial States, without cost, and providing for their comfort there for a reasonable period afterwards; thus making some compensation to an injured race for the wrongs and oppressions of ages, and relieving ourselves from a population which, although amongst, can never be of us, in social or political rights; and for that cause are at all times liable to become a source of public charge, and of public annoyance in each State where they may reside, and of causing irritation and bad neighborhood in the feelings of the States themselves."

Mr. Chairman, I am pleased to have this request; but there was no necessity for them to ask of me that I should call upon this Government to do something for *our slaves in the free States*. Sir, my heart and my hand, my pen and my tongue, ever since I arrived at mature years, have been engaged in this cause; and I am now happy to know that this benevolent and sublime scheme of colonization is a permanent part of the organic law of my adopted State. The American Colonization Society has pioneered the way. The warm hearts and strong hands of Christian philanthropy have already made a great highway to relief. It has already the good feelings strongly expressed of nearly, if not quite, every State in the Union—and several have furnished, and are still furnishing, "material aid." The American Congress has frequently spoken out in favor of the great enterprise. And has not the time now come for us to act in good earnest? Heaven has smiled, and is smiling, on that little colony with peculiar benignity. And now is the auspicious time to open a rich stream that will continue to run until the last of these homeless and downtrodden exiles, whom we *call free*, shall have been returned to the land of his fathers.

Sir, my opinion is, that we will never have the harmony of sections restored to this Union, until we shall have removed every free black from within our borders, and provided means for continued removal as fast as slaves are manumitted. This class annoy and disturb the slave and the free States alike. Our wounds may be healed over; I believe they will be. But so long as the free blacks are amongst us of the North, we will see the old scars, and feel annoyingly the twinges of former pains. We must let this people go, as fast as their consent can be had. We must so enlighten their minds, provide easy means for their exodus, and comfort in their new homes, that they will desire to go. Then, and not till then, will the quiet consolations of a clear conscience and the rich blessing of domestic tranquillity abide with us.

The subject of slavery amongst us is fixed by the Constitution. And those who cannot endure it as long as States see proper to tolerate it—rather than be engaged in the business of stirring up and scattering around them the baleful fires of agitation here—had better leave their country for their country's good, and find some other, if they can, that they may like better. I have sometimes almost wished that the discussion of this slavery question on this floor, was a felony. *Peace* is better than *property*. We may lock our doors against the thief; but what bars or bolts can secure us from the wanton assaults of the peace-murdering mischief-maker? I have no evidence that in the matter of this grievous fault, the North is any more criminal than the South. We have all sinned, and might be hereafter, it seems to me, most profitably engaged in "works meet for repentance," and laying our sin-offerings upon a common altar.

Mr. Chairman, I see my time has expired. Much that I desired to say, I have not said. But I am gratified and thankful for the patience and attentive hearing the committee have given me.

THE HOMESTEAD BILL.

SPEECH OF HON. A. G. BROWN,

OF MISSISSIPPI,

In the House of Representatives,

April 28, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period herein specified, being under consideration, in Committee of the Whole—

Mr. BROWN, of Mississippi, said:

Mr. Chairman: It is my purpose to submit a few remarks on the proposition before the committee, and, however tempted by the example of others, I shall endeavor to keep within the lines of legitimate debate on the bill and the pending amendments.

I claim to have been among the earliest, as I have certainly been among the most steadfast, friends of the wise and humane policy of providing homes for the homeless.

This Government is the largest landed proprietor in the world. Its acres of untilled soil are numbered by the hundreds of millions. Of the area embraced within the limits of the Union, only about one third is in the hands of private individuals. Nearly two thirds belong to, or are subject to the disposition of the Federal Government. Under the general authority to *dispose* of and make all needful rules and regulations respecting the *territory* and other *property* of the United States, Congress has from time to time disposed of the territory for cash, and on a credit. Congress has disposed of the territory for school purposes and for internal improvement purposes, giving it to the States, to corporations, and to private companies, for these and other purposes. Congress has from time to time voted bounties to soldiers, to be paid in land, and these bounties have been voted in times of war, as an inducement to volunteer, and in time of peace, as a naked gratuity. This legislation, these modes of disposing of territory, has received the sanction of all the Presidents, and of every class of politicians. Precedent, I grant you, is the weakest of all authority, but so far as it goes, it settles the question of power in this case. If Congress can sell the public lands on a credit, or for one dollar and a quarter cash, per acre, why may we not sell them for one dollar, or for ten cents, or for one cent per acre? If we can give the new States, as we did in 1842, five hundred thousand acres each for internal improvement purposes—if, as in the case of every new State, the sixteenth section in each township can be given for common school purposes—if, as in the case of my own and most of the new States, we can give lands for seats of government, and for colleges and universities—if, as in the case of the Mexican war, and later, in the case of all our Indian and other wars, the honorably discharged soldier can have lands *given* him, is it not idle to dispute the plenary power of the Government to dispose of these lands? To give them, if you choose, to actual settlers?

The Government holds the lands of Oregon by the same title, certainly by no higher title, than it holds the lands in Mississippi, Minnesota, and other States and Territories, and it is within the recollection of all of us, that during the last Congress we *gave* lands to the settlers in Oregon—to some a whole section; to some a half section, and to some a quarter section. Here is a precedent exactly in point, and it covers the whole question of power.

No one doubts my disposition to construe the powers of this Government strictly, to confine it within the sphere of its delegative powers. And yet, looking at the unlimited authority given by the Constitution to dispose of the territory as property, I am free to confess that my mind is not only clear, but it is free from any shadow of doubt as to the power.* It is given in express terms, and nothing is left to implication. That the power may be abused is certainly true; and that abuses may violate the spirit of the Constitution is just as true. It is expected of Congress that it will dispose of the territory judiciously, and for the common good. A prodigal and wasteful disposition of it would be an abuse of power, and therefore a violation of the spirit of the Constitution.

The abuse, or the apprehended abuse of a power, does not at all affect the question of its existence. Congress, for example, has the power to declare war, and to this there is no limit. An unnecessary or wanton declaration would violate the spirit of the Constitution, but it would not affect the question of power. No one can dispute the power of Congress to declare war, however much we may deprecate its exercise in a given case.

The power to dispose of the public lands is just as clear as the power to declare war, and it is quite as unlimited.† I apprehend, therefore, that gentlemen are mistaken when they deny the constitutional power of Congress to pass this bill. The power is one thing, the propriety of its exercise is another, and a very different thing.

This brings us to consider the expediency of passing this bill. If it shall be found promotive of all the essential interests of the Government, I take it, there can be no dispute about its expediency. And if it shall be found expedient, we shall be excluded from the conclusion that it is violative of the spirit of the Constitution. No exercise of a specific grant of power can violate the spirit of the Constitution, when it is only carried to the extent of promoting the *general welfare*.

If the bill shall pass in the form in which it was moved by my honorable friend from Tennessee, [Mr. JOHNSON,] or if the substitute moved by myself shall be preferred, in either case, the great essential object aimed at by the friends of the *homeless*, will have been attained. Homes will have been provided for all.

I shall presently contrast the relative advantages of the original bill and the substitute. But before entering upon this branch of the subject, allow me to submit a few general remarks on the point as to how the general interest of the country is to be promoted by the passage of this bill. The field for observation which opens at this point, is a large one, and I do not propose to occupy the whole, nor indeed any considerable part of it.

It is indisputably true that every Government has a general interest, as every good man certainly has a special interest, in preserving and promoting the public morals. Homeless people are generally an idle people, and idle people almost always become vicious. It has been aptly said, "an idle mind is the devil's work-shop." Men with homes are sometimes vicious, but men without homes are generally so. As a conservator of the public morals, I would pass this bill, and thus promote the *general welfare*.

We all have a stake in the happiness of our kind. Poverty and happiness are not incompatible. Indeed, they may be found in very good companionship. But when poverty becomes so inexorable as to turn a man, with his wife and children, out of doors, happiness is very apt to take its departure. A very sublime degree of piety might enable one of us to exclaim, "the foxes have holes, and the birds of the air have nests, but the son of man hath not where to lay his head," and yet be happy. But, I take leave to say, it has fallen to the lot of but few of us to be blessed with such a sublimity of piety. As one who looks to the happiness of the people, I will vote for this bill, and in this way promote the *general welfare*.

Every man who loves his country will sow the seeds of patriotism, not among thorns, nor upon stony ground, but upon good ground, where they may vegetate and bring forth fruit, ten, sixty, and an hundred fold.

When the hundreds and thousands of your homeless people look out upon your vast domains, and see them tenanted only by wild beasts, they will ask, is my poverty so great a crime that my Government prefers these beasts to me? am I to be kept in penury and in want, and leave to my children no inheritance but poverty, whilst my Government guards, like a surly mastiff, this mighty wilderness, which God in his providence has created for men, and not for beasts? These men's hearts will become stony, and the seeds of patriotism, though sown therein by your wisest, purest, and best political husbandmen, will not vegetate. Withdraw, then, your sullen, dogged watch over these lands. Say to your people, Heaven, in its bounteous providence, has given these lands and their fullness for your benefit; go and enjoy them. Their hearts will leap with joy; the seeds of patriotism, though sown by such poor husbandmen as ourselves, will spring up and grow. They will put forth shoots that will entwine themselves about the country, and, growing stronger as they grow older, they will knit the hearts of the people to the Government as with threads of steel. As I would encourage patriotism, I would pass this bill, and thus promote the *general welfare*.

The whole country as a unit, and all its parts, is and are interested in the profitable employment of the productive industry of the nation. It has been well said that "the man who makes two blades of grass grow this year, where but one grew last year, is a benefactor of his race." How much more must he be a benefactor who subtracts hundreds and thousands from the consuming, and adds them to producing classes; or causes by his judicious policy, a barren wilderness to pour its millions into the nation's store-house? As I would employ labor, as I would reduce the number of consumers and increase the number of producers; as I would reap rich harvests next year, where nothing has been planted this year, I would pass this bill, and in this way promote the *general welfare*.

If the public morals may be improved, the public happiness promoted, patriotism enlarged, and the wealth of the nation increased by the passage of this bill, why shall we not pass it?

We have seen there is no lack of power. It seems to be promotive of the general welfare. If there be well founded objections to its passage, they must therefore exist in some other quarter. This leads me to inquire whether any general or local interest will be injured if the bill passes?

It has been urged by the Representatives from the old States, that it will draw off their population. That the new States will grow strong under its operations, whilst the old States will grow proportionably weak. This objection is not well taken.

That there will be an impetus given to emigration, if the bill passes, is possible, but of its character in the main, there can be no question. The landed proprietors, those who have comfortable homes, and are living independently, will find no sufficient inducement in the provisions of this bill, to abandon those lands, give up their homes, and seek the privations incident to a new country. The well-settled, and prosperous portion of your citizens, will not leave you to embrace the advantages of this bill.

In all the old States there are large numbers who are landless and houseless, who are dependent on the bounty or favor of others for the means of living. There are many thousands who belong to the consuming rather than to the producing class. Is it your interest or your policy to retain such a population? Is it not better to give them up, let them go, and even encourage their exit? I do not mean to say that these people, under other circumstances, might not be good and profitable citizens. I intend to say that a man without a house, and without a home, is very likely to fall into bad habits, and to become an incubus upon the country in which he lives. And that it is therefore better, to encourage his emigration to a country where he can have land, a house, a home, and where he will be almost certain to become a useful citizen.

Of the thousands in the old States who have neither lands nor houses, how few will ever rise above their present position! Some, I know, will set poverty at defiance, and move on to independence, or, it may be, to fortune. But the great mass will live and die as they have begun life, with no estate but penury.

In this view of the subject, the local interests of the old States will not be injured, but must, on the contrary, be essentially promoted by the passage of this bill.

I can imagine no worse condition of society than where a considerable portion of the people are without homes of their own, nor any better condition than where every man is his own landlord. Instead of sending sheriffs with armed *posses* to collect rents for the lordly proprietor, let us say to the unhappy tenants, Give up these lands, and take others that are better. They are the free-will offering of your Government. In all this I see no sacrifice, but rather the promotion of the local interests of the old States.

The fear has been expressed that the passage of this bill will encourage an influx of foreigners, and, that instead of 500,000 per annum, we shall have 1,000,000 of emigrants to our shores. I do not think so. All come now that can get here. They come for freedom, and not for land. But suppose this prediction should prove true, I shall not be appalled. Let them come; yes, sir, let them come. They are of the same great family with ourselves. Heaven made this mighty continent, not for our benefit alone, but for the use and benefit of all mankind. Let them come to it freely. It is the gift of God, and we have no right to withhold it from his people.

What is the objection to an increase of our foreign population? I have heard but one that is worthy of consideration; and that is, that they congregate about our towns, oftentimes become unruly, and too frequently swell the calendars of crime. This bill strikes down this objection at a single blow. It encourages these people to abandon the purlieus of your towns and cities; to give up vagrancy and crime, and become the owners, occupants, and independent cultivators of the soil. Does any man object to the Irish or German emigrant who cultivates the soil with his own hands? Is he not as orderly, as quiet, and as law-biding a citizen as your native sons? And do not the products of his labor go as far towards an increase of your national wealth? For one, I am willing to receive all who come to us from abroad, if they come to cultivate the soil.

Heaven has bounded our Republic with two mighty oceans, thus placing a barrier deep and wide between us and the despots of the old world. I would not impiously defy the protection of Providence by crossing this barrier to attack despotism in its stronghold; but upon every breeze that sweeps the Atlantic I would send a message to the oppressed millions of Europe, bidding them come—come to an asylum on these shores, prepared by the Almighty, and defended by his chosen people.

It is said again, that this is a scheme of the

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* See Art 4 sec. 3, U. S. Constitution.

† This proposition may be stated too broadly. General Millson inquired of Mr. Brown, at a later period of the debate, whether Congress could give the whole of the public lands to the President of the United States? Mr. Brown answered, "Yes; Congress has the *power*. To exercise it would be a *monstrous* abuse of power, and would, therefore, violate the *spirit* of the Constitution." General Millson reminded him that the compensation of the President could not be *increased* during his term of service. Mr. Brown admitted, that in this view of the subject, he had stated his proposition too broadly. If the gentleman from Virginia had asked him (Mr. B.) if the President's compensation could be *increased* by giving him land, Mr. B. would have answered, *No*. But this was rather a question as to the power to receive, on the part of the Executive, than the power to give on the part of the Legislature.

Mr. B. admits that the power of Congress over the territory, as given in the third section, article 4, of the Constitution, may be limited (as in the case cited by General Millson) by the prohibitory clauses in other parts of the Constitution. But he maintains that there is no such prohibition in regard to the settlers or other citizens, and therefore that the power is plenary as to them. It was this class of people that Mr. Brown had in his mind's eye, when he stated his proposition that Congress had as unlimited power over the public lands as it had to declare war. And in this view of the case he adheres to his first position.

Jesuits to extend the Catholic religion in our country, and to cripple or put down the Protestant faith. I was raised a Protestant believer, and I hope to die a professor of the Protestant religion. But it is no part of my Protestant faith to fear the Catholics. I am no more afraid that the Catholics will upset the Protestant church, than I am that the subjects of crowned heads in Europe will overturn democracy in America. To the Catholic, as well as to the Protestant emigrant, I extend a hearty greeting, and a cordial welcome. If he cultivates the soil, he will most likely be a Democrat; and whether he worships in a Catholic or a Protestant church, he will make us a good citizen.

I have heard it said, the effect of this bill, if it becomes a law, will be to encourage foreign emigration, and that as most of these come to us with strong anti-slavery prejudices, we of the South, are but nerving the arm of an enemy when we advocate its passage. If slavery is to be defended by excluding those from abroad who have prejudices against it, its doom is fixed, and the sooner the fiat for its extinction goes forth the better. I place my defense of this institution on the high ground of moral, social, religious, and political propriety, and if I cannot defend it on this ground I will not defend it at all. The right is never so much in danger as when its advocates shrink from an open and manly vindication of it. Justice may be overthrown if its votaries skulk and prevaricate in its support. Resting the defense of slavery upon high moral principles, I do not fear its overthrow, unless by the brute force of superior numbers. An untamed multitude, reveling in the insolence of unbridled power, may tear down the Constitution and bury slavery beneath its ruins. If this is the destiny to which the mighty North is conducting us, it does not matter whether we reach it during our pilgrimage on earth, or leave the journey half concluded, and entail on our children the melancholy task of following it to the end.

If American-born citizens will do their duty we have nothing to fear from our emigrant population. If the native son refuses to do his duty, and wages war upon the Constitution and upon the rights of his neighbors, we have then nothing to hope from any quarter. We must stand firmly by our section, and self-poised in the vindication of our rights.

If we contrast the relative position of the two great sections as to the public domain, we shall see how little there is in the idea that this bill gives an undue advantage to the North.

There is comparatively little soil in the Southern States belonging to, or under the control of the United States, and that little is of inferior quality. There are vast tracts in the Western States and Territories, and much of it is of very superior quality. It follows, therefore, that, under the present system of disposing of the public lands, emigration to the Southern States must fall off rapidly at first, and presently cease altogether, whilst the stream to the West will increase in volume, and continue for a great while. The refuse lands in Mississippi, Alabama, Louisiana, Florida, Missouri, and Arkansas, will never be occupied at $1 25 per acre, and out of these States we have little or no Government lands in the slave States. The good lands in Illinois, Iowa, Wisconsin, Minnesota, and the Western Territories will very soon be occupied at $1 25 an acre, or even at a higher figure.

I am for changing the policy so as to give us occupants for our refuse lands; and if in doing this, we send tenants to your virgin soil a few years earlier than they would otherwise go, I do not still perceive but that we shall be more gainers than losers by the operation.

I submit to my Southern friends whether it is not better to divide the emigration with the North for a few years at least? Is it not better to take an addition to our population of a million in five years, and give the North two millions in the same time, than to stop emigration to the South entirely, and let the North have her two millions at the end of ten years? I take this to be true, that without a change of policy we shall never get our poor lands settled; and it is just as true, that the virgin soil of the West will be occupied in a few years, whether we change our policy or not. I want a change. It will people our lands, and if it has the effect of giving to the North as many emigrants in *five* years as she would otherwise get in *ten*, let it be so. It is only a question of time with them. Emigrants will go to them after a while under any policy. With us it is different. Our lands have all been picked and culled, and the refuse tracts may be peopled under this bill, but never at a cost of $1 25 per acre. I throw out these observations to show my Southern friends that this is not a losing business to us.

I admit the obligation of a Representative to guard the interest of his own constituents, and in this view I am for reform. I admit my sectional predilections—prejudices, if you please—and yet in this view I am for reform. Regarded in any and in every light, I am for that policy which will populate our vacant lands, and give homes to the homeless and houses to the houseless.

The people who will be chiefly benefited by this bill, are among the most meritorious and yet the least cared for of all our population. The landless, the homeless, the houseless, who are they, and what are they in the old States? Hardy sons of toil, slighted by the world for the crime of being poor, and elevated to the dignity of free men only on election days. In the new States, under the operations of this bill, they will become freeholders, and householders, and will be at all times, and in every season, equal to the proudest nabobs in christendom.

I know something, Mr. Chairman, of squatter life. It was my fortune to have been raised in a new and unsettled country. I know something of the toils, and hardships, and privations encountered by the squatters. I shall not detain you with a recital of all that I have seen, and heard, and felt. One incident I may relate. It will tell you why my heart is with these people. When I was a boy—a very little boy—an honest, but poor man, settled (squatted is a better word) in the county where I yet reside. Removing from South Carolina, he pitched his tent amid the unbroken forests in the dead of winter. He had two sons able to work. He was in a strange land, without money and without friends. But with an iron will, such as none but squatters have, he attacked the forest. It receded before him, and in three short months the sun, which had been shut out for many centuries, was permitted to shine on a spot of earth in which the squatter had planted corn. Day by day he might have been seen following his plow, while his two sons plied the hoe. Toil brought him bread—and he raised up his sons to know, as Heaven's wise decree, that "by the sweat of their brows they should gain their bread." Industry and economy brought not wealth, but a competency. The elder of the two sons followed the example of the father, and cultivated the soil. Fortune smiled and he prospered. The younger, with such moderate qualification as a frontier country could afford, studied law and practiced with success. In an evil hour for his private fortune, he was drawn into politics. He was elected to the State Legislature, to Congress, Judge of the circuit court, Governor of his State, to Congress again and again, but he never forgot that he was the squatter's son. He stands before you to day the humble advocate of the squatter's rights.

That, which was my father's fortune, and the fortune of his sons, has been, and may be, again the fortune of others in a more preëminent degree. Nature has created no aristocracy of intellect. Despise not these squatters. Among them is many a rough diamond. They, and their sons, may rise to the first honors in the Republic. Reared in no hot bed of aristocracy, never enfeebled by the enervating influences of wealth and luxury, their bodies are capable of unlimited endurance, and their minds are prepared for that rational progress which is the pride and boast of "young America," and of the age in which we live. Is it at all wonderful, Mr. Chairman, that my heart should be always open to the privations and hardships, the wants and sufferings of the squatters on the public lands?

My associations with these people have never ceased, and I trust they never may. I have partaken of their fare. I have eat their bread, and slept beneath their humble roofs. Generous to a fault, with hearts free from guile, they receive their guests with an open, frank, and manly bearing, that says at once, You are welcome. A squatter never says from his lips *I am glad to see you*, and in his heart, I wish the devil had you. That is a refinement on duplicity which belongs alone to the "rich and well-born."

I approach that point in this discussion which, of all others, is the most interesting: The best and most certain means of securing every man a home. How may this be done? My friend, the mover of the main proposition, [Mr. JOHNSON, of Tennessee,] thinks this end will the most certainly, and in the best manner, be secured, by giving to every man the right to settle on the public lands, and by conveying to him the title in *fee-simple*, after a continuous residence of five years.

I am not going to make an argument against my friend's proposition. I honor the head that conceived it. The heart that is capable of such appreciation of the poor man's wants, is entitled to and receives the homage of my poor esteem. The nation, and, indeed, all mankind, should yield a grateful tribute to the mind that, almost unaided, has forced the consideration of this subject upon the American Congress. No; I am not about to oppose the main proposition; but I am about to inquire whether, in its details, it offers us the best guarantee that the first great object sought by us, that of giving homes to the homeless, will most certainly be obtained.

It proposes to surrender to the occupant the absolute title, after a continuous residence of five years on the land. If all men had capacity for managing with success their own private affairs; if all were provident, and we had security against the misfortunes of ten thousand kinds, to which men are subject; if we had not already a full realization of the fact, that

> "Man's inhumanity to man,
> Makes countless thousands mourn;"

if men would learn to "love their neighbors as themselves;" then I should think that no better scheme had ever been devised than that of my friend from Tennessee, for securing every man a home. But we must look at men as they are, and shape our acts accordingly.

I feel under no sort of obligation to give land to any man by my vote, to be used in paying debts improvidently or viciously contracted. I shall not undertake to pay debts forced upon any man by misfortune. If debts have been contracted in consequence of disease or death; or of fire or water, or any other misfortune; or if, as is too often the case, they have been contracted by a foolish improvidence, or by drinking and gaming, I cannot and will not, in my legislative capacity, undertake to provide the means for their payment.

Suppose you give these lands in the mode proposed. Is there not great danger, that at the end of the five years' occupancy, a great deal of them will pass into the hands of sharpers and speculators, as the bounties to your soldiers have already passed? It is no disparagement to mankind to say, that hundreds and thousands of them have no capacity for the transaction of business. God has made them so. May not a class of men more cunning than those for whom you are providing, draw these settlers into contracts, involve them in debt, and at the end of five years, seize the very land you are now so generously giving.

It is not more a matter of reproach than of pity, that men will drink and gamble, and thus waste their substance. One man plies another with intoxicating drinks, or decoys him to the gaming table. In the one or in the other case, he is made the easy victim of craft or villany, and this land which you are now voting in a spirit of generosity, may go to settle the account between them.

It is no man's fault that misfortunes fall upon him, and yet disease may prostrate him and involve him in debt. His domestic animals may die. Too much rain or too much drought, a late spring or an early frost, may cut off or destroy his crop. Floods, storms, or fires, may lay waste his property. A thousand misfortunes like these may run him in debt. And then inexorable creditors may come and take away his land, and leave him no better off than before you gave it to him.

To all this I am opposed, and against all these contingencies I would provide, as far as possible; and hence the substitute which I have proposed to the original bill.

The leading idea of my substitute is, that the settler shall have the right of occupancy so long as he chooses to remain on the land, being never

required to pay for it, but always at liberty to do so whenever it becomes his desire and his interest to own the soil in fee simple. The *fee* under my substitute remains in the Government until the occupant can receive it with safety, of which he is made the judge. If the substitute is adopted, it will make no difference how a squatter's debts may have been contracted; whether by improvidence or dissipation or misfortune—his home is secure. The Government gives him the right of occupancy, and no power on earth can take it from him. Secure in its possession, the energies of his mind and body will be free to expand and rise above the petty tyranny of a neighboring creditor. He will not be afraid to improve his grounds, or repair his fence, or stop the leaks in his cabin, lest he excite the eye of cupidity. He will not watch the clouds with an aching brow, lest it fail to rain upon his growing crop, thus dooming it to destruction, and himself to bitter disappointment in getting the means to buy his preëmption. Let fortune smile, or fortune frown; let it rain, or let it shine; let storms or devastating floods come upon him, he may look them all in the face, and say, this is my home, this the castle of my defense; my Government stretches over me its strong protecting arms, and bids my heart be still, for in this, at least, I am secure. I fix no five years of security, and after that, nor any other period, expose the poor man's home to execution sale; but for five years, and for all time thereafter, he is made secure in its occupancy. He need not look with a sad heart to the end of the five years, nor fear that his creditor will then come to take possession of his home, and turn him out of doors. His wife need not water with her tears a favorite plant, nor count the hours that are bringing the moment of her separation from her humble cottage. His children may pursue their childish sports, nor sigh as they look for the last time on some favored spot, made sacred by the recollection of many an happy hour spent there in childish revelry. Whatever may be his and their relations with the world, the whole family—husband, wife, and children—may rest secure in the possession of their home. There they may cluster around them the comforts of life—nor disturb their moments of quiet or repose with anxious fears, lest some inexorable creditor shall snatch it from them. Such, sir, is my substitute.

If fortune smiles on the humble occupant; if, by his labor, he has enhanced the value of the land, and for this, or for any other reason, he desires to possess it in his own right, he may pay for it the minimum price of $1 25. This is his privilege; but it is a privilege that belongs to no one else. If, by his labor, he makes the land worth $10 an acre, he may still buy it for $1 25; and this he may do at the end of five years, or twenty years, or at any other time that suits him best. And if he never does it, the Government will never permit another to take it from him. If he has made an unfortunate location, my substitute allows him to change it; and this he may do as often as he chooses—it being stipulated that whenever a place is abandoned or given up by an occupant, it is again subject to entry or occupancy by any one who may choose to take it. If the husband dies, his right of occupancy survives to his widow. If both husband and wife should die, leaving *infant* children, the *fee* passes to these children, and it may be sold for their benefit. This provision has been inserted for two reasons; first, infant children cannot occupy the land alone; and, secondly, these objects of misfortune, thrown, without father or mother, on the charities of the world, are entitled to our protection. If they find a parent's care nowhere else, I would let them, to this extent, at least, find it in their Government.

I have purposely excluded the adult children from all interest in the homestead, and for the reason that, as they become of age, each one acquires the same right that his father had before him; and I desired to encourage the rising generation to enter upon the active duties of life at an early age, instead of lingering under the paternal roof.

That the new States, within which these lands lie, might have no just ground of complaint, I have expressly reserved to them the right of taxation. It will be the privilege of States to tax the settler, and in default of payment to sell his right of occupancy. The purchaser at such sale will acquire the same and no greater right than the settler. That is, he will acquire the *right* of occupancy for an indefinite term, with the *privilege* of entering the land at his pleasure, and to suit his own convenience.

There is one feature in my substitute which I must not omit to mention. It perpetuates the existing preëmption laws. The same parties who are entitled to preëmpt under the law as it now is, will have the right if the substitute is adopted, and they will enter upon the lands under the same regulations and in the same way that they now do. The only alteration proposed being in the removal of the twelve months' limitation, and all other limitations as to the time when the right of occupancy shall cease. The right of occupancy without payment, under my substitute, is unlimited, it being the exclusive privilege, but never the duty, of the occupant to buy the land. The perpetuation of the existing law of preëmption is better than the enactment of new laws. First, because the old laws have been adjudicated by the courts; second, because they have been construed by the Executive departments; and thirdly, because the people generally understand them, and will need only to be told, if the substitute passes, that the law exists just as it did before, with the single exception that they will not be compelled to pay until it suits them.

I have already pointed out some of the public and private advantages which will result from the passage of the original bill. All these will result in an equal degree from the adoption of the substitute. I have pointed out some of the advantages which are peculiar to my proposition; but there are others to which I must advert.

The proposition has been assailed on the ground of its squandering the public lands and cutting off the revenue resulting from their sale. I shall show that there is nothing in these objections. What is it that you give under my substitute? Nothing but the right of occupancy—the right to occupy a bit of land in the wilderness, and therefore unproductive; and the right to improve and cultivate that land, and make it useful to the occupant and beneficial to the general wealth. In this there is not only a private, but public advantage. You make that productive which was before useless, and of no public or private benefit. But you answer, that I put an occupant on the land who may be a drone—one who will not cultivate or buy it himself, and yet, by his occupancy, keeps off all others; and generally that these unlimited rights of occupancy will prevent sales, and therefore destroy the land revenue. In all this, I think you are mistaken. That which a squatter on the public lands most needs is to have his energies—physical and mental—left free. This twelve months' limitation hangs like an incubus about him. It paralyzes his body and disturbs his mind. Whilst he can hope to pay for his land at the expiration of the time limited by law, his energies are unshaken; but when hope dies—when, from any one of a thousand causes I could name, he foresees that he cannot pay, his energies sink—then it is he becomes a drone. He will not work, because he sees that every lick he strikes enhances the value of his little home, and more strongly attracts the eye of the speculator. These are the shackles that have bound many an honest and industrious man, and made him an easy victim to idleness and vice. Let us knock them off—let the man's mind and body have fair play. Give him plenty of time and plenty of land to work out his fortune, and nine times in ten he will do it.

Your present preëmption system is a curse to the settler. He is first inveigled on to a piece of public land, and then he is afraid to improve it, least some speculator, with more money than himself, shall take it from him. It is this fear that cramps his energies, and makes him idle, and sometimes vicious. I have great confidence in the squatters, if you will only give them an open field and a fair fight.

But as a revenue measure I should advocate this bill. Its earliest advantages will be found in the increased productions of the country. It will, as I said before, subtract largely from the consuming classes, and add as largely to the producers. I need not attempt to estimate the advantages to the national wealth, if all the loafers and idlers in the Union can be set to work. The advantages would indeed be incalculable. This measure proposes a bonus to all who will cultivate the soil. How many thousands will accept it I cannot say—but that many will I have no doubt.

The next advantage which I anticipate, will be found in the increased sales of the public lands. Yes, sir, instead of diminishing, I anticipate an increase of revenue from this source; and particularly if my substitute is adopted. When a man has settled on a piece of land, and has by his labor increased its value from one dollar and a quarter to five or ten dollars per acre, he will find many reasons for desiring to possess himself of the freehold; first, because he may want to sell it, and thus increase his active wealth; or he may, and in many cases he will, prefer to own the land in his own right, that he may enjoy the privilege of making an equal distribution of it among his children; and then there is a certain feeling of independence which all men experience in owning, by a clear title, the lands and houses they occupy. These are some of the reasons which will induce the settlers to purchase the land. What we ask of you is simply the right to occupy, free from all restraint and apprehension; and we give you the guarantee which these and other reasons afford, all of which are founded in human nature, that your sales will be increased instead of being diminished.

I pass over the general advantages resulting from early settlements on your frontiers; I say nothing of the gregarious habits of men—how one man goes because another has gone before him. I will not pause to count how much more land men will want when their industry has lifted them up in the world. These and many other considerations I pass over, because my time is almost out.

A word in conclusion to the friends of this measure.

It is an old trick in this House, when the enemies of a bill cannot slaughter it in an open field, to attack it in ambuscade. Many important bills have been killed off in this way, and you could no more discover the hand that strikes the blow, than you could tell "who it was that struck Billy Patterson." The bounty land bill was disposed of in this way for ten years.

The *modus operandi* is this: We go into Committee of the Whole on a bill. Here the ayes and noes are not recorded, and consequently no responsibility attaches to any man's vote. All manner of amendments are offered. Some intended in good faith to perfect the bill, but much the greater portion to make it ridiculous. They are passed on a division, or by tellers indiscriminately, until finally the features of the bill are so distorted that its friends do not recognize it, and they turn from it in disgust. It is then left to the tender mercies of its enemies, and they table it without compunction or hesitation.

We are about closing the debate on this bill, and then we shall be brought to vote on amendments. I anticipate the usual course of proceeding. I shall not be surprised to see an amendment proposing to give every man a horse and a plow; another to supply him with all the necessary farming utensils, and a third to give him a negro to work his land, and others of like kind, and all intended to bring the bill into ridicule, and finally to destroy it. I need not say that such a mode of attack is ungenerous. Give us a fair record vote; let every man take the responsibility, and if the bill is lost, the country will know who were its friends, and who its enemies, and with this we shall be satisfied.

I call upon the friends of this measure to stand by it and protect it as far as possible in committee against these amendments. If amendments are proposed in good faith, let us give to them a just, fair and proper consideration. But let us stand united against all ridiculous and frivolous amendments meant only to destroy the bill. If improper amendments are adopted in committee, let us not on that account abandon the bill, or allow it to be tabled in the House. We can have the ayes and noes in the House on each amendment, and thus vote them out or force gentlemen to stand by them on the record. This is the only policy that will save this bill from the fate of many of its predecessors.

With an ardent desire that this measure may pass—that it may be sent as a messenger of joy to the humble abodes of the squatters; and that, as

a harbinger of mercy, it may visit the landless, the houseless, and the homeless everywhere, I take my leave of it for the time being, and commend it to the paternal care of its friends in the House.

THE HOMESTEAD BILL.

SPEECH OF HON. W. R. SMITH,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

April 27, 1852.

The House being in the Committee of the Whole on the bill "to encourage agriculture, manufactures, commerce, and other branches of industry, by granting to every man who is the head of a family a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period herein specified"—

Mr. SMITH said: I have before me, Mr. Chairman, a copy of the bill which has for some time engaged the attention of the committee. I propose to address myself particularly to its merits, disconnected entirely with politics. My speech will not be in response to the honorable gentleman who has just addressed the committee, nor in response to any political speech which has been made here. I believe the conviction has seized upon all of us, long ago, that this bill involves in it more of real and actual interest to the farmers of the country, and to the agricultural interests of the country, than any bill which has been brought before Congress for many years; and the first proposition I make is simply this: that the adoption of this bill will introduce into the character of the American farmer *a new element of social independence;* an element which is now wanting. If I show the committee that that will be the effect of the bill, and that it is the duty of the Legislature of the country to promote the social independence of its citizens; and if I show, also, that at this time there is a lack of that social independence, I trust it will be considered at least as a plausible argument in favor of the bill.

It is too late in the day, Mr. Chairman, to talk about the constitutionality of this bill. The clear grants in the Constitution, and the precedents in the land legislation of Congress, are too numerous; and no argument can be framed, however ingeniously, (and there have been many of that character within the last few days,) as to induce Congress, at this late day, to pause and consider the abstract constitutional question, because this right to appropriate the public lands has been yielded years ago. I do not wish to be understood as saying that *precedent* makes the Constitution; but precedent is usually the result of elaborate investigation, and therefore entitled to the greatest weight, as a matter of authority. Upon the constitutional question, I listened to the speech of the honorable gentleman from Maine, [Mr. FULLER,] and the speech of the honorable gentleman from Virginia, [Mr. AVERETT,] and to the speech of the honorable gentleman from New York, [Mr. JENKINS,] and I have *read* their able speeches with a sincere desire to investigate, to the utmost certainty, the truth of the constitutional objections; and while I accord to them the merit of fine logic, and the greatest ingenuity, I am compelled to say that I have not been convinced, even of the plausibility of their arguments; and I am fully satisfied that Congress has a right to pass this bill.

Now, Mr. Chairman, in order to show that there is at the present time a lack of the *social independence*, to which I refer, I beg to call the attention of the committee to the condition of the emigrant farmer; the man who finds it necessary to leave the old States, because he has no land there to cultivate; the man who is driven away from the place of his birth because of the encroachments of wealth, and of the power accumulating with wealth. Well, sir, we will take him, if you please, now in a new State—say Alabama, for instance. He goes there with his family in pursuit of a home, having entertained a hope, during his journey, that lands might be easily and readily procured. But he is not able to buy a farm; his means have been exhausted in his travel; he finds it necessary to live, and he is forced to rent a place to make a crop, so that he may feed his family for one year, that he may then go further West in the pursuit of a farm of his own.

RENTED FARMS.

This position of the emigrant farmer gives rise to the contrast which exists between a *rented farm* and a farm *owned* by an independent citizen. I have no doubt, sir, that you have seen a *rented* plantation. You know its ragged, uncultivated, and dilapidated appearance. The fences are down, the rails are rotting, the barn-door is torn from its hinges, the gates of the yard and garden are gone, and broken rails are thrown in the vacuum to keep out the prowling stock for the moment; the orchards are going to wreck, and the fruit is destroyed; the spring is grown over with moss, and the well is in a caved and useless condition, its "old oaken bucket" yielding no more refreshing draughts from its "moss covered edge"—all is patch-work and ruin. This is all natural. When a man rents a farm he has no interest in keeping it up; all he wants or expects from its fields, is the produce of a single year; and from its house, its shelter for the moment. Consequently his cultivation of the field does it no good; his habitation of the house contributes only to its desolation. At the end of the year it takes a large portion of his crop to pay the rent, and he leaves it in disgust, in its dilapidated condition, not caring for it or its owner. Sir, there is truth in this picture. It is even too lightly colored. And there is a great question of morals growing out of this condition of the emigrant farmer on a rented plantation. Not caring to bestow labor upon premises which are not his own, the days of leisure which he may have during the growing of his crop, instead of being devoted to the necessary repairs of the place, are given up to idleness, and perhaps dissipation Idleness is the devil's holiday—the spell of the infernal—especially if the idleness be induced by those feelings of despair which usually attend the reflections of that man who has no home of his own. In proportion as you make a citizen comfortable, you make him happy and contented; as you leave him in want, you make him sullen and despairing. With no inducement to labor; with a repugnance to remaining always in the presence of squalid wretchedness and prospective famine; with a natural desire to escape, in some way and at some time, from the ills that beset his vision in his rented house, he lounges off to some neighboring shop, and sucks from the glass lips of a bewildering fiend something to go to sleep on; thus courting the forgetfulness of a night in the arms of oblivion—and deeming it a happiness to have grown one day older without having had to count the gloomy hours as they passed.

Now, contrast this gloomy picture of the emigrant farmer and his family, on a rented plantation, having no way to spend his idle hours but in the pursuits of oblivion, with the appearance of the family and the farm of an independent owner of the soil. You have only to look at the plantation which belongs to the man who cultivates it to see around it all the appearance of independence. You see his fences good; his orchards growing and flourishing. If the old trees are failing, there are new ones coming on to take their places. Every piece of work that is done upon the plantation is done with a view to its permanency. Its springs are carefully preserved; its well is cleared of its filth; its gates swing on unbroken hinges and close with never-failing latches. Comfort and plenty, freshness and vigor, distinguish the appearance of his home. Every cot is erected with a view to permanence; every rail is made with a view to the lasting quality of its timber; and the character of the materials and of the work is but a token, a symbol, of the happiness and independence of the owner. He is not beset with the sullenness of despair, nor the inclination to forget the hours as they pass, but his spirit is cheerful and elastic; and, with a glad heart and a smiling face, he turns his footsteps to the neighboring church, and not to the neighboring grocery. So true it is that comforts bring religion—God dwells in bliss, the devil in despair.

HELP, IN THE BEGINNING OF LIFE.

Well, this bill proposes to give every head of a family, who may not be worth more than $500, one hundred and sixty acres of land. Sir, that is a little fortune. One hundred and sixty acres of land is a fine beginning for a young man; and it is in the beginning of life that the young men need assistance. It is an admitted truth in political economy, that the difficulties which beset us in making fortunes are in the beginning of life. It is harder to gain the first dollar than the second; because the dollar gained becomes a money-breeder, to aid the hand that made it in future and further acquisitions. Now, sir, if you will set a young man up when he is ready to enter life, upon a plantation which he can call his own, of one hundred and sixty acres, certainly it may be considered the foundation, the beginning of a fortune, or at least the sure source of those comforts of life which contribute so much to the independence and happiness of man.

Sir, I know many farmers in my country who have ten sons—the oldest perhaps being nineteen or twenty years of age—and who have not a foot of land upon the earth which they may call their own. It has taken all their life's labor to rear their children. The young man of this class is strong, hardy, vigorous, and brave, and capable of going to your wars and doing service to the country. But when he comes to be twenty-one, and has to start out in the world, his father being unable to give him anything, not even a horse, he finds himself free, but without a cent. Having no land of his own, he hires himself to work; but it takes all he makes to clothe him and support him decently. He struggles on year after year, finding at the end of each season but little to lay up for the future. If you pass this bill, the day he is twenty-one he will rise up and go forth to take possession of his estate, not only a freeman, but a landlord. If he is not married—this being necessary to perfect his possessions—his neighbor has a daughter whom he will woo and marry. The land will come as a dowry to his young bride. They will go to work with glad hearts and cheerful faces; comforts will spring from the inheritance, and young soldiers will be the result of the alliance. [Laughter.] And the fact that this bill will promote early marriages is no light argument in its favor.

You will perceive, Mr. Chairman, that I desire to make the young farmer an owner of the soil; I desire to make the emigrant farmer an owner of the soil; I desire to convert the foreigner into an American, by giving him a home, and making him a lord of the little valleys and hills within his sight, in order that his foreign heart may be inspired with a gratitude which will kindle finally into a living, blazing patriotism. Then, sir, he can forget, in the midst of his happiness, the galling chains which drove him from his birthland of oppression.

THE BILL A BOON TO THE CITIES.

The remarks which I have made in reference to rented plantations, and the unhappy condition of the renter, will apply with the fullest force to the citizens of those immense emporiums where large masses of destitute families are crowded together in rented cellars and garrets; where the rent money takes from the mouth of the child its wanted bread. And I beg to present this view to those gentlemen who represent cities here. Can it be possible that any Representative of a city can vote against this bill? This bill is a boon to the cities. The Congress of the country owes it to the cities to pass this bill. It is the duty of Congress to help the cities to disgorge their cellars and their garrets of a starving, haggard, and useless population. Certainly the Representatives of the cities of the East, if they have a due regard to the interests of their own constituency, will come into the support of this bill.

But it is said that these poor destitutes have not the means to move. Mr. Chairman, I do not think that argument has any force. If it is known that a man, however poor, can obtain one hundred and sixty acres of land by the trouble of moving to it, and he will give the necessary pledges, there will be capitalists enough to lend him the money to move. Capital and philanthropy will join hands to help him off;—and the facilities of moving from the cities are great. Why, even in the southern country, where emigrants have to travel upon pack-mules and upon foot, they begin their travel with but little money, sometimes with none, and yet they reach the far West. They have axes and hoes, and implements of labor, and can work one day, and travel the next. Here, in the North, where railroads are so numerous, and the facilities of travel are so great, surely,

if not all, at least an immense number of the unemployed citizens of the cellars of the cities might be put upon the roads of travel. The union of philanthropy and speculation, I repeat, would soon transport this vast population to the West. The speculator himself would have an interest in it. He would make it an enterprise. He says to the emigrant, "I will lend you forty dollars to take your family to the West, where you can have a farm set apart for you, a little kingdom of your own; and you can pay it back to me with eight per cent. when you have made the money." Then it is no argument against the passage of the bill, that the poor, starving population of the cities cannot remove. What philanthropy and speculation fail to do, will be finished by that selfishness which prompts men to pay a little to get rid of an unpleasant neighbor; and wealth will grow liberal under the operations of spleen.

Mr. Chairman, whether this hopeless population of the cities can get to the far West or not, they ought to have the inducement to start, even with the slight prospect of reaching the end. Hopes of comfort and independence will nerve the heart, and make it capable of new endurances, new struggles, and give it new energies. This population ought to have the privilege of starting, the invitation to move; for I hold it to be better that they should perish by the wayside; that they should die off one by one on the road; that they should be crushed under the wheels of the rail cars, than to remain in the midst of the filth, the haggardness, and destitution—inducing the most horrible designs and disgusting practices—with which they are surrounded in the cities.

These unhappy denizens are capable of making good and worthy citizens. What though the gloom of their present habitations may have crushed their hearts, and impaired the native vigor of their minds? The recreating influences of the great West, with its balmy breezes, its lofty trees, its green vales, its turbulent rivers, its great mountains, its natural temples of worship, its awe-inspiring shades, and its ever-yielding harvests: these will revive the heart, restore the mind, and reanimate the spirit. Oh! sir, this bill is a boon to the cities; and I feel authorized to call to its support the Representatives of the cities.

DIGNITY OF AGRICULTURE.

Mr. Chairman, the cultivation of the earth is the most dignified and exalted occupation which any man can engage in—simply because the earth is the physical source of all life, and the actual sustainer of existence. The earth is the glory of creation—being the footstool of God! It gives clay to the potter; marble to the builder; gems and gold to the miner; food and raiment to man. It gives drink, and shade, and fuel; fruits, and odors, and flowers. It affords a foundation for the habitations of the living; it gives shelter to the dead!

THE CONDITION OF THE ENGLISH LABORER HAS BEEN GROWING WORSE FOR THE LAST FIVE CENTURIES.

In this connection, Mr. Chairman, I propose to show that the condition of the laboring class of society, in the old countries, has been growing worse and worse for the last five or six centuries. I have some statistics upon that subject, to which I wish to call the attention of the committee. I propose to show that the income of labor five hundred years ago, produced more of the actual comforts of life, than it does now, in the old countries. If I show this, then, sir, it must be admitted that it is the duty of the legislative power to guard against this evil in a new country. The following extracts will show the prices of labor, and the amount of comforts procured by the income, at the times referred to. I am indebted to an admirable essay on labor, by Robert Dale Owen, for these extracts:

"The act of 23d Edward III, (that is in 1350,) commonly called the 'Statute of Laborers,' fixed rates of wages as follows: For common labor on a farm *three pence half-penny* per day; a reaper, per day, *four pence;* mowing an acre of grass, *six pence;* threshing a quarter of wheat, *four pence;* and other labor in proportion. In Bishop Fleetwood's 'Chronicon Preciosum,' a work of reputation, are found various ancient accounts kept by bursars of convents. From one of these, dated in the fourteenth century, the following items are taken: A pair of shoes, *four pence;* russet broadcloth per yard, *thirteen pence;* a stall fed ox, *twenty-four shillings;* a fat goose, *two pence half penny;* wheat per quarter, (that is, eight bushels,) *three shillings and four pence.* Sir John Cullum, quoted by Hallam, corroborates these estimates. 'In the fourteenth century,' says he, 'a harvest man had four pence a day, which enabled him in a week to buy a *comb* of wheat (that is, four bushels;) but to buy a comb of wheat, a man must now (he wrote in 1784) work ten or twelve days.'" * *

"The act of 23d Henry VI. (in 1444) fixes the reaper's wages at *five pence*, and others in proportion. And the account book of a convent, quoted by Sir Frederick Eden, dated between 1415 and 1425, gives us:—wheat per quarter averaging *five shillings;* sheep from *fourteen* to *sixteen pence;* butter *three farthings* per pound; cheese a *half penny* per pound; and eggs, *twenty five for a penny.* Fleta, who wrote about 1335, gives *four shillings* per quarter as the average price of wheat in his day. Hallam, whose general estimates agree with the above, calculates butcher's meat in the fifteenth century, at *a farthing and a half per pound.*" * * * * * *

"Taking the average of these various prices, it would appear that, in the fourteenth and fifteenth centuries, the weekly wages of an English day laborer would procure for him about *half a quarter of beef,* or *one and a half sheep,* or *about ten geese,* or (the most important item) *four bushels of wheat.* Manufactured articles were somewhat higher in proportion. *Yet a day's labor in harvest* sufficed to pay *for a pair of shoes,* and a trifle over a week's wages to purchase broadcloth enough for a coat."

Now for the contrast:

"Cullum (already quoted) reminds us, that toward the close of the last century, about a fortnight's labor had become necessary to purchase four bushels of wheat." * *

"The average wages of farm laborers throughout Great Britain, are now *rather under, than over, eight shillings a week;* just the average price in that country, for years past, of one bushel of wheat. *One month's labor now supplies the same quantity of bread to the British laborer as a week's labor did five hundred years ago.*" * * * *

"In the fifteenth century, a week's labor purchased sixty-four pounds of butcher's meat. Now, (at six pence half penny, its average value per pound,) eight shillings a week procures the peasant hardly fifteen pounds; but no such luxury as animal food now smokes on the table of the downtrodden laborer of Britain. So, if the comparison did not seem like mockery, I might proceed to show, that, instead of *ten* geese, *two* would now absorb a week's wages; that instead of *a sheep and a half,* the laborer must now toil *five weeks* for a *single sheep;* that a day's wages will now purchase, not *eight dozen of eggs* as formerly it would, but *two dozen and a half;* not *eight* pounds of cheese, but *two;* not *five* pounds of butter, but *a pound and a half. Four* days' labor will now hardly procure the pair of shoes which a *single day* formerly paid for; and *two* weeks' labor, instead of little more than *one,* would be insufficient, in our times, to obtain the material for a winter coat."

These extracts show that the condition of the laborer in the old country has been getting worse and worse gradually for the last five hundred years. They show that one week's labor, five hundred years ago, procured more of the comforts of life than the labor of one month now procures. In the olden time, the English farmer was surrounded with comforts; he could live upon the fruits of his own industry, and indulge in the luxury of eggs, butter, and *meat.* It is now well known that beef and meat are strangers to the poor man's table in England. Even one century ago they enjoyed many of these comforts and luxuries I will prove this by reading extracts from the speeches of some of their most distinguished statesmen. Lord John Russell, in a recent speech, makes the following remarks:

"If we compare the condition of this country (Great Britain) with what it was a century ago, it is impossible not to see, that, while the higher classes have advanced in luxury beyond measure; while the means available for the diffusion of comfort and the enjoyment of life have prodigiously increased; while, if we look to the middle classes and their means of procuring comfort, they have made a very great advance; if we look to the *laboring classes*—to men who either *till* the *soil* or labor in the factories—if we look to the *quantity of necessaries which their wages would buy in the middle of the last century,* and that which they can buy now—I think we must be convinced that they have not participated in an equal degree to the advantages which civilization and increased knowledge have conferred upon us."

Here, sir, you have a true picture of the condition of the laboring classes in England. From the Westminster Review, we find on the same subject:

"There is not a step, but simply a hand-breadth between the condition of the agricultural laborer and pauperism."

Robert Dale Owen, from whom I read, elaborates this idea:

"Comfort has disappeared. Famine watches by the door. The peasant feeds his family on potatoes and salt, with a little bread and lard, and a miserable dole of scalded milk. Incessant labor keeps his head just above the rising waters of indigence; and at the first trifling accident, these close and overwhelm him. For the thousand casualties of life, there is not the scantiest provision. The indisposition of a day curtails the meager rations dealt out around his board, and the sickness of a week threatens with starvation his wife and little ones."

Such is the melancholy condition of the English farmer! Five centuries ago labor was rewarded, and it could procure a comfortable subsistence. It is not so now. Comfort has disappeared from the cottages of England. Why? Because the land of the country has been engrossed under the feudal system by the few. Sir, speculation, in the end, may do here what war and feudalism have done in England. The tendency of the age, the formation of companies and corporations, looks towards a monopoly of the lands of this country, and to the monopoly of water, too, sir, under the tyrannical dominion of steam!

Sir, the passage of the bill is greatly necessary. It would check, for a season, the growth of grand companies, whose combinations are formed for monopolizing the lands. This bill gives the land, in small quantities, to the individual population of the country, under proper restrictions and provisions, securing to every man a home for himself and his children. Happily for us, the farming interests of the American people, in striking contrast with the interests of the English farmer, have been advancing, their condition getting better, especially in the new States. I am not sure but the remarks which I have made in reference to the laboring classes of England, would apply, to some extent, to the laboring classes of the Eastern portion of this country. But I say, in the West, in the South, and Northwest, the condition of the laboring class has been getting better; and I hold it to be the duty of Congress to increase the good, and guard against the evil.

Admitting, then, Mr. Chairman, the existence of this very favorable contrast in reference to our laboring population, it is hardly necessary for me to press upon the committee the indisputable proposition, that it is the duty of Congress to look to the future, and to avoid the evils of the past, by wise and healthful legislation. What better, sir, could we do, than to give permanent homes to the rising generation?

DESTITUTION IN THE CITIES.

Several of the gentlemen who have addressed the committee upon this subject, have referred to the destitute condition of the citizens of the cities. I should not say citizens, but those starving denizens who die off by thousands, and whose deaths are unrecorded, except as they are traced by tears in the faces of their desolate children. Go to the cellars and garrets of Philadelphia and New York, and you will find them occupied by these destitute persons. I here read an extract, as read by the honorable gentleman from New York [Mr. JENKINS] in his speech:

"DESTITUTION IN PHILADELPHIA.—The Philadelphia American gives an account of a visit made a few days ago to the hovels of many of the poor and destitute of that city, who live in small unventilated rooms, for which they are compelled to pay ten cents rent each day. It is supposed the number of these unfortunate beings is about five thousand. Many of them were found with their hands and feet frozen for want of fuel to keep them warm, while others had even disposed of most of their scanty clothing to buy bread. In one cellar a family were found who had been turned out of home because they were unable to pay their rent. In another place, a poor miserable woman and several children were found in a shed, the children covered up in a heap of ashes to keep them warm. Having no clothing whatever to cover them, the mother had been driven to this resort to keep them from freezing. The clothes had been sold to buy bread."

In appealing to Congress, as well in behalf of the class of population described in this extract, as in behalf of the farmer, I propose to show you some singular items in reference to the poor population of the cities, and the indigent laborers of England. I have some statistics here, which show the most extraordinary, and, to us, anomalous facts—and these statistics are applicable to the old countries, where the poor laboring people starve, as well as to the cities of this country—that while the gentry and professional men, and those who are surrounded with comforts and luxuries, live to the average age of thirty-five years, the laborers, mechanics, and farmers, live only to the average age of fifteen years. These statistics are drawn from facts in reference to the population of the city of Liverpool. The same facts apply to the city of Manchester, where professional men, and those who are blessed with the good things of life, live to the average age of thirty-eight years, and laborers and mechanics live to the average age of seventeen. Sir, these statistics ought to be considered in reference to this bill; especially as connected with the poorer classes of the cities, because it will be admitted that these facts apply, in a great degree, to the cities. But how different is it in the Western country? How different is it at the South, Southwest, and Northwest? The true sta-

tistics of our country, out of the cities, show that the professional man, he who has all the luxuries of life around him, lives to a much shorter period of life than the sinewy farmer, because, while the farmer's labor procures him necessary food and clothing for his comforts, it adds increased vigor to his constitution.

EFFECTS OF LABOR-SAVING MACHINERY ON THE LABORER.

In looking ahead, Mr. Chairman, to provide for the future, let us consider another most important fact: The rapid *increase of labor-saving machinery* will gradually drive from the work-shop the mechanic. Such has been the case in England. Such is beginning to be the case in the cities of America. The law should look to this in advance, and provide for the change of occupation. This change must come. The mechanic, driven from his work-shop by labor-saving machines, must either go to work at some other occupation, or to loaf, to steal, or starve. Sir, a wise Government should look to all these probabilities, and provide for the preservation of the morality and the lives of her citizens, and prevent the growth and spread of pauperism and crime. What better change can you offer to the mechanic than a farm? What would give him more real joy, than, on the day he is told by his employers, "Sir, the profits of this establishment are not sufficient to offer you labor any longer"—what more joyful prospect, sir, could you present to him, than to say to him, "Come to the West—bring an axe and a hoe—fall to work upon the wilderness—open a farm—call upon your mother earth for food and raiment—strike her bosom with the magic rod of labor, and lo! waters and fruits, delicious and refreshing, will gush forth to bless you, and make you comfortable." This is no light consideration. Certainly, sir, it would be as well a blessing to the country as to the mechanic, to turn him into a farmer; for it must be admitted that there are too many mechanics, just as there are too many lawyers, and too many doctors, while too few farmers.

So, sir, this bill will confer benefits, not only upon the young American farmer of this day, but upon the mechanic driven from his work-shop by the inventions of art, and the giant strides of genius. So, also, upon the venerable citizen, who has paid his taxes, worked the roads, given soldiers to the ranks of your armies, and who is still without a home of his own. Under the operations of this bill he can go to the far West, and make himself comfortable upon his own one hundred and sixty acres; and his sons and married daughters can pitch their tents in the same neighborhood; so that, in a few years, one family may have a large tract of land of their own in their possession, presenting the beginning of an agricultural dynasty, which may be destined in the future to become distinguished in the annals of the country.

THE SAFE DEFENCE OF A NATION.

Now, Mr. Chairman, let us inquire why the young farmers of the country ought to be encouraged? And in this connection I beg to refer briefly to the remarks of the honorable gentleman from Maryland, [Mr. BOWIE.] That gentleman asks:

"Are we impregnable against our enemies? Have we provided in peace against the dangers of war? Have we no rivals now to compete with? *Will the strong arms and brave hearts of the yeomanry that you send into your forests be a protection against the steam navies of Europe?* No; you must have fortifications; you must have a navy, armed at all points, and equal to cope with them, or the history of this Republic may be written in two words, '*Ilium fuit.*' Our oldest and most venerated statesmen warned us, in peace to prepare for war."

The gentleman desires to retain the land, and turn it into money, and build navies and fortifications. Sir, the hearts of the people form the only safe rampart for a nation in war. The best defense you can provide is to make your people happy in their permanent homes, so that they will look to the national invaders as the invaders of the private hearth! Provide occupations which will make the arm stronger and the body hardier! the heart purer and the spirit lighter and more buoyant! Sir, as truly as private favors build up in the hearts of men temples of gratitude, so truly will national favors to your citizens build up in their hearts temples of patriotism; and this bill will perform the double occupation of nerving the arm with labor, and kindling patriotism with the gift. Has there ever been a war, even without this liberality, in which the American laborers were not the first to offer their services to the country? I speak of the laborers of all classes, as well as of the farmers. You who have been familiar with the raising of volunteers in our cities, must know that the young mechanics and the young laborers swell the column. The more fortunate and the more wealthy, too, with equal patriotism—though not in such large numbers—are there, but to take the places of command; while the laborer, the mechanic and the farmer swell the column. Go to the South, if you please, and note the volunteering there. I have seen, on many different occasions in the South, volunteers called out into a line, and the first who marched up was a farmer boy, scarcely twenty; and the second was a farmer boy, scarcely twenty, and so on to the third and fourth, until it came to the sixtieth and the one hundredth. They were nearly all farmer boys—working-men, with few and rare exceptions. And they make the best of soldiers. They have nerved themselves by toil. They know what labor is. They can march all day and all night without falling sick and spreading pestilence in the camp. They are the men who perform the duties of war. Sir, who fought the battles of the Revolution? The American laborer. Who cleared the wilderness of its savages, in war? The American laborer. Go to the records of our last great war, and you will find that nine out of ten of the soldiers were of the laboring men of the country.

Nor is it in this capacity alone, that they are always foremost. Whenever there is any work to be done, or great duties to be performed, the working-man—the mechanic or the farmer—is the man to do it. Who constitutes the fire companies in your cities? The laboring man. In my country, we have a system of working the roads ten or fifteen days in each year, and the first man upon the ground to perform his duty, is the young farmer, with his hoe, or his axe, or his spade on his shoulder. Sir, the working men of the country—the farmers and the mechanics—as the records show—are the men that do the manual labor for the public. And hence, I proclaim it to be our duty, as the organs of the public, that in dispensing the blessings of government, we should confer some favors at least, upon the American laborer.

THE COMPLAINTS OF THE PEOPLE.

There is another reason that ought to enter into the consideration of this bill. You ought to listen to the complaints of the people. You must and shall listen to the murmurs of the people. You hear them in every breeze. You see them in every newspaper column. They are complaining that Congress does nothing for the working man, nothing for the laborer, nothing for the farmer—for the starving denizen. The people say to their Representatives, "We elect you upon your solemn pledges to do the best you can for the people. You go to Congress. You become lost in the magnificence and grandeur; you pitch headforemost into the formation of companies and monopolies, giving millions of dollars to steam navigation companies, create railroads out of the public lands, forgetting the people—the farmer and the mechanic." Sir, there is truth and reality in these complaints, and it is to be lamented that the complaints are authorized by facts. A man has to guard himself here carefully, so as not to forget his people, his own immediate constituents. I have experienced this difficulty. When I visited the Baltic, I was overpowered by the grandeur of the ship. My national pride was stirred and excited. I felt proud while walking the deck of that noble vessel; and when I came off, if any man had told me that there was any such a thing in the world as a canoe, a flat-boat, or a barge, I should have denied the fact. [Laughter.]

Mr. Chairman, I refer to these things to show the truth of the remark, that it is our first duty to guard ourselves here, in order that we may remember little, but important things, in the midst of those great and gigantic schemes which, under the deceitful guise of adding glory to the country, are really intended to create an order of nabobs.

Sir, if you pass this bill you will silence these murmurs to which I have referred, for a while at least; and the people will rise up, perhaps for the first time in the last quarter of a century, and say, "*Well done, for once!*" It will be a bright day in the history of Congress, when this bill becomes the law of the land.

Sir, I know that when a man rises in any deliberative body, and throws the weight of his influence and voice into the scale of the poor man, and proclaims himself a friend to the people, he is looked at askance by some, as using his time and opportunities to cultivate the favor of the people, and to court the popular breeze. Well, sir, there is something good in cultivating the favor of the people, because it keeps a man's heart in the right place. This is important; for when a Representative ceases to remember the sources of his own power and position, he has lost his patriotism, and should no longer be trusted. I shall be the last man to pander to the popular delusion; I shall prove my faith by advocating the just rights of the people, and by telling them, to their teeth, of their errors and follies. These are sometimes numerous and amusing, as recent occurrences show. The people run mad very often, Mr. Chairman, and he is the best patriot who is the most candid to tell them when they are mad.

NATIONAL GRANDEUR.

Then, sir, it is unjust to denounce a man as a popularity hunter when he avows himself the people's friend. The people of this vast country are not niggardly. They are willing that the Government should be conducted on a scale of grandeur and magnificence commensurate with our historical fame and our advancing glory. But they do not choose to have their home interests neglected in the midst of grander contemplations.

Not long ago, sir, I voted for the appropriation of $500,000 to extend this Capitol. I believe that the glory of a country depends greatly upon the grandeur of its public buildings, and the magnificence of its courts. The poet's couplet, which was sung very sweetly a few days ago by the honorable gentleman from Massachusetts, [Mr. FOWLER]—

"What constitutes a State?
Not high-raised battlements nor lofty towers,
Thick wall and moated gate—
* * * * * * * * *
But men—high-minded men:
These constitute a State"—

contains more poetry than truth. It has passed as a truth for a long time, but it is a popular fallacy, a delusion of the ever-deceitful MUSE. The sentiment comes in direct conflict with the practical truth, that houses grow larger, and men grow smaller, as you approach them. We all know it to be true, that when you approach a great man he gets smaller than he seemed in the distance, and that when you approach a great house it gets larger, its grandeur breaks upon you by degrees, and does not swell with its full force until you find yourself clasped in its marble arms. Sir, in the simplicity of my verdant nature, when I came to Washington, I expected to see a President who would weigh at least a thousand; and that his Secretaries would weigh a quarter of a ton each. [Laughter.] You may imagine my surprise, sir, and utter astonishment when I met with the Secretary of War, [renewed laughter,] and saw that he did not stand any higher in his boots than I did in mine. [Excessive laughter.]

MEMORY OF THE PIONEERS.

Mr. Chairman, I have seen it stated somewhere, I know not with how much truth, that the descendants of the Pilgrim Fathers number nearly one fifth of the native population of this country. A large mass of them are farmers. Some of them have reached the more elevated positions of society, and others have been content to pursue the more humble occupation of agriculture. They have their descendant representatives in all the various occupations of life, from the more exalted to the more humble. A great race, true to liberty and religion. In their name, as the first pioneers, I demand the passage of this bill. Do you remember those woodland pioneers, so beautifully referred to by the gentleman from Maryland [Mr. BOWIE] "as the soldiers of peace;"—who entered the Western wilderness alone to cleave it away for the use of coming generations;—who met the

Indian, with his grim and bloody visage, in his own shadowy home, and beat him down in the solemn and solitary fight? For what was this great risk of life and limb? The mere excitements of desperate adventure? The sport and pastime of a wild and turbulent life? The exhilerations of a day—the hunter's joy and the hunter's strife? No, sir; there was something loftier than this—the energizing idea of building up a home for future generations. Well, these generations have come—generations of farmers, laborers, agriculturists. In the name of Daniel Boone, as the leader, and all the other Western pioneers and their descendants, I demand the passage of this bill.

Mr. BOCOCK, (in his seat.) But Daniel Boone is dead.

Mr. SMITH. Dead! Well, if he be dead, then, in the name of his ghost, which is abroad in the Western wilderness—whose gigantic proportions in the dark forest is the animating enchantment of the wild scene—its colossal arms beckoning the young and starving population of the East to fly from the pestilent breath of its crowded and polluted habitation, and come to the West, where there is pure water and pure air, and best of all, elbow room for labor:—in the name of that ghost, I demand the passage of this bill. [Exclamations of "Good!" "Good!" in various parts of the Hall.]

Sir, it is the duty of Congress to pass this bill. It will be the pleasure of Congress to pass it. A conviction of its merits has seized upon the country, and it grapples the hearts of the people. Knowing this, you will be *afraid* not to pass it. It has come to this. It has become popular, and I proclaim, with the utmost confidence, that you *dare not* refuse to pass it. I do not use this phrase as a threat or as a boast. It grows out of my firm belief, that a majority of the people's Representatives are honest, and willing, and anxious to carry out the ascertained will of the people. I do not think there are many here who would be willing to bear the responsibility of defeating this bill, independently of their constitutional scruples. And those who oppose it, I am sure, will do it upon principle.

AMERICAN PROGRESS.

But it has been said, that if this bill passes this body, it would be defeated in the other end of the Capitol. Why, Mr. Chairman, the Senate is going ahead of us in matters of progress. Animated by an enlarged liberality and a young and expanding intellect, the Senate is the incarnation of Young America. It belongs to the rising generation, looking to the future. Fogyism has perished in that ancient Hall!

Intimately connected with this bill and its merits, Mr. Chairman, is the idea of progress, of which so much has been recently said in this House. And here I may be permitted to allude to a remark made some time ago by the gentleman from Mississippi, [Mr. Nabers,] who thought he saw an inconsistency in my notions of progress, contrasting my position against the Kossuth infatuation with the idea of progress, as identified with Young America. I beg to say to that gentleman, that I see a vast difference between progress at home and progress abroad. The progress which I favor, is the progress of America *at home*, regardless of the concerns of the other portions of the earth. Young America does not mean any man, or any set of men. It does not mean any principle, or set of principles, politically, as now existing between the parties. Young America is not a thought, nor a part of a thought. It is the living, breathing, energized action of the greatest generation the world has ever seen—an action which looks alone to the permanency, the welfare, the grandeur, and the glory of America, disconnected with factions at home and phantoms abroad. She carries her own hod, her own mortar, her own marble, for the grand temple she is building, while she invites all the laborers of the earth to come and aid in its erection, and then to repose in its shade.

I must be allowed here, Mr. Chairman, to refer to the playful remarks made not many days ago, in this Hall, by the distinguished gentleman from Pennsylvania, [Mr. Chandler,] for whom I have a very sincere regard. It will be remembered that, as a slam upon Young America, he referred to the young and rebellious Absalom hanging in a tree, for the sin of trying to obtain possession of his father's kingdom, representing Absalom as Young Israel, and David as the Old Fogy. I propose to refresh the memory of the honorable gentleman, as to the history of fogyism in the ancient day, and to show from his own chapters the true version of Absalom's case. The history of the earth proclaims the solemn lesson, that as Old Fogyism in the ancient day fell before Young Israel at various times, so it must in this day fall before Young America. You remember that, while Israel was suffering under the bad government of long-continued fogyism, there was a young peasant named Saul, who went out one evening to look for his father's asses, and found a kingdom. He received the crown, and in his youth flourished exceedingly, filling the earth with blessings, and covering his country with glory and honor. But in the course of time, when he began to totter down the shady side of the hill of life, his accumulating sins and errors gathering about him, he fell into the meshes of fogyism—became an old fogy himself, disobeying the orders of the Almighty; so that it became necessary to kill him off. And Young Israel brought forward about this time another peasant boy—a shepherd minstrel—in the person of David, the lad who with one stone killed two fogies—Goliah literally, and Saul effectually and incidentally;—for the fame of the achievement of the death of Goliah brought David to the throne. Here you see Young Israel in the person of the boy David, taking possession of the throne, while Saul, in the bewildering excitement of his fogy imagination, could find nothing better to do than to hold familiar conversations with the witch of Endor:—just as certain antiquated politicians of this day utter delphic and oracular phrases to interpret the mysteries of the past, and to illustrate the uncertainties of the future.

But let us pursue the history of David, and see what we can make out of our parallelisms.

In his youth his administration was flourishing and grand. Nothing could be more glorious, more magnificent, or more successful. Blessings crowded upon him, and upon his people. Even his little sins, such as peeping at Bathsheba in her bath, had no effect to check his career of glory. But by and by these sins accumulated upon him, and brought their troubles. So that Absalom sprung up, a young rebel, with the dissatisfied people to back him. It must be admitted, that at the time of Absalom's rebellion, the administration of Israel had become corrupt in the highest degree; and Nathan's rebukes could scarcely restrain the licentious madness of King David. He had passed from his youth—he was old—his intellectual vigor had deserted him, and he was left a frail old man, struggling in the meshes of fogyism. Sir, the springing up of Absalom is but an illustration of the bad government of David—because rebels seldom arise without cause.

But what became of David? There was no prosperity in Israel from about the rebellion of Absalom until David died. Evils gathered around him to such an extent that his kingdom became familiar with war, and famine, and pestilence—himself covered with sackcloth and ashes, the type of bewilderment and despair:—so that the old man had to yield at last:—and Young Israel again appeared, with a star in her forehead, in the person of Solomon the youth, the grand and the wise! Here, sir, is another picture of the grandeur and glory of youth and wisdom. Could anything exceed the success which crowned the early administration of Solomon? His kingdom was the focus of the eyes of all the earth, himself its glowing cynosure:—so that the Queens of the far-of nations came to visit him—happy fellow! But, alas! he, too, fell from his high estate! When his youth and vigor deserted him, and he tottered into the shades of fogydom, we find him whining voluptuous sonnets to the limbs of his naked concubines, and singing the glories of his beloved's *nose*, which, as he records it, was "as the tower of Lebanon that looketh towards Damascus."

Sir, these pictures are from history. I refer to these characters as historical merely, and with no irreverence. They speak the great truths I proclaim; and my friend from Pennsylvania [Mr. Chandler] must admit that the present is best illustrated by the history and poetry of the past. Youth must take the places of the aged.

——"All the world's a stage,
And all the men and women merely players;
They have their exits and their entrances;
And one man in his time plays many parts,
His life being seven ages." * *
"The sixth age shifts
Into the lean and slipper'd pantaloon,
With spectacles on nose, and pouch on side."
* * * * * * * *
——"Last scene of all,
That ends this strange eventful history,
Is second childishness, and mere *oblivion*."

Well, sir, if it be true, as I have shown, that the history of past ages proclaims that the old must give way to the youthful—if, in this connection, it be also admitted that Young America is aroused, and claims her position and the reins—I say let any man beware how he throws himself in the path of Young America! He will be thrown down, trampled on, crushed, and passed over, in the torrent race of this intellectual conqueror.

Mr. Chairman, the honorable gentleman from Pennsylvania [Mr. Chandler] is chargeable with this digression, if it be one. I take shelter under his example. But these remarks are not inapplicable to this bill. Its spirit is the spirit of progress—true American progress, which looks for the greatest good to the greatest number.

Sir, I have spoken from my heart this day. I feel gratified and relieved. I have paid a part of the debt of gratitude which I owe to those confiding young farmers and laborers of my country, who, "many a time and oft," have trusted and honored me with confidence. My poor speech may have but little effect with you in controlling your judgments upon this great bill. My words may weigh lightly here—but they will pass over the hills and valleys, and be heard reëchoing in the far-off wilderness. They will make many a heart glad, and many a hearth happy for the time, by inspiring a hope that the American Congress may at last be brought to a sense of its duty to the people.

THE HOMESTEAD BILL.

SPEECH OF MR. McMULLIN,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

April 29, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period therein specified, being under consideration in the Committee of the Whole—

Mr. McMULLIN said:

Mr. Chairman: I regret that it has fallen to my lot to close this debate. It is known to you and to this House that it was my privilege to have opened the discussion upon this bill. I then waived my right, however, to do so; and I ought, in justice to myself, to waive it now. I would not have attempted, upon this occasion, to address the committee, but for the course of debate which has been forced upon the House and upon myself by my two worthy colleagues, [Messrs. Millson and Averett.] The subject of this bill has been so fully, fairly, and ably discussed by others who have preceded me, that it is almost an unnecessary consumption of time upon my part to discuss its merits.

But before I approach this subject, I must be permitted to tender my grateful acknowledgments to the worthy and distinguished gentleman from Pennsylvania, [Mr. Dawson,] who opened the discussion upon this bill. That gentleman is entitled to the thanks of all the friends of this bill. He has mine; and I think I can venture to tender to him the thanks also of my constituents, as I also do to the worthy gentleman from Ohio, [Mr. Cable.] I return, too, my thanks to the gentlemen from Illinois, [Messrs. Ficklin and Yates;] to the gentlemen from Indiana, [Messrs. Dunham and Hendricks;] to the gentlemen from Pennsylvania, [Messrs. Chandler and Grow;] and to each and every gentleman who has advocated the principles of this bill. I feel that it is my privilege, if not my duty, to tender my sincere thanks to these gentlemen. I really envy the honor that is due to the distinguished Representative from the first district in Tennessee, [Mr. Johnson.]

That gentleman, as was said upon a memorable occasion by a distinguished man, "solitary and alone, he put this ball in motion" The ball has rolled on and gathered strength in its progress, until I think I shall venture but little of my reputation in conjecturing, that the House of Representatives, when brought to a final vote, will sanction this very just and important bill. If this measure should ever become the law of the land, I shall look upon the position of the distinguished gentleman from Tennessee, [Mr. Johnson,] as being most enviable for having had the head to conceive, and the energy and perseverance to consummate, so important and philanthropic a measure. Yes, sir, I repeat that I shall look upon the position of that honorable gentleman as being far more desirable, even than that of General Scott, who, it is expected, is to be the next Whig candidate for the Presidency of the United States.

Mr. Chairman, I have not a single note, nor have I made any preparation to speak. What I shall say, therefore, will be said from the impulses of the moment, and extemporaneously, as is my custom; and it is not at all improbable that I shall wind up what little I have to say, with the subject of the presidential election, lest I might be regarded out of order. Why, sir, when I reported this bill to the House, more than two months ago, I supposed that it had, of itself, merits sufficient to induce gentlemen to confine themselves to the discussion of the bill. But instead of that course having been pursued, gentlemen have made this bill the political scape-goat upon which to hang political speeches bearing on the election of a President. I think, sir, this is all wrong. Gentlemen have, however, differed with me in relation to this matter; and if, therefore, I shall follow their example, I hope I shall not be considered out of order. I think that gentlemen upon both sides of the House have consumed much of the public time in making presidential speeches to the detriment of many important public measures.

Mr. Chairman, the first question in regard to this bill, which presents itself to the mind of every man, is as to its constitutionality. This bill, like all others upon which the members of Congress are called to vote, should first receive their careful and calm consideration as to the power of Congress to pass such a law. I have asked myself the question, "Have I the power, under the Constitution, to vote for such a bill as the one under consideration?" If, sir, I concurred in the views of my two distinguished colleagues [Messrs. Millson and Averett] who have addressed the House so ably in the progress of this debate, upon the subject of constitutional law, I should be estopped at once from giving the vote which I contemplate giving. But I ask, if there was any force in the arguments which were adduced by my colleagues, by the gentleman from Maine, [Mr. Fuller,] and the other gentlemen who have raised this constitutional difficulty? It is known to my colleagues that I do not profess to be a constitutional lawyer; but I do claim to have a little common sense; I do claim to understand the language of the very plainest provisions of our Constitution. What is that language? Here it is:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

The constitutional objection raised by my colleagues has been met, and ably met, by the gentleman from Tennessee, [Mr. Johnson,] the gentleman from Mississippi, [Mr. Brown,] and by many other distinguished gentlemen who have preceded me in this discussion. But inasmuch as the remarks of those gentlemen may not reach that portion of the people of Virginia that I have the honor to represent, I beg leave to be heard upon this subject, in advance of the vote which I am about to give. I had hoped that my colleagues would have contented themselves with giving a silent vote against the bill. I had hoped that, when the whole delegation from Virginia, with, perhaps, the single exception of myself, were going to vote against the bill, they would have been content without raising this constitutional question, and bringing to bear against me the mighty power and influence of their intellects.

Now, sir, my colleague, [Mr. Millson,] so learned in constitutional law, asked several questions of the gentleman from Mississippi, [Mr. Brown,] but he would not permit that gentleman to answer some of those questions. Sir, I think these learned gentlemen can hardly have reflected before they raised this constitutional difficulty. "The Congress *shall have power to dispose of, and make all needful rules and regulations respecting, the territory of the United States.*" What stronger or plainer language could have been used by those wise patriots who framed the Constitution of our country than this? But my colleagues are really so very over-learned on the subject of constitutional law, that they are disposed upon many occasions, as we say in the mountains, to run the thing into the ground. Both those gentlemen, as was properly remarked by my friend from Tennessee, voted, during the last Congress, to give the swamp lands to the States; they both voted, as was also proved upon them by the gentleman from Tennessee, for the soldiers' bounty land bill. If I were to ask my colleagues to explain satisfactorily to this House, and to the country, the difference as to the constitutional power of Congress over these three subjects, I imagine that their ingenuity would be taxed, and taxed in vain, to point out a sufficient distinction.

Mr. AVERETT, (interrupting.) Suppose the gentleman convicts me of a usurpation of power in the grant of the swamp lands, does that make this thing constitutional? You may convict me of it, and crucify me for it, but that does not affect this question at all. It is that sort of thing that is bringing this Government to corruption, ruining it, and making a right out of a wrong.

With regard to the bounty land bill, I am free to say here, that I doubted the propriety of passing that bill. But that bounty land bill of 1850 was passed to pay soldiers for services rendered in war. I maintain that this Government has the right to use the public lands and the public treasure to pay for services rendered to the country. That bill did not make gratuities to foreign paupers, and to everybody else, for no services whatever. It is strange my colleague can see no distinction.

Mr. McMULLIN. Well, Mr. Chairman, a constitutional argument in opposition to this bill comes with bad grace from my colleague. I think that my colleague did right in voting lands to the soldiers. I believe I voted with him in both the cases I have referred to. I certainly voted for the soldiers' bounty land bill.

But my honorable colleague undertook to draw a nice, but metaphysical distinction between ceded lands and lands acquired by purchase or conquest. Now, upon this subject, I wish to give my colleague some little authority from a source he would be the last man to question. Sir, the authority I shall introduce, and whose voice is entitled to credit here, is no less than the second Father of his Country, General Andrew Jackson. Is he good authority for my colleague? I ask my colleague—I ask the committee and the country to hear him speak. I claim to quote General Jackson here, in defense of my course, whose testimony in the main has never been questioned in my district:

"Among the interests which merit the consideration of Congress after the payment of the public debt, one of the most important, in my view, is that of the public lands. Previous to the formation of our present Constitution, it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they had been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet harmony and general interest of the American people. In examining this question, all local and sectional feelings should be discarded, and the whole United States regarded as one people, interested alike in the prosperity of their common country.

"It cannot be doubted that the speedy settlement of these lands constitutes the true interest of the Republic. The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are everywhere the basis of society, and true friends of liberty.

"In addition to these considerations, questions have already arisen, and may be expected hereafter to grow out of the public lands, which involve the rights of the new States and the powers of the General Government; and unless a liberal policy be now adopted, there is danger that these questions may speedily assume an importance not now generally anticipated. The influence of a great sectional interest when brought into full action, will be found more dangerous to the harmony and union of the States than any other cause of discontent; and it is the part of wisdom and sound policy to foresee its approaches, and endeavor, if possible, to counteract them.

"Of the various schemes which have been hitherto proposed in regard to the disposal of the public lands, none has yet received the entire approbation of the National Legislature. Deeply impressed with the importance of a speedy and satisfactory arrangement of the subject, I deem it my duty on this occasion to urge it upon your consideration, and, to the propositions which have heretofore been suggested by others, to contribute those reflections which have occurred to me, in the hope that they may assist you in your future deliberations.

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers, in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the costs arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil and the future disposition of it, be surrendered to the States, respectively, in which it lies.

"The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the lands they occupy, paid into the Treasury a large proportion of $40,000,000, and, of the revenue received therefrom, but a small part has been expended among them. When, to the disadvantage of their situation in this respect, we add the consideration, that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which had enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this course, to put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

Mr. Chairman, I hope the House will consider well the views presented by General Jackson upon this important question. He very properly, there, calls the attention of the country to the fact, that whenever the purposes for which these lands were ceded to the United States had been complied with, to wit: when the public war-debt had been paid, these lands should not continue to be held as a source of public revenue. It would seem that General Jackson looked forward to, and earnestly anticipated, the time when those lands would cease to be looked to as a source of public revenue. I hold that General Jackson is entitled to full credit in this country: and if my colleague from the Halifax district [Mr. Averett] had gone into the merits of this question as fully as I am sure he is capable of doing, I doubt very much whether he would have taken the shoot which he has done in this matter. But so far as the constitutional question is concerned, it seems to me so plain a case, that we ought not to differ about it. But, then, I ask gentlemen to consider that we have not only the authority of the Constitution in favor of the principle of this bill, but we have the language of General Jackson, and the law of precedent. We have the precedent of every President of the United States, from Washington down to Fillmore. They have all sanctioned the principle of this bill, so far as the constitutional question is concerned.

The following are some of the grants of land which have been made by this Government:

	Acres.
To the State of Ohio, to aid in the construction of the Miami canal, in 1828.	500,000
To the State of Indiana, at different periods, to aid in the construction of the Wabash and Erie canal.....	1,439,279
To the States of Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, Louisiana, Michigan, Arkansas, Wisconsin, Iowa, and Florida, for internal improvement purposes, per act of September 4, 1841.....	4,169,439
To the State of Alabama, for improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers	400,000
To the State of Illinois, for saline purposes, per act approved April 18, 1818.....	121,629
To the State of Wisconsin, for improving the Fox and Wisconsin	

rivers, and to connect the same by canal, per act approved August 8, 1846..... 358,400

To the State of Iowa, for improving the navigation of the Des Moines river..... 325,078

To the States of Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, Louisiana, Arkansas, Michigan, Wisconsin, Iowa, and Florida, for educational purposes..... 10,785,253

These are but a few of the many grants of land which have been made by this Government; so that it is too late for gentlemen to object to this bill upon constitutional grounds. But let me say to my colleague, that we live in an age of progress; and in no State in this Union have we seen that progress more fully demonstrated than in glorious old Virginia. That State, which has boasted the most loudly of being "the mother of States and statesmen," has been living under one of the most aristocratic constitutions in this Confederacy until recently. But I thank the people of Virginia and my God that the day has passed by in that State when those invidious distinctions in society can longer exist in Virginia.

Sir, the rich and the noble of the land—the aristocrats in that State, have been compelled to give way beneath the potency of public opinion. I do not know how my colleague voted upon the subject of the new constitution. I do not know whether he voted for or against the call for that convention; but I do say that for myself, objectionable as I regard the present constitution, it has obviated many of the objections which existed under the old one. Under that old aristocratic constitution, under which I was born and lived, many worthy citizens, on the day of election, had to stand back like the poor man at a frolic. The poor man must bear the burdens of the country; he must fight the battles of the country; but when he came to exercise the privileges of a freeman, he was debarred those privileges—and by whom? It was by the Virginia landed aristocracy. But these objections are, to some extent, obviated by the new constitution. We have wiped out those invidious distinctions, and placed the poor and the rich man upon a level, as far as exercising all the privileges of freemen is concerned. Sir, it is a new era for that State. It is not only a new era in the history of that State, but in the history of the country.

Mr. AVERETT, (interrupting.) I only desire to say to my colleague, as he has alluded to me in connection with this new constitution of Virginia, that I have been a convention man, and a reform man, for the last twenty years. Now, I desire just to ask my colleague, whether he voted for that new constitution?

Mr. McMULLIN. Yes, sir, I did; and during my canvass for Congress, without opposition, I took occasion to travel out of my way to advocate its adoption.

Mr. AVERETT. Well, I dislike to speak of such a matter; but if it must come, out let it come. [Laughter.] My colleague went over to Alexandria, and voted against the call for this convention, and went dead against it, though he had no more right to vote there than I have to go to England and vote. [Renewed laughter.]

Mr. McMULLIN. Well, my colleague has gone off half cocked. [Laughter.] I did go down to Alexandria, and voted against the call for the convention at that particular time; and why? Because I wanted to wait until the late census had been taken. But my eastern friends, having the balance of power in their hands, wished to keep it, and so forced us into the convention, without giving us of the west the advantages of that census, and the increased value of our property. We at the west wanted to wait till the new census had been taken, when our rapid increase of population would show whether we were entitled to an equal representation with the east. The east, however, forced us into the convention; but when that body assembled, they had to wait until the new census had been taken. They had to adjourn and go home, and thus subject the State to thousands of dollars expense because eastern Virginians would not take the advice of western men, and wait until the census had been taken before the convention should assemble. So, if my colleague and his district had taken my advice and waited, the State would have been saved a very large expense.

Well, the convention again met. The constitution was framed and adopted by that body, and when it was submitted to the people for their ratification, I voted for it with my whole soul; and it was adopted by the people.

But as my colleague is rather sensitive upon this subject, I will dismiss him for the present. I beg his pardon for having said thus much upon this subject, which I should not have done if he had not forced it upon me. My colleague is my senior in years and in politics, is an old-line Democrat, and I regret very much that he should force me into a discussion; for, as this House knows, I have a great aversion to public speaking at all times, (great laughter,) and especially when I am compelled to speak in opposition to my venerable colleague, [Mr. AVERETT.] [Renewed laughter.] I appealed to my junior colleague [Mr. MILLSON] not to discuss this bill. One speech had been made by my distinguished colleague from the Halifax district, [Mr. AVERETT,] and I thought the Doctor and myself were pretty fairly matched; but for a lawyer, like my colleague, [Mr. MILLSON,] to interfere, it was a game of two pluck one. My colleague, however, did not heed my advice, and I hope he will go to his constituents and ask their forgiveness, and sin no more by voting against so important a bill as this is. I assure him that I forgive him. [Laughter.]

But I desire to dismiss this constitutional question, for all the objections which have been presented have been so ably and so fully answered by other gentlemen that I need not further discuss it.

I now come to consider the expediency of the measure. Suppose you pass this bill, will you thereby detract from the revenues of the country? Why, Mr. Chairman, so far from it, I think I can demonstrate to this House, and to the country, that you would swell them by the passage of this bill. There can be only one legitimate objection to it upon the ground of expediency. If gentlemen will once come out and consider this bill as divested of every political bearing—if they will lay aside the politician for the time being—there will be no difficulty in relation to it. I will tell you what that objection is. The old States are fearful they shall loose some of their citizens. The old States are afraid they will have to feed the tide of emigration which will flow towards these lands in the new States and Territories. Gentlemen are afraid they will be cut down as members of Congress. Now, if the question were put to each member of Congress who opposed this bill, he would be compelled to come forward and admit that this was the true ground of his opposition to it. I admit it is an objection with me to the bill, and one which is not easily overcome. But, notwithstanding I admit the force of the objection; notwithstanding I shall regret to see my neighbors leave Virginia; notwithstanding I shall regret to see the hard-fisted yeomanry of the country—those citizens of Virginia who have been the tenants and the laborers for the land aristocrats of Virginia—paying to the swell-head aristocracy of Virginia from one third to one half of their labor in the shape of rent,—I say, although I should regret very much to detract from the laboring population of Virginia, yet when the question presents itself, whether the industrious farmers and mechanics be permitted to better their condition by emigrating to the West, I cannot but answer in the affirmative. That is sufficient for me. If these men will be benefited by their emigration to the new States, why, I say, in the name of their families, in the name of all that is sacred, let them go. I will part with them when I know it is for their good, though it will be with very great reluctance. But I have seen so much of the condition of this class of laboring people in the State of Virginia, that I cannot do otherwise than assist by all the means in my power any proposition which looks to the improvement of the condition of those people. Why, I have had two or three tenants myself, [laughter,] and I know that the tenants contribute from one third to one half of their labor in the payment of rent. But, suppose you take away that portion of the population, what is to become of the landed interests of the State? Why, unless they own slaves or purchase them, the land must decrease in value, or they must go to work themselves.

But suppose the poor man emigrates to the West, and settles down upon one hundred and sixty acres of land: he can, instead of paying one third of his labor to support the rich and indolent, appropriate it to the education of his children and the purchase of the necessaries for his family—goods, wares, and merchandise. I ask gentlemen to look at this question as a practical one. Let them look at it as common-sense men. I stated, a while ago, that if you pass this bill, it will increase the revenues of the Government. Sir, I am prepared to make good that declaration. I am ready to stake my reputation upon it, so far as the means, the revenues, of the Government are concerned. Does not every gentleman from the South know, that among the white laborers of the country, one third or one half of their labor goes to the support of others? And does not every man know that if this bill shall pass, these laborers can settle down upon this land, and produce sufficient for the education of their children and for the purchase of goods, wares, and merchandise for the use of their families? And I beg gentlemen to remember, that if they desire the preservation of this glorious Union, and the perpetuity of our free institutions, it is to be mainly effected by the virtue and intelligence of our people, which will be best promoted by a liberal system of education. I beg the House, and the country also, to remember, that genius and talent are not confined to those born and reared in brick houses and marble palaces; but that as bright and brilliant intellects are often to be found amongst the poorer classes of the community, as in the higher walks of society.

Mr. Chairman, pass this bill, and these persons will be enabled to contribute to the Treasury of the nation, by way of tax or tariff upon foreign goods, an amount which will more than compensate the Government for the value of these lands. I ask and beg gentlemen to look at this view of the subject—I mean those gentlemen who are looking at this question with a view to the financial interests of the country. Sir, opposition to this bill comes not only from the old States, upon the principles which I have endeavored to point out, but from some of the manufacturing districts. Human nature is the same throughout this great universe, surrounded by similar circumstances. Self-interest is a great controlling principle.

Those gentlemen representing manufacturing interests dislike the idea of seeing this bill pass. Why? They fear that the laborers—the manufacturing hands—will leave the manufacturing districts and go to the West, and that, in consequence of the diminution of laborers, the wages of labor will advance among them. This, they fear, will be the effect of the emigration of the laborer from the North and East to the West. Sir, I say let these men go to the West; and the emigration invited from abroad will fill their places—the foreigners will take their positions in the manufacturing districts at the North. Oh! some gentlemen have a holy horror of foreigners; some gentlemen in this country object to foreigners coming amongst us. I think that objection comes with a very bad grace from any man that is the descendant of a foreigner. And is there any man in this House, or in this country, who is not the descendant of a foreigner? When our Pilgrim Fathers first landed at Jamestown, were not they foreigners? And why did the gentleman from Maryland [Mr. BOWIE] the other day get up here and undertake to abuse foreigners? Are there not in this House and in this country many gentlemen who have an aversion to the immigration of the Irish and Dutch? I was entertained by the gentleman from Mississippi, [Mr. BROWN,] who addressed the House so ably and eloquently upon this question. He presents himself as the son of a land squatter. If it were proper to speak of myself personally, I could show to the House that, although I am not the son of a squatter, yet I am the grandson of an Irishman and a Dutchman. [Laughter.] My grandparents on both sides were Dutch and Irish. I feel mortified and disgusted at this aversion to the emigration of foreigners.

Mr. Chairman, I say to these gentlemen be not alarmed. Let the foreigners avail themselves

of homes in the land of freedom—let them come amongst us. Go back and examine the sentiments of Patrick Henry. What were his views? "Fetter not commerce. Invite foreigners to your country; let them fell the forests, and cultivate the soil." Mr. Chairman, I say let them come. I fear not the ecclesiastical influence of Catholics. I believe too firmly in the truth of the Protestant Christian theology, to fear any injury to our institutions by the influx of Catholics. I say let them come. Why do you wish them to remain in their own country, tied down by the most tyrannical laws upon earth—the mere dupes and serfs of the aristocrats of the Old World? Ah! if I were disposed to raise a political question—which, by-the-by, I am not disposed to do—I could account for the dislike of certain gentlemen to the immigration of Dutch and Irish to this country; there is rather too much democracy amongst them; they are the most democratic of all the foreigners that come to our shores. Yes, sir, I say let them come. They will make you good citizens. They are good soldiers, and peaceable, quiet, orderly citizens.

But pass this bill, and what else will you do? You will rid your cities, New York, Philadelphia, Baltimore, and all the large cities of the Union, of their surplus population—a population weighing like an incubus upon those cities. Let them go to the West and settle upon those lands, where they may acquire a competency for themselves and for their families.

Mr. Chairman, I shall not now speak of, and contrast the difference between the amendment and the original bill. But, sir, I have ever been in favor of the occupant law. I am for it to-day, and I am inclined to believe that I should prefer to have the amendment of the gentleman from Mississippi [Mr Brown] incorporated into the bill which I reported from the committee.

Mr. Chairman, these lands belong to the people, and this Congress is acting in the character of a trustee, agent, and representative of the people. We have the right to dispose of them, they having been acquired by cession and by purchase. And I ask you, who contributed most largely in the purchase and acquisition of these lands? The poor, laboring classes of the country, who constitute the soldiery of the country, when brawny arms and strong hearts are needed for protection. Your generals, your colonels, and officers, receive all the credit, yet the poor soldiers of the country who fight the battles, are entitled to your grateful consideration.

Pass this bill, and what else do you do? Let those poor men leave your cities, go to the West, and settle down upon the Government lands, and let your country become involved in war with a foreign nation, and what will be the feelings of these men? Having been taken up from poverty, from oppression, from a state of indebtedness, from a state of misery and degradation, and having been elevated to a platform of equality with their fellow men, you will see these poor men, whom we are now voting to invite to go upon these lands, the first to come forward and shoulder their knapsacks and muskets, in defense of our liberties. Yes, sir; let the proud British lion ever again approach our shores in a hostile attitude, and it will be made to crouch beneath the mighty power of these patriotic, heroic, and worthy citizens.

I have, from my youth up, been in favor of the occupant law, and of the power of Congress to pass such a law. If Congress has the power to pass it for two, five, or ten years, it follows, as a matter of course, that it has also the power to pass it for fifty or for a hundred years, or to pass a perpetual occupant law. Pass this bill, and you will protect this class of the community against the cold-hearted, land-jobbing, and land-speculating class.

I would make these lands a home to them and to their children. I would allow them, according to the views of the gentleman from Mississippi, [Mr. Brown,] to pay the Government the Government price for these lands, and then sell and dispose of them as they may think proper. This view had presented itself to my mind.

But I ask gentlemen again, to tell me who is to be injured by the passage of this bill? Does not every gentleman here know that the interests of this Government depend not upon the speculations of the country? The interests of this Government depend upon the productiveness of the country. Yes, sir; and much as gentlemen have at heart the protection of your manufacturing establishments, yet, I say, the great bone and sinew of the country consists of the agriculturists and mechanics of the country. Upon them depend, mainly, the support of this Government. To the extent, then, that you give to agriculturists the power to add to the commercial branches of agriculture, you add to the wealth of the nation. Speculators may purchase from and sell to each other, but that does not create anything—does not add to the wealth of the nation. But to the extent that you add to the agricultural or mechanical interests, you promote the great national interests of the country. Is not that true? Then, sir, when you place a home within the reach of every poor man who has no home, whether he be a farmer or mechanic, you add to the wealth of the nation. Not only so, but if there is any truth in the argument of the learned gentleman from Missouri, [Mr. Hall,] who urged upon Congress the propriety of passing railroad bills, granting alternate sections of land to the States through which the railroads pass, to aid in their construction—and I admit that there is great force in his arguments—I say, if the argument is legitimate and proper, the same principles will hold good in reference to this bill. Let those persons come forward and settle upon your public lands, and you increase the value of the remainder of those lands. This Government being the owner of upwards of 1,400,000,000 of acres of land, if you dispose of them for the future at the same rate as you have disposed of them for the last twenty years, it will require some four or five hundred years to dispose of your entire public domain. And it must be remembered, that even if every head of a family, who is entitled to the benefit of this bill, should avail himself, or herself, of its provisions, that would only dispose of about 100,000,000 of acres, thus leaving to the Government about 1,300,000,000 of acres. If, according to my argument just now, these persons will pay into the Treasury a portion of their labor, which they now pay for rent, they will, in that way, reimburse the Government for the value of those lands sooner than the sale of those lands would do it, at the Government price. You will also enable the Government to sell the remainder of your lands. Do you not wish your lands settled? The peace, happiness, and welfare of the country demand it.

Mr. Chairman, let these poor men go, and let the weeping widow go too, with her helpless orphan children. Oh, I can see her now in my imagination, wending her way to the far West, with her little helpless sons and daughters, and settling down upon her home at the West; and I see her rearing up a log cabin to shelter them from the pitiless storm, and digging up a few hills of corn, from which she can derive sustenance for her orphan children. Is there a man in this House who would, by his vote, deny a home to the fatherless and to the widow?

Pass this bill and you will make the recipients of its bounty better neighbors, better husbands, better patriots, better soldiers, and better christians. In the language of the title of the bill, it is calculated not only to promote agriculture, commerce, and navigation, but conduces to the promotion of christianity, civilization, and industry. No man, Mr. Chairman, entertains a higher opinion of his colleagues than I do of mine. They are gentlemen of learning, of ability, and of distinction, at home and abroad. It is painful for me to differ with them as I do upon this question. They are responsible alone to their constituents as I am to mine. I presented my views to my constituents upon this bill, and told them that I would cast my vote in its favor unless otherwise instructed. In view of a memorable fact with which I am acquainted, I beg gentlemen to pause before voting upon this bill. I remember that at the last Congress, a distinguished and eloquent member from Louisiana [Mr. Morse] voted against this bill, and that in support and justification of his vote, he delivered a clear, argumentative, and eloquent speech. He characterized this measure as more villainous than any ever before Congress. When he returned home and again stood before his constituents as a candidate for Congress, I have been informed—whether truthful or not I cannot say—that in consequence of the course he then pursued and the vote he then gave, he lost some thousand votes, and thereby his seat upon this floor. Lest gentlemen may share a like fate, I beg of them to weigh well this measure in all its bearings before casting their votes. The intention I had formed of presenting views with regard to various other aspects of this bill, I fear I will have to forego, the expiration of my time is so near at hand.

Mr. GAYLORD. As the gentleman has stated, this bill will encourage commerce, manufactures, and navigation. I should like to inquire whether it will extend any encouragement to matrimony? [Laughter.]

Mr. McMULLIN. I thank the gentleman for the interrogatory. [Laughter.] It is a glorious idea, and I thank my friend from Alabama [Mr. Smith] for its introduction. The passage of this bill will inspire the young man with hope, and energy, and enterprise. He will be seen flying to the fertile regions of the West, with her who is dear to his heart, to seek a home—a home which he may call his own; which, improved by his labor, he will bequeath as a rich inheritance to his children. This is a measure not partial in its operation, but benefiting all. I am sure every member present is prepared to vote for or against the bill. I return my most sincere thanks to the gentlemen of the committee for their kind attention to the remarks I have just submitted on the homestead bill.

I will proceed now to refer to some political matters. If I did not, it might be that my remarks would be ruled out of order, as so many gentlemen who have preceded me have not confined themselves to the discussion of this bill, but have defined their political positions. I will call attention for a few moments to the political aspect of the country. Since the commencement of the session scarcely anything has been said but what has had a bearing, either directly or remotely, on the next presidential canvass. In my opinion, bartering, trading politicians, pursuing this course, detract very much from themselves, and the character of our beloved country. I thank God that we have so many great men in the Democratic ranks. For either of them will I cast my vote with a great deal of pleasure. I want to tell the Democratic party, North, South, East, and West, the kind of Democrat I am, the kind they ought to be, and must be, if they expect me to enter into full fellowship with them. I belong to the old-line Democrats. I am an old-fashioned Jeffersonian Jackson Democrat. The Democratic party, I hold, are capable of selecting as their candidate for the Presidency a man who will receive my full and entire support against any gentleman the Whig party may nominate. In other words, I believe that the Democratic party are incapable of selecting as their candidate for the Presidency any man over whom I would prefer the Whig nominee—of course with a slight proviso.

A Voice. What is the proviso?

Mr. McMULLIN. My friend requests to know the character of the proviso. I voted in the last Congress for a portion of the compromise measures. I voted for the fugitive slave law, for the Texas boundary bill, and for the establishment of territorial governments in Utah and New Mexico. These laws it is now my desire to see faithfully and honestly executed. For no man will I vote as a candidate for the Presidency who I believe will not in good faith carry out the provisions of the compromise. I would like, of course, that candidates should state their positions. I do not know what course may be pursued in the Baltimore conventions, but I take it for granted that the Democrats will show their hands—that they will unboot and make their tracks—not in the sand, that may be washed away. If they do not do this, I will not support them. The Democratic party, I will remark here, have enough to do to fight the great Whig party, without raising difficulties in our own midst. I request the gentleman from North Carolina, [Mr. Venable,] and every other Democratic gentleman upon this floor, to adopt the language of the sage Franklin—

"Let us to the faults of our friends be blind,
And they will ever treat us kind."

What good will result to you, my friends from South Carolina, by cutting loose from your Dem-

ocratic friends of Virginia and the other States, because you happen to differ from us upon a few minor questions? Are you prepared to go over to the enemy, horse, foot, and dragoons? There were those associated with both parties in the last and the present Congress whose course I condemn. For myself, I shall associate with no party unless I believe that party right. If I had my way, I would read out of the Democratic church every Abolitionist, by whatever name he may call himself.

Here the hammer fell.]

THE HOMESTEAD BILL.

SPEECH OF HON. O. B. FICKLIN,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

April 24, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same, for the period therein specified, being under consideration, in Committee of the Whole—

Mr. FICKLIN said: I am gratified, Mr. Chairman, that I have obtained the floor for the purpose of giving my views upon the homestead bill; and as I do not intend to indulge in any remarks upon politics, or any irrelevant matter, I may be permitted, before entering into the discussion of this bill, to say a word in reference to a kindred measure, which was before the House a few days ago, and which was left in somewhat an equivocal position by the House going into the Committee of the Whole on the state of the Union. I refer to the bill granting preëmption rights to persons who have made improvements along the line of the Chicago and Mobile Railroad, and propose, in a very few words, and in a very brief manner, to submit my views upon the provisions of that bill, and then to pass on to the discussion of the homestead bill.

Mr. Chairman, the last Congress (as is well known to the members of this House) passed an act granting alternate sections of land for the construction of the Chicago and Mobile Railroad and branches, which act was approved by President Fillmore on the 20th day of September, 1850. By virtue of the provisions of this act, the States through which this road was located owning public lands are entitled to the alternate sections near the line. Prior to the passage of the act granting these lands to the States to aid in the construction of the Chicago and Mobile Railroad, and without any reference whatever to the action of the General Government in making such grant, many individuals had become actual settlers on and adjacent to the lines of said roads, upon the public lands of the General Government. These persons belong, if you please, to that class which in times past were most unjustly branded as "squatters," but who are, in point of fact, meritorious and deserving citizens. They located upon those lands, supposing that they would be able to pay for them, and their great sin consists in not having had the money to do so.

The State of Illinois, understanding the condition of things, and the merits of this class of actual settlers located on that portion of the public lands to which the State was entitled, passed an act, which was approved February 10th, 1851, granting a preëmption right to actual settlers, and allowing them three months to prove their preëmption, and twelve months to make the payment. I give the following extract from the twenty-fifth section of the act of the Illinois Legislature:

SEC. 25. That each and every person who, on the twentieth day of September, one thousand eight hundred and fifty, was the owner of any improvements made previous to that date, or any lot of land conveyed to the said company, and who became such owner with a view to a residence on, or occupation of such lot of land for agricultural purposes, shall have the right to purchase, at not exceeding $2 50 per acre, a quantity of the lot so owned, to be bounded by the legal subdivisions, not exceeding one quarter section, to consist of the quarter quarter, half quarter, or quarter section, which will include the improvement aforesaid: *Provided*, That any person claiming the right to purchase under the provisions of this act, shall, within three months from the date of selecting the lands, file in the clerk's office of the circuit court of the county in which the land claimed is situated, a notice to the said trustees and corporation, of his, her, or their claims, describing the land by its numbers, accompanied with an affidavit, stating the date and object of the improvement, the time and manner when and how he, she, or they became the owner thereof, and also the affidavits of at least two residents of the county, proving the facts in relation to such claim: *And provided further*, That the right of way upon and across any lot of land sold under the provisions of this section, not exceeding two hundred feet in width, shall be reserved and retained for the passage of the road, as the same may be located and constructed, and any person claiming the right to purchase as aforesaid, shall, within twelve months from the date of commencing work on the road within the county in which the land is situated, pay the said trustees or the corporation, the consideration money for the land claimed; which payment shall entitle him, her, or them, to a deed conveying an estate in fee; but in case of failure to make such payment, the right to make the purchase shall cease. When two or more persons claim the right to purchase the same lot of land, and file the proof of ownership as herein required, the person proving the first residence by himself, or those under whom he claims the improvement, shall have the right to make the purchase, but no sale or conveyance of any lot of land under the provisions of this section shall affect the rights or equities of parties claiming the same, as between each other.

This proves to you what Illinois believed to be right, in regard to this meritorious class of citizens. She has protected such of them as were on her side of the line, on the sections falling to that State; and now we ask that the General Government shall do likewise, in regard to those who are on her side of the line, by passing a bill similar in its provisions to the law of Illinois.

Within a few days of the commencement of this session, I introduced a bill to accomplish that object. It was referred to the Committee on Public Lands, and met their approval. A few days since it was reported to the House by the Hon. Mr. FREEMAN, of Mississippi, and owing partly to the indisposition of members to having the great number of bills reported by the Committee on Public Lands put on their passage, and partly to a misapprehension of its provisions, growing out of the hasty reading of the bill, some opposition was manifested to its immediate passage, and the bill now remains on the Speaker's table.

The following is a copy of the bill:

Be it enacted, &c., That each and every person who, on the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty, was owner of any improvement made previous to that date on any tract of land now owned by the United States, and situated within the limits reserved from sale by order of the Government, because of the grant of alternate sections to the States of Illinois, Mississippi, and Alabama, in aid of the construction of the Chicago and Mobile Railroad and branches, by virtue of an act of Congress, approved September twentieth, eighteeen hundred and fifty, entitled "An act granting the 'right of way, and making a grant of land to the States of 'Illinois, Mississippi, and Alabama, in aid of the construc-'tion of a railroad from Chicago to Mobile," and who became such owner with a view to a residence on, or occupation of, such tract of land for agricultural purposes, shall have the right to purchase, at the price established by law in regulating the sales of said lands, a quantity of the tract so improved not less than forty, nor more than one hundred and sixty acres, in legal subdivisions, on which said improvement may be situated: *Provided*, That any person claiming the right to purchase under any provision of this act, shall, within three months from the date hereof, file with the register of the proper land office a notice describing the land by its numbers, accompanied with an affidavit stating the date and object of the improvement, the time and manner, when and how, he, she, or they, became the owner thereof, and also the affidavits of at least two residents of the county in which such improvement is situated, proving that said improvement was made with a view to residence, or for agricultural purposes: *And provided, further*, That the right of way upon and across any tract of land claimed under the provisions of this act, not exceeding two hundred feet in width, shall be reserved and retained for the said railroad and branches, as the same may be located and constructed; and any person claiming the right to purchase as aforesaid, shall, within twelve months from the passage of this act, pay to the receiver of the proper land office, the sum of money so established by law to be paid as aforesaid; and on failure of said actual settler either to prove his right of preëmption within three months, or to pay for the land within twelve months after the passage of this act, as herein required, the said land containing the improvements as aforesaid, shall be subject to entry by any other person making application therefor.

SEC. 2. *And be it further enacted*, That when two or more persons claim the right to purchase the same tract of land, and file proof of ownership as herein required, the person proving the first residence by himself, or by those with whom he claims the improvement, shall have the right to make the purchase, but no sale or conveyance of any tract of land under the provisions of this act, shall affect the rights or equities of parties claiming the same as between each other.

That road, so far as it relates to Illinois, has now been located. We know where it goes, and through what country it passes, and whose rights and interests are affected by it.

It will be recollected, sir, by those who are familiar with the preëmption bill which was passed in the year 1841, that by the provisions of that act an individual, wishing to obtain the benefit of a preëmption, was required within thirty days, I believe the time is, after he first made his location and selection of land, to make an application at the proper land office, designating the tract of land on which he had located, and signifying his intention to claim his preëmption, and he was also required, within twelve months of that time, to enter and pay for the land at the Government price.

Within a short time after the passage of the act granting alternate sections of land to the Chicago and Mobile road, there was issued an Executive order to the officers of the several land offices for the withdrawing and withholding from sale those lands. They were taken out of market for the purpose of permitting the railroad to be located, and the alternate sections granted to the State to be selected. The road has now been located, and the alternate sections have been selected, and consequently the offices will be opened for the sale of the remaining lands as usual. Notice has already been given by the proper officer, that the land offices will be opened in July next for the sale of these lands. What, then, is the result, Mr. Chairman, and gentlemen of the committee? Persons who had made improvements, and who then were, and now are, actual settlers along the line of that road, have been unable to enter their land, because it was reserved from sale for more than twelve months; consequently they are not protected by any preëmption law now in force, and additional legislation is necessary if he would save them from the speculator. It is a question, when these lands shall come into market in July next, whether the provisions of the bill which is upon the Speaker's table shall be passed, so as to protect the actual settler against the speculator, and to give the man, the sweat of whose brow, and the labor of whose hands, have made the improvement, the first right to purchase the land from the Government at $2 50 per acre? or whether the land shall be thrown open to a scramble between the man who made the improvement and the swarm of speculators who wish to avail themselves of the benefit of the labor of another? The question is distinctly made between the actual settler, who has erected his cabin upon the land, fenced in and cultivated it, and the speculator, who seeks to wrest it from him. That bill was published the morning after its presentation, by my honorable friend from Mississippi, [Mr. FREEMAN,] in the "Globe," and is open to the inspection and examination of all who desire to examine it. I trust it has been, or will be, so examined, and so considered, that when it shall again be called up there will be no objection to its passage. If these people shall not be protected in the improvements which they have made when the land offices shall be opened, any person will have a right to enter those lands; and he who can reach the office first, having the money to pay for them, will be the successful applicant. In this way those whose labor has imparted value to the land, are liable to be turned out of doors, without shelter from the heat of a summer's sun, or the pitiless peltings of a winter's storm. I cannot believe that Congress will either refuse or neglect to pass a bill so salutary in its operation.

Mr. HUNTER. I ask the gentleman whether it is not a fact, that the law making this grant of lands, in terms saves the preëmptions which had attached at the time of the passage of the bill?

Mr. FICKLIN. It saves all preëmption rights that had then attached, because such rights could not be divested.

Mr. HUNTER. I wish to ask, further, what is the nature and meaning of the term attach?

Mr. FICKLIN. If the actual settler had made his application at the proper land office for a preemption, according to law, prior to the passage of the act granting alternate sections, his right to a preëmption would have attached, and he could have proceeded to complete his title; but the men which this bill is intended to protect, had located on the land before the bill passed, but had not taken this preliminary, but necessary step.

Mr. HUNTER. Does this preëmption bill propose to extend protection to those only who were actual settlers at the time of the passage of the alternate section act?

Mr. FICKLIN. It protects, and is intended for the benefit only of those who were *bona fide* settlers at the time of the passage of the act granting alternate sections. That is all I desire to do, and no amendment, excluding all others, can be too strong for me. Those who have been attracted to the line of the road since the lands were granted, have gone there for speculation, and can take care of themselves; but the actual settler, the poor man who has labored to make himself a home, is very differently situated.

Mr. HUNTER. My objection to the bill was purely on the ground, that I supposed it protected those who had made locations on the line of the road since the alternate sections were granted to the State; but I have no objection whatever to granting a preëmption to the actual settler whose improvement was made prior to the grant of the lands.

Mr. FICKLIN. That is all I desire; and I cannot believe that any gentleman who understands the bill, will object to its being called up and passed.

Mr. HALL. I will state to the gentleman from Ohio, with the permission of my friend from Illinois, what the Committee on Public Lands understand by this bill. It has been represented to them, and I suppose truly, that there were certain settlers upon some of this land—which, under the bill alluded to, was reserved to the United States—who had not complied with the preëmption law, and of course were not protected by the terms of that bill; and yet they had made settlements and improvements. The State of Illinois has secured to all such who have settled upon the land granted to that State, their rights, at $2 50 per acre. This bill merely proposes that those who had settled upon the land reserved to the Government, before the passage of the bill referred to, shall have the land at $2 50 per acre; although they had not complied with the preëmption law.

Mr. FICKLIN. Mr. Chairman, having said thus much in regard to that preëmption bill, I propose to proceed to the consideration of the subject immediately before the committee—the homestead bill, which was introduced by my friend from Tennessee, [Mr. Johnson.] From the opponents of this bill we have had some speeches, to which I have listened with great interest. They were marked with thought and ability.

I have carefully read the speech of the honorable member from Maine, [Mr. Fuller;] and although I have bestowed as much thought in the investigation of his reasons as I was enabled to do, I see nothing in them, although his arguments are speciously put together, which is calculated to raise a doubt in the minds of those in favor of the homestead bill—nothing at all. Sir, my friend lives too near the Canada line to understand our land system. He quotes authorities which are not consonant with our interests in this country. He cites the opinions of British lords. I would rather have the opinion of one of our lords of the soil—one of the sovereigns of our land, on this subject, (although he may never have read a book on entails or contingent remainders,) than the opinion of a British lord, with all his legal lore. It is known to me, and it is known to all of those who have given any attention to the British land system, that it is directly the opposite of ours. Under the English law, the lands are in the hands of a few wealthy families—a few pampered aristocrats. Their policy is to hold them in the hands of the few—ours is to have them pass into the hands of the many, to distribute them amongst those of the people who will cultivate them. We desire to see them owned and occupied by the lords of the soil, the sovereign people of this country. The British theory is, that every acre of land in that country has its lord; and there is a regularly-graduated dependence from the King down to the humblest tenant who tills the soil. The title descends from the Crown. Her policy is to preserve a pampered landed aristocracy, which policy is at war with the best interests of this country.

We extend the right of suffrage to all male citizens over twenty-one years of age. Great Britain restricts the right of suffrage to her privileged orders, so that only about one out of six who would be legal voters here, can vote there.

With us each county, district, or State is represented in proportion to its population. In Great Britain the rotten-borough system obtains, by which that equilibrium is destroyed, and a few favored individuals in one locality, counterbalance ten, twenty, or fifty times their number in other localities.

The great manufacturing city of Manchester, with eight thousand electors, sends no more members to Parliament than Thetford, with only one hundred and sixty voters. Liverpool, numbering twelve thousand voters, sends the same number of members as Chippinham, with but two hundred and seventeen. The west riding of Yorkshire, with thirty thousand voters, is placed on a footing with Harwich, numbering but one hundred and eighty-one electors.

Under this cunningly-devised scheme of representation, it is so arranged that one sixth part of the qualified voters of that country elect a majority of the House of Commons, and, as before stated, but one sixth of the male inhabitants of twenty-one years of age are allowed to vote.

The House of Lords is totally independent of the people, as is also the sovereign who claims to rule by Divine right, and not by human suffrage. How could we expect that the people would have any party amongst a set of rulers thus placed over them? The lands in Great Britain are owned by the crown and the nobility, who control the legislation of Parliament in such a way as to make the people "the hewers of wood and drawers of water" to a landed aristocracy. That thing should be guarded against in this country by every means in our power. Our public lands should in some way pass into the hands of the people, the toiling million, who would dwell upon, and cultivate them.

The honorable member from Maine talked about the unconstitutionality of this measure, as have some others upon this floor. I have not taken the trouble to examine whether those gentlemen who question the constitutionality of this bill did or did not vote for grants of bounty land to the soldier. Nor shall I do so, because their vote cannot change the power of Congress in the premises. If, however, they voted to grant bounty lands to soldiers, I should like to know where they will find the distinction. I should like to know under what clause of the Constitution they will find the power delegated to grant bounty lands to soldiers, that does not at the same time confer the power to grant lands to the landless and homes to the homeless and houseless of this Government. The principle is the same. I hold that we have unlimited control over the public lands of this Government. I hold that ample power is delegated to us by express grant of the Constitution, whereby we are authorized to dispose of the property belonging to the United States, land included. This is the constitutional provision:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

It has been the uniform custom and practice of Congress to grant lands to individuals, corporations, and States, in great and small quantities, from the foundation of this Government up to the present time. The right, it seems to me, cannot now be questioned, for it has been sanctioned, I think, by every President who has had the honor of a seat in the Executive chair, from President Washington down to President Fillmore. Each and all have signed bills granting lands to individuals, corporations, or States.

My friend from Maine [Mr. Fuller] seems to think that we are going to run out of lands some of these days—that the time is coming on when we shall have no public lands whatever. In looking through the vista of time, I cannot, aided even by fancy, reach the point when this Government will be without public lands. I venture the prediction, that while these States are bound together, and we have a Government, we shall have more public lands than would furnish homes for all of our people. If, like Rome, and some other ancient Governments that have preceded us, we shall become so dissolute and so corrupt as to be overthrown, then, as a matter of course, land, liberty, and all that is dear to us, will go together. But while the States continue united, and while ours is a free, independent, and republican Government, we shall not only have lands, but we shall have more lands than we can settle. It was Dow, Jun., or some one else, who, speaking of the great desire of an acquaintance to increase his lands, said, "if the individual owned the whole world he would want a small piece outside for a potato patch." It seems to me that that desire would be about as rational as the desire of my friend from Maine, [Mr. Fuller,] who maintains that we should not pass this bill granting these lands, because, forsooth, some day or other we should need them. I am one of those who believe that this is to be an ocean-bound Republic. I am one of those who believe, if we remain a free and independent people, that we are to occupy this whole continent. How was it in regard to Mexico? Is it not known that at the close of our war with that people, many of them desired to be annexed to this country, and have our laws extended over Mexico? How is it at this moment with that country? Do we not all know that our difficulty is rather in keeping these Mexican States away from us, than in attracting them to us? Is it not manifest that quite as soon as our population shall be prepared for it, and perhaps much sooner, the feeble Government of Mexico will totter to its fall, and drop like a ripe pear into our lap? It will devolve upon us the responsibility either of placing it under our own jurisdiction and government, or of seeing that it does not pass into improper hands. It is impossible that it shall maintain itself much longer.

We were told a few days ago by the honorable gentleman from Pennsylvania, [Mr. Chandler,] to whose remarks I listened with the most profound pleasure and to whom I return my thanks for his able and instructive speech, that we have upwards of an acre and a half of land for every human being upon the face of the globe. It is estimated that the globe contains between nine and ten hundred millions of souls, and this Government now owns between fourteen and fifteen hundred millions of acres of land, to say nothing of the hundreds of millions of acres of land in the old States owned by individuals; thus it will be seen that the time is not near at hand when we shall be in need of elbow room on this continent.

Then, so far as my friend from Maine, [Mr. Fuller,] or my friend from New York, [Mr. Jenkins,] is concerned, or any others who may entertain fears in regard to a scarcity of land in this country owned by this Government, I beg them to dismiss all fears upon that subject, because they are entirely groundless. One word more in regard to the speech of my friend from Pennsylvania, [Mr. Chandler.] He saw the true point in this case. We are now receiving in this country, from 250,000 to 400,000 emigrants per annum. The tide of incoming population is rapidly increasing. He had read in the British prints that it was a part of the policy of Great Britain to rid herself of the Celtic population in Ireland, and he had perceived that our cities must be so crowded with this population as to produce great inconvenience. He had seen with the eye of a statesman that this population must be disposed of in some way or other, and not be pent up in the confines and purlieus of cities where they would soon become vicious, if they were not so already. It is but the part of wisdom and far-seeing statesmanship to provide means of transportation and to send these people into the rural districts of this country, where they may enter upon the new lands, the virgin soil of the West, Southwest, and Northwest, and where they would be out of the way of many temptations to crime, and where by the sweat of their brows they can make a living. This would be not only beneficial to the cities themselves, but it is of the utmost importance to our emigrant population.

While I have voted land bounties to our soldiers whenever these bills have come up, I may be permitted here to say, that this measure is more salutary and more beneficent in its effects and operation than any bounty land bill which has ever passed this House. The bounty land bill receives more votes—and why? Because it affects all the States, and because the citizens of all the States feel a direct interest in it. When they obtain land warrants, they sell them, and the money is appropriated by them to serve their wants and supply the necessities of life. Those land warrants are very frequently located by the speculator, who holds them until the adjacent lands have been cultivated

and improved, and thereby imparted value to his. But in this case it is different. You require the one who receives the benefits of this bill to locate upon the land, and remain there five years; and I ask you whether five years' probation on wild lands, where the occupant is subject to the privations incident to a new country, is not equal to a three months' campaign?

We are told by some that they are apprehensive, if this bill should pass, that there will be a rush from the old States to the new States—a kind of general stampede in the direction of the western and north and southwestern portions of this country. That will not be the case, however. In the first place, there are a great many individuals who are attached to home, kindred, and the fireside of their youth. This is a strong feeling of the human heart, and one, too, which is not so readily relinquished. This feeling alone will prevent many from quitting the home of their childhood. Those who are able to purchase will not select a tract of land in this new wilderness country, but will prefer to buy a home of their choice, land that has been improved by the erection of comfortable houses, and other conveniences, rather than take one not of their choice, and remain on it five years before perfecting their title.

There is still another class that will not avail themselves of this bill; they are such as are too poor to find means to pay the expense of emigrating from the older to the new States, and of settling on these lands; therefore those persons can not go. When, then, you come to make the calculation, you will find that those not now residents of the new States, who will secure to themselves the benefits of this bill, will be generally of the middle, or rather not of the very poorest class, and that the number will not be so large by a great deal as is anticipated by some gentlemen. The man who is too poor to purchase land, but who has means to defray traveling expenses, will go and select him a home under this bill, improve the land and obtain a patent for it at the end of five years; but the man who is too poor to reach the lands cannot, of course, enjoy their benefits, for though "the waters are troubled, he cannot step in."

I have heard it suggested by some of my friends from the older States, that if this bill shall become a law, it will put an end, now and forever, to all revenue from the public lands; and by others, that it disjointed and discontinued the surveys of the public lands. If that were the case, much as I am in favor of this bill, I should be reluctant to vote for it, because I regard our present system of land surveys as one of the most perfect ever devised by the wit of man. I would not for anything break it up, and have ourselves thrown back into that confusion of land titles which has been witnessed in the State of Kentucky, and in other States of this Union, where our present model system of land surveys has not obtained. I repeat, that I would not be willing, upon any reasonble terms, to return to that old system so fruitful of law suits and so fraught with evil to the community. Such is not, however, the operation of this bill. But gentlemen ask, "Do you think that the Government will pay the expense of these surveys of the public lands, and derive no benefit from the sales?" Not at all. I do not expect any such thing. But I do expect the Government to bear the expense of these surveys, and derive about the same revenue as is now derived from the land sales. How do I prove it? In this way, sir. When, in 1846 and 1850, the bounty land bills of those two years became laws, we all know that the same cry went forth of "no more revenue from the public lands." But was that the effect? Was that prediction verified by the result? Certainly not. The land sales went on as usual, and though they were not as large as in the years 1835, '36, and '37, when we were cursed with an inflated paper currency, yet they ran up about to the average sales in those years when the currency was in a healthy condition. And the reason of this is, that the man who to-day makes a location on Government land, and in five years receives his patent for it, will purchase other lands for himself and his children, just as soon as he accumulates funds enough to accomplish it. And if he can collect together sufficient money even before he obtains his patent, he will purchase the land around him. There is a desire common to all mankind, and not less striking in the American than in the European character, to acquire title to land. This is one of the instincts of our nature, and men will drain their pockets of the last dollar to buy land. They will almost suffer, and let their families suffer for want of the common necessaries of life, in order that they may accumulate land for their children. Such will continue to be the case when this bill is passed, and my word for it the receipts from land sales will continue, and we shall see repeated the results of 1846 and 1850, granting military bounty land warrants to our soldiers; it will not materially diminish the receipts of the land office from the sales of the public lands. It may do it to some extent, but not so much as is anticipated.

Now, my friend from New York, [Mr. JENKINS,]—and the same remark has been made by two or three gentlemen—referred to the receipts in 1835, '36, and '37, as a criterion in estimating these land sales. But that is no safe criterion at all. Those exorbitant sales of lands were produced by an inflated paper currency, which flooded the whole country, and resulted not only in bankruptcy to the people of the land States, but also to those of the manufacturing and mercantile sections of the Union. I believe that the land sales ran up to something like forty millions of dollars in two years, in those times. But that is no criterion whatever. That was one of those great monetary expansions superinducing a cisis that bankrupted the greater portion of those who had been engaged in speculation. Under the healthy operation of our land system, the land sales in this country have yielded not far from two millions of dollars a year.

I believe it was the honorable gentleman from New York [Mr. SUTHERLAND] who undertook to prove by figures—and I do not at all question his proof—that one million of acres a year had been, in times past, about the amount required in this country for actual settlement. Well, now, gentlemen, by a little calculation, can see how long it would take, at the rate of one million of acres a year, to exhaust the fourteen hundred millions of acres of land that this Government owns. And then there would have to be an abatement from that amount of the lands which would be purchased by those who would prefer to select and pay for a home of their choice, rather than to be under the necessity of occupying land five years before perfecting their titles.

Mr. Chairman, this is a bill which appeals directly to the human heart, and awakens the best feelings of our nature. It is a bill which says to the landless, and homeless, and houseless, who are tenants to others, You shall have a home, to be won and earned by your own perseverance and industry. You have but to locate upon the lands of this Government, and after remaining there faithfully for the term of five years, you shall receive a patent, and then you will feel that you are one of the lords of the soil—that you are an American citizen, and have a home to live upon.

Gentlemen have compared the objects of this bill to the provisions made by the French Government, and by other Governments, to furnish labor and support to their needy citizens. Sir, there is no resemblance whatever between them. Our pension system is much more analogous. This bill does not propose to furnish bread to the breadless, or meat to the hungry, but it says to all such, "There is the land of the Government. Go upon it and work, and make a living for yourself." It stimulates industry. It says to the man who is without a home: "There is a home for you. There is a place where, by industry and by work, you can make a living, and secure an independence for yourself and your family." Instead of furnishing meat and bread to the hungry, to the idle, the lazy, and the loafer, they are each told to earn their living by the sweat of their brow, and are pointed to the land on which it can be done. We thus offer an additional admonition, and furnish an additional stimulant to our people to go and earn a livelihood by honest industry. The opponents of this mode of granting land insist that it is a gratuity or charity, which I think is clearly not the case. If their premises are wrong, the force of their deductions from these premises will be destroyed. It is no charity, because there is reciprocity in the agreement; there are mutual undertakings or covenants between parties competent to contract, by which corresponding rights are acquired, and obligations imposed.

The Government virtually says to one of her citizens: I have a wide domain of public lands, and desire their settlement; do you go and select a tract of one hundred and sixty acres, and as a condition precedent reside on it for five consecutive years, and I will grant you a title in fee simple; which proposition the citizen accepts; and when he complies with the condition precedent, that being the consideration on his part, then, and not till then, is he entitled to a patent.

The same thing is done by private individuals and companies owning town sites or large tracts of wild lands. They make grants for the purpose of inducing settlement and improvement, and regard themselves as benefited by the operation. These undertakings are regarded as mutually beneficial to the parties concerned, and such will be the effect of these grants by the Gove nment. When a farm is made on a tract of land, we all know that it brings into market the neighboring lands. The one follows the other, as certainly as effect follows its cause in any other instance. The Government has those lands. What can she do with them better than to have them settled by hardy and industrious farmers? What other use, indeed, has she for them? None that I can conceive of. The farmers who would occupy these lands must of necessity augment the exports and imports of the country, increase the revenue from duties, give employment to seamen, manufacturers, artisans, and indeed the products of their labor would be felt in all the ramifications of life.

I indorse all that has been said by the friends of this bill in regard to its efficacy in transforming the same community into better citizens; it will elevate their character, make them feel that they have a stake in the country, and awaken in their hearts an imperishable love of, and attachment to, their homes. It will nerve the arm of the soldier in the hour of peril; and though all cannot say, "This is my own, my native land," yet the emigrant in our midst will feel that in consequence of the bounty of our Government, the home of his adoption is more dear to him than the land of his nativity.

In the year 1795, during the administration of General Washington, and near its close, the following bill was passed, granting land to the French inhabitants of Gallipolis, and approved by him on the 3d of March of that year:

"SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized and empowered to cause to be surveyed, laid off, and divided, the remaining 20,000 acres of land, residue of the 24,000 acres, into as many lots, or parts, as the actual settlers of Gallipolis shall on ascertainment aforesaid amount to, and the same to be designated, marked, and numbered on a plat thereof, to be returned to the Secretary of the said Territory, together with a certificate of the courses of the said lots, the said lots or parts of the aforesaid tract, to be assigned to the settlers aforesaid by lot. And the President of the United States is hereby authorized and empowered to issue letters patent as aforesaid, to the said actual settlers and their heirs, for the said 20,000 acres, to be held by them in severalty in lots to be designated and described by their numbers on the plat aforesaid, with condition in the same letters patent, that if one or more of the said grantees, his or her assignees, shall not, within five years from the date of the same letters, make or cause and procure to be made an actual settlement on the lot or lots assigned to him, her, or they, and the same continue for five years thereafter, that then the said letters patent, so far as concerns the said lot or lots not settled and continued to be settled as aforesaid, shall cease and determine, and the title thereof shall revert in the United States, in the same manner as if this law had not passed."

The Gallipolis act, it will be perceived, grants the title prior to the expiration of the term of five years' occupation and settlement, whilst the bill now under consideration requires the five years' occupation to be complied with as a condition precedent; otherwise the measures are very much the same in principle.

Arkansas grants her public lands that have been forfeited to the State for taxes to actual settlers, for the purpose of inducing immigration. Texas has offered similar inducements to immigrants. This Government has held out similar inducements to persons who would emigrate to Oregon.

Now, let us look for a moment at the system which has been adopted by some of the other States. Take, for example, Kentucky. That State became the owner of large tracts of public land. She reduced the price to a mere nominal amount, in some instances as low as twelve and a half cents

per acre. And what has been the result of it? Has it been, as my friend from Maine [Mr. FULLER] seemed to anticipate, that the country would be settled by loafers and idlers, such as they have in Canada? Not so. The result has been that Jackson's purchase, in the southern part of Kentucky, represented now for some fourteen years on this floor by the Speaker, (the Hon. LINN BOYD, of Kentucky,) has been settled by worthy, intelligent, and enterprising people; who, though poor at first, are gradually becoming wealthy, and that country is rapidly growing and improving; and the passing traveler is astonished at the growth of its towns and cities, and the number and extent of its farms. Look at the State of Georgia. By an arrangement between that State and the General Government it was agreed that the latter should extinguish the Indian title to a large tract of land known as the Cherokee country; and what was the policy of that State? It was a wise policy—the same as that adopted in parceling out the lands at Gallipolis. She determined to give that land to her citizens without charge, and she proceeded by lottery to decide the tract that each one should receive. This being done, the title was at once perfected, without requiring previous settlement on the land.

What has been the result? Has it been to people the Cherokee country with a set of loafers and loungers, whose only object was to obtain a title to the land and then dispose of it as has been supposed would be the operation under this bill by my friend from Maine? Not so. I will venture to say that there is not in any one portion of that Empire State of the South, nor is there in any portion of the whole country, a more enterprising, industrious, and thrifty people than is to be found in the Cherokee country, in Georgia. A few years since that was an Indian country, but it now contains perhaps one third of the population of that State.

It is not necessary for our friends to seek for examples drawn from Canada, Great Britain, or any other foreign Government. Let them rather come home to our own country, and profit by the examples of such of our States as have practiced upon this policy. I hold, sir, that the plan of this bill is better, if possible, than that carried out by the State of Georgia, or that adopted in regard to the grant to inhabitants of Gallipolis; because in the State of Georgia the settler was not required to remain upon the land for any length of time in order to secure his title. This, I regard as a most essential feature. By the provisions of this bill, the settler is not only required actually to take possession, but he must live upon the land for five years in order to secure his title. In that time he will have made many improvements—his cabin will have been built—his fields will have been cultivated, and he will have erected many monuments about his home which he will cherish, and with which he will not willingly part.

Some gentlemen have said that all those who acquire land under this bill will sell it as soon as they once obtain the patent, or that they will squander it away. That may be done in some cases, because in all countries there is a certain portion of the population who are thriftless and who cannot hold what they possess. But there will be many others, and probably much the largest portion, who, when they obtain their titles, will remain upon the land until the day of their death, who will die in the house they have built, and will leave a home and land as an heritage to their children.

Now, Mr. Speaker, there may be some gentlemen in this Hall who suppose I am in favor of giving these grants of land to everybody who would ask for a patent for them. I tell those gentlemen, that when this bill comes to pass the ordeal of amendment before the committee, I propose to scan it closely, and guard it at every point. I shall call to my aid the light furnished by twenty years' experience and observation in the land States, to aid me in securing to the actual settler, the industrious man, the benefits of this bounty, and exclude therefrom the mere speculator and the idle loafer. I propose so to guard it that no one shall obtain a patent for a tract of land under this bill, who shall not live upon it in good faith the length of time required, and that, too, with the intention of becoming a citizen. I propose so to amend it that loafers and loungers, and worthless fellows, who are men of straw in the hands of others, and operate for their benefit, and who do not in good faith seek to obtain the land for the purpose of settlement, shall not profit by their frauds, nor shall those who employ them. But rather that the benefits of this bill shall inure to all such as really need a home for themselves and family, and are willing to secure it by honestly complying with the provisions of the law during the probationary period of five years. No occupation of the land by proxy should give even color of claim to title. When you bestow land upon the man who will till the soil, and who will erect his log cabin upon it, you plant there a citizen, who, when your country is invaded by a foreign foe, will bare his breast in its defense.

It need not surprise any one if the sons of those men who would receive land from the bounty of the Government under this bill, should rise to eminence in all the pursuits of life, and cause their influence to be felt in either end of the Capitol. Why, sir, if I am not mistaken, there are men in this House, whose fathers never owned an acre of land in their lives; men from the walks of poverty, who have struggled against adversity and trial, and have come up to fill offices of the highest honor and profit. When I hear my friends speaking of this class of people as being undeserving and worthless, I have only to ask them to look at the history of mankind. Look at the history of families and of men in this country, and you will discover that here, where the laws of primogeniture and entail do not obtain—where property does not of necessity descend in families from generation to generation—that lands, and fortune, and honors too, are passing from those who enjoyed them in one generation, to their overseers, their tenants, employees, and their descendants in the next.

THE HOMESTEAD BILL.

SPEECH OF HON. J. S. MILLSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

April 28, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period therein specified, being under consideration, in Committee of the Whole—

Mr. MILLSON said:

Mr. CHAIRMAN: I shall follow the example of the gentleman who first addressed us this morning. From the course of the preceding discussion, it might be supposed that the presidential question was the subject before the committee. I shall not speak upon that. I shall confine my remarks to the subject referred to us—the bill to *give away* farms of one hundred and sixty acres to certain favored classes of the people.

Until last night, I had no intention to engage in this debate. My design now is to address myself to the consideration of a branch of this question which seems to have been passed over by most of the friends of the bill as scarcely entitled to notice. I mean the question of constitutional power. Other gentlemen are doubtless very clear in their convictions of right; but, for my own part, I hardly know anything more unconstitutional than the measure proposed. In its operation it will be as unequal and unjust to the old States, as in its principle it is unconstitutional.

Mr. Chairman, when, in the last Congress, this bill was introduced by the honorable gentleman from Tennessee, [Mr. JOHNSON,] I supposed that it was a practical jest, designed as a burlesque upon some of those extravagant propositions which are sometimes brought before Congress. And it has only been very recently I have been enabled to persuade myself that gentlemen are really in earnest in urging its passage.

Mr. JOHNSON, of Tennessee. I understand the gentleman as saying that he thought this homestead proposition was introduced during the last Congress as a mere jest?

Mr. MILLSON. I say that when it was first introduced, it struck me as being a proposition designed merely as a practical jest.

Mr. JOHNSON. I wish merely to remark, by the gentleman's permission, that this jest was introduced here some six years ago, and that its friends have uniformly persisted in their attempts to accomplish the jest ever since.

Mr. MILLSON. So I discover. I no longer doubt either their sincerity or their zeal. I say to the gentleman from Tennessee, that in thus expressing my views of the nature and character of his bill, I mean no disparagement of him or any other gentleman desiring its passage. I know that men will differ—that they ought to differ; and the views I present to the committee are offered with sincere deference to the opinions of other gentlemen. It is a beautiful Providence, as indeed are all the arrangements of the Supreme Being when rightly understood, that there should be varieties in our mental constitutions, as there are diversities almost endless in the natural world. If the earth had but one soil and climate, what sameness would there be in its productions, and how much would our enjoyments be limited; and were the minds of men constituted alike, how narrowed would be our perceptions of moral truth. Nay, sir, the very tendency to error is necessary to give dignity and merit to our investigations, for if no man could err, no man could claim credit for being right. The discovery of truth would be a moral necessity. I beg the gentleman from Tennessee, then, to be perfectly assured that in what I have already said, and in the arguments which I am about to address to the committee, I but speak of things as they appear to me, not only without impatience of opposite sentiments, but realizing my own liability to error. Believing this bill, however, to be a plain and flagrant violation of our constitutional charter, I must give expression to the sentiments that animate me, and the convictions by which I am governed.

From whence is the power derived to pass this bill? I ask any one of its advocates to point to me that provision in the Constitution which justifies its passage. I invite any gentleman to indicate the clause in the Constitution which confers the power in question. Since, Mr. Chairman, no gentleman thinks proper to point out in what part of the Constitution authority is found for the enactment of such a measure as this, I must conjecture the grounds on which it is supported.

Mr. BROWN, of Mississippi. With my friend's permission, I thought that I had this morning pointed out distinctly the clause of the Constitution under which we proposed to pass this bill. It is that clause which gives to Congress the power to dispose of the territory. And I said that the power to dispose of the territory was without limitation. Congress is not bound to give the land because it has the power to do it; but Congress may give the land, having the power, if the common good is promoted thereby; and it ought to do it.

Mr. MILLSON. Very well. Exactly as I supposed. I heard the gentleman this morning very distinctly. It was, with a view of giving an opportunity to other gentleman, who might, perhaps, point out some other part of the Constitution which, in their opinion, justified the enactment of this bill, that I invited a response to my inquiry. I say I heard the gentleman, and I heard him with astonishment. The clause in the Constitution that authorizes the passage of this bill, says the gentleman from Mississippi, is that which gives power to Congress to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States. Can any other gentleman find any other clause? No answer? Then none other is relied upon. The gentleman says this power is unlimited. I will test the accuracy of that proposition at once. Would it be constitutional to grant all the public lands to the members of the present Congress, to be equally divided among them? Has Congress the constitutional power to do this?

Mr. BROWN. I answer yes. They have the power, but it would be an abuse of the power to exercise it, and therefore a violation of the spirit of the Constitution. Congress has power to-day to declare war against Great Britain, but it would be a monstrous outrage and violation of the spirit of the Constitution, if she did it without cause.

Mr. MILLSON. The gentleman declares that Congress *has* the constitutional power to divide amongst the members of the Thirty-second Congress all the public lands, and that such a bill would not be unconstitutional. To this extreme he is forced by the necessities of his position. But I will now address another inquiry to the gentleman from Mississippi, and we shall see whether he will not soon be driven from that position. Has Congress the constitutional power to bestow upon the present President of the United States the whole of the public lands, as a reward for meritorious services? I await an answer to that inquiry.

Mr. BROWN. Again I answer, yes.

Mr. MILLSON. And I answer, NO.

Mr. BROWN. I answer, yes; and I answer as I did before, that it would be an abuse of power—a monstrous abuse of power, which would violate not the letter, but the spirit of the Constitution.

Mr. MILLSON. Look into that Constitution, and you will find it positively prohibits any increase of pay or emolument to the President of the United States during the term of his office. I invite the attention of the gentleman from Mississippi [Mr. BROWN] to a clause in the Constitution which declares that the President shall receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and that he shall not receive within that period any other emolument from the United States, or any of them.

Mr. BROWN. If the gentleman will allow me, if he will point to any clause of the Constitution, under which the squatters are prohibited from receiving this land, because they are the recipients of the bounties of the National Treasury, then he will have met my case. But the gentleman draws me, by a very ingenious course of argument, into a very extreme case, which was not presented to my mind.

Mr. MILLSON. Then I understand the gentleman now admits that such a grant to the President would be unconstitutional. I will give the gentleman another case.

Mr. BROWN. Had the gentleman asked me a question whether in this manner the compensation of the President of the United States could have been increased, I would have answered, no; but that was a question not presented to my mind.

Mr. MILLSON. It is conceded, then, by the gentleman, that it would not be constitutional to dispose of the public lands by a gift to the present President. Here is one limitation upon the power of Congress to dispose of the territory. I put another question to the gentleman from Mississippi. Would it be constitutional to grant the public lands to some religious society, in any of the States, for the purpose of favoring the spread of their religious opinions?

Mr. BROWN. I will answer the gentleman, no; because the Constitution will not allow any advantage to be given to one religious denomination over another.

Mr. MILLSON. Precisely. Here, then, is another limitation of the power of Congress in regard to the disposition of the public lands. Now, what is the conclusion from all this? The conclusion from all this is, that the power granted to Congress to dispose of the territory of the United States does not vest an absolute and uncontrolled discretion to dispose of it in any and every possible manner, but that it is limited by the various recitals in the Constitution of the objects for which the Government was formed. It is to be exercised in due subordination to all other provisions of that instrument and to the objects and purposes of the States in forming the present Union as explained in the Constitution itself.

I hope the gentleman from Mississippi, [Mr. BROWN,] and the gentleman from Indiana, [Mr. PARKER,] who has just taken his seat, will withdraw the declaration, that the power of Congress to dispose of the public lands is a plenipotentiary power, without any restriction or limitation. I will put another case, but I do not invite a reply now; for I find I shall scarcely have time to go through the course of argument which I have prescribed for myself. Has Congress the constitutional power to divide the public lands among those citizens of the United States only who are possessed of an estate worth a million of dollars? Who will affirm it? Who will say that an act of Congress, dividing the whole of this magnificent domain among those citizens of the United States who might respectively be possessed of an estate worth a million of dollars, would be constitutional?

But the gentleman from Pennsylvania, [Mr. GROW,] the other day, in apologizing for the unequal operation of this bill, used expressions which would vindicate even such a disposition of the public domain as I have just supposed; for he said: "If the circumstances of any man be such 'in life, that he is unable to avail himself of the 'advantage of any particular act of legislation, it 'is his misfortune and no fault of the law." Yet, surely that gentleman would not undertake to say that such an act as I have supposed would be constitutional. If, then, such a law, granting the lands only to those who were worth a million of dollars, would be unconstitutional, pray tell me why a law which restricts the benificence of Government to those worth less than five hundred dollars, is not equally unconstitutional?

Mr. GROW. With the gentleman's permission, I think he has not exactly stated my position. Any general law may be passed by a legislative body which is general in its provisions. It is no objection to a law because certain citizens cannot avail themselves of its advantages.

Mr. MILLSON. I quoted the very words used by the gentleman, and therefore I could not misstate or misrepresent him.

If, then, Mr. Chairman, such laws as I have supposed would not be constitutional, notwithstanding power has been given to Congress to dispose of the public territory, then the inference is irresistible, that this grant of power is still limited by the objects for which the Government was created and established. It will not do, therefore, for gentlemen, when a particular disposition of the public lands is proposed, to point to this clause of the Constitution alone, and suppose that all controversy is ended, and every doubt dispelled. It is not enough for them to show that Congress has power to dispose of the lands. They must show also that the proposed disposition is consistent with the general objects and scope of the Government.

Let me now show, Mr. Chairman, what vast powers could be claimed for this Government if the method of reasoning resorted to by gentlemen were applied to another clause of the Constitution. It is this:

"That Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States."

Power is given to raise money, and the object for which money is to be raised is to provide for the common defense and general welfare. These expressions are more broad and general than those used in that part of the Constitution which gives power to Congress to dispose of the public lands. Will the gentleman from Mississippi, [Mr. BROWN,] or any other gentleman in this House, say that Congress therefore has the right to grant money for any and every purpose which may be supposed to subserve the general welfare? Will they affirm that there is no limit to the power of appropriation but their own loose, wild, and undefined notions of the public good? No one but a mere latitudinarian would maintain a proposition like this. It is true power is given to raise money "to provide for the common defense and general welfare," yet no man will assert that without any reference to the specific objects for which this Government was established, and the restraining clauses in the Constitution which limit and define its functions, it would be constitutional to appropriate money for any object that Congress might suppose would advance the general welfare.

Let me suppose that, instead of a grant of lands, an appropriation of money was proposed, to induce emigration from the old to the new States, by paying a premium to every emigrant: will the gentleman from Mississippi [Mr. BROWN] say that such an appropriation would be constitutional? He argued stoutly to-day that this bill would, in a variety of modes, promote the general welfare; and he repeated the expression so often that I began to fear he had fallen into the errors of the Consolidationists and Federalists, and supposed that power to promote the general welfare was granted as a substantive power to Congress. If, then, the general welfare should be promoted as the gentleman stated, by securing the objects contemplated by this bill, I ask him, has Congress the constitutional power to grant money from the Treasury to all persons who may be disposed to remove from the old to the new States? If they cannot grant money for such an object, how can they grant lands? The power to grant money is in terms limited only by the object stated, namely, to provide for the general welfare—a very broad and general designation of the object. The power to dispose of the land is equally limited by considerations of the general welfare. To affirm that the land may be given, and not money, is, it seems to me, to draw very inconsistent conclusions from the same premises.

But in the very clause from which gentlemen derive the power to pass this bill, they may find authority, according to their method of argument, for granting money as well as lands. This clause gives to Congress the power to "dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States." Is not the money of the United States the property of the United States, and will not the very same argument which justifies them in disposing of the territory, authorize them to dispose of the money, which is a part of the property of the United States? Surely it would; and yet what enormous powers might be claimed under such a construction of the Constitution. I ask the gentleman from Mississippi, how can he deny the right of Congress to "dispose of" the public money, by subscribing for stock in works of internal improvement, or by becoming a partner in a cotton factory, or by purchasing an interest in the affairs of some new National Bank? He need not look into the Constitution in the vain search for some substantive grant of power to Congress to incorporate a National Bank. Upon the principles maintained by him, he would find sufficient power in that part of the Constitution which authorizes Congress to make needful rules and regulations respecting the territory or other property of the United States. Sir, I ask again, what power may not be exercised by such a mode of construction?

The bills granting alternate sections of the public lands to aid in the construction of railroads, are sustained by arguments similar to those I have been reviewing. The friends of these schemes allege that Congress, as proprietor, only gives one half of the lands in a particular locality, to increase the value of the other half. We may well doubt whether this will be so. But grant that it would be so. Would that establish our right? Can we constitutionally grant money to a State to enable her to build a railroad through the public lands? Let me suppose that Missouri or Illinois desires to build a railroad through lands belonging to the United States? Has Congress constitutional power to appropriate money from the Treasury to enable such road to be built? Why not? The gentleman from Missouri [Mr. HALL] shakes his head. Why not, according to the course of argument which has been pursued here? If the grant of money for building the road raises the value of the public property, and if the Government, as proprietor, has the right to enhance the value of its own property, why may it not, to effect that object, grant money, which is part of its property, as well as land which is only another part? If it cannot do this, as of course it cannot, depend upon it, sir, it has as little authority to do the other. There are many modes in which, by an investment of a portion of its money, the Government might greatly swell its receipts. But in determining the powers of this Government, we must apply other tests than pecuniary profit.

We do not claim the power to construct these railroads ourselves, but only to aid their construction by making grants to States or companies. Sir, I maintain that if it be not constitutional for Congress to do a thing, it is equally unconstitutional to grant money or lands for the mere purpose of having it done. If you are prohibited from doing it yourselves, you have no right to grant money to others with intent to enable them to do it. If the end be unconstitutional, you cannot lawfully use means to accomplish that end, although a control over those means may

have been granted to you by the Constitution; for if it were lawful to do or cause to be done whatever might be effected by a grant of money, then there would be nothing that Congress might not do, because there is scarcely anything which may not be effected by money.

Mr. HALL. Will the gentleman allow me to ask him one question?

Mr. MILLSON. Let it be a brief one, for my time is passing away.

Mr. HALL. I understand the gentleman to say, that if we cannot appropriate money in order to encourage the settlement of the public domain, we cannot appropriate the land itself; I ask the gentleman if he denies the constitutionality of the preëmption laws?

Mr. MILLSON. Really, Mr. Chairman, the gentleman cannot suppose that I am to be diverted from the line of my argument for the purpose of considering the constitutionality of other measures which he may present to my notice. I have not even referred to those acts of legislation which have been cited as precedents, because my time will not allow me to expand as I could wish some of the views I have presented.

But, sir, the power is claimed for the Government of the United States, not as a Government but as a mere proprietor—a land-owner. It is admitted that the powers of the Government do not extend to the construction of railroads in a State, but it is claimed that, as proprietor of the lands, it may constitutionally do whatever will advance the value of those lands. Gentlemen put the Government in the same position with an individual proprietor. Very well; I accept the issue. Now what are the powers of an individual proprietor of lands? He can only do with them what the law allows. He has no powers of legislation. The right to dispose of his lands does not vest him with any of the functions of a legislator. Putting the Government upon the same footing, I say that the exercise of its power of disposition, as a mere proprietor or land-owner, adds nothing to its legislative powers as a Government. But gentlemen seem to think that the Government can do, as a Government, whatever it may wish to do as a proprietor.

Mr. JOHNSON, of Tennessee. If the gentleman will permit me, I think we can settle these knotty and abstruse constitutional questions.

Mr. MILLSON. Without meaning any discourtesy to the gentleman, I must decline to yield the floor. I wish to pay my respects to some of the other gentlemen who have spoken in favor of this bill, and I find that my hour is rapidly passing away. Besides, I cannot consent that my time should be employed in the discussion of topics presented by him rather than of those selected by myself.

Sir, the Government of the United States, claiming the power to do, in its legislative capacity, what it may wish to do as proprietor, and assuming powers not derived from the Constitution, but claimed as incident to the mere act of disposing of the public lands, undertakes to prescribe rules and impose conditions which are to be observed by the people of the States where the lands lie, even after its rights as a landholder have been parted with. Both in the bill of the gentleman from Tennessee, [Mr. Johnson,] and in the various bills for granting alternate sections to the States, there are provisions of a character purely legislative, restricting the rights of the States, and undertaking to control them in the exercise of their authority over their own citizens.

If this argument be sound, that we may give away for internal-improvement purposes a portion of the lands to enhance the value of the rest, we ought ourselves to originate schemes of internal improvement. Instead of responding to the demands of corporations seeking their own advantage, we ought to inquire for ourselves, and ascertain the most profitable mode of disposing of our public property. You would have the right, too, not only to grant lands to those States that project these improvements, but to go into States that have no such purpose, and project them, and complete them yourselves, and that, too, against their protest and remonstrance. All this you could lawfully do, if it were true that you have a right to do as a Government, what it might be profitable to do as a landholder.

Let me, Mr. Chairman, present the argument in another form. Have we the right to purchase lands not our own, for the purpose of granting alternate sections to railroads proposed to be constructed through them? I put that question to the serious consideration of the gentlemen in this House who are urging the passage of these bills. Has power been given to Congress to purchase lands in any of the States for the purpose of building roads through the lands so purchased? No man will defend the exercise of so monstrous a power. Then, sir, if Congress cannot do that, can it acquire this power by a simple purchase of lands and by afterwards claiming a right, as proprietor, to bestow one half to improve the value of the residue? If it could do this, then the Government might build railroads wherever it pleased, by purchasing land, even in the old States—in the State of Virginia, for instance—with the purpose of afterwards constructing a railroad through them.

I have thus far, Mr. Chairman, argued this question, upon the supposition that the Government is the proprietor of the public lands. But I deny that the Government of the United States is, or ever was, the proprietor of one foot of the public lands. Those lands have never been given to the Government of the United States. They were given to the United States themselves, and they still belong to the United States. Virginia, as one of the United States, is one of the joint proprietors of this domain. It is not yours, and with what justice can you do any act in derogation of her common right? The gentleman from Mississippi [Mr. Brown] was very much in error when he said this morning, that the Government of the United States was now the largest landed proprietor upon earth. The Government of the United States owns not one foot of this land. We are but the managers of an estate not our own, and it is our solemn duty to manage it for the best advantage of the real owners. We have heretofore derived a large revenue from it, which has been applied to relieve the burdens of the people. Let us continue to do so.

The gentleman from Pennsylvania, [Mr. Grow,] however, said the other day, that even if the Government could derive any revenue by the actual sale of the public lands, it was neither just, nor sound policy to hold them for that purpose. Now, sir, I say that to give away the lands, and to refuse to let them be a source of revenue, is equivalent to laying a tax on the people for the purpose of making donations to the homeless and landless. I put it to gentlemen, then, suppose you were asked to appropriate $3,000,000 for the purpose of purchasing lands to be bestowed as gratuities upon those who now have none, would you think you had the constitutional power to do it? Let any gentleman point out to me the difference between an appropriation of $3,000,000 for the purchase of lands to be bestowed upon such as are now without them, and a refusal to receive $3,000,000 from the sales of the public lands, and the taxation of the people, to a corresponding amount, for the purpose of supplying that deficiency. Let me suppose that you want $30,000,000 a year for the annual expenses of the Government. You get $27,000,000 from the customs and $3,000,000 from the public lands. You refuse to apply the receipts from the sales of the lands to the payment of the current expenses of the Government. Must you not impose upon the people taxes to the amount of $3,000,000 to meet that deficiency? I say, then, that no gentleman can point out any practical difference between a grant of lands yielding us $3,000,000 a year, and the imposition upon the people of an annual burden of $3,000,000 for the purpose of raising a fund to purchase land for the landless.

Suppose, sir, that the yearly sales of the public lands were sufficient to pay all the expenses of our Government, would any one contest the propriety of holding them as a fund for the general use, and of thus avoiding the burden of taxation altogether? What would be thought of the man who proposed to give them away and make up the deficiency by taxes? There is, then, as I have said, no difference between disposing of these lands, so as to cut off the supply of revenue from them, and imposing a burden upon the people to the amount of millions every year, for the purpose of procuring a fund out of which you are to bestow your charities.

The gentleman from Pennsylvania, the other day, spoke in eloquent terms of the condition of the poor, and he especially referred to the hard lot of the poor seamstress, in our large cities. Sir, I wonder it had not occurred to that gentleman that the effect of this bill is not only to exclude this poor seamstress who earns a precarious livelihood by plying her needle, sometimes from early dawn to midnight—not only to exclude her from the benefits of its provisions, but actually to tax her; yes, to increase her burdens, in order that you may provide a fund for bestowing gratuities upon those whom you select as the recipients of your favors. This is governmental charity!

But the gentleman from Pennsylvania further says:

"But aside from the question of sound policy, the Government has no right, founded in reason and the nature of things, to make the public lands a source of revenue."

And again he says:

"As the means of sustaining life are derived almost entirely from the soil, *every person has a right to so much of the earth's surface as is necessary for his support.*"

This is startling doctrine. Has every man a right to so much of the earth's surface as is necessary to his support, simply because he draws his sustenance from the earth? But if this were true, what would become of the millions whose means of sustaining life are not derived immediately from the soil? Of the mechanic, the merchant, the physician, the hunter, the mariner, the fisherman? They are practically excluded by this bill; are they also to be deprived of every other right to the soil, or to so much thereof, according to the gentleman's proposition, as is necessary to their support? But how much is necessary to each man's support? Can the gentleman tell? The indolent may require more than the industrious man. Is he, therefore, entitled to a larger portion of the earth's surface? Is idleness to be thus rewarded? There is some difference, too, in the quality of lands: must the quantity allowed to each person, however, still be the same? But I beg the gentleman to consider how those persons are to be supported whose occupations do not allow them to till the soil, if those who cultivate it should only take enough for their own support. Nay, sir, where do we find a man who draws exclusively from his own land the means of his support?

But the gentleman, seeming to fear he may have gone too far, qualifies his proposition, as follows:

"To whatever *unoccupied* portion of it, therefore, he shall apply his labor for that purpose, from that time forth it becomes appropriated to his own exclusive use."

But what does he mean by "*unoccupied?*" Does he mean *uncultivated?* It might be supposed that he did, for he afterwards asks—

"What right has one man more than another to an acre of uncultivated land, to which not a day nor hour's labor has been applied?"

Yet, he can scarcely mean this, though his language would seem to imply it. He can scarcely mean to say that to uncultivated land one man has no more right than another; for I am sure the gentleman has too much respect for the rights of property to suppose that the uncultivated tracts in his own State may be seized upon by the first occupant and "appropriated to his own use."

Mr. GROW, (interrupting.) If the gentleman will turn to the next page of the speech he will find it distinctly stated that whatever rights a man may acquire under the laws, even though there might not be any foundation in nature for them, the well-being of society require that they be observed. It was to the natural rights of man, to which I alluded in that speech.

Mr. MILLSON. Then, the gentleman is talking about the condition of things in a state of nature. But as we happen to live in civilized society, where the restrictions and safeguards of law surround us, I think it is proper that we should consider what is best for us in the actual condition in which we find ourselves.

Let us, however, look at the gentleman's argument as he presented it. By "unoccupied lands," I presume he did not mean uncultivated lands, but simply those to which there was no owner. If that was his meaning, all I have to say is, that no man can set up a claim on that score to any of our public lands, because they are already occupied. There is no want of ownership. They belong to the United States—that is to say, the

people of the several States; they are *theirs*, held for *their* use, and to be disposed of for *their* benefit. The gentleman asks what right has this Government to monopolize the gifts of God to man, and make them the subject of merchandise and traffic? I answer, NONE. It has no right to monopolize them; and it is rank usurpation, when *you*—the *Government*—undertake to wrest these lands from the people who now own them, and establish a monopoly by granting to a *few* what rightfully belongs to *all*.

I proceed now to notice the argument of the other gentleman from Pennsylvania, [Mr. CHANDLER,] in relation to the constitutionality of this law. He says:

"The right is not denied by the Constitution or the law, and it is established and sustained by continual custom. If we have a constitutional right to give away the public lands to foreigners—and it is apparent that practice, in the absence of all conflicting legislation or constitutional prohibition, establishes that right—then, *a fortiori*, we have the right to divide them as we choose among our own citizens.

"The question of right being thus indisputable," &c.

It is by this course of reasoning the gentleman from Pennsylvania seeks to establish the right to pass the bill before us. It differs very remarkably from that adopted by other gentlemen. There are some points in this argument upon which I must submit a few observations.

He says the right is not denied by the Constitution. Why, sir, is it sufficient, when we are invited to exercise a power, to know that it is not *denied* by the Constitution? Does the gentleman suppose that whatever is not expressly prohibited may be lawfully done? He surely forgets those two clauses in the Constitution which mark the limits of Congressional authority. The one declares that "all legislative powers *herein granted* shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives;" and the other provides that "the 'powers not delegated to the United States by the 'Constitution, nor prohibited by it to the States, 'are reserved to the States respectively, or to the 'people."

But the gentleman says the right is not denied by *the law*. What can he mean? He has spoken of the right as not being denied by the Constitution, and he seems to insist also upon the absence of any prohibition by the law. How could there be any such prohibition? Surely the gentleman cannot think that the powers of Congress may be restricted by law.

But he says the right is established by continual custom. I might dispute the fact; but, sir, are written constitutions to be controlled by customs? Can the powers of the Government be increased by their own continual exercise of them? If this is not meant, then the expression is altogether unmeaning.

But he speaks of practice in the absence of all conflicting legislation. Then I suppose an usurpation once practiced justifies any number of repetitions. But what is meant by the absence of conflicting legislation? If an act be repeatedly done, I suppose that is *concurrent* legislation. If it be attempted, after being several times refused, I suppose that is *conflicting* legislation. Now, then, has there been no such conflicting legislation? Have not the former attempts to pass this law been unsuccessful? Sir, the mere omission to do a thing is sometimes strong proof that it ought not to be done. Precedents are not always affirmative. The refusals of Congress to charter a bank, and their many omissions to do so, when their opinion against it was so decided that no one even attempted to establish it, are stronger proofs of the unconstitutionality of such an institution than the few acts in its favor are of its constitutionality.

The gentleman from Alabama, [Mr. SMITH,] who addressed the committee on yesterday, urges the passage of this bill because, he says, it will relieve the cities of their surplus population. Sir, I should like that gentleman to tell me what he means by the surplus population of the cities? Villages wish to become towns, and towns aspire to be cities. The cities are making continual efforts to increase their population, and congratulate themselves when they succeed. Washington looks with pride to her increasing numbers, and Philadelphia, and New York, and London inspect their census reports with infinite satisfaction. In their simplicity, they regard this increase of population as the evidence of great prosperity; but we are now told that they have a *surplus* population, from which it is very desirable to relieve them. Do gentlemen expect by this means to check the growth of cities, or even to rid them permanently of those classes that they might be willing to spare? From the earliest periods in history there have been large cities. Nineveh was a large city; Babylon was a large city; and from that time to the present there have been many large cities, and all containing what gentlemen are pleased to call *surplus* population.

The gentleman from Indiana [Mr. HENDRICKS] complained on yesterday of the impositions practiced upon the States by the Federal Government. He complained that Indiana had paid some millions of dollars to the Federal Government for the purchase of its lands, and seemed to think it a case of great hardship and oppression. Why, sir, as well might the city of New York complain that it contributed so many millions of dollars yearly to the revenues of the country. Instead of being a wrong, it is a proof of prosperity. It is an evidence of the growth and wealth of that city, and so is it an evidence of the growth and wealth of Indiana that she has contributed so largely to the revenues of the country.

Mr. HENN. Does the gentleman suppose the revenue which he speaks of being paid in the city of New York is paid by the inhabitants of that city?

Mr. MILLSON. Of course not, any more than the amounts paid by Indiana were a burden to her citizens. Why, Indiana would be much more prosperous this day if the amount paid by her citizens for public lands had been tenfold what it was, for she would have had ten times the quantity of public land in cultivation and under her control.

But even if the amounts thus paid could be considered as a tax upon any one, it scarcely fell upon that State. Those who went to Indiana emigrated from my State, and other eastern States. They carried with them the money with which they purchased their lands. They were welcomed by the people of Indiana, because they added to the wealth and population of the State. It is not a subject of complaint, then, but should be a source of pride to the State of Indiana, that her people have purchased so much of the public lands within her limits. Originally, the territory was a wilderness. A few men went to it, and purchased good lands at a small price. Did they suffer any wrong? They, naturally enough, desired that others would come and purchase lands in their neighborhood. In process of time, and on their own application, they were admitted into the Union. Were they yet aggrieved? After they became a State, other persons came and other lands were bought. I confess, sir, I do not see the oppression of which the gentleman speaks.

But complaints are sometimes made that the public lands are not wholly relinquished to the States in which they lie. A small number of persons may settle upon a part of the public domain. At their own instance, they are allowed to govern themselves and become a State. They may have purchased a comparatively small quantity of lands within the limits assigned them, receiving full consideration for what they gave. Is it a just cause of complaint, that this purchase of a part does not entitle them to demand the whole?

Sir, the order of things seems to be reversed. Gentlemen speak of the obligation of the Government of the United States to support and sustain the people. It used to be believed, Mr. Chairman, that it was the people that supported and sustained the Government, and not the Government the people. The poor should be taken care of; but by whom? By what agency? Let not the care of the poor be undertaken by those who are incompetent to the task. The people have made wise arrangements for their relief. In distributing the powers and duties of Government they have not, however, selected the Supreme Court of the United States to provide for the wants of the poor. Neither have they selected Congress, because it is as unfit an agent as the Supreme Court would be for any such purpose. Let the Government of the United States confine itself to its proper functions—the management of those affairs in which all the States have a common interest. You need, then, fear no aggression from the North, or from the South, from the East, or from the West. You would have little occasion, in the selection of your public agents, to inquire whether they denied the rights of one section of the country, or opposed the interests of another. Acting within the true limits of the Constitution, their measures would operate upon all alike, and either secure a common good or involve us in a common calamity. Let us not perpetrate injustice in our eagerness to accelerate a destiny which is fast being accomplished. Our population is increasing with sufficient rapidity, without these efforts to force an unnatural and sickly growth. Let us adopt as ours the motto of the Onslows: *Festina lentè;* and do not let us attempt to compress into a decade the work of centuries.

THE HOMESTEAD BILL.

SPEECH OF HON. A. JOHNSON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

April 29, 1852,

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period therein specified, being under consideration, in Committee of the Whole—

Mr. JOHNSON, of Tennessee, said:

Mr. CHAIRMAN: From the fact of having been connected with this measure at an early day, I feel it incumbent upon me to make some few remarks in favor of the passage of the bill; and at the same time to answer some of the objections which have been urged against it by its opponents. It will not be in my power to take up the arguments which have been offered by the various gentlemen who have spoken in opposition to the bill, and answer them in detail. It will not be possible for me to answer them individually, and I shall therefore be compelled to answer them in the aggregate. If I had the time—I think I might, without arrogating anything to myself—if there is truth in mathematics, or skill in surgery, take up the arguments, one by one, which have been offered against this bill, and by the touch of truth and reason, demonstrate that they are as thin as air. But I have not the time to do so, and must therefore, in the language of the reaper, embrace them in the same grip, and cut them off at the root, with a single stroke of the sickle. But before I commence this work of demolition, I will remark, that some gentlemen from Virginia, and one gentleman from Maine have taken ground against this bill upon the question of its constitutionality. But before I enter upon the discussion of the constitutionality of the measure, I want to set those gentlemen right, so far as their consistency is concerned.

The gentleman from Maine, [Mr. FULLER,] who made the opening speech against this bill, takes the bold ground that the bill is unconstitutional in its operation—that there are obligations resting upon the proceeds of the sales of the public lands which have not been discharged, and consequently that Congress has no authority to appropriate them as indicated in this bill. Now, when we come to examine these speeches, made by the gentleman from Maine, and others in opposition to this bill, we find them to be one thing; but their votes upon former occasions, when the same principle precisely was involved, another thing. There was a bill before the last Congress, which appropriated 48,000,000 acres of the public land as a naked gratuity. That bill bears upon its face the name of *bounty*. It was for a bounty to all those who had served in the wars of the country since 1790. The word "*bounty*" was incorporated in the title of the bill. Now, what do we mean by the word "bounty?" What do we understand by that term? These men served their country faithfully; but as soon as the war was ended, and they were discharged, and paid all which the Government had contracted to pay them, the Government was under no further legal obligations to them. All legal obligations had been discharged, as far as this Government was concerned. Yet, forty years afterwards, we take up this subject, and in the shape of a bounty—so expressed in the caption of the bill—

we give away to them 48,000,000 acres of this public land. If I understand the word "bounty," it means liberality in bestowing gifts, a munificence, a gratuity; yet upon this principle we have given away these 48,000,000 acres to the soldiers who served in the various wars in which this country has been involved since 1790! And how do the gentlemen from Virginia [Messrs. MILLSON and AVERETT] and from Maine [Mr. FULLER] stand upon this question? They stand with their votes recorded in favor of the gratuity.

But there was another bill before the last Congress which gave a portion of these lands to the new States—a gift partial in its operation—giving it for the benefit of a few, and not for the benefit of all. That bill, which was passed, granted to those States 20,000,000 acres of the public lands, worth $25,000,000, as estimated by the proper Department. But those gentlemen from Virginia and Maine, who seem to have such constitutional scruples upon this subject, who say that Congress has no right to grant an individual one hundred and sixty acres of land to reduce it to a state of cultivation, when the question came up of making this enormous grant, this bounty of 20,000,000 of acres, recorded their votes in its favor. And what furthermore do we find? We also find that there was another slice of 16,000,000 of acres appropriated for the benefit of the soldiers engaged in the Mexican war. Congress gave this little piece as a bounty, notwithstanding it involved precisely the same principle, so far as the Constitution is concerned, as the bill now under consideration, which is as clearly within the limits of the Constitution. Thus we find that these appropriations of lands approach nearly 100,000,000 acres, given, too, as a gratuity under the Constitution by these very gentlemen who tell you now that this measure is unconstitutional. This is the predicament in which I find the two gentlemen from Virginia and the gentleman from Maine, who have spoken against this bill. Here they stand, Colossus like, with 100,000,000 acres of the public domain upon their shoulders, marching up to the Constitution and finding there an opening sufficiently wide through which to pass. The opening was as wide as that of the Red sea through which the children of Israel passed dry-shod—the waters standing as a wall upon either side. The territory borne by these gentlemen upon their colossal shoulders was equal in extent to that which was designed to be inhabited by the oppressed children of Israel.

In reference to the deeds of cession, which have been alluded to by the gentleman from Maine, [Mr. FULLER,] he admits, in his own speech, that the obligations created by them have all been discharged; but attempts, by reference to the act passed on the 28th of January, 1847, to renew the obligation upon these lands, because they were pledged by that act for the payment of the interest and principal thus created. How do the gentlemen from Maine and Virginia stand upon this point? When you approach this matter, and examine it closely, it appears that on the 11th of February, the very next month after this pledge was given, we passed a bill, to which I have already referred, granting 16,000,000 acres of this land to the Mexican soldiers; yet, gentlemen did not think the plighted faith of the Government was then violated. Not at all; and on the 28th of September, 1850, we passed another bill, to which I have also referred; and the same gentlemen were willing thus to cut off another slice of 48,000,000 acres, which this pledge was intended to cover. They did not seem to think, in the large grants made by these two bills, that they were impairing the plighted faith of the Government in regard to the 23,000,000 of debt incurred by the act of 18th January, 1847. Sir, there is nothing in it. The Government did not look at the pledge, as it was called, as precluding the Government from making any proper disposition of the public lands, which it might deem necessary and expedient. In making the pledge for the payment of the interest upon these stocks, as it fell due, how does the matter stand? Were the proceeds of the sales of this land only pledged? Not at all. The entire receipts of the Treasury were pledged in common. The only object of this pledge was to say to the creditors of the Government, that in the event of the Government being involved in a long and expensive war, likely to absorb all the receipts in the Treasury, "Here is a specific fund set apart, out of which the interest upon this money can be paid with promptness and regularity, until the debt shall be finally liquidated." But the whole of the receipts of the Treasury were pledged in common for the redemption of the debt, and the payment of the interest upon it as it became due. That is the position of the matter, as I understand it. Will any of these gentlemen tell me that this fund was set apart in the Treasury exclusively to be appropriated to the payment of this debt? Not a word of it. The Treasury, in common, has been pledged, and is liable; and hence it does not interfere in the least with our action upon the subject.

With regard to the revenue, the Secretary of the Treasury tells us that in consequence of the passage of the bounty land law, there will be no more receipts into the Treasury from the public lands for the next sixteen years, in consequence of the various laws passed by these gentlemen's votes. That is what he says; yet these gentlemen are telling us that this bill will cut off the revenue of the Government, and that we shall have to break our plighted faith, pledging the proceeds of the sales of these lands to the payment of the interest upon the public debt. Why, if that faith can be broken, it has already been done. As to the receipts, the Secretary of the Treasury tells us that they are cut off already, and therefore the passage of this bill cannot do more than cut them off. I have gone thus far to show the inconsistency of these gentlemen in regard to ther constitutional scruples, and their argument touching the plighted faith of the Government. They have voted for bills involving precisely the same principle which they say in this bill violates the Constitution. They have decided the principle one way by their votes, when it subserved their purposes, and in an opposite way by their speeches upon another occasion; so that I think they cannot be much relied upon as expounders of the Constitution.

But when we come to examine this constitutional power, I think we shall find that we have very high authority for it. I shall not go into detail now. In this matter we have the smaller lights and the larger lights; and I tell gentlemen we have in favor of this constitutional power some of the ablest expounders of constitutional law. It is not out of any disparagement to those gentlemen who have upon this occasion undertaken to expound the Constitution, that I shall follow the larger lights in preference to the smaller ones in regard to this subject. I might begin with President Washington, running through all the succeeding Administrations down to that of President Fillmore. Every President has approved of precisely the principle contained in this bill.

The opponents of this bill seemingly think that they have erected a rampart that is impregnable, and over which none can pass. This rampart, thus erected, seems to be sustained by three main barriers, or columns; on the center one they have written "*unconstitutional;*" on the right hand column they have inscribed "*diminution of the revenue,*" on the left hand one, "*rank demagogism and agrarianism.*"

Well, now, it is more in compliance with my nature, than perhaps with my better judgment and discretion, always to meet an enemy and fight him upon his own ground; and with their own weapons, therefore, instead of attacking the enemies of this bill in their weak points, I purpose to attack them in their strong ones.

The first column—the constitutional one—stands out in bold relief. I shall make war upon that objection, as I approach it.

We find, when we turn to the Constitution of the United States, that there are certain powers contained in it. For instance: in article first, section eight, we find it is provided "that the Congress shall have power to lay and collect taxes, duties, imposts, and excises." Well, we will stop there. This is the vitalizing principle of the Constitution; for, without the exercise of the revenue, or taxing power, all other parts of the Constitution become torpid, and, I might say, dead. When this power is exercised, and revenue is collected, it passes into the Treasury; and, being there, the Constitution points out the mode and manner of its application. After the revenue is collected, what then does the Constitution say in regard to it? It is, to "pay the debts, provide for the common defense, and the general welfare of the United States." I shall not attempt, here, to enumerate all the objects to which Congress can appropriate money; but shall content myself with making this distinction: that there are some objects to which Congress cannot appropriate money, but to which Congress can appropriate land. I then place myself upon this, what I call the foreground of the Constitution. I do not believe in the power of Congress to collect money from the people for the purpose of distribution among the people; but, as I stated before, I will not undertake to enumerate and define all the objects to which Congress can appropriate money. But the power of Congress over territory is one thing, and over that of taxes and money another thing.

Well, there is another provision in the Constitution, and although no lawyer, and not in the habit of public speaking, I want to address myself, as humble as I am, to the intellect and thinking powers of this House in relation to it. And what is that power? "The President, by and with the advice and consent of the Senate, can make treaties." By the exercise of the treaty-making power, territory can be acquired, and that without the payment of a dollar. Suppose that, in the acquisition of the territory of California, we had acquired it without the payment of a single dollar. What was the object of the acquisition? It was for settlement and cultivation. It is one of the highest objects of Government, whether democratic or monarchical, in the acquisition of territory, to have it peopled. This territory was acquired for the purpose of settlement and cultivation. Now, we have the territory acquired by the treaty-making power. Then there comes another provision of the Constitution, which bears immediately upon such an acquisition. What is it? "That Congress shall have power to dispose 'of, and make all needful rules and regulations 'respecting, the territory or other property of the 'United States." Is not the passage of a law to induce settlement and cultivation carrying out one of the highest objects contemplated by the Constitution in regard to the acquisition of territory? Certainly. Is there any encroachments, any infringement in this? Is it not in strict compliance with the objects of the Constitution—the settlement and cultivation of the territory? What then becomes of this Virginia abstraction? What becomes of the argument of the men who march through the Constitution, who make an opening through which they pass with a hundred millions of acres, and yet cannot see the power in the Constitution to appropriate lands to settlers for cultivation?

Mr. AVERETT. I will respectfully inquire of my friend from Tennessee, what he means by this Virginia abstraction? [Laughter.]

Mr. JOHNSON. It means anything or nothing, [laughter,] just as it suits the whims and caprices of individuals who want to talk about it.

Mr. AVERETT. That is another case of making terms that have no meaning in them, to supply the case of a commonplace truth which is unpleasant to the gentleman who is advocating an abstraction himself.

Mr. JOHNSON. Not out of any disrespect to the gentleman, who knows that I entertain no unkind feelings towards him personally, but we frequently talk about terms, and repeat technicalities, specifications, and all that, without profoundly understanding their meaning at the time.

Mr. AVERETT. That may be so.

Mr. JOHNSON. I have shown, Mr. Chairman, how we can acquire territory; and if the great object of the acquisition of territory is settlement and cultivation, to give power and potency to the country, is it not strange that, under that other provision of the Constitution "to dispose" of the territory, you cannot dispose of it to accomplish and carry out the very object for which you acquired it?

But I know the argument is made by some, that if you cannot adopt the policy of first acquiring money, and then paying it out for land to give away, you cannot give the land away. I know there are various ways in which the Constitution may be evaded. That may be done; but does it change the power expressly, not impliedly,

delegated? We fail to perform a constitutional duty, if, after the acquisition of territory, we do not adopt the means which induce settlement. Well, then, what does the bill propose? Is it not an effort to carry out the very objects contemplated in the Constitution—settlement and cultivation?

But let us try this principle again. Suppose, for instance, that in the exercise of the treaty-making power we agree to give a certain amount of money for land, and Congress afterwards appropriates the money for that object. After the territory is acquired, notwithstanding money has been appropriated for it, is not the power of the Government just the same as it was before? Does the mere fact of money being a part, or not being a part, of the consideration paid for the territory, after it is acquired, change the power of the Government over it? Not in the slightest degree. Do not we see how this operates in settling up the affairs of life every day? For instance, take the administrator, or take the executor. There passes under his control and management real and personal property. Do not we see that the power of the administrator over personal property is one thing, and his power over realty a very different thing? So with the Government in regard to land and money. Hence I come to the conclusion that we can appropriate public lands for some purposes embracing wider limits and greater range of objects than we can in the appropriation of money. What then becomes of the constitutional point? What then becomes of this constitutional objection? I say it is a dereliction upon our part, and we omit to perform a high obligation imposed upon us by the Constitution, if we do not do something of this sort to induce the settlement and cultivation of our public lands. Then what is the proposition? We have acquired territory by the exercise of this treaty-making power. Where does the fee pass? The fee passed, upon its acquisition, into the Government, as the trustee; the equity passed to the people in the aggregate; and this is merely a proposition to distribute in severalty the fee where the equity already resides. That is what it proposes; and gentlemen who can spin distinctions down to a fifteen hundredth can understand a plain, common-sense proposition like this. Oh, say they, but you gave money for it, and you must have money back for it. Is money the only consideration you paid for it? Where are those gallant sons that now sleep in Mexico? Where are the ten thousand graves containing the bones and blood of your best citizens? You owe it to the gallant dead, who now sleep in your own and a foreign land, who sacrificed their all in the acquisition of the territory, to dispose of it in that way best calculated to promote the interest and happiness of those left behind. If the process of reasoning already referred to be a correct one, there should be some supernatural power conferred upon the Government by which it could bring the living out of the dead, or some extraordinary condensing power by which the dollars and the cents that have been expended in numerous wars could be compressed out of their bones and muscles. The thought is revolting to humanity, and inconsonant with every principle contained in the Constitution of the country.

Well, we will now pass on from this constitutional point; and I think I may safely say that this column, placed at the center of the rampart has been made to give way. It has fallen at the very touch of truth and sound reason.

Then let us go to the right-hand column: "Diminution of the Treasury, diminution of the revenue," and see how they stand there. How does this proposition stand when you come to examine it? I say it is a revenue measure. I say it will increase the receipts into the Treasury. And how increase the receipts? By the enhancement of the value of the remainder of your public domain. Let us take a case to illustrate: Take the laborer in society that has no profession, no trade; that has no sort of work of his own, and how much tax does he pay to the support of your Government under the present system? How much? Scarcely anything. But take one of these men, transplant him in the West, upon one hundred and sixty acres of its fat, virgin soil, and in a few years, when he clears a few acres around him, gets a horse, and a mule or two, and some fat, thrifty hogs, which come grunting up to his log cabin, through the bushes, and a few milch cows, lowing at the barn-yard, with their udders distended with rich milk, at once you have increased his ability—to do what? To purchase $100 worth of foreign imports or goods of domestic manufacture, when previously he could have bought little or nothing. I beg the attention of the committee while I take a simple case to illustrate this principle. Some stagger and startle at the proposition, and say this thing will not do. How stands the fact in the case? You have nine millions of quarter sections of land, and you have three millions of qualified voters. Take one qualified voter who is the head of a family—say a family of seven—you transplant him from the position where he is making hardly anything, and consequently buying but little, to a possession in the West of one hundred and sixty acres of this land. He bought scarcely anything before, but by bringing his labor in contact with the productive soil, you increase his ability to buy a great deal more.

Let us take a case in miniature, and see how this thing will work: Suppose you take it for granted that you have increased his ability to buy $1 worth more than he bought before per head of his family. That would be $7 worth more than he was able to purchase previously, or $2 10 revenue to the Government. Let us make a case which is perceptible, and which would be felt in the Treasury of the United States: Suppose you take a million families, of seven each, and transfer them to the position I have just described—making seven millions of persons,—one dollar increased ability to purchase per head will make $7,000,000. Is there a sound-minded man—is there a man here who knows anything about practical life—who knows anything about human transactions, that will controvert this proposition? What have you done by that process? A million of heads of families placed in this condition of buying $7,000,000 worth more of imports than before, what will it bring you? Thirty per cent. upon $7,000,000 makes $2,100,000. How much do you get from your public lands now? A little over $2,000,000. By giving away—by *wasting* the *lands*, as some say—only one ninth part of them, you bring into the Treasury an increased revenue of $2,100,000, an amount greater than you now receive from the sale of your public lands, or will receive for the next sixteen years, as we are informed by the Secretary of the Treasury. Does not every gentleman know, too, that this is only the miniature of the thing? Do we not know that to place a man in that condition, and when he begins to thrive, when his sons and daughters grow up around him, a school-house and meeting-house will be erected in his neighborhood, and the first year after he gets a good headway, he will spend more than $56 in purchasing dresses for his sons and daughters? Do we not all know that this is but a miniature calculation? Suppose you average it at $56 per family of seven, only $8 per head, and 1,000,000 of families, what is thirty per cent. upon $56,000,000? Sixteen million eight hundred thousand dollars, and only one ninth part of your lands gone. Who can resist this? I say that he who resists this, resists the accuracy of arithmetic. He denies the data upon which all human transactions are based. You get from your public lands only $2,000,000 annually, and by only giving away one ninth part of them, you bring $16,800,000 into the Treasury. Does the matter stop here? Not at all. The Secretary of the Treasury tells you, that for every $6 worth of foreign imports consumed in the United States, there are $94 worth of home-manufactured articles consumed, embracing furniture and agricultural products. Suppose we reduce it down to one half of what the Secretary makes it—$50,000,000. Then, while you have increased the ability to purchase $56,000,000 of foreign imports, you have correspondingly increased his ability to buy $50,000,000 of home manufactures. Cannot we understand that? I want some of my methodical, calculating, ciphering gentlemen to controvert the proposition. I could pursue this thought still further, but my time will not permit me to do so. I could show how much the Government will lose under the present system, and the length of time it will require to bring this public domain into cultivation, considering the time it has already been in market. It would be some seven hundred years at the present rate of disposition. I could show, upon the principle of time operating upon value, what a great advantage it would be to the Government to give the land away, and thereby induce its settlement and cultivation.

In conclusion upon the revenue view of the subject, he would refer the committee to a speech of his delivered on a former occasion:

Mr. J. said, it will be remembered by the House that he had already shown, that by giving an individual a quarter section of the land, the Government would receive back, in the shape of a revenue, in every seven years, more than the Government price of the land; and upon this principle the Government would in fact be realizing $210 every subsequent term of seven years. The whole number of acres of public land belonging to the United States at this time, or up to the 30th of September, 1848, is one billion four hundred and forty-two millions two hundred and sixteen thousand one hundred and sixty-eight acres, (1,442,216,168.) This amount, estimated at $1 25 per acre, will make one billion eight hundred and two million seven hundred and seventy thousand dollars, ($1,802,770,000.) To dispose of three millions of dollars' worth per annum, which is more than an average sum, would require seven hundred years, a fraction less, to dispose of the entire domain. It will now be perceived at once the immense advantage the Government would derive by giving the land to the cultivator instead of keeping it on hand this length of time. We find by this process the Government would derive from each quarter section, in six hundred years, (throwing off the large excess of nearly one hundred years,) seventeen thousand dollars, ($17,000,) seven going into six hundred, eighty-five times. This, then, shows on the one hand what the Government would gain by giving the land away. Now let us see what it will lose by retaining the land on hand this length of time. Time operates upon value as distance does upon magnitude. A ball of very large size when close to the eye is seen in its fullest extent, but when removed to a certain distance dwindles to the human vision, or disappears altogether. So with the largest planets, removed from the eye to the position they now occupy in the heavens, diminish to a mere point. To the business, practical world, a hundred dollars at the present time is just worth a hundred dollars. A hundred dollars twelve months hence, is worth just six per cent. less, and so on every twelve months, until sixteen years and eight months, when it has lost an amount equal to the principal. So it will be perceived that in every sixteen years and eight months the Government loses an amount equal to the price asked for each quarter section, which is two hundred dollars, by keeping it on hand. Sixteen will go into six hundred, thirty-seven times, which would make seven thousand four hundred dollars ($7,400) the Government will lose. Mr. J. conceived that it would be fair and rational to the business world to set the loss down on the one hand and the gain on the other, and then add them together, which would show the difference to be twenty-four thousand four hundred dollars ($24,400) in the present system and the one proposed. This will hold good in principle, and will apply to each quarter section as well as to the aggregate. He repeated that, by giving a quarter-section of land to the honest cultivator, in six hundred years the Government would derive twenty-four thousand and four hundred dollars, ($24,400.) Upon this basis of calculation, the Government in six hundred years would draw from this source, by the operation of its revenue system, into the Treasury, two hundred and nineteen billions six hundred millions of dollars, ($219,600,000,000,) which would be an amount sufficient, estimating the expenses of the Government at fifty millions of dollars annually, to carry it on for four thousand three hundred and ninety-two years. He said that this exposé ought to satisfy every one, that instead of violating the plighted faith of the Government, it was enlarging and making more valuable, and enabling the Government to derive a much larger amount of revenue to meet all its liabilities, and thereby preserving its faith inviolate. He thought, too, that this exposé ought to satisfy even the avaricious Shylock, who contended for his pound of flesh, that this was the best policy for the Government to pursue; while at the same time it ameliorated and elevated the condition of the laboring man.

Well, then, Mr. Chairman, I think it is pretty near time to pull down from this right-hand column those words, that you would have "a diminution of the revenue." Not feeling arrogant, nor intending to be vain, I think we have demolished the right-hand column of the rampart.

Now, what comes next upon the left, the weakest, and based upon the least principle, but upon broad and presumptuous assertion? You have up there "agrarianism and rank demagogism." Is it demagogism to comply with the requirements of the Constitution? Is it agrarianism to permit a man to take that which is his own? They say, when you come to the principle of agrarianism, you take that which belongs to one man to give it to another. Such is not the principle of this bill. How does this measure stand? I will take either horn of the dilemma, as embraced in the first section of the bill. Permit the settler to take a quarter of a section, or even more, and I will still say that it does not conflict with justice, or smack in the slightest degree of agrarianism. We have 9,000,000 quarter sections, as I said before, and 3,000,000 qualified voters. Suppose we were going to make a *pro rata* distribution; there would be three quarter sections for each qualified voter

in the United States. Suppose we pass the bill providing—for what? That a man worth less than $500 shall be permitted to come forward and take a quarter section, when he is entitled to three quarters. This is the public property, and your law permits him to come forward and take a part of that which is his own. It is public property, and the equity is already with him. And because you will not mete out justice to all, will you mete it out to none? Because you will not permit all to come and take what is theirs, will you not permit a portion to take their own?

The operation of the section offered in lieu of the first section, will be the same. It provides for everybody, rich or poor, high or low, to come forward and take a quarter section. It is for the judgment of the House to determine which of the two sections they will adopt. I say now, as I have said before, that I will take either. I prefer the first to the latter, but if I cannot get the first, I will take the latter. It is justice as far as it goes. By permitting one man to take part of what belongs to him, it does no one else injustice. We see there is no agrarianism in that. What does agrarianism mean? Property which had been accumulated by the labor, industry—by the sweat of the brow of you, me, or anybody else, taken and divided with some one who had not made use of a corresponding industry, I would call agrarianism. Agrarianism is the division of property among those who did not participate in or contribute to its accumulation. This proposition does no such thing. By permitting a man to come forward and take one third of his own, is anything taken away from you? Does it diminish your estate? Does it make you worth one cent less than you were before? Not at all. Then where is the agrarianism? Where is the demagogism—the injustice? It pulls none down, but elevates all. It takes the poor by the hand and lifts them up—taking nothing from the rich. It is not to be seen.

On former occasions I have referred to the opinions of General Jackson on the subject of the public lands. This proposition is a mere completion of the preëmption system, so much favored by that illustrious man, and is intended to carry out the sentiments that were mingled with his dying breath. I will read a short extract from the eulogy of Mr. Bancroft, delivered at Washington city, June 27th, 1845:

"General Jackson was a pupil of the wilderness; his heart was with the pioneers of American's life toward the settting sun. No American statesman has ever embraced within his affections a scheme so liberal for the emigrants as that of Jackson. He longed to secure to them, not preemption rights only, but more than preëmption rights. He longed to invite labor to take possession of the UNOCCUPIED FIELDS WITHOUT MONEY AND WITHOUT PRICE; with no obligation except the perpetual devotion of itself by allegiance to its country. Under the beneficent influence of his opinions, the sons of misfortune, the children of adventure, find their way to the uncultivated West. There, in some wilderness glade, or in the thick forest of the fertile plain, or where the prairies most sparkle with flowers, they, like the wild bee, which sets them the example of industry, may choose their home, mark the extent of their possessions, by driving stakes or blazing trees, shelter their log-cabin with the boughs and turf, and teach the virgin soil to yield itself to the ploughshare. Theirs shall be the soil, theirs the beautiful farms which they teach to be productive." * * * "Yet, beautiful and lovely as is this scene, it still by far falls short of the ideal which lived in the affections of Jackson. His heart was ever with the pioneer; his policy ever favored the diffusion of independent freeholds throughout the laboring classes of our land."

If this is agrarianism, the immortal Jackson was one of those rank agrarians. He desired the "chosen man of *God*," the cultivator of the soil, to have it, without MONEY and WITHOUT PRICE. The policy proposed in this bill will have a tendency to postpone the spirit and doctrine of agrarianism. It begins at the precise point where agrarianism ends, and starts the man up the ascending line instead of down, and is the surest remedy against agrarianism in all its tendencies.

I might, had I the time, elaborate this idea further. What now becomes of the left-hand column of the rampart? You talk about agrarianism, demagogism—but what becomes of it when it is approached? It topples and falls to the ground with the other two. Then this is the rampart which was erected, and behind which they, the common enemies of the bill, said they stood impregnable. I think those who have assailed it have succeeded and demolished the three main columns of this structure, and the intervening works must now crumble by their own weight; for there is nothing left to sustain them. I consider that it has fallen, and that the enemy will surrender at discretion. The objections urged against this bill weighed nothing to a sound-thinking, investigating mind.

Then, Mr. Chairman, what have we embraced in the bill now under consideration? We see that we have the Constitution. We have sound morality, and we have an increase of revenue, all combined in this bill. There is no conflict, no incongruity, no disagreement in its parts. We see that these these great and essential principles do not move off in diverging or parallel lines; but all of them travel in converging lines, concentrating in the accomplishment of a great national good, to carry out the Constitution of our country and the highest behest that man owes to his kind. This is the position we who favor this bill occupy. This is the harmony that this great measure presents to sound-thinking, intelligent men. But does it stop here? While we have all consonant with the Constitution—while we have all based upon the eternal principle of justice and of right—there comes along another principle in aid of these three.

Now, in carrying out this great measure, in carrying into full and fair effect the Constitution, in establishing sound morals, in increasing the revenue and the trade of the United States, what more do you include? The great principle of charity and religion constituting the essentials of a God. We have the three great principles bound together by the silken cords of charity and religion.

Who, when the scheme and the policy is well understood, will be so impious, so execrable, as to lay a destructive hand upon it? Pass this bill, and you inspire the people of your country with faith in their legislatures, with faith in their Government, and at the same time inspire their bosoms with the hope of doing better hereafter. I said that the bill embraces sound principles of religion. It embraces the religion inculcated by St. James. It embraces a holy religion—I make use of the word in no irreverent sense—that divine arch of promise whose extremities rest upon the horizon, and whose span circles the universe. What do we find in this bill? We find the widow and orphan provided for, and that, too, in strict consonance with the Constitution and its great principles.

I have spoken of St. James. He tells you what? He tells you that pure and undefiled religion consists in extending charity to the widow and orphan. This bill embraces that principle, and that, too, without going upon the abstract principle of charity outside of the Constitution. Is that all? I have read somewhere—but I expect that there are some abstractionists who would not take it as good authority—that upon the broad principle of charity, "he who giveth to the poor lendeth unto the Lord." Will some of these abstractionists take him as their debtor in this transaction, or are they afraid he is bad pay? Look at this measure from first to last, and we find the great principles it embraces. I know that sometimes—I care not how honest an individual may be in his purposes, and whether he be actuated by the best of motives and intentions—there are some persons who have such a poor opinion of frail and depraved man, that they cannot respect any motive. Perhaps that may grow out of a very bad opinion of themselves. All I have to say upon this occasion in conclusion of the few remarks which I will be permitted to make is, that, so far as I know, he who impugns my motive in this case, "as low as to thy heart, through the false passage of thy throat, thou liest!"

I do not intend to be personal. My remark is general. I know that my prejudices are very great, but I also know that my sympathies are strong for the laboring and toiling thousands of the United States. I know something about the privations and hardships that an individual has to undergo in this or any Government where gaunt poverty is staring him in the face. I know how to appreciate his sufferings, and consequently my sympathies are strong for those who have to toil. I admit it. Gentlemen may call it prejudice, or mistaken sympathy, but so long as I have a tongue to speak, or a vote to give, regardless of the menaces, threats, or intimidation of men, here or elsewhere, I intend to stand up and vindicate the rights and interests of the laboring men, for without them we are nothing. They constitute the physical and producing power of the Government, and which makes it what it is.

In speaking of this subject, I have not the time to elaborate it as I should like. Gentlemen talk here about taking away the population of the old States. Let me ask the Old Dominion, let me ask North Carolina—GOD BLESS HER—and although, as the Romans would call it, she is not my *alma mater, yet she is my mother*. Although poverty—gaunt and haggard monster—expatriated me from her limits, and I was driven to my adopted State, where every fibre, every tendril of my heart is entwined with the interests of her people, *yet still North Carolina is my native State*, and in my *heart I respect and love her*. When, therefore, I appeal to you in behalf of the poor North Carolinian, my own brother, I know his condition. I know something about the condition of the poor man in the State of Virginia, and elsewhere, who, with his wife and little ones, lives upon the corner of some man's farm, or upon some stony ledge, or some barren, piny plain, where, with his utmost toil upon his appointed spot of earth, he can make but a scanty subsistence to supply his necessities and those of his family.

Gentlemen say here that you will by this bill take away the laboring man from the old States. Look at his condition. Do you not see, under the circumstances that surround him there, that his condition is unalterably fixed, and that he can never extricate himself from the iron grasp of poverty? Where is the man, abstractionist, North Carolinian, Virginian, or citizen of any other State, who has a heart that beats with love for his kind, and patriotism for his country, that could say to him, Do not go away; stay here in your poverty; do not go and settle upon the new, rich, and fertile lands of the West, but stay here, linger, wither, and die in your poverty, and where the only inheritance which you can leave to your children is your poverty? I care not whether a man lives in my district or some other district—there is not a foot of public land in my district—I care not where a man lives. If he can do better in Mr. MASON'S district in old Kentucky than he can in Tennessee, I say go. If he can do better in Indiana, Illinois, Missouri, Arkansas, and Mississippi, I say go, better your condition, make yourself a better citizen, and improve the condition of your kind. I care not where he goes, so that he confines himself to this great area of freedom. The fact of his living on this or the other side of the State line, makes no difference, if he locates himself somewhere in this great area of freedom, looking up to and receiving protection from your brilliant stars and broad stripes. Wherever he places himself, he is still my brother, and still an American citizen.

I will say this in conclusion; that I have not elaborated my argument at all, and that I desired to make three prominent points, which I considered impregnable, and which would demolish all the objections which have been urged here against the passage of this bill. I desire further to say, that as motives are impugned, so far as I am concerned, I look forward to no future political advancement. My humble political career will close with the present Congress. I do not look forward in the distance for political promotion. The decree has gone forth, and been registered, not by my constituents, but by those who think that they occupy a higher place. Then I have no political future to which I look, as my district has been arranged to subserve certain purposes, and that, too, without respect either to Whigs or Democrats. I must be permitted to say here, in this connection, that I believe it was the intention not only to destroy me, but to destroy my colleague as well as myself, who lives in the adjoining district, [Mr. WATKINS,] who differs with me in politics generally, but who agrees with me upon this great question. Our places were wanted. Our political garments have been divided, and hereafter they will cast lots upon our vesture—but there is much in the future. Under these circumstances, then, I can derive no advantage in the advocacy of this measure. The Whig and Democratic members from Tennessee are agreed in support of this bill, and there is no advantage or ascendency which the success of this measure can give me over any individual in the State of Tennessee.

HOMESTEAD BILL—NON-INTERVENTION.

SPEECH OF HON. P. EWING,

OF KENTUCKY,

In the House of Representatives,

April 24, 1852.

The House being in the Committee of the Whole on the state of the Union on the Homestead Bill—

Mr. EWING said:

Mr. Chairman: I do not propose to confine myself to the merits of the bill immediately under the consideration of the committee, although I conceive it has merits, and I am inclined to give it my vote. I look upon it at least as one of the most harmless developments of that idea of progress, now so prevalent in the country; and in the general distribution of the public lands, which is threatened, I know of no more worthy recipients who are likely to be benefited, than those proposed in the bill. Besides, there is perhaps no other mode by which any portion of the citizens of my own State will ever be made to share in the distribution.

In reference to this idea of progress, Mr. Chairman—one much derided upon the one hand, and perhaps extravagantly lauded upon the other—allow me to say, that there never was a humbug so empty—never a philosophy so vain, which met, for any length of time, with any response from any quarter, which had not at its basis some foundation of truth. And it does not become us to reject even popular error, without sifting out and separating the truth which has given it currency.

We are told that progress is an empty word—that it means everything, or that it means nothing. Not so, sir. It may be shadowy, indefinite as that mysterious, uncertain future to which it refers, and in which it lives. It is no fixed measure or series of measures. It is a spirit—a vivifying principle. Why, Mr. Chairman, he who preaches content preaches a false philosophy. He who tells us to be satisfied with the present existing state of things at any time will teach in vain. That restless, dissatisfied spirit—that irrepressible longing after something new, something better, in the future—that never-dying hope, urging us ever onward—was implanted in us by Him who made us, doubtless to induce us to seek a better world than this; and inherent and ineradicable as it is in man, it manifests itself in all with which he has to do, in every relation in which he is called to act, individual, social, and political. I believe there is an idea generally prevalent at the present time in the country, that a new era has arisen—that another political cycle has revolved itself—that new measures must be adopted, new principles evolved—perhaps new attitudes and relations of parties. The time has come, as I humbly conceive, in the convictions of the American people, when we should stop and inquire whether there is in this country a party, in any or all political organizations, in whatever geographical section, with sufficient power to control the destinies of the country, and having a sincere love and admiration for the Constitution—the whole Constitution, in all of its parts and provisions—and a living faith in the Union and its permanency, who are ready to act upon that faith, and so acting, to go on in the development of the happiness and greatness of this country, to make it what it should become—the grandest empire the world has ever seen. When parties are divided upon principle, the spoils, as a necessary concomitant, follow the victors, and though an evil, are tolerated as an inevitable one. But, when party array and party conflicts degenerate into nothing else than a struggle for the spoils, an indignant and impatient people will reject the outrageous imposition.

But, sir, the idea of progress under the broad shield of its popularity covers many errors. Some men think that change is progress. Mere novelty—innovation, the simple abandonment of ancient principles—is not necessarily progress. It is sometimes counter-revolution—retrogression. The revolution which gave into the hands of Robespierre and his associates the power in France, which they so terribly abused, was no more an example of progress than the revolution of the 9th Thermidor, which restored it to those who exercised it with more humanity; nor the revolution of the 19th Brumaire, which placed Napoleon in power, any more than the restoration of the Bourbons. There are errors now abroad under that popular name, to which they have no right or title, like the heresy which corrupts and perverts the true religion. Kossuthism is defunct, and I should insult your good sense, either to advocate or oppose it on this floor. That King of Spouters, that hero of sounding periods, has made his campaign of five hundred speeches in less than four months—I confide in his own estimate, rather than undertake the enumeration myself—and accomplished a signal though a brilliant failure. He has strutted as a hero his brief hour upon the stage; he has drunk the brimming cup of adulation, until a steadier, wiser brain than his, might have reeled with the delicious intoxication;—he has been called a second Washington, for what reason I know not, unless perhaps because Washington was said to be a master of retreats, and he himself has achieved one of the most extraordinary retreats on record, from the time of Xenophon down—a retreat from a hundred and thirty-five thousand of his own men, with five hundred field pieces. Sir, it has been said to be one of the most striking and beautiful figures of rhetoric or poetry to magnify an idea by the comparison of it with something infinitely superior. If this be true, there never was a more poetic idea, or a more daring flight of the imagination, than the comparison of Kossuth with Washington. But his hour has gone by; he only lingers on the stage after his part is played. His mad schemes, with his twelve hundred saddles for imaginary horses, and his forty thousand two-dollar muskets for visionary men; his extraordinary plans for the conduct of a war with Russia and Austria, by charitable contributions, as good people would support a missionary in the Sandwich Islands, do not startle us; only because, in the extravagance of their insane folly, they sink into contempt.

But there are distinguished gentlemen in the other end of this Capitol, statesmen, exponents of great political parties, seeking to become the heads of those parties, and by that means the heads of this Government, who thought a short time since that here was a god-send—a happy breeze in the dead political calm which was to waft them into the haven of success. They thought this was to be the popular tide, which, taken at the flood, should bear them into power. I was much reassured some weeks since, though I confess not entirely relieved, by the assurance of my esteemed friend from California, [Mr. Marshall,] not now present, that his favorite, Judge Douglas, was sound upon the question of the relative position of the two sides of the earth, the up-side and down-side. [Laughter.] I much fear if the destinies of this earth were intrusted into his hands—and I believe he aspires to no less—an "ocean-bound republic," with all the islands included, has become too small a theater for his vaulting ambition—has shrunk into too narrow a field for his extraordinary schemes. The time has come when in his opinion we should have a "foreign policy." I much fear that the destinies of this good mother earth would not be very safe in his hands; that the old beldam would rock to her foundation—we would have to write upon it as we do upon glass-ware, "right side up with care." [Laughter.] In the locomotive spirit of his progressive Democracy her progress through the heavens would be altogether too tardy, her very revolutions would seem too monotonous and regular—not half so stirring as a Hungarian or French revolution, almost as antique and obsolete as the principles of our own. I admire the boldness of his schemes, while I am startled at their novelty. They prove him to be a true and lineal descendant of that other great Douglass—"that sprightly Scot o' Scots," whom that renowned philosopher, John Falstaff, said "would run up hill perpendicular o' horseback." The Senator from Michigan, [Mr. Cass,] following after with a lagging sort of old fogy pace, in this race of progress, only exciting the contempt and derision of his more youthful and nimble coadjutors and contestants, is satisfied, for the present, with no greater share in the government of the affairs of this world, than the simple expression, in a Congressional form, of his "deep concern" at the outrage perpetrated by Russia; leaving it for those who come after us, when we shall have progressed still further—to the still younger Democracy—to choose between the alternative of fighting, or backing out. He gives us many a worthy precedent and example in history in which nations have protested, and expressed their deep concern, but which had resulted in no war, nor, indeed, as is, perhaps, worthy of remark, in anything else. It is true, that able Senator has been recently endeavoring to convince us that his "deep concern" is, after all, not so very deep, perhaps, extending but little beyond the result of the next presidential election. If it means no more than he recently argues, I confess it is not worth the discussion. It either means something or nothing. If it means nothing, it is simply idle and ridiculous, and it is not worth a single speech from a man of his conceded ability; it is surely not worthy, as a grave proposition, to be entertained week after week in the Senate Chamber of the United States, and to occupy the attention of Legislature after Legislature in resolutions formally passed, and here gravely presented. But if it means anything, it means a subversion of the whole spirit and character of our institutions and our Government. Bring me no precedents from the history of European nations. I have not read the bloody pages of their history in vain. I know that they have entertained and acted upon many schemes of intervention, under various pretexts, and for various purposes, for the preservation of the balance of power, or for their own aggrandizement. We know that they have done this at an incalculable expense of treasure and of blood, as in the case of Great Britain, at the cost of an enormous public debt upon her shoulders, which she never can and never hopes to get rid of. I have read that one of her earliest attempts at the exercise of foreign power was the sending of two regiments to Tangier, which became the germ of that standing army against which the heart of every free-born Briton so long revolted, but which, at length, with all their other evils, they have become used to, and now quietly submit to.

This Government, if I have any appreciation of its genius and character, is not a Government in the sense in which the term is applied to those of Europe. It is a Government formed with limited powers, powers recognized and conceded to be limited in all that appertains to our domestic policy. If I ask you to expend the paltry sum of $50.000, to clear out the dam at the head of Cumberland Island, the eyes and hands are elevated in patriotic horror and indignation at this outrageous violation of the Constitution. And yet we are called upon, in the assertion of the principles of universal humanity, and in redressing the wrongs of men and nations, to exercise powers unknown and unlimited. Tell me not that the foreign policy of this Government must be a unit, and, being in no part reserved to the States, belongs in the whole to the Federal Government. There are powers which belong to neither, as the power to disregard that condition of a republican form of Government, imposed upon the admission of a State into the Union, which cannot be disregarded by the one, or dispensed with by the other. The foreign power of the Federal Government is guarded in the Constitution with no less care than its domestic—each grant being doled out with avaricious caution—no one being supposed to cover any other not clearly involved in it,—the power to "declare war" not carrying with it the power to grant letters of marque and reprisal, nor even to "raise armies," or "maintain a navy," without express grants for the purpose. For the framers of that instrument well knew that the danger of a usurpation of power was even greater, and the results infinitely more stupendous in the foreign relations than in the domestic administration of the Government. In the latter, it will be carefully watched and guarded against, as it should be, by the various local and rival interests to be affected. Sir, from my limited reading of history, I feel warranted in saying—and if time allowed, I might cite examples even with the learned Senator from Michigan—that if ever the fate of all past Republics should become the fate of our own—if ever the liberties of this people shall be trampled under the iron heel of military despotism, it will be upon the basis of Federal consolidation, and through the means of foreign war. How indispensable, then, was it, that the Federal Government should be constituted

as it was, self-defensive, unaggressive, the Constitution being formed, as it describes itself, for the "common defense," to secure the blessings of liberty to *ourselves* and *our* posterity.

I will not go back to search the writings of Washington, with those gentlemen who have taken extracts wrested from their context, and perverted from their true meaning, to make him a witness against himself. Let that be conceded for the present which they so earnestly demand, either that he was too short-sighted to foresee the state of things which has now arisen, or that, not daring to look fifty or sixty years in advance, he only attempted, in his Farewell Address, to give counsel and fix the policy of the country for his own time. I care not for that. They tell us that we were then weak and comparatively powerless, and that our own necessities compelled us to remain neutral in all the quarrels of foreign Powers, and that our own self-defense was the last limit, and must, of necessity, be the last limit of our hopes and expectations. Have we grown sufficiently strong yet for the schemes and purposes those gentlemen porpose to us? The able and eloquent Senator from Louisiana [Mr. Soule] tells us, in his entertaining speech, which I heard with much pleasure, that now, instead of three millions of people, we have twenty-five millions; that we have—I forget the figures—a vast number of steam-boats, and a vast amount of tonnage. The relevancy of this last item I confess I do not exactly perceive. Are we now powerful enough to effect a deliverance of Europe to constitute ourselves the executive power of international law; to turn ourselves into a sort of police force, to arrest and punish all national criminals and prevent national crimes? With a sparsely populated country, with an immense territory not settled with a population sufficient for its cultivation—the more rapid settlement of which is the object of the bill now under our consideration—are we in the condition of those over-populated countries, to whom war is sometimes a means of reform, and even pestilence itself a tolerable evil, with its compensatory advantages? Are we powerful enough, generous enough, having little enough to hope for or care for at home, to go abroad and to undertake the affairs of everybody else? I care not for the change in our circumstances. It matters but little, and it is a waste of time to discuss it. What was prudence and sound policy then, must be so now. Whatever contributed then, to cherish and develop the wealth, and power, and prosperity of the country, must still have the same effect. And though we might now be better able to afford the immense sacrifice proposed for the benefit of others, as patriots, we have no more right to make that sacrifice now than then. We sit here as an American Congress, not as a Congress of Nations, and in that capacity can know no higher law than the Constitution we have sworn to support. To suppose otherwise, would be to mock the Deity in the invocation of his name to witness the oath we swear to support that Constitution, our only rule of duty, as patriots and as Representatives. The change in our circumstances, the growth of our power, can affect the question in no point of view, except that, perhaps, we may be tempted by it to do that which then we would not, because we could not. That our extended commercial relations may render us more liable to become involved in the wars of other nations is an argument which, however plausible, can have nothing to do with the question. When the time comes, that for the protection of those enlarged and complicated interests, for the defense of our national rights or honor, we must, as we have done before, go to war, I hope every patriot will be prepared for the struggle; and I have every confidence that our energies and resources will be equal to the emergency. If we have these extended interests to protect, if our more complicated relations render us more liable than formerly to the dangers of collision and war, there is only the more reason why we should carefully avoid all causes of quarrel with which we have of right nothing to do.

No, sir, we can effect nothing for the deliverance of Hungary from Russia; we can effect nothing for the deliverance of one people from the power of another by the force of arms. How and with what weapons are we to proceed in this great conflict? The Autocrat of Russia, with a million of armed men, assisted by the despot of Austria, Brennus like, flings into one scale the sword; and into the other, the valorous Senator from Michican hurls his potent Congressional resolution of "deep concern." [Laughter.] What is to be the result—what the issue of this great conflict? Why, Lord Palmerston tells us that opinions are stronger than armies, and of course the result must be that the puissant Senator from Michigan will come forth triumphant from the conflict. But, sir, it is not Congressional resolutions, carefully considered, diplomatically penned, ably advocated by the Senator in the other end of the Capitol, or resolutions dictated by Kossuth at Harrisburg, and voted by acclamation by a mass meeting—these are not the opinions which are stronger than armies. They are those opinions which take possession of the soul; which become deep, abiding convictions of the heart and mind, and which cannot be severed from it; which pass from heart to heart, with electric communication. These are the opinions which are stronger than armies, because they take possession of armies themselves, and turn them against the tyrants whom they served. And, sir, how are those opinions originated, propagated, and sustained? By the contemplation of the example of our greatness, our prosperity, our progress, and our power. The very fact that we, in doing nothing more than taking care of ourselves, have prospered, is a sufficient reason for the propagation and support of such opinions as these. Such convictions are more powerful than armies. Why, the moral influence of our example has gone throughout Europe with a power more imposing than the march of armies, or the weight of navies—irresistible, subverting empires, overturning dynasties, and awakening whole nations of people to a consciousness of their rights. If ever the deliverance of Europe is to be effected, it is by such means as these. If the prejudices of a thousand years can be cast aside, as an old garment, worn out and to be abandoned; if they can break those fetters which have eaten into their very flesh, that chain which clanks about the very heart itself; if they can rid themselves of institutions, and the prejudices on which those institutions are founded, which have lasted so long as to become time-honored, a very part of their political and social life itself, almost inseparable from their natural and social existence, this is their hope and their only hope. One man cannot govern an unwilling nation. It is absurd. When a whole people become fully impressed with the conviction that free institutions will inure to their happiness, they will become free; and when they come fully to understand and appreciate the nature of those institutions, they will establish them firmly and make them enduring.

Sir, I love progress; I love the word; for in my conception of its signification, I do not abuse the term, and if I was not a Whig, I should say that I was a "young American." [Laughter.] But we have not that classification yet, on this side of the House, and I like to conform to the customs and usages of the party to which I belong. I love progress of the right sort—that progress which has been for fifty years an American idea. There was in that idea of an "ocean-bound Republic" at least something patriotic, something which stirred the heart and appealed to the pride of every lover of his country. I love natural, American progress, the development of true principles, in all their consequences, the advance to true happiness and true greatness. But let us not turn back and attempt, what I fear is a hopeless task, to regenerate the old, worn-out, *effete* institutions of Europe. Let crumbling dynasties and falling Republics take care of themselves—let the dead bury the dead. I fear we shall never learn the relative geography of Europe and the balance of the world. We seem never to remember, that of the nine hundred millions now inhabiting the globe, only a fraction dwell on that small spot of earth. Sir, when I hear men talk politics, as if Europe were the world, and her chances and changes and her fiat its destiny, I think of the Yankee who went to London during the "World's Fair," and being asked his opinion of England, which he saw for the first time, said it was a fine country—well cultivated, but mighty small—he felt cramped ever since he had been on the island—had no exercise at all, he was afraid to take a morning walk, for fear of walking off the edges somewhere. [Laughter.] Let us learn for once, that Europe is but a small portion of the habitable globe, and that things will not and cannot always remain as they are. Let us, in the true spirit of American progression, look to the future and not to the past. This continent is broad enough to satisfy all our aspirations—a theater large enough upon which to develop the true principles of modern American civilization. Why, sir, the march of civilization, like the march of christianity, has been, from the days of the wise men of Chaldea down to the present time, from East to West. You might as well attempt to turn back the natural sun in its course, as to revert the sun of civilization in its westward way. This is the course it ever has pursued, and this must be the course which it ever will pursue. Following its way, we ourselves, have already planted our feet upon the shores of the Pacific, and there has sprung up a mighty empire, more like the work of magic than the slow growth of nations. My friend before me [Mr. McCorkle] looks the personification of patriotic pride as I utter it. From that Western shore, the genius of American progress already looks beyond the ocean to that great and wonderful country, whose trade has enriched every nation which has enjoyed its harvest. I greet with pleasure, every scheme which contemplates a more speedy, rapid, and frequent intercourse between that rich land and our own. My heart responded cordially to the spirit which prompted the recent Japan expedition. Quiet and unpretending as it is, there is more of the genuine spirit of progress in it, than in all the fine harangues about the principles of universal humanity, of liberty, fraternity, equality, of Hungarian, French, or Italian independence. The far-seeing eye of Napoleon turned to that land, rich in the gifts of Heaven—rich in historical associations—with its dim annals half mythic, half historical—going back to the time when infant man had scarce left the tutelage of the parent Creator—to that land he ever looked as the true battle-ground upon which the struggle for European supremacy was to be fought. And in the last days of his retirement, looking back upon his career, he felt that his mission was unfulfilled. He declared that Sir Sidney Smith had stood at Acre between him and his destiny. Sir, upon that battle-field is to be fought a battle of emulation, of philanthropy—a struggle between Christian civilization and the semi-barbarism of ignorance and superstition—a struggle far nobler, with far different weapons, with far higher ends and nobler purposes, and I hope for mankind, with far happier results, than the struggles of Napoleon. There, where the lamp of religion and learning was first lit up, its light will be relumed; there, where began the long chequered history of the misery and happiness, the barbarism and civilization, the degredation and the elevation of man, the closing scene of the grand drama will be consummated.

SPEECH OF HON. J. A. PEARCE,

OF MARYLAND,

In the Senate, *April 29 and* 30, 1852,

In reply to Mr. Gwin, on the governmental administration of affairs in California; and on the Government Expenditures generally.

The Senate, as in Committee of the Whole, resumed the consideration of the bill from the House of Representatives to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852.

Mr. PEARCE rose and said:

The Senate, I trust, will pardon me for departing from the line of debate strictly proper at this stage of the discussion. I consider it a necessity which I cannot disregard to do so. Upon the introduction of this bill, remarks were made by the chairman of the Committee on Finance, [Mr. Hunter,] and by the Senator from California, [Mr. Gwin,] inculpating the present Administration. Those charges have gone forth to the public. They are now making some impression upon the public mind; and, if not answered promptly, those impressions may become fixed and ineradicable, so that no force of fact or argument may suffice to remove them. The Senate knows that I have not been in the habit of indulging in what is called partisan debate. I take no pleasure in crimination

or recrimination, but the task I have before me is not that of a partisan debate. My purpose is to vindicate men of pure and honorable character, engaged zealously in the faithful discharge of duties as arduous as they are important.

The Senator from California has made an open and avowed attack upon the Administration. He has charged them not merely with official negligence, but with the toleration of various abuses, and even with the reward of them. He has endeavored to fix upon this Administration the responsibility of the errors, real or imaginary, of General Taylor's administration, although the Senate must perceive with how little justice such an attempt as that can be made. As well might I undertake to charge upon the Administration of Mr. Polk the frauds, peculations, and defalcations, enormous in amount, and almost incalculable in number, which were perpetrated under the administrations of his Democratic predecessor. The Senator from California has pointed out specific instances of violation of duty, and he has attempted to sustain his charges by a documentary display of several columns. It will be for the Senate to judge, in the sequel, whether the success of this attack is equal to the rashness which prompted it, or the vigor with which it has been prosecuted.

The Senator from Virginia was more moderate in the tone of his speech, which I had not the pleasure of hearing, not being in the city when it was delivered. As reported in the Globe, I believe he disclaimed any purpose of assailing the Administration. Sometimes he bestowed faint praise upon the head of a Department; then, again, he might be said to "hint a fault, and hesitate dislike." At another place, he spoke of abuses, and of a system of mal-administration, which the members of the present Cabinet were tardy in perceiving, and feeble in correcting. He fancied that the reforms which the present Administration had undertaken came too late; that they did not go far enough; that they did not strike at the root of the matter; that they required the stimulus of Congressional criticism. He said that he thought these gentlemen were not born to remedy the evils which had prevailed, and which still afflict the public service. All this was said on the eve of a presidential election. Now, sir, we know how greedily the minions of party catch at accusations; and how, particularly at a time like this, such a speech as that, coming from the Senator from Virginia, who, during a very considerable experience in this body, has earned a reputation for fairness and candor, might, from that circumstance alone, derive peculiar point. I know not, indeed, whether, if unanswered, his speech would not operate with even more injustice upon the Administration than the more open attack of the Senator from California. I know that it will, in some respects, require a more critical analysis. I shall endeavor to give it that analysis; and I hope I shall be able to satisfy, the Senate of many errors into which he has fallen, as well as to expose the more palpable mistakes of the Senator from California. I shall commence with the remarks of the latter Senator, not confining myself, however, entirely to the defense of the present Administration, but adverting, as briefly as may be, to the charges brought against the administration of General Taylor.

I had supposed, Mr. President, that the administration of General Taylor might have escaped these assaults. That gallant, honest, artless old patriot has gone down to the tomb. There he sleeps, as

> "Sleep the brave, who sink to rest,
> By all their country's wishes blest."

The members of his Cabinet no longer hold official stations. Not one of them has an Executive office or a seat in either House of Congress. Not one of them is here to repel injustice, or even to furnish his friends with the means of defending him. I do not know that I shared very largely in the confidence of that Cabinet. Still there were gentlemen in it with whom I recognized the relations of personal friendship; and I will not permit them now or hereafter to be assailed erroneously, and therefore unjustly, when I have the means of their defense in my hands.

The Senator from California started with a charge which, if the Senate alone were concerned, I should not think it worth while to refute. But these things make an impression upon the public when not contradicted. Hence it is that I notice them. The first charge the Senator makes, is, that very soon after General Taylor's inauguration, he selected an agent to visit California upon public business—that the gentleman whom he selected had been, during the preceding fall, elected a member of the House of Representatives—that his term of service commenced on the 4th of March, although the Congress in which he was to take his seat, would not, by law, meet until the following December; and he considered this to be a violation of that provision of the Constitution which declares that "no person holding any *office* under the United States, shall be a member of either House during his continuance in office." Now, what member of the Senate is there who supposes that an agency, such as that conferred upon Mr. Thomas Butler King, was an *office* within the meaning of the Constitution? What is an office? It is a thing *created by law*. But an agency, derived from and created by Executive appointment, is not a thing created by law. It is a very different thing, and does not come within the letter or the spirit of the constitutional provision. Besides, these are not new things. The Senator from California must remember that there has been scarcely a President since the foundation of the Government who has not at some time or other selected an agent for the performance of duties very similar to those which were intrusted to Mr. King. Why, not to go any further back than the time of General Jackson, who does not remember that he deputed a gentleman of this city to go to Texas for nearly the same objects as those which Mr. King was charged with in California? Mr. Polk's administration, as the gentleman from Vermont [Mr. UPHAM] suggests, appointed a Mr. Hopkins as Executive agent to Paraguay. It is not an uncommon thing at all. It is not necessary for me to multiply instances to the Senate. The Senate know that there is nothing extraordinary in it—no startling novelty about it—nothing but what is common and what is proper.

But the Senator, not content with charging the then President of the United States with violating the Constitution by this appointment, suggested that there was another enormity—that Mr. King was allowed eight dollars a day and traveling expenses while away, in addition to his pay as a member of Congress. I take it for granted that the gentleman did not mean to say that he was to receive pay as an agent while at the same time he was receiving pay as a member of Congress, for that would be a thing physically impossible, and directly contradicted by the letter of his instructions. His appointment was to have effect, and his pay was to be receivable, only while he was absent on this mission, and was to cease immediately upon his return. He was only a member of Congress elect—not qualified, not having taken his seat—not entitled to a dollar's pay as a member of Congress until he should return from the scene of his agency in California; and, in point of fact, he never took his seat in the House of Representatives at all, but resigned it while still on the Pacific coast. This "additional pay," therefore, of which the Senator speaks, was merely that compensation which, as agent, he might receive during the recess. It did not multiply compensation, as he seems to suppose.

But it is a still graver matter of charge with the Senator from California that Mr. King, thus appointed a mere agent of the Executive, was intrusted with entire control over the Army and Navy and Treasury of the United States. They were all, he says, placed at his disposal; the military and naval commanders in California had no discretion; they were actually fettered by the capricious will, if he chose so to exert it, of Mr. King. Now, how does the Senator derive this? He said that he would prove it by documents, and he undertook to do it; I will show with how little success.

Mr. King was appointed an agent, and we must look to the letter of instructions given to him by the Secretary of State, in order to ascertain the scope of his authority. In a letter of Mr. Clayton, the late Secretary of State, Mr. King is informed of his selection as an agent, and of the nature of the duties which he was expected to perform. He was sent out to California to convey information to the people of that Territory, and to acquire information for the satisfaction, not of the President alone, but of the whole Government. He was instructed to convey to the people of the Territory the assurance of the President's sincere desire to sustain them in the full enjoyment of their rights and property, to secure to them all the advantages of citizenship of the United States, and particularly to assure them of the disposition of the President to sustain and protect them in the establishment of any government which of their own free choice they might think proper to establish. He was also directed to ascertain what was the population of the country; what were its products and resources, particularly its mineral value; how many Mexican citizens had withdrawn from that Territory since the treaty of peace; how many had signified their intention to become citizens of the United States; and to acquire information more especially in regard to the Indian tribes. Then, the only sentence in this letter of instructions, the sole charter of his power, which by any ingenuity the Senator can wrest from its simple and obvious meaning to his purpose is this:

> "You are fully authorized to confer with our military and naval commanders within those Territories, who will be instructed to assist you in the accomplishment of the objects of your mission."

Does not the Senate perceive that this aid and assistance which he was to obtain from the military and naval commanders, was merely such as was auxiliary to the purpose mentioned in his letter of instructions? Why, if the Senator can transmute that simple and proper sentence from its palpable meaning, he possesses some logical alchemy, the secret of which is with himself alone. I venture to say that no Senator here has any such hocus pocus. The military and naval commanders of California never dreamed of putting such an interpretation on that clause as the Senator from California has done. I would not willingly impute it to them, except on evidence very different from that which the Senator has adduced.

The Senator has quoted also the letter of the Secretary of the Treasury addressed to the collector of customs in California, which is a mere direction to aid Mr. King, and to be guided by his advice "*in the conduct of all proper measures within the scope of his instructions.*" And these I have shown, from the letter of those instructions, to be the communication of certain specified purposes of the Administration, and the acquisition of information desirable and important to the Executive, as well as needful for our legislation. A very different thing from (as the Senator says) placing at Mr. King's disposal the Army, Navy, and Treasury of the United States.

It must be very palpable, I think, that Mr. Clayton's letter of instructions did not confer upon Mr. King any such power over the Army, Navy, and Treasury of the United States, nor even a qualified power; that it was nothing more nor less than such an instruction to the officers in California as any Administration, sending out an agent to a new and distant possession of our own, would give under similar circumstances. If he had given less, he would have given them no instructions at all to aid Mr. King, and would have thrown him entirely upon his own resources.

The Senator, however, undertakes to sustain this charge by a reference to a letter of General Persifer F. Smith, who was in command of the military forces in California. It seems that that gentleman, sometime about the month of June, 1849, notified the Secretary of War, that in order to facilitate the accomplishment of Mr. King's purposes, he had got up an exploring expedition; and that they were going to visit the habitable parts of the State, in order that Mr. King might ascertain by personal inspection what was the condition of the population, what were the products and resources of the country. That expedition was organized for this purpose, and this alone. It is just what General Smith (who by the by is not only an accomplished officer, but an unimpeachable Democrat) was authorized to do, even without such instructions. Nay, more, it was that which it was his duty to do, whether he had instructions to that effect or not. He was in command of the whole of that department. What Government, on the acquisition of a new, and,

for much the most part, unknown territory, has failed to take all the means in its power to ascertain its resources, to ascertain all those particulars of its condition, which are necessary for full information in order to the just and intelligent legislative action which Congress itself would necessarily be obliged to take in regard to it? It will be seen, by reference to the letter of General Smith, that the Senator from California is not borne out in his assertion. He notifies the Secretary of War that he has got up this expedition, and then says:

"It is hoped that the character of the country, its capability of cultivation, its products in minerals and timber, will be so far ascertained as to furnish all the data necessary for legislation."

That is the proof which the gentleman furnishes that the President of the United States had undertaken to transfer his constitutional authority, as Commander-in-Chief of the Army and Navy, to Mr. King, to do what he had no constitutional authority to do—that is, to put at Mr. King's disposal the Army, Navy, and Treasury of the United States, as the Senator says. If there was ever a *non sequitur*, I think the Senate will perceive it here.

Then the Senator objects to another proceeding of Mr. King. In support of his assertion, he refers to the fact that Mr. King addressed a note to the commander of the naval forces on the Pacific, asking that the steamer Edith, then in the service of the Department, should be used for the purpose of transporting members of the convention, which was about to assemble at Monterey, to make a constitution for the State of California, to that point. This is proof that the Navy of the United States was placed at the disposal of Mr. King! Now, if we suppose that the assembling of the convention, the framing of the constitution, and the organization of the State government was a proper thing—and I take it the Senator from California would be the last man in the world to deny it, for he took an active part in it, and is enjoying the fruits of it with very great credit to himself and satisfaction to his associates—then there was no impropriety on the part of the naval commander in sending the Edith to convey these gentlemen to Monterey. Steam-boats are like talent—they rust unused. The Edith would be better employed in proceeding up the coast to Monterey, with the members of the convention, than if she had been lying idle in port

I think, when I speak on this point, the Senator will recognize my friendly regard for himself. I am really undertaking to defend him, quite as much as Mr. King, and the commander of the naval forces. I feel that I should be doing but an act of justice to him to defend this act; and I think that he was just about as much responsible for the employment of the steam-boat as was Mr. King himself. It may seem a little curious, that the Senator, at this time of day, should have found that there was anything improper in it, and should have charged it upon the Administration of General Taylor, as one of their iniquities, that the steamer Edith had been employed in this service, and had been lost—for she was wrecked on the voyage. By the by, I would remark in passing, that the cost of the Edith was not $120,000, as the Senator supposed in his speech, but was only $33,000. I have ascertained that fact, beyond all doubt. I have also found, in the Navy Department, among some papers which were being copied there for the information of Congress, a letter from an officer of the Navy on the Pacific coast, which conveyed to me the first information I had of another fact, which I am about to state.

It seems that the Secretary of the Navy had sent out Lieutenant Meade to take the command of this identical steam-boat; but Commodore Jones having given the command of the steamer to another officer, he did not think proper to withdraw her from that officer's command, and assign her to Lieutenant Meade. Lieutenant Meade complained of this as gross injustice, and addressed a letter to the Secretary of the Navy, in the course of which he aggravates the complaint by the assertion, which I presume the Senator from California recognizes as proper, that he was applied to by the Senator himself, Hon. William M. Gwin, to get the command of this identical steam-boat to perform this very service. It is not necessary to read the letter, but that is the fact which is stated by Lieutenant Meade. Now, then, it seems that Mr. King only did that which the Senator himself wished to be done.

Mr. GWIN. Does the letter state that I made application to Lieutenant Meade to get this steam-boat sent to San Diego?

Mr. PEARCE. I will read the letter; perhaps that will be the best plan. It is dated October 28, 1851. It will be seen that it is not got up for this occasion; that is manifest. The extract from the letter relating to the point is as follows:

* * * "While at San Francisco, the delegates of the convention elected to frame a constitution for the State of California, through the honorable William M. Gwin, United States Senator, called on me to volunteer to take them to Monterey. I cheerfully asked Commodore Jones, stating that I could be ready in six hours with the Edith, and land them in ten hours after I should have an offing; the Edith being ship rigged, I had nothing to do but to trice up her propeller and use her sails. I requested Commodore Jones to let me have Lieutenant McCormick, then temporarily commanding her, as my first lieutenant, as Lieutenant Knox, commanding Massachusetts steamer, had Lieutenant C. Vanalstine as his executive officer, of the same date of service, but registered for more sea service than Lieutenant McCormick. Com. Jones refused me this request, although my application was aided by the influence of Senator Gwin, and others of equal distinction. I then felt exceedingly mortified, and subsequent proceedings have all tended to increase my mortification. The loss of the Edith followed quickly upon this refusal of Commodore Jones; and since my return home, my name having been *identified* with the command of the Edith, many persons believe that she was lost through my carelessness, and while under my charge."

Mr. GWIN. If the Senator will permit me, I will state the facts of the case as they actually occurred. There were in San Francisco a number of the members elect to the convention, which was to assemble at Monterey, on the 1st day of September. The only certain mode of conveyance from San Francisco to Monterey was the mail steam-ship, which was to leave the former place on the 1st, and arrive at the latter on the 2d of September. It was important that a quorum of the members of the convention should meet on the day appointed for its assembling. Application was made to the agent of the mail steam-ship company, to leave San Francisco on the last day of August, so that the members of the convention then in that city could reach Monterey on the morning of the 1st of September. This was refused. General Riley, the *de facto* Governor, had given orders, if necessary, to have a vessel placed at the disposal of such members of the convention as chose to avail themselves of such a mode of conveyance, to proceed with them to Monterey. We made no application to him, or any one else. When conveyance was proffered, we preferred going in a steam-ship, to the uncertainty of a sail vessel.

Mr. PEARCE. I do not charge any offense at all in the act of applying for the boat, or that of using her for this purpose.

Mr. GWIN. We made no application. A conveyance was offered us by the *de facto* government. We merely expressed a preference, if anything was said on the subject, for a steamer or a sail vessel.

Mr. PEARCE. I do not charge it as any offence at all on the Senator. On the contrary, I am disposed to justify him, and the head of the *de facto* government, who, after all, was but an officer in the Army of the United States. But then the Senate will recollect that this is a thing which the Senator has charged as an offense. He has spoken of it as a thing that was improper. He has spoken of the loss of the Edith (which he estimated at $120,000) in consequence of the requisition of Mr. King, and the service upon which she was sent. I agree with him that that action was entirely proper. I do not find fault with him any more than with Mr. King, for making the request. I dare say I should myself, under the same circumstances, have done the same thing. But what I do find fault with, or rather what I complain of—for I have no right to find fault with a Senator—is that he should use this to prove that the naval power of the United States was placed at the absolute disposal of Mr. King, and complain of it as an abuse when it had his own sanction. If that vessel was sent upon a service which was entirely proper, I do not see why it is that he can charge her loss to the Government, as a thing resulting from a wrong act on the part of Mr. King, which has *swelled the deficiencies.*

Mr. GWIN. If the Senator will read the whole of Lieutenant Meade's letter, and also Commodore Jones's letter in reply, he will see the Commodore states that Mr. King, exercising the power conferred on him by the President, had ordered the Edith on another service.

Mr. PEARCE. I should be very glad if the Senator would turn me to some evidence of any such expression as that which he supposes Commodore Jones has used. I have looked through the documents without being able to find it.

Mr. GWIN. I will bring it to the notice of the Senator before he is done.

Mr. PEARCE. Very well, sir. It certainly is not in the extract from Commodore Jones's letter, which the Senator read the other day. I will not read it again to the Senate. But in glancing over that letter, I do not see any such language as that which the Senator attributed to Commodore Jones.

Mr. GWIN. That is not the letter in which he uses it; but he did use it. I have the letter in my committee-room. I did not expect the Senator would have the floor to day, or I would have had it at my seat. I will read it before the Senator closes his remarks.

Mr. PEARCE. And if it were so, I can only say that Commodore Jones must have fallen into a most extraordinary blunder, and have misconceived very much the instructions of his Government, and that they are not to be held liable for any misconception of his, however gross or improper.

I pass, now, to the next charge. The Senator complains that Mr. King, having been elected a member of that Congress which began its session in December, 1849, was, during the recess of the Congress, appointed collector of San Francisco; and he seems to think that this was a violation of the Constitution. The Constitution does provide that no member of Congress shall be appointed to any office created during the time for which he was elected, or the emoluments of which have been increased during that time. That is true. However, I will not go into the consideration of the point fully. I will abbreviate what I have to say upon it, since I might otherwise violate the rule of secrecy in regard to Executive business. I wish to state the simple facts of the case. The Senator has said that Mr. King's nomination was withheld from the Senate during the continuance of the Congress of which he had been elected a member, and was not sent in to the Senate until after the 4th of March.

Mr. GWIN. It was not sent in time to be acted upon at that session.

Mr. PEARCE. I have given the statement of the Senator as I find it in his reported speech. It is said that the nomination of Mr. King was not sent in until after the 4th of March, 1851. The fact is it was sent in to the Senate during the continuance of the identical Congress for which Mr. King had been elected, and several days before the close of its last session, and it was perfectly competent for the Senate to act upon it before the adjournment. I mention this to show that there was no intention on the part of the Executive to prevent the Senate making any use they could fairly make of any constitutional objection to the appointment. It was submitted in time to be acted upon by the Senate, having been sent in near the close of February, 1851. If it was unconstitutional, was the Senate to be prevented from refusing to confirm it, because it had been delayed in order to avoid that constitutional objection? That would furnish an additional reason with every member of the Senate for rejecting it. If, in addition to a violation of the Constitution, there was the meanness of endeavoring to avoid the application of a constitutional objection, it would have been demanded by every sense of propriety that the Senate should mark their reprobation of such conduct by the rejection of the nomination. Although, as the injunction of secrecy has not been removed, I am not at liberty to go into a consideration of all the facts and circumstances which weighed with the Senate when that nomination was pending; it is sufficient for me to say that he was confirmed by a Senate a majority of whose members were his political opponents. If I were at liberty to speak about that which has transpired in Executive session, from which the injunction of secrecy has not been removed, I should ask the Senator from California whether

he did not himself sustain the nomination of Mr. King. It is in the power of that Senator to move that the injunction of secrecy be taken off. If that be done, then the country can see who it was that sustained the nomination.

Mr. GWIN. If the Senator will permit me, I will state the facts of this case also. I never sustained the nomination of Mr. King, until he was renominated after the 3d of March, 1851. The Congress to which he had been elected, ceased to exist on that day. Mr. King was appointed before the assembling of Congress, in December, 1850. His nomination was held back from the Senate until the last, or next to the last, day of February. We had but one Executive session afterwards, when the nomination was referred to the Committee on Commerce, and never reported to the Senate. It is well known that the action of the Senate on the river and harbor bill was near defeating most of the appropriation bills, and left a vast amount of Executive business undisposed of, a portion of which was Mr. King's nomination. We were called into Executive session by the President on the 4th of March, and to that session Mr. King was renominated. It was well known that I objected to Mr. King's nomination, not on personal, but constitutional grounds; and would have opposed it, if it had been acted on before the 3d of March, 1851, and I entertain no doubt but he would have been rejected. This opposition was known to exist, and with this knowledge, the nomination was withheld to the last days of the session, so that we had no opportunity of testing the sense of the Senate on its constitutionality.

Mr. PEARCE. The only difference between the Senator and myself is, that I think if the constitutional objection weighs at one time, it does at all times, and that the obligation is stronger to reject the nomination, if such circumstances were employed in the vain and culpable endeavor to prevent the application of that constitutional objection. I pass from that, however, as too clear to admit of a question.

The next charge that I find made by the Senator from California is, that a certain General John Wilson was appointed Indian agent to the Salt Lake; that he was sent out there by General Taylor's administration, at a great expense to the Government; and that he went with all his family and property—an emigrant, going not at his individual expense, but at the expense of the Government. In connection with this, there are various other charges made by the Senator. Now, there is nothing novel in all this. The administration of General Taylor was not the first Administration that sent out civil agents under the protection of a military escort, whose outfit was at the public expense. It is no new and startling abuse. It is not a thing recently found out. I have a memorandum of several escorts furnished to agents—as many, I believe, under the preceding Administration as under this. I find, for instance, that transportation and an escort was furnished to Mr. Weller, Commissioner to settle the Mexican boundary, and that the Quartermaster's Department furnished the supplies. I find, too, that the cost of outfit and escort was $40,577, including the purchase of many things wanted for the commission, which were supplied, as I understand, by the Quartermaster's Department. General Lane went out as Governor of Oregon with a military escort; and from the Quartermaster's Department I am furnished with a statement, showing the cost of outfits and escorts to civil agents in Mr. Polk's time, and General Taylor's, which I will read to the Senate:

OUTFITS AND ESCORTS TO CIVIL AGENTS.
By order of Mr. Marcy.

	Cost.
Hon. J. B. Weller, Com'r Mexican boundary	$40,577 82
Governor Lane, of Oregon	12,483 70
Judge Pratt, of Oregon	3,468 75
E. F. Beale, bearer of dispatches to California and Oregon	4,836 87
Total, Mr. Marcy	$61,367 14

General Taylor.

Colonel Collier, Collector San Francisco	$34,788 96
Clerk to Colonel Collier	1,340 24
General Wilson, Indian agent, Salt Lake	12,270 71
Indian agent in California	2,335 28
" " New Mexico	5,880 23
Total, General Taylor	$56,615 42

Mr. ATCHISON. I wish the Senator would inform me what was the cost of transporting General Wilson to his agency at Utah?

Mr. PEARCE. The whole cost is put down at $12,270 71. Now I beg leave to make another remark in this connection. The Senator from California has assumed that this escort was sent out for the sole purpose of conducting Mr. Wilson to his agency. I would refer the Senator to the report of the late Commissioner of Indian Affairs, Mr. Medill, a Democrat, holding office under the administration of Mr. Polk, and who was suffered to continue in office after General Taylor's inauguration. It will be found at page 183, of Document No. 17, of the first session of the 31st Congress. I will read only one single sentence from his letter to General Wilson:

"As you will doubtless avail yourself of the military escort which will leave St. Louis shortly, funds will be placed in the hands of the Superintendent of Indian Affairs at that place to be turned over to you."

That is the letter of instruction from the Commissioner of Indian Affairs to this identical agent, General John Wilson. He told him that a military force was going out, and that it would be better for him to fall in with it. The fact is, as I have ascertained at the Quartermaster's Department, that the troops by which General Wilson was escorted, were recruits which the Department was sending to Santa Fé. At Santa Fé he procured another escort and went on.

The Senate will perceive that this was not an expedition got up for the sole benefit of this Indian agent; but that he was directed by the Democratic Commissioner of Indian Affairs to avail himself of the opportunity of a military force going out to Santa Fé.

The Senator complains that General Wilson left his station at the Great Salt Lake, and went on to California, and that then he resigned his office. I know nothing of the particulars of that. I admit, that it does not seem to be exactly proper that an officer appointed to such a station as this, should immediately, upon arriving at the seat of his operations, resign his place; but what I mean to say is, that no impropriety on the part of General Wilson was known to the present Executive, nor, so far as I can ascertain, to the Executive who preceded the present, at the time when he resigned his office, and when he was appointed to another. The complaint which the Senator makes is: that, having gone upon this expedition at great cost; having resigned his office before he did anything except to write two or three dispatches, Mr. Wilson was appointed navy agent at San Francisco. That the Senator charges as an offense upon the present Administration. Now, the fact is, that Mr. Wilson, who was a personal friend of General Taylor, was appointed navy agent by General Taylor. He received his nomination from him. It had been sent to the Senate, but was for a long time unacted upon. It was not, it is true, acted upon at the time when Mr. Fillmore succeded to the Presidency; but the Senate know very well that the policy of the present Executive was not to withdraw nominations made by his predecessor, but to send them all in to the Senate, unless there was some special reason to the contrary. This Administration knew of no special reason why Mr. Wilson should not be appointed navy agent. The Senator had, at that time, made no complaints against him. Nobody had made complaints against him, that I can ascertain; and he went in under the nomination of General Taylor, and was confirmed by the Senate—the Senator from California being then, I believe, a member of the Senate, or a member elect, ready to take his seat here, when his State should be admitted, as she soon was.

But the Senator does not stop at this point. He says, that Mr. Wilson was suffered to remain as navy agent at San Francisco, although he never gave an official bond; that he was allowed for a long time to receive the emoluments of his office, and that that office was finally abolished, in order to get rid of him. A most extraordinary series of mistakes! It is very true, that under his temporary appointment, Mr. Wilson did offer a bond, which was passed upon by the persons appointed to do so in California, and was rejected. But it is also true, that he offered another bond, which was accepted; and that, after his confirmation by the Senate, he again offered another bond, which was also accepted. Then, the Senator is entirely mistaken in these particulars. He is also greatly mistaken in another, and it is a mistake about which I must confess my surprise. The Senator from California is well known as a very active and indefatigable member of the Senate; no man here, I believe, is more attentive to his duties; no man, I think, takes a more active part than the Senator from California in the duties of the committees of which he is a member. But he is chairman of the Naval Committee of this body. Upon him peculiarly devolves all the duties which belong to that committee. If there is any man in this body bound to know the law and the facts in regard to any particular case in relation to a naval officer, that Senator is preëminently bound to know them. He has told the Senate that this man received the emoluments of the office of navy agent during a considerable length of time. I can say to the Senate, on the information I have obtained at the Department, that he never received any emoluments at all. I confess I must express my surprise again, that the Senator should have so far forgotten those naval affairs which were committed to his charge, as not to know that a navy agent receives no salary. The only compensation he gets is a commission of one per cent. on the amount he disburses. Before the Senator made the charge, I think he should have looked into the facts. General Wilson is one of his own constituents, who has a right to look to him, if to anybody, for defense. The Senator, if he had inquired, might have ascertained the fact, that never, during the whole time General Wilson held his commission, did he receive a dollar of the public money to disburse, and, therefore, he never received a cent of emolument. That is the fact. Besides, the office was not abolished to get rid of General Wilson. Very soon after the present Secretary came into office, he discovered that the navy agent at San Francisco had nothing to do. No money went into his hands, and therefore there was nothing for him to do. There was an experienced purser on that station; and as it is now our policy to keep ships-of-war there, there would always be a purser competent to do all the business devolving on the navy agent. Therefore, considering the office to be useless, he recommended the President to ask for its abolition. That is the history of General John Wilson.

The Senator has alluded to the escort which was sent out with Mr. Collier, who was appointed collector of the customs in California. There is manifestly nothing very extraordinary in this. I do not know that the troops which escorted Mr. Collier were sent out in order to recruit the army in California. I do not undertake to aver that. But the Senator has stated that Mr. Collier went out with a great outfit, and, if I understood him aright, that when he got to California, that outfit was not turned over to the public service as it ought to have been, but was appropriated to his own use. I ask the Senator if he can furnish any evidence in support of his charge? or is it a thing which he takes for granted? Is there any official evidence of the fact?

Mr. GWIN. I so understood the chairman of the Committee on Finance, who had made inquiry in regard to the subject.

Mr. PEARCE. Then the Senator made another mistake; that is all. As regards the sending of military escorts on these occasions, it seems to me very manifest that, if you are going to send a public agent thousands of miles from the seats of your civilization, through barren and inhospitable wastes, where no civilized man lives, but where the fiercest and most warlike savages roam in search of plunder, you would send a military escort with him, unless you wanted to have his scalp taken. If you send money with him he will lose that and his scalp too, unless he be protected by a military force. In point of fact, from the very foundation of the Government, when civil employees have been sent into a hostile Indian territory, or into a territory where, though the Indians were not hostile, they yet occupied such a doubtful attitude that no man could say when they would become hostile, military escorts have been employed for their protection. I suppose nobody knows that better than the Senator from Michigan, [Mr. CASS.] I take it for granted, though I do not know the fact, that in the course of his expe-

rience, he has availed himself of military escorts many times in making Indian treaties. I recollect that, on looking at one of the treaties which he made, I found the names of a number of officers of the Army appended to it as witnesses. I suppose they were part of the escort which protected him. No one would deplore more deeply than I should do any negligence of the Government in past times, by which that honorable gentleman should have been lost to the country, as might have been the case, if he had been suffered to go into a dangerous Indian country to negotiate treaties without such military protection as was necessary to insure his security, and the absence of which would, in all probability, have frustrated the very object for which he went.

Mr. HUNTER. A little while ago the Senator asked a question in relation to Mr. Collier's expedition. Does he wish it answered now?

Mr. PEARCE. Certainly.

Mr. HUNTER. I have not by me the papers containing an account of the expenses of the transportation of the expedition of Mr. Collier; but I think the expense was about $34,000.

Mr. PEARCE. That was the whole expense of the outfit and escort, as furnished by the Quartermaster's Department.

Mr. HUNTER. I would ask the Senator if he is certain that it includes the expenses of the troops composing the escort?—for I certainly understood differently from General Jesup.

Mr. PEARCE. It does not include their pay or subsistence, but does cover their transportation.

Mr. HUNTER. I understood that that amount did not include the expense of the troops of the escort. I got my information through the Commissioner of the Customs. I addressed General Jesup's office, in order to get the information, and he sent to me a letter, in which he states that no account was ever rendered by Mr. Collier, or *suite*, for the property which they took with them; and, so far as the records of the office show, no account was ever rendered in regard to the public property which they took.

Mr. PEARCE. I was furnished with a statement that the expense for the outfits and escorts of civil agents in that expedition, amounted to the sum mentioned by the gentleman from Virginia—$34,000. This does not include the pay of the troops; but it includes all the purchases that were made for the transportation of the troops, and of their supplies. We are not to suppose that the $34,000 was a private fund, put into the pocket of this civil agent, and expended for his individual benefit. It was a fund which was expended in the purchase of everything necessary for the escort. If there was any small peculation on the part of Mr. Collier, I know nothing of it, and I have no reason to believe such to have been the fact. I take it for granted that the officers of the Army, who commanded the escort, were responsible for the army property put into their possession for the purposes of the escort. If Mr. Collier had any small amount of the public property under his charge, and appropriated it to his own use, it was a great disgrace to him; but it does not authorize a charge against the Administration of General Taylor, of a wanton expenditure of $34,000, as if that sum had gone into the collector's pocket, and had been used solely for his own purposes Still less can the present Administration be held liable for an abuse not occurring in their time, neither sanctioned by them, nor even known to them.

But I was about to state certain advantages that arise from sending troops through the Indian territory. It is the policy of our very best military commanders, in those distant divisions, to keep our troops moving among the Indians. That is the only way to pacify them—to overawe them into quiet—to secure protection to our emigrants, going across their wild and desolate plains; to prevent the Indians crossing our boundaries into Mexico, whose territories we are bound, by treaty stipulation, to protect from their incursions. You cannot keep a permanent force everywhere in the Indian country. That would be impossible, if you had the wealth of Cræsus, and were willing thus to expend it, because the country is too vast and sterile, and affords no means of subsistence. But it is, obviously, a proper means of keeping these Indians quiet, to send detachments of troops into their country, at different times, as often as may be, and at such an expense as will not be intolerable to the Treasury. It is precisely that policy which Mr. Polk pursued, when he sent the rifle regiment to Oregon. He did not send them by sea, but across the plains, at an expense of over $226,000. I have the vouchers by me for the amount. I do not charge that as an impropriety on Mr. Polk's administration—not at all. But the Senate will recollect that, at a preceding session of Congress, the chairman of the Committee on Ways and Means, in the House of Representatives, [Mr. Bayly,] spoke of this as a "most improvident thing," while he said the arrangements made by the present Secretary of War to bring that regiment back, were "extremely judicious," and "of the most economical kind." I presume he thought that the rifle regiment was not wanted in that country, where the Indians are more pacific than elsewhere, and where troops of this description were not so useful. But the same policy which induced Mr. Polk to send that rifle regiment overland to Oregon, and to establish military posts along that route, and to protect the gentleman appointed to the governorship of that Territory, justified General Taylor in sending such an escort with Mr. Collier to San Francisco.

Mr. HUNTER. I have now the letter of the Secretary of War to the Commissioner of Customs, to which I referred. It is in these words:

War Department,
Washington, *April* 17, 1852.

Sir: I have received your letter of the 31st ult., requesting to be informed whether certain property, or any part thereof, had been turned over to the Quartermaster's Department by Collector Collier, when he reached his destination, and the amount. In reply thereto, I have the honor to inform you that, as far as this Department is informed, no part of the property has been accounted for. It is believed that the whole of it was lost, or left on the route, though on this point the Department has no official information.

Very respectfully your obedient servant,
C. M. CONRAD, *Secretary of War.*

Hon. C. W. Rockwell,
Commissioner of Customs.

Mr. PEARCE. If the property was *lost or left on the route*, as the Secretary supposes, it was not converted to his own use by Mr. Collier. Mr. Collier was nominated to the Senate as Collector of the Customs. If he had basely abused his trust, and peculated upon the public property, in the manner which the Senator from California supposes, but which is not sustained by the letter which the Senator from Virginia has read, it was the duty of the Senate, undoubtedly, to reject him. Most unquestionably, if the Administration had known of that proceeding, the President would not have nominated him, nor have suffered his nomination, by General Taylor, to remain before the Senate after he came into power.

The Senator from California has spoken of divers abuses, by Mr. Collier, after he arrived at San Francisco. He has spoken of his seizure of French cargoes; and it is a fact, as he says, that some of these seizures were wrongfully made. It occasioned a good deal of trouble at the time. But many of these seizures, I am informed, were fully justified by our revenue laws. In regard to the others, the fact is, that instructions sent to Mr. Collier, in time to prevent these improper seizures, were accidentally sent to Europe instead of California, and he did not receive them in time to avoid the error into which he fell. In regard to the lawful seizures of property, which he made, and the selling of that property, what was the reason for it? There was, at that time, no court in California with jurisdiction to determine the questions, and to condemn the property. I learn that the owners, or the agents of the owners of the cargoes, called upon him to sell them. They preferred that he should sell them, rather than that they should perish on his hands by decay, or be sent, for adjudication, to distant tribunals. I believe that he is now in default; but that fact was not known to this Administration when his nomination was acted upon by the Senate.

I take it for granted that the Senate would not hold an Administration responsible for the defalcation of an inferior agent, unless they tolerated the abuse, or rewarded him for it, as the gentleman seemed to intimate at the opening of his speech. Mr. Collier's abuses, whatever they were, were not known to the Administration. Suspicions were afloat it is true; but no official information had been received at the Treasury Department of any maladministration by him, at the time when his nomination was sent to the Senate; and it would have been grossly unjust, upon mere rumor and suspicion, to discredit a man who had always before borne an honorable character, when, by waiting a little while, official information could be obtained upon which the Department might determine its action. He was, however, rejected by the Senate, as the Senator has stated.

Another complaint, which the Senator makes against the Administration is, that they have been guilty of gross extravagance in regard to the establishment of a military depôt at Benicia. His first objection is, that Benicia was not the proper place. He read from the report of Major Vinton, a quartermaster in the Army, to show that the selection of these sites was determined by General Persifer F. Smith, a gentleman who is, above all exception, one of the most gallant men in the Army, as I know the gentleman will concur with me in saying, a man of general and professional intelligence, and of the very highest sense of honor, whose especial duty it was to select these sites, and who was appointed to the command by Mr. Polk's administration. He was a sterling Democrat, too, but doubtless received his appointment because of the special confidence reposed in his fidelity. That officer communicated to the Government, at different times, the reasons why he preferred establishing the military depôt at Benicia instead of San Francisco. I propose to read a few extracts from his letters to the Adjutant General. Under date of April 5, 1849, he says:

"The town of San Francisco is no way fitted for military or commercial purposes; there is no harbor, a bad landing place, bad water, no supplies of provisions, an inclement climate, and it is cut off from the rest of the country, except by a long circuit around the southern extremity of the bay. There are points on the bay, more inland, having good harbors and landings, good water, and open to the whole country in rear, and accessible, without difficulty, to ships of the largest class. One of these should be the point at which the future depôts should be established."

In a letter of the 9th of April, 1849, he shows how carefully and minutely the Straits of Karquinez, and the position of Benicia, had been examined by himself, and other officers of the Army and Navy, and says:

"The Straits are about five miles long, and from one to two broad. Near the lower end the land is bold and high on both sides. Between the plat of this town, and the upper end of the Straits, a distance of about one mile, a large vessel can be near enough the bank to unload at several points, and in the whole extent by a small expense for wharves." * * * "The road to the upper Sacramento, from the southern country, crosses here during the season of high water, when the Valley of San Joaquin is overflowed; and this point has at all times a free communication with all parts of the Territory. The objections to this place are, that there is no wood near the site, whereas the south side of the Straits has some scattered trees on its hills, and there is no stream of fresh water on it. The *wells, however, furnish much better water than is found at San Francisco*, and as good as is generally found from December until June, when the rivers are high. At low water the water of the Straits is fresh; we found it perfectly good at the time."

He also repeats, that "the expense of landing stores at San Francisco is enormous;" and contrasting the two places, says: "But there is no point entirely covered from all winds except in the Straits of Karquinez."

On the 21st of May, 1849, he writes again from San Francisco, and says:

"The enormous expense attending the landing and shipment of goods *here* will be obviated by having the depôt removed to Benicia, on the Straits of Karquinez, where the general *depôt is established.*"

Major Vinton, in the report from which the Senator has read, dated 30th March, 1850, in speaking of San Francisco, says:

"The natural obstacles to its successful enlargement and permanency in a commerial view, may be pointed out as consisting in its climate, the want of permanent points for landing cargoes, the absence of fuel, and the lack of a plentiful supply of wholesome water." * * "The harbor, hence, is, as it has been very justly represented, excellent in many respects; but it is not a safe one during the prevalence of the southeast gales, which sometimes sweep with great violence through its whole length; and the communication from the anchorage to the shore, is so much obstructed by mud flats, that it is only at high tide that commodities from the shipping can be landed.

"This object has, in a measure, been recently obviated by the construction of imperfect and insufficient piers. An incredible waste of property has been the consequence; vessels freighted with most valuable cargoes have been deserted at their anchorage, to unload which, and deposit their contents on the open beach, at the high prices of labor, has

cost more than the amount of their freight money. The Quartermaster's Department, with all its resources, has not been able to escape the evils resulting from such a state of the times; and although other places, as yet, have not been found to be more favorable in some respects than San Francisco, there is no good reason for making that town the site of our principal depôt. Much of the land on which the town is built is held by very questionable titles, and the public reservations made by our military governors are liable to be disputed at any time. To erect expensive storehouses and quarters on these lands while the difficulty of communicating with the shipping is such as has been described, would incur risks and expenses that the good of the service would not warrant; and the opportunities for so doing which existed a few months ago, have since been destroyed by the act of some person, with or without sufficient authority, (about which I am not fully advised,) extending permission to certain citizens to build upon and occupy, for business purposes, some of the best points on the public reserve. Rents are exorbitantly high—beyond a parallel in any country. Fuel cannot be obtained at retail prices for less than fifty dollars per cord, and men are unwilling to contract for any large supplies of it prospectively, lest the extravagant prices of labor may throw them out of all calculable profit."

Soon after his arrival in California, General Smith established the depôt, as I suppose, under the large discretionary powers which had been given to him by Mr. Marcy when he set out to take command of the division. It will be perceived that he gives some very good reasons for the selection of this place. Recollect that he was the General commanding the division. He was the officer whose especial duty it was to select the sites for depôts. Upon Major Vinton no such duty had been devolved. The report to the Adjutant General, from which the Senator has read, was dated in March, 1850, months after the depôt was established. The information communicated in that report to Mr. Secretary Crawford, was long after General Smith, on his own responsibility, had established the post, and long after the Secretary of War had approved its selection. The approval of the Secretary of War was dated in July, 1849. The Senator has read from this report of Major Vinton, which, so far, may be considered a volunteer report. to show that the obvious disadvantages of the site made it the duty of the Department of War to disapprove it. It so happened that, while running my eye over the report, and comparing it with the extract which he quoted, and which is set out in the printed report of his speech, I found a very important omission. The part omitted is only a single sentence; but, then, it is a key to all the rest of the report. It does not merely qualify and limit the sense of what preceded, but entirely changes the view which an imperfect examination of the report would present. After describing the geographical advantages of Benicia, he speaks of its topographical disadvantages. The last are chiefly the want of wood and water. Major Vinton says:

"Having in view, then, that these two great elements which invariably form the first principles in making a choice for the residence of a community are wanting at this place, I think the defects of the position are made manifest."

So far the Senator read, and so far his quotation is correct. But he did not read the next and very important sentence, which is in these words:

"Still it is not easy to designate any other point which is free from similar objections; and I allude to the faults of this one, to show the difficulties and consequent expenditure to be encountered in the establishment of depôts."

When we look, therefore, to the whole of Major Vinton's testimony, we find, that if it is to have any effect at all, it is to sustain the selection of General Smith. He shows the great and peculiar geographical advantages of Benicia, and that its topographical disadvantages are such as prevail elsewhere.

The Senator spoke particularly of a want of water, there being, as he supposed, only a single spring at Benicia. General Smith speaks in terms of complaint of the water at San Francisco, and in terms of commendation of the water at Benicia. He says that the water at Benicia was very good. I have been informed, by a quartermaster of the Army, that several good springs have since been discovered about Benicia, one of which is upon the ground where the public buildings are erected, and the whole of it is, or may be, appropriated to the use of the troops. I find, from a report made by Mr. Bomford, who appears to have been an engineer appointed for that purpose, that they had bored, in order to get water, by artesian wells; that he had gone down one hundred and sixteen feet, and the water only rose within forty-two feet of the surface. Thus, as far as the experiments had gone, Artesian wells would not answer. Then the engineer makes this further statement, which shows that Artesian wells could not be relied upon, and that is, that the geological structure of the country was such as to make it extremely doubtful whether further depth of boring would bring water to the surface. The strata there are very much inclined, almost perpendicular; "a condition extremely unfavorable to the passage of water from distant points." It appears, therefore, that the project of the Artesian well, which the Senator thinks ought to have been persevered in, was futile, and, that if there was not an ample supply of running water, General Smith was right in adopting the plan of cisterns. As to the price of wood, it was enormous in San Francisco. Major Vinton states, in the same report, that it was retailed in that city at $50 a cord. I take it, that the price was no higher at Benicia, past which place, I understand, a great deal of wood goes to San Francisco. At Benicia there is bold water, where a ship can lie close along the shore and land its cargo without the extraordinary expense attendant upon the landing at San Francisco, where the mud flats extending to a great distance, the expense of lighterage was necessarily enormous.

General Smith went to California in the fall of 1848, under the orders of Mr. Polk's administration. He was written to in October of that year to come on to Washington, and confer with the Secretary of War. I dare say he had from Mr. Marcy, who was undoubtedly an able Secretary, very judicious advice, as to the duties which he was expected to perform. Very singular to say, however, no written instructions to him are to be found on the files of the Department, unless those of his predecessor, General Mason, to which he was referred, are to be considered such. It is very manifest that he must have had oral instructions, if not written ones; for if he had neither the one nor the other, the Secretary would be justly chargeable with negligence, and the General could scarcely have exercised the large discretion which he seems to have been conscious was intrusted to him. Certain it is, that on the 15th November, 1848, Mr. Marcy authorized him, by letter, "to establish his headquarters in California or Oregon, and change them from time to time, as the exigencies of the public service may require," and charged him with the general duties of defending these territories, and of preserving peace and protecting the inhabitants from Indian depredations. It is understood that he was authorized to establish depôts, cover his troops, and secure his supplies, as the General of an army, in time of war, is accustomed to do. In regard to the expense of these buildings at Benicia, there is an indistinctness in the charges of the Senator, that is to say, he has not discriminated between those put up by General Smith, upon his own authority, and without the sanction of the Department, and those put up in General Taylor's time. Nor has he noticed the action of the present Administration in regard to the subject.

Major Allen, in his report to Major Vinton of January 10, 1850, states that he took charge of the property of the quartermaster's department at Benicia the 1st July, 1849, the post having been established, and the stores transferred to that place, before this time—and of course, before the approval of its selection by Mr. Secretary Crawford. Major Allen says, "his attention was first called to 'the completion of the buildings commenced, but 'which were little advanced, and to the erection of 'three houses and a barrack." The lowest rate of a mechanic's pay was eleven dollars, and of a laborer, five dollars per day.

The Senator read from another report of the same Quartermaster Allen to General Jesup, which shows that the enormous rents at San Francisco induced the commanding general to remove the stores from that place, before accommodations were provided for them at Benicia, as in the end more economical. It shows also the impossibility of getting the soldiers to work for the trifling compensation allowed them for their labor, and the general laxity of discipline which prevailed at this period when gold had been recently discovered, and the *sacra fames auri* was raging most fiercely. Having read an extract from this report, the Senator then charges that "with a full knowledge 'of these facts, the Secretary of War sanctions these 'enormous expenditures on a depôt established 'without authority of law, with the full knowledge 'that no corresponding benefit could result from its 'establishment either to California or the United 'States. I intend it to be distinctly understand, '(he says,) that these extraordinary expenditures 'were known to the Secretary of War, and not 'disapproved by him."

Now, in relation to the present Secretary of War, these expenditures were made before he came into office. He never authorized any buildings to be erected at this depôt; and neither he nor Mr. Crawford could have known of them from this report, which was made the 30th June, 1851, long after the expenses were incurred. I shall show presently what buildings were erected by authority of Mr. Crawford, and what by authority of the commanding general, and that the present Secretary of War, as soon as he was informed of the great expenditures already made, and of others proposed, directed their immediate discontinuance. And I infer from the report of Major Vinton, of 29th March, 1850, to the Adjutant General, that until then the War Department was not specifically informed of the buildings erected by order of the commanding general, or of the expenditures upon them. For in that report Major Vinton gave a detailed account of the different buildings and furnished plans of them which, regularly, should first have been approved by the Department. And it appears that several of them, commenced before July, 1849, were completed in October and November of that year. A report made to the Secretary of War on the 27th April last, by the Quartermaster General, will show what was authorized by Secretary Crawford:

QUARTERMASTER GENERAL'S OFFICE,
WASHINGTON CITY, *April* 27, 1852.

SIR: In reply to your inquiries in regard to the change of the principal depôt of the Army from San Francisco to Benicia, in California, and the manner in which the necessary buildings were erected, I have the honor to report, that the subject of buildings, as well for the use of the troops as for the protection of the public stores on the Pacific, had received the early attention of Mr. Secretary Marcy. Captain Folsom, Assistant Quartermaster at San Francisco, had recommended that materials for buildings should be sent from the Atlantic, as less expensive than to obtain them in California. Mr. Marcy thought favorably of the measure, and directed me to organize a board of officers to determine and report upon plans of buildings for officers' quarters, soldiers' barracks, and store-houses to protect the public supplies.

I organized a board on the 15th of February, 1849—see paper marked A, with the accompanying plans, herewith. They reported on the 2d of March, but as Mr. Marcy was to go out of office the next day, he, of course, would give no instructions on the subject. As soon after Mr. Crawford was installed into office as possible, I brought the matter to his notice, but he disapproved of the proposition, and on the 5th of April, 1849, I informed Captain Folsom of his decision, and referred him to California or Oregon for the materials to build a suitable store-house to protect the supplies, which was the only building then authorized.

In consequence of the difficulty and expense of landing stores of every description at San Francisco, and the enormous rents asked for store-houses and quarters for the troops there, General Smith changed the depôt from San Francisco to Benicia, I think, in April; and in a letter to the Adjutant General, dated the 21st of May, he recommended that point as the permanent depôt. This letter was received on the 20th of July, and the same day referred to the Secretary, who, on the 21st of July, made an indorsement on it of which the following is an extract: "Depôt to be changed as recommended. G. W. C." On the 23d of July the Adjutant General addressed a letter of instructions to General Smith, of which the following is an extract: "Your communication of May 26, which was submitted to 'the Secretary of War on its receipt, has been considered, 'and I am instructed to say, that the transfer of the Army 'depôt from San Francisco to Benicia, or the Straits of 'Karquinez, is fully approved. R. JONES, Adjutant General."

About this time, the subject of sending suitable buildings from the Atlantic to the Pacific was again presented for the consideration of the Secretary of War, and he authorized me to have materials for suitable buildings prepared and sent from the Atlantic; and, in accordance with his instructions, I directed Lieutenant Colonel Thomas, on the 27th of July, to proceed to Maine, and have materials prepared and sent to California. The Colonel executed the duty confided to him most successfully—Paper marked B is a duplicate of a report which he made on the 21st instant, detailing his operations, and stating the cost of them. With the exception of a few small iron buildings sent out, these are all that were authorized from this office, except the store-house referred to above, and, as before stated, they were sanctioned by the Secretary of War. They were all necessary, and costly, as it proved, to put them up at Benicia, and other posts in California. More than one hundred thousand dollars were saved to the Treasury by sending them from the Atlantic.

I have the honor to be, sir, your obedient servant,
TH. S. JESUP, *Quartermaster General.*

The Hon. C. M. CONRAD, *Secretary of War,*
Washington City.

The result of the deliberations of this board was, that they advised the buildings to be erected principally of wood. I have here the drawings of most of the buildings which the Secretary authorized. One of these buildings was a store-house, of which I do not find the plan, and which was put up by the commanding general under the authority of Secretary Crawford. The other buildings which he authorized, were contracted for in the State of Maine, and very judicious measures were taken to secure economy in their purchase and erection. Colonel Thomas, of the Quartermaster General's Bureau, went to the State of Maine, and there made the contracts for two buildings for officers' quarters, two for barracks, two for store-houses, and one for a guard-house. The timbers were all framed and ready to be put up on being landed in Benicia—the weatherboarding was planed and rabbeted—the flooring tongued and grooved, and, in fact, everything necessary was so prepared and shipped for that Territory, so as to require the least possible labor to be done in California. The same officer shipped a party of good and efficient mechanics, carpenters, bricklayers, and masons, and plasterers, a blacksmith, and painter, all under contract to work for the Government for one hundred days after their arrival, on favorable terms; and it is honorable to the character of these Eastern mechanics, that notwithstanding all temptations and inducements to violate their contracts, they remained faithful and fulfilled their agreement, at about one third the current wages of the country. The price of the materials varied according to kind and quality, from nine to twenty-one dollars per thousand feet, and the total cost of materials, tools, freight, and passage money, was $64,871 25. By these means, as the Quartermaster General says, more than $100,000 was saved to the Government; and this was the sort of extravagance sanctioned by Secretary Crawford.

Major Allen, the quartermaster who succeeded Major Vinton, gives us a history of these expenditures. It seems that he took charge on the 1st of July, 1849; and many of the buildings were erected in the fiscal year ending 30th of June, 1850. In July, 1849, Mr. Crawford changed his opinion, and determined that it would be more advantageous to the Government to have the materials provided on the Atlantic coast, and shipped by sea. Therefore, one of the assistants of the Quartermaster General's Bureau, Colonel Thomas, was sent, as I have said, to the State of Maine, where he made the contract which I have mentioned. These were the buildings authorized by Mr. Secretary Crawford, in addition to the single store-house which General Smith was specially authorized to erect at Benicia. The other buildings were erected without such authority, and without plans from the Quartermaster's Department, which a regulation of the Army requires should be furnished before their erection. The great bulk of the expense was incurred in the erection of these buildings, on General Smith's responsiblity. And so far from Mr. Secretary Crawford being, as the Senator from California wishes it *distinctly understood*, fully informed of the expenditures and approving of them, I am able to state, on full authority, that no report ever apprised him of them, and that the accounts of quartermaster's expenditures in California, for the third and fourth quarters of 1849, and the first quarter of 1850, were not received at the office of General Jesup till the 10th of May, 1850, while those of the second, third, and fourth quarters of 1850, were not received till the 15th February, 1851. The Senate will therefore perceive that if there was any great extravagance in the erection of these buildings, it is to be attributed to somebody else, not to the action of General Taylor's Secretary of War. I know and aver that nobody can charge the present Secretary of War with having sanctioned any extravagance with regard to them. In order to make out the charge of extravagance, the Senator has quoted from a report made by Major Allen, on the 30th of June, 1851—long after all the extravagance complained of had been committed. The report of Major Vinton was made in March, 1850. If there was any extravagance at all, it was in erecting the store-houses authorized by Mr. Crawford, and the other buildings, not authorized by Mr. Crawford, prior to July, 1850. I do not mean to reproach General Smith for any abuse of power in the erection of these buildings. He is, no doubt, able to justify it by the oral instructions of Secretary Marcy, by the extraordinary condition of the country, and by the exigency of the public service. I believe, as the Senator does, that he acted with a view to the best interests of the country; and I wonder why a little charity might not have been extended to Secretary Crawford also. Why could not the Senator suppose that, so far as he was concerned, he also acted with a view to the best interests of the country? And why not ascertain, by careful inquiry, as I have done, that he was no way responsible for expenditures made without his knowledge, under authority which could only have been derived from his predecessor, and the exercise of which authority was not known to him till too late for his interference? It is very probable that General Smith, with all his gallantry and all his intelligence, was not quite so strict an economist as the Senator from California is; and that is very much to be regretted. But it must be remembered, in justice to him, that it is not necessary that Congress should pass special provisions of law authorizing the building of barracks at particular places. The army appropriation bills often contain, and that passed in 1848, for the support of the army for the year ending June 30, 1849, did contain, an appropriation for all the incidental expenses of the Quartermaster's Department, including barracks. In that year the appropriation was $350,000 for all these objects. Ordinarily, no barracks, store-houses, quarters, &c, are built without the approbation of the Secretary of War; but the distant theater of these operations, the pressing wants of the service, the peculiar and extraordinary condition of things in California, and the oral instructions of Mr. Marcy, doubtless justified General Smith in all that he did.

I will show, now, what was the action of the present Secretary of War upon that subject. I have said that the accounts came to General Jesup on the 15th of February, 1851. On the 24th of February, 1851, the Secretary addressed the following letter to General Smith:

WAR DEPARTMENT,
WASHINGTON, *February* 24, 1851.

Major General PERSIFER F. SMITH,

Comd'g Pacific Division, Benicia, California:

SIR: The Quartermaster General has, within a few days past, submitted to me a report made by Assistant Quartermaster Robert Allen, showing the number of persons employed in the construction of barracks, &c., at Benicia during the month of November last, and the wages paid to each. By this account it appears that there were at that time eighty-nine mechanics and laborers employed in said works, at an aggregate expense of about $21,600 per month for their wages.

He has also brought to my notice a letter from Major Allen, dated August 25. 1850, in which that officer estimates that the sums which will be required for expenditures in the construction of barracks, store houses, &c., at certain posts in California and Oregon designated in his letter, will amount, during the year commencing on the 25th August, 1850, to about $2,020.500.

As no order appears to have been given by this Department for the erection of these works, as required by regulations, [See Army Regulations of 1841, par. 970,971] I was not, until then, aware of their magnitude and cost, and supposed they were cheap structures, intended for the temporary accommodation of the troops. Unless the Army should be much increased, (of which there is at present no prospect whatever,) the military force hereafter to be stationed on the Pacific, particularly in California, will be very inconsiderable, and the precise points where they ought to be stationed are hardly yet determined with sufficient accuracy to render it prudent to expend large sums in the construction of permanent works of this character. Even were it otherwise, the Department would hesitate to make these expenditures until money had been specially appropriated for the purpose. In the absense of plans and estimates, and in the uncertainty that now prevails as to the extent of the military force that will hereafter be stationed on the Pacific, no recommendation of such an appropriation can be made at the present session.

You will, therefore, immediately on the receipt of this letter, suspend all further operations on the works at Benicia beyond what are absolutely necessary for the immediate use of the troops stationed there, or that may remain there, in case you should report in answer to the communication of the General-in-Chief of the 26th day of December last, that the force now stationed there can be reduced. You will give similar orders to the commanders of the several posts where such works are now in the course of construction, taking care that proper measures be adopted for the protection of such works as have been commenced, and for the preservation or sale of the materials on hand. In the execution of this order, you will of course exercise your discretion as to the precise extent to which, and the mode in which it is to be carried out. I will remark, however, that the expenditures of the Army, particularly of the Quartermaster's Department for the last year, have excited a great deal of remark; that the entire estimates for barracks and quarters, (including those in California and Oregon,) for the year ending 30th June, 1852, amount only to $800,000, and there is every reason to believe that even this amount will be very much reduced, and that no specific appropriation will be made for the works referred to in this letter. The appropriations for the current year are already exhausted.

You will also give orders that the quartermasters at each post shall, as soon as practicable, prepare and transmit to this Department, a detailed statement, showing the precise nature and extent of all works that are or have been erected thereat; the materials of which they are constructed, their present state, the amount that has been already expended on them, the materials on hand, and an estimate of the amount that will be required to complete them.

Very respectfully, your obedient servant,
C. M. CONRAD, *Secretary of War.*

I presume the report of Major Allen, dated at Benicia, June 30, 1851, and referred to by the Senator, was in consequence of this order. The Senate will perceive that the present Secretary of War, as soon as he was informed of the magnitude and cost of the building which had been erected, and were proposed to be erected at Benicia, took immediate steps to put a stop to the expenditure. It is not to be supposed that a Secretary of War, who has been in office only a few months, is to be acquainted with everything going on in his Department. It is not his duty to investigate every account that comes in, or every dispatch that is received by the Quartermaster General's Bureau, or any other. It is the duty of his subordinates to bring to his notice everything of special consequence which may require his attention. This letter shows that he was not informed of the proposed expenditure at Benicia until a few days before the letter was dated; and promptly, after receiving the information, he put an end to this expenditure. On referring to the documents accompanying Major Allen's report in 1851, I find a list of the houses which were begun and completed at the depôt at Benicia for the year commencing July 1st, 1850. It sustains the statement I have made to the Senate, as to the number of houses and buildings which were erected.

In connection with this subject, the Senator has made great complaints as to the application of the civil fund in California——

Mr. GWIN. As the Senator is entering upon a new topic, I will read the extract from the letter of Commodore Jones, to which I referred. I did not expect that the Senator would speak to-day, or I should have been prepared with the documents upon which I based my remarks, to which the Senator is replying. I read from an official letter addressed by Commodore Jones to Lieutenant R. W. Meade, dated at San Francisco, August 17, 1849. After giving the reasons why he did not put Lieutenant Meade in command of the *Edith*, he makes this statement:

"Subsequently, and very unexpectedly since my return to San Francisco, the Hon. T. B. King has, under authority from the President, called on me for the Edith to go to leeward on very important service, unconnected wiih the Navy; and so pressing is the necessity for the earliest possible departure of the Edith, that she will go to sea at the end of the week, under canvas, with the contractor and his engineers, and workmen on board, who will finish their work on the passage."

Mr. PEARCE. I do not think that makes any difference. It is the same thing, after all, which the Senator was anxious to have done, and which was not improper in itself.

The Senator has referred to the civil fund of California. Its history, I think, was gone over at the last session of Congress. The Senate will recollect that a bill to provide for the settlement of the accounts of officers, who had been connected with the receipts and disbursements of that money, was introduced by me. It passed this body, and was sent to the House of Representatives. There it expired, no action being taken upon it. A similar bill has been introduced at the present session, and has passed the Senate. A recommendation was sent to the Committee on Finance, at the last session, by the Secretary of War, urging that something should be done in relation to that fund, so that it might be received into the Treasury, which it could not be, without some legislative action of Congress.

The bill which I introduced provided for its receipt into the Treasury in the first place, and accounting for it as if it had been properly received—legitimating the action of the Government *de facto* in regard to that fund—allowing the ex-

penditure for army and navy purposes of so much of the funds as had been so applied. It also made allowance to the officers engaged in its receipt and disbursement; allowed a portion of it to be applied to the relief of destitute emigrants, to which purpose it was applied by order of General Smith. It allowed another portion to be applied to the patriotic purpose of paying the expenses of the California Convention, and giving to the State of California, in lieu of the outfit which the Territories usually have received, the sum of $300,000. If that bill had been passed last year, all of the accounts which are now open and unadjusted, might, perhaps, have been settled. At all events, the legal authority would have been given for their settlement, which does not now exist. Until the House of Representatives act upon the bill which has gone from this body, or on some other bill intended to answer the same purpose, it will be impossible that these accounts should be adjusted; because, the money not having been collected under the machinery of law which we have provided for the collection of our revenue from customs, cannot go into the Treasury until Congress shall legitimate the action of the government *de facto* of California.

I do not mean to waste the time of the Senate by speaking of the propriety of collecting customs in California, any further than to say this: The government *de facto*, (General Mason first and General Riley next, then acting as governor,) pursued the principle which the Senate recognized when we passed that bill; that is to say, that California having become a part of the United States, military contributions being no longer collected there, because there was no longer a state of war, foreign goods liable to duty should not be imported and landed there, in violation of the general revenue laws of the United States, and that, if they were imported and landed, those who did so must pay the duties. General Mason commanding there, previously to General Riley, established the tariff of 1846. General Smith, when he went there, in conjunction with Commodore Jones, recognized the propriety of the payment of duties, as deposits, by those who should bring dutiable goods into California. About this there can be no manner of question. The Senate thought so at the last session, and at this. Even the circular of Mr. Robert J. Walker, Secretary of the Treasury, which the Senator has read, does not furnish any authority to any one there to permit goods to be landed without the payment of duties. He says, "that if foreign dutiable goods should be introduced there and shipped thence to any other port or place of the United States, they would be liable to all the penalties prescribed by law, when such importation is attempted without the payment of duties."

It is sufficient to say that the general revenue law forbids the introduction of foreign goods at any other place than a port of entry; that San Francisco was not a port of entry, because Congress did not perform its duty at the long session of 1848, and that the collection of duties was by military authority in both Mr. Polk's time and General Taylor's, without authority indeed from Washington, but justifiable under all the circumstances.

This fund, thus collected, went into the hands of these officers, and irregular as it was, perhaps it was a very fortunate thing for the service there. If the officers had not collected the money there would have been no means to pay the expenses of the California Convention, and I do not know that the State of California would have sprung into existence, and the Senate have had the benefit of the Senator's services here. There would have been no funds for the relief of destitute emigrants The military defenses of the country would have been inadequate.

The next subject of complaint which the Senator from California makes, is in regard to certain Indian commissioners. Congress have appropriated at different times $50,000, I think, for the purpose of negotiating Indian treaties in California—$25,000 at one time, and $25,000 at another. Indian agents were appointed for California, who, under the provision of a general law requiring that the commissioners to negotiate Indian treaties should be persons in the employ of the Department, went out to California, and proceeded to enter upon the duties assigned to them. First, they met as a board, and, after having transacted some business as a board, I believe they divided the State into three divisions, each taking one division, and proposing to negotiate treaties in each. They were without funds. The $25,000 appropriated by Congress had not reached them. They were anxious to obtain funds, and they made application to the collector of the customs at San Francisco to advance them the $25,000 appropriated by Congress. That he did not do, but he advanced them $5,000, and advanced it to them upon the recommendation of the Senator from California himself. It seems that the Indians in California, who are numerous and warlike, were supposed to be in a state of great irritation. Indeed, it was expected that a general Indian outbreak would take place; and it was thought to be very desirable, in order to pacify the Indians, that these negotiations should be promptly entered upon. They could not be entered upon without money. The commissioners applied to the collector, and he advanced $5,000 for the purpose of enabling them to enter into negotiations.

But the Senator has fallen into an extraordinary mistake, that another advance made by the collector was made on the basis of the $25,000 appropriation. Mr. King, besides advancing $25,000, advanced to the Quartermaster's Department $150,000. The Senator supposes that the $150,000 were all for the purpose of military escorts, which went with the Indian commissioners to negotiate treaties. That is a mistake in fact, as I have ascertained. I have returns from the Department showing that but $60,000 of this money were appropriated to the support of the escort, or rather of the three escorts, which accompanied the commissioners. Sixty thousand dollars was all of the expenditure of which any account has been received. The accounts yet to be received will not amount to more than $9,000 or $10,000; so that the whole expense is but $70,000, instead of $150,000.

Mr. GWIN. I was exceedingly anxious to get this information before I addressed the Senate on the subject. I applied to the Quartermaster General for a statement of the amount expended, and he told me that he could not make out a correct one. I was anxious to ascertain the exact amount, and he told me that the returns of the assistant quartermaster had not come in in full, and those received were so mixed up with other expenditures that it was difficult to separate them. I said in my speech that this was the statement given to me. I found this amount, stated by Mr. King himself, to be the advance to the Quartermaster's Department for the purpose of fitting out these expeditions.

Mr PEARCE. I find no fault with the Senator at all. I merely wanted to state the facts as I understand them now to exist. I have here a statement of the several drafts drawn by Major Allen, assistant quartermaster of Benicia, showing the amount received and expended by him. He received the amount of $150,000, but the amount expended for the military escorts was only about $60,000. This is exclusive of the wear and tear of the public property, and also of the expenditures of Lieutenant Stoneman, whose accounts have not been received, but the whole of which will amount to not more than eight or ten thousand dollars. If that state of affairs be correct, the expenditure for that purpose will be about $70,000. Then the other part of the advance is for moneys applied to the Quartermaster's Department in other particulars. This advance, if made by the collector out of United States money, was certainly irregular. Mr. King had no more right to advance the $5,000 than the $150,000 without instructions from the Treasury Department; but it was a thing which the imperious circumstances of the case, even in the opinion of the Senator from California, justified in the one instance, and which, I suppose, it inevitably follows must have been justifiable in the other. What would have been the use of advancing money to the Indian commissioners if money was not advanced to the quartermaster to furnish the means of an escort to protect them?

Mr. GWIN. I hope the Senator will permit me to explain. Before I wrote the note to Mr. King in reference to the advance of $5,000, the appropriation of $25,000 had been made, and the Department of the Interior, I do not say from neglect, had not placed the amount under the control of the commissioners. The $5,000 advance was not at all connected with the $150,000 loaned to the Quartermaster's Department. That was made long before. The $5,000 was advanced on the appropriation made at the last session of Congress, and I stated that I did not hold myself responsible for the acts of those officers, but that on account of the pressing necessity of the case, Mr. King would be sustained if he made that small advance. Mr. King says, however, in the letter from which I have read, that the advance was placed to his private account, as it was expected that the next mail would bring authority to the Indian commissioners to draw for the appropriation.

Mr. PEARCE. Then it was so much the better, for it was no violation of law. The Senate will perceive the necessity of my making the distinction between these appropriations when I read to them this extract from the Senator's speech.

He says:

"I wish it to be borne in mind that all this was to be done under an appropriation of $25,000."

After that statement, it becomes necessary for me to show why it was, that $150,000 were advanced by the collector, and that it was not advanced upon this appropriation of $25,000, but in consideration and in aid of the general military appropriation made for the military service of the Government, and in reference to that portion appropriated for the Quartermaster's Department. In fact, it is no inconvenience to the Government to have these advances made, because the Quartermaster's Department must be furnished with funds by drafts drawn on California. There is a surplus of money there. I believe the receipts of the customs in California are larger than in most of the States of the Union, larger, perhaps, than they are even in the city of New Orleans. When there is a surplus there, it is a very convenient thing for the Treasury Department here to supply funds by drawing on the collecter at San Francisco. This advance of the collector was not before the appropriations, as in another part of his speech, the Senator stated because the appropriations had been made; but it was a loan of money made in advance of the receipt of instructions to the collector of that fact. I do not know whether the Senator stated that the $150,000 was advanced out of Mr. King's private funds as well as the $5,000. I suppose not, however; because I find a letter of the Secretary of the Treasury in which Mr. King is told that these advances are contrary to law. They did not think proper, however, to remove Mr. King for it, because his object was a good one. There was an extraordinary state of things prevailing. California is an immense territory. It is inhabited by a very large body of Indians, estimated, I believe, at 100,000. They are said to be the most warlike Indians on that side of the Continent. They were irritated, and justly irritated, perhaps, by the condition of things then prevailing; and there was danger of an immediate outbreak. I can show the Senate by a reference to a letter of one of the commissioners, what was the condition of things which called for prompt and energetic proceedings.

In a letter dated January 5th, 1852, he says:

"We found the Indians at open war with the whites in many parts of the State, and, with but few exceptions, I believe in the southern portion of the State, they were hostile, and the war between them and the whites characterized by those acts of rapine and murder usual in Indian warfare. The country called for some relief from such a state of affairs. The miners had been driven from their gold mines, and every day almost some outrage or injury was done to the person or property of the citizens, and, in return, many of the Indians were killed and their stores of provisions destroyed."

Such was the condition of things which required that the collector at San Francisco, disregarding the strict instructions of the Treasury Department, should advance money to the Quartermaster's Department to fit out escorts for the Indian commissioners, who might pacify the Indians, and protect the people of the State. Let me add, that the Quartermaster's Department here being in funds at the time promptly repaid the advance of $150,000.

The Senator from California then alludes to the course of action pursued by these commissioners. After the negotiation of treaties with the Indians

they did not look to the instructions which had been sent to them, but went far beyond them, and the known constitutional rule, and disregarded the rights of the Executive and the Senate. They made treaties with the Indians, not, to be sure, violative of instructions, (since the nature of the stipulations could not be foreseen or dictated in Washington,) but they made treaties in which they stipulated to furnish the Indians with supplies of food, particularly beef cattle, to a very large amount. Having made these stipulations, they did not wait until the treaties were sent to the Executive, and ratified by the Senate; but they justified themselves, or attempted to justify themselves, for furnishing these supplies in advance of the ratification of the treaties, on the ground of the imperative necessity of doing something to keep the Indians quiet, and protect the people of the State. They said that the extraordinary condition of things there demanded that they should go beyond their instructions, and beyond the law. Whether this is so or not, we shall, perhaps, ascertain hereafter. They did this, however, without the knowledge of the Administration, and the Senator complains that they were not immediately dismissed for so doing.

Mr. GWIN. I say that the Administration ought either to have approved or disapproved of their acts. If they approved them, the President should have sent the treaties to the Senate; but if he did not he ought to have disavowed the policy adopted by the agents, and appointed others to carry out the exact views of the Administration.

Mr. PEARCE. This is what the Senator said in his speech:

"He (meaning the Commissioner of Indian Affairs) says that these agents had no authority to exceed the amount of the appropriation. Why, then, are they not dismissed? Here is an acknowledgment that they have exceeded their authority under the law, yet they are permitted to go unpunished," &c.

So the Senator goes on. Let me now state to the Senate what the facts are. Not one of the original treaties, made by the joint board or by Mr. Barbour, had been received by the Executive up to the 24th day of January last, though some of Mr. Wozencroft's had reached the Indian office during the year 1851, and none of them were submitted to the President till the last month. Mr. Barbour, one of the Indian commissioners, arrived at New Orleans, I believe, sometime during the last winter, and instead of coming on directly to Washington, went to Kentucky, where he brought with him the treaties made by himself and by the Board. He there received a letter in which he was strongly rebuked by the Commissioner of Indian Affairs, for this violation of duty in undertaking to carry out the stipulations of treaties before the Executive and the Senate had acted upon them. He answered the letter and defended himself. That answer is dated on the 5th of January, of this year; but he did not come on to Washington until after the 24th of January. Then he brought some of the treaties with him. Now is the Executive to be blamed, as the Senator has blamed him, for not submitting these treaties *instanter* to the Senate for ratification, and to be charged with covering up the transactions of the Commissioner by withholding the treaties? Does not the Senator know that we may desire to be furnished with more accurate information in regard to them? Does he not think that we ought to know the truth of the allegations made by the Indian commissioners, before we say whether the Government shall or shall not honor their drafts? Is not the Executive to be furnished with this information as well as we? Ought not the President to be furnished with it before submitting to the Senate treaties so important? Ought not the President to have full time for consideration, and ought he not to be allowed the opportunity to obtain from California the information which is necessary to enable him to act properly on the subject? Whether the treaties are to be confirmed or rejected, it is just as important that the Executive should have the information on the subject as that the Senate should have it. I would not willingly do the Senator any injustice, but I suppose my opinion in this respect does not differ from his, unless he changed it about the time he made his speech; for I am informed that the Senator from California expressed to the Commissioner of Indian Affairs and to the Secretary of the Interior a desire that the treaties should not now be sent to the Senate, but that they should be retained until the information was had.

Mr. GWIN. It is altogether a mistake. I never made any such declaration to anybody.

Mr. PEARCE. There may have been a misunderstanding between the Senator and these functionaries, but, undoubtedly, they so understood him.

Mr. GWIN. This is a matter of some importance to myself personally, and I will state the facts. The delegation from California had an interview with the Commissioner of Indian Affairs. My colleagues of the other House are conversant with the discussions that occurred on that occasion. The Secretary of the Interior was to have been present, but was unavoidably prevented from attending. I then stated explicitly that the Administration must take the responsibility either of approving or disapproving of the treaties; that, by withholding them from the Senate, they were becoming the fixed policy of the country. The Commissioner said he would assume no such responsibility; that if we wanted the treaties we must call for them. One of my colleagues in the other House prepared a resolution calling for the information, based upon this declaration of the Commissioner. I will state, furthermore, that we all understood at the time that the Department did not intend to assume this responsibility, and that they did not intend to send these treaties here until they were called for by the delegation from California. My colleague, [Mr. Weller,] who had not then taken his seat in the Senate, has offered a resolution in Executive session, calling for these treaties. It is certainly a mistake that I advised that they should be withheld.

Mr. PEARCE. That was my understanding. He said that if they were sent in they would be rejected promptly. I wrote to the Secretary of the Interior on the subject, and received in reply the following letter:

Washington, *April* 27, 1852.

Dear Sir: In answer to your inquiry, I have to state that Senator Gwin and myself have had repeated conversations on the subject of the treaties with the California Indians, in which he uniformly expressed himself as opposed to their ratification, and objected to their being sent to the Senate, saying he would have them immediately rejected. He has concurred with me in the opinion, that the treaties should be referred to the Superintendent of Indian Affairs in California for investigation, and that action here should be suspended to await the report of that officer on the subject. Very respectfully, your obedient servant,

L. LEA.

Hon. A. H. H. Stuart.

Mr. GWIN. That is a mistake altogether. I was desirous that the contracts for beef, and the acts of the Indian agents, should be investigated. It had been charged that there was favoritism in giving these contracts, and extravagant prices had been paid for beef, all of which I wanted to be thoroughly investigated. Is that letter signed by the Secretary of the Interior?

Mr. PEARCE. It is from Mr. Lea, the Commissioner of Indian Affairs. I have another one from the Secretary of the Interior, which corroborates what he says:

Dear Sir: My recollection of Mr. Gwin's opinions in regard to the California treaties, and the propriety of suspending action on them until a report could be received from the Superintendent of Indian Affairs, agrees entirely with Colonel Lea's.

* * * * * * *

I have consulted, from time to time, with Mr. Gwin on these subjects, and supposed I was acting in conformity with his opinions and wishes, and felt myself under obligations to him for his friendly counsels.

Very respectfully, your obedient servant,

ALEX. H. H. STUART.

Hon. James A. Pearce.

Mr. GWIN. All I have to say is, that both are entirely mistaken, so far as my views in reference to the treaties are concerned. There was nothing to investigate as to the treaties. We all knew the policy they adopted. I have always been anxious that the Departments should disavow the treaties, not withhold them from the Senate. I did not seek a collision with the Administration. I preferred that the President should disavow the policy of the agents, rather than have the treaties sent to the Senate to be rejected, but it was due to the people of California that they should be acted on, and either rejected or ratified. The Secretary and Commissioner, in the discharge of the important duties of their offices, have not recollected the details of these conversations, probably, as well as I, who was so deeply interested in the subject. I wanted the treaties rejected, either by the President or the Senate, and the contracts investigated; and also the acts of the agents, who might have been unjustly assailed. The Secretary and Commissioner are incapable of doing me injustice, as I know I am incapable of misrepresenting their acts or opinions.

Mr. PEARCE. How is it possible that drafts drawn in pursuance of treaty stipulations are to be paid, unless the treaties are ratified? Do you intend to comply with the stipulations of a treaty, and reject the treaty itself? It would require a great deal of consideration, before the Senate would enter on a course like that. There would be great incongruity in it.

But there is another consideration why the President should withhold these treaties, for the present, at all events. The Senator from California, I think, is mistaken in saying, that by withholding them for the present, the policy recommended by them will become the fixed policy of the country. I suppose it will become the fixed policy of the country, if they are ratified; but how can it be so if we do not ratify them, and if they are suspended from the consideration of the Senate? Certainly no authority is given to the treaties, no authority is given to any acts of the commissioners' in relation to them, unless the Senate ratify them. *Ex nihilo, nihil fit.* You cannot make the treaties valid, but by their ratification. There are very good reasons why they should not be sent to the Senate for confirmation now. I find at this very time—at least at the date of the last advices from California—that the stipulations of these treaties are under discussion in the Legislature of that State. They seem to know very well there, what are their provisions, and there is some difference of opinion as to whether they should be ratified or rejected. I have seen a majority and a minority report in the Legislature of California; the former recommending the rejection of the treaties, and that the power of the State of California should be employed to secure their rejection; and the latter very guardedly advising against this course. There is also a resolution pending in the Legislature, from the majority of the committee, of a rather extraordinary character. They recommend that the State shall insist upon the observance of what they say is the policy which has prevailed in every other State; that is, the entire exclusion of the Indians of California from that State. They insist that those people, said to be 100,000 in number, shall be driven out of the limits of the State, and shall not be allowed a solitary reservation. They complain of the reservations which, it is said, the commissioners have guaranteed to them by the treaties which they have made. They say that the Indians must not be allowed to hold any of the public lands in the State, but must be removed beyond its jurisdiction; that the Indian shall not be allowed to have an acre of that heritage which God gave him, and which was his before the white man first landed on the shores of America. What is to become of these Indians? Where are they to go? How are we to remove them? Will you drive them out at the point of the bayonet, or purchase their territory, from time to time, at the expense of untold millions? Will you send them beyond the confines of the United States, into the possessions of our weak neighbor, Mexico? You cannot do that, because it would violate your treaty stipulations. Will you send them up to the great valley of the Salt Lake, and consign them to the tender mercies of the Mormons? Will you send them to the Territory of Oregon, where the same system of exclusion is to be repeated? Will you turn them into the great deserts beyond the Sierra Nevada, there to meet a fate more dreadful than almost any of which the imagination can conceive? If you compel them to such an existence as that, theirs would be worse than the wanderings of the tribes of Israel for forty years in the desert. There would be no pillar of fire by night, or cloud by day, to guide them. There would be no refreshing manna in the wilderness for them. They must all faint, despair, and die in the deserts, to which your selfish violence would drive them; and rather than do that, it would be humanity for you to collect

them in groups, and treat them according to the example of the French Revolution, with noyades and fusillades, drowning them by hundreds, and shooting them down by squadrons! Sir, this Indian policy requires more consideration. While it is very desirable, I admit, to remove them from the neighborhood of the white man, there is a limit to that, and that limit you have reached. East of the Rocky Mountains, you have removed many Indian tribes beyond the white settlements; and, since 1829, have extinguished their title to 120,000,000 acres, at an expense, it is said, of $72,000,000! You have congregated on the borders of Arkansas, Missouri, and Texas, vast hordes of savage Indians. Between the prairies east of the Rocky Mountains and the Pacific, vast deserts extend—deserts furnishing very little subsistence, and the scantiest support to the nomadic tribes who roam over them, who live more upon the plunder of our Mexican neighbors, of the white settlements of the frontier, and of the bands of emigrants to the western coast, than by any product of industry, or even by the chase. Now, what are we to do with them? This is the great question. I do not undertake to say what the policy of the Government should be; but I say this, that they who advocate the exclusion of so formidable and numerous a band of Indians as those in California, must provide some other place for them; must be prepared with some expedient which shall not shock humanity. This grave question now agitates the Legislature of California, and is a subject for the President's consideration at this moment. He must determine for himself to give some recommendation to us in regard to the subjects, before he sends those treaties to the Senate of the United States. Where is the liability to blame, then, which can be justly thrown upon the President for taking time to consider a question so vast and momentous as this—because he waits to know public sentiment in California—the action of the Legislature and the further information which both the Senator and myself desire.

The Senator complains, however, that these Indian commissioners have not been removed. He says they ought to have been removed promptly.

Mr. GWIN. I said that if the President disapproved of their acts, he should remove them.

Mr. PEARCE. The President cannot, and I am sure, does not doubt that, to make treaty stipulations, and then assume the power which does not belong to any officer of the Government, not even to the President himself, of undertaking to execute those stipulations before they are approved by him, and ratified by the Senate, is a palpable wrong. It is a clear usurpation. I have not conversed with the President on the subject, but I am sure that he cannot do otherwise than condemn their conduct as a violation of their duty. The Commissioner of Indian Affairs long since did so. Whether the President and the Senate, when they come to consider the circumstances shall suppose that the emergency was so extraordinary as to excuse these commissioners, I cannot undertake to say; nor do I consider it fit further to discuss a matter which properly belongs to the Executive sessions of the Senate.

But the Senator complains that they have not been dismissed. Now, let us look at the facts. There were three Indian agents and one sub-agent appointed for California. One of the Indian agents, Mr. McKee, protests that he had nothing to do with the beef contracts, and says that he always advised to the contrary. In his report to the Department, speaking of these contracts, he says:

"I have steadily opposed the making of any contract implicating the Government until after the treaties were ratified, except small and immediately pressing demands at the time of making treaties, and have so advised my colleagues."

If that has been his course, surely the Administration is not called upon to remove him. Mr. Johnson, the sub-agent, has been removed. Mr. Barbour, one of the agents, is the individual who brought on the treaties here about the first of February, of the present year. He was immediately called upon personally for explanations, as he had before been called upon by letter. A brief time was asked by his friends, in order that he might make further explanations, and give further information in regard to the matter. During the time thus allowed him for that purpose, he resigned. It is but just to this gentleman to say, that at the time of his appointment to office, he bore the very highest character for integrity and honor, and indiscreet as his course may have been, I am unwilling to declare that character forfeited. Now, there remains only Mr. Wozencroft, and I have been told that he was considered one of the ablest and best of the commissioners. [Mr. GWIN assented.] Why was he not removed? I do not know that I can state all the reasons, nor do I know that it would be advisable for me to state all the reasons for retaining him in office. There is, however, one reason which I will state. It is desirable, as the Senator from California thinks, and as I think, to make certain inquiries in California in regard to the necessities of the case. Mr. Wozencroft is one of the sources of information. We can more certainly obtain information from him, and more reliable information while he is under his official responsibility than if he were removed; for I take it, that if he were removed he would not trouble himself to give us any information at all. That is one good reason for not removing him.

I think I have now shown that the Administration is not culpable for what it has done in regard to these Indian agents. It has retained one of them in office, who appears not to be connected with any improper contracts, while it has retained another under the expectation of obtaining from him, under his official responsibility, valuable information in regard to the proceedings of the commissioners. I think that the Administration is thus vindicated from these charges.

I turn now from the speech of the Senator from California, and I propose to make some remarks on the observations which fell from the Senator from Virginia, [Mr. HUNTER.] I think that the Senator from Virginia has hardly done the Secretary of War justice in regard to the expenditures of his Department, and the reforms which he has attempted. We all know very well that the expenses of the Army have been increased, and that the expenditures for the Quartermaster's Department have been enormous. I find no fault with the Senator from Virginia for endeavoring to exact the most rigid economy in the military service. On the contrary, it gives me great pleasure to coöperate with him, as I generally do, on such questions. But I think he has not made due allowance for all the difficulties which have been in the way; nor has he given due credit for the exertions which the Secretary of War has made. I find, in the speech of the Senator, these remarks:

"I think I shall show, that whatever reforms have been made, whatever steps have been taken towards reform, (and some have been taken,) have originated since the criticism on the estimates of last year, and probably originated out of the action of Congress."

Again, speaking of some of the reforms which might have been made, he seems to think there has been some want of administrative genius and talent, and that, but for this want, the expenditures of the Army might have been reduced, but that nothing of this sort had been done until very recently. Then, the Senator referred to an order, issued by the War Department, which I find reported in the Globe, as stated by the Senator, to have been issued on the first of January last.

Mr. HUNTER. It was the first of January, 1851.

Mr. PEARCE. The order was issued on January 8, 1851. In regard to the general expenses of the War Department, I have said before, that they have increased very much of late years. But why? The increase of this expenditure is, in part, the direct result of the action of Congress. You have increased the Army largely since the year 1845. I have here a statement of the organization and strength of the Army at these two periods—1845 and the present time. On the 1st day of January, 1845, the organized strength of the general staff corps amounted to five hundred and sixty men. On the 1st of January, 1852, the organization of the same corps was seven hundred and thirteen, while its actual strength was six hundred and ninety-seven. The organization of the two regiments of dragoons, on the 1st January, 1845, was one thousand two hundred and ninety-eight; their actual strength, one thousand one hundred and eight. At the present time, their organization is one thousand seven hundred and thirty-two; their actual strength, one thousand three hundred and sixty-three. The regiment of mounted riflemen was not known to the law in 1845. It was created during the war, and has been continued since. The organization of this force amounts to nine hundred men; its actual strength five hundred and ninety-seven. The artillery, in 1845, had an organization of two thousand three hundred and forty; now it is three thousand two hundred and four. The infantry then had an organization of four thousand four hundred and fifty-six; now they amount to five thousand seven hundred and sixty-two. In 1845, there were three hundred and seventy-three detached soldiers, and now there are one thousand one hundred and three. These are recruits at military stations, who are not yet sufficiently instructed to join their corps. Thus, it will be seen, that the sum total of the organization of the Army, in 1845, was only eight thousand six hundred and fifty-four, and now it is twelve thousand three hundred and eleven; while the actual strength, according to the last returns, was ten thousand five hundred and thirty-eight.

In addition to that, it must be recollected that the rifle regiment is a mounted regiment. The cost of a mounted regiment is much greater than that of a regiment of infantry. It must be recollected, too, that by the act of 1850, we have authorized the mounting of some of the infantry; and the expense of these is very much increased. We have not increased the officers, but the rank and file, by adding twenty-four to every company of dragoons; ten to every company of mounted riflemen; thirty-two to every company of artillery; ten to every company of light artillery; and thirty-two to every company of infantry. This has been the direct action of Congress. A great deal of the expenditure has arisen from the indirect action of Congress—from annexation, from war, from Mexican cessions. The great increase of expenditures in the Quartermaster's Department has been owing to these causes. Within the last seven years you have acquired a territory larger than all the territory you had before. You had only a little more than a million square miles of land, and you have now eleven hundred and thirty-odd thousand square miles added to your territory. In addition to this, it must be recollected that this is not a fertile country; it is not a settled country; and it is not an accessible country. It is remote from the central seat of your civilization. It is unprovided with the facilities of communication. It has neither population nor productions. It is infested with bands of predatory Indians. But your frontier settlements must be protected; and by troops stationed at posts very remote, hundreds, and in some instances thousands of miles from the marts and highways of trade. You must convey provisions to the troops for the protection of your settlers and your emigrants. It is an onerous expense—an expense which, by the utmost care and economy, cannot be brought down to anything like the expense of transportation before we acquired these territories. You owe protection to the poorest settler, upon the most remote and lonely spot within your limits, as strongly as to any one settled in the richest and most populous part of the old States; and you can neither protect the frontier-man, nor give security to the emigrant, nor defend the advance of your settlements, except by military force supported at an immense expense.

These are evils which were not unforeseen. I recollect that, in 1847, when I had occasion to make some remarks on the Mexican war, I alluded to the necessary increase of expenditure which would inevitably take place, if you acquired these very distant and unsettled Territories. Everybody knew that it would be so. Formerly your military posts were stationed near to steamboat navigation. The most remote post you had was but ninety miles distant from steamboat navigation. Many of them were directly accessible to steamboats. Others were within six, and some twenty-four miles distant; and there was but one post as far distant as ninety miles. Now, you have to drag flour, and pork, and other provisions, sometimes a distance of a thousand miles; and that not over a country where there are beaten roads, where there are any settlements, where there are any products of which the escorts can avail themselves; but where, very often, there is not even grass or water for their animals, or where the scanty products of the earth are sold at the most enormous prices.

This accounts, in the main, for the very large increase of expenditure which has taken place. But I undertake to say, that the present Secretary of War has made very judicious and praiseworthy efforts to reduce these expenditures. The Senator from Virginia hardly does justice to him, when he says that these reforms were only attempted very recently. That is a comparative term. The phrase "very recently," or "very lately," may mean one thing, or another, according to the subject-matter of which the person is speaking. If you were speaking of the geological structure of the earth, a period of six centuries would be very recent. If you were speaking of the constitutional history of the United States, the tenth part of that time would be ancient—for our whole existence, as an independent nation, has only been about seventy-five years. When you speak of reforms, and the attempts of the Secretary of War to reform abuses, as having been recently done, you must look at the circumstances under which, and the time at which, he came into office.

I think it was the 17th of August, 1850, when Mr. Conrad was appointed to the War Department. What was the condition of public affairs at that time? Many judicious persons thought that the Union was shaking to its center. We know how Congress was agitated; that "the times were sadly out of joint;" that scarcely anything was thought of by the members of this body, and of the other House, except those agitating questions which had so long distracted us, and impeded all our regular legislation. It is not to be supposed that the Executive could have been inattentive to those grave questions; that the members of the Administration should not have been anxiously employed in considering the consequences which might result from one course of conduct or another, adopted by Congress. Besides, during the session of Congress there is always a great deal of current business constantly calling upon the attention of the Secretary. Congress adjourned about the first of October, and met again about the first of December. Two months was all the time in which the Secretary of War could be said to have had any leisure to acquaint himself with the organization and general operations of his Department; much less had he time to inquire into all the minute details of the service, so as to ferret out abuses which had existed under former Administrations, and which had defied the economy, and wisdom, and vigilance of other Secretaries for many years. Therefore, it is hardly reasonable to suppose that Mr. Conrad, in so short an interval of time, could detect and correct all the errors of his predecessors. In very little more than four months after he had been in office, what did the Secretary do? Allow me to say, that, in the report which he submitted to the Senate in 1850, he spoke of the probability of there being abuses, and I will show, that while his suspicions were then awakened, he took a very early opportunity of endeavoring to put an end to these abuses. I will show that, at a time which, considering his period of service, was quite early in his administration, or quite early enough to justify the praise of economy and vigilance, which I feel bound, in all sincerity, to give him—within a short time he issued sundry regulations, intended to have, and which I shall show have had, a most happy effect on the service. On the 8th of January, 1851, the Secretary issued this order:

GENERAL ORDERS—No. 1.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE, WASHINGTON, *January* 8, 1851.

1. To promote the health of the troops, and to reduce the expense of subsisting the Army, the commanding officer of every permanent post and station where the public lands are sufficient, or private land can be leased on reasonable terms, will annually cultivate a *kitchen garden* with the soldiers under his command, to enable him to supply the hospital and men with necessary vegetables throughout the year.

2. A system of more extended cultivation will also be commenced as soon as possible at such posts as may be designated by department commanders, under instructions from General Head Quarters, in Military Departments Nos. 6, 7, 8, (Texas,) 9, (New Mexico,) 10, (California,) and 11, (Oregon.) This *field cultivation* will be carried on, under the direction of commanding officers of posts, by the troops, and, at stations within the Indian country, by hired Indians to be paid out of the proceeds of the farms. The field or farm culture will embrace, as far as practicable, grains for bread and forage, and long forage.

3. Supplies for component parts of the ration, and of forage, not exceeding the quantity required for the garrison, will be delivered to, and receipted for, by the assistant commissaries and assistant quartermasters of posts, and be paid for by them at the following rates: At the posts in Departments Nos. 6, 9, and 11, according to the market price in St. Louis, and at the posts in Departments 7, 8, and 10, according to the market price in New Orleans.

4. From the proceeds of the sales above directed, will be deducted the expenditures on account of seeds, farming implements, rent of land, and hire of Indian labor, and the surplus will be equally distributed, quarterly, by the assistant commissary of subsistence, under the direction of the commanding officer, among the enlisted men of the several garrisons, on separate receipt rolls prepared for this purpose.

5. The assistant commissaries of subsistence will make all necessary expenditures for the farm cultivation, on the warrants of the commanding officers of their posts, and will render a quarterly return of all receipts and expenditures on such accounts to the Adjutant General through the commanding officer of the post, according to the printed blanks which will be furnished for that purpose.

6. The commanders of departments will immediately on the receipt of this order, report what portion of land in the vicinity of the posts within their departments is adapted to cultivation, and also what changes may be made in the present position of the troops which, without impairing the defense of the frontiers, will afford more suitable locations with a view to field cultivation.

7. As soon as farm cultivation has been ordered at particular posts, the commanders thereof will adopt all necessary measures to carry it on successfully, and immediately thereafter report the measures adopted. They will report the state and prospect of their crops in the month of July of each year; on the 1st day of October of each year, the quantity of each article cultivated and actually gathered in.

8. Whenever an officer is transferred or relieved from the command of a post where a garden or farm is cultivated, the vegetables, grain, and long forage on hand, will be receipted for by his successor. He will make a statement of their condition, amount, &c., one copy of which will be forwarded to the Commissary General of Subsistence, and a duplicate entered in the post order book for the inspection of the proper authority.

9. For any improper management, or loss not strictly unavoidable, the commanding officers will be held responsible.

By order of the SECRETARY OF WAR:

R. JONES, *Adjutant General.*

I do not know that I need read all these details; but the Senate will see from them that the Secretary of War has gone very minutely into the matter—that he has not merely suggested the general leading idea of cultivating grain and forage at these distant posts, but that he has been cautious and precise in prescribing all the necessary details.

Mr. HUNTER. Is the Senator aware that that is a mere revival of an order issued when Mr. Calhoun was Secretary of War?

Mr. PEARCE. I am aware that the Senator said, in his speech, that it was the mere revival of an order issued by Mr. Calhoun; but pray, who abandoned the practice? Under what circumstances was it abandoned? Does the Senator know with what effect it was pursued under Mr. Calhoun? I understand that it has lain dormant for many years. But is praise the less due to this officer that he had revived a very good regulation long since abandoned, which had escaped the vigilance and economy of his predecessors? Is he not to have due credit because others have forgotten, or because Mr. Calhoun had originated it? I do not know that the Secretary of War claims the originality of this idea; but I dare say he never heard of Mr. Calhoun's order before, or, if he did, he must have supposed that it had been dispensed with for very sufficient reasons. I suspect the fact to be, that the order was not found to answer the purposes in view. The truth is, that soldiers do not make very good farmers, and farmers do not make very good soldiers. Besides, in Mr. Calhoun's time our military posts were accessible by steam navigation. The products which they required for forage and subsistence were raised in very great plenty, and at very cheap rates, throughout the country where they were stationed, and could probably be supplied at a cost quite as little as that of raising them; for when soldiers work as farmers or laborers they are paid for it. When they do such work, they get eighteen cents a day additional pay.

I suspect that if there was very much paid for this extra work, it would cost rather more than the amount of the produce which they would raise. Circumstances are now altered. There is a new state of things. Since it costs forty-eight dollars to get a barrel of pork, and thirty-two dollars to get a barrel of flour to Taos, in New Mexico, perhaps it may turn out to be a good thing to establish this system of cultivation at our distant posts. This is what the Secretary of War has attempted. The Senator did give him some little credit for attempting it. But I think he destroyed the grace of his concession when, without his usual generosity, he suggested, that Mr. Calhoun, thirty-four years ago, had tried the same thing. If Mr. Calhoun tried it and abandoned it, certainly we should give the present Secretary the credit of reviving what the Senator considers a good thing.

As for myself, I am somewhat doubtful as to the utility of it. These distant regions in which the posts are located are very barren, and generally it is very difficult to obtain a good military site, and at the same time proper soil for profitable cultivation. I do not know that the system could be carried out very successfully. Still the attempt is a good one, and the Secretary is entitled to credit for it.

Then, on the 25th of February, 1850, the Secretary of War issued another order to which I wish to refer. I beg leave to say, that both these orders originated before the criticism of Congress of which the Senator from Virginia has spoken. The action of Congress was at the close of the session, when it refused to pass the appropriations according to the estimates, and was striking in the dark—when it cut down the appropriations for the Quartermaster's Department from $4,000,000 to $2,000,000. That was the criticism of Congress. But before that criticism had reached the ears of the Secretary, he had attempted this improvement, by the order of January 8, 1851, which I have read. The order of February 25, 1851, also preceded the action of Congress, though only by a few days. On that day he issued this circular:

GENERAL ORDERS—No. 13.

HEADQUARTERS OF THE ARMY, ADJUTANT GENERAL'S OFFICE, WASHINGTON, *February* 28, 1851.

I. The following order received from the Secretary of War is published for the information and guidance of all officers of the Army:

WAR DEPARTMENT, WASHINGTON, *February* 25, 1851.

The enormous expenditures of the Army, particularly in the Quartermaster's Department, and several instances of reckless extravagance that have recently been brought to its notice, have led the Department to infer that a more rigid economy might be practiced than has lately been observed.

Officers of every branch of the service are therefore notified, that in regard to allowances of every description a rigid adherence to the prescribed regulations will be strictly enforced.

Officers of the Subsistence and Quartermaster's Department will endeavor by every possible means to reduce the expenditures, particularly in the item of transportation.

No barracks or other building will be constructed, unless by order of the Department, except such as are indispensably necessary for the immediate and temporary accommodation of the troops. See paragraphs 970 and 971, General Regulations of the Army, 1841. These barracks must be of the cheapest kind, and in their construction, as well as in procuring fuel and forage, the soldiers should be employed more than they now are.

The Department confidently relies on the zealous cooperation of the officers in its efforts to reduce the expenditures as low as can be done consistently with the health and comfort of the troops. And the commanders on the frontiers should understand that officers of the staff are assigned to duty as their *assistants*—that it is the duty all of commanding officers to watch over the public expenditures in every branch of the service within their commands, and that for all excesses, such commanders are held responsible. In cases where this duty is neglected, the Inspector General, and the Quartermaster General will make a special report for the action of the General-in-Chief or the Secretary of War.

C. M. CONRAD, *Secretary of War.*

II. The following are the paragraphs of the "General Regulations" of 1841, cited above:

970. No barracks, quarters, or hospitals, shall be erected at the public expense, but by order of the Secretary of War, and according to plans which he shall have approved; and no officer, whatsoever may be his rank, shall make the slightest alteration in any plan of barracks, quarters, or hospital, so approved, without the order of the Secretary of War, communicated through the Quartermaster General. These restrictions do not extend to temporary huts, where troops may be compelled, by the unhealthiness of their positions, to leave their quarters during the summer season, or where, from the circumstances of the service, they may be required to occupy positions on the Indian frontier in advance of the established posts.

971. No changes or alterations are to be made in the barracks, quarters, or hospitals, at permanent or established posts, but by the authority of the Secretary of War, communicated through the Quartermaster General; should any change or alteration involving expense be made without such authority, the officer causing it shall not only be charged with the whole expense incurred, but also with that of restoring the barracks, quarters, or hospitals thus altered, to their former condition.

By command of Major General SCOTT:

R. JONES, *Adjutant General.*

I need not read the rest of this order. I have read enough to show its character. Now, I have to say that under its operation, and under the operation of an order subsequently issued, by which the Secretary directed all the quartermasters and officers in

the employ of the Army on the frontier, to discharge the civil employees in the service of the Government who could be discharged, a very great reduction has been made in that force, and a very great reduction of expenditure has resulted. I have a report which was received within the last few days at the Department, showing a reduction of the civil employees of the Army in those distant departments. I refer to General Twiggs's division, General Hitchcock's division, and to that military department which is under the command of Colonel Sumner. I will remark here, in passing, that the Secretary of War very soon perceived the necessity of appointing to those distant posts officers of the greatest energy; not merely gallant men, whose service had long since been recognized, but men who added to gallantry, intelligence of the very highest professional character, and who added to that intelligence extraordinary zeal and energy. I believe he selected three of the very best officers in the service. General Hitchcock, whose professional and other merits are very well known, commands the Pacific division. General Twiggs commands the division in which Texas is situated, (both good Democrats;) and Colonel Sumner, an officer who has no superior of his age in the Army, has been appointed to the command of New Mexico. It is under the supervision of these intelligent, efficient, and zealous men that the Secretary hopes to carry out the reforms which he has projected, and already we have evidence of the fruits of these reforms in this fact: When the present Secretary of War came into office, or a short time afterwards, the civil employees in that branch of the military service were not quite seventeen hundred, but very near it. Now they only amount to something over six hundred. One thousand and three of them have been discharged since the Secretary issued these orders—orders to which he was not prompted, I think, by the criticism of Congress, but which originated in his own good sense, and which sprung from his vigilant watchfulness over the operations of his Department, and a desire to do that which the condition of the Treasury required. One thousand and three of these employees have already been dismissed, and the reduction of the expenditure of the Quartermaster's Department, in consequence of these dismissals, will be over $600,000 a year. I doubt whether any Administration for a long time past has done any single act to reform abuses so productive of good fruits as that.

The Senator from Virginia seemed to think that it was very wrong to have our troops in New Mexico, Texas, and California quartered about the towns. He thought that some reform ought to be effected in that particular. The Senator surely could not have read the instructions of the Secretary of War to Colonel Sumner, in which he says:

WAR DEPARTMENT,
WASHINGTON, *April* 1, 1851.

Colonel E. V. SUMNER,
1*st Dragoons, St. Louis, Missouri:*

SIR: You have been selected to take the command of the Ninth Military Department, and will repair to it as early as practicable.

It is believed that material changes ought to be made in that department, both with a view to a more efficient protection of the country, and to a diminution of expenses.

You will therefore, immediately on assuming the command, revise the whole system of defense; you will examine particularly whether the posts now occupied by the troops are the most suitable, and if not, will make such changes as you may deem advisable.

In the selection of posts you will be governed mainly by the following circumstances, viz:

1st. The protection of New Mexico.

2d. The defense of the Mexican territory, which we are bound to protect against the Indians within our borders.

3d. Economy, and facility in supporting the troops, particularly in regard to forage, fuel, and adaptation of the surrounding country to cultivation.

The Department is induced to believe that both economy and efficiency of the service would be promoted by removing the troops out of the towns where they are now stationed, and stationing them more towards the frontier, and nearer to the Indians.

From all the information that has reached the Department, it is induced to believe that no permanent peace can exist with the Indians, and no treaty will be regarded by them, until they have been made to feel the power of our arms. You will therefore, as early as practicable, make an expedition against the Navajoes, and also one against the Utahs and Apaches, and inflict upon them a severe chastisement. If you should succeed in capturing any of them, you will retain them as hostages for the faithful observance of any treaty that may be made with them.

In all negotiations and pacific arrangements with the Indians, you will act in concert with the Superintendent of Indian Affairs in New Mexico, whom you will allow to accompany you in the expeditions into the Indian territory, if he should deem it proper to do so, and to whom you will afford every facility for the discharge of his duties.

Instructions will be given by the Department of the Interior to the superintendents and agents in all their transactions with the Indians to act in consultation and concert with the military authorities.

You will use every effort to reduce the enormous expenditure of the army in New Mexico, particularly in the Quartermaster's and Subsistence Departments. You will scrutinize the administration of these departments, and rigidly enforce all regulations having reference to the economy of the service.

It is believed that the number of employees may be diminished, without inconvenience to the service, and that material changes may be made in the ration, whereby the cost may be reduced, without interfering with the health or comfort of the soldiers. You are authorized to make all such changes as you may deem advisable.

For the purpose of enabling you to execute the General Order No. 1, (current series,) you will be supplied with such seed, agricultural implements, &c., as you may require.

In carrying out these measures, and such others as your own judgment may hereafter suggest, you will exercise a larger discretion than would be allowable where the communication between the commander and the Department is more frequent and more rapid.

Very respectfully, your obedient servant,
C. M. CONRAD, *Secretary of War.*

The criticism of my friend from Virginia was made a few days ago, and the Secretary had anticipated him as far back as April, 1851, of which fact I suppose the Senator was not before apprised. It would be rather tiresome for me to read the whole of these papers. They are all very instructive, and creditable, I think, to the Secretary. I have read enough to show the design of the Secretary to reduce expenditures.

Here is another letter, dated April 30, 1851, in relation to the commutation of rations, which evidences very clearly that the Secretary's vigilance was wide awake. He says:

GENERAL ORDERS—No. 25.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
WASHINGTON, *April* 30, 1851.

The attention of all officers is called to the provisions of paragraph 1103, Subsistence Regulations. The commutation for rations at seventy-five cents per day therein allowed to soldiers detached on command, &c., is not to be given except where they are temporarily detached from their proper stations, under such circumstances as render it not merely inconvenient but impracticable to carry provisions with them. In other cases, when it may be inconvenient to carry the rations in kind, the soldier may receive at his option the cost price instead. The commutation will not be continued during the time the soldier may remain at any other military post where he can draw rations in kind, but only while he is actually traveling. Orderlies are not to receive the commutation of seventy-five cents, when at their stations.

By order of the Secretary of War:
S. THOMAS, *Assistant Adjutant General.*

Then, there are the regulations of July 26, 1851, which give in detail the instructions in regard to the dismissal of the civilians, clerks, mechanics, laborers, and guards, who had been employed in the military service, which the Secretary presents, as far as he can, for the future:

GENERAL ORDERS—No. 43.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
WASHINGTON, *July* 25, 1851.

The following order, received from the War Department, is published for the information and guidance of the Army:

WAR DEPARTMENT, *July* 22, 1851.

The attention of the Department has recently been called to the fact, that, at many of the frontier stations, civilians are employed in various capacities, such as clerks, mechanics, laborers, and even as *guards*.

The employment of some of these persons is unauthorized by any law or regulation, and in most instances the duties performed by them might and ought to be performed by the officers or soldiers. The Department is persuaded that those who have so promptly encountered the dangers of the field, will cheerfully perform any duties that may devolve on them while in garrison. Hereafter, therefore, the employment of civilians in any branch of the service, and for any purpose for which soldiers could be detailed without manifest injury to the service, is strictly prohibited.

If a necessity exists for the employment of hired labor, the authority of the commanding officer shall be requisite therefor, and he shall cause the proper staff officers to report to him the circumstances which render the same necessary, and shall transmit this report, with his remarks to the Department, and a copy thereof to the commanding general of the division.

C. M. CONRAD, *Secretary of War.*

By command of Major General SCOTT:
R. JONES, *Adjutant General.*

But, sir, the Senator from Virginia seemed to think that something might have been done, and ought to have been done, or recommended, by the Secretary in the way of military colonization, and he talks about the military employment of the Pueblo Indians. Well, sir, he has been anticipated in this also, for in December, 1850, when the Secretary of War sent in his first annual report to Congress, he had suggested this very idea of employing the Pueblo Indians. Here is what he says:

"It has been suggested by persons well acquainted with the country, that the inhabitants (including the Pueblo Indians) might, if properly armed and organized into a kind of militia, under the direction of officers of the Army, render essential aid in protecting it against the sudden inroads of more savage tribes. The experiment is well worth making; and if authority were vested in the Department to distribute arms and ammunition among them, it might be so exercised that no ill consequence could at all events result from it."

Mr. HUNTER. I was not aware of that recommendation of the Secretary of War, but the Senator will allow me to say, that I did not charge it with any failure of the Secretary that this had not been done. It was merely a suggestion of my own which I threw out.

Mr. PEARCE. So I understand. I did not suppose that the Senator was aware of the fact that this idea had been entertained by the Secretary of War, long before the Senator ever mentioned it. I suppose the Senator was not aware of the degree of credit, if any credit was to be attached to it, which was due to the Secretary of War for making the suggestion. The Senator himself made the suggestion in his speech, and if I had not shown that the Secretary of War had previously suggested the same thing in his annual report, persons might well have wondered that a Senator, belonging to the Committee on Finance, should think of a matter of reform in the military service which never occurred to the Secretary of War. I answer him by showing that the Secretary of War did think of it more than a year ago. But that is not all; the Secretary, in his report of this year, again recommends the organization of a local militia, further carrying out the idea. It does not belong to the committee over which the Senator from Virginia presides so ably, to take that subject into consideration. It belongs to the Committee on Military Affairs, of which my friend from Illinois [Mr SHIELDS] is chairman. I believe he has had some correspondence or conversation with the Secretary of War in regard to some of these reforms.

The Senator from Virginia has suggested the idea of a military colonization. He admits that it is mere speculation. He speaks of the Roman colonies and of the Austrian military frontiers. He might have added, if he had thought of it, that we had made the attempt in 1838 to establish a military colony in Florida—an attempt which, I think, turned out to be an abortion. I never heard of any good result from it. I never heard that the Indians were kept in awe by the military colony which we attempted to establish during Mr. Van Buren's administration, or that any appreciable effect was produced. I believe some settlement was made under it, but no good resulted. So that our experience is against it. I myself doubt that any military colonization, such as prevailed in the days of ancient and imperial Rome, would suit modern and republican America. I am very well persuaded that the military colonization which exists on the Turkish frontier of Austria would not suit our people. It is inconsistent with our social condition—with all the feelings and habits of our people.

I had occasion a few weeks since, while I was confined by indisposition, to read Paget's work on Hungary and Transylvania. I learned from this work that the state of things prevailing on the Austrian frontier is widely different from the condition of our remote possessions. The extent of that military border is no more to be compared with that of our frontiers, which we have to defend from hostile Indians, than the "patch" called "Austria" is to be compared to our two millions of square miles of territory. The condition of the countries, too, is entirely different. That is a settled country. It is a populous, fertile, and a productive country. The people beyond its borders are the lazy and quiet Turks, whose warlike ferocity has long since been tamed. The military colonists on those frontiers are more employed to keep down something within Austria than to prevent the Turk or the plague from coming in. In fact, they are more used at present in preventing

smuggling than for any other purpose. Their organization is totally unlike anything which would suit us.

Their allotments of land are in little parcels of from thirty-six to fifty acres, which are held as military fiefs, not by a single individual, but by a military family, in which are several adults, all bound to military service, every one of whom is required in turn to perform a weekly tour of duty at the military stations, and all of whom are liable to be called into the regular army if war should ensue. Paget states that if any sudden emergency should arise, by a system of alarm bells and signal-fires, in four hours there could be under arms two hundred thousand men. Though the men ordinarily employed at the stations as guards on the frontiers, and in the preventive service, do not amount to quite five thousand men, yet the number is very largely increased if any danger is apprehended. This military family holds all its land, farming stock, and produce in community. No member of the family can have private property in these things. There is a variety of regulations, judicial and political, for their government, all of which show that it is a peculiar system, adapted to a peculiar people, under a peculiar state of circumstances, and altogether unfit for such a country as that in which it is suggested that we might establish it.

Now, I think that so far as the military reforms in regard to posts, the dismissal of civil employees, a reduction of the cost of forage, &c., are concerned, the Secretary of War has taken all the steps that could have been expected of him, and is eminently entitled to credit. But that is not all. Gentlemen have made some charges against the Administration of extravagance, which they think might and ought to have been prevented. They are founded upon information furnished from the Department, which the Secretary of War obtained by his own vigilance. We have, for example, the report of Major Swords. How did it come to us? Why, the Secretary of War, desiring to ferret out these abuses which he told us he feared existed, sent Major Swords as an agent to New Mexico. His object was to hunt out those abuses which had existed previous to his time, and which in his time he was determined to stop if he could. It is from that report of Major Swords that much of the information of the Senator from Virginia has been obtained. The Secretary of War could not personally make these inquiries. The only way he could arrive at these facts was by sending a qualified and reliable agent; and that he did in sending Colonel Swords; and upon this information he founds hisplans of reform, as gentlemen do their charges of extravagance.

I suppose there has been some abuse in the expenditures of the Quartermaster's Department by distant agents whose operations were withdrawn from active superintendence of their superiors here. The expenditures for forage and grain for the use of the troops, mules, horses, and cattle, have been very large; but it must be remembered, also, that there are ten thousand animals in the service of the Quartermaster's Department employed in transportation, and the expenses are necessarily very great. By no economy can you restrict them to sums which will not appear very great until you realize the service performed. I will mention, also, that, in the estimate of what is necessary for forage for army service, the Department does not ask for full forage, though the amount of it is always calculated. I have a letter from the Quartermaster General, who says, that if he had estimated for full forage for all the posts, and all the troops, and all the animals now employed in the service of the United States, the amount would have been $2,000,000; but he had reduced it to about one half of that sum—the reduction being made because it was supposed that half the subsistence of the animals would be supplied by grazing. As to forage at Monterey, to which the Senator from Virginia referred, and which he seemed to suppose was an abuse, I am informed, that although the Department estimates the cost of full forage at Monterey at the rate of $20 per month, the fact is, that not a dollar is expended for forage at that place. Lieutenant Sully has at that place six horses and eight mules, and he supports them on grass all the year round, as he ought to do, in accordance with his report of 1849.

Mr. HUNTER. Will the Senator be good enough to inform me on what the estimate is made, for I have it in my possession?

Mr. PEARCE. I will give the Senator the information which I have. I will read to him a statement, which I have received from the Department, on the subject:

"The estimate of the cost of *full* forage for all the animals to be foraged by the Quartermaster's Department, for the fiscal year commencing July 1st, 1851, and ending June 30th, 1852, (including the two regiments of dragoons, the mounted riflemen and infantry, light artillery, and Quartermaster's Department,) based upon prices paid in 1850, amounted to $2,021,157 12.

"But, as to many of the animals full forage was not issued, the estimate for money to be appropriated, was reduced by the Quartermaster General to $1,050,000.

"Of this amount Congress appropriated $525,000.

"Agreeably to Lieutenant A. Sully's quarterly return for the fourth quarter of 1851, he had on hand *six horses* and *eight mules*—total *fourteen animals*. No forage was estimated for in the estimate for the fiscal year ending June 30, 1852, for animals at Monterey, California."

Mr. HUNTER. According to that statement, no forage was used for this year.

Mr. PEARCE. This is for the year ending June 30, 1852. This is the information which I have, at all events. But, be that as it may, one thing is very certain, that there can be no very great abuse at Monterey, where there are but six horses and eight mules. We can very well understand how a small force like that may be subsisted by grazing, even during the whole year, unless some extraordinary emergency should arise; while at the same time, at another post, where there were two thousand or three thousand animals, it would be utterly impossible to subsist them on grazing. At a post, where there were two thousand or three thousand horses and mules, if they were turned out into the plains to graze, either there would not be grass enough for them, or it would require large bodies of men to protect them from capture by the Indians.

If the quartermaster reports the truth, as I have no doubt he does, the Senate must perceive that animals employed in the transportation of the army are not supplied with full forage, but only with half forage.

The Senator from Virginia spoke of great abuses in the Quartermaster's Department in New Mexico. He was asked by somebody who was the quartermaster there, and he said that he believed the quartermaster was Captain Reynolds. In that he was right.

Mr. HUNTER. In relation to the matters to which the Senator referred a moment ago, as it is a question of fact, I wish to say a word. I have a statement which is called an estimate of the cost of forage for the first and second regiments of dragoons, during the second half of the fiscal year, ending June 30, 1852, and in the list is the post of Monterey, at which, it is said, there are six horses, nine mules, and no oxen. The cost of forage per month is set down at $20 25. Now, is it no abuse to send such an estimate as this to us for a post where nothing is expended? How can we act intelligently under such circumstances? Here is an estimate for such an amount of forage at a post where, according to the Senator from Maryland, nothing is expended.

Mr. PEARCE. I would ask the Senator whether that is a mere statement of what forage would cost there, or is it a paper in which the Quartermaster General's Bureau asks for a specific allowance of any given sum based upon that?

Mr. HUNTER. It is an estimate. This is the heading of the paper: "An estimate of the cost 'of forage for the first and second regiments of 'dragoons during the second half of the fiscal year 'ending June the 30th, 1852." It was furnished by the Quartermaster General to Mr. Dunham, a member of the Committee on Ways and Means of the House of Representatives, who gave it to me.

Mr. PEARCE. I suppose they estimate the cost of full forage there, whether it is used or not, but I do not see that any specific sum is demanded for that purpose at that place. It would seem there, as if the Quartermaster General was stating what the cost would be if full forage were used, rather than mentioning that a particular sum would be necessary for forage at that post. If he did mention any particular sum as being necessary, then I should say there was an inconsistency; but be that matter as it may, my object is to show, from the statement of the Quartermaster General, which is given to me, that full forage is not used at Monterey; that there may be an error in sending the estimate to a member of the House, but no such abuse as the Senator from Virginia seems to suppose, or if there is, that it is one for which the Secretary of War cannot be held responsible. He is to be held responsible for his own acts, and not for those of the Quartermaster General.

[Here the honorable Senator gave way, and the Senate adjourned.]

FRIDAY, *April* 30, 1852.

Mr. PEARCE. Mr. President, before I proceed with the remarks which I am about to submit in reply to the Senator from Virginia, I desire to ask the indulgence of the Senate for a few moments, while I notice a charge which was made by the Senator from California, and which yesterday escaped my attention. It will be recollected that the Senator stated in connection with the abuses which arose, as he said, in the case of General John Wilson, while he was on his way to California, and after he had arrived in the Sacramento Valley, that he had "*cached*" his property, that is, as I understand it, not being able to carry it on with him, he had concealed it by burying it. The Senator then said:

"By an order that emanated from the War Department, a detachment of the Army was ordered out in the following spring, to bring in the private property belonging to the agent, transported for him at Government expense, by the Salt Lake, to California. I was told by the assistant quartermaster, who fitted out the expedition, the principal object of which was to perform this service, that the cost was little less than $100,000," &c.

If the Senator were not mistaken in this narrative of the affair, I should say that it was a very gross abuse. If, in fact, the Secretary of War had caused a military expedition, at a cost of little less than $100,000, to be sent to the head waters of the Sacramento, to recover an amount of property, large or small, belonging to any civil officer of the Government, I should have thought it a gross abuse. But I find a different history of the transaction in the report of the assistant quartermaster, Major Allen—the same report from which the Senator from California and myself have read. I shall not detain the Senate any longer than simply to read his narrative of this transaction. After stating that Captain Warner had been sent out on an exploring expedition to the passes of the Sierra Nevada, and had been treacherously assailed and routed by the Indians—having, indeed, lost his life in the fray—Major Allen proceeds:

"A second expedition, destined to punish the hostile Indians in the vicinity of Clear Lake, was fitted out at this Department in the month of May, 1850. This command having successfully accomplished its first object, was ordered to proceed on to Pitt river, to chastise, if possible, the Indians who had attacked and routed the party of the late Captain Warner.

"Brevet Captain Lyon, the commander of the expedition, was met on his return march at Lassen's Ranch by an order directing him to go in quest of the baggage of John Wilson, Esq., which baggage had been "*cached*" on the emigrant route beyond the Feather River Mountains."

The Senate will perceive that the Senator from California fell into a mistake; and that, so far from a military expedition being sent out for the only purpose, or for the principal purpose of recovering the private property of the agent, which he had "*cached*" on his outward route, it was sent out for two distinct military purposes; which purposes led them, I presume, into the neighborhood of the region where this property had been "*cached;*" and that, in fact, the order to get his property was not known at the time the expedition was sent out. It is thus shown that this expedition had gone for two military purposes, which it had accomplished when the order to seek for this property was received. It is very manifest, therefore, that, if the expedition had cost the large sum of money which it is said to have cost, it is chargeable to the proper military purposes of the country, and not to the private purposes of this civil employee. So far as the Government may have been put to any expense by the expedition turning back on the route to get that property, that is a charge against it; but the statement which I have read, exhibits a very different state of the case from that which the honorable Senator has supposed to exist.

Mr. GWIN. I stated that Major Allen told

me that the cost of the expedition was $100,000. I gave my authority.

Mr. PEARCE. But the Senator stated, also, that the principal object of the expedition was to get at this property. He, no doubt, thought so, but he was in error; and, when I had the means of showing him to be in error, I felt bound to do so.

I think I was stating yesterday, when I discontinued my remarks in reply to the Senator from Virginia, that the Secretary of War had attempted various reforms in the Department which is under his control. I mentioned some of them. I shall now proceed to mention others, some of which the Senator may recollect; but of others, perhaps, he is uninformed.

It will be recollected that both General Taylor and the present Secretary of War recommended a retired list for the Army—a project which, it is supposed, will increase the efficiency of the Army, without at all enlarging the expense. I understand that, at the request of the chairman of the Committee on Military Affairs in the House of Representatives, a project for this purpose was prepared by the Secretary, and sent to the committee, accompanied by a draft of a bill. That is one reform which he has attempted.

Then I would call the attention of the Senate to a fact which, I believe, was alluded to by the Senator from Virginia in his speech. The Secretary of War has very recently discovered that some officers of the Army have purchased various articles and sold them to the Quartermaster's Department. The officers attached to the Army at particular depots, availing themselves of their positions, have speculated in those articles with which it was the duty of the Quartermaster's Department to supply the Army. This the Secretary of War very properly considered an abuse. The law did not allow him to punish it as he thought it deserved to be punished; and, in the spirit of true reform, he took the only step in his power—he communicated the fact to Congress, with the earnest expression of his wish that Congress would legislate so as to furnish him with ample authority hereafter. It is true, that the President of the United States, in the exercise of the very large discretion which the Constitution and laws have given to him, might strike such an officer from the list. But that is a thing which is unusual, and almost unheard-of in the Army and Navy establishments. The Senator, I believe, mentioned this; at all events, he admitted the statement which I have made, and that suggested by the Senator from Georgia, [Mr. DAWSON,] who has told me that a court-martial was held in regard to the conduct of some of these officers, and that they were acquitted. After that, it would have been the height of cruelty and injustice for the President to dismiss them.

Mr. HUNTER. It was useless for me to suggest more than I did. I sought to have the facts drawn out. The Secretary, in answer to that call, stated the facts; and I did not know, at the time I introduced the resolution calling for information, that he had made any suggestions to the Military Committee. After the resolution was offered, and an answer came, I was informed that he had made suggestions to the Military Committee.

Mr. PEARCE. The only difference between the Senator and myself in regard to that is, that I supposed he was mistaken in thinking that the action of the Secretary was induced by his call.

Mr. HUNTER. I did not say that it was. I was not aware, at the time I made the call, that the Secretary had made any communication to the Military Committee in relation to that matter.

Mr. PEARCE. At all events, the Secretary deserves credit for having brought the matter to the attention of the proper organs of the Senate and the House of Representatives, before it caught the attention of the Senator from Virginia. I do not suppose that the Senator from Virginia intended any injustice to the Secretary. I did not so understand him; but I want to show that the Secretary was quite as vigilant as anybody else. I think he is entitled to that much credit. The Secretary has been aware, and has suggested in both of his reports to Congress, that abuses probably existed in the administration of the Army. He was endeavoring to find them out, and he suggested the means of preventing such of these abuses as he had clearly ascertained to exist.

Another suggestion of his was, that there should be a complete reorganization of the Quartermaster's Department. I understand that communications upon that subject have been submitted by the Secretary of War to the Committees on Military Affairs, both of the Senate and the House of Representatives; and I believe that to one, if not to both of these committees, he has submitted the draft of a bill intended to carry out his suggestions. I do not mean to discuss the propriety of these suggestions; they may or may not be sufficient for the purposes intended; but that the Secretary has taken this step is sufficient to indicate that he is quite sensible of the importance, and by no means indifferent to the necessity, of removing these abuses.

I may mention another fact, that I am very sure is not within the knowledge of the gentleman from Virginia, because it was communicated to me but very recently. The gentleman from Virginia has spoken frequently of the delays in the return of the accounts of the different quartermasters; in regard to which, without any doubt, there has been in times past a great deal of abuse, much more, I believe, than is the case just now. With regard to that, I have to say, that the Secretary of War has, within the last year, issued more than one hundred and forty circulars, addressed to the disbursing officers of the Army, calling upon them to render their accounts according to law, threatening them if they did not do so, with being reported to the President for dismissal; and I am happy to say that this course has had a very good effect. Since those orders have been issued, the accounts of the Quartermaster's Department have come in with unprecedented promptness.

There is another reform which the Secretary of War has undertaken to carry out, and which may, in part, accomplish the very desirable object that was suggested by the Senator from Virginia; but which, I fear, is not altogether practicable. I allude to a system of rests and balances, by which we can ascertain precisely how we stand at any given time. The Secretary, about a year ago, directed that in recording the vouchers of accounts of expenditures in the Department, there shall be such a discrimination as shall indicate at once which of those accounts is chargeable to the service of the current year, and which is chargeable to the preceding year. I think that is a very good reform in our system of keeping Army accounts. Other reforms will be necessary, doubtless, at least they will be advisable; for I entirely agree with the Senator from Virginia in the propriety of our endeavoring to secure a stricter accountability, and more prompt returns from the officers. But to accomplish that object, the assistance of legislation will be required; indeed, you will have to remodel your whole system.

What is the cause of the impossibility of ascertaining, during any one year, the expenditure proper for that year? It is not merely a disregard of duty by these quartermasters. It is not their neglect of the law which imposes upon them the duty of reporting at particular times, but it is the character of the law itself. Now, what is it? The quartermaster's accounts are returned quarterly; but then each quartermaster has a certain period of grace allowed him, and that period of grace is another entire quarter. Now, suppose that a quartermaster expends money in the month of January in a given year, which is at the beginning of a quarter. The accounts of that quarter ought to be made up at the end of the quarter of course; but then he has three months more allowed him by law; that is to say, the accounts ought to be made up to the last of April of any given year, and after the close of June in the same year, he ought to dispatch his accounts to the Quartermaster's Department. Well, if he is at a distant post, it may take six weeks before the accounts can reach the Department. Thus, it might be seven months before the vouchers for an expenditure made in January would reach the Department, if the officer complied strictly with the requirements of the law. I say, then, that it is impossible, while that remains the condition of the law, that you should be able to establish a system of rests and balances such as the Senator from Virginia desires, and such as I admit to be desirable, if practicable.

But, then, if you amend the law, I do not know how you would be able, at any given period of the year, to ascertain the exact amount of your liabilities and of your expenditures. This is a great country, sir! It is not a little Republic of San Marino, over which a man can walk in the course of a day. It is a country of more than two millions of square miles, with thousands of disbursing officers scattered all over it, with expenditures amounting to many millions a year; with operations of great extent and importance constantly going on! How is it possible that, at any given time, a Government, in a country such as this, can ascertain precisely what its fiscal condition is? Why, no man, of varied and extensive business, can accomplish it. No lawyer, who has trusts unsettled and in progress; no merchant, who has argosies on every sea; nobody, engaged in business of any description which is very extensive, and carried on at remote points, can, at any one time, say what his exact condition is. Some approximation to it may be effected, to be sure. I think, therefore, however desirable it may be to come as near as possible to the accomplishment of the purpose which the Senator from Virginia cherishes, it is not possible to arrive at it, or even to approximate very near to it. In truth, it very often happens that the expenditures of a year prior to the current year, come in during the current year, and are paid out of the appropriations for that year, if the appropriations of the former year be deficient. Gentlemen may think this is an enormity, and that it is altogether wrong that services should be paid out of a fund not specially appropriated for them; but a little observation into the practice and workings of this Government will show that this is a thing that is unavoidable, and absolutely necessary.

Why, if Congress were to refuse to make appropriations for any one branch of the Army supplies, I take it that the military service is not to stop. Suppose Congress should think proper not to appropriate a dollar for the subsistence of the Army, would it not be the duty of the military authorities to subsist the Army, notwithstanding? Should the Army be disbanded or starved? Should the country be left defenseless? Should the frontier be desolated by predatory Indians, because Congress had omitted to provide for the subsistence of the Army? The soldiers must be fed, or they must be discharged. What authority would the President of the United States have to discharge the Army under such circumstances? How would he fulfill the duty which, as Commander-in-Chief of the Army and Navy, he owes to defend the country everywhere, with all the means in his power, if he failed to supply the army with that subsistence which Congress had, either intentionally or unintentionally, withheld? Sir, under the general authority given by acts of Congress, about the construction of which the Senator and myself differ, the President and the Secretary of War would have the power, if there were sufficient appropriations for other branches of the service, to provide for the subsistence of the army; and it would be their duty to do it.

Mr. HUNTER. I never disputed the right of the Secretary of War to provide for subsistence and transportation. I stated expressly that there was a special act passed in 1820, which allowed such contracts to be made.

Mr. PEARCE. I am aware of that. But a great deal has been said about transfers, and the propriety of transfers of appropriations. My remarks now are intended to show the necessity of transfers. Cases may arise in which the Government would desert its positive duty, if it did not make these transfers. Before, however, I go into the subject of transfers, there are a few other topics—rather odds and ends, than things of very large consequence—which perhaps I had better gather up as I go along.

The expenditures of the Quartermaster's Department in New Mexico, were spoken of, both by the Senator from California and the Senator from Virginia, as being very large. Undoubtedly, they were so. Besides being very large, there were circumstances which might perhaps justify some suspicion as to their propriety. I speak guardedly upon this subject, because the quartermaster, under whose authority these large expenditures were made, is now in this city; his accounts are undergoing an investigation; and I do not

wish to say anything which may look like prejudging or prejudicing his case. The Senator mentioned several small abuses, accidental and perhaps isolated instances of abuses, which he discovered as occurring in that branch of the service. For example, the Senator from Virginia recited the case of a receipt given by a clerk, which was not signed by him, in his own proper handwriting, but with his cross-mark. That was a gross abuse. But it was a single instance. In regard to that, I may be allowed to say that the voucher for that account is now suspended. I am informed that it has not been admitted as a proper voucher. Then there was another receipt signed by a teamster, in the same way. And the Senator from Virginia says there was also an error of $25,000 in addition. Well, mistakes, in addition, occur everywhere. It is not fair to infer the existence of a systematic abuse, because there was a single instance of mistake in addition. I understand, in fact, however, that that is rather a different transaction from what the Senator supposed. It is the case of a disputed credit, or debt, between two quartermasters.

Now, in relation to the receipts signed by a cross-mark, instead of the proper handwriting of the parties. Where did those vouchers go? To the Quartermaster General's Bureau. There they hndergo the first examination. Then they are sent to the Third Auditor's office, where they undergo a final examination. The Secretary of War has nothing at all to do with a matter of that sort, unless his attention is specially called to such a case of abuse, by those in whose bureaus it is examined, and where it is the duty of the persons employed to examine and detect all such practices. The Secretary cannot be held responsible, even if a system of abuse of that sort should be discovered to prevail, because it might prevail without his knowledge. It is not the business of the Secretary to investigate accounts. It would be utterly impossible for him to do so. Do gentlemen know that a single quartermaster's account sometimes comes in, accompanied by five or six bushels of vouchers? No Secretary of War, even supposing he had nothing else to do, could accomplish the business of looking over the accounts in the most cursory manner. No, sir; not even if he had the eyes of Argus, and the hands of Briareus. It is, however, no part of his duty. I do not suppose that the Senator from Virginia meant to charge this as a dereliction of duty on the part of the Secretary. I am very far from thinking so. But I am making this reply, not merely for the benefit of the Senate, I confess, but because, as I said yesterday, I know how the slightest fact mentioned in a speech of this sort, coming from a gentleman of the character of the Senator from Virginia, would be seized upon by those partisans who pervert even the truth, when there is no opportunity to discover anything like a shadow of just suspicion.

A few words now upon the subject of transfers. The Senator thinks that, in regard to transfers, abuses have prevailed; and he has been candid in saying that he thinks part of those abuses originated before the period of this Administration, or that of General Taylor. He lays it at the door of his own political friends. That is fair and candid. But then he thinks there are other abuses in regard to that system, which originated with the present Administration. In that he is mistaken. There are a great many acts of Congress in regard to transfers; but there are only two to which I wish particularly to call the attention of the Senate. One is the act of 1795, under which, the Senator thinks that whenever a balance of an appropriation has remained in the Treasury for more than two years, it ought at once to be carried to the surplus fund. And he referred to an opinion which was given as far back as 1831, by the Senator from Georgia, [Mr. Berrien,] then Attorney General, and who had expressed the same belief. I presume the Senator was not aware at the time he made his speech, and, indeed, I know from a conversation which I had with him this morning on the subject, that he was not aware that a subsequent construction had been given to this act by the Attorney General. The Senator was aware that a different *practice* had prevailed in the Departments, and he stated very fairly that it began with some of his own political friends. I believe he dated it back about as far ago as eight years. The fact is, however, that it originated long before eight years ago. The change of construction was effected in the year 1838 or '39. I have on my table an opinion of Mr. Attorney General Grundy, an opinion which differs *toto cœlo* from that of the Senator from Georgia, when he was Attorney General. It is not my purpose to contrast these two opinions, to determine which is the sounder construction. It is enough for my purpose to show that, during the administration of Mr. Van Buren, the Attorney General admitted a different construction of the act of 1795, from that which was recommended by the Attorney General of General Jackson, in 1831; and that the administration of Mr. Van Buren, and all succeeding Administrations, have acted upon that construction from that time down to the present day.

In this connection the Senator from Virginia referred to a transaction in 1850 which he supposed to be wrong, though I presume he did not mean to censure it, inasmuch as the practice had been pursued by the predecessors of this Administration. He introduced the case of the steamer Watchman. I will not believe that the Senator intended to throw any slur on the Administration by the statement which he gave of that case. And yet I think it is necessary for me to explain it somewhat carefully, to prevent an erroneous construction abroad being put upon it.

The steamer Watchman was employed during the Florida war, under the administration of Mr. Van Buren, in the transportation, I believe, of troops and supplies in Florida. The account for the transportation was considered finally settled by the accounting officers in 1846. Upon inquiry I ascertained that the account had been reëxamined at a subsequent period upon the production of new testimony. In 1850 the account was finally audited and passed by the accounting officers of the Treasury. They were the present Auditor and the late Second Comptroller—a very good officer, and quite as good a Democrat. The claim was therefore concluded, so far as the obligation of the United States to pay it was concerned. It had been adjusted by the officers whose duty it was to adjust it. The next thing to be done was for the Secretary of War to order its payment, if a fund could be found which could be applied to its payment. There was no fund directly applicable to this case; but the Secretary was informed that there was a balance remaining of a fund which had been appropriated for the payment of the Florida militia, which, in the exercise of the general powers of his Department, he might transfer for this purpose. He doubted his authority, and expressed his doubts, I believe, in writing, and called upon the Attorney General for his opinion. The Attorney General of the United States, the properly constituted law officer of this Government, whose business it is to advise in cases of doubtful legal construction, advised, in accordance with the practice which had prevailed from the time of Mr. Van Buren's administration and Mr. Grundy's opinion, to this time, that that fund was properly applicable to this case.

The Senator stated, also, that this account was for the sum of $24,000 for about fifty-five days, service of a steam-boat. It looks like a very large sum, and without some explanation it might be thought that this amount was allowed as a *quantum meruit*, and that there had been some of that favoritism which is said to have prevailed at times in the Departments. The Senator intimated that the sum allowed was altogether disproportionate to the service for which it was allowed. I am happy to say, that the sum allowed was upon a charter-party, about the terms of which I suppose there could be no mistake; and if there was anything extravagant and exorbitant in the amount—if the service of this steamboat during the Florida war should not have cost so much—if that is to be charged to any officer of the Government as a dereliction of duty, it must be charged to him by whom the contract was made, and not to this Administration, which ordered it to be paid, when the accounting officers had ascertained the amount which was due. Then it was the plain duty of the Secretary to order it to be paid.

It will be observed, that the fund out of which this account was allowed, was one for the payment of the Florida militia; and the Senator, I think, said that it was a fund which was appropriated in 1839 or in 1840. He complained that it had not been carried to the surplus fund prior to 1850. The fact that it was not so carried, is a practical construction of the act of 1795, equivalent to the theoretical one of Mr. Attorney General Grundy in the administration of Mr. Van Buren. This account remained unsettled during nearly two years of Mr. Van Buren's administration, which was a purely Democratic administration. Then it came through the administration of Mr. Tyler, which was, I believe, an amphibious one. In it were some of the "Simon Pures," I know; and I do not know that the administration was any the worse for that. On the contrary, I rather think it was improved by some of them. [Mr. Nelson was sitting by Mr. P.] The administration of Mr. Tyler adopted the same construction, and Mr. Polk's administration adopted the same construction, or else they would not have allowed this fund to lie so long without being carried back to the Treasury. I understand that the practice is every year to make out a list of the unexpended appropriations, and then call upon the Secretaries of the proper Departments to know whether any of these unexpended appropriations will be further wanted for the purposes to which they were applicable. If they are not so wanted, the Secretaries say so; and then, as a matter of course, they are returned to the Treasury. If they are wanted in whole, or in part, the information is given, and action is taken accordingly. In regard to this identical fund, I understand that the fact is, that a portion of it was carried to the surplus fund only at the last settling day, or at the settling day succeeding this transaction.

Then, as to the act of 1842, allow me to say to the Senate, that as far back as 1809 we began with this subject of transfers. We passed an act on the subject in that year, another in 1816, another in 1817, another in 1818, another in 1820, one in 1830, and finally we passed another in the year 1842. Sometimes these acts restrained the power, sometimes they confined the power to some classes or heads of appropriations, and sometimes to others. But in 1842, when we began to be more specific in our appropriations, and endeavored to tie the hands of the Executive as tightly as possible, we found that there was some apprehension that we might go too far in this matter. While these appropriations were made so strictly and specifically, it became necessary to give some litfle power to the heads of Departments lest the public service might suffer by the great stringency of the appropriations. Under these circumstances, we passed the act of the 26th of August, 1842—the act which the Senator from Virginia supposes to have received its present operation from the construction given to it by this Administration. I inquired into the matter, and ascertained that the Senator was under a mistake, in supposing that the construction of that act is due to the present Administration.

Mr. HUNTER. The Senator will observe that I did not state it positively. I said I was so informed, and supposed it to be the fact. I will also now say a word in justice to Mr. Johnson, who was the Attorney General under General Taylor. I stated that the opinion of the Attorney General and the Secretary of War seemed to be in conflict. By the Attorney General I meant Mr. Crittenden, and not Mr. Johnson. Mr. Johnson had given an opinion directly opposite to that given by Mr. Crittenden. It was dated April 25, 1849.

Mr. PEARCE. I am aware of that. The act of 1842 is entitled—

"An act legalizing and making appropriations for such necessary objects as have usually been included in the general appropriation bills without authority of law, &c., and for other purposes."

That part of the law which refers to the subject of transfers is in the twenty-third section of that act, and is in these words:

"*And be it further enacted, &c.*, That in case the sum appropriated for any object shall be found more than sufficient to meet the expense thereby contemplated, the surplus may be applied under the direction of the head of the proper Department to supply the deficiency of any other item in the same Department or office: *Provided*, That the expenditure for newspapers and periodicals shall not exceed the amount specifically appropriated to that object by this act."

That is the authority under which transfers are

made by the heads of Departments. Formerly the President had to interfere in the matter. There have been two constructions given by Attorneys General to this act—one by Mr. Attorney General Johnson, I believe adverse to the construction now prevailing; and one by Mr. Attorney General Crittenden, in favor of it. There is, also, an opinion of the Comptroller, who it seems is sometimes called upon to give legal opinions, in favor of the construction. But it has received a practical construction in preceding Administrations. I was curious to inquire into some instances of that, and have had some little difficulty in doing so. There is a book, however, called the "Register of Appropriation Warrants," which is a manuscript book, and not an indexed one; it is, therefore, somewhat difficult to search for a particular case. However, upon inquiries made by the First Comptroller, the results of which are stated in his opinion, I find that on the 25th of November, 1844, there was transferred, upon the application of the Secretary of War, by the Secretary of the Treasury, for contingent expenses in the office of the Commissioner of Pensions, under the item for "extra clerk hire," the sum of $1,000 for two messengers in that office at $500 each. This transfer was made, of course, under the authority of the act of 1842, which is the last on that subject. If, as the Senator from Virginia supposes, the act was limited to the sums appropriated in it, there would be no authority at all to Mr. Secretary Wilkins, one of his own political friends, for asking for this transfer. The transfer was made upon that construction of the ac which I think right, while the Senator from Virginia supposes it to have been wrong. But that is not the only instance which I find of transfers made under virtue of this law. I find that under its authority transfers were made by Mr. Secretary Walker, on the 29th of July, 1845, on the 25th of September, 1847, on the 19th of February, 1848, and again on the 29th of February, 1848. Further search, as the Comptroller says, would probably have disclosed others.

The Senator was therefore mistaken in supposing that the construction given to this act, and the practice under it, originated with this Administration, as he evidently did suppose. It originated with his own political friends. I find no fault with them for it, because I differ from the Senator. I really think that the construction which Mr. Wilkins and Mr. Walker put upon it was the true one. We must look a little into the history of legislation perhaps, in order to have a fair understanding of the matter.

It was customary, in the early legislation of this country, as it was in England, to pass independent substantive enactments in relation to different subjects, and not to crowd a variety of matters, not germain to each other, into the same bill. That used to be the practice, and ought to be the practice, if it were practicable, now; in which, I know, the Senator will agree with me. But we know that, for the last fifteen years, such a thing has not been practicable. We know that such impediments have been thrown in the way of the legislation of Congress—I may not say during the present session, by any means, but at former Congresses, particularly in the House of Representatives—that it has been almost impossible to get anything passed; and it has been with extreme difficulty that the appropriations for the current service of the Government could be obtained. Such has been the increase of the *Cacoethes loquendi;* such the incessant struggle of party strife; such the turmoil about matters not properly belonging to the regular business of the Government, but connected more with party and presidential politics, that business has got to be the last thing which is recognized in a legislative assembly; and now, in order to secure the passage of many bills of importance, we have to ingraft them upon appropriation bills, or go without them altogether. Some very ludicrous instances of this have occurred. I dare say a great many gentlemen will recollect that, on a navy appropriation bill, about the year 1832, we ingrafted a provision to regulate the franking privilege. I used to hunt for that provision a long time, but I never could find it, until some old and experienced Senator told me that I would find it in the navy appropriation bill. Then we have an act limiting the compensation of certain custom-house officers; and where do you suppose that it is to be found? It is in a private bill for the relief of Chastelain & Ponvert. So, in many appropriation acts passed during this very session of 1842, you will find permanent provisions of law, which could have no force and meaning if they were not permanent, and which were intended to restrain what was then thought to be Executive extravagance. In this very bill there are some such provisions. Here is a provision in regard to the employment of extra clerks. In these appropriation bills we have forbidden the payment of double salaries; we have forbidden any officer who has performed the duties of a higher office, receiving a higher salary, unless the proper officer for whom he was substituted, should not receive it. We have gone a great deal further than that, and actually, in a naval appropriation bill, have abolished flogging in the Navy, and also in the commercial marine; and that upon a debate of an hour or an hour and a half.

Sir, I think that when an independent substantive provision of law is found in a separate section, unconnected with any other; where there is nothing expressly limiting it to a particular year, nor anything fairly implying such a limitation; where it is just as properly applicable in one year as in another; where all the interests of the public service would seem to require that it should apply *in futuro*, as during the current year,—then, I think that every rule of sound construction known to lawyers, requires that it should be considered a permanent provision. I will not weary the Senate by multiplying examples; but I could give gentlemen fifty cases where permanent provisions of law, some more general than others, have been inserted in appropriation bills, and have universally been understood as permanent. In this very act of 1842 there is this provision:

"Provided that expenditure for newspapers and periodicals shall not exceed the amounts specially appropriated to that object in this act."

That provision is considered permanent, and has been acted upon and construed as limiting the amount which the Departments should pay for newspapers and periodicals. The act limits the amount for one Department and its bureaus to one hundred dollars. It has been construed to be so limited ever since. This has got to be the common practice of our legislation. My friend from North Carolina [Mr. BADGER] suggests to me that the salary of the Attorney General is determined by a proviso to one of the appropriation bills. So, sir, unless there be words to indicate that there is to be no future application of such a section as I have mentioned, or if there be no necessary implication, that it is not to have a future application, I hold that it is practically clear, that it should and ought to be considered as permanent. I do not hesitate to say, that if we should adopt such a rule of construction, as the Senator from Virginia seems to think would be proper, we should in effect strike out of the statute-book a great many provisions of which we should feel extremely sorry to be deprived, and would leave the public service a great deal more exposed to depredation than it is now.

The Senator from Virginia mentioned, as one of the causes of the complication of accounts, the liability to abuse "a system of drafts drawn by quartermasters on each other, payable anywhere." I do not know whether the Senator is reported with exact accuracy. I can hardly understand how a draft drawn by one quartermaster upon another, can be payable *anywhere*. I can understand how a draft, drawn by one quartermaster upon another, may be paid somewhere else than at the place of his residence, or by somebody else than himself, by an arrangement very easily explained; but I cannot understand how a draft, drawn by A upon B at a given place, can be *payable* somewhere else.

Mr. HUNTER. I was at the office of the Third Auditor this morning, and he showed me a list of those drafts. There are instances in which drafts were drawn on a particular quartermaster—say at New Orleans, or St. Louis—which were paid in Baltimore, or New York.

Mr. PEARCE. I can very well understand how that would be; but I cannot understand how such drafts can be made "payable anywhere."

Mr. HUNTER. If custom makes them payable in that way, of course these drafts will float about as a sort of bills of exchange. I am informed of the fact, which I have stated, by the Third Auditor.

Mr. PEARCE. If this is an abuse, where did it originate? The Senator says, it originated during the war. I think that very probable, though I do not know the fact. I think it probable that there might be a case in which it would be very proper for a quartermaster to pay by draft drawn on another quartermaster; for example, suppose a quartermaster in New Mexico was called upon to pay money, and he has not got the money, he cannot very well get it, unless we wagon it there, some seven hundred or eight hundred miles from Fort Leavenworth, across the Indian Territory. There are no custom-houses in New Mexico, and no revenue derived from customs there. Therefore, the only way to get money there would be to send a military escort with it; and that, I presume, the Senator would not approve of, if the purpose could be accomplished otherwise. A draft, then, may with great propriety be drawn by the quartermaster in New Mexico upon a quartermaster somewhere else—as, for example, at St. Louis, and it would, of course, be payable at St. Louis. Indeed, I do not see how it could otherwise be drawn.

Mr. HUNTER. That is precisely what I said. I know that there is a necessity for drawing these drafts; but I say that there ought to be regulations to enforce the quartermasters drawing them, to inform the Department. The Department ought to know when drafts are drawn. The drafts when drawn ought to be made payable at some given place, and not float about as bills of exchange. I admit that the drafts are necessary in some cases.

Mr. PEARCE. Then we agree upon that point; but the Senator, perhaps, does not understand exactly the distinction I was making. I said that I supposed the Senator was not reported right, and that what he meant to say was, that a bill was drawn by one quartermaster upon another, and instead of being paid by him, that the quartermaster had given an order on some other quartermaster. That, I supposed, was the Senator's meaning.

Mr. HUNTER. I do not care so much about words. I spoke of drafts being drawn on one quartermaster and being paid by another. I did infer from what the Third Auditor told me that these drafts were sometimes paid not by his direction; for instance, there were repeated cases where bills had been drawn here, and paid in New York.

Mr. PEARCE. Precisely; and if the Senator had been reported as saying that, I should have understood him, and there would have been no difference between us. I think the practice is an improper one. I think it confuses the accounts and increases their complexity. It prevents the accounting officers from pursuing these accounts as strictly and as clearly as otherwise they might do; and I am very happy to say that I understand the practice will be put an end to. I have, however, a paper from the Quartermaster's Department, drawn up at my request, in regard to this practice. The Quartermaster General says:

"The practice originated during the Mexican war. It was not discontinued on the termination of that war, but still continues, though to a limited extent. The officers in California are authorized to draw only in payments to employees. Drafts *on this office* are paid in this place, New York, Philadelphia, Boston, or Baltimore, by the disbursing agents of the Department, (on the request of the holders,) on the order, in *each case*, of the Quartermaster General. They are invariably presented here before the order for payment is given, which is, in all cases, indorsed on the face of the draft.

"Drafts of the officers of the Department on each other are paid at the stations of the officers on whom they are drawn. In a few instances, when the officer on whom they were drawn has died or been removed before they could be presented for payment, they have been paid here, or elsewhere, on the special order of the Quartermaster General, the full set of exchange in each case being previously surrendered."

This statement I have obtained from the Quartermaster General's office. It is possible that there may have been some particular case in which the account mentioned by the Senator was correct.

Mr. HUNTER. I apprehend that if the Senator will go to the Third Auditor's office, he will find a great many of those cases.

Mr. PEARCE. If there are a good many they ought to be looked into, and this ought to be put

an end to. But if this is an abuse, it is an impropriety which is not chargeable to this Administration. I want to rescue it from an implication of neglecting its duty. This practice was not introduced by the present Administration. We are informed that it had been very much reduced by them, and I have the pleasure of saying that the Secretary of War is about to take steps to abolish it altogether. The Secretary of War is not to be held responsible for mal-practice immediately upon its occurrence. A very gross abuse may be perpetrated, and the man who is to be held responsible for it is he who perpetrated it. The superior officers of the Departments are only to be held responsible when, with a full knowledge of such an abuse, they tolerate it. What I mean to say, then, is, that I suppose this system not to have prevailed so far as the Senator thinks; but whether it has prevailed much or little, it arose during the time of another Administration. The origin of the practice cannot be charged to this Administration. The knowledge of it cannot be brought home to the Secretary of War until very recently; and then followed the determination of the Secretary to put an end to it.

Mr. HUNTER. I hope the gentleman will inform me when the Secretary of War issued an order to put a stop to it? I was not aware of the fact that he had done so, and I am glad to hear it.

Mr. PEARCE. I did not state that the Secretary of War issued any order to this effect. This is a matter which has but recently been brought to his notice, and he has informed me within the last few days that he is determined to put a stop to it at once, by a proper order. The Senate will recollect that the Secretary of War does not audit accounts. They do not come before him in the ordinary discharge of his duty. They go before the bureau of the Quartermaster General, and from him to the Third Auditor, and, as I before stated, they are never brought to the notice of the Secretary unless the head of a bureau thinks there is some special reason for bringing them to his notice. Thus it may very well happen that mal-practice may exist during the administration of a most faithful and zealous officer, and may continue during his administration, without his being in any manner censurable for it. Unless you gift him with omniscience, he cannot know everything that is going on in the different bureaus of his Department. He cannot know in relation to their operation more than his subordinates communicate to him; and it is their duty to inform him of anything that requires his attention.

The Senator from Virginia alluded to certain deficiencies said lately to have come from California. I have made inquiry about the point, and I think the Senator is somewhat mistaken in regard to it. Accounts may have come in from California, but I do not see how *deficiencies* could come in. The accounts, when they come in, are paid. It is very true, however, that accounts for payments made applicable to the service of a prior year, may come in during the current year, and may be found to have diminished the funds in the hands of the disbursing officers, so as to limit the amount at the command of the Department, applicable to the service of the current year. That is very true, and I do not know that anybody here would be to blame for it, unless that state of things could be anticipated. The truth is, however, that sums paid for the service of one year are always falling upon the appropriations for another year. Under the system of accounts established by the authority of the Government, and which has prevailed from the very beginning, the origin of which is almost lost in obscurity, it so happens, and cannot but happen, that expenditures for prior years are not made known to the Department until they become a charge upon the appropriations of the current year.

If we look at the system of receipts and expenditures in the Quartermaster General's bureau, we shall see how this thing works. Yet, much as has been said about the enormous expenses in the Quartermaster's Department, the Senate will perhaps be surprised to see that there has been a regular diminution of these expenditures since the war. I have in my hands a statement of the expenses of the Quartermaster's Department for the years ending June 30th, 1849, June 30th, 1850, and June 30th, 1851, and the estimates for 1852. I have also a statement of the funds which went into the hands of the quartermasters for disbursement during these years. I submit the paper as more satisfactory than my statement of it:

Statement of funds which went into the hands of quartermasters for disbursement.

In the year ending June 30, 1849—	
Balances in their hands July 1, 1848	$1,121,747 12
From sales of property	821,343 62
" military contributions	62,473 38
" the Treasury	4,600,502 44
Total	$6,606,066 56
In the year ending June 30, 1850—	
From sales and rents	$109,036 02
" civil fund of California	808,534 76
" the Treasury, drafts, &c	3,823,671 83
Total	$4,741,242 61
In the year ending June 30, 1851—	
From sales and rents	$140,515 50
" the Treasury	5,391,376 31
Total	$5,531,891 81

Expenditures made by the Quartermasters.

In the year ending June 30, 1849—	
Reported in that year	$5,815,926 00
Since reported, as prior to July 1, 1849	275,050 59
Total	$6,090,976 59
In the year ending June 30, 1850—	
Reported in that year	$4,352,632 72
Since reported, as prior to July 1, 1850	986,336 53
Total	$5,338,969 25
In the year ending June 30, 1851—	
Reported in that year	$4,721,080 04
Since reported, to April 23, 1852	235,503 06
Total	$4,956,583 10
For the year ending June 30, 1852—	
Estimated for this year, (see Estimates, pp. 34–153)	$4,750,000 00
Appropriated per act of 3d of March, 1851, (Laws, p. 620)	2,435,000 00
First reduction	$2,315,000 00
Estimated for deficiency, January 8, 1852	$2,066,460 00
Reported in deficiency bill, H. R. 207	1,944,000 00
Second Reduction	$122,460 00
Appropriated for this year, by the act of 3d March, 1851	$2,435,000 00
Reported in deficiency bill	1,944,000 00
Total, appropriated and reported	$4,379,000 00
Difference between the appropriations of the current year and the lowest expenditures in any of the preceding years, 1851-'52	$577,583 10
N. B. The Estimates for the Quartermaster's Department for the year	$4,750,000 00
For the year commencing July 1, 1852	4,103,180 00
Difference	$646,820 00

—or $646,820 less than those of 1852.

Mr. HUNTER. How does the Senator state the expenditures for the years 1850 and 1851?

Mr. PEARCE. The expenditures in the Quartermaster's Department for the year ending the 30th of June, 1850, amounted to $5,338,000.

Mr. HUNTER. According to the statement which I have from General Jesup, the expenditures for that year, in the Quartermaster's Department were $4,950,000. What is the Senator's statement of the expenditures for the year ending June 30th, 1851?

Mr. PEARCE. Four million nine hundred and fifty-six thousand dollars.

Mr. HUNTER. The statement furnished me puts them down at $5,286,000. It would seem, from this, that there had been an increase instead of a diminution. I can tell the Senator how he has fallen into his error. He has a statement of the expenditures as they appear on the Register's books. I have a statement of the whole amount of expenditures, whether the money came from the Treasury of the United States or from the civil fund. The money was expended, no matter where it came from.

Mr. PEARCE. This statement of mine is from the financial clerk of the Secretary's office, and I find an item of $808,000 put down as being received from the civil fund of California for the year ending June 30th, 1850.

Mr. HUNTER. The statement which I have was furnished by the Quartermaster General, and is dated April 7th, 1852.

Mr. PEARCE. The statement which I have, happens to be the latest—27th of April, 1852. I will not dispute with the Senator about the matter. It may be a blunder which is not to be charged to either of us. I happen, however, to have the latest statement, and perhaps on that account it is more reliable. My statement, however, is made up of accounts chargeable to the service of each proper year, separating those which belonged to the service of any other year. This, probably, is the cause of the difference.

I propose now to state to the Senate more in detail something in regard to the reduction of the estimates which very much vexes this question. I begin with the year ending June 30th, 1849. The estimates for this year for the peace establishment were made June 29th, 1848, and amounted to $4,430,000. The appropriations were made by the act of August 8, 1848, to the amount of $2,940,000—reduction $1,490,000. At the conclusion of this year it was known that a considerable deficiency existed, and at the next session, before the exact amount was ascertained, an appropriation of $600,000 was asked to supply it in part, but it was not appropriated. In December, 1850, the Secretary of War reported the actual deficiency to be $1,290,000. It will be found referred to in his annual report. This amount had, in the mean time been borrowed from several sources. The civil fund of California was drawn upon to the amount of $751,000. Drafts were paid out of the Quartermaster's appropriations for the next year to the amount of $264,000; and from the Subsistence Department alone, as I understand, there was drawn, or transferred, $275,000. Thus, was made up the whole amount of $1,290,000. There being no immediate necessity for refunding the amount drawn from the civil fund, the last two items only were placed in the deficiency estimates, and they were appropriated by the deficiency bill which passed at the first session of the last Congress.

The estimates for the year ending June 30, 1850, were sent in in December, 1849, and amounted to $2,000,000. That amount was appropriated. The expenditures, however, were $4,542,000—the difference being made up by balance of old appropriations belonging to the Quartermaster's Department, chiefly those left over in the war, and those refunded by the officers in the settlement of their accounts, as well as sales of war property. The latter item amounted, I believe, to something like $821,000. I ascertained a fact which I did not before know: that, when sales of war property are made, the amount goes to the service of the War Department; whereas, I believe, by law, when such sales are made by the Navy Department, the amount must go into the Treasury. Although the deficiency of this last year ran through the year, and into the next year, still, it is explained by what I have read before, and I shall say no more about it.

Then, for the year ending June 30, 1851, the estimates were $3,813,000, which amount was appropriated by the act of September 28, 1850. Before that year was out, however, it was discovered that much larger expenditures had been made in California than was anticipated when the estimates were made—a great part of which was for barracks, and other buildings, undertaken to be built without the previous authority of the Department. Application was made to the Committee on Finance of the Senate, last year, before which the appropriation bill was then pending, to insert an additional sum of $729,172. I presume the Senator from Virginia has a copy of that letter; I have. That would make the appropriations for the year ending June 30th, 1851, amount to $4,542,000, which was the amount expended for the previous year. This, however, was not done. In order to supply the deficiencies, it was found necessary to transfer sundry balances of old appropriations to the amount of $730,000, making the available means of the Department, $4,543,000. In justice to the Committee on Finance, I should state that they were entangled with difficulties almost impossible to unravel; I believe the bill came to us only the day before the close of the last session. We found such a condition of things in the House

of Representatives as made it extremely doubtful whether, if we undertook to amend the bill, at least in any important particular, it might not be defeated altogether. The honorable Senator from Virginia, the chairman of that committee, did feel it to be his duty to amend it in one particular. I think he had an additional appropriation made for the clothing department. Is it not so?

Mr. HUNTER. I think so. I believe I moved an amendment, which was adopted, making an additional appropriation for clothing.

Mr. PEARCE. That conforms with my recollection; and I believe the Senator, under the circumstances, would not have consented to report the bill as it was, if he had not known that at the ensuing session of Congress, the deficiency could have been supplied by a deficiency bill. There was an additional reason why this letter of the Secretary of War should not be acted upon by an appropriation being inserted in the appropriation bill.

The Senate will recollect that the bill which was introduced by myself in relation to the civil fund of California, had passed this House, and gone to the House of Representatives, and had the bill passed the House of Representatives as it did this body, there would have been ample authority of law for bringing this money, derived from the civil fund of California, into settlement at the Treasury, which, without law, was not possible. Such a bill has passed this body, and gone to the House of Representatives, where it is now pending. Should it not pass that House, however, I hope the chairman of the Committee on Finance will consent, when the general army appropriation bill, or some other general appropriation bill shall be under consideration, to introduce a single clause to provide for the settlement of these accounts, which ought to have been settled long ago, but which cannot be settled for the want of legislation.

A few words now in regard to the appropriations for the present year for this Department. The regular estimates for this year were $4,750,000. The appropriation act of March the 3d, 1851, under the circumstances explained, appropriated $2,435,000—a reduction by Congress of $2,315,000 from the estimates. In preparing the deficiency estimates which were submitted at the present session of Congress, the Quartermaster General thought the expenditures for this year would not equal those of the past year, and he reduced his estimate to $2,066,000. And there is proposed to be appropriated in the deficiency bill, now under the consideration of the Senate, the amount of $1,944,000, making, with the appropriation heretofore allowed, something like $371,000 less than the original estimates of last year. If so, that would bring the expenditures for the year down to about $4,379,000. I speak in round numbers, not having made the calculation minutely. But if I am correct in this, and there should turn out to be no unexpected deficiencies, the expenditures of this department during the current year will be less than those of the year before, as, according to the statements which I have made to the Senate, was the case successively for each year up to 1849.

The Senator spoke of the necessity of modifying the organization of the Departments in regard to the clerks. He spoke of a resolution which he had submitted at the last session of the Senate, and which he thought ought to have been answered before now. As to that subject, I have to say that various projects for organizing the clerks in the various Departments, classifying them properly, providing a proper system of salaries, and, perhaps, for aught I know, holding out a regular plan of promotion, have been suggested heretofore. I recollect that when the Senator from Virginia was a member of the other House such a project was attempted, and a report was called for in the time of Mr. Van Buren. Reports were submitted to Congress by the heads of Departments of that day. They were never acted upon. They met the common fate of such things. They went to the tomb of the Capulets, where I believe went the project of Mr. McKay, which originated in that House some years since.

Mr. HUNTER. McKay's bill passed the House, but failed here.

Mr. PEARCE. At all events it did not become a law. I agree with the Senator that there is a great evil—I will not say in the system of appointing clerks—but there is an evil prevalent in regard to clerks in the Departments. I believe it springs out of the doctrine which was promulgated here a good many years ago, that "to the victors belong the spoils"—a doctrine, I am sorry to say, that has gained considerable ground. It used to be repudiated by my own political friends, but they have not been able to withstand, entirely, the outward pressure; and although we do not practice proscription, as much as our opponents, we have indulged in it to some extent. It is a practice "more honored in the breach, than in the observance." I should be exceedingly happy to see a return to the condition of things which prevailed before the year 1828. I should be very glad to see a practice prevailing in the various Departments by which appointments should be made according to merit, and not according to political influence, and by which promotions should be made according to efficiency and fidelity. I am very glad to say that in some of the Departments, there is an approximation to such a system as that. I know that there are clerks of both political parties in the Department of War, and in the office of the Secretary of the Treasury who have been there for nearly twenty years. They are efficient and valuable men—men who are not only to be respected as clerks, but who have a character as gentlemen, as men of honor, and persons of intelligence, which would make it a pleasure to anybody to enjoy their association. I should be very reluctant at any time to see such a man—no matter what were his politics—removed from office because he differed from me in opinion. I have never sought to remove a single individual of that character, and I never will.

I know the pressure of political influence on these Secretaries. I know that, through political influence, persons entirely incompetent are foisted into these Departments as clerks, and that the public service suffers in consequence of it. But whether any general plan submitted by the Executive to Congress can remedy these evils, I very much doubt. I doubt whether you can adopt any system by which you can dispense with that control over the clerks which the President and heads of Departments now exercise. It would not do to make them independent of the heads of Departments, most undoubtedly. This is repudiated by almost everybody. I do not see how you could secure such a system of appointments as would answer the desired ends, unless both the great parties of the country, and all the parties into which the country may hereafter be divided, shall determine that they will not go down to low-water mark, and remove those inferior agents of the public service, unless they are incompetent or unworthy.

I understand that most of the Secretaries have agreed upon a general report, and that they will also send in special reports in a few days, in answer to a call made by the resolution of the Senator from Virginia, at the special session of the Senate last year. These reports have been delayed because of the absence of one or two of the Secretaries; and they are now delayed, because one of the Secretaries has, after frequent conference with his associates, determined not to join in the general report; inasmuch as they cannot make any general report which will answer the exigencies of all the different Departments. He will, therefore, make his special report; and I am told that these reports may be expected in a few days. I doubt whether any good will come of it, any more than from the attempts made during Mr. Van Buren's administration, and from that time to this.

There is one more subject to which I will call the attention of the Senate. The Senator from Virginia, in his speech, made some allusions to the Navy Department. In one place he called the attention of the Senator from Illinois, chairman of the Committee on Military Affairs, and that of the Senator from California, chairman of the Committee on Naval Affairs, to the consideration of things properly belonging to their committees. He called upon them to look into the condition of their respective Departments. In another place he spoke of transfers being made by "these Secretaries," without discriminating. Now, it so turns out that the Secretary of the Navy does not possess the same power as the other Secretaries, in regard to the transfers of appropriations. The act of 1842, to which I have referred, was passed on the 26th of August; five days after which a bill was passed for the reorganization of the Navy Department. The former bill was reported by the Committee on Ways and Means in the House, and the other by the Committee on Naval Affairs. The Committee on Naval Affairs so framed their bill as to deprive the Secretary of the Navy of the power which otherwise would have been conferred, or which was conferred on him, by the act of the 26th of August, 1842. We know how that was. We know that very large appropriations had, for a long series of years, been made for the increase and repairs of the Navy. And we know that it was charged that great abuses had prevailed, by diverting those funds to other objects not contemplated by Congress. When the Naval Committee of the House, therefore, reported the bill for the reorganization of the Navy, the object was to put an end to those abuses forever, by depriving the Secretary of the Navy of the power of transfers. It was done by that act.

I know that the Senator from Virginia did not intend to charge that these transfers had been made by the Secretary of the Navy; and still less did he intend to charge that they had been made in violation of law; yet it might, perhaps, be inferred from his speech, because he did not discriminate. I am making no complaint of it at all. I am merely stating the fact: because otherwise it might be inferred by those who do not understand the law, that the gentleman intended to charge the Secretary of the Navy with making illegal transfers. Neither the present Secretary of the Navy, nor his predecessors since 1842, have made any transfers of any sort, from one head or class of appropriation to another. He has not had the legal authority so to do. I do not know of any abuses in the Navy Department which require a strict examination by the chairman of the Committee on Naval Affairs. I have not heard of one. I believe that there has not been a solitary contract made by that Department during the administration of the present Secretary of the Navy, or his immediate predecessor, in violation of law. I am informed that both the Secretary of the Navy and the Secretary of War challenge investigation in regard to the making of contracts. They challenge the production of a single instance in which any contract has been made by them in violation of law.

Something was said by one of the Senators from California about the act of 1820, which gives authority to the Secretary of War to make certain contracts without appropriations, and without special authority, for the Quartermaster's Department. Now, I understand that the Secretary of War has been so scrupulous in the exercise of that power, that he has never used it when Congress was in session. The Navy Department has not the same authority as that of the War, and I say it without fear of contradiction, that not an instance can be given where the present Secretary, or his predecessor, has made contracts or expenditures in advance of appropriations.

Mr. HUNTER. I made no such charge against the Secretary of War. On the contrary, I produced the law to show that he had authority to make these contracts.

Mr. PEARCE. I am aware of that. But there was something said by the Senator from California in regard to this. I recollect that there was a difference of opinion between the Senator from Virginia and the Senator from California on that subject. I believe that the Senator from Virginia did rather defend the Administration from the charge which the Senator from Calfornia seemed disposed to make. I affirm that there has been no violation of law in the making of contracts by the heads of either of these Departments; and the Secretary of War is, at the present time, refusing to exercise the authority which he possesses under the act of 1820, because, while a deficiency bill is pending before Congress, he thinks that it might be indelicate, if not improper, in him to exercise that power. There are troops now in Philadelphia, *en route* to Oregon, that want horses to carry them on their journey, and the Secretary of War refuses to make contracts in advance of the appropriations which he is now soliciting from Congress.

I am not eager to carry the war into Africa; but I cannot avoid at this time mentioning the very last instance that I have heard of an improper contract in the Navy Department, or under the authority of that Department. I understand that in the year 1848, during the presidential campaign, the Navy Department was supplied with a large quantity of cheese for the Navy, enough for the consumption of three years. Yet a gentleman well known in the political world, contrived, somehow or other, to effect a contract during the autumn of 1848 for four years' supply of cheese for the Navy, at eighty thousand pounds per annum. The consequence was, that a great deal of the cheese thus accumulated in the hands of the Navy Department, did not exactly take wings to itself, and fly away, but a great deal of it took legs to itself, and crawled away. [Laughter.] Some of it was so much damaged, that the Department was obliged to sell it at a great sacrifice. That is the last contract of an improper sort made by the Navy Department that I have heard of. I am bound to say, however, that I have no information that that contract was made with the knowledge of the then Secretary of the Navy, Mr. J. Y. Mason.

It seems to be thought a great evil that the accounts in the Third Auditor's office should be so much behind, and so it certainly is. But let us see the cause of these arrears.

In October, 1846, several months after the commencement of our war with Mexico, the business of this office had necessarily accumulated so much, that the then Third Auditor, Mr. Hagner, warned the Secretary of the Treasury of the danger of large arrears of unsettled accounts. In about a year more (November, 1847) the accounts of disbursing officers had swelled from two hundred and seventeen to two thousand one hundred and nine, and relief was again asked, but not given. Nor was it till April, 1848, nearly two years after the war, that ten additional clerks were given. Afterwards two more clerks were allowed; but in 1849 six of the twelve were dropped by Congress. Experienced accountants are very necessary in this office, but in 1845 and 1846 six of the most practiced clerks were removed. In February, 1850, nine clerks were added by law. But then the mischief was done, and the arrears had become too formidable to be speedily reduced, because of the immense mass of war accounts with which the office was incumbered. The Senate will remember that during the war, we had ten more regiments of regulars, and more than seventy thousand volunteers added to the army, and that the disbursements and accounts were therefore largely, and perhaps proportionately, increased. Besides which, the inexperience of many volunteer officers, not acquainted previously with army accounts, made these accounts more difficult of settlement. Besides all this, a postponement of the settlement of the accounts of the regular disbursing officers was rendered inevitable by the necessity of first settling those of officers going out of the army. I believe, sir, that this experience is similar to that which the war of 1812 taught us; and considering all the difficulties under which he has labored, I think the Third Auditor deserves credit for reducing the mass of accounts as he has done. He is, as the Senator from Virginia said, a hard-working and industrious man, and I think a good officer.

Sir, I believe that I have now pretty nearly got through with my budget; but there are a few words more that I wish to say. The Senator from Virginia, tolerant as he was of the Administration in his speech, still seemed to think that there was much in the conduct of the members of the Administration that deserved animadversion; and he rather hinted that these abuses could not be remedied by us, but must be reached by the people. He made an intimation that the thing which he has so much at heart—economy in the administration of public affairs—could only be arrived at by a change of Administration. Well, really, Mr. President, I think, reasoning of the future from the past—and I do not know how else we can reason—it is extremely doubtful, whether, if the Senator's wish should be gratified, there would be any such reform as he fondly anticipates.

I think I have shown the Senate that what the Senator from Virginia has charged as abuses on the present Administration had their origin in times past; that many of them, instead of being abuses, had been sanctioned by the wisdom of every Administration that has preceded this one; that those things which we are now endeavoring to remedy had their origin under a different Administration. Why, who was it that posted the troops in towns in Texas and in New Mexico? That was not done by this Administration. It was done in Mr. Polk's time. Who was it that gave the construction to which the Senator objects in regard to transfers, under the act of 1795? Who first practically adopted that construction which the Senator thinks is so palpably a violation of law in regard to the act of 1842? Who appointed those quartermasters who have held back their accounts so long? Who appointed Mr. Reynolds quartermaster in New Mexico? Who but Mr. Polk? Under whose administration was it that one of the quartermaster's accounts were kept back for thirteen quarters, as the Senator said in his speech? The administration of Mr. Polk!

I will not multiply these instances, because I do not wish to seem to be ill-tempered; but what I wish to say is this: that if these things be abuses, they are traceable to somebody else than to this Administration. I do not see any occasion for calling upon the people to correct abuses which do not exist. We do not call upon Hercules until the wagon is mired. The fact is, that if this Administration goes out of power, it will leave things in an exceedingly good condition for its successors. It will leave them in a very different condition from that in which it found them. How was it when General Taylor's administration came into power in 1849? Who was it that struck down the estimates from the Quartermaster's Department for that year? It is very well known that the reduction of those estimates was required by the late President Polk himself—that he required the Quartermaster General to reduce his estimates; and the incoming Administration was left with deficient appropriations for that reason. Who was it that, just at the time when Mr. Polk's administration was expiring, and General Taylor's was coming into power, suddenly, without any sufficient data, without any detailed information, without any of the inquiries into the subject which ought to have been demanded in such a case, changed entirely the system of paying the officers concerned in the collection of the revenue? Who was it that then forbade the system which had existed from the foundation of the Government, and adopted another entirely new and untried, and brought down the scale of expenditures to an amount entirely insufficient? One million five hundred and sixty thousand dollars was appropriated for that purpose, and the Secretary of the Treasury was told that he must collect the revenue with that amount. What was the consequence? He had to reduce important public services—to bring them down below their proper requirements; and Congress, at the very next session, had to give the Secretary some $700,000 more, in order to enable him to collect the revenue, and had to give him very large powers in regard to the collection of the revenue on the Pacific coast. How happens it that these things come out when we are just on the eve of a presidential election, or just at the moment when an Administration not favored by a majority in Congress is coming into power? Sir, I should not have mentioned these things, if it had not been that the Senator seemed to intimate that this Administration had done so much wrong that the people should rise in their majesty and turn them out of power. That is the English of what he said, although he said it much more mildly, I admit Now, I defy the Senator to show that there are any abuses to be charged to this Administration half as enormous, if there be any at all, as those which can be shown to have been perpetrated by administrations which preceded it.

This Administration came into power with all the embarrassments which the close of the Mexican war threw upon it. There was a new and untried state of things upon the Pacific coast. We had received an immense accession of territory which was entirely unprotected. There were new military and naval establishments to found, and new civil establishments to erect. After the lapse of nine months from the peace, there had been no government provided for New Mexico, or for Utah, or for California. Who provided for them? Under whose auspices was the quiet of the country established? Under whose auspices was silenced that discord which threatened the very disruption of the Union? It was under the auspices of this Administration, which the people are invited to turn out of power. There is scarcely a branch of the public service in which this Administration has not shown, as I think, signal energy. Look at the Navy Department. Why, you are expending now no more money for the Navy Department than you were in 1843—I mean for the Navy proper; and you are keeping larger squadrons afloat now than ever before, and the commerce of the country is vastly better protected, while the steam service is largely increased. It is true, that the general expenses of the Navy Department have increased; but how? By legislative action—by congressional contracts. You have made contracts for ocean steamers, chargeable on the navy appropriations to nearly a million per annum. You have made contracts, or directed them to be made, for floating docks, costing more than a million in a single year. You have authorized expenditures to be made for the naval school at Annapolis, for the navy-yard at Memphis, and various permanent improvements at other yards. I have in my possession a table showing the expenses of the Navy Department, for a number of years past. This statement contains a list of the appropriations for the Navy proper: and it is prepared from the annual statement of appropriations, submitted to Congress pursuant to the provision of the second section of the act of Congress passed on the first of May, 1820. I have statements for the years 1841, &c., down to 1851, inclusive. Here is the table, which shows the details, and groups the results. The total expenditures of the Navy proper, and marine corps, are as follow:

1841		$5,665,503
1842		7,526,224
1843-'4, (fiscal year,)		5,917,785
1844-'5	do.	5,372,833
1845-'6	do.	5,653,095
1846-'7	do.	7,050,568
1847-'8	do.	9,892,348
1848-'9	do.	8,201,100
1849		9,892,348
1850		5,644,711
1851		5,885,422

Thus it will be seen that the expenses for the year 1850-'51 were rather less than they were as far back as 1843-'44. Now you have a large fleet of naval steamers afloat—and this accounts for the increase in the last fiscal year.

Mr. HUNTER. Does this statement include the cost of the erection of buildings?

Mr. PEARCE. It includes repairs of marine barracks. But for the Navy proper, I will mention the heads of expenditure: Pay, provisions, medicines, increase and repairs, ordnance and ordnance stores, war steamers, fuel for war steamers, purchase of American hemp, and contingents. I say, then, that the expenses of the Navy Department have not been increased, but that, with about an equal expenditure of money, much more efficient and valuable service has been had. We have had larger squadrons in almost every sea. We have had a squadron in the Pacific since the period of the war, and during the times of the very high prices occasioned by the discovery of gold in California, which of course very much increased the expense of supplies there. We have added a number of war steamers which we had not before. Yet, notwithstanding all this, the expenses of the Navy proper are scarcely an iota more than they were in 1841, and not so much as they were in 1843-'44.

Then I ask, what justification there is for speaking of abuses in expenditure, and calling upon the people to come to the rescue? I think the little restropect which I have given, will show the gentleman that he cannot have any hope of greater economy, even if the distinguished Senator from Michigan [Mr. Cass] should happen to come into power; or, if the distinguished Senator from Illinois [Mr. Douglas] should be called to guide the helm of State. I do not believe that any change will make things better. The truth is, things are so well now, that if there is any change at all, it must be for the worse. [Laughter.] And if the people are wise, they will "let well enough alone."

NON-INTERVENTION.

SPEECH OF HON. J. COOPER,

OF PENNSYLVANIA,

IN THE SENATE, *April* 28, 1852.

The Non-Intervention Resolutions proposed by Mr. CLARKE on the 19th February last, being under consideration, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress recognizes and reaffirms these manifest truths: "That Governments are instituted among men to secure the inalienable rights of life, liberty, and the pursuit of happiness, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new Government, laying its foundation upon such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Resolved, That while we claim for ourselves these comprehensive rights of self government, and also, as a consequence of sovereignty, the right to be exempt from the coercion, control, or interference of others in the management of our internal affairs, we concede to others the same measure of right, the same unqualified independence.

Resolved, That it is upon the sacred principle of independent sovereignty that we recognize, in our intercourse with other nations, Governments *de facto*, without inquiring by what means they have been established, or in what manner they exercise their powers.

Resolved, That this Government has solemnly adopted, and will perseveringly adhere to, as a principle of international action, the advice given by Washington in his Farewell Address: "Observe good faith and justice towards all nations; cultivate peace and harmony with all." "Give to mankind the magnanimous and too novel an example of a people always guided by an exalted justice and benevolence." "Sympathy for a favorite nation betrays itself into a participation in the quarrels and wars of another, without adequate inducement or justification." "Against the insidious wiles of foreign influence the jealousy of a free people ought to be constantly awake; for foreign influence is the most baneful foe of republican Governments." "The true rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible." "Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice."

Resolved, That, while we cherish the liveliest sympathy towards all who strive for freedom of opinion and for free institutions, yet we recognize our true policy in the great fundamental principles given to us by Jefferson: "Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none."

Resolved, That although we adhere to these essential principles of non-intervention as forming the true and lasting foundation of our prosperity and happiness, yet whenever a provident foresight shall warn us that our own liberties and institutions are threatened, then a just regard to our own safety will require us to advance to the conflict, rather than await the approach of the foes of our constitutional freedom and of human liberty.

Mr. SEWARD's amendment proposes to strike out all after the second resolution of Mr. CLARKE, and insert:

Resolved, That while the United States, in consideration of the exigencies of society, habitually recognize Governments *de facto* in other States, yet that they are nevertheless by no means indifferent when such a Government is established against the consent of any people by usurpation or by armed intervention of foreign States or nations.

Resolved, That, considering that the people of Hungary, in the exercise of the right secured to them by the laws of nations, in a solemn and legitimate manner asserted their national independence, and established a Government by their own voluntary act, and successfully maintained it against all opposition by parties lawfully interested in the question; and that the Emperor of Russia, without just or lawful right, invaded Hungary, and, by fraud and armed force, subverted the national independence and political constitution thus established, and thereby reduced that country to the condition of a province ruled by a foreign and absolute power: the United States, in defense of their own interests, and of the common interests of mankind, do solemnly protest against the conduct of Russia on that occasion, as a wanton and tyrannical infraction of the laws of nations; and the United States do further declare that they will not hereafter be indifferent to similar acts of national injustice, oppression, and usurpation, whenever or wherever they may occur.

Mr. CASS's amendment is designed as a substitute for Mr. CLARKE's series. It is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That while the people of the United States sympathize with all nations who are striving to establish free Governments, yet they recognize the great principle of the law of nations which assures to each of them the right to manage its own internal affairs in its own way, and to establish, alter, or abolish its Government at pleasure, without the interference of any other Power; and they have not seen, nor could they again see, without deep concern, the violation of this principle of national independence.

Mr. COOPER said:

Mr. PRESIDENT: Originally, in the commencement of the discussion on the resolutions proposed by the Senator from Rhode Island, [Mr. CLARKE,] I had neither the disposition nor the intention to mingle in it. But subsequently, that disposition has changed, and I now, with the permission of the Senate, feel disposed to avail myself of the privilege of expressing my sentiments on the subjects embraced in the resolutions.

I have not, Mr. President, the vanity to suppose that anything I can say on this subject, will have much influence, either in promoting or obstructing the progress of sentiments, which, in my judgment, are alike repugnant to the precepts of the Fathers of the Republic, and dangerous in their tendencies. But, as I believe these sentiments prevail to a very considerable extent amongst my constituents, I think it is but proper that my own views in reference to them should be made known. And, as the distinguished and eloquent Senator from Louisiana, [Mr. SOULE,] who addressed the Senate some weeks since, on this subject, used the eminence of the senatorial position, in order that by speaking from it he might be heard afar, I use it for the purpose of giving something of interest and dignity to the poor reflections which I may throw out.

At first, sir, I designed to confine myself strictly to the subjects immediately involved in the resolutions; but the admirable speech addressed to the Chamber some days since by my honorable friend from Tennessee, [Mr. BELL,] has opened a wider perspective, and given, allow me to say, a more practical, useful, and interesting turn to the discussion than it had previously taken.

I shall, therefore, direct my attention to the subject from the same point of view, follow it in the relations in which he has presented it, and examine the conclusions to which his mind seems to have been brought. Afterwards, if time permit, I will inquire whether the resolutions of the Senator from Rhode Island involve any departure from the policy which was recommended by Washington, and acted upon by him and his successors, from the foundation of the Government until the present day.

But I desire to say, in advance, that while there is nothing in the resolutions of the Senator from Rhode Island which does not meet my approbation, I think, nevertheless, it would be wiser on our part to refrain from laying down any inflexible rule for the regulation of our intercourse with foreign nations. Circumstances may arise, in the course of events, when our own interests and security may call upon us to interfere. In such case, inconvenience might result from the trammels of any rule of the kind. For my own part, therefore, I had rather the subject should be left where it is; leaving both ourselves and our successors free to act as occasion may require, uninfluenced, except by the respect which I trust will always be felt, for the precepts of the Father of his Country, and the illustrious patriots who succeeded him in the administration of the Government.

If, however, resolutions prescribing the line of policy we ought to pursue in relation to the intervention of one nation against another, struggling for freedom, must be adopted, I have nothing to object to those of the Senator from Rhode Island. They are carefully and cautiously framed, and, in my judgment, greatly preferable, either to the amendment of the Senator from New York [Mr. SEWARD] or the substitute proposed for both the resolutions and amendment by the distinguished Senator from Michigan, [Mr. CASS.]

Mr. President, leaving this branch of the subject for the present, I proceed to examine it in the point of view in which it was presented by the Senator from Tennessee; a point of view full of interest to the friends of republican freedom in this and every other land. His speech abounded in views at once statesmanlike and philosophic; and in its practical bearing exhibited a broad, patriotic forecast, creditable to American statesmanship.

From some of the conclusions to which it tends, and perhaps the main ones, I feel constrained to dissent. But, it is proper I should state here, that these conclusions are rather inferences, drawn by my honorable friend, from the facts which he has brought forward, than settled convictions of his mind. They are, however, all will admit, sufficient to justify the earnest suggestions which he has thrown out, of the necessity of strengthening our national defenses, and of cultivating a spirit of concord and harmony between the jarring sections of the country.

The conclusions drawn by the Senator from Tennessee, to which I have adverted, are, first: That republican sentiments and institutions are prostrate and repudiated in Europe, and despotic principles of government permanently in the ascendant. Second: That the repudiation and overthrow of republican sentiments and institutions in Europe, and the ascendency and consolidation of the principles of arbitrary government will, in all probability, lead, at no distant day, to a combination of the despotic governments of the Old World against the republican governments of the New; and that a war of ideas is likely to be the consequence—a war in which the principles of ancient European civilization will be arrayed against the principles of modern American civilization.

In support of these conclusions a number of important and highly-interesting facts, to which I shall only advert at present, but which I shall examine more at large in the course of my remarks, have been brought into view by the honorable Senator. To sustain the first conclusion, that republican sentiments and institutions are prostrate and degraded in Europe, he has called our attention to the late sudden, fundamental change in the government of France, operated by the usurpation of Louis Napoleon on the second of December last, and the ratification of that usurpation by overwhelming majorities of the French people, pronounced on several subsequent occasions. The second fact, indicating permanency in the existing state of things, is the settled condition of the stock exchange, the extent and prosperous character of its operations. The third, is the annunciation made a few weeks since in the British Parliament by Lord John Russell, that the recent change on the Continent would have the effect of consolidating and rendering permanent the peace of Europe. The last reason offered in support of his opinion, that popular institutions are permanently prostrate, is the immense armies at the command of the despotic Governments of the Continent.

The reasons presented by the distinguished Senator in support of the second conclusion, drawn by him from the state of things existing in Europe, is the natural jealousy of republican institutions entertained by despotic rulers, stimulated by the countenance we have lately been disposed to show to their revolted subjects. Fearing the influence of our example on their subjects, he justly supposes that, having extinguished the last embers of popular freedom at home, they might feel disposed, if they thought they possessed the power, to rid themselves of all danger from it for the future, by extinguishing it here.

Mr. President, I do not deny that the facts just passed in review are of a discouraging character to those who hope for a speedy renovation of republican institutions; but they are more so when viewed superficially than when examined closely. In this there is encouragement and consolation for the friends of republican institutions, both in the Old World and in the New. We must remember that every change is not a revolution; that every revolution is not indicative, either of the progress or retrogradation of the human mind in the science of moral and political government. If the friends of popular government were assured that the late revolution in France was the result of a backward movement of the human mind, of a conviction on the part of the mass of the people that republican institutions are incompatible with the maintenance of order, the preservation of civil society, and the enjoyment of life, liberty, and property, we should then be compelled to conclude that the period of their renovation and ultimate triumph must be remote, indeed, if not altogether hopeless. But if, on the other hand, their triumph in 1848, as well as their overthrow in 1851, was the result of temporary combinations of incongruous and discordant elements, there is room, at least, to hope that the day when they shall again become ascendant is not far off in the future.

To ascertain whether this be so or not, it will be necessary, in the first place, to learn what was the political condition and how far republican sentiments and principles prevailed in France and other European Governments prior to the revolutions of 1848.

From the period of the revolution in 1789 until 1830, through all her triumphs and disasters, her glory and humiliation; through all vicissitudes and changes of government, there was a republican party in France more or less numerous. In 1830, Charles X, the representative of the elder branch of the Bourbons, profiting little from all his sad and mortifying experience, was expelled from the throne, and driven into exile; and Louis Philippe, the son of a revolutionary father, and an adherent of the old Republic, elevated in his place. This change of dynasty, although not the result of a republican movement, was a concession to the spirit of representative government, and in so far a triumph of republican principles. Under a charter, liberal in its provisions, establishing a representative form of government, and greatly restricting the ancient prerogative of its kings, Louis Philippe ascended the throne of France; but he did not occupy it without opposition. From an early period of his reign opposition manifested itself in various parts of the Kingdom, but principally in those in which the influence of the elder branch of the Bourbons prevailed. Secure in their persons and property, the industrial classes, protected, as they were, by wise and salutary laws, would have been steadfast in their attachment to the Government, if it had but a little enlarged their political privileges; and so they would be to any Government affording them security and protection. But the right of suffrage was so far restricted that this class, the most constant of all in its attachment and devotion to the person and government of the King, had but little or no influence in the election of members of the Chamber of Deputies. This was the great mistake committed by Louis Philippe. The limitation of the right of suffrage to less than three hundred thousand electors, out of a population of nearly thirty-six millions, excluding, through an anti-popular prejudice, the middle classes of the people, devoted to his person and government, and including the upper class, embracing the principal part of the adherents of the Bourbon branch of the royal family, always inimical to his reign, was an inexcusable mistake; and proved at length to be the rock on which his dynasty was wrecked and his throne broken to pieces. It alienated those who by a more liberal policy would have been the bulwark of his throne and government in the day of trial; but who stood by at last, careless and indifferent spectators of their downfall.

For a number of years, more or less opposition to the Government had been manifested in the Chambers; and once, at least, it grew so strong as to compel a change of ministers and measures; but by the influence of the Crown, operating on the comparatively small number of electors, it was soon divested of power, and the former order of things restored. The opposition in the Chambers, however, still continued formidable and imposing, and the more so from the character of the leaders of the different branches of which it was composed. The legitimists, entitled to consideration from their numerical strength, and the character of their leaders, M. Berryer, one of the great orators of the age, and Larochjaquelin, whose name, loyalty, and chivalrous devotion to an exiled sovereign, made him the idol of his party, composed the most powerful branch of the opposition. This party, cherishing traditions of the glory of France, under the ancient monarchy, which were embellished by the glowing rhetoric of one leader, and illustrated by the great name and chivalrous character of another, could not but be formidable in its influence over a population so enthusiastic as that of France.

But the legitimists were not the only portion of the population of France, who had their inspiring traditions and recollections. There were those who remembered the victories and glories of the Empire. It is true, there could hardly be said to be an organized Bonapartist faction, or party, in the Government; but the name of Napoleon was still idolized in France, and it was a rallying cry at which thousands of hearts still bounded. There were, too, tens of thousands of Frenchmen who looked forward, with a kind of indefinite hope, to the day when the glory and power of the Empire were to be revived in France under the auspices of some heir of the name of the great Napoleon. In this class were the elements of a party always ready to aid in producing any change which might be contemplated, in order, that by it their hopes might be realized.

From the commencement of the reign of Louis Philippe, there had never ceased to be a republican party, more or less numerous. It was composed of men, attached to liberal principles of government, who had not been witnesses of the excesses of the Revolution of 1789, which had sickened the hearts of so many devoted patriots, and alienated them from a noble cause. This party still aimed at the establishment of republican institutions, and always formed part of the opposition in the Chambers. But until shortly before the revolution of 1848, it had no great acknowledged leaders; about this period, however, it began to recognize Ledru Rollin, a man of talents, but of violent and somewhat extreme opinions, as its chief.

At this period there also existed a strong opposition, composed of men who professed to be devoted to moderate monarchical principles of government, but whose hostility to the existing Ministry, headed by M. Guizot, was of the bitterest and most unsparing character. The most violent portion of this opposition was led by M. Thiers; the more moderate by M. Odillon Barrot.

There was another party, strong in numerical force, to be found principally in the larger towns, but which had, at the period of which I speak—the fall of 1847—few or no representatives in the Chambers. This was the Socialist party, entertaining opinions on the subject of government almost verging on anarchy, and tending directly to it. It embraced in its ranks many men of talent, of good intentions, but visionary and impracticable in their views of government. But while to this party belonged many good and upright-intentioned men, it numbered in its ranks others who aimed at the overthrow of every organized form of government, if not of society itself.

At the period of which I am speaking—the autumn of 1847—discontent was widely spread in France. The foreign policy of Louis Philippe, whose aim, it was alleged, was the aggrandizement of his own family, at the expense of the interests and honor of France, was loudly condemned. The restriction of the right of suffrage to less than three hundred thousand electors, out of a population nearly approaching thirty-six millions, was the subject of great and just complaint. Corruption, extensively employed in electing the members of the Chamber of Deputies, was boldly charged and openly denounced; and finally became the ground of the demand for "Electoral Reform," the last rallying cry of all the elements of opposition, previous to the revolution of February, 1848.

At the close of the session of the Chambers, previous to their meeting in December, 1847, which proved to be their last under the monarchy, the great leaders of the opposition concerted a plan of agitation, to be carried into effect during the recess. This was the origin of the Reform Banquets, and the immediate occasion of the revolution. Banquets of this kind took place at Autun, Châlons, Dijon, and elsewhere, and furnished opportunity for a combination of the elements of opposition, and inflammatory and exciting harangues. The Ministry was assailed in the most violent manner; nor did the King himself escape a share of the invective lavished upon his ministers. But, although sedition was boldly preached at some of these banquets, no notice was taken of them by the Government—no attempt made to suppress them, or check the violence of their authors;—and if this forbearance on the part of the Government had been continued, the revolution of February, 1848, would never have taken place.

Shortly after the assembling of the Chambers at their last session, one of these banquets was announced to take place in Paris, on the 20th of February. At first the Government manifested no disposition to interfere; but on learning that the National Guard had been invited, and fearing that its fidelity might not be proof against the seditious enthusiasm, which was certain to prevail, forbade the demonstration, and announced its determination to suppress it by force, if force should be necessary. This was the eve of the revolution; and the suppression of this banquet the proximate cause of it.

Mr. President, I have detained the Senate by this dull detail of historical facts for the purpose of bringing into view the various elements of opposition to the Government, and the immediate causes of its overthrow. This opposition embraced in it, legitimists, Bonapartists, disaffected monarchists, republicans, socialists—all shades of political opinion—the advocates of every system of government, from those who maintain the divine right of Kings, to those who regard every form of government, as an unjust restraint upon natural liberty. Thus it will be seen, that republicanism was but one element in the combination, organized in the first place for the overthrow of the Ministry, but which afterwards, taking advantage of opportunity, aimed at, and accomplished the overthrow of the Monarchy.

From what I have shown, it must be apparent that the revolution of February, 1848, was not a revolution of ideas pervading the mass of the people of France—not the result alone of the progress of the human mind in the science of moral and political Government; nor of a wide-spread prevailing conviction of the necessity of republican institutions to meet the wants of advancing civilization, to maintain social order, and protect individuals in the enjoyment of life, liberty, and property. No, Mr. President; it was effected by a combination of incongruous and discordant elements, bound together for the time, and for a single object, by a common sentiment of hostility to the government of Louis Philippe, and aided in the end by accidents and blunders.

The banquet, announced for the 20th of February, had assembled a large concourse of discontented persons in Paris. The order of the Government for the suppression of the banquet by force gave rise to exciting and violent debates in the Chamber of Deputies. Lamartine and Ledru Rollin espoused the popular cause, and defended it with eloquent energy. Thiers, Odillon Barrot, and other orators assailed the Ministry, denouncing its corruptions, exposing the selfish and degrading character of its foreign policy, and insisting upon its dismissal. Meetings of the people were held. The clubs were in session. The mob mustered its motley bands in the faubourgs. This was the evening of the 22d of February. On the morning of the 23d the Government commenced its arrangements for the defense of the city and the suppression of the insurrection. The troops of the line were brought up from their cantonments, and stationed in the city, so as to command the positions of most importance. The National Guard was summoned to arms; and, obedient to the call, battalion after battalion advanced to take the position assigned to it. The night of the 23d the troops slept on their arms in the streets.

On the morning of the 24th the crisis was at hand. All night the people had been laboring at the barricades, preparing for the contest which all felt to be impending. Early in the morning, the Deputies assembled in their Chamber, which was surrounded by a vast concourse of people. As yet nobody supposed the throne in danger. A change of Ministry was all that was demanded. The dismissal of Guizot and his colleagues, and a cabinet headed by M. Molé, a man not unacceptable to Louis Philippe, would have satisfied the people. But the King hesitated, and declined to concede anything. Later in the day, he would have conceded what he had refused in the morning; but the mob having increased in numbers and audacity, would not accept a Ministry, unless the members composing it were selected by the popular leaders of the Chamber. But even then, a Ministry with Odillon Barrot at its head, would have satisfied the people and prevented a revolution. The King again hesitated, and by hesitating lost all. An unfortunate accident precipitated the crisis. A disorderly crowd, pressing upon a battalion of troops, were fired upon by it through a mistake of orders. From that moment reconciliation was hopeless. The people believed that blood had been wantonly and deliberately shed; and the National Guard, wavering before, now ranged itself on the side of the people.

A resolute use of the military force, composed of the troops of the line, which occupied all the commanding positions of Paris, might still have quelled the insurrection and saved the Monarchy.

But it would have been at the expense of thousands of lives. The troops of the line were still faithful to their duty, and obedient to their generals; but the King refused to use them, although Marshal Bugeaud knelt at his feet, and begged permission to sweep the mob from the streets, or to withdraw the troops from the city, where their presence only served to inflame the popular resentment and hatred. But the demon of irresolution seemed to have taken possession of the King, and he hesitated still, on the brink of the precipice down which he was so soon to plunge.

The troops standing at their posts, with orders to do nothing to provoke or injure the people, were assailed on all sides with solicitations, caresses, and threats to induce them to unite with the people in vindication of their rights. The mob forced itself into the ranks, took hold of the muskets of the infantry and the matches of the artillery men, and wrested them from their hands; whilst the soldiers, obedient to their orders to do nothing to exasperate the people, were obliged to stand still and suffer themselves to be disarmed.

About this time the King was informed that nothing short of his abdication would satisfy the people. Members of the popular party, wishing well to his person and anxious for his safety, communicated to him the sad alternative of abdication or death at the hands of the mob. A paper was put into his hands, ready to be signed, announcing his abdication, and declaring the Duchess of Orleans Regent. He hesitated to put his name to it, though informed by his intimate and confidential friends that the mob were in possession of all the prominent posts in the city, and that the dragoons in the very court of the Tuilleries were surrendering their swords to the people. Previous to this, he had sent for Odillon Barrot and appointed him minister, with power to form a cabinet. But it was then too late. Neither Odillon Barrot, much as he was respected for his great ability and uprightness of character, nor a regency with the Duchess of Orleans at its head, would satisfy the people of Paris. Everything but a republic had become impossible; and a republic was proclaimed by the Chamber, and a provisional govment appointed, amidst the huzzas of the people, and in the presence of the Duchess of Orleans, who had gone to the Chamber, attended by her infant children, in the hope that by so doing the throne would be assured to her son. But all the devotion of a mother could not stay the torrent which was sweeping all vestiges of royalty from the soil of France. A few hours earlier an exhibition of wisdom and decision, on the part of the King, would have secured the throne to his grandson, if not have saved it for himself. A fatal indecision or blind confidence cost him his crown, and made him and his children exiles. And this indecision and blindness characterized his conduct to the last. His abdication, when finally proclaimed, was in favor of his son, instead of his grandson, the legitimate heir.

Mr. President, I am fully aware of the tediousness of the mere narrative character of my remarks. But it has been necessary to the object which I have had in view; and I shall be compelled still further to task the patience of the Senate by an historical recital of events connected with the late revolution. But before proceeding, I desire to state that my object has been to show, that the revolution of 1848 was not brought about by the prevalence of republican sentiments, in the minds of the French people, but by a combination of various elements arrayed against the Government.

If the revolution of 1848, by which the Monarchy became a Republic, had been the result of a general revolution of ideas, in favor of republican institutions; and the revolution of 1851, by which the Republic became a despotism, had been brought about by a retrogradation of republican ideas and sentiments, or of a conviction in the minds of the people, of its insufficiency to answer the great ends of government and of civil society, then there would be, indeed, reason for concluding that republicanism is permanently and hopelessly prostrate in Europe. Its condition, I admit, is discouraging and disheartening enough; but I am not willing to consider it entirely hopeless. I have faith in human progress; and progress in the science of government, is in the direction of republican institutions. Does any one doubt this? Will any one deny that progress in government is to be found in institutions emanating from the people? Man's incompetency to govern himself is the apology of despots, for usurping the right of governing him. Enlighten him, civilize him, teach him his duty to himself and to others—that he has rights, and that knowledge will qualify him for their exercise and enjoyment, and you thus take away the tyrant's plea. Civilization is but a term, expressive of the progress of mankind in the knowledge which teaches him how to discharge the duties, and enjoy the benefits and blessings, of civil society. It is but another name for knowledge; and advancement in knowledge, which is human progress, is onward, and its course cannot be permanently changed. A combination of causes may check it. It may stand still for a time. In the midst of convulsions and revolutions it may go backward for a season, as did the shadow on the dial. But its law is a law of progression, and its ultimate course is forward. In this, in the enlightenment of the age, the rapid transition of ideas by the thousand avenues, closed to all former ages and generations, is my hope for the speedy and permanent renovation and triumph of republican institutions, over the old systems of government, built upon the ignorance, and consequently upon the weakness of the people.

But, without dwelling further on the causes which produced the revolution of 1848, or going more at length into an examination of the abstract reasons, furnishing hope for a renovation of republican institutions in Europe at no very distant day, I proceed to inquire, whether the late revolution in France is to be attributed to the decline of republican sentiments and principles in the minds of the people'

The revolution of 1848, although brought about by a combination of discordant political parties, was followed by the establishment of a Provisional Government, republican in its form; and a few months later was replaced by a regular Republic emanating from the people. At that period, although the republican party in France, constituted by no means a majority of the whole people, any other form of government than a Republic was impossible. The Provisional Government, at the head of which was, ostensibly, Dupont de l'Eure, but really Lamartine, had become popular with the people, by virtue of its moderation and the magnanimity of its acts It had maintained peace with foreign nations, and afforded protection to the persons, and security to the property of the citizens. The middle classes, always friendly to order, and adverse to political revolutions, so detrimental to the interests of industry, although not strictly republicans, were unwilling to change the existing form of government. The new Government had conferred upon them large political privileges, which the monarchy had denied them, and afforded them security; which was all they desired. Without preferring it, therefore, to the constitutional monarchy which it succeeded, they were prepared to support it; and uniting with its friends, sustained it by voting for republican members to the Convention. By this union a majority of republicans were elected, and a ratification of the existing form of government secured. There was, however, a large and formidable minority in the Convention hostile to a Republic, composed principally of monarchists, attached to one or other of the proscribed dynasties, Bonapartists and Socialists. Outside of the Government were other enemies more immediately dangerous to its existence. These were foreigners, refugees, habitual plotters of insurrection, together with that class of men opposed to all the restraining institutions of civil society, and to society itself, unless in some Utopian and impracticable form. Against all these enemies, the Republic had to stand on its defense from the day of its organization. Scarcely had it been launched, and before form and symmetry had been given to it, or its power consolidated, on the 15th of May an insurrection was organized for its overthrow by that class of the population to which I have just referred, composed of foreigners and men in whose estimation order is a reproach, and civil government of every kind a wrong, because it is a restraint. Two hundred thousand of these men rose in armed insurrection to put down the Government. Paris, as well as the Convention, was for a while in their possession; and the excesses of the worst days of the old revolution were renewed.

But few, comparatively, of the troops of the line were in Paris, and the reorganization of the National Guard not being complete, the main reliance of General Cavaignac for the defense of the Convention and the city was on the *Guard Mobile*, composed principally of young men and boys of the laboring classes, organized subsequently to the revolution of February, through the influence and instrumentality of Lamartine. The contest was doubtful, and lasted several days. The force under Cavaignac, owing to the paucity of its numbers, and being obliged to leave many strong positions unoccupied, they were seized and fortified by the insurgents. Barricades, mounted with cannon, having been erected on these points, they became almost impregnable. But the energy of Cavaignac, the courage of the troops of the line, and the gallantry of the Guard Mobile, who marched to the assault of these formidable defenses with the steadiness of veterans of an hundred battles, finally triumphed. The carnage was frightful; hundreds of these gallant fellows perished in front of the barricades, fighting for the maintenance of civil order and constitutional freedom.

In this contest, the adherents of both branches of the ancient monarchy, the Bonapartists, and Socialists, took the side of the Government, and labored with its friends to suppress the insurrection and preserve order. But although in this crisis, threatening the subversion of society, these branches of the opposition stood by the Government, they were nevertheless hostile to it, and from the first engaged in plots to change its form.

Mr. President, I pass over, for the present, the various phases which the Opposition assumed, and come to the period immediately preceding the revolution of December last—merely stating that, after the insurrection of May, 1848, the civil administration of the Government was temporarily vested in General Cavaignac, in whose hands it remained until the election of a President under the Constitution.

At the election of December, 1848, Louis Napoleon Bonaparte was chosen President, in pursuance of the provisions of the Constitution, for a period of four years; and a representative chamber was elected at the same time. The majority of votes in favor of the President was immense. All parties, in the hope of promoting their own views of Government, either directly or indirectly, supported him. Most of his popularity, however, was due to his name—a name still worshipped in France with enthusiastic devotion by a great portion of the people. At first, a majority of the Assembly were disposed to support his Government; but the dividing line between the powers of the executive and legislative branches of the Government not being very clearly defined by the constitution, and sometimes clashing with each other, misunderstandings and jealousies were the consequence; and these grew speedily into open ruptures.

The legislative body, large and unwieldy, unaccustomed to the habits of legislation, and composed of discordant elements, made little progress in business, and did nothing to win or even retain the confidence of the people. The journals under the influence of the Executive labored assiduously to withdraw confidence from the Assembly—making it the object of their ridicule, by holding it up to the public as a congregation of puerile babblers. The editors of these journals might, however, have learned, by an occasional glance at this body, that the Assembly of Deputies is not the only one which prefers talking for its own gratification to laboring for the benefit of its constituents. The efforts of the journals, and its own folly, ended in making the Assembly obnoxious to all classes of the people. Soon after its assembling, at the recommendation of the President, it had passed an act abridging the right of suffrage. Several efforts were made to repeal it, but they were always unsuccessful—the friends of the President acting with the majority in defeating them. Immediately after its late meeting in November, having in view, no doubt, the act of usurpation afterwards committed, the President recommended the abrogation of the obnoxious law. The Assembly, blinded by folly or hostility to the Executive, or both, refused to repeal it, and thus fell

into the snare which had been laid for them. This refusal of the Assembly furnished to the President the opportunity which he sought of getting rid of the legislative body, and seizing upon the whole power of the Government; and accordingly, on the 2d of December last, by an act of astounding usurpation, he dissolved the legislative chamber, shut the members out of their hall, banished those who were most obnoxious to him, seized upon all the powers of the Government, and vested them in his own person. No revolution was ever more successfully achieved; no act of usurpation ever more complete; none ever acquiesced in with such seeming unanimity.

What are we to conclude from this act, its successful accomplishment, and the apparent general, almost universal acquiescence in it by the people of France? This is the great practical question, for the solution of which I have detained the Senate, by the tedious array of facts which I have brought into view. Are we to conclude, from it, that it was occasioned by a declension of republican sentiments in the minds of the French people, or of a conviction, on their part, of the inadequacy of republican institutions to the accomplishment of the great objects of civil society? After all the struggles, convulsions, and bloodshed, are the few brief days, during which the people have exercised the rights of popular sovereignty, to be the last? Can it be true, that civilization has gone forward until now, and that henceforward it must stand still, or go backward? I admit, that late events in France and in Europe, wear a sinister and disheartening aspect, but I am not yet ready to conclude that republican institutions are worn out, prostrate, and degraded forever.

In the usurpation of Louis Napoleon, and its ratification by more than seven out of eight millions of the electors of France, the honorable Senator from Tennessee sees the abandonment of the principles of popular sovereignty, their prostration, and ultimate subversion. In this, Mr. President, there is undoubtedly cause for discouragement, but not of despair. We must look at the circumstances—to the circumstances to which I have just referred—to the mistakes of the Legislative Assembly, the advantage taken of its blunders by a shrewd, bold, and unscrupulous demagogue. We must not forget that the Republic was overthrown in the name of republicanism; that force and fraud were the means by which its subversion was effected. The danger of the impending crisis, when a new election was to take place, under a constitution whose powers were still unconsolidated and untried, was magnified. The industrial classes, those engaged in peaceful pursuits, were appealed to through the medium of their interests—certain to be affected by the internal convulsions which were so loudly predicted. To the Republicans was held out the boon of universal suffrage—the panacea for every ill, the engine by which the people would, at all times, as they were told, have it in their power to right their wrongs. The army was won by largesses, and the hope of a new era of glory, not less resplendent than that of the Empire. Nor should we forget, that the question propounded to the people, to be solved by their suffrages at the election of the 20th of December, was not a question between different candidates or forms of government. It was whether the existing order should be maintained by a ratification of the act of the usurper, or government be again cast loose on the sea of agitation, to drift at the mercy of contending factions. Under such circumstances, in such a state of things, good men, even wise men, acquainted with the true situation of the country, and comprehending those of the intentions of the usurper which were most apparent, might almost be pardoned for acting as the people of France acted on the occasion. The formula of the decree, directing the election to be held, gave them but the alternative of pronouncing between the temporary dictatorship of the usurper and a bloody revolution. There are but few men, while they are at liberty to choose, would have done differently. When revolutions have actually begun; when the elements of strife are already in commotion; when the blood is up, men are capable of heroic resolutions—of sacrificing themselves and their all to the cause. But it is not so in times of quiet, when there is no excitement to stir their blood, and stimulate to acts of heroism. On the occasion to which I am referring, peace reigned in France; and the resolution which the people were called on to take, if they determined to accept revolution, by rejecting the usurper and his acts, was to be taken calmly, and carried out deliberately, during a period when no great convulsions agitated the body of society At this period, promises of security to person and property, instead of decrees of proscription, confiscation, and exile, were the order of the day. The devotion of the usurper to the glory and welfare of the French people; his determination to maintain the blessings of peace, order, and security, were the burdens of his proclamations, and the themes on which the tongues of his partisans were eloquent.

But, it is said, Mr. President, that the late election of members to the Chamber of Deputies, the popular branch of the Legislature, (so named, I presume, in derision,) after the effects of the first surprise, produced by the daring character of the usurpation of the 2d of December, might be supposed to have subsided, is a new indication that the act of the usurper is not only tolerated, but looked upon with satisfaction by the French people. I admit that this election has in it nothing flattering for the friends of republican liberty. But it ought not to lessen their hopes. The same means which were effectual in procuring the ratification of the original act of usurpation were again called into play. The press, under a rigid censorship, was only permitted to publish articles favorable to the Government. The police was active through all the departments of France, in favor of the government candidates. No means of communication were permitted to those opposed to it. Organization in the departments, in favor of candidates on the part of the opposition, was therefore impracticable. Alarmed, too, by the proscriptions, imprisonment, and banishment of those who had ventured to question the conduct of the usurper, men, in the absence of a pressing and overruling necessity, were indisposed to incur its vindictive resentment.

The higher classes, those in which the adherents of the elder branch of the Bourbons were formerly found, saw with satisfaction the overthrow of the republic, and an approach, at least, to the institutions of absolute monarchy. They hoped, too, no doubt, that the institutions of the monarchy being restored, monarchy itself would follow in the end. The middle classes, always in favor of the existing government whilst their privileges are respected, did not depart in this instance from their accustomed line of policy. Thus, it is not surprising, nor, all things properly viewed, does it furnish cause for additional discouragement, that the whole body of deputies, with the exception of three members, two elected in Paris and one in Lyons, are supporters of the President and his acts of usurpation. On the contrary, there is this in it consoling, that in Paris and Lyons, the two great cities of France, where, from the compactness of the population, the means of communication and organization were practicable, three republican deputies were chosen.

But in all these facts there is no evidence of any decline of republican principles—no proof of a retrogradation of ideas, nor of returning attachment, on the part of the people of France, or any portion of them, to absolute principles of government. All that they establish is, that as the constitutional monarchy, in 1848, was overthrown by a combination of incongruous elements, which took advantage of the blunders of the Ministry, so in 1851, the President, taking advantage of the mistakes and unpopularity of the Chamber, and of a combination of elements hostile to the existing government, and equally as incongruous as those of 1848, overthrew the republic. But, nowhere, I repeat, is there evidence to show that the republican party is now weaker, in France, than the day on which the republic was proclaimed. It has only bent beneath the storm, to rise, I trust, when it subsides.

In the next place, as evidence of the repudiation and permanent prostration of republican institutions, the condition of the stock exchange, the great political barometer, supposed to indicate by its movements the probability of quiet, or of commotion and change in governments, is adverted to. It is true that, at present, great activity and confidence is everywhere manifested by the operations of the great capitalists and commercial classes. But as the physical instrument, used to indicate the state of the atmosphere and the approach of storms, is sometimes influenced by causes lying beyond the horizon of ordinary vision, producing movements, indicating a condition of things which never comes to pass, so the great political indicator, the stock exchange, is sometimes governed by reasons hidden entirely from the public view. It may be, too, that the conduct of the republican government, established on the ruins of the monarchy, at the period of the abdication of Louis Philippe, in 1848, influenced, no doubt, by considerations of a just policy, the fruit of modern civilization and progress, which caused the new government to respect the rights of property in all classes, furnishes one of the grounds of security which is at present manifested by the great capitalists, the commercial and industrial classes in France, and throughout Europe. The conduct of the Provisional Government, *improvised* at the moment of the flight of Louis Philippe, in respecting the rights of property, embracing that of the exiled King and his family—in proclaiming an amnesty—in sweeping away the scaffold, and wresting the sword from the hands of political vengeance, by a decree, must forever constitute its proudest claim to the attributes of justice, clemency, and wisdom in the exercise of its unlimited power. These acts, together with its proclamation of its intention to maintain the peace of Europe and of the world, as far as it was in the power of France, are all titles to honor, and examples of forbearance which will not be lost, when political power shall hereafter pass from the hands of Kings, into what I trust is to be its ultimate depository—the hands of the people. In these acts, too, I would fain believe, is to be found the reasons for the security at present evinced by the stock-brokers and money changers of Europe. Human wisdom, it seems to me, judging of the future by the past, has nothing on which to base the opinion that the existing state of things is permanent, or settled even for any considerable period. In an age like this, an age of progress, an age emphatically of change, when one species of government is swept away, almost in a moment, and without premonition, to make way for another, to predict at such a time, permanency, or even stability, would be folly. It is, therefore, in my judgment, more reasonable to conclude, that the class of people to whom I have just referred, base the security, which their operations everywhere manifest, rather on the amelioration of society, and the juster notions of individual and private rights, which are beginning to obtain amongst civilized men, and which were acted upon by the late French Republic and other European Governments, which changed systems in 1848, than on a belief, that the existing state of things in Europe is permanent. What foresight, except omniscient, to which the future is as the present, can predict the changes which even a year is to bring forth? What has taken place to compose the convulsed and heaving elements of European society, or extinguish the volcano in its bosom? Who believes that these elements are at rest, or that the subterranean fires have been quenched? To suppose that elements of social discord which have been accumulating for centuries, could be extinguished by the *coup d'état* of a demagogue, in a single State, no matter how complete and successful it may have been, is to disregard every known relation between cause and effect. A drop of water will not quench the flames of a burning house; nor a single act of usurpation smother the germ of liberty which has taken root in millions of hearts. No, sir; no;—whatever the operations of the money changers may indicate, the love of civil freedom is not extinct, and never can be, until art, science, letters, modern civilization, and progress have been swept away in the refluent tide of despotism.

Another fact brought into view by the distinguished Senator, [Mr. BELL,] in support of the conclusion that popular institutions are dishonored, prostrate, and discarded, is the declaration of Lord John Russell, made not long since in the British Parliament. In the opinion of this gentleman, by the usurpation of Louis Napoleon, and its subsequent ratification by the French people, the peace of Europe was consolidated and rendered perma-

nent. Such an annunciation, by a statesman as eminent as the late Premier, familiar as he is supposed to be with the sentiments of the French population and the condition of things in Europe generally, has in it, it must be admitted, something sinister, and discouraging to the friends of popular government. But it must be remembered, that though an Englishman and a Whig, and notwithstanding his professed dissatisfaction with the acts of the usurper, his sympathies are all adverse to the principles of popular sovereignty, and on the side of monarchy. It may be, too, that in his annunciation there was more of a design, covertly to commend his own policy, in having so conducted his administration as to secure the peace of Europe, than of any very profound conviction of the truth of his declaration. At any rate, I consider it of little importance, either to establish the fact, or influence events for the future.

The last fact adduced by the Senator to sustain the conclusion I have been examining is, that there are now imbodied and at the command of the enemies of republican institutions, four millions of men in arms. This is, indeed, an immense force; and it is but too true, that in many instances, the armies have proved themselves loyal to their masters, and obedient instruments of their despotic will. But large as this force is, and obedient as it has shown itself to the behests of despotism, it is but little larger, and no more efficient, than it was in 1848. In ordinary times, when the republican spirit slumbers, when it lies dormant under the influence of force and fear, the military power is an unit, moving according to the impulse given to it by the hand that sways it. But in periods of great popular commotion, when the republican spirit is aroused, and comes to pervade the great masses of the people, it soon finds its way to the armies, whatever may be the obstructions raised to prevent it. It reaches them through a hundred channels. Father communicates it to son; brother to brother. Sympathy is electrical, and passes through mediums which the senses do not recognize; and the soldiers, belonging originally to the mass of the people, are embraced and influenced by their sympathies. The indurating influences of camps are not calculated to cultivate them; but the recollections of the soldier, circumscribed though they may be, are not always limited to the circumference of the sentry's call. Sometimes they get beyond it, and go back to the native hearth, and catching there the contagion that surrounds it, they cease to be the mercenaries of despots, becoming again the children of the people, animated by their sentiments and hopes. These recollections, the knowledge, or even the suspicion, that their fathers or brothers are in arms to vindicate their rights, although they may not make them traitors to their colors, are fatal to their zeal, and consequently to the despot's cause.

In the earlier stages of the revolution of 1848, as well as in the revolution of 1789, the French army was devoted to the King; and if Louis Philippe could have made up his mind to the slaughter of the people, it is probable he might have saved his crown and throne. But, until it was too late, he refused to listen to the supplication of the generals, who begged repeatedly for permission to use the troops to sweep the mob from the streets; and, at length, when it had become evident to all, that nothing but force could quell the insurrection, and preserve the throne, both the troop of the line and the National Guard refused to fight. They had caught the contagion of liberty from the people, and their sympathies for their brethren were stronger than their habits of subordination, discipline, and their devotion to their chiefs. And such was the case in Italy. I was present at Rovigo when the Italian regiments in the Austrian army refused to march against their countrymen, who were up in arms to assert the independence of Italy. And this will always be the case; and in it is the security and hope of the Republicans of Europe, that the great force imbodied for their subjugation will not avail when the decisive moment shall arrive to try the great issue between kings and people!

But, Mr. President, it is said, and said with truth, that France is not the only country in Europe in which the people, after having arisen, and successfully vindicated their right to establish institutions for their own government, have recoiled before despotic power, and again sunk back into its arms. Although this be true, we must not conclude, without other proof than that which is furnished by the fact adverted to, that the republican spirit is extinct, or that it has even declined or retrograded in these countries. A brief examination, I think, will show that it has not.

The impression is very general, that the revolutions which convulsed Europe in 1848, commenced with that of France. This is a mistake. They commenced in Sicily in the autumn of 1847. Causes of discontent, commencing at the period of the pacification of Europe, in 1815, existed between the King of Naples and his Sicilian subjects. At that period they were promised a constitution, with a representation in the government at Naples; but, under various pretexts, the King of Naples had refused to fulfill the promises which had been made. This was a continuing cause of discontent and irritation to the Sicilians. But there was another grievance of which they complained, much more formidable, producing real hardship. It was the absence from their estates of the nobles and great land proprietors, who resided in Naples, where all their revenues were expended, to the injury and impoverishment of the Island of Sicily. The rents paid by the tenants to their landlords were exorbitant, and collected with more than English rigor. This was naturally a subject of complaint; and the minds of the people of Italy generally, beginning to be agitated by the first tremblings, indicating coming convulsions, were in a condition to remember past as well as present grievances; and an event which had occurred a little while previously, hastened the progress of the spirit of discontent, and stimulated the people to demand of the King the fulfillment of old guarantees and pledges.

Gregory XVI. died in 1846, and was succeeded on the Pontifical throne by Pius IX. This event lay at the foundation, and was the precursor of the great convulsions which have since shaken Europe. Pius IX., a wise, liberal, and good man, devoted himself, from the moment of his accession to the Papal throne, to the correction of the enormous abuses which existed in the administration of the temporal government of the Estates of the Church; and there is no doubt that, looking beyond them, he was anxious for the regeneration of Italy. Remembering what she had been, seeing everywhere around him the wrecks of her former power, and the living evidences of her present degeneracy, it was natural that he should feel himself called on to do something for her regeneration and restoration. But his first duty was to his own subjects, and his first act was an act of amnesty.

At the period of his accession to the throne, the prisons were filled with political offenders—with those who had conspired in favor of liberty. Thousands were in exile, wandering in strange lands, some in England, some in our own country. By the proclamation of amnesty, the doors of the prisons were thrown wide open, and those who were languishing in exile were invited to return to their own homes, where security would greet them upon their own hearths. These men, the victims of arbitrary power, returning to their own land, became preachers of the gospel of liberty to their countrymen. But even their absence, instead of profiting, had been hurtful to arbitrary rule, by prompting the inquiry as to the authority by which men were banished for opinion's sake. On their return, everywhere objects of universal interest, they were received as victors are received, coming fresh from fields of battle, with demonstrations of grateful enthusiasm. The principles of political liberty, long fermenting in the minds of the people, were about to be put in practice, and the Pope was regarded everywhere as the patron of liberal institutions, and the future head of a united Italian Government. Throughout the whole of the peninsula were felt the indications of coming change. The great deeps of society were heaving with agitation, as does the sea sometimes at the approach of a storm. Men's minds were laboring with new ideas, in new channels of thought. All at once, as if moved by some sudden and common impulse, the people seemed to have discovered that rights which were theirs by birth had been denied them.

In this state of things, operated upon by the causes of discontent to which I have referred, the Sicilians demanded of their king a fulfillment of his promises, and a redress of grievances. Refusing both, they rose in insurrection, and thus became the leaders in the van of the battle for freedom. Troops were sent from Naples, and the city of Palermo was besieged. This was in December, 1847. The mountaineers of Calabria hearing that the war had begun, hastened down from their hills, joined their brethren and fought by their side. The enthusiasm for freedom pervaded all classes. Women mingled in the ranks, exhorting their sons, husbands, and brothers to fight bravely; whilst the priests stood by to administer consolation and bless the dying. The flame spread. The Neapolitans rose and demanded political privileges. Their demands were met by the proclamation of martial law. Naples was declared in a state of siege. The guns of St. Elmo were trained upon the city. Batteries of flying artillery, and squadrons of cavalry occupied the streets; and the King declared, that rather than concede a jot or tittle to the demands of the people, he would make the city a heap of ruins. This was on the 27th of January, 1848. During the whole of the 28th the people were preparing for the anticipated conflict. On the morning of the 29th, the dismissal of the Ministry and a constitutional form of government based on the principles of that of Belgium, were proclaimed.

About the same time, the King of Sardinia, and the Grand Duke of Tuscany granted constitutions to their respective subjects, securing to them the important privileges of representative government.

In the spring of 1848, the Pope, who had been engaged in getting rid of the legacy of abuses bequeathed to him by his predecessor, submitted to his subjects the plan of a constitution, framed by an intelligent body of representatives, convoked by him from different parts of the Papal States. It was liberal in its concession of privileges, and such as might have been anticipated, at the hands of a ruler, aiming to elevate the condition of his subjects. The people flocked from all parts of his dominions to swear allegiance to it. But, whilst the masses everywhere received it with demonstrations of enthusiastic satisfaction, the Austrian party in Rome, predicted as the results of it, not only temporal anarchy, but the overthrow of the spiritual power of the Papacy. Thus, from the period of the adoption of the constitution onward, until the flight of the Pope, in the November following, there were two parties arrayed against each other in a spirit of bitter hostility. But notwithstanding the civil dissensions prevailing in the Papal States, growing out of the constitution, its promulgation was the signal for rising in those parts of Italy, hitherto least disturbed by popular dissensions and commotions. The Austrian provinces of Italy, lying between the foot of the Alps and the Apennines, and extending from the lagunes of Venice to the borders of Sardinia, embracing Venice, Lombardy, and virtually the Duchies of Parma and Modena, weary of foreign domination, prepared to cast it off. Venice revolted and drove out the Austrian troops; Padua, Vicenza and Milan followed her example; and in a few days the whole of the Lombardo-Venetian kingdom was up in arms to assert the independence of Italy. The enthusiasm was universal; it pervaded all classes and conditions of society—noble and peasant, old men and young, boys and women, priests and laymen—all were in arms; and everywhere the Austrian troops, the best disciplined soldiers in Europe, were flying before this popular militia. Milan was besieged by an immense army under Radetzky. During five days and nights his heavy batteries thundered upon the city; but true to the cause of Italian liberty and independence, which they had sworn to defend, the courage of its defenders flagged not a moment. The King of Sardinia was marching to their deliverance; and their compatriots of Venice and Lombardy were flocking to join his standard. Emulating each other in patriotic sacrifices and privations, men and women labored together upon the barricades, by which the advance of the enemy was to be impeded, should he attempt to carry the city by storm. Where these temporary breastworks were deficient, they were strengthened by piling up household furniture against them; and for this purpose, beds, bedding, sofas, and every kind of article adapted to the purpose, were prof-

fered with the alacrity inspired by patriotic ardor. Seeing the determination of the city to endure every extremity rather than surrender, and aware of the approach of Charles Albert, and the rising of the people of Lombardy in his rear, Radetzky was at length compelled to retreat.

At this moment Austrian power in Italy was verging to its fall. Its rule had been one of unmitigated rigor; and being a foreign one, was on that account the more hateful to those over whom it was exercised. Unchanged in its principles; standing alone in the exercise of arbitrary authority in Italy, like the last fortress which holds out in a conquered land, it was the object of attack on all sides. At home the Metternich ministry had fallen; Vienna was in insurrection; Hungary in a state of open and successful revolt; and Radetzky, the last prop of Austrian power south of the Alps, pressed not only by the insurrectionary forces of the Austrian provinces of Italy, but likewise by a numerous and formidable Sardinian army, led by the King himself, was forced to retreat, and in danger of being compelled to evacuate Italy. But the ambition of Charles Albert, more intent on an Italian throne than the deliverance of Italy from foreign rule and the evils of arbitrary government, did not choose to take advantage of circumstances which were not yet ripe for his own schemes of personal aggrandizement. The moment of favorable opportunity was thus permitted to escape. The tide which leads to the fortune of nations, as well as of individuals, was not taken at its flood. Dissension began to manifest itself in the Patriot ranks. Rome was a scene of discord, on which opposing factions mutually charged each other with treason to the country, or hostility to the Church. Charles Albert, waiting till the friends of Italian independence, hopeless of success through their own efforts, should offer him the throne of united Italy, permitted Radetzky to restore the confidence of his troops, recover lost ground, and again assume the offensive; and, finally, all that liberty had gained in Upper Italy was lost on the plains of Novara, where the army of Charles and his few republican allies, who stood by him to the last, because they hated Austrian tyranny more than they feared his ambition, were overtaken by a disastrous defeat. Austria having thus recovered dominion in Italy—a dominion which was irrecoverably lost, but for criminal dissensions and selfish ambition, set to work to gather together the fragments of arbitrary power and reconstruct them anew. Her army and her policy were both put at the command of the enemies of liberal institutions in Italy. The King of Naples and the Duke of Tuscany began to withdraw one by one the privileges which, a few months before, they had conceded to their subjects. The example which Rome afforded to the neighboring kingdoms in the latter months of 1847 and the early half of 1848, had now become a spectacle of folly, exhibiting the disgraceful feuds of contemptible factions struggling for the little remnant of unsubstantial power which anarchy had left in the hands of feeble and incompetent rulers. Insubordination, a kind of legalized insurrection, in whose hands the ministers of the Pope were puppets, prevailed in Rome. The Pope, thwarted on the one hand by those who labored for the restoration of old abuses, and on the other by those who regarded all government as a violation of popular rights, was powerless. Moderate parties are always without influence in periods of great civil commotions; and those who guided the counsels of the Pope, as well as the Pope himself, were essentially of this character.

At the time of his accession, as I have already stated, Rome was the prey of frightful abuses, both in the exercise of power, and the administration of the finances. Men were exiled for their opinions; or, being obnoxious to the resentment of those in power, were imprisoned or banished on the slightest pretexts. The taxes were burdensome; but still the finances were in disorder—with deficits constantly increasing. But a small portion of the taxes to which industry of all kinds was subject, reached the public treasury. The revenues stuck to every intermediary hand intrusted with their collection or disbursement. Monopolies of the most oppressive character were not only tolerated by the Government, but patronized and protected by it. Pius IX had laid the axe to the root of these abuses; but in extirpating them, he had made enemies of those who had profited by their exercise. Many of the old Cardinals feared that the influences of the new civil institutions would be hurtful or destructive to the spiritual supremacy of the Pope; and it must be admitted that the connection of temporal and spiritual powers, as they were formerly exercised, was intimate, and to some extent dependent, one upon the other. But this is not the place to discuss the question, whether the reforms and concessions which had been made, were incompatible with the spiritual power of the successor of St. Peter or not. In my judgment they were not; but a skillful and steady hand was necessary to put the new institutions in motion, and prevent conflict between them and the spiritual prerogatives of the Pope. No such hand was found, until it was too late to reconcile the conflicting elements put in motion by ultra progressionists on the one side, and ultra retrogradists on the other. It is true that Rossi was at last called to the head of affairs; but before he took the helm, the vessel of state was already driving upon the breakers. If any hand could have arrested its course and turned it aside, it was the hand of that great man, who, after having undergone the strangest vicissitudes of fortune, having served, after being several times an exile, various Powers in the highest offices of state, died at length the head of the Papal ministry, by the hand of an assassin, whilst engaged in a noble effort to consolidate the elements of constitutional liberty in Rome. His death was the signal for the flight of the Pope, and the beginning of the reign of anarchy—deposed at last to make way for returning despotism.

But, Mr. President, France and Italy were not the only theaters of convulsion and change during the ever-memorable period to which I have been referring. Eastern and Central Europe were swept over by the same flood, and which receding afterwards, left in its wake the same wrecks. Hungary, discontented with Austrian rule, everywhere arbitrary and oppressive, endeavored to cast it off. The struggle was a gallant and protracted one; and had it not been for the dissensions amongst its chiefs, and finally the treason of one of them, and the intervention of Russia, with a powerful army, it would, in all probability, have been successful. Prussia, and most of the smaller German States, operated on by the same disturbing causes, made concessions in time to prevent violent and bloody revolutions. But all of them had to submit to great and fundamental changes in their constitutions, in order to ward off greater and more violent ones. These Governments, instead of nerving themselves to resist the torrent which had swept away so many others, politicly cast themselves into it, in order to guide it into channels the least destructive. The consequence was, that while it was impossible to prevent innovation, and the subversion of some of their old prerogatives, their thrones and dynasties were saved. But whatever may have been at one time gained for the cause of republican government, whatever concessions may have been made by despotic power, apprehensive for its very existence, most of these concessions and acquisitions have been since retracted or lost, so that at present few vestiges of them remain. Their retrogression has been even more rapid than their advance; but notwithstanding this, I cannot help but think that the great popular deluge, which inundated the Continent of Europe in 1848, left behind it in the soil principles of fertility which will hereafter produce a more vigorous growth of popular principles.

Mr. President, my object in stating, at so much length, the condition of things in Europe previous to the revolutions of 1848, and the prominent features in their progress after their commencement, I trust has been obvious to the Senate. My design was to show, that in Italy, as well as France, republicanism was but one element in the combination which produced them; and that alone it was not strong enough to maintain itself, when despotic power, recovering from the blow which it had received, prepared to reassert its power. In Sicily, as I have endeavored to show, the refusal of the King of Naples to redeem the pledges of his predecessors, and the absenteeism of the nobles and great landlords from their estates, were the grievances principally complained of. In Venice and Lombardy, the severity of Austrian rule, hostility to foreign domination, and an anxious desire for the union and independence of Italy, were the moving causes. In Rome, the revolution was produced and controlled by a multiplicity of jarring elements. The Pope, in endeavoring to correct the monstrous abuses which he found existing in all departments of the Government, at the time of his elevation to the Pontifical chair, alienated from him all those who had derived profit from this corrupt source. Another class, the older and more influential Cardinals, alarmed at the concessions made to the people, and fearing from them a conflict with their own privileges, became opponents of the Government, and never ceased to intrigue against it. But if he had been cordially sustained by the people, these elements of opposition, powerful as they were, would not have been able to thwart, effectually, the operations of the system of Government established by the Constitution. The people, however, were not satisfied with the concessions which had been made to them; and instead of rallying to sustain the Pope against the opposition which was pressing him from the other side, they were clamorous in their demands for new concessions and larger privileges; and eventually suffered themselves to be made the instruments by which a Government designed for their own benefit and protection, was to be obstructed or overthrown. From the rulers of neighboring Governments—Spain, Austria, and Naples—the Pope had no sympathy; nor could he look for aid to any of them. All of them, Austria and Naples especially, blaming him for what they termed his example of dangerous and mischievous innovations, were engaged in constant intrigues—sometimes stimulating the people to outbreaks, in order to make the Government which did not restrain them odious or contemptible, but always covertly aiding the faction laboring for the restoration of despotic power. The Government assailed on both sides, from above and below, although upheld in the last months of its existence by the strong arm of Rossi, had acquired too much of a downward proclivity, before his appointment, to be rescued from destruction. This Minister, slain by the hand of an assassin, and the Pope a fugitive, a Republic was proclaimed, which, after a few months of tumultuous existence, was overthrown by France. After the flight of the Pope, and the overthrow of the Republic in Rome, Austria soon brought back her revolted provinces in Italy to the subjection of her arbitrary sway. But we are not to conclude from this, nor from the overthrow of the Republic in Rome by the arms of France, nor the subjugation of Hungary, through the intervention of Russia, that republican sentiments have been extinguished in Europe, or that they have even declined or retrograded there. Taking advantage of favorable circumstances, the principles of popular sovereignty were for awhile in the ascendant; but absolute power rallying from its temporary check, by the use of force and fraud, has recovered, in a great degree, the ground which it had lost. But all this proves no more, than that the republican sentiment is not yet strong enough and well enough schooled to withstand the combinations which despotic power is able to make with ignorance and prejudice for its suppression.

It is true, Mr. President, that the republican Governments which rose on the ruins of the old despotisms, were guilty of many excesses and of great follies. But is this wonderful? Would it not be more so, that emerging from the degradation and ignorance in which it is the policy of despotic rulers to keep their subjects, if they had shown themselves at once forbearing, moderate, and wise, in the exercise of the powers of government—a science the most difficult of all, and requiring the largest experience? In the ordinary, everyday pursuits of life, and the occupations of men, experience is necessary to success. So it is in the exercise of the functions of government—in adapting it to the condition of the people, and the multifarious wants of society. The late revolutions were a step forward, teaching the people at once their strength and their weakness, and preparing them at some future and more auspicious day for the vindication and maintenance of their rights.

My hope, Mr. President, for the liberation of

Europe and the reascendency of republican principles is twofold, or rather derived from two sources: First, from the increased intelligence of the people, which is a necessary effect of modern improvements; and second, from the influence of popular opinion, gradually becoming stronger than even the arbitrary will of kings.

Heretofore the despotic rulers of the continent of Europe have found it easy to shut out from their subjects the influence of examples leading to a comparison of their own condition with that of people governed by liberal institutions. Knowledge, especially political knowledge, was carefully excluded. But modern improvements have rendered this political isolation of nations impracticable. The United States and Europe have been made neighbors by the improvements of the last dozen of years in ocean navigation. Our ideas, as well as the productions of our soil, are wafted to the shores of the Old World, against wind and tide, by the power of steam; and in our own day we may see the former traversing the ocean on the wings of the lightning. It has become as impossible for European rulers to shut out the influence of our ideas from their subjects as it would be to exclude the rays of the sun. But it is not only the influence of republican sentiments and ideas that is undermining despotic power in Europe. Some of its most essential means of sustaining and perpetuating itself are giving way before the force of modern improvements—improvements which they cannot check without falling behind the age, and losing as much in this way as they would gain in the other. The police system has been heretofore one of the great props of arbitrary power. By it every individual, and the movements of every individual, were subjected to a system of surveillance altogether incompatible with the freedom of locomotion, placing every one in its power, and preventing all correspondence which the Government might think proper to proscribe. One of the means, and a most effectual one in the hands of the police, was the passport system, which gave to its agents the power over the movements of individuals, which instinct gives to the bloodhound. Passports, necessary to every man going beyond the precincts of his own village, enabled the agents of the police department to trace him at every step he might take. These passports, *vised* at every town, for the next to which the traveler was proceeding, guided them on his tracks, and kept him always substantially in their sight. Railroads and telegraph lines have, in a great measure, destroyed the efficacy of this engine of despotic surveillance. The railway trains, passing from one great town to another, are not subjected, and cannot be subjected, without in a great measure destroying their very objects, and their ability to compete with similar means of communication elsewhere. They cannot be delayed at every village, in order that the passports of the passengers may be *vised*, and their luggage examined. In this way, men and ideas are both—comparatively, at any rate—left free to travel. This is one of the means which is working a revolution in the condition of European society, and giving to the enemies of despotism a power to concentrate and combine, which they have never before possessed. These improvements, railways and telegraph lines, are new channels, through which intelligence circulates with comparative freedom; and they are destined, in my judgment, to be one of the most powerful means of revolutionizing the systems of civil and political society and Governments in Europe.

The other source to which I have looked for the regeneration of European society and Governments is the influence of popular opinion, circulating through all these channels, operating upon kings and rulers. These modern improvements, to which I have referred, weakening their power, must, to some extent, render them accessible to public opinion, reaching them through so many avenues. I know that despots are slow to learn, and hard to be moved; but it is impossible that they can remain altogether insensible to the influences of this pervading power—a power destined, I feel assured, to become stronger and stronger until that which they have so long exercised must bend before it. It must, at length, teach them wisdom; and wisdom will lead them to concessions, such as the advancing civilization of the age demands. The rights, in whatever modified form it may be, of representative government must be conceded to the people, who will, little by little, become schooled in their duties to themselves. As they learn their rights, they will learn also that moderation in their exercise is necessary to their existence. Thus, Mr. President, I hope that the rulers of European nations, under the influence of public opinion, will see the necessity of conceding new privileges to their subjects; and that the latter, by the exercise of these, will become qualified for the enjoyment of still greater ones, and at length for the exercise of the high power and privilege of governing themselves. If this view of the subject be correct, the next revolutions will begin at the top and not at the bottom of society. Circumstances, compelling kings to concede to their subjects those great natural rights which belong to all men, will still leave enough of their power to prevent all excess in their exercise, until the people, trained and schooled in the knowledge and duties of citizens, will assume the right to govern themselves.

I do not deny, Mr. President, that late events in Europe exhibit some discouraging features. It would be folly to do so; but, in my judgment, it would be greater folly to despair of the future renovation and regeneration of republican institutions in Europe. As I have already said, I am a firm, religious believer in human progress, in the advance of the human mind and human institutions towards perfection. I know that their advance is not steady and with equal steps; that there are vacillations, periods when they stand still, moments when they go backward;—but that their direction is onward and forward is evident from every tradition, and from all history. And that republican institutions are those most natural and dearest to the human heart, is witnessed by the enthusiasm with which men devote themselves to death for their maintenance—by the more than veteran gallantry of the Parisian populace, and the tears of the disbanded Hungarian regiments, flowing whilst begging for little particles of their flags, mementoes of liberty, to be worn in their bosoms, when they should be tenants of Austrian prisons, or exiles in strange lands.

Mr. President, I come at length to the second conclusion deduced by my distinguished friend [Mr. BELL] from the existing conditions of things in Europe—the probability of a league of the despots of the Old World against the republican institutions of the New. This conclusion is drawn partly from the antipathy—the natural repugnancy existing between despotic and republican institutions, and partly from the actual causes of offense which the despotic Governments may find in the active sympathy which the United States have manifested for their subjects, in a state of rebellion against their authority. There is no doubt hat the despotic governors of Europe both hate and fear us. When I say they fear us, I do not mean that they are apprehensive we shall march armies into their territories to lay them waste, or put their cities and towns under contribution. I mean, that they fear our example—the example of our marvelous progress in the elements of wealth, greatness and power; an example constantly exciting comparisons in the minds of their subjects, between their condition and ours. Although separated from them by an ocean, three thousand miles wide, this country is still regarded by them as a burning edifice would be regarded by him whose dwelling is contiguous, and in danger of being consumed. And their jealousy of our progress, and their fear of our example upon their subjects will increase as the country increases in the elements of greatness and commercial enterprise. Every day is bringing the Old World and the New closer together. A few years ago, they were divided by months; at present, they are scarcely separated by weeks. Steam, applied to ocean navigation, has almost annihilated the distance between them, and brought them in contact. It is this contact they fear, even more than the rapidity of our progress, or the prowess of our armies.

That they hate us, and would gladly suppress our example by suppressing our institutions, I do not doubt in the least. The principles of absolute government are, and must always be, antagonistic and hostile to republican institutions and popular sovereignty. But if we pursue our separate destiny, continue to be governed in our intercourse with them by the precepts of the fathers of the Republic and a wise internal policy, we shall soon be beyond the reach of all despotic combinations against our peace and security.

There are many things to prevent such a league as the Senator from Tennessee has predicted. The first is their immense debt, which presses like an incubus on the Governments most likely to combine against us. To increase this debt would be to increase the burdens of their subjects, and beget discontent at the very moment when internal peace and quiet would be the most necessary. Their preparation to invade us would, in all probability, be attended with consequences disastrous to themselves. The first step would be the imposition of additional burdens on the already overloaded shoulders of the people, and the signal for the scattered elements of republicanism to combine again together; and there would be two motives to impel them to it—the imposition of new burdens, and the opportunity which the withdrawal of a portion of their armies would afford. Can it be doubted by those who are at all familiar with the present state of Europe—with the fact that the spirit of freedom on the greater part of the Continent is kept down by the bayonet—that the declaration of a war by the despotic Governments of the Old World against the republican institutions of the New, would be followed by a rising up of the people throughout the length and breadth of Europe? Sir, I doubt it no more than if it were an existing fact, that the very moment which shall witness the declaration of a war by the absolute Governments of Europe against the United States, will witness the friends of freedom again in arms to vindicate their liberty, and under happier auspices than heretofore; for they will then have allies whose duty to themselves will require them to carry their army beyond their own borders to vindicate their own security and punish its aggressors.

Mr. President, there are only two circumstances, against both of which patriotism has it in its power to guard, that would justify such a combination as that to which I have referred, viz: a state of unpreparedness and internal dissensions. Let us then adopt the wise and patriotic suggestions of the eloquent Senator from Tennessee, to look to our defenses, and cultivate a spirit of harmony between the different sections of the Union. In the latter, perhaps, more than in a state of material preparation, consists our safety from exterior aggressions and danger.

What, sir, are the best means to this end? In my judgment, they consist in those which will unite us together the most closely in the bonds of fellowship and interest. I would suggest, therefore, that we should encourage improvements of all kinds calculated to bring the different sections of the country more nearly together. A knowledge of the sentiments and character of one section of the Union by the people of the other, is the best of all means to heal asperities and heart-burnings, and give to both a proper appreciation of the feelings entertained towards them by the other. You know very well, Mr. President, that as the South becomes better acquainted with the North, she learns that there is no disposition to trample upon her rights or invade her privileges, except on the part of a few whose morbid sensibilities and excitable imaginations, lead them to see in your institutions the leaven of destruction; and, on the other hand, as the people of the North come to be acquainted with you and your institutions, (pardon me for thus referring to them,) they discover that you are neither cruel, overbearing taskmasters, nor the natural enemies of their interests and progress, as many of them had been taught to believe. I am, therefore, in favor of developing the resources of the whole country, of opening channels of commerce, and thought, by the construction of canals, railways, and lines of telegraphic communication, which shall combine all sections of the Union, and bind them together in bonds of harmony, and enlightened interest. Already avenues of this kind extend from the Atlantic sea-board to the banks of the Mississippi. Let us hope that they will soon pass that river, and stretching westward, embrace the golden shores of the Pacific. What though the Rocky Mountains thrust up their granite barriers as obstructions in the way of such an enter-

prise! Before American genius and energy, animated and stimulated by the very magnitude of the undertaking, these lofty ranges, like obedient beasts of burden, will stoop their backs to receive and bear onward the trains which industry will freight with the rich products of distant lands!

Is it to be doubted, Mr. President, that the adoption of such a policy; a policy calculated to develop the resources of the whole country, by uniting North and South in the bonds of commercial fellowship, and thus uprooting the mutual prejudices and jealousies which have heretofore existed to disturb their harmony, is our best security against foreign combinations and leagues? The nations of Europe, inimical to us and our institutions, seeing us thus united, powerful, and acting in harmony together, as we have hitherto acted when danger menaced us, will be careful not to molest us; and all combinations, such as weakness and dissension might invite, will be dissolved by our union, and pass away as the shadows pass when the sun that casts them has set. But there is incumbent upon us another duty: that we should not pursue a policy to invite aggression. Everything unites in pointing out to us a political destiny distinct from that of the nations of the Old World. Territorially we are separated from them by a wide ocean; politically, by institutions, not only dissimilar, but repugnant in their character, and which can never be mingled with mutual advantage. This was early foreseen by the Father of the Republic, who, in his Farewell Address, earnestly admonished his countrymen against all entangling alliances with other nations.

Mr. President, in the course of this debate, I am aware it has been contended, that the policy enforced with such earnestness, and with such a fervent conviction of its justice and adaptation to our condition, by Washington, has been either repudiated or denied to be his. This view of it was first proclaimed by the stranger who came hither as our guest, but who straightway set himself up as a teacher of our duty, and the expounder of the views of our statesmen. He has boldly proclaimed to the American people that they have misunderstood the teachings of Washington and his successors; and by the influence of his glowing and marvelous rhetoric, he has made converts, not only amongst the people, but likewise of members of our own body, the most distinguished for ability and talents. Amongst those who entertain the views first proclaimed by the Hungarian chief, is the distinguished Senator from Louisiana, [Mr. SOULE,] who enforced them upon the Senate and the country, in a speech as remarkable for its ingenuity as for the eloquent impressiveness with which it was delivered. That honorable Senator contended that Washington had never been the advocate of a policy, which he has termed the "policy of impassiveness," or, in other words, of the commonly-understood recommendations of the Farewell Address.

It is not my design, Mr. President, to attempt a systematic reply to the arguments of the eloquent Senator from Louisiana; but I feel disposed to show that he was mistaken in supposing that the earlier recommendations of Washington, as understood by his cotemporaries, and acted upon by his successors in the administration of the Government, were repudiated or retracted. In order to prove that Washington was not an advocate of the policy of non-intervention, he refers to the explanation given by him of his proclamation of neutrality, issued on the 22d of April, 1793—an explanation given to Mr. Jefferson. In that explanation, Mr. Jefferson states, that he "apologized for the use of the term neutrality, declaring that he never had any idea that he could prevent Congress from declaring war." Who supposes that the President ever had any such power? Who supposes that the proclamation was intended for any other purpose than that of keeping the people quiet, and of informing them that it was the policy of the Government of the United States to abstain from mixing themselves up and interfering in the quarrels of European nations? This is all that can be inferred from it. This is all that was intended by it. The distinguished Senator, however, seems to infer from it, that Washington designed to say that the *principle* of the recommendation was temporary, and only intended to apply to the state of things then existing. In this, I think, he is clearly mistaken. Europe was then in the throes of convulsion, produced by the French revolution, and it was the desire of Washington that the people of the United States should do nothing to embroil the Government with any of the belligerent Powers. Nor was the policy of non-intervention, which the proclamation so strongly enjoined, merely temporary in its character, and proper to the infant condition of the country and its institutions. It was the same, afterwards, enforced so earnestly in the Farewell Address. This shows that the honorable Senator is mistaken, in supposing that Washington himself looked upon its recommendation to observe neutrality, as being temporary and only applicable to the existing occasion.

The next reference of the Senator in support of the same view, is to the instructions given to Mr. Jay when representing the United States in the capacity of Minister at the Court of London. He was directed to obtain access to the Ministers of Russia, Denmark, and Sweden, then in England, and sound them "upon the probability of an alliance with their nations to support the principles" of the armed neutrality, a league then existing amongst these Powers. From this he infers, that at this period the principles of the proclamation of the previous year had been abandoned. But there is nothing in the instructions to which I have just referred in the slightest degree incompatible with the proclamation. Nobody repudiates an alliance with foreign Powers when its object is their mutual protection. Our rights as a neutral nation were at that time disregarded by both England and France; and the object of the proposed alliance with the northern Powers was to make these rights respected. But an alliance for the protection of our own interests is a very different thing from an interference between two belligerent Powers, with neither of whom we are connected by any other ties than those of the common relationship of nations. For the same purpose the distinguished Senator quotes the instructions of the Secretary of State to Mr. Monroe, then Minister to France. This was in 1794. These instructions were to the effect, that Washington was friendly to the French revolution, and desirous of its success; and contained a clause in which it was stated that he "was incapable of assenting to the right of any foreign Prince to meddle with its interior arrangements"—that is, with the interior arrangements of France. What does this amount to? Not surely to a declaration on the part of the Government that it would "intervene to prevent intervention," or even that it would be judicious to do so. Much as we owed to France for her intervention in our behalf, but with a view to humble her ancient rival, we nevertheless stood neutral in the contest in which she was engaged with the whole of Europe. If ever intervention had been a duty, or even justifiable, it would have been in that case, in behalf of our ancient ally struggling with a world in arms. But Washington carefully abstained from it, and the declaration which has been referred to is no more than an annunciation of his own sentiments—adverse to the rights of one nation to meddle in the domestic concerns of another. The opponents of intervention recognize as fully as its friends the principle embraced in this declaration. They think it wrong for one nation to interfere in the internal arrangements of another; but this is very different from protesting or going to war to prevent it.

The next argument of the Senator is drawn from the correspondence of General Hamilton with General Miranda, in relation to an expedition for the liberation of the Spanish colonies in South America. This liberation was to be accomplished by the joint intervention of the United States and Great Britain; and the Senator infers, from the friendship and confidential relations which had always existed between Washington and Hamilton, that the former must have been acquainted with the design and approved it. This inference is illogical. If Washington had been previously silent on the subject of our policy in relation to our intercourse with other nations, the inference might have been just. But surely it is going too far to infer that he had changed his views, so often and so solemnly expressed, both in his official communications and private correspondence, from his friendly relations with the author of the projected enterprise. And these views were expressed both before and after the period referred to. But, Mr. President, even if Washington's sanction of this enterprise could be proved, I think I can see in the object of it, that which distinguishes it essentially from modern intervention. At this period the French Republic had virtually ceased to exist. The United States was the only existing free Government, unless England may be so regarded; and it might not conflict in the estimation of many with the general policy of non-intervention to form a league for self-preservation. To unite, therefore, with England to establish republican governments on our own continent, with a view to our own preservation and interest, is no necessary departure from the policy of Washington. It has never been contended, to my knowledge, by the opponents of intervention, that it might not be proper to form alliances for our own security. And in doing so, we are not compelled to wait until danger menaces us nearly—until it is present at our doors, before we make preparation to meet it, or ward it off. It would be folly to do so. But, sir, is there not a great difference between entering into alliances for our own benefit and preservation, and of interfering in behalf of others at the risk of our security and peace, if not of our existence?

The strongest argument of the friends of intervention, the one on which they rely with most confidence, is that which they derive from the policy announced by Mr. Monroe, and which has received the sanction of most of our statesmen. I refer to his declaration, that any interference by European Governments with republican Spanish America would be "regarded as dangerous to our peace and safety, and the manifestation of an unfriendly disposition towards the United States." At this period the "Holy Alliance," the alliance of European despots against liberty and liberal institutions, was still existing. Its mission was the restoration of thrones, and the resubjugation of revolted peoples. It had turned its eyes to South America, and talked of reconquering for Spain her revolted colonies. In this state of things, and with a view, as was distinctly expressed, to the "peace and safety" of the United States, the declaration of Mr. Monroe was made, that we would regard any interference of the European Governments with the republican provinces of Spanish America as the manifestation of an unfriendly disposition towards us. Here, it will be perceived that the object of interference on the part of our Government was the preservation of peace, of our own safety, which might be endangered by the restoration of despotic power on our own continent. It was a step taken to avert danger, while danger was yet at a distance. But such interference as this is very different from the kind of interference now proposed. If Mr. Monroe did not so consider it, why did he not interfere in behalf of Greece? Why did he not protest against the despotic rigor exercised towards poor, despoiled, and dismembered Poland? Will it be said that because her fate was fixed, interference in her behalf would have been of no avail? Why not? If it would avail in preventing the aggression of one nation against another, why should it not avail in mitigating the rigor with which one nation exercises the power it possesses over another? I can see no reason why it should not be as efficient in the one case as in the other. I do not believe it would avail in either; and therefore it is that I am opposed to interference, except in cases where our own interest and security demand it.

To show, further, that about this period, the policy which the distinguished Senator denominates "the policy of impassiveness," had ceased to govern us in our intercourse with other nations, he quotes a number of passages from the conversations and correspondence of Mr. Canning, the British Prime Minister, and Mr. Rush, our Ambassador at London. These conversations referred to a design, then supposed to exist, on the part of the "Holy Alliance," of attempting the reconquest of the Spanish American colonies, lately become independent; and the Senator seems to think these conversations very clearly indicate that the policy of the Farewell Address, as it is understood by the opponents of intervention, had been abandoned previously to that time. In this I think he was mistaken; and a short quotation from a dispatch of Mr. Rush himself, to the

American Secretary of State, dated a few days after the conversations referred to, will prove it. It says, speaking of uniting with England in a protest against the contemplated movement in relation to the Spanish American provinces:

"Would not such a step wear the appearance of the United States implicating themselves in the political connections of Europe? The foreign policy of the United States has been essentially bottomed on the great maxim of preserving peace and harmony with all nations, without offending any, or forming entangling alliances with any. Upon the institutions, as upon the dissensions of the European Powers, the Government and people of the United States might form, and even express, their speculative conclusions; but it has been no part of their past conduct to interfere with the one, or, being unmolested themselves, to become parties to the other."

Can anything be more explicit than this? It shows conclusively, I think, that Mr. Rush still held to the old Washingtonian docrine of non-intervention.

Before quitting this branch of the subject, I desire to examine how far it is correct, as is alleged by the advocates of intervention, that Washington had abandoned the precepts of the Farewell Address, in relation to the policy which should govern us in our intercourse with foreign nations. I have had occasion, in my brief and hurried review of the argument of the eloquent Senator from Louisiana, [Mr. SOULE,] to refer to the construction put upon the language used by Washington in his instructions to Ministers, and in other communications, and endeavored to show that such construction was erroneous. I now propose to prove this, by referring to a series of communications, commencing at a point of time anterior to the Farewell Address, and coming down nearly to the period of his death. These communications will leave no doubt on the mind of any one that he continued to adhere to the precepts of the Farewell Address, with an unchanging conviction of their propriety and justice.

I will not delay the Senate with extracts from the Farewell Address. Every one here, every one, almost, throughout the country at large, is familiar with its sentiments on this subject. I shall, therefore, proceed to his letters addressed to various individuals; and the first to which I shall refer is one addressed to Patrick Henry, bearing date October 9, 1795. In this he says:

"My ardent desire is, and my aim has been, so far as depended on the Executive Department, to comply strictly with all our engagements, foreign and domestic, but to keep the United States free from political connections with any other country—to see them independent of all, and under the influence of none. In a word, I want an *American* character, that the powers of Europe may be convinced we act for *ourselves* and not for others. This, in my judgment, is the only way to be respected abroad and happy at home," &c.

This is emphatic enough. Nothing left for exegetical skill to exercise itself upon. His ardent desire is to keep "the United States free from political connections with any other country." The next letter to which I desire to call attention is one to Governeur Morris, bearing date December 22, 1795. He says in it:

"My policy has been, and will continue to be, while I have the honor to remain in the administration, to maintain friendly terms with, but to be independent of, all the nations of the earth; to share in the broils of none; to fulfill our own engagements; to supply the wants and to be carriers for them all," &c.

The next is one to William Heath, dated May 20, 1797. In this he declares:

"No policy, in my opinion, can be more clearly demonstrated than that we should do justice to all, and have no political connection with any, of the European Powers beyond those which result from and serve to regulate our commerce with them," &c.

This is equally explicit. It shows distinctly the only object which, in his judgment, would justify political connection with foreign countries, viz: a connection growing out of or serving to regulate our commerce with them. In a letter to Thomas Pinckney, dated May 28, 1797, he says:

"A little time will show who are its [the country's] true friends, or, what is synonymous, who are true Americans—those who are stimulating a foreign nation to unfriendly acts, repugnant to our rights and dignity, and advocating all its measures, or those whose only aim has been to maintain a strict neutrality, to keep the United States out of the vortex of European politics and preserve them in peace."

The last letter to which I shall refer in this connection is one to General Lafayette, dated December 25, 1798. It says:

"On the politics of Europe I shall express no opinion, nor make any inquiry who is right or who is wrong. I wish well to all nations and to all men. My politics are plain and simple. I think every nation has a right to establish that form of government under which it conceives it may live most happy, provided it infracts no right or is not dangerous to others; and that no governments ought to interfere with the internal concerns of another, except for the security of what is due to themselves."

Here the principle for which I have been contending is laid down distinctly. It is undoubtedly the true principle, and the only one consistent with the equality and security of nations. In the eye of the public law, regulating the intercourse of nations, all nations are equal. Republics, monarchies, autocracies, all have the same rights. What is justifiable on the part of one is equally justifiable on the part of another. Russia had, therefore, the same right to interfere in the quarrel between Austria and Hungary, that France had to interfere between Great Britain and her American colonies. But the act of interference on the part of these nations, on the part neither of Russian or France, was an act of disinterestedness The object, in both cases, was the advantage of the interfering nation—that of France to prostrate an old rival; that of Russia to check the progress of free institutions threatening the contiguous despotisms, of which she was one, with danger. With the justice or propriety of the interference of Russia I have nothing to say—nothing, at least, in defense of it. But I repeat, in the language of Washington's letter to Lafayette, that no nation ought to interfere with the internal concerns of another, except for the security due to itself.

This policy, Mr. President, the policy of non-interference, was inaugurated with the Government, and has ever since been acted upon by it in its intercourse with other nations. Under it the United States have grown up and prospered in all the elements of wealth and power with a rapidity unexampled by that of any other nation in any other age. In population, in commerce, in the development of our industrial resources, in territorial grandeur, in a beneficent civilization, what nation has ever advanced in a ratio at all comparable to this? I know that the distinguished Senator from Louisiana, and other advocates of the new policy, think that too much of the credit of our unparalleled progress is attributed to the pacific precepts for the regulation of our intercourse with foreign nations, laid down in the Farewell Address and summed up in the resolutions of the Senator from Rhode Island, [Mr. CLARKE.] This much, however, none of them can justly controvert—that whatever the influence of that policy may have been on the country, it is under it that it has attained its present exalted position amongst the powers of the earth. Is it wise, then, let me ask, to change a policy under which such results have been produced? Before changing it, should we not be satisfied that the one which is to be substituted for it is not only as wise, safe, and beneficent as it, but that it promises even greater and nobler results? That which exists is the policy of Washington, consecrated in the minds and hearts of the people, not only by the blessings which have walked hand in hand with it, but by the recollections which cluster around the period of its origin. That it was promulgated in the first instance by the Father of his Country; that it received the sanction of his compatriots—men like himself, fresh from the fiery ordeal of the Revolution, whom dear-bought experience made wise, and sacrifices purified from the dross of selfishness, are reasons why it should not be repudiated lightly. But not only was it first promulgated by Washington; not only did it receive the sanction of his immediate successors, men trained in the same school with himself—it has received, likewise, the sanction of the other great leading minds of the Republic from their day to ours. I need not refer to the names of those who have acted upon it—who have expressed of it their approval. They have been collected and exhibited to the Senate and the country by the Senator from Rhode Island, the author of the resolutions now under consideration. Why, then, when this policy comes to us sanctioned by such names, and by such glorious results, should we think of changing it for one that is untried—one which I fear would be mischievous to ourselves without conferring benefits on mankind anywhere?

In answer to all this, it is said that the condition of the country now, with a population of twenty-four millions, and power and resources increased in a still greater ratio, is very different from what it was at the period of the promulgation of this policy, when its population scarce exceeded three millions, and its debt approached an hundred millions. We are told, too, that Washington himself declared, "that there was a rank due to the 'United States amongst the nations of the earth 'which would be withheld, if not entirely lost, by 'the reputation of weakness." This, sir, is true. But what is to be inferred from it? That the character of the nation for strength is to be maintained by protests or threats? No, sir; but by being always ready to uphold our own just rights; by resenting aggressions against our national dignity, the persons and property of our citizens. I leave to the Senate and country to say whether, if we should protest against the intervention of one nation in the affairs of another, as is proposed, and our protest should be disregarded without our resenting it by force, if we should not be more likely to acquire "the reputation of weakness," than by pursuing the old unobtrusive, but dignified policy of taking care of our own honor and interests? It is not by bluster and bravado, that nations acquire the reputation of power and strength. It is by their promptness to vindicate their rights—by standing up to whatever they have pledged themselves—by asserting no right which they do not intend to enforce at every hazard.

But if we begin to protest or intervene, where are we to stop? Is Hungary the only nation which has enlisted our sympathies? Is Russia the only enemy of liberty? Has Italy no claims? Ireland no wrongs? Has Poland never struggled with the oppressor? Shall we have nothing to say to Austria for trampling upon Italy, the land of genius and classic renown? To England for her oppressions of Ireland and Irishmen? To the triumvirate of tyrants who have dismembered Poland? If we begin we must go on until the wrongs of entire humanity are righted. But will we not hesitate? Shall we not stop and consider the consequences to ourselves? Our mission, the mission of our country, is a peaceful one. Our duty to other nations is to enlighten them by our example—to exhibit to them our progress in the arts of peace, civilization, and the blessings which are shed upon all by republican institutions. Hitherto our example shining upon other lands, has been a genial and beneficent one, enlightening their people and pointing out to them the way of true progress—an example very different from that which would gleam from the bayonets of an invading army, or be flashed from the muzzles of hostile cannon! Whilst our course continues to be what it has been; whilst the people of other countries see in its results the development of all that makes a nation great, powerful, and happy—no internal feuds, or unjust foreign wars—it will commend itself to the respect of the wise and good of all nations. But, if abandoning this course, we should assume the attitude of international censorship, or the right of interfering to prevent one nation from pursuing towards another such a course of policy as its interest may dictate, we at once become involved in controversies dangerous to our peace and destructive to the influence of our example upon other nations. If we protest against the course which one nation may design to pursue towards another, and our protest should be disregarded, we must enforce it, cost what it may, or be degraded in the estimation of nations. But this is not all. We may chance not to escape by a mere visitation of contempt. The nation against whom our protest is directed may take offense and require satisfaction. What then will be the consequence? Shall we apologize? To do so will be to confess that we were wrong from the beginning; and involve the necessity of abandoning a right which we asserted. This would disgrace us. Yet, according to some men, it is necessary to assume this right of protest or interference, whatever it may be called, in order to avoid "the reputation of national weakness."

I am aware, Mr. President, that the advocates of intervention assert that a protest by one nation against the conduct of another is not a cause of war. Suppose we admit for a moment they are right, are we prepared to assert that our protest would be regarded? Who supposes that if, when Russia was precipitating her armies on Hungary,

we had protested, she would have respected our protest, and marched back her armies? Nobody. What then? Would we have stood still under her disregard of our solemn protest? If we had done so, would we not have been disgraced? The great apostle of intervention himself, Kossuth, admits that we would have been. Hear what he says at the banquet given to him by the New York bar:

"Yes, gentlemen, I confess should Russia not respect such a declaration of your country, then you are obliged, literally obliged, to go to war, or else be prepared to be degraded before mankind. Yes, I confess that would be the case. But you are powerful enough to defy any Power on earth in a just cause, as your Washington said; so may God help me, as it is true, that there was never yet a more just cause."

Again, he says:

"You must not shrink back from the mere word '*war*.' There is no harm in the mere empty word; three little letters, very innocent—that's all."

Thus, Mr. President, we see, that though the disciples may see no necessity for war in case our protest should be disregarded, the master teacher does. But then he tells us, we are strong enough to defy any Power on earth in a just cause. This, in the estimation of a flippant stranger, is enough to repay us for pouring out our blood in a foreign quarrel! The glory of a successful resistance, is to be our consolation for abandoning the policy of our fathers! But suppose Kossuth is wrong, and that we should not be obliged to enforce a disregarded protest by a resort to arms: Is there no danger on the other side—no danger that our protest should be considered a cause of war, by the party to whom it was addressed? We may avoid fighting, I admit, by quietly accepting the insult we should receive by a disregard of our protest; but are we quite sure that we should not have to fight for having made that protest? No, sir; we cannot be. I know that the penning of a few words by an individual, and the adoption of them by a vote of this, and the other branch of Congress, may appear to be a small thing—a cause altogether inadequate to produce war. But, Mr. President, we must not forget how slight a pretext is sometimes made the occasion of quarrels between nations, as well as individuals; and that causes, apparently trivial, often produce consequences that the wisest could not have foreseen. Some one has said, in illustration of this, that the wing of a tiny bird brushes the snow-flake from the summit of the far-off Alpine glacier, and falling, it increases, extends, and at length becomes the avalanche, uprooting forests, tearing the rocks from their foundations of a thousand years, obstructing and turning aside the course of rivers, and overwhelming towns and villages in its destructive course. We know not to what extent this policy of intervention, if adopted, may involve us in the political controversies of Europe, and endanger our peace. We know that the despots there look on us, at all times, with jealous eyes; and that lately, our conduct in countenancing insurrectionary movements, has been such as to increase the jealousy with which we have always been regarded. It may be, that the scarcely extinguished embers of active revolution, and the incumbency of their immense public debts, may be the means of preventing any manifestation of hostility, on their part, against us. But wise statesmen should never incur the risk of involving their country in war, unless compelled to do it by great national considerations, or by some overruling necessity. The calamities of war, its demoralizing influences upon society, ought never to be incurred, except as a last resort against injustice and oppression, or to prevent national dishonor. No such considerations call on us, at present, to interfere in behalf of other nations. There is nothing in the code of international obligations, no principle of abstract justice, or even of humanity, that requires one nation to interfere in behalf of another, at the risk of its peace and security, unless bound to do it by treaty. The first and greatest obligation of every Government is the protection and preservation of its own people. A Government has no right to endanger the safety or existence of its own citizens, by affording protection to the citizens or subjects of foreign Governments. Animated by the glorious struggle of Hungary, and the strange, impressive rhetoric of her exiled chief, the people of the United States seemed ready, for a moment, to rush into a contest, if necessary, with the whole of Europe, to vindicate the right of the Hungarian nation to freedom and independence. Our public men, catching the contagion of popular enthusiasm, encouraged and inflamed it, until intervention became, in the eyes of the people, a great obligation due by this Government to every struggling nation.

It is easy to perceive, Mr. President, how gratifying it would be to the people of this country to see their Government dictating to the despotisms of the Old World how far they may go in assisting each other to keep down the spirit of liberty, and where they must stop. And who doubts that they would be willing to shed their blood in a quarrel incurred by their Government in curbing the power of tyrants? It belongs to their generous nature to sympathize with those who are struggling to share in the blessings of free institutions and to desire to aid them. But in the ardor of their sympathies for others, they sometimes forget their duty to themselves, and put their own safety in peril. Their generosity needs a curb rather than a spur; and their statesmen ought to restrain rather than encourage their overgenerous impulses. I am aware, sir, that there are some of those who think they see an augmentation of national security, as well as glory, in the adoption of the policy of intervention. But the promises of augmented security and glory which intervention holds out are deceitful; and I fear may prove both mischievous and destructive. I say, therefore, to my countrymen, beware, lest intervention, like the poisonous tree on the borders of the Arabian desert, which drops disease and death on the heads of those to whom it proffers shelter, should, instead of bringing with it increased national security and glory, contribute to the decline and downfall of both. Let us pause, Mr. President, before we take so wide a departure from the policy of Washington, as the amendment of the Senator from New York [Mr. SEWARD] and the substitute of the Senator from Michigan [Mr. CASS] propose. It still has the sanction of the great name of its author; and time has vindicated its wisdom, as it has vindicated that of almost all his precepts.

Mr. President, before concluding my remarks, so desultory in their character, I have a word to say in relation to the late intervention of England and France, to protect the island of Cuba against marauding and piratical expeditions, and in reference to which the conduct of the National Administration has been so severely criticised by the honorable Senator from Louisiana, [Mr. SOULE.] Nor does he confine himself to a mere arraignment of its policy and conduct on the occasion referred to; but endeavors to stigmatize it by denominating it, "this wavering and irresolute Administration of ours." Sir, I am not about to enter on its defense in general. It needs none. But I would be glad to know what portion of the law of nations, humanity, propriety, or self-respect, was overlooked or disregarded by it in any part of its conduct relative to the invasion of Cuba, or of the correspondence which grew out of it between our own Government and those of England and France. The Senator seems to be shocked at the tameness with which our Secretary complained of England and France for sending squadrons into the seas adjacent to our coasts, with orders to prevent "lawless expeditions against Cuba." What would he have had our Government to do, more than was done? To go to war with England and France? For what? For protecting the territory of an ally from invasion, rapine, and bloodshed, by an expedition of marauders, set on foot in violation of our own laws, and the law of nations—an expedition which our own Government had denounced? In what kind of an attitude would we have placed ourselves, in the eyes of the civilized world, by fighting in such a quarrel? We would have been disgraced; and we would have deserved to be disgraced.

But did the Government exhibit remissness, or disregard the interests of our commerce, which might be interrupted by the kind of police, as it was well termed by Mr. Crittenden, which was established in seas always whitened by American sails? No, sir. As soon as it was known to our Government that the British and French fleets in these seas had received orders to the effect indicated, an explanation was sought of the representatives of those Governments residing here; and hey were admonished that any encroachments on the rights of the people of the United States would not be regarded by the President without concern. What more would the Senator have had the Government to do, especially when the ministers of both England and France, declared that the orders in question were dictated in no spirit unfriendly to the United States, and that no interference should take place with their lawful commerce? What more, I repeat, could the Government do? The object of both England and France was to defend a dependency of Spain—a friendly Government—against *lawless expeditions*, which we had ourselves denounced as such. Were we to go to war with England and France, because they chose to obstruct expeditions which must be regarded as marauding and piratical?

Mr. BORLAND. Do I understand the Senator to say that the laws of the United States denounced the persons who were engaged in the Cuban expedition as marauders and pirates? or does he limit his declaration in respect to the proclamation of the President?

Mr. COOPER. I did not say that the law called them marauders and pirates. I said that the world regarded them as marauders and pirates. But I desire to say further, in answer to the honorable Senator, that the laws of the United States do denounce and punish such expeditions; and when they are carried on without a national object, and in violation of law, the parties concerned are marauders—not to call them pirates. Some of those who composed the expedition, were worthy but misguided men, who had no intention of doing wrong to Cuba. Young and enthusiastic, some of them went with the design of emancipating the people of the Island, from what they had been taught to regard the intolerable oppression of Spain. But as far as the leaders of the enterprise, and those who stood behind encouraging it were concerned, no execrations with which they have been visited have exceeded their infamous deserts: Those who engaged in the expedition with a view to enrich themselves by bloodshed, murder, and devastation, deserve the harshest epithets that have ever been applied to them. I have stated, that having put themselves out of the pale of the laws of nations and of civilized society, by an invasion of Cuba, with a design to seize upon the property of the inhabitants, they deserved the name of marauders and pirates.

Mr. BORLAND. I do not think the Senator fully understood my inquiry. I did not refer at all to the motives which influenced the persons engaged in the Cuban expedition. My inquiry was, whether the Senator wished to be understood as saying that the laws of the United States declared that the persons engaged in such an expedition as this was against Cuba were marauders and pirates, or whether he limited his statement to the declaration of the President's proclamation?

Mr. COOPER. The President did not call them pirates, though he has been charged with doing so.

Mr. BORLAND. I think the President's proclamation was supposed at the time—and so far as I understood it, did relate to the act of Congress of 1818 against the fitting out of expeditions against foreign Governments. That is the law of the United States; for I apprehend that we had no other law upon the subject.

Mr. COOPER. None.

Mr. BORLAND. I wish to know whether the Senator considers that the terms of that act denounced those persons, or the persons engaged in similar expeditions, as marauders and pirates?

Mr. COOPER. No, sir.

Mr. BORLAND. My understanding of it is, that it simply forbids the fitting out of such expeditions in the United States, but does not attach any particular name or epithet of opprobrium to it, and does not prescribe for it the punishment of piracy; and that the only declaration to that effect, speaking of this law, as so characterizing this expedition, was to be found in the proclamation of the President alone, which denounced these men to the world, declaring them to be beyond the protection of their own Government, and pirates, subject to all the penalties which the laws of nations visit upon pirates.

Mr. COOPER. No, sir. I did not mean to

say that the act of Congress applied the epithets of marauders and pirates to these men; but I say that, by the law of nations, and the great law of humanity, written in the hearts of all men, those who engage in an expedition in which blood is to be shed, for the sake of plunder alone, are marauders; and if they are not characterized as pirates, they have escaped the appellation which they have merited by their conduct. And I say, further, that the Government of the United States, in all this matter, has acted properly, and that the course of conduct which it pursued produced the happiest results in favor of the misguided individuals—misguided, I am willing to consider many of them—who embarked in the unlawful expedition against Cuba. If our Government had not shown a disposition to respect the rights and territories of Spain, and had not denounced the expedition as unauthorized and unlawful, is it to be believed that the Queen, who has added such noble lustre to her character, as a sovereign and a woman, by her act of magnanimous clemency, would have pardoned the prisoners?

Mr. President, permit me to say one word more in reply to the reflections of the honorable Senator from Louisiana [Mr. SOULE] upon the conduct of the National Administration, and I have done with the desultory remarks with which I have so long detained the Senate. He denounces the Administration for pursuing, beyond the line of our municipal jurisdiction, the expedition which went forth, from our own shores, against Cuba; and asks, where, in the Constitution, is lodged the power for doing so? I might answer, that it was to be found in that part of it which enjoins upon the President to "see that the laws be faithfully executed." There is a law of Congress, already referred to, prohibiting all such expeditions as that undertaken against Cuba. But, independently of this, the great law of nature and of nations, give to the Government the power which it exercised. The expedition had sailed from our own shores; was composed, to a great extent, of our own citizens, for whose acts and conduct we were responsible; and, being responsible, the law of nature and of humanity, the law of self-preservation, gave us the right to restrain them. It is a right inherent in all Governments, to prevent such acts of their subjects as might involve the Government in hostilities with other nations; and it is not only a right, but a duty, imposed by humanity, on Governments, to aid in the suppression of lawless expeditions, organized by private bands, for purposes of rapine, plunder, and blood. But the censure with which the honorable Senator visits the Administration, for its conduct in relation to the Spanish Consul, is more severe and unsparing still, than it was in reference to the exercise of its authority in pursuing the marauding bands organized for the purpose of invading Cuba. He speaks of the "heart-rending spectacle of a salute booming out to exulting Spain repentance and atonement in the name of the United States." This he seemed to regard as a disgraceful concession to Spain; and, in speaking of it, his language was full of indignant severity and contempt for the Administration who permitted the country to be thus humiliated.

Mr. President, I see in this salute of the flag of Spain no act of cowardly concession; no national degradation. On the other hand, I regard it, and I think the world will regard it, as a magnanimous atonement for a wrong done to Spain, in the person of her agent, the Consul at New Orleans, by citizens of the United States. It was through no fear of Spain that our cannon saluted her flag. It was an act of justice to ourselves, as much as of reparation and atonement to her. Her Consul had been insulted, his office broken open, a portion of his effects destroyed, and himself driven from the city. This was a gross and unauthorized outrage, calling for amends of some kind. I am aware that consuls do not come within the rule of the law of nations which guarantees the inviolability of public ministers; but they are, nevertheless, under its protection; and a nation may be insulted in the person of a consul as well as in the person of a minister. Even a private citizen has a right to the protection of his Government, and it is not unfrequent that injuries done him are resented. But in the case of insults offered to consuls, apologies have often been made. On one occasion the Consul of Venice, resident at Ancona, having been insulted by the Governor, the Republic demanded reparation of the Pope, and through the mediation of France, who interposed to prevent hostilities, the Governor apologized and made satisfaction. On another occasion, somewhat different in character, a number of the subjects of Louis XIV., entered the territory of Savoy, then belonging to Sardinia, and carried off the chief of a band of smugglers, who had been engaged in committing offenses against the laws of France. The King of Sardinia complained, and Louis XIV., the proudest monarch of France, and perhaps of Europe, thought it no disgrace to send an Ambassador Extraordinary to Turin to make satisfaction.

Mr. President, I have now done. As I stated in the outset, I am opposed to a change of the policy under which the country has grown up to be great, powerful, happy, and respected at home and abroad. Under such circumstances I can see no wisdom in change, nothing to be gained by repudiating the tried principles of government for those which are new, untried, and, I fear, unsafe. To the resolutions of the Senator from Rhode Island I would prefer a simple declaration of our adherence to the policy hitherto pursued; but if a declaration of principles is to be made in form, I will cheerfully support that which is embraced in the resolutions which he has proposed.

WHIG CAUCUS—COMPROMISE MEASURES.

SPEECH OF HON. T. Y. WALSH,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

April 29, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union on the Homestead Bill—

Mr. WALSH said:

I should be reluctant, Mr. Chairman, to submit to the committee the remarks which I propose now to submit, but upon the suggestion some days since from yourself. I mean the suggestion in reference to the right of members to discuss general questions, in the Committee of the Whole on the state of the Union. Your opinion I find, after examination, to be a correct one. When the House is in the Committee of the Whole upon the general state of the Union, general questions are a just subject of inquiry and examination. That will result from the duty of all Governments, especially that of a constitutional Government, to protect at all times the rights of the minority, and to see that every department connected with it is guilty of no corruption. If the rule did not exist, that when in Committee of the Whole on the state of the Union general questions could be discussed, the result would be this: the majority would have it in their power at all times to decide what questions should be argued and what questions should be decided; and, no matter what might be the corruptions of parties, they would be excluded from public view.

I proceed then, sir, having satisfied myself upon the point of propriety, to discuss matters in some particulars personal to myself. It was my privilege, as a very humble member of the Whig party, to attend the first meeting of the members of that party in Congress in the Chamber occupied by the Senate of the United States. And there it was also my humble privilege to take a part in its proceedings, and to disclose my views and opinions as to the politics of the day, and what would be my ultimate course if the convention called under the auspices of the Whig members of Congress should not adopt a certain platform.

I was prevented by sickness from meeting with those gentlemen upon the occasion of their subsequent assemblage. But I am here to-day, in the exercise of the privilege which belongs to me as a member upon this floor, to indorse to the fullest extent their action and all that they have written upon the subject of the course of that body. I cannot of course do it in the glowing phraseology in which they have expressed their sentiments; but I am here, by the humble speech which upon this occasion I intend to make, to set forth fully the grounds upon which that indorsement is to rest. It is only personally important to me, and of no consequence to the Union, because, sir, whenever anything great or glorious is to be done, whenever the Nation is to be saved, whenever the Constitution is to be attempted to be vindicated, Kentucky seems to have the patent-right to perform that duty. I do not intend, sir, to infringe upon that patent. If we look upon the history of our country, glowing as it is with records of patriotism and devotion to duty, we are apt to come to the sentiment of the ditty, which says:

> "We marched down to Cypress Swamp,
> The day was dark and mucky;
> There stood John Bull in martial pomp,
> But here stood old Kentucky."

I was not present, as I before stated, at the second meeting of the caucus. I have heard of its proceedings, and I have since read the manifesto of those who seceded, and I can say, in the language of the poet, without any of the spirit of the assassin, and without any disposition to do wrong to anybody, whenever I dwell upon the contents of that paper—

> "Thou *Marshal'st* me the way I am going,
> And such an instrument I am bound to use."

Let me say, having in all respects indorsed this paper, I come not here to-day to indulge in any extravagant encomiums upon the Constitution of my country. I have no necromancy of words to employ in setting forth the blessings of the Union. Devoted as I am to that *Union*, and to the principles of the last compromise, I have been distrustful, ever since a particular event, to which I shall allude, of every man who exhausts dictionaries and vocabularies in the praise of the one or the other.

I stood, sir, three years ago, under a July sun, listening to the oration of a scholar and statesman, as he was then called, and thought that I could never tire of the praises that were bestowed upon our national institutions; and I passed from that spot only to find that our political Gratiano spoke an infinite deal of nothing. He went to the Senate Chamber from that scene only to turn that sacred house into an auction place, in which he could make bids for abolition votes—in the language of a distinguished man, "spending a national reputation with the prodigality of a spendthrift." I therefore, sir, propose to say nothing except that I am a friend of the Constitution, and a friend of the compromise; but I propose, in justification of my action, to make a recital of events in our history which are, perhaps, familiar to all here. Gentlemen, I hope, will pardon a new member if he says anything which they have often heard—if he says anything which ought not to be repeated this day in this Hall. It is only, sir, in justification of my concurrence in the secession from the Whig caucus that I propose to say anything as to the great issues now so fully before the country.

And this brings me first to say, that one of the most profound observers (Mr. Calhoun) of our institutions—the man who has done much to illustrate the nature and limits of the Constitution—has told us that this was a Government made up of equals, and intended to be so continued; that the Constitution of the United States was organized for the purpose of making up a family of brothers, each State possessing equal rights to the enjoyment of its particular local institutions, and each entitled to equal weight in the deliberations of the National Councils. It has been said of that illustrious man, by members of this House, that all that he has thought and written, all that he has spoken, are texts, which, throughout all time, may occupy the attention of all commentators. Sir, I concur in that opinion. He has said, in the exercise of his intense thought, that perhaps it would become necessary, in the progress of events, that the North should assent to such introductions of slave territory into the Union as would preserve its equilibrium and compromises. Sir, the remark was founded in the profoundest wisdom. In common life we never desire to see any associate lose his character or cast; we never desire to see any man, with whom we are familiar in social relations of life, brought down from the standard which we ourselves have occupied in common with him. We hold to the principle, that cordial councils, the regard to all the social relations of life, and the performance of all its duties, depend

upon the equality of relations. Why there has been a departure from it, in reference to the General Government, can only be explained upon the idea—the common idea, that corporations have no souls.

Sir, we would scorn to meet, in the performance of any duty incident to the social relations of life, with a man who had lost caste or lost character. And therefore I say, in reference to what Mr. Calhoun has suggested, it may be necessary in the progress of this Government, for the sake of the North itself, if they do not want disfranchised slaves in the legislative halls—if they *do not want* men who are bowing the head and bending the knee—if they do not want in the councils of the country members having no unanimity of feeling, no concurrence of opinion, no identity of motives; *and if they do want* everything that conduces to pure and effective legislation—if they do want to deal with men who have not lost the instincts of manhood, by the surrender of everything to which they were originally entitled, *they themselves* may find it necessary for *their own* safety, in reference to the purity and success of national concerns, to put the South on an equality with them in everything. Has that heretofore been the conduct of the North? Sir, I have examined history with a great deal of care, and I can find no moral parallel to the condition of the South in any of the histories of the people of the Old World. I *can* find a parallel to it in the *physical* condition of a people who, for the preservation of their lives and property, have to maintain a constant conflict with the ocean. From the organization of the Government—from the time the Constitution was framed, from the time that this circle of brotherhood was organized, they have had to maintain a constant battle for their heritage, sustained by constitutional compact—a compact that no man can interpret for himself, and with tribunals and departments appointed under it, to sustain all the rights and interests which it was the intention of that Constitution to protect.

Sir, it was the duty of the North—it was their sacred duty—to maintain and allow all the compromises of the Constitution, as originally established. But what was the condition of the South? The Republic had hardly been organized in 1789, before the Southern States were visited by a fraud almost as signal as any that a historical record discloses. The ordinance of 1787 was a law of the old Confederation.

James Madison, in the debates upon that Constitution, declares, Mr. Chairman, in explicit terms, that it was not to be a law of the Government, as newly organized. The South found, after that Constitution was adopted, which was to promote equality and justice by fixed rules, that this ordinance of 1787 was smuggled in as part of the code of the Republic. The South slept upon its rights, and acquiesced in the deception. Let me say here, in passing, and in all frankness, that it came from the hands of a Southern man, who, in after years, repented of the transaction in sackcloth and ashes. He repented of it as a matter injurious to the South, and as sacrificing the rights to which she was entitled under the provisions of the Constitution. Time progressed. The Southern people, for a period of more than the third of a century, submitted to the injustice of the provisions of this law. For a long period of time they submitted to the gross outrage which it inflicted.

The Northwestern territory, as defined by the ordinance of 1787, was exhausted. That ordinance had had its full effect, and under its influence the States of Illinois and Ohio, and others which I will not stop to particularize, came into the Federal Union. Sir, the South had not murmured. During all the time that the provisions of this unconstitutional and unjust ordinance had been applied to that territory, which was the result of common efforts in the cause of American independence, no murmur had escaped the lips of Southern men. They had submitted to it, although, as I before said, it was an ordinance of the old Confederation, and improperly grafted upon the code of the Republic, as organized under the Constitution. The South said nothing, and these things were all done with her submissive acquiescence. There came then again, after a long interval of years, new territory, the results of common efforts, common sacrifices, and common treasure. The cession from Spain brought in a large domain, amongst it that portion of the United States which is now embraced in the State of Missouri. Sir, again a battle for our heritage, a new invasion of the ocean, another dyke struck down, and the waves coming in in all ferocious force to involve our homes and firesides. Now, let me not be misunderstood. It is not my purpose to say anything against the great statesman of Kentucky. Perhaps I may have to say of him, as Canning said of the younger Pitt, "when he dies my political allegiance may be buried in his grave."

But there was a fatal error, and it only shows the degree of submission to which the South were subjected, that they were compelled to compromise at all—were forced to *compromise* upon a *compromise* —a *compromise* of the *compromises* of the Constitution. In that attitude were they *placed*, and they had to come out from all the terror and tribulation of that period with the brand of infamy still upon their brow. The ordinance of 1787 was exhausted by the appropriation of all the territory embraced within it; but still Southern men had to keep the *mark of degradation*. They were told by the public records of the nation, "You have an institution existing in your midst which is to be kept within limits, and put under bonds as polluting and destroying in its effect upon human kind, and not to travel beyond certain lines of latitude and longitude." Was ever such degradation put upon man? Compromises should not have been allowed. In regard to territory, that was the result of their common efforts and common sacrifices—they should have been admitted to a common participation. But instead of this, upon the brow of every man of them was placed the brand of sustaining a local institution so impure and unholy as to be unfit to go into the Territories of the Government.

Now, sir, I have said thus much upon the position of the South at the period of the Missouri conflict; and let me not be misunderstood in what I have said, or in what I intend to say. I have said, sir, that it shows to what extent the South were driven from their true position when that illustrious man, to save the peace of the nation, became the author of that compromise which admitted Missouri. I have no undue terms of eulogy to utter here. I had only in the city of Baltimore, in reference to the great Whig party of the district I represent, and a number of Democrats, who were devoted to the great cause of American labor, to shout aloud the name of Henry Clay, to insure my success. That name brought me here a Representative of those people upon this floor; and it does not require any praise at my hands. It is due, however, to myself I should say that the proudest trophies which history has bestowed upon any name, will be his portion; and when the future historian comes to describe his efforts on behalf of the laboring men of the country, on behalf of the artisan and mechanic, he will recite a history that shall be deemed almost a romance. It shall be so brilliant that the powers of poesy shall not conceive anything more illustrious in the range even of its loftiest imaginations.

We are engaged in the discussion of the homestead bill, which is most strikingly illustrative of his policy and views. We are fast coming to his opinions in regard to appropriations for internal improvements. By this homestead bill, which is to build up a great agricultural interest, we admit his principle, that the labor of the country may be constitutionally protected. Aye, gentlemen may endeavor to escape from the appearance of concurring in his doctrines—they may seek to shield presidential candidates, but it is upon the broad platform which Henry Clay erected, that these gentlemen who are asking for these admissions of the powers of the Government must at last stand. Mr. Chairman, he was so born and so gifted, that all that professional life and professional effort could bring to a man would have been his portion. He was so born and so gifted, that all that inventive genius and powerful talent might bring to a man, as the rewards of personal exertion, were within his grasp; "but he shut his eyes to the golden calf, and closed his ears to the siren song, and thought it the noblest duty of a man to make other men happy and free;" and he has gone on in that straight line for more than half a century. He has been consecrated before his death, and the pages of history which record his efforts and sacrifices in the service of the Republic and mankind, will be the most glowing it shall be the duty of the historian to write. Having said thus much in this regard, I will now remark, it is not at all right or proper that the South shall be sacrificed—that the equilibrium of the Constitution shall be destroyed—that the interests and institutions of the South shall be overcome. I have said before, and now repeat, that the true interests of the North, require that Southern rights should be maintained. The poet, indeed has said.

> "The time was when John Bull little difference spied
> Between the foe at his feet and the friend at his side;
> When he thought, (such his humor,) in fighting and eating,
> His foe, like his beefsteak, the better for beating."

But no such feeling can exist among sovereign States all intended to be protected alike under a Constitution. These sovereignties came into the Union as equals, to be regarded and sustained as equals; and the North may well ponder upon the suggestion which Mr. Calhoun has given, and decide for themselves as to how they would like, when they have taken the last right from the South—when they have trampled upon the last vestige of the compromises of the Constitution—when the local institutions of the South are destroyed—to come into the National Councils with a cluster of slaves. Let them reflect upon it. Let that man's writings be read upon this subject. Let them *think out* the proposition to which I have referred. And the day will come, if the Union is to be preserved—if the great interests and compromises of the Constitution are to be maintained—it will be the duty of the North for its own sake—if they do not want to be degraded along with the South—if they do not want to be polluted by being connected in matters of public legislation with submissive men—if they want association with free men in order to have free councils—in order to realize what the poet has said—

> "Heart leaps to heart—
> The sacred flame that warms us all is just the same"—

it may be their interest and duty not only to stand by what is left to the South, under the successive *compromises* of the *compromises* of the Constitution, but seek to establish the original harmony and equality of that instrument which *should* have been ever hallowed to the purposes for which it was established.

The State of Missouri was admitted into the Union, fighting for her admission as you would against an inroad of the ocean upon your heritage. From that time this abolition excitement increased. Let gentlemen trace it. That was subsequent to the first surrender. The old ignominy of 1787 had been forgotten. It had done its work. It had appropriated and settled the Northwestern Territory. The people had forgotten it, and the Northern Abolitionists, the very instant they discovered, by the Missouri compromise, that the South was tremulous and disposed to concede, commenced this work of excitement—not before—never until the South showed the white feather, did these recreants to their constitutional duty, and miscreants in every sense of the term, array themselves against the compromises of the Constitution. Their miserable and incendiary efforts were postponed for a time, because they wanted to make a Northern man President. As soon as that object was accomplished by the North, getting all they could acquire, so far as President, power, and patronage were concerned, the excitement again flamed up. Petitions poured in to abolish slavery and the slave trade in the District of Columbia. The Missouri settlement was the immediate, pregnant cause of it all. Read the history of the country, and you will see it. Perhaps, as I have said before, it only showed the pressure of necessity, arising from previous degradation, that Henry Clay led on that settlement; that the Southern men went with him, and thus furnished, perhaps, the cause of subsequent wrongs. They ought to have stood in the breach, and defied the invasion of the waves. Then there would have been no difficulty. This excitement continued, and what was the result? Let me trace it, and I will try to do it briefly. It may be, that in doing so, I shall repeat something familiar to the members of this committee.

The people of the United States, North and South, fought side by side upon the fields of Mexico, and raised the flag of the Republic—not the

flag of the Puritans, as has been sometimes said—over the Halls of the Montezumas. They had gone thither from the *old homes*, linked together as a band of brothers. They conquered a wide domain, pouring out their treasure, and many of them their life-blood, far away from kindred and friends, destitute of the consolations which may be connected with departing life, and which every man instinctively requires to surround him at the trying and final scene. With these things fresh in their minds, the Representatives of the North, for the most part, came to the national counsels bent upon a similar scheme of unmitigated plunder of the territory acquired by common courage, by common treasure, and by the pouring out of the heart's blood in one common stream, and to that which was adopted by the supporters of the ordinance of 1787 and the Northern *grabbers* at the period of the Missouri settlement. There may be some excuse for those who assisted in the execution of that ordinance. There may be some (far less) for those who forced on the adjustment of 1820. But what palliative is there for those who undertake to disturb the last compromise, under which the North has obtained everything, and which has hardly anything of *a compromise* about it but the name?

The territory acquired from Mexico has been appropriated, almost in the same way as the Northwestern Territory was appropriated by the ordinance of 1787. The South came up with submissive demeanor, and permitted it. They promptly gave their assent to the admission of California. Sir, I am proud of that new State's contributions to the national counsels. No man exults more sincerely than I do, in the display of eloquence upon the part of her excellent Representatives. But observe, Mr. Chairman, the effect of the precedent established by the admission of California. We know enough of what is passing before our eyes and ringing in our ears, to know that the institution of slavery—that slave property—requires the protection of the law. The precedent is established, that masses of men may plant themselves upon the territory of the Union, and without the preliminary forms of territorial organization, form themselves into a State. This effectually shuts out the institution of slavery.

More than that. I understand—and if I am mistaken, I should like to be corrected by some of the friends of that gentleman upon this floor—General CASS to take the ground that any Territory of the United States, organized under territorial laws by its local Legislature, has the right either to establish or exclude slavery. I have not seen the new reading of the Nicholson letter—perhaps it may be the proper interpretation. I have this understanding of it from Mr. McLane, my friend and predecessor.

Mr. FREEMAN. I am not authorized by General CASS to express his views; but I know that his friends do not understand it in the light which the gentleman has represented. As I understand his views in regard to that matter, they are these: That the territorial governments have the same powers in regard to this matter that the State governments have; and that the State governments have not the power to abolish slavery without the consent of the owners of the slave property.

Mr. WALSH. That is precisely in accordance with what I was stating to the committee. The interpretation is, that the territorial have the same right as the State governments. This is the doctrine of this man who is likely to be your President. I say, as a Whig, that he will, unless we can organize more effectually to bring all of our party together on the great platform of the Constitution. Perhaps he will be the President. He will come in with that principle, that the Territories of the United States have, as soon as they are organized under the laws of Congress, by ordinance, the power to exclude or admit slavery. I want Southern gentlemen to ponder upon this long and well.

Mr. FREEMAN. Will the gentleman allow me to ask him a question. Perhaps I misunderstood him in regard to this matter. Do I understand the gentleman to assert a doctrine differing from that which I announced as that of General CASS?

Mr. WALSH. Unquestionably.

Mr. FREEMAN. Then I ask the gentleman if he contends that the Congress of the United States, under the circumstances, have the power to control slavery in the Territories?

Mr. WALSH. I deny it most strongly.

Mr. FREEMAN. Where does the power lie?

Mr. WALSH. Nowhere. It is for the State authorities, when they come into the Union, to determine the matter for themselves.

Mr. FREEMAN. I understand the gentleman to take the ground, that the citizens of Territories, after they have formed their government, are disfranchised, and have not the same rights of person and property that pertain to citizens of the States.

Mr. WALSH. I understand this: that they are under a preliminary form of government. Neither Congress nor the Legislatures of the Territories have a right to legislate upon this subject. So far as the question of disfranchisement is concerned, the gentleman is mistaken as to his inference. The Constitution of the United States, as I have already stated, is a contract of equality; and if I have a right, under the provisions of that instrument, to take into territory organized under the laws of the United States, my horses, I have the right to take my slaves. That is my idea of this matter.

Mr. FREEMAN. I agree with the gentleman perfectly as to that point; but it is the question of power I am after. I understand the gentleman to say that the Legislatures of the Territories have no jurisdiction over the question of slavery whatever.

Mr. WALSH. Unquestionably. I say so.

Mr. FREEMAN. My position is, that the Legislatures of Territories have the same powers, and no more, than the Legislatures of the States, and that the Legislatures of the States have no right to abolish slavery without the consent of the owners of that property. The point to which I wish to direct the gentleman's attention is this: If there be no power in the Legislature of a Territory to interfere with the question of abolishing slavery—and I admit that there is none—where does the power exist? If it exists anywhere, where does it exist? Where is the jurisdiction over that subject? If it is not in Congress, if it is not in the States, if it is not in the people of the Territories, where does it exist?

Mr. WALSH. It has no jurisdiction at all. The gentleman ought to understand what the nature of the territory of the United States is. The territory of the United States was all intended to come under the Union, and the property belonging there, is like property belonging to the Union, like property belonging to a partnership, subject to the use of the members of that partnership, until the partnership may be altered in regard to the particular property.

Mr. FREEMAN. The gentleman does not mean to say, that the *political rights* and *privileges* of the people in the Territories are the *property* of the United States.

Mr. WALSH. I do not mean to say that, but I say the right of the people to take property there from the several States, is not to be affected or controlled by the local legislature.

Mr. FREEMAN. Undoubtedly; and then follows the right of the *people to protect that property.*

Mr. WALSH. Then, we have the admission of the gentleman upon record. This is the admission of a friend of General CASS. Let it go. I say, then, that these territories are infant colonies, being a part of the property of the partnership. Every member of the partnership has a right to go there, until the general national council of the country fixes the rights of the territory, and authorizes it to come into the Union as a State; and then, the State has a right to allow the institution of slavery or not, as they may think proper. But to give the local legislature of a territory the right to say that the institution of slavery should not exist, is to put yourselves in the power of any class of men who may settle upon any point of the public territory of the United States, and organize, under the authority of Congress, a territorial government. It would take the question of slavery from the States. The gentleman does not seem to perceive that the institution of slavery is protected by a compact among the States, and not with Territories. Territories come into the Government, under the protection of the Government, as incidental to the Union; and, coming in as incidental to the Union, they are the property of the Union, until they form themselves into States, competent to take part in this great constitutional compact. And, when they take part in that great constitutional compact, then they take upon themselves all the responsibilities which attach to them. Whether a State Legislature shall ask Congress to come in with or without slavery, is a matter for the people of the States to determine amongst themselves. The result must be so.

The argument suggested by the honorable gentleman, [Mr FREEMAN,] who is the friend of General CASS, would put slavery and slave property in the power of the Territories, whereas the Constitution has protected it by a compact among States. It cannot be possible. I say, General CASS is guilty of political heresy when he proclaims this sentiment; and I am astonished to see in my own State of Maryland, and further South, that there is not more pertinacity in regard to Southern institutions and Southern interests. The gentleman from Indiana [Mr. PARKER] said the other day, that he would vote for a Democrat who was sound upon the compromise measures in preference to a Whig who was not; and I declare that I will no more vote for a man who dodged a vote upon the fugitive slave law, than I will vote for one who refused to express his opinions upon it. They stand upon the same platform. Let me say in this connection, I do not put in the same category all the men who have failed to vote upon that bill. I mean to accept the explanation of the representative of "Young America." I mean to agree fully with his friends, because I have a personal feeling upon the subject of pecuniary difficulties; and I agree that the excuse is quite satisfactory—that he went to New York to take up a note; and, besides, his noble stand at Chicago relieves him from all responsibility. I have gone this far, and now I say that the South have given up everything except this fugitive slave law. It is the only remnant which they have left of all the compromises of the Constitution—a result to which the South ought never to have been driven. Their present condition may be illustrated by a story related of a town in Texas, the citizens of which assembled together in a church for the purpose of taking measures for shutting out from their limits a number of desperate people who had collected within them. Just as they were in the midst of their consultations, a man ran breathless into the church, and exclaimed, "Gentlemen, I understand that you are about to turn out of your town all people coming within a certain category. I am one of that class, and I beg you, for God's sake, to listen to me for one moment." They all paused in the midst of their deliberations, the appeal was so solemn. "I have run away from every place upon God's earth but this one, and I have no other place to which I can go. I have gone everywhere—been discarded everywhere except this little town, and I beg you to keep me." The meeting agreed to let him remain.

Now, that is the position of the South. To be sure, the naked right exists, of coming into the Union, when States are organized, with the institution of slavery, but with no such results of a practical blessing as in the case of a friend of mine, who came down from the North and married a lady in Maryland, who had both the spoons and negroes. The question of conscience troubled him very much, and although he knew it was proper for a Northern man sometimes to hold Southern principles, rightly and constitutionally, he did not know how far it was right for a Northern man to hold Southern property. It troubled him very much, particularly the night before his wedding, and when, according to the form of the church, the clergyman said to him the next morning, "Sir, will you take this woman to be your wedded wife?" "Yes, sir," he replied, "and the negroes too." [Laughter.] Although the South may hold on to a barren scepter, they are ever shut out, practically, from the enjoyment of the principles of the Constitution. Is it not necessary to take our stand under these circumstances, when we have no further sacrifices to make, and when we have no further surrender to offer? The North has got all men could require at the hands of others, and living under the same form

of Government they have got all the newly-acquired territory. The South simply say to them now, stand by the old Constitution—stand by it as you understood it at the period of its adoption. Stand by it upon the naked right of the owner to reclaim his fugitive slave. I have dwelt longer upon this part of the subject than I should have done, and because of some speeches which have been made in this House, and to which it is proper to allude upon this occasion. I only do it because the two great conventions are to assemble at Baltimore, the Monumental City, famed not only for the chivalry of its people, but its hospitality. They are as welcome as roses in June. We welcome them all; but I wish to suggest one thing to the Democrats, when they attempt to erect their platform, which is said to be a national platform, and indicative of the principles of the great Democratic party of the country.

The gentleman from Massachusetts, [Mr. RANTOUL,] the first day, I think, upon the debate on the Kossuth resolutions, said that he was a State-Rights man, and that the evil which had caused the French revolution was the absence of the principle of State-Rights in the Government of France.

This struck me as a most astounding enunciation; and having heard something of the gentleman's previous history, I remarked to a friend as I was passing from the Hall, that "a worshipper at the shrine of State-Rights must be held to involve in his vow a fidelity to State institutions." I have heard this principle enunciated by him sanctioned and indorsed by other members. What is it? It is this. The gentleman from Massachusetts [Mr. RANTOUL] said that there were three ways of destroying slavery; three ways of settling the matter—that was his expression; one was by civil war, which he did not think *probable*, but possible. It is an insult to the gentlemen assembled in this House to suggest the possibility of civil war in regard to the preservation of their homes and firesides. It is a gross and unmanly insult, unworthy of men, and especially of one who cried for *peace, peace*, as a guarantee of useful discussion. That was one of his suggestions. The other was, that the slaves were all to be paid for by the General Government, a scheme to which he objected. What was the other way of getting rid of them the gentleman did not specify, but covered up in a fillibustery of words. It comes out, however, afterwards, in the speech of Mr. TOWNSHEND, of Ohio, which I had the honor of receiving, but whether from his hands I do not know, as I have not a personal acquaintance with him. It comes out in the speech of this gentleman, that this doctrine of State-Rights means this: that as far as slavery is recognized as a legal institution, residing within the limits of a State, there it is to be protected; but that when a slave gets over the border, into a free jurisdiction, as it is termed, the right of felony attaches.

That is the argument, and the gentleman to whom I have referred [Mr. TOWNSHEND] annexes to the printed copy of his speech, the Virginia resolutions of '98 to sanction this monstrous doctrine. Yes, sir, the Virginia resolutions of '98 are appended, to sanction the idea that although slavery, as a local institution, is to be protected within the limits of the States, yet, when a slave gets over the border, the right of felony attaches! Now, if this is not stealing the livery of Heaven to serve the Devil in, I have never seen a realization of that saying. The good old Democratic doctrine of '98 perverted to aid the cause of felons and thieves, and to give a sanction to the men who rob the South, and massacre her citizens when they come in pursuit of their property! That is the interpretation. I want the Baltimore Convention to take it into consideration. I hope they will do it. The gentleman from Ohio [Mr. OLDS] imploringly asks for the platform of '44 and '48—no indorsement of the fugitive slave law—no indorsement of the compromise, and upon those hallabaloo resolutions about "State-Rights" and "the Union," General CASS is to be smuggled into the Presidency. That is the scheme. Talk about *finesse* indeed! The gentleman from Tennessee [Mr. POLK] said that he wished to expose the *finesse* of the Whig party; let him look to his own household, and see what is going on there; let him see that this is the scheme. They will go into the Baltimore Convention and nominate a candidate upon those resolutions. I understand that the gentleman from Massachusetts [Mr. RANTOUL] is a delegate to that convention, and what does he say? He not only insults Southern gentlemen by intimating the possibility of a civil war, but, in addition to that, he accuses every Northern man who regards his oath under the Constitution—who regards his fealty to the compromises of the Constitution—who regards his love of the Union, of swallowing "Southern dirt." I should like to know that gentleman's idea of cleanliness, because I may be left to infer from his remarks, that perjury, and murder, and felony, do constitute cleanliness in his opinion. There is a reason for insisting upon the fugitive slave law. It is "the last rose of summer," and hardly a rose, because it is associated with degradation and submission on the part of the South.

Well, gentleman say that there is no cause for agitation, and my friend from Indiana, [Mr. PARKER,] who argued here so ably yesterday, says that the excitement is all here. Has he read the papers lately? Has he seen the proceedings in Massachusetts, the place from which this delegate to the National Democratic Convention [Mr. RANTOUL] comes? The Senate of that State have passed a law granting the right of *habeas corpus* to take persons arrested as fugitive slaves out of the hands of the United States marshals. It has been passed in the Senate of that State by a party to which the gentleman from Massachusetts [Mr. RANTOUL] dared to compare Southern men upon this floor. He said that while the gentleman from Florida, [Mr. CABELL,] and other gentlemen here, were disposed to forego party questions, and to go with that party that stood by the Constitution and the peace of their homes and firesides, nothing was said of them, but the bargain between the Democrats and the Free-Soilers in the Massachusetts Legislature was arraigned here. Sir, it is an insult to compare a band of men who are united together by no tie but public plunder, and by the sacrifice of everything that man ought to hold glorious and honorable, to a set of gallant gentlemen who, standing up to the instincts of nature and the promptings of constitutional duty, rally around their hearths and their homes. I trust, and I think, from what I know of the honorable gentleman from Tennessee, [Mr. POLK,] that when this Representative here and Representative *there* presents himself at the door of the National Convention in Baltimore he will be ruled out.

And now, sir, I want to correct a point of history, in regard to the number of persons who were present at the Whig caucus at the commencement of the session, in which I was an humble participant. Now, I say—and I say it upon the authority of gentlemen who were present—that some quarter of an hour before that meeting was organized, my colleague [Mr. EVANS] and myself counted forty-five members who were present. I know that many came in afterwards, and, to the best of my belief, there were sixty members of the Whig party present on that occasion—almost as numerous a body as met in the Senate Chamber of the United States to fix the time and place for the assembling of the Whig National Convention. Sir, no man retired from that meeting except Mr. FOWLER, of Massachusetts, Mr. STEVENS of Pennsylvania, and one other gentleman, whom I have not recognized since.

Mr. EVANS. It was Mr. STANTON, of Ohio.

Mr. WALSH. Well, sir, with the exception of these three, no other gentleman retired from that meeting. Mr. MARSHALL, of Kentucky, declared that the question on laying the resolution upon the table was to be considered a test vote, and, on that declaration, no one left but the three gentlemen I have named. Now, I call upon my colleague to say whether that was not the state of the facts.

Mr. EVANS. It is true.

Mr. WALSH. It is so. Mr. Chairman, I came here anxious, simply, to plant myself upon this platform of the compromise measures. And, sir, it is no compliment to me. I had no alternative. I was not a free agent. I believe that I would stand up for the rights of my constituency and for the rights of the South, as firmly as any man here. I come here as the agent of the people, and I speak from influences, independent of my personal control. The Constitutional Convention of Maryland—men engaged in the formation of an organic law for the government of the State—expressed their opinion upon this subject, and said, that unless the compromise was to be observed, Maryland had no tie to bind her to the Union. That was the language which they put upon the record. I have spoken of the degradation and submission of the South. I come from a people who would be more degraded by submission, than any portion of the Southern people, in all the controversies which have originated in regard to the right of property in slaves. I come from the center of the State to which that old man belonged—a man consecrated by years, and by his piety and religion, and whose habit through life had been, to free his slaves as soon as they were of a certain age and able to take care of themselves—who, when he passed over the Pennsylvania border to Christiana, in Lancaster county, was met by a herd of negroes, headed by white scoundrels, felons, and murderers, and the old blood of Maryland, the blood which has reddened the soil of every State during the Revolution, from Maine to Georgia, poured out like water wherever the tree of liberty was planted, was condemned to the last, the most galling indignity, of being shed out to the death by the hands of *negro* assassins.

[Here the hammer fell.]

Mr. MEADE. I desire to correct a matter of fact alluded to by the gentleman from Maryland, [Mr. WALSH,] who has just addressed the House. I did not like to interrupt the gentleman in the course of his eloquent remarks, but I understood him to say that Mr. RANTOUL, the Representative from Massachusetts, had been appointed a delegate from that State to the Baltimore National Democratic Convention. I desire to say, that Mr. RANTOUL is not the legitimate appointee to the Baltimore Convention, but that a Mr. Law was regularly appointed by the regular Democratic party, and in obedience to the recommendation of the Democratic Convention. Subsequently, the Free-Soilers and others held a meeting in the second district of that State, and appointed Mr. RANTOUL. The question as to who is the regular appointee to the Convention, will come up before that body. I hope the gentleman from Maryland will allow this explanation to go out with his speech.

Mr. WALSH. I have no objection to it. I was not before aware of the fact.

Mr. STANLY. The gentleman from Virginia does not say that Mr. RANTOUL is not the regular Democratic delegate.

Mr. MEADE. I do say that he is not the regular Democratic delegate.

FRENCH SPOLIATIONS.

SPEECH OF HON. ALPHEUS FELCH,

OF MICHIGAN,

IN THE SENATE, *April* 12 *and* 14, 1852.

The Senate having proceeded, as in Committee of the Whole, to consider the bill to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to July 31, 1801—

Mr. FELCH said:

Mr. PRESIDENT: It must be apparent to every one that a man could scarcely propose to himself a more thankless or a more hopeless task than to attempt opposition to this bill. A few days since the honorable Senator from Iowa, [Mr. DODGE,] in expressing his strong yet ineffectual opposition to another measure, declared it was as useless to resist its passage as to oppose the claims for the French spoliations. He appealed to this as a standard of hopelessness in opposition to measures here proposed. And the Senator who has to-day urged the passage of this bill, has assured us heretofore that there were votes enough in the Senate in its favor to secure its passage. I do not doubt it, sir; nor do I doubt that, notwithstanding all opposition which can be made to it, its triumph here is as certain as the decrees of fate.

Yet, sir, there are some considerations which induce me to regard it as my duty to solicit the attention of the Senate to some remarks on the merits of these claims, notwithstanding they may be uninteresting and seem unwarrantably to tax your patience.

This is, indeed, no new subject. It has long been before the Senate, and great names have been appealed to for the purpose of showing that men of influence, of character, and information have heretofore given their sanction to the justice of these claims.

The honorable Senator who reported the bill now before us, [Mr. BRADBURY,] has this morning mentioned some of these in proof of the rights of the claimants.

But let me remind the Senate that there are also men of high character, of extensive information, of great ability, and of unsullied honesty, who have always been in opposition to this bill. It has heretofore been thoroughly discussed in this Senate Chamber by such men as Wright and Benton, McDuffie and Dix, and by others, once worthy members of this body, in strong terms of disapprobation and opposition. It is a comfort to know that, in urging an humble opposition to this bill, I follow the footsteps of men so illustrious and so judicious. With such men in advance, I am cheered on in my course with a consciousness that the views I entertain are correct, and the conclusion to which I arrive just. Nevertheless, the task of opposing this bill becomes more difficult on that very account.

The merits of the claims are to be sought and found only in the voluminous public documents relating to the subject, and in the history of the times, and in the acts of Congress.

Here is one single volume,* published some sixteen years since, which comprises nothing but documents in relation to this matter. The careful perusal and examination of everything necessary to the understanding of the subject require much time, and involve great difficulty and trouble. These eminent men to whom I have referred, have devoted themselves to this examination; they have exercised a skill in logic and ability in investigation which I cannot bring to the subject; they have discussed the subject so thoroughly as to leave no facts for another to develop—no arguments for another to present.

Notwithstanding all these discouragements, I do not feel at liberty to give a mere silent vote. It was my fortune to be appointed a member of the select committee to which the matter was referred. The Senator from Indiana, [Mr. BRIGHT,] not now here in his place, and myself were found to be in a minority on the final action of that committee. We disagreed in the conclusion to which the majority of the committee arrived. We could not assent, after the most careful examination, to the justice of these claims on the public Treasury, and we deemed it our duty to present to the Senate the considerations which justify our results. I regret that the Senator from Indiana, who could far more ably than myself discuss this matter, is unavoidably absent. It remains only for me, as well as I may, to present such facts and arguments as occur to me in support of the views of the minority of the committee.

What are the claims before us? They originated in the time of the general war in Europe. They are claims for injuries committed upon American commerce by France, from the year 1793 to the treaty which was made in September, 1800, and finally ratified in 1801. This was the period when war was raging throughout Europe, involving not only France and Great Britain, but most of the other Governments which had naval forces on the ocean or vessels engaged in commercial pursuits. The depredations were continued through a period of seven years, which may be regarded as the most troublesome and turbulent of modern times, signalized by a maritime warfare endangering the commerce of all neutral nations. It embraced a period of time when American commerce was in its infancy, and American vessels upon the ocean were comparatively few. The flag of the United States had but just been unfurled to the breeze, and our ships but just begun to attract the attention of the older nations. In their earliest efforts on the ocean our merchants and our sailors acquired an enviable reputation for energy, industry, daring perseverance, and hardy vigor. These soon marked the new ocean power as one destined to compete with the most successful of those who had long occupied that field of labor.

The belligerent position of other maritime nations opened an inviting theater to our energies. Our position in reference to them secured to our merchant vessels a carrying trade of almost unlimited extent. Business at once extended itself on the ocean; our ships increased in number; our ship-owners were active, and their business lucrative. The evils of the state of national warfare caused frequent instances of depredations to our shipping, and of injury to the trade; but the hazards of the belligerents and the dangers of the ocean were more than compensated by the rich returns of the business, and our merchants became wealthy. Knowing the hazards, they knew also the best means of avoiding them, and estimated in advance the rich returns which success would bring to their coffers. After all its hazards and misfortunes, it was a period of successful commerce. No time in our history has been more so. Compare it with a period fifteen or twenty years later, when our ship-yards were deserted, and our ships rotting at the wharves. It was in truth, with all its dangers and its individual losses, a time of great general success in the interest of navigation, and one which may be looked upon as a period when America, then young and almost unknown on the highway of nations, asserted her position as a maritime Power, and distinguished herself by her energy, activity, and success.

It is also to be remarked, that during the seven years within which the alleged injuries to our commercial interests were committed, France passed through events and changes which have happened in no other nation within the same length of time. The period from the 24th of July, 1793, to the same month in 1794, was the time known as *the Reign of Terror*. From October, 1795, to November, 1799, the Directory (a Government of five members) held the power of the nation. From that period until after the convention of 1800, Bonaparte was the supreme ruler of the nation as First Consul. It was a period in that country marked by turbulence and revolutions such as the world has never seen.

The first treaty of alliance between the United States and France, entered into on the 6th of February, 1778, embraces the provisions and guarantees then existing between the two nations. By it France guaranties "to the United States liberty, 'sovereignty, and independence, absolute and un-'limited, as well in matters of government as 'commerce, and also their possessions, and the 'additions or conquests" that might be made from Great Britain during the then pending war between the two countries. And the United States guaranty to France "the present possessions of the Crown of France in America, as well as those it may acquire by the future treaty of peace." The next treaty was the treaty of amity and commerce, and bears the same date as the former. There are several articles of that treaty which have been referred to in the various discussions which have taken place upon this subject.

The 17th article provides—

"That it shall be lawful for the ships-of-war of either party, and privateers, to carry the ships and goods taken from their enemies whithersoever they will, without payment of any duties to the officers of the admiralty or other judges; nor shall the prizes be arrested or seized when entering the ports of either party, nor be subject to search or examination concerning the lawfulness of such prizes; but they may depart and carry their prizes to such places as are named in their commission, (which commission they shall exhibit,) nor shall either party afford shelter or refuge in their ports to such as shall have made prizes of the subjects, people, or property of either of the parties; and if such be driven in by stress of weather, all proper means shall be used to hasten their departure."

The 22d article provides that it shall not be lawful for the privateers of other nations, having commissions from any nation at enmity with France or the United States, to fit their ships in the ports of either of the parties, or to sell or exchange their ships or merchandise.

The 23d article makes lawful commerce for the vessels of either party between neutral ports and the ports of the enemies of either party, and between places both of which belong to enemies; that free ships should make the goods laden therein free; and that everything found on board the ships of one of those nations (contraband goods excepted) should be free, although appertaining to the enemies of either party.

The 24th article defines the goods that should be deemed contraband, and declares many articles which by the law of nations were regarded contraband of war, not to be so under the treaty. Provisions, material for ships and ship-rigging are among them, and many articles of merchandise, the carrying of which opened to our commerce an immense and profitable business with the nations of Europe. If the privileges secured by this provision of the treaty could have been enjoyed by us, during the wars which distracted the eastern world for the last ten years of the last century, our merchant vessels would have enjoyed a richer harvest than the annals of commerce can elsewhere exhibit.

In addition to the treaties above-mentioned, a convention, known as the Consular Convention, defining the duties and powers of consuls appointed by the two nations respectively, was concluded on the 24th of November, 1788. I am not aware of any provision of this convention, bearing on the questions involved in the matters under consideration, which it is necessary here to recite.

These treaties remained without any modification by agreement of the respective parties, or any specific and open renunciation of them by either party, until July 7, 1798. By an act of Congress, "to declare the treaties heretofore concluded with France no longer obligatory on the United States," approved on that day, it is declared that the treaties between the two Governments "have been 'repeatedly violated on the part of the French Gov-'ernment, and the just claims of the United States 'for reparation of the injuries so committed have 'been refused, and their attempts to negotiate an 'amicable adjustment of all complaints between the 'two nations have been repelled with indignity," and "under authority of the French Government, 'there is yet pursued against the United States a 'system of predatory violence, infracting the said 'treaties and hostile to the rights of a free and inde-'pendent nation."

The act then declares that "the United States 'are of right freed and exonerated from the stipu-'lations of the treaties, and of the consular con-'vention heretofore concluded between the United 'States and France, and that the same shall not 'henceforth be regarded as legally obligatory on 'the Government or citizens of the United States."

Regarding this act as one of validity and effect, we have a simple statement of the relations existing between the two nations when the depredations on our commerce complained of by the memorialists were committed. Anterior to the 7th of July, 1798, the treaty stipulations were in force, and the wanton destruction or unwarranted confiscation of our merchant vessels was in violation of these provisions. From that date to the subsequent treaty in September, 1800, the rights of parties must be judged of by the law of nations, as applied to the actual relation of the two countries. As to the true character of these relations during the latter period, I am aware there is a difference of opinion.

Now, sir, in whatever light we may view the depredations committed upon vessels belonging to American citizens—whether as done in violation of treaty stipulations, when the treaties were in existence, or committed subsequently in breach of the law of nations, after the passage of the act abolishing these treaties, and declaring them to be null and void, no obligation was imposed by them upon the American Government to indemnify these claimants. They were the aggressions of a foreign nation, neither occasioned nor sanctioned by our Government. No Government ever assumed to pay from the public treasury for damages occasioned by the violations of the rights of its citizens by other and foreign nations. Such an appropriation of money can only be justified by showing a case of special circumstances to take it out of all general rules, and fixing upon the Government some extraordinary obligation—some act of unwarrantable interference which has caused the injury or some express assumption of payment for depredations committed by another.

In connection with the treaties, I will here refer to another branch of the case, which is strongly relied upon by those who urge these claims. The convention of 1800, as it was transmitted to the Senate for ratification, contained an article which that body saw fit to expunge. That article was the second in number, and was in these words:

* Senate Document No. 102, 19th Con., 1st Sess., in which will be found the documents and papers referred to in these remarks, where no other reference is given.

"The ministers plenipotentiary of the two parties, not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and, until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be as follows," &c.

The convention was then ratified by the Senate, with an amendment striking out the article which I have just read. It was transmitted to France for ratification by Bonaparte, then First Consul. It was ratified by that potentate, on the part of France—with the addition, however, of the following:

"*Provided*, That by this retrenchment the two States renounce the respective pretensions which are the object of the said article."

The American Senate, when the convention was again submitted to them by the President for further consideration, resolved that they considered the said convention as fully ratified, and returned the same to the President for the usual promulgation. And in consequence of this resolution of the Senate, the treaty was proclaimed by the President of the United States.

On the provisions of this convention of 1800, and the transactions of the Government in connection with it, to which I have referred, the petitioners rely to charge the Treasury of the United States with this claim of $5,000,000, admitted to be no original debt of theirs. If any such liability exists, it must arise from one of two sources of obligations: Either, in the first place, from such a dereliction of duty upon the part of the Government of the United States, in aiding its citizens to obtain just compensation from the foreign nation, as has defeated the claim; or, secondly, from a discharge of the just claim of the citizens by negotiation, and a use of it to acquire a valuable equivalent for the benefit of our Government, and the consequent assumption of the debt to be paid from the Treasury of the United States.

Having thus stated the general facts connected with the claim, and the condition and relation of the parties, I now proceed to submit some reasons why, in my humble judgment, these claims should not be paid from the Treasury of the United States.

The first claim is founded upon the neglect of this nation in reference to these claims. I contend that, during the time previous to the adoption of the treaty of 1800, this Government prosecuted these claims with great energy and perseverance, for the purpose of securing indemnity for them by the French Government. I contend, further, that during that time they not only negotiated to the utmost extent that could be required of them, but proceeded further, and resorted to the only remedy by which a claim of this character could be enforced; that remedy was war. And I contend that during the time to which I have referred—for two or three years—there existed between France and this Government a state of actual public war. It is a principle of the law of nations, recognized everywhere, that, whenever a nation urging a claim in favor of its citizens against another has proceeded to the extremity of war, whether indemnity is secured or not, all claims for such depredations are concluded.

But it has been denied that war existed between the two nations. What, then, was the state of things between them? Did the Government of the United States resort to war? It will be observed that at a very early day the American Government commenced the discharge of its duties towards the citizens claiming for injuries committed by the French on their vessels. Constant and repeated efforts were made to secure from the French Government the payment of those claims. As early as March, 1793—the very commencement of these injuries—Mr. Morris, then Minister of the United States to France, made formal complaint to the French Minister of Foreign Affairs of violations committed by the French privateers upon American commerce. These complaints were repeated over and over again, and continued up to the time of the final collision between the two Governments, which was terminated by the convention of 1800.

But, sir, upon the part of France it was not a mere acquiescence in the aggressions committed upon our commerce by private citizens; but, at a very early day, the French Government, by official acts, commenced a course of proceeding with reference to American commerce which proved destructive to the maritime interests of our citizens. As early as February 19, 1793, a decree was passed by the National Convention injuriously affecting the commerce of the United States; and another on the 9th of May, another on the 23d of the same month, and another on the 1st of July.

By the resolve of the Executive Directory, of the 2d of July, 1796, it was declared "that the 'flag of the French Republic will treat neutral vessels, either as to confiscation, as to searches, or 'captures, in the same manner as they shall suffer 'the English to treat them." An official copy of this resolve was furnished to Mr. Monroe, with a letter, notifying him that the functions of the French minister plenipotentiary to the United States were suspended on the 7th October, 1796. By a decree of March 2d, 1797, it was ordered, among other things, that French vessels-of-war and privateers might stop and carry into the ports of the Republic neutral vessels found loaded entirely, or in part, with merchandise belonging to the enemy; that merchandise belonging to the enemy shall be declared good prize, and confiscated for the benefit of the captors. This decree also declares that the treaty of 1778 has been modified by the treaty concluded with Great Britain on the 19th November, 1794, known as "Jay's treaty," and proceeds to apply new rules and regulations to American commerce totally inconsistent with the rights of a neutral nation, and especially at variance with the treaty stipulations before cited. It was also under this decree declared, that "every American vessel shall be a 'good prize which has not on board a list of the 'crew, (*role d'équipage*,) such as is prescribed by 'the model annexed to the treaty of the 6th Februa-'ary, 1778—a compliance with which is ordered by 'the twenty-fifth and twenty-seventh articles of the 'same treaty." It was under this decree that so many American vessels were subsequently condemned.

These and other decrees, to which I have not time to refer, manifest an abandonment by France, without any justifiable cause, of the provisions of the treaty of 1778, and exhibit a course of conduct hostile to the United States. The acts on the high seas of those bearing commissions under the French Republic were insulting and injurious in the extreme. They treated us as enemies, and not as friends. I will not detain the Senate with a discussion of the points then in controversy. The American nation passed their judgment on these acts of hostility. The American Congress investigated and gave their construction of these decrees and these acts. The Government remonstrated, and besought a return to the stipulations of the treaties. They sent minister after minister to urge reconciliation, and to demand a forbearance of hostile acts, and to sue for indemnity to our ship-owners and our sailors. Indeed, from the commencement of those troubles to 1798, the documentary history of this country is full of the efforts at negotiation, and reconciliation, and indemnity. If ever a Government could point to their zealous endeavors, without resort to war, to protect its citizens and their property from foreign aggression, and to obtain compensation for the past, it was that of the United States on this occasion.

A series of acts of Congress, among which was that of July 7, 1798, declaring the treaties violated by the French Republic and void, opened a new theater of action. Diplomacy gave place to force. A war—the resort to physical force—succeeded. A mere reference to the acts of Congress in its newly-assumed hostile attitude will show how truly and earnestly the protection of the right of the citizen on the seas was urged by warlike means. Within a single year, commencing in May, 1798, no less than twenty-eight acts bearing on this subject were passed by Congress. Over seven millions of dollars were appropriated, two millions ordered to be raised by direct taxation, and a loan of seven millions authorized to be negotiated by the President. The raising of additional military forces; the support of a naval armament; the purchase of vessels-of-war; procuring cannon, arms, and ammunition; the enlistment of ten thousand men; the purchase of galleys; the acceptance of volunteers, were among the objects provided for. Commanders of armed vessels were directed to take all French armed vessels which had committed depredations, or were hovering on the coast for the purpose of committing depredations, on our vessels. On the 13th of June intercourse with France was suspended, and French vessels found within our waters were forfeited, with their cargoes, if they did not depart when ordered. The act of June 25 authorized merchant vessels to resist search by French vessels, and to capture them, and also to recapture American vessels; and on the 28th of June vessels thus captured were declared forfeited. The act of the 9th of July authorized the commanders of United States vessels to capture armed French vessels, and authorized special commissions for the like purpose to be issued to private armed vessels.

The President also issued orders to the commanders of armed vessels of the United States, under the act of May 28, 1798, to seize and bring into port any armed French vessel which should be found on the coast, having committed, or designing to commit, depredations on the property of American citizens, and to retake any vessel belonging to our citizens, which had been captured by any such armed French vessel. By an order of July 10 they were directed to capture any armed French vessel on the high seas. It is alleged that, under these provisions, there were captured eighty-three French vessels, sixty-eight of which were condemned.

Under these laws, from 1798 to the making of the treaty, an actual public war, between the two nations, on the ocean was raging. Blood was shed, and treasures were expended by both parties, and daring exploits of American commanders rendered memorable their engagements, and secured reputation to their country, and laurels to themselves.

I know, Mr. President, that some persons deny that a state of actual war existed; and treat it as an absurd after-thought so to regard it. I will make a reference or two to show how it was regarded by others.

Wheaton, in his work on international law, speaks of the two kinds of war—*perfect* and *imperfect*—and cites that to which I have referred as an instance of the latter. It is designated as *imperfect*, because it was limited as to places, persons, and things. The question has also received judicial determination in the Supreme Court of the United States.

In Bas *vs.* Tingey (4 Dallas's Rep., 35) the question was presented, and the judges delivered their opinion *seriatim*. Justice Moore demanded—

"By what other word the idea of the relative situation of America and France could be communicated than by that of hostility or war?—and how can the characters of the parties engaged in hostility or war be otherwise described than by the denomination of enemies?"

Justice Washington said:

"The decision of this question must depend upon another; which is, whether, at the time of passing the act of Congress of the 2d March, 1799, there subsisted a state of war between the two nations. It may, I believe, be safely laid down that every contention by force between two nations, in external matters under the authority of their respective Governments, is not only war, but public war."

And again:

"But hostilities may subsist between two nations more confined in its nature and extent—being limited as to places, persons, and things; and this is more properly termed imperfect war, because not solemn, and because those who are authorized to commit hostilities act under special authority, and can go no further than to the extent of their commission. Still, however, it is a public war, because it is an external contention by force between some of the members of the two nations, authorized by the legitimate powers." "In fact and in law," he adds, "we are at war."

Justice Chase is no less explicit:

"What, then, is the nature of the contest subsisting between America and France? In my judgment it is a limited, partial war. Congress has not declared war in general terms; but Congress has authorized hostilities on the high seas by certain persons in certain cases." * * * "So far, it is unquestionably a partial war; but, nevertheless, it is a public war, on account of the public authority from which it emanates."

Justice Patterson says:

"An imperfect war, or a war as to certain objects, and to a certain extent, exists between the two nations; and this modified warfare is authorized by the constitutional authority of our country."

Thus all the judges concurred in declaring the

existence of a war, and that it was public and authorized by Congress.

The question whether war existed or not received also contemporaneous and official determination in the executive branch of the Government. The opinion of the then Attorney General, Charles Lee, was required on this subject, and his reply is so definite and pointed that I beg leave to read it to the Senate. It is dated August 21, 1798:

"BUCK TAVERN, *August* 21, 1798.

"SIR: Having taken into consideration the act of the French Republic, relative to the United States, and the laws of Congress passed at the last session, it is my opinion that there exists not only an *actual* maritime war between France and the United States, but a maritime war, *authorized* by both nations. Consequently, France is our enemy, and to aid, assist, and abet that nation in her maritime warfare, will be treason in a citizen or any other person within the United States, not commissioned under France. But in a French subject, commissioned by France, acting openly, according to his commission, such assistance will be hostility. The former may be tried and punished according to our laws; the latter must be treated according to the laws of war.

"I have thought it my duty to make this communication in consequence of the information you received from Rhode Island of the intention of a Frenchman, whose name I do not now call to mind, who is said to be somewhere in the country on the business of buying ships and supplies of a military kind for the West Indies. He should be apprehended and tried as a traitor, unless he has a commission, and acts according to it; in which case, he should be treated as an enemy, and confined as a prisoner of war."—*Opinions of Attorneys General, page* 49.

On the 20th September of the same year, the question was presented to him in another case, and he again says:

"After mature consideration of the decrees of France, and of the laws of the United States, and the conduct of each nation to the other, it is my opinion that the two nations are in a state of maritime war; and consequently, that the citizens of the United States who aid and adhere to France in acts of hostility on the high sea against the United States, and their fellow-citizens, are guilty of treason."

These quotations are sufficient for the purpose which I proposed to myself, by citing from the authorities of that day to show what was the view then taken of the subject. And I assert that I find nothing elsewhere to change the complexion of these relations. They show the views of the three great branches of the Government—the legislative, the judicial, and the executive—on the subject.

It has been objected to this view of the subject, that this state of things is not, in all the correspondence and documents relative to the negotiation, declared to be a state of war between the two Governments. For this a most excellent reason is palpable. In the negotiation which was had in reference to the existing difficulties, it was the object of both parties not to exasperate, but to mollify and conciliate. To effect this object, the mildest epithets were used, and all terms of exasperation avoided. The general war in Europe, scattering ruin and devastation among the nations involved in it, cautioned us to secure, if possible, our exemption from its destructive vortex. It was our policy to use no provocation, and to effect a peace with France at the earliest possible moment. In whatever language it might be stated, the true relations between the nations could not be disguised. The terms of the diplomatic correspondence and of the public documents, emanating from official authority, and the language of the acts of Congress on the subject, all show that peace no longer existed between France and the United States. Amicable relations had given place to hostilities, and finally to a state of open maritime war.

It is objected again, sir, that during that time some of the documents—which will be found in this large volume upon the subject—without declaring war to exist, speak of an anticipated state of hostilities; and it is declared that the legislation of Congress only provided for this anticipated state of war. I admit that the documents, and some of the congressional acts of that day, refer to an anticipated as well as an existing state of things. They do not deny the existence of war, but some of them provide for an anticipated change which should need more extensive means, and a stronger force to cope with the increased energies of the foe.

Judge Marshall, September, 1800, in his letter as Secretary of State, to Mr. King, described the relations of the two countries, as follows:

"The regularly accumulating injuries sustained from France, had, in 1798, progressed to such a point as to leave to the United States no reasonable ground of doubt that war was to be expected, and that force, and force only, could be relied on for the maintenance of our rights as a sovereign and independent nation. Force, therefore, was resorted to: but in the very act of resorting to it, our preference for peace was manifest, and it was apparent that we should return to our natural situation as soon as the wrongs which forced us from it should cease, and security against their repetition be offered."

Washington also, in his letter to Mr. Hamilton, explains the whole matter upon which this argument has heretofore been founded. In this letter, which was written May 19, 1798, in reference to his probable appointment to the command of the Army, he uses this expression:

"I cannot make up my mind yet for the expectation of open war, or in other words, for a formidable invasion by France."

These, sir, are the words of Washington: "I cannot make up my mind for the expectation of open war, or, in other words," he says, giving his definition of those words, "for a formidable invasion by France." This was the state of things which was anticipated, while the actual existing relations of the two countries were a "*limited maritime war.*" Nothing less than an actual invasion of this country was expected. Rumor had, over and over again, declared that warlike Europe was about to lay down her arms. The nations of that eastern continent were already wearied with the conflict, and were looking wistfully for the star of peace. The land and the ocean had long enough been vexed with conflict, and every interest of the most powerful nations seemed to demand that it should cease. It was feared in this country that France, when once released from her contests with the nations of the eastern continent, would turn her attention to the nation on this side of the Atlantic, and employ her entire force against the United States.

Why, sir, in the case to which I first referred, in the official opinion of the Attorney General, the question presented arose in the case of an emissary of France who was endeavoring in this country to purchase ships and supplies of a military kind for the use of his Government. Preparations were thus made within our own limits to coöperate with the foreign forces which might be sent to invade our coasts.

The fleets and the armies of that powerful nation, fresh from the struggle of many a well-fought battle, and glorying in a skill which can nowhere but in a contest with a worthy foe be attained, were expected upon our coasts, and the horrors of a hostile invasion seemed inevitable. The consideration of these facts affords a key to unlock the meaning of every such expression in the documents of the times. They furnish an explanation of every sentence which has ever been cited to sustain the allegation that war existed only in anticipation, and not in reality.

When Washington was urged to become once more the chief of the American armies, he sought only that he might not be called to the service until the anticipated invasion was made. The limited war, then confined to armed vessels on the ocean, was expected soon to give place to a general war, involving every subject of each nation—exposing every private vessel to lawful capture, every harbor to blockade, every town on the coast to destruction. It was expected that the whole force of the nation would be called to combat with the veterans from the bloody fields of Europe, and that America would soon find within her very borders an enemy who could be repelled only by the strong exertions of her united people. Fixing their eye on this impending danger, it was not enough for our citizens to provide for the present: the future had still greater demands upon them, and of this exigency they talked, and against its perils they provided. But in none of the histories or the documents relative to these difficulties, is there anything to be found to contradict the assertion of the existence of a maritime war. They all show, on the contrary, not only its existence, but the zeal with which it was prosecuted by both the belligerent parties.

But, again, sir; it has been said by the representatives of these claimants that, admitting the existence of war, it was a war to prevent further injuries only, and not waged to secure any of their rights, or to obtain indemnity for injuries already committed. And in confirmation of this assertion, it is said that *reprisals* were not authorized by our Government, nor other lawful means of redress given to the injured parties.

Reprisals are no necessary part of a limited war, nor is there any obligation on the National Government to authorize them in behalf of the citizen. It is not for the latter, seeking the aid of his Government to enforce a claim for injuries committed by a foreign Power, to dictate the manner in which the demand shall be urged. This must be determined by considerations of high national policy, and by a due regard to those prudential measures which would best secure the rights of the individual, while they would put at hazard no great and paramount public interest. A policy far more likely to secure the object of the injured citizen was adopted, and one which it was fondly hoped would result in peace to the country, instead of the unknown evils which threatened a continued and aggravated state of hostilities.

A more preposterous proposition can scarcely be announced than that the hostile measures adopted towards France were taken without a design of securing and enforcing the rights of the citizens who had suffered by the aggressions of the French flag on their commerce. These injuries were the burden of every effort at negotiation, and of every legislative act authorizing or anticipating hostile collision. A settlement of these claims was from the first constantly urged upon France. Ministers were early appointed and clothed with power to negotiate upon this matter. Instructions after instructions were given by the Departments here, urging the minister at the French court to press upon that Government the settlement, at the earliest day, of the just demands of our citizens. These representatives were not remiss in their duty. Though treated with neglect—in some instances with scorn, and in others with absolute rejection—still they persevered, and urged the complaints upon unwilling ears. And when the continued injuries could no longer be borne, and a maritime war succeeded to the former amicable relations, still these indemnities were urged upon France, and their settlement made a condition preliminary to the restoration of peace. If faithfulness in urging such claims could ever be attributed to a nation, we have in this instance a most memorable example. Every resource was exhausted, every expedient tried, every sacrifice willingly made, for this purpose. The long-continued efforts at an amicable arrangement were seconded by the resort to war—the last remaining resource of nations—to secure the indemnity of the citizen.

It appears to me, then, to be absurd to declare, in the face of all these facts, that this war was not waged for the purpose of redressing the wrongs of the injured citizens. It was the means by which the continued appeals for redress, the reiterated demands of indemnity, the unceasing remonstrance against continued aggression, were seconded, and by which an arrangement was finally effected, which, if it did not accomplish all that could be desired, at least secured many private interests, and restored amity to the two nations.

It does not appear to be denied, Mr. President, that, if this war had been general and unlimited in its character, and waged to redress the grievances of the citizens, it would, by the law of nations, terminate all just claims for such injuries.

It seems to be supposed that such a war would give the claimants some means of personal redress; some power to indemnify themselves for their losses, which they have failed to obtain. I do not so understand the great principles which apply in such cases. No war, under the rules of civilized warfare, gives the right to such redress for personal injury.

Justice Story says, after a careful review of the authorities, that the true doctrine of the law of nations is, that "private citizens cannot acquire to 'themselves a title to hostile property unless it is 'seized under the commission of their sovereign; 'and that, if they depredate upon the enemy, they 'act at their peril, and may be liable to punishment, 'unless their acts are adopted by their sovereign; 'that, in modern times, the mere declaration of war 'is not supposed to clothe the citizens with author-'ity to capture hostile property; but that they may 'lawfully seize hostile property in their own de-'fense, and are bound to secure, for the use of the

'sovereign, all hostile property which falls into 'their hands."

War the most unlimited gives them no such right of private redress. The Government has the control of all its movements, and must conduct it upon principles recognized among civilized nations. The citizen who complains of an injury done by the enemy previous to the declaration of hostilities, must commit his interests to his own Government, and must abide the result of a treaty of peace. They acquire no special rights to take indemnity from the enemy, or to enforce a remedy for their wrongs. If the Government shall prove powerful enough to subjugate the aggressor, the indemnity of injured citizens will be among the terms of peace. If an adverse result should attend the collision, the failure to secure indemnity of the citizen would not be permitted to prolong the war or prevent the restoration of harmony. All the benefits of the best exertions of the Government have been accorded to these claimants, all that could be given by the most unremitted efforts at negotiation, and all that the most open and unlimited war could afford. If all they could desire has not been secured, it is not the fault of their country.

There is another idea which I wish here to suggest upon the subject. Many, if not most, of these claims are for spoliations committed subsequent to the passage of the act declaring the treaty null and void.

Mr. BRADBURY, (in his seat.) Before that time.

Mr. FELCH. The documents in which we are to seek for the facts in this matter are so voluminous as almost to bewilder the man who shall seek isolated facts; but I cannot be mistaken in dates. The numerous arguments, published by the claimants, assert that most of the cases of spoliations were for condemnation by the prize courts of France of our vessels, under pretense that they were not provided with a crew list, (*role d'équipage.*)

This *role d'équipage* was required for the first time, under an order which was passed by the Directory, March 2, 1797. During the next year, sir, hostile acts were commenced, and the legislation of Congress was had which authorized a state of war on the ocean between the two nations; and on the 7th July, 1798, the act declaring the treaties void was passed. Thus a short time only intervened between the decree of the Directory, declaring the *role d'équipage* indispensable to protect American vessels from confiscation, and the time when the maritime war was at its height. The confiscation under the decree of 1797, for the want of the crew list, was the subject of special instruction to the American envoys, and is treated by all parties as the most fruitful source of injury to our shipping. It is manifest that most of the condemnation for the want of this *role d'équipage* occurred while the war was raging. As to losses of this character, no man could expect indemnity from Government. Sir, there is no national treasury upon the earth that could supply a sufficient amount to pay the indemnity for all damages committed in any single war—I may almost say in any single year of any war. The principle involved in such a proposition never was recognized by any nation. The misfortunes of war are often great to individuals as well as nations; but the treasury of the latter is never held liable to remunerate the former. It would beggar the richest treasury.

Mr. BRADBURY. If the gentleman will give way a moment, I desire to have the facts correctly stated, as there seems to be some misapprehension. A very considerable part of the claims arose from seizures committed under the decree of March 2, 1797, immediately after it was adopted. A very small portion of the seizures arose after the act of Congress of July, 1798. If the Senator questions these facts, I believe they can be sustained by authorities.

Mr. FELCH. It is of course impossible for us to tell what portion of these injuries are embraced in any specific period of time.

Mr. BRADBURY, (in his seat.) There are lists of the claims.

Mr FELCH. Yes, sir, there are lists; but no one that purports to contain all the cases, nor is there any pretense that all put together constitute a complete catalogue. So confused, defective, and imperfect are they that I might almost risk the promise to vote for them if the honorable Senator would furnish from them a statement which he would aver was satisfactory to his own mind. I do not pretend to be very accurate as to the amount of the claims accruing for depredations committed during the existence of these hostile relations. There are no data by which accuracy in reference to this fact can be attained. I do assert, however, from the documentary evidence, that much the larger portion of these claims arise from condemnations for the want of the crew-list under the decree of March, 1797, and that most of the period in which they occurred was the time when the two nations met as enemies on the ocean. And as to these, they were losses in time of war—casualties which must be borne by the citizen, and for which, under no recognized principle, can compensation be claimed of Government.

Now, Mr. President, I have done with this branch of the subject. My allegation is, that this Government urged, with all its powers, the payment by the French Government, of indemnities for injuries committed on the commerce of our citizens by efforts at negotiation; that, failing in this, war was resorted to, and prosecuted at immense expense; that this resort to force, and a subsequent adjustment of difficulties, put an end to all claims against France for such spoliations, and cannot become the subject of claim against our own Government. If in this I am correct, the bill under consideration manifestly ought not to pass.

I come now, sir, to another branch of the subject, which is more especially relied upon by the claimants. They declare that the Government of the United States has assumed the responsibility of paying these demands by virtue of the negotiations which resulted in the convention between the two nations of September, 1800, and the modifications made in the original of this convention by the Senate of the United States and the First Consul of France when ratified by them. I have already stated that this second article, originally introduced into the convention, was struck out by the Senate of the United States; and I have cited the words of the expunged article.

The President declared that he would have preferred the ratification of the convention in its original form, and without the expunging of this article. But the Senate thought otherwise. It was ratified by Bonaparte, with the declaration added to the amendment, that, "by this retrenchment, the two States renounce the respective pretensions which are the object of the said article." Now, I do not understand it to be urged by honorable Senators here that any liability to pay these claims would have attached to our Government on account of this transaction, if the convention had been ratified in its original form, and without expunging the second article. The liability is alleged to grow out of this change in its terms, which they claim has discharged their demand upon France, and rendered their own Government liable to the payment of it.

That article specifies two things which were the objects of the negotiations. The first was the treaty of alliance and that of amity and commerce of the 6th February, 1778, and the consular convention of the 14th November, 1788. The second comprised the indemnities mutually claimed of each other by each of the two nations. In reference to these subjects, the article declares that the negotiators could not agree. It then provides that "the parties will negotiate further on these 'subjects at a convenient time; and until they 'may have agreed upon these points, the said 'treaties and convention shall have no operation."

In order to substantiate the justice of these claims as against the United States, the petitioners allege—

1. That the demands were recognized and insisted on by our Government as just claims against France.

2. That they were acknowledged by France, who professed her willingness to make indemnity, but preferred claims of her own at the same time against the United Sates.

3. That by the ratification of the convention of September 30, 1800, France was forever released from these claims.

4. That the United States received a valuable consideration for them in their release from the claims of France against this Government growing out of the treaties.

These several allegations are made in the report of the majority of the select committee to whom this subject was committed, and are admitted to be essential to establish the pretensions of the claimants. I desire to present a few considerations in reference to each of them.

In the first place, then, how far were the demands for which this bill provides acknowledged by the Government of the United States? Were they recognized as just and admitted claims, and urged as such upon the French Government? I have said, and I repeat, that the Government of the United States did urge the payment of *all* the claims which the citizens of the United States had against the Government of France for depredations alleged to have been committed by them. I do not understand that the United States in the course of that negotiation undertook to investigate each of these claims, or to decide that it was just and honest, and ought to be paid even by the French Government.

We had no tribunal to decide upon their merits, or to investigate the facts on which they were founded. Sir, they were urged upon the French Government in the ordinary manner of such claims. It was demanded that commissioners should be appointed to hear the proofs and to decide on their justice, and that those should be paid which were found to be justly due. There were other claims besides those of the petitioners which were also urged—some of them good; others, as subsequently proved, utterly unfounded—yet the negotiators urged an adjustment of all by the French Government, demanding the appointment of a commission to decide on the merits of each.

At an early day after these depredations on our commerce commenced, a proclamation was issued by direction of President Washington, which has been urged as evidence of the recognition of the claims of these petitioners by the Government. That proclamation declared that complaints had been made of the commission of depredations upon the commerce of the United States, and assured the injured parties that due attention would be paid to such injuries committed contrary to the law of nations, or to existing treaties, and announced that, "on their forwarding well-authenticated evidence of the same, proper proceedings will be adopted for their relief."

This circular expressed only the ordinary duty of a Government towards its citizens in case of foreign depredations—a duty which has been most faithfully performed. Without it the right to the interference of the Government in every proper case was as perfect as with it; and, while it showed a careful regard for the interest of the citizen, it assumed no additional duties or responsibities on the part of the Government.

If it is intended to be alleged that our Government recognized and declared valid all the demands thus made; that they determined, on investigation, that all were good, and ought to be paid by France; that by any official act their justice has been so admitted as that their validity is to be taken for granted, I think the allegation goes beyond the record.

I proceed now, sir, to the second inquiry, which is upon the question whether these claims were ever admitted by France as good and valid demands against that Government. The admission by France that that nation was bound to indemnify these claimants is expressly alleged by them. The position is assumed by the committee that they were not only just claims against that Government, but had been expressly so recognized by authority. In seeking to charge their own Government with the payment of claims against France, under the negotiation of 1803, the recognized liability of that nation must be proved. But, sir, were these claims in fact so acknowledged by the French Government? Did that nation ever express a readiness to pay and discharge these demands, as alleged by the claimants? Where is the evidence of such admission?

In the complicated state of affairs exhibited in the relations of the two countries, these inquiries cannot be answered without first determining, more definitely than we have yet done, what precise class of claims for indemnity are provided for

in the bill. As specified in that instrument, it embraces claims of our citizens on the French Government "arising out of illegal captures, detentions, forcible seizures, illegal condemnations, and confiscations, committed prior to the convention of September 30, 1800," which are not embraced in the terms of the convention between the United States and the French Republic, of the 30th April, 1803, the treaty of Spain, of the 22d February, 1819, and the treaty with France, of the 4th July, 1831.

If such recognition has been made by France, it must be found either in the treaties before mentioned, or in the official documents pertaining to the adjustment of the national difficulties.

The convention of September 30, 1800, specifies and provides for the classes of claims which were admitted by the French Government at that time. It provides—

1st. That public ships which had been captured by either nation should be restored.

2d. That private property not then definitely condemned (contraband goods destined for an enemy's port excepted) to be restored.

3d. Debts due from one of the nations to the individuals of the other to be paid.

To this (specification) is annexed an express rejection of certain claims, in the following words:

"But this clause shall not extend to indemnities claimed on account of captures or confiscation."

Although the claims of American citizens on France, with the above exceptions, were recognized in 1800, and the payment assumed by that nation, no provision for their discharge was made until the treaty of 1803, when we made the purchase of Louisiana.

In order to ascertain what description of claims there were existing between the two Governments, I will ask the attention of the Senate to an official statement of them in a letter from Messrs. Pinckney, Marshall, and Gerry, written when they were attempting to negotiate the treaty in 1798. This letter was directed to the French Minister of Foreign Affairs, and presents a formal statement of the claims which the American Government required to be provided for in a treaty. They state these claims to consist of two classes—

"1st. Of claims uncontroverted by the Government of France, but which remain unsatisfied.

"2d. Of claims founded on captures and confiscations, the illegality of which has not yet been admitted."

They then enumerated, under five heads, the classes of cases embraced within the above description of claims admitted by France. These seem all to be embraced and provided for under the treaty of 1800; while the seconed class of cases—those founded on captures and confiscations not admitted by France to be illegal—are studiously omitted, or rather, by express provision of the treaty of 1800, are excluded.

If we turn now to the convention of 1803, making provision for the payment of claims which were admitted by the Government of France in favor of citizens of the United States, we shall find the same distinction is continued. Twenty millions of francs were appropriated to pay these demands of our citizens. This treaty is most explicit in providing for all debts due to our citizens which are recognized by the fifth article of the convention of 1800. It expressly provides for the payment of claims for supplies and embargoes.

It also provides for the payment of indemnities in two classes of cases for captures of vessels—

1st. Prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the convention of 1800; and,

2d. Captures of which the council of prizes shall have ordered restitution where the captors were insufficient for payment.

Payment for all these cases is provided. But, added to this specification of recognized claims in the treaty of 1803, is the following concluding clause:

"Prizes whose condemnation has been or shall be confirmed are expressly declared not to be included in the provision for payment."

In 1807 a small book was published by William Maclure, one of the American commissioners appointed under the treaty of 1803, to examine and certify the claims presented under it by our citizens. In it the correspondence and documents connected with their official proceedings are presented. Among them are full lists of the allowances made, with the nature of each claim. These lists show that the claims of every character mentioned in the treaty, except for prizes judicially condemned, were presented and allowed. They include claims for supplies, for damages arising under the embargo, for bills of exchange and contracts for merchandise, ordinances for supplies, specie and drafts for money, for demurrage, and for vessels captured.

By comparing all these documents together, it will be found, I think, beyond controversy, that every class of cases urged for indemnity against France was provided for in the treaties before mentioned, with the single exception of condemned prizes. The treaties of 1800 and 1803 expressly exclude them. The allowances of the board of commissioners admit a case of every other class, but none of this class is allowed. The cases thus excluded are described in the first convention as "indemnities claimed on account of captures and confiscations." In the second they are designated as "prizes whose condemnation has been or shall be confirmed." In the diplomatic correspondence before mentioned, they are described as "claims founded on captures or confiscations, the illegality of which has not been admitted."

The different phraseology of these documents describes a single class of cases, to wit: claims of indemnity for vessels captured and taken into the ports of France, and condemned by the prize courts of that country on account of the violation of the law of nations or the treaty stipulations existing between the two Governments. These, I apprehend, are the only cases not already provided for by the treaties with France, and consequently the only cases for which these claimants can ask redress.

I am now prepared, Mr. President, to return to my inquiry, whether these claims have ever been admitted by France as just claims against the Government, as alleged by the petitioners here—a point admitted to be essential to substantiate these demands. Let us look again to this book of documents, for the purpose of determining whether, during that negotiation—for I believe it contains everything on the subject—the French Government ever made the alleged admission. Up to 1798, we have the most express declaration, already cited, that the recognition was expressly refused by France. Our commissioners state, in so many words, that the condemnation of these vessels by the prize courts of France was not admitted to be illegal, and that the claim for indemnity was denied. The instructions to Messrs. Ellsworth, Davie, and Murray, entering on their duties of negotiation as the American envoys, directed them to insist, as a *sine qua non*, on full compensation for all losses by our citizens, to be determined by a board of commissioners. The same instructions prohibited the revival, in whole or in part, of the former treaties, which had been declared null by act of Congress. The first project of a treaty was presented to the French embassadors by our own plenipotentiaries, for their consideration; and in that document, a distinction was drawn between the cases of depredations which were committed prior to the passage of the act of Congress of July 7th, 1798, and those committed subsequently. It was provided, that in all cases of complaint existing prior to the passage of that act, the rights of the claimants should be determined "according to the treaties and consular convention then existing between the two nations," and for subsequent depredations, the law of nations should be the basis of the decisions.

On the 6th of May, 1800, the French plenipotentiaries reply to this proposition. They agree "upon the expediency of compensation." The compensation proposed by the American embassadors, it will be recollected, comprised the two classes of claims before mentioned; first, those which France had long before admitted and ceased to resist; and, second, the cases embraced in this bill, which she had strenuously denied. The same letter states that, preliminary to agreeing to the proposition of mutual indemnity, the true sense of the mutual obligations of the treaties must be determined; "that the examination of these principles should precede that of the means of indemnification;" that "indemnification can result only from avowed violation of an acknowledged obligation;" but, objecting to the portion of the proposition which proposed to regard the treaties of no effect after the act of Congress of July 7, 1798, they refuse to explain themselves further on the subject. They declare, however, that the former treaties and consular convention can be the only foundations of the negotiations; and they declare that, in admitting the principle of compensation, it was "as a consequence of ancient treaties, and not as the preliminary of the new one."

This negotiation soon led to a most explicit declaration on both sides. The French sought to renew the former treaties, and would consent to open a commission to settle these claims only on condition of their valid existence being secured by renewal. Without this they utterly and uniformly denied to recognize such claims. The American embassadors, on the other hand, were expressly instructed in no manner to recognize them in whole or in part; and wherever in all the proceedings this class of demands is spoken of, from the opening of the negotiations down to their express repudiation in the conventions of 1800 and 1803, their validity as claims is uniformly denied by the French. The First Consul was appealed to, and he declared that the ancient treaties ought to be the basis of negotiation, without which the claims would not be recognized.

I know that after it was ascertained that the French Government would not admit these claims to indemnity unless we would renew the ancient treaties, negotiations were attempted on a different basis.

Thus far the negotiators on the part of the United States acted within the scope of their authority, but without securing an adjustment of the difficulties. Informal propositions, without authority, were then made between the plenipotentiaries of the two nations. Among others was a proposition to renew the treaties in a form so modified that either party should be at liberty subsequently, on paying to the other a specified amount of money, to make further modifications in their provisions. And another proposed to renew them, with the condition that either party might abolish them altogether on a similar payment. In one of the propositions five millions of dollars, I think, was mentioned as the sum to be paid for that purpose. In the arguments heretofore made in favor of these claims, it has been said that the sum thus specified represents the value derived by the Government from getting rid of these treaties, and that this is the consideration which the Government received for abandoning these claims. They take this sum, therefore, as the amount which should be paid to them by their own Government, as the measure of their damages occasioned by striking out of the convention of 1803 the article relative to these indemnities. The fallacy of such reasoning must be apparent. In the first place, the commissioners themselves went beyond any authority which they had received to negotiate in regard to this matter; for it was placed upon their list of *ultimata* that they should never consent to the restoration of those treaties, either in whole or in part. Moreover, such a proposition, if consented to by the envoys, in all probability would never have received the sanction of the Senate or of the Executive. In any event, there could be no greater absurdity than to take a sum thus stated as the criterion of amount to be paid to these petitioners. It was a mere option to pay or not, and not a fixed estimate of value. The supposition that it is so is founded on the assumption that the United States would pay that sum to abrogate the treaties. But, in truth, no such willingness was expressed—no such obligation implied; and it remained for time to determine whether we should be injured by paying the amount, or benefited by receiving it from France.

But it is idle to pursue this subject. The propositions were without authority, and were never accepted. The convention of 1800 succeeded this abortive proposal.

After a most careful examination of the whole of these documents, and of the various arguments made in urging those claims heretofore, I confess that I have not been able to find a single sentence of cotemporaneous evidence which justifies the assertion, admitted to be indispensable to their validity, that the French Government ever admitted for an instant that they were just claims for

which a liability existed. Where is the evidence of any admission upon their part to be found, if not in these documents? I believe that this volume contains all the correspondence, the journals of our plenipotentaries, and even the conversations of the agents of the two Governments, relating to the case. If not to this volume, where will gentlemen resort for evidence to establish this assertion that the French Government has admitted these claims?

An effort has been made to find it elsewhere. Subsequent statements, made by individuals—of the most respectable character, it is true—have been adduced as proof. One such expression is cited from Bonaparte, when, in his exile in St. Helena, he referred to the treaty of 1803. Another is from a letter of Mr. Livingston in 1803; and another from Mr. Madison in 1804. These statements—loose and indefinite in their character, referring to no authority, and not defining clearly even the view of the writer or speaker—are too vague for authority. If they are understood to mean that the French Government would consent to commissions to allow the claims on condition that we would renew the former treaties, and otherwise not, they are in accordance with the documentary evidence. If they are construed to mean that France acknowledged unconditionally their justice, and admitted her absolute obligation to pay them, they are not sustained by cotemporaneous proofs. The expressions thus cited were made long after the negotiation was closed, and present inferences rather than facts. If such admissions were ever made by France, it would not be left to mere construction to show it, and much less to such vague expressions, uttered long after the matter was closed.

I assert that no man can show me, from the reports, or any other authentic cotemporaneous source, proof that France has solemnly and directly admitted her liability to pay these claims—amounting, it is said, to twelve millions of dollars. All the documents relating to that difficult, doubtful, and troublesome negotiation may be read from one end to the other, without finding a word to sustain such an assertion. These negotiations show an astuteness scarcely ever exhibited in the intercourse of nations, a pertinacity scarcely ever known, an ingenuity in diplomatic correspondence perhaps never surpassed; and yet there is no evidence in the voluminous records of them of any such admission. With this fact before me, my opinion cannot be changed by any vague inferences or opinions subsequently made by any individuals, however respectable.

The true state of the case is this: We demanded of the French Government indemnity for spoliations committed upon the commerce of our citizens. They replied: We will accede to your proposition on this condition—that you shall renew with us the ancient treaties. What were those ancient treaties that they asked us to renew? They had long ceased to be valid between the two countries. France had violated them in spirit and in letter. She was at that time sweeping the ocean and destroying our commerce, in violation of every principle of these treaties. Two years before, this country, formerly the ally of France, after earnest remonstrance, and every effort at negotiation, had availed herself of her natural and incontestable right, and had declared these treaties to be no longer valid. Both parties had resorted to armed force upon the ocean. The acts of both parties were based on the abolition of those treaties; and neither on the side of France nor of America was there any vestige remaining of that state of alliance which the treaties created.

I know, sir, that there were numerous questions growing up between the two nations, and that the course of things in regard to our foreign relations was the subject of great bitterness of feeling and remark among many of the citizens of this country. But I will not stop to discuss these questions. It is enough for me to know that the subject received the investigation of Congress, of the Executive, and of the Judicial Departments of the Government, and that we have in this document evidence from the most able men—Jefferson, and Livingston, and others of that day—fully justifying this country in the course which was pursued. It is too late to take part with the enemy in the ancient controversy; and, indeed, in judging of the rights and duties of citizens, it is of little consequence to determine how the state of things existing by the act of their Government was brought about. If war prevails, the rights and duties of the citizen are determined by the rules relating to that state of things. Whether that war is justifiable or unjustifiable—whether he approves or disapproves the course of his Government in reference to it—his position is the same. So, also, with regard to treaty stipulations between two Governments. Whatever may be the view of the individual citizen as to the propriety of the treaty, his rights are fixed by the provisions of it, and he cannot disregard its obligations. When the indemnity was demanded, France replied: Stipulate to renew the ancient treaties, and we will listen to your demand for indemnities. Where claims are thus urged by one Government on the consideration of another, the latter may directly refuse to listen to the demand, or to afford a remedy. In this case war is the only remedy. If, however, instead of an unqualified refusal, the Government sees fit to annex to the admission of the claim conditions which are totally incompatible with the interests of the Government making the demand—if stipulations are imposed as preliminary to the grant of an onerous character, totally inconsistent with the existence or the well-being of the nation, and which no Government could allow—it amounts to nothing more nor less than a denial of the indemnity demanded. And such, in my judgment, was this case. It was annexing to the grant of indemnities to American citizens, urgently pressed by their Government, conditions which were totally incompatible with the best interests of this nation. It was demanding, as a condition, that we would assume obligations which had been rejected by all the departments of the Government—a proposition not for a moment to be entertained.

The French Government held at one time within the boundaries of our present limits a large expanse of territory. Suppose, when these claims were urged, the French Government had demanded that we should restore the ancient possessions, and guarantee by treaty stipulations the jurisdiction of that portion of the country forever, and had proposed this as a condition to the grant of indemnities; or suppose she had annexed to the recognition of the claims the payment of tribute, the delivery of hostages, or the yielding up of some of the essential principles of free government, would any man with the heart of a patriot in his bosom have declared that the Government ought to urge these indemnities, even to the acceptance of such conditions? Would any man assert that the payment of indemnities, however large, could justify the acceptance of such degrading conditions? Never for a moment, sir, would the project be tolerated. Every man would at once say the proposition was equivalent to a denial of the claims. If their justice was admitted by the Government rejecting them, the case would be still stronger, and the indignity more palpable. The French Government refused absolutely, unless the United States would submit to an indignity—to conditions totally incompatible with their rights as a free, independent, and sovereign nation.

Such a proposition could receive but one answer, that of an indignant rejection; and such rejection could afford no ground of complaint on the part of the claimants, and much less could it lay the foundation of any claim on the Government making the demand. If a contrary doctrine is to be applied in such a case, there never was a claim against any Government which could not thus be avoided by the nation upon which it was made. It is competent at any time to make any excuse with regard to the matter without giving a full and direct denial. And if a refusal to allow such condition, or to pay an unjust counter claim thus presented, is to make the claimants' own Government responsible for the amount, there is no case in which such liability may not be fixed.

Such was the character of the conditions annexed to the recognition of these claims by the French Government. The United States authorities did right to refuse their acceptance. The effect was the same as an utter, unconditional denial of the demand. It left the two nations in their original condition. War and conquest was the only remedy.. Our Government urged further negotiation; it continued its warlike operations on the ocean; it proceeded as far as any principle of comity or of duty to its citizens required, but was compelled to treat in a manner which, while it provided for many other claims, left this class without compensation. The wars of Europe were giving way to a general peace. To have plunged the nation in the horrors of a general war with France, would have been madness if not treachery on the part of the rulers.

But, Mr. President, it is claimed, again, that the ratification of this treaty—rejecting the second article—forever released France from the obligation to pay these claims. The idea advanced is, that if the treaty had been ratified as originally sent to the Senate, including the second article, there could have been no complaint on the part of the claimants; but that, by expunging the second article, and by the subsequent construction given to it by Bonaparte—declaring that it put an end to the demands on the part of both Governments—these claims were discharged, and, therefore, this responsibility rests on this Government.

Now, sir, this second article contained no admission by France of the right to the indemnities claimed by us, nor did it concede anything as to renewing the treaties on the part of the United States. On the contrary, by it each party denied the existence of any such right on the part of the other. The French envoys and the First Consul himself had all declared that they never would pay the indemnities unless the benefit of a renewal of the treaties was conceded to them; and we, on our part, had declared with equal firmness that under no circumstances would we submit to a renewal of the treaties. And this second article provided for the postponement of the two claims. It was, in effect, an indefinite postponement, Mr. President, of the whole subject. It is manifest, sir, that this negotiation would never have been renewed under the provision of that second article, unless the pretensions on the one side or the other had been abandoned. It would never have been renewed by France until the United States had relinquished their claims to indemnity. It would never have been renewed on the part of our Government unless France had relinquished her claim to have these treaties restored.

Sir, if that article kept alive the claim for indemnity in the one case—making it a subject for future negotiation—it also kept alive the inadmissible claim for the renewal of those treaties in the other; and so it evidently appeared to the Senate when they struck out that second article. Now, sir, it may be asked, "Why should this irreconcilable controversy, which had already so annoyed the two nations—why should it be kept alive by the provisions of a treaty, and transferred to a future period, again to disturb the two nations, and perhaps involve them in a war? It was a foregone conclusion—admitted on both sides—that the indemnities would never be paid by France, unless the United States submitted themselves to the fetters and indignity of an abandoned and annulled treaty stipulation, to which it had been solemnly determined never again to yield. True policy dictated to both parties, then, not to retain, as a subject of future strife, a provision which manifestly could bring no fruits to the claimants.

When Bonaparte added his note, declaring that by the rejection of this article both parties renounced their respective "pretensions" to the subject mentioned in it, he gave only the true construction to the transaction. So it was considered by the Senate—so it was regarded by the President—when they declared the convention ratified and confirmed without further action.

Much has been said in reference to the relinquishment, by the expunging of that article of the treaty by our Government, of those demands of our citizens which are denominated *just claims against the French nation*. I have endeavored to show that however just they might be, they were never recognized as such by that nation. But it may be of some importance to ascertain more definitely the precise character of these claims, and the relations between the claimants themselves and the French Government. I see by some of those petitions that the principle is directly assumed that each of these claimants who had lost a vessel was a creditor of the French Government to the amount of its value; and they ask that Congress will provide for the payment thereof, "or

restore to them their claims and their remedy against France." They thus assume the position that each had a demand, previous to the negotiation of the treaty of 1803, against the French Government, which could then be enforced, and which could now be enforced but for the effect of that treaty.

Now, I have endeavored to show that the classes of cases for indemnity not heretofore provided for by France comprise only vessels and their cargoes which have been captured and condemned as lawful prizes. These vessels captured on the high seas were taken into the ports of France, and became the subject of judicial investigation. The jurisdiction for questions of prize is in the courts of the captors' country; and their decisions of condemnation determined that the owners of the property were violating with it the law of nations or treaty obligations, and that it was thereby forfeited. As between the individuals interested, this jurisdiction is perfect and the decisions final. By the law of nations they are conclusive on the original owner, and a condemnation divests him of his interest in the property forever, and concludes all remedy against the captors. Nor does such decision give to the party the character of a creditor or a claimant upon the captors' Government for any indemnity. The latter assumes no obligation to him, and recognizes no new relations with him.—(2 Wheaton Int. Law, 89–99.)

All that remains to the claimant after such adjudication is his right to apply to his own Government for assistance in obtaining redress. Where such condemnation in the prize court of the last resort is declared contrary to the justice of the case, and in violation of the principles of national law or of existing treaties, "the capture and the condemnation become the act of the State for which the sovereign is responsible to the Government of the claimant." When that final decision is obtained, (and every appeal must be taken before this can be regarded as final,) the claimants' legal rights are terminated. "After the sentence of the inferior court," says Rutherforth, "has 'been thus confirmed, the foreign claimants may 'apply to their own State for a remedy, if they 'think themselves aggrieved. When the matter is 'carried thus far, the two States become the par-'ties in the controversy."—(Rutherforth's, Inst., volume 2, 6, 2.)

From the documents now before us, it is manifest that in many of these cases appeals were never taken; and consequently the right to make it a question between the two Governments never arose. When such final decision is had, it is conclusive on the individual parties, and all further proceedings are between the two Governments. And the Government of the individual citizen can urge indemnities on the ground only that the decision of courts is an indignity or manifest injustice to the nation. It becomes, then, a question of national, and not of individual right. It is true that, where indemnity of that kind is obtained, the benefit is allowed to the persons who may have been directly injured by the loss of their property. But so far as the nature of the claim urged by the Government is concerned, it is of the same character as it is where a national vessel is destroyed, or where any other indignity is committed upon national rights. In other words, it becomes a national question, and not a question of individual claims.

So strongly have nations been accustomed to regard such judicial decisions of prize courts as conclusive, that the right even of the nation to go behind them and demand compensation, has often been denied. It was denied by Great Britain before the commissioners, under the treaty of 1794. It was contested by the Danish Government when the United States demanded a similar reparation. The rule is now, however, settled, that such reparation may be demanded by the Government of the injured party; but it is confined to cases, in the words of Vattel, of a "refusal of justice, palpable and evident injustice, a manifest violation of rules and forms," &c.

If this be so, then what was the position of the claimants when their Government undertook to obtain redress of the French nation? The question, becoming one of a national character, mingled itself with other questions then dividing the two Governments, and became subject to the same rules. That which would justify the abandonment of claims for other national injuries or indignities, would justify the same course as to these demands.

The claim for injury committed on one individual could not be stronger than for that done to the whole in its national character; and whenever, in the course of efforts for an adjustment of all subsisting difficulties, it became manifest that every interest could not be secured, there was no principle which required other claims to be sacrificed to these, or the dire evils of a continued war to be incurred rather than to yield them.

Between the United States and France a most complicated state of affairs existed. Claims and counter-claims were urged, and questions of rights and of injuries of the most delicate and difficult character, almost without number, were presented. The restoration of amicable relations involved a disposition of all of them; and these parties have no more right to complain of want of success in regard to their particular claims, than other citizens, that in other matters of a purely national character redress was not secured.

In the whole history of international difficulties, and of the adjustment of national differences, I do not believe that an instance can be found where the Government urging the claim of its citizens for injuries committed on their property was ever held responsible for not succeeding in the demand. By the final adjustment of the national diffiulties, the Government discharged no subsisting available claims of the petitioners on the captors of the vessels or the French Government. They performed their whole duty towards the claimants. They urged the demand as far as could be done consistently with the national dignity, and paramount national interests; and when success became impossible, they performed their duty as well to the nation as to the claimants, by withholding further pertinacity in the case.

But, Mr. President, it is asserted that the Government received a valuable consideration for the release of those claims. This proposition I deny.* If anything was received, it was, as expressed in the expunged article of the treaty between the two Governments, an indemnity claimed by France. These indemnities were founded on alleged breaches of the treaties, and assumed that the treaties continued in force up to the time of the treaty of 1800. This was denied by our Government, and no right to such indemnity was ever admitted on our part. This had been solemnly decided by the nation, and was fully justified by the circumstances of the case and by the rules of international law.

What, then, was the value of the claim against that Government? Nothing—nothing. They were characterized in the explanatory note which was added by Napoleon Bonaparte to the treaty, as *pretensions* of the parties. Presented by the French Government for the purpose of avoiding the adjustment of claims urged by the United States for indemnities, they stand only in the character of *excuses* for rejecting our demand. Thus advanced, they amounted to a *refusal* to listen to our claims for these indemnities. And, as if such denial had been given in direct terms, we were left with the single alternative of urging them no further, or prosecuting them by plunging the nation still deeper in the consequences of a war which had already crimsoned the ocean with blood, and involved most of the nations of Europe.

But, again, by striking out this second article of the treaty, the Senate did not even receive so much as a discharge from the "pretensions" of the French Government. That article declared that the parties could not agree upon the subject in question—each denying the claim of the other—and provides that the parties would "negotiate further upon these subjects at a convenient time." This put it in the power of either party, at any time, to defeat a settlement of the "pretensions" of the other. In striking it out, there was no cancelling of admitted claims due to our citizens. It was only putting an end to the controversy in regard to "pretensions" which were utterly denied on the part of each nation, and which it is evident would never be admitted.

The very statement of the claims in the article proclaimed them as a deferred subject of contention between the two nations—a quarrel postponed—which might destroy the amicable relations of the two countries, but which manifestly could secure no advantage to the nation or the claimants. All that was effected by expunging it was simply a relinquishment of the proposition "to negotiate further upon these subjects at a convenient time;" and this constitutes, if anything, the alleged consideration received by the United States for the abandonment of these claims. Now, what was the value of this right to negotiate at a convenient time upon this subject? The claimants allege that it is the full amount of their demands. They treat it as though two things were secured by this second article of the treaty—first, that subsequent negotiations would be effected; and, secondly, that that negotiation would result in the payment by France of the full amount of their claims. Now, from the very nature of the case, it is manifest there was not the least probability that either one of these things could ever have happened. Would France have ever found, in the words of that article, "a convenient time" to enter into a treaty stipulating to pay these indemnities? Without our renewal of the treaties, would she ever have relinquished her pretensions, and paid to us the amounts of our demand? Surely not. Such a result was, by the terms of the article, left—with an express denial of those rights—to future negotiation; or, in other words, to a voluntary consent of France. Unless she gave this voluntary consent, we never could have obtained a negotiation to indemnify these claimants; and surely she would never have voluntarily abandoned her own pretensions, so pertinaciously urged, and assumed the payment of a claim she had so strenuously repudiated.

But, again: would the United States, on her part, have ever found a "convenient time" to negotiate and provide for these matters, according to the second article of the treaty? Under the provisions of that article the old treaties and the consular convention were declared to be inoperative until further negotiation should be had. Would American authorities have been hasty to agitate the question of their renewal? Would they willingly have invited an angry controversy on the subject, which had already given infinite trouble, in the vain hope of securing these indemnities which had already been often refused in terms so positive as to leave no hope that any future negotiation upon that subject could be successful?

But it is evident, again, that any attempt at renewed negotiation would have been ineffectual. Such attempt would but have presented again the counter demands of the two Governments—the renewal of the treaties on the one hand, and the payment of indemnities on the other. It would have brought up the old controversy, and renewed the ancient bitterness of feeling, without a hope of amicable and satisfactory adjustment of the difficulty. It was prudence, in reference to the future harmony of the two nations, that the fruitless controversy should cease; and this was the effect, and the only effect, of expunging the article.

It will, perhaps, be said that this expunged article at least imposed the duty of negotiation on the subject on the two Governments. It perpetuated the dispute, and made it the object of each party to refuse to agree, unless the other voluntarily and without advantage yielded. To this manifestly, neither party would consent; and the subject would then be brought to its original position. A resort to war to enforce the demands of the Government would be all that would remain. Even this remedy had been already sought, and further action of the kind was not required by any principle of justice to the claimants; nor could it be allowed without compromising the highest interests of the nation. The rulers who should sacrifice the latter to the former would violate the plainest principles of duty, and betray the high trust of delegated authority.

But I have said enough—though not a tithe of what might be said—for the occasion. If I am correct in these views, there can be no pretense on the merits for charging the Treasury of the United States with the demands of these claimants. I shall close with a few remarks on one or two other subjects which have been presented on behalf of the claimants, and which may be considered as rather incidental in their character.

* The claim for a renewal of the ancient treaties, if claim it can be called, was without foundation.

We were told in the remarks made by the honorable Senator from Maine, [Mr. BRADBURY,] who, as chairman of the select committee, reported this bill, that these claims are substantiated by more than twenty witnesses, whom he now summons before us. The testimony to which the Senator refers is the reports of committees of Congress, who have heretofore given them a favorable consideration. These reports present no evidence of facts, and bring no new knowledge of the transactions on which the rights of parties are founded. They are commentaries, and not testimony. They show the inferences which certain men have drawn from the documents, while counter-statements and adverse reports show that others have regarded the merits in a different light; and the whole question is open to our unbiased judgment. So much have these former reports been regarded as authority in favor of the claims, that a list of them has been annexed to the report of every committee which has been made for several years past.

Mr. President, this is an ancient claim. For fifty years it has been before Congress—for more than half a century that a cause of complaint has existed, if cause there is. At the first blush its antiquity would challenge an examination into the reasons why the claim had not been previously allowed. Sir, there have been just men and wise men in the legislative department of this Government during that whole time. There have been men whose ability to investigate has never been surpassed—whose love of justice has never been exceeded—whose sympathies with the injured glowed with more than ordinary ardor—whose attention has been long directed to the subject; yet these claims have never been allowed. It seems to me that there should be some limitation as to time in these claims against the Government. I am no stickler for any strict, unyielding rule upon the subject by which just right should be barred; but are we to have claims presented here for years and years, for centuries perhaps, repeated again and again, till time shall end? Are they, and they alone of all that is earthly, to be so stamped with immortality? Will the next fifty years be more successful in bringing a termination to these claims than the past fifty years? Perhaps not. And are we to go on another, another, and yet another fifty years? Where are the bounds to be established? If this importunity is never to cease, and if we are to adopt the principle clearly developed in this case, that a claim becomes stronger and stronger as it becomes older, there is no result, however unjust it may be other than the eventual allowance of all such demands.

Mr. BADGER. Will my friend allow me to suggest, in answer to that difficulty about the lapse of time, that during the administration of Mr. Polk, both Houses of Congress concurred in the passage of a bill providing for the payment of these claims; and, so far from the President thinking that the lapse of time was an objection, he vetoed the bill, assigning among other reasons that Congress had been too precipitate, and had not taken time to consider it. We think now we have time to consider it.

Mr. FELCH. I think that two reasons were assigned by the President for the veto: first, the antiquity of the claims; and, secondly, the precipitancy and want of deliberation with which Congress had passed the bill at the very close of the session.

Mr. BRADBURY. And also that it was passed at an improper time—when the country was involved in a war, and all its resources were required for other purposes.

Mr. FELCH. There were several reasons stated in the veto message, and among them those mentioned by the honorable Senators—that Congress had been too precipitate; but another was, the great antiquity of the claims; and, lastly, that the bill was passed at a time when the Treasury was burdened with unusual expenditures.

While I regard the great antiquity of a claim as a presumption against it, I nevertheless admit that it may properly be explained by testimony, and by any facts which the history of the case may present, in explanation or excuse, and my ear is open to listen to anything of the kind which shall show why, if just, it was not long ago recognized and paid.

Let us look, then, at the history of this matter in Congress, and at the reports which, from time to time, have been made on the subject—the witnesses which have been summoned before us from the committee rooms.

These claims were first presented by petition to Congress in 1802, when Mr. Giles, as chairman of a committee, in the House of Representatives, made a lengthy statement imbodying almost all the facts we have before us now, and concluded without recommending any action upon the subject. He did not declare them to be in his opinion just or unjust, but presented merely a historical statement, expressing no opinion as to the merits of the application.

The next report was made by Mr. Marion, in 1807. This report was, in general tenor, favorable to the claimants, but it closes by declaring that the committee could not decide from what period the losses should be paid. It was accompanied by no bill, or resolution, or any recommendation of definite action upon the subject by the House. The next was an adverse report, made in the Senate in 1818 by Mr. Roberts. The next was in 1822, in the House, by Mr. Russell, which was also adverse. The next was in the House, 1824, by Mr. Forsyth, also adverse. This exhibits the action of both branches of Congress on the subject prior to the year 1827. This is the history of the matter for twenty-five years after the presentation of the first petitions. The result of all the efforts to obtain an acknowledgment of their justice as claims on our Government by Congress is found in one report expressing no opinion; one admitting that there may be some claim, but declaring that it is impracticable to determine what portion of the losses of the petitioners were entitled to compensation; and three adverse reports. Neither the Senate nor House took any favorable action on the subject during this long period of a quarter of a century. There is evidently nothing in this action of Congress which can be regarded as an excuse, if the claims were just, for the failure to obtain success within this long period, or can give any additional weight to the demand.

We have here presented the action of both branches of Congress on the subject prior to 1827. Here commences a new era. In 1826, the Senate called upon the President to furnish all the documents giving information upon the subject of these claims. It was furnished by the Secretary of State—the volume to which I have so often referred—and printed in 1826 by order of the Senate. It is certain that the action neither of Congress nor of its committees was favorable to these claims prior to that time; but the claimants allege that the new light yielded by this publication has secured the favorable action of committees ever since. But, on examination of the documents, I assert that the merits and gist of this whole case, notwithstanding the publication of this volume did not take place until twenty-four years afterwards, will be found in Mr. Giles's report in 1802. Although the correspondence and journals of the negotiators and other officials then presented were not quoted in that report, yet the main features and facts, upon which the determination of this matter must depend, are to be found in detail.

Let us look to a few of the reports subsequent to the publication of this document. The next report made was by Mr. Holmes in the Senate in 1827, and he closes his report with a resolution, requiring the President to procure the evidence and documents relative to the claims, and to cause them to be laid before Congress. The next report was made in the House of Representatives by Mr. Everett in 1828, which was favorable in the general results to the claimants, but the committee asked to be discharged from further consideration of the subject, because the Senate had it under consideration.

Again, in 1828 and 1829 reports were made by Mr. Chambers in the Senate. The first was accompanied by a resolution which declared the justice of the claims, and the last by a bill for the relief of the claimants. In 1829 Mr. Everett made a report in the House, recommending, as before, that no action should be had in that body, but that they should wait the action of the Senate.

In 1830 Mr. Livingston made a report in the Senate favorable to the claimants, accompanied by a bill, and this has been considered the standard work upon this subject, and has been incorporated in every report since made. Of every committee having charge of the matter since that time, a majority has been favorable to the claims.

The history of the action of this Government upon this subject during this long period of time, in my opinion, presents very little to justify the claim of authority in favor of these demands. It will be recollected that during the early years of this period, the Senate and House of Representatives were composed of men who had taken part in the transactions out of which these claims arose. The President of the United States and the Cabinet officers, for no inconsiderable portion of this time, were men also who had themselves participated in this very matter, and were cognizant of the facts. Yet, during this time, no action upon this subject was recommended to Congress; nor did any document emanate from the Executive Department which could be regarded as sustaining these claims. Congress itself was composed of men familiar with the matter, and if, as is alleged here, these claims had been of that just character which must strike the mind of every man as demanding reparation from the Treasury of the United States, can any man believe that these men would have been silent and allowed them to sleep without urging them on to a final decision? Is it to be credited that these claimants could obtain no justice at the hands of these men?

But let us return to the subject of these reports again. Commencing in 1802, no committee could be found in the Senate to report a bill in favor of these claims until the year 1829. Thus, for twenty-seven years, in the midst of men who knew all about the facts, and who were familiar with the transactions from the commencement, and who, if the claims had merits, would have been the first to provide for the payment by the Government, no bill for their relief could be obtained from any committee.

In the House, not until 1838—some thirty-six years after this matter had been presented to Congress—was a bill reported in favor of these claims. Surely these demands come before us now with greater strength, and commend themselves more to the judgment of Senators than they did at an earlier day, when it would seem that their justice must have been more apparent, and the testimony more abundant. Surely they are in better repute among us than among our fathers, who knew their origin and their history. Surely age has added to their strength in proportion as it has diminished the evidence of their justice and the number of the witnesses.

A claim of five millions of dollars is not a small affair. It is capable of increasing the impetus of its own progress. It proceeds, acquiring strength from day to day, and from year to year, and making friends upon every side. I do not complain of the fact; but it must be apparent to every man that there never has been a claim more carefully nursed, or more urgently pressed, than that now before us. Can any man number the agents who advocate and who urge it? Can any one count the emissaries who have been sent to the Legislatures of the several States to obtain resolutions to bear upon the consciences of men here, and compel them to cast their votes in favor of this claim? My friend from Arkansas, [Mr. BORLAND,] I believe, is now under a series of resolutions giving instructions on the subject. His Legislature has instructed both for and against the claims; but the last instructions are in their favor. Can any man read the number of pamphlets and newspaper articles intended to control public sentiment on the subject who does not see how complete is the machinery—how incessant its working—how admirable its operation to secure the desired result?

There is an effectual urgency in this matter which is not peculiar to these claims, but is connected with all large demands on the public Treasury—an urgency which will press them forward with an impetus that small claims can never acquire. I intend to cast no imputation upon any man here for casting his vote according to his own conscience and belief, nor upon anybody outside of these walls for urging in a proper manner the claims in which his friends or himself may be interested. But the extraordinary efforts made to pass this bill we cannot conceal from ourselves. The influences in its behalf cannot escape notice.

We are compelled to contrast the past with the present—the infancy and weakness of this claim with its present maturity and strength. If we look back to the time when for a quarter of a century no reported bill could be obtained favorable to these claims, we see them in their infancy. Then they needed the fostering hand of the careful nurse. They received the most unremitted attention. They were nurtured, and guarded, and trained, as they passed to maturity, for increased vigor and strength. They have increased in power in proportion to the care bestowed upon them and the lapse of time, until now they stand in our midst, not only in the vigor of manhood, but I fear in the strength of the conqueror. When the first favorable action of the committees of Congress was obtained upon these claims, a much smaller amount was reported than at the present time. Then these claimants were content with $2,000,000. Now they demand $5,000,000. I know it is said that the interest to the present time, added to that amount, would swell the sum to that mentioned in the bill before us. But we have never yet, as far as I know, in this department of the Government, assumed the payment of interest on any claim of this character. There was a time when the friends of this bill were satisfied with a proposed grant of land for their indemnity. Now Government bonds, worth more than specie, are demanded. If a claim, for the discharge of which $2,000,000 in lands would have been satisfactory, has in so short a time so improved that $5,000,000 in cash are reluctantly received, no man can tell what next may be demanded.

There is another feature in this bill to which I must allude. I have already referred to the report made by Mr. Holmes, of Maine, formerly a member of this body, presenting with great zeal and ability all the arguments in favor of these claims. He did not report a bill. He and his committee were not prepared to go to that extent, but they reported a resolution calling upon the President to furnish information and the testimony on this subject of the claims of the petitioners.

Now, let any Senator look through the documents which are presented in this case, and say whether he can find any evidence to sustain the facts alleged by any one of the petitioners who declares that he has been a sufferer. Is there evidence in any one case of the loss of a vessel by the interference of the French Government with American commerce? Is there evidence that any one of these claimants ever owned a vessel? Is there evidence that any one of these petitioners ever had any interest in the cargo of a vessel? Are any of them by the proof connected with any depredations committed by France on the broad ocean? None at all. The matter is by the bill under consideration turned over to a commission to hear the proof and to decide on the claims. Mr. Holmes was right when, although standing as a friend of these claims, he demanded light on this subject. If this man or that man has a claim against the Government, let him give proof of his rights to Congress, and let this tribunal decide on the testimony.

Mr. BRADBURY. The Senator will perceive, by examining the documents, that Mr. Holmes contemplated not the appointment of a commissioner, but that Congress should act on the claims separately, and therefore required just the kind of evidence which we now propose to submit to the commissioners.

Mr. FELCH. Mr. Holmes, I believe, did not say very definitely in that report what the committee did propose. But they sought light—testimony as to facts—so that Congress might act on the subject understandingly. It is for the very reason that another principle is adopted by this bill that I object. That committee was right in demanding that the merits of each case should be the subject of separate action. It is a rule of universal application here. The individual petitioner must show what his rights are, and Congress then decides upon them. By this bill we assume that a large class of cases are meritorious, and appropriate five millions of dollars from the Treasury, and commit the matter to commissioners to determine how the sum shall be apportioned among the claimants. In such a case, what will be the effect? The door is opened wide for everybody to come in and present a claim. We sometimes hear it said that we legislate to avoid frauds and perjuries. It seems to me that in this bill we are legislating to invite and promote both. These are ancient transactions, and the testimony must now be scattered and obscure; the memory of many explanatory facts must be lost, and rebutting proof must be beyond reach: yet all are invited to come in. So far as we have any proof in regard to French claims in detail, we are not prepossessed with the idea of their merit. The treaty of Paris of 1831, provided for the payment of some of these old claims; and a list of all that were presented to the commissioners having their origin prior to the ratification of the convention of 1800 were reported to the Senate in 1846. (Senate Docts., 1st sess. 29th Cong.) One hundred and four claims were presented; and of them, four only were allowed. The rejections were principally for insufficiency of evidence. The "conjectural note," or list of claims annexed to the convention of 1803, comprises one hundred and twenty-two cases of claim; of these, sixty-eight, or more than one half, were rejected by the American commissioners of claims. Of the claims presented, not entered on the conjectural note, three hundred and fifty-six were admitted, and one hundred and seventy-three, or about one half, were rejected. If these were specimens of the claims, they may certainly be regarded as a confused mass—a large proportion of which are mere "pretensions." Shall we depart from all rules previously applied, and appropriate money by the millions for their payment, and, instead of judging ourselves of their merits on the proofs, turn the matter over for distribution by commissioners? If, perchance, in such a general scramble, one honest claim should be paid, a hundred with no merits will be likely to pass. Agents, insurance companies, assignees, and purchasers at bankrupt sales, are all invited to seek their fortunes before the commissioners, and to put their hands into the Treasury.

The honorable Senator who has charge of this bill is himself the author of a proposition now or lately before us to appoint a Board of Commissioners to act on all claims against the Government. Is the Senator ready to carry out the principle of the bill before us, and allow it to apply to other cases as well as this? We classify cases when they come before us. We send one class of claims to one committee, and another class to another committee. Will he appropriate a million of dollars in advance to pay such claims as usually go before the Committee on Pensions?—another million for such claims as are usually committed to the Committee on Claims? Will he appropriate another million for Indian claims, and another for petitioners for pensions? Will he allow the commissioners under his general bill to decide finally on such claims, and to distribute the money thus appropriated in advance? I apprehend the honorable Senator would shrink back from a proposition of that kind, and would admit that the principle was not a right one. He has not incorporated it in the general bill to which I refer. Let us examine each particular case on its own merits; and then let us allow it or not allow it, as justice shall demand, and make no appropriation in advance, to be distributed at the discretion of others.

But, again: the reports made from time to time in favor of these claims are represented as so many deliberate adjudications on their merits by men unbiassed and uncommitted. They are not so. These claims are older than the Senator from Maine or myself. They have been longer before the Senate than any one here has been a member in this Chamber. They have been voted upon probably by every member of this body—by most of them many times—except those who have just taken their seats here; and the record of their votes is preserved.

The Committee on Foreign Relations is that to which they properly belong. But when a Senator has any of these petitions to present, he readily ascertains how the members of that committee have at previous sessions voted on the subject. If the majority is found to be adverse to the claims, they must not receive that reference. A select committee is asked, and the mover is appointed chairman. In the constitution of such committee, the quaint old rule—that every bantling shall be committed to the hands of its friends—is applied, and the majority are appointed from those who are in favor of granting the prayer of the petitioners: so it was in the constitution of the select committee who reported this bill. All the members had recorded their votes heretofore on the subject—three for and two against the claims. This choice of committees was exhibited a few years since in this body by the action of an honorable Senator not now here. He presented several of the petitions, and declined to have them referred to the Committee on Foreign Relations, avowing as a reason that he feared they would be against them, and subsequently had them referred to a select committee who were, of course, favorable to them.

This illustrates the whole history of parliamentary action on this subject. If the proper standing committee is favorable to the demands, the memorials are committed to their charge; if it is known not to be so, a select committee is appointed, of whose members its friends have a majority, and who of course, present a favorable report. Where is the strength added to these claims by reports of that kind? What sanction is given by them which can convince us of their justice, or be regarded as testimony in their favor? If but three individuals in the Senate were in their favor, they would be placed on a special committee by parliamentary usage, and would make a favorable majority report. As the opinion of so many individuals, I should regard their views with great deference and respect. But when we are asked to do more, and rely upon the official reports of the committee as evidence of the justice of the demand, I say we must have the decision of men not committed in advance on the subject—men who are free from bias—who stand uncommitted, like the independent judiciary of the country, adjudicating the case according to their own convictions, upon a grave and impartial examination of such testimony as may be produced. When that is the case, I yield to the strength of their decision; but never when the examination is made by a tribunal constituted of individuals appointed for the reason that they are known to be in favor of the applications.

It has been alleged, as a reason why these claims were not paid at an earlier day, that the poverty of the National Treasury rendered it impracticable, or at least inconvenient. Does this afford a satisfactory explanation? I believe we might select years in the early history of these claims, when the National Treasury was in a better condition than at a more recent period, or perhaps at the present time. In 1807, more than eight and a half millions of money were reported by Mr. Jefferson as being in the Treasury. In 1808, there were nearly fourteen millions, when only about five millions were required to pay the expenses of the Government. We have never yet denied the just right of any citizen on account of our poverty. No such allegation is contained in any of the reports.

When the difficulties with France, arising from these spoliations on our commerce, were pending, millions of money were appropriated, and loans, almost without stint, were allowed to carry on the war and to repel the anticipated invasion. A small amount only was used when the adjustment took place. Why was a portion of the residue not appropriated to pay these claims, if our Government assumed them? Want of means with which to pay was surely not the cause of their denial. And, indeed, this could, under no circumstances, be a reason for refusing to acknowledge the obligation ultimately to discharge them. This bill, as reported to the Senate, did not provide for the immediate payment of the amount in cash, but in Government stock, at a credit of twenty years. The Government was never too poor to pay in the manner now proposed, even if means were wanting. But this was never the difficulty. The cause of the delay is deeper and more radical. The justice of the claims was not admitted by Congress. It was the denial of the obligation, and not the want of means to discharge it, which, running through the proceedings of Congress, has left the matter still unadjusted.

Before casting our votes for this bill, careful consideration should be given to the tendency of the principle involved in the proposed payment. Where is it to lead this Government? Where are we to set bounds to our obligations if we assume the payment of claims of this description? The French spoliations are not the only instances of

injuries to American commerce, nor is this the only case in which American citizens have sought the aid of their Government in obtaining indemnities from foreign nations without entire success.

Are we to review the whole subject? Are we to go over the negotiations from the organization of the Government to the present time, giving indemnity to citizens who, even with the aid of the Government, have been unsuccessful in obtaining indemnity from foreign governments? If we are to do that, it behooves us to look well to the extent of our obligations before we adopt the principle. During these wars of Europe, to which I have so often referred, our commerce suffered in every sea, and all the nations involved in that ocean warfare committed depredations on our flag. It was not from France alone, but from the other belligerent nations also, that we suffered these spoliations. Has compensation for one citizen been obtained from them?

Mr. BRADBURY. Certainly. England and Spain have provided for payment.

Mr. FELCH. I am aware of the provisions in the treaties with these nations. By the treaty of 1794 England assumed the payment of previous injuries committed under her flag. Since that time she has vexed our commerce and our seamen more than any other nation; but has never, to my knowledge, made compensation of a dollar for the injuries, except a small amount for certain slaves. And since the treaty of 1814 no one has supposed that a subsisting claim for compensation existed in behalf of the injured merchants upon that Government, or our own, for spoliations and impressments prior to that treaty. Are we now to review this matter, and pay these claims from the Treasury?

We had similar claims also against Spain. By the treaty with that Government of the 22d February, 1819, in consideration of the cession of the Floridas, the United States undertook to pay indemnities to our citizens to an amount not exceeding $5,000,000; and the Government expressly "renounce all claims for damages or injuries 'which they themselves, as well as their respective 'citizens and subjects, have suffered until the time 'of signing this treaty." Spain is declared to be exonerated, and the claims entirely canceled. Commissioners were appointed to examine and decide on the allowances, and the amount paid was less than ninety-two cents on the dollar. Are we to readjust these demands, and to appropriate money to pay the balance?

Denmark had also, and at the same time with the French depredations, committed similar spoliations on our commerce; and by the treaty of 1830, that nation agreed to renounce all counter claims, and to pay our Government six hundred and fifty thousand dollars in full indemnity for the injured citizens, under a stipulation that all of the "claims should be regarded as definitively and irrevocably terminated." The claims were settled by commissioners, but the citizens received only about thirty-one cents on the dollar on the amount substantiated. Less than one third of the sum decided to be due was paid. The balance—more than a million and a quarter of dollars—was expressly renounced by the treaty, but never paid to the claimants.

Now, here is a case, clear upon the facts, and much stronger, in my humble opinion, in its appeal to the sense of justice of the nation for payment, than that under consideration. No long and expensive negotiation to adjust the claims had taken place; no war to enforce their payment; no spilling of blood, and little expenditure of treasure, to obtain indemnity from Denmark—the entire claims being clearly canceled by the treaty, by which all difficulties are adjusted, and all counter claims discharged. Yet two thirds of the amount of the demands were never paid. Is this balance to be recognized as a national obligation? Are these claimants also to hold the Government responsible, because they did not succeed in obtaining full payment, and make their own Government their debtor?

I do not so understand the relative duties and obligations of the Government and the citizen. But if the principle involved in this bill is to receive the deliberate sanction of Government, and to be adopted as a rule, I cannot conceive why, under it, all such cases should not be received, and full indemnity made for all losses. Justice should be meted out alike to all. Even liberality should be based on some principle, which should not capriciously discriminate to the entire abandonment of one, and profuse prodigality to another.

But, sir, I am not prepared to adopt a principle so broad in its operation as that here pressed.

I would be as liberal in this case as in any other which could be presented. I do hold that there is a duty resting upon every member of the Senate to look well to the claims which are presented, and to scrutinize carefully the justice and principle involved in them—not to oppress the citizen, not to deny a just right, not to refuse to pay where payment ought to be made; but to guard the Treasury against claims of an improper and unjust character, which are sometimes exhibited here, and pertinaciously urged. In the discharge of my duty, Mr. President, I have investigated these claims and the voluminous documents developing their history. It is a difficult subject to present in forensic discussion, and I fear I have been unable in my remarks to exhibit to the Senate as clear and definite views of the merits as exist in my own mind. My labors of investigation have at least satisfied myself as to the vote which I ought to give. I can discover no principle of justice which requires of our Government the payment of the demands of these petitioners. On the contrary, the bill adopts a principle which would lead us astray from all former practice of our own nation and that of other Governments.

It recognizes rights which do not exist, and authorizes, if it does not require, the allowance of other claims of a similar character long since abandoned, and for which our Government was never supposed even by the claimants to be liable sufficient in amount to almost beggar the Treasury. Notwithstanding these consequences, if I believed the claims were just, I should give them my support; but my conviction is adverse, and my vote must follow my conviction.

SLAVERY QUESTION, &c.

SPEECH OF MR. C. F. CLEVELAND,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

April 1, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period therein specified, being under consideration in the Committee of the Whole—

Mr. CLEVELAND said:

Mr. CHAIRMAN: I do not propose on this occasion to consume the time of the committee by making what young gentlemen who have recently come to Congress consider a *speech*—one gotten up for publication. I ask, however, my slaveholding friends, and the Representatives of slaveholders, to listen for a while and learn a little of the *truth;* for I do not intend that they shall be cheated, or their goods or other valuable thing obtained under false pretenses. But before I come to that part of the few remarks which I intend to submit for their consideration, and the consideration of the committee, I desire to say a few words upon the subject legitimately before us.

A bill has been introduced by the gentleman from Tennessee [Mr. JOHNSON] to give to a class of men now landless a certain number of acres of the public domain, on condition that they will settle upon it and enrich themselves and the Government by its fruits. The proposition is one which that gentleman has with untiring perseverance presented to the consideration of the American people since a time when there was scarcely a voice in Congress to second the movement; but although it met with little favor at the commencement, yet his heart must be cheered by seeing that the time is near when this favorite project, for which he has so long and so manfully striven, will become a law; his wishes thereby accomplished, and the best interests and happiness of the people promoted. Sir, not only will the passage of this law gladden the hearts of our own enterprising citizens, but it will be a subject of deep-felt joy to the countless thousands who now, oppressed and poverty stricken, seek in this land a refuge beneath the stripes and stars.

Now, sir, from whence comes opposition to this bill? Why, sir, the only really formidable opposition made, and from which alone the bill is in any danger, comes, so far as I am able to discover, from those gentlemen who are desirous of obtaining from this Congress grants of the public lands to aid in building railroads. In the first place, I say frankly, that I believe if they are serious in their opposition, and mean to vote against this bill because the House did not see fit at once and without consideration to pass their bills, they will commit an error. Sir, that there will be railroads whenever and wherever the condition and resources of the country warrant their building, is a fact as certain as that this country is nearly, if not *entirely*, overrun by shrewd Yankees, who like to turn a sixpence wherever they can. There is no danger to be apprehended from the passage of this act. On the contrary, let me assure my friends that their railroads will be built much sooner by its success than by any other mode.

Mr. FREEMAN, (interrupting.) I am a member of the Committee on Public Lands, who have reported these railroad bills, and I have heard no opposition there to this measure. I believe that those who are most interested in the railroad bills are equally interested in the homestead bill.

Mr. CLEVELAND. That is right; I am rejoiced to hear it, because, permit me to say here, that I entertain some doubts in regard to these grants of public lands for railroad purposes. The granting of public lands to States, for the purpose of constructing railroads over lands now unoccupied, is fraught with some danger. There are benefits likely to result from it undoubtedly, but there are dangers also; and I feel it my duty to call the attention of the committee to them.

In the first place, no new State, that I am aware of, within the limits of the United States, is in a condition to benefit itself by taking these lands and raising the means of building the roads. This will be admitted by every friend of railroad projects. If they are not thus able, what must they do? Why they must necessarily get a *company* to do it. And where is that company to come from? Everybody knows that it must be located in Wall street, New York, State street, Boston, or some such place. The brokers, who form the company, will take the stock for the purpose of making money, and they are the men who mainly will be benefited by it. What, then, are we called upon to do? To give away millions of acres of the public lands, and place them in the power of these companies. Will this benefit the Western States? No; for the lands will be in the hands of the stock-jobbers. Will they consult the interests of the new States? This can hardly be expected.

If charters are granted to these companies, who must be the owners of the land and stock, what will be the effect? Why, at the first view we should say that they would put the lands at once into market—bring in settlers—people the country. Wait a moment. They will want the benefit of the rise of the alternate sections, and to secure it, they will send their agents abroad to borrow money by a mortgage of the land granted; failing in that, they will issue their bonds with twenty years or more to run, and pledge the land thus given by Congress for the payment of them. This will necessarily keep the lands out of market for such length of time as suits the interest of the concern, and induce a necessity which will not only control and retard the sale and settlement of these lands, but will go far to create a power hostile to the best interests of the State. It will be for the interest of these corporations to hold on to their lands until the settlement of the alternate sections, sold by the Government, shall increase the value of their lands, thus held and kept out of market, ten fold.

I have another objection to these grants of land. This public domain is the property of all the States, as much the old as the new. What justice or fairness then is there in robbing one portion of the Republic to enrich another? If you are to embark in this extensive system of internal improvement, why should not the old States share

in it? And another objection is, that if you give to one set of petitioners, you must give to all, and the numberless petitions now before us asking aid in this way proves this fact, and admonishes us that we should act cautiously in the premises. I yield to no man on this floor in my desire to benefit and build up the new States—those States who are adding so much to the glory and lasting prosperity of this Republic. But I ask them to pause and see whether they are not asking for that which will ultimately be a curse to themselves and the country.

I voted for the Illinois railroad bill last year, with great reluctance, and I have ever since regretted that vote. I did it because I desired to benefit our Western friends. They are very clever fellows, like all the other gentlemen on this floor, and my desire to accommodate everybody, and my known kindness of disposition, induced me to vote for it. But there was another consideration: It was said here that the Union was cracking; that it was about to be dissolved, and I thought that this iron band might help to stop the fracture; upon reflection, I have come to the conclusion that there was no such danger to the Union as timid, designing, and ambitious men represented, and that the vote which I gave in favor of that grant was not a wise one. I am not satisfied that I then did what was right, and I have therefore, refused to do the same thing again. That is all I wish to say upon the subject of these railroads.

In regard to the grant of lands to actual settlers, I desire to see the Western States peopled to their fullest capacity, with men who can say, when they reach home after the labors of the day are over, "I AM IN MY OWN HOUSE." It may be a log-hut, but gentlemen know that, beneath their own roof-trees, and by their own fire-sides, they realize more comforts, and find what is nearer allied to paradise, than can be found elsewhere on God's foot-stool. This is true, in a greater degree, as a general rule, in the lowly log-cabin of the humblest citizen, than in the lordly mansion of the rich; and were it mine to choose, I would rather receive the blessings, gushing warm, from the hearts of those who shall be provided with homes by this bill, and which will be showered upon all who are instrumental in its passage, than live like Millard Fillmore in the White House—a home which he so unwillingly occupies, and which *every one else* is so anxious to keep clear of. [Laughter.] Yes, the men, women, and children, who live in log-huts, possess as much of virtue, true piety, and thankfulness of heart to God, and their friends, as can be found anywhere upon earth, and I hope and trust that we shall so act as when they are thanking God for his mercies, and thanking Mr. JOHNSON, of Tennessee, for his persevering efforts in their behalf, they may include the Thirty-second Congress, and especially the popular branch of it. So far as I am concerned, I shall do all I can to deserve it.

Passing from that topic, I wish to say a few words about another matter. I allude to the resolution which is on your table, indorsing the fugitive slave law, introduced by the gentleman from Georgia, [Mr. JACKSON,] which he promised the public in a speech delivered here, and a copy of which has been sent to my desk, he never would vote for, either in caucuses of the members of the House, or in the House itself. He says that distinctly in his speech, if I have read it aright, for I did not hear it delivered.

But, sir, my honorable friend from Georgia, no doubt from the purest and most patriotic motives, (for I believe him actuated by none other,) has changed his mind in relation to this matter. He now thinks it expedient to have this resolution offered. And what object is to be gained by its passage? Is it to stop agitation? Truly, a most singular plan, this, to revive all the bitterness and acrimony of the past two sessions, in order *finally* to quiet it! Why, sir, with all due respect to the honorable gentleman from Georgia, [Mr. JACKSON,] who offered it, and to those gentlemen who are anxious for its introduction into this House, I say that should it pass, it will fasten a mark of disgrace upon us that nothing can obliterate! I ask, is it the part of wisdom to pass a law, and after that law is not only in actual operation, but no efforts made for its repeal, to allow a resolution to be introduced by certain individuals into this House *reënacting* that law, merely for the purpose of reading somebody else out of the Democratic party, and reading themselves in, thereby changing their present respective positions? Are we to be made the tools of these men, by thus reindorsing the law we ourselves have made? Let it be done, and I tell gentlemen it will stand as a mark of folly against this Congress so long as men continue to meet in legislative bodies.

Mr. JACKSON. Will the gentleman allow me to interrupt him for a moment?

Mr. CLEVELAND. Certainly; but I ask the gentleman to be as short as possible.

Mr. JACKSON. The gentleman charges me with inconsistency, first, for introducing a resolution after I had a few days before voted to lay a similar resolution on the table in the Democratic caucus at the opening of the present session; and second, because I had stated as my reason for having done so, that I was opposed to introducing the subject of slavery either into the Democratic caucus, or into Congress. I was opposed to it, and I did not introduce my proposition for a declaration of the finality of the compromise measures until speeches had been delivered upon the floor by at least the two gentlemen from Ohio, [Messrs. GIDDINGS and CAMPBELL,] and the gentleman from Massachusetts, [Mr. RANTOUL,] in open hostility to the fugitive slave law. When that was done, I considered it time for such a resolution to be introduced.

Mr. CLEVELAND. I have no doubt of the honorable motives which actuated the gentleman from Georgia. I have been with him for three sessions nearly, and I freely say that I have seen no act, I have heard no word, nothing upon his part, which indicates in the slightest degree that he is not in every respect worthy of the position he now occupies upon this floor. I know that he is above everything like trick or management. Everything is fair and open to the light of day and the examination of the world. But, nevertheless, permit me to say, that from the reasons given by the gentleman from Georgia, I am surprised that he should have been brought to such a result; for the same facts precisely have operated upon my mind, and I certainly have not come to a similar conclusion. I ask gentlemen to look for a moment at the manifest impropriety of the thing? Look at the ridiculous position in which we shall be placed by the passage of such a resolution. Am I to be driven into such an act of folly because other people act improperly? No, sir; wherever I stand, I intend it shall be upon my own position, and not upon that of somebody else.

But if no objections existed to this resolution upon the ground of propriety, I have another which would effectually prevent me from giving it my assent. It proposes to indorse the infamous fugitive slave law, *a purely Whig measure*, in its origin and principles; and that it is such I will demonstrate so that no man upon this floor can deny it.

Mr. JACKSON. Will the gentleman allow me to ask him another question?

Mr. CLEVELAND. I have no time to spare, but I will accommodate the gentleman.

Mr. JACKSON. The gentleman says the fugitive slave law is purely a Whig measure. Now, I want to know whether the gentleman has reference to my resolution or to the fugitive slave law?

Mr. CLEVELAND. Oh, the fugitive slave law, certainly. I did not mean, when speaking of the conduct of the Whigs, to reflect upon the gentleman's resolution.

My Whig friends around me seem delighted that I should give them the credit of this measure, which is so obnoxious to right-minded men, because of its inhumanity and wanton violation of the rights of the citizen, *particularly* as it denies to the person claimed as a fugitive from labor the right of trial by a jury in the State where arrested. What objection is made to this right? The insulting one, that the men who fill our jury boxes in the free States are base enough to commit the crime of perjury, and fail to render a verdict in accordance with the testimony, in order to screen the fugitive, and thus deprive the master of his services. And yet the assertion is made with the greatest coolness, for selfish and party purposes, that this law is popular with the *people;* and men are additionally insulted by the request that they will vote for the elevation of the very men who entertain such opinions of their integrity as law-abiding citizens. I tell you, gentlemen, you will live to see the day, or, if you do not, your sons will, when the very mention of this as your measure will cause a blush of shame, to think that you should have been guilty of such consummate folly and want of principle.

I regret to see that our outside friends from the South had not a little more of nerve, and a little less indecision, in resisting these acts of the last Congress—in resisting that assumption of power upon the part of Congress. In my opinion, the passage of the fugitive slave law was precisely such a stretch of power in principle as was the passage of the alien and sedition laws upon the part of the Congress passing them.

I tell Democrats who are so anxious to connect their names with the support of the slave law of the last Congress, that the power it places in the hands of the Executive is an hundred fold more dangerous to the liberties of the citizen than the alien and sedition laws, which made the administration of the elder Adams so odious in the eyes of all honest Democrats. And what use have we seen the Executive make of this law within the first few months of its existence? Because of a negro riot in Boston, he asked that Congress should pass a law giving him power to call out the militia and shoot down unsuspecting citizens before they are notified of their offenses. And, on another occasion, when a fatal occurrence, growing out of the attempted enforcement of this same law in Pennsylvania, the Executive attempted to engraft upon our system of jurisprudence the law of constructive treason—a more dangerous stretch of power than has ever before been attempted since the formation of this Government.

Do gentlemen see no danger in all this? And especially do Democrats who are jealous of the power of the Executive see no danger to our republican institutions in these acts? What is now done under this law to aid and support slaveholders by the present Executive may establish a precedent, by virtue of which some other not quite so friendly may wield this new power against *them*, and it may be against the rights of the States. Thanks to an intelligent and patriotic jury, the Executive and his subordinates were foiled in their purpose, and we have not yet to record this principle upon our system of jurisprudence.

Mr. FLORENCE. Will the gentleman permit me to make a single explanation? I am sure the position I occupied in the Christiana trials entitles me to it. I was foreman of the grand jury that brought in the bills to which the gentleman alludes in this treason case.

Mr. CLEVELAND. I am sorry to hear it.

Mr. FLORENCE. Will the gentleman allow me to ask him whether he ever read the testimony in this case? Or the charge of the district judge?

Mr. CLEVELAND. Yes, both; and I acquit the grand jury. But if I had jurisdiction over the judge, I would not acquit him. I will excuse the gentleman [Mr. FLORENCE] for what he did, because he placed confidence in the judge who charged the jury.

Mr. FLORENCE. I thought the gentleman had not read the testimony, or he would not have arrived at such conclusions. However, I suppose we in Pennsylvania are not as intelligent as they are in Connecticut. [Laughter.]

Mr. CLEVELAND. I entertain all due respect for Pennsylvania. Indeed, I have sometimes so far forgot myself, as to say she was the only slave State north of Mason and Dixon's line, [laughter,] but I will take that back. There is no doubt of Pennsylvania's intelligence and loyalty; but loyalty to what? To the principles of humanity, or to party? There are different species of loyalty—to God, to your fellow-man, and even to the devil, [renewed laughter.]

A MEMBER. And loyalty to Locofocoism.

Mr. CLEVELAND. Yes, and loyalty, sorry am I to say, to Whigism too. But, Mr. Chairman, I promised to show that this fugitive slave law was purely of Whig origin. These compromises grew out of Mr. Clay's eight resolutions, which he introduced without consultation with any one; and who will say that Mr. Clay was anything but a Whig? I have great respect for the old gentleman; I give him all credit for purity of motive; still it is known that, when these resolu-

tions were first introduced, they were opposed by Mr. Foote, and other gentlemen, most violently. They were carried along, however, until the current changed. Then Mr. Foote advocated them, and ultimately moved the appointment of the committee of thirteen. Mr. Clay was at the head of that committee, and drew up the compromise resolutions and the report. When that report, with the resolutions, was published, General Taylor, who said a good many comical things, and once, at Buena Vista, *did* a comical one, said "away with your omnibus bills, I will set my face as a flint against the whole of them." Then there was trouble. I well remember the expression on the faces of some parties when Daniel Webster whispered in the ear of Henry Clay, that the old man was dying. I need not, however, state what it was.

Mr. WHITE, of Alabama. I desire that the gentleman will inform us, what indications he saw in the face of Daniel Webster, at the time to which he alludes.

Mr. CLEVELAND. I will tell the gentleman. It did not look much like attending a funeral. [Laughter.] I do not complain of this; I do not say there was even anything remarkable, or improper, in it. I merely state what I saw; and when Daniel Webster delivered his eulogy upon the General's life and character, he said, in substance, that if the country was saved, even by the death of such a man as Zachary Taylor, we might well rejoice. The gentleman can read the book, and I will send him one if he has not seen it. He can there judge for himself whether I have misstated the idea conveyed.

Why, Mr. Chairman, at that time there was no more chance of the passage of this omnibus bill, or the fugitive slave law, than that you, Mr. Chairman, or the next best man, will be translated to Heaven for holiness. [Great laughter.]

But Mr. Clay, as I have shown, had conceived the plan. Mr. Webster, for reasons best known to himself, had made his 7th of March speech. General Taylor died, and Mr. Fillmore took command of the ship of state, discharged the old and shipped a new crew, with Mr. Webster as first officer, hoisted the compromise flag, and started on his Southern cruise. What motive governed Mr. Fillmore in this entire change of the policy of the Administration—whether it was love of slavery and power, or hatred of his rival, Governor Seward, I am not able to say; and I believe the country is equally unenlightened on the subject. General Scott was, by Mr. Fillmore, placed temporarily at the head of the War Department, and, in that position, coupled with his great military fame, was able to, and did, exert a powerful influence in favor of these compromise measures. Here, then, is every man whose name has been mentioned, or is likely to be mentioned, as a candidate for the presidency on the Whig side, viz., Clay, Webster, Fillmore, and Scott,—all exerting themselves to the utmost in pushing through this series of measures, the slave-law included. And what was the position of these distinguished Whigs? One was at the head of the Government; another in command of the Army; and the other two, (one living in a slave, the other in a free State,) the most distinguished men of their party, and perhaps of the nation. Now, let us see what Democrats, who are at all prominent, aided those Whigs in passing the slave bill. Two, only, were active, and exerted any considerable influence—Governor Foote, in the Senate, and Speaker Cobb, in the House. And what became of them? Both threw themselves into the arms of the Whigs, in their respective States, and both are now Governors of those States by virtue of Whig votes, and both have been here this winter, exerting themselves to obtain the passage of these resolutions affirming the compromise, to relieve them from their present dilemma. Did the distinguished Senator from Illinois vote for this slave law? No. Governor Cass, one of the most distinguished men of the nation and of his party, did not record his vote in favor of this Federal bantling; nor, in fact, did any Democrat, whose position was one of mark, except those who have since formed a coalition with the Whigs. In view of these facts, who will say that this fugitive slave law was not of Whig, or Federal, origin?

When Mr. Fillmore got into the White House, the first business was to pacify the country. There had been a great deal of remark because the House did not elect a Speaker for the first three weeks of the session; and the prevalent impression seemed to be that the Free-Soilers were about to overturn the world because they were in favor of keeping the territory which you had acquired from Mexico, just as Mexico had made it, and as God had intended it, *free!* The Constitution was to be overturned, because we did not give one half of that territory in which to establish slavery, and n a country, too, as free as Connecticut. At this iery time, the whole power of the Whig Adminvtration was cast into the scale of this compromise. I desire to do justice to the man who has been arraigned here, and charged with hostility to these measures, or at least that he did not, or does not, commit himself in favor of them. Justice to that distinguished Whig requires of me that I should say he could not have done more. He was as active a man as could be found in getting these compromise measures passed. I was here, and heard from every quarter that General Scott was as active and energetic in his efforts as any man in Washington, and never did a man labor harder than General Scott to prevail upon the Free-Soil members of the Whig party to abandon their position and adopt the compromise as a measure of the new Administration. They had a sort of second penticost on the Whig side of the House. They went over and out by scores. I am a little free-soilish, though not Whiggish, and I was opposed to this operation; and I was sorry to lose my Whig allies. But they went; and why? Because Mr. Fillmore had to be sustained, or the Whig party ruined. They did not go because they had changed their sentiments—

> "A man convinced against his will,
> Is of the same opinion still."

All the great North, and the great Northern heart beats true to liberty. God in his mercy never made a company of men, and planted them upon this earth, who would shed their blood with a readier will for the liberties of the world, than the people of the Northern States; and they have given good evidence of it. Any gentleman who undertakes to make you believe that we love slave-holding, or running after fugitive slaves, is attempting to humbug you. He knows it is not true when he tells it. There is not a word of truth in it. If you believe it, you deceive yourselves.

But I must pass on. These measures were passed mainly through the influence of Clay, Fillmore, Webster, Scott, Foote, and Cobb. These were the men who carried them through, and every man who was in the last Congress knows it.

I do not wish, Mr. Chairman, that gentlemen should misunderstand me in this matter. I stated, and distinctly, that this measure—this compromise—was a thoroughly Whig move from its commencement. This I stand to, and think I have proved; but I do not mean to say that it did not receive the support of many Democrats after it had received its first impetus from Whig hands. Many such did vote for it; did aid it under the mistaken idea, as time has proven, that it was the best, the only means of saving a Union then tottering to its fall. So many of these, in fact, joined in its support, that soon after its passage, it really seemed a question as to which side should have the credit of its paternity. If other proof was needed, however, I might point to the first *Union* meeting held in Hartford, Connecticut, a place somewhat celebrated in Federal annals for its "conventions." That meeting was attended by the Whigs in great numbers, and its presiding officer was a leading member of the Whig party; and it really seems as though it was no fault of Democrats who figured on that occasion, that their party was not merged with the Whigs altogether. The same juggle was practiced in New Haven. They had a meeting there, and, I believe, the last one held in the country, at which a doctor of divinity, who does up theology for Yale College, made a speech in favor of the fugitive slave law. I ask, in passing, is he not the man who said he would choose between two devils for President, and should vote for Henry Clay because he was a less devil than James K. Polk?

Mr. INGERSOLL. Can I explain?

Mr. CLEVELAND. Who was the doctor you allude to?

Mr. INGERSOLL. Doctor Taylor, the Professor of Theology.

Mr. CLEVELAND. Is he not the man who said he would choose the least of two devils for President?

Mr. INGERSOLL. I wish to explain.

Mr. CLEVELAND. I may be mistaken, but I think not; and this is the divine whose opinions are to influence the ministers of the Gospel in this land of liberty and morality.

Permit me to say—for I may never have as good a chance again—that of all creatures that creep upon their bellies upon earth, I most despise the man who pretends to preach the gospel of Christ—of that Saviour who was cradled in a manger, who went about doing good, and who told John's disciples, when they were sent to know whether he was the Christ, or they should look for another, Go and tell John that "the blind receive their 'sight, and the lame walk; the lepers are cleansed, 'and the deaf hear; the dead are raised up, and 'the poor have the Gospel preached unto them"—and is ready to proclaim himself the champion of slaveholders. What a loathing the high-minded slaveholder must have for such a teacher of religion and morals! Does the religion of Jesus Christ tolerate buying and selling men? Does it tolerate selling your brother and your sister? When you stand before that tribunal, when you must give an account before an impartial Judge, you will find those slaves, bought and sold by you, standing by your side; and the questions, Have you fed my hungry poor? have you clothed my naked poor? have you given them the rights God intended they should have? is asked, what will the answer be? No. What will be your apology? They were black. Black! Who made them so? Dare you reproach your Maker, because he saw fit to make another's skin black, and your's white? Did He give you any right to tyrannize over His child, because He, in his wisdom, saw fit to make him black? And if *you* then stand speechless, *where* will be found the sleek, miserable, dough-faced *apologist* for such a system of iniquity? If slave buyers and sellers go to hell, it seems to me there should be some other word coined to describe the place where Northern men who uphold the practice, and especially professed ministers of the gospel, should go.

Mr. VENABLE, (interrupting.) Will the gentleman tell me what has been done with the money you made in Connecticut by selling negroes kidnapped from Africa? [Laughter.]

Mr. CLEVELAND. If we made any, we invested it in common-school education, to enable us to send our boys of thirteen to instruct your men of twenty-five in North Carolina. [Laughter.]

Mr. VENABLE. In stealing negroes?

Mr. CLEVELAND. No; in science and morals.

But I wish to say one word more to my Southern friends. When you trust yourselves in the hands of these slippery politicians, who are merely office-seekers, and who have no higher principle to govern them than that growing out of their insatiate craving for the loaves and fishes, you may depend upon it, they will desert you the moment it is for their interest. I proclaim it, that there is no security for your rights except in the integrity of those true sons of the North who dare stand up, like honest men, and proclaim their faith in the Constitution, their trust in Heaven, and their devotion to man's rights, as men—who dare stand up and tell you that they are opposed to slavery, but that they will abide by the provisions of the Constitution. You may trust a man who will tell you to your face that he abhors your system, but will protect your rights—that up to the limits of the Constitution he will protect your institutions; but beyond them, never.

My colleague intimated that the Democracy of Connecticut were anxious to have these resolutions passed—that such was the feeling in Connecticut. Just before he commenced his speech I received a paper, the principal organ of the Democracy of Connecticut, from which I will read a short extract.

Mr. CHAPMAN. What is the name of the paper?

Mr. CLEVELAND. The Hartford Times—

good authority for my colleague, [Mr. INGERSOLL.]

"Governor Foote has sent a long message to the Mississippi Legislature, introducing the subject of the finality of the compromise measures, and the war between the State-rights and the Union men has been thereupon renewed.

"Foote's resolution, making the compromise a 'finality' in the United States Senate, has never kicked since General Houston knocked in its top-piece, in a speech of an hour and twenty minutes. That was the last of it. But Foote is after a 'finality,' and if he can't corner the jack o'lantern in the United States Senate, he will try to cage it in the Mississippi Legislature. He has a great talent to stir up contentions, get into fights and personalities, and to rake up private conversations. There is but little of practicability in his movements, however, and his Mississippi 'finality' will do just what he did in the Senate—make much ill-feeling and stir up an angry contention over a series of peace measures that have long since been adopted and quietly acquiesced in; and which will make no trouble unless some 'agitator' like Foote pokes up embers around them."

This designates my colleague, [Mr. INGERSOLL.] He had no idea that he was by the assertion made incurring the censures of the Times. For General, Senator, or Governor Foote, whatever his title may be, I have all proper respect, but I would not like to have my young friend, for whom I entertain the kindest feelings, associated with him as a politician.

My honorable colleague [Mr. INGERSOLL] stepped out of his course to assail the honorable member from Massachusetts, [Mr. RANTOUL.] He compared him to Benedict Arnold and Aaron Burr, and denounced him as an *apostate!* Pretty strong language this, for one honorable member to use to another! And why is he thus denounced? Is it not in consequence of the views he entertains in regard to slavery and the fugitive slave law? And did not my honorable colleague know full well that my sentiments on this subject were, in the main, the same as those entertained by Mr. RANTOUL? Can any one fail to see that the blow was aimed at myself quite as much as at Mr. RANTOUL? And is this the kind of politeness my young friend has learned by his foreign travels? What occasion have I given him to denounce me as an apostate? and by what authority does he do it? Have I ever changed my opinions on this subject? Have I ever failed to express them fearlessly, on all proper occasions? And have I not always been sustained by the Democracy of my State? Does the honorable gentleman know of any man in the State we in part represent who has oftener been a candidate for office, or who has been more generously sustained than myself? Does the man live who knows me, who will charge me with deserting my principles, or playing any trick to obtain office or position anywhere? If the gentleman will deny any one of these claims, I will give him time to do it.

Will the gentleman pretend that I have ever been a candidate for a seat in either branch of Congress, when I have not been regularly nominated by what is known as the old line Democracy. It is true I have twice received the nomination of the Free Soilers of my district for a seat in the House, of which I am proud. Yet I never in my life voted any other ticket in my state than what is termed the regular Democratic ticket. Is my district to be assailed in the person of her Representative because they send a man here who loves freedom, and hates slavery? Within the limits of that district rest the bones of Israel Putnam, who commanded at the first battle of the Revolution, and the bones of Ledyard who poured out his heart's blood to purchase liberty for all; and the bones of a host of others as true and fearless friends of freedom as the sun of heaven ever shone upon. And are their sons to be reproached because they prefer freedom to slavery? and free soil to slave soil? And how stands the case with the honorable gentleman from Massachusetts, who is attacked by name? Is there a Democrat within the limits of New England, who has done greater, or better service in the cause of Democracy, than he? Has he ever failed to be the favorite of his party in his own State? Where will the gentleman look to find a man with more of education, talent, and private worth, than the gentleman whom he thus rudely assails? It is true he made a speech at Lynn on the subject of this fugitive slave law, which I will read extracts from:

"But when I say that I admire and love both the Union and the Constitution, it is because of that which they secure to us. The Union is great, I might almost say, it is the greatest of our political blessings, because it secures to us what was the object of the Union. And the Constitution is good, and great, and valuable, and to be held forever sacred, because it secures to us what was the object of the Constitution. And what is that? Liberty! And if it were not for that, the Union would be valueless, and the Constitution would not be worth the parchment upon which it is written." * * * "Interwoven with every fibre of my heart is the love of my country; but freedom is the charm which endears and consecrates her; and if the spirit of liberty should take her flight from my native land, my love and worship are not due to brute clods and rocks, to her prairies, or her mountains; but, where Liberty dwells, *there* is my country—there *only* is my country! [Great applause.] Dear to my inmost soul are the Union and the Constitution; but God-given liberty is above the Union, and above the Constitution, and above all the works of man." * * *

"The tendency of my steps this day, is to tread the path our fathers trod, THE PATH OF FREEDOM AND PROGRESS. My hope and trust is, to hand down to posterity—not only unimpaired, but strengthened and augmented—all the safeguards of liberty, which, through many ages of long suffering, the toil of patriots earned, and the blood of martyrs hallowed, and which the fathers of the American Revolution died believing that they had secured forever."

Are *these* sentiments which justify my honorable friend in comparing him to *Arnold* and *Burr?* And do such sentiments make a man an apostate from Democracy? If so, I wish there were more such apostates. Let me see now, with what propriety my colleague [Mr. INGERSOLL] makes this attack. He compliments his own constituents as the most devoted friends of Southern institutions; and one would suppose that the district sending to Congress such a champion of Southern rights and Southern institutions had never soiled its fair fame by the least association with, or support of Free-Soil men or measures! But what is the fact? Will my friends from the South who were members of the last Congress, believe me when I tell them, that my colleague is the successor of the Hon. Mr. Booth, than whom, a more worthy, gentleman, or honorable man, never held a seat on this floor. Yet he was *at the time of his nomination*, and had been for years, a distinguished member of the Liberty party, and had zealously supported their candidates and not the candidates of the Democratic party. All this was perfectly well known to the Democratic convention who put him in nomination, and who gave him a united, energetic, and successful support. Of this I do not complain, for he was an honor to the district, and, in my judgment, truly represented the honest sentiments of a vast majority of its citizens. I mention it merely to show with what justice and propriety the present Representative of that district makes his Southern demonstrations in this House. If my honorable colleague [Mr. INGERSOLL] lives to attain the standing of Mr. RANTOUL for learning, talent, and all that marks the gentleman, he may well be proud of his success, even if a long life is devoted to the effort.

Permit me to assure you, Mr. Chairman, this committee, and the country, that the people of Connecticut are not in love with slavery; they do not wish its extension; and with their consent it never will be extended beyond its present limits. But while they feel thus, they will give to the South all its constitutional privileges; they will stand by you in support of your legal rights with as much fidelity as any men that live, for there are not a more honorable body of men upon the earth than the people of my State. I have ever acted with integrity towards those men, and have, to the extent of my knowledge, truly represented their wishes. I voted in accordance with the instructions given me upon the subject of slavery, of which the following are copies:

STATE OF CONNECTICUT,
EXECUTIVE DEPARTMENT, *July* 30, 1850.

SIR: I have the honor to transmit to you the accompanying resolutions, adopted by the General Assembly of this State, at its session in May last.

I am, sir, with great respect, your obedient servant,
THOS. H. SEYMOUR.

To Hon. CHAUNCEY F. CLEVELAND.

STATE OF CONNECTICUT,
GENERAL ASSEMBLY, *May Session*, 1850.

Whereas, The people of Connecticut have heretofore, through their Senators and Representatives in General Assembly convened, solemnly and deliberately avowed their purpose to resist, in all constitutional and proper ways, the extension of slavery into the national territories, and the admission of new slave States into the Federal Union; and also to seek, in a peaceable and constitutional way, the abolishment of the slave trade, and of slavery in the District of Columbia; and whereas, the important questions now before the country touching these matters make it desirable that these convictions and determinations should be reaffirmed in the most solemn and public manner: Therefore

Resolved, That Congress has full constitutional power to prohibit slavery in the Territories of the United States by legislative enactment, and that it is the duty of Congress to pass, without unnecessary delay, such strict and positive laws as will effectually shut out slavery from every portion of these territories.

Resolved, That Congress has like full constitutional power to remove slavery and the slave trade from the District of Columbia; and that this power should be at once exercised for the immediate prohibition of the slave trade therein, and for the abolition of slavery, upon such terms of compensation to the slaveholders as may be just and reasonable.

Resolved, That in the name of the people of Connecticut, we do hereby solemnly reaffirm our unalterable attachment to the Federal Union, and our inflexible determination to adhere to our national Constitution, and abide by all its compromises, to the letter and in the spirit of the same; while, with equally unalterable and inflexible purpose, deterred by no threat of disunion, we shall forever oppose any and every measure of compromise, by which any portion of the territory now belonging to or which may hereafter be acquired by the United States, shall be given up to, or left unprotected against the encroachments of slavery.

Resolved, That the integrity and permanency of American power on the Pacific ocean, the increase of our commerce and wealth, the extension of our institutions, and the cause of human freedom on this continent, require the immediate admission of California into this Union, with her present constitution, and the boundaries therein defined, without any reference to any other question or measure whatever.

Resolved, That inasmuch as the legislation necessary to give effect to the clause of the Constitution of the United States, relating to the delivering up of fugitive slaves, is within the exclusive jurisdiction of Congress, we hold it to be the duty of that body to pass such laws in regard thereto as will secure to all persons whose surrender may be claimed, as having escaped from labor or service in another State, the right of having the validity of such claim determined by a jury in the State where such claim shall be made.

Resolved, That the Governor be requested to transmit a copy of these resolutions to each of the Senators and Representatives of this State in the Congress of the United States, who are hereby requested to present the same to the House to which they respectively belong.

SENATE, *June* 13, 1850.—Passed.
H. J. FULLER, *Clerk.*
HOUSE OF REPRESENTATIVES, *June* 19, 1850.—Passed.
E. S. CLEVELAND, *Assistant Clerk.*

OFFICE OF SECRETARY OF STATE,
HARTFORD, *July* 26, 1850.

I hereby certify that the above is a true copy of the original resolutions, on file in this office.

JOHN P. C. MATHER,
Secretary of State.

Mr. CHAPMAN. Will the gentleman permit me to ask him a single question? I wish to inquire of the gentleman, whether he was not the nominee of the Democratic party and of the Free-soil party, in his District?

Mr. CLEVELAND. Both, as I before stated, and should not have been surprised if I had been the nominee of the Whigs. There was no trouble about my election, and the reason probably was because I never proved false to my principles, and because I never failed to speak out my honest convictions before any tribunal and under any circumstances. If any man is fit to represent them in the Congress of this great nation, it is that man who stands up and speaks out the honest convictions of his own heart, and who does not go truckling and trimming and running around to see how somebody else will vote, and see whether he can get this position or that position, by his subserviency to slaveholders, and to that system which George Washington condemned in the most solemn act of his life, the emancipation of his slaves. I would not surrender my independence, or my principles, for any position in the gift of my State, or of the American people.

GOVERNMENT EXPENDITURES IN CALIFORNIA.

SPEECH OF HON. WM. M. GWIN,

OF CALIFORNIA,

IN THE SENATE, *April* 30, 1852,

On Governmental administration of affairs in California, in reply to Mr. PEARCE, of Maryland.

The Senate, as in Committee of the Whole, resumed the consideration of the bill from the House of Representatives to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1852.

Mr. GWIN said:

Mr. PRESIDENT: In the remarks which I submitted to the Senate the other day, it was not my purpose to cast any reflection on the character or public services of General Taylor. My remarks applied simply to the abuses which, in my judgment, has resulted from the policy that was

brought into the administration of this Government by his elevation to the Presidency. I indulged in no personalities towards any one, much less towards so distinguished, and yet so pure, an American citizen, now resting peacefully in his grave. In a political discussion, without detracting from his character, without seeking to lessen one of those qualities which command my respect and admiration, I conceive that I cannot justly be charged with any other than patriotic motives when I maintain that he was not well qualified for the position of President, which requires great administrative qualifications, as well as much experience, in civil affairs. To sustain that opinion, I brought to the notice of the Senate the evidence on which it was based; and it is rather a singular fact, that the Senator from Maryland [Mr. Pearce] has himself produced documents which show that the present Government, that is to say the Administration of the present President, has been compelled greatly to retrench the expenditure which originated in the policy of General Taylor, especially so far as regards my own State; and I go no further than that. He has brought forward proofs sufficient to satisfy the Senate and the country that there was in the war department in California a far larger expenditure than was necessary on objects of doubtful necessity; that they were made without authority of law; and for these reasons they are being greatly reduced in amount, and the money that is expended is for more useful objects. The immediate and prompting cause of this economical move in the Administration, whether it was in consequence of the summary action of Congress, in cutting down the appropriations for one branch of the public service one half, and the distinct warning thus given of the popular feeling condemnatory of existing abuses, is a question that must be answered by the country.

The Senator has defended the appointment of the Hon. Thomas Butler King to the agency on which he was sent to California, on the ground of precedent. The Executive appointments conferred on Mr. King I have heretofore discussed, and I do not intend to repeat what I have already said. Suffice it to say, that I quoted the Constitution of the United States, detailed certain facts in connection with Mr. King's appointment which were drawn from documents furnished by General Taylor's administration, and drew the conclusion, that the appointments conferred on Mr. King were abuses, and, in one instance, a violation of the Constitution. The Senator differs from me in opinion, and states, by way of argument, that the appointment of members of Congress to offices, such as General Taylor conferred upon Mr. King, were made under previous Administrations.

Mr. PEARCE. Will the Senator excuse me for interrupting him simply to state that I do not recollect any instance of such appointments being made. I do not know that any member of Congress has been so appointed to office. I merely said that Mr. King was appointed to an agency, not to an office, and, therefore, that his appointment came not within the letter or spirit of the Constitution.

Mr. GWIN. I did not say that the agency, as the Senator calls it, to which Mr. King was appointed was a violation of the Constitution, but that his appointment to the office of collector at San Francisco was. If there are precedents for the first appointment, "they are more honored in the breach than in the observance."

Was there no other person in the country capable of discharging that delicate duty but Mr. King, a member elect of the Thirty-first Congress? In any aspect, sir, it is an abuse; and it holds out to members of Congress a temptation to create the necessity of such agencies to which they may be appointed during the recess. The Senator expressed surprise at my statement, that Mr. King *could* have realized the emoluments of his new office, and his pay as a member of Congress during the same period of time. Yet such is the fact. Mr. King was in receipt of eight dollars per day, and his expenses for going to and returning from California. Suppose he had retained his seat in Congress, and could not have reached Washington until after the first Monday of December, he would have received his per diem and expenses up to the day he took his seat, and *also his mileage*.

But the Senator says I was mistaken as to the power conferred upon Mr. King to control the Army and the Navy of the United States. On that point it will be remembered that I produced public documents; and by them it was conclusively shown that Mr. King had not only power to control the Army and the Navy, but that he exercised it. I read letters of officers in chief command on the Pacific coast, by which it is shown that they obeyed the wishes of Mr. King as if he had the command. Here is a letter of the Secretary of the Navy, which I did not read the other day, showing that the same instructions were given by that Department as by the head of the War Department:

Navy Department, *April* 3, 1849.

Sir: This will be handed to you by the Hon. T. Butler King, if there should be, in his opinion, occasion for so doing. The object of this letter is to impress upon you the desire of the President that you should, in all matters connected with Mr. King's mission, aid and assist him in carrying out the views of the Government as expressed in his instructions from the Department of State, and that you should be guided by his advice and counsel in the conduct of all proper measures within the scope of those instructions.

I am, sir, very respectfully, your obedient servant,
WM. BALLARD PRESTON.

Commodore Thos. Ap C. Jones,
Commanding U. S. Naval forces, Pacific ocean.

Now, sir, I think I have shown conclusively that Mr. King had the power on the Pacific coast of controlling the action of the Navy of the United States. I have shown that by his order, the Edith was diverted from the command of the officer who had been sent out to take charge of her, and that the vessel was lost in consequence of the order thus given by Mr. King. I will not now go into that argument again; but will merely refer to what I have before asserted, and the official documents I brought forward to sustain my allegations, that the power was given to Mr. King to control the Army and the Navy of the United States, and that he had power over the Treasury to draw for as much money as was necessary to carry out the object he was sent to accomplish. What necessity was there to give a letter to the collector unless he was expected to aid Mr. King by honoring his drafts?

Mr. PEARCE. It must be a very enigmatical letter, if it was given for such a purpose. There is certainly nothing of the kind expressed in it.

Mr. GWIN. What aid could the collector give him, except by honoring his drafts? He was sent there to collect the customs.

Mr. PEARCE. I think if a gentleman desires a letter of credit, and has one no more specific than that, he will find his exchequer rather poorly supplied.

Mr. GWIN. Mr. King did not suffer for the want of money, as will be found when his accounts are examined. He got as much as he wanted; not from Collector Collier, for he did not get to California until near six months after Mr. King's arrival; but the latter gentleman was no doubt fully supplied from the convenient civil fund.

But to proceed. I have shown that General Smith fitted out a very expensive expedition, for the purpose of enabling Mr. King to explore the mines. The Senator replies, that it was General Smith's duty to explore the mines; whereas, the point which I made was, whether it was proper that the power should be given to Mr. King, a civilian, to require that this expedition should be fitted out for his purposes, at such an expense. It was not originated to accomplish the objects of General Smith, but to enable Mr. King to carry out his own views. It is the power that he was authorized to exercise upon which I animadverted. In addition to this, there was no necessity for making the exploration at that time, because one had been made by Governor Mason, of nearly the same territory, and published in all parts of the country the year before. Nor was the expedition got up to overawe the Indians by an exhibition of the power of the Government; and if that object were necessary, could not be accomplished by such an expedition, the route of which was through the mineral region, occupied by white inhabitants, and not among the Indian tribes.

The Senator informed the Senate that I overestimated the cost of the Edith; and he places her value at $33,000. Sir, I have not the same ready access to public documents that is afforded to him; and I spoke of what was the prevalent opinion in California. This may have been the original cost; but I should like to know how much was expended upon the Edith in repairs from the time she was purchased until she was lost, and the cost of carrying her round Cape Horn to San Francisco. The Senator does not pretend that any of these items are included in the $33,000 he gives as the original cost of this vessel. I apprehend the amount will fall very little, if any, short of the sum which I stated. But I assert the fact, and with great confidence, that the vessel was certainly worth $120,000; and I am informed the Government could have sold her for a much larger sum of money. Steamships were then in very great demand in California; and the public service suffered very much from the loss of the Edith.

I think the Navy Department was hard pushed for a defense, when it furnished the Senator with the letter of Lieutenant Meade, in which my name is used. Simple, indeed, was my agency in that matter. I had been elected a member of the convention which was to meet at Monterey, and was prepared to go there to discharge my duties, at the time appointed for the convention to meet, (the 1st of September.) It was the intention of the acting Governor to furnish the delegates with transportation, which was very desirable, as access to that place was not very convenient; but no member of the convention, so far as I know, intended—certainly I did not—to be dependent on this *de facto* government, or any other government, for conveyance. There were other modes of conveyance to Monterey; vessels were running thither; but a steamship was desirable, because it would land us there certainly by the 1st of September, the day fixed for the organization of the convention. The command of the Edith was sought by Lieutenant Meade, whose energy and enthusiasm are well known, and he had been ordered to that service by the Secretary of the Navy, but failed to get his command. He was then an outsider; he was upon the town, and was extremely anxious to get his command, and very willing to carry the members of the convention to Monterey. If I did anything in the matter, it was to assist him. Mr. King, however, was generalissimo, and he ordered the Edith elsewhere; the *de facto* government chartered a brig, and the consequence was, instead of reaching Monterey in twelve hours, the usual time of a steamer, the brig was out four or five days, and near being wrecked from the ignorance of the captain, and much of the time the passengers subsisted on *rotten bread*. I had no control of the matter, nor did I attempt to exercise any. I was but a private citizen, and not, as Mr. King, backed by the supreme authority of this Government. And do you suppose, if I had had any authority in directing the affairs of the Navy of the United States, I would have gone to a subordinate officer like Lieutenant Meade? I should have gone to Commodore Jones himself, as Mr. King did, and required him to carry us to Monterey, if I had acted at all. But I have shown that Commodore Jones, in order to defend himself for having withheld Lieutenant Meade from his command, referred to the power of the President, conferred on Mr. King, who was higher in authority than the Secretary of the Navy, upon whose order Lieutenant Meade insisted he should be put in command of the Edith.

I will read an extract from his letter, as it is important:

"Subsequently, and very unexpectedly since my return to San Francisco, the Hon. T. B. King has, under authority from the President, called on me for the Edith to go to leeward on very important service, unconnected with the Navy; and so pressing is the necessity for the earliest possible departure of the Edith, that she will go to sea at the end of the week, under canvas, with the contractor and his engineers, and workmen on board, who will finish their work on the passage."

The Senator says the evidence I produced to show Mr. King had this power turns out to be a *non sequitur*. If he had imbodied that evidence in his speech, and will publish it, I will leave it to speak for itself against his ingenuity in controverting it. The question is, why was this power conferred upon Mr. King, and why was it thus exercised? Was it to give him a direct control upon the action of the convention? This Mr. King most solemnly denies. But was not the ordering a ship to bring the members of the convention to

Monterey an interference? The members of the convention suspected the interference of the Executive, in sending Mr. King to California. His name was mentioned but once in the convention, and then he was most severely censured for having even given an opinion on the subject of the boundary of the State. I will not dwell on this topic, for I have made out my case as to the abuse of power in sending a member of Congress on such a mission, and the unconstitutionality of Mr. King's appointment as Collector at San Francisco; and all the ingenuity of the Senator has failed to unsettle the conclusions to which I came. I am willing to go before the country with what has fallen from him and myself; and I fear not the result. He says if the appointment of collector was unconstitutional, and withheld with the purpose of not giving the Senate time to examine the question, Mr. King ought to have been rejected after, as well as before, the third of March, when the Congress to which he had been elected expired. My objection to the appointment was constitutional, not personal, and I was not disposed to punish him for the acts of others; but other members of this body, as distinguished as constitutional lawyers as the Senator himself, did oppose his nomination after the fourth of March, on constitutional grounds; so the question is not so clear after that time as the Senator asserts it to be.

The Senator from Maryland next takes up the case of General Wilson, acknowledges the outfit and escort, but attempts to throw the responsibility of ordering it upon a Democratic Commissioner of Indian Affairs, who the Administration had not had time to dismiss, and who we all know had no more to do with ordering out escorts than the man in the moon; and refers, as a justification, to escorts under Mr. Polk's administration, when, as I can, and may show, there is no analogy in the cases; gently hints it was not right for General Wilson to be appointed Indian Agent to the Salt Lake, and avail himself of that appointment to emigrate past his agency to California at the Government expense, but says he is not well enough informed of the circumstances of the case to give a decided opinion; and closes up with quite a tirade against me for saying Wilson was appointed Navy Agent, failed to give bonds, and the office was abolished to get clear of him. I will take up the latter part of the Senator's speech first, as he dwelt more particularly in his reply to me upon this immaterial statement, and thus attempts to draw the attention of the Senate from the leading facts of the case upon which I arraigned the Administration. Now, sir, every member of the Senate who did me the honor to listen to my remarks the other day, knows that the fact of General Wilson's having failed to give bond as Navy Agent, or whether the office was abolished to get clear of him, or because it was useless, was not the serious allegation in his case. The fact I wished to fasten upon the Administration in this part of my argument, was, that this Indian Agent instead of being punished for abandoning his agency, and at the public expense emigrating to California, was *rewarded* with another office after he reached the latter place. I made no especial inquiry about the naval agency, and felt no interest in it. A Whig constituent of mine during the last Congress, asked me to aid him in getting the appointment. At his request, I visited the Secretary of the Navy, by whom I was informed that up to that time Wilson had not given bond. On my return from California, at the opening of the present session, at the request of another Whig constituent who wanted the office, I called on the Secretary again, and was informed that it had been abolished. I inquired no further, as my mission was ended; but the natural inference I drew was, that the Administration, reluctant to remove General Wilson from an office through favoritism created for him, because he failed to give satisfactory bonds, had abolished it to get clear of him.

The Senator from Maryland intimates that General Wilson is injured by this view of his case, and, as chairman of the Committee on Naval Affairs, I ought to have known all about the office of Naval Agent, and that it had no salary, &c. He gives me credit for being very industrious, and, at the same time, very ignorant of the duties of the office of chairman of the Naval Committee. Now, sir, he will see that I am neither so industrious, nor as ignorant as he supposes. Under the act of 1809, the President had the power, which I never disputed, to appoint General Wilson, and had also the power to fix a salary, the Senator to the contrary notwithstanding, provided that salary or emolument, call it which you please, did not exceed one per cent. on the amount disbursed. By the fourth section of the act of 3d March, 1849, the purser doing duty at the naval station in California was allowed the pay of a purser attached to a frigate in commission for sea service, giving increased pay and implying additional service, and this purser, the honorable R. M Price, now a member from New Jersey, was superseded in this office by the appointment of General Wilson. This certainly indicated that there was something to do at that naval station. But the Senator enlightens us on the subject. He says General Wilson was a *personal friend* of General Taylor, and notwithstanding the former's dereliction of duty in abandoning his post at Salt Lake, the President intended to take care of him by fitting out another office for him in California; but, knowing nothing of civil affairs, had created an office for his friend General Wilson that had no emoluments, and although required to give a heavy bond, the latter never had any money to disburse, and that the office had to be abolished because it was useless. Of these details I was ignorant, until they were brought out by the Senator, and imply, in my opinion, a much heavier censure upon General Taylor's administration, than my remarks, proving that that Administration created useless offices to reward "personal friends," hoping for the chances that profit would follow.

Having defended myself from the onslaught made with great tact by the Senator on me, to divert the attention of the Senate from the main points at issue, I now come to his defense of the Wilson case. He justifies the escort on the ground of precedent. He instanced the cases of Governor Lane going to Oregon, and Colonel Weller to San Diego. But admitting the Senator's statement—which is altogether at variance with the facts in regard to Colonel Weller, as will be shown before this debate closes—did Governor Lane and Colonel Weller, after reaching, at the Government expense, their destination, resign their offices, and still, at Government expense, emigrate to San Francisco, and commence the practice of law, or engage in other profitable pursuits? Certainly not, or we should have heard of it from the Whigs in every village in the Union. Yet General Wilson did this, and because he is a Whig the Whigs are silent. The Senator to-day says I was mistaken in saying that the principal object of Captain Lyon's Expedition was to get General Wilson's effects, which were buried in the mountains. The expedition accomplished three objects: punished the Clear Lake Indians for killing Kelsey and others, the Pitt River Indians for murdering Captain Warner, and went in search of General Wilson's property. The services of the expedition in chastising the Indians were certainly more important than looking for the Salt Lake Indian agent's buried property; but which was the superior power in controlling the movements of the command, the Secretary of War or General Smith? Suppose General Smith had not ordered an expedition to Clear Lake and Pitt river, would he not have been compelled to send one after General Wilson's buried baggage, under the imperative order of the Secretary of War? And although the principal item of expense in this expedition may not have been the sending for General Wilson's effects, certainly it was the principal in power, for it emanated from the Secretary of War himself. The point at issue is not the amount of money expended—whether it was a hundred or a hundred thousand dollars, but it was the abuse of power in ordering such an expedition at all. Now, what are the facts of the case? The Quartermaster, Major Allen, is ordered to fit out an expedition to send for General Wilson's baggage, buried in the mountains, four or five hundred miles from the depôt. He complains, and says the expedition will cost twenty times as much as the property is worth; but he is bound to obey. To save the expense of sending out a new expedition, he has Captain Lyons, then at Lawson ranche, on his return from Clear Lake and Pitt river, ordered back some two hundred miles, for Wilson's plunder. The officers and soldiers, worn out by the hard service they had passed through, were forced to turn upon their tracks and perform this unpleasant duty. They found at one of the places where the goods had been buried, the boxes opened and the goods destroyed. At the other, far in the mountains—in fact over the main branch of the Sierra Nevada—everything was rotten, and but a few law books and articles of little value were saved.

Now, sir, having cleared off the rubbish the Senator has thrown in the way, let us look at the case as the facts present it. General Wilson was appointed an Indian agent to Salt Lake, and fitted out at an expense of upwards of $12,000 in the Quartermaster's Department alone, without including the cost in other Departments, (salary of an Indian agent only $1,500 a year)—was accompanied by an escort of the United States Army, whose pay and subsistence was another large item of expense to the Government—goes to Salt Lake, stays there long enough to recruit, and starts on his way with the escort to California—(for what other purpose was this escort sent to California?)—quarrels with the commander of the escort, or has a misunderstanding, they separate, taking different routes to California—General Wilson, still with an immense train, fitted up at Government expense, loaded with his own property—is overtaken by the winter season in the mountains—has to abandon his train, and bury his property—gets safely to San Francisco, and resigns his office—gets an order from the Secretary of War to send a detachment of the Army of the United States to the mountains, at great expense, after his law books and other private property—(what use had he for law books at the Indian Agency at Salt Lake?—they were highly useful in practising law at San Francisco)—is not censured for abandoning his agency, to which he was sent at such an enormous expense to the Government, but actually rewarded by having another office created for him in California. If a precedent for this case can be found in the history of the Government, I should like to see it produced. Certainly, the Senator from Maryland has failed to do it, although his main reliance in defending these acts of the Administration is upon precedents, and also to satisfy me that this was not a flagrant waste of the public money for the benefit of a political partisan. The Senator attempted to weaken the force of my argument in this case, which he acknowledges, if stated correctly, was a gross abuse, by saying I was mistaken in my narration of the affair. I will now leave to the Senate to judge between us; and, by exhibiting more facts in support of those stated by me before, I think I have shown to the Senator's satisfaction that this was a case of gross abuse.

The Senator is not at all clear in his statement about the military escort that accompanied General Wilson. He quotes from a letter of Mr. Medill, Commissioner of Indian Affairs, to General Wilson, in which it is said he (Wilson) will doubtless avail himself of the military escort that was to leave St. Louis shortly; but the Senator does not state the object of this escort. Who did it escort beside General Wilson? Who else accompanied it? For what other purpose than to escort General Wilson was Captain Morris sent to California with a small body of troops? The Senator has the run of the War Department. I have not; and I believe if this escort had been ordered for any other purpose than for the use of General Wilson, the Senator would have been furnished with the facts to prove it. I shall continue in this belief, and so will the country, until the contrary is shown. By why have an escort at all to Salt Lake? Thousands of emigrants were on the route at their own expense, and without danger. Why could not General Wilson travel as they did?

The Senator acknowledges Colonel Collier is a defaulter, but says some of the seizures made by him were legal. I said nothing of those that were legal. I did not censure him for doing his duty; and in making such seizures he did but his duty, and should be neither praised nor censured. I spoke only of those seizures where he violated the laws of the country, and involved the Government in an enormous loss. The goods thus seized were

peddled about the country for sale. Was there any law for thus disposing of seized goods? The Senator says there was a necessity for it. Why could he not put them up at auction, if the parties wished the goods sold, and deposit the proceeds of the sale with responsible parties, until it was ascertained whether the seizures were legal or not? As an apology for Colonel Collier, the Senator says his instructions were by mistake sent to England. But this is no justification for these illegal seizures. A man of the highest intellectual capacity and commercial experience should have been appointed to this office, who would have understood the law and executed it without waiting for instructions. I assert the fact, that when Mr. Collier was renominated, it was known to the Administration that charges of a most serious character had been made against him, and among others that of using the public money, which, if true, would have subjected him to a criminal prosecution; and that the accusing parties were prepared to substantiate them. While in the possession of these facts, the President did nominate him for the important office of collector of San Francisco, and he was rejected by the Senate.

The Senator from Maryland went pretty largely into a statement of the reasons why Benicia was made a depôt. He read from letters of General Smith on that subject. I stated that Commodore Jones and General Smith made it a depôt for the Army and Navy on the Pacific coast. The point I made was, why a new depôt was made at all, at such an enormous expense, without the previous sanction of Congress? The Senator admits that General Smith acted without instructions. He goes also into a comparison between Benicia and San Francisco. I never made any argument in favor of the *depôt's* being established, or remaining, at San Francisco; and I never have intended to censure any one for removing it from that place; but I simply asserted the impropriety of making a new depôt, at an enormous expense, without consulting Congress, and getting an appropriation for that purpose. I stated a remarkable fact, that the action of Commodore Jones, in making Benicia the naval depôt, was not approved by the Secretary of the Navy, but left to the decision of Congress; while, with the sanction of the Secretary of War, hundreds of thousands of dollars were expended in carrying out the recommendation of General Smith. The Senator assumes that it was a contest between San Francisco and Benicia, as to which should be the depôt. That is the Senator's own assumption, and not founded on anything I said. There were other important localities in California, and I will read what was said by officers of the Army in regard to some of them, having no reference to either San Francisco or Benicia. Major Vinton thus speaks of the Presidio:

"The nearest military post to San Francisco is the 'Presidio,' so called by the Mexican authorities. It is situated near the entrance of the harbor, on the south shore, and where buildings of *adobe*, (now much dilapidated,) have been erected in a position to screen the occupants from the prevalent westerly winds."

He goes on to say:

"Supplies from the United States, destined for this post, should be landed on the beach opposite the Presidio, whence, by a little labor on the part of the garrison, to improve the causeway to be found there, they can easily be carried to the proper place of deposit, and thereby save the high charges to which they would be subjected at San Francisco. Fuel, for consumption by the troops, is obtained from the adjacent lands, reserved for public purposes. Other supplies are derived from the principal depôt at Benicia."

Now, here is an objection to Benicia—the want of fuel—that did not exist as to the Presidio, an established military post under the Mexican Government. It will be perceived that an enormous expense was incurred in carrying supplies past the Presidio to Benicia, and shipping them back to that point. Look at Monterey, the seat of government of California, and the headquarters of the military department, until General Smith arrived in the country, another established military post. I read from the report of Alfred Sully, quartermaster of the 2d Infantry:

"In reply to your communication in regard to the resources of this district of country, I have the honor to state:

"In regard to building materials, any amount of fine logs may be had on the spot, of an excellent quality, to erect log buildings; lumber may be obtained by making arrangements beforehand, at Santa Cruz, twenty-four miles across the bay; large forests of redwood trees grow within nine miles of the place, from which shingles can be obtained of the best quality. Around the town are extensive quarries of a species of limestone, or more properly called claystone, which is quarried with little or no labor, and makes a very good building material for this climate. The clay of this country, from its containing a large amount of lime, answers every purpose of mortar. There is also here good brick clay. For fuel, the country is well supplied with wood on the spot. For forage, the grazing, about four miles from here, where most of the public animals are now kept, is pretty good the year round. Last month I cut fifteen or sixteen tons of excellent hay. It was my intention to have cut more, but I was obliged to desist for want of hands."

There was no necessity for shipping houses from the Atlantic coast to Monterey; no necessity for the enormous expense thus incurred. Here the troops could have been quartered temporarily, with comparatively small expense to the Government; and it was the exercise of power, in establishing a new depôt without authority of Congress, and the consequent enormous expenditure of money, with the acquiescence of the War Department, that was the subject of my animadversion. This report of Mr. Sully shows, also, that the statement of Major Vinton, (upon which the Senator relied so much to justify the location at Benicia,) that the same objections existed against other points in California as he had been detailing against Benicia, is founded on his ignorance of other portions of the country. Monterey abounded in building materials, and had plenty of water. Captain Orde, of the Artillery, informed me, with the labor of his soldiers he built them comfortable quarters at Monterey.

The Senator from Maryland quotes from my speech, wherein I assert "that these extraordinary expenditures were known to the Secretary of War, and not disapproved by him," and then acquits the present Secretary, which was unnecessary, as I had done the same; and also Mr. Crawford, for he says neither could have known of them from Major Allen's report, which was made in June, 1851. This would leave the inference that I had so stated, when, in fact, I referred to Major Allen's report of January 10th, 1850, and Major Vinton's, of 29th March, 1850, which Mr. Crawford had seen, and consequently did know of the expenditure, and is justly charged by me. The Senator, by referring to the wrong document, leaves a false impression on the minds of Senators, and further on confesses it, when he affirms that these expenditures were made on General Smith's responsibility, and Mr. Crawford was not fully informed of them until the 10th of May, 1850. Yet he had seen Vinton's report of the 29th March, 1850, detailing those expenditures, and read it, and it is not pretended he censured General Smith for his acts. But the Senator acknowledges the returns of 1849 were received on the 10th May, 1850, showing enormous outlays on this depôt on General Smith's authority, and why was he not then censured? The Senator's own testimony brings the knowledge of these transactions to Mr. Crawford, without exhibiting any evidence of his disapprobation.

But why dilate on this subject, when the Senator himself has brought forward testimony, in the letter of Mr. Conrad, (which he read to the Senate,) condemning, in the most unequivocal form, the omissions of duty on the part of Secretary Crawford? This letter is dated February 24, 1851, just about the time Congress was engaged in cutting down the appropriations for the War Department, and in it we ascertain the extraordinary fact, that the Secretary of War was, until a few days previous, in a profound state of ignorance of the enormous expenditures at Benicia. And why? Because, as he says, they were in violation of the Army Regulations of 1841, pages 970 and 971. Here is the acknowledgment that these regulations had been violated during the administration of Secretary Crawford, not only without his censure, but with his sanction; for it cannot be denied that the report of Major Vinton in March, 1850, in which these buildings are described, was submitted to the Secretary. The knowledge of these expenditures is thus brought home to him, and that they were made without his previous sanction, as required by the Army Regulations, and the officer who violated these regulations is neither censured nor subjected to a court-martial. No candid man will say that my statement stands impeached by the facts or ingenuity of the Senator. I will read from these Army Regulations, to show how very stringent they are:

"No barracks, quarters, or hospitals, shall be erected at the public expense but by order of the Secretary of War, and according to plans which he shall have approved; and no officer, whatsoever may be his rank, shall make the slightest alteration in any plan of barracks, quarters, or hospital, so approved, without the order of the Secretary of War, communicated through the Quartermaster General."

Sir, no man can read this regulation and justify what was done at Benicia, where hundreds of thousands of public money have been expended in defiance of it. No ingenuity of argument can shield from censure an Administration which permitted its subordinates to set at defiance the laws and regulations that govern the Army, and thus caused the expenditure of such vast sums of the public money unknown to Congress or the country. The present Secretary makes a great show of economy and wonderful deference to Congress, but it is too late; he locked the door after the horse was stolen; he defers to Congress when there is no convenient "civil fund" to resort to, and he has to face the stern reality of law, and show by estimates to what use the money appropriated to his Department is to be applied. Let him have full credit for good intentions, and economical propensities; but, at the same time, let it be borne in mind, if he has not the will, we have the power to force him to an economical administration of his Department, as we have shown, by cutting down his estimates, that we intended to do it. The military mania is not so great as it was before he was appointed to the Department. I omitted many other unauthorized expenditures in my remarks the other day, to some of which I will now refer.

General Smith notified the Secretary of War, on the 26th of August, 1849, as follows:

"I have sent Captain Warner, Topographical Engineers, with an escort, to make an accurate examination of what is indicated as the best route from Humboldt's river to the Sacramento. He is directed to ascertain if this route, especially the pass through the mountains, be practicable for a railroad."

This expedition was originated for the purpose, among other things, of ascertaining the best route for a *railroad*. I am in favor of the object; but at the same time, when you expend large sums of money in expeditions of that sort, the sanction of Congress should have been previously given. What was the result of this order? In the first instance, Major Allen was required to fit out this expedition, and at what labor and expense, the following extract from his report will show:

"Immediately on entering upon duty at this post, I was ordered to provide transportation for an exploring expedition to the passes of the Sierra Nevada mountains, under the conduct of the late Captain Warner, Topographical Engineers. The Department was at this time destitute of all means of inland transportation; no animals were on hand; no serviceable wagons; no pack-saddles; no serviceable harness. I was obliged to send two hundred and fifty miles into the interior to obtain mules and to purchase everything else pertaining to the fitting out of the command. At the same time, the commanding general, with an escort of dragoons, made an extended tour through the mining district; his transportation being furnished by me."

(This last was the escort furnished Mr. King, to which I have heretofore referred.)

Major Vinton says, page 141:

"Warner's expedition cost $50,000, and the loss of that most valuable officer's life."

To this $50,000, should be added the expense of that portion of the expedition of Captain Lyons, before referred to, which went to Pitt river to punish the Indians that murdered Captain Warner. The amount to be thus charged is but little, if any, short of $50,000. And I am informed Captain Lyons could not find the Indians who made the attack on Captain Warner, nor the remains of that gallant officer. Thus, both expeditions to Pitt river were failures, from which the country has derived little or no benefit, although between $50,000 and $100,000 were expended on them. The Senator from Maryland says it is most strange that General Smith received no instructions from Secretary Marcy, and intimates that he must have had oral instructions and acted upon them. Sir, I shall be slow to believe that so sagacious a statesman as Governor Marcy ever gave oral instructions, while Secretary of War, to the general in command of the most important military division in the Union, that would justify him in spending vast sums of

money in originating an expedition to find a pass through the mountains to build a railroad, or to establish new depôts, build barracks, &c., in violation of the regulations of the Army, and without having had an appropriation made by Congress for these objects. The Senator imagines these oral instructions, then assumes that they really exist, and thus endeavors to relieve the successor of Governor Marcy of the responsibility of these transactions. The device is ingenious, but in vain; it has no basis to stand upon, and must fail to command confidence and belief.

General Smith issued another order for the purpose of sending aid to emigrants. Here is what Major Vinton says about that:

"An expedition was fitted out in the early part of September last, by order of Major General Smith, for the relief of a large number of emigrants from the United States who had been reported to be in a very deplorably suffering state from the want of food and the means of transportation." "This expedition cost about $100,000."

The exact cost was about $125,000.

This was a meritorious act in General Smith. But the question I present to the Senate is, Had he the authority thus to expend the public money, and, if not, would the Congress of the United States, if consulted, have conferred it upon him? There is a ready answer; for I have already tried the Finance Committee in an equally meritorious case. There were citizens of California who saved a much greater number of emigrants from starving, in 1850. Captain Waldo, Mr. Pettit, and others spent a large portion, if not the whole of their fortunes, in relieving emigrants that year. The Legislature of California, on ascertaining that their accounts were correct, instructed her Senators to bring the subject to the attention of Congress, and procure an appropriation, if possible, for these philanthropic gentleman. I presented these resolutions, and had them referred to the Finance Committee. When the committee was examining the condition of the civil fund, preparatory to reporting the bill to which the Senator alluded, to enable the officers to settle their accounts, and when we had allowed this item of $125,000 expended by General Smith in aiding the destitute emigrants of 1849, I made a motion to appropriate, not exceeding $50,000 of the same fund, to pay Messrs. Waldo, Pettit, and others, and it was voted down; no member of the committee voting for it but myself, and the Senate approved of its action. Here was a condemnation of the principle of this expenditure by that committee; and is positive proof that if the Congress of the United States had been consulted, the power would never have been conferred on officers of the Army to expend *ad libitum* the money of the United States for such objects. The committee said, the amount expended by General Smith is gone, but we will allow no more to go that way. While I am on that subject, I will give you another extraordinary expenditure from this civil fund—such an one as was never heard of before from money claimed to belong to this Government. I read from a letter of the Secretary of State for California, Captain Halleck, to Major Allen, the treasurer of this civil fund, who asked for information in regard to various items entered in the accounts transferred to him. After relating what had become of certain sums placed in the hands of Captain Marcy, Lieutenant Davidson, and Major Hardies, he gives this item:

"The $70,000 transferred to Purser Forest was for paying the expenses of bringing emigrants from Lower California. The loan was made to the Navy at the request of Commodore Jones."

No complaint was made against Commodore Jones for making this extraordinary requisition upon a fund claimed to belong to the United States. I have before me a voluminous document showing that Commodore Jones was tried, when he came home, upon various charges brought against him, arising from his acts in California; but it was never intimated in those charges, and the specifications, which go into great *minutiæ* and detail, that he had done wrong in making this requisition on the civil fund, to send to Lower California to import Mexican citizens into our territory. He has never been censured for this; nor has the officer of the Army who loaned him the money. It has been adopted as correct policy. These are some of the extraordinary assumptions of power in spending money to which I in part referred the other day, when I stated that, according to my judgment, the military is the over-shadowing power of this Government, and its alarming encroachments upon the civil power could be distinctly traced to the commencement of the presidential career on the 4th of March, 1849, of a successful General with no knowledge of civil affairs. As a further evidence of the exercise of military power in California during this period, I will read one or two other orders found in this document, General Taylor's California message, which, with many of similar import, never received the slightest censure on the part of the Government. I will read one of General Riley's appointments:

"Know all men by these presents, that I, Bennet Riley, Brevet Brigadier General United States Army, and Governor of California, by virtue of authority in me vested, do hereby appoint Jabez Halleck, collector and harbor master for the port of Monterey, with a salary of one hundred and fifty dollars per month."

That is something after the Louis Napoleon style. When a collector is appointed by virtue of the authority of Congress, the appointment is made by the President, by and with the advice and consent of the Senate, and the salary is fixed by law. But here is a commission, issued by a military commander, not only appointing the officer, but fixing his salary. Here is another letter, from which I will read an extract:

"I am also to inform you, that the Governor will order to be paid over to the town of Santa Barbara, the sum of $500 50, to be expended in the purchase or erection of a suitable building for a jail. This money accrued from a military contribution levied on the town of Santa Barbara during the war, and it will be paid over to the Sindico, as soon as proper evidence is given that a suitable jail has been purchased or erected."

Here we have the amount of this war contribution, collected from the inhabitants of Santa Barbara when at war with the United States, by the simple edict of a military commander paid back to the town to build a jail, long after the contribution has been collected, and disbursed for war purposes, and the war closed.

I do not refer to these acts of General Riley, and Captain Halleck, his Secretary of State, for the purpose of attaching censure to them. It is the acquiescence of the Government I wish to bring to the notice of the country. I look upon it as most fortunate for California, that two such men had the control of the military power of the country. General Riley is not only a brave soldier, but one of the most honest and upright men I ever knew. It was his bravery and honesty, which gave him influence with the people, and preserved the peace of that country. Captain Halleck is a gentleman of great energy and high administrative talent. When the Army, through one of its most successful Generals, came into the possession of the government, it was fortunate for California, left without law, to have fallen into such hands.

The Senator has alluded to the civil fund of California and its collection, and says he will not go into that subject again, nor will I. But I assert now, as I have before in the Senate, and proved, and will always be able to prove, that this fund was collected without authority of law; and that, in the absence of all legislation extending the revenue laws to California, the citizens of that Territory had the right to import their food and clothing from all countries without paying duty; that the Government, in failing to extend the revenue laws over the Territories of the United States, could not take advantage of its own wrong and resort to arbitrary military power to collect those taxes that no civil officer had the power to collect.

The Senator says great good resulted to California from the use of this civil fund, in supporting the *de facto* government, preserving order, paying the expenses of the convention, and thus contributing to the formation of the present State government. But why should the use of this fund, for the benefit of those from whom it was exacted, have stopped here? The head of the War Department had obstinately remained silent in regard to its collection and disbursement, until he was informed by General Riley, that unless otherwise ordered, he should pay over to the State government of California, on its organization and for its support, the overplus of this fund then on hand. The Secretary then waked up, and ordered him to withhold the fund from the State authorities. This order came just as the new government was going into operation, and as General Riley had authorized his determination to pay over this fund to the State authorities to be announced in the convention, it was confidently expected, that the Department would still give its quiet acquiescence to his acts as to the fund, and the State government would thus be enabled to organize without imposing heavy taxes on the people. But we were visited with a positive refusal to give us the use of this fund, the State government went into operation without a dollar of ready money in hand, had to issue Treasury warrants that were at once greatly depreciated, and our people are now groaning under the weight of heavy taxation thus commenced, all of which would have been averted if this civil fund had been paid over to us. And where is this fund? Who can tell? The future will show whether it has been applied to more legal or useful purposes.

Now, Mr. President, I come to the Indian Commissioners. I was not so fortunate as the Senator from Maryland, in getting from the Quartermaster's Department its exact expenditure for the escort to the Indian commission.

I find that the gallant old General at the head of that Department, for whom I have the highest respect, and in whose integrity I have the most unlimited confidence, is very close in imparting information which is to be used in a review of the acts of the head of the War Department. I do not intend to say that he showed more alacrity in furnishing information to the Senator from Maryland than to me; but certainly I made application for the very same which the Senator has furnished to us, and I was told that it was very incomplete. Hence, I had to look for it in other quarters, as I did not want incomplete testimony; and by accident I met with the letter of Mr. King, in which he says he had advanced $150,000 to the quartermaster, to enable that department to fit out the expedition of the Indian commissioners. I gave Mr. King's exact words, and if there is a discrepancy, it is between Mr. King and the Quartermaster General. I have nothing to do with it.

As to the question of withholding these treaties from the Senate, until the letters from the Secretary of the Interior and the Commissioner of Indian Affairs, which the Senator read, are published, I will withhold the statement of my colleagues in the other House, that will fully substantiate everything I said yesterday, when the Senator brought the subject up. I have the highest respect for those two gentlemen. I have known the Commissioner of Indian Affairs for years, and have the most unbounded confidence in his integrity, and fully appreciate his ability. The only objection I have to him in the world is, that he is not quite fast enough for my country. I have been spurring him up in a friendly way, and have had many interviews with him on the business of his department in California. I repeat, that if either of those gentlemen labor under the impression that I requested or advised the withholding of these Indian treaties from the Senate, they are entirely mistaken.*

What I wished was, that the contracts which had been made by these commissioners should be examined. I was opposed to the treaties. I was anxious that the President should withhold his sanction from the policy adopted in them, and not have a collision with the Senate on the subject.

*The following is the letter of his colleagues alluded to by Mr. Gwin:

HOUSE OF REPRESENTATIVES,
WASHINGTON, *May* 11, 1852.

Hon. W. M. GWIN:

DEAR SIR: We were present, by request, at an interview between the Commissioner of Indian Affairs and the California delegation, at which the subject of the treaties made by the Indian Commissioners with the "Root Diggers" of California was talked over.

At that interview, and on all other occasions, you expressed yourself decidedly and unequivocally opposed to said treaties, and spoke of their effects upon the citizens of California and the Indians as alike injurious. You further said, if the treaties were sent into the Senate by the President, that you would do all you could to defeat them, or prevent their being ratified by the Senate; and that the Department must either repudiate or indorse them. Mr. Lea, the Commissioner of Indian Affairs, stated as distinctly his opinions, and said, if we wanted the treaties, we must call for them. With this understanding, we prepared a resolution calling for information on the subject; but have not been able to get it before the House. Yours truly,

J. W. McCORKLE,
E. C. MARSHALL.

The Department knew I was against the policy adopted in those treaties, and denounced the movement to execute them before they were submitted to the Senate. I never expressed any other opinion, or had any other desire than that the President himself, to avoid collision with the Senate, should disavow them, as I understood he had not approved of the policy adopted by them. Now, as to what the Senator said in relation to my complaint, that they were not disavowed, or approved and sent to the Senate, and that it would have been impossible to send them in, because they had not been received until about the 1st of February last, I have a word to say. I had reason to infer otherwise from the public documents. I will read from the report of the Commissioner of Indian Affairs, dated in November last, what he says upon this subject:

"From our agents in California much interesting information has been received concerning the Indians in that State, but it is unfortunately of too desultory a character to be entirely satisfactory. A number of treaties have been made with these Indians, embracing from eighty to ninety tribes, or bands."

Subsequently, he goes on to say:

"In the treaties negotiated with the Indians in California and Oregon, there are novel provisions, the practical operation of which cannot be foreseen. Whether they shall be ratified as they stand, is a question which will, of course, be duly considered by those whose constitutional province it is to determine in what form they shall become a part of the supreme law of the land."

This was sent in at the beginning of the session, and it was reasonable to suppose that these treaties were before the commissioners when he wrote this report. I have another and better ground for my statement than that. Here is a letter published in the commissioner's report, addressed to Mr. Lea, the Commissioner, dated San Francisco, July 28, 1851, written by Mr. Barbour, one of the commissioners, in which he says:

"Sir, I wrote you last from Camp Belt, on King's river, under date of the 14th of May, inclosing a copy of a treaty concluded at that place between myself, as commissioner on the part of the Government, and twelve tribes of Indians, which I hope you have received."

This letter is published by the Commissioner himself, with no intimation that the treaty had not been received. This was an important treaty with twelve tribes, and I believe the one under which contracts were made for some twenty-five hundred or three thousand head of cattle to feed the Indians, and for which the first drafts protested by the Department were given. But take the Senator's own statement of the case, that these treaties are withheld from the President by the agents while they were, within the knowledge of the Secretary of the Interior, contracting debts for hundreds of thousands of dollars, in the name and on the credit of the Government, to carry them into execution. It shows a state of insubordination that never existed in this Government before. There is nothing like it in the history of the country. The Senator's own version of the affair fully justifies everything I have said; and such will be the opinion of the country.

The Senator refers to the report made by a committee of the Legislature of California, in which it is urged, that the policy pursued in other States where Indians were located, of removing them from the limits of the State, should be adhered to there, and in eloquent appeals to our sympathies, urges us to protect the Indians and resist the adoption of this policy. It may be an easy matter for Senators representing States where there are no Indian tribes, to adopt this mode of thought and expression. It is a matter of no importance to their constituents, whether Indians live in States inhabited by whites, or Territories appropriated to their exclusive use; but it is a vital question to the members of this body representing States where the Indians are indiscriminately mixed with the white inhabitants. The Senator, in his zeal in behalf of the Indians, and through the eloquence with which he urged their cause, I fear has led some members of the Senate from the main question in issue between us, for as yet it is not a question of removing the Indians from California. I repeat, sir, this is not a question of removing the Indians from California, for the policy adopted in these treaties brings Indians from the mountains and ranchos, and establishes them in the center of the white population in the gold mining region of the State. That is the policy adopted in some of these treaties. None such was ever attempted before in any portion of this country, nor is there power enough in this Government to carry it out in California. Every one who knows anything of the characters of the white man and the Indian, must say that collisions will come. The plan of locating the Indians in the midst of the white population, is condemned in California, with a unanimity scarcely ever before known in any State. I stated the other day, that this would become the fixed policy of the Government if we did not act promptly in the matter; and the Senator said no, not until these treaties are ratified by the Senate. But, sir, it must be borne in mind, that eight or ten thousand head of cattle have been bought, with which you are feeding these Indians. You are locating their homes there. You are bringing them from the mountains, taking them from the ranchos, where they have hitherto been usefully employed. What will they do when you cease to feed them? What will be the result? I repeat, that by not giving the Senate an opportunity of condemning this policy, you are fastening it upon the country, or involving us in a bloody war.

In regard to what the Senator said about these Indian agents, there is no personal feeling against them in California. I have few, if any, better personal friends in the country than they are. They are zealously defending their treaty stipulations; and I speak in no spirit of unkindness of them when I refer to their extraordinary assumption of power, when, under an appropriation of $50,000, they have incurred a debt of $1,000,000, which will have to be paid, unless the Government repudiates their acts, as it has already protested their drafts. Beef was purchased by Indian agents to feed Indian tribes, paid for in drafts on the head of the Department of the Interior, which were protested on presentation; yet the agents are continued in office, the beef is retained, and issued in rations to the Indians, and no appropriation asked for to pay for it. Has orders been given to stop issuing rations to these Indians? Has the Government acquiesced in the consumption of the property purchased by the drafts, after they were protested, by feeding the Indians on Government account, while no steps have been taken to ask Congress to pay for this property? This is downright robbery; for it is well known the Government cannot be sued, and the only way these drafts can be paid is to ask for an appropriation from Congress. This the Administration has failed to do, while, so far as we are informed, no orders have been given to stop the issuing of rations to the Indians. These transactions cannot be hid under a bushel. They will blaze out, and become visible to the whole country. It must have been known to the Secretary of the Interior in September last, certainly in October, that these contracts were made, and these drafts drawn for at that time; they, or some of them, must have been presented to him for payment, and by his order protested. If a circular had been issued at once, and published throughout the whole country, as well as in California, it would have put a stop to all such contracts, and these drafts would not have been received anywhere. But, failing to do this, or dismiss the agent who commenced the system, others followed in his footsteps, and contracts for hundreds of thousands of dollars' worth of property have been made that never would have been, if the course I have indicated had been pursued; and these drafts are now circulating broadcast through the country, and the holders are constantly presenting themselves to us and asking payment from Congress.

The Senator from Maryland, in commenting on the expenditures of General Smith in California, said that the General was not quite so economical as I am. The comparison was playful and good-humored, but it had meaning in it; and although the Senator meant nothing but what was courteous—distinguished as he justly is for his fair, open, and manly mode of conducting political controversies—yet I am the subject of similar allusions elsewhere, which are calculated and intended to injure me here and before the country. I have been charged (certainly not by the Senator from Maryland, nor do I wish to be thus understood) with asking for extravagant appropriations for the State I have the honor in part to represent. The object is twofold: First, to break the force of my opposition to such measures of the Administration as I choose to animadvert upon; and secondly, if I persist in this course, to weaken my influence in this body, and thus destroy the confidence which I flatter myself has heretofore been reposed in me, of asking for no more than the real wants of my State imperatively required. I shall not submit tamely to these attacks, or act on the defensive; nor will I be deterred by such an ignoble species of political warfare from examining fully and fearlessly every act of this Administration which, in my opinion, is injurious to the best interests of the country, and especially those in which my constituents are more particularly interested. I call this an ignoble species of warfare, and mean what I say.

The State of California occupies a peculiar and anomalous condition. In a day, as it were, it has sprung into existence as a great community, with all the wants of a matured State. From causes well known to the Senate—originating in no fault of ours—we have not had that preliminary legislation that our wants required. Hence, the amount of legislation proposed for that State is very great, and of pressing necessity; and it is my duty to ask for needful laws, and urge their early adoption. Well, sir, I suppose so long as I do this in the character of a mendicant, begging action on my bills, and privately, as well as publicly, conciliating the members of this body, and abstain altogether from alluding to the party topics of the day, I may be visited with benignant smiles, and my bills will be patronized. But when an equally imperative sense of duty impels me to point out certain abuses in the Executive Department of the Government in California, I am visited with the charge of promoting an extravagant expenditure of money in my own State, and lectured for daring to question the economy of the Administration, and by those whose chief delight is in making constant inroads upon the Treasury. I cannot be insensible to the fact, that these charges, of asking for my State more than its wants demand, if credited by the Senate, will seriously impair what little influence I have here, and to this extent injure my constituents. It is with the view of counteracting the effect of this species of warfare upon me, that I have alluded to this subject at all, and probably shall never do so again, here or elsewhere. I do not pretend to belong to the penny-wise and pound-foolish class of political economists. When I believe certain amounts of public money should be expended in California, and that such expenditure is proper and demanded by the necessities of my constituents, I come before Congress, and ask for appropriations, let the amount be great or small. I wish every dollar expended there to be first appropriated by Congress, and that the Executive shall see that it is disbursed economically, and its agents held to the strict letter of the law. Give them an inch, and they will take an ell; and to judge the future from the past, you will soon lose all control over them. It is wasteful expenditures on unnecessary objects without authority of law that I censure. It is the assumption of power by inferior Executive officers, independent of Congress, to originate and carry out a policy involving the expenditure of millions, tarnishing the credit and jeopardizing the peace of the country, that I attack. What I wish expended, I ask of Congress, and am prepared to justify and defend.

THE HOMESTEAD BILL.

SPEECH OF HON. V. E. HOWARD,

OF TEXAS,

In the House of Representatives,

April 21, 1852.

The bill to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family, and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period therein specified, being under consideration in the Committee of the Whole—

Mr. HOWARD said:

Mr. Chairman: When a measure is proposed for our action here, the first inquiry to be made by the legislator is, does the Constitution warrant it? If it is not within the scope of the powers conferred upon us by that instrument, it is beyond

our adoption, whatever be its general utility or national advantage. I deny, for one, that the Federal Government has any jurisdiction over private charities, or any subject of general benevolence. These municipal cares the framers of the Constitution wisely left to the States. We have no more power to devote the national funds to purchasing land for those who are without "paternal acres," than to purchasing clothes for the naked, or food for those who may be suffering from the gripe of hunger and famine. Whenever we usurp the powers of the States by providing for these and kindred subjects, we shall convert this Government into a great eleemosynary establishment, which will soon fall beneath the weight of its own bankruptcy.

But, sir, I deny the constitutional power of Congress to grant away the public property in donations to the poor. This Government is not a national almshouse. We have no right to collect money by taxation, and then divide the proceeds among the people generally, or those who are destitute of land, food, or raiment. And if we may not thus distribute our revenue arising from imports or direct taxation, by what provision in the Constitution do we derive the power to lay taxes by which to raise money for the purchase of public domain to divide among those who may not happen to be the owners of farms? There is no sound distinction between giving money by direct appropriations from the Treasury, and land, in the purchase of which that money has been invested. It is no more the property of the nation in one case than in the other, nor less an appropriation. What right have we to tax the property and industry of all classes of society to purchase homesteads, and enrich those who may not be the possessors of the soil? Show us the constitutional warrant for the exercise of this extraordinary power, to indulge in that which far exceeds the wildest dream of French socialism. The socialist never demanded that the Government should furnish him a farm. He was content if it provided him with employment and food; and the advocacy of this comparatively moderate measure drove Ledru Rollin and his associates into exile.

It is said, that the constitutional right to give away the public lands must exist, because it has frequently been exercised. That is no very cogent argument with me, because I know that many statutes, both of the States and of the Federal Congress, which the Legislatures have for a time regarded as binding, have been pronounced unconstitutional and void by the supreme judicature of the land. At most, such an argument is only persuasive, because on such questions, we are not concluded by the action of our predecessors. We have the same right of judgment.

Those who contend that Congress has a right to collect money and then distribute it out as donations to portions of our citizens, set no limit to the powers of the Federal Government. On the contrary, it must be apparent that the right of Congress to collect money by taxation is limited to the exercise of some of the powers expressly delegated by the Constitution. Among these powers is not found that of providing a farm for every man who is not the owner of land, as contemplated by this bill. It will be quite as difficult to find any power in the Constitution to give away the public property which has been purchased with money derived from taxation. If not opposed to the letter of the Constitution, it is in manifest opposition to its spirit, and therefore illegal. The declaration, that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States," evidently does not contemplate that this property shall be given away. That never was contemplated as a means of disposal. The idea of rules for the disposition of public property is one of values. The framers of the Constitution never intended that the public property should be squandered. This is sufficiently manifest from the terms of the subsequent cessions of public domain to the Federal Government by the States, which declare that these lands shall be "disposed of for the common benefit of the United States." In whatever manner these lands are acquired, they are a common Federal fund, and can rightfully be disposed of only for national purposes, and to facilitate the exercise of the granted powers.

This bill cannot operate a common benefit to the United States. Its benefits will inure mostly to the advantage of the States in which the public domain is situated. All those who reside in the immediate vicinity of this domain who do not possess land will be enabled to avail themselves of the provisions of the bill; but the poor of the other States will not be benefited, except to very limited extent, because they have not the necessary means to emigrate and establish themselves upon the land. Others, if they have the means, do not possess the knowledge and capabilities necessary to agricultural pursuits. This bill is, therefore, a violation of the compact with the old States who ceded their public land to the United States, so far as it may operate upon that portion of the public domain, not only because it is not a disposition for the *common* benefit of the *United States*, but because it is not a disposition for revenue purposes, which these grants clearly contemplate.

It is said that the power to dispose of the public domain is a plenary power, and therefore there is no limit to the functions of Congress in this respect. As the Federal Government is one of express grants and limited faculties, it may be doubted whether Congress possess any plenary powers in the ordinary acceptation of the word. The General Government has no powers other than those necessary to accomplish the ends of the Union, and achieve those objects which come within the general scope and intention of the Constitution. Congress has the power "to provide and maintain a Navy;" yet no one will contend that under this grant Congress has power to give away the ships of the Navy, either to foreigners or our own citizens. Congress has power "to raise and support armies;" yet that does not enable us to donate the material of the Army, or give away the forts, barracks, and arsenals of that establishment for residences for the poor. Such legislation would not contribute to the execution of the grant. Neither can the distribution of the public domain, or other Federal property, among the people, contribute to carry into effect any of the delegated powers, which were granted for national purposes. If we were to carry out fully this scheme of distribution of Federal property, we should exhaust the resources of the Federal Government on objects entirely foreign to those purposes for which the Government was created. And even if the power exists, it is an abuse of the functions of the Government far greater than that of a protective tariff. It is a direct gift, in legal effect, from the Treasury, or at least from the mass of the public property, and not a bounty in the shape of a mere incident in the collection of revenue.

Again: Congress has no constitutional right to impair—certainly none to destroy—the pledge of the public domain, which the nation has given to its creditors. This bill would consume the whole public domain, if there were a sufficient number of applicants. There is no limit or reservation in the bill itself for the benefit of, the creditors. But the principal objection is not the absence of any reservation for the security of the public creditors, but the destruction of the value of uncultivated land by the operation of this measure. No one will purchase of individuals or the Government, unimproved land at $1 25 cents per acre, or any other price, while the Government offers fourteen hundred millions by way of donation. Such a measure renders the *sale* of wild land impossible. It destroys the market, and in effect, the value of the public lands as a pledge or security for the national loans. It is, therefore, in this respect, an act of bad faith, to which it is no answer to say, that probably these lands will never be required to meet the liability. It seems to me, that this measure is an act of bad faith and injustice, in another respect. Settlers and others in the new States have purchased wild lands of the Government at $1 25 per acre, for occupation and profit. This price has constituted in these States a sort of standard for the value of unimproved lands. The purchases were made with the expectation that the Government would maintain its system of sales; but you will destroy the value of this property as an investment, if you give away all your own lands adjoining and around these purchasers and settlers. They cannot sell while you donate; may we not expect that they will apply to Congress for indemnity for an act of your own, the result of which has been to destroy the value of property which they purchased of the Government on the faith of your laws? This measure, sir, is fraught with mischief on every side. It is revolutionary, and a war on property in every aspect.

Why should we thus recklessly destroy the revenue arising from the public domain? We need it, sir, for national purposes of urgent necessity, and the abandonment of all revenue from this source will only result in increased tariffs and taxation. We need this revenue for the increase of our steam navy, and for other objects of national defense. We need it for the completion of our system of fortifications; for although we ought not, in my opinion, to go into this subject of expenditure to the extent recommended by the Secretary of War, yet your great naval depôts and principal commercial harbors must be fortified, unless you intend to be at the mercy of every maritime power. The revenue arising from the sale of the public lands, if the present system is maintained, will be more than sufficient to increase the Navy to any desirable extent, as well as to place the other defenses of the country on an impregnable footing. Why, then, squander this fund, when we are not yet prepared for war with an European power, and do not even protect our own citizens from Indian hostilities, or carry out our treaty stipulations with Mexico?

There is not a greater error in the administration of affairs than that of accustoming the people to look to the Government for direct pecuniary aid. It is alike destructive of industry, individual enterprise, and public virtue. When a people are habituated to look to the Government for largesses and bounties, they lose all independence and integrity in their action in support and control of their Government. That aspirant becomes the most meritorious and worthy of favor, in their eyes, who will promise the most, and be the most profuse and lavish in his performances. Before a man in sound health, and capable of industry, will accept a bounty or gift from the Government, which he has in nowise earned, he must, to some extent, have lost his self-respect. He is no longer the independent and hardy yeoman that has made this country what it now is.

That the system of government largesses is debasing and ruinous in its political tendency, all history attests. It was the bane of the ancient Republics. It was the greatest source of political corruption at Rome. Nothing added such bitterness to their conflicts for administration, or gave such fearful power to the unscrupulous political aspirant, as the practice of distributing land and corn to the more needy citizens. It destroyed habits of industry in the great body of the people, and converted them into the ready tools of ambitious and designing men, who always began their career by proposing a new division of land, and generally of both corn and land. The rapacious proconsul, at the head of his army, plundered provinces, that he might feast and entertain the indolent and licentious voters of Rome, who preferred to receive their bread from patrician or wealthy aspirants for power rather than as the reward of honest toil. To such an extent did this system proceed, that no man could hope for great public honors who had not the means to reach them through the distribution of vast sums to the people. Cæsar triumphed far more by the distribution of the vast treasure of which he plundered Gaul, than by the fame of his great military achievements. This evil had its origin in the distribution of land and corn by the Government, which was greatly increased when it was extended to the provinces, and at length came to be imitated by all wealthy candidates for public favor. A people that will receive largesses from Government, will not long preserve its freedom.

Is not the United States so situated as to be liable to great dangers from the commencement of a similar policy? Every wave that breaks upon our shore bears upon its bosom a portion of the population of the Old World—landless, and seeking a home in this country. In the course of five years, they are generally added to the mass of our voters. They will desire gratuitous donations of lands, as

well as that portion of our native population seeking homes in the new States and Territories. In time, this population will constitute a large party, demanding frequent divisions of the public lands. It is natural that what is easily acquired is soon dissipated, and those who have once received this bounty, as soon as they may legally transfer it, will be again found without lands, and clamorous for a further division. I desire no distinction between the native and adopted citizen in relation to this subject. If you donate to the one, give to the other. But this bill will stimulate to emigration thousands in Europe who cannot reach the land in the West after they arrive in our Atlantic cities. They are coming fast enough at best, quite as rapidly as we can provide for them and educate them to our system of government. Eight thousand lately landed in New York in a single week. I have seen it stated that there are 15,000,000 in France, of a population of 35,000,000, in absolute want, or obtaining a difficult and precarious subsistence, which is constantly liable to terminate in actual destitution. The proportion is nearly as large in other European countries. They have no hope for the future, for themselves and children, but in emigration. The property-holders in those countries, for their own safety, are contributing largely to send them to this continent. They will come fast enough without any artificial stimulants from the legislation of Congress.

In connection with this subject, I may state, as a remarkable fact, that most of the candidates for the Presidency, Old Fogy and Young, have avowed themselves in favor of some measure of this sort. It is tolerably apparent, that each presidential election will be preceded by some propositions of this character. The Presidency will soon be put up in market overt by means of free farm bills, if this measure is once adopted by Congress. Such an agrarian policy will have a further injurious tendency to prevent permanent improvements and a high state of agriculture; for the man who looks forward to an alienation of his homestead in a few years, will not expend any more labor upon his farm than may be requisite to temporary and indispensable structures and improvements. His eyes will always be turned to the great forests and plains beyond the present population. It is not one of the least objections to this bill that these donations of the public lands will stimulate to a higher degree the already too migratory spirit of our people.

It must be obvious, that the appetite which the donation of a farm to every man who will go upon the public domain would engender, could not be arrested by a partition of lands. The men in the cities would soon come to say, "You have given away to settlers on the public lands a common property, to the purchase of which we contributed with our taxes and military services; now do us justice; we cannot go to the West to cultivate the land; we have been bred to mechanical pursuits, and know no other avocation; therefore, give us food and raiment of equal value with the land which you have already distributed to the more favored rural population." And how could you resist the force of the argument, when you have once began this end less system of largesses? No the just policy to the citizen, is to sell him at a moderate price the land which he may desire; to inculcate self-reliance and industry, instead of a dependence upon the bounties of Government. Except to the first settlers in remote Territories, who have been the pioneers, the Government ought not to go beyond a liberal preëmption system, which will enable the indigent cultivator to realize from the soil sufficient to purchase his land.

If this idea of giving away the lands to actual settlers shall ever prevail in the legislation of the country, it will be found to have a result the very reverse of that which many of its advocates anticipate and intend. It will not build up a class of independent yeomen. They who get land for nothing will sell it cheaply. The donee, after a few years, will retire still further, and his lands will, for a trifle, be transferred to capitalists, to be held at an enormous price, and thus, for a long time, withdrawn from settlement. Such has been the result in those countries formerly possessed by Spain, where large grants were made for little or no consideration. Such has been the result wherever large bodies of land have been thrown in market at prices so low as to stimulate the cupidity of the capitalist and the speculator. The only practicable method of securing land to the cultivator at a reasonable price, is to hold it, in the new countries, so near its intrinsic value, as to check, if not prevent, speculation. Its sale and price are then regulated by the demand created by the actual agricultural wants of the country. Texas gave away her lands in quantities of from one hundred and sixty to four thousand two hundred and twenty-eight acres to actual settlers. In the process of time the condition of actual settlement was released, and the consequence was, that large bodies of land, at a small price, passed into a few hands, and are now often withheld from settlement, to the great detriment of the growth and substantial wealth of the country. If the public domain is held at its present price, it will not be purchased up for speculation by capitalists; but will remain open to the actual settler at a rate so moderate, as to be always within his reach. This is the great interest of the settler. You have achieved a great and permanent national blessing, if you can, for a long series of years, maintain this system of vacant public domain, by which any citizen can purchase eighty acres of uncultivated land for $100, or forty acres for $50, which is the smallest quantity offered by law. The great achievement is to continue that state of things, and not let the land pass into the hands of a few, as it will do if you give it away, or reduce the price to any considerable extent; for you cannot, in this age, lock up real property from commerce, or prohibit alienation beyond a very short period, by those to whom you donate it. I do not think that any system can be devised, so well calculated as the present, to keep the public domain out of the grasp of speculators, and within the easy acquisition of the actual cultivators of the soil. As long as the present system can preserve land for sale by this Government, at present prices, we shall have an independent and hardy race of yeomen, who will insure stability to the Government, and liberty to all its citizens. They will at all times have a competency, if not opulence, within their reach; at once the producers of boundless national wealth, and the bulwark of the State in peace and war. It is a great mistake to suppose that you will materially better the condition of the man in the old States, or the Atlantic cities, by giving him one hundred and sixty acres of land in the far West. The difficulty with him is not that of procuring the land, but to emigrate himself and family to the country where it is, and to obtain the means of cultivating it. Without this the grant is useless to the poor man. The gift, to make it efficient, should be followed up by a further donation to enable the beneficiary to stock and cultivate it. It would be a far greater boon to all our citizens, of native and foreign origin, to furnish them for a few dollars, a rapid means of reaching the land States in the West; and this, in my opinion, may be accomplished by exercising the legitimate powers of the Government, and without drawing upon the Treasury, or diminishing the value of the public domain as a source of revenue. And the truth should not be forgotten, that the man who is upon the public lands, and does not procure means to purchase, will never have industry and thrift sufficient to keep his farm, if you give it to him. Once in a new country, his labor readily commands a rate of compensation which will in a short time enable him to become a landholder. I have observed with astonishment the magical influence of this change of residence, in the case of the German emigrant in Texas. The first year of his emigration, without being able to speak the English language, he contrives to save enough from his earning, to purchase a tract of land ample for a moderate farm. The next year there appears upon it a neat cabin, and a moderate-sized, well cultivated field, and about the house a few head of stock. In half a dozen years he has purchased some adjoining tract of land, enlarged his buildings and his fields, has numerous herds upon the prairies, and is a man of substantial wealth. He is a useful member of society. If he brought with him ideas of socialism, which is often the case, he has by this time abandoned them, as unfit for a new country, where wealth is within the reach of any man who is not ashamed of honest toil. Indeed, your German is a true practical philosopher. His sentimentality never stands in the way of his thrift. As soon as he has obtained and stocked his farm, he begins to lay by some cash for the purchase of a few negroes. I welcome the German emigrant. He is industrious, frugal, intelligent, conservative, and attached to republican government. The German does not require, or need this gratuity from Government. He is naturally a pioneer, and relies with confidence and success upon his own industry and perseverance. There are very few foreigners of other nations, who could be made agriculturists by donations of lands. Neither can I see any necessity for this system of largesses. The bounty land bill to soldiers of last session of Congress, threw upon the market more than 60,000,000 of acres of public domain. This scrip is now selling for about fifty cents per acre, so that for near the sum of $25, a man may purchase himself a farm of forty acres of land; and it is not in the power of legislation to enrich a man by donations, who has not industry and energy sufficient to procure this amount of means. He would remain poor, if you gave him a farm at every presidential election. You cannot enrich such persons, unless you provide them with guardians, as well as farms. And it will be seen, that, if this bill pass the present Congress, it will be renewed every four years. If this system is once begun, it will fasten itself permanently upon the legislation of the country.

But it is argued that Congress has made grants of alternate sections to railroads for the purpose of settling the country and increasing the value of the remaining public domain, and that this measure will have the same effect. I think the analogy fails; first, because the alternate sections on the roads were doubled in price, which is not the provision of this bill; and, second, because increase in value under this measure is not direct.

The Government should manage its public domain as a wise and liberal proprietor would conduct his private estate. And while I deny the power of Congress to give these lands away, I admit the right to legislate in such a manner as to increase their value, and augment the revenue arising from the sale of the lands. I speak of legislation which has that direct result, and not of measures of which that would be a remote incident in the settlement of the country, and the increase of its population, wealth, and commerce. I take the ground, that if by a grant of a portion of the public domain, as alternate sections for the construction of railroads through large bodies of public domain, the value of that which remains to the Government is worth more than the whole would be without such improvement, Congress not only has the power to make the grant, but it would be a wise proprietary act. It is the purchase of an improvement which enhances the value of the public domain fourfold wherever it is constructed. It does not rest, accurately speaking, on the footing of a donation. It is an exchange of land for equivalent advantages, which operates directly in the augmentation of the value of the land, and the revenue derivable from that source. Suppose the Government were the owner of a square in the city of New York, and the corporation, or individuals, upon condition of a grant of one half the lot, should offer to place edifices upon it, which would render the half still remaining to the Government four times as valuable as the whole without the structure, no one would doubt either the power of the Government, or the propriety of making the grant. It would be a purchase of increased value and availability in property by means of an improvement. It is a direct result. Such, also, will be the effect of making railroads through the public domain. Viewed in the light of a pecuniary arrangement only, it is advantageous to the Government; much more so than a sale at the *minimum* price, could that always be effected, which we know cannot be done with large bodies of land remote from market, and destitute of the means of transportation for the products of agricultural labor. Not only are alternate sections reserved of equal value to the whole without the road, but its construction brings rapidly into market the whole country for many miles along its line. It is supposed by some that Congress will

be importuned to reduce the price of the alternate sections which, by the provisions of the railroad bills, are held at $2 50 per acre; but the effect will be rather an immediate sale as soon as the road is located, and before an application to Congress can be made. Land that is worth anything, either for its timber, or for cultivation, will bring more than $2 50 per acre if situated in the immediate vicinity of a railroad. The road will cause the entry of the poor land along its line, which would not otherwise find purchasers for an age.

The making of these grants to roads is, therefore, a wise proprietary act. They will have a further beneficial effect. The alternate sections will be reserved from the location of bounty land warrants, which are now, for a few cents per acre, going into the hands of speculators; and unless these reservations are made, there will not, for years, be anything like the former amount of revenue received into the Treasury from the sales of the public lands. These warrants will cover the most valuable lands, as fast as they are brought into market, for the benefit of the speculators, and not of the soldier.

Again: these works are projected by States and corporations for general public utility, as well as for private gain. It would be manifestly unjust for so large a landholder as the United States, to stand by and see these roads constructed, by which its property would be greatly increased in value, without contributing any aid to the construction of the work. No private citizen, who was a large landowner, could pursue a course as illiberal as this without subjecting himself to a just public indignation; and the Government, let me say, would be without the motive of the citizen proprietor; for, as fast as the land was rendered desirable by the effect of the improvement, it would be entered by individuals or companies for purposes of gain and speculation. The Government would benefit by its parsimony only to a very limited extent. Besides, in many instances, if these grants are not made, the road will not be constructed, and, in consequence, large bodies of public domain will remain unsold, that otherwise would be entered and settled up by a producing population. That truly great man, Mr. Calhoun, urged that the Government should make liberal grants in aid of these objects, whenever it would advance its interests as a proprietor by such a course of legislation.

If the homestead bill were so amended as to donate only alternate sections, and double the price of those reserved to the Government, it would not be of equal advantage to the Treasury; first, because it would not settle the country so fast as the railroad; and, second, because the road would enhance the demand for the land much more extensively than the process of settlement under the homestead law, if enacted. Neither would the result be so beneficial to the settler as the road. If a farmer is remote from market, it is much more important to him to be in the vicinity of a railroad than to have a neighbor on the adjoining section. But the truth is, the road would increase settlement much more rapidly, and render it far more dense than the other measure. Nothing tends so much to the rapid settlement of a country, as easy and cheap channels of travel and transportation for the products of labor. In this respect, the railroad is, as I have already endeavored to show, more beneficial to the emigrant than the donation of the land would be without the road, because it enables him, for a few dollars, to reach the public land, and to avail himself of the increased value of labor, which he will always meet with in a new country. Nor does the relative importance of the railroad system stop here. The construction of these roads will furnish employment, for years, to that class which is compelled to emigrate without capital, which will not only enable him to purchase his land, but give him time to examine and choose an eligible situation. The effect of this additional source for labor will be to increase generally the demand, as well as its remuneration, in the States where these works are in progress.

Sir, the indirect and general advantages to the Government will also be far greater, arising from the grants to railroads, than those from the donations to settlers, not only in the more rapid settlement, but in the certainty of a far denser settlement; for the obvious reason, that there will not only be a settler on the section granted to the road, but also on the one reserved to the Government, as well as on those sections more remote from the immediate line of the railway. All these will be producers, with the facility of a ready market. They will, therefore, be able to support Government by direct taxation, if it should ever be resorted to. They will also be producers of something to export, to increase the commerce of the country; and as those consume most who have the greatest means of consumption, they augment, in the same ratio, the importations and revenue of the country. It is the export which produces the importation.

It is quite astonishing to what an extent these railroads create wealth in a country, bringing all its sources of production into activity, and its products into market. It is said, that before the railroad was completed from Charleston to Chatanooga, that there were sold in Charleston scarcely five millions of merchandise per annum; now, there are distributed from that point to the interior, about twenty millions. Charleston has not drawn this additional commerce away from other points. It has been created by the increased amount of the various productions of the country, consequent upon the railroads, and other increased methods of communication.

I think, therefore, that the grants to railroads furnish no precedent or argument in favor of this homestead bill. I do not propose to vote for many of these railroad bills; but there are some of them of sufficient direct advantage to the Government, and its revenue, to induce me to give them my vote, with some amendments, which will secure their construction within a reasonable time, or a forfeiture of the grant.

It has been suggested that my hostility to the homestead bill proceeds, in part, from the fact that, if the Federal Government gives away its public domain, it will affect the value of real property in Texas, and check emigration to that State. To what extent the passage of the bill would have that effect, I am not prepared to say; but the measure is not especially commended to my support from the fact that, in addition to its being hostile to the best interests of the whole Union, it is also a direct blow aimed at the prosperity of my own State. Nor does this measure affect injuriously the prosperity of a single Southern State alone. Its effect will be to draw off free labor from all the Southern States to the free States of the Southwest. Free-Soil members of Congress have avowed that motive in its support. That such will be its operation cannot be doubted. The best lands in the Southern States fit for planting have already been entered at the land offices. The poor man, therefore, to whom this donation of one hundred and sixty acres may be an inducement, will seek a home on the more fertile soils of the free States of the West. Texas, I apprehend, will be driven to counteract this effect by a similar grant, if this bill becomes a law. It is in her power to apply an efficient remedy, if the measure has an injurious effect upon her, if anything more than her superior climate and soil are found necessary.

But the South has suffered enough from Federal legislation, without this measure to injure her still further by drawing off her population, as well as checking emigration to her borders—a measure which dissipates a large revenue, in which the South has a large interest, and when its waste must, sooner or later, give rise to the increase of Federal taxation. The old States, who will suffer most from this measure, are the Southern members of the Confederacy.

I am surprised that any friend of popular rights should be found supporting this bill. They are not judicious advocates of Democratic Government, who are found urging measures that tend to debase and demoralize the people—measures which pension any portion of the industrious classes upon the Treasury of the nation, instead of teaching them to rely upon industry, frugality, and their own energies. History furnishes us with examples of many such counsellors, but the people have followed them only to their own destruction. No Governmont ever has, or ever can, long survive such a policy. It is at war with the basis of all civil Government—the industry, independence, and integrity of a free people.

THE COMPROMISE MEASURES, &c.

SPEECH OF HON. A. P. HASCALL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 17, 1852.

The House being in Committee of the Whole on the state of the Union on the bill establishing collection districts in Oregon—

Mr. HASCALL said:

Mr. CHAIRMAN: Having at length succeeded in obtaining the floor, I propose to occupy the time which the rules of the House accord to me in the discussion of one or two appropriate topics while in Committee of the Whole on the state of the Union.

After so many illustrious examples, in both wings of the Capitol, in defining positions on the compromise measures, I trust I shall be pardoned if, in a very brief manner, I shall present my views upon the same subject. And I wish it to be understood in the outset, that what I may say upon that or any other topic will be for myself only, and that no other person or party will be compromised thereby. In my estimation it is supererogation to discuss all the measures constituting the entire series, for we were assured by Mr. Fillmore, in his message to Congress, delivered on the 2d day of December, 1850, "that most of these subjects 'indeed were beyond the reach of Congress, as 'the legislation which disposed of them was in its 'character final and irrevocable." This being the case, then, as we have been officially instructed by the highest authority on that subject, far be it from me to disturb the ashes of the dead by any sacrilegious attempt to reanimate them for the purpose of making a political creed.

I believe, sir, that, notwithstanding all the eloquence that has lately been expended upon these illustrious measures, both in this House and out of it, but one of them could have legitimately claimed any consideration, and that one has such a fragrant and grateful perfume that a distinguished member on this floor gave to it the sweet and poetic name of "The Last Rose of Summer." It will readily be understood that I refer to that act in the series known as the fugitive slave law. That the odor of this beautiful rose may be preserved to regale the senses, it is proposed, by some of our far-seeing politicians, to ingraft it into our political tree, where it may bloom in perennial beauty and fragrance to the great delight of its ardent admirers.

But, sir, to drop this flowery figure, suggested by my friend from the South, I must be permitted to say, that any attempt to incorporate the fugitive slave law, as a finality, into the Whig creed, and make it a test of Whig orthodoxy, will, in my opinion, most signally fail, and ought to; and, as a member of that party, against such an outrage and innovation, I do most humbly, but earnestly protest.

I am aware that a few Whigs at the South, representing for the most part hopeless, or to say the least, very doubtful Whig States, insist upon its being made a party test, and in a very positive and dictatorial manner, which they know well how to assume when they would coerce Northern men into their measures, declare that unless this new element is embraced in the Whig articles of faith, they will secede from the party, dissolve the Whig union—rule or ruin.

Now, sir, let me inquire what is it that these gentlemen and a few Northern coadjutors wish us to stultify ourselves for? Why, sir, it is to pronounce the fugitive slave law a finality;—the perfection of human wisdom—the neplus ultra of all legislation;—a law that has no parallel for its monstrosity since the time that the English wrested Magna-Charta from their monarch, unless it may be found in some of the laws of the Southern States regulating their domestic institution; a law denying the right of trial by jury in cases involving (if not life) liberty and the pursuit of happiness during life;—that bribes to condemn to hopeless bondage on interested and *ex parte* testimony, and which could have been suggested to no human mind but by the spirit of evil. It is to pronounce such a law—in this progressive age, in republican America, in the nineteenth century—a finality. Others may do it—some North and South say that they will do it. For myself, I say, Never!

I know that it is said, in order to smooth over one of the odious features of this law, that the bribe it tenders to the commissioner to find for the claimant, and certify the claimed to a life of bondage, is a picayune affair, only the small sum of $5 in each case. Be it so. I admit it. But as insignificant a sum as it is, it has proved to be abundantly sufficient to induce partial and leaning judicial officers to surrender those claimed as fugitives, without a decent regard to the miserable formalities required by the law itself. Politicians may wheedle, and bluster, and threaten as much as they please; but this law will never be swallowed by the great mass of the people at the North. Gild it over and coat it as you may, it will always stick in their throats, until the finality will be, they will eject it. It would be far better for the slaveholders themselves to have this law so modified or amended that it could be claimed for it, that it was of human origin, and no longer continue it as it is—a disgrace to our statute-book—a libel on our Government—an apple of discord to the whole country. Amend it so that a fair and impartial trial can be had. Give to persons claimed as fugitives, in cases involving the most momentous consequences, the same privileges of defense that our laws give to persons accused of some petty offense, the utmost consequences involving only a few dollars fine and a few days of imprisonment, and in ninety-nine cases out of every one hundred you would have no difficulty in recovering those persons who were in fact fugitives from labor. By such an amendment the chances for kidnapping free persons of color would be greatly lessened, I admit; and for such purpose alone I most cheerfully believe that the great body of the people at the South would not wish to continue it as it is for one moment. The politicians at the South care but very little about any superior advantages the fugitive slave law gives them to recover their escaped chattels. They have other objects to accomplish by making it a finality. They intend to carry through much legislaion for their exclusive benefit, and foreclose opposition from the North by the cry of "Be quiet; you will disturb the compromise," and perpetrate political and legislative enormities by it, as the French did under the specious names of liberty and the Republic in the revolution of 1794. No, sir; the fugitive slave law is the collar and livery which Southern politicians have been enabled to place upon certain Northern men. By these ornaments are they to be distinguished. These badges mark them as the property of the South; and this may account for the pertinacity with which certain Southern gentlemen determine that these evidences of their title shall be worn. This, sir, in my opinion, is the great secret of making the fugitive slave law a finality.

President Fillmore, in the same message before referred to, says: "I recommend your adherence 'to the adjustment established by those measures 'until time and experience shall demonstrate the 'necessity of further legislation to guard against 'evasion or abuse." Did he recommend finality? Does not the sentiment seem to anticipate the time when alteration and improvement may be practicable; that at some future, perhaps dimly distant future, in the mighty, onward progressive course of this great country, in this wonderful era in which the astonishing and astounding discoveries of steam navigation, railroads, magnetic telegraphs, and balloon voyages, are but the faint dawnings of its commencement, time and experience may be suggestive of possible improvement in this apparent perfection of human legislation.

Sir, when the compromise measures had become the law of the land, the Whigs of New York resolved to acquiesce in those measures—acquiesce was the word, until time and experience should demonstrate that a modification or amendment was necessary and practicable. Acquiescence was all that was then required or expected. No glorification, or even approval, was then demanded. Nor was proscription then dreamed of for withholding either. This was altogether an afterthought, and since it has been suspected by certain President-making managers that political capital might be made out of it, they have not failed to thrust glorification resolutions of the compromise measures into and upon every caucus or convention which has been held, and these managers have been fishing ever since to catch the gudgeons of the South with their hooks covered with this bait. But if they do not catch a Tartar instead, then I labor under a slight mistake.

Finality! Just as though this great country had been consummated, finished off, its mission fulfilled. Nothing higher, nobler, more exalted to aspire after or hope for in all its future history—that its last great agony to give birth to the freedom of the world was over, for it had been delivered of the fugitive slave law!!! Young America may indorse such sentiments. If an Old Fogy should be nominated for the Presidency at Baltimore in June next, it would not be at all surprising if this aspiring, precocious, and hopeful youth should solemnly declare that this great country is finished, and seek his fortune in the ranks of the retrogressive party.

When the Whigs of my State placed themselves on the platform of acquiescence in the compromise measures, until time and experience should suggest modification or improvement, I was with them. There I am to-day, and there, too, is the Whig party of that State, in my opinion, with but few exceptions; and there will that party continue, notwithstanding the unreasonable attempts of these exceptions, with a portion of the Whig party of the South, to force it from it by finalities or any other impracticable and absurd innovations. Having thus briefly given my views on the compromise measures, and especially of the fugitive slave law as a finality, I will proceed to the consideration of one other topic, affecting the interests of the whole people of this Union.

The subject to which I refer, is the establishment of a department to promote the interests of agriculture in the United States. Agriculture is preëminently the great leading interest in this country, and, in fact, is the foundation on which all other interests in a great measure rest; and, in my opinion, should receive the protecting and fostering care of the Government. It is high time that our National Legislature had already commenced to make amends for past dereliction of duty in this respect. The aid which this branch of industry would derive from suitable encouragement from the Government, in the application to it of scientific research and experiment—in the improvement in the construction and use of implements of husbandry—in analyzing earths, and ascertaining their properties, and the necessary additions and combinations to make them productive—in the discovery and proper application of fertilizers—in the right selection and change of breeds, seeds, and in many other ways, would be incalculable. To no other purpose would appropriations by the General Government tell so successfully on the productive industry and general prosperity of the country. But these several subjects have been already most ably discussed by the honorable member from Ohio, [Mr. NEWTON,] and others, and it would be quite superfluous for me to repeat what they have so ably urged upon the attention of the committee. It is my design, therefore, to present one view of the subject to the consideration of this honorable body, which has not been offered by any other, as I am aware of, that I deem of very great importance to promote the object contemplated, and that is, sir, to nationalize it, and thereby give to the occupation of husbandry—the most useful and necessary of all employments—that elevation in the scale of pursuits, the nobility which evidently belongs to it, and rescue it from the degraded position in which it has heretofore been placed by a most unjust, anti-republican, and mistaken public opinion.

To accomplish this desirable object, the laborer in the field—he who by the sweat of his brow procures for us nearly all the necessaries of life—must be placed on the same social platform with him who measures off tape and ribbon behind a counter, or reads Blackstone and Kent, or Rush and Eberle, in the office, or learns to cut and thrust and kill scientifically in the Army or Navy. Do this, sir, and you will save a great proportion of the sons of the wealthy from lives of dissipation and vice, and whose parents are laboring under the most perplexing difficulties to find suitable employment for them. And why not do it? Is not manly toil, under the blue sky, bright sunshine, and in the pure air of Heaven, as conducive to physical and intellectual development as confinement in a close room, and to a poisonous atmosphere? Who have been, and who are now the great men at the North? And who are now some of the ablest Representatives in both wings of this Capitol? Self-made men. Those who originated in that class who toil in the field, and by means acquired thereby, qualified themselves for the honorable distinctions conferred on them by constituencies who were above the anti-Democratic prejudice against the laborer, in whatever branch of honest industry his labor was directed. This prejudice against the laborer had its origin in feudal times. It has been the main support to the ranks of the nobility in monarchical Governments, ever since. This pestilent tree has been planted in republican America. It has flourished to some extent all over the land. But its congenial soil and luxuriant growth have been found only at the South, owing, undoubtedly, to the superior cultivation it has received there. The system of slavery in the Southern States is justly chargeable with the greater part of the prejudice which is so rampant there against all persons who are employed at manual labor, of every color, and of all trades and occupations. It is not my intention, nor do I wish, in any remarks which I may submit to the committee on this, or any other subject, to advert to the peculiar institutions of the South any further than shall seem to be pertinent to a proper discussion of the subject. I shall not dilate upon the wrongs which the institution of slavery inflicts upon its victims; of the cruelties which those in the possession and exercise of irresponsible power seldom fail to inflict in some form; of chains and stripes and unrequited toil; the severing of family ties; the desolation of hearts and homes; the sullying and sundering the fondest, strongest, most endearing of all earthly attachments; of imbruiting manhood, crushing in ignorance and degradation the inspirations of hope and love, and extinguishing every ray of divinity in the immortal soul. No, sir; that duty I leave for others, who, I doubt not, at some suitable time and place, will perform it, and turn my attention to another class of sufferers from the existence of this unnatural and cruel element in human society. It must be obvious that I refer to the holders of slaves, who are likewise entitled to the commiseration of the truly philanthropic; and perhaps the more so, as their injuries are self-inflicted, and the plea of necessity will not avail them in the great court of final account. The inevitable consequences of the existence of slavery among any people is to degrade the laborer; to create unnatural and cruel distinctions in society; to elevate the one class to the rank of lord, and depress the other to the condition of serf; and this social state, which elevates the one class above the command of the Almighty, "in the sweat of thy brow shalt thou eat bread," in human estimation, always has created, and ever will create, distinctions which strike at the very root of Democratic governments, and will end, sooner or later, in the ascendency of arbitrary power, the absolute rule of the few, the humble obedience of the many.

The conditions of lord and serf obtain very generally at the South, by whatever names they may be called. The laborer—white, black, or mixed—is esteemed but a serf, and treated as such; while the owner of slaves, he who holds the relation of master, no matter how ignorant or immoral he may be, is generally treated with all the consideration and respect due only to persons of real worth. By this condition of caste at the South, the three hundred thousand slaveholders are enabled to control the whole political and social destinies of that people; and that this state of things is inflicting a very serious injury upon the slave-owners themselves, as well as the other class, is manifest to the most superficial observer who travels through this country. He cannot but contrast the appearance of that part under the cultivation of free labor, with that of the slave, to the very great advantage of the former. This difference is very manifest as you traverse the noble Ohio, where it separates the free States from the slave. On the one hand is every evidence of a high state of general prosperity, while on the other dilapidation, waste, and decay. What is it, sir, let me ask, that has converted the once fruitful farms of Virginia and Maryland into solitary wastes? And why is it that so much of the naturally beautiful and productive country around this capital lies barren and uncultivated?

The bounteous Creator never blessed any part of this lower creation with a more beautifully undulating surface, soils more productive when properly cultivated, better water privileges for commerce and manufactures, with a more genial and healthy climate, brighter sunshine, or more refreshing showers, than these States of Virginia and Maryland. And how have these multiplied blessings been improved? Suppose, sir, that the capital of this great nation had been located in any district in the free States, possessing equal natural advantages with this, and what would have been the result? Why, sir, instead of forty thousand, a population of four hundred thousand would have spread over this inviting and delightful area. Instead of some half dozen diminutive grist-mills, scores of them, of the largest dimensions, would have been erected to have converted into flour the immense quantities of wheat which these barren fields would have produced. Paper-mills, where now there is none, would have supplied the almost unlimited demand for paper used in the various departments of the Government. Cotton and woolen factories, iron founderies, in short every kind of machinery, would have been in operation to have worked up the natural and cultivated productions of the country, and supplied the wants of the people and of Government with almost all the necessaries for consumption. And if to these sources of wealth and permanent prosperity, there had been added the disbursement, annually, of millions of the public treasure, in the various operations of the Government, as is now the case, who does not know that this would have been a city, and these deserted fields all around it, a country scarcely second to any in population and general prosperity in this Union.

Does any one pretend that this wicked prejudice against the laborer does not exist at the South? That he who subsists by his daily toil, and in the sweat of his brow eats his bread, is not under social disqualification and contempt? Permit me to give two or three instances of it, coming to my own knowledge quite recently, by way of illustration.

In a late conversation with a gentleman of Virginia, he remarked that he had several sons arriving at ages when he must find some employment for them; that he did not like the Army or Navy, and he was at his wit's end to find suitable occupations for them. I ventured to suggest to him that it might be well for him to purchase a farm, and set them at the business of husbandry—let them work it. He replied with some warmth, that he would never degrade a son of his by such a menial employment; and he added, that he never knew a Virginian yet but would rather walk out into the street and be shot down than to descend to such degradation. I have no doubt but that same gentleman, and many others like him, would rather that their sons should spend their time at the race-course, cock fight, and around the gaming-table, and other places of dissipation and vice, than to degrade themselves by a little wholesome manual labor.

But for another instance of the estimation in which laborers are held at the South. A respectable family, in the State of Georgia, had several daughters educated at a seminary in one of the free States, where they had an opportunity to observe the neatness, order, and regularity of a household under the supervision and labor of the mistress and her daughters; and they were so impressed by witnessing the superior comforts and blessings of a well-ordered home, that on their return to their father's house they occupied a part of the time each day in putting things in order about the house, looking after the domestics, and supplying by their own industry the many short comings of the colored servants in neat and orderly housewifery. This breach of the social order of the place was soon noised about the neighborhood; the finger of scorn and biting contempt was pointed at them; they lost caste; it resulted in the removal of the family from the State. One more instance, and I will have done with examples. A young lady from one of the free States was employed, last summer, as principal in an institution for the education of young ladies, in the State of Virginia. The teacher became very much attached to one of the pupils on account of her singular good behavior and the rapid progress which she made in her studies, and was very desirous that she should continue in the seminary until the close of her term; but, unfortunately for the pupil, her family was not in affluent circumstances and could not well afford to employ servants to do all the work about the house; and this pupil was employed a part of her time, when not engaged in her studies, about the domestic affairs of the household—in plain language, she worked. The knowledge of the offense was communicated to the pupils at the seminary, and poor Julia was so persecuted by the continued taunts and jeers of the entire sisterhood of scholars that she had to leave the institution. It may be thought that these are small matters. It may be so; but straws just as well determine the course of the current as the dismasted vessel. And these small matters, if they be such, establish my premises, that there exists at the South a most injurious and wicked prejudice against all persons who are employed in manual labor or productive industry, and that distinction is not by merit, but arbitrary condition.

Now, sir, permit me, for a few moments, to take you out with me into some of the counties in old Virginia, where, but a short time since, large farms were given up to become solitary wastes, because slave labor had rendered them wholly unproductive, and which colonies from the free States have since purchased for a mere trifle, and on which they have settled and introduced their improvements in agriculture, and wielded suitable implements with intelligent, skillful, and paid laborers. Observe the changes which two or three years have wrought. The old, dilapidated dwelling-houses have been thoroughly repaired and painted, or new ones erected in their stead; the small negro huts that once surrounded them have been all removed; and gardens, planted with flowers, and shrubs, and summer fruits, and kitchen vegetables, occupy their former sites; good substantial barns have usurped the places of the hovels; the fields have been laid out with a regard to taste and convenience, and surrounded by good substantial fences; the old, clumsy, and nearly worthless utensils have given way to the lighter improved ones, and which have some adaptation to the uses for which they were constructed. By the application of science to the soils, their properties have been ascertained, and their wants supplied by proper fertilizers; and now these late barren fields produce from twenty to thirty bushels of good wheat to the acre, and every other crop in proportionate quantities. The same change in teams and stock generally is perceptible on the farms. The mistress of the household and her daughters have introduced the same gratifying innovations in the kitchen, and all over the house, and snap their fingers at caste, in the very faces of the old settlers who yet stay in these neighborhoods. And, sir, do not these changes awaken the most pleasing sensations? Do they not inspire you with the animating thought that there is yet hope for the Old Dominion? But, sir, I will not detain you from your duties by protracting this excursion, and, with your leave, we will return to the capital. It is said that similar causes have produced like gratifying results in certain localities in this District, and which can readily be distinguished from the dome of this Capitol, by the striking contrast which they present to others in the same neighborhoods. I wish to observe here, that I do not claim that it is necessary for all who are engaged in the business of husbandry, to hold the plow or wield the hoe, although we have a maxim, "That he that would thrive must hold or drive;" but I do claim that such persons must not be above their occupation, but elevate it to their own level by lifting up the laborer, opening to him the door to knowledge, political and social advancement. The science and art of husbandry may employ the noblest faculties of the mind, the profoundest thought, the most skillful experiments, the most inventive genius. They are but yet partially understood; their profound depths can never be fathomed. There is appropriate aliment here for every variety of talent; for the tallest intellect in the world. It is not, perhaps, so wonderful, after all, that narrow minds, too ignorant to comprehend, and too proud to be taught, should have fancied that they were looking down from some high elevation when they deigned to look upon the calling or the person of the humble agriculturist. Let the Southern farmer store his mind with that knowledge which is necessary to enable him to prosecute his business successfully, and apply that knowledge in superintending the operations on his farm, instead of intrusting it wholly to a mercenary overseer, whose ignorance of the business, and the careless, wasteful, and unpaid labor of his slaves, will impoverish his lands, and ultimately bankrupt him, and he would soon find his health, wealth, and happiness very sensibly increased. Let it not be understood that I claim for the men of the North any superior virtue over those at the South; nor but they, under the same circumstances, would be as anti-Democratic as their Southern brethren.

It is said, and perhaps truly, that Northern men make the hardest task-masters, and most cruel overseers, when employed on Southern plantations. That they possess like passions as other men, and are prone to fall in love with an institution that permits the exercise of irresponsible power and gratification, is manifest from the fact that many Northern men, when brought under its seductive influence in this District, very readily yield to those influences, and henceforth diligently labor to uphold and sustain the institution. It has been remarked by Southern gentlemen themselves, that the atmosphere in this District, and perhaps the grateful perfumery of this last rose of summer, have such a softening and subduing influence on the faces of men, that they very readily yield to any impression which Southern politicians may choose to give them; and these politicians, availing themselves of these favorable circumstances, place their seal upon their faces of dough, and ever after claim them thereby as much as they would their colored servants, by their initials enstamped on their persons by indelible ink. I am but a new member, and cannot, therefore, affirm that it is so. I will go further, sir, and admit that if the land of steady, industrious, and frugal habits, were to be subjected to the dominion of slavery and its consequent social condition, its naturally sterile, stony, and mountainous surface would all the sooner have become dreary wastes, than have the fertile and fairy regions of Virginia and Maryland.

And thus, sir, having set forth some of the evils consequent upon the wrong estimate that has been placed upon agriculture and those employed in its prosecution, it is proper I should offer a few remarks, by way of proposing a remedy. Some I have already anticipated, let me add. In the first place, let Congress establish an agricultural bureau, and place at its disposal suitable means to prosecute scientific research and experiments, create suitable offices for its efficient management, and give to the department all the consideration that its relative importance entitles it to, and it will be second to none in the Government. By its effective management every limb, muscle, vein, and artery in this great agricultural body will feel its renovating influence. Scientific research will develop the latent energies of the various soils, and enable the farmer to apply a certain remedy to the unproductive, without the hazard of experiment unaided by science. Societies will be organized in every State, county, and town, to disseminate, through the entire agricultural communities, the knowledge and improvements elaborated at this great laboratory, set in operation by your fostering care and munificence; and thus, sir, you will elevate, dignify, and ennoble the employment of husbandry. Create for this department official dignity, power, and emolument, as you have for other Departments of the Government, and the Southern chivalry would rush to embrace it, or it would be an epoch in their history worthy of a mark of wonder and surprise. How has it ever been with the official power and patronage of the Government, from the President down through all the Departments, Army, Navy, and even the nine hundred clerks employed in the different offices in this city? Why, sir, while the white population of the South would have entitled them to but about one third, they have enjoyed about two thirds of all the offices and emoluments at the disposal of the General Government. The honorable member from Maine [Mr. SMART] furnished the House with some very significant figures on that subject not long since.

I do not pretend but that Southern men are as competent to fill all these situations as men from the North, nor but that they are faithful and hon-

est and capable. I only mention the fact to prove that there would be no difficulty in finding men from the South who would most willingly accept office in the agricultural department, and no doubt would qualify themselves for a faithful and capable discharge of their duties, and thereby would give a great impulse to this cause where now it most languishes. This, sir, would do more to cure slaveholders of their slaveholding monomania than all the lectures that Abolitionists have ever read or written to the South, and all other means hitherto employed put together. Perhaps the word monomania, when applied to the disease of our Southern brethren upon the subject of slavery, may seem harsh. It may be so. It is claimed that some at the North are troubled with a disease that the South call fanaticism, and this may all be true; but on the comparison of the two, I think that the disease of the South may be fairly entitled to the distinction which I have given to it. The Northern fanatics generally have more prudence in their madness, while the Southerners hug their delusion as the Spartan youth did the fox he had stolen, until it eat out his very vitals. And notwithstanding it is manifest to nearly the whole world besides, that their system is dangerous, ruinous, immoral, and diametrically opposed to the existence and perpetuity of our free institutions, yet they cling to it as though it were the sheet-anchor of hope. What fanaticism like that, which causes its patients to utter such paradoxical and heterodoxical sentiments, as that slavery is essential to liberty; that its institution is the chief corner-stone of our republican fabric; that God's law of love and truth sanctions and upholds it, and other equally insane and absurd maxims?

But it may be said, that, after all, slavery may coexist with the supposed improved condition of things at the South. This cannot be so. The statements of Southern men themselves disprove the supposition. These changes cannot be wrought but by intelligence and skill. It will not be pretended by the South that the negro race can be elevated to that degree of intelligence requisite to accomplish these improvements. Admit it, for the sake of the argument, and slave-labor must necessarily be dispensed with. But were the converse of the proposition true, then we are met by the argument that it will not do to cultivate the minds of the slaves, for knowledge is incompatible with a state of servitude. This is undoubtedly true. Restore to the laborer, white or colored, the strongest incentives to effort, love, and hope, the expectation of reward and advancement, and he ceases to be a thing, a chattel, and stands up in all the dignity of manhood and will assert his independence and insist upon his inalienable rights.

Now, sir, I have suggested a peaceable, profitable, and gradual abolition of slavery, without a national or servile commotion, violence, or bloodshed, and by the simple process of restoring things that have been forced from their natural position to their proper order and harmony, and, at the same time, suggested a way of promoting the general prosperity of this whole people. Let fanatics, both North and South, take notice of it. We should thus rid our country of the great disturbing element in all our national councils, and one that greatly obstructs our mission to the suffering millions of arbitrary power. Do away with this stupendous evil, and the Czar of Russia and the Autocrat of Austria could not longer point their subjects to the condition of the slaves and the slave-laws of the South as evidence of the failure of the only attempt at Democratic government in the world, and say, "Be quiet, lest that greater evil come upon you." Give to the groaning, sighing, heaving subjects of despotic power everywhere the full benefit of a pure, consistent example; let the world know that the language of the immortal Jefferson, imbodied in our Declaration of Independence, "that all men are created free and equal, and endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit at happiness," is not a rhetorical flourish, but a living, practicable principle. Let them have the benefit of a successful experiment at self-government to light their pathway and cheer their hopes while struggling to be free, and children are now born that may live to see a world's convention, the representatives of all nations in general congress assembled, to exchange congratulations, and to hold a grand jubilee to commemorate the emancipation of a world.

After thanking the gentleman from North Carolina [Mr. CLINGMAN] for his courtesy in yielding me the floor, I resume my seat.

SLAVERY—COMPROMISE QUESTION.

SPEECH OF HON. JOHN G. FLOYD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

May 19, 1852.

The House being in Committee of the Whole, and having under consideration House bill No. 187, being "A bill for the construction of military roads in Oregon Territory"—

Mr. FLOYD said:

Mr. CHAIRMAN: Under the very liberal range of debate allowed by the practice, if not by the rules of the House, my remarks, it is hoped, will not be out of order, though they may have no special reference to the subject formally before us. In a Republic like ours, so vast in extent, embracing such various, and, at times, apparently conflicting interests, arising from its diversified climate, productions, and institutions, a candid and free interchange of opinions among the Representatives of its different sections, is most desirable—in truth, is necessary to wise and just legislation. The friendly feeling which should exist between the members of this Confederacy, cannot long be expected to continue without that sincerity which is the basis of all friendship; and whatever other desirable qualifications my poor observations may lack, they shall not want truth and candor.

Among the various questions of public importance now undergoing a general discussion throughout the Republic, the constitutional relations of the northern and southern portions, growing out of the institution of negro slavery, may be well considered the most exciting and important; and to some reflections upon that subject the attention of the committee is invited.

NORTHERN OPINION OF SLAVERY.

As slavery has never existed in the Northern States but to a very limited extent, we derive our most correct notions on the subject, whether in a moral or political view, from distinguished writers of the South, who, "native there and to the manner born," have had abundant opportunities to consider the institution in all its bearings.

The Hon. Luther Martin, a man of no small notoriety in the political history of the State of Maryland, says that—

"No principle could justify taking slaves into computation in apportioning the number of Representatives a State should have in the Government; that it involved the absurdity of increasing the power of a State in making laws for freemen, in proportion as that State violated the rights of freedom; that slavery is inconsistent with the genius of republicanism, and has a tendency to destroy those principles on which it is supported."

General George Washington writes to a friend on this subject as follows:

"I can only say that there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it; but there is only one proper and effectual mode by which it can be accomplished, and that is by the legislative authority; and this, as far as my suffrage will go, shall not be wanting."

And in another letter, says:

"It being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."

The following quotations from the writings of Thomas Jefferson, the apostle of liberty, are more at large, because for his doctrines and his memory the Democracy has a profound and sacred regard. Writing upon the subject of slavery, in his accustomed beautiful and forcible style, he says:

"With what execration should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms these into despots and those into enemies, destroys the morals of the one part, and the *amor patriæ* of the other." * * * "Can the liberties of a nation be thought secure, when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath? Indeed, I tremble for my country, when I reflect that God is just; that His justice cannot sleep forever; that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; the Almighty has no attribute which can take side with us in such a contest." * * * "But we must wait with patience the workings of an overruling Providence, and hope that that is preparing the deliverance of these our suffering brethren. When the measure of their tears shall be full—when their tears shall have involved heaven itself in darkness—doubtless, a God of justice will awaken to their distress, and, by diffusing a light and liberality among their oppressors, or at length by his exterminating thunder, manifest his attention to the things of this world, and that they are not left to the guidance of blind fatality."

This sounds so like abolition doctrine, that it may be proper to reiterate, that it is from the writings of Thomas Jefferson.

That most eloquent son of Virginia, Patrick Henry, declares:

"I repeat it again, that it would rejoice my very soul, that every one of my fellow beings was emancipated. As we ought, with gratitude, to admire that decree of Heaven which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellow-men in bondage."

William Pinckney, of Maryland, denounced the system as "iniquitous and dishonorable," and exclaims:

"Wherefore should we confine the edge of censure to our ancestors, or those from whom they purchased? Are not we equally guilty? *They* strewed around the seeds of slavery; *we* cherish and sustain the growth."

With a few words from John Randolph, of Roanoke, this branch of the subject may be dismissed:

"Avarice alone could have produced the slave trade. Avarice alone can drive, as it does, this infernal traffic. Ambition has its cover-sluts in the 'pride, pomp, and circumstance of glorious war;' but where are the trophies of avarice? The hand-cuff, the manacle, and the blood-stained cow-hide." * * * "Sir, I neither envy the head nor the heart of that man from the North, who rises here to defend slavery upon principle."

Such, Mr. Chairman, was the Southern opinion on the subject of slavery, and such, by Southern teaching, was the opinion of the North; and if it be said that the Southern sentiment has changed, it may as safely be said that the Northern sentiment has not. The change which a distinguished politician saw, or seemed to see, on this subject before the last presidential election, did not appear on the canvas of the votes, and honesty, truth, and fair dealing towards our brethren of the South, demand that they should understand that there is not in the Northern States any party, or fraction of any party, considerable either for numbers or for influence, that contemplates slavery with other feeling than that of extreme dislike, or that will advocate or willingly permit its extension.

True, there may be here and there a minister of the Gospel, who, deriving his inspiration more from the cock on his steeple than from the dove on his pulpit, sees the institution of human slavery shadowed forth in the comprehensive commandment, "all things whatsoever ye would that men should do unto you, do ye even so to them;" or founds an apology for modern slavery upon the epistle of Paul to Philemon, which the learned father Jerome says Paul probably never wrote, or if he did, that it contains nothing worthy to be taught. But pulpit politics is poor stuff, for it seems well "ordained" that the "praise" of God shall be "revealed" from the "mouths" of those who are "babes and sucklings" in everything else. The dignity, excellence, and sanctity of a clergyman in the discharge of his high and holy functions can only be equaled by the meanness and foolishness of his meddlings in other matters.

True, there are Northern politicians not a few, and yet not so numerous as noisy, who make loud profession of their devotion to such Southern rights as no one at the North denies, and give a seeming assent to such Southern pretensions as no one at the North admits—they seek for Southern votes—but their success hitherto does not invite further investment of political capital in that way.

Then there is the mercantile interest of our Northern cities, ever a bidder for Southern trade, potential in money, with the arrogance that money is apt to inspire—clamorous for Southern rights, without any very definite notion of what those rights are—the "balance-sheet" is its "higher law." Quick to note every breeze that brings a bargain when the wind is southerly, a Northern merchant "knows a hawk from a hand-saw," and does not care to know much beside. Find where

lie the interests of commerce, and there you will find the commercial press—for "where the carcase is"—we all know the rest. The great Edmund Burke, who had studied the politics of merchandise in all its moods and tenses, exclaimed, (as my memory serves,) "Oh, talk not of 'merchants! A merchant is the same in all parts 'of the world; gold is his god; his desk is his 'altar, his ledger is his Bible, and he has faith in 'none but his banker." And with similar notions Dr. Johnson says: "A merchant's desire is not 'glory but of gain—not of public wealth but of 'private emolument; he is therefore rarely to be 'consulted about war and peace, or any designs 'of wide extent and distant consequence."

Lastly, there is a Northern sentiment manufactured for Southern consumption, which, pedlar fashion, is brought to the door; and to be had cheap for the most doubtful and remote prospect of an office. Has there not been in times past, certainly not now, a commodity of this kind offered upon the floor of this great political exchange where we are assembled? Be not deceived. Between the ante-election pledges and the end of a long session there is abundant time, and may be abundant reason for a representative to change his opinion—he may see that he has been in error—he may see new lights—through a pleasant association with Southern gentlemen here, generosity to the South may outstrip justice to the North—possibly he may nose the offals of patronage thrown from the back door of the White House. All or any of these may induce him to give strange votes—"bold votes"—from which may be inferred that there is at the North some *quasi* assent to the principles of slavery. Mr. Chairman, these are spots on the sun. The thirteen and one half millions of free white persons of the North, for all practical purposes, have but one thought, one voice, one prayer upon this subject, and that is for the personal, individual liberty of man. If all this were once a prejudice it has become a principle—one that we drew from the breast, heard at the fireside, learned at school, and have established in our constitutions and laws. And if any honorable Southern man has a doubt as to the views of the North, he can resolve that doubt by asking himself what his own opinions would be were he by birth, education, interest, and every association of life, a Northern man.

THE COMPROMISE.

Such being the feeling of the North upon the subject of slavery, it is not surprising that the political questions growing out of it should be of very difficult adjustment. From the earliest period of our national existence this difficulty has from time to time arisen, and has been met in such a spirit of conciliation and patriotism by the general legislature that the Government has gone on without interruption, in the main, to the satisfaction of the people—our population has increased from three to twenty-four millions, and the end of three quarters of a century of governmental experiment finds us a respectable nation, and a happy people, notwithstanding the slavery question; and, notwithstanding that, until within a recent date, no Congress has been convened of such sufficient ability and abundant forecast as to be able to settle all the difficulties arising from that troublesome question, not only for the nonce, but for all coming time, and under all conceivable circumstances. The world grows wise. The fathers of the Republic thought their abilities sufficiently taxed to arrange this question as it arose practically for their action. Their successors of the Thirty-first Congress, in the plenitude of their power, by a series of laws, now known as the compromise, have, as we are told, adjusted this whole matter in a manner perfectly satisfactory to the whole country, and which shall endure as long as the pillars of the Republic shall stand. It is worth while to take a glance at these important measures—they are as follows:

1st. An act giving to Texas $10,000,000 for a portion of territory claimed by her to which her title was disputed—erecting into the Territory of New Mexico an area of the public domain five times as large as the State of New York—reserving to the General Government the right to divide the Territory into two or more Territories, and providing that when any portion of the Territory shall be admitted as a State, it "shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission."

2d. An act admitting California into the Union—(the State of California having previously adopted a constitution prohibiting slavery.)

3d. An act erecting into the Territory of Utah a portion of the public domain four times as large as the State of New York—reserving to the General Government the right to divide the Territory into two or more Territories, and providing that when any portion of the same shall be admitted as a State, "it shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission."

4th. An act amending the act of 1793, for the arrest and return of fugitive slaves, which provides that commissioners shall be appointed by the circuit courts of the United States, before whom persons claimed as slaves may be brought; that if a slave escape from a marshal or deputy, "with or without" his assent, he shall be liable for the value of the slave; that the commissioners may appoint any number of persons to execute process issued by them; that a person claiming a man as a slave may, by himself or agent, reclaim him by a warrant, or by "*seizing him without process*," and take him before a commissioner; that the commissioner shall have a fee of ten dollars if he decides that the person brought before him is a slave, and five dollars if he decides that he is not, and, finally, that a man may be claimed as a slave, and delivered up upon affidavits made in any other State than the one in which he is seized.

5th. An act to suppress the slave-trade in the District of Columbia—which provides that slaves shall not be brought into the District for the purpose of being sold, or for the purpose of being placed in depôt, to be subsequently transferred to any other State or place, to be sold as merchandise.

Such are, in brief, the enactments now denominated the compromise, and which are alleged to be a settlement of all the issues arising from the subject of slavery, equitable and satisfactory both to the North and South, which saved the Union from dissolution—upon the adherence to which the existence of the Union depends, and which are sought to be enforced as matters of political faith in both the Democratic and Federal parties of the country. Measures to which such immense importance is attached deserve some consideration.

When these enactments were under consideration in the Senate, the very distinguished Senator from Kentucky said:

"Let me, for one moment—assuming the passage of the various measures which compose the system reported by the Committee of Thirteen—let me see what will be the condition of the two sections of the Union—what has been gained and lost by each. The North gains the admission of California as a free State, and the high probability of New Mexico and Utah remaining or becoming free territory; avoids any introduction of slavery by the authority of Congress; sees New Mexico detached from Texas with a high degree of probability—from the nature of the climate and the character of the soil, and from other circumstances—that New Mexico will ultimately become a free State; and secures the abolition of the slave trade in the District of Columbia. And what will the South gain? The South avoids the assertion by Congress of the dangerous principle, as they regard it, contained in the Wilmot proviso; places beyond controversy nine hundred miles of the territory of Texas on the Rio Grande, now in dispute; gains an efficient fugitive slave bill, and silences the agitation about the abolition of slavery in this District. Sir, it may happen, and I am not going to disguise my convictions as to the probabilities of the fact, that the South will get no territory in Utah, New Mexico, or California adapted to slave labor in which slaves will be introduced."

It appears to me difficult for any one who has well considered this subject to dissent from the certain and probable results which are set forth in the passage just cited, except that the agitation of the abolition of slavery in this District is in nowise affected by the compromise measures; and that the fugitive slave law is not "efficient" for any practical or beneficial purpose to the South.

In this connection, it may be stated that by the recent census the Territory of Utah has a free population of 11,354, and but twenty-six slaves; and the Territory of New Mexico has a free population of 61,547, with no slaves.

With regard to the abolition of slavery in this District, it is the opinion of very many of those at the North, most opposed to the extension of slavery, myself among them, that, although the constitutional power of Congress over the subject is clear and unequivocal, yet that, as the people of the District have no voice in choosing members of Congress who legislate for them, so important a change should not be made without their assent, in some proper manner ascertained. And that a removal of the Capitol would be better than a breach of what many consider the implied faith of this Government.

And this would seem to be in accordance with the views of the convention of the State of New York which ratified the Constitution, and which proposed as an amendment:

"That the right of exclusive legislation with respect to such places as may be purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, shall not authorize the Congress to make any law to prevent the laws of the States respectively in which they may be, from extending to such places, in all civil and criminal matters."

And the same convention "enjoined" it "upon 'their representatives in Congress in all laws to 'be passed by the Congress in the mean time to 'conform to the spirit of the said amendment, as 'far as the Constitution will admit."

But, sir, in this truck and dicker of principles between Northern and Southern politicians, what of practical benefit has been secured or yielded either by the North or South is to me past finding out.

The act purchasing land of Texas and erecting it into the Territory of New Mexico, neither allows nor prohibits slavery there; and that question is to be determined by the Congress which shall be in existence when any portion of that Territory shall apply for admission as a State. The question is deferred, not disposed of, and the South and North both gain nothing. The act admitting California—she having already prohibited slavery—is reckoned in the bargain as something yielded by the South to the North. Why, sir, she was admitted upon strict Southern principles. The Southern doctrine, as contained in a resolution of a late distinguished Senator from South Carolina, [Mr. Calhoun,] who possessed the confidence of that section of the Union to a greater extent than any other man ever did, and whose loss to the whole country, and especially to the South, cannot be too deeply deplored, is, "that a State, 'when forming for herself a constitution, and pro-'posing to come into the Union, had the exclusive 'power to decide for herself, whether she would 'or would not have the institution of slavery."

Upon this precise ground California acted—declaring by her constitution that slavery should not exist within her bounds—and yet the admission of California, upon the very principles prescribed by the South itself, is to be received with thanksgivings at the North, as a liberal Southern concession to Northern anti-slavery notions! The act establishing the Territory of Utah, is similar to that relating to New Mexico—slavery is neither established nor prohibited in the Territory—and the question whether any portion of that Territory shall be admitted as a slave State, is left for that Congress to which application for admission shall be made. The act abolishing the slave trade in this District, is put down also as a concession by the South to the North, but why it is so put down is not easy to say. The laws of Maryland which authorized slavery in this part of the District, prohibited the slave trade. Both were laws of Maryland, a slave State, and the recent act was but reviving this very law. Upon the discussion of this part of the compromise in the Senate, the distinguished Senator from Kentucky [Mr. CLAY] said:

"If this slave trade is abolished, it will satisfy, to a great extent, Northern feeling, and, I add with pleasure, *Southern feeling too, for I have shared in the horror at this slave trade in this District, and viewed it with as much detestation as any of those of the North who complain of it.*"

And a Senator from Mississippi, [Mr. Foote,] who is perhaps more than any other identified with the compromise, declared in equally strong terms:

"The construction of this clause will be such as must bring about immediately the removal of these depôts, which, I confess, I detest as heartily as any man can do. They bring discredit on the system of domestic labor at the South, and are profitable to none except those concerned in the traffic. I am not willing that the whole South should suffer under that discredit, for the benefit merely of a few persons engaged in speculating in slave property."

And so it is, that a measure in accordance with Southern law, required by "Southern feeling," to prevent a traffic which is a "discredit to the whole South," and a subject of Southern "detestation," is in the compromise considered a great concession by the South to the North, for which some reciprocal concession is required.

The fourth act of the series constituting the compromise, and known as the fugitive slave law, has perhaps caused more excitement than any other in the public mind. The constitutional provision on this subject is found in the second section of the fourth article of the Constitution of the United States, and in these words:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This is to Northern people one of the most offensive features in the Constitution; but it is clear and unequivocal in its terms, and as obligatory as any other clause of that instrument.

The clause immediately preceding, in terms almost similar, requires that fugitives from justice who shall "be found in another State shall be delivered up;" and this has been carried into effect for the most part satisfactorily to the several States by arrangements between them.

In relation to the clause concerning fugitive slaves, however, the Supreme Court of the United States, with its characteristic tendency to consolidation, which has ever been so much feared by the republicans of this country, has decided that to Congress belongs the right of legislating upon the subject of the taking and delivery of fugitive slaves—a decision, in my humble opinion, erroneous as a legal proposition, most unfortunate for those interested in the execution of this provision of our Constitution, and confirming what *was* the Southern doctrine, that the respectable bench of presidential candidates who, in all the dignity which can be imparted by rusty black silk gowns, hold their sittings in this Capitol, is an unsafe and unsatisfactory tribunal for the decision of questions partaking of a political character; and hereto agreed the convention of the State of New York which ratified the Constitution, for it proposed an amendment providing for a commission to "correct the errors" of the Supreme Court. Sir, the danger to this Republic is from the judiciary. All history shows that the most subservient tools of a bad Government are political judges. Freemen, neither North nor South, will rest long under wrong without a remedy; and when public confidence in this court is lost as it may be—may it not!—those who are aggrieved, be they South or be they North, will not be slow to "judge for themselves the mode and measure of redress." But so it is; Congress enacts laws to carry into effect the provision of the Constitution for the "delivering up" of fugitive slaves, and a specimen of its handy work is before the country.

There is an ancient saying that the will of the people is the supreme law, and wise men generally endeavor so to frame laws as to meet the approbation of the good men of the community in which they are to be executed. The fugitive slave law is, of course, to be executed in the free States. One would suppose that it should, therefore, have been so framed as to conform to Northern notions so far as it might without impairing its efficiency; but judging from the terms of the law, from its practical operation, and supposing that men of sense intend that which is the inevitable result of their acts, the fugitive slave law was drawn and enacted more for the purpose of wounding and lacerating the feelings of the North—of insulting its settled convictions of right and wrong, than for the purpose of securing the return of runaway slaves. It may be that injustice is done to the framers of the law by these remarks, for it may have been intended as an experiment upon Northern servility, to exhibit to the world the profound depths of infamy to which politicians can descend. Indeed, sir, the tradition connected with the origin of this law is this, and its probability challenges belief, that the distinguished gentleman who drew it, but who was opposed to the whole system of the compromise, purposely filled it with provisions so shocking and revolting to every Northern mind as to render its passage, as he supposed, impossible. Little did he know how dearly some Northern men love the South!

Sensitive as the North has always been upon this subject, it may be profitable to examine how far the provisions of the fugitive slave law are calculated to conciliate its prejudices and secure a cordial discharge of the obligations of the Constitution.

The power of deciding the relative rights of men we consider one of the highest and most sacred functions of government; and men, for this purpose, are selected from among the most respectable in the State, of well-established moral qualifications, and legal learning ripened by experience; but the fugitive law scatters broadcast through the North a judicial spawn under the name of commissioners, who stink in the nostrils of the people—appointed by a system of favoritism, or a still more odious system of nepotism, distinguished by no quality which can commend them to the confidence of the public. They would suffer in the judgment of God and all good men by comparison with the negroes they arrest. Witness the case at Buffalo, where the commissioner overruled the decision of the United States district judge—the case at Philadelphia, where the willing offices of the commissioner were made available in kidnapping a free man—the case in New York, where all testimony in behalf of the person arrested was excluded—the case at Harrisburg, where a cause was tried and concluded before daybreak. Now, if Southern gentlemen doubt what sort of persons are appointed commissioners under this law, let me ask them what sort of persons would be found among them to fill an office, the sole duty of which is to superintend the arrest of runaway negroes at five dollars a head. Is there any honorable Southern gentleman upon this floor who would occupy such an office?

Then, sir, the executors of our laws, our sheriffs and constables, are elected by the people—chosen for their fitness for those offices, and responsible by their bail for their official good conduct. By the fugitive law the commissioner is vested with authority to appoint persons to execute the process issued under that law, and the character of the persons may be inferred from the character of the appointing power, and of the duties to be discharged. By our laws, persons are arrested by due process, issued by some responsible officer, and running in the name of the people of the State. Your fugitive law says a man may be arrested by "seizing him without process;" and under this provision, in the Buffalo case, a man was arrested by being served with a billet of wood laid over his head, crushing his skull, and so, stupified and half dead, with blood and water oozing from his mouth, nose, eyes and ears, dragged before your commissioner, tried, and delivered up. And in a more recent case at Columbia, in Pennsylvania, we are told by the newspapers that—

"The fugitive, whose name was Smith, made an attempt to escape, when officer Ridgely drew a pistol, and discharged the contents through his neck, and Smith fell dead instantly."

It remains to be seen how strictly Maryland adheres to the compromise of the Constitution, which requires fugitives from justice to be delivered up.

In New York, probably in all the States, all considerations which may bias the decision of a court are removed as far as possible, that judgments may be rendered conscientiously, and the public inspired with confidence in the integrity of the judiciary. The fugitive slave law offers in plain, direct, and unequivocal terms, a bribe of five dollars for deciding against the liberty of the person arrested. The identical services which are remunerated by five dollars, if the person is declared free, is remunerated with ten dollars if he is declared a slave. This may be considered a small bribe; but let it be considered, too, to whom it is offered. "Every man has his price," says a distinguished personage; and the price of a fugitive law commissioner upon any just principle of appraisement, ought to be very low. In a word, sir, the system of adjudication provided by the fugitive law, its officers included, would not at the North be considered sufficiently safe or dignified for establishing the right of property in a dog.

And what is the effect? Why, just what might be expected. The law is, and for all practical purposes will ever be, a dead letter—incapable of being executed to any extent useful to the South, because it is not sustained by a sound and honest public opinion. The people of the North have unbounded respect for good and wholesome laws. The most humble justice of the peace in New York may, on proper cause, issue his warrant against the most distinguished and powerful; and a constable, if his precept so direct, may take him, without riot or resistance, and lodge him in the county jail. But under your fugitive law, your process, which runs in the name of twenty-four millions of people, is not sufficient without an armed force, nor always with, to arrest a friendless runaway slave.

The South is told by the North, that the fugitive slave law shall be observed and executed. Let the State of Pennsylvania, which is very particularly sound upon this subject, be taken as the best instance of a Northern State faithful to the compromise. The recently elected Governor of this State, in his inaugural, says:

"The loyalty of Pennsylvania to the national Union cannot be doubted. She is now, as she ever has been, for the Constitution and its compromises. She will maintain and execute, in letter and spirit, the several adjustment measures, as passed by the late Congress, on the subject of slavery."

There is a little slurring here of the "Whisky Rebellion;" but let that pass. The passage reads well, and sounds well. Pennsylvania is "for the Constitution and its compromises." What State is not?

But further: In maintaining the compromise, she will not disturb the law fixing the boundary of Texas, and giving that State $10,000,000; for the law is a fixed fact, and the money paid. She will not eject California from the Confederacy; she will not repeal the law establishing a territorial government in Utah; she will not reëstablish a slave market in this District; and we all know that she will execute the fugitive slave law, because she did so at Christiana, and the way she did it is a caution to persons pursuing slaves under difficult circumstances.

But, practically, what is this gubernatorial rodomontade of Pennsylvania worth to the South? In the city of Philadelphia your officers cannot arrest a fugitive without first getting him into custody on a false charge of an offense against the State laws. At Christiana your marshal and his *posse* are driven at full speed through a cornfield, and the claimant shot dead. At Harrisburg a fugitive is arrested in the night and tried before daybreak, for fear of the populace; and at Columbia the officer, unable to make an arrest, kills the negro and then runs away. And yet the Governor tells us that the people of Pennsylvania are sound upon the subject, and upon such soundness her favorite son is commended to the support of the South.

The difficulty of enforcing laws against the convictions, the prejudices, if you please, of a people, is not confined to the North. Listen to the following, taken from a recent number of the National Intelligencer:

"Dr. Thomas Hunt, who killed J. W. Frost in a duel last summer, at New Orleans, was brought up for trial on Thursday last, with the seconds, on a charge of murder, when Judge Larue refused to sit in the case, and excused himself. Judge Buchanan was sent for, but he was engaged. Judge Strawbridge was sent for, and he was indisposed. The district attorney then said that he could not try the case without a judge. He therefore entered a *nol. pros.*, and the accused was discharged."

The circumstances of the case are unimportant to my purpose. It is sufficient that no court could be found even to go through the forms of trial of a person charged with murder, when it was justified by popular opinion.

When the compromise as a political test shall have had its brief day; when the people shall look in vain for its wonder-working power of quieting agitation; when they shall find the promises of benefit to the North and South alike false, depend upon it, the *South, yes, sir, the South, will ask for a repeal or modification of the fugitive slave law.* And this compromise, as it has been described, is said to be a settlement, a final settlement, of the slavery question, with all its adjuncts; and the North is told that it must hereafter forever hold its peace. A question which the Almighty has established in the frosts and snows and chilling winds of the North, compelling industry, making slave labor unprofitable, and, greatest of all tem-

poral blessings, making white labor respectable; and in the burning heat and reeking miasmas of the South, making white labor reluctant, if not unprofitable, is settled, is it, by Congressional enactment? Believe it not. As it was in the beginning, and is now, so it ever shall be a question—an open question, a debatable and debated question—not for any mischievous purpose of disturbing the quiet of the South. It never has been debated for such purpose at the North. Not for the purpose of making it a test of patriotism or party fidelity;—it has never been moved for that purpose at the North. Certainly not for impairing the constitutional rights of the South, or avoiding the constitutional obligations of the North. No discussion for such an object has ever been sprung by the North. But whenever and wherever this question assumes a shape which shall involve the substantial, constitutional, and individual rights of Northern freemen, then and there "we will debate with you upon this theme until our eyelids will no longer wag."

The compromise certainly has not suffered by the modesty of its supporters; for the world is gravely informed that it has saved the Union of these States. Partisan assurance can no further go. Such a draft on popular credulity is nowhere accepted at the North. Proud of the history of the past; confident in the promises of the future; convinced by every day's report that our Government is the admiration of the world, our country the hope of the good among all nations, the North has rested quiet in the strong belief that the Union has never been in danger; and this belief was confirmed when they were told that it had been saved by the compromise; for when a patient is cured by a pill of bread, the inference is strong that his disease was rather imaginary than real.

THE TRUE QUESTION.

If we leave the consideration of slavery, as it has been presented by the compromise—the effect, if not the intention of which is to deceive both the North and the South, and which seems carefully to avoid the only point in controversy—and look for the true and only question which now exists, or ever has existed, between the different sections of the Union upon this subject, it will be found by past history and by current events to be this, and this alone. Whether the Constitution gives the South the right to extend slavery into free territory, and imposes upon the North the corresponding obligation to submit to a further slave representation upon this floor?

The claims of the Southern States, growing out of the slave population, was a subject of grave controversy from the first attempt to form the old Articles of Confederation, eleven years before the present Constitution was adopted, and it has been a matter of difficult adjustment, as it has arisen from time to time ever since.

When experience had shown, as it was supposed, that the Articles of Confederation were insufficient for an effective administration of the affairs of the United States, and a convention was acllled "for the sole and express purpose of revising the Articles of Confederation," at that turning point in our existence as a nation, when it was doubtful whether our system of free government would go over its center, (this age of steam will pardon the figure,) this question of slavery was again the subject, not as now, of angry debate and coarse altercation, but of honorable controversy among the distinguished members of that convention, and was at last settled by the most liberal concessions on the part of the Northern States—liberal far beyond the most extreme demands of justice.

The second section of the first article of the Constitution provides—

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three fifths* of all other persons."

In other words, three free white men are equal to five slaves, and each free white man equal to one negro slave and two thirds of another.

This clause of the Constitution was inserted on the motion of James Wilson, a member of the convention from the State of Pennsylvania

After the Constitution was formed and submitted to the several States for ratification, the same distinguished person was a member of the Convention of the State of Pennsylvania, called for that purpose, and in that convention, speaking of the tax which might be levied upon the importation of slaves, and in reference to the power of Congress, under the Constitution, to prevent the spread of slavery beyond the bounds of the then Confederacy, he said:

"I am sorry it (the tax) was no more, but from this I think there is reason to hope that yet a few years and it will be prohibited altogether, *and in the mean time the* NEW STATES *which are to be formed will be under the control of Congress in this particular, and slaves will never be introduced amongst them.*"

And again:

"If there was no other lovely feature in the Constitution but this one, it would diffuse a beauty over its whole countenance. Yet the lapse of a few years, and Congress will have power to exterminate slavery from within our borders."

It is not intended to go further into the history of the origin of this clause of the Constitution, or of the construction placed upon it; but it may be asked whether it is to be supposed that any man knew its meaning better than he who wrote it? And it should be remembered, too, that laws prohibiting the introduction of slaves into the Territories have been approved by every President of the United States, except Presidents Taylor and Fillmore, to whom the question has never been presented.

It is most true that new slave States have been admitted into the Union; and if the action of Congress permitting slavery in some new States and prohibiting it in others, is to be considered a settled practical construction of the Constitution, the question is merely changed from a constitutional one to one of legislative expediency. But the question, in all its vital bearings, remains. Such is the question under the Constitution. Such the practical question as it has ever existed between the North and the South. Such the question which ever must exist until organized States shall extend to the natural boundaries of this Republic, which have lately been defined to be the Atlantic on the East, the Pacific on the West, the Equator on the South, and the Aurora Borealis on the North.

Nor is this a mere matter of abstract right, but one of immense practical importance both to the North and to the South—to the South as allowing or prohibiting an unlimited demand for the increase of its slave property, and such an augmented representation upon this floor as may control the legislation of the country;—to the North important as acknowledging or denying that the freemen of the North shall be reduced in political importance to a most degrading approximation to the ignorant, debased, semi-brutish slaves of the South, and that their agents here representing MEN shall be balanced or overbalanced by a Southern representation based upon PROPERTY, and that of a most offensive character.

Has the compromise produced unanimity of sentiment between the North and South on this question? If a new Territory is to be organized to-morrow, is there a Southern man here who considers the compromise as prohibiting slavery in it? or a Northern man who considers the compromise as authorizing it?

Is there a Southern man upon this floor who would vote for such an amendment of the Constitution as will allow slavery to be established in new States, but without the right of representation in Congress, which is, by the Constitution, assured to the old States?

Is there a Northern man here who will vote to-day to reduce every three of his free, white, intelligent constituents to the level—infamous and degraded beyond all power of language to express—of five miserable negro slaves in new territory? Who dare look any free white man of his constituents in the face, and say to him: "Sir, upon all questions of taxation, where you must pay; upon all questions of liberty where you may suffer; upon all questions of war where you must fight, you are, and are only fit to be, balanced by one negro slave and two-thirds of another."

Sir, the more degraded in intellect the negro slaves are considered; the more ignorant, the more bestial in morals, the more unfit to participate in matters of government—in a word, the more nearly they approach to other live property, so much the more abhorrent and unjust is the proposition to extend the slave representation.

But to return, let me ask is this question settled? is it touched by the compromise? and if not, is it not a piece of political charlatanry to tell the people either of the North or South that this vexed question is fully, satisfactorily, totally, and finally adjusted? In my humble opinion, from the golden calf which Aaron raised in the wilderness, to the wooden snake of your street juggler, a more egregious sham has never been offered to human credulity, than the so-called compromise, as a final determination of the slavery question.

How, then, can this, the trouble arising from slavery, ever be allayed? Certainly not by a legislative attempt to reach beyond legislative jurisdiction; because any subsequent Congress has the same power to repeal that we have to enact. Certainly not by making it a political question, to be bandied by politicians, and to be determined one way or the other, as may best suit the purposes of the hour, or be made a fulcrum to hoist third-rate politicians into notice; and least of all, should the South consent to make it a sectional party question; for, of necessity, a sectional party at the South creates a sectional party at the North, and the North has one hundred and forty-four votes here, while the South has but eighty-nine—and no certain permanent reliance can be placed upon Northern votes given against Northern feeling; but this great and grave question of State should be treated as such, should be avoided when unnecessary, as it is now; and when it does arise, should be discussed and determined in a spirit of liberal patriotism, with the best wisdom of the whole country. The angry debate of politics has little tendency to harmonize conflicting opinions—for its object is, for the most part, the advancement of a person rather than a principle—and between States, a disputed point is better left in abeyance than settled in a manner unsatisfactory to both parties; for a reluctant acquiescence is no better than a forced submission; and the earliest opportunity will be taken to unsettle the settlement. This question is provided for by the Constitution, and to that provision all assent. If the legislative attempt to settle it does but affirm the Constitution, it is idle; if it does more or less, it is mischievous. Why may we not, then, with entire propriety, leave this matter as it stands in the Constitution, and trust to Providence, that when the question presents itself as a practical one for Congressional action, these seats may be occupied by persons as well qualified to consider it with all its attendant circumstances, as we are years in advance of any necessity.

Far be it from me to impugn the motives of gentlemen who voted for the compromise measures, or any of them, or who voted for their affirmance on a recent occasion—the responsibility of the representative is to his constituents—and it is to be presumed that every man voted in accordance with their wishes. If slavery is extended by the compromise, and slave representation is increased, and thereby three Northern free white men reduced to the level of five negro slaves, it is to be presumed that those Northern men who voted for or approve those measures have constituencies intellectually and morally fit for the position in which their representatives have placed them. For my own part, not knowing in my whole district a single white man who would, under any circumstances, consent to be balanced by any number of slaves, let alone fractions—no political contingency now existing shall induce me to give a vote which shall have the effect to increase the representation based upon slave property.

BALTIMORE CONVENTION.

Mr. Chairman, it certainly is not out of order and may not be unprofitable, to consider this question in its relation to the next presidential campaign; for in my opinion the Democratic majority which has been sent to this House by the people will deserve well, if it can, in any degree, contribute to a change of the administration of our affairs; if it can so reconcile conflicting views and interests as to promote the nomination and election of a Democrat, good and true, who will soon scare these Galphins from the capital, and reproduce an economical and Democratic administration. And to this end, certainly, a friendly feeling between the North and South is most necessary—a

cordial union upon the essential principles of Democracy, and a rejection of things non-important, and which can only tend to distraction and defeat. And with this view, it shall be my purpose to show the inexpediency of any new interpolations into the Democratic creed—any change in the Democratic faith, as acknowledged by the fathers of the Democracy.

It is far from my purpose, in referring to the next election, to take any part in the controversy which has arisen, and has been carried on here and elsewhere between the friends of the several Democratic candidates, and which appears to be conducted according to the manual exercise of the single stick—"Wherever you see a head, hit it"—but so far as possible to contribute to such a state of harmony and efficiency as will enable the party to elect some one; for, although we are blessed with candidates as abundantly as good Mrs. Rogers was with children, having at least ten besides Young America at the breast, yet such differences exist as to men and measures, that we have already passed the first period of maiden expectancy, "who shall we take," and have arrived at the second, "who can we get?"

Sir, let me here say, that while the whole Democracy of the North, with unimportant, if any, exceptions, fully acknowledge their obligations to all the requirements of the Constitution, the provision for delivering up fugitive slaves included—that the incorporation into the Democratic creed, of the particular measures constituting the compromise, as an article of Democratic faith, or a test of party fidelity, will, in my opinion, be followed by inevitable and disastrous defeat. And the uniform, unvarying course of past events, shows, beyond all doubt, what may be expected in the future. Why, sir, this most unfortunate question has made the political arena a perfect Golgotha for the sculls of politicians. It defeated the nomination of Mr. Van Buren at the Baltimore Convention, when he had a starting majority of that body in his favor. And when in the subsequent canvass, the very distinguished sage of Ashland was in full career for the presidential chair, with a certainty of success that nothing could make uncertain, but his own great facility for great indiscretions, a "dog and shadow" attempt to save a few Southern votes, threw from him the North, and made his defeat certain.

How fared it with Mr. Cass, the candidate of a very respectable portion of the Democracy for their highest honors, who undertook to plant the standard of slavery on the strongholds of Northern Democracy, who saw, or thought he saw, a change where no change was, seduced by this black Delilah, shorn of his strength, bound hand and foot, deserted by those for whose promises he hazarded and lost his real strength—we see him borne from the field a defeated champion, the battle lost, his honor if saved, but by the hardest. And what Northern Democrat who sees him now standing in the Senate, for statesmanlike abilities and acquirements without a peer, but must regret the introduction of a question into the politics of the country, which, if it has not destroyed, has certainly diminished his chances of serving his country in that high position to which he once aspired.

Where stands Daniel Webster, who, after claiming to be the Jupiter Tonans, who, from his Olympus, at Marshfield, first hurled forth that bolt against slavery which fell somewhere in Pennsylvania, and was picked up by David Wilmot, and called the Wilmot proviso, undertook to erect an altar to slavery, where its incense would ascend among the groins and arches of Fanueil Hall? who engaged in the mighty task of teaching Massachusetts to overcome her prejudices? Where is he? A jobber in Government claims, a beneficiary of the spinning jenny interest, a political estray, still asking, "Where am I to go?" while echo answers, "Where."

Where is the noble champion of Democracy from the Great West, "The staff of whose spear was like a weaver's beam;" who, for a quarter of a century, thundered forth denunciations against federalism from this Capitol; whose sound principles, varied learning, and practical wisdom, adorned the Senate in its brightest days; whose speeches, fraught with instruction, were found by the anvil and upon the work-bench throughout the Republic, and endeared him to the masses of the people; who by himself raised the young State which honored him and was honored by him to the first rank in political importance; whose single reputation was of more true worth to Missouri, than as many miserable negroes as could lay their length within her ample bounds? It is degrading to humanity that such a question should kill such a man.

Let us turn from this sickening detail, which might be pursued almost without end; this coroner's inquest upon those who have died an unnatural political death, by taking overdoses of the slavery question, administered by political quacks. But let the story not be without its moral; let those gentlemen who appear to be courting a similar immortality—"Hark! from the tombs," &c.

If any gentleman desires to see the effect of this slavery agitation upon Northern politics, he may find it most fully and deplorably illustrated in the State of New Hampshire. Before this question was made, in some sort, a political test, there was, in that State, a certain, reliable Democratic majority of six thousand, which, upon the old issues of the party, could be reckoned as sure five years in advance of a canvass. She had a permanent Democratic majority in the State Legislature, and constantly a full Democratic delegation in both Houses of Congress. A Democratic minority in the State; a divided delegation in both Houses of Congress, shows what the negro issue can do for the strongest Democratic State in the Union. And now that she has emerged from a canvass, in which State and local issues were more or less commingled, with one thousand majority, would it not be well, in our hallelujahs for the one thousand gained, to mingle some notes of lamentation for the five thousand lost? Why, sir, if this question had affected the State of New York as disastrously, in proportion to its numbers, as it has the State of New Hampshire, instead of a Democratic majority, there would be a clear Federal majority of thirty thousand votes; and if every other Northern State does as well as the State of New Hampshire, and no better, there will not be (except in New Hampshire) a Democratic electoral vote north of Mason and Dixon's line. How long will men shut their eyes at noon, and swear it is night? How long will Democrats refuse to profit by experience, and to acknowledge facts which a "tapster's arithmetic" can demonstrate by figures? How long are new issues to be foisted into the Democratic creed, and forced upon the North "against the stomach of their sense?" What necessity is resting upon the Democratic party, that it must follow, step by step, its march to defeat in 1848?

And by whom is it desired that the compromise should be made a part and parcel of the Democratic platform? By those who, by years of fidelity to the doctrines of the party *as they are*, have attained high positions in its confidence, and have therefore much to lose? or by those whose merits, undiscovered and undiscoverable hitherto, look to any change as better than continued insignificance? Sure enough, Mr. Chairman, if this compromise war of extermination against the wise and just of both parties is to be continued, "there's a good time coming" for third and fourth-rate politicians.

Sir, if it is proper to allude to the debates which take place in the other end of the Capitol, let me call attention to the fact that, when early in the session, resolutions affirming the compromise were introduced there by a late Senator from Mississippi, and who was constrained to modify his resolutions of affirmance into a declaration that the compromise laws were in force *until repealed*—thus running up a climax of absurdity peculiarly characteristic—so far as is remembered, every Senator who spoke upon the resolutions, except the mover, regretted their introduction; among them the very distinguished Senator from Michigan, who has certainly "fathomed all the depths and shoals" of this question; the Senator from Illinois, who has just launched upon the troubled waters of a presidential canvass, who waits no favoring breeze or auspicious current, but trusts to the bold hearts and strong hands, the thews and sinews of Young America, to impel his gallant bark to the "point proposed," if need be, against wind and tide; the noble specimen of the old-school Democracy, who represents there the State of the Lone Star, and whose life of romantic realities, suavity of manner, and unswerving fidelity to the Democratic cause, endears him to friends neither "few nor far between;" a distinguished Senator from Virginia, all regretted the introduction of these resolutions of affirmance; and they are now lying upon the table of the Senate, "sleeping the sleep that knows no waking."

And in this House, although a majority voted in favor of the compromise on a recent occasion, thereby declaring, as it would seem, with a surplus expenditure of congressional wisdom, that a law is a law, and affirming by resolution the Constitution, which we had all sworn to support, yet it may well be doubted if there are a dozen members here who deemed the introduction of these resolutions either wise or necessary. Has the great Democratic party, under whose comprehensive and benign principles all that is valuable in our system of government has arisen and matured, become a party of one idea, and that a black one? and is a man's orthodoxy upon the slave question to be measured by the extent to which he ignores every other principle of Democratic faith? Most truly, sir, is it my belief that the great body of the Democracy both North and South have been dosed with this nauseous compound until their gorge rises at it, and that this wretched compromise, unimportant and delusive at all times, and now "stale, flat, and unprofitable," is, for the most part, kept alive by those who have little other claim to public consideration than their connection with it.

It is not a little significant that a recent Democratic convention of the State of Michigan, while unanimously nominating the Senator from that State as a candidate for the Presidency, and affirming the doctrines of the last Baltimore Convention, made no mention of the compromise; and the State of Virginia, to which the South and North have ever looked for sound and practical principles, as a border slave State more deeply interested in the provision of the Constitution on that subject than any other, and ever alive to her own substantial interests, in her recent Democratic Convention omits altogether, in a declaration of Democratic principles, any reference to the compromise as a party test or principle. The present position of the Old Dominion is worthy of herself, and the noble and generous confidence with which she trusts her interest on a particular subject to the established doctrines of the Democratic faith, and the honorable sense of justice which she may well expect in the Democracy of the Union, contrasts strongly and most creditably with the "ridiculous excess" with which some of the smaller Northern States have paraded their zeal for the protection of Southern rights. Virginia appears to have that which some of her Southern sisters of the Confederacy appear to have lost—confidence in herself, and in the Constitution. Relying upon her own sons for the defense of her unquestionable rights, she sends forth no whining voice of supplication to the North for the paper protection of party resolutions, and, by her position, proclaims what other Southern States would do well to note—that the sure dependence of the South is upon herself, and that Southern rights intrusted to Northern allies, whose professions for the South outstrip their allegiance to the North, may be protected or betrayed, as may suit the purpose of the day.

Sir, it is to be hoped that Virginia will occupy at Baltimore the position she has assumed at home; and, if her influence is felt, and her counsels prevail, the nomination of that convention will call forth such a response, united and hearty, from every quarter of the Union, as elected the hero of New Orleans to his second presidential term. And if, in the conflict of claims, the barter of votes, the coalition of diverse interests, a son of Virginia should be presented—not as the favorite of a clique, or the result of a bargain, but as the candidate of the Democracy—as Jefferson, Madison and Munroe were presented for the suffrages of the people; not upon the narrow and dangerous footing of sectional prejudice, but upon the broad basis of national principles, and with a generous reliance upon the honor and honesty of the Democracy—another would, past all peradventure, be added to the list of Virginia Presidents, of which that ancient Commonwealth is so justly proud.

And why, Mr. Chairman, should not a Democratic President be elected in 1852, as Jefferson, Madison, Munroe, Jackson, Van Buren, and Polk have been elected upon the known, tried, approved principles of the party? The time has been that those who sought to make the whole party subservient to the interests of a section, or the advantage of a clique, would have been deemed unworthy of honorable fellowship; and, until factions and sections and objects of personal advancement are rebuked, and irrelevant, unimportant geographical issues are rejected, we can, at the very best, expect for our nominations a reluctant acquiescence, the precursor of certain defeat.

Any change of the Democratic creed, upon which the party has stood, and, for the most part, triumphed, for three quarters of a century, would seem to demand the most serious consideration of its wisest men, selected for the purpose. And the nomination of a candidate upon whom the whole party could unite was once a matter for serious and conciliatory deliberation; but in the present discordant jangle of political elements, no State so hopelessly Federal, or unimportant in the number of its electoral votes, but it can form a creed, and propose a candidate, and present both as necessary to the success of the party.

Sir, a man's past life is a better earnest of his future course than all the paper pledges that ever were written. And has this question killed off so many of the distinguished men of the Democratic party that not one remains whose public life is a sufficient guarantee of his fidelity to the Constitution and *its* compromises without a paper pledge or a party platform? This monomania for pledges has in some quarters become so virulent that, if Thomas Jefferson were to rise from the dead, it may be doubted whether self-constituted teachers would not be found to insist that we should go through the horn-book of Democracy under their tuition. Is there no man to be found whose public life and devotion to Democratic principles sufficiently commend him to the Democracy of the whole country, North and South, to insure its support? But he must be bolstered with a compromise resolution to which neither the whole Democracy of the North or South will assent. Confidence is a plant of slow growth—slower with the people than with politicians. What a man has been for sixty years they take as evidence of what he is. The people North and South believed General Taylor to be in favor of slavery, notwithstanding his Signal letter; and they believed General Cass to be opposed to slavery, notwithstanding his Nicholson letter. A man who has no character, except such as he may establish by a letter written to order, is unfit to be the candidate of any respectable party, and deserves to be beaten.

Suppose that the honorable member from Georgia [Mr. STEPHENS] should be nominated by the Federal party; suppose a distinguished Senator from Virginia should be nominated by the Democratic party, would any Southern man so far stultify himself as to inquire of either of these gentlemen whether he was sound upon the question of Southern rights? Perhaps some few Democrats in Connecticut and Vermont might require a paper assurance of the fidelity of these gentlemen to Southern interests; but generally the South would be satisfied, and the Democratic party could afford to hazard the loss of Vermont for a fair prospect of carrying New York, Pennsylvania, and Ohio. If, then, no satisfactory candidate is to be found in the North, let him come from the South—let us have a real man from some quarter, and not a man made up of platforms and pledges and letters for every latitude and longitude.

Sir, if this cause could be left to the great mass of Democratic voters who expect and wish no office from any Administration, who love the Constitution and respect all its compromises—who look to the Democratic party as the instrument under Providence of preserving the Constitution, and giving effect to all its provisions—there would be one universal response: "Pursue the plain, beaten path of safety and success—stake not the interests of a whole people upon the issue of a doubtful experiment—the principles of a national party like the Constitution itself must be such as to embrace all, from the extreme North to the extreme South—let union, harmony, and honorable forbearance characterize all party action—do all things for the cause, nothing for men, and leave the result to Providence and the Democracy."

DEPREDATIONS BY CREEK INDIANS.

REMARKS OF MR. CASS AND MR. BELL,

IN THE SENATE, *May* 19, 1852,

On the depredations committed by the Creek Indians in Alabama and Georgia, and on the policy of the Administration of General Jackson in relation to these Indians.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," the pending question being upon the amendment of Mr. BELL, as amended, to insert the following:

For payment to the citizens of Alabama and Georgia, for depredations committed by Creek Indians upon their property, and for other property taken by the troops of the United States, and friendly Creeks, in the years 1836 and 1837, $335,797.

Mr. CASS said: Mr. President, when this subject was before the Senate, a few days since, my honorable friend from Alabama [Mr. CLEMENS] said, or perhaps rather intimated, that if I had displayed less desire to enter into this controversy, I should have manifested more judgment. He likewise intimated pretty strongly that I was rather predisposed to get into these controversies, and that I got into them more easily than I get out of them. It may be so. Self-knowledge is one of the most difficult acquisitions in life, and even on the very confines of "Old Fogyism," it is not certain that a man has acquired it. I had not supposed, myself, that I was so pugnacious; and allow me to say, Mr. President, that the rebuke comes singularly enough from my friend, whose chivalrous character, and high and honorable principles, as well as impulsive temper, make him ready to tilt a spear with all the world, when it comes in contact with him. It is the old question of the beam and the mote, to which mankind have had a predisposition for centuries, and I suppose will have until their pilgrimage of life is ended. I am not going to quarrel with my honorable friend. It would be a very difficult task to make me do that; very difficult indeed. I will, however, try to use a little more discretion. But my friend must pardon me in one respect, even if I am too chivalrous. There is one enemy or friend—I know not which to call him—I mean our well-known acquaintance, *noise and confusion*—whose appearance here gives me a prescriptive right to speak—not, however, with the hope of *vindicating the truth of history*. I do not dream of that. We had a *little* display here the other day, in connection with this matter, which is pretty good proof that truth is not at all the object, as it distinctly appeared that the truth was known to be the other way.

Mr. President, when this amendment was under discussion here the other day, the facts had passed from my mind, for since the occurrences in question twenty years had elapsed. Sir, I should not have looked into this subject at all, except in the slightest manner, had I not been driven to that course by some remarks of the honorable Senator from Tennessee, [Mr. BELL,] in which he arraigned the administration of General Jackson, on the subject of these Indian removals. I was, at that time, at the head of the War Department, and had my full share in the responsibility of the course pursued. And, sir, there is no man I have ever known for whom I entertained a higher respect than for General Jackson. It was among the most interesting events of my life that I enjoyed his confidence. In the course of a long life, I never met with a man who united in himself those higher traits of character which illustrate and ennoble human nature, or who possessed more natural sagacity or more profound judgment, with higher principles, or with a firmer, or more ardent patriotism, or a more abiding sense of probity than did he who lives upon the pages of his country's history, and forever will live in the hearts of his countrymen. I can hear no imputations upon his administration, and especially upon that portion of it which, for six years, was committed to me, without undertaking its defense. I am sorry that I am placed in this position. I am sorry that I am compelled to say a word, or to vote against this appropriation, for I believe there are most worthy men concerned in it, who suffered exceedingly. I do not blame the Senator from Alabama; on the contrary, I honor him for coming forward as nobly as he does to vindicate what he deems the rights of his constituents, as he always does before the Senate. It is a pretty tedious matter, and I trust the Senate will bear with me: if not, I will not so far trespass on the courtesy of a single member as to expect that he will remain to hear me.

What I maintained the other day was this: I took three positions; and I think the honorable Senator from Alabama, if he does not concede that I was right, will at any rate concede that I had good grounds in maintaining them. They were, first, that the administration of General Jackson was not responsible for an improvident treaty; second, that the war was not brought on by the improper policy of the Government to relieve the wants of the Indians, or to provide a proper force; and third, that these claims, in my opinion, do not come here within any provision of law, nor do they bear upon the action of the Government. When General Jackson commenced his administration, there were four powerful tribes of Indians occupying the southwestern portion of this country—the Chickasaws, the Choctaws, the Cherokees, and the Creeks, including their cognate tribe, the Seminoles. They occupied one of the most delightful regions in the world. They had dwindled down into feeble tribes; and the country they roamed over, rather than improved, was out of all kind of proportion to their necessities. They neither cultivated it, nor got game from it, and they were almost in a state of suffering a large portion of the time. It is no wonder, that the whites were desirous that this country should be possessed by white men, and brought into cultivation and improvement. It is the natural effect of human feeling. They did desire it; they pressed upon the Government that the Indian title should be extinguished. The Chickasaw title, the Choctaw title, the Cherokee title, and the Creek title were all extinguished during the administration of General Jackson. The honorable Senator from Tennessee has maintained that the practice of making reservations was a new one in this treaty. He is entirely mistaken.

Mr. BELL. Does the honorable Senator insist that I stated that the practice of allowing reservations to the Indians was a new one?

Mr. CASS. The honorable Senator maintained, that it was a new practice to allow the white settlers to go among them. I will show the honorable Senator that he is entirely mistaken. In 1817, there were reservations in the treaty of General Jackson with the Cherokees for such Indian families, or certain men who were heads of families, who chose to take them. After that, what is the provision about intrusions? The white settlers were kept out only until the treaty was ratified:

"The United States do also bind themselves to prevent the intrusion of any of its citizens within the lands ceded by the first and second articles of this treaty until the same shall be ratified by the President and Senate of the United States, and duly promulgated."

Here are reservations provided for, in the treaty, with the right of every man to go into the country as soon as the treaties were ratified.

With respect to the Chickasaw treaty, there was not so much difficulty; in that case, the persons were allowed after a given time to go into the Chickasaw country. In the Choctaw treaty, negotiated by General Eaton, there was the same provision, except that the Indians had, until the end of 1833 to leave the country, but, if they did not leave it at that time, any settlers could go in. They did not leave; I was told by General Eaton this morning, that more than five thousand remained. So you will see the principle, which the honorable Senator lays down, is not a correct one. The facts, on examination, prove that he is in error, and that this practice had before been maintained.

The Senate and the country will recollect the great controversy that arose in Georgia, with respect to the claim of that State to the Cherokee nation. The United States had entered, in 1802, into a solemn compact with Georgia, to extinguish the Indian title. They had made many efforts to do

so. They could not do it. There had been an utter failure to do so. In 1831 came the decision of the Supreme Court of the United States, which decided that the State governments had not the right to extend their laws over the Indian country. It created a great excitement among the Cherokee Indians. It induced them to hold on to their country. It operated likewise upon other tribes of Indians in the southwest, and increased the difficulty of the Administration connected with the whole matter; for if they could remain there, interminably, in opposition to the efforts of the State governments, there was scarcely any inducement for them to emigrate to the West.

That opinion of the Supreme Court came before General Jackson—or rather the course which the Administration should take under these circumstances—in full Cabinet consultation. A review of that opinion was prepared by a member of the Cabinet, which was approved by General Jackson and every member of his Administration. I hold it before me, in the Globe of March 31st, 1832. I shall not read the whole of it; it is much too long a document for that. It lays down the principles that that Administration assumed in its intercourse with the Indian tribes. I will read some extracts from it. The article is headed: "A review of the opinion of the Supreme Court in the Cherokee case." It says:

"Without narrowing the controversy to a single point, we understand it, in general terms, to be this: Has the State of Georgia a right to extend her laws over the Cherokee lands within her boundaries? The consideration of this subject will lead to the investigation of those principles of intercourse, which have been established between civilized and barbarous men, and to a retrospect of the practice and professions of the different nations who have planted colonies in America.

"When the Europeans landed upon this continent, they found it inhabited by numerous tribes of savages, independent of one another, and generally engaged in hostilities. These men were in the rudest state of barbarism, thinly scattered over an immense region, subsisting principally by the chase and by fishing, destitute of arts and sciences, ignorant of the true principles of religion and morality, acknowledging no law but the law of force, and taught from their infancy, by precept and example, that war was the great business of their lives, and its dangers and glories the great object of pursuit. Such were the Indians then, and such are they now, wherever their contact with the white man has not changed their primitive character.

"The new race of men destined, in the course of ages, to produce such deplorable effects upon the fortunes of these people, were influenced by other motives, and governed by other principles. We will not here inquire whether, in taking possession of the country, in reclaiming it from a state of nature, and in laying the foundation of that invaluable heritage which has come down to us, they were right or wrong. We shall endeavor hereafter to show that the great command, to be fruitful and multiply, and replenish the earth and subdue it, has been considered one of universal obligation." * * * * * *

"These two races of men, under circumstances so different, and with objects so irreconcilable, are, in the progress of events, brought into contact with one another. They cannot exist in independent attitudes. The effort of the one is to subdue the earth, to extend over it the blessings of cultivation and civilization, and to provide a permanent residence for themselves and their posterity. The effort of the other is to repel the invader, who comes among them, to commence and continue a series of wars, in which barbarous trophies of victory may be obtained, and barbarous glory acquired; in which warriors may go forth to plunder, to devastation and to death, and return to exhibit their spoils and recount their feats—return to *strike the post* in their native village, and tell the deeds which have spread ruin over the land of the white man, to stimulate themselves and others to fresh exertions by the applause of the surrounding multitude, always more generous, as the work of the spoiler is more cruel.

"It must not be forgotten, that abstract speculations upon topics like these seldom promote the cause of truth. The investigations are eminently practical, depending for their solution upon the common sense of mankind, applied to the relative situation of the parties. Principles carried to their extreme, will be found inconsistent with the best-established regulations of society, and have, in fact, misled many enthusiastic men, who, with more zeal than judgment, have entered upon their examination.

"What, then, in the position in which these parties are placed, is to be done? If the barbarian acquire the ascendency, his rival is not merely conquered but destroyed. If, on the contrary, the civilized man assert and maintain the superiority due, by physical to moral force, both parties may be preserved, and even if one must fall, the law of self-defense gives to either the right of conquest.

"It follows, therefore, that the new communities springing up in the heart of a boundless wilderness had a right to assume such a jurisdiction over the barbarous people around and among them, as was necessary to the safety of both; and to assume this, peaceably or forcibly, as the course of events might require. The great object would be to impress upon the uncivilized party the conviction of their inferiority; to teach them their own existence required that their passions should be restrained, their warlike propensities subdued, and the peaceful duties of life encouraged and promoted. A peace to-day and a war to-morrow, and the establishment of mutual independence, would never effect this, nor would promises and professions and conventional obligations. Feeble indeed would be such barriers against the tide of Indian impelled by Indian passions.

"Under such circumstances jurisdiction is well assumed, and its extent must depend upon the opinion of the dominant party. The doctrine is well stated by the Supreme Court. 'The United States,' says Chief Justice Marshall, 'maintain, as all others have maintained, that discovery 'gave an exclusive right to extinguish the Indian title of 'occupancy, either by purchase or conquest; and gave them 'also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise.'"

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"Did the European nations assume the general powers which have been stated, or did they assume merely 'the exclusive right of purchasing such land as the natives were willing to sell?'—and were their charters, agreeably to the opinion of the Supreme Court, 'considered as blank paper, so far as the rights of the natives were concerned?' The question is, at present, an historical one. As such, it may be examined without reference to any moral duty it may be supposed to involve." * * * * *

"It is not difficult, however, to suppose that cases may arise in which a resort to the antiquated practice might become necessary, if a tribe in possession of a large and fertile district of country were to dwindle down to a few individuals, utterly unable to cultivate or occupy their hunting grounds. And if these persons should pertinaciously refuse to yield any portion of them, the extinguishment of their title at the will of the civilized Government would be as defensible as were the original occupation and apportionment of our country. And more so; for heretofore the game, upon which the Indians principally depend for subsistence, has receded before the advancing settlement, and retired with the nomadic tribes who pursue them, into deeper recesses of the forests; thus leaving a district destitute of the proper food of the Indian, and, therefore, useless to them. And this process has kept pace with the progress of our settlements, and with the demand for unappropriated territory. The Indians have been generally willing to relinquish whenever the Government has been desirous to purchase; and the consideration paid and secured, if properly applied by them, would probably be more valuable than any product they could receive from the ceded districts. Should, however, the case at any time arise when, as Vattel expresses it, individuals thus situated must be 'confined within narrower limits,' it is to be hoped that every necessary arrangement will be made for their immediate comfort and future security—that ample possessions will be assigned to them, and the means of subsistence secured, in the mode to which they have been accustomed—that their wants will be liberally supplied, and themselves reclaimed from barbarous institutions and a life of privations and misery, to the blessings of intelligence and religion, and to all the advantages of civilization." * *

"It is believed that the settlements in Australasia have, within the present generation, been commenced upon the original principles already discussed.

"The romance of Indian history has produced impressions not less injurious than erroneous. Zealous, but enthusiastic, men have surveyed the condition of the Indians, and have depicted it, as it never did exist, and never can exist, while the integrity of their institutions is preserved. Their life is essentially one of exposure, of want, and of suffering. When the veil that had covered them for ages was withdrawn, and they became known to the civilized nations of the world, they were found broken into petty communities, and in a state of perpetual hostilities. War was their business and their passion—not to subdue, but to exterminate; not to assert claims rejected, nor to procure satisfaction for injuries committed, but to gratify that thirst for blood which seems implanted in every Indian breast. There was no point of union between them and the strangers arriving among them. Their habits, feelings, and opinions, and all that constitute moral and physical varieties in the human race, were essentially different; and, after the lapse of two centuries, are yet different. There were no seeds of improvement sown which could vegetate—no elements of civilization were in existence to be moved and combined by some master-spirit. A vast region of country, fitted to support millions of human beings, was unoccupied, or only occupied by solitary hunters and warriors, who pursued their game or their enemies, over districts now crowded with inhabitants, and abounding with all that renders life desirable."

I will read another passage to the Senate; and I shall do it because, in it will be found the opinion stated in that historic document, known as the "Nicholson Letter." It will be found that, in 1832, the same general view was taken of the subject as is taken in that letter, and the charge of inconsistency is effectually disproved, as the writer of the letter, and the writer of the review, was the same person.

"There are but three provisions in that instrument [the Constitution] which have the remotest connection with this subject. The power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States.

"This clause evidently refers to territorial rights—to the power to control and regulate these, and not to the exercise of jurisdiction over Indians living within the country claimed by them. It is, at all events, inapplicable to the Cherokee country, in Georgia, to which the United States have relinquished all their pretensions. Under this clause of the Constitution, Congress pass laws to prevent intrusion upon the public lands, while, at the same time, the intruders are subject to the ordinary jurisdiction of the States within which such lands are situated. The power to dispose of and make needful rules and regulations respecting the property of the United States, and the power to exercise general jurisdiction over persons upon it, are essentially different and independent. The former is general, and is given in the clause referred to; the latter is special, and is found in another clause, and confined to the Federal tract, and to places purchased by consent of the Legislature of the State, in which the same shall be for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

Now, sir, no one can deny, that the above extract contains the position, afterwards more elaborated in the Nicholson Letter, that the right to regulate and dispose of the public land, conferred on Congress no power of general jurisdiction, and consequently no power to establish Territorial governments.

This article, further discussing the subject of our Indian relations, goes on:

"The power 'to regulate commerce with foreign nations among the several States, and with the Indian tribes.' It will be recollected that the subject of the present branch of the inquiry is, where the ultimate jurisdiction over the Indian tribes resides? Is it given to the United States by this clause? Certainly not. This is a power to regulate commerce, and not to exercise jurisdiction. There is no necessary connection between the two subjects; and the effort, in this instance, to unite them, leads to the one or the other of two absurdities: either, that Congress have jurisdiction over all foreign nations, or that entirely different meanings are to be given to the same words in the same sentence. The power granted is 'to regulate commerce.' With whom? *With* foreign nations, and *with* the Indian tribes, and *among* the several States. Can any reasonable version be given to this sentence, by which it shall, in fact, read: Congress shall have power to prescribe the mode in which commerce shall be carried on with foreign nations, and among the several States, and with the Indian tribes, and shall also have jurisdiction over the Indian tribes?

"The greatest latitudinarian in the construction of the Constitution will scarcely contend for this interpretation. We need not stop to investigate the meaning of the word 'regulate.' Whether it give more or less power over the subject-matter, or over the white persons engaged in the trade, it gives none over the Indians themselves, unless it also gives power over the Englishman and the Frenchman, with whose countries our commerce may be regulated by Congress. But this will not be contended; and the conclusion is inevitable, that this 'regulation,' whether by treaty or by law, can give no political power, and no rightful jurisdiction. It must be confined to the object to which it is limited by the Constitution.

"And still further, if the idea of general jurisdiction be included in the terms 'regulating commerce,' the General Government may annihilate the whole State laws, and bring within its own authority all the people and property of the country. Constructive powers can scarcely go beyond this.

"After recapitulating certain provisions of the Constitution, which cede to the General Government rights incompatible with the absolute sovereignty of the States, Mr. Justice McLean asks, 'Has not the power been as expressly conferred on the Federal Government, to regulate *intercourse* with the Indians, as any of the powers above enumerated?' There being no exception to the power, (that of regulating the intercourse,) it must operate on all communities of Indians exercising all the right of self-government, and consequently include those who reside within the limits of a State, as well as others."

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"There is, indeed, a provision for regulating commerce with the Indian tribes; but we need scarcely undertake to show, that between *commerce* and *intercourse* there is a wide difference—far too wide to render them convertible terms in the investigation of the delicate question of conflicting jurisdiction. To speak logically, the former is a species and the latter a genus. One existing at all times in a greater of less degree, both in peace and war; the other, like the spirit of laws, becomes silent amid arms.

"Intercourse includes commerce, but it also includes many other relations, political and personal, of which commerce forms no part.

"The Chief Justice also remarks, that 'the whole intercourse between the United States and this nation (the 'Cherokees) is, by our Constitution and laws, vested in the 'Government of the United States.' 'They,' speaking of the acts of Georgia, 'interfere forcibly with the relations 'established between the United States and the Cherokee 'nation, the regulation of which, according to the settled 'principles of our Constitution, is committed exclusively to 'the Government of the United States.'

"This, as it appears to us, is assuming the very point upon which the controversy turns. We can find in the Constitution no clause giving the United States the right to regulate the *intercourse* or *relations* with the Indian tribes. We ask for that clause. It is not to be found. We then ask for the fair reduction of that power from some express grant, and we are met by the opinion that the exclusive control of the *intercourse* and *relations* with the Indians is given to the General Government.

"If this opinion is founded upon a belief that *intercourse*, and *relations*, and *commerce* are synonymous, the conclusion would still involve us in inextricable difficulties. This regulation of commerce or intercourse, if it give the United States exclusive jurisdiction over the Indians, gives, as we have said, exclusive jurisdiction over all foreign nations, and over the whole American people. We surely need not pursue this subject further.

"Were such an inquiry useful, it would not be difficult to show that there were very sufficient reasons for granting to the General Government this power to regulate commerce, arising out of the situation of the various tribes, some of them extending into several States, and all of them powerfully affected by the influence of the traders, and by the supplies rendered necessary to their comfort and subsistence. But it is an investigation into which we need not now enter."

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"It is clear, from what has been before stated, that as we

recede from the period of the discovery, the practice, if not the doctrine, of the Europeans, in their intercouse with the Indians, becomes meliorated, and humanity asserts her claims in favor of the latter. At first, all rights of persons and property, and jurisdiction were disregarded. But by degrees the true principles of intercommunication were investigated and acknowledged, and the civilized governments found, that as much land should be assigned to the primitive people as was necessary for their comfortable subsistence, and that the jurisdiction to be exercised should depend upon their situation, disposition, and other circumstances." * * * * * * *

"Such was the state of things at the period of the Revolution. The struggling colonists found themselves engaged in a desperate conflict, which required the united wisdom, strength, and resources of all. The British called the Indians to their aid, and, true to their character and institutions, they came upon the summons. To resist both was a common object, and to sever the alliance was the obvious dictate of prudence. Hostilities were therefore prosecuted, negotiations conducted, and conventional arrangements were made with them by the Central Government. But all this was done as a matter of necessary defense, and not by virtue of any sovereign rights over the Indians, for these rights are expressly reserved in the Articles of Confederation, which declare, 'that Congress shall have the sole and exclusive right of regulating the trade and managing all the affairs with the Indians, not members of any of the States, provided, that the legislative power of any State within its own limits be not infringed or violated.'

"Upon the dissolution of the Confederation, and the establishment of the present Constitution, one of the first objects of the new Government was to conciliate or subdue the Indian tribes. The whole inland frontier, from the lakes to the St. Mary's, was exposed to their incursions and depredations, and a crisis had evidently arrived, demanding the most vigorous measures. Many of the tribes were in open hostilities, and the power of the Union could alone successfully contend with them." * * * *

"This is the only real and visible foundation upon which the power of the General Government to conclude a treaty with any Indian tribe, living within the boundaries of a State, can rest, except so far as the process may be thought expedient in the purchase of their possessory right by the United States, and where the United States have *the ultimate domain*, and consequently, the right to make 'needful rules and regulations respecting' it; and also, in the 'regulation of commerce' with the Indians, if it is necessary and proper, that this regulation should be made by conventional arrangements. And, in either case, the extent of the power must be limited by the objects to be attained. Neither of these have any connection with civil or criminal jurisdiction, and can therefore neither confer it upon the Indians, if they have it not, nor take it from the States, if it is vested in them."

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"Conceding now, what, however, is not required, that, under the Constitution, and for the purposes of defense and security, the General Government has a control over the Indians, that control must, of course, be limited by a just construction of the grant of power, and by the duties of the Government. It is not essential to its existence, or exercise, that it should include every 'attribute of sovereignty,' and it will cease when danger is no longer to be apprehended, and when the ordinary civil power of the community is sufficient to govern and restrain the Indians; and the States must necessarily judge when this period has arrived. When the relative strength of the parties, and the circumstances and improvement of the Indians, render such a measure proper, the portion of jurisdiction till that time intrusted to the General Government, may then be assumed, and the whole subject left to the State authorities.

"This gradual change has taken place in almost all the original States; and the principles connected with it are not only obviously just, and such as will alone reconcile the difficulties of the subject, but are supported by respectable authorities.

"'We do not mean to say,' observes the Supreme Court of New York, 'that the condition of the Indian tribes, at 'former and remote periods, has been that of subjects or citizens of this State. Their condition has been changing, 'until they have lost every attribute of sovereignty, and become entirely dependent upon, and subject to our Govern-'ment.'"

The effect upon the Cherokees is shown by the letter, which I hold in my hand, to the War Department, in which they state the decision of the Supreme Court, and what injustice the Administration had done to them; and their unwillingness to submit to it. They took firm ground, that they would not leave their territory; that they would not leave the country of their ancestors.

The following is an extract from the letter of the Cherokee delegation, to the Secretary of War, dated January 28, 1833, volume 10, page 63:

"It is sufficient to state, that it has been the lot of our nation to differ in opinion with the constituted authorities of this Government, in regard to that system of policy having for its object the general removal of all the Indian tribes west of the river Mississippi; and that it has been our misfortune to find the President of the United States entertaining views adverse to ours, upon the question of those rights which our nation claims, and heretofore have peaceably enjoyed, from time immemorial, and which have been solemnly recognized by the treaties now existing with the United States. In the course of these events, the State of Georgia assumed to herself the right to extend and exercise jurisdiction over all that portion of our territory called 'the chartered limits of Georgia.' The nature and effects of the laws adopted by her Legislature, to operate upon our people, are well known. Our nation being strenuously opposed to a change of location, and the officers of the Government having withheld the enforcement of the intercourse act of Congress, and the treaties for our protection, our nation was driven to the necessity of employing counsellors-at-law, for asserting our legal rights before the courts of the United States, and we have had the consolation, amidst our difficulties, to see that we have not been deceived in the opinion entertained of those rights, when the supreme judicial tribunal of the country decided that the laws of Georgia, extending jurisdiction over our territory, are repugnant to the laws, treaties, and Constitution of the United States, and were null and void. Yet, with deep regret, have we witnessed and felt the illegal proceedings of Georgia, with increasing severity; at the same time, the protecting arm of the Federal Government withdrawn, and the annuity stipend, due to our nation by treaties, withheld, and from the mere claim of the right to exercise jurisdiction, the right of surveying, disposing of, and occupying our lands by force, have since been asserted by Georgia, and measures are now in train for the consummation of the unjust deed.

* * * * * * *

"Now, in the discharge of the duties intrusted to us, we ask leave to say, that notwithstanding the various perplexities which the Cherokee people have experienced under the course of policy pursued towards our nation, they are unshaken in their objections to a removal west of the river Mississippi; and on the question of our rights, and the justice of our cause, their minds are equally unchangeable."

To this letter the chiefs were answered by the War Department, that the Government could not interfere between the Cherokees and the authorities of the State of Georgia, and were referred for the views of the Administration to the President's message to the Senate of February 22, 1831. I hold it in my hand. That message took the ground that the States had the right to extend their jurisdiction over the Indian tribes, and that the Executive had no power to interfere with them. It placed the Indians in such a condition, that they could not remain in Georgia without coming into conflict with the State authorities. I will read some extracts:

"From a view of the acts referred to, and the uniform practice of the Government, it is manifest that, until recently, it has never been maintained that the right of jurisdiction by a State over Indians within its territory was subordinate to the power of the Federal Government. That doctrine has not been enforced, nor even asserted, in any of the States of New England, where tribes of Indians have resided, and where a few of them yet remain. These tribes have been left to the undisturbed control of the States in which they were found, in conformity with the view which has been taken of the opinions prevailing up to 1789, and the clear interpretation of the act of 1802. In the State of New York, where several tribes have resided, it has been the policy of the Government to avoid entering into *quasi* treaty engagements with them, barely appointing commissioners occasionally, on the part of the United States, to facilitate the objects of the State in its negotiations with them.

"The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government, and became the subject of special legislation in 1802, with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina, who has uniformly regulated the Indians within her limits without the aid of the General Government, they have been felt within all the States of the South, without being understood to affect their rights or prevent the exercise of their jurisdiction, whenever they were in a situation to assume and enforce it. Georgia, though materially concerned, has, on this principle, forborne to spread her legislation further than the settlements of her own white citizens, until she has recently perceived within her limits a people claiming to be capable of self-government, sitting in legislative council, organizing courts, and administering justice. To disarm such an anomalous invasion of her sovereignty, she has declared her determination to execute her own laws throughout her limits—a step which seems to have been anticipated by the proclamation of 1783, and which is perfectly consistent with the nineteenth section of the act of 1802. According to the language and reasoning of that section, the tribes to the south and the southwest are not only 'surrounded by settlements of the citizens of the United States,' but are now also 'within the ordinary jurisdiction of the individual States.' They became so from the moment the laws of the State were extended over them, and the same result follows the similar determination of Alabama and Mississippi. The States have, each, a right to claim in behalf of their position, now, on this question, the same respect which is conceded to the other States of the Union.

"Towards this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests, are less favorable to them than those which oppose their emigration to the West. Years since I stated to them my belief, that if the States chose to extend their laws over them, it would not be in the power of the Federal Government to prevent it. My opinion remains the same; and I can see no alternative for them, but that of their removal to the West, or a quiet submission to the State laws. If they prefer to remove, the United States agree to defray their expenses, to supply them the means of transportation, and a year's support after they reach their new homes—a provision too liberal and kind to deserve the stamp of injustice. Either course promises them peace and happiness, whilst an obstinate perseverance in the effort to maintain their possessions, independent of the State authority, cannot fail to render their condition still more helpless and miserable. Such an effort ought, therefore, to be discountenanced by all who sincerely sympathize in the fortunes of this peculiar people, and especially by the political bodies of the Union, as calculated to disturb the harmony of the two Governments, and to endanger the safety of the many blessings which they enable us to enjoy."

I introduce this to show the difficulties, which the Administration had to contend with at that time, and the policy, which existed among the neighboring Indian tribes in consequence of it. The efforts of the Administration were acknowledged by Governor Lumpkin, in a letter dated May 31, 1833, addressed to the Secretary of War, in which he speaks of the coöperation between the State and Federal officers. He says:

"Before this reaches you, you will have learned through other channels the result of the late Cherokee council. You will also have discovered the use which I have made of the means which you were so kind as to afford me to dispel the delusions imbibed by the Cherokees, through the false statements of bad men and evil counsellors. From the report of General Glasscock, who attended the council as my agent, and letters which I have received from Major Currey, special agent of the United States, I entertain no doubt of the good effects which have and will result from what transpired at the late council. It has afforded a favorable opportunity, which has been well improved, both by the agents of the Federal and State Governments, to enlighten the minds of the Cherokee people by the force of truth and documentary evidence, which will hereafter prevent the recurrence of practicing upon them gross and deceptive falsehoods, in regard to the real state of their present affairs. Everything is now harmonious and well understood upon this subject between the agents of the Federal and State Governments; and the important duty which now presents itself is, to use to the best advantage the means under our control, in bringing to the most speedy and happy issue the great and benevolent object of removing the Indians beyond the limits of the States, the only hope of rescuing them from speedy extermination. Circumstances now place much of the responsibility of what remains to be done in regard to the Indians who still remain in Georgia upon the authorities of the State. The present Administration of the Federal Government has performed every duty in endeavoring to fulfill the compact of 1802. What remains to be done depends very much upon a judicious management of State authority. Under this view of the subject, I hope I shall not be considered as assuming too much in mingling my efforts with yours in accomplishing the same desired object."

That is the view of the authorities of Georgia upon the conduct of the General Government in the discharge of its duty during the administration of General Jackson. In like manner, in a letter addressed to Governor Gayle, October 22, 1833, he was informed that—

"The right of the State of Alabama to extend its jurisdiction over the district in question is fully admitted."

Now, let me remark in respect to the nature of the treaty, with which the honorable Senator from Tennessee found so much fault, that it was pressed upon the Government by the whole State of Alabama—a pressure which no Administration could well resist. The President of this body was present, and was one of those, who urged the forming of the treaty. It was ratified by the Senate unanimously. There was not one opposing voice against it. How, then, is that Administration responsible, even if it was an improvident treaty, any more than the Senate? Why, sir, one of the purest men in this country, and one of the most interested in the cause of the Indians, Mr. Frelinghuysen, of New Jersey—I did not recollect it until the honorable President of the Senate brought it to my recollection—was here the whole time, acting on behalf of the Indians, and was satisfied with the treaty from the beginning to the end, and most gratified at its execution. You will observe, in looking at the signatures of the witnesses to the treaty, the names of Colonel King, and Judge Wilkins, then a member of Congress from Pittsburg, Pennsylvania, and, I believe, the whole Alabama delegation.

The honorable Senator from Tennessee asked me whether the Indians were compelled to emigrate? I said no. Why, how could you have compelled them to emigrate? Would you have used coercion? We had already said to the Indians, expressly, in a letter from the Secretary of War, dated January 16, 1832, to the chiefs of the Creek tribe then in Washington, that they would not be compelled to go. After stating the inducements for removal, and among others, that they would become citizens of Alabama, the letter proceeds:

"But, if you choose to remain, so be it; no one will compel you to go; no force will be applied. You will be as free to stay as we are."

Allow me to say, that the moral sense of the country would not have justified the Administration in driving them away by force. We could not have justified ourselves to the country, and to the world, in taking such a course. The idea, then, of employing coercion, contrary to the assent of the Indians, was totally out of the question;

and we never could have made a treaty with them had such a clause been inserted in it. It would have effectually prevented all further operations. So much for coercion.

In other treaties, where provision was made for the removal of the Indians, they assented voluntarily to the removal. This treaty provided for the removal of all that were willing to go. It manifested the wish of the Government of the United States that they should go. It dealt liberally with them—gave them a country west of the Mississippi—provided for the expenses of their journey, and made provision for keeping them when there, and urged upon them to go. But it was to be a voluntary bargain between us and the small remnant of a mighty tribe. It stopped short at the point of force; and are we to be blamed for that at this day? Surely not, Mr. President; surely not.

What did the Creek Indians ask for? I will show you. I will show you their demands. In a letter from their chiefs to me, as Secretary of War, dated March 19, 1832, they say:

"In the first place, we call your attention to the many reservations wanted: To each head chief, five sections; to each chief, two sections; and to all heads of families, one section; and to individuals without families in the like manner. Four reservations, containing two sections each, to be reserved to the king of towns for the use of town-houses. Reservations will be required for white men having Indian wives, to be under the same rules and regulations as that of the red people. The reservations occupied by our present agent, Colonel Crowell, we want reserved to him for his many and long services to us as a nation and as individuals; he has expended much labor and money thereon. A reserve of one section will be required to the nation, including the mills on Tallapoosa river, built by Barron Dubous, and for the said Dubous to be paid for all expense and labor in building them. Several other reservations will be required for Indians and other persons not herein mentioned."

They further demanded, "that the territory 'should be surveyed; and when the selections are 'made, no sale to be deemed valid but with the 'assent of the head chiefs, with the agent forming 'a board, and with the approbation of the Presi-'dent, and that the reservations be exempted from 'taxation."

They also say, "We wish to retain our old customs and laws in relation to our local and internal affairs."

They demanded also money for roads and bridges.

Provision for education and for the purchase of steel and iron and the employment of blacksmiths.

That future annuities should be received by the chiefs, and distributed by them.

That certain judgments against the chiefs should be paid.

That all the debts due by individuals should be paid, together with losses of property.

That intruders should be removed, and that certain ferriages should be paid.

The above demands were stated to be in consideration of past cessions. For the pending one they said, "We shall require, as a further consideration, a sum of money in addition to everything mentioned, to be divided as may be agreed on by the contracting parties hereafter."

The following reply was made to them:

Extract of a letter from LEWIS CASS, Secretary of War, dated April 17, 1832:

"The President is willing to enter into an arrangement for your removal west of the Mississippi, upon the following general principles:

"1st. That a country, sufficiently extensive and fertile, shall be distinctly marked out, west of the Territory of Arkansas, for you and for your brethren, where they now are.

"2d. That this country shall be conveyed to you by patents, under the provisions of the act of Congress of May 28, 1830; and that it shall be forever without the boundaries of any State or Territory.

"3d. That you shall have all the powers of self-government, so far as may be compatible with that general supervisory authority, which it is necessary Congress should exercise over you.

"4th. That you shall have the privilege of appointing an agent, who shall reside at Washington, to communicate to the Government your claims and wishes, and who shall be paid by the United States.

"5th. That, if Congress assents to the measure, you shall be allowed a delegate to that body, and shall, also, when your improvement and other circumstances will permit, and when Congress think proper, be placed in the relation of a Territory.

"6th. That all white persons, unless specially authorized by the laws of the United States, shall be excluded from your country.

"7th. That you shall remove to your new country at the expense of the United States, in either of the following modes you may prefer:

"1st. By a commutation, to be allowed to individuals or families.

"2d. By persons to be appointed and paid by the United States.

"3d. By arrangement, to be made among yourselves, by which some of those who are competent to the undertaking, may remove all your people at a rate to be fixed.

"8th. That subsistence shall be provided by the United States, for the term of one year, after you reach your destination.

"9th. That an annuity, proportioned to the value of the cession you may make, be secured to you.

"10th. That all the improvements upon ceded territory, which add real value to the land, be appraised and paid for.

"11th. That ample provision be made for the support of schools and teachers, and of blacksmiths, &c., for the supply of steel and iron, and for the erection of mills, school-houses, churches, council-houses, and houses for a few of your principal chiefs.

"12th. That a rifle and equipments be given to each male adult; that a quantity of blankets be allowed to your families, together with axes, plows, hoes, wheels, cards, and looms.

"13th. That your stock be valued, and paid for by the United States.

"14th. That the annuities due to you, by former treaties, be paid to you west of the Mississippi.

"15th. That provision be made for your orphan children.

"16th. That protection be guarantied to you against hostile efforts of any other Indians.

"17th. It is the wish of the President that all your people should remove, and he is therefore unwilling that any reservations of land should be made in the ceded territory. Still, he would not make this an indispensable condition, but would agree, should it be found necessary, that reservations should be made for a few of your people, in situations, and under circumstances rendering such a measure proper and within the scope of his legal authority. But your people must distinctly understand, that those who remain will become citizens of the State, in which they may reside; and that all the relations between them and the United States, founded upon their previous circumstances as Indians, must cease.

"*To the Cherokees, East of the Mississippi.*"

These were the offers made to the Creek Indians. I will say, that, under other circumstances, it would have been difficult to have brought any Administration to make such a treaty. The improvidence of the treaty consisted in the amount to be given—an amount far greater than we had been accustomed to give; but it was done in consequence of the peculiar position of these Indians. Here were five millions of land in the center of Alabama, exposed to all the difficulties that must occur, where a considerable portion of Indians are living together. Their old laws and customs were abrogated by the State authorities, and the State extended its jurisdiction over them. It is not possible that they could live there under these circumstances, unless some extraordinary measures were taken, not only to protect, but to improve them.

The honorable Senator from Tennessee has gone into the causes of the war. What does he state them to be? I have the reports of the commissioners appointed by the President, under the authority of an act of Congress, to investigate the cause, of those difficulties. What do they report? Governor Clay, October 27th, 1837, says:

"So far as I am able to judge from the communications of individuals, or from indications of public sentiment as expressed at public meetings, and otherwise, it seems to me the opinion prevails extensively, if not almost universally, that the frauds and forgeries practiced upon the Indians to deprive them of their lands, were among the principal causes which excited them to hostilities."

Governor Schley, of Georgia, October 7, 1837, after adverting to the lazy, dissolute habits "of the great majority of the Creek Indians," and their consequent want, as among the causes of the troubles, adds:

"Public opinion has, in some sections of the State, assigned as a principal cause of hostilities, the frauds which are alleged to have been committed on the Creeks in the purchase of their lands."

Mr. Balch, one of the commissioners, attributes the cause of the troubles to the settled animosity of the Indians against the whites; to "the multiplied frauds which had been perpetrated upon them by individual white men."

Mr. Crawford maintains that "public opinion 'in this lately-harassed district imputes to fraud 'committed upon the Indians in the transfer of 'their reservations, a large influence in exciting 'them to hostility, and this impression is obvi-'ously well founded."

Mr. BERRIEN. The Senator from Michigan, as I understand, has alluded to a portion of the statement of Mr. Balch, which ascribes these hostilities exclusively to the frauds, which were committed on the Indians.

Mr. CASS. No, sir; I said expressly that it was one of the causes which he enumerated.

Mr. BERRIEN. Mr. Balch states, as one of the strongest causes of the hostilities, the state of starvation to which the Indians had been reduced, and he refers to other causes by which the passions of the Indians were inflamed, and they were led to commit the acts of aggression complained of. He enumerates three causes.

Mr. CASS. I have Mr. Balch's report here. He gives three causes for the hostilities; one is the settled animosity of the Indians against the whites; the other is the multiplied frauds committed upon them; and the third is the state of distress to which they had been reduced. These are the condensed views of Mr. Balch.

I will not go over the statement which I made the other day, with respect to this treaty. I hold in my hand the reports of the commissioners. These reports show that never, in the whole history of our Indian difficulties, were there anything like the frauds which were committed in this case. Mr. Balch says:

"The practice of 'personation' was not unusual. Indians were bribed to appear before the agents, and declare that they were the owners of reserves belonging to others, and they were permitted to acknowledge contracts for the sale of the same.

"Although many frauds were perpetrated throughout the year 1834, of the existence of which the agents were apprised, still it was difficult to detect and defeat them. Those who were engaged in plundering these unlettered savages were emboldened by success, and early in 1835 a plan was concocted to sweep off from them all the reserves that remained uncertified, amounting to more than fifteen hundred. In the letter of the late Eli S. Shorter, a copy whereof is hereto annexed, marked C, this purpose is darkly hinted at. In another letter from the same individual, annexed hereto, marked D, his intentions are openly avowed. In it he pours forth his grief and distraction of mind at the signal success of the 'Columbus Land Company,' in their accomplishment of their work of cruelty and crime.

"He urges his subalterns to accelerated speed; charges them to encamp their Indians out of sight of the road; directs them to be sure to bring two old Indian women with them to the scene of action; and announces the appalling fact, that their rivals had at least four hundred Indians encamped round the hill near the office of the certifying agent.

"At the same time a letter, on the same subject, was written by one Benjamin P. Tarver to M. A. Cravens, a copy of which is hereto annexed, marked E. On the 25th of March, 1835, one Elijah Corley addressed a letter to Scott & Cravens, a copy whereof is hereto annexed, marked F.

"It will be perceived, that in the oath, a copy of which is annexed, the following words are employed: 'And he, deponent, believes that the Indian who has been introduced before the agent, is the true holder of the location described in the following deed.' Subsequently to 1834, in many instances these material words were omitted, and another form introduced, a copy of which is hereto annexed, marked G. Conclusive evidence of the boldness with which these frauds were perpetrated, may be found in the statements of Jesse H. Garrett, Colonel J. B. Hogan, and M. S. Booth, copies whereof are hereunto appended, marked H, I, and K.

The report of Judge Crawford, now on the Bench of this District, is to the same effect. He says:

"These frauds have become of the most flagrant character, disgraceful in the highest degree to those who perpetrated them, and unjust in a ruinous extent to those upon whom they were practiced. It is difficult to imagine a state of things more discreditable than that which existed in the Creek country for a short time, in respect to the sale of Indian locations. The thirst for gain appears to have impelled men to the cool and deliberate conception of schemes for plundering the improvident and ignorant savage of his property. The simplicity and credulity of the real holders now served the purpose of the designing; and again and more frequently Indian villainy, trained for the occasion, was the instrument used. In the former cases, the consideration money was paid in the presence of the agent, and obtained afterwards on some pretense from the Creek who had signed a contract for his land; in the latter, one Indian was made to assume the name and character of another, the real owner of the reservation, and to pass through the necessary forms of its conveyances for hire—being paid five or ten dollars for his services in this iniquitous business; while the true reservee was miles distant, unsuspicious of the toil that was gathering around him. The knowledge of these transactions was not confined to the white residents, as the correspondence of the Creek chiefs with your Department in 1835 fully shows. Many, or a few, such instances would lead to the conviction in savage minds that all had been despoiled, even where an adequate consideration had been paid and received; and all the feelings necessary to the sad transaction of the past spring and summer would be aggravated by the reflections consequent upon this belief. This influence was unquestionably potent. It was natural it should be so. Unable to comprehend, and too willing to part with them for a disproportionate consideration, the Indians are still, without properly appreciating, tenacious of their landed interests. Though generally silent, they were not unexcited spectators and auditors of what was passing. They stood upon their own land, while the currents and eddies of frauds were flowing and whirling around them with such rapidity and force as to threaten the undermining of the ground below their feet. Is it wonderful that in their cabins it should be the subject of con-

versation?—in their social meetings, of spirited remark?—at their dances and ball plays, of impatient and exciting complaint?—and in their councils, of inflammatory and fiery debate? Among civilized men it is difficult to impose restraint upon a sense of wrong; with the savage, impossible. I have no reason for asserting that those engaged in any way in the purchase of reservations took an active personal part in blowing the flame about to burst forth. So grave a charge I should deem myself unjustifiable in making against any man, unless upon the most clear and cogent proofs."

Since the Senate met to-day, I have had a conversation with a Representative in Congress from the State of Alabama, who authorized me to refer to him, in which he said that he was himself a witness of the gross frauds, which were practiced upon the Indians. He said, which I do not doubt, that the main body of the settlers were upright and honorable men, utterly opposed to these proceedings—that there was a feeling of indignation amongst them against the frauds that were perpetrated, but the fact was nevertheless so. It was known to the whole country. It passed before his own eyes, and he authorized me to say so here, like an honorable man as he is.

The honorable Senator from Tennessee, spoke of the Government to feed the Indians. The Senator I hope will allow me to produce a letter from the War Department on the subject of feeding the Indians, which bears upon this question, though not upon these particular facts. It goes to the principle, and shows the views then entertained of the policy of collecting Indians in masses with a view to feed them. It is dated January 30, 1832, and is addressed to Judge H. L. White, then chairman of the Senate Committee on Indian Affairs. It is as follows:

WAR DEPARTMENT, *January* 30, 1832.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, respecting the situation of the Seminole Indians, in Florida.

The accompanying papers (marked A) exhibit all the information concerning the number and condition of these Indians.

The same general causes which are everywhere producing want and misery among the Indians, who are placed in immediate contact with our settlements, are operating upon the Seminole Indians, and are probably aggravated by peculiar circumstances. I understand that their location is an unfortunate one, and that there is no game to supply their wants when their crops fail, either through their own indolence, or the unfavorableness of the season.

In addition to these considerations, there can be no doubt but that the funds which have, from time to time, been applied towards their subsistence, have had a tendency to paralyze their exertions, and have taught them to look to the Government for aid—thus fostering that indolence and improvidence which so peculiarly mark the Indian character. It will be seen, by adverting to the paper marked B, that the sums already applied towards the relief of these Indians have been very great, in proportion to their numbers; and, in fact, far greater than any similar expenditure which has been elsewhere made.

I believe these gratuities are worse than useless. Accidental causes may produce temporary distress; and, on such occasions, the Government may very properly interpose for the relief of the Indians. But when such a practice is repeated, and they are led to depend upon this source for these supplies, they will necessarily sink into an abject and dependent condition.

There is reason to believe that these Indians would enter into a treaty for the relinquishment of their lands in Florida, and for their removal to the district assigned for the permanent establishment of the Creeks, west of the Mississippi. Certainly, if their condition has been, and is, such as we have reason to believe, the sooner they remove from the present scene of their sufferings, and join their countrymen, who are stated to possess, in abundance, the necessaries of life, the sooner will they escape from these periodical visitations.

Having no doubt but that such should be their course, the President has directed that a negotiation be immediately opened for this purpose; and instructions have already been prepared with that view.

The person intrusted with this negotiation has been directed, if the Indians enter into an arrangement upon the basis proposed—being that already established for other emigrating tribes—to supply their immediate wants, and to insert a stipulation in the treaty for the payment. But if they refuse, he has been instructed to inform them that the Government deems it wholly useless to provide these supplies, as it only encourages them to depend upon others, and not upon themselves.

As soon as the result is known, it shall be communicated to the committee, with a view to an appropriation, if that be necessary; and if not, then for such a course as Congress may think proper to adopt.

Very respectfully, &c.,

LEWIS CASS.

To the Hon. HUGH L. WHITE,
Chairman Committee on Indian Affairs, U. S. Senate.

These are the views of the then Administration connected with the furnishing of provisions to the Indians. You cannot feed a tribe of Indians with safety; for if you commence they will expect you to continue it; and where are you to stop? If you do not stop till the distress ceases, you will never stop. An Indian knows how to die, but he does not know how to work. He dies with as much stoicism as any of the great names, whose self-devotion has won them a place upon the records of history. No one displays more power over himself than an Indian when he is about to die. I repeat, they know how to die, but not how to work. If you begin to feed them—if you collect them together for that purpose, they will learn to depend upon you, and not upon themselves, and when you stop, their distress will begin again.

The game of these Indians in this country had disappeared altogether. It had been swept away before the advance of the white population. If the Government had collected the Indians for the purpose of feeding them, it would have been compelled to continue that practice. It would have been compelled to issue provisions to an unlimited extent of time. But, besides, what right had the Administration to introduce such a system? Congress alone could do it. Congress places at the disposition of the Executive a very small amount of money, with a view to issue provisions under very peculiar circumstances, when there is peculiar distress, but not to continue a great system of furnishing tribes of Indians with provisions, which would alike exhaust the resources of the Government, and be detrimental to the Indians themselves.

There is a singular fact connected with this matter, which I will explain to the Senate. Notwithstanding all that has been said on this subject, it is a fact, that until the war actually broke out, the whole amount of damages assessed for depredations committed by these Indians, was but $370. The whole amount claimed up to that time, was but $450. There were one thousand and thirty persons claiming damages against the Indians. Although these were committed for a period of four years—between 1832 and 1836—yet only $450 were claimed during that time, and only $370 had been allowed by the commissioners. Such a fact is unexampled. Do you believe, that if the Indians were reduced to the extreme state of distress, which has been supposed, they would not have committed depredations to an amount greater than $370? If there had been such a degree of distress as is supposed, the Indians would have swept the whole country; they would have taken all the cattle, hogs, and corn they could find. Yet, in four years, the facts show that they took property to the value of but $370, and during the war, to $350,000. The thing is obviously impossible on its face, that they could have been driven to war in consequence of these distresses, when their distresses only compelled them to commit depredations to the amount of $370 before hostilities actually broke out.

I have no doubt whatever, that Judge Crawford correctly states the causes of the war. It arose from the condition of the Indians; from their state of distress; from the frauds which had been committed upon them; and from all those injuries and insults and aggressions, by which a high-minded people are in a state of desperation, driven to the last extremity. I do not believe that any one of these causes, singly, produced the war; but I believe the Indians were irritated, and all the other causes were magnified by the system, and by the frauds which were committed upon them. Under these circumstances, they were driven to hostilities.

Mr. President, I was about to enter upon the consideration of the questions connected with the claim for damages presented before the Senate, but I shall decline to do so. I think I have said sufficient. I have confined my observations to the general facts connected with the course of the Administration of General Jackson, in the extinction of the Indian title to the lands of the Creeks. I intended to have said much more, but I shall not do so.

Mr. BELL said: Mr. President, I am sorry to have occasion, and, as I think it will be shown, an occasion presented unnecessarily by the honorable Senator from Michigan, to occupy a little more time than I contemplated as necessary or important in the further discussion of the proposition which has been submitted. The honorable Senator from Michigan has taken some positions which I think are not warranted by the facts of the case, and he has moreover thought proper to present me in an attitude which I expressly disclaimed in my discussion of this question.

Mr. CASS. If the honorable Senator from Tennessee enters into this discussion under the slightest idea that I wished to do him injustice, he is mistaken. On the contrary, I entertain toward him every feeling of personal respect.

Mr. BELL. I have no doubt of that at all. I have no doubt that the honorable Senator had no unfriendly feeling toward myself personally.

Mr. CASS. Not the least in the world.

Mr. BELL. But, nevertheless, the Senator has presented the course of argument to which I thought proper to resort the other day, as having a bearing, an intention, which I did not give to it, and which I do not think can be fairly inferred from anything that I said or did. The honorable Senator from Michigan has assumed that I had assailed the policy of the administration of General Jackson in regard to Indian removals generally, not confining it to this particular case. I am presented in the attitude of those who, in both Houses of Congress, and in the country, throughout the period of General Jackson's administration, strenuously opposed his general policy of Indian removal. Now, sir, instead of arraigning the policy of General Jackson's administration in regard to Indian removal, although during a portion of the period when that operation was most active, I was an opponent of General Jackson's administration generally, and on many points of public policy, yet I was a strenuous advocate for General Jackson's policy of Indian removal, to the close of his administration, and whenever the question has been brought up since. Then it is impossible that, in anything I have said in this debate, I could have meant to attack that policy.

Well, in a more limited sense, what view did I take of the policy of the administration of General Jackson? I said that this treaty was unfortunate in its provisions; and to that extent the foreknowledge of the Administration, of which the honorable Senator from Michigan constituted a part, may be said to have been attacked. But I expressly excused the honorable Senator, and the whole Administration, from any intentional violation—from any intentional improvidence in the terms adopted in that treaty. I assailed the treaty as an unwise, an improvident one, one that I had no doubt had been pressed upon the Administration by the necessity in which the Government then stood, in order to prevent collision between the Federal Government and the States, in which these Indian tribes were situated. I said that I could excuse a great deal of improvidence in any experiment under such circumstances. I said I could excuse a great deal of improvidence, in the peculiar circumstances under which the experiment of removing the Creek Indians, by peculiar means, was resorted to. But, nevertheless, my argument was, that, while I made these admissions, the greater was the justice on the side of these claimants, in seeking at the hands of the Government, indemnity from consequences which I stated, seemed to me inevitable from the nature of the provisions of the treaty, and which, I think, might have been considered as inevitable by all, unless the Government proceeded with a degree of caution and circumspection, in the execution of the treaty, which could hardly be expected of that Administration, in the midst of the turmoils and distraction of perhaps one of the most agitating periods of our history. It was a time when the questions of nullification, the currency, and the removal of the deposits, were mixed with the policy of the removal of the large Indian tribes of the South, under a threatened conflict with State authority, engrossed almost exclusively the attention of the administrators of the Government, and of public men generally. I believe, that even as improvident as were the features of this treaty, yet if the Government had given its attention closely and vigilantly to the proper execution of it, these depredations never would have occurred. But, without that particular and special attention which the nature of these provisions called for, I say the consequence that did ensue was inevitable.

Now, I must say to the honorable Senator from Michigan, that when he has thought proper to charge that I made an assault on the general policy of Indian removal adopted by General Jackson's administration, he has not exercised his

usual candor. He certainly has had some bias in his mind which led him to believe that in the defense of General Jackson's general policy on the subject, he might illustrate and bring to mind the firmness and the consistency with which he himself had always supported a great popular chief in this country. I cannot see any other sufficient and adequate motive in arraigning me as attacking General Jackson's general policy of removal, to which, indeed, I gave my support throughout. My only attack was with regard to the providence and the wisdom of the provisions of this particular treaty of 1832.

I do not care to pursue much further any remarks in reply to what the honorable Senator from Michigan has thought proper to allege as to my attack upon the policy of General Jackson's administration; but, in my judgment of this question, although I defer greatly to the arguments of the honorable Senator from Georgia, [Mr. BERRIEN,] in laying so much stress on the act of 1837, yet I think that when at last you come to fully investigate the matter, this claim can only be allowed upon the ground that the provisions of the treaty of 1832, and the policy pursued by the Government in executing them, necessarily and inevitably led to the depredations for which the citizens of Alabama and Georgia now claim indemnity. My argument is, that these citizens were invited to go and take possession of the country before any portion of the Indians had removed. There were twenty-three thousand of the Indians, including their slaves, in a territory of no very large extent, when a population of perhaps thirty or forty thousand whites poured in upon their lands. We do not know the precise number, but we do know that the country was full of white settlers. We know that from a very early day after the treaty was made, they were invited to go in and take possession of the Indian country, and before the Indians had removed, or even before any large portion of them had manifested any disposition to remove. Whatever may have been done at a subsequent period, I say that at the time the white population was invited to enter upon the Indian territory, there was no disposition manifested by the tribe generally to emigrate.

Mr. CASS. Will the honorable Senator permit me to ask him who invited the whites there?

Mr. BELL. I say that the Government of the United States, in the provisions of the treaty, and in the subsequent acts of the Administration in execution of the treaty, invited white settlers into the country. The fifth article of the treaty provides, that all intruders shall be inhibited until the country was surveyed, and until the reservations stipulated for the heads of families should be selected, and that as soon as the country was surveyed, and the reservations were selected, the stipulation against intruders should not apply to the remainder of the country; but that it should then be open to the white population. Thus, by the express terms of the treaty, white settlers were invited to go and occupy the country.

Now, does the honorable Senator know what portion of this country was not claimed as necessary for Indian reservations? Three fifths of the whole of the territory ceded remained, after every head of an Indian family belonging to the tribe had taken his reservation. There were about five millions of acres in the territory altogether. There were about twenty-three thousand Indians, or twenty-one thousand exclusive of blacks. There were upwards of six thousand reservations to be selected, according to the terms of the treaty, which consumed upwards of two millions of acres, or about two fifths of the whole. But that is not the only material view to be taken of that part of the question. These reservations were not confined to any particular district. These two millions of acres selected and set apart for the heads of the Indian families, were distributed in detached parcels over the whole territory ceded. A population from Georgia, Alabama, Tennessee, and the Carolinas, flowed in by thousands; and from the statements I have seen, it appears that this influx of white settlers commenced as soon as the treaty was made.

In further reply to the question of the honorable Senator from Michigan, as to who invited the white settlers to go into this territory, I state, that in 1834, and more than two years before these difficulties commenced, the Administration advertised the three millions of acres ceded by the treaty of 1832, not taken up by reservations, for sale at public auction, and which, by the terms of the treaty, white settlers were at liberty to go in and occupy. The facts are abundant to prove that the whole country was swarming with white settlers, even before that time.

It is important to remember, that these settlers, who came and purchased these three millions, were dispersed over the whole country, mingling with the reservations taken by the Indians. An Indian family might thus be surrounded by two or three white settlers, who purchased under the Government sale. The proportion was two Indians to three whites. There was no demarcation—no discriminations between Indian settlements and white settlements, except the lines which marked out the separate reservations of the Indians. They were thrown in together, pell-mell, without any discrimination as to district or section of country. It is upon this ground, mainly, that I base this amendment. It is upon the ground, that the Government, by the provisions of that treaty, and the manner in which it executed them, led naturally, and by necessary consequence, to these depredations. Now, I contend that the Government has no right to say that there has been war—it has no right to say that there has been a public war, and that its citizens have no right to come forward and claim indemnity for their property lost by the ravages of that war. If it be war, who produced it? That is the gist of the controversy between the honorable Senator from Michigan and myself, at last. Who produced that war? Who laid the foundation for it? Who were those, who, when forewarned of the consequences, folded their arms, indifferent to the calls for military protection, and for supplies of provisions necessary to subsist the Indians, and relieve them from the temptation to commit depredations upon the property of the whites?

Sir, I do not intend to pursue this argument further than I did the other day, and I did not wish to press it then, but for the earnest opposition of the honorable Senator from Michigan. But I must say to the honorable Senator, as a component part of the Administration which had charge of the subject, that he stood by and saw the clouds gathering which he was admonished would soon break forth into a storm, and yet he sent neither supplies for the subsistence of the starving Indians, nor troops to protect the whites against their depredations. That is the distinct allegation which I make. If there was war, I say the Government provoked it in the first instance. I say that when the evidence of rising discontent was furnished to the Government in abundance, not only in general terms, but in detail, it disregarded the signs of approaching hostilities until they actually commenced; and, now, it is said that there was a war, and the Senator from Michigan maintains that there is no principle upon which these people can claim indemnity because there was a war. I repeat, that if there was war, it was produced by the action of the Government. The citizens of the United States were invited by your policy—by the provisions of the treaty itself—by the sales of the lands not reserved by the treaty—to settle the country ceded by that treaty while the Indians continued to occupy it. The natural inference from that invitation was, that the Government would take the proper steps to protect them against the depredations of the Indians, and not having done so, the Government must indemnify the sufferers.

The Senator said the other day that he would demonstrate that I was entirely mistaken in the statement, that the policy adopted by the Government in the treaty of 1832 with the Creeks, was new. This is a matter not of any great consequence to the argument itself. It is not of much consequence to put myself right, or to put the honorable Senator in the wrong; but it is of consequence to the investigation of this claim, that I should state whether he or myself is really in error as to the grounds upon which it rests. My argument was, not that this was the first instance in which the Government had resorted to reservations as a means of inducing Indians to cede a portion of their territory to the United States. I have made no such statement; for the practice of making such reservations was common for a long time, and had become a very vicious one, as the honorable Senator well knows. It is a practice which has now been abandoned altogether, or to a very great extent. I did say that this was the first instance in the execution of the policy of the removal of tribes of Indians situated in any of the States of the Union, in which, instead of obtaining from them a stipulation to remove within a given time—in which, instead of insisting in an article of the treaty that they should remove, the Government had resorted to the means of admitting the white population to flow in upon them with a view of driving the Indians away. That was my argument. And I went on with some general statements with regard to the manner in which the white population had spread themselves over the whole country, without any distinct limits as to territory or district. My statement was, that in no treaty that had ever been made by the Government of the United States with the Indians, embracing a cession of their whole country, had the whites been permitted to settle among the Indians prior to removal. I do not mean to say that white men were never permitted, to any extent, to go in and settle among the Indians; but I say that this was the first instance in which the Government resorted to the expedient of introducing the white population as a means of expelling them by moral suasion, if you please, or by the necessities to which it would reduce them after they had disposed of their lands—after they had sold their reservations, to demonstrate to them, unlettered, unthinking, improvident savages, as most of them were, that their only safety for subsistence and comfort was to retreat west of the Mississippi river. The Government had exhausted all its argument in council upon that subject with the Indians, and they still said to the Government, "We will make no treaty which binds us to go west." The Government said, "We must have a 'treaty with you, and you must cede your coun-'try. The State of Alabama will extend her laws 'over you, and there will be a collision between 'that State and your Great Father. We must have 'some treaty with you. We will give each head 'of a family among you three hundred and twenty 'acres of land, provided you cede to us the whole 'of your country; but we will not require you to 'remove unless you choose to do so." The Indians agreed to this. They inquired again and again, "Will we be forced to remove?" The honorable Senator himself says he wrote to them that they should be as free to stay as to go. The novelty of this policy of the Government was resorting to the influx of white settlers as a means of opening to the eyes of the Indians the necessity of their removal. The Indians protested when the treaty was made, that they would not remove, and would not make any stipulation requiring them to remove. The honorable Senator from Michigan, who was required to place his signature to the treaty, stated they should not be required to remove. The honorable Senator will not deny that one of the stipulations of the treaty was, that the Indians should not be coerced to remove, and he told them afterwards that they were as free to remain as to go.

I recur to the issue made with me by the Senator in regard to this policy. The honorable Senator says I am mistaken in regard to the policy of admitting the whites among the Indians. He says that the policy had been resorted to before, and he referred to the treaty of 1817 with the Cherokees, in which the same policy was pursued by the Government. Now, was the honorable Senator quite candid when he laid down the position thus broadly? Was it candid to say that the policy adopted in regard to the Cherokee nation in the treaty of 1817 was at all similar to this case? Although there were a number of reservations made, as to the Cherokees, can he say that it was an analogous case to the treaty of 1832 with the Creek nation of Indians? I ask him again, does he think it was candid to refer to this case? Does he suppose the cases are at all parallel?

In the first place, in the Creek treaty, the whole country was ceded, and every head of a Creek family was permitted to take a reservation of three hundred and twenty acres of land, and, moreover, provision was made for the sale of the lands not taken up by reservations as fast as they could be

surveyed and the reservation selected. The Indians were also authorized to sell their reservations. Agents were to be appointed to certify to the fairness and correctness of those sales. In the same treaty the Creeks were notified that they were not required to remove. Now, look at the treaty of 1817. During the short period, since my attention has been called to it, I have not had time to examine all the details of the treaty, and to state what proportion of the Cherokee country was ceded by the treaty of 1817. I had hoped that the honorable Senators from Georgia would have recollected what portion of the Cherokee territory was ceded. We know that the great contest between the United States and Georgia on the subject of the removal of the Indians from the limits of that State, commenced before this time, but the treaty of 1835 was the final result of that struggle, in which treaty very large and liberal terms were agreed to in order to comply with the guarantee of the Government to extinguish the Indian title to all the country claimed by them within the limits of Georgia. By the treaty of 1817, but a small portion of the Indian territory was ceded. It was scarcely touched by that treaty, or by the treaty of 1819, which was made afterwards by Mr. Calhoun. The great body of the territory still remained free for the occupation of the Cherokee nation, and the United States bound themselves to prevent the settling of white men among the Indians in all the territory not ceded, without their consent.

The treaty of 1817, in another aspect of it, has no resemblance to the principles or policy of the treaty of 1832. The treaty of 1817, so far as reservations were allowed to the Cherokee Indians, was founded upon the ground of the advanced civilization of a number of Cherokee families, and they were allowed to take reservations upon the express condition that they should become citizens of the State in which the territory lay, and be subject, in all respects, to the jurisdiction and the laws of the State; and they were believed, at the time, to be such as were qualified to become citizens of the United States. We know that there were portions of the Cherokee Indians who were very far advanced in civilization. Provision was made, that if they did leave the lands after they had occupied them, the lands should revert to the United States. Instead of imposing restrictions upon them, calculated to induce them to remove, they forfeited their lands by the treaty of 1817 if they did remove. This shows that there was an entire difference in the policy of the two treaties. I wish merely to read that clause of the treaty of 1817 with the Cherokees with regard to reservations. It is as follows:

"Art. 8. And to each and every head of an Indian family, on the east side of the Mississippi river, on the lands that are now, or may hereafter be, surrendered to the United States, *who may wish to become citizens of the United States*, the United States do agree to give a reservation of six hundred and forty acres of land," * * * "in which they shall have a life estate, with a reversion in fee-simple to the widow her dower." * * * "*Provided*, That if any of the heads of families, for whom reservations may be made, should remove therefrom, then, and in that case, *the right to revert to the United States*."

So, then, these reservations were for the benefit of heads of families, who, it was supposed, were qualified to become citizens of the United States; and there was a penalty of forfeiture of their lands attached to their removal. But the main difference in the features of the two treaties is, that there were only fractions, or portions of the Cherokee territory ceded by the treaty of 1817; whereas, by the treaty of 1832, the whole territory claimed by the Creek Indians was ceded.

Now, a few words with regard to another treaty, referred to by the honorable Senator. The Choctaw treaty was referred to as the establishment of a similar policy. By the 14th article of that treaty it was provided that—

"Each head of a Choctaw family, being desirous to remain and become a citizen of the United States, shall be permitted to do so, by signifying his intention to the agent within six months from the confirmation of the treaty; and he or she shall thereupon be entitled to a reservation of one section." * * * "If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant, in fee-simple, shall issue."

And, in the 18th article of the same treaty, are the following stipulations:

"The United States shall cause the lands to be surveyed, and surveyors shall enter the Choctaw country for that purpose, conducting themselves properly and disturbing or interrupting none of the Choctaw people. But no person is to be permitted to settle within the nation, or the lands to be sold *before the Choctaws remove*."

This treaty was entered into in 1830, just two years before the treaty with the Creek nation. The Choctaw treaty was for the cession of the entire country held by them. There were reservations allowed to the Choctaws to a considerable extent, as we have seen; but those taking reservations were to become citizens of the States, if they chose, by the very terms of the treaty, while the great body of the nation expressed their determination to remove, and stipulated to do so; but they still required the Government of the United States to prohibit the intrusion of white men until their removal was effected.

And again, there is the treaty with the Chickasaw Indians, made in the same year in which the treaty was made with the Creek nation of Indians. By the treaty of 1832, entered into with the Chickasaws, their whole country was ceded to the United States, to be sold for the benefit of the Indians—the proceeds of the same to be paid over to them after deducting costs of survey and sale; nevertheless in this treaty we find the following article:

"Art. 15. The Chickasaws request that no persons be permitted to move in and settle on their country before the land is sold. It is therefore agreed, that no person whatsoever, who is not a Chickasaw, or connected with the Chickasaws by marriage, shall be permitted to come into the country and settle on any part of the ceded lands until they shall be offered for sale, and then there shall not be any person permitted to settle on any part of the land which has not been sold at the time of such settlement."

Thus the Chickasaws stipulated that until their lands were sold, they were not to be intruded upon. There is this further difference between the treaty with the Chickasaws and Choctaws, and the one with the Creeks: Both the Choctaws and the Chickasaws, or the great body of these tribes, expressed their disposition to remove west of the Mississippi, and so stipulated in the treaties made with them. But the Creeks refused to make a treaty with the Government of the United States on any such terms. I refer to this in order to show distinctly the nature of the evidence on which my declaration was based, that this treaty was a novel experiment—there being nothing like it, before or since.

By the first article of the treaty of 1832, the Creek tribe of Indians cede all their lands east of the Mississippi to the United States. In the fifth article is this further stipulation:

"All intruders upon the country hereby ceded, shall be removed therefrom in the same manner as intruders are removed by law from other public lands, *until the country is surveyed and the selections* (of reservations) *made*. After the country is surveyed and the selections made, *this article shall not operate on that part of it not included in such selections*."

The third article of the treaty provides, that the reservations made by the heads of families may be sold by them "to any other persons for a fair consideration, in such manner as the President may direct;" and that "the contract shall be certified by some person appointed by the President for that purpose."

The twelfth article is in these words:

"The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there; and for this purpose it is agreed, that as fast as the Creeks are prepared to emigrate, they shall be removed at the expense of the United States: *Provided*, however, *that this article shall not be construed so as to compel the Creek Indians to emigrate, but they shall be free to go or stay, as they please*."

Now, I say that this was a policy which was novel. It was an improvident policy. I say it was most unwise, and that a gentleman of as large experience in Indian affairs as the honorable Senator from Michigan, and of the then President of the United States, ought to have foreseen that the state of things likely to arise under such a treaty would lead to hostilities between the whites and the Indians. Knowing, as they did, the Indian aversion to removal, except upon compulsion; the instinctive and natural clinging to the bones and graves of their forefathers—sometimes even voluntarily sacrificing life before they will be removed—these difficulties, it seems to me, should have been foreseen.

The honorable Senator has referred to the signers of this treaty. He says that the President of this body, then a Senator from Alabama, was one of its witnesses. He speaks of its having been approved by Mr. Frelinghuysen, formerly a Senator from New Jersey. He alluded to a former distinguished Senator from Tennessee, the late Judge White, as having been present at it. Now, I do not see Judge White named as one of the witnesses.

Mr. CASS. I did not say he was one of the witnesses; but he was present.

Mr. BELL. I have not been able to find his name among the list.

Mr. CASS. He was present when the treaty was negotiated; but he declined to sign his name, because, as a Senator, he thought it would be hardly proper for him to do so.

Mr. BELL. I can readily perceive how these gentlemen might suppose it possible to avoid collisions between the white settlers and the Indians, even with the novel provisions of the treaty. In the first place, they would conclude that after the Indians sold their reservations and consumed the proceeds of the sales, before the Government would permit them to be brought to a condition of starvation, which would drive them to hostilities with the whites, it would have been in its power to give them temporary relief. Then, if it should be the policy of the Government to use starvation as a means of coercing the removal of these Indians, those gentlemen may have calculated that the Executive of the United States, in conformity with the practice and policy of the Government in such cases, when sufficiently warned, would station a sufficient military force to repress the hostility of the Indians and protect the lives and property of the white settlers. I can see all that; and I suppose the honorable Senator from Michigan may have made the same calculations. But the fact is, that neither subsistence was provided for the starving Indians, nor a military force provided to repress depredations.

Now, how does the honorable Senator avoid the force of that argument? He says that it was neither starvation nor the want of military force that led to these depredations; but that they arose mainly on account of the gross frauds upon the Indians by the whites in the purchase of their reservations. Let us see the force of that argument, and whether the honorable Senator can take anything to himself upon that ground.

The treaty provided that the contracts for the sale of the reservations should be certified by agents appointed by the Government. It is alleged that the gross frauds perpetrated in the transfer of those reservations was one principal cause of the depredations committed. Will the honorable Senator say that the Government or the Administration of that day is exempt from all responsibility to public sentiment, and to the individuals who lost their property, on the ground of the default of their own agents? The agents divided the country into three parts, and one of them, named McHenry, had the hardihood afterwards to report to the Government that nineteen twentieths of the reservations certified by him were fraudulent; and yet the honorable Senator says the Administration was not responsible. Why not, sir? The proof is, that this agent must either have been wholly incompetent or dishonest. The latter, I believe, is not affirmed of him; but that he was wholly incompetent for the duties he undertook to perform, no man in Georgia or Alabama, or anywhere else, denies. Who was he? He was taken, as far as I could perceive at the time, on account of his being a warm partisan in some county in the north of Alabama, and the job of certifying the contracts for the sale of the reservations by the Indians, was given to him; and with no associates, because it seems those agents were at liberty to take separate districts and certify separately. This man, with no known competency for such a business, not known to the country as a man of business, was appointed by the Administration, and it was in his district principally that the grossest frauds were perpetrated; nineteen twentieths of all the sales he certified being admitted to be fraudulent. And yet the honorable Senator persists in his argument that the Government is not responsible. Remember that I am answering the argument that the Indians were driven to commit the depredations mainly by these frauds; and the Senator says the Government was not responsible for the

consequences which ensued. But I will leave the subject of the responsibility of the Government for the incompetency of its agents without further remark.

A word now with regard to another point. By the terms of the treaty no white man, except those who had gone already and put their crops upon portions of the Indian Territory, were authorized to enter the country until the lands were surveyed and the selections made for the Indians. That is the stipulation of the treaty. What are the facts? Even anterior to the ratification of the treaty in 1832 the white population went in by hundreds and thousands. The surveys were not completed until 1834, two years afterwards, and in the mean time the country was pretty well filled up with white settlers. This was in violation of the express terms of the treaty; and yet the honorable Senator says the Government is not responsible, is not liable, for the payment of these depredations, because it was faultless in bringing on the hostilities complained of. He says that they arose from circumstances beyond the control of the Government, and did not grow naturally and necessarily out of its policy. Will the honorable Senator, when he comes to reply to what I say on this point, answer me—was there no default in the Government in permitting white men to settle in the country prior to 1834, when the surveys were completed? The depredations did not commence until about two years after the lands were put up for sale in 1834, and the whole country was then overrun with white people. They did not commence until May, 1836; but still the difficulties and discontent were brewing all the time.

In further answer to the argument of the honorable Senator, that the Government is not responsible for the consequences which grew out of this treaty, I beg leave to detain the Senate for a few moments in referring to the testimony to show either the negligence of the Government, or its indifference to any consequences. I shall give it as it presents itself in historical order, without taking up one point at a time. With regard to the matter of furnishing subsistence or supplies to the Indians, the honorable Senator, as I understand him to-day, does not reaffirm that the Government undertook to supply them, but attempts to evade the force of the argument on the side of the claimants, by involving us in the mist of a general discussion as to the policy of subsisting the Indians on the frontier generally. He said that it was a false policy to furnish them with supplies, and so support them in idleness and dissipation; and it has even been questioned whether the annuity system is not a false policy on the same ground. Sir, that is not an answer to my argument. My argument was, that there were symptoms of approaching Indian depredations on the whites; and that the Government was forewarned of them, and notified that it was necessary to furnish means of subsistence, or the Indians would be driven by starvation to commit depredations upon the property of the whites. In answer to that, I repeat, that the honorable Senator goes off into a philosophic investigation of the policy of attempting to supply the Indians upon the frontier generally, and says that it is a false policy, that it is prejudicial to the Indians. My argument was, that here was a case pressing for the decision of the Government; that hostilities were threatened, and that the Government was appealed to to avert them by sending some supplies to the starving Indians, or to provide a competent military force to restrain them; and that they did neither. I shall refer to the testimony showing that the Government was forewarned of the danger of Indian hostilities.

I read from Lieutenant McCrabb's letter to the Adjutant General of the Army, (General Jones,) from Fort Mitchell, Alabama, dated April 4, 1836:

"I have the honor to inform you that I have this minute received an *express*, which states that the Cowiga and several adjoining tribes of Indians, have assembled, under arms, some fifteen or twenty miles below here, and are committing depredations upon the property of the whites of a most serious nature. Had we a force here sufficient to march to the scene of depredations and severely punish the leaders, much mischief might thereby be prevented. But our numbers are too few to hazard such an expedition."

The same officer writes thus to the Adjutant General on the 4th of May, 1836:

"The Lower Creek Indians have of late evinced a very restless disposition; they are *in a state of starvation*, and are daily depredating on the property of the inhabitants, oftentimes in the most open and daring manner, bidding defiance to the owners."

Captain Page, of the United States Army, wrote to Governor Clay, of Alabama, on the 5th of April, 1836, whose letter the Governor transmitted to the Secretary of War. The Captain makes this statement in his letter:

"I think troops (say five companies) are absolutely necessary for the protection of this part of the State." * * "No longer than two days ago, the Indians collected (about three or four hundred) in a swamp, with their rifles, and commenced firing them off. It was done, of course, to frighten off the families, and they accomplished their object." * * * "The Indians called the Lower Creeks, are cross and hostile, and are well disposed to make trouble, and are pilfering every day." * * * "*There is not an Indian in this section of the nation but what has sold his land.*" * * * "I shall concur with you, and write to the War Department on the necessity of troops to keep the Indians from committing so many depredations."

Mr. CASS. Who says that?

Mr. BELL. Captain Page.

Mr. CASS. He is mistaken; there were nearly one thousand reservations not needed when the war broke out.

Mr. BELL. There were six thousand reservations and upwards.

Mr. CASS. There were nine hundred and fifty-six not sold when the war broke out.

Mr. BELL. He is speaking of the lower towns only. The Senator must see that there is no way of avoiding the conclusion. He must come to the conclusion, that the people fell victims to the indifference, or impolicy of the Government, in attempting to coerce the removal of the Indians by starvation, and not sending supplies or a military force, when forewarned of the consequences.

As early as the 22d March, 1836, Governor Clay wrote to the Secretary of War, inclosing several communications from respectable sources, expressing apprehensions of Indian hostilities. In this letter to the Secretary, the Governor thus expresses his own views:

"From these documents, it is hoped you will perceive the *expediency*, if not the *necessity*, of calling out such force of mounted militia as will give safety as well as tranquillity to all who are amongst or on the borders of the Creeks and Cherokees." * * * "Let me at least most earnestly entreat you to take such steps, or *give me such* authority as will at least protect the lives of my fellow-citizens."

On the 15th April, 1836, Governor Clay again wrote to the Secretary of War, stating that he had received no reply to his communication of the 22d March, and reiterating his request that such a military force might be called into service as would be sufficient to insure safety and tranquillity to the citizens.

On the 13th of May, 1836, the discontent of the Lower Creeks broke out in open hostilities against the whites, and there was still no military force in the country to repress them.

The next to which I shall refer is a communication from the Secretary of War (Mr. CASS) to Governor Clay, of March 12, 1836. I beg leave to interpose one remark here. I stated the other day, that the action of the Government was founded upon the policy of compelling the Indians to remove by the dread of starvation. The Secretary thus writes to Governor Clay:

"A state of things may certainly arise, calling for the most decisive measures. Should the Indians actually commence or clearly meditate hostilities, or should they delay their removal, and thus become more depraved in their habits, *and so reduced, as there is reason* to apprehend they will be, that they must subsist by plundering the inhabitants, the law of necessity will *certainly justify their transfer to the country provided for them west of the Mississippi.*"

Who is it that speaks in this language, and employs this reasoning? The honorable Senator from Michigan himself.

On the 12th May, 1836, Governor Schley, of Georgia, in writing to the Secretary of War, makes this statement:

"The Creeks are in a starving condition, and must be fed where they now are, or they must be killed, or driven out of the country."

What is the point of this communication? It is not that you should expel the Indians from the territory by force. That was contrary to the terms of the treaty. It is not that you should send a military force there to put them in chains. You have a more lenient, charitable, generous policy open to you. What is that? Subsistence, temporarily at least. If you do not furnish that, the Indians will depredate; they will subsist upon the property of the whites, and then there will be no other remedy for Georgia and Alabama but to drive them out by force, or to kill and exterminate them. There are many other communications to which I might refer to show that the Indians were becoming desperate from starvation, but I will not consume the time of the Senate by reading them all. It is material, however, that I should refer briefly to the reports of Commissioners Crawford and Balch, who were sent to inquire into the causes of the Creek hostilities.

Mr. Crawford, in his report, concurs in the opinion that hostilities were occasioned in part by the destitute condition of many of the Indians. Mr. Balch lays great stress upon that, as one of the leading causes of the disturbances; while both Governor Schley and Governor Clay, in their letters to the Commissioners, express the opinion that this was the principal cause of the outbreak.

I have made these references to the testimony to be found in the public documents to make good my statement—a statement which meets no denial in the history of the transactions—that not only was this treaty improvident in its commencement, but that a new policy was adopted—the policy of permitting an influx of white settlers into an Indian country, where there were twenty-odd thousand people, a large portion of whom were mere savages, whatever may have been the exceptions in individual families—the policy of admitting the whites to settle promiscuously with the Indians, with a view to coerce the removal of the latter by the necessities of their condition, when they should find they must either starve or go westward. I stated further, that the Government is responsible not only to the claimants, in not having foreseen the natural consequences of the policy in the first place, but still more deeply responsible for having persisted in the non-intervention policy; for persist in it they did up to the very moment of the commencement of hostilities. Not only does the report of Commissioner Balch show that it was the policy of the Government not to subsist the Indians; but both the Governors of Georgia and Alabama, and the officers in command of the garrison at Fort Mitchell, where there were a few troops, perhaps half a company, or a company, for anything I know, all concurred in the opinion that the Indians were desperate, and if something was not done, they must either be subsisted or restrained by a military force, or they would drive the white settlers out of the country, or murder them and destroy their property; yet the honorable Senator says the Government is not responsible.

Now, Mr. President, I do not care to pursue the argument any further, in reply to the honorable Senator from Michigan, except with regard to a large portion of these claims. I wish to read some testimony to which I did not advert before. I have not been prepared to go into every question that might be presented in the discussion of this claim. I had a right to suppose that there would be no earnest opposition to the claim, particularly from the Senator from Michigan.

Mr. CASS. I have not said a word about it.

Mr. BELL. But the honorable Senator opposes the claim. He voted about two years ago—either in 1850 or 1851—for a bill extending the principle of the intercourse law over the States of Alabama and Georgia, from the date of the commencement of the Creek hostilities in 1836; and so I believe did every gentleman of large experience in Indian affairs, now in the Senate. Such at that time was the force of the argument when these parties came forward claiming indemnity. I had, therefore, no right to anticipate that the honorable Senator would enter into any earnest opposition to the grounds on which the claim was brought forward. But I wish to present some other facts connected with that portion of the claim which seeks indemnity for property taken by the United States troops. When you come to investigate the proofs before the public in the printed documents, you will find that a larger proportion of the claims than I stated the other day, is founded upon depredations committed by the friendly Indians in the service of the United States, or for property taken to subsist them. It will be found that from thirteen hundred to fifteen hundred friendly Indian warriors were engaged by the United States, in assisting to suppress the depredations of the hostile Creeks.

Mr. CLEMENS. Two thousand.

Mr. BELL. The honorable Senator from Alabama advises me that there were two thousand. Colonel Hogan, who was acting adjutant and inspector general of the Alabama militia, organized a force, under the orders of General Jesup and Governor Clay, consisting, as he states, of between thirteen and fifteen hundred friendly Creek warriors. This force, he states, he was directed by General Jesup to subsist upon such cattle and corn as he could find. He further states, that from his camp at Big Spring, in the Euchee district, he sent out foraging parties, and scoured the whole country to the distance of eight or ten miles, each way, and ordered up all the cattle that could be found in the woods. No marks or brands were taken notice of. In fact, he says, no such thing could be done. He believed that not less than five hundred head of cattle were destroyed at that encampment. He could not discrimate the cattle of the white settlers, nor could he say that some did not belong to the Indians; but the Indians in Euchee district were especially destitute of property—the poorest, perhaps, in the whole Creek country. He thence inferred that the greater part of that property belonged to the white settlers. Colonel Hogan states, moreover, that an immense number of cattle were destroyed beyond what were required to subsist the whole army. To prevent a general destruction of cattle was impossible. As soon as the troops and friendly Creeks arrived in the country they commenced shooting down the cattle wherever they found them. Colonel Hogan, or some other person in authority, also states that other property besides cattle, of great amount, was destroyed, such as household furniture. Mules and horses, abandoned by the white settlers in flying for their lives, were driven off by the friendly Creeks in great numbers. It is stated by the same authority, that the friendly Creeks loaded their ponies with property plundered from the houses of the flying inhabitants.

And, Mr. President, that is not all. These friendly Indians, who enlisted in the service of the United States, as stated upon the authority of Colonel Hogan, amounted to about fifteen hundred. The Senator from Alabama says that number was increased to two thousand.

Mr. CLEMENS. There were five hundred under General Howard.

Mr. BELL. Very well; that makes the whole number two thousand. But the material point is, that General Jesup promised them in advance the privilege of taking all the property they could find in the country belonging to the hostile Indians, and as the white settlers had fled, the consequence was, that no discrimination was made between the property of the whites and that of the Indians. Let gentlemen reflect on the amount of plunder which fifteen hundred Indians in one body, and five hundred in another, could destroy or carry off.

Mr. CASS. Will the Senator allow me to ask, did General Jesup allow the Indians to take the property of the white people?

Mr. BELL. He did not, in terms, but in effect he did; because, under the circumstances, it became impossible to discriminate what belonged to the whites, or what to the hostile Indians. They were to live on what they could find.

Mr. CASS. Who were to live?

Mr. BELL. The friendly Indians.

Mr. CASS. The Senator will find in the report, that the damages, from the friendly Indians are assessed at $6,000.

Mr. BELL. Will the Senator read the report upon that point?

Mr. CASS. I will give it directly, before the Senator has concluded his remarks.

Mr. BELL. What I said was, that these fifteen hundred Indians in one body—and, I presume, the other five hundred under General Howard had the same general authority—they were free to plunder the hostile Creeks and bear off their booty, and the result was indiscriminate plunder. The Senator from Michigan is mistaken in saying that only $6,000 worth of property was taken by the Indians.

Mr. CASS. I said taken by the friendly Indians.

Mr. BELL. I do not understand the point.

Mr. CASS. The amount of damages assessed by the commissioners is about $6,000.

Mr. BELL. I do not remember any statement of the kind.

Mr. CASS. There is a statement; but I do not say how much it is precisely.

Mr. BELL. What I say, Mr. President, is on the authority of the officer in command—not General Jesup, for he was sick at the time; and that officer says that there could not have been less than five hundred cattle destroyed at one camp, near the Euchee swamp. I have heard it said by those who I should suppose were likely to know, that the country seemed to be strewn with the carcases of the slain animals for miles in extent. The Indians shot them down, often just in the same way as they would shoot the buffaloes on the prairies of the far West.

I understand from the purport of all the communications made to the Government by gentlemen conversant with that transaction, that this army of fifteen hundred Indians, or if not they, the force under General Howard, moved some twenty or thirty miles below Euchee swamp, and there committed similar destruction of property. The honorable Senator from Georgia, [Mr. DAWSON,] I believe, is perfectly conversant with these matters. And when these claimants came to prove up their losses before the commissioners, how was it possible to determine whether their cattle and other property were taken or destroyed by the friendly Indians under the command of General Jesup, or by the hostile Indians? There could be no safe and certain method of discrimination. All this, the settlers proved satisfactorily; and even after that, the actual losses proved were reduced by thirty-three and a third per cent., on the supposition that the value of the property was exaggerated.

And what difference does it make at last whether this destruction of property was effected by friendly Indians or by the hostile Indians? It all grew out of the policy of the Government in allowing the whites to settle in the country, and the Indians to sell their reservations, thus leaving themselves without a foot of ground to stand upon, and the Government still telling them, "You are free to go or to stay, as you please."

When the Government was warned from every source that could be relied upon that the Indians were discontented; that they were in a starving condition; that hostilities must be the consequence; that depredations would be committed, and even after there had been depredations to some extent, still the Government said, "We see no reason to send a military force into the country, and it is not the policy of the Government to subsist the Indians."

Now, what is the conclusion from all these facts? The argument of the Senator from Michigan [Mr. CASS] is, that hostilities were caused by the fraudulent transfer of Indian titles. Admitted. But I say that the Government was in fault in every point of view—not only in the general provisions of the Indian treaty, but in the manner in which they were executed—in failing to send supplies to the Indians, or to send a military force to keep them in subjection, although forewarned that they were starving, and would be driven to commit depredations. The Government did not move until the depredations actually commenced. Even when warned that the Indians were already committing depredations, and that a military force was necessary to protect the citizens and secure tranquillity, the Government refused to act. The Senator from Michigan says, how is all this possible, when the amount of the depredations proved to have been committed before the general outbreak commenced, was only $370? Why, what were the premonitory symptoms of an outbreak given by the officers of the Government, State and National? They did not state that a depredation or a murder was committed every day, but they warned the Government that the Indians were in a condition which must soon lead to general disturbance and aggression. They had, in reality, no country; their reservations had been sold; they had not a foot of land to cultivate; the whites occupied their country, and if they were not subsisted, there was no alternative; "you must either kill, exterminate them, or they would drive the white population out of the country." And in reply to these representations, the Government folded its arms! And the Senator from Michigan still says this was a matter of astonishment, as depredations were only committed to the amount of $370 before the outbreak; but they amounted to $350,000 in a very short space of time after. And now the Senator says it is impossible, on any safe principles, to indemnify the claimants for these losses; that it would exhaust the resources of any Government to indemnify its citizens for the losses inflicted by a public enemy. He says it was a war! I say it was not such a war as excludes indemnity. What is a public war? It is hostility authorized by the sovereign. But the sovereign is not responsible, and is not necessarily considered as giving his consent to a war, because a portion of his subjects have become refractory, and make incursions into a neighboring territory, or upon a neighboring people. That may lead to a war, but it is not war in the sense to which the Senator's principles apply Thus, there was no public authority in the Creek tribe that commenced war; for the majority—nearly three fourths of the nation—continued friendly, as did their chiefs. In the lower towns alone they became refractory and hostile. But it is preposterous to apply the principles of civilized warfare to savage tribes. The Senator says this demand for indemnity is a most extraordinary case; but I say the rules which guide civilized nations cannot apply in this case, and every case must depend on its own circumstances. I say the treaty was improvidently conceived in the first instance, and was carried out with a view to enforce a certain result, the removal of the Indians west. Before that result was attained, the Government was admonished that there would be hostilities, and nevertheless it stood still. When the seeds of dissension ripened, when the flame arose, when the conflagration spread, then the Government exclaims, this is war! If it was war, it grew out of the conduct of the Government, and the Government is responsible.

Mr. CASS. The Senator from Tennessee had two charges. The first was, that the Government did not, while the process of the Creek sales was going on, send a sufficient force to protect the Indians from the settlers. Then he comes with another, that the Government had not sufficient force, when there was a probability of war, and were improvident in allowing a war to break out. Now, as the Senator from North Carolina [Mr. MANGUM] has well said, it is a matter of history, and I am not going to vindicate it. Allow me, however, to say, upon that last subject, that as late as the 11th day of May, the Governor of Georgia knew nothing about the war. His first information was from Mr. Fontaine, the Mayor of Columbus, informing him that hostilities had commenced two days before. The force of Georgia on the frontiers had been diminished, under the impression that the people were safe, and that there would be no war. I may say, that from the commencement of the Government to the present time, if you had listened to every cry of an Indian war, you would have had to employ a force as large as that of Napoleon. There are powerful motives upon the frontiers to raise the alarm of Indian war, and while it is the duty of the Government to afford adequate protection, it is its duty also not to yield too readily to these demands for troops. If you do, you will equally exhaust your army and your treasury. The reports at first did justify the belief, that the Indians had determined on war.

Now allow me to say on the other subject, that the Government were required to protect the Indians from intrusion. And what did they do? They had a military force there, and they did protect the Indians as long as they could. And what did Governor Gayle tell them? He remonstrated against the employment of force. Every Senator acquainted with the transaction, knows that he said that the spectacle of keeping up a military force in Alabama, was one which could not be submitted to; was a thing which the people of the State would not suffer. He remonstrated against it, as having a tendency to bring the State authorities and the General Government into collision. There was a long letter by order of General Jackson, sent from the War Department, stating the grounds on which the President had ordered forces into the State of Alabama to protect the Indians against the intrusions of the settlers. That letter may be read

as an answer to the remarks of the honorable Senator from Tennessee.

Extract of a letter from Lewis Cass, Secretary of War, to his Excellency John Gayle, Governor of Alabama, dated War Department, October 22d, 1833:

"But your Excellency introduces another view, which it is proper I should examine. You say, 'But, sir, there is 'another view of this subject, which will expose, in a light 'still more glaring, the utter incompatibility of this treaty 'with the juri-dictive rights of the State of Alabama.' You then proceed: 'As before observed, the right of extending 'the laws over the country, from which the people are or-'dered to be expelled, is admitted to the fullest extent. 'This necessarily implies the right of employing the means 'that are indispensable to its exercise. What are those 'means? As enumerated in the constitution of the State, 'and the laws made in pursuance thereof, they are—that 'the State shall be laid off into counties and convenient cir-'cuits; that the circuit court shall be held in each county, 'at least twice in every year; that the counties shall be 'divided into small districts, in each of which there shall 'be appointed two justices of the peace and two constables; 'that there shall be in each circuit a judge of the circuit 'court, who shall reside in his circuity; that there shall be 'for each county a judge of the county court; that there 'shall be also in each county a sheriff, clerks of the circuit 'and county courts, a coroner, notaries public, commission-'ers of roads and revenue, &c.; and that there shall be 'summoned, previous to every circuit court, a competent 'number of grand and petit jurors, and a like number of 'petit jurors for the county courts. All these ministers of 'our laws are required to reside in the counties to which 'they belong. These are the ordinary means by which our 'State government is put in operation, and effect given to 'our laws. And yet the late instructions to the marshal 'absolutely prohibit the use of any of them.' The right of the State of Alabama to extend its jurisdiction over the district in question, is fully admitted. The President does not claim, on behalf of the United States, any right of jurisdiction, except such as is everywhere vested by the Constitution in the General Government. The ownership of the land, and the authority to legislate over it for the ordinary purposes of life, embrace powers entirely distinct in themselves, and which, in this case, must be exercised by different tribunals. The United States constitute a great landholder, possessing, under the Constitution, the right to 'make all needful rules and regulations concerning their territory and other property.' They have made a regulation, by which intruders upon their lands shall be removed, under the orders of the President, by a military force. In doing this, they do no more than an ordinary individual, who repels the forcible intruder who comes to take possession of his house and land. Such an individual, by the act of expulsion, exercises an authority acknowledged to be in him.

"But he exercises no act of jurisdiction. He performs none of those functions of supreme authority, included in the very term itself, and essential to the prerogative of dictating what the law shall be. In like manner, the United States, while removing the settler beyond the boundary of their possessions, assume no other control over him, and leave him to the ordinary operation of the State laws.

"It cannot be denied but that the removal of the settlers from the ceded country will be attended with much inconvenience, and I sincerely wish the necessity of the measure could be obviated. And so far as this can be done by a rigorous prosecution of the business of location, no means in the power of this Department will be spared to effect it; and its execution will leave the settlers in the same condition as all other persons are placed who occupy public land where there are no treaty stipulations requiring their eviction. But, while I acknowledge and lament this inconvenience, I cannot admit that the arguments derived from it can outweigh the positive requisitions of a solemn covenant under which the United States acquired, and by virtue of which they hold, the district in question; and which formed one of the principal inducements, operating upon the Indians, to make the cession."

"If I understand the views of your Excellency in the extract above quoted, they are these: that because the State of Alabama has the right to extend her jurisdiction over territory ceded by the Indians, her citizens have a right, as a necessary consequence, to take possession of and occupy it; for if they have no such right, then there is no 'unconstitutional interference in the local and internal affairs' of the citizens of Alabama.

"It is not necessary to inquire whether the Legislature of Alabama could, by an express act of legislation, authorize its citizens to occupy the public land. No such authority has been given, and, of course, all the right which these persons enjoy they derive from the operations of general principles.

"I have already stated that the ownership of the lands, and the exercise of jurisdiction, are distinct subjects, having no necessary, and, in this case, no actual connection. Instead of the United States, suppose an individual were the sole proprietor of the ceded country, would the fact of the extension of jurisdiction over it, or the laying off of counties, by establishing their boundaries, justify its forcible possession by lawless violence under the pretense that public convenience required it? It is no doubt convenient to have all the lands in the several States settled and cultivated.

"But this convenience must yield to these inaljenable and imprescriptible rights of property, everywhere acknowledged among civilized nations, and nowhere held more sacred than in our own country;—rights which lie at the foundation of civil society, and which cannot be violated without inflicting incurable wounds upon our institutions. I suppose it will not be contended, that the General Government is less secure in its rights than an individual; and, therefore, by presenting the claim of the latter, I am but to individuals and private companies, and some of these, alien and native, yet hold large tracts in that State. I imagine it has never been contended that one rule of administration shall be applied to them, and another to the citizens generally. The State of Alabama extends her jurisdiction over this territory.

"Do these persons then cease to be trespassers, and have they a right to remain, merely that they may participate in the exercise of this jurisdiction? Certainly it would have been easy, and would not now be impracticable, to attach this whole district to one or more of the original counties, where the public lands have been sold, and thus provide for the complete exercise of civil and criminal jurisdiction, without interfering with the property of the United States. This proceeding would no doubt be inconvenient, and I put it, not as a case to be desired, but as one which meets the extreme consequences, to which your Excellency alludes, in the discussion of this branch of the subject. It is very obvious, that if there were no settlers upon these lands, no person could claim the right to occupy them, in order that he might be appointed a judge, a justice of the peace, a constable, or any other officer recognized by the constitution of Alabama.

"It is equally obvious to me that, because he is appointed to such office, he does not derive, from the appointment, any right to hold the property of the United States or any individual, upon the allegation that he cannot otherwise execute the duties of his office.

"The obligations implied in these relations are essentially equal. One is voluntary and assumed, and may be declined by resignation or removal. The other is perpetual and indestructible.

"Your Excellency deprecates the employment of a military force in the removal of intruders, and you demand that the Government should 'put away the sword, which has been unnecessarily and too hastily drawn against this large and unoffending community.' It is, you remark, the appropriate arbiter in contests of ambition, but not in questions of constitutional right.

"Certainly questions of right, whether constitutional or otherwise, ought never to be decided by the sword; and the spirit of our countrymen, as well as the whole genius of our institutions, is opposed to its employment in all cases within the ordinary operation of the laws; and the military force now in Alabama, has no instructions to interfere with the authority of the State." * * * * * *

"In conclusion, I beg your Excellency to be assured, that it was with great reluctance the President felt himself called upon to enforce the provision of the act of March 3, 1807, in the State of Alabama. But the circumstances were such as to leave him no discretion, and they yet continue to demand his interposition. He can see no mode by which the instructions for removal can be suspended, but the mode pointed out by the treaty itself. As fast as the locations can be made, the country will be relieved from those stipulations which render this course indispensable; and every arrangement has been made for the execution of this duty as speedily as possible. In the mean time, let me hope that those persons, whose residence conflicts with the rights and safety of the Indians, will withdraw, and thus remove the existing difficulties. A very short time will enable them to return and purchase any tract at public sale, not granted to an Indian; and they would return with the consoling reflection, that the promises of their country have been performed, and that its plighted faith to the feeble band, which, in yielding all, had no security but that faith for its protection, has been preserved inviolate. But, however this may be, it is due to the importance of the subject, to say to your Excellency; that the course which the President has taken, has been imposed upon him by the Constitution, by a treaty, and by the laws, and that it will not be departed from, until the obligations created by these are faithfully fulfilled."

Now, allow me to say, that a contest between this Government and the authorities of the State of Alabama, was a calamity, which ought to be avoided by every possible and proper means. I do not say that this Government should give way in a question of duty finally; but I do say that it should execute its duty in the most delicate and forbearing manner, and avoid every contest, if possible. I know that that was the feeling of General Jackson, and it should be the feeling of every other patriotic man. And what was the consequence of all this? Sir, in the performance of this duty, a Mr. Owen was killed, which created an immense excitement in Alabama. Here is a copy of a letter written to Governor Gayle, on that subject:

WAR DEPARTMENT, *November* 5, 1833.

SIR: I have had the honor to receive your letter of the 25th ultimo, with its inclosures, and have submitted the same to the President.

On the 10th of August last, as soon as the report of the death of Mr. Owen reached this Department, a letter, a copy of which is inclosed, was written to the deputy marshal, informing him that 'instructions had been given to 'the military commanding officer to facilitate, by all the 'means in his power, any investigation which the civil au-'thority may consider it necessary to make into the transaction."

Directions were accordingly given to have the proper orders issued in conformity with this declaration, and I had supposed until to-day that this course had been taken; but it appears by the letter of Major McIntosh there has been some mistake in the transmission of the orders.

As soon as the President was informed there was any reason to fear that difficulties would arise in the service of judicial process issuing from the courts of Alabama against any individual of the detachment under Major McIntosh, he directed that orders should be given to that officer to submit at once to all legal process, and to afford every facility to its legal execution.

These orders were issued some days since, and I have the honor to inclose to you a copy of them.

I transmit, also, an extract from the instructions to Mr. Key, who has been employed to aid the district attorney of the southern district of Alabama, in the legal investigations growing out of this subject, by which you will see that the supremacy of the civil authority will be asserted and maintained, so far as depends upon the Executive.

These orders and instructions will be fully sufficient to insure the due submission of the troops now in Alabama to all legal process, and, I trust, will be satisfactory to your Excellency.

Having discharged this duty, you will permit me to remark, that I cannot but hope that the peculiar situation of that portion of the Army employed in removing the intruders from the public lands in the State of Alabama will be duly considered, and that useless prosecutions will not be instituted against them.

They are acting under the immediate orders of the Government, and while they keep within the sphere of their duty, it is to be hoped that public opinion will discountenance any attempt to harass them. So far as the circumstances can be collected from the papers transmitted, it would appear that no opposition had been made by the commanding officer to the service of the subpœnas issued to require the attendance of the soldiers. The civil officer was admitted within the fort, and permitted to search for the persons named.

Process for contempt was subsequently issued against the commanding officer, though for what cause does not appear.

The Executive has not the means, and if it had, has not the authority to inquire into the exercise of their jurisdiction by the courts of the State of Alabama.

But the circumstances attending the possession of the ceded country cannot escape the observation of your Excellency any more than of the President, and they certainly inculcate a lesson of forbearance which I hope will not be overlooked. Instructions have been given for the removal to the district court of Alabama, of all prosecutions instituted against the persons acting in this matter, under the authority of the United States, so far as the law contains provision for such removal.

And prosecutions have been ordered to be commenced against all persons found upon the ceded land, after the day fixed by the marshal for their removal.

Very respectfully, &c.,

LEWIS CASS.

His Excellency Governor J. GAYLE, *of Alabama.*

The War Department issued orders instantly to the district attorney and to the proper officers there, to submit to the judicial authority of the State. The following is an extract from that letter:

WAR DEPARTMENT, *October* 29, 1833.

SIR: It has been reported to this Department that indictments have been found, in one of the courts of the State of Alabama, against the officer, and some of the soldiers, who were present at the time Mr. Owen was killed; and it has been further represented that prosecutions will probably be instituted against all the officers and persons, civil and military, who may be concerned in carrying into effect the instructions of the Government for the removal of intruders from the public lands in Alabama.

The President, under these circumstances, feels it an act of justice to the persons who may be thus exposed to those prosecutions, to have every proper measure taken for their defense, at the expense of the United States. * * *

You will, in every case, apply for a writ of habeas corpus to the district judge of Alabama, and submit to him the question of the discharge of the prisoner, and such other proceedings as may appear to him to be in conformity with the law.

District Attorney United States of Alabama.

The commanding officer was ordered to open his fort, to let in the civil officers, to surrender the individual committing the murder, and to submit to the civil authority of the State of Alabama in all respects. Here is a letter from the Department of War to Major McIntosh, at that time commanding at Fort Mitchell, in which he says:

WAR DEPARTMENT, *October* 29, 1833.

Your letter of the 21st instant, to Major General Macomb, has been laid before me, and in answer, I have to inform you that you will interpose no obstacle to the service of legal process upon any officer or soldier under your command, whether issuing from the courts of the State of Alabama, or of the United States. On the contrary, you will give all necessary facilities to the execution of such process.

It is not the intention of the President that any part of the military force of the United States should be brought into collision with the civil authority. In all questions of jurisdiction, it is the duty of the former to submit to the latter, and no considerations must interfere with that duty. If, therefore, an officer of the State, or of the United States, come with legal process against yourself, or an officer or soldier of your garrison, you will freely admit him within your post, and allow him to execute his writ undisturbed.

Major MCINTOSH, *United States Army.*

What was the order given to the young officer who commanded the party which killed Mr. Owen? I will read it.

WAR DEPARTMENT, *October* 29, 1833.

SIR: I have received your letter of the 20th instant, and regret to learn that prosecutions have been instituted against you for any act done in the execution of the instructions for the removal of the intruders from the public lands in Alabama.

I have stated your request to the President, to be ordered to another post; but he does not consider such a measure proper.

It is far better that you should remain at your station,

thus that you should leave there with an indictment pending over you.

The district attorney of the southern district of Alabama has been directed to conduct your defense, and sue out a writ of *habeas corpus*, in order to carry the matter before the district judge, and then move for your discharge.

He has also been instructed to give you his advice and assistance in the whole proceeding. I have this day written to Major McIntosh, to whom I refer you for further information.

You will pay particular attention to what I have said to him on the subject of submitting to judicial process.

The President deems it the duty of the Government to take all legal measures for the defense and acquittal of any person who may be prosecuted for carrying these instructions into effect.

LEWIS CASS.

Brevet Second Lieutenant D. A. MANNING, U. S. A.

A letter to Major McIntosh declared that the Government would defend his acts; and the letter to the district attorney was of the same purport. Here is the letter to Major McIntosh:

WAR DEPARTMENT, *November* 23, 1833.

SIR: In consequence of a suggestion made by Mr. Key, I am instructed by the President to inform you that he considers the United States responsible, in good faith, for all the pecuniary responsibilities to which you may necessarily become liable, in the proper execution of the orders requiring you to aid the marshal with the military force under your command, in the removal of the intruders from the Creek lands in Alabama.

Very respectfully, &c., LEWIS CASS.

Major J. S. MCINTOSH, *United States Army, Alabama.*

Now, to show how forbearing the Government was to the settlers, allow me to read a letter addressed to you, Mr. President, and to the other members of the Alabama delegation, to show that the Government did no more than it was obliged to do, and that what it did, was in the true spirit of conciliation:

WAR DEPARTMENT, *December* 8, 1832.

GENTLEMEN: In answer to your letter of the 6th instant, I have the honor to inform you, that in the execution of the stipulations of the Creek treaty, it is certainly the wish of the Government to avoid all unnecessary severity towards our citizens who are located upon any part of the ceded territory. It is the duty of the Executive to preserve the public faith, and to fulfill, on the part of the United States, those compacts under which the Indians cede to us very important and valuable rights. It is to be hoped, that every just citizen will feel and acknowledge the obligations of the Government upon this subject, and will interpose no unnecessary difficulty in the execution of this duty. Taking into view the facts, that the season for agricultural labor will not arrive for some time, that the surveys are nearly completed, and that as soon as they are received, the locations of the individual reservations will be made, and the tract selected for each will be assigned and delivered to him, I do not see that any injury would result to the Indians by permitting those persons who obtained peaceable possession of the land on which they live, and do not retain it to the exclusion of any Indian justly entitled to it, to occupy these tracts till the several locations are made.

If, however, any of them are selected for the Indians, it will be expected that the occupants relinquish possession within thirty days after such selection is made.

This arrangement seems to me to be an equitable one, and I trust it will be satisfactory to all persons interested in the subject.

I hope, further, that after the locations are made, quiet possession will be relinquished to the Indians, so that the Government will not be compelled to resort, for that purpose, to measures which I am anxious to avoid.

Instructions will be given in conformity with these views.

Very respectfully, &c., LEWIS CASS.

Honorables Wm. R. KING, C. C. CLAY, S. W. MARDIS, *Members of Congress.*

Here are two letters from Mr. Francis S. Key, a man of high character, who went on a mission to Alabama, and who took his instructions from the General Government, and attended the sessions of the Legislature. In both these letters he states that the government and people of Alabama were perfectly satisfied with the course of the Administration in relation to this whole matter.

Extract of a letter from F. S. Key, to the Secretary of War, dated Tuscaloosa, November 6, 1833—vol. 10, p. 655:

"I received, a few days ago, your last communication, inclosing me a copy of your letter to Colonel Abert. I am glad to say that the course there indicated, in reference to the leases and the approval of the contracts to be made with the Indians, as also to the measures to be adopted towards the settlers, are very generally approved here.

"I have made them known to all the leading members of the Legislature with whom I have had an opportunity of conversing, and they have expressed a decided satisfaction. I not only explained the contents of the letter to the Governor, but gave it to him to read. He seems not only willing that the instructions there stated should be pursued, but that everything should be done here that may be thought necessary, both by himself and by the Legislature, to give effect to them, and to prevent any obstruction from the operation of the State laws, or through the State officers, in the Creek countries.

"I was introduced to-day to a gentleman in the Legislature, who resides on the Indian lands in Talladega, and stated particularly to him the measures intended to be pursued towards the settlers. He says the people in Talladega will gladly acquiesce in such a course, and readily remove from the Indian reservations, where they do not purchase them with the full sanction of the certifying agent. The determination about the leases, he says, will be universally approved.

"The same explanation was received a few days ago, by four or five of the settlers in that country, with evident gratification. They said that if any of the settlers in the Creek nation objected to such a course, the people of Talladega would help to drive them out of the nation. Everything that I have seen and heard convinces me of a great difference between the characters of the settlers in Russell and those in Talladega, and probably in the other counties.

"I believe the speculators will make a great effort to produce an excitement about the leases. Their object was to sustain them by force or the State laws. The company in Columbus, I understand, have bought up between three and four thousand Indian reserves, advancing in each case about ten dollars. If they have to purchase and pay, it will take a large sum of money. By leasing, they would have had five years to pay it, and that by keeping accounts against the Indians for whiskey, &c., till they chose to think they had given them enough for their titles.

"It will be necessary for the Legislature here to take measures to prevent these contracts from being enforced by the State laws, and to save the Indians from being exposed to vexations and harassing proceedings from the State courts and justices. Their dread of being sued and taken to jail will make them submit to every oppression. The Governor and many of the members of the Legislature express a desire to do whatever may be necessary for their protection." * * * * * * *

"The Governor tells me he is about to communicate to the Legislature on this subject, and that he shall express his satisfaction with the course intended to be pursued on the part of the United States, and that he has no apprehension that any further difficulties will arise."

Extract of a letter from F. S. Key to LEWIS CASS, dated Tuscaloosa, November 30, 1833, vol. 10, p. 741:

"I should have written to you by the last mail, but had nothing decisive to communicate. Now, I hope I am enabled to say that our difficulties here are in a fair way of being terminated.

"I presented your letter to the Governor, who expressed a strong disposition to accede, as far as he possibly could, to the wishes of the Government. He wished to know whether the locations of the Indian reservations were in progress; when they would be completed; and whether, in case of any difficulty with settlers who might be situated on those reservations, he could have an opportunity of applying the power of the State for their removal so as to make it unnecessary for the United States to interfere.

"I told him (as I was enabled to do, by letter, from Colonel Abert, and from the information I had obtained at Montgomery, of the arrival of Messrs. Bright and Tarrant, at Fort Mitchell,) that there was every reason to believe that the reservations would be located by the 15th of January; and I explained to him how it was contemplated to locate them, as far as possible, in large tracts, comprehending as many of the Indians' rights as could be brought together, so as to expedite the work. I informed him that Colonel Abert had seen many of the settlers, and stated to them the order of the Government, under which he was acting, and the manner in which the orders for the removal of intruders would cease to operate on all the lands, except the reservations; and that I had been assured, by Colonel Abert, that all the persons he had seen expressed their satisfaction with the course he intended to pursue; that I therefore apprehended no difficulty with the settlers who might be so situated, who could have no motive to desire to remain on the reservations, which were so soon to be sold by the Indians, and from which (unless they purchased the Indian titles, with the approbation of the President, according to the provisions of the treaty) they would necessarily have to remove; that if any such settlers, however, should refuse to remove, the Government would make known its orders in relation to them; that these orders, I had no doubt, would be to enforce, in such cases, if they should occur, the removal of the parties; that, if the power of the State should be applied so as to produce their removal before the United States officers could act in the execution of their orders, there would, of course, be no case for their action. I endeavored, however, to convince him that the power of the State—if he meant the power of Russell county—would be entirely inefficient to accomplish such a purpose.

"I then applied to him to know the situation of the prosecutions against the officers and soldiers, and deputy marshal, as to which, from the refusal of the clerk to give me copies, or to let me see his records, I was entirely uninformed; and stated that I hoped it would not be considered necessary to press the prosecutions. Just then I received a letter from Major McIntosh, informing me that the sheriff had been to the fort; had served the *capias* on Lieutenant Manning, and taken his bond, by way of bail, for $500, for his appearance at the next term of Russell circuit court, which, by the laws of Alabama, he had no right to do—so that the bond is void, and had asked leave to go into the garrison and arrest the soldiers; and went in and returned, saying he could not find them. I told the Governor this, and he seems well satisfied, and I apprehend nothing more will be done about the prosecutions. He had manifested, throughout, a disposition to remove all grounds of difference now existing, and to prevent the recurrence of any others. He means, in a day or two, to make a further communication to the Legislature on the subject, stating your reply to his last communication, and showing that he considers the controversy settled."

It will be perceived that on the occurrence of such circumstances as these with the Indians in Alabama, with a large number of settlers in the country, to whom the Indians themselves had sold a considerable portion of the lands, with the actual loss of human life, with the government of the State remonstrating against the employment of force—the Administration was placed in a very difficult and a very delicate position. Is there any man who would have asked us to go on and place ourselves in conflict with the State of Alabama? Was it not better to pursue a moderate and proper course, as we did, with a view to heal all these difficulties, instead of rushing into conflict with one of the States of the Union? That was my opinion at the time, and is my opinion still. But I repeat, that there was no want of force in the State. There was always force enough there to prevent intruders upon all Indian lands. The settlers ceased to be intruders when they became purchasers and occupants of the lands according to the terms of the treaty. I repeat that a treaty, ratified by the unanimous consent of this Senate, made in this city under the circumstances in which this was made, known to every Senator from the commencement, could not be a bad one; and no reproach can be attached to him, who made it any more than to him who confirmed it.

Now, allow me to say, that during the whole progress of that matter, commissioner after commissioner was sent there. The Senator from Tennessee says that Mr. Somebody performed his duty badly. No doubt he did. No doubt, that every Administration is liable to be imposed on by bad men. He was recommended to us by the delegation from Alabama, and we cannot be held responsible; all that we could do was to punish and remove him, as soon as we knew that he was an improper person.

Some of these certifying agents did not do their duty; but we sent Colonel Abert there, we sent Francis S. Key there, we sent General Parsons, of Alabama there, and we sent Mr. Crawford there. We sent other high and honorable men to superintend the whole business and to remove those unworthy officers, and take care that the stipulations of the treaty concerning the Indians were faithfully and honestly complied with.

Now, Mr. President, the Senator is entirely mistaken in another thing. He says there was no public war. These commissioners report that a majority of the Creek Indians were engaged in the war.

"So much appears to be certain, that a very small number, without any apparent concert with the rest, did commence and carry on hostilities for several days before they received any accession to their strength; and that ultimately a majority of the warriors of the tribe did engage in acts of open hostility."

That is the report of the commissioners.

The President's message of December, 1836, views the previous condition of the Creeks as one of war. "Happily," he says, "for the interests 'of humanity, the hostilities with the Creeks were 'brought to a close soon after your adjournment." And so does the act of Congress of May 23d, 1836, which makes appropriations for the suppression of hostilities by the Creeks. And also the act of March 3d, 1837, which provides for the appointment of commissioners to ascertain among other things, "what portion of the Creek tribe were engaged in such hostilities."

Gentlemen talk of its not being a public war. We cannot draw a metaphysical distinction in this case. There is something anomalous in our relations with the Indians. We make treaties with them, but do not allow them to make treaties with other nations. They have a sort of *quasi* independence, controlled by us. They come here and make treaties with all the solemnity of form with which treaties are made with any power on earth, and yet we turn round and say they shall not do so and so. We allow them some attributes of sovereignty, and withhold many.

Such has been the conduct of civilized nations, with respect to the savages, with which they have been brought into contact. You cannot treat with them as you would with a civilized community. It will never do to say that you were not engaged in a public war, because it was not such a war as you would wage with any of the nations of Europe. Everybody knows that. At the same time, everybody knows, that while you treat them as if you had a *quasi* power over them, you also, in some measure, treat them as if they were independent. When they commit these outbreaks and depredations, you do not hold them as traitors

and hang them; but you treat them as public enemies.

One word more. The Senator from Tennessee, says that I voted for this proposition before. Certainly I did; but I stated frankly, that I had not examined the whole matter then, as I have since done; and I do not believe that I should ever have looked into it, had it not been rendered necessary by the attack which the honorable Senator made on the then existing Administration. I do not believe that I should ever have looked into it as I now have done, but for that. I was willing that a proper compensation should be given to these claimants.

Sir, I think I shall not trouble the Senator with any more observations, except to say that, in the way in which this amendment has been presented to the Senate, I cannot vote upon the question. It looks too much like a bill of indictment against the Administration of which I formed a part; and I trust the Senate will excuse me for not voting upon it under such circumstances.

COLLINS LINE OF STEAMERS.

SPEECH OF HON. S. BORLAND,

OF ARKANSAS,

IN THE SENATE, *May* 12 *and* 17, 1852,

Against the Collins Line of Steamers, and against special legislation—the doctrine of Protection—and all Monopolies.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," the pending question being on the amendment of the Committee on Finance, as it had been amended, to insert the following:

For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last to the Secretary of the Navy, commencing said increased service on the first of January, 1852, at the rate of $33,000 per trip, in lieu of the present allowance, the sum of $236,500: *Provided*, That it shall be in the power of Congress at any time after the first day of January, 1854, to terminate the arrangement for any additional allowance herein provided for.

Mr. BORLAND said:

Mr. PRESIDENT: It was not my wish or intention to speak at all upon this deficiency bill, further than to vote ay or nay upon the various items which compose it, as they might be severally submitted to the Senate. And if others, on both sides of the Chamber, had not debated it at such length, and in such a way as some have done, I should certainly now remain silent. But the discussion has been so extended and elaborate, and especially the amendment in favor of the Collins line of ocean steamers, now under consideration, has been advocated by its friends so urgently and upon such grounds, that I deem it a duty, which I owe to myself and those I represent, to record my views on the other side.

In thus recording what I call my views, it is not because they *are my* views, and mine alone, that I wish to declare them. Such a reason could not—could never, indeed—induce me to occupy the time of the Senate. But it is because I believe those views are, in the first place, founded upon *facts;* and, in the second place, are in accordance with those principles of legislation and those maxims of political economy which have so long been held to be sound and sacred by the political party to which I belong. And, further, because I have not found those principles and maxims sustained, on this occasion, by some of those under whose lead I have heretofore been accustomed to contend for them—some whose fortune and whose pleasure it has heretofore seemed to be to stand in the forefront of the battle in their support—some whose duty and whose interest I had trustingly hoped would hold them alike to the faith they had so long and so ably taught, and to the good works their practice had so uniformly and brilliantly exemplified. On the contrary, by some of these, those views have been opposed. I do not mean by this that *no one* in this discussion has sustained the principles and the maxims I espouse. I could not mean that, while the honorable Senator from Virginia [Mr. HUNTER] is in my eye, and especially while the ability and eloquence with which he has resisted this appropriation are so fresh and glowing in my memory. And there have been other honorable Senators, newer on this theater, who have come to the rescue, and done good service on the same side. From their political associations I had not hoped this of them. But a sense of patriotism, superior to that of mere party, has lifted them above the barrier of those associations, and brought them, battling, to the cause of right, and that, too, when the odds are against her; when, alas, *right* is not *might* upon this field. I honor them for it. Would that we could always have them with us.

What the Senator from North Carolina [Mr. BADGER] said of the Senator from Virginia, [Mr. HUNTER,] in this connection the other day, was well deserved. It is, indeed, true, "that if in number he is but one, in force he is a host." I will not say his valor or his prowess was exaggerated by comparing him with "Achilles upon the plains of Troy, driving whole battalions before him." But, as my honorable friend [Mr. BADGER] has sought classic ground for similitudes, I would suggest that he need not have stretched his fancy so far back into the regions of antiquity as to disturb the mythical shades of a mythical poet's demigods. An apter comparison, I apprehend, might be found in the annals of more reliable history some six hundred years later, when that Spartan, whose name has come down to us as the synonym of firmness and devotion, stood almost alone in the famed pass of Thermopylæ. And, perhaps, this comparison might appear the more striking and appropriate were it extended a little further. For it does seem clear to my mind that if *every Greek* had but proved true to Leonidas, the Persians could never have prevailed. The repulse of their onslaughts for three succesive days had driven them back, conquered and desponding; and, in my opinion, they never would have renewed the attack while, with the mountain barriers of the Constitution on his right hand and the deep sea of good policy on his left, the bold front and trenchant blade of our gallant chief had continued to occupy that "twenty-five feet of ground" over which, *alone*, by a forward movement of the enemy, the heart of his country could be reached. But, alas! sir, for the supremacy of constitutional legislation and sound political economy "in the middle of the nineteenth century," as for Grecian independence more than two thousand years ago, there has ever been such a thing as stratagem in politics as in war—back ways of approach to an American Congress, as there were secret "mountain passes" to the rear of the Spartan camp. Sir, we are surrounded—we are beaten! I not only see before me the interminable lines of our natural enemies, but I hear in close proximity, and with painful distinctness behind me, the tramp of some heavy cohorts we had always deemed our friends, now acting in concert with the *five millions* of Persians which Xerxes leads againt us. Ay, sir, we are attacked in front and rear. And you are aware, Mr. President, that in politics as in war, it is a fearful hazard to be attacked in front and rear at the same time. You remember how even the tried valor of General Scott quailed at its contemplation when he went to Mexico. And it is very certain that such an attack, as planned by Santa Anna, had it been executed by Miñon, would have beaten General Taylor at Buena Vista.

I repeat, sir, we are surrounded and beaten. I see it all—I feel it—I know it. And since, in lamenting this calamity, I have been tempted by the example of my classical friend over the way, [Mr. BADGER,] far back into the shadowy land, for incidents of comparison, he, at least, must bear with me while I linger there, to find some likeness of myself to the faithful *Eurytus;* for if, like him, in conscious weakness, I have bided at *Alpenus*, and kept aloof from my gallant chief while the enemy were all in front, and he seemed able, with his single arm, to beat them off and drive them back; yet, now that he is surrounded, and evidently doomed to fall, I, too, have left that position—whence, from "the loop-holes of retreat," I might have watched the battle from afar, in silence and in safety—and hasten to his side in that hour, when, if I cannot bring him aid to win a triumph, I may, at least, share with him the martyrdom and glory of defeat. For, sir, intuitive and strong as are my likings for a *majority*—and in this I am every inch a Democrat—yet, with the principles of Democracy I have learned, in part, at least, from you and the distinguished Senator from Michigan, [Mr. CASS,] who sits behind me, (but should always be before me,) and which I have ever professed and practiced, I would infinitely prefer to record my name upon your Journal as the *single one* of a forlorn minority against this measure, than to be the foremost man of the heaviest majority in favor of it, which that Journal could be made to bear. *Amicus Plato, amicus Socrates, sed magis amica veritas!*—an appropriate version of which noble sentiment I adopt, in strong, terse old English, from the proud avowal of that great American heart, no longer here to electrify a listening Senate, but a little way hence, paling its fires before the light of another world, and stilling its mighty pulses on the margin of an honored grave—

"I HAD RATHER BE RIGHT THAN BE PRESIDENT!"

—A sentiment, sir, to which no heart bows with a deeper reverence than mine, but which might fall with far more fitness and significance, on this occasion, from other lips.

Such, Mr. President, is the spirit which actuates me—such the purpose which engages me in this discussion.

In the execution of this purpose, it is not at all necessary, nor shall I undertake, to occupy the whole ground of dispute, or consider every point of interest it presents. This has already been sufficiently done, and well done, by the honorable Senator from Virginia, [Mr. HUNTER,] whom I have acknowledged as my leader on this occasion. I shall content myself, therefore, with touching a few of the main points upon which the decision of the whole question turns; and even so much, not with the slightest expectation of influencing a single vote, nor with even the shadow of a hope of turning any man's mind from the fixedness of present determination. This is another case, and it is likely to be *a memorable one*, of "foregone conclusion." I speak, therefore, for the sole purpose of placing the reasons of my own vote upon the record, and that my constituents may see that in this instance, as I trust in all others, I have, however feebly, yet faithfully, represented their principles and their interests, by asserting my own.

The original ground upon which the first appropriations were asked and advocated for this line of steamers, and the only one upon which their advocates seemed then to rely with any confidence, was the adaptation of the vessels to "war purposes"—ay, sir, that was the term—"war purposes;" and their incorporation, as the most important element, alike for economy and efficiency, into our system of naval armament and defense. We all well remember how earnestly and confidently this was urged and insisted upon, as a consideration in its behalf; and no one, I apprehend, will question or deny that it was the consideration which secured a majority in its favor, and determined the success of the proposition. Upon that ground, alone, I hesitated, and was some time in doubt, whether I should support or oppose it. My instinctive aversion to all monopolies, to class legislation in every form, and under whatever specious guise it might present itself, and to all partnerships between the Government and speculators in patriotism, made me suspicious of it at the first, and I was disposed to reject it without much examination. But there I was met with this attractive and captivating phrase of "war purposes." I confess it was very attractive and captivating to my fancy. I had but recently returned from Mexico; and although a year and a half in that interesting country—one third of the time a prisoner of war—had somewhat abated my military ardor, yet it had not "taken the starch quite out" of me. The very name of "war," and the means of its successful prosecution, bore then a spell of power to me, as now, I doubt not, they do to the martial spirit of the honorable Senator from Michigan, [Mr. CASS,] which I found it difficult, as it now seems impossible for him, to resist. But not only did *this* attract. I was reminded of the wonders which steam, as a motive power, had already worked in commerce and the arts; and was pointed to the future, for

the still greater triumphs it was to achieve in arms. The past I was bound to admit—the future I could not contradict. I was, further, reminded of our expensive naval establishment, which apparently, or at least comparatively, useless, though scarcely less expensive, in our long intervals of peace, was growing into a subject of complaint with a portion of the people. This I knew to be so. Then, by what seemed a very natural transition, the importance of our Atlantic mails, and the good policy of having them regularly, and speedily, and economically transported back and forth across the ocean, were suggested and enlarged upon—I will not say exaggerated, but certainly they were not estimated at less than their true value. The array, so far, was attractive, and imposing, and formidable—certainly so to one like myself, fresh from a region where such things were not familiar, and new to the business and appliances of national legislation. But one more element was needed to make the demonstration complete. That was speedily supplied; and the solution was before me—as clear in its terms, as accurate in its letters, and as precise in its lines and angles, as I, when a school-boy, and "crammed for an examination," had ever made, to blunder through *pons asinorum*, on the black board. *Eureka!* exclaimed the kind and skillful Palinurus, who had conducted me so far into these strange seas, as he opened to my astonished and delighted vision the fair harbor of New York, crowded with the Collins steamers, each one freighted with mail-bags for all Europe, and embrazured with guns to whip the world in arms! Here, I was told, was to be found a panacea for all the ills complained of, in the way of a useless and expensive naval establishment, alike, in peace and war, and of deficient mail service; and which, at the same time, would prove the very nursery and handmaiden, *par excellence*, of science, literature, commerce, and the mechanic arts. The Senator from New Hampshire, [Mr. HALE,] had not then added, as he did the other day, civilization, morality, and religion, to the catalogue of its blessings, present and prospective. This panacea—this wonder-working, and good-compelling instrumentality—when disclosed, was neither more nor less than to advance Mr. Collins money to build his ships, and when they should be built, to pay him for transporting in them our mails from New York to Liverpool.

A distinguished medical professor once said of Crawford's (since Liebig's) combustion hypothesis of animal heat, that "if the facts which served as a foundation for this beautiful theory, were not false, the deductions would be irresistible." Some such defect, it occurred to me, there possibly might be, in this hypothesis of the Collins line. For I was not, as I am not now, without suspicion that there are such things as "false facts" in commerce, steamships, and speculation, as well as in the experimental science of chemistry. Upon this suspicion I paused, and I also examined the question—imperfectly and with difficulty, I admit, yet with the best lights before me, and surely with an earnest wish to ascertain the truth. It is not necessary to trouble the Senate with the whole process of that examination. It is enough, for my present purpose, to say that it failed to satisfy me that the positions assumed were facts established, or that the promises made either would be or could be performed. So I adhered to my original principle of action, and opposed the contract and appropriation. And what has the result proved? It may be said, I know, that time enough has not been yet allowed to make a full trial of the experiment. Be that as it may, this I do know, and all the country knows, what indeed is proved by the very presence of this proposition here before us at this time, that, in every material particular, the experiment has failed—utterly failed—upon its original conditions. The steamers for *war purposes* were to be built, but they have not been built; the efficiency of our Navy was to be increased, but it has not been increased; the expenses of our naval establishment were to be reduced, but they have not been reduced; the cost of transporting our Atlantic mails across the ocean were to be paid by the revenues from this line; but, instead of that, we have not yet received back quite one dollar for the three paid out. In a word, all this service of curing evils and securing good was to be rendered for the amount of money then appropriated, but it has not been done; so far from it, indeed, that here before us we have the broad confession of the fact of the failure, in the demand from the same parties, for nearly double the amount of compensation; and we are coolly told, that unless we choose to give it, the experiment will fail and be abandoned, and all we have heretofore intrusted to the science, and skill, and enterprise, and patriotism of this company, to be expended for the promotion of the public interest, and to sustain the national honor, will be a dead loss. Such a demand, from such a source and under such circumstances, argues, to my mind, one or the other of two propositions: either that the parties making it are afflicted with a grievous inability to appreciate the relations of cause and effect, or that they are gifted with a still more remarkable shrewdness of reliance upon the facility with which Congress yields to demands boldly made, and pertinaciously pressed upon us. The result, alone, will prove whether Mr. Collins and his associates shall hereafter lay their grateful votives upon the altars of dullness or sagacity.

I have not given the items of the account upon which I have based my general statement of results, and from which I have drawn my general conclusions. They have been already and sufficiently given, by the honorable Senator from Virginia, [Mr. HUNTER,] who, in the performance of his duty as chairman of the Committee on Finance, has thoroughly investigated this subject in its details, and laid the facts before us. I need not weary the Senate by recapitulating them. It is enough, for my purpose, that they are before us, and before the world. I rely upon them, and feel perfectly well satisfied that they warrant every inference I have drawn from them. I may, in publishing my remarks, incorporate or append some of them, in the form of extracts and tables.

I have assumed that the element of "war purposes," however potentional it may have been in the original problem, never was legitimately there; and even if it had been, yet, in the course of the demonstration, it has been left out as incongruous and impracticable. The exposition made by the Senator from Virginia [Mr. HUNTER] rendered this fact indisputable. But, sir, even if that were not so, it has been proved so clearly, and significantly, and conclusively, by the honorable Senator from North Carolina, [Mr. BADGER,] that I cannot suppose it will ever be seriously insisted on again. That Senator, a friend, too, to this appropriation, and as well informed upon these subjects as any gentleman upon this floor—always excepting, of course, the honorable Senator from New Jersey, [Mr. STOCKTON,] on my left—has proposed to amend the bill, by cutting all, even seeming connection, between this line and the Navy, and turning them over, bodily, to the Post Office Department.

The Senator withdrew his proposition; but he had made it.

Mr. BADGER. I am still in favor of it.

Mr. BORLAND. I have no doubt of it; and for that reason, were there no other, I attach importance to it. But, sir, not only has the Senator from North Carolina done so, but the Senator from Texas, [Mr. RUSK,] in his place here yesterday, cut that connection, even more abruptly and completely than the Senator from North Carolina proposed to do. And how? In the course of an incidental debate upon the proposition of the Senator from Florida, [Mr. MALLORY,] he spoke of the connection between the Navy and this line of vessels as "seeming, and seeming only;" and that its expenses ought not to be set down to the Navy account. Yes, sir, the connection, he said, between the two was "seeming, and seeming only."

Mr. RUSK. I stated distinctly, and I have done so before, that no reasonable, intelligent man, could charge the expenses of these ocean mail-steamers to what is termed the Navy proper. I have expressed that idea on more than one occasion. So far from holding the position that these are not sufficient war vessels, I maintain now that they are; and not to trespass further upon the Senator, when he asks who says these vessels are capable of being war-steamers? I tell him Captain Skiddy and Commodore Perry; and he is entitled to the benefit of my opinion, for I believe they are better than any vessels in the Navy.

Mr. BORLAND. I do not question that such is the opinion of the Senator on that subject. He has declared it over and over again, and the whole country knows it. I alluded to his statement upon an incidental proposition here yesterday, when he admitted the impropriety of having this appropriation, or any part of the expenses of this line, connected with the Navy fund, or with the Navy in any respect; declaring that this connection was "seeming, and seeming only." But I ask any intelligent man, if these are ships of the Navy, capable of being used for war purposes, where is the impropriety of charging the money for sustaining them to the naval appropriations? It seems to me that would be the most natural connection in the world; and with whatever ease a person practiced in examining the accounts of the different branches of our public service, might be able to determine that this money was not properly charged to the naval appropriation; yet, I apprehend, it would go out to the country as the strongest declaration, which nineteen-twentieths of the American people who saw it, whether intelligent or not intelligent, would take as evidence that this line was a part of the Navy, and that this sum was a part of the naval appropriations, and properly so.

Mr. President, it seems that, not only is this opinion entertained of this matter by the Senators to whom I have alluded, and by myself; but you remember that yesterday, when the vote was taken upon the proposition of the Senator from Florida, there was almost a tie vote in the Senate upon it; and there is no question, in my opinion, that in a full Senate the present connection would have been severed, and the whole transaction would have been stamped, as it deserves to be, as a Post Office arrangement, and nothing more. I therefore assume this to be a fact, satisfactory to my mind at least, and I think fully sustained by the evidence before us. I think the proposition of the Senator from North Carolina was right, as it was significant. It carried with it an important explanation, which I think it is time the American people had before them. It was straight-forward and intelligible. At any rate, I think it placed the thing in its true position before the Senate. It stripped the daw of its borrowed plumage. It let the gas out of the balloon; and gave to the speculators' "airy nothing" of "war purposes" its true name and "local habitation." There, for the present, I leave it.

The whole proposition, then, to my mind, is to establish and maintain a mail-line across the Atlantic ocean. To that proposition, in itself, I have no objection. Indeed, I am in favor of it—as much so, I apprehend, as any Senator upon this floor, or any citizen of this country. But the question is—How shall we establish and maintain such a line?

In answering this question practically, it is well to consider how the other portions of our mail system are arranged and conducted, how the lines are established, how the service is procured, how it is performed, and how it is paid for.

By our general law, all navigable waters are declared to be mail routes; and, by occasional laws, certain roads upon the land are, also, declared to be mail routes. To establish lines, or, in other words, to put service, or have the mails carried, upon the routes which have been established by law, is in the power, and at the discretion, within certain limits, of the Post Office Department. When, in the judgment of that Department, the public interest requires it, these lines are established, and their service procured. As the law now prescribes, and as I trust it always will prescribe, public advertisement, giving due notice, is made throughout the country, inviting proposals for carrying the mails; the contract to be awarded to the lowest and best bidder. Formerly—I think until 1845—the advertisements specified the means and mode of service, as well as the time, the route, and the distance; and the contracts were made to conform to that specification. Since that time, the simple act of service, conditioned only as to time, route, and distance, is alone provided for; the means and mode of transportation being left to the contractor. This change was not made without cause, or without reflection. I thought, at the time, it was a wise and a proper change; and I also think the result has proved it to have been so. For, there is nothing more clearly and fully

established than the fact that, while the mail service, generally, has been as well and efficiently performed—perhaps better—the rate of its cost has been very greatly reduced. To prove this, we need only refer to the annual reports of the Post Office Department, before and since the change. There was another reform in the same connection, and the same time; and that was to abandon the requirement which had, up to that time, been made of the new contractor, to purchase of the old one, all his old and worn-out "stock"—that is, horses, coaches, &c., which he might have on hand, however worthless it might be, at the close of the old and the beginning of the new contract. I well remember the great reduction in the rate of cost of mail-service, from these two items of reform, set forth in his report, by the Postmaster General, in 1846. He assigned the saving from these items, alone, as a very considerable resource, if not the main one, which had sustained the Department, in any tolerable degree, under the sudden and very great reduction of the rates of postage by the act of 1845.

These changes, proper and useful as they were, in point of financial economy, were, in my opinion, still more proper and more useful, by repudiating the principle and abolishing the practice of an interference by the Government, any further than may be indispensable to the public interest, in the business of the country, or of its undertaking to regulate, except by general laws, the ordinary transactions between private individuals. All the Government wanted, and all it could legitimately ask, was the performance of certain service—the transportation of the mail over certain routes, within certain times—and for this to pay a certain sum of money, the smallest sum for which this would be undertaken, by some competent and responsible man, binding the contractor, in sufficient bonds, to perform his contract faithfully, and so supervising the service, in the course of its performance, as to secure the public interest from detriment. This done, the duty of the Government was performed, and its functions ceased, in that direction. Further than this it could not legitimately go, and, in my opinion, should never be permitted to go. I think the history of our Government shows that whenever, by itself, it has undertaken to perform the functions of private individuals, there has always been a failure to perform those functions well; and especially has this failure been manifest, and most mischievous in its consequences, whenever, by special legislation and time-serving policy, the Government has undertaken to provide for and regulate the business of the country—business which should be left where it properly belongs, to be suggested by the sagacity, pushed forward by the enterprise, and managed by the enlightened self-interest of the citizen himself. All history, I think, teaches us that this has been so; and that it will ever be so in all time to come, is no less the suggestion of reason than it is the admonition of experience.

Upon this idea, a saying of Nathaniel Macon, who once honored the Senate with his presence, and guided it by his wisdom, may be quoted here, as an apposite and instructive exemplification. I heard it attributed to him here a few years ago, by a Senator no longer a member of this body. "*If*," said Mr. Macon, "*the Government of the United States should undertake to become a farmer, it would, before the end of five years, have to buy its corn for planting.*" That, sir, presents the very *beau ideal*, or, in the language of the day, the *daguerreotype*, of an incompetent and unthrifty farmer.

So, sir, it has ever been, and so it will ever be, whenever the Government has left, or shall leave, the sphere of its legitimate functions, to interfere in the affairs of the people, or undertake the performance or regulation of duties which individual men should perform, and which they alone, when left to themselves, can properly and efficiently perform.

This has been so with the mails. Mr. Macon said it would be so with the crops, and I believe it. And so, Mr. President, I think it ever has been, and feel sure it ever will be, in every pursuit in life, and with every article or fabric of production.

Look, sir, at the planting of corn, and of cotton, and of tobacco, and of sugar, and of hemp! What does this Congress know of those pursuits, or of those productions, which is not far better known to those individuals whose intelligence is sharpened by an interest we cannot feel, whose knowledge is enriched by observations we have no opportunities to conduct, and whose judgment is matured by an experience not attainable by us, nor in the habitual channels of our thoughts and occupations? Why, then, should we interfere with them? Why undertake, by special legislation, to prescribe the manner in which those crops shall be cultivated, or the quantity of each which shall be produced, or how they shall be carried to market, or at what prices they shall be sold? All those things should be left, as, thank God, they have been left, to the practical intelligence, the ample knowledge, the mature judgment, of the men whose interest it is to regulate them wisely. The result has been, good management and thrift, under the salutary laws of demand and supply; and the inevitable consequence is a prosperity as glorious as it is unexampled.

Then look at the various manufactures of the country! What do we know of them which is not far better known, or what can we do for them which cannot be far better done, by the practical minds and hands which are engaged in their management and identified with their success? The same principles of human action, and the same general laws of business and of trade, apply here and determine results, as in agriculture, as I have mentioned. Unfortunately for manufactures themselves, unfortunately for the country, and, at one time, almost to the ruin of this Government, the same wisdom has not, in every instance, presided over our national councils; or, at any rate, if she did preside, she sadly verified what was said of her predecessor in remote antiquity, that wisdom "sometimes nods." For if we did not directly interfere with manufactures, to the extent of prescribing the several processes of spinning and weaving, or of directing, in so many words, the precise quantity and quality and price of production, we did what, perhaps, was in equal disregard and violation of principle, and what, in the end, proved even more mischievous in practice, when, by special legislation, at the expense of every other interest of the country, we administered a stimulus to manufactures of certain classes, which, while it excited them to temporary excesses, alike of investment and production, was yet insufficient to protect them adequately against foreign or domestic competition, or place them upon a secure and permanent foundation; and with what consequences to those manufactures themselves? Need I remind Senators of what almost every page of our legislative history discloses? Who does not know? What student of that history has not dwelt with interest, and felt his heart throb with alternate fear and hope, as he traced the rise and progress of the protection I allude to, during that stormy period of thirty years, from 1816, when it began, until 1846, when it was last the wager of a battle which shook these walls? If the time were at my disposal, it would be of interest, and might be instructive, to pass, in review, all the leading incidents which make up that history. It may, under present circumstances, however, only be admissible, and will be enough for my purpose, to refer to a few of them only.

Except that it has been cited as a precedent, and has furnished some color for subsequent abuses, I do not say that I find objections to the tariff act of 1816. The circumstances under which it was enacted, and the reasons which governed its authors, I have ever thought justified it at the time. We were then in our infancy as a nation, (as I was in mine as an individual.) Our resources were limited. We had just emerged from a harassing and expensive war, with the most powerful nation in the world; with our patriotism purified by blood and fire, and aroused to its full strength and ardor; with our hatred of England and everything English intense and concentrated; and with our hearts open and warm to all who had given us sympathy and assistance in our days of trial, and were here to rejoice with us in our hour of triumph. We wanted revenue to relieve us from the burden of a debt, which was the price of our second independence, as well as to defray the expenses of a Government whose power and value had now begun to be felt. Our people were galled and exhausted by the direct taxation, which had been onerous during the war. Relief was desired and needed, in all quarters. If ever there was, or could be, an occasion in the career of any people, when a resort to duties upon imports, for the means of relief and support was presented, indeed forced upon them, it was our occasion in 1816. But in addition to this general consideration, which was scarcely less than a necessity, the few manufactures then in our country had arisen, and were then placed, under very peculiar circumstances. They had arisen during the war, fostered and encouraged by the non-intercourse, and comparative isolation, which war with a maritime power had imposed upon us. And not only had these manufactures been thus fostered and encouraged, but they had rendered important, indispensable services, by supplying our wants during those dark days of isolation, and suffering, and danger. In view of their condition, then, and especially in consideration of the indispensable services they had rendered in our time of need, there was not only a sense of good policy in the minds of our public men of that day, which suggested this mode of raising revenue, but there was also a sentiment—and a worthy sentiment it was—of gratitude in the hearts of all, which conceded protection to our infant manufactures. And to appreciate fully the need they had of some protection, it must be borne in mind, that not only were they immature and feeble in themselves, but that, during the war, there had accumulated in various European countries, especially in England, large stores of manufactured goods which awaited but the hand of peace to remove the barriers which war had erected, to pour their floods upon our shores, at prices reduced by excess of quantity, and thus to sweep our friends from the face of our own soil. Such is my reading of the history of the tariff of 1816, and such the considerations for which, I apprehend, I should have sustained it, had I been here to vote.

But, sir, as I said, the circumstances of that occasion were peculiar. The mere recital of them proves that they have not occurred, and never can occur again in our history. With the occasion, then, which originated and justified the policy of protection, the policy itself must cease and determine. And here, sir, that I may avoid all chance of being misapprehended, or of being suspected of inconsistency upon this point of *protection*, I must remind all who hear me of what that protection in 1816 consisted. The rate of the duties then imposed, I cannot now, from memory, state with precision. I am quite sure, however, that it did not exceed thirty per cent. *ad volorem*. But, at any rate, it did not exceed the rates of our revenue tariffs since that time; and in itself was entirely within the revenue limit of its day. My impression is, that it averaged about twenty-eight per cent.

But, Mr. President, that was the beginning; and though, like that apple which "brought death into the world, and all our woes," it was harmless in itself, and even pleasing to the taste, from that time dates, and from that has sprung, innumerable woes in our world of politics. It may be in accordance with human nature, for it certainly followed, that what was first received as bounty and protection, was soon demanded as a right; and that, too, by parties who had not even earned the first bounty! The poet has said that

> "Fools rush in
> Where angels fear to tread."

I need hardly express the analogy which the demands of this second class of claimants for protection suggest to my mind. If I did, it would be, that

> Knaves are clamorous for gain,
> Where honest men would hold their peace.

But the demand was made, and pressed with a zeal and in a spirit of such sturdy beggary, that it seemed to defy alike refusal and resistance; and had attained its height of exorbitancy and success in 1828. The tariff act of that year was not inaptly characterized, at the time, as "the bill of abominations." You were here, Mr. President, and know all about it. I was still a boy—though not even then altogether uninformed, and certainly not indifferent, as to what was passing of a nature so important to the welfare of my country, and so generally agitating the minds of the people.

Pardon me, sir, for these reminiscences. They are of deep interest to me; being, of that period

of my life, when my political opinions may be said to have had their birth—or, at least, to have taken their indelible impression from "the form and pressure of the times." And in this connection, I trust the honorable Senator from North Carolina, [Mr. MANGUM,] who sits furthest from me, will not object that I refer to him for the state of popular sentiment in the good old State, which he still so ably represents; for those were stirring times, sir, and that honorable Senator was among the foremost of those strong spirits who stirred them—and that, too, *against* "*abominations.*" I, then a boy—perhaps not older than the youthful Norval, when martial ardor drew him from his mountain home—I, too, "longed to follow to the field some warlike lord;" and my honored father, himself a disciple of Jefferson, more propitious than young Norval's sire, pointed to that Senator, as a leader most fit for me to follow. From that time, in armor suited to my years, "with bended bow and quiver full of arrows, I hovered about the enemy, and marked the road he took." Nor did I lose sight of my chosen leader. My eye was fixed upon the white plume of "free trade" which waved so bravely from his "bonnet o' blue"—my ear lost no sound of his clarion voice, as it rang out from the summit of "Red Mountain," reverberating among the lesser hills of Hertford and Northampton, and ran along the valleys, even of the Meherrin and Chowan, arousing the slumbering genius of "State sovereignty." And my very heart leaped up with a joyous exultation, as I saw "monopoly" after "monopoly" go down before "the fateful steel" of his broad claymore, until not one "monster" of that hated clan was left. Such, sir, is a transcript of my faithful memory of those days—doubtless less vivid than the original impression. I thus followed the same leader until 1832, and through that memorable year. Then, by some mischance, I will not say how or to whom, I missed him. Here, perhaps, the curtain had as well be dropped, except to say that when I next was able to take a full and unobstructed view of his position and pursuit, the color of his plume was changed, and the black weeper of "*protection*" was in its place; the cry of "State sovereignty" had died upon his lips, and he murmured, not loud, but deep, Federal "*consolidation,*" in its stead; and instead of striking, as of old, *against* "monopolies," I found, and still find him, upholding them with all his Bruce-like power. Here the curtain shall fall. I am, in all sincerity, grateful to the honorable Senator for much I learned from his precepts and example some twenty-odd years ago. I trust I do no injustice to his present position.

But to return to the tariff of 1828. That year witnessed the expulsion of the "monopolists" from Executive power; and then commenced the real struggle for the repeal of "the bill of abominations." It is needless to do more than allude to the fact of that struggle, or the crisis in the fate of the Union to which it led in 1832 and 1833. Those incidents are but too fresh and painful in the minds of all; and many yet survive, who are still unhealed of wounds received in the struggle which developed them. It is enough that the crisis was so imminent, that extremes met; and, as it were of necessity, joined hands in a "compromise," which, allowing ten years to equalize its burdens and its benefits, was solemnly agreed to be a sacred league and covenant that, upon the questions it adjusted, there should be no more strife among brethren forever. And for ten years, that covenant was kept; for during that period, the friends of "free trade" were in power; and they, as they have ever done, kept their faith. But, at the end of that period, by remarkable coincidence, the "monopolists" gained power, again. And, sad spectacle it was—sad for the country! in the very hour of their triumph, and as if to signalize it by a deed which might mark the age that witnessed its perpetration, with a stone so black that the memory of man should never efface its impression—in that hour, they broke that covenant, which had owed its existence almost to the death-throes of the Union—had been sealed, as it were, with the heart's blood of the nation, and been ratified by vows which can never be violated with impunity. But those vows were violated, as I have said; and, sure and swift, followed punishment in the track of the violation. The tariff act of 1842, returning to high protection, was erected upon the ruins of the compromise of 1833. Again was the country agitated; again were the Stuart's expelled; and again were the friends of "free trade" restored to power. Upon that, followed the tariff act of 1846; a return, in substance, to the compromise—a revenue tariff—of 1833; and once again, upon this question, the country was at rest. And so, upon that question, it has remained until this time; for, although the "monopolists" under a new name, under peculiar circumstances, and upon no distinct nor definite issues of public policy, gained access to Executive power, in 1848, and retain it now, they have not yet been bold enough to disregard the past, or venture upon that experiment directly, or in any palpable form, which has ever proved fatal to their predecessors of the same faith.

My object in making this incidental recurrence to the history and consequences of the tariffs, or protective legislation of this Government, has not been to revive unpleasant memories—nor to enter into any argument against it, further than to remind the Senate and the country how disturbing and injurious that legislation has been to the general interest of the country, sometimes even threatening the very existence of the Union itself; and all this, without conferring that benefit upon the particular interest it was designed to protect, which led to its adoption. For, after all, what has been the effect upon manufactures, of all this much-coveted protection? *Fluctuation*, FLUCTUATION—the greatest curse, a curse which no benefit, nor all benefits combined, can compensate—has been its unfailing and fatal attendant. As I said before, it stimulates the business for the time; and, thus encouraged, investments are extended, operations are enlarged, and expenses multiplied; and, as a consequence of this, the productions are excessively increased. And this, not in view of the real wants of the country, nor in accordance with the laws of demand and supply, which alone ever have given, or can give, stability and success to any legitimate or useful pursuit: but, growing out of mere enactments of arbitrary, special legislation, conceived in a spirit as narrow as the single interest it would subserve, it neither comprehends the relations which necessarily subsist between every other interest, and every pursuit, nor is competent to sustain the conflicts which, like "a comet shot madly from its sphere," it must unavoidably encounter in its eccentric course, among interests with which if left, undisturbed, to the general laws, it would be in perfect harmony. That this is so, I appeal to the manufacturers themselves, whether, in their workshops at home, or here by their enlightened Representatives in both Houses of Congress. If it be otherwise, what mean these jeremiads, and tales of terrible disaster, which crowd the columns of every newspaper, of factories closed, of operatives without employment, of fortunes ruined, of opulence reduced to beggary? Or, perhaps, more significant still, what mean those numerous memorials which besiege the doors, and pile the tables, and fill the committee-rooms, of Congress, session after session, for "protection! protection! more protection!" Sir, it is like a hot-bed crying for more fire, to sustain its unnatural plants, sickly from artificial nutrition, and weak from excessive growth, against the bracing atmosphere which gives life, and vigor, and healthy luxuriance to every other tree, and shrub, and fruit-bearing herb, which God intended for the proper use of man, and which always thrives best under the influence of his natural laws. Sir, you hear none of these complaints, and receive none of these memorials, from the farmers and planters of the country. And the cause of this is twofold: First, because, as I have said, their pursuits are left in the hands of those who best know how to conduct them, and thrive, as they progress, in the free and wholesome air of individual intelligence, enterprise, and exertion, and under the operation of their own general and salutary laws. And secondly, because of the more manly, and independent, and self-relying spirit those pursuits are calculated to foster and maintain.

And all this, Mr. President, brings me back almost to the starting-point of my argument, and resolves itself into the general principle with which I set out—that the Government should restrict itself to the exercise of its few, simple, well-defined functions, by means of general laws, of equal, uniform, and universal application; leaving, not *placing*, all men and all pursuits, upon the same relative and substantial footing, which nature gave them; and trusting individual pursuits to individual choice, and the results of their industry to be determined by the general laws of demand and supply.

Now, sir, if these general propositions be true—and I apprehend there are few members of the political party to which I belong, and which are in a decided majority in this Chamber, who will deny them—I say, if these be true, and more especially if, as I have undertaken to show, and as the same party has always maintained, they be applicable to the agricultural and manufacturing interests, why—*why*, I ask, are they not applicable—why shall they not be applied—to the *commercial* pursuits of our people?

Sir, it needs no industrious search after facts, and still less does it require a labored or ingenious argument, to answer this question. The facts are before us, and before the world. They are to be seen from the dome of this Capitol. They are to be seen on every river, and harbor, and "inland sea," of this vast continent of ours. They are asserted with a boldness which startles the world, under every sky, where float the stars and stripes from an American mast, and where every sea is cut by the swift keel of an American ship, whether that ship be wafted by the free winds of heaven, or propelled by the steam of American genius. The growth and vigor of our commercial marine, and especially the rich argosies of commerce which it wafts to and from our shores, and through every vein and artery of our land, are among the chief glories and boasts of the nation. And yet, they, sir, starting from nothing, have grown and flourished, as the commerce of no other people in the whole world has ever grown and flourished, since the Phœnicians first ventured in little boats from Aradus to Mount Carmel, to the hour when the last new clipper left her "ways" at Baltimore, to shame the naval architecture of the world. And all this growth and glory, without protection—without any help from the Government. All of it, sir, achieved by the genius and enterprise of individual people, left to the exercise of their own free thoughts, and to the untrammeled use of their own skillful hands. Go, sir, to Maine—I appeal to her Senators, now present—has she ever had, or does she now demand, protection for her one hundred and twenty-seven ships, her seventy-five brigs, her one hundred and fifteen schooners, all built in the single year 1850, making an aggregate of one hundred thousand tons for that year? Go to Maryland—I appeal, also, to her Senators—has she ever had, or does she now demand, protection for her one hundred and twenty-five clippers, built in 1850, which are the models for the world? Go, sir, to the West—to western Pennsylvania, to Ohio, to Kentucky, to Missouri—but no, sir, I will not go there. Their Senators are here, but I do not now appeal to them. I will not trust myself to do that *now*. If I did, I should speak too much, perhaps, from my heart, and consume the day—nay, I might consume a week upon that single theme. But this I will say, and say it now, for the West, that we have had no *protection*, and we ask none. We want nothing, and we ask nothing, but *justice* and *equality* in the operation of your laws. Neither of these, which are our guarantied rights under the Constitution, have we ever had. I may have more to say on one point in this connection, presently.

But to return, sir, to the protection of commerce. I deny—and I think the facts sustain me—that commerce, or navigation, as a legitimate, special interest, needs protection; and even if it did need such protection, I could never give it by special or exclusive laws, by which other interests, equally entitled to it, and equally important, shall inevitably be put at disadvantage, or be made to pay tribute to its advancement.

Mr. President, my strength has failed me. I was quite unwell when I began, and am unable to stand on my feet any longer. I hope, therefore, it will be agreeable to the Senate to postpone the subject till to-morrow, when, if able to be here, I will conclude what I have to say.

The postponement was agreed to.

MONDAY, *May* 17, 1852.

Mr. BORLAND resumed:

When, Mr. President, I was compelled, from illness, to suspend the remarks I was making upon this question, last Wednesday, the Senate was kind enough to postpone the subject; and, even next day, when I was yet too ill to be present, a further postponement was permitted, in courtesy to me. This is the first moment when I could resume my remarks. I tender my grateful acknowledgments for the courtesy extended to me; and now proceed with the discussion, from the point at which I was compelled to leave it.

I had then concluded my general views of the question before us, and of the principles involved in its discussion. I come now to the application of those principles to this particular amendment.

And this brings up some special examination of this Collins line of steamers. To what branch of the business of the country does this line belong? Which of the great interests, or industrial pursuits, does it represent? The answer I have given, and which I have undertaken to show is the true answer to these questions, is, that it comes under the head of commerce—that is, commerce and navigation combined, which are here inseparable, and may be treated under one head.

Then, sir, what is there peculiar to this line, which removes it beyond, or lifts it above, the rule we apply to other ships, or other commercial interests?

> "Upon what meat doth this our Cæsar feed,
> That he is grown so great?"

I anticipate the answer Mark Antony will give. Oh, sir, I know it—I have heard it—I have read it here, there, everywhere. And I might have seen, and perhaps enjoyed it too, "or a part thereof," had I but visited "the beautiful *Baltic*," when she came a-wooing here, some month or two ago—another *Venus*, from the froth of the sea, as she rose upon the vision of admiring thousands, and stood revealed in all the nude voluptuousness of her charms, without even the hands covering the chaste genius of *Praxiteles* has thrown before the Cnidian statue of the goddess,—leading in her train *Bacchus*, with his cups, to intoxicate the brain; and perhaps, too, the boy-god son of the zoned *Cyprian*, bearing, with arch and graceful impudence, his heart-compelling quiver. And we all know that *Orpheus* was there, as he certainly was here, with his negromantic lyre, strung to the modern "higher law," and played upon by steam, who successfully *moved* even this grave Senate to adjourn; and, as he sung, I almost fancied that we—

> ——"sat upon a promontory,
> And heard a mermaid, on a dolphin's back,
> Uttering such dulcet and harmonious breath,
> That the rude sea grew civil at her song;
> And certain '*stars* shot madly from their spheres,'
> To hear the sea-maid's music."

And I know not how many, or what other, profane gods and goddesses besides, were there, to mingle and minister at the institution of *Saturnalia* for this capital of the New World. But, sir, not possessing a soul so easily as others "moved by the concord of sweet sounds," nor yet, I trust, more fit than they "for treason, stratagem, and spoils," I was not led away, by the ears, on that occasion. It was I, as you may remember, who cried, "Get thee behind me, Satan!" And, thanks to the spirit of the sacred phrase, I was not led into that temptation.

Mr. President, the answer, however, which I have heard and read so much, has not satisfied me. It does not satisfy me yet; and I apprehend it never will or can, for the reason that I have not found it in accordance with the facts, nor consonant with the principles which govern my judgment, and determine my votes.

But, Mr. President, the history of this line, and the circumstances under which it comes before us, have suggested another answer which, while it is certainly clearer, and more comprehensible, is also more in accordance with what I understand the facts to be. And that, sir, is the vast amount of *capital* invested in this enterprise; consisting, as that capital does, nominally at least, of large sums of money—some $3,000,000, or more—and of a fund and a force of mental shrewdness, boldness, pertinacity, and want of delicacy, it has never before been my fortune to witness, and which it sometimes amazes me to contemplate. Such a capital is potent, beyond all my powers of computation. I doubt if my honorable friend from North Carolina, [Mr. BADGER,] armed with that *Dilworth's* arithmetic of his, and even my honorable friend from Kentucky, [Mr. UNDERWOOD,] with the talisman of his "square root," were to come to my assistance, whether even then, we could estimate the sum of that potency, or trace it out in all its ramifications.

But to be serious, sir, this much we have seen, and do know: the influence of this line has already full sway in the *Executive* counsels of this Government—it has already the monopoly of the newspaper press of this Metropolis; and, remorseless still, like some huge and hungry Boa Constrictor, it is fast winding its tortuous and fearful folds about the body and limbs of this Congress, until our strong ribs are giving way, and our very heart seems ready to be squeezed out, in the ghastly form of appropriations, which, if this pressure be not removed, will pour the life-blood of the National Treasury into the capacious and rapacious maws of bankers and speculators. Already, *hundreds of thousands* have thus been squeezed out and swallowed up. The cry is still for "*more!*" And now, *millions* upon *millions* are demanded! A few days will determine whether that demand shall be granted.

And, *apropos*, Mr. President, of the influence this line is bringing to bear upon us, and which I have called a "pressure:" A remark which fell the other day from the honorable Senator from Michigan, [Mr. CASS,] and which suggested this designation, struck me with great force. I will read it:

> "Sir, you know, and we all know, that *there is a great external pressure* in favor of all subjects of this kind; and *it should be guarded against and resisted with ceaseless vigilance*, or it will, in time, acquire an ascendency, *injurious to the best interests of the country.*"

Here, Mr. President, is the original of the idea—no, sir, I am wrong; not the *idea*, for my own observation had suggested that; but of the terms in which I have attempted to *express* the idea of the influences which are operating to squeeze this appropriation out of us. Sir, the Senator was right; he called things, as he usually does, by their right names, and gave us a fair and salutary warning, "that there is a great external pressure;" that "it should be guarded against and resisted;" "or it will prove injurious to the best interest of the country." I, myself, have felt this "pressure;" the Senator from Michigan [Mr. CASS] must have felt it, too, to have characterized it so well. I sincerely regret that we cannot have his *vote* to help us to comply with his *advice* to resist it.

And still, sir, holding to the Constrictor, I am reminded of the description which an Oriental traveler has given of one of these monsters he saw in the Island of Ceylon. It was fifty feet long, and strong in proportion; and, after long lying in wait, had just succeeded in capturing a large musk ox. I need not give the whole description, though it is interesting. At the close of it, however, he quaintly but graphically says:

> "As the folds tightened, and the broad chest of the noble but now suffering animal began to yield under the great external pressure, its bones were snapping with a noise as of so many pistol shots, and strange sounds were emitted from its laboring throat."

But, sir, to return to the question: what is there peculiar to this line, which should exempt it from the rule we apply to all other ships, and their associated commercial interests? To my mind, there is nothing which should do so. Inasmuch, however, as various reasons have been assigned why this should be done, I will briefly examine the main ones upon which reliance seems to be placed by the friends of the proposition.

First, then, the ships of this line are said to be adapted to *war purposes*. I have already alluded to this, and expressed the opinion that, although the contract required it, and it was the only ground upon which a sufficient number of votes could be got for the original appropriation, yet it is a condition which has not been complied with. And this opinion is based upon what certainly are significant and, I think, conclusive facts and circumstances I have said, and I repeat, that apart from every other circumstance in the case, the proposition of the Senator from North Carolina, [Mr. BADGER,] a leading friend of the measure, to turn this whole line over to the Post Office Department, was proof, to me, that it was no suitable nor proper part of our naval establishment; was, indeed, a virtual, as well as an actual abandonment, by those competent to judge, and authorized to speak, of the whole original ground of *war purposes*. And if this needed corroboration, that was surely furnished by that admission the Senator from Texas [Mr. RUSK] made, incidentally, to the Senator from Florida, [Mr. MALLORY,] that this line has "a seeming, and only a seeming connection" with the Navy, to which I have already alluded.

Mr. RUSK. All that I said was, that the expenses charged upon the books of the Treasury to this service, ought not to be charged either to the Post Office or to the Navy fund proper, and estimated as appropriations for either of those Departments. That was all that I said in relation to that point. But so far from admitting that these vessels were not suitable for war purposes, I stated at the time, if I remember aright, that they had been examined by a board of respectable naval officers, appointed for that purpose; that they had been pronounced suitable, and had been accepted by the Government.

Mr. BORLAND. I remember, very well, that the Senator said so. I am not speaking of his opinion. I am only stating the facts. When I made this allusion before, the Senator made a similar explanation to the one he has now given. He thought I gave an erroneous interpretation of his remarks. What he *did* say, may not have fairly represented what he *meant;* but I apprehend, as his remark was reported in the papers, it would be understood by the country precisely as I interpreted it. The other day, when I made the allusion, I did not have before me the Senator's remarks. I have since examined them, in print, and now have them before me.

In opposition to the amendment offered by the Senator from Florida, [Mr. MALLORY,] and appealing to him, he said:

> "Is he willing to separate the Navy from *a seeming, and only a seeming connection with this line*, by throwing it upon those who pay postage upon letters, throughout the country?"

I think my interpretation of this was the only one it would naturally bear. And I think, further, it derives additional propriety, if needed, from the suggestion, evidently made, in his opinion then expressed, that the whole policy of making the Post Office Department dependent upon its own revenues was wrong; and that as the payment of this mail service directly from the Treasury was, *pro tanto*, a correction of that wrong, he was for continuing to make it there. Nowhere, in that connection, did he even intimate that this service (mark, it is *mail service*) should be paid for out of the general Treasury, upon the ground that the line which performed it was a part of the Navy. On the contrary, in special reference to this very point, he declared the connection between this line and the Navy to be "seeming, and only seeming." I could draw no other inference than I did. But the Senator says now, it is his opinion that these steamers *are* suitable for "war purposes," and may, in time of need, be made useful as such. For the Senator's opinion I have great respect, as I have entire confidence in his candor. He must excuse me, however, if I cannot adopt his opinion, when I do not find it sustained by what my mind can recognize as facts; and more especially, when I do find it opposed by an incidental argument of his own, which strikes me as of great force and significance. But, besides this general reason, there are some special reasons for denying that these ships are adapted to "war purposes."

We have it from reliable authority, and it was so stated here by the Senator from Florida, [Mr. MALLORY,] who is familiar with such things, and it has not been denied, that these ships are built of unsuitable materials for war service; that their outer walls are made of "*pine* plank;" whereas, those of all vessels of war are made of *oak;* and that their "timbers and frames" are a "mixture of live-oak, locust, and pine;" whereas the "timbers and frames" of all vessels of war are made of live-oak. Why was this? Will any one undertake to say that live-oak, and all other kinds of wood used in naval architecture, and that, too, in abundance, and of the best quality, cannot be had at any and all of our yards? Why, then, was this light, unusual, and un-

suitable material made use of in the construction of these ships? Sir, but one answer can be given—certainly, in view of the facts, but one should be received—and that is, they were never intended for "war purposes," and therefore were not built of materials suited to those purposes.

Again: it has been objected, and upon what I must receive as good authority—certainly as respectable for character and competency, as any which has been adduced on the other side, and superior in number of witnesses, and in the directness, point, and force of their statements—that, besides their defective material, the *structure* of these ships unfits them for "war purposes," or for easy conversion to such purposes.

Of the persons who have been called in to sustain the character of these ships for convertibility into war steamers, I find Commodore Perry, Captain Skiddy, and Mr. Francis Grice, a naval constructor, the main, if not the only ones relied upon. This, I confess, has struck me with some surprise, and is, at any rate, a very significant circumstance. I can well understand how it is that the testimony of any great number of naval officers has not been given or presented here *against* the war character of these ships. Being officers of the Government which they find engaged in an enterprise of seeming great importance, and under the orders of an Administration that they know to be favorable to that enterprise, what more natural, if not actually becoming, than for them to remain silent at least, and abstain from what might be regarded by their superiors, as unwarranted and officious? And I can appreciate, also, the motive, as well as official delicacy, which would restrain them from coming forward unasked with their opinions, especially if those opinions were unfavorable to the views of the Administration, or to any private interests. But, sir, *some* have been asked—how many I do not know, and a *few* have given their opinions. Of those, as I have said, the three whose names I have mentioned, seem to be all who have spoken favorably—certainly all who have been relied upon as authority to sustain the naval character of these ships. I repeat, sir, that, to my mind, this is both surprising and significant—surprising that so small a foundation has been supplied for so large a superstructure as has been attempted to build upon it; significant of the general condemnation which the officers of our Navy have given to this new system.

And of these three witnesses who have been brought forward for these ships, Commodore Perry is the first in rank, and perhaps the first in authority. And even he is summoned by both the prosecution and defense. The Senator from Texas, [Mr. RUSK,] as now the leading advocate of this line, quotes him to prove that these ships have been properly constructed, and may, at no great additional cost, be adapted to "war purposes." But, then, he is also quoted by the Senator from Virginia, [Mr. HUNTER,] to show that the witness's own statement is exceedingly indefinite and unsatisfactory. It is true he does say, as quoted by the Senator from Texas, in speaking of the Baltic, (and I take her as the best, and this as the summary of the best he has said of her:)

"Although not in accordance with every particular stipulation of the contract, as has already been made known to the Department, by the superintendent in charge, she is constructed of suitable dimensions, build, and finish, to conform with the contract for carrying the mails on her destined route, and with the preparations and additions of suitable war appointments, she could be easily converted into a war steamer of the first class."—*November* 2, 1850.

February 18, 1852, he says:

"According to my calculation, the cost of the conversion of either of the before-mentioned vessels, exclusive of armaments, repair of machinery, and ordinary repair, would not, or certainly *ought* not, exceed, for steamers of the first class, $20,000, and for those of the second class, $15,000; and it could be readily done for this at any of our navy-yards, provided that *useless* alterations were not made. * * *

"The armaments of the respective vessels would, of course, be a separate cost; and to arrange the guns on the upper deck, it would only be required to close up three or four of the hatches or sky-lights; to strengthen the deck by additional beams and stanchions; to cut ports, and construct the pivot and other carriages; probably it might be desirable to shift the capstan and cables."

But here, again, as quoted on the other side by the Senator from Virginia, he says:

"The mail steamers of the contracts of Howland & Aspinwall, of George Law, and of E. K. Collins, can be easily converted into war steamers for temporary service, in cases of particular emergency. These vessels, with little strengthening of the decks, can be made to carry each a few guns of heavy caliber, and may be rendered useful to convoy, in the transportation of troops, carrying dispatches, conveying public functionaries, &c., &c.; but their service could only be contingent, and, as before remarked, *temporary*.

"The cost of converting them to war purposes would be large, and in no respect would they be as economical, or in any way equal to vessels built expressly for Government service; nor should they, in my opinion, interfere in the least with the organization and gradual increase of an efficient and permanent steam navy. The use of steamships in our future naval operations must inevitably change in a great degree the art of naval war. Indeed no one can imagine what changes will be effected, as well upon the ocean as upon the land, by means of the new agencies which have been more practically developed within the last quarter of a century."—*April* 9, 1850.

Extracts from a letter to the Secretary of the Navy, from Commodore M. C. Perry, of 18th of February, 1852:

"It will be well, however, to premise that, under no circumstances, and at whatever cost, can a steam-vessel, built expressly for the transportation of freight or passengers, be made, in any manner, equal in convenience and efficiency to a vessel originally intended for war purposes, even assuming that the materials of which the respective vessels are constructed are in all respects equal. And for the obvious reason, that in the construction of a vessel of war, from the laying of the keel, every part of the vessel is, in the progress of completion, made subservient to the accommodation and arrangement of the armament, the safe-keeping of the munitions, provisions, water, &c., and the berthing of the several classes of officers, and the crew; while in mail or packet steamers—in this country—no preparations are made for any armament, the ingenuity of the builder being alone taxed to render them extravagantly showy and best adapted for the accommodation of numerous passengers and the stowage of freight."

* * * * * * *

"*Question first.* 'Whether the steamships employed in 'the transportation of the United States mail, under con-'tract with the Navy Department, or any other steamships 'employed in the transportation of our foreign mails, are, 'in all respects, suitable for immediate conversion into 'steamers for war purposes, capable of carrying the arma-'ment or battery appropriate to the class specified in the 'contract?'

"In answer to the foregoing [first] question, I am of opinion that they are '*not* in all respects suitable.'"

* * * * * * *

"It should be taken into view that those mail steamers, if called into service as war vessels, would be considered as forming an auxiliary force to the regularly-constructed ships, and hence the impolicy of expending much money on them. The requisites of sound hulls and powerful engines, with efficient armaments, should alone be considered, leaving superfluous ornament out of the question."

So much for Commodore Perry as a witness in this case. I make no question of his candor in either of the somewhat conflicting statements he has here made. I am only dealing with his statements as I find them. It will be observed that his last statements, as here quoted on each side, are of the same date, February 18, 1852. Let those reconcile their discrepancy who can. If it may be said to preponderate on either side, I think it is against these ships—certainly against the system under which they were contracted for. But, upon the whole, I think he has so far ridden on "both sides of the sapling" at the same time, that his testimony may well be dispensed with altogether. And I feel very sure that, in a court of justice where the "rights of person or of property" were to be decided between individuals, although a very technical judge might admit his statements to sustain some "special plea" upon that very lucid and elastic phrase "war purposes;" yet any intelligent and fair-minded jury, who desired to ascertain the real merits of the case, would certainly "set him aside." But, I confess, I have some curiosity to see an experiment tried upon the Commodore himself, and that is, to offer him this Collins line of steamers for his East India squadron, with which he is going out as a missionary to the isolated Japanese, to whom, it seems, for some mysterious purpose, supposed to be *political*, our present Federal Executive deems it salutary to administer a little *American opium*, or something stronger, from the muzzles of certain heavy guns upon "land carriages." I apprehend the experienced Commodore would hardly risk them for even such "war purposes" as that. If he did, I should regard him as a fit companion for those famous "three wise men of Gotham, who went to sea in a bowl."

I observe, here, another thing that seems significant. It is the peculiar character of the certificates which *Mr. John Lenthall* (whom I take to be a naval constructor) appends to the Commodore's several reports in favor of the several ships of this line.

Mr. STOCKTON, (in his seat.) He is among the ablest and most experienced of our naval constructors.

Mr. BORLAND. I have no doubt of it. Then, *Mr. Lenthall* says:

"I concur in this report, as to her being a *mail* steamer of the first class."

And he says no more. But that is a point that no one questions. "Mail steamers of the first class" we admit them to be. It is their being suitable for "war purposes," that we question and deny. This gentleman seems cautious and prudent in his certificate, and is, no doubt, reliable. I shall have occasion to use his testimony upon another point in this connection, presently.

Next comes Captain Skiddy, upon whom the honorable Senator from Texas [Mr. RUSK] lays great stress. I find his statements coincide, substantially, with those of Commodore Perry; in favor of these particular ships; with this advantage for them, that he does not contradict himself.

Mr. Francis Grice, a naval constructor, is the third authority upon whom the advocates of these ships rest their claims to be suitable for "war purposes." Well, he is a good witness for the parties who have introduced him, to the extent of his competency and credibility; for he certifies to all they desire—to rather more, I apprehend, than the Senator from North Carolina [Mr. BADGER] believes to be true. He was first introduced by the Senator from New Jersey, [Mr. MILLER,] and afterwards by the Senator from North Carolina. He is clearly *in*, for all sorts of "war purposes."

I now come to the witnesses on the other side. It will be remembered that Commodore Perry has been "set aside," or stands neutral as to the ships; and is against the system.

First, then, on this side, I introduce an extract from the report of Commodore Charles William Skinner, to the Secretary of the Navy:

"7. What is the best instrument for propelling commercial ocean steamers, the paddle-wheel or submerged screw? and do these instruments require different models for the hull?

"*Answer.* The paddle-wheel is generally considered the best instrument of propulsion where speed is required; but for the purposes of war the screw would be preferable, and they do require different models.

"8. Do you consider commercial ocean steamers, as now built, convertible at once into war steamers, and capable of efficiently performing war service?

"*Answer.* They cannot be converted into war steamers without great expense, and then they would be inferior to those designed solely for that purpose."

This, I think, will do for a set-off to Captain Skiddy.

Second, comes Mr. Haswell, Chief Engineer of our Navy. His testimony, I apprehend, will stand a comparison with that of Mr. Grice. It is this:

"With a large majority of the commercial ocean steamers now built, the proportions, capacities, and construction of their hulls, and the design and arrangement of their engines and boilers, are such as to render them incapable of efficient and economical war service, without incurring an expenditure in alterations and a loss of time that would not, except in cases of national emergency, be at all repaired by the ultimate durability of the hulls of the vessels in their ready transfer to, or in their economical performance of active service."

* * * * * "They are so deficient in stability, *without the spars and armament of a naval steamer*, that it is necessary to depress them beyond their intended limits, in order to effect their passages with the probability of security."

* * * * * "The steamers of Mr. Collins's line, now in progress of construction, will cost $550,000 each. Yet the boilers of these vessels, and all the other mail steamers, are of iron, their hulls are not constructed of live-oak, and the vessels are without the spars, rigging, armament and equipment of naval steamers." * *

"The first mail steamers have proved inadequate to their service, from the insufficiency of their construction; and after but two and a half years' service, and at a cost of repairs and alterations exceeding their first cost, they are now incapable of any useful naval purpose; they, therefore, an ignorance of their worthlessness existing, are estimated in our means of naval defenses; and when required for such purpose, the dependence would prove as disastrous to our national interests as their construction has been to our professional reputation as constructors and engineers."

Upon the points touched upon so far, I think the testimony overwhelming and conclusive, to prove that these ships are not suitable for "war purposes."

In respect to the means and mode of propelling ocean steamers, and especially as to the mode adopted in these ships, there is difference of opinion. But in reference to that mode, as connected

with "war purposes," the weight of testimony is still more against them, if that be possible, than upon the other points I have already examined.

I allude particularly here to the difference between the "side wheels, or paddles," and the "screw," usually called the "propeller." All these ships of the Collins line are "*paddle-wheels.*"

I do not know that I can better express my own opinion upon this point than by quoting a short paragraph from the speech of the honorable Senator from Ohio, [Mr. WADE,] delivered here last Monday. He said:

"I know nothing of war or of naval operations, nor do I profess to know anything about them; but any man of the least common sense, at the very first glance at these steamers, would perceive that they were not designed for the purposes of war. Nor are they compatible with it at all. *Why, one cannon-ball, raking the paddle-wheels—which form a most palpable mark—of one of those steamers, would cripple her as effectually as a man could cripple a goose on the wing.* Talk about their utility as vessels of war! I know they would not be of the slightest use."

Nor, sir, does the Senator from Ohio stand alone in this opinion; for, without counting myself, there is high and decisive authority for giving the "screw" the preference over the "paddles," particularly for "war purposes," and indeed for all purposes of ocean navigation, especially on long voyages. But, in view of the obvious nature of the case itself, it seems to me that but little authority is needed beyond ordinary powers of observation, and a fair allowance of common sense, to enable and compel any man to determine for himself that this must be so. When we consider that the paddle-wheels of a steamer are a "most palpable mark," as expressed by the Senator from Ohio—a mark that could hardly be missed by an enemy's shot; and further, that upon those wheels depend the whole means the ship possesses to make her way through the water, the conclusion seems to me equally palpable with the wheels, that the whole fabric is most exposed in its most vital part, and is constantly liable to be crippled and knocked up by a single shot, or at most, by a couple of shots, from an enemy's gun. Break the wheels of the largest and best appointed steamer which floats upon the Atlantic—"the beautiful Baltic," if you please, even best adapted to "war purposes," and such an accident might easily happen from a single cannon shot—and she would, indeed, lie like "a crippled goose" upon the waters, rolling, helpless in the trough of the sea. And I apprehend that he who had "gone down to the sea" in her, would feel very much like a crippled goose, also, as he lay at the mercy of the enemy's fire, unable to attack, unable to escape.

On the contrary, the "screw-propellers" are perfectly safe in this respect. All their machinery is below the "water line," and the screw itself is deeply submerged below the stern of the ship; thus not only securing all the motive power against the reach of danger, but leaving the deck flush, and the broadsides of the ship to be filled with guns, as in the regular man-of-war; and permitting the hull to be fashioned after such a model as shall best give strength and facility of motion.

And here I had as well add, that in the side-wheel ships, it is not alone the "paddles" that are exposed, but the engine itself, the whole machinery of motion, is *above* the water. This, it is true, is mainly covered by the upper decks, a very frail covering at best, while the vessel remains, as she was built, a *merchant* ship or *mail* steamer. But everybody concurs in the statement, and we all know the fact, that the first step towards converting such a ship into a vessel-of-war, must be to remove those upper decks; and although such protection as they afforded was almost nominal, yet their removal certainly, completely, and at once, exposes all the machinery, as well as the paddles, to every kind of missile from an enemy. And there is no remedy for the evils of this exposure. The position of the machinery cannot be shifted. When the ship was built, every part and appurtenance designed to be permanent, was placed in its appropriate position, and accurately adjusted to every other portion, so as to secure due concert of action among the several parts, and the greatest power and facility of motion, as a whole. If any of the material conditions of this arrangement be changed, the equilibrium will be disturbed and the harmony of parts destroyed. The upper decks are originally intended to be removed, upon occasion, and are constructed accordingly. When removed, this beautiful bird of the sea, to which they had before given some pretense of shelter and protection, must go forth entirely naked and exposed, alike in her wings and her vitals, or she cannot go forth at all.

But I said there was good authority for these opinions—and I am not aware of any against them. And here I will introduce Mr. Lenthall again.

Extracts from Mr. John Lenthall's letter to Commodore C. W. Skinner, dated 18th of February, 1852:

"I would, in the first place, state, that there is some doubt whether a side-wheel steamer can be made into a war steamer of the first class.

"The machinery of such a steamer should be placed below the level of common dangers from shot; and to enable her to become a cruiser requires that she should be a perfect sailing vessel in all respects—not only in the power of the sail, but also in its position. The fullness of the extremities should be such that the motions of pitching and ascending may be within moderate limits, and they should be able to support the heavy guns at their extremities, which are deemed essential to their armament. It is desirable that they should be fast vessels, but they must be capable of using as well as carrying their armament; and as no other quality can compensate for a deficiency in this, it becomes a primary consideration."

* * * * * * "The words 'suitable for immediate conversion into steamers for war purposes,' I understand to mean the state in which an actual ship of war would be if temporarily employed in carrying the mail or passengers.

"From the superficial examinations I had the opportunity of making, these ships appeared in about the same degree of readiness for immediate conversion into steamers for war purposes as merchant ships, according to their size and speed, are into frigates or other classes of ships of war possessing the advantages common to large vessels of a capacity permitting, if required, the additional materials necessary, and the armament and equipments required to be placed on board to make them war vessels."

Then, here is English authority upon the same subject, and from a source entitled to the highest respect:

Extracts from the "Minutes of Evidence taken before the Select Committee on Steam Navy," ordered by the British House of Commons in 1849.

At page 73 of the printed report, is the testimony of Captain W. H. Henderson, R. N., C. B., as follows:

"741. Do you think that vessels of that packet class, taking a superior class of vessels, might be made useful in the case of war, for channel purposes and protecting our coast, and for looking out? Very useful.

"742. But not to supersede men of-war? No; I consider that they are a different kind of vessel; they are made for working against the head winds of the Atlantic, and they are under rigged, and are not intended for sailing."

At page 81, same report, is the testimony of Captain H. D. Chads, R. N., as follows:

"892. Do you think that they would supersede the use of steamships built expressly as ships-of-war? I should apprehend that we should make a sad mistake if we attempted to do away with our own. I think that under no circumstances could you apply them as men-of-war, strictly in the meaning of the term 'men-of-war.'

"893. You do not conceive that they are so well adapted for fighting purposes, and for keeping company with fleets, as ships that are built for the Royal Navy? I apprehend that they would be always required to be under steam, to keep company with our fleet; I do not think, from their rig, that they have sufficient canvas to enable them to keep way with our vessels without steaming; that they would be constantly under a certain portion of steam, consequently their coals would be soon exhausted."

At page 89, of same report, is the testimony of Rear-Admiral Sir Charles Napier, K. C. B., as follows:

"1015. Would you confine the use of those vessels to the channel, or would you make use of them by sending them abroad into our Colonies? I do not think they would be fit to go abroad with that fitting, which I think they ought to have at all times, because it is too late to begin to fit when the enemy is on your shores. I do not think they would be fit to go abroad, because they would be too small, and as the greater number of large ones would be abroad at the time, you would not be able to get hold of them."

From similar sources the honorable Senator from Virginia [Mr. HUNTER] makes the following brief, but pregnant summary:

"I omitted the testimony of Lieutenant Roberts, of the English navy, in 1848. He was asked whether the American steamers could carry guns? He said, no better than their own, and not quite so well as their own merchant steamers. I say, that these facts prove undoubtedly, that, according to the opinions of all, or almost all, the professional men of eminence, both in the British Navy and in ours—and my friend from Florida [Mr. MALLORY] tells me that such also is the practice and opinion in the French Navy—it is considered that no other steamer is fit for purposes of war except the screw-propeller."

And then, the same Senator condenses his opinion so forcibly and clearly, and sustains it so conclusively in another short paragraph, that I must be permitted to substitute his words for my own:

"I am authorized in saying, from all that I can see, and from all that I can learn, that it is now an admitted fact amongst professional men, that steamers with the paddle-wheel cannot be made efficient war-steamers—that the screw-propeller is the only mode of making a war-steamer which can be efficient. That is distinctly proved as the opinion of those English officers who were examined at the time to which I have referred. I have recently read a book of great interest, written by Captain Halstead, of the British Navy, in 1850, in which he demonstrates that fact. The screw-steamer is superior for these reasons: 1. She can carry a whole broadside, which a paddle wheel steamer cannot carry. 2. Her machinery can be effectually protected from shot—and I am told that it was but last year, or the year before, that a British paddle wheel steamer was disabled by a single shot fired from a slaver off the coast of Africa. 3. She can go to sea with a much less supply of coal, for she uses steam only as an auxiliary power to sails. She is capable of being built upon the finest models for strength and speed, which cannot be done with the side-paddle, because the necessity of carrying the armament fore and aft impairs the force of the ship."

I must here say, that I am not indebted to my own research for most of the facts and authorities which I have cited and relied upon. I have already said to the Senate that I have drawn largely, as I rely with confidence, in this respect, upon my honorable friend from Virginia, [Mr. HUNTER.] I have had his kind permission to do so, and avail myself of the privilege to take from one of his late speeches the following extracts:

"Extract from note accompanying the letter from Commodore Perry, of 18th February, 1852, from which the above extracts were taken:

"'The deterioration of ocean mail steamers growing out 'of wear and tear and gradual decay, notwithstanding every 'possible repair, may be estimated at five per cent. per an-'num for live-oak ships—perhaps a trifle less.'

"I could go further, and produce you the same sort of testimony from other sources; but that is enough. I know the friends of the amendment rely upon a letter which Commodore Perry wrote, and which, I suspect, is to be interpreted into an opinion that the ships might suit for temporary purposes—for transportation, and kindred services. I looked into the proceedings of the special committee to which I have referred, raised in the British Parliament, in 1848, upon the subject of steamships, and I found there the same opinion expressed by Captain Henry D. Chads, and by Captain Henderson, and by Admiral Napier, all of the Royal Navy. They said that their merchant steamers could not supersede the war steamers, and were not equal to them for war purposes. They all said that such steamers were not fit to send abroad, and would burn out all their coal before they could get abroad. But they said—what is true in their country—that they might be eminently serviceable for purposes of defense in time of an invasion—to defend the Channel in case their country should be invaded. It is evident that this examination was made under great apprehensions of a French invasion, for their inquiries seemed to be directed to that contingency. Upon being questioned, in order to ascertain whether they could make war steamers out of those ships, Captain Chads said, that if they were strengthened, fore and aft, so as to make them capable of carrying guns, they would lose the quality of superior speed; and he intimated that a British war steamer was not much more valuable for the quality of superior speed, if she was not able to fight anything of her cost and size. Of what advantage was that to her, but to run away?—and was that a quality which was valued in a British steamer? Sir, if that is a quality which is not to be valued in a British steamer, I would ask whether it should be highly valued in an American steamship of war?

"Now, if you will look to the testimony of Commodore Perry, you will find that he had some ideas of the same sort, for he italicizes the words "*for temporary purposes.*" And why for temporary purposes? You could not use them long. They would soon burn out their coal and use up their fuel. They could not carry guns enough for any extensive service."

"I find, too, that in the examination, in England, in 1848, Lord Auckland says the English are using the screw-propeller* to a large extent, as an auxiliary power in the merchant service; and Mr. Ward said that they had answered perfectly, in the Holland trade, when they had been tried. He was asked in 1848: 'Are you aware whether it

* "Extracts from a work entitled 'The Screw-fleet of the Navy,' by Captain E. P. Halstead, of the English Navy. He commends the adoption of screw-ships in the Brazil mail service, for the following reasons: At page 87—

"'Because it is a principle which is capable of reducing 'public expenditure, at the same time that it improves general commerce. Because it takes less out of the public 'purse, and puts more into private ones, while paddle propulsion draws very largely upon both; for, instead of carrying goods, the paddle is compelled to carry coals only, 'and then it calls upon all of us to pay for the expense of 'burning them.'

"'And again, he says, at page 89:

"'I am not in error when I state that the practical difference between paddle propulsion and screw propulsion, 'that is to say, between large ships carrying large cargoes 'of coal and small cargoes of goods, amounts to this, viz: 'That the auxiliaries are able to make a profitable return 'upon freights which are twenty-two per cent. lower than 'those demanded by the full powered steamer.'"

has become common in the merchant service to use the screw propeller." He answered:

"'It is extending in the merchant service, and has produced some very curious results. The experiments had 'been particularly successful in the case of those small 'schooners which are built for the trade with Holland, and 'then they seem to have succeeded completely. They have 'engines which occupy only one seventh of the vessel, 'while the engines of the Blenheim occupy nearly one third. 'And they attain very considerable speed, eight knots, eight 'and a half knots, and nine knots. The screw is never 'raised. The apertures are all immersed, and the voyage 'of two hundred and sixty miles, upon a long series of ex-'periments, averages about thirty-six hours.'

"I was shown, this morning, a letter just received from Boston, from a gentleman of high authority and great experience in such matters, who says:

"'My opinion is so strongly in favor of propelling with 'strong auxiliary steam, that I believe if two steamers were 'to be sent on a survey, or a naval cruise of any kind, the 'paddle starting to day, and the propeller being laid down a 'month hence, at the end of eighteen months the latter would 'be ahead in her work, at a cost fifty per cent. less! In 'short, the paddle must be constantly near the coal-yard 'and the machine-shop, while the other would be inde-'pendent of both.'

"Indeed, he says much to justify the opinion, that the screw-propeller, as an auxiliary, is destined to make a revolution in the merchant service. It is a fact of which I have no sort of doubt. I was told, on Monday, at the Navy Department, that they had made a comparison of the log of the '*San Jacinto*,' before her machinery broke down, with the log of the '*Saranac*;' the '*San Jacinto*' being a propeller, and the '*Saranac*' a side-wheel steamer. The '*Saranac*' beat the '*San Jacinto*' less than three per cent. in point of speed, while the superiority, in every other respect, was with the '*San Jacinto*.'"

"So that if we are to expend the money which ought to be expended in the gradual increase of the Navy in thus keeping up side-wheel merchant steamers, we will not only expend it in a service to which it will not be ultimately useful, but we take away a fund which is necessary, in order to increase the Navy in a mode which will be useful to it, and which will enable us to exercise our officers. Why, what is our policy in relation to the Navy? We seek to maintain just such a Navy, and no more, as will preserve the police of the seas, so far as it is incumbent on us to maintain that police. We also keep up a skeleton arrangement, capable of extension and expansion in time of war. To make that skeleton arrangement efficient, it is indispensable that we should have all possible means of exercising and training our young officers. How can we do it, if we expend the money on steamers to be commanded by merchant captains? And that is the case, I understand, with these Collins steamers. Ought we not to expend the money which we can devote to such services upon war steamers of proper models, and with proper machinery, so that our officers may command them, and be exercised in a steamer with all her appointments, and complete as to machinery, sails, and battery?"

The Secretary of the Navy, Mr. Graham himself, who seems to be in some sort relied upon by its friends in support of this line, is compelled, evidently with reluctance, to admit, from the discussions and testimony of competent naval officers, "that *vessels of this description cannot be relied on to supersede those modelled and built only for purposes of war.*" The highest merit he claims for them is that, while "*a limited number of them may be employed in time of peace in the transportation of the mail,*" they might also be useful upon "*the breaking out of war,*" as "*transports for troops and munitions of war;*" but he looks to using them in no higher naval capacity than in the way mentioned, and as a sort of occasional "*privateers or guerrillas of the ocean;*" but only then "*fitted with such armaments as could be readily put on board, even in their present condition.*" This is his own language, in his report of March 8, 1852, in which he was evidently endeavoring to say all in their favor which conscience would permit. Under these circumstances, he not only does not pretend that these ships can be substituted for our vessels of war, but he expressly says they "*cannot be relied on*" for any such purpose. Mark, sir, this is said by the Secretary, in an official report, designed as the basis of Congressional action, and from the best professional advice which his command of the whole Navy could enable him to procure.

Now, what is the natural and unavoidable inference from all this? A Senator here and there may rise in his place, and tell me that *he believes* "these ships are as good for war purposes as any ships in the Navy." But, while I admit the honesty of that belief, and highly respect the general information and intelligence of those who entertain it, yet, to receive that for *proof* which shall *disprove* so much that is based on established *facts* and sustained by reason, is rather too large a pill for my credulity and complaisance, combined, to swallow at a single dose. Opinion and belief will not do for this occasion. *Proof* is required—it is indispensable. If it existed, the Secretary of the Navy, together with this very astute company, would certainly have it here before us. But it is not here; and though called for time and again, it is not forthcoming. I can infer only *that it does not exist.*

Surely I have said enough upon this problem of "war purposes," especially in reference to the Collins line of "paddle-wheels." I consider the problem solved. It certainly is to my own conviction. For the reasons I have adduced, and many others which might be brought forward, and which, I think, make proof, both circumstantial and positive, complete against them, I conclude that the ships of this line are not, in the true and proper sense, suitable for war purposes, and that, to answer such purposes to any really important or useful extent, can never be made so. The Senator from North Carolina was right, therefore, when he openly abandoned the ground that they were so, and proposed directly to turn them over to the Post Office Department. And the remark of the Senator from Texas was also true, whether he intended to be so understood or not, that the connection of this line with the Navy was "*seeming*, and *only* seeming."

Upon this ground, then, of "war purposes," this enterprise, however meritorious in other respects, is a failure, and must be abandoned. It is not exempt from the operation of the same rule, therefore, which, in our ordinary legislation, we apply to other navigating and commercial interests; and, therefore, it has no just claim to this allowance out of the Treasury.

And here, Mr. President, I think it not improper to notice what has seemed to me a somewhat extraordinary feature in the discussion of this question. Intimations have been thrown out by the friends of this measure, that Collins & Co. are very ill-used individuals—suffering patriots, and threatened victims, as it were, in their country's cause! Well, sir, such an attitude, for them, contrasts somewhat strongly in appearance, it is true, with the high pretensions under which they got the Government and themselves into the present difficulty. Yet is not so unnatural a transition after all; for mendicity and self-abasement form no unusual sequel to high pretensions, and magnificent display. It is intimated that there is a disposition, somewhere, to disregard the good faith of the Government in this case, and ruin Collins & Co. by a violation of their contract. Now, sir, it is as well that we should understand one another, and that the country, and Mr. Collins too, should understand us all, upon this point. Where, I ask, has any disposition been manifested, anywhere in Congress, to violate this contract, or to make its conditions even hard, upon Collins & Co.? I deny any such wish or intention, for myself, and for those with whom I am acting. Nor, sir, has any such wish or intention been evinced on any occasion, or in any respect whatever. The suggestion, that there has been any such thing in existence, is as unfounded in truth, as the claims of this company, to further favor at the hands of Congress, are unfounded in merit. This last, I think, has been pretty clearly shown already; and will, I further think, be placed beyond dispute, before I have done with it.

"The contract!" Well, sir, what of the contract? Gentlemen seem to forget its terms and conditions, as well as the circumstances under which it was entered into, and the manner of its prosecution. To prevent misapprehension, it is well we should recur to them. I have nothing particular to say of the beginning of this affair, when it was originally begged and bored through Congress. That was before my day here, and comes down to me as a part of the unwritten history of those times, from those who were here, and observers of what took place. But I am sure it has not been exaggerated to me, from my own observation since I came—especially in the advance of money for building these ships, and the extension of the time for completing them—and still more vividly in view of what has been going on all this session, and is now at work. I allude to that "great external pressure," which the honorable Senator from Michigan [Mr. CASS] reminded us of the other day, and which I have already likened to a huge snake, involving and compressing us in its powerful folds. But these considerations, much as they disgusted me before, and humiliate me now, do not affect my opinion of the contract itself, nor will they influence my course in regard to it. So far as it *is* a contract, I will observe its terms and conditions, myself, as fully and as firmly as any man who voted for it. And sir, I will go a step further, which some of those who have voted for it do not seem disposed to go—and that is, I will make the other parties observe it too. But further than that, on either side, I will not go.

I ask, again, what are the terms and conditions of this much vaunted contract? Here are the facts: In November, 1847, Collins & Co., under the act of March 3d of that year, contracted to build, and have ready for service, *five* ships of a specified character, *four* of them at the expiration of eighteen months, and the *fifth* "as early as may be practicable thereafter;" and for the service of these ships, in carrying the United States mails across the Atlantic, the United States to pay them $385,000 a year, in quarterly payments, to begin after the service had commenced. This is the first contract. It binds both parties to do certain things. The obligation is reciprocal. It is binding equally upon the company and the United States. And, bear in mind, sir, it was a contract, in all its terms and conditions, into which Collins & Co. actually begged, and bored, and teased the Congress, upon the earnest and reiterated assurance, that they could and would execute it promptly and faithfully. Well, what was the result? Why, sir, before half the time had expired, at the end of which they were to have four of these ships ready for service, (under this much-coveted contract of their own proposing,) this very sagacious company discovered that they had not the ability to execute their contract at all. So here they come back upon Congress, representing that unless we extended them some relief and assistance, the whole scheme must fall through and end in smoke. Then, to carry out this addition to their scheme, there commenced another series of begging and boring. I speak of this from my own observation, and it is familiarly known to the Senate. The result of this was a provision in the naval appropriation bill, of August 3, 1848, authorizing the Secretary of the Navy to advance to Collins & Co. $25,000 a month for each of their ships, to enable them to build them; that is, $100,000 a month for the four ships until they should be completed and ready for service. This was consummated under a supplemental contract, dated February 6, 1849. With this concession, which was all they pretended to ask for then, and far more than they had asked for in the beginning, this company expressed themselves satisfied, and gave renewed assurances of a speedy and faithful performance of their contract. But, again, what was the result? Why, sir, a month had not elapsed, perhaps not a day, before they discovered again that they were unable to fulfill their contract, and we had them upon us again, even more clamorous than before; thus proving, it would seem, that concessions of advantage to the speculator, like blood upon the tongue of a wolf, instead of appeasing, but serves to make his appetite ravenous for more. And so actively did they work, and sturdily beg, that from the 6th of February to the 3d of March, some twenty-five days, they got a provision in the naval appropriation bill, of the latter date, allowing them an extension of time to June 1, 1850, in which to finish their ships and begin their service; in the mean time, the advance of $100,000 a month to them to continue.

This is a true history of the transactions, under that famous contract, up to the beginning of this session of Congress; when it had reached its third reading, with amendments at every stage, and each of them against the United States, and in favor of Collins & Co.! And these are the unprotected, persecuted, suffering individuals, whose *modesty* and *patriotism*, have brought them under the heel of a hard and grasping Government! Commend me to such modesty and patriotism! Of a truth, I know no parallel to them, unless it be found in the standard moderation of those gentle daughters of the horse-leech, whose incessant cry is, "*Give! give!!*"

No one can deny these facts, or dispute the statements I have based upon them. They are from the official records here before me. Contemplate the picture they present! Has Congress been niggardly in its disposition, or hard in its dealings, with this company? Has it not, on the contrary, been liberal to a degree without a par-

allel in its transactions, and passively complying to every demand? What has it refused? Or, rather, what has it not granted and agreed to, in every particular of terms, time, and money, which this company demanded? Mr. Collins's tongue seems to have been gifted with the spell of "open sesame," to the heart of Congress and the doors of the Treasury; and surely he has not been idle in its use. Three times has he uttered the magic phrase, and as often have we all said "ay," and the public coffers given up their gold. *Cui bono?* What part of the public interest has been promoted by all this? For whose benefit has it all been done? Has it realized the expectations for the public service, upon the hypothesis of which we authorized this contract to be made? Or has it relieved us of these pressing demands upon our time and attention, or saved the Treasury from these perpetual drains? No, sir, no! But, it is a fact beyond dispute, and patent to the world, that this company, themselves, have disregarded the terms of their contract from the beginning; and, in almost every essential particular, have set it at defiance. Its fundamental, and still subsisting, condition has been left out of view; and seems now, indeed, to be impossible of execution. And, at every session, since the thing began, we have been beset by them, with the cry of "help me, Cassius, or I sink!" This cry has come up from the ocean, as if from throats fast filling with the bitter brine; and the other week we heard it gurgling, as if from one going down, for the last time, beneath the tide of near Potomac. Indeed, I never, nowadays, cross the bridge, in walking on the Avenue, without listening for the voice of some drowning Cæsar, from the fetid waters of our own little Tiber. And just as often as we have heard this cry, just so often have we given help. Let us beware, lest the parallel be extended; and ere long we find that we have as little cause as Cassius had, to rejoice in the charity of helping a tyrant to the land. Not that I fear Mr. Collins, or his line, for any direct or immediate mischief he may do, even if he shall get the millions he now demands. No, sir, I have no fears of that. But, there is good cause to fear that, if we recognize the principle which his demand involves, as a rule of action for the Congress, we shall, thereby, have set up a power over us, not less subversive of the principles of the Constitution, and destructive to the just and equal rights of the people, than was the usurpation of Cæsar to the liberties of Rome.

"The contract!" Call you this a contract? By whom has it been recognized as binding? Surely, not by this company. They have not complied with its conditions from the beginning; and they have told us often, *and they tell us now*, they cannot comply with it. Nay, more, that unless we change it, they must give it up. I say this upon authority; at any rate, upon an authority which this company will not dispute, and are bound to recognize. I say it upon the authority of the Senator from New York, [Mr. SEWARD,] who is the *Fidus Achates* and *Ajax* combined, of this company on this floor—their friend in counsel and their champion in fight. In his speech in their behalf, on the 27th of last month, in showing their condition, he said:

"They further show that a capital of $3,000,000 invested has paid no dividends, and been reduced, by inevitable losses, to a little more than $2,500,000; that their stock is sold, in Wall street, at fifty cents on a dollar; *and that, even if they would, yet they cannot dispatch another ship or mail after the 15th of May next.*"

Here, sir, is their confession, in the most direct and emphatic manner, made by their authorized organ and advocate, before the Senate, in the prosecution of their claim. In the face of this confession, call you this a "contract"—a subsisting and binding obligation? Why, sir, it is but the name of such a thing in mockery. It has not one single substantial quality of a valid contract; or, if it ever had, it has been excluded by the purposed violation of one of the parties. *Nihil, nihil!* even as reduced in the derivation, being *ni*-less, *hilum*, than a bean-chaff! Ay, sir, "less and lighter than a bean-chaff;" and blown away by the first breath of reason. It has hardly the form of such an instrument left to commend it to one moment of respect. A contract is reciprocal in its terms, and binding equally upon both parties, or it is no contract at all. When violated by one of the parties, it is, virtually, at an end for both; or, if it be permitted to continue for the benefit of either, it is only at the sufferance of the one who has faithfully observed it. From the moment, then, that this company came before us, and, avowing their inability to execute their part of the contract, asked us to alter its conditions for their relief, it ceased to be binding upon us, and has continued ever since, and is subsisting now, only at our sufferance. At any time since that moment, it has been voidable to us; and we may now, rightfully, declare it absolutely void whenever we think the public interest requires it to be done; and, if we did it in this very hour, the mouth of this company, by their own wrong, is closed forever against a single murmur of complaint.

As will be readily inferred, Mr. President, by all who hear me, I am not a lawyer. To my own consciousness of this, was once added a very sharp reminder, by an eminent member of the bar, when, in a political discussion, he told me that I had learned my *law* from books very different from his. I confessed this to be as true, as that there was an equal difference between the books from which we had, respectively, learned our *politics*. And so I would say now, in anticipation of the musty tomes on "vested rights," which, upon such avowals as I have made, I imagine starting to the memory of certain learned members upon this floor. Sir, if I am not a lawyer—as certainly I am not—I nevertheless have read, with some care, a brief, and to my mind, very comprehensive and conclusive treatise on this doctrine of "vested rights," arising under charters and contracts emanating from Congress. That treatise is from the pens of George Washington, and that body of learned jurists and wise statesmen over whom he presided at Philadelphia, and bears date September 17, 1787. It is entitled "The Constitution of the United States." In that treatise, sir—and it is the fullest and highest authority with me—I find no power in Congress, expressly given, or necessarily implied, to grant charters to individuals, or make contracts with them, of any kind; certainly not to the extent of trammeling the action of any subsequent Congress. Such a power is repugnant to the very genius of the Government that was then forming, and would have been fatally incongruous with all the other provisions of its fundamental law. That genius is *Popular and State representation;* and all those provisions went to secure the freedom and efficiency of its vitality and vigor, by a frequent periodical recurrence to the source of all legitimate power—the *elective franchise*. Without repudiating the very principle upon which they were assembled, and stultifying themselves, the framers of the Constitution could not, as they did not, mar, with such a solecism as the grant of such a power as this, the perfection of those fair tablets of political law they have transmitted to us, and which, in my heart, I religiously believe were, from "the burning bush" of our Revolution, delivered to our fathers, by the hand of Inspiration itself.

I know, sir, but too well, that such considerations as these have often been disregarded, and the great principle I have mentioned has been violated, in the exercise of the very power I deny. Banks, and corporations of an humbler grade, and contracts almost innumerable, lie as thick upon the course of Congressional legislation, as did the black stones along the path of the children of the eastern King, and are just as clamorous when we will not, like those who have preceded us, forget the lessons of the good Dervise, whom we had consulted at the start. I trust there are some here, yet, who will follow the example of those wise children, and stop their ears with leaves from the Constitution; for thus alone will any of us be able to save ourselves, and protect the country, against these dangerous clamors which assail us here, on every side.

But, sir, seeing that the Constitution has thus been disregarded, and that Congress has been so often degraded from its high functions of legislation, and reduced into a mere administrative bureau, what have been the consequences to the country? I appeal to the experienced members of this body—and to you, sir, the most experienced of them all, for the truth of what I say—when I assert that in no instance when such things were done, has the result ever failed to be productive of anything better than disappointment to all good expectations; and mischief, more or less serious and extensive, to the legitimate interests of the country. Beginning with the first charter of the United States Bank, and descending through the whole series of minor monsters and monopolies to this model contract with the Collins line, vary its aspect, and disguise it as you will, the principle you violate is the same; and the evil you do is of the same general character, only less or more in proportion to the degree of force you move it with. This is—it must be so, if God govern his universe by laws.

Pardon me, Mr. President, if such general views as these be somewhat unusual in a speech upon this floor. They lie at the source of all my opinions, whether in law, in medicine, in morals, or in politics. It is my very being to believe that punishment, often swift, sometimes slow, but always certain, follows in the path of wrong, and falls with crushing power upon the violator of any of the laws of the creation, or constitution, of existing things; and has ever done so, from the original sin of our first parents to the last instance when any man has told a lie, in word or deed. Surely, as I have said, the whole history of this Government is strewn thick with proofs of this, as with bleaching bones and still festering forms, is some vast battle-field; and, sad to say, it is as little free from jackals and hyenas, which prowl about it, to feast upon the corrupt and sickening spoils.

But, sir, to come back to particulars. I deny that the Thirtieth or Thirty-first Congress, in the way it has done, had any legitimate power to make this contract with Collins & Co.; and even if it had, that it was binding upon this. So, even if that contract had been kept in good faith, in all respects, by the company; and even if the enterprise it was designed to carry out had been entirely successful in securing all the public benefits it proposed, I deny that there is upon this, the Thirty-second Congress, any constitutionally legal obligation to recognize or consummate it, *because* of its having been a contract with a preceding Congress. Commended to us, if it were, by the propriety of its terms and the practical value of its conditions, we might adopt and continue it during this Congress as a measure of wise expediency. And it is, of course, equally competent for us to repudiate this contract, and refuse to have anything whatever to do with it, if, upon investigation, it is not found worthy of adoption, whether by reason of its inherent defects, or of the bad faith or incompetency of the other parties. I have not time, however, nor is it necessary to my present purpose, to elaborate this view any further.

The question recurs as to the character of the contract itself, the manner in which it has, so far, been executed, and the propriety of continuing it, especially upon the new conditions now proposed.

The leading considerations upon these points, I have already endeavored to present. What I have here to say, relates to somewhat minor and incidental points, which have been suggested by the friends of this measure, in the course of debate.

As a consideration in behalf of this company, and as strongly commending them to our favor, we have been told of the great exertions they have made, and the heavy expenses incurred, first in building their ships, and next in contesting the supremacy of the seas, with the Cunard line, backed by the Treasury of the British Government.

How stands the first item of this account—that is, their exertions and expenses? The contract requires them to build *five* ships. They have built but *four*. In this, then, instead of exceeding, in exertion and expense, what they voluntarily undertook to do—nay, what they begged Congress to permit them to do, and at their own price, they have done and expended *one fifth less*. For building and using in the service of the Government those *five* ships, they were to receive, *and have received*, $385,000 per annum. So they have already, and regularly, received the full amount of compensation, and furnished only *four fifths* of the consideration to which the contracts bind them. They allege that the *four* ships they have built, cost them $3,000,000, or $750,000 each. Then, they have saved the expenditure of that sum, the interest upon which, at six per cent. for two years, is $90,000. I assume two years for this estimate,

for the reason, that their contract was made the 1st day of November, 1847, conditioned for the completion of the first *four* ships by the end of *eighteen months*, and the *fifth* one "as early as practicable thereafter." It has now been *four years and a half* since that contract was made. Allowing, then, the contract time for the completion of the first *four* ships, which would have made them ready by the 1st of May, 1849, and then allowing one year more as a sufficient "practicable" time to build the *fifth one*, it leaves a little over two years to this time, that is, from May 1st, 1850, to May 17th, 1852. Upon the $750,000, then, for these two years, during which time it has been withheld from investment, in violation of the contract, the interest amounts, as I said, to $90,000: and this they have saved.

How much they may have saved from other and minor instances of violation of contract, I am unable to ascertain with precision. I learn, however, upon what I deem good authority, that they do not "carry, accommodate, and subsist," as the contract requires, "*four passed midshipmen*, and *one mail agent*, upon each of their ships." And further, that they have not provided *suitable and secure apartments for the mails*, as the contract requires. What would be the sum of these several items of expense, I have no means of estimating with precision. It cannot be less, I apprehend, than several thousand dollars a year. Whatever it may be, however, it is so much saved to them: and, when added to the $90,000 of interest, makes up a sum perhaps not less than $100,000 per annum, which most men, of reasonable desires, in this plain, republican country of ours, would deem a good fortune for a lifetime. But this sum is saved by this company, upon these two items alone, every year, and is either added to their profits, or deducted from their losses. It will be apt to strike a plain man, of common sense, that if $100,000 a year will not cover the losses upon a business, it must be a very "bad business," and ought to be abandoned; or it is in the hands of very "bad managers," and ought to be taken from them.

The sums they have paid for building their ships are set down at a very large amount—$750,000 each. Those who claim to be competent to judge, declare it to be much larger than is either reasonable or sufficient. In proportion to tonnage, these ships have cost much more than the British ships of the same class. Thus, while they exceed the British ships only two hundred tons in size, (which, even at their own estimate of their cost—at $250 a ton—make only $50,000 excess over the British,) they do exceed them $200,000 in cost, or four times the ratio of excess here assumed, which is evidently excessive in itself. This difference cannot be accounted for upon the difference between the prices of labor and materials in the two countries. We know that such a difference does not, in the very nature of things, and cannot exist. I must resort, then, to the only rational, though it may be an extraordinary, explanation which I have been able to find. I am indebted to a friend, a member of this body, for the paper containing it. It is the New York Evening Post of the 8th of this month. The explanation it gives of this matter consists of three short paragraphs. I will read them:

"The Americans can construct and navigate steamers cheaper than they can be constructed and navigated by any other nation. For the accuracy of that statement, we appeal to every disinterested ship builder on the Atlantic coast, from the Penobscot to the Chesapeake. Why, then, does this company ask twice the aid which is necessary to sustain the Cunard line?

"In the first place, we have the authority of the company for stating that their four steamers cost $3,000,000, while their cash capital amounted only to $1,000,000; so that before they had begun to earn a cent, they were in debt $2,000,000. They were paid for, therefore, mostly in stock; the builders, the engine makers, the furnishers, all had to take more or less of their pay in stock of the company; in consideration of which they were permitted to put what price they pleased upon their work. This accounts for the Collins vessels costing $200,000 apiece more than the Asia, which is only about two hundred tons less burden, which will average as good time throughout the year as one, if not two, of the Collins steamers, and will carry twice the amount of freight, and nearly twice the number of passengers.

"The Cunard vessels were built for cash at the most favorable cash prices. When launched they did not owe a penny; they were subject to no extortionate charges for interest, and they commenced earning money for their owners the moment they were started, instead of being pledged to pay off mortgages to their builders."

I said this was both reasonable and extraordinary. Is it not so? It is *reasonable*, because it is based upon the statements of the company themselves, and accounts for what is otherwise unaccountable. It is *extraordinary*, else it would be inapplicable to a most extraordinary transaction.

Here we have presented to us a state of things that at first, I confess, astounded me, and almost staggered my belief. It is a lifting of the curtain from a picture which, if one half be true to nature, is alike disgusting in itself, and mortifying in the reflection that we could have had any connection with such a transaction. Here, sir, is one of those "noble enterprises" upon which, as we are so often and so eloquently told, the progress, and prosperity, and honor of our country depends. If this be one of the sources of our progress and prosperity and honor—and perhaps it has received higher praise than any other—then our condition as a people is indeed deplorable; and from all such I pray, in all sincerity, our country may soon be delivered.

But our astonishment, at such an exposition as this, should not result from the character of the transaction itself, for that was to have been expected as the natural result of the hot-bed system of special legislation, which has never given birth to anything better than monsters, or abortions. But the astonishment should be that an American Congress—the representatives of a people more remarkable for common sense than any other in the world—should have been led into this enterprise, and become a partner in this company, expecting success in business, or advantage to the country. Well, the result is now before us. And it, *confessedly*, is a failure of the enterprise, and ruin to the company; and, besides the shame of disappointment, a dead loss of little less than $1,000,000 of the public money; a sum, we had as well, for any good, have thrown to the fishes in the sea.

I do not make this statement at random. I derive the facts from an official source. To insure accuracy, I addressed a letter, last Friday, to the Secretary of the Treasury, inquiring for the entire amount paid, by the United States, to Collins & Co., in cash; and the entire amount received from them, in postages. Here is his answer:

TREASURY DEPARTMENT, *May* 15, 1852.

SIR: I have the honor to inclose herewith a statement from the Sixth Auditor, showing the receipts from the Collins line of steamers, as requested in your letter of yesterday.

A reference to the Navy Department shows the payments to have been $1,039,500, as will appear in detail by referring to Ex. Doc. No. 91, 32d Congress, 1st session, page 3, No payment has been made since 12th February last.

Very respectfully, your obedient servant,

THO. CORWIN,
Secretary of the Treasury.

Hon. SOLON BORLAND, *Senate of the United States.*

The statement of the Sixth Auditor, referred to by the Secretary, is the following, in his letter of the same date:

"The amount of revenue which accrued by the *Collins line alone*, from the 27th April, 1850, to 31st March, 1852, was as follows, viz:

Letter postages	$326,670 58
Newspaper postages	8,560 02
Closed mails	2,104 25
	$337,334 85

In the foregoing statement, the dead letters are not included; but an allowance of $25,322 87 was made in the adjustment of the postal accounts with Great Britain for dead letters received from England by all the lines.

I have the honor to be, very respectfully, your obedient servant, J. W. FARRELLY, *Auditor.*

Hon. THOMAS CORWIN, *Secretary of the Treasury.*

Here, then, it is seen, that while $1,039,500 have been paid to this company by the United States, they have paid back only $337,334, the United States being out of pocket just $702,166. It is a little less than *a million*, as I said, yet it is a very large sum—an enormous sum to be thrown away upon what was a doubtful experiment at first, and is now an exploded scheme.

The item of "dead letter" postage, paid by us to Great Britain, set down at the close of the Auditor's letter at $25,332, I am not sure, from my want of familiarity with such accounts, that I quite understand. I apprehend, however, it is a charge to the expense of transporting the mails. If I am not right in this, the Senator from Texas will correct me. I assume, then, that it is so; and that, relating to "all the lines," as the Auditor says, one half of it, or $12,666, must be added to the account of expense we have paid for the Collins line, and this makes the dead loss to us just $714,832. These are *facts* and *figures* which no one will or can deny. I make this exposition and record of them that they may be heard and seen by those who have to pay these large sums in the way of taxes. Let them be remembered!

In addition to this, we are told here upon this floor, by the best friends of this company—nay, it is one of their pleas for help—that their stock is now selling in the market for *fifty cents on the dollar! Hic jacet!* was never more plainly cut upon the tombstone of any mass of mortality, than this simple statement writes it on the decks of this company of the Collins line.

The honorable Senator from Michigan [Mr. CASS] the other day dwelt upon this fact of the *fifty per cent. discount*, with much emphasis; and assumed, what is certainly true, that the rate thus indicated was the unerring measure of the value of that stock. But there the Senator stopped. Why did he not go a step further in his equation of stock economy, if I may so express it, and assume, as he could have done, with equal truth and much more significance in this connection, that this depreciated price of their stock in the market was the measure and the weight, among sensible men of business, of this company and their enterprise, and the proof, from which there is no escape, that the whole thing is a failure, and a bubble bursted? "*Fifty cents on the dollar!*" Why, sir, it is the very language in which failure is emphatically expressed.

And how could the result be otherwise? Look a moment at the transaction! A speculation, clean, naked, and unredeemed! Upon *one million of money*, this company issued *three millions of stock;* and upon that, bearing interest, they engaged in a pursuit, of which, in view of the result, one of two things must be said: Either the scale upon which it was planned was not required and could, not be sustained by the business of the country; or it has been most shamefully mismanaged. Possibly both may be true, to some extent. How far the first may be, I do not now inquire. I have already shown that there is much truth in the last supposition; and to show this still more clearly and strongly, I have a few more facts, which seem to me to prove that, even had this enterprise been entirely legitimate and well conceived in itself, yet that it has been conducted upon a system of complication and expense, which could not possibly result in anything better than the ruin it has wrought. And added to the inherent viciousness of that system of mismanagement, as if to make success impossible, beyond a doubt, Congress was wheedled into a participation and partnership of this blind and blundering empyricism! An agency, as I have said, which never yet has meddled, but to mar even the wisest plans of individual enterprise.

To show, still further, the miserable mismanagement of this Collins line, I will read, from the same paper, a few of the items of expense of navigating these ships, after incurring, as we have seen, the enormous expense of building and fitting them for service. Here they are:

"By the statement submitted to the Senate committee by Mr. Collins, it appears that the running expense of these steamers is $10 a mile. This is twice as much as is usually allowed by the British Admiralty in their calculations for ocean navigation. They always estimate for a guinea a mile. The cost of running American steamers, we believe, does not generally amount to that, except on the Pacific coast. Here is a difference of half, between the two lines, which it would have been as well for Mr. SEWARD to have directed his attention to, before he made his imaginary trip with his brother Senators to St. Stephen's Chapel. Here is a difference just covering the depreciation, which, he says, the Collins stock has experienced in finding its level in Wall street. If the imaginative Senator had spent less time in getting up his rhetoric, and more at getting at the material facts in the case he attempts to discuss, he would probably have done what, for his own sake, we wish General CASS had done.

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"He would have inquired, as we have done, the cause of this extraordinary expense of running the Collins steamers, and he would have learned, as we have learned, that it is not one which it becomes the United States, or any other Government, to countenance or encourage.

"We happen to have the means of comparing some of the expenses of running the two rival lines, and we propose to submit the facts to the public, in the hope that they will have some influence upon those whose support of this monopoly does not originate in other considerations than those which are addressed to their reason or their patriotism.

"The following estimate of the cost of running the two lines was made up, we have reason to believe, and do believe, from the books of the two companies:

	Collins.	*Cunard.*	
Cost of the Baltic..$700,000			
Cost of the Asia... 500,000			
Pay roll for two months....	$9,000	$5,400	
Consumption of coal a round voyage .....2,000 tons	10,000		
" " 1,400 tons	-	7,000	
Ins 6 pr ct pr ann. } Depreciation 8 per cent. } for 2 ms Repairs 6 per ct. }	23,333	16,666	
	$42,333	$29,066	
Excess of Collins's expenditure per ship.....	-	-	$13,267
Or for 4 ships for 26 voyages	-	-	$345,042

"It may be objected that the Collins ships are larger than the Asia, and therefore more expensive to run. The difference is only about two hundred tons, not enough to increase the expense materially, and besides, the rate of increase in the expense of running steamships is always inversely as the tonnage, and, therefore, even if the difference were material, it would not strengthen the application of the Collins company.

"Here we have a difference of $345,042 annually—a sum equal, within about $5,000, to the entire allowance of the British Government to the Cunard company. Among the items on the pay roll, there is one worthy of a specific reference. The Cunard captains receive, all round, $2,500 a year. The captains of the Collins steamers receive $6,000—difference, $3,500 on each ship. The reason of this difference is, as we are told, that the Collins captains are obliged to own a quantity of the stock of the company ($30,000 worth is the amount we have heard stated) before they can receive a commission.

"That being the case, they certainly have not been overpaid thus far, if, as we presume, they bought at par; but it is none the less extravagant and wasteful in the company to do their business in such a way as to be obliged at the very commencement of their enterprise to pay people in their company to take their stock—for a portion of these salaries can be looked upon in no other light—and to saddle the stockholders with the expense."

These facts need no comment, to answer the purpose for which I have introduced them. They show the true character of this company, and put the seal of condemnation, beyond escape, upon all their operations. They commenced without capital, and have conducted themselves throughout as wild and reckless speculators—speculators upon individual credit and credulity, and upon the faith of this Government.

My honorable friend from Kentucky [Mr. UNDERWOOD] will find in these statements I have read, something like a solution of the questions which puzzled even his arithmetic the other day. When he made his calculations then, I suppose he estimated the payments to be in cash, and therefore put all the items down at the standard of a cash valuation. He did not then know that those payments were made in *stocks depreciated to fifty cents on the dollar*. So, if he was puzzled over his arithmetic then, because its relentless rules would not carry the legitimate amount of expense up to the enormous sum set down by the company, I apprehend that the straight-forward honesty of his mind will be even more amazed now, at the *cause* of the difficulty, than he was puzzled then, at the difficulty itself. Now, sir, as practical questions to a practical man, I ask my friend from Kentucky, what would be thought of a company in his State who should engage in business (no matter how legitimate and promising in itself) upon a capital two thirds of which was borrowed at interest; and then, in the prosecution of that business, should undertake to pay all its expenses by selling its own paper in the market at *fifty cents on the dollar?* How long could such a company sell its paper at all? How long could it obtain credit at all? Would any sensible man among his constituents take stock in such a company, or become in any way connected with it? Would not the undivided sentiment of the community be, that there was ridiculous folly or deep knavery at the bottom of the whole concern? Well, sir, it seems to me this is a case in point. If there be any material difference between them, in a practical point of view, I am unable to perceive or appreciate it. But it is said, I am aware, that I and a few others here do not take "broad, statesmanlike, national views" of such questions as this. And I trust I never shall, if in doing so, as in this case, I must repudiate my principles and the common sense which the God of my creation has endowed me with.

But even this extraordinary cause of increased expenditure for two months, or a trip, as set forth in the paper I have read, does not carry the amount up to the $65,000, as stated by the company. But it makes only $42,333; although this estimates for the Collins pay-roll $9,000, while the Cunard is but $5,000; for the Collins coal bill $10,000, while the Cunard is but $7,500; and for the Collins insurance, depreciation, and repairs $23,333, while the Cunard is but $16,666—total Collins $42,333—total Cunard $29,066. Here is an excess, yet, of $13,267 per trip, to be accounted for. Perhaps some light may be thrown upon this, if any one can or will answer certain interrogatories which I will here propound. Perhaps if the Senator from New Jersey [Mr. MILLER] were here, he might, from the familiarity with the subject he evinced by his speech some weeks ago; or, at any rate, I have no doubt that the Senator from New York [Mr. SEWARD] could furnish us an answer from that rich budget of facts with which he seemed prepared the other day, and of which he gave us a glimpse so curious. But, whether I can have them answered here or not, I will now propound them, and then put them in my printed speech, so that some one else may answer them for the information of the country, if not of the Senate. We want light. Here are the interrogatories:

1. Who are the shareholders in the company owning the Collins line of ocean steamers, and where do they reside?

2. What commission is charged by Brown & Brothers, the British agents, per voyage, or per annum, for their services to this line?

3. What extra prices, above the current market prices, are paid for disbursements, provisions, and outfits at Liverpool?

4. What commissions are charged by Collins at New York for his services to the line?

5. Do not the expenses, on these accounts, amount to more than $13,000 a trip?

6. Is not this line mortgaged to a member of the British Parliament for $700,000?

7. Where are the insurances effected, and at what rates? Where is the coal purchased, and at what prices? What is the difference between those prices and the prices paid by the Cunard line? Where are the officers and crews employed, and are they paid at American or English prices, and what is the difference?

Then there are a few questions I asked the Senator from New York [Mr. SEWARD] the other day in debate, which he has not answered, and which I will now repeat. I hope he, or some other competent person, will answer them at their convenience. That Senator then said that—

"The insurance on the Cunard line of steamships, valued at $500,000, at three per cent. in England, is.... $15,000
Insurance of the Collins line of steamships, valued at $700,000, at six per cent., is..... 42,000
The total insurance on the Collins line is..... 168,000
The total insurance on the Cunard line is..... 60,000
Making a difference against the Collins line of.... 108,000
"The rate of wages for the persons employed as captains, engineers, and common seamen, is about one third higher in this country than in England."

I copy this from his printed speech. When he made it, I asked him if I heard aright, and if that statement could be true? I asked him if it could be true of two companies, each running a line of ships of the same character, upon the same ocean, to and from the same ports—engaged in the same kind of business—having access to the same markets for similar materials, labor, supplies, money, and insurance—that one was in anywise compelled to pay, or *did*, actually, pay double, or even a third, over the rates and prices that the other paid, upon all, or any one of those items, as he had set it forth? I asked the questions in good faith; for the statement struck me as so extraordinary, that I was not sure I heard the Senator correctly. He did not answer me then; but as he has put the same statement in print, I take that as *his* answer. Let my questions and this answer go to the public together. I submit it to the practical sense of men of business, that if the Senator's statement be true, that Collins & Co. do pay these excessive prices, when lower ones are at their option, their business is either grossly mismanaged for want of sense, or want of honesty. *Compete* with the British, indeed! At such a rate, and by such a system, we cannot pay them money enough to enable them to *compete*. We might enable them to go on; but it would be at the expense of both the interest and honor of the country. It would be no competition, but a miserable scramble for a premium upon incompetency or corruption. I do not believe a word of it. And, most assuredly, I will never countenance or sustain such a state of things, if it be true, by any vote of mine.

Again: we are told that we must sustain this Collins line, *because* the British Government sustains the Cunard line. Even as a general proposition, I do not admit this to be true. But I will not discuss that further than I have done in another portion of my remarks. Admitting it, however, for the argument, though not in fact, I yet deny that such a consideration gives any force or validity to the claim for this increased allowance, now made by the Collins line. It is a fact beyond dispute, that in this matter of following the example of the British Government, and giving large compensation to our steamers, because she gives large compensation to hers, we are not only not behind, but we have already *exceeded her*, in the rate of compensation allowed. We already pay Collins several thousand dollars more, per trip, than Great Britain pays Cunard for similar service. Thus, we pay Collins $19,000, while Cunard receives from his Government but $15,000; the excess in favor of Collins being $4,000 per trip, or $96,000 per annum.

I know, sir, we are told that the British Government has latterly increased the compensation of the Cunard line from £145,000 to £175,000 per annum. But I have not seen sufficient evidence to satisfy me that this is true. The only evidence we have, about which there seems to be no doubt on this point, gives the £145,000 as the annual compensation, which makes about $15,000 per trip. We are told that a *Mr. Livingston*, who seems to be one of the Collins Company, or is deeply interested with it, has said that this had been increased to £175,000. Gentlemen may take this as evidence of the increase of British compensation, who choose to do so. To me it has so far appeared only as a vague rumor, the truth of which no Senator here seems willing to vouch for. It is also from an interested source, and offered as aid to a certain end. Of the individual who offers it I know nothing. I neither admit nor deny the truth of his statement. The amount which I have assumed, I find stated in a book of unquestioned authority for facts of this kind—"The British Almanac, for 1851." On page 63, in the article on "North American Mails," I find the following:

"It was in the autumn of 1845 that the negotiations were going on; and in the spring of next year the new contract was completed, by virtue of which the Cunard Company undertake to dispatch a mail steamer once a fortnight from Liverpool to Halifax and Boston, and another mail steamer once a fortnight from Liverpool to New York, the price being £145,000 per annum, and the contract to remain in force till 1858."

I find nothing on this point later, or different, in any official document, or from any other reliable source. This, moreover, is admitted on all hands to be true. But suppose it to be true, that this increase of £175,000 has been given to the Cunard line. It does not materially affect the argument. It still leaves the compensation to the Cunard line a little short of $18,000 per trip; while the Collins line still receive the $19,000, or $1,000 per trip more than the British line. There is no established truth, therefore, in this part of the plea; and even if there was, it has no force nor validity whatever. Instead of sustaining this claim, then, it is directly against it.

These are facts which are indisputable. In view of them, what becomes of this plea of the necessity of sustaining the Collins line, against the patronage of the British Government? Gone, sir; gone, like mist before the morning sun. Protection of American enterprise against British gold! That is the demand. And all who do not at once concede it, are charged with want of patriotism. And yet the facts, here staring us in the face, prove beyond dispute, that we have not merely given this protection—not merely placed the American ships on an equal footing with the British—but we have *done more*, sir. We have given them *more money* and *more protection*. And now they demand still more—nay, nearly double as much. They already receive (at the highest estimate for the British) $19,000, while the British receive but

$18,000; and now they demand $33,000, or an increase of $14,000 a trip upon what they now receive, or $15,000 a trip *more* than the British ships receive! Call you this American enterprise? Call you this American competiton with British energy and British skill! Why, sir, it is but a game of bragg, with stakes of gold, the party winning who has the heavier purse. "This is not the entertainment to which we were invited." We came not here to gamble—certainly not with the public money. And yet, sir, if this be not so, in what attitude does such a proposition as the amendment makes place us before the world? It has ever been our boast, and it is one which every American heart may make with an honest pride, that "give us but daylight and fair play," and American enterprise, arts, and arms can stand against the world, and win a glorious triumph everywhere. And our history proves it to be not unfounded. Upon no battle-field, whether in arts or arms, from our national birthday to the present hour, even with the odds against us, have we ever been defeated. The amount of money our Government might collect, and expend in magnificent display, has never been the subject of a boast from any true American heart. It never will be. That money, under the genius of our institutions, is better in the pockets of the people; so much of it as may be needed for a just and equal administration, and for defense, being ready, as we all know, to be poured with freedom into the public coffers, at a moment's notice; and no more than that should be given.

But, sir, this amendment declares that ours is an empty boast. It declares, in words which cannot be mistaken nor misunderstood, that American enterprise and skill *cannot* stand against the British upon equal terms—nay, not even when we have the advantage of a heavier purse. The confession is there made—ay, sir, there it stands upon the table before you, in the official records of the nation. If it be true, its tortuous lines should be taken from that table, and, by some British loom, woven into a veil, as black as the ink in which they are traced upon the record, to hang forever upon these bold American faces of ours, in this day of our national humiliation!

Sir, if I thought it true, I never would, I never could again, as an American citizen, hold up my head, in pride of my native land. I never would assert again that America was the equal of any other nation in the world. But, on my knees, I would go down before that strong Genius of American enterprise and skill, of whom we hear so much, and pray him to strike the galling libel from our escutcheon, and swear by him who spoke this glorious land of ours into being, that no hand should ever write it there again. But, sir, it is not true. As an American, I swear it. We *are* able to stand against the world, without the heavier purse—without adventitious aid from any quarter. Even when the odds have been against us, as they always have upon the ocean, we have been successful in every encounter, and have gone on prospering and to prosper, while competing with every nation, upon every sea. Sir, no instance can be cited in which it ever was pretended that success had failed us, *until the coming of this Collins line.* But, tell me not that such a thing as that, truly represents the enterprise, or skill, or talent, or spirit, of our countrymen. No, sir, no! It is a false heir—a miserable pretender—a monster, begot by folly on corruption, sent from some dark abode below to degrade us before the world; or, if by decree of Heaven, surely sent to chastise us for our sins, and move us to repentance. Mark its coming with the blackest stone the calendar affords; but not, I protest, as a sign of our people's degeneration and decay.

No, sir; the day of our declination in the great cycle of time has not yet come. My trust in God is, that, high already as we have climbed the sky, in progress and prosperity, the point of our culmination is yet far higher and further away; and that we, and our children, and our children's children, and generations to come after them, shall not see that highest point attained; but that our country's course shall be onward and upward, as long as time shall last.

Mr. President, my strength again has failed me. I know, also, that the Senate is fatigued with a long sitting, and is anxious to adjourn. While, therefore, there are several other points in this question of interest to me, and particularly one of special interest to my constituents, which I have been unable to reach, I shall seek another opportunity to present my views upon those points, if my health permit, before the question shall be finally disposed of. For the present, I have no more to say.

NEW MEXICO—THE COMPROMISE—THE WHIG CONGRESSIONAL CAUCUS.

SPEECH OF HON. BEN EDWARDS GREY,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 17, 1852.

The House having resolved itself into a Committee of the Whole on Territorial business—

Mr. GREY said:

Mr. CHAIRMAN: The bill before the committee, a copy of which I hold in my hand, proposes to authorize the Governor of New Mexico, "if he shall deem necessary and expedient," to convene an extra session of the Legislature of New Mexico for ninety days. The necessity for the passage of this law is in consequence of the law that now exists, which prevents the Legislature of New Mexico from continuing in session longer than forty days. They ask that they may be permitted to have one extra session of *ninety days*, forty days not being sufficient. I wish to remind the committee, that this is a new government just organized. A few years ago in Kentucky, we adopted a new constitution. Previous to that, our legislative sessions had been of only about sixty days; but the first session afterwards (to adapt the government to the new constitution) continued nearly five months. The constitutions of the different States usually give to the Governors the authority to convene extra sessions of the Legislature, when by them deemed proper and expedient. Again: as an additional argument in favor of granting this indulgence to the Governor of New Mexico, I will remind the committee that many members of that Legislature are Mexicans and speak the Mexican language, and the bills, resolutions, and speeches which they make and which the Americans make, have to be translated, and thus occasions a great deal of delay. This bill also provides, that the extra session shall be held before the first day of December, 1853, and that it shall not be held at any time to interfere with the *regular* session. So much for the bill before the committee, which ought, in my opinion, to meet with favor.

Since I took my seat in this Congress, I have occupied very little of its time in speech-making. But, sir, the very extraordinary publication prepared by my colleague from Louisville, purporting to give the proceedings of the caucus of "the Whig members of Congress" held on the night of the 20th April, and attributing to those who declined to follow his lead in withdrawing from that meeting, political opinions adverse to the interests of the party to which I belong, and of the State which I have the honor in part to represent, forces upon me the alternative of quietly permitting my opinions and conduct, and the action and intentions of that meeting, to be very greatly misinterpreted, or of responding in my place here.

That publication is signed by ten other gentlemen, for all of whom I entertain kind feelings and great respect, and is addressed "to the Whigs of the United States." But the remarks which I shall now make in reviewing its statements, intimations, and charges, I apply *alone* to my honorable colleague from Louisville, because of the fact that we are members of the same State delegation, representing, to some extent, a common constituency, and must be judged of, in some measure, by a contrast of our relative position upon the matters to which it refers, and because that address *was written by my colleague.* Therefore, I reply to it *only as his address*, and "*to the people of Kentucky*," censuring myself and their other Whig members in this Congress—*all of whom remained in the caucus.* Considering that address in this light, I accept the issue, and will file my answer.

Neither I nor any of my Whig colleagues, were ever before this session members of Congress, except the honorable gentleman from Louisville. He is admitted to be one of the most talented and efficient members of this House, and I take pleasure, as a Kentuckian, in expressing my entire concurrence in that high estimate of his ability. I have long entertained for him great respect and personal kindness, and I now entertain no feelings of unkindness towards him, and have not the least desire to prejudice him anywhere. Indeed, sir, I regret exceedingly the necessity which forces upon me this issue with him. But I must and will defend myself against his attack; and, Mr. Chairman, the elevated and distinguished position which he occupies only adds force to that "imperious sense of duty," to myself, to my friends, and to the Whigs of Kentucky, which prompts me to stand up the more boldly and firmly in defending my *own course and conduct*, and that of the late Whig caucus, against the unjust insinuations and charges contained in his address. I have read and *studied* the *effects* of that address with perhaps *closer* attention than any other member from Kentucky in this House, and I do solemnly declare, as my honest conviction, that it is the *bitterest*, the most DENUNCIATORY, and WITHERING hand-bill which could be made against those Representatives from Kentucky who remained in the caucus, coming, as they do, from a people entertaining the sentiments and opinions they entertain, and pledged as those Representatives are, to *maintain* and carry out those sentiments and opinions. That address, with its statements, intimations, insinuations, and conclusions, *if believed and adopted* by my constituents, would prostrate me forever; though that is a matter of *small* importance. But, sir, it is the most *adroit* argument, and, *if unanswered*, would be the most *effective* instrument that could be placed in the hands of the Democrats to revolutionize the politics and break down the Whig party of our State. We have no Whig strength to throw away there. We already have a Democratic Governor, and if the Democrats go upon the stump with that address, and by it show to the people of Kentucky that their Representatives, who were elected as *Whigs* and "*compromise men*," now occupy the position therein attributed to them by the gentleman from Louisville, they will say that we do not occupy the *position* we were *pledged to maintain when elected.* Sir, if unanswered, the Democrats will take up *that address*, as showing the position occupied by the Whigs here from Kentucky, who remained in the caucus. They will ask the people of that State, who are in favor of the fugitive slave bill and compromise measures: "Will you trust *Whigs* to go to Congress as your Representatives, when the oldest and one of the ablest men in the delegation makes and *publishes* these charges against them in the *City of Washington* where they were all present, and they are *admitted by their silence?*" While, therefore, I would avoid, *if possible*, any issue with my colleague, and certainly am not disposed to make any unkind attack upon him, nor will I do so, yet, sir, I feel it my *duty* to the Whig party of Kentucky to reply to his charges, that an *admission of their truth* may not be inferred from *my* silence. While I will not silently permit myself to be misrepresented, even though it be unintentional, I am equally determined that the Whig party of our State shall not be prejudiced through or by a misapprehension or misunderstanding of my conduct and opinions, as one of their Representatives in the Congress of the nation. As for myself, it is a matter of *smallest* importance to the nation, whether I am sustained or discarded by my constituents; but with *all* my respect for the talents and reputation of my colleague, he must excuse me, for I *cannot consent*, at the *outset* of my Congressional career, to be thus *ridden over, rough-shod*, by anybody.

Never, until now, has there been an intimation that my opinions and course as to the compromise measures of the last Congress were not well defined, positive, and certain. Being a Southern man by birth, education, associations, and principle, no man's sympathies for and with the South are stronger than mine. At the same time, I am fondly attached to this glorious Union, and under a deep conviction of the value and importance of those measures to its preservation and perpetuation, I am committed to sustain them, by many speeches made on the stump, and in the Legislature of Kentucky. I am further committed, sir,

by my vote for the resolution adopted by the Whig caucus, which assembled in this Capitol on the first day of this session, which is identically the same as that offered by my colleague in the caucus of the 20th April. I am still further committed, most unequivocally and publicly, by my *several votes* upon the different resolutions indorsing the compromise as a finality, which were introduced into this House by the two honorable gentlemen from Georgia, [Messrs. JACKSON and HILLYER.] Those votes are recorded in the Journals, and have been published in the newspapers in every State of the Union. Sir, I put that record, and the previous record of my political opinions at home, against that long "bill of indictment" drawn up and published by the honorable gentleman, and feel well assured that the people of my native State, when they see and read all the facts, will not believe one syllable of the intimations, deductions, conclusions, and charges which the phraseology of his indictment tends to induce—that I am opposed to the compromise—that I am in favor of a "*mum candidate*"—that I am under the influence of Northern politicians—that I am regardless of the interests of the South, and as a Southern man and a Whig, *recreant to* "*the duties of the present*," *and false to* "*the hopes of the future.*"

Sir, in all kindness, and with all due deference to the honorable gentleman from Louisville, I tell him that one of two things is certain—either he under-estimates the intelligence of the people of our State, or he very greatly overrates the force and authority of his *own* declarations and statements, if he supposes that people to be so gullible as to be thereby induced to regard him as the only *true* Whig from Kentucky, or as their only Representative in whose hands the rights, interests, and institutions of the South can be confided with safety.

When a man has a bad cause, he often finds it politic to attempt to *mystify* and *dignify* it, by set phrases and solemn language; and my colleague, with *great apparent* importance and solemnity, proclaims to the people of Kentucky that "an *imperious sense of duty*" constrains him to call their "*serious* and *immediate* consideration" to "the events of the Congressional meeting of the 20th April;" that those events are "of *significant* import;" that "they are likely to affect the *future unity of the Whig party;*" that "it does not *become him* to suggest their course, in view of those *alarming events;*" that his "object is accomplished by 'inviting to them their *immediate consideration*, satisfied, as he is, that they will *awaken* their *serious* 'reflection and *guide* them to such action as may be 'demanded by the duties to the present and the 'hopes of the future."

Now, Mr. Chairman, when the plain, straightforward, sensible people of Kentucky read that solemn and impressive language, they will "marvel much," saying to each other, "what can all this mean?—truly, some event of most significant and *threatening* import must have happened." And many of them will, I have no doubt, write to me to know what has "*turned up*" at the "*Federal city*" to call forth such a *pronunciamiento* from Colonel MARSHALL; what dire portents have excited his "imperious sense of duty" to send them, for their *guidance*, such *solemn admonition* and *warning*?

Sir, I expect to receive about two thousand letters in the next two weeks, and I can imagine, with pleasure, what great relief will be afforded those dear people, and their wives and daughters, their old people and their young people, by a short statement of facts, in a circular letter somewhat in this wise:

"MY DEAR FRIENDS: When a few of the Whig members of Congress held a caucus here, one night, to fix a *time and place* for the National Whig Convention, Mr. STANLY, of North Carolina, offered the following resolution:

"'*Resolved*, That it be recommended to hold the Whig National Convention in the city of Baltimore, in the State of Maryland, on Wednesday, the 16th day of June next, for the purpose of nominating candidates for President and Vice President of the United States.'

"Thereupon Colonel MARSHALL and Mr. GENTRY offered resolutions re-indorsing the compromise; which they insisted should be voted on before Mr. STANLY's. But those present thought it best to do *one thing at a time*, and that, as Mr. STANLY's resolution had been *first* offered, it ought to be first disposed of; and then Colonel MARSHALL's resolution could be acted on. The Colonel then declared 'that was no place for Whigs,' and he and others threatened to leave. General CULLOM, of Tennessee, arose and appealed to the gentlemen not to leave, but to wait till Mr. STANLY's resolution was voted upon; and then, if no one else did, he would himself offer the Colonel's resolution, and help to pass it. But the Colonel *walked out*, and Mr. STANLY's resolution was adopted without a dissenting voice. Being under the impression at that time that Colonel MARSHALL had offered his resolution in good faith, and desired a direct vote on it, I felt confident he would come back after he got a little cool, and help his colleagues to pass it; for he was assured that it would be taken up as soon as Mr. STANLY's resolution was voted on, if he and his friends would stay. But, after waiting a long time, and neither Colonel MARSHALL nor any of those who withdrew returning, the caucus adjourned about midnight without adopting any resolution, except that little, short one offered by Mr. STANLY. Now, gentlemen, you can judge for yourselves whether the adoption of that very harmless, little resolution, or the fact of Colonel MARSHALL *walking out of the Whig caucus*, were events of such 'significant import' as to call for your immediate consideration,' or 'to awaken your serious reflection,' that you may be *guided* 'to such action as may be demanded by the duties to the present and the hopes of the future.

"I am, &c., &c., very respectfully."

Such a letter, Mr. Chairman, I thought I might send my constituents, as telling them in few words *substantially* what that caucus did. But lest it be said that I ought, in justice to my friend from Louisville, to give a more detailed statement of my understanding of what occurred, I will now do so.

By long-established usage, a "National Democratic Committee" have designated the time and place for holding the National Convention of that party, to announce their political principles and nominate their candidates for President and Vice President. But the practice and usage of the Whig party has permitted the Whig members of Congress to designate the *time* and *place* for the National Whig Convention, whose province it *has been* to make nominations and agree upon and proclaim a "Whig political platform." Many editors, and hundreds of correspondents throughout the Union have been urging us for a speedy designation of the *time* and *place* for the convention, as the delegates from nearly, if not every State were appointed. In answer to these solicitations, a meeting was assembled on the night of the 9th of April. Mr. MANGUM, of North Carolina, was *unanimously* appointed chairman, and Messrs. CHANDLER, of Pennsylvania, and DOCKERY, of North Carolina, secretaries; but as only seventy were present, it was agreed that the meeting should adjourn over unil the 20th, with the view of a more full attendance.

My honorable colleague says, that at the first meeting it was suggested by him, "That it was 'deemed material the meeting should pass upon 'another proposition before proceeding to deter-'mine the time and place for the National Con-'vention—a proposition which affected the per-'sons to exercise the right of determining the time 'and place for holding the convention. He ob-'served, that at the commencement of this session 'of Congress, certain gentlemen had retired from 'a meeting of Whig Representatives, because that 'meeting refused to lay on the table a resolution 'indorsing the position of the present Administra-'tion upon the series of measures known as the 'compromise measures."

Now, Mr. Chairman, it has been shown in debate in this Hall by honorable members from Maryland, [Messrs. WALSH and EVANS,] that but two gentlemen withdrew from that caucus in December. Yet my colleague complains "that these persons were present now, to assist in determining the time and place for the Whig National Convention." Really, sir, I *cannot* agree that the presence of those TWO gentleman, influential as they may be, ought to have provoked my colleague to an "unalterable determination" to break up the whole Whig party, unless those two individuals were made to *walk* out of that caucus. My colleague sits day after day in this Hall with those two members. Would he have walked out of this Congress if the compromise resolutions introduced here by the gentleman from Georgia had been rejected?

That my position may be more perfectly understood, I wish it to be *remembered* that the Whigs of Kentucky, in their *State* convention, appointed delegates to represent them in the "National Whig Convention," and by various resolutions, then and there adopted, did instruct those delegates as specifically as *they* thought necessary or proper. They did not appoint either of their members in Congress as delegates; and they would, doubtless, regard it an impudent assumption on the part of those six Whig members, or of *the one* from the Louisville district, *now* to say that the delegates appointed by our State convention should not be trusted without *additional instructions* from them, or from *him* of Louisville. It is not expected of us, or incumbent upon us, as a part of our duty as Congressmen; and it has seemed to me that such an *assumption* on our part would be, as far as we have the power, to stultify our *State Whig convention* and their delegates, and could do *no good*, because the delegates would not regard our instructions as binding on them.

Just think of it—and its own "*higher-law*"-like pretensions condemn it with every freeman—a proposition that *sixty-nine* gentlemen in a midnight caucus in this city have a right to instruct, fix up, or declare a platform of political opinions for the Whig party of this mighty nation, as a "*condition precedent*" to *their* consent to any National Whig organization!! and that the *six Kentucky members have a right to refuse to permit* the delegates of that State to attend *any convention* at all, unless they be first instructed by those *six members*. The gentleman knows best whether such propositions are acceptable to the *city people* of Louisville; but, sir, I know well they are too monstrous to be forced upon the proud, independent freemen of the *country*, whom I have the honor to represent. Such assumption of high prerogatives could only be equaled by an attempt of *one* member from Kentucky to expel *all* his colleagues from the Whig and pro-slavery parties, who refused to follow his lead, and break up the Whig party.

The declaration of the gentleman from Louisville, that the events of that caucus "are likely to affect the future unity of the Whig party," and that they have already "disturbed the *harmony of its members*" will be utterly disregarded and *laughed* at by the people of our State, when they learn that the "harmony" of *only one* of its "members" has been *at all* "*disturbed*," and that that member has never yet been able to secure the "*unity of the Whig party!*" The gentleman says the caucus was composed of a "meager *majority*" of the Whigs in Congress. He ought just there also to have added, that, in leaving the caucus, he found *himself* acting with a "meager *minority* of ONE from Kentucky, and that himself, and *all* those who withdrew with him, counted only up to the "meager *minority* of about the *one eleventh* part" of the representation classed as Whigs in Congress; but he admits that more than half of *all the Whigs* were in the caucus. Thus is the honorable gentleman in such a predicament as ought to cause *him great* hesitancy in speaking of "meager *majorities.*"

I endeavored to dissuade my colleague from offering this resolution as a platform for, or as instructions to, the delegates in the National Convention; I knew it would not *at all control* them, and I feared it might be by some of them regarded as *disrespectful* and *dictatorial*, and offend them, and I did not wish the "*harmony of its members to be disturbed.*"

I urged that precedent and usage gave us no authority to do anything more than simply recommend time and place; that our editors, correspondents, and the whole Whig party, expected the caucus thus to limit its action. I told him though, that if he *persisted* in forcing his resolution on the meeting, I would vote for it, because, in *truth*, sir, I felt unwilling to give *any vote* on that *exciting* question, which could, by any *possibility*, be made to *appear inconsistent* with my repeatedly-declared advocacy of the compromise. But I told him that I would *not* withdraw from the caucus if it

was rejected. For I was determined *not to be one of* six Kentuckians who should say to the seventy or eighty thousand Whigs of that State, that unless *we six Congressmen* were permitted to instruct the National Whig Convention, and lay down the *platform* which they should ratify, that we would, by refusing to fix a *time* and *place*, prevent the assembling of any convention at all, and in that way defeat all *national organization*. Such would have been the *inevitable result* if my colleague's policy and example had been followed, because it would now be *too late* for the Whigs of the different States of this wide-spread Union to confer together, and in some other manner agree upon a time and place.

When that caucus assembled, the rules of the Senate were, on *motion of the honorable member from Florida*, [Mr. CABELL,] adopted to govern their proceedings. The chairman had been, for years, the acting Vice President of the United States, and President of the Senate, and understood those rules well; and he decided that that resolution could not be offered *as an amendment* to Mr. STANLY's resolution. The "*official report*" of the proceedings of that caucus, prepared and written out at that time by the two honorable gentlemen who acted as secretaries, and since then published by their authority, and by them both declared in their speeches on this floor two days ago, to be strictly accurate and correct, states, in relation to the resolution or *amendment* offered by Mr. MARSHALL, "*the Chair decided that the resolution was out of order;*" *and at the same time added*, "*but as a substantive resolution, it was to be considered and decided by the meeting whether it would be acted on*"—that is, that although, in *his opinion*, it was "*contrary to the established usage of the party*," and at *that stage of the proceedings, according to parliamentary rules*, "out of order" as an AMENDMENT; yet, if it should be offered by itself, "as a substantive resolution," it would not be for him to decide; but, "IT WAS TO BE CONSIDERED AND DECIDED BY THE MEETING, WHETHER IT WOULD BE ACTED ON."

The same official report states, *distinctly*, that "*the Chair decided the resolution or amendment of Mr.* GENTRY *to be out of order, unless presented as a substantive proposition; as such the Chair would receive it*"—that is, that it was *in order* to offer to *that* meeting, *such a resolution*, but *not* as an *amendment* to the resolution *at that time before the meeting*.

Such, sir, the secretaries published, over their own signatures, and indorsed it by speeches on this floor, as *language used by the chairman at that time*. Why, then, did the honorable gentleman from Louisville bolt from the meeting and denounce it as "*no place for Whigs*," and issue such a *fire-brand* proclamation of *bitterness* and *vituperation*, unless it was his "deliberate purpose to distract the counsels of the Whigs and create an *unnecessary schism* in the body of the Whig party?" Did there exist any necessity for such proceedings? In the words of my colleague, I say to the people of Kentucky, "*We leave you to judge.*" The meeting sustained the Chair, that it was out of order as *an amendment*. But every man will see that it did not thereby *reject, vote down, lay on the table, or refuse* to pass his resolution, *or to consider it*. I will publish with my remarks the "official report" of the proceedings, that all may see what was said and meant by the chairman.

And, sir, I will stake my political position on it, that with a full knowledge of *all* the facts, there is not *one* intelligent and unprejudiced man in Kentucky, who will justify him in thus *deserting* and stigmatizing that meeting on a *mere question of order*. *Every man* will say to him, "if your resolution was of sufficient *importance* to deserve consideration by such a meeting, that that *very importance demanded imperatively* of *you*, to *stand up to it*, and *never desert* it merely because, *when you offered it, another* resolution was before the meeting, and it therefore could not be *then instantly* acted on, but you were *appealed* to not to leave, and were positively assured that your resolution should be taken up the very next thing—and those appeals and assurances were made publicly in the meeting by honorable gentlemen of the very highest character.

In his speech on the 17th instant, the gentleman from Tennessee [General CULLOM] said:

"When that resolution was announced, I stated to the meeting that my sense of duty would compel me to sustain, as a parliamentary question, the position of the Chair, but that I would vote for the resolution of the gentleman from Kentucky, [Mr. MARSHALL,] if it came up, and also that I would vote for the resolution of my colleague, [Mr. GENTRY,] and I called upon my Southern friends to remain and aid me in obtaining the passage of one or these resolutions.

"I have now before me a statement, prepared by a member of that caucus, which shows that if our Southern friends who withdrew had remained, the compromise resolution would have been passed by a majority of four, taking as a basis, those who voted for the compromise, the JACKSON resolution in this House, HILLYER's amendment, and those who declared in the caucus that they were ready to sustain them. I say that, according to this statement, which I am assured is correct, if our friends had remained in the caucus, the compromise resolutions would have been passed by a majority of four."

"Mr. CLINGMAN. I desire to know why the gentleman did not introduce his resolution into the caucus? The gentleman intimated his intention to introduce it. Why did he not do so?

"Mr. CULLOM. I have fully explained my reasons. If the gentleman doubted whether these resolutions could pass before leaving, I might have my doubts after these members had retired; and being ardent in my support of the principles of the resolutions, I did not choose to submit them to a doubtful decision, though I was clear in the belief then, and am confirmed in it now, that the resolutions would have passed had the receding friends remained with me and given them their support, as I was ready to do."

The gentleman from Tennessee, [Mr. GENTRY,] in replying to his colleague, [Mr. CULLOM] said:

"It is due to my colleague to say, that before I retired from the caucus he did appeal to me, and to those who were acting with me, not to retire, announcing that it was his purpose again to offer the resolutions that had been ruled out of order when offered by the gentleman from Kentucky and myself, and asking us to stay and help him in the endeavor to carry those resolutions."

Sir, *all will say* it was my colleague's *duty* to wait until a vote was taken on his resolution before leaving, and declaring and prosecuting such savage warfare, *indiscriminately*, against all those present and ready to do their duty at that meeting.

Yes, sir, *positive assurances* were *then* and *there given*, by *those who voted to sustain the Chair*, that if they would remain it *should be considered* after Mr. STANLY's resolution. And when Mr. STANLY's resolution was adopted, the honorable member from Tennessee [Mr. CULLOM] arose and appealed to the gentleman to come in and stand by his resolution; that he was then ready to offer it and to vote for it, if they would return and help him pass it. Why did they not come in *then*? Were they not still in the Capitol? The honorable gentleman from North Carolina [Mr. DOCKERY] on yesterday said:

"Now, sir, let me submit one question, and I will yield the floor. In matters where we disagree to some extent, who is likely to best understand the question at issue—those who remained there all through until the adjournment; or those who had left before the meeting had progressed half through, and occasionally, after being absent a while, returning to the door and peeping in and listening, to ascertain what was going on—perhaps some of them walking in a step or two and retreating—and, indeed, there is a rumor out of doors, that one of those distinguished gentlemen who left, was part of his time with BILLY SEWARD, taking a drink of grog. [Laughter.] Now, how could he know what was going on, as well as those who remained in the meeting?"

Mr. Chairman, had the honorable gentleman offered a resolution of reindorsement, before or after Mr. STANLY's, and not as an *amendment* thereto, I would have voted for it; for I thought the members of that caucus *might* consider and adopt such a resolution as expressive of *their own* views, and without any reference to the National Convention; but it did seem to me *impolitic, disrespectful*, and altogether *unavailing* for our five Representatives in Congress to arrogate to themselves the authority to give instructions for the "guidance" of the delegates appointed and *already instructed* by our *State convention*, which is higher authority than a caucus. I thought it very proper that resolutions indorsing the compromise should be adopted by both the Whig and Democratic members of Congress in their respective caucuses at the commencement of the session, and did then *so vote in caucus*, because we were at that time organizing for *our own action, as members of Congress;* but the sole purpose of the last Whig caucus was to prepare for an assemblage, in which *others than ourselves had been* selected to act for Kentucky, and where neither the member from Louisville nor myself are to have *any* authority or responsibility whatever. While, therefore, I am ready to record my vote *anywhere* and *everywhere* in favor of the compromise as a part and parcel of the Whig creed, it would be with the distinct understanding that it is not given by way of dictation or instructions to others whom I have no authority to dictate to or instruct; and after the people of our State had *determined* on a National Convention, and *appointed their delegates*, I for *one, never would* and *never will* assume the authority to demand *any* "*condition precedent*" to *my consent* to their assembling in such a convention. No, sir; I know *too* well the pride and independence of that spirited people to take any such high ground. The Whigs and Democrats of our State usually permit the *time* and *place* for holding their State conventions to nominate candidates for Governor and Lieutenant-Governor, to be fixed by their members in the Legislature; but have *never yet* permitted, nor will they ever permit, those members in caucus at Frankfort to dictate *what should be their political opinions*, or to designate who should be their candidates, or what their conventions *should* do and *should not* do when they assembled.

Such, sir, is my understanding of the events of that caucus, and such my views in relation thereto. The honorable member from Louisville knows that I concur fully in the sentiments of the "Congressional pledge," of 1851, as follows:

"The undersigned, members of the Thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of slavery would be both dangerous to the Union and destructive of its objects, and seeing no mode by which such controversy can be avoided, except by an adherence to the settlement thereof, effected by the compromise acts passed at the last session of Congress, do hereby declare their intention to maintain the said settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by the general consent of the friends of the measures, and to remedy such evils, if any, as time and experience may develop; and, for the purpose of making this resolution effective, they further declare that they will not support for the office of President or of Vice President, or of a Senator or of Representative in Congress, or as member of a State Legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal, in any form, of agitation upon the subject of slavery."

That pledge was signed by the following gentlemen from Kentucky: Henry Clay, C. S. Morehead, F. E. McLean, Daniel Breck, James L. Johnson, Humphrey Marshall, and J. B. Thompson. The gentleman knew that *not one Southern Whig* voted against the compromise resolutions of the gentleman from Georgia, except the honorable gentleman from North Carolina, [Mr. CLINGMAN.] The gentleman from Louisville knew we wanted no "*mum candidate;*" and knowing such to be the views entertained by *his colleagues*, to say nothing of the other Southern members, *ought he not to have excepted them* at least *from his sweeping denunciations?* Had he done so, I should not have said *one word* in reply; but I must express my surprise at the course since pursued, and now persisted in, by him. It seems to me most illiberal and unjust on his part toward the Whig party, that after endeavoring to break up the caucus, and thus defeat all national Whig organization, he should *now continue* in his efforts to forestall and *prejudice* the public mind in *advance* against the *Whig* Convention and its nominee, by publishing and circulating over his own signature, "that the 'time and place for the National Whig Convention may justly be considered as made by the 'Congressional representation from the *free States.*" Yet there is not the *slightest* intimation of an objection to the *time* or *place* as *agreed upon*. Is any other as much to blame for the absence of the Southern members as the gentleman from Louisville? Why did they not attend, sir, when the Whigs from *all* parts of the nation were *daily* urging upon us to fix a time and place, that it was getting *late* in the season, that the Democrats had long since fixed the time and place for *their* convention? Then, because some *Southern* Whigs would not attend *at all*, and others who *did attend* refused to stay and help to arrange the time and place, after all that, is it just or liberal for those Southern Whigs who thus *refused* to act now to try to break up *all national organization* because *they* did not and *would not* act? Still more unjust and illiberal to his colleagues is his assertion or intimation that "*they remained uncommitted as to 'their own support of the adjustment measures, or re-'fusal to establish any such test of qualifications of the 'nominee of the National Convention;*" or that they desired to "*shroud honest convictions of public duty in silence,*" in order that their candidate for the Presidency might "*have his opinions interpreted*

variously, to suit the changing prejudices or prepossessions of particular latitudes."

Mr. Chairman, those might be regarded as very serious charges, if they were true. But, sir, if the people of Kentucky wish to know my course, as their Representative, they will look to the *Journals* and *proceedings of this Congress;* and they will there find in black and white, in those *official records*, a *direct*, *a flat*, and *positive* contradiction to all those charges and insinuations, so far as I am concerned.

Yet his address applies them to me as *one of those present*, and remaining in the caucus, and he has ordered thousands of copies of that address to be printed for distribution by himself, and asked me, two days ago, to lend him my "list of names" of the people of my district, to enable him to send it to them. Three papers in my district have already published it. Does not courtesy and common politeness require me to return the compliment, and send my speech to *his* constituents?

Mr. Chairman, while I repeat that that address does gross injustice to me, I will not say that it is therefore *unbecoming* in my colleague to publish and disseminate such a document. But I would call his attention, and that of the people of our State, to his own expressed opinion as to what is "*becoming*" and what "*unbecoming*" a Whig Representative from Kentucky. That remarkable production closes with these words:

"The events of the Congressional meeting of the 20th of April are of significant import. *It does not become the undersigned to suggest your course in view of them.*"

Now, sir, when I came to these words I was surprised; for, in the paragraph immediately preceding, I had just found a very *broad*, *clear*, and *unmistakable* suggestion of the course which that address *aims at*, and to which it proposes to "*guide*" the people of the United States. Here it is in the following words:

"*The people will demand such an organization at the expense of existing parties, and it will triumph over both.*"

Here the gentleman, in the most *pointed* manner possible, has suggested *a new* "*organization at the expense of existing parties;*" and in the very *next* breath he expresses the opinion that such a suggestion is *unbecoming*. I agree with the gentleman in the latter opinion; but, under the circumstances, I cannot agree that he is the most proper person to decide what is, or what is not a *fit* place for *true* Whigs, although he may be a very suitable person to be made the *Magnus Apollo* of his proposed new "organization."

The gentleman says: "We did *ardently desire* 'the Whigs in Congress to adopt the proposition as 'a conclusion of their own, and to publish it to the 'country as one of the bonds of their political as-'sociation." Sir, that gentleman knows well they did do that very thing in their caucus, on the first day of this Congress. Yes, sir; the official report of that caucus, signed by the honorable member from North Carolina [Mr. OUTLAW] as "chairman," states that that resolution "*was carried with but two or three dissenting voices.*"

The "Whigs in Congress" had then previously adopted that very identical "proposition as a conclusion of their own," and did also "publish it to the country as one of the bonds of their political association." Thus, it is proven that the "Whigs in Congress" had already done what my colleague says he "*did ardently desire;*" and, sir, if in reality the honorable gentleman "did ardently desire the Whigs of Congress," in that *last* caucus, "to adopt the proposition as a conclusion of their own," to "guide" the Whigs of the States in their National Convention "to such action as will be demanded by the duties to the present and hopes of the future," then, sir, is he not *responsible for its defeat*, and inexcusable for deserting his resolution, when he had assurances that it should be acted on?—for he admits that he knew his aid and presence was *necessary* to pass it.

In this connection, while on the subject of proprieties, I cannot refrain from expressing my regret that my honorable colleague, in his late letter to the Buffalo Commercial Advertiser, permitted his hostility to General Scott to warp his cooler judgment so far as to stab at that distinguished soldier through the cold and lifeless body of our late lamented Chief Magistrate, General Taylor. In that letter, appealing to the idea that great military genius is inconsistent with civil administrative talent, my colleague said:

"Unfortunately for us, General Scott is, at least, not known as a *statesman*. He has no *experience* in the conduct of civil affairs. He would be necessarily thrown upon those who would surround him. *My dear sir, we have learned a lesson too lately, but too well, to permit again our affections to warp, and to control our judgment in the selection of a President.*"

Sir, this was copied, and italicized, in the Washington Union of the 11th of April, calling attention to "*the cogency of the allusion to the case of General Taylor,*" as confirming the truth of the charge made by the Democrats against that distinguished man: that he had no civil *experience*, and therefore no civil capacity. Coming from such a source, and at this time, too, were not these words truly unkind and out of place? My colleague had served in Mexico under General Taylor; and his own observation of the many high qualities of the head and heart of that great and good man, was such, that he was among the most zealous in urging his claims to the Presidency. Our State expressed its sense of those claims by an *overwhelming vote;* and when General Taylor passed by, on his way to Washington, the Legislature, and the gallant people of Kentucky, *vied with each other to do him honor:* they *honored* him while living; they revere his memory, now that he is *no more*. This was, and is, and should be the sentiment of the whole people of Kentucky, and nowhere should it be so strongly as in my colleague's district, where the ashes of the Hero rest, making it hallowed and consecrated ground. Could those cold lips give utterance to words, how bitter and appropriate would be the reproach, "*Et tu Brute!*"

Mr. Chairman, the Democrats "in Congress" rejected the compromise resolution at *their* caucus, nor did the "National Democratic Committee," when they designated the time and place for their convention, either *recommend* or *proclaim* the maintenance of the compromise as "*one of the bonds of their political association.*" Not only that; but, sir, the Journals of this House will show that *not one Southern Whig*—except the gentleman from North Carolina, [Mr. CLINGMAN,] with whom my colleague is now acting—voted against the adoption of the compromise resolution offered by the member from Georgia, [Mr. HILLYER,] but that *twenty Southern Democrats* did vote *against that resolution* on a call of the *yeas* and *nays* in this House.

The gentleman from Louisville asks, "By what law or usage does the chairman of a meeting limit the business thereof to a single question?" Is not that a most *uncandid* intimation? He knows well that a *bare majority of those present* at that meeting, could have selected a different chairman, or could have *overruled any* decision of the Chair, and thus entertain and act upon *any* proposition they might think proper. Did my colleague desire that a *minority* of the caucus should rule it?

Is not my colleague's statement *unfair* and *uncandid* in this: that it is adroitly drawn up, and put together in such a manner as to make it appear that his colleagues, who remained in the caucus, are opposed to, or afraid to assert, the *principles* contended for by him? Yet he must be well aware that there is not one single *Southern* Whig in this House, who is not ready on all proper and fitting occasions, to avow and maintain those *principles*, of which he seems desirous to constitute himself the *special* and *peculiar guardian*. My colleague asks:

"*What inference can be drawn* [from the refusal to adopt GENTRY's amendment] *but that the determination existed to commit all who participated in the meeting to the support of the nominees of the National Convention, whether he shall be pledged to support the compromise or not?*"

And he adds:

"*We felt, after the defeat of* GENTRY's *amendment, that silence or acquiescence, under the circumstances, would commit us to inconsistency, and justly awaken suspicion of our sincerity.*" * * * "*No course remained, consistent with our conviction of duty and sense of self-respect, but to withdraw formally from the meeting, and to retain the position we desired to attain.*"

Here, Mr. Chairman, we have my colleague's own voluntary confession that *he* acted under a feeling that *his sincerity* was not *above* suspicion. As to the inferences to be drawn from the action of the caucus, upon Mr. GENTRY's amendment, I give the official reports of the proceedings, as follows:

"The Chair decided the resolution, or amendment of Mr. GENTRY, to be out of order, unless as a substantive proposition. As such the Chair would receive it.

"From this decision of the Chair an appeal was taken, and the decision of the Chair was sustained without division."

Sir, from this it is clear that the plain and only legitimate inference from *this* action of the meeting is, that the *desire* was to "*proceed decently and in order.*" But what inferences can be drawn from the course of my colleague, in *pressing* his *amendment* when it was out of order to do so, and in refusing to remain and aid in passing it as a substantive proposition, when the chairman had declared his readiness to receive it as such? It is *unnecessary* for me to say. The anxiety which he avows, lest his sincerity *might be suspected*, *awakened* suspicion that he felt *it was questionable* and *suspicious*.

The honorable gentleman charges that the opinion of the Chair expressed on the 9th of April, that the legitimate business was to recommend *time* and *place*, "invested the future action of this Congressional consultation with an interest and importance that had not theretofore attached to it." Mr. Chairman, it does seem to me that on this point *every one must* and *will* differ with my colleague; for it is *evident* that the effect and tendency of the decision of the Chair was to avoid investing the action of that meeting with *any undue* "*importance*" or "*interest,*" by excluding all exciting questions not properly appertaining to the business of such a meeting. But how will my colleague relieve himself from the *severest condemnation*, if we admit the position *he assumes* to be correct, that is, that that action of the chairman was of "such *significant import*" that it was *terrifying* and *threatening* to the interests of the Union, and *especially prejudicial* to the *South?* If so, then, sir, it was the bounden duty of every *Southern* Whig to be present, and stand firm, and my colleague, whose *quick* eye detected in the "*evident determination*" of the Senator from North Carolina, such alarming cause for "*serious reflection,*" is *himself* greatly to blame for not having secured the attendance of *all* Southern Whigs.

I hold that when the action of any Whig meeting, be it a caucus, a convention, or Congress, threatens *injury to the South*, it is the duty of every *Southern Whig* entitled to a seat and vote in *that* meeting, to be at, remain, and *stand to* his post—for in such time of peril he that is not with us is against us. Sir, the greater the peril the more imperious the duty to stand up to the impending danger with a *bold defiance*. My motto on all such occasions is, "Never give up the ship." But my colleague says that "several gentlemen from the slaveholding States declined to participate in that meeting" on account of the opinion expressed by the chairman in reference to the question proper to be considered; and the inference fairly deducible from his statement is, that the *Southern Whigs only* staid away from the caucus, while the North was *fully* represented. If such was the impression which my colleague designed to convey, I must protest against the disingenuousness of his statement.

The Whigs in the two branches of Congress number one hundred and sixteen.

From non-slaveholding States in the Senate...	10
From slaveholding States in the Senate.....	14
From non-slaveholding States in the House...	60
From slaveholding States in the House.....	32
	116

Total from non-slaveholding States in Congress.	70
Total from slaveholding States in Congress...	46
There were in the caucus from non-slaveholding States.....	45
Absent from the caucus from non-slaveholding States.....	25
There were in the caucus from slaveholding States.....	24
Absent from the caucus from the slaveholding States.....	22

Thus the figures prove there was a few more than half the *Southern Whigs*, and a few more than half the *Northern Whigs* present at the caucus, and that twenty-five Northern Whigs were absent, and only *twenty-two* Southern Whigs absent. Sir, there were seventy members present at the *first*, and sixty-nine at the *second* caucus.

What reason can the gentleman give why more did not attend the first? He does not pretend that the decision of the Chair kept away the *Northern Whigs;* and in view of this disproportion I may venture to assign *other* reasons for the small number present: First, that many considered the only proper business of the caucus was to fix the *time* and *place*, which was a matter of comparatively *small* interest and importance, and might be settled by a few as well as by many; and, secondly, that *many* members, both from the North and South, dislike to go into *any caucus*, because the proceedings of such informal, unofficial meetings are often, if not *always*, so misunderstood or *misrepresented* as to place those who attend in a false position before the country.

Mr. Chairman, as the gentleman has deemed it proper to go so far out of the record as to characterize those who remained in the caucus as politically unworthy of confidence, it will not, I am sure, be by that gentleman considered improper or disrespectful if I now ask, Who and what is he, and what his position, that he thus sets himself up as the "Simon pure" of Whiggery, as the imbodiment of *pro-slaveryism* and as having ever been so stable and *unerring* a politician as gives him a right thus to hurl his anathemas against all who dare differ with him in opinion, and expel them from the party?

Sir, may I not with propriety here allude to the honorable gentleman's own political record in Kentucky, just to ascertain how far back he can read his title clear to the appellation of the imbodiment of consistent Whiggery and *pro-slaveryism*? In doing so, it is my purpose not in the *slightest* instance to do any injustice; and I ask the gentleman to correct me if I, through mistake, misstate any facts. In debate here I will not read newspaper paragraphs, except in relation to facts which I understand to be admitted by the gentleman himself.

The Louisville Courier, a newspaper published in his own district, declares that *his* Whiggery is "but of a few years' standing." It says:

"We cannot, however, refrain from expressing our astonishment that Mr. MARSHALL, *who has been a Whig but a few years*, should presume to call into question the conduct of such true and tried friends as MANGUM and others, who opposed his unwarrantable course."

May I ask, *when was it* that that honorable gentleman became so zealous an advocate of the rights of the South, that he is now authorized to hold himself forth as the *only* member from Kentucky to whom the maintenance of those rights, interests, and institutions can be safely intrusted?

That same paper refers also to his position with regard to the "*emancipation party*" in Kentucky a few years ago; but as I know not that the gentleman admits the position there imputed to him, I will not read that article. But he will not, of course, object, if I, after his attack upon us, refer to some facts which he will doubtless admit, and which is known to everybody in our State. In 1849, while that gentleman was a candidate for Congress, an election took place for delegates to a convention to frame a new constitution, and the most *intense excitement* raged throughout all the counties of our whole State, growing out of the *angry* and *bitter* controversy between the "emancipationists" and the "pro-slavery party." The "emancipationists" urged a provision in the new constitution with a view to abolish slavery in Kentucky, and that party was *stronger* in Louisville than anywhere else in the State. Was the gentleman at *that time* of the *pro-slavery party?* or did he then think it best to "*agree to disagree on questions connected with the institutions of slavery?*" Was he then in favor of a "*mum candidate?*" or did he then think it most politic to "*shroud honest convictions of public duty in silence*," that a candidate might "*have his opinions interpreted variously to suit the changing prejudices or prepossessions of particular latitudes?*" Did he then say that "such a policy *will not, should not, succeed?*" or did he, at that time, desire the Whigs of his district to "*refuse to lend their support to any candidate whose principles are not plainly defined, merely for the purpose of achieving a temporary political triumph?*" Can the gentleman, in answer to these queries, place himself right upon the record as having heretofore been a firm and unwarring politician, and *pro-slavery man?* All his colleagues can do so; and if he cannot, then, sir, I deny *his* authority, by his pronunciamiento, or *otherwise*, to expel them from the Whig and pro-slavery parties. Sir, my recollection is, that the gentleman's opinions were so *ill-"defined"* and *little known* that he was *publicly called on, time and again, during that canvass*, and *repeatedly*, to say whether or not he was in favor of that *all-absorbing* question of "emancipation;" and he always refused to answer.

Does not that *seem a little like* he was at *that particular* period of his life somewhat in favor of a "*mum candidate?*" If so, then, sir, just there the gentleman and I do *differ* in this, that I am, and have been at *all times*, opposed to "*mum candidates*," in relation to political questions of such "*significant import.*" Sir, the gentleman says he "*repudiates and refuses, for his part, now and hereafter, to lend his support to any candidate whose principles are not plainly defined;*" and that they "*shall be publicly and unequivocally pledged.*" Sir, *I agree with him*—he is *right now.* But, by permission of my friend, I will ask *if his* "*honest convictions*" and opinions upon that most "*significant*" and important question of "*emancipation*" in Kentucky were not *shrouded in silence*, would he have been called upon *time and again, all around* his canvass, to express or explain what they were? Then, again, on the other hand—if his opinions were *already* "*plainly defined*," and he was "*publicly* and *unequivocally pledged*," why should he then, at *that time*, or why should General Scott, at *this time*, hesitate and *refuse to avow* those sentiments *publicly*, and *publish them to the world?* Sir, as aspirants to political positions, I cannot, for my life, see how my colleague could in 1849, or how General Scott can in 1852—*either of them—justify* themselves in refusing to avow, "*publicly and unequivocally*," their opinions on political issues of the *greatest magnitude*, by insisting that their opinions and policy are *fully understood by the people*, when that *same people* declare they do *not understand them at all*—that they are *ignorant* of them, and are *actually* clamoring *daily* and *urgently* for an avowal so "*publicly* and *unequivocally*" as to render misunderstanding and misinterpretation *impossible.* Sir, the position of *silence* now attributed to General Scott in regard to the "fugitive slave law," and the "Free-Soilers" of the United States, *if true*, places the *General* in the very *identical position* which my honorable colleague, the *Colonel*, did two years ago occupy in regard to the *pro-slavery party*, and the *emancipationists* in the State of Kentucky. Well, sir, I presume that distinguished military men may be expected to resemble each other in their actions and conclusions.

It is *positively* asserted by many members of this Congress, and known throughout this city, that General Scott *two years ago* was an avowed and zealous advocate of the "compromise measures." *Now* it is *charged* that the General is "*mum.*" And, sir, it is *equally* as well known all over Kentucky, that my honorable colleague, two years ago, was, in regard to the "*pro-slavery* and *emancipation*" parties, *perfectly* "*mum.*" But now he is an avowed and zealous advocate of the compromise and policy of the "*pro-slavery party.*" Sir, how do you account for this change of positions?—one is a General, and the other is a Colonel. Now, Mr. Chairman, I am not much of an arithmetician, so I will give over to you this sum, with the hope that you will be able to work it out and make it prove that the *General* and the *Colonel* are *both right.* Sir, can you do it?

Sir, it is charged that General Scott is now *mum* on the question of the compromise. I do not unite in that charge, but have assumed it to be true only for the sake of the argument, and to show that even if *true*, my colleague's antecedents do not fully qualify him to censure and denounce "mum candidates," for those who live in "glass houses should not throw stones."

General Scott is not so mum now on the subject of the compromise, as my colleague was a few years ago, in reference to the emancipation question in Kentucky. For then, my colleague would not, either by letter or by public speech, or in conversation, disclose his position, though frequently called upon to do so, while on the contrary, it is well known in this House, and throughout this city, that General Scott does not hesitate now boldly to declare in conversation with men of *all* parties—Whigs and Democrats—Free-Soilers and Southerners—his continued and firm adhesion to the compromise in all its parts.

Mr. Chairman, this much do I regret I have been *compelled* by *his own* course towards myself to say as to the record of my honorable friend from Louisville. In what I have said, and shall yet say, on this occasion, I am not prompted by feelings of *disrespect* or of the *least* unkindness towards my colleague; but by what I regard due to myself, to the Whig party of my State, and to pledges and opinions expressed to those warm and zealous and devoted friends, who, after a *long, laborious*, and most intensely-exciting canvass, gave to me a seat in this Congress by a majority of near four thousand votes; and to them, to their interests, to their policy, nor to the proper defense and preservation of my own honor and reputation, will I *ever prove recreant.* In his published letter of the 10th instant, the honorable gentleman from North Carolina states that Senator MORTON and himself are opposed to the compromise. The seceding members were—

From Mississippi—Senator BROOKE	1
" Florida—Senator MORTON, and Mr. CABELL	2
" Louisiana—Mr. MOORE and Mr. LANDRY	2
" Tennessee—Mr. GENTRY and Mr. WILLIAMS	2
" North Carolina—Mr. OUTLAW and Mr. CLINGMAN	2
" Kentucky—Mr. MARSHALL	1
" Virginia—Mr. STROTHER	1
	11

Those from the slaveholding States who remained, were—

From Kentucky—Messrs. UNDERWOOD, EWING, WARD, WHITE, and GREY	5
" North Carolina—Messrs. MANGUM, DOCKERY, MOREHEAD, and STANLY	4
" Missouri—Mr. PORTER	1
" Delaware—Senator SPRUANCE	1
" Tennessee—Senator JONES, and Mr. CULLOM	2
	13

North Carolina and Tennessee are the only Whig States represented by those who withdrew with my honorable colleague. With a determination to wrong no gentleman intentionally, I will, in relation to Senator BROOKE, only call attention to a lettter addressed by him to the Legislature of Mississippi, when a candidate for the Senate:

DEAR SIR: I am only able to state very briefly, in answer to your note, that I certainly should not deem it consistent to support any other politics than those of the dominant majority of the State. As to the next Presidency, as I have often said to you in private, I do not expect to support the nominees of the next Whig Convention, because I fear the Convention will not be sound on the compromise issues. My expectation is to give my support to the Baltimore Convention ticket, provided it is not tinctured with secession, and is pledged to the compromise measures. From present appearances, and the names of the prominent candidates before that body, I think it certain that the last-named Convention will present a ticket on which the whole South will unite, and one which I will cheerfully support. My feeble health prevents me writing further.

Your friend, W. BROOKE.

HENRY C. ADAMS, Esq.

The honorable Representative from Florida, [Mr. CABELL,] in a speech in this House, on the 3d day of February last, said:

"I was elected to this House as a Whig, not as a Constitutional Union man; but I was one of those who were disposed to favor that "organization."

The honorable gentleman then classifies himself as belonging to what he terms the "Southern Whig party," of which he says:

"I believe it to be the constitutional party—the true conservative party of the country—the party of purest principles, standing between the two extremes, opposed alike to the radicalism, agrarianism, and other *isms* of the North, and to the abstractions, and dangerous, novel theories of the South. I feel proud of belonging to that party, because, with few exceptions, the members of it are Union men, and as Union men we might, without surrendering any of our principles, act in harmony with the Union Constitutional party. It would be in accordance with the conservative principles of our party to abandon party names and party organizations to act with any man or set of men who, under a new organization, would contribute to the preservation of the Constitution and the Union. I was willing to go into such an organization, or to act with any party that would faithfully carry out its principles."

The honorable gentleman from Tennessee, [Mr. GENTRY,] on the 10th of this month, whilst

addressing a Northern audience in New York, said that, "understanding the delicacy of his position," he appealed to them, that "if there is any 'man in the South that may justly claim a tolerant 'hearing from the North, I think I may claim to 'be that man." He declared:

"The first speech I ever made in Congress was in favor of admitting petitions for the abolition of slavery in the District of Columbia. [Cheers.] This was called by some fanatical, and I was a fanatic; a fanatic in my devotion to the Union! [Cheers.] I saw that this was a question which involved the safety of the Union. I saw that thousands at the North, who had no taint of abolitionism, were yet deeply interested in this question; and its agitation seemed to me to present a false issue between the North and the South."

When, by the combined power of all the isms and factions of the extreme North and the extreme South, the Union is shaken to its center, and its wisest and best men are made to tremble for its safety; when all eyes are turned anxiously to the Capitol, and the great heart of the nation is beating with anxiety; and, when the great statesman, orator, and patriot of the age, whose life is now flickering in its socket, had devised and was urging the compromise measures, in satisfaction of that general anxiety, and hope, and fear, where then stood the matchless orator—the eloquent member from Tennessee? Was he for the compromise? Was he silent and neutral upon the subject? He may have *finally* voted for the measures, but when here for discussion he *opposed* them, and for a plan more acceptable to the North, and far less acceptable to the South.

That he may speak for himself on this subject, I will read some extracts of his speech, in this House, on the 10th of June, 1850. See Appendix Congressional Globe, page 832, where the gentleman argues at length the advantages and disadvantages of the different propositions for adjusting those exciting issues, and says the hopes which had arisen in the public mind by this reference to the committee of thirteen, "had not been realized;" and, after discussing the adjustment as recommended by that committee, he asks, "Can a 'measure susceptible of such contradictory con-'struction tranquilize the public mind, and restore 'harmony to the Union?"

In speaking of the President's plan, he says:

"He recommended a compromise which gives a triumph neither to the one section nor the other, and which requires neither section to sacrifice its principles, its pride, or its rights."

Again, in the same speech—

"It is a feature in the plan of adjustment recommended by the President, which, more than anything else, commends it to my support, that it settles by the *only mode practicable, finally* and *forever*, this unhappy controversy between the North and the South, and puts an end to sectional agitation on that subject. Having expressed my approval of the policy recommended by the President, I feel myself called upon to answer another objection urged against it," &c.

Near the conclusion of that speech, he says:

"Mr. Chairman, when the combination of causes which have prevented the recommendation of the President from receiving a fair and just consideration in the two Houses of Congress, shall be fully comprehended, the mists which now dim the public vision will dissipate, and it will be seen and admitted that it is a recommendation founded in a wise appreciation of the difficulties that surround the subject."

In the Republic of June 4th, 1851, there is published a speech delivered by the gentleman [Mr. GENTRY] before the Whig State Convention at Nashville, on the 20th March, 1851, in which I find the following paragraph:

"But I hear the remark almost every day, 'there is so much anarchy and confusion in both parties—Whigs and Democrats are acting so badly—neither party governed by patriotic motives or statesmanlike purposes—that it seems to me to be a matter of little consequence to the country whether the one or the other party prevails, and, therefore, I take no interest in the election.' Sentiments and opinions like these are getting to be common among the people, and I am not surprised at the fact. They are too true as applied to the two great political parties in a national point of view. The Whig and Democratic parties, as at present formed and organized, taking them in the whole extent of the Union, are *malformations—unnatural monsters*. Both parties embrace sound and unsound elements. The disruption of both is inevitable at no very remote day. Present organizations may *possibly continue* until the next presidential election; they certainly will not long survive after that event."

Mr. Chairman, certainly no gentleman will object to my reading the public records, published by his authority; and desiring no controversy with any one, I will make no comments.

I have neither time nor inclination to show the positions of all those who seceded from the meeting. Suffice it to say, that all those Southern Whigs who remained are as *true* Whigs and as zealously and honestly in favor of maintaining the compromise as a "finality," as any of those who left. The Journals of this House, and their individual declarations, prove that fact, and no member here will say otherwise. Sir, those of us who remained in the caucus did not wish *anything* said about that little family difference—published nothing—and the gentleman, no doubt, feeling that it was absolutely necessary to give an excuse, in advance, for publishing an address of such bitterness and denunciation, complains in it that he has been "charged with a deliberate purpose to distract the counsel of the Whigs, and to create an unnecessary schism in the Whig party; to open afresh the agitation of the slavery questions and to create sectional strife, in order to prevent a concentration of Whig strength at the approaching presidential election;" and he pronounces these charges to be unjust and untrue. I have made no such charges; and will, with great pleasure publish my colleague's *denial;* and, sir, I shall be *extremely gratified*, if his course in *future* shall prove them to be "untrue." But people will judge of us by our sayings and doings; and I suggest to my friend if he had not better publish immediately a *second* "address," in explanation of the true meaning and proper construction of the *first*, for some malicious persons may contend that his *own* statements and admissions prove those charges against himself, as forcibly as his opponents could do it with the same quantity of type and printers' ink. If the gentleman will allow me, I will refer to that address.

He admits that he did not believe his resolution could be adopted, for, after referring to the large majority of "Representatives" present from the free States, he speaks of *their previous* votes and opinions, and adds, that "these, united to the 'vote of the Senators, would have been sufficient 'to overpower the *whole representation present from 'the slaveholding States, had that representation been 'united.*" He says, his resolution suggested "*a condition precedent*"—that "*it avowed the determination* 'of its friends to remain *uncommitted*, and to *ab-'stain altogether from taking steps initiatory to a Na-'tional Whig Convention unless the condition was sat-'isfactorily met.*" Yet, under this *conviction* of its defeat, he forced it on the meeting with the "deliberate purpose" and "unalterable determination" that, if rejected, he would, so far as he was concerned, break up the caucus, and thereby, if possible, defeat any *National* Whig organization, because *his* "condition precedent" *was not* "*satisfactorily met!*" It may be asked, why did he persist in offering his resolution, if he *knew it could not be adopted*, and then immediately shrink from it, if not with the foregone determination "to distract the counsels of the Whigs? *He admits* that *one cause*, and I say the *chief* cause, of the indisposition to consider his resolution, was, *not that the caucus was opposed to the compromise*, but "that the *Whig members of Congress*" were only authorized to recommend the "*time* and *place;*" and, therefore, any resolution declaring a political *platform*, or making a *nomination*, was beyond their province to consider in that meeting. Such was the opinion of the chairman, who is, and has ever been, as firm an advocate of the compromise, if not a *better* friend to the *peace* and *quiet* of the Union than the honorable gentleman from Louisville. Why, then, I ask, when he *admits* the result was *to him so palpable*, did he seek to *force* his resolution upon the caucus, and *then* IMMEDIATELY *desert* it, if he *really wanted it adopted?* How can he, by any *possibility*, excuse himself for thus *deserting* his post when assured that his resolution would be considered as soon as Mr. STANLY's was disposed of, *if he would stay* and help us pass it, and when he admits *his* aid and that of *all* his seceding friends was necessary to pass it? Why did he not return when called on to do so by the gentleman from Tennessee, [Mr. CULLOM,] who arose in the meeting and proclaimed that he was now ready to offer that resolution and help to pass it, if its friends would come in again? Will it not be asked, what was his object, if not "to create sectional strife in order to prevent a concentration of Whig strength at the approaching presidential election?"

Sir, feeling confident (as he admits he did) that it would *not* pass, yet he offered it at a moment when it *could not* be voted on, because there was *another resolution then pending*. He then denounced the meeting as "no place for Whigs," and ran off from *his own* resolution, and prepared and published that "address," declaring, in language most *impressive and solemn*, that the "events" of the meeting would be "likely to affect the future unity of the Whig party, as they had already disturbed the harmony of its members," and concluded his "address" by suggesting a new "organization, at the expense of existing parties," that "*will triumph over both;*" and yet, after all that, this same harmonious gentleman coolly and deliberately informs the world, that "if any schism 'shall occur in the Whig party, it will result from 'the attempts of men whose present distinction is 'alone attributable to the success with which they 'have heretofore *fed the flames of sectional fanati-'cism*, and whose *future hopes* rest mainly upon 'the creation of *sectional divisions.*" Did the honorable member from Louisville believe such insinuations and charges were justly and truly applicable to his colleagues and other Southern members? In the language of his address, I "leave you to judge." I "will not dwell upon the considerations these facts suggest, or express the reflection which they naturally awaken."

My friend from Louisville, and his co-secessionists who withdrew along with him from the caucus, are known to be violently opposed to the nomination of General Scott; and this fact, taken in connection with the fact of his offering his resolution as an *amendment*, and *insisting* it should be acted on *out of order*, and his refusal to remain till it could be considered without violating the rules of the Senate, will, I fear, be regarded as at *least* giving *color* to the charge which has been made through the public prints, that he did not want the *Southern* Whigs to attend that caucus; that he did not even *desire* his resolution to be adopted; and, therefore, fearing that it *would be adopted*, refused to offer it, or to remain and let others offer it as a *separate* proposition, and that he offered it as an *amendment*, out of order, well knowing that a *direct* vote could not *then* be had on the resolution itself, but that, as an *amendment*, and *at that time*, it must be voted out of order, which vote could, by letter-writing and editorial ingenuity, be so mystified and misrepresented as to produce an impression throughout the country that a caucus, of which the *majority* were supposed to be in favor of General Scott's nomination, had actually *repudiated* and *rejected* the compromise, from which it *might* be inferred that General Scott and those who support him are opposed to the compromise, and thus weaken his chances for the nomination. Sir, I distinctly disavow imputing any such motives, but only refer to it as a charge that has been already circulated, and will, I fear, prejudice Mr. Fillmore.

Sir, if a resolution reaffirming the compromise *ought* to have been adopted in that caucus, the responsibility of the failure to do so must rest on him who *inopportunely* and out of order raised the *issue*, and then abandoned it by an inglorious flight. May God and my countrymen save the institutions and interests of the South from all such *peculiar friends* and locomotive politicians, and preserve the "harmony" of the Whig party against all such *inharmonious* spirits and troublesome partisans!

Sir, in justice to my own feelings, and to my position on this floor, I disclaim any intentional disrespect or unkindness towards my honorable colleague, and deeply, truly, sir, do I regret the necessity which *compels* me thus to defend myself against the unprovoked attack of one so *experienced*, so *talented*, so *distinguished*, and so *elevated in public appreciation*.

But, Mr. Chairman, does my colleague leave us to discover his object by *inference* or *induction?* After predicting the very unfortunate state of political affairs which would result from certain "events," he winds up by saying:

"We have believed that intelligent statesmanship, by *timely action and patriotic effort*, could avoid the *trial and the catastrophe*. We have made an honest effort to *point* the way."

Sir, proud, brave, and gallant Kentuckian, as he was, on the *bloody battle-fields* of Mexico, when he there *believed timely action* and patriotic effort *could*

avoid a catastrophe, he did not "POINT THE WAY," and then—*travel himself off in a different direction*.

Does not my colleague tell us plainly, and avow boldly, although with some little inconsistency, what his object was? He charges the chairman, somewhat vaguely, with the premeditated purpose to "guide the meeting to a fixed result, by confining it to the consideration of such subjects as suited his own inclination and purposes;" when his *own* object appears to have been to "guide" the people of the United States "to such action as may be demanded by the duties to the present and the hopes of the future." He does not tell what *his* "hopes of the future" are, but he distinctly points out the "action" "suited to his *inclination* and purposes," by suggesting "an organization at the expense of existing parties," which "will triumph over both;" and we are left to infer that *his* "*hopes of the future*" are connected with, and dependent upon, that "*new organization*."

Sir, there is a difference between the chairman and my colleague. The former wished to "guide" that little caucus of sixty-nine members to the discharge of their duty, in accordance with the "rules of the Senate" and "established usage of the party." But, sir, does not my colleague's object appear to be to "guide" the whole people of the United States to the organization of a *new* party which should *triumph* over both the "existing parties?"

My honorable friend from Louisville may, perhaps, secure a place in the Democratic organization, in which event the "*new organization*" may possibly be unnecessary. Such a contingency may, *perhaps*, occur, if we are to judge by the assimilation of the gentleman's "address" to the long editorials in the Washington Union, the Louisville Times, and other Democratic papers, proclaiming "the dissolution of the Whig party"—"the Whig party broken down"—the Whigs as Abolitionists," &c., &c.

Sir, whether my colleague falls back into the Democratic organization, or on his own hook starts another, *better suited* to his inclinations and purposes, or promising more to his "hopes of the future," I leave to the decision of his own discretion. But the editorials of his co-laborers of the Democratic presses cannot avail much, for their purposes are but too apparent. It is to divert attention from the *action of the Democratic Congressional caucus*, on the Saturday night previous to the meeting of Congress. While the Whig caucus, on the 1st day of December, adopted resolutions indorsing the compromise, that caucus of the Democratic "members of Congress," then organizing for their *own immediate action in Congress*, when, therefore, it *was* in order, becoming and proper "to adopt the proposition as a conclusion of their own, and publish it to the country as one of the bonds of their political association," did then actually *vote it down* and reject it. I will here read from the Republic an account of the debate which occurred in this Hall on the first day of the session.

"Mr. MEADE said that 'the compromise resolution in 'the Democratic caucus was laid on the table, *it being 'proper to be considered by the people represented in the 'Democratic Baltimore Convention.*" It was a clever afterthought this, of deferring the evil day. Voices immediately rose from the Democratic side of the House—'You're right—that's it!' '*They*,' (the Baltimore Convention,) Mr. MEADE continued, 'will take it into their hands, and 'proclaim to the world the principles by which the Northern 'and Southern Democrats may be united.' * * * * 'If the compromise resolution was taken up properly, not 'half a dozen Democrats would vote against it; but the '*Whigs* took it up to impose their rotten party on the 'South.' Then Major POLK rose—the gentleman who had offered the compromise resolution which had been voted down in caucus, on motion of Mr. P. KING. We were anxious to know how Major POLK would reconcile this defeat of his resolution with the motives that induced him to offer it. Major POLK said that not a word was uttered in caucus in contradiction of the 'principle' of his resolution. '*The objection was a question of time.* Another reason 'was, that a caucus not full should not act on a great na-'tional question, and a portion only should not endeavor to 'control. WE HAD A RIGHT TO ASK FOR TIME.' A more utter breakdown was never seen in a party movement. The very author of the resolution, who certainly ought to have entertained the question of *time* before presenting it, saw it laid on the table by the Free-Soil and Secession factions, and then defended the defeat of his own measure on the ground that 'WE HAD A RIGHT TO ASK FOR TIME!'"

Yet these same Democratic editors, who then contended, like the gentleman from Virginia, [Mr. MEADE,] that it was *not* proper or becoming for the Democratic "*members of Congress*" to consider the compromise resolution in a *caucus*, in which they were deliberating in reference to their *own action*, and for their *own guidance as members of Congress*, *now* unite with my honorable colleague in condemning the late Whig caucus, because, forsooth, it did not assume to itself the right to deliberate for, give instructions to, and lay down the platform for the National Convention.

Mr. Chairman, I tell the honorable gentleman now, that such will be their investigation of this matter, that neither the Democratic editors, nor his "address," will suffice to mislead the intelligent people of our State, nor will they conceal the fact that, in their respective caucuses, at the beginning of this session, where and when the compromise measures were a legitimate subject for consideration by "*members of Congress in caucus*," the Whigs *adopted*, while the Democrats *rejected*, resolutions of reindorsement.

Sir, I will take this occasion to declare, that if I was a delegate to the National Whig Convention, I would insist that resolutions indorsing the compromise should there be adopted; and if that Convention refuses, and nominates a candidate whose opinions are not *explicitly*, *unequivocally*, and *publicly avowed*, in favor of those "adjustment measures," he *ought not*, and, I sincerely hope will not, receive *one vote* from *any* Southern State. It is well known that I am in favor of the nomination of Mr. Fillmore. But, though *decidedly* preferring him, I will not "join in any crusade against" any other of the distinguished men whose names have been, or may be, mentioned in connection with the Presidency. As a friend of Mr. Fillmore, I do greatly regret the conduct of my colleague, and the publication of his address; for I believe it has tended, and will tend still more, to prejudice Mr. Fillmore; and, if the bickering arising therefrom should result in defeating his nomination, then I have great hopes that the choice of the convention will fall on a distinguished son of Kentucky, who would already have been unanimously nominated by our State as their first choice, but for his own reluctance and urgent request that she would refrain from declaring any preference for him.

My offending is, that I voted that the resolution was out of order as an *amendment;* and that I stood firm, and "*remained*" at my post of duty, *ready to vote for it* as soon as Mr. STANLY's resolution was disposed of, while the gentleman refused to remain and *help me*. Therefore he, I presume, now feels that he was a DESERTER at the *critical* moment, when "*an imperious sense of duty*" required his presence and assistance to secure his *essentially necessary* "condition precedent;" and perhaps, for aught I know, feeling sore about his own awkward predicament, he tries to get out of it by a speedy publication of a *long* address, and by thus getting the "jockey word" on us to forestall public opinion, or break the force of public condemnation, to which I deeply regret his course has so severely subjected him—but it is by no fault of mine. Where did those "seceding members" go to? I did not follow them, and of course did not know. But, sir, the running debate in this House on yesterday "let the cat out of the wallet." My honorable colleague who denounced the caucus (of which I and five other Kentuckians were members) as "*no place for Whigs*," and as composed of men he would not be "*associated with, or allied to*," in replying yesterday to the honorable gentleman from North Carolina, [Mr. DOCKERY,] informed us, that after he walked out of the Whig caucus, he walked into one of the ante-rooms of the Senate, where he and the honorable Mr. SEWARD, Senator from New York, it appears, held a sort of a meeting on their own hook, aided by my friend from Tennessee, [Mr. WILLIAMS;] and that they adjourned together from that ante-room to the *refectory*, where they were joined by other seceding members, and took a drink together; and from his account of it, I suppose had quite a jollification. Well, it was a rainy, bad night, and do not understand me, Mr. Chairman, as *objecting* to all this, or as *censuring anybody; it is none of my business*. All I have to say about it is, that I am sorry, truly sorry, indeed, that this very "Napoleon" of the Northern Abolitionists, who is *said to be* the *prime mover* and *master-spirit* of all the Wilmot provisoisms, Free-Soilisms, Abolitionisms, higher-lawisms, anti-compromise and anti-fugitive slave lawisms, and *all other isms* of the Northern fanatics should so far come the "Napoleon" over my colleague, at *such an instant*, as to keep him astray from the caucus while his resolution was pending, which he regarded so *essentially* necessary as a "condition precedent." I do not object to his taking a social glass with Senator SEWARD; but was that the RIGHT TIME to do it? I am truly sorry, sir, that my colleague from Louisville should have surrendered, and grounded arms to any influences, at such a *critical* moment. But, sir, I never, perhaps, should have heard of all these incidents, and *assuredly never should have alluded to them* in a speech in this House, but for the remarks made here yesterday by my colleague himself about those happenings. Senator SEWARD was not at the caucus, nor did I see or hear of him that night, nor had I even an *intimation* that he had been at the Capitol at all, until I learned he and my colleague, and the honorable gentleman from Tennessee, now sitting to my right, [Mr. WILLIAMS,] were there together in the ante-room.

Sir, I chose to remain with my other colleagues, and assist them to make arrangements for assembling the National Convention. But, sir, I most *distinctly disclaim* any intention to *censure* my honorable colleague for adopting any associations most agreeable to him. And, sir, may not his meeting with Senator SEWARD have been *entirely accidental*? And his going off with him and the honorable member from Tennessee, and joining others at the refectory, and there taking a social glass together, may all have been *still more entirely accidental*. At all events, sir, "*there's no accounting for tastes.*"

Mr. Chairman, in regard to the President, I agree with my colleague, that "he comes up to my standard of an accomplished, sound Whig statesman; and as a Whig I want no better man, no better President, than we now have in Millard Fillmore." I will unite with my colleague in proclaiming "the finality of the compromise" among the Whigs "as one of the bonds of their political association." I feel that I am authorized to declare to the Whigs of the North, that it is utterly impossible to preserve a national Whig organization upon *any other basis*. Sectional feelings and prejudices must be sacrificed on the shrine of patriotism, and the constitutional rights of the South unequivocally recognized and affirmed.

Sir, the people of the slaveholding States *cannot* vote for *any man for President* who will not boldly proclaim that he will, by all the influence and authority pertaining to him in that position, uphold and maintain a law, which is enjoined by a *positive requisition* of the Constitution, and the rights of property recognized by that instrument, *as sacred*—a law, too, which, in its operation and bearing, is exclusively confined to *runaway negroes*, and in no way interfering with the rights or privileges of any citizen of the Northern States. Sir, I now tell my Whig brethren of the North who think otherwise, that it is the very vainness of vanity to suppose any such *absurdity*.

But, sir, to return to my honorable colleague. What are those differences between us which justify him in denouncing me as one of those "whose present distinction *is alone attributable to the success with which they have heretofore fed the flames of sectional fanaticism*," or as occupying the still more *contemptible* position of being under *their influence and control?* The difference is, that he in his address intimates that an unofficial, irresponsible, secret conclave of sixty-odd men, held in this city in the night time, and with closed doors, shall, in defiance of the *expressed* wishes of the Whigs throughout the Union, arrogate to itself the right to determine the "creed" of the Whig party, *or that they shall have no national organization at all.* For he says, "*We frankly state that it was our deliberate purpose*" to insist on this "*at the threshold as an unalterable determination*," as "a condition precedent;" and "*to abstain altogether from taking steps initiatory to a National Whig Convention unless the condition was satisfactorily met.*" I contend, sir, that the whole two hundred and ninety-six members of this Congress have no right—much less have sixty-nine of them only a right—to refuse to

"take steps," or lend their aid to the assembling that convention, because some "*condition precedent*" is not agreed to.

What, sir! when the *millions* of Whigs in the State have *determined* on a convention, and appointed and instructed their delegates, and asked of us to fix the *time* and *place* for them to meet together, shall sixty-nine Congressmen, *after all that*, declare that they shall *not* meet *at all*, unless they will *first* agree to *certain conditions?* Shall we, the *six* Whigs here from Kentucky, say to the *frank, self willed, independent freemen* of that State, that the delegates they appointed to represent them, shall not attend *any* convention, unless *we* are permitted to give them a bill of particulars as to what they shall, and shall not do, when they get there? And what authority has *one of those* "*six*," then, to issue his pronunciamiento, denouncing his four colleagues and our Senator as men "*whose future hope rests mainly upon the creation of sectional divisions;*" or to expel them from the Whig party as men unworthy for him to be "*associated with or allied to;*" or to wind up by suggesting the organization of a new party, "*at the expense of existing parties, that will triumph over both?*" Now, sir, if all those powers and prerogatives belong to "members of Congress," I did not know it. Nor did my people know it. Nor can my very able and honorable colleague *convince them* of it. Nor will I ever try to do so. Neither, sir, shall I *ever claim as a "Congressional privilege,"* to exercise any such high-toned prerogatives.

I was elected to this position not to make and unmake Presidents, but for *legislative purposes*, and to attend to such matters of business as my people might have with the different departments of this Government. Not to manufacture opinions for them, but to carry out their views and policy, as I understand them; and I intend to do all those things honestly, faithfully, and industriously, and hold myself at all times responsible to my constituents for my conduct.

The Whigs of our State did not appoint either the honorable gentleman or myself, or our colleagues, delegates to that convention, and I intend to engage in no fillibustering negotiations about it; nor will I ever assert a RIGHT in "members of Congress" to dictate to, and control a National Convention, or to defeat a national organization, and break up the Whig party, *unless such a right* is acquiesced in. And if my honorable colleague intends "to assert the converse of those propositions," then, sir, I am ready to go with him upon those issues before the freemen of Kentucky, whose public men, as "*sentinels upon the watch-tower,*" have time and again proclaimed to them that "*the price of liberty is eternal vigilance,*" because "*power is always stealing from the many to the few.*"

NOTE.

An adjourned meeting of the Whig members of Congress was held in the Senate Chamber on Tuesday evening, April 20th.

At a quarter before eight o'clock Mr. MANGUM took the chair.

The proceedings of the previous meeting were read.

Mr. STANLY, of North Carolina, offered the following resolution:

"*Resolved*, That it be recommended that the Whig National Convention be held in the city of Baltimore, in the State of Maryland, on Wednesday, the 16th day of June next, for the purpose of nominating candidates for the Presidency and Vice Presidency of the United States."

Mr. MARSHALL, of Kentucky, then offered the following as a substitute for that by Mr. STANLY:

"Whereas the determination of the time and place for holding a National Whig Convention has been referred to the Whigs of Congress, the Whig members of the Senate and House of Representatives, having assembled in convention, with the explicit understanding that they regard the series of acts known as the adjustment measures as forming, in their mutual dependence and connection, a system of compromise the most conciliatory, and the best for the entire country that could be obtained from conflicting sectional interests and opinions; and that, therefore, they ought to be adhered to and carried into faithful execution as a final settlement in principle and substance of the dangerous and exciting subjects which they embrace, and do unite on this basis, as well as upon the long-established principles of the Whig party, do hereby recommend the——day of ——and the city of——as the time and place for holding the National Whig Convention for the choice of Whig candidates for the Presidency and Vice Presidency respectively."

The Chair decided that the resolution was out of order, and contrary to the established usage of the party. But, as a substantive resolution, it was to be considered and decided by the meeting whether it would be acted on after the transaction of business upon which alone the meeting had assembled, viz: that of recommending the time and place for holding the Whig National Convention.

From this decision Mr. MARSHALL took an appeal; and, after considerable debate, in which great latitude was allowed, the motion was put, "Shall the decision of the Chair stand as the judgment of the meeting?" and the question was decided in the affirmative—ayes 46, nays 21; as follows:

Yeas and nays on the appeal of Hon. HUMPHREY MARSHALL from the decision of the Chair:

SENATE.—*Yeas*—Messrs. J. H. Clarke, John Davis, H. Fish, J. W. Miller, Truman Smith, P. Spruance, J. R. Underwood, and B. F. Wade.

Nays—Messrs. Brooke, James Cooper, and Jackson Morton.

HOUSE.—*Yeas*—Messrs. Allison, Barrere, Bowne, Brenton, Briggs, Campbell, Chandler, Cullom, Fowler, Goodenow, Goodrich, Grey, Hascall, Hebard, Horsford, Howe, T. W. Howe, Hunter, King, Kuhns, Meacham, Moore, Morehead, Parker, Penniman, Porter, Sackett, Schoolcraft, Scudder, Stanly, Stanton, Stevens, Taylor, Walbridge, Ward, Washburn, Wells, White of Kentucky, and Williams.

Nays—Messrs. Appleton, James Brooks, E. C. Cabell, Clingman, Dockery, Ewing, Gentry, Haws, Haven, Landry, H. Marshall, Martin, Moore, Outlaw, Schermerhorn, Strother, and Williams.

Mr. GENTRY, of Tennessee, then offered the following, in addition or amendment, to the resolution of Mr. Stanly:

"*Resolved*, That the Whig members of Congress, in thus recommending a time and place for the National Whig Convention to assemble, are not to be understood as pledging themselves to support the nominees of said Convention, except upon the condition that the persons then and there nominated as candidates for President and Vice President shall be publicly and unequivocally pledged to regard the series of measures known as the compromise measures as a final settlement of the dangerous questions which they embraced, and to maintain that settlement inviolate."

The Chair decided the resolution or amendment of Mr. GENTRY to be out of order, unless as a substantive proposition. As such the Chair would receive it.

From this decision of the Chair an appeal was taken; and the opinion of the Chair was sustained without division.

The resolution of Mr. STANLY then coming up, Mr. CAMPBELL, of Ohio, moved to strike out Baltimore and insert Cincinnati, which was negatived. A motion by the same gentleman, to insert Louisville, was also lost.

A motion was then made to strike out Baltimore and insert Pittsburg; which motion was negatived.

Mr. CHANDLER, of Pennsylvania, moved to strike out Baltimore and insert Philadelphia; which motion was negatived.

General CULLOM, of Tennessee, then gave notice that, after Mr. STANLY's resolution should have been disposed of, he would review the resolutions offered by the gentleman from Kentucky, [Mr. MARSHALL,] and the gentleman from Tennessee, [Mr. GENTRY,] if they would remain.

The question on Mr. STANLY's resolution was then put, and decided in the affirmative without a division.

General CULLOM, of Tennessee, then gave notice that as the particular friends of the resolutions which had been ruled out of order, in connection with the resolution of Mr. STANLY, were not present, he did not feel called on to present the resolution of which he had given previous notice.

It was resolved that the Chairman of the meeting have authority to re-convene this meeting, should circumstances, in his opinion, render necessary such a course.

It was ordered that the Chairman of the meeting cause the resolution recommending the time and place for holding the Whig National Convention to be inserted in the Whig newspapers of this District, signed by himself and countersigned by the Secretaries; and then, at a quarter before twelve, the meeting adjourned.

A true copy of the journal of the meeting.

JOS. R. CHANDLER, }
ALFRED DOCKERY, } Secretaries.

SENATE CHAMBER, *May* 19, 1852.

To the Editors of the Globe:

In casting my eye cursorily over a part of the debate in the House, in the Daily Globe of this date, in relation to the Congressional caucus, I find many discrepancies and some errors. The Journal of the proceedings, published in the National Intelligencer, is correct and exact upon every material point that was raised. The Chair ruled both Mr. MARSHALL's and Mr. GENTRY's resolutions out of order, as amendments to the resolution offer by Mr. STANLY. The Chair, however, decided to receive Mr. GENTRY's resolution as a substantive proposition, if it should be so offered—*not Mr. Marshall's*, which could be received only by the assent of the majority of the meeting.

The reason of the discrimination in the mind of the chairman was, that Mr. GENTRY's purported to construct no platform for others, but simply to define the position of those supporting it. Mr. MARSHALL's went further, and, in the opinion of the Chair, was inadmissible, on the ground of assuming to construct, in part, a political platform, which the Chair deemed as in no extent warrantable by the usages of the Whig party, but a naked usurpation of power properly exercisable only by the people, or the representatives in the National Convention.

Mr. CHANDLER's statement, as sustained by Mr. STANLY and others, is entirely accurate.

Your obedient servant.

WILLIE P. MANGUM.

THE COMPROMISE AS A NATIONAL PARTY TEST.

SPEECH OF HON. I. WASHBURN, Jr.,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

May 24, 1852.

The House being in the Committee of the Whole on the state of the Union, (Mr. SEYMOUR, of Connecticut, in the chair,) on the bill making appropriations for the payment of Pensions—

Mr. WASHBURN said:

Mr. CHAIRMAN: That a question of vital interest to the Whig party is now claiming the consideration of its members, and will, not improbably, be pressed to a decision in its great National council, soon to be held at Baltimore, it would be of little use to blink or deny. It is a question, compared with which all questions of party policy are of subordinate importance, and which it behooves us to consider calmly, intelligently, and in that spirit of patriotism, and with that purpose of earnest and unprejudiced inquiry, which shall direct to a conclusion that no true Whig can gainsay or regret. However it may be put, in whatever form, or with whatever circumlocution, its true and ultimate statement is this—whether the Whig party shall continue to be, as, by the unanimous consent of its members, it has been since the day of its organization, a party founded upon principles national in their character and relations, and requiring as its test in reference to measures the advocacy of such only as, being consistent with its principles, are connected with the interests, and promotive of the welfare of all sections of the country—or whether all the principles and measures which, for a quarter of a century, have, in their substance and spirit, constituted the distinctive doctrines of the party, and given it vitality and power, are to be, in some of the most important specifications, abandoned and repudiated as false and mischievous, and in all others subordinated to a test not merely new in reference to our national organization, but growing out of a question heretofore excluded, in all its forms and shapes, from our party jurisdiction, and with special care and vigilance by that quarter of the country which now seems most anxious for its adoption. The demand is for a party test which shall make the reclamation of fugitive slaves, in a *particular manner, and by a particular law*, the leading idea of its organization, and giving to such reclamation guaranties which can be yielded only by the surrender of what has ever been regarded as cardinal Whig doctrine. No one can be so blind as not to see that the introduction of this new article into our creed involves an essential change of platform—one that would make it a substantially different party from what it has ever been before. The new party may be a necessary party, a wise and patriotic party, for all I care to say now, and it may be called the Whig party, but it cannot be that party whose work it ignores, whose mission it denies, and whose informing soul it expels.

Mr. Chairman, I come from an extreme North ern State, but I believe I hold no extreme opinions on the disturbing questions of the day. The State which I in part represent here, is free from such opinions as any State in the Union. Her people are not easily swayed by excitement or fanaticism. Their education and occupations, their habits of thought and life, make them not more earnest and sincere in opinion than they are stable and practical in conduct; and nowhere will you find a people more loyal to the Constitution, than the people of Maine. In her great extent of seacoast, in her character of the largest ship-builder and ship-owner in the country, in her maritime and commercial connections and dependencies, she is under bonds to the Constitution. In the large emigration of her sons to almost every State she has given pledges of her fidelity to the Union. But all such guaranties are weak and frail, compared with the obligations which are imposed by the patriotism, and acknowledged by the intelligence of her citizens. And, sir, when a few weeks ago, the distinguished Senator from North Carolina, [Mr. MANGUM]—a gentleman whose presence amongst us gives assurance that if the age of chivalry is past, there yet remain men worthy of that age—stood up in the Senate of the United States, erect and towering as one of our Northern

pines, and with the bearing of a statesman, and in the true spirit of a patriotic Whig, denounced the attempt to interpolate new and sectional tests into the Whig creed as uncalled for and mischievous, he expressed a sentiment which found no readier response than it received from the Whigs of Maine. Their attachment to the Union, their desire for harmony and good neighborhood, their faith in the power and value of Whig principles, and the beneficent operation of Whig measures, place them in the attitude of resolute and inflexible opposition to any and all attempts, from whatever quarter, or with whatever pretexts, or under whatever disguises they may come, to destroy the nationality of the party to which they belong.

The character of the institution which seeks to appropriate to its own use, first, midst, and last, this Whig party organization, and the relations of that institution to the country, are such that no questions in reference to it except those of constitutional right on the one hand, and obligation on the other, can form any part of the fundamental, organic doctrines of a national party. You may, undoubtedly—indeed, you must, make fidelity to the Constitution a party doctrine, and in respect to the reclamation of fugitive slaves it may well be alleged that a denial of the constitutional right of the slave States to a law for that purpose, would be clearly inconsistent with the principles upon which a national party could claim to be founded. But this right is nowhere denied by the Whigs; and besides, gentlemen of the new school would not be satisfied with a declaration of its existence. They demand that the Whig party, composed of men living in all the States of the Union, slave and free, established for national purposes, standing on a platform broad enough to hold all the vast and various interests of the country, shall declare *the recognition of the fugitive slave law as a perpetuity*, to be the great purpose of its existence. Sir, the idea of finality, in regard to detail, of any law, is ridiculous. We cannot by resolutions, pledges, or compromises, by caucuses or conventions, or by legislative declarations, make that final which in its nature is changeable, as all executory enactments necessarily are. The caucus which King Canute held upon the sea-shore, and the resolutions there passed, were no more impotent and vain than would be those which gentlemen propose to submit to the National Convention, if adopted. Resolutions cannot make public sentiment, or stop its progress, and are worse than idle when not its necessary and legitimate expression.

To fortify the position which gentlemen have taken, as to the necessity of making the finality of the compromise a cardinal Whig doctrine, they assume what is not true in point of fact. They assert that Northern Whigs deny the constitutional right of the South to a return of fugitive slaves, and they assume, further, that the existing law, in its length and breadth, its principles and details, is the Constitution—or, in other words, is the only law that can by possibility be made, which will answer all its requirements. Sir, I am astonished to hear gentlemen, who are usually well informed, declare that the Whigs of the North deny the obligations of the Constitution in this regard, and denounce them as its enemies. No charge can be more unjust. Northern Whigs and Northern men generally, are friends of the Constitution, as true and good as can be found anywhere; and whoever of them comes here, and endeavors, by exaggerated statement, or wanton misrepresentation, to make it appear otherwise, does them gross and inexcusable injustice.

Sir, the people of the North acknowledge the binding obligation of the Constitution in all its parts and provisions, and the obligation of all laws which it requires or authorizes. So far as I know, they understand that instrument to have left the institution of slavery to the sole and exclusive care of the States in which it exists—and that neither the General Government, nor the free States, have anything to do with it therein. They also understand that the Constitution makes provision for the extradition of fugitive slaves; and, although they may regret that it does so, they nevertheless know that such is the fact, and that they are bound by it. And they are not ignorant that the Supreme court has decided, that this provision must be executed, through a law of Congress; and however, if it were a new question, they might doubt as to the construction, they bow to the decision of the court, and the more readily, when they remember that it is in accordance with the construction given by Congress soon after the Constitution was adopted. So far as I can judge, they acknowledge, without difficulty or hesitation, the duty of Congress, whenever required by the slave States, to pass a law on this subject—not a sham law, a mere make-believe of a law—but a fair, just, and proper law—one that can be executed, and so as to *enforce* and *protect* the rights of all concerned.

I affirm, sir, that I do not know, and never have heard of, half a dozen men in my State who deny this. But it is undoubtedly true, that there are many men there who believe that the present law is not the only law that could have been passed in the premises, and that a somewhat different law, such, for instance, as that drawn by the illustrious Senator from Kentucky, [Mr. CLAY,] or that prepared by the distinguished gentleman who now occupies the position of Secretary of State, or yet some other law, would have been of more practical service to the South, more satisfactory to the North, and a better compliance with the constitutional requirements. And if, for thus thinking, they are to be regarded as enemies to the Constitution, they will have, at least, the consolation to be derived from the character of the company in which they are found.

Mr. Chairman, your law may be constitutional, but another might be quite as clearly so. Your law may be effective, another might be as effective, and at the same time less objectionable to the people among whom it is to be executed, and therefore, to be preferred by all good citizens. There is no doubt that the present law is exceedingly stringent and severe. It is said that it was intentionally made so, and believed by its author to be so harsh and ugly in its features that it could not pass Congress. It is not to be wondered at that Northern men should dislike it. Southern men, I think, can have but little respect for Northern men who like it or pretend to like it in all its details. They may believe, misled by the representations of flunkies and doughfaces, that it is a necessary law just as it stands, and therefore insist upon its remaining untouched. I have no quarrel with them for this; but I do complain that they are unwilling to permit us to differ from them as to what would be the practical working of a law, equally constitutional and effective, as we believe, as the present law, but softened in its features, and made less obnoxious to the section of country in which it is to operate; and that for this difference, (a difference involving no denial of right, theoretical or practical,) we are to be cast out of the Whig party, and gibbeted as enemies to the Constitution and the Union. The charge of infidelity to the Constitution for such cause is too transparently unjust to give offense, and would cause no uneasiness, but for the evidence it affords of unfriendly feeling on the part of those with whom we have long acted, and for whom we have cherished sentiments of profound regard. Let us hope that the winter of alienation is passing away, to be succeeded by the glorious summer of mutual confidence and respect.

Sir, a law was passed, in 1793, for the extradition of fugitive slaves, which remained on the statute book unaltered for some sixty years. Whenever I have heard objections to the new law urged in the presence of those whose compromise orthodoxy would stand the test which the honorable gentleman from Georgia [Mr. STEPHENS] would set up, they have uniformly replied that it was no harsher or more stringent than the old law of 1793; and, it would seem, the friends of the compromise themselves being judges, that the only platform upon which a national party can be maintained in this country of twenty millions of freemen, is, not merely one which has regard to a law for the return of a few slaves annually, but one which is begun and completed in the difference between the laws of 1793 and 1850, on that subject. This is the bark, flower, and nutmeg of the whole question. Sir, was it not a remarkable discovery, that henceforward there can be no national party in this country, no party that can carry on administration, except upon the leading, controlling idea of the abnegation of right (on the part of one section of the country, at least) to change, alter, or modify the law relative to the rendition of fugitive slaves! Suppose the gentleman from Georgia should succeed in destroying the old party organizations, and forming a new party on the capacious platform of the difference between the law of 1793 and any other, where would he find himself and party on all the great practical questions of the day? Would the members of such party act together on questions of protection, currency, internal improvement, public lands? Would agreement as to returning negroes make the members a unit on appropriation bills, deficiency bills, and the like? Would a party, circling round this single idea, feel no centrifugal forces scattering them here and there on the practical questions of administration? Could such a party carry on the Government for a single week? Let us look at it for a moment.

The gentleman from Georgia, [Mr. STEPHENS,] inspired with the new conception, makes war upon the old, effete factions, called, by courtesy, the Whig and Democratic parties, and routing them, as he unquestionably will, succeeds in forming a new party, a great national party, composed of strict constructionists and latitudinarians, free-traders and protectionists, river and harbor men, and "noise and confusion" men, economists and prodigals, all united upon the single question, it may be, whether the fees of commissioners under the fugitive law shall be fixed or sliding, but differing upon every other political question under heaven; and this is to be, I think—*lucus a non lucendo*—the *Union* party—the live, practical party, which alone can carry on the Government!

Mr. Chairman, let me repeat, for I do not mean that the true question shall be dodged or mystified, the important question *now* before us, is not whether the Constitution, and the whole Constitution, is binding upon the people of all sections of the country. This, as I have said, is no question with Northern Whigs. They not only acknowledge its obligation, but they insist upon it, now as always, as the foundation on which they build. It is not whether the fugitive slave law is in accordance with the Constitution; for though there are some persons who find it difficult to reconcile it, in all its provisions, with what seems to them to be the spirit, if not the letter, of that instrument, they neither counsel nor meditate any opposition to its enforcement, and are willing to leave the question of its constitutionality to the decision of the courts. Nor is the question, whether the law is wise and just, the real one before us. Men will differ widely on that subject, and yet be very good friends of the Union, firm supporters of the Constitution, and excellent Whigs. Those who deem it unwise, will leave its wisdom and expediency to the verdict of a candid and tempered public opinion, to be made up by the aid of experience and friendly discussion, and rendered when the excitement of the hour shall have passed away.

But the true question presented to the Whig party by our new-light friends, is, as has been already stated in substance, whether the law is *so* wise and necessary, and so fully and exclusively constitutional, that no other as wise, expedient, or constitutional, can be passed, and therefore should be perpetual and unchangeable—binding, through all time, upon the whole country, (unless, indeed, the South should choose to alter it,) and that this idea of permanence and "finality" shall be made a national party idea—nay, shall be declared, and declared again, in the most solemn manner, and with the strongest sanctions, to be the prominent doctrine of the party creed—the *sine qua non* of Whiggism. This is the question. It is sufficiently answered in most minds, whenever it is stated.

As a Whig, as one who has never been anything, politically, but a Whig, I desire to enter my humble protest against this movement, and to give some of the reasons why, in my judgment, it should be resisted by every true and loyal Whig in the country. I do not believe that the old Whig party of the Union (which has fought so long and nobly for its time-honored principles, and in the dark hours of disaster and defeat through which it has passed, has bated nothing of heart or hope, and which, thus far, has maintained its integrity against the assaults of enemies from without and traitors from within) intends at this time to capitulate to a few schismatics and bolters, valiant as they may be. I have no apprehension that nine-

teen twentieths of the party will permit themselves to be surrounded by the remaining squad, however ably they may be *Marshalled*. Sir, to change the figure, should it be the fate of our gallant ship to part her *Cable*, and be swung from her *Moorings*, it will not be to be driven hither and thither, without compass or chart, upon the maddening billows of faction, or to go down amid the breakers of sectionalism. Oh! no, sir; but to stand out upon the broad, deep waters of the Union, holding her course steadily and bravely on, guided at all times, "in the twilight and in the storm," by the polestar of the Constitution.

"Gallant bark! thy pomp and beauty
Storm or battle ne'er shall blast,
Whilst our tars in pride and duty
Nail thy colors to the mast."

And here, Mr. Chairman, I would like to turn aside for a moment, to inquire who they are that have assumed the authority, or had it given to them, to un-Whig men in this wholesale and summary manner, the old and young, the long-tried and ever faithful. I should like to look at their credentials, and see if there is no flaw in the papers, and whether they emanate from those who have rightful jurisdiction in the premises. I do not find that any special power has been delegated to them, or that they possess any that is not derived from their position as Whigs—and what is that? One gentleman, as I understand, has acted with the party but a few years, and yet, because he is unable to persuade its members to give up their practical, catholic, and well-approved doctrines for those which are non-practical, narrow, and sectional, he denounces their company as unfit for Whigs to keep, although they may have drawn the line of primitive Whiggery from early life to the present hour, and never departed from it the nineteenth part of a hair. Another gentleman aided two years ago in defeating the Whig candidate for Speaker of the House of Representtives, the Hon. Robert C. Winthrop, as good a Whig as ever stepped within its bar, thereby giving the organization of the House to the Democrats at the moment that a Whig Administration was coming into power, and when the possession of the House, and its committees, was matter of the highest importance—a gentleman who came here at the present session expecting to act, as he has himself declared, with the Democratic party, and to vote for its candidate for Speaker. Another gentleman prominently connected with this movement actually did vote for the present Speaker of the House, [Mr. BOYD,] and in a speech delivered upon this floor, declared that if the Whig party should nominate as its candidate for President, a gentleman whose whole life has been spent in the service of his country, the native of one section and resident of another; who has given such pledges of his patriotism as it is permitted to but few men to give; whose attachment to the Constitution is unquestioned, and whose principles, the gentleman admits, are sound—he will not support him, unless he shall come out, and distinctly place that support upon the doctrine of the finality of the compromise as a party test. This gentleman, in the speech to which I have referred, spoke in terms of merited eulogy of the military genius and services of that renowned captain; and especially of his services in the war in which he earned the appellation of the Conqueror of Mexico; and yet, when it was proposed in the last Congress to confer upon him the rank of Lieutenant-General, as a token of the national appreciation of those services, the gentleman, with but one or two Whig associates on any division, voted to defeat the resolution.

Mr. MARSHALL, of Kentucky. I would ask the gentleman to whom he alludes?

Mr. WASHBURN. To the gentleman from Tennessee.

Mr. GENTRY. That is wide. Do you mean me?

Mr. WASHBURN. No, certainly not.

Such, sir, are the gentlemen who set themselves up to establish tests of orthodoxy, and to decide who is and who is not a Whig. I do not know, Mr. Chairman, but I have a strong suspicion, that the Whig party is not quite prepared to recognize the authority they have assumed. If new tests are to be imposed, or excommunications made, its members may possibly have a prejudice in favor of these things being done by faithful and consistent members of the party; or, if by others, not until they have qualified themselves for the service, by bringing to it the moral power which follows repentance, or that is wrought through the intervention of some purgatorial flame in which political sinners bleach like linen.

Looking at the antecedents of gentlemen, and not overlooking their course at the present time, I fear they mean no good to the party; and that some of them, at least, would not be indisposed to see it broken up, and a new one established upon its ruins. I do not make this charge. I have no right to make it. But this I may be allowed to say, that whenever my mind is directed to the course of these gentlemen, a story which I have read in one of our magazines is not far off. The editor of the "Knickerbocker," in his inimitable "gossip," relates a conversation which took place in a tavern in one of the interior counties of New York. An old fellow was drinking his toddy one day, when he was accosted by a by-stander with the question, whether he was in New York when the British evacuated that city? He said he wasn't exactly there. The fact was, his father fought at Bunker Hill; and when he died, he left him his sword, which he determined should never be dishonored. "So, hearing that the British 'wos continuin' to stick in 'York,'" said he, "I 'put a hoss-pistol in my pocket, buckled my 'father's sword on to my side, and put for the 'city. I got there in the morning, but the British '*had left!* Fact. They'd cleared out, every one 'on 'em! Now, I don't say that they knew that I 'was on the way, and left because I was coming; 'but I *do* say that it looked *confoundedly like it.*" [Laughter.] I do not assert that any honorable member wishes to see the Whig party divided or broken down, but I do say that modern history records some things which look remarkably like it. But, sir, all these appearances may be as fallacious as undoubtedly were those relied upon in the story which I have quoted.

Mr. Chairman, I object to the introduction of this "compromise" article into our creed for these reasons, among others:

1. Its effect will be, if it has that which is desired and expected, to place one law of Congress —passed as other laws are, and in no way differing from them in whatever gives vigor and force to law—apart from all other enactments, and to give to it more than the stability and sacredness of even constitutional provisions; for, so far, any number of people have been permitted to ask for, and agitate for, such change in the Constitution as they desired to see made; but here is a simple law of Congress which not only is not to be altered, but its alteration is not to be spoken of as a thing desirable, without subjecting men to the loss of political standing. It imposes a restriction on future legislation which is wrong in principle, and will be of most dangerous example. Mr. Webster, in a speech on the tariff compromise act of 1833, said, (I quote from the Annual Register:)

"There are principles in it to which I cannot, at present, conceive how I can ever concur. If I understand the plan, the result of it will be a well understood surrender of the power of discrimination, or a stipulation not to use that power in the laying duties on imports, after the eight or nine years have expired. This appears to me to be matter of great moment. I hesitate to be a party to any such stipulation. *The honorable member admits, that though there will be no positive surrender of the power, there will be a stipulation not to exercise it; a treaty of peace and amity, as he says, which no American statesman can stand up to violate. For one, sir, I am not ready to enter into the treaty. I propose, so far as it depends on me, to leave all our successors in Congress as free to act as we are ourselves.*"

Mr. Webster thought such a treaty for the restriction of legislation would be unauthorized by, and subversive of, the Constitution. In a later speech on the same bill, he remarked that—

"He believed his constituents would excuse him for surrendering their interests, BUT THEY WOULD NOT FORGIVE HIM FOR A VIOLATION OF THE CONSTITUTION."

And, sir, this was in a case where there was no attempt to make the compromise a party test, and give to it the sanction of party resolutions. The finality of the tariff compromise was never intruded upon our national conventions.

2. I oppose it as being inconsistent with one of the best considered and most firmly established principles of the Whig party. If there be any Whig principle that may be considered as more generally acknowledged than any other, it is that which has relation to the exercise of the veto power. In the days of Jackson and of Tyler it was affirmed again and again. It has been recognized by National, State, and county conventions in repeated instances. Mr. Webster has argued it—Mr. Clay included it in his celebrated platform resolutions, and in many speeches, in Congress and out, has laid it down as one of the main timbers of the Whig platform. General Taylor so understood it in his Allison letter, and the entire Whig party of the country have hitherto stood up to it. Indeed, Mr. Clay at one time was desirous that it should be made a constitutional provision. Now, we are asked to do that which will operate an unqualified repeal of this article of faith, and incorporate in its place not merely the ordinary veto doctrine, which is bad enough, but the principle of Executive and party vetoes in advance of the action of Congress. Sir, it is the worst doctrine that ever was broached by any school of politicians. Hitherto, the Democrats, as a party, have not gone so far as this, and but one Democratic President, [Mr. Van Buren, in reference to the abolition of slavery in this District.] Gentlemen have not forgotten with what effect this indiscretion, to call it by the mildest name, was used against Mr. Van Buren at the succeeding election, when he was defeated.

What is meant by a compromise resolution at Baltimore, is a test which will commit the party to the doctrines it may contain, *and which will bind the nominee of the convention, if elected, to veto any law of Congress inconsistent with such doctrines.* No friend of the compromise will deny that this is his understanding of the effect of such a resolution. I I ask if this be not so? If there be one gentleman who would not so regard it, let me hear from him. In the sense in which it is intended, and in the light in which it would be viewed, such a resolution of the National Convention as is demanded, would infer a pledge to veto any modification of the fugitive slave law. It would be in effect a veto in advance. This new doctrine takes the conservative power of the veto from the President, and gives it to the party caucus. Instead of being a power to be used but seldom, as in cases of palpable infraction of the Constitution, or encroachment upon the Executive, its exercise would be of common occurrence under the rules prescribed by the party in power. Mr. Chairman, this doctrine introduced and carried out, would revolutionize the Government, and place the conventions in the same relation to Congress that the clubs of Paris, in the time of the French revolution, held to the National Assembly. It would require a change of the President's inaugural oath, so that it would read, "I do solemnly swear that I will faithfully exe-'cute the office of President of the United States, 'and will, to the best of my ability, preserve, pro-'tect, and defend the Constitution of the United 'States, *as interpreted by the Baltimore Convention.*"

3. There is no mutuality in the resolution, for, after all, the North only are to be bound by it. It is not understood that the South may not demand a change in any of these measures whenever it pleases. That is the Southern compromise doctrine. An honorable gentleman from Tennessee, [Mr. POLK,] in a speech delivered in the House of Representatives a few weeks ago, used the following remarkable language:

"I feel authorized to pledge any nominee of the next Democratic Convention for the Presidency, to give a like pledge as to a repeal or modification of the fugitive law, *unless, indeed, such modification (not at all likely to happen) should prove necessary to its more effectual execution,* AND BE GENERALLY DEMANDED BY THE SOUTH ITSELF. In short, any Democratic nominee will unhesitatingly pledge himself to discountenance, and, if necessary, *veto*, any attempt to modify the fugitive slave law in accordance with the views and demand of *those who are aiming to effect that end.*"

It would seem from this, not only that the right to disturb the compromise is reserved to the South, but that the Democratic party is about to adopt the doctrine of prospective vetoes. I am not sure, upon reflection, but that doctrine was recognized by President Polk.

Sir, it is manifest that the peculiar friends of the compromise in the South do not intend to respect any part of it that does not make in their favor. Among the compromise acts was that which provided for the admission of California. But if California should permit a new State to be carved out

of her territory, and that State should establish slavery, she is by no means to be rejected when she asks for admission into the Union, although the slavery question would be most materially affected by such admission, because, forsooth, the Constitution makes provision for the admission of new States, and authorizes Congress to give its consent to such admission. It also authorizes Congress to pass laws for other purposes. Having the power, why should it not repeal or modify the fugitive slave law, if a majority of its members believe such action expedient? The reason given is, that it is one of the measures embraced in the compromise—that at the last Congress parties came together and passed certain laws having relation to the question of slavery by way of compromise, and to effect a "final settlement of the dangerous and exciting subjects which they embraced." If, then, Congress is restricted by the compromise from passing an act—clearly within its constitutional power—for the modification of the fugitive law, because such act would have a bearing upon the slavery question, it surely cannot be permitted to pass an act for the admission of a slave State, organized from the territory of California, the limits and boundaries of which were described in the law by which she came into the Union, and which is a part of this unalterable compromise itself—for such law would have a direct and important bearing upon the dangerous and exciting subject of slavery. If it was competent for the authors of the compromise to bind Congress to pass no law for the disturbance of the fugitive enactment, it was equally within their power to forbid the passage of a law giving its consent to the admission of a slave State formed out of the territory of California. No proposition can be clearer than this; and if there be any obligation binding in good faith to refrain from the exercise of legislative power in the one case, there is the same in the other. Yet those who would hold us with steel to that part which we dislike, tell us that "the spider's most attenuated thread is cord, is cable, to the slender tie" by which they are bound.

In this connection, I desire to read a short extract from the debates of the Senate at the present session. I quote from the Congressional Globe of December last:

"Mr. Foote. Whenever any gentleman introduces a proposition here to divide California with her consent, by the line of 36° 30', or 35° 30', treating her in all these respects as a sovereign State, I shall vote for it, and some of those who will vote for it in connection with me will vote in a manner wholly repugnant to their former feelings.

"Mr. Butler. Then the Senator admits that while he wishes to make the compromise immutable, he is perfectly willing to change it when it suits him. This is a 'finality of a totality.'

"Mr. Foote. I should vote for that proposition in the same way that I should vote for a proposition to alter the boundary lines of any other State in the Union at her request. I would not vote for that sooner than a proposition to divide Texas or New York, if those States desire a new State to be formed within their limits. While I hold the compromise to be a definitive settlement, I do not hold it to be above the Constitution, and the Constitution expressly gives Congress the power of admitting new States. Now, perhaps, the gentleman is entitled to the triumph which he claims.

"Mr. Butler. I claim no triumph. The gentleman's own explanation shows where he considers the triumph is. While he insists on these compromise laws being like unto the laws of the Medes and Persians, so perfect as not to be changed, yet he admits there are contingencies on which they may be changed. That is what I intended to say."

Now, sir, I feel that on this point I am quoting authority which no man will dispute, no less authority than that of the acknowledged father of the compromise; and, surely, if he does not know what it means, we shall seek in vain for instruction. But other commentators agree with him. The honorable gentleman from Texas, [Mr. Howard,] who may be presumed to understand the Southern construction of the compromise, expressed, in a recent speech, substantially the same views as those presented by the late Senator from Mississippi. The Senator held that the compromise was not above the Constitution, and as the Constitution gives Congress the power of admitting new States, he would vote for the admission of a new slave State to be formed out of California. But, although the Constitution is equally full in the grant to Congress of power to modify the fugitive law, he would not vote for such modification, because it would be inconsistent with the compromise. I beg to know wherein the latter vote would be more inconsistent with the compromise than the former? The law admitting California and defining her boundaries, was one of the compromise measures, and the Senator has always contended that the fugitive law was another. He would, at the instance of a new slave State, permit the question of slavery to be reopened by a proposition for the division of California and the increase of slave representation in Congress. This, I suppose, would be no disturbance of the slavery question, as it was settled by the compromise! But, if twenty States should ask, by all their members in Congress, for some change of the law providing for the return of fugitive slaves, he would resist it as a disturbance of the "adjustment."

4. I oppose the new test, because its adoption will increase agitation, and tend to the formation of sectional parties. I know the avowed object of this test is to put down agitation. The manner in which this is to be accomplished is by telling men that they must not speak or think on the subject it refers to; that, if they do, it will be useless, as all legislation thereon is forbidden. It denies the rights of free discussion and private judgment, and imposes restraints on the human mind more worthy the times and rank old doctrines of Sir Robert Filmer, than of this age and land of freedom. Freemen cannot be dragooned into silence. Your convention resolution would have a contrary effect from that desired. Our Northern people, as you know, Mr. Chairman, [Mr. Seymour, of Connecticut,] have a *blarney rock* at Plymouth, and are about as much inclined to speak their minds as were their Puritan ancestors who landed upon it centuries ago. Of one thing be sure—you cannot make them hold their tongues upon compulsion. There is such a thing as pushing matters so far as to create a reaction. Northern men are in the habit of thinking that they have gone about far enough in the direction in which they are now urged. They have eyes, and they can see—hearts, and they can feel—memories, and they can recall what is past—and courage to follow wherever honor and duty lead.

Mr. Chairman, when, a few years ago, to be opposed to slavery did not prejudice a man's standing in his party as a Whig or Democrat; when there was some toleration in the country, and men could speak out, here or anywhere, the feelings which they can never extinguish, however they may repress them; when the Wilmot proviso doctrine was in full vigor—and nobody was afraid of it, and everybody claimed the invention—when it was Wilmot's thunder, and Winthrop's thunder, and Webster's thunder—in those days our Southern friends besought Northern Whigs not to make this a test. At Philadelphia, in 1848, it was not forced upon the convention, although, if ever to be adopted as a party test, that was the time, when a Southern gentleman, and a large slaveholder, had been put in nomination for President.

An honorable gentleman from North Carolina, [Mr. Stanly,] in a very able speech in the last Congress, said:

"I will not believe that you will enact the Wilmot proviso—there is no necessity for it. I have too good an opinion of our Northern members to believe it. All admit that new States, after they are admitted, can either tolerate or prohibit slavery. Then, there is no practical question at issue."

A similar appeal, in effect, was made at the same session by an honorable gentleman from Tennessee, [Mr. Gentry,] in a speech which I have read, for the most part, with admiration and delight. He did not want the Wilmot proviso enforced, as it was offensive to the people he represented, and was, in his opinion, of no practical importance.

Now, sir, if these gentlemen and others were so anxious that Northern men, at a time when they stood together better than now and had the power, should not insist upon an enactment simply because it would be offensive to their people—for they confessed it could operate no practical injury to them—may we not believe that they will not be indifferent to an appeal from the North of a similar nature? Will they insist that the North shall submit to what it will feel to be an indignity, and what can do the South no possible service, and may lead to consequences which we should all deplore? There can be no new obligations imposed by party resolutions or pledges. Will any good be secured to either section, by trying the temper of the North upon this subject?

Before the people of the North are condemned for their repugnance to making the finality of the law for the return of fugitive slaves, a test of political orthodoxy, it may be profitable to inquire whether or not such repugnance is the natural and legitimate result of their opinions concerning the institution of slavery, and also by whose aid and teachings they have been led to the formation of such opinions. Seeing how deep is their dislike of that institution, and how much of authority they have for it from the opinions of the wise and good, in the South as well as in the North, our Southern friends should be disposed to be charitable, and where they cannot approve, at least extenuate. Our people have been taught to regard slavery as a social, moral, and political evil—as an institution that ought not to be extended. From these opinions in relation to slavery, the views which they entertain, in reference to any law for the extradition of slaves, are not unnatural or illogical. Let us see who have aided in the formation of Northern opinions upon the subject of slavery.

The evils of slavery have seldom, if ever, been more forcibly presented than by Thomas Jefferson. I might, if I had time, quote from his "Notes on Virginia," language which no man would use at the present day without being branded as an "Abolitionist," and "Disunionist." Mr. Jefferson wrote, in 1774, to a convention held in Williamsburg, in August of that year:

"For the most trifling reasons, and sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the greatest object of desire in those colonies where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibition, and by imposing duties which might amount to prohibition, have been hitherto defeated by his Majesty's negative. Thus preparing the immediate advantages of a few African corsairs, to the lasting interest of the American States, and to the rights of human nature deeply wounded by this infamous master."

The Representatives of the district of Darien, in Georgia, passed a resolution, in 1775, from which I make an extract:

"To show the world that we are not influenced by any contracted or interested motives, but a general philanthropy for all mankind, of whatever climate, language or complexion, we hereby declare our disapprobation and abhorrence, of the unnatural practice of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it,) a practice founded in injustice and cruelty, and highly dangerous to our liberties, (as well as lives,) debasing a part of our fellow creatures below men, and corrupting the morals and virtues of the rest."

I could occupy my hour in reading extracts to the same effect with those already cited, from the resolutions of Southern conventions, and the writings and speeches of Southern statesmen, during the last half of the eighteenth century and the first quarter of the nineteenth. But I must forbear, for I wish to present some extracts of recent date.

Mr. Clay, it is well known, has always expressed opinions against the institution of slavery. In his great speech at Lexington in November, 1847, he said:

"My opinions on the subject of slavery are well known. They have the merit, if it be one, of consistency, uniformity, and long duration. I have ever regarded slavery as a *great evil*, a *wrong*—for the present, I fear, an irredeemable wrong to its unfortunate victims. I should rejoice if not a single slave breathed the air or was within the limits of our country."

In February, 1850, in the Senate of the United States, we find him making use of language like this:

"I have said that I never could vote for it myself, and I repeat that I never can, and never will vote, and no earthly power ever will make me vote, to spread slavery over territory where it does not exist."

As late as 1845, the gentleman from Georgia, [Mr. Stephens,] declared that he was no defender of slavery in the abstract, and that liberty had charms for him.

Can he not permit it to have charms for his Northern friends? Will he not pardon something to the spirit of liberty north of Mason and Dixon's line?

Mr. STEPHENS, of Georgia. I wish to know if the gentleman from Maine alluded to me?

Mr. WASHBURN. I did.

Mr. STEPHENS. Then I ask the gentleman to quote me fairly and fully——

Mr. WASHBURN. I intended to do so.

Mr. STEPHENS. I did state in the speech to which the gentleman alludes, that liberty always had charms for me, and that I was no defender of slavery in the abstract.

Mr. WASHBURN. I so stated it.

Mr. STEPHENS. Very well, but why did you stop there, why did you not go on and state the whole of what I said in that connection?

Mr. WASHBURN. I did not recollect it.

Mr. STEPHENS. I was discriminating between African slavery and slavery in the abstract, or the right of one man of the same race to hold dominion over another. I stated in that very speech made upon this floor, that the subjection of the African to the white man, or African slavery, bore the impress of the Creator himself, and that wherever the African and the white races were found in the same proportions as they are in the South, the dependence of the inferior upon the superior race, or slavery must exist.

Mr. WASHBURN. I would like to have the gentleman make the discrimination. If he is opposed to all slavery in the abstract, how can he be in favor of African slavery in the concrete?

Mr. STEPHENS. That is another question. If the gentleman does not understand the difference I make, it is not for me to give him the ability. All I ask of the gentleman is to quote me fairly and fully——

Mr. WASHBURN. I intended to do so; and before the gentleman talks of giving ability to others to make distinctions, he should be sure he possesses it himself.

With such opinions as these on the question of slavery in the South, can it be wondered at that it never has been popular in the non-slaveholding section of the country, or that, hitherto, it has not been considered as furnishing cause for complaint that Northern men are opposed to its extension, and in favor of all practical constitutional measures for its restriction?

The present Chief Magistrate of the United States, it is well known, was a firm supporter of the Wilmot proviso; and going further than many men who are now denounced as enemies of the Constitution, took ground in favor of the abolition of slavery in the District of Columbia, and of the slave trade between the States, and yet I have never heard that he was any the worse Whig for this.

The gentleman from New York [Mr. BROOKS] attended a Whig State Convention in New York in 1847, and from a committee appointed for that purpose, reported an address to the people, from which I make an extract or two:

"Disguise its intents, and purposes, and consequences as sophistry may struggle to do, the further great truth cannot be hidden, that its main object is the conquest of a market for slaves, and that the flag our victorious legions may rally around, fight under, and fall for, is to be desecrated from its holy character of *liberty and emancipation* into an errand of BONDAGE AND SLAVERY." * *

"We protest, too, in the name of the rights of man and of liberty, against the further extension of slavery in North America. The curse which our mother country inflicted upon us, in spite of our fathers' remonstrances, we demand shall never blight the virgin soil of the North Pacific. We feel that it would be horrible mockery for the columns of Anglo-Saxon immigration to be approaching and looking down upon the dark, benighted race of Asiatic despotism, with Africans enslaved under the banner that led their march, as—

'Westward the star of empire takes its way.'"

* * * "We will not spend from fifty to a hundred millions of dollars per year to make a slave market for any portion of our countrymen. We will never, for such a purpose, consent to run up an untold national debt, and saddle our posterity with fund mongers, tax brokers, and tax gatherers, laying an excise or an impost upon every thing they taste, touch, or live by. The Union as it is, the *whole* Union, and NOTHING but the Union, we will stand by to the last; but, *no more territory* is our watchword—UNLESS IT BE FREE."

Sir, if when the honorable gentleman had resumed his seat, all glowing with these sentiments, some member of the convention, gifted with prophecy, had risen and predicted that what we have seen and heard should come to pass within five years—that the gentleman himself should proscribe men as enemies of the country, and unworthy, of the name of Whigs, who should not be so enraptured with a series of measures by which a portion of this very free territory was given over to slavery—and by which provision was made for the reclamation of fugitive slaves, in terms so harsh as to lead its author to believe, if not to hope, that it could never be executed—as to demand that the immutability of such measures should be the touch-stone of Whigism—would he not have cried shame on the alleged slanderer?

In some remarks made by Mr. Webster, in 1848, when the Oregon bill was before the Senate, he said, in reference to the principle of the Wilmot proviso:

"For one I wish to avoid all committals, all traps, by way of preamble or recital; and, as I do not intend to discuss this question at large, I content myself with saying, in few words, that my opposition to the further extension of local slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to *limits of latitude or points of the compass.* I shall oppose all such extension, and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitations of great interests, against all combinations, against all COMPROMISES."

In a speech made in Massachusetts in the same year he is reported as follows:

"I have said, gentlemen, that in this Buffalo platform, this collect of the new school, there is nothing new. Nothing has been pointed out as new. There is nothing in it that all the Whigs of the Middle and Northern States may not adopt. Gentlemen, it is well known that there is nothing in this Buffalo platform which, in general, does not meet the approbation, and the entire approbation, of all the Whigs of the Middle and Northern States. Suppose now that all of us who are Whigs should go and join the Free-Soil party, what would be the result? Why, so far, nothing would happen but that the Whig party would have changed its name. That would be all. Instead of being the Whig party, it would be the Free-Soil party.

"We should be all there, exactly upon the same principles upon which we have already stood."

The Buffalo platform proclaimed:

"No more slave States and no slave Territory:

The abolition of slavery everywhere under the General Government:

The application of the Wilmot proviso to all American territory, whether in present or in future, North and South:

The complete divorce of the General Government from all connection with, or responsibility for slavery."

From this it would seem that Mr. Webster did not consider, in 1848, that there must be unity of opinion on the slavery question in the Whig party. Why should such unity be demanded in 1852?

Mr. Chairman, under such teachings as I have quoted, men at the North have been educated; and their own hearts have made them no dull scholars. Looking at the past and the present, seeing what has been the history of the last five years, you may believe that Northern men feel that in all these controversies, growing out of slavery, they have been worsted. They believe that General Foote told the truth when he said, in December last, that the South in the compromise had got all it claimed.

In reference to the territorial and Texas boundary enactments, that Senator expressed himself in these words:

"Sir, these territorial enactments are as conservative of what we know and value, in a peculiar sense, as Southern rights, as any act which has received the sanction of Congress at any time; and I cannot see how the South could possibly have lost anything by that particular enactment whereby the boundary between Texas and New Mexico was arranged. I contend that the South has gained much by this particular enactment, since it is undeniably true that the northern boundary line of Texas, until settled by this enactment, was unsettled, and in a *condition which made it more than likely that it would be settled against the South. The Supreme Court of the United States would, I suppose, have decided against us without much hesitation, had it been referred to that tribunal.* We settled the question here, not judicially, but in a manner equally satisfactory; and in my opinion we settled it in a manner most favorable to the South. Yes, sir, *it may be almost said that we adjudicated the question of slavery in favor of the South by this proceeding.* I am speaking plainly. I do not wish to deceive anybody."

And, sir, is it not even as General Foote said? How stands the account? California, having adopted a constitution which provided for a republican form of government, and possessing the requisite population, applied for admission as a State. On every principle she had a right to be admitted. This was conceded by Mr. Clay, Mr. Benton, and Southern men generally. But because her Constitution excluded slavery, she could not come in without the non-slaveholding section of the country being required to pay for her admission. An act of simple right and undoubted justice could not be done; and the precedent and the policy was established, so far as such an act could establish them, that henceforth there shall be no legislation looking towards freedom but there shall go along with it, *pari passu*, that which favors slavery. Here was a concession (or aggression) such as had never been made before. The South carried its point here.

There had been no position upon which the North stood so unitedly as the Wilmot proviso, as the extracts which I have read, and others which I might read, embracing resolutions of State Legislatures, and State conventions of both parties, would prove conclusively. Yet this was yielded. The South carried the day on this question.

No proposition, perhaps, was ever better sustained, by evidence and argument, than that the line claimed by Texas, as being the boundary between her and New Mexico, would include a large territory rightfully belonging to the latter. Senator Foote in effect admits this. This was free territory, and Northern men had proclaimed, Not an inch of free territory for slavery. Yet a boundary line was established, yielding to Texas—a slaveholding State—a large tract of country belonging to New Mexico, and free; and $10,000,000 was paid to her to take it and be quiet. The South beat us in this.

There was nothing lost to slavery, as Senator Foote and other Southern members of Congress have admitted, by the act for the abolition of the slave trade in this District. It simply made the law in the District to conform to the law in Maryland, Mississippi, Kentucky, and several other slave States, and Mr. Clay well said that it could not be regarded as a "*concession by either class of States to the other class.*" So the South yielded nothing in this act.

Then came the fugitive law, more stringent and less favorable to liberty than that proposed by Mr. Clay, or the one which Mr. Webster desired to have enacted—a law about as hard as it could well be made. Surely the South got all it claimed in this matter.

This law is submitted to and executed. We hear of no movements for its repeal or alteration. But the South, or rather, as I think, the enemies of the South and North both, in both sections of the country, are not satisfied with this. They must have agitation. And so they commend this compromise cup to us again and again, and tell us that we must like it, and say that we like it, and that we will continue to drink of it, and like it so long as we live.

Sir, I have rehearsed these things not to stir up strife, nor to invite agitation, but that Southern gentlemen may understand how they are looked at in the North, and may judge whether (seeing that all the compromise measures but one are in the nature of things executed, and that one practically submitted to) it is wise to introduce or insist upon resolutions or declarations which, while they cannot change the essential facts in relation to these measures, may lead to a condition of things which every real friend of the Union would regret? I would tell gentlemen frankly, and in the kindest spirit, the truth, and the whole truth, as I believe it to exist, that it may be understood, and do its perfect work. I did not wish to recall these things. I am no ultraist, and would scatter no firebrands. I know, I can appreciate the position of Southern men in relation to this institution. I remember the noble bearing and patriotic conduct of Southern Whigs at the time of the Texas annexation; how they stood up, at risk of personal loss, side by side with their Northern brethren. Sir, it was one of the bravest sights the eye of man ever witnessed. God forbid that I should forget it. It was a spectacle of moral sublimity, which shall not soon fade from the remembrance of men.

Let me invoke now the spirit of patriotic devotion to animate and guide us, which was exhibited on that memorable occasion.

The North cannot submit to this new test, and the South, I think, ought not to. It will do harm, and nothing but harm, to both North and South. It will have a surer tendency to create sectional parties than anything we can do. The gentleman from Georgia [Mr. STEPHENS] has said, speaking of the basis of the party organizations:

"If it be true, as some allege, that there is a large majority of the people of the North who are unwilling to stand by this constitutional guarantee, I want to know it, and the country ought to know it."

It is not true, and the gentleman ought to know that it is not. The great majority of the North—the whole North, with the exception of a few extreme men who can do no harm—are willing to

stand, and mean to stand, by the Constitution, and all that it guarantees. They will give you a law for the rendition of your fugitive slaves. But because they do not agree with that gentleman as to what is the most proper law, they are not, let me tell him, to be denounced as agitators, enemies of the Constitution, and Disunionists. No, sir; if there be any Disunionists in this country, they are those, and precisely those, who advocate the new doctrines; they are the men whose course, more than that of any other men, is calculated to weaken the bonds of the Union. I can regard no man as a good unionist who would inculcate the idea that its stability depends upon the suppression of private judgment in reference to the details of a legislative enactment like the fugitive slave law. But, sir, I have an abiding confidence that neither such doctrines, with whatever degree of warmth they may be proclaimed, nor the opposition, however fanatical, which they engender, can seriously threaten its integrity. It is not, thank God, so weak and frail as to be unable to withstand such shocks; they are of "the gale, and not the rock." The people, the people throughout the country, have an intelligent appreciation of the value and the blessings of the Union, and a love for it pure, fervent, and patriotic.

We have now a country, through the patriotism and sacrifices, not of one section, but of all sections, stretching from the Bay of Fundy to the Gulf of Mexico—from Cape May to Oregon—a country that has every variety of climate and product. Her productions and capabilities are so varied and diversified as to strengthen the bonds and intensify the necessities of her Union. The South can produce cotton enough to supply every nation on the globe—she sends us rice, sugar, and the fruits. The West furnishes the North and South with breadstuffs, and may easily become the granary of the world. We of the North, in turn, can furnish our neighbors, South and West, with the spoils of our fisheries, whether carried on on the banks of the near Atlantic, or pushed, more adventurously, in remote seas, and in regions of perpetual ice—our vessels may perform the carrying trade of the nation, and our shops and factories change the raw materials of every State into fabrics of substantial value and the cunningest device. No nation beneath the sun is so favored as ours in having within its boundaries all the elements of strength, prosperity and happiness—not England, nor France, Russia, Austria, Spain—not one.

Now, sir, what madness, what wickedness, is it to ask, shall we keep together—shall we go on as we have gone on, a free, united, prosperous, people, or shall we be divided, parceled out into jealous States, giving occasion by rivalries and conflicting interests to bickerings, reprisals, and wars? Look at the prospect which disunion opens, you who threaten it whenever a vote is lost, and say if it pleases! What would you do with our common history, our common biography? And the star-lighted banner, what would you do with that? What colors would float over us in our border forays across the Potomac—in our incursions upon Kentucky? And under what sign would *her* sons descend upon the plains of the Buckeyes? The stars and stripes could be the standard sheet of no divided empire. *That flag* represents the whole country; it can stand for nothing short of the whole; edged by the ocean on either side, the mid-continent its field, its stars our mighty lakes, its stripes our magnificent rivers. Who will dare to cut that flag in twain, or tear it into rags. Come depression, come misrule, come war, come an "Iliad of woes," if they must come—let us bear them as we may—we can survive and outgrow them all. We are still here, here Americans—citizens of the Great Republic. But let intestine strife prevail, and sectional jealousies be aroused till disunion shall come, and no Star of Hope shall light the prospect that will lie before us. "The blasted leaves of autumn may be renewed by the returning spring, the cerements of the grave shall burst, and earth give up her dead;" but let this Union be once destroyed, there is no power that can restore it, no heat that can its "light relume." National death is followed by no resurrection.

Do not let us cheapen and weaken the Union by "calculations of its value," or suggestions of its frailty. Cease to regard it as a fortuitous aggregation of States, or as a mere association for administrational or governmental convenience, but think of it, rather, as the expression and result of a deep necessity, commercial, political, and social; as a Union Government, hallowed by the past, and consecrated to the future.

Can there be any question as the policy or duty of the Whigs in this emergency? It seems to me that it should be our aim and purpose to come together as a national party on national grounds, with no local creeds, no sectional issues. Let us select for our standard-bearer in the campaign upon which we are entering, a true and tried patriot, whose services and sacrifices, and life-long devotion to his country are the best pledges of his fitness and fidelity. Then, with such a position as I have alluded to, standing on the old and sufficient platform of the Whig party, and acting in the spirit of toleration and confidence which once inspired us, we will restore harmony, and inaugurate Concord in our midst.

"Concord, whose myrtle wand can steep
Even Anger's blood-shot eyes in sleep:
Before whose breathing bosoms' balm,
Rage drops his steel, and storms grow calm;
Her let our sires and matrons hoar
Welcome to this now ravaged shore;
Our youths enamored of the fair,
Play with the tangles of her hair:
Till in one loud, applauding sound,
The nations shout to her around,
Oh, how supremely art thou blest,
Thou, lady, thou shalt rule the West."

FINALITY OF THE COMPROMISE.

SPEECH OF HON. G. A. GROW,

OF PENNSYLVANIA,

In the House of Representatives,

May 27, 1852.

The House being in Committee of the Whole on the state of the Union on the Indian appropriation bill—

Mr. GROW said:

Mr. Chairman: After the indulgence of the committee on the homestead bill, it was not my intention again, during the session, to trespass on the patience of the House; but a question has been forced upon us which I am unwilling to pass by in silence; and this being the first opportunity that I could be permitted to speak, under the rules, I take this occasion to say what I should much prefer to have said on its introduction.

Some weeks since resolutions passed this House declaring the compromise a finality. I voted, sir, against their introduction in any form, and against them on their final passage, for reasons stated in the resolutions themselves, that I regarded any further agitation of these questions at this time as useless and unnecessary; and not being one of those who believe that discussion on one side of a question is not agitation, while discussion on the other is, I could see no benefit likely to accrue to the country from their passage. The only result, to my mind, would be to open again this whole agitation, and make it an element in the next presidential election. An opinion which, if the proceedings of this House for the last two months is to be taken as an index, will be fully verified. It is but raking open, and fanning into a flame, coals which, if left alone, would soon have gathered cinders enough to cover themselves.

We had been told at the North, and believed it to be true, that the people of the South were opposed to any and all agitation here of the subject of slavery; and we had noticed, in the published proceedings, of this body, that the Representatives of the slave-holding States were constantly complaining of the agitation of that subject. And unless it ceased, predictions the most dolorous for the stability of the Union, have for years been uttered. The demand on the North has constantly been, to cease agitation and give peace and repose to the country. We had been led to believe that this entreaty was sincere, and came from hearts anxious to see all sections worshipping in harmony at the altar of our common country.

But strange as it may seem, and illustrating, as it does, the strange inconsistency of men, no sooner are the Representatives of the nation convened at the opening of this Congress, than they find themselves on the eve of another wild sectional controversy—the same that the last Congress spent nine months in compromising to sleep. What fanatic has again opened this crater on which the Republic has hitherto tottered? Who is the incendiary that has now raised his hand to fire the temple of liberty? On the introducers of this agitation into these Halls, in years gone by, no invective, no imprecation, was dire enough to stamp their guilt. Then they were desecrating the ashes of their fathers, throwing a pall over man's future, for they were sapping the foundations of the Union.

But at the opening of this Congress, even before the organization of this House, this subject was introduced into the Democratic caucus by a Representative from Tennessee, [Mr. Polk,] and on the first days of the session, into the other wing of this Capitol, by a Senator from Mississippi, [Mr. Foote,] and finally into this House by two gentlemen from Georgia, [Messrs. Jackson and Hilliard.] The reason urged for this movement by its friends was, that there is a feeling of opposition in portions of the North to parts of the compromise, which means the fugitive slave law—for that is the only part of the compromise open to change, or, at least, of which any apprehension is entertained. California is a State in the Union; its admission, therefore, is beyond the reach of Congressional action. The Texas boundary is settled, and a part or all of the installments paid. So that question is beyond your control. Territorial governments have been organized, and are in force for Utah and New Mexico; and I do not understand that any one proposes to disturb them. Nor do I understand that anybody proposes to disturb the law abolishing the State slave trade in the District of Columbia; but even if that law was repealed, there is an old law of Maryland, if I am rightfully informed, passed before the territory was ceded to the General Government, which, if enforced, would accomplish the same object. So that all that remains of the compromise to ratify, is the fugitive slave law; and in order to allay all opposition that may exist, in any quarter, to that, it is thought necessary to get up a counter opposition; on the same principle, I suppose, of the allopathy practice in medicine—in order to expel an irritation from the body, it is necessary to get up a counter irritation; but the conflict between the two sometimes kills the patient. I have, therefore, but little faith in that kind of treatment in any case, especially in moral or political maladies, which require quiet and repose for their remedy. But the first duty of the physician, and the great secret of his success is, that he rightly understands the disease of his patient before he administers medicine.

Men talk here as if the Northern mind was disloyal to the Constitution, and faithless to the guarantees of the compact. Almost the entire argument made some time since by the gentleman from Georgia, [Mr. Stephens,] and much of that made a day or two since by the gentleman from Virginia, [Mr. Bayly,] was based on this assumption, deduced from the fact that all of the provisions of the fugitive slave law do not meet the approbation of the entire North. But, sir, with here and there an individual exception, the men of the North are loyal to the Constitution; and I undertake to say, in their behalf, that all the guarantees entered into by their fathers will be faithfully observed by their children. Though it may not be proper for a Representative on this floor to attempt to speak the sentiments of any others than those whom he is delegated to represent, yet I have no hesitancy in saying that the entire North recognize, in the clause of the Constitution relative to persons bound to service, the right of the master to pursue and peaceably retake his slave wherever he can find him, and that a large majority of all parties believe that that clause gives to Congress power to legislate on this subject. But while they recognize these rights under the Constitution, and believe it better to have some law regulating the mode of recapture, so that by an investigation the legal owner may be distinguished from the kidnapper, there would, of course, on this as on every other subject, be more or less disagreement as to the details of a law. Yet, there has been no disposition manifested in this Congress, even by the men who are entirely opposed to the fugitive slave law, to reopen this agitation. As was well said by the gentleman from North Carolina, [Mr.

VENABLE,] "there has been no agitation in this Congress by the men who opposed the measures of compromise."

Because there is not entire unanimity of sentiment in regard to all the provisions of a law, is that any reason for declaring it a finality, when by such a declaration you, in effect, declare it not to be susceptible of improvement by any alteration or amendment, and you must go before the American people and defend it to the last cross of a "t" and dot of an "i," as the perfection of legislative wisdom? Thus, by a resolve, you attempt to place an act of Congress above the Constitution itself. For that is open at all times to alteration and amendment; and where is the man upon this floor that would vote to strike out the clause in that instrument which provides for its amendment, and declare it a finality? Yet there are many demanding of the National Conventions of their respective parties that they ingraft such a doctrine into their creed, in reference to a law enacted under the Constitution.

The Democracy of the country is asked to strike from its banner, which has waved in triumph for almost half a century the emblem of progress and of great American ideas, the proudest and noblest of its inscriptions, that the legislation of the country is at all times and under all circumstances, subject to the control of a majority of the American people; and to inscribe in its place that other new and strange device, that the laws of Congress, once passed, on particular subjects, become final.

The Democratic party, which has heretofore always laid down broad and comprehensive principles for its creed, and brought those principles to test the legislation of the country, is now asked to take a particular law of Congress and incorporate it as a permanent plank in its platform, and make it the touchstone of truth, the test of party fidelity, and political orthodoxy.

Finalities in the law-making of a free people! What, sir, is the record which history presents of American legislation? The laws of to-day scarcely answer the wants and condition of the generation of to-morrow. The constitutions of your States change almost with each decade, and their laws with the rising and setting sun. Much of the legislation of the country, however, must, of course, be final. Many laws on your statute-books have remained unaltered from the day they were enacted. But it is the part of a wise legislator and sagacious statesman to adapt laws to the habits and character of the people they are to govern, and to change them with their changing wants and circumstances. Who, sir, in 1835, had any idea, even in his wildest dreams, that the lone star, which had then but just risen on the plains of San Jacinto, would, within ten years, be blended with the American constellation? Or who, in 1845, entertained the most distant thought, that within five years an empire would spring up on the shores of the Pacific, surpassing, in the elements of national greatness and power, many of the older States of half a century's growth, and destined, ere long, to control the commerce of the world. In the language of an English historian:

"Before a book, on the subject of the United States, has lost its novelty, those States have out-grown the descriptions which it contains."

In view, then, of the past, and of our theory of Government, is it for American legislators in their representative capacity, gravely to resolve any act of theirs a finality, thus to remain, like the laws of the Medes and Persians, unchanged, and unchangeable?

I am not one of those who believe that perfection died with our fathers, or that all legislative wisdom will expire with the present generation. I recognize no doctrines of finality in American legislation. It is not in accordance with the genius and spirit of our institutions, nor with the true ideas of American progress. It may become the devotee of the past, but not the disciple of a living, breathing, progressive generation. I follow no standard hung with the moss-coated and exploded theories of a by-gone age. The banner that beckons me onward must bear on its folds the inscription "Excelsior!" In the language of one of the purest of American poets—

"Let the dead past bury its dead;
Act—act in the living present,
Heart within and God o'er head."

I would leave all laws on the statute-book, not requiring immediate alteration, to time and the wisdom of those who may come after us to make such changes, if any, as the wants and condition of the people at the time may require, without any attempt to invest them with an extra dignity or sacredness by repeated enactments.

Nor am I willing that the time of Congress, or any other legislative body, should be consumed in indorsing or reënacting laws already on the statute book. It is enough for us to enact laws, and let us attend to our appropriate duties, and when they are performed return to our homes. Leave party tests, party platforms, and President-making, to the people, who alone are competent to dispose of them.

If an enactment of the law-making power has not virtue enough in itself to commend it to the support of the people—if it has not vitality enough to enforce itself by means of the judiciary, I am unable to see how a reënactment by the same body can impart greater vigor or more vitality. Why should not an enactment of two hundred and thirty-three Representatives in the Thirty-first Congress be as binding on the consciences of men and the obligations of courts as an enactment of two hundred and thirty-three Representatives from the same districts in the Thirty-second Congress? Is it the business of a legislative body to reënact the enactments of its predecessors? It may repeal, modify, or amend, but it is a new doctrine to me, that any law is more efficient by two enactments by the same legislative body than by one. But if that be the case, are there no laws on your statute-book that need our indorsement save the laws relating to slavery? Are they privileged, so that, hereafter, at the opening of each Congress, the statutes on that subject are to be introduced, and each member called upon to indorse the wisdom of his predecessors, and swear fealty to the institution? If it be a wise course in this instance, why not adopt this mode of legislating in all cases, and obviate the necessity of convening Congress, save to make appropriations, only at long intervals, once, perhaps, in each generation? Then all that it would be necessary to do when the members assembled would be to take the statutes of their predecessors and write on them, Resolved, that these acts are a definite and final settlement of all questions herein embraced, and ought to be faithfully executed. And any attempt to repeal, modify, or amend will be "deprecated as useless, unnecessary and dangerous." What, sir, is the reason for exempting the laws relating to slavery from every other act of legislation? Is the danger so imminent that it was necessary for us at this time to depart from the practice of the Government, and a proper theory of legislation? Almost two years have elapsed since this law was passed, and during that time it has been in the hands of the courts and the people, and by them enforced and maintained. And is not that enough? If the only object of the resolves was the enforcement of the law, I take it that would be sufficient. But whatever the reasons or motives may be with interested politicians it is not for me to say.

It has been urged that it was necessary to pass these resolutions, and incorporate them into the creeds of the political parties of the country, in order to save the Union. Save it from what? These acts were passed almost two years ago for that very purpose, and is it still in danger? If so, will it not be in the same danger a year hence, even though reënacted now? Most certainly it will, unless the politicians of certain sections have some other source of political capital. For so great was the danger, now, that it was necessary that a Governor elect of one of the States of this Union (Mr. Foote) should leave his home, and all preparation for the duties which he was soon to be called upon to discharge, in order that his presence here at the Capitol for twenty days might be the means of saving the Union. It was a noble object—a mission worthy a self-sacrificing patriot; and if the amount the Government paid for the twenty days' service is not a sufficient recompense, his Excellency can look with assurance to the gratitude of coming generations for his reward! For the man who in the hour of peril shall save this Union from wreck, will for all time to come, hold in the hearts of the great and the good, a place second only to that of the sages who formed it. The Constitution and the Union of these States—the proudest monument ever reared to the wisdom of man; and if ever folly or fanaticism shall lay it in the dust, Freedom heaving her last sigh, may wing her way back from earth to heaven. The noblest, truest strain ever sung by bard,

"Freedom's battles once begun,
Bequeathed from bleeding sire to son,
Though baffled oft are ever won,"

will then be but a mockery to man in his woes. For strike out the example of constitutional liberty as exemplified in this Government, and you palsy the strong arm and stout heart battling in the Old World for the conscious rights of man. Then, indeed, may the crushed and downtrodden of earth hug their chains as the only legacy they can bequeath to their children.

While this Government continues, with its universal toleration, its home of the emigrant and asylum of the exile, thousands will crowd your shores, who send back to their sorrowing countrymen accounts of a free people, who have braved the tyrant, and now stand forth acknowledging no superior but their God, and no distinctions but those of moral and intellectual worth. These little missives, far more potent in shivering the throne than bristling cannon or armed hosts, find their way to the cottage and the hamlet, awakening in the masses of the downtrodden a spirit that sooner or later exiles the tyrant. It is an influence that reaches to the heart of an empire, and the citadel of its power. But if ever the starry banner of this Union shall cease to float, the emblem of a united confederacy, the last hope of the oppressed will go out in darkness and despair, and a pall of midnight gloom will hang over his future. If ever yonder eagle, torn by faction and strife, shall fall, rent and dismembered, it will be the knell of man's political rights—the death-sigh of liberty on earth.

The American is, therefore, bound to this Union by the glories of the past and the hopes of the future; by the love which he bears to his offspring, and by the sympathy that throbs warm in the heart of man for the woes of his race. It needs no self-devoted victim, Curtius-like, to leap into the yawning gulf. The Titan arm of the American people will close up the chasm, and permit the patriot, unharmed, to pass.

For almost three quarters of a century, this Union has withstood all shocks of violence from without, or commotions within. And what, sir, is there in the present juncture of affairs requiring a new party, or a new organization of the American people, to uphold and maintain its stability? Is a Union party necessary? The country has always had one. It received its baptism at the inauguration of Thomas Jefferson, passed its boyhood with Madison and Jackson, and to-day stands forth in vigorous manhood, to battle for the rights of labor and of man.

The Democratic party is the party of the Union, being the party of the Constitution. Under its administration and the policy of its measures, in three score years and ten, this Republic, from a tottering infant, has become the giant of the world. During this period, a few feeble colonists, scattered along the Atlantic sea-board, hemmed in by the ocean in front, the wilderness and the savage in the rear, have become twenty million freemen in the enjoyment of greater privileges, more personal and national independence, than any other people on the globe. The numerals that counted the original thirteen colonies have been reversed, and to-day number thirty-one independent States, spanning a whole continent, and washed by two oceans. These are the trophies of the policy of the Democratic party to which the patriot can point with pride and with pleasure. And yet still equal triumphs await it in the future, if true to its mission—true to the rights and interests of labor in its unequal struggles with capital. The country needs no new party, specially to save the Union. For, if ever the political parties of the country shall be organized solely with reference to men's views of the institution of human slavery, it will be the most fearful day the Republic ever saw. The moment that is done, she will roll and surge like the billows of a volcano. Then will have come the time forewarned by Washington, in his Farewell to his countrymen. For it will be concentrating sectional feelings by party organization, and attempting by votes to overawe the swelling emotions of

humanity. Vote the thoughts of man still; vote from his heart, his stern, settled convictions; vote from his bosom the sentiments inspired by the fathers of the Republic, and taught him in infancy by a mother's lips! You might as well attempt to vote the air from his lungs, the blood from his veins; yea, vote the untamed tiger docile, or the whirlwind still.

Any attempt to smother error or stifle the voice of reason, other than by calm and dispassionate argument, adds but strength and friends to its cause.

When the abolition excitement first sprang up in the North, wild and fanatical as it was, instead of allowing it a free and open field of discussion, a right which belongs to freemen on every subject under a free Government—the South called on the people of the North to suppress it; and we stoned the Abolitionists, pelted their lecturers with rotten eggs, burned their halls, and destroyed their presses. But in doing it, Cadmus-like, we sowed the dragon's teeth, and like the fabulous growth of old, they sprung up armed warriors for the fight. Of all the aphorisms of human nature, none is more true than that of the Sage of Monticello, "There is no danger of error where truth is left free to combat it."

If, then, there be an institution in this country, the free and manly discussion of which, in its social and political relations to the Government, endangers the stability of the Government and the union of these States, then most certainly the friends of such institution ought to be the last to seek and open such a discussion.

Mr. Chairman, I stand not here the censor of any one; nor does it become either my age or experience to attempt to advise others; but I trust I may be permitted to say to the Representatives of the South on this floor, that you can give quiet and repose to the country—end forever this slavery agitation, without any sacrifice of principle or of interest on your part. You have but to cease proscribing Northern men on account of their opinions of the institution of slavery, and cease your attempts to silence the thoughts of men, and close their lips by paper resolves.

COMPROMISE MEASURES—WHIG CONGRESSIONAL CAUCUS—THE PRESIDENCY.

SPEECH OF HON. H. MARSHALL,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 26, 1852.

The House being in the Committee of the Whole on the state of the Union, on the Indian Appropriation bill—

Mr. MARSHALL, of Kentucky, said:

Mr. CHAIRMAN: I do not know that I shall occupy even the time allowed by the rules of the House, and I should not have desired the floor—as I speak without notes—but for the idea that a reply is proper to an extraordinary speech which was read a few days since in this Chamber by my colleague from the Hopkinsville district. The corrected proof sheets of that speech now lie before me, as the speech is to appear in the Congressional Globe, and in pamphlet form, for general circulation. I have waited to see the remarks of my colleague, as he might choose to correct them, before I attempted to reply at all; for though I heard the speech, and thought the scope of remark was on the extremest verge allowable in Congressional debate, I was desirous of knowing *exactly* what would pass to the records of Congress, that I should not reply to matter which afterwards might assume a new and unexpected shape. Remarks which, under other circumstances, would have been exceptionable and offensive, are so qualified in the course of the speech, by reference to the past friendship which has existed between my colleague and myself—by professions of continued and present feelings of respect and kindness towards me, and by disclaimers of all intent to give offense, that I feel compelled, as one who will not take offense where none has been intended, to overlook peculiarities of expression which are seemingly personal, but many of which, I observe, are qualified in the edition of that speech which is now before me. I shall answer it, then, regardless of its form.

I confess that I have been at some loss to ascertain the exact object my colleague wished to attain by the delivery of that speech. As an argument, he has spread over ten columns of a newspaper what might have been sensibly expressed in a half dozen sentences.

Mr. GREY. It will take you a very short time to answer it, then.

Mr. MARSHALL. Were I to confine my reply to a mere answer to the argument, the task might be discharged with facility in five minutes, for there is little of substance in that department of the speech requiring a response. But my colleague has traveled out of those bounds which, under any view, were necessary to an explanation of his own position and course, to assail me and my course, and has brought forward what he calls passages of my political history in Kentucky, which I shall be compelled, at more length than is agreeable, to notice.

Mr. GREY. I have already said that I intended no disrespect, and that I would produce nothing which you were not understood to admit.

Mr. MARSHALL. I understand my colleague disclaims all disrespect. I have already accepted his disclaimer; but in my answer to his remarks, I shall be under a necessity, in justice to myself, to notice much *as it is written*.

The excuse of the honorable member for making this speech is found in the appearance, some three or four weeks since, of "An Address to the Whigs of the United States," signed by myself and others. He has, very curiously, construed that address as a covert attact upon *his popularity in Kentucky*. He charges that it was *written* by me; and he has risen from a study of that paper with a profound conviction that, if the statements it contains are believed at home, he will be prostrated forever. I am not surprised at the sensitiveness of my colleague. I know that his position before the people of Kentucky is one that he may be called upon to defend, and I should not blame him for trying it in advance; but I do think he is censurable for attempting to produce the impression on the mind of Kentucky, that *my object* in signing the address was *to assail him*, and the rest of my Whig colleagues who remained in the caucus of the 20th of April. He has assumed that he is called upon to speak, not only by a sense of duty to himself, but to the caucus—to the Whig party of Kentucky, whose prosperity through the future he would have us believe to depend on his own fortunes, and from the proprieties due to his colleagues here, on account of his responsibility as Lord Protector of that part of the Kentucky delegation which, being new to these scenes, he gathers under his wing "as a hen gathereth her brood." [Laughter.] I know that my colleague holds a high, a most exalted standing; but, sir, I disclaim at once—at the threshold—the design he imputes to me, of a desire to assail it. In signing the address, I never thought of him; and his notion that the body of respectable gentlemen whose names are appended to that paper, because the occasion, in their opinion, called for an appeal to the great mass of our party, I say, the idea that they were *used* by me to assail my colleague at home, reminds me of

> "*Ocean* into tempest tossed,
> To waft a feather or to drown a fly." [Laughter.]

Mr. GREY. I ask the gentleman to allow me for a moment to interrupt him.

Mr. MARSHALL. I have but a short time to speak, and I find that I have much I want to say. I hope my colleague will not interrupt me. I did not interrupt him during the delivery of his speech. I have said it was difficult to ascertain the *real* object of my colleague in making that speech; but I think it may be accepted as fact that his main object was to indorse the address, and to reannounce from his own mouth all the propositions I made to the Whig caucus—to assert, before it becomes too late, the fact, that *his position is on my line*, and that his opinions run, *quatuor pedibus*, with those of the eleven gentlemen who signed that paper.

Mr. GREY. It will be remembered that during my remarks I requested my colleague to correct me if I did him injustice; for such was not my design; and I wish to say that, in my answer to that address, I took *the construction which is put upon the language* of that address—the intimations, deductions, and conclusions which are drawn from it, and the manner in which it was put together. I will refer the gentleman to an extract which I read in the Globe of yesterday morning, from the speech of the honorable gentleman from Tennessee, [Mr. GENTRY.] He says:

"You know, Mr. Chairman, that there is a great deal *in the manner of stating a truth*, as to the impression to be produced by the statement."

Sir, it was the manner in which these facts were stated from which the impressions were drawn that I wish to remove. And it was the impressions produced by that manner that I endeavored to answer. But I answered for myself alone, saying, at the same time, that my colleagues were more capable of answering for themselves than I was for them.

Mr. MARSHALL. As my colleague starts out, I wish to give him the benefit of the extracts from his own speech. These will show that, while he complains of me, he has taken a sober second thought of what really is due to the Whig party of Kentucky, and has determined to remove false impressions of his opinions by adopting the sentiments of the Address. Without following the exact order of his speech, I find that he starts out by the following statement:

"The honorable member from Louisville knows that I concur fully in the sentiments of the 'Congressional pledge' of 1851, as follows:

"'The undersigned, members of the Thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of slavery would be both dangerous to the Union and destructive of its objects, and seeing no mode by which such controversy can be avoided, except by an adherence to the settlement thereof, effected by the compromise acts passed at the last session of Congress, do hereby declare their intention to maintain the said settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by the general consent of the friends of the measures, and to remedy such evils, if any, as time and experience may develop; and, for the purpose of making this resolution effective, they further declare that they will not support for the office of President or of Vice President, or of a Senator or of Representative in Congress, or as member of a State Legislature, any man, of whatever party, who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal, in any form, of agitation upon the subject of slavery.'

"That pledge was signed by the following gentlemen from Kentucky: Henry Clay, C. S. Morehead, F. E. McLean, Daniel Breck, James L. Johnson, Humphrey Marshall, and J. B. Thompson."

In a subsequent part of his speech he avows that Mr. Fillmore is decidedly his first choice for the Presidency, and adds:

"Sir, I will take this occasion to declare, that if I was a delegate to the National Whig Convention, I would insist that resolutions indorsing the compromise should there be adopted; and if that convention refuses, and nominates a candidate whose opinions are not *explicitly, unequivocally, and publicly avowed*, in favor of those 'adjustment measures,' he *ought not*, and, I sincerely hope, will not, receive *one vote* from *any* Southern State."

This is a perfect declaration of all I have contended that the convention and the candidate should do. My colleague, however, evinces a *praiseworthy anxiety* to be understood *fully* on this subject, and recurring to it again, he compliments me by adopting my own language in regard to President Fillmore. He says:

"Mr. Chairman, in regard to the President, I agree with my colleague, that 'he comes up to my standard of an accomplished, sound Whig statesman; and as a Whig I want no better man, no better President, than we now have in Millard Fillmore.' I will unite with my colleague in proclaiming 'the finality of the compromise' among the Whigs 'as one of the bonds of their political association.' I feel that I am authorized to declare to the Whigs of the North, that it is utterly impossible to preserve a National Whig organization upon *any other basis*. Sectional feelings and prejudices must be sacrificed on the shrine of patriotism, and the constitutional rights of the South unequivocally recognized and affirmed.

"Sir, the people of the slaveholding States *cannot* vote for *any man for President* who will not boldly proclaim that he will, by all the influence and authority pertaining to him in that position, uphold and maintain a law, which is enjoined by a *positive requisition* of the Constitution, and the rights of property recognized by that instrument, *as sacred*—a law, too, which, in its operation and bearing, is exclusively confined to *runaway negroes*, and in no way interfering with the rights or privileges of any citizen of the Northern States. Sir, I now tell my Whig brethren of the North who think otherwise, that it is the very vainness of vanity to suppose any such *absurdity*"

These well-studied phrases embrace all the cardinal points on which I have insisted, and cover substantially the ground on which I have acted. A plain statement of these opinions should have satisfied my colleague, and, in the opinion of all sensible men, I think, would have improved the appearance of his speech.

So, I incline to think, Mr. Chairman, that the

real object of my colleague was to occupy our ground *before it is too late*, and, in doing so, to raise such a noise and confusion about my ears, *as to cover the movement*. I congratulate his arrival at all events, but I insist that he shall be received with all the eclat due to his distinguished position before the people of Kentucky, and that, in crossing our lines, he shall not enter *incognito*. The preservation of the interests and constitutional rights of the slaveholding States, demands union among their people and their representatives, and I congratulate my colleague that he has found at last a propriety in proclaiming *his* conviction that "the finality of the compromise *must be recognized* 'as one of the bonds of association among Whigs, and 'that it is utterly impossible to preserve a national 'Whig organization on any other basis."

But, just here, let me make a suggestion to my colleague of a point which he has not with equal clearness elaborated. If he has asserted the *only* practicable basis for Whig organization, yet if, in fact, the Whig organization should be determined by the National Convention on the antagonistic principle of "agreeing to disagree as to the adjustment measures, and the finality of the compromise," what remedy for such a state of the case has my colleague provided in his cornucopia of political professions?

If *both* conventions shall refuse to indorse the compromise measures as a "finality," and shall bring candidates before the country without any assumption of position on this great question by the organizations which are to support them, what course would my colleague pursue?

I have taken my position already in that contingency—one by no means improbable. When I found that the principle was boldly proclaimed in the Whig caucus by distinguished Northern members of the party, that, to "agree to disagree" ought to be the determination of the National Convention, I thought it was time to avow mine also. *I did so*. Now, I should like to know from my honorable collegue *what his course would be under such circumstances*. His position is deducible from the principles he has declared; but, as he hurls anathemas at me for even suggesting the formation of another political organization, to meet such a state of case, it might be inferred that his Whiggery is of that deep dye which would lead him to *abandon his principles*, to *maintain position in his party*. Are we to infer from his declaration that though as a member of the Whig National Convention he would *insist* on the adoption of a resolution indorsing the compromise measures, yet, should the convention refuse to pass such a resolution, and instead thereof adopt the Johnson platform, "that the fugitive slave law is as open to modification and repeal as the tariff of 1846," that he *would submit and exert himself to elect its candidate?* When he speaks of the finality of the compromise as a "bond of association among Whigs," and declares "the National organization of the Whig party cannot be preserved *on any other basis*," does he mean after that link shall have been severed by the action of the majority of a convention, that *he would change his opinion*, or continue to act on another line, opposed to his views and wishes, and to the safety and peace of the South?

If he does not intend to be so accepted, he must of course subscribe to that suggestion of the "Address" which, looking to such a state of case as among the possibilities of the times, provides a third organization as a means to reunite the friends of the finality of the settlement, and to enable them to assert, through the ballot-box, the sense of the country, on a principle which my colleague now so emphatically professes to advocate. In this matter, touching a third organization, the gentleman has been peculiarly severe upon me, and I must be permitted to say, *very unfortunate*. Had he exhibited the candor which desires to present fairly the position he would assail, there would have been no cause of complaint on my part, and his speech would not have been disfigured by an extract from a portion of that address, torn from its context, and *made to suggest* a third organization *as an absolute aim* of the authors, without the qualifications which accompany the suggestion, and upon which *alone* it is based. I will not be so indecorous as to say this was done intentionally; but I must say, that such a handling of facts is extremely awkward, if the gentleman designed to treat my positions fairly, and, to use his own delicate phraseology, very "unbecoming," if he meant otherwise. I shall take the liberty of inserting in my speech, the entire context connected with that paragraph of the Address, in order to obviate the blunder into which the *brevity* of my colleague's quotation would necessarily involve the reader, and, at the same time, to remove any unjust suspicion his remarks might be calculated to arouse, of an attempt, on my part, to *disorganize* the Whig party, for the mere purpose of supplanting it by a third organization, "better suited to my inclinations." Here is the notice of the third organization, as extracted by my colleague, and then as contained in the Address. I commend them to the reperusal of my colleague, that he may amend his criticism:

"Mr. Chairman, while I repeat that that address does gross injustice to me, I will not say that it is therefore *unbecoming* in my colleague to publish and disseminate such a document. But I would call his attention, and that of the people of our State, to his own expressed opinion as to what is '*becoming*' and what '*unbecoming*,' a Whig Representative from Kentucky. That remarkable production closes with these words:

"'The events of the Congressional meeting of the 20th 'of April are of significant import. *It does not become the 'undersigned to suggest your course in view of them.*'

"Now, sir, when I came to these words I was surprised; for, in the paragraph immediately preceding, I had just found a very *broad, clear*, and *unmistakable* suggestion of the course which that address *aims at*, and to which it proposes to '*guide*' the people of the United States. Here it is in the following words:

"'*The people will demand such an organization, at the expense of existing parties, and it will triumph over both.*'

"Here the gentleman, in the most *pointed* manner possible, has suggested *a new 'organization at the expense of existing parties;'* and in the very *next* breath he expresses the opinion that such a suggestion is *unbecoming*. I agree with the gentleman in the latter opinion; but, under the circumstances, I cannot agree that he is the most proper person to decide what is, or what is not a *fit* place for *true* Whigs, although he may be a very suitable person to be made the *Magnus Apollo* of his proposed new organization."—*Extract from Grey's speech.*

"What would be the effect of a refusal to indorse the position we have assumed? What will be the result of a failure to respond to the principle we have asserted? Neither more nor less than the inglorious and deserved defeat of the Whig candidate for the Presidency, because the platform of the party will be too narrow for the patriotism of the people. They will demand one as broad as the interests of the whole Union.

"Should both of the great political parties fail to shape future party organization upon the enlarged and fair principle to which we invited the Whig meeting at the Capitol on the 20th instant, there remains but one other resort. The people will demand such an organization, at the expense of existing parties, and it will triumph over both; or, misled by political leaders, whose personal ambition rises above their love of country, the people will become involved in a canvass conducted by candidates whose parasites will pander to sectional prejudices, and will seek political preferment by arousing sectional passions. The next Congress, in that case, will be composed of men of all parties, pledged to renew the agitation of questions which the Thirty-first Congress closed with so much difficulty. The result of such a struggle human foresight cannot compass. We have believed that intelligent statesmanship, by timely action and patriotic effort, could avoid the trial and the catastrophe."—*Extract from Address to the Whigs of the United States.*

How can my colleague profess the principles he avows, yet refuse the *remedy* here intimated *in the state of case suggested?* Do not his own views compel the adoption of the same conclusion, or leave him in the dilemma of abandoning a great principle, in order to retain his position in a party which not only refuses to sanction it, but smothers it? My political position and action result from convictions of duty, and a sincere desire to promote the welfare of my country. I have no respect for that stringent fidelity to party which follows the party flag whithersoever it may lead. I have no care to adhere to form when substance is disregarded and abandoned. Whenever the Whigs—especially Southern Whigs—prove themselves forgetful of the principle asserted by the settlement of those questions which have heretofore distracted this country, and "agree to disagree" upon propositions vital to the peace of the South, the security of our property—as well as demandable of right under the Constitution, then, sir, I shall no longer be a Whig, and I will do all in my power to effect such an organization in the country as shall assert and vindicate the principle through the instrumentality of the ballot-box. What do I want with political power, but to carry out the objects for which the Constitution was established? What confidence *should* I have in any set of men who organize for political action, and avow or disavow, or *dodge* principle for the sake of expediency? How could I be assured they would not repeat the sacrifice whenever tempted by the prospect of advantage? I hope the Whig party, assembled in convention, will not do so—I hope no such spectacle will be presented, but I adopt the sentiment of that great statesman who lingers now on the bed of sickness, in sight of this Capitol:

"I have had great hopes and confidence in the principles of the Whig party as being most likely to conduce to the honor, the prosperity, and the glory of my country. But if it is to be merged into a contemptible Abolition party, and if Abolitionism is to be ingrafted on the Whig creed, from that moment I renounce the party, and cease to be a Whig. If I am alive, I will give my humble support for the Presidency to that man, to whatever party he may belong, who is *uncontaminated* by fanaticism, rather than to one who, crying out all the time and aloud that he is a Whig, maintains doctrines utterly subversive of the Constitution and the Union."

Sir, I am not the first person who has suggested a contingency in which the Whig party would deserve to be supplanted by a third organization. That sentiment was distinctly announced, amidst the enthusiastic plaudits of an admiring assembly, on the 15th of November, 1850, by HENRY CLAY, to the members of the General Assembly of Kentucky. Where was then the devoted loyalty of my colleague to the Whig party that he did not sound his bugle of defiance and come forth, as now, all clad in the armor of inuendo and epithet, crying "disorganization," and "treason to the party?" If I remember aright, he was then a member of the Assembly, and the President of one of the Chambers; and I doubt not he was loudest among those who sung pæans to the orator, and the most valiant among those who swore fealty to the cause. Whence has he drawn these new inspirations of timidity that he now announces propositions, and yet shrinks from their conclusions? Mr. CLAY on that occasion, alluding to the continuance and increase of this spirit of agitation, which it has been the *aim* of *our* movement *to subdue and terminate*, prophesied the formation of new parties—alluded to the policies on which the Whig and Democratic parties had divided, and baptized that new party which would supplant the old by the name of the "Union party." "And," said he, "the platform 'of that Union party will be the Union, the Con-'stitution, and the enforcement of the laws. And 'if it should be necessary to form such a party, 'and it should be accordingly formed, I announce 'myself in this place a member of that Union 'party, *whatever may be its elements.*"

The orator was then addressing the Legislature upon the subject of those very compromises which were settled by the Thirty-first Congress, and stating the results which might flow from their disturbance—he had signed the Congressional pledge. His theme was the propriety of standing by that settlement, and his position was foreshadowed in case of the continuance of the agitation. He is now feeble and dying, but, with characteristic patriotism, his banner is planted upon it today; and the future, at least, will know that he resisted to the last all effort to merge the Whig party into a contemptible abolition party, or to contaminate it with the spirit of sectionalism, by "agreeing to disagree" on principles vital to the existence and perpetuity of the Union.

Mr. GREY, (interrupting.) I ask my colleague if he will, in his speech, publish the very words Mr. Clay used upon that occasion—that is, the extract to which he alludes? If so, my answer to his question will be obvious.

Mr. MARSHALL. As a matter of course I will. I never miss fire on an extract. [Laughter.] Kentucky will perceive, sir, that the signers of the "Address" intimate a third organization only as the remedy for a necessity which may be created by the prostitution of the Whig party to the embraces of that faction which now refuses to recognize the finality of the settlement, or to declare a determination to abide by it. The Address is arraigned, and I am prosecuted by the honorable member for the identical sentiment announced to Kentucky by Henry Clay. I repeat it—I express it—I will act up to it. It may suit others to hide it "in smiles and affability," and to teach the people of the slave-holding States that the expression of such sentiments is evidence *per*

se of a wish to disorganize the Whig party. It may benefit my colleague to take upon his Atlantean shoulders the fortunes of the Whig party in such an emergency, and to pledge the high-spirited people of his district to stand by the Whig colors, no matter where they are to be borne—never give up the ship—but, sir, the people whom I have the honor to represent on this floor, even with the insidious counsels of the press constantly poured in their ears, will not be found either ignorant of true principles or too timid to avow and maintain them.

I repeat that my political position is the result of an honest conviction of what will promote the good of the country. I accord to others all that I claim for myself; and I am one of those who have never made a difference of opinion, which I believed was honestly entertained, a matter of distrust between me and any other individual. I believe, sir—and I have stated it publicly, I have stated it over my own signature, I stated it at the commencement of my canvass, I have stated it everywhere, and continuously—that an indorsement of the compromise measures as a final settlement of the questions they embraced, was vital to the peace of society. Do you believe, sir, that with that solemn profession in my mouth, with that solemn understanding of my sentiments, that I would agree to be politically associated with those men who go forth to the community with the declaration in their mouths, that for the sake of expediency, and to catch voters, we shall agree to disagree upon this high question? How could I? No, sir, I am willing to stand arraigned before the people of Kentucky for the suggestion of a third party organization, upon the basis which has been suggested, and—no matter what others may say—I say that it will be as possible for mortal hand to rend the sun from the heavens as to induce the men of Kentucky to stand to any candidate—no matter how he may be heralded, no matter with whom he may be associated—whose banner does not contain, in the poetic language of my younger colleague, "in letters of living light," so that every mountaineer may see it, and the humblest cottager may understand the declaration, that in his administrative course he will lend the full benefit of his influence in upholding and proclaiming the fugitive slave law, the finality of the compromise, and in strengthening the bulwarks which the patriotism of the Thirty-first Congress erected, to prevent the bitter waters of sectionalism from flowing over this happy country. I promise that I will stand upon the platform erected by Henry Clay in 1850, whatever may be the consequence.

I wish now to be understood distinctly: First, I contend that the settlement of sectional questions, which was made by the Congress of 1850, in that series of measures known as the compromise measures, is to be considered a *final settlement* of the principles it established; that these are to be maintained and upheld hereafter *as fundamental principles of administration in this Federal Government;* a settlement of constitutional power on the disputed points. Second, that the law for the reclamation of fugitive slaves is to be carried into faithful execution, as part of that adjustment, at every hazard and through every instrumentality which may be necessary to give it complete efficiency; that the law, as it stands, is to be maintained, without modification, until time shall show the points in which it is liable to evasion or abuse; and then modification shall be made, by the consent of its friends, only to render the system more perfect which we have adopted. That, sir, is what I mean by "the finality of the compromise"—the idea my mind entertains of the position that should be assumed by the National Whig Convention and the National Whig candidate for the Presidency. And I now say here in my place, that this is the unalterable position of the people of Kentucky. Should the Whig Convention or the Whig candidate fail to come fairly and squarely up to a pledge to the principle I have asserted, gentlemen will see what faith there is to be given to promises of the vote of our people for the mere sake of party; gentlemen will learn that I have correctly estimated the force and direction of the ballot-box. In case of such failure, whatever exertion I make shall be honestly and continuously made to assert the principle on which, in my solemn judgment, the safety of the Union reposes at this moment, and which so ardently I desire to establish firmly. My colleague shall have the benefit of the popular judgment; I have no fear of the result. He may arraign me, not only for the suggestion, but for the *actuality*, of a third organization should both parties fail. In that event he may form an issue between him and me, and the people can judge who stands fairest, and boldest, and truest, and most loyal, to the principles and their consequences which the Whig convention of my State has laid down as the Whig guide.

My honorable colleague, *in justification of his own course in the caucus*, and by way of challenging my competency to suggest a principle of action to the Whig party, has alluded to the fact that an editor in my district speaks of me as "a Whig of only a few years' standing." Such allusions to my political course are made with the intent to break the force and influence of my action, and to create a prejudice against me in the minds of my fellow-Whigs. The *honorable occupation* of collating this sort of newspaper *lore*, to reproduce it here accompanied by comments, and to circulate it through the country, as *his debut as a statesman*, shows that my colleague has studied well the Greek maxim, "Know thyself."

Mr. GREY. I hope my colleague will allow me to explain. I stated distinctly, and it is so published in the printed speech the gentleman has before him, that I would not, in any remarks I addressed to the House, draw upon the statement of editors of newspapers to prove any fact which was not admitted by the gentleman himself. That statement I made before I read the article to which the gentleman alludes.

Mr. MARSHALL. I entertain no resentment to the original publisher or my colleague, for sensible people will look at the merits of my suggestions and judge me by them, instead of the standard my colleague would erect. But, sir, were I compelled to produce a patent for my Whiggery, in order to secure liberty of speech, [laughter,] I must remark that mine will be found of a tolerable date—by no means the youngest among the Whig members of this Congress. I supported Harrison, Clay, Taylor, and all the Whig candidates intervening. I have regularly acted with the Whig party since I was twenty-four years of age, in all that appertains to national affairs. If I chose seriously to defend myself against such a charge as this, I would point to the fact, that in 1849, without the slightest solicitation on my part, I was invited to become the candidate of the Whig party in my district, by a Whig Convention, representing every part of it. Was my colleague ever invited to become a candidate for Congress by a convention of Whigs in *his* district? [Great laughter.]

Mr. GREY. I will reply to the gentleman. I was not a candidate in opposition to the will of a *majority of the Whigs* of my district, although I was elected in opposition to the nominee of a convention. Another Whig and myself had been canvassing very laboriously for months, when a convention was convened in opposition to my wishes, and unnecessarily, as I thought, because there was no Democratic candidate. The convention would nominate neither my competitor nor myself, but gave the nomination to a gentleman not previously spoken of as a candidate. I then appealed to the people, and my course immediately brought down upon me the violent opposition of nearly all the most active and influential Whig politicians in the district, backed by the denunciations against me of all the Whig papers in the State; which papers, and innumerable printed circulars from different individuals opposed to me, were circulated throughout the eleven counties by express riders and otherwise, which occasioned an excited and angry contest; and, as there was no Democratic candidate, finally resulted in a bitter personal wrangle; no measures of Government policy or political questions were discussed, and thus I was thrown entirely upon my own personal popularity, and such favorable influences as I could awaken in my behalf with the intelligent, noble, generous, and independent freemen of that district. It seemed for a time hopeless, and utterly impossible to resist the force of overwhelming influences which such active and powerful combinations brought to bear. But, sir, when the day of final settlement arrived, a decree went forth in my favor by the proud majority of nearly four thousand votes; and in that "adjustment" all parties acquiesced, and none have intimated a wish to repeal, alter, or modify that "compromise settlement" agreed upon that day, nor shall I ask public meetings to pass resolutions "reindorsing" or "reaffirming" what the people then and there decided.

Mr. MARSHALL. These reminiscences are not of my calling out. [Laughter.] I do not arraign the gentleman—my question was a civil one. God knows! humble as I am, after I canvassed my district, the Whigs never thought of refusing to let me make the canvass, nor did they try to present anybody else, who "had never been thought of before." [Great laughter.]

Mr. GREY. I will remind my colleague that I had my trial, and received a glorious and triumphant acquittal, which I have a right to plead in bar of his indictment; for my honorable colleague knows well, that by the constitution and laws of Kentucky, not even a criminal can be tried twice for the same offense. Sir, I hold my seat here, not only by a larger majority, but by a larger aggregate vote than any other member from Kentucky, and I received a larger vote than was ever before given to any candidate in my district.

Mr. MARSHALL. Well, Mr. Chairman, since my colleague pleads *the Constitution* in bar, I will let him off. [Renewed laughter.] The comparison of our claims was not begun on my part. He came forward, and, as we say in the West, called all Kentucky up "to form a ring," in order that he might have witnesses to the castigation he meant to administer to me. I have no idea the impression shall go abroad that I submit to this kind of pretension, or that I am to be dragged as a victim at the victorious chariot-wheels of any such conqueror.

My colleague challenged my title as a Whig. It was *he* who arraigned *me*, and now his conduct under these images of the past, beats the king in Hamlet all hollow. [Great laughter.] He says we have not Whig strength to spare in Kentucky; that we have a Democratic Governor. I do not know—some of my Democratic colleagues may know—*where we lost the State*. I do not know, for I will say that I have never examined it.

Mr. GREY. I ask my colleague if he intimates——

Mr. MARSHALL. I want my colleague to distinctly understand that I make *no intimations*. I state facts.

Mr. GREY. When I was speaking of the gentleman's political conduct, I asked him, if I misstated any facts, to correct them. Does the gentleman intimate that my conduct as a candidate for Congress produced, or caused the election of a Democratic Governor in Kentucky? Mr. Dixon was the Whig candidate, and Mr. Powell (now Governor) was the Democratic candidate. Both of them resided in my district. I deny, sir, that my being a candidate prejudiced Mr. Dixon's election, or that it was the district I represent that defeated him; but I charge that it was the Louisville district, to a greater extent than any other.

In 1848, Governor Crittenden and Governor Powell were our candidates for Governor In 1848, Mr. Powell received in my district 5,477. In 1851, Governor Powell received in my district 5,421. Thus Governor Powell actually received 56 votes less in 1851 than he did in 1848. In 1848, Governor Crittenden received in the Louisville district 788 votes more than Governor Powell; but in 1851, Governor Powell received in that district 81 votes more than Mr. Dixon.

Sir, my colleague's is the only Whig district in Kentucky which gave to Governor Powell in 1851 a majority over Mr. Dixon. I have here the official vote which my colleague says he never examined, and I state that my district gave to Mr. Dixon in 1851, a majority larger than the average majorities given to the Whig candidates for Congress in that district since it was formed. Then, sir, when his is a Whig district, and gave to Mr. Crittenden, in 1848, a majority of near 1,000 votes over Governor Powell, but in 1851 gave to Governor Powell a majority of 81 over Mr. Dixon—with this official report before him, it comes with a bad grace from the Representative of that district now to charge that it was either I or my district which defeated Mr. Dixon.

Mr. MARSHALL. My colleague does not

say that *eighty-one* covered the deficit. Where did the Whig candidate lose the rest? Why does not my colleague state Crittenden's and Dixon's respective majorities over Powell in *his* district? Why compare Powell with Powell in *his* district and with his competitors in mine? How much did Powell gain in 1851 over his vote in 1848 in *my* district? He says Dixon's majority in *his* district was larger than the *average* of *Congressional* majorities given to Whigs since the formation of the district. That may be; for the district has sometimes been represented by a Democrat. I have never examined election returns very critically, as I have never felt called on to explain their bearing. I believe that I got all the Whig votes in my district, and may be some of the Democrats. I was perfectly aware of the fact, although I was but a Whig "of but a few years standing," that I ran ahead of the Whig ticket in every county of my district. The whole party strength that could be brought out, was produced on each side, and the Whig candidates were pretty much together. I think Mr. Dixon polled all the votes in my section, of his party, that voted at all. I did not bring any charge against my colleague on this point, or mean to make any assertion to produce an impression that he *traded* the Whig candidate for Governor off, because I knew of no *facts* to that effect. He is hyper-sensitive on this point, and jumps at the very rustling of the leaves. What this means I know not. [Laughter.] My colleague cites a newspaper paragraph against me. I think it is within the legitimate bounds of discussion, to say to him in answer, that after my service in the Thirty-first Congress, and before my return to Kentucky, I was nominated for *reëlection*, by primary Whig assemblies in every county of my district—the candidacy was yielded to me by the gentlemen of my party without the presentation of a rival claim, and consequently without the formality of a convention. My election on both of those occasions was warmly and vehemently urged by the identical newspaper from which my colleague quotes. As he refers to it as authority against *me* now, I commend him to its files for proof that *his* election to the seat he occupies was mourned as a public calamity, and, when it was accomplished, was regarded as an outrage upon the Whig party. [Laughter.]

Mr. GREY. How is it now with the Whig papers in Kentucky between the gentleman and myself?

Mr. MARSHALL. Since that paper had advocated General Scott, I think *it has* taken a liking to the gentleman. [Laughter.] There exists a correspondence between that same paper and one who I learn sits in office at the desks of the Treasury Department—a correspondence evidently intended to prejudice *me* in the eyes of my constituency; which asperses my motives, and falsifies my public course. I take this occasion to state, that while I have not noticed and do not mean to notice the letter-writers who have been so busy of late with my name, that I understand this Courier correspondent is also a daily correspondent for an Abolition paper in the district of the gentleman from Ohio, [Mr. GIDDINGS.] [Laughter.] I understand that he writes, too, for the "Cleveland Herald," over the signature of "Otsego," and he but drops the "S" and writes to the Louisville Courier over that of "Otego." I understand also, that the paternity of these letters is acknowledged. Since he became a correspondent for the Louisville Courier, and since that paper has gone the whole figure for General Scott, it has, I frankly state, exhibited decidedly a better opinion of my colleague than it had before his election. [Laughter.]

Mr. BROOKS. Will the gentleman from Kentucky permit me? The same correspondent writes the same way to a paper in the city of New York about a Fillmore man.

Mr. MARSHALL. My colleague talks of publishing his speech *to my constituents*. "Oh! that mine enemy would write a book!" Sir, if they who assail my positions and meditate my overthrow will just add to the speech of the honorable member the Abolition letters which are written to my district against me from the desks of the Treasury Department, I promise them all that my constituency shall put an indorsement to show that it is not I, but the gentleman who wears "garments out of fashion."

Mr. CAMPBELL, of Ohio. I wish merely to correct the gentleman as to the Cleveland Herald. It is a compromise paper.

Mr. MARSHALL. I have never seen it, and care very little about its character. My colleague has chosen to allude to me as "*a mum candidate in* 1849," and institutes a comparison between my position then and that of General Scott now. This charge of my colleague will be laughed at by my constituents, and I would not notice it were his speech only to go before them. But as he will circulate it extensively, and as the Scott papers will no doubt strike large editions of it, I will render a brief explanation of how far *I* was a *mum* candidate. I was the candidate of the *Whig* party—had accepted a *Whig* nomination *for Congress*. It so occurred that at the time I was canvassing my district for a seat in Congress, candidates were canvassing the several counties for seats in the State convention, to revise and amend the State constitution. *These* discussed questions pertinent to the duties of the office to which *they* aspired. Among other questions, the policy of providing in the new constitution for a system of gradual emancipation of the slaves in Kentucky arose. This discussion brought forth intense feeling; and while the Whig and Democratic parties preserved their distinctive organizations, there was a union of Whigs and Democrats on a pro-slavery ticket, and a union of Whigs and Democrats on an emancipation ticket, *made for the express purpose of testing* public sense on this local question, independent of the general party organization. My district contained a very small Whig majority, though it had not been represented in Congress in eighteen years by a Democrat. My competitor wanted to take the chances *by turning our canvass for Congress on a purely local question*, with which, when elected, the successful candidate could not, by possibility, have anything to do. I refused to permit the canvass for Congress to turn upon any such issue, and confined myself to the discussion of those questions which *Congress had the right to consider*. I made no concealment whatever of my views on the question of emancipation. I would not agree to canvass for a congressional seat as a *Whig* candidate *on that ground*, because I could not possibly act officially on the question, no matter what my opinions might be, and the discussion was therefore utterly and indisputably irrelevant.

If my colleague perceives no distinction between that case and the refusal to answer upon a point on which the Executive of the United States may, and, should General Scott be elected, in all probability will, have to act, I shall hope for a clearer perception from impartial minds, who will not read my reply through the discolored medium of personal prejudice. As to the comments of my colleague in regard to my casual meeting with Mr. SEWARD, after my retirement from the caucus, I shall permit them to pass to *his constituency*, without further notice than that they are far beneath the allowable sources even of inference in a parliamentary discussion, and that I cannot afford to waste time or to outrage this House, by seriously expressing the "reflections they awaken." In the account of the proceedings of the caucus, given to Kentucky by my colleague, he has attempted to ridicule my course on that occasion, by producing what he suggests *might* be a circular letter to the men, women, and children, of his district, giving a familiar account of the occurrences of that evening, to allay their fears. I have only to say to the people of Kentucky, such an account as he furnishes may contain a fair reflex of the estimate my colleague placed upon that scene, but if they should be compelled to rely on it for the facts, they will die in utter ignorance of the proper history of that caucus, and of the motives which animated those who retired from it. Sir, his account of the proceedings of that caucus, is a series of gross *misapprehensions* of the facts which did transpire, and will mislead all who rely upon it. The honorable member very possibly considered the introduction of my resolution improper, but that cannot justify the statement to the country, that the resolution was exhibited *with a view of dictating to the Whig National Convention* a platform of political principles for their adoption. That such a charge is untenable is manifest on the face of the resolution, by its express terms. Indeed, it is plain that the resolution refers to the *members of Congress alone*—and it was drawn, having a guarded verbiage, to avoid the very inference which my colleague seems to have drawn from it. The party newspapers have repeated the same charge, as it was originally issued by the letter-writers from this Capitol; for editors only obtained the news by the telegraph, before their articles were written. I rely upon the candid among their fraternity to correct the mistake, and to do me justice when generally they shall have discovered it, as I perceive several in the West and South have already done. My colleague must have heard all that passed between the honorable President of that meeting and myself—my reasons for introducing the resolution, and desiring its passage—the protest against the application of such a principle by Northern gentlemen—and with these lights to guide his observation, respectfully I submit to this House, and the country, that he stands inexcusable for the circulation and reiteration of the charge, that it was dictatorial in its terms, and insulting to the delegates to the Whig National Convention.

It has not been mentioned heretofore, yet it is most worthy of observation and remembrance, that the opposition to my resolution was first presented *upon the principle of the resolution*. To make this plain, I will recur to the current of the debate *in the first caucus*. After some conversation between the gentlemen present upon the propriety of an adjournment to secure a more numerous attendance, and several suggestions that the time and place for holding a National Convention would alone engage the attention of the meeting, I submitted that *before the time and place were fixed*, I desired to submit the Congressional caucus resolution for adoption by those who meant to participate in the proceedings, as a proper mode of determining who had the right to fix the time and place for the holding a Whig National Convention. I referred to the occurrences attending the passage of that resolution; to it, *as a principle adopted*, according to my understanding, at the commencement of this session *for the basis of association and organization among Whig members of Congress;* to the presence of gentlemen who had seceded from that caucus rather than to submit to that principle, and to the repudiation of it by them in open session here, *and their public declaration that the Northern Whig members would not acknowledge it, or abide by it as a principle essential to Whig organization*. I spoke of test votes, which seemed to confirm their view, and of my own idea that its adoption was essential absolutely to the maintenance of the Whig party. The discussion which ensued immediately was not merely upon the propriety of introducing such a resolution at such a place and time. *It was opposition to the principle of the resolution—opposition to the acceptance of any such requisite to the Whig organization*—and *then it was* that the doctrine was advanced by a distinguished member from the North that the true policy of our party was "to agree to disagree." In that debate my friends from Tennessee, [Mr. GENTRY,] from North Carolina, [Mr. OUTLAW,] from Maryland, [Mr. WALSH,] from Louisiana, [Mr. MOORE,] and from Florida, [Mr. CABELL,] mingled, coming to my aid on the proposition—*the only vital, real proposition we have ever propounded*, to wit: that *the principle of my resolution is the only basis on which the Whig members of Congress can maintain organization here*, BECAUSE IT IS ESSENTIAL TO A NATIONAL WHIG ORGANIZATION. It was at the termination of *this discussion* that the President of the caucus first intimated he would decide the resolution, if offered, *to be out of order*. Then the tactics of our opponents at once changed. We heard no more debate that night, or afterwards, *on the principle;* the whole Northern opposition, rallying to the support of the Chair, presented their front immediately *on the question of order*, and availed themselves of the active support of my colleague and others, who, as they assert, were with me *on the principle, but against me on the question of order*. From the moment the chairman made that extraordinary decision, we heard no more opposition to the principle of the Congressional caucus resolution. Oh, no! *now* a readiness to support it was at once avowed—*if it only was in order!*

My proposition was first suggested as an origin-

al, substantive, independent proposition—to precede the resolution fixing time and place—and it was as such, that Mr. MANGUM declared he would rule its introduction out of order, *and beyond the competency of the meeting to consider*. *This* was his first decision. It enabled the opponents of the compromise measures to make *a false issue* before the country. It had the effect to raise a squabble *about order*, and to cover under parliamentary gibberish, of which the people understand very little, that great question which lies at the base of the public peace and of the Union, and about the determination of which the people *do* feel the liveliest anxiety, and the deepest concern.

I am entirely aware, that the honorable chairman of that caucus has a large experience in parliamentary practice, and ordinarily, his decisions would command great respect. They are entitled to great respect. But his standing as a parliamentarian, *and* the character he has earned in a long public life, conspired to invest the extraordinary decision which he made on that occasion, with a solemn importance—when connected with the instant change of the tactics of the opponents of the *principle* of my resolution. I *saw* the dangerous position; I *saw* the facility with which it would be defended and covered by the panoply of high *parliamentary* reputation; I saw there was to be Southern as well as Northern opposition to the adoption of the proposition I had suggested. My colleague says *he* would have voted for the *principle* of my resolution, but he argues at length against it, *as being out of order*. His is a case in point. The facility with which such a view could be enforced on him indicates the danger I apprehended. I do not state—sir, I do not insinuate there existed an intention *anywhere to betray the South*—I do not intend to asperse the motives of any man from either South or North. I intend merely to show how the decision in this case "invested the proceedings with a more solemn importance, in my estimation, than had heretofore attached to them"—by affording to those who are opposed to the *principle* of my resolution the opportunity of gathering votes on a *parliamentary* question, which they could not possibly have obtained on the *merits;* at the same time by waiving the vital question, and leaving the agitation free to spread through the North in the approaching canvass, as fire in the heather.

I am next to reply to the query: What was the use of offering the resolution *in caucus*? What had *Congressmen* to do with it? Why not leave the principle you deemed so vital to be asserted *by the delegates to the National Convention*, who would come from the body of the people to settle the principles on which the party should unite?

I will group these inquiries in order to answer them specifically, for I acknowledge their pertinency.

Members of Congress are, in one sense, representatives of the people, as much as are delegates to a National Convention. Their associated action in political matters designates and is everywhere accepted as indicating the tendencies of party. But members of Congress are, at least, citizens, and entitled, as freemen, to the expression of opinion, and to qualify their own acts, by limiting the extent to which they intend to bind themselves by those acts. They had no right ultimately to bind the party—no right to *dictate* to the National Convention a platform of principle—but, on the other hand, neither the party nor the National Convention possessed the right or power to *bind them*, without their own free consent. My political principles are not established by the will or fiat of a National Convention, or any other sort of a convention, by a party or any set of men. My principles of action result from my own reflection, and are the responses of my own unbiased judgment. The Whig members of Congress were called upon to determine the time and place for holding the National Convention, "by our editors, our correspondents, and our party," says my colleague, "and the caucus was called to respond to this customary duty." *The call for that meeting says no such thing*. There is no *intimation* of any such limitation upon its objects. It was expressly published, that we were to meet "to consider of matters of importance to the Whig party," and *this was the organic law of the caucus*. The chairman possessed no power to limit the consideration of the meeting to such subjects as he might choose. The charge of "naked usurpation of power" lies at his own door, and not at that of the humble individual who offered the resolution in question.

When the Whig members of Congress met in Washington city, in December, that very resolution was offered, which, at the meeting of the 9th of April, I indicated an intention to offer *again*. What right had Whig members of Congress *then* to require an affirmative response to that resolution as a preliminary step to their associated action, as Whigs, in the legislation of Congress? Their powers, as members of Congress, were limited by the Constitution; their political association, by the implied instructions of those who sent them here, or their express pledges; and their duties were plain and enforcible under their oaths of office. Why did they *then* go into caucus, and undertake to pass a resolution which was not binding on the party, and could not bind the people, or any part thereof? My colleague says, "*because we were, at that time, organizing for our own action, as members of Congress.*" What, sir! could we establish power, or prescribe duties, or dictate votes on any subject, by the result of the caucus? No! We could determine what we regarded as a principle, on which we should associate, politically, as members of the same political organization; and this much I claim we had the same right to do in the caucus of the 9th of April, or the caucus of the 20th of April, whether we met with or without a limitation upon the objects for which we had assembled. My colleague, however, begs the whole question in his speech; for he says:

"Had the honorable gentleman offered a resolution of re-indorsement, before or after Mr. STANLY's, and not as an *amendment* thereto, I would have voted for it; for I thought the members of that caucus *might* consider and adopt such a resolution as expressive of *their own* views, and without any reference to the National Convention."

Without arguing the power or rights of a caucus any further, I reply, that had the gentleman looked at my resolution as it was offered, he would have seen that it only professes to express "our own views," and without in the slightest manner attempting to refer to the determinations of the National Convention, except so far as to indicate how far "our own views" will bind us to the result. If, as members of Congress and gentlemen, we could not pass the resolution I offered as "expressive of our own views," how can the delegates to a National Convention pass resolutions "expressive of their views?" Why may not some Mr. Mangum, in the chair of that convention, tell those delegates that it is *against the usage* of the Whig party to adopt a platform of principles, and that precedent establishes the *parliamentary law* which merely requires the candidate nominated to write a letter stating *his views and purposes*? It is said, "Coming events cast their shadows before," and God knows how long it may be before we shall have the precedent of the 20th of April pleaded upon a more extended and more popular theater! Already the idea has been advanced that there will be no propriety, necessity, or prudence, in passing a resolution indorsing the "finality of the compromise" through *the Whig National Convention* as part of the Whig platform.

How easy the transition from such a position to the ruling of a resolution to be out of order which establishes the supposed platform, as being *against usage*, and the objects for which the National Convention assembles! What do the delegates assemble to perform? To select candidates for the Presidency and Vice Presidency. Why may not the President of the National Convention declare that this is the only object for which they have met, and that the people will hear the nominee, and judge of his *principles* at their own homes, or at the ballot-box? Will it be replied, the delegates assemble to consider all matters of importance to the welfare of the party? I say, so were we called for the same express purpose on the 9th of April; and yet our chairman declared his determination to limit the consideration of the meeting to the mere duty of fixing "time and place" for holding a National Convention, and refused the privilege of "expressing our own views" as to the extent to which we proposed to commit *ourselves* by that act, or the basis on which we were willing to act for the purpose with others. And my colleague stands here to indorse the doctrine of that chairman; and a free press, unmindful of the principles such a precedent involves, pronounces condemnation upon me, and asperses my motives for resisting it! I have had no motive but to assert a principle, which I solemnly assert, that I do believe is closely, nay, inseparably, identified this day with the Union of these States and the common welfare of my countrymen. If the future shall exhibit the fatal consequences to flow from a failure to engrave that principle *now* on the administration of public affairs, and to require the popular favorite for presidential honors not only to avow it anywhere and everywhere, but to yield to its maintenance and acceptance by the old and the young, the influence—the free, bold, earnest influence—of his standing and position; then, though it may be too late for beneficial purposes, or to arrest the wreck of national fortune, and the overthrow of our Federal institutions, I at least shall be able to say to the ghost of this glorious Union—

> "Thou canst not say I did it: never shake
> Thy gory locks at me."

My colleague says, however, that he would have voted for my resolution had it been offered before or after Mr. STANLY's—but not as an amendment or substitute, for in that view *it was out of order!* Why? Did parliamentarian ever hear such a reason for such a conclusion? "Because," says he, "*another proposition was then pending*," and the caucus desired to proceed "decently and in order," with *one* proposition at a time! I cannot argue such a point. Everyday's practice here, and everyday's practice under "the rules of the Senate," show the insufficiency of the excuse. We sent to that Senate, some months since, the "deficiency bill," and it was *in order* to amend it "under the rules of the Senate," by proposing to tack to it "the Collins line of steamers"—to pay the expenses of a steam line from New York to Liverpool out of the Treasury. I merely mention this to show the flexibility of the "rules of the Senate," when parliamentary dispositions are coincident with the propositions introduced under those rules. There should be no contest on *this point of order*. Let us take our proper responsibilities, and stand fairly to the positions we design to maintain before the people. I am ready to believe that my colleague has been mistaken—but he should frankly say so instead of assailing me in an attempt to prove the correctness of his course. He asserts that I "ran away"—that I was "a deserter"—that I abandoned my resolution when I was assured "it would come up the next thing in order;" and much more of the same character of assertion.

Mr. Chairman, I need but to refer to the decisions of the Chair on that occasion—to the card of the president of the caucus, since published—to the testimony of all who witnessed those proceedings down to the time when my resolution was voted down and I retired definitely from the meeting, to prove that my colleague has profoundly mistaken the history of that memorable transaction. *No assurances were given to me that my resolution would be considered by the meeting. On the contrary, when I retired, it was with a distinct understanding on my part, that the vote laying my appeal from the decision of the Chair upon the table, expressed the definite and fixed conclusion of the majority present, that the Chair had ruled correctly, and that "the time and place for holding a National Convention" constituted the only legitimate object for the consideration of the caucus.* Whatever assurances may have been afterwards extended to my friend from Tennessee [Mr. GENTRY] by his colleague, [Mr. CULLOM,] were given without my knowledge, and cannot serve to alter the complexion of this affair.

While it will be impossible to recur to the course of events with such particularity as to display in a single speech the minutiæ of movements which conduced to awaken in my own breast a sense of the high importance of insisting upon the adoption of a resolution affirming the compromise measures to be a final settlement of the questions they embrace, I feel that it is due to my own course to refer to some of the leading features in the political history of the few past months. My colleague has observed that the resolution had been passed in a Congressional caucus at the commencement of this session of Congress, and constituted, already, part of the Whig creed. If that were definitely so, what possible harm could have resulted from its repetition by a caucus of Whigs *of both Houses?*

But my colleague should have remembered to state that Northern gentlemen who were in the caucus to which he refers, seceded rather than submit to the principle of the resolution, and that they, immediately afterwards, publicly repudiated it as forming any part of the Whig creed, *professed by the majority of Northern Whigs*. They did not agree that it constituted a proper link in our political chain, or that it made any portion of the Whig catechism. The subsequent vote on the resolutions of the gentlemen from Georgia afforded persuasive evidence that the seceders from the Whig caucus at the commencement of the session, estimated the determination of Northern Whigs correctly. Further: so far as members of Congress could establish, by votes, the tendencies of their constituencies or their own, that vote left to me, and to other Whigs from the slaveholding States, no evidence whatever that a faithful adherence to the compromise, and a determination to proclaim the principles and laws thereby established as a final settlement of sectional and disturbing elements, would henceforth be considered by them as part "of the Whig creed." That vote exhibited nearly the whole Southern Whig party in one direction, and nearly the whole Northern Whig party in another line. In other words, it *indicated* a *rupture*, or the necessity of "*agreeing to disagree*" on an important question affecting the welfare, possibly the very existence of the Union. The call for the meeting of the 9th of April afforded the first opportunity for a consultation, and it was a capital chance, because we were to meet in a convention of the two Houses. I need not again refer to what occurred in caucus; but to prove the expectation and the determination of the opponents of the compromise—(when I speak of these, I mean both members of Congress who opposed the passage of those measures, and members of the Press who opposed them—"our editors and correspondents")—I will insert in my speech a few extracts from the New York Tribune of the 9th of April, and from other prints. The Washington correspondent of the Tribune, who was last year a Free-Soil candidate for Congress, and who is said to be a co-proprietor of the Tribune, in a letter to his paper from this city, *dated April* 7, 1852, (the same day the consultation was invited by Mr. MANGUM,) says:

"THE WHIGS AND THE PRESIDENCY.—The Whig party is composed of two wings—a Northern and a Southern wing. The Northern division is opposed to slavery, and always has been; the Southern, of course, upholds that institution. The previous jars and the present divisions of the party have arisen out of the conflicts of the two sections on this subject. Between them there has been, and is, an inevitable antagonism. These divisions, and the consequent embarrassments, have been for two or three years, and are now, greater than common, from the circumstance that the party has been, and is, in power in the Executive Department of the Government, and the necessity has thus devolved upon it of presenting a line of action for the whole party upon this question.

"The administration of General Taylor adopted the *let-alone* policy. It proposed to have nothing to do with the subject of slavery. It said: 'Leave the fugitive law alone, 'leave California and New Mexico to come in as States 'when they get ready, and leave them to settle for them-'selves all questions of slavery arising within our own 'boundaries.' This was the policy of the Whig administration of General Taylor on the slavery question.

"Under Mr. Fillmore the policy was changed. The present Administration insist that the line of action of the Whig party on this subject shall be what it never was before, viz: *a perfect agreement and concurrence of opinion, and action upon it, by both divisions or sections of the party.* While it is a fact that the two wings never did agree *before* on the question of slavery, it is proposed that *now* they shall agree. A course of policy for the whole party is thus laid down on the slavery question. Certain measures have been passed by Congress. Chief among them is the fugitive slave law, and the law establishing territorial governments without restriction as to slavery. The doctrine is that the Northern Whigs, as well as the Southern Whigs, shall sustain those laws just as they are. And not this only: they shall also agree and declare that the slavery question is finally adjusted; that there is to be no more talk, no more action, on the subject. Slavery is to be henceforth a tabooed question in the party. It is the 'Pot Rock' in our political navigation, to which our Whig Administration profess to have been the Mons. Maillefert, blowing off all its dangerous prominence. It is to be hereafter considered sunk.

"This is the present position of the Whig Administration on this subject—a subject that has long divided it, and long been regarded as a question on which the two divisions of the party were to be allowed to differ—upon which, in the very nature of things, they could in fact do no otherwise than differ."

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"Oh, green and verdant gentlemen of the House of Representatives!—ye who vainly fancy that carrying the compromise measures through your illustrious body is a great political stroke, even a triumph over an ever-active principle in the heart of man—it is time you were resolving that the sun shall stand still on another Gibeon. It is time you were erecting a stage under the ends of the rainbow in order to spike it on to the sky. It is time you had resolved that the ocean shall cease to surge, the streams to flow, or the season to return. Vote winter to be eternal, that darkness shall reign forever, but do no such folly as vote that the human heart shall not throb in sympathy with the oppressed, and give voice to its sympathies. Vote not that the mental volition of a free people shall be fettered and chained down; vote not that the spirit of liberty shall be quenched. Do not attempt to betray freedom, do not offend humanity, do not provoke Heaven, do not expose Congress to ridicule, do not do yourselves injustice, by any such monstrous folly as this. You may 'compromise' a tariff question, or a land or a money question—for such are material in their nature, evanescent in character, and limited in scope. But you cannot 'compromise' a question of human freedom—for its relations and influences go beyond the stars, and its bearings and connections are eternal."

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"No, Mr. 'KIT' WILLIAMS, and Mr. HUMPHREY MARSHALL, and Mr. E. CARRINGTON CABELL, and Mr. All-the-rest, who dream (fitfully and fearingly, perhaps) that this present Whig Administration plan of consolidating the Whig party, and bringing it to an agreement upon the subject of slavery, will work usefully, you are mistaken. There are two parts to the Whig party. There is a Northern and Southern division—a slavery and an anti-slavery wing. There always was, and always must be while it exists as a national party. On the subject of slavery there *can* be no agreement. The two sections of the party must do now, and hereafter, as they always have done—*agree to disagree*—or the party must go to pieces."

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"There is a natural antagonism in their several positions and relations as to slavery that forbids coöperation upon that subject. And to attempt to force an unnatural union, like the one we have been contemplating, is just the most senseless thing that any man, or set of men, can possibly undertake."

Again, to show the ramifications of the affiliated Free-Soil press of the North, I will now quote from the Buffalo (New York) Express, of April 12th. Commenting upon the policy of the Administration and the caucus of the 9th, in regard to this subject, the editor says:

"THE WHIG CAUCUS.—The members of Congress met in the Senate Chamber on the 9th instant. The proceedings are far from presenting a gratifying prospect for the success of the Whig party. It would seem that the parties who got into power in the Whig party, by accident, are determined that the party shall continue them in power, or be defeated; *and in their efforts to produce that result, are seeking to place the Whig party upon a platform that will insure its ignominious defeat whoever may be nominated.* This scheme is urged for the sake of Mr. Fillmore—and his only; and if it shall succeed, as it is not by any means impossible, the Whig party will long have occasion to regret the misplaced confidence, by which he has been advanced to a position which enabled him to produce such unfortunate results. *It is plain enough, that no principles or measures ought to be made a part of the Whig platform, in regard to which Whigs entertained adverse opinions.* To introduce them, is to introduce discord and defeat. The Democracy introduced such a plank into its platform, and were thereby divided and defeated. If the Whig party commits the same folly, it will be punished by a like defeat."

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"The reason given for so pertinaciously adhering to Mr. Fillmore, is not of course, because Mr. F. was in favor of the compromise, for Mr. Webster was equally its friend, and General Scott, as is alleged, in the same quarter, anxiously aided its passage. The *principle*, then, which renders adhesion to Mr. Fillmore a *sine qua non* with Mr. Marshall, is one which is not common to him, Mr. Webster and General Scott. It must of course be a principle in regard to which the position of Mr. Fillmore is different from both the other gentlemen. What is that principle?

"If we look into the proceedings of the Congressional Whig caucus, lately held at Washington, we shall discover the *principle* which is to be vindicated by the nomination of Mr. Fillmore, and 'nobody else'—the *principle* in support of which Mr. Marshall pretends that the Whigs of Kentucky would 'prefer defeat, rather than win success by its abandonment.' At the Congressional caucus, which was held for the purpose of fixing upon a time and place for holding a National Convention, 'Mr. Marshall, of 'Kentucky, said that before the time and place were fixed 'for holding the Convention, he desired that they should 'understand each other, and he would therefore move the 'adoption of *the compromise resolutions passed* last Decem-'ber by the Whig caucus.'

"Those resolutions were drawn to pledge the Whig party to the compromise measures *as a finality*; they were offered on that occasion by Mr. Haven from this county, whom it will not be doubted, acted upon an understanding with Mr. Fillmore, and in strict accordance with his views. This is conclusive evidence that Mr. Marshall in his present action, represents exactly and with fidelity the views of Mr. Fillmore. From all this it pretty clearly appears, that the principle sought to be established by the nomination of Mr. Fillmore, is the *finality* of the compromise, fugitive slave law and all. It is, it seems, to be made a part of the Whig creed, that the compromise measures, including the law for catching men and conveying them into slavery, are Whig measures, and that the Whig party will not hereafter permit them to be altered, amended, or repealed."

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"It will strike the reader as not a little remarkable, that Mr. Marshall and the other conformists of Mr. Fillmore, should have attempted to make Mr. F. strong in New York, by placing him before the Whigs of this State with such a creed and platform. Are they so very verdant as not to know, that because Mr. Fillmore was the potential instrument of passing the compromise, that two successive Whig State Conventions, and two successive Whig Legislatures have refused to utter one word of indorsement of him or his administration, though much importuned from Washington to do so—and lastly, that by a vote of sixty to one, a Whig legislative caucus suggested General Scott as their first choice for the Presidency? When such clear manifestations of Whig opinion are before them, can they suppose for a moment that a man who makes the 'compromise as a finality' his test, can receive any considerable countenance in this State? If the convention should adopt that sectional test and nominate Mr. Fillmore, all the best exertions of all the press and politicians in the State could not poll sixty-six per cent. of the Whig vote for our ticket. Nor do we believe that there is a single free State that the Whigs could carry on that issue."

I will not multiply these extracts but to insert a single paragraph from the Forest City, (said to be a Scott organ in Ohio,) published at Cleveland, in reply to an article in the Pittsburg Post:

"Upon all subjects of *practical* legislation, the great body of the Whigs in the North, and of the party known as the Liberty, or Free-Soil party, do occupy common ground, and with the exercise of a little common sense and common charity, they might act in concert—as they always should have done—and so accomplish the object which each professes to have so much at heart.

"We rejoice at this result, and we think we discover in the present aspect of political affairs, omens of success that are really encouraging," &c, &c.

These are but specimens from an abundant magazine of similar materials with which the Northern press is stored. These serve to show the *power* which is forcing forward the renewed agitation of sectional questions. Responsive to these articles beats the heart of that organization at the North, which has waged the cruel war upon Millard Fillmore, and in favor of *a more available candidate for the Presidency.* I shall merely insert these examples to prove to the people of Kentucky that there is reason to be bold *now* in the assertion of principles, and tenacious of their indorsement as "bonds of national Whig organization."

I stand here at the Capitol of the Republic, amidst the multiplied evidences of *the effects* of the spirit which breathes through the foregoing extracts. I confess my astonishment that my colleague has not deemed them worthy of his notice. But I must pass on. The caucus of the 9th of April adjourned to meet on the 20th, with the distinct announcement on my part that I should offer for its consideration the resolution approving the finality of the compromise, and with the declaration of the chairman that *he* would refuse to let it be considered, and that if the meeting wanted to entertain it, *another chairman must be provided.* On the 15th of April, (it is reported in the Congressional Globe,) Mr. MANGUM addressed the Senate in a speech of considerable length, from which I quote the following, to show the fact that he considered the "finality of the compromise" not only as unfit for the consideration of a Congressional caucus, but as *absurd* in the political platform of a National Whig organization. His speech—between the two sessions of the caucus—has been so celebrated as a brilliant exposé of the reasons for sustaining "the most available candidate," that I shall spare my own comments. My object is to present to the people only a connected picture, showing *the true history of events:*

"But yet I find gentlemen, whose ambition may be limited to a township, or a county, or a Congressional district, or, at most, perhaps to a State, impugning me in the public prints as a tail to the kite of the honorable Senator from New York, [Mr. SEWARD,] for whom I have all due respect except for his opinions on the delicate subjects to which I have referred. There we are wide as the poles asunder. *In regard to that we agree to disagree.* Yes, sir, these gentlemen of but yesterday are arraigning my consistency, my steadfastness to the South, to Southern principles and Southern institutions. Where can the boldest of them find that, in a public life of nearly thirty years, I have quailed in the presence of an enemy to the peculiar interests of my region of country? Where has the intimidation of power made me succumb? or the blandishments and the arts of flattery seduced me from the course which I have marked out for myself? No record of the sort can be produced. I may be a little ultra on this subject; yet I hope that does not extend so far as to make me sectional, and to forget that I have a great duty that I owe to every portion of this blessed Union; I hope not, sir. But some gentlemen are so extremely wise that they cannot associate with gentlemen who entertain different views on that subject. *We must introduce into our platform and our creed a new principle. We are to take the compromise as a new article in our political creed. I have not looked at it very much of late; but I well remember, when it was passed, if you went South, you would find but a mere majority of Whigs and Democrats, combined, in favor of it; and if you went North, you would find the majority the other way—more Democrats in favor of it than Whigs, I admit. Well, that would be a platform!"*

The caucus of the 20th met. The gentleman

from North Carolina [Mr. STANLY] sprang to his feet immediately after the Journal of the proceedings of the 9th was read, and the Chair recognized him, not me, though I essayed to obtain the floor. The address which my colleague complains of so bitterly, details the rest. Imperfectly as I have connected the history of events, I flatter myself the Whigs of Kentucky will find enough therein to justify my anxiety to pass a resolution by the Whig members of Congress, "expressive of our views," on the absorbing vital question of the day and the age. They will not regret more sincerely than I do the view entertained by my colleague that such a resolution was out of order (!) in a Whig meeting of Whig members of Congress, assembled under a general call, and acting "under the rules of the Senate." Having been compelled by my sense of duty to retire from the caucus, and being virulently assailed by the same power whose operations I have partially glanced at in these remarks, I felt at liberty to explain the facts, and "the reflections they naturally awakened" to my fellow-citizens, without subjecting myself to criticism by gentlemen who thought proper to pursue a different course, under another view of "the duties of the present and the hopes of the future." In conclusion, I say to the people of Kentucky, that I have assailed no one of my colleagues. I have a right to state facts essential to an understanding of my own course. I am ready to justify and vindicate the correctness of that course, which, after a full review of it, I now would not change in any essential particular. I am content to abide the judgment of a free and intelligent people. If I shall be condemned by their voice, I will at least fall with a consciousness that all the ends I aimed at were the protection of the constitutional rights of the minority, and the establishment, on sound foundations, of those great principles upon which now rest the peace of society and the republican institutions which secure and bless the homes of this favored land.

NOTE.

To facilitate an understanding of the proceedings of the caucus, and of their bearing *on the principles* which I attempted to assert, as well as to demonstrate the correctness of the statements of the "Address," the following extracts may be useful, and are, therefore, appended to the foregoing remarks:

Extract from Mr. MANGUM's card of May 19, 1852:

"The Chair ruled both Mr. MARSHALL's and Mr. GENTRY's resolutions out of order, as amendments to the resolutions offered by Mr. STANLY. The Chair, however, decided to receive Mr. GENTRY's resolution as a substantive proposition, if it should be so offered—*not Mr. Marshall's*, which could be received only by the assent of the majority of the meeting."

The Address shows the vote of the majority of the meeting, agreeing with the Chair, that Mr. MARSHALL's proposition *should not be received.*

Extracts from debate in House, Congressional Globe, May 19. Mr. GENTRY, of Tennessee:

* * * * * * * * *

"Now, here is the fact: The chairman never did in any way revoke his first decision, which was, that anything beyond the mere matter of fixing the time and place for holding the National Convention would be beyond the legitimate powers and duties of that Congressional caucus; and that it would be a usurpation of power which had not been delegated to them by the people. But it is also true, that when I pressed my resolution upon him with some degree of vehemence —responding, I dare say, somewhat prompted by the kind feelings he entertained towards me personally—although he would not be inconsistent with himself, and reverse his decision, he nevertheless said that it would be competent for the meeting, if it should so choose, *after it had disposed of its legitimate business*, to entertain that proposition, and that his own personal wishes were in favor of such a result.

"I said that I saw gentlemen upon the other side were beginning to be sleepy, and that by the time we had resolved ourselves into a kind of debating society upon the resolutions offered by my friend from Kentucky [Mr. MARSHALL] and myself, gentlemen would begin to have an appetite for their beds. [Laughter.] I dare say we might have passed the resolution. But it would have been passed by Southern votes, with the help of those few Northern gentlemen who were willing to coöperate with us. The Senate Chamber would have presented but a *'beggarly account of empty boxes,'* and another fraud would have been played upon the country like that played at the beginning of this session of Congress, and which has been made conspicuous by the votes of members who acted in that caucus, upon the resolutions recently offered to the consideration of this House by my friend from Georgia, [Mr. HILLYER.]

"Gentlemen say, that if those of us who retired from the caucus, upon the proceedings of which my colleague has animadverted, had remained, the resolution offered in that caucus by my friend from Kentucky, [Mr. MARSHALL,] or that offered by myself, would have passed. I affirm, in reply, that if passed at all, it would have passed by Southern votes—Northern members being absent, *or present with a mental reservation*, as seems to have been the case in the Congressional caucus at the beginning of this session of Congress.

"Now, there is the whole of it. These resolutions were ruled out of order by the chairman, and that ruling was sustained by the meeting, both upon my resolution and that offered by the gentleman from Kentucky, [Mr. MARSHALL.] It is also true that the chairman did say, that after we had got through with the *legitimate business of the evening*, if we chose we could resolve ourselves into a debating society, and discuss the subject. [Laughter.] But it is still further true, as I said, that as soon as we had resolved ourselves into such debating society, gentlemen would begin to get very sleepy, and there would have been no one left but ourselves. That would have been the practical effect of the whole matter. The great object in introducing that resolution was to get Northern Whigs to meet Southern Whigs upon a principle of action which we deemed to be important to the peace and harmony of the country and the preservation of the Union, and an indispensable means of maintaining the unity of the Whig party as a political organization extending over the whole country, North and South."

"Mr. CABELL. I have but a word to say in addition to what has been said by the gentleman from Tennessee, [Mr. GENTRY,] in relation to those who seceded from the Whig caucus.

"It has been stated that if the gentlemen who retired from the caucus had remained, the compromise resolutions would have passed. That statement has been replied to, in part, by the gentleman from Tennessee, [Mr. GENTRY.] But, in this connection, I wish to state, that, at the first caucus which assembled, the chairman, in reply to an interrogatory from me, said he would *rule out of order any proposition, whatever it might be, saving that of fixing the time and place for holding the Convention.* During the interval which transpired between the first and second caucuses, it was intimated that the chairman had changed his purpose in that respect. When the second one assembled, I rose and asked the chairman, or rather, intimated to him, that it had been stated he would change his purpose in this respect. In reply to that suggestion, the chairman stated to me, and the caucus, that his opinions were unchanged, and that *he would rule every proposition out of order except that for fixing the time and place for holding the National Convention.*"

"Mr. CLINGMAN. I understood Mr. MANGUM, both in the caucus and since—and I have had several conversations with him—to say this, in substance: He regarded everything which did not relate to the time and place of holding of the National Convention, as out of order, both as an amendment and as a substantive proposition; but he also declared that, after that matter was disposed of, if this motion was made, and if a majority of the caucus saw fit to entertain it, they might, and he hoped they would do so; but he should be obliged to hold that it was not in order, if the point were made. He would, however, appeal to them, and, individually, would be gratified, if the majority would consent to act upon it, and decide it. I understand this to have been his position all the while."

Extracts from the card of Hon. M. P. GENTRY, May 22:

"It is reported in the official report of Messrs. CHANDLER and DOCKERY, as follows:

"'The Chairman stated that the question was not now before the meeting; but that he deemed it due to the gentlemen present, and to his own honor, to state explicitly that he should be called on by his understanding of the rules of the Senate, which had been adopted for the government of this meeting, and the usages of the Whig party, to rule out of order such resolutions, and he took this early time of stating the matter, that the meeting, if they did not approve of this decision, might call another gentleman to the chair.'

"The above extract is correct as far as it goes, but does not state fully what the chairman said on that occasion. He stated further, that, in his opinion, the powers and duties of that Whig caucus were limited *to the single subject of fixing the time and place for holding the National Whig Convention, and that such a resolution as that suggested by Mr.* MARSHALL (I quote now from Mr. MANGUM's card) *was inadmissible on the ground of assuming to construct in part a political platform, which the chair deemed as in no extent warrantable by the usages of the Whig party,* BUT A NAKED USURPATION OF POWER, *properly exercisable only by the people, or their Representatives in National Convention. He adhered to this declaration, and made his decisions accordingly through* ALL THE PROCEEDINGS OF THE SECOND CAUCUS.'"

"Mr. MANGUM having thus distinctly stated, at the first caucus, what would he his course of action at the next meeting, Mr. MARSHALL shaped and phrased his resolution so as to make it applicable only to the Whig members of Congress—thus seeking to free it from the objection of Mr. MANGUM, that it is assumed to make a platform for the Whig party; and I confidently entertained the belief that the chairman would be constrained to decide it to be in order; but I was disappointed. When the second caucus assembled, so soon as the brief journal of the proceedings of the first meeting was read, Mr. STANLY sprung from his seat, and was recognized by the Chair as being entitled to the floor. He then offered the following resolution:

"'*Resolved*, That it be recommended to hold the Whig National Convention in the city of Baltimore, in the State of Maryland, on Wednesday, the 16th day of June next, for the purpose of nominating candidates for President and Vice President of the United States.'"

"Mr. MARSHALL then obtained the floor and offered his resolution, not as an *amendment to*, but as a substitute for, Mr. STANLY's resolution. Mr. MARSHALL's resolution proposed to fix the time and place for holding the National Convention, and 'to assert an affirmative indorsement of the finality of the compromise as a basis of union *among the present Whig members of Congress.*' It was ruled out of order by the chair; an appeal was taken, and the ruling of the chair was sustained by a large majority of the meeting. I then offered the following resolution, as an amendment *to be added* to Mr. STANLY's resolution:

"'*Resolved*, That the Whig members of Congress, in thus recommending a time and place for the National Whig Convention to assemble, are not to be understood as pledging themselves to support the nominees of said convention, except upon the condition that the persons then and there nominated as candidates for President and Vice President shall be publicly and unequivocally pledged to regard the series of measure, known as the compromise measures, as a final settlement of the dangerous questions which they embraced, and to maintain that settlement inviolate.'"

"I prefaced the presentation of this resolution with some remarks, in which I assumed that my resolution was not obnoxious to the objections taken by the chair to that offered by Mr. MARSHALL; that it was strictly congruous with the subject-matter of Mr. STANLY's resolution, and that it proposed to erect no political platform for the Whig party; that it proposed nothing more than an expression of the extent to which the

'Whig members of Congress, then and there 'assembled, were to be understood as committing 'themselves, in fixing the time and place for a 'National Convention, to the support of the nom- 'inees of that Convention; and, finally, that it was '*impossible* for the chair to decide my resolution 'out of order under any recognized principle of 'parliamentary law, or even under his own ex- 'pressed view of the narrow and limited powers 'of that Congressional caucus."

* * * * * * * *

"To *receive a proposition* is one thing; to receive 'it, and decide it to be in order is another, and very 'different thing. In a public career, that covers a 'period of nearly twenty years, I do not remem- 'ber a single instance, in any deliberative body of 'which I have been a member, in which the pre- 'siding officer *refused to receive* any proposition 'submitted by a member. To refuse *to receive* a 'proposition is the extremest discourtesy—the 'strongest mark of reprobation—that a delibera- 'tive assembly can visit upon any proposition sub- 'mitted to its consideration. It is never resorted 'to by any deliberative assembly, except for the 'purpose of stamping and branding its reproba- 'tion upon an offensive proposition in the strongest 'and most unmistakable terms."

* * * * * * * *

"By reference to the extract made from Mr. 'CABELL's remarks, in the debate of the 17th in- 'stant, it will be seen, that during the debate which 'took place in caucus, upon Mr. BROOKS's appeal 'from the decision of the chair, ruling my resolu- 'tion out of order, Mr. CABELL distinctly pro- 'pounded the question to the chair, whether he 'adhered to his original decision, that *everything 'was out of order, except fixing the time and place for 'a National Convention*; AND THE CHAIR REPLIED 'THAT HE ADHERED TO THAT DECISION."

"It was during the same debate, upon Mr. 'BROOKS's appeal from the decision of the chair, 'that Mr. STROTHER, of Virginia, responding to 'that decision of the chair, and describing its effect, 'said, in substance, that it amounted to a refer- 'ence of my resolution to a debating society, to be 'formed and organized after the legitimate busi- 'ness of the caucus should be disposed of, to take 'into consideration matters and things which the 'Chair, sustained by the meeting, had decided to 'be illegitimate, and "a naked usurpation," and, 'therefore, out of order in a Whig Congressional 'caucus.

"If Mr. MARSHALL and myself had submitted 'our resolutions to such a debating society as that 'described by Mr. STROTHER, we would have 'been guilty of the absurdity of asking the gentle- 'men who onstituted that caucus to rebuke their 'chairman and stultify themselves; because the 'chairman had decided that those resolutions were 'not within the *legitimate* powers of that caucus; 'and that to assume jurisdiction over the subjects 'embraced by those resolutions would be a "naked 'usurpation;" and that decision of the Chair had 'been sustained by a large majority of the meet- 'ing.

"I refer Mr. MANGUM's memory, and that of 'every other gentleman who participated in those 'proceedings, to these facts, to make it clearly 'manifest that it cannot be true that Mr. MANGUM, '*at any stage of the proceedings*, ruled, as presiding 'officer, that he would receive, and *decide to be in 'order*, Mr. MARSHALL's resolution, or that offered 'by myself, either as amendments or as substan- 'tive propositions. It is not my object to reproach 'or assail any gentleman whose inexperience in 'parliamentary proceedings has caused him to 'misunderstand and misstate the occurrences of the 'Whig Congressional caucus. But it is my object 'to make it impossible for those occurrences to be 'hereafter misstated without subjecting him who 'may make such misstatement to the responsibility 'of willful and deliberate misrepresentation. My- 'self, and those who coöperated with me on that 'occasion, are willing to abide all the responsibil- 'ities which can attach to the line of conduct 'which we deemed it our duty to pursue Other 'gentlemen ought to be equally willing to abide the 'responsibility of their action upon that occasion. 'Certainly no gentleman can wish the truth to be 'misrepresented or misunderstood, and rest his 'vindication upon such misrepresentation or mis- 'understanding. In my opinion, it would be un- 'fortunate for Mr. MANGUM to permit it to be 'understood that he had, at any stage of the pro- 'ceedings in the Whig Congressional caucus, 'changed the position assumed by him at the first 'meeting of that caucus—viz: that the duties and 'powers of the caucus were restricted exclusively 'to the single matter of fixing the time and place 'for holding the Whig National Convention. If 'he should depart from this ground—if he admits, 'or if it shall be admitted by his friends, that he 'changed the decision which denied to the caucus 'the right to do more than fix the time and place 'for holding the Whig National Convention, no 'plausible defense can be made for his decision 'ruling out of order Mr. MARSHALL's resolution, 'or that offered by myself."

WHIG CONGRESSIONAL CAUCUS—COMPROMISE MEASURES—THE PRESIDENCY.

SPEECH OF HON. A. WHITE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

May 26, 1852.

The House being in the Committee of the Whole on the state of the Union, on the Indian appropriation bill—

Mr. WHITE, of Kentucky, said:

Mr. CHAIRMAN: I desire, sir, to return my most sincere acknowledgments to you and the House for the courtesy shown me upon this occasion, particularly when I remember that I obtained the floor in a struggle with gentlemen far more capable of interesting and edifying the committee than myself. I regret the necessity which compels me to make a single remark upon this occasion, for several reasons: First, because I do not expect to confine myself to the discussion of the bill before the committee; and secondly, because I do not think it right to consume time in irrelevant debate.

But, sir, I am impelled by a sense of duty, which I conceive I owe not only to myself, but also to those whom I represent, to remove certain false impressions which have been made upon the public mind, by a portion of the opposition press in my own State. I know not from what source these impressions were derived, which have been the cause of false and unfounded charges, whether it be from the part I took in the Whig caucus, on the memorable night of the 20th ultimo, the deliberations of which have been spread before the country, or whether it be from that feeling and touching appeal of the gentleman from New York [Mr. BROOKS] to his Whig brethren of the South, imploring them not to erect a scaffold upon which he and the compromise Whigs of the North should be executed.

It will not be improper, I hope, for me to state, briefly, the course I pursued in that caucus. It will be remembered, that on Wednesday, April 7th, the following call appeared in the columns of the National Intelligencer:

"The Whig members of Congress are requested to meet at the Senate Chamber, on Friday evening next, the 9th instant, at seven o'clock, to consider of matters of importance to the Whig party."

In obedience to that call, some sixty or seventy gentlemen, comprising members of both branches of the National Legislature, met to consider the objects for which they were assembled. It was asked at that meeting, by whom was the call made? and the chairman [Mr. MANGUM] stated that it was made upon his authority.

My colleague [Mr. MARSHALL] indicated his intention to introduce a resolution, declaring the compromise a finality of the measures it embraced. Whereupon it was distinctly stated by the chairman, that all questions not germane to the object of the meeting, (viz: the fixing of time and place for holding the convention,) would be ruled out of order.

The meeting adjourned, to meet again on the 20th of the same month. In the mean time I appealed to my colleague, [Mr. MARSHALL,] as he will bear testimony, not to offer the resolution in the next meeting, as it would make a direct issue upon the question, which could not by any possibility strengthen the measure, but, upon the other hand, would open it to discussion, and the country would have the same ordeal to pass, before it could settle down in peace and quiet, that it had two years ago.

I believe the chairman, according to the strict construction of parliamentary rule, was right in his decision; but I was unwilling, by any vote of mine, to intimate that I was not willing to support such a resolution whenever and wherever it might be offered.

The issue was made; and I voted with the gentlemen who published the address against the decision of the chair; but I did not leave the meeting, because the purpose for which I went could only be accomplished by remaining. With this explanation I trust that my position is no longer doubtful.

In the approaching presidential conflict, there promises to be, from the interest already manifested, a contest for supremacy bitter in its prosecution; and upon the part of some an apparent determination to resort to strategy, regardless of principle. The Whig and Democratic parties, with their forces marshaled, are only waiting the selection of a standard-bearer, under whose flag they expect to rally. What principles, if any, are to be inscribed upon their banners will be determined at their respective conventions, which are soon to meet in the city of Baltimore. For my own part, sir, I desire to see those measures of adjustment, commonly known as the compromise, written in letters of living light, and so deeply engraven by both parties, declaring them a final settlement of the questions involved, that the country may settle down in quiet, fully assured that, whichever party may triumph, constitutional right will be secured and the Union preserved.

Although I believe that Whig measures are better calculated to secure the interests of the Government and the happiness of the people, I am not one of those who believe that the perpetuity of our institutions depends upon the triumph of any of those measures which have been so long the cardinal questions of the Whig or Democratic party. So far from it, sir, it is my opinion that they are more secure in the hands of either than in those with whose mad schemes of fanaticism this Government would not be safe. They have been content to advocate and administer their respective policies within the legitimate limits of the Constitution—with "equal rights to all, exclusive privileges to none."

In the transition of power from one party to another, how different is our own to that of other countries. In Europe the sword is the arbiter of all political disputes; under our Government the ballot-box is the medium through which such difficulties are adjusted. Here the victors assume the power, and the vanquished bow in humble acquiescence. There, misery and blood mark the progress of the usurper. Show me, then, the man who would lay an unholy hand upon that Constitution which secures to us so much freedom and so much happiness, and I will show you a fit subject to be the slave of tyranny and oppression, and unworthy the name of an American citizen.

From my first entrance upon the political arena, I have uniformly acted with the Whig party; and so long, sir, as my first impressions remain unchanged, I shall labor to establish the policy through which its principles may be carried out.

The compromise I regard above party policy; and he who endeavors to confine it within such contracted limits, in order to subserve party purposes, does great injustice to those who contributed most to their introduction and passage.

The gentleman from Tennessee, [Mr. POLK,] in his speech upon this floor some weeks ago, stated "that the compromise acts were passed by the 'virtue alone which belonged to the Democratic 'party, with a slight postscript from the Whigs—'an indefinite sort of postscript, not enough to 'swear by." Sir, the record justifies no such reckless assertion, and I fear the gentleman has not taken the pains to investigate the subject as he should have done before making it.

Mr. POLK, (interrupting.) I cannot submit to be accused of making any reckless assertion, which is not justified by facts. The whole tenor of my speech, if it is looked at, shows that my position was, that there was no Whig party in the land that deserved consideration for its strength as a party when separated from the Abolition and Free-Soil factions. And when I made the remark, that it was passed only by a postscript, I alluded to three men only north of the Potomac, who

voted for the fugitive slave bill. If that is a reckless assertion, truth itself is reckless. I say the facts upon the record show that there were but three of them; and, taking the speech I made and the arguments I endeavored to submit together, they will show that such was the position I then occupied, and such the opinions I intended to advance.

Mr. WHITE. I quote from the gentleman's own remarks, sir, and if they are misquoted here, the gentleman shall have an opportunity to correct me. He says, upon the third page of his printed speech, that the compromise acts were passed by the virtue alone which belongs to the Democratic party, with a slight postscript from the Whigs, and not enough scarcely to swear by.

Mr. POLK. If the gentleman will read the preceding paragraph, he will see that I was alluding to the Whig strength North, and that there was no Whig party that could carry *two States* of the Union if they were separated from the Free-Soil abolition strength North.

Mr. WHITE. I do not admit, sir, the position assumed by the gentleman from Tennessee, [Mr. POLK,] that there is no Whig party; and if the gentleman will excuse me for a few moments, I will endeavor to show to him, and to this House, that if there is any party that is entitled to the merit of being called the compromise party, it is the Whig party of the South. Is it so soon forgotten the parts gentlemen took, on both sidesof this Hall and in each end of the Capitol? Although I was not a member upon this floor, I partook of the interest (I will not say fear) which pervaded the length and breadth of this land. Old questions sprang up in the acquisition of a vast territory—questions which have been, and which I fear will continue to be, the source of discord between the different sections of this Union. I ask, sir, to whom were all eyes turned in this hour of our country's peril? It was to him who checked the mighty tide of Northern intervention in 1820—who, when other men feared for the ark of our political freedom, and turned from the scene with hearts stricken with despair, undaunted and unsubdued his clarion voice restored confidence to his friends, whilst it hurled bitter anathemas upon those who dared to approach with unholy purposes the sanctuary of American liberty. It was to him who, when men prominent in the Democratic ranks as candidates for the Presidency were yielding to the seductive eloquence of Hungary's exiled chief, warned his country of the impending danger, and, "as a dying man, opposed the doctrine of intervention." He it was who conceived and drafted these measures of adjustment, and yet we hear them claimed as exclusively belonging to the Democratic party.

Mr. RICHARDSON. Do I understand the gentleman to assert that Mr. CLAY drafted the bills which constitute the compromise?

Mr. WHITE. Yes, sir; most distinctly and unequivocally; not the bill as it passed, but I say that all the measures contained in the compromise were contained in the omnibus bill reported by the chairman of the Committee of Thirteen.

Mr. RICHARDSON. I do not wish to detract from the fame of Mr. CLAY in the part he bore in that matter. I state to the gentleman that the compromise bills were introduced from the Committee on the Territories. They were lashed together, and the names of the individuals who reported them stricken out, and that constituted the omnibus. The fugitive slave bill was introduced by Mr. MASON, of Virginia.

Mr. TOOMBS. I wish to put history right. The Committee on the Territories of the Senate introduced bills which never did pass, and never could have passed; and the gentleman himself who introduced them voted against the vital principles of the bills as they have passed—Mr. DOUGLAS, of Illinois.

Mr. RICHARDSON. I do not know how that is. I know this much, that the omnibus bills, with one exception, came from the Committee on the Territories. We can settle that matter, however, by referring to the records.

Mr. EWING. I would ask the gentleman from Illinois, [Mr. RICHARDSON,] if the fugitive slave law, not included in the bills to which he referred, was not pointed out as distinctly as any other portion of the compromise measures, in the resolution?

Mr. RICHARDSON. Undoubtedly. There is no doubt of it.

Mr. WHITE. I must claim my time, and I will endeavor to explain to the satisfaction of the gentleman from Illinois, [Mr. RICHARDSON,] and other members upon the other side of the House.

It is unnecessary for me, sir, to designate who favored, and who opposed, or who were not present at the passage of those particular measures so vital to Southern interests, but who, I will do them the justice to say, have, since their passage, upon every proper occasion, expressed their unqualified approval.

Sir, the condition of the country, and the appeals of the people demanded that something should be done to avert the sad calamity that hung over us—the memories of the past, as well as the hopes of the future crowding upon us, were cast into the balance, and the Union was saved.

No flash of cannon, no clash of arms, no shock of battalions, weltering in gore, were necessary to assert constitutional right. The patriotic hearts of both parties yielded their differences upon a common altar, influenced alone by that moral power, whose supremacy is as noiseless as that of the great constellation of Heaven, around whose mighty splendor revolves the interminable hosts of fiery planets. It was the power of truth and justice, to whose appeals concession cannot be refused, without dire and dreadful retributions. It was

> "A warfare where none but the morally brave
> Stood nobly and firmly their country to save."

Sir, it is unnecessary to go into the details of the discussion and votes had upon the different measures of the compromise. Suffice it to say, that there was enough patriotism to pass them, and I trust there is enough left to sustain them. I can think of no one measure contained therein which, if taken separately, would not meet with decided and violent opposition. I regret as sincerely as any man, that, as a whole, they do not meet the approbation of all parties, North, South, East, and West. But, sir, they are the law of the land, and, as such, I doubt not will be observed. I care not for the threats of ultra-Southern men any more than I do for the raving of Northern fanatics, and my only regret is, that they should command so much consideration.

The fanaticism of the North, persisting in its wild schemes of domestic intervention with Southern institutions, has more than once brought this Republic to the verge of dissolution, the consequence of which has been to excite the jealousy and indignation of the South, and abridge the limited liberties of the slave. This is a fact too well known to be denied; for who has failed to see that the chains of slavery are more firmly riveted now than they were twenty years ago?

This is an argument which I think should be sufficient to induce those of the North, whose philanthropy teaches them that there is a higher law, to cease their interference, to cease this agitation. If it is an evil, it is one for which they are not responsible—a sore which, under their treatment, cannot be healed. Look at it in what light you will, and the conviction must come home to every mind that Northern interference upon this subject is fraught with nothing good; and permit me to say to you, gentlemen of the North, if you desire that this Union should be preserved, and the condition of the slave ameliorated, cease this agitation, and turn your sympathies to a channel nearer home, and let your efforts and purpose be to relieve the thousand pitiable objects which throng the streets of your own cities.

I am devoted to the principles of the party of which I am an humble member; and it is to be regretted that we cannot unite upon this great measure of adjustment, so as to present an unbroken front in the approaching conflict; for it will require all of our vigilance, and all of our efforts, to disarm those who, without principles, endeavor to shield themselves behind breastworks not of their own construction. I regret the dissensions which have so recently occurred, and can only hope that the Whig Convention which is soon to assemble, will erect a platform upon which all of us can stand united as a band of brothers.

> "Let's consult and be agreed,
> The doctors say, now's not the time to bleed."

But when we see the recklessness of some who assume to be the leaders and organs of the Democratic party, we are ready to exclaim, *O tempora! O mores!* Whilst we are amused at their assumptions, we are disgusted with their devices. It has been but a few days since that this House was called upon to listen to the most spasmodic effort of rhetoric ever displayed upon this floor, in an attempt to prove that upon the success of Democratic measures was suspended the peace and happiness of the American people. I allude to the honorable gentleman from Delaware, [Mr. RIDDLE.]

He charges not only that the Whig party has been guilty of all this trouble and excitement, but that the Democratic party is entitled to the credit of having adjusted them. And in order to prove that the Democratic party did all that was done to secure the passage of the compromise, he arrays a column or two of figures of the votes of some of the Northern States upon the fugitive slave bill.

Mr. Chairman, in boyhood, many an hour I have whiled away in the solution of *riddles*, and I would feel as if I were engaged in business of about the same magnitude if I were to undertake to answer all the arguments of the gentleman on this occasion. Does he suppose that the country is ignorant of the facts connected with this matter? If so, and his object is to enlighten them, why does he not—occupying a position to which the people look for light—with that fairness and manliness which become an American statesman, state the facts as they exist? Why does he talk about the compromise as a Democratic measure, and, as conclusive evidence upon that point, present the vote alone on the fugitive slave bill, and that, too, from the non-slaveholding States? If he intends to make one the test of the whole, why not let us see the votes both North and South? Does the gentleman mean to say that the Democratic party of the North are in favor of the fugitive slave law as an abstract question? If he does, I should like to see the evidence. Every one knows that the majority of the Northern people, Whigs and Democrats, are opposed to the details of that law, but as one of a series of measures, the adoption of which was considered necessary for the peace of the country, they are willing to acquiesce in, and have faithfully executed. If he desires to know what party is most united upon the compromise, let him look to the vote of Southern Whigs when the measures were pending, and all subsequent tests; yet I claim for them no peculiar patriotism, but merely to show the injustice done them by gentlemen upon the other side.

Mr. Chairman, I could wish that the two great parties would come back to those issues which have been made in by-gone times—issues which were mere measures of policy, involving no question of property or constitutional prerogative. I know there have been efforts made to break down the barriers which separated them, and let them merge into one; but for my own part, sir, I believe it best for the country that they should continue to exist. But, sir, we are told that there are no parties now—nothing but factions without principles upon which they can act as a unit. Sir, the gentleman from Georgia, [Mr. STEPHENS,] in his speech the other day, to which I listened with so much interest, and which elicited more attention than is usual in this Hall—a speech replete with eloquence, but, as I conceive, without sound argument—stated in substance, that if the administration of this Government were in the hands of either party as now arranged, it could not stand an hour, and therefore he was in favor of building up a third party to be christened the National Union party. Sir, I shall leave it to gentlemen on the other side of the Chamber, to define the position of the Democratic party; but I would say to the gentleman from Georgia, if he wishes to stand with such a party as he has described—if he wishes to advance the interest of his country and promote the happiness of its people, let him return to the old Whig standard, beneath whose banner he has, in days past, rendered such eminent service. I would look upon the organization of a third party (a sectional party as it must be) as the dawning of dissolution, to be averted as the saddest of all calamities; and, sir, such a party wearing the name which is proposed to be given it, would be like "stealing the livery of Heaven to serve the Devil

in." All my interests, all my sympathies, and all my affections are with the Southern people, but I love this Union more than I do any section, and there is no sacrifice compatible with honor, that I would not make to preserve it. I am devoted to the principles of my party, which are as immutable and undying as the Republic itself. There is nothing in its name that holds me spell bound; and when its principles are gone I will scorn to worship the empty substance that covered them.

I would say to my Whig brethren, if we do not mean to fight together, under the old Whig standard, let's strike the flag and disband the forces; if we do, then like men let us gird on the armor of political warfare, and, marching forth shoulder to shoulder to do battle in a common cause, resolve never to lay down our arms until we stack them to shout for victory. There is a responsibility attaching itself to our action, not confined within the walls of this Capitol, whether we give expression to our sentiments in this Hall, or in the more secret deliberations of a Congressional caucus; and our constituents will, as they have a right to do, hold us to a strict accountability.

We have in our ranks many worthy to be the standard-bearer of the great Whig army in the approaching contest. The North has its preferences, the South and West theirs. We can compromise principle and constitutional right, and yet there are some, who, if we are permitted to judge by what they say and do, are unwilling to yield personal predilections.

The present Executive, whose Administration has been marked with a degree of wisdom, prudence, and patriotism unsurpassed—ay, unequaled since the days of Washington—is eminently worthy to be our leader; and nothing would give me more pleasure than to see him rewarded by the approval and support of not only the Whig party, but the whole American people.

It is not to be denied that he is the choice of the Whigs of Kentucky above all men. They admire him as a statesman; they respect him as a man, and love him as a patriot; and no one has ever possessed their confidence to a greater degree.

If he should be the choice of the Baltimore Whig Convention, his name will be echoed among the hills and valleys of Kentucky in notes of joy and gladness; if another should be selected, although they may weep over his defeat, they cannot and will not forget their allegiance to party, or loyalty to principle. Although he attained his present exalted position through the inscrutable dispensations of Providence, he has not yielded to the influences of an unexpected good fortune; but, with an eye single to his country's honor and good, he has administered the Government with a view to their accomplishment alone.

Although he was educated in the uncertain school of New York politics, he has planted himself upon the broad platform of the Union, scorning to measure his acts by a sectional standard. When the compromise was passed, and the North, as with one voice, raised its opposition to some of those measures, he did not fail to bare his bosom to the storm, and declare that the Union should be preserved, and the laws executed. Nobly has he redeemed the pledge; and for it Kentucky desires to reward him.

But, sir, there will be to him a consolation, if defeated, greater than can be conferred by power or position, and it is that he will be able, in laying down the robes of office, to transmit to his children an honored name and a spotless reputation.

Can it be doubted that Webster, at the mention of whose name every American heart beats proud, would, if nominated, receive the support of every Kentucky Whig?—the coadjutor of those who assisted in bringing about a reconciliation between the different sections of this Union, he contributed as much as any living man to allay the prejudices of his own people, and rivet more closely the bonds of our national Union.

He is the expounder and defender of the Constitution, which is the true basis of American freedom, and the proudest monument of political genius. So long as there is a heart to appreciate greatness, his opinions will be respected and cherished, and wherever our language is read, the fulminations of his eloquence will be heard.

There is another name freely used in connection with the Presidency, which I desire briefly to notice, for several reasons. I allude to Winfield Scott—1st. To answer some of the charges which have been made against him upon this floor, not that he is my favorite for the highest office in the gift of the American people, but because I know the insinuations, whether directly or indirectly made, are false, and intended only to affect his prospects for the nomination and election; and secondly, to state under what circumstances he and his friends may expect the support of the people of Kentucky, which State I have the honor in part to represent. I say people, because his support will not be confined to party, if, as I have every reason to believe, he will plant himself firmly and unequivocally upon the broad platform of the Union, the Compromise, and the Constitution. In the same speech to which I have alluded of the gentleman from Tennessee, he says: "I 'feel authorized to say in the most unqualified 'manner that there is not a candidate for the next 'Presidency in the Democratic ranks who is not 'heart and soul in favor of the compromise meas-'ures as they are—in favor of the faithful execu-'tion of the fugitive slave law, against its modifica-'tion or repeal. I defy any gentleman on the 'Whig side of this House to say as much for 'General Scott."

I dare to say that General Scott is as good a compromise man as the gentleman from Tennessee, [Mr. POLK,] and a far better one than his choice for the Presidency.

Mr. POLK. Will the gentleman yield to me for one moment? In addition to what I said a few weeks ago, I am now gratified to be able to state that I believe every aspirant in the Democratic party for the nomination at Baltimore, has written a letter in which he takes the ground that he will veto any alteration, modification, or change of the fugitive slave law. Are you authorized to say that General Scott will do the same thing? I am authorized to state that this declaration has been put in black and white by all the Democratic aspirants. Will General Scott make the same declaration?

Mr. WHITE. If the gentleman desires an answer I will give it to him most cheerfully. I trust that General Scott will never make any such declaration, for time may prove that alterations are necessary to secure its efficiency.

Mr. POLK. I am satisfied.

Mr. WHITE. It is not Whig doctrine to take such a position. I believe that General Scott is incapable of writing a Kane or Nicholson letter. The old hero has never taken a position of 54° 40', from which he has been compelled to beat a disgraceful retreat.

Mr. POLK. I am not certain that I distinctly understood the character of the gentleman's remarks. I wish to know if the gentleman intends to cast a slur at all upon the reputation or standing of one, with whom I was closely allied? His public acts are open to criticism; but any remark involving a reflection upon his private character, I feel myself obligated to defend——

Mr. WHITE. Not by any means. I trust that the gentleman will not receive it as such.

Mr. POLK. For I owe it to myself to repel any such imputations.

Mr. WHITE. The official acts of public men are public property, and as such, I claim the right to speak of them regardless of consequences, and with a full sense of the responsibility that may be attached to them.

[Cries of "That is right!" "That is right!"]

Mr. POLK. I do not pretend to deny to the gentleman the privilege he claims, and I claim the same right with a full view of all the responsibility of whatever may follow, to stand prepared to defend the memory and character of the man; and I will do it in the face of every consequence which it may involve.

Mr. WHITE. The gentleman can receive my disclaimer or not, just as he pleases. I have made it as I believed became a gentleman. I told him that I intended to cast no personal reflection upon the dead.

Mr. POLK. If the gentleman says so, I wish that to be distinctly understood, in order that what has transpired may be properly appreciated.

Mr. WHITE. Mr. Chairman, I endeavored to answer a similar question whilst the gentleman was speaking, and if I had had the time, I would then have given my reasons for stating that I felt authorized to say that General Scott was opposed to any alterations of any of the measures contained in the compromise. I did it from impressions I had received from frequent conversations I had held with him upon that subject—conversations, it is true, which were private, but not confidential. I have since that time had other conversations with him upon the same subject, and I take pleasure in saying that he confirms what I then stated.

Sir, I never doubted General Scott's position, nor do I believe any one else does who has taken the trouble to inquire of him what his opinions are. Warm in his fond affections for his country, he has spent a life of devoted service to its interests.

Educated a statesman his patriotism prompted him to pursue the more arduous duties of a soldier; upon the frozen snows of the North, in the swamps of the South, or among the chaparrals of Mexico, whenever or wherever his country called, promptly has he obeyed the summons.

And, sir, is it supposed that he could forsake that flag which he has borne in triumph on so many hard-fought fields?

If you ask where are the evidences of his love and attachment to those colors, beneath whose ample folds every one calling himself an American citizen may repose in security, go read the history of your country for the last forty years, and you will find the name of Winfield Scott written in letters of living light upon its brightest pages. Lundy's Lane and Chippewa attest his early devotion to his country's flag, whose fortunes he has followed through good and evil report. Go to the hard-fought fields of Mexico, and there, kneeling upon ground consecrated by the blood of slaughtered thousands, ask whether the hero of Vera Cruz, Cerro Gordo, and Chapultepec, which were but bloody traces to the gates of the capital, fought beneath a black sectional flag, or was it the stars and stripes which subsequently waved from its ruined walls? Methinks a voice might be heard from the spirit land, crying Shame! shame!

Mr. WILLIAMS. By the permission of the gentleman from Kentucky, [Mr. WHITE,] I will make a few remarks. It seems to me singular that the peculiar Southern defenders of General Scott should so much delight to give a meaning to a remark that I made in my speech, that was general in its application, distort it, and apply it to General Scott. If the gentleman had listened to the delivery of my speech, or had he read my remarks as published, he would not have made that assertion. In my speech, alluded to by the gentleman, I stated that I had, on my return home, declared to my constituents my intention to adhere to the compromise measures; and that, if General Winfield Scott did not choose to publicly indorse those measures, and he should be the Whig candidate, and the Democratic candidate was publicly pledged to maintain those measures, that I would support him. I further remarked, what I now say, if, when I look over the presidential field, I should see a black, sectional rag unfurled by one of the standard-bearers, and the national standard unfurled by another standard-bearer, that I would take position under the national standard. This remark was general, and not applied to any particular individual. I now declare, that if General Scott chooses to dash to the ground the glorious national banner, and becomes the mum candidate of sectionalists and Abolitionists, I shall scorn to enlist under the black, sectional rag.

Mr. WHITE. I am delighted to hear the gentleman's remarks. They were intended for the whole of mankind in general, and not General Scott in particular.

Sir, he knows no section less than his country; and if he should be elected, it will be his aim to bring back the old ship of State to her ancient moorings, from which she has been drifting for twenty years. He has trod her decks too long to abandon her in the hour of peril. Her cargo is too precious, freighted, as she is, with the hopes and destinies of American freedom, to be left to the mercies of an uncertain sea, agitated by the destructive elements of faction and fanaticism. But should the time ever come (which Heaven forbid!) when, with her masts and sails riven and torn by the tempest and the storm, she must sink beneath

the boiling surges of party, when all others shall have left the wreck, the stars and stripes will be his winding sheet; and, wrapping himself closely within its ample folds, will exclaim, "My country! my country! there is nothing left when thou art gone!"

It has been intimated upon this floor, and elsewhere, that General Scott, if nominated by a National Convention, could not carry Kentucky. My reply to that allegation is, that it is a libel upon the Whig party of that State. I know that it has been qualified by my friend and colleague, [Mr. MARSHALL,] and perhaps his qualifications do not go too far, for reasons which he stated. I make the assertion upon the authority of the Whig State Convention, which met in Frankfort, in February last. I will read the resolution touching that subject:

"10. *Resolved*, That Millard Fillmore, treading, as he has done, in the footsteps of Washington, both in his strict observance of good faith towards foreign nations, at the same time that he has promptly asserted and maintained our own rights, and in 'taking care that the laws should be all faithfully executed at home,' has entitled himself to the gratitude and confidence of the people of the United States, as a wise statesman, a true patriot, and an honest man; and while the Whigs of Kentucky will cheerfully unite, and do their utmost for any nominee of the National Whig Convention, we present him to the consideration of that body, as a statesman of such approved prudence, experience, firmness, and wisdom as would unite the entire Whig vote of Kentucky."

It will be seen that whilst they express a preference for Millard Fillmore, they pledge the support of the Whig party to the nominee of the Whig National Convention; and let me here remark, that they have never yet made a pledge of that character which they have not redeemed. Their feelings have been too often outraged and violated, for any one to say that they forget their principles in their attachment to men. Sir, where is the man, who, having observed the memorable events of 1840, has forgotten the dark veil of chagrin and mortification which hung like a pall over Kentucky, when the result of the Harrisburg Convention was announced? She mourned the defeat of CLAY, and a wail went up from her great Whig heart as the cry of an orphaned nation. But when the time arrived when she was to uphold the banner of Whig principles, or permit it to be trampled beneath the feet of its adversaries, with what a gallant spirit did she bear it through the fight, and the twenty thousand majority she gave to the hero of Tippecanoe, is the foreshadowing of what she will do for the hero of Lundy's Lane. Whatever else may be said of her, it has never been charged that she was wanting in gratitude. She has within her border the fathers, mothers, brothers, and sisters of those gallant youths who followed him to the wars, to return no more—the friends of his brave companions in arms who have fallen in heaps around him in defense of their country's honor; and the memory of those who are gone, lingers as fresh in the recollection of those who survive, as the green grass that grows over their unmarked graves. The district I have the honor to represent, is the largest Whig district in the State, and so firm is it in its adhesion to principle, that it has received the significant cognomen of the Gibraltar district. For it, sir, I think I have a right to speak, only regretting that I cannot do justice to those who sent me here.

If Scott should be nominated, and his standard erected upon the compromise platform, they will come from their mountain homes as did the heather-hidden warriors of Clan Alpine to the whistle of their chief.

FINALITY OF THE FUGITIVE SLAVE LAW.

SPEECH OF HON. THOMAS H. BAYLY, OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

May 25, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. SEYMOUR, of Connecticut, in the chair) on the invalid pension bill—

Mr. BAYLY, of Virginia, said:

Mr. CHAIRMAN: There have been two propositions propounded in the debate during this session, which I desire to discuss. One is, that the fugitive slave law, like any other law of Congress, is open to repeal; and the other is, that the compromise measures being the law of the land, resolutions to reaffirm them are idle, if not mischievous. I utterly deny both these propositions. In the first place, I say that the fugitive slave law was passed to execute a fundamental provision of the Constitution; and is an enactment which the Constitution requires. I maintain that Congress is under precisely the same obligation to pass all laws which are necessary to execute the provisions of the Constitution, as it is to abstain from the enactment of laws prohibited by it, and, that when one Congress has discharged its duty in this respect, and has passed a law necessary to execute a provision of the Constitution, it is precisely as unconstitutional to repeal it, without accompanying the repeal with a substitute equally effective, as it is to enact a law which the Constitution absolutely forbids. The duties enjoined by the Constitution, as by the Decalogue, are as imperative as the acts forbidden. If I be right in these positions, I am certainly right in denying the proposition that you have a right to repeal the present law for the extradition of fugitive slaves, unless the very law making the repeal substitutes other provisions equally effective.

The enemies of the fugitive slave law, or the most intelligent of them, seem to acquiesce in this; and hence, to excuse themselves, they have taken the position that the provision of the Constitution referred to, imposes a duty upon the States, but confers no power upon the General Government; and that some of the details of the fugitive slave law are in conflict with the Constitution. I know, sir, that I might sufficiently answer these points by saying that the uniform practice of the Government, and the decisions of the courts of last resort in most of the States, and of the Supreme Court of the United States, have decided otherwise. But, sir, it is not every man who reads the decisions of the courts; therefore I desire to address myself for a short time to these propositions.

The provision of the Constitution of the United States for the surrender of fugitive slaves, is in these words:

"No person held to service or labor in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

This provision grew out of a distrust upon the part of the Southern people, of the disposition of those at the North to surrender up their fugitive slaves; and as the provision grew out of that distrust, it is absurd to suppose that the framers of the Constitution relied upon the Northern States to pass the necessary laws to execute it. It would have been an anomaly, particularly for such a body as that which framed the Constitution of the United States, in the same clause, to have expressed distrust, and to have implied confidence. And, yet, to this conclusion all those must come who maintain that this clause only imposed a duty upon the States, and conferred no power of legislation upon the General Government. The plain and obvious meaning of the language of the clause requires that when legislation is necessary Congress should act; but if there was any doubt about that, the circumstances under which the Constitution was framed would remove it.

We are told here now, that this provision of the Constitution of the United States is an odious one to Northern men, and that the execution of it is painful to them. I doubt not that such is the fact. The prevalence of such a feeling in the North at the time that provision was ingrafted on the Constitution, made it necessary. Well, sir, if such was the case, would not Northern men themselves have required, in putting that provision in the Constitution at the instance of Southern men, that they should be relieved to as large an extent as possible from the enforcement of it? If they had understood that this provision required that the Legislatures of the Northern States should enact the laws necessary to carry out the provision, would not they have said: We wish to be free from this disagreeable duty to as large an extent as possible; if this thing is to be done, let it be done by the Congress of the United States, where the South, equally with the North, will be represented, so that we may be relieved, as far as practicable, from the necessity of carrying out the provision?

Besides that, we all know, that in respect to this question of the delivery of fugitives from justice and service, there was just as much necessity of uniformity of legislation as there was in the case of bankruptcy, naturalization, or in any other case. Would not convenience, and a sense of propriety alone on the part of all concerned, have suggested that the legislation upon this subject should be uniform, which would have been impracticable if that legislation had been left to the several States? Take the case of fugitives from justice, the provision for the surrender of whom is in the same clause of the Constitution as that for the rendition of fugitive slaves. Could anything be more inconvenient than that a separate code should be consulted upon every demand? Would not everybody say that there is as great a necessity for uniformity of legislation in a case of that sort as there is in respect, for instance, to the authentication of records from the several States?

Do we not all know that the great defect in the Articles of Confederation which was sought to be remedied by the adoption of the Constitution was, that its decrees did not operate upon the people directly, but that it was dependent upon the several States to carry them out? When this defect was felt in other cases, would the framers of the Constitution have permitted it to remain in this case alone, which is the precise case in which all must have felt it would have been most embarassing?

But, sir, my time will not allow me to present any more of these obvious, practical, common-sense views on this subject. These were the views of the President of the Convention that framed the Constitution. They were the views of the Third Congress which sat under the Constitution, composed, to a large extent, of the members who framed it. They are the views that have been entertained by every court before whom the question has ever come whose authority is entitled to any respect.

We all know the origin of the law of '93. In 1791 the Governor of Pennsylvania made a demand upon the Governor of Virginia for the surrender of a fugitive from justice. When this demand was made, the Governor of Virginia questioned his authority, in the absence of law, to make any such surrender. The Constitution did not designate him as the officer to make the surrender; nor did he think it devolved upon him as a State officer. In this case the Constitution is freer from difficulty than in the case of fugitive slaves, for it provides that the surrender is to be made upon the demand of the Executive of one State; it does not say that it is to be made upon the Executive of the other State, but still the inference might have been drawn that the authority making the demand, should be responded to by the corresponding authority in the State upon which the demand was made. Beverly Randolph, the Governor of Virginia at that time, applied to his attorney general, Mr. Innis, whose character is so well known to this nation, and he gave the opinion, that in the absence of any law prescribing what officer it was whose duty it should be to make the surrender, the provision in the Constitution was a dead letter.

The Governor of Virginia made this response to the Governor of Pennsylvania. He submitted the question to General Washington, and General Washington sent a message to Congress upon the subject. Congress took up that message, and concurring in the opinion of the attorney general of Virginia, they passed the law of '93, prescribing the mode of proceeding in the delivering up of fugitives from justice and labor; and they did it almost unanimously. They thus decided that legislation was necessary to give life to this provision of the Constitution, in reference to both classes of fugitives, and they also decided, that that legislation comes properly from Congress.

Well, sir, as I have already said, that Congress was composed to a very large extent of members of the Convention that framed the Constitution, and the President was George Washington, who presided over that Convention; it might seem, therefore, that without referring to anything else, this might settle the question as to the necessity of legislation to give vitality to this principle of the Constitution, and as to the right and duty of Congress to enact the necessary laws. But what has been the practice of the country? I think I may safely say, that there is not a State in the Union

whose Governor at some time or other, without question from any quarter, has not made a surrender of fugitives from justice under this law of '93; and thus acquiesced in its constitutionality. And I venture to say, that no such fugitive has ever been released upon *habeas corpus* upon the ground that the law was unconstitutional, and the action of the Governor under it, was therefore unauthorized.

The supreme court of Pennsylvania, when presided over by the illustrious Chief Justice Tilghman, in the case of Wright *vs.* Deacon, decided it to be constitutional. In delivering the opinion of the court, he said:

"Whatever may be our private opinions on the subject of slavery, it is well known that our Southern brethren would not have consented to become parties to a constitution, under which the United States have enjoyed so much prosperity, unless their property in slaves had been secured. This constitution has been adopted by the free consent of the citizens of *Pennsylvania;* and it is the duty of every man, whatever may be his office or station, to give it a fair and candid construction."

The Chief Justice cites the provision in the second section of the fourth article of the Constitution, and observes:

"Here is the principle: the fugitive is to be delivered up on *claim* of the master. But it required a law to regulate the manner in which this principle should be reduced to practice. It was necessary to establish some mode in which the claim should be made, and the fugitive be delivered up."

The Judge then quotes the enactment on the subject by Congress, and concludes the opinion as follows:

"It plainly appears from the whole scope and tenor of the Constitution, and act of Congress, that the fugitive was to be delivered up on a summary proceeding, without the delay of a formal trial in a court of common law. But if he had really a right to freedom, that right was not impaired by this proceeding. He was placed just in the situation in which he stood before he fled, and might prosecute his right in the State to which he belonged."

To this opinion, which was pronounced in 1819, I ask the especial attention of the country, as in a few words it covers the whole ground.

In the case of Jack and Martin, Chief Justice Nelson, of New York, now of the Supreme Court of the United States, indulged in similar reasons. He said:

"The counsel for the plaintiff in error contends, the mode of making the claim and of delivering up the fugitive, is a subject exclusively of State regulation, with which Congress has no right to interfere; and, upon this view, the constitutionality of the law of this State is sought to be sustained.

"It is material to look into the object of this clause of the Constitution, the evil to be guarded against, and the nature and character of the rights to be protected and enforced, in order to comprehend its meaning, and determine what powers, and to what extent, may be rightfully claimed under it.

"At the adoption of the Constitution, a small minority of the States had abolished slavery within their limits, either by positive enactment or judicial adjudication; and the Southern States are known to have been more deeply interested in slave labor than those of the North, where slavery yet to some extent existed, but where it must have been seen it would probably soon disappear. It was natural for that portion of the Union to fear that the latter States might, under the influence of this unhappy and exciting subject, be tempted to adopt a course of legislation that would embarrass the owners pursuing their fugitive slaves, if not discharge them from service, and invite escape by affording a place of refuge. They already had some experience of the perplexities in this respect, under the Confederation, which contained no provision on the subject; and the serious and almost insurmountable difficulties that this species of property occasioned in the Convention, were well calculated to confirm their strongest apprehensions. To this source must be attributed, no doubt, the provision of the Constitution, and which directly meets the evil, by not only prohibiting the States from enacting any regulation discharging the slave from service, but by directing that he shall be delivered up to the owner. It implies a doubt whether they would, in the exercise of unrestrained power, regard the rights of the owner, or properly protect them by local legislation. The object of the provision being thus palpable, it should receive a construction that will operate most effectually to accomplish the end consistent with the terms of it. This we may reasonably infer will be in accordance with the intent of the makers, and will regard, with becoming respect, the rights of those especially interested in its execution. Which power, then, was it intended should be charged with the duty of prescribing the mode in which this injunction of the Constitution should be carried into effect, and enforcing its execution—the States or Congress? It is very clear, if left to the former, the great purpose of the provision might be defeated, in spite of the Constitution. The States might omit any legislation on the subject, and thereby leave the owner without any known means by which to assert his rights; or they might so incumber and embarrass the prosecution of them, as that their legislation on the subject would be tantamount to denial. That all this could not be done, or omitted, without disregarding the spirit of the Constitution is true, but the provision itself is founded upon the assumption that without it the acknowledged rights of the owners would not be observed or protected: it was made in express terms to guard against a possible act of injustice by the State authorities. The idea that the framers of the Constitution intended to leave the regulation of this subject to the States, when the provision itself obviously sprung out of their fears of partial and unjust legislation by the States, in respect to it, cannot readily be admitted. It would present an inconsistency of action, and an unskillfulness in the adaption of means for the end in view, too remarkable to have been overlooked by a much less wise body of men. They must naturally have seen and felt, that the spirit apprehended to exist in the States, which made this provision expedient, would be able to frustrate its object in regulating the mode and manner of carrying it into effect; that the remedy of the evil and the security of rights would not be complete, unless this power was also vested in the National Government."

The case was taken to the court of last resort, and the decision of Judge Nelson was affirmed. But Chancellor Wallworth took the ground which is now insisted upon, that the clause of the Constitution under discussion imposed a duty upon the States, but conferred no power upon the General Government. But he told me, no longer ago than last winter, that he had yielded that opinion in deference to the decision of the Supreme Court. But, although he held the law of '93 unconstitutional in delivering his opinion, he expressed some sensible views upon the subject of slavery, to which I call the attention of gentlemen from New York:

"However much, therefore, we may deplore the existence of slavery in any part of the Union, as a national as well as a local evil, yet, as the right of the master to reclaim his fugitive slave is secured to him by the Federal Constitution, no good citizen, whose liberty and property is protected by that Constitution, will interfere to prevent this provision from being carried into full effect, according to its spirit and effect; and even where the forms of law are resorted to for the purpose of evading the constitutional provision, or to delay the remedy of the master in obtaining a return of his fugitive slave, it is undoubtedly the right, and may become the duty, of the court in which any proceedings for that purpose are instituted, to set them aside, if they are not commenced and carried on in good faith, and upon probable grounds for believing that the claim of the master to the service of the supposed slave is invalid."

In the case of the Commonwealth *vs.* Griffin, Chief Justice Parker, of Massachusetts, holds this language:

"This brings the case to a single point, whether the statute of the United States, giving power to seize a slave without a warrant, is constitutional? It is difficult, in a case like this, for persons who are not inhabitants of slave-holding States, to prevent prejudice from having too strong an effect on their minds. We must reflect, however, that the Constitution was made with some States, in which it would not occur to the mind to inquire whether slaves were property. It was a very serious question when they came to make the Constitution, what should be done with their slaves. They might have kept aloof from the Constitution. That instrument was a compromise. It was a compact by which all are bound. We are to consider, then, what was the intention of the Constitution. The words of it were used out of delicacy, so as not to offend some in the Convention whose feelings were abhorrent to slavery; but we there entered into an agreement that slaves should be considered as property. Slavery would still have continued, if no Constitution had been made.

"The Constitution does not prescribe the mode of reclaiming a slave, but leaves it to be determined by Congress. It is very clear that it was not intended that application should be made to the executive authority of the State. It is said that the act which Congress has passed on this subject, is contrary to the amendment of the Constitution, securing the people in their persons and property against seizures, &c., without a complaint upon oath. But all the parts of the instrument are to be taken together. It is very obvious that slaves are not parties to the Constitution, and the amendment has relation to the parties.

"It is said that when a seizure is made, it should be made conformably to our laws. This does not follow from the Constitution; and the act of Congress says that the person to whom the service is due may *seize*, &c. Whether the statute is a harsh one, is not for us to determine.

"*But it is objected, that a person may in this summary manner seize a freeman. It may be so, but this would be attended with mischievous consequences to the person making the seizure.*"

We all know that the Supreme Court of the United States has pronounced the law constitutional; but as the gentleman from New York [Mr. FLOYD] and others have assailed that court, and attempted to destroy confidence in its decision, I have, from choice, referred to the decisions of other jurists, for whose decisions, I presume, he has more respect.

I could multiply references to similar opinions almost indefinitely; but it is useless. Those I have referred to are of the highest authority, and are entitled to the most profound respect.

The other objections to this law grow out of its details. I shall not refer to them one by one, because my time will not permit it, and because it is not necessary; for all of them resolve themselves into one point, which is, that the proceedings under it are summary and not according to the usual rules of proceeding. There are no objections to its details, that I am aware, which are not included under the general objection that the proceedings are summary and not in accordance with the rules of the common law. In answer to this, I will say, that the provision of the Constitution contemplates summary proceedings. Such has been the decision of the courts, as we have already seen, and such was the construction given to that clause of the Constitution by Judge Story. At page 676, volume 3, of his Commentaries upon the Constitution, he says:

"This clause [the one providing for the recapture of fugitive slaves] was introduced into the Constitution solely for the benefit of the slaveholding States, to enable them to reclaim their fugitive slaves who should have escaped into other States where slavery was not tolerated. The want of such a provision under the Confederation was felt as a grievous inconvenience by the slaveholding States, since, in many States, no aid whatever would be allowed to the owners, and sometimes, indeed, they met with open resistance. It is obvious that these provisions for the arrest and removal of fugitives of both classes contemplate summary ministerial proceedings, and not the ordinary course of judicial investigations, to ascertain whether the complaint be well founded, or the claim of ownership be established beyond all legal controversy. In cases of suspected crimes, the guilt or innocence of the party is to be made out at his trial, and not upon the preliminary inquiry whether he shall be delivered up. All that would seem in such cases to be necessary is, that there should be *prima facie* evidence before the executive authority to satisfy its judgment that there is probable cause to believe the party guilty, such as, upon an ordinary warrant, would justify his commitment for trial.

"And in the cases of fugitive slaves, there would seem to be the same necessity of requiring only *prima facie* proofs of ownership without putting the party to a formal assertion of his rights by a suit at the common law. Congress appear to have acted upon this opinion; and accordingly, in the statute upon this subject, have authorized summary proceedings before a magistrate upon which he may grant a warrant for removal."

And that such was the design, is palpably evident from the proceedings of the Convention which formed the Constitution. It is evident that the question of freedom or slavery was never designed to be raised upon the application for the surrender of the fugitive from service, any more than the question of guilt or innocence is in the case of fugitives from justice. It would have been harsh and unjust had it been otherwise. The question of slavery in the one case, and of guilt in the other, depends upon the law of the State from which the fugitive fled; to say nothing about the greater convenience for the attendance of witnesses, where exact justice is wanted, the claimant of it of course would be safer before a tribunal well versed in the law of the place. A man with a bad case will stand a better chance before an incompetent tribunal, because he may benefit by its blunders; but a man with a good case is safer in the hands of a competent one, as a blunder fatal to him is less likely to occur.

Supposing a Northern tribunal and a Southern one equally impartial, (and in this connection we must assume that they are so,) before which one would a negro really free stand the best chance for a decision in his favor? Suppose the case of a negro really free in Virginia, but who had escaped from a man holding him as a slave, and for many years had held him and treated him as a slave without question from any one, and that his father had so held and treated him, and his right to freedom depended upon a question of fact, to be proved by witnesses—such, for instance, as whether he was born before or after a particular date, (and such questions frequently arise)—where would the negro have the best chance for justice, in Massachusetts or the place of his nativity? The claimant could take on his witnesses. But how could the negro compel the attendance of his? In Virginia, he can do it without reward to the witness, or fee to the officer summoning him. Is such the case in Massachusetts? Can her courts compel witnesses to attend from Virginia? Or even in Virginia, to appear without fee before a commissioner to take depositions? Sir, our laws in Virginia afford facilities to a negro in asserting a claim to freedom greater than are allowed white men in any case. If any person conceives himself illegally held as a slave, our laws provide that he may complain to any judge or justice of the peace; who, in such cases, is required to order the sheriff of the county to take the complainant immediately into custody, and to safely keep him at the expense of the person claiming to be the owner,

until he give bond with security in double the value of the negro, supposing him to be a slave, that he shall be forthcoming at the trial before such court as the complainant may elect, and in the mean time to allow him reasonable opportunity to prepare for trial. The law also requires that the court shall assign him counsel, who, without reward, shall aid him in prosecuting his suit. And our courts always consult the wishes of the negro in assigning him counsel; and the result almost invariably is, that he has eminent counsel. The law also provides that he shall have, free of costs, all needful process, services of officers, and attendance of witnesses; that his case shall be a privileged one on the docket; that it shall be tried by a jury free from exception; and that the complainant shall not be embarrassed by legal technicalities. *In the event the jury find in his favor, they are authorized to find for him damages for the detention; and the court is required to award him the damages and costs.*

Now, just here let me say a word to those gentlemen who charge that the fugitive slave law offers a bribe of five dollars in each case to the commissioner to make the surrender of an alleged fugitive slave. Our law offers a bribe, if gentlemen choose to call it such, of twenty times, and more than twenty times of that sum to all the officers of the court to set him free. If the negro is found to be a slave, the counsel, sheriff, witnesses, clerk, everybody, lose their fees. *But* if he is found to be a free man, out of the damages and costs awarded him, every body is paid, including the counsel; and I have known some of the latter, from that source, and the voluntary service of the negro afterwards, to get pretty round fees.

Now, sir, tell me in what Northern State he can have all these facilities in asserting his right to freedom. If impartial justice, and not fanatical outrage, be the object, tell me if it be not better, even for the negro, that he should be sent before tribunals where all these safeguards are thrown around him?

But suppose another case, which prejudiced persons can better appreciate, although, as far as law is concerned, it is the same case. Suppose the same negro should be seized in Georgia—and it is a supposable case, for some of our free negroes go to the South; I have known them to go to New Orleans—where would he stand the best chance for his freedom. The Georgia tribunals are as impartial as those of Virginia. But would the negro have as fair a chance for justice far away from the place of his birth as at home? At the time of the formation of the Constitution, nearly all the States were slaveholding. At that time, therefore, the Georgia case would have been the general one. Laws similar to those of Virginia exist in all the slaveholding States.

Besides the facilities afforded the negro in suits for freedom by our law, the tribunals, in administering it, have always given the negro the benefit of all doubts. Our court of appeals, in at least one case, carried this, in my opinion, to an unwarrantable extent. In that case, where the identical negro was concerned, they decided one way when the controversy was between claimants of him as property, and a different way when the suit was one for freedom; and leaning "in favor of liberty," they allowed proceedings to be had which they would have refused in any other case.

Well, then, might Chief Justice Tilghman, of Pennsylvania, say: "If he (the fugitive) had 'really a right to freedom, that right was not im-'posed by this proceeding, (the issuing of the war-'rant for his surrender.) He was placed just in 'the situation in which he stood before he fled, 'and might prosecute his right in the State to 'which he belonged."

Well, then, might Judge Washington, in a case which came before him in Philadelphia, in which the fugitive offered to show that, by the laws of Virginia, from which he admitted he had fled, he was free, respond, "I am well acquainted with 'the laws of Virginia, and the character of her 'courts; and if the fugitive be really entitled to 'freedom, he can establish it better in Virginia 'than here."

If there could be any doubt that the question of freedom or slavery in the case of fugitives from labor, any more than the question of guilt or innocence in the case of a fugitive from justice, does not arise on the application for the surrender of him, it would be removed by the proceedings of the Convention which framed the Constitution.

On the 29th of August, 1787, the following proposition was proposed, and *unanimously* adopted:

"If any person *bound to service or labor*, in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labor, in consequence of any regulation subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labor."

The Committee on Revision, proposed the following in lieu of it:

"No person *legally* held to service or labor, in one State, escaping into another, shall, in consequence of regulations subsisting therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The word "*legally*" was stricken out by the Convention; and after the word "State" the words "*under the laws thereof*," inserted.

Will it be said, that if this be the law, that freemen at the North might be dragged from their families, and be forced to assert their freedom before the tribunal of another State, which would be a great hardship? Not greater than for an innocent man to be dragged from his family to be tried for a crime in another State—nor so great. In the case of the fugitive from justice, he would not have the favor shown him, by the law, which the fugitive from service has; and if he was found to be innocent, he would have no redress. But if the negro is found to be a freeman, he would have his action against the person making the seizure. In the case I have already referred to, Chief Justice Parker, of Massachusetts, said:

"But it is objected, that a person may, in this summary manner, seize a freeman. But this would be attended with mischievous consequences to the person making the seizure."

Besides the civil action, in a case where the claimant has no pretense of title, he could be criminally prosecuted.

Sir, the fear that freemen are to be seized under the fugitive slave law is imaginary. It is almost impossible that any other than a slave will ever be seized under it. This thing of capturing runaway negroes is not such a cheap, pleasant, and safe thing to life and limb, that men will freely go into it. The difficulties, the expense, and the danger of it is such, that I do not believe that one master in a thousand would ever attempt to catch a runaway slave, except for the sake of the example to those at home. Kidnapping a free negro would not accomplish this. There has never been but one mistake made in the surrender of an alleged fugitive; and in that case, the moment the negro was carried to the claimant, he disavowed him. And it must always be so. Every Southern man's overseers and neighbors know his negroes, and if he were to attempt to go to the North, kidnap a Northern free negro, and keep him upon his place, he would be lynched first, and sent to the penitentiary afterwards; as would any one who would attempt to bring to the South, for traffic, such a negro. There is not a planter in the South who would have a Northern free negro on his plantation for four times his value. Our laws, under severe penalties, prohibit their being brought by others, or coming themselves, into the Southern States.

The idea, therefore, that any other than slaves will ever be seized under this law, is idle; and to their surrender we have a clear and explicit constitutional right, and the denial of which does not benefit the North, although it injures us. On the contrary, it benefits them as well as us. I infer this from the fact that their legislation shows that they do not regard the negroes as a desirable population.

But, it has been said upon this floor very frequently, and especially by the gentleman from New York, [Mr. FLOYD,] that this law is odious; that its provisions are stringent; that they are repugnant to Northern feeling, and therefore we need not expect this law to be executed. Well, sir, if they are stringent, why are they so? Is it not because the action of the Northern people and their Legislatures have made stringent laws necessary? And it does not lie in their mouths to object to the stringency of them.

He has ingeniously reasoned that the officers who are authorized to execute these laws are irresponsible people. He contends that the very fact that a man will undertake to execute these laws, proves that he is an indifferent character. He says the execution of their laws are left to the sheriffs and constables who are chosen for their fitness—who have given bonds for the faithful discharge of their duties. And he intimates that the execution of this law ought to be intrusted to them. He is right. That was the view taken by the early legislators of the country, who imposed the execution of as many of the laws of the United States as possible, upon the State officers, with the statesman-like view of preventing a conflict between State and Federal officers, and by consequence between the States and the General Government. The law of 1793 was, as all our laws then were, framed with that view. But did not the Legislature of the gentleman's own State pass, and have not the Legislatures of most of the Northern States passed laws prohibiting the officers of that State, under severe penalties, from acting, so as to make the enforcement of the law of 1793 absolutely impossible? Did they not by legislation nullify that law? If, then, complaints are made that the execution of these laws is not intrusted to the State officers, I say it has become a matter of necessity that their execution should be intrusted to others, and that necessity is not the result of the action of the South; and it does not lie in the mouths of Northern men to condemn what their conduct has made indispensable.

But, as to the severity of these provisions, and as to their summary character: They are not more severe, or more summary, than are those for the delivery of fugitives from justice. There are two classes of fugitives from justice, for the surrender of whom our laws provide. Under the treaty of Washington, it is provided that certain fugitives from Great Britain and her dominions to this country shall be delivered up; and they are surrendered under similar rules and regulations to those provided for in the delivery of fugitive slaves, and the laws are executed by precisely the same persons. Yet, why are there no complaints that white men are thus summarily delivered up, when they have fled from a land of oppression to one of liberty? Why are the complaints made of the character of those proceedings confined to the delivery of fugitive slaves alone? Is it because, in the case of the fugitive slave, it is impossible, as I have shown, that there can be oppression? He has better opportunities, ten times over, of ascertaining his right to freedom in any of the Southern States, than the fugitive from justice has in establishing his innocence either in England or the Northern States.

Now, sir, I do not mean to come here to say that the repeal of the fugitive slave law, without the substitution of another equally effective, will lead to the dissolution of this Union. I do not mean to say that, because I know that there is, amongst a great many persons, a disposition to laugh at the idea that there is any danger of that result; but I do come here to prove it to such men as are rational upon that point.

In the language of the Supreme Court of the United States—

"Historically it is well known that the object of this clause was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State of the Union into which they might escape from the State where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States; and, indeed, was so vital to the preservation of their domestic interests and institutions, *that it cannot be doubted that it constituted a fundamental article, without which the Union could not have been formed.* Its true design was to guard against the doctrines and principles prevalent in the non-slaveholding States, by preventing them from intermeddling with, or obstructing, or abolishing the rights of owners of slaves."

And, in the language of Chief Justice Tilghman, already quoted—

"Whatever may be our private opinions on the subject of slavery, *it is well known* that our Southern brethren would not have consented to become parties to a Constitution under which the United States has enjoyed so much prosperity, unless their property in slaves had been secured."

When the Constitution of the United States was formed, there was not the same necessity for a provision to guarantee the surrender of fugitive slaves as there is now. At that time all the States of the Union, with the single exception of Massachusetts, were slaveholding. Between the slave-

holding States there has never been any great necessity for this provision. The provision grew out of the forecast of our fathers, who saw that the Northern States would gradually become non-slaveholding States. If we were all to have remained slaveholding States, there never would have been any necessity for any such law. The necessity in prospect, however, at that time, was so obvious that it was insisted upon as a *sine qua non*, and the Constitution would not have been formed but for it. Do gentlemen suppose that when the necessity for it has greatly augmented, that the South is so insensible to its rights, that they will agree now to give up the provision which they insisted upon as a *sine qua non* at the time of the formation of the Constitution? Sir, they not only will not submit to this thing, because they will find their rights to their slave property, and their domestic peace, to be insecure by the repeal of that law; but they will do it for another and a higher reason. They would find by such action that no confidence is to be put in constitutional guarantees. They would find thatall the laws of society, under the influence of fanaticism, could be set at defiance; and all friends of liberty, regulated by law, would see that they were in an unfortunate political alliance; and they would be swift to dissolve it.

The House knows that I am no disunionist. Even in my own State, I have been accused of having too great an idolatry for the Union, and of a willingness to submit to things I ought not, to sustain it. I come not here to threaten gentlemen, but to reason with them. I have already shown that the right of the Southern people to have their runaway slaves delivered up to them, is a clear, well-defined, and not a disputed right. If it is withheld by those who have, in the most solemn manner, agreed to secure it, what ought the South to do? With your knowledge of our feelings—I am not speaking of yours—with your knowledge of our feelings, what ought we with those feelings to do? Change our position, and what would you do? I will take an illustration: at the time of the formation of the Constitution, the North, then as now, were averse to the increase of slavery, by the importation of slaves; they desired the abolition of the foreign slave trade. A portion of the South were unwilling that it should be abolished. But it was agreed that Congress should have the power to prohibit the importation of slaves after 1808. The Constitution of the United States does *not require*, that the importation of them *shall* be prohibited after that time; but still I am free to admit that such was the understanding on all hands. Now, suppose the South had a majority in the two Houses of Congress, and should, in despite of this common understanding—not as in the case of the fugitive slave law, in spite of the express provision of the Constitution—but in spite of this understanding should repeal the law forbidding the foreign slave trade. The demand for slaves exceeds the supply; and this retards the growth of new slave States. There is room in Texas alone for a million or more of them than she has. Well, suppose we had a majority in the two Houses; and, with the avowed object of increasing our political preponderance in the Union, we should repeal the prohibition of the importation of slaves, and at the same time prohibit the migration of white persons, what would the North say? Would they stand it? No, sir—no! And if they would, they ought not. Do they suppose that we would be submissive in a more flagrant case? Gentlemen, think of it. Do not say to us, You have not the votes to do this. So we have not. But in a case where the Constitution is concerned, a majority does not give right. The very object of written constitutions is to protect minorities.

Sir, there have been several vital conflicts between the North and the South. On each recurrence of them there has been an increased residuum of discontent left, both at the North and the South. There was much discontent with the Missouri compromise, more with the tariff compromise, and the sting which is still felt, notwithstanding the late pacification, is greater than on either of those occasions. We all know this. In consequence of it men are estranged, who ought to feel in common, and what is more, do, to a large extent, feel in common. Let the country beware of those who tell them there is no danger of a dissolution of the Union, and of all the dire calamities which will follow in its train.

The gentleman from New York, [Mr. FLOYD,] and others, tell us that this law is an odious one; disagreeable to be executed. There are few laws that are not so. The very necessity for laws, to a great extent, grows out of the fact that it is disagreeable to good men to force bad men to do their duty. You want no laws to compel a man to do what is agreeable; but laws are necessary to compel men to do what is right, although disagreeable. The necessity for laws grows out of the disagreeableness of the performance of the duties enjoined. Does any judge pronounce the sentence of death, or any jury find a verdict of condemnation from pleasure? It is painful to do it, and hence the law makes it the duty of some one to do it, so that the rights of society shall be respected. And, indeed, in civil suits there are few judgments which are pronounced that are not to force men to do what is disagreeable to them; and the execution of which judgments, therefore, by those to whom their execution is intrusted, cannot be very agreeable.

Sir, gentlemen talk about the law being disagreeable, and that they will not execute it because they do not like this or that provision, or some other provision in the law. What law is it that is acceptable to everybody? Take that masterwork of statesmanship, the Constitution of the United States. How many men, if they had to frame it according to their own notions, would have agreed to all of it precisely as it is? Sir, it is not one of those negative pictures which, when viewed by artists, none see much to admire, yet which none would propose to alter, but it is one of those magnificent works of art which, when criticised by precise persons, each one would suggest some alteration, and yet all the others would demur to the precise one he would suggest.

I come now, sir, to the second proposition I laid down. They tell us that the compromise measures are the law of the land, and until there is a proposition to repeal them that it is idle if not mischievous to talk about reaffirming them. So did not think our English or American ancestors, and so have not thought any people. What was Magna Charta? Coke tells us "that it is declara-'tory of ancient law and liberty in England, no-'adding any new freedom nor taking *away* any *law-ful* duties, but only a repetition of former privi-'leges which time or oppression had brought into 'disuse." Some gentlemen of the present day had they lived then, would have said, "Why, these things are the laws of England already; it is true we distrust that the authorities of the country will observe them, but they are the laws of the land, and why require that their authority shall be reaffirmed?"

So did not think the sturdy Barons of England. Several successive Kings were made to reaffirm it, and Lord Coke tells us that up to his time that Magna Charta and the Charta Foresta "have been confirmed, established, and *commanded to be put in execution* by thirty-two acts of Parliament in all." Why was this done? In the first instance it was only declaratory of existing rights; and on the last occasion upon which they were "commanded to be put in execution," they had already been reaffirmed thirty-one times before!

What was it that has brought down to us through a period of near six centuries, the memorable response of the British Lords and Commons, to the Prelates, in the time of Henry the Third: "*Nolumus leges Angliæ mutare?*" The occasion upon which that famous response was made, was only important so far as the fixed will of the Parliament, *on a principle*, was concerned. The precise bill before them was not very important.

Hume thus describes it:

"There had been great disputes between the civil and the ecclesiastical courts, concerning bastardy. The common law had deemed all those to be bastards who were born before wedlock; by the canon law they were legitimate; and when any dispute of inheritance arose, it had formerly been usual for the civil courts to issue writs to the spiritual, directing them to inquire into the legitimacy of the person. The bishop always returned an answer agreeable to the canon law, though contrary to the municipal law of the Kingdom. For this reason, *the civil courts had changed the terms of their writ;* and, instead of requiring the spiritual courts to make inquisition concerning the legitimacy of the person, they only proposed *the simple question of fact, whether he were born before or after wedlock.* The prelates complained of this practice to the Parliament assembled at Merton, in the twentieth of this King, and desired that the municipal law might be rendered conformable to the canon, but received from all the nobility, the memorable reply, '*Nolumus leges Angliæ mutare.*' WE WILL NOT CHANGE THE LAWS OF ENGLAND."

Now, sir, what has made this famous response memorable and brought it down to us through a track of six hundred years? It has the eminent loyalty to British law, and the firmness exhibited in it that has embalmed it forever.

During the time of Henry the III., under his encouragement, England was infested with foreigners. They wished to substitute the canon law for the common law. They never hesitated to express their abhorrence of the laws of England. When these laws were at any time appealed to in opposition to their wrongs, they scrupled not to reply, "*What did the English laws signify to them? They minded them not.*" And at that time, too, as now, the higher-law doctrine met with countenance not only with the prelates, but with others in authority. Under these circumstances, the British Parliament felt it due to themselves, on the first occasion which presented itself, as unimportant as undoubtedly it was in every other respect, not to content themselves with merely neglecting, or declining to act upon the proposition to disturb the British law, but to rebuke that attempt with sternness. If they had reasoned as some do now, they would have said: Suppose these prelates have petitioned us to change our laws: what care we? They are the laws, and that is enough. But so did not reason those men, the response of whom has lived for six hundred years, and will live for ever. They put down disloyalty to British law, by saying sternly, "*We will not change the laws of England!*" That was a resolution of finality in respect to the attempt to substitute the canon law for the common law. All I have ever wanted was a similar resolution against the attempts to substitute "the higher law" for the Constitution of the United States. Sir, in many respects there is a strong analogy between the circumstances under which that memorable response of the British barons was made, and those at present existing with us, under which we have made a similar response.

Then there were aliens in birth, aliens in language, and aliens in feeling, at work to undermine the fundamental principles of the English Constitution. Those who are at work to undermine our institutions, though not aliens in birth, though not aliens in language, are as much aliens in every feeling of loyalty to the Constitution of the United States as any of those in the time of Henry III. were to the institutions of England. When those people were pointed to the laws of England, they said, "What are the laws of England to us? we despise them." This precise answer is made in respect to our Constitution, by this other class of aliens. They say, "What is the Constitution of the United States to us? it is a covenant with hell." These aliens to our Constitution are more despicable than those of the time of Henry III., for the very reason that, not being aliens in birth or language, they are equally so in feeling.

There are other analogies between the two occasions. The civil courts of England very properly changed the form of their proceedings when it was necessary to execute their laws. We very properly changed the forms of our proceedings when it was necessary to execute the Constitution of the United States. They left only to the ecclesiastics "the simple question of facts." We, as I have already shown, leave to the Northern tribunals in the case of fugitives, "a simple question of fact."

Will it be said that I am exaggerating the case before us in comparing it with *Magna Charta* and the memorable response of the Parliament of Merton? Sir, the only parts of the compromise which are not finally executed is the fugitive slave law, and the laws erecting territorial governments; the principle that lies at the foundation of the first of which is, that Congress shall pass all laws, no matter how disagreeable the duty, necessary to execute the Constitution; and the principle ingrafted upon the territorial laws is, that the people thereof shall have the unconditional right, when they are prepared to come into the Union as a State, to make their own local constitution and laws, without being subject to any restrictions imposed by

Congressional authority. Now, sir, I say, there is nothing in *Magna Charta* more vital to Englishmen than these principles are to us. The first is the life of the Constitution—as necessary to keep it in action as the engine is, for the same purpose, to the steamboat. The last was considered by our ancestors so vital, that they waged a seven years' war of unparalleled suffering to vindicate it. These are the great principles which I want to see reaffirmed as often as they are brought into dispute. Just so often I am ready to declare it to be the duty of Congress to enforce the Constitution, and to maintain the laws necessary for that purpose; and that those upon whose constituents laws are not to operate, shall not pass laws for the government of those who are the only persons that have no voice in their enactment.

In 1798, Virginia passed her celebrated resolutions of that year. There was a good deal of violent opposition to them in Virginia, and still more elsewhere. Several of the States responded to them. In Virginia, the canvass was very animated; and the succeeding election turned upon the issue thus raised. At the next session of 1799, they were reaffirmed, as they have been constantly since whenever they have been brought in question. Well, sir, our late Congressional elections turned upon the finality of the compromise. Had not the country a right to know in an authoritative and positive form what was the result of that trial at the bar of the public?

I am not one of those who will go before the country and say that the slavery question has been ended by the compromise measures. I should be an unfaithful sentinel on the watch-tower, if I were to say any such thing. Our dangers are not over, by any means. If that settlement is enforced faithfully and truly, all will be well as far as the subject of slavery is concerned. Let the two great parties, in the next presidential election, stake themselves upon their maintenance, and the disturbers of the public peace will find their safety in greeting these machinations. But, until this is done, our dangers are not over.

Sir, that monster which has been prowling about and disturbing the public peace of late years, received its death-blow in the compromise measures. But before it received that blow, it had won its way, like a pestilence which walks in darkness, into almost every hole and corner of the Union, and left its accursed eggs behind it. Let the patriots everywhere hunt them out, and by one gentle stamp of their feet they may crush them forever. But only let them bask in the sunshine, they will hatch into life, and raise hideous reptiles which will defile the very ground upon which they crawl. I do not allude to the past, in reference to these measures. My dealings are with the future. I see the dangers which are in store for my country, if there be any countenance given to this disposition to undermine the fundamental principles of the Constitution.

There were other points to which I intended to address myself, but I will not now. I therefore yield the floor.

DEFICIENBY BILL.

DEBATE IN THE SENATE,

MONDAY, *May* 31, 1852.

The Senate having under consideration the bill entitled "An act to supply deficiencies in appropriations for the service of the fiscal year ending 30th of June, 1852," the question being, "Shall the bill pass?"—

Mr. HUNTER said:

Mr. PRESIDENT: I am very reluctant to delay action upon this bill even for an hour; neither am I anxious, personally, to speak on the subject, but it has been suggested to me that, perhaps, it is a duty which I owe to myself, and to the party with which I act, to say something in reply to the speech of the Senator from Maryland, [Mr. PEARCE.] I am impelled to it, also, by higher motives than a desire for mere personal vindication I am unwilling that such abuses as some of those which I have pointed out, should be passed over as lightly as the Senator from Maryland [Mr. PEARCE] seems disposed to do; for, in my opinion, they touch the frame-work of the Government—they affect the vital energies of the Constitution. I need not say that I shall speak of the Senator from Maryland with the kindest and most respectful feelings. Indeed, sir, as I shall be forced to express my dissatisfaction with the mode in which he has treated some of the evils to which I have adverted, I feel it to be due to him to say, that in the general, I have found him disposed to retrench extravagances, and to reform abuses. I believe that if the Finance Committee had had the benefit of his assistance in preparing and presenting to the Senate this bill, for its consideration, he would have taken a very different view of my objects, and the purport of what I said in relation to it. I believe, in that event, that he, too, would have warmed to the work, and that we should have had, not his opposition, but his assistance in the efforts which we were making to reform abuses.

Mr. President, when this bill was taken up, I felt it to be my duty to accompany it with some remarks to the Senate. It had been opposed in the House of Representatives by many of my own personal and political friends; it was opposed by a leading and distinguished friend of the Administration itself, and objections had been made to it, which, if well taken, were fatal in their character; and inasmuch as I believed that some deficiency bill ought to pass, it appeared to me that it behooved me to meet these objections. It was urged that if we passed a deficiency bill, the Executive might, without authority of law, appropriate money, and thus compel us to make good the deficiencies thus created; and it was also further urged, that if we made good this deficiency, occasioned in part, at least, as was believed, by the extravagance of the Administration, Congress would become responsible for that extravagance. I showed, sir, when this bill was up, that in relation to so much of it as was absolutely necessary, that is to say, the appropriation for the Quartermaster's Department, the Executive was authorized, by the law of 1820, to contract obligations beyond the amount appropriated; that in relation to the other objects of the bill, it was not indispensable that they should be passed now; nor had any expenditures been made for them, as yet, by the Executive without authority of law, but that perhaps, under the circumstances, it was better for all parties, seeing that we had the money in the Treasury, that we should pay them now rather than put off these payments to the next fiscal year; that if we did not appropriate the money, the Executive would not pay these demands. To illustrate the proposition still further, I instanced the appropriation for a dry-dock in California, for which, if we do not make provision now, the demand will not be paid until next year out of the regular appropriations which will be made for the service of that fiscal year. In order to meet that objection, that Congress would become responsible for the extravagance of the Administration, if they supplied these deficiencies, I endeavored to define the relations of Congress and of the Executive to the subject of appropriations. I showed that appropriations which were proper in their character might be made by Congress, and yet that these appropriations might be wasted and abused by the mode in which the Executive expended them; but there might be cases—not that in all cases it would be our duty—but that there might be cases, such as are shown in connection with this bill, in which it would be our duty to make good deficiencies thus occasioned, as, for instance, it would be better to supply deficiencies in order to enable the Quartermaster's Department to perform its legitimate functions and duties than to deny them the means of transportation, forage, and subsistence. And in selecting the instances by which I illustrated my theory of the responsibility of the Executive and of Congress on the subject of appropriations, I selected them, not from imagination, but from history; and I referred to facts which are not only undisputed as yet, but which are indisputable.

But it has been said, that if in any cases we thus make good the deficiencies when they are occasioned by extravagance in the Administration, what means shall we have to restrain the Executive from the perpetration of similar abuses hereafter? I did not pretend to give all the remedies, but I suggested one of them. I stated that the abuses could be exhibited to the people, and that I believed we never had had an Executive who would be insensible to public opinion. I did not suppose that I was thus giving the slightest cause of offense to the Executive. Neither did I mean to be understood as holding up the conduct of the Executive with an invitation to the people to turn them out of office. I did not suppose that the only motive which operated on the mind of the Executive to attempt to meet the requirements of public opinion, was a desire to seek something more at their hands; but I presumed that all persons who were elected to office would feel some respect for the opinions and wishes of those who had put them there. Why should I appeal to any one with such a view as seems to be intimated, and to whom should I appeal to put them out of office? Its own party seems to have repudiated it. Should I appeal to the Democratic party? There surely was no danger that the Democrats would insist upon continuing *this Administration* in power. But it was not with such views that I referred to that fact, but it was to illustrate what I believed to be the theory of the Constitution in regard to the relations of the Executive and of Congress to the subject of appropriations.

But, in the prosecution of my subject—and I confined myself to the topics of the deficiency bill—I stated, that I thought I saw circumstantial and positive evidence of extravagance in the disbursements of the Quartermaster's Department. I pointed out that evidence, and I stated that I endeavored to ascertain, as it was my duty to do, what was the amount of the deficiencies for which we ought to provide; and that, in prosecuting this research, I found there were insuperable obstacles in my way; I found that the public accounts were, in some instances, five years in arrear; and that it was impossible that I, or any one, could state the real amount of the deficiencies for which provision may have to be made. I also stated the fact, that, in my investigations of this subject, I had discovered a system of abuses and a series of practices, in relation to the surplus fund, and to the power of transfer, by which, in my opinion, the power of Congress over the appropriations was being taken away, and vested in the Executive; and I considered it my duty to point out these abuses. I did not seek to make any particular Administration responsible for them; on the contrary, where they occurred first among my own friends, I mentioned the fact. Upon this subject I was striking not at Administrations, but at what I conceived to be a system of abuses, and what I think I can demonstrate before I am done, to be practices of the most alarming character. But I had no sooner taken my seat than the Senator from Georgia, [Mr. BERRIEN,] whose absence we all so much regret, with a vehemence unwonted to him, told us that the Administration had friends which were able to defend it, both here and elsewhere. Sir, he need not have said that. We knew that it had him for a friend, and that he was able to defend whatever was defensible, both here and elsewhere.

The Senator from Kentucky also [Mr. UNDERWOOD] rose, with a warmth not common to him; but before he concluded, his natural candor led him to something very like a confession of judgment in the case; and last, though not least, the Senator from Maryland [Mr. PEARCE] made a long, an elaborate, and able defense of the general conduct of the Administration.

Well, Mr. President, I had made a simple narrative of facts; I indulged in no harsh and invidious spirit of comment, but stated facts which were undisputed and undisputable, unless the records themselves are falsified. Why, then, did gentlemen start at the page of history, or shrink from the record? Did they not convict themselves in so doing? Who is responsible for the record? Not I, but they whose actions made it up. They themselves, and their friends, are responsible; and if they must complain, let them complain of them, and not of me. But, sir, why is the Whig party, and why is this Administration, so anxious to set themselves up for trial on the occasion? I did not place them upon the stand. If I had been disposed to go into a general assault on the Whig party, I would not have confined myself to the topics of this bill, or to one Administration; for I do not admit the propriety of that sort of defense, by which the Whig party, in the capacity of Fillmore

Whigs, seem disposed to throw off all the responsibility of the Taylor administration, and *vice versa*. Sir, they are responsible for both, and more responsible, if possible, for him whom they elected President than for him whom they elected Vice President; and if I had been disposed to go into a general assault upon the party, I should have commenced with its advent to power; I should have opened at that page of its history which records its interference in regard to the introduction of California as a free State of this Union; I should have dwelt upon that chapter, which, in my section of the country, no man can read without an emotion of indignation.

I say, too, sir, that if I had designed to make a general assault on the Administration, I should not have confined myself, as I did, to one Department in that Administration, or to one branch of that Department. I should have entered into all the Departments: for, in my opinion, there is not one of them impeccable or invulnerable; but I did not desire then to enlarge the field of debate beyond the proper boundaries, nor do I wish to do so now. I only wish to make good the position I then took. If this Administration is so anxious to be tried, it can have that office performed for it by those who are ranked among its friends, without any appeal to its enemies. Let the Senator from North Carolina [Mr. MANGUM] be placed in the chair, and let the Senator from New York [Mr. SEWARD] be called on as prosecutor, and if the chairman does not overrule the plea of "not guilty" as unnecessary, superfluous, absurd, and contrary to the universal sense of mankind, I venture to say he will find some other mode of pronouncing a judgment so summary as to dispense with all necessity for interference by the Democratic party! Let them settle their disputes among themselves, and then they may not be necessitated to throw themselves on their enemies to obtain a fair trial.

But it is not my purpose to go into that matter now; I did not intend it before, nor will I now enlarge the field of debate in that direction.

I come now to the instances to which I have referred, as illustrating abuses and extravagances on the part of the Executive, which Congress could neither foresee nor provide against, and I will notice the comments made upon them by the Senator from Maryland, [Mr. PEARCE.] In selecting these instances, I referred to the escort furnished to Mr. Collyer, the collector, amounting to something like $36,000. I might have referred to a letter of the Secretary of War, in which they were ordered to furnish transportation and subsistence to Mr. Wilson, the Indian agent, and I might have referred to the items of expenditure, to show how this sum was swelled up.

But the Senator from Maryland said that the troops would have been under the necessity of going at any rate, and that, therefore, this sum should not have been charged as the expense resulting from the escort of Mr. Collyer. I addressed a letter to General Jesup, in answer to which he says that he charged nothing for the escort as far as Santa Fé, because the troops would have gone to that point in any event; but that he had charged from that place, because none of the troops would have gone beyond it, except as an escort to Mr. Collyer. He says that a part of the property furnished Mr. Collyer, it is now ascertained, was turned over in California to Lieutenants Conch and Murray, but in a condition which rendered it almost valueless. How does the Senator from Maryland meet that statement? He says that similar things have been done by former Administrations. Suppose that has been the case; is that an excuse? Is this an abuse, or is it not? If he says it is not, then we will try conclusions on that subject. If he says it is, it is no answer to show that such things have been done by other Administrations. But he was unfortunate in the instances which he selected. He says General Lane was furnished with an escort. I have seen General Lane, and the history of that matter is this: He was told that at a certain period of the year, it would be necessary for a company to go from Fort Leavenworth to San Francisco, and that he could travel with it. When he reached the place from which the expedition was expected to start, he was told by the captain of the company that it was too early in the season for them to start, as there would be a difficulty in subsisting them. General Lane said that if he could have twenty-four men, he would take them across the plains to San Francisco in safety. They gave him the men; he furnished his own mules, and he and another man, by the aid of their rifles, subsisted the men on their march to San Francisco. When he reached San Francisco, he had to pay a hundred dollars for a passage to the mouth of the Columbia river; and when he reached the Columbia river, he purchased a canoe and "paddled his own canoe" to Oregon City. Such was the advent of Governor Lane to his post, stemming his way alone and against the current, to assist in laying the foundations of future empire in those distant regions.

How was it in relation to Mr. Weller? General Jesup informs me that it was important and absolutely necessary, in the opinion of Mr. Polk, to have Mr. Weller on the spot, to act with reference to fixing the boundary at a certain time, and that he was afraid, if he was not there in time, the Mexicans might make it an excuse for violating the treaty or embarrassing him in its execution. The only mode of getting him there in time which seemed practicable, was to send him in a steamer, which was at the command of the Quartermaster's Department, to Chagres. Not only, then, was this a special service requiring an extraordinary provision, but the treaty of Guadalupe Hidalgo, I believe, requires the Government to furnish an escort to the boundary commission.

But, Mr. President, I will not proceed further into these matters. Sir, what have they to do with the case? Does the Senator from Maryland mean to say that his party will reform no abuses? Does he mean to say, that they will continue all that they may find in existence—that if he can only show a vested right, or a proscriptive use in abuses, they will be considered as the subject of a valuable property? Sir, if this be the position of the party, then the Senator from Kentucky [Mr. UNDERWOOD] would demonstrate mathematically that they were not fit to be placed in power, because if they reformed no abuses, then the Democratic abuses which they continued, in addition to their own large stock, would certainly be greater than the Democratic abuses alone. Now, sir, I ask if such a defense is not worse, far worse, than any attack which I could have made upon the Administration or the party?

But, Mr. President, I referred to instances of extravagance in the Quartermaster's Department. I showed that the expenditure in that department had vastly increased; that in California alone, these expenses were nearly as much as were the whole expenses of the department in the year 1845; that instead of making the troops assist in covering and subsisting themselves, they were erecting barracks in California with lumber at a cost of $500 per thousand feet; and transporting provisions by such a route to New Mexico, as cost twenty-one or twenty-two cents per pound, after making allowances for losses by climate; that they had posted the troops in places where they had to pay the highest possible prices for fuel and forage, instead of placing them where they could have resorted to the native timber for the purpose of erecting their barracks, and to the native grass for forage. I did not refer to the fact to which the Senator from Maryland himself adverted, as if that helped the character of his friends for economy—that they had a vast number of civil employees who swelled enormously this expenditure. I showed, upon the authority of Colonel Swords, that they had charged large amounts for forage, where others who had traversed the same routes, had subsisted their horses on the natural grasses of the country. I showed an estimate, according to which they were accustomed to pay for forage in California, and the lowest amount estimated for was $20 per month per head, and in some instances as much as $40 per month per head. I showed, too, that the commanding officer of one of these posts, in a letter of the preceding year, had said that he had done without any forage, by using the natural grass found in the country; and the only attempt to answer these facts, was to deny that any forage had been used at that place at all. Then, sir, I have to say that such a denial falsifies the estimate and makes the matter worse, for I produced the estimate which was furnished to the Committee on Ways and Means—it was an estimate professedly based upon the prices last reported from the posts, as having been paid. Now, how did the Senator from Maryland meet these statements, vouched by official records, and, as I believe, admitted by himself? If he will insist upon viewing these facts in their party relations, how can he escape the responsibility for such abuses? He says, what we all know, that some of these practices have at last been changed.

If the Senator shows that Mr. Conrad changed what Mr. Crawford practiced, then, sir, he escapes one horn of the dilemma, to be transferred on the other. If Mr. Conrad was right in changing them, then Mr. Crawford was wrong in permitting them. So that the Senator can only excuse the one by convicting the other. And whether Mr. Conrad was right in changing them, or Mr. Crawford in permitting them, his party is responsible in both cases; for it furnished the Department with both Secretaries. But, in truth, Mr. Conrad was right in changing these things. I said as much in my opening speech; and when the Senator produced evidence to show these changes, he only repeated what I myself had stated. I not only gave him credit for whatever reforms he had made, but when constrained to censure, I did so in mild terms, and made, as I suppose, all proper allowances for the intrinsic difficulties of his case.

I said that he had great difficulties to encounter in reforming the expenses of the Quartermaster's Department; but, at the same time, I said that I thought there had been too much delay in making whatever reforms had been effected. I said, too, that I thought it probable that these changes had been made, in some measure, in consequence of the criticisms made in Congress upon the extravagance of the estimates. The Senator from Maryland, to show that that was not the case, referred to an order which I had produced, and which was made in January, 1851. He said this could not have been occasioned by the criticism of Congress; which he considered as dating from the passage of the appropriation bills. This, sir, was the first of a series of orders which dated after this. But why does the Senator date the influence of opinions in Congress from the time of the passage of the appropriation bills? Is he not aware that the Committee on Ways and Means had a correspondence with the Secretary of War early in the session upon this very subject? They addressed him a letter requesting him to cut down his estimates. This he refused to do. They then informed him that they meant to cut them down, and asked him to designate the items. This also he refused to do.

But the Senator from Maryland availed himself of this occasion to enter into a criticism on my use of the word "recently," and alleges that it has various significations according to the subject in relation to which it is used. Upon this subject, he gave us a philological disquisition on the word; which, I must confess, appeared to me to be rather more curious than useful. I was speaking of certain reforms being recent; and I showed what I meant by the term, because I gave the precise date of the first act which looked towards reform, and which seems to have been the first which the Senator from Maryland himself found in the course of his researches. I could not therefore have possibly expressed myself with more precision and accuracy.

But the Senator says that this word "recently" is a "comparative term;" that the phrase "very recently," or "very lately," may mean one thing or another, according to the subject-matter of which the person is speaking. So it may, sir, and I am obliged to him for the information. He says that if you were speaking of the geological structure of the earth, a period of six centuries would be very recent. If you were speaking of the constitutional history of the United States, the tenth part of that time would be ancient—for our whole existence, as an independent nation, has only been about seventy-five years.

All that is very true, sir, and I will remember my full license in the use of the term, if ever I am obliged on the floor of the Senate—which Heaven forbid!—to speak on the subject of geological or paleontological eras, or of fossil remains, or of any of the antediluvian members of the great Saurin tribe. But what has a geological era to do with this subject? Does the Senator from Maryland

complain that I did not allow the Administration a whole geological era for the purpose of reforming abuses? [A laugh.] Sir, by that time we shall scarcely be fossil remains ourselves.

But, Mr. President, he gave us an excuse which, I must say, appeared to me to be far worse than anything which I said. The first order looking towards reform which the Senator produced, was in January, 1851, nearly two years after the Whig party came into power, and nearly five months after Mr. Conrad's appointment as Secretary of War. Now, the Senator, waiving all responsibility of his party for its first Administration, rests his defense upon Mr. Conrad's acts alone, and excuses this delay in part by attributing it to the agitation of a great and disturbing sectional question in Congress at the time. He says, "It is not to be 'supposed that the Executive could have been in-'attentive to those grave questions; that the mem-'bers of the Administration should not have been 'anxiously employed in considering the conse-'quences which might result from one course of 'conduct or another adopted by Congress." In other words, that the Executive failed to perform its proper duties because we neglected to discharge ours. Does the Senator from Maryland mean to say that the pilot at the helm quailed when the storm was at its height? Sir, that was the very period when he should have shown most presence of mind; when he should have discharged his duties with most promptness and regularity, for the purpose of commanding the respect and affections of the people for their Government. Now, it must be remembered that it was not I, but the Senator from Maryland, who said these things of the Executive and of the head of the War Department.

I have shown, in my former remarks, that there had been a great increase of expenditures. I have shown that the expenses of the Army proper, for the last fiscal year, amounted to about $875 per man, and that those of the Quartermaster's Department alone amounted to nearly $500 *per capita*. But in 1845 the expense of the Army proper was about $364 50 per man, and in the Quartermaster's Department somewhere about $114 14 a head. In 1822, under Mr. Calhoun's administration of the War Department, the whole expense of the Army proper was $299 46 *per capita*. (See Reports from War Department, 1st March, 1822.) So that the expense of the Army proper per man is more than double what it was in 1845, and almost thrice as great as in 1822; and the expense of the Quartermaster's Department is greater per man than the whole expense of the Army proper in 1845, and about as five to three when compared with the expenses *per capita* of the Army proper in 1822. How did the Senator meet this view of the case? He says that the Army is much larger now than in 1845, and that the expenditure has, in consequence, been proportionately increased. Why, did not the honorable Senator perceive that the calculation which I made was as to the expense *per capita*—that I gave the expenditure per man? Did not the Senator perceive that if the numbers of the Army were increased, the proper effect would be to diminish, instead of increasing, the relative *per capita* expense, because then the relative proportion of officers to the men would be diminished, and of course an officer costs more than the soldier.

But upon a former occasion, Mr. President, I instituted another comparison, which, if possible, is still more striking, in relation to the relative economy of the two Administrations. I took a tabular statement, given by Mr. Corwin, to show the expenses of the Mexican war. Now, according to that statement for the years 1846, '47, and '48, the average annual expenses, exclusive of the trust funds, expenses of the Post Office Department, and of payments for principal and interest of the public debt, were $45,729,888. But the estimated expenditures on precisely similar items, (excluding expenses for the Post Office trust funds and public debt,) for the present fiscal year, were, at the commencement of our session, $41,533,000. Since then, large additions have been proposed in this deficiency bill. It follows, then, that the average annual expenses of the Administration during three years of the Mexican war, did not exceed, by as much as ten per cent., the probable expenditures for the present fiscal year. Of course I speak only of the items included in the Secretary's table. The Senator from Maryland himself tells us that we had then ten additional regiments and seventy thousand volunteers in the field. We had more ships, too, in commission, and we all know that we occupied not only all the country which we now occupy, but vastly more, for we held a large portion of Mexico. How does the Senator from Maryland meet these facts of the case? He says that this is a great country; that it is no San Marino of a country. Certainly not; but this is no San Marino of an abuse, either. Sir, the abuse is as large as the country, great as is the country, according to the estimate of the Senator from Maryland. Here is an expenditure of $875 per man for the Army proper; $500, or something near it, per man in the Quartermaster's Department, and an estimated expenditure for the fiscal year, within something like ten per cent. of the average expenditure during the Mexican war, when we had, as the Senator from Maryland has said, seventy thousand volunteers in the field, besides ten additional regiments, and when we occupied not only the country which we now hold, but a large part of Mexico besides.

But the Senator has deemed some speculations which I threw out upon a former occasion, as worthy of serious consideration and comment. I acknowledge that I did look very earnestly for the means of reform, when I saw how great an amount of expenditure we were incurring in the Quartermaster's Department. I saw that, in the distant parts of this empire—as in Oregon and California, where everything is dear—it was costing us a great deal to maintain the necessary defenses. I referred to a suggestion thrown out by General Jesup, that, inasmuch as we are owners of these mineral lands, we could, perhaps, defend the country cheaper, and prevent desertion better by allowing the soldiery to work the mines, and by giving them part of the profits. I said that, in addition to these, the Pueblo Indians might, perhaps, be used as an auxiliary force, either to aid in working the mineral lands for a consideration, or to aid in repelling those hostile Indians who should attack the miners. The Senator says that suggestion came originally from the Secretary of War. This is true, and if it be deserving of any credit, that gentleman is entitled to the benefit of it; but I hope he does not mean to complain that the credit of the maker has been impaired by my indorsement of his note.

But I threw out another suggestion, with which the Senator has dealt much more hardly. I said that, in most countries possessing distant frontier positions, the governments resorted to something like a military colonization; and it seemed to me that in California, Oregon, and, perhaps, New Mexico, we might resort to a somewhat similar system to make the public property and lands available to supply the means of defense for the country; and I referred, by way of illustration, to the examples of Austria and of ancient Rome.

The Senator from Maryland says, that he read the work of Thanet upon Hungary during his sickness, and that the details of the system of military colonization which he found described there, would not suit us. Why does he enter into that inquiry?—he can make no issue with me upon that subject. I said on a former occasion, "I mention 'these facts, as instances of the modes in which 'other nations conform their system of adminis-'tration to the circumstances of the case—not as 'examples to be strictly and exactly followed." I admitted that the details of the system did not suit us, but suggested that something upon this principle might be found useful. But if the Senator will insist upon discussing the Austrian system in all its details, I will say that he must have read that book with something of the sick man's impatience, if he gathered from it that this military establishment was so small a matter, or that it is only useful as a sanitary cordon, or a customs guard.

The military frontier of Austria is one thousand miles in length, and forty or fifty broad—no such patch, according even to our American notions. It furnished, during the late Austrian wars, more than 100,000 men in line. They are amongst the most formidable troops of the world, and in the late troubles, there were instances where their women took the field to defend the line of the frontier; for even their women know how to manage the horse and use the rifle. There were 35,000 of these men, under Radetzky, in the late Italian wars, and about as many more took part with the Ban of Croatia, in the Hungarian troubles; this, too, is the region of country which furnished those pandoors, whose feats in arms made their names so terrible during the seven years' war. But is it true that we have never known anything of military colonization in our own experience? How were Virginia and the State of Kentucky settled? Did not the pioneers go forward, when they desired to extend their settlements in the wilderness, and build stockade forts, in which they could sleep at night, or into which they might retreat from the Indians, when they came upon them in too great numbers to be met successfully in the open field? It is true that the Government did not impose, as a condition of settlement, any express terms requiring them to defend themselves, for any such condition was unnecessary, as it resulted from the nature of the case. If the Senator will refer to Marshall's History of Kentucky, he will find an account of the laws passed by Virginia to encourage social or village settlements. The preëmption right to four hundred acres of land, at $2 25 per hundred acres, was given to every family that settled together in villages. And why was that, if it were not to induce them to settle, in such a mode as would enable them to defend themselves, and save the Government from the expense of that defense? It would seem, sir, that there is something in the nature of such a provision which is suitable to the circumstances of our case.

The Senator from Arkansas tells me that some of his constituents asked him to inquire of the War Department if facilities would be given to them to settle around our Western military posts, and if they would be encouraged to do so by the purchase of provisions and supplies from them for the troops. It seems to me that at some few posts further West, between Fort Leavenworth and Oregon, or New Mexico and California, something might be made of this suggestion. Settlements might be encouraged in favorable positions along the routes of emigration, capable, with a very little military assistance, of defending themselves, and of raising provisions to supply troops or emigrants if there were a demand for either purpose. These trains of emigrants do not require, as I understand, a military force to defend them; they can defend themselves. But they would be benefited by such posts, where they could refresh the weary, recruit their teams, repair their equipage, and find relief for their sick. These posts might be of great service in governing the Indians, and save, perhaps, the expense of raising additional regiments, or of maintaining military establishments in that quarter at a great cost. Something might, perhaps, be thus done for the benefit of emigrants, and at a less cost to the Government than by furnishing additional regiments and establishing new military posts, to be composed exclusively of a paid soldiery.

But why dwell further upon a mere speculation, and which I pronounced to be such at the time when I threw it out. I said that I held nobody responsible for not adopting it, and I do not now. I threw it out for whatever it was worth. But, sir, I said, in pursuing this subject, that I found it was impossible to ascertain the real amount of deficiencies, because I discovered that in the Quartermaster's Department there were accounts which were five years in arrears, and unsettled. I learn from a statement of the Third Auditor, that on the 23d of October, 1851, there were one thousand three hundred and twenty-three accounts of three hundred and forty-three disbursing officers of the Quartermaster's Department, lying in his office unsettled; and I adverted to that state of things as being an enormous, and I thought an alarming abuse. I said—and here the Senator did succeed in sustaining a mere verbal criticism—that there were accounts of "deficiencies" from California. If I had paid particular attention to the phraseology of the notes of the Reporter when correcting them, I should have changed the language so as to omit the word "deficiencies," as used in that connection. What I meant to say was, that accounts already in, and which were to come in, might show deficiencies not now appearing in any estimate. Whoever will look at my speech, will find that the idea I intended to convey was, that

there were accounts unsettled which might show deficiencies. I said: "Accounts of deficiencies 'have come in from California since this bill was 'reported, which would probably add largely to 'the amount already estimated." And, again: "I 'know, too, that there are many unsettled accounts 'that remain to be adjusted; but I do not know 'what they will disclose."

Now, sir, it is obvious that I meant that these accounts were unsettled, but that I could not tell what they would disclose, but that I thought it probable they would disclose deficiencies. And it turns out, remarkable enough, that the last account settled did disclose a deficiency of $100,000. The last accounts of Major Allen which were settled, were for the years 1847, '48, '49, and the first quarter of 1850, and they show a deficiency of something like $105,000, occasioned, it is true, by the fact that they did not take into account the civil fund, which yet remains to be settled. In January 23d, 1852, they reported accounts for five quarters preceding which were yet unsettled; and in March, 1852, there was another account for the third quarter of 1851, which of course is still unsettled. This is "the unprecedented promptness" with which the Senator says the Quartermaster's report came in under the present Administration. Is it not true, then, that there are large accounts from California which are unsettled as yet, and which may disclose deficiencies—which may disclose, indeed, facts of which no man can pretend to speak as yet? Have I not maintained, then, the real issue which I raised, and can the Senator from Maryland escape it by a mere verbal criticism? Now, sir, could I have presented a more palpable case of mal-administration, where no improper motive is intended, (and I certainly charge nothing of that character upon either branch of the Administration,) than is found in the fact, that the accounts of the agents of the great disbursing branch of the War Department are five years in arrears for settlement? I have adverted, also, to specific accounts, to show instances of the loose manner in which they are sometimes kept, as showing the legitimate consequences of the state of things in the Third Auditor's office—a state of things for which, as I said before, I do not blame him. For, with such force as he had, I believe he has worked honestly and assiduously.

The Senator from Maryland thought these were only occasional instances of error. I understand from the Third Auditor that they are so frequent, and so great, as very much to increase the difficulty of the settlement of the accounts. Now, with the accounts of disbursing officers five years in arrears, how can Congress know the real state of the Treasury? How can the War Department know which officers are faithful and which are faithless to their trust? And what greater temptation can we offer to fraud and peculation on the part of disbursing officers, than such a prospect of impunity, arising from the want of prompt accountability? for they may well hope for a long delay, if not an entire escape from exposure, no matter what may be their fiscal delinquencies. Surely I need not dwell upon such things as these, and the Senator from Maryland has not denied them, and he cannot excuse them.

He says in relation to some of these matters, that the Secretary of War could not be expected to know them. I hope the Senator does not mean to say that the Secretary of War could not be expected to know that the accounts of the great disbursing bureau of his Department were five years in arrear! I am sure that if that Senator had himself been at the head of that Department, he would have known it, and found out a remedy long ago. Sir, when they found out that they were so much in arrear in a matter of so much importance, they ought to have called upon Congress for additional force, or have detailed aid from some of the other desks or bureaus; for I regard it as being indispensable to an honest and efficient administration of public affairs, that the accounts of the disbursing officers should be promptly and faithfully settled.

It was in connection with this want of efficient organization somewhere in the Departments, Mr. President, that I adverted to the fact of a resolution having been sent by the Senate more than a year ago to the Executive Departments, and that the resolution was then unanswered. It was sent to them at such a time as to allow them the whole recess to prepare an answer. They had failed to make any response up to the time when I was speaking. And what is the Senator's answer? He seems to argue that the resolution itself was idle and useless. He says that General McKay had passed a bill of that sort through the House, which failed in the Senate. Suppose that this was the case, is that any excuse for this Administration's failing for a whole year to answer an inquiry addressed to it by this body? Now, if this commentary upon the merits of the resolution were not given as an excuse for the failure of the Administration to answer the resolution, for what was it given? It was entirely irrelevant to any other issue raised by my speech. The facts of the case convict the Executive of a great neglect of duty, and if the Senator from Maryland is to be considered as offering their apology, they add to that neglect a position discourteous to the Senate.

At the commencement of this session, Mr. President, the Secretary of the Treasury complained, in his annual report, that there were frauds upon the Treasury, in relation to valuations. In January the Senate passed a resolution calling upon him for evidence in support of this assertion. This assertion was made either with or without evidence. If he had no evidence to support it, then he ought not to have made the charge. And if he had such evidence it ought to have been in the Department, or at least within his reach. Why, then, has he not sent it to us long ago, in response to our inquiry? Shall it be postponed until perhaps next year? And when the answer comes shall we be told that it was an idle and useless resolution? Sir, such excuses aggravate the neglect and discourtesy into a positive insult.

But, Mr. President, I come now to a series of practices which I exposed upon a former occasion, and which I consider as affecting far more vitally, the interests of the country—aye, sir, even the Constitution itself—than all those other matters, of which I have been speaking; for I believe that their ultimate effect must be to transfer the power of appropriating money from Congress to the Executive. I showed the anxiety of Congress to restrict the appropriations for the Quartermaster's service at the last session. The Committee on Ways and Means, after having asked the assistance of the Secretary of War in the work, and having been refused, cut down the estimates arbitrarily, and were sustained by the House. When the bill came to the Senate, the Secretary, as the Senator from Maryland states, applied to the Finance Committee for an additional appropriation of $729,000, which was not given, for reasons satisfactory to the Senator himself. The Secretary, however, did not mean to be thus foiled, but, by using the surplus of old appropriations—some of them more than two years old—and by transferring them arbitrarily from one head to another, he drew from the Treasury $730,000. Here, sir, is a list of the appropriations thus used, and of the transfers thus made:

Transfers made by the authority of the twenty-third section of the act of 26th August, 1842:

1st. On the 23d April, 1851, transferred from the appropriation account of pay of ten regiments regular troops, act 2d March, 1847 ..... $150,000
Three months' extra pay, per act 14th August, 1848 380,000
Total $530,000

To Quartermaster's Department $150,000
Transportation Army 280,000
Incidental expenses, Quartermaster's Department 50,000
Barracks 50,000
Total $530,000

2d. On the 13th June, 1851, from three months' extra pay, act 14th August, 1848 ..... $200,000

To Quartermaster's Department $100,000
To transportation Army 100,000
Total $200,000

But that was not the only instance of a misuse of old appropriations, and of the power of transfer—that is to say, in my opinion at least. A claim for compensation was made on the part of the owners of the steamboat Watchman, for its use in 1835 and 1836. This demand was presented soon after that time to Mr. Hagner, and an allowance of something like $2,700 was then made. Once, and perhaps twice, afterwards an attempt was made to reopen the account during Mr. Hagner's term of office. He said that the only effect of the new evidence was to make him doubt the propriety of the original allowance. He said, too, that the claim was closed. Both he and the Comptroller gave opinions against it. But on September 28th, 1850, it was allowed by the present Auditor, and an amount of $44,750 found due by him. The question then arose as to the means of paying the claim. A balance was found of an old appropriation made 23d August, 1842, for the payment of Florida militia for services in 1839 and 1840. This balance was transferred to the head of another old appropriation—"the suppression of Indian hostilities"—and thus paid. But the last appropriation for any such service which I could find was in 1844, and the whole of it had been expended, except a little balance of about $60. Thus we have seen that they not only retain the use of appropriations for more than two years, and this in the very teeth of the act af 1795, in relation to the surplus fund; but we see that in each Department except the Navy they transfer, without the consent of the President, from any one head of appropriation to another. But this is not all. I was not aware, when speaking on this subject on a previous occasion, of what I have since discovered, that they not only do this, but they go back to the surplus fund itself, and withdraw appropriations which have been carried to it. Thus in December, 1849, the sum of $152,249 was withdrawn from the surplus fund to which it had been carried on the 30th June, 1847, for the purpose of removing the Seminole Indians.

Now, I do not mean to say that these practices commenced under the administration of Mr. Ewing. On the contrary, I have been informed by Mr. Whittlesey that it originated under Mr. McLane. I only referred to the system with the view of showing how far the Executive, under these practices, is enabled to dispense with appropriations by Congress.

Now, sir, I think I can show that these practices nullify, in spirit at least, the provisions of the Constitution, which require that "no money shall be drawn from the Treasury but *in* consequence of appropriations made by law;" and violates, not in the spirit merely but in the very letter, that provision which prescribes that Congress shall have power "to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

Sir, what was the meaning of this provision of the Constitution, which declares, that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." It was given for the purpose of dividing the power over the public purse between the executive and the legislative branches of the Government. It was necessary to guard thus the rights of Congress, in order to prevent the concentration of all power in the Executive; for, with the right to use the public money at pleasure, he would, indeed, be supreme. It is indispensable, therefore, to the proper existence of the legislative department, that no money shall be drawn from the Treasury without its consent. But to give Congress this control, it is necessary that they should possess the means of saying *how much* money shall be expended, and for *what objects;* for, if Congress appropriated $1,000,000 and the Executive expended $2,000,000, it would be manifest that the excess would be expended without their consent. It is also necessary that Congress shall say how, and for what purposes, it shall be used; because, if Congress should appropriate to the War Department $1,000,000, which should be expended by the Executive on the Navy, it would be an appropriation of the money not authorized by law, and without the consent of Congress. The necessity for such means to enable Congress to exercise this vital and fundamental power led to the establishment of two sets of laws, one of which was in relation to the surplus fund. It was provided, no doubt in analogy with that provision of the Constitution requiring that appropriations for the military service shall not extend beyond two years, that if any balance of appropriation remained unexpended after two years from the expiration of the calendar

year in which it was made, with certain exceptions specified in the act, they should be carried to the surplus fund. These provisions were made more and more stringent by successive laws up to 1820, until, in the opinion of Mr. Attorney General Berrien, all unexpended balances of appropriations more than two years old were required to be carried to the surplus fund, unless the express terms of the act of appropriation gave it a longer continuance. That, sir, in my opinion, is the present state of the law, for it has not been changed except by Executive construction. Now, it is manifest, that with a practice conforming to such a law, it would always be easy for Congress to limit the amount beyond which money could not be expended. They could easily ascertain the outstanding balances of appropriation a year old, and add to them such a sum as would make the total of which they were willing to expend.

But, sir, this desire to enable Congress to control the appropriations, also led to another mode of legislation, which was a matter of some contest in the early stage of our history between the two parties. It led to the practice of specific appropriations. To retain the power in Congress, it was necessary to say for what purposes money should be appropriated; and if you look into that subject, you will find that the laws became more and more stringent in relation to transfers from one subject of expenditure to another, until in the year 1820 they abolished the power altogether, with certain exceptions in the War and Navy Departments of a very limited character. But even this power, limited as it was in relation to transfers, was not allowed to be exercised by any head of a department, without the consent of the President. Such, Mr. President, were the wise provisions by which our laws enabled Congress to say not only in what amounts, but for what purposes the public money should be expended. But, sir, these provisions were essential for another purpose, as I said before. They were essential to enable the Treasury books to be kept properly, and to have a proper system of rests and balances. The Senator from Maryland says, it is impossible to have the books of so large a concern exactly balanced. He says that merchants which have argosies on the seas cannot do it. He says, that the trustee who has a large estate in his charge cannot do it. Sir, I never said that they could be settled accurately and precisely; but it would be news, indeed, on 'Change, to tell the merchant that, because he cannot balance his books precisely and accurately, therefore he should have no periodical rests and balances. It would be news, indeed, to say, that a system of public accounts could not be kept with periodical rests and balances. The best system of public accounts known in the world, is said to be that of France. The English were so struck with it that they sent a commission to examine into it. That system owes its origin to the creative mind of the great Emperor. It was said, in the report of that commission, and by the French financiers, that the cause of these great improvements was, that they adopted the system of book-keeping by double entry, and did strike periodical rests and balances. I did not pretend to say, that it could be done with precise accuracy here; but surely it can be done with sufficient accuracy to enable Congress to act intelligently on the subject of appropriations. If the outstanding balances of appropriations were carried to the surplus fund after two years; that is to say, if the appropriations ceased at that time, how easy would it be for Congress to know the precise amount already standing to the credit of the Executive, and the sum proper to be added by new appropriations. If the accounts were properly kept, and the balances struck as they appeared on the books at the end of each fiscal year, would not Congress be able to know how much had been drawn under each head of appropriation; how much of the money so drawn had been expended by disbursing agents, as shown by their vouchers; how much remained in their hands yet to be accounted for, and of the sum thus remaining in hand, after some years of experience, could not there be made a tolerable approximate estimate as to the portion actually expended but not refunded? Now, such accounts would not give us the precise state of facts, in relation to receipts and expenditures, but it would give us an approximation sufficiently near to enable Congress to act intelligently upon the subject of appropriations. And surely this is a matter of vital importance.

But, Mr. President, let us see where we shall be led if we adopt the other system—the system which now prevails in relation to the surplus fund, and the practice of transfers. I referred to the fact before, that, for the year 1851, Congress, in order to limit the expenditures, appropriated a sum between $3,000,000 and $4,000,000 and yet $5,000,000 were expended. Congress could not limit it, because they could not know, under the practice that prevailed, what amount of credits the Administration possessed in the shape of outstanding appropriations which had not been transferred to the surplus fund, but which ought to have been. They, therefore, had not the means of limiting the amount. But let us see to what it led. The Secretary of War went to an appropriation, made on 2d March, 1847, for pay of ten regiments of regulars, and on 23d April, 1851, he transferred that appropriation, of more than three years' standing, to the Quartermaster's Department. What then becomes of that provision of the Constitution which says that military appropriations shall continue but two years? Was not that a violation not only of the spirit but of the letter of this provision? He transferred in this way, after Congress had said he should not have these appropriations, about the amount for which he applied to the Committee on Finance, and which was not given to him; and thus money which Congress appropriated years ago for the payment of regulars in the Mexican war, not dreaming that they were to be carried to such a service, were used more than three years afterwards for the service of the Quartermaster's Department. But let us take the case of the steamer Watchman, in which we shall find, I think, a direct instance of the use of money by the Executive without any appropriation by law. He referred to an old military appropriation—an appropriation for the payment of Florida militia, more than ten years ago—and out of that he paid the claim of the steamer Watchman. Was that an appropriation for that purpose? Did Congress design, or could it have been dreamed that they designed, when they made that appropriation, that, ten or twelve years afterwards, it would be applied to the payment of such a claim? Under what pretense was it done? He transferred it to the old head of an appropriation for the suppression of Indian hostilities, and the latest date of any such appropriation was 1844; under it there remained unexpended a balance of only sixty dollars—it was virtually all expended; for this head of appropriation once covered immense sums. If it existed at all, this petty balance was the vital spark which held it alive. Under that pretense was this money expended, ten years after it had been appropriated by law, to the discharge of this old claim. If the Secretary of War uses a balance of appropriation for the payment of Florida Indians, eight or nine years afterwards, to pay such a claim as this, for which Congress had not appropriated, did he not virtually withdraw money from the Treasury without an appropriation by law? And where, sir, is such a practice as this to lead us?

I ask if all these things do not constitute an abuse? I ask if such practices as these will not take from Congress virtually the power of regulating the appropriation of money? I ask if it will not, in effect, transfer to the Executive the means of expending money without appropriation by law? if it does not, in fact, attack the Constitution in one of its most vital and essential points? And such, sir, was the real issue which I made—I did not seek to make any Administration particularly responsible for these practices; I presented them to the Senate and the country, and it is for them to say whether these things constitute an abuse. Upon such an issue, it was no answer to show either that it had been practiced by previous Administrations, which I admitted from the start, or even that it was legal, because if it led to such consequences as these, if it were legal, the law ought to be repealed. But I say, in my opinion, it was not legal. In relation to the surplus fund, I referred before to the opinion of Mr. Attorney General Berrien, in 1831, and I said that I thought no impartial mind could examine that opinion and come to a conclusion different from it. The Senator from Maryland does not controvert that construction, but he refers to another opinion of Mr. Attorney General Grundy, of a contrary tenor. I am willing that the two opinions should be compared, and that the terms of the act should be examined. The construction placed upon it by Mr. Berrien is consistent with the terms of the act, and would save us from the monstrous mischiefs to which I have referred. The construction placed upon it by Mr. Grundy is, in my opinion, inconsistent with the terms of the act; but even if it were consistent, it could not be held to be a true one, if it were shown that it would lead to the consequences of which I have been speaking, unless, indeed, the terms of the act imperatively require such a construction, which no one can pretend to be the case.

But one of the great mischiefs arises from this claim over the power of transfer which is made by the Executive under the act of 1842—a section of an act which was made professedly for the purpose of curtailing the Executive power—for reducing to legislation matters which heretofore had been left to Executive discretion. There was a provision made in relation to transfer by the twenty-third section of that act, and under that this Administration does claim, and the Senator said others before it claimed, the power of transferring absolutely from any one head of an expenditure in a Department to any other. It so happens that Mr. Johnson, when Attorney General, was consulted on this point, and decided, in an opinion which is unanswerable, that the right of transfer did not exist.* Three constructions have been placed upon this clause. One was, that the power of transfer which it gave expired when the appropriations in the bill ceased. Another was, that it gave the power of appropriating from one object to another within the same bureau, which is the utmost extent to which it can go, according to Mr. Johnson. The third was, that it gave the

* Extract from the Opinion of Attorney General Johnson. Mr. Attorney General Johnson decides that—

"The President is not authorized to direct a surplus of an appropriation for the Winnebago Indians to be transferred to meet expenses in the Department of the Interior, for which the appropriation is inadequate, or for which none has been made.

"Nor can the head of the Department find sufficient authority in the act of 26th August, 1842, to authorize him to make such a transfer.

"The power given by that act is limited to transfers within the same bureau, and to appropriations for such objects as are enumerated in its twenty-second section."

In his Opinion, he says:

"The second question submitted is, whether the transfer can be made under the twenty third section of the act of 26th August, 1842? I think not. It would be singular if such were its design. The authority vested in the President by the act of 1809, guarded as it was, seems, in the opinion of Congress, to have been liable to abuse, and from time to time they restricted it, until they almost totally denied it, from the evident policy of confining appropriations to the specific objects for which they were made—a policy as sound in theory as it has been wholesome in practice. After this act of August, 1842, they, in some cases, but very limited, vested the power in the President. Now, it can hardly be supposed that whilst apprehensive of the power when vested in the President under the check of the act of 1819—an apprehension proceeding and continuing until, and after, the act of August, 1842—that Congress should, by that act, give it on almost unlimited terms, and without any other check than his discretion, to the head of each department of Government. And it would be, if possible, yet more singular, that, if such were their purpose, they should so soon afterwards be found expressly and totally denying it to the head of one of the Departments—the Secretary of the Navy—when acting in subordination to, and under the control of, the President, as they did by the act of 31st August, 1842; and yet designing such power should so continue, as is contended, vested it only five days before in the Secretary without limit, and exercising it upon his own uncontrolled discretion. I am satisfied such was not the purpose of Congress. What, then, is the true meaning of the twenty-third section of the act of the 26th August, 1842? But for the practice under it, which I understand has since prevailed, it might well be doubted whether the power to transfer, given by it to the heads of Departments, was not limited to the very appropriations made by the act itself. The practice, however, has been continued so long, and, as I am told, unquestioned, that it is not my purpose now to call it in doubt. But I am very clear that the power given in it is to be confined to transfers within the same bureau in the Department making the transfer, (and not from bureau to bureau,) and to appropriations to such objects as are specially enumerated in the twenty-second section of the act. To construe it so as to give an uncontrolled power, covering all appropriations for all objects, involves the absurdity of taking a supposed dangerous control over the money of the Government from the heads of Departments, when under the advice and restraint of the President, and vesting it, without any advice or restraint, in the heads of Departments alone. Such never could have been the design of Congress."

power of transferring from one object of expenditure in one Department to any other. If this last construction, which is insisted upon by the Senator from Maryland, be true, then we have to reconcile it with these inconsistencies: We have to suppose that Congress, in Mr. Tyler's administration, desired to give him larger discretion than any other Congress ever desired to give any Administration. We have to suppose, that in the act which, upon its face, shows that it was designed to restrict Executive discretion and power, that, in such an act as that, was introduced a provision which enlarged its boundaries beyond any other of which we have an account for the last twenty or thirty years. We have to suppose, too, that this enlargement was made by a Congress which showed its hostility to the power of transfer in the Administration by passing a law only five days afterwards in which it takes that power of transfer from the Navy Department altogether.

But the Senator from Maryland says that it is no proof that this provision was not designed to be permanent because it is incongruous with the provisions of the rest of the bill; and to prove this, he produced various instances of permanent provisions of law introduced in bills with whose general objects they were incongruous. I admit that, in our practice, the incongruity of a provision with the residue of the bill is no proof that it is not designed to be permanent. But if there be two constructions of a particular provision in a bill, one of which is *inconsistent* with its general spirit, and the other not, then this inconsistency is an argument against the former, and in favor of the other. Now, this is the very mode by which Mr. Attorney General Johnson shows that the construction of the Senator from Maryland is inadmissible, and that the provision could not mean more than to authorize transfers to different objects in the same bureau. The Senator from Maryland will find, too, his line of precedents broken by this opinion of the Attorney General, who, by the way, seems to have put a different construction upon those precedents themselves, as his opinion will show.

But the Senator from Maryland seems to think, in relation to this power of transfer, to the extent to which it is practiced, that it is necessary. Necessary, Mr. President! Can any of these practices, either in relation to the surplus fund, or the power of transfer, be necessary? Up to the period of 1831 or 1832, when Mr. Berrien gave his opinion, no such practices prevailed, and the Government had gone on very well without it. Up to 1842, and since 1820, no such practice in relation to transfers had prevailed, and the Government went on very well without it. Since 1842 no right of transfer has existed in the Navy Department at all, and the Government has gone on very well without it. But, if I believed such practices as these were necessary—if I believed we could not get on without them, I should feel bound to go further, and admit that our Constitution was impracticable, and that our experiment of self-government had failed; for, if they be necessary, it is indispensable to give to the Executive power over the appropriation of money, and, when that is done, its power will be unlimited. I know it may be said, that although this power would be unlimited in regard to appropriations, it would not be so as to collecting revenues. Sir, when we come to look at what is done with Treasury circulars—when we see that they bear the same relation to the revenue laws that the opinions of judges do to the statute law—when we come to see what the Secretary can do towards increasing or diminishing the revenue from customs, by one of those circulars—I think we should be slow in admitting that the Executive could do nothing towards raising a revenue. In my opinion, it is one of the signs of the times, when men, like the Senator from Maryland—when a gentleman of so pure a public character—can consent to fold his arms, and behold such things as these with indifference, nay, when he feels constrained to say that such practices are necessary and essential. Is there nothing in the tendencies of the age—nothing in the natural gravitation of power under our system—nothing in the past history, and present state of Executive power, to alarm us in relation to its future growth? Why, Mr. President, have we not seen in the last few years, within the territory of the United States, an Executive not only raising, but disbursing revenue without the authority of law? Have we not seen an Executive, without the least authority of law, calling a State convention into existence, and paying it? Have we not seen it in fact virtually introducing a State here at your door, and inviting it to claim admission into this Union, without the least previous intimation of any such desire on the part of Congress? And why was this done? Congress failed to extend the revenue laws in time. Your Executive authority, pleading the necessity of the case, did extend those laws. Congress failed to do its duty, by giving a territorial government, and the Executive assumed to call it into existence as a State, and to assemble a convention and pay it. Congress, owing to the convulsions which it occasioned, was slow to settle a great sectional excitement. And thus the Executive in effect assumed to settle, and did settle it, so far as the most valuable portion of the subject in controversy was concerned. And what do we see year after year, and day after day? Is not Congress yearly becoming more and more impracticable and inefficient? Do not we see necessary appropriation bills delayed? Do not we see indispensable legislation even, postponed and neglected, until the machinery of society is threatened with stoppage, and the great operations of commerce are seriously disturbed? Then steps in the Executive with some artifice of construction, some shift of policy, and by resorting to something which in effect is Executive legislation, he removes the evil and remedies the difficulty. Who is to expose it, and call him to account? Not Congress; because, in doing so they would have to expose their own neglect. Not the people who know most about it; because they are relieved by the interposition. And the effect is that the precedent goes into the Executive storehouse to be used hereafter, we know not for what purpose. What has any Executive to do that desires to increase its power, or indeed to use the whole powers of the Government, but to get up some great sectional excitement? During the pendency of that excitement, Congress becomes impracticable and inefficient, the people become too much absorbed in the contest to watch all that is going on, and the Executive goes on quietly, and assumes the whole functions of the Government. If it will only discharge them in such a way as to relieve the people from the difficulties imposed by inefficient legislation, it will hardly ever happen that either Congress or the people will call it to account for its usurpations. When we see such practices as those which I have exposed, which transfer the power over appropriations from Congress to the Executive, quietly acquiesced in, and even declared to be necessary, what are we to augur for the future?

Mr. President, I had intended to have made an effort to reform these abuses by proposing an amendment to this bill. I still design to make that effort on some other appropriation bill. I forbore here, because it would have delayed still further a bill which has already lingered too long, and the public interests might have suffered. It is my purpose yet to try the question, for I am unwilling to believe that the Congress of the United States will ever agree to say, that such practices as these are justifiable, nay, that they are necessary on the part of the Executive branch of the Government. What makes the prospect still more disheartening and gloomy to me is, that you often hear the word of despair falling from the lips of some of our best and wisest men. They say that the work of consolidation has gone so far that it is useless to attempt to resist it—that the centralization of power here may be regarded as a fact already more than half accomplished. Can that be true? Can we have so trodden down the bulwarks which guard the rights of the States, and so destroyed the barriers which the Constitution erected to save our people from absolute power under any form of government as already to have taken that road which has conducted so many nations from the forms of a free government to the absolute control of executive despotisms? Are we ready to confess that this Constitution, so wonderful in its combinations, for safety within and strength without, is impracticable in the hands of more than twenty millions of people, not only desirous, but capable of self-government? Sir, I do not believe it; and yet, if I supposed that the work of consolidation had gone so far that it was useless to attempt to resist it, I should look to no result so probable, nay, so certain as this; but, on the contrary, I believe that a few men in each House of Congress who would stand together—who would resist every aggression upon the rights of the States—every attempt to sacrifice the individual freedom of action and enterprise to monopolists and protectionists—who would strike at extravagance, and strive to introduce a wise and conservative economy in the administration of the Government—I believe, I say, that a few such men would rouse the people, and if once aroused, the remedy is in their hands. And, Mr. President, if we could rally such a party, I ask, what other Union party should we want than one acting on such principles? for the Government, thus administered, would so fix itself in the affections of the people that nothing could shake or seriously disturb it. What other Southern-Rights party should we want? for if we could throw the broad ægis of the Constitution over our domestic interests, what greater protection could be enjoyed; and what other Democratic party should we want? for if we could secure to each State that form of social development which is best suited to its taste, and interest, and character, and should secure to each individual the freedom of thought, and of enterprise, and of action; what more could the Democratic heart desire?

Mr. President, if we would trustfully and boldly commit the American Government and American enterprise to the wonderful impulses of the voluntary system, who would undertake to limit our capacity for future achievements! We are free to choose either road. To my mind's eye, in one direction the prospect is filled with images of grandeur and beauty; and in the other I see nothing but ineffable failure and disgrace; for it would be ineffable disgrace if such a Constitution as ours, if such an experiment as ours, were to fail in our hands, for the want of the capacity or desire to execute it. Sir, I may err. A man does not believe wisely, because he believes strongly. I know that we are in the midst of difficulties. I know that there are serious divisions of sentiment amongst our people. I know that our form of Government is threatened with dangers which wise men predicted when the scheme was adopted. I know it would be idle to claim immunity from such hazards as have attended so many other experiments in self-government by a people, and yet, with me, when reason fails to point the way, faith sometimes supplies the hope of escape from the perils before us. I believe that there is somewhere in the great heart of this people, a chord which, if rightly struck, will yield forth the hidden harmonies of the system. It may be a providential track through some humble and perhaps unconscious instrument which shall strike the great note to which we shall march forth once more a fraternal and united people, animated with common hopes, and pursuing the objects of a common good.

Mr. PEARCE. Mr. President, the Senate must perceive at what disadvantage I shall address them at this time. I make no complaint that the Senator from Virginia [Mr. HUNTER] has to-day made a reply to remarks which were submitted by me more than a month ago. I am sure that it is owing to circumstances which fully justify him in taking that course; but I must answer him now if at all. I cannot ask that this bill be postponed another day. It has already been discussed too long. The public service has already suffered enough by its delay. I propose, therefore, at once to make such reply as I can; and I feel the less hesitation about it, because, in truth, eloquent as the Senator's speech has been, it has not, I think, invalidated a single argument which I advanced, nor has he disproved a single fact which I stated.

The Senator from Virginia seems to be surprised that any friend of the Administration should have undertaken to vindicate them from charges made not by himself alone, but also by the Senator from California, who, he will recollect, attacked them still more pointedly and avowedly. He thinks that because a friend of the Administration has undertaken to defend them from these assaults,

they "shrink from the record!" That is extraordinary! I do not admit that any record has been exhibited against them. A series of charges was presented it is true; but the record is to be made up hereafter from the judgment of the country. Sir, when those charges were made, which I know struck the Senate with some surprise, we should have been considered as shrinking from the contest, (not from the record,) if we had been so careless of the reputation of our political friends, so regardless of public opinion, or so craven and wanting in manly spirit, that no voice could be raised here in reply. The Senate very well know that the Senator from California [Mr. GWIN] did not hesitate to charge the Administration with direct violations of law, from the time the Whig party came into power in 1849. And the Senator from Virginia pointed out various abuses which they were, as he thought, slow to perceive and feeble to correct. Well, sir, is it shrinking from the record to rise and reply to that?—and to deny that the Administration have been either tardy in perceiving or careless in correcting errors? Is it shrinking from the record to show that what these Senators consider abuses have been sanctioned either from time immemorial, or for a long course of years have been sanctioned by others of different political sentiments, who have gone before them, and who, if these were abuses, must be considered either as ignorant or unprincipled administrators of the Government?

Is it shrinking from the record to show, by documentary testimony, the mistakes into which the Senators had fallen—the efforts made by Secretaries to correct errors and evil practices, which had grown up in the time of their predecessors—to show that these reforms had been attempted either by departmental orders, or by appeals to Congress for necessary legislation? I think not, sir. I think that the Senate will say, that while there was no eager haste to bring on a controversy, there was no shrinking from the record, but only a proper disposition fairly to meet and overthrow the charges made.

The Senator from Virginia has referred to the cases of Collyer and Wilson. I do not intend to go over those cases again. I have already stated them sufficiently fully to the Senate, and I advert to them now, chiefly, for the purpose of stating one fact, which was not within my knowledge at the time I addressed the Senate before. The Senator from California was under the impression, that none of the property used in the transportation of Mr. Collyer and his party, had ever been turned over to the authorities of the United States in California. Subsequently to the delivery of my speech here, I ascertained from the Quartermaster's Department, that much of that property had been turned over. For example, I found that one hundred and eighteen mules and a few horses had been turned over to the proper military authorities at San Diego. I found that other articles, such as pack-saddles, dragoon-saddles, and saddle-blankets had been turned over. I did not make a list of all the articles, but I know that much was lost and destroyed on the route. I believe that no emigrating party went out at that time without losing a great deal on the route. If none of the property had been lost on the way, it would all have been turned over to the proper authorities, and there would have been very little expenditure attending this escort; because all that was furnished at the expense of the Government was the *materiel* of transportation. It is true, subsistence was furnished to these parties, but then it was paid for by themselves, at Government prices. I have in my hand an order, issued by Mr. Secretary Crawford, directing subsistence to be furnished by the proper officers to these gentlemen and their *suite;* "those persons attached to the public service under them," in the language of the order, who, it is said, shall pay for them at Government prices. The Commissary General says, that his department was "subjected to no additional expense, the provision received by these gentlemen for themselves and families having been paid for by them." Thus it appears that, at the proper time, they paid for their subsistence, and turned over to the proper authorities all the public property which they had in their possession when they reached California. Almost the whole of the $34,000, expended in the outfit of the escort for Colonel Collyer, consisted of horses, mules, wagons, &c., necessary for the transportation of the parties and their provisions, and what was not lost or destroyed by the accidents of a route so long and severe, being applied to other public service, it would be a great mistake to suppose that the journey of the collector to California cost the United States that sum.

The Senator alluded to my remarks about the escort furnished to the boundary commission. I referred to that in no invidious sense. I made no complaint of the Government which ordered that escort, or of the commissioner to whom it was furnished. I intimated no charge; I merely undertook to show what had been the action of a former Administration in regard to military escorts. This information was furnished from the Quartermaster General's Department. The Quartermaster General is a good Democrat, and not likely to furnish a Whig, or any one else, with any improper statement with which to impeach the proceedings of a former Democratic Administration. But the Senator is under the impression that the military escort furnished to the boundary commission, was one required by the treaty of peace. In that, he is under a mistake. All that is said on that subject may be found in the fifth article of the treaty. Near the close of that article there is this paragraph—and it is all that relates to an escort to the boundary commission:

"The two Governments will amicably agree regarding what may be necessary to these persons," [referring to the commissioner and the surveyor,] "and also as to their respective escorts, should such be necessary."

Now it is very manifest, that that was merely a limitation of the escort which each Government might think proper to furnish to the commissioner, on its part. I was not satisfied with merely looking at the treaty. I went to the State Department, and examined the correspondence. I found that in December, 1848, Mr. Buchanan addressed a letter to Mr. Clifford, then our Minister at Mexico, in which he told him that the President and Cabinet had had under consideration this subject of an escort; that at first he was inclined to think that one hundred men was a sufficient escort, but that the President had determined that it would be proper to have four companies, and as our companies were then generally reduced to about forty-two men, and the Mexican companies might be larger, he proposed to Mr. Clifford that he should suggest to the Mexican Government, so to limit the amount of the escorts, that they should not each exceed two hundred and fifty men. Mr. Clifford replied, that he had made that suggestion to the Mexican Government, who had received it very satisfactorily, and said it was precisely such an arrangement as they had determined upon themselves. So that it appears from the treaty, and the correspondence, that each Government was at liberty to send an escort or not, as it might think proper, and that the only subject connected with the matter which was regulated by the treaty, was the limitation of the number which might be employed. That was for a very obvious reason. The Government of Mexico had, perhaps, we may confess, some reason to be a little jealous of the military power of the United States. They might be excused, at all events, for not desiring to have a very formidable force sent along the line of the boundary, though I know that their fears would have been entirely unfounded.

Mr. WELLER. Mr. President, one would suppose, from the representations that have been made by the Senator from Maryland, that an escort had been sent out with the boundary commission to California. That was the point of which I complained. No escort was sent with that boundary commission. But, after the joint commission of the two Governments had been organized by assembling at San Diego, then an escort was reported to the Commissioner for duty. That escort, according to my recollection, was composed of some seventy-odd men. The escort provided for the Mexican Commissioner numbered some one hundred and sixty or one hundred and seventy—being about one hundred more of the escort attached to the Mexican commission than that which was attached to the commission on the part of the United States. That part of the treaty which has been read, provides that the Governments will agree upon the escorts to accompany these commissions. The reason of that is obvious. In running the boundary line, it would become necessary to run through a country that was occupied exclusively by Indians, some bands of which were exceedingly hostile. Therefore it was important that those civilians who were thus engaged in the public service, should be protected by a military escort. No one pretends that the two Governments ever did formally agree on the number of persons which should constitute the escort; but, I hold that it was the duty of the President of the United States, under the treaty, to provide an escort for the boundary commission, upon the part of the United States. There was, therefore, no discretion in the President, except so far as to the number of the escort, in the absence of any agreement between the two Governments. There was no such agreement. There were some seventy-odd men reported to me, as boundary commissioner, for duty. They were accepted; although, in my judgment—and I expressed the opinion to the State Department—the force was wholly insufficient to enable me to advance beyond the mouth of the Gila river.

The point of which I complained of the honorable Senator from Maryland, was, that he put me in the same category with Mr. Collyer. There was a pure matter of discretion. The President might, or might not have sent an escort with Colonel Collyer, who was a civil officer of the Government; but I apprehend he was not at liberty to refuse an escort when it was called for by the boundary Commissioner—such escort being provided for in the treaty. I complained, therefore, of the Senator the other day, in private conversation, it is true, for I did not desire to engage in this debate, of his putting me in the position of one having subjected the Government to an unnecessary expense; as one who was afraid to peril my life in going into California, unless I had a military escort to accompany me. The fact about that is simply this: Collector Collyer, in consequence of the cholera raging at that time on the Isthmus of Panama, did not choose to peril his life there, and desired to go overland; and, in order to go overland, a military escort was indispensable. He made his requisition for it, and obtained it. Notwithstanding the fact that the cholera was then raging on the Isthmus, I did not feel myself at liberty to call on the Government for a military escort to march me overland to California, but I took the Panama route, and got there as soon as I could.

I propose, at some not very distant day, to speak on the subject of that boundary commission at large. It was for this reason that I did not intend to have participated in this debate now. I shall desire, however, at some day during this session to speak at length in regard to that boundary commission, so far, at least, as charges have been made against me before the Senate.

Mr. PEARCE. I am very sure the Senator will not have to reply to me on that head, for I have made no charges against him.

Mr. WELLER. I intend to speak on that subject.

Mr. PEARCE. I think that the Senator's explanation was unnecessary, though he, of course, has a right to think otherwise. All I have said is, that the treaty did not require that an escort should be sent. It is true it was in the discretion of the President not to send an escort with Mr. Collyer, and it may be said that the treaty left it with the discretion of the President to grant or not to grant an escort to the boundary commission. I admit that it was proper to send an escort with the boundary commission. I think it is proper to send escorts with the civil employees of the Government, whenever they are sent to distant positions, through hostile territories—through territories occupied by hostile Indians, or those whose attitude is doubtful. I do not mean to speak on this point again, because I have already said to the Senate all that is necessary in regard to it. I said then, and I only mean to reaffirm now, that I think it is good policy, in order to hold in subjection—in order to compel to peace the Indians who occupy these distant territories, and to whose attacks our emigrants are liable, to keep bodies of troops marching occasionally through their lands. I think that consideration justifies the military escorts that were fur-

nished to Mr. Collyer and Mr. Wilson. Of course no escort was needed by the commission on their way to Panama or San Diego, but only when their duty called them to go among the Indians on the boundary line.*

The Senator alluded to the expense of erecting barracks in California, and spoke of it as a great abuse. I did not justify that as the act of the Administration; I undertook to show that they were not liable for it. I undertook to show that General Persifer F. Smith had erected the most expensive of those buildings—that very few of them were authorized by the Department here—that Mr. Secretary Crawford had authorized the building of one store-house, and certain other houses, for which he had contracted in the State of Maine, and which were sent round by sea, and put up at comparatively little expense—and that the great expense at Benicia was occasioned by the act of the Major General commanding there, without any orders from the administration of General Taylor. I further undertook to show that an end was put to that expenditure by Mr. Secretary Conrad, as soon as he was informed of it.

Then, the Senator, when commenting on what he was pleased to term my excuse for Mr. Conrad, seems to think it extraordinary that I should ask that he should be excused for not having ascertained at once all the abuses which were alleged to be practiced in his Department, but had asked that he might be allowed reasonable time for their correction. He thought it extraordinary that I should have referred to the fact of the exciting condition of things here, which prevailed at the time when Mr. Conrad came into office; and that when I spoke of the Executive participating in that, I was likening them to a pilot at the helm, who quailed at the storm. Why not so, sir? The storm was the very thing they were watching—not with shrinking dread, but with manly and patriotic determination to make every effort to carry the ship of State safely through it. They were endeavoring to prevent the disastrous effects of that storm upon all the interests and the harmony of the country. It is very well known that, accordingly as that question might have been decided, this Administration might have been called upon to take a part perilous to all the best interests of the country. If that question had not been decided peaceably, it would have been decided forcibly. If the measures which have been justly called compromise and peace measures had not been passed, who can deny that there would have been on the frontiers of Texas and New Mexico public open violence, amounting almost, if not quite, to civil war? Would it not have been the duty of the Administration then to take measures to put a stop to it? What measures should they take? Should they join with New Mexico and drive out the forces of Texas? Should they join with Texas and put down by military power the resistance of New Mexico? Were there no questions like these—great practical questions—which the Administration had to consider in advance? Sir, I do not suppose that there is a member of the Senate who doubts that the country was in imminent peril at that time, and that, whatever might have been the proper course of the Administration in regard to the difficulties apprehended, it was a very serious question for them and for us what it would have been their duty to do in one event or another.

These were questions that might well exercise the consideration and occupy the time, thoughts, and anxieties, or a very large portion of the thoughts and anxieties of the Administration at that period. Sir, it was no quailing from the storm. It was preparing to meet the storm; preparing to breast it, and encounter its worst violence; preparing to rescue the ship and the crew from the dangers with which that storm threatened them—it was that which the Administration were considering.

The Senator from Virginia spoke also of the expenditures of the Quartermaster's Department, and seemed to think that I failed to make any reply to what he said with regard to them, because he said he had made a calculation of the expenses *per capita*. It is very true that he did; but it is also true that he looked at the gross expenditure. I undertook to answer both; for while I showed that the gross expenditures of the Quartermaster's Department were enormously increased because of the new and distant field of operations, by the immense expenditures which were absolutely necessary in order to carry on military operations in those distant departments, I showed, also, abundant reason why the expense had been increased *per capita*. I did not confine myself to showing that the Army had been increased fifty per cent.; that a great many mounted men had been added to the Army, who, as everybody knows, are much more expensive than infantry; but I undertook to show, also, that the cost of transportation was very much greater than before; that a barrel of flour could not be carried to Taos, in New Mexico, for less than $32, nor a barrel of pork for less than $40. The troops sent to New Mexico, and to all our far-distant and barren positions must be supported—that they must be fed by supplies drawn from the older portions of the United States. Where else are you to get food for them? Provisions are not to be found in much of these new countries. Grass does not grow there in sufficient abundance for their animals. Beef, pork and flour cannot be had, except at extraordinary prices, and in very limited quantities. They must be transported at great expense. Unless this is done the troops must be withdrawn. Would the Senator from Virginia have that done?

If these expenditures were unusually increased in that way, was not the expense *per capita* increased also, as well as the gross expense? When I was answering the one was I not answering the other? If we had not made these acquisitions; if we had not acquired these distant and expensive Territories, we should not have been put to this vast expenditure. I showed that these expenditures were necessary, and were a direct consequence of the career of acquisition upon which the Government had entered. I thought it very possible that the expenditure might be reduced; and I thought I showed where the Department of War was taking all the proper steps to reduce these expenditures. What would the gentleman have? He talks about Virginia and Kentucky having defended themselves in days gone by. So they did, sir; and they suffered, as this Government, strong and wealthy now, will never be willing that her citizens shall suffer. Is there any gentleman here who desires to see the same state of things prevailing in New Mexico and Utah, and on the borders of Texas? Let me ask the Senator from Texas, [Mr. RUSK]—I would ask him, if he were here—whether he would be willing that the whole frontier of Texas should suffer by Indian incursions, as did Kentucky and Western Virginia in those days, when men built a stockade fort, and went out to plow with almost a certainty, on many occasions, that the rifle of the Indian would be aimed at them while they were at their peaceful occupation? In those days men were murdered in their fields, at their plows, their wives butchered at their own hearths, and if the children escaped, it was often to witness from beneath the floor of their log cabins, where they were hid, the scalping of mother and father; and over and over again has "the dark and bloody ground," as Kentucky was called, witnessed the total extirpation of families by the remorseless savage. Is a renewal of these scenes desired now?

Mr. HOUSTON. Mr. President, if my colleague is absent I will respond to the interrogatory of the gentleman from Maryland, if he will permit me. It would be undesirable that the inhabitants of the frontier of Texas should be exposed; but certainly they have derived no protection from the forts and garrisons which have been established there by this Government. Not in one solitary instance has reclamation been made upon the Indians for any depredations which they have committed upon the citizens of Texas. The troops stationed there are infantry. They are incapable of pursuing the enemy. The Indians come to the immediate vicinity of their garrisons. They depredate upon them. They steal their horses—what few they have. They then penetrate into the interior, as far as the settlements on the Rio Grande below, commit what depredations they please, return again to the forest or to the prairies, pass the forts that are established without detection, and are ready at their own pleasure again to renew their incursions. These are the circumstances under which we have existed. Without intending to cast any reflection, I state facts which are known and well established. No protection has been given to the citizens of Texas or to Mexico by the troops stationed there. I am merely stating facts; I cast no reflection upon anybody.

Mr. PEARCE. That is not an answer to my question. It is the interjection of fresh matter into my speech, which I do not think liberal on the part of the Senator. I am answering, as I can, the speech of the Senator from Virginia without preparation, and I do not think it is exactly right to interject new subjects of discussion.

Mr. HOUSTON. I understood the gentleman to ask my colleague, if he were present, whether he would desire the frontiers of Texas to be exposed to the same depredations to which Virginia had been subject in its first settlement? I understood the interrogatory in that way; but perhaps I did not hear the question distinctly.

Mr. PEARCE. My question is, whether they would be willing to have the troops of the United States withdrawn from their borders?

Mr. HOUSTON. With great pleasure, if they will establish peace with the Indians. That might be done for the one hundreth part of the money expended to maintain the forces there, if it was properly used.

Mr. PEARCE. That is "if they will establish peace." Sir, Texas has the opportunity of establishing peace for herself. The Indians are under her jurisdiction, not ours.

Mr. HOUSTON. Upon that point I will say, if the gentleman will permit me, that for two years previous to annexation, perfect peace was maintained upon the frontiers of Texas. Not a depredation was committed, and the whole amount of money placed at the disposal of the Executive of Texas, and expended for that purpose, was $10,000. Only the sum of $10,000 was ever appropriated by the Government of Texas for that purpose, and with a careful and judicious disbursement of that amount, peace was maintained upon the frontiers of Texas. Indians came into the interior to treat. They hunted their deer, obtained their skins, exchanged them with the merchants, and maintained perfect peace and concord with the settlers for two years anterior to annexation. Never until six months afterwards was the peace infracted by the Indians.

Mr. PEARCE. Mr. President, the conclusion is clear from all that—though I do not impute to the Senator the desire to impress it upon any one—that if the preservation of peace on the borders of Texas is an object of national importance, the people will know into whose hands to commit the national defense. [Laughter.] We know very well that there are great clamors at the withdrawal of troops from these distant positions. We know the fact, that we are now asked to furnish troops to protect emigrants on the route.

Mr. HOUSTON. I hope the gentleman will give way for a moment.

Mr. PEARCE. I will give the floor to the gentleman entirely, if he wants it.

The PRESIDENT. The Chair will be under the necessity of interposing.

Mr. HOUSTON. I could not hear the significant remarks of the gentleman at the moment. I depended on a friend for them. I would reply to them, if it were not that the gentleman wishes to proceed. I will let him proceed now, and when the subject of the protection of the frontiers of Texas comes up legitimately, I shall assign the reasons for the opinion which I have expressed.

The PRESIDENT. The Senator will then be at liberty to do so; but he must not now interrupt the Senator from Maryland.

Mr. PEARCE. I was saying, when these interruptions began, that I supposed nobody would desire to leave our frontiers subject to the harassing attacks of these Indians without the military

*The steamer Alabama was employed to convey the members and employees of the boundary commission under Colonel Weller, or a portion of them, to Chagres, at an expense of $3,714 65.

The other expenses charged to the Quartermaster's Department were for wagons, harness, tools, &c, shipped from New York and Philadelphia, which, "in consequence of the dissolution of the boundary commission, went into the hands of the assistant quartermaster at San Francisco, a small portion of which afterwards was transferred to the assistant quartermaster with the boundary commission.

protection of the Government, which the condition of the country, in the early settlements of Virginia and Kentucky, would not enable us to afford them. What the country could not do in that day, when money was scarce and troops there were none—when everybody had to defend himself, or abandon the pioneer's progress, Government can and does endeavor to do now. Even in Texas this Administration is supplying the very kind of troops, of the want of which the Senator from Texas complains. For this very purpose the mounted rifle regiment has been withdrawn from Oregon. The condition in which our frontiers were situated many years ago, subjected our people to the most distressing calamities. Nobody would desire to see a return to that condition of things now, when the country is strong, wealthy, and populous, and has military forces to defend these frontiers. If, however, the people on the frontiers desire the troops to be withdrawn—if they think the military forces of the United States give them no protection, I hope they will so represent it to the proper authorities, and that the Administration will comply with their desire.

The Senator from Virginia seemed to think that I was in error in my reference to the Austrian military colonies. Since I made my statement in regard to them, I have referred to the historical accounts, and I find that I recollected it with quite sufficient accuracy. I take occasion to recommend the Senator to look at the book, if he has not heretofore seen it, and he will find that I have not misstated a solitary fact. On the contrary, some of the very facts which he has himself stated today, may be directly inferred from what I said. I stated that that was a populous country. I stated that it was a great military country. I stated that they could command two hundred thousand men by a system of signal fires and alarm bells in the space of four hours. I knew that the frontier was extensive, but I knew then, and I know now, that the frontier which we have to defend is vastly more extensive than the several hundred miles of Austrian frontier. If you take ours in all its extent along the borders of Texas, and the boundary line of Mexico, along the frontier of Oregon, the western frontier of Arkansas, and the Territory of Minnesota, we then will have a frontier half a dozen times as extensive as the military frontier of Austria, and vastly differently situated. I know that what the Senator said was speculation only, but I thought it might be implied from his speculations that this Administration had not speculated enough on that subject—though the Senator seemed to think they had speculated too much on other subjects.

I shall say nothing as to the subject of the reorganization of the clerks of the Departments, or in regard to the accounts of the Quartermaster's Department remaining unsettled, because I have already stated fully everything necessary to be known in regard to them. I have shown the cause of the arrears in the office of the Third Auditor. I have shown that not only was it multiplied by an increase of regular troops, but by the addition of volunteers; by the dissolution of the volunteer corps during the war; by the inexperience of the accounting officers of the volunteers; by the necessary multiplication of the business arising from the war with Mexico which we were carrying on. I have also shown that while all this accumulation of business was going on, there was not a correspondent increase of clerical force; that in the year 1846, some of the most experienced clerks in that office were discharged, and new ones substituted in their places; and that, although the Department had been asking for additional clerical force, it had never been furnished with what it asked. All this I have stated, and all this sufficiently explains the cause of these arrears.

The most important part of the Senator's speech relates to transfers of appropriations, because he sees in them not small matters of cavil, but things of great and vital importance to the Union—of fundamental and constitutional importance. He seems to think that the Administration is taking the power of Congress out of their hands, that legislation is departing from us, and centering in the Executive. Now, sir, I apprehend that a careful inquiry into the history of this whole power of transfers will show that, whatever the present Executive may do under the authority of law, they do nothing beyond it; and that under authority of law, and sometimes, perhaps I may say, under color of authority of law, very extraordinary things have been done by some of those that preceded them. It is a little curious to trace this history.

Long before the passage of the act of 1842, during the operation of the act of 1809, the accumulation of unexpended balances in the Treasury was by no means an uncommon thing. I wish it to be understood that I do not mean to admit that this, under the present condition of the law, is an abuse, and I cannot therefore be charged with defending one abuse by speaking of another abuse. I wish to show, however, that while, under the act of 1842, the Secretaries may properly transfer from one head of appropriation to another in the same Department, they confined this to transferring from one object appropriated for by law, to another appropriated for by law, and that in times past there have been transfers made from one object appropriated for by law, to another not appropriated for by law. I mean to show that in this respect, this Administration has been a reforming Administration. I mean to show, too, that, so far from its being anything unusual—anything which any former Administration considered worthy of condemnation, to allow balances of appropriation to accumulate beyond the two years within which, the Senator seems to think, they ought invariably to be returned to the surplus fund—they have been allowed to be outstanding for an extraordinary series of years—for a period of thirty-six years—and that under Administrations not particularly allied to the one now in power.

Mr. HUNTER. Perhaps the Senator did not advert to the limitation which I mentioned. I said that unless by the special terms of an act they were allowed to continue for more than two years, there was no authority, since the act of 1820, for continuing appropriations beyond that time. I would ask the Senator whilst I am up now, because I do not wish to interrupt him too often, if the transfers of which he speaks did not occur under the act of 1809, and before the passage of the act of 1820?

Mr. PEARCE. No, sir; I stated that, under the act of 1795, all balances of appropriations unexpended at the end of two years were to be carried back to the surplus fund, unless a longer duration was specially assigned to it by law. The Senator has one view of the law as it exists now, and as it existed in 1820. In regard to the last law, I have another view. The Senator invoked to his aid the influence of Mr. Attorney General Berrien, whose opinion I am not sure that he rightly understands. I confess that I understood it as the Senator from Virginia does until recently, when a hasty glance at it inclined me to think that both of us might have misunderstood it.

In 1832, when the act of 1820 was in force, when, if ever, it was the duty of the Administration to carry unexpended balances of appropriations to the surplus fund, there were balances outstanding, and which had been outstanding for thirty-six years. I have in my hand a copy of a surplus fund warrant, issued by the Secretary of the Treasury in January, 1832. There is on it a list of balances of unexpended appropriations, and the first one is the balance of an annuity to Indian tribes, appropriated by the act of 6th May, 1796. The Senator, I know, is well acquainted with the paper.

Mr. HUNTER. That comes exactly within the limitation which I mentioned. I know that unexpended balances of appropriations to fulfill treaty stipulations are liable to transfer.

Mr. PEARCE. Not more so in many cases than other appropriations. Well, sir, I find that the items in this surplus fund warrant, are appropriations of 1796, '97, '98, 1809, '10, '11, and so on down to 1826. Unexpended balances of appropriations made in these years, were carried to the surplus fund in January, 1832. I find that afterwards, after these balances had gone back to the Treasury, this surplus fund warrant was canceled, and the money was restored to the different heads of appropriation, to which it properly belonged by an act of the Secretary. If I were disposed to be captious, and to find fault, I should say that this was taking money out of the Treasury without an appropriation. But I do not mean to say that—I suppose it was carried to the surplus fund by mistake; and if carried by mistake, that the Secretary was justifiable in canceling it as a mistaken transaction. But I mention it to show that outstanding appropriations, for a very long period of years, had been suffered to remain outstanding, and were only carried to the surplus fund after a lapse of thirty-six years, and were afterwards restored to the original heads of appropriations. One evil of this practice was, that the papers were simply canceled without any entry showing how, when, and by whom, and why the transaction was effected. Under this Administration a proper record is made which discloses all that should be known in these respects, and gives a complete history of the cancellation. This is an important reform.

I said that funds had been transferred by other Administrations from an appropriation authorized by law, to one not authorized by law; and here I find what, I confess, looks to me a little extraordinary. I have here a paper which I obtained from the Treasury Department. It is a letter from the Secretary of the Treasury, dated April 22d, 1833, addressed to one of the officers of the Treasury. He says:

SIR: I have the honor to state, that by some omission, believed to be accidental, no appropriation was made at the last session of Congress for carrying into effect the acts for the relief of certain insolvent debtors to the United States; and the former appropriation being exhausted, and there being at the credit of the appropriation for the payment of claims for property lost, captured, or destroyed by the enemy, a greater amount than will probably be required for that object, I have to request that the sum of $5,000 be transferred from the last-mentioned appropriation to the former, under the authority vested in the President, by the act of the 3d of March, 1809, further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

I have the honor to be, LOUIS McLANE,
Secretary of the Treasury.

The PRESIDENT OF THE UNITED STATES.

Approved, April 22, 1833:

ANDREW JACKSON.

[506.] The payment of claims for property lost, captured, or destroyed by the enemy, Dr.

[273.] To the relief of insolvent debtors to the United States.....$5,000

The Senate will perceive, that in 1833, Congress at the previous session had failed to make any appropriation for the relief of insolvent debtors. It was customary, I believe, to appropriate about $5,000 a year for that object. No appropriation having been made, the Secretary at that day did not think himself without authority to order a transfer from the appropriation for the payment of claims for property captured, lost, or destroyed by the enemy during the war of 1812, of $5,000, to be applied to an object for which there was no appropriation at all. So I find, also, that in September, 1833, $1,000 were taken from that fund and applied to clerk hire, and to other expenditures necessary to the issue of revolutionary bounty land scrip. I find that on the 27th of November, 1833, a transfer was made from the same fund of $20,000, for contingent expenses of the southeast executive building. And all this under the authority of the act of 3d of March, 1809. This looks a little more like abuse than anything ever charged upon this Administration. But I suppose the Secretaries of that day thought they had sufficient power under that act to do so. That act authorized transfers; and they thought if they had the legal authority to make transfers they might do so, without being charged with abuse. If it were not so, why have we not heard charges of abuses like this long ago?

Mr. HUNTER. Do I understand the Senator to say that these transfers were made under the act of 1809?

Mr. PEARCE. It appears so from the papers.

Mr. HUNTER. I made no question as to the power of transfer under that act. I know that the Secretaries then had larger powers of transfer than they have now.

Mr. PEARCE. This was done in 1833, after the act of 1820 had been passed.

Mr. HUNTER. If that is the case, I admit that it was an abuse.

Mr. PEARCE. That is the Senator's view of the subject. I will not undertake to say that it was an abuse, though I think it is a thing that had better be corrected. I agree with the Senator so

far as that goes. A legal power may be rightfully used, and yet it might be more wise to check and correct it, or even to take it away, in fact. I do not know that I shall refuse to unite with the Senator in controlling this power, for I think it is one liable to abuse, if not abused. I think, in times past, if there are not abundant evidences that its exercise has approached abuse, it has, at all events, been very questionable whether the diversion of such an appropriation as the one of which I have just spoken, to the amount of $20,000, to the contingent expenses of the southeast executive building, was not wrong. I think it a thing that ought to be corrected, though if the legal power exist, it cannot be called an abuse, being an exercise of power conferred. Yet it is a thing which may lead to evil, and, at all events, it is a bad precedent, the power to do which might well be restrained or modified.

But, sir, these transfers under the act of 1842, are subject to grave complaints by the gentleman. He complains of the exercise of that power by this Administration. He has cited a special instance of it. But this Administration is not responsible for the construction of that act. That act, as I think I showed the Senate before, was, in its terms, a permanent law of the country. I think I showed that it gave to all the heads of the different Departments of the Government the power of transferring from one head of appropriation within the limits of their Departments, to another within the limits of the same Department. I stated that this construction had been given to it by every Administration since its passage; that, in 1845, Mr. Secretary Wilkins had so construed it; that, in 1848, Mr. Secretary Walker had so construed it; that this Administration, in adopting that construction, which seemed to me a reasonable and proper one, had done nothing for which they were justly liable to reproach; that a proper, sound, legal construction of the law contemplated such an exercise of power, and that this power had been so exercised by preceding Administrations.

Now, I will refer the Senate to the first example I have been able to find of a transfer under the act of 1842. Mr. Wilkins being then Secretary of War, addressed this letter to the Comptroller:

No. 209. Transfer Treasury appropriation warrant, January 4, 1845.

The Secretary of War having, under the authority vested in him by the 23d section of the act of Congress of August 26, 1842, authorized a transfer of appropriation, you are hereby directed to cause the following entry to be made on the books of the Treasury, which relates to the receipts and expenditures of the United States, under the appropriation accounts for the fiscal year ending the 30th June, 1845, viz: Compensation to the clerks and messengers in the office of the Commissioner of Pensions under the item:

For two messengers in said office, at $500 each.

DR.

To contingent expenses of the Pension Office under the item:

For extra clerk hire.....$1,000

Here is a direction to transfer from appropriations to clerks and messengers in the office of the Commissioner of Pensions, under the item for two messengers in said office, at $500 each—$1,000 to the contingent expenses of the Pension Office. This is one of the most questionable transfers I know of. It was a transfer to the *contingent expenses* of an office of which Congress are always justly suspicious. I find, that on July 29th, 1845, a similar order was passed *in totidem verbis*. Then a transfer was made of an appropriation from the pay of clerks and messengers in the office of the Solicitor of the Treasury, to the use of the contingent expenses of that office. Again, I find that on the 25th of September, 1847, the order being preceded by precisely the same words which I have read, $6,000 were taken from an appropriation for the surveys of the public lands, and appropriated to the contingent expenses of the office of the Commissioner of the General Land Office. The same thing was repeated in the same form exactly, on February 19, 1848, February 29, 1848, and April 25, 1848.

Mr. HUNTER. I would ask the honorable Senator if these are not all cases of transfer in the same bureau, which Mr. Attorney General Johnson said was perhaps allowable?

Mr. PEARCE I think not. Here is a transfer of an appropriation for the survey of public lands; and the objects to which it was transferred are as follows:

"For defraying the expense of preparing, printing, &c., and issuing Treasury notes and stock, per twentieth section of act 28th January, 1847."

That is not the same bureau, I take it. Then there is another transfer from the same fund, "for contingent expenses of the southeast executive building."

Mr. HUNTER. I suspect that that is in the same bureau.

Mr. PEARCE. I understand that the southeast executive building is the one which the Government rented from Mr. Corcoran, and if that is so, the General Land Office is not there. I find, again, that an appropriation for the salaries of the clerks and messengers in the office of the First Auditor of the Treasury, was transferred to the contingent expenses of the office of the First Auditor.

All these are constructions given to the act of 1842 by the gentlemen who preceded this Administration. When an act, about the terms of which there cannot, I think, be any great doubt—whatever doubt there may be as to its propriety—has been passed, and has received without question, so far as I know, one uniform, practical construction from the different heads of Departments of different Administrations, is it the duty of an Administration coming into power after the lapse of a number of years to reverse that construction? I do not speak of a palpable usurpation. There can be no doubt that any Administration would be bound to condemn that. Nor do I speak of a case where the construction is so extremely doubtful, that most men, or even a majority of men, would say that it was a wrong one; but I say, that when an act has been passed in such terms as the act of 1842, which I have read to the Senate, and heretofore commented on, which is general in its terms, and which is not restricted by express language, or by any necessary application to a limited time—which seems to confer without limit or stint upon the heads of Departments, the power of transferring an appropriation under one head to another head; and when that has been practiced on by two different Administrations and several different Secretaries, how could this Administration justify itself even for putting a different construction upon it? Why, it could not do so, unless it meant to charge all these officers who have practiced under the construction which the Senator from Virginia thinks wrong, with ignorance or with want of principle. If they believed that they were intelligent men—that they were men of integrity, they might very well rely on the usage which they had established as just and reasonable, without rendering themselves liable to the charge of abuse which their predecessors had escaped. And they could scarcely reverse such a construction and condemn the practice under it without implying directly that those who preceded them were altogether incompetent to understand the law, or were dishonest in its execution. Now, sir, I, for one, do not think that these gentlemen were either incompetent or dishonest. I apprehend that they intended to make a fair and reasonable construction of the act, and to exercise only such powers under it as the law intended to confer upon them.

If gentlemen agree with me in this, how can any kind of reproach, expressed or implied, be cast upon this Administration for having exercised this power as they have done? I do not believe that the exercise of that power by them is illegitimate. This I know, that no exercise of it by them is half so startling as the one to which I referred, where an appropriation was diverted from the fund for the payment of the property lost, destroyed, or captured during the war of 1812, and applied to the relief of insolvent debtors, for which object there was no appropriation. Where there have been deficient appropriations for particular branches of the military service, this Government, in the exercise of the powers conferred upon it by the act of 26th August, 1842, has transferred from other heads appropriations for the purpose of eking out supplies. If there is anything so vitally important to the Government in that as the Senator seems to think, I do not perceive it. It is the regular exercise of a lawful power—liable, indeed, to abuse—and which, perhaps, it would be well for us to guard against by further legislation. But the fault does not rest with this Administration, or with any Administration, so much as it does somewhere else. If the legislation of Congress were as it ought to be; if the members of Congress informed themselves thoroughly of the operations of all the Departments of the Government, as they might, if they would; if the bills which we pass for the supply of the Government were duly considered in both bodies, not only by the committees, but by the members of both bodies; if they were not passed in the midst of "noise and confusion," a great deal worse than that which has been most unjustly associated with the name of the Senator from Michigan; if they were not passed in the midst sometimes of hubbub and confusion, the like of which was never presented in any other deliberative assembly, I venture to say, if they were not passed after exhausting sessions of a day and night, the legislation of Congress would be much better. At the last session a most important bill for the support of a large branch of the public service was not sent to this body until after the period when the session should have been closed. The committee had not time to read it, and only knew its provisions by borrowing it from the House the preceding Sunday for examination; and there was scarcely time to read it in the Senate. If legislation were conducted with calmness and deliberation, and that attention to the public interests which we who hold seats here all owe to it, there would be no such necessity for transfers, perhaps, as now exist. In time of war it is probable there would be a necessity for transfers in the War Department. Perhaps in that Department they would always be necessary to a limited extent. I doubt very much whether the military service would not be liable to difficulties if such a power were not allowed to be exercised by the head of that Department, with reference to the Army operations in our distant possessions among hostile Indians. In other Departments, I think it may be avoided, as it has been in the Navy Deportment.

Since the year 1842, with a single exception, the Senator from Virginia says that they have done without the power of transfer. From 1842, there has been no general power of transfer in the Navy Department. After that time there was a special power, however, conferred on the head of that Department, by an act passed in 1848, which authorized a considerable sum of money to be transferred by the Secretary of the Navy, and applied to other heads of expenditure in the Navy Department. But, as it has got along for a number of years without such a power of transfer, I have no doubt it can get along hereafter without it, and I think that perhaps the other Departments, with the exception of the War Department, might do without such a power of transfer. But then it will require liberality on the part of Congress—it will require some trust in the honesty and capacity of the men who administer the Government. We must not strike down appropriations in the dark, and say that, with or without reason, we will not allow them more than the half of what they estimate for. We must know what we are about, or else, if we take away this power of transfer, we may find some of the wheels of Government stopped.

The Senator spoke about a system of rests and balances, and he seemed to think that I was very indifferent to the necessity and the obvious advantages of ascertaining, from time to time, what our condition was, as nearly as possible. That is not so. The Senator is mistaken if he supposes that I considered it of no importance. I do consider it of importance; and I recollect, when I addressed the Senate before, that I told them of the approach which had been made towards that object by the Secretary of War. I will now read what I did not read on that occasion, the proof of that to which I allude. Here is an order issued by the Secretary of War, on the 4th of April, 1851, and I do not know that any criticism of Congress had stimulated him at that time; for I do not think there was anything suggested about a system of rests and balances at the time when he issued this order:

CIRCULAR TO BUREAUS.

The chief of each of the bureaus of this Department will cause to be kept in his office, accounts exhibiting, under the several heads of appropriation, the amounts expended for the service of each fiscal year, commencing with and including the current year. In these accounts the expend-

tures will be referred, not to the year in which the money may have been paid, but to the year for the service of which the expenditure was made, or the liability incurred, whatever be the date of the payment.

An account will also be kept of all payments which have been, or may be made out of appropriations of the present year, or future appropriations for debts and liabilities contracted prior to the commencement of this year, July 1st, 1850, specifying, if practicable, the particular year in which the debt or liability was incurred.

The accounting officers are requested to keep each bureau advised of every payment or settlement made at the Treasury affecting its appropriations for the current and future fiscal years, the object of the expenditure, and the period to which it is chargeable.

C. M. CONRAD, *Secretary of War.*

WAR DEPARTMENT, *April* 4, 1851.

I think that was a reformation and an approximation to the system desired by the Senator. I do not know that a much nearer approach to a system of rests and balances, which the Senator suggests, can be arrived at in any other way. It may be approximated; it cannot be entirely arrived at. I do not believe that it can be attained in any other way than by carrying out exactly such a view as that which the Secretary of War is seen to have taken more than a year ago.

The Senator seemed to think that the practice of allowing Army appropriations, or appropriations for suppressing hostilities, to remain outstanding more than two years, was a violation of the Constitution. I turned to the clause, and I found in the enumeration of the powers of Congress, the following:

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

I suppose the meaning of that is, that the money appropriated shall not be appropriated by Congress for a service of more than two years; that any appropriation made shall not contemplate the service of the Government for more than a period of two years; not that the money may not remain in the Treasury, subject to all demands upon it which the service of these two years may require, but that you shall not appropriate—for example, in the year 1852, by law, for the military service of the Government for the years 1853, '54, and '55. That you certainly cannot do under the provisions of the Constitution. But the practice of this Government always has indicated a different construction of that article of the Constitution from that which the Senator from Virginia seems to give it; for we know, of the very appropriation of which he speaks, that for the suppression of Indian hostilities in Florida, either made in 1839 or 1840, that it remained outstanding as an appropriation from that time down to the advent of the present Administration into power. If it was unconstitutional to keep that fund outstanding, it was the duty of the political friends of the gentleman from Virginia, when they were in power, to carry it to the surplus fund. If there was any violation of the Constitution, they violated it by not carrying this amount to the surplus fund.

Mr. HUNTER. The Senator refers to one fund of which I did not speak, because there has been a series of legislation upon that subject. A law was passed in 1844 reappropriating this fund to certain special purposes. It was an appropriation for paying claims, and not precisely a military appropriation. The fund to which refer I was an appropriation for the payment of volunteers, which was strictly a military appropriation, and which, three years afterwards, was used and transferred by the Secretary of War. The act of Congress appropriated that amount in 1847, and it was used three years afterwards.

Mr. PEARCE. The Senator referred, as I understood, to an appropriation for the suppression of Indian hostilities.

Mr. HUNTER. I referred to that for the purpose of showing that that item of appropriation was used as a pretense to enable the Secretary to apply to the payment of a private claim, money appropriated to the payment of militia. I did not refer to it for the purpose for which the Senator seems to think.

Mr. PEARCE. But we know very well that the construction given to the act of 1820 by Mr. Grundy, when Attorney General under Mr. Van Buren's administration, was, that all these appropriations might be kept outstanding more than two years, unless the object was completed—unless the purpose for which the money was appropriated was satisfied. Why, then, talk of paying it into the surplus fund if the object was not completed? It is the constant, unvariable practice of the Government to keep appropriations outstanding until the object is accomplished. I do not think that Mr. Berrien's opinion contradicts this view of the subject. I confess I did think so until I read the last clause, in which he says:

"You will of course perceive that the foregoing observations, which relate to the balance of appropriations remaining unexpended in the hands of the Treasurer as agent for the War and Navy Departments, and to the repayment of such balances into the Treasury, are made merely to show the operation of the act of 1820, as applicable to the course of proceeding under the acts of 1792 and 1798. The act of 1822, by prescribing a different mode of drawing from the Treasury moneys appropriated to the service of the War and Navy Departments, has rendered its provisions, in this regard, inapplicable, because they have ceased to be necessary."

By the acts of May, 1792, and July, 1798, the Treasurer had been constituted an agent to disburse money appropriated from the Treasury for the use of the War and Navy Departments. One of the sections of the act of 1820 provided that the moneys in the hands of this agent should, at the expiration of two years, be returned to the surplus fund. The section is in these words:

"And whenever any moneys appropriated to the Department of War or of the Navy shall remain unexpended in the hands of the Treasurer, as agent of either of these Departments for more than two years after the expiration of the calendar year in which the act of appropriation shall, or to which it refers, it shall be the duty of the Secretary of such Department to inform the Secretary of the Treasury of that fact, and the Secretary of the Treasury shall thereupon cause such moneys to be carried to the account of the surplus fund."

That was the provision of the act of 1820. At the time when that act was passed, the Treasurer was an agent for the War and Navy Departments. By the act of 1822 he ceased to be an agent for either of these Departments, and a new mode of drawing money from the Treasury was provided. I understand Mr. Berrien's opinion to be, that the act of 1822, by prescribing a different mode of drawing from the Treasury moneys appropriated to the service of the War and Navy Departments, has rendered the provisions of the act of 1820 in this regard inapplicable, because they ceased to be necessary. So that I suppose there may, after all, be no discrepancy between that opinion and the opinion of Mr. Grundy.

Mr. HUNTER. The Senator will find himself very much mistaken. The remark of Mr. Berrien, which the Senator has read, was designed to show that he was aware of the fact that the law of 1822 had altered the relation of the Treasurer towards the War and Navy Departments—that he no longer received moneys as their agent. If he will examine the opinion, the Senator will see that that is so. Mr. Berrien takes up case by case.

Mr. PEARCE. It may be so. I have not examined the opinion sufficiently critically to be entirely certain that he does not sustain the construction of the Senator from Virginia. But then if so, as I have shown, the opinion of Mr. Attorney General Grundy was directly the other way, and the practice of the Government has been in conformity with it. I have no manner of objection that the practice which the Senator seems to think wrong and injurious, shall be corrected by legislation. My only objection is, that an imputation should be thrown on this Administration that they are violating the law, when they in fact are not violating the law, or are only construing laws which Congress have passed, and ruling the cases precisely as their predecessors did, without complaint or reproach, keeping the appropriations outstanding until the objects were accomplished under the act of 1820, and making transfers when necessary by authority of the act of 1842. However, I will not longer detain the Senate on that point.

There are a few other items, however, to which I must beg the pardon of the Senate for now referring. I desire to correct a statement made by me, when I addressed the Senate about a month ago. It will be recollected that I then said something about a cheese contract. I fell into an error, I believe, my information being verbal, though I do not think it of any great importance. I stated that the contract was made in 1848. In that I was mistaken. I supposed, also, that the contract was made with a single individual; in that respect, too, I was in error; but not in any other or material respect, I believe. Prior to the year 1847, the purchases of cheese for the Navy were not made by open contract, as it is called, but were made with the lowest bidder. By the naval appropriation act of March 3, 1847, authority was given to the Navy Department to make these purchases by open contract, and I had supposed that the execution of this power had been deferred for a period of some eighteen months. It seems, however, that I was mistaken in that; and that the exercise of it was much more rapidly resorted to. It seems, that instead of this contract being made in 1848, it was made in 1847, very soon after the passage of the act; and I find, by referring to the report made by the present head of the Bureau of Provisions and Clothing, that at the date of that contract, or about the date of that contract, there was on hand at Boston, New York, and Norfolk, a three years' supply of cheese for the consumption of the Navy. That was the important statement which I made; the rest was incidental, and of no great consequence. There was a three years' supply on hand, and yet, at that time, a contract was made for a four years' supply, at eighty thousand pounds *per annum*. I find, too, that, subsequently, the contractors were written to by the present head of the bureau, to know whether they would suspend the delivery of the cheese, or abate the contract. They declined to do so. I understand, also, that the head of the Navy Department does not think there is any power under the contract to revoke it; that is to say, there is no such cause as the contract refers to, to justify him in putting an end to it. There was a provision in the contract, which I have seen, that, in certain cases specified, and for other sufficient causes, it might be terminated; but the fact that the Government had a three years' supply of cheese on hand at the time they chose to make this improvident contract, was not a sufficient cause for breaking it within the stipulations of the contract. Here is what the present head of the bureau states, and he puts the case very mildly:

"The quantity of cheese on hand at the navy-yards at Boston, New York, and Norfolk is equal to a supply for two years and a half, and there is a large amount besides at our other depôts at home and abroad. The cause of this accumulation may be found in the following statement:

"On the 1st of January, 1847, there was on hand at the above-named places 249,692 pounds, sufficient for a supply for three years; and 264,236 pounds on the 1st of July, 1847, besides considerable quantities at our other depôts. In May, 1847, contracts were entered into for 80,000 pounds per annum for four years. The first delivery of 40,000 pounds was made in November of that year, and a like quantity was to be delivered in each succeeding May and November until the completion of the contracts. So much complaint was made of the quantity of the article on hand, and by the men of the quality, (it being by regulation required that the oldest article should be first issued,) that soon after taking charge of the bureau in July, 1849, I felt it my duty to bring the subject to the notice of your predecessor, by whose instructions letters were addressed to the contractors to ascertain whether, in view of the large accumulation of the article on hand, they would be willing to abrogate the contracts, or, at least, to suspend for a time any further deliveries. To both propositions negative answers were received. As a preliminary to any action, and previous to addressing letters to the contractors, instructions were given to the commandants at the above-named yards to have surveys held on all the cheese in their respective stores, and to report the quantity under each year's inspection. It fortunately happened that but a small quantity of any delivered prior to 1847 at Boston and Norfolk was remaining; but the result of the survey held at New York will be best understood by the following extracts from the report of the surveying officers: 'The first lot, comprising 1,346 boxes, containing 102,197 pounds, we have condemned. This cheese has been in store since prior to 1846, and some of it is reported to have been here since 1843.' * * 'The cheese was, no doubt, good in its time, but age has impaired it until almost every box has lost its flavor; the salt has kept it from decaying, but it has become hard, honey-combed, shrunk, and, in some instances, discolored.' * * 'The second lot, 282 boxes, weighing 21,129 pounds, supplied in 1846, is in better order.' The surveyors recommended that this lot should also be sold. The cost of the first lot of 1,346 boxes was $19,034 19; the net proceeds of the same at auction amounted to only $2,238 79. The second lot, having been considered good for immediate use, was distributed to the different yards to be issued as soon as possible. The last deliveries under these contracts will fortunately occur in May next, and no new ones will be entered into until our present stock is nearly exhausted; and when they shall be deemed necessary, care should be taken to stipulate, as is the case in most of our present contracts, not for any specific quantity, but only for such as the wants of the service may require."

I should not have wearied the Senate with this statement, were it not that my remarks on a former occasion on this subject, have been made the subject of comment in another place. However, I do not choose to make any further reply

to that. It seems that I was in error, so far as my statement as to the year went. The contract was made in 1847, and not in 1848, as I stated; and it seems, also, that there were four contractors instead of one. Three contractors were allowed to furnish ten thousand pounds each, and the other fifty thousand pounds, at seventeen cents the pound, for the fifty thousand pounds; and, I believe, thirteen and three fourth cents for the others, and the final responsibility in the matter, I believe, belongs to the then Secretary. With that, I dismiss the subject.

Some remarks were made the other day, by the Senator from Arkansas, [Mr. BORLAND,] to which, I hope, late as it is, the Senate will indulge me in alluding. I mean to be exceedingly brief. I did not hear the whole of that Senator's speech; but I heard enough to surprise me. He contrasted the expenditure of this Administration with that of General Washington, as if the garments which wrapped the infant in the cradle would clothe the man when he was grown up to giant's stature.

Mr. BORLAND. If the Senator will allow me, I also made a comparison of a more striking character—it was between the expenditure for this Administration and the administration of Mr. Polk.

Mr. PEARCE. I am going to examine that matter. It is very true that the expenditures of the last fiscal year (and I take that as the best test) are very heavy, but how are they so, and why? In what respects are they excessive, and how can they be charged to this Administration? Sir, the appropriations are made by Congress, and the Executive cannot take a dollar out of the public Treasury without an appropriation; and I venture to say, in spite of the surmises of the Senator, that the Executive has not taken a dollar out of the Treasury without an appropriation. I challenge the production of a single instance in which a dollar has been taken out of the Treasury by this Administration, which has not been appropriated, and is not liable to be taken out. I say that if this Executive, or any other Executive should be known to take money out of the Treasury without an appropriation, it would be the duty of those who knew it in the other House to impeach him, and of this House to try that impeachment.

Mr. BORLAND. Perhaps it will be as well for us to understand each other as we go along, and therefore I beg the privilege of saying a few words now. The Senator challenges me to produce an instance where the Executive has expended money.

Mr. PEARCE. I do not say expending money, but taking money out of the Treasury without an appropriation.

Mr. BORLAND. Very well, sir. Surely the Senator understood me in saying that the Executive had taken money out of the Treasury, not to mean that he had actually expended it, because if he had there would have been no necessity for sending this bill here. What I complained of was, that the Executive had incurred liabilities, without authority of law, without any appropriation being made, and was calling upon us to pay them. That is what I said, not that he had actually taken money. I do not pretend that he has taken the money. Of course I do not mean that the money was expended. If it was, why should we have this bill before us, and why call upon us to make an appropriation now? I said this, that last year, when the Executive Departments sent in their estimates for they ear, and asked for a certain amount of money, upon a thorough investigation and discussion of these estimates in Congress, the amount asked for was refused, to the extent of this deficiency bill, now sent to us by the Executive, and the Executive went on and incurred expenses, and have now sent a bill here asking us to sanction what they have done; and what I say is, has been done without the authority of law.

Mr. PEARCE. The bill was so far discussed as this, that I do not believe it was spoken of for twenty minutes in this House by anybody. I do not think the Committee on Finance had time to give it a decent examination. I think it only came to us on the last day of the session.

Mr. BORLAND. I spoke of the action of the House of Representatives, where those appropriation bills originate, and where they are passed upon before they come to us for our concurrence. I say these estimates were thoroughly discussed in the House of Representatives, and that these very sums that the Executive now asks at our hands, were there refused after thorough discussion—that they were stricken out of the bill before they came to us.

Mr. PEARCE. There it was discussed, and there the chairman of the Committee on Military Affairs, an honorable gentleman from South Carolina, [Mr. BURT,] not a friend of this Administration, told the House of Representatives that they would stint the public service if they did not give the appropriation asked for. He told them that he had examined every item, and that they had been reduced to the very lowest possible amount; that the military service could not be carried on adequately if they struck in the dark at these appropriations. He said he had examined most minutely every item in that bill, and that if they did not pass the appropriations asked for, the military service must suffer. I do not know in what particular the Administration has made any use of money, or has contracted any debts which it had not any authority to contract. They have authority to contract debts without an appropriation in certain cases. The act of 1820 gives that power (as the Senator from Virginia stated) for the Quartermaster's Department; and it is in that Department that these deficiencies have accrued. There they have the authority to make contracts, whether Congress has appropriated money or not. There is express authority given for that purpose by the act of 1820.

Now let us look at what the expenditures of this Administration have been during the last fiscal year, ending the 30th June, 1851. They have been $48,000,000, and that seems to be a very large amount; and if there were not at hand an easy explanation, the Senator might well complain that it was very large. But, we ought to deduct from this amount a great variety of items—items which are extraordinary, which are occasional, which do not belong to the current service of the year, which grow out of special legislative action, or which are rendered necessary by recent treaties. Now, sir, the first item which I would deduct from this sum of $48,000,000, is one which has not heretofore—not at least until the time of this Administration—been carried into the annual expenditures of the Government. I mean that it has not been exhibited in the accounts of the annual expenditures. Gentlemen of the Senate know very well that prior to the year 1849, the revenue was collected by the Secretary of the Treasury, who paid the expenses of collection out of the gross receipts from customs—that the gross receipts were not brought into the Treasury, but only the net receipts. In 1849, when this Administration came into power, it was thought advisable, and I was inclined to think myself, that if a sufficient sum for collection should be allowed, it would be a very proper thing to bring the whole of the gross revenue into the Treasury, and to allow the Secretary of the Treasury a certain sum for the expense of collections.

The sum allowed to the Secretary during the year 1851, for this purpose, was $2,450,000. It must be recollected that during former Administrations—that of Mr. Polk, for example, with which the Senator would contrast this—no such charge ever appeared upon the books of the Treasury, the money having been taken out of the gross receipts, and only the net receipts accounted for.

There is another circumstance in connection with this, which I mention to show that this Administration is not disposed to squander money as the gentleman seems to think. It is this: The sum allowed for the collection of the revenue during the year ending June 30, 1850, was, as I have stated, $2,450,000. Now, the actual expenses of collecting the revenue from customs, during that year, was $2,051,000. The Secretary had not expended the money which the law allowed him, by the amount of $400,000, and I think it is just to mention this as evincing a disposition on the part of the head of that Department not to waste the public funds, but to use them with a judicious and effective economy.

There was also appropriated during the year ending June 30, 1851, for the fourth installment of the indemnity due to Mexico, the sum of $3,360,000. This was paid at an actual cost of $3,242,400; the difference being occasioned by the premium which was obtained on the transaction. This is a fair subject of deduction, because it is an unusual and extraordinary expense incurred under a treaty, forming no part of the expenditures of Mr. Polk's era, with which the Senator proposes to contrast it.

There was also appropriated, to indemnify American citizens for their claims against Mexico, in pursuance of the treaty of Guadalupe Hidalgo, $3,250,000, of which there was actually paid, during that year, $2,516,594. Most of the balance has been, or will be, paid during the present fiscal year.

Then there has also been paid for the redemption of the principal of the public debt and canceled Treasury notes, $521,264, an unusual expenditure not properly chargeable to the current service of the year.

Then the interest on the public debt contracted by preceding Administrations has been paid to the amount of $3,696,721; a great part of which debt was occasioned by the expenses of the Mexican war. Then there have been arrearages paid to the volunteers in the Mexican war. Many of these expenditures, which are charged to the present Administration, are found to grow out of the transactions of prior Administrations; as, for example, during the year 1851, arrearages were paid to the volunteers in the war with Mexico to the amount of $635,380. Then there was an excess of duties refunded during the year 1851. An immense amount erroneously paid for duties was refunded in pursuance of the decisions of the Supreme Court of the United States, reversing the construction given to the tariff act of 1846 by Mr. Walker, the late Secretary of the Treasury. Senators know very well that that officer issued a variety of circulars, in which he gave constructions to different provisions of the act of 1846. Some of these circulars have since been declared by the Supreme Court to be illegal. They very much increased the receipts from customs during the term when Mr. Walker was Secretary of the Treasury; but they increased the expenditures during the time that Mr. Corwin has been Secretary, for he has been called upon, under these decisions of the Supreme Court, to pay over the sum of $1,409,874, collected in virtue of these Treasury circulars, and this sum was paid during the last fiscal year. These are, I believe, for duties on goods exported to Mexico from the Texian frontier——

Mr. HUNTER. I am afraid the Senator will find that some of them have been paid contrary to law, without protest, on brandies and sugars.

Mr. PEARCE. When the evidence is given of that, it will be time enough to believe it. The Senator will excuse me if I do not take his conjecture for evidence.

Mr. HUNTER. I do not state this as a fact; but it is, at least, possible.

Mr. PEARCE. I do not know whether that would be any worse error than that of a previous Secretary in collecting—I will not say exacting—from our merchants money which, under the law of the land, they were not bound to pay, and which the Supreme Court have so decided.

Then there have been debentures paid during the year ending June 30, 1851, to the amount of $867,000.

Then for ocean mail steamers, the revenues of the Government have been charged during the year ending June 30, 1851, with the sum of $1,302,365. Then there have been three and five per cent. funds paid to the different States, to the amount of $76,345. Then there is the expense of taking the seventh census, which was, during that year, $672,000—that is an unusual and extraordinary expenditure.

There was also the expense of running the boundary line between Mexico and the United States, an extraordinary expenditure, amounting to $204,377. Again, there were new custom-houses and marine hospitals, authorized and commenced previous to the time of the present Administration, to an unusual amount. The expenditures under that head, for the fiscal year to which I refer, were $416,669. Then the public buildings in the city of Washington were more than usually expensive, and that, too, by authority of Congress. During

that year $221,133 were appropriated and expended for those buildings.

Again: a great number of bills were passed for the relief of individuals; and, in pursuance of such acts of Congress, there were paid from the Treasury, or the War Department, for claims due anteriorly to this year, $416,898. Then, pensions have been largely increased in consequence of the Mexican war. That is an increase of expenditure which cannot be properly charged to this Administration; it is due to a law of Congress. I have not been able to ascertain the precise amount of pensions chargeable to the Mexican war, but I believe it is estimated very low, when it is put at $550,000, which is something like one fourth of what we pay for pensions altogether.

Then there were payments on account of the Patent Office fund—I suppose for the Patent Office building. All these sums, together, make up an aggregate of about $19,000,000. That sum deducted from $48,000,000 leaves $29,000,000, and this sum must be further reduced to show the ordinary expenses of Government for the year ending 30th June, 1851.

Now the country, during the last five or six years, has vastly increased in extent, and the expenditures of the Government have increased in several departments, and in almost all instances by legislative action. You have new territorial governments in Minnesota, Utah, and Oregon. You have large and expensive establishments erecting in California. You have had dry-docks and floating docks, which are being constructed at a vast expense. You have an army increased fifty per cent., and you have an increase in the expenditure of the army by reason of the distance to which your military posts are removed, and the greater cost of transportation to get to them. The increase of army expenditures, alone, occasioned by the acquisition of new territory, is estimated by the Secretary of the Treasury at $4,556,709.

Mr. BELL. Was there not a large amount paid to the Cherokee Indians during that year?

Mr. PEARCE. Yes, sir; I think we paid last year more than $1,000,000 to the Cherokee Indians, under appropriations made during the session of 1850 and last year, which are extraordinary expenses, paid in pursuance of stipulations entered into by this Government years and years ago, for which this Administration were not responsible, which may be entirely proper in themselves, and which Congress undoubtedly thought so—which Congress at all events sanctioned, and for which the money was paid in the last fiscal year, to an amount, I think, of a $1,000,000 or $1,200,000.

Then it must be recollected that all the increased expenditures for the army in those distant departments, and the increase of appropriations by act of Congress, for dry-docks, and peculiar expenditures for the Indian service, also by act of Congress, should be deducted from the sum of $29,000,000. Deducting these amounts, it will bring down the expenditures of the Government to a trifle more than they were in Mr. Polk's time. Excluding trust funds, the public debt, the heavy war expenses, &c., the public expenses during his time were about $22,000,000, I think. I speak from memory, and do not profess to be precisely accurate; nor am I sure that I have not omitted some of the extraordinary expenditures, by which the gross expenses of the last fiscal year might be further reduced.

If you take the amounts which I have just mentioned, as made up of the expenses of floating docks, and Indian demands, and increased expenditures in the Quartermaster's department, which are enormous for the reason I have mentioned, you will find that the expenditures of the Government now, are about proportionate to what they were in Mr. Polk's time. In regard to the expenditure for the collection of the revenue, I will venture to say, that seldom, if ever, from the foundation of the Government, has the revenue from customs been collected at the same small rate of commission; and I think it will appear, from this brief statement, upon which I will not comment, that this Administration stands not only acquitted of the charge of extravagance, but entitled to the praise of economy for the management of the fiscal concerns of the Government.

Mr. BORLAND. Mr. President, as the Senator from Maryland has done me the honor to notice some of the remarks which I made here the other day, I must respond very briefly to one or two points. He denied the charge which I made, that this Administration had expended money, or, which is the same thing, had incurred liabilities without authority of law, which we are now called upon to pay. I repeat the charge, and I say the legislative records of Congress sustain the charge; and I think the honorable Senator from Maryland virtually admitted it. As I said, the other day, it is no answer to the charge to say that these expenditures were necessary and proper. The action of Congress may have been wrong—may have been unwise; but I repeat what I said on Thursday last, that constitutes no excuse for the action of the Executive.

Mr. PEARCE. If the Senator will be kind enough to specify a particular instance in which moneys have been improperly expended, or contracts improperly made, we can tell something about the matter. At present, the Senator's charges are vague and indefinite. He gives us no specifications. I stated before, that under the act of 1820, the War Department has power to make certain contracts without any appropriation being made. If the Senator will be so good as to refer me to the cases of an improper exercise of this power, I will be much obliged to him.

Mr. BORLAND. What I said was this, and the Senator cannot deny it, that the Executive, in the estimates sent to the last Congress, asking for appropriations to administer this Government, asked for a larger amount by the sum of about $3,000,000 than Congress granted. The Executive now comes before Congress, and asks that we shall, in the form of a deficiency bill, appropriate that very sum of money which Congress then refused. In disregard of the refusal of Congress last year, the Executive has gone on and conducted the affairs of the Government at an expense greater than the act of Congress warranted. That is what I said. And I think both the Senator from Virginia and the Senator from California, specified instances enough where these expenditures were wasteful and extravagant beyond parallel in the history of this Government. But, I repeat, it is no answer to the charge to say, that Congress acted unwisely, and acted wrongly, in not making the appropriations, or that the public service, in the judgment of the President of the United States, required that these expenditures should be made. I stated the fact, that the Constitution makes Congress alone the keeper of the public money, and requires that no money shall be expended, unless by appropriation made by Congress. Whether Congress acts wisely or unwisely, it constitutes no excuse for the President of the United States—gives no validity to his allegation, that the public interests required that he should go on in defiance of this refusal of Congress.

The Senator then takes up the comparative expenditures of the different Administrations. My object in instituting that comparison was not so much to charge extravagance upon the present Administration, as for the general purpose of showing the tendency in our Government to increase its expenditures beyond what is right and proper, and to an extent far greater than the increase in our territory, or the increase of our population, or the business of our country requires. I showed, the other day, by statistics which are accessible to every Senator, that our population had increased, from 1790 to 1850, a little less than six hundred per cent.; that our territory during that time had increased not quite two hundred per cent., but that our expenditures, commencing with 1791, and coming down to last year, had increased two thousand per cent. Our territory had not increased twofold, our population had not increased sixfold, and our expenditures have gone so far as to increase twenty-fold. I assumed it as a position, which I think cannot be successfully controverted, that the necessary expenses of Government had not increased even in the same ratio with the increase of population and the increase of territory. I assumed that it was absurd in itself—that it was a monstrous proposition—to say that the expenditures should increase, not only *pari passu* with the extent of territory and population, but should exceed that ratio by three or four hundred per cent.; and I pointed to the facts, to show that it would be not only monstrous, but ruinous in the end, if we went on in the same ratio; by calling the attention of the Senate to the fact, that we have an expenditure of $52,000,000 this year—that the ratio of increase since 1828 has been one hundred per cent. every twelve years, and according to that ratio, in 1864 our expenditures will be $104,000,000; and in 1876—just a hundred years since our birth as a nation—they will amount to $208,000,000—an expenditure which every one will admit cannot be borne by the Government, and its existence maintained. These were the general purposes for which I instituted a comparison between the expenditures of one period of our existence and another. But, in making that, without reference to the present Administration, I found this fact: that every Federal or Whig Administration that this Government has had, from the beginning down to the present day, has increased the expenditures of the Government; and that the substitution of Democratic Administrations in their place, has generally had the effect of reducing them under similar circumstances. From this fact I drew the conclusion, and asserted that the Democratic or Republican Administrations of this Government had been economical in their expenditures, and I compared them with what I showed to be the extravagant expenditures of Federal or Whig Administrations.

The Senator takes up what I charged as the expenditures of the present Administration for last year. Now, the Senator ought to have included, as I did, the whole three years of the Administration; and if he had taken the average, as I did, he would have found that it is strictly true, as I stated, that the average expenditures of this Administration, for three years, exceed the average expenditures of the administration of Mr. Polk during the whole four years of his continuance in office, by about $4,000,000 a year—the average of Mr. Polk's administration being about $36,000,000, and the average of this Administration about $40,000,000 a year. I can assure the Senator that I made a proper deduction for the items to which he alludes; and I say, notwithstanding, that during the three years of the administration of Mr. Polk, when we were engaged in an expensive war with Mexico, requiring the full use of the Navy, and a very large increase of the Army, when the war was carried on in a foreign country, and at an extraordinary expense, his expenditures did not equal the expenditures of the present Administration by about $4,000,000 a year.

With regard to the public debt, and the amount necessary to pay the installments upon the indemnity to Mexico, under the treaty of Guadalupe Hidalgo, I deducted them from the estimate. So far as our common public debt is concerned, I showed, by the record, that during Mr. Polk's administration, a larger amount of it had been paid than during the present Administration. So, let the Senator take the question in any aspect he pleases, either in the average, as I presented it, or in the detail for each one of the years, and he will find that the result will come out substantially as I stated it. There may be some $200,000 or $300,000 difference in one year from what I stated, one way or the other; but I assume here, with confidence, and I am sure the position cannot be successfully controverted, that he will find, that in stating the comparitive expenditures of the administrations of Mr. Polk and Mr. Fillmore, I will not have been found to vary from the exact truth, as the figures upon a close examination will show, by as much as half a million of dollars. The figures will show that the administration of Mr. Fillmore, during a time of profound peace, deducting even the expenses which now have to be paid, which were incurred during the administration of Mr. Polk, has expended $4,000,000 a year more than the Administration of Mr. Polk.

Mr. GWIN. I will not detain the Senate more than two minutes. In the first place, I wish to state that in my comment on the information produced by the Senator from Maryland [Mr. PEARCE] in regard to the expense of the escorts that accompanied the Indian commissioners in California, I stated the exact facts as they occurred. I applied to General Jesup for the cost of these escorts, and was informed that the returns were not all in. Afterwards, when the Senator from Maryland made his application, they had been received, and were furnished to

him. I was not informed of this fact when I replied to the Senator, and hence I drew the inference—and a very natural one it was—that he had greater facilities in getting his inquiries answered at the Department than I had. It was not my purpose to charge neglect or favoritism on General Jesup, for he is incapable of practicing the latter, and his industry and courtesy are well known.

One word as to what the Senator from Maryland has said in reference to the expenditures of the War Department in California, under the orders of General Smith. He says they were made by the General on his own responsibility, without the authority or sanction of the Department. The Senator must be mistaken, and the public records will prove it. General Smith, if the Senator is correct, must have violated the regulations of the Army, which we both read to the Senate a few days ago, and if his acts had not been sanctioned by the Secretary of War, he would have been derelict in his duty for not subjecting the General to a trial by court-martial for violating those regulations. His acts were approved by the Secretary, as I have already stated and proved.

The Senator from Virginia has accused the Taylor administration with having formed the State government in California. I acquit that Administration of the charge. The Senator made the assertion, but did not attempt to sustain it by proof. I will meet assertion by assertion, and at some leisure time, when we have nothing else to do—and you know, sir, we have a great deal of leisure time—the Senator and myself can amuse ourselves and the Senate in discussing this matter. If the time ever comes for such a discussion, I will establish the fact that the State government of California originated in the voluntary acts of the people of the Territory. The Taylor administration may have desired to bring about the establishment of such a Government in that Territory, but we would not permit its agents to interfere in the matter, and if the Administration, and all of its subordinates, including the Army and Navy, had attempted to put a stop to the State organization, they could not have prevented it.

As to the money used in paying the expenses of the State Convention, we conceived that it was our own, exacted from us without authority of law, and was rightfully applied in paying the expenses of organizing the State government, and I regret we did not get all of it, (the civil fund,) as we are justly entitled to it.

Mr. DAWSON. I have not mingled in this debate, nor do I intend now to mingle in it to any great extent. Fairness and honesty are always proper; and upon every occasion justice should be done, even to a living or dying Administration. My Democratic friends—for whom I have the greatest possible personal regard, and a strong political regard, too—have taken it into their heads to consider this a dying Administration; and, for the purpose of completing its death, they are disposed to crush it at once by round assertions, and holding it up to a public responsibility, that their own better judgment and knowledge of the facts ought to prevent them from desiring. Sir, I am a friend of this Administration and of its head. I believe he has ability, integrity, and fidelity, and that his objects are coextensive with every section of this Union. I have seen nothing in his character or in his Administration that requires either party or section or faction to be disposed to blot the fair name which he has obtained by an honest administration of the Government. I have listened with patience—and I am a quiet and cool man when the character, personal or political, of others is involved, and I am always determined to do justice to my fellow men, whether personal foes or political opponents—and I have asked myself what could have induced the distinguished Senator from Virginia—and I call him distinguished—to endeavor, at a time like this, to present unfairly the character of this undoubtedly honest and faithful head of the Government before the country in a way to send the impression abroad that he had been violating his duty as a public officer, and involving the country in expenditures——

Mr. HUNTER. Does the Senator from Georgia say I endeavored to present the character of the Administration unfairly?

Mr. DAWSON. I thought that the Senator did so, from a mistaken apprehension of his facts—not that he intended to do so.

Mr. HUNTER. I believe I have stated no facts which have been contradicted or disputed; and I say I have not endeavored to represent anybody unfairly, and I hope I should be incapable of doing so.

Mr. DAWSON. I hope and believe the Senator is incapable of doing so. But he spoke of holding this Administration, and the party which upholds it, liable for the admission of California; and the idea would have floated over the country that it was a party measure, upon which the admission of California had been established.

Mr. HUNTER. I did not say so. I said I would hold the Whig party liable for the conduct of the Whig Executive in relation to that admission. What was that conduct, I left for the country to say.

Mr. DAWSON. Exactly; and this manner of putting in that argument is the involvement of a charge which goes to the country, when that Senator well knew that there was not a single member of the Whig or Democratic party north of Mason and Dixon's line, who voted against the admission of California, and there was scarcely a Senator south of it who voted for the admission.

Mr. HUNTER. The Senator misapprehends me entirely. He ought either to listen to what I say, or not comment upon it. I did not say the Whig party voted for the admission of California. I said they were responsible for their Administration; and I charged upon that Administration that it used improper influence in relation to the admission. That is the point which I raised.

Mr. DAWSON. Very well; I only wanted to put that right. I knew what the Senator meant; but there is an art in elocution and the manner in which a speaker gladiates. He may cut certain heads, and others he may leave untouched. He may reach the judgment of some, and not be able to control it, but leave an impression on others who would be controlled by such a statement. Hence it is that this manner of arguing before the country, and sending out a political speech at this time, is calculated to make a wrong impression upon the public mind, and lead the country to believe contrary to what the Senator intended.

Well, sir, I have asked myself the question, coolly as a juror, sitting unbiased, where is there a charge against the head of this Administration, showing a want of knowledge or intelligence as to his duty, or a violation of that duty, by any act of his? Has it been presented here by a single gentleman who has argued against the Administration? Why, sir, the distinguished Senator from Texas, [Mr. HOUSTON,] when he showed his manly position in relation to what Texas was—he, too, without designing it—for I know he is incapable of it—made an indirect charge against the Administration, as would be understood by the country; but if he were to explain he would deny it, and deny it justly; still it was a charge, and the country will so understand it. He stated roundly here, in the ear of the country, that the Government of the United States, through its military power, had given Texas no defense; that it had not saved a single horse from Indian depredation, nor prevented a single incursion of the Indian. He said these things did not occur before Texas came into the Union. For $10,000 a year they controlled the whole of the Indians, and now it took hundreds of thousands. This depended upon one of two things: either the Indians were very apprehensive of the power of Texas, or they had a very kindly regard to the then existing Great Father, the President of Texas, who controlled them; and I have no doubt that the Great Father was a good father, and managed them most economically, and kept them in a state of quietude and subjection. Now, if you want to introduce economy into the expected coming Democratic Administration, get for yourselves a great father who can control the Indians. You know where to look for that man.

But, Mr. President, I rose to answer the charge that the Government of the United States had given no protection to Texas. Whenever there is a wrong that happens between two men, or between two Departments of the Government, each, according to a law of nature, seeks to throw the blame upon the other. "I did not do it, but you did," is the cry of both. What is the fact in regard to Texas? She complained to this Government that she wanted protection; they wanted posts thrown further out from the southern frontier of Texas to the northern. The posts were put there, the men were stationed, and they wanted mounted men. What did Congress do? Passed a bill, reported by the Military Committee, authorizing the mounting of a number of men, and making dragoons or mounted infantry of them, to protect that country, and traverse it from one end to the other. When they passed that bill, the presumption was that there would be an appropriation made to carry it out; but when the appropriation bill passed, so far as it related to the appropriation to sustain the military strength of the country, it was cut down vastly below what the requisitions of the Department were; and now, because we did an act depriving the Administration of the power of carrying that law into execution, for want of money, it is raised as a charge against the Executive Department, when we ourselves are to blame. You all admit this, and know it. Would it not be unkind and ungenerous now to throw an imputation before the country to injure this Administration, when you yourselves are to blame? Let the truth go abroad. By it we are willing to be tried, and my word for it, whenever the public mind is taken upon these questions, the Administration will stand acquitted.

Now, suppose a Senator should say the law required you to buy the horses and mount the men, and you had a right to make a contract, and put it upon the credit of the Government; immediately my friend from Arkansas [Mr. BORLAND] would rise and ask, "Have you the power? did not the Government cut the money off, and how dare you do so and so?"

I have another suggestion to make here. The finances of this country create a great deal of difficulty. There is a wonderful perplexity of feeling preceding every Presidential election—there is an alarm spread in regard to the mode and the manner of the expenditures, and the economy of these expenditures. Now, if we can judge of the capacity of gentlemen, in regard to the finances of the country, by their speeches, the incoming expected Democratic Administration can find men who can regulate the Treasury so as to reduce the expenditure immensely; and in the event that this change takes place, my friend from Arkansas should not be forgotten. If I live, I intend to look, and see, and examine in what this great radical change shall take place, when the expenditures shall be reduced. But, sir, even if I live, I have no hope to see it done. The progress of this country in population, and extension, will have an influence on the expenditures, and it cannot be prevented.

Now, I could make a general declaration here, and pronounce a eulogy upon the administration of the late venerable John Quincy Adams. The expenditures of his Administration were annually about $13,000,000, and yet Mr. Van Buren's expenditures went as high as $36,000,000, I believe; but would I attempt to throw any imputation upon that administration by a comparison with that of Mr. Adams? The condition of the country was different; and yet we all know that Mr. Adams was turned out of power, among other causes, in consequence of the extravagance of his administration, and his suggestion to make appropriations to build light-houses of the skies. Let us act fairly; let us talk freely, but do justice to every man.

Mr. President, I now come to my friend from Virginia, [Mr. HUNTER,] and beg to make a suggestion—and if he had only referred to it in his speech, which will be so widely circulated, I need not have said a word—and I am sure the country will observe the fact, that there has not been a single charge against this Administration for an expenditure within the limits of the old States, together with the new States which came in prior to 1845. Where do you locate your charges of extravagance of public appropriations? In Texas, in New Mexico, and in California. What other Administration had to expend money in those

regions? None. And here I would rely upon my friend from California, [Mr. GWIN,] and I do not take him to be a very economical man; he can talk economy, but he practices it very badly.

Mr. WELLER. Does the Senator allude to me?

Mr. DAWSON. I did not allude to you; but they have charged you with being rather wasteful of the public money, though I suppose improperly.

Mr. WELLER. I propose to answer that at the proper time.

Mr. DAWSON. Now, what are the charges? Look at them; they are for expenditures in California, or on the way to California. None of them, as people nowadays say, were in the United States. They are all in New Mexico, California, and Utah—and what are they? Escorts furnished to carry our officers from five to six thousand miles, through a wilderness country, where every night they are in a state of alarm and apprehension as to their life; and a great cry is raised, because the officers who are the representatives of your Government, seek to be protected at the expense of the Government—and the expenditures are large. And why are they? Because you cannot render them any less. And here is one thing I beg to suggest, in order that the country may understand it, and that justice may be done to gentlemen, whether Whigs or Democrats, who went under these circumstances. Has any Senator on this floor stated in his place, as a Senator, that these expenditures could have been reduced a single dollar? Where is the item that could have been avoided?

Mr. GWIN. If the Senator will permit me, I will name one. I will name the case of sending Collector Collyer to San Francisco. He could have gone there for $500 instead of $35,000, if he had gone there as Mr. King, and the collector to Oregon, and all military officers had gone.

Mr. DAWSON. Mr. Collyer went under the escort of a part of the Army of the United States.

Mr. GWIN. Not necessarily going to California.

Mr. DAWSON. Necessarily going to California, or part of the way. It is utterly out of the question that Mr. Collyer ever spent that money as an individual.

Mr. GWIN. How did he spend it? I say he could have gone to California for $500, and he spent $35,000.

Mr. DAWSON. The Government spent it to support the army and the escort that went with it.

Mr. GWIN. The Senator from Virginia stated this morning that no escort would have been sent there if it had not been sent with him.

Mr. DAWSON. The soldiers had to go any how.

Mr. GWIN. No, sir.

Mr. HUNTER. If the gentleman desires it, here is a letter from General Jesup, which can be read.

Mr. DAWSON. Let it be read.

It was read, as follows:

QUARTERMASTER GENERAL'S OFFICE,
WASHINGTON CITY, *April* 30, 1852.

SIR: In reply to your note received this morning, I have to state that Colonel Collyer moved with troops from Fort Leavenworth to Santa Fé, which would have gone to that post had he and his party not moved on that route; I therefore add nothing for the cost of the escort on that part of the route. I have unofficial information, however, that Captain E. Ker, late an officer of dragoons, purchased one or more mules for the party on the route, at the price of $100, but as Captain Ker left the service without settling, or even submitting his accounts, I cannot obtain official information on the subject.

I have ascertained that the late Captain Thorn, and Lieutenant E. G. Beckwith, expended $2,194 14 on account of the escort of Colonel Collyer from Santa Fé to the Pacific, in addition to the sum stated heretofore, and mentioned in your note, of $34,781 40, making the cost, as far as ascertained, $36,975 54. It is known that forage was issued, repairs made, and horses and mules shod at some of the posts for the party and escort, but these matters are so connected with the expenses of the posts as not to be readily separated.

A part of the property furnished to Colonel Collyer, it is now ascertained, was turned over in California to Lieutenants Couch and Murray, but in a condition which rendered it almost worthless.

I am, sir, most respectfully, your obedient servant,

T. S. JESUP,
Quartermaster General.

The Hon. R. M. T. HUNTER,
Chairman of the Committee on Finance,
Senate of the United States, Washington City.

Mr. DAWSON. That is a statement which I want to go to the country; and if that involves a charge against the Administration, I do not know what does. There is no allegation made there that Mr. Collyer spent this money, nor that he had command of the troops, or of anything that went with him. He only went under the protection of the Government, and is there any gentleman who will say that these troops passing over that line were not necessary?

Mr. GWIN. I say so.

Mr. DAWSON. The Senator says so. The Government may have been mistaken. Its object was to save the lives of those who were going, and not for the purpose of a mere escort to Mr. Collyer.

Mr. GWIN. Why, it is directly asserted in the official documents that it was sent for no other purpose but to escort Mr. Collyer and his party. That is the direct official statement.

Mr. DAWSON. What document is that?

Mr. GWIN. The Senator from Virginia will produce it.

Mr. DAWSON. I do not want to go over the whole argument again. I stated the fact, and I repeat it again: Mr. Collyer did not spend this money. The escort that went along with him may have cost a good deal of money; but that escort went there, and there it had to remain. The purpose of the Government in sending it there, they understood; and the protection of the lives of those who went with it was perfectly correct. Suppose they had gone with too small an escort, and the Indians had destroyed them. And, Mr. President, has any gentleman here inquired of the Department the various objects which they had in view in sending the escort? No, sir. Mr. Collyer was one of the officers of the Government, and it was the first effort made by the Government, to carry our laws to California, and enforce them. We had no precedent to be governed by. Does any gentleman suppose, for a moment, that there was any corruption, any want of judgment, any want of honesty, in sending the escort? Does any one suppose that it was for the purpose of the Government being peculated upon? Was it for any other than an honest purpose, to show the majesty and power of this Government, when we were passing our officers through the wild Indians, and when it was to save the lives of the men, women, and children? But these escorts have been made the foundation of allegations in this debate, and the idea is before the country that this was an imprudent, if not a corrupt, arrangement upon the part of the Administration, to spend the public money improperly. I say there is not a Senator on this floor who believes it; and, as between gentlemen and gentlemen, if I had given that protection to my friend—if I had had the means, like the Government of the United States, to do it, would any man have said I did wrong? No; and if the President of the United States has acted in this way to save and protect the lives of our people, and control the Indians by the power that he sends, where is the Senator who will rise up and say it is wrong?

The only objection that I have to these things, is the doing of injustice to an individual whose objects, and whose aims are high, honorable, and patriotic, and I seek to let the public know and understand that there is not a Senator upon this floor, however strong his party feelings may be, who will charge that there was any intentional violation of duty, or of the faith of the Government on the part of the Administration. They would not do it. They are too manly, too honorable, and high minded to do it; and the only object I have in view, is to let the country know that when the dust shall be blown off, and the smoke shall disappear, there is no difference between honorable minds in relation to the character of these transactions. There is no charge of corruption—none is intended. It is only this mode of warfare by which people are to be deceived, and men injured merely in elections and not in reputation. That is the reason that I desire to strip this thing and expose it at once.

Then, Mr. President, is there a charge within the older parts of the country made? None! The expenditures have all been in this new country, and they arose out of the annexation of Texas and the acquisition of New Mexico, California, and Utah. I have looked into these expenditures; I have traced them as one of the Military Committee, and found that in certain regions of this country it took $1,000 a year to sustain a soldier and horse. Why is it so? The Senator from Maryland told you it would take, I think, $40 to get a barrel of flour to some stations away in the neighborhood of the Rio Grande in New Mexico. You send your soldiers there, and you must send the means for them to subsist upon. When you send your soldiers into the midst of a forest, in a wild country amongst Indians, send them means of self-defense, and means to sustain life, and do not report it back here to the older portion of the country, and speak of their expenditures, branding the officers, who represent the honor and glory of your country, in defense of your honor and liberty, as corrupt villains, away beyond your reach—for that is the charge.

Mr. WELLER. Who charges that?

Mr. DAWSON. That is the result of the charges, because all these alleged corruptions grow out of the army—grow out of contracts made by the officers at a distance from the seat of Government—contracts springing from your Quartermaster's Department—and are compelled to be made. Now, if I were so unkind as to say to the country that Gen. Persifer F. Smith, under whose auspices these tremendous expenditures which are said to be so desolating to the Treasury of the United States took place, belonged to the Democratic party, the world might think I charged him. Far from me; he is too honest and honorable a man, and has conducted himself there for the honor and glory of his country, and the protection of that portion of it. When you say the expenditures there are extravagant, it is true—when you give $500 for a thousand feet of lumber there, and get it here for $10, and when you compare things there with here, the people understand it. When you lay a floor in California with lumber costing $500 a thousand, and lay it here with lumber costing but $10, and then speak of men being extravagant in California, and bring it home to destroy the Administration, the people would stand in perfect wonder and amazement at your declaration. Why not tell them the honest fact at once? Why seek to destroy honest men by merely presenting facts, and not making known all the information to the country? I never have, and never will varnish or misrepresent a truth to gain a political advantage. I stand upon honor and honesty; and when I represent a fact to the country, I will endeavor to let the people know both sides of it; for the honor of the country, and its morality, and its honesty depend just as much upon one party as upon the other. They both must be composed of men of honor and honesty, in order to give you a national reputation; and I will never seek to destroy one or the other.

But look at this again. You speak of the wonderful expenditures made in building certain public works in California, and putting up certain public improvements, when you ought to recollect that you float your timber, and frequently your granite from this side of the Atlantic; that you carry your lumber and your provisions from our Atlantic ports, and in truth, everything at extravagant prices. And yet you brand this Administration as extravagant! I do not intend to go into the matter; but when I am touching upon questions that come home to the sensibility of every man, founded upon justice and equality, I put aside party feeling and go upon the principle that all men are presumed to be honest; and whenever such charges are made, I deliberately look into them, because I could not suppose that General Persifer F. Smith, who has fought the battles of his country, and given himself immortality and your country renown, could ever go there to commit the honor of that country by a corrupt act; nor can I suppose that the head of your Quartermaster's Department here—he, too, a Democrat—the gallant old soldier who defended you in 1812, '13 and '14, and now, as it were, standing almost upon the crumbling precincts of eternity, would dishonor himself at the head of the Quartermaster's Department by permitting any one to peculate upon the country, and thereby reduce his own character and the character of his party to degradation, by making any unjust contracts or suffering those who are under his command to do so.

Let us avoid these things, and as partisans stand upon an elevated and honorable ground, and

act like men. My feelings are confounded when I hear either party charging honorable men belonging to either side indirectly, merely for party purposes; but, sir, I will not continue this debate; the country will perceive the object of these attacks upon this Administration, and will regard them as they justly deserve, and sustain its honest, faithful, and patriotic course.

Mr. GWIN. Mr. President, the Senator from Georgia has taken especial pains to say, and reiterate the statement, that this Administration had been charged with corruptly expending the public money. He has used the word "corruption" time and again. A wasteful extravagance in the expenditure of the public money does not imply corruption. A loose interpretation of the law, and consequent extravagant expenditure, which I attempted to show, and I think conclusively established, had been the practice of the Executive since the 4th of March, 1849, does not imply that I made a charge of corruption. No such charge will ever be made by me, except in direct terms.

Mr. DAWSON. I know the gentleman did not charge corruption directly; but I also know, that, in the estimation of the country, that would be the effect of his charge.

Mr. GWIN. Now, in regard to the eulogy which the gentleman has passed upon General Persifer F. Smith, I was very glad to hear it, because it is well deserved. There is not a more gallant officer in the Army. I stated the fact, that there had been an extraordinary expenditure of the public money in California. General Smith thought it necessary; but it was far beyond the means placed by law at the disposal of the Department, and he was not checked. The Department permitted expenditures to be made exceeding the appropriations without any censure, making it necessary to bring in bills to meet the deficiencies thus created. I not only attribute to the Administration no corruption, but I do not even charge improvidence upon General Smith. In his judgment the expenditure was necessary. But, as I said before, the head of the Department should have checked him when he went beyond the appropriations made by law, even if the expenditure was necessary.

The Senator says that lumber was worth $500 per one thousand feet in California, as if that was news to us. Did not the Senator from Virginia make that very statement weeks ago in his opening speech on this bill? Did he not promulgate it to the country, that these extraordinary prices had to be paid for the materials necessary to establish this new depôt in California? I argued that when these prices had to be paid, it was the duty of the Administration to have seen that no expenditures were made except such as were absolutely necessary.

The Senator is entirely mistaken if he supposes I have acted the partisan in this debate. I am anxious that the money disbursed in California shall be first appropriated by Congress, and then expended in a manner the most beneficial to the country. I do not intend that the large amounts heretofore expended in California for the army shall be thrown up to us when we hereafter ask for what is necessary for the public interest in that State. I hope that what has been heretofore expended without authority of law, and with such a lavish hand, will not prejudice necessary appropriations for California that may be asked for hereafter.

The Senator takes occasion to say that I am not particularly distinguished for economy in the expenditure of the public money. Now, I will ask the Senator to specify a single instance when I have advocated the expenditure of a dollar in California or elsewhere that was not called for by the imperative wants of the country.

Mr. DAWSON. I mean for yourself, individually.

Mr. GWIN. I do not think I ever expended any of the Senator's money. A gentleman can live as he pleases, if he does not intrude upon others; nor should his private affairs be intruded upon the Senate. In my official capacity, whenever I have asked for the expenditure of the public money I have always been prepared to defend that expenditure as necessary. That the cost of labor and materials in California are large I admit, and therefore I never ask for an appropriation unless it is imperatively required by the wants of the State. I do not, however, intend to continue this debate, for I am exceedingly anxious the bill should be disposed of to-day.

Mr. HOUSTON. Mr. President, it has been my anxious desire to see business progress in the Senate. I have manifested that desire by an almost entire silence since the session commenced. Very unexpectedly to-day I was induced to make some remarks in reply to an interrogatory presented to my honorable colleague during his temporary absence. Hence it was that I was induced to make any remarks upon the subject. I made no charge against the Executive, either of corruption or incompetency. I stated facts that are notorious, and cannot be contradicted. However, that a more perfect explanation, in a few words, may be presented to the Senate, I will say that many of the evils growing up on the frontier of Texas have been owing to the appointment of agents disqualified in many respects, as I believe, for the discharge of the duties that would devolve upon them, in maintaining the peace of Texas, and vindicating the rights of its citizens. So long as the agent was continued who occupied that position at the time when the predecessor of the present individual who fills the Executive chair came into power, peace was maintained on our borders. That agent was a man who had been accustomed to frontier life—a man familiar with the Indians and with their habits—a man who would traverse the prairies with them. He was the individual who discovered the first route to El Paso from the settlements of Texas, where water and grass could be obtained. He remained their guardian—associated with them. He controlled them, regulated their bad passions, and led them in the paths of peace and quietness. Then our frontier had safety and protection. He was removed—not for cause, but to place an individual there who was sinking under a consumption, and unable to perform any service. An individual was sent there incapable of performing any duty. He never went amongst the Indians. If they came to where he was, he was incapable of transacting any business with them; and finally, under the influence of disease, he passed off. He was a man unacquainted with the habits of the Indians—unacquainted with the means of controlling them. Previous to his removal, and when provision was made for an additional agent, a gentleman was taken from one of the old States, unacquainted with Indian habits, manners, prejudices, feelings, and vices. He was placed there totally ignorant of his duty, and ignorant of what was necessary for an agent to do. He remained there, and men who were capacitated, and had been recommended by the people who were directly interested in it, and by their representatives, were excluded from any participation in maintaining peace on our frontier. Individuals were placed there who were ignorant of everything that was essential to their qualifications. Here is the evil that has grown up. The national expenditure now in New Mexico, to maintain the troops and give ostensible and nominal defense, is $6,000,000 annually. Have the troops there killed one Indian? Have they made reclamation of one horse? Have they rescued one person, or prevented the taking of one scalp?

These are facts which I present. If men who are qualified to discharge the duties of agents—men who know the habits of Indians; who are familiar with their mode of life; who can traverse the prairies with them, and exercise an influence and guardianship over them, were appointed, we should have a different situation of frontier security. But when men—whether favorites or not I know not, and care not—who are unacquainted with everything necessary to their duties, are appointed, it is an insult, and an indignity, and usurpation, on the part of the Administration. But until our rights are guarded, and justice extended to us, we need look for no better condition for our frontier, and no better security than we have enjoyed for months and years past.

We have urgently solicited protection. We have not asked for more troops to be stationed there. Infantry cannot pursue the wild Tartars of the prairies. Either cavalry or mounted riflemen would be efficient there, and might give some protection. But we are left utterly destitute of all advantage or succor.

I intend no reflection on the present individual who fills the Executive chair, for whom I entertain the respect that I hope ever to do for the Chief Magistrate of this country; and I trust never to see that place filled but by some gentleman worthy of it. But, as my honorable friend from Georgia has made a political allusion, I hope I may express my feeling on this occasion in relation to that subject. I shall say nothing now as to whether a Democratic administration would conduct the Government better than a Whig administration. I alluded, when I was first up, to the sum requisite for the protection of the frontier of Texas. It was not disposed of by a father of the Indians. The President of the United States is the only Indian father we have ever heard of on this continent. So far as the President of Texas was concerned, he was a brother to the Indians. He inflicted no wrong; he rendered no injustice; he used no treachery; he sent no incompetent man amongst them. The reward was peace, and the recompense was tranquillity. But, sir, I will say to the honorable Senator that if, in the approaching contest which is to take place between the two political parties of the country, his party should find difficulties in regard to their adverse candidates, and he should be brought in as a compromise candidate, if necessary to settle the waters of party excitement, there is no one of his party whom I would greet with more pleasure in the White House, provided he will widen the doors. But I will make that a point with him. [Laughter.]

THE PRESIDENCY.

SPEECH OF HON. JAMES L. ORR,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

June 9, 1852.

The House being in Committee of the Whole on the Indian Appropriation bill—

Mr. ORR said:

Mr. CHAIRMAN: I rise, sir, to trespass upon the indulgence of the committee in making a few observations upon a topic which is not legitimately before the House for consideration. It is the first occasion, since I have been honored with a seat in this Hall, that I have made a speech not pertinent to the subject immediately before the committee for its action. A variety of reasons, not necessary now to be recapitulated, have cooperated to induce a departure from the rule thus far uniformly pursued, but I promise the committee that only a brief portion of time shall be consumed in the discussion.

The State of South Carolina, which I have the honor in part to represent here, was not represented in the Convention at Baltimore last week. It would perhaps be a very idle consumption of time to enter into a vindication of the course her people have chosen to pursue in this matter. They had the perfect right to determine their action for themselves, and no tribunal has the power to change that determination, or the right to question its exercise.

But, though not represented, we feel great solicitude in the final action of the Convention, and my purpose now is to express my conviction, that the nomination of Pierce and King will meet a cheerful response and cordial support in South Carolina. The selection of these gentlemen as the great standard-bearers of the party holds out bright hopes of promise that the country will return to those wise and patriotic republican doctrines which dictated and controlled the administration of the immortal Jefferson. His sagacity comprehended the difficult machinery of our complex system, defined the relative powers and duties of the State and Federal Governments, and provided thereby for harmony amongst all sections and interests in restricting the latter to the exercise of powers only expressly delegated by the Constitution.

That creed, of which he is the illustrious founder, if faithfully followed, would have shielded the States of this Union from much of the discord and dissension which has imbittered every section; shielded us from high protection tariffs, from monopolies, from slavery agitation—from all the

ills and perils that good men have so seriously deplored in our history for the last quarter of a century, and made us as happy as we have been prosperous. A departure from that creed has opened up all the bitter waters of strife; but, thank Heaven! the error has been discovered before it has become irremediable, and the election of Franklin Pierce as pilot, will enable him to put the old ship of State on the Republican track; and I venture that assertion, because his career in Congress carries incontestable proof that his political chart and compass point to the track which Jefferson, our great pilot, safely steered the same vessel over in the palmy days of the Republic. He is a Republican of the strictest sect, and his administration will cover over himself and his party with the most brilliant renown and distinction. A brief glance at his history will contrast him favorably with many who have essayed to be leaders, but who are wanting in that sterling worth and unobtrusive modesty so signal in his character.

His father was a soldier in the war of the Revolution, and first periled his life in his country's cause at Bunker Hill. Will Massachusetts forget in November the worthy son of a noble sire, who periled his life in defending her against the attack of British troops? He was born in New Hampshire, a State which has given birth to Webster and Cass, and which was the home of Woodbury—distinguished not more for the sparkling genius of her sons, than her faithfal, unflinching adherence and devotion to the Republican faith. Her pure air, rural habits, and incorruptible morals all favor physical, moral, and intellectual development; her sons, living amongst the mountains and valleys, having no large cities to corrupt or debase, preserve their purity of character, and remain inflexible against all attempts to swerve them from principle. The mountain population of every country have been always justly distinguished for their patriotism and loyalty to liberty; and if this country was ever assailed by a foreign foe, and State after State should fall under his domination, the last, hardest, and most desperate of all your struggles, before passing under the foreign yoke, would be in your mountain fastnesses, and by the strong hands and bold hearts of your mountain yeomanry. Sir, the hills and dales of a mountainous land inspire a love of country unselfish and self-sacrificing; and Franklin Pierce has had the good fortune to be born among the granite hills of New Hampshire, and, having lived nearly half a century, has never dishonored his birth-place.

He entered public life at an early age as a member of the Legislature of New Hampshire, and was elected Speaker of the House. In 1833, he was elected to a seat in Congress, and continued to occupy that post until 1837, when he was elected a Senator, where he remained until 1842, when he resigned his seat, returned to his native State, and resumed the practice of the law. His speeches in Congress were not numerous, but always sensible, cogent, and to the point, and not unfrequently they are marked by elegance of diction, beautiful imagery, and true eloquence. He evinces thought and investigation on all the subjects he discusses; and his speeches and votes show him consistent, governed by fixed principles, which no temporary expedient ever induced him to waive or falsify. His services in the two Houses of Congress have been rendered at a most interesting epoch in the history of this Government. During General Jackson's administration the Bank was prostrated whilst General Pierce was in Congress. He was opposed to this great moneyed monopoly, and no man triumphed over its fall more than General Pierce. A few brief months after, when its explosion took place, the secrets of the prison-house were disclosed, and it was found that the canker of corruption had long been preying upon its vitals; like the charnel-house with a comely and attractive external, yet within it was filled with dead men's bones. General Jackson in no act of his public life exhibited so much sagacity as in making war upon the Bank; and all who sustained him in the fierce encounter with this great colossal moneyed power, richly merit the gratitude of the country.

General Pierce also bore no humble part in prostrating finally that stupendous system of internal improvements projected by Mr. Adams during his administration, when it was proposed to dig canals over mountains, build roads to the moon, and light-houses to the skies. Some of the Whig papers have commenced already to blazen forth his hostility to internal improvements, with a view of alienating the West from the chosen leader of the party. But they will find it "love's labor lost;" and when the great agricultural States of Ohio, Indiana, Illinois, Wisconsin, Iowa, Michigan, and Missouri, learn that the alternative offered them is an abandonment of a wild system of unjust, local, and unconstitutional improvements by the Federal Government, which they may and ought to carry on by their own State authorities, or submit to the imposition of a high protective tariff to enrich a few manufacturers by taxing enormously every article they may consume, and, at the same time, destroying their foreign market for the sale of their flour, bacon, corn, and beef, by reducing the capacity of the foreigner to purchase from them, he having nothing that will be received in payment but specie,—there can be no two opinions as to what the decision of the West will be, conceding that it is favorably inclined to such works; for how valuable would rivers be cleaned out, so that boats might safely navigate them, when the market for the produce which the boats are to transport is destroyed? Their granaries might groan beneath the harvest of a fertile soil, but the rats and the wevil would be their consumers, instead of hungry men, women, and children in other lands. The common sense of the West has thus far, at least, made them repudiate Whig theories, that high duties make low prices, and that high duties makes a home market for the products of the farm, when they see the surplus provision crop of Ohio and Indiana alone would feed every manufacturer and operative in the United States, or the still more absurd one, that high duties is a tax upon the foreign manufacturer, and not upon the domestic consumer of the article taxed.

Capitalists engaged in manufacturing pursuits must seek out a people who think less, and who are more ignorant of political and domestic economy than the West, before they will succeed in imposing high protective teriffs under the pretense that it will raise revenue, which may be expended in cleaning rivers, improving harbors, or building roads. But I am gratified that attention has been called thus publicly to General Pierce's position on internal improvements, and hope that all the partisan editors of the opposition will echo the note. Truth and reason would sanction his votes and opinions against the policy, even if he was not panoplied as he is in the folds of a written Constitution in his opposition to it. He would have been an unworthy representative of New Hampshire if he had favored internal improvements or a protective tariff. Upon the latter subject the people of no State in the Union, not even excepting South Carolina, have a more decided feeling of hostility to high protective tariffs, whereby you tax one industrial interest of the country to build up another no more worthy, than New Hampshire. How, then, could a trusted son of hers prove so recreant to her long-settled and well-understood sentiments in favor of a revenue tariff merely, to pay the expenses of an *economical* Government—recreant to his own well-matured opinions, as expressed through his speeches and votes, opposing high taxation and profligate expenditures—recreant to the fundamental article of republican faith which teaches uncompromising hostility to all monopoly, as to favor a policy which would increase the taxes of the people of Maine to open therewith canals or rivers in Missouri; or require a Tennessee farmer to pay double the real value of articles for domestic consumption, that a Massachusetts manufacturer may realize twenty per cent. upon his investment, when the farmer in no event can realize more than five per cent. on his labor and capital? If the tariff of 1846 is disturbed at all, it ought to be to reduce, not increase, existing duties.

But other questions have arisen since his Congressional career opened, of the most delicate texture and gravest importance, which he has met as a patriot and a statesman. His voice was among the first heard on the floor of Congress, in opposition to the fanatical schemes of the Abolitionists, when that question—so full of danger and dissension—was introduced here. He proved himself eminently conservative upon that issue, and proclaimed boldly for maintaining the constitutional rights of the South; his action was conformable to the creed you adopted last week at Baltimore, long before that creed was reduced to form and shape on paper. Your resolution there is, "that Congress 'has no power under the Constitution to interfere 'with or control the domestic institutions of the 'several States, and that such States are the sole 'and proper judges of everything appertaining to 'their own affairs, not prohibited by the Constitu-'tion; and that all efforts of the Abolitionists, or 'others, made to induce Congress to interfere with 'questions of slavery, or to take incipient steps in 'relation thereto, are calculated to lead to the most 'alarming and dangerous consequences, and that 'all such efforts have an inevitable tendency to di-'minish the happiness of the people, and endanger 'the stability and permanency of the Union, and 'ought not to be countenanced by any friend of our 'political institutions."

If there should be one so cruel and ungenerous as to question his fidelity to the constitutional rights of my section—and I do not ask more than that from any man—let him recur to his speech in reply to Mr. Slade, of Vermont, on the abolition question. To the constitutional rights of the South he has been faithful among the faithless; when others have been swept off by the wild waves of fanaticism, and turned their hearts and hands against the just rights of their Southern brethren, he—through all the changes and vicissitudes of fortune—has stood as firm as his native granite hills, resolved that the Constitution alone should be the polar star of his political acts, hopes and prospects. And although he was saddened by seeing, for a brief season, that cloud of fanaticism which hovered over the entire North, obscure the sun of the republican faith even of New Hampshire, he never quailed in the general gloom, but trusted firmly that returning reason and justice would dispel its murky folds, and that it would again shine forth in all its brightness. Nor was he disappointed; for abolition and its allies there were swept off "like autumn leaves before the wintry blast."

Let me, then, conjure Southern men of the opposition to pause, and consider long and well before they enlist under doubtful colors, to wage a war against one so true, so faithful, so bold, so fearless, as Franklin Pierce has proved himself to be in upholding the Constitution. How many others fell when the tempter came! When State after State deserted and embraced abolitionism and free-soilism, and madness ruled the hour, he calmly surveyed the impending ruin, sounded the alarm, and rallied his native State on the side of reason and justice. Be not ungrateful to one who stood by you when the issue was far more momentous than a party triumph or defeat. It would be a sin not of the smallest grade. If your nominee has proved, and still proves, his devotion to the Constitution, support him if your principles demand it; but never strike down a true friend to serve a faithless enemy.

General Pierce was a Senator in 1841, and during the memorable extra session of that year. His party was in the minority. The elections in 1840 proved most disastrous to the Democracy—in fact, it was a total rout. He, with his associates, struggled long and ably in opposition to the bank, to the tariff, to the repeal of the sub-treasury—which he had been instrumental before in passing—to the distribution of the sales of the public lands, to the bankrupt law, and all the other high Federal schemes introduced at that long-to-be-remembered session. The Senate then was a body of such transcendent ability that all America witnessed with intense interest the "battles of the giants." It was a noble, intellectual spectacle—one which Rome, in her palmiest days, might well have been proud of. But his opposition was unavailing. He and his allies were borne down by superior numbers, and all these measures, against which they so long contended, were passed. The terrible blows, however, which the opposition received, finally prostrated them, and not one of the statutes of that memorable epoch now remains upon the statute-book unrepealed. How sad the thought! but how few of his associates still illu-

mine the Senate with their eloquence, learning, and experience! Where is Silas Wright, Felix Grundy, Calhoun, Linn, Woodbury? How many great men have fallen in our political Israel, in a few brief, fleeting years!

General Pierce resigned his seat before the expiration of his term, in 1842. It is said that Mr. Polk tendered him the appointment of Attorney General of the United States, but he declined, and remained in private life until the opening of the Mexican war, when he was appointed colonel of the first new regiment under the ten regiment bill, the ninth infantry, and soon after he was promoted to brigadier-general. He served in the war with distinction, and was a favorite with officers and soldiers. I am not familiar with the incidents of his services, but I find that General Scott, in his dispatch detailing the battles of Contreras and Churubusco, speaks of him as the "gallant Brigadier-General Pierce." I do not refer to his military services for the purpose of recommending him on their account, but to show that he is always ready to respond to the calls of his country, whether it may be made in the cabinet or in the tented field, and that thus far he has been found equal to the performance of every duty devolved on him. I allude to his military career to show that the blood of his sturdy old father, who fought for his country through the Revolution, has not thinned or whitened in the veins of his son.

The opposition will in all probability nominate General Scott; and his services in the field would certainly eclipse all his cotemporaries. His life has been devoted to the military; it has been his profession—his occupation in peace as well as in war. He ought to have acquired the highest scientific military attainments, as he no doubt has; but he can never claim greater devotion to the country than the private citizen, who, when danger threatens, or when the honor of his country's flag requires that its enemies shall be met on the field of battle, volunteers his services to fight its battles, and when victory perches upon its standard, retires from the service to the quiet walks of life, relieving his Government from supporting and maintaining him. That, I take it, is a clear proposition. But if General Pierce had high military reputation, it should not strengthen his pretensions or claims to the Presidency. Thank Heaven! we have not yet reached that point in the decline of our Government, when it is *necessary* to elect a *military* man to administer the Executive department of the Government. Most Republics have had that experience when they had traveled far down the road to destruction; and when the time arrives for us to elect military chieftains to discharge the functions of civil officers, "then farewell, a long farewell, to all *our* greatness." The second election will be made by the Army, and the appointee will be a dictator. In this country, civil qualifications are alone required, and however bright a halo of glory may encircle the wreathed brow of the military officer, if he is deficient in a knowledge of civil polity, and is destitute of statesmanship, he is not worthy to rule the people of the United States, and ought not to be trusted with the delicate duties devolved on our Chief Magistrate growing out of our foreign and domestic relations.

When General Pierce was nominated by a convention this spring in his own State for the Presidency, he promptly addressed a letter to one of the delegates appointed to Baltimore not to present his name for nomination. His wish was complied with. But, after several days' balloting, when even the hopeful began to despair that a nomination could be made, Virginia, without solicitation, cast her vote for him; North Carolina soon joined the Old Dominion, and, in a few more ballotings, he was nominated. The manner of his nomination is a high tribute to his worth and modesty. It is a declaration, signal, yet delicate, that the Presidency is an office too honorable and elevated to be electioneered for—to be obtained by intrigue, by promise of office, by partisan services, or by political profligacy. It was a spontaneous and unsolicited reward for political honesty and personal integrity, and will exercise a wholesome influence on the whole country for years to come. It will, it is to be hoped, restore the office of Chief Magistrate to the dignity in which the great Lowndes ensconced it when he declared it to be "an office neither to be sought or declined."

As to the platform, it is due to candor that I should say, that a few planks have found their way in it which, in my judgment, add nothing to the strength, harmony, or symmetry of the structure. I should have preferred that the master-builders had rejected them; but they are in it, and there is so much more good contained in it than evil, that I am not inclined to interpose insuperable objections to it. A platform could not be constructed to suit the peculiar views of every one, and where the good preponderates, it is good sense not to reject it altogether.

Of the nominee for the Vice-Presidency, William R. King, it is unnecessary that I should pronounce upon him any panegyric. He was the companion and associate in Congress of Calhoun, Clay, Lowndes, and Grundy in 1812, and sustained warmly those great men in making the declaration of war against Great Britain. Since Alabama was admitted into the Union he has been her Senator, save a brief interval of four years, when he was our Minister to France, down to the present time, and is now the President of the Senate, a post he has filled on all occasions, when his party has been in power, for ten or fifteen years, in the absence of the Vice-President. His long public service, and the repeated indorsement of his constituents—his consistency, his purity, his elevated character, all commend him to the suffrages of his fellow-citizens, and afford a sure guarantee that he will grace and honor with befitting dignity and ability the second office in the gift of the people.

I said in the outset of my remarks that I believed the State of South Carolina would cheerfully support the nominees. I do not speak "by authority," but upon my individual judgment and responsibility. The nomination is far better than the people of South Carolina had hoped could be made; and although General Pierce may not believe in the doctrines of State rights and State remedies to the extent which we go, yet he is a better Republican than we ever expected to see again in nomination for the Presidency. The records of Congress, during the nine years he was a member, prove him to be sound upon the great national issues that have divided so long the Federal and Republican parties, as also his fidelity to the Constitution on the slavery question. We can, then, trust his honesty and statesmanship. There is scattered through every district and parish in my State some survivor of the Palmetto regiment—a part of the wreck of that noble band. They saw General Pierce at Contreras, at Churubusco, and at Chapultepec, and all of them will bear willing testimony that he was there the brave officer and gallant soldier. Who can doubt, then, that he will carry not only South Carolina, but a majority of all the States—that he will be the next President of the United States, and that the 4th of March, 1853, will be signalized in history as the era of the restoration of Republican principles and Republican measures in this Government?

FINALITY OF THE COMPROMISE.

SPEECH OF HON. D. K. CARTTER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

May 25, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. SEYMOUR, of Connecticut, in the chair) on the invalid pension bill—

Mr. CARTTER said: Mr. Chairman, I do not propose to detain the committee long. I have passed in this Hall nearly three years of legislative life, and the subject which has just died upon the lips of the gentleman from Virginia, [Mr. BAYLY,] has been the constant theme of discussion. I have never opened my lips upon the subject, and never intended to, but I am driven from my fixed purpose at this time. First, I protest against a ceaseless Southern agitation of the subject. My ear is sickened with the ceaseless clamor about the sacred right in negroes, and the *awful* consequences of a failure to protect the right—disunion. Sir, it would be much easier to die at once, than be compelled to listen to this prolonged herald of destruction. But especially do I protest against the extraordinary doctrine this moment avowed by the gentleman from Virginia. That honorable gentleman, who denounced a portion of the compromise measures as unconstitutional when they were passed, comes forward here and canonizes them into the Constitution, and pronounces that the repeal of one measure of them, would be a repeal of the Constitution; and that you have no legislative right to do it.

Mr. BAYLY, of Virginia. I have addressed myself to two points.

Mr. CARTTER. And I was taking up the first one.

Mr. BAYLY. Very well; I spoke upon the territorial bills and the fugitive slave law. When did I say to repeal them was unconstitutional?

Mr. CARTTER. The language which the gentleman used when he opened his argument, was as follows: "The fugitive slave law is a law to execute the provisions of the Constitution, and it would be unconstitutional to repeal it."

Mr. BAYLY. That is what I said.

Mr. CARTTER. And that is what I stated you said. This series of compromise measures, which in the process of their passage were of such doubtful constitutional origin that even the honorable gentleman from Virginia denounced and voted against a portion of them as of doubtful constitutionality, are now to be canonized as a part of the Constitution.

Mr. BAYLY. I dislike to interrupt the gentleman, but I ask him what law I have canonized, or said was a portion of the Constitution?

Mr. CARTTER. The fugitive slave law.

Mr. BAYLY. The others are already canonized; they are irrepealable.

Mr. CARTTER. Now, sir, I deny the whole doctrine. It is as palpable a sophistry as was ever uttered. The mere statement of the question is all the answer that reason requires to condemn the conclusion. Is a law framed in subordination to the Constitution, by the legislative organ of the Constitution, so solemn in its character that the very body which created may not destroy it? To thus reason would convert a derivative into a fundamental law, and the National Legislature to the dignity of a Convention.

No, sir, it is as sound in politics as divinity, that the *creator* may destroy; and to make a long matter short, the assumption of the learned gentleman from Virginia is simply a self-evident absurdity. [Laughter.]

Now, I will concur with the honorable gentleman from Virginia in this, that the Constitution contains a provision by which Congress may enact a law providing for the restoration of fugitives from labor. I have never doubted it, although some gentlemen in the South, and some in the North, some gentleman in the East, and some in the West, regard it as a mere compact in the Constitution, to be executed by the sovereignties composing the States of the Union; and even that class of reasoners do not deny the obligation to surrender them. They merely differ with the honorable gentleman from Virginia and myself in the source of authority—one assigning to the sovereign States the discharge of the duty, and the other to the Federal Government; and this is the only difference between them on the subject.

I am in the school of interpreters of the Constitution with the honorable member from Virginia. I believe that we have the power to enact the law; but when he attempts to sanctify a law into a constitutional canon, in its nature irrepealable, and goes one step further and tells us, you have got to enact and reënact it (of course as a part of the Constitution) as often as political caprice may suggest, making common sense and common sensibility the sport of wantonness, we part company. The refusal on the part of Congress to enact a law for the execution of the fugitive clause in the Constitution, would, perhaps, be a refusal to do a constitutional duty, and that is all it would be. And I am willing to concede the right of forcible revolution, to be exercised when oppressions of any character become intolerable—not peaceable secession, but revolution. It is a right high enough and good enough for the reparation of wrongs which justify the breaking up of despotic government.

Now, Mr. Chairman, I have said all I intended

to say in reply to the gentleman's constitutional view of the fugitive slave law.

After closing his remarks on the constitutionality of the law, I understood the gentleman from Virginia to intimate that a change of the law in its detail was the denial of a constitutional right.

Mr. BAYLY. So far from intimating any such thing, I said precisely the reverse.

Mr. CARTTER. I did not understand it so, and am happy to be undeceived. Taking the avowal as it is now uttered, that the law may be amended; that it may be conformed to the exigency of the time—who claims any more than that? Where is the school of politicians that do it? Who are the public men that do it, who acknowledge any obligations to this Government?

Mr. ALLISON. If the gentleman from Ohio will permit me to address an inquiry to the gentleman from Virginia, [Mr. BAYLY,] I will be greatly obliged to him.

Mr. CARTTER. Certainly. My remarks are made on the impulse of the moment; their harmony will not be marred by interruption. [Laughter.]

Mr. ALLISON. I will ask the gentleman from Virginia, if we have not the power to alter or repeal the law of 1850, how did we acquire the power to alter and repeal the law of 1793?

Mr. BAYLY. I will reply to the gentleman. In the first place, we have not repealed the law of 1793. That would be answer enough. In the second place, we have passed an additional law to carry out the provision of the Constitution which the action of Northern Legislatures made necessary.

Mr. ALLISON. Then I would ask another question. If the experience of the country should satisfy Congress that the provisions of the law of 1850 were not sufficiently stringent to be effectual, would it be unconstitutional to repeal it, and to enact one that might be effectual?

Mr. BAYLY. Unquestionably not; and for the plain, palpable reasons I have stated. The duty of Congress is to pass such laws as are necessary to execute the Constitution. To claim the right of Congress to pass the laws which are necessary to execute the Constitution, by no means implies the right, I think, to repeal those laws without passing others in their stead.

Mr. CARTTER. And the violation of the Constitution is not in the repeal—in reply to the last suggestion of the honorable member from Virginia—but it is in the refusal to supply a substitute. There is the failure.

Mr. BAYLY. Others that will be effectual.

Mr. CARTTER. They ought all to be effectual enough to execute the provisions of the Constitution. After passing from the question of the constitutionality of this law, I understood the gentleman to descend to its details, and reiterate what we all know to be true: that the law is now, and ever has been since the formation of the Constitution, odious. What he means by that is this: that there is in the sympathies of the human heart everywhere—and the thing is as manifest in his own latitude as in any region of the Union—a love of liberty; and that sentiment even supersedes frequently the regimen by which inferior intellects are better protected than they would be, if left to their own discretion. It is a sympathy, which may rise higher than reason; but, when sustained by reason, will make any law odious. I understand the honorable gentleman to confess, in substance, that the fugitive slave law does outrage in its details all the common sanctions of justice, or, in other words, that it is summary——

Mr. BAYLY. Just allow me to say one word, and I will not interrupt you again. The committee will see in the remarks I made, that I went designedly into no details, but dwelt upon broad principles. I said nothing like what the gentleman said. There were many illustrations which I left out that I would be glad now to supply, and if the gentleman will allow me, I will ask him a question.

Mr. CARTTER. I draw the inference that the gentleman, in the course of his argument, acknowledges the juridical injustice of the details of this law. He does not in terms, but what is his language? He says that this fugitive slave law is a summary law, to be summarily executed. The reason why it is a summary law, and to be summarily executed, is, that it is to be executed amongst men who regard it as odious; and he gave you an instance in illustration in the juridical experience of his own State, where a court, in the exercise of this sympathy for liberty, decided the same question in two ways in the same case—as between two contestants for the property one way, and the negro and his liberty another. What can you expect when, in the midst of this institution, where all precautionary measures for its preservation are prompt and technically exact, humanity breaks through its restraints, and judgment is led to the footstool of sympathy? What could you expect, then, in a community where the institution of slavery does not prevail? Still, I hold, and am ready to assure the gentleman, that if you wish to command the loyalty of the citizens of the free States to this law, you had better abandon your summary doctrines. Respect the forms of justice, if you will command acquiescence in the discharge of our odious duties. The mandates of the Constitution will be obeyed, but reason and respect to common justice will be demanded in the process of obedience. Why is it odious in its details? The same Constitution which commands the return of the fugitive from labor enjoins the right of trial by jury, and that speedily. It is a sacred right which we inherited, in the exercise of which we have been educated, as an inseparable sanction to liberty; not only trial by jury, but such trial at the time when liberty is brought into jeopardy. This is the chief guard which has been thrown around the white and black fugitive law, and which is sacrificed in the free States. With this sanction sustained, although reluctantly, we witness the punishment of an offender under extenuating circumstances.

Being impressed with the necessity for some apology for this manifest outrage upon the rights of personal liberty, the honorable gentleman from Virginia, [Mr. BAYLY,] in his argument, says that they have a complete remedy at home; that is to say, in slave States to which they are taken. Now, that is probably true. My own opinion is, that these Southern States, from what I have observed, and from what I know of humanity everywhere, will give the negro a fair trial when he shall be able to bring his claim to public notice. But does it bring protection and justice to the door of liberty, and at the point where liberty is brought into jeopardy? The remedy comes too late. The victim has been transported to a land of strangers, where the slightest of African blood presumes slavery,—removed as he is from his acquaintances and those whose knowledge might explain away the earmarks of servitude. But I confess the worst feature in the argument of the gentleman, and that which grated most harshly upon my sensibilities, was this: That "we of the South do it simply because your conduct has made it necessary that it should be summary." There is an expression from a citizen and honorable Representative of the South towards the free States, involving a direct impeachment, which reads, when rendered in English, "Because your respect for the Constitution, and for constitutional rights, hang about you so loosely, and your conscience is so insensible upon the subject of your duties, we of the South have got to outrage your sense of propriety for the purpose of effecting justice." I assume to say that this is a slander upon the free States, unintentional of course.

Mr. POLK. I will ask the gentleman a question, as he pronounces this a slander, unintentional, I understood him to say. If when they have gone so far in the free States, in the city of Boston, as to take a slave out of the hands of justice, and out of the courts of the proper officers, be a slander, I will state another case which has happened in New York. Governor Hunt—if there is any correctness in the reports which come to us—pardoned a slave three days before his time expired in the penitentiary, that he might be enabled to run off to Canada. I ask the gentleman if it is a slander for us to say, then, in this case of injustice against the South, that you are trying to deprive us of our rights?

Mr. CARTTER. I deny it, as a false imputation upon the character of the free States, that they are not willing to abide by the Constitution.

Mr. POLK. I wish to know of the gentleman if he intends to apply that to me?

Mr. CARTTER. Not at all. I wish to answer the gentleman's questions. I wish to know, in the name of common sense and in the conviction of every gentleman here from the South, if he expects that the Executive of a free State, in the execution of his duty, is going to dance attendance upon slaveholders?—that he is going to turn the keys, unlock the doors of justice, in obedience to $500 worth of property?

Mr. POLK. It is probable that the gentleman from Ohio did not understand the point I made.

Mr. CARTTER. You say that the Governor of New York pardoned a prisoner.

Mr. POLK. I say it is reported; and, surely, some gentleman from New York can answer if I am incorrect. I made this statement, that——

The CHAIRMAN. The gentleman from Tennessee is not in order, unless the gentleman from Ohio yields to the interruption.

Mr. CARTTER. I will yield for the purpose of explanation, but it must be brief.

Mr. POLK. I shall be brief. I state, what has appeared in the public journals, that a slave was confined in the penitentiary for a criminal offense, and he was demanded by his master.

Mr. CARTTER. Of whom?

Mr. POLK. The Governor of New York. Three days before the time of imprisonment expired, and before the master could exercise his rights under the fugitive slave law to reclaim his slave, the Governor of New York reprieved him, and he was taken out of the penitentiary, and run off into Canada. That is what I mean to state. Is it a slander, then, to say that you are trying to deprive us of our rights?

Mr. CARTTER. I am perfectly willing that the gentleman shall make a Southern stump speech——

Mr. BROOKS. Will the gentleman from Ohio yield me the floor for a moment?

Mr. CARTTER. If the gentleman from New York [Mr. BROOKS] wishes to correct the gentleman from Tennessee, I will permit him to say a very few words, for I have something to say here.

Mr. BROOKS. The gentleman from Tennessee called upon New Yorkers to correct his statement, if it was not true. I feel it my duty, as a New Yorker, being thus called upon—though I have no sympathy with many of the opinions of Governor Hunt—to say, that I have seen a letter from him this morning, in which he states that he did not know, when he pardoned this fugitive from slavery, that he was a fugitive slave.

Mr. POLK. Then I ask the gentleman, why did he pardon him two days before his time expired?

Mr. BROOKS. I will answer the question. He says in this letter, that he pardoned him without any knowledge whatever that he was a fugitive slave, because papers had been submitted to him demonstrating that this person was not guilty of the crime for which he had been imprisoned.

Mr. POLK. Will the gentleman from Ohio allow me just three minutes?

Mr. CARTTER. I cannot yield you much more of my time.

Mr. POLK. I only want one minute. The gentleman from New York says that Governor Hunt pardoned this person, not knowing that he was a fugitive slave, because he was not guilty of the offense for which he had been sent to prison. Now, sir, this negro was arraigned before the court for an offense of which I admit he was not guilty. He was advised, however, by his abolition friends to plead guilty. He did so, and he was sentenced by the court to be confined in the penitentiary. Governor Hunt, as I understand from the current reports of the newspapers, learning from a letter addressed to him by Mr. Thomas, the owner of this slave, that he was a fugitive from labor, and that his master intended to demand him, pardoned the negro three days before his term of imprisonment expired, and he is at this hour in Canada. I ask the gentleman from New York whether, in this state of fact, he believes the statement of Governor Hunt? I do not.

Mr. CARTTER. Well, Mr. Chairman, without having any personal knowledge of the facts, all I have to say is this: that if I was the Executive of a free State, I should march on to the discharge of the sovereign power involved in granting a pardon, without any more reference to the de-

mand of a slaveholder for his slave, than for that of a man for his horse. I should do my official duty with reference only to the question whether I believed the culprit deserved the benefit of a pardon or not; and that is the only answer that I would ever give to any such question. The Federal officers exist in sufficient numbers to carry out this law, and I hold that good faith does not require any State officer to make use of the instrumentality of his office for that purpose. I would pardon a criminal neither sooner nor later on account of his being a fugitive slave, but I would perform the duties immediately appertaining to my own office, without reference to that question.

But, sir, when I was interrupted I was alluding to the argument of the honorable gentleman from Virginia, [Mr. BAYLY,] reflecting upon the constitutional conscientiousness of the free States in regard to this fugitive slave law. Now, if it were true that from twelve to fifteen millions of the most enlightened and prosperous portion of the people of this great Republic have become so criminal in their consideration of the Federal Constitution as to require a summary infliction of jurisprudence to bring their consciences and their judgments to amenability under the Constitution, it is a very humiliating and deplorable condition of things. Let me say to the gentlemen who believe in any such thing as that—and I will not give credit to the idea that they do—that, if such is the case, they might as well do up their little work of disunion first as last; for if they wait for the period when they will revolutionize the judgments of fifteen millions of the white people of this Republic in the direction they desire, they will wait until the judgment day. [Laughter.] I do not assume for the people of the free States any virtue *par excellence*, or any intelligence *par excellence;* but I do assume for them the good, substantial manhood that belongs to our race in this Republic. They talk but little about their chivalry, and they have not a great deal of it at the head of the regiments, but if you will call the roll and travel along the lines, you will find a great deal of it there. [Laughter.]

But, sir, I come now to the second point made by the honorable gentleman from Virginia, and that was, the importance of reënacting the compromise —canonizing it first as a constitutional provision, and then jogging the memories of those who passed it, and who live under it, every week, or every day, as is being done here. Now, sir, I want to advance here what I conceive to be rather a serious proposition in the science of government. It has been said by almost every speaker on this side of the House, that the perpetuity of our Government depends upon the permanence and wisdom of the Democratic party—which means, being interpreted, the success of the great Democratic party. If I believed that any party organized in this Government rose superior to the vital principles of the Government itself, or rose superior to those elements in it and under it, which constitute the great chords of love on the part of the citizens towards it, I would raise a hand, that never spotted a Democratic ticket yet, to destroy it. Talk to me about any political party having the great, overpowering, and conservative keeping of this Government in its hands! Sir, the moment you do that, you let down the constitutional sanctions of the Government, and destroy the vital principles that circulate in it and around it. If I believed that that old and venerated party, whose gray hairs have been my devotion from the time I was baptized into it under Jackson up to this hour—if I believed that that old party possessed such power, I would say to it, you have out-grown your destiny. When any party rises superior to the functions of the Federal Government, it is time that it was destroyed. But it is not so. This argument is merely brought forward for the purpose of effecting an end which I will perhaps allude to before I sit down, if I think of it.

Again, it is said, for what purpose I know not—though perhaps the divisions and subdivisions of the various parties on this floor and in the country may explain it—that unless the great compromise principle is canonized and brought into the platform of the Democratic party, not only that party, but the country, is lost. Well, now, it is a singular state of things, if it be true, that a set of measures which have struggled upon this floor for a doubtful existence, and in the production of which all the Executive influence at the other end of the avenue was brought to bear,—(a set of measures produced here out of the alarm created in this Capitol, and alarm meetings originating in Baltimore, Philadelphia, and New York—alarm fulminating meetings; and it was not a matter of great surprise to some of us upon this floor, that the country was not aroused. I recollect, however, perfectly well, that those who wanted the compromise passed, and had committed their political fortunes to its destiny, were most alarmed at the alarming insensibility prevailing amongst the people. [Laughter.] They were perfectly astonished that the country did not burn and blaze and break forth with the astounding convulsion that was going on in the political elements of the Republic,)—I say it would be a little remarkable that a set of measures that struggled for a doubtful existence here, and could hardly command a majority with all the patronage that could be brought to bear—a set of measures that belonged to no party, nor to any man, but that were adopted reluctantly by those who voted for them, should have become so vitally necessary to the maintenance of the Republic. It is a remarkable state of things, if it be so, but it is not so. If it is so, our country is in an *alarming* condition to-day. [Laughter.] Where will be its destiny? Why, half of it will be transferred to Baltimore next week. And into whose hands is it committed there? Why, into the hands of a set of men who are good patriots, good citizens, good politicians, but who come up there to make candidates, not to resolve high constitutional questions, but to endeavor to make their friends—a President. This is the high office of the gentlemen who make their appearance in the convention at Baltimore. Just look at the destiny of this great Republic—a Republic that everybody fears. They are afraid of us abroad, and if you are to believe the speeches made here in Congress, they are vastly afraid of us at home. [Laughter.] A Republic whose power and prosperity everybody fears, is to depend upon a single resolution to be adopted in the Baltimore Convention, as a "finality in totality." [Laughter.] Why, if I believed any such thing as that—if the public believed that this Convention had any such powers as are attributed to it, and your Convention compared with the Nashville Convention, would be regarded as treason.

But why talk seriously of this pretence that the fate of the Republic is poised in the partisan scale of the Convention? The pretence is mere fustian, and in our inner hearts we all know it. [Laughter.] There are personal interests at stake, and personal destinies to be worked out under the finality, and they are therefore for it. All it means when translated is precisely this: Those who are in favor of it, and who have committed their political success to it, if they succeed in its adoption, have got the advantage of those who believe that if this Union is dissolved, if this fair fabric of ours must crumble to pieces, it will not be through the agency of men, but of reason; and if it is to be saved, it will be saved through the elements and energies of reasons looking to its salvation, and not the resolutions of such bodies as the Baltimore Convention.

Now, sir, what is the precedent that is proposed to be set by these philosophers in government? It is just this: One of their members rises upon this floor and announces one of the compromise measures as a part of the Constitution, which cannot be repealed without a violation of the Constitution. Another goes to Baltimore, and they resolve that the preservation of the Union depends upon the incorporation of the compromise measures into the creed of the Democratic party. Well, what do you do? You make all those who made the resolution, of course, the saviours of the country. These men contemplate that it will be so, and work upon the sensibility, more or less, of the people of this country to induce them to lay aside the right of the freeman to think for himself, and march up to the ballot-box and vote for John Doe or Richard Roe, without reference to his politics, and then turn around and say, if you wish to dissolve this Union, dissolve it at your peril. [Laughter.] Well, a sectional party is created by it, and then this small capital, in the way of compromise and dissolving the Union, will begin to show itself. You will see Ohio and Pennsylvania go for Scott, and you will see New York go for Scott. This is what will be the effect of this movement.

Mr. POLK. Let them go; I would rather be without them than with them, unless they sustain the Constitution.

Mr. CARTTER. I know my friend is singular upon this subject. He reminds me of a gentleman I once heard of, who was found at a madhouse in London, and when he was asked why he was there, replied: "Oh! simply because the world and I differed in opinion." The world thinks me mad, and I think the world mad. [Laughter.] The result will be defeat—defeat on sectional issues—and this Union party the occasion of it. Then, this Union party—this Union-saving party, will be in the field. The cry will be, "Down with sectionalism!" "Hurrah, for the finality of the compromise!"—thinking all the time, that in four years from this time, they will have raised a considerable party by it. Now, if you propose to make this one measure, above all others, higher than the Constitution, and higher than the sworn officers who are to execute it, beware how you attempt to force it upon the people, for they will think just as they please, and vote just as they please. You cannot make this finality of the compromise measures stop the circulation of the blood through their veins, nor will it stop the operations of the human intellect. You are not going to prevent this young, growing people, who have been inspired into thought, to exercise the freedom of thought. No, no; when you stop the people of the United States from thinking, you can stop the planetary system from moving. When you stop the freedom of thought, and of expressing it in rational legislation, you have got despotism. And then, as much as I idolize this Government and its institutions, I want to see it tumble. Then it is time that it should tumble. If this Government cannot carry out the legitimate, constitutional offices for which it was created, to wit: the development of man's rights—the right to think, and the right to speak—when it ceases to perform that office, it is not worth preservation.

Now, I do not pretend to speak for Ohio in this matter. I am unauthorized to speak for her. But if I were to speak in the language of her conventions, or in the sentiment of her conventions for the last six years, I would say, you cannot prevent her from thinking, nor from speaking what she thinks; and she will go on thinking, looking to the Constitution and God for their responsibility, and all your compromise resolutions, and all your other resolutions having the tendency of a restriction upon freedom of thought, and upon freedom of action for the future, will make no difference with them. And though she has now as substantial and progressive a Democracy as ever undertook to plant the germ of freedom upon the face of the earth, or ever undertook the work of developing it; and although that Democracy has the power of that State upon any democratic question, yet it is possible to send it into a fearful minority, and that, in my humble judgment, will be the effect of your finality.

Mr. POLK. We do not want their company.

Mr. CARTTER. I presume they will be very much mortified if they do not have the company of the gentleman.

Mr. POLK. What I intended to say was, that I would prefer a resolution in favor of the finality of the compromise, even if we were to be defeated by it.

Mr. CARTTER. The gentleman comes from a State where the Democracy is accustomed to defeat.

Mr. Chairman, my State is the first-born of the Ordinance of '87; we are indebted to our mother, Old Virginia, (God bless her!) among many other good agencies and influences, for love of personal liberty. The sentiment has grown up in a soil dedicated to freedom of thought, and progress of sentiment. It cannot and will not be abandoned. Nor will the citizens of my State be terrified into a retrograde doctrine. The people of Ohio have come to the conclusion that there is bone and sinew enough in the Constitution, and constituted authorities of the country, unheeded by the clap-trap of caucus, to make the old ship of State move on upon the highway marked out by its framers, and they are not so badly troubled about breakers as some

gentlemen seem to be. They are not troubled about it at all. They have come to the deliberate conclusion that the old ship will sail on. And what reason have they to doubt? We have grown and multiplied in a ratio without a parallel, in any nation that ever existed upon the face of the globe. And while we are willing to let our brethren of the South administer their institutions in their own way—while we believe that the institution of slavery is a municipal institution, belonging to them and not to the State of Ohio, and while we hold ourselves ready to execute every provision of the Constitution, we are not going to be alarmed; and while they will do this of their own free will, we are not going to be put under bonds, as my friend from Texas [Mr. HOWARD] suggests. When you come there to put us under bonds, we will beg to be excused. We will ask you to partake of our hospitality, and then will bid you good day, and will not ask you to come again on the same errand. This is the way we will treat the matter of "finality."

The true philosophy is to exclude the slave question from your National Conventions, from your national resolutions, and from your halls of legislation. You have disposed of all the territories you possess, and now, for God's sake, let us have a little peace. In the war of words, no person from the North is disposed vexatiously to disturb your tranquillity—not even my venerable colleague, [Mr. GIDDINGS,] the fire-brand of incendiarism, as he is understood to be. He has been as quiet as a lamb all the session. [Laughter.] Here, in this Hall, those who voted against the compromise, voted against the resolutions of disturbance—and you are all aware of it—within six months after its passage. Why do you want to agitate it? We do not care particularly about the agitation, but object to your lugging in such doctrines as these promulged to-day. [Laughter.] When you ask us to pronounce a finality, upon such sentiments, we shall not do it.

The people to whom I belong believe that the man whose liberties are brought into jeopardy, ought to have all the ceremonies of trial, and ought not to be transported a thousand miles before the question of his right to liberty comes up. They would not let you take a horse fifty miles, before the question of property is settled. They would not let you take a horse out of the venue in which he was taken; and they think that a man, whether he has a black skin or not, whether he understands arithmetic to the rule-of-three or not, if he is a man, if he has the senses and sensibilities of a human being, ought to have a trial to ascertain what his condition is; and I tell you this conviction will not be changed by resolutions on finality. We understand full well that this extra fuss over the fugitive slave law does not arise from a desire to recover runaway negroes. Runaway slaves are bad schoolmasters on Southern plantations; they understand geography too well, and the art of teaching others how to run off too well; and having tasted the *fictitious* luxury of doing as they please, they make very bad servants, and worse companions for servants. The cholera on a plantation would be a small calamity, compared with a half dozen runaway negroes It is assuming but little sagacity to say that we all know that the extra fuss kicked up over runaway negroes is merely to effect objects in the background, and which I have not the time to discuss. The greatest noise about runaway slaves, is made when fewest run away. South Carolina, that has lost but one negro since I was a boy, and that has held unto them so strongly that the runaways are confined to the whites, leaving our race in a minority of about one hundred thousand, complains loudest.

Mr. ORR. Fourteen last year.

Mr. CARTTER. Where did they go—North or South?

Mr. ORR. I expect they went to Ohio.

Mr. CARTTER. I reckon not. I think you will find them in Georgia, in the Cherokee country. [Laughter.] Do not talk to me about negroes running away from South Carolina to Canada or Ohio. They cannot do it. I repeat, we will respect all constitutional obligations. We will do it firmly—we will do it substantially; but permit me to say, if the proposition is made here to amend that law, to give its details the sanction of justice, I shall vote for it though the heavens fall. If a proposition is made to repeal it, I tell you I will vote against it. We should talk about these things just as they are, honestly, and I believe that to be the disposition and sentiment of ninety-nine hundredths of the people of the free States, from what little intercourse I have had with them. Now, I have, in a hasty manner, and under the impulse of the moment, attempted simply to reply to one or two propositions made by the gentleman from Virginia, [Mr. BAYLY,] which I thought would not do to go into the Constitution until they were considered. [Laughter.]

THE SLAVERY QUESTION.

SPEECH OF MR. GOODRICH,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

May 27, 1852.

Assaults upon Northern Whig members who do not indorse the *finality* of the compromise replied to—the power to prohibit slavery in the Territories clear and ample, as conclusively proved by the arguments of Mr. Berrien against it—the exercise of this power one of the compromises of the Constitution, as admitted by Mr. Calhoun—the Georgia *Union* platform *disunion* foreshadowed and threatened—the question, What is it to be a compromise man? considered—Northern anti-slavery sentiment a just principle, if the sentiments and opinions of Mr. Clay, expressed in the last Congress, are just.

The House being in the Committee of the Whole on the state of the Union, (Mr. SEYMOUR, of Connecticut, in the chair)—

Mr. GOODRICH said:

Mr. CHAIRMAN: The members of the present Congress came together under an assurance that the question of slavery had been settled by what are called the compromise measures of the last Congress. But the honorable gentleman from Virginia [Mr. BAYLY] told us in his speech, made here two or three days ago, that while these measures were a step in the right direction, they nevertheless had not settled the question. There is a difference of opinion in regard to them. A proposition, he said, had been propounded, in the debate during this session, that the fugitive slave law, like any other law of Congress, is open to repeal. This proposition he utterly denied, and made an elaborate argument to disprove it.

The honorable gentleman from Ohio [Mr. CARTTER] told us in reply, that he had passed in this Hall nearly three years of legislative life, and the subject which had just died upon the lips of the gentleman from Virginia, had been the constant theme of discussion. He denied his [Mr. BAYLY'S] whole doctrine; said it was "as palpable a sophistry as was ever uttered," and, "to make a long matter short," pronounced "the assumption of the learned gentleman from Virginia a self-evident absurdity."

The question, therefore, is not settled. This, sir, is manifest, from what is daily transpiring here. If the question is settled, why is it that three fourths of the time of this House continues to be occupied with it? There is nothing before us touching the institution of slavery, which calls for the action of Congress. There may be a few petitions for the repeal or modification of the fugitive slave law, but nobody, so far as I know, has suggested or expects there can be favorable action upon them. No report upon them has been made. And yet the subject of slavery is here. The compromise measures, which are understood to embrace the whole slavery question, are here. They were introduced by those who wish to be regarded, and are regarded, as their special friends. These measures are the laws of the land. No patriotic, well-disposed, law-abiding citizen will resist their execution. They have been, and are being executed, and no President of the United States will hesitate to see that they are faithfully executed, so long as they remain in force as laws upon the statute-book.

But this is not enough. We are told, that by these measures certain definitive, unchangeable, final arrangements have been entered into. Southern gentlemen, and some Northern gentlemen, have undertaken to define the sense in which these measures are to be adopted. They say it has been settled, *finally* settled, that hereafter slavery is not to be prohibited in free territory; that slave States are to be admitted into the Union whenever they apply for admission, there being no other objection; and that the fugitive slave law is not to be repealed or modified, unless, in the opinion of the South, it shall be thought necessary to have a still more stringent and efficient law. Then they go one step further, and assume that all who refuse to adopt these measures in this sense, are opposed to the Union of these States, and to the principles upon which it was formed. This is no exaggerated, overdrawn statement; this is the assumption. The reason, and the only reason I have heard for introducing the compromise resolutions, and taking a vote upon them here, confessedly of no earthly legislative effect, is, that it may be known who are and who are not ready to support the Constitution and the Union. This was said, in substance, (I do not pretend to give the precise language,) by the honorable gentleman from Florida, [Mr. CABELL.] The gentleman from Tennessee, [Mr. WILLIAMS,] and the gentleman from Kentucky, [Mr. MARSHALL,] said the same thing; and the gentleman from New York, [Mr. BROOKS,] who has seemed to be the champion of Southern rights, and "even more Southern than the South itself," has, over and over again, in substance, and by the strongest implication, said the same thing; and another honorable gentleman from Tennessee, [Mr. GENTRY,] not in this House, but in the hearing of many of its members, in a caucus in the other end of the Capitol, denounced, in the most impassioned and inflammatory manner and language, as unfaithful to the obligations of the Constitution, and as traitors to the Union, all who were not willing to pledge themselves to stand by the fugitive slave law as it is, and to oppose all attempts to repeal or modify it; and he demanded that the compromise resolution should be fully and unequivocally indorsed *as such a pledge*, and as the only test of Northern fidelity to the principles of the Union that would be satisfactory to the South. If the Whigs would adopt this pledge, and make it a test of fidelity to the party, as well as to the Constitution, he would go with them to the National Convention, but not otherwise; and he and several other Southern gentlemen, for reasons that have been sufficiently stated, withdrew from the caucus, and, as they distinctly announced, from the Whig party also, unless this pledge should be given in the National Convention.

And the honorable gentleman from Georgia [Mr. STEPHENS] (I quote from his printed speech, which I heard) said:

"I hold it to be the highest duty of the citizen everywhere to put them [those not known to the country to be *unqualifiedly, openly, and boldly,* in favor of the *existing* fugitive slave law] down, and drive them from power. I hold them, sir, to be the open and avowed enemies of the Government—enemies of the Constitution of their country."

Sir, I have heard enough of this assumption of unfaithfulness to the Constitution and of disloyalty to the Union, and I repel it. There is no foundation for it. Of the gentleman from Georgia I have no disposition to utter a disrespectful word or thought. But does he mean to say that all, who are not unqualifiedly, openly, and boldly in favor of the *existing* fugitive slave law, are enemies of the Government and of the Constitution of their country? Enemies of the Government! Enemies of the Constitution of our country! Sir, I cannot believe the gentleman means to say what his language imports, and I will not characterize it as I should do, if I believed otherwise. The fire of devotion to the *true principles* of the Union, nowhere burns brighter and purer than in the State I have the honor in part to represent. And yet I affirm, for myself and for the people of that State, that a modification of the fugitive slave law, in several important particulars, so far from violating the Constitution, would harmonize, most perfectly, both with the letter and spirit of that instrument. It might, as I believe, be so modified as to be more just and humane, and at the same time secure every constitutional right, and the performance of every constitutional obligation. If this be so, can any man living tell me why it should not be done? If this be so, or if any of

the Representatives here and their constituents think so, is it treason to name it? Is it treason even to suggest that the law may be improved? Sir, where are we? What Hall is this? Over what body do you preside? Is this part of the American Congress? Are we the Representatives of the freest Republic on the face of the globe—the model Republic; the Representatives of the freest people the sun ever shone upon—a self-governed people,—and yet have we a law for the return of fugitive slaves, which is to stand unaltered and unalterable, however wrong some of its provisions may be, or may be thought to be? Must we agree that we will never alter it? Sir, I make no such agreement.

Before proceeding further, I desire to call the attention of the House and the country, to the manner in which this question was brought here, and reply to some things that have been said and done in which I have a good deal of personal interest.

The facts are these: The Democratic members of this House had a caucus at the commencement of the session, and laid the compromise resolution on the table. Upon this the Whigs called a caucus and adopted the resolution. Some Whigs, understanding this resolution would be offered, did not attend the caucus, and advised me not to attend. I replied, that as I was a Whig, a Whig caucus was a proper place for me, and I would attend and vote, according to my judgment, on such propositions as might be presented. I did attend, and voted against the resolution. Upon the adoption of the resolution some gentlemen withdrew from the caucus; but I remained. The gentleman from Kentucky, [Mr. MARSHALL,] and some others, stated distinctly, that the resolution would be regarded as a test, and that those who were not prepared to adopt it could not be recognized as Whigs, and members of the Whig party. Regarding the matter as an expression of individual opinion merely, and as having no binding effect whatever, upon the Whig party, (a caucus of about half the Whigs in one branch of Congress only, having obviously no authority to bind the party in a matter of this sort,) I did not take the hint, if one was intended, to retire.

The caucus adjourned, and almost immediately the House was called to order, and we all know what occurred here before proceeding to the choice of Speaker. A debate immediately sprung up upon the compromise resolution, or rather upon the action of the caucuses.

Now, sir, the honorable gentleman from New York took a very conspicuous part in those proceedings. He opened the ball by making the first principal speech on the Whig side. The gentleman from Florida [Mr. CABELL] followed next, on the same side, or very soon. These gentlemen, regarding themselves as elevated to the popedom of the Whig party, forthwith issued their bulls of excommunication against all the "dissatisfied," and pronounced "opposition *here*," to the behest of the caucus, "disorganization." The gentleman from New York [Mr. BROOKS] said:

"Henceforth, opposition to that resolution here will be disorganization. If any portion of the Whig party are dissatisfied with our position, *let them secede*, and go over to the other side."

The gentleman from Florida said:

"We took our position in spite of them, (those who opposed the resolution,) and I thank God for it. *They are no longer Whigs.*"

Thus, Mr. Chairman, within half an hour after I took my seat on this floor, I was unceremoniously ruled out of the Whig party. And for what? Because I did not choose to say, by voting for the compromise resolution, that I was opposed to modifying the fugitive slave law. The gentleman from New York [Mr. BROOKS] was a member of this House when that law was passed, but he did not vote for it on ordering it to a third reading, nor on its final passage; and as he has turned me "over to the other side," I suppose I shall be allowed to speak with a little more freedom than if we still belonged to the same party. As it cannot now look like a family quarrel at all, which always has an unpleasant look, I propose to examine, for a moment, his reasons for not voting for that bill. A gentleman who is so very zealous for this law now, ought surely to have some pretty good reason for not voting for it. What was it?

When rather hard pressed upon this subject by the gentleman from Illinois, [Mr. RICHARDSON,] the first day of the session, he said in explanation:

"I admit the fact of not voting on the final passage. The gentleman will find me upon every vote *facilitating action* upon the bill. I have only to say, in addition to that, that there are reasons which I have given elsewhere for not voting on the final passage; and, among others, that the bill was *never printed for this* House, but driven through under the previous question, *without giving us time to read what the bill was.*"

And in reply, a few days ago, to some remarks on this subject by the gentleman from Tennessee, [Mr. CULLOM,] he said:

"If the gentleman will consult the Congressional Globe and record, he will find that upon the *various occasions* upon which the fugitive slave bill was brought forward, I voted for it *over twenty* times upon divisions, and *in every way facilitating action* upon it. He will also find that my *main objection* to voting for it on its final passage was, that when it was brought forward by the chairman of the Judiciary Committee, it was forthwith pressed, *violently* pressed, under the operation of the previous question, without giving the House an *opportunity* even to read the bill in print, or *to have* it printed at all."

Never printed for this House! Without giving us time to read what the bill was! Does the gentleman mean that he did not know—that the course of this House was such that he could not know, or that he had no opportunity to inform himself, what the provisions of the bill were? This was a very important bill in his estimation. He has more than once given us to understand very distinctly that the constitutional rights of the South could be secured only by declaring the *finality* of this law. We are to presume, then, that no opportunity to inform himself as to its provisions, before he was called upon to vote upon it, was omitted.

Now, what are the facts in regard to this bill, as we find them in the Congressional Globe and record, which the gentleman has invited us to consult? An honorable Senator from Virginia [Mr. MASON] introduced the fugitive slave bill in the Senate on the 4th of January, 1850, and it was referred to the Judiciary Committee. On the 16th of the same month the committee submitted the bill to the Senate, with a written report in favor of it, and asked that it be *printed*. Ten thousand extra copies of this report were also ordered to be *printed*. Mr. MASON remarked, on introducing it, that it was the same bill which had been reported by the Judiciary Committee at the two preceding sessions of Congress. The bill was familiarly known in the country as Mr. MASON's bill. It was published entire in some of the newspapers, and, I think, its main features, in the letters of correspondents, or in some other form, were published in most or all the principal papers. The provisions of the bill were not kept in a corner, but were known and discussed by the public, as well as in Congress. The gentleman was all the time connected with a newspaper in New York. The bill remained in the Senate until the 19th of August, seven months and a half, when it was taken up and discussed from day to day until the 26th of August, when it finally passed that body, and was sent to the House. It lay on the Speaker's table seventeen days, until the 12th of September, when it was taken up in the order of business and considered. Mr. Thompson, of Pennsylvania, first obtained the floor, and the following, among other proceedings, were had:

"Mr. THOMPSON. Before I commence the remarks which I propose to submit, I will ask that the bill may be read.

"The bill *was accordingly read.*"

After Mr. Thompson had concluded his remarks, he moved the previous question. His colleague [Mr. STEVENS] asked him to withdraw the demand for the previous question. Mr. Thompson said he would withdraw it if his colleague desired to speak against the bill, and would agree to renew it. The record then shows the following:

"Mr. BROOKS appealed to Mr. THOMPSON to withdraw the demand for the previous question. He [Mr. B.] *would renew it.*

"Mr. THOMPSON. Does the gentleman desire to say anything against the bill?

"Mr. BROOKS. I do not."

I ask again, why the gentleman from New York did not vote for that bill? One reason he assigns is, that there was no "time given to read what the bill was." Does he mean to say that he had never read it, in the various forms in which it was published, during the eight months it was pending before Congress? Does he mean to say that he did not know it had been lying on the Speaker's table seventeen days, before it was taken up, and might have been examined at any time, and read half a dozen times every day, and that it was passed by the House without the *slightest amendment?* Does he mean to say that he was not present in the House when the bill *was read?* Then why did he not ask to have it read, when Mr. Thompson consented to withdraw the previous question if he had anything to say against the bill? He might have said this much *against* the bill, that he could not vote for it "*without giving us time to read what the bill was.*" He might have urged, in eloquent terms, his utter inability to give an intelligent vote upon that bill, in the profound ignorance in which he found himself as to its provisions. He might have reminded the House of the very slight opportunity—really, no opportunity at all—that members had had to know anything about the bill. He might have said: "Why, Mr. Speaker, this bill has only been on your table seventeen days; do you suppose that members of this House can find time to read such a bill as this in seventeen days? How can you suppose it possible we can know anything about it? It has not even been printed for *this* House! I know it has been printed for the Senate, and in the Globe, and other newspapers, and I believe I have stated in a letter, which was published in my paper, what its provisions are; but that is not the way to get the information necessary to give an intelligent vote upon it. The bill is a very important one, and it ought to be printed for this House before we are called upon to make up our minds in regard to it. Indeed, sir, how can we make up our minds in regard to it till we have *'time* to read what the bill is?'"

The gentleman might have said all this, and the House, seeing how very ignorant he must have been, quite likely might have given further time and printed the bill. But he said nothing of the kind. He did, indeed, ask to have the previous question withdrawn, but for what purpose does not appear.

But the bill was "driven—violently pressed through under the previous question." Who helped to drive and press it through? The gentleman says he will be found "upon *every vote* facilitating action upon the bill." "I voted for it," he says, "over twenty times, and in *every way* facilitating action." *Every vote.* The sole purpose of the previous question was, to facilitate action and press the bill through. Now, there were only *nine* votes taken while the bill was under consideration. Two were upon calls of the House; two were on ordering the bill to a third reading, and on its final passage, on which the gentleman from New York did *not* vote. One of the remaining five votes was on a motion to lay the bill on the table, on which the gentleman voted in the negative; and the other four were on the demand for the previous question, twice on seconding the demand, and twice on ordering the main question. Now the gentleman says he voted over twenty times, and in *every way*, and on *every vote*, facilitating action. How could he have voted even *five* times, without giving *four* votes in *favor* of the previous question? Having, then, voted four times *for* the previous question, does he mean to say that his "main objection to voting for the bill on its final passage was that * * it was *forthwith pressed, violently pressed,*" and "*driven* through under the previous question?" Does he mean this? Is this the reason he wishes to be understood as giving to this House and the country for not voting for that bill on the final passage? If not, then what are the votes *facilitating* action, about which he has so much to say?

The gentleman, now, however, regrets that he did not vote for this bill on its final passage, and considers it "the most unfortunate act of his political life." Let me assure him that there is one act which others will regard, however he may regard it, as more unfortunate, and that is the act of assigning *such reasons.*

There is another matter to which I wish to call attention. The statements of the gentleman to which I am about to refer are unwarrantable misrepresentations of fact, and impute to Northern Whig members of this House very dishonorable

and unworthy motives and conduct. I do not say they were so intended.

In reply to an inquiry by the gentleman from Texas, [Mr. HOWARD,] the gentleman from New York said:

"I understand him to ask why it was that, in a Whig caucus of fifty-one members at the opening of the session, we adopted the compromise resolutions, and why we subsequently had this action in the House, in which there appeared only seven Northern Whig votes?" * * *
"In the prior caucus we had no record made; and it was then the settled policy of the Whig party that the compromise measures were to be final. Subsequent to that time it has been found to be the interest of a portion, or supposed to be the interest of a portion of the great body of the Whig party North, and a portion of the Whig party South, to repudiate that compromise. When that resolution was introduced here by the honorable gentleman from Georgia, [Mr. HILLYER,] all our hearts wavered, because the Southern Whig column wavered, and did not stand by us National Whigs; and the cry of every Northern man was, 'Save himself who can;' for if the whole Southern Whig column would not stand by the Northern conservative Whigs, it was useless to fight Southern battles on Northern ground."

The principal statements intended to be made here are, that in a Whig caucus of fifty-one members at the opening of the session, it was settled, as the policy of the Whig party, that the compromise measures were to be final; that subsequently the *same* Whigs (from the North all but seven) repudiated the compromise, and that Northern Whigs wavered because the Southern Whig column wavered, and did not stand by the Northern Conservative Whigs. Now, I state it as my belief, founded on some considerable inquiry, that not a single Northern Whig voted *for* that resolution in the caucus, and afterwards repudiated it by voting *against* it in the House. If there are such Whigs, I wish the gentleman from New York would name them. If there are none, then I call upon him to withdraw his charge against Northern Whigs, of voting to make the finality of the compromise measures the settled policy of the Whig party one day, and repudiating it the next; of voting one way in caucus, where there was *no* record, and wavering and voting differently in the House, where there *was* a record. The charge is wholly gratuitous, and without the slightest foundation.

Northern Whigs are represented as wavering, *because* the Southern Whig column wavered. What is it the gentleman calls the wavering of the Southern Whig column? It is understood to be the course pursued by some of the Southern Whigs in the late Whig caucus, upon which the gentleman has animadverted with so much severity. Now, that caucus was not held till several days after the question was taken in the House upon the resolution of the gentleman from Georgia, for which only seven Northern Whigs voted. The vote in the House was on Monday, April 5th, and the first caucus was not held till the Friday following, April 9th. The call for the caucus did not appear in the papers till Wednesday, two days after the vote in the House. How, then, could the course of Southern Whigs in the caucus, which Northern Whigs did not and could not anticipate, be the cause of Northern Whigs wavering on the vote in the House four days prior to the caucus? The gentleman will not pretend that when that vote was taken on Monday, any indications of what *he* calls Southern Whig wavering, had come to the knowledge of *Northern* Whigs. If he does, I want he should tell us what those indications were, and who knew and were influenced by them. The idea that *all our hearts wavered*, and that the cry of every Northern man was "*Save himself who can*," is contemptibly ridiculous. It has not even the merit of respectable fancy. It never had any existence, except in the gentleman's imagination, and there it came as an after-thought entirely. Northern Whigs wavered on Monday, and every man cried "Save himself who can," because Southern Whigs *had* wavered four days after! That is the whole of it. Sir, I am amazed at the recklessness of the gentleman's statements.

Now, I submit to the gentleman that he is not in a position to say who shall and who shall not be Whigs, nor to speak in terms of such severe condemnation, as he has many times done, of those who cannot see their way clear to indorse the finality of the fugitive slave law. If that law passed in the way he says it did, that is an all-sufficient reason for regarding it as open at least to examination, and if it shall be found necessary, to amendment also. That will be an all-sufficient reason, so long as time shall be measured by the rising and setting sun. This law is put upon the ground of a compromise, a mutual concession, having mutual considerations. Sir, are laws that are "pressed, *violently* pressed through under the operation of the previous question," to be canonized as unalterable compacts and compromises? Are those who stood by and could not vote for them *because* they were thus pressed, bound to respect them above other laws, on the ground of a *compromise*? Is *that* the way compromises are made, which are binding in honor and conscience?

I desire no controversy with the gentleman from New York. If he chooses to indorse the finality and totality of the compromise measures, I shall not complain of it. He certainly has a perfect right to do this, whatever I may think of his reasons for it. But when he proposes to foist this finality doctrine into the Whig creed, and make it a test of party fidelity, I demur. He cannot but be aware that his remarks have been very uncharitable and terribly severe upon such Whigs as I am, and as, only a few short months ago, he *was*. For his new-born zeal for the Constitution and the constitutional rights of the South, I will give him as much credit as he deserves, *perhaps as much as Southern gentlemen do*, if he will be a little more charitable and less denunciatory of those at the North, who do not learn this *finality* lesson quite so easy as he has done. But I have done with the gentleman, for the present at least.

To the gentleman from Florida, who ruled me out of the Whig party the first day of the session, I would say, that modesty, at least, should deter him from being so very officious in *un*fixing others till he gets *fixed* himself. He came here, as he tells us in his speech, a Union man. Then he was a Whig awhile. Now he is an *outsider*, being one of the eleven who retired from the Whig caucus.

The honorable gentleman from Tennessee [Mr. GENTRY] did injustice—unintentionally, I have no doubt—to Northern Whigs in some remarks of his in this House a few days ago. His colleague [Mr. CULLOM] having expressed the opinion that if the seceding Whigs had remained in the caucus, the compromise resolution might have been passed, the gentleman replied:

"But it would have been passed by Southern votes with the help of those few Northern gentlemen who were willing to coöperate with us, and *another fraud* would have been played upon the country like that played at the beginning of this session of Congress, and which has been made *conspicuous* by the *votes* of members *who acted in that caucus*, upon the resolution recently offered to the consideration of this House by my friend from Georgia."

What the gentleman means to say here is, that Northern Whigs, "who acted in that caucus," (at the commencement of the session,) played a fraud upon the country by voting for the compromise resolution in caucus, when they did not mean to stand by it, as conspicuously appeared by their vote against it in the House. In answer to this, I say, as I said to the gentleman from New York, if there is a single Whig who voted *for* the resolution in caucus, and *against* it in the House, let us know who he is. All who voted against the resolution in the House are implicated in this charge of fraud—I am implicated, as I am on the record against the resolution in the House, without any record of my vote in the caucus. The implication is that the vote was different in the caucus. But I say I voted the same way on both occasions, and I believe every other Northern Whig did also. If not one can be named who did not, then let this charge of fraud, which has been copied into the Union, and commented upon, be withdrawn. I am heralded with others in his manifesto; then follows this charge of playing off a fraud. The gentleman will see why I should feel some anxiety to have this matter put right. I am willing to take the responsibility of my vote; but having been consistent I want the benefit of it.

Mr. GENTRY. Will the gentleman allow me to say one word, by way of explanation? It happened to me to be detained upon my journey one day, when I came on to Washington, and I was not present at the caucus to which the gentleman refers. I referred to it as a thing passed off upon the country to this effect: that gentlemen there consisting of Southern and Northern Whigs, with very considerable unanimity, had passed that resolution, assuming to put the Whig members of Congress upon the compromise platform as the basis of union among themselves. I did not undertake to decide, of my own knowledge, who voted for and who did not vote for that resolution in caucus, for I was not present, and could know nothing upon that subject; but I did undertake to say, that the votes which gentlemen here, under their responsibility, as members of Congress, had given upon the resolution offered by the gentleman from Georgia, [Mr. JACKSON,] proved incontestably that the assumption of the fact put forth to the country, that the Whig party, North and South, had placed themselves upon that platform was a fraud. How the fraud originated, and who is responsible for the fraud, I did not undertake to say.

Mr. GOODRICH. The fraud, if there was one—I do not say there was—consisted in something very different from voting one way in caucus and another way in the House, for there was no such voting. It consisted, too, in something for which Northern Whigs who voted against that resolution are in no manner responsible. But as my only purpose is to present the part I acted in this matter in its true light, I pursue the subject no further.

I come now to the main purpose for which I sought the floor, which is, to show that there is no foundation for the assumption so constantly, and often so offensively, put forth here, that the North is disloyal to the Union, and unwilling to abide by the Constitution in its true spirit and in all its parts.

To make my positions clear and distinct, I state, first, that the power of the General Government to prohibit slavery in the Territories of the United States (which, with few exceptions, is the Northern doctrine) is clear and ample.

This I propose to show by the admissions and arguments of some of the ablest Southern statesmen in the present Congress, who deny it; and shall refer particularly to a very elaborate argument made by the honorable and justly-distinguished Senator from Georgia, [Mr. BERRIEN,] in a speech of his, delivered in the last Congress, designed to show that this power does not exist, but which, to my mind, is triumphant and conclusive in favor of the power.

My second proposition is, that this power not only exists, but ought to be exercised, because its exercise was distinctly contemplated by the act of union, and was one of the compromises of the Constitution. This was distinctly admitted by Mr. Calhoun, in the Senate, in some of the last words he ever uttered as a member of that body.

My third proposition is, that if the sentiments and opinions expressed in the last Congress, of another no less distinguished Southern statesman, and also a member of the present Congress, (not now, alas, an acting member,) are just, they vindicate the justness of Northern anti-slavery sentiment, not merely as a sentiment or feeling, but as a just principle, to which the actions of conscientious men, whether as private citizens or as legislators, *must* conform. I allude to the declarations and opinions of that great man and venerable patriot, whose sun has so long shone resplendent among the brightest lights in our political firmament, but which is now, to all human appearance, just ready to enter the cloud of eternal night to mortal vision.*

The first proposition, the power to prohibit slavery in the Territories, is denied by a large portion of the South. Mr. BERRIEN, in the speech to which I refer, which was delivered in the Senate on the 11th of February, 1850, states the doctrine of those who deny the power; and the honorable gentlemen from Georgia, [Messrs. STEPHENS and TOOMBS,] members of this House, I believe, concur in his views.

MR. BERRIEN'S ARGUMENT.

He thus states the question:

"I come to the consideration of the question of the power of Congress to prohibit slavery in the Territories." * *
"Whether a citizen of the United States, who is the owner of slaves has the right to remove with them to the Territories of the United States; more specifically, sir, whether a citizen of the United States has the right to remove with his slaves into the Territories of California and New Mexico."

*Mr. CLAY, when this speech was delivered, was confined to his sick chamber in sight of the Capitol.

His position, as stated in his own words, is this:

"I have denied the existence of the power." * * * "The South asserts the right of any citizen of the United States to participate in the benefits of all public property, and in the Territories of the Union. It asserts this in relation to the citizens of the slaveholding States, as well as in relation to those of the free States. That assertion necessarily includes the denial of the right and power of Congress to pass any law prohibiting them from emigrating into those Territories, and taking with them their property, *of whatever sort*, or to interpose any legislative obstructions in their way."

His proof is as follows:

"This right is based upon the equality of the States. If they be equal in dignity, in right; if they were so at the formation of the Constitution; if nothing has intervened since to produce an inequality, then the right which is claimed rests upon the basis of their equality. It is the inevitable consequence of it.

"It is difficult to prove so self-evident a proposition, as the equality of the States of this Union, at the formation of this Constitution." * * "Their equality necessarily resulted from their sovereignty, as sovereignty is correlative to equality. I do not know whether, upon a question of this sort, it may be necessary to resort to authorities; but Vattel says:

"'Since men are naturally equal, and a perfect equality 'prevails in their rights and obligations, as equally proceeding from nature, nations composed of men, and considered 'as so many free persons living together in a state of nature, 'are naturally equal, and inherit from nature the same obligations and rights. Power or weakness does not, in this 'respect, produce any difference. A dwarf is as much a *man* 'as a giant; *a small Republic* is no less a sovereign *State* 'than the most powerful kingdom.'

"The thirteen States of this Union, then, entered into the bond which now unites us as equals."

* * * * * * * *

"Why, sir, I maintain, and if it should be my fortune to be called before another tribunal, I would maintain there, that an express provision in the Constitution, interfering with the exercise of the equal right of those by whom, and for whom it was formed, would have been inconsistent with that elementary principle—the equality of right—which is the basis upon which the Constitution rests, and that it would for that reason have been invalid, and null, and void."

The doctrine of "equal rights"—of the "equality of right," here asserted, is true. The doctrine of the "equality of the States;" that they are "equal in dignity, in right;" that "their equality necessarily results from their sovereignty," is, as a general proposition, true. If predicated of the original thirteen States referred to, it is true without qualification; but if predicated of the thirty-one States now in the Union, it must be received, as I will show hereafter, with some qualification. So, too, the doctrine that "*men* are naturally equal, and a perfect equality prevails in their rights and obligations, as equally proceeding from nature;" that "a dwarf is as much a man as a giant," in the sense of inheriting from nature the *rights* of a man, which is the sense intended, is also true. And the grand difficulty which our Southern friends have to encounter, is the fact that this doctrine is true. To them it is a two-edged sword, which will be sure to cut them if they touch it. Take it in any sense, and it is fatal to the "peculiar institution." It cannot stand upon it an hour. Let us see.

The position of the Senator from Georgia is, that the citizens of that State, or of any other State, have a right resulting necessarily from their "equality of right" as citizens of the United States, or from their equality necessarily resulting from State sovereignty, to take slaves into the United States Territories, and hold them there as property. This right, it is particularly to be borne in mind, results not from any constitutional provision, but exists independent of it, in defiance of it; for the honorable Senator, whose argument I am considering, says, in so many words, "that an express provision in the Constitution interfering with the exercise of this equal right," by which he means the right to take slaves to the Territories, "would have been inconsistent with that elementary principle—the equality of right—which is the basis upon which the Constitution rests, and would for that reason have been invalid and null and void."

Now, I submit to Southern gentlemen that this proves too much—too much for them. For if such a provision in the *United States* Constitution would be invalid and void, *as inconsistent with that elementary principle, the equality of right*, it would be equally so in a *State* constitution. This puts the institution of slavery pretty thoroughly above the Constitution and the law. The law might, perhaps, come in and aid, but it cannot interfere with it. It is founded in the law of nature, which declares, in the extract from Vattel quoted by Mr. BERRIEN, that "men are naturally equal, and a perfect equality prevails in their rights and obligations, as equally proceeding from nature." This being so, slavery must stand, if it stand at all, upon the doctrine that "men are naturally equal, and a perfect equality prevails in their rights and obligations." The question, then, of principal interest to the advocates of the "peculiar institution" is, whether slaves are "*men?*" If they are, I really do not see why slavery must not go by the board, not only in the Territories, but also in the States, if Mr. BERRIEN's doctrine is sound. For if they are men, then they are naturally equal, and a *perfect equality* prevails in their *rights*, and "an express provision in the Constitution interfering with this *equal right*," would be void. The whole question, then, turns on the fact, whether slaves are *men?*

There is another view of this doctrine of the "equality of right," with which no constitutional provision can interfere, which I throw out as worthy of the consideration of Southern gentlemen. It is this, whether it has not a little of the higher-law taint, which I suppose would not commend it particularly to Southern favor. The higher-law doctrine, as I understand it, is very much like Mr. BERRIEN's doctrine that "men are naturally equal."

I suppose it will not be pretended that a law of the United States, to prevent any person from going to the Territories and settling there with slaves, would be any more in violation of the *equal* rights of *United States* citizens, than a law of Massachusetts to prevent her citizens from taking slaves and settling with them in her territory, would be in violation of the *equal* rights of the citizens of that *State*. A slaveholder in Georgia has no right in the United States Territories, necessarily resulting from his *equality* of right as a citizen of the Union, which a citizen of Massachusetts has not in that State, resulting from his *equality* of right as a citizen of the State. And yet, after having maintained that a United States citizen has a right, necessarily resulting from his *equality* of right, to take slaves to the United States Territories, I find Mr. BERRIEN, by turning to another part of his speech, using the following language:

"I agree that Massachusetts has a right, *as a sovereign State*, to prohibit slavery there; *and she has a right to prevent any person from coming and settling there with slaves.*"

Now, the argument is, that the *equality* of right between citizens of the United States residing in Georgia, and in Massachusetts, secures to them the right to take slaves to the United States Territories, while the same equality of right between citizens of Massachusetts, secures to them no such right in the territory of the State. In the one case the right cannot be interfered with, while in the other it can be. Or, to state it differently, a person who is both a citizen of Massachusetts and of the United States, and as such has a perfect equality of right with any other citizen, either of the State or United States, may be prohibited, *though equal*, from taking slaves to the territory of the State, but cannot be prohibited from taking slaves to the Territory of the United States, *simply because he is equal.* Is not this absurd?

But further: Massachusetts has this right *as a sovereign State.* Of course, then, Virginia has the same right. After speaking of "the great Northwestern Territory, as the subject of the famous ordinance of 1787," Mr. BERRIEN adds:

"Now, in respect to that Territory, it was a portion of the State of Virginia, subject to the *sovereign law* of Virginia. While Virginia held it, it was competent for her to organize a government there; and when the sovereignty of Virginia was transferred to the Confederation, if the Confederation had had the power to receive the transfer, *the sovereign power which had been theretofore* in Virginia might have been *exercised* by the Confederation. There is, I presume, scarcely a lawyer of the present day who supposes that the Congress of the Confederation had the power to do what they did. But validity was given to their act * * by the clause of the Constitution which declares that contracts and engagements entered into by the Government of the Confederation should be obligatory upon the Government of the United States established by the Constitution."

Now, the first thing to be noticed here is, that the Northwest Territory was subject to the *sovereign law* of Virginia. Of course, Virginia could do in this Territory, while it was subject to her sovereign law, what Massachusetts can do as a sovereign State in her territory.

The next thing is, that the only reason why the Confederation could not *exercise* the sovereign power which had been theretofore (before the transfer) in Virginia, was the want of power to receive the transfer. But this was supplied by "the 'clause of the Constitution which declares that 'contracts and engagements entered into by the 'Government of the Confederation should be obligatory on the Government of the United States, 'established by the Constitution;" and validity was thereby given to the act of the Confederation. This want of power to receive the transfer being supplied, the Confederation could *exercise* the *sovereign* power which had theretofore been in Virginia, or prohibit slavery there if Virginia, before the transfer could have done it, as of course she could, being a sovereign State equally with Massachusetts. This is an inevitable conclusion from Mr. BERRIEN's premises. It follows, then, that Congress, if the transfer had been made after the formation of the Constitution, might have *exercised* this sovereign power, which had been theretofore in Virginia. Can there be any doubt of this? If there is, let us advance one step further, and remove the doubt, by a fact stated by Mr. BERRIEN, which is directly in point. Speaking of the territory ceded by Georgia, he says:

"Georgia ceded to the United States an extent of territory which now constitutes the two great States of Alabama and Mississippi. While they *remained* under the *sovereignty* of Georgia, it was competent to her to have organized territorial governments within their limits; but she ceded them to the United States, and transferred, not merely the soil, but, by the *express* terms of the articles of cession, their *sovereignty* and *jurisdiction.*"

Now, had Georgia power to prohibit slavery in these Territories while they remained under her sovereignty? There is an important fact in reference to this cession, omitted by Mr. Berrien, which shows conclusively that Georgia supposed she possessed this power, and did not mean the United States should possess it. The cession was by "articles of *agreement* and cession between the United States and the State of Georgia," dated April 24, 1802. The fifth clause of the first article is in these words:

"*Fifthly.* That the territory thus ceded shall form a State, and be admitted as such into the Union, * * * * in the same manner as is provided in the ordinance of Congress of the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the Western territory of the United States, which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, *that article only excepted which forbids slavery.*"

Why except the article which forbids slavery, if a transfer of the "sovereignty and jurisdiction" without excepting it, would have given the United States no power to forbid it?

The second article says:

"The United States accept the cession on the *conditions* expressed."

The acceptance of the cession on the condition that the article which forbids slavery should not be extended over this territory, was a full recognition of the right of Georgia to impose it; and as the articles were articles of *agreement* and cession, the United States, by accepting them, *agreed* not to forbid slavery. Here was the difference between the Georgia and Virginia cessions, and on this difference the whole question of the power of the United States over slavery in these Territories turned. In the Virginia cession the power was granted, or not denied, whereas in the Georgia cession it was expressly denied; and hence the United States never had any control over slavery in this territory, which now constitutes the States of Alabama and Mississippi. The fact that Georgia imposed this condition or restriction, is evidence enough that she thought an unconditional cession would confer the power to forbid slavery, as well as other powers.

Suppose, then, Georgia had exercised the power, and "organized territorial governments," as Mr. BERRIEN admits she might have done, and had prohibited slavery "within their limits," would A, a slaveholding citizen of Georgia, have been thereby deprived of equal privileges with B, a non-slaveholding citizen? Certainly not; and no one pretends that he would. All persons would have been prevented from going and settling there with slaves, just as it is admitted they may be in Massachusetts. Now, why did not A, a slaveholding, and B, a non-slaveholding citizen of

Georgia, stand in precisely the same relation to this territory before it was ceded to the United States, which now exists between the slaveholding citizens of Georgia and the non-slaveholding citizens of Massachusetts in reference to the United States territory? And yet Georgia might have prevented A from going there with his slave property. A slaveholding citizen of Georgia is also a citizen of the United States, and as such undoubtedly has the same rights in the Territories of the United States as other United States citizens, just as he has the same rights in Georgia as other citizens of Georgia. But his rights in the two governments may be, and are, very different, just as the rights of Georgia citizens, under the laws of Georgia, are different—in some respects widely different—from the rights of Massachusetts citizens under the laws of Massachusetts. And as a Georgia citizen, if he goes to Massachusetts, comes under Massachusetts laws, so, if he goes to the United States Territories, he comes under United States laws, or the laws of the Territories made by United States authority. Georgia cannot affect those laws. She can do her part, through her Representatives in Congress, towards making or authorizing them to be made; and that is the whole of it. What becomes, then, of this Southern abstraction of the "equality of right?" I say Southern abstraction, for it is not an abstraction which is confined to Virginia, or Georgia, or South Carolina, but is diffused more or less all over the South. When every Southern member of Congress voted to prohibit slavery in the Northwest Territory, and to prevent any person from going and settling there with slaves, they did not suppose they were exercising a power which was inconsistent with the fundamental principles of equality. Virginia, who ceded that territory, turned right round, if Mr. BERRIEN's doctrine be true, and voted to exclude her own citizens from an equal "participation in its benefits." Sir, this Southern doctrine of the "equality of right," is one of the most airy, transparent abstractions of the day, and it is time it was exploded. At any rate, it is time Southern gentlemen looked up something else on which to found the assumption that the North are disloyal to the Constitution and the Union.

But Mr. BERRIEN states another fact which equally disproves his position, that Congress has no power to prohibit slavery in the Territories. Speaking of the acquisition of Mexican territory he says:

"You have acquired in the prosecution of the war with Mexico, an extensive territory. You have not merely acquired a number of acres of land, for which you could make needful rules and regulations under the provisions of the fourth section of the third article of the Constitution, but you have acquired inhabitants, *living men*, the *sovereignty* over whom, which *was exercised* by Mexico, has been transferred to you."

Here it is stated in as plain terms as can be employed, and nothing can be more obvious than the truth of the statement, that the sovereignty which Mexico exercised in this territory has been transferred to the United States. This sovereignty was absolute and entire. If it was a divided sovereignty, existing partly in the General Government and partly in the State governments of Mexico, it was an aggregate sovereignty when transferred. All the sovereign power of Mexico over those Territories, wherever deposited, was transferred to the United States. This being so, and Mr. BERRIEN claims it is so, it would seem to follow, that if Massachusetts, "*as a sovereign State*, can prohibit slavery in her territory, and prevent any person from going and settling there with slaves," the United States might do it in these Territories.

The power is clear and ample, as thus shown by Mr. BERRIEN's own argument. I cannot see how two minds, capable of understanding the force of an argument, can differ on this point.

But Mr BERRIEN advances one step further, and presents the question in another aspect, which brings me to my second proposition, viz: that this power not only exists, but ought to be exercised, because its exercise was distinctly contemplated by the act of Union, and was one of the compromises of the Constitution. Supposing the power to exist, not conceding it, but arguing upon the supposition, he asks:

"Whether the exercise of a power to prohibit slavery in the Territories, would be *consistent* with the pledge mutually given and *received* by our fathers, of equality of right in the *actual* possessions and future acquisitions of the United States? Whether that is such an administration of the Government for the equal benefit of all these sovereign, independent States, *as was contemplated by the act of Union?* If Congress had the power, would it be—I do not say expedient, but I take higher ground, and ask—would it be *right, proper*, and consistent with good faith, to exercise that power?"

These are fair questions, and they should be fairly answered. I commend them to the consideration of the gentleman from Georgia, [Mr. STEPHENS,] who had a good deal to say about the contract of our fathers. That contract should be performed fairly, fully, and in good faith, in its true spirit and meaning. In thus observing it, I will go as far as he who goes the furthest; and if the gentleman will take the negative of these questions, and show that the prohibition of slavery in the Territories would be inconsistent with the pledge mutually given and received by our fathers, and not such an administration of the Government as was contemplated by the act of union, but a violation of good faith, and so neither right nor proper, I pledge myself not only to waive, but resolutely to oppose, everywhere and on all occasions, the principle of excluding slavery from the Territories of the United States. I am ready here, and to-day, to give this pledge, and I will redeem it, for I will stand by the compact and compromises of our fathers. On the contrary, if it can be shown, as it can be, and as I am prepared to show, by incontestable facts of history, that these questions must be answered, if answered truly, in the affirmative, I trust our Southern friends will at least abandon the idea of dissolving the Union on an assumption of Northern disloyalty, which has not a particle of truth to stand upon. If the Union is to be dissolved let it be for some reason, whether sufficient or not, that is at least *true*.

I say, then, our fathers, when they framed the Constitution, and the people of all the States when they ratified it, did mutually give and receive a pledge to apply and maintain the principle of excluding slavery from the Territories of the United States; that this, among other things, was distinctly contemplated by the act of union, and that good faith requires that it should be inviolably maintained, as the only mode of redeeming the pledge thus given, and of doing what was thus contemplated to be done. Now, what are the facts which show it?

On the 13th of July, 1787, the United States Congress, under the Confederation, passed an ordinance for the government of the territory northwest of the river Ohio, which embraced all the territory over which the United States had jurisdiction. This was the same territory which was ceded to the United States by Virginia. The ordinance begins thus:

"Be it ordained by the United States in Congress assembled," &c.

One of its great objects is stated in the following words:

"For extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said Territory; to provide, also, for the establishment of States, and permanent governments therein, and for their admission to a share in the Federal Councils, on an equal footing with the original States, at as early periods as may be consistent with the general interest:

"It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said Territory, and forever remain unalterable, unless by the common consent."

The Congress of the United States then ordained and declared that the articles referred to *shall be considered* as articles of *compact* between the *original States* and the *people and States* of the Territory, and *forever remain unalterable*, unless by the *common consent*. Now, to make it perfectly clear that the original States are bound by this compact, whatever it is, and intended to be, not only as members of the old Confederation, but as members of the new government established by the Constitution, it is important to refer to a few facts in this connection. Mr. Webster, in the speech delivered in the last Congress, and familiarly known as his 7th of March speech, says:

"It was in the summer of 1787, the very time when the Convention in Philadelphia was framing this constitution, that the Congress in New York was framing the ordinance of 1787. They passed the ordinance on the 13th of July, 1787, at New York, the very month, perhaps the very day, on which these questions (about the *importation* of slaves and the *character* of slavery) were debated in the Convention at Philadelphia. And, so far as we can now learn, there was a *perfect concurrence of opinion* between these respective bodies; and it *resulted* in this ordinance of 1787."

The point to be noticed here, is, that there was a *perfect concurrence of opinion* between these respective bodies, and that this *concurrent* opinion "*resulted* in this ordinance."

After Mr. Webster had finished his speech, Mr. Calhoun rose and made some explanations, and, among other things, said:

"He (Mr. Webster) states very correctly that it (the ordinance) commenced under the old Confederation; that Congress was sitting in New York at the time while the Convention sat in Philadelphia; and that there was *concert of action*."

Here is an admission by Mr. Calhoun that there was *concert of action* between Congress and the Convention on the subject of slavery. Now, what did the Convention do? Acting in *concert*, and *concurring perfectly in opinion* with Congress, they provided, by an article in the Constitution, that the "*engagements entered into* before the adoption of this Constitution shall be as valid against the United States *under this Constitution* as under the Confederation."

These are the words of the Constitution. The engagements, the *compacts* entered into by the Confederation, shall be valid against the United States under the Constitution. This is the clause which Mr. BERRIEN says gave "*validity to their act*"—this very act of Congress by which the ordinance containing these "articles of compact" was adopted. It would seem, then, that this *compact*, whatever it was, must have all the binding force that could possibly be given to it, by inserting it, in express terms, in the Constitution, and should be as sacredly and inviolably observed as if this had been done.

Now, let us see what some of these articles of compact were. One of them is in the following words:

"There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the *original* States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."

This article excluded slavery from all the territory over which the United States had jurisdiction. It was to remain a fundamental principle, unalterable forever, unless by common consent, and to form the basis of "*all* laws, constitutions, and governments," and, of course, of all *territorial* laws and *State* constitutions and governments, "which should forever be formed in said territory." This, of itself, is strong presumption of an arrangement upon this subject, which was to be the settled policy of the Government. But the limitation in the proviso of the right to reclaim fugitive slaves, in this territory, to the *original States*, and the corresponding obligation to reclaim, or permit to be reclaimed, such, and *only* such, as should be "*lawfully* claimed in any one of the original States," is perfectly conclusive on this point. There were to be other States than the original States. The object of the ordinance was to make provision for new States, and "to fix and establish" the principles and basis of their fundamental law. Why not say, then, "any person held to service or labor in any one of the States," instead of the "*original States?*" The only supposable reason is, that there was no intention of giving any State, but "the original States," the right to reclaim slaves in this territory. And yet no distinction was intended between slave States. What reason, then, could there be for not securing this right to other States, except that there were to be no other *slave* States? What reason could there be for entering into articles of compact with the people and States of this territory, requiring them to allow such slaves to be reclaimed as were lawfully claimed in any one of the *original* States, but not such as were lawfully claimed in any other State, except that there were to be no other *slave* States?

Now, what does this prove? It proves that Indiana, for instance, cannot establish slavery with-

out violating these articles of compact under which she came into the Union, and to which she assented. It proves, also, that if she were to establish slavery, she would have no right to reclaim fugitive slaves in Ohio, as she is not one of the original States. Neither would Ohio, not being an original State, have any right, if she were to establish slavery, to reclaim slaves in Indiana. This must be so, unless these arrangements and articles of compact, made valid by an express provision in the Constitution, were mere idle and unmeaning ceremonies.

But perhaps it may be said this cannot be, because, in the clause in the Constitution relating to fugitive slaves, the words "held to service or labor *in one State*," are as applicable to a *new* State as to an *original* State—to *one* of the new States as to *one* of the original States. So far as the application of these words, or the sense in which they were used, can be ascertained from the words themselves, this may, and would be true. But the words "in *one* State," do not necessarily mean in *any* or *every* State. The sense of the Constitution is to be ascertained by taking all parts of it together. And the meaning of particular provisions or words may be qualified by comparing them with other provisions or words. So, by comparing this provision with another, the meaning is clear. The arrangement, then, appears to be precisely this: Thirteen States, part of them free and part slave States, united in forming a General Government, and by one provision in the Constitution they declared that no person held to service or labor in one State, escaping into another, should be discharged, but should be delivered up; and by another provision, they declared that the engagements entered into by the old Confederation for the admission of *new* States into the Union from all the common territory, on an equal footing with the original States, *except that neither slavery nor involuntary servitude shall ever be allowed in the new States*, should be valid under the Constitution. Here, obviously, the first provision, which speaks of "persons held to service or labor *in one State*," must necessarily have been understood to apply only to those States in which persons could be so held, which were the original States, and not to the new States, in which they could not be so held, and from which, of course, none could escape; and the limitation of the right of reclamation in the Territories to the original States, with the *concurrent* action of the Convention, is equally decisive of this understanding. The right was granted to those States upon the basis of a compromise that was to form the permanent policy of the Government. Mr. Calhoun, in his remarks before referred to, at the close of Mr. Webster's speech, speaks of the principle of excluding slavery from the Territories, and the right of reclaiming slaves, as having been settled upon a principle of compromise.

"When it (the ordinance) was passed, as I have good reason to believe, it was upon a principle of compromise: first, that the ordinance should contain a provision similar to the one put in the Constitution with respect to fugitive slaves, and next, that it should be inserted in the Constitution; and this was the compromise upon which the prohibition was inserted in the ordinance of 1787."

Very well. Now, what is this but an admission by Mr. Calhoun, made in the last Congress, just before the close of his eventful life, of the correctness of the position I am endeavoring to maintain? It is a perfect answer to Mr. BERRIEN's questions, and refutes, in less than ten lines, the whole Southern doctrine on this subject. We hear a great deal about the "compromises of the Constitution." These are the compromises which Southern gentlemen tell us they will stand by. And are they willing to stand by them? I present them, then, on the very highest Southern authority, in this short paragraph, one of these compromises. Will they abide by it? Mr. Calhoun says the provision in regard to fugitive slaves was to be inserted in the Constitution, and the ordinance was to contain a similar provision; and *this* was the compromise upon which the *prohibition* (of slavery) was inserted in the ordinance. The new States, and the people of the territory, by the very terms of the articles of compact, as we have seen, became parties to this arrangement, so far as it affected them. This "compromise, upon which the prohibition was inserted in the ordinance," was one of the compromises of the *Constitution*, because it was one of the "engagements entered into," which the Constitution made valid under the new Government.

The power to prohibit slavery in the Territories was conceded. The slave States agreed, in *consideration* of the right to reclaim fugitive slaves, that this power should be exercised. The free States, in *consideration of the agreement to exercise* this power, consented to the right of reclamation. Reclamation and prohibition, then, constitute one of the compromises of the Constitution. So Mr. Calhoun says. One is the consideration for the other. Now, if the South deny prohibition, the consideration on one side, will they insist upon reclamation, the consideration on the other? Then they abandon the compromise of the Constitution. Do they say that the principle of prohibition was to be applied only to the Territories of the United States, at the time of the formation of the Government, and not to Territories acquired since? Then, why may not the same thing be said of the principle of reclamation? If one is to be carried further, why should not the original consideration for it go along with it?

I again present to Southern gentlemen, on the authority of the great Southerner, this compromise of the Constitution. What will they do with it? What will the gentleman from Georgia [Mr. STEPHENS] do with it? He is a Union man. But what is it to be a Union man? He says he will abide by the Constitution and the compromises of our fathers. The fact is, our fathers did prohibit slavery in the Northwest Territory, and grant to the slave States the right to reclaim slaves in that Territory. This they did "upon a principle of compromise." Suppose we do the same thing in New Mexico and Utah; would the gentleman from Georgia, and those who act with him, proceed to dissolve this Union? They say they would.

A State convention was held in Georgia, in December, 1850, called, I believe, by authority of the Legislature. That convention announced to the country what the people of Georgia, on the happening of certain events, would do. In their resolutions they say:

"Be it resolved by the people of Georgia, in convention assembled: * * * * * *

"Fourthly, That the State of Georgia, in the judgment of this convention, *will and ought* to resist, even (as a last resort) *to the disruption of every tie which binds her to the Union*, any action of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, domestic tranquillity, the rights, and the honor of the slaveholding States; or any act suppressing the slave trade between slaveholding States; *or any refusal to admit as a State any Territory hereafter applying because of the existence of slavery therein; or any act prohibiting the introduction of slavery into the Territories of Utah and New Mexico;* or any act *repealing* or *materially modifying* the law *now* in force for the recovery of fugitive slaves."

This is the platform of the Union men. The gentleman from Florida [Mr. CABELL] has announced his readiness to stand upon it. If I am not mistaken—and I think I am not—an able and influential commercial paper in New York (the Journal of Commerce) has highly commended the resolutions of this convention, as manifesting the loyalty and devotion of Georgia to the Union. I shall not suffer myself to doubt, sir, the loyalty of the people of Georgia; but these declarations of hers in this resolution are not loyal; *they are disloyal.*

But do the people of Georgia really mean to abide by this resolution? If Congress, in its wisdom or discretion, should see fit hereafter to prohibit slavery in these Territories, or to modify the fugitive slave law, either of which they have a clear constitutional right to do, will the people of this State—one of the glorious thirteen—go deliberately to work, and with sacrilegious hands, take down this temple of our Union, which our fathers founded and consecrated to liberty? No, sir, I cannot and will not believe it. In an evil hour, they made a record which belies their patriotism, and their respect for the principles of their fathers and the Constitution of their country, and by and by, they will tear out the leaf that contains it.

Resist even to the disruption of every tie which binds her to the Union, if the fugitive slave law is repealed or materially modified! What would be a *material* modification of that law? Suppose Congress should repeal it, and enact in place of it, the short bill presented to the Senate by Mr. Webster, during the last Congress, which he said he had prepared after "conferring with some of the most 'eminent members of the profession, and especially 'with a high judicial authority, who has had more 'to do with questions of this kind, he presumed, 'than any other judge in the United States;" would that be a material modification? It would certainly make a very important change in the law, inasmuch as that bill gave the alleged fugitive a right to a trial by jury, if he denied, in the manner provided, that he owed service to the claimant; and in the judgment of all those who think the fugitive has a constitutional right to such a trial, it would certainly be a very material change. And judging from the resistance which a proposition to give this right has always received from the South, I am safe in assuming that such an alteration would be regarded there as a *material* modification. Then Georgia, if Congress should pass this bill, having the sanction of Mr. Webster and "a high judicial authority," would resist even to the disruption of every tie which binds her to the Union. This is precisely what her resolution says. And yet they are compromise men. The Union men of Georgia are compromise men, and this is their platform; and those who represent them in this House, and others who adopt this platform, are denouncing Northern members and Northern States as enemies of the Constitution of their country, because they do not indorse the finality of the compromise measures. The gentleman from Florida, in his speech on this subject, called upon General Scott to come out in a letter and indorse these measures, that his position before the country might be distinctly known and understood. What distinctness would an indorsement or approval, in general terms, give to his position? None whatever. On the contrary, instead of defining, it would tend to render his position uncertain and equivocal.

What is it to be a compromise man? The Union men of Georgia passed one resolution declaring the series of measures known as the compromise measures, a *final* settlement, and then passed the resolution I have read, which defines what they understand this final settlement is, and announces their pursose if it is not adhered to. The gentleman from Georgia [Mr. STEPHENS] is a compromise man; he has told us so very distinctly; and yet he becomes a *disunionist* if slavery is prohibited in free territory. Mr. Webster is a compromise man; and he said in his great compromise speech, and holds to it to-day:

"Wherever there is a foot of land to be staid back from becoming slave territory, I am ready to assert the principle of the exclusion of slavery. I am pledged to it; I have been pledged to it again and again; and I will perform these pledges."

And in his speech in Buffalo, just about a year ago now, he said:

"I never would consent that there should be one foot of slave territory beyond what the old thirteen States had at the time of the formation of the Union. Never, never. The man cannot show his face to me and say he can prove that I ever departed from that doctrine."

And we all know that the reason he gave for not applying the principle of the exclusion of slavery to the Territories of New Mexico and Utah was, that he did not deem it necessary. He held that slavery could not go there. Well, Mr. Webster is ready and pledged to assert the principle of excluding slavery wherever there is a foot of land to be staid back from becoming slave territory; and the gentleman from Georgia says he will resist to the disruption of every tie that binds him to the Union, when that principle is asserted. Mr. Webster says in the same (7th of March) speech: "We are to use the first and last, and every occasion which offers, to oppose the extension of slave power;" by which he means the admission of slave States. The gentleman from Georgia will resist to the disruption of every tie that binds him to the Union, "a refusal to admit as a State any territory hereafter applying, because of the existence of slavery therein." And yet they are both compromise men!

The question returns, What is it to be a compromise man? What is it that is settled? If General Scott should indorse the compromise measures, who would know whether he did so in the sense of applying the principle of exclusion to every foot of land that can be staid back from becoming slave territory, as Mr. Webster does, or

in the sense of resisting to the disruption of every tie that binds him to the Union, as the gentleman from Georgia, and Southern Union men do? The gentleman spoke plainly, and I have spoken and mean to speak plainly. He said:

"I say to you and to them, [his constituents,] that, in my judgment, they ought not to vote for any man for President who is not known to the country to be unqualifiedly, openly, and boldly in favor of the *existing* fugitive slave law." * * "In my judgment, they ought to affiliate or hold party association with no party at the North, whether styled Whig or Democratic, which does not with equal clearness adopt and proclaim the like sentiment." * * "So far from affiliating with them under a party name, I hold it to be the highest duty of the citizen everywhere to put them down and drive them from power. I hold them, sir, to be the open and avowed enemies of the Government—enemies of the Constitution of their country. I would just as soon hold out a blue light to a British invading army, as to give countenance to such men. Public duty and the highest dictates of patriotism require that all such factions should be crushed."

This, sir, is plain language. It is addressed to those in this House who were unwilling to say by their votes on the compromise resolution of the gentleman's colleague, the other day, that they are in favor of the existing fugitive slave law as it is, and are opposed to its modification. And now, sir, I will not say of the gentleman and those who think with him that they ought to be put down; but of their platform I will speak as plainly as he has spoken, and say that that ought to be and will be put down. It does not rest upon the Constitution, and the American people will renounce it. There is a "blue light" on that platform, not discerned by those who are on it; but a light is there, clearly seen by those at a distance, and I notify the gentleman and the country that it is a *blue* light. That platform does not harmonize with the Constitution, but wars with it; it does not stand upon the Constitution, but defies and overrides it.

I have seen about me many, of both political parties, vying with each other to get an advanced and prominent position on that platform, as a means of assuring the country that they love the Union more than others. I do not doubt their love; perhaps I would not dispute that they love it better than others, as they say they do; but I beg them to give me some other evidence than this platform.

And now, what is the difference between Southern *finality* compromise men, and Southern Union men? The principal difference is, the former have not announced their readiness to go to the same extreme as the latter. The gentleman from Kentucky [Mr. MARSHALL] tells us that "the principle *settled* by the compromise" is, "that *any Territory* hereafter applying, *at any future time*, for admission into this Union, as a State, is to be admitted *with* or without slavery, as the people of the Territory may choose." "Why, sir," he adds, "it is 'nominated in the bond.' That was *the* consideration we received. That killed the Wilmot proviso." And this settlement must be the basis of the national Whig organization. Referring to the resolution he offered in the Whig caucus, he says:

"I desired to submit the Congressional caucus resolution for adoption by those who meant to participate in the proceedings, as the proper mode of determining *who had the right* to fix the time and place for the holding a Whig National Convention." * * "The principle of my resolution is the *only basis* on which the Whig members of Congress can maintain organization, because it is ESSENTIAL to a NATIONAL Whig organization."

Those only who could adopt the compromise in this sense had any *right* to participate in the proceedings fixing the time and place for the National Convention. This was his view; and as his resolution was not adopted, he and ten others "resisted to the disruption of every tie which bound them to the" Whig party, and walked out of it. Whether they would go as far as the Union men propose to go, if Congress should modify the fugitive slave law in the material manner I have indicated, or should assert the principle of excluding slavery from the Territories, they have not as distinctly informed us. They understand, and many other Southern Whigs besides those who withdrew from the caucus understand, that the principle of exclusion has been forever abandoned. But nothing is more certain than that Northern compromise men understand it differently. They are disposed to acquiesce in these measures so far as they relate to the Territories, with the hope and expectation that they will be received into the Union as free States. It is true, as Southern gentlemen say, that it is "nominated in the bond"—that is, the laws establishing territorial governments for New Mexico and Utah provide that, when admitted, they "shall be received into the Union *with* or without slavery, as their constitutions may prescribe at the time of admission;" and these laws constitute part of that series of measures called the compromise measures. But this provision is certainly a palpable departure from the principles and compromises of our fathers, and should *therefore* be disregarded. It can certainly be no more binding as a contract, or law of the land, than the joint resolution for the admission of Texas, *after Texas had accepted the guarantees and complied with the conditions;* which she had done when she applied for admission in December, 1845. On that occasion Mr. Webster remarked, (and he made substantially the same remarks a year ago in his Buffalo speech,) as follows:

"While I hold, with as much integrity, I trust, and faithfulness, as any citizen of this country, to all the *original* arrangements and compromises in which the Constitution under which we now live, was adopted, I never could, and *never can*, persuade myself to be in favor of the admission of other States into the Union as *slave* States, with the inequalities which were allowed and accorded to the slave-holding States, then in existence, by the Constitution. *I do not think that the free States ever expected, or could expect, that they would be called on to admit further slave States.*" * * * "It may be said that, according to the provisions of the Constitution, new States are to be admitted upon the same footing as the old States. It may be so; but it does not follow *at all*, from that provision, that every Territory, or portion of country may, *at pleasure*, establish slavery, and then say, we will become a portion of the Union, and will bring with us the principles which we have thus adopted, and must be received on the same footing as the old States. It will *always* be a question, whether the other States have not a right (and I think they have the *clearest* right) to require that the State coming into the Union should come in upon an equality; and if the existence of slavery be an impediment to coming in on an equality, then the State proposing to come in, *should be required to remove* the inequality by *abolishing slavery*, or take the alternative of being *excluded?*" * * * "I therefore put my opposition, as well as on other grounds, on the political ground, that it *deranges the balance of the Constitution.*"

Now, it is quite clear that Mr. Webster's idea of the compromise measures is entirely consistent with these views; for in his Buffalo speech, delivered some ten months after those measures were passed, and with especial reference to them, he spoke as if with a design to remove all doubt upon this point, and said:

"Permit me to say that I speak of no concessions." * * "I concede nothing." * * "My opinion remains unchanged." * * "I never would consent that there should be *one foot of slave territory* beyond what the old thirteen States had at the time of the formation of the Union."

Mr. BERRIEN, in reply to Mr. Webster's remarks in December, 1845, says:

"I am now called on to act under a resolution which, according to the provisions of the Constitution, is the *existing law of the land.*" * * "The faith of the United States is pledged by an act which has received the *sanction of all branches of the Government,* * * to the people of Texas that, on their compliance with certain conditions specified in the resolutions presented to them, they shall be admitted as a State of this Union." * * * * * *

"One other remark. It is *perfectly competent* to the Senator from Massachusetts [Mr. Webster] *to discuss the question of the annexation of a State where* SLAVERY PREVAILS, and to urge his objection to the measure as one *calculated to* DISTURB *the political balances* CONTEMPLATED BY THE CONSTITUTION *between the several States of this Union;* but it cannot be expected from me, representing as I do one of those States where this institution prevails, that I should be influenced by those objections which are urged by that Senator." * * * "It is *perfectly open*, as I have before said, to any Senator to *question* the *propriety* of the admission of TEXAS, *on the ground* of its TENDENCY to disturb the political balances between the States contemplated by the Constitution."

Here is a distinct admission by Mr. BERRIEN, that it was perfectly open to any Senator to question the *propriety* of the admission of Texas, on the ground of the *tendency* of the admission of a *slave* State to disturb the political balances between the States *contemplated* by the Constitution; and this, too, notwithstanding all branches of the Government had decided to admit her, and that decision was the existing law of the land, and Texas had *complied* with the *conditions*. He did not think the admission of a slave State would have this tendency, and so was not influenced by this objection, but admitted that others who did think so might properly be influenced by it. Certainly, then, it would be perfectly open to question the *propriety* of the admission of New Mexico as a *slave* State on the ground of this *tendency*.

It is quite certain there is a wide difference of opinion as to what has been settled by these compromise measures. They are understood differently. But I have no disposition to pursue the discussion at this time, upon this particular point in regard to the Territories, and have alluded to it only for the purpose of replying to the remarks of the gentleman from Kentucky. The North will stand by the laws, and be "true to the Union, the Constitution, and *all* its compromises." Can Southern gentlemen, who are themselves willing to abide by the same test, ask more?

I have said that Ohio and Indiana, being new States formed from the United States territory, and admitted into the Union under the articles of compact between the original States and the people and States of the Territory, could not establish slavery and claim the right of reclaiming her slaves escaping into other States. I am aware that very high authority can be given in favor of a different doctrine. Mr. CLAY, in his great speech on his compromise resolutions, which he presented to the Senate during the last Congress, states and reasons upon this question as follows:

"The great principle which was in contest upon the memorable occasion of the introduction of Missouri into the Union, was, whether it was competent, or was not competent for Congress to impose any restriction which should exist after she became a member of the Union? We who were in favor of the admission of Missouri, contended that by the Constitution, no such restriction could be imposed. We contended, that whenever she was once admitted into the Union, she had all the rights and privileges of any pre-existing State of the Union; and that of these rights and privileges, one was to decide for herself whether slavery should or should not exist within her limits."

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"And so I thought that those who have been contending with so much earnestness and with so much perseverance for the Wilmot proviso, ought to reflect that even if they could carry their object, and adopt the Wilmot proviso, it would cease the moment any State to whose territory it was applicable came to be admitted as a member of the Union. No one contends now—no one believes—that, with regard to the Northwestern States, to which the ordinance of 1787 was applied—Ohio, Indiana, Illinois, and Michigan—no one now believes that any one of those States, if they thought proper to do it, has not just as much a right to introduce slavery within her borders as Virginia has a right to maintain the existence of slavery within hers."

Now, I deny that Ohio and the other States named, have any right, moral or legal, to establish slavery within their respective boundaries. They certainly have not, unless it has come to be an established doctrine, that States are not bound by their engagements, deliberately made and entered into. The contrary doctrine proceeds upon the idea that the States are sovereign, and that when new States come into the Union, they come in on an equal footing with the other States, in all respects whatever, which, as is supposed, necessarily includes the right to hold and reclaim slaves. But this is not so. They may come in with restrictions. These restrictions may be a matter of agreement. There may be distinctions. The Constitution made some distinctions, certainly, between the original and new States. One was in reference to the right to import slaves. This right could not be prohibited to the old States, by the Constitution, for twenty years, but to the new States it could be at once. In this respect the old and new States were not on an equal footing. This distinction might have been perpetual.

Massachusetts was a sovereign State, equal, in all respects, to any other State at the time of the formation of the Federal Government. Now, might she not say on what terms she would unite with the other States in forming a Federal Union? She was a free State. Most or all the other States were slave States. Might not Massachusetts decide for herself how far she would and how far she would not be responsible for, or connected with slavery in the other States, and make a contract that would be binding upon her and all the other States, old and new? Might she not agree to recognize slavery *as it existed*, and *only* as it existed, so far as to allow slaves to be reclaimed in her territory, on condition that all the States, old and new, would agree that slavery should never be allowed in the territory of the new States? And would not such an agreement be binding on all the parties to it? There can be no doubt about this, and the only question is, whether such a contract was actually made.

The ordinance provides that each State to be formed from the Territory—

"Shall be admitted on an equal footing with the original States, *in all respects whatever: Provided*, The constitution and government be republican, *and in conformity to the principles contained in these articles.*"

These principles excluded slavery from the territory forever, and were to form the basis of the State constitutions and governments forever. Coming into the Union, then, on an equal footing in all respects whatever, did not mean with the right to establish slavery, for that right was in express terms denied. They were to come in "on an equal footing, in *conformity* to the *principles* contained in these articles." These articles were a *compact* "between the original States and the people and States in the territory," and the States by coming into the Union under them, recognized and became parties to the compact, and were thenceforward bound in honor and good faith to observe its stipulations. Now, nobody will deny that Ohio is a party to this compact. What right, then, has she to violate it? If she were to establish slavery, and call upon Massachusetts to guaranty it by returning fugitive slaves, she would do what by her contract she agreed not to do. The extension of the right to reclaim fugitive slaves was precisely what Massachusetts meant to guard against. This was done by guarding, or intending to guard against the extension of slavery itself. There is not the slightest doubt that that State so understood it. In the Massachusetts convention to adopt the Constitution, General Heath said:

"*Slavery cannot be extended.* By their ordinance Congress has declared that the *new States* shall be republican States, *and have no slavery.*"

If States are bound in honor and good faith by their compacts, then Massachusetts and Ohio are bound by this compact. So, if the same ordinance had been extended over the Mexican territory, and California had come into the Union under it, she could have no right to disregard her engagement, and establish slavery, as it is now contended she may do. And I say that the pledge mutually given and received by our fathers; the principles which they adopted, and agreed to regard as fundamental, and the whole spirit of the arrangement they made in reference to slavery, at the time the Government was formed, required that this should be done. There can be no more doubt of this than of any other historical fact. There was, therefore, no concession on the part of the South in the admission of California; the concession was on the part of the North, in admitting her without the stipulations originally made and required of Ohio and other States, thereby waiving the principle of compromise of which Mr. Calhoun speaks. That principle is secured by her free constitution, if that shall remain, but she is not bound by the same articles of compact not to alter it in this particular, that Ohio is.

But, it may be said, Ohio is a sovereign State, and can do what she pleases within her own territory; and if she chooses to establish slavery, there is no power that can interfere to prevent it. Very well; this may be so. But because she is sovereign she cannot call upon the United States, or her sister States, in violation of her solemn engagements *with them*, to reclaim her fugitive slaves, under the provision of the Constitution relating to "persons held to service or labor in one State escaping into another." She is *one* State, it is true, but not a State having this right, because she waived it in her agreement never to hold slaves.

Now, if Massachusetts, by becoming a party to this compact and these agreements, meant to deny, and supposed she did deny, to all the States to be formed from the territory then owned by the United States, any right to reclaim fugitive slaves within her limits, at the same time distinctly conceding the right to the original States, I submit whether she could possibly have supposed the General Government would have power, against her will and consent, to give this right to slave States formed from foreign territory, or in any manner to make her responsible for, or to connect her with, slavery in such territory? This was one of the strong Constitutional objections to the annexation of Texas. The United States are now guarantying slavery there, and Texas claims the right to reclaim her slaves in Massachusetts, which Massachusetts has never consented to, either by ratifying the Constitution under the slightest suspicion that it did or could authorize it, or by consenting to the annexation. This is wrong. The whole annexation scheme was carried by the exercise of wholly unauthorized and arbitrary power. No matter, in this view, whether slavery in Texas was right or wrong. Massachusetts had a right to decide for herself whether she would or would not be connected with it.

So Ohio, disregarding her compact with Massachusetts and the other States, might establish slavery, and the United States, by their laws, might require her slaves escaping to Massachusetts to be returned. This also would be wrong.

Assuming that Ohio is bound to observe in good faith, all the stipulations into which she has entered with the other States, we have this singular state of things: Ohio, the first State admitted into the Union from United States territory, has no right to become a slave State and reclaim her slaves in Texas, admitted from foreign territory, while she is bound to return the slaves of Texas, if they escape to Ohio, unless she falls back upon her agreement to return them *only* to the original States. And this is a state of things which has been brought about by a series of palpable violations of the Constitution, and a gross disregard of the public faith.

Why should not the slave States be satisfied with the arrangement made by the framers of the Government? They were satisfied with it then. That arrangement left slavery as it was, under the control of the States in which it existed, and provided for a return of slaves that should escape to other States and the Territories. What more should they desire, unless they desired to extend the institution? This they did not then wish to do. Indeed, they were as much opposed to it as the free States were. The sentiment of the country, South as well as North, previous to the time the Constitution was framed, was such as of itself to give strong assurance that such an arrangement as I have shown would be made. Slavery was regarded as a great moral, social, and political evil; and it was contended by the South, and correctly, that it was an evil which had been entailed on the United States by the measures of the mother country during the period of colonial dependence. The colonies made repeated efforts to prevent the importation of slaves, but could not obtain the consent of the British Government.

Mr. Jefferson, being unable to attend the Virginia State convention, held at Williamsburg in August, 1774, as a delegate, expressed his views to the convention, on the subject of slavery, as follows:

"For the most trifling reasons, and sometimes for no conceivable reasons at all, his Majesty has rejected laws of the most salutary tendency, * * * thus preferring the immediate advantages of a few *African corsairs* to the *lasting interest* of the *American* States, and to the *rights of human nature, deeply wounded by this infamous practice.*" * * * "THE ABOLITION OF DOMESTIC SLAVERY IS THE GREATEST OBJECT OF DESIRE IN THESE COLONIES, where it was unhappily introduced in their infant state. But previous to the ENFRANCHISEMENT *of the slaves we have*, it is necessary to exclude all further importations from Africa."

On the 12th of January, 1775, Georgia made the following declaration of her sentiments in regard to slavery:

"We, the representatives of the extensive district of Darien, in the colony of Georgia, being now assembled in Congress, by authority and free choice of the inhabitants of said district, now freed from their fetters, do resolve: 5. *To show to the world that we are not influenced by any contracted or interested motives, but a general philanthropy for* ALL MANKIND, *of whatever climate, language,* OR COMPLEXION, we hereby declare our disapprobation and *abhorrence* of the *unnatural practice* of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it,) a practice *founded in injustice and cruelty*, and *highly dangerous* to our liberties, (as well as lives,) *debasing* part of our fellow-creatures below men, and *corrupting the virtue and morals* of the rest, and is laying the basis of that liberty we contend for, (and which we pray the Almighty to continue to the latest posterity,) upon a very wrong foundation. We, therefore, *resolve at all times to use our utmost endeavors for the manumission of our slaves* in this colony, upon the most safe and equitable footing for the master and themselves."—*Vide 1st vol., 4th series, American Archives*, p. 1136.

The Continental Congress, on the 6th of July, 1775, published to the world a *declaration of rights on taking up arms.* It begins in these words:

"If it were possible for man to exercise their reason to believe that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over others, marked out by His infinite goodness and wisdom as the objects of legal domination, never rightfully resistible, however severe and oppressive, the inhabitants of these colonies might at least require from the Parliament of Great Britain some evidence that this *dreadful authority* over them had been granted to that body."

This was a declaration by all the States represented in the Continental Congress.

I make these extracts simply to show that the colonies, and particularly the Southern colonies, regarded slavery as a great evil and a wrong, and desired to prevent its increase. The same sentiments and opinions prevailed at a later period, when the Constitution was framed.

Mr. Madison, who drafted the Constitution, said: "I think it *wrong* to admit the *idea* in the Constitution, that there *can* be *property* in man;" and he "opposed the introduction of the term slave or slavery into that instrument" for this reason.

Colonel George Mason, of Virginia, and a member of the Convention that framed the Constitution, said:

"As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. He held it *essential* (he said) in *every* point of view, that the General Government should have power to *prevent* the *increase* of slavery."

Colonel Bland, of Virginia, and also a member of the Convention, "wished slavery had never 'been introduced into America; but, as it was impossible, at this time, to *cure the evil*, he was very 'willing to join in *any* measure that would *prevent* 'its *extending* further."

Now, if these statements correctly indicate the state of public sentiment and opinion of that day, can it be thought strange that, in forming a new Government, care should be taken to prevent so great an evil, as slavery was universally regarded to be, from extending? On the contrary, would not an omission to oppose all legal restraints to the spread of such an evil in the country have been much more strange?

A few extracts from the remarks of some of the members of the State conventions to adopt the Federal Constitution, will show the sentiment that prevailed in those bodies.

Luther Martin, in the Maryland State Convention, said:

"We ought to authorize the General Government to make such regulations as may be thought most advantageous for the *gradual abolition* of slavery, and the *emancipation* of slaves which are already in the States."

Mr. Iredell, in the State Convention of North Carolina, said:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind, and every friend of human nature."

Judge Wilson, who had been a member of the Federal Convention, said, in the State Convention of Pennsylvania:

"I consider this clause (prohibiting importation) as laying the foundation for *banishing slavery out of the country.*" * * * "The new States which are to be formed will be under the control of Congress in this particular, and *slavery will never be introduced among them.*"

And remarks were made upon the subject in the first Congress under the Constitution. On the 13th of May, 1789, Mr. Parker, of Virginia, proposed a duty on the importation of slaves, and said he "hoped Congress would do *all* that lay in their 'power to restore to *human nature its inherent privi-* 'leges, and, if possible, wipe off the stigma under 'which America labors. The *inconsistency* of our 'principles, with which we are justly charged, '*should be done away.*"

Mr. Madison was also a member of the first Congress, and favored Mr. Parker's proposition. Among other things he said:

"Every addition the States receive to their number of slaves *tends* to *weaken* and render them *less capable* of self-defence. In case of hostilities with foreign nations, they will be the means of inviting attack instead of repelling invasion. It is a necessary duty of the General Government to protect every part of their confines against danger, as well internal as external. Everything, therefore, which tends to increase danger, *though it be a local affair*, yet, if it involves national expense or safety, becomes of *concern to every part* of the Union, and is a *proper subject for the consideration of those charged with the general administration of the Government.*"

Now, does not all this show, indisputably, that the exercise of the power to prohibit slavery in

the Territories would be consistent with the pledge mutually given and received by our fathers, and that it would be such an administration of the Government as was distinctly contemplated by the act of Union? Can anything be clearer?

I come now to my third proposition, which is, that if the sentiments and opinions expressed by the distinguished Senator from Kentucky in the last Congress are just, they vindicate Northern anti-slavery sentiment as a just principle, by which the conduct of conscientious men must be governed. By anti-slavery sentiment I do not mean abolition, which proposes or seeks to interfere, through the General Government, with slavery in the States. Of this there is not enough to do good or hurt. Nor do I mean a sentiment which is opposed to yielding a faithful obedience to the Constitution in all its parts, precisely as it was understood by its framers. Such obedience must be rendered, or anarchy at once ensues. But I mean a sentiment which is opposed to any legislation, or omission to legislate, by which the General Government, or any of the citizens of the United States, as such, shall be responsible, directly or indirectly, for the *increase* of slavery or the slave power.

On the 5th of February, 1850, Mr. CLAY commenced his great speech, in the Senate, on his compromise resolutions. He made that speech and some remarks on the 26th of the same month, under a sense of great solemnity and responsibility. Among other things, he said:

"I am in a peculiar situation, Mr. President, if you will allow me to say so—without any earthly object of ambition before me, standing, as it were, upon the brink of eternity; separated to a great extent from all the earthly ties which connect a mortal with his being, during this transitory state. I am expecting soon to go hence, and owing no responsibility but that which I owe to my own conscience and to God; ready to express any opinions upon all and every subject, I am determined to do so." * * *

"If, unhappily, we should be involved in war, in civil war, between the two parts of this Confederacy, in which the effort upon the one side should be to restrain the introduction of slavery into the new Territories, and upon the other side to force its introduction there, what a spectacle should we present to the astonishment of mankind, in an effort, not to propagate *rights*, but—I must say it, though I trust it will be understood to be said with no design to excite feeling—a war to *propagate wrongs* in the territories thus acquired from Mexico." * * * * * *

"I never can and never will vote, and *no earthly power will ever make me vote*, to spread slavery over territory where it does not exist." * * "It is contrary to my own judgment and to my own *conscience*." * * * *

"From the earliest moment when I could consider the institution of slavery, I have held and I have said, from that day down to the present, again and again, and I shall go to the grave with the opinion, that it is an *evil*, a *social and political* evil, and that it is a *wrong* as it respects those who are *subject* to the institution of slavery. These are my opinions." * * "About this time last year, I addressed a letter to a friend in which I suggested these opinions, and sketched out what appeared to me might be a practicable plan for the gradual emancipation of slavery in Kentucky." * * "I was anxious that, if any one of my posterity, or any human being who comes after me, should have occasion to look into my sentiments and ascertain what they were on this great institution of slavery, to put them on record there; and ineffectual as I saw the project would be, I felt it was a duty which I owed to myself, to truth, to my country, and to my God, to record my sentiments."

This is remarkable language; and it is the language of a remarkable man, occupying a remarkable position before the country. Nobody doubted his ardent, deep-toned patriotism. He had always lived in the slave States; was himself a slaveholder, and had witnessed during a long life—then rapidly, as he seemed himself to be fully aware, drawing to a close—the effects of the slave system. Under these circumstances he utters his opinions. To force slavery into the Territories acquired from Mexico would be, he says, to propagate, not *rights* but *wrongs*. He says he will not vote, no earthly power can make him vote, to spread slavery over free territory, because it would be contrary to his conscience; in other words, because, in the judgment of his conscience, it would be *wrong*. He says slavery is an evil, a social and political evil, and a *wrong* to those who are subject to it; that he has always entertained, and shall go to the grave with this opinion.

All this is Northern anti-slavery sentiment. And now, I ask, if it would be wrong to introduce slavery into the Mexican territories, why should it be *allowed* to go there? And yet Mr. CLAY's argument for the compromise on this question, was this:

"It [his plan] leaves the entire theater of the whole cession of these Territories untouched by legislative enactments, either to exclude *or admit* slavery." * * * "I hope, then, to keep the whole of these matters untouched by any legislation of Congress upon the subject of slavery, leaving it *open* and *undecided*. Non-action by Congress is *best* for the South, and *best for all the views* which the South have disclosed to us, from time to time, as corresponding to their *wishes*."

Why leave the theater of these Territories untouched by legislative enactment, either to exclude or *admit* slavery, if it would be *wrong* to admit it? If slavery should go there in consequence of leaving the question "open and undecided," for the *purpose* of excluding or *admitting* it, would not the United States be responsible for it? They might decide the question. They refuse, it is true, directly to establish slavery; but leave it open, that others may do it. If done, then, it will be done with their consent. Is not this *voluntarily* recognizing slavery in the Territories, in the event of its being introduced, by those who are interested to introduce it? It certainly is leaving the question open and undecided by *design*, as best for *all the views* of those who are supposed to have this *interest*. Now, can a Government, having the power to prohibit an institution which is a social and political evil, voluntarily permit it under such circumstances, and avoid responsibility for the wrong that may be done to those who may be subject to it?

Mr. CLAY, in the course of his argument against any legislation, speaks of the Missouri compromise line of 36° 30', and says:

"But if you adopt the Missouri line, and thus interdict slavery north of that line, you do legislate upon the subject of slavery; and you legislate for its introduction, without a *corresponding equivalent* of legislation south of that line for its admission; for I insist that if there be legislation interdicting slavery north of the line, then the *principles of equality* would require that there should be legislation admitting slavery south of the line." * * "If there be a majority who are for interdicting slavery north of the line, there ought to be a majority, *if justice is done to the South*, to admit slavery south of the line."

Now, is it not strange that from such premises men can reason to such conclusions? Suppose slavery is prohibited north of this Missouri line of 36° 30', what is done? *Right* is secured, and *wrong* is prevented; an institution which is a *wrong* to those who are subject to it is excluded by law; a social and political *evil* is prevented. This is Mr. CLAY's view. Now, what "*corresponding equivalent*" is it which he says the South should have for this, upon the "*principles of equality*" and "justice?" It is, that they should be allowed by *law* to "*propagate wrongs;*" to introduce "a social and political evil" into free territory. In other words, to have a law (which Mr. CLAY could not vote for without violating his conscience) authorizing the doing of a wrong south of a given line, because it cannot be done north of it.

It is apparent that Mr. CLAY's mind is here engrossed with the idea of making out his compromise. There is no other way to account for these views, so utterly at war with the great principle which he lays down, that slavery is wrong, and that it would be wrong to extend it. He has got hold of the idea of *equality, equal rights*, which the South urge with so much vehemence, and with an apparent conviction that there is really something in it; but he and other Southern gentlemen proceed upon the very erroneous assumption that the free States, by the interdiction of slavery further south than 36° 30', would gain some privilege, or more than a fair share or moiety of rights and privileges, as between States or partners entitled to *equal* privileges. But the idea that the extension of slavery under this Government can be claimed by anybody, or anywhere, as a *right* or *privilege*, is wholly inadmissible. The proposition refutes itself; for it necessarily implies a trampling upon the rights of others. I use no stronger language than Mr. CLAY uses. It is a right, if there is anything in this claim, secured by the Government to one, to "propagate wrongs" against others; and the view of the South is, that they will be deprived of "equal rights and privileges," unless they are allowed to do this just as far as the North are prohibited from doing it. This keeps up the "equilibrium."

But my point is, that Mr. CLAY's position is a full indorsement of Northern anti-slavery sentiment. His principle, carried out, brings him fully up to the ground occupied by the great mass of the people of the North, and requires not merely non-action, but prohibition. His position is, that it would be contrary to his conscience to make himself responsible for slavery in free territory, and, therefore, he will not vote for it. Very well; but what is it to be *responsible* for spreading slavery over free territory? Is not a man as much responsible for what he omits to do (having the ability and opportunity to do it) as for what he actually does, if, as a *known* consequence of either, an institution *may* be established which is a social and political evil, and a wrong to those who may be subject to it? For example: if there is reason to fear that slavery will be the result of refusing to prohibit it, if it is not morally certain it will not be, can a man, having a vote to give, relieve himself from responsibility short of prohibition? The very circumstance on which, in the chain of events, the whole question may turn, may be present prohibition. Prohibition, and that alone, may stop the operation of causes which have heretofore resulted in the extension of slavery; while the moral effect of non-action, or non-prohibition, may be the continued operation of those causes, which may be expected to lead to the same results hereafter.

If, then, Mr. CLAY cannot vote to spread slavery over free territory because it would be wrong, and contrary to his conscience, can he not see—must not everybody see—that other men may feel bound to vote to *prohibit* it, because it would be wrong, and contrary to their consciences, not to do it? It is not a question of constitutional power; that Mr. CLAY concedes. The Constitution, in his opinion, no more requires others to abstain from prohibiting slavery, than it requires him to vote to establish it. Admitting, then, that slavery is an evil, the simple question with every conscientious man, who may be called on to vote in regard to it, should be, and must be, how, always keeping within the powers of the Constitution which he has sworn to support, he can vote so as most certainly to prevent the evil from increasing? And every man, North or South, who condemns a vote conscientiously given to prohibit slavery in free territory, condemns the principle upon which Mr. CLAY says no earthly power shall ever make him vote to spread it over such territory. And if anybody doubts that this subject has taken hold of the "consciences of a great portion of the community," let him read the following extract from Mr. Webster's speech, in 1848, on the Mexican war. Mr. Webster never uttered sentiments that were more just and true. He said:

"On the general question of slavery, a great portion of the community is already strongly excited. The subject has not only attracted attention as a question of politics, but it has struck a far deeper-toned chord. It has arrested the religious feeling of the country; it has taken strong hold on the consciences of men. He is a rash man, indeed, and little conversant with human nature, and especially has he a very erroneous estimate of the character of the people of this country, who supposes that a feeling of this kind is to be trifled with or despised. It will assuredly cause itself to be respected. It may be reasoned with, it may be made willing—I believe it is entirely willing—to fulfill all existing engagements and all existing duties, to uphold and defend the Constitution, as it is established, with whatever regrets about some provisions which it does actually contain. But to coerce it into silence—to endeavor to restrain its free expression—to seek to compress and confine it, warm as it is, and more heated as such endeavors would inevitably render it—should all this be attempted, I know nothing, even in the Constitution or the Union itself, which would not be endangered by the explosion which might follow."

I have had no reference in these remarks to candidates for the Presidency, and my allusions to Mr. Webster and General Scott have been simply for the purpose of illustration. I have not been speaking upon the subject of the Presidency. "When the Whig Convention shall present its candidates to the country, all I shall ask to know is, that they are true to the" *true principles* of the "Union, the Constitution, and all its compromises. The *old* Whig party is good enough for me. I have ever thought it a Union party," and I desire no new, and especially no *sectional*, tests. I believe in the old principles of that party, and with those principles I am "content to abide its fortunes."

THE IOWA RAILROAD BILL.

SPEECH OF HON. LINCOLN CLARK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

May 28, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union on the Indian appropriation bill—

Mr. CLARK obtained the floor, and said:

Mr. CHAIRMAN: It is with no little reluctance that I undertake to impose myself upon the committee at this late hour in the evening. I feel the difficulties which surround me. I feel that there are many here who would listen at least with much more patience and complacency to what I might have to say upon another day than they would do at this time; but by way of relieving my friends and the gentlemen around me, I will say that, although I had intended, and should, under other circumstances, have occupied my full hour, I will not, under present circumstances, detain the committee more than half that time.

Sir, when I noticed the result of the vote on the Missouri bill to-day, I was disposed to congratulate myself upon the feeling which prevailed in this Hall in favor of making grants of land to the new States for railroad purposes, and I was in hopes that the battle had been fought upon that bill in votes as it had been in the matter of argument in the early part of the session. I was in hopes that every obstacle was removed, and that the State of Iowa would come in for her share of the patronage and bounty of the Government, in connection with the neighboring State of Missouri. I hardly expected that we should meet with an evil genius in the person of the gentleman from Illinois.

Mr. CAMPBELL. You knew it all along.

Mr. CLARK. I knew that there were some inclinations of that kind in the gentleman's mind, and I supposed I knew the motives that prevailed with him. I will speak of these motives at the proper place, as far as I can do so consistently with the facts and the evidence before me. I hear a voice which says we knew this opposition from the beginning to the present time. Sir, there was some intimation of this kind, but knowing, as we did, that the gentleman from Illinois [Mr. CAMPBELL] stood alone in his opposition; that no other gentleman from his State, in either House of Congress, was with him in his opposition, having heard that the delegation from his own State, both in the House and Senate, had used their exertions (I do not know how far this may be true) to endeavor to pursuade him to forbear in his opposition, we did hope that they might have authority and influence enough——

Mr. CAMPBELL. I acknowledge the authority of no one over me.

Mr. CLARK. I did not mean to speak disrespectfully of the gentleman in his associations with his colleagues by any means. But I did not know but he might be willing to receive their counsel. I did not know but he might be willing to yield to their united judgment and voice upon this subject. But it seems we are disappointed. It may be the result will show that we are sadly disappointed. One thing, at least, is true: the gentleman stands alone in his opposition, and it will be his destiny to stand alone in his glory. I envy him not all that he will get from his opposition to the contemplated grant of land. If he sees here reputation and political fortune; if he feels here that approbation which is spread abroad in the conscience of a faithful public servant, that he has done nobly, done justly, and done his duty, why let him enjoy it all. Then let him say that no opinions have operated upon him, none would operate upon him—that he has stood like a rock in opposition to that which we hold most dear.

Mr. Chairman, the bill upon which the gentleman from Illinois has made his remarks is one most important to the people whom I have the honor to represent upon this floor. They have cherished it for five long years. They have looked to the result with most anxious feelings—deep and lively. I can assure you, sir, they look to no result of a legislative character—none of a political character, with anything like the depth and sensitiveness of interest with which they regard this measure.

Mr. Chairman, let me ask you, and through you, the gentleman who has just taken his seat, [Mr. CAMPBELL,] whether the people of Iowa shall be permitted to enjoy the control of their own affairs, to select their own representatives to speak for them, in this high place of legislation, or whether they will commit that trust to the gentleman from Illinois? When my constituents are ready to choose the latter alternative, I hope the gentleman from Illinois will present his credentials, and give us who are legally here due notice, at any rate, of the extent to which he claims to represent the people of an adjoining State. The gentleman has said, that there were those of the people of Iowa who look with feelings of opposition to the passage of a bill which contemplates the construction of a road from one particular point to another particular point which he has named. How much greater knowledge of the facts upon this subject he may have than I have, it is not for me to say. I admit that the gentleman lives in the neighborhood of the district which I represent; I admit there is some commercial communication from a part of my State, to the town in which he lives, and it is possible he may occasionally have heard sentiments such as he has alluded to to-day. But was there ever projected a great commercial channel to which there was no opposition? I undertake to say, the people whom I represent are as unanimous upon this measure, as they could reasonably be expected to be upon any other, or as any other people could be expected to be, upon a measure of like character.

Mr. Chairman, I have said that the people of Iowa have cherished this scheme for long years. The gentleman from Illinois has intimated that so far as the opinion and wishes of the mass of the people of Iowa are concerned, it was without authority. Now, I say to him that he speaks aside from the record—that he falsifies the record when he makes that statement.

Mr. CAMPBELL. I desire not to be misunderstood. I said that I had letters from respectable gentlemen in the State of Iowa, protesting in the strongest terms against this grant of land for the construction of the Dubuque and Keokuck road.

Mr. CLARK. Did I understand the gentleman to refer to any letters other than the one he received from the committee to which he alluded?

Mr. CAMPBELL. That was the letter I refer to.

Mr. CLARK. I asked the gentleman as to the authorship of that letter, but he did not inform me.

Mr. CAMPBELL. I said it was signed by the committee.

Mr. CLARK. I asked him to read the letter, but he refused. I utterly repudiate that evidence, which cannot be produced. It may be fictitious and without the least force.

Mr. CAMPBELL. I will state that this was a letter which was sent to me, and that I do not know whether it was the design of those who sent it, that it should be made public, and, therefore, I cannot read it here. If the gentleman desires to see it privately, I can show it to him, but I cannot give it publicity unless I know that the writers intended it for such.

Mr. CLARK. Then the gentleman has no right to speak of it in this House. We have the privilege to know the authenticity of documents which are presented here, and upon which the gentleman plants his opposition to this bill. There are great interests at stake here. There are interests which, if they prevail, are, in a commercial point of view, to make our people; and which, if they do not prevail, will leave them in leanness and poverty for long years. Why, sir, in a court of justice, the gentleman would not be permitted to allude to a matter of evidence which he could not produce. I know we have not the same stringent rules in force here, but in consideration of the great interests which are at stake, I submit that any such mode of producing evidence is unfair and unjust. I pronounce it as disingenuous as it would be if any other great interest were at stake in a court of justice. The gentleman will understand that I speak in terms of no disrespect, when I say I repudiate the thing. I say that for myself, as I trust other gentlemen will say for themselves, that it will not work the slightest conviction or prejudice. Then, sir, I say the gentleman misrepresents the people of Iowa, when he says they regard this project as without authority.

But I alluded to the record of the evidence of this fact. There have been not less than three legislative memorials upon this very subject. It has been contemplated. It has been canvassed and recanvassed. It has been examined with care, under counsel, and with a knowledge of the facts for the last five years. Our Legislature has sent its memorials here from time to time, asking you to act upon the strength of their request, thus formally and authoritatively set forth. Yet the gentleman from Illinois says this is a voluntary proceeding. He says the advocates of this bill are acting without authority. That is the substance of it; that our scheme, like Jonah's gourd, has sprung up in a night, and I suppose he would be the worm which would gnaw at its root, and cause it to wither. I trust that it may not be so.

What is the statement of facts upon which the gentleman chiefly places his argument? Why, he says the object is to supersede the necessity for the improvement of the Des Moines and Rock River Rapids in the Mississippi river. No such purpose can be entertained by one representing a district along side of those rapids upon one side, and just as much interested in their improvement as the people upon the other side can be. I do not believe any such purpose is designed by those interested in the Dubuque and Keokuck road. I do not put this road upon that ground, namely, that it is necessary to construct it for the purpose of obviating the rapids. No man feels more sensitively than I do the necessity of the great rivers of the country, as the commercial channels of the country. And, sir, if you make us this grant, so that we shall be able to construct this road, we will never say that we will forbear to ask for an appropriation to clear out these rapids, so as to give unobstructed navigation of the great river of the country from its mouth to the Falls of St. Anthony; but, on the contrary, we tell you now, as we will tell you hereafter, that we will labor as zealously for an appropriation to improve those rapids, as if this road should never be constructed.

Mr. SEYMOUR, of New York. The gentleman will permit me to ask him, whether, if this road is constructed, he deems it a necessary work for the Government to undertake to improve those rapids by cutting a channel? I will state to him, that the estimates from the Department represent that it will cost between $300,000 and $400,000 to cut a channel in the rapids.

Mr. CLARK. Most unquestionably. Why, sir, all that upper region of country is interested in the improvement of the rapids. I deny the fact, that the interest is confined to the region of rapids themselves. All the districts, from New Orleans to St. Anthony, are just as much interested in the improvement of the rapids as the district of the gentleman from Galena [Mr. CAMPBELL] or my own.

Sir, the Mississippi is a great public highway. It is not only a commercial channel, but it is national in its character, and appropriations ought to have been made long ago for the removal of these obstructions, and the construction of this road can never lessen that obligation nor the necessity.

The gentleman has told you that there are many towns growing up on the Mississippi river which will be injured by a road passing in this direction. Sir, it is all fanciful; those towns will not be injured to any very great degree, if at all, by the construction of this road; and in consideration of the plans we have in view, for a system of roads in Iowa, all the chief towns upon the Mississippi river will be benefited if the bill passes as we have presented it. But I may well ask, What if the result should be partial injury to some river towns?—are towns to be built up at the expense of the whole internal commerce and business of the country?

Now, the gentleman has made himself the peculiar champion of the river interest. Where are his associates from Illinois? Is there no one whose district borders upon the Mississippi river but his own? If I mistake not, there are three districts in his State that border upon the Mississippi river Where is the Representative from the Quincy district? Where is the Representative from the

Jacksonville district? Where is he from the Cairo district? Where are they? Have they no interest in improving the navigation of the river? Is the gentleman from the Galena district [Mr. CAMPBELL] the sole self-constituted guardian of the Mississippi river? Well, sir, if this be so, and the world should ever go back to Mythology, as some imagine it may, and I should be in the council which advises it, I will move that the gentleman from Illinois [Mr. CAMPBELL] be the Neptune of the Upper Mississippi, and that the trident be put into his hands, and that he shall sway it over all "the lesser gods and little fishes."

Now, I wish to state a point of more importance in this argument. The gentleman states that this road runs parallel with the Mississippi river. Has he adduced any evidence to show the fact? All the evidence he gave for it was that its two termini were upon the Mississippi river; that it started from Dubuque, and ended in Keokuck—both points upon the Mississippi river. But, sir, does it follow that you must stretch a string, as a surveyor would draw his line from point to point, between those two points, and construct the road upon it? If this were done, it would cross the Mississippi river several times. But let me say to you, sir, that the road pursues no such direction. It moves from the point from which it starts, at an angle of at least forty-five degrees, if not more, with the course of the river, into the interior. That road has already been surveyed seventy-five or eighty miles from the starting point, and that point is that distance from the nearest accessible point upon the river; and it is to progress in the same direction, and consequently the gentleman will see, upon the principles of trigonometry—for I suppose that he is as well versed in trigonometry as he is in parallelisms—that it goes still further and further from the river until it comes to the culminating point—if I may so speak—and then it will be at least a hundred miles from its starting point, and far in the interior. At that point it deflects, and makes towards the river again, in the direction of Keokuck, the distance and angle with the river being nearly the same from the point of deflection as to it, until it reaches the river at the place last named.

The gentleman says that no Western point is named. Now, if he is exceedingly anxious—if he is sincerely and honestly anxious—that this road shall not be a parallel road, and that there should be security to that effect—if he will move a Western point—we will most cheerfully accept of the amendment, provided always, that he mentions one that suits us. Now, let me say to you, that this Dubuque and Keokuck road is nothing more than two branches of the Davenport and Council Bluffs road. And here I meet another point which the gentleman so unfairly made. He said that there was no outlet; that it began nowhere, and ended nowhere. Now, from the representations which I have made, I think gentlemen can see the course of this road: if they will look at the map, they will have no difficulty. It will be remembered that one bill provides for a road from Davenport to Council Bluffs. This point, Davenport, is about midway between Dubuque and Keokuck. That road will cut the State nearly in two. Our Dubuque road is a branch to intersect that road, at a distance from the river which I have mentioned. The Keokuck is another branch to intersect the same road. Now, gentlemen will be prepared to see whether this road goes "nowhere."

Mr. FOWLER, (interrupting.) Will the gentleman allow me to make one inquiry? It is merely to get information.

Mr. CLARK. Certainly.

Mr. FOWLER. I desire to know whether the road from Dubuque, of which he first speaks, goes to the capital of that State?

Mr. CLARK. Not necessarily.

Mr. FOWLER. Is it designed that either of them shall extend to the capital?

Mr. CLARK. That is for the Legislature of the State to determine; that authority will mark the precise track; no other has power to do it. All I can say is, that it is designed to penetrate the interior. A part of its course has already been surveyed and located.

Mr. FOWLER. The gentleman means west of the capital.

Mr. CLARK. Not east. My colleague says that one of the memorials mentions the capital. Suffice it to say, it is not a point fixed; it is open, and it is for the Legislature to dispose of it.

Now, Mr. Chairman, it seems to me that I have sufficiently and clearly shown the direction of this road; and, looking to the West, and to the course upon which internal improvement is marking its way, can it be said that we have no outlet? Why, sir, the Dubuque branch of this road is taking up the great central line which comes from the waters of the Gulf of Mexico, as well as the Chicago and Galena road, and carrying them on in the direction of the Missouri river. From that point, in a few short years, they will converge, traverse the valley of the Platte, and, in a few short years more, pass the Rocky Mountains and go to the Pacific.

The gentleman says that it is a local road—nothing but a neighborhood road. It is as national as the great central Illinois road itself; and, let me say, as to the other end of it, it connects with a point on the Mississippi river to which there is navigation almost the year round. And let me say, further, as I have said before, we have no intention of superseding the necessity of improving the rapids. But that portion of the river is shut up nearly four months of the year; and there will be an advantage, which could be derived in no other way, during that season, in transporting commerce to and fro upon that road; and it would interfere with no other rights—the rights of no other State or section of the country.

The gentleman is correct when he says it is our intention to move an amendment to this bill, to include a road which is as much needed as this, which has been reported, having received the sanction of the committee of this House—I mean the Burlington and Missouri river road. Here let me say to you, Mr. Chairman, that that road which we propose to add to the bill, takes up another road running through Ohio and Indiana to the Illinois river, and from thence it is desired to be carried to Burlington in the State of Iowa; and it *will be carried there*. So that that road which we propose to add as an amendment, takes up other roads of the greatest commercial importance from Pittsburg and Wheeling, and thereby gives railroad communication in that direction, to the Missouri, through one of the most fertile regions the sun ever shone upon. The same is the case with the Davenport and Council Bluffs road. That takes up the Chicago and the La Salle road, which is now in rapid process of construction. You will see that, if these roads are needed east of the Mississippi, they are needed west; for they are but protracting those great channels which have received the approbation of an enterprising public, and which are in rapid process of construction, every one of them.

I am afraid I am not redeeming my promise. I believe my half hour has expired. If gentlemen—of their grace—will grant me about ten or fifteen minutes more, I will be their humble servant.

[Cries of "Go on!" "Go on!"]

The gentleman spoke of the great burden which this system would cast upon the public Treasury, if I understood him correctly; and yet he set out with an argument to show that these grants were in no degree injurious to the public Treasury, but that they were an advantage. Now, how the gentleman reconciles these two statements is more than I am able to understand. If time would allow, I think I could satisfactorily show that these grants work no prejudice to the revenues of the country; but that, on the other hand, they are a direct and decided advantage. I could show, too, I think, that they are perfectly constitutional.

The committee here rose.

June 8, 1852.

The committee again resumed the consideration of the Indian appropriation bill.

Mr. CLARK resumed. Mr. Chairman, when the committee was last in session, it was my privilege to have made some remarks upon the bill pending, proposing to donate lands to the State of Iowa, for the purpose of constructing certain railroads therein. In those remarks, I had considered to some extent certain objections which had been raised by the gentleman from Illinois, [Mr. CAMPBELL,] to a portion of that bill, inasmuch as one of the roads therein specified was parallel, as he alleged, to the Mississippi river. I wish to enlarge somewhat upon that view of the subject. I endeavored to show then, and I think I did successfully show, that the road designated was not obnoxious to the objection made to it. I showed that its direction was such, that it was not a parallel road, and I now wish to compare this road with certain other roads which have met with favor here. I suppose that the gentleman who raised this objection, was heartily in favor of the munificence of the Government, which gave to his own State, at the last Congress, a grant of land for a road from the mouth of the Ohio river to a point high up in his own State. I wish now to ask the gentleman, if the road to which he objected, and upon which he pounces with such vigor—I might almost say unmitigated animosity—is any more subject to the charge which he brought against it, than the Illinois Central road? I ask if that road is not as much parallel to the Mississippi river, as the Dubuque and Keokuck road? If gentlemen will refer to the map, they will see that in the greater part of its course, it is nearer to the Mississippi river than the Dubuque and Keokuck road in Iowa. It is, therefore, more a parallel road than the road to which the gentleman objected; and being so, considering the length of that road, the great distance over which it supersedes navigation on the Mississippi river, it is far more objectionable than the road which is provided for in the Iowa bill.

Let me say to gentlemen, that even were the Iowa road a parallel road, which it is not, it would not interfere with the business of the river as the central Illinois road will; because, being much shorter, there will never be any considerable inducement to transhipment on the Iowa road. But how is it with the Illinois road? The distance is so great, and so much time will be consumed upon the river route, that there will be a powerful inducement for transhipment at the mouth of the Ohio river, and thereby the river commerce will be in a great degree diminished, and those interested in that commerce greatly injured. How is it as to the two Missouri roads, which have met with such signal favor here within a few days? If gentlemen will look at the course which the roads will take, as they are marked out upon the map, they will see that each of these roads is in a far greater degree parallel to the Missouri river than the Dubuque and Keokuck road is to the Mississippi. I have a map here, but I do not know whether gentlemen will feel interested enough to look at it or not. I hope they may.

Mr. CAMPBELL, of Illinois. I would like to ask the gentleman a question upon the subject. I perceive by the terms of this bill that the legislative authorities of Iowa are to fix and designate the route of the Dubuque and Keokuck road. I would ask the gentleman if this road has ever been designated by any legislative act of the State of Iowa, and if this bill does not leave it to that State to designate the route the road shall take?

Mr. CLARK. I will answer, that the Legislature of Iowa have designated the route, inasmuch as they have granted the right of way; and in pursuance of that legislation, the road has already been surveyed and marked out to the point to which I called the attention of the committee in my remarks the other day. The gentleman, therefore, is answered, I apprehend, in that respect.

Mr. CAMPBELL. I will read from the bill itself:

"And in case it shall appear that the United States have, when the lines or routes on such roads are definitely fixed by the authority aforesaid, so many sections," &c.

I infer from this that it remains for the Legislature of the State of Iowa to fix the line and route of this road.

Mr. CLARK. In contemplation of the grant, they have already done so. They have marked out the course it shall pursue; and if they are fortunate enough to obtain the grant, it will be only necessary to select the land in pursuance thereof. There is no difficulty, therefore, upon that point; and the reason why intermediate points were not named in the bill is most obvious. The very same policy in this regard was pursued as was observed in the Illinois grant. There were efforts

made here, as I am informed—for I was not here then—to put points in that bill; but they were objected to, as being indicative of individual efforts to build up individual interests, and therefore it was thought a fair and correct policy that no intermediate points should be named in the bill, and that they should be open to the legislative action of the State. That bill was regarded as the model bill, and this one has pursued that in its general features. I trust, therefore, that there will be no objection to it in the minds of gentlemen who have heard me, as to the parallelism of this road. If there is any objection of this kind, it ought to have been raised and prevailed long ago. Is there any good reason why the grant which we ask should now be defeated, for a reason which heretofore has never been raised?

The gentleman, the other day, objected to the roads prescribed by the Iowa bill, because they were local. I have a word or two to say upon that point; I can assure gentlemen that I will not reiterate, save to a very limited extent, what I said then. If there are any roads in this country which are national in their character, they are the roads which are marked out by the Iowa bill. I stated then, as I will state again, because there are those here now who were not here then, that the roads prescribed in that bill take up the eastern roads precisely where they end upon the Mississippi river, and carry them to the Missouri river. If the roads east of the Mississippi river are national in their character, and not local, how can the objection be raised, when those roads shall cross that great stream into the State of Iowa? Now, the Dubuque road takes up the central Illinois road, and also the Chicago and Mississippi road, which converge before they reach that point. If the Dubuque road is constructed, it will be a prolongation both of the Central Illinois and Chicago and Mississippi road. If the grant is made for the Davenport and Council Bluffs road, it will take up the Chicago, La Salle, and Rock Island road, which is in rapid process of construction, and carry it through the heart of Iowa, to an important point on the Missouri river, Council Bluffs—a great point where the travel which goes to California and Oregon crosses, and from which, as we are warranted in believing, a road will traverse the valley of the Platte, and ultimately cross the Rocky Mountains at the South Pass. The Burlington and Missouri river road possesses the same national characteristic—it is the prolongation of eastern roads from Wheeling, Pittsburg, and Philadelphia. I trust that these considerations will fairly meet and neutralize the objection which the gentleman from Illinois has raised against these roads, that they are merely local, and not national in their character.

Mr. CAMPBELL, of Illinois. My objection was confined to one road.

Mr. CLARK. Well, as I stated before, the two ends of that road are mere branches of the road that passes through the heart of the State—that is all; and they are as much national in their character as the main trunk itself. It is emphatically a branch road. It is called the Dubuque and Keokuck road; but it would more properly have been divided into and called branches of the Davenport and Council Bluffs road. Now, the gentleman from Illinois, in his argument the other day, would have us believe that he was the very champion of internal improvements, provided they were based upon right principles. He would have us believe that he was, heart and soul, the guardian of the river interests, and that he was willing that all the other roads should be projected and carried forward to completion, except the Dubuque and Keokuck road. Now, I think it but justice to myself, and to the interest that I advocate here, to speak of the gentleman's locality, although I do it with considerable reluctance. The gentleman lives in a city, in the northwest of Illinois, called Galena. That city is near to the town in which it is my fortune to live—sixteen miles distant upon the Mississippi river—Galena not being upon the river. There has been a rivalry and jealousy between those two towns, and a belligerent newspaper discussion between them. I had hoped the gentleman had not imbibed that spirit, as I deem it unworthy of him. I do not now charge him with it; but I am not without some apprehension that he has caught that spirit. Now, I would ask the gentleman whether he was not one of a delegation to attend upon the Legislature of Illinois, for the purpose of preventing a charter from that State Legislature, which should include the distance between Galena and Dubuque? I hope the gentleman will reply.

Mr. CAMPBELL. I never understood that the Legislature of the State of Illinois had any right or authority to interfere with the terms of the grant made by the Government, but that if it accepted the grant, it was to accept it as a whole, and not in parts.

Mr. CLARK. That is a very indirect, pointless, and unsatisfactory answer. The gentleman attempted to create the impression here the other day that he was all liberality, and that his sole purpose was to guard the Government against being ensnared by improper appropriations. I have been informed that he made an effort at that time to prevent a charter from the State Legislature from extending over the ground between Galena and Dubuque. He does not answer my question. The gentleman professed the other day to be a most zealous guardian of the river interest, and that he would have the rapids improved. I wish to ask the gentleman if Galena sent any delegation to the convention that met at Burlington to take into consideration the improvement of those rapids?

Mr. CAMPBELL. I answer in the affirmative, as far as I understand. I know that there was a meeting held in Galena, and that delegates were appointed to attend that convention. The convention met after I had left Galena, and was on my way to Washington city. I have understood since that Galena was represented there by Mr. Johnson, one of the editors of a daily paper that is published in that city.

Mr. CLARK. In Galena?

Mr. CAMPBELL. Yes, sir.

Mr. CLARK. I wish to ask the gentleman whether, at a meeting called in the city of Galena, to take into consideration the propriety of sending a delegation to that convention, he did not rise and oppose it, saying, that it was not for the interest of Galena that the rapids in the Mississippi river should be cleared out—for that, if they remained there as obstructions, Galena would be to the upper country what St. Louis is to Illinois and Iowa.

Mr. CAMPBELL. I ask the gentleman if he has ever been informed that I made a speech of that kind, at that meeting?

Mr. CLARK. I have, and by a gentleman in whom I have great confidence.

Mr. CAMPBELL. So far from my having made a speech at that meeting, I was not present at the meeting at all. I was not even in the meeting at all. I was not even a delegate to the convention. I insisted on the delegates going to that convention. I have always been in favor of improving the rapids. I was in favor of sending a delegation to that convention. But it so happened that when the meeting was called, I was absent from the city. So much for the source from which the gentleman derives his information.

Mr. CLARK. Having now disposed of the objections made to our bill by the gentleman from Illinois, I proceed very briefly to consider those presented from other sources.

It has been objected, with apparent sincerity, that these grants were mere gratuities to corporations—that their effect was to enrich those who monopolize power and privileges.

The grants are in fact to the State. Have gentlemen here no confidence in the States, that they are capable of managing their own affairs? The States will not give the land to corporations unless it is best, in order to secure the object proposed. Cannot the States be trusted for that? Why such great horror of railroad corporations? Are they not necessary for the construction of railroads? No railroad corporations in the new States can derive more than a very moderate profit upon the investments for many years to come, and yet railroads are necessary. The advantage is found in the vast increase of the price of produce and property of every description, in the wages of labor, in short, in access to markets, and the command of every commercial advantage. What if the stock invested does not yield more than four per cent.; the advantage will be made up in the increase of the price of wheat and flour more than fifty per cent. This argument against enriching corporations is a perfect chimera, and wholly destitute of weight.

It has been objected that the only power which the Government has over the public lands, is to convert them into cash, which must go to the public Treasury, and be thence disbursed in support of the Government. The basis of this argument is found in the language of the Virginia and North Carolina grants, which directs that the proceeds of the lands shall be applied for the use and benefit of the United States, "according to the usual proportion in the general charge and expenditure."

The Virginia grant was made before the Constitution, when the States respectively furnished their proportions of the common expenditure. The North Carolina grant was subsequent to the formation of the Constitution, but no doubt followed the Virginia grant as a precedent.

No other grant contains the peculiar language above quoted. There is now no general charge and expenditure among the States. There is no condition of things to which the language can apply. How, then, has it any force? Was not the adoption of the Constitution a reformation of the contract? Is not the language of the grants absorbed and lost in that of the Constitution upon that subject? I think clearly that it is.

The language of the grants above quoted could never have extended beyond the scope of the grants themselves; consequently it is not applicable to lands purchased by treaty, as ours in Iowa was. Will it, then, be contended that there are two rules applicable to the disposition of the public lands? No one would contend for this; the argument is therefore reduced to an absurdity.

Undoubtedly, the constitutional rule upon this subject is satisfied with any disposition of the public lands, which dispenses equal benefits to all the people; or as nearly so as practical legislation will allow.

Are not railroads a direct benefit to all classes? As the producer from the soil is benefited, so is the merchant, the mechanic, the hod-carrier, and the sewing-woman.

But the foregoing argument is wholly independent of the increased price of the reserved sections. The demands of the Constitution would be satisfied without such increase in the price; but with it the most impracticable and hair-splitting minds have been driven in their resistance to the most futile objections, such as that the sections sought to supply loss cannot be increased in price. When the argument is thus narrow and weak, it is not worthy to be refuted, because those who make it do not wish to be convinced.

It has been said that we ask for grants of land, and claim that it is no infraction of the Constitution, upon the ground that the sections retained to the Government are doubled in price and value; and then, the question has been asked, "Why may not Government itself construct railroads for the purpose of improving its entire domain?" I submit that the question is wholly misconceived and misstated. The Government does not, by making these grants, enter upon internal improvements. It merely discharges a duty. It is necessary for the best interests of the people in the new States, where the public lands lie, that these improvements should be had, and sooner or later they will make them; by slower or more rapid degrees, they will carry them forward to completion. And from this very fact the Government derives a direct and sensible advantage in the increased sale of its lands, and at better prices. I need not stop to show that projected railroads have caused a ready sale for immense tracts of woodless prairies, which, without them, would not have sold for centuries to come. They have given to lands a value which had *none* before; which, for practical purposes, were no better than sterile wastes. I ask, therefore, if there is not a clear *duty* upon the Government to assist in those improvements of the common property, from which it derives a sensible benefit? Were Government not sovereign, were it governed instead of governing, it could be forced to this discharge of duty. Is it any the less a duty because it cannot be enforced?

This view of the subject brings the whole case to a focus—the object in making the grants is the

discharge of a duty, so far as the Government is concerned. The Government, as a Government, may have little use for the roads; she may have none at all—but she has no right to come in for benefits where she has made no contribution in the outlay. The increased value of the lands to the Government is no part of the object. It is a mere consequence, designed as an inducement to the discharge of a duty which we feared would not otherwise be performed.

This is not internal improvement by the Government—the Government takes no step, gives no counsel, incurs no responsibility. The Government has no power to construct railroads—but it has power to dispose of its lands. Should Government construct railroads, it must, of necessity, exercise all the rights of ownership and jurisdiction within the States where they are. This would militate against the rights of the States, and absorb a power which does not belong to it. This, surely, would be a widely different and distinct thing from what it is to make contribution to the States whose jurisdiction is perfect, and whose interest is a sure guarantee that the fund will be faithfully expended.

It is said the new States are settling rapidly enough; that they are fast increasing in numbers, while the old States scarcely advance at all. Surely the old States do not wish to pursue a policy which would prevent the settlement of the vast public domain, or even retard it. It cannot be the policy of the old States to keep those who are born to no inheritance, in a condition of tenancy and dependence to the more favored in those States. How can it be cause of regret that the new States increase in population while the old do little more in this respect than to hold their own? There is no loss, but absolute gain in the aggregate. If thousands prefer to be proprietors of the soil in a new country, rather than be hirelings in the old States to rich landlords, is it a reason why they should be denied privileges? Shall they be told, that because they had the audacity to leave their condition of penury and dependence, therefore they are to be punished for it? These are the men whom you ought to be proud to assist; they have assisted you; they have developed the resources of the country; they have swelled its commerce; they have contributed to its protection—to elevate its character, to increase its power, and swell the tide of its glory. And shall we be answered with a sardonic smile, that the new States are growing fast enough?

Let it not be forgotten that these States compose a nation, and that population, with all its concomitant power, goes to swell the sum of national greatness. I bring no accusation—none whatever; but I have sometimes thought that there were those in the old States who felt as though the new States were attaining a kind of mushroom growth, which might as well be checked. If this feeling exists, I rejoice to know that it is limited; and will become "beautifully less" with a more extensive knowledge of the condition, necessities, and character of the people. When you legislate for the people of the new States, you do not legislate for those of another race. They are not Ishmaelites, with their hands against every man. They came from almost all the States whence these honorable Representatives came. My constituents were your constituents, and yours will be mine. When, therefore, you extend legislative favors to the new States, you extend them to your own people. If you repress the spirit of emigration, you would destroy the best elements in the character of your people. The noblest characteristic of our people is that they are not tame-spirited. The very same kind of disposition which refuses the place of dependence and subserviency, the tenant and the hireling, has spread wide the borders of your dominion, has given you a name and real greatness such as no people or government ever had—a disposition such as you ought to cherish, not discourage. It is the same moral courage which, on the one hand, refuses to be "a hewer of wood and a drawer of water," and on the other *wills* for itself the position of independence and influence—which subdues the wilderness and the enemies of its country. Embarrass it you may—destroy it you cannot. Then in God's name let it go, and let the blessings of government go with it.

One more remark, and I have done. The prolongation of railroads, which are national in their character, will do more to preserve the union and harmony of these States than all the theory ever imbodied in political platforms. The greatest minds have spent their powers in defining and setting forth the doctrines of the Constitution. The most eloquent and influential have stood forth in almost inspired exhortations to union and peace between the sections, when disunion, turmoil, and threatened ruin hung over us. But give the means of intercommunication between our people; bring the distant and separated segments together, by the great channels of commercial exchanges, and social communications; bind ocean to ocean, and gulf to gulf, with links of railways; and thus prejudice will vanish, a better understanding will prevail, and these very links which bind in commercial ties, will bind in duty and friendly offices, as well as in civil brotherhood, with more than bands of iron.

During the discussions of railroad grants, I have heard some of their advocates say that they had not come here to beg, but to demand their rights. Though feeling something of the workings of independence, I make no such declaration—neither would I be understood as taking a cringing position at the foot of power. But I do approach it respectfully, with mention of some rights, and greater necessities, and ask you to grant our request—"it does not impoverish you; while it makes us rich indeed."

Without improvements of the kind contemplated by this bill, the resources of our State can never be developed; it can never acquire that character which all its unequaled natural advantages would insure with such assistance. A grain-growing region, without the means of transportation and markets, is of little value. Our people are too destitute of means to make these improvements without help, and cannot hope to be otherwise for years to come; and yet they have an immediate and pressing necessity for them. If you refuse our request, you condemn one of the most fertile regions of the earth to sterility, and one of the most laborious and loyal—yes, mark it, *loyal*—people to a disappointment which no tongue can portray. Grant that request, and you impart a life and energy to every department of enterprise; grant it, and our people will stand erect, not in the haughty spirit of victory achieved, but in that which thanks you for the measurement of justice, commingled with that fostering spirit of a paternal Government, which they think they have a right to expect.

WHIG CONGRESSIONAL CAUCUS—FUGITIVE SLAVE LAW—THE PRESIDENCY.

SPEECH OF HON. DAVID OUTLAW,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

June 10, 1852.

The House being in the Committee of the Whole on the state of the Union on the Indian Appropriation bill—

Mr. OUTLAW said:

Mr. CHAIRMAN: There has been a very general complaint throughout the country, that the time of this Congress has been consumed in useless discussion, to the neglect of the public business. However this may be, it has no personal application to me; for, neither during the present Congress, nor during any preceding one, since I have had the honor of a seat upon this floor, have I been in the habit of making harangues before the House upon subjects not legitimately under its consideration. Perhaps I have too much disdain for those appliances which are resorted to to attain popularity. Nor have I fallen into another error, which seems to prevail here, of supposing that no question, however hackneyed; no subject, however unimportant, can be properly decided until my views have been heard. I have been content to discharge, in a quiet, silent manner, the duties that devolve upon me as one of the members of this House. Nor have I deemed it necessary upon all occasions to make known to my constituents the reasons which influenced my conduct. I have preferred to leave it to their intelligence, to find out those reasons, and to their judgment, properly to estimate them. I regret that circumstances should have arisen which make it my duty to depart from the rule which I had prescribed for the government of my general conduct. And, although the gentleman from Vermont [Mr. MEACHAM] says that the pabulum upon which he feeds morning, noon, and night, is the compromise measures, and the finality of the compromise, I fear I shall have to give him another dose. [Laughter.] I hope he may survive it, and he will well digest it, especially as he has set us the example, by alluding to the subject himself.

It is by no act of mine that the proceedings of the late Congressional caucus have been introduced into the debates upon this floor, and made a subject of discussion. Those who seceded from that caucus gave their reasons for their conduct to the public through the public press of the country. The same medium of communication was open to others, who entertained different views in relation to their duty. But they have seen proper to introduce the subject into this House; and following what may be considered a bad example, I now propose to give my reasons for the course I pursued upon that memorable occasion. In coming to speak upon this subject, I have no confessions of penitence to make, no apologies to offer; but, on the contrary, I am free to declare here this day that, after full and mature deliberation, under similar circumstances, I would again follow precisely the same course. What I did upon that occasion was not the result of any sudden impulses. It was not the result of any offense taken at the decision of the presiding officer of that meeting, extraordinary as I thought it to be; but of full and deliberate reflection, as to what duty to my constituents and my country required at my hands. But I go further. I declare here, that whatever of responsibility or odium was incurred by either my honorable friend from Kentucky [Mr. MARSHALL] or my honorable friend from Tennessee, [Mr. GENTRY,] by offering the resolutions which they did upon that occasion, I take my full share of both, because they were offered with my full concurrence and approbation.

Before I proceed to discuss the occurrences at that caucus, and the reasons for my conduct, the reasons why, in my judgment, those resolutions were proper to be introduced, it is my purpose to state, as briefly as I can consistently with perspicuity, the principles settled by the act known as the compromise measures.

I am a plain man, and I intend to speak plainly, to avoid mistakes and misunderstandings. I have heard it declared here, upon all sides of this House, that the only one of these measures which remained to be executed, or in which the South had any particular interest, was the fugitive slave law. Sir, I do not concur at all in that opinion. Important as I regard that act to be, important as I regard the principles settled by it to be, not only to give us a remedy for what had become almost, if not quite, a mere naked constitutional right—important as being necessary to quiet the public mind, which had been deeply excited at the South by this sectional agitation—I say I do not regard that as the only important principle, or, indeed, as the most important settled by those measures. I do consider it settled by the passage of that act, that Congress shall give to my constituents, and to those similarly situated, a remedy which shall be efficient to enable them to reclaim their fugitive slaves; and I should regard any alteration in its provisions, whereby that remedy should be rendered less efficient in the judgment of the Southern people, as a violation of the spirit and the principles of those compromise acts.

I shall not undertake to say, sir, what would be the action of the Southern people in the event of a repeal or alteration of that law, by which it should be rendered less efficient. They have a right to determine that matter for themselves, and it would be presumption in me to undertake to speak for them. No doubt, in due season, should the emergency arise, they will properly and rightly determine that question. In addition to this principle—for it is my purpose to state them merely, not to elaborate them—the act for the establishment of the territorial governments of New Mexico and Utah settles a great vital and fundamental principle which lies at the foundation of our republican institutions. Those acts pro-

vide that those Territories shall be admitted into the Union with or without slavery, as the people, in their fundamental law, when they shall come to make it, shall determine. This was true before those acts were passed. It will remain true, whether that principle be violated or not, for, as I before remarked, Mr. Chairman, it is a great vital and fundamental principle of free government, that those upon whom the fundamental law of the country is to operate, have a right to determine what the character of that fundamental law shall be. The powers of this Government upon that subject are limited, by the express provision of the Constitution, to the inquiry, whether their form of government is republican in its character. And, sir, while I do not intend to use the language of menace, while I deem such language inappropriate always between those who are equal, and more especially in this Hall of national legislation, yet I may be permitted to remark, by way of warning, that shall the time ever arrive when this Government shall exclude from this Confederacy a State merely upon the ground that the people have adopted slavery as one of her institutions, the excitement which prevailed here during the last Congress, and throughout the country, will be as the gentle southwest wind to the sweeping tornado, that will extend from Mason and Dixon's line to the Rio Grande. It will be conclusive evidence to the people of the slaveholding States that they are placed under the ban of the Republic; that this common Government, erected for the support, maintenance, and defense of the rights of all the people of this nation, is to be perverted to the overthrow and destruction of the institutions of fifteen of the States of the Union, and the feeling of self-preservation, of common self-respect, if nothing else, will induce them to take means to preserve themselves from the consequences of it.

Sir, I say this principle is important to the peace and quiet of the country. Had it been settled the Missouri compromise question never would have arisen, and the heartburnings and controversies of that exciting subject, which have left their sting to this day, and sowed broadcast the seeds of fraternal discord and dissension in the country, never would have arisen. I regard another principle settled by these acts.

Before, however, I proceed to that matter, I wish to state that, as a corollary to the propositions I have stated, it is further settled that the States which are to be formed out of the territory of Texas are to come into the Union with or without slavery, as the people inhabiting those Territories shall determine. If this compromise is adhered to, no such controversy as that which arose in the case of Missouri can ever hereafter occur in the history of this Government.

But there is another principle settled by these bills. I take it that the territorial bill for the government of Utah and New Mexico may be modified, changed, or altered by the action of this Congress. Well now, sir, I should like to know, unless upon the principle that these compromise measures are to be adhered to, are to be final, what is to prevent hereafter an attempt to impose the Wilmot proviso upon those Territories?

Suppose, sir, what I admit is not very likely to occur, that mineral wealth shall be discovered in New Mexico; that slavery shall be carried there; that the courts of the country should determine, as I believe they would, that it might rightfully and legally go, are there no individuals who would be found seeking to exclude it by legislative enactments? I wish to guard against that contingency; and the principle which these bills settle, is, that you are not to undertake, either in regard to those Territories, or any which may hereafter be constituted out of the territory which we now have or may hereafter acquire, to undertake by any legislative enactment, to exclude us from them. You may, I admit, litigate the matter before the judicial tribunals,—if they decide against you and for us, there the thing is to end.

Mr. Chairman, I consider these principles which I have thus briefly stated, as more important to the peace, welfare, and quiet of this nation, than any of the party issues which now divide the country. Sir, I deem it absolutely necessary that they should be adhered to and maintained, to enable the country to recover from those wounds which it received during the sectional strife which grew out of the disposition of the territory acquired by our treaty with Mexico. I regard them as necessary to preserve us against what our wisest and ablest statesmen have considered as the rock upon which this country was most likely to split.

Sir, if I am not mistaken in the principles which are settled by the acts in question—if they are regarded by the country as final, and not to be disturbed, the subject of slavery cannot be legitimately brought before this House for its discussion, and there is nothing which lies in the way of the march of this nation to a degree of renown, of prosperity, of strength, and of glory, which is without any example in the history of the human race.

So regarding them, I stated that I considered them more important than any of the party issues which now divide the country. Sir, what are those party issues? Many of them are obsolete. It is true that some valiant gentleman upon the other side of the House, occasionly exhumes from its almost forgotten grave, the dead carcass of the United States Bank, and drags it here across the stage to frighten us out of our propriety. He who is alarmed must have very weak nerves, for, so far as I know, no man of any party proposes to establish a United States Bank. I declare for one, I should not hesitate to vote against it.

Well, in regard to the tariff. The tariff of 1846, as well as that of '42, are measures discriminating for the protection of American capital and American industry. There is no difference in the principle of the two bills. It is a question of details, and not a question of principle, and you find Northern Democrats in favor of increased duties, as you find Southern Whigs opposed to it. My opinion upon that question is, that in laying duties for revenue, we may legitimately and rightfully, so adjust them—and that it is our duty to do so—as to give aid and protection to the capital and labor of our own country. To high and prohibitory duties, I am utterly opposed, believing that neither the general interest of the country, nor that of the manufacturers themselves, would be promoted by such legislation.

In regard to the distribution of the proceeds of the sales of public lands, I admit that the disposition of the public domain, is a great and important question. I had hoped that the old States would be enabled to obtain some portion of their property; but what I have witnessed here during the progress of this session of Congress, as well as preceding ones, has almost extinguished the last spark of hope. I know no better, more just, and more equal division than the distribution act. I would vote for such a bill—as I will for any which approximates equality. It has, however, ceased to be a party issue. You will find Whigs and Democrats voting to give every man a farm, voting to railroads millions of acres, without any regard to old party divisions. Nay, sir, they seem to vie with each other, which shall excel in this race of popularity and spoliation.

In regard to the foreign policy of this Government, it is undoubtedly true that our friends upon the other side of the House have been a little more *fillibustering* in their disposition than the Whigs. My friend from Georgia [Mr. TOOMBS] suggests that they got out of it as quick as possible. I admit they did, because they were restrained by the response which came up to this Capitol from all parts of the Republic. There was no mistaking the fact that the people of this country intended to adhere to their ancient and well-settled policy of minding their own affairs, and leaving other nations to take care of theirs.

I say, then, Mr. Chairman, thus viewing this question, I declare here, as I have declared elsewhere—as I declared to my constituents before my election—that I can go with no party, I care not by what name it may be known, and I will support no man, I care not by whom he may be brought forward, which and who are not distinctly and unequivocally committed to the maintenance of the compromise measures, in their full integrity. My friend from North Carolina [Mr. STANLY] suggests to me that I have omitted the subject of internal improvement. In relation to that subject also, in which my constituents are so deeply interested, if you examine the votes of the members of this and the other branch of Congress, you will find that men are governed in their votes upon that question more by the interests of the locality from whence they come than by party divisions. You find Democrats from the Northwest and upon the lakes voting for measures of that sort. I voted for them myself, and my friends from other portions of the Union voted for them. I believe it is perfectly right and proper for this Government to make those improvements, which are of general and national importance, and upon a suitable occasion, although I know I differ from some of my colleagues, I intend to submit my views upon that particular subject.

But I now come to the proceedings of the Whig Congressional caucus. I do not profess to be well versed in parliamentary law. I have never understood that these caucuses, which are meetings of friends for consultation, are to be tied down by technicalities, which none but those who have made them the subject of their study can understand. There is, in my judgment, no rule, either of parliamentary law or of common sense, at all events none on the level with my capacity, which made the resolution of the honorable gentleman from Kentucky* [Mr. MARSHALL] out of order, except upon the assumption which was taken by the president of that meeting, that the sole object, and the sole power of that caucus, was to fix a time and place for the meeting of the National Convention. Unless that ground be adhered to, I say there is no rule, either of parliamentary law or common sense, by which either the resolution of the honorable member from Kentucky, [Mr. MARSHALL,] or more particularly the resolution of my friend from Tennessee,† [Mr. GENTRY,] was ruled out of order upon that occasion.

But, sir, I should like to know how it was that caucus was limited to the sole purpose of fixing the time and place for the meeting of the National Convention. It was not certainly by precedent, because I appeal to my two honorable friends who sit by me, [Mr. CLINGMAN and Mr. TOOMBS,] who were in the Congressional caucus of 1848, whether on that occasion the question as to the propriety of calling any National Convention was not raised and entertained, and whether it was not debated for several hours? And the same gentleman who presided at the second caucus was the president of that caucus. It is remarked to me by my friend from Georgia, [Mr. TOOMBS,] that it got through by a close vote. I do not recollect myself how the vote was. It was not out of order under the call, by which that caucus was convened, for terms more broad and comprehensive, could not well have been employed. It is as follows:

"THE WHIG MEMBERS OF CONGRESS are requested to meet at the Senate Chamber on Friday evening next, the 9th instant,, at 7 o'clock, to consider of matters of importance to the Whig party.

"WEDNESDAY, April 7, 1852."

I will not take up the time of the House in discussing the question of order further. My colleague [Mr. MOREHEAD] stated in the speech which he delivered on yesterday, that the sole cause of the difficulty which arose at this caucus, was the speech delivered by the honorable Senator from North Carolina, [Mr. MANGUM,] advocating the pretensions of General Scott, in the other branch of this Capitol. My colleague and friend is mis-

*"Whereas the determination of the time and place for holding a National Whig Convention has been referred to the Whigs of Congress, the Whig members of the Senate and House of Representatives having assembled in convention with the explicit understanding that they 'regard the series of acts known as the adjustment measures, as forming in their mutual dependence and connection, a system of compromise the most conciliatory, and the best for the country that could be obtained from conflicting sectional interests and opinions; and that, therefore, they ought to be adhered to and carried into faithful execution, as a final settlement, in principle and substance, of the dangerous and exciting subjects which they embrace,' and do unite on this basis, as well as upon the long-established principles of the Whig party, do hereby recommend the day of , and the city of , as the time and place for holding the National Whig Convention for the choice of Whig candidates for the Presidency and Vice Presidency, respectively."

†"*Resolved*, That the Whig members of Congress, in thus recommending a time and place for the National Whig Convention to assemble, are not to be understood as pledging themselves to support the nominees of said convention, except upon the condition that the persons then and there nominated as candidates for President and Vice President shall be publicly and unequivocally pledged to regard the series of measures known as the compromise measures as a final settlement of the dangerous questions which they embraced, and to maintain that settlement inviolate."

taken in regard to the fact. That speech was made between the first and second meeting of the caucus, and at the first before its adjournment, the honorable member from Kentucky [Mr. MARSHALL] gave notice he intended to introduce a resolution upon the subject of the compromise, and press for action upon it, before the time and place were fixed for the meeting of the National Convention. Unless, therefore, the honorable gentleman from Kentucky had the power to foresee several days before what the honorable Senator from North Carolina intended to do, and what would be the character of his speech, I should like to be informed how it was possible that speech could have any sort of influence upon his conduct?

Mr. MOREHEAD. The views I expressed were these: I supposed the speech which had been delivered by the honorable Senator from North Carolina, was the "Iliad of all our present woes." I had supposed it was in consequence of his making that speech, and the declaration openly to the world, that he was the advocate of General Scott, my seceding friends who differed from him would not remain in the caucus.

Mr. OUTLAW. The gentleman is entirely mistaken, as the facts to which I adverted prove; because it was determined before the meeting of the first caucus this resolution should be offered. Notice was given at that caucus of this determination, and, therefore, the speech of my colleague in the Senate from North Carolina could have had no influence whatever upon the offering of the resolution.

Mr. MOREHEAD. I ask my colleague, with his permission, whether he states it was determined by the gentlemen who seceded, to leave that caucus if the resolution was not received?

Mr. OUTLAW. I have no sort of concealment upon the subject. I state to the gentleman I had determined before the meeting of the second caucus, if that resolution, and the one offered by my friend from Tennessee, were ruled out of order, to retire from it, and I announced that determination to my colleague, [Mr. STANLY,] as he will doubtless recollect.

Mr. MOREHEAD. One question further. I ask the gentleman, and those who seceded, what had the rest of us done that they would not treat us with enough respect to let us know what course they would pursue in that event?

Mr. OUTLAW. The gentleman asks why I did not make known to him my determination. I tell him that I did communicate it to my colleague, who sits at my right, [Mr. STANLY;] I do not know of any particular reason now why I did not communicate it to my colleague, [Mr. MOREHEAD.] Perhaps it was because we did not happen to fall in company with each other, or to have any conversation on the subject; but I had no concealment upon that subject from any man.

Mr. MOREHEAD. I wish to have no misunderstanding about this matter. So far as I know, up to that time, and so far as I know now, there never was the least personal unkindness between the gentlemen from the Southern States who remained in that caucus, and those who retired. Therefore it was that I thought it remarkably strange, having determined to leave that caucus, that they did not treat us with respect enough to let us know, in the event of certain things, the course they would pursue. I have no sort of unkindness to the gentleman in the world.

Mr. OUTLAW. I certainly had not then, as I certainly have not now, anything but the most kindly feelings towards my honorable colleague; and I wish to state here now, to prevent all misapprehension, that while I justify my own conduct, I do not at all undertake to sit in judgment upon the conduct of others; I do not undertake to say they were not governed by as patriotic motives, according to their views of their duty, as we were.

But, sir, to return to this matter. I say it had been determined to offer this resolution, and I shall give the reasons why, in my judgment, it was proper it should be offered. I am free to say, Mr. Chairman, had nothing occurred between the proceedings of the Whig caucus, on the first day of this session, and the assembling of the second caucus, I should not have advised the resolution to be offered. But what had occurred? You will recollect, at the first Whig Congressional caucus, a resolution, in substance declaring the compromise measures a final settlement of the subjects embraced in them, was passed. It was passed with but four or five dissenting voices; at least that is my recollection of it, and that is the recollection of most of those who were present. The honorable gentleman from Florida [Mr. CABELL] came into this House, and proclaimed that the Whig party of the North, as represented by their Representatives in Congress, were in favor of the compromise measures. There was no response to that speech, save from the honorable gentleman from Massachusetts, [Mr. FOWLER.] There was no necessity for a response from the honorable gentleman from Pennsylvania, [Mr. STEVENS,] and it was stated that he had retired from the meeting. Well, sir, what occurred subsequently?

Mr. STEVENS, of Pennsylvania. With the gentleman's permission, I will occupy the floor for a single moment. I have never said anything about the report made by the officers of that meeting, of which the gentleman was one. I desire to state a single fact now, however. I came up here not knowing there was to be a caucus. Some person invited me in, as it was for the purpose of determining whether we would fix upon candidates for officers of the House, or not. I went in. It was there said that it was best to have no candidates; and in that all agreed. Then some resolutions were offered, to which I objected. Motion was made to lay them upon the table. The vote was taken upon that, and was pretty nearly balanced. It was decided, however, in the negative. The previous question was called. I asked that that be withdrawn until I offered an amendment. It was refused. The vote was immediately taken, and I admit but a very few then voted in the negative. I was present when the vote was taken, standing at or near the door. As soon as it was taken I went out, there being no other business I knew of to transact, except to adjourn; and was immediately followed by the gentleman from Massachusetts, [Mr. FOWLER.] I appeal to the gentleman from Massachusetts, if this statement is not correct?

Mr. OUTLAW. I cannot permit a colloquy here. If the gentleman will refer to the proceedings published by the officers of that meeting, he will find that he is not misrepresented. I suppose that when the vote comes directly upon a proposition, then is the time for men to vote against it if they are opposed to it. I repeat—and I call upon gentlemen who were present at that caucus to affirm my statements—not more than four or five voices were heard against the adoption of that resolution.

Mr. STANTON, of Ohio. I have heard that statement made so often within my hearing that I cannot let it pass any longer. My recollection about that matter is, when that question was submitted there were very many new members who did not speak out publicly, but voted when called upon to do so. I call upon the gentleman to name a single member who voted for that resolution there and against it here.

Mr. FOWLER. Will the gentlemen yield to me?

Mr. MOREHEAD. I desire also to occupy the floor but for a moment.

Mr. OUTLAW. I cannot yield further. The gentleman asks me to name any man who voted for that resolution at that caucus and subsequently voted differently. Unfortunately no record of the names of the persons who were present at that meeting was kept. The yeas and nays were not called. There are no means by which the position of gentlemen on that occasion can be presented before the country; but, I again repeat, and pledge my veracity as a man, according to the best of my recollection, upon the final adoption of the resolution, not more than four or five votes were heard in the negative. If gentlemen were opposed to it, they practiced mental reservation upon the subject—they kept their opposition to themselves. Well, sir, what occurred subsequently in this House? Two honorable gentlemen from Georgia [Messrs. JACKSON and HILLYER] introduced resolutions substantially the same as that of the Whig caucus. The yeas and nays were called here. There was no dodging that vote. Men had to stand up and take the responsibility of their position. And what was the result? Why, sir, every Whig Representative from the non-slaveholding States in this Union, who was present when that vote was taken, save twelve, voted against it. I recollect very well when the first resolution was passed. It was hailed from one portion of the country to the other with joy and congratulation. Those presses at the South which have since discovered we who seceded from the second caucus are disturbers of the harmony of the party—are guilty of rank usurpation—are seeking to erect platforms for the National Convention—are dictating to the people themselves, slept upon their posts. Slept, did I say?—they lauded and approved our action in declaring, as a principle of the party, the finality of the compromise acts. By what means and influences a change has come over the spirit of their dream it is for them to explain.

I heard nothing then of what I have heard so much since, of an attempt to dictate to the American people, and to erect platforms for the National Convention; and I should like it if my colleague, or the honorable gentleman from Tennessee, [Mr. CULLOM,] would be kind enough to inform us by what kind of logic it is, that it was right and proper to adopt this resolution at the first Congressional caucus, and yet that an attempt to pass it at the second, was considered as an act of such monstrous usurpation. We from the Southern portion of this Union, were placed in the predicament of creating impressions on our people, that the Northern Whig Delegation were in favor of the finality of the compromise acts. The gentleman from Virginia, [Mr. MEADE,] at the time, charged that such was our object; that we wished to impose our rotten party, as he very politely termed it, upon the Southern people as sound. That charge, so far as I was concerned, I knew was unfounded. All who know me know that I am incapable of attempting imposition of any sort. Finding I was mistaken in the position which the Whig party of the North occupied, as disclosed by their votes here, upon the resolution of the gentleman from Georgia, [Mr. JACKSON,] I wished to know, and understand distinctly, what that position was. I neither wished to be deceived myself, nor to deceive others, upon this great and important question, which, in the estimation of my constituents, overrides all other questions. Hence it was I thought it right and proper that these resolutions should be offered; because, I declare here again, that I am unwilling to hold political associations with those who are seeking to open again this pestilent source of irritation and agitation. How can it be said that we were guilty of any dictation to the people?

The resolution of the gentleman from Kentucky [Mr. MARSHALL] only proposed the terms of our holding political associations as members of Congress. The resolution of my friend from Tennessee [Mr. GENTRY] only went to exclude a conclusion—to declare the extent to which we intended to be bound, in fixing a time and place for the meeting of the convention, by the nominations which might be made by that body. If it had not been directly charged, it has been insinuated, that the object was to produce distraction and division in the Whig party. Power is given to the Almighty alone, to read the motives which govern the heart and conduct of men. I cannot therefore speak for those who were associated with me upon that occasion, only so far as my sincere convictions go. I believe that they were actuated by the same objects and purposes that I myself was. That object was to make the Whig party a national and conservative party, and keep it what it was when it was commended to my support and approbation—to place it upon principles broad enough, and upon a basis comprehensive enough, to embrace every portion of this great Republic, and the interests of every portion—to make it such that a man in any quarter of the Union could give it a cordial and enthusiastic support, with the full conviction that whilst upholding his party, he was in no danger of sacrificing the rights, or becoming a traitor to the particular section to which he belonged. That was the purpose, and the great object, and I am willing to submit it to the candid judgment of gentlemen, and of the whole country, that it was a proper and patriotic object which I, and, as I believe, those associated with me upon

that occasion, had in view, in pressing this subject upon the consideration of the caucus. It is said that if we had remained, the resolution could have been passed. Why, every man knew that the Southern portion of the Whig party was sound upon that subject. I would not have given one straw for a resolution passed by the Whig members of Congress from the South. I desired our political associates in the North to come upon this platform—I am sorry to use a word which has become so common, and yet I find no other one which expresses the idea just at this moment. I desired my Northern brethren to come upon this platform, and make our party a great, national, and conservative party, so that we might move on in solid column to victory, if victory could be obtained—at all events, to a defeat, if that is to be our fortune, where no disgrace and no dishonor could attach to us.

I shall not pretend to conceal, that I have strong personal preferences as to who shall be the candidate of the Whig party for the Presidency of the United States. I am free to declare here, that I prefer Millard Fillmore to any man in this Republic, North or South, East or West—not for favors received or favors expected. I never asked any favor of that distinguished man, save only the appointment of a grandson of my legal preceptor, for whose memory, abilities, and virtues I have an affectionate remembrance and veneration. I mean the late Judge Gaston. I shall not, upon this occasion, attempt to review all the measures of his Administration. My time would not permit me to do it; but I may allowed to say, what I sincerely and honestly believe, when that Administration shall come to be passed upon by the calm and impartial judgment of posterity—when the mists of party prejudice shall have been removed, men of all parties will pronounce it one of the wisest, purest, and best administrations which we have had in this country, since the earlier days of the Republic. Mr. Fillmore succeeded to the high office which he now fills, at a time of unexampled difficulty and infinite peril to the Republic. The councils of this body were torn and distracted by sectional divisions, growing out of the subjects to which I have already alluded. Every man, who was an actor here upon this theater, knows—with his opposition—nay, but for his active coöperation no settlement of these vexed questions could have been effected. The country was then in imminent peril of a civil war. There was danger of a conflict between the authorities of this Government and the republic of Texas. Those questions were settled. He risked popularity, influence, everything at home, to stand by the constitutional rights of my section of the Union, and in doing that, he had only to stand by the Constitution of his country. I adhere to Millard Fillmore upon a principle of honor, which is also a principle of the highest expediency—of being faithful to those who have been faithful to the Constitution, and to the rights of all sections of the country.

If Mr. Fillmore is to be passed by, what is to become of that other great and eminent statesman associated with him in the administration of the Government? I mean the Secretary of State—that man who stands prominent, by his colossal intellectual proportions, amongst the public men of the country, since the death of Mr. Calhoun and the illness of Mr. Clay—as prominent as the frozen peaks of Mount Blanc are above the lesser Alps by which they are surrounded—a man whose name will be remembered while the English language is written or spoken; truly his is *clarum et venerabile nomen*, one which makes this country honored and respected in every other country upon the civilized globe. At the very crisis of our fate, when darkness and danger seemed to be impending, that great man and patriot threw all the weight of his great character and mighty abilities into the conflict, to roll back the tide of Northern fanaticism which was sweeping through the North. I should like to inquire what these two individuals have done to forfeit the confidence of the Whig party of this nation. Before Mr. Fillmore became a compromise man, before Mr. Webster sustained the execution of the fugitive slave law, there were no two men in the Northern portion of this Union more popular, and justly popular with the whole of that party than these two eminent individuals. I put it to my Southern friends—if there be any who are disposed to give way under the pressure of availability—I ask them, when we shall be in danger hereafter and call upon Northern men for support, if we shall not feel the blush of shame upon our cheeks, if we consent to become the executioners of those two men, and of others similarly circumstanced—if we consent to become the priests who are to officiate at the altar? Sooner than I will do anything to strike down these gentlemen, sooner than I will agree that they shall be victimized by their enemies, many of whom are also our most bitter foes, may my right hand fall powerless by my side, and my tongue cleave to the roof of my mouth.

Of the other distinguished individual who has been spoken of as a candidate for the Presidency, I wish to make but a few observations. There is no man in this Union, who esteems more highly than I do the great military services of that distinguished man. There is no man who feels more sincere gratitude for the glory and renown which he has shed upon American arms. If I had it in my power, I would not pluck one wreath from the laurel which adorns his brow; but would water it with a nation's gratitude that it might grow greener every advancing year. I voted at the last session of Congress, as I am prepared to vote now, to confer upon that illustrious captain the office of lieutenant general. I believed it was due to his services—to his great and extraordinary services. As I intend to be perfectly frank, I am free to declare that I believe, if General Scott were left to himself, he would be disposed to extend to all sections of the Union their constitutional rights. I believe he would be disposed to administer the Government on national principles, but I cannot close my eyes nor shut my understanding to the influences by which he is surrounded. It is said that he is a compromise man. The honorable gentleman from Tennessee [Mr. CULLOM] said that I had indorsed him as such. Although he is mistaken in that fact, yet, as I wish to do justice to all men, as I before remarked, I believe, if he was left to his own noble and generous impulses, he would be disposed to do justice to every section of the country; yet General Scott is but a man, who is subject to the frailties and passions of other men. Does any man expect me to believe, if the unfortunate influences by which he is now surrounded—unfortunate for his own fame—and which thus far have prevented him from making a public declaration of his opinions and principles, which I am sure his own heart would prompt him to do, shall mainly contribute to his nomination and elevation to the Presidency of the United States, they will have no power in that administration when it shall have been formed? I may be met with declamation about the glories of Lundy's Lane, Bridgewater, &c. This will not answer for men who are awakened to their rights, and to the dangers by which they are surrounded. It might do for an ignorant mob, led astray by the glare of military glory, but will not satisfy intelligent freemen who know their rights, and are determined to maintain them.

Sir, if General Scott could have magnified a hundred-fold, the eyes of Argus, and the arms of Briarius, he would still be incompetent by himself to discharge the duties of the exalted Executive station to which he aspires. He must rely, to a very great extent, upon his subordinates; and does any man suppose, especially if the Whig party should remain organized as it now is; if it should not adopt the principle of making these compromise measures a finality—does any man expect those influences will have nothing to do in the appointment of the subordinate officers? Sir, but a few days have to pass before the meeting of the Whig Convention. We have yet no response from the oracle. We have yet no publication of General Scott's opinions. We are left to infer what those opinions are from private conversations. Now, sir, I declare here, distinctly and unequivocally, that no man can receive my support who occupies that position. I have gone as far as I intend to go. The Whig party of the South have, at the expense of having their motives aspersed and misconstrued by their friends, relations, and neighbors, arrested sectionalism at home. They have stood by the Constitution, and by the rights of all sections. I declare here, and I appeal to every man who has ever heard me make a speech, to sustain what I say, that upon no occasion, to accomplish no object, have I ever descended to array the North against the South, or to excite sectional prejudices; but, on the contrary, to the extent of my ability and influence, I have inculcated upon my constituents that we should regard all parts of this great nation as our country, and that, as we all had a common destiny, we should cherish for each other kind and fraternal feelings.

Now, I ask my Northern friends if it is reasonable to expect, that after having fought sectionalism at home; after having arrested extreme measures from those having a common interest, and a common destiny, with ourselves, we shall now agree so far to compromit our honor, our consistency, the very existence of our firesides and our homes, as to tolerate sectionalism in our own party in the northern section of this Union?

It is said that we call upon them to stultify themselves. Sir, we call upon them to do no such thing. We call upon them merely to say that these measures having been passed, and being the best which could be obtained from conflicting sectional interests, they shall be adhered to. We call upon no man to say that they were the best and wisest which human wisdom could devise. I appeal to them, and ask them if it is not necessary, if it is not indispensable, if we would preserve this Union, that the country should have some repose, some quiet, and that there should be time for these sectional wounds and difficulties to be healed?

Mr. Chairman, I am fully aware of the responsibility which I assume upon this occasion. I understand and appreciate the influence which, possibly, it may have upon my destiny as a public man; but, sir, there are times, there are occasions, when a man's duty to his country rises superior to any which he owes to his party. I know that party ties are amongst the strongest associations which bind men together. I know that the very name of a party has a talismanic power on the passions and prejudices of the people. It requires some degree of moral courage to do any act, however strong our convictions of its propriety, which ingenious malice can torture into the appearance of distracting or dividing it. I cannot say what may be the action of my constituents, or of my State. They will doubtless speak for themselves at the ballot-box when the time arrives. But I declare here in all frankness, and tell my Northern friends that if they expect to get the vote of North Carolina with any candidate whose opinions are not publicly known upon this subject, without the indorsement of the finality of the compromise by the National Convention, in my judgment, they will reckon without their host. I may be mistaken, but it is the honest and sincere conviction of my mind. In my judgment, no man who does not stand in that position ought to get her vote, or command her confidence. It may well be inferred that he who shrinks from a public avowal of his opinions upon a question which she deems so important, and upon which she has so emphatically expressed her sentiments, is not a safe depository of the powers, so important for good or evil, which the Constitution of this country has conferred upon the first Executive officer of the nation. I have done.

KEOKUCK AND DUBUQUE RAILROAD.

SPEECH OF HON. T. CAMPBELL,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

May 28, 1852.

The House being in the Committee of the Whole on the state of the Union, on the Indian appropriation bill—

Mr. CAMPBELL, of Illinois, said:

Mr. CHAIRMAN: I do not rise for the purpose of entertaining the committee with a political speech; and it is with considerable reluctance I claim their attention at this time at all—not, sir, that I have any apology to make for doing so, because since I have had the honor of holding a seat upon this floor, I have occupied very little of the time of the House or committee in the way of speech-making. And when I have done so, it has always been on the question directly under consideration. But I may be permitted to say this

much, that, in my judgment, it would have been much better, and more profitable to both political parties, if all the political speeches which have been made on both sides of the House, since the beginning of the session till the present time, had never been made. I believe that time and experience will verify the truth of what I state. After the nominations are made, and the presidential candidates are fairly in the field, they will find they have only been teaching bloody instructions, which being taught, will return to plague their inventors. What little political ammunition I have in store I intend to reserve for the common enemy after the nominations are made, and the two political armies are fairly in the field, led on to the conflict by their respective captains; and I trust, sir, that neither before the nomination nor after it, will we hear any more, at least from the Democratic side of the House, of that painful crimination and recrimination with which we have too frequently been entertained heretofore. Let us meet the enemy with an unbroken front, shoulder to shoulder, to fight the battle, as we have been in the habit of doing in times past, and we will have every guarantee that a glorious victory will crown our efforts. These, sir, are the views I entertain of the policy, or rather impolicy, of members of the Democratic party making *antagonizing* political speeches on this floor, which can be productive of nothing but evil, and that continually.

It will be remembered, that in the early part of the session, the Committee on Public Lands reported a bill for the construction of certain railroads in the State of Iowa. The member of that committee who reported the Iowa bill, [Mr. HENN,] after having made a speech upon it himself, moved the previous question. I requested him to withdraw his call for the previous question, for the purpose of enabling me to make a statement of my views with regard to the policy of that measure, which he very *magnanimously* declined to grant. I was therefore excluded from saying anything upon the question at that time. But for the purpose of defining my position more clearly upon this question, I desire now to say, that the geographical position of my district impels me, as a matter of duty to those whose interests I represent upon this floor, to resist the passage of this bill with all the power—with all the ability which I possess. And I would further say, that this is the only opportunity which is afforded me of giving to the House my views upon this question, or of participating, indeed, in any way in this measure before it is brought before the House; because, sir, the *organization* of this body has practically excluded me from all participation in the preparation and arrangement of the business before it comes here to be acted upon; and if I do not avail myself of the opportunity of giving my views at this time before the Committee of the Whole on the state of the Union, from the course which has been adopted in relation to these land bills, I am satisfied that I will be under the necessity of folding my arms, and quietly seeing a measure pass which will be of incalculable injury to the entire district which I represent.

The western side of my district is washed by the Mississippi river for two hundred and fifty miles—extending below Keokuck, the southern end of the proposed road, and running up opposite to Dubuque, the northern end of the road, embracing both the upper and the lower rapids in the Mississippi river. It is clear to be seen, that if this road should be constructed, and the two points named in the bill should thereby be connected, the trade and commerce of the river towns would be greatly affected, and the prospect of obtaining a speedy relief from the impediments which the two rapids offer to the free navigation of the river would be rendered hopeless in the extreme. But, sir, independent of all local interests which, as a faithful Representative, I feel called upon to protect, there are objections to this grant involving great principles, principles which were applied to the Illinois grant, and which shall control my action and my vote on every bill of this character upon which I may be called to act while I have a seat in this Hall. It may be said, and it may be urged against me, as one of the Representatives from the State of Illinois—a State which has been the recipient of a magnificent grant of the public lands for this same ostensible purpose—that my course in opposing this grant is ungenerous; but, sir, I will say to those gentlemen who urge this as an argument against me, that the same argument may be used against a large number of the citizens of the State of Iowa itself. At a convention which was held in that State last fall, at the city of Burlington, where four States lying on the Mississippi river and the Territory of Minnesota were represented, a committee was appointed for the purpose of collecting information with regard to the river trade and river commerce. I have received a letter from that committee, resisting, and protesting in the very strongest terms, against the grant asked for in aid of the construction of the railroad known as the Dubuque and Keokuck road.

Mr. CLARK. Who were the committee?

Mr. CAMPBELL. I say it was the committee which was appointed by the convention that met at Burlington last fall, in relation to the improvement of the rapids in the Mississippi river.

Mr. CLARK. Do I understand the gentleman to state that he has received a letter from that committee against the continuation of the Keokuck road?

Mr. CAMPBELL. I say that that committee has written me a letter, protesting, in the strongest terms, against the construction of the Dubuque and Keokuck road.

Mr. CLARK. Read it.

Mr. CAMPBELL. I do not intend to read it at this time*

I say, then, that this is a local question, and it is a local question in Iowa, as well as a local question which interferes with the district which I represent. The bill which I intend to speak to is one that will be before the House for its action—I apprehend to-morrow—or the very next business most likely which will be taken up, and I therefore may be considered as speaking to a subject which is really before the members of this House for their consideration, and for their investigation. And, after I have made the statements which I intend to make, I would appeal to every candid man upon the floor, to say whether he can in the conscientious discharge of his duty, give it his support.

The bill provides for the construction of two roads—one known as the Davenport and Council Bluffs road, forming a connecting link in a great chain of railways, by which the West is connected with the Atlantic cities. Now, I desire to be distinctly understood, that so far as this road is concerned, it shall have my cordial and enthusiastic support if I can only have the opportunity of doing so, without at the same time voting for this other road, the Keokuck and Dubuque road, which runs North and South, and which connects two points on the Mississippi, and on the Mississippi alone. I say I will support it, if I can have the opportunity of doing so without voting for that road which, under no circumstance, and in no connection, can I ever be induced to support.

I desire further to place myself right with regard to the position which I have taken in relation to the policy of making grants of public lands to aid in the construction of railroads in the States where the lands are located. Although the correctness of the policy is doubted by some, it is sustained by the soundest principles of political economy, the correctness of which is susceptible of the clearest illustration. In adopting this principle, I can see no conflict with that policy which the Democratic party have incorporated into their creed in relation to the question of internal improvements, and which, at this time, forms one of their cardinal principles. In my judgment there is a clear and well-defined distinction drawn between the General Government making donations for the purpose of aiding in the construction of internal improvements, with money drawn out of the Treasury, and loaning its aid by donations of land, made in obedience to a wise and prudential policy. In the one case, it is a continual drain upon the common Treasury of the nation; in the other, it is for the purpose of enabling the Government to sell and dispose of a portion of the public domain, that it may put money into the Treasury. But this distinction may be met with the answer, that land is money, or can be easily converted into money. Sir, the whole policy rests upon the assumption that the land is only donated because it cannot be sold for money, but will remain in its unproductive state unless the proposed improvement be constructed; in other words, the improvement is necessary to enable the Government to convert its land into money.

While I adopt this principle in its widest and greatest extent, still I do not consider that every work which any particular State, or any particular

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*The following letter is the same referred to in my speech, and which the gentleman from Iowa [Mr. CLARK] desired me to read, which, at that time, I declined doing, for reasons which I then entertained. Since that time circumstances have made its publication necessary. The committee by whom the letter was written were appointed by a convention held at the city of Burlington last fall, composed of delegates representing the States of Missouri, Illinois, Wisconsin, Iowa, and the Territory of Minnesota, for the purpose of urging upon Congress, at its present session, the necessity, in a national point of view, of making an appropriation, in money, for the improvement of the Des Moines and Rock river rapids, in the Mississippi river. The committee are all gentlemen of the highest standing, and are all citizens of the State of Iowa:

BURLINGTON, IOWA, *February* 18, 1852.

DEAR SIR: The convention for the improvement of the navigation of the Mississippi river, composed of delegates from Missouri, Illinois, Iowa, and Minnesota, which assembled at this place on the 23d October last, appointed a committee, consisting of the undersigned, with instructions to procure statistics showing the value of the commerce, &c., of the Valley of the Upper Mississippi, and submit the same, with such other information bearing upon the subject as might be deemed proper to our Representatives in Congress, at as early a period as possible.

Fully alive to the importance of this matter, we have been actively engaged in procuring the necessary information, and hope to be able, within a short time, to forward such an array of facts in reference to the necessity of this improvement, as shall commend it to the immediate attention, *at least*, of every Western member of Congress. In the mean time, we take the liberty of addressing you, as the Representative of an intelligent and populous district, interested, like ourselves, in the speedy removal of the obstructions now existing to the navigation of our great river, and of respectfully requesting your coöperation in preventing a sacrifice of the interests of the great Valley of the Mississippi in the Halls of our National Legislature, for a grant of land to build a railroad running from Dubuque to Keokuck, parallel with the Mississippi river, crossing all its numerous tributaries, and, if following a straight line, crossing the great river itself at least four times, traversing a section of country which, to say the least, is *not* densely settled, and totally incapable of supporting a road even if built; a project which never could be carried into successful execution if the State possessed the revenues arising from all the lands sold within its borders, for the next ten years, to appropriate to its construction. But, sir, we will venture even further with our argument. Dubuque, whence this contemplated road is to commence, already has a connection secured to her, by means of the great central road of your own State, with the Mexican gulf, and with all the southern and eastern sea-board. What more can she reasonably ask? Is it in accordance with any known rule of justice, to make this point, already a terminus of one of the greatest railroads in the world, on the east side of the Mississippi river, also a terminus of a like road on the west side? By what rule, either of common sense or necessity, would Congress promote, by grants of land, the construction of such a road, commencing in a region of frost and ice, crossing all the natural drains of the country, and built at an immense expense, to terminate in the same State where it commences, to connect no points of any importance, either in a local or national point of view, against the protests of fully one half of all the people of the State, and outside the State, of the whole Northwest? That spirit of fairness and equity, which has long since been implanted into the principles of the Government, "the greatest good to the greatest number," would forever forbid so arbitrary a violation of all we have been led to hope from Congress. That grants of land should be made to Western States for objects truly national, intended to connect distant portions of different States and sections of our Union, is fast settling into a fixed principle of our Government.

But it is to be hoped that, in all such cases, Congressional committees will carefully scrutinize and discriminate in favor of worthy schemes and projects which promise to be of national advantage. To your care do we commit these mighty interests, in which you, ourselves, the convention by whom we were appointed, and the whole Northwest, have so deep a concern. We conjure you to guard watchfully against insidious efforts, come from what quarter they may; such as we have alluded to, to barter away our only hope of a free, uninterrupted navigation of the great Mississippi, for schemes of internal improvement, never intended, by their advocates, to be aught but stepping-stones to high places and honors.

We beg you to expose, fearlessly and energetically, any and all of these attempts; and rely upon receiving the everlasting gratitude and thanks of the whole population of the Valley of the Upper Mississippi.

We are, very respectfully, your obedient servants,

HENRY W. STARR,
L. D. STOCKTON,
DAVID RORER,
J. C. HALL,
J. F. TALLANT,
W. F. COOLBAUGH,

Committee appointed by the Convention for the Improvement of the Mississippi river.

HON. THOMPSON CAMPBELL, M. C., *Washington, D. C.*

class of individuals may see fit to project, is, as a matter of course, entitled to a donation of the public lands for the purpose of aiding in its construction. I mean by this, that the policy of granting public lands to aid in the construction of railroads and other public works, is not of such a general character as to be without its conditions, restrictions, and limitations. It will be, then, to these restrictions, conditions, and limitations that I will direct and confine the remarks which I intend to make upon this subject; and will endeavor to show, before I take my seat, by the most unanswerable argument, and the clearest illustration, that the grant asked in aid of the Keokuck and Dubuque railroad should never receive the sanction of this House. In the first place, I hold that the General Government should not aid in the construction of any public work which is of a purely local character. Secondly, that it is not the policy of the Government to lend its aid, by donations of land or otherwise, towards the construction of a railroad which is intended to run parallel with a great navigable stream, and particularly such a stream as the Mississippi river. Third, that it is not the policy of the General Government to aid in the construction of public works, the direct effect of which will be to sacrifice other great interests upon which the wealth, prosperity, and hopes of vast communities are made to depend. Fourth, the motive which stimulates the Government to part with a portion of its domain, being the same that would influence a prudential landholder to part with a portion of his estate for public purposes in order that the residue might be enhanced in value, the improvement for which aid is sought should be necessary to enable the Government to dispose of its otherwise unsalable lands.

I propose now to invite the attention of the committee, while I apply the principles first laid down to the grant asked for in the Iowa bill in aid of the projected Keokuck and Dubuque road. Is the public work, for which this grant of land is sought, of a local character? The bill proposes to construct a railroad from Keokuck, at the foot of the lower rapids, on the Mississippi river, to Dubuque, a point about two hundred and twenty-five miles above the rapids, on the same river. The road, then, when completed, would connect two points on the Mississippi river, Keokuck and Dubuque, both within the State of Iowa. I would then ask, by what principle, or by what policy, you would make a grant of the public domain to connect two points, both located upon the Mississippi river, thereby connecting the river with itself? This town of Keokuck, I desire the committee to understand, is located at the foot of Des Moines river rapids, has a deep and abiding interest in the construction of this road and in the prevention of the improvement of the rapids, so that a transhipment will always be necessary at that particular point. This town, growing and prosperous as it is, owes its very life and existence to the serious impediment which these rapids offer to the free navigation of the Mississippi river. The construction of the road, therefore, as projected in this bill, would secure two objects which that locality most desires: first, the prevention of the improvement of the rapids by the substitution of a land transportation for an obstructed river transportation; second, a transhipment at that point of all the trade of the Upper Mississippi river. As Dubuque is the northern terminus, it would enjoy the same local advantages. And for the purpose of showing that this is the intention of the originators of the measure, I will read a speech made by one of the Senators from Iowa, [Mr. JONES,] at the other end of the Capitol, when this bill was under discussion, in which he holds the following language:

"In answer to an inquiry made on my right as to the situation of Burlington, I will state that it is about forty miles north of Keokuck, and between those two points intervene the rapids of the Des Moines river. One great object of the railroad is to get below the Des Moines river rapids, which are a great obstruction to the navigation of the Mississippi river. Fort Des Moines is not named in the bill, and I hope it will not be named. I trust the State of Iowa will be allowed to designate the towns and routes for itself."

I give the gentleman's speech *entire*. He says one great object of the railroad is to "get below 'the Des Moines river rapids, which are a great 'obstruction to the navigation of the Mississippi 'river."

Now, if these rapids should happen to be improved by the General Government, (and I hope that a bill which I have introduced to secure that most desirable object will pass into a law before the close of the present session,) I apprehend they would no longer continue to be an obstruction to the navigation of the Mississippi river. What, then, is the object for approaching the Mississippi below these rapids if it is not for the only purpose of preventing their improvement, and obviating the necessity of an appropriation for that purpose, and thereby continuing the obstacles which these rapids present to the free navigation of the river, for the express benefit of this town of Keokuck, and that alone? Why, this town of Keokuck has taxed all the trade and commerce of the Upper Mississippi river since there was any trade and commerce there. Every barrel of flour, every bushel of wheat, and every pig of lead which descends the Mississippi river, and every pound of coffee, every pound of sugar, and every implement of husbandry brought back in return, are taxed for the benefit of this town of Keokuck. There never was an impost law, there never was a revenue law laid or collected with more certainty than this town of Keokuck levies and collects its taxes upon the trade and commerce of the Upper Mississippi river. Every city, every town, and every hamlet, from the Des Moines rapids to the Falls of the St. Anthony, are compelled, on account of this impediment to the navigation of the river at that point, to pay tribute to this town of Keokuck. The intention of this Iowa land bill—the intention of this railroad, which is to approach the Mississippi below that point, is to make that tribute perpetual.

A work more purely local in its character, or more wholly and entirely unnecessary, save for the local advantages which it is intended to confer, and the *individual aggrandizement* which it is intended to work out, cannot be found on any railroad chart in this or any other country. Instead of forming a connecting link in any system or chain of railroads, by which the different sections of our country are united, or even forming a connecting link between two States, it begins and ends in the same State, and does not connect itself with any projected, or even imaginary line of railroad, by which the West would be connected with the East, or the North with the South.

I will now direct your attention to the consideration of the second principle that I have laid down.

Mr. HENN. I wish to ask the gentleman a question. Would he have voted for the Illinois central railway grant if he had been in Congress at that time?

Mr. CAMPBELL. I most certainly would, and I intend to vote for all those other grants which have not the same local objections to them as the grant which I am now considering.

Mr. HENN. I would ask the gentleman if the Illinois road does not commence on the Mississippi, and end on the Mississippi?

Mr. CAMPBELL. The Illinois road penetrates the interior of the country, and is the link in a great chain of railroad by which the lakes of the North are connected with the Gulf of Mexico, in the South. It is eminently a great national work.

No foreign State derived a greater benefit from that road than the gentleman's own State. By the urgent request of at least one of her Senators, who moved the amendment himself, the road was extended from Galena, its legal, just, and commercial terminus, to Dubuque, in the State of Iowa, which, considering the injury it inflicted upon Galena, was in every way an equivalent and full consideration for the support which the measure received from the State of Iowa. The construction of this part of the road will cost more than five times the distance on any other part of the route, and will be worthless, in point of revenue, after it is completed, which I am still disposed to think is a doubtful question. And, sir, if I had had the honor of representing the sixth Congressional district then, as I have now, the road would have terminated, where the laws of Illinois, and the laws of commerce, had fixed its termination, at Galena, the great and only commercial depôt for the extreme Northwest.

Mr. HENN. On behalf of those gentlemen, I deny that they were influenced by any such consideration.

Mr. CAMPBELL. I state, sir, that I have understood from honorable men that it was insisted upon, as I have already stated, by one of her Representatives, that the road should terminate at Dubuque, and not at Galena.

Mr. HENN. I will ask the gentleman another question.

Mr. CAMPBELL. I will not give way any more. I appealed in vain to the gentleman from Iowa [Mr. HENN] when he moved the previous question, to yield, but he would not do so. I do not consider that even the strict rules of courtesy require that I should give way now.

Mr. HENN. I will not trouble the gentleman any further.

Mr. CAMPBELL. I will next direct the attention of the committee to the consideration of the second principle which I have laid down, and which relates to the policy of our Government in making grants of lands to aid in the construction of public railways which are intended to run parallel with a great navigable stream. A glance at the map indicates with unerring certainty the direction which this road is intended to run, and must take. Connecting, as it does, two points on the Mississippi river, it must of course run parallel with that stream for a great part of the distance, almost on its very banks, and then only receding in the same ratio that the stream deviates from a straight line. The region of country through which this road is intended to penetrate, is already supplied with one of the noblest, greatest, and most magnificent highways of which any country is able to boast, stretching through a valley which, for wealth, extent, and variety of resources, is without a parallel in the geographical history of the world; with three thousand miles of an uninterrupted navigable channel, save two partial impediments from which it can be quickly and cheaply relieved; with tributaries whose sources spring from the Alleghanies on the one side, and from the Rocky Mountains on the other; passing through, and washing the sides of nearly one third of the States of this Union, joining together, with its mysterious links, various and distant parts of this great Confederacy;—is it not justly entitled to the proud distinction by which history has designated it, "the mighty Father of Waters?" Without it, what would have been its great valley? And without the valley, what would the Union be? Could a curse more desolating in its consequences be pronounced against this our highly-favored land than that which would consign to the thirsty earth our beautiful rivers, and leave their parched beds a dry and dreary waste? Upon the banks of this noble stream, and parallel with this great national highway, the State of Iowa, or rather the present Representatives of the State of Iowa, proposes to construct a railroad which is to run in opposition to the mighty "Father of Waters." May I not appeal to the members of this committee, while they are under the discharge of their duties to the whole people, to pause and reflect before they comply with this most extraordinary request, upon the deleterious effects it is to produce, and will inevitably produce, upon other great interests; which, if they make no direct appeal to you for aid, certainly, most certainly, have a right to invoke your forbearance and protection?

I would now, for a very brief time, direct your attention to the consideration of another principle which I have laid down, and which I desire to have applied to this grant; and it is this, that it is not the policy of this Government, and it is not just in this Government, to lend its aid for the construction of any public work, the direct effect of which will be to sacrifice and destroy other great interests which have equal claims upon its regard and protection. It is only necessary for me, sir, to refer you to this map, for the purpose of showing to the House the extent and variety of the great interests which would be affected if you should grant the amount of public lands which are necessary to enable the State of Iowa to construct this road. Large cities, unaided by any patronage from the Government—the result of the enterprise and labor of the country—have sprung up on both banks of this great national highway, some of which export the prod-

ucts of the country annually to the amount of two millions of dollars and flourishing villages, sustained by the richest agricultural country in the world, not few and far between, but forming almost a continuous line on both sides of the Mississippi river, within the very region of country intended to be embraced within this grant. Why, sir, on the Upper Mississippi river—and here I intend to make an appeal to gentlemen who, perhaps, have an interest there, though they do not discover it at this time—there are from twenty-five to thirty steamboats engaged in the trade and commerce of that river. Those boats require about one thousand persons to manage them, at an average salary, perhaps, of six hundred dollars a year, and run on the Mississippi for nine months in the year upon an average. They are owned at Galena, St. Louis, Louisville, Cincinnati, Wheeling, and Pittsburg; and, sir, I may venture to say, that there is not a season passes but that new boats are in construction at nearly all of the points which I have named for the Upper Mississippi river trade. They are owned by the navigators of the river; they are owned by merchants residing in the different cities I have referred to, and by ship-builders located at these different points. If you strike a blow, then, at this river commerce, you strike a blow at everything which is connected with it.

This is an age of speed, and the problem—if it ever was a problem—that steamboat navigation cannot compete with parallel lines of railroad, has long since been solved. You construct this road upon the bank of this navigable stream, and I say to you, that that day you strike down this great interest; you strike down all those river towns; for, from the very day that this bill shall become a law, you divert from its accustomed channel the trade and commerce of the upper Mississippi river to land transportation. Why, sir, it was upon the banks of this stream where the first settlements of the country were made, and they have gradually extended back into the interior, until the Government has almost ceased to be a land-owner within miles of any of these great internal channels of trade and commerce. Cities and towns have sprung up, not only upon the banks of the Mississippi, but stretching far back into the interior. And will this road have no effect upon this interest, and this enterprise, which commenced when the first settlement of the country commenced; which has grown with its growth—not hot-bed strength, but all the result of labor and the result of enterprise? I say to you, are you prepared, by a single blow, to strike it all down forever? You may create new interests; you may build up new cities; you may benefit other localities; but remember, when you do it, you do it at the sacrifice and expense of other great interests, which have as just and as equal a claim upon your protection as any scheme of speculation possibly can have that can be got up either by States or individuals.

Let me say to you, sir, that in the midst of all the splendor of railroad enterprise, which is now dazzling the world, and is the beginning of a new epoch that will mark the age in which we live, with progressive events which will form the most startling page in the world's history, we must not lose sight of a great commercial truth, which is, that the *weights* of commerce will still be transported upon water, wherever water can be found to float them. But, sir, if we come here for the purpose of donating the public lands for all the indiscriminate purposes for which grants of the public domain may be sought, without regard to the nationality of the work, without regard to its importance in a national point of view, we at once plunge into the shoreless sea of internal improvement, against the dangers of which the warning voice of the Democracy of this nation has again and again been raised. I say, sir, that in making these donations, and in making these grants, we must have an eye to the location of the work which is intended to be constructed thereby; and, as I said before, the chief argument, and the sound argument which the friends of this policy urge—and I claim to be one of them, honest and sincere—in favor of making grants of the public domain, is this: that the public lands, on account of the want of natural facilities to take the products of the soil to any market, renders it necessary that some public works should be constructed for the purpose of enabling the Government to sell and dispose of what would otherwise be its unsaleable lands. The construction of these roads, then, brings the lands into market immediately, the minimum price of the alternate section being raised to $2 50 per acre; and as much money goes into the Treasury as would have been received if all the lands had been sold. This is the argument in favor of making these grants; and where this argument does not apply, I hold that the grant should not be made.

Now, sir, does this argument apply so far as the construction of the Dubuque and Keokuck railroad is concerned? I will venture to say that there never was a land district in any of the Western States of this Union where the public lands have been disposed of more rapidly, or where settlement has progressed more quickly than it has done in this very region of country through which this road is intended to penetrate. Do not the cities and towns which have sprung up on the banks of the Mississippi river, and in the interior, as if by the "stroke of the enchanter's wand," proclaim, in trumpet tones, the advantages which nature, with a teeming prodigality, has bestowed upon this most highly favored country? And yet, in the face of these pregnant truths, you are gravely pressed to aid in the construction of an artificial channel, the great object of which is to build up two localities, at the expense and sacrifice of every intermediate point on the Mississippi river. The lands have been sold as rapidly as it is desirable to sell the lands in any new State or Territory. For what purpose, then, do you make this grant? Do you make it for the purpose of getting the products of the country to any particular market? That is not necessary, for it connects with no place except the two points on the Mississippi river. Where, then, is that necessity, which alone should prompt the Government to dispose of a portion of its domain, in order that the balance might be doubled in value. We find that no such necessity exists in this case. The land can be sold without it; nature has provided the remedy in advance; the Mississippi river has enabled the Government to dispose of its lands. It has settled the country, and on its broad bosom floats the productions of the richest soil in the world, to the markets of the world.

But, sir, I understand that my time has almost expired, and I will not be able to dwell upon this point to the extent I intended. I desire, before I take my seat, to place myself in the position which I intend to occupy with regard to these grants. If an opportunity is afforded when this bill comes up, I desire to offer an amendment; but there is no prospect of having an opportunity of doing so, because I expect it will be put through under the high-pressure of the previous question, and, sir, I tell gentlemen to look well to it. If we are to have a tariff that will tax us millions and millions of dollars, and that perpetually, for a few acres of land to aid us in constructing railroads which are to run in opposition to the greatest navigable stream in the world, I desire to know it, and I desire to know the names of those persons who intend to fix upon us this tribute to the manufacturing capitalists forever and ever. Sir, if I have an opportunity of moving an amendment when this bill is called up, I intend to move to strike out all that part of the bill which relates to the Keokuck and Dubuque road, leaving the Davenport and Council Bluffs road—which is a most meritorious and national road—standing, and I would insert in its place Senate bill No. 155, which provides for an east and west road, running from Burlington to the Missouri river, and from Burlington to Peoria, in Illinois, and Lafayette, in Indiana, thereby making a continuous chain of railroad from the Missouri river to all the Atlantic cities. If that amendment should prevail, what then would be the condition of Iowa? She would have the Illinois central railroad on the North, terminating at one of her principal towns—Dubuque; she would have the Davenport and Council Bluffs road penetrating the interior of her State, and stretching onwards and onwards towards the great Pacific; she would have on the south this Burlington and Lafayette road, extending to the Missouri river; and on her whole eastern side she would be washed by the mighty Father of Waters. The Government has already made an appropriation of a million and a quarter of acres for the improvement of the Des Moines river by slack-water navigation, which penetrates far into her interior and empties into the Mississippi at Keokuck—the very point where this road is intended to terminate. Is there a more beautiful system of railroads or improvements in any State or in any country in the whole world? And I here say to the people of Iowa, if the present opportunity of securing this rich boon is permitted to pass by them, and if the cup should now be dashed from their lips, the cause of their misfortune, the defeat of all their well-grounded hopes, will be attributable to one cause alone—the *Dubuque and Keokuck road*. Purge the bill of this incubus, and all opposition will at once cease, friends will gather around it, its nationality will commend it to all parts of the country. Success must be the inevitable result, and the glorious destiny of the young giant of the West will be unalterably fixed, and the foundation of her greatness will be laid deep and broad. But if other counsels shall prevail, the people of Iowa will know the true cause of all their misfortunes.

I understand the committee have agreed upon an amendment, for the purpose of satisfying the city of Burlington with a sugared pill. The construction of this Dubuque and Keokuck road will prevent the improvement of the rapids, and greatly affect the commerce and trade of all the river towns located above them. The flourishing city of Burlington, in the State of Iowa, would be the first to suffer. They will surround it with this road, giving it a mere branch, because the amendment proposed to be offered, does not fix any point of termination on the Missouri river. But let us examine the conditions of this bill, the terms upon which this grant is to be made, with a little more particularity. The route of the road has never been located by any legislative act; the route and the distance of the road are all, by the terms of the grant, left for the future legislation of the State of Iowa. It may be insisted upon, in reply to what I have said in relation to the course of this road, and in denial that it will run parallel with the Mississippi river, that the Legislature may run it in any direction it may see fit; but would this be in conformity with the intention and spirit of the law making the grant? The bill, very ingeniously fixes only two points, leaving all intermediate points to be inserted by the Iowa Legislature. Am I not justified in drawing the conclusion that the road will run, as near as practicable, avoiding all natural impediments, of course, in a straight line between the two points named in the bill? If they intend otherwise, what conception have you of the extent of the grant you are called upon to make? For information upon that point, you are told by the bill to confide in the future legislation of the State of Iowa. Sir, I oppose this bill because it is opposed to the interests of the constituency I represent. I oppose it, because it will afford an additional argument against an appropriation for the improvement of the Des Moines and Rock river rapids in the Mississippi river. I oppose it, because it provides for the construction of a road that will run parallel with the greatest navigable channel in the world; and I oppose it for its want of nationality, and because it is entirely and eminently a local enterprise.

NOTE.—On Saturday, the 29th day of May, the day following the delivery of the foregoing speech, the following proceedings are reported in the Daily Globe. The Keokuck and Dubuque railroad grant being under consideration, and Mr. HALL, chairman of the Committee on Public Lands, having moved the previous question upon the passage of this bill:

"Mr. CAMPBELL, of Illinois. I desire to make an appeal to the gentleman to withdraw the previous question, for the purpose of enabling me to offer an amendment, which is to strike out the Keokuck and Dubuque road, and insert what I hold in my hand.

"Mr. HALL. I cannot do it, sir.

"Mr. CLEVELAND. I ask, when the question is taken, that it be taken by yeas and nays.

"The SPEAKER. Upon a second we cannot have the yeas and nays, but upon ordering the main question to be put we can.

"Mr. CAMPBELL. I desire to have my amendment read for the information of the House.

"Mr. HALL. I must object to that.

"Mr. DEAN. I move to lay the bills and amendments upon the table, and upon that I ask the yeas and nays.

"The yeas and nays were ordered.

"The question was then put upon Mr. Dean's motion, and it was decided in the affirmative—yeas 109, nays 68."

The amendment desired by Mr. Campbell instead of the Keokuck and Dubuque road, provided for a grant of land to aid in the construction of a road from Burlington, in Iowa, to Lafayette, in the State of Indiana, passing through Warren county, in the State of Illinois, and extending west to the Missouri river. On the 9th of June, the following proceedings of the House are reported in the Globe of the 10th:

"THE RAILROAD BILL.

"The Speaker stated the question to be upon reconsidering the vote by which the following bill was laid upon the table, viz:

"Senate bill, No. 1. An act granting the right of way, and making a grant of lands to the State of Iowa, in aid of the construction of certain railroads in said State.

"Mr. Campbell, of Illinois. I ask the unanimous consent of the House to occupy about two minutes in making an explanation before this vote is taken.

["Cries of 'Leave!' 'Leave!'"]

"Mr. Jones, of Tennessee. I object. We do not want any speeches.

"Mr. Campbell. I am not going to make a speech. I ask but two minutes for explanation.

"Mr. Jones. I withdraw the objection.

"Mr. Campbell. When the vote was taken upon this bill which laid it upon the table, I was compelled to give what, at that time, and at all times, was a very painful vote to me. This bill includes three roads in the State of Iowa. Two of those roads cross the State of Iowa in an east and west direction. Those two roads, as I stated in a speech which I made here some days since, should receive my cordial and enthusiastic support. But I was opposed to the road called the Keokuck and Dubuque road, running north and south, because it is opposed to the interest of the district which I represent. If I could have had an opportunity of voting for the other two roads, without, at the same time, voting for the Keokuck and Dubuque road, I would most cheerfully have done so. I regret the necessity which compels me to vote against measures which I believe, in my conscience, to be right, because they are inseparably linked with other measures which I believe, in my conscience, to be wrong, and which no association can ever compel me to support. When this bill was introduced by the chairman of the Committee on Public Lands, he moved the previous question upon its passage. I appealed to him to withdraw the previous question, for the purpose of enabling me to offer an amendment to strike out the Keokuck and Dubuque road. He refused to do so; and, under those circumstances, I was compelled to vote in favor of the motion to lay the whole bill upon the table. I shall vote now for the motion to reconsider, with the understanding that, when the bill is relieved from the pressure of the previous question, I will have an opportunity of offering the amendment which I have indicated.

"Mr. Hamilton. I desire to know what is the question now before the House?

"The Speaker. The question is upon the motion to reconsider the vote by which the Iowa railroad bill was laid upon the table.

"Mr. Hamilton. I move to lay the motion to reconsider upon the table.

"Mr. Hall. Upon that motion I ask for the yeas and nays.

"The yeas and nays were ordered.

"The question was then taken on Mr. Hamilton's motion, and it was decided in the negative—yeas 77, nays 81."

"The question was then taken on Mr. Hall's motion, (to reconsider the vote by which the bill had been laid upon the table,) and it was decided in the negative—yeas 82, nays 95"—Mr. Campbell voting in favor of a reconsideration, for the reasons indicated in his explanation, as above reported.

POLITICAL PARTIES—WHIG CONGRESSIONAL CAUCUS—THE PRESIDENCY.

SPEECH OF HON. E. C. CABELL,

OF FLORIDA,

In the House of Representatives,

June 12, 1852.

The House being in the Committee of the Whole on the state of the Union on the Indian Appropriation Bill—

Mr. CABELL, of Florida, said:

Mr. Chairman: I availed myself of the leisure afforded by the adjournment of Congress last week to "make notes" of the thoughts suggested by a consideration of the questions involved in the coming presidential election. They are very numerous, affording materials for half a dozen speeches, which I do not propose to inflict upon the House. Your kindness in assigning me the floor on an adjournment has enabled me partially to methodize some of these notes, as many as I supposed I could compress in an hour's speech.

My time is limited, and the points to which I wish to speak many; and as I do not intend to say anything demanding a personal explanation from any member of the House, I trust I may be allowed to proceed without interruption.

Political parties are organized for the purpose of carrying into effect *political principles* and to insure the adoption of political measures. In this country men have, generally, arrayed themselves under the banner of the Whig or Democratic party, as they supposed one or the other of these parties would conform most nearly to their views of governmental policy. Candidates for office are usually presented by each party as the representatives and *avowed advocates* of the *recognized principles* of the party, and as such are entitled to the support of its individual members. But it may happen that one party presents a candidate whose opinions are not known, and who refuses to avow them, or who is *opposed* to important principles in the creed of the party by which he is nominated; and that the other party presents a candidate on a platform more nearly in accordance with the opinions of the members of the opposing party, and the avowed advocate of a principle of vital moment to them. In such case a member of one party would not be inconsistent in casting his vote for the candidate of his political opponents. By so doing he would prove himself to be a *party man* on principle.

It is a *leading principle* in my political creed, on which the Southern Whig party are *united as one man*, that "the compromise measures," including the fugitive slave law, "ought to be *adhered to*, 'and carried into *faithful execution*, as a *final settle-'ment*, in principle and substance, of the dangerous 'and exciting subjects which they embrace."

It is the *universal* sentiment of the Whigs of the South that this principle is, and should pe *paramount*, rising far above and absorbing every question of mere party policy. It may be described as the corner-stone of the platform of principle on which our party rests. He who refuses to recognize the validity and binding force of this principle, is not *one of us*, and he who stands on this platform, and *is, and avows himself* the advocate of this principle, vital to the existence of our political association, is with us, and of us, and *whatever name* he may assume, is entitled to our sympathy and support in preference to one who, "wearing the livery of our party," and agreeing with us on questions of mere administrative policy, *differs from us on this*, and refuses publicly to commit himself, and to act with us, but proposes to "agree to disagree" on a matter of such momentous consequence.

When, therefore, at the beginning of the session, I declared my determination to vote for *an avowed compromise* Democrat for the Speakership, in preference to an anti-compromise Whig, or one whose opinions were not known to the public, I did not "cease to be a Whig," but only proposed to carry out the *principles* of my party, illustrated in the admirable administration of our distinguished President. And now, sir, the Southern Whig party, and *all that is national* in the Northern Whig party, will prove its consistency, nationality, and patriotism, and *carry out its principles* and the principles of our excellent Whig Administration, by striving to elect to the Presidency a "Democrat," who will *publicly commit himself* to the maintenance of "*all the measures* of compromise" and the constitutional rights of the South, in preference to a "Whig" who is *afraid to avow* his sentiments, or is *not an advocate* of these measures *as a final settlement*, and is willing to deceive one section of the Union, and to owe his nomination entirely to anti-slavery influences, as will be the case with General Scott, should he be nominated *as he now* stands before the country.

Mr. Chairman, after the passage of the "compromise acts," I well remember that a Senator from North Carolina was conspicuous for his efforts in building the political platform on which I now stand. He was then for making the advocacy of and adherence to these measures *a test*, and signed a *pledge* that he would vote for no man for the Presidency, or even for a seat in the Legislature of his State, who did not stand on this platform. At that time, perhaps, he was one of that class of politicians whom he describes as men "whose ambition is limited to *a State*." Now, the Senator *ridicules* the idea of "introducing into our platform this new principle." After speaking contemptuously of those who are now maintaining the policy established by *himself* and Clay, and almost the entire Southern Whig party, with a respectable portion of Northern National Whigs, he sneeringly exclaims, "*Well, that would be a platform!*" Perhaps the ambition of the honorable Senator is *no longer* "*limited to a State.*" The platform which he erected for his State and the South, and the constitutional men of the North, is not broad enough for Seward and his Free-Soil associates, by whose votes he hopes to elect General Scott, and whomsoever the anti-slavery influences in the Whig party may select as the Vice Presidential candidate

It is not, of course, my purpose to reply to the speeches of the honorable Senator from North Carolina. I only desire to call the attention of the country to the fact, that he was one of the authors and builders of that political platform on which I now stand, and which he now seeks to bring into ridicule and contempt. But, before I proceed to the consideration of other more important questions, I will merely say, that prior to this repudiation of his former policy and platform, it would have excited surprise that he should have sought to disparage the two men of the North most prominent in advocating his policy and upholding his platform. He spoke of the pretensions of the one, *whom the Whigs of fourteen Southern States* have united in nominating for the Presidency, as "the development of a premature and absurd ambition." Of the other he says, "I should *at one time* have felt willing to vote for him with a great deal of pleasure." What has caused the Senator to change his feeling for Mr. Webster, he does not state. Possibly the publication of his admirable letter to Mr. Tavenner, of the 10th of April, in which he fully and unequivocally indorses the entire series of "compromise measures," may have presented an unpleasant contrast to the unpatriotic election-earing silence of General Scott.

The course which I have felt it my duty to pursue, Mr. Chairman, has called down upon my head the unmeasured, vituperative abuse of the Scott or Free-Soil papers of the North, (with few exceptions they are one and the same,) and I have been bitterly denounced by their Southern coadjutors. It was not because of the manner in which I spoke of General Scott, for I could not well have alluded to him in kinder or more complimentary terms. And it is now a matter of deepest regret to me, that I am constrained by my duty as a public man, and in disregard of my personal feelings, to oppose his nomination and election, so decidedly. But it was because I expressed my regret that he had not publicly given to the compromise measures the benefit of the influence of his name, and because I avowed my unalterable determination to stand up to the pledge that I had made, to support no man who occupied the non-committal position in which he had thought proper to place himself, in order to secure anti-slavery votes. That public pledge, signed by Mr. Clay, Mr. Mangum, and so many distinguished men of both parties, I intend sacredly to fulfill. If the Democratic nominee, of whom I now know nothing, comes up to its requirements, and no such Whig candidate is presented, I shall unquestionably vote for the Democrat. I do not think it possible that I can ever "turn Democrat." My principles and sympathies are all with the Whig party; but *as a Whig*, and expecting always to act with that party, on general principles, and to advocate its measures, I shall vote for a man calling himself a Democrat, who agrees with me on so vital a question, if I have no opportunity to vote for a Whig. But I do not thereby intend to join the Democratic party, and adopt its principles and heresies. This position was almost universally approved by the Whigs of the South. I will stand to it, and leave it for "gentlemen whose ambition is *not* limited to a State," but is fixed on the Presidency or Vice Presidency, to pronounce the *compromise test a humbug*.

Southern men who stand by the constitutional rights of their section, and run counter to Northern fanatical feeling, which demands of them to go into a presidential election on grounds which must encourage agitation and a revival of all the dangerous and exciting questions which we fondly hoped had been settled by the last Congress, receive unmeasured abuse and denunciation from those who constitute the great element of General Scott's strength at the North—sectional agitators,

Free-Soilers and Abolitionists, and from the few miserable party hacks at the South, the columns of whose newspapers show that their editors are ready to sacrifice their principles and their country for party success and emoluments. These same people would bespatter *me* with praise if I would consent to countenance the schemes of the enemies of the South and the Constitution. I, too, might become what they call *a national man* by betraying the rights of my section; and by setting myself up, on all occasions, as the *champion of the North*, I would soon acquire the *broadest national reputation*. On this subject I have only to say, that censure from these men is my highest praise. I am content to merit and receive the approbation of my constituents, and of honest conservative men everywhere.

Mr. Chairman, I am indisposed to occupy the time of the House by a defense of the course I thought it my duty to pursue on a late occasion, when a *Southern man* ruled it to be out of order, or a usurpation of authority, for a Whig caucus, called to "consult on questions of interest to the party," to entertain a proposition to indorse the compromise measures, or for the Whig members there assembled to express their *individual opinions* on these important measures.

But I desire to say a few words on the subject of the action of the first Whig caucus. Sir, the resolution of that caucus was honestly adopted; and I believe the great mass of the Whig party, North as well as South, rejoiced at its adoption. It was a resolution sustaining the *policy of the Whig President*. It became the *platform of the party*, and party men, everywhere, who were not so thoroughly committed to Free-Soilism that there was no retreat, were rallying to its support. I have *no doubt* it would have become the *settled policy of the party* had not certain Southern politicians failed to stand firmly by it, and yielded to the earnest entreaties or demands of Northern men to abandon it, or at least to pass it by in silence.

The anti-compromise men of the North generally entertained vindictive feeling for Mr. Fillmore, because he had exerted his personal and official influence to prevent their proposed outrage of the constitutional rights of the South, and maintained a policy in no way sectional, but essential to the preservation of the Union. They declared that they would not vote for him, or for any one publicly committed to the policy of his Administration, while the South had generally declared that it would support *none but such a candidate*.

There have been found Southern men who are willing to yield to this anti-slavery influence, and to sacrifice a man like Mr. Fillmore, who has so nobly done his duty to the whole country, for the candidate of the anti-compromise men and Free-Soilers. Sir, Mr. Fillmore's policy, we know, is in opposition to the general sentiment of the Northern people; yet, as I have said, the party was generally coming up to its support; but when Northern gentlemen saw that *Southern men* were giving way to the Northern sectional sentiment, they could not sustain themselves. They could not, on Northern ground, defend the rights, and fight the battles of the South, when *Southern men* abandoned them, and gave "aid and comfort" to abolition fanaticism. Sir, I felt the force, and have no doubt of the truth of what was said some weeks ago, by the gentleman from New York, [Mr. BROOKS,] on this subject. It is within my own knowledge, that members of this House have been constrained to withhold their votes, or to go against the adoption of the compromise resolutions, who were favorable to them at the beginning of the session. My opinion is, that had HILLYER's compromise resolution been offered in December or January, it would have received the vote of a large majority of the Whigs of this House. I may be mistaken, but this is my *decided opinion;* and for the failure of the Northern Whig party to stand up to the compromise, I believe *Southern gentlemen* are responsible, who have shown a willingness to abandon Mr. Fillmore, and other Northern patriots like him, for one who will not publicly advocate the domestic policy of the present Administration, and who is, *for that reason*, the candidate of the men most inimical to the institutions of the South.

Mr. Chairman, I think it really to be deplored that the Whig caucus did not adopt the resolutions of my friends from Kentucky and Tennessee. I believe there is less venality and timidity among the people than among politicians, and that the Whig masses of the North would have sustained their Representatives in recommending and adopting a policy necessary to the peace and quiet of the country, and absolutely essential to the preservation of the integrity of the Whig party. It is very certain, sir, that it is *only on this basis* that Southern Whigs can continue to act with their former political associates. If Northern Whigs cannot meet us here; if they are resolved to go on with the slavery agitation, and to repeal the fugitive slave law, the party ought not to be preserved. I repeat, I have more confidence in the *Whig people* than in the political wire-pullers who got up and controlled the last caucus. The bonds which unite the party have been greatly weakened by the refusal of the Whigs, in that caucus, to express an opinion on the compromise; they will be completely severed, should the *Whig Convention repudiate* this policy, and nominate a man who, on a point of order, or delicacy, or on any other ridiculous pretext, has withheld from the public his opinions on such important questions.

Sir, we cannot "agree to disagree" on this question. *It is vital to us.* Without a recognition of our constitutional rights the UNION *is worthless to us.* How absurd, then, to expect the South to sacrifice these rights on the *altar of party!* There is no good and sufficient reason why there should be a disagreement between Northern and Southern men on this subject. The South asks nothing but a recognition of its constitutional rights; nothing but what the Constitution sanctions and *guaranties.* And what we *claim under that Constitution* the North has *no right* to withhold.

The questions of which I speak have fearfully agitated this country for years. An honorable compromise was, with great difficulty, effected. After full discussion we made *a settlement*, which we thought was to be *final.* On it, and by it, we stand. If our Northern friends cannot meet us and stand with us on that ground, there is *no alternative but to part.*

I am asked why, after the declarations made in my speech of the 3d of February, I am unwilling to vote for General Scott. I endeavored then to give my reasons. In the course of the remarks already made, I have plainly indicated other reasons why he should not be sustained in the position he has thought proper to assume. But I have a few more words to say on this point.

The Whigs of every Southern State have, with almost entire unanimity, declared that they will support no man for the Presidency who is not publicly and unequivocally committed to the maintenance of the compromise, and an avowed advocate of its finality. General Scott refuses pertinaciously to make this avowal; and I have yet to hear of the State convention, or town or county meeting which has expressed a preference for him, with the single exception of Delaware, which has not, at the same time, expressly repudiated the compromise, or passed it over in silence.

We have the right to claim the influence of the name of our candidate. This General Scott refuses, but suffers himself to be used by Free-Soilers, and his great name to be prostituted to the unworthy purpose of promoting the schemes of Abolitionists. The vilest and most unscrupulous and uncompromising enemies of the constitutional rights of the South are the warmest supporters of General Scott.

Northern Whigs were fast coming up to the maintenance of the compromise, and, as I have before said, the party would soon have rallied to the support of the policy of the present National Administration, if General Scott's ambition had not controlled his better judgment, I will not say his patriotism. Sir, it is a *national calamity* that this distinguished General, who has done so much to endear him to his countrymen, and to entitle him to a claim upon their gratitude, should have permitted his name to be seized and used by SEWARD, and his Northern and Southern coadjutors, to keep alive sectional agitation, and to give new life to the Free-Soil and Abolition factions, which, but for the strength of *his name*, would have sunk into insignificance.

"With a padlock on his lips, and his principles in SEWARD's breeches pocket," he stands before the country the candidate of the "higher law" party—of men who boast of their readiness to disregard the Constitution of the United States and the laws of the land, and whose policy and principles must destroy that Union which has derived so much luster and true glory from his brilliant military achievements. How unworthy his character is this position in which his ambition has placed him! How his proud spirit must have chafed under the imposition of terms so revolting to a nature remarkable for unreserved candor and soldier-like frankness!

Whatever may be the *private* opinions of General Scott, his refusal to make them *public* leaves him open to misrepresentation; and there can be no doubt that those who counsel silence *intend* to practice a fraud on one section of the country, and hope to profit by that sectional strife, the fomentation and continuance of which will be the necessary consequence of this silence on the part of the presidential candidates. Already do we see indications of a purpose on the part of his Northern friends to revive and foster slavery agitation. Their appeal to the people will be to send men to Congress pledged to carry out their sectional, treasonable schemes, and to elect General Scott, who will not "*interfere with the action of a majority of the people's Representatives!*" What appeals will not be made to the Abolition sentiment of the North in favor of the man who, in a letter to a Virginia friend, (Mr. Atkinson,) declares that he is "*in favor of the gradual emancipation of slaves!*" and "persuaded that it is a *high moral obligation* of 'masters and slaveholding States to employ *all* '*means* not incompatible with the safety of both 'colors to meliorate slavery EVEN TO EXTERMINA-'TION!"

"But," say Northern gentlemen, "we took 'General Taylor in '48 without pledges, and now 'we ask you to take our candidate, General Scott, 'on the same terms." Sir, there is a very great difference between the North and the South demanding pledges of each other, or of presidential candidates, on this slavery question. The South is in the minority in Congress, and cannot, if it would, aggress on the rights of the North, and a feeling of self-preservation requires them to demand some security that the majority will not invade their constitutional rights. We *cannot* injure you; *you may* injure us. In 1848 we considered that nature, *birth, education, interest,* COMMITTED our candidate to the firm maintenance of the constitutional rights of our section, and therefore asked *no other pledges.* We deemed none necessary from a man born at the South, living all his life among Southern people, with whom were all his affections, sympathies, and interest, and himself the owner of three hundred slaves. We did not suppose it possible that his opinions on sectional questions could be misunderstood, and that any man would have the boldness to attempt to misrepresent them. Of the late lamented President I have always said, that a better and purer man never lived, nor one truer in heart to the interests of the South. He was a friend to whom I was sincerely attached, and he possessed my entire confidence; and, notwithstanding the influences around him, remained, to the hour of his death, true to the Union, the Constitution, and the South. But, sir, we now know that *even he* was greatly misunderstood and misrepresented, and the country sorely felt the effect of the baneful influences around him. It is this same influence which we now fear, and therefore the Southern States, with one accord, demand a public, unequivocal declaration from all presidential candidates—stronger, if possible, in the case of General Scott than from others, because he has presented himself to the country "*in such a questionable shape.*"

And now, sir, should I give my countenance and support to one who is now a *Northern man*—who, although a native of Virginia, boasts that he "*owns no slaves,*" and declares that he is "in favor of the gradual emancipation" of the slaves of others, and that "it is a *moral obligation*" of those who do own them to "*exterminate*" *slavery*—who is the *candidate of the Free-Soil element* of the Whig party—whose election is specially urged by the enemies of the fugitive slave law and other agitators and abolitionist—and whose nomination is barely tolerated by a few Southern men, who prefer policy to principle, because he can get *more*

anti-slavery votes than any one else—if, sir, I say, I were to give my support to such a man, *on the terms proposed*, and in view of all the circumstances, past and present, I feel that I would merit the *execration* of those I represent! I wish this remark applied to myself alone. I am not now questioning the motives of others. They can reconcile their actions to their own consciences.

Now, Mr. Chairman, I think I have shown why the Southern Whigs, at least, should demand of their candidates a *public committal* to a policy which, to them and to the whole country, is *vital*. Besides, sir, circumstances, to which I shall allude, make it doubtful if I correctly understood General Scott's position when I said that, *per se*, he was "entitled to the support of compromise men." There is, I presume, no doubt of the fact that he did, as I said on a former occasion, express himself decidedly in favor of "*the compromise bills.*" I understood from this that he was in favor of *the fugitive slave law*, as well as the other measures. But I see that some of his Free-Soil friends take the ground that this important law *is not one* of "the compromise bills." It was not, they say, in "the omnibus," and therefore not part of the compromise, and that General Scott *may* have "exerted his influence to secure the passage of the compromise bills," and still be opposed to the fugitive slave law. In the Senate of the United States, on the 15th of April, a Senator from California, Mr. GWIN, said to Mr. MANGUM, who had made a speech laudatory of General Scott:

"Now, I wish to know whether the honorable Senator speaks by authority, when he says that General Scott occupies the same position with regard to the fugitive slave bill as the President. * * * * * * *

"I wish to know whether the honorable Senator speaks by authority in making this announcement? whether he wants the country to come to the conclusion that General Scott is in favor of the fugitive slave law as it is, and as it passed through Congress? and, if elected President of the United States, will execute the law as it is, and oppose any modification or amendment whatsoever?"

Mr. MANGUM *evaded* the question, and said:

"As to the provisions of the fugitive slave bill, can the Senator from California name to me a single person who voted for what is now usually termed 'the compromise measures,' who is satisfied with all the details of all the bills embraced in those measures."

And further on he says, he (General Scott) would "have every law executed *as long as it is a law.*"

Now, sir, Mr. Gwin's question was directed specially to the point of General Scott's opinion on the *fugitive slave law*—it was admitted that he was in favor of all the *other* "compromise measures." Why did Mr. MANGUM *avoid a direct answer to the question*, and why the declaration that "he would execute the law, AS LONG AS IT IS A LAW?" Why, sir, this evasion, except to encourage the idea advanced in Northern Free-Soil papers, that General Scott will *not discountenance* a modification or *repeal of the fugitive slave law?* Again, sir, as I have already stated, the most decided and violent *advocates of the repeal of this law* are the warmest supporters of General Scott. We find them sending as delegates to represent them in the National Convention, Mr. Palmer Kellogg, whose official deputies are said to have avowed their determination to *resist the execution* of the fugitive slave law, and others whose *consciences*, like his, compelled them to denounce and revile the law of the land. Some of these men were Federal office-holders, removed by Mr. Fillmore, and are now "*Scott delegates*" to the National Convention, sent to *insult* the President, as well as to resist his nomination to the bitter end. To show their uncompromising, unfair, and *vindictive* opposition, the papers received this morning advise us that this man, Kellogg, was appointed chairman of a committee on contested elections, at the convention of New York delegates. Of course every friend of the President was ruled out. *These are* the men who are to sit in judgment on Mr. Fillmore's claims. *They* are to dictate who shall be the candidate of the Whig party. And here on this floor we find that gentlemen most conspicuous for opposition to the compromse, especially the fugitive slave law—gentlemen who left the first Whig caucus because it indorsed the compromise, and others who think with them, are the most earnest advocates of Scott's nomination. Indeed, wherever you see a Whig Free-Soiler, or one who ever acted with the Whig party, and an anti-fugitive slave law man, *who does not belong to the Democratic party*, you will surely find a "*Scott man.*"

Verbal declarations, such as induced me to say that General Scott was in favor of the passage of the "compromise measures," are liable to be misunderstood. I will illustrate: I understood more than one gentleman to say that they "approved and indorsed every word of my speech" of February 3d, who now express themselves satisfied with *private* declarations from their candidate, and without more *public committal*, are ready to join Seward, Mangum, Kellogg, Greely & Co., in their efforts to nominate Scott, and to prostrate Fillmore and every Northern man who has breasted the storm of abolition. I must have misunderstood these gentlemen, or their opinions have greatly changed since, and I may have misunderstood General Scott, or he, too, may have changed his opinions.

But, sir, even supposing that there is *no doubt* as to the soundness of General Scott's *private opinions*, we had a right to demand a public expression of them, and I think, from all that I can hear, that the great mass of the Southern Whigs will consider that he has already put off their public avowal *too long*. He has allowed the anti-slavery and anti-compromise parties *to rally under his name*. Under the cry of *Scott and Repeal*, the worst agitators and revilers of the laws of the country, and the patriots who passed them, have been sent to the Whig National Convention, *sworn friends of General Scott*. He would not speak before these elections—nor till he had the convention filled with men *committed* to him, and to his *mum policy*. I think the Southern people will now say *it is too late*. In my judgment it is doubtful if he *could* now write a letter which would restore him to the confidence of a majority of the people of one single Southern State. I do not think he could.

His best friend cannot say that he is not *now controlled by* SEWARD *and his followers*. For, if it be true, that he is in favor of the maintenance of all the compromise measures, including the fugitive slave law, no *possible reason or motive can be assigned* for the concealment of his opinions, except a desire to propitiate the free-soil and anti-fugitive slave law sentiment of the North. Their avowal would greatly benefit him in all the Southern States and can only injure him among the enemies of the compromise and the advocates of the repeal of the fugitive slave law. It cannot therefore be denied that his *present action* is controlled by them, and our people naturally think they have reason to fear that the same influences will control his *administration*.

[Mr. WARD here interrupted Mr. CABELL, and made some remarks, so imperfectly heard by the Reporter that they could not be reported.]

Mr. CABELL resumed: Mr. Chairman, the organization to which General Scott would owe his election, would be the same as that which could now, and may in 1856, elect Mr. SEWARD, and would control the administration of both or either. The election of the Senator from New York, and of General Scott, by such an organization, would lead to precisely the same results, and the former would follow as the necessary consequence of the latter, if the Union held together till 1856. The effect would be to open wide the floodgates of abolition agitation, and to *prostrate* every constitutional compromise Whig at the North, all of whom will be proscribed, and treated as "outside barbarians." Far better will it be for the national men of our party that a *conservative Democrat* be elected.

In his appointments, General Scott must look to the men to whom *he owes his election*. In making his selections from New York, it is not extravagant to suppose that the notorious Mr. Kellogg, removed from office by Mr. Fillmore, will be restored for his faithful service; and that some anti-compromise and anti-fugitive slave law man, in SEWARD's interest, will represent the Empire State in the Cabinet. And who would more gracefully and more probably represent the Pennsylvania wing of this Free-Soil organization in the Cabinet than Governor Johnston, who pocketed the law passed by the Pennsylvania Legislature to give efficiency to the fugitive slave law! Owing his election to these men, they will be his counsellors, and the influence of his administration must be given to them. If SEWARD were President, he would seek to *nationalize himself*, and would endeavor to conciliate and propitiate the South. General Scott, while he would strive to preserve his nationality, would most probably *reward his friends;* and I have shown *who they are* and *must be*, so long as he relies on the organization to which he now looks to elect him. General Scott's election, *under present circumstances*, would, in my opinion, continue the Government in the hands of the Free-Soil party, till their fanaticism dissolved the Union.

Sir, men take different views of duty, and I repeat I do not question the purity of the motives of those Southern men who differ from me. But "of all the wonders I ere have wondered at, it does seem to me most wonderful," that any honest, true-hearted Southern man, unless blinded by party or personal feling, can give his support to General Scott as he now stands before the country. Yet there are among his few Southern supporters sincere, honest, and honorable men, one of whom [Mr. WARD, of Kentucky] I now have in my eye, but who, I am sure, has suffered his personal partialities for the man to blind his judgment. Knowing the influences around General Scott—the set of men who will be brought into power with him—the complete triumph his success will be to the Free-Soil and Anti-Slavery party, and the baneful consequences of an election effected by such an organization, I would feel justly chargeable with a willingness to sacrifice the good of my country for a party advantage, and to barter my principles for votes, (I speak but for myself,) were I to give "aid and comfort" to the worst enemies of the Constitution and the rights of the South, by yielding to their imperious demand to sacrifice such men as Fillmore and Webster for one whom they think they can use, and whom they *have used*, most effectively, up to the present time. Sir, I could not respect myself if, in such a contest as is now waging in the Northern States, I could consent to abandon those who fight for the constitutional rights of my section. I regard the election of Scott as the annihilation of all our Northern friends. If, from motives of mere policy, and to secure a nominal party triumph, the South abandons those friends now, who will ever again raise his voice in defense of her rights? If, to please Abolitionists, and get their votes, (and that is the appeal made to us,) we desert these men who, in standing by the Constitution, have stood by us, we deserve to be *spit upon*, and to be made the bondmen of those who would liberate our slaves.

Sir, I have an abiding faith that the sectional organization, headed by Scott, Seward, and Mangum, will not control the Whig National Convention. I know the potency of the means resorted to to effect their object, but I think they will all fail. The bragging and bullying to frighten the timid, the temptations and alluring promises presented to leading politicians and members of the convention; the means resorted to to have Scott men elected to that convention; the effort made to weaken the influence of national Northern Whigs; the gross misrepresentation of the motives, purposes, and action of the Southern Whigs who retired from the late Whig caucus, may have its effect, and cause some to swerve from the line of duty; but there is enough of patriotism and sense of justice among the people to prevent the success of all these schemes of the politicians.

There is one trick in this presidential game, which demands some notice. In reply to the complaint, that General Scott refuses to write, it is intimated that he "has not been applied to." "No one," it is said, "has written to him to ask his opinions." Sir, this is merely absurd, or a fraudulent device, in keeping with the conduct of many who urge his nomination, to impose upon the people. It is intended to enable Southern men to say, that Scott *would have written* a satisfactory letter, if he had been applied to, and to let their Northern Free-soil allies boast, that he has refused to comply with the wishes of the "Southern slave propagandists." Sir, I do not know what letters have been actually written to General Scott. But I have the best reason to believe, and to *know*, that *he has prevented* letters being sent to him, by earnestly requesting his personal friends not to write a letter asking him to give publicity to his opinions on the compromise measures. The history of the pro-

posal, on the part of members of the Virginia Legislature, to write such a letter, is familiar to many within the sound of my voice. But, sir, even if this were not so, and there is no doubt of the truth of it, why should any one write to him to learn his opinion? He has publicly said he will not answer them, and that he will write no more letters. I will read that extraordinary letter of his, so insulting to the American people:

WASHINGTON, *March* 26, 1851.

SIR: I have received your letter (marked "confidential") in which, after committing the error of supposing me to be "fully before the country as the Whig candidate for the Presidency," you proceed to interrogate me on many points of grave public interest.

Permit me to say, that considering we shall probably only have a Whig candidate for the Presidency through a National Convention, and that I cannot be its nominee except by the force of the unsolicited partiality of large masses of my countrymen;—

Considering, also, that if my character or principles be not already known, it would now be idle to attempt to supply the deficient information by mere paper professions of wisdom and virtue made for the occasion;—

And considering that if I answer your queries, I must go on and answer others already before me, as well as the long series that would inevitably follow, to the disgust of the public:—

I will beg permission to close this acknowledgment of your letter by subscribing myself, with great respect, your obedient servant,

WINFIELD SCOTT.

—— ——, *Esq., Harrisburg, Penn.*

P. S.—I must add, that I write and say nothing on public subjects which I am unwilling to see published. W. S.

What a commentary on his present course!

The idea that General Scott *wants an opportunity* to write is preposterous. His opinions have been called for from one end of the country to the other. Four months ago, I earnestly appealed to him from my place here to do himself justice, and to give to the public the opinions he expressed in private, and it was my wish and expectation that he would answer that appeal. It was *not too late* then to have saved himself from the contamination of his abolition associates, and to have preserved the nationality of the Whig party, and saved it from ignominious defeat, should he be its nominee. If his opinions are really what his Southern supporters represent, and if he had been true to his former character, illustrated in that honorable sentiment expressed in his letter to Mr. Atkinson, of Virginia, that he would "prefer 'to err on the side of frankness and candor, rather 'than by silence to allow a stranger unwittingly to 'commit himself to his support," and said to the public what he is said to declare to all who approach him in private on this subject, he *might* have attained the goal of his ambition. With the great mass of the Northern people, *opposition* to the compromise does not involve a *principle;* it is a *measure of policy*. The *maintenance* of these measures "in principle and substance" is held by the Southern Whigs to be *vital*, and involving a *principle* to which every question of policy must yield. While we prefer, and think it due to ourselves to reëlect Mr. Fillmore, yet our *chief desire* is to continue *the policy of his Administration*, and if General Scott had presented himself to the country, as it is said he does privately, as the representative of that policy, we in the South would have given him our cordial support, and I doubt not he would have been triumphantly elected. I am sure I speak the sentiments of the President, when I say that he would, in such case, have heartily rejoiced at the election of General Scott, as he would now at the election of any one who has publicly avowed, and will run as the representative of that *principle* of which he is so worthy an imbodiment.

But, sir, General Scott has taken his position; he has chosen his friends and thrown himself into the arms of a Northern sectional faction, and he must take the consequences of his own voluntary act. With his antecedents and attendants, and the numerous indiscreet letters he has written, it is absurd to suppose that he can be elected President. My information leads me to think him the weakest man who can be nominated, and that it is questionable if he can carry any State but Vermont. It is *morally impossible* for him to carry one Southern State. State conventions in every one of them have committed themselves to a policy he refuses to avow. Every Southern Whig member of the last House of Representatives, except two, pledged himself not to support any man who would not commit himself to this policy. Their constituents have generally approved their course, and if they are honorable men, they are *bound to oppose* the election of General Scott, unless he will in the most unequivocal manner publicly commit himself to this policy before his nomination.

Where is the Southern State in which, under favorable circumstances, the Whigs will not have a warm contest for the ascendency? Kentucky, Maryland, and North Carolina have recently elected Democratic Governors. Tennessee, with every advantage on the side of the Whigs, has elected a Whig Governor by but about sixteen hundred majority. Is it not, therefore, strange that any man can have the boldness to say that the influences against General Scott of which I have spoken will not be *sufficient* to make his *defeat certain* in every one of the States I have named?

Even at the time that it was uncertain what was his position, and when it was asserted that he would soon make a public declaration satisfactory to the South, no Southern State but Delaware expressed a willingness to vote for him.

All the Southern people know of his opinions on questions of deepest interest to them at this time, is contained in letters published some years ago, from one of which, the letter to Mr. Atkinson, I have quoted; and to another, his celebrated "*Canada letter*," written on 29th June, 1849, I shall briefly refer. There are other letters, as offensive, which I have not now, but which will again find the light should General Scott be the Whig nominee. This, I say, is all the *public* knows of his opinions; *particular individuals* may be more favored. In the last letter I have referred to, which is of comparatively late date, he says: "Though *opposed* to incorporating with us any 'district densely peopled with the Mexican race, 'I should be *most happy to fraternize with our North-'ern and Northeastern neighbors.*" *Happy* to increase the overgrown power of the North by adding four or five *more free States* to the Union! but *utterly opposed* to any *Southern* acquisition, and to the annexation of territory, into which, *by possibility*, *slaves* may be introduced! Verily it is not strange that Free-Soilers should be so earnest in their efforts to nominate the author of these letters! His conscience and sense of duty will not permit him to write one word to weaken the hold he now has on the affections of the enemies of the South, the compromise measures, and the Constitution of his country; but he sees no violation of propriety in writing a formal letter, as he did on the 12th of March last, to make his peace with the "foreigners in the United States," whom he so violently denounced in 1841, when he declared himself "in favor of a *total repeal" of all our naturalization laws*. To make a bid for the votes of the vast foreign population in the United States, he could find time and justification to write a letter, pending the election of delegates to the nominating convention, but his conscience and sense of propriety forbid him to say one word to quiet the fears of the Southern people—to relieve himself from the odious position in which he was placed by the manner in which his name had been associated with the Northern agitators—to remove the doubt on the public mind as to his real opinions and position—and to give to the friends of the compromise and the Constitution the influence of his illustrious name. Can it be possible that a majority of the people of any one Southern State will vote for such a candidate for the Presidency? I will not, cannot believe it! They have already proved that they will not. With a unanimity unprecedented in the political annals of the country, they have urged the nomination of a Northern man, who *has been tried*, and who, divesting himself of all sectionality, has proved himself a national conservative, ready to stand by the constitutional rights of every section of the Confederacy, and resolved to do his duty—nothing more—to all. Such a man is the present excellent Chief Magistrate. On the broad platform of the policy of his Administration—NON-INTERVENTION, FOREIGN AND DOMESTIC—we propose to meet our Northern political associates. We *cannot* depart from this position; and it is on *this basis alone* that we can act together. I implore my Northern friends to think of this. Those who say otherwise are greatly deceived, and will mislead you. As a Whig, earnest and true, I appeal to you to *save* the Whig party. Ours is no *sectional platform*, as is shown by the fact that our choice is for Mr. Fillmore, a Northern man, in preference to General Scott, a native of Virginia. It is broad enough for the patriotism of Northern and Southern men. On it we invite our Northern friends to stand with us, and we will build up a party, or preserve the *true Whig* party, to give a happy Government to our people for years. And, sir, if the *Southern Whigs stand firm*—if they remain true to themselves and to the best interests of the country—true to those Northern men who have been true to them, who have thrown themselves into the breach, and are now bravely fighting the battles of the Constitution—if they *do their duty*—there is enough of conservatism and patriotism among the men of the North, to rally with us around the standard of the Constitution, and prevent the ormation of *sectional parties*, against the dangers of which the Father of his Country has so solemnly warned us. But, sir, if Southern men *falter* now, if they sacrifice *principle, Southern rights, and Constitutional requirements*, to what they call *party policy*, ALL IS LOST. The responsibility for the unnumbered evils which must flow from this surrender to Free-Soil exactions will be theirs, and the curses of a *betrayed constituency* will follow them to their graves. I have done, sir.

THE PUBLIC LANDS.

SPEECH OF HON. JOHN WELCH,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

July 12, 1852.

Mr. WELCH said:

Mr. SPEAKER: Next to President-making, the great business of the present Congress is the disposition of the *public lands;* the business of the next, I venture to predict, will be the protection of the labor of the country, by a judicious *tariff*. Upon these two subjects, both, in my judgment, of paramount importance, I have bestowed some attention, and I propose, if I can have the opportunity during the present session, to be heard in a few words upon each: upon the one, with a view to the present action of this House, and upon the other, with a view to the future action of the people at the ballot-box. The fate of the public lands may, possibly, though I hope not, be sealed during the present session. Whether the labor of the country shall meet with adequate protection at the hands of a future Congress, will depend upon the character of the members of which the people shall will that it be composed. I shall not be one of them, Mr. Speaker; but I confess I feel a strong solicitude that a majority of them may see as I see upon these two subjects. I think the welfare of the country, in a great measure, depends upon the manner in which they shall be settled and adjusted. It is not at all probable that I can throw much light upon either, but I conceive it my duty to give my views for what they are worth. I shall take the present occasion to speak of the public lands.

That the public lands are not much longer to continue a source of revenue to the Government, but are to be disposed of upon some one of the new plans brought forward, there seems but little room to doubt. For the entire disposition of them there are three schemes: 1st. The present system of sales for the purpose of revenue; 2d. To divide the lands, or the proceeds of their sales, among the States; 3d. To grant them to actual settlers free of charge, upon the principles of the homestead bill, which lately passed this House. Three several schemes are also proposed for their partial disposition: 1st. To grant alternate sections to railroads passing through the lands; 2d. To grant to the old States an amount that shall put them on an equality with the new States, which have already received grants; 3d. To grant them to a limited class of actual settlers, not numerous enough to absorb any considerable part of them, or diminish the revenue derived therefrom.

Mr. Speaker, I am not going into the reasoning in detail, for and against these several measures. A one hour speech would poorly suffice for such a purpose. What I propose is simply to set forth my own plan for the disposition of the public lands; to show briefly that it avoids most of the objections

brought against others, and attains every good end they are expected to accomplish; and to give the principal reasons which governed me in voting against the scheme denominated "the homestead bill."

My plan for the disposition of the public lands is this: First, I would invest, in a productive form, a part of them, in aid of the construction of such railroads as would increase the value of those remaining to the present value of the whole. I would provide, for instance, that the proceeds of sales of the public lands, to a certain amount, say not exceeding $100,000,000, as they came to hand, should be applied to aid in the construction of certain *named lines of railroads*, or parts of railroads, now in progress or contemplation, forming, with others already completed, five, six, or more, *great national thoroughfares*. This appropriation I would make, not by grant or distribution to the States, nor by *gift* to the roads, but by a loan to the roads, or an investment in their stocks. Let the loan or investment never exceed say one fourth part of the stock actually paid in. If a loan, let it be well secured by mortgage on the road, or otherwise, and let it remain without interest, or at a low rate of interest, until the road should be completed. An officer of the Government might be named, or a commissioner appointed, to make the investment, perhaps with some discretionary powers, as to the roads to be selected. You might also provide for granting alternate sections, or their proceeds, to such roads, or parts of roads, as passed through the public lands. These roads could be so selected, as to include nearly every one of the twenty-odd railroads now before us asking alternate sections, and so as to be *connecting* and *completing links*, in lines more than one half of whose entire length is already completed. In some instances the lines are nearly completed; but on each, consisting, as they all must, when left to individual and State enterprise, of disjointed fragments, there are weak places, and wanting links, which, without the aid of the Government, will endanger, and indefinitely delay the completion of the entire work. A comparatively trifling aid to those links, in many cases that might be named, would be of immense benefit to the whole line, and to the whole region of country it passes through. I have made some calculation, and I believe that less than $75,000,000 would be sufficient, on the plan proposed, to aid in the completion of six or seven continuous lines, from one extreme of the States (California excluded) to the other. The public lands are now about 1,400,000,000 of acres. Sixty millions of acres, or about *one twentieth* part of them, would yield the required amount.

Secondly, the disposition of the proceeds of the remaining public lands I would leave to the future; steadily keeping in view the principle, that no disposition of them should be made that would *diminish their aggregate value*, as a common fund, unless it should inure in some reasonable shape to the benefit of *all*.

Thirdly. In connection with this, I would make some provision for "homesteads" for the *poor*, but not for the *rich*. I would not be particular about the form of such a provision, provided it was confined to the legitimate object, to wit: to *enable* those to become farmers who are *unable* to buy, and not, as is the object of your "homestead bill," to *induce and hire* those to become farmers who, though *able*, are *unwilling* to buy. It should look to a competent provision for the *unfortunate and destitute*, and not to a mere *increase* of the number of *farmers* and a *diminution* of *other classes*. There are various methods that might be adopted for effecting this object. I prefer the plan of *preëmptions*. I would grant to persons settling upon the public lands, who were unable to buy land, a preëmption and right of possession, for a time long enough to enable them to make the money from the land—say five or ten years. At the end of the period, if the preëmptor was still unable to pay, and could satisfy the officer that he had been industrious, and had been prevented by sickness or other misfortune from raising the money, I would give him further time, or I would make him a patent for the land, or part of it, without pay, if his misfortune was such as to call for *charity*. In other words, I would give every one who desired it, a *present home*, and the *means* of procuring a *title*. If more than this can be asked for the "homeless and houseless," I am unable to see why. If you wish to guard against land monopoly, add, if you please, provisions against buying them up in large quantities, unless at high prices.

But I will not go into detail. Such is my plan: Part of the public lands invested in a productive form, in such railroads as will be of general benefit, and increase the value of the remaining public lands; the disposition of the remainder to be left to the wisdom of the future; and, to every one desiring it, a *home*, with the means of becoming a *freeholder*.

I will cheerfully vote for the bill under consideration, because, so far as it goes, it is substantially in execution of this plan. It appropriates a part of the public lands, twenty-nine millions of acres I believe, to the construction of railroads and for other public purposes. I have objections to it. I think the grant is not large enough. I think the selection of the roads and the application of the fund, should be left to the General Government, and not to the States, so that the public might have assurance that the lines of roads would be *great national thoroughfares*, and not local and disjointed fragments of roads. I think, also, that the investment should be so made as to be *productive*, thereby *not diminishing* the fund. But a half a loaf is better than no bread. The bill is in the right direction and upon the right principle, and I shall cheerfully support it.

Now, I submit, Mr. Speaker, that my plan, while it avoids nearly every ground of opposition to the various other methods for the disposition of the public lands, combines all that is good in either of them. The objections to the alternate-section system, of local grants for railroads, are, mainly, that it is *partial* and unjust to the old States, and that Congress has no *power* to grant the public lands for other than *great national purposes*. Both these objections are avoided by the plan proposed. The work proposed will be truly national and general in its character and benefits. These great national thoroughfares can be intersected at all points, by branch roads running through every part of the country. As the wilderness becomes subdued, they can be gradually extended westward, to keep pace with the demands of the commerce and business wants of the country. Even those not directly reached and benefited by the roads, will have their share of advantage in the interest, or dividends, upon the money invested, and in the increased value of the public lands. The *whole fund* will still remain in the United States. Whatever of benefit is effected, by adding to the value of the public and private lands of the country, and stimulating its business, will be a *clear gain*. How much soever *any one* may *gain* by the process, *no one can lose*. The *power* to make the grant cannot be questioned, because the fund will not be *diminished* thereby. It will not be diminished, both because it will remain, in the shape of stock, or of money loaned, and, also, because the nineteen twentieths of the public lands remaining, as well as other real estate, will be vastly enhanced by the construction of the roads. Instead of depressing the value of real estate, and taking away all value and all hope of revenue from the public lands, as the homestead bill, and other such measures must do, it will have directly the contrary tendency. It also avoids the objection to one State holding lands in another State or Territory, made to the division of the lands among the States. Indeed, Mr. Speaker, I have read the twenty-odd speeches made during the present session on the subject of the public lands, in vain, to find any serious ground of opposition, that is not substantially obviated by this plan, or any promised good that it does not embrace. It will give to the Government the "*revenue*" derived from the present system; it will afford to the new States all, and much more than they can hope for, from a partial system of "*alternate section*" grants; and it will accord to the old States that "*equality of right*," which they seek in partial or general distribution of the land, or of its proceeds, among the States; it will give to the *poor man* all he can avail himself of under the "*homestead bill*," and it will still have left in store for the country, in the shape of *positive additions* to the value of real estate, and of stimulus to the general business of the country, blessings which it will scatter with equal hand upon all.

Mr. Speaker, I wish I had time to enlarge upon this topic. It is fruitful and suggestive. But I must pass to the principal purpose I had in obtaining the floor; which was, to state my ground of opposition to that scheme for the disposal of the public lands called the homestead bill. I could not obtain the floor while that measure was directly under discussion; and will, therefore, avail myself of this opportunity to give my views. I am unwilling that my *vote* upon that bill, recorded, as it is, with the minority, should go to the country without my *reasons*.

The bill, after much amendment, was finally passed through the House in great haste, and under the operation of the previous question, which cut off all amendment, and gave no opportunity for members to understand what they were voting for or against. It is extremely loose and crude in its language and provisions, and it is not easy now to tell precisely what it means. It was probably intended by it, to give to everybody, rich and poor, who is the head of a family, and who owns no real estate of *any amount or value*, one hundred and sixty acres, his choice, of the public lands; though some provisions in the bill seem to take away all limitations, and to leave the public lands open for entry to *every one*. In either shape, it is not a bill to assist the *poor man*. I will go as far as any man to assist the poor. But it has no limitation looking to that end. No one is excluded but the person who happens, *unfortunately*, to *own real estate*. No matter if that real estate is worth only $10; no matter if the owner is one of ten heirs, who, between them, own only *a share* in real estate; no matter if the purchase money is not paid upon it; no matter if it is under mortgage for more than its value; no matter if the owner is insolvent, and his land under execution for five times its worth; no matter whether he is *rich* or *poor*, well or sick, bond or free, if he *owns real estate* he is condemned to give up *his share* in the public lands, and see them appropriated to others, who may be *rich and independent*. The man who has $10,000 in money, in stocks, in cattle, in steamboats, or in any of the thousand other chattels of which wealth generally consists, can have *his* one hundred and sixty acres; but the *poor farmer* who wishes to change his residence, the *mechanic*, who owns a little *shop, and their heirs and assigns*, are excluded. The bill does not *profess* to be a bill to aid the *poor*. Nothing of the kind appears in its title. What *good thing*, then, *was* it designed to effect? I am utterly at a loss to conceive. As the bill was originally introduced, with a limitation excluding rich men, *some object* was apparent; but as it finally passed without any such limitation, the *precise good* to be effected by it is hard to be perceived. It styles itself "a bill to encourage agriculture," &c. Was ever such a *misnomer!* The Lord deliver us from such "*encouragement*" to agriculture! It ought to have been entitled, "A bill to *discourage* agriculture;" for whatever good it *may* do, I feel confident that one of its inevitable effects will be to depress and injure the agricultural business. If I were to attempt to give it a title descriptive of its most probable effects, I would call it "A bill to rob farmers of their share of the public domain; to depress the value of farms by taking away all value from the public lends; to increase competition among farmers by increasing their number; to destroy their home market by holding out a bounty to such as forsake other kinds of business; and to scatter the farmers sparsely over the territory of the country, and render them degraded and dependent."

Mr. Speaker, my principal objection to this bill is, that it will depress the value of real estate, and do injustice to its owners. By taking away all price from the public lands and making them, like the air and the light, free to every one, and priceless to the extent at least of $1 25 per acre, you sink the value of all *private* lands. You make *land, as* land, of no value beyond the value of improvements upon or around it, or the peculiar advantages of its location.

If such had been the policy from the beginning—if unimproved lands had always been without price, and the public lands common to all—there would be no *injustice* in this measure. But a part of the lands of the country are already in the hands of *private owners*, and have a *price* to be effected by changes in the system of administering or disposing of them. About one third of the entire

domain has passed into private hands *at prices paid therefor*. The remaining two thirds is the *joint property of all*. Now, I submit that it is not *just* to these private owners, after receiving their money for a part of the public domain, to give their undivided interest therein, without their consent, to the other members of the partnership, without at least refunding the money they have paid. But the injustice and injury does not stop here. If you would *sell* the public lands, and then give away the *money*, such *would* be the extent of the injury—they would then only be deprived of their *share* of the common fund. But by the very *manner* of depriving them of it—by giving the lands to everybody *without price*—you depress the value of the lands for which they paid their money. To cap the climax of injustice, *these purchasers and their heirs and assignees are the only class you exclude from the benefits of the bill*. Is this "*equal and exact justice*" to all? I think not.

But it is not only unjust to a part; it will be injurious to all. It will depreciate the country. The act is suicidal. It is a wanton act of self-injury. If a person sets a low price upon his own property, he cannot expect others to value it highly. If we tell the world that the domain of the country is cheap and valueless, the world will be apt to take us at our word, and so treat and consider it. Sir, I believe North America is still *worth something*. I think our "native soil" has a *value;* and I think its value has not been destroyed or diminished by the fact that we have opened up a *respectable little* improvement upon it, and founded at *some* cost and sacrifice a *respectable* government over it. If you begin *now*, for the first time, to cheapen and give away our public lands, I would say as the French people said to Louis Philippe: "*It's too late.*" But if the *giving mania* is upon you, and you cannot resist it, I beg of you, give the lands to some object that will *increase* rather than *diminish* the general value of real estate, and which shall not beggar and bankrupt any of the veterans to whose labor, valor, and wisdom we are indebted for all that makes the public domain valuable. I particularly beg of you, do not exclude such from the benefit of the gift. I would not even have you exclude the soldiers of the Mexican war. But you *do* exclude them, as well as those of the late war; and at the same time render *utterly valueless* the land upon which their warrants are located. The peculiar *advantage* of a located *forty* or *eighty acre* warrant is, that it *prevents* the holder from doing what almost any other person, *rich or poor*, can do under the bill; and that is, from entering *one hundred and sixty acres* without a warrant. Those who have not yet located had as well surrender their warrants; for the bill itself is a *warrant* to all. I take it that the forty and eighty acre warrants will all be surrendered. They are like small potatoes in Ireland—"of but little account."

Land is the principle subject of ownership. Its value exceeds that of all the other property of the country. Anything, therefore, occurring to change its conventional value—its *price*—must very seriously affect the general business and prosperity. The same is the case, though in a less degree, with other principal subjects of value and exchange. It is, therefore, the interest of community to keep the prices of such things *uniform*. The more important and valuable the subject, and the more generally and largely it enters into and constitutes a part of the wealth of the people, the more certain will be the convulsion and ruin that must follow a depression in its price. A sudden reduction, for instance, in the prices of the staple articles of agricultural production, as cotton or wheat, or of manufacturing productions, as iron or cloths, cannot take place without depressing and injuring the general business of the country; which it does by ruining, or greatly injuring, the *class of persons* in whose hands the article affected happens to be found. Of course, the more numerous that class, and the more valuable and extensive the article affected, the greater and more general will be the ruin and derangement that will follow. Now, suppose the Government had always had on hand an inexhaustible store of wheat, cotton, iron, or cloths—double the amount held by all her citizens—which she had been in the habit of selling at uniform and reasonable prices; and suppose she should, by a sudden change of policy, bring one of those articles into market, either at a very low price or free of charge, can any one doubt that the effect of such a measure would be ruinous upon the country? If wheat were offered, without money and without price, to all who *needed* and *desired* it, how much would wheat or flour—or, indeed, the land which produces wheat—be worth? I need not answer. The wheat would be worth what the merchant would get for his goods, selling them in the neighborhood of a mammoth store where they could be had *for nothing*. It would be worth nothing; for who would buy, when the article could be had without price? So of the other articles named, as well as the material and the labor which produced them, and even of the land upon which they grow, to some extent. The same is the case, only in a higher degree, with real estate. It underlies and is the foundation of all valuables. While it exceeds all others in value, and in the generality of its ownership and use, it, for that very reason, exceeds them all in the power and influence of its established prices to control those of all other species of property, and to affect the business of the country. How can I sell my unimproved farm for $1 25 per acre, or my improved farm for more than the value of its improvements, while it is surrounded by land of the same quality, which is offered *without price*, in quantities to supply all demands for *actual use?* It is impossible.

The Government is a great land proprietor. She is a mammoth dealer in lands. She sells more lands than all others. No citizen can *compete* with her. When *she* raises the price of *her* lands, the price of *all* wild lands rise with them. And so when she puts them down. Of such lands, and indeed of all lands, considered as mere *land*, apart from improvements, she has the *absolute control* of the prices. To take away all value from the Government lands is, therefore, necessarily, to take away all value from private unimproved lands, and to reduce all other lands at least $1 25 per acre. In the old States, where land is from $50 to $400 per acre, the effect will be hardly perceptible. The blow will fall heaviest upon the Western States, where land is cheap, and mostly unimproved. In Ohio we have 28,000,000 of acres, averaging, exclusive of city and town lots, about eight dollars per acre. Most of this consists of lands averaging only from two to four dollars per acre. One dollar and twenty-five cents per acre on our lands would be thirty-five millions of dollars. I say, sir, that the *farmers* of Ohio will be made, to that amount, *poorer* by the passage of this bill. But the worst feature of it is, that the loss will fall principally upon *small farmers, poor farmers;* those who have but commenced to improve and open up their lands. In Indiana, Illinois, Missouri, and the newer States and Territories, the blow will fall with still greater severity, and upon such as are still less able to bear it. I should not be surprised if real estate in Ohio depreciated $50,000,000 within one year after the passage of this bill. The whole West, in my opinion, will be injured by it little less than it would be if you should assess a *tax* upon our lands of $500,000,000.

Sir, the great body of the population of the West is made up of "*poor*" *farmers*, whose means are *all*, and often more than all, invested in *cheap* and *unimproved* lands. I know of no class of "poor" men, sir, who deserve more "sympathy," or who are much more numerous. Their land is all they can call their own. Take that from them, or destroy its market value, and they are bankrupt. I warn Western members to study well the effect of this measure upon the West. Why, sir, the wealth of the West consists in the value of its *lands*. All our other property would but little more than redeem our lands from the mortgages and liens upon them. It is to our lands alone that we look, and always have looked, as a means of raising the necessary capital and credit to enable us to carry forward the business of the country. Such is always the case in a new State. Take away our lands, and we are insolvent. Take away the price of our real estate, and, in point of wealth, of monetary and commercial power, there will be no "West." It will all be "East." I warn Western members to look to the effect of this measure upon their constituents. We in the West, sir, *bought* our lands. They were not *given* to us. We paid you many hundred millions of dollars for them, in money which inured to the benefit of all. Beside our *joint interest* in the remaining public lands, we have the right, *implied* in the very act of sale to us, to demand that you shall not *destroy the price and value* of what we bought. If you deprive us of the one, I beg of you, do not also destroy the value of the other.

Mr. Speaker, who are those upon whom the injustice of this measure will fall with greatest severity? They are the pioneer settlers, the recent purchasers from you, the owners of cheap farms, and of cheaper dwellings erected thereon. Your public lands are studded all over, and skirted all around, with the cornfields and the cabins of such. You have their money in your pocket. You told them the land was cheap at the price they paid, and would prove a *profitable* investment. They trusted your word, and paid you the sum demanded. How many of such men are there? God only knows. They are scattered all over the wide West. Within the last year you have sold them some 4,000,000 acres of land, in the last three years 10,467,706 acres, and in the last five years 17,730,961 acres. Most of this is yet unimproved. What have you done with the $22,163,701 25 which you received from them for this land? Will you pay it back to them? Will you even expend it for the benefit of the land they purchase? Will you expend it to improve their rivers and harbors, or to build them railroads? No; you do what is worse to them than to throw the money into the sea—you pocket it at the rate of $8 a day to pay you for passing "homestead" humbugs, to cheat them out of their rights in lands already sold, in order to make political capital for presidential candidates. I thank God that most of these men are *voters*. I tell you, Mr. Speaker, they are not a class of men to be despised or entirely overlooked, either for numbers or for influence. For the last fifty years the principal thoroughfares to the West have been lined with them. They have in that time increased the population of the Northwest Territory alone from 50,000 to 4,500,000, and cleared up 23,000,000 acres of land. They are the same men who raised upon this land, in 1850, 40,000,000 bushels of wheat and 177,000,000 bushels of corn. Such men are not to be despised. The most of them are poor; but they will, in the end, work their way through, pay for their lands, and be independent, *if you will only let them alone*. They are in your power. You can bankrupt them while you injure the entire country by such legislation as this. It is for you to say whether it shall be done; but it is for them to say whether you shall be called to an account for it.

Look at one of these pioneers whom you are about to defraud by the passage of this bill. He is in the midst of the public lands, settled upon a forty or an eighty acre tract, in which he has invested *all he is worth*. He has put up a cabin, and gone in debt for a plow and a team to cultivate the land. He looks to the proceeds of his labor upon the land to pay the debt, to procure the necessaries of life which cannot be grown upon the land, and for the means to purchase adjoining lands to increase the size of his small farm. He works hard, voluntarily submitting to every present privation and discomfort, and lives upon hopes of future competence and independence; but in comes your "homestead" bill, and all his hopes are blasted. His little all is gone. His farm is only worth the cabin upon it, and will not pay half his debts, which, perhaps, are secured by mortgage upon the land. He is bankrupt. His only consolation is, that he did not own *more land* and owe for it a larger debt. Being the "owner of real estate," he is entitled to no more under your bill. The adjoining lands, on which he had counted for additions to his farm, are taken free of cost by others—perhaps by those who are rich and independent.

Take another case—and it is one drawn from real life: A farmer in Ohio exchanges his homestead worth $800, the stock upon it worth $200, and $300 cash, which he borrows, making in all $1,300, for a section and a half of wild lands at $1 25 per acre. He removes West with the intention of selling half his wild lands to procure stock and to pay the $300 loaned, designing to cultivate the other half, so that his two boys, when they arrive at manhood, may each have an improved

farm. When he arrives, the "homestead" bill meets him, and he finds himself in the precise condition he would have been in had the Ohio farm, stock, $300, and all, been sunk by an earthquake. His land will not sell for enough to repay the $300 loaned, and he is *bankrupt*.

But we are told, that the loss in value upon wild lands will fall upon *speculators*. Never was there a greater mistake. With surprise, I see this argument put forth in a late number of the *New York Tribune*. It ought not to go unanswered. The editor admits, that "those who tell us that the free homestead bill will destroy the *value* of lands, *are not wholly mistaken*." He says, it *will* "*greatly reduce* the value of wild lands," but that it will not "destroy the market value of lands lying five hundred, or one thousand miles this side;" or "in Massachusetts," &c. Now, here is my whole argument admitted—*there will be a great depreciation of wild lands—a great loss to the West*—and the only dispute is, upon *what class* will the *loss* fall? *I* say, the nine tenths of it will fall upon *poor men*. Even the lands originally bought on speculation, are mostly now held, in small lots, by second-hand purchasers, who have only made partial payment upon them, and who still owe the "speculator" twice what they will sell for, when they come to be "greatly reduced" in price by the operations of this bill. Even where I reside, in an old settled part of Ohio, many of our poorer class of farmers are in the very condition I here describe. If you pass this bill, their land will go back to the speculator, and they will forfeit all they have paid upon it. A depreciation of only fifty cents an acre would in many cases effect this result. It will be a poor consolation to them, to know that the "speculator" has also been defrauded and ruined by the *bill*.

But the *Tribune* says it will put a stop to "*speculation*" in lands. *Why* will it? Cannot speculators buy the "alternate sections," which, the *Tribune says*, the bill reserves, and which, it says, "in a few years" will be in demand "at high prices?" Is not *half* of the public lands enough for speculators? And are not these reserved sections the very things to speculate in? It is doubtful whether the bill reserves any alternate sections. I think it does *not*. The truth is, there is about as little of certainty, logic, or grammar in the bill as there is of justice or wisdom. I do not care which construction you give it. But I insist that the *Tribune* shall not argue it upon *both* constructions *at once*. On either it is difficult to see how it is to prevent "*speculation;*" for there is nothing in it to prevent the sale of the land to be entered. It looks to me like a grand scheme for future speculation. It may, I grant, break up some present speculators; but will it prevent speculation? Under it land will be worth merely the improvement upon it. In newly-settled places it will be considered as a mere squatter's claim, and any speculator can find enough of the squatters willing and anxious to sell for a song. He will buy out the thriftless, and hold on for better prices from a better class of population. The lands will be bit and slobbered all over, very like a feed of corn thrown down to the hogs. The speculator will choose the *ears* that are *bit the least*, as *they* will be cheapest, though perhaps the most valuable—for such farming will not add much to the value of land. How, then, is the bill to prevent "speculation" and "land jobbing?" Whether there are reserved sections or not, it will not prevent speculation.

Another effect of the homestead bill will be to *destroy the home market of the farmer*. It offers a high bounty—the highest that could be offered—a *farm*—to all who are not now farmers to become such. Where are these *new farmers* to come from? From the present population of the United States; for by the express provisions of the bill it is confined to them. The owners of real estate are excluded. They will, therefore, come either from those who are now idle, those who are now farming land which they do not own, or those who are engaged in manufacturing and other departments of labor than farming, being the *consumers* who make the *home market* for the farmer. The idle will not go, of course—they are too lazy to work. I suppose they will consist in part of each of the two latter classes—the rentees, or farm laborers, and the manufacturers—principally the latter. Now, is it not as plain as the shining sun, let it be whichever class it may, that the effect will be disastrous to the farmer? To induce renters, or hired laborers upon farms, to rent and occupy *new* farms, is simply to cultivate *more land* with the *same force*. It is to *scatter* the farmers over more territory. Do not all admit that we already cultivate *too much* ground, and do not cultivate it well enough? What agriculture needs in this country is a higher order of cultivation—more hands to the acre—denseness of population, and its civilizing and humanizing effects upon the people, and elevating effects upon the value of the lands and its productions. With reference, therefore, to those now actually engaged in agriculture, this is simply a bill to increase the number and extent of their farms, and to scatter them more widely. Will any sane man call that a *benefit* to agriculture, or to those engaged in it? I think not.

The new farmers, however, will come principally from the manufacturing and mechanical departments of labor; and in that event the effects will be still more disastrous to the agricultural interests. The operation will be simply, and *inevitably*, to *increase* the number of *farmers* and *diminish* the number in the *other departments*—to destroy competition among those who *consume*, and to increase competition among those who *sell* agricultural productions. The result must be a diminution of price for agricultural productions, and a consequent further diminution of the price of the land itself. I defy any man to escape from this dilemma. The new farmers must come from one or the other of these two classes. In either case it is ruinous to the farming interest. This I can abundantly prove, even by the paper referred to, the Tribune; for, strange as it may seem, it is no stranger than true, that in the very next number of that paper, succeeding the one which so eulogized the homestead bill, we have the following in an editorial on the tariff:

"The policy which stops the building of new mills, and shuts up the old ones, and which converts the artisan from a consumer of agricultural products into a competitor for their sale, *can have no other effect than to scatter the people abroad, and remove them further and further from market.*"

I am glad to find that the editor of this paper, in subsequent numbers, is giving way to doubts as to whether the form of this bill is the best in the world, and falling back on his own old plan of preëmptions, which I probably originally got from him—for I have been for years a regular reader of his cheap and valuable paper.

A new class of farmers, raising, and offering in the glutted markets, undue and ruinous quantities of cheap grains, grown upon cheaper lands, will rule the prices, and force those of all others down to the same ruinous standards. It will be a step towards making the country exclusively agricultural. Show me such a country—any place, the world over—and I will show you a community *poor, degraded*, and *dependent*. Show me a place where public improvements, manufacturing, and commerce, keep pace with agriculture, and I will show you a place where the farmer is *respected, intelligent*, and *independent*. I could name countries, and assign causes; but I have not time. The former description of farmers are rapidly going out of fashion in this country. The American system, the tariff, railroads, and (the *promise* of) river and harbor improvements, are lifting them out of the mire, and placing them upon the rock. Pass this bill, and they will relapse again into their former character of dependence. Hold out your *bounty* to everybody, to forsake the *forge*, the *spindle*, and the *plane*, and to take to the *plow*, and everybody will be a farmer. All will have grain to *sell*, and there will be no one to *buy*. Widely scattered, and without roads, or the means to build them;—a bushel of wheat for a yard of calico;—any price for anything, provided you will only take your pay in corn, or potatoes—*twenty-five cents*, in actual *cash*, would cure sore eyes;—*some* can read and write, some *cannot;*—one newspaper in every *fiftieth* family;—scorched rye for coffee, "sassafras" for tea, and three-legged stools for chairs, *cætera desunt*, as the grammarians say—*all other things wanting;*—in a condition of nominal *freedom*, but of actual *serfdom*, and *dependence*. This is the very state of things, sir, that begat the long-standing, but lately-exploded humbug, that the occupation of farming was *not respectable*. This bill will soon revive that error. It had its origin in monarchical countries, under an *anti-farm* system of legislation. Our "American system" is fast elevating the farmer, and if persisted in, and not thwarted by retrograde measures like this, would soon place him in that position of character and influence to which his occupation entitles him—a position of respectability and independence.

Sir, even the recipient of the bounty will not be benefited. True, he will have plenty of corn; but corn is only *valuable* to him for the *price* it bears—only valuable as a *means* to procure shoes, furniture, hats, nails, groceries, taxes, schooling, and the thousand other necessaries of life *not grown on the farm*. The corn *will* insure him against *actual starvation*. But that is an evil not known or feared in this country. *Poverty*, and not *starvation*, is the evil to be relieved against. Will his *poverty* be relieved? Will his labor yield him more in *value?* I answer, No. The labor of the renter now yields him the product of the land on which it is bestowed, less the rent. Under the new system, land having no price, will command no rent, and its productions will, by an inevitable law of trade, be worth less than they are now, by the amount of the rent. The price of *common labor*, like that of everything else, is regulated by the community concerned, and kept at an equilibrium. When common labor on a farm becomes more profitable than in other departments of common labor, a rush from those departments to the farm will reduce it back to the common level. When it falls below the common standard, the farm will be forsaken, and the price of farm labor restored. It is a law of trade and of business, having its foundations in self-interest and self-preservation, which prompts the whole community of common laborers, each for himself, constantly to seek that department where labor will yield the *most*, not in *amount*, nor in *necessaries* of life, but in *value*. The great mass of common laborers—much the largest class of society—are free to choose and to change their departments of labor at pleasure. Enough of them are constantly in *motion*, leaving the lower and seeking the higher priced departments, to keep the price of common labor, as near as practicable, the same in each department. Suppose the present price of *common labor*, of any kind, in a given community, to be fifty cents per day, and the price of a bushel of corn twenty-five cents, and that one day's labor on a farm will produce three bushels of corn—the laborer pays, as a rent, one bushel, and has left for his labor two bushels, worth the price of a day's labor—fifty cents. While this state of things continues, labor on a farm will be worth the same it is in other departments. Now, suppose you give the land free of rent; the laborer will receive seventy-five cents per day, while labor in other departments is only worth fifty cents.

How long would this inequality be suffered to continue before there would be a rush from the other departments of labor to that of farming, which would reduce the value of the three bushels of corn from seventy-five cents down to fifty cents—that is, from twenty-five cents down to sixteen cents per bushel? Only long enough for the laboring community to learn the *fact* that seventy-five cents per day could be earned. To suppose the contrary is to suppose that a laborer will work for fifty cents when he can get seventy-five cents per day. The laborer, then, upon the free farm will receive no more in *value* for his year's labor than the present laborer upon a rented farm. His new position will greatly injure the present owners of farms, without benefiting himself. His *poverty* will not be relieved. True, the land will furnish him some of the bare *necessaries* of life. But the air, the water, and the light are also *necessaries* of life; and yet they have no *value*. They do not relieve *poverty*. You propose to make land and its products like the air—*useful* and *necessary*, but of no *value;* that is all. You relieve no one but the absolutely *starving*—a class not to be found in this country. You leave the *poor* man a poor man *still*, while you make paupers of many who are now independent. You "do *evil*," but not that "good may come."

I doubt, also, Mr. Speaker, whether it will add to the number of freeholders. Any man who has the courage—for it requires courage—to go to the wilderness, and hew out a home there, can do so *now*. The preëmption laws, and the willingness

and anxiety of private owners to sell on credit, abundantly enable every such man to obtain *possession*, and sufficient *time* to make and earn the payments as they are required; and when paid for, his land is *worth more*, at least by the amount paid. It is money well invested, and which, perhaps, would have been squandered, or not earned, if not required to be paid. The bill gives—only to *some*, though—the right of possession for five years, and at the end of that time, a title to land worth only its improvements. The present system gives—to *all*—the right of possession, long enough to pay, and in the end a title to land, valuable as land, and worth, at least the price paid, more than the improvements. Under the present system he also has other advantages—he can sell *when* he pleases, buy *when*, *where*, and *as much*, as he pleases; and *that*, too, without any affidavits, declarations, or restrictions. He buys as a *freeman*, owns as a freeman, and sells as a freeman, and not as a *pensioner* and slave to the Government. But to make assurance of a *home* to every one doubly sure, I propose the preëmption provisions, which I have indicated. With these every one who desires it, can be a householder, and every one who deserves it, can be a freeholder.

Sir, the settlement of the public lands cannot be, and ought not to be, forced by any such hotbed system. It is already rapid enough for a normal and healthy condition, and growth, of the business of the country; and we had better let well enough alone. If you desire healthfully and safely, to promote their settlement, build roads—great thoroughfares—leading from the door of the poor man in your large cities, and by the doors of all other poor men, to the public lands, thereby making the lands *bargains* at $1 25 per acre, and taking away the principal obstacle to their settlement, the *cost of emigrating* to the West. While you do this, you will at the same time open up a distant market for the settlements, and afford the means, and hold out the inducements, for transportation of the men and machinery, which shall establish a market in their midst. These roads will do more to "promote the settlement" of the public lands, than all the "free land" bills you can pass, and abundantly more for the settlements; while, instead of depreciating, they will greatly add to the value of lands everywhere. What we need is the old and tried "American system"—roads and canals, improvement of rivers and lakes, and the protection of labor. If you wish to see a country settled under a free land system, look at Mexico, or Canada, or any other countries where such *anti*-American systems prevail, and you will find, that while there is present most of the evils which I predict from this bill, the settlement of the lands of the country have been tardy in the extreme. In no country on earth has the settlement of the public domain been so rapid as in the United States, where alone, or almost alone, the system of putting a price upon the lands prevails. Let us never forsake it. It cannot now be done without bringing ruin upon the country.

Mr. Speaker, this is an *experiment*. It is one in the many "isms" of the day. It is agrarian of the worst sense; it levels downwards instead of upwards. It creates a new and thriftless class of dependent farmers, who, in the end, will degrade all others down to their own level. It is an entering wedge to a system of governmental largesses, vote-buying, and political corruption. It is the first step in an equal distribution of all property. The next step will be, no more than one hundred and sixty acres to any; the next, an equal division of all real estate; and the last, an equal division of all property. It is a part and parcel of Garrett Smith's "national reform" platform—*one hundred and sixty acres to every one; no more than one hundred and sixty acres to any; the land, like the air, free to all.* It is plausible in theory, but will never stand the test of practice. It will do for politicians, but not for the people. It is European Socialism, and not American Republicanism. It is an exotic, flourishing only in the hot-houses of theory and demagogism. Transplant it to the open day of actual experiment, and I predict that it will wither and die. It is peculiarly *anti-Western;* it is *anti-land*, *anti*-farmer, *anti*-tariff, *anti*-internal improvement, and, in short, anti-American.

Sir, the people are not asking you for any such law. Not a petition of the kind upon your tables, except a few *lately* got up in the city of New York, and perhaps elsewhere, under the whip-and-spur of editorial dictatorship, and the lash of presidential aspirants. I tell you, sir, you mistake the will of the great mass of the people on this subject. Not a petition, that I know of, is here from the farmers of the broad and mighty West asking any such "free-land" ism at your hands; while your tables groan with their unheeded memorials for roads, for harbors, for protection, and for "free" rivers. Sir, I repeat, I thank God that most of the worthy class of citizens you thus neglect, despise, and defraud—the *farmers of the West*—are *voters*. You will hear from them, Mr. Speaker, at the next election after this bill shall have become a law. They shall not "shake their gory locks" at *me*, and say *I* "did it."

THE PRESIDENCY—POLITICAL PARTIES.

SPEECH OF HON. E. STANLY,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

June 12, 1852.

The House being in the Committee of the Whole on the state of the Union on the Indian Appropriation Bill, Mr. CABELL, of Florida, having addressed the committee on the state of political parties, the Congressional Caucuses, and the Presidency—

Mr. STANLY obtained the floor. He said:

Mr. CHAIRMAN: I have heard with a great deal of pain the extraordinary speech of my friend from Florida, [Mr. CABELL;] with more pain than surprise, for I had seen unmistakable indications that he was coming to this since the third of February, when he made that strong anti-Scott speech. I regret to lose my friend from Florida out of our ranks, "but parting is such sweet sorrow!" It is a sweet sorrow—almost as sweet as that when Romeo and Juliet said, "Good night until to-morrow"—in getting rid of so troublesome a friend as my friend from Florida [Mr. CABELL] is. [Laughter.] God give us a safe deliverance of a few more such!

Mr. CABELL. You have many more.

Mr. STANLY. He says we have many more. I do not believe it, but the sooner they go the better for the Whig party. The sooner they go the better for the Democratic party, for the gentleman has some good qualities, which I hope would infuse into their ranks ingredients beneficial to them; he would be of great service to them.

Now, my friend from Florida says he is going to support no man who will consent to "practice a fraud." It was "too late," on the 3d of February, when the gentleman made a speech, for General Scott to write anything satisfactory to him. I do not understand how it is at all consistent with the notions of propriety, which have always marked the course of my friend from Florida, as an honorable man, that he can speak of General Scott as he did on the eighth page of his speech of February 3, and as he has spoken today—as a man who had done so much for his country, so much for the compromise measures.

On the third of February my friend from Florida said of General Scott:

"No man has ever lived who achieved so much, and been so little rewarded or appreciated."

He said, further:

"General Scott individually is entitled to the support of all compromise men. I happen to know, during the last Congress, the opinions he entertained on these questions. Whilst acting Secretary of War, subsequent to the death of General Taylor, and previous to the formation of Mr. Fillmore's Cabinet, he exerted his personal influence to the utmost to effect the passage of the compromise measures."

At that time the gentleman said, also:

"But I, and Northern gentlemen, should know that the *whole Whig party of the South* will demand something more clear and determinate. We insist that our candidate shall express his opinions to the country, or that the nominating convention shall take the responsibility of doing so."

Now, the gentleman has left out his "or," and demands and insists that a platform should be erected for General Scott alone. He is determined now that it is not almost, but altogether "too late" for General Scott to express his opinions to the country. His "personal relations" with General Scott were such that "individually," the gentleman said, "his election would be more acceptable to me than that of any other man in this country." And yet so highly does the gentleman value "personal relations," he intimates General Scott is willing to "practice a fraud" on the country! Some natives of Virginia have odd notions of personal relations. They understand them as they do political relations—according to the resolutions of 1798–'99.

Can he say anything more unkind than this of General Scott, his friend, whom he knows to be honest and upright; who has borne the banner of his country since 1812, through many a hard-fought fight, when he [Mr. CABELL] was a puking infant in his nurse's arms? Who is it my friend from Florida talks of in this way? A gentleman born in the State of which my friend is a native, a Southern man by birth, a man whom the vilest tooth of slander has never injured. Yet he is the one, an infant in his nurse's arms all the time General Scott was fighting against British bayonets, who intimates that General Scott, a man of irreproachable life and personal honor, is now the one willing to "practice a fraud!" I cannot but express my surprise. He will vote for no man who conceals his opinions; and the gentleman from Florida knows him as well as any man upon this floor, and knows that his opinions have never been concealed. He wants a platform, he says, not large enough for MANGUM, and those by whose aid he expects to be elected Vice-President. He assails the motives of Mr. MANGUM. If we may assail the motives of each other, it is as easy to assail the motives of one as another. I might assail the motives of the gentleman from Florda, but I will not be so unkind and uncharitable as to say that he is desirous to lead the little Florida party here, and bring down everything to his platform, or to bring everything of this glorious country of ours down to Florida, and have the whole fight fought there, the Union party being made a third party, and he put in as captain general of the forces.

Mr. MANGUM is above the reach of any assaults from the honorable gentleman from Florida. He is a man who has long been honored by the confidence of his native State, as a steady and firm Whig, and who has rendered more service of importance to this country than the gentleman from Florida [Mr. CABELL] can render if he lives thirty-six years longer—which I trust he will, and then he can render good service—if he gets the kinks out of him, [laughter,] for he comes from a State where the resolutions of 1798–'99 are regarded next to the New Testament, and sometimes above it. [Laughter.]

He speaks of Mr. MANGUM's objections to Mr. Webster, because of Mr. Webster's advocating the compromise resolutions, as I understood him. Nothing can be more uncharitable and fanciful. Mr. MANGUM, as several of his colleagues know, has for years preferred General Scott to all others; and Mr. MANGUM was as earnest a friend of the compromise measures as Mr. Webster or the gentleman from Florida. It is all a fancy in the gentleman's head. He is determined to oppose General Scott's election any how. He has said so, and has shown through his whole speech, that no matter what Scott may do, he is "too late"—and if he had spoken before the third of February, it would have been too late for my friend from Florida, altogether too late. The Free-Soil editors in the North abuse the gentleman from Florida, and advocate Scott's nomination. I sympathize with the gentleman—they have abused me, too. They are naughty fellows for abusing him or me. There is not one of them that has not abused him and that has not abused me. Not one of them. I sympathize with him, but many of the Democratic papers, in whose ranks he is now, abuse him. But if these men see that Scott is going to be President of the United States, can we keep them out of our ranks? If they choose to swim upon the surface with us, can we say to them, "Go to the d——l, or go to the Democracy, and keep out of our ranks?" How can we, when our friend from Florida is going to join some of them—when he is going to join the gentlemen from New York,

[Mr. KING,] from Connecticut, [Mr. CLEVELAND,] from Ohio, [Mr. TOWNSHEND,] and from Massachusetts, [Mr. RANTOUL?]

Can you expect us to attack or denounce a man who has done so much as General Scott has done—so much for the compromise measures and the country—who is now abused by these Free-Soilers and by the New York Evening Post for his support of the compromise measures? And now the gentleman intimates he is to be in their ranks soon! He says that if the Whig Convention does not adopt a platform the Whig party will be severed. Mr. Chairman, the Whig party was severed and broken into atoms, according to the opinion of half a dozen gentlemen, when that little "fillibustering" took place in the Whig caucus. A very worthy gentleman near me, [Mr. ABERCROMBIE,] and a Senator from Georgia, [Mr. DAWSON,] sent off simultaneously a telegraphic dispatch, that "the split was wide and deep"—very wide and deep—and they called on the Union party to stand firm. Where is the Union party now in Georgia and Alabama, as far as the Democrats are concerned? Ask the Abolitionists and Secessionists, who built the Hallett platform in Baltimore last week. The Whig party was broken all to pieces then. It has been dissolved fifty times, but it comes to life every four years, and very often beats Locofocoism at that. It fights harder when dead than when in full blast of life, for its conservative principles are deeply rooted in the hearts of the yeomanry of the country, in the hearts of the descendants of revolutionary sires.

Now, sir, why did not these gentlemen adopt a platform in 1848? Why did not my friend from Florida pass a platform at that time? Why, sir, if he consented to run a mum candidate then, can he, with any good grace, charge anybody, who wants, as he unjustly supposes, to run a mum candidate now, with doing the same thing that he did in 1848? He never acted a dishonorable part, that I have heard of. If he did desire to run a candidate without a platform in 1848, he ought to find some charity for those who follow in his footsteps, and are influenced by the same motives and reasons that influenced him then. The gentleman says of his friend: "He [General Scott] allows himself to be led on by Free-Soilers, his principles in the pocket of SEWARD!" Could any enemy of General Scott go further than this? What the gentleman means by this, I do not understand; but Governor SEWARD has as many of the principles of the gentleman from Florida in his pocket as he has of General Scott. And this is the man for whom he has a high respect, as he said he had in his speech of the 3d of March!—the man who put his principles in SEWARD's breeches pockets! Scott under SEWARD's influence! Why, of all the things in this world, it is the very last thing, that any gentleman who knows General Scott would suppose—General Scott, who has talked in season and out of season, and whom the New York Evening Post assails for helping to pass this "infernal fugitive law," as Abolitionists call it.

Why, sir, when we have to deny such charges as that, we might as well give up, and let them make out General Scott a negro, an alligator, a Democrat, an Abolitionist, or what else they please. There is no telling what he may come to when they accuse him of a thing like that.

But the gentleman from Florida, like the gentleman from Kentucky, [Mr. MARSHALL,] not content with assailing General Scott in his speeches and addresses, assails General Taylor's administration too. The honest old hero, in his grave,—with all his country's wishes blest,—is not spared from unkind innuendo. He was not true to the South, according to the letter of the gentleman from Kentucky, [Mr. MARSHALL.] He was under a malign influence, according to the gentleman from Florida, [Mr. CABELL.] He was his (General Taylor's) friend up to the hour of his death, as I understood the gentleman this morning. He has not shown himself, this morning, his friend *after* his death. These gentlemen have a most extraordinary way of testifying respect for the living, or for the memory of the dead. If they would be generous and magnanimous foes, it would be better to have their hostility than to be honored with their regard.

Mr. MARSHALL, of Kentucky, (interrupting.) I suppose the gentleman from North Carolina [Mr. STANLY] makes an allusion to my letter. There can be no difference between that gentleman and myself upon the proposition. I have never assailed General Taylor. On the contrary, I believe that General Taylor was as honest a man as ever lived. But I have stated that I did not approve of the course of General Taylor's administration at the period of his death, upon the subject of these sectional controversies. I believe it was under the influence of the Northern wing of his Cabinet, that such a course was pursued; and I have said that he had too much experience upon that subject to desire again, or to permit our affections to run ahead of our judgments. The only reason for my interfering is, not to permit an impression to be made upon the public mind, by the use which the gentleman from North Carolina [Mr. STANLY] seems to make of an expression culled from a letter of mine, that I had ever attempted, or that I was ever capable of attempting, to assail the memory of General Taylor. Neither myself nor any gentleman who was here during the Thirty-first Congress, can fail to know the distinction between the compromise measures as they were passed, and the non-action policy adopted by the members of General Taylor's Cabinet. To one of these, I was opposed; of the other, I was the advocate.

Mr. STANLY. I do not think the explanation helps the gentleman at all. He said what I stated he said. If he writes it so, I stand upon that. Let the reporters write it out so. I hope I will not be interrupted any more, as I have very much to say. The gentleman from Florida [Mr. CABELL] said, in the beginning of his speech, that he had not time to be interrupted. I wish I had said so when I commenced. I say so now.

I think the gentleman from Kentucky now admits virtually what I charged him with saying of General Taylor. Let his letter, which was published with commendation in the Union newspaper, speak for itself. The gentleman from Florida said General Taylor was a good sort of a man, but that he placed himself under bad and improper influence. These gentlemen from Kentucky and Florida seem to agree in their opinions of General Scott and General Taylor. The "Northern wing" had charge of one, and SEWARD has the principles of the other; that General Scott is a good enough soldier, but, however, all "fuss and feathers," and weak enough in the upper story to be under the influence of Billy SEWARD. That is the sum and substance of what they stated. Yet, that is friendship! If so, "what is friendship but a name?" If that is the way gentlemen stand by their friends, Heaven deliver us from such friendship!

The gentleman from Florida said that General Taylor was surrounded by baneful influence,—the same that he now fears,—and he goes on to talk of what he fears. He wants a "stronger" pledge from General Scott than from any one else. Indeed! No matter what platform the Convention adopts, the gentleman from Florida will not be satisfied, for he wants more from Scott than from anybody else. We are to go into a Whig Convention, not to agree upon a platform, unless one man is to be nominated. If his favorite is nominated, no platform is wanted. If a majority of the Whig party nominated his "friend," known to be a compromise man, he wants a stronger platform and a stronger declaration—the Convention is to build a platform not for Scott, but a platform for my friend from Florida, [Mr. CABELL,] and his corporal's guard. Is that what he wants? That is the game to be played. They cannot give Scott a national platform to fight upon like anybody else; and if he be nominated, they have come to the determination to secede, fillibuster, and put somebody else upon it. We cannot go into that. That is a game—heads, I win; tails, you lose;—a game which gives the control to the gentleman from Florida and his seceders, in any event, of the Convention. That is a game, emanate it from North, South, East, or West, I would not go into. I would not take such helpers, and sit alongside of such men. I would rather take Hallett to my bosom, and let him fix the resolutions. I would rather take the Baltimore platform, Buffalo platform, Hallett's platform, and such other humbugs, than to go into the Convention, and surrender my discretion and judgment in that way. Some of the letter-writers deny Scott's platform, the gentleman says. What do they not deny, and what do they not say? Is Scott, or any other public man, to be condemned for what the letter-writers say? What is to become of the gentleman and myself, if that is the rule?

The gentleman comments upon an expression of Mr. MANGUM's—that General Scott will firmly maintain the law, while it is a law—as evasive and unsatisfactory. The gentleman wants something new—no earthly power can give the gentleman a platform satisfactory to him, and those who will not be pleased. They are as remarkable as the child—whose father must have been a '98 and '99 man—who ate his cake, and then cried for it. What will satisfy those gentlemen? he "finality" itself will not satisfy them. The Tnt-leman from Florida will not be content, th ge e fugitive law should be maintained as long as it remains a law, but he wishes Scott to come forward and swear that he will maintain it after it ceases to be a law! [Laughter.] I will ask of my friend from Florida, and those who think as he does, without intending any disrespect to them, if that is not making a *foolality* of a finality? If it is not, I do not know what it is. [Laughter.] They desire the law to be maintained after Maryland herself desires it to be amended. Now, sir, I have gone the finality pretty strong. I stuck up to it, but I confess when I see Southern States—when I see Maryland wants it amended, I think it becomes Southern men——

Mr. WALSH. There is a representation made of the action of Maryland, which does her injustice. I ask the gentleman to yield a moment.

Mr. STANLY. I cannot. I take it for granted that the gentleman will correct the statement with regard to Maryland hereafter, if I am incorrect. I refer to what I have seen in several newspapers; I have not time to yield now. If the Southern States, especially Maryland, wanted it amended, I do not see how you are going to restrain the wishes of the Maryland people from being carried out. I will be reluctant to commit myself to a finality of that sort. I will not discuss that further. "Kellogg is to be in the Convention," the gentleman says. They removed Marshall, Knowlton, and the editor of the Boston Times, and all that crowd referred to in the speech of my friend from Tennessee, [Mr. CULLOM.] I will not mention names—but men of that sort go with you. Kellogg is as good as any of those chaps—I beg pardon—those men like Hallett. Kellogg cannot be worse than those who have nominated Pierce and King—(Hallett, Rantoul, Preston King, and others.) If the gentleman leaves us and joins them, can he feel comfortable in that crowd? When they denounce Fillmore as an Abolitionist, and the gentleman from Florida as an Abolitionist, under the influence of the "Northern wing," can he support Hallett's nominee, or his friend General Scott, who was so true a compromise man?

The gentleman says no man can deny General Scott is controlled by SEWARD and his followers. I confess my amazement at such a charge. I deny it; every man who knows General Scott will deny it. The gentleman from Kentucky [Mr. WARD] rose and denied it. I fear every one who will not write whenever the gentleman from Florida and his clique demand it, is to be forthwith charged as being controlled by SEWARD. "Florida friendship" will hereafter be a proverb.

The gentleman says, when he asks why General Scott has not written letters, the answer he receives is, "policy, policy!" He asks the question, Why did not Scott answer? He answers his own question by saying, "policy, policy?" I said, because his own sense of honor and of propriety demand of him to pursue the course he has. The gentleman says it is "policy." That is not the answer of General Scott. He is personally and politically a friend of Mr. Fillmore's. Regard for the President, as well as proper respect for his own office, forbid him to be proclaiming himself a candidate, especially while so many of his countrymen desired Mr. Fillmore's nomination. He may have been more fastidious than was prudent had he regarded policy. I think he has been; but his motives were honorable. His opinions have been

expressed without secrecy to all men who have conversed with him. The New York Evening Post, an Abolition paper, charges him with boasting that it was his influence that passed the "odious fugitive law." When the Convention calls upon him, he will answer. If he does not, then I agree, with the able speech of my colleague, [Mr. OUTLAW,] made the other day—if he refuses to answer—consenting to be a mum candidate—he will not get my support. But as to going with my friend from Florida, I beg to be excused. I cannot go that any how. I cannot go the Pierce platform. I cannot go the humbugs. I cannot go the agitation of the slavery question with these men, who want to make nothing but agitation out of it. In no possible event will I go there this side of the grave. What is to become of me after that I do not know; but I hope for better things than the gentleman from Florida points out in this world. [Laughter.]

Well, sir, "Kellogg will be restored," the gentleman says. He says this without any authority, and only that he may injure his friend by his unfair suspicions. Suppose the Convention then adopt a platform sustaining my friend from Florida, will it make General Scott sound? Not at all. Suppose the platform is a Florida platform, making the finality a higher law after it ceases to be a law, and then General Scott accepts it, will that satisfy the gentleman? Not at all. The gentleman cannot be satisfied by anything he does. But Governor Johnston is to come from Pennsylvania to the Convention. Governor Johnston! the man who was a candidate for Governor during October of last year, for whom the Pennsylvanian newspaper stated I was going to make speeches, or that I had made some. When called upon, I declined, and stated that if I were requested to speak at all, I would speak against Governor Johnston. I felt greatly hurt at the charge in the Pennsylvanian, until I found out who was its editor. I found out since that time a man "may smile and smile and be a"—*letter-writer*. I found no further fault with any charges in the Pennsylvanian about Governor Johnston afterwards. No one can condemn the conduct of Governor Johnston more than I do. It was altogether outrageous and inexcusable; and he was defeated by Whigs, on account of this conduct, as he deserved to have been. But there are other Governor Johnstons besides Governor Johnston of Pennsylvania, into whose good embrace my friend from Florida may be brought. Governor Johnson, of Virginia, did an outrage much stronger than Governor Johnston of Pennsylvania did, bad as that was. Look at the public meetings in Virginia, called by the indignation of her citizens of both parties! Look at his pardoning a negro criminal under the sentence of death the other day! Is not his act worse than that of Governor Johnston of Pennsylvania? So that for a Whig Johnston there is a Democratic Johnson. I would as soon take my lot with Johnston of Pennsylvania, as with Johnson of Virginia, if what I have heard is correct. The gentleman from Florida will get nothing upon that ground. Well, he finds fault with some persons—Mr. MANGUM and others—for turning their backs on Mr. Fillmore and Mr. Webster. I had never heard before of the Southern Whigs turning their backs upon either—nothing like it.

I have stated everywhere, to all persons, and upon all occasions, that Mr. Fillmore was my first choice, and the first choice of my people for the Presidency. If I had the casting vote in the National Convention for the Presidency, I would give it to him. I indorse all that my colleague [Mr. OUTLAW] has said, better than I could, in his praise. He deserves it all. I have known him too long not to respect him much more than his recent friends. Is it abandoning him to say that we will not have any one else? Is there but one man in the Whig party fit to be President of the United States?

"When could they say, till now, that talked of Rome,
That her wide walks encompass'd but one man?"

Are we called upon, in preferring Mr. Fillmore, to denounce every one else? Is that the Florida platform my friend is to put upon us? If so, I cannot go it. General Scott was popular for the Presidency of the United States before Mr. Fillmore was brought forward for that high place. General Scott has had a strong hold upon the hearts of the people of the United States—of Ohio, New York, and Pennsylvania, especially. And, in the whole Southern country he was honored as a gentleman above reproach, long before Mr. Fillmore attained the distinction of the Presidency, which he has exercised with honor and credit to himself. I have rejoiced in it, and have given him credit for it everywhere. Scott attained distinction long before Mr. Fillmore became the President. He was contended for in 1840 in the Whig Convention. He was pressed in 1844, and he was pressed in 1848 for the Presidency; and it is not because some of the Northern people like Fillmore less, but because they like Scott more. Grandchildren vote for him in New York, whose grandfathers fell by his side, and whose wounded bodies were taken up and carried to a place of safety by his direction and care. Mothers tell their sons that he was the favorite of their fathers before Mr. Fillmore attained to manhood. It does not follow that they who are for General Scott, knowing him to be true to his country and true to the compromise measures, turn their backs upon Mr. Fillmore and Mr. Webster. We, in North Carolina, preferred Fillmore; everybody favored him, and he became more popular when he took Webster in his Cabinet, after the delivery of his March speech. If he is not nominated it will be no fault of theirs. They thanked him for putting Mr. Webster, with a distinguished son of North Carolina, in his Cabinet. They neither turn their backs upon Fillmore nor Webster. It would be as fair to say the gentleman from Florida "turns his back" on Mr. Webster, because he prefers Mr. Fillmore.

Why, my friend from Florida says that General Scott could be elected, if he had written a letter some time ago. This is the fillibuster logic. General Scott was perfectly sound until he refused to write a letter, and his soundness was never suspected until that remarkable hour! He then ceased to be sound. That is the logic—is it? Here is a man who is truly irreproachable and unexceptionable, without stain on his character, a native of a Southern State, honored with the friendship of the gentleman from Florida, who has said to all—to Free-Soilers, to Whigs, to Democrats, that he was an advocate of the compromise measures—never urged secrecy to any man—he is worthy of all confidence, altogether—unexceptionable, until the time he said he would not write electioneering letters!

Mr. Chairman, what CLAY did, and CASS approved, cannot be wrong. What these gentlemen said about writing letters was right. Mr. CLAY—a name I never mention without emotions of gratitude for his most exalted public services, and deservedly does he now enjoy the respect of all good men of all parties—was a candidate in 1844. I preferred him then to all the world, and were he in good health, I would prefer him to all other aspirants now. Mr. CLAY, in 1844, after unfortunately writing a little too much, took the ground, that he would not write any more letters. General CASS, in 1848, published his celebrated letter that no one understands. I hope we will understand it now. I hope a good many more will than did before, since his race seems to have been run. He took the ground there, that he would write no further for the public eye. Mr. Polk, in 1844, was called upon for his opinions, and he refused to answer. A public meeting was held, according to my recollection, which he treated with contempt, and he would not answer any questions. How is it, these gentlemen were left to decide for themselves when and how to write, and General Scott, of all mankind, is said to be unsound, by gentlemen who have the highest respect and regard for him, because he will not write letters? Why should not Clay, and Cass, and Polk have been deemed unsound, also, for having refused to write?

Let us see what that Convention does. If they nominate Fillmore, or Webster, I shall go along with the gentleman from Florida, not exactly shoulder to shoulder, but with a sort of distrust. I have not now the same confidence in him I had, I confess. I will go on, however, and try. I cannot go the Florida policy. I cannot go all my friend from Florida wants. We begin—if we pursue his recommendation in the Convention—by an insult to General Scott. He comes there to make a platform to insult him, and he comes to cast a stigma upon him; and, if he has any part of the spirit I think he has, though he was born in Virginia, and came from the same State as my friend from Florida, he will trample in the dust, as an honorable man, the insulting proposition of those who have such "friendship" for him as the gentleman from Florida has. I think I can put a case in which my friend from Florida might support General Scott: Suppose we nominate a Vice President from North Carolina, whom so many public meetings have recommended, could the gentleman support that ticket? We shall have no difficulty, if we pursue the plain path of duty to our whole country. If we have not as many as thirteen, we have more than three, whom the people of this country can trust to administer Executive duties.

Now, sir, so much only can I say in answer to the remarks of the gentleman from Florida. I wish to say a little upon another matter in the brief hour allowed me. Now, sir, I wish to say a little on platforms. Sir, they are humbugs, especially when made by conventions, as my friend from Florida said in his speech on the 30th of February, that adopt "unmeaning and double-faced resolutions of '48, even though the equally-well defined resolutions of '98 may be added." I hope I shall not live to see the hour when the Whig party begin to adopt such platforms. If it hurts my friend from Georgia [Mr. TOOMBS] I cannot help it.

Mr. TOOMBS. You have not hurt me in the least by anything you have said. I have been rather pleased than otherwise.

Mr. STANLY. I am glad to hear you are pleased. Some gentleman near me expressed dissent. I was mistaken in supposing it was the gentleman from Georgia.

We had platforms shortly after I came first to Congress. We had Congressional platforms. We have had the Democratic party dodging upon the subject of slavery since the first hour I took a seat upon this floor. The Atherton resolutions were a part of the platform; resolutions concocted by Nullifiers, Disunionists, and Abolitionists. Who sustained them? You will find that Martin Van Buren was the godfather, if not the father of them. What has become of him and his platform, and where has he gone? He and his followers in New York, [PRESTON KING and others,] now supporting Pierce and King. We had Tappan, of Ohio, here, who said that he would subscribe money to furnish powder and shot to kill Virginia men, women, and children, in case of an insurrection and war. When it was charged on this floor that he had made some such declaration, Mr. WELLER—then from Ohio, now Senator from California—tried to deny it, and said that Tappan was as much opposed to "modern abolition" as anybody in Congress. "Modern abolition!" And then Tappan, to keep up the game, made a speech, on presenting an abolition petition, and was forthwith regarded as a friend of the South, and a supporter of platforms!

These are the men—Tappan, Van Buren, Hallett, and others—who stand upon your platforms. They stood on the platform of 1848. B. F. Hallett was the chairman of the committee who reported the resolutions of '48—the same man who had the gentleman from Massachusetts [Mr. RANTOUL] kicked out of the Democratic Convention, because he would not disgrace himself by promising, in advance, to support any platform that might be made, and because he had brought to light the fact of Hallett's reporting abolition resolutions at an anti-slavery meeting in Massachusetts. Hallett—the "soldier of fortune," he is called in Massachusetts—has written one of the funniest pamphlets I have seen—I wish I had an hour to devote to it—especially where he is so affecting in his appeals to his Democratic brethren, to sustain "good fellowship, unquestioned faith and fidelity, and firm brotherhood" among each other! Amusing letters, indeed, are the "Three Letters of B. F. Hallett to Colonel C. G. Greene, editor of the Boston Post." Brotherhood with Hallett! [Laughter.] "Angels, and ministers of grace, defend us" from that brotherhood! God forbid that we should get into it! Give me Johnston, of Pennsylvania, instead of Johnson, of Virginia—the Kelloggs instead of the Halletts—the Sewards instead of the Rantouls and Floyds. As far as I can help it, I will have no "brotherhood or good fellowship"!

with any of them. If I must choose, I would rather endure those who will aid us in giving protection to American industry, and in improving our rivers and harbors, and to the old States, some share of the public lands. I will vote for the bill advocated by my friend from Michigan, [Mr. STUART,] because I like these improvements in the first place, and because he afforded me the opportunity to make this short personal explanation. [Laughter.]

Here is Mr. Hallett's pamphlet—the "Three Letters to Colonel Greene." In this pamphlet, he charges that General Harrison was elected in 1840, "by a successful fraud, in making him pass as an Abolitionist in the North, and a firm supporter of slavery at the South." He also says there is a "movement at the South, headed by Senator MANGUM, of North Carolina, to run General Scott as a non-committal candidate." Then he alleges, that the "whole Democracy at the North mean to abide by the compromises, and stand where they have stood upon the Baltimore platform." We shall see presently how they stand on that platform—if they stand as he does.

These letters, be it remembered, are written in answer to the speech of the gentleman from Massachusetts, [Mr. RANTOUL,] made in this House on March 9th, 1852. He was defending the coalition in Massachusetts between the Democrats and Abolitionists. He says the coalition was formed in 1849. In 1850, and in 1851 they succeeded; "the first time a failure, the last two times successful." The gentleman from Massachusetts in that speech said what I have before me, which I will print, and cannot, for want of time, read. It is as follows:

"Now, before the coalition was made, of course those Democrats who came the nearest to the peculiar opinions of the Free-Soilers had no difficulty, and felt no repugnance. The repugnance must have been on the part of those who were furthest from the Free-Soilers, and I propose to show where they stood. I hold in my hand the resolutions reported by the honorable Benjamin F. Hallett, September 19th, 1849, the week the coalition was formed; and gentlemen will see how far Mr. Hallett and those who thought with him had to go before they could act without repugnance with the Free-Soil party. The following is one of the resolutions reported by Mr. Hallett:

"'*Resolved*, That we are opposed to slavery in any form 'and color, and *in favor of freedom* AND FREE SOIL '*wherever man lives throughout God's heritage.*'

"That is one of the resolutions; here is another:

"'*Resolved*, That we are opposed to the extension of 'slavery to free Territories, and in favor of the exercise of 'all constitutional and necessary means to restrict it to the 'limits within which it does or may exist by the local laws 'of the State.'

"Now gentleman will ask me, what is the vote upon these resolutions of Mr. Hallett? It was a very full Democratic Convention, and the vote in favor of these resolutions was a unanimous one, on the 19th of September, 1849. Gentlemen who write one kind of resolutions for the newspapers, unanimously adopted, circulating them throughout the State of Massachusetts, in a printed form, for effect, and who will write another kind of doctrine in private letters to members upon this floor, must submit to have their two systems compared."

When this information startled some of the members of this House, the gentleman from Florida asked, if this Mr. Hallett was the chairman of the Democratic National Committee? To which the gentleman [Mr. RANTOUL] answered: "It is the same man. What is called at the North a Hunker Democrat."

Now, let us see what the "chairman of the Democratic National Committee"—the man of "two systems," the builder of platforms for Secessionists and Abolitionists to stand upon—what does he say in answer to this? He alleges that the sole evidence upon which the allegations made by the gentleman from Massachusetts, [Mr. RANTOUL,] and others, are made, "rests upon the quo-'tation on the floor of Congress of one resolution 'and half of another, disjointed from the whole 'series of resolutions, passed by the Massachu-'setts Democratic State convention, at Springfield, 'September 19th, 1849," &c. "One resolution and half of another!" Why did not the three letters give us *all* the resolutions? Now, mark how a plain tale shall put this down. I have before me a paper, published at Lynn, Massachusetts, April 29th, 1852. It is a Democratic paper. Its motto is: "We go where Democratic principles lead." The editor of this paper applies to Mr. Hallett a harsh expression, I shall not use to ears polite. He says the resolutions were "writ-'ten by Mr. Hallett, chairman of the committee on resolutions, and reported by him to a 'Democratic State convention, holden in Spring-'field, September 19th, 1849!" "He brought them in his pocket, all cut and dried," says the editor of The Bay State. The editor is replying to a letter addressed by Mr. Hallett to a gentleman from Virginia, (Mr. Thompson,) and published in the Union. The gentleman from Virginia was probably selected as the medium of communication, on account of his well-known opinions in former times on the subject of slavery. The same gentleman is also the biographer of our Speaker; but in my printed remarks I will allow the editor to speak for himself.

Extract from The Bay State, a Democratic paper published at Lynn:

"There are in the above quotations several direct falsehoods. We can call them by no milder name.

"*First.* In relation to the resolutions referred to: Mr. Hallett wrote them unsolicited, uninstructed, and was *directed* to report them just as he had prepared them. He brought them in his pocket, all cut and dried. The charge against Mr. RANTOUL, that he 'quoted an ISOLATED PART OF A RESOLUTION,' Mr. Hallett knew to be false when he made it. Mr. RANTOUL quoted two resolutions, and would, undoubtedly, have quoted the remainder if he had had them; and Mr. Hallett's glaring inconsistency would have appeared the stronger.

"The following are the resolutions touching slavery, written by Mr. Hallett, and adopted by the convention:

"'1. *Resolved*, That we are opposed to slavery in every *form and color, and in favor* of freedom and FREE SOIL WHEREVER MAN LIVES THROUGHOUT GOD'S HERITAGE.

"'2. *Resolved*, That by common law and common sense, as well as by the decision of the Supreme Court of the United States, (in Prigg *vs.* Pennsylvania, 16th Peters,) 'the state of slavery is a mere municipal regulation, founded upon and limited to the verge of the territorial law,' that is, the limits of the State creating it.

"'3. *Resolved*, therefore, That as slavery does not exist by any municipal law in the new Territories, and Congress has no power to institute it; the local laws of any State authorizing slavery can never be transported there, nor can slavery exist there but by a local law of the Territories sanctioned by Congress, or the legislative act of a State in its sovereign capacity.

"'4. *Resolved*, That we are opposed to the extension of slavery to free Territories, and in favor of the exercise of all constitutional and necessary means to restrict it to the limits within which it does or may exist by the local laws of the States; but,

"'5. *Resolved*, That these sentiments are so universal at the North as to belong to no party, being held in common by all men north of a sectional line, while they are repudiated by most men south of that line; and therefore they CANNOT BE MADE A NATIONAL PARTY TEST.'

"Mr. RANTOUL quoted the *first* and *fourth* resolutions. Now, what is the purport of each and all of them? Did Mr. RANTOUL quote an '*isolated part of a resolution*?' No. Nor did he misrepresent Mr. Hallett."

To inform the Southern people, who do not know what is the character of the builders of Democratic platforms, I will only ask them to read these resolutions, with the Three Letters asking their "good fellowship and brotherhood!" Hear how coolly Mr. Hallett, in his Three Letters, speaks of the convention at Springfield, in 1849:

"*Certain it is, that neither Mr. Hallett, nor those who thought with him, or anybody besides, had the least conception that the State convention of* 1849 *had, in any form, indorsed Free-Soilism; and if any such construction can be put upon the doings of that convention, the discovery has been reserved until the present time, for all contemporaneous exposition set down that convention as having utterly repudiated political Free-Soilism, and taken the platform of the Baltimore Convention*"!!!

Can any man read this, and not be suspicious of platforms? Will not the New York Evening Post furnish "a contemporaneous exposition" of the last Baltimore platform, when it says, the resolutions were "not even heard, a considerable number of members present voting against them; and those who said aye did not know to what they were giving their applause?"

Mr. Hallett, in these Three Letters, gives an extract from the "series of two columns" of the resolutions of the Convention of 1849, but omits all those quoted by the Lynn paper. He charges that General Taylor was elected by the "bad faith" of the South; and he adds, that although the Northern Democrats keenly felt, as they were bound to, the defeat "of the great American 'statesman, General Cass, and the election, by 'aid of Southern Democratic votes, of the *abolition* '*slaveholding chief, General Taylor*, they did not 'forget or weaken the bonds of brotherhood be-'tween the North and South, nor deny to the 'latter the full measure and security of their con-'stitutional rights."

General Taylor "an abolition chief," says the master-workman of the Baltimore platforms of 1848 and 1852—the man who drafted the resolutions of the Springfield Convention! And in his three letters he answers the charge of his being an Abolitionist in 1849, by giving copies of various resolutions, in other years, in which he was opposed to abolition—only proving that a man may be in Democratic "brotherhood" on the Baltimore platform with Secessionists in Baltimore, and on the Springfield platform with Abolitionists in Springfield.

I have much more material before me relating to Mr. Hallett, but I will not use it at present. I may do so hereafter, if it becomes necessary. He is one of those now busily engaged in endeavoring to create sectional discord in our country. He is one of the peculiar friends of the South, assailing the best men in the country, living and dead. He called the late Convention to order as chairman of the Democratic Central Committee; he drafted the resolutions of the Baltimore platform in 1848; and is, after his course has been exposed, continued by the Democratic party as one of the National Democratic Committee. It is to such men as these that Mr. Pierce owes his nomination. They have been allowed to fraternize with Southern Secessionists and Democrats, and have directed their counsels.

Such men can always find evidence of their opposition to Abolition. They have "two systems." They "eat Southern dirt," in the language of the gentleman from Massachusetts, [Mr. RANTOUL,] in Baltimore, and in Springfield are higher-law men, opposed to slavery in every form and color, "and in favor of freedom and free soil, wherever man lives, throughout God's heritage." They would have free soil even in the Southern States. Did ever Seward, or Kellogg, or Johnston of Pennsylvania, I ask my friend from Florida, go further than this? I concur entirely with the Democratic nominee for the Vice Presidency, (Mr. KING,) when he wrote that "a large portion of the 'former Democracy of the North lend themselves 'to the advocacy of Free-Soil doctrines, and make 'common cause with the unprincipled, and the 'infamous agitators and abolitionists." He probably referred to Mr. Van Buren, Hallett, and others. The "former Democracy," old fogies, I suppose, to whom he referred, are now on the platform with him.

Now, sir, whatever may be said in condemnation of the abominable opinions of the gentleman from Massachusetts, [Mr. RANTOUL,] I think vastly more of him than I do of the master-builder—the boss—Mr. Hallett. The difference between them is about the same as that between the bold, daring highwayman, who says the world is his oyster, which he, with sword, will open, and comes gallantly into the fight, and the hypocrite, like Aminadab Sleek, with long face and solemn professions, putting money in his own pocket obtained under false pretenses. If I could have anything like a preference, I rather prefer the highwayman. Of all evils, save, oh save me and the Whig party, from the "infamous agitators and abolitionists," who wish to sow discord in the country, by their miserable woodennutmeg, horn gun-flint, pedlar-made, double faced, "good-fellowship, firm brotherhood" platform resolutions. There never was a greater "fraud" than this pamphlet of Hallett's. My friend from Tennessee, [Mr. CULLOM,] the other day referred to the Boston Times, an abolition paper, which had at the head of its columns the names of DOUGLAS and HUNTER. I refer to the facts given in his speech, of the alliance between the Democrats and the Abolitionists. Young America was then blooming. I suppose if Young America had been nominated, with all his fillibustering, with all his kind treatment of friends, with all his soft insinuating ways to all mankind, and nobody in particular, [laughter,] my friend from Florida would have been found under his banner, with Rantoul, Hallett, and the whole of this concern, going it pell-mell, because General Scott would not write a letter since the 3d of February, 1852. Talk about progressive Democracy! The gentleman from Ohio [Mr. OLDS] talked about the old "fife and drum." This Baltimore platform is the fife and drum.

I wish I had half an hour, by way of "personal explanation," to comment upon the drum-and-fife music of this contemptible platform. I beg pardon of the Democrats for saying it. It is truly

contemptible and disgraceful, especially the compromise part of it. I would rather take the Free-Soil resolutions of the gentleman from Indiana, [Mr. FITCH,] the Smithsonian Regent, who says "*it was him*" who did this and that. I would rather take these resolutions than this platform. They do not use the word "finality." What becomes of my friend from Florida with the "finality?" Where are you? Are you going with that platform against internal improvements? What does that mean? The whole Smithsonian college, if there were twelve from Indiana, cannot tell what the "general system" of internal improvements is. The whole platform at Baltimore was a farce. Some member called, in the great confusion, for a division of the question, and General Saunders, of North Carolina, said that the resolutions could not be divided! Think of that, Mr. Chairman. A long string of resolutions were offered upon everything, and nothing in particular. They put in the 1798 and '99, but left out the resolutions in regard to the French Revolution, which they adopted four years ago by-the Democracy with whom principles are eternal and platforms finalities. Louis Napoleon sits upon his throne as emperor in fact, and where now is all their sympathy and confidence in the French Revolution. They need Mr. Hallett, of Boston, to fix up another platform. I cannot go that. I want no such drum-and-fife music as that. Does the gentleman from Ohio [Mr. OLDS] want the fife and drum, if it plays Yankee Doodle and protection to American labor; or does he want "Rule Britannia," "God save the Queen," and free trade, according to the Democratic platform Sir Henry Bulwer's letter? We cannot go under these platforms unless we know what the music is, and who the musicians are, but the Democrats can. They are more easily pleased than we are.

The honorable gentleman from Mississippi, [Mr. BROWN,] the former Governor of the State, does not pursue the course of our friend from Florida. He will not rule every man out of the party who wishes to act with him. When another gentleman wanted to "kick" the gentleman from Massachusetts [Mr. RANTOUL] out of the party, he said he would take his support, and coöperate with him. He is more sensible than some others. I beg pardon for drawing comparisons. I know they are "odorous." The gentleman from Mississippi, in his speech of April 13 and 14, 1852, said, in reference to the bank, tariff, and distribution: "The gentleman from Massachusetts [Mr. RANTOUL] was appointed by President Polk, district attorney for Massachusetts, being accepted as a sound Democrat." He [Mr. BROWN] added: "I will not reject the aid 'of the gentleman from Massachusetts, Free-Soiler 'though he be, in upholding the Democratic side 'of these questions." * * "When a good work 'has to be done, I will accept aid from any quar-'ter." If so staunch a Southern-Rights Democrat as the gentleman from Mississippi can accept such aid, cannot my friend from Florida take some such aid in getting river and harbor improvements, a tariff, or his Florida railroad? I warn the gentleman, with his sublimated opinions, to keep out of the Democratic party; they will have the whole or none, and unless he yields he cannot stay with them two months.

I heard it said when I was a child, in homely phrase, that it was allowable to "make the Devil tote brick to build a church." Who is there that would not worship there because the Devil did "tote" some of the bricks to build it? Who so overrighteous as to refuse to worship in a church because some bad men approach the altar? I would not make elders and deacons of them, but let them sit near the door. Hallett was a high-priest in the Democratic Convention. If any Kelloggs come among us, we will try and place them on the stool of repentance. My friend from Mississippi, who is a strong Southern-Rights man, if I am not mistaken, and is quite ultra upon the ground of secession, can fold his arms, and stand upon the platform with the gentleman from Massachusetts, [Mr. RANTOUL,] who must stand there, although he was kicked out of the Convention, in accordance to the dictates of party, and dare not refuse. He is like many other men I have seen in this country, who would seek "the bubble reputation at the cannon's mouth," and vindicate their honor in a personal contest at the certain risk of their life. I have seen such when King Caucus stamps his foot, tremble like an Eastern slave.

The gentleman from Massachusetts [Mr. RANTOUL] may talk about revolutionary heroes. I listened to him with pleasure, and felt kindly towards him when he referred to those old times, and told us that he was a descendant of revolutionary sires, and that their blood flowed through his veins, and the veins of his constituents, as I understood him. I hope it does; but he must stand on this Baltimore platform. You must come down to "Captain Scott," of Richmond, and go the platform. There is nothing that will save you. [Laughter.] My friend from Florida [Mr. CABELL] will have to go there, if he quits us. The gentleman from Massachusetts, who defends the coalition, can have no scruples in submitting to any platform. Since the days of Judas Iscariot, there has not been so abominable a coalition as this in Massachusetts, between the Democrats and Abolitionists. Gentlemen who can defend that, can submit to anything else in the way of platforms. The gentleman from New York [Mr. KING] over the way, made a speech giving us a demonstration that he would not support the nomination of the fugitive slave bill, has indorsed it, and marches right into line; and afterwards the gentleman from South Carolina, [Mr. ORR,] a Secessionist, comes in and gives it support, though he does not approve all of it. Of what use is a platform, if Abolitionists and Secessionists, without surrendering their opinions, can unite in supporting it, or supporting the nominee who stands upon it? The New York Evening Post, a Democratic-Abolition paper, dissents from the platform, denounces it, approves Pierce's nomination, and says that Scott "claims *publicly* to be one of the 'authors of the compromise, fugitive slave law, 'and all—so far as to have earnestly and successfully used all his influence with Congress to pro-'cure its passage." I quote the very words. I have the paper before me. I give another extract for the benefit of my friend from Florida, and those who read the Tribune to frighten Southern gentlemen.

The editor of the New York Evening Post, June 8th, 1852, speaking of General Scott's declaration, that he procured the passage of the fugitive slave law, says:

"His declaration to this effect, as taken down from his own mouth, has been published in the Tribune itself, and nobody has denied the authenticity of the statement. There is not a colored man carried off from his family under this infamous law, not a free man or woman enslaved by what are denominated its summary processes, who may not, if we take General Scott's own word, thank him for all that they are made to endure. There is not a marshal or his deputy, employed to seize the pretended fugitive, or a commissioner, who sits to administer the law, who is not indebted to General Scott for the odious and ungrateful duty imposed upon him. Yet this is the man whom those zealous advocates of liberty select as their favorite candidate for the Presidency, at the very moment he is making his boasts that, but for his personal influence, the detestable bill of which we are speaking might never have become a law."

The New York Evening Post, noticing the recent nomination, says:

"The nomination of Franklin Pierce, of New Hampshire, as the Democratic candidate for the Presidency, appears to diffuse general satisfaction among the Democratic party."

Why? Because of the platform? Far from it. Hear further from the Post in the same article. The Post rejoices in the nomination of one "who did not think it worth his while to answer Robert G. Scott's letter." It says, also:

"Mr. Pierce did not, like General Scott, if we may believe the boasts which Scott is so fond of publicly making, procure the passage of the compromise by Congress. He has none of the partialities of paternity to induce him to employ the influence of his office to put down freedom of speech on this topic.

"The resolutions were adopted by those who nominated the candidate. They were not put till a large number of the members had withdrawn; they were not debated, not considered, not even heard; a considerable number of members present voted against them, and those who said ay, did not know to what they were giving their applause. The pretense of passing resolutions, of adopting a platform of political belief, under such circumstances, is the merest farce in the world—a proceeding as destitute of moral force as if the resolutions had been adopted by a dozen chance travelers on board a steamboat."

And yet we are told we nationalize parties by making them stand on platforms. Hear the Post further:

"With regard to what is called the platform adopted by the Convention, we have but a few words to say. Some part of it is excellent—that which refers to the resolutions of 1798 is worthy of all commendation, inasmuch as it readopts those principles of construction which the legislative authority is beginning to disregard. That portion which relates to the fugitive slave law, founded on a doubtful construction of the Constitution, would appear to many to be in direct contradiction with this, to say nothing of the inhuman provisions of the law itself, on which, however, the resolution expresses no opinion. But whether the resolutions are good or bad we regard as a matter of very little moment. They undoubtedly speak the sense of the committee who framed them, but in no respect can they be considered as speaking the sense of the Convention."

In the article referred to before me, the Post says:

"Mr. Pierce voted, when in Congress, to respect the right of petition, as exercised by the Abolitionists."

It adds:

"The right to ask for the extinction of slavery in the District of Columbia is now admitted, but Franklin Pierce, whatever be his opinions respecting the compromise, was one of the earliest to assert it."

The paper of the 8th of June, also says:

"With regard to the resolutions said to have been adopted by the Convention, just before its close, called in some quarters 'the platform,' we reassert, in stronger terms, what we said yesterday. Further inquiries into the circumstances satisfy us that, in saying that they did not express the sense of the Convention, we used the least expressive phrase the case would justify. They were not adopted by the Convention. Three fourths of the members—more than three fourths, it is said by some—had left the room; not more than a dozen of the rest knew what was doing."

Now, sir, is the Democratic party "nationalized?" Is agitation stopped by their platform? Hear the Post further:

"From one of the members, then in the Convention, who was decidedly opposed to a part of the resolutions, and would have voted against them if he had been given an opportunity, we have it, that he did not even hear the resolutions put to vote, and was not aware of this pretense that they had been adopted till he heard of it afterwards. A platform made in this manner does not even deserve the name of a farce, which we yesterday gave it. A farce is played before an audience which is aware of what is going on."

Here we have proof that the platform is not binding on Abolitionists, and the gentleman from South Carolina [Mr. ORR] has shown us it is not binding on Secessionists. It only influences those who are sound without it.

The platform denounces a National Bank; yet Mr. King, the nominee for Vice President, was a republican member of Congress in 1816, from North Carolina, and voted for the very monster bank that the platform says is unconstitutional. Mr. King is a gentleman of irreproachable character, whom I highly respect. I have defended him when attacked by Democrats at home. I think he voted for the force bill, which Nullifiers say, was intended to enable General Jackson to destroy the State of South Carolina.

Mr. BRAGG. The Journal will show that Mr. King, of Alabama, voted against the celebrated force bill of Messrs. Brown and Mangum, Senators from North Carolina.

Mr. STANLY. I would be the last man to do injustice to Mr. King, but I understood that he voted for the force bill. I stand corrected.

We used to hear the cry of bargain, intrigue, and corruption raised against Mr. Clay, because he voted for Mr. Adams. The country was prejudiced for years against Mr. Clay on this account. The vile slander is not believed now by any intelligent Democrat. We have recent evidence from Benton and Cass that they never believed it. Coalitions like that, falsely charged on Mr. Clay and Mr. Adams, have always been admitted to be disgraceful, until defended by the gentleman from Massachusetts, [Mr. RANTOUL.]

The Speaker of this House published a speech some years ago, in which he charged bargain, intrigue, and corruption upon Mr. Clay. He is occupying the Speaker's chair, and we are in the Committee of the Whole; he can have a chance to reply, and defend himself, if I do him injustice. There is a great deal more truth in the charge of a coalition of the Democrats with the Free-Soilers in this House than there ever was between Clay and Adams. Look at the Anti-Slavery Annual Report in Massachusetts, which I quoted in a letter published on the 7th April last. That report, referring to the attempt to indorse the compromise in the Democratic caucus, at the early part of the present session, says "the motion was laid on the table; and Mr. Linn Boyd, of Kentucky, obtained the Speaker's chair SOLELY ON THIS CONDITION."

Here is the gentleman from Connecticut, now in his seat, [Mr. CLEVELAND,] however much we may condemn his opinions, he always has the manliness to avow them. To play dough-face does not suit his nature. He was in that caucus; he voted for our Speaker, [Mr. BOYD.] I ask him if the Speaker of this House was not elected "solely on the condition" that the compromise measures were laid on the table in the caucus? He is too prudent to answer now. I dare him to deny it. He would not have voted for him if that platform had been adopted. Here is a great deal more proof of a coalition between our Speaker and the Abolitionists than of any ever brought against Clay and Adams.

Sir, I abhor these coalitions—the country abhors them. If I had never abhored them before, they would now be odious, when I see the result of the Massachusetts coalition. The good old Bay State, so full of glorious revolutionary associations, by means of this coalition has sacrificed Winthrop—and what have they sent in his place? However we may differ with Mr. Winthrop in some of his opinions, all men admit, he is without reproach as a gentleman, and conferred honor upon this House while he was a member of it. His high talents will yet, I trust, be exerted in our national councils. No man has been more unjustly assailed, or more misrepresented than he has. He never fanned the flame of sectional agitation. He resisted it at home. The gentleman from Florida did him justice for this some years ago. Mr. Winthrop spurned the attempt of the Free-Soilers to get a pledge or condition from him. No man is more ferociously assailed by Abolitionists than he is. No man more highly esteemed by gentlemen of all parties who know him, than he is. On some other occasion, I may be able to repel some of the assaults made against him.

But whom have the Democrats and Abolitionists sent in his place to the Senate? One gentleman [Mr. RANTOUL] was there for nine days. He was shunned by even his own party friends while he was there; they regarding the coalition as disreputable.

And who is now the representative in the Senate of the coalition in Massachusetts? CHARLES SUMNER—"What a fall was there, my countrymen!" In that greatest of great speeches delivered by Mr. Webster, in reply to Hayne—a speech which would have made its author immortal had he made no other—there is a beautiful apostrophe to Massachusetts: "There she stands!" he said; "Look at her!" For many years past the country has said with pride, pointing to her Senators, "Look at her!"—but then Webster and Davis were there; then Choate or Winthrop was there,—but who says "Look at her" now? Whom has she given us, by Democratic votes, as the successor of Webster and Winthrop? Look on that picture and then on this, oh Massachusetts, and hide your diminished head! Her present Senator is the author of a speech "on our present anti-slavery duties," at the Free-Soil State convention in Boston, October 3, 1850, some extracts from which were published in the Republic newspaper a few days ago.

In that speech, among other things, the Democratic coalition successor of Webster, thus spoke of the fugitive law, and of the President:

"Into the immortal catalogue of national crimes this has now passed, drawing with it, by an inexorable necessity, its authors also, and chiefly him who, as President of the United States, set his name to the bill, and breathed into it that final breath without which it would have no life. Other Presidents may be forgotten, but the name signed to the fugitive bill can never be forgotten. There are depths of infamy as there are heights of fame. I regret to say what I must, but truth compels me. Better far for him had he never been born; better far for his memory, and for the good name of his children, had he never been President!"

And yet, sir, the man who made this speech has been so destitute of all regard for propriety, as to be seen visiting the President, whose situation compels him to receive all visitors? "Oh, shame! where is thy blush?" I shall have, hereafter, another word to say of this wicked speech. In place of Webster, the journeymen platform builders in Massachusetts have sent us a fantastic Malvolio, who puts himself into "the trick of singularity," and by a peculiar tact of thrusting himself where he is not wanted, he seeks commendation for his "yellow stockings," when he is "cross-gartered." When he speaks we look at him, and remembering his speeches to Free-Soil conventions, we say, "O, peace! contemplation makes a rare turkey-cock of him; how he jets under his advanced plumes!"

It is due to Massachusetts to say, the coalition is as much censured in that State as anywhere else. Shortly after the coalition was made, one hundred and sixty-seven members of the Senate and House of Representatives of the Commonwealth of Massachusetts published an address, written, I learn, by one of the first lawyers in the United States, in which the coalition is thoroughly exposed, as a "factious conspiracy." It is charged as a "crime," as all honest men will regard it.

But that is a digression. Look at the coalition in this House two years ago, when the gentleman from Indiana [Mr. BROWN] was to be voted for, for Speaker; and when he made a bargain with the Free-Soilers, many Democrats thought that disgraceful, whatever may be said of it by Massachusetts Abolitionists. I am sorry for the gentleman from Massachusetts, [Mr. RANTOUL,] who has been kicked out of the Democratic party. I am sorry I have not some spermaceti for his wounds. [Laughter.] I wish I could pour oil upon his troubled spirits, for I like his course better than I do Hallett's. With all his talent, he cannot make coalition agreeable to honorable gentlemen of his own party in this House. Judas Iscariot's was a coalition execrated by mankind for more than eighteen hundred years. Clay was abused by thousands of Democrats for his "coalition" with Adams; but here is a more odious coalition between the Free-Soilers and the friends of the Speaker of this House. I do not charge that he knew it, but was he fool enough to declare to those men that he would not have their support? Not he; he took their votes. He is not so sanctimonious as the gentleman from Florida, not so holy as he is, not so much holier than other folks; and yet that is the party which the gentleman from Florida wants to belong to. We sometimes hear a great deal here about selling negroes, but thank God! we have never sold white men in North Carolina, nor elsewhere outside of Massachusetts, except for crime, and then they were put out to work to pay their expenses. But since the time of Judas Iscariot's coalition, for the thirty pieces of silver, there never was such a coalition as that in Massachusetts two years ago, between the Democrats and Free-Soilers. One man came to Congress, another took a clerkship, or a judgeship, one was made Governor, and the small offices were used for change on the counter. [Laughter.] But the resolutions of '98, '99 got into that convention. We had a man named Root, from Ohio, here in Congress, a year or two ago, a smart, humorous fellow, but he got his head full of these ultra abolition notions, and it destroyed all his talent and usefulness. Just as the gentleman from Pennsylvania, [Mr. STEVENS,] who made such an admirable speech on the tariff yesterday, holds the same opinions, and thus his great talents, which might be a blessing, are a curse to the country. Well, who have they sent here from Ohio in Root's place? A gentleman born in England, [Mr. TOWNSHEND.] "*Cœlum, non animum mutant, qui trans mare currunt.*" He took up the resolutions of '98, in his speech here, and he, no doubt, will tell you that those very resolutions tolerate the abolition of slavery. A gentleman near me says, that that gentleman declares he will not vote the Democratic ticket. I believe he will not vote any American ticket with the sentiments he expresses in that speech. Well, he is a great improvement on Root, as, I think, Rabelais writes, the devil said when he mended the dog's leg by taking out the bone and putting in a stick. [Great laughter.]

Now, sir, when Hallett reported resolutions to the Democratic Convention of 1848, a motion was made to amend the resolutions by putting in one about the Wilmot proviso. When that resolution was offered, a gentleman from my own State (Mr. Strange) moved to lay it upon the table, because, as he remarked, the platform was strong enough already. Well, Hallett reported those resolutions, and since that time he has signed resolutions such as the gentleman from Massachusetts (Mr. RANTOUL) read to us a few days ago. Since 1848, when my excellent friend from North Carolina was satisfied with the platform, this man Hallett, on the same committee, if I mistake not, with him, has pursued such a course as that. Can I trust such things? What good can platforms do when these men stand upon them? And worse than that yet. The gentleman from Massachusetts, [Mr. RANTOUL]—and he must pardon me for referring to him so frequently; I believe my remarks in reference to him will not hurt him at home, but will rather do him good—the gentleman in that same Convention of 1848, if I mistake not, nominated the candidate for Vice President. He and Hallett were as thick then as two thieves. [Laughter.] They were sworn friends—hand and glove together. The gentleman shakes his head. He never did like Hallett. Well, I do not blame him for it. I like him the better for it. I cannot trust these Abolition platform builders:

"For treason is but trusted like the fox;
Who, ne'er so tame, so cherish'd, and lock'd up,
Will have a wild trick of his ancestors."

In plain talk, watch him, or he will rob your poultry yard.

I have no patience with Northern men who have "two systems"—one in Baltimore, another at home. I honor those who, like you, Mr. Chairman, [Mr. RICHARDSON,] are the same here and there—like your Senator, [Mr. DOUGLAS,] whose manly course at home on this subject I heartily commend. But when they come whining and dodging and sneaking here with their horn gun-flint resolutions, I do not trust them. I cannot trust men like Hallett, whatever platform they may stand upon. In the Convention at Baltimore the other day, a friend from North Carolina (Mr. Saunders) said that the resolutions could not be divided—think of that, Mr. Chairman—and the question was taken on them amidst great shouting. I commend to my Democratic friends what the New York Evening Post says upon that subject, to which I have already referred.

Now, I say again, that I am totally, finally, and utterly opposed to these foolish, ridiculous platforms and resolutions for Whigs or Democrats to stand upon. Go back to Washington's days. Why did they not rig him up, and put him upon a platform of resolutions? Because the public heart knew he was worthy of trust. Why did they not put old John Adams on a platform, or his son, or Jefferson, or Madison, or Monroe, or Jackson, or Crawford, or Harrison, or Clay, or Taylor? There were no "platforms" until Mr. Van Buren quarreled with Mr. Calhoun, and thought to get the start of him by platform resolutions. That was when they commenced. I want to go back and take men according to their known opinions. Why, even John Van Buren, the talented Barnburner of New York, goes for this Pierce platform; or if he does not go for the platform, at least he goes for the man, and I believe he goes the platform, too, as he understands it, though no two men in this House can understand it alike. For instance, in relation to the fugitive slave law, the platform says this act cannot "be repealed or so changed as to destroy or impair its efficiency." Will some Free-Soiler tell me whether this does not admit that it would be better to have jury-trial for fugitive slaves? I know some of them desire that change, and think it would be more efficient.

The gentleman from New York [Mr. KING] would tell you that the jury-trial would make the law more efficient. These men will contend at the North that jury-trial is provided for, and Hallett will pen resolutions about it, before anti-slavery conventions in Massachusetts; and in town meetings, and then write letters and say its all a lie. [Laughter.] I cannot go for such a platform. I will have nothing to do with any such thing. Again I ask, how does a platform settle this question, if gentlemen can understand it as they please? How can it settle it when the platform is passed in an afternoon session, as the papers report, amidst the greatest possible disorder and confusion? Some men sober and some men not sober. [Laughter.] A wise man remarked, that an assembly of three hundred men would be a mob, if each one of them were a Socrates. Democratic Conventions are no exception to the remark. But our friends, who, like the gentleman from Florida, dislike General Scott, are anxious to have a letter, to have a platform. They say General Scott ought

to write, all at once. Well, what did the Democratic party do with their men who wrote letters? They got a Captain Scott who killed off thirteen of them. The Free-Soil influence prevailed, and put down every man who wrote those letters. That is what letter-writing brought them to. Sir, I trust that no Whig candidate for the Presidency will condescend to pledge himself in advance to any body of men that he will veto any act of this Congress. I do not say that he would not get my support, for that would depend on who the other candidates were, and I cannot go the Pierce platform, but he could not have my cordial support. I should support him with the greatest reluctance, if at all.

During the few minutes that remain, I wish to state very rapidly some of my objections to the double-faced resolutions of the Baltimore Convention. In the rapid speaking, caused by an effort to discuss more subjects than the time will allow, it is impossible to argue any question properly. To be brief, then: The platform condemns "a general system of internal improvements." That is a "Kane letter" resolution. Who can say what is "a general system?" Will Democrats support a system that is not general? Does it depend on the amount expended—must it contain fifty items, or fifteen?

Another resolution forbids the General Government to "foster one branch of industry to the detriment of any other." This is a sly attack on a protective tariff, which it is not prudent boldly to avow. If the candidate accepts the platform, he will run in the South as against a protective tariff, and in the North a letter can be had for Pennsylvania, showing he is a better tariff man than Mr. Clay ever was. This resolution panders to the nullification spirit of the South, which opposes tariffs. It perpetuates a feeling of sectional dislike.

Another resolution favors "the most rigid economy." So did Mr. Van Buren, when the expenses of the Government were so enormously increased.

A great man said, when censuring the habit of men in making resolutions to carry out good intentions, that "Hell itself was paved with good resolutions." I will not say some of these platform resolutions will be found there; but if good resolutions unaccompanied with good acts go to the place referred to, none can have a better claim to be sent there than those of the Baltimore platform.

Another resolution asserts that the Democratic party will resist all attempts at reviving in Congress or out of it, the agitation of the slavery question; and yet I think with my friend from Tennessee, [Mr. CULLOM,] that the gentlemen from Indiana [Mr. FITCH] and from Georgia [Mr. JACKSON] introduced the agitation into this House, after a Speaker's-room caucus.

The platform now contains a new plank. After the Democrats from Massachusetts [Mr. RANTOUL] and from Ohio [Mr. TOWNSHEND] advocated the resolutions of '98 and '99, they have been "nationalizing the party" by inserting them.

Another resolution approves the war with Mexico, but says nothing of any other war! In one war a Democratic General was thrown or fell from his horse; in another war—1812—a Whig General had a horse killed under him in battle.

The last resolution of the platform of 1852 is, I suppose, a substitute for that of 1848, in which the French Revolution was the subject of Democratic congratulation. That has passed by. Louis Napoleon is on his republican throne, and all the confidence of '48 is found to have been misplaced.

Nothing is said of intervention. Not a word to the Governor of Hungary; but by way of encouraging Young America fillibusters, the last resolution speaks of the "Union *as it shall be*, in the full expansion of the energies and capacities of this great and *progressive* people." In the Convention of 1848, it was said Yucatan and other countries might be annexed. Let the peace-loving, law-abiding citizens of our country pause and ask, Are we to have another war for more territory, by way of obtaining "security for the future?" I should be greatly obliged to learn how any Southern Democrat, who voted against the compromise resolution of the gentleman from Georgia, [Mr. HILLYER,] can support the platform.

A very few words in relation to the Whig caucus, which was referred to by the gentleman from Florida. I thought it had passed away, and I hoped it would have been allowed to sleep. I have no disposition to refer to it, but as the gentleman from Florida has done so, I wish to say a few words. We adopted a resolution in caucus, at the early part of the session, and, as I supposed, disposed of the slavery question for the session. Shortly after that, a Democratic gentleman from Indiana, [Mr. FITCH,]—the Smithsonian gentleman—introduced a platform resolution here on the subject of the compromise. It had been rejected in the Democratic caucus, and it was rejected by his own friends here.

The gentleman from Georgia, [Mr. JACKSON,] and the gentleman from Tennessee, [Mr. JONES,] I suspect, patched it by putting in parentheses, "the fugitive slave law included." If I do the gentleman from Tennessee injustice, I hope he will correct me, but I think he had a hand in patching it.

Mr. JONES, of Tennessee. Does the gentleman object to anything in the resolution?

Mr. STANLY. I object to the whole concern as deceptive.

Mr. JONES. I ask the gentleman if he objects to what was inserted?

Mr. STANLY. Oh, no, that was the best thing in it.

Mr. JONES. I ask the gentleman why he did not vote for it then?

Mr. STANLY. For the purpose of making my mark in opposition to it, because I regarded the whole thing as ridiculous.

Mr. JONES. Then I ask the gentleman if he would not have made his mark more effectively by voting against the resolution?

Mr. STANLY. I think not. I would not allow myself to be caught in the trap. Whigs who have been in Congress as long as I have, do not jump into nets when they see the meshes spread out before them. Well, sir, a resolution of that sort was introduced into the Whig caucus by the gentleman from Kentucky, [Mr MARSHALL.] Why he introduced it, I cannot tell. But he labors under a great mistake in regard to it. He published a speech upon this subject the other day, in which he says he had an assurance that the resolution would be considered by the meeting. I do not know what the gentleman calls "assurance," but according to my recollection, he is altogether mistaken. He speaks with the confidence of one who thought he was infallible. I quote his words—they are italized by himself.

In a speech of Mr. HUMPHREY MARSHALL, in the House of Representatives, May 26th, 1852, it is stated as follows:

"Mr. Chairman, I need but to refer to the decisions of the Chair on that occasion—to the card of the president of the caucus, since published—to the testimony of all who witnessed those proceedings down to the time when my resolution was voted down, and I retired definitely from the meeting, to prove that my colleague has profoundly mistaken the history of that memorable transaction. *No assurances were given to me that my resolution would be considered by the meeting. On the contrary, when I retired, it was with a distinct understanding on my part, that the vote laying my appeal from the decision of the Chair upon the table, expressed the definite and fixed conclusion of the majority present, that the Chair had ruled correctly, and 'that the time and place for holding a National Convention' constituted the only legitimate object for the consideration of the caucus.* Whatever assurances may have been afterwards extended to my friend from Tennessee [Mr. GENTRY] by his colleague, [Mr. CULLOM,] were given without my knowledge, and cannot serve to alter the complexion of this affair."

I have consulted some fifteen or twenty gentlemen, and they all say that he is utterly mistaken. It shows how frail human testimony is, and how charitable we ought all to be. He had the positive assurance, as I call it, of three persons, that his resolution would be considered, after the time and place were agreed to. It received general assent.

Mr. MARSHALL, of Kentucky. Who were they?

Mr. STANLY. Mr. COOPER, of Pennsylvania; Mr. MOORE, of Pennsylvania; and, I believe, General TAYLOR, of Ohio.

Mr. MARSHALL. Those gentlemen will not sustain your assertion. I have talked with two of them myself.

Mr. STANLY. I ask the gentleman from Pennsylvania [Mr. MOORE] if I am not right?

Mr. MOORE, of Pennsylvania. I did get up after the vote upon the question whether the resolution was in order, and state to the caucus that I was then ready and willing to vote upon the resolution of the gentleman from Kentucky, as a separate proposition.

Mr. STANLY. The gentleman was too much excited that night. I do not impeach his veracity; but he is unquestionably mistaken. That he did not hear the assurance I do not doubt; but that it was given can be proved by many witnesses.

Mr. MARSHALL. Will the gentleman allow me to interrupt him?

Mr. STANLY. No, sir; I must go on. I would like to accommodate the gentleman, but I have no time to spare, and I insist upon my right to the floor.

I would be glad to know how many of the seceders attended the caucus in this city, and declared their determination in secret conclave to leave that convention, if these resolutions were adopted. But suppose they had adopted these resolutions in that caucus: would that have fixed the national platform in the National Convention? No, sir; it would not determine anything, and that was one reason why I would not go for the finality in that caucus, before anything else should be done. He wanted the resolution passed before the time and place for holding the National Convention was agreed upon. I then "sprung" from my seat, the gentleman said, and offered my resolution; and he "sprung" out of the hall. [Laughter.] Which springing was the better? I think mine was. They sprung to destroy the Whig party, some of them—some in that crowd especially. Those gentlemen offered their compromise resolutions before the time, and then left the caucus, because it would not pass them just when they pleased, in advance of all other business. Who ever heard of such conduct, since there has been a Whig party in the world?

The conduct of some gentlemen that night was unkind, to say the least. Their language was offensive, their bearing arrogant and dictatorial. They made the caucus a "debating society," and then afterwards complained that the large majority of the Whigs in caucus would not take up for action the business of the meeting in the manner and time prescribed by them.

There was no determination that the gentlemen should not be heard. So far from it, I know the excellent Senator from Kentucky [Mr. UNDERWOOD] had a resolution which he thought we all could unite upon. I told him I also wished to offer one against secession, but they ought to be offered after the time and place were agreed to. I did not know that any possible good could come from offering the resolutions. I thought mischief was intended. I know there were a few there that night whom nothing could satisfy. Some who seceded I know were governed by pure and patriotic motives.

I will not discuss further the proceedings of the caucus. I cannot do so. I leave the subject to the country, and ask only that the able arguments of the gentlemen from Kentucky, [Mr. GREY,] from Tennessee, [Mr. CULLOM,] and of my colleague, [Mr. MOREHEAD,] may be read.

But I assert that it had been determined on at a meeting held before the assembling of this caucus, to secede if the resolutions were not adopted before the time and place were agreed to. If there was no such meeting the gentleman from Kentucky [Mr. MARSHALL] can say so hereafter. But I have but three or four minutes left and I must hurry on.

Mr. Chairman, I support no mum candidate for the Presidency. I will not support General Scott, or any other man who conceals his opinions from the American people. It is due to my constituency and to my own character, to say, that if I supposed for one moment that that distinguished man could think of doing such a thing, I might be disposed to treat him as unkindly as my friend from Florida has done. Such a thing would cast a reproach upon himself, it would cast a cloud upon his hitherto untarnished laurels, which all his enemies, domestic and foreign, have hitherto been unable to tarnish. But, sir, he will not conceal them. General Scott will never play a double part, and withhold his opinions from the American people. When he does that, he will have sacrificed his high character which has so much

distinguished him during his whole life, he will have thrown away his reputation—a pearl "richer than all his tribe." When he does that, he does not deserve the support of any honest man.

Mr. Chairman, I conclude. My course upon these difficult questions I hope is regulated by a desire to pursue what is best for the whole country. There can be, I believe, no conflicts between different sections. I believe I can best discharge my duty to the South by pursuing the course I have taken. That I will be assailed and misrepresented I have no doubt: that has been so often done I am accustomed to it.

And well knowing, as I do, that the Whig Convention will nominate no man who is not known to be a compromise man—who is not known to be true to all the great interests of the country, and opposed to the destructive doctrines imbodied in some of the Baltimore resolutions, I shall go for the nominee of that Convention, with full heart and in good faith. And if I fall in that contest, I hope it will be with the spirit that governed the Vermont boy who fell by the side of General Scott, at Lundy's Lane. At that battle some of the men had exhausted all their cartridges. A messenger had been sent for more. The Green Mountain boy was killed. When dying his heart was in the fight for his country's honor. His last words were: "Boys, I am dead—there are cartridges in my box."

MODIFICATION OF THE TARIFF.

SPEECH OF HON. J. MEACHAM,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

June 9 *and* 10, 1852.

The House being in the Committee of the Whole on the state of the Union on the Indian Appropriation Bill—

Mr. MEACHAM said:

Mr. CHAIRMAN: Other members have taken occasion to discuss the opinions of their sections or parties, real or prospective—opinions that have nothing to do with the legislation of the country. Believing that I have no commission to make public opinion, or candidates, or Presidents, I take the liberty of introducing a subject which demands immediate action by this House. I have sought an earlier occasion, and supposed it would be granted on the President's Message. But six months of the session have passed, and the ruling power, with a controlling majority, have not seen fit to give the weighty matters in the message of our excellent President the cold courtesy of consideration or reference.

Many weeks since, a gentleman from Massachusetts, [Mr. RANTOUL,] while advocating a grant of land to a Missouri railroad, took occasion to lecture on the duties of Northeast men. The speaker held a peculiar position. The last Congress granted to Illinois 2,730,000 acres of land to build a railroad. The State freed the land from taxation till the time of sale, and then gave it into the hands of a company in Boston and New York to build the road. The company is a small one; the gentleman is one of the number, and a leading director. There is his letter, (holding it up,) showing the value of these lands, granted to be the best in the Union, and "lying along the greatest thoroughfare on the continent." He has fixed the minimum price, but has left the maximum unsettled.

He has put the price at $10 per acre, at $15 per acre, and its "intrinsic value, from its power of production, at $29 50 per acre. If sold at the first price, those lands will yield the company $27,300,000; if sold at the second price, they will give $40,950,000; if sold at the third price, they will afford $80,535,000. Senator DAWSON has stated the cost of the whole road at $6,900,000; that being true, the road can be built and leave a *profit* to the company, at the lowest estimate of the gentleman, of $20,400,000; his second estimate will give them a profit of $34,050,000; his highest estimate will yield a profit to thirteen members of the company of $73,635,000. No wonder this company can afford to employ an eminent Cabinet officer (Hon. R. J. Walker) to feast with the Barings and Rothschilds of London, while making a loan for his employers. The Democrats have stoutly warred against internal improvements by the General Government; against diverting the public lands from the National Treasury; and against all monopolies in the hands of corporations. It was, therefore, strange to see the gentleman, self-proved so long and so consistent a Democrat, striking off in a tangent from the doctrines of his party, and advocating a local internal improvement, tributary to his own, at the expense of the nation; himself a prospective sharer in the most enormous grant of public land; and himself a Democratic member and director in one of the most overwhelming and overshadowing monopolies that ever existed on this continent.

While occupying a position, certainly peculiar—some would have considered it delicate—the gentleman volunteers his tuition to Northeast men. He predicts, aye, threatens, that if they do not follow his counsels, the manufactures of wool, and cotton, and iron, shall take to themselves wings and fly westward towards the setting sun. A shrewd observer asked, why he did not include the manufacture of leather and shoes, and make the treachery to his constituents complete. Shall we now see the gentleman, after abandoning New England for his Western interests, move round the political zodiac to the sign of the Palmetto, and sit cosily down with the gentleman from South Carolina, [Mr. ORR,] who has just delivered so able a free-trade eulogy on the Democratic nominee? After the delivery of that speech, I turned to the facts relating to that subject I had already gathered. I carefully collated the reports of commerce and navigation,—I can only gather facts; I cannot make them,—and feel warranted in declaring that the facts do not sustain the gentleman's assertions. While waiting a proper time, I have been instructed by the statistics of Henry C. Carey, one of the ablest writers on political economy in this land; by the able memorial from New England, by J. G. Hayes, Esq., of this city; by correspondence with men of leading intelligence engaged in manufactures. For much of this I am indebted to the able Representative from Boston, [Mr. APPLETON,] and especially by an able letter from a Vermont farmer, (Hon. William Jarvis,) who lives in retirement on the banks of the Connecticut. More than half a century since, as an officer of this Government, he traveled through England and Spain. He marked the contrast in the condition of those countries. In one, was industry, activity, and progress; in the other, indolence, inactivity, and poverty. He looked for the causes, for there was nothing in nature that produced it. The soil and climate of Spain was far better fitted for the growth of grains, the olive, the silk-worm, the grape, and the finest of wool. Spain—till she banished her artisans by a process more sudden than ours, but not more sure—took the lead of the world in manufactures. He then inquired for a cause of this difference; and found that in one, industry in commerce, and agriculture, and manufacture was protected from ruinous competition; in the other, the laboring class was left unshielded, while the Government depended on the mines and tropical fruits of her colonies to pay for her foreign manufactures. That man came home, and was one of the earliest and ablest advocates for the protection of American labor. Now of more than fourscore years, (his eye not dimmed with age or his natural force abated,) that patriarch watches the minutest movements of his Government affecting the honor or the interests of his country. He mourns, and mourns deeply, when he hears that one of her sons is advocating a system that tends to carry abroad all our American gold, and a mortgage on all our American investments, and bring down the American laborer to the hopelessness, and stupidity, and beggary of Spain. I have made this full acknowledgment of authority to save myself from constant quotation. Having done this, I ask attention to a few points in the speech of the gentleman from Massachusetts.

The first, middle, and last idea of that speech, running through the whole, and repeated in every form that can shun tautology, is, that the manufacturers of wool, cotton, and iron, will depart from New England, New York, and Pennsylvania, and take up their homes in the West. Its mildest interpretation is a patriotic effort to liberalize bigoted Northeast men through their fears. The plain Saxon of it is, an attempt to sound a sectional alarm, and create the impression that Northeast men want protection at the expense of the rest of the country. Nothing can be more unjust. No man can make a forgery more at war with the truth. Northeast men have looked anxiously for the progress of manufactures, westward and southward. The reason may be selfish, but it is quite plain; they know that all who make a fair experiment in manufacturing, will call out for protection to labor, and they will have allies and not rivals. You may go, with the benediction of every Northeast man, to spread your flocks over the prairies of the West; to rear your factories at every waterfall, and your forges at every mine and mountain of iron in the land. In predicting the exodus of manufactures from New England, has the gentleman quite forgotten the history of the world? The woolen manufactures of England are now where they were first settled—in the two Ridings of Yorkshire; the cotton, at Manchester; the cutlery at Sheffield and Birmingham; the hosiery at Nottingham; the potteries in Staffordshire; and silk at Spitalfields. Ten shires south of the Thames and Severn, as well fitted for it, have scarce a single manufactory. Henry IV. brought the silk-worm and silk manufacture to France; from his day, the seat of the silk work has been at Lyons, while other parts of France are as well adapted to it. Geneva has been the fountain of clocks and watches so long, that the memory of man runneth not to the contrary. Manufactures may—we trust they will—spread westward and southward; but while they can live anywhere in this land, they will live in New England, the home where their infancy was nursed. There is the natural power, the structures, the machinery, the skill, and the industry; and there the laborer will not be seduced from his employment by the agricultural rewards on the fertile soil of the West.

The gentleman has made a comparison of the effects of the tariffs of 1842 and 1846. I regret he has done so; but the fault is his, not mine. I have never before seen so strong an illustration of the political value of time, and he makes the most of it. He has two or three years sliding in and out of his calculations; not by any fixed rules, like those of Sir Robert Peel, but just to suit his own convenience. The results of two of those years—1847 and 1851—are written in a kind of invisible, sympathetic ink. When wanted, he reads, like Lafayette in the prison of Olmutz, "with *uncommon warmth*," and all the figures start into life; when they would be a little troublesome in his tables, he applies the cooling process, and they disappear, leaving a perfect blank. He goes back twelve or fifteen years for the price of agricultural products—takes the country when suffering from financial revulsion—when it had sunk five hundred millions by over-importation—when it was drinking the dregs of a compromise tariff; when foreign creditors, in order to get their pay, were willing to take our products at any price from American bankrupts—and then he makes a very edifying table as to prices for four years on either side of the line of 1842. For the manufacture of cotton he goes back twenty years, and, finding it largely increased, sneers at a petitioner for protection of labor, tells him he is engaged in a "terribly losing business," and derides him for shivering under a garment, though thin and tattered, that is so much larger than he wore when a child. In the iron manufacture he starts at 1810, and glides easily and gracefully up to the present. Quite forgetting a quadrupled territory, a population increased *sixteen millions*, an entire revolution in the modes of manufacture, and the effect of fifteen tariffs on the forty intervening years, he drops down on 1850, and complacently gives all the credit of the change to the tariff of 1846. In this way the gentleman's tables are made up, of which no man is better advised than the gentleman himself. I use the tariffs of 1842 and 1846 as the only names by which to designate the systems to which they refer. I do not use them to distribute political praise or blame to any party. I am sincerely and earnestly anxious to see such a change in the revenue laws as the interests of the country demand, and would be glad to sacrifice every particle of political credit, in order to gain that end. I do not represent my State as in beggary or starvation; no act of the Government—

nothing short of the act of God—can ever bring her to that condition. In her limits more than $17,000,000 have been expended in railroads to open the way to her rich fields, to her mines, to her marble quarries, and her natural manufacturing power. She has not, like the West, asked public lands to build her roads; or, like the South, a remission of duties on railroad iron. The work is mainly done and paid; and now, could she receive a portion of protection given to the pauper labor of Europe, she would feel a sudden impulse in manufactures, and a stirring movement in her agriculture, by a home market for her products, in manufacturing establishments on her own soil.

Let us now turn to some facts that bear on this comparison. The tariff of 1842 found the country in great depression; our able financial agent, offering double interest, and pledging the security of this Government, could not borrow a dollar in the glutted money markets of Europe. That act checked foreign importation, restored the balance of trade, and rescued from perpetual infamy the blasted credit of the country. Its design was to have a home market for the products of the shop and the field, by having the man who makes, and the man who uses, in the same country. And it effected the object. The manufacture of iron increased from 200,000 to 850,000 tons; railroad iron from nothing to 100,000 tons; cotton cloth from 267,000 to 500,000 bales; woolen cloth from 55,000,000 to 80,000,000 pounds; the produce consumed in 1846 above 1842, in consequence of having the produce and market together, was $130,000,000. This was the result of turning into manufactures the produce of the earth—food, wool, cotton, coal, iron, and hemp. Turn, now, to the other side, and take a few out of a perfect deluge of facts. In 1846, at the close of the tariff of 1842, we produced 850,000 tons of iron. Now we produce 400,000 tons, and import iron annually to the amount of $8,000,000—almost equal to all our export of food. In 1846, Illinois exported 800,000 pigs of lead; last year, 350,000; while we are *importing* more than 43,000,000 pounds, at a cost of $1,500,000. That sum ought to have gone to Illinois farmers and miners. Who has prevented it from taking that direction?

Look at the change, as it affects individuals or companies. In 1847 there were five furnaces, manufacturing pig iron, in blast in a small valley west of Lake Champlain. Jackson's produced 3,000 tons in 1847, 1,500 tons in 1848, and closed. Two of Gray's in 1847 produced 5,500 tons; in 1848 they failed, and assignees worked up the stock. Of all that have risen, and struggled, and sunk down in that valley, but one remains—that of Enfield, Hammond & Tower. They have $75,000 invested in their works; managed by the owners on the spot, with wise and practical sagacity. They have one of the best mines, making the best iron in the land, as shown by repeated trials at your navy-yard. Their coal, ore, labor, and transportation is as cheap as can be found anywhere; yet they cannot compete with the miserable foreign iron without a loss of from $5 to $7 per ton. Go by their wharf, and you may see their iron, piled as high as human hands can lift it, measured by roods and acres. The gentleman from Massachusetts may ask, "Why don't they give up?" Sir, the hard earnings of a past life are invested in that house, in Adirondack mountains; invested under the solemn promise of protection by the Government, pledged by the law of the land. That promise was kept by the tariff of 1842. You promised them a "*better tariff*" in 1846, and, trusting you, they went on. Now they, and thousands of others in the Northeast, are like mariners on a wreck—lifting up their signals of distress, and calling on the Government to redeem the promises under which they entered upon the voyage.

Look a little further into three counties, of Clinton, Essex, and Franklin, New York. The property, real and personal, invested in furnaces, rolling mills, nail factories, ore beds, and wood lands for making coal, was worth, in 1846, at least $3,000,000. Now it is not worth one fourth of that sum. Two hundred forge-fires and six blast-furnaces produced, in 1846, from the ore, 50,000 tons of pig and wrought iron. The forges produced, in 1846, 32,000 tons of wrought iron, at $45 per ton, $1,440,000; 18,000 tons of pig iron were made, at $30 per ton, equal to $540,000. In 1851, the same works made only 12,000 tons of wrought iron, at $25 per ton; pig iron, 2,500 tons, at $17 per ton, $342,500. Only ninety out of two hundred were in operation in December last—probably less now. Five thousand men, sustaining one third of the entire population of these counties—73,000—were directly or indirectly connected with the iron business, while made at compensating prices, are now thrown out of employment. What is the cause of this change, from competency to penury, in so many human beings? The change from the tariff of 1842 to 1846. The value of iron made there in 1846, was $1,980,000; in 1851, $342,500. The difference in the products of a single year, is $1,637,500. Let the gentleman from Massachusetts go and sing his free-trade lullabies at the deserted forges, and furnaces, and hamlets, on the banks of the Ausable. Let us know the answer he will get, when, with his usual vivacity, he tells them, as he tells us, that "the 'iron interests, making the most rapid progress, 'always cry out, most lustily, that they are ter-'ribly distressed."

England understands the science of protection; in forty years, preceding 1820, she changed her tariff on iron *fifteen times*, rising from £2 10s. to £7 per ton. She was not a free-trader till she had made her artisans skillful enough to compete with the world. Our policy seems to be different; under the tariff of 1842, more improvement was made in the modes of manufacturing and machinery, than in any other four years of our history. We break up that system, put the mechanic on short allowance, and starve him into submission to an unimproving round of toil for his daily bread.

Take it on a broader field. In New Jersey, $1,500,000 are invested in the manufacture of iron; one half of that is now unemployed, and fast wasting away. In New York more than $15,000,000 are invested in the same manufacture, and three fourths of it ($11,250,000, *eleven million two hundred and fifty thousand dollars*) is entirely unproductive. I have a letter from an eminent citizen of Boston, written to the honorable member, [Mr. APPLETON,] stating that 40,000 bales less of cotton are taken for consumption in 1850–'51, than in 1849–'50; and 60,000 less than in 1848–'49; that the consumption has fallen off twenty-five per cent. Many cotton mills entirely, others partially suspended. Of eight mills under his charge, four have been stopped eighteen months. The four in operation, medium sized, from 6,000 to 14,000 spindles, have lost $54,000; add the interest on capital, $48,000, and you have, in one year, a loss of $102,000, besides injury and loss by machinery lying idle. Woolen mills have suffered equally with cotton mills. More than *an hundred millions* of property in New England, invested in woolen and cotton manufactures, are now entirely useless to the proprietors, and made so through the act of 1846. I commend that fact to the gentleman from Massachusetts. Pennsylvania in one year lost forty-three per cent. of her enormous investments. Two of her mills that took the premium at the World's Fair, have been compelled to stop; but I purposely leave Pennsylvania interests to the defense of her sons. In 1849, the Treasury received in revenue from iron only $341,920 more than in 1845, while two men lost in rolling mills, by the tariff of 1846, $356,000. If those two men had paid out of their own pockets the whole increase of revenue, they would have been gainers to the amount of $14,080. Compare the loss of those two men with the loss of the whole, and then the loss of the whole to the insignificant gains to the Treasury.

There is a great deal said about the loss by the South in the escape of property, but what is it? The census shows that 1,011 out of 3,198,324 persons escaped in 1850; that is, 1-12163 part (*one twelve thousandth part escaped*) was lost. In answer to inquiries, the estimated value ranges from $500 to $800 per head. Take the highest, and it will be $808,800 for the whole South—a sum not equal to a hundredth part of the loss in manufacturing in New England, under a tariff passed by a majority of Southern votes. We have as plain a right to protection of our property in manufactures, as other men have to their property in slaves. The first law passed under the present Constitution, and by its leading framers, was for encouragement and protection of manufactures. It was recommended by Washington, passed with his approval, and sanctioned by his signature.

After the war of 1812, cotton planters asked protection from cotton manufactured east of the Cape of Good Hope, previously free. This was granted, and that law compelled Northern men to go against their wishes into manufactures. The cotton planter, sooner than his Northern friend, rises above the necessity of protection, and disdainfully turns his back upon his former helper.

In this connection, look at the conduct of good old North Carolina. Her Democratic Legislature, in retaliation for sentiments entertained toward her peculiar institutions, and her locomotive property, instructs her delegation in Congress against any change in the tariff that shall benefit Northern miners and manufacturers. But what has she lost? In 1850 she lost 64 out of 288,412 slaves, gone somewhere, North or South, or West, no one can tell. She has lost 1-4506 part that kind of property, worth, according to the *highest* estimate, $51,200. More property than that was lost in Vermont in 1850, in the woolen manufactures on the little creeks and fresh-water trout brooks, never heard of beyond their school district. No one ever thought of telling it to the Legislature, and getting up instructions for a system of retaliation, a game at which *two* can play very conveniently. In 1850, South Carolina lost 16 slaves, worth, by the estimate of her able Representative, [Mr. ORR,] $12,800. I can find scores of men who have singly lost more, in woolen manufactures, in one year, than the whole State of South Carolina, and never thought of disunion as a remedy. I shall close this part of the subject by the summary of Mr. Carey:

"Under the tariff of 1842, we built mills and created machinery that enabled us, in less than six years from the date of its enactment, to increase the consumption of cotton from 267,000 to more than 600,000 bales; and to increase the consumption per head from seven to thirteen pounds, with every reason to expect that it would soon reach twenty pounds, to the great advantage of the producer of cotton and the consumer of cloth.

"We built mills and created machinery that enabled us, in six years, to increase the domestic manufacture of woolen cloth from fifty-five to eighty-five millions of pounds.

"We opened mines and built furnaces that enabled us to increase the domestic production of iron from 200,000 to more than 800,000 tons, and to increase the consumption per head from thirty-eight to ninety-eight pounds.

"We built rolling-mills that enabled us to commence the manufacture of railroad iron, and to extend it in that brief period to almost 100,000 tons.

"We increased the production of lead from 580 to 800,000 pigs; that of hemp from 14,000 to 60,000 bales; and that of wool from forty-eight to seventy millions of pounds.

"The *manufacture* of corn and hay into pork and beef, butter, cheese, and lard, was extending itself at a rate unexampled in the world; and the value per ton of the exports from the West to the East was steadily advancing.

"We thus made a market for more cotton, and yet had more to export; and the tariff of 1842, that found prices lower than they had ever been before, left them already advanced one fourth, with every reason to expect that they would soon be permanently fixed at a higher standard than had been known for twenty years.

"We thus made a domestic market for food, to be consumed by the growers of wool and of hemp, and the producers of cloth and iron, coal and lead, to the annual extent of more than $100,000,000, and yet our exports rose from fourteen millions in 1841–'42 to twenty-four millions in 1845–'46.

"We consumed more fish and exported more, more rice and exported more, more naval stores and exported more, and the prices of all these things rose, the tariff of 1842 leaving them all much higher than it had found them.

"We produced more and consumed more of everything; the condition of the people steadily improved; the credit of our banks and that of the State and of the General Government were restored; and there was a degree of quiet prosperity such as never had before been seen in any portion of the world. *Confidence in the future prevailed throughout the whole range of society.*

"Under the tariff of 1846, we have closed cotton mills, and driven down the manufacture of cotton from 600,000 to 467,000 bales, and have, in the last three years, decreased the consumption of cloth, foreign and domestic, per head, *twenty-five* per cent.

"We have closed woolen mills, and have, in the last three years, diminished the consumption of cloth, foreign and domestic, twenty per cent.

"We have closed mines and furnaces, and have diminished by fifty per cent. the production of iron; and the consumption of iron, foreign and domestic, has fallen from ninety eight to seventy pounds per head.

"We have closed rolling mills until we have almost annihilated the manufacture of railroad iron, and destroyed the *competition for the sale* of an article so necessary for the cheap transportation to market of our products.

"We have diminished the export of lead from 800,000 to 300,000 pigs; that of hemp from 60,000 to 19,000 bales; and the product of wool at least 10,000,000 pounds.

"The manufacture of corn and hay into pork and beef, butter, cheese, and lard, declines daily, and the value of

exports from the West to the East has fallen from $62 per ton in 1845 to $40 per ton in 1851.

"We have thus diminished the market for cotton, and have placed ourselves under the necessity for exporting more, the consequence of which is seen in the fact that it has fallen even below the price of the revenue tariff of 1840-'42—then the lowest that had ever been known—with a certainty of great further decline, should the crops prove large.

"We have diminished the domestic market for food to be consumed by the growers of wool and of hemp, and the producers of cloth and of iron, coal and lead, and that diminution cannot be estimated at less than fifty millions of dollars per annum; and yet our ability to supply food to the world declines from year to year, as the *manufacture* of corn and hay into pork, beef, butter, cheese, and lard, declines, and as we become more dependent upon foreign nations for wool and hemp, lead, cloth, and iron.

"The import of fish now exceeds the export, that of rice has fallen in both quantity and price, and that of naval stores has increased in quantity while it has declined in amount."

There is another question that lies back, and stretches on far beyond all these: What will be the effect of the revenue system on the interests of agriculture? That is, and ought to be, and always will be, the leading interest of this country. If we were shut up in a contracted island, the mercantile, manufacturing, and maritime interests might predominate; but in a country stretching from zone to zone, and from ocean to ocean, we ought to ask what will contribute most to the prosperity of the great mass who own and till the soil. Are the men of this nation to be engaged in digging gold, in raising cotton, and wool, and grain, and beef, and pork, with which to pay for the manufactures of the Old World? If we had not the natural power, or the materials, or the skill, there would be a necessity for it. But when there is scattered all over the land an abundance of gold and silver, of iron and copper, and lead, and every other metal necessary for the use of man; when we have all the elements of natural and physical, and political and mental power, it would seem as if the Creator, in his works and providence, had designed to furnish one nation with the means of entire independence. Shall we use these means; or, casting reproach on our Creator for making these needless deposits, shall we follow a system sure to render us as dependent as if we were colonial vassals tramping over a barren land? It is just as certain as if declared by Omniscience—and the evidence is more tangible because it appeals to the senses—that, under *our present system*, our leading manufactures *cannot live*. When our establishments are crushed, our laborers are scattered, and our skilled hands have forgotten their cunning, the augmented prices of British manufactures will bring us to our senses. I know the ready answer of the gentleman from Massachusetts: "When that time comes we will go to manufacturing again." Who will do that? Who will refit his shattered ships, and put to sea on the faith of a Government that has left him a prey to every foreign spoiler? Who, in this or the generation to come, will invest his property or expend his labor on the pledge of a Government that saw him or his fathers dying by slow tortures, and would not lift a hand to help him?

I will now introduce some facts to show the effect of our present system on agriculture; and I will say, frankly, in advance, that all facts, gathered by the gentleman from Massachusetts, or myself, in a short portion of time, though moulded into the imposing form of tables, are very liable to mislead. A philosopher who clearly sees one fully-developed fact, may be prepared to announce a law of nature; but in political economy it is not so; that isolated fact may arise from a peculiar condition in the shiftings of human affairs. But the facts now before us, arising under our present system, are those on which we are compelled to make up our conclusions; and I say, candidly, that they are conclusions to which I should have come by reasoning in advance of experience.

My conclusion is, that our increasing importation of foreign manufactures does not increase our export of the produce of agriculture; the reverse of this seems to be the case.

In 1845-'46, under the tariff of 1842, food of all kinds, exported to *Great Britian*, was $10,392,239. In the next year, during the famine, it was $27,843,150. In the last year it was $8,104,253. In that year we exported $2,287,986 less than in 1846.

The export of our produce abroad in 1841-'42, was $14,565,037; in 1845-'46, it was $24,598,458; that of 1850-'51, was $21,967,189. Increase from 1841-'42 to 1845-'46, was $10,033,421; decrease from 1845-'46 to 1850-'51, was $2,631,269.

In four years, under the tariff of 1842, our export of food run *up* $17,000,000; under the tariff of 1846, it run down $16,000,000; and this while population was increasing five millions, and there was a vast increase of tilled land and produce. A corresponding effect is seen at home. The receipt of American produce on the Hudson in 1843, was 45,000 tons; in 1846, it was 58,000 tons—an increase of 13,000 tons. In 1848, it was 70,000 tons; in 1851 it was 54,000 tons—a decrease of 16,000 tons—this is in the last three years of each system. Our wheat is selling lower than it did years since, and the quantity sent to market is less than in 1845. We are sending less abroad, and using less by our manufacturers at home.

It was supposed, when the present system went into operation, that the continent of Europe would buy largely of our products. What is the result? When you take out rice, which they cannot raise, the other articles of food, all told, down to the last peck of potatoes, and the last dish of meal they have taken of us, amounts to $17,004. Very important, surely. Build your railroads, call in your shipping from the fishing grounds, from the coasts of Ophir, and from every ocean—they will be needed. For what? Why, there is a gentleman here who dwells hard by the Atlantic, and catches the first sound from across the waters, who tells the farmers and mariners of this nation, that, within twelve months, the whole continent of Europe will want $17,004 worth of our agricultural products!

In every yard of broadcloth, worth $2, the American farmer loses the sale of at least $1 50, which goes to make its value. Our importation of woolen goods is about $18,000,000; and the farmer loses the sale of $13,500,000 of products in that single article; it is nearly the same on cotton, and greater on iron. The raw material—and that is our own, lying useless—costs not to exceed $5 per ton in the manufacture of iron: this country has consumed one million of tons of iron in a year. Suppose you break down the manufactures, and bring it all from abroad, you deprive the farmer of a market to full three fourths of its cost—at least $18,000,000. The farming interests of this country, East and West, are beginning to feel the effect of this system, and we fear they are destined to feel it more heavily in time to come. The farmers have more interest in protection than any other class. There are hundreds of small perishable articles, sold at manufacturing establishments, that could not be transported, even if there were a market abroad: but they go to the support and comfort of the laborer, and to increase the gains of the farmer. [See note at end of the speech.] The American doctrine should be to protect its own laborers, and it should be carried out *through the whole*. Every village, and town, and county, and State, should sustain its own mechanics, and farmers, and merchants, who are themselves supporting the institutions of society in which they live. But the tendency of the present time is to go abroad, somewhere; to find out some foreigner, no matter where he lives, or what will be the cost of transporting to him the equivalent of your purchase, provided you get the credit of buying cheap; and that tendency has its sanction, if not its origin, in the policy of the Government. Four fifths of foreign manufactures are imported by foreigners, and on foreign account. They do not pay, by twenty-five per cent., as high on the invoice of foreign manufactures as Americans. They pay about *three* per cent. interest on capital, while American merchants pay, on the average, *nine* per cent. The result of such a course no one can doubt. While we are, as we ought to do, stimulating agriculture, by selling lands cheap, and giving bounty lands, and free lands, we are pursuing a course that will deprive those, and all occupants of lands, the means of exchanging their produce for the manufactures necessary for wear and use.

We are now sending abroad all the produce we can sell; we are sending our United States stocks, our State stocks, our city stocks, and railroad bonds, and every other badge of bondage, and then pay (as in 1851) twenty-nine millions and a half of gold to make the balance of our imports. In 1851 our imports of manufactured and unmanufactured iron, wool, and cotton, was $59,000,000; our exports of animal and vegetable food, $24,000,000; balance against us in those articles, $35,000,000. The prospect for this year is still worse. The National Intelligencer gives the imports and exports for February, 1852:

Imports of merchandise	$9,139,285
Exports "	3,967,764
Excess of imports over exports	$5,171,521
Exports of specie	$3,551,543
Imports "	110,293
Excess of export over import of specie	$3,441,250

At that rate per month, the difference in exports will make us debtors $62,058,252 each year, and our gold must go abroad at the rate of $41,295,000 annually.

I know this does not alarm the gentleman from Massachusetts. He thinks that "it would be the greatest of calamities if the gold should remain here;" that "if we could succeed in keeping at home $100,000,000 a year, the country would see a crisis on a tremendous scale, altogether beyond the case of 1837." Fearful as the warning is, I confess that I wish to see the experiment tried. I am for progress, and wish to see something new In the last sixty years we have had some eight or ten crises by over-importation from abroad, and exhaustion of our means to meet the bills. As a friend of domestic manufactures, I wish to see one home-made crisis, got up by keeping out of debt and keeping our money at home; by employing American labor in manufacturing and paying that labor in American produce and American gold.

What is the meaning of crisis?—a word that we have imported with other foreign articles. In its motherland, I believe it meant the deciding, the turning point of disease, when the patient was balancing between life and death. Here we use that—as other things—to serve various purposes. Among these, to signify a state of financial distress; in polite phrase, to say an unpleasant thing, that we cannot pay our debts. For the sake of variety, I wish to see a crisis got up on the gentleman's theory. If it is not pleasant, do not try it but once. What disease will it bring on a nation, in which a crisis can occur, unless it is plethora? That is certainly dangerous in the human constitution, but has never been considered mortal or alarming in pecuniary affairs. Try your experiment first on an individual; if it hurts, stop there. Try it on a Vermont farmer—I will risk him—he owns his farm and stock, is free from debt, raises abundance to support his family, to pay the mechanic for every manufactured article; has money to buy his foreign luxuries; has in his desk railroad bonds, certificates of bank stock, notes for money on interest, and plenty of cash in his pockets. The crisis is not contagious among that class of men, nor in a country made up of such men. He could not catch it any more than the marble statue of Washington could take the cholera.

It is now asked what would you have? We would have, at least, what was promised in 1846. Is there a disposition to give it? Here it is; I send the proposition to be read by the Clerk:

"*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That it shall be the duty of the Secretary of the Treasury, within three months from the 1st day of August, 1852, to ascertain what was the average value or market price—(exclusive of duties)—of the several goods, wares, and merchandise imported into the United States, within the year 1846; on which ascertained value, or market price—(in the principal ports of the United States)—the duties now established by law, shall hereafter be assessed and collected."

It has often been said that new factories and forges sprung up under the present system. The fact is truly stated, but the cause not assigned, that manufacturers, prospering under the previous law, were promised a better time under the present; they trusted the promise, and have sunk millions beyond the possibility of redemption. Those then in power are in power in the Legislature now. Will you give the laboring men what you promised? It can be done without any departure from principle formerly or very recently avowed. Take iron as an illustration. In 1846 it was promised a duty of $13 50—(*i. e.*, thirty per cent. on $45 per ton) —give the same duty now on that article, and a like on all others, and manufacturers will make

under it a struggle for life. It is the least they can ask; and the honor of those who passed the present system can offer no less.

There ought to be a settled understanding this session, whether anything will be done. It ought to be done *now*, before the political campaign, fast approaching. We want some national system that all will support, that no party will claim, and no party will abuse. This is the time to settle that system, while different branches of the Government are in the hands of opposing forces. The Committee on Ways and Means, in the last and present Congress, have a decided majority, and power of controlling this subject; though pressed by the most urgent petitions and entreaties, they have not, for now near three years, peeped, or muttered, or moved the wing. We have had as little encouragement from the ruling majority in the other House. Proclamation was made in all the papers of the country, that a plan of relief for manufacturing labor would be made by a New England Senator—supposed, if not *pledged* to her interests at the time of his election. His late political speeches have dissolved the charm, by showing that he has as little disposition as power to render assistance. We want something settled. We do not ask for a *finality*. We have had enough of that for the whole session.

I am bound to carry out every constitutional law of the land, while it remains a law; but I am not bound to make it eternal. The present Congress have *done* very little, but they have made up in assumptions. We seem to say to the world that our successors will be fools, and incapable of managing affairs of State; that we are the people, and wisdom will die with us; and, therefore, we must settle up all the past, by making all that is done finalities. I suppose there is a finality in the natural and revealed laws of God. I have no expectations (and certainly no wish) that there shall be a repeal, modification, or amendment of the *ten commandments*. Beyond that, I know of no law—organic or other law—that may not be changed. It is, therefore, in keeping with general principles, that I ask for no finality in tariff laws; but I do ask, in the name of suffering thousands, for some system for adequate protection of labor that may have a reasonable and well-founded hope of permanence.

NOTE.—The following is given as an illustration of the statement made in the speech. The producers and transporters are, in their turn, the consumers of the products of other laborers, and particularly of the farmer, for whom they make a market at his very door.

Mr. Hays submits the following authentic report of the quantity of agricultural products consumed at a furnace in New York making 3,000 tons of iron per year:

195 537-2000 tons of hay, @ $8 86	$1,730 07
3,484 bushels of corn, at 75 cents	2,613 00
281¼ bushels of rye, at 76 cents	213 75
72 5-6 bushels of beans, at $1 17	85 22
1,290 bushels of peas and oats, at 50 cents	645 00
569 bushels of wheat, at $1 28	728 32
407½ barrels of flour, at $6 26	2,550 95
1,000 bushels of shorts and fine feed	192 50
111 barrels of pork, at $14 61	1,621 71
10,628¼ pounds of pork, at 6 cents	637 71
424 pounds of lard, at 9¼ cents	40 28
13,515 pounds of beef, at 4 25 cents	494 70
7,008¼ pounds of butter	1,058 57
Grain fed to teams abroad	17 08
Cost of transporting part of above	317 1[illegible]
250 pounds of clover seed, at 9¼ cents	27 75
5½ bushels of timothy grass seed	19 25
Garden seeds	4 00
Crackers	12 00
1 barrel of cider	2 00
23 bushels of onions	17 18
Eggs	23 17
1,760 pounds of hides, at 4 cents	70 40
1,590 pounds of tallow, at 8 cents	127 20
1,500 bushels of turnips, at 12½ cents	187 50
1,335 bushels of potatoes, at 50 cents	667 50
281 bushels of apples	61 50
1,530 pounds of dried apples	64 20
32 sheep, butchered, cost	41 00
4 turkeys	2 00
Sundries	10 44
Various articles of agricultural produce, estimated to have been used by jobbers, iron-drawers, &c., which did not pass through the hands of the furnace owners, and sundry articles of produce taken into the store and paid for barter, of which no account was made	1,616 64
Total	$16,000 00

We see, from the foregoing statement, that for each ton of pig iron produced, the sum of $5 33 has been paid to the farmer for his products. Taking this as an average, the manufacture of pig iron alone, when prosperous, furnished the farmers a home market for over $4,000,000 worth of agricultural product. By this the farmer can judge whether it is for his interest to have a tariff which will support the iron manufacture in his State. Except in transporters, the same applies to all other manufactures. The men employed in them buy of farmers the food to support their families. There are now 1,050,000 persons employed in manufacturing in the United States. Farmers have an interest in the question whether we shall have a tariff that will largely increase or greatly diminish the number.

THE PUBLIC LANDS.

SPEECH OF HON. F. S. MARTIN,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

June 11, 1852.

The House being in Committee of the Whole on the state of the Union on the Indian Appropriation Bill—

Mr. MARTIN obtained the floor, and said:

Mr. CHAIRMAN: Having obtained the floor, I shall claim the privilege, which is usually taken when the House is in the Committee of the Whole on the state of the Union, to speak upon a subject not now immediately before us, trusting that the committee will indulge me in a few remarks, which I desire to make on the numerous bills granting the right of way and donations of public lands for the construction of railroads in eighteen of the Western and Southwestern States, and one Territory. The only apology which I can offer for thus trespassing upon the time of the House, will be found in the fact, that when any of these bills are before us no remarks can be heard from any one opposed to them. And from the number of the bills, and the object which they have in view, it appears that from thirty-five to forty millions of acres of the public domain are to be donated by Congress at this session. My object will be to awaken a spirit of opposition to this wholesale plunder upon our public lands by a Democratic Congress.

The Committee on Public Lands have had the floor for reports since the 1st of February, or near that time, to the entire exclusion of all other committees; and when they report a railroad bill, it is read through and put on its passage. If the rules of this House were framed for the purpose of preventing business, which comes before it, from being discussed and properly considered, at the time it is acted upon, they have thus far this session accomplished their object. To illustrate this operation, let me name one of common occurrence: A member of the Committee on Public Lands gets the floor, and reports "A bill granting to the State of Missouri the right of way and a portion of the public domain to aid in the construction of certain railroads therein;" he asks that the bill be read, puts it on its passage, and moves the previous question, which cuts off all discussion, and the House is driven to a vote, by which some two million acres of land are placed at the disposal of a very *patriotic* and *Democratic railroad company*, chartered by the State of Missouri. All this is done without any report from the committee.

I herewith present a list of such bills as have gone upon our Calendar and on the Speaker's table; how many more of this kind, time and the Committee on Public Lands alone can determine:

A bill granting public lands to the State of Pennsylvania, to aid in the construction of the Sunbury and Erie railroad, in Pennsylvania.

A bill granting to the State of Missouri the right of way and a portion of the public domain, to aid in the construction of certain railroads therein.

A bill granting to the States of Ohio, Indiana, and Illinois, the right of way and a portion of the public lands, to aid in the construction of a railroad from Toledo, Ohio, *via* Delhi and Lafayette, in Indiana, to Springfield, Illinois.

A bill granting to the State of Michigan the right of way and a donation of public land, for the construction of a ship-canal around the Falls of St. Mary, in said State.

A bill granting land to the States of Indiana and Illinois, in aid of the construction of certain railroads therein.

A bill granting the right of way and granting land to the State of Wisconsin, in aid of the construction of a railroad from Chicago to the head of Lake Superior.

A bill granting the right of way to the State of Alabama, and a portion of the public lands, to aid in the construction of a railroad from Memphis, in the State of Tennessee, to intersect the Charleston, Chattanooga and Nashville railroad, in Alabama.

A bill granting the right of way to the State of Alabama, and a portion of the public lands, to aid in the construction of a railroad from Winchester, Tennessee, to some point on the Tennessee river at or near Deposite, Alabama.

A bill granting the right of way and making a donation of the public land to the Territory of Minnesota, to aid in the construction of a railroad from the Falls of St. Louis river to St. Paul, on the Mississippi river.

A bill to grant a certain quantity of land to the State of Iowa, for the purpose of aiding said State in the construction of railroads from Dubuque to Keokuck and from Davenport to the Missouri river, in said State.

A bill granting the right of way and making a grant of land to the States of Indiana, Illinois, and Iowa, in aid of the construction of a railroad from the Wabash to the Missouri river.

A bill granting the right of way and making a grant of land to the State of Florida, in aid of the construction of a railroad from the waters of the Pensacola bay, in Florida, to Montgomery, in the State of Alabama, and for other purposes.

A bill granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary near Fulton, with branches to Fort Smith and the Mississippi river.

A bill granting the right of way and a portion of the public lands, for making the Florida, Atlantic, and Grand Gulf Central Railroad.

An act granting to the State of Alabama the right of way and a donation of public lands, for making a railroad from Selma to the Tennessee river.

An act granting to the State of Mississippi the right of way and a donation of public land, for the purpose of locating and constructing a railroad from Brandon to the eastern border of said State, in the direction of Montgomery, Alabama.

An act granting to the State of Arkansas the right of way and a portion of the public lands, to aid in the construction of railroads in that State.

A bill granting the right of way and making a donation of public lands to the States of Mississippi and Louisiana, in aid of the construction of a railroad from the city of New Orleans, in the State of Louisiana, to Jackson, in the State of Mississippi.

A bill granting the right of way and making a grant of land to the States of Louisiana, Mississippi, and Arkansas, in aid of the construction of certain railroads.

A bill granting to the States of Illinois and Indiana the right of way for, and a portion of the public lands to aid in the construction of a railroad from Lafayette, Indiana, via Middleport, Iroquois county, to La Salle county, Illinois.

An act (No. 90) granting to the State of Michigan the right of way and a donation of public lands, for the purpose of constructing a canal or railroad across the peninsula of Michigan.

An act (No. 233) granting the right of way and making a grant of land to the State of Michigan, for making a railroad from Saginaw river to Mackinaw.

An act (No. 4) granting the right of way and a portion of the public land to the State of Florida, for the construction of a railroad and branches in said State.

An act (No. 35) granting the right of way and making a donation of land to the State of Alabama, in aid of the construction of the Mobile and Girard Railroad.

An act (No. 10) granting the right of way and a portion of the public lands to the States of Florida and Alabama, to aid in the construction of a railroad from a point on Pensacola bay, in Florida, to Montgomery, in Alabama; also, a railroad from Pensacola bay to Mobile; and of a railroad to the Chattahoochie and Flint rivers, Georgia.

An act (No. 133) granting lands and the right of way to the States of Indiana and Illinois, in aid of the construction of a railroad from a point on the Ohio river opposite to Louisville, in Kentucky, to a point on the Mississippi river opposite to St. Louis, in Missouri.

An act (No. 13) granting to the State of Wisconsin the right of way and a donation of public land, for the purpose of locating and constructing certain railroads in that State.

An act (No. 155) granting the right of way and making a grant of land, in aid of the construction of a railroad from the Wabash to the Mississippi river.

An act (No. 418) granting the right of way and a portion of the public lands to the State of California, to aid in the construction of a railroad from the city of San Francisco to the city of San José, in that State.

A bill (No. 72) granting to the State of Alabama the right of way and a donation of public lands, for making a railroad from Selma to the Tennessee river at or near Gunter's Landing.

An act (S. No. 1) granting the right of way and making a grant of land to the State of Iowa, in aid of the construction of certain railroads in said State.

Mr. Chairman, here is a list of thirty-one bills; every one of which grants more or less of the public lands for the avowed purpose of aiding in the construction of railroads in the following States: Pennsylvania, Missouri, Arkansas, Ohio, Indiana, Illinois, Michigan, Wisconsin, Alabama, Tennessee, Iowa, Florida, Texas, Mississippi, Louisiana, Georgia, Kentucky, California, and the Territory of Minnesota. They are either located within their limits, or terminate on their State lines.

The committee who have reported these bills in this House or in the Senate, so far as any documents show, have not made any report upon these bills; nor can I ascertain that any estimate of the quantity of land has been made that will be absorbed by this new mode of donating to corporations by any committee. I estimate the average length of these roads at 300 miles each, and they will be entitled to 1,152,000 acres of land to each road—making a total of 35,712,000 acres, which,

at the regular price of $1 25 per acre, amounts to $44,640,000, and it is a fair conclusion that they will run through lands worth at least the Government price.

As the Committee on Public Lands must stand as god-father to this already large collection of railroad corporations which their bills are intended to bring into existence, my opinion is, that it is not expedient to report more bills of this kind at the present session of Congress; for no nine men have sufficient democracy to stand up under the *odium* which will be attached to the authors of the grants to corporations which are to exert their baneful influence over eighteen States and one Territory.

I want the ghost of some corporation to be held up to view, and if none better can be found, let us have the old United States Bank, though the rattling of her bones does not sit well on Whig nerves; but if it will awaken the majority of this House to its duty, the Whigs here must and will willingly put up with it.

If these bills are to pass and become the law of the land, the present Congress will out-Galphin all of its predecessors.

These bills seem to be stereotyped in some important particulars, as they all provide for granting alternate sections of land for six miles on each side of these railroads; and if the lands are sold, or held by preëmption rights, the State agent may go fifteen miles on each side of the road to get his required quantity of land. They also give them two hundred feet in width for the track, and the right to take materials, earth, stone, and timber, for the construction thereof, from the public lands of the United States adjacent to said railroads.

These provisions are very liberal, and, if they become laws, will go to show that corporations are not without friends among the Democrats.

Mr. Chairman, I deny that Congress has any constitutional right to grant these lands for local purposes; and who can deny that these several grants contained in these thirty-one bills are of that character? It is said it costs the Government nothing to make these grants, for the reason that the price of each alternate section of land is doubled, or, in other words, are put up to $2 50 an acre.

Let us suppose a case that will show the fallacy of the grants of the public lands costing nothing. Suppose that the several Legislatures of nineteen States make an application to Congress for one half of the gold in the United States, taking each alternate piece, for the avowed purpose of giving them to the several banks within their jurisdiction, and they urge their claim by attempting to show of what great benefit it will confer on each and every one of them in their public and private capacities, and also urge that it will not cost the United States anything, for the reason, that every one of these bills provides that each piece of gold shall be doubled in value from and after the passage of these several acts.

Now, sir, this reminds me of Mike Fink's mode of procuring liquor for himself and boat's crew. The needful article having run out, they drew near a place where it was kept. Mike takes a ten-gallon keg, and puts five gallons of water into it, and sends two men ashore in his skiff with a ten dollar bill of some broken up-river bank, and directs them to have the keg filled, and then if the vendor did not like their money, and declined trusting them, let him draw out his five gallons and come aboard. The result is similar in these cases, as the Government land which is left must bring the same price, although there is but one half the quantity, and the people, who are the real owners of these lands, are compelled to pay a double price for them.

And has it come to this, that Congress will unite with the Legislatures of the several States where these grants are made, to double the price of the public lands to the agriculturist who seeks them for farming purposes, and place all the benefit in the hands of soulless corporations? Moreover, a premium is offered for the endowment of some eighty or ninety railroad companies, spreading over more than one half the settled portion of the United States, the baneful influence of which will be felt for many years to come.

What is to be the practical effect of this kind of legislation upon the interests of the several States and the one Territory, in which they are situated? It requires no spirit of prophecy to foretell that the lines of these roads will be run through the *best tracts* of the *public domain*, which can be *possibly reached*, thus securing to these railroads, what is eqivalent to six miles in width, of these lands. How are these lands to be made available in raising funds for the construction of said roads? Well, sir, I am told there are two ways of managing this matter, one of which is to let the whole road to some wealthy company, for a price named, and they are to take the lands at the prices agreed upon; but this is not the usual mode of raising funds for the completion of them.

After these bills become laws, the next business in order, by those having an interest in them, is to procure the incorporation of the requisite number of companies to construct the same. This being done, and the president and directors duly elected, and the company fully organized, agents are started for our Atlantic cities, with the required number of letters of introduction to various capitalists, who congregate on 'Change. After a full examination of maps, land titles, and spreading before the public, through various newspapers, the great and wonderful advantages that will be secured to certain localities and sections by their construction, the bonds for one million of dollars, more or less, will be announced to be sold by some auctioneer, payable in monthly installments. These bonds are secured by a mortgage upon the road, and also upon the lands, for the payment of the principal, some twenty years thereafter, and the interest semi-annually. The effect, in either case, upon the sale and actual settlement of the lands is the same. They are taken out of the market till the railroads are completed; then they will be owned and controlled for the especial benefit of non-resident land-holders, from whose tender mercies may the defeat of these bills deliver the good people in the vicinity of these roads!

To secure the passage of these bills through Congress, various outside influences are brought to bear upon them in such a manner that very few can divine where they come from. Some persons are promised an agency for the sale of the bonds in our several cities, others are given to understand that they shall have the selection of the engineers upon these lines of railroads, while others are to have the selection of town sites, and some are promised contracts in their construction, and all the connivances of corner-lot speculators are resorted to to influence the action of this House, that an active and efficient lobby can devise. These corporations, which are to be sown broadcast over the virgin soil of our new States and Territories, fostered and protected by a Congress which claims a greater majority of simon pure Democrats than any which has assembled in this Capitol for years, will be sure to beget more of the same sort at every succeeding session, and all the avenues to political preferment will be eventually closed to all who do not favor the passage of these bills.

In looking over the number of Senate bills, already passed at the present session, one may very reasonably come to the conclusion, that even candidates for the Presidency, of recent date, have felt their influence.

And for whose benefit is this done? Is it going to hasten the completion of any railroad upon a route that is a feasible one, and when the business of the country requires such an outlay? So far as my information extends, there is no want of capital to construct roads of the above character.

But, sir, I object and protest against this wholesale system of log rolling, or, as some gentlemen term it, of "Anthony over." If the General Government is disposed to embark in railroad projects, let there be some regular system adopted, and give us the reports of a competent corps of engineers, that Congress can have some sort of a guide to this sort of legislation.

The General Government is in a fair way to use up thirty or forty millions of our public lands for the exclusive benefit of these localities. I am aware that gentlemen, whose local interests are to be affected by these bills, feel a deep solicitude in their passage, and much of their future political standing depends upon getting these bills through, but, having become alarmed on this subject, I must and shall perform what seems to be my duty in calling the attention of this House and the country to this worse than waste of the public domain.

The State of New York has done something in the way of endowments to railroads within her borders. A certain three million bonus to the New York and Erie Railroad Company, was the means of placing it in the hands of speculating directors, who squandered the money, and brought the company to bankruptcy, and a complete stoppage of its construction. It was only revived and completed by the exertions of a new directory, who had to rely upon themselves and the stockholders of the company, to raise eighteen millions of dollars to complete this truly national work, which brings the great commercial city of New York within sixteen hours of Lake Erie.

If these donations, contemplated by these bills, are made, it only can be done in violation of the Constitution, and will produce a set of swindling corporations who will squander whatever comes into their hands to maintain a set of political pimps who prowl about the purlieus of every State capital.

Sir, what would this House and the country think of the Committee on Commerce, if they should report bills for the improvement of the navigation of the Mississippi and its tributaries, including the harbors upon the great Western Lakes, which should involve the outlay of one fourth of the amount embraced in these railroad bills, to which reference is made—say, if you please, $11,000,000. Can you find nine men bold enough to present such a bill to Congress, and urge its passage? No, sir; all efforts made to pass bills of this nature have failed in their passage in Congress for the last six or eight years, and they have in no case reached over $2,000,000. If these bills become laws at this session of Congress, they will have to be passed by a party who came into power more than a quarter of a century ago upon the cry of their utter abhorrence to incorporated companies, fostered, cherished, and sustained by aid of the General Government.

The manifest injustice to the older States of the Union by this wholesale mode of disposing of the public lands for the exclusive benefit of these several localities, is too apparent to need any argument to establish that fact. And why this great anxiety to have the Government title to these lands pass into other hands? Can you suppose they will be more likely to be brought under cultivation, and that those who are to settle upon them is to be aided by their being obtained through some incorporated company? And, sir, how long are we to have any Government lands of a fair quality for agricultural purposes? At the same ratio of increase, which the last ten years of our history shows, the yearly accession of our population is to be about equal to the whole number of inhabitants in the State of Massachusetts; and they will require about the same amount of territory for their accommodation. This being so, where will you find good farming lands for them in fifty years from this time.

You have already passed the homestead bill, which, it is claimed, will provide homes for the landless; and if in the same charitable spirit you suffer these bills to become laws, you will get clear of some of the best lands owned by the Government, and endow a fearful number of incorporations whose combined influence will soon be the controlling power.

The evil consequences of a large landed aristocracy has been too long felt in some portions of these States, to be overlooked or forgotten, when you are disposing of the public lands in almost illimitable quantities. The Helderburgh or antirent war in the State of New York, is of too recent a date to require an elaborate history at this time, and the authorities of the State find it very difficult to execute the laws, where this feeling is prevalent, even at this day, and the hostile feeling held by the tenants, render life and property unsafe in the hands of all who do not sustain their views.

I would think it much the safer course for this Government to continue in the management and control of these lands, and dispose of them as they have heretofore done, for the joint benefit of all, under our admirable land system, and keep the titles where they are until the actual settler wants the lands for occupation. And the time may come when we shall need this estate to secure the public creditor, and to enable us to borrow money

for contingencies, which will try our national credit among the capitalists of the world.

The gentleman from Arkansas [Mr. JOHNSON] some time since gave notice to the House that these bills must be acted upon before any other business could be done. At the time, I supposed this assertion was not meant as a truth. But my opinion has changed since the thing is verified, by the fact that the Committee on Public Lands will not yield the floor for any other business. Now, Mr. Chairman, I am told that these bills must be passed, so that we can get a modification of our tariff laws, the extra appropriation for the Collins line of steamers passed, and the branch Mint in the city of New York is hinted at. Now, sir, in this case I cannot agree to do evil that good may come from it. Let each and every subject which comes before this House for its consideration stand or fall upon its own merits. Any other mode of legislation is demoralizing in its influence upon the country, and destructive to the permanency of any Government, and more particularly of a Republic like our own, based upon the intelligence, morality, and virtue of the people.

As the Democratic platform has so recently been overhauled, repaired, and enlarged, by their National Convention at Baltimore, I shall expect to find room for a reasonable quantity of river and harbor improvements, some little space for the protection of American industry, in the way of specific duties, or home valuation; and I hope to look in vain for any place to set down a railroad corporation with any endowment of public lands.

Not being a professional man, I cannot say what the effect upon the body-politic of the Democracy of the United States will be if these bills are passed. But I will assure them that if they are successful, the Whigs will want no better weapons for the ensuing campaign, and your column will be *Pierce*-d through and through, and your disordered ranks, though commanded by your *King*, will not be spared, nor let off *Scott*-free.

DEFICIENCY BILL—COLLINS STEAMERS.

SPEECH OF HON. S. BORLAND,

OF ARKANSAS,

IN THE SENATE, *May* 27, 1852.

The Senate having under consideration the bill entitled "An act to supply deficiencies in appropriations for the service of the fiscal year ending June 30th, 1852," the question being upon the following amendment, offered by Mr. CHASE, to the appropriation for the Collins line of steamers—

"*And provided further*, That the proprietors of said line of steamers shall consent to such a modification of the existing contract, that the Postmaster General may advertise for, and accept proposals for carrying the mails in suitable steamships of not less than two thousand tons burden, between the United States and Great Britain, from and after the said 31st day of December, 1854, when said contract shall cease to be obligatory; and the Postmaster General, in case said modification shall be agreed to, shall advertise for such proposals, which shall be submitted to Congress at the next session—"

Mr. BORLAND said:

Mr. PRESIDENT: Having heretofore occupied some time in the discussion of this subject, I owe an apology for trespassing again upon the attention of the Senate. I offer it in advance, in the importance of the subject itself, and a sense of duty to my constituents and myself, which I cannot disregard, to express, fully and fairly, our views upon the principles and policy it involves.

My remaks upon it, to-day, will be directed to some two or three points, which I was compelled to omit before; but which seem necessary to complete the argument, as I originally marked it out, against the Collins line of steamers. This I will do as much in outline as I can, and as briefly as my poor powers of condensation will permit.

My opposition to the continuance of the service of this line of steamers, even upon its present foundation, and more decidedly still to the proposed increase of compensation, has been based upon the broad and solid ground of opposition to the "protective policy," and to all *monopolies*; finding in the measure itself, in its general bearing, a violation of that great principle of *equal rights, equal laws*, and *free trade*, the faithful observance of which, in the whole administration of our Government, (legislative and executive,) I believe to be indispensable, not only to our welfare as a people, but to our existence as a Union; and which I know has always been held to be the cardinal principle of the creed of the Democratic party. And, thus wrong in principle, such a measure could not be, as I am sure it has not been, otherwise than unjust and injurious, in its operation, to every legitimate interest of the country.

This was the foundation of my argument, when opposing this measure before. I do not deem it necessary to furnish additional arguments or illustrations in support of the general positions then taken and defended. Surely it cannot be necessary—it ought hardly to be allowable—at this day, and to a Democratic Senate, to make a formal and elaborate argument against *monopolies*, or the *protective policy*. If, indeed, such a necessity be upon us, which for my right arm I would not believe, then the great political battles which have been waged and fought, to the agitation of the States and people of this whole Union, for the last twenty-five years, have all been "a war of words," and nothing more; and all our much-boasted Democratic triumphs have been as fruitless of good results, as we have become inconsistent and ridiculous in boasting over them.

Upon this general ground I will only reaffirm the opinion before expressed, that the claim of this Collins line upon the Government for the support already granted, or now asked for, rests altogether and exclusively upon the *doctrine of protection*. And in this opinion I do not stand alone, either here or elsewhere. To show this, I will read a short paragraph from an able article which has recently appeared in a journal of high political standing in the Democratic party at least. When I name that journal as the "Democratic Review," I anticipate some revulsion of feeling in the breasts of certain members of my own party, on account of the personal bearing of some of its recent editorials. With those editorials, or the feelings they may have aroused in the minds of the political aspirants, against whom they are directed, I have nothing to do on this occasion, be my own opinions what they may. I refer to it for nothing in relation to its personalities, or to any aspirant to political honors. I refer to it only as authority for political principle, upon which its soundness has never been, and, I apprehend, will not now be questioned by the Democratic party—no, sir, not even by those members of the party who feel most aggrieved by its opposition to their individual advancement.

In respect to this Collins line, the Democratic Review, for May, says:

"We can understand why the advocates of the principle of protection should support the claim of the Collins company to a new contract, as that claim is made on the ground that it is more expensive to run American than English steamers, wherefore a greater amount of mail pay is required than that granted to the English line. *The allowance of the claim, on these grounds, would unequivocally commit Congress to the* DOCTRINE OF PROTECTION."

I do not quote this as controlling authority, or as a conclusive argument, but as a deliberate and well-considered expression of opinion, from the recognized exponent of political principles for the Democratic party, which has reached me since my own opinion on this point was expressed to the Senate, and which, I am highly gratified to find, strictly coincides with, and strongly confirms it.

But this opinion rests not entirely with the Democratic Review, nor with me. I assert here, without the fear of successful contradiction, that such is the opinion of an overwhelming majority of this Senate, as well of those who support, as of those who oppose this appropriation. This is proved, alike by its discussion, and by the vote upon it in committee. I know there are some here who have denied this. But look at the record. The vote was a close one in a thin Senate. I think it would have been closer if the Senate had been full. I confidently assert that every Senator who voted *against* it, entertains this opinion; and I as confidently assert that a decided majority of those who voted *for* it, hold the same opinion. Here is the vote, Democrats in *italics:*

YEAS—Messrs. Bell, Berrien, *Bright*, *Cass*, Dawson, *Downs*, Fish, Foot, *Gwin*, *Houston*, James. *Jones* of Iowa, Manguin, Miller, *Norris*, Pearce, *Rusk*, Seward, *Shields*, Smith, Spruance, *Stockton*, and Upham—23.

NAYS—Messrs. *Adams*, *Borland*, *Bradbury*, Brooke, *Chase*, *Clement*, *Dodge* of Wisconsin, *Dodge* of Iowa, *Douglas*, *Felch*, Geyer, *Hamlin*, *Hunter*, Jones of Tennessee, *King*, *Mason*, *Morton*, *Sebastian*, Wade, *Walker*, and *Weller*—21.

Test them by their known principles and party relations, and what I have said is found to be true. Indeed, if you strike from the list of its supporters all who believe it rests upon the doctrine of protection, and that the doctrine of protection is right, it will fall into a very lean minority. Here, in a Senate which boasts a large Democratic majority, every *Whig*, except five, (and even they admitting its *protective* character,) voting *for* it, and every *Democrat*, except ten, voting *against* it, as a *protective* measure, and even the few Democrats who vote for it, admitting it to be a doubtful question, and some of them declaring they would not vote for it as an original proposition, the opinion is expressed by the American Senate, as clearly, as strongly, and as significantly as the action of this body can express an opinion, that this is a measure of *protective policy;* and, if adopted, will, in the language of the Review, "commit Congress unequivocally to the doctrine of protection;" and thus, I will add, violate the cardinal principle of the Democratic creed. I need pursue this point no further.

But while, with the Review, I think I can "understand why the advocates of the principle of protection should support the claim of this Collins line"—or at any rate, may be regarded as the most consistent supporters of it—their course is not without difficulty, even upon their own ground. This difficulty was suggested the other day by the honorable Senator from Tennessee, [Mr. JONES,] and very pertinently and strongly urged by him. It is, that this proposition is *too narrow, exclusive, and monopolizing, even for the principle of protection itself.* Think of that! all you *Democrats*, who are supporting this claim. A *Whig, a protectionist*, who, from the instincts of his party faith, leaned at first, and naturally, towards this proposition, because it smelt of *protection*, tells you, now, that when he comes close enough to ascertain its true character, he finds it too close and strong a monopoly even for *his* political stomach! And yet, *Democrats, anti-protectionists, anti-monopolists*, by profession, open your mouths, and swallow the bait! It does, as I said, rest upon the ground of protection; but, as the Senator from Tennessee [Mr. JONES] said, it covers so small a portion of that ground, as to derive no legitimate support even from that. That Senator was consistent in the position he assumed. He said he was a *protectionist*, and was ready to adopt a measure which would protect the whole commercial and navigating interest, of which the friends of this proposition claimed it as the representative; but he could not recognize it as such, and therefore could not sustain it. In response to the honorable Senator from New York, [Mr. SEWARD,] who had urged the protective principle in its favor, he said:

"I want to know from that Senator and the particular friends of this measure if the claim for the support asked for by this proposition is to rest upon the ground that he assumes? If so, and that Senator or any friend of this measure will withdraw this proposition, and make it a general law, applicable to every such case, I tell him I will go for it heart and hand; for it is just the doctrine that I have advocated all my political life—the doctrine of protection. The Senator from New York predicates it upon the ground, and the only ground, in my judgment, upon which it can be sustained; and the only difficulty in my mind in sustaining it now is, that it is a special law; whereas, I am in favor of making it general. He says the difference is this, that labor in England is lower than here. That is the very argument I have always used in favor of protection to American industry. He says the expense of building a vessel there is much less than here—the very argument I have always employed in favor of giving protection to American industry; and if this is the argument, I am in favor of the measure, and will go for it heartily, provided you make it general and applicable to all similar enterprises.

* * * * * * * * * * *

"Put it upon that ground, and I am with you. Make it a general law, and let us give protection to American industry in all its various departments, and I am willing to sit here till next Christmas to accomplish that great purpose, if gentlemen will aid me. But I am not willing to make it specific—to give aid to one individual or to one isolated company to the neglect of every other interest in the land."

There spoke a true *protectionist*, and assumed the only ground on which any of his party can, upon principle, sustain themselves, even with plausibility or any pretense of fairness. But, wrong as that doctrine is, and untenable as is the ground upon which it rests, this proposition is pronounced, by a protectionist, infinitely worse; so very bad, indeed, that it is excluded even by the exclusiveness of monopoly itself. It professes to represent the interests of commerce and navigation, and yet, in its very terms, excludes every-

thing else, and concentrates all the benefits it proposes to bestow, upon a single company trading from a single American port to a single British port. But, sir, not only does the Senator from Tennessee tell us this, and common sense confirm it, but we have before us memorials from the merchants and ship-owners, even of the city of New York itself, protesting against this monopoly, as injurious to every other commercial and navigating interest, but that of the particular company to which we have granted, and are now asked to increase it. They tell us, and adduce facts which no one can controvert, to prove that, instead of protection to the general interests of commerce and navigation, it has already, by giving the aid of the strong moneyed arm of the Government for the benefit of a single company, seriously oppressed and crippled individual enterprise; and if continued will retard, blight, and destroy it.

In addition to this, which may be received as the sentiment of true enterprise in commerce and navigation in our own country, we have, also, a voice from beyond the water—from England herself, our great maritime rival—from which we may learn a lesson of wisdom and safety. It is not addressed to us; but is from an eminent British merchant and ship-owner to the President of the British Board of Trade, in which the evils of the British system of steamship monopolies, which we are trying to copy, are most clearly and forcibly demonstrated. If the system be wrong in England, the will of whose Parliament is supreme, and where monopolies are no violation of constitutional principle, how much worse must it be regarded here, where they can exist only in gross violation of that principle of equal rights which our written Constitution guaranties to every citizen and every interest! The general laws of trade, or commercial principles, are the same everywhere, and are as applicable to our country as to England. In the application of those principles to the system of monopolies I am speaking of, hear what is said by Mr. McCalmont, the British merchant and ship-owner, to Mr. Labouchere, the President of the Board of Trade:

* * "It is not conceivable that the Board of Trade can be accessory to the proceedings of the Post Office, Admiralty, and Treasury in regard to this monstrous modern parasitical system of ocean steam contracts, under shelter of which the regions of the seas are being successively parceled out and handed over to the scepters of *intriguing companies*.

"The system of endowing squadrons of *mercantile* steamers with enormous bounties or subsidies, *under the dodge of conveying mails*, vests in the steamers so endowed a virtual monopoly of the conveyance of all goods and passengers requiring dispatch, to destinations within the circle of their operations; and whilst these subsidized steamers obtain exorbitant rates of freights for the limited quantity of goods and passengers which they carry, the public not only have to submit to their extortionate freights, but, even at those high rates, are deprived of adequate accommodation; because, independent ship-owners are deterred, in the face of the endowed monopoly, from boldly entering the field, and providing expanded means of transit. In short, these *monopolies*, supported by public bounties, are at variance with all sound commercial principles.

* * * * * * *

"It is the custom, whenever anything of this kind is mentioned as having an injurious effect on any branch of British industry, to treat such complaints with contempt, and to invoke, for consolation, the cuckoo song of 'British enterprise,' [*American enterprise!*] 'British science,' [*American science!*] 'British genius,' [*American genius!*] 'British energy,' [*American energy!*] That British [*American*] enterprise, science, genius, and energy, are indeed giants, I entirely admit, and *with a fair field and no favor, such as they enjoy in other branches of industry*, and such as I hope you will deign to obtain for them on the ocean, they are prepared to develop results in ocean steaming, both in quality and quantity, so much in advance of what the bulk of the public have a conception of, as would be astounding; but it is possible for even giants to be made powerless, if they whose duty it is to protect them, permit them to be circumvented." * * * "I implore you, as President of the Board of Trade, to interpose, and to insist that no subterfuge about the conveyance of letters shall any longer be permitted to deprive the community of the benefits which the art of steam navigation, in its *advancing* state, is, *if unfettered*, prepared to bestow.

"I am aware that there is an impression somewhat prevalent that the modern contract system of ocean steamers is necessary towards keeping up existing communications, and also that the public are indebted to the system for the creation of the communication.

"This, I contend, is an entire mistake; but vigorous *private* enterprise has been *hors de combat* for some time past, owing to the heavy blow and great discouragement which the wanton introduction of the contract system inflicted upon it." * * * "Although in *unendowed services* there have been immense improvements in steam navigation of late years, *those transatlantic companies who have the Chancellor of the Exchequer at their back, have scorned the adoption of any of them.* This undeniable fact speaks volumes in favor of the contract system."

The application of these facts and views to the case before us is so direct and instructive, that I have adopted the very language of this writer to express my own views, at the same time that I would, in support of my own, spread upon the permanent and widely-diffused records of our proceedings the intelligence of a practical mind which has been enlightened by experience upon the widest field of observation. In the quotations I have made, we have but to substitute the word *American* for *British*, and we have before us a series of facts and an argument as exactly adapted to our present position as if they had been intended for us in this very contingency. Indeed, leaving out of view our written Constitution, and the limited power of our Government, and regarding the question as one of commercial policy, and the case of England is ours; for the best that can be said of us, in this instance, is, that we have been *blundering copyists of her bad system*, which is not only bringing upon us the same evils, but is costing us more money for the same service than she is paying.

Upon another point in this connection I find a few short passages in the same writer which so fully coincide with and sustain certain positions I assumed in my argument last week, that I cannot forbear to quote them. In speaking of the assumption that these contract steamers are suitable for war purposes, &c., he says:

"It is a curiously-delusive idea, that these mail-steamers, as they are called, form a *reserve naval armament* of immeasurable value, which would be available *in case of war*, and that *a saving in the Navy estimates*, of more than a commensurate amount, is thus effected. This idea is in every respect utterly delusive; and it is so much at the root of the whole of the existing contract system, that it is necessary to devote a little space to place the point in its true light.

"In the first place, a steam-*packet*, and a steam *man-of-war*, if constructed so as to be adapted to their respective duties, would have scarcely a feature in common, *except their chimneys, if even that.* The properties required in vessels for the two several purposes, are diametrically opposed to each other.

"In the second place, the assumed availability of the vessels for war purposes would, as a matter of course, involve their withdrawal from their packet duties, in the event of war, the very time when, if ever, their services as packets would be of real value.

"In the third place, the vessels, even after being subsidized, still remain the property of the *companies*, and if the public required them, the public would *still* have to pay for them. Even after the payment of the subsidy going on for years, the vessels, such as they are, would have to be paid for *a second time* by the public, if the public service required them."

To which I will add this inquiry: Supposing the contract (as with the Collins line) to continue ten years, and at the end of which time, that war should ensue; and, in the mean time, as we must infer, that great improvements should be made in steam navigation and naval architecture; would our Government be so stupid as to take these old ships at any price, as war vessels, to contend with the improved ships of an enemy? To answer this inquiry in the affirmative would be absurd. To answer it in the negative, is to prove this idea of substituting these mail-boats for men-of-war, to be worse than absurd.

Then, this writer again asks:

"Is it honestly and seriously supposed, by any person intimately acquainted with the subject, that any subsidy is rational for vessels plying on the great commercial thoroughfare between New York and Liverpool? *The idea is perfectly preposterous!*"

And again he remarks:

"It is quite certain that, if there were no subsidized vessels plying between New York and Liverpool, the intercourse for goods, for passengers, and for letters, would be infinitely better than it is at present, or than it can ever become under the present unsound system." * * * "The genius and enterprise which, but for the present *deadening monopoly*, would now be at work, could produce results that would be astounding!"

In speaking specially of the Collins line, he says:

"In this, their *almost incipient* effort in salt water steam navigation, they have been content *to copy, in essential features, those discreditable specimens of British marine engineering* which, under British monopoly, have been exhibiting themselves in the American ports." * * * "*These British endowed steamers are all behind the age, in every respect,*" &c.

And yet, sir, this is the system we have copied, and these are the results which it is now sought to bind us to abide for eight years to come, and that, too, at almost double the enormous cost we are already burdened with!

Can such a system be necessary to enable us to compete with Great Britian for the mastery of the seas, by means of steam navigation? We are told so; and yet it cannot be true. If so, why or how? It cannot tend to improve the art of steam navigation; but on the contrary it throws the hardest obstacle, self-interest, as a barrier in the way of that improvement, and ties down the art to its present *incipient state*, by the certainty of pecuniary gain on the part of the favored monopolies, and of fear of loss on the part of proscribed private enterprise. It makes a contract with a single company, during a certain long term of years, for a certain large amount of compensation, for the performance of certain service, in vessels of a prescribed kind—and that kind confessedly constructed and fitted in the infancy of the art. Now, to the company thus favored and employed, what inducement is there to change or improve its vessels, or the means of their propulsion, when, by such change or improvement, they will certainly incur great additional expense, but receive no additional compensation? And yet, are we to expect no improvement in this great and progressing art, during the long period of this contract—ten years, with the Collins line? But who will make it? Not this company, which is favored with a Government bounty that protects it against the competition even of improvements, and on condition that itself may make none. I will not say that private enterprise will make none; for I think too highly of the genius and spirit of my countrymen to believe that they can be wholly deterred or debarred, from making improvements in any art or science, or entirely stopped on the path of any enterprise, even by the hindering hand of Government monopoly. But I do believe that, as far as the power of Government can hinder, repress, discourage, and retard, private enterprise and improvement, in the direction I have indicated, just such a system as we have adopted, and now propose to continue and strengthen, for this line of steamers, has already inflicted an injury, which will grow with its growth, and strengthen with its strength. Is it not a discouragement, and an insult to American genius and enterprise, for this Government to say that, advance as they may, they shall either stand back for an old monopoly which comes limping behind the spirit of the age, or pay tribute to its impotency for the privilege of taking their rightful position in advance? It were as right and as wise to remand the limbs of lusty manhood to the swaddles of infancy, or condemn the bounding roe, to keep pace with the creeping sloth. Shall we adhere to such a system?—or, worse still, shall we extend its operations, when, thereby, we shall augment its evils? God forbid!

We have been told that we must keep this Collins line in their present condition, and under the proposed contract, for eight years to come, in order to maintain an equal footing, as a maritime Power, with the other nations of the world, especially in view of the changes which steam navigation is making in the art of war. In view of the facts and arguments I have already presented, the very reverse of this proposition seems to me to be true. For, while the enterprise of other nations is left free, or otherwise wisely encouraged, to develop improvements, and hasten their consummation, in steam navigation, and their adaptation to purposes of commerce and of war, we are tied down by this contract, to the models and machinery of the *incipient stage of the art*—the swaddles of its infancy—and under bonds, which seem to be regarded as binding only upon us, to pay whatever exorbitant demands an unprincipled and remorseless monopoly, of our own creation, and whose slave we have become, may prefer, not for any national advantage, but for the disadvantage of remaining stationary, while all other nations are free to advance.

The honorable Senator from Texas [Mr. RUSK] told us, yesterday, as I understood him, that we must adhere to this contract, not only for war purposes, but to secure the advantages of low postage. Did I understand the Senator correctly?

Mr. RUSK. Yes, sir.

Mr. BORLAND. To my apprehension, it contravenes the whole policy of low postage. It binds us, by a contract, to a long term of years, at a high rate of compensation, to a certain mode and means of transporting our transatlantic mails;

and, if we adhere to it, cuts us off from the advantage of those improvements in steam navigation which, unobstructed, must so certainly and rapidly facilitate transportation, and thereby reduce the necessary rates of postage. Besides, the Senator does not seem to me entirely consistent with himself, upon this contract, in the several stages of its progress through the Senate. In the beginning, he told us, if my memory is not at fault, that this contract would be a source of revenue to the Government. The result has disproved that; for, instead of being a source of revenue, it has not yet, even at the $19,000 a trip, returned quite *one* dollar, for the *three* we have paid out; and yet, $33,000 a trip is now demanded for the same service! We were next told by him, that although it has not *yet* repaid our outlay, it will do so in the course of time—some time in the future; precisely *when*, the Senator does not seem to foreknow; though not during the term of the present contract, we must infer, since, as a friend of the company, he was unwilling that the services should be continued for the whole amount of postages, added to the $19,000 already received. That proposition was made by the Senator from Mississippi, [Mr. BROOKE,] and rejected by the friends of this company. And, now, he tells us, that as the reduction of ocean postage is much to be desired, we shall be unable to avail ourselves of it, if we abandon this line. How? Why? Does he mean (as I understand him) that the abandonment of this contract will require us to pay more money for this mail transportation; and, therefore, needing more revenue, we cannot reduce the rate of postage, without also reducing the rate of revenue? If his argument means anything, it means that. And yet, if that be his position now, I would ask what has become of the argument with which he entertained us in the last Congress, in favor of reducing the rates of our interior postage, that a reduction of rates would certainly increase the aggregate amount of postage? The two positions are totally irreconcilable. Whether the Senator be right now, or was so formerly, upon this point, I will not inquire further at this time. But, as the best, and most clearly-expressed answer I have seen to the argument in support of this system of monopolies, that it favors cheap postage, I quote two more short paragraphs from the same letter which I have already quoted upon other points. On this point he says:

"Another flattering fallacy, which interferes with a fair consideration of this packet question, is the allegation that the amount of postage earned by Government for the conveyance of letters by the packets, defrays a certain part of the expenditure.

"This all sounds very fine, and there might be some force in it, if packets caught postage in the sea, as fishing-boats catch fish in the sea; but, instead of that being the case, the packets are mere tax-gatherers—tax-gatherers at very high prices indeed. The postage 'earned' by the packets is, in fact, only so much money levied off the community, in the shape of heavy postage rates on correspondence, and which is a tax from which the public could be relieved, without loss to the revenue, under a sound system of oceanic communication. *In short, an abandonment of the present contract system is necessary towards the foundation of an ocean penny postage.*"

It would almost seem that this had been written in special anticipation of what my honorable friend [Mr. RUSK] *would* say on this point. As it meets so completely what he *has* said, I leave it as an answer to him.

But we are told that, unless we give the additional compensation now demanded—that is, unless we now give $33,000, for what, at the earnest solicitation of Collins & Co., we agreed to pay $19,000, they will abandon their contract, and thereby subject us to a much higher rate of compensation to some one else, for the transportation of the mail between New York and Liverpool. There are two parts to this declaration, which I will notice separately.

The first part, which is the threat of this pet monopoly of Collins & Co., we have already spoiled by unwise indulgence, that, unless we yield a *fourth* time to their exorbitant demands, they will abandon their contract, is nothing new to us. We have heard it every session of Congress since I have been here; and since, from the beginning, we have been in the service of that company, and not they in our service, I have no doubt the same threat will, as heretofore, be successful. But it is worthy of notice, as it is characteristic of all such companies, with what coolness, and unblushing effrontery, they announce their intention to violate a contract of their own anxious seeking, and to which they voluntarily bound themselves in a penal bond of half a million of dollars, at the same moment that they prate most virtuously of the obligation upon us to observe all the conditions of that contract in good faith! forgetting, it would seem, that one of those conditions is to make them pay $500,000 for failing to comply with it. Their threat, then, involves the alternative that they have either imposed upon the Government, by giving a bond without pecuniary responsibility, or entered into it regardless of consequences, or calculating upon the indulgence of Congress for any violation, no matter how gross. Well might the "Democratic Review" remark that they are playing the game of "heads I win, tails you lose."

The second part, which relates to the higher price, we should have to pay for the same service, I do not believe a word of. I do not believe it would cost us a dollar more than we now pay. On the contrary, I am confident in the belief that we could procure that service for a much smaller sum than we are now paying this model company. At any rate, I am desirous of subjecting this matter to an easy and decisive test, and that is, to let this company abandon the contract, or let us declare it void, and then put the service up, after public notice, to the lowest and best bidder, as we do all our other mail service. If no company, or individual, will undertake it for less than this company now demands—$33,000—or even for less than $50,000 a trip, then let it be undertaken at that highest price, and no one will vote more promptly to pay the money than I will. Let all our enterprising citizens have an opportunity to compete for it. It is the only way in which a proper and fair pecuniary compensation can be ascertained. All our people will then be placed upon an equal footing, and all our mail service rendered according to the same general and equal system. But the friends of this company object to this mode. Why? Because it will increase the cost to the Government? Certainly not; for they are now clamorous that a greatly-increased cost should be paid. No, sir; no! It is because they fear it would deprive this company of the monopoly. There can be no other reason. But how deprive them? There is but one way; and that is by procuring the same service for less money. Now, I learn from good authority that there are other persons prepared and desirous to do this service for less money than this company now receives; and if opportunity is allowed, will bid lower for it—lower than the $19,000 which Collins & Co. are now receiving, but are so dissatisfied with; perhaps will bid as low as $10,000 a trip. If this be so, why shall we, or how can we with due regard to the public interest, submit to this extortion of Collins & Co., or bribe them to continue the service, by increasing their pay from $19,000 to $33,000 a trip? The fact that the friends of this company are unwilling to submit the question to the test I propose, is proof enough to my mind, that they believe the result would be as I have stated.

In the course of my remarks the other day, I stated that, under our general law in relation to mail service, all navigable waters are mail routes; and that, by occasional laws, certain roads through the country are also mail routes; and that when, in the opinion of the Post Office Department, mail service is required upon any of those routes, it is procured by contract, for a period of four years, with the lowest and best bidder, after public advertisement, which invites and permits fair and open competition from all persons. This is our system for mail transportation at home upon all our interior routes, by land and water. As a system it has worked well; although, under a negligent or incompetent administration like the present, it is liable to irregularities and inconvenience. Properly administered, I doubt whether, at the present day, it can be materially improved as a system; nor am I aware of any purpose, in any quarter, to change it. Why should it not be extended to our ocean mails? The refusal to do this, and especially the solicitude so constantly and actively manifested by some of our public men to give so much greater and more favorable consideration to these ocean mails over our interior mails, have seemed to me most extraordinary. I cannot understand why American legislators should attach more importance to, and be more anxious about, the expedition and regularity of the mail communication between New York and Liverpool, than the more really valuable and interesting mail communication upon the roads and rivers within our own country. Take the population, commerce, and navigation of the Mississippi valley alone, with the commodities they exchange, and the intercourse they require, and I hazard nothing in assuming that they represent a far larger interest, and require a more regular and expeditious correspondence, than the whole trade between our Atlantic coast and England—perhaps fourfold more valuable and interesting than that between New York and Liverpool. And yet how do we find the mail service performed in that great valley? Who manifests any solicitude that it should be either regular or expeditious, or even that it should be done at all?

I repeat now, what I have said here on various occasions, for the last four years, that on the Ohio river, from Louisville, and on the Mississippi river, from St. Louis, to New Orleans, upon which there are annually floating *a thousand steamers, a hundred thousand navigators, and five hundred millions of commerce, there is not a single mail line!* This may sound strange and wonderful to those who have not looked into this subject; but it is certainly true. Nominally, there is mail service on those routes; but how is it procured, and how performed? A mail agent is stationed at each of the several towns along those rivers, whose duty it is to "job" off, like freight, the mails from one town to another, upon any boat that may come along, without regard to regularity or expedition. As might be expected, irregularity and confusion are the consequences, and to an extent that men of business, whose correspondence must needs be regular and expeditious to be useful, hardly make use of the mail for that purpose at all. I state this upon the very best authority.

This evil is within the reach of the Post Office Department. It is in the lawful authority of the head of that Deparment to apply the needful and effective remedy and correct this evil, any day, at his discretion, by establishing a mail line and putting mail service, under the general system, upon all those routes. But he has not done it, and will not. Beginning four years ago, when I first took my seat here, I have made application to the three successive Postmasters General, since that time, to have this very plain and necessary duty performed; but I have applied in vain. And why? I have been told repeatedly that it would cost too much. In 1848, I was told that $100,000 per annum for a daily mail between Louisville and New Orleans, was the lowest bid, and it too far exceeded the revenue on that route to permit that amount to be paid. In 1850, to my knowledge, the same service was bid for by a competent and responsible person at $40,000. That offer was rejected for the same reason. In pursuing such a course, the Post Office Department has been either very remiss in the performance of its duties, or grossly ignorant of facts which it ought to have known. In the first place, I do not believe that, even under the miserable mismanagement I have mentioned, the revenue from those routes has been too small to warrant the payment, under the law, of the full amount of $100,000 for the service upon them; and certainly not too small for the $40,000 bid. But even supposing this to be the case, it is very obvious to all who have examined the subject, and who know as much about it as the Postmaster General should know, that the small amount of revenue, and the disparity (whatever it may be) between it and the proposed cost of the service, is owing altogether to the mismanagement itself of which I am complaining. Proof of this is found in the well-known fact to which I have just alluded, that those men of business whose correspondence requires regularity and expedition rarely make use of the mails on the Ohio and Mississippi rivers. Speaking of this, some weeks ago, in a discussion here, I stated that owing to the causes mentioned, "not more 'than *one tenth part* of the matter is now sent 'through the mails on the Mississippi, which 'would thus be sent if a regular and expeditious 'line of service were established on that great

'route." Merchants and other men of business, to insure regularity and expedition, send and receive their letters and papers by private hands. Nothing is more common than for editors of newspapers, along the Mississippi, and particularly at New Orleans, to acknowledge the receipt of letters and papers by private hand, "two days in advance of the mail."

Since I made that statement, I have received a communication from an editor, who is one of the most intelligent and reliable men in the Mississippi Valley, in which he says:

"From the debate in the Senate, which you sent me, and which I shall publish, I rejoice to see that you understand the subject thoroughly. I begin to have hopes now that we shall, ultimately, succeed in getting *a mail*. I suppose, however, that we can scarcely expect it at this session of Congress. It is pretty clear, I think, that the eve of a Presidential election is a hopeless time for such a great reform as we so much need. But the good work now begun is so reasonable and proper in itself, that it would be doing Congress injustice to believe it can be a great while before they will permit it to be consummated."

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"You estimate the proportion of matter which passes through the mails at *one tenth* of the whole which is sent and received along our great river. I am satisfied, from long and careful observation and inquiry, that *not more than one twentieth* part pays postage. A part of that which now goes by private conveyance, might go through the mail bags, if the present arrangement, miserable in itself, were made to work as well as it is capable of working. But with an arrangement which is radically wrong, and then badly administered, good results seem impossible."

Herein lies the cause of small revenues. Men of business are driven from the mails by the miserable mismanagement of that important, and, when well managed, most useful branch of the public service. Make the mails regular and expeditious, as may be easily done, and the convenience and interest of all men will induce them, especially at the present low rates of postage, to use the mails, at all times, in preference to any other channel of correspondence; and, as a natural and certain consequence, the revenue will be increased from ten to twenty-fold, and be far more than sufficient to pay twice $100,000 per annum, if necessary for the service, which, indeed, can even now be procured for less than $50,000.

But, even in view of all this, the head of the Post Office Department either cannot appreciate its truth, or will not perform the duty it imposes. This, however, we who live in the Mississippi valley, and are dependent upon the mails on that river as the great trunk from which all our smaller streams of mail service are drawn, have been long subjected to, and are yet enduring. Suppose, sir, such injustice were inflicted, or even attempted for a single month, upon any section of the Atlantic coast—even upon any single city of the East or North! I venture to say that we would not be permitted, in peace, to give a day's attention to any other business here until that injustice was redressed. Memorials, and a "lobby gang," would pour in upon us, and wind their folds about us, as they have in the case of this Collins line, until we passed a law in their behalf. Yet here is the whole Mississippi valley, which, in extent and importance to the real welfare of this Union, can swallow up your whole Atlantic coast, and all your sea-board cities, has no mail line at all, and, in consequence, is subjected to inconvenience and injury of which Northern and Eastern men find it difficult to conceive. This we have endured for years. We have made no great noise about it, much as we have suffered and felt aggrieved. And even if we had, I doubt whether we would have been listened to. Months are consumed, and the business of the whole country suspended in considering the interest of a single mail from a single Atlantic city to a single British port, while a few minutes are begrudged while I briefly recite the wrongs and, in my feeble way, assert the rights of the great heart of this Union.

Mr. President, I have regretted, I have felt indignant, that I have to bring this matter before the Senate. I know that the law already authorizes, and that the public interests of at least eight sovereign States of this Union demand of, the Post Office Department to do all that I now ask in this connection, and I have made that demand repeatedly upon that Department. I have made it in vain. I will no longer dance attendance upon any Executive officer, to be disappointed by his stupid incompetency to understand the law, or be longer delayed by his culpable neglect of duty. I have come now before the representatives of those eight States, assembled with their confederates in council, and appeal alike to their enlightened self-interest and sense of justice. Shall our rights be longer delayed? I ask your response in the early passage of a bill which I lately introduced here, to compel the Post Office Department to do that act of justice which has been so long, and so injuriously withheld. And that is merely to place the Mississippi valley, and all its great interests, as affected by the transportation of the mails, under the same general system, and upon a footing of equality with the other portions of our common country. I ask for ourselves only what others have. I desire no inequality in our favor. I would accept none, if it were offered. Our bill is before the Committee on the Post Office and Post Roads, and has been there for some time. I call upon my honorable friend, the chairman of that committee, for a report upon it at an early day, and submit to his sense of right, if we, who have suffered this injustice so long, shall be still postponed, while this single Collins line shall overshadow the whole land with its monopoly, and ride paramount over all other business, and every other interest.

Mr. RUSK. I will give the Senator a report in a very short time.

Mr. BORLAND. My opposition, Mr. President, to this Collins line is not sectional. I only ask that all citizens, all companies, all interests, and all sections shall stand alike before the law; and that the same principles of public justice, and the same considerations of public policy, shall be observed in taking care of the interests of every section of the Union. What was my course when the Senator from Louisiana [Mr. SOULE] introduced a bill here a short time since, for a mail line from *New Orleans* to *Vera Cruz*? That bill proposed a line of steamers, "suitable for war purposes," &c., to carry the mail between those two cities, at a small amount of compensation; the contract to be given to a certain individual. That was for a Southern port—the sea-port for my own State. And, yet, sir, the record will show that I spoke, and voted against the proposition in that form. And I was happy to find that the views I then expressed—the same views I have since expressed in respect to the Collins line, and based upon the same principle of equality, were concurred in by the Senate, and acted upon; for, while the mail line was established, the bill was so amended as to require the Postmaster General to procure the service, as under the general law, by public advertisement, from the lowest and best bidder. I thought that right then, for New Orleans. I think the same principle and the same course right now, for New York. I ask the same laws, and equality under them, for all "*Do unto others as ye would they shall do unto you*," is the injunction of Holy Scripture, for the regulation of our intercourse as individual men; and no man disregards it without making himself culpable in the sight of the God who created him. So, it embodies the principle upon which our political government was formed, and none of us can disregard it, in the administration of that government, without violating the Constitution it inspires, by whose virtue we exist as a Union, and by whose authority alone we are here to legislate.

A few words upon one other argument which has been urged, by certain Senators, in favor of this Collins line, and I have done with it.

At the conclusion of a long and eloquent disquisition, almost an epic poem, upon the wonder-working powers of steam, the changes it has made, and is still making, in the business of the world, in arts and arms, a distinguished Senator gravely tells us that we must maintain this Collins line of steamers on their present foundation, as the *means* of maintaining our equal footing, or any safe relations, with the other maritime nations of the world! Such a conclusion, from such premises, in view of the facts before us, strikes me as a palpable *non sequitur*. Without repeating what I before adduced as unanswerable, and which certainly so far remain unanswered, facts, to prove the utter futility of regarding these ships as vessels-of-war, the single fact that there are but *five* of them, at most—and it is not proposed to increase the number nor extend the system—the means they afford to the end proposed is in perfect keeping with an attempt to "batter down the rock of Gibraltar with a pocket-pistol." Look at the proposition! It is necessary to have a steam navy to maintain our respectability and safety as a maritime power—these ships are to constitute that navy; and yet there are but *four* of them built, and only *one* more to be built! And this a steam navy suited to the character and wants of the United States, to place us on a footing, for purposes of naval warfare, with England and France! Five mail packets, to contend against the naval armaments of the world! In 1812, the comparative feebleness of our Navy was satirized as "a two-shilling pamphlet against a ship-of-the-line." This new flotilla, I think, presents a still more glaring disparity between the means and the end. It will not do to say, in extenuation, that the number of ships may be increased. The authors of the argument, themselves, tell us, in connection with it, that they will not increase the number of the ships, nor extend the system; that these particular ships, and this line, can alone receive their patronage and protection, all others being excluded; and even the protection of these should not be granted as an original proposition at this day! I do no injustice to the argument in stating it thus. It is that, or it is nothing; and, being that, it is worse than nothing. And there I leave it.

I shall vote for this particular amendment proposed by the honorable Senator from Ohio, [Mr. CHASE,] not because I intend to vote for the original amendment, even should this be adopted; but because it will make the original less objectionable, though still leave it radically wrong. It is certainly very liberal to the Collins line; and looking, as I think they wisely may, to their ulterior interests, they would find it well to accept it; though it is very obvious that, in the blind spirit of what they deem the season of their power, they mean to reject it. They are likely to "go further and fare worse."

WHIG CONGRESSIONAL CAUCUS—POLITICAL PLATFORMS.

SPEECH OF HON. EDWARD STANLY,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

June 14, 1852.

Mr. STANLY. I am sorry I feel compelled to trespass upon the attention of the House; and I hope they will pardon my presumption, and not compare me to a little animal who was talked of in Kentucky a few years ago, who thought he could run the locomotive off the track, because of my attempt to meet the arguments of my friend from Tennessee [Mr. GENTRY.] But as much like that little animal as I may be, my friend from Tennessee is a great deal more like it, in trying to throw General Scott off the Whig platform of this great country. Sir, "I am no orator as Brutus is,"

> "For I have neither wit, nor words, nor worth,
> Action, nor utterance, nor the power of speech
> To stir men's blood"—

as the gentleman from Tennessee has. The allusions made by the gentleman from Tennessee [Mr. GENTRY] to the "mischievous tendency" of my speech of Saturday last, demand that I should endeavor to say some little in reply to him. He does me much more credit than I deserve. I hardly know whether he speaks in earnest, or in a tone of irony, he compliments me so much more than I deserve. He said he understood me on Saturday as being opposed to the Whig Convention passing any compromise resolutions. My ground was, that I was against the Convention's passing any platform, upon any and all subjects. I stand upon that—and I will not back out. Let him read my speech when it comes out. He says my letters and speeches have prepared the public mind to accept General Scott. Sir, his speeches and his letters prepare the public mind against General Scott. I have tried to prepare the public mind for the nominee of the Whig Convention, whoever he may be. That is upon what I have been preparing, although I have my preferences, which I have expressed in public, at home, in letters, and in every circle in Washington. They are well known.

But, sir, I am no man's vassal. I have those preferences but as a gentleman and as a representative of a free people. I shall always be ready to do justice to my friend, and my duty to my constituents, although I offend newspapers crowded with advertisements. Some of the editors of those papers imagine, by assailing me, they are offering incense to certain persons in power, about which they are much mistaken. Thank God! I was elected to Congress as a freeman, from that State in which the gentleman from Tennessee was born, and I will die so, in spite of any such threats or intimations which gentlemen or petty newspapers may choose to make. I have written nothing that I would not again write under the same circumstances. The gentleman says he wants to try "to bring the country to the recognition of their duty to the Constitution." He takes it for granted that the country is not already brought to it. I say it is. My argument has been for years that both of the great parties of the country are true to the Constitution. General CASS said so in his late letter to Captain Scott. Mr. DOUGLAS, I think, repeated the same sentiment. I concur with them; the great majorities of both parties are true to the Constitution. I have thought this for years. Occasionally both parties have courted Abolition votes to carry elections; but the great body of the people are true to the Union. The gentleman thinks they are not. Does he expect to bring them to their duty by pressing through contemptible resolutions like those adopted in Baltimore in such a hurraing crowd as our friends had there last week? How is that going to bring men to a sense of their duty? Those resolutions were adopted where champagne disappeared, hamper after hamper, until, after some chances became desperate, ambition had a "frugal mind" and sent telegraphic dispatches to stop it. What sort of a crowd was that to pass resolutions "bringing men to a sense of their duty?" Are we to chain them down to platforms? Can that change the heart? Can legislation do it? If the precepts of Washington will not, how, in the name of common sense, does my friend expect resolutions, thundered forth with his magnificent voice, is going to bring men to a sense of duty? I say that it is worse than humbug.

The gentleman from Ohio, (Mr. Root,) the gentleman referred to by me on Saturday, and several other gentlemen during the first session of the last Congress, when this fugitive slave law was not so prominent, said that, unless you adopted the Wilmot proviso in the territorial bills, you would hear the cry of Repeal! repeal! from one end of this Union to the other. You rejected the Wilmot proviso, but no man hears the cry of Repeal! These men who have been exciting the public opinion cannot be expected to come down at a word. They must have something to enable them to taper off by degrees. Men who have been excited on the annexation of Texas, and all these various questions, must have something to retreat upon. I have no fear this agitation will continue after the present time. I believe it will die out. It is getting less every day. There have been presented no petition to disturb the fugitive slave law that I am aware of? Neither SEWARD nor SUMNER have introduced a bill to interfere with this law. SUMNER is, as the gentleman threatens to be, an outsider. SUMNER left the Whig party of the North, because of its support of the slavery interest, and now the gentleman from Tennessee is to leave us, because it does not support it!

I do not think SUMNER would find, according to Addison, as predicted by the gentleman, "a private station the post of honor," though I think he will never go into retirement because "fools and rogues bear sway;" yet for the honor of his country and the honor of Massachusetts he ought to go from the place he now occupies. Not even they—SEWARD and SUMNER—have introduced any bill to repeal or even modify that law. If any one, either here or in the Senate, should attempt it, he will make himself ridiculous. No one supposes the possibility of its repeal. I have heard of no petition here to repeal that fugitive slave law; but pass a platform that they shall not be received, and you will soon have thousands of them. Agitation cannot cease, until Southern gentlemen refuse to take part in it. Neither Southern Whigs or Northern Whigs are guilty of agitation on slavery questions here this session. The Democracy are to blame. One who was formerly a Free-Soiler, [Mr. FITCH, of Indiana,] introduced the first resolution, according to my recollection. Then the gentleman from Georgia, [Mr. JACKSON,] with the aid of the Speaker, got the floor and introduced his resolution. If Southern Democrats will cease agitation, with the aid of their Free-Soil converts, we shall soon have none of it. Agitation cannot be stopped by passing resolutions or building platforms. They are often intended to produce it. You had as well attempt to stop flame with flaxen band, as allay agitation by platform resolutions. It is pouring spirits of turpentine on flames to quench them.

The new Free-Soil converts among the Democracy, are they who introduce resolutions, and call upon us to vote for them.

I admire my friend's speech very much. He has power to charm large audiences and small circles. I have listened to the manly tones of his voice, with admiration and delight; for he was a native of my State. I think Hamlet himself would have chosen my friend from Tennessee, if he had heard him, of all others, to speak his lines. He has given this House, this morning, a little more declamation than argument. His words, generally, bear weight. They are nervous and strong.

"In tides of manly sense they flow along."

But this morning he seems to have harped upon the old strains of his speech in the caucus and his letter published a few days ago, and forgotten the weight of argument he is in the habit of using. He tells us that he will not listen to "party! party!" He will listen to no cries of that sort. Why will he not? The Whig party, to which he belongs, is the most conservative party in the country. It opposes annexation, intervention, and fillibustering. What has opened his eyes all at once, to the impropriety of remaining in the Whig ranks? He has been with us a long time. Where are all of those conservative men he has been standing shoulder to shoulder with? Nothing has changed them. If the gentleman will not listen to party, and tells us he is going to leave us, I will say that the Whig party is my party still—"angels are bright still, though the brightest fell,"—and there will still be a Whig party, and men can get along in it, though he, who was one of the brightest of us, takes his final departure from our ranks.

Now, sir, the gentleman says there was a good deal in the platform to "disgust him," yet he was "pleased" with some part of it. There is a "pleasing disgust." My friend must soon form another vocabulary for his ideas. He is pleased with what he is very much disgusted at! He says we will get no shouts except from an Abolition audience in a certain event—if Scott is nominated. It is not everybody that is accustomed to shouts like my friend from Tennessee. The rest of us can do without them. It is not everybody who is sent for from New York to make speeches, to captivate masses, as he well knows how to do. We can live without shouts. There are some of us who were born in North Carolina, who were taught to seek that applause which "follows," and not that which is "run after." We were told not to mistake the shouts of crowds for the trumpet of fame. We are not seeking shouts. If we had been, it is easy enough to denounce every man who ever said the word "negro" upon the floor of the House. It is easy enough to preach secession in times of high excitement in some parts of our country, to inflame it, and let it sweep us along the waves, instead of resisting it and acting against it, as my friend from Tennessee has taught me to do for several years past.

The gentleman said that I read my friend from Florida out of the party. I beg pardon, I did not. I thought he said he was going to leave us himself, and then it was I told him the sooner the better. The gentleman compares me to a Pope issuing bulls of excommunication. If there is any Pope upon this floor, I am not the man. If anybody endeavors to assume power here, he is the man, and before I get through I will show that he has been addicted to it of late. The gentleman tells me that he is a native of my State. I am proud of that, but he was caught and carried away a little too young to have been taught that conservative feeling which she instils into the hearts of her sons. Dr. Johnson said of Scotchmen, "You have to catch them young when you are going to bring them up in the right way." He did not stay there quite long enough, I fear, to retain that conservative feeling taught by the Old North State, although Tennessee is nearer and dearer to us than any other State in the Union, and her citizens more strongly resemble ours than those of any other State. I wish my friend from Tennessee had remembered that when he wrote a late letter referring to the proceedings of the Whig caucus. I wish he had thought of the fact that an honorable Senator was born in that State, and that he had been on terms of friendship with him before he made use of the harsh expressions he has in that letter. The "thunder" he talks about, has no terrors for me. I think if my friend knows me at all, he is aware of that.

When General Harrison was nominated in Harrisburg, there were shouts then, and threats of thunder to all Southern men who supported him. I wish I had his eloquent voice, to speak the truth as I feel it in my heart; I would call on my countrymen to beware of this unjust denunciation of those whose whole lives have been marked by patriotism and honor. In spite of all threats of thunder, I will follow the path of my duty, no matter who leaves it. There was such a shout there that General Harrison was an abolitionist, and every Southern man was told upon this floor that they would be swept away in a torrent of indignation. They were told, "There will not be a grease spot left of you," in Western phrase, if you support General Harrison. North Carolina came into it. Georgia followed. Some good blows were struck by a friend of mine, a Senator now from Georgia, who never strikes but to a purpose. We carried the old North State amidst all this cry by Morehead's stout arm and noble heart, whom we gave a larger majority than for many years was given to any candidate. I do not know how many. That was in 1840. The difference between that time and this is, I *know* General Scott's opinions, but I knew nothing of General Harrison, except from his public life. I was right, and the result proved it.

Gentlemen need not think that they will frighten me with thunders of indignation, if I have that small still voice, which I prize even above the shouts of my constituents. Gentlemen may talk of these shouts and hurras! I can retire to my quiet home, as I was a candidate against my earnest solicitation, and came because I could prevail on no good man to come in my place. I can be as happy a man in retirement as my friend from Tennessee—as happy as he deserves to be for his past services, and a happier man than he will be, if he goes on in his present course. He is too much disposed to play the Pope, and if he ever goes to the country where the Pope is, Mr. Chairman, he will not stay there long. He has not that spirit he learned in his native State. He, like the Turk, will bear no partner near his throne. The old father, the Pope, will have a harder subject to manage than ever the Whig party had. He must be the little Pope in his own dominions, or there will be no peace in the country.

Why, said he, have we had in the North any evidence of a disposition to stand by the South? I point to meetings in Philadelphia, New York, and Boston. I point to Mr. Fillmore's friends in the Empire State—to Mr. Webster's in New England—the whole of them. How many thousands have they there? Has not Mr. Fillmore identified himself with the compromise measures? Has he not taken a son of that old North State in his Cabinet, and put him at the head of the Navy, and sustained him in issuing orders to the marines in Philadelphia to aid in executing the fugitive law, and if necessary, to shoot down rioters? Has he not placed the gentleman from Louisiana, (Mr. Conrad,) another slaveholding State, in command of the whole Army, which will at any time be at his command to execute the law, and protect Southern men in their efforts to secure their property? Where are the thousands and thousands whom the gentleman addressed in New York—whose shouts still linger in his ears? Where are all the thousands of Fillmore men in the State of New York? The gentleman yet says there is no indication of a support to the South. Then Mr. Fillmore has got no friends at the North, if what the gentleman says is taken to be true. How can

the gentleman hope to elect either Mr. Fillmore or Mr. Webster, if there are no friends of the South in the Northern States? The South has many friends in case of one nomination, and none in case of any other! He says, for twelve years, he has heard this cry that there was no danger. Well, sir, during that whole twelve years, my friend from Tennessee has been himself, and I have been denounced as an Abolitionist. He has been denounced for defending, even, his constitutional opinions. They have not changed him, and do not change his opinions upon certain subjects.

Mr. GENTRY. It has been because I have been firm and determined in my exertion to prevent the formation of a sectional part—resisting that tendency at home, and resisting it abroad—that I feel I have a right to speak now.

The time has come, and the last time, so long promised—the time to nationalize the Whig party. I have a right to speak freely upon the subject. The time has come now, and if the promises are not to be redeemed now, they never will be, and I shall be forced, contrary to my will, contrary to my idea of what is best for the country, into a sectional position. As I said before, and which I repeat now, if I must desectionalize, I will be careful to desectionalize upon the right side of the line.

Mr. STANLY. My friend did not go that in 1848. He was, if I am not greatly mistaken, in the Philadelphia Convention that nominated General Taylor. Somebody there offered a resolution pledging the Whig party to vote for no one but a Whig. I believe this indomitable Whig from Ohio [Mr. CAMPBELL] was the very man. Here it is:

"*Resolved*, That, as it is the first duty of the representatives of the Whig party of the United States to preserve the integrity of the principles of that party, the claims of no candidate can be considered by this Convention, unless the candidate stands pledged to maintain and carry out the cardinal principles of the Whig party."

Where did you hear the glorious voice of the gentleman from Tennessee [Mr. GENTRY] at that time? Where was the man whose eloquent tones were raised against platforms——

Mr. GENTRY. That was not a platform.

Mr. STANLY. As Nathan said unto David, "Thou art the man!" [Laughter.]

Mr. GENTRY. There was no platform; there was none introduced, except that which proposed to commit it to the Wilmot proviso. [Laughter.] But there was an effort made to prescribe for the members of the Convention who they should, or should not, vote for. I remember I made a very indignant, and, I think, a very proper protest against such an attempt at usurpation—claiming that every member there came commissioned by his constituents with a right to cast his vote according to their sentiments; and it was not in the power of that Convention to say who they should or should not vote for.

Mr. STANLY. What is a platform? One plank will do, where a few fellows may stand, like a Buffalo platform; one resolution may make a platform large enough for some folks. The gentleman had a platform at the Whig caucus the other night, offered by which to test parties, to make them come up and swear allegiance. Who resisted the test in Philadelphia? Mr. Gentry said, as reported in a paper of that day, "He was opposed to our telling the people for whom they ought to vote." But now, it is right to tell them for whom they must not vote!

Mr. CAMPBELL, of Ohio. My name has been connected with this account of that Convention. I remember the scene well, and shall remember it to the last days of my life. It will be remembered that General Taylor had written various letters, asserting that he would accept all sorts of nominations—a Democratic nomination, or a Native American nomination, &c. In that condition of things, I desired the Convention to say that the nominee should be a Whig, and introduced the resolution. The honorable gentleman from Tennessee, [Mr. GENTRY,] the honorable gentleman from Georgia—gentlemen who appear to have left the party—and various gentlemen from the South, asserted that it was out of order.

Mr. STEPHENS, of Georgia. I hope the gentleman will not intimate that I was a member. I was not there. [Laughter.]

Mr. CAMPBELL. I remember very well that the honorable gentleman from Tennessee [Mr. GENTRY] was there, and made a speech, and I have here the official proceedings, in which he assumed that the convention had no right to pass *any resolution*, or to do anything else than to *name* the man who was to be a candidate.

Mr. STANLY. The gentleman from Ohio said he thought the gentleman from Georgia opposed his resolution at Philadelphia. I think I opposed it. I was opposed to platforms then. I said it was wrong, and when a gentleman from Alabama made a motion to take the Allison letter as the platform, I moved to lay it upon the table. I said I would take the man upon his life and character. My friend from Tennessee [Mr. GENTRY] wanted no platform, and I was with him. What has changed the principles? I stand just where I did, and where I have always stood. Let us hear further what he says. If he "cannot reform the Whig party, he will destroy it." That is what he said this morning. My friend from Tennessee will allow me to say to him, in all kindness, that will be a little too much even for his strength and that of my friend from Florida, [Mr. CABELL,] or the gentleman from Kentucky, [Mr. MARSHALL,] or any other three, and their history will be written in two or three lines:

"Three wise men of Gotham went to sea in a bowl;
Had the bowl been stronger, my tale had been longer."

[Laughter.] Their fate will be like that of the three wise men of Gotham.

Mr. GENTRY. The gentleman does not desire to misstate me, I presume. I said that I would do what I could to destroy it. I did not assume that I had that power, and I have a great deal of confidence in my capacity that way. [Laughter.]

Mr. STANLY. The gentleman says he has a great deal of confidence. It is a new character for him to be an architect of ruin. He has done a good deal to build up the Whig party of his State, and he has some Whigs there who will not listen to his call, to change the principles which he has always advised them to vote. It is a new part for him, and I think he will find himself in a bad fix. If the Whig party does not nationalize itself, he says he will leave. According to his argument they have refused to do it already, and the Whig party was dissolved when the caucus broke up. He says, in substance, in the speech which I have before me, in the Daily Globe, of May 19th, and which I have not time to comment upon as I desire, that the Whig party is now dissolved, because they would not adopt that resolution. I think that is the inference from it. I have no time to read the speech, and I will print extracts from it, that all may see that part of the argument. He hopes it will be saved.

Mr. GENTRY. I am afraid it will not be.

Mr. STANLY. And, therefore, it is, he wants this platform. It is not for the country, for it is safe enough without a platform, except with one man. I commented too much upon the speech of the gentleman in reply to the gentleman from Florida, [Mr. CABELL,] to follow it out to-day. The party is dissolved now, according to these gentlemen.

In that speech, in the Globe of May 19th, he says:

"*It was the wish of those who signed the Address to give to it the fullest possible effect, as being an expression of the fixed principles and purpose of the Southern Whig party, and as proclaiming to the Northern Whig party the condition, and the only condition, upon which the unity of the Whig party, as a party, extending North and South, could be maintained.*"

He says further:

"We aimed, I say, at nothing more, proposed nothing more, did nothing more *than to invite them to agree with us, as far as we ourselves were concerned, and as far as our action would have any influence on the country, upon a basis of party action which we deemed to be essential to the maintenance of the unity of the Whig party.*"

Again, he says: "We were inviting our Northern Whig brethren to meet us on this platform"—for what purpose? Suppose it had been adopted, the gentleman would only support his favorite for the Presidency. The action of the caucus could not have altered his conduct, for the gentleman said, as reported in his speech, "he had no hope" they would pass.

Hear, again, the tone of command from the gentleman from Tennessee:

"*The great object* in introducing that resolution was, *to get Northern Whigs to meet Southern Whigs* upon a principle of action which we deemed to be important to the peace and harmony of the country and the preservation of he Union, and *an indispensable means of maintaining the unity of the Whig party as a political organization, extending over the whole country, North and South.*"

An indispensable means of maintaining the unity of the Whig party; yet he had no hope it would be passed! And then he winds up with the following authoritative declaration. He says:

"The safety of the Union requires of the candidate not only that he shall be publicly and unequivocally pledged 'to regard the compromise measures as a final settlement of the dangerous questions they embraced,' but that the political organization upon which he relies for election shall be of such a character as to wield all the *influences* of a *presidential canvass* directly in favor of reconciling the minds of the people, North and South, to the acceptance of those measures as a final adjustment of the sectional controversies which made their enactment a public necessity. These are the conditions upon which alone my humble support will be accorded to any presidential aspirant at the next election."

The only conditions of his powerful support, that all the influences of a presidential canvass shall be used to agitate people to be reconciled!

The address of the seceders has several such modest statements as the above—such as "it was 'deemed material the meeting should pass upon 'another proposition *before* proceeding to determine 'time and place." It was to be done "*before* proceeding to" the steps preparatory for a convention of the Whig party. It was to be "insisted upon."

It is also said in the Address—"In addition to 'the determination of the time and place for holding the National Convention, MARSHALL'S resolution suggested the Congressional caucus resolution of December, 1851, *as a condition precedent* to 'the union of the Whig members of Congress in 'the approaching canvass." Can anything more clearly show a purpose on the part of some to break up the Whig party unless they had their own way?

My friend from Tennessee, [Mr. GENTRY,] in the early part of the session, figured handsomely, as he always does upon this floor, and elsewhere, in escorting Governor Kossuth in here with a Free-Soiler from Ohio, [Mr. CARTTER.] Suppose he had brought a Kossuth resolution into the Whig caucus, and insisted that the Whig party must nationalize itself, and go against the "narrow-minded doctrines of the old Federal party," and for extending liberty to all men in the world, and to bring us down to the Kossuth platform; then if he can do this, and others can do likewise, the Whig party is dissolved. Had the resolution of the gentleman from Kentucky [Mr. MARSHALL] been adopted, would that have satisfied by colleague, [Mr. CLINGMAN?] He had another relating to the fugitive law, and would probably have seceded had that been laid on the table.

The gentleman said Scott cannot be loved as Taylor and Jackson could. This loving, you are old enough to know, is a matter of taste. Some folks love others very much whom others cannot like at all. There is no accounting for tastes. Is my friend against General Scott?

Mr. GENTRY. I do like him very well personally.

Mr. STANLY. I do not want anything more than that for Tennessee. Why does he like him personally? If he knows him so long as a true and devoted friend of his country, as he has proved himself to be in peace and war; with us in favor of the compromise, and telling the Free-Soilers that it is their duty to vote for the compromise measures, will not his [Mr. GENTRY] constituents trust in his judgment, sincerity, and penetration of character? To be sure they will. The gentleman liked General Taylor. I have no doubt that the gentleman from Kentucky [Mr. MARSHALL] liked Taylor until after he died. My friend from Florida [Mr. CABELL] liked Taylor up to the hour of his death and no longer. Why did not my friend from Tennessee [Mr. GENTRY] love Jackson for his lovable qualities? But he did not love him so much.

Mr. GENTRY. So I did.

Mr. STANLY. You did not support his Administration.

Mr. GENTRY. I admired him very much, and loved him when I was young, but my principles required me to oppose him myself. Many of those Tennessee warriors whom he had led to

battle upon many a field of victory, though they would shed tears at the recital of his achievements, adhered to principle; and, in the performance of their duty, voted against him.

Mr. STANLY. There is no evidence of Scott's wanting popularity. The gentleman says it is known that Scott cannot get a Southern State. How does the gentleman know any more about North Carolina than I do?

Mr. GENTRY. From general reasoning.

Mr. STANLY. Am I not capable of general reasoning? Is not Mangum capable of general reasoning, who has been reasoning upon political matters for thirty-odd years? I tell the gentleman that he is mistaken upon that subject. But he reads from the New York Tribune what is said about Pierce. I refer the gentleman to what the New York Evening Post says of General Scott: that he disgraced himself going and electioneering with members for the fugitive law; and that Mr. Pierce has not been disgraced, as Scott has, by "boasting" that he was in favor of that fugitive slave law. That law, says the New York Post, is indebted to General Scott's influence for passing it. What is there in that? Let them go there. The Tribune is no worse than the Post. The one has a few important principles scattered along in it, with Kossuthism, which my friend likes; and the Post goes abolition and everything which my friend has dared to fight against these twelve years. One paper is as good as the other. Let him look to it.

The gentleman says, all who vote in Convention from the South for General Scott will be "branded with infamy." Hard words these. Several of our Southern Conventions have instructed their delegates to vote for Mr. Fillmore first, and to vote for any man who was the nominee of the party, and known to be a compromise man. But my friend from Tennessee overrules all the conventions in districts and States, and says that if they go for a man whom the world knows is in favor of the compromise measures, they are going to be "branded with infamy." The gentleman would have the delegates obey him, not those who send them to the Convention.

It is said that SEWARD will control the great Northern Whig party. I do not know that I have had three minutes conversation with him this session—not half as long as the gentleman from Kentucky [Mr. MARSHALL] had, when he seceded from the Whig caucus. Will he not have as much control over Fillmore as anybody else? Will he not bring the same talent, the same capacity, the same genius, the same power of controlling, the same mighty influence, which the gentleman seems to be so much afraid of, into the Whig party, if Mr. Fillmore should be nominated and elected? Who would nationalize us then? Where are you then! I think if the gentleman is left to kick out of the traces, he may not be able to stand to his determination. What is to become of him if he opposes Scott? I presume the gentleman thinks that we have to be beaten any how, according to his argument. The Democrats boasted of that in the early part of the session. They need not lay that flattering unction to their souls. My excellent friend from Illinois, [Mr. BISSEL,] made a boast of this kind some two or three months ago, but if gentlemen will wait until they hear the shouts that will come up in a short time, we will tell you a thing or two about who is likely to be elected as President. What will the gentleman do with the anti-abolition Whigs in Boston, if he leaves us? How will he part with such an excellent Whig as the gentleman from Indiana, [Mr. PARKER,] who succeeds Julian, a member of the last Congress, recently sitting side by side with a negro man and a negro woman, in convention in Ohio? But the Whigs of Indiana, in that district, have sent here a compromise Whig, and a gentleman, in the place of that Democratic Free-Soiler. Can the gentleman from Tennessee part with such friends?

Now, SEWARD is bad enough, I know—so bad that some folks think he has a cloven foot and a pair of horns on his head, [laughter;] but he is no worse than SUMNER, nor half as bad. And SEWARD and SUMNER are both Kossuth men, and would, therefore, agree with the gentleman from Tennessee better than with most of us.

Mr. GENTRY. The gentleman from North Carolina will allow me to say that no gentleman upon this floor made a more distinct protest against the views and doctrines of Kossuth than I did. The gentleman, therefore, does me injustice if he remembers what I said.

Mr. STANLY. I do not remember it; for my friend, that day, sat in the direction of the door, and his voice was so loud, and the reverberation was so great, that I told him afterwards I could not hear what was said. I do not, therefore, remember what he said. But if the gentleman from Tennessee, in company with the Free-Soilers, could receive and wait upon Kossuth, with his round hat with the black feather in it, why cannot General Scott treat all men with respect without yielding to their doctrines? Why, has not Kossuth as much influence over him as SEWARD has over Scott? They are both magicians—both remarkable men; and there is just as much reason, and more, for saying that the gentleman belongs to Kossuth, as there is for saying that General Scott belongs to SEWARD. Now, SEWARD is a deep man. I have heard that there are lakes in the West in which the fish can be seen sixty feet below the surface. I think SEWARD can see sixty feet below the surface, and that, too, in muddy water.

I think, if General Scott is elected, it will restore harmony to this great country. But, if Scott is beaten—if he is rejected by a sectional vote, and the North are told that they shall have no man who will not come down and swear allegiance to what a little corporal's guard say shall be the platform of the party, SEWARD calculates that at the end of four years, this great North will come over with their thirteen millions that the gentleman from Massachusetts [Mr. RANTOUL] told as about the other day, and that Billy SEWARD will be their man. Thus the tendency of the course of the gentleman from Tennessee—I do not say that he desires it—is to make this sectional party, and to elevate the man he thinks next to old Satan himself, into the presidential chair. SEWARD control Scott! Where is the evidence of it? There is not a particle of evidence of it, any more than there is that Kossuth controls the gentleman from Tennessee. I could tell the gentleman something, if I had time, that would make him—I was going to say ashamed—but I will not say he has done anything to be ashamed of yet—but that would surprise him. There are some persons in this country, and in the Senate—I will not say that SEWARD is one of them—who are mighty fond of getting into certain company—a good deal like the Lady Goldsmith talked of—

> "Madam Blaize—
> The King himself did follow her
> When she did go before."

So Scott follows SEWARD if he walks along the street after him, or goes to the same church; but nothing else.

The gentleman from Tennessee referred to the fact, which I had seen stated in the papers, and which struck me with as much horror as it does the gentleman himself, that SEWARD invited negroes to his house. I hope the gentleman from Tennessee will give even old Satan his due, as I understand that that was all a mistake.

Mr. GENTRY. It was so stated in the papers, and I have never seen it contradicted.

Mr. BROOKS. They were Bloomers, not negroes.

Mr. STANLY. Well, I should not like to have Bloomers about my house, but folks have different notions respecting such matters, and there is no accounting for taste. Besides, I understand that there are some very clever folks at the North who put on that dress. But I am informed that it is a mistake that SEWARD invited any negroes to his house. I say this in justice to him.

Sir, General Scott was the advocate of those compromise measures. I know the fact. I happened to be here in September, 1850, at the close of that awful session, when the minds of the best and wisest in the land were filled with gloom and apprehension at the expected loss of those measures. You remember how long we hung here divided, and how full of gloom and apprehension we were. When at last those measures were passed, bonfires were lighted in Washington, guns were fired, and the people went round and shouted at the houses of Cass, Dickinson, Webster, and the other great men, and Clay, who ought to be named first, as he was first in all those matters, and as he always was first in the country, while he was able to speak for himself.

Well, sir, General Scott had been all along urging upon everybody to go for those measures—sometimes, as I thought, to an indecorous extent—laying aside the proprieties of his station, and going as far as any man did to advocate those measures. With that same full heart that animated all our Southern friends, I went that night to pay my respects to Mr. Webster, and congratulate him on the passage of those measures. I found there the hero of Churubusco, Chapultepec, and Lundy's Lane—names that do not seem to give much pleasure to the ears of the gentleman from Tennessee. I found that hero there, I thought with the big drops of joy filling his eyes, congratulating Webster on the service he had rendered to the country in aiding the passage of those measures. Sir, it was a picture which I hope we shall have hereafter placed among our national paintings—painted by such an artist as the one who did that noble picture of "Washington crossing the Delaware"—a picture of the conqueror of Mexico congratulating the great defender of the Constitution upon his successful efforts in passing those measures. And yet this man is said to be the candidate of SEWARD, and Southern men are arraying themselves against him, for what reason Heaven only knows.

Sir, I hope that in the course of a few weeks the gentleman from Tennessee will come back to that calm reason which has marked his course. I trust that when he hears the shout of exultation that will go up in November next—whether Fillmore, Webster, or Scott be our candidate—it will rejoice his heart, for a Whig triumph can bring no sorrow to him. Sir, consideration will come like an angel, and he will leave the little corporal's guard and stand shoulder to shoulder in our front rank, where he has always been, and where I delight to follow him. I shall be found there, I hope, trying to do my duty under his lead, if he will raise his powerful arm, and give me a chance to do so.

I shall not detain the House by reading further extracts from the speech made by the gentleman the other day. It shows a foregone conclusion on the part of the gentleman, that the Whig party was dissolved the moment that resolution was rejected in the caucus. I have not time to go into that matter now. I went into it, however, yesterday, and I must leave that part of my speech to stand as my answer to the gentleman from Tennessee. Sir, I admit that there are thousands of Democrats in this country, who are as true to the Union as the Whigs are. I believe, too, that both of the great parties of the country are true to the Constitution and the Union. I have no fear that abolition excitement can sever this Union, but as a Southern man, I pray Almighty God most devoutly to save us from having the issue of the slavery question adopted by either or part of the great parties. Sir, if the Whig party take the same course as the Democrats have done, you keep alive, and perpetrate the slavery issue, and make it an issue in our contests in all time to come. That is what I fear, in all sincerity, and I hope Heaven will save our country from the horrors that must come upon us, when we recognize slavery as a party issue, and make platforms upon the subject.

Sir, I thank the gentleman from Ohio, and the committee, for having afforded me a chance thus briefly to put myself right, after the remarks of the gentleman from Tennessee. I yet hope that he will come back among us. But whether he does or not—no matter who is nominated at the Whig Convention, if he stands upon the compromise measures—and no man will be nominated who does not—no matter who is nominated, I shall be found doing my duty against secession.

If there is any platform, I want one against secession as well as abolition, free trade, the annexation of Cuba, "Young America," and all the other enormities which disfigure the platform of the Democratic party. Whoever may be the nominee of our party, I shall be found there doing my duty; and though as an orator, I shall not be

greeted with such shouts as my friend from Tennessee, I shall, at least, have a quiet conscience, which is above all other earthly dignities, which no shouts can deprive me of, no assaults take away from me; and if I fall in that contest, I shall fall with the stars and stripes of my country flying over my head! I shall fall happy if I can contribute anything to keep any of its stars in their proper place. Let me but see the national flag, the Union flag, flying over me, I will depart,

"And smile to see its splendours fly
In triumph o'er my closing eye!"

PRESIDENTIAL CANDIDATES—PARTY ORGANIZATIONS.

SPEECH OF HON. M. P. GENTRY,

OF TENNESSEE,

In the House of Representatives,

June 14, 1852.

The CHAIRMAN stated that the first question under consideration was House bill No. 43, "making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the current year ending June 30, 1853," upon which the gentleman from Tennessee [Mr. Gentry] was entitled to the floor.

Mr. GENTRY. Mr. Chairman, I have not obtained the floor to-day to discuss the merits or the demerits of the bill which is nominally, at least, the question under consideration before this committee; but to avail myself of that common law which permits the members of this House, when in Committee of the Whole on the state of the Union, to discuss any question which may be regarded as important to the Republic. Although some week or two ago, when responding briefly to a speech made by my friend and colleague from the Nashville district, [Mr. Cullom,] I announced my purpose to discuss fully and at length, at some suitable time, the important questions referred to by him on that occasion, a habitual disinclination to occupy the valuable time of this committee with speech-making would have kept me silent, I believe, but for the speech of the honorable gentleman from North Carolina [Mr. Stanly] on Saturday evening last. In that speech he expressed some views and opinions in which I do not concur, and the tendency of which I deem to be eminently mischievous. He occupies a prominent and conspicuous position among the Southern Whigs of the United States, and I fear if his speech should pass unanswered, that the conclusion might be arrived at by gentlemen from the North, here and elsewhere, who might, if they chose, exercise a very considerable influence upon the consultations of that Whig Convention which is to assemble at Baltimore in a few days, which may induce them to exercise that influence in a manner adverse to what I believe to be the true interests of the country. I have, therefore, obtained the floor to controvert and combat the idea set forth by the gentleman from North Carolina, and to endeavor at least to impress the opinion that the view which he presented on Saturday evening is not common to the people of any Southern State in this Union.

If I understood the honorable member from North Carolina—and I may have misunderstood him, for I was in a position where I could not hear him very distinctly—he expressed himself decidedly opposed to the introduction into, or the adoption by, that Convention of any resolutions which should recognize the series of measures passed by the last Congress to adjust the sectional controversies between the Northern and Southern States of the American Union, *as a compromise*. He proclaimed himself in favor of the nomination of Mr. Fillmore as the Whig candidate for the Presidency; but taking his speech in connection with speeches heretofore made, and letters written and published by him during the present session of Congress, I think it will not be imputed to me that I do him injustice when I say, that the fair and legitimate inference from his speeches and his letters is this: That while individually he would prefer Mr. Fillmore, he looks to the probability of the nomination of General Scott. And I think he will not say that it is an unfair inference from his speeches and his letters, that the whole influence which he is able to wield over the public opinion of the State which he represents, the Southern States generally, and the American Union, has been wielded to prepare that State which he in part represents, and the Southern States, and the whole Whig party of the Union, to accept General Scott as the Whig candidate for the Presidency. I differ with the gentleman. I deem it to be a matter of high national importance, rising infinitely above all mere paltry, temporary party interests, that both of the great political organizations of the country should avail themselves of the opportunity which this hour and this occasion furnishes to nationalize themselves, and so to shape their presidential organizations as to bring all the influences which those two great political organizations can wield to bear upon the American heart and mind, with a view to harmonize, to conciliate the North and the South, and to give tranquillity to the country, and bring each section of the Union—every part and parcel of our Union—to recognize *all* of the obligations which the Constitution imposes, and to bring the public men in each section to a resolute enunciation of a purpose to maintain the obligations of the Constitution everywhere, and to throw the whole weight and influence of both of these two great party organizations in favor of teaching the people the truth and their duties under the Constitution, North and South.

I believe if the two great political organizations of the country act upon this principle, that great good to the Republic now, and for long years hereafter, will result. I believe that the bitter feeling, the unfraternal passions which these sectional questions to which I have referred have engendered, will be obliterated and expunged; that the people of the whole American Union will again fraternize as brothers—harmonize and together uphold the institutions which they have inherited from their fathers—and that our Republic, restored to tranquillity and harmony, shielding, protecting, and making happy all of its children, will go forward in its career of prosperity, greatness, and glory; and be as a sun in the heavens to all of the nations of the earth, lighting up their pathway to freedom and happiness like that which we enjoy. And if these two great parties do not thus act, I have serious and painful fears that the fountain of bitter waters, which as we hoped had been sealed forever by the exertions of those brave and noble patriots who coöperated together in passing the compromise measures, will be reopened; and that sectional strife, sectional antagonism, denunciations of the North by the South, and the South by the North, will again be the order of the day; and that presently, instead of argument, reason, and the ballot-box to adjust questions relating to the interests of this great Republic, we shall be thrown upon that last resort—the cartridge-box, bayonets, and the sword. That is what I fear. Talk not to me about party victory or defeat when such interests as these are involved! Better, infinitely better, be defeated by doing your duty to the country than to win a mean and ruinous party triumph by bringing upon it evils such as those I have suggested!

I will not look to the question of victory or defeat. I see plainly, and every man must see, what is the path of duty if we are trying to take care of the public interest, and to make safe the Republic. Let us, then, trample under foot every mean and paltry consideration of party, and do our duty to our country. That is what I think we ought to do. And, as a Whig, a Southern Whig, a national Whig, that has believed the maintenance of that party and its ascendency was valuable, was important to the interests of the Union, I have to say now, that I would infinitely prefer to be defeated. I would rather make the presidential fight, if we must make a presidential fight, without receiving the vote of a solitary State in the Union, upon such principles as are national in their character and tend to produce the results I have indicated, than to carry every State in the Union, and be borne to spoils and plunder by the sacrifice of the permanent interests of the country. And he who cannot work himself up to this sentiment, and to this principle, has not, in my opinion, studied and comprehended the duties of a patriot. I say, I deem it a matter of high national importance, reaching far beyond the present, reaching deep into the future, affecting vitally, and perhaps forever, the fate and fortunes of this Republic, that these two great political organizations shall nationalize themselves in the approaching presidential contest. If they fail to do so, sectional strife, the end of which no man can foresee, and all the evils which we had hoped were overcome by the enactment of the compromise measures, will come back upon us with increased force. That is my belief. Sincerely entertaining this opinion, it is quite in vain for any man to raise the cry of *party!* PARTY! PARTY! to me, to seduce me from the performance of a duty which connects itself with the accomplishment of these great objects, addressing themselves to the welfare of my country.

But the honorable member from North Carolina thinks there ought not to be any platform adopted by the Whig National Convention. He is disgusted with platforms. Well, I think there has been a good deal in some of the platforms which is well calculated to inspire such a feeling; but there is something in the late platform of the Democratic party at Baltimore which is eminently patriotic, noble, and honorable. I would feel myself personally degraded if I would raise a question upon that point. They have come up to the necessities of the hour, and adopted resolutions which cover the whole question in reference to the sectional difficulties which have disturbed the harmony and threatened the existence of the Union. They have so met that question as to nationalize themselves.

The two great parties of the country have differed in opinion, and may yet retain and maintain those differences of opinion upon questions of mere expediency; which, though important, are infinitely insignificant when compared with the consequences involved in this question—greater than all of those put together. Waiving at present all discussion in regard to those points in their platform which do not meet my approval, I give them my testimony here to-day, before the whole country—and truth and honor require every man to do it—that they have nobly come up to the necessities of the times, have adopted resolutions in regard to these sectional questions, to which I have referred, the tendency of which, at least, is to nationalize the Democratic party, and bring it up to a high national standard which will recognize the binding obligations of the Constitution in all its parts—North and South; and which tends to give peace, tranquillity, and security to the country, and permanence to the Union.

Nothing which relates to those measures of expediency, with respect to which the Whig and Democratic parties have heretofore differed, is practically involved in the next presidential election. The large Democratic majority in the Senate cannot possibly be overcome in the next four years; and, consequently, no change of policy which requires *legislation* can be effected within that period; and if the two great parties of the country fail to shape the presidential canvass so as to produce the good results I have designated, that canvass will be nothing more than a mercenary scramble for place, spoils, and plunder, and I do not perceive that any man who is entitled to the character of a gentleman and patriot, can have a motive to participate in it.

The Whig party meets in convention, at Baltimore, in a few days, and what are we to do? Are we to stop short of this standard of patriotism, erected in the blaze of day and immediately under our eye? If we stop short of that standard of patriotism, how can we, without blushing, go before the people and tell them that we are patriotic, and claim their sympathies, and ask their support anywhere? I would be ashamed to speak to any other than an Abolition audience upon that question, if we fall short of that standard. From such an audience only could I hope for plaudits or huzzas. The Whig party must nationalize itself at Baltimore, or cease to exist as a party, extending over the whole Union, and such ought to be its fate. My honorable friend from North Carolina [Mr. Stanly] bowed my friend from Florida [Mr. Cabell] very gracefully out of the Whig ranks for expressing some ideas like these. I have already drawn upon my firmness, and my philosophy, to prepare myself for a similar denunciation. [Laughter.] Without calling in question his authority to thunder

forth, in a political party, bulls of excommunication like those thundered forth by the Pope of Rome against every erring heretic, I say if he shall dismiss me I will submit to it as well as I can. He has been too long in politics—he is too old in the political service, for me to presume to advise him, or make to him a suggestion having reference to the propriety of the course which he thinks proper to pursue; but if he will pardon me for such a liberty, I beg to suggest to him, that he had better set his ear for the thunders of excommunication emanating from a power more potential than he possesses. I mean the people who gave him the privilege of speaking upon this floor. I am proud to avow always, that I am a native son of the good old North State; and, being her son, I have studied the character of her people, and if I have not entirely misapprehended their character, their patriotism, and their intelligence, that thunder will soon break upon his ear, if he perseveres in the course indicated by his speeches and his letters during the present session of Congress. Let him look to it.

How can the Whig party nationalize itself at Baltimore? The process is exceedingly plain, simple, and easy. The Southern branch of the Whig party have a right to demand of the Northern wing of that party, at Baltimore, that they shall do what they have never yet done: *recognize as a compromise between the North and South—binding upon both sections of the country—the series of measures to which I have referred.* When these measures were passed, they were very objectionable to a portion of the Southern people. They were also very unacceptable to the Northern people.

The Whigs of the South, and many Democrats of the South, deemed them a safe and wise settlement of the controversies which had arisen between the two sections of the country; and in view of the evils which would follow if these measures were not accepted as a compromise, we went before the tribunal of public opinion and fought the battle there, and everywhere loyalty to the Union and a willingness to be at rest, and perpetuate that Union, triumphed—even in South Carolina. If I understand the action of that State, even South Carolina has accepted this compromise as a settlement, if it shall be adhered to and executed by the North. What has been done at the North? Where at the North, in the Whig party, has this settlement been recognized as a compromise? Where and by whom, at the North, has the pledge been given, that it would be accepted as a final and permanent peace-offering, and that tranquillity, peace, and harmony should be restored upon this basis? Echo answers, where? There was an idea that such a pledge was made here, at a caucus of Whig members when proceeding to the election of a Speaker, at the beginning of the present session of Congress. But that has been repudiated by votes since given on this floor, by the very men who sat in that caucus. We made a similar trial in another caucus, which sat in the other end of the Capitol, and then *it was out of order*—a thing very proper in itself, but that was not the time and place exactly. [Laughter.] The honorable gentleman from North Carolina [Mr. STANLY] thinks it will be decidedly out of place at Baltimore. Oh! when shall we reach that happy point of time, when the Whigs of the North will be ready, by their action on this subject, to proclaim themselves patriots, and act as patriotism demands? When will it come?—oh! when will it come? I have waited for that time, lo! these many years, through trials and tribulations, and much suffering. Time and again, for twelve years past, upon this floor, have I gone to honorable gentlemen, who commanded my personal respect, and whom I regarded as patriots, and said to them, these speeches, these votes, I deem utterly inconsistent with the obligations of patriotism; and while I act with you upon other great questions, if you persevere in this course, it is impossible for a Southern man, though agreeing with you in regard to other questions of minor importance, to maintain effective coöperation with you. I have been constantly answered, "Oh, don't be uneasy, our votes and speeches mean nothing; we are but accommodating ourselves to a temporary necessity; we do not mean any harm. These are but transient questions. This matter of abolition petitions will be disposed of after a while, and this question of the annexation of Texas will pass away presently." And when the territory from Mexico was acquired, they said "We will be obliged to settle that some way or some how. These are but transitory questions, and we are merely adapting ourselves to temporary necessities; and when we get through with these questions, then we will place ourselves where all men who claim the name of Whigs ought to stand, on national grounds, and harmoniously stand together, supporting these other great measures, in which you are willing to coöperate with us." Now, my opinion is, that the time has come. I say, I have waited, through much tribulation, for this happy hour; and now I demand the fulfillment of these promises, and call upon you now, when there is no excuse, and no pretense of excuse, for withholding a compliance with that demand, that you shall come up and nationalize yourselves, by recognizing the fact that slavery is an institution which the Constitution of the United States guaranties and protects in the Southern States; and also that the fugitive from labor, escaping from a Southern State into a Northern, shall be delivered up on the claim of his owner. I demand that you shall have the courage and patriotism to tell your people everywhere this constitutional truth, and teach them that it is their duty to recognize and abide by it. They enjoy the protection and benefit of the Constitution in all that relates to commerce, manufactures, and navigation; but when we come to that provision of it which was given to us as a consideration for agreeing to those provisions of the Constitution which promote, in so great a degree, their prosperity and welfare, we are answered, there is a higher law, which will not permit us to carry out that provision of the Constitution. [Laughter.] It will not do any longer, gentlemen; and it shall not longer be tolerated. The hour for settlement has arrived. You must do your duty, or die as a political party organization extending through the whole extent of the country, North and South. You shall nationalize or die; and if you refuse to do your duty, you ought to die. Upon this condition alone are you fit to exist. Except upon this condition, you are valueless to the country. You will never render it any service. Have you no patriotism? Can't you work yourselves up to this plain and practical point of duty, about which no man in his senses can have a doubt? All little pretexts and excuses are utterly contemptible. Talk about trial by jury, and all that! It means nothing except to conciliate that element in the North which denies that the Constitution of the United States can give to a Southern man a right of property in his slave. It means nothing more than that. It is a cowardly pandering to fanaticism, which, if not met, grappled with, and put down, will destroy this nation, and involve the States of this Union in fraternal war. But you cannot speak. When I have respectfully urged these facts and considerations upon my Northern Whig brethren, they respond by saying: "That is all right, and nobody intends any mischief at all; we do not propose to agitate; we do not intend to repeal the fugitive slave law; just let us alone; but, for God Almighty's sake, do not ask us to *say this publicly*, so that anybody can hear." [Laughter.] This is what I understand to be the substance of their position. Now, in all kindness, I submit it to the consideration of honorable gentlemen, is such a position as this consistent with truth, manliness, and patriotism?

I have not intended to destroy the Whig party, as the honorable gentleman from North Carolina [Mr. STANLY] insinuated in reference to some gentlemen who have acted with me. Perhaps he embraced me among the number. I do not know, nor do I care. I am seeking to reform, purify, and nationalize that party; and when I have made an honest effort for that object, and failed, then the next highest duty which I shall deem incumbent upon me, will be to destroy it as thoroughly as I can. And I will perform it to the utmost extent of my power. I do not blink questions. In dealing with political questions, it has been a rule with me throughout life, never to deny the truth, nor assert that which was false. And if the declaration which I have made be treason, make the most of it. Bow me out of the party as quick as you please. I intend to stay in it so long as a patriotic and honorable man may stay, and to him who is left behind when I leave it, I say—good-by. [Laughter.] Crushing, blighting, annihilating popular indignation will rest upon him if he lives south of Mason and Dixon's line. No man can go further than I have gone, and have ever been willing to go, consistently with honor and patriotism, to maintain this party organization. No man has appreciated more fully and thoroughly than I have done the danger likely to result from the formation of sectional parties; and now to-day I affirm that I regard such an organization as eminently adverse to the safety of the Union and the welfare of the Republic; and I will do all that I can to resist the tendency in that direction. I would deem it a national calamity for the Whig or Democratic party to be sectionalized. I think it eminently to the interest of the country that both of the two great political organizations should extend North and South. It will be an evil day, a portentous day for the Republic, when this fact shall cease to exist. I have resisted, and I will resist, the formation of sectional parties, to the extent of my power and influence. But if, against my wishes and efforts, I must be sectionalized, honor, patriotism, manliness, every quality that constitutes a man, require me to be careful to be on the right side of the line.

How is the Whig party to nationalize itself? By passing a resolution recognizing the compromise measures "as a settlement—a final settlement, in principle and substance—of the dangerous subjects they embraced." I will be content with such a resolution as that adopted by the Democratic Convention. I am not disposed to criticise the Democratic resolution. I am willing to take it *verbatim et literatim*. It satisfies me, and I think that it would be about the best thing to do. Then there would be no issue between the two great parties on that great question, which ought not to be the subject of party debate—a question with respect to which all parties loyal to the Constitution ought to be perfectly agreed. Take that resolution, or something else that covers the whole ground as completely as it does, and then nominate Millard Fillmore or Daniel Webster as the Whig candidate for the Presidency. That is my idea, and I am not very particular which of those gentlemen shall be nominated. The people of Tennessee are for Fillmore first; and I am with them. But I am equally willing, personally, to support Mr. Webster. But I am asked, why not take General Scott? I think the contest for a nomination is practically between those three gentlemen, and one of the three will be nominated. I believe that the nomination of General Scott cannot *now* nationalize the Whig party, even if you pass such a resolution as I have indicated, and he shall write a letter putting himself, *now*, distinctly upon that platform. Events have already transpired connected with his aspirations for the Presidency which have infused into the Southern mind, everywhere, a distrust which cannot be eradicated; and though he might be placed in such a position that the Whigs might feel bound, perhaps, through all the States of the South, to make a struggle for him, I believe that it would not be six weeks after he was nominated before it would be a manifest fact to the eyes of every man, that he could not receive the vote of a single Southern State—not one. That is my opinion. You may talk about Bridgewater, and Lundy's Lane, and Vera Cruz, and Cerro Gordo, and Chapultepec, and Molino del Rey; but it is a very unphilosophic mistake to suppose that the glories of those fields alone can satisfy the people of the South upon the questions to which I refer.

You may tell me of General Harrison—who received such a mighty majority—and General Jackson, and General Taylor; but he who reasons in regard to party and political results from the past to the future, not having his eye upon the changed aspect of public affairs, will fall into one of the greatest mistakes that man can fall into. And, besides, waiving that view, Harrison, Jackson, and Taylor, did not owe their success exclusively to their military services, or to their military fame. Each of those three distinguished generals had personal qualities which linked them to the hearts and affections of the people, who loved them, independent of their great military services.

Now, although it is due to General Scott to say—as I believe to be true—that his military career has been more brilliant than that of either of those distinguished generals, or than that of any other general since Washington's day; yet it is a fact that ought to be observed by those who are ciphering up the sum of availability, that somehow or somehow else—I will not undertake to explain and define it—he has not, in his personal character, those attributes and qualities which make the people love him as they loved Jackson, Harrison, and Taylor. They admire him as a military hero, but that is the beginning and the end of it. The idea of his availability will turn out to be the greatest possible mistake. Should he be nominated, he will prove to be the weakest man ever run for the Presidency. He will be more overwhelmingly defeated, in my opinion, than any man who has ever been placed in that position by any considerable political organization. Why is it that the Whig party cannot nationalize itself by running him for the Presidency? Because of the auspices under which he has been made a candidate, and the course he has thought proper to pursue, in withholding from the public an expression of his approval of the compromise measures.

Those auspices and influences are such as have infused into the minds of the Southern people distrust and apprehension which cannot now be overcome; and when it is seen that he can get no Southern State, no Northern supporter of his will have the slightest confidence in his success; and he is indeed a tyro in politics, who does not understand that such a belief as that would deprive his supporters of that zeal and energy which is necessary to success, even in those States at the North where, under a different state of things, he might reasonably hope for success. Sir, I do not claim to be a prophet, but I predict with entire confidence, that as soon as his Northern supporters see that he can carry no Southern State, and they cannot hope for coöperation in that part of the Union, they will appeal to the anti-slavery sentiment common to the people of the North, and give a sectional shape to the presidential canvass. They will throw him into such a canvass as that, and the cry will be a repeal of the fugitive slave law, and the support of General Scott as the representative of that idea. Whatever may be his individual sentiments and purposes, that will be the direction of the canvass. Already we see that the editor of the New York Tribune heralds to his readers the nomination of General Pierce, by the Democratic Convention, as follows:

"The Union does not contain a bitterer or a more proscriptive pro-slavery hunker than Franklin Pierce. For years he has been foremost in stifling every aspiration for freedom among the 'Democracy' of New Hampshire. He insisted that John P. Hale should be ostracized and crushed because he refused to vote for the annexation of Texas without a stipulation that some part of its immense unsettled territory should be secured for free soil. The Post has more recently seen this same Frank Pierce deprive John Atwood of his nomination for Governor, and drive him out of the party for nothing else than expressing a repugnance to the fugitive slave law. In all New England, slavery and slave-catching have had no more unscrupulous thick-and-thin servitor than this same Frank Pierce."

Honor to General Pierce, if the Tribune truly states his position, as I believe it does. Now, with what face can a Southern man go before a Southern audience to oppose the election of General Pierce to the Presidency of the United States, if he shall be opposed by any man who does not stand as unequivocally upon the same ground denounced by Mr. Greeley in the Tribune, and described in the article from which I have read? Why, sir, you may talk about Bridgewater, and Lundy's Lane, and Vera Cruz, and Cerro Gordo, and all those battles in vain. You will get nothing in reply but a bitter laugh of scorn and derision from the Southern people when you stand up before them and try to reconcile them to such a state of facts, with such miserable humbuggery as that. They will despise you, laugh at you, and spurn you. You will fail as badly as Kossuth failed in his Southern campaign. The people of the South cannot be thus humbugged.

I believe General Scott cannot get the vote of a single Southern State. He will be nominated, if nominated at all, by a sectional vote, if, indeed, all the representatives of the South shall be true to the trust confided to them; and he who fails to represent Southern sentiment and Southern feeling in that Convention upon those high issues, let him look to it—let him look to it! If he has position, hope, or prospects at home—if his hopes are not directed elsewhere than at home, let him look well to it. He who betrays the trust confided to him by any portion of the Southern people, in that Convention, and, under existing circumstances—acquiesces in, or gives his consent to the nomination of General Scott—if I am not very much mistaken, will be branded with a brand of infamy that will dishonor him through his life, and be a reproach to his children when he is in his grave.

If I am right in these conclusions, the nomination of General Scott as the Whig candidate for the Presidency, will not only result in a most disastrous party defeat, but it will also tend powerfully to sectionalize and abolitionize the Whig party. It will place a distinguished Senator from New York [W. H. SEWARD] in the same relation to the Whig party of the Union that he now occupies in reference to the Whig party of New York and the great States adjoining thereto, and, indeed, to the whole Whig party of the North—a most influential and controlling position. Many men, I know, are acting under his influence, and guided by the engines which he controls, who do not know from whence comes the power that moves them. He has reached a position of power and influence at the North, that gives him an almost absolute control over the Northern Whig organization. He is the focus at which concentrate all the hopes of that class of mercenary politicians, who act in politics only with a view to personal and pecuniary advantages. He has for years controlled the patronage of the great Empire State of New York—vast in amount—and has occupied a position that enabled him, to a very great extent, to control the patronage of the Federal Government here, in reference to citizens of New York. He is looked to as a probable President of the United States at some future day, by his partisans, and that fact gives him all the power incident to such a position. He can concentrate, wield, and command a greater number of energetic men, to accomplish any object which he desires, than the President of the United States, with all the patronage which he disposes. That is his position. Such is his power and influence.

He has directed and controlled all the operations which now give General Scott a formidable prospect for the nomination.

Should General Scott receive the nomination, simultaneously with that event, Mr. SEWARD will practically be inaugurated into the position of ruler and controller of the Whig party of the United States. If HE is to be *our leader*, it is important to inquire whither we are to be led—what battles we are to fight; and what are the objects of the campaign in which we are to be enlisted.

Sir, I do not undertake to judge the motives and objects of any man, except so far as those objects and motives are revealed and displayed by his acts. As a public man, in the performance of what I esteem to be a public duty, I have a right to refer to his position and inquire into his objects and purposes. Such inquiries, in regard to the objects and purposes of such a man, address themselves to the interests of the Republic. It is always a painful matter to me to be obliged to specify any individual in public debate, and nothing but a necessity would induce me to do so now. I have observed and studied and scrutinized Mr. SEWARD, for many years past. He is a remarkable man. I think he has exercised a very pernicious influence upon the politics of this country for many years past. If he is not crushed and annihilated by public intelligence and public virtue, he will hereafter, if he lives, exercise a much greater and far more dangerous influence over political affairs. He who has failed to scrutinize and study *him*, has failed to study and comprehend a source of political influence most powerful for mischief. What are his objects, and what the means by which he aims to accomplish them? I propose to answer these questions; and in doing so, I am, of course, to be understood only as expressing my opinions. I think those opinions are founded upon sound reasons, which justify my conclusions. His object is to become President of the United States; and he intends to form a sectional anti-slavery party in the Northern States to accomplish this great object of his ambition. He cares nothing about the existence or non-existence of slavery in the Southern States. On that question he is profoundly indifferent. It is not philanthropy or religious fanaticism that animates him. It is political ambition. He knows that the *sentiment* of hostility to slavery is almost universal in the Northern States; and that there is a large amount of religious fanaticism on that subject; and he designs to make this abstract sentiment—this religious fanaticism, the instruments of his political ambition. Accordingly we see him at different times and places speaking and acting in such a way as to keep himself on this subject in sympathetic communication with the extremest sectionalists, agitators, and fanatics. Why do I say this? What facts can be referred to which support and sustain this opinion?

I have not had an opportunity, since I determined to discuss these questions, to examine files of old newspapers, and thereby enable myself to speak with positive certainty and exactness. But my memory on this subject at least will not, I think, fail me. Go back to the period when Mr. SEWARD was Governor of New York, and read a correspondence between him and Governor McDowell, of Virginia. The latter gentleman, if I remember correctly, as Governor of Virginia, demanded from Mr. SEWARD, as Governor of New York, that a slave charged with crime, and who had escaped from Virginia into New York, should be delivered up to the authorities of Virginia, to be tried, according to the laws of that State, for the crime of which he was charged. A long correspondence ensued, in the course of which the obligations of the States of this Union, under the Constitution, upon the subject of slavery, were very fully discussed; and then it was that Mr. SEWARD asserted that higher-law doctrine, the annunciation of which by him, in his speech in the Senate, when the compromise measures were under consideration, attracted so much attention. Even as far back as the period I allude to, he denied that the Constitution could give a citizen of a Southern State the right of property in his slave; and he firmly refused, on this ground, to comply with the demand made by the Governor of Virginia. Go read a speech made by him at Cleveland during the last presidential election, *and you will see in it that perpetual agitation on the subject of slavery, with a view to its ultimate extermination*, was announced by him as a duty to which he had devoted himself, and he labored to persuade the Abolitionists of that region that the best way to accomplish this object was to sustain the Whig ticket. And again, when General Taylor died—when the compromise measures passed—when Mr. Fillmore and Mr. Webster threw the whole weight of their influence, and gave the country the benefit of their utmost exertions, to induce the North to accept the compromise measures as a peace-offering—a final settlement of sectional differences between the North and South—what did Mr. SEWARD do? I shall have to refer to his acts from memory, and if I make a mistake I will correct it when it is pointed out. According to my recollection, soon after the passage of those measures, he introduced a resolution into the Senate, or a bill, to abolish slavery in the District of Columbia; thus showing to the anti-slavery men of the country that he did not acquiesce in the compromise measures—that he was still for agitation. "Repeal" was the cry which he raised. When a fugitive slave was rescued from the courts of justice in the city of Boston by a negro mob, and when that city was almost in a state of insurrection against the Constitution and laws of the country, the Abolitionists of Massachusetts called a convention to protest against this fugitive slave law, and they invited Mr. SEWARD to attend. I will read the letter which he sent them in reply. It is a letter that speaks volumes in support of the position which I am seeking to establish. It is as follows:

AUBURN, *April* 5, 1851.

DEAR SIR: Your letter inviting me to attend a convention of the people of Massachusetts opposed to the fugitive slave law, and to communicate in writing my opinion on that statute, if I should be unable to attend the convention, has been received.

While offering the pressure of duties here too long deferred as an apology for non-attendance, I pray you to assure the committee in whose behalf you act, of my profound sense of their courtesy and kindness. It would be an honor to be invited to address the people of Massachusetts on any subject, but it might well satisfy a generous

ambition to be called upon to speak to that great and enlightened Commonwealth on a question of human rights and civil liberty.

I confess, sir, that I have earnestly desired not to mingle in the popular discussions of the measures of the last Congress. The issue necessarily involves the claims of their advocates and adversaries in the public councils, to the confidence of the country. Some of those advocates have entered the popular arena, criminating those from whom they had differed, while others have endeavored, by extraordinary means, either to control discussion, or to suppress it altogether, and thus they have shown themselves disqualified by prejudice or interest, for practicing that impartiality and candor which the occasion demanded.

I am unwilling even to seem to imply by reiterating arguments already before the public, either any distrust of the position of those with whom I stood in Congress, or impatience for that favorable popular verdict which I believe to be near, and know to be ultimately certain.

Nevertheless, there can be no impropriety in my declaring, when thus questioned, the opinions which will govern my vote upon any occasion when the fugitive slave law shall come up for review in the National Legislature. I think the act signally unwise, because it is an attempt by a purely federative government to extend the economy of slave States throughout States which repudiate slavery as a moral, social, and political evil. Any despotic Government would awaken sedition from its profoundest slumbers by such an attempt.

The attempt by the Government has aroused constitutional resistance, which will not cease until the effort shall be relinquished. He who teaches another faith than this, whether self-deceived or not, misleads. I think, also, that the attempt was unnecessary; that political ends—merely political ends—and not real evils, resulting from the escape of slaves, constituted the prevailing motives to the enactment.

I think, also, that the details of the measure are indefensible; that the denial to the alleged fugitive of a trial of his alleged obligation to labor, and of his escape from it, by a court, and nothing less than a court of justice, constitutionally organized, and proceeding according to the course of the common law within the State where he is claimed, is palpably in derogation of the Constitution; that the rules of evidence, which the law prescribes, are oppressive of the weak and defenseless, and that Christendom might be searched in vain for a parallel to the provisions which make escape from bondage a crime, by a law retroactive in its effect, and without limitations of time to favor the presumption of freedom, which, under rigorous penalties, compel freemen to aid in the capture of slaves, and which offer unmistaken inducements to false claims and false judgments. Finally, whatever changes of opinions others may have undergone, I retain my earliest convictions that the constitutional provision on which the law purports to be founded, is merely a compact between the States; and that the Congress of the United States have no jurisdiction of the subject.

Nor is the law, which is so obnoxious in itself, commended to my favor by its connection with what are called the other means of compromise. Compromise implies a mingling of truth and error, right and wrong. One of those affiliated measures denied the admission of New Mexico, because she had determined to come in as a free State, and remanded her, with permission to come back in the habiliments of slavery. Another distinctly intimated to the Mormons the consent of Congress that they should, if they could, plant a slave State in the very recesses of the continent. A third abolished a public slave-mart in the city of Washington, without abating either the extent or duration of slavery in the District of Columbia. A fourth obtained peace on humiliating terms from one of the youngest and feeblest members of the Confederacy, in an attitude of sedition. While a fifth only reluctantly admitted California as a free State, when she refused to contaminate herself with slavery. Which one of these measures has superfluous merit, to be received in extenuation of the fugitive slave law? But we are told, that bad as these measures are, they were the best that could be obtained. On the contrary, there were always votes enough for the admission of California. The Thirty-First Congress might have admitted her, and left the other questions to another Congress, which, instructed by the people, might have done better, and certainly could not have done worse.

Nor do I find the fugitive slave law growing in my favor on the ground of the already falsified promise of an end of the agitation of slavery in the Republic; an agitation which, whether beneficent or otherwise, is as inseparable from our political organization, as the winds and clouds are from the atmosphere that encircles the earth.

I have weighed, moreover, the argument that some portion of the people, in some of the States, have made the perpetuity of the fugitive slave law a condition of new declarations of loyalty to the Union. That loyalty is a duty resulting from the Constitution, and is equally due, whether the measures of Administration are satisfactory or unsatisfactory. I regret that anything should have happened to encourage a belief that loyalty could be accepted on conditions, and especially on the conditions of forbearing to repeal a repealable statute. But since it is so, I can only say that we, on whom the recent action of the Government bears, as it seems to us, so unjustly, are in the Union for richer or poorer, for better or worse, whether in a majority or in a minority, whether in power or powerless, without condition, reservation, qualification, or limitation, forever and aye; that we are in the Union, not because we are satisfied with the administration, but whether satisfied or not, not all by means of compromises or understandings, but by virtue of the Constitution; and that all other parties are in the Union on the same terms, for the same tenure, and by virtue of the same obligation; and so they will find their case to be, when they offer to plead violations of extra constitutional conditions to justify secession. Whatever is irrepealable in any of the acts of the late Congress, no one will be mad enough to attempt to repeal. Whatever is repealable in those acts, and whatever shall be repealable in future acts of Congress, whether it shall favor freedom or slavery, no matter under what circumstances, nor with what auspices, nor with what solemnities it may have been adopted, must abide the trial of experience, of reason, and of truth. It is only in this way that the Constitution can be maintained, and the Union can be saved. Its security consists in the adaptation to the physical and moral necessities of the broad and ever-extending empire which it protects and defends, and in the facility with which, without violence, or sudden change, errors of administration can be corrected, and new exigencies can be met, so that the State, free or slaveholding, which may at any time be least favored, will be at all times safer under this Government, when worst administered, than it would be under any other, however wisely administered, or favorably conducted.

I think, my dear sir, that all this is virtually confessed now by those who, while they see that their complicated schemes—that suppression of free debate which they thought essential to the safety of the Union, have failed, nevertheless admit that the Union is no longer in danger, and therefore I think that we may, at least, congratulate ourselves on the discovery, that not only are extra constitutional compromises unnecessary, but that the Union has strength and stability enough to endure, notwithstanding that such compromises, under the influence of an unwise legislative distrust, are sometimes unnecessarily and unavailingly made.

I am, sir, with great respect, your humble servant,

WILLIAM H. SEWARD.

Now, if further light is demanded as to the ends Mr. SEWARD aims at, look to the fact that, when a fugitive slave was rescued by a mob at Syracuse—a motley crowd of men and women, white and black—when they were arrested for this seditious obstruction of the law, Mr. SEWARD went into court, and volunteered to become their bail; and, if the newspapers are to be credited, invited them to his house, and treated them to its elegant hospitalities.*

What does all this mean? Is it not to encourage rebellion, insurrection, and resistance to law? Is it not to deny that the Constitution can impose any obligation to execute the fugitive slave law? Is it not to deny the constitutional validity of that law? Is it not a hypocritical claim that there is a higher law, which absolves him from that oath of allegiance which he has taken to his country, and which binds him to maintain the Constitution of his country? Yet this is the doctrine he teaches, and this man, with that powerful political organization which he controls, is to be *our* leader—IS HE? Under his auspices General Scott became a candidate for the Presidency; and if General Scott is nominated at Baltimore, he will owe his nomination to WILLIAM H. SEWARD; and, therefore, General Scott's nomination cannot, under any circumstances, nationalize the Whig party, because WILLIAM H. SEWARD's aims cannot be accomplished otherwise than by a sectional organization of parties.

If the compromise Whigs of the Union—if the Southern Whigs can accept and support a candidate for the Presidency, who is commended to them by such influences, and under such auspices as these, I think it will require but a very slight progress in party servility to enable them to support Mr. SEWARD for the Presidency four years hence. And here let me remark, that I do not believe Mr. SEWARD either expects or desires General Scott to be elected President of the United States at the next election. He desires to make him the candidate of the Whig party, and shape the canvass so as to prepare the feelings, passions, prejudices, and opinions of the Northern States for a sectional anti-slavery canvass four years hence, which he hopes will result in elevating him to the Presidency. He has reached the highest position, short of the Presidency, known to our form of government; and he knows that he has sinned against nationality so unpardonably, that he cannot reasonably expect the Southern States to coöperate in elevating him to that high office. Therefore, he seeks, ultimately, to sectionalize the politics of the Republic, and use the anti-slavery sentiments of the Northern people as a lever to lift himself into the Presidency. But let us trace his steps a little further.

As soon as the compromise measures passed, all the papers under Mr. SEWARD's control placed the name of General Scott at the head of their columns as their candidate for the Presidency. Conventions were called at the earliest possible time in New York, Pennsylvania, and Ohio, which formally nominated him for the Presidency. But no resolutions passed those conventions recognizing the series of measures to which I have referred as a compromise, to be adhered to and executed by the North and the South.

Do you want further proofs of his aims and motives? Look to the tone of the presses which sympathize with him in those aims and purposes, and you will see his line of policy distinctly revealed to your view. I will give a few extracts from such papers, elicited by the proceedings of a Whig caucus which was held in the Senate Chamber a few weeks ago. The Washington correspondent of the New York Tribune, who is said to be a co-proprietor of that paper—who is known to be upon most intimate relations with Mr. SEWARD, and who is believed to be a main medium of communication between Mr. SEWARD and the Northern people, in a letter dated in this city, on the 7th day of April, 1852, says:

"The present Administration insist that the line of action of the Whig party on this subject shall be what it never was before, viz: *a perfect agreement and concurrence of opinion, and action upon it, (slavery,) by both divisions or sections of the party.* While it is a fact that the two wings never did agree *before* on the question of slavery, it is proposed that *now* they shall agree. A course of policy for the whole party is thus laid down on the slavery question. Certain measures have been passed by Congress. Chief among them is the fugitive slave law, and the law establishing territorial governments without restriction as to slavery. The doctrine is, that the Northern Whigs, as well as the Southern Whigs, shall sustain those laws just as they are. And not this only: they shall also agree and declare that the slavery question is finally adjusted; that there is to be no more talk, no more action, on the subject. Slavery is to be henceforth a tabooed question in the party. It is the 'Pot Rock' in our political navigation, to which our Whig Administration profess to have been the Mons. Maillefert, blowing off all its dangerous prominence. It is to be hereafter considered sunk.

"This is the present position of the Whig Administration on the subject—a subject that has long divided it, and long been regarded as a question on which the two divisions of the party were to be allowed to differ—upon which, in the very nature of things, they could in fact do no otherwise than differ."

* * * * * * *

"Oh, green and verdant gentlemen of the House of Representatives!—ye who vainly fancy that carrying the compromise measures through your illustrious body is a great political stroke, even a triumph over an ever-active principle in the heart of man—it is time you were resolving that the sun shall stand still on another Gibeon. It is time you were erecting a stage under the ends of the rainbow in order to spike it on to the sky. It is time you had resolved that the ocean shall cease to surge, the streams to flow, or the seasons to return. Vote winter to be eternal, that darkness shall reign forever, but do no such folly as vote that the human heart shall not throb in sympathy with the oppressed, and give voice to its sympathies. Vote not that the mental volition of a free people shall be fettered and chained down. Vote not that the spirit of liberty shall be quenched. Do not attempt to betray freedom, do not offend humanity, do not provoke Heaven, do not expose Congress to ridicule, do not do yourselves injustice, by any such monstrous folly as this. You may 'compromise' a tariff question, or a land or a money question—for such are material in their nature, evanescent in character, and limited in scope, but you cannot 'compromise' a question of human freedom—for its relations and influences go beyond the stars, and its bearings and connections are eternal!"

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"No, Mr. 'KIT' WILLIAMS, and Mr. HUMPHREY MARSHALL, and Mr. E. CARRINGTON CABELL, and Mr. All-the-rest, who dream (fitfully and fearingly, perhaps) that this present Whig Administration plan of consolidating the Whig party, and bringing it to an agreement upon the subject of slavery, will work usefully; you are mistaken. There are two parts to the Whig party. There is a Northern and Southern division—a slavery and an anti-slavery wing. There always was, and always must be, while it exists as a national party. On the subject of slavery there can be no agreement. The two sections of the party must do now, and hereafter, as they always have done—*agree to disagree*—or the party must go to pieces."

* * * * * * *

"There is a natural antagonism in their several positions and relations as to slavery that forbids coöperation upon that subject. And to attempt to force an unnatural union, like the one we have been contemplating, is just the most senseless thing that any man, or set of men, can possibly undertake."

The above extract is but a specimen of thousands that might be made from papers known to sympathize in Mr. SEWARD's views, and to be devoted to his fortunes. But let this suffice. I think my position is sufficiently established, viz: that the nomination of General Scott as the Whig candidate for the Presidency will neither insure a party victory nor nationalize the Whig party; but that, on the contrary, it will elevate Mr. SEWARD to the position of leader of the Whig party, South as well as North; and consequently, by destroying the Southern wing of the party, sectionalize and abolitionize the Northern wing. Twice or thrice during the present session of Congress, Mr. SEW-

* Mr. STANLY said in reply that he was authorized to say that no negroes were entertained by Mr. SEWARD on that occasion.

ARD has presented petitions praying the repeal of the fugitive slave law!

In view of such facts as I have presented, can any honest man doubt? I anticipate what I know somebody will say, viz: "All that you say is mere declamation—Scott was in favor of the compromise." In reply to this I desire to ask this question: If he was in favor of these measures when this mighty struggle was being made before the tribunal of public opinion, the result of which involved the best interests of the Republic, present and prospective, why did he not come up and give to Webster and Fillmore the influence of his mighty name, and aid them in harmonizing the country, and bringing Northern and Southern men to a sound position upon this question? Why did he not do it? It can only be accounted for by ascribing to him that sort of ambition which made the angels fall from Heaven. He wanted the Presidency; and, in his extreme desire to be President, he forgot the higher and nobler duty which he owed to his country. That is the whole of it. No man can be so glorious in this country, when he aspires to the first place in the Republic, as to make it sacrilege to speak freely of his position and of the tendencies—political tendencies—likely to result from his success. We have a right to speak freely. I claim that right, and no man shall make me afraid.

Mr. Chairman, yonder clock admonishes me that I, under our one-hour rule, must hasten to a conclusion. Would to God I had time to discuss these questions as they ought to be discussed. But brief as is the time within which I will be permitted to address this committee, let me ask what more emphatic repudiation of the compromise measures—what more emphatic condemnation of the great and patriotic statesmen who coöperated in passing those measures, could the Whig party pronounce, than to supersede Fillmore and Webster, and nominate General Scott as the Whig candidate for the Presidency, under such facts and circumstances as I have described?

If the Whig party is actuated by principle, there can be no doubt as to what ought to be done at Baltimore. That Convention ought to pass a resolution, *unanimously*, recognizing the compromise measures as a final settlement—a settlement in *principle and substance*, of the dangerous questions they embraced—and nominate either Mr. Fillmore or Mr. Webster as the Whig candidate for the Presidency.

But General Scott is said to be really in favor of these measures. All the worse for him if that be true. When Webster's voice was heard reverberating through the land in tones such as no man ever uttered, imploring and urging and convincing the people that there were obligations imposed upon them by the Constitution, which required them to stand by these compromise measures, and to execute the fugitive slave law; and when Fillmore, with all his influence as President of the United States, was endeavoring to persuade the people of the North to settle these questions upon some great national basis, where was General Scott? He permitted Mr. Seward to seize him and wield him as a warrior wields his battle-axe, to cleave down into the dust Fillmore and Webster, and all the noble patriots of the North who sustained them. He permitted his fame and his influence to be used by Mr. Seward to arrest and neutralize their efforts to bring Northern sentiment and opinion up to a national standard. Leading men of the South—the press of the South, were calling upon him to speak, but he was silent. At last, however, some man, more fortunate than the rest, extracted from him the following reply:

WASHINGTON, *March* 26, 1851.

SIR: I have received your letter, (marked "confidential,") in which, after committing the error of supposing me to be "fully before the country as the Whig candidate for the Presidency," you proceed to interrogate me on many points of grave public interest.

Permit me to say, that considering we shall probably only have a Whig candidate for the Presidency through a National Convention, and that I cannot be its nominee except by the force of the unsolicited partiality of large masses of my countrymen;—

Considering, also, that if my character or principles be not already known, it would now be idle to attempt to supply the deficient information by mere paper professions of wisdom and virtue made for the occasion;—

And, considering, that if I answer your queries, I must go on and answer others already before me, as well as the long series that would inevitably follow, to the disgust of the public;—

I will beg permission to close this acknowledgment of your letter by subscribing myself,

With great respect, your obedient servant,

WINFIELD SCOTT.

——— ———, esq., *Harrisburg, Pennsylvania.*

Yes, sir, that was his reply; and although for nearly two years the whole Southern press has been calling upon him to answer, and Southern Whig Conventions, and distinguished Southern men, and influential political newspapers in the South, have been constantly declaring that they would not support a MUM CANDIDATE, when such issues were involved, yet General Scott, up to this good day and hour, is as silent as the grave—perfectly uncommitted! These are the facts, so far as the public is informed; and in view of such facts, no man who is in search of the true line of duty can fail to find it.

While these events, covering a period of something like two years, have been occurring, Mr. Seward's organization has been busily pressing General Scott's claims for the Presidency, and with unparalleled denunciation and vilification, pursuing Mr. Fillmore and Mr. Webster to destruction. And now, they boast that they have elected a sufficient number of delegates to the Whig National Convention, to nominate General Scott.

Mr. Chairman, I have read in some old books which described the usages and customs in the barbarous and dark ages of the world, that when some unfortunate subject incurred the displeasure of his King, the order was promptly given to behead him, and to stick his head upon a pike-staff, and carry it through the streets. On such occasions, all loyal subjects were required to fall into the train, and to testify by shouts and huzzas to the justice and power of their sovereign, who had exterminated his enemy. Now, if General Scott is nominated at Baltimore, what a triumph for Seward! What a shout of exultation will burst from his lips, and from the lips of all his faithful and hopeful followers! Some willing mercenaries will be ready, figuratively speaking, to raise aloft upon their pike-staffs the heads of Webster and Fillmore, and all Northern Union-loving Whigs who have stood by them, and bear them in triumph through the streets amid the shouts and huzzas of their victorious enemies, and we shall have a grand jubilant, exulting glorification, to celebrate the occasion. As a loyal Whig who has never proved unfaithful to party—myself and my Southern Whig friends will be required to fall amiably and submissively into line, and constitute the rear guard of Mr. Seward's column, and give him our voices to swell the jubilant exultation. Well, perhaps I may try. [Laughter.] But my opinion is, that my utmost effort to shout will resolve itself into a groan of despair. I cannot do it. I will not. Put that down in your note-book. "Well, what will I do?" "Join the Democratic party?" [Laughter.] I do not think I shall. I do not know what I shall do. But I know I will do what I believe to be my duty. My present impression is, that I shall deem it more consistent with my pride of character, to stand aloof from the contest. But if I thought one man's vote or one man's influence were necessary to cast the vote of Tennessee for Pierce and King, my voice and my vote should be given to them unhesitatingly, against such a nomination under such circumstances And any gentleman who dreams that any Southern State will cast its vote for General Scott in the next presidential election, dreams, in my opinion, a dream that will never be realized.

I suppose that for this I am to be a proscribed and denounced character—an excommunicated Whig. Well, gentlemen, I defy you all. [Laughter.] I only insist that no man shall denounce me until he can show a better Whig character in the past than I can. Observe this condition, and I am willing for you to say what you please. I acknowledge, to a proper extent, allegiance to party. But I owe to my country an allegiance higher than any that party can impose. I should consider myself a traitor, recreant to all the interests of those who have honored me with their confidence in sending me here, if I would for a moment coöperate in producing such results as I have described. What shall I do? Why I am very much troubled about it. It is a painful idea to contemplate. It is exceedingly painful for a man who stands as I stand, and who has stood as I have stood, to be separated from his party, and to be brought into antagonism with those with whom he has been associated; and, therefore, I have been recurring to my early reading of poetry to find some consolation, and I have determined to adopt the advice which Cato gave to his son:

"My son, thou oft hast seen
Thy sire engaged in a corrupted State,
Wrestling with vice and faction; now thou seest me
Spent, overpowered, despairing of success:
Let me advise thee to retreat betimes
To thy paternal seat, the Sabine field,
Where the great Censor toil'd with his own hands,
And all our frugal ancestors were blest
In humble virtues, and a rural life.
There live retired, pray for the peace of Rome:
Content thyself to be obscurely good.
When vice prevails, and impious men bear sway,
The post of honor is a private station."

I will go home. [Laughter.] In a sequestered valley in the State of Tennessee, there is a smiling farm, with bubbling fountains, covered with rich pasturage, and fat flocks, and all that is needful for the occupation and enjoyment of a man of uncorrupted tastes. I will go there and pray for "Rome."

Mr. Chairman, we must nationalize ourselves. It is cowardice to shrink from the duties and responsibilities of the hour. If our fathers had been as cowardly as those men who say they see the right, and yet dare not do it, had freedom been won? Never. We had still been the vassals of England. If we—their sons—cannot act up to the example they set us, the glorious inheritance they bequeathed to us will be lost forever. I invoke gentlemen to arouse to a correct appreciation of impending dangers, and to awake to the obligations which they owe to their country, and which it is a disgrace to any man who claims the character of a patriot not to discharge.

PRESENT POSITION OF THE DEMOCRATIC PARTY.

SPEECH OF HON. N. S. TOWNSHEND, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1852.

The House being in Committee of the Whole on the Deficiency bill—

Mr. TOWNSHEND said:

Mr. CHAIRMAN: I propose to make some remarks on the present position of the Democratic party; but before I proceed to the discussion of that subject, I have a word or two to say in reply to the gentleman from North Carolina, [Mr. STANLY.]

The only portion of his remarks referring to me which I think worthy of notice, is his sneering allusion to the fact that I was born in England. Since a man does not choose his birth-place, I have not been accustomed to consider it a subject either of glory or of shame. But, could I have chosen the place of my birth, I would not have selected any other spot. On one hand was the field of Naseby, where that stern old apostle of liberty, Oliver Cromwell, overthrew the power of the royal tyrant, King Charles I.; on the other hand was the Avon, whose waters flowed by the birth-place of Shakspeare. Could any spot be more suggestive of all that is heroic and glorious in action, or of all that is true and beautiful in thought and expression? How much I owe to these associations I cannot tell; but this I know, that Cromwell, and Milton, and Pym, and Vane, and Hampden, are among the chief saints in my calendar; and I cherish something of their love of liberty, and something of their hatred of oppression. I might add further, that in that neighborhood, too, I received my first lessons of religious truth, in the place where John Wickliffe, the morning star of the Reformation, and of civil and religious liberty, lived and preached. Many hours have I spent by the stream, and at the very spot where the ashes of his burned bones were cast by the minions of tyranny and superstition. If the impressions then made on my mind had anything to do with forming my character, or inspiring me with the sentiments I now entertain, as I believe they had, then what I have said, or may say, in behalf of human rights, is but another verification of the oft-quoted prophecy:

"The Avon to the Severn runs,
The Severn to the sea,
And Wickliffe's dust shall spread abroad,
Wide as the waters be."

But that gentleman doubtless alluded to the matter to cast a doubt on the genuineness of my republicanism, or as a rebuke to me for presuming to speak of public affairs in the presence of the American born. I think men may understand and appreciate the principles of civil liberty, though not born on this continent; the Pilgrim Fathers were not behind in this particular, although foreigners like myself. I am also reminded by the portrait which hangs before me, of another foreigner (Lafayette) who understood the advantages of free government, and to whom this country owes her gratitude for efficient aid in establishing the freedom we all enjoy. Persons born within the limits of a monarchy are not necessarily monarchists. The fathers of the Revolution, Washington, Jefferson, the Adamses, and Patrick Henry, were born under the same monarchical government as myself. I am far from believing that men born under a free government, and who have known no other, necessarily have the best appreciation of the value of freedom; on the contrary, I think those who have themselves felt the iron heel of oppression upon their own necks, and consequently have sighed and struggled for freedom, are the most likely to understand its true value. How else will you explain the fact, that the sons and grandsons of those who fought and died to secure the liberty we enjoy are now in the Southern States laboring with a zeal equal to that of their fathers, but for an opposite purpose, to extend and perpetuate the curse of slavery? The true friend of freedom would scorn alike to be or own a slave. But some men are republicans from choice, and some are only so by accident. I have the honor to be a republican from choice. After seeing and feeling the evils of other forms of government, I prefer that under which I live. The gentleman from North Carolina had the good fortune to be born in a republic, and is therefore, by accident, what he has not proved he would otherwise have had the sense or energy to have become.

Considering the number of foreigners in this country, amounting to almost one fourth of the free white population, I think the fact that there are two out of two hundred and thirty members in the House, and two out of sixty-two members of the Senate, will not be thought a very large or dangerous proportion; and it is but justice to the Democratic party to say, that through its liberality to foreigners these all owe their election. I shall make no other remarks of a party character; for had this manifestation of the contemptible spirit of Nativism come from any other member on this floor, of either party, I should have been surprised. I regret to say I was not surprised to hear it from the gentleman from North Carolina.

I have only to say further to that gentleman, that my constituents consider themselves abundantly competent to select their own Representatives; they certainly will not take the trouble to ask his advice; and should he offer it unasked, they will probably tell him to mind his own business. And for myself, I add, while I have the honor to represent on this floor a hundred thousand freemen, I shall take the liberty to speak when and how I think proper, without asking permission of any man, and least of all of one who comes here the representative of whips, and manacles, and slaves. In these few words I trust I have not forgotten what was due to the place or to gentlemen by whom I am surrounded. I have no ambition to contend for the palm of blackguardism, especially with one who would have so much the start of me, and whose unenviable reputation has already reached beyond the limits of our own country.

Mr. Chairman, I am ardently attached to the Democratic faith. I believe that all men, in respect to their natural and inalienable rights, are created equal. That civil government has no legitimate purpose, but the protection of those rights, and no rightful authority except what is derived from the consent of the governed. That, as all persons have the same inherent rights to protect, all are equally interested or equally entitled to be participators in what pertains to Government. I deny that Government has the right to confer special privileges on some and impose unequal burdens and disabilities on others. I believe in the sovereignty of the people and of the several States, and therefore oppose all assumptions of power or encroachments on the rights of the people or States by the Federal Government. I do not think that any wrong can be sanctified by age or legislation, or that the dead past has any right to control the living present. I look forward to rational progress and a good time coming, and protest against the sleepy conservatism that, for fear of innovation, would prevent all reform.

And the Democratic party I recognize as the best agency through which just ideas of civil government can be established. Its history proves it to possess the elements and spirit of progress, to be the party of the present and future, rather than the party of the past. Hence I have coöperated with this party, and worked with and for it, with whatever zeal or ability I could command. But the Democratic party is not my owner, or a body whose measures I am bound in all things to support, right or wrong. It is but a means or agency which I choose to employ, when, in my judgment, I can, by so doing, best subserve the great interests of humanity and justice.

The Democratic Convention at Baltimore, composed, as it was, of the chosen delegates from the Democracy of the whole country, was, doubtless, duly authorized to select some person to be the standard-bearer in the approaching campaign; and, by usage, the Convention was authorized to proclaim to the world what are the common doctrines of the party. I do not understand it to be the right, much less the duty, of that Convention to publish, as the sentiment of the Democratic party, doctrines which are only entertained by a portion of the party.

That Convention indorsed the compromises of the last Congress; a series of measures concocted by Clay, sustained by Webster, and forced through by the power and influence of Fillmore's administration. I protest against any stealing of Whig thunder. That party has a right to whatever of glory or of shame attaches to these measures. I do not want to steal Whig timber for the construction of our platform.

Among these compromise acts is a provision that Utah and New Mexico may come into the Union as States, with or without slavery, as they may choose. Now, let it be distinctly understood, that the Democrats of Ohio do not consent to that arrangement. They consider slavery to be an evil of such magnitude that they will feel it their duty at all times to use all constitutional power to prevent its increase.

The Convention also indorsed the constitutionality of the fugitive slave bill, in opposition to the views of a large portion of the Democratic party, who consider it to be unconstitutional, as well as the essence and imbodiment of Federalism. It is strange that such a course should have been pursued, while no one has yet satisfactorily shown its constitutionality, or attempted to answer the argument of the gentleman from Massachusetts, [Mr. RANTOUL.] And this, too, in the face of one of the first resolutions adopted at Baltimore—"that the Federal Government is one of limited 'powers, derived solely from the Constitution and 'the grants of power made therein, ought to be 'strictly construed by all the Departments and 'agents of the Government, *and that it is inexpedi-* '*ent and dangerous to exercise doubtful constitutional* '*powers.*" And the Convention further pledges the party to abide by a law that abolishes jury trial, allows *ex parte* evidence, creates swarms of petty officers to enforce it, gives a double compensation to find every claim set up in favor of the master, and pays the expenses of returning fugitives from the public Treasury.

The Convention also undertakes to make the indorsement of these measures a test of party fidelity. On all the old party issues any variation of opinion may be tolerated. The Pennsylvanians who come here asking for a protective tariff on iron, and those of us from Ohio who are for free trade, and direct, instead of indirect taxation, are, so far as this is concerned, good Democrats. Our Western friends who come here asking alternate sections for canals, railroads, plank roads, and almost every other imaginable purpose, and Frank Pierce, who voted against appropriations for our Lake harbors, are equally good Democrats. One thing only is needful—he must pronounce the shibboleth of slavery just as slaveholders require it to be pronounced; then he can pass, and not without. This is the *sine qua non*—the pathognomonic symptom of the convention's Democracy.

The convention also agreed to suppress all agitation of this question. Think of it—the Democratic party going to suppress freedom of speech and to permit to remain in eternal quiet the greatest political and social wrong that ever existed in this or any other country.

And the candidates nominated by the Convention were evidently selected, not so much for their ability or eminent services in the cause of Democracy as heretofore understood, but mainly and chiefly because they are unexceptionably sound on this slavery question. In just so far as these candidates stand on this compromise platform, and are understood to be its imbodiment and representatives, they fail to represent what I understand to be national and Democratic ground. In that position I cannot give them my support.

I protest against all these interpolations into the Democratic creed, and against any such interpretation of Democracy as makes it the ally of slavery and oppression. Democracy and slavery are directly antagonistic. Democracy is opposed to caste, slavery creates it; Democracy is opposed to special privileges; slavery is but the privilege specially enjoyed by one class to use another as brute beasts and take their labor without wages; Democracy is for elevating the laboring masses to the dignity of perfect manhood; slavery grinds the laborer into the very dust. If the Whig party chooses to form an alliance with slavery I can see no radical objection. The Whig party has always favored class legislation; slavery is but the extreme of class legislation. The Whig party always favors the grant of special privileges to some with the idea of developing the resources and wealth of the country; slavery is nothing more than the privilege some have of living out of others, and it is said to be the only way the wealth and resources of the South can be developed. The Whig party has ever been the valiant defender of vested rights. What is slavery but a state of things based on the legally-acquired rights of the master? I maintain, therefore, that the Whig party, if either, ought to be considered the natural ally of slavery, and that the Democratic party has a higher and far nobler mission, a mission, however, from which it has been attempted to be diverted by the action of the Baltimore Convention.

I now ask Southern men what have you gained by the course pursued at Baltimore? Have you stopped agitation? A convention of men calling themselves Democrats assembled at Baltimore, and resolved to put a stop to the slavery agitation in Congress. This was a piece of impudent assumption. Did that body mean to forbid us to speak what our several constituencies send us here to say? But if Southern men in Congress should attempt to carry out that resolution, will they succeed? They have not yet. The gentlemen from South Carolina, [Mr. ORR,] from Tennessee, [Mr. GENTRY,] from North Carolina, [Mr. STANLY,] from New York, [Mr. SCHOONMAKER,] and from Massachusetts, [Mr. RANTOUL,] have made speeches on that subject, while only one of any length has been made on any other subject since the adoption of the resolution. But that promise to stop agitation in Congress was not merely an empty sound, it was worse—it is a fraud, a promise made without the ability or intention of performance. You stop agitation here! I would like to see the operation tried. The rules of this House are so framed, as everybody knows, as to give to a minority the power to put a stop to all business when they choose. This has heretofore enabled slaveholders, always in a minority, to do as they pleased. How many months did they stave off the admission of California? But this is a game two can play at. It is a poor rule that will not work both ways. Does anybody think debate could be stopped? Nobody supposes it. What would become of business, if this Quixotic enterprise of stopping agitation should be attempted? The pledge is an insult and a fraud. You cannot stop our mouths if you try; and you dare not make the trial. But

have you all forgotten the maxim of the man all true Democrats delight to honor, "that error of opinion may be tolerated so long as reason is left free to combat it?" Only think of men calling themselves Jeffersonian Democrats saying the Declaration of Independence is merely a rhetorical flourish, and that the Jeffersonian ordinance of 1787 is unconstitutional, and that free discussion on any subject must not be tolerated!

But I will tell you when agitation will stop. When you can root out all sentiments of humanity and justice from the hearts of the American people; when you can still the voice of conscience in the South, and keep your own sons and daughters from disclosing the secrets of your "prison-house;" when you can hide from view the effects of that blighting curse of slavery upon your soil; then, perhaps, you may hope to stay the sound of agitation. But before you can stop agitation you must, in addition to everything else, render men insensible to a sentiment of national honor and reputation.

Some twelve years since I was a medical student in Paris. On one occasion, while we awaited our professor, one of my friends, an eloquent young man, was called up for a speech. He rose, and spoke admirably of the advantages of a republican form of government, and he illustrated the good effects of democratic government by some happy allusions to the United States. When he took his seat, another student, attached to the interest of of Charles X., rose to reply, turned to ridicule all the allusions to this country as a nation in which one sixth of the whole population were in a State of absolute slavery, chattels personal to all intents and purposes whatsoever. My friend who spoke first, rose and, not being well posted up in relation to our internal affairs, denied that slavery did exist in the United States; that with the Declaration of Independence, and all their noble declarations of the inherent and inalienable rights of man, the existence of slavery was impossible. Looking around, his eye fell upon me. He immediately called me out by name, introducing me to the class, and demanding that I should have an opportunity to defend the injured honor of my country, by contradicting the foul slanders of the legitimist who had aspersed her.

Gentlemen, that was the only time in my life that I felt myself in a tight spot. Not able to speak the French language with fluency, but, worse than all, knowing that slavery did exist in many of the States of this Republic, I made the best defense I could—not of slavery, but for the country—by stating that the United States was a Union of sovereign and independent States, each having its separate government, and own code of laws, and institutions, with which other States had nothing to do; that though slavery did exist in some States, the other States were not responsible for its existence, and that the same was also true of the United States Government. It had no power or authority over the subject in the States, and therefore no responsibility. Well do I remember the look with which those students heard from me the admission that slavery did exist in some of the United States, and the astonishment and almost despair with which my friend exclaimed —*Horrible! horrible!—Il n'est pas possible que vous ayez l'esclavage en les Etats Unis.* If I had not then hated slavery with my whole heart and soul, I should have done so from that moment.

In Dublin, I accompanied a friend to a temperance meeting—it was while some controversy was in progress respecting Mr. Stevenson, our Minister to the Court of St. James. My friend, who had the name Stevenson associated with everything American, introduced me to the meeting as Mr. Stevenson, from the United States. The true Irish love of liberty was immediately aroused, and one and another began to say, "He is a slaveholder!" "He is a slave-breeder!" "He sells women and children!" "Put him out!" "Oh! the thief!" "Put him out!" My friend was utterly amazed at the confusion, until I explained to him his mistake. When he had corrected the blunder to the meeting, and my hostility to human bondage was vouched for, I was heard with respectful attention. You must make men insensible to such influences as these, if you expect them to let slavery rest in eternal quiet.

I also ask, have you made success certain? I know you have saved the great nation of South Carolina; but the speech of the gentleman from that State, [Mr. ORR,] in which that fact was officially announced, will probably operate on the candidate it was intended to benefit, much as certain articles in the Democratic Review operated on the fortunes of Judge Douglas.

You expect to purify the party, but of that you are not certain; it seems doubtful if anything can drive off your friends in some of the States. You cannot drive off the politicians—they are too patriotic to be willing to sacrifice all opportunities for future usefulness; no dose you can possibly administer will nauseate them. They will tell their friends at home, that the resolutions are not so bad as they might be; there are plenty of evasions and dodges that may be pointed out. They will say that the resolutions were read amid noise and confusion, after some had left, and but few really voting for them, and therefore that nobody in particular is committed to their support; and finally that they can indorse the candidates, and repudiate the platform altogether, and each section can get up one of its own. Thus in New York they will vote for Pierce and the right of petition, and in Ohio for Pierce and harbor improvements. We have a story in the West of a man who was sued for damages done to a kettle he had borrowed; he employed a pettifogger who made to the magistrate this defense: first, said he, we can prove that the kettle was whole when we returned it; second, it was cracked when we got it; and, third, we never had it. Gentlemen, you cannot purify the party of men who have the ingenuity to frame or imitate such an admirable defense.

But suppose you should succeed in purifying the party in part—and I think it quite likely that some thousands of honest voters who have nothing to gain by smiling in proportion as they are kicked, and nothing to lose by loss of party standing, will leave you—then are you sure of success? If the party is too much purified—for purification is a depletory process—it will not succeed. Do you not care more for success than for purification? and if so, was it not bad policy to commence the work on the eve of an important election? In forcing this test on the party, are you likely to gain much? A triumph in the Convention is not much, unless you triumph in the election. A triumph in the election would only show that you have not purified the Democratic party after all, and the great work of purification will all have to be done over again.

In the indorsement of the compromises—fugitive bill and all—I think the managers of the party were guilty of poor generalship. I think the party was placed entirely at the mercy of the Whigs. That they did not profit by it, argues rather their folly than its absence on your part. Had they refused to indorse those measures, I can scarcely believe there is a single Northern State they could not have carried. And the South should remember that the North can elect a President without their help. What would follow such a result is for them to conjecture.

How far have you succeeded in rendering safe your peculiar institution? You have tendered to the country a sectional issue. Was this wise? I think it poor policy to make such an issue in the present state of the country. We have thirteen and a half millions of free whites. You have about six millions, and not all of these, nor, indeed, half of them, directly or indirectly, interested in your system. If you insist on a sectional fight, the result must be "that the weakest will go to the wall."

You will lead to the formation, not perhaps of a party, but of a league against you, that will defeat all your policy. Men opposed to the extension of slavery, and to its varied pretensions, will unite to defeat any candidate that favors your views, just as you now defeat any candidate that does not sustain them. Men will not leave their respective parties, perhaps, but they will act in and through their parties, and secure their result as certainly as you have done. And even now the material for such a league is at hand. Two hundred and ninety-five thousand in 1848 voted against the doctrine of the Nicholson letter; and that number of persons, and many more, are now ready to vote against any candidates that sacrifice the interests of freedom to the demands of the slave power. They may not leave their parties; they will not all denounce your candidates; but you need not be surprised if your expectations in future are often disappointed.

Your allies are forcing you into extreme and dangerous measures to serve themselves; they demand the indorsement of the compromise as a protection against the indignation of their own constituents. But where will this course lead? It will only bring on the final issue which you alone have to dread.

Do you expect to catch your runaways any better? Thousands of genuine Democrats all over the country will still believe the fugitive slave law to be unconstitutional. Your miserable platform will not change their opinion nor their course of action. They will treat it as Jefferson and Madison treated the alien and sedition law, "as absolutely null and void." Do you say this is a breach of faith, plighted in the national compact? I answer, No. Ohio passed just such a law as her sister State Kentucky asked for, but it was set aside by a decision of the Supreme Court, and afterwards repealed. That law was passed in accordance with the requirements of the constitutional compact, as then understood; but this is in plain violation of our State rights, and will not be regarded. In some remarks formerly made by me to this House, the gentleman from Maryland [Mr. WALSH] says I perverted the resolutions of '98 to serve the cause of felons and thieves. I quoted those resolutions to establish the doctrine that powers not distinctly granted to the Federal Government were not possessed by it, but remained with the States, or with the people. I quoted them to establish the doctrine that Congress was only authorized to punish a specified number of crimes, none of which are among those for which fines and penalties are inflicted by the fugitive slave law. And, also, to establish the doctrine that no mere executive or ministerial officer could constitutionally seize and hurry off a prisoner without jury, or trial, or witnesses, or process, &c., &c. I shall not answer the charge of aiding the cause of felons and thieves by employing such words in return; but I will submit to the arbitration of an enlightened world, who best deserves those epithets—my constituents, who will give their bread to a hungry man, be he white or black, who, if a man inquires which is North, will point out the pole star, or if he says he is struggling for liberty, which they believe to be every man's birthright, they will give "aid and comfort;" or that class of men in this country, who will take some of those who are declared by our Declaration of Independence to be born free and equal, deprive them of liberty, and of the free pursuit of happiness—take their labor without wages, giving them nothing excepting such necessaries as prudent men give the brutes they own. They take wives from husbands and sell them, or husbands from wives. They take children from parents and sell them, and parents from children for the same purpose. We can afford to allow the gentleman to use such epithets as he pleases, but an enlightened world, and his own conscience, if he have one, are against him. I am ready to submit to any impartial tribunal, to say who are the felons and thieves.

And further: you are depriving the country of the services of some of her ablest men. Statesmanship is a profession, like all other professions, requiring knowledge and experience. Men can no more be statesmen, without study and proper training, than they could be lawyers or doctors without proper study and practice. Men may be intelligent on many subjects, and yet not statesmen. Skill in this department does not come by accident or intuition. Our country has many men eminently qualified to render good service to the States, and the Democratic party has men of whom the nation may justly be proud. There is the distinguished Senator from Michigan, [General CASS,] a man of unblemished personal reputation, of fine natural talents and most extensive acquirements of almost half a century experience in the service of his country, at home and abroad. In my judgment, the Democratic party or the country has no man better qualified than he to guide the helm of affairs. And why was not he selected? I think simply because in an evil hour he listened and leaned to the South, doing violence to the sentiments cherished in his own section of the coun-

try. Whatever his motive, he unfortunately weakened himself at the North, in proportion as he served the South. And what is the result? The South of course is highly gratified, but she finds there may be demands that General CASS could not comply with. He has served her in the past, but she doubts his ability, lame as he is from wounds received in fighting her battles, to do her service in the future. A base ingratitude dictates her course, and the Senator from Michigan is deserted, and left to say, almost in the language of Woolsey:

"Had I but served my God with half the zeal
That I have *slavery* served, he would not in mine age
Have left me naked to mine enemies."

How is it with the Senator from Texas, [General HOUSTON?] He had done more than any other man to extend the Republic in the direction where slavery wanted to be strengthened. He had won Texas for the South. This should have secured for him the everlasting gratitude of that section. In many Northern States he was a favorite with the people; they looked with admiration upon his eventful history, and on his many noble traits of character, and he would probably have been the most popular candidate that could have been named. Unfortunately for his prospects, he wrote a letter, which, like those of others, was understood to pledge him to disregard the will of the people in reference to the fugitive slave bill. The North of course abandoned him, for that veto pledge is regarded as a long step towards absolutism. To-day the President tells the people what laws they shall *not* make. To-morrow he tells them what laws they *shall* make. Then he might as well dispense with the forms of legislation altogether, and publish his decrees like the despotic ape, Louis Napoleon. The South forgot what she owed to General HOUSTON; besides, she did not want a man of Andrew Jackson's spirit; she preferred a President of more pliant material. So the Senator is left to wonder that his hopes could have been so sanguine with so little to show for their foundation.

I might mention, also, other Democrats—Buchanan, Douglas, and others, who, by aiding the South, and yielding to her demands, have sacrificed their popularity at home, or in portions of the free States. When the loss of home confidence becomes apparent, and the prospect of election, and therefore of rendering future service, is injured, the South quietly gives them the cold shoulder; she can afford to run no risks on the score of gratitude.

Let me mention another striking case of the same kind from the other party. Daniel Webster, of whom every American is proud, whether agreeing or disagreeing with him on political subjects. At a time when the South needed his powerful aid, he gave it, and Southern men were loud in his praise, and in their professions of gratitude. And well they might be. He had done more for them than any other man had, or could have done. But what is the final result? He had so injured himself at the North by his course on the compromises, that the North would not support him. And what does the South do? They forget him entirely; they do not stand by him in the straights they had placed him in, as he had stood by them in their hour of need. He is treated like an old horse, turned out to commons, from whom nothing further can be got, and to whom, therefore, nothing is to be given.

I regret all this, because it deprives us of the services of the man the country eminently need. I regret it also from personal respect for some of the men I have named. I mention it only as a word of warning to other politicians at the North, who might be tempted, by the syren songs of the South, to their own destruction. If Northern men serve the South instead of serving their whole country, they will find a master never satisfied: one who will expect them from lowest depths to descend still lower; and as soon as such politicians have been used so that their own section deserts them, and they can no longer secure votes for Southern purposes, they may expect to be treated as the seducer ever treats his victim, with neglect and scorn. But I see my hour has expired. I will only add that I think it is time some men began to think of these things.

DISPOSITION OF THE PUBLIC LANDS.

SPEECH OF HON. M. SCHOONMAKER, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 12, 1852.

The House being in the Committee of the Whole on the state of the Union, on the Indian appropriation bill—

Mr. SCHOONMAKER said:

Mr. CHAIRMAN: Before proceeding to the discussion of the questions upon which I desire mainly to speak on this occasion, I wish to make a few remarks upon some matters which have been the subject of much discussion here—I mean the resolutions making the compromise measures a finality. Not having, at any time since I have been here, been in a situation to record my vote upon such resolutions, I deem it but just to myself that my position should be fully understood. When a meeting of a few of the Whig members of this House was held, at the commencement of the session, who assumed for themselves the style and designation of a caucus, I was not there, sir. For days before the commencement of the session it was generally understood, as far as I knew, that there was to be no Whig caucus—the Whigs being so largely in the minority the nomination of candidates for Speaker and officers could be of no service. How, or when the change of intention was effected, I know not; but this I do know, that I saw or heard of no notice or intention to hold a Whig caucus until I saw an anonymous notice thereof in one of the city papers, after the time designated for the assembling of the members had passed. For that reason, I was not there, sir; and I looked upon the proceedings as of no binding force, and of no other or greater account than an expression of the individual opinions of so many members. When the compromise resolutions were up in the House, to be voted on, not discussed—for no discussion was allowed—I was necessarily absent from the city, and therefore did not vote thereon.

In relation to those resolutions, I, sir, as a citizen of the North, as a member of the Whig party of the Union, repudiate the idea or the principle which calls upon us as Whigs or Northern men, to guaranty our adherence to the Constitution and maintenance of the laws by paper resolves, and empty expressions. As Whigs, sir, it is our honor, our pride, and our boast, to be among the foremost in our support of the Constitution and laws of our country, and whoever desires a better guarantee than that, will seek without finding.

As a legislator, I never could, and never will assent to any such resolutions, because, at the same time that they impute an idea of their necessity, on account of a distrust of our faithfulness to the Constitution and laws, they also do that which we have no right to effect—manacle our hands, tie our tongues, and prohibit legislative action, upon the principle that the Thirty-first Congress imbodied so much wisdom, so much talent, and so much legislative expertness, that their successors cannot constitutionally touch or handle any of their doings or acts; that the decrees emanating from their superabundant wisdom are like the laws of the Medes and Persians, irrepealable. Sir, as a legislator, and in obedience to my duties and oath as a legislator, I yield no such submission to the acts of any body of our predecessors. All men, sir, are mortal, and none are infallible. Such duty and oath admonish me that I should hold myself untrammeled on all legislative questions, and that I never should assent or lend myself to the principle, that any law is so perfect that it cannot, in any event or contingency, be advantageously amended, or that its repeal may not, by change of circumstances and happening of contingencies, become necessary. Sir, the Representatives of a Southern State,—I refer to the Legislature of Maryland,—I am informed, are already asking for an amendment: a fine commentary that, upon the perfectability of the law.

As a member of the Whig party, sir, I now protest, and shall continue to protest, against the adoption of any resolutions indorsing the compromise finality as any part or portion of the Whig creed. The Whig party, sir, is a national party, and we want no isms or sectional issues incorporated in its creed—we want nothing but the broad national Whig banner under which to press on to victory. It was my fortune, sir, in 1850, to be a member of the Senate of the State of New York, and while such Senator to attend two Whig Senatorial caucuses, and one Whig joint legislative caucus, to discuss the propriety of sustaining certain anti-slavery resolutions then before the Legislature for passage. In each of those meetings, sir, I stood almost alone, having only two adherents to sustain me in my position against the propriety of their passage. I opposed the passage of such resolutions, by Whig votes, with all the ability I possessed, on the ground of their sectional tendency, and of the national character of the Whig party. I was then, sir, for the stand I thus took, charged by some with being a Northern man with Southern principles. We in the minority, sir, were overwhelmed by numbers, but not convinced that we erred. Since that, sir, the compromise measures have been passed, and the questions then at issue have been settled. And now, sir, I stand here upon the same national platform, opposed to all slavery or compromise resolutions having either a Northern or Southern sectional tendency. As Whigs, we should have nothing to do with sectionalism. The Whig party is a national party; it is, sir, a law-abiding and Constitution-loving party, intended for, and spreading itself over the interests of the entire Union. Neither a Northern platform, nor a Southern platform—neither an Eastern platform, nor a Western platform, is extensive enough for its support. Give us the broad platform of the Union and the Constitution, including the great national issues which have ever distinguished us from our opponents, and rejecting all slavery and sectional issues, and the winds may howl, the storms may beat, but the Whig party will prove invulnerable, and triumphantly press onward, and still onward, conquering and to conquer.

Sir, I wish that Southern Whigs could understand, or would appreciate the position of the North on this slavery issue. The Whigs at the North, sir, are no agitators. They deprecate agitation in every form and shape. I speak for Northern Whigs as a mass, and not for every isolated individual; for at the North, as well as at the South, there are exceptions to every general rule. We deprecate agitation; we are opposed to it; we care not about reopening any of the wounds which are alleged to have been healed by the far-famed compromise; we are willing to let it rest and give it a fair trial. But, sir, we are freemen, and cannot brook a collar. Although we have no desire to do an act, we like not, and will not, be told that we *shall not* do it. We have like passions and like feelings with the rest of the human race, and our nature revolts at any effort to circumscribe our liberty, our rights, or our privileges. Human nature is the same everywhere, and in its study we are taught that, although men, when left to perfect freedom of action, may not entertain a desire to do a certain act or pass certain limits; still circumscribe them of their liberties, and forbid their doing the act or passing the limits, and the suggestion becomes father to the wish, and arouses a feeling and excites a determination to resist the aggression even to death. That is human nature, sir; and it is the same principle which gave rise to our Revolution. It was not the petty tax on tea that aroused the patriots of '76, but it was the principle involved. So it is with Northern Whigs. It is not simply the idea of the finality of the compromise, but it is the principle they repudiate. They will not be told that certain subjects, although constitutionally within the province and within the duties of the National Legislature, shall not be broached or agitated. Sir, the principle is a false one, and I warn the South that, in the end, if persisted in, it will lead to a result directly adverse to that which they desire or anticipate. No good has ever resulted, or can result, from measures which are in themselves antagonistical to the predominant feelings and principles of freemen.

The true and only policy of the South is, to let well enough alone. They have the laws as they wish them, and no effort is made or suggested to repeal or modify them. Let the South, and their would-be peculiar friends at the North, cease agitation on their part, and the troubled waters will soon become calm and quiet, harmony and good feeling will be restored, and the only ones left to

mourn will be some of the noisy politicians, who, raised and elevated above their level by the stirring up of the dregs in the agitation of the political waters, will, upon their subsiding and settlement, sink down to their former state of obscurity and insignificance.

In reply, sir, to much that has been said on this floor demanding written pledges from candidates, I will say, sir, that the man, whoever he may be, who shall now, to procure a nomination, or shall after a nomination, to secure an election, give a written pledge in any form, will lower himself essentially in the esteem of many Southern as well as Northern Whigs. No man has a right to ask or demand any other pledge or guarantee than that afforded by the candidate's past life. He who is not worthy of support without a written pledge, is still less worthy of support with one. He who cannot be supported in any section without written pledges, will not be there supported with them. Uniform experience has taught the Whig party—and I should think Kentucky, to its sorrow—that letters and pledges gain few if any votes, where they lose thousands. Where one electoral vote is gained by it, scores will be lost. He who desires to play at such a losing game may do it; but the wise navigator avoids the shoals and quicksands upon which his predecessors have been wrecked.

Mr. Chairman, it appears to be inevitable, and perhaps it is well to be so, that at every session of Congress some one question will engross the almost undivided attention of the National Legislature. The tariff, the bank, internal improvements, and the right of petition, have each respectively had their day. At this session, aside from defining the position of the presidential aspirants upon the finality of the compromise, *the* question of the present Congress has been, and is, the national policy in relation to the public lands. The time appears to have arrived when a struggle is to be had between the new and the old States in relation to the disposition of the public domain.

The old States, standing upon the right and justice of their cause, look upon that property which has been acquired by the common toil and common treasure, as belonging to *all* the States, and that *all* are entitled to a share in the distribution and enjoyment of its benefits. On the other hand, the Western land States, growing and increasing in strength and numbers, are beginning to assume and claim to themselves the entire and exclusive benefits. They already point to their inevitable growth and increase in power, and virtually advise us of a time to come when, in relation to these lands, *might* shall make *right*, and *power* be the rule of *justice*. Such time has not yet, and, I trust, it never will arrive. Notwithstanding the threats and declarations we may have heard, I have too much confidence in the integrity of the people and their Representatives to suppose that such principle, that "*might makes right*," upon which the crowned heads of Europe acted in the dismemberment and division of Poland—upon which Louis Napoleon acted in the confiscation and appropriation of the property of the Orleans family, and on which the highwayman acts in the seizure of the property of the unprotected traveler, will be assumed as the rule of action here in relation to the public lands, or any other legislative question.

The title of the public domain has been acquired by the common blood, the common toil, and common treasure of the country. It is held by the General Government for the common benefit of all the States; and the Government is the trustee of the several States for the disposition of those lands for the benefit of all. It has now become an important question, how shall that trust be discharged?

The new States are calling upon the General Government for grants of land for the benefit of railroads within their respective limits, to the exclusion of any similar grant to any of the older members of the Union. On the other hand, we have the old States willing to accord reasonable benefits to the new States, provided they are not denied suitable appropriations for the same purpose. We have also bills upon our table which make large dispositions of public lands for other purposes. Some appropriating portions of the public lands for the benefit of all the States, and others making appropriations for the citizens of the several States.

At this time we have particularly pressed upon our attention the claim of the new States for the appropriation of lands, to aid in the construction of railroads. There are, I am informed, a sufficient number of bills before the two Houses of Congress for such purposes, to dispose of nearly fifty million of acres of the public domain; most, if not all, of which have already passed the Senate, and are only waiting the action of this House and the signature of the President to become laws. Out of these various bills, the bill for the construction of two railroads in the State of Missouri has been selected in this House by the advocates of such grants as the pioneer bill. That bill has met with a safe deliverance, but whether it is or is not to be followed by disappointed hopes and expectations, on the part of some of its supporters among the commercial, manufacturing, and iron interests of the East, it is not for me to say. But I may guess, and guessing, venture to predict, that among the friends of those interests, at the end of the session, there will be more groans than smiles—more curses than praises.

Sir, the manner in which the Missouri railroad bill was passed through the House, under the operation of the previous question, and the manner in which the Iowa railroad bill was attempted to be pressed through, without any opportunity being given to suggest the slightest amendment, betoken a consciousness of rottenness and weakness, and is wholly inconsistent with any ideas of fair, honest, or intelligent legislation. I was pleased to perceive, sir, when the Florida railroad bill was reported, that there was indeed one bill of that character in relation to which the Representative more immediately interested [Mr. CABELL] challenged investigation, and repudiated any idea or intention to cut off debate by the previous question. But I regretted much afterwards to see the same gag attempted in that case. Sir, it was suggested by the chairman of the Committee on Public Lands, when he moved the previous question upon the Missouri railroad bill, that such bills had been fully discussed; and the same declaration has been since made by other members of the committee. Why, sir, it is true that several of the friends of the Missouri bill did speak upon the House bill when it was reported; but as soon as one of my colleagues from New York [Mr. BENNETT] opened the ball in opposition to it, the gate was at once shut down and the previous question sprung. Many then no doubt voting for the previous question to throw it into the Committee of the Whole, the appropriate place for discussion and amendment.

I design, sir, to take advantage of this opportunity to make some remarks upon the appropriations of the public lands for such purposes, and also call the attention of the committee to many of the specific details of these bills, in which they are defective and inoperative to effect some of the objects which the friends of the bills profess to have in view.

If I understand the friends of these bills correctly, they advocate them upon two grounds:

1st. As a matter of right and justice, inasmuch as the lands lie within the State jurisdiction, and have been so long exempt from taxation.

2d. On the ground of policy and profit to the Government to arise from the increase in the value of the other lands, and in the transportation of the mail and the troops and property of the General Government.

When we view the claim to the land thus set up as a matter of right and justice, whether on the ground of location within State jurisdiction, or of exemption from taxation, separately, or on both grounds collectively, the claim appears at once too preposterous to be worthy the time or trouble spent in discussing it; especially when we connect the claim with the admission that the title is in the General Government, and that, under the Constitution, the General Government has the absolute control and disposition of the public domain, for the benefit of all the States, and that the acts by which these several new States were created, and jurisdiction over the territory conferred upon them, contain express declarations that the United States property within their limits shall be exempt from taxation.

It is true that the friends of these bills, in some of their calculations, assuming data to suit their own purposes, and charging the General Government annually, since the State organization, with a tax greater than the annual State taxes, so as to make the public lands pay annually a large excess beyond the entire State tax, and exempt the citizens of the land States wholly from State taxation, figure out a claim, quite respectable in amount, against the General Government.

Receiving, as Missouri and the other new States did receive, the privilege of a State constitution, the location and settlement of their boundaries, the grant of jurisdiction over the territory, with the rights and immunities of the elder States in the Confederacy, upon the express condition and reservation that the United States property within their limits should be exempt from taxation, it lies not with them, or their friends, to set up any such claim or pretense, as a matter of right, equity, or justice; they are precluded by the record. Should I give an individual a farm of land, reserving to myself a road across it, the recipient of my bounty might, with equal propriety and justice, call upon me, as a matter of right, to release him the reservation, and pay him for its enjoyment, as Missouri, or any of the other new States, to call upon the General Government to release the land, or compensate her for the immunity of the public property within her limits from taxation.

The other ground upon which the passage of the bills are urged, is more plausible; but under the details of the bills, as they are, it is no more defensible than the one already noticed.

Under this point, made by the friends of the bills, we find gentlemen endeavor to intrench themselves in their support, who deny the right of the General Government to make appropriations of money for internal improvements. They repudiate the constitutional right of the General Government to appropriate MONEY, the mere *representative* of value, for internal improvements, but are eager and zealous in their demand to appropriate *land*, *value itself*, for the same purpose.

Stranger still than all in the discussion of the Missouri railroad bill, we have heard a Representative from South Carolina [Mr. ORR] declaring, in one breath, that the authority of Mr. Calhoun, the imbodiment (if I may so speak) of the State-Rights creed, "had more weight with him than the authority of any other statesman living or dead;" and in the next, advocating the passage of such bill, for the reason that it contains certain provisions which, if effectual at all, will, in truth, operate as alterations and amendments by Congress of the charter of a State incorporation.

I find, Mr. Chairman, that the speech, as published, of the gentleman from South Carolina [Mr. ORR] upon the Missouri bill, contains a clear and succinct statement of all the positions assumed by the friends of the several railroad bills, in reference to the constitutional right and policy of the measures; and inasmuch as he has challenged an answer, but appropriately moved the previous question, to preclude it, before taking his seat, I shall take his speech for my text in the further observations I may make upon such bills, and notice the arguments as they are contained and set forth in his remarks. In order that I may do him no injustice, I shall quote largely from his statements, which he has reindorsed and reiterated in his remarks upon the Florida bill.

The gentleman commenced his speech with a constitutional argument to establish the right of Congress to make such disposition of the lands as is contemplated by the bill, avowing himself to be a supporter and advocate of the Democratic doctrine, that the Government have no right to appropriate "money out of the Public Treasury for the purpose of building roads, or constructing canals in certain localities."

He commences his argument as follows:

"The first question that is presented to the investigation of the House is this: Has the Congress the constitutional power to make the donations contemplated in this bill? In the Constitution is the following clause:

"'That Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States.'

"I suppose that the power conferred by this clause upon the Congress of the United States is as ample, full, and complete, as any other power vested by that instrument in Congress. And the only limitation to that power, in my opinion, is an implied trust that the Congress, in making that disposition of the public lands, shall dispose of them in such a manner as most effectually to promote the interests of all the States. Now, this bill proposes to carry out,

as I conceive, the constitutional power vested in the Congress for disposing of the public lands. I do not think Congress would have the power to give away all of the public lands; for in that way the Government would not be carrying out this implied trust. By virtue of her right, as the proprietor of the public domain, *the Government has the right to give away one half of the public lands, that the remaining half may be enhanced in value.*"

The gentleman then, on the next page of his speech, after having affirmed, over and over again, the wants of the constitutional power on the part of Congress to construct works of internal improvement, and make appropriations of money for that purpose, proceeds:

"The description of internal improvements objected to, as I understand, by the Republican or Democratic party, is that where the Government appropriates money out of the Public Treasury for the purpose of building roads, or constructing canals in certain localities. In the first place, it is said, and said, I believe, truly, that Congress has no right to levy money upon the people of the United States, for the purpose of constructing such works. That power is not granted by the Constitution."

* * * * * * * * * *

"The advantage would be local merely; certain portions of the country would be favored, and others would not; and it is, therefore, best to leave the construction of these works with the States, who will take care of their own interests in the premises. Their citizens will be taxed for the construction of those works, and they will receive the benefit accruing by the taxation for that purpose. But does this case come within that principle? Sir, there is not the most remote analogy. In the one case, the Government undertakes the work and pays for it out of the Treasury, to the injury of every citizen; in the other, lands are given, *because those retained will be increased in value, in amount equal to the whole before the donation, and no citizen is taxed a cent.*

"This bill proposes to donate one half of the public lands within six miles, on either side of the railroad, to aid in the construction of that work. Does this reduce the revenue accruing from the sale of the public lands into the Treasury of the United States? Not a farthing; and why? Because the bill provides that when you give away alternate sections, *that those reserved to the Government shall be doubled in value;* and those which you are now trying to sell at $1 25 per acre, lands which have remained unsold in market for twenty, thirty, or forty years, at that price, are raised in price to $2 50, with the confident assurance, founded upon universal experience, that those lands will sell more rapidly then, at that enhanced price, than they do now at $1 25 per acre. *If this was a proposition simply to give the alternate sections, without those remaining being increased in value, or if it reduced the revenue of the Treasury of the United States from the sale of the public lands,* then I admit the objection of my friend from Tennessee [Mr. JONES] would be a valid one. But that objection does not exist to this bill. It is a phantom flitting before his imagination."

The objection referred to as having been made by the gentleman from Tennessee, all will recollect, was the constitutional one.

Here, then, we have, Mr. Chairman, the argument of the gentleman carefully stated, together with the position in which he and the Democratic party stand upon the constitutional question. I shall now, sir, occupy a few moments of the time of the committee, in applying the Democratic and the gentleman's constitutional scruples to the bill, as it is.

On the outset, I take issue with the gentleman, and deny that he has demonstrated that by such bills "nothing is abstracted from the Treasury 'by the grants for the construction of those works, 'and that all the resources *out of which* and *from* '*which* the funds are to come into the Treasury, 'are not reduced;" or that "the lands retained will be increased in value, in amount equal to the whole before the donation."

The several bills, respectively, provide for donating alternate sections of the public lands along the entire line of such roads, to the extent of six sections in width on each side of the roads to be built between the points designated, respectively, as the termini of the respective roads. When any of such alternate sections donated have been sold by the United States, or the right of preëmption has attached, the company are allowed to go a distance of fifteen miles on either side of the road to make up such quota. The price of the alternate sections retained by the Government within six miles on each side of the road *only*, are increased by the bill to double the minimum price of the public lands when sold. So that the corresponding increase in price does not attach to any sections located to make up the deficiency, at a point, or points, beyond six miles on each side of said road. Here, then, is at once a deficiency, and a *reduction* "of the resources out of which and from which the funds are to come into the Treasury."

The extent of such deficiency may be judged of by the data which the gentleman himself has given in reference to the Missouri bill. The road from St. Joseph, on the Missouri river, to Hannibal, on the Mississippi river, is said by the friends of the bill to be about two hundred miles in length. The gentleman says in his speech, that "for a distance of thirty miles west of the Mississippi river, and an equal space east of the Missouri river, the public lands have been taken up." So that for those sixty miles the bill grants three hundred and sixty sections, making two hundred and twenty thousand four hundred acres—nearly one third the amount to be granted for that particular road—to balance which there are no alternate sections by the bill increased in price, or upon the principle involved in the bill increased in value. Does not this deficiency bring the bill clearly within the proposition stated by the gentleman in that part of his speech, in which he says, in substance, *that if this was a proposition to give the alternate sections, without those remaining being increased in value, or if it reduced the revenue of the Treasury of the United States from the sale of the public lands, he would admit the constitutional objection to be a valid one.*

Mr. Chairman, under the provisions of that Missouri bill, and the other railroad bills, I deny that there is any probability that the United States will, if the bill shall pass, ever realize double price for alternate sections on the residue of the route. We have been told that the respective routes of those roads have already been surveyed. The respective companies have already been chartered, and the credit of the respective States in some instances has, to large amounts, already been pledged for them. The route of the respective roads must now, therefore, be known to the members of the corporations, and to many of the citizens. A copy of the surveys of the roads are, by the terms of the bill, to be forwarded to the General and other land offices, within ninety days after their completion. Until that is done, all the lands remain open to private entry at the present minimum price, and to the attaching of preëmption rights without restriction. If most of the lands along such line which are to be really enhanced in value by such improvement, are not taken up or entered at the minimum price, before the expiration of the ninety days, or the filing of such surveys, the spirit of speculation is less rife in such land States than in any other section of the Union.

Again: the gentleman from South Carolina, [Mr. ORR,] in his speech, gives the reasons why, in his opinion, those lands of the Government, through which the railroads are to run, have not been sold, and says:

"The road for which this identical bill provides, passes through a portion of Missouri, and through public lands, that have been subject to sale and entry from fifteen to twenty-five years. Those lands have not been sold, and why? Because they are situated so remote from market, so remote from navigable waters, so remote from all the conveniences of life, *so remote from timber—for a large portion of the land consists of prairies*—that persons have been deterred from occupying and settling them. Give them the facilities of a railroad; *give them the opportunity of bringing timber to these prairies;* give them facilities for sending off produce to market, and you will find those lands that have been reserved to this Government selling rapidly at $2 50 per acre, when they have remained now in market for twenty years, not bringing $1 25 per acre."

It appears from such reasons, thus urged by the gentleman from South Carolina, that there is so much prairie land through which the road is to pass, that *the timber* land on the route will and must be valuable and desirable, on account of the timber alone. What does this bill propose to do? Not only to give the right of way, to the extent of one hundred feet on each side of the road, and the alternate sections, as before stated, but the first section of the bill authorizes the company "to take necessary materials of earth, stone, *timber*, &c., for the construction of the roads, from the public lands of the United States adjacent to such roads." Thus, in fact, authorizing the company to rob the reserved alternate sections of all the timber and iron ore, (if any,) to build, not the section of road passing through the land, but *the entire road*, and thus deprive those lands of that which, in the vicinity of prairies, constitutes their principal value; the friends of the bill very adroitly, indeed, saving the lands appropriated from any contribution to such purpose.

It appears to me, sir, under this view of the case, that there are appropriations made by the bill without any corresponding increase in the price or value of the property left, and that the revenue to be derived by the Treasury from the sale of the public lands is thereby reduced.

But, sir, the gentleman from South Carolina [Mr. ORR] attempted to dispose of the constitutional question, by what he called authority, and cited largely from the speeches of Mr. Calhoun, the late distinguished Senator from his State, to sustain his position. I always prefer settling such questions upon principle, rather than opinions, whether those opinions be of the distinguished living or dead, unless such opinions are vested with the sanctity of judicial determinations. I like to see a man adopt his principles and fundamental rules of action, and taking them as his unerring polar star, rely upon an unbiased and calm judgment and his own conscience for their application. Trust to the opinions of individuals, expressed at other times, and on other occasions, and you rely upon the consciences and judgments of others, operated upon and influenced by perhaps an entirely different state of circumstances. Each case has its own peculiar phases; no two, like the human face, are ever found precisely alike. But, if the gentleman desires to settle the constitutional question upon the authority of Mr. Calhoun, his peculiar oracle, so be it.

The gentleman quotes from the remarks of Mr. Calhoun, contained in volume 19 of the Congressional Globe, page 537, upon the bill making a donation of public lands to the State of Illinois, for the construction of a railroad, in which Mr. Calhoun sustains the right of the Government, as a large landed proprietor, to give *away alternate sections along the line of a road or canal in order that the remaining sections may be increased in value*, upon the principle that "*you contribute in proportion to your gain.*" I will now continue the gentleman's quotations from Mr. Calhoun's speech and read a few sentences commencing where he left off:

"But," continues Mr. Calhoun, "while I ap-'prove of this principle, it seems to me, upon a 'hasty examination of the bill, that it goes beyond 'the principle, and to that extent I cannot approve 'of it; for I put my views in this and in all simi-'lar cases, upon principle, and not upon the 'ground of internal improvement at all, nor the 'power of the Government to engage in such 'works. I observe," he continues, "that the bill 'provides that *the State may locate the lands else-'where, in cases where lands adjacent to the line of the 'proposed road have been heretofore sold or otherwise 'disposed of. Now it appears to me, that that is 'going beyond the power of a proprietor.*"

So says Mr. Calhoun, and that is exactly what the bill which the gentleman advocates proposes to do.

But the gentleman also quotes from the remarks of Mr. Calhoun, contained in volume 15 of the Congressional Globe, pages 742, &c., made in the debate upon the bill granting alternate sections for the completion of works of internal improvement in Michigan, which bill also allowed a location away from the line of the road and canal in place of the alternate sections sold. I shall now also quote remarks made by Mr. Calhoun in that same debate, which will be found on page 747 of the same volume, in the following words:

"Mr. Calhoun was very anxious to vote for 'the bill, but *he could do so only on the general prin-'ciple that the Government of the United States as 'proprietors of the public lands would be indemnified 'for the grants.* To that extent he saw his way 'clearly. Beyond it he did not see his way. So 'long as the grants were limited by a reasonable 'distance from the line of the road or canal, there 'was ground to believe that the end of the grant 'would be accomplished. But when *the grants 'went beyond that, the policy was very questionable. 'ON PRINCIPLE, and on the ground of expediency, 'therefore, it would be impossible for him to vote for 'the grants beyond the line*, although he had a very 'strong desire to vote for the bill." On the same page his vote is recorded against the bill.

Such, sir, is the authority of Mr. Calhoun, whose opinion is relied on by the gentleman to sustain him in the support of such bill. If the gentleman can gather from it an opinion or authority, either express or implied, in favor of the constitutional right or expediency on the part of the General Government to grant lands beyond that point within which the reserved sections are doubled in value, he is welcome to its full force

and effect, and is, perhaps, the only individual who will thus read it.

The gentleman appears to have supposed he was treading on rather slippery ground, and we therefore find the following suggestions towards the close of his speech. I quote his words:

"Now, Mr. Speaker, I wish to submit a few remarks upon some of the details of this bill. It is provided that where the lands have been taken up within the six miles, by entry, the company shall be allowed to go a distance of fifteen miles for the purpose of making up this quota. Well, that feature, I am free to acknowledge, did not meet my approbation fully, but I have waived any serious objection to it, that would have led me to vote against the bill. The Government is amply compensated by allowing this extension from six to fifteen miles. *In the first place, it is provided that the mails shall be carried over these roads, not at such prices as the company and the Government shall agree upon, but at such price as Congress shall fix—leaving it absolutely under the control of Congress.* I suppose every gentleman on this floor familiar with the operations of the Post Office Department, knows the difficulties that are encountered now by the Postmaster General in making contracts for carrying the mails over the railroads of the country. There is scarcely a railroad company in the United States that does not avail itself of the opportunity presented, to extort from the Government larger compensation for the transportation of the mails than it is justly entitled to. *But by this bill you reserve to yourselves the right to say at what price the mails shall be carried.* That is one great point gained. The distance from St. Joseph to Hannibal is about two hundred miles, and the cost of transporting a heavy mail, being within the first class, over a railroad between those two places would be $300 per mile. There would be $60,000 paid out by the Government for the transportation of the mails over that road for one single year. That is more than it is worth, and Congress by adopting this policy can apply a corrective, and vote to these railroad companies a fair compensation. But there is another advantage to the Government in this bill which was not included in the Mississippi bill or in the first Illinois bill. It is this: *the bill provides that the troops of the United States shall be transported over these roads throughout all time without charge; and also that munitions of war, and property of the United States of every description, shall be transported free of charge.*"

* * * * * * *

"Now take the transportation of the mails and public property over these roads for fifty years' time, and I venture the assertion that it will pay you an interest of thirty per cent. upon every dollar that you donate to these companies—perhaps an interest of fifty per cent. upon every dollar."

Indeed! is it so? Is the Government to derive such benefit in the transportation of the mail and the carriage of troops, as is claimed in such quotation? Let us examine this point for a moment. To sustain his positions, the gentleman relies upon the fourth and sixth sections of the bill, and the same provision is in all the other bills in the same words. The fourth section is as follows:

"SEC. 4. *And be it further enacted*, That the said lands hereby granted to the said State, shall be subject to the disposal of the Legislature thereof for the purposes aforesaid, and no other; *and the said railroads shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States*"

I could with truth, if it was necessary, criticise this section as drawn, and say, that, although it declares the road to be "*a public highway for the use of the Government,*" *it does not require the railroad company to transport the public property or troops.* The Government only having a right to use it as a public highway, can only avail themselves of the privilege by furnishing and using their own cars and locomotives. They cannot use those of the company without giving a compensation. A right to pass over the road, or use it as a public highway, can confer no right to demand services from the company or the use of their personal property. This objection to such section, although perfectly good and defensible, is of minor importance.

I understand, sir, that the gentleman from South Carolina [Mr. ORR] is a zealous advocate of the doctrine of State-Rights. The doctrine of State-Rights is ultra and extreme in its recognition of the full and entire sovereignty of the State and its Legislature, within its own jurisdiction. I believe, sir, not only the State-Rights party, but all the other political parties in the country, deny and repudiate any right in the General Government to charter any railroad, or other incorporation, within the confines of a State. That is one of the many acts of sovereignty which has not been granted to the General Government, but has been reserved by the States. If the General Government has no right to incorporate a railroad company, they certainly cannot have the power to amend such act of incorporation after it has been granted by a sovereign State. The several railroad companies referred to in the bills, have been incorporated by the Legislatures of their respective States, with power to build and construct their road, unrestricted in their right and power to charge the Government of the United States with toll and passage-money for the transportation of their property and troops. Whence do we, then, acquire the right to *amend their charters, and restrict the powers of such corporations*, by the insertion of that provision in the fourth section of the bill above quoted, which is the source of so much gratification to the gentleman from South Carolina? We have no such right, and the provision, if passed, restricting their corporate rights, will be entirely nugatory—without force or effect.

It cannot be said that such privilege is made a condition, or one of the considerations of the grant. There is no condition whatever attached to the section granting the land, and the privilege thus pretended to be conferred, is entirely an isolated provision, to stand or fall by its own weight, neither dependent upon nor expressed as a consideration of any section of the bill. The provisions of the bill repudiate the idea of its being a condition of the grant, and there is no sufficient consideration moving to the corporation sought to be charged with the service, to justify the reservation. The gentleman from South Carolina, [Mr. ORR,] on the last page of his speech, states the fact, as a matter peculiarly recommending these bills to the favorable consideration of the members of this House, "*that the donation is made, not to the companies, but to the State.*" Some of the friends of these bills appear to contemplate that the State, through the medium of dividends, is to be the recipient of the consideration to be paid by the companies, for the investment of the proceeds of the sales of such lands in said roads. The railroad companies can hardly be called upon to pay the consideration to both parties—full dividends to the State and services to the General Government, which the gentleman from South Carolina estimates at from thirty to fifty per cent. on the appropriation.

It appears to me, therefore, that such provision for the transportation of Government troops and property cannot be sustained, either as an amendment of the charters of incorporation, or as a condition of the grant; and it cannot, if passed under the provisions of the bill as they now stand, be of any force or validity, or afford to the General Government any benefit whatever.

The gentleman from South Carolina [Mr. ORR] points us to the 6th section of the bill, which is as follows:

"SEC. 6. *And be it further enacted*, That the United States mail shall at all times be transported on said railroads, under the direction of the Post Office Department, at such price as Congress may by law direct."

And the gentleman says by this section, "*you reserve the right to say at what price the mails shall be carried, and that is one point gained.*" True, but of what benefit is that when we have no power to compel the railroad companies to carry the mails at our own prices? We may have gained a point by telling them to do it, but we can no more compel them to do that by national legislation, than to transport our troops and carry our property for nothing. It takes two parties in such case, as in all others, to make a contract, and one of those contracting parties is the railroad company, the creature of *State* legislation. They cannot be bound without a promise, and that you fail to exact.

Under this view of the case, Mr. Chairman, where are all the anticipated benefits which are to flow to the General Government from such donation of a portion of the public domain? ay, where are they? To be found only as phantoms flitting before an excited and enthusiastic imagination, never to be enjoyed in the reality.

I call, then, upon the friends of those bills to place such grants upon the right and only true ground. Place them as they are in truth, appropriations for local improvements out of the common property and common treasure of the whole country. And at the same time, that they are willing and desirous, on the one side, to receive of the common property that which will increase their wealth and improve their country, show an equal willingness and anxiety to confer a reasonable proportion of the benefits of the public domain upon the elder sisters in the Confederacy, to enable them to continue, extend, and complete their system of internal improvements, and scatter the blessings of a free education among their children.

We have, Mr. Chairman, many gigantic schemes brought before us for the plunder of the Government, in respect to its public domain. The imagination, the fancy, and the ingenuity of men are tested to the extent of their powers in devising schemes to get at the trust estate. We have projects for grants to States and corporations of enormous amounts. And many of our Democratic friends, in their zeal and energy to dip into the trust estate, forget their old party cries and watchwords, "Down with the monopolies!" "Down with the soulless corporations!" and in this way they thrust upon us projects to throw large and an almost incalculable number of acres into the hands of rich speculators and capitalists, for a pittance. That is the legitimate and inevitable result of the grants to corporations, or to the States, for the benefit and use of corporations of any considerable amount of land, to aid in the construction or procure materials for the building of a railroad. To aid in the construction of the road, or to procure materials therefor, it is necessary that the money should be at once realized, and thereby the lands are necessarily forced into market faster than they are, or can be, required for settlement. At such time the only purchasers are the speculators and wealthy capitalists; and they procure the lands at prices which render no essential benefit to the work sought to be aided, and fasten upon the country the evils attending the concentration of large amounts of the most desirable lands in the hands of a few individuals; or if not sold, they remain in the hands, and under the monopoly, of the *peculiar favorites* of the Democracy—"*Soulless corporations!*" We of New York, sir, have had practical experience of the effects of that system, and seen the blight and mildew with which the large landed monopolies have cursed large portions of our State; and we can fully appreciate the danger, and give our warning note and advice thereof to the new and land States of the Union.

Sir, it appears clear to my mind that the disposition of the public domain in large tracts, either to the States or corporations, is surrounded by many weighty and great objections. I believe that the true interests of the General Government, and the prosperity of the Western States themselves, require that the proprietorship of the public lands should remain in the General Government until their transfer, in limited parcels, to citizens. If grants are to be made—and I think they should be made—to the several States for the benefit of education, and to aid in internal improvements, it should be done by appropriations out of the proceeds of their sales, or in some form by scrip to be located by individuals, rather than by grants of enormous tracts of land to the States. As in this country there must necessarily, for ages to come, be extensive tracts of land which cannot be occupied, it will be far better to have them in the hands of the General Government, under the control of the people's Representatives, than to suffer them to be a fruitful source of contention and collision between the several States owning the land and the States and Territories in which the lands are located, or than that they should pass into the control of corporations or the operation of private landed monopolies or patrooneries.

Any system, sir, of legislation in relation to the public domain is wrong which limits the benefit to be derived from the public property to any particular locality or section of the Union. The old States are entitled to the benefits of the public lands as well as the new States. The public domain is held by the General Government in trust for the benefit of *all the States;* and it is the clear duty of Congress to dispose of it in such manner only as most effectually to promote the interests of *all* the States; and any disposition of them which diverts them to any other purpose is a violation of such trust. That consideration alone presents an insuperable objection to the passage of these railroad bills in their present shape.

Sir, we are told by gentlemen from the land States that they have large extent of lands within their respective limits which have been many years in market, and are, therefore, unsalable. That they have within their borders enormous tracts of

forest and prairie lands, which, as yet, are only tracked by the wild beasts and the hunter. And they claim and insist that Government must grant a large proportion of them to break the way and clear the track for the iron horse to pass through their limits; claiming that thereby a ready sale for the balance will be obtained. But, sir, it has been shown, and is evident, that the direct tendency of such grants is to throw the lands in the control of private monopolies, which monopolies, wherever situate, are a cursed blight and mildew upon the prosperity and speedy settlement of any country. And, sir, I believe there are other direct and inevitable evils attending such grants which it is beyond the power of any statesman to obviate.

But, sir, we have been told if we will not contribute towards railroads, we *must* graduate and reduce the price of the unsold lands within the States so as to bring them into market, and *must* pass a bill for such purpose. Sir, that is clearly a *non sequitur*. The principles and arguments in favor of such bills to graduate the price of the public lands are based entirely upon false premises, and lead to the most erroneous conclusions. Such bills proceed upon the assumption that the value of the land is to be ascertained and adjudged by the length of time it has remained unsold in the market. That there is no foundation for any such assumption, is evident from the uniform testimony of those who have made themselves acquainted with the facts, that there are no better lands in any of the States than those which still remain unsold within their borders. Sir, there are other and more influential reasons than the quality of the land operating to affect and impede the settlement. One reason is, sir, that there are continually more lands thrown into market than the demands for settlement require, and when that is done, no matter what may be the quality of the land, settlements will be made in patches. Sir, the mind and the eye of the American is directed westward, and after breaking up his home and his associations at the East, he cares not about stopping within the limits of the present States; but when he enters the unbroken wilds, he prefers planting his vineyard in the forest and prairies of the Western Territories. As long as such is the inclination of the western emigrant, you cannot swerve him from his purpose. Throwing the lands into market in large quantities at reduced prices will not answer the purpose. Placing a portion into the hands of the speculator and wealthy capitalists, and doubling the price of the residue with the prospect or promise that an iron horse will occasionally whistle by the dwelling, will form no sufficient temptation. Sir, the remedy is not there; if any can be found or can be devised, it must be based upon different principles and other projects. What plan can be devised which will be effectual to answer such purposes is not for me to suggest.

Mr. Chairman, my views, my predilections, and my feelings, in relation to the disposition and management of the public domain, are strongly prejudiced and inclined towards the old system, which has been fully tested, and has at all times proved preëminently effectual, when faithfully administered, to answer all the purposes for which it was designed. I shall extremely regret to see that principle abandoned, and the proprietorship of the public domain parceled out, as some have suggested, among the different members of the Confederacy, or so disposed of in large quantities, as to pass into the hands of large individual or corporate monopolies. The day that such change in the system shall be adopted—if it ever is adopted—will be a day which will be remembered by our descendants, not with pæans and thanksgivings, but with sorrow and bitterness.

Mr. Chairman, I trust the several railroad bills, as fast as brought to light by the Committee on Public Lands, will be sent to the Committee of the Whole, the appropriate place for discussion and amendment; and that the *gag*, the weapon of those who dread the truth and shrink from exposure, will not be applied until full, free, and ample discussion has been had. Truth and right brighten and gain strength by examination, but error, dross, and deception only shrink from, and grow dim, and fade by exposure to the light, and cannot endure full and free discussion.

Sir, there is one bill which has been reported by the Committee on Public Lands, with a recommendation that it do not pass, which is the least objectionable and savors most of justice of any proposition relative to the public domain which is before this House. The principle of the bill is to do at least partial justice to all the States, and its object is to take the place of the several railroad bills now pressed upon our attention. The bill, although it has been drawn with great care, contains some provisions which I do not and cannot fully approve, and it is not, as a whole or in detail, precisely such a bill as I could wish to see passed. But I am satisfied it is the best proposition that we can expect to see adopted, and that it is the only mode in which the old States can any longer expect to participate in the benefits of the public domain, and I shall, therefore, give it my support.

One controlling objection that I have always entertained towards a division or distribution of the lands among the States has arisen from the difficulties and dangers necessarily consequent upon Eastern and Southern States owning large tracts of lands within the bounds of other States and Territories. This objection is in a great measure, if not entirely, obviated by the provisions of such bill. It authorizes and directs land scrip to be issued, and delivered to the old States, which are sold by the States, and the purchasers are to locate the land, and the patents issue to them, and not to the States. The danger of large landed monopolies cannot be entirely obviated; but the only practicable guard that can be adopted to prevent it is provided in the bill, which is, that such land scrip shall issue for not less than eighty, nor over one hundred and sixty acres each. Thus enabling the States procuring the grants to sell the lands in as small quantities as can be desirable. The State of New York, which I have the honor in part to represent on this floor, will, by the provisions of this bill, obtain *five millions four hundred thousand* acres of the public domain, to be appropriated to educational purposes. This, if properly husbanded, will make a noble addition to the munificent provision which has already been made by such State for the benefit of free education.

Perhaps, sir, the tomb of the Capulets may be the fate of such bill, and that it may be destined to entire defeat. But, sir, I trust not. Yet, if that should be the case, I have still an abiding hope that the general discussion of the principles involved in this and in the other bills relative to our public domain, may, in the end, lead to some beneficial result, and, that, before the end of this session the North and South, the East and West, may all unite, and cordially coöperate in the passage of some bill or series of measures which will secure to all the States and their citizens, a just and fair proportion of the benefits to be derived from the public domain, and an end be put to all sectional and party discussion and jealousies on the subject.

THE PERSIDENCY.

SPEECH OF HON. O. BOWNE,

OF NEW YORK,

In the House of Representatives,

June 14, 1852.

The House being in Committee of the Whole on the state of the Union, and having under consideration the Indian Appropriation Bill—

Mr. BOWNE said:

Mr. Chairman: It is the custom of this progressive age to follow, at least for a time, every new light, or doctrine or fashion which may be set us. I shall not venture to deviate from this, and therefore premise my remarks by an apology for intruding them here, as such is the mode.

I had not intended to engage in the political discussions which have arisen and been prosecuted upon this floor, for two reasons: first, because I consider them to amount to exactly nothing at all, (as far as the people are concerned;) and second, because the greater portion of them exhausted themselves upon a subject not at all germane to the faith or principles of either the political parties of the day, and consequently, receiveing little or no attention at my hands, I felt no disposition to reply to them. But, sir, having had the chance to be seated on the 10th day of June, sufficiently near the honorable gentleman from North Carolina, [Mr. Outlaw,] to be enabled to hear the whole of his able and logical address, I feel it my duty to raise my voice, however lowly, in honest opposition, and in friendly counsel against the doctrines which were advanced by the honorable gentleman.

Nor do I mean to single out his position, or his arguments alone, but I select them as being the only ones which I have (from the position in which I am seated in this House) been enabled to hear, and as typical of a class which have been indulged in here, during the past six months, "*ad nauseam;*"—a class of speeches, characterized only by the bitterness of their crimination and recrimination, and differing only in that each strove to render extremes wider. I charge this not only, or entirely, upon Southern Whigs, for I desire to address myself more particularly to my Whig friends, but regret to say that this flame has been fanned, though not so violently, by gentlemen of the North, whose natural instincts and habits should have taught them more respect for themselves and their constituents.

And now, sir, I come to the proposition upon which I shall found a few remarks which I have to offer. It is this: The gentleman from North Carolina charges that General Scott has not joined in with the defunct of the Democratic party, and other noisy members of our own party at the North, and openly, as with a throat of brass, proclaimed upon the house-tops and the corners of the streets his sentiments upon a subject with which as coming from him, the public had nothing to do and which sentiments, moreover, were as we known to all people as the sentiments of any military man need be in a Government essentially civil in its character. I say these sentiments, as coming from General Scott, were uncalled for—first, because the modesty of a gentleman in the service of this Government would necessarily preclude his intruding them upon the world; and secondly, if an ambitious man, (which he is not,) or a shrewd man, (which he is,) his shrewdness naturally coming to the aid of his ambition, would prompt him, as the surest road to success, to exercise a proper discreetness in too early intruding his opinions upon all subjects before the public.

So, sir, there are two strong reasons why General Scott should remain silent until a proper time had arrived for him to speak, viz: Modesty of a gentleman, (and, in a political point of view, private citizen,) and the shrewdness of a man who knows men well. But to let this pass. The gentleman thereupon proceeds to inform us that he cannot support General Scott, should the Whig party put him in nomination for the Presidency—cannot support him because, forsooth, he has shown the two most essential qualities which should fit him for that office—to wit: Modesty and good sense. But, sir, this is not all; I should not have risen to my feet if it had been, for I well know that General Scott's reputation—for all that makes a man good and great, is above the need of my defense

But this silence which the gentleman so much deprecates furnishes a peg upon which, in connection with the silence and discretion of the Whig caucus lately assembled, the gentleman hangs a speech, upon a subject of which I have only to say, that not only are Northern men perfectly disgusted, but for which, and all the awful concomitants which we are told surround it, they, as a mass, have neither fear, sympathy, nor sentiment of any kind save perfect apathy. I believe at this moment that the mass of the Northern men on this floor, even of those who, by the unwearied exertions of the mischievous, were once almost tempted to think there might be some fire in all this smoke, regard the whole category of speeches, *pro* and *con*, the subject of slavery as an anodyne peculiarly appropriate to our warm summer afternoons. I admit them admirably calculated to put one to sleep, as I want to assign them some useful position, but I cannot, for the life of me, conceive for what else under heaven they are good. I do not wish to be considered as criticising the style or manner of these speeches, many of which, I am well aware, are far above my capacity, but merely the subject-matter. I say I cannot see their purport, and for these reasons: First, they must

mean, if they mean anything, either to convince, to irritate, to soothe, or intimidate. It needs no argument to show that but one of these results has been reached, and that one which all should deprecate—irritation. I shall offer none, therefore, but shall at once proceed to ask gentlemen of both sides whether they do not think, that in a hopeless controversy of this kind, where neither party are to be frightened, or cajoled, or convinced, the one against their interest and the other against their reason, or soothed by harsh words,—trying mild ones seems never to have been dreamed of,—it would not be about as well to call it a drawn battle, and try the effect of time and quiet on the constitution of this shattered question, and see what the soothing effect of these remedies would be?

Mr. Chairman, if I had it in my power, for the good of my country, I would make it a penalty of expulsion from this body for any man to introduce the slavery subject on this floor at this time, except in the form of petition, which is the voice of the people, and speaks for itself, needing no aid from us. In this I do not wish, nor mean to be understood, as having lost any of that repugnance to slavery which all Northern men feel naturally. But I do mean that this bitter, ceaseless agitation of the subject, is calculated to do no good under heaven, to either the slaveholder, the slave's friend and advocate, or the slave himself. No, sir; it is all clap-trap of the first water, issued here in the hope of advancing the political prospects of the men engaged in it. And even in this, I think those gentlemen will find themselves mistaken. The fact is, that the whole country, North and South, are sick of this vapid, meaningless discussion, and are beginning to see that they have been very nearly humbugged into the belief that there was a storm in the tea-pot.

But, sir, again to refer to the speech of the honorable gentleman from North Carolina. He has paid the North the compliment to eulogize two of her sons, and asks why are the claims of these gentlemen to be passed over when the presidential subject is upon the carpet?

Mr. Chairman, we read of a man of old who, when referred to waters of the Jordan for relief from his physical ailments, pettishly exclaimed: "Are not Abana and Pharphar, rivers of Damascus, better than all the waters of Israel?" If the gentleman will read that story, he will find that there is a fitness in things which argument will not remove, nor cannot make. The fact is almost self-evident, and his opponents know it in their inmost hearts—that General Scott is the only man who can triumphantly carry the Whig banner through the coming fight, until it shall float in triumph over us. And why is it so? The gentleman, or some one who preceded him, I do not remember which, has deprecated an attachment to our military heroes as indicative of the decay of the Republic. Sir, I beg leave to dissent from him entirely. We have no military heroes who have earned their laurels in the field of plunder and aggression, but those only whose lives and talents have been spent in the defense of our country's rights. I grant you, sir, that whenever we come as a nation to look with favor upon the class of military men first alluded to, we are in jeopardy; but no nation ever yet succumbed to treachery or force, or died of apathy or indifference or corruption, which retained enough of generosity and true appreciation of merit to discreetly distinguish and nobly reward her gallant defenders. And, sir, this rule applies to her civil as well as military guardians.

This brings us to the gentleman's question, "Why pass over the Secretary of State and the present efficient Chief Magistrate?" Sir, I will undertake to answer this question, and that, too, without the shadow of an attempt to decry or detract from the well-earned merit of either of those gentlemen. The field of politics in this country is wide, and the laborers are many; as a consequence many will become skilled in their duties, earnest in their prosecution, and faithful to their trust. It is not to be supposed that, out of this number none will be found who will grow weary of the rank of subordinate, and feeling their fitness, acquired by practice and devotion, desire to be placed in the front ranks as leaders. Experience shows us that there are many such, not only willing, but competent, to lead; and these men naturally ask themselves and us, Why should one man endeavor to monopolize the helm of state? Sir, this is as it should be. Each man of this land should feel that the office of President, and all the high stations which attach themselves to it, are no monopoly, but a goal of distinction, whose doors are open at least every four years for the reception of such as have deserved well at our hands.

This is one reason why the President of the United States should not desire a reëlection, and why the people ask that he should withdraw upon the laurels he has already earned, and make room for others equally meritorious. Another reason is found in the fact, that we are but mortal, and erring at that; in the fact that to few is given that nicety of discrimination, and that peculiar combination of tact, courtesy, and judgment which enables them, while they disappoint many, to offend none. So rare is the combination of these virtues, that I feel myself far from discrediting the judgment or integrity of the President, when I present his shortcomings in these respects, as another reason why, though eminently deserving, he is and must be more or less unpopular with a large class of our citizens. To few men is it given the capacity to pass unscathed through the fiery ordeal of a second election to an office such as the Presidency of the United States, surrounded as it is by the charred but scorching embers of disappointed hopes. I think I have shown to every candid mind reasons enough why it would be rash in the Whig party to endeavor to be generous before they are just. We come now to the case of the distinguished Secretary of State.

Sir, in this age of steam and lightning, and, above all, of widely-diffused and easily-accessible newspapers, there has arisen among our people, almost as a necessary accompaniment of these progressive features, a disposition to look with great favor upon the characteristics of that period of life most nearly allied in its feelings and acts to the fearless, daring, and onward spirit of which these inventions of modern times are but the type and consequence. This disposition is now in its zenith. It is idle for us to combat it. Like all other popular effervescences, it must have its day; and the best way to temper it down till it shall travel within the bounds of practicability and usefulness, is not to attempt to clip its wings, but let it soar, until it shall learn that while the region of the clouds furnishes brilliant prospects to the earth, it must return for food. This young fledgling of America is just now inclined to soar, but do not ask it to carry up with it one whose days have been spent in laboriously plodding through the practical, and whose feet are clogged with the weight of his own greatness, even though his matestic head enshrines a light which it were well for his country could it be preserved, like the sacred flame of old, ever-burning. Sir, we have no time to spend on idle wishes. The combat is before us, and it is evident that the nature of the ground is such that heavy artillery will be ineffective. Let us, then, adapt the means to the end, and endeavor, shoulder to shoulder, and with hearts warmed towards each other, instead of turning upon each other, to unite our arms against the common enemy. If this be done, I feel, nay, I know, that the Whig party can, through their delegates, who meet on the 16th of June, at Baltimore harmoniously and with satisfaction to all parties concerned, unite on a candidate whose banner shall never be trailed in the dust.

To refer again to the speech of the gentleman from North Carolina. I think he observed that the nomination of General Scott would unquestionably find favor in his eyes, but for the fact that the gentleman felt that General Scott was unduly operated upon by influences with which he could have no sympathy. Does the gentleman mean to say that the man who could plan and successfully terminate that triumphal march from Vera Cruz to the city of Mexico, is the man to be swayed by every breeze that blows about this Capitol? Does he mean to say that the man from whose brow a leaf would fall at every injury, however slight, which might accrue to the noble ship of State while under his guidance, would or could be tempted, or induced by any means to surrender for a moment that helm into hands negligent, unskillful, or malicious? I am sure the gentleman would make no such charge as this. He must recollect that General Scott's life, though mainly, has not been passed solely in the camp. The gentleman does not want me to remind him of the high diplomatic skill displayed by the hero of Lundy's Lane, on our Northern frontier, in more instances than one. He also must know that the forum is familiar to our brave chief, as well as the field. Sir, this antipathy on the part of our brethren of the South to the nomination of General Scott, *has not* been induced by anything that he has done or said, or by anything he has left undone or unsaid. It has, I am pained to say, been caused by the sayings and doings of men on this floor, and off of it, who knew that their representations were discolored and distorted, whether in the zeal and heat of partisanship, or willfully, I will not take upon me to say, but charity and a desire to heal rather than aggravate the wound, induces me to incline to the former opinion. General Scott has said nothing on subjects on which he was not called upon to say anything. Is this all your trouble, friends from the South? If this is all, I have only to ask of you, show the same generosity and conciliation to the North which she has ever shown to you; and go to Baltimore resolved to inquire of the representatives of the people there assembled, as to whether they come there for war or peace with you, and hear their decision before you work yourselves up into a tempest against General Scott, because he appears to be the favorite of the North. What! has it come to this, that we cannot, in advance, indicate our choice for the Presidency, and that choice a national man, eminently so, and a Southern man, withal, without calling down your anathemas? No, this is not it. This, I am persuaded, is not the cause of your antipathy. That is to be traced, as I said before, to the pestilent speeches and publications of men mostly at the North, at least the latter, (publications,) have been issued by men who, rather than withdraw from the green pastures in which they have grown fat and sleek, would see those bright fields a sterile desert. Again, I ask of you, satisfy yourselves of the *facts*. General Scott is here, accessible to every one; his word is his bond; go ask him if his soul has already learned to cage itself within Northern bars, be that cage ever so delicately garnished and gilded. Then go from his presence and meet your Whig brethren at Baltimore, and see if you find there any disposition to encroach upon your rights, or to refuse to execute the laws of the land, or to raise against you the strong arms whose descending blows should rivet instead of sundering the bands which hold us together as a nation. Would that I possessed some talismanic charm, which should strike the scales from your eyes, and permit you to see yourselves as the *honest* Whigs of the North see you, clothed in the pure garments of brotherhood, and not in the burnished steel of hostility.

Do not think that I mean to assume a deprecatory tone. I have told you before, that all your threatening and brow-beating speeches fall as wisps of straw at our feet, and serve only to disgust us. You know well that the same blood courses in all our veins, tempered to calmness, it is true, by the wintry winds of our northern climate, but neither thinned nor enervated by a life of toil and habits of manhood.

No! the test of good faith and sincerity is now to be applied to you. We have ever been the concessionists. It shows itself in all things. How comes it that the noble building in which we are now assembled stands upon slave rather than upon free soil? How comes it that a large majority of the offices of honor and profit under this Government have invariably been monopolized by the South? But to come nearer home: Who was it that, four years ago, asked us to take General Taylor—nay, insisted upon our taking him—without pledge or platform? I hope gentlemen have not forgotten that this was the act of the South. There the doctrine of expediency did well enough General Taylor was a man from the extreme South, the owner of a horde of slaves, therefore silence in him was a virtue. I admit it. I ask that credit for an equal amount of the same commodity be now given to General Scott and his Northern friends.

Sir, to sum this all up, I appeal directly to the honest Whigs of the South, instead of giving way

to petulance and ill blood—instead of nursing their wrath to keep it warm, to cast aside all sectional prejudices, and exhibiting their natural frankness and generosity, come up like bold men to meet the Whigs of the North, without endeavoring to borrow trouble, and feeling that sufficient unto the day is the evil thereof; feeling that when they shall have compared notes with the delegates at Baltimore fresh from the people, it will then be time enough, should sectionalism prevail at the North, to assert and maintain such a position as they may then have cause for assuming. Let us give over, for the few days at least that intervene between this and the sixteenth of June, all these vaporing and idle declamations, which are utterly impotent either for evil or for good.

THE DEFICIENCY BILL.

SPEECH OF HON. S. BORLAND,

OF ARKANSAS,

IN THE SENATE, *May* 27, 1852,

Upon the deficiency bill—reviewing the financial history of the Government, and exposing the lawless and wasteful extravagance of the Whig Administration.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852;" Mr. CHASE's proposed amendment, in respect to the Collins line of steamers being under consideration—

Mr. BORLAND said:

Mr. PRESIDENT: If it be in order, as I presume it is, to discuss the whole bill upon any single amendment, I propose now to discuss this so-called deficiency bill.

The body of my remarks will be directed against the whole bill—its general character and policy—in the course of which I shall undertake to show, by facts and figures, furnished by the official records, that all such bills, *and this one in particular*, are in violation of sound constitutional principles, and dangerous to the best interests of the country.

First, and in general terms, I would remark, that, wrong in principle, and mischievous in practice, as I have, heretofore, endeavored to show, and as I honestly believe this matter of the Collins line to be, it is certainly not the only bad feature in this bill; nor am I sure it is the worst. Even remove this "damned spot" from it; yet so many more such spots remain—indeed, its whole structure, and the very source and occasion from which it sprung, are all so fraught with evil in themselves, and with danger as a precedent, that I would as soon take a leper to my bosom as to vote for it, amend it as you might, as long as any portion of that structure remains, or the taint of its source attaches to it.

Sir, in view of several features of this bill, acquired since it left the other House, and especially in view of the proposed amendment for the Collins line, it would seem that the two Houses were engaged, latterly, in "a game of brag" with the public money. But the other day we sent the House of Representatives a bill of $10,000, for some work upon the Capitol, and it was returned to us magnified to $500,000! Now, the House of of Representatives have sent us a bill of some $3,000,000, to supply certain deficiencies resulting from Executive usurpation and extravagance, and we are about to return it, as a sort of *omnibus*, crammed with some $10,000,000, for almost every purpose of reckless prodigality. At such a rate, we shall certainly out-brag the House, and win the game. But it will be a triumph from which the country can derive neither honor nor profit, and over which no sound Democrat can rejoice. Progress I am in favor of; but this is progress in the wrong direction, and must end in ruin if persisted in.

It is hardly necessary for me to repeat, as I have taken more than one occasion here to say, that, alike upon principle and in policy, I am opposed to all deficiency bills—especially to such as it has of late become a fashion of the Federal Executive to urge upon us.

Let them come when, or how, or whence, or in whatever shape, or upon what pretext, they may, it may be safely assumed, as a general proposition, that some public wrong lies at the bottom of them; and that wrong will be found either in a disregard of some sound principle of legislation, or in some still more vicious Executive usurpation of authority; or, at best, in some neglect or recklessness in the administration of the Government. Except from some one of these causes, or perhaps from all of them combined, it must be rare, indeed, that a deficiency bill can become necessary. I assume it as a general proposition, to which there can, possibly, be but few, and rare, and inconsiderable exceptions, that if the constitutional requirement, once the wise and safe rule of action here and with the Executive, be observed, to limit the administrative operations and pecuniary expenditures of the Government, by specific appropriations, to each branch of the public service, there can be no occasion for such bills as these.

I can well understand the origin, and the necessity, of exceptions such as I have indicated. I can understand, also, and appreciate, the circumstances which may make it not only allowable for the Executive to send us a deficiency bill, but our duty, at the same time, to pass it without hesitation or delay. Thus, sudden and unexpected hostile collision with a foreign nation, or with our Indian tribes, or the exigencies of an existing state of war, or the breaking out of some domestic insurrection or civil commotion, (possible, though not probable,)—all, or either, of these causes requiring the prompt action of the Executive, without time or opportunity for legislative counsel or cooperation, and yet involving the necessity of expending money not provided by prior appropriations, would make a case of legitimate deficiency, for which we should provide the very instant it were brought to our notice. And, if we may suppose such an instance—even should there be an accidental miscalculation of amounts, or the inadvertent omission, on the part of the Executive, or of Congress, of any specific appropriation for some necessary purpose—they, too, or either of them, would constitute a legitimate deficiency, demanding our prompt action to supply it. So much is due to the true interest and good faith of the Government—perhaps to its very preservation. Of this kind, and in this sense, deficiency bills, though to be always avoided if practicable, and closely scrutinized whenever presented, cannot be disapproved—certainly never rejected. Such, indeed, and such alone, properly speaking, are "deficiency bills." It is not, and never will be, to such that I make objections.

But, Mr. President, how do the "deficiency bills"—so called, which this Administration has sent to us—that of last Congress, and especially this—conform to the very comprehensive and liberal conditions I have suggested? In the one now before us, there may be some two or three items—but each of them small—which may be regarded as a true deficiency. I doubt whether, since the rejection of the one presented by my colleague [Mr. SEBASTIAN] the other day, there be a single item, in the whole bill, which can really be considered a deficiency, in the true sense of the term. That amendment of my colleague, I take occasion now to repeat, was a proposition to redeem the plighted faith of the Government in furnishing the additional amount necessary to pay a recognized and liquidated debt which had been paid in part as far back as 1817, and the balance of which has been due ever since—now thirty-five years. That, as I remarked at the time, was the only real deficiency before us.

But the majority of these items, and all the large ones, are destitute of the first feature of a legitimate deficiency. I need not go into particulars to show this, for I think it has been sufficiently done already by the Senator from Virginia [Mr. HUNTER] and the Senator from California, [Mr. GWIN.] I will, however, remark, in general terms, of what may be called the bulk of the bill as it came from the Executive, or according to Executive recommendation and demand, that it is not only not a deficiency in the sense in which I insist every one should be, but is directly and offensively the reverse. Not only has it resulted without authority of law, constructive or contingent, but it has been perpetrated—ay, sir, *perpetrated*, in direct violation and contempt of the law—in contempt of the well-considered action of the two Houses of Congress. By no one can this be denied; for nothing is better known—nothing is more plainly and indelibly written upon the records of the last Congress than the proof of the allegation I have made. I "nothing extenuate nor set down aught in malice." But it is set down, upon the records to which I refer, in characters so strong, and in terms so clear, that "he who runs may read," and understand, too, that when certain sums of money, for the anticipated expenses of the War Department, were asked for by the Executive, they were, after full discussion and due deliberation, *refused* by the Congress. Those appropriations were urged by the Administration, but they were rejected by the Congress. Thus was the Executive told, in as plain and as strong language as could be uttered by an American Congress, that he should not have the money he asked for, nor expend it in the way he proposed. And yet, in the very face of that refusal—perhaps before the ink was dry with which it was written down—the Executive ordered, or authorized, or permitted, I care not which, the expenditure of these very sums of money, and, I think, in some instances still larger sums; and that, too, after a fashion of wasteful extravagance without a parallel in the administrative history of the Government, and absolutely astounding to contemplate. This, I repeat, has been done, not only without authority of law, but in direct violation and contempt of the law made and provided in special reference to this very class of expenditures, and for the very purpose of arresting their wasteful extravagance.

It is no answer to this to say that Congress was wrong in refusing this money, and that it was necessary for the public service that it should be expended. That is begging the whole question. In the first place, I do not believe, for we have no proof, that such expenditures were either proper or necessary. But, for the argument, admit the fact to be so, it goes no further than to palliate, in some degree, the guilt of the Executive. It can never relieve him entirely from the glaring culpability, in the eye of the law, of usurping powers which were never conferred upon him—of taking money from the public Treasury without lawful authority, and of setting a precedent of administrative licentiousness which, if followed out, can result only in breaking down those partition walls which the Constitution has wisely erected between the several Departments of this Government, and concentrating all effective powers in the hands of an irresponsible Executive.

The President already has command of the Army and Navy; and, from recent indications—some of them shrouded in mystery, it is true—is well enough disposed to *employ*, and to *pay* them, too, without the consent, or even the knowledge of Congress. We have heard much of the dangers of "uniting the purse and the sword" in the same hand. Our political opponents tried hard to raise a panic through the country, in 1840, with the "raw head and bloody bones" of Martin Van Buren's standing army of two hundred thousand militia. But the present instance presents a more serious aspect in that direction, and, if carried out to its logical results, would, in my opinion, end more certainly in the consummation of that much-dreaded union of the money with the military power, than any which any event in the history of this Government has ever threatened.

I am aware that it may seem, to some minds, rather fanciful to indulge any such apprehensions as this suggestion may indicate; and I confess that, at the hands of the present very quiet, accidental *locum tenens* of the Executive mansion, I fear no great violence; for, in addition to the valuable fact that a few revolving moons will "put him out of harm's way," he has certainly proved himself to be a most consistent and successful practitioner upon that notable maxim, so sagely delivered by Bulwer's Rag Merchant to *Leetle Paul:* "Never undertake by bluster what may be done by insinivation." But, then, it may be well to bear in mind that of all the tribes of animal creation, the *feline* is, at the same time, the most quiet and the most dangerous. Cromwell, it will be remembered, was a preacher of the gospel; yet suddenly, one morning, sword in hand, he drove a British Parliament from their seats. Monsieur Rodin, the humblest and quietest of men, presided over the fearful engine of French Jesuitism. And

Louis Napoleon, erewhile a common-place dabbler in literature, and filling no great space in the world's eye, at once, as if by the decree of fate, sprung into power, and, as the acknowledged master of half a million of armed myrmidons, abolished the French Chambers, and assumed unlimited authority. Nay, it is by no means an extravagant supposition that he has, already, consummated the loftiest purposes of his licentious ambition, and, some two weeks ago, by the sole virtue of his own imperious will—*sic volo, sic jubeo*—decreed the 10th day of May to be the double anniversary of imperial power, by proclaiming himself Emperor of France. The next steamer will, probably, inform us whether that is so or not.

But to return to the case in hand. It is not, I repeat, from the present Executive that I apprehend any usurpation of authority, absolutely or immediately dangerous in itself, nor any violent disruption of our system of government. I do not suspect him of any such bold or criminal intentions; nor has he now time to execute, even if he entertained them. But, sir, it is not by any single or overt act of violence, or presently oppressive act of usurpation, that the symmetry of our Government is to be mutilated, or its strength impaired. It is not by open assault that its strongholds are to be carried; but from the stealthy working of the *mine* its danger is to come. It is not by the "bluster" of the bold and daring usurper, that our people are to be frightened from the propriety and intelligence of their patriotism; but, they have most to fear from the "insinivation" of the cool and crafty politician, who would lull them into security with the blandness of his words, and the gentle suavity of his smile, while he steals away their rights. And if it be allowable on so serious a subject, I beg leave to tell an anecdote which, though of a very humble and homely kind, will somewhat aptly illustrate the view I am attempting to express. It relates to the catching of *crows*.

It is a familiar fact, that of all the feathered tribe, the *crow* is the most wary, and sagacious. He is noted for seeing everything within the practicable range of his vision, and is never taken by surprise. He seems to have an instinctive perception, as he certainly has a suspicion, of danger, in every animal and every object in which it may possibly exist. He calculates, by some faculty superior to any in man, with unerring certainty, the range of every kind of fire-arm used in the region of country which he frequents; and, as a consequence, in an open field, where it is possible for him to see his enemy, no one can approach him within that range. He is equally sagacious in detecting, and successful in escaping, all manner of traps and snares, which may be set for his obnoxious head or feet. For these reasons, and from his rapacious appetite for grain, he is one of the most formidable enemies of the farmer. Hence the use and name of "scare-crow." In no part of the country, perhaps, has this interesting bird proved more annoying or formidable, than in my native county, some hundred and fifty miles south of this, in Virginia. His number there was legion. Among those who suffered most from his depredations upon the crops, was a farmer, remarkable for his shrewdness and thrift—if I remember aright, his name was Ezekiel Powell—who, having exhausted all the arts and contrivances which the wit of man had then invented, without relief, made a solemn vow, one bright spring day, over a beautiful field which lay despoiled before him, that he would never sleep until he had drawn from the magazine of old mother necessity, some new invention to "circumvent the crows." And he kept his vow; for that very night he conceived and executed a plan which did, indeed, for the first time, circumvent and catch the *crows*—not by ones, or by dozens, only, but by hundreds and by thousands. The principle of this invention was "insinivation," not "bluster." It was in this wise: In the course of the night, he erected, in different parts of his field, several open rail-pens, such as farmers usually feed their hogs in, and in those pens he scattered corn. Such things were not new to the crows—they had no precedent for danger in a hog-pen baited with corn, and, as it seemed, no instinct against it. So, they descended without fear into these pens, and ate freely of the bait. This they were permitted to do several days in succession; the bait being renewed every night. Then commenced the application of the principle. The next night, when the corn was deposited on the bottom of the pen, there was, also, laid a single rail upon the top, encroaching just a little upon the open space. The crows came, as usual, the next day, and, the encroachment being too slight to attract attention, they went in and ate the corn, and went out again without suspicion. This double operation of baiting and encroaching, regularly but gradually, one rail at a time—corn tempting the appetite, and caution lulling suspicion—until, in a few days, the top of the pen was covered over, leaving open only space enough to allow the crows, by lighting on the rails, to fold their wings and slip in. When they had eaten the corn, and spread their wings to fly away to their homes in the wood, behold!—the space was too narrow to let them out! They were caught; the crow's boasted sagacity had been circumvented, and his liberty was lost!

The application I intend for this anecdote is obvious. Its fitness each mind will judge for itself. To my own mind, it is striking and significant. The incident occurred when I was a boy. It impressed me strongly, even then, as illustrative of certain points in human character. And since I have had the honor of a seat on this floor, I have found it still more strikingly and significantly illustrative of the conduct of the practiced politician, especially when he gets into power. Since I have given some attention to political affairs, and observed the working of our system of government, I have been unable to shut out the reminiscence of Ezekiel Powell and the crows, whenever I have seen a wily politician at the head of affairs, stretching one hand of unlawful power into the national granary for the corn to bait his pens, and with the other, stealthily, and under cover of the night, laying on, one by one, the rails of encroachment and aggression. I confess, sir, I have sometimes felt my heart misgive me, for the welfare of the country, when I have seen victim after victim seek the trap thus set for them, and devour the bait with an avidity equaled only by their seeming unconsciousness of the prison rails which gathered over them, gradually, but surely, as they fed. Indeed, sir, that reminiscence assumes a painful, a humiliating significance of illustration, when my reluctant eyes are forced to see into how small a compass certain creatures, in the forms of men, can contract themselves, and through what small holes they will crawl, that they may feed upon the grains of corn which the hand of stratagem has scattered, for their delusion, upon the bottom of those pens!

But, the main aspect of this illustration, for which I introduced it, is not the exercise of this unlawful power upon corrupt or corruptible materials. That, it is true, is painful and humiliating. It is, however, where it is brought to bear upon the honest and unsuspecting that the great danger obtains. The great body of American citizens are intelligent to understand, patriotic to cherish, vigilant to guard, and courageous to defend, their principles and their rights. But they are also generous and confiding. Assail them openly—let danger threaten them, even from afar, so it but wear the port of danger—and they stand by their arms, and are invincible. *Animis, opibusque parati!* Under the white flag of peace and amity, however, their worst enemy may approach, and be kindly entertained by them. The kiss of peace disarms them of suspicion, even, as too often happens, when it but serves to transfuse into their open hearts the deadliest poison; and the song of patriotism too easily wins their confidence, when it is but the syren lullaby of treachery and betrayal. Let the purpose of selfish ambition or personal aggrandizement, at the expense of the true principles of this Government, be avowed, or made manifest, and it is defeated as soon as known; and its author, be he President or legislator, civilian or soldier, is, in that hour, hurled over our political battlements, to fall far down among spirits of kindred impurity, and dwell with them in outer darkness forever. As I said before, the danger to our Government and people lies not in any direct assault or open violence. It comes along the stealthy mine and in the night attack, when the garrison is at rest and the sentinel slumbers at his post, or has become unfaithful to his trust. Sir, it is against this danger I would warn the people. And to the compass of my power I will do so, however feeble my voice, and however unheeded my warning may prove to be. And this mine—this covered way—this insidious and dangerous approach of the real enemies of the Government and the people, is through the National Treasury. The lawless hand that takes the money from the public purse is more dangerous, perhaps, than the corrupt one which uses it; but they act in concert, and to a common and fearful end—the latter being but the means to purchase absolution for the soul-corroding sin which the former had committed; while both sit down to a common feast and revel on the spoils their joint iniquities had procured.

And this brings me back to this particular deficiency bill. Such as I described it—its main bulk made up of the very sums, somewhat enlarged, which the Congress positively refused to grant—such it is, as it came from the hands of the Executive. Now, sir, I repeat, I care not whether Congress acted wisely or unwisely, or whether these expenditures were proper, or necessary, or not, (and I do not believe, because I have no proof, that they were either necessary or proper,) there is no denying the fact, and no escaping from its consequences, that the Executive did go on to make, and even to increase, these expenditures, not only without authority of law, but in direct, and I might say contumacious, violation and contempt of the law. That is the fact, sir. And that is the point I make. It is wholly useless and unsatisfactory to me, as it is to the principles of our Government, to say the *motives* of the Executive were good, and he *intended* it all for the public interest. I mean no personal disrespect or disparagement to the gentleman who fills the presidential chair at this time; but I speak of his public acts, as a public officer under the law, and not above the law, when I say that any man in this community who was arraigned at the bar of public justice upon a charge of taking money from another's pocket without authority of law, and against the owner's consent, might, with equal legal right, and with the same efficacy for acquittal, plead the justification of *good motives*, and the *intention* to promote the interest of the owner. The law makes every man, of sane mind, the keeper of his own money, and secures to him the right to dispense it at his own will; and very properly punishes, as a misdemeanor, or felony, the infringement of that right. So the Constitution, for the same general reason—surely for none less wise or important—makes Congress, as the representative of the people, the keeper of the people's money; and not only guaranties this as a right in Congress, but imposes it as a duty, that Congress, and Congress alone, shall dispense it. And for any infringement of this right, or obstruction of this duty, the law provides condign punishment. But I may be told that no such law does, or can, relate to the Chief Executive, as he is not a disbursing officer. This, sir, is true—literally true. And yet we all know that, in fact, it is one of those "fictions of the law"—such as "the King can do no wrong," which have often been as subversive of the ends of justice, as they are discreditable to legal science, and repugnant to common sense.

Sir, the honorable Senator from Mississippi, [Mr. ADAMS,] who sits on my left, was manifestly conscious of this a few weeks ago, when he offered his penal amendment to the bill making appropriation for extending the Capitol. I think he was right; and I hope he will not abandon his attempt to incorporate it in some one of our laws. This very bill, which is sure of passing, is an appropriate one for the purpose. It cannot remedy the past; but, infused in this, for the future, it will serve, in some degree, to mitigate the bitterness of the black draught now preparing for us to swallow.

In saying so much about the Executive, I apprehend I have said nothing which the Constitution itself does not suggest, and warrant me in saying. I find in that instrument, in prescribing the duties of the President, it provides that "he shall take care that the *laws be faithfully executed.*" What laws? Why, *all* the laws, and none more certainly than those relating to the expenditure of the public money. By *whom* executed? Why, by no one more certainly, or more faithfully, than by *himself;* for if he, the highest officer known to the law, be unfaithful to it, how shall he exact

fidelity of others? And to the performance of this duty he is bound by the solemn sanctions of an oath. But here was a law of Congress, signed and approved by himself, and in special response to his request for certain sums of money for expenditure, which *refused* that request, and said to him in the most deliberate and emphatic manner, "thus far shalt thou go, and no further." And yet, in full view of this provision of the Constitution—fresh from the Holy Evangelist upon which he had sworn this oath—in the very face of this refusal of Congress—and in defiance of this prohibition to expend the public money, he did go further, and did expend this very money, which had been refused to him, and which he had been forbid to expend!

I shall not undertake to characterize this high-handed act of Executive power. I have given the facts in connection with it, and facts they are. Let them have such significance as they may be entitled to, and such significance as I am sure they will have with the people of this country, when spread before them, as they shall be.

I do not know, Mr. President, that I should have dwelt so much upon these particular facts, important as I consider them, but for another fact, of some significance, which has occupied no little share of the public attention—which, indeed, has been forced upon public attention, with an earnestness and pertinacity from which there has been no escape, for some twelve months past, or more. I allude to the fact, that this Administration, and especially its distinguished chief, has been eulogized all over the land, and lauded to the very skies, (as every man will be who has a hundred thousand offices in his gift, and millions of patronage to give with them, by certain persons and presses,) as the very examplar of a law-abiding and a law-enforcing Executive!

I might claim the right of argument, and ask of those who affirm so much of the Administration, or its head, to point me to the instance in which it has abided any law which it could have avoided abiding, or in which it aided in enforcing one which, otherwise, would have been disregarded or violated. But, I should ask in vain; for the instance does not exist in either case. I know very well what some of the special friends of the Executive might say, and what some of them have said; but they are shadows, sir—"shadows all," and vanish away like other unsubstantial visions, when brought to the test of examination. We have just seen how the law has been observed in expending the public money. I might have something to say upon the boasted achievements in other branches of the law-enforcing power, if such subjects were relevant to the bill under consideration. I shall reserve what I might say, until those subjects are fairly before the Senate.

It must not be objected to my allegation that the Executive has acted in defiance of the prohibition of Congress, that no such positive prohibition, as I have assumed, was made in terms. That prohibition was made in the only way in which Congress could make it—by refusing to grant the supplies—the way provided in the Constitution, and evidently intended, and always understood to be effective and controlling. Indeed, if this be not so, then there is no way in which the action of Congress can operate as a check upon the Executive, unless by the *ultima ratio*—impeachment. All that careful and well-adjusted arrangement of the Constitution, whereby no money shall be expended without an appropriation by Congress, is worse than nonsense; it is a mockery of constitutional government—a delusion, and a lie—the Executive above the law, and wholly irresponsible, and the public Treasury at the mercy of his arbitrary, single, and sovereign will! Sir, why does the Executive send estimates here to us, at all, and why do we go through the solemn farce of making appropriations at all? If, without our authority, and even in defiance of our probibition, he can incur expenses for this Government and expend the public money by millions, as he has done, then we have in operation here a very unnecessarily complex and expensive establishment, which might well be dispensed with; and my honorable friend from Virginia, [Mr. HUNTER,] who has latterly been winning so much reputation as our Chancellor of the Exchequer, may "hang up his bruised arms for monuments," and exclaim with the valorous Moor, "Othello's occupation's gone!" If the Executive may disregard or violate the laws in one case, he may in another, and in all; and if our duty here is to consist in merely registering his decrees, *after he has made them*, I think we had as well give up that rather poor formality, and let him register as well as decree. I apprehend he is as competent to the one duty as to the other: while we shall really be needed for neither. And still further, if he may, without law, and in defiance of law, expend $3,000,000, he may with equal propriety expend $10,000,000, or even the whole $50,000,000, to raise which the people are oppressed with taxation, and then to expend which they are to be corrupted with Executive patronage!

But, Mr. President, I will drop the Executive for the time, and leave this special view of the question, for a glance at its more general aspect. It is a most important, if not fearful, consideration, and none the less so from having grown somewhat familiar, that the *actual expenditures* (not, in my opinion, the *necessary expenses*) of our Federal Government have been rapidly increasing for several years, and have now attained a magnitude which, to one who regards the interest of those who have to pay these expenditures, and looks to the causes which alone can give stability to the Government itself, is positively enormous and appalling. When I think of it, and reflect upon the past, I am filled with wonder at the change of temper of the people, under taxation. As we know, in 1828, for expending some $13,000,000 a year, an Administration was deemed licentious, and driven from power. In 1840, twelve years later, another Administration, for expending some $26,000,000 fairly chargeable to it, shared the same fate. And now at another period of twelve years, in a time of profound peace, we have an Executive that coolly expends about $52,000,000, a part of it without law, and against law; and upon the back of the bill writes itself down as the exemplar of Republican propriety, simplicity, and economy, in the administration of a constitutional government of laws. What do the people say?—what will they do? Sir, the period has come, the measure alike of time and of money is full. If for $13,000,000 in 1828, and $26,000,000 in 1840, the respective administrations of *John Quincy Adams* and *Martin Van Buren* were rebuked and repudiated, what shall be the meed of this Administration, which, with so rapid a pace of progress in the rate of expenditure, has attained to $52,000,000, in 1852? That is a practical question, to which the people are now preparing to give an answer. I submit it to them; undertaking, however, to furnish a few facts which may help them to work out the problem, in a manner consistent with their true interests, and the safety of the Government which has been established for their benefit and protection.

The precise amount of the expenditures for the present year I do not know; the returns before us do not yet disclose. It has been stated—and if we may assume an amount corresponding with the increase which has been going on, the statement is substantially correct—that they will amount to at least $52,000,000.

Then we have this fact—and I confess it startled me when I first discovered it—that the ratio of increase in the expenditures of this Government has been one hundred per cent. for every twelve years. Thus, we had, in 1828, an expenditure of $13,000,000. For that, the American people hurled the administration of the younger Adams from power. Coming down to 1840, at the end of twelve years, we find the administration of Martin Van Buren expending $26,000,000. For that it was repudiated. Coming down twelve years later, to this time, we find this Administration doubling that amount, and expending $52,000,000! At the same rate, in 1864, we should have the sum of $104,000,000; and in 1876—just a century from our birth as a nation—a tax list of $208,000,000! Think of that, Mr. President! Now, sir, is this to continue? I ask the Congress, and, through them, the people, shall this state of things continue?

The magnitude of this evil must arrest the attention of every mind. Has it a remedy? And, if so, what is that remedy, and when and how shall it be applied? These are questions which every mind, looking to the interest of the tax-paying people on the one hand, and to the principles of this Government—upon which alone it can be perpetuated—on the other, must promptly, and seriously, and anxiously consider, and answer promptly and definitively. It is not my purpose to undertake either at this time. I may do so hereafter. In the mean time, I throw them out to others. Along with them, as peculiarly appropriate for joint consideration, I will submit a few facts, which astonished me when they first came to my knowledge, and which make a strong appeal, indeed, for reform, and a reduction of our expenditures.

It is certainly the theory of our Government that the citizen shall be left as free and uncontrolled by legal enactments, as the safety and protection of the community will permit; and that no more money shall be levied on labor and property, in the form of taxes, than may be absolutely necessary to pay the proper expenses of the Government, under a plain, republican, economical administration. And, in accordance with this theory, it has been our boast, as it ought certainly to be our constant endeavor, to simplify the machinery, and lighten the burdens of the Government, which, as one of the unavoidable conditions of human imperfection, our people are, for their own protection, compelled to bear. It was an aphorism in the minds of the wise founders of our Government, that "the world is governed too much." It is no less true in our day; and I hold it to be our duty to recognize the principles on which it is founded, and to follow out, in practice, the policy it enjoins. That principle is, as I understand it, that Government should protect, rather than control; and the policy that results, in a financial view at least, is to collect the *minimum* of revenue that may be compatible with the *maximum* of good to the governed; and that *maximum*, again, I insist, is found, when the people are least burdened with the machinery of Government, and have the fewest and smallest dealings with the tax-gatherer.

I know, sir, there are those, and they are learned and able men, under the exhausted receiver of whose logic I could hardly live a minute, who are in favor of a strong and splendid Government, yet, I beg leave to differ with them in opinion. And yet, I too, am the advocate of a strong and splendid Government. But, sir, the strength and the splendor of Government which I advocate are materially different from theirs—reside in a different quarter, and consist of different elements. *They* go for a great Federal head at the center, and a concentration of all power here; and, along with that, a magnificent and complex system of government machinery; and, as a means of supporting, perpetuating, and still further strengthening and adding splendor to that power, they need, and would have, an immense revenue—ay, sir, the very *maximum* which the industry and property of the people would bear. On the contrary, sir, in accordance with the principle and policy *I* have indicated, I desire the strength of the Government to be in the hearts of the people—where it will be, and be impregnable, if their affections be invited by protection, and not their labor controlled by Government. And the splendor I desire for the Government should consist, as its only true splendor ever has consisted, and only can consist, in the untrammeled enterprise, and prosperous industry of a free people—free in their thoughts, free in their pursuits, with the ability and the will, which they have ever proved, and ever will prove, to a government they love, because it does not oppress, but protects them, to give "millions for defense, but not one cent for tribute." This marks the difference between us. *They* want a strong Government; *I* want a strong people. *They* want a splendid Government, *I* want a prosperous and happy people. *They* want, for this strong and splendid Government, as much money as, by the power of government machinery. can be dragged from the pockets of the people; *I* want no more from the people than they can easily and cheerfully pay—no more for the Government than may be necessary for its simple and effective existence, under a close and economical administration of its constitutional laws, and legitimate functions.

The facts to which I alluded, and to which I would call attention, are found in the administrative policy of the British Government. That Gov-

ernment, like all other Governments, made for and not by the people, who have to bear its burdens and pay its expenses, has been supposed to practice upon the doctrine of a strong and splendid Government, of which I have spoken, collecting as much money as the people could pay, and expending it for the purposes of its own strength and splendor. And, doubtless, this has been its policy until very recently. But latterly, it seems, a change has come over it; and, instead of an annual and steady increase, alike of revenue and expenditure, as formerly, it is found that a reduction in both has been effected.

The authority upon which I rely for this statement is not, it is true, official, but it is, I apprehend, entitled to credit. I find it in the National Intelligencer of March 27th, in the letter of the London correspondent of that paper. It is in review of a pamphlet, deemed of good authority in England, on "The Finances and Trade of the United Kingdom at the beginning of the year 1852." It is there found that, beginning with 1846, both the income and expenditures of the British Government have diminished, down to the close of the last year. I will read from the letter, that all the material facts it presents, upon these points, may be seen in connection:

"LONDON, *March* 11, 1852.

"We have before us a very interesting pamphlet on 'The Finances and Trade of the United Kingdom, at the beginning of the year 1852,' which exhibits the information promised in the title page in a very clear and concise manner. The work is anonymous, but is attributed to a gentleman whose name would add authority to the statements, did they need it. They are, however, corroborated by every possible coincident circumstance, and partake 'so largely,' as the Times very forcibly observed, 'of abstract demonstration, that they might almost have been expressed by figures alone.' We will strive to give a summary of this important and instructive publication. And first as to the national income:

In 1846 the national ordinary income was.. £52,950,202
In 1851 it was only..... 51,669,553

"But whilst the former and larger amount was nearly £2,000,000 below the expenditure of the year, the latter and smaller sum was £2,726,396 above the expenditure of 1851. But this does not exhibit the whole of the case. During the interval taxes yielding the annual average amount of £5,500,000 (in round numbers) had been repealed, and these were principally upon articles of everyday consumption, such as sugar, coffee, butter, cheese, bricks, timber, &c. So that, had the same taxes been levied in 1851 as were in 1846, the revenue of the former year would have exceeded the expenditure by more than £8,000,000 sterling.

"The Economist, in taking a survey of the Russell Administration, and the effects of its policy and proceedings, has the following table. It will be observed that the amount which the Economist gives as the revenue of 1851 exceeds that stated in the pamphlet which we have quoted by more than half a million sterling. The difference arises from the Economist including £563,453 of extraordinary revenue which the pamphlet does not. The Economist states as follows:

	Income.	*Expenditure.*	*Surplus.*	*Deficiency.*
1847	£51,546,264	£54,202,948	.....	£2,956,684
1848	53,388,717	54,185,136	.....	796,419
1849	52,951,749	50,853,628	£2,098,126	
1850	52,810,680	50,231,874	2,578,806	
1851	52,233,094	49,438,496	2,726,396	

The expenditure upon the Army, Navy, and Ordnance services was—

In 1846..... £18,502,147
In 1851 14,573,856

Reduction..... 3,928,291

I would call the attention of Senators to this very remarkable fact, in view of the excuse I anticipate our Administration and its friends will assume for the increased and increasing expenditures for our Army and Navy. Here is Great Britain, with her army not reduced, but increasing every year; with her military operations extending, and requiring, it would seem, a greater expenditure of money; her naval establishment certainly not reduced, but increased, at least, by the addition of many steamships; still maintaining her rank and position as a military and maritime Power; and yet, by a wise and economical reduction of expenditure, for three named branches—navy, army, and ordnance—in three years, to the extent of £3,928,291, or nearly $20,000,000! *We*, on the contrary, without materially increasing our Army—indeed, greatly reducing it since 1848—without increasing our Navy, and in a time of profound peace, are going on, from year to year, *increasing* our *expenditures* for these branches, almost in the ratio of geometrical progression!

The letter goes on:

"But to return to our pamphlet. Let us descend from generals to particulars, and look at some of the details upon which these broad statements are established. How have the comforts of the people at large, the condition of the masses of society, been affected by these results? The Times says sugar is now one of the first necessaries in English life. Nine years ago the entire consumption of this article in the United Kingdom was 4,068,331 cwt. Last year it was 6,884,189 cwt.; showing an increase of sixty-nine per cent. Now, it has been computed, by careful investigation, that to about one fourth of the actual consumers of sugar, the variation in price would be no object; that is to say, that to one purchaser out of four, it signifies little whether sugar is 6d. a pound, or a shilling. The remaining three fourths, therefore, represent the class which is benefited by reductions, and the increase of consumption above specified, shows that each individual of this class was able to buy and use twenty-three pounds of sugar in 1851, instead of nine pounds, which was all he could afford in 1842. Similarly, there were consumed in 1851, 53,965,112 pounds of tea, in place of 37,355,911 pounds in 1842; 28,062,978 pounds of tobacco, in place of 22,013,146 pounds; and 32,564,164 pounds of coffee, in place of 28,519,646 pounds."

We here find, Mr. President, not only the general facts I stated, which, I confess, were to my mind astonishing; but we find also what seems to follow very naturally, and is highly gratifying to one entertaining my views, that the comforts and conveniences of life to the people have increased, if not, perhaps, in the precise ratio, yet certainly in connection with, and doubtless as a consequence of, their relief from the burdens of taxation. Indeed, I think it will be found by a fair examination, that this increase of benefits to the people has exceeded the ratio of their relief from taxation, as exhibited in this statement. And this is not at all to be wondered at. It may fairly be assumed as the result of the encouraged hope, the aroused energies, and the stimulated industry of a people, by the prospect thus presented to them, that their rights and their interests, as entities to be respected and cared for, have been at last recognized; and that in future some portion of the profits of their toil is to be enjoyed by themselves, and may descend to their children, and not all go, as formerly, to build up a strong and splendid government, as a thing apart from and above the people.

These facts—these reductions in the income and expenditures of the British Government—may be small in the amounts of money they express; but, to my mind, they are among the most important, and significant, and valuable of all the signs of the times, which now appear, or have for years appeared, above the political horizon of the world. *Magna Charta* was doubtless a great achievement for the bold Barons of England; and has, with as little doubt, done much for liberal government there, and even with us. So the repeal of the Corn Laws was the valuable triumph of a principle. But this reduction of taxes, and of government expenditures, without a revolution and without violence, but by the silent operations of a sound principle, and indicating, as it does, the extended sphere in which that principle is recognized and potential, is, to my mind, I repeat, more important, more significant, and more valuable, for popular rights and good government, than either *magna charta*, or the repeal of the corn laws, or, indeed, of any reform which England has ever known.

In this aspect, Mr. President, I rejoice at it; and, as a philanthropist, I hail it as the only real harbinger I have seen from the other side of the Atlantic, of the practical recognition of popular rights and interests, as predicates of the powers of government. In this aspect it is, indeed, important, significant, and valuable, to the whole family of civilized man.

I said, also, that this reform in England made a strong appeal to us, as American legislators, for reform in our own affairs. Not for a change in our form or system of government; but in its *administration*. For, how does it compare—or rather how does it *contrast*—with what we have done, and are now doing? I confess not only to astonishment, but alarm at that contrast; especially am I alarmed at it in view of the difference in principle, and in what I had cherished the belief was the difference in policy, between our Government and that of Great Britain. That difference, as I undertook to delineate, consisted in a Government as made *by* the people, and administered for their sole use and benefit, at the *minimum* of expense and weight to those who bear it for protection; in contradistinction to a Government as made *for* the people, and administered for the use and benefit of the Government itself, at the *maximum* of expense and weight to those who bear it for control, and not for protection.

But, sir, however strongly this difference in *principle* may preponderate in *our* favor, that of the *policy* is in the *other* scale. What I have already stated shows this to be so. That is, while Great Britain has commenced and is actually carrying out the policy of lowering her taxes, reducing her revenues, and curtailing her expenditures, and that, too, with palpable and striking benefits to her people, we—ay, sir, *we*—in alarm, but of a truth, I say it,—*we* are increasing our taxes, augmenting our revenues, and enlarging our expenditures! Enlarging, did I say? nay, sir, *doubling* our expenditures every twelve years! And wherefore, and with what effect? Am I told that the increase in the extent of our country, within the periods for which I have estimated, has made this increase of expenditure necessary, or that it is required by the increase of our population? Such an answer is neither satisfactory, nor in accordance with the facts. I admit that the increase in the extent of our territory and of our population, and the incidents of that increase, have called for increased expenditure. But, the increase in the latter case is not in due proportion—indeed is in enormous excess over that in the former. I admit that the $13,000,000 of 1828, or even the $26,000,000 of 1840, would be insufficient for our necessities of this year. And it is not at the mere *fact* of an increase that I am alarmed, or of which I complain. I admit the necessity of an increase. If we will acquire and multiply, we must pay. But, sir, it is the *ratio* and proportion of the increase of expenditure, above and beyond the necessary wants of our condition, with all our increase of territory and numbers, at which I am alarmed, and of which I do complain. And that there is good ground for such alarm and such complaint I think the facts will show. What are those facts?

No one will deny—indeed, all must admit—that an increase in the extent of our possessions, and in the number of our population, brings with it the necessity of some increase of our expenditures. But I apprehend that no one will—certainly no one can fairly—claim that such expenditures shall increase even *pari passu*, or, in the same *ratio*, with our territory and population. To do so would be to contradict the dictates of common sense, and the common observation and experience in all the other business of life. To say that they shall *exceed* them, is, to my mind, a monstrous absurdity.

But, I repeat, what are the facts, in this connection, as disclosed in the history and progress of our Government?

The details through which we must look to ascertain what these facts really are, and what they mean, are dry and distasteful to most minds; and to my own they are by no means inviting. But when ascertained, as lights thrown upon the character and tendency of our Government, as it has been, and is now administered, is great enough to overcome my natural repugnance to their examination, and more than repay the labor of searching after them.

I will not inflict upon the Senate all of these details; but you must bear with me while I present some of the leading facts which they develop.

To give a fair view of this whole field of inquiry, I begin with the Administration of General Washington, in 1789.

And, first of our territorial extent, or possessions:

At that time there were *thirteen States*, ("The original Thirteen," viz: Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, New York, North Carolina, and Rhode Island,) which, with the territory belonging to or ceded by some of them to the common Union, embraced an area of... 780,283 sq. miles.

Since then we have increased that area as follows, viz: in 1803, by purchase, from France, of Louisiana, including Oregon, &c., 558,386 square miles; in 1819, from Spain, of Florida, 59,268 square miles; in 1845, by annexation of Texas, 325,520 square miles; and in 1848, by conquest and purchase from Mexico, of California,

&c., 526,070 square miles; making an aggregate of increase of area of	1,469,252	"
Total area at this time	2,249,535	"

Showing an increase of a fraction over *three per cent.* per annum; or an aggregate increase of about *one hundred and ninety per cent.*, (or threefold,) from 1790 to 1850.

Secondly, of our population:

According to the several census returns, it has been as follows:

In 1790	3,929,827
1800	5,305,941
1810	7,239,814
1820	9,638,191
1830	12,866,020
1840	17,069,453
1850	23,257,723

Showing an increase of a fraction over *nine per cent.* per annum; or aggregate increase of about *five hundred and seventy per cent.* (a fraction less than sixfold) from 1790 to 1850.

Thirdly, of the revenue, or receipts, of the Government from all sources:

The following table, [see table A, Appendix, page 16,] compiled from official documents, shows those receipts, under the head of the respective sources from which they were derived. It will be observed that this table does not give the receipts, in detail for every year—the amount stated being the annual average of each Administration ascertained by dividing the aggregate of all the years of the Administration, by the number of years of its continuance.

From this it is seen, that in WASHINGTON's time our average annual receipts were $6,609,081 35; whereas now, under Mr. *Fillmore*, they are $53,132,608 42!—showing an increase of nearly *thirteen per cent.* per annum, or an aggregate increase of a fraction *over eight hundred per cent.*, (or eightfold,) from 1789 to 1851! This estimate shows the gross amount of taxes paid annually by the people of the United States for the support of the Government. Compare this with the exhibit I have just made, of the increase of our population, and it will be found that the *ratio of increase* of our taxes, (*that is, the burdens upon labor and property,*) for the support of Government, has *exceeded* the ratio of increase of population about *thirty four* per cent.—or *more than one third*. Thus, in 1790, with a population of 3,929,827, our average receipts were $6,609,081 35 per annum; being a fraction less than an average of *one dollar and seventy cents* ($1 70) apiece collected from each individual. While now, in 1851, with a population of 23,257,723, our average receipts are $53,132,608 42 per annum—being a fraction more than *two dollars and twenty-five cents* ($2 25) apiece collected from each individual.

In view of these facts, and tested by the plainest principles of political economy, the practice of our Government, in its system of *taxation*, has been unwise, and its tendency is alike injurious to the interest of the people and dangerous to its own existence. And this, for reasons which are obvious to every intelligent mind, and to which I shall recur more particularly hereafter.

But if, in the matter of *receipts*, as compared with population, we find cause of objection and complaint, from a similar comparison of *expenditures* that cause will derive more than *threefold* force, and become absolutely alarming.

Fourthly. The course and amount of *Expenditures* are exhibited in the following table, [see table B, page 16,] also compiled from official documents. Like the table of *receipts*, it condenses the details of each year into the average of each Administration, by dividing the aggregate of each by the length of its term.

From this it is seen, that in WASHINGTON's time, our average annual expenditures, exclusive of the amount of public debt paid off, were $1,986,337 92; whereas now, (in 1851,) under *Mr. Fillmore*, they amount to $40,177,030 00!—showing an increase of about *thirty-one per cent.* per annum; or an aggregate increase of a fraction over *twenty hundred per cent.*, (or more than *twenty-fold,*) from 1789 to 1851!

Institute here the comparisons I suggested, and we find that, while our territory has increased less than two hundred per cent., (or threefold,) our *population* less than *six* hundred per cent., (or sixfold,) and our *receipts*, large as they have been, a fraction more than *eight* hundred per cent., (or eightfold,) our *expenditures* have exceeded *twenty* hundred per cent., (or twentyfold.)

It does seem enormous, as I have shown, that not only the actual increase of *taxes*, is more than *four times* greater than that of *territory*, and more than *one third* greater than that of *population*, and in this latter relation increasing the rate which each individual has to pay, from *one dollar and seventy-cents* ($1 70) to *two dollars and twenty-five cents* ($2 25.) But, here, in the matter of *expenditures*, we find the increase far greater in the general proportion, and further so still, *pro rata*, for each individual. Thus in Washington's time, with a *population* of 3,929,827, the *expenditure* for administering the Government, was only $1,986,337, or at about *fifty cents* cost to each individual; whereas, now, under *Mr. Fillmore*, with a *population* of 23,257,723, the *expenditures* amount to $40,177,030, or at the cost of about one dollar and seventy cents ($1 70) to each individual, being an increase of *three hundred and forty per cent.* in the *rate* of *expenditure* from 1790 to 1851.

It will be observed here, that while the increase of expenditures is now enormously out of proportion, whether compared with that of territory, population, or receipts, still the actual receipts are now, as in 1790, much greater than the actual expenditures. An examination of the tables A and B, already referred to, in the Appendix, will explain this, without lessening the force of my charge, that these expenditures are excessive to a degree which must alarm every one who deems economy necessary or desirable in the Government. It will there be found that, while I have given in my remarks, as *expenditures*, only the amounts expended in the *current annual administration*, there are large sums besides which are applied in part to the payment of interest and principal of the *national debt*. This debt is incurred in the form of public loans, and by the issue of Treasury notes, to some amount in every Administration—except General Jackson's, and only $25,606 22 in Mr. Jefferson's; and the amounts received from it go to swell the receipts. During the last three Administrations, receipts from this source have been considerable, and not far from equal. Thus, in Harrison and Tyler's term, its annual average was $10,724,327 54; in Polk's, it was $11,733,974 81; and in Taylor and Fillmore's it has been $10,878,233 00.

I have thus excluded the amount paid on the public debt as part of the expenditure, to avoid the even seeming injustice of charging one Administration with an expenditure which was a liability incurred by another. I could not do so from any purpose to injure the present Administration, as a political opponent; for, it will be seen by the table (B) that, taking the total of expenditures, including the amount paid on the public debt, respectively, by Mr. Polk's and the present Administration, the disparity between them, and *against Mr. Fillmore*, is greater than by excluding that amount, as to both. Thus, the expenditures, *exclusive* of public debt, are, for the annual average of Polk's administration, $36,708,601 39, and for Fillmore's $40,177,030 00; difference *against Fillmore*, $3,468,428 61. This is bad enough, considering that Polk's administration was engaged in a most expensive foreign war, and Fillmore's has had no war. But, if I added the public debt, in each case, it would stand for Polk, $43,897,916 51, and for Fillmore, $55,442,481; making a difference *against Fillmore* of $11,544,564 49. And lest any one shall complain that I make this difference too great, by charging (as will be seen in note, in table B) to Fillmore, the amount paid to Mexico, under the treaty of 1848, which has averaged three annual payments of $5,896,000 00 each, I deduct that now; and yet the balance of difference *against Fillmore*, is $5,648,564,49. Thus, it is seen that, upon the most liberal estimate, the friends of this Administration can ask, General Taylor and *Mr. Fillmore* have expended $5,896,000 more per annum, in administering this Government, in a time of profound "peace with all the world and the rest of mankind," than *James K. Polk* required to conduct it through a three years' expensive foreign war, which he closed with the addition to our domain of five hundred and twenty-six thousand and seventy square miles of territory! Let this be borne in mind, as a great political fact, which cannot be controverted, which illustrates the age in which it has occurred, and which marks the difference between a *Democratic* and *Whig* Administration of this Government!

In view of the foregoing, I appeal to the Senate and the country, if I expressed any apprehension not warranted by the facts, when I said the extravagance of the Government, in the rapid increase of its moneyed expenditures, was alarming to every man who deems economy in its administration at all important, or its existence worth preserving? Passing over the intermediate periods, as immaterial for consideration at this point, we find that, within a period of sixty years, from the day of WASHINGTON to the present time, while our *territory* has increased *less than threefold*, and our *population* less than *sixfold;* yet our *taxes* have increased *eightfold*, and our *expenditures* more than *twentyfold!*—that is, as $1,986,337 is to $40,177,030. I speak now of last year—1851. The expenditures of this year I do not know—the official records of them are not before us. The estimate, however, is some $12,000,000 more than last year; and that would make it $52,000,000, at least, which the past warrants me in saying is not, probably, greater than we shall, in due time, find the real sum to be. Extend the same ratio of increase into the future, and how long will the tax-payers be able to pay the demands of the Government, or how will the Government itself be able to bear such a burden as $104,000,000, in 1864, or $208,000,000 in 1876, &c.? Even those who suggest the increase of territory and population, as an excuse for increased expenditures, find the argument does not sustain them. The excess is too great. It falls by its own weight; and, along with it, fall the explanation and excuse.

And yet, we are told that the Government is now blessed with an economical, republican, and faithful Administration!

Mr. President, it is not my duty, or my purpose, to point out how the President should act, or what he should do. I do know, however, what he ought not to do; that the sanctions of his official oath forbid him to do otherwise than execute the laws which Congress passes, and to withhold his hand from doing what Congress had a right to forbid, and did forbid him to do. And I assert that he has not only not executed the law on this subject, as passed by the last Congress, but he has usurped authority in the very face of a positive Congressional prohibition. Whether that act be right or wrong in itself, in regard to the public interests, is another question altogether, which I am not now discussing. But I submit to the Senate and to the country, that if, because the President, at any time, may think Congress has not acted wisely, he may assume to himself the power of using the public money at his discretion, then the Constitution is a dead letter, and we are sitting here in mockery of its provisions, and to no useful, or even respectable purpose. In that case, we are playing a part here, and calling it legislation, which is in itself a miserable farce, and most expensive to the people. The Constitution makes us the guardians of the public Treasury, when it declares that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." The *Executive* has no authority to use the public money, until *after* Congress shall have appropriated it. To all that he is bound by an oath. Yet we are told by him, in the terms of this very bill, that he has used about *three millions* of this money, which *was not appropriated*—nay, worse than that, which although urgently demanded by him, Congress positively and emphatically refused to appropriate! *That is the point.* Whether Congress was right or wrong—whether we acted wisely or unwisely in making that refusal, and imposing that prohibition upon the Executive, (which we had the unquestionable constitutional power to do,) is another question, not now in controversy. I expressly excluded that in the beginning. Should it ever come up, I may have something to say upon it. For the present, I insist upon the single point I have here presented. Is it right, or can it ever be right for the President, when no public exi-

gency makes it indispensable, to use the public money, or incur pecuniary liabilities for the Government, without an appropriation, as the Constitution prescribes? Above all, can any Executive act be more culpable in itself, or more dangerous in its tendency, than to expend the public money, or create a public debt, in the face of a positive and deliberate and emphatic refusal of Congress? I answer, NO! And I desire that my answer shall go to the people, that they may decide whether it be the true and proper answer or not.

I have assumed that, in theory and by analogy with other pursuits in the business of life, the necessary *expenses* of administering our Government do not, and that our *expenditures* should not, keep pace, in their annual increase, with that of territory or population. A few facts from the record will show in practice not only that an increase of territory does not necessarily cause an increase of expenditure, but that a very large acquisition of territory is compatible with, and has been actually accompanied by, a *reduction* instead of an increase of expenditure. Thus, as we have seen from the administrative history of the Government to which I have referred, while the average annual expenditures of *General Washington* were only $1,986,337, *John Adams*, his immediate successor, increased them to $5,337,087; and *Mr. Jefferson*, who came next, *reduced* them to $5,137,598, making a *reduction* of some $200,000 per annum upon Mr. Adams's expenditures. And yet, as I have already shown, in the early part of his administration, *Mr. Jefferson*, by the treaty with France of the 30th April, 1803, acquired the vast territory then known as Louisiana, including Oregon, and containing five hundred and fifty-eight thousand three hundred and eighty-six square miles! This was done by purchase, for the sum of $11,250,000; the principal of which, although not payable for fifteen years, yet bearing interest at six per cent. per annum, payable half-yearly, and amounting to $337,500 per annum. Thus, while acquiring this immense territory—more than two thirds as large as all our former possessions, and incurring, as a necessary *expense*, an actual increase of $337,500 per annum, he *reduced* the actual *expenditures* some $200,000. These two items together, running through his long administration of eight years, show that, while his administration conferred advantages upon the country which were incalculable in value, and unexampled before or since in good results, it did so at a diminution, comparatively, of $537,500, and absolutely of $200,000 per annum of *pecuniary expenditure!* During this long period of eight years, it must be borne in mind, also, our population was rapidly increasing; and the best capabilities and energies of our whole system of Government were never more boldly or happily developed. And yet the whole of *Jefferson's* administration, with territory and population both nearly doubled, not only averaged $200,000 less, per annum, than that of its predecessor of only *four* years, but its last year cost actually $1,000,000 less than the last year of *Adams!* In view of this single instance alone, where *increase* of territory and population were accompanied by actual *diminution of expenditure*, what becomes of the pretext upon which the advocates and apologists of our present extravagance attempt to justify it?

But this instance, though, perhaps, the most striking, is not the only one in our history which sustains, by its recorded facts, the position I have assumed.

Our second acquisition of territory was that of Florida, by *Mr. Monroe*, in 1819. This, it is true, was comparatively a small addition; being only 59,268 square miles. But it was, in its results, in this respect, substantially the same as the first. For this territory, Mr. Monroe, under the treaty with Spain of February 22, 1819, paid, in the form of indemnifications to our own citizens for Spanish spoliations, some $5,000.000. Yet, we find that the expenditures of his Administration which, that year, (before the $5,000,000 were paid,) were $16,390,273, were *reduced* the next year to $13,134,530; still lower the next year, to $10,723,479; and lower still the next year, to $9,827,643. Thus showing that this acquisition, although it required partial military occupation, the establishment of a territorial government, and the payment of $5,000,000, was followed by a *reduction*, instead of an increase of expenditures—a reduction averaging nearly $2,000,000 per annum!

The annexation of Texas, our third acquisition, was in March, 1845, at the close of *Mr. Tyler's* administration. By this, we added 325,520 square miles to our territorial possessions. *Mr. Polk* came into office and found this great acquisition to provide for. Under his Administration, as is well known, this was not attended by any material increase of expenditures. This is seen in the fact that the expenditures of the last year of Mr. Tyler's administration, (1844,) including the public debt, were $33,642,010; whereas those of Mr. Polk's first year were only $29,968,206; the annual average of public debt incurred by Mr. Tyler being $10,724,327, and the amount paid by him $7,007,429; and that incurred by Mr. Polk being $11,733,974, and that paid by him $7,189,315. The two Administrations being about equal in these respects; and, striking the balance between them upon these averages, showing the administration of Mr. Polk, in its first year, to have *reduced* the total expenditures of the Government $2,871,043, below those of the last year of Mr. Tyler's.

I am aware it has been said, and it may be objected here, that the expenses of the war with Mexico are chargeable to the annexation of Texas. Such a position, however, is wholly untenable, upon any principle of truth or fairness. No one can pretend to hold such a position except those who assume that, in annexing Texas, *we* violated both the national and moral law; and that "the act of Mexico," which the Congress solemnly declared to be the cause of war between the two countries, was a righteous act on her part. Will any one now assume that? He who admits (and who will now deny?) that we had the political and moral right to consummate the annexation of Texas—then an independent Republic—and that, in repelling and punishing the hostile intrusion of Mexico upon *our own soil*, we performed a necessary and patriotic duty, must also admit that, although the war *followed* annexation, it was not as a necessary or legitimate consequence. That war was the consequence of an unwarranted aggression, by a foreign nation, upon the lives and property of our people, which was forced upon us; and we could no more avoid such a consequence, in 1846, with Mexico, than we could, or did, in 1812, with Great Britain. Nor can the expenses of it be charged, with any more real propriety to the annexation of Texas, than could those of the war of 1812 be charged to the purchase of Louisiana. Each of those acquisitions was *followed* by a war; but not as a consequence, either necessary or legitimate. Each resulted from unwarranted aggressions upon the rights of our citizens, and the sacredness of our soil; and as, in either case, we had done no wrong, so in neither is the duty we rightfully performed, justly chargeable with the cost of another's wrong. The expenses of a war with France or England, which *might* have followed annexation, would have been as fairly chargeable to that act, as are those of the war with Mexico, which *did* follow it. We had committed no aggression upon Mexico. Before annexation, we were in the course of demanding and receiving from her the payment of her acknowledged indebtedness to our citizens, for spoliations upon their property, and she seized upon annexation as a pretext to violate her treaty obligations, and refuse to continue that payment. It was, doubtless, to give color to that pretext, and cover her real purpose, that she blustered of war, and ventured to invade a portion of our territory, which she deemed us unprepared to defend. Thus forced into a war, we pursued the wise and rightful policy of "carrying it into the enemy's country;" and there we continued it, until we obtained "indemnity for the past, and security for the future." For this, we stand not only vindicated by the approval of our own people, but justified before the world.

And this brings me to the last and, perhaps, greatest extension of our territory. Under the treaty of Guadalupe Hidalgo, we acquired California, &c., amounting to 526,070 square miles, which, added to our former possessions in Oregon, give us all we desire, and full command, of the north Pacific coast. This concession alone not only relieves annexation from all charge of the war, but, in the estimation of all, fully compensates us (without counting the gold of California) for all the expenses of the war itself.

From these facts, which are incontrovertible, the inference is obvious and conclusive, that while a Government, in the course of time, with increasing possessions and population, must in some degree increase its expenditures, yet the ratio of their increase need not even *equal* that of territory or population. On the contrary, the largest acquisitions of territory, with a rapidly-increasing population, even during a period of eight years together, may be, and, under proper administrations, have been, attended and followed by a considerable *reduction* of expenditures. What, then, I repeat, becomes of the argument of those who would explain and excuse an increase of expenditure *ten times* beyond that of territory, and more than *three times* beyond that even of population, upon the ground that we have extended our territory and augmented our population? What are we to think of a course of policy which involves such an increase of expenditures? And what are we to anticipate as the destiny of a Government which adopts or even tolerates such a policy? And especially just now, what opinion shall we form of an Administration, and what shall be our course towards it, when we find it, in a time of profound peace, and not adding an acre to our territorial possessions, yet going beyond any preceeding Administration in expenditure, increasing the already excessive ratio—going mad with extravagance? Is there no ground for complaint of mismanagement and mal-administration? Is there no occasion for the alarm I have expressed for the welfare and safety of our Government? Is there not good cause to demand that an Administration like the present, which has proved itself not merely incompetent, but extravagant, wasteful, and unfaithful to a degree that the public interests cannot be regarded as safe in its hands, shall be hurled from its place of power?

It is a remarkable and significant fact in the history of our Government, that all our wars have *occurred during Republican* or *Democratic* Administrations; and connected with, and in part proved by it, is the other and most important fact, that those have been *the most economical* Administrations of the Government—that is, they have invariably made their expenditures less than corresponding *Federal* or *Whig* Administrations.

Thus, the war of 1812 was the main cause of the large expenditures of *Mr. Madison's* administration. His whole administration (of eight years) averaged an annual expenditure of $18,085,618; of which, on account of the war, the Army and Navy consumed $15,829,127; leaving only $2,256,491 for his civil administration, which was actually less, by $10,914 per annum, than *Mr. Jefferson's* very economical administration; which itself had just reduced the expenditures of the Federal administration of the elder *Adams* some $200,000 a year, and, at the same time, adding five hundred and fifty-eight thousand three hundred and eighty-six square miles to our territorial possessions. Indeed, even with preparations for the war, which was for some time obviously inevitable, the average expenditure of Mr. Madison's first three years was not a million more than that of Mr. Jefferson's whole administration. And following Mr. Madison, we find Mr. Monroe at once reducing the expenditures for the Army more than $7,000,000, for the Navy about $1,500,000, and the total more than $3,000,000 a year; although he paid off some $2,000,000 a year of the public debt more than the preceding Administration; and had, as a consequence of restored peace, to increase the expense of "foreign intercourse" nearly threefold.

During the administration of *General Washington*, the average expenditures for the Army and Navy together, were $1,272,371 per annum. *John Adams* followed him, and during his short term, increased them up to $4,026,881, or more than *threefold*. But *Mr. Jefferson*, following him, reduced them down again to $2,870,195, or a little more than half of those of *Adams*. And, as I have before shown, while *Adams's* annual average for all branches of the public service, was $5,337,087, or nearly three times as much as *Washington's;* yet *Jefferson* kept his average down actually $200,000 (or, adding the interest he paid on the Louisiana purchase, $537,500) less than that of *Adams*.

Madison's expenditures, as we have seen, were made large by the war; in his first three years (before the war) having expended less, even, than Jefferson.

Monroe's came next, and were much less than his predecessor's, though he purchased Florida, and was, necessarily, subjected to other extraordinary expenses.

John Quincy Adams followed him; and, with no war, no acquisition of territory, no extraordinary expenses of Government, reduced the total expenditures only $400,000; at the same time *increasing* the expenditures for the Navy, about $500,000.

General Jackson followed next; and, although there were, during almost the whole of his long Administration, troublesome and expensive Indian wars, and threatened hostilities with France, which required both the Navy and Army to be kept always active, and ready for service; yet his average increase of expenditure was only $5,599,615; two millions of which increase was for the payment of revolutionary and other pensions, Indian claims, &c., made necessary by acts of Congress. And, by inspection of table B, in Appendix, it will be found that Jackson's annual average of total expenditures (with all the difficulties, obstacles, and embarrassments opposed to him, by the *United States Bank*, then struggling with him for control of the Government) were only $3,634,532 more than Adams's short and peaceful administration.

Mr. Van Buren succeeded; and his administration, as we all know, was one marked by a most expensive Indian war, and other extraordinary and unavoidable causes of expense. The Army and Navy alone, during his four years, averaged $16,916,675; revolutionary and other pensions, were also increased $500,000; and the Indian Department required an increase of $2,000,000. Added to these, our foreign relations, from causes not connected with his Administration, became expensive to an extraordinary degree; requiring an *increase* of $4,000,000 in his first year, and an average annual increase, during his whole term, of $1,418,654 over that of Jackson. These extraordinary, and necessary expenses, amounting together to $18,835,329 deducted from his average expenditures for all branches of the service, which was $30,432,450, leaves but $11,597,121 for his ordinary expenditures, which will be found to be just $1,028,359 *less* than those of John Quincy Adams; and that, too, at a period twelve years later, when our population had greatly increased, and our ordinary expenses might, also, have been expected to increase.

Harrison and Tyler next came into power—or rather Tyler, as Harrison died at the end of a month, and before any policy had been adopted; and what was expected and intended under the dictation of Clay and the lead of Webster, to be an old-fashioned Federal or modern Whig administration, became, in its essential character, and especially in the score of expenditures, Republican or Democratic. Accordingly, we find that retrenchment was begun and carried through every branch of the public service. The war having ceased, the expenditures for the Army and Navy were reduced $4,875,868; and for foreign intercourse, &c., $1,665,258. And although $1,799,393 more were paid on the public debt than during the preceding Administration, yet the average annual expenditures, on all accounts, were reduced $9,816,252.

Mr. Polk came next; and during his first year, (1845,) before the war begun, his expenditures were but $763,851 more than Tyler's average, although he had to prepare for the war with Mexico, which was impending. Then came the war, however, and with it extraordinary and unavoidable expenses. By retrenching in other branches, under the necessity of giving $13,579,428 to the Army alone, these expenses were yet kept down to about $27,000,000 during his second year. Even at the highest, which was in 1847, they never exceeded $56,000,000; and in 1848, the last of the war, they were brought down to less than $43,000,000; his annual average for the four years being only $36,708,601. Under the circumstances, engaged in an expensive foreign war, carried on by land and water, in the enemy's country, and assailed and embarrassed by an envious, unscrupulous, unpatriotic, party opposition at home, it may, with perfect confidence, be claimed that no Government at any period has ever been more economically or faithfully administered than Mr. Polk's; as certainly no Administration was ever more energetic, successful, or brilliant in its policy and results. Its financial policy increased our revenues, at the same time that it reduced the rates, by equalizing the burdens, of taxation. Its foreign policy enlarged, strengthened, and liberalized, to our advantage, our commercial relations with other countries. And its war policy, characterized by prudence and energy, never surpassed at any period of our history, gave us, in the best sense of the terms, "indemnity for the past and security for the future." For, without adding an annual average of more than $1,000,000 to our public debt, but securing full payment of our citizens' claims for Mexican spoliations, it added an empire to our territorial possessions, measuring 526,070 square miles in extent, and spanning an ocean coast of 1,000 miles; and of a pecuniary, commercial, and political value, which no arithmetician, or economist of the present day can fully estimate. I shall not attempt the task. But this we all can estimate: The whole of it has cost us, in money, all told, only $165,730,404. And this includes the aggregate expenditures of the Government, in every branch of the service, and on all accounts, for four years, (including even the $15,896,000 paid to Mexico, and the $3,000,000 assumed to our own citizens under the treaty of 1848.) This sum, divided by four, gives the annual average of Mr. Polk's expenditures, including every item of expense, military and civil, ordinary and extraordinary, for his whole term, at $41,432,601. This is the highest amount which the most exacting political opponent can even pretend to charge against him. The *true* amount, as I have before assumed, from the record, is $36,708,601—or some $5,000,000 less. It is not three times as much as John Quincy Adams's administration, from 1825 to 1829; only twice as much as General Jackson's, from 1829 to 1837; only fifty per cent. more than Mr. Van Buren's, from 1837 to 1841; and it is *less*—mark this—absolutely *less*, by $3,468,429 per annum, than that of the present administration of Mr. Fillmore!

Mr. President, I do not make this statement at random, or without authority. I repeat it, and appeal to the record for its truth. Here is that record before me. It discloses the facts that the expenditures of Mr. Polk's administration, expensive as we know it necessarily was, on account of the three years' war with Mexico, and fruitful as we also know it was in the acquisition of territory, averaged, for its whole term of four years, only $36,708,601 per annum; whereas, Mr. Fillmore's, in a time of profound peace, and without acquiring an acre of territory, have averaged, during its three years, $40,177,030 per annum—that is, $3,468,429 more than Mr. Polk's! These are remarkable facts; and to the country, when they are known, will, I doubt not, be astounding. I confess they astonished me when, upon searching the records, for another and more general purpose, I found them to be as I have here set them down. Are they not of sufficient importance to arrest attention, and command our serious thought? Well, indeed, may the people, who have to pay the taxes to support this enormous extravagance, look to its causes and its consequences.

In his first message, in December, 1849, General Taylor told us that we were "at peace with all the world, and the rest of mankind." And Mr. Fillmore, in his last message, in December, 1851, tells us "our country is at peace with all the world." In assuming, then, that we are in a state of perfect and profound peace, I do so upon the authority of the Administration itself. And it follows, as a consequence, which we all recognize, and can all appreciate, that we neither need, nor have, a large military force in service, nor, necessarily, a very expensive one. So, neither has our Navy been materially increased, nor has it, necessarily, required any increase of expenditure. Then, in our civil service, where has there been any need for much increase of expenditure? I leave others to find out, for I have been unable to discover it. Yet, we do find the aggregate of expenditures not only *not reduced*, upon a restoration of peace, a disbanding of the army, &c., but enormously *increased!* How, and why, is this? I might be satisfied to let the friends of the Administration explain and answer this, if they can; resting, myself, upon the simple statement of the fact, which they neither can nor will deny. But to help them, as far as I can, and to enable the country at large to understand something of this extraordinary state of public affairs, and form a judgment of the administrative competency and fidelity of a portion of their public servants, I will exhibit a few of the items which go to make up the great general fact I have stated. See, compare, and judge of them!

During Mr. Polk's war administration, the expenditures for the civil list, foreign intercourse, &c., averaged only $6,175,532 per annum; whereas, during Mr. Fillmore's peace administration, for similar purposes, we have had to pay $15,576,777; that is, nearly three times as much!

During Mr. Polk's war administration, the expenditures for our large army, on war service in a foreign country, averaged $23,053,600; whereas, during Mr. Fillmore's peace administration, with a mere skeleton of an army, we have had to pay for its mere support, $15,676,609 per annum! And this, without counting in the present year, which, as far as can be ascertained, will greatly exceed this large average.

During Mr. Polk's war administration, when the Navy was kept always ready, and the most of it actively engaged in sea service, and at the highest necessary expense, its average expenditure was only $7,504,468; whereas, during the three years of Mr. Fillmore's peace administration, with many of our ships neither needed nor engaged in active service, it has cost us $8,896,976 per annum; that is, $1,392,508 for peace more than for war!

Thus, striking the balance under these three heads alone, we find that Mr. Fillmore's three years "peace with all the world" has cost us, in actual money, just $3,416,762 per annum more than Mr. Polk's one year of peace and three years of war!—without counting the 526,070 square miles of territory, embracing 1,000 miles of seacoast, acquired by the war.

It may be attempted, but it cannot be truly said, that, although the current expenses of Mr. Polk's administration were nominally less than Mr. Fillmore's, yet he created large debts, which he did not pay, and which have now to be paid, and make up the enormous amount of Mr. Fillmore's expenditures. A balance of accounts on this score, between the two Administrations, may vary the difference between them somewhat from the precise amounts at which I have stated it; but not so much as to change the general result which I assumed, nor break the force of my charge of enormous extravagance against the present Administration.

To show that I am right in this, let us look at the items of that account: During Mr. Polk's administration, of four years, the annual average of the public debt created by him was $11,733,974; while the annual average amount of the same debt paid by him was $7,189,315; leaving an annual balance against him of $4,544,659—that is, an aggregate for his whole term of $17,508,782, or about the amount (including some $200,000 of interest) which has since been paid to Mexico, under the treaty of Guadalupe Hidalgo. But adding this whole amount to that already charged to his Administration, and it carries his annual average up to $40,886,237; which is only $709,207 more than I have heretofore stated Mr. Fillmore's to be.

A similar statement for Mr. Fillmore's administration shows that he has created for his three years an annual public debt of $10,878,233; while the annual average amount of the same debt paid by him has been $9,369,451, leaving an annual balance against him of $1,508,782—that is, counting his full term of four years, and in liberality to him assuming no more for this year than the average of the other three, an aggregate of $6,035,128. This, added to his other expenditures, as in the case of Mr. Polk, carries Mr. Fillmore's annual average up to $41,685,812, which still leaves him, upon a final balance of cash accounts, chargeable with expenditures $799,575 *more* than Mr. Polk!

But this, it will be perceived, is not dealing fairly with Mr. Polk's administration, upon the rule adopted in estimating and comparing the expenditures of all preceding Administrations. I have, in this particular estimate, done this unfairness to Mr. Polk, that the friends of this Administration

should not have even a semblance of a pretext for complaint; and to show that even then the balance was in his favor against Mr. Fillmore. To state the account fairly, however, as in the cases of all the other Administrations, the whole public debt must be excluded, as well for Mr. Polk as for Mr. Fillmore, and this leaves the difference as I originally and fairly stated it—that is, a balance *against* Mr. Fillmore of $3,468,429 per annum!

It is not my present purpose to pursue this subject further, in detail, than I have already gone; for I feel that I have wearied the Senate, as I certainly have exhausted my own strength. Nor was it my purpose or expectation, when I began this research into the financial history of our Government, to make the results I might develop, the means, or this the occasion, of special assault upon the present Administration. My purpose was a more general and important one, as, in a preceding part of my remarks, I have made manifest. That purpose was to show the tendency of our Government to increase its expenditures, at a rate which was fearful in its rapidity. My anticipations, alarming from even the superficial examination I had before given to the subject, have, in the course of the investigation, been most painfully realized—nay, greatly exceeded; for not only have I found, and disclosed to the Senate, in facts and figures, which cannot mislead, that this increase of expenditures is fearfully rapid, but must be absolutely ruinous in its consequences, considered even in its financial aspect, unless speedily arrested. I have disclosed the important and significant facts, which no man can controvert, and which no patriotic statesman can disregard, that, while our territory has increased *not quite threefold*, and our population *not quite sixfold*, in the course of sixty years; yet, that, within that period, our *taxes* have increased *more than eightfold*, and our *expenditures*, for ordinary current Administration, *more than twentyfold!* And that, at this rate of *expenditure*, (a hundred per cent. every period of twelve years,) it would amount, in 1864, to $104,000,000; in 1876, to $208,000,000; in 1888, to $416,000,000; and, by the close of the century, now not fifty years to come, to $832,000,000!

The past, as I have presented it, is but the page of our official records, as it lies open for inspection. The present is not only palpable to our eyes, but it is ringing in our ears, in the demands of a wasteful and remorseless Administration, which seems to expend the public money, but for an excuse to renew its cries for MORE! And all this points to a *future*, which is gaping at our feet, and yearning to engulf us; and from which, because I would warn you away, or hold you back, I already hear myself called a *demagogue*, or some other name, even more opprobrious than that. Be it so. I have but told you the truth, and furnished the proof of it. I have acted from a sense of duty, so far, and have nothing to regret, save that I have found the evil of the times so great, and my ability so poor to correct it. In the future, I shall "cry aloud, and spare not," until the evil be corrected, or until it gathers strength enough to overwhelm us all in a common ruin.

If the investigation into which my general purposes have led me, has disclosed facts which condemn the Administration of Mr. Fillmore, the fault is his, not mine. If I have sought to give some special point to the application of those facts, as exemplifying the dangerous principles, and exposing the ruinous policy of the *Whig party*, it has all come about so naturally, and is so palpable to observation, that I must be blind indeed, not to find in it, *the political death-warrant* of that party. And I should be derelict in my duty if I did not hold that death-warrant up, that all who run may read it. And, while I claim to be by no means sanguinary in my disposition, and am, in general, opposed to capital punishments, I must possess far more political good nature than any man should have, if, with such a warrant in my hand, I could forbear demanding, in the name of DEMOCRACY, that *Millard Fillmore*, and the *Whig party*, of which he has been the fit and favorite representative, and is the present true imbodiment, in all the misdeeds the record proves against him, be taken from their places of power, on the first Thursday of November next, and hung by the neck until they be *politically dead!*

But, Mr. President, while I say all this, which is the naked truth, of *Millard Fillmore* and his administration, and, in the name of *Democracy*, write upon these walls that he and his partisans, having been "weighed in the balance and found wanting," shall be hurled from power; I would not be understood as alleging that, as a politician, *Mr. Fillmore*, bad as he is, has been particularly criminal, or that his misdeeds, numerous and outrageous as they have been, are peculiar to himself. I regard him as the representative of the Whig party, and his Administration as the practical exemplification of Whig principles. It is one of the fundamental principles of that party, that as much money should be collected from the people, in them for of taxes, as they can be made to pay; and that the money, so collected, should be so expended as most to extend and strengthen the power and patronage of the Federal Executive. That party starting out, originally, under the name of *Federal*, next assuming that of *National Republican*, and now known as *Whig*, has always held this principle; and the hasty, though accurate, glance I have here taken of its administrative career, whenever it has chanced to acquire power, from the beginning down to the present time, discloses the strongly-marked, and incontrovertible proof, that its administration of the Government has always been governed by that principle. In the past, this has always been the case; and, as a consequence—indeed as a necessary means of safety—the people have been compelled to drive this party from power, at the end of every four years, when they had been trusted with it. In the instance now before us, this bad principle has been most boldly avowed, and fearfully exemplified. To prove this, look to the course and results of *Mr. Fillmore's* administration, as I have laid them before you. In all he has done, however—in his disregard and contempt of law—his

APPENDIX.

(A.)—*Statement of the Receipts of the United States from 1789 to 1851, inclusive. Annual average during each Administration.*

Administration.	Customs.	Internal revenue.	Direct taxes.	Postage.	Public lands.	Dividends and sales of bank stocks, &c.	Miscellaneous.	Receipts exclusive of loans, Treas. notes, &c.	Loans & Treasury notes.	Total receipts.
Washington.....	$3,633,170 69	‡	$183,555 99	$16,976 10	$804 51	$218,750 00	$10,746 58	$4,083,920 71	$2,525,860 64	$6,609,081 35
John Adams.....	7,846,773 40	$204,221 88	194,315 62	55,750 00	23,986 86	151,806 00	43,242 94	8,746,909 80	1,763,947 81	10,510,157 61
Jefferson.....	13,072,531 87	702,085 59	194,315 62	27,937 77	428,637 30	177,045 00	94,741 34	14,175,104 42	25,606 22	14,200,710 64
Madison.....	19,600,567 82	948,895 50	1,083,512 90	56,233 15	983,379 62	‡	104,944 68	16,294,765 85	13,740,913 12	30,025,698 97
Monroe.....	18,988,740 35	1,436,147 65	285,076 03	7,151 10	1,803,196 80	486,863 18	137,860 86	21,456,993 93	1,723,344 99	23,180,338 91
John Quincy Adams	21,589,463 03	91,174 62	3,453 83	920 71	1,981,007 41	411,930 00	401,949 73	23,707,821 35	1,250,000 00	24,957,821 35
Jackson.....	23,167,844 16	7,876 51	6,577 35	943 95	7,267,598 95	527,986 94	539,744 15	31,507,671 35	‡	31,507,671 35
Van Buren.....	15,991,379 43	3,049 17	610 73	‡	5,056,737 23	1,922,145 36	2,554,783 60	25,165,009 79	6,969,158 43	31,454,168 22
Harrison and Tyler*.	16,476,385 08	1,159 23	‡	‡	1,414,795 71	158,420 47	519,909 19	18,594,919 64	10,724,927 54	29,318,547 18
Polk.....	27,438,434 04	‡	‡	‡	2,649,618 13	‡	176,933 91	30,269,980 14	11,733,974 81	41,996,954 95
Taylor and Fillmore†	39,010,931 05	‡	‡	‡	1,967,053 03	‡	1,976,394 67	42,954,375 42	10,878,233 00	53,132,608 42

* Harrison lived only one month, and was succeeded by Tyler, whose administration was, in great part, especially towards its close, Democratic.

† Taylor lived some sixteen months, and was succeeded by Fillmore, who is now President. Three years of this term—one of Taylor's, and two of Fillmore's—only are included in these estimates; as the returns for 1852 can be made up, and certainly known only at the close of the year. These now given embrace all that are known. In ascertaining the average, therefore, the aggregate is divided by three. The average would be still larger, if returns for the whole term could be ascertained and divided by four.

‡ The several blanks thus marked (‡) result, in some instances, from defective returns. In other instances, from changes in the law; and, in some others, from causes which will be readily appreciated. Thus, during the last three Administrations, there have been no direct taxes levied; during the four last, no excess of postages over Post Office expenditures; during the last two, no connection with the banks, &c.; and during General Jackson's whole term, there was no money raised on loans or Treasury notes.

(B.)—*Statement of the Expenditures of the United States, from 1789 to 1851, inclusive. Annual average during each Administration.*

Administration.	Civil list, foreign intercourse, and miscellaneous.	Military service.	Revolutionary & other pensions.	Indian Department.	Naval establishment.	Expenditures exclusive of public debt.	Public debt—paid.	Total expenditures.
Washington.....	$633,152 35	$1,105,503 34	$79,597 63	$47,251 72	$106,768 29	$1,986,337 31	$4,511,619 61	$6,497,956 92
John Adams.....	1,186,236 50	2,019,187 67	80,169 36	24,739 97	2,017,604 38	5,337,087 79	4,739,490 67	10,076,578 46
Jefferson.....	2,049,057 69	1,334,528 63	77,346 85	141,150 00	1,535,665 33	5,137,598 58	8,148,299 81	13,285,898 39
Madison.....	1,899,201 40	11,287,490 44	96,707 97	260,608 01	4,541,837 99	18,865,618 10	10,428,617 19	29,294,235 29
Monroe.....	3,295,303 51	4,596,847 73	1,535,417 76	438,260 24	3,181,996 91	13,045,438 69	12,670,763 90	25,716,202 59
John Quincy Adams	2,934,562 96	3,671,907 74	1,173,129 20	733,315 84	3,962,662 55	12,625,480 89	11,325,883 35	23,951,364 17
Jackson.....	4,259,584 28	6,283,460 28	2,182,365 78	1,701,285 63	3,966,375 24	18,394,095 91	9,191,800 48	27,585,896 39
Van Buren.....	7,193,858 70	10,646,054 49	2,643,633 10	3,678,224 91	6,988,621 55	30,432,450 29	5,208,036 07	35,640,486 36
Harrison and Tyler....	5,526,600 62	5,884,750 96	1,659,603 98	1,387,210 04	6,156,057 64	20,616,198 76	7,007,439 76	27,623,638 13
Polk.....	6,175,532 96	23,053,600 24	1,767,815 23	1,163,564 56	7,504,468 18	36,708,601 39	7,189,315 12	43,897,916 51
Taylor and Fillmore..	15,576,777 62	13,676,609 45	1,647,746 68	1,938,084 01	8,896,976 35	40,177,030 00	*15,265,451 63	55,442,481 00

* This includes the average annual amounts of $5,898,000, paid to Mexico under the treaty of Guadalupe Hidalgo.

gross and glaring usurpation of power—his wasteful and licentious extravagance—I repeat, he is but the representative of his party—the embodiment of Whig principles; and his Administration has been just what any other *Whig* Administration would have been—just what it always will be, and must be, while Whiggery exists, and the people permit it to remain in power.

To correct the evil of the times, then, of which we complain; to arrest the tendency of the Government to consolidation; to reform the abuses and corruptions of Executive power and patronage; to relieve the people from unequal and burdensome taxes; to restore the Administration to republican simplicity, purity, and economy; and thus give to our institutions the firm foundation, perpetuity, and beneficence which our heaven-inspired fathers of the Revolution designed they should have; we must make war upon the *principle* I have named, as the root of the evil, and strike down the professors of that principle wherever we may find them.

Mr. Fillmore is now the standard-bearer of that flag which bears that principle as its motto. Strike now at him. And when he falls, whether by our blows, or from his own inherent weakness; and another arm, whether civil or military, seeks to raise the same flag, as surely another will; then strike still, and fast, and hard, at that flag and that arm, until they both go down, as go down they must, as they have ever gone down, before the united blows of the Democracy. Such has been the experience, of our fathers. Such shall be our experience; such the good fortune of our country, if we be but true to her interest and her honor.

THE HOMESTEAD BILL.

SPEECH OF HON. J. SUTHERLAND,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

April 22, 1852.

The House being in the Committee of the Whole on the state of the Union, (Mr. HIBBARD in the chair)—

Mr. SUTHERLAND said:

Mr. CHAIRMAN: I regard the bill now before the committee, commonly called the "homestead bill," as by far the most important measure that has been brought forward at this session, whether you look at it as a question of constitutional power, or as a question of public policy. It is this bill, and this bill only, which I intend now to discuss, referring only to the other land measures of this session when necessary to do so, to present more fully my objections to it.

I am opposed to the "homestead bill" for reasons, some of which appear on the face of the bill; and others of which do not appear on the face of the bill. I shall first state the objections which I say appear on the face of the bill; and next the objections which arise and derive their force (if they have any) from other measures of the Government past or proposed, and from other considerations not appearing on the face of the bill.

OBJECTIONS TO THE HOMESTEAD BILL APPEARING ON ITS FACE.

I. The title is wrong. It is entitled "A bill to 'encourage *agriculture, commerce, manufactures,* and '*all other branches of industry,* by granting to every 'man who is the head of a family and a citizen of 'the United States a homestead of one hundred 'and sixty acres of land out of the public domain, 'upon condition of occupancy and cultivation of 'the same for the period herein specified." The propriety of the title of an act of Congress ought to appear from the act *itself,* and not from facts or considerations which do not appear on the face of the act, though such facts and considerations may be proper and necessary to show the policy of the act.

It does not appear from this bill that *it* is "a bill to encourage agriculture, commerce, and manufactures, and all other branches of industry." It does appear from the bill that it is a bill to dispose of the public lands, by granting them in certain quantities to a certain class of persons: to heads of families having no land, or having less than five hundred dollars of personal property. How does it appear from the bill that it is "a bill to encourage agriculture, commerce, and manufactures," &c.? Cannot a man worth $500, or owning land, cultivate as well, and raise as much grain on one hundred and sixty acres of land as a man worth but $5 or $499, or owning no land? Is *giving* land to a man *encouraging* agriculture, manufactures, &c., any more than selling it to him?

Is either *selling* or *giving* land on *condition* of *cultivation* encouraging *manufactures?*

Are the provisions in restraint of alienation; to enforce a continuous residence on the one hundred and sixty acres for five years; and exempting the one hundred and sixty acres forever from all liability in any event to the payment or satisfaction of any debt, to encourage agriculture, &c.?

All capital is employed either in "agriculture, commerce, manufactures, or *in other branches of industry.*" This bill gives *additional* capital, additional land, to be employed in agriculture—it does not give additional labor. It does not propose to encourage even agriculture, by increasing or extending the knowledge of it, as a science, or an art; or by holding out rewards or premiums for the most successful and profitable culture, for the greatest product from a given amount of labor and of land, for the best and most profitable *use of the capital;* or in any other way than by giving the land, *on condition that it be cultivated;—how* cultivated, or whether *well* or *badly* cultivated makes no difference; the grantee is in either case entitled to the one hundred and sixty acres of land.

This bill, then, cannot encourage even agriculture in any other way than by causing an additional number of acres of land to be cultivated, or by causing an additional number of persons to become farmers: in other words, this bill is called "A bill to encourage agriculture," &c., because it is said its effects will be to *increase* agriculture by increasing the gross amount of the agricultural products of the United States, the number of acres of land to be cultivated, and the number of cultivators—that is, by causing additional capital and persons to be employed in that branch of industry. Now, it may very well be that this additional capital, given as a *bonus* by the Government, may *discourage* agriculture. Suppose Congress should pass a law by which every citizen worth less than $500 was to be supplied, at the expense of the public Treasury, with leather to the value of $200, on condition that he or she should become a shoe or boot-maker, and personally work such stock of leather up into boots or shoes, would such a law encourage the "branch of industry" of boot and shoe-making? Would it not discourage that "branch of industry" by driving a portion of those already employed in it to other employments, and by preventing others from entering into it?

It is the *profit* on the capital employed, and not the *amount* of that capital, that the farmer looks to. Any act or measure of the Government which would increase the profit of the agriculturist, either by lessening the cost of production, or by increasing the product with a given amount of labor and of land, would be an encouragement to agriculture; but is it not strange, that a bill which offers a *bonus* to the mechanic and manufacturer to quit his calling and engage in agriculture, and thus become a *producer* instead of a *consumer,* should be called a bill to *encourage* agriculture, especially when you take into view the fact, that the market for nearly the whole of our agricultural products is a *home* market, and that it has been, and is yet thought to be, the policy of the Government to create and increase that home market by protecting our manufactures against foreign competition?

But this bill is entitled "A bill to encourage agriculture, commerce, manufactures, and *all other branches of industry,*" &c. It is to be a *universal panacea,* and it is to shed its beneficent favors on *all,* by confining its bounty to the *few*—to the "heads of families," who have no land and are not worth $500.

Now, Mr. Chairman, I have heard of charity, like mercy, being "*twice* blessed," of its "blessing him that *gives* and him that *receives;*" but this charity is an improvement; it is charity which is to be *three times* blessed—it is to bless not only the Government that gives; not only the *few* that are to *receive;* but it is to bless those whose property is taken and given away by the Government, without any compensation; and who, by the act of charity itself, are not only expressly excluded from its benefits, but are to be positively injured by it. But what is there on the face of this bill to show, that it is intended to benefit "manufactures, and all other branches of industry?" It brings no additional labor to the country, for foreigners are carefully excluded from the benefit of its operation. It creates no additional capital—it merely changes the owner. It takes the property of *all* of the citizens of the United States, and gives it to a few of them exclusively. True it does this on condition of settlement and cultivation; but those who are to settle on, and cultivate the land under the act, are to be full-grown men and women, "heads of families." They are not created by the act; they are not to come from the heads of the statesmen who originated this measure, or of the legislators who may pass it, however wise, as Minerva is said to have come from the head of Jupiter "all armed and grown." Where, then, are these settlers to come from, unless they come from the work-shops and manufactories of "other branches of industry," and from the farms of those now engaged in agriculture.

Now, Mr. Chairman, I will not say, if we had a *limited* territory with a *surplus* of population; if there was an abundance of labor instead of a scarcity; if labor was here, waiting, looking for employment, instead of *demanding* its own terms; if the price of labor was not increasing, while the price of the products of labor are diminishing; if, in consequence of this high price of labor, "manufactures and other branches of industry" did not claim protection against foreign competition; and if it had not been the past policy of the Government, and it was not thought now to be the present and future policy of the Government, to afford that protection, at least incidentally, by taxing through a system of duties on foreign importations the consumer for the benefit of the manufacturer, and thus indirectly compelling the consumer to pay a portion of the wages paid by the manufacturer; if these "manufactures and other branches of industry" thus protected, had not been, were not now, and were not likely to be, almost the only markets for the products of our agricultural labor; whatever might be thought or said of the *constitutionality* and *policy* of this bill, yet I would not say that its title was wholly inconsistent with its provisions. But, in the present condition of things, and in view of the immense number of acres of unimproved land, comparatively near market, owned by *individuals,* companies, corporations, and States, now waiting for sale, settlement, and cultivation, and to bring about the sale, settlement, and cultivation of which, an immense capital has been invested in railroads and other internal improvements; I do say, that to call this bill (by which the Government, for the supposed benefit of the laborer and the landless, does nothing more nor less than offer a *bonus* to the laborer and landless to leave the manufactories, work-shops and farms in the old States, and settle on the public domain in the new States) "a bill to encourage agriculture, commerce, manufactures, and *all other* branches of industry," is a gross perversion of truth—that its title is wholly inconsistent with its real intent, object, and provisions.

Even admitting that the bill may remotely and indirectly "encourage agriculture," &c.; that the public welfare may be remotely and indirectly promoted by the additional number of acres of land brought into cultivation, by the additional number of persons brought from other employments and made farmers by the bill; yet such *public benefit* is most clearly from the bill itself, but an incident to its main object and purpose. What is this main object and purpose? Most clearly to benefit the "heads of families," who have no land and are not worth $500. All parts and provisions of the bill, including the title, appear to be consistent with this view of it, and with no other. How can it encourage *all* branches of industry, except by *giving* capital to those who had no land, or less than $500 before? The first section, which confines this bounty to the "man or wid-'ow who is the head of a family, and a citizen of 'the United States on the first day of January, '1852, and who has not disposed of his or her 'land for the purpose of *obtaining* the benefit of 'the provisions of this act;" the clause in the second section requiring the applicant for the benefit of the act, to make an affidavit, "that

'he or she does not intend to settle on said 'land to *sell* the same on speculation, but in good 'faith to appropriate it to *his* or *her* own *exclusive* 'use and *benefit;*" the clause or provision in the same section, and in the fifth section, which, in substance, make it a condition of the grant that the beneficiary of the act and of the Government shall reside on the land for five years, and shall not alienate the same, or any part thereof; and that the land shall be forfeited to the Government if he or she abandons the land for more than six months at any one time; the provision in the fifth section, that the land acquired under the act "shall in no event become liable to the satisfaction or payment of any debt," contracted *before* or *after* the issuing of the patent; the fact, that, by the act, all foreigners, except such as shall be residents of one of the States or Territories at the time of the passage of the act, are carefully excluded from its benefits,—would each and all of them appear to be consistent with no other view of this most extraordinary act of *pretended public policy*, than that, by it, the land is given as a charity to the "heads of families," having no land, and having less than $500 of property, *because they have no land, and because they are not worth* $500.

Some of the provisions of the act above referred to, particularly those in restraint of alienation and exempting the land from liability to debt, appear to look further even than to the present charity of the gift itself. These provisions would seem to be intended to take care of the *future* good and welfare of the settler and of his descendants, either upon the ground that they will not have judgment and discretion enough to take care of themselves, or upon the ground of justice, that he who makes a *gift* has a right, by way of satisfaction or consideration, to tie the gift up with useless restrictions.

I have called this act an act of *pretended public policy*. I repeat it. I say that from the bill itself, on the very *face* of the bill, it appears that the allegation, that it is a bill to promote the *public welfare* is a mere pretense. For without stopping now to show more particularly, that most, if not all of the provisions of the bill before referred to, are wholly inconsistent with any view of it as an act of *public policy*, I ask, why are foreigners excluded from the benefit of the act? Any one can see that every able-bodied foreigner that might be induced to come and make his home among us, would be a clear gain to the wealth and power of the whole country; and whatever political reasons might be urged against such a policy, yet it must be admitted, that any act which tended to induce such immigration, would *so far* plausibly present itself as an act of public policy; as an act intended to promote the public welfare. If the *public welfare* is to be promoted by adding, in this sudden and extraordinary way, to the total number of acres of land now cultivated, and thus adding to the total of the agricultural products of the country; it should be done by adding to the labor of the whole country, and not by taking the labor which we now have employed in agriculture, manufactures, and other branches of industry in the old States, and transferring it, by an act of Congress, to the new lands of the West.

Even that provision of this bill which prevents the beneficiary of the bill from entering on, and cultivating under the bill, more than one quarter section, shows that the object of the bill is not the *public* welfare; for if the object of the bill is to promote the public welfare by causing additional land to be cultivated, then the more land this recipient of the bounty of the Government cultivates, the better, and the sooner he sells one quarter section, which he has improved, to another settler, who has the misfortune to be worth $501, or own a small farm in Connecticut, left him by an industrious and economical father, and takes another quarter section, and improves that also, the better.

What is this bill, then, Mr. Chairman? What ought it to be called? What ought to be its title? It is in fact a bill to grant to every man or widow in the United States, who is the head of a family, and has no land, and is not worth $500, one hundred and sixty acres of the public domain, on certain conditions, for *his* or *her benefit, and thus more nearly equalize the distribution of property.* It should be so entitled—it should be so called. What is it called by the newspapers, by the whole country, by the members of this House, by Senators in the other end of the Capitol, by everybody, everywhere, except by you, sir, when you take the chair? The "homestead bill," the "free farm bill." Who thinks of calling it "a bill to encourage agriculture," &c., except you, sir, as chairman of this committee, when compelled by the rules of the House to call it by the name it in fact has upon the record.

But, Mr. Chairman, not only is the title of this bill wrong, but, as it is now, it has a wrong *paternity*. As introduced by the gentleman from Tennessee, [Mr. JOHNSON,] it was free from some of its most objectionable features. It was referred to, and as it is now, with its so-called amendments, comes from the Committee on Agriculture. It was referred to and comes from the wrong committee. It has little, if anything, to do with agriculture. It is a bill to dispose of the public lands, and should have been referred to and come from the Committee on Public Lands. Now, Mr. Chairman, these objections to the title and to the origin of the amendments are not merely technical. Sometimes it is of great importance to detect a misnomer and a factitious origin. I believe the title of this bill, and the fact that it came before the House from the Committee on Agriculture, has had a tendency to divert the public mind from its real object and effect. This title and peculiar reference would appear to have been given to it with a view similar to that with which the apothecary coats his pills with sugar, viz: To conceal the nauseous compound within, to make them go down easily. I intend to rub off this sugar-coat still more, before we are called upon to swallow this *pill*, and to show the agrarianism, and the attack upon property concealed within.

II. The second objection which I take to this bill, Mr. Chairman, as appearing on its face, is, that it is *unconstitutional*. I do not now raise, or intend to discuss the question, whether, under that clause of the Constitution giving Congress the power "to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States," Congress has, or has not power to make the grants for railroads, or to dispose of the public lands by the various other measures, and for various other purposes, brought forward at this session of Congress; but I say, admitting now, for the sake of the argument, that, under this clause of the Constitution, Congress having the absolute power of disposition; the purpose for which it is exercised, and the mode and manner of exercising it, is just as much a question of public policy, the exercise of it just as much a matter of discretion, as the exercise of any other power expressly given to Congress by the Constitution; yet, I say, that this bill is unconstitutional on its very face—my argument is this:

The public domain of the United States belongs to the *people* of the United States, not to *the* Government of the United States. The title, the fee, the property, is in the people of the United States, and not in the Government of the United States; it is in the people of the United States, as citizens of the United States, and not as citizens of the *several States*—the States, as States, have no title to, or right in the public domain. The Government of the United States simply acts as the agent of the people of the United States, in disposing of the public lands, under and in virtue of the power given by the people in the Constitution.

A B, a citizen of the United States, worth $500, or having land, has as much right and interest in the public domain as C D, who is not worth $500, or who has no land—A B, worth $500, or having land, has as much right to one hundred and sixty acres of the public domain as C D, who is not worth $500, and has no land; yet this bill gives one hundred and sixty acres of that domain to C D, worth less than $500, and having no land, on certain terms and conditions, and does not give one hundred and sixty acres of the same domain to A B, who is worth $500, or who has land, on the same terms and conditions; or rather, the bill excludes A B, because he is worth $500, or has land, from the benefit or bounty granted, to C D, because he is not worth $500, and has no land. The bill not only undertakes to convey to C D the right and interest which A B has in the one hundred and sixty acres, without any compensation to A B, but expressly prohibits A B from taking and holding other one hundred and sixty acres on the same terms and conditions, by way of compensation. This is plainly and unequivocally an infraction of the rights of property, and of the principles of justice. Even if it were a question of public policy, and not a question of constitutionality, there is no room to raise a question of public policy. The policy of the bill is, if any, to have the land settled and cultivated. It is the cultivation that adds wealth to the nation; but it is absurd and repugnant to reason to suppose, that a man worth $500 or over, cannot cultivate one hundred and sixty acres of land, as well, and raise as much wheat on it, as a man worth less than $500.

Now I do not know, nor do I say, that there is any express provision in the Constitution, that Congress shall not take the property of A B without his consent and without compensation, and give it to C D; or any provision which in terms prohibits Congress from passing a law giving rights and privileges to citizens worth less than $500, and expressly prohibiting the same rights and privileges to citizens worth $500 or over—a law giving the *public* property to C D because he is not worth $500, and refusing it to A B, because he is worth $500. Nor do I find anything in the Constitution, which in words prohibits Congress from abolishing all penalties for crimes against property committed within its jurisdiction; or from granting C D one hundred and sixty acres of the public lands, on condition that he should murder A B, or steal his property, or take it by force, or abduct him out of the country, or commit any other crime or misdemeanor against or upon the person or property of A B. Yet all will admit that such acts of Congress would not only violate every principle of justice, but would be plain infractions of the Constitution. Why? Because the very first sentence of that Constitution, the preamble, proclaims that it was ordained and established by the people of the United States, "in 'order to form a more perfect union, *establish jus-* 'tice, insure domestic tranquillity, provide for the 'common defense, promote the *general welfare*, 'and to secure the *blessings of liberty*" to themselves and to their posterity. The security and protection of the rights of property are involved in any idea of justice. It is clear that Congress would not have power to dispose of the public lands in any way or for any purpose prohibited by the Constitution; for the purpose, for instance, of encouraging or supporting any particular church or denomination of Christians. Is it not equally clear that Congress has no power to dispose of these lands in any way, or for any purpose inconsistent with the very object with which the Government was organized and that Constitution framed, as declared by the Constitution itself? I submit, therefore, Mr. Chairman, (without reference to the declaration of certain rights of the citizen taken substantially from Magna Charta and not originally in the Constitution, but subsequently adopted by way of amendment,) that any infraction of the rights of property, by unequal and partial laws, is as plainly unconstitutional, as if such laws had been expressly prohibited by the Constitution; and that when such appears to be the intent and operation of any law from the record, from the act itself, it will not do to say that the motive, or policy, or intent in passing the act, "*dehors* the record," is good or just—the constitutionality of the act is to be determined by the intent and operation of the act, as they appear from the act itself. So, however bad or impolitic or even corrupt the intent with which an act may in fact have been passed, yet if, in fact, from the act itself, it appears that Congress had power to pass it, such impolicy or corruption would not affect the constitutionality of the act. An abuse of discretion under a power does not destroy the power, but an act done under a power, which, on its face, is not authorized by the power, or which is inconsistent with the purpose for which the power was given as appears from the power itself, is void, however good the motive of the act.

In addition to what has been said in relation to the constitutionality of this bill, I would say, Mr. Chairman, that I question the power of Congress, under the clause of the Constitution giving Con-

gress the "power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States," to dispose of that territory on the conditions upon which the land is granted to actual settlers by this bill, particularly the condition that the land so granted "shall in no event become liable to the payment or satisfaction of any debt."

Congress has power to dispose of the public lands; but where does it get the power to grant or dispose of it in fee *upon condition*—upon condition or conditions which may not interfere with State policy at the time of the grant, but which, nevertheless, are to be performed or observed by the settler, as a *citizen* of the *State in which the land lies?* When Congress grants the land in fee, the land leaves the jurisdiction of the United States, and passes under the jurisdiction of the State in which the land lies. The rules and regulations of real estate; the mode and manner in which it shall be acquired, held, alienated, inherited, or devised; to what extent its alienation or exemption from liability to debt may be restrained or enforced by condition or by contract; to what extent and for what reasons the citizen who parts with all his estate and interest in land, retaining neither a rent or a reversion, shall be permitted by condition to restrain or control the grantee, his heirs or assigns, as to the use, occupation, management, or disposition of the land granted; all these, and almost an infinite variety of other questions relating to real estate, which have been mostly answered by the common law and by the statutes of the several States, are all questions exclusively within the State jurisdictions; and if not already settled by the laws of the State where the land lies, as questions of public policy are to be settled by *laws* to be passed *by the State*, and not by the conditions upon which the Congress of the United States sees fit to grant the land. It is clear that Congress would have no right or power to grant the land upon condition that the grantee should do, or abstain from doing, any act or thing prohibited or required by the laws of the State in which the land lies, or upon any condition the observance of which would interfere in any way with State policy *as declared by law*—as, for instance, on condition that the land granted should descend only to the heirs male of the grantee, or on the condition that the grantee, or his heirs, never should alien the land to any one; for I presume there is not a State in the Union in which the last of these conditions would not be void, as contrary to the common law adopted by the State, or to a statute of the State defining and prohibiting perpetuities; and in New York, and probably most of the other States, the first would be void as contrary to a statute abolishing and prohibiting *entails*.

One of the conditions on which the land is granted by this bill, viz: that the land "shall in no event become liable to the payment or satisfaction of any debt," would have been void at common law, and would, I think, be void now in a grant by a citizen in any State of the Union. I submit, therefore, that *this condition* is clearly void. But what right or power has Congress to grant the land on condition that it shall not be alienated for five years, or that it shall not be abandoned for six months, or other like condition or conditions, which, though they may not be then contrary to any law of the State in which the land lies, are yet to bind a citizen of that State, and to bind land exclusively within the jurisdiction of that State? What right has the General Government, under this general power of disposition, to erect itself into a *great landlord* and grant the public territory on these conditions, or on other conditions, which may not be contrary to any express law of the State now, or when the settler enters, yet may become so afterwards from a change of the policy and laws of the State?

This bill excludes from its benefits all foreigners who come here after its passage. Probably in most of the States aliens are not now permitted by a general law to hold real estate. Suppose one of the conditions on which the land is granted to the settler by this bill to be, that he, his heirs, or assigns, should never sell or convey the one hundred and sixty acres to an alien. A B, a settler, enters, occupies for five years, and then takes his patent for one hundred and sixty acres, under the act, in a State which then does not permit aliens to hold real estate; afterwards the State changes its policy, and by a general law permits all aliens to take and hold real estate, is the condition any longer binding on A B? If you say it is, then you permit the General Government to control the State policy by the condition. If you say it is not, then I say the Government had no power in the first instance to annex the condition; because if it had, the *condition* must *continue* to prevail rather than the State policy.

If the Government has power to restrain by condition the alienation for five years, it has for twenty-five; if it has power to restrain the alienation for any particular period, it has the same power to restrain it to particular persons, or classes of persons; if it has power to restrain the alienation at all, it has the same power by condition to direct the mode or manner of alienation, or of cultivation; if it has power to annex *one* condition to the grant because such condition is not at the time contrary to the laws of the State in which the land granted lies, or in other words, because it would be good in a grant by a private citizen of that State, then it has a right to annex a hundred other conditions for the same reason, and it might thus tie up by condition one half the lands in the State, and for a breach of any one, years after the land had been settled and cultivated, might reënter and resume the possession of the land.

The settler, I think, gets his title under the *act*, on his making *the affidavit* and *entering*, and not under the patent to be issued to him at the expiration of five years from his entry. If the settler makes the affidavit, enters, and fulfills the condition of continuous occupation and cultivation for five years, his title is perfect without the affidavit of the two witnesses and the patent, specified in the latter part of the second section. If, in fact, the settler performs the conditions of settlement, occupation, and cultivation for five years, and at the expiration of five years, has not alienated the land, his title is perfect, and no power on earth can remove him, or take away the land, though the patent never be issued to him. The patent, it is true, would be conclusive evidence of his performance of these conditions; but it is not his *title*—the act is his title, and not the patent. What is this act, then, in its legal effect and operation? Is not the act itself, in effect, *a grant in fee* to the settler, on certain terms and conditions? If these conditions are not fulfilled, the land and the estate of the settler are forfeited to the United States. By the fifth section, if "it shall be proven by two 'or more respectable witnesses upon oath to the 'satisfaction of the register of the Land Office, 'that the person having filed such affidavit, shall 'have actually changed his or her residence, or 'abandoned the said entry for more than six 'months at any one time, then, and in that event, 'the land so entered shall *revert back* to the Gov-'ernment," &c. How can the land revert back, if it had never been granted to the settler?

Now, take the conditions upon which the one hundred and sixty acres are granted to the settler by this bill, to wit: that of *continuous* occupation by the settler, *personally*, for five years; that it shall not be alienated during the five years that he or she shall not change his or her residence, or abandon the land for more than six months at any one time during the five years; and that the land "shall in no event become liable to the satisfaction or payment of any debt." *For whose benefit are these conditions and restrictions intended?* If really intended, or if in fact they will be for the benefit of any one, it must be either for the benefit of the settler, or of the State in which the one hundred and sixty acres lie, or of the United States as a *landholder*. You cannot say they are intended, or will be, for the benefit of the United States *otherwise than as a landholder*, because such benefit is necessarily included in the benefit to the State, if any, and such benefit to the United States other than as a landholder, can be nothing more than the indirect benefit which all the States receive from whatever benefits any one of them.

Now, I have endeavored to show, from the bill itself, that the one hundred and sixty acres are granted by it for the benefit of the *settler*, and not for the benefit of the United States, or of the State; that they are given to him as a *charity*—to *raise him* up in the world, and to equalize his condition more nearly with those having more property. If, from what has been said, and from the bill itself, it is not now perfectly clear that this is the object of the bill, any doubts will be removed by a brief reference to the grounds upon which this measure has been brought forward and advocated.

Who *ask* for it? Who *demand* it? Certain associations, called "*Industrial* Congresses—offsprings of the *German* school of *socialism*, and of the American school of "higher law" transcendentalism—partly political, partly agrarian. Upon what ground do they ask for it? Upon what ground do they *demand* it? They ask for it, as a gift, as a charity, to better their condition, and to enable them to live without working, at least for others; and, while they *ask* for it as a gift, as a charity, they at the same time *demand* it as a matter of right, for which, even if granted, they will owe no thanks to the Government; for they place their right to it upon the *natural rights of man*, and not upon the Constitution and laws of their country, or the charity of Congress. They ask and demand it upon grounds and theories of the natural rights of man, as I understand them, utterly inconsistent with that great principle, the recognition and security of individual property, which lies at the foundation of all civilized government not only, but of all civilized society; for upon the security of property hangs *industry*, the mother of all arts, of all science, of all wealth; the mother and supporter of all law, order, government; of the virtues and charities of individuals, and of the wealth and power of nations, and without which, the whole earth would be but one moral and physical waste.

On the 21st day of January, 1850, the Hon. I. P. Walker, Senator from Wisconsin, presented to the Senate of the United States "a petition of citizens of the United States, asking for a reform in the land system, which he desired might be read;" and which was read (as reported in the Congressional Globe, vol. 21, p. 196) as follows:

"The undersigned, citizens of the United States, respectfully represent, that, in their opinion, the system of *land traffic*, imported to this country from Europe, is wrong in principle; that it is debasing us to the condition of dependent tenants, of which condition a rapid increase of inequality, pauperism, misery, vice, and crime are the necessary consequences; and that, therefore, now, in the infancy of the Republic, we should take effectual measures to eradicate the evil, and establish a principle more in accordance with our republican theory, as laid down in the Declaration of Independence; to *which end* we propose that the General Government shall no longer traffic, nor permit traffic, in the public lands yet in its possession, and that they shall be laid out in farms and lots for the *free use* of such citizens (not possessed of other lands) as will occupy them, allowing the settler a right to dispose of his possessions to any one *not possessed of other lands*, and that the jurisdiction of the public lands be referred to the States and Territories, *only* on condition that *such a disposition* should be made of them. The expelled aristocracy of European despotism are buying up our lands for speculation, while American republicans are *homeless*. The case admits of no delay."

On the 22d of January, 1850, the Hon. Daniel Webster, then the distinguished Senator from Massachusetts, submitted to the Senate a resolution in favor of the policy of granting the public lands to actual settlers, on certain terms and conditions, to which I shall refer more particularly hereafter.

On the 30th of January, 1850, the Hon. SAM HOUSTON, Senator from Texas, presented to the Senate the following resolution:

"*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting to each family, (not landholders, or the owners of property worth the sum of $1,500,) citizens of the United States, or emigrants who are now here, or may arrive previous to the 4th of March next, one hundred and sixty acres of land; and when said families shall have resided upon the said land so granted three years continuously, and shall erect buildings and clear ten acres of ground thereon, a patent shall be issued by the Government of the United States, free of all cost to the grantee."

On presenting this resolution, the distinguished Senator remarked:

"That it was prepared as an amendment to a resolution presented by the Senator from New York, [Mr. SEWARD.]"

After some remarks of the honorable Senator from Texas in favor of his resolution, the honorable Senator from New York [Mr. SEWARD] called for the reading of his resolution, which had been referred to by the Senator from Texas; and the resolution of the Senator from New York was read, as follows:

"*Resolved*, That the conduct of Austria and Russia, in the war in which these Powers have subverted the nationality and liberty of Hungary, has been marked by injustice,

oppression, and barbarity, which justly deserve the condemnation of mankind, while they commend the Hungarian people to the sympathies of other nations, and especially of republican States; and that the Committee on the Public Lands be directed to require and report on the propriety of setting apart a portion of the public domain, to be granted free of all charges to the exiles of Hungary already arrived, and hereafter to arrive, in the United States, as well as to the exiles fleeing from oppression in other European countries."

Now, upon what ground were these resolutions of the honorable Senators from Texas and New York introduced? Did these resolutions propose to instruct the committee to inquire into the expediency of a measure of public policy, or of public charity? For what reasons, from what motives, and for what purpose, were the lands to be given to the Hungarian exiles by the resolution of the honorable Senator from New York? Was not the resolution of the honorable Senator from Texas prepared as an amendment to the resolution of the Senator from New York? And how could it be an amendment, except by extending the charity of the resolution of the Senator from New York to the Hungarian exiles, to citizens of the United States who were not landholders, and were not worth $1,500? If from the resolutions themselves you are not satisfied that the objects of the inquiries which they sought, were as to the propriety of the grants of land as a public charity, for the benefit of the Hungarian exiles, and of those who were "dependents on their daily labor for their subsistence," look at the debate which took place on the introduction of the resolution of the Senator from Texas, in which the honorable Senators SEWARD, HOUSTON, DOUGLAS, WALKER, and others took part, (for which see Cong. Globe, vol. 21, part I, 262 to 268,) and I think you cannot fail to come to that conclusion, and that the policy of the proposed grants was mainly advocated and defended on the ground that they would benefit those to whom the lands were to be granted.

On the 18th February, 1851, the honorable Senator from Wisconsin, [Mr. WALKER,] in addressing the Senate in relation to a petition of the Industrial Legislature of the State of New Jersey, said:

"I have been requested to present a petition of the *Industrial* Legislature of the State of New Jersey, which was lately in session at Trenton, in that State. It briefly reviews the policy which the Government has pursued in the sale of the public lands, and concludes with a prayer that the course heretofore pursued may be abandoned, and that the lands may be made subject to settlement by actual occupants.

That this question may be understood, I will briefly remark, that the *industrial* classes of the different States are organizing what they term a *National Industrial* Congress, and in the individual States they are organizing Industrial Legislatures, for the purpose of taking into consideration industrial interests and pursuits; and it is one of these bodies that has sent this petition to Congress. They have intrusted it to me. I introduce it to the Senate, and shall move that it be laid on the table; but, in the first place, I desire to make an observation in explanation of the reason why I shall make such a motion. A *great many* of these petitions have been sent to me heretofore, and on my motion have been laid upon the table. I have received some letters, expressing some surprise at this, the reason why it was done not being understood. It is known here, and I wish it to be known to the country, that there is a bill upon this subject now pending before the Senate, and under discussion, and therefore the subject is not before any Committee; consequently the petitions are laid upon the table. I wish to say, however, that at the next session of Congress, if the subject be not acted upon and disposed of at the present session, I shall move to take up these petitions, and refer them in the aggregate to the proper committee, that they may give us another report upon the subject." (See Cong. Globe, vol. 23, p. 595.)

At an Anti-Rent Convention, held at Albany, in the State of New York, on the 20th day of March, 1851, among the resolutions adopted by the Convention, were the two following:

"*Resolved*, That honor and justice to ourselves, as well as that free and manly independence which is the birthright of every American citizen, demand that we accept of nothing less, and that we will be satisfied with nothing less, than the absolute ownership in fee of the soil cultivated and improved by our labor.

"*Resolved*, That National Land Reformers and Anti-Renters are *one at heart* and *in principle*, and that we cordially recommend that, though having and supporting distinct organizations, they unite in supporting the same ticket."

Now, what is the history of this "homestead bill," and upon what ground has *it* been brought forward and advocated?

In looking at the proceedings of the House of Representatives of the last Congress, as reported in the Congressional Globe, I find that the gentleman from Tennessee, [Mr. JOHNSON,] on the 7th of January, 1850, gave notice that he would ask leave to introduce "A bill to *provide a homestead* 'of one hundred and sixty acres of the public do-'main for every man who is the head of a family 'and a citizen of the United States, or any widow 'who is the mother of a minor child or children, 'provided they become *permanent* occupiers and 'cultivators of the soil." Mark *this title*.

On the 21st of February, 1850, Mr. JOHNSON, of Tennessee, asked leave to make a report from the Committee on *Public Expenditures*, (that committee having heretofore been called.)

Leave having been granted,

Mr. JOHNSON introduced a bill of the following *title:* "A bill to provide a homestead of one hun-'dred and sixty acres of the public domain to 'every man who is the head of a family and a cit-'izen of the United States, or every widow who 'is the mother of a minor child or children, who 'may become permanent occupiers and cultivators 'of the soil."

The bill was read a first time by its title.

Mr. VINTON rose and objected. He submitted that the Committee on Public Expenditures had no right to report a bill to dispose of the public lands, &c.

After some debate as to who was to decide the objection, the House, or the Speaker, the Speaker decided that it was his duty to decide it—and he did decide, "that the report made by the Com-'mittee on Expenditures was not a report on a 'subject referred to them by the rules or by the 'action of the House."

Mr. JOHNSON appealed from the decision of the Chair.

The "decision of the Chair was affirmed, and the bill *was not received*."

On the 27th of February, 1850,

"Mr. JOHNSON, of Tennessee, by unanimous consent, introduced a bill, of which previous notice had been given, *to provide a homestead* of one hundred and sixty acres of the public domain to every man who is the head of a family and a citizen of the United States, and to every widow who is the mother of a minor child or children who may become the permanent occupants and cultivators of the soil; which was read twice by its title.

"Mr. J. said, that his object was to have the bill referred to the Committee on Agriculture.

"Mr. THOMPSON, of Mississippi, moved, as the more appropriate reference, that the bill be referred to the Committee on Public Lands.

"Mr. VINTON, remarking that this bill involved a proposition to give away the public lands of the United States, thought it should go to the Committee on Public Lands.

"Mr. JOHNSON hoped, he said, that the House would permit the bill to go to the Committee on Agriculture.

"The question was then taken on that motion, and was decided in the negative.

"So the House decided that the bill should not be referred to the Committee on Agriculture.

"The question then recurred, and was taken on the motion of Mr. THOMPSON, and decided in the affirmative."

On the 4th of March, 1850,

"Mr. JOHNSON, of Tennessee, gave notice that on to-morrow, or some future day, he would introduce a bill of the following title, viz: 'A bill to encourage agriculture, and for other purposes."

Mark the title.

On the 4th of June, 1850,

"Mr. JOHNSON, of Tennessee, asked the unanimous consent of the House to introduce a bill, of which he had given previous notice, for the purpose of referring it to the proper committee.

"The title of the bill was read, as follows:

"A bill to encourage agriculture, and for other purposes."

"No objection being made, the bill was received, twice read, and referred to the Committee on Agriculture."

In the report of the proceedings of the House, on the 25th of July, 1850, is the following:

"HOMESTEADS.

"Mr. YOUNG, from the *Committee on Agriculture*, to which the bill of the House to encourage agriculture, and for other purposes, was referred, reported the same back, with sundry amendments.

"Mr. JOHNSON, of Tennessee, then addressed the House at length, in explanation of the objects contemplated by this bill. He looked upon it as a measure of great importance. Five years ago, he had introduced a similar proposition, to give to every citizen, the head of a family, a portion of the public lands, for the purpose of settlement, and on which he might establish for himself a home. There were many gentlemen who, at *that time*, regarded the plan as impracticable, and as unlikely to lead to any useful results; but since that time, the *public mind* had taken up the subject. It had been widely discussed out of doors, and Congress had, at various periods, made liberal donations of the public domain in aid of public institutions, and in recompense for public services. He now came forward and asked for a *participation of this bounty*, in the *name of the common man, who, by his toil and sweat, had quietly and effectually* contributed to the support of the Government. For that class of our citizens he desired to ask that they also may come in for a share of these public lands," &c.

At the conclusion of his speech, of which the above is the first paragraph only, as reported in the Globe, the gentleman from Tennessee gave notice that he would, at the proper time, move to *amend* the *title* of the bill by *adding* thereto the following:

"And to provide a homestead of one hundred and sixty acres of the public domain for every man who is the head of a family, and a citizen of the United States, or any widow who is the mother of a child or children who may become permanent occupants and cultivators of the same."

Thus, the honorable gentleman from Tennessee, by giving his bill the "soft insinuations" of a bill to "*encourage agriculture*," &c., had succeeded in having it referred to the Committee on Agriculture, and when it comes back to the House from that committee, he takes the first opportunity to give notice that he intended to restore the original title which the bill had when the House *refused* to refer it to the Committee on Agriculture, *and did refer* it to the Committee on Public Lands; and which amendment having been made subsequently as an *addition*, and not as a *substitute* for the title which the bill had when it was referred to and came from the Committee on Agriculture, has produced that strange inconsistency between the title and the provisions of the act which I have before pointed out, in stating my objections to the title of this bill.

I shall conclude this reference to the proceedings of the last Congress in relation to this measure or policy with one or two extracts from the speech of the gentleman from Tennessee, before referred to, as I find it in the Appendix of the Globe.

After sending it to the Clerk's table the amendment to the title of the bill to be read—

"Mr. J. continued, by saying that this amendment made the title of the bill complete; that this was the *original* christening of the proposition now under consideration, and had been merely changed by himself to 'a bill to encourage agriculture, and for other purposes.' He said he had made this explanation for the purpose of letting the House and the country know that this was nothing more nor less than the naked, clean proposition to provide every man, who is the head of a family, with a homestead of one hundred and sixty acres of land, thereby encouraging agriculture, increasing commerce, and widening the market for the agricultural products of the country; but he did not intend to enlarge upon this branch of the subject in this connection, but he intended to march directly up to the consideration of the *general principles* of the bill.

"He then sent to the Clerk's table, and had read the following authorities: Leviticus, chapter 25, verse 23—'The land shall not be sold forever—for the land is mine—for ye are strangers and sojourners with me.'"

Mr. J. then had read extracts from Vattel's Law of Nations and from President Jackson's Annual Message to Congress in 1832, which I will not read, but which will be found in the report of his speech in the Appendix to the Globe:

"Mr. J. continued, by saying that he thought Moses, Vattel, and Andrew Jackson, made a sure foundation, on which he was willing to stand, without regard to any other authority. He had introduced these great names for the purpose of satisfying that portion of society who were skeptical in a great reform proposition like this, and who would not take the time and trouble to investigate and think upon the principle involved. Mr. J. contended that the Government had no authority, neither under the Constitution, nor in compliance with *the four great elementary principles* indispensable to the existence of man, to withhold the use of its soil from its citizens. Man cannot live without the use of the soil; and Government cannot, in compliance with first principles, withhold the essentials of life from the people. The Government, whose legislation is directed against these first principles, is making war upon the great scheme of Deity himself, and reduces its operations to practical infidelity. If legislation was made to take this direction, we might hail it as the beginning of the millennium morn, when we should have 'peace on earth, and good will among men.'"

The gentleman from Tennessee then proceeds in his speech to point out certain advantages which he thought would follow from the measure, both to the Government and to the settler; but I think no other inference can be drawn from the whole speech than that he had brought forward and advocated the measure as a "great reform proposition," to provide a *homestead* for those having none, but who had a right to one, "in compliance with four great elementary principles," and on certain principles of natural right and justice, which, I confess, I do not fully understand.

What have been the *most conservative* arguments here this session, in favor of this "great reform proposition," other than to show that the *public welfare* would be promoted, by *giving and providing at the public expense, out of the public domain, a homestead and a home for those having none, and had not the means to buy one?*

Upon what ground have others put the duty of the Government to grant, and the right of those having no land to ask, this *homestead?* I will let the gentleman from Ohio [Mr. CABLE] speak for himself. In the speech made by him on this bill on the 11th of March last, he says:

"My friend from Tennessee, on a former occasion, quoted, as authority on this point, from Moses, Vattel, and Jackson—all good authority, authority not to be questioned in this enlightened day; but he might have gone further—gone with the venerable John Q. Adams, while discussing our title to Oregon, back to the Pope. Yes, he might have gone still further, and *proven the original title* IN MAN *from his creation, bestowed by God himself upon the whole human family*—not the few! Then first of all to the Bible—that book of books—which declares that, 'In the beginning God created the heavens and the earth;' and 'there was not a man to till the earth.' * * * Again, 'He formed man out of the dust of the earth; and breathed into his face the breath of life, and man became a living soul.' After his creation, as 'male and female,' man was directed to '*fill the earth and subdue it.*' 'And the Lord God sent him (man) out of the Paradise of pleasure—the Garden of Eden—*to till the earth from which he* (man) *was taken.*' Again: 'In the sweat of thy face shalt thou eat bread, till thou return unto the ground; for out of it thou wast taken: for dust thou *art* and unto dust shalt thou return."

"By these quotations two things are proven. First: that *man* (speaking *alone* of his mortality) is of the earth, belongs to the earth, and, by God's decree, the earth to him while he lives, and when he dies his body *returns to the earth of which it is formed.* Man cannot live in the air *above* the earth, nor *under* the earth; but if he lives at all, he must live *on* the earth, and sustain life by feeding upon its production. Those, if such there be, who will not accede to the Bible doctrine on this point, will find its truth fully demonstrated in modern science. In analyzing the earth it is found to be composed of silica, alumina, peroxyd of iron, carbonate of lime, magnesia, soda, phosphoric and sulphuric acids, &c. &c. And when the *human body* is analyzed, it is found to be composed of *precisely* the same properties, only varied in proportions and somewhat refined. These facts fully confirm the Bible doctrine, that "Thou shalt till the earth, until thou return to it, from which thou wast taken." Then withhold not from thy brother what God had bestowed upon him *before* 'thou wast.' Secondly, the foregoing quotations, with their contextures, prove man's *inalienable* connection with the earth. For, if you dissolve the body—if you burn it to ashes in the *center*, and scatter them to the four winds of heaven—if you anatomize it, do with it what you will—the *body returns again to the earth from which it was taken.* Consequently, there is no retreating from the fact, that man has an inalienable right to so much of the earth, at least, as will yield him and his household all the necessaries and comforts of life, by industry and application; just as man has a right to life, to the air, the rays of the sun, or the water from the earth. It would be insolent mockery to say to a man, Live, while you deny him the means of life; to say to him, Pursue happiness, while you bind him hand and foot, and put a gag in his mouth. And a Government, a Congress, an Administration, that withholds this right to the soil—*a right* conferred by God himself *on all*, "high and low, rich and poor"—from any portion of the people, is guilty of usurpation, tyranny, and fraud.

"Moses prophetically declares that 'the land shall not always be sold;' and this prophecy will be fulfilled on this continent, sooner or later."

Now, it is very clear to me that the honorable gentleman from Ohio had not read Humboldt's "Cosmos," when he made this speech. Humboldt, in his Cosmos, I think, says that the earth itself was originally nothing but a gaseous fluid, or body, revolving in ethereal space, and which had gradually become condensed, by motion or otherwise. If this was so, then by this reasoning of the gentleman from Ohio, man *has* no more exclusive right to land than he has to the "air he breathes." If the gentleman had gone *this* one step further in his argument, I should have called it the *gaseous*, or *ethereal* argument in favor of the homestead bill. And, after my friend from Ohio had taken that step, I do not know but he could have gone even one step further; and, by applying Bishop Berkeley's theory of matter, to morals, might have arrived at the very satisfactory conclusion, that *whatever is, is; and whatever is not, is not*—which, I think, would have been the end of the argument.

Now, having shown, beyond question, as I think, both from the bill itself, and from the grounds upon which it has been asked for, brought forward, and advocated, that the one hundred and sixty acres are to be granted as a charity, for the supposed benefit of the settler, and not as a measure of public policy, to promote the public welfare; I now resume my argument to show *that Congress has no right or power* to annex to the grant the conditions of continuous occupation for five years; that the land shall not be alienated to any one for five years; and shall not ever be liable to the payment or satisfaction of any debt,—by repeating the question, *for whose benefit are these conditions and restrictions intended?* They cannot be for the benefit of the United States, as a landholder or otherwise. If the United States is to be benefited in any way, it is by the settlement and cultivation, and the more land there is settled under the bill the better. But these conditions are burdens upon the settler; a restraint upon him; and will prevent many settlers from accepting the gift. It would, therefore, be for the advantage of the United States to have them stricken out; for, without them, she would have more land settled and cultivated, and that sooner.

It is evident that these conditions are put in the bill, and are intended for the benefit of the settler, under the mistaken notion that it is best for the Government, *in this way, to take care of the future moral and pecuniary condition of the settler.* It is against this I protest, as an insult to the settler, and a questionable exercise of power on the part of the Government. The one hundred and sixty acres are given as a charity, and these conditions are to *enforce* the charity; to compel the settler to keep the homestead whether he will or no; to protect him against his own indiscretion in getting into debt. By these conditions the Government virtually says to the settler, "Now, sir, you are old enough to be the 'head of a family,' but you have not got along very well in the world; you have no land, and not even five hundred dollars worth of property; now, we will give you one hundred and sixty acres of land, but we can't trust you; you shall not sell it for five years, and you shall never get in debt hereafter, and shall not take the land to pay any of the debts you now owe." To me it appears that these conditions are put in the bill upon precisely the same principle upon which the good mother takes her little boy, gives him a large piece of bread and butter, and to prevent him from going into the street and trading it for the marble or tin trumpet of his playmate, *ties* him in a chair till he eats it up. These *conditions*, then, are intended for the benefit of the settler; they *must* be intended either for the benefit of the *settler* or of the *State.*

But *what right has the General Government, under this power in the Constitution, to dispose of the public lands, after it has granted to the settler all its estate and interest in the land as a landholder; thus to control by condition or conditions the settler, or his alienation or disposition of the land; either for the benefit of the settler or of the State?*

As for the State, it has a right to judge for itself in this matter; as to the settler he has the right to occupy, cultivate, alienate or dispose of the land in any way, to any person or persons, or at any time, *not inconsistent with the laws and constitution of the State*—he has the right to judge for himself, *except so far as he is restrained by the laws of his State.* It would be easy to show, I think, that at common law, a party granting all his estate, retaining no estate or interest, either as reversion or rent, would have no right, *for the benefit of the grantee*, to bind him or his heirs, by either of the conditions on which the land is granted by this bill. (See Co. Litt., 223*a*; 4 Kent's Com. 131.) It would have been held to be "absurd and repugnant to reason," that he who had parted with all his estate and interest, should thus restrain the grantee or his heirs. I by no means say that the common law is of greater force than the Constitution, or that it is of any force at all, where the Constitution speaks plainly and unequivocally. But this is a question of construction, and it appears to me that the reasons given by the common law for the rule, ought to have some weight on this question of the power of the Government, thus to tie up the citizens of the States. The power or right to annex these conditions does not seem at all to follow from the general power in the Constitution to dispose of the land. Who would think that an ordinary power of attorney from one citizen to another, or a power in a will to the executor, to sell and dispose of real estate in fee, would authorize the attorney or executor to annex like conditions in a grant for the *benefit of the grantee?*

There are nearly fourteen hundred millions of acres of the public domain—a vast territory, sufficient to make many more States. This bill is now popular; it is brought forward as a popular measure. Let this bill pass, and by it, and by other similar measures, most of this immense domain will pass from the control of the United States, except so far as the Government shall attempt to control it and its tenants, by these or similar conditions. In my judgment, the power thus to control the land and its occupants, would be dangerous to State rights, and might lead to interminable difficulties between the General Government and the States.

III. But admit that Congress has the *right* and *power* to grant the land on these conditions; is it *politic* for Congress to do so? I hold that it is not. I hold the conditions upon which the one hundred and sixty acres are granted to the settler by this bill, to be both *impolitic* and *inconsistent;* impolitic, looking at the grant of the land to the settler as a measure of public policy; and inconsistent with the object of the grant, looking at it as a measure of public charity, or of political benevolence. I hold these conditions and restrictions to be as unwise as they are unjust; an unnecessary infraction of the liberty of the citizen, not only uncalled for by, but positively injurious to the public interest, as proved by the experience of ages. Land best answers its purpose, when it is freely alienable—when it is freely a thing of commerce. The common law—the maxims and rules of which must be supposed to have originated from public convenience or public policy, as proved from experience—made certain conditions in a conveyance in fee void, which interfered to a certain extent with this policy of free alienation. Hence in a conveyance in fee, by which the grantor parted with all his estate and interest, a condition that the grantee should not alien to any was void. (Co. Litt., 223*a*.) Hence the rule in the famous case of Shelley, (1 Co. R. 9.;) which was, "that 'when the ancestor, by any gift or conveyance, 'takes an estate of freehold, and in the same gift or 'conveyance an estate is limited mediately, or im-'mediately, to his heirs, or the heirs of his body, 'that the words 'heirs,' &c., are words of limitation 'of the estate, and not words of purchase;" for if the heir had taken as purchaser, the fee would have been in abeyance during the life estate, and the alienation of the fee suspended until the termination of the life estate. (See 3 Rev. Stats. of New York, 568 to 579, reviser's notes.) Hence the contest between the common law judges in Lord Coke's day, and the statute "De Donis" of 13 Edward I.; which statute was passed to enable the great lords and landholders to keep their lands perpetually inalienable in their families. Hence the statute of 12 Charles II., abolishing the burdens of the military tenures of the feudal system, and with them the "fine for alienation." Hence in New York, and in most of the other States, probably, a statute "abolishing entails."

In speaking of certain restraints of this right of free alienation and use of property, Lord Coke held them to be "absurd and repugnant to reason and *to the freedom and liberty of freemen*," and cites this maxim, "Iniquum est, ingenuis hominibus non esse liberam rerum suarum alienationem"—(Co. Litt., 223 *a*.) This maxim imbodies a great principle of human liberty, not only in the disposition of property, but in the regulation of moral conduct; and deserves the serious consideration of the advocates of the "Maine Liquor Law," and of certain other *legislative* moral reform movements of the day, as well as the consideration of the advocates of this bill, and other land bills of this session, containing conditions in restraint of the free use and disposition of the lands granted.

No doubt, at common law, in leases for life or years, where the lessor retained a reversion in the lands granted; and even in leases in perpetuity or fee, where the lessor retained, by way of rent, an estate or interest in the land equivalent to a reversion; such conditions were permitted, and held to be legal; but this was upon the ground that the lessor *did not part with all his estate, and interest in the demised premises.* (See Sir Anthony Mildemaye's case, 6 Co. 41; Co. Litt. 223*a*.; 4 Kent's Com. 131.) And now in New York, and probably in all the States, any condition in restraint of alienation *in such leases*, would be held valid, which did not so far restrain the alienation as to create a perpetuity as defined and forbidden by the laws of the State in which the demised premises were. Yet, the "abhorrence of a perpetuity," and of these restraints upon the free use of property which the common law had, as shown by its rules and maxims, a few only of

which I have before referred to, and the laws of the States abolishing entails, and preventing the alienation of the fee from being restrained beyond the term of one or more lives, or a certain term of years, plainly show, that it has hitherto been thought, that these restrictions upon the free use and sale of land were impolitic, and that land best answered its purpose, when it was freely a subject of traffic, and its owners and holders could occupy and cultivate it, or part with it freely, *when* and *as* they chose.

At common law, when an individual, by grant or devise, parted with *all* his estate and interest in the land, he might, for the benefit of himself, or of his heirs, or of a *third* party, *where there was a grant or devise over*, annex any reasonable condition to his grant or devise; but I question whether a case can be found in the books, where in such grant or devise of *all the estate and interest* of the grantor or devisor, and where there was no grant or devise over, on failure of performance; any condition restraining or controlling the grantee or devisee, as to his or her occupation, cultivation, or alienation of the land, has been held valid, *upon the ground that such condition or conditions were annexed for the benefit of the grantee or devisee*, and the performance of it, enforced *for his benefit*. The law would pronounce such restraint *absurd*, and, in the language of Lord Coke, as "repugnant to reason and to the freedom and liberty of freemen."

Now, I have shown that by this bill the United States parts with all its estate and interest in the land as landholder; on *certain conditions* it is true. But I have shown that these conditions are intended for the benefit of the settler; and whether intended for the benefit of the settler, the State, or the United States, upon what principle are they imposed by *this* Government on the settler? If the policy and principles of the common law opposed such restrictions, even in a private grant or devise, as a useless infringement of the "liberty of freemen," how impolitic, how inconsistent, not only with the declared object of this bill, the benefit of the settler, but with the declared object of this Government, "to secure the blessings of liberty," for it to introduce these and similar conditions into its grants of the public domain. The common law and statutes of the States forbid that the alienation of *one* farm shall be restrained beyond the term of one or more lives, or a term of years;—this bill restrains *voluntary* alienation by the settler for five years only, but it restrains *millions of settlers* and *millions of acres* for five years, and it restrains any *involuntary* alienation by judgment and sale under an execution, or by mortgage, forever. This new policy of the Government is introduced for the pretended benefit of the settler, of the State, or of the Government, one or all—as such I have been looking at it. But if the real object of inserting these conditions is, Mr. Chairman, to quiet the constitutional scruples which some might have to disposing of the public lands as a *gift*, as a *gratuity*, for the benefit of a certain class of citizens, or of certain States only, by *hampering* the gift and its receiver, and thus rendering the gift the less valuable; if these conditions and restraints are inserted in the bill merely for the purpose of argument, to give the measure the *color* of an act of public policy, and thus procure its passage; if they are never to be enforced, or the settler and the land are hereafter to be released from them by legislation; why then, those who have brought forward or advocated this measure with this intention, must choose between the impolicy and inconsistency of these conditions, and the hypocrisy of thus procuring the passage of the bill under false pretenses. But I make no charge against any one of having any such improper or concealed motives, either in bringing forward, or in advocating the "homestead bill." I believe the author of it honest, but mistaken in his views of the policy of the whole measure, and especially as to the policy of these restraints and conditions. It is possible he or the Committee on Agriculture may have been misled by the authority of great names; for the resolution submitted by Mr. Webster, in the Senate of the United States, on the 22d of January, 1850, in relation to the public lands, to which I have before referred, contained a condition that the settler and his heirs or devisees should *never alien the land except by devise*. The resolution was as follows:

"*Resolved*, That provision ought to be made by law that every male citizen of the United States, and every male person who has declared his intention of becoming a citizen, according to the provisions of law, of twenty-one years of age or upwards, shall be entitled to enter upon and take any one quarter section of the public lands which may be open to entry at private sale for the purposes of residence and cultivation; and that when such citizen shall have resided on the same land for three years, and cultivated the same, or, if dying in the mean time, the residence and cultivation shall be held and carried on by his widow, or his heirs, or devisees, for the space of full three years from and after making entry of such land, such residence and cultivation for the said three years to be completed within four years from the time of such entry; then a patent to issue for the same to the person making entry, if living, or otherwise, to his heirs, or devisees, as the case may require: *Provided, nevertheless*, That such person so entering and taking the quarter section, as aforesaid, shall not have, nor shall his devisees or heirs have, *any power to alienate such land, nor create any title thereto in law or equity, by deed, transfers, lease, or any other conveyance, except by devise, by will.*"

Now, Mr. Chairman, this resolution was submitted not by way of inquiry, not as a question of policy to be investigated, but by it Mr. Webster expressed his deliberate opinion that the hundreds of millions of acres of the public domain ought to be given to actual settlers on condition of occupation and cultivation for three years, and on *condition that the land so given away* should *never* be alienated except by devise—a policy which, if adopted and carried into a law, would in time take out of commerce, of sale and purchase, and render perpetually and wholly inalienable, except by devise, half of the territory of some of the States lately admitted into the Union; and the greater part, perhaps the whole, of the territory of States hereafter to be formed and admitted into the Union—a policy utterly at war with the whole spirit and policy of the common law, as perfected and settled by the experience of ages, and with the policy of State legislation, in every State in the Union—a policy similar to that which induced the great lords and landholders of England, in the reign of Edward I., to procure the passage of the statute "De Donis," to enable them to perpetuate and render inalienable in their families their lands, but which statute was met by the sturdy resistance of the English common-law judges in favor of English freedom; and after a contest carried on between the statute and the judges, during the reigns of Edward IV., Henry VII., Henry VIII., and into the reign of Elizabeth, was finally, by what Chancellor Kent calls (4 Kent, Com. 13) "a bold and unexampled sketch of the power of judicial legislation," effectually defeated by the judges.

I object, Mr. Chairman, to all attempts by legislation to control the citizen in the management or disposition of his property, or in the management or regulation of his moral conduct, unless called for by the most imperious considerations of public policy, whether they come in the form of the conditions of this "homestead bill" or of the "Maine liquor law," or of any other modern, popular, legislative, moral reform measure. Strange it is that those who are eternally talking about the intelligence of the people, should thus openly repudiate that intelligence, and proclaim to the whole world that a free American citizen is not to be trusted with his own affairs; that a man worth less than five hundred dollars, or having no land, does not know enough to take care of one hundred and sixty acres of land; does not know when it is best for him to sell; or whether it is best for him to borrow money or not; or when, and what, and how much it is best for him to drink;—that the same man who is trusted with a vote which may rule the destinies of twenty-five millions of people, is not to be trusted with one hundred and sixty acres of unimproved land, or a bottle of wine. Strange that extreme Democracy has a tendency thus to run into extreme tyranny; that this Government, by inserting conditions and restrictions in its grants of land, should substantially claim the ancient prerogatives of the King of England as the great lord or proprietor under the feudal system of all the lands in the kingdom; for does not the Government, by these conditions and restrictions, say to the settler, you shall not sell, you shall not leave your farm for more than six months at any one time, you shall not mortgage it, you shall not incur a debt *without our permission;* and what is this but a republican imitation of the "fine for alienation," abolished by the statute of 12 Chas. II., and of others of the worst features of the feudal system? I believe the people know best how to manage their own affairs. If I gave them the land, I would give it to them out and out, "in the simplest and most unembarrassed form," as Mr. Webster would have done in 1837, as appears from a speech of his made in the Senate of the United States on the 11th of February, 1837, on Mr. Calhoun's bill to cede the public lands to the States in which they lie, which will be found in the fourth volume of Congressional Globe and Appendix, page 157 of Appendix.

OBJECTIONS TO THE "HOMESTEAD BILL" NOT APPEARING ON ITS FACE.

Having stated, Mr. Chairman, the most prominent objections to the "homestead bill" appearing on its face, I now proceed to state, as briefly as possible, certain other objections to the bill, considering it as a question of *public policy*, and not as a question of *constitutional right or power;* which objections arise and derive their force from the past policy and legislation of the Government, in relation to the public lands; from other land measures now pending before Congress; and from other facts and considerations which do not appear on the face of the bill.

Before proceeding to state these objections, however, one word with regard to public policy. What is public policy—is it not the general welfare? To ascertain what this public policy, this *general* welfare is, must you not look at the East as well as at the West; at manufactures as well as at agriculture; at all the great interests of the Union? Is not public policy the greatest good to the greatest number? Is not every constitutional act of Congress, even an act for the payment of a private claim, necessarily to be taken as an act of public policy; for is it not for the public welfare; is it not public policy for the Government to be just?

Looking, then, at this "homestead bill" as a question of *public policy*, to be settled by considerations not appearing from the bill itself, I say that I object to the bill:

I. Because the land measures of this session of Congress, especially the "homestead bill," will be injurious even to the land States, by vastly increasing the evil already felt and complained of by those States; that is, of large tracts of land in those States being held, unimproved, by speculators and large capitalists;—or the land States, to get rid of the evil, will by taxation force those lands from the speculators and capitalists to themselves, and thus through these land measures and the unlimited power of State taxation, indirectly and without compensation, unjustly acquire from private citizens the lands which those citizens have been induced by the past policy of the Government to purchase, and which the Constitution had not authorized the Government to grant directly to these States as a gratuity. In other words, these land measures will enable the land States to take, and they will take, without compensation, but under the form of State law from the citizen, the grantee of the Government, the land which they could not constitutionally get as a *gift* from the Government; or they will aggravate the very disease for which they are now asked as a remedy, not only by adding to the immense number of acres of *unimproved* land in those States heretofore disposed of by the Government, and now owned and held by private persons, corporations, &c.; but by compelling the smaller and less independent proprietors of such land to escape State taxation, to sell out at depreciated prices to large capitalists and millionaires, who may be able to pay the taxes and hold on to the land; and who may be induced at nominal prices to purchase large tracts of this unimproved land over which the General Government has lost its control, either from the abundance and cheapness of money, or from the ambition or vanity of becoming large landholders or landlords.

One or the other of these results, or both, partially, in my judgment, Mr. Chairman, will inevitably take place from this most extraordinary policy of throwing the public lands into the market, by millions of acres at a time, vastly in advance of the demand for actual settlement and cultivation.

If these land measures have any legitimate and

defensible object, as measures of public policy, that object is the settlement and cultivation of the unimproved land in the land States and Territories; to *hasten* their settlement and cultivation. It is evident that it is wholly immaterial to the question of public policy or public welfare, which lands are *first settled and cultivated*—the lands heretofore disposed of by the Government, or the lands to be disposed of by the land bills brought forward and to be brought forward at this session of Congress. The country is to be enriched, the public welfare to be promoted, if at all, by the additional number of acres of land to be cultivated and improved. It can make no possible difference *when* the land was disposed of by the Government, or whether it belongs to the State, a railroad company, or an individual.

It appears to me that this whole question of policy and of anticipated benefits, even to the land States, from the "homestead bill," railroad bills, and other schemes for getting rid of the public lands, now before Congress, depend, in a great measure, upon two things, which have been wholly overlooked in this discussion of the land question. One is, *the quantity of unimproved land in the land States, now in the market, not belonging to the United States, but which has been heretofore disposed of by the Government.* The other is, *the probable demand for land in the land States for actual settlement and cultivation*, for some years to come, say fifteen or twenty years. It is evident that you cannot settle and cultivate the land without settlers. Where are they to come from, and how many will you have annually to settle the lands?

Make your calculations; say you have a certain number—the persons, "the heads of families," whom this "homestead bill," this bonus of the Government, induces to settle on the lands disposed of by that bill—you will not have to settle on the unimproved lands heretofore disposed of by the Government, or on the lands to be disposed of by the railroad bills. If there is a vast amount of unimproved land heretofore disposed of by the Government in the hands of private persons, companies, and corporations, will you not, by the proposed land grants of this session, retard the settlement of those lands, the demand of lands for settlement and cultivation being limited by the ratio of increase of our population? And thus will not the passage of any one of these land bills render it impolitic, or at least *less politic*, to pass another? This whole question has been argued as if we had a *surplus population;* as if we had fifty millions of men ready and waiting to take immediate possession, not only of the lands to be disposed of by the "homestead bill," and of the lands to be granted for railroads, but also of the unimproved lands *heretofore* disposed of by the Government; whereas the truth is, the public lands have been heretofore thrown into market by the Government vastly in advance of the requirement for settlement and cultivation from the increase of our population from all sources. What have been the consequences? Depreciated prices. The lands have passed into the hands of speculators, and are held by them in large tracts, unimproved, to the great injury, no doubt, of the new States, and to the ruin of thousands who have found themselves unable to hold on to their lands and pay the State taxes. Such were the consequences of the enormous sales of public lands in 1835 and 1836. Since then, especially within the last five years, an immense number of acres of the public lands have been given away by the Government, as bounties for military services, for railroad, and other internal improvements, and for various other purposes. Now, it appears to me that the sure effect of this "homestead bill;" of the *indiscriminate* grants for railroads, and of grants for certain other purposes of the public lands, proposed at this session, will be to greatly increase the evils which followed this mistaken policy of the Government, and which are now complained of by the new States; for while, by the railroad bills and other bills granting lands to States, or companies, for purposes of internal improvements, education, &c., you will add not less than two hundred millions of acres to the vast number of acres of the public lands which have been disposed of by the Government, but which remain yet uncultivated and unsettled; yet, by the "homstead bill," and by certain bills graduating the price of the public lands, you will take away or absorb from the lands to be granted by these railroad bills, &c., and from the lands heretofore disposed of by the Government, the market, the demand for settlement and cultivation, arising from the increase of our population.

What is to become of this immense amount of unimproved, wild land? It cannot be settled in a great number of years; the small capitalist or land owner cannot hold on to his and pay the taxes; those indebted for their lands cannot hold on to theirs; it is thrown into market; the actual settlers will not buy it because they can get land of the Government, under the "homestead bill," for nothing, or under the bill graduating the price of the public lands for twenty-five cents an acre. Where will the land go? It will pass, by sale and purchase at nominal prices, into the hands of large capitalists, *who can hold on to it*, or into the hands of the State in which it lies, under a sale for unpaid taxes.

An over supply of land, like that of every other commodity, lowers the price. A, has a thousand bushels of wheat, or one hundred horses; he takes them to market, but he finds, on reaching the market, that the Government, or some rich man, in a fit of charity, has sent to that market, to be distributed as a gift or charity, a sufficient number of bushels of wheat or of horses to supply that market with wheat or horses for years to come. What will A do with *his* wheat or horses? He cannot sell them to those who then happen to be in want of wheat or horses; they will not *purchase* that which they can take as a *gift* freely and without price. But A cannot *keep* his wheat or horses; perhaps he owes for them; perhaps all his small capital is invested in his wheat or horses. What can he do but sell to the capitalist, who *can* hold on, however long, until the market rises—until the over supply has ceased? but of course A must sell at a ruinous price.

To give full force to my reasoning on this point, Mr. Chairman, it only remains for me to answer these two questions:

1st. How much *unimproved land* is there in the land States and Territories, not belonging to the United States, but which has been heretofore disposed of by the Government of the United States, and is now owned and held by private persons, corporations, companies, and States, and in the market, waiting for sale, settlement, and cultivation?

2d. What will probably be the demand for unimproved land in the land States and Territories, for actual settlement and cultivation, for some years to come, say for the next ten years; that is, how much, what number of acres of unimproved land, would probably be settled within the next ten years, or any other given period, under the present land system, and without reference to the "homestead bill," or to any other land bill or measure of this session?

These questions I shall now answer.

It appears by a table, recently prepared at the General Land Office, by request of my colleague, [Mr. BENNETT,] and which will be found annexed to his printed speech on the public lands, that the land States and Territories contain, in the aggregate, 1,616,935,598 acres of land; and that of these 1,616,935,598 acres, on the 30th day of September, 1851, 1,399,586,140 acres had not been sold or appropriated by the Government, and belonged to the United States. By deducting, then, this 1,399,586,140 acres remaining unsold and unappropriated on the 30th of September, 1851, from 1,616,935,598 acres, the area, you have 217,349,458 acres as the total of acres in the land States and Territories, which had been sold and appropriated by the Government prior to the 30th of September, 1851. This 217,349,458 acres, however, includes 3,400,725 acres, which had been reserved for Indians, and 422,325 acres which had been reserved for salines, amounting together to 3,823,050 acres, which, deducted from 217,349,458, leaves 213,526,408 as the total of acres in these land States and Territories, that had been *sold* and *granted* by the Government up to the 30th of September, 1851, including 7,123,903 acres of confirmed private claims, but exclusive of about 4,000,000 of acres of the Chickasaw Indian cession in Mississippi and Alabama, (ceded to the United States in 1832 and 1834. to be sold by the United States for the benefit of the tribe,) and of which about 4,000,000 acres had been sold up to the 30th of September, 1849, as appears by the report of the Commissioner of the Land Office of that year. This 4,000,000 added to the 213,526,408 makes 217,526,408, as the total of acres in the land States and Territories, sold and granted by the Government up to the 30th of September, 1851, including the private claims confirmed by the Government as before stated.

Now, it appears by the last census, that the total of acres of improved land in all the land States and Territories, was 37,450,699 acres; which, deducted from 217,526,408 acres, the total of acres so sold and granted by the Government, leaves 180,075,709 acres, as the total of acres of unimproved land in the land States and Territories which had been sold or granted by the United States, or the private title and claim to which had been confirmed by the United States prior to the 30th of September, 1851.

But this 180,000,000 acres includes only about 16,000,000 acres, the number of acres *actually located* under bounty-land warrants prior to the 30th September, 1851, and does not include about 46,000,000 of acres, the probable number of acres thereafter to be located under the Mexican war bounty land act, the war of 1812, and under the bounty land act of September 28, 1850.—(See report of Secretary of Treasury, December, 1850, and table K, appended to that report.) Nor does this 180,000,000, of course, include the 20,000,000 of acres in addition, which will probably be required to satisfy that provision in the act passed at the present session, making land warrants assignable, which extends the bounties of the act of September 28, 1850, to the militia volunteers of any State or Territory whose services have been paid by the United States. Add this 46,000,000 and 20,000,000 of acres yet to be located under the different bounty land acts, to the 180,075,709 acres which had been sold and disposed of by the Government, as before shown, and you have 246,075,709 as the total of acres of *unimproved* land in the land States and Territories which have been actually disposed of by the United States, and which are now owned and held by private persons, corporations, companies, and States, waiting for settlement and cultivation, and which are to be sold, and ought to be sold to actual settlers; and the owners of which are now, and will continue to be, competitors of the United States as a landholder not only, but will be competitors of the States, railroad companies, and other grantees of the lands to be disposed of at this session of Congress, by grants for railroads and other purposes, in the land market of the West.

By the last census it appears there are only 112,042,000 acres of improved land in all the States and Territories. There are, then, now, or soon will be, in the land States and Territories, under grants of the Government, heretofore made and by virtue of laws already passed, in the hands of private persons, corporations, companies, and States, of the finest and best unimproved land the sun ever shone upon, more than double the number of acres there are of *improved* land in the whole United States, including all the States and Territories.

How long will it take to settle this 246,000,000 of acres of unimproved land which has been disposed of by the Government? Allowing eighty acres to each settler, it will take three millions of farmers to settle it—more than double the whole number of farmers now in the United States—as shown by the last census. Call the free white population of the United States now, twenty millions; allow the same ratio of decennial increase for the next thirty-three years, that the last census shows for the ten years prior to 1850, which is thirty-eight per cent.; of this increase for the next thirty-three years, take one thirteenth for settlers, which is about the per cent. of the free white population of the United States who are farmers or landholders, as distinguished from freeholders, as shown by the last census; and you will find by a calculation easily made, that the *whole increase* of the free white population of the United States for the next thirty-three years, will not supply settlers sufficient to settle this 246,000,000 acres of unimproved lands.

Of the 180,075,709 acres of unimproved land, which had been sold, and granted, and *located* under bounty land warrants, up to the 30th September, 1851, as before stated, it appears that—

Missouri has	13,653,150	acres.
Illinois	22,177,784	"
Indiana	15,512,013	"
Iowa	6,230,917	"
Wisconsin	8,899,741	"
Michigan	14,139,757	"
Arkansas	10,336,146	"
Alabama	10,083,608	"
Mississippi	17,567,871	"
Louisiana	14,600,053	"
Florida	4,736,111	"
Making	137,936,551	"

of unimproved land in these States alone, (besides *that* yet to be located under the different bounty land acts,) *not belonging* to the United States, but to the grantees of the United States. And yet these States come forward at this session of Congress and demand grants of the public lands for railroads, to the extent of thirty or forty millions of acres; and also, through their Representatives, appear here as the strong advocates of the "homestead bill," a measure which must necessarily prevent the sale and settlement, not only of this 137,936,551 acres of unimproved land, which has been disposed of by the Government, but of the lands which they now ask for railroads. This is not all. Our admiration is wonderfully increased in view of all this, when we look at the *reason* given to prove the constitutional power and right of the Government to grant these lands, not only to the States for railroads, but to the settler for a home, as a gift or gratuity, viz: that the Government will *be benefited* as a *landholder*—that the public lands retained by the *Government will be increased in value and command a more ready sale*—that is, that the Government with this immense amount of unimproved land owned by others, now in competition with the lands of the Government, will increase the price, and hasten the sale of *its land*, by *increasing the competition*. Can any one doubt that it is a discovery; a new principle of political economy, that a *surplus increases price*—and when you add to this, the other discovery, that by creating this surplus by *gift* or *charity*, you still further increase the price and quicken the sale, our admiration must also be increased?

Now, as to the *other questions—What will be the future demand of land for actual settlement* in the land States? &c.—any answer must be, of course, problematical. We can only judge of the future from the past. What, then, has been this demand? What number of acres of unimproved land in these land States, &c., have been actually settled for the ten years next preceding 1850? We will take the same eleven land States last named. The whole population of these eleven States was, in 1840, 3,302,944; in 1850, 5,609,983. The increase, therefore, for the ten years, as shown by the abstract of the census returns of 1850, lately published, was 2,307,049, and the ratio of increase for the ten years about seventy per cent., (sixty-nine and a fraction.) By the same abstract, it appears that there are 27,368,830 acres of improved land in these eleven land States; and by a table which will be found in the speech of the gentleman from Pennsylvania [Mr. DAWSON] on this homestead bill, made out by him from the returns of the census of 1850, in the Census Office, not yet published, it appears that there are in these eleven States 405,043 farmers or landholders, as distinguished from freeholders. This gives sixty-seven acres and a fraction as the average number of acres of improved land held by each farmer or landholder in these eleven States, and also shows that about one thirteenth (thirteen and a fraction) of the total population of these States are farmers.

Now, say that *one thirteenth* of the 2,307,049 increase of population for the ten years prior to 1850 were farmers, and you have 177,465 as *the increased number* of farmers or settlers for the ten years prior to 1850. By giving sixty-seven acres of unimproved land to each of these settlers, you have 11,890,155 as the number of acres actually settled for the ten years prior to 1850. Now, allow the same ratio of *decennial* increase, say seventy per cent., and take one thirteenth of that increase for settlers, and the whole increase of the population of these eleven land States for thirty-four years will not give settlers sufficient to settle the 137,936,551 acres of unimproved land in the same States which had been sold or granted by the Government, or located under the different "bounty land acts," on the 30th of September, 1851. But I submit, Mr. Chairman, that it is not probable that the ratio of decennial increase, for the next twenty or thirty years, of the population in these States, in consequence of the probable immigration from the old States, and even from the land States, to California, Oregon, Texas, and the recently-acquired Territories, will be as large as for the last ten years; indeed, that it is not probable that such ratio of decennial increase will hereafter exceed on an average the ratio of decennial increase of the free white population of the whole of the United States for the last ten years, viz: thirty-eight per cent. Should it not, it will take the whole increase of the population of these eleven land States for about fifty years to settle the 137,936,551 acres of unimproved lands in those States which have been so disposed of by the Government.

Now, does not this statement alter the question? This whole land question has been argued this session, by the friends of the "homestead bill," and of these indiscriminate grants of the public lands for various purposes, as if the Government was *locking up the land* from settlement and cultivation, as if the Government was depriving persons of a natural right to sufficient land to settle on; as if all the Government had to do was to say the word, and settlers would spring up by millions in a night, like mushrooms.

What glowing pictures have we had drawn of the beneficent effects to flow from this bill upon the country, and upon humanity! "One hundred and sixty millions of acres of wild land, settled, improved, and cultivated, as the result of a policy shadowed forth and guarantied by the passage of this bill," says my friend from Pennsylvania, [Mr. DAWSON,] "producing a surplus of 480,000,000 of bushels of wheat, which, at fifty cents per bushel, would amount to $240,000,000," he enthusiastically exclaims; as if we had *now* a million of "heads of families," ready, and waiting, and willing to take *immediate* possession under this bill, without calling them from *other employments, or affecting other interests*—overlooking the fact, that the public lands had already been thrown into the market immensely in advance of the demand from increase of population; and overlooking the great and serious injuries, which must necessarily follow, even to the land States, from the "homestead bill," when taken in connection with the other enormous grants of the public lands. Instead of attributing the evil of which the new States complain, of large tracts of their land being held by speculators to the right cause, viz: to the questionable policy of the Government, to say the least, in surveying and offering for sale the lands, vastly in advance of the requirements of settlement, the advocates of this measure charge the Government with *withholding* and monopolizing the lands; and now bring forward this "homestead bill," and other land bills, to take unnumbered millions of acres more from the hands and control of the Government. Pass the "homestead bill," and where will not only the unimproved lands to be granted by the other land bills of this session, but those which have heretofore been disposed of by the Government, go? Most inevitably, the greatest portion of them into the hands of speculators, or into the hands of the States in which they lie—if into the hands of those States, they will thus acquire from the Government, as a gift, *indirectly*, that which they had no right to ask, or the Government constitutionally a right to grant as a gift, directly.

II. This "homestead bill" is unjust, and will be injurious to the old States, or States in which there are no public lands, and to the capital invested in unimproved land, railroads, agriculture, and manufactures in those States.

By taking the total of acres of improved land in all the States in which there are no public lands, except Texas, and in Ohio, (which has only about 200,000 acres of public land, and therefore in looking at this question, ought not to be called a land State,) as shown by the last census, from the total of the areas in acres of these States, it appears that there are 220,708,176 acres of unimproved land in these States.

By a recent statement published by Mr. Kennedy, of the Census Office, it appears that there was, on the 1st of January, 1852, in operation, and in course of construction, 21,712 miles of railroad in the United States. That of these 21,712 miles of railroad, 5,264 miles are in Texas, and in the land States exclusive of Ohio, and 16,448 miles in Ohio, and in the States in which there are no public land exclusive of Texas; that the cost of these railroads per mile was, in New England, about $45,000; in New York, Pennsylvania, and Maryland about $40,000; and in the other States it is estimated at $20,000. Call the cost of this 16,448 miles of railroad $30,000 per mile, and you have $493,440,000 as the cost of the railroads now in operation and in course of construction in the States in which there are no public lands, exclusive of Texas, and in Ohio.

The capital invested in agriculture in these States is immense. The capital employed in agriculture in the States of New York, Pennsylvania, Ohio, and Virginia alone, amounting to $1,070,549,344, as is shown by the last census, estimating the improved land in these four States at $20 per acre.

By the last census, it appears that the capital invested in the manufacture of cotton goods, woolen goods, pig iron, wrought iron, and castings alone, in the United States, amounts to $151,877,687.

Now, does it require any reasoning to show that this "homestead bill" will be injurious to these States which have no public lands, and to the immense capital invested in unimproved lands, railroads, agriculture, and manufactures therein? What is the wealth of a State but its productive labor? and what is this bill but a *bonus, a bounty offered by the Government for labor to leave the old States and settle in the new States?* How can it benefit the land States unless it induces additional emigration from the old States to them—an emigration greater than would take place under the "preëmption rights and minimum price," of the old land system? Neither this "homestead bill," nor any other land measure of this session, can benefit the land States as a whole, by taking the population of one land State and transferring it to another; nor can they benefit any one land State by taking the population from one part of that State and transferring it to another part of the same State. The benefit which the land States expect to receive, and which they claim from these measures is, that they will cause persons, or a class of persons, to leave the old States and settle in the land States who would not otherwise do so.

The population of these land States, taking *all of them, slave* and *free*, has increased seventy per cent. in ten years. The population of *several* of the *free land States* has increased in the same period from three hundred to eight hundred per cent.—a growth and prosperity unexampled in the history of States. During the same period the population of the New England States increased only twenty-two per cent., and the population of the Middle States about twenty-nine per cent. Now, what has caused this most extraordinary growth and rapid increase of the population of the land States but the rich and alluvial soil given to them by Nature, and the "preëmption rights and minimum price" of the present land system given to them by the Government? From whence came a great part of this increase of population—at whose expense have the land States gained this extraordinary increase? From the old States, and at their expense. But of this I do not complain. I rejoice at their prosperity and growth. I look at it with pride and pleasure. The advantages which Nature has given to them they are justly entitled to; and of the present land system, which has looked so favorably to their settlement and growth, I do not complain, for it has *also looked to revenue for the benefit of all the States.* But this "homestead bill," while it is a *bold bid by* the Government for population to leave the old States and settle in the new States—a gift of one hundred and sixty acres of land to the citizen of the old State, *on the condition* that he shall leave the old States and settle on the one hundred and sixty acres in the new States—is at the same time utterly inconsistent with any idea of looking hereafter to the public lands as a source of revenue; and thus will not only *retard the growth*, but indirectly *increase the taxes* of the old States for the benefit of the new States.

Will not the labor, the settlers that this bill,

this *bonus* of the Government, induces to leave the old States and go to the new, add to the wealth and prosperity of the new States? And, if so, why will not such labor and settlers be a *loss* to the old States? Do the land States claim that they are to receive any benefit or advantage from this bill, that is not to be gained from, and to be the loss of, the States in which there are no public lands?

If these old States had a surplus of population; if all the lands in them, susceptible of profitable and successful cultivation, had been settled and improved; the question would be a very different one. But look at these States: Of the 22,400,000 acres in Maine, 2,019,593 only are improved; of the 5,139,000 acres in New Hampshire, 2,251,388; of the 29,444,000 acres in New York, 12,285,077; of the 4,384,640 acres in New Jersey, 1,770,337; of the 30,080,000 acres in Pennsylvania, 8,619,631; of the 25,576,960 acres in Ohio, 9,730,650; of the 304,685,880, the total of acres in Ohio, and in all the States in which there are no public lands, exclusive of Texas, 83,977,704 acres, a little over one quarter only are improved. A large portion of this unimproved land is not susceptible of cultivation no doubt; but a large portion of it, probably the greater portion, is susceptible of successful and profitable cultivation; and though it may not be so rich and productive, lies *nearer market* than the land in the land States. It is mostly owned and held by citizens of the different States, and is waiting for sale, settlement, and cultivation. Would not its settlement and cultivation add immensely to the wealth and power of the States in which it lies? What is wanting for its sale, settlement, and cultivation, but settlers? but when are these States to have settlers to settle it, under the policy of the Government, "shadowed forth" by this "homestead bill;" by which the Government, (as if the advantages of soil and climate, and of "preëmption rights and minimum price," by which the land States have nearly doubled their population in ten years were not enough,) *throws itself* into the scale, by furnishing land, capital, free-gratis, to those who shall leave the old States and settle in the new?

The land States not only ask for the "homestead bill," to enable them to increase their population faster; but they also ask for unnumbered millions of acres of the public domain as a gift or bonus with which to build railroads, for the same purpose.

Now look at the old States, with their 16,448 miles of railroad, and $493,440,000 of the capital of their citizens invested therein. What were these railroads built for? Was not one of the principal objects in building most of them, to open to market the unimproved land in these States, and thus to hasten its sale, settlement, and cultivation; and is not the loss or profit of this immense capital, invested in these railroads, dependent more or less upon the settlement, improvement, and cultivation of the unimproved land in these States?

Look at the capital invested in agriculture in the improved land and its cultivation, and in manufactures, in the old States. Is it not all dependent upon the price of labor for its profit or loss; and is not this homestead bill, in substance and in effect, a premium offered by the Government to the laborer, for the benefit of the laborer, and of the land States, to leave the farmer and manufacturer in the East and go West? And is it just for the Government thus to use the property of *all* the States, or of *all* their citizens, for the benefit of a *few* States, or of a *particular class* of citizens, to the injury of the remainder of the States, and of another class of citizens?

Mr. Chairman, I must not be misunderstood. As a resident of New York, I do not complain of or envy the prosperity of the West. I do not object to the people of the East going and settling there by thousands or hundreds of thousands at a time, if they choose. I am not the advocate of *low wages*, or of a protective policy. I do not object to the wages of labor, however high, which may be the result of the general prosperity of the country, of general causes, of laws, or measures of the Government, *general* or *equal* in their operation. Nor, perhaps, could the capitalist complain of a law, or measure of the Government, though partial in its operation, and intended to benefit only particular States, or a class of citizens, if he had invested his capital *after* such partial law or measure of the Government. But I say, and this is my point, that Congress has no right, and it would be unjust, to pass a law like this "homestead bill," partial and unequal in its operation, for the exclusive benefit of a few of the States, or of a particular class of citizens, and to the injury of other States, and of another class of citizens who had invested their capital under a different policy of the Government, *even though* such law may have the effect to raise the wages of labor. I object to the Government's taking the public land, or money from the public Treasury, the property of all, and giving it to the poor and landless as a charity for their benefit exclusively, because they are poor and landless; or giving it to the poor and landless on condition that they settle in certain States, for the benefit of those States exclusively; and more especially, as I have shown, that such charity to individuals, or partiality to States, must operate to the injury of other States, and of other individuals, equally entitled to the favorable regard of the Government. I object to the Government *interfering in this way;* and by means of this *bounty of land* offered to the landless, inducing labor to leave the old States for the benefit of the new States, and to the injury of the old States.

III. This "homestead bill" is inconsistent with the past, and proposed grants of the public lands for railroads:

1st. Because it will necessarily prevent the grantees of these railroad lands, selling them to actual settlers within the period required by the railroad bills; and if not sold to actual settlers, the lands will pass in large tracts into the hands of speculators and mortgagees, and will be held by them unimproved for high prices, which, if paid in time, will be paid by the settler for the *benefit of the speculator or mortgagee, who, after all, will be the only one benefited.*

2d. Because the only plausible ground on which these railroad grants can be said to be either constitutional or expedient, is, that the railroads will enhance the value of the remainder of the public domain, and will thus benefit the United States as a landholder. Now, admit this to be so—for whose benefit is this enhanced value? Is it not for the benefit of the settlers under the "homestead bill?" Does not the "homestead bill" give away to actual settlers the lands so enhanced in value by the railroad bills? You first increase the value of the lands by the railroad bill, and then turn around and give them away by the "homestead bill," and allege this increased value as a justification for the railroad bill. The justification is this, and nothing more or less; that by the means of the one gift by the railroad bill, you enhance the value of the other gift or charity by the "homestead bill"—and all the benefit I can see that the Government can receive from the one measure, is the satisfaction of having increased the value of its charity to the landless by the other.

The "homestead bill" is inconsistent with itself, if I may so speak. It grants the land to the actual settler, on *condition* that he occupy and cultivate it for five years. For *whose benefit* is this condition? It is either for the benefit of the settler, or of the State, or of the United States. You dare not say that it is for the benefit of the settler, for then you treat the measure *openly* as a public charity. You dare not say it is for the benefit of the State, for then you meet with an acknowledged constitutional difficulty. But you say that the settlement and cultivation which is enforced by the condition, will increase the value of the public lands belonging to the United States, which may not be settled and cultivated under the act, and, therefore, the United States will be benefited as a *landholder*, and this is the only ground upon which you put the *constitutionality* of the act.

Now, suppose this increase in value to take place, for whose benefit is it? If not for the benefit of the first settlers, who may choose thereafter to avail themselves of the benefit of the act. A, B, and C settle on three adjoining quarter sections, and cultivate them severally for five years, and thereby increase the value of the adjoining unimproved quarter sections belonging to the United States; will C, D, and E, settlers bound West, who want land for actual settlement and cultivation, *purchase* of the Government these quarter sections, so enhanced in value by the settlement and labor of A, B, and C on the adjoining quarter sections, and *pay the enhanced price* for them to the Government, when they can take them *freely* under the homestead bill as a *gift?* The operation of the bill is not limited to any certain period; it is forever, or as long as there are any public lands remaining to be settled or disposed of; and this *increased value* produced by the settlement and cultivation of the *first settlers* under the bill, is for the benefit of the *subsequent settlers* under the bill, and not for the benefit of the United States as a landholder.

IV. This "homestead bill" is wholly inconsistent with the *policy* and *object* with which the different "bounty land acts" have been passed.

What was the object of those acts? What were the lands distributed by these acts, given for? As bounties, as *rewards* for *public* services; for services which *had been rendered* by soldiers for the *whole* country. *What was the policy* of those acts? To encourage the citizen to answer promptly his country's call upon him, to redress her wrongs; to defend her liberties; to fight her battles; by showing him that if he survived those battles, the Government would well reward *him;* and if he did not, that it would take care of his *wife* and *children.* If this was not the policy, then those acts were not justifiable.

Now, this "homestead bill" not only gives the same or a greater quantity of land to the poor man, because *he is poor*, that the "bounty land act" gives to the old soldier because he *had been brave*, and thus puts *poverty* and *bravery* on a *par* for the *future* enlightened favors and kind regard of the Government; but by it the Government wholly, or partially, takes away from the old soldier even the bounty which it has bestowed by the bounty land act. This bill will make his land warrant valueless or nearly so. He "asked for bread," and we gave it to him, with many fine speeches and compliments, for his bravery and patriotism; and now, within a brief period, by this bill, we "turn his bread into stone," and put him upon a par with the "*squalid* and the *suffering*," whom my friend from Pennsylvania, [Mr. CHANDLER,] in his speech, so classically, beautifully, and humanely expresses his desire to see taken by it "from the crowded, unhealthy alleys of our cities."

V. It is evident, from what has been said, that this measure is inconsistent with an increase of the present tariff, either for revenue or for protection; for how can you call such increase, a tariff for revenue, when with one hand you *give away the revenue*, and with the other increase the tariff to supply the deficiency; and how can you call such increase, a tariff for protection, when by this homestead bill you *produce* or *increase* the very *cause* for which you grant the protection, and for which it is asked?

What is the difficulty with manufactures now? Why does even the manufacturer of iron ask for further protection? Is it a want of a market for his iron, as the gentleman from Massachusetts [Mr. RANTOUL] would seem to suppose? Protect iron to any extent, and we will not be able, in years, to manufacture all the country will want.

No; it is the *cost* of manufacturing it *here* that calls for the protection. And why the cost here? It is not the cost of the raw material—of the ore, or of the coal. It is, then, the cost of the labor—the high price of labor *here*. Take the manufacture of pig iron in the United States. The capital invested is $17,346,425; the value of the raw material—ore, fuel, &c.,—$7,005,289; the amount of wages paid for a year, $5,066,628; value of entire products, $12,748,777.

I am not advocating now, either protection and low wages, or free trade and high wages; but my point is, that this homestead bill will take labor from the manufacturing States to the land States—from the manufactories of the East to the farms of the West—and thereby increase the cost of labor and the cost of manufacturing; and that, therefore, it is inconsistent for gentlemen here, representing a manufacturing interest, (the iron interest of Pennsylvania, for instance,) to advocate and press this measure, and *afterwards* come forward and ask for an increase of the duty on foreign iron, to protect the iron interest of Pennsylvania. To be consistent they must *begin* now, and protect that interest by voting against this bill.

VI. Mr. Chairman, the principle upon which this bill proceeds, as a measure of public policy,

or of political economy, is so evidently novel and extraordinary—so utterly opposed to, and destructive of, the true principle upon which labor should be encouraged and protected by the Government, as shown by all human experience, that I have not thought till now of stating this, as a distinct objection to the bill.

All human experience, from the days of Adam to this day, has shown that the true way for a Government to encourage industry and reward labor, is to protect property; so that while its acquisition shall be the stimulus to labor, its security shall be the reward of labor. The great principle is to make the acquisition of property desirable, and thus induce to industry. To do this, protect it by equal and just laws; free it from unnecessary restrictions; give the holder of it the right freely to dispose of it, by will or otherwise; give it to his nearest of kin on his death, if he has not disposed of it while living, and thus bring in the force of the affections and the ties of blood to the aid of industry. In this way the reward of the laborer will be according to his merit, because he will have and enjoy all he has earned and saved.

But this bill proceeds upon an entirely novel principle—to encourage industry by a distribution of bounties; not for services done, nor according to merit, for it gives as much land to the man who has spent in idleness and dissipation all of his patrimony but $400, as to the man who, by hard labor and economy, has saved $400.

The principle upon which it proceeds would appear to be as little in accordance with the principles of divine justice as of political economy. Look at the parable of the talents in the 25th chapter of Matthew, and of the parable of the pounds in the 19th chapter of St. Luke. In the former, which of the servants did the "man traveling into a far country" reward on his return—the man who had hid his *talent* in the earth, or the servant who had made other five talents? In the latter parable, did the "nobleman" reward the servant who had tied his pound in a napkin, or the servant who had made other ten pounds?

Even *indiscriminate* private charities are thought by some to do more hurt than good by encouraging idleness; but what shall we say of this great public charity, by which the Government offers a bonus to idleness, by giving the same bounty to the idle and vicious spendthrift, as to the industrious and thrifty laborer?

I am as much the friend of the laborer, as the gentlemen on the other side of this question. We differ in the way of showing our friendship, in the way of benefiting him. I would do it by encouraging his industry, protecting his person and property, and by giving him all possible liberty, both of person and property, consistent with a well-organized, efficient civil government, and the rights of others; they (if I am correct in my view of this bill) would do it by taking the property of all, and giving it to the few—they would do it by giving the same reward to the vicious and idle poor man, as to the honest and industrious laborer, and thus put honest labor and vicious poverty on a par.

I think this bill is an attack on the rights of property, for I can see no difference in principle, in taking the property of A B and giving it to C D, because he has none; and taking the property of all the people of the United States, and giving it to those only who have no land. I look upon this bill as *agrarian*, and if it should become a law, as the *first* only of measures brought forward to more nearly equalize the distribution of property.

I say the honest and industrious laborer will be injured by any departure from that great principle, the *security* and *freedom* of the rights of property, and therefore I am his friend by defending it.

BALTIMORE PLATFORMS—SLAVE QUESTION.

SPEECH OF HON. J. R. GIDDINGS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1852.

The House being in the Committee of the Whole on the state of the Union on the Deficiency Bill—

Mr. GIDDINGS said:

Mr. CHAIRMAN: The two great political parties of the nation have held their Conventions. From all parts of these United States delegates have assembled, deliberated upon their platform of principles, avowed their doctrines, nominated their candidates for President and Vice President, and now have entered upon the presidential campaign. Preparatory to this state of things, many speeches were made here, to which the free Democrats, the advocates of liberty, listened with commendable attention. And now, Mr. Chairman, I rise to occupy a brief hour in vindicating the position of the party to which I am attached. Often during the last six months, the question has been propounded to me, whether we should vote for the candidates of the Whig or the Democratic party? This question, so far as I am concerned, will probably be answered satisfactorily before I take my seat. I will, however, add, in this connection, that the friends of freedom labor to sustain *measures;* they care little for *men*. They adhere tenaciously to *principle*, but have no attachment to *parties*.

It is not my purpose to examine very critically the principles of those parties. It may be sufficient for me to remark that they agree as to the policy which ought to control our Government. The Democrats first avowed their doctrines. Their confession of political faith having been two weeks before the public, and being read and duly considered before the assembling of the Whig Convention, that body took issue upon none of the doctrines avowed, nor upon the policy maintained by the Democrats. I notice in some papers much is said in relation to "internal improvements." The Democrats say "the Constitution does not confer upon the General Government power to commence and carry on a *system of internal improvements.*" Do the Whigs take issue on this general and unmeaning assertion? Not at all. They answer, "the Constitution vests in Congress power to open and improve harbors, remove obstructions in navigable rivers, &c., *said improvements being in every instance national and general in their character.*" Now, sir, no Democrat ever did or ever will deny this doctrine. So, too, the Democrats make assertions about "fostering one branch of industry to the detriment of another;" and the Whigs refuse the issue thus tendered, but in answer assert doctrines which no Democrat denies. The Democrats attempt to galvanize into existence the obsolete idea of a National Bank, to which the Whigs make no reply, admitting by their silence the Democratic faith. Neither advances a principle which is denied by the other; they stand on the record in perfect harmony. And no other contest exists than a strife for office, for place and power; for the spoils, the loaves and fishes.

This is the first time, for many years, that these parties have each put forth an avowal of their doctrines. In the change of times, and the ordinary course of events, they now find themselves in perfect harmony with each other. The day of their contention and disagreement has passed away. The issues which once really existed between them have become obsolete, or have been given up. Their usefulness is at an end, and their history will soon be written. The increase of intelligence, the improvements of the age, demand new organizations, and new parties. For years, the old parties have intermingled constantly, and no influence has been able to keep them separate. Here, and throughout the country, some Whigs act with the Democratic party, and some Democrats act with the Whig party. For the last four years there has been no matter of legislation before this body on which the members have arrayed themselves according to their party character. On every question, a portion of Whigs have acted with the Democrats, and a portion of Democrats have acted with the Whigs. Indeed, sir, those who have watched the proceedings here for the past few years, could not fail to see that slavery constitutes the only question of interest before us.

Notwithstanding the Whigs and Democrats are acting in perfect harmony with each other, they have united in tendering to the friends of liberty important issues. One of those issues is so extraordinary, that it demands my first attention. The proposition is to stifle all further examination of chattel slavery, and is expressed by the Democrats in the following language:

"*Resolved*, That the Democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

The Whigs resolved—

"That * * * we will discountenance all efforts to continue or renew such agitation whenever, wherever, and however made."

We, sir, the free Democracy, will agitate the subject of slavery and its correlative, freedom. Here, sir, is an issue formed between us. I, sir, am about to agitate this question. I intend to speak plainly of slavery, of its most revolting features. I will endeavor to use no offensive language, but I will talk of the practice followed by men in this District, of purchasing slave women, and then selling their own children into bondage. Now, when I do this, the Democrats are bound to *resist*, and the Whigs to *discountenance*, my efforts. In order that we may start with a perfect understanding of this conflict, I desire to understand the manner in which the Democrats will manifest their *resistance*. I am now agitating this subject, and what will you do about it?

Now, I hope gentlemen will not feel any particular delicacy in showing their resistance. Don't be alarmed, gentlemen; just stand up here and now before the country; show your resistance. Be not afraid, gentlemen—I am less than the stripling of Israel, who went forth to meet Goliah. You stand pledged to *resist* God's truths—to silence the tongues of freemen. I meet you and hurl defiance at you, and your infamous attempts to stifle the freedom of speech. And now, who speaks for the carrying out of this resolution?

Mr. Chairman, we may "call spirits from the vasty deep," but they will not come.

I repeat to the Democrats: I want to know what you are going to do? You are bound to *resist*.

Mr. DURKEE, (in his seat.) Their tongues are tied.

Mr. GIDDINGS. You are a friend of liberty and not authorized to speak for them. [Laughter.] I want some one to answer who is authorized to speak for their party. I ask respectfully of my colleague from the Circleville district, what do you mean to do? How will you resist me?

Mr. OLDS. I am well aware there is no time to reply to an interrogatory while the gentleman is making a speech. If he asks me how, as an Ohio Democrat, I will resist the agitation of the slavery question here and elsewhere, I will answer him in a minute. I shall resist it here by voting against the suspension of the rules for the introduction of the apple of discord into this House. I shall resist it at home by telling my people to stand by the compromises of the Constitution, and "rather bear the ills we have, than fly to others we know not of."

Mr. GIDDINGS. Mr. Chairman, my colleague has given an answer entirely satisfactory. He will vote against any suspension of the rules for introducing the apple of discord. He is perfectly safe. No motion was ever made to suspend the rules for that purpose, or ever will be. But I understand, that when in Committee of the Whole, as we are now, and a member agitates the slave question, he will sit quietly by and say nothing. His resistance will be like that of my Whig friends to slaveholding dictation; he will sit still and bear it, silently *acquiesce*, as they now do. That is the very resistance which I approve. It is safe—it will injure no one. But at home, he goes for the compromise, for *agitation*. He himself is to become an agitator. Well, sir, I wish the Democratic party joy, in having such agitators among them.

The Whigs, in their Convention, also resolved that they "will discountenance all efforts to continue or renew such agitation *whenever*, *wherever*, and *however* the attempt may be made." The language of this resolution differs from that of the Democracy, but its spirit and object is the same. They intend to suppress the freedom of speech here and among the people. On this point the two great parties of the nation have cordially united. A coalition for a more odious purpose could not have been formed. Duty to myself, to this body, and the country, demands an exposure of this conspiracy against the Constitution, against the rights of members here, against the people.

Mr. Chairman, is it contemplated to silence the popular voice in this Hall? If that be not the case, these resolutions mean nothing. They are mere

"*brutum fulmen*," made for show, to frighten men of weak nerves. They may do very well among doughfaces; but when those parties attempt to frighten Free-Soilers, they should better understand their opponents.

The Whigs and Democrats united have sufficient numbers to vote us down, to silence us; but they will not do it. They *dare* not do it. The Constitution has provided "that Congress shall pass no law abridging the freedom of speech." That Constitution we have sworn to support, and by the blood of our ancestors we will maintain it. Slaveholders and doughfaces, Whigs and Democrats, may combine to trample that sacred instrument under their feet, by suppressing the freedom of speech; but, sir, they have not the moral power to effect that object.

Agitation or discussion is not only to be put down here, but among the people; they are to have no more anti-slavery meetings; no more Free-Soil conventions; no more sermons in favor of God's law; no more prayers to Heaven for the oppressed of our land; the Declaration of Independence is to be burned; our printing establishments broken up, and our social circles are to speak no more of the rights of all men to enjoy life and liberty. A new political police is to be established, and the American people placed under slaveholding surveillance. Our literary writers are to be driven into exile. But I am paying undeserved attention to these base, these puerile attempts to stifle discussion on the subject of humanity. I hold these resolutions in unutterable contempt. I trample them under my feet. I spit upon them. Their authors, those who adopted them, had better have been attending some Sabbath school, gaining intelligence and qualifying themselves for useful employment.

And here I will leave this ridiculous attempt to ape the despotisms of Europe, by stifling discussion upon the absorbing question of liberty.

I will now proceed to examine the reasons why these resolutions were adopted.

Why should these parties in their National Conventions take Congress, the Constitution, and people under their control, and command universal silence upon certain measures? Evidently because investigation and discussion would endanger the future success of their organizations. The very proposition shows that they have no confidence in the people. The man or party who strives to silence discussion; to shut out truth, admits that he is in error. No man, or party, who feels that he is *right*, hesitates to let the whole truth be known. He feels that he will be vindicated by the development of truth, and his honor will be sustained.

But why should the Whigs and Democrats unite to keep the truth from the public eye, in regard to the compromise measures? Why, sir, the first of those measures was that establishing territorial government in Utah, admitting slavery and the slave trade to be established there, on soil consecrated to freedom by Mexican laws. I well know the people were told that slavery could not go there, as it was excluded by the laws of God. Well, sir, official documents now show that assertion to have been a gigantic falsehood. The census returns show that slavery exists there; that man is there held in bondage, lashed into subjection by his fellow-man; women are sold like swine in the market, and children made subjects of barter. Now, sir, we free Democrats insist that slavery and the slave trade should be excluded from that Territory. The motto of our party is, "*No slave territory.*" We do not believe it right thus to deal in God's image. But this law which permits these outrages, the Whigs and Democrats say is a *final* settlement; that these practices may continue in all coming time. But they dare not go before the people admitting this truth; nor dare they deny these facts. To avoid this unpleasant question, they resolve to *resist* every attempt to speak or write upon it. Their only way of escaping from popular odium is to keep truth from the people. Now, sir, does any Democrat or any Whig believe that Free-Soilers will vote for any candidate pledged to sustain those revolting practices? If any one who ever held a place in the free Democracy, shall cast such a vote, it will be some other man than myself.

Again, Mr. Chairman, the last Congress provided by the law aforesaid that one or more States may be admitted from said Territory with or without slavery. They were unwilling that the members of the next or any future Congress should judge for themselves, whenever Utah shall ask admission into the Union; and they have made this foolish attempt to dictate the action of this body in future ages. Well, the provision is, that an indefinite number of slave States may be admitted. Of course, their political power, under the Constitution, will be in proportion to their slaves. The man in Utah, who buys a slave woman, and raises four bastard children, and holds them as *property*, adds as much to the political power of that State as four of those educated and intelligent Democrats who sit before me add to the political influence of a free State. Now, sir, we, the free Democracy, are unqualifiedly opposed to this insult to Northern dignity. We do not believe that the man who thus sets at defiance God's law, and tramples upon decency, is any better than an educated, intelligent Northern freeman. But, sir, Whigs and Democrats say that this disgraceful inequality shall be allowed to the people of Utah and maintained. They know that public indignation would be kindled against every man who would thus degrade the people of the North. They would hurl from place and power such men, if the facts were known to them. They therefore seek to smother the truth; to keep the people in ignorance; and resolve to *resist* agitation, to *discountenance* discussion. They pledge their candidates to carry out this disgraceful combination against liberty and the rights and honor of the free States, and then turn round and ask honest men, those who possess self-respect, to vote for their own disgrace. Sir, Free-Soilers, men of intelligence, will not thus stultify themselves.

The same law, or a law with similar provisions, was enacted in relation to New Mexico. The people of that Territory may, if they please, enter into this speculation in human flesh. They may curse that land with human bondage. Whigs and Democrats say that this law shall be a *final* settlement of that subject; that slavery and the slave trade shall not be excluded; and the Democrats are to *resist*, and the Whigs are to *discountenance* all discussion in relation to it.

One or more slave States are to be admitted from New Mexico, upon the same terms of degrading inequality to the free States as those from Utah, and Northern men are to submit without discussion. Agitation would, in the words of the Whig resolution, endanger the peace of the Whig party. They say they therefore deprecate agitation. Well, sir, the proper meaning of the verb "to deprecate" is, to "pray against;" and the Whigs will therefore pray against agitation, as it will endanger their peace. Such prayers would simply be "*an abomination;*" they would do no other hurt. And as for the peace of the Whig party, I should far rather see it endangered than to see one child sold from its parents, or one woman flogged, or one man degraded.

The motto of Free-Soilers is "NO MORE SLAVE STATES." This is our unyielding, determined position. We wage an exterminating warfare against every man, and every party who would extend the curse of human servitude, or increase the slave power in any degree. The Democratic party and the Whig party unite in the extension of slavery and of the slave power, and then ask the friends of liberty to vote with them! *I shall not do it.*

Another measure of the last Congress was a law entitled "An act to *abolish the slave trade in the District of Columbia.*" A flagrant falsehood was sent to the people in this title; for the law itself does not profess to abolish the slave trade in this District, and only excludes from this market the slave-breeders of Maryland and Virginia, leaving the sale of men, women, and children to continue here. And this commerce in the image of God is to go on and continue forever. The Whigs say it shall not be disturbed, and the Democrats say they too will protect it. These parties have taken position between us and the slave-dealers, and say we shall not discuss the morality of their vocation; indeed, they assert that we shall not agitate the cause of freedom.

You, sir, lately saw an advertisement in the leading Whig paper of this District, in these words: "*For sale, a handsome and accomplished lady's maid, aged just sixteen years.*" Except in this city and New Zealand, I do not think any Government within the bounds of civilization would have permitted such an outrage upon decency. I speak of New Zealand without intending any disrespect to the people of that island by comparing their habits with ours. They buy men and women for food only. The object is far more honorable and Christian-like than that for which the young women of this city are advertised and sold.

Mr. Chairman, General Scott and General Pierce are both pledged to maintain this traffic in the bodies of women, and the advocates of liberty are asked to aid in electing them. Sir, let those parties revel in such moral and political wickedness; let them pledge themselves and their candidates to perpetrate crimes revolting to humanity, but I beseech them not to insult honest men, philanthropists, and Christians, by asking them to participate in such transcendent iniquity.

Another of the compromise measures is the fugitive slave law. Of the character of this law, I have spoken on former occasions. Of its unconstitutionality, I think no unprejudiced mind can doubt, who listened to the speech of the gentleman from Massachusetts, [Mr. RANTOUL.] Of the crimes committed under this law; of the enormities of sending free men into slavery, under color of this law; of the barbarous and savage character of the agents selected by this Administration to carry it out, I have no time to speak. I noticed in the address of a clergyman, lately delivered before the Home Missionary Society, a statement that the reverend speaker was in the central parts of Russia during last summer; that an intelligent nobleman taunted him with the character of this fugitive law, saying: "*You can find nothing in the legal code of Russia, nor in the decrees of her Emperors, equal to that barbarous law.*" No, sir, I do not believe that any despot of Russia, or of Austria, was ever guilty of putting forth so barbarous a law; yet the Democratic party and the Whig party tell us that this law shall remain as a *final* settlement of this subject. The Whig party, it is true, reserve to themselves the right of making it *more barbarous*. But it is to remain a law and continue in force while time shall last. Yes, when the "archangel shall descend from heaven with a rainbow upon his head, and, placing one foot upon the earth and the other upon the sea, shall *swear by Him who liveth forever and ever, that* TIME SHALL BE NO LONGER," the dread summons shall find the people of Philadelphia, New York and Boston upon the "*qui vive*," hunting for slave mothers, who have fled from all else they hold dear in life, in order to enjoy liberty. There, Whigs and Democrats will be found supporting this law; and when they shall close their eyes upon terrestrial objects, they will be listening to the baying of bloodhounds, the clanking of chains, and shrieks of slaves, the roar of muskets, the dying groans of slave-catchers, and their wounded associates, the bloodhounds; the last death-sigh of murdered fugitives, will all rise from this earth and mingle with the archangel's voice, as he shall summon us all to the bar of final retribution. I would speak of the future with solemnity, but if men are to carry with them into the coming world their leading traits of character, as some hold, it would seem that their residence in the spirit world will be made vocal with the sighs, and groans, and shrieks of associated beings.

But both parties and their candidates are pledged to maintain this infamous law. And they will "*resist*" and "*discountenance*" all agitation in regard to it, "in Congress or out of it." The policy of silencing discussion upon it must be apparent to every man. The slaveholders demanded the passage of this law. Northern doughfaces submitted; some voted for it; others fled the Hall. They then knew it would be death to the measure and political obliteration to themselves, to discuss it; and therefore, voted against its discussion, against all agitation, and a *minority* of this body actually passed it under the previous question; and now Whigs and Democrats say it never shall be discussed. That, when our people of the North see a fellow-being seized, chained, dragged into slavery, and sold and flogged, they shall say nothing about it, here or elsewhere. That they shall look upon the murdered corpse of fugitives shot down by the agents of Government, and may moan over their

barbarity, but they must not discuss, they must not agitate the repeal of this law. Well, sir, I assure them the people will discuss these things; they will hurl from power and from place the men who thus contemn the popular feeling.

But, it is said, through the Whig press, that we cannot repeal this law. I saw this morning an article, in some respects an able article, denouncing this law, in a Whig paper, professedly anti-slavery. The editor, however, admitted that the law would not be repealed, perhaps, for twenty years. Sir, the admission shows the author to be unconscious of the people's power.

It is this miserable, cowardly submission to the slave interest, which has degraded Northern men. Let the people send to this body forty members, whose hearts are devoted to freedom, who have confidence in the power of truth, and this law will be repealed in six weeks. It will be swept from our statute book, and curses, deep and loud, will rest upon its authors.

The editor to whom I alluded, proposes that we shall contribute from the national funds to pay for fugitives. I could have forgiven the editor for almost any other political offense. What, sir, are the decendants of the Pilgrims, of those who bled at Bunker's Hill, and on every battle-field of the Revolution, rather than pay a paltry tax on tea and on stamped paper, supinely to become tributary to Southern task-masters? When the barbarians of Algiers seized and enslaved our people, we sent an armed force there and slew them, holding them unworthy of a place upon God's footstool. No, sir, by all the hallowed associations which cluster around the memory of English and American patriots, I avow and declare that I would sooner see every slaveholder of the nation hanged than to witness the subjugation of Northern freemen to such a humiliating condition. No, sir, when it comes to that, I for one, shall be prepared for the *dernier* resort—an appeal to the God of battles. I am a man of peace, but am no non-resistant, and I would sooner the ashes of my hearth-stone should be slaked in my own blood, and the blood of my children, than submit to such degradation. And here, I will take occasion to say, that if this law remains in force, civil war is inevitable. The people will not submit to it. Why, sir, civil war already exists. At Christiana civil war, with all its circumstance of force, under color of law—resistance in defense of natural right—bloodshed and death took place. In my own State a similar transaction occurred; and I assure gentlemen that other instances will occur if attempts be made to enforce that law. In my own district are many fugitives, who have informed their masters where they may be found. These men have become desperate. They desire to see the slave-catchers. They pant for an opportunity to make their oppressors "bite the dust." Sir, send on your commissioners and deputy marshals and bloodhounds, and I assure you that a civil war will soon be in active progress.

Sir, gentlemen talk of enforcing this law. *It cannot be done.* The people have already passed sentence upon it, and upon its authors; and that sentence will be speedily executed. Nor can you stop agitation in regard to it.

Agitation, discussion, and examination, are the agents—the instruments—for carrying forward all reforms. The Saviour of man spoke truths boldly. They fell harshly upon the ears of scribes, pharisees, and hypocrites. They denounced him as an agitator; seized, tried, condemned, and crucified him as an agitator. From that day to the present, every man who has boldly avowed truths unwelcome to the ears of despots, tyrants, and the oppressors of our race, have been denounced as agitators. Jefferson, in the Declaration of American Independence; Samuel Adams, in the Continental Congress; Washington, on the battle-field, were "*distinguished agitators;*" John Quincy Adams, while in this Hall, for years maintained and defended with inimitable powers the right of petition, and was denounced throughout the country as an *agitator*. He was arraigned at the bar of this House, and tried as an agitator. Every member of this body who defends the rights of the people, is denounced as an *agitator*. To me, these epithets have lost their terrors.

For hundreds and for thousands of years, the instruction and elevation of mankind has been carried forward by agitation. By means of it, tyrants and despots have been driven from power, and popular rights have been extorted from barbarous rulers. Without agitation, no people ever gained their rights, or retained them after they had been extorted from their oppressors. Now, suddenly, to prevent the progress of liberty, Whigs and Democrats unite to suppress this element in all reforms. They declare that discussion shall cease, and the slave-trade and slavery shall continue forever, and the fugitive law shall be rendered perpetual.

Mr. Chairman, well do I recollect the evening after these laws had been passed. I then viewed them in all their horrors. I saw the degradation to which the people of the free States were subjected—the crimes which we had authorized. My heart sunk within me, as I contemplated the public men who had aimed this blow at liberty.

But, sir, on yonder avenue I heard the songs of drunken revelry and the insane shout; bonfires lighted up the heavens, and the thunder of cannon told the immoderate joy of slaveholders, slave-breeders, doughfaces, and dealers in human flesh. Their gratitude naturally flowed out to those most instrumental in the passage of these laws to which I have alluded, called the compromise and fugitive law. In the fullness of their hearts and stomachs they repaired to the dwelling of the Secretary of State, and called on him for a speech. He readily complied, commencing his congratulations by saying:

"Now is the winter of our discontent made glorious summer." He then informed the motley crew around him, that this question of slavery was settled, and that they were no more to be troubled with agitation. Sir, from that day up to the close of the Baltimore Convention, he wrote letters and made speeches declaring and avowing that agitation had ceased; assuring the country in substance that the slave trade in this District and in our Territories would go on undisturbed. That oppression here and in the Territories now had nothing to fear. The whole energies of the Government were put forth to enforce the fugitive law; but they generally proved abortive. Every possible exertion was made in Boston and Philadelphia to convict those charged with obstructing its execution; but all failed. The blood of Gorsuch, a piratical slave catcher, who fell at Christiana, is unavenged, in spite of the public treasure and Executive influence put forth to obtain a conviction of those who righteously slew him. The patriots who assisted Shadrach to escape the fangs of the Boston bloodhounds, yet laugh to scorn your infamous law. At Syracuse, at Rochester, and a hundred other places, the friends of liberty rejoice at the impotency of this law, although it has thus far been backed up by Executive power. These defeats of the Executive, and of this enactment libelously called a *law*, have resulted from *agitation;* and well may slave catchers and doughfaces now seek to stifle discussion, to silence the people.

Sir, while these things were going forward, the Secretary of State was looking for, and expecting a return for the services he had rendered the slave power. The presidential chair and White House was looked to as the reward for his treason to God and humanity. But there again agitation had done its work: All reflecting men knew that he could not receive in the whole Union scarce twenty electoral votes. And when the Baltimore Convention passed upon his claims, not a Southern vote was cast for him. Chagrined, mortified, and discontented, he will soon retire, and history will record the *truth* concerning him and us. But, sir, I will not aggravate the chills of political death, nor call up to mind the sins which must "sit heavy on his soul," when a darker night shall close around him.

Agitation has brought to the scaffold another conspicuous victim. The President of these United States lent his whole influence to the promotion of those compromise measures to which I have alluded. His devotion to the slave power has been openly and boldly avowed. Steadily and basely has he prostituted the influence and power of his office, to the purpose of supporting slavery, oppression, and crime. At the Baltimore Convention, the slaveholders, I believe, were unanimously in his favor. But Northern delegates dared not support him. Agitation had informed the people of his having deserted their cause, and gone over to the enemies of freedom. The popular voice of the North had pronounced his doom; he was cast aside; the political grave yawns for him; and on the 3d of March he will be laid in it. Were I to write the epitaphs of these men, I would inscribe upon their tombs, "KILLED BY AGITATION." Think you not that these men and their party have cause for their hostility to discussion—to the dissemination of truth?

The Democrats, also, have cause for opposing agitation. Their ablest, their most experienced statesmen have fallen victims to it. General Cass, the man who of all their candidates I deemed best qualified for the Presidency, in an evil hour signed a letter pledging himself to these compromise measures. It proved his political death-warrant, when, too late, he found that the people of the North would sustain no man who had thus pledged his influence of office to measures which the popular voice has condemned as *barbarous*, as disgraceful to our nation. At the Baltimore Convention his friends bore him to his political grave; and

"Not a drum was heard, nor a funeral note,"

as they quietly deposited his remains in their final resting-place. Such, too, was the fate of Pennsylvania's favorite statesman. He had long been anxious to serve the slave interest. He pledged himself in the most unqualified manner to maintain these laws as a perpetual settlement of the slave question. But he, too, was cast aside at an advanced age, when he can look for no further preferment. *These men all died of "eating Southern dirt."*

Circumstances appear to render it indelicate for me to speak of other candidates of the Democratic party.* Yet I would remind them all of the fate which must await those public men who prove false to liberty and humanity. I assure them and the country that agitation will continue and increase until the people of the free States shall be relieved from all participation in the disgrace and crimes of slavery.

Agitation is the great and mighty instrument for carrying forward these reforms. Agitation is as necessary to purify the political atmosphere of this nation as storms are to purify the natural atmosphere. Deprive us of storms, of winds, and showers; and vapors, poisonous exhalations, and miasmas would be around us, and we should inhale death in the unseen atmosphere. Such, too, is precisely the case in the political air of this nation. Stop agitation, and the political atmosphere will soon be filled with frauds, abuses, and corruptions, which would be inhaled by your Executive and public men; the vital blood of the nation would be poisoned, and the body politic would putrefy.

But this opposition to freedom, so dominant in the Whig and Democratic parties, led to the organization of the friends of liberty into a separate political party in 1848. The extraordinary circumstances which then surrounded the advocates of freedom called together a mighty host. On the memorable ninth of August, of that year, fifty thousand freemen met in solemn convocation. There were men of distinction, men of intellect, statesmen, and philantropists. They were conscious of the responsibility resting upon them. In framing a confession of their political faith they laid its foundations upon the enduring, eternal principles of justice. The equal right of all men to enjoy life, liberty, and happiness, constitutes the basis of our creed; and the next article asserts "that governments are constituted among men to *secure these rights.*" All our action under the Constitution should be to protect the life and liberty of every human being within our exclusive jurisdiction. That our legislative powers in this District, on the high seas, and in our Territories, should be exerted to secure every being who bears God's image, in his right to life and liberty, instead of establishing and sustaining oppression and slavery. Here, sir, at this point, an issue between us and the other parties, deep and broad, is presented. And from this position the friends of humanity will never depart.

It is an important fact, that neither the Whig nor Democratic party profess to pay any re-

*Senators Houston and Douglas, who had been candidates for nomination, were present listening to this speech.

spect or attention to moral principles in their legislation. By their practice they deny the responsibility of human action, so far as politics are concerned. They hold that members of this body may pass laws which deprive our fellow-men of life or liberty, and that those who enact such law are not morally guilty of enslaving or murdering their fellow-men. We, sir, hold that those who enacted the fugitive slave law are as guilty in the sight of God and good men as they would be were they themselves to seize a white man, place irons upon his limbs, and send him to slavery without law. In such crimes, we, the advocates of freedom, will not participate. One of our resolutions adopted at Buffalo was in these words:

"*Resolved*, That it is the duty of the Federal Government to relieve itself *from all responsibility for the existence or continuance of slavery wherever it possess constitutional authority to legislate on that subject.*"

This resolution is in direct and unqualified conflict with the entire policy of the Whig and Democratic parties relative to slavery. It is in conflict with the platforms of those parties, to which I have called attention. Basing our whole political action upon the plainest principles of justice, liberty, and humanity, we challenge examination, discussion, *agitation*. We seek to cover up nothing, to keep nothing from the popular ear. The more you examine and discuss our doctrines and policy, the better are we pleased.

We, sir, would drive the slave question from discussion in this Hall. It never had a constitutional existence here. Separate this Government from all interference with slavery; let the Federal power wash its hands of that institution; let us purify ourselves from its contagion—leave it with the States, who alone have the power to sustain it; then, sir, will agitation cease in regard to it here; then we shall have nothing to do with it, our time will no more be occupied with it, and, like a band of freeman, a band of brothers, we could meet here, legislate for the prosperity, the improvement of mankind, for the elevation of our race.

Mr. Chairman, I have served in this Hall some fifteen years. During that period, I think at least two thirds of the time of this body has been occupied by the subject of slavery and other matters connected with that institution. For the last three years we can scarcely be said to have done anything else but discuss and legislate for slavery. This, sir, is all wrong. Slavery is a local institution, existing only in a portion of the States. The attempt to nationalize it is unwarranted and unconstitutional. To do this is now the object of both the Whig and Democratic parties. Against these attempts we, the Free Democracy, wage unceasing, undying, unyielding hostility. This war we shall never give up. We shall never lay aside our arms until victory shall crown our efforts; until this Government shall be redeemed and disinthralled from the foul stain of chattel slavery. Against oppression, in all its forms, and in all places, we have sworn eternal hostility. Our sympathy for suffering humanity is broad as creation, reaching to all climes, and embracing all who bear the image of our Creator. To persecuted Hungary we tender the assurance that "we feel for those in bonds as bound with them." On this subject the Democrats have spoken oracularly.

The Whigs talk about "entangling alliances and standing on foreign soil;" but they dare not take distinct issue on the propriety of exerting our moral power, our political influence to maintain the law of nations. Substantially, both Whigs and Democrats are opposed to us on this subject. They would permit Russia or Austria to swallow up Hungary without any protest or expression of our disapprobation. We sympathize with the oppressed of all nations; and we, the Free Democracy, literally constitute the party of progress. At Buffalo we adopted the policy of "*cheap postage for the people*," and inscribed it upon our banner, and unfurled it to the breeze. We foresaw the advantages of increasing the facilities of communication among the masses, and determined to confer upon our country these benefits, while Whigs and Democrats were too timid to take a position either for or against it.

I am aware that we are often charged with being men of one idea—indeed, we are sometimes called the *party* of one idea—and I refer to these facts to vindicate ourselves from that charge. We dared go where neither of those parties were willing to follow us, nor to oppose us; and in less than three years the correctness of our position has been acknowledged before the country.

"Lands for the poor, homes for the destitute," free of expense to all who will immigrate to the West, was another article in our political creed. To this policy neither the Whig nor Democratic party dared express their consent; nor dared they oppose it. At this session a bill, carrying out our views on this subject, passed this body by a vote of nearly two to one. The Senate will doubtless comply with the popular will of the nation by passing this measure of benevolence, which will cause thousands of hearts to swell with gratitude and joy. Sir, the Free Democracy believe that Governments were constituted to protect, elevate, and render our race, our whole race, more happy. That it is our duty as statesmen, as philanthropists, as Christians, so far as we have constitutional power, "to raise up the bowed down," "to exalt the humble," "to inform the ignorant," "to comfort the distressed," and increase the prosperity and happiness of all who come within the sphere of our political, our moral, or our religious influence. Of course, we are hostile to those compromise measures which the Whigs and Democrats are pledged to sustain.

In 1848 nearly three hundred thousand freemen cast their votes for our presidential candidate. Since that period our moral and political power has greatly increased. Probably one third of the members on this floor are indebted to men who sympathize with us for their seats, and many were elected solely and entirely upon our principles. Three members of the Senate were elected as Free Democrats, while others are partially indebted to the votes of the Free Democracy. In several State Legislatures we hold the balance of power; but this is but little evidence of the rapidity with which our principles are extending. Our progress is marked by the change of feeling towards our doctrines in both the other parties; their hostility is diminishing daily; they are becoming acquainted with our views, and, of course, respect our motives. In all elections now throughout most of the free States, candidates are selected whose doctrines and principles are not obnoxious to us. The cloud which, in 1848, was like unto a man's hand in size, has now overspread the whole North, and will soon extend over the nation, and finally over the world. But it is said that those friends in the State of New York, who came from the Democratic party, have returned to it. I deeply feel and deplore this fact. I loved and honored them—I still respect them; but I must say that, in my judgment, they have erred in departing from us. I, however, will not judge them—to their own masters they stand or fall. Had they continued with us, there is, in my opinion, no doubt that we should, in November next, have effected the election of a President favorable to our views. That they are friends of liberty, I know; that they will sustain the doctrines laid down in the Democratic confession of faith, or vote for Pierce and King under the circumstances attending their nomination, I do not believe. I hope and trust they will yet feel the propriety of again acting with us. But while they are permitted to judge for themselves, they and all mankind will accord to us the same rights. The members of our party, generally, entered upon an organization with a deep feeling and conviction that such an organization was necessary. Time and experience has confirmed us in that opinion. I have stated the basis of our doctrines; they are permanent, *eternal* as God himself. While standing on those principles, we *cannot be wrong*. The political and moral regeneration of our country—the entire reformation of this Government from its practice of sustaining oppression, slavery, and crime, is our object. To effect this great and holy purpose, must require time and perseverance. In what I have said and done on these questions I have but reflected the sentiments and feelings of those I represent—indeed, among them are many, very many "older and *better* soldiers" than myself. That people, sir, will stand firmly, steadfast, and immovable upon the doctrines, and the organization which they have adopted.

I am aware of the arguments so often used to pursuade Free-Soilers to vote for this or that man, for this or that party, in order to gain some supposed temporary advantage. But, sir, we organized for the maintenance of doctrines important not merely to the people of a township, a county, or a State, but to *man* wherever he is found. Important not merely to-day at this election, or next year, but *in all coming time*. Can we leave such a position to unite with either of the other parties in order to elect this or that man to office, while he stands pledged to maintain slavery and the slave trade in this District and in our Territories? to continue the infamous fugitive law—to uphold and support all these measures as a *final* settlement of the subjects to which they refer, and to discountenance all examination, discussion, or agitation as to the propriety of these measures? Sir, were we to unite with either party to elect a President thus pledged, we should lose our own self-respect—we should lose the respect and the confidence of the world. Politically, sir, we are "a city set upon an hill which cannot be hid." Throughout the country our influence is felt. In this Hall we weild a moral power far beyond our numbers. Let no man charge me with indelicacy when I assert that the Free-Soilers of this body exert all the influence to which their numbers entitle them. Whigs and Democrats have confidence that we shall in all cases be guided by judgment, by reason, and justice, and not by the paltry considerations of *party*.

The effect has been most salutary. Ten years since no man here dared separate from his party. No matter what was the subject or his own judgment, every member was compelled to fall into line and vote with his party leaders. Free-Soilers have set an example here of independence. The commencement of our trials on this subject was severe. We were frowned upon, villified, and denounced, but thank God we had the firmness to bide our time, and now for years many Whigs and Democrats have followed our example and dared to vote as their judgments and consciences dictate. In short, sir, here party lines upon most subjects of legislation have become obliterated. This of itself constitutes a great reform. Party lines are also becoming obliterated throughout the country, in consequence of the example and influence of the Free Democracy. This wide and extended influence must be surrendered if we vote for either of the other parties or their candidates.

At Baltimore a portion of the Whig party contended manfully against committing themselves to the outrages and crimes of the fugitive law and compromise measures. In that respect they did more than the Democrats. My sympathies and the sympathies of our party and of all good men were with them.

And had the anti-slavery Whigs in this House and the Senate promptly and energetically met the supercillious pretensions of the slave power with decision and firmness, I have little doubt they would have inspired a feeling at Baltimore which would have repudiated a platform that has stamped indelible disgrace upon their party. In this Hall the Democrats have sustained the constitutional rights of the free States more ably and faithfully than the Whigs have during the present session.

But I am aware that a strong effort is making to induce our Free Democracy to sustain the Whig candidate at the coming election. With the gentleman nominated I have long been acquainted. To him nor to the Democratic nominee have I any personal objection; but if elected, he is pledged to maintain the outrages, the revolting crimes pertaining to the compromise measures and fugitive slave law, to which I have called attention; to render them perpetual, so far as he may be able; to prevent all discussion relating to them. To vote for him is to vote for this policy; to identify ourselves in favor of the avowed doctrines which he is pledged to support; to give proof by our votes that we approve the platform on which he stands. But, sir, why vote for Scott in preference to Pierce? Of the men I say nothing. They merely represent the doctrines of the parties who nominated them. If there be a difference between those parties it is on the slave question. It can be found in nothing else.

The doctrines of the Whig party, as I have shown, pledge them and their candidate to maintain slavery; the breeding of slaves for market;

the sale of women in this District and in the Territories; to uphold the fugitive law in all coming time; to admit as many slave States as shall apply from New Mexico and Utah, and to silence discussion on all these subjects. This is as far, I think, as human depravity can go. If the Democratic party has dived deeper into moral and political putridity, some archangel fallen must have penned their confession of faith. If there be such a distinction, it can only be discovered by a refinement of casuistry too intricate for honest minds to exert. Sir, suppose there were a shade of distinction in the depths of depravity to which these parties have descended, does it become *men—free* men—men of moral principle, of political integrity, to be straining their visions and using intellectual microscopes to discover that shade of moral darkness? No, sir; let every man who feels that he has a country to save, a character to sustain—that he owes a duty to mankind and to God—come forward at once, and wage a bold and exterminating war against these doctrines, so abhorrent to freedom and humanity.

But it is said that the Democratic party, if defeated again by the anti-slavery sentiment as they were in 1848, will disband, and the masses will then unite with us in support of justice, truth, and liberty. The defeat of the Democratic party might disband them, and it might not. There is no certainty on that point. If we were to unite with the Whigs, we might or we might not defeat the Democrats. If we were to try the experiment and fail, Whigs and Democrats would despise us. We should despise ourselves. If we should succeed, we should become identified with the Whig party, and swallowed up by it. In every aspect in which I can view such a policy we must lose the moral power which we possess. Standing upon elevated principles—professing, avowing, and proclaiming the political gospel which we present to the people—we cannot descend to mingle in such a contest without a sacrifice of that moral and political influence which now commands the respect of all honest men, and of our own consciences.

Mr. Chairman, I know not the course which the people whom I represent will pursue. From the past only can I judge of their future action. A residence of half a century among them has given me some knowledge of their character. Their past action on this subject is "known and read of all men." In 1840, when Mr. Van Buren pledged himself to veto any bill to abolish slavery in this District, the county in which I reside gave the largest majority against him of any county in the United States in proportion to its numbers. In 1848, pledged to our doctrines, we gave the largest majority for him of any county in the United States. I mention this to show to the country that we are goverened by *principle*, not by party—that we are not led by demagogues, by designing men.

That people do their own thinking and their own voting. They know their rights, and will maintain them so far as moral and political action on their part will do it. They are at all times prepared to discharge their duty. Sir, in 1848, there was more political effort made to induce our friends there to vote for the present Executive than was ever put forth on any other occasion. Distinguished gentlemen from other States of great ability, and of anti-slavery sentiments, were imported to show us the propriety of voting for men who feared to speak in favor of free principles. But those efforts failed, and few men can now be found who will admit that they ever cast a vote for the present Executive, a man who has prostituted the power of his office to the support of slavery and crime. Now they are to be called on to vote for men openly pledged and committed to the work of eternizing slavery and the slave trade, and the fugitive law. Sir, I will leave the Free Democracy of the Reserve to speak for themselves. They have always done that. Nor am I authorized to speak for the Whigs or Democrats, although I have been supported for many years by a portion of both those parties; yet I will risk the opinion, that not one half of either of those parties on the Reserve will be found voting for Scott or Pierce.

Sir, we are in the midst of a revolution. The two great parties are striving to convert this free Government into a slaveholding, a slave-breeding republic. Those powers which were delegated to secure liberty are now exerted to overthrow freedom and the Constitution. It becomes every patriot, every lover of freedom, every Christian, every *man*, to stand forth in defense of popular rights, in defense of the rights of the free States, of the institutions under which we live, in defense of our national character.

Sir, I am getting old, the infirmities of age are coming upon me. I must soon leave the scenes with which I am surrounded. The conflicts through which I have passed in this Hall are not of a character to inspire me with a desire to remain here. The performance of duty, though in an humble manner, has constituted my highest ambition. It is uncertain whether I shall again address this body; but one thing I ask, that friends and foes, here and elsewhere, in this and in coming ages, shall understand, that whether in public or in private life, by the wayside or the fireside, in life or in death, I oppose, denounce, and repudiate the efforts now put forth to involve the people of the free States in the support of slavery, of the slave trade, and their attendant crimes.

THE PUBLIC LANDS—THE TARIFF.

SPEECH OF HON. T. STEVENS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

June 11, 1852.

The House being in Committee of the Whole, and having under consideration the bill making appropriations for the Indian Department—

Mr. STEVENS, of Pennsylvania, said:

Mr. CHAIRMAN: I have nothing to offer which can much interest the House after the spicy debates of the last few weeks, for I have nothing to say on the presidential question. Indeed, with us, there is no occasion for it. For among all true Whigs there is perfect harmony, entire unanimity. And, although I am sorely distressed at the unhappy dissensions which have destroyed the Democratic party, and slaughtered her ablest and most honored chiefs, yet it would be impertinent in me to interfere. Nor need aught be said of that very select and highly respectable body of gentlemen who denominated themselves the Union party; for, although it started with lofty pretensions, and considerable *eclat*, yet it has met an early fate. Engendered by a whirlwind of their own creation, it vanished with the element that gave it birth. For, although we have lately seen its ghost flitting across this Hall, in the agreeable form of the gentleman from Tennessee, [Mr. WILLIAMS,] with certain uneasy attendant spirits, yet its *corpus* is in the toombs; and, admonished by the charitable injunction, *de mortuis nil nisi bonum*, I am necessarily held in the profoundest silence with regard to it.

I propose to discuss the several land bills already reported to this House, with the legions that are yet in the womb of the committee, and incidentally a protective tariff. Those bills involve the question both of the right and the policy of the General Government to dispose of the public lands. The right to dispose of them is expressly given by the Constitution, and ought, therefore, to be unquestioned. The objects to which they ought to be applied must depend on the nature of the title. The title is of two kinds. When the thirteen colonies became independent, they laid claim to large tracts of unoccupied land. Those claims were often conflicting. Congress, under the Confederation, invited the States to cede them to the General Government; and pledged the Government, by a solemn resolution, to hold them for the equal benefit of all. Virginia, who ceded the Northwest Territory, inserted the express provisions of the grant, "that it should be a common fund for the benefit of all the States." The following is an extract from the deed:

"To remain a fund, for the use and benefit of such States as should become members of the Federal Alliance, according to their respective proportions in the usual general charges and expenditures."

That proportion has been definitively fixed by the Constitution of the United States to be in proportion to the Federal population of the several States. The General Government, therefore, holds this land, not in absolute, unconditional fee-simple, but in trust, to be applied according to the conditions of the grant.

I can find no authority anywhere in Congress to violate those conditions, and bestow the land in a different direction. I would thank gentlemen from the new States, who entertain such delicate scruples about the right of the General Government to distribute the lands or their proceeds among *all* the States, to tell me where they find authority for this partial distribution.

There is another class of public lands held by a different title. The Government, after its formation, acquired large countries by purchase or by conquest. Such was Louisiana purchased from France; Florida, from Spain; and New Mexico and Utah, obtained from Mexico. To this land Government has an unconditional title, and may dispose of it as she sees fit; still such disposition should be governed by principles of justice, equity, and equality. At the time of their acquisition, the old States were the sole owners of all the land. Their means acquired the whole. They sold certain portions of it to actual settlers at small prices. Did their grantees acquire any rights beyond the extent of their surveys? Did their purchase of a section give them any title or claim, in law or equity, to the adjoining or any other section?

The Government, in process of time, laid off certain boundaries of the public domain, and admitted the inhabitants into the Union as a State Did that act divest the old States of their title to the unsold lands, or vest any new interest or right in the inhabitants of such new State, except what they acquired in common with all the other States?

This Government has been compared, in this debate, to a partnership. Be it so. Here is a strong firm carrying on business, rich in real estate. The new partner asks admission into the firm. He is poor, and naked, and penniless. The old partners are magnanimous. They admit him. They agree to find all the capital. They put their whole fund into the common stock. Does this give the new partner any right to rebel, to claim the whole property, to put his hand into the coffers and take out all the money, and refuse the senior partners any part of it? Modesty, as well as justice, would seem to dictate that he should allow the elder partners at least an equal share of their own.

But gentlemen of the Northwest entertain conscientious scruples as to the power of Congress to divide the public lands, or the proceeds, among the States.

Why does not the same objection lie to dividing it among part of the States? Can any authority be found for the latter that does not apply to the former?

The truth is, their scruples lie much nearer the heart than any cold abstractions. The objection is, that the divisor was too large when it consisted of all the States, and the dividend too small. It grows more constitutional as you reduce the devisor and increase the dividend. Their conscience is a large one. Fill it with the whole public domain, and, like a surfeited boa constrictor, it is quiet and placid. Put into it but a part of the land, and, like the stomach of a hungry man, it becomes uneasy and collapses. This anti-division school are very hostile to large corporations. Yet they would give the whole of the public lands to increase the wealth of private railroad companies. The bills, to be sure, propose to give it to the States. But *they* grant it to the corporations. Last Congress granted land thirty miles wide to make a railroad from Chicago to Mobile. The State of Illinois has granted it to the Central Railroad Company, consisting of the gentleman from Massachusetts [Mr. RANTOUL] and his associates.

The gentleman from Massachusetts [Mr. RANTOUL] says that the United States grants this land for the benefit of all the States; that those roads are but links of one vast chain of public improvements, leading to the Atlantic shores. True; but why not grant to all the other companies a just proportion, to make their links of this same chain? If the Western links are useful to the East, so the Middle and Eastern links are at least equally useful to the West. Are the old States to make the

whole chain, and not be allowed to take part of their own lands to do it with? Pennsylvania has expended $40,000,000, which she still owes, to make her link—to make a railroad over the most invincible portion of the whole route; and yet these grasping new States refuse to let her have her share of her own lands to pay it with, and relieve the burden of her people.

But, the gentleman from Massachusetts, and others, tell us that the Government gives away nothing by such grants, because the bills provide that the remaining alternate sections (for thirty miles wide) shall not be sold at less than $2 50 per acre—double the present price of public lands. This I look upon as one of the worst features of these unnumbered bills. It tends to retard the settlement of the country, by raising the price to actual settlers. The alternate sections granted to the railroad companies are held still higher; no maximum price is fixed to them; they are held up, as we find to be the avowed intention of the Chicago and Mobile road, until they shall bring $10, $15, and $20 per acre.

If the Government does not make the railroad, who does? Why, the purchasers of the remaining sections. You give every alternate section for fifteen miles, on each side of the road, to the corporation, and charge the price to the actual settlers on the adjoining land. You make the actual settlers build the whole road without giving them a dollar of the stock. Their money goes to the benefit of the gentleman from Massachusetts [Mr. RANTOUL] and other speculating corporators, and furnishes stock worth hundreds of millions to them, without their paying a dollar; and thus enriches them and their posterity out of the hard earnings of others. This whole system I look upon as a shameful private speculation. To this I object. Let every man pay for his own property, and enjoy what he pays for.

This raising the price of lands is unjust to the poorer settlers. The more wealthy man may select the choice locations, and leave the worthless to him of less means. Now, all who can raise $200 may enter land on equal terms. But you raise the price, and he who can raise $400 may select a pleasant site near a railroad; while he who has but $200 must go back fifteen miles from any such road. Indeed, the hundred roads which you are projecting parallel to, and at right angles to each other, will thrust him back *to the foot* of the Rocky Mountains. I can give no vote which will make that injurious distinction.

THE TARIFF.

The gentleman from Massachusetts [Mr. RANTOUL] supports these grants to railroad companies on the principles of free trade. It is not my intention to discuss at much length the doctrine of free trade. That has been so amply done of late, both orally and in writing, as to become tedious.

But although the theory has been much discussed, it has never been reduced to practice, except among barbarian tribes. I think gentlemen cannot point to a single highly-civilized commercial and manufacturing nation capable of producing the raw material, that has ever adopted it. Every highly-cultivated nation has made the protection of domestic industry the special care of Government. It has been found by the experience of more than twenty centuries that the protection of domestic manufactures by prohibitions, discriminating duties, and commercial regulations, has been, and is, the true, natural, and wise policy of nations, or all history is a lie. It is a mistake to suppose that the elevation of one national interest is the depression of others, as is more than insinuated by the Baltimore platform, which is intended, not only for all kinds of men, but for every fowl of the air, fish of the sea, four-footed beasts, and especially for every creeping thing to stand upon. All classes of national industry, like the arts and sciences, are bound together by one common band. All flourish or languish together.

Manufactures, in every age, have been the especial handmaid of agriculture and commerce. Select from history any example that you please—take Tyre, which was perhaps as highly commercial as any nation of her time. She was also the furthest advanced in manufactures. Many of her fabrics have scarcely ever been excelled. Her dyes have passed into a proverb. She transplanted her policy with her colony to Carthage, which soon became a powerful—the most powerful maritime nation of her time. The same cause has produced the same effect wherever it has existed in ancient or modern times—at Syracuse, at Genoa, and Venice. But the most powerful example of the influence of manufactures on the commerce and wealth of nations, is to be found in the case of Holland.

Up to the end of the reign of Charles I. Holland was the workshop of Europe. Her ingenious and industrious mechanics and manufacturers produced not only enough for their own country, but large surpluses to export to other nations. That surplus furnished employment for a large number of her own vessels, which took her fabrics to other countries, and brought back rich cargoes, not merely for their own consumption, but for the supply of neighboring markets. While other nations were trafficking in the bulky raw materials of little value, she was dealing in the same material, increased a hundred fold in value by the industry and skill of her people. Thus she commanded the market of every country, and not only enriched her mechanics and manufacturers, but her traders and shippers became merchant princes. She had more wealth than any other nation, and her commercial marine exceeded in number of ships all the other nations of Europe together. Her war vessels also exceeded that of any other nation. All this wealth, all this commerce, all this power, was produced by a country of small circumference and with little agricultural advantages. It was done by manufactures alone. How did she lose this superiority, and what country has gained it, and by what means?

Whatever else may be said of the English Puritans, it is certain that the Commonwealth under Cromwell produced some of the ablest statesmen of the world.

England, at that time, was a poor nation, with but few manufacturing establishments. Her wise men saw that her insular position, and her small territory, rendered it impossible for her to become rich and powerful except through commerce and manufactures. How were they to accomplish it? Did they then preach free-trade doctrine? That would have exactly suited Holland. She had an immense start in skill and capital, and that system would have left her forever without a rival; for the nation which is far above all others in knowledge and means, that system which will keep other nations from starting at all, is the true one. Just so surely it is the wrong one for those who are behind. The statesmen of England were deluded by no such folly. They saw that they must exclude the manufactured articles of other nations, and give the home market *exclusively* to their own artisans, so as to induce them to embark their time, capital, and talents in the creation of domestic fabrics. She admitted the raw material, which she could not produce, free; prohibited the importation of many articles, and laid heavy discriminating duty on others. But her main instrument was the celebrated Navigation Act.

The provisions of that famous law it would be pedantic for me to enumerate before a body of gentlemen, every one of whom is thoroughly acquainted with it. It is enough to say that its provisions were the most stringent, and the most highly protective, both of commerce and manufactures, of any that it was possible to form. Nothing could be further from free trade. Its effect was all that its projectors desired. England at once became a manufacturing country. She not only had a monopoly of the home market, but was soon able to compete with her great rival in the markets of the world. As a necessary consequence, her commercial marine increased rapidly; that nursery fed her war navy, until she has become the most manufacturing, commercial, rich, and powerful nation that the world ever saw. And where is Holland, who, in her pride, neglected these precautions? She has sunk to an insignificant Power among European nations; she is overshadowed by her mighty rival!

England has acquired all this power, wealth, and grandeur through her protective policy alone. And now she preaches "free trade" to others—to young nations! And there are found shallow dupes who swallow the bait!

It is often objected to a protective tariff, that it is for the benefit of the rich capitalists. This argument, I know, is never used by statesmen, or writers on political economy; but often by demagogues, who fancy themselves statesmen.

Now, sir, it is easy to show that protection against foreign competition is mainly for the benefit of the laborer. True, it helps the capitalists; for it is impossible to benefit labor without aiding capital, and it is impossible to benefit capital without aiding labor.

I have said that protection would principally benefit labor. The chief value of most manufactured articles consists in labor. Take iron for an example. The cost of a ton of pig-metal in the most favorable locations in this country, is about twenty dollars. The capital invested consists of the real estate—the furnace and land for fuel and ore. Of the twenty dollars cost, the labor in producing the ore, coal, and smelting, amounts to about eighteen dollars per ton. Not more than two dollars is capital. Any protection given to iron is given to the laborer in the proportion of nine dollars to one dollar to capital.

The whole of the labor, to be sure, is not done by the collier, the miner, and the furnace hands—a part of it is the labor of the farmer, the miller, and the butcher, who supply the grain, beef, and other provisions. Still, the protection is mainly to the laborious industry of the country. So it is with fabrics of cotton and wool. The value of the raw material is increased by the labor of the operatives from four to twenty times. And a great part of the value of the raw material is the effect of labor, not capital. Whoever, therefore, sustains the protection of domestic industry, sustains the labor of the people; whoever opposes it, votes for their oppression and poverty.

I have said that every branch of national industry is dependent on every other, and partakes of its prosperity or depression. But, perhaps no class is so largely benefited by protection as the farmers, as none contribute so largely to the power and independence of nations. If it were necessary that either commerce or agriculture should sacrifice something to the other, let it be commerce. It is possible to push foreign trade too far. Cicero, in his treatise on the Republic, says that the reason of the great weakness of Carthage, was that she gave too much attention to her shipping, and neglected agriculture. The wealth of the farmer arises from his surplus products. And their value depends upon a ready, a handy, and a constant market. The nearer to his farm you bring that market, the better for him. The farmer who must send his produce from Pennsylvania to England for a market, must deduct from the price the cost of freight. The farmer in Ohio, Indiana, or Illinois, who sends his to the sea-board, and thence to Europe, finds half the price consumed in carriage. If each had as good a market in his own State, he would save all that expense, and double his profits.

How are you to create that market? In the same way that other nations have done. Build up manufacturing villages, towns, and cities in your own land. Your surplus provisions now go to a distant market, to feed those who make your cloths, your cottons, and your iron. If those consumers were within ten miles of you, instead of three thousand or four thousand miles, how much more profitable would farming be! Give the home market to your own manufacturers, and you would find flourishing cities filled with consumers springing up on your numerous water-falls, from Maine to Missouri. So it was that England built Manchester, Birmingham, Sheffield, Glasgow, and all her other manufacturing cities. Under this system not only would such establishments exist in the Atlantic States, but they would swarm in the vast world that lies north and west of the Ohio.

The true policy of this country is to build up large manufacturing and commercial cities on the great lakes and the waters that feed the Mississippi. There is perhaps no country in the world of equal extent more fertile than that valley. A few years will fell the forests, and reduce it to cultivation. Where will that vast grain-growing country find a market for its products?

One gentleman [Mr. RANTOUL] advises them to build railroads, and send it to New York, Boston, and Philadelphia, instead of consuming it at home; but they should recollect, that when they have got it there, they will find no market. They have

simply taken it to the place of embarkation to a European market—a poor and uncertain market. They are taught that their true policy is to raise the raw material, of great bulk and little value, to carry five thousand miles to a precarious market! They are not even to encourage a market for it in Pennsylvania, New York, or Massachusetts.

It seems to me that the interest of the Northwest is, to find their market beyond the Alleganies; why should not the shores of the great lakes and rivers become the seat of great manufacturing and commercial towns and cities, as well as the shores of the Euxine and the Baltic?

Suppose all the people of the West to be agriculturists, and to bring their produce to the Atlantic cities for a market, what would be the effect on the farmers this side the Alleganies—of Virginia, Pennsylvania, Maryland, and New York? The Eastern market would be glutted by Western produce, and the prices so depressed as to destroy the farming interests of the Middle States. Land in Pennsylvania and New York would greatly sink in value, and all stimulants to industry be taken away. Surely this free trade is a lovely system, which not only casts its blight on the manufacturer and laborer, but reduces real estate to half its value!

It is a question of serious import, whether this country will ever become sufficiently manufacturing to produce enough for her own consumption, and furnish for exportation. It is very certain that under the free-trade system she never will. It is just as certain that she may soon become so if she follows the system which gave England her present preëminence. Take iron, and see how England fostered its growth from infancy to its present gigantic stature. At the time of our Revolution, England produced less than 150,000 tons of all kinds of iron. She commenced protective duties, which were several times increased until 1820. In that year, her whole make was 365,000 tons. The duty on foreign bar iron was then fixed at £7 18*s.* 6*d.*, about $40 per ton. Under the influence of that tariff her production increased with astonishing rapidity. Her make of the present year is about 3,000,000 of tons. She can now take off the duty and supply the world with the article which she has created by protection! The following extract is from the proceedings of English iron masters, lately assembled:

"The iron masters of Great Britain held their quarterly meeting at Birmingham on the 8th of January. An English paper rejoices over the healthy state of the iron trade in that country, and gives the following facts in corroboration of it:

"'*It may be useful, too, to mention that the low price of 'iron in this country has had the effect of checking, to a 'very great extent, the produce in America.*

"'Very large orders have been received from that quarter 'within the last fortnight, and we have the assurance of 'those who are well informed on the subject, that orders to a 'greatly increased amount may be expected in the spring."

You have observed what interest England takes in this great branch of industry, and what pains she takes to prevent any rivalry; to prevent other nations from adopting the policy which she pursued at their age. That shrewd and selfish nation goes the extraordinary length of interfering with the legislation of other countries. At the commencement of the last Congress, the British Government, hearing that the Whigs had elected their President, became alarmed lest American interests should triumph over British interests, and instructed their minister here to interfere. Sir H. L. Bulwer addressed the following letter to our Government:

BRITISH LEGATION,
WASHINTON, *January* 30, 1850.

SIR: It having been represented to her Majesty's Government that there is some idea on the part of the Government of the United States to increase the duties upon British iron imported into the United States, I have been instructed by her Majesty's Government to express to the United States Government the hope of her Majesty's Government that no addition will be made to the duties imposed by the present tariff of the United States, which already weigh heavily on British productions; and I cannot but observe, for my own part, that an augmentation of the duties on British produce or manufactures, made at a moment when the British Government has, by a series of measures, been facilitating the commerce between the two countries, would produce a very disagreeable effect on public opinion in England.

I avail myself of this opportunity to renew to you the assurance of my most distinguished consideration.

HENRY L. BULWER.

HON. JOHN M. CLAYTON, *&c., &c.. &c.*

This certainly was a bold measure. For a foreign Government to attempt to obstruct the modification or repeal of an American law by an American Congress, was denounced by some as impertinent. But to me it seemed natural, if not proper. It must be remembered that the tariff of 1846 was produced by Her Britannic Majesty, after great anxiety, expense, and labor. During the period of its gestation she had an agent, with rooms assigned him in this Capitol, to watch over its progress, and facilitate its advent. It was safely delivered by the aid of the celebrated accoucheur, Mr. Secretary Walker. It is now one of the most cherished of her Majesty's numerous offspring. No wonder, then, that she felt paternal yearnings for its fate, when she heard that it was in danger of being mutilated by the ruthless hands of the Whigs. The gentleman from Massachusetts has done, and may still further do, a benevolent act, by assuring Her Majesty that she has no cause for alarm; that she has in this country numerous faithful, able, and vigilant friends guarding its safety; and that, so long as the Democratic party governs the councils of the nation, British interests will be protected against the incroachments of American interests. I need hardly say, sir, that, under the operation of this British tariff, the iron masters of the United States are not only doing a losing business, but that utter and inevitable ruin stares them in the face, without speedy Congressional relief.

I have heard of but two modes suggested to enable the manufacturers of this country to compete with Europe. The one is, to lay a duty on foreign importations, equal to the difference between the cost of the article in Europe, and the cost of the same article here. The other is, to reduce the price of American labor to the average price of labor in Europe.

Certainly, if practicable, either mode would effect the object.

The duty, to be protective, should be equal to the difference of the wages of labor in the two countries, or we can never long sustain our establishments. That would give liberal wages, and all the comforts of life to our laboring classes. This is the Whig policy. The other mode, advocated by able statesmen in the South as well as in the North, whose standard-bearer is now General Pierce, is to strike off from the price paid American operatives the difference between what they now receive, and what is paid in Europe to similar laborers. Let us for a moment look at its effect. The common price paid laborers in Europe is one shilling sterling a day, and they find themselves. I see by an address of a large operator, published in 1851, that he pays from 8d. to 1s. By a later publication, I find wages on the Continent are eight cents. In order to get cheap labor, they employ women as well as men in the most laborious work. According to the report of a committee of Parliament, women are employed in mining coal several hundred feet under ground. They were found harnessed into cars, hauling heavy loads from the long drifts to the shaft. In consequence of these low prices, the laboring classes have scarcely enough to feed and clothe them. They live on poor fare, are meanly clad, and have nothing to bestow on the education of their children. They grow up in ignorance, to remain hewers of wood and drawers of water, from generation to generation. This may be borne where the people have no voice in the Government. This is the Democratic scheme. For my part, I prefer the protective policy, which gives to laborers the dignity and the feelings of independent freemen, and enables them to fit their children to share in the government of the Republic; let those who wish to degrade labor choose the other.

I think every impartial mind must see that the tariff of 1846 is vicious in principle, and unwise in its provisions. When protection is most needed, the *ad valorem* system affords the least; and when not needed at all it becomes burdensome. When foreign iron costs $30 per ton in Europe, the duty at thirty per cent. would be nine dollars, when no protection would be needed. When it falls in Europe to $10 per ton, which is the present case, the duty also falls to three dollars per ton. This is an absurdity in legislation. Nor can it be remedied by the *ad valorem* system, without adopting the sliding scale, raising the duty as the price falls, so as to keep the cost here always the same. This would be difficult to do. There are many things that enter into manufactures which we cannot produce in this country. They should be admitted duty free. But the tariff of 1846 levies a revenue duty on them.

May we not hope that the Committee on Ways and Means will take up the subject and revise that injurious act? Cannot a fixed duty be levied on iron equal to what was intended by Congress to be fixed by the tariff of 1846? In 1846 the official price of pig iron at Glasgow was $21, the duty at thirty per cent. was $6 30=$27 30; which, with the costs and charges, would have brought foreign iron to $30 per ton. Now, the price of pig at the same place is $10 per ton, and the duty falls to $3=$13—making, with costs and charges added, not more than $15 for the price on our wharves. The difference between the price of foreign iron now and when the duty was laid is $15. To carry out the spirit of the tariff of 1846, the duty should be raised so as to keep the price of the foreign articles at what it was when that tariff went into effect. In 1846 bar iron in Liverpool was worth $88 per ton. The duty then laid was $26 40—$114 40. Now, the same article is at $25 per ton, and the duty falls to $7 50, making $32 50 per ton—making the difference of the cost here $81 90.

The consequence of this tariff is, that in 1843 we imported pig iron.....	3,873 tons.
In 1849.....	105,632 "
In 1843 of bar iron only.....	22,011 "
In 1849.....	274,499 "

More than tenfold of an increase.

It is easy to see that under such a tariff, with such increased importations, and such diminished prices, the iron works of the United States must soon be closed; that every rolling-mill, furnace, and forge must extinguish their fires, and every hammer must lie idle on the anvil.

An impression has gone abroad that England has adopted free trade, and abandoned her protective policy. This, I think, is a great mistake. I believe her present system to be as highly protective as it ever was; and, if it should be as successful with other nations as it has been with this, more certain to insure her permament ascendency.

Her boast of free trade is founded on the repeal of the corn laws. That act, in my judgment, was "An act to give further protection and encouragement to her manufactures." By her corn laws, the importation of foreign grain was prohibited, unless when it raised to famine prices in England. That kept the price of provisions high. The manufacturers were out of proportion to the agriculturists. The price of provisions materially affected the cost of manufactures. The low price of provisions in this country was some set-off to the low price of labor in England. England saw it, and determined to deprive us of this advantage. She repealed her corn laws, and admitted provisions duty free. The price of flour in England now is as cheap as it was in this country before the repeal of her corn laws. Germany and Russia are close at hand with large surpluses ready for market. The manufacturers feed their workmen just so much the cheaper, and can afford to reduce the price of their goods.

England has thus given additional protection to manufactures, and deprived us of the only advantage we had over them. This is "free trade!" This is "*liberalizing*" commerce!

But let us look a little further, and see how far England has abandoned the protective system. *Ad valorem duties* are said to be a great advance towards absolute free trade, which Mr. Walker lately boasted he hoped to see soon prevail. We collect all our own duties on the *ad valorem* principle—England rejects it. I have not been able to see her returns for this year, but in 1848 she collected from customs something over $105,000,000! Of that sum less than $170,000 was raised on the *ad valorem* principle, and more than $104,750,000 on the specific discriminating principle. Specific duties give protection by discrimination, and prevent frauds, which must always occur under the *ad valorem*.

Let us look at a few items of the British tariff, and see how wisely it is contrived to foster domestic industry. Take the article of silk, for example. Her climate is too moist to enable her to produce the raw material. Her tariff is so framed

as to invite that to her shores to be worked by her laborers. Here is her rate of duties:

	£	s.	d.	$ cts.
Raw silk				free.
Thrown silk, dyed	0	2	0—0	44
Silk or satin, plain, per lb		11	0—2	42
Figured or brocaded, per lb		15	0—3	30
Gauze, figured or brocaded, per lb	1	7	6—6	66
Velvet, figured, per lb	1	7	6—6	66
Dresses, each, silk	2	10	0—12	50

Precisely as the value of the raw material is increased by labor, is the duty increased, so as to secure that labor to her own citizens—a wise and patriotic regulation.

Again, take tobacco, which is mostly imported from this country:

	£	s.	d.	$ cts.
Tobacco, unmanufactured, per lb	0	3	0—0	66
Snuff, per lb	0	6	0—1	32
Manufactured or segars, per lb	0	9	0—2	00

This is not all—it is further provided, that all tobacco imported, manufactured in England into shag, roll, cut, or twist tobacco, or segars, and exported, shall be allowed a drawback per pound of 2s. 7½d., leaving a duty on the raw article imported for manufacture and exportation of 4½d., or eight cents.

Under this encouragement, owing to the cheap price of labor in Europe, our tobacco is taken there, manufactured, and brought back to undersell the same article in our own markets. Journeymen segar-makers in this country are now petitioning Congress for relief, stating that they cannot compete, under the present duties, with the journeymen segar-makers of Europe, who materially interfere with their business. Free-trade England levies a duty on segars of $2 the pound. Duped America of a few cents! Why should not the importation of segars into this tobacco country be prohibited?

In looking into the English tariff laws I find the following:

"A list of GOODS ABSOLUTELY PROHIBITED to be IMPORTED."

It begins with ARMS, AMMUNITION, and *utensils of war*, and goes through several pages of other articles.

I will not tire you by enumerating other articles—all are rated with a similar view to the encouragement of domestic manufactures. I think I have shown that England acquired and preserved her wealth, her greatness, her prosperity, both as a manufacturing and commercial nation, by PROTECTION; and that, at this day, she still adheres to it with determined pertinacity; and that all her seeming approaches to free trade are really protective enactments.

I will now briefly notice the extraordinary and fabulous statement of the gentleman from Massachusetts, [Mr. RANTOUL,] relative to the effects of the tariff of 1842 and 1846, on the prices of our agricultural products. He states that agricultural products were reduced in value under the tariff of 1842; and raised in value under the tariff of 1846. He states that all the exports for four years before 1842 were worth more than they would have brought under the tariff of 1842 by $125,000,000. And that all our exports for the four years since 1846, brought more by $150,000,000, than they would have brought under the tariff of 1842. It is said that figures cannot lie. If the gentleman intended to convey the idea by this array of figures, that the price of grain and other provisions was depressed by the tariff of 1842, and again raised by the tariff of 1846, (and what else could he mean?) then I am bound to say, that figures have been so arranged as to convey a false idea, and make an erroneous impression on the public mind.

From 1837 to 1842 there was a suspension of specie payments. Of course, there being no check on bank issues, our circulating medium became very large. The price of everything rose in proportion to that increase, just as it did in 1814. The tariff of 1842 restored the circulating medium to a sound specie basis, contracted the currency, and of course reduced the nominal value of everything.

The gentleman says then the *average* prices of grain raised about thirty cents per bushel under the tariff of 1846. Observe, he says, the *average* price for the last four years. And he would have us infer that this was caused by that tariff. This is hardly candid. It hardly becomes the argument of a veracious statesman. He cannot be ignorant of the cause of such rise. In 1847, a portion of Europe was visited by a famine more distressing than any of modern times. The surplus grain from all parts of the world was hardly sufficient to supply them. The price of wheat run up from about $1 per bushel to $1 75, and in some instances to $2, in our own markets. Did the tariff of 1846 produce this rise? If it did, then it produced the famine in Europe. This I can hardly believe, although it is producing poverty, want, and misery in the poor man's cottage in this country.

During the famine, in 1847 and 1848, our exports of provisions amounted to $105,907,973. This was at prices varying from $1 50 to $2 per bushel. With the disappearance of the famine, prices sunk below the standard of 1846; and in the two following years, 1849 and 1850, our exports amounted to only $65,167,420. Now, the gentleman [Mr. RANTOUL] takes the $105,000,000, raised to near $2 by the famine, and adds it to the $65,000,000, and averages the two, and tells the country that the tariff of 1846 had raised the price of grain to an average of $1 26 a bushel, from ninety-six cents under the tariff of 1842. Sir, every farmer knows the fallacy of such statement. He knows by sad experience that as soon as the famine ceased to operate, grain fell lower than it had been for many years; and instead of being at $1 26, it sunk and is now selling at from seventy-five to eighty-five cents a bushel. I see by a morning paper that flour is selling in Baltimore at $4 the barrel.

Such, also, is the sophistry—to give it no harder name—which the gentleman uses with regard to all our other articles of exportation. The gentleman boasts that the tariff of 1846 has largely increased our exports. It is true, that since 1846 our exports have increased some $70,000,000; and our imports, $90,000,000, or perhaps more. This I consider the worst effect of the tariff of 1846. The exports of breadstuffs and provisions in 1851 has sunk to $21,948,651, being $5,752,470 less than in 1846, while the law of 1842 was operating. That year our exports of these articles were $27,701,121. The increase of exports consists in cotton and a few other articles used for manufacturing. The increase of imports consists in fabrics manufactured from these same exports—with iron, et cetera. In other words, the tariff of 1846 decreased the manufacture of cotton in this country, and sent abroad about $40,000,000 worth which had before been bought for the home market, and then reimported the same articles in the shape of manufactures.

The gentleman might easily devise a law which would still further increase these blessings. Let the manufacturing and mechanic arts in this country be entirely destroyed by your legislation: then several hundred millions of raw materials which we still manufacture, would be sent abroad to be worked up, and brought back again; and our export would be greatly enlarged. The principle and policy are the same which we are now pursuing, carried to their legitimate results.

The balance of trade is now, and has been for several years, about $30,000,000 per year against us. Had it not been for the discovery of the gold mines of California, it would, before this, have drained the country of every dollar of specie. We are exporting specie now at the rate of $66,000,000 a year; the exports for the first five months of this fiscal year being $27,594,236. The gentleman admires this operation. He says, if we were not thus drained, gold would become so plenty, as to throw us into "inextricable confusion." I thought the gentleman was a hard-money politician, and desired to see hard money enough to form our whole circulating medium. But has the gentleman no compassion for Europe? Are we to dig $100,000,000 of gold a year, and pour all into Europe, to throw her into a "state of perfect anarchy?" He says if it were to remain here, "it would be the greatest calamity." Who would it hurt? I know it would raise the price of property, of manufactures, and would increase the wages of the laborer. That, to be sure, would run counter to the Democratic scheme of reducing the price of labor to ten cents a day. It would do no other damage.

The gentleman seems perplexed to know how to reconcile his constituents to the squandering of the public lands. But he argues that increasing the means of transportation between the East and the West, will retard the progress of the new States in the manufacturing and mechanic arts, and secure to the northeastern portion of the Union a monopoly of that business for an indefinite period of time. Why, sir, this is protection! This is a cunningly-devised scheme, under the pretense of friendship for the West, to postpone their progress, for the benefit of New England. This is a kind of English corn-law free trade. The gentleman hopes, in this way, to secure the affections of the manufacturers of Massachusetts, and of the people of the West. In other words, he would keep the inhabitants of the Northwest in a state of imperfect civilization. Nations, without manufactures, may be highly respectable, but cannot be highly refined. Man, in the shepherd state, is innocent, and, perhaps, happy. But it is not his true, ultimate destiny. I think the Northwest owe the gentleman but little gratitude for this attempt to retard their refinement.

But the gentleman gives a gloomy warning that even this ingenious contrivance will not always keep down manufacturers in the Northwest—that they will not always get their sheetings from Lowell, and their iron from Pennsylvania; that they will ultimately make all these things for themselves. For my part, sir, I say the sooner the day arrives the better. Let only a wise policy exclude foreign articles, and the Eastern market, with the markets of other countries, which we should be finally strong enough to enter, will suffice the manufactures of the East. And the Eastern agriculturist, being free from the competition of the West, will rejoice in the event.

The gentleman tells us that all branches of industry are flourishing. This will be news to the manufacturers and farmers. He tells us that the iron business is particularly prosperous. This will be consoling to our iron-masters. Let them go home and dream, as the gentleman dreams, of golden profits, while the sheriff is selling them out under the hammer. Sir, these are the opiates of a quack administered to a dying man. The iron business, instead of flourishing, is nearly destroyed. The tariff of 1842 raised the production in this country from 230,000 tons to 765,000 tons, which was the make of 1846. The tariff of 1846 sunk it to 413,000 tons, which was the make of 1851—a decrease of one half.

In 1846, the importation of bar iron, was (tons,)..... 69,625
In 1851, it was..... 341,750
Increased fivefold by the tariff of 1846.

We hear much of the beauty and justice of "reciprocity" in commercial regulations. Can there be any real reciprocity under the same laws among nations, unless their circumstances are equal? Suppose two nations agree to admit, without duty, certain articles which one nation produces, and the other nation does not—where is the reciprocity? Suppose they agree to admit at equal duties, articles in which one nation has already embarked large capital, and much skill, and is in the successful production of, while the other is just struggling to start the manufacture of it; there is no reciprocity. The one will monopolize the market and crush the other.

It is only when nations are equally advanced in skill, in capital, and the power of production, that reciprocal laws are just. You may impose on a full-grown man the task of carrying one hundred pounds weight. "Reciprocity" requires that the boy of ten years old should carry a like burden, though it crushes him to the earth. Such is the operation of "reciprocity" between old and young nations. It is well illustrated in the article of cotton fabrics. In 1850, we imported cotton goods from England to the amount of $19,096,530; England imported of the same article from this country, $50! Twenty millions of dollars against fifty dollars is the effect of free reciprocal "trade."

Let the people reflect on these things, and elect such rulers as will pursue a wise and prosperous policy.

AGRICULTURAL BUREAU.

SPEECH OF HON. J. HORSFORD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

June 24, 1852.

The House being in Committee of the Whole on the state of the Union (Mr. STUART, of Michigan, in the chair) upon the Deficiency Bill—

Mr. HORSFORD said:

Mr. CHAIRMAN: I am glad of an opportunity to address the committee. In doing so I shall not follow the example of many illustrious predecessors, who, during the present session of Congress, have occupied much time in the discussion of subjects which no doubt they considered of paramount importance, but which perhaps might have been discussed with quite as much propriety at some other time, and in a different place.

I am a working man, and I have found that some system and order was necessary to the speedy and proper accomplishment of most kinds of business. It is an old maxim which says a *time* and a *place* for everything. In matters under my own individual control, I have usually found but little difficulty in applying and carrying out this rule, and in giving due consideration to every subject claiming attention at the proper time and appropriate place. But in this House I find that some matters are crowded out of place, and that other subjects do not get their proper position.

If the remarks which I wish to submit at this time should be considered out of place by any, my apology for the course which I had marked out for myself to pursue is to be found in the practice of the House; and believing that equal courtesy will be extended to every member of the House, I trust I may be allowed to present to the committee a subject in which we are all interested, and which I hope may yet find a place on our Journals,—a subject in which every individual of this Republic has a deep and abiding interest.

Agriculture is the subject to which I refer, and which will be the theme of my remarks at this time.

Some four or five months since, the Committee on Agriculture, after due consideration, prepared a bill which proposes the organization of an Agricultural Bureau as a department of the Government. This bill is yet sleeping in the hands of the committee for want of an opportunity to report the same to the House. Sir, I take pleasure in expressing, at this time, my entire approbation of the measure. The interests of a very large class of our citizens will be directly affected by such a step on the part of the Government, and therefore it is worthy of the serious and careful consideration of Congress. This subject has too long been passed by and neglected by Congress, as though it was an interest too trifling to attract public attention, or as though it possessed within itself the necessary elements of progress sufficient to carry it forward to such degree of perfection as might be desirable, without any aid or support from the Government. The agricultural interest is the great leading branch of the industry of the nation, and in fact lies at the foundation of every other interest, forming the basis of our commercial and manufacturing prosperity.

The several leading interests in which our people are engaged are to some extent connected; and for success, are partially dependent, one upon the other. Still, it should always be borne in mind, that among them all, agriculture is the most important. It furnishes a ready employment for a larger number of our citizens, and is more essentially and intimately connected with the well being of our nation than any or all other branches of industry combined. Important as this great interest is, it has thus far failed to attract, directly, the attention of Congress.

The manufacturing interest, though much less important, has, for a long series of years, been under the guardian care of the Government, and has been the subject of special legislation from time to time; and by means of this care and protection, it has been able to advance steadily against many embarrassing difficulties, and achieve much which could not have been accomplished without governmental aid.

Commerce, also, has received much attention. Large amounts of money are annually drawn from the National Treasury, for its protection and support.

I do not complain that too much has been done for these objects. On the contrary, I believe that these interests are intimately connected with the general prosperity of the people, and ought to be protected and encouraged. And if the Government has erred in this matter, it is not in having done too much for these national objects; but it is in withholding from another great national interest, the aid which its importance demands; and which, if properly cared for, would contribute largely towards the general prosperity and happiness of our people.

A little has been done with a view to this object, in the distribution of Patent Office Reports, and but a little. This trifle, however, has been sufficient to create a strong desire, and even an implied demand, in some of the rural districts, for the establishment of an agricultural agency, or bureau, at the seat of Government, which, under proper restrictions and regulations, shall be charged with the duty and responsibility of sending forth light, in such form that every cultivator of the soil may avail himself of its benefits.

The collection and distribution of seeds, tubers, and cuttings, such as are known to be valuable, under the care of a person well qualified for the station, and familiar with the wants of the country, would be hailed as a new era with our farming community, and would enliven and encourage many drooping, desponding hearts; and it is hardly possible that a single rural district could continue to exist in any portion of our widely-extended limits, that would not be more or less benefited under the influence of such an organization.

Enterprise and effort have been rewarded with success in most of the leading departments which help to make up our national character. Inventions and improvements have contributed much towards our general prosperity. The application of steam power to our principal leading industrial pursuits (farming excepted) is among the valuable improvements of the age. Canals, railroads, and telegraph lines, each indicative of progress, and each contributing a share towards the general prosperity.

But where is the encouragement for the farmer? What has the Government ever done to excite his ambition, and nerve his arm for labor and toil? A premium or reward is offered, and secured, for new, or improved, machinery, for making a *pin*, a *button*, or a *mouse-trap;* but nothing for the best crop of wheat, oats, or corn. Nothing for the greatest and best variety of fruit. Nothing for the best sheep, cow, horse, or fat ox. No, nothing. The farmer is left without the offer of a single dollar to arouse his energies, and bring him up to the position which he ought to occupy.

This is emphatically the people's cause, and they are now looking with deep solicitude to the action of Congress upon this subject. The able and very appropriate speech in favor of an Agricultural Bureau, delivered a few weeks since by my honorable friend from Ohio, has attracted very general attention, and the response is coming back to us from various directions in terms of high commendation, and with the earnest expression of hope that this Congress may give the subject a favorable consideration. A correspondent, whose judgment is entitled to full credit, writes to me in relation to the speech alluded to as follows:

"I have just finished the reading of Mr. NEWTON'S address to Congress on the agricultural bureau question. I thank him for the effort, and one hundred thousand farmers in the State of New York will also thank him, from their inmost hearts, if they get hold of the speech."

The people in whom is embodied all power, and who have a right to be heard, desire a department which shall have special charge in this whole matter; the particular object of which should be to do what individual enterprise cannot accomplish; and in addition to the collection and distribution of valuable seeds, furnish the results of thorough and carefully-tried experiments; and also recommend the use of improved farming implements, and collect models and plans, not only from all parts of our own country, but from foreign countries; and after a careful examination and trial, recommend those of value, and reject the worthless. Such a department, qualified to give proper attention to all such matters, and publish results, would save the time and money of thousands; and would furnish facilities for the better prosecution of business among all of our farming population.

Progress, which seems to be the order of the day in certain political creeds, is scarcely known in its application to agriculture. A large portion of our citizens who are engaged in agricultural pursuits, conduct the business on their farms as their fathers did, fully satisfied that they know how to manage their farming operations, quite as well, if not a little better, than the most successful and prosperous farmer in the land;—looking with jealousy upon improved modes of husbandry; and turning away, perhaps with disgust, from the use of improved labor-saving implements; following in the same old beaten path pursued by those who have gone before them, inheriting, and tenaciously adopting the practices, and, in their farming operations, nothing but the practices of their ancestors.

Such men never make a fair experiment, or inquire carefully whether there is any better way to do. A man of this class never attentively inquires why it is that a neighbor gets twenty bushels of wheat per acre on lands originally no better than his own, when he, upon his own lands, gets no more than eight or ten; or why it is that his neighbor's corn comes out of the ground promising better in the spring, growing more vigorously through the summer, and yielding a richer harvest in the fall than his own.

I am aware that these considerations may appear of little moment to some; but, nevertheless, they are facts, important facts, to the husbandman, and they meet the eye in every direction as we pass over the country. Reasons for such results would help to remove the evil if spread before the public. Upon this subject we occasionally hear the inquiry, why is it so? To such inquiry answers are abundant. Good and substantial reasons are at hand; but they have never occurred to the mind of the unthrifty farmer. Something to call attention to these matters, in a manner that would produce investigation, and excite ambition, could not fail of being useful.

As a nation of agriculturists, we need instruction. In this department of science, we are deficient; quite too far behind some of the nations of Europe. Even Canada is giving us the lead in an example which we should not be slow to follow.

The University of Toronto, in Canada West—the first literary institution in that province—has connected with it a department of agriculture; and to this has been added quite recently an experimental farm. Humiliating indeed is our position when we see Canada consulting her own best interest, and in this respect taking precedence of the United States. May she prosper in this noble effort, while we are hesitating whether to rise and help ourselves, or continue inactive and let this important branch of our national industry continue to languish. This state of things should not continue. Our motto should be "Onward and onward," until our nation shall be second to none on earth in agricultural perfection and greatness. In our widely-extended possessions, which abound in colleges and minor schools for classical education, I do not know that we have a single agricultural school suited to the wants of the country. We have among us enlightened, enterprising, and successful farmers, who are quietly working their way along towards distinction as husbandmen, while a large number are toiling hard, not to prosper, but simply to live.

We have town, county, and State agricultural societies, exerting in most, if not all cases, where they exist, a favorable influence. Agricultural journals have been very considerably multiplied, and scattered over the country, within the last twenty years, producing beneficial results. The agricultural part of the Patent Office reports, like leaven, are beginning to move some of the people. But it was not the orginal, nor the present design, or expectation, that these reports should supersede the necessity of an institution on a more liberal scale, and better suited to the wants of our agricultural population. Many, and probably most of the members of this House, who represent rural districts, are almost daily reminded of the estimate placed upon these reports by their constituents. They are called for from all quar-

ters, by a very numerous class of our fellow-citizens; they are sought for with greater eagerness, and prized more highly, and read with more care and profit by the farming community, than everything else published by Congress. This single fact is evidence of the value of the work. From the early dawn of our Government, the minds of discerning men have been turned towards this subject. They have been looking with some solicitude to the action of every successive Congress, with the hope that the importance of the subject would secure for it a favorable consideration.

In the month of March, 1797, General Washington, speaking of the importance of an agricultural department of the Government, used the following language:

"It is probable the next Congess will attend to this subject. The present Congress supposed that more important business required their attention."

From 1797 onward to the present time, the claims of agriculture have had the go-by. It is, indeed, a matter of wonder, and surprise, that an interest, which in importance and extent, has no rival, and one which is capable of great improvement, should have so long been left without a national department, to give it strength and vigor.

Considering our age as a nation, we are a great and prosperous people. This is universally admitted. But we yet have some few facts to learn in regard to farming.

Thanks to a kind Providence, the rising generation feel a more lively interest than their fathers, in this matter, and there is reason to hope that the next generation may know more of agricultural science than either.

Comparatively speaking, agriculture overlooks and leaves in the shade every other interest. Strike from existence, at a single blow, the whole of our manufacturing interest, and, with agriculture, our people and Government, though crippled, would move on slowly and recover. Let commerce be annihilated, and still the earth yields food for man, and there would be hope. But blot out agriculture, and all is gone; civilized man must either cease to exist, or shrink back to a state of existence threefold worse than heathenism in its most objectionable form. But give us agriculture alone, deprived of every other interest, and we would still live and rise. With the husbandman to till the ground, the earth would yield food sufficient for all. Clothing also could be supplied, with the assistance of that help which God has provided for man. "She seeketh wool and flax, and worketh willingly with her hands. She layeth her hands to the spindle, and her hands hold the distaff."

The postponement, or neglect to legislate for the agricultural interests of the people cannot be because the subject is not important, nor because the attention of Congress has not been called to it. You legislate for a variety of other interests, some of which are comparatively trifling. Sectional, and even individual interests are cared for, and occupy much of your time and treasure, while this great interest is not furnished even with a common center, from which to seek information.

Specific, familiar information from a reliable source, adapted to the capacities and circumstances of all is wanted; and, I might add, by many expected.

A national department at the seat of Government, that will cheer the hearts of all who are engaged in rural pursuits, and aid them in prosecuting more successfully the business of their calling, would, by encouraging this large class of our population, prove a very certain source of national wealth, prosperity, and happiness.

Provision is made for educating and training young men for the Navy—and rightly, too. At an early period in the history of our Government, a school was established by its munificence, and has been continued under its special care and patronage up to the present time, at which our young men, at the public expense, are thoroughly educated and carefully trained in the arts of war—and under the special care of the Government they are taught how to kill men scientifically—and may we not, with great propriety, inquire if science may not be used, as well to preserve and extend human life, as to destroy it? But where, sir, in this country is the school at which a thorough, scientific, agricultural education can be obtained? About five millions of our population are owners of the soil, and more than three times that number are engaged in its cultivation; yet the Government has failed, up to this time, to provide the means of instruction and encouragement, which the relative importance of this great interest requires.

A number of the States, within a few years past, apparently tired of waiting for the General Government to move off in this matter as it should do, have—very much to their own credit as individual States—organized State agricultural societies. My own State stands in the foreground in this movement; and it affords me great pleasure to believe, that the Empire State will continue to advance its own general prosperity, by furnishing such encouragement and instruction to the cultivators of the soil as the importance of this interest most urgently demands.

The State Agricultural Society of New York, at a late meeting, passed the following resolutions:

"*Resolved*, That the executive board of the New York State Agricultural Society most cordially approve of the recommendation of the President of the United States, in his annual message, for the establishment of an Agricultural Bureau, and that we would most respectfully ask for it the favorable consideration of Congress, not doubting but that a plan may be devised that shall place this important interest upon such a foundation as will greatly promote its advancement, and increase the resources and prosperity of our country.

"*Resolved*, That the secretary be directed to furnish our Senators and Representatives in Congress with a copy of the foregoing proceedings.

"B. P. JOHNSON, *Secretary*."

As aids to the State society of New York, county agricultural societies—which have been brought into existence by a little encouragement from the State—have, within a few years past, effected a change almost incredible. In some of these districts, previous to such organizations, but few, if any, first-rate farm stock could be found. More recently, the beautiful and valuable cattle and sheep which have been exhibited at some of our county fairs, might well challenge and receive the admiration of the world. The little encouragement given by the State to these societies, accounts for this change. Men are now seeking instruction. Their energies are aroused. They are inquiring for and procuring the best farming implements; purchasing the best animals to breed from that can be procured, no matter what the price. They are inquiring for the best rotation in crops, that they may get a liberal income from their land annually, and at the same time preserve the fertility of the soil.

A very laudable emulation is excited, and men are now making vigorous exertions for the credit of exhibiting the best animals, and furnishing the best and largest crops of grain from their farms, as well as the credit and honor of being the best farmers in their county.

In some of the counties of which I speak, objections to agricultural societies, a few years since, were frequent and loud; and the friends of improvement could hardly hold up their heads against the repulsive sneers and taunts of "Away with your agricultural societies, and away with your book farming." But, sir, a very material change has come over the spirit of the dreams of most of these men, and now there is scarcely a man too wise to learn.

Nearly all admit the wisdom and utility of the organization. There are men who, in 1840, on account of their strong prejudices, could hardly be prevailed upon to attend an agricultural fair, that are now equally unwilling to stay away. These agricultural fairs usually present much that is interesting and useful in rural districts, and, in fact, have become the great holidays of the season, imparting useful lessons of instruction to all who attend.

Sir, cannot, and ought not, the whole agricultural population of these United States to be encouraged to do, not only what some are doing, but even much more? And in what way can a portion of the energies of the Government be directed, where so small a sum of money as is here asked for, could give promise of such a large amount of good?

According to the census of 1850, the value of live stock in the United States at that time was $552,705,238. Our domestic animals constitute a species of property somewhat precarious, being subject to disease, and much of which is lost for the want of a thorough knowledge of the veterinary art.

And where, let me again ask, shall a man go among the institutions of learning in these United States to make himself acquainted with the diseases to which our domestic animals are subject, and the judicious treatment and cure of such diseases? A school where a thorough education in this art can be obtained is not to be found within our borders. It must be sought on the other side of the Atlantic.

I know, sir, that the bill to which reference has been made does not contemplate the establishment of schools of any description. I call attention to these points for the purpose of showing something of the extent and importance and wants of our agricultural interests.

A further extract from the census returns above referred to, will present the magnitude and importance of this subject in its true light, and in a very condensed form. It is as follows:

"The whole number of acres of improved land in the United States, inclusive of Territories, is 112,042,000; the value of farming implements and machinery $151,820,273; the value of live stock $552,705,238; the number of bushels wheat raised during the year ending June 30, 1850, 140,799,230; corn in the same period 591,586,053 bushels; 199,532,494 pounds of tobacco; 2,474,214 bales of cotton, each bale weighing 400 pounds; 52,422,797 pounds of wool; 142,295 gallons of wine; 312,262,286 pounds of butter; 103,184,586 pounds of cheese; 12,605,384 tons of hay; 62,182 tons of water-rotted hemp; 567,749 bushels of flaxseed; 32,759,293 pounds of maple sugar; 318,644 hogsheads of cane sugar, each hogshead weighing 1,000 pounds; and $27,525,545 worth of home-made manufactures."

Here we have presented to our view, at a single glance, a vast amount of capital, vested in the agricultural interest of our citizens. This amount, large as it now is, must increase annually, as the country at the West opens, and is occupied and improved. The number of persons engaged in cultivating the soil, and in kindred pursuits, must also increase. Hence, additional reasons—more forcibly urging the formation of a department, the particular object of which should be to *aid* these millions of men in a wise and systematic prosecution of the business of their calling. Let provision be made for teaching the art of making two blades of grass grow where but one grew before—for teaching men how to make thirty bushels of wheat per acre, grow on lands which have been exhausted by injudicious cultivation, until considered worthless, or nearly so. *This can be done. It has been done.* And what has been done, can be done again. And every farmer, whether on a large, or limited scale, ought to know how to do it.

They also should know the cheapest and best way to make a given quantity of pork or beef; the kind of food, and the mode of preparing it to best effect this object; the proper time and best mode of feeding; the best breed of animals, having particular reference to fattening qualities, and the age at which the different species of animals will take on flesh to best advantage. Heavy individual losses are the consequence of ignorance in these matters. And among our most successful, intelligent farmers, the number is small who cannot yet learn something valuable in this department of agriculture.

Experience has clearly demonstrated that it is true economy to resuscitate worn-out lands; and also, that the enlightened, intelligent farmer, who judges correctly in these matters, will not suffer his lands to be exhausted; but, aided by the lights of reason and science, he will so distribute his crops, and so manage all his farming operations, that his lands will produce annually, for any length of time, a fair return for the amount of labor bestowed upon them.

In some farming districts we meet with lands of this description, which are said to be exhausted and worn out—producing little or nothing; lands that were once valuable and productive, now reduced to sterility and barrenness for the want of a correct knowledge of the elements of which the soil is composed, and of the proper method of treating it. In our widely-extended domain we have every variety of soil in the several variations of climate, between warm and cold, which are adapted to the growth of a large number of different agricultural products. There are articles, the products of warm climates, which grow abund-

antly and to great profit at the South, which would not grow at all in the cold, snowy regions of the North, and so *vice versa*. Light—instruction—the whys and the wherefores, are wanted relative to the judicious adaptation of agricultural products to both soil and climate, and the best methods of cultivation.

There is any amount of mental ability among the cultivators of the soil. But it is lamentably true that there is a great want of the necessary information to give proper direction to the intellect and energy now employed in agricultural pursuits. What share of our farmers can tell why ashes are more valuable as a manure on sand than on a clay soil, or why lime is valuable as a fertilizer on one soil and not on another; and, also, why lime in one section of the country is valuable as a manure on a particular soil, when, in another section, it is entirely powerless on a soil apparently the same? What combination of materials, when composted, will make the cheapest and best manure? Or, why is straw, scattered over a field, and plowed under, at one time beneficial, and at another time injurious to the grain growing over it? What the proper depth of plowing? What the advantage of sub-soil plowing? Is this kind of plowing equally beneficial upon different kinds of soil; and, if not, why? Do plants receive the whole of their nourishment from the soil, or part from the atmosphere—and what from each? Of the solutions of manures which filter downwards, or of those which rise as gases, what portions escape into the atmosphere without being absorbed by plants, and why? What modes may be adopted to arrest them until plants can make use of them? What breed of cattle, horses, or sheep are best for the farmer? Is a cross of any of the different breeds desirable; and, if so, what cross is best?

A very extended list of interrogatories upon this subject might be added. But who will answer?—who can give the information which hundreds and thousands in our rural districts are anxious to obtain? A department which will furnish information relative to the foregoing interrogatories, and many others of a similar character which might be added, could not fail to affect favorably a large share of our agricultural population.

There is another, and much more numerous class who *are not* anxious for information, who might and ought to be enlightened, but are, nevertheless, perfectly at ease in their ignorance. Among them are to be found those who rail out indiscriminately against science when applied to agriculture, and appear to have come to the conclusion, that any fact upon this subject becomes a falsehood when printed. This numerous class of men should be provided for as an act of charity; their ignorance and their delusions should be chased away. The scales should be made to fall from their eyes, and light should be scattered in their pathway until the blind see.

It is an ancient maxim, and no less ancient than true, which says, "Train up a child in the way he should go, and when he is old he will not depart from it." The minds of children and youth are vigorous and active. They will not, and should not, be idle. If not employed about something useful, they are very likely to be in mischief, which too often proves to be the first step towards crime. If you would make our young men useful, virtuous, and happy, train them to habits of industry. If you would keep them from the haunts of dissipation and crime, furnish them with useful employment, and offer them such instruction and such facilities for conducting farming operations as will make the business inviting and pleasant. Make farming what it ought to be, both lucrative and honorable; place it in the way to distinction and eminence, and you will allure to its embrace thousands who otherwise, while lounging in the balmy shades of idleness, would very likely be drawn into loose company and bad habits, which usually prove to be the way to poverty and crime. Encourage agriculture, and you encourage industry. Habits of industry necessarily close up many of the avenues to dissipation, vice, and crime. A national department to encourage agriculture would be a national effort, in an indirect way, to encourage order, morality, and religion. Who that regards the welfare of the rising generation, the perpetuity and stability of our civil and religious institutions, and the general prosperity of the country, would not rejoice to see the Government moving in this matter?

Sir, I stand here in my place as the Representative of an agricultural district. The great mass of my constituents are farmers, industrious, intelligent, virtuous, and patriotic; and their humble Representative on this floor is also a farmer. He was bred a farmer; his whole life has been spent in cultivating the soil, and for aught that appears he stands nearly alone as a practical farmer among the members of this House.

Then, sir, is it not fit, and proper, that I plead before this House the cause of farmers generally, and the cause of my constituents in particular? Is it not right that I call the attention of Congress to a subject with which all their business transactions are most intimately connected? I ask not for them any share of the public domain; but I do ask, most earnestly, that Congress will assist them, in improving and using, to the very best advantage, what they now or hereafter may rightfully possess.

THE COMPROMISE—PRESIDENTIAL CANDIDATES.

SPEECH OF HON. WM. S. ASHE,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

June 25, 1852.

The House being in the Committee of the Whole on the State of the Union on the Deficiency Bill—

Mr. ASHE said:

Mr. CHAIRMAN: My purpose in rising to address the committee, is to make exclusively a political speech, and I would not even for this purpose consume your valuable time, if it were not for my desire to make a personal explanation. This indulgence, I conceive, will be the more readily granted me, as it is the first time during this session I have claimed the attention of the committee for an object not strictly and properly under consideration. It is well known, Mr. Chairman, both here and at home, that I am an humble, but uncompromising adherent and advocate of the creed of the Democratic State-Rights school, and that I have always believed and maintained that the preservation of the political institutions of our country depended upon the developments, in their full force and vigor, of the principles of this party. Under the influence of this conviction, and doubtless instigated by a truly filial love for the State, which I in part represent, I hesitated not, during the last Congress, to throw myself in opposition to what has been misnamed the compromise measures. I refer to those heterogeneous bills reported to the Senate by the compromise committee. So hostile I deemed these measures to the constitutional rights of the several States composing this Confederacy; so unjust, oppressive, and insulting, to the people I represent, that if I know myself I would rather have seen the roof of this noble Hall fall, and in its fall crush every member of that Congress, than that they should have become the laws of the land.

But the will of Congress determined otherwise; and odious as they were, they have become the settled laws of the land; and in conjunction with them, as a propitiation for the offended dignity and invaded rights of the South, Congress passed what is known as the fugitive slave law. The practical value of this law I never very highly appreciated, but regarded it more in the light of an experiment, by the operation of which, as a valuable touchstone, we could test Northern feelings. By it we could judge whether the Federal Constitution or the dictates of the higher law was to govern and control our Northern friends. This view of this law was not peculiar to me or to the South. On the contrary, highly distinguished and worthy patriots of the North considered it in the same light, and hesitated not to grapple with the political monster, the hydra, the higher-law principle, with both sword and seething iron. The monster lashed and struggled, but his struggles were rather the convulsions of death than aspirations for victory. Sir, the South owes a debt of gratitude to those great patriots. I care not under what banners they may range themselves, I will always acknowledge the obligation.

It was the force of this feeling which induced me some months since to vote for a suspension of the rules, in order to enable my worthy friend from Indiana [Mr. FITCH] to introduce his compromise resolutions, though strongly opposed to either House of Congress passing isolated resolutions, either for the purpose of affirming or disaffirming the efficiency of general laws, yet, under the circumstances, my sense of duty would not allow me to act otherwise, although, subsequently, when resolutions on the same subject were offered by my honorable friend from Georgia, [Mr. JACKSON,] with the amendments of his colleague, [Mr. HILLYER,] I voted against each; for each were devoid of any recommendation which would justify me in sustaining them. Neither of the two latter could be considered as an extension of the right hand of fellowship—as the offering of the olive branch of peace and good-will from the North. Sir, I was slow to believe that any revolution had taken place in Northern sentiments on this subject; but recent developments have satisfied me that, under the vigorous blows of the friends of the Constitution, *fanaticism* has been made to "lick the dust."

Among these developments, the action of the late Democratic National Convention in Baltimore is of itself overwhelming. Personally, I desired no addition to the platform of 1844 and 1848 to be adopted by that body. They were sufficient, if adhered to in good faith, to insure protection to the rights of the States, and this is all we demanded; but our Northern friends said, "No, we have fought the great battle, we have overcome the enemies of the Constitution, and the result of our victory we want incorporated in our national platform." Sir, such an appeal, when addressed to the generosity and patriotism of any, even the most ultra Southern man, was irrisistible. It was the fresh laurel of a glorious victory most feelingly wound around the bleeding heart of the South. It was an assurance that the doctrine of the State-Rights Republican party had regained its ascendency. Sir, I will read to the House a few of the resolutions constituting this platform:

"9. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution; that all efforts of the Abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"*Resolved*, That the foregoing proposition covers and was intended to embrace the whole subject of slavery agitation in Congress, and therefore the Democratic party of the Union, standing upon this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures, settled by the last Congress—the act for the reclaiming of fugitives from service or labor included, which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency.

"*Resolved*, That the Democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

These resolutions are clear, perspicuous, and forcible. No skeptic can doubt their meaning. No State-Rights patriot can deny their truth. But, however strongly their intrinsic merit may demand our admiration, the utmost unparalleled unanimity by which they were adopted by the Convention, representing as it did the Democracy of every Northern State, should disarm us of all opposition. Although not a delegate, I was present at the Convention, and occupying a most favorable position for both hearing and seeing, I feel no hesitation in saying, that out of the two hundred and eighty-seven delegates present, not five dissenting voices were heard upon their adoption. It has been asserted that many members had left the Convention before these resolutions were adopted. This is, to my certain knowledge, unequivocally false. The Convention was full; was crowded fully as much as it had been at any previous time during its proceedings.

Now, Mr. Chairman, I most earnestly invite my Southern State-Rights brethren to give these additional resolutions a fair and attentive consideration. Do they not cover the whole ground?

Do not the constitutional rights of the States find in them ample protection? What stronger, what more grateful assurance could we ask at the hands of our Northern friends? Let us, then, draw the pall of oblivion over our past differences, and putting our shoulders to the wheel, raise up from her beam ends the good old ship Constitution; clear out her hold, clear off her deck, and being manned with a true and loyal crew, with the best of commanders, bid her most heartily, "God speed her way!" banishing from our bosoms all uneasiness and anxiety for her future destiny.

Mr. Chairman, I have said all I intended to say when I obtained the floor; but having alluded to the noble crew, and most excellent commander, in whose hands we intend to put the good old ship for safe-keeping, I should do violence to my own feelings if I did not say a few words regarding their qualifications. The crew is the American Democracy; and being one of them, a becoming modesty will only allow me to say that they never failed to sustain their commanders in all worthy and patriotic efforts to preserve the Constitution. Prosperity may sometimes blind them to the necessity of vigilance, and unsailor-like remissness may make them careless and apathetic; but when the trusty pilot from his watchpost calls aloud, "Breakers!" "Breakers ahead!" each and every man will be found in his proper place, ready and anxious to do his utmost in the discharge of his duty. Who are to be our commanders? *General Franklin Pierce and Colonel William R. King.* Some eight years since, I was placed, by the partiality of my friends, on the electoral ticket of Polk and Dallas. Frequently I had a scoffing question, intended more for obloquy than information: "Who is James K. Polk?" pointed at me. In the fullness of folly the same question may again be asked, and in an anticipated reply thereto, I will retort: "Did not the American Democracy then inform you by their triumphant election of Mr. Polk, who he was?" And did not the great wisdom of his Administration confirm the propriety of his election? But I will give the information During a period of service in Congress for ten years, four in this House and six in the Senate, notwithstanding his position was conspicuous, and his efforts, in support of those great Democratic measures, under the happy influence of which our country bounded with giant strides from a state of great pecuniary perplexity and embarrassment to its present acme of greatness, were bold, vigorous, and effective, yet such was the reserve and modesty of General Pierce's character that the world knows but little of his private and social history.

General Pierce was the younger son of General Benjamin Pierce, a revolutionary hero, who, at a very early age volunteered as a private in the first company that was raised for the defense of Boston. In that capacity his maiden sword was first unsheathed at the battle of Bunker Hill. From that time until the conclusion of the war, like the immortal Chevalier Bayard, *Semper paratus* was always his maxim. His country first, his country last, his country forever, was the overruling and absorbing feeling of his heart. From the loins of such a father no son less worthy, less patriotic than Franklin Pierce, could have sprung. After the acknowledgment of our independence, he retired from public service, converting the weapons of war into the implements of husbandry. As his war services were great, his heart humane and benevolent, his patriotism warm and energetic, it is no wonder that he enjoyed in unbounded degree the affection of the people of New Hampshire. For how can a people more honor themselves than by bestowing confidence upon those citizens whose lives have been an illustration of private worth and patriotic devotion? Democracies have been branded as fickle and ungrateful, but I am proud to say, that the American Democracy, in this wise, has never blurred its escutcheon. No deserving son of hers can ever complain that she averted her face. Federal obloquy has reproved this noble son of the granite State with being illiterate. A distinguished model orator of the Whig party, some twelve years since, on the eve of a presidential election, when the public mind was held in overwhelming agitation, so even as to forget the common distinction of the days, declared, "in revolutionary times there were no Sabbaths." History, both public and private, informs us more correctly that in those great times which tried men's souls, the schoolmaster dared not go abroad. His scholars were warriors, his discipline was succeeded by drum and fife. Then should it be a reproach that General Pierce was illiterate? But, however this may be, yet one fact is certain, he was possessed, in an eminent degree, of that strong old-fashioned common sense, which enabled him to construe the Constitution of our country in a republican manner. He was also known as a warm and zealous advocate of the State-Rights party.

In explanation of this I will relate an anecdote, which is given upon such high authority that its authenticity cannot be questioned. When General Pierce was Governor of New Hampshire, he was engaged in writing a message to the Legislature. He got bothered in his mind how to spell a word. "Frank," said he, who was sitting by, "how the devil do you spell but?" Frank spelled the word for him, emphasizing each letter very distinctly. "Be hanged to these little words," replied the war-worn soldier, "they bother me; but, Frank, when I come to *Constitution* I can spell that without looking into a book."

Yes, Mr. Chairman, he not only spelled it, but read it well, and what is much more important, he transmitted his reading of it to his sons, and that reading is reflected in every word and line in the platform on which his son, General Franklin Pierce, now stands as a candidate for that office which is the highest the American people can bestow upon any of its citizens. General Pierce died, as he lived, a poor man; but a rich legacy did he leave his sons, in that example of social and public worth which he manifested through his whole life. Such is the stock of which General Franklin Pierce is the cion.

After finishing his schooling at Amherst, General Franklin Pierce for a while discharged the duties of deputy sheriff in his native county, whereby he collected the means to pursue the study of the law, and very soon after obtaining his license he was elected to represent his county in the Legislature, in the various proceedings of which, for several years, both as a member and as the presiding officer, he bore a conspicuous part. In 1833 he was returned as a member of Congress from his district. This was an eventful period in our political history. In the year preceding, General Jackson had, from a high and imperative sense of duty, vetoed the monster bank bill, and the great money monopoly of the country had put on its armor for a mortal combat. Its golden Briarean arms were spread over the whole country. Legislatures were tampered with, politicians were bought up, and public opinion assailed by every conceivable device; reproach, abuse, and unmeasured obloquy were showered upon all who dared to stand by the second father of his country. The conflict was indeed great, but great as it was, it had no fears for the chivalrous soul of General Pierce. Sir, a recourse to the debates in that and the next Congress, will fully attest both his great readiness and his great capacity to roll back upon the bank minions the storm by which they vainly hoped to crush the old hero. On all of these issues, his votes invariably accord with those of the late President Polk, Dromgoole of Virginia, and McKay of North Carolina. Better company you could not find for a Democrat.

It was during the last term of his services in this House that abolition first began to raise its evil crest in the Northern States, and as General Pierce's conduct upon this subject will be made the theme of much disputation, the committee will excuse me for transcribing his opinions, given in his own language. On the 18th day of December, 1835, we find him not only voting with the South against the reception of a petition to abolish slavery in the District of Columbia, but denouncing the course of the petitioners as fraught with incalculable mischief to the whole country, and emphatically declaring "that he was prepared to 'stamp with disapprobation, in the most express 'and unequivocal terms, the whole movement 'upon the subject." Again, in 1836, rising to make a personal explanation, and to defend himself from aspersions thrown upon his character by some Abolitionists of New Hampshire, he reiterates the same well-founded opinion, and introduced to the notice of the House the following resolutions, as expressing his own views and the views of his constituents:

"*Resolved*, That the regulation of master and slave is a matter exclusively within the regulation of the State in which it exists, and that any interference by the inhabitants of other States in regard to it is not only unauthorized and intrusive, but faithless and dishonorable, as being against the letter and spirit of the sacred compact which binds us together.

"*Resolved*, That those who promote inflammatory discussions, and are guilty of disseminating among the slaves of the South publications, the tendency of which is to incite servile insurrections, are regarded by us as persons prompted by the most reckless wickedness, or by an insane fanaticism, fully as mischievous in its consequences."

But, Mr. Chairman, independent of these open and manly professions of his determination to maintain the constitutional rights of all the States, we have the "strongest record" evidence, as contained in the Journals of this House, establishing the same fact. Sir, during his four years' connection with this body many were the attempts made by the Abolitionists to have their hellish purposes recognized as proper and lawful. The Southern delegation was under constant excitement, but never in any of these trying emergencies was the vote of General Pierce given otherwise than in support of the South. In 1836 he was elected a member of the United States Senate. In his elevation to this new position, no longer representing a district, but a State at large, do we find him either changing or faltering? No, sir, nothing of the kind. Still true to his constitutional principles, "he warred to the knife, and the knife to the hilt," against all attempts at agitation. Planting himself under the banners of Mr. Calhoun, he was never known to differ from that able and faithful champion of the South in all his attempts to ward off the fatal blow aimed at our prosperity.

On December 27th, 1837, Mr. Calhoun introduced in the Senate a series of resolutions setting forth the rights of the States under the Federal compact, and denouncing all interference by Congress, directly or indirectly, mediately or immediately, with the institution of slavery. These resolutions met with the strong opposition of many in the Senate who had before stood firmly by us, but Franklin Pierce was not one of them. His love of principle knew of no abatement, his determination lacked no vigor, his vote was uniformly in favor of their adoption. On the 9th January, 1838, Mr. Prentice presented petitions adopted by the Legislature of the State of Vermont, protesting against the annexation of Texas, and against the existence of slavery in the District of Columbia. These resolutions coming from a member of the Confederacy, were, as a matter of etiquette, received, but were instantly laid upon the table by a decided vote, General Pierce voting with the Southern delegation in the affirmative. This strong and constant opposition to their views of course made General Pierce obnoxious to the Abolitionists, and in order to perplex him in the discharge of his duties, they enlisted in their unholy crusade some of his personal friends, whose application, they supposed, would claim more attention at his hands, and accordingly we find, on the 21st February, 1839, a memorial from such persons was received by him. The Congressional reports show what disposition he made of it:

"Mr. Pierce presented the memorial of George Gates and others, legal voters of the town of Antrim, New Hampshire, praying for the abolition of slavery in this District.

"Mr. P. said that the memorial came to him accompanied by a letter from a highly-respectable clergyman residing in his native county. The letter says, 'though we are aware that your views may not correspond with those of the petitioners, they have no doubt of your readiness to present a respectful petition, coming from any portion of the citizens of New Hampshire.'

"It is certainly no task to present the memorial, and yet I cannot in justice to my own convictions of duty comply with the request without expressing my deep regret, that these petitioners, many of whom I am sure are actuated by pure motives, should so far mistake their own *moral responsibilities*, and the *power* and *duty* of Congress in relation to this subject.

"I do earnestly hope that every honest man who has sincerely at heart the best interests of the slave and the master, may no longer be governed by a blind zeal and impulse, but be led to examine this subject, so full of delicacy and danger in all its bearings, and that when called upon to lend their names and influence to this cause of agitation, they may remember that we *live under a written Constitution*, which is the *panoply and protection of the South* as well as the North; that it *covers the entire Union*, and is equally a guarantee for the unmolested enjoyment of the domestic institutions of all its parts; and I trust further, that they will no longer close their eyes to the fact that, so far as those

in whose welfare they express so much feeling are concerned, this foreign interference has been, and must inevitably continue to be, evil, and only evil."

I beg that the committee will examine closely this exposition of his views. Here we have a clear and unequivocal declaration that it would be both "a *violation of duty* and an *assumption of power*," for Congress to undertake any legislation upon the subject of slavery in this District, and the reckless fanatics are solemnly warned that we live under a written Constitution which is the panoply and protection of the South as well as the North. That it covers the entire Union, and is equally a guarantee for the unmolested enjoyment of the domestic institutions of all its parts.

Mr. Chairman, I will not further follow the Congressional record of General Pierce, but, collecting his different votes, will append them in the form of a note to my speech. And in conclusion of my remarks upon this subject, will only add, that General Pierce carried with him in his retirement from the councils of his country the same indomitable love for the Constitution which he had exhibited in Congress. In 1844 and 1845, the public mind was much agitated by the contemplated annexation of Texas, and many of the Northern politicians, who had professed friendship for the South, fearing that this step would enhance our power too much, backslided, and threw themselves in direct opposition to that measure. It was not so with General Pierce. Considering Texas, although nominally separated, as "blood of our blood, flesh of our flesh," he became one of the warmest advocates for its annexation, and when a distinguished Democrat of his State, [Mr. HALE,] beguiled by the corrupt appliances of the Free-Soilers, came out in opposition to that great national measure, he again appeared upon the political battle-field, and never ceased his efforts until he drove him from his party, and destroyed him in the State. But, sir, on a more recent occasion, which is still fresh in our memory, we find a similar display of zeal and devotion for the preservation of the peace and quiet of the country. Some twelve months since, the Democracy of the State of New Hampshire held a State Convention, and nominated a Mr. John Atwood for Governor. At the time of his nomination, Mr. Atwood was supposed to be in favor of the execution of the fugitive slave law; but, subsequently, on expressing his hostility to it, General Pierce immediately summoned another convention, rescinded the previous nomination, and, taking the stump in favor of the second nominee, he ceased not his efforts until his election was triumphantly secured. Whether in office or out of office, the same unbending, granite-like loyalty to the Constitution governed and controlled him. Mr. Chairman, in contemplation of this record, I feel warranted in saying that there is no Southern Democrat whose heart does not leap with joy at the privilege of voting for General Franklin Pierce.

REMOVALS FROM OFFICE.

We have been informed that General Pierce is a radical Democrat, a most bitter partisan, and the intimation is most shrewdly made that, in case of his election, the official guillotine will be put into active operation. Sir, though the Democratic party has never sought success by the idle clap-trap declarations "of non-removals and of proscribing proscription," yet the bold and manly denunciation of the tricks of the Harrison campaign by General Pierce should afford us the most satisfactory assurance that he never would follow in their footsteps; and instead of a reckless and indiscriminate proscription for opinion's sake, he would make the conduct of the officers the standard for removal. But in order that I may not do him any injustice, I will quote his own words, as found in his speech made in the Senate in 1842. It will be recollected about this time that Mr. Webster, then Secretary of State, had published a letter of admonition to office-holders, which, by many of the Democratic party, was considered as invading the inalienable rights of freemen. In condemnation of the opinions expressed in this document, and with regard to the removal of officers, General Pierce makes the following remarks:

"There is but one sensible, practical rule upon this subject. If the discretion of the office-holders will not observe it, let them feel the effect of it. It is this: When a public officer neglects the duties of his office for political purposes, prostitutes it for political ends, or in any way abuses the trust confided in him, to promote the objects of a party, he should be removed, and so far as I know my party yield to that principle their cordial assent. But when you transcend this, you assail the public officer in the free and unembarrassed exercise of his inalienable rights, secured to him by the Constitution, as a man and a citizen."

* * * * * * *

"No, sir; no! If liberty shall not become a mere name, this bold invasion by the Executive of the rights of the man and the citizen will be invoked to arouse popular indignation in many a contest, long after your bones and mine will have mingled with our mother earth. Let the humble, and perhaps dependent, officer, whose eyes fall tremblingly upon this circular, turn them from it to the Constitution of his country, and learn that every citizen of the Republic, whether learned or unlearned, high or low, rich or poor, in office or in the walks of private life, is of right entirely unshackled in the exercise of thought and speech, so far as the elective franchise is concerned, and remember that any attempt to abridge that right, come from what quarter it may, is usurpation."

PENSION SYSTEM.

But, Mr. Chairman, appeals have been made to the friends of the old soldiers, and an attempt has been made to excite against General Pierce ill-will and prejudice, on the ground that he was opposed to the establishment of the pension system. True, sir, he was opposed to the adoption of this policy by our country, and why? Because he foresaw that it was fraught with the same demoralizing effects upon our national character which it had produced in Old England. He foresaw that it would be a precedent by the use of which artful and selfish demagogues would justify the most reckless and unwarrantable squandering of the public property. And I appeal to our daily legislation, Mr. Chairman, as a proof that his apprehensions were not groundless. What restraint have we upon the most reckless squandering of the public property? None whatever.

But, not satisfied with condemning General Pierce for his opposition to the general pension system, our opponents have selected the case of Mrs. Harrison, as a point of attack. I will quote a part of his speech upon this occasion, which will show the unprejudiced and fair-minded, whether he was right or not. In the course of his argument, General Pierce says:

"Without any feelings adverse to this claim, politically or otherwise, he protested against any legislation based upon our sympathies. He protested against the power and dominion of that '*inward arbiter*,' which, in private life, was most sure to lead us right, but as public men, and disposers of the public money, was sure to lead us wrong. It made a vast difference whether we paid the money from our own pockets, or drew it from the pockets of our constituents. He knew his own weakness upon this point personally, but it would be his steady purpose, in spite of taunts and unworthy imputations, to escape from it as the representative of others. This claim was not made on account of the indigence of the family; they were in easy, if not affluent circumstances. It was not for loss of life, or limb, or property, in the military service of his country, which has been heretofore the exclusive basis of pensions, but it was for the civil services of General Harrison, this claim was set up. This would be a broad and dangerous departure from anything which has yet been done from the commencement of the Government. In this country we have, thank God, not yet reached the day, when we acknowledge, by a system of partial legislation, the distinctions of place or of rank, and if you pass this bill, for the same reasons, and under the influence of like impulses, you ought, and you are authorized to grant similar relief to the humblest widow of the humblest clerk in your civil departments, and, in all probability, many of those could make an appeal a thousand times stronger to our sympathies."

Such, Mr. Chairman, were the considerations which induced General Pierce to oppose this claim, and who will deny their strength or justice? But, our records show another application from another individual, for a pension, and as I believe General Pierce was on the Committee of Pensions when it was rejected, I will explain who it was made by, and for what reasons it was rejected. In the year 1836, Major General Winfield Scott applied for a pension, then holding his present actual rank in the United States Army by brevet. It was rejected, on the ground that the only law under which the claim could be allowed, was passed for the benefit of wounded *seamen*, and was passed with the view of promoting enlistments. As the committee were not aware of any personal wound or affliction, received by the applicant in the service of his country, they were compelled to report adversely to his application. I do not know that any attempt has been made to censure General Pierce for the rejection of this claim; but in order to prevent its being done, I will state, from the time that General Scott was breveted as Major General, in 1814, to the present hour, he has been receiving an annual income from the Government of upwards of $6,000, which in the aggregate amounts to the round sum of $228,000. This application, Mr. Chairman, made by General Scott for a pension, shows in the most glaring light, the pernicious evils of the pension system. It engenders a feeling that our Government should be the architect of private fortunes—that from its coffers the streams of individual wealth and emolument should flow, and it requires but a moment's reflection to show that the consequences upon our national character and national manners would be highly pernicious.

INTERNAL IMPROVEMENTS.

We are told by one of the Government organs, published in this city, that General Pierce is a tight-laced Democrat, and if elected will oppose all endowments of railroads with the public lands, and all the improvements of rivers and harbors by the United States. These objections are made with the view of prejudicing the Western feeling against the nominees of the Democratic party. Sir, I fear not its effects. The Democracy of the Northwest understand too well the structure of our Government to condemn a great statesman, because he has made, in his legislative career, the Constitution of his country his only guide. A kindred attempt has been made in my State, on the same grounds, to prove that General Pierce is hostile to North Carolina, because he voted against a general river and harbor bill, which, by chance, included a small appropriation for that State. By the same reasoning, Mr. Chairman, I may be condemned as hostile to North Carolina, for during the last Congress I gave a like vote upon a similar bill. But I flatter myself, sir, that it would be very hard to make any Whig or Democrat in that State believe that I was hostile to its interests, or that I did not always hold her interests nearest to my heart. Sir, however strongly we may desire the full development of her resources, the Democracy of North Carolina fully appreciate the fact that we live under a written constitution, and that if that constitution can be violated to open rivers, and to make and clear out harbors, when such works are not of national importance, it can be violated by Congressional majorities for any and all purposes whatsoever. General Pierce will doubtless, if elected, use all his influence to restrain the Government within its constitutional limits; but if Congress in its action shall observe those limits, no man who knows his character can for a moment believe he would interfere to obstruct this legislation.

I have now, Mr. Chairman, in a rapid manner, glanced at General Pierce's political career, and in conclusion will say that I fully accord in the high compliment paid to him by the Hon. James Buchanan, of Pennsylvania:

"No candid and honorable man of any party well acquainted with General Pierce will, I am convinced, deny to him the intellectual qualifications necessary to render his administration of the Government wise, able, and successful. Besides, unless I am greatly mistaken, he possesses determination of character and energy of will, without which no individual is fitted to perform high and responsible executive and administrative duties, such as pertain to the office of President of the United States. My own observation, as well as the history of the world, have taught me that these are qualities which do not always belong to great Senators and distinguished orators."

Mr. Chairman, the Democracy of our country, knowing that in the civil administration of our Government a wise use of the pen is of greater value than a burnished sword, have never in their selections of candidates made military prowess the standard of political and civil worth; but as our opponents have selected the greatest military captain of the age as their standard-bearer, we shrink not from putting in competition with him the actions of one of his subaltern officers.

When General Pierce retired from the political arena in 1842, it was his determination to devote his future life to his professional labors. Mr. Polk, on the formation of his Cabinet, offered him the high position of being his constitutional adviser. This honor he declined, and professing the greatest confidence in Mr. Polk's wisdom to administer the Government, declared he never again expected to *enter into the service of his country, unless it should be engaged in a war*, in which case a sense of duty would not allow him to remain at home. War did come, and as soon as the fact was announced, we find the illustrious Senator enlisting as a *mere private* in a volunteer company,

ready to sacrifice station, comfort, and pleasure, to serve his country. The blood of his patriotic father had not yet run out—the one, a private at Bunker's Hill, the other a private for the Mexican fields. Mr. Polk forced a commission upon him. Did he dishonor it? What say his commanding officers in their official reports?

Extract from General Scott's report of the battles of Contreras and Churubusco:

"Accordingly the two advanced divisions and Shields's brigade marched from Contreras under the immediate orders of Major General Pillow, who was now joined by the gallant Brigadier General Pierce, of his division, personally thrown out of activity the evening before by a severe hurt received from the fall of his horse. Next (but all in ten minutes) I sent Pierce, (just able to keep the saddle,) with his brigade, conducted by Captain Lee, engineer, by a third road a little further to the left, to attack the enemy's right and rear, in order to favor the movement upon the convent, and cut off the retreat upon the capital.

"Brigadier General Pierce, from the hurt of the evening before, under pain and exhaustion, fainted in the action. Several other changes in the command occurred on this field."

Extract from the report of Major General Worth, dated August 23, 1847:

"The division commander cannot forego the opportunity presented, to acknowledge his obligations and express his admiration of the gallant bearing of Major General Pillow and Brigadier Generals Shields, Cadwalader, and Pierce, with whom he had the gratification of concert and coöperation at various critical periods of the conflict."

On the 22d of August, two days after these great and decisive battles, General Pierce was appointed by General Scott one of the American Commissioners in settling the terms of an armistice between the armies of the United States and Mexico, and, with Generals Quitman and P. F. Smith, executed that delicate and honorable trust.

The storming of Chepultepec, on the 13th of September, was the only one, amidst the glorious achievements of the valley of Mexico, in which General Pierce did not participate. He was then confined to his bed by sickness, and we have been credibly informed, that notwithstanding his great debility at times, and the severe injury at the battle of Contreras, it was the only occasion when he was off duty from the time he landed at Vera Cruz till he left the city of Mexico for the States.

General Pillow, in his report of the storming of Chepultepec, thus alludes to the commander of his first brigade:

"I regret that I was deprived, during the action, of my brave, talented, and accomplished brigadier, General Pierce, who was confined to a sick bed."

Such are the official reports of the conduct of General Pierce by his superiors in command at the time. No comment is necessary.

I will now furnish a few extracts from the newspapers of the day. Many more might be furnished; but I deem it unnecessary. Some of them are extracts from letters from the Army, and some the remarks of editors.

Extract from a letter from an officer in the 9th regiment, to his friends at home. Speaking of General Pierce, he says:

"I am sorry he is going, as I don't know of a man who would do better for the men under his command, or one that the soldiers would like so well. Bravery goes a great way toward making a man respected in the Army, and General Pierce has as good a reputation for that as even his immediate commander, General Pillow. I imagine I can see him now upon that black horse at Contreras. He gave us a word or two as we filed past in a shower of shot and shells, in return for which we gave him a cheer. I saw him, too, at Churubusco, notwithstanding he was hardly able to sit on his horse, with the bullets flying round him."

Extract from the report of Major General Pillow of the battles of Contreras and Churubusco:

"1st. Brigadier General Pierce, though badly injured by the fall of his horse while gallantly leading his brigade into the thickest of the battle on the 19th, did not quit the field, but continued in command of his brigade," &c.

"2d. During this movement, I met with Colonels Ransom's and Morgan's regiments—12th infantry, under Captain Wood, and the howitzer battery, under Lieutenant Breno, parts of my division forming General Pierce's brigade—which had been moved by order of the general-in-chief, under command of General Pierce, against a large body of the enemy to the right and rear of the main works, where they had been, in conjunction with Shields's brigade, engaged in a fierce open-field fight with a large force. Brigadier General Pierce, though suffering severely from his injury of the preceding day, had nevertheless been on duty and in command of his brigade, and until a few moments before, when he had fainted from pain and exhaustion, and been carried from the field."

"3d. I cannot withhold the expression of my sense of the deep obligations I am under for the success and honor due to my command to my two gallant brigadier generals, (Cadwalader and Pierce,) whose promptitude, skill, and daring were equal to every emergency, and who, in the absence of discipline in their commands, met and overcame every obstacle, and led on their brigades to honor and distinction."

GENERAL PIERCE IN MEXICO.—Colonel O'Hara, one of the editors of the Louisville Times, speaks thus of the services of General Pierce in Mexico, himself being a personal witness:

"Having retired from the Senate, and resumed the practice of his profession, the difficulties with Mexico struck that electric spark of patriotism ever alive in his bosom, and he was chosen the colonel of the New England regiment, prepared to do battle for his country's honor, and to assert and maintain her rights. When appointments were made by President Polk of officers to fill up the commands of the Army, Colonel Pierce was promoted to the rank of brigadier general. During that unexampled campaign, he bore a most conspicuous part for the exhibition of all the elements that combine to make a great captain—patience and endurance under toil and privation in a new field, a coolness that met every responsibility, and a courage ready to face the very 'cannon's mouth.' Beloved by those who served under him—for he was ever ready to participate in the labors of their marches and their daring in the hour of battle—he brought with him from the field of Mexico laurels that never wither—the enshrinement of himself in the hearts of his countrymen, who beheld his valor and participated in the glory which his bravery won.

"At Contreras, when dashing over the Pedigral, (a continuous series of sharp rocks thrown up by volcanic action,) for the purpose of heading his brigade, his horse fell under him and crushed the leg of his rider in his fall. The battle of Churubusco followed next day, and, scorning to hang back within his tent, with crutch in hands, he mounted his goodly steed, and urged his men 'on to victory!' In the foremost rank of battle he was found; and through most of that bloody day he was the spirit of the wing in which he was placed. But, with fatigue, and the anguish of a fractured limb, he became faint, and was borne insensible from the field; but not before (could he have heard) the shouts of victory would have filled his ears, and brought back the quick pulsations to his noble heart.

"We speak with enthusiasm of the gallantry of General Pierce, because, attached to that branch of service, we were an eye-witness of all that we represent. It was with pride and exultation that we saw him rejecting the privilege accorded the wounded, and baring "his bosom to the strife." Our admiration knew no bounds, for we felt that there was a heart truly American—American in its most comprehensive sense—reckless of self, and all for his country."

The great city, the immortal city of the Aztecs, is fallen. The war is practically closed, and the yeoman soldier sheathed his sword, resigned his commission, and again became a worshipper at his fireside altars. This record is short, but it is illustrious. Official distinction neither in the military or civil service of the country had any false glitter for his eyes. When his country demanded his services, they were rendered; but when no longer needed, a private station became a post of honor. No strife or contention ever found an entrance in his bosom for the possession of office.

Now, Mr. Chairman, I ask, through you, the Democracy of America—I ask the people of America, irrespective of party—if such is not the man that the evil times we have fallen upon demand should be placed at the head of our Government? Who will be bold enough to say that under his Administration corruption will not be put down, the Augean stables cleaned out, Galphinism throttled?

I shall say but a few words respecting the candidate for the Vice Presidency. Praise of him with North Carolinians would be a work of supererogation. He is emphatically one of us. The people of my district have time after time manifested their great and abiding confidence in him, and they have never been deceived. His name is indeed with us a tower of strength. He was the first choice of the people of Sampson county for the Presidency, and around him, I well know, cluster their warmest and strongest attachments. With this ticket our horizon is cloudless—bright with the hope of success. By the establishment of a national platform, and by placing upon it as candidates men distinguished for capacity, probity, and enlarged patriotism, we have exorcised and forever damned the fell demon of sectionalism. Have our opponents done likewise? Of their candidate for the Vice Presidency no man who knows him can entertain but one opinion. He is a gentleman, and one whom his political friends in North Carolina have delighted to honor. But notwithstanding these predilections for one of her favored sons, the Fillmore men, the compromise men, the Constitution-loving people of North Carolina will demand why is the name of Governor Graham put upon the same ticket with that of the distinguished soldier whom they have uniformly denounced as unworthy of their suffrages; who, they well know, is raised to his present conspicuous position by the base machinations of Free-Soilers? The great contest in the Whig Convention was between Millard Fillmore and William A. Seward, and not between Fillmore and Scott. Fillmore has fallen and Seward has triumphed. The country should bear in mind that Millard Fillmore, in 1848, was nominated for Vice President on the recommendation of his New York friends. Why have they now striven to disgrace him, to hurl him from his presidential chair in scorn and contempt? This is a frequent question, and its answer, though short, should sink deeply into the hearts of Southern freemen. It was because, as President, he was too honest to perjure himself—as President, he was too patriotic to court the higher-law faction.

Differing as widely as I do in opinion from this gentleman, upon all the political issues of the day, it affords me no small pleasure to bear my humble testimony to the independent position which he assumed on the execution of the fugitive slave law. He has earned for himself from the right-thinking of all parties a tribute of respect and gratitude, which will more than repay him for the malignant hatred and contumely with which he has been pursued by the enemies of the Constitution, and which the recent Whig Convention, by its nomination of General Scott, has approved and sanctioned. I am well aware that an attempt is made to justify this ungrateful sacrifice by asserting that General Scott will stand upon Mr. Fillmore's platform. If this is so, why and wherefore the disgrace of the one, and the elevation of the other? Sir, the fact is undeniable that General Scott, ever since the death of General Taylor, has been the peculiar and pet candidate of the enemies of Mr. Fillmore and the Free-Soilers. It is indeed true, that by a telegraphic dispatch he gave in his adhesion to a platform. But which platform? The one declared by the proper officers of the convention to be correct and genuine? No, sir, no such thing; as yet he is uncommitted to any but the one which the same officers have repudiated as false and spurious, put in circulation for the use of the party in the Free-Soil latitudes. But it is not my purpose to condemn the Whig candidates, or to expose the duplicity of those who are busily employed in the dirty work of using this forgery. This is a matter for the judgment of the people; and few, very few, are bold enough to deny but what their judgment in November next will be rendered in favor of the great American Democracy, thereby putting for ever and ever its seal of condemnation upon political fraud and chicanery.

NOTE.—Since the above speech was published in the Globe, General Scott has written a letter of acceptance to the President of the Convention, in which he states that he adopts the platform which was forwarded to him by the Convention. I have not time to expose the non-committalism of this epistle, but it is sufficient to say, that every Whig Free-Soiler in our House approves and sanctions his position, arguing that neither the spirit or words of the letter compromise him to veto any law repealing or modifying any of the compromise measures.

DEBATE

ON THE

PENNSYLVANIA CONTESTED ELECTION CASE.*

Wright vs. *Fuller*.

IN THE HOUSE OF REPRESENTATIVES,

June 25, 1852.

Mr. FULLER said: I have nothing to say for myself. I speak to-day in behalf of a majority of the people of the eleventh Congressional district of Pennsylvania. Were I alone concerned this case would be submitted to your decision, without any remarks of mine. But, sir, when the people of my district are unjustly accused, when they are arraigned and put upon their trial, it is not permitted that I, their elected Representative, should remain silent. This action makes it my duty to defend their reputation thus assailed, to vindicate the purity of their motives, and the fairness of their election; to repel all unworthy imputations, to wipe out all false aspersions upon their

*The opening speech on this case, made by the chairman of the Committee on Elections, (Mr. ASHE,) is published in the Congressional Globe, pp. 1613, &c.

character and good name. In discharge of that duty, sir, it will be my object fully and frankly to relate the history of this contest, and to state all the facts which have brought it before the House and before the country. The character of the case will require me to become somewhat personal, without intentional offense, however, and, of course, within the rules of parliamentary order; and so far as there may be occasion to speak of myself, it will be done, I trust, with becoming modesty; and so far as there may be necessity to speak of others, it shall be done moderately, temperately, and with all possible charity.

Sir, four weeks previous to the election here in controversy, little dreamed I of becoming a candidate, much less of being elected to the present Congress; but it so happened, in the political history of the district, that the nomination of the honorable contestant was not altogether so satisfactory as it should have been. This, surely, was no fault of mine. It may not have been any fault of his, though I submit that such a state of feeling as existed there rarely arises without some real or supposed good and sufficient cause. What the reasons were that influenced the people on that occasion would not be the subject of legitimate inquiry here. The effects of the disease, however, will be sufficiently exposed without tracing the cause. Be that as it may, at the solicitation of many worthy and highly honorable men of both political parties, both Whigs and Democrats, I was induced to enter the canvass, and most unexpectedly, and I am frank to admit, quite as undeservedly, I was elected. I do not claim the election as the result of any merit or public service of mine. It would not become me to say that it was owing to any demerit on the part of my honorable opponent, but the fact is undoubtedly true that the people, in the exercise of their constitutional right, chose to withdraw their confidence from him, and cast it, undeserved, upon me. Now, that he was greatly mistaken—that he was greatly disappointed, I have every reason to believe; for, only a few days before the election, he expressed his regret, in most decided terms, that he would be compelled to defeat me, his neighbor, so badly. This was very kind, most amiable, and most neighborly on his part. I remember to have rejoined in the same spirit, expressing my entire satisfaction with any result; but, at the same time, commending him to a prudent husbandry of all his resources. Now, that he was disappointed, I have still stronger reason to believe, for, on the very day of the election, up to the hour of the closing of the poll, he boasted very loudly, and most publicly, (as his habit is,) that his majority would be 2,999, with something to spare.

Had it been so, Mr. Speaker—had his expectations been realized, no man could have yielded more cheerfully than I would. Instead of being soured and disappointed, it would have rather rejoiced me that the people of the district had elected a man so much abler—certainly so much more *anxious*—to represent them than I. But had he been elected by one majority, I trust no man, neither he, nor any of his friends, will ever do me the injustice to suppose that I could have contested it. No, sir; my principles, such as they are, and my sense of duty, such as it is, have ever taught me to bow with respectful submission to the expressed will of the people; and desperate, indeed, in my humble judgment, must that man's political fortunes have become—reckless, indeed, of human evil and human peril must that man have become who wantonly attempts to thwart the wishes, to palsy the will, or to set aside the verdict of the people; for rest assured, sir, that whom they will they will set up, and whom they will they will set down. Mr. Speaker, our experience in life proves the fact, that the philosophy of sound men is unequal to discomforture. The public appreciation of men does not always quite come up to their own appreciation of themselves. It often happens with defeated candidates, whose aspirations for political preference have in some manner been signally disappointed, that they imagine themselves to have been greatly wronged, grossly cheated, infamously defrauded. Now, sir, in order to show you with what facilities some men will deceive themselves in this particular, and in order to illustrate more fully this part of my argument, I propose to give you an example exactly in point, and I am induced to do so for the reason that the gentleman, himself, in his opening speech before the committee, as they will remember, declared that this was the second time that he had been cheated out of a seat in this House.

In 1848 the gentleman was a candidate for election, and at that time ran in opposition to the late lamented Mr. Butler, a pure and upright man, as many of you know, and also against a Mr. Collins, as able and as unflinching a Democrat as is to be found in the State of Pennsylvania. On that occasion he was defeated, and immediately thereafter there appeared in a newspaper, in which I believe he is largely interested, an article, which was said to have been written by himself. He will have an opportunity of denying it, if I misstate the matter; but taking it, as I do, to be his own production, and regarding it, therefore, as the highest authority, I read it for the information of the House. It is to this effect:

"SHAMEFUL FRAUD.—A most disgusting fraud occurred on the day of election in the Carbondale district. The Democratic tickets were folded up in bunches, and put in the hands of Mr. Thomas Boland for distribution at the polls. These tickets he carried in his coat pockets. The Federalists procured tickets in the same type, and tied them up in exact imitation of the Democratic bunches—and watching Mr. Boland in the crowd, took the tickets with Colonel Wright's name, out of his pockets, and placed the Whig ones in the place of them. Mr. Boland not discovering the error, handed out the bunches to the voters, who put them in the polls, supposing them to be the Democratic ticket, with Colonel Wright's name among them. In this way our Democratic candidate for Congress was defeated. Shame *where* is thy blush? When fraud of this kind is resorted to, can a cause prosper? We were well aware that Colonel Wright would get from one hundred and fifty to two hundred majority in the Carbondale district, and had he not been CHEATED in this way, would have been triumphantly elected over a stronger combination of men and money than was ever brought to bear against a single man before. But though defeated, he is at this moment stronger in the affections of the people of this district, than though he had been successful."

"THE FRAUD.—We cannot help again reverting to the revolting and wicked fraud in the Carbondale district. Our information is, that at least one hundred men went to the polls with, as they supposed, Colonel Wright's ticket in their hand, but were deceived and cheated out of their choice. What must an HONORABLE man *think*, who holds a place obtained in this way? Does he repose easy on his pillow, when the station he is elevated to is the result of so base a deception?

"We know it is no apology for a voter not to examine his tickets; but how many hundreds are there who take the tied-up bunch from the hand of a friend? So it was done at Carbondale, and Mr. Boland all the time supposing he was handing out Colonel Wright's tickets—while craven villains were picking his pockets, and supplying them with other tickets. Are such frauds to prosper?"

Mr. STUART. I rise to a question of order. I understand the gentleman to be discussing circumstances attending an election two years prior to the one now in dispute.

Mr. FULLER. This is mere illustration of my argument to show how men will be deceived in this respect.

The SPEAKER. Does the gentleman insist upon his point of order.

Mr. STUART. I do, sir.

The SPEAKER. The Chair does not know precisely the application of the paper which the gentleman is reading, which he adopts as part of his speech, and is disinclined to rule him out of order.

Mr. FULLER. I have read as much as I *desire*, and, although sustained by the *Speaker*, I will desist. The first scene in this drama of contested election opened just seven days after the canvass had closed, and came very nearly being a tragedy in the first act. Under the election laws of Pennsylvania the return judges, or canvassers of the several counties, are required to meet at a place designated by law for the purpose of footing up the returns, ascertaining the result, and giving to the individual chosen a certificate of his election. The judges met in pursuance of this law. Meanwhile, however, the lightning and the press had announced the result of the Pennsylvania election all over the country, and I had the pleasure, if pleasure it could be, of seeing myself in print as the member elect from the eleventh Congressional district; and while in the very act of receiving the congratulations of my Whig and Democratic friends, who had elected me, while we were in the act of making ourselves merry in the manner and after the fashions of the times, what sort of an announcement do you think I received? Why, sir, I was told that the judges were in convention, and that the honorable contestant had presented himself before them, and was demanding, ay, begging, and that, too, tearfully, a certificate of his election. *Ex gratia modestia!* Before the election, claiming three thousand majority, and after the election, attempting to get a certificate by disfranchising just about the same number! Will he deny that? What was his argument? It was that Montour county, a new county, which had been erected out of a part of Columbia, then and now a part of the district, had not then held her courts, and that she was not entitled, therefore, to a separate representative in the board of returning officers. It was not contended, sir, that they had not the right to vote, nor was it contended that their vote was not correctly numerically returned, but upon this shallow pretense, this bold invention, this miserable quibble, did the gentleman attempt to disfranchise over two thousand voters.

On that occasion I remember to have heard one of the most remarkable speeches to which I ever listened in my life. One of the most remarkable, perhaps, in the history of human eloquence—for *pathos* and deep feeling, that of Mark Antony, over the dead body of Cæsar, would bear no sort of comparison. Not content with pressing the legal argument, which he did with great force—he urged other considerations upon the attention of the judges. What these consideration were, I do not propose now to relate. They were innocent, however, and perhaps, to avoid all improper inferences, I may as well state, that he pressed upon them his age; that he was a native of the county; that his voice had been heard for twenty years in that court-house; that he had rendered many most important, but long unrequited public services, and therefore, that he should have a certificate of election. But, sir, the judges, all of them Democrats, because every county in the District is strongly Democratic, would not, of course, yield to this extraordinary demand. They were men of firmness and integrity—they were men who felt that their oaths and their honor were a higher obligation than their duties as partisans, and as honest men, they of course refused; in this respect permit me to say, they have set a high and *worthy example*. Had it been otherwise, the honorable contestant might have taken a certificate, but it would have been against law, against the popular will, and in defiance of public shame. Had he received it he could not have retained it a single hour, for such would have been the excitement of a people, whose sentiments of common law, common honesty, and common justice, would have been outraged, that no earthly power could have prevented their doing themselves justice, even at the personal sacrifice of the contestant and the judges. Then there would have been a tragedy in the first act, and the harmony of this interesting drama very much disturbed. Fortunately the integrity of the judges averted any such result.

Now, sir, in order to show in what light this proceeding is regarded by the tried and true Democracy of the district, I propose to read from the leading Democratic journal, published in the very town where the contestant resides. That will be in order, I am sure. It is the Wilkesbarre Farmer and Journal:

"ELEVENTH CONGRESSIONAL DISTRICT.—The following is the official vote in this district:

	Wright.	*Fuller.*
Montour	473	1717
Columbia	1,589	932
Luzerne	3,247	2,948
Wyoming	848	619
	6,157	6,216
		6,157
Fuller's majority		59

"The return judges of the district are now in session at the court-house in this borough. Strenuous opposition has been raised by the defeated candidate and his friends to the reception of the votes from Montour county, on the ground of some alleged informality in the proceedings of the board of return judges of that county. The vote of Montour county is sought to be thrown out, and a constituency numbering between two and three thousand thus disfranchised. In such a proceeding as this, the true and faithful Democracy of this county have, and will have, no lot or part. They believe religiously in the sacred character of the right of franchise, and regard with abhorrence every effort of unscrupulous men, under the stimulus of bad passion and greedy ambition, to violate that right. They denounced the infamous frauds of the memorable era known as the 'buck-shot war,' and they will not wheel about and be guilty of the same atrocities themselves.

They know that the inviolability of this right rests as the very basis of all their civil and religious liberty; that upon it and an honest abidance by its decisions depends the security and the safety of their lives and property, and by no act of theirs will this sacred safeguard be broken down.

"The majority in the above case is clearly ascertained and expressed. The will of the people is made manifest in unmistakable numbers, and no earthly tribunal has the right to set that will aside."

That, sir, is good Democratic doctrine in my district.

Having thus disposed of the early history of the case, we will proceed to reply to the argument of the honorable chairman of the Committee on Elections. Before proceeding further, however, I will state in this connection, that the specifications of the contestant, some twelve in number, and very wide in their latitude, were narrowed down to the single poll of the borough of Danville. Now, sir, how does the gentleman and myself stand related to this poll? I live, and he lives, fifty miles distant, and so brief was the period between my nomination and the election, that I had no opportunity of visiting it at all. In this respect the honorable contestant had very greatly the advantage; for it is in evidence, as the committee will remember, that he visited the borough of Danville under the happiest possible auspices, at the invitation of Captain Thomas Brandon, who appears, from this evidence, to have been his particular friend, adviser, and correspondent. It was at his written request that the contestant visited the borough of Danville, and while there, he was engaged in rallying his friends, in giving all the required pledges upon their local questions; and in making such distribution of the "material aid" as is usual, and which he regards as being exceedingly potent in campaigns of this character. [Laughter.] But such was the effect (I will not, however, charge the gentleman with producing it) upon Captain Thomas Brandon, that it is in evidence here that he became, on the day of the election, most strangely unmindful of his duty as a good citizen. It is in evidence here that Captain Thomas Brandon voted number ten in the morning, and becoming oblivious to that fact, attempted to vote number four hundred and forty-eight in the afternoon. [Laughter.] Such is the fact, sir. It will not be denied. And I allege that this is the only evidence of attempted fraud, because no other fraud is proven, during the whole day of that election.

Now, the gentleman must not be offended if the vindication of the people, in this case, should expose the fact, that leprosy and uncleanliness existed elsewhere. He must not be offended if the inquiry should arise whether he belongs to that denomination of men, who, being without sin, are by special grace permitted to cast the first stone. [Laughter.]

But, sir, he comes here, they say, upon notice. Now, I am not going to argue about notice. I care nothing about notice. I wish to say here, as my people desire me to say, that we waive all legal and technical objections, for, notice or no notice, specification or no specification, law or no law, we desire to be judged by the facts of the case. Sir, were I capable of claiming a seat here to which I never had been elected, I should expect, as I would deserve, the derision and scorn of all honorable men.

Now, sir, I am charged with having received illegal votes. Does the gentleman produce a single witness who swears to having voted for me, who voted illegally? Not one. Does he produce a single witness who swears to his knowledge of a single illegal vote having been given by any person, and given for me? Not one. I defy him to show any such evidence. It is not on this record. It is all inference. It is hearsay. It is what Tom, Dick, and Harry have said about rag-tag and bob-tail. It is not such evidence as can justly impeach the character of electors. Of what, then, does it consist? It consists of declarations of intention on the part of certain men, to become citizens since the election. Did they vote? What evidence is there of the fact, beyond the similarity of names upon the list of voters? There is none. Are any of them produced? Not one. There is the evidence of two other men, who swear to the fact of illegal voting, but did not know for whom they voted. But does the whole number thus claimed defeat my majority? Not at all. It still leaves me a majority of 16, and if you add the 13 illegal votes that this report admits the contestant to have received, it increases my majority to 29. There is no escaping this result.

Oh, but, says the gentleman, the witnesses would not attend; they would not obey the subpena which was issued by the United States commissioner. Ay! thereby hangs a tale. Under the act of Congress any judge of a court of record is made, by the selection of the party, a United States commissioner. Does the gentleman select one in Montour county, where these irregularities, or fraud—if it pleases any gentleman to call it so—though no such thing is charged in the specification, and none actually occurred? Not at all. Does he take one from Columbia county, adjoining the county? Not at all. Does he take one from Luzerne county, also adjoining? Not at all. Does he take the first man even in Wyoming county—the most distant county? Not at all, but he takes the most remote man, and for what reason, we shall see hereafter. He goes to Danville with this judge. They stay at the same house, and, as is shown by this record, occupy the same bed-chamber, sleeping, and eating inseperably together during the whole two weeks of this investigation. Yes, sir, during those two weeks they were together inseparably, and the judge was engaged a good portion of the time in taking the depositions or affidavits of witnesses, *ex parte*, before they were called upon the stand! That is proved, but I should not have alluded to it if the chairman of the committee had not spoken yesterday—not from what appears upon the record, but from representations that have been made to him—in regard to the character of this judge. I do not wish to expose them. I know that the office of the common hangman is the most odious and hateful in the world. I feel to-day as if I were a public executioner, compelled by virtue of my office to nail upon the gibbet of public opinion, a convicted melefactor. If there be any resurrection from the foot of the gallows, which their own hands have reared, I commend them to your mercy.

Mr. ASHE. I merely wish to say that I particularly stated that I did not approve of the conduct of either of the commissioners. They both acted as if they had not a proper idea of what was the duty of a commissioner.

Mr. FULLER. I am very glad to hear the gentleman say so in regard to the commissioner; but Judge Cooper I am bound to defend, and there is no complaint that he did not discharge his duty. He is a highly honorable man. I say this of the contestant's judge, that during that examination he rejected questions that were perfectly legal, and admitted questions that the committee themselves will decide were entirely inadmissible. I say, further, that he permitted a drunken witness to swear, and then refused to take down his testimony as it was delivered. The honorable chairman of the committee endeavored to excuse him yesterday, upon the ground that judges of courts very often exclude the impertinent and irrelevant answers of witnesses. That is perfectly correct; but you must recollect that here was another judge in this case. A commissioner is not the judge—he has no judicial powers. How are you to understand the temper, appearance, and character of a witness, to know whether he be drunk or sober, a sensible man or a fool, unless you have his statement upon oath, as it is made before the commissioner? It is impossible. That is the only means that you have of judging. The witnesses do not come before you, and you have no means of determining from their appearance as to their character and credibility. I think, therefore, that upon reflection, the chairman of the committee will admit that he was wrong in that regard.

Well now, sir, I do not find fault with the contestant, because he slept with the judge. That, doubtless, is a matter of taste, in which you or I, Mr. Speaker, might respectfully differ from him. But I do insist that the judge should have "assumed a virtue if he had it not." I do say that there is no language of reproach sufficiently pungent to express your commentary upon the conduct of that judge. His behavior excited suspicion and public remark—in fact, became a matter of public comment in the papers. I read from the Berwick Telegraph, a Democratic paper published in the county of Columbia, within the district:

"THE CONTESTED-ELECTION CASE.—We publish this week the principal and most important part of the "testimony" taken at Danville on the part of the plaintiff in this case. A more ribald mass of unmeaning nonsense, dignified with the name of evidence, we have rarely seen strung together. A miserable object or two, suborned with rum and money—admitting, under oath, that they had been recently drinking in the room of the contestant, are brought forward and emptied of *hearsay* trash, that would not have been listened to as evidence for an instant by anybody but the effigy of imbecility and ignorance, used as a tool, on the occasion, and called a 'commissioner.'"

There is such a thing as decorum, propriety, and decency, to be observed among judges, the absence of which cannot be too severely reproved. It was discovered upon the first day of that examination that the subpena which had been issued by the gentleman, was irregular and illegal; that instead of issuing his process in the name of the United States of America, he had issued it in the name of the Commonwealth of Pennsylvania. Now, the Commonwealth of Pennsylvania has never passed a law authorizing a subpena to be issued in her name; and no process can be issued in her name, except by the authority of her laws. But had the gentleman an opportunity to perfect it? Certainly he had. His examination lasted eight days. And a few days afterwards he gave me notice of his intention to hold a second examination, to examine the very person of whose non-attendance he had complained. Did he then perfect his process? Not at all. And, sir, it is believed that this subpena was issued in that form intentionally. I will not charge it, but I will state the reasons which have influenced others in coming to this opinion. The contestant stated before the committee, that he was a lawyer of twenty years' standing. Such is the fact, and I grant he has attained to some eminence in his profession. But having passed the *viginti annorum lucubrationes*, which, Blackstone says, are required to make a perfect lawyer, I submit that he was bound to know that his subpena was irregular and illegal. But if he did, as many believe, carry out this professional game of issuing an illegal subpena, in the first place, and then manage so to disgust people afterwards as to prevent their attendance, I want to know if I am to be held accountable for the non-attendance of his witnesses? I want to know if this is to relieve him of the necessity of making out his case from evidence?

Now, I will show you in this connection what sort of evidence is required as proving an illegal voter. Here it is:

"Reuben Shock," a witness, to whom I will refer more at length hereafter, says:

"*Question.* Do you know L. Steinhammer, the Jewish rabbi?

"*Answer.* I do.

"*Q.* What do you know as to his voting at the election in October last, and who induced him to vote?

"*A.* I saw him about the court-house towards evening; I had some poplar scantling lying there which I went after, and saw several round him, and wanted him to vote—there were four, five, six, or eight standing there. I think Colonel Watson was one, and Dr. Strawbridge was another; they wanted him to vote, and he said he had no right to vote; they were coaxing him up to it, and gave him tickets. After that I saw him walking up to the box at the window, and saw his arm going up to the window; I thought his vote was pretty sure, that he had got it in, and I went away."

That is all the evidence we have about this man, except that his name appears upon the list of voters.

I will show you another:

"*Jacob Dietrick*, sworn.—*Question.* Was your brother David living in Danville borough at the time of the last October election?

"*Answer.* Yes.

"*Q.* How many years has he been in the United States?

"*A.* Next fall it was two years; it was one last October."

This is all the evidence we have about this man, except that a similar name appears upon the list of voters. He is not in any other way identified. Now, I want to know of the American Congress if evidence such as this is to disfranchise men? I want to know if men, freemen, American citizens, are to be disfranchised upon such stuff as that? Why, sir, in our courts of justice, in the most trivial matters between man and man, there is no security for truth without the sanctity of an oath; and will you in so important a matter as an election, involving the right of a freeman to the exercise of the highest and dearest right known under your Constitution—that of voting for his representative—will you undertake to disfranchise him

upon such testimony as this? I submit it, sir;—I submit this question to the good sense and honest judgment of you all.

But there was another point which the gentleman raised before that committee, one which appeared most prominently in his specification, which was this: He charges that the election officers had thrown out and suppressed votes, contrary to law. And how was this attempted to be shown? Why almost the first person whom he called to prove the fact was a Mr. George Smith. Well, George swears positively and roundly that he voted for Mr. Wright, that he read his ticket, &c., &c. Upon his cross-examination we asked him if he could read—if he was sure he could read? Well, he said, he thought he could. We gave him a ticket with the word "Congress" upon it, and nothing else, and asked him to read it. After spelling for some five minutes (it was printed in large type) he said it read "Mr. Fuller" if it read anything. [Laughter.]

The next witness was a Mr. Daniel Wickwire—a very euphonious name. He swore that he voted for Mr. Wright; but upon being asked if he was sure he read his ticket, he replied that he could not read. [Renewed laughter.] Another witness was a Mr. Thomas Roy, who swore most positively and roundly that he voted for Mr. Wright. He said he voted a whole bunch for him, with a red string tied round it, [great laughter,] and that he had not voted for anybody else. But eighteen of the most respectable people of the borough of Danville swear that he has been a liar for the last twenty years, and that he is not to be believed under oath.

Again, a Mr. William Strow was called. He had been brought, as I understand, a distance of seventy-one miles by the contestant himself, for the purpose of testifying. The gentleman [Mr. Wright] is present, and can deny it if such was not the fact. He swears most roundly, too, that he voted for the contestant. We asked him who else he voted for? He stated he had voted for a man by the name of Thomas Yorks for constable. There was no candidate for constable at that election. We asked him, "Are you as certain that you voted for Mr. Wright for Congress as you are that you voted for Mr. Yorks for constable?" "No, sir, I am not, because Mr. Yorks was the only man I cared a d——n about at the time of the election." [Great laughter.] All this you will find in this interesting volume of two hundred and ninety pages of evidence which you, Mr. Speaker, as a judge, and these judges, will of course read before they decide. Why, sir, at the request of the honorable chairman of this committee, this book was published; and for what purpose? The General Government has been at the expense of—I do not know how much, but certainly to a considerable amount in its publication; and are you going to throw it under your table without reading it? [Laughter.] I undertake to say you will read every page from number one to two hundred and ninety. [Renewed laughter.] This is the way votes were suppressed, and these are the witnesses by whom the honorable contestant established the specification that there are just one dozen *intelligent* gentlemen of this character to whose better acquaintance I have not the time to introduce you. You will find them all in the record. It is sufficient to say, however—and I think all of the committee will concur with me in saying, that at least this part of the case was not very satisfactorily made out.

Now, sir, we come to the irregularity of the case; and this is the point to which I wish to direct the particular attention of the House, as it was the point to which the chairman of the committee [Mr. ASHE] especially addressed himself.

It is complained that Judge Kitchen, the judge of this election, stood at the window a good portion of the day, and received the ballots from the voters. This, says the chairman of the committee, was in violation of law, and designed to cloak a fraud; that his position, under the law, was that of umpire merely; that he was to sit in dignity, of of course, from nine o'clock in the morning till seven o'clock in the evening, and could not interfere in any manner with the voters or the ballots unless the inspectors should disagree. Now, if the chairman had read a little further into the law, he would have discovered his error. I am happy to say, however, that the disposition he has manifested in this matter has been fair throughout, and I wish to say also that I do not complain of any of the committee. I have been treated fairly and with uniform courtesy by them all. I desire, above all, not to misrepresent him, and as he indulged me in interrupting him in his remarks yesterday, so he shall have the same privilege to-day, if you will only give me time enough. [Laughter.] But I was proceeding to say, that if the chairman had read a little further he would have found that the form of oath for the judge of an election, prescribed by, and made part of the law, requires that he shall assist faithfully the inspectors in conducting the election. Assist in what? Why, certainly, assist in the discharge of any duty imposed upon the inspectors, in the reception, distribution, and counting the tickets, and in the general conduct and management of the election. This is the practice in Pennsylvania, and every member upon this floor from that State knows the fact. If they were to be tried upon the same ground, you could cut off all their heads to-morrow. Not one would be entitled to a seat in this House if such an objection could be sustained. It is the uniform practice in Pennsylvania for the judges to assist in this manner. But in case there is a question about the reception of a vote, then he is charged with the higher and more extraordinary power of determining whether the voter be a qualified elector or not. Such is the law, and such is the practice in Pennsylvania.

But, sir, who was Judge Kitchen? For twenty years a resident of Danville. Twice elected sheriff of the county, an acting justice of the peace. In politics, a Democrat. In this case, however, he swears that he did not vote for either party. Judge Kitchen cloak a fraud! We could not have selected a more impartial, or a more unprejudiced man. Judge Kitchen cheat, and cheat for me! His whole life, his whole character, repels any such insinuation.

But who was Thomas Mettler? For he has been spoken of in this connection as a man who had some grains of honesty left? What does he say? Does not he swear that this election was conducted fairly and honestly? Does not he say that all was done in the presence of the whole board, and that it was fairly done? And fifteen of the neighbors of Mr. Mettler came forward and swore that he is a man of truth and integrity. But, some months afterwards, Mr. Mettler, who is a fun-loving man, fond of cracking his "dry joke," declared to some men with whom he was indulging his natural humor, that he guessed "it was not all done exactly right. The fact was, they wanted FULLER elected so d——d badly that anybody could vote." [Laughter.] Now, we proved by several witnesses that this Mr. Mettler was in the habit of cracking this kind of jokes, yet this happening months after the election is brought in here to give an impression unfavorable to Mr. Mettler, and in prejudice of the election in this case. Yes, sir, as the gentleman at my right remarks, in violation of every principle of evidence.

Another inspector in this election was Mr. McCallister, who has been for thirty-seven years a resident of Danville. He swears the election was conducted fairly and honestly. In politics he is a Democrat, who voted for me.

I believe you will all pardon him for that; if you do not, he says he will do the same thing again. [Laughter.]

But, then, who is the clerk who is complained of in this case? Why Mr. E. W. Conklin. He is complained of because, during a portion of the time, he assisted the inspectors in the discharge of their duties. Why, nothing is more common than when the inspectors have to go out, as from necessity they sometimes must, during the nine hours of the election—they must eat and drink, and, being men, do such other things as nature requires,—I say, when they go out nothing is more common than for the clerks to assist. Mr. Conklin did this in good faith, and he swears there was no fraud in the reception, in the distribution, or in the counting of the tickets. Who is Mr. Conklin? He is a Democrat. His only offense, too, is having voted for me; and I know you will pardon him for that. Now, sir, here a majority of the board were Democrats. The returning judges were Democrats, and they have returned me here, and I believe I hold this seat honestly.

Now, sir, there was another point raised by the committee, which was this: They say there are eighty-three names appearing upon the "list of voters," who do not appear upon the "list of taxables," and therefore they say, because the reason of their voting is not affixed to their names, they are to be regarded as illegal voters. Upon this point I most respectfully join issue, and I shall prove, I think, to the entire satisfaction of the committee, that they are entirely mistaken in this regard.

Now, sir, under the laws of Pennsylvania, as every Pennsylvanian here knows, there are two other classes of voters who may be qualified voters under the law, whose names do not appear upon the "taxable" or "register's" list. Those are voters between the ages of twenty-one and twenty-two years; and those who have paid a tax within the State of Pennsylvania within the period of two years, and have resided for the period of ten days in the election district where they offer to vote. Now, sir, this very point is ruled expressly in the case of *Littell vs. Robbins*—a case upon which I think the chairman of the Committee on Elections [Mr. ASHE] served as a member—and I find, in the report of that case, this language:

"'Under the laws of Pennsylvania persons are entitled 'to vote whose names are not on that list, (the list of taxa-'bles,) if they have been residents of the State one year, 'and ten days immediately preceding the election in the 'district, and have paid within two years a State or county 'tax, assessed at least ten days before the election.' Citizens of the United States, also, who are between the ages of twenty-one and twenty-two, who have resided within the State one year, and within the district ten days, are entitled to vote, although they have not been assessed or paid taxes, and their names are not on the list. *Under these provisions of the law, many persons vote at every election whose names do not appear on the registered lists.*"

"Under these provisions of law," said Mr. ASHE, the chairman of this committee—Mr. William Strong being the chairman of that committee—"Under these provisions of law many persons vote at every election, whose names do not appear upon the 'register list.'"

Now, sir, I submit, if in the case of Littell *vs.* Robbins, a Pennsylvania case, it was expressly ruled by the committee, "that under these provisions of the law many persons vote at every election, whose names do not appear upon the register list," whether they can be correct now, when they say that these eighty-three names must be regarded as illegal voters? Clearly, most clearly they are mistaken.

Is it too much to suppose, that under these provisions of the law of Pennsylvania, citizens, qualified voters, should have voted in the borough of Danville, who were not upon the list of taxables, and still be legal voters? And are not you, the judges, here bound to regard them as legal voters until they are proved to be otherwise? Where is the proof? I challenge its production.

Again, the committee in the case of Little *vs.* Robbins say that the "register list," which the law of Pennsylvania requires the assessor to take every year, is the best evidence of the number of electors in the district, though incomplete, for the reasons above stated. Now, in the borough of Danville there are returned the names of 731 voters only, while the list of "taxables" embraces the names of 1,231. Here, in the borough of Danville, against which complaint is made that this was an extraordinary vote, we see that there were 500 more persons entitled to vote; while in the case of Little *vs.* Robbins, where there was a much larger poll, the excess was only 295, so that this is very greatly in our favor.

Ah, but, said the gentleman [Mr. ASHE] yesterday, this poll had been divided into two districts, and that there was a greater number of votes in 1850 than in 1849 and '51: But what does that prove, sir? Does that prove fraud? I venture to assert that this year there will be 300,000 more votes polled in this country than there was last year, and 300,000 more this year than there will be next year. And will you disfranchise the 300,000 voters for the reason stated by the chairman of the committee? You cannot do that, sir. Such a conclusion cannot be justified. His error is too glaring for argument.

Now, sir, there is another thing about these 83

names. None of these men were produced. Not one of them. All the evidence you have of them, is from this comparison of the lists of taxables and voters. Now, I want to know if the orthography of clerks is to be regarded in this matter? that is the only evidence produced. Here we show you 26 names—*George Kinn* on the list of voters, and *George King* on the list of taxables. We show you the name of *John D. Long* upon one list, with a capital D in the middle of his name, and *John Delong* upon the other list. Also, the names of 26 others, bearing a like resemblance. And yet, without identifying one of the 83 complained of, they are to be regarded as illegal voters.

Are these men to be disfranchised upon such evidence as this? Why, sir, you might as well deny your own identity, if you should chance to see your own name, Mr. Speaker, spelled *Bogg* on the register of one of the hotels instead of Boyd. These things, similar mistakes, happen every day, as you and all of us know; and may not the clerks have erred in writing down the names of the voters?

[Here the hammer fell.]

Mr. HENDRICK B. WRIGHT, the contestant, availing himself of the privilege granted him by the House, of his speaking in his own behalf, obtained the floor, and said:

I avail myself, Mr. Speaker, of the privilege extended to me by this House, of speaking in my own case. I am well aware, sir, that it is almost a matter of precedent, giving the contestant the right to be heard in his own behalf. But, sir, I regard it, notwithstanding, as a matter of courtesy extended to me by the House, and I feel very thankful for the privilege that has thus been granted to me.

I regret exceedingly that the sitting member should have turned this into a personal controversy. It is a matter which I feel very deeply, very keenly, and very sensibly—not upon my own account, sir, because in the community in which I live I trust that what he may say here, or what any other gentleman may say here, in reference to myself, will not have any effect either to elevate or depress my reputation.

Besides that, there was another reason. That gentleman's father and myself were intimate friends, years and years ago, long before he became a voter. We were personal friends up to the time of his death, and a very worthy, amiable, and upright man he was. Out of regard to the memory of the sitting member's father, I shall not recriminate upon him, nor reply, except incidentally, to the charges he makes upon me here to-day.

I shall say, Mr. Speaker, what I have to say, upon the merits of this case, passing over with a few remarks, and a few remarks only, in reply to a few of the charges which he has made against me, because I deem it necessary that they should be contradicted.

That gentleman [Mr. FULLER] accuses me of having been defeated, or rather says I was defeated in the canvass for Congress in that district, in 1848. I was defeated. He, perhaps, may say it was on account of a want of confidence, upon the part of the people of that district, in me. Whether he says that or not, it does not change the question a particle. In 1844, sir, I participated in the Convention at Baltimore, and received the ill-will of certain men who resided in that district, on account of my national view of politics; and in 1848, when I was nominated for Congress, they brought a spurious candidate into the field against me. I was defeated by ninety-six votes. Three candidates were in the field; and that same person, who is the editor of the paper from which the sitting member [Mr. FULLER] read an extract denouncing me, was the man who was run as a spurious candidate against me in 1848. And that was the cause of my being defeated. He brings that paper here now, and quotes from it as the leading Democratic paper in the county of Luzerne.

Mr. Speaker, the sitting member knows that the editor of that paper, for the last four years, has opposed the Democratic nominations in that district.

The sitting member also knows, in consequence of the course pursued by that paper, and the disorganizing band he has about him, who live upon other men's money, that that has been a Whig district for the last ten years. All that he knows. Therefore, I say it is a matter of deep regret to me, he should produce that paper here, eulogizing its *Democratic* editor and its *Democratic* character. From praise from such a source, and on such a subject, deliver me.

I regret it, because the sitting member knew when he said so that the statement was untrue.

Mr. FULLER, of Pennsylvania. If the gentleman will allow me to correct him, I will occupy but a moment.

Mr. WRIGHT. I remained silent in my seat while the gentleman was uttering charges against me. I never opened my lips during his whole hour. I claim now the right to reply without interruption. The little time I occupy I wish to be consumed in the consideration of the merits of the case.

Now, sir, the gentleman has stated to you and to this House, and it goes, therefore, to the country, that this is a large Democratic district, and that he never had the remotest idea of being returned for a seat here. I have no doubt the gentleman was surprised when he was returned. It is not a Democratic district. Chester Butler was elected to Congress in 1846 over Dr. Leib, the Democratic candidate, by a vote of some six hundred majority. In 1848 Mr. Butler was elected to this House by a majority of ninety-six over myself. At a previous election, Mr. Beaumont—a member from that district—was elected by a majority of eighty-three votes only. So that for the last ten years—a great portion of the time—that district has been represented by gentlemen of the Whig party. It is not a Democratic district, and it cannot be a Democratic district so long as these wholesale frauds are permitted to exist, that have existed in this case for the last ten years. Now, I say thus much with regard to the character of that district.

It has been bruited around, among gentlemen of this body during this winter, that I had presented myself here, relying upon the Democratic majority of the House, to give me a seat. Why, sir, I scorn all imputations of that kind, as I do the author of them. They make me tremble on my feet. A claim on the Democratic party of this House, to give me a seat if I were not entitled to it! No, sir, let my right arm drop from my body before I will present a claim of that character! I would present no claim, did I not believe it was religiously honest. But, the sitting member knows, if he knows himself, that I am entitled to the certificate, and a seat in this House. I have no appeals to make to the Democratic party. That I am myself a Democrat, I do not deny. I am a national one too, and perhaps in that are contained some of the difficulty and troubles of the eleventh Congressional district. But for the fact of my being a National Democrat, perhaps, these iron foundries, and pig-iron rolling mills, in Danville, would not have marched their laboring men up to the polls to vote, and after that apply for their naturalization papers. My national democracy, I say, then, perhaps, has something to do with regard to the character and condition of that district. But, I intend to abide in that faith, and the sitting member will hear my voice often, as well as the people of the district, till next November, on the subject of the National Democracy. This I inform him of now. I also inform his coadjutors, whom his appliances have seduced from that gallant party. There is no doubt about that; but at the same time, I scorn appealing to the Democratic members of the House to give me a seat here. I would like the Democrats of the House to vote against me, if they conscientiously think the seat should not be vacated, and that the sitting member should be permitted to occupy it. This is a great question. It is connected with the elective franchise—the right of voting. It is an important question to the people of this Union. *Fair elections* are the basis upon which our institutions must stand or fall. Now, sir, I will tell you why I come here to contest the sitting member's right to a seat here.

It seems that there has been a license to depart from sworn testimony in this case. The House will pardon me for a moment in an allusion to a fact not in the testimony. I hold in my hand *the* Democratic paper, published in the county of Luzerne, (The Luzerne Democrat,) containing, among other resolves, the following, which were passed unanimously at the late Democratic county convention. I will read them:

Resolved, That we have no hesitation in saying that the defeat of Colonel Hendrick B. Wright for Congress, was effected by the most corrupt and disgraceful practices—and that this having been clearly demonstrated in the late investigation, we do not doubt for a moment that Colonel Wright will get that seat in Congress, to which he is already entitled by the qualified electors of this district. In the *purity* of the ballot box the liberties of the people are only preserved under the representative form of government. If the majority is stifled by fraud, it is an alarming state of affairs.

"*Resolved*, That, in our opinion, Colonel Wright was most basely defrauded, according to the return, and that he owes it to himself, as well as the Democratic party, to pursue the investigation, and claim that justice, at the door of Congress, to which he is entitled. Of the result we have no fears. The Democrats in Congress will rectify the wrong."

I do not come here, therefore, at my own instance, but I come here to carry out the views and wishes of the six thousand Democratic voters of the eleventh Congressional district, who have said a fraud has been committed upon the ballot-box, and ask me to appear here to-day, in their name, and to demand that that fraud shall be denounced by a vote of this body. It is a matter of perfect indifference to me what the action of this House may be. I, perhaps, have my own personal feelings. I may have my personal rights; but how insignificant do they become when contrasted with the rights and immunities of six thousand Democratic *white* freemen residing in the eleventh Congressional district. It is their cause I plead—as well as the purity of the ballot-box. My own personal interest sinks into utter insignificance—their rights are vast. Excuse me, sir, for having occupied so much of the time of the House in alluding to the aspersions of the sitting member.

I will reply to them no further. I will make no charges against him. Not the least thing of that kind shall escape my lips. I am speaking in an American Congress, before the American people, upon an important right—no less than the purity of elections. I am addressing my remarks to men of high character, understanding the proprieties of life, intrusted with honorable and responsible duties. I do not come here to bandy words with the sitting member in regard to individual difference upon personal questions. I understand the decorum of life, I trust, with more elevated feelings. The time—the occasion—and a deep sense of propriety forbid it. From that part of the case I now take my leave.

I will now proceed to speak with regard to the merits of the case. I take it for granted that the report made by the five gentlemen of that committee, is to receive a fair and candid consideration. I shall hardly think that those gentlemen regard themselves as having been very flatteringly treated by the allusions of the sitting member. He *may* be right, however, and they wrong. That will be for the House to decide. They have been six months in the investigation of this matter. They have examined it carefully and with great attention. The result of their examination has been a recommendation to this House to vacate the seat, and give the people of that defrauded district another opportunity of deciding this question, about which so much has been said—at least within its limits—for the last year. That is the recommendation to the House; but I thought when that report was made, considering the testimony I presented to that committee, it was one which operated hard against me. I think so still; yet, having unbounded confidence in the judgment, and ability, and high integrity of that committee, I yield to it. I think I presented to that committee names of illegal individual voters enough to have thrice changed the result of the election in my own favor. But I am not allowed to refer to the proceedings of that committee. It is not parliamentary to do so. I shall depart from no etiquette. If I were permitted to speak with regard to its deliberations, I might state that a large portion of it was in favor of awarding the seat to me. They wished to do so after a full consideration of the sworn testimony in the case. As I have said, however, it would be unparliamentary for me to make reference to what occurred in the committee

or the course they have adopted. I certainly shall not. It is enough that the report has been made. By it I am willing to stand.

Now, sir, I come to touch upon some of the leading questions connected with the charges I prefer. Let me say, Mr. Speaker, in the first place, that in Pennsylvania the law is well understood, as to the manner in which an election board shall be organized. It is well known it is to consist of one judge and two inspectors. Each one of these inspectors appoints his clerk. That is the law regarding the establishment of an election board in Pennsylvania. Now, with regard to this Danville poll, they took the assessor, whose duty it is to sit in the presence of the board with his register, and give such information to the board as they might require of him, as to the nature and character of his assessment and the right of the persons registered to vote. This was his duty. The board, however, imposed upon him new duties—they *swore* him in as a judicial officer, clothing him with a power unknown to the law, and repugnant to reason. Not satisfied with that, each one of the clerks assumed upon himself the right and authority to appoint an assistant. Thus, instead of having a board composed of one judge, two inspectors, and two clerks, we have a board composed of one judge, three inspectors, and four clerks, not acting under the sanction of an oath. A friend of mine went in and protested against it; but the board, in the language of one of the witnesses, gave him liberty to leave. The question was put, "What was the politics of the gentleman you requested to leave?" The reply was, "That he was a Locofoco, free-trade, tariff-of-'46 man." Merely upon an irregularity, disconnected with a fraud, I never would stand up here and contend in this House that election should be vacated; but where you have irregularities, and where those irregularities are made for the purpose of committing a fraud, and a fraud is committed, then I say, the case assumes a different character. That board was constituted not in accordance with law.

In a case from Virginia,—I do not recollect the names of the parties,—this House—the local laws requiring that the sheriff should have "*underwriters*," and the sheriff dispensing with "*underwriters*," and assuming the duties to himself—unconnected with the charge of fraud—this House, I say, vacated the seat. In the case under consideration more glaring irregularities are committed, and accompanied by gross fraud. But where the irregularity comes up, and where there are circumstances of fraud to be fastened upon it, how much stronger is the case presented.

Now, let me allude to some of the frauds participated in by that board, to see whether this case is to be made the subject of ridicule in a deliberative body, and of the standing and character of this House. We are sitting here in judgment, on the rights of an American citizen. To-morrow the case may be reversed. No one can say. We will then try to inform ourselves, and act with a due regard to the rights of parties. I produced before the committee the certificates of forty-one men, who appeared at the Danville poll, voted, and *then made their application for citizenship!* Who were they? Among them were William Hancock and John Foley, owners and proprietors of the "Rough and Ready" iron mill, who first voted, and then applied for citizenship! Their names are upon the assessment roll, upon the voters' list also. You have, then, presented in this country, the owners of an iron establishment—who are foreigners—coming to exercise the right and privilege of American citizens, and they did: the highest privilege known to the law. They came to the poll and brought their men with them. *Forty-one* aliens exercised the high prerogative of freemen—who had no claim to suffrages of American citizens.

Mr. John Foley and William Hancock, I learn within a few days, have failed. In sitting down in consultation together—for the purpose of ascertaining whether they can pay three or five cents on the dollar to their creditors, perhaps they will have occasion to reflect with regard to the question of their having exercised this right of franchise against an American citizen. Let them reflect—that they have done a deep and abiding wrong to him who now speaks here to-day, and dishonored their name in all time to come. I hope their reflections will aid them in coming to a conclusion hereafter, to pursue an upright course and live an honest life. They will have time for this. The smoke of their furnaces has gradually disappeared—they will have abundant time for reflection.

I subpenaed Hancock and Foley, the nabobs of the iron establishment. The subpena ran in the name and by the authority of the United States; but they put at defiance all process. And why? The sitting member's counsel gave them a written opinion that they were not bound to obey the process of the United States, and they, together with one hundred and eighty-three men, whom I had summoned under the process of the commissioner and the law of the land, were shuffled off, and refused to obey the solemn process of the law. The sitting member was present by the side of his counsel, at the time I moved for an attachment to bring them in, and when his counsel rose and protested that, should the attachment be issued under the law, the most stringent measures would be pursued. He gave notice, not only to the commissioner, but also to the contestant and his counsel, that if an attachment were awarded, it would be done at *their peril!* Was anything wrong in this transaction? Why close up the avenues that tended to explain it? Was it a fair transaction? Where was the difficulty, or rather, where was the necessity in attempting to conceal? Now, in order to show you, and this House, the character of these men who went to the poll and voted, indulge me for a moment in listening to the testimony of one or two of the witnesses. I read the testimony of Peter Hann and Peter Kratz, two honest Germans, aliens, who were induced to violate the law to please their law-loving and law-abiding employer!

Peter Hann sworn:

Question. Did you vote in this borough at the last October election?

Answer. At five o'clock we all quit work and went down to the office; our tickets were given to us; we went to the court-house and gave them in at the window. It was the company office at the rolling-mill.

Q. How long have you been in the United States?

A. A year and a half.

Q. How many of you went to the office together and got tickets and came together to the polls?

A. I do not know; there were many there got their tickets and came over to the court house.

Cross-examined.—Q. Was it in December last that you voted at the court-house?

A. No.

Q. When was it?

A. Verily, I cannot tell in what month it was.

Q. Can you say for whom you voted at that election, or for what officers?

A. No; I do not know at all; I voted the tickets that were given to me.

Q. Who voted at the same time you did?

A. I do not know.

Q. Can you read English?

A. No, I cannot read it.

In chief.—Q. How long had you been at work in the rolling-mill?

A. I have now been at work seven months.

Q. How old are you?

A. Twenty-eight.

Q. What country did you come from?

A. From Byran, in Germany.

Q. Was Garrison a clerk in the rolling-mill office at that time?

A. I do not know.

Q. Did you vote the same day that Peter Kratz did?

A. I did.

Q. Did anybody tell you not to come here to testify, and if so, who?

A. Nobody said anything to me.

Cross-examined.—Q. Do you know whether they took your vote and put it into the ballot box, and counted it?

A. I don't know anything about it; I don't know the man that gave me the tickets; he was a stranger to me; about that I cannot say; I gave in my tickets at the window; there were others about; I gave in my name, and went away.

Q. Did you go to the court-house at the same time with Peter Kratz?

A. I was there before Peter.

Q. Did you see Peter Kratz voting that day?

A. I did not see him voting.

Q. How do you know that it was the same day that he voted?

A. There was nothing said to me about it. I don't know what voting means. PETER HANN.

This witness was also examined through an interpreter.

Sworn and subscribed before me,

WM. S. JAYNE, *Commissioner.*

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Peter Kratz recalled:

Question. Did Theodore Garrison tell you not to come here and testify?

[Mr. Fuller's counsel objects.]

Answer. Theodore Garrison told me I should go home.

Q. Is Theodore Garrison a clerk in the rolling-mill office?

A. That I cannot say—I don't know.

Cross-examined.—Q. After Garrison told you to go home, who told you you must stay?

A. I cannot say now.

Q. Did they threaten you that if you went away that they would have you arrested, and have you imprisoned?

A. Yes, they did. They said they would have me brought here by the constable.

Q. Who was it told you this?

A. I don't know the man.

Q. Is the man present in the room who told you so? and if so, point him out.

A. No, he is not present. PETER KRATZ.

Sworn and subscribed before me,

WM. S. JAYNE, *Commissioner.*

Who was this Theodore Garrison? An understrapper in one of the iron mills. A whipper-in of illegal voters—employed to do the work of his masters—whether in contravening the laws of the land, or some more respectable, but still menial occupation! This William Kitchen, is the same JUDGE Kitchen whom we have heard eulogized here to-day! A model of human perfection! More of this man hereafter. He who *takes* the tickets from the men at "*the mill*," as they are driven up "in droves," without question! What a model of a judge! What a subject for an eulogy!

But what was the result of these men's testifying? They had not got to their homes before a process was issued by this exemplary man, JUDGE Kitchen, and they were bound over for having voted fraudulently! I told those men that I would volunteer as their counsel, and defend them without charge. That was the end of the complaint for fraudulent voting against them. It prevented others from obeying the *subpena*—the object was attained! When I stand here to-day, and charge corruption at that poll, I stand upon the testimony, and I defy any gentleman to jostle me from this position. When *I prove* by the testimony that, in the village of Danville, one third of the population is foreigners; and when I show that, during that long day of corrupt proceeding and burning injustice, there was not a certificate of naturalization produced, it presents for the consideration of this House a question that is not easily avoided. The law of Pennsylvania requires the production of the certificate of a foreigner. He cannot vote without it; but this man, Judge Kitchen, "*did not recollect of the production of more than two certificates*" in the vote of some two hundred and fifty foreigners at that poll. If that be an honest discharge of a man's duty, then I have misconceived the duties of an election officer.

Let me refer you to the testimony of the inspector. When the question was put to him, "Mr. Mettler, was there a case submitted to you that day of the right of a man to vote?" he says: "There was not a solitary instance where the judge and inspectors were called upon to decide in a case of that kind." And yet here are one third of that population of 731 votes who are foreigners; and the probability is, that out of the 250 or 300 men, there were not fifty who who were entitled to vote. I will tell you why I suspected fraud. There is not a gentleman who represents any district in this House, but can tell very nearly the vote of every precinct in his district, except, perhaps, in some large manufacturing town. In 1849, the year before I ran for Congress, and during which the election took place which is the subject of contest here, Danville polled 463 votes at the general election. In 1851 they polled 731 votes, a gain of 268 within twelve months! From this fact, and particularly when I learned that a message was sent over the telegraph wires, "How many votes more are required to defeat Wright?" and when the word went back, that it would require seventy or eighty, I knew that there was a fraud, and the investigation proved it! Last year, 1851, that borough of Danville, at a time of unusual excitement, when we elected a Governor, five judges of the supreme court, a judge of the district court, canal commissioners, and the whole county ticket, polled 555 votes—176 less than it had the year before. How is this to be explained? This charge was made before the commissioner, and here it stands. There is the record. In 1849 they polled 463 votes; in 1850, 731 votes; in 1851, 555 votes. At the election between those two periods, at which 731 votes were polled, there is no doubt that a large proportion of them were fraudulent. I have here in this book [holding up the volume of testimony] the evidence of it. Mettler, the inspector, says there could not have been legally polled more

than 500 votes in that district, "*no how*," to use his own language. Notwithstanding that, here is an excess of 263 votes, that are polled there, and this very Judge Kitchen, upon another occasion, when the question was put to him, "Mr. Kitchen, you do not seem to pay as much regard to holding the elections in this place (Danville) as we did in the State of New York"—the witness had lately removed from New York—he says: "When we have our removal questions up with regard to the boys, it makes no difference how old they are; if they look large enough, we always let them vote." That is the language of this amiable Judge Kitchen, who it has been said was twice sheriff of that county. The standing "removal" judge, and ready for any emergency!

I have shown the results of these three years; and upon what principles are they to be reconciled, in view of an honest construction? I desire this case to be decided according to the evidence. I assume, when sworn testimony is produced like this, that we are not to vote as party men, but as American citizens, and a due sense of the responsibilities of the case. I ask gentlemen, I ask the minority, in their report, to tell me how, and in what way they can explain the fact, that to-day a precinct may cast 731 votes, and the year before 463 votes? How is the deficiency to be accounted for, and upon what principle?

I have shown you how it is to be accounted for, in the fact that not a solitary naturalization certificate was presented during that long day of fraud. Will any gentleman from Pennsylvania tell me that a foreigner has a right to go to the poll and vote, and not exhibit his certificate? Certainly not! Yet we find there is a deficiency of 300 votes. About one third of that population are said to be foreigners. I wish to refer to the conduct of this same man, Mettler, who was still an inspector to conduct the special election which was held there in December, some two months after the election in October. Mr. Mettler says upon that occasion, in speaking to the persons outside the window, who were making application to vote, and who had voted at the October election: "HE WAS DETERMINED HE WOULD NOT LET ANY PERSON VOTE UNLESS THEY HAD A RIGHT TO VOTE, AS THERE HAD BEEN MEN VOTING AT THE FALL ELECTION WHO HAD NO RIGHT TO VOTE. HE HAD BEEN TAX COLLECTOR FOR SEVERAL YEARS, AND THEY COULD NOT POLL OVER FIVE HUNDRED LEGAL VOTES, NO HOW!"

Examine the evidence of Krounover, who was called as a witness and examined. He says that Mettler told him that my tickets were destroyed, "that there were more tickets in the box than names on the tally paper," and that the Wright tickets were thrown away. As the sitting member has alluded to matters outside of the record, I will merely allude to an affidavit of the judge of the last election, in which he says that on a recount of the ballots in the box, there was a fraud in the count nearly corresponding to the difference between the vote cast for Congressmen, and for the other individuals who were voted for for other offices. It is said that there is a tax-list of twelve hundred names in this Danville district. Take up that tax-list, and strike from it minors, strike from it women who are assessed, strike from it duplicates where names occur as "single freemen, tenants, and land holders," and you will reduce it to a fraction less than eight hundred. And it is given as a justification, that because there are twelve hundred persons assessed, there are twelve hundred legal voters. Why, sir, minors are assessed, married women who are the owners of real estate are assessed, and foreigners are assessed, but still they have no right to vote or to exercise the privilege of the elective franchise.

I want, now, to speak in reference to eighty-three persons who voted, but who were not upon the assessment list. A man in Pennsylvania may vote if he is not assessed. That proposition is correct, and I do not deny it; but to entitle him to vote, the reason for giving that vote must be recorded upon the list kept by the clerks. He must swear himself that he has been a resident in the district ten days previous, and he must produce a witness to swear that, to his knowledge, the applicant to vote has been a resident of the district for that period. In that way he can become a voter. Now, when you take up the list kept by the board of election at the Danville poll, there is not a solitary reason for the vote of any one of these eighty-three persons, who are not assessed, recorded from the top of the page to the bottom of it; and I prove by Judge Kitchen, himself, that there were not ten oaths administered during the whole of the day that election was being conducted.

Now, I say, that not one of those men could vote unless they were sworn and proved their residence, and unless their oaths were sustained by witnesses who knew the fact of their residence, and unless the reason of their vote was recorded upon the register kept by the clerks. And yet there were eighty-three persons who voted, enough to overcome the majority against me, all of whom were transient persons, or the reasons would have been recorded why they were entitled to vote. The absence of this is conclusive of fraud.

Mr. MOORE, of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. WRIGHT. Certainly; but I must claim the privilege, if necessary, to answer the gentleman after my hour expires, or I will not pledge myself to answer him at all, for I have several important matters to refer to.

Mr. MOORE. The gentleman says, that by the law of Pennsylvania, no man can vote under the circumstances which he has just stated, unless he records his reason for giving that vote.

Mr. WRIGHT. No; I did not say so, at all. I said that it was the duty of the inspectors and clerks to record the reason why he voted—whether upon age, tax, or residence in the district.

Mr. MOORE. Do I understand the gentleman to say that it is necessary for the clerk to record such reasons, whether the votes are challenged or not?

Mr. WRIGHT. Why, certainly; it is so laid down in the case of Kneass and Read, which I will refer to.

Mr. MOORE. I never so understood the law. It is not so in the district in which I live.

Mr. WRIGHT. There can be no difficulty among intelligent gentlemen with regard to what the law of Pennsylvania is. That is well settled, and there can be no difficulty about it. The man whose name is on the assessment list is *prima facie* entitled to vote, although he may not be a legal voter. If the name is not on the assessment list—and these eighty-three names were not upon the assessment list—it then becomes necessary for the man to be sworn. But his own oath is not sufficient; he must have a witness to corroborate it, and the reason of it must be recorded. Now, the reasons for those eighty-three votes were not so recorded. Judge King, an eminent jurist of Pennsylvania, in the case of Kneass and Read, says, "it is from this very class of persons that 'danger is to be apprehended, because he who 'can get the greatest number of reckless persons 'to go from one poll to another is sure of success, 'particularly if it be in a close district." Now, I say that those eighty-three votes should be rejected from the certificate of return; and such, I think, was the opinion of a very respectable member of the Committee on Elections. I happened to be in the Columbia court-house two years ago, when they were contesting an election for justice of the peace that had been held by Judge Kitchen. He is the standing judge at all elections, and has been during the whole of the local question that has agitated that district for the last twenty years, and perhaps will agitate it for fifty years longer.

Well, sir, there was a contested election that came up from Judge Kitchen with regard to who was elected justice of the peace. We have a habit in Pennsylvania of printing our tickets on long slips of paper, and cutting them so that they may be torn apart with very little trouble. I saw taken out of the ballot-box a long string of these tickets, so that one person, instead of casting one vote, had cast some thirty or more votes. And that was under this amiable Judge Kitchen. I want the reporters of the House to take this down, so that it may go back, and that Judge Kitchen may see it; and reading, may reflect, and "inwardly digest" the course of his election duties.

Now, what does Kitchen say with regard to the honesty and fairness of this election? He was called and sworn by the sitting member. I did not call him. He was called as a witness, and the sitting member's counsel put this question to him: "Was that election fairly and honestly conducted, and were the returns fairly made?" His answer was: "AFTER THE TICKETS CAME IN AT THE WINDOW, it was all fair enough for anything I saw." That was Kitchen's answer when the question was put to him with regard to fairness and honesty of his own action and conduct at that election. If the whole transaction was fair and honest, why did not Kitchen say so at once?

These, sir, are some of the prominent facts of the case in regard to the fraud. Now, sir, there were 731 votes polled in the Danville precinct. The election board credited me with 32 votes; the gentleman running on the Democratic ticket with me for State Senator got *two* votes, and the gentleman running on the same ticket for member of Assembly got four votes. That fact is ascertained from the returns of the election, showing how many votes the candidate for Senator got, and how many votes the candidate for member of the Assembly got. Perhaps those gentlemen had not the "*confidence*" of that community. I do not know how that may be, but at all events, that is a correct statement of the votes cast. Sir, I know that many persons had voted for me other than the 32. I produced before the commissioner *forty-four* persons, who swore upon the holy Evangelist that they cast their votes for me. Two or three of them have been alluded to, as not reliable on the score of truth and veracity. Let all that go, and still the fact shows that I produced more than 32 men, who swore that they voted for me. It shows also that Messrs. Hancock & Foley, and the men that are employed in their rolling-mills and pig-iron establishments, never were guilty of casting their votes for me; and they had good reason not to cast their votes for me. They acted sensibly in voting against me—*i. e.*, if they had a right to vote, which they had not. It shows, too, that I did not receive the illegal votes that were polled there, or every vote cast for me was explained by the testimony. Forty-four of the men who voted for me were produced when the election board returned that I had only received 32 votes.

In this connection, I refer to the testimony of Mr. Shock, who spoke upon this subject. He says:

"I understood Mr. Mettler to say that there were tickets destroyed—and that they wanted Fuller elected so—(I leave out the expletive)—bad, they let everybody vote who offered to vote. And this was why he left the window. Judge Kitchen took his place!"

Any one who reads this testimony will not deny that everybody was permitted to vote. Thirty-nine boys are marked as having voted. One eighteenth of the whole population between the ages of twenty-one and twenty-two years! What an anomally!

Here, then, is evidence that my tickets were destroyed, because there proved to be more tickets in the box than there were names on the tally-paper, and because there were forty more votes polled for Congressman than there were for Senator and other candidates.

Allow me now, for a moment, to refer to a table which I have prepared. I produced before the commissioner the certificates of 41 men who voted at that poll, and who afterwards applied for their naturalization. I proved that there were 83 persons who voted, whose names were not on the assessor's list at all, and no earthly reason was given why they were entitled to vote—non-residents, 2, to tal, 126—deduct from this Fuller's majority, 59; which leaves my majority 67. What other reason can we give with regard to the fairness of this case? Here are the names specified. I understand there is no technical objections, with regard to forms, in the notice. That is all waived. But, Mr. Speaker, I here show you 41 aliens; I show you 83 persons not assessed, and 2 non-residents, making in all 126 men who exercised the rights of freemen upon that occasion, who were no more entitled to vote at the Danville poll than you yourself, who live a thousand miles from that district.

But, will it be said that all this is to be thrown aside—that it means nothing? No, sir. It is a high and important question, connected with the elective franchise; and, as I said before, all I want

is for this House to decide it upon its merits. I want them to examine the testimony I have produced. I want no gentleman in this House to say he is satisfied with the report of the committee. Let him sit down and read these two hundred pages of testimony, and if there is a gentleman in this House who will then say this election was properly conducted, then I am mistaken. My feelings may have prejudiced my judgment, and I am not a man who is competent to form an opinion upon the subject! Sir, the Democracy of that district have had a most flagrant outrage committed upon them, and if this House does not put a stop to proceedings of this kind, the day has gone by when we shall expect to have an impartial and fair election. Tell me that a district can poll 721 votes, and in a year afterwards, in a great political contest, it can poll but 555! There is not another district, nor another precinct in that district, that did not increase its vote the year following, except this one of Danville.

Now, if this naked fact stood alone, I would not contend before this House, from that fact uncorroborated, that the election should be set aside. But I bring in correlative facts. I show that non-residents voted. I show that aliens voted; that men voted who were not assessed; that boys voted; and I sustain the discrepancy between the number of votes cast and the number counted by sworn testimony. And these facts cannot be got over, unless injustice be done—not to me, for this House can do *me* no harm, but that gallant party and the district which I claim to represent. I come with resolutions of the people of that distict in my hands; it is no personal matter to me. It is the Democracy of the district who are the party to the issue.

The sitting member talks about the Democracy of Danville. Why, sir, the leader of that Democracy is one Valentine Best, the very man who disgraced himself and the State by voting for himself Speaker of the Senate, and then sold his party to the Whigs in the apportionment of the State—they giving him in barter a county six miles one way by some eight or ten the other. A nice specimen of Democracy, this man! Pardon me, sir, and the House, I hope, will, for an allusion to this man. I do not desire to give him a notoriety by the mentioning of his name. I feel humiliated in doing so; but was compelled to do so, because he was held up as a *specimen* of Democracy! A proper man this to manufacture 731 votes out of the raw material of 555! For the last ten years, as I have stated, that district has been for the most part represented by Whigs.

But, Mr. Speaker, I see my time has nearly expired. I return my thanks to you for the indulgence you have given me, and particularly to this House for the patient hearing they have given me, for I feel highly flattered with the attention I have received. All I ask is, that gentlemen, before they cast their votes, will run their eyes over the testimony in the case. I feel assured that if I were sitting here as a judge upon one of my peers, I would never cast my vote without a substantial reason, contrary to the expressed opinions of so intelligent a committee as is the Committee on Elections in this House. I would not do it unless I had come to that conclusion from personal examination of the case. I know that gentlemen have other matters to occupy their attention. Questions affecting the welfare of the whole country are before them from day to day. I know how it is precisely. But when you come to sit in judgment upon a man who claims a seat here, and as I maintain, in the present instance, whose claim rests upon the testimony that is irrefutable, then it becomes a duty—not only to hear his cause, but to read his testimony—due both to him and the voters whom he represents. I feel satisfied that this committee have acted in good conscience, and although by their decision they have refused to give me a seat upon this floor, yet I am willing to acquiesce in their decision and abide by it as it is made.

With these remarks I leave the subject, although I have not referred to a tithe of the testimony before me. It is only to some of the leading features which were standing out in relief from the most of the evidence to which I have called the attention of the House. But I wish to say that the more you shall read, and the more you shall reflect upon the subject, the more irresistible the conclusion that there has not only a fraud been committed, but a fraud of the deepest and blackest character.

Let me say one more word, and I have done. The law of Pennsylvania requires that each one of these officers shall be sworn, and that his certificate shall be filed in the office within three days after the election. I heard, while the election was going on, that men were voting who had not been in the United States ten days—men who, in the language of the witnesses, had not got there "green-horn clothes off." I then thought I would get the oaths of the judge and inspectors, and prosecute them in a criminal court. The law required that they should be filed within three days after the election. Yet on the 28th of March, five months after, these oaths were not in office, and I could not get access to them. I have evidence proving that Judge Kitchen's was not to be found on paper "filed" away, nor his co-associates. It is well for them they were not.

Mr. Speaker, with these facts before you, printed in so crude and imperfect a manner, there is but one conclusion which can be attained. It is, that a fraud has been committed, and the people of the eleventh Congressional district prevented thereby from having a Representative upon this floor who will carry out their views and sentiments. The district should be Democratic, and had not measures been resorted to, for the purpose of defeating them in this, of more than questionable propriety, such would be the fact to-day.

Sir, I have done. As far as I am concerned, the case is with you. I hope it may be decided justly and impartially.

SATURDAY, *June* 26, 1852.

Mr. DAVIS, of Massachusetts. Mr. Speaker, I shall occupy the attention of the House for only a portion of the hour allotted to me, because I propose to confine my remarks to the single point—the turning point, as I consider it, in the case. In the outset I will state that, entirely as I differ from the results arrived at by the chairman and the majority of the committee, I have entire confidence in their fairness and rectitude of intention, and I shall endeavor to exhibit a similar fairness in the remarks I may present upon this subject. I do not object to the view of the law taken by the chairman of the committee, that, if it appears the conduct of the returning officers was irregular, and that in consequence of such irregularities, enough of illegal votes were received to change the result, the election is void. Indeed, I should be inclined to hold the law still more favorably than that for the contestant. If, in view of the facts of the case, and the evidence which the contestant has produced, and after the production of all the evidence which by reasonable diligence could be obtained, there is reasonable doubt whether the certificate of election was rightfully given to the sitting member, then the election should be remitted back to the people. Upon that leading point there is, as I understand, no difference between the minority and the majority of the committee. But it is obvious the burden of proof is on the contestant. The papers, the returns, are produced here by the sitting member. It is for the contestant to make out his case. Many facts and suggestions have been produced here. There is a book of evidence of two hundred and ninety-one pages, which the sitting member, with what seems to me to be rather an exaggerated confidence, seems to think will be read carefully through by every member of this House before he shall vote upon the main question.

In the depositions on the one side and the other, are to be found numerous statements bearing apparently upon almost every point except the actual issue. The color of the witnesses' and magistrates' faces, the quality and quantity of the liquor which would seem to have constituted a principal coloring ingredient, the hearsay remarks of the voters and officers of the election, are faithfully and minutely reported; but for the purposes of this inquiry they are, of course, utterly worthless, except so far as they go to illustrate the single and the only question, which of the parties received an actual majority of legal votes. The returns show that Fuller received 6,216 votes, Wright 6,157, thus leaving Fuller a majority of 59 votes. The question is, whether that return is right or wrong—whether Mr. Fuller is credited with too many votes, or Mr. Wright is credited with too few votes. It is undoubtedly competent for the contestant to go behind the return, to ascertain whether enough votes were improperly given for Fuller to change the result, or to cause such uncertainty as to the facts as to induce Congress to remit the election again to the people. That is the single point to be now settled. The collateral matters here are obviously, for the most part, of more interest to the people of that district than they are to the community generally.

The majority of the committee dwell much upon certain alleged informalities in the mode of conducting the election. They claim that the judge of the election illegally aided in receiving the votes; that the sworn clerks illegally received the aid of unsworn assistants; that foreigners voted without due inquiry as to their right to vote; that the proper record of the reasons why certain persons were permitted to vote, was not duly made, &c., &c. One general view, it seems to me, disposes of these objections. They do not go far enough, or to the root of the matter. If the mere informalities and neglects of returning officers, were allowed to vitiate an election in the face of regular returns, half the seats in this House would be vacated on scrutiny. If any one thing is more clearly settled than another, as the general result of these election cases, it is, that neither in the courts of Pennsylvania, or of any of the other States, nor in Congress, is a strict observance of directory statutes by officers of elections held indispensable to the validity of such elections. I might cite numerous illustrations of this rule, which are undoubtedly familiar to the gentlemen of this House.

It was decided in a case from Virginia, where the clerks had not been sworn until the whole election was over, though the law especially prescribed the oath to be taken in advance, that such election was good. In another case, where the law required the clerks to record the names of voters in a particular manner, so as to enable the polls to be accurately purged, and the true legal votes ascertained, the clerks omitting to perform the duty as the law directed, the House would not for that cause set the election aside. The House in that case had to ascertain the genuine voters as well as they could, by other means. In various cases where votes have been returned after the time prescribed, those votes were received and counted by this House. In a case from Indiana, it was decided the election should stand, though the sheriff had neglected to hold any election at two places, at the legal time and place of voting. The House decided it should not be in the power of those conducting elections, to defeat them by their own neglect of duty. On page twelve of the report made by the minority of the committee, is cited Skerret's case, Parsons's Select Equity Cases, vol. II, page 515, where complaint was made that the inspectors had neglected to call the names of the voters; that they did not inscribe the letter V on the alphabetical lists opposite the names of voters; that they did not note the production of certificates of naturalization, and of such other things as are required by the 70th section of the act of Assembly. The answer of the court to these complaints is this: "These may be disposed of at once by 'the fact that they are but directory to the officers 'of the election, and that, although the officers '*willfully* violating them may subject themselves 'to censure and punishment, *the omissions of such* '*officers cannot nullify the election.*"

I refer the House also to the fact, that of the voters' list of six election districts, of which three gave majorities for the contestant, only one complies with the law by exhibiting the word "tax" opposite the names of voters who were not assessed. I further call the attention of the House to the fact, that the election officers of districts which gave one hundred and seventy majority for the contestant, appear severally not to have taken and subscribed the oaths prescribed by the election laws of Pennsylvania; and that there are other townships giving the contestant four hundred and fifty-six majority, which have never duly made their returns, although those returns were allowed to the contestant.

It is obvious enough the contestant cannot stand

safely upon any other ground than this. The point is established that forms are immaterial, except so far as they affect the substance of the case; and the only question for this House to consider is, Who had, according to the evidence submitted, the majority of the legal voters. This is the only intelligible ground upon which the cases in this House, and in the various States, can be harmonized and reconciled. You are bound either to hold all forms as equally binding, or else to disregard forms, provided substantial justice is done. The ignorance and carelessness of the officers of an election, I have shown by authority, shall not be allowed to defeat the will of the people, if that will can be ascertained. If there is a reasonable doubt—if there is an uncertainty as to the ascertaining of the will of the majority—the legislative body will then under some circumstances remit the election back to the people.

Now, I undertake to say there is nothing here from which this House is authorized to draw any conclusion different from that exhibited by the returns themselves. The fact to be ascertained is, whether Fuller, the sitting member, is entitled to less than 6,216 votes, or Wright, the contestant, is entitled to more than 6,157. The whole district has been scraped as with a fine-tooth comb in every precinct, to ascertain whether there were frauds; and yet, although from the specifications of the contestant it will be seen he has scattered his charges of illegality broadcast over that district, yet in that whole district, from side to side, throwing out the Danville precinct, there is not a fraud or irregularity shown or relied upon except one of thirteen votes which were fraudulently polled for the contestant, and which should, therefore, be added to the fifty-nine majority of the sitting member, making his majority seventy-two in all. The examination throughout the rest of the district shows, I repeat, that to the sitting member's majority of fifty-nine are to be added thirteen votes, which were illegally cast for the contestant; so that in reality the majority in the district, until you come to the Danville poll, for the sitting member, is seventy-two.

I will say, then, that this whole inquiry, so far as the facts of the case are concerned, after adding to the majority of the sitting member the thirteen votes which were illegally cast in other parts of district, settles down in the Danville precinct. The next suggestion I have to make is, that this is a case where the frauds, if they existed, are very easy to prove. The laws of Pennsylvania are so thorough and searching that it is almost impossible that any frauds can take place to any extent without the means of their being ascertained and remedied. It is not in Pennsylvania as it was till within a few years in my own State, where parties might come up to the polls and vote in crowds, and there would be no record kept of the names of those who voted. The return from this Danville precinct shows that 659 persons voted for the sitting member and 32 persons voted for the contestant, making 691. The name of every person who voted is put down, is on record in the county court of that county, and is printed in the book of evidence which is before me, and on pages 100 to 106 of that book. In point of fact, every man who thus voted is living in Danville, or was living there at the time this examination was had. They have not gone out of the way—they have not absconded—they are ready to be seen and to be talked with. And I further say, for aught that appears here, they are ready to answer any inquiry legally put to them by any legal competent authority. There is not a particle of evidence here that any man who voted upon that occasion has refused to answer properly and duly to any legal process. This is a very different case from that of Littell against Robbins, a Pennsylvania election case settled by the last Congress. In that case 269 persons were said to have voted, and their names appeared on the record as having voted in one precinct, and 169 others were recorded as having voted in another precinct, and afterwards, upon sending an officer with a subpena, not one of them could be found in the district. I agree that was a case likely to excite attention and suspicion; yet this House, on the report of the committee, of which my friend, the chairman of the present Committee on Elections, was a member, confirmed the sitting member in his seat, notwithstanding that state of facts existed. No such state of facts exists here. I repeat, of the 659 persons in the Danville borough who voted for the sitting member, every man is known to have been present at the polls; nor is it denied that the bulk of them are inhabitants of that borough now. It is not suggested that any of them have absconded or gone away to avoid the service of process.

Let us see still further how limited and how narrow this case becomes. We are not called upon to consider whether any voters who offered to vote for the contestant were improperly rejected. It is not claimed that any of these judges or inspectors were induced by their prejudices to prevent any man, who had a right to vote, from voting for the contestant. It is not claimed in this House, nor is it claimed by a majority of the committee, that any votes were given for the contestant which were not duly and properly recorded to him. There was an attempt made by the contestant to prove that some twelve or fourteen votes were given for him which were not properly recorded by the clerks or the officers of the election; but that attempt so utterly failed that the majority of the committee have not thought fit or proper to allude to or rely upon it at all. Having, then, these 659 names before him, and knowing the residence of the persons—knowing, too, that it was vital to his case to show the illegality of enough of the 659 votes to change the result, I ask the House to look at what the contestant has done, and what evidence he has furnished. If this were a case between man and man, what would be the natural course of things? Of the 659 a large portion would be so well known that their votes would not be doubted at all, and neither party would think of examining or inquiring about them. In relation to those about whom there was any doubt, what would have been the most direct and natural way to proceed? Not, certainly, to dodge and resort to second-hand inferences, but to use the power which Congress has given, under the penalty of imprisonment in cases of disobedience, to summon the men themselves who are charged or suspected with having voted irregularly, and put them under oath, and ascertain, in the first place, how they voted, and, in the next place, what their qualifications were. The contestant obviously saw this very clearly, and that a case presented to Congress where the contestant avoided the natural and best evidence and left the tribunal to mere guesses and inferences, would be beneath contempt. Accordingly, he did make an attempt. What was that attempt? He issued, on the 10th of April, 1851, what purported to be subpenas, signed by the judge of a court of record within the Eleventh Congressional District of Pennsylvania, to something like 150 persons resident within the borough of Danville. What was that piece of paper which purported to be a subpena? I have in my hands a copy of it, and I will read it to the House, as follows:

UNITED STATES, *ss.*—COMMONWEALTH OF PENNSYLVANIA, To Charles Cook, greeting: We command you, and each of you, that, setting aside all manner of business and excuses, you be and appear, in your proper person, before me, at the house of John Dean, jr., at Danville, in the county of Montour, on the 21st day of April, 1851, at nine o'clock, a. m., of said day, to testify all and singular those things which you shall know, or of which you may be inquired, touching and concerning the election for member of Congress, held in the eleventh Congressional district of Pennsylvania, on the 8th day of October last; the validity of which said election is contested by HENDRICK B. WRIGHT against HENRY M. FULLER, who holds the certificate of return. Your attendance to appear and testify, is enjoined by a law of the United States entitled "*An act to prescribe the mode of obtaining evidence in cases of contested elections*," approved the 19th day of February, 1851.

Hereof fail not, under the several penalties imposed by the said law on witnesses who may refuse to obey this process and testify.

Witness my hand this 10th day of April, 1851.

WILLIAM S. JAYNE,
Judge of a Court of Records within the Eleventh Congressional District of Pennsylvania.

The subpena undoubtedly recited the material facts which were necessary to secure the attendance of a witness, and it went on to give direction that he should attend in the name of the Commonwealth of Pennsylvania, which never had authorized this judge to give any such direction, which had never interfered in this matter. He had no authority to speak for the Commonwealth of Pennsylvania. There was no law of that Commonwealth by which this witness could be called upon to attend. I undertake to say, then, that these subpenas, for the purposes for which they were made, were no better than a sheet of blank paper. You cannot imagine such a thing as a tolerably good subpena. It must be either good or bad. It must be such a piece of paper, with such directions, and emanating from such authority, that a refusal to obey its summons would involve the penalties of the law, or else it is of no more value than if the same party had addressed a verbal request to a witness, asking the favor of his attendance. I have not heard a distinct assertion from any member of the majority of the committee, or from any source in this House or out of it, that an order from the Commonwealth of Pennsylvania to obey the law of the United States was a subpena which these witnesses were bound to obey.

Mr. HAMILTON. A majority of the committee assert that the State of Pennsylvania made no such order, and issued no such subpena. It was the judge of the court who issued the subpena.

Mr. DAVIS. I am obliged to the gentleman for stating his grounds, and that the State of Pennsylvania issued no such subpena. Then, the subpena stated what was false. Then, the judge who issued it made a false, as well as an unauthorized representation. If the judge did not mean to rely on the authority of Pennsylvania, why did he use the name of Pennsylvania? How came the name of Pennsylvania on that subpena? I will thank the gentleman to answer these questions when his turn comes. The Commonwealth of Pennsylvania addresses Charles Cook, and says, "We command you to appear;" and yet the gentleman says, that the State of Pennsylvania never issued any such direction. I will leave this matter, merely calling the attention of the House to the fact, that in the printed evidence the form of the subpena is misprinted, I presume by accident. The actual form appears, as I hold it in my hands, a direction from the Commonwealth of Pennsylvania. I understand the gentleman to admit that no officer was authorized to use the name of the Commonwealth of Pennsylvania for this purpose. If this be true, will any gentleman in this House say where these one hundred and fifty or one hundred and eighty men were wrong in disobeying that direction? Will any gentleman say that on an invalid precept, any citizen of the United States is bound to come for insufficient pay and stand the browbeating of professional insolence, and be subjected to the unpleasant circumstances which make the giving of testimony hateful to the most honest and honorable men?

If, Mr. Speaker, I am right in my idea of this alleged subpena, then there never was any attempt worthy to be seriously considered, to obtain that evidence, which is the best evidence in this case. I will not say that there was a designed avoidance of making such an attempt, but I will say that if the contestant had designed to appear to want the evidence, and at the same time to take care to avoid getting it, the course he has actually taken, is the very course he would in such case have been most likely to have pursued.

Mr. STANTON, of Ohio. I wish to know whether the contestant treated that as a legal process, and attempted to enforce it by attachment?

Mr. DAVIS. Not at all. If I remember right there is a penalty provided—there is a punishment provided in the act of Congress for those who fail to obey process duly issued. The contestant says, in substance, that he threatened to take forcible measures against those who refused to obey the process, and that he was bullied out of carrying that intention into effect by the threats of the sitting member's counsel, that he and his judge should be held legally responsible for the consequences of any error in law; and thus the contestant and his friends were backed off the track. Now, I think the contestant, from what I have seen of him and his friends, does himself great injustice in leading this House to suppose that he would be afraid, or his friends would be afraid, or the magistrate whom he employed would be afraid, to proceed in any matter where they themselves were satisfied of the soundness of their opinion. I do not believe, Mr. Speaker, I cannot believe, that the contestant himself, when that objection was pointed out to him, had any faith in the goodness of that process. But, sir, see where

this brings us to. He causes to issue blundering process, which he ought to know would never be obeyed; and then he expects us to give him an advantage from his own blunder, such as he would not probably have had if he had produced the witnesses. He serves the witnesses with an invalid process, and then, because it is not obeyed, expects us to take for granted all that which he claims could have been sworn to, if the sham process had been obeyed. But it seems to me that the fair view to be taken by this House is just the opposite of that urged by him. It seems to me that we have a right to believe, from his failure to make any regular process in the regular form, and to proceed with the examination, as he had ample time to do, that he knew perfectly well that if these witnesses were well summoned, they would defeat the objects which he had in view; and accordingly, shrewdly and ingeniously—although I do not mean to make any uncharitable imputations—he held back, availing himself of this appearance of desire to sift the case, because that appearance of a desire, taking all the facts together, answered his purpose a great deal better than a genuine zeal to ascertain all the facts would have done. I am strengthened in this belief by another fact, that in the early part of May, as will be seen by the printed evidence, he gave notice again to the sitting member that he was going to take the evidence of these same witnesses who had refused to attend in the first place. He gave notice to the sitting member that he was going to take the evidence of these same witnesses, every one of them, at the same time. He changed his mind, however, and concluded not to take it. Why did he not go on, and take the evidence according to the notice which he had given? Why, I think it can only be because he knew that those witnesses could attend—that they were ready to attend to any legal summons, and that he was better without their evidence than with it. It seems to me that this state of facts puts an end to the contestant's case. I consider it stultifying the House and ourselves to undertake to act on guesses, on remote inferences and distant calculations, when the party principally interested neglects to produce the direct evidence which is necessary for the purpose of making out his case, and which he might have produced by the use of ordinary diligence. I admit, that so far as this contestant has produced any direct evidence, going to show that there was illegal voting, so far he is entitled that those votes should be deducted from the majority of the sitting member.

Take, then, the report of the committee. If you allow all that he claims to have shown of persons not naturalized, and that is but about 40 votes, as the report will show, the sitting member will still be left in a majority of 30 or 40 votes. The contestant's position may then be thus stated: After, as he claims, showing by specific evidence, that 30 or 40 illegal votes should be deducted from the sitting member's apparent majority, he then, omitting and neglecting to bring the direct evidence, which is in existence and under his control, relies upon satisfying this House by inferences and guesses, that it is probable or likely that these officers received other illegal votes, of which there is no specific evidence before the House. Now as it regards that matter, I take in the first place the returns of sworn officers, regular in form, and giving a majority to the sitting member. I take next the evidence of the officers themselves—his own witnesses, be it remembered, of his own political party—men who appear no less by their position, than by direct evidence in the case, to be persons of character and respectability, and who deny that there was any fraud, or that any illegal votes were to their knowledge received. I claim that, on the evidence as it stands, the contestant has made out no case for our interference. I suppose, Mr. Speaker, that there is hardly a single election in Pennsylvania, or anywhere else, where the precise, direct requirements of the laws are rigidly observed. Every Legislature, every tribunal, has found itself obliged, by the necessities of the case, to treat those forms as merely directory. I look, as I think the House will look, at the substance and not the form. I do not think that this House is authorized by the evidence to fix the brand of fraud upon officers of the Danville borough contrary to their oaths and without evidence. There are others who have rights here besides the contestant and the sitting member, and I do not think this House is authorized in putting the 10,000 or 12,000 electors of that district to the expense and excitement of another election upon this state of facts. I am strongly impressed with the belief that the fullest inquiry, and the production of all the evidence, would show that the sitting member has a majority over the contestant. But I do not act here upon any such impression. I look at the case as I find it. I claim that upon the evidence, as exhibited to us, and on the case as the contestant has thought fit to leave it, there is nothing requiring any further action upon the part of this House.

Some suggestions, Mr. Speaker, were made by the contestant as to local laws and local considerations, in relation to which I should be glad to have fuller information. There was a suggestion made by him as to his having been the object of persecution by some parties living in that district—a district usually understood to be largely Democratic, and which appears somehow or other to go wrong against him. So far as these suggestions point to a charge of combination between the sitting member and the Democratic returning officers of the Danville district, they may have some relevancy to the case; and before I relinquish the floor I should be glad to hear an explanation from the sitting member both on that point and as to another point which seems to be somewhat in dispute, relating to the duties of inspectors of elections under the laws of Pennsylvania.

Mr. FULLER said: In reply to the interrogatory of the gentleman from Massachusetts, I will state, that on yesterday the honorable contestant alleged that during the last ten years this, the eleventh Congressional district of Pennsylvania, had, in consequence of the course pursued by the Democratic paper, (the Wilkesbarre Farmer,) and the disorganizing band which I had about me, been Whig in its politics. All that, he says I know. I differ from the honorable gentleman entirely.

He says again, "that it is not a Democratic district, and cannot be a Democratic district, so long as these wholesale frauds are permitted to exist that have existed for the last ten years." Let us see if this be so. My recollection of the history and political character of the district and its representatives is this: From 1840 to 1844, the eleventh district was represented by the Hon. Benjamin A. Bidlack. I wish to know from my colleague [Mr. Ross] if he was a Democrat?

Mr. ROSS. He was, sir.

Mr. FULLER. He answers, yes. However the contestant may have regarded him, it is certain that Mr. Polk, upon his elevation to the Presidency, expressed his high confidence by sending him abroad as Chargé to New Granada. He had been elected to Congress from this district at two successive elections, by majorities varying from 2,000 to 3,000, and was the regular Democratic nominee. From 1844 to 1846, that district was represented by Hon. Owen D. Leib. I wish to know from the same gentleman if he was a Democrat?

Mr. ROSS. I cannot answer the gentleman's question. I have no personal knowledge of Mr. Leib or his politics.

Mr. FULLER. There are other gentlemen here who know the fact. He was elected over Mr. Butler, Whig, and over another Democratic competitor, by a handsome majority. He was the regular Democratic nominee. Was the gentleman from Tennessee [Mr. JONES] acquainted with Mr. Leib?

Mr. JONES. Yes, sir, I was.

Mr. FULLER. Was he a Democrat?

Mr. JONES. He was so received here, I believe.

Mr. FULLER. I suppose that is not a matter of doubt at all. He was a very worthy, honest, and honorable man, and a good Democrat. That brings us up to 1846. In 1846, sir, Mr. Butler, owing to his great personal popularity, and owing to that great storm, both of politics and the physical elements, which swept over Pennsylvania, was elected over Mr. Leib; and he owed his election; in some degree, as I have understood, to the very earnest and highly-commendable efforts of, as it was claimed, the gentleman contestant and his friends. It was affirmed at the next election in 1848 that Mr. Butler had acted in bad faith, because he ran against the honorable contestant, (then, as now, a consistent national Democrat,) because he and his friends had secured the election of Mr. Butler over Mr. Leib in 1846.

But he charged yesterday that the district had been misrepresented for ten years through fraud and the disorganizers. Who committed the fraud? Who were the disorganizers then? Yet he charges the tried and true Democracy there with being disorganized, when Mr. Butler was really elected, as I am informed he has ever claimed, through his instrumentality and that of his friends. I wish to know, and he can answer, if publicly, at Sunbury, in the presence of the supreme judges there, and at other places, he has not made this public declaration, or if his friends have not made it for him? I am thus particular in referring to the matter in order to refresh his memory in this regard, and that I may not misrepresent him, for my only object is to vindicate the truth of history. Why, sir, he said on yesterday, as I understood him—such at least seemed to be his implication—that Hon. Andrew Beaumont had been elected during the ten years named, and that he was not a Democrat. I ask Mr. Ross if he was and is not a Democrat?

Mr. ROSS. Yes, sir, he is a Democrat—sound and radical.

Mr. FULLER. But he was very much mistaken in the time of his service. Mr. Beaumont was elected in 1832, and remained until 1834. At his first election he was elected over two competitors—Dr. Thomas W. Minor, a Federalist, and James McClintock, a highly-estimable Democrat.

In 1848, the contestant ran against Mr. Butler and Mr. Samuel P. Collings. Mr. Butler was elected. Mr. Collings had received the regular nomination from the Democracy of Luzerne, the county in which all the candidates resided, and one exceedingly prolific in that material.

As Mr. Collings was charged with being a spurious candidate at that election, I submit the following manifesto, published at the time in the Carbondale Democrat, which fully vindicates his political reputation:

"THE CONGRESSIONAL CONFERENCE.—The conferees selected by the Democratic convention of the three counties composing our (eleventh) Congressional district, met at Wilkesbarre, on Saturday last. The three conferees of Luzerne were instructed for Mr. Collings, two from Columbia for Colonel Wright; and Wyoming, though according to the equitable ratio established by the last conference only entitled to one, persisted in having two, who were also instructed for Colonel Wright. The question turning on the admission of the second delegate from Wyoming, and adhering to the ratio adopted at the last conference, the conference split, the three Luzerne conferees *unanimously* nominated Mr. Collings, and the conferees from the other two counties unanimously nominated Colonel Wright. Thus matters stand, and we much regret that they are in such a shape. A difficult and unpleasant question presents itself to us and the Democracy of Luzerne: Which of the candidates shall receive our suffrages and support? In this county, where both are known, the ability and competency of both candidates are universally admitted. In this respect, to neither of these or the Whig candidate can any exceptions be taken. Upon other considerations the question must be decided. Now we believe that, in this matter, *the Democracy of Luzerne have a duty to perform toward themselves.* If our sister counties persist in claiming the right to select the candidate when it belongs to *them*, and also when it belongs to *us*, we should like to know before we go any further, upon what prerogative it is based? This is not the first time the Democracy of Luzerne have been *overruled* in the same manner by the *dictation* of Columbia. If the decisions of our conventions, the selections made by them when they have an *undoubted right to select*, and when the candidates presented are of *undoubted* Democracy, *integrity*, and ability, are to be utterly and causelessly repudiated, and everything reversed by the beck of *self-constituted dictators*, 'we will either submit to it or else we won't.' If we submit to it we will let others do our whole business for us, without going through with useless formalities on our part; if not, we will endeavor, so far as in us lies, *to carry out the decision of our own conventions* when it is proper that they should be respected, and by every principle of comity and reciprocity control the Congressional conference. In this manner did the decision and nomination of the Columbia convention rightfully and with our full acquiescence control the Congressional question in '46. The candidate was not our choice, but it was our choice that Columbia should make *her own selection*, and hence our concurrence.

"It was now *our right* to make our *selection;* we have done so, and Columbia and Wyoming should have ratified that selection. Every principle of reciprocity required it; our undeviating adherence to their rights and privileges in like cases required it. So palpable a *disregard* of the *expressed wishes* of our Democracy, and so *wanton* an attempt to victimize one every way worthy of that partiality, which

the delegates assembled in our convention expressed, is without an excuse. This attempt at dictation comes with a bad grace, in a bad time, and may defeat the candidate that should have received the unanimous support of the Democracy of this district this fall; but it may result in ultimate good. Our convention has made their choice, the Congressional conference should have ratified it unanimously. We are prepared to do our duty, as we conceive it, toward the Democracy of Luzerne, in supporting heartily the nomination of our convention and the rights of our county."

Now, sir, yesterday he charged Colonel Best, a Democrat, with a highly heinous offense, because, when a member of the State Senate, he voted for himself. Let us understand the facts. In 1847 he was elected to the State Senate. At the opening of the session of 1849 there happened to be sixteen Whigs and seventeen Democrats. It was impossible that any election could be secured or that body organized, unless some Democrat voted for himself, and Mr. Best, by the instructions of many of his constituents, voted for himself; but in doing so he did no more than the present worthy Democratic Governor of Pennsylvania did for himself in our State Senate on a previous occasion. I ask Mr. Ross if that is not the case?

Mr. ROSS. I really was paying no attention to the remark you made, and therefore cannot answer it.

Mr. FULLER. I want to know if the present Governor of Pennsylvania did not in the State Senate vote for himself for the office of Speaker?

Mr. ROSS. I am not able to answer the question, for I have no knowledge of it.

Mr. FULLER. Other gentlemen know the fact. I know it. I do not wish to be understood as complaining of him; he doubtless did right. Although not elected Speaker, he has since been elected Governor, and received last year in this contested district three thousand one hundred and ninety-six majority. He is an accomplished gentleman, and possesses in a high degree the confidence of his party. Where were the disorganizers then? Why, sir, at this very contested election, of which the contestant so bitterly complains of disorganizers and of fraud, a Democratic Canal Commissioner, a Democratic Auditor General, and a Democratic Surveyor General received majorities varying from two thousand to three thousand in this district. None of THEM were cheated. Why, at this very election district, at this very Danville poll of which he complains, Charles R. Buckalew, an able and distinguished Democrat, ran for the State Senate; and while he received but two votes, Mr. Wright received thirty-two at this poll; yet Mr. Buckalew was elected by over fifteen hundred majority. Was he cheated? No other man seems to have been cheated but the honorable contestant—certainly no other candidate has ever complained.

Sir, the honorable gentleman yesterday declined to respond to what he was pleased to denominate my personal charges. He expressed a regret, which he felt "deeply, keenly, and sensibly," that I had turned this into a personal controversy. He declined, however, for a special reason. He would not recriminate "out of regard for the sitting member's father." I am happy to learn that one of my family has enjoyed his distinguished consideration, and he will permit me to express the hope, that if he was withheld yesterday by the love he bore my father, that the same restraining influence will hereafter control his pen and his private conversation.

Not to be outdone in courtesy on this occasion, I desire, in all sincerity, to express the high regard I entertain for his father. He, too, is a "worthy, amiable, and upright man."

Neither of them were public men. They always preferred that "post of honor, the private station;" their children have sadly degenerated. While I do not recognize the propriety of introducing our ancestors to the distinguished attention of the "American Congress," still, as the honorable gentleman has done me the courtesy in the one case, I could do no less than return the compliment in the other. My regret is that the son should, in this instance, have so widely departed from what I believe would have been the advice and example of his worthy sire.

But, sir, I have no desire to make this matter personal; none whatever. I alluded to the fact and to the circumstances of his defeat in 1848, because he had spoken of it himself to the committee; and to do him full justice, I quoted what I supposed to be his own version of the facts. I spoke of his behavior before the return judges, because that exhibition was part of the history of the case. Let it all pass. I will be more amiable in future. There is another matter in regard to which I must *correct* the gentleman. He stated that the journal from which I read yesterday, was not the leading Democratic paper in the county of Luzerne. Now, I affirm that it is, and am prepared to show that, for twenty-odd years, before even his earliest dream of Democracy, it was, and ever since has been, the leading Democratic paper of the county. I have the papers here showing that it has always uniformly supported the regular nominee of the Democratic party, and that, too, at times, if I mistake not, when he has been engaged in their butchery. I dislike to revive too many unpleasant recollections. I will simply remind him of 1839, 1844, and 1846; and yet these men—its editors—are charged with being disorganizers, because they are personal friends of mine, and for no other reason in the world, that I can understand.

I wish to refer, very briefly, to a point in the argument of the gentleman. He endeavored to convey the impression that Judge Kitchen was a dishonest man, an unfair judge, by reading just one question and one answer, and no more, from his printed testimony. It was this:

"*Question.* Was or was not the election fairly and honestly conducted?

"*Answer.* After the tickets came in, it was all fairly and honestly conducted, as far as I know."

To that extent he read—no further, as you and all here will remember. Just listen, if you please, to the questions and answers which follow immediately thereafter:

"*Question.* Did you receive a ticket from any person that you knew was not a legal voter?

"*Answer.* We did not.

"Q. Have you any knowledge of any fraud committed by any of the officers in the reception, distribution, or counting of the tickets?

"*A.* I have not. I did not see anything like it."

And yet the gentleman, with the book in his hand, read but the one question, and then proceeded to comment in such language as would make this House infer that Judge Kitchen did not manfully, and openly, and decidedly declare that there was no fraud committed. I ask if that be fair—if that be candid?

Another thing: In order to impress this House unfavorably with regard to Judge Kitchen, he stated a conversation that had occurred between Judge Kitchen and Mr. Smith B. Thompson, to this effect, that when the local question was affected, they let almost anybody vote if he was only large enough; and the impression, if not intended, was conveyed that this conversation took place with reference to this very election. Was not that your impression, Mr. Speaker? I ask gentlemen of this House if that was not their impression? And yet if you look to the testimony of Smith B. Thompson, you will see that that conversation occurred in 1848—two years before this election. Thus are conversations long prior to this election lugged in at this length of time, unfavorably to impress this House with regard to the conduct and character of this man, and the conduct and character of this election.

And now, sir, with reference to these eighty-three voters of which complaint is made. I propose fully to satisfy this House—as I think I can do—that they were fair and honest electors, and that not one of them has been impeached. Why, you find upon examination that the number is reduced by the comparison of names to fifty-seven, and the only complaint which remains against those men—because none of them are produced—is, that the word "tax" does not appear after their names on the list of voters. That is the only complaint against them, and for that reason, says the gentleman, they are to be regarded as illegal voters. I have shown that under the law of Pennsylvania persons resident within the State one year, who have paid State or county taxes, whether in or out of the district, and who are not on the register's list, are nevertheless qualified voters, if they were residents of the district ten days before the election. It is in evidence that in the borough of Wilkesbarre, with a poll of four hundred and fourteen votes, there were thirty-one taxed voters. The borough of Danville polled seven hundred and thirty-one votes, and the same proportion would give them fifty-seven, which is the precise number to which we reduced these names by a comparison of lists. And yet it is urged that because the word "taxed" does not appear, they are therefore to be regarded as illegal voters.

Just listen one moment, if you please, to what the courts of Pennsylvania have said on this very question. In the case of Skerrett, irregularities of this character were complained of, and decided by the courts. I believe the chairman of the committee thought the case was not exactly in point. But I will satisfy him that it is. In that case it was complained that all the directory provisions of the seventy-third section of the law of Pennsylvania, relating to elections, had been disregarded. The courts decided that they were simply directory to the officers of the election, and that a failure to observe them could not vitiate or set aside the election.

If the courts of Pennsylvania, considering the very irregularity of which complaint is made here, have thus regarded them, will you not, in a Pennsylvania case, depending upon the construction of her laws, pay some respect to the decisions of her courts?

Now, I undertake to say, that not in one township out of twenty in that district does the word "tax" appear after the names of voters. I hold in my hand a certificate of five election districts, giving the contestant three hundred majority, in which the clerk of the court certifies that he has carefully examined these lists, and the word "tax" does not appear against a single name. There are four districts, mentioned in the evidence itself, in which the same omission appears. It is a common, an almost universal omission in Pennsylvania, and I appeal to every gentleman from Pennsylvania on this floor to say if such is not the fact.

Mr. McNAIR. I can say that I think it is not the case in my district.

Mr. FULLER. Then, you are an exception, and I am very happy to learn that there is one gentleman from Pennsylvania who is entitled to his seat, for I do not think there is any other gentleman here who will say the same thing; if there be let him speak—we will make some inquiry after our colleagues' credentials hereafter.

Now, I do not contend, nor can any Pennsylvanian here contend, that the elections in that State are held in strict and literal compliance with the law. Why, the object of the directory provisions of every election law is to secure a fair expression of the legal vote, a fair expression of the popular will; and whatever tends to narrow, contract, or in any way to abridge the rights of the voters, must be avoided. It would be highly desirable that our elections should be held and conducted by our most intelligent men—by men most familiar with the laws; but this is impossible. We must, therefore, from the necessity of things, depend upon the common intelligence, and the common integrity of men; and all that we can expect or require is a substantial compliance with the law. That there was a substantial compliance in this case—that no fraud was committed at this election, I do positively aver, and that upon the most positive testimony.

Mr. HAMILTON said:

Mr. SPEAKER: The gentleman from Massachusetts [Mr. DAVIS] has confined this case to the question in controversy; and he has exhibited his usual astuteness in an effort to break the force of some of its material points, and to which I shall think proper to advert; and for the purpose at once of bringing the question to the consideration of the House, it is necessary to refer to the laws of Pennsylvania prescribing the qualification and duty of electors; also, the qualifications and duties of judges, inspectors, and other officers of elections.

However, before this, it is right to remark, that the resolution submitted to the House by the majority of the committee, affirms that this election was illegally and irregularly conducted at Danville; it according with the specifications of the contestant; and those specifications allege in what manner the election was so irregularly and illegally

conducted. In substance, they show that there was a substitution of officers and the duties of officers, a substitution of oaths, the employment of officers not recognized by the laws of Pennsylvania, the reception of illegal votes, and the reception of votes contrary to the laws. And, finally, that the conduct of the judge, the inspectors, and the whole board at the Danville election poll, and the manner in which the election was there conducted, rendered it not only undue and void, but gives the contesting member a majority of the votes legally polled in the Congressional district. Without regarding the precedents of this House in similar cases, the majority of the committee came to the conclusion expressed in the resolution reported. For if it were to determine upon many of these precedents, and in pursuance to them not count the vote of Danville, the seat of the sitting member would not only be vacated, but the contestant would be admitted as having received a large majority of the legally-received votes. This the majority of the committee declined to do.

All that is requisite for the purpose of arriving at a correct result is to know the mode prescribed by law for receiving votes, to know the manner in which they were received, and then to examine and count the votes. Now, then, what do the laws of Pennsylvania require? One judge is to be elected for each election precinct, whose duty in part is here prescribed:

"The *judges* of the elections within the limits of their respective wards, districts, or townships, shall have power, and are hereby required, to *decide* on the *qualifications* of any person claiming to vote whenever the *inspectors* thereof shall *disagree* upon the right of such person to vote, *but not otherwise;* and the *inspectors* thereof shall, upon such decision, forthwith *receive* or *reject* the vote of such person, as the case may be."

In addition, two inspectors are to be elected, whose duties are in part here stated:

"The *inspectors* shall be placed so as most conveniently to receive the tickets of the electors, and over or near to the door or window or other place at which the tickets are received, the name of the township, ward, or district whose *inspectors* shall be there placed, shall be written or printed in legible characters, so that the electors may readily find the *inspectors to whom their tickets are to be delivered.*"

Two clerks, each inspector to select one, are to be appointed, whose duties are to record the names of voters and the *reasons* for voting when declared to them, &c. The assessor of the township is required to be present at the holding of the election, to give information as to the right of persons assessed by him to vote, and other information in relation to the assessment of voters, as required by the officers.

And here, Mr. Speaker, I desire to dwell for a few moments. It should be remembered that the law prescribing these duties was passed in the year 1839, immediately succeeding the perpetration of those gross frauds upon the ballot-box in Pennsylvania, in the fall of 1838, and which were not less distinguished throughout the country as frauds, as they were, in almost involving that great Commonwealth in civil war. It was passed to guard the ballot-box against like occurrences, and whatever the result proves, it was the desire of those who made it to secure the true expression of the popular will. You remember, Mr. Speaker, the scenes which followed the perpetration of these outrages in 1838. You remember the scenes which were enacted in the capitol of that State. It was the deep impression then made which superinduced the enactment of this law. And, as a Representative, I would hold myself culpable if I did not, in the investigation of a case of this character, give effect to the law thus solemnly passed by a sovereign State for its own protection, and see that it was fairly and faithfully executed. That law has been violated, and its violation is involved in this case. When called upon to act, I will neither evade nor stultify its provisions. It is enough for me to know that it is the *law* of the State, and that upon some of its provisions depend the seat in the contest.

Next, I inquire, what are the qualifications of electors in Pennsylvania? And then I come to the application of the testimony.

The law requires that "Qualified voters at such 'elections are: 1st. White freemen, residents in 'the State one year, and in the district where they 'offer their votes, ten days immediately preceding 'the election, and who shall, within two years, 'have paid a State or county tax, which shall 'have been assessed at least ten days before such 'election; 2d. White freemen between the ages 'of twenty-one and twenty-two years, having re-'sided as aforesaid, in the State and district, al-'though they may not have paid any tax."

These are the general qualifications.

Furthermore, the law provides that any person presenting himself to vote, if his name be *not found* on the list furnished by the commissioners, it *is the duty* of the inspectors to examine *him upon oath as to his* qualifications; and in the examination as to his residence, he *must make proof* by at least one competent witness, who is a qualified elector, that he has resided ten days next preceding the election in the district, and in *addition must himself swear* that his *bona fide* residence is within the district.

All this is required before he can vote. These are prerequisite qualifications, and without conforming to them he cannot vote. Being positive and absolute requirements of the law, no person has a legal right to vote before a full compliance with them.

These are not purely directory provisions, as contradistinguished from express qualifications. There is a great difference between qualification and direction. The qualification must be perfect before the person can be a legal voter.

After the vote is cast, whatever the law directs shall be afterward done, as by recording the name of voter, &c., and if not so done, does not impair the validity of the vote. Hence, the reason that many of the immaterial mistakes and errors of inspectors, clerks, &c., of elections have been corrected or overlooked. The law to them, in such cases, was considered purely directory, and slight infractions disregarded. The law directs them in the discharge of their duties; but in this instance it is *directory*, as well to the voter as to the election board; and it should be assumed that the voter must comply with the law, for by it he has his qualification, and he is presumed to know the law authorizing him to vote.

Before departing from the examination of this branch of the subject, I desire to impress upon the House the duties which are imposed by this law upon the election officers, and the manner in which they are required to conduct themselves. And for this purpose I quote from Parsons's Select Equity Cases, upon several contested-election cases.

In Boileau's contested election, page 508, Judge King says:

"While this court would not hesitate in setting aside an election where they are convinced that in conducting it the laws of the Commonwealth have been infracted, yet they certainly will not exercise ingenuity to find causes for such an adjudication."

This refers to general principles. Continuing, the same learned judge, in Kneass's case, page 581, details more particularly what is required of the inspectors of election. Referring to that class of voters *not found on the* list furnished to the inspectors, he say:

"The Legislature has, therefore, most wisely provided an efficient remedy in the case, and that consists in making it the duty of the inspectors to examine every person offering to vote, whose name is not found on the alphabetical list, whether he is challenged or not, as to his qualifications to vote; and to demand other testimony than his own, of his actual residence in the district ten days before the election. A rigid and faithful execution of this part of the election law is absolutely indispensable to a fair election. Neglect or evasion of this duty, is one of the grossest irregularities, if nothing worse, that election officers could commit."

And again, same page, he continues:

"The only voucher of the residence of a person claiming to vote, whose name is not on the assessment list, is his own oath, fortified by that of a qualified elector, establishing the fact. Election officers have no right to dispense with these positive requisitions of the law, and to accept in their stead the voucher of any one."

In regard to that which requires the inspectors to note upon the alphabetical list the person voting; and where proof of residence is made, the name of the person making it, and also to insert the name of the person admitted to vote *not* found on the list, and opposite thereto to note the *reason* of the vote, and which requires the clerks to make the like notes on their list of voters, the judge remarks:

"The manner of receiving and recording votes is also prescribed, and the procedure in this respect demanded by the law is most important to the prevention of fraud." * * * * * "All these provisions are of great practical value. But that which requires the inspectors to insert the name of a voter not on the list whose vote has been received, in consequence of having given proof of residence in the district, and also the name of the person proving such residence, is most important." * *

"This direction is among the vital provisions of the law, which no inspector, disposed faithfully to execute his duty, ought to omit, and the absence of which must tend to make the conduct of the election suspicious, if not absolutely illegal."

These opinions clearly and precisely state the duties of the election officers. They, however, are not stronger than the words of the statute. And now what is the condition of the case? I desire to examine the conduct of this board by the testimony. Take the inspector, Mr. McAllister. He was required by the law to be at the window, and receive the votes. Where was he? The following abstract of his testimony will show that he was not only not there, but that he paid no attention whatever to the reception of the votes:

"*Question.* Who received the votes at the window?

"*Answer.* Thomas Mettler received all, except a few that Kitchen received.

"Q. Who commenced receiving tickets at the window?

"*A.* Thomas Mettler, I think.

"Q. How long before Kitchen took his place?

"*A.* I cannot say.

"Q. About how long?

"*A.* I cannot tell; it was a short time.

"Q. Was it more than an hour?

"*A.* I cannot tell; I was too busy at my own business, distributing tickets.

"Q. Did you receive any tickets at the window?

"*A.* I do not recollect that I did. I might have received two or three. I do not recollect any.

"Q. Is not your recollection very indistinct as to what was done there that day?

"*A.* I did not take very particular notice; I was kept busy distributing and stringing all day, and had not much time to look about.

"Q. Was the right of any person to vote submitted to the board, and decided upon by them?

"*A.* I think not.

"Q. Did you decide, or were you called upon to decide on the right of any person to vote?

"*A.* I was not called upon, that I recollect."

How was the other inspector, Mr. Mettler, during this time engaged? The following portion of his testimony will show:

"*Question.* Were there any certificates of naturalization produced there that day by persons voting?

"*Answer.* Not that I saw.

"Q. Was any person sworn before that board to ascertain whether they were qualified voters?

"*A.* That I cannot say.

"Q. Were there any receipts produced there that day for the payment of taxes?

"*A.* I did not see any; some stated they had them.

* * * * * * * *

"Q. Did you not, as a member of that board, act fairly and honestly, and receive votes only from persons entitled to vote?

"*A.* I received but a few votes from persons; I received them from the judge.

* * * * * * * *

"*Question by contestant.* Did you state on that day, if they were going on that way, you would like to be sworn back?

"*Answer.* I did say something of that kind; I have a fashion of expressing myself in that way.

* * * * * * * *

"*Question by sitting member.* Was it at the time that the Bateses came to vote that you made the remark about being sworn back?

"*Answer.* I cannot say whether it was at that time or not; a dispute arose, and I said they must hold the election honestly.

"Q. Was there any dispute on that day except when the Bateses came to vote?

"*A.* There was not; *I was busy all day distributing tickets and had no time to be at the window; if I had I would have had some fun.*"

And yet the law of Pennsylvania requires both of these inspectors to be at the window, to receive the tickets and to discharge other responsible and important duties. And here, in the testimony, we have an exposition of what *they* did. Says Mettler, I had no time to be there; *if I had I would have had some fun.* Says McAllister, I had no time to look about, I was busy distributing and stringing tickets all day. And thus Mr. Kitchen, the judge, received the tickets and officiated at the window, when the law required him only to decide in cases where the inspectors should disagree, *and not otherwise.*

Where was the assessor? He is required by law to be present to give information to the inspectors and judge in relation to the right of any person assessed by him to vote. But where was he? Distributing tickets. And what power do you suppose Judge Kitchen assumed? He took Mr. Hartman, the assessor, from the discharge of his legitimate duties, and administered to him an oath. "I can give you the substance of the oath," says Kitchen in his testimony. "I think I swore

him in this way: 'You do swear that you will truly 'assist the judge and inspectors in selecting these 'tickets, to the best of your knowledge, with fidel-'ity.'"

Thus, Hartman, McAllister, and Mettler were solely engaged in distributing tickets, and Kitchen in receiving them, all contrary to the laws of Pennsylvania. And yet there is no irregularity! No design of irregularity there!

According to the law, and the opinions applicable thereto I have read, was not this an "infraction" of the law? According to the opinion in Kneass's case, is it not a gross and culpable violation of law? And does not the whole conduct of the board exhibit an utter disregard of the election laws of that State? Such was the conduct and condition of the board.

And in addition, to give a thorough exposé, the two legally-appointed clerks secure the services of two unsworn gentlemen to aid and assist them in the discharge of their duties, against all law. Still further, the law requires the clerks to be qualified electors. This even was not observed. For Mr. Conklin, one of the regularly-appointed and acting clerks, was not a qualified elector, although he acted as clerk, and also *voted*. And the proof being conclusive that he was not a qualified elector, the majority of the committee, in their report, have rejected his as an illegal vote. Here is an officer not only disqualified, but directly violating the law by voting.

So, taking this board from its organization to its maturity, we find the same departure from, the same persistent violation of law.

Now I ask this House, with a board thus constituted, and thus conducting that election, whether any reasonable man could not assume that it was prepared, in a fit condition, to receive illegal votes? It was prepared, and it did receive them.

I admired the ingenious and the persuasive, but at times denunciatory, address of the sitting member, [Mr. FULLER,] and the manner in which he evaded the force of the testimony; his ingenuity is marked in descanting and commenting upon testimony upon which the majority of the committee do not themselves rely, and in making it appear to be the prominent, indeed, almost the only evidence in the case.

We have before the House the record of the names of the persons who cast their votes contrary to the law. Ninety-four persons voted at that election whose names are not on the assessment list. It is a prerequisite that these should be sworn before they were permitted to vote. What evidence is there that the oaths required to be made were taken? None at all. The evidence is directly the reverse and that there were no such oaths administered. Judge Kitchen's evidence settles this fact:

"*Question.* How many persons do you think were sworn?
"*Answer.* I cannot answer. I do not mind.
"Q. Was there one?
"*A.* Yes! I think there was more than one.
"Q. Were there ten?
"*A.* I think there were not."

This is conclusive. It is the sworn testimony of the officer who received the votes. And yet oaths were required by law before those ninety-four persons were authorized to vote.

In addition to the 94 there are 39 who voted upon age; 7 of these were assessed, and consequently are *prima facie* voters. Leaving thus 32 who were required to take oaths prescribed by the law before they could vote. Making altogether 126, who were required to conform to the prerequisites of the law before exercising this right. According to Kitchen not ten oaths were administered. Deduct, therefore, ten, supposed to have been sworn and to have made proof in conformity to law, from the 126, and we have 116 votes cast upon that day at Danville, contrary to the laws of Pennsylvania. And is this to pass unobserved? Judge King declares the observance of this part of the law as indispensable to a fair election.

This necessity is supposed to be created by the fact that a ten days' residence is alone required to vote anywhere in the State, by being a resident of the State twelve months. There is no county residence required as in many of the States.

Eight of these 94 applied for their naturalization papers after the election at which they voted, and some others were proved not to have been naturalized.

And in addition to the 116 thus voting, we are to add two non-residents, Conklin and Evans, who illegally voted. Also, 7 persons, though assessed, were proven not to have been naturalized. Thus we have 125 persons voting contrary to law.

To this we are disposed to add a list of 23 persons who voted, and who appear to have applied for their first papers, or obtained their final naturalization papers, after the election at which they voted, making altogether 148.

It was contended by the gentleman from Massachusetts, [Mr. DAVIS,] that these 23 were not identified to be the same who voted. But yet it is known that their names are upon the poll list as having voted, and they were summoned to appear by contestant to testify, and they all refused. And there is positive testimony as to one of the number, Thomas Bates. How very easy would it have been for those 23 to have appeared and rectified the error! They refused, and the record thus stands, and involves them in an attitude which, by obeying the process they could, if guiltless, have avoided.

Now, as to the sitting member, he was returned by 59 majority. To which is to be added 13 illegal votes, proved to have been received by contestant in other parts of the Congressional district. To have a just, fair, and liberal calculation, I will add to the vote of the sitting member the difference between the number of votes cast for Congress and the whole number of votes polled at Danville.

There were 741 votes polled at that place, of which 691 were cast for Congress; making a difference of 40. From this must be deducted one which was not cast for Congress, and the duplicate name of Brandon on the list, which reduces it to 38. Giving to the sitting member these 38 and adding them to the 13 and 59, we have 110 as his whole number. And as against it we have the 125 before shown and alluded to, and counting the 23 whose papers were obtained after the election, we have 148. Either will answer to overcome all that is given by this calculation to the sitting member.

But it may be here said, how are you to ascertain that these alleged illegal votes were not cast for the contestant? The evidence dispels all doubt. The contestant received but 32 votes out of the 691 polled for Congress at Danville. He proved by 32 qualified voters and respectable men, that they voted for him, and whose testimony as to this fact passed unquestioned.

We were engaged in making a mere comparison of votes, and the House may say, why, with such a result, did you not give the contestant his seat? By this we desired to show by the examination of votes, and the conduct of the election officers, the gross irregularities and illegalities perpetrated, and then, in conjunction with their official acts, their substitution of power and of oaths, to show what kind of votes they received, and that they were illegally received. In consequence of the *manner* in which this election was conducted from its commencement to its conclusion, the majority of the committee determined to set it aside for the reasons expressed in the resolution reported, and refer the whole matter to the people for them to decide.

Having thus briefly examined the testimony and its application, I desire to draw the attention of the House for a moment to the objection of the gentleman from Massachusetts, [Mr. DAVIS,] preferred against the legality of the process issued by the commissioner (Judge Jayne) to obtain the appearance of persons to testify in this case. One hundred and eighty persons who voted at Danville, were summoned by contestant, and who refused to appear. The honorable gentleman remarks that they were indignant at the charges made against them by the contestant, and being so, they treated it with the contempt it deserved. He asserts that the process was in the name of the Commonwealth of Pennsylvania, when it should have been in that of the United States.

Even in this view do the honest people of Danville recoil from the process of their own noble Commonwealth, and especially, too, when by answering it, they could have wiped out the reproach of which they, in the language of the honorable gentleman, so bitterly complain? They refuse to appear and be sworn, when they might vindicate that election board from the charge of irregularity and fraud, and simply because it is their *own* State which requires it, and not the United States!

But I deny it all. The process was in conformity to law. Those summoned bid defiance to a legal process of the commissioner, authorized by a law of the United States to issue it.

The law passed February 19, 1851, authorized the judge of a court of record of any State having before him such a case, "to issue his writ of subpena" for persons to testify. Here is the law:

"SEC. 3. That when any such contestant or returned member shall be desirious of obtaining testimony respecting such election, it shall be lawful for him to make application to any judge of any court of the United States, or to any chancellor, *judge* or justice *of a court of record of any State*, or to any mayor, recorder, or intendant of any town or city, which said officer *shall reside within the Congressional district* in which such contested election was held, who *shall thereupon issue his writ of subpena*, directed to all such witnesses as shall be named to him, requiring the attendance of such witnesses before him at some time and place, named in the subpena, in order to be then and there examined respecting the said contested election, in the manner hereinafter provided."

The judge, who is a judge of a court of record in this Congressional district, did this. I will read the process: "United States, Commonwealth of Pennsylvania"——

Mr. DAVIS, of Massachusetts. Will the gentleman from Maryland inform the House whether the printed copy is an exact one?

Mr. HAMILTON. Give me your copy; I will read it, and the House may judge for itself.

Mr. DAVIS passed the copy, and Mr. HAMILTON read it.

UNITED STATES, *ss. Commonwealth of Pennsylvania to James Tully, &c.:*

We command you, and each of you, that, setting aside all manner of business and excuses, you be and appear, in your proper persons, before me, at the house of John Dean, jr., at Danville, in the county of Montour, on the 23d day of April, 1851, at 9 o'clock, a. m., of said day, to testify all and singular those things which you shall know, or of which you may be inquired, touching and concerning the election for member of Congress, held in the eleventh Congressional district of Pennsylvania, on the 8th day of October last; the validity of which said election is contested by Hendrick B. Wright against Henry M. Fuller, who holds the certificate of return. Your attendance to appear and testify is enjoined by a law of the United States, entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," approved the 19th February, 1851.

Hereof fail not, under the several penalties imposed by the said law on witnesses who may refuse to obey this process and testify.

Witness my hand, this 10th day of April, 1851.

WM. S. JAYNE,
Judge of a court of record, within the Eleventh Congressional District of Pennsylvania.

The United States is there, and so is the State of Pennsylvania. The latter may be considered the venue for aught we care. It would make no difference if neither were there. It is the writ of subpena of that judge or commissioner, and in the language of the law, it is *his* writ of subpena.

Assume that it is deficient in form, does not the honorable gentleman from Massachusetts [Mr. DAVIS] know, that by the law of Congress of 1789, that no summons, process, &c., from the initiation of the writ down to the judgment, shall be evaded, arrested, or quashed, because of the want of form? It is decided and adjudicated in 16 Peters, to mean everything connected with the case, from the iniation of the writ down to the judgment, the summons and process of every kind, in all the proceedings.

Mr. DAVIS. I would ask the member from Maryland [Mr. HAMILTON] whether he supposes that decision applies to any process except such as is amendable?

Mr. HAMILTON. I will read the decision which I have here. I presume it may be amendable.

[Mr. H. read the decision.]

It is not, however, *arrested*. And whether this law applies or not is immaterial.

Substantially, indeed legally, I say, the summons was according to the law. Yet, these one hundred and eighty witnesses refused to appear. Why did they not appear? The lawyer of the sitting member gave to them his opinion, that it was against law.

It may have been because of this, and it may have been some other cause of weight with them. When the contestant demanded an attachment, a threat of prosecution was made, if it issued, and it did not issue. And it may be asked, why did it not?

The judge determined, upon reflection, that the

law did not authorize an attachment, it being a law of the United States, and the commissioner having no common law jurisdiction, and it furthermore providing a penalty for refusing to answer the summons to be imposed by any court of the United States. And thus I think that the special pleading against this summons is not well founded, and that those who disobeyed that summons are not to be held guiltless; for a large number of those summoned were charged with illegal voting, and their not appearing does not, certainly, relieve them from the imputation. Several obeyed the summons, and swearing before the commissioner that they were but a few years in the country, and that they were not naturalized, Mr. Kitchen, the judge of the election who received their votes, had them forthwith arrested.

Then, I think, we have shown, what our duty demanded, that there was gross irregularity and illegality in the official conduct of the board, and that with this, the reception of votes against law, more than the majority of the sitting member, as fully to sustain the report of the majority of the committee. The report is made in view of these facts, and it is the desire that the properly-expressed will of the people be had. Therefore, let it be returned to them, and let the election be held in obedience to the laws of that Commonwealth.

Mr. TOOMBS addressed the House an hour, in favor of the right of the sitting member to the seat, maintaining that it was not shown that the election was irregular or illegal. [The MS. of Mr. T.'s speech has not been returned.]

Monday, *June* 28, 1852.

Mr. ROSS said: I regret very much to see an opposition manifested day after day to the consideration of this election case. I should have supposed, sir, under the circumstances, after the lapse of seven months since the question has been before either the House or a committee of the House, that there would have been no further opposition in any quarter to the consideration of the case at this time. But in this supposition I have been mistaken: for, as I rise to speak, motions to postpone are made, and made, too, by gentlemen who occupy seats on the other side of the House. It is to me, also, a subject of great regret that I am under the necessity of occupying the time of the House by any remarks whatever. I would, for many reasons, but chiefly in consideration of my health, have gladly avoided commenting upon the testimony in the case, or presenting any views in regard to it; but having understood that there was among some of the members not only a misconception of the facts, but a misconstruction of the law of Pennsylvania applicable to the case, I have felt it to be my duty, as a Representative of that State, and as a member of that party which recognizes the will of the people, when fairly expressed, to be the supreme law of the land, to present such views as I entertain in regard to the right of the sitting member to his seat.

It is true, that as a Pennsylvanian, I feel a deep interest in seeing her election laws vindicated, and the rights of her electors fully maintained by this Congress; but I feel an equally deep interest in the result of this case as a citizen of the Union, whose institutions depend for their permanence in giving full force and effect to the voice of the people of the several States, when fairly expressed according to their own laws and usages. I need scarcely say, that any blow struck at the purity of our elections, whether in Pennsylvania or in any other State, is a blow struck at the institutions of our country, which will be felt sooner or later by every member of the Confederacy, if those whose duty it is to vindicate the wrong, neglect or omit to discharge that duty.

To the people of Pennsylvania this case has become one of great importance; for the right of the sitting member to his seat is defended on the ground that her election law, fixing the qualification of the voter, is to be treated as a nullity. No State, sir, has been more sedulously careful to provide such enactments as would guard against all wrong and all fraudulent devices; but if the doctrine contended for by the friends of the sitting member be correct, then has all her caution been in vain, and then indeed will the door be thrown wide open to the perpetration of frauds. I will, however, comment more particularly on this point in its proper place.

In the present case, we discover fraud in almost every part of the proceedings. There was fraud in the very organization of the election board, as well as fraud in the reception of votes. And yet, in the face of these facts, honorable gentlemen declare that there has been no fraud—no illegal voting—and that the sitting member is entitled to his seat. Sir, I undertake to establish, not merely that the sitting member [Mr. Fuller] is not entitled to his seat, but I go further, and will endeavor to maintain that the contestant [Mr. Wright] is entitled to that seat by a majority of votes; and in doing so, I will concede every position contended for by the other side, that is not directly in conflict with the known and well-settled provisions of the law of my State, in regard to election cases. At any rate, I shall make out this part of my case to my own satisfaction, if I do not to the satisfaction of other members of this House.

I have said, sir, that there was fraud in the organization of this election. Now, let us look at the testimony. It appears that the individual who was elected a judge, (Mr. Kitchen,) and whose character has been vouched for by so many gentleman upon the other side, was on a former election guilty of the grossest frauds that an officer could be charged with. Upon this point we have not to resort to hearsay-testimony. We have direct and positive evidence of the fact, that in an election of great importance to his county, involving the question of the removal of the seat of justice, under a legislative enactment, that he perpetrated the most barefaced and unblushing frauds. And that, sir, is proved by his own admission.

Mr. FULLER, of Pennsylvania, (interrupting.) I desire to interrupt the gentleman, as he makes a misstatement of facts in this respect; but unintentional, of course. Judge Kitchen does not swear, and there is no evidence that, either in this or in a former election, he committed a fraud; nor is there any admission upon his part that he committed a fraud.

Mr. ROSS. That, sir, is a denial of my argument. I will——

Mr. FULLER, (interrupting.) I understood the gentleman to state what he did as a positive fact.

Mr. ROSS. I do allege, as a positive fact, which the evidence in this case establishes, that this pure-minded Judge Kitchen, at a former election, declared that votes had been received in violation of the law, and in violation of every principle of right, justice, and legislative enactment, and the evidence of it is to be found on page 131 of the report. It is the testimony of S. B. Thompson. He is asked:

"Did you have a conversation with William Kitchen, and did he tell you that at the elections in this place, when the local question was agitated, they allowed every person to vote, or any conversation of that import?

"*A.* I don't think he stated the local question, but defined that particular time. He stated when the question was up for the removal of the county seat, that they allowed every one that offered their votes to vote, it mattered not if they were large enough, whether they were old enough or not; that no questions were asked them; and I think he said it made no matter where they resided.

"*Q.* Where was this conversation, and what gave rise to it?

"*A.* It was in or about the court-house. I spoke to him that they were not so particular as I have been used to seeing them, about whose votes they received; when he replied, that if I had been here at the time it was voted on for the removal of the county seat to Bloomsburg, I would have seen it far different. This was during the progress of an election."

Now, I ask this House whether the testimony itself does not prove the allegation which I have made, viz: that votes were received with a knowledge by this man Kitchen of their illegality? When a question was before the people relative to the removal of the seat of justice in that county, were not votes received without regard to age, without regard to the payment of taxes, and without regard to residence? No questions were asked, but every one who offered was permitted to vote. This, sir, is proved by testimony before the House. Such is the man who was elected the judge to preside over this election. I am sorry to say, sir, that he is no purer than some of the other officers elected at the same time. There was an individual elected inspector by the name of Garrettson, at the preceding spring election. On the morning of the October election, after a consultation with Kitchen, he resigned, upon the ground that he had not time to attend to it. In that consultation they agreed to substitute a man by the name of Mettler. Now, sir, what part did this man Garrettson play in this business? If the members will turn to the evidence, they will find that Garrettson, so far from not having time to attend to the duties of the office of inspector, was throughout that day actively engaged in running around to the iron-works, and actually driving up foreign voters to the polls. He cannot plead that he was ignorant of their disability to vote; for after they had told him they had no right to vote, he still forced them to the polls, and compelled them to vote.

Lest the sitting member or his friends may assert that there is no proof to sustain this allegation, I will ask their attention to the testimony to be found on page 52 of the printed book. Peter Kratz, being sworn, said:

"*Question.* Did you vote in this town at the last October election for Congress?

"*Answer.* Yes; Theodore Garrettson gave me my tickets; I went to the court-house and handed them to Mr. Kitchen, and gave in my name.

"*Q.* How long have you been in the United States?

"*A.* I have been two years in this country.

"*Q.* What country did you come from?

"*A.* I came from Prussia.

"*Q.* Did you tell Garrettson that you had no right to vote?

"*A.* I told him I had no right to vote; he (Garrettson) said I must go and vote, that all the Germans must vote."

Such, sir, was the conduct of Garrettson. Instead of discharging the duties of inspector, he was rendering efficient aid to his friend Kitchen. It was for this reason that he refused to act as inspector, well knowing that with no oath to render him criminally liable, he could violate the laws with impunity.

These two men, Kitchen and Garrettson, who were the officers of that election—one the actual officer and the other the individual who had been elected to the office—are proved to have been engaged in violating the laws of Pennsylvania. Garrettson hunts up and leads to the polls illegal voters, and Kitchen receives their votes with a full knowledge that they were illegal.

But this is not all in regard to the organization of this board. We find, in addition, that a man by the name of Conklin, who was not a qualified elector either of that district or of the State, was selected by one of the inspectors as the clerk. He was a citizen of New Jersey; and if there were nothing else in this case, by the laws of Pennsylvania the selection of that man as a clerk, and his acting as such, would have invalidated the poll of the Danville district. But I do not ask that the poll shall be set aside upon that ground. It may have been a mistake upon their part in selecting this man. They did so, however; and Conklin, it is expressly proved, had not paid a tax within the two years required by our laws. And, further, it appears from his own evidence that he could not have been in the State six months.

Then, in addition to all this, we have other persons acting on that day in the board; because it does appear from the evidence that, not satisfied with the number of officers the laws of Pennsylvania gave them, viz: one judge, two inspectors, and two clerks—they had three other individuals assisting in the distributing of the tickets, and the keeping of the tally lists; thus violating the express law of that State, which declares that it shall be the duty of the inspectors of elections to deposit the tickets of the voters in the ballot-boxes, and also to take them from the boxes and read aloud the names of the candidates voted for. No other persons, whether officers of the election or not, have any right, under the law, to touch the tickets. But here we find that Hartman, Strawbridge, and Gearhart, not one of whom was an inspector or any other officer of the board, nor even sworn, as the law requires, to perform the duties of election officers, were all there and engaged in distributing tickets and in keeping the tally lists. Of these three supernumeraries, Dr. Strawbridge deserves particular notice, for the part which he played in this fraudulent drama was by no means a subordinate one.

There was in that district a Jewish rabbi named Steinhammer, an honest, conscientious man. He was solicited to vote. In reply, he told them he had no right to vote; that he was not a qualified

elector; and refused to go to the polls. Dr. Strawbridge—the self-constituted officer of the election—with others, in the language of the witness, then "*pushed him up, or got him up somehow, as though they were going to get him on the box by force.*"

But this was not the only occasion on which Dr. Strawbridge acted a conspicuous part on that day. A boy from the poor-house, eighteen or nineteen years old, was picked up, and by the influence of this man Strawbridge was induced to vote. I will turn to the testimony of this witness. It is to be found in the evidence of Reuben Schock:

"*Question.* Did you know a boy by the name of Alexander Cathers, who was taken out of the poor house some time since, and lived last fall, at the time of the election, with Charles Matchen?

"*Answer.* I knew such a boy, but did not know where he lived.

"Q. Did that boy tell you he voted at the last fall election?

"(Objected to.)

"*A.* He told me and Jonathan Persol that he did vote, I think. Persol asked him if he had a right to vote. He said, 'no.' One of us asked him then how it came that he voted. He said they came and wanted him to vote, and gave him a ticket, and he went over and handed it in. We asked then if they took his vote, and he said they did.

"Q. Did he say how old he was?

"*A.* One of us asked him how old he was. He said he was between nineteen and twenty—did not know exactly the months, but was between that time. Said old Matchen knew his age exactly.

"Q. Who did the boy say he voted for?

"*A.* He said Dr. Strawbridge gave him the ticket; he did not know who it was for—did not open it—but it must have been for Mr. Fuller."

Now, Mr. Speaker, we have here the fact, that this man Strawbridge, acting as a clerk at that election, in violation of the laws of Pennsylvania, and that, too, without an oath of any kind having been administered to him, carried to the polls, if the witness speaks truly, under circumstances of great outrage as well as of public indecency, two illegal voters, both of whom he must have known were not entitled to vote. When such men have the ballot-box in their keeping, there will be no safety in our elections. Comment on such conduct will not make the outrage more glaring, nor will it exhibit in a stronger light the danger to which the ballot-boxes may have been exposed by the presence of such a man, than do the simple statement of the facts themselves. But let us look a little further into the evidence, and see what Mettler, who was appointed the inspector, thought of the conduct of the board, and particularly let us see how he was treated by this upright judge Kitchen. Was he permitted to discharge the duties of inspector? No, sir, he was not. But he was driven from the window and assigned to another post. I am free to say that I know it is the practice in various parts of Pennsylvania for the judge, as well as the two inspectors, to receive tickets; and I never would set aside an election upon that ground, when there was no fraud practiced, and nothing done affecting the integrity of the legal votes cast. The judge, however, has no right to receive the tickets. The act of Assembly not only directs that the inspectors shall receive the tickets, but points out where they shall be stationed for that purpose; and it authorizes the judge to determine upon the qualification of the voter only when the inspectors disagree. He has no control over the vote either to reject or to receive it, except in the contingency I have mentioned. The distributing, as well as the receiving of the tickets, is made the duty of the inspectors alone. There can be no doubt in the mind of any Pennsylvania lawyer as to the respective duties of these two classes of officers. One is to determined isputed questions between the inspectors, and the others are to inspect the voters, as well as the votes when the polls are closed. But I repeat what I have before said, that the mere fact of the judge acting as inspector would not of itself be any evidence of fraud. When, however, we have the admissions of Mettler, made under oath, that he told the board, "*that if they were going on that way, he would like to be sworn back;*" and further, that he told them "*they must hold the election honestly,*" together with the other evidence, to which I will hereafter advert, the question assumes a very different aspect. This man was an inspector of their own selection. It was, no doubt, supposed that he could be trusted by them. During the progress of the election he discovered that they were disposed to commit frauds, and he turns to the board and says: "I must be sworn back, or you must hold this election honestly." Now, this is their own witness. This is the man whose character has been vouched for by fifteen or twenty witnesses, produced by the sitting member. Self-evident indeed must have been the fraud, for the eyes of Mettler to see it; and still more shameless must it have been for his conscience to become startled at its perpetration! Sir, it seems to me, that this testimony alone is sufficient to establish the fraudulent intent of Kitchen, the judge, in usurping and performing the duties of inspector throughout that day, and in assigning Mettler to the discharge of other duties. But we are not without ample evidence to establish this point beyond all doubt. Henry Vanderlin, being called as a witness and sworn, was interrogated as follows:

"*Question.* What conversation had you with Thomas Mettler, about destroying the tickets that were polled in October last, at Danville borough, for Hendrick B. Wright? State fully all such conversation, and the time when it occurred.

"*Answer.* Thomas Mettler said to me, 'Well, you are coming out right.' He said it had not been done right, and he would like to see it come out right. And he said they found the Colonel was getting too many votes, and they commenced destroying them, and he said that would not do, he would not stand it; and they told him to slip one side; he said they destroyed some, but how many he could not say: nothing further was said."

To the same point is the evidence of another witness, Reuben Schock, who says:

"I heard him say he was an officer of the election, and that he was taking tickets in at the window; that he had taken in three or half a dozen men's that voted, and then they put him away, and would not let him take in any more; then some one put the question to him, how they come to put him away; 'Well,' says he, 'because they wanted everybody to vote that came up to the window, and by God I would not let them!' some one said something, I cannot remember exactly what, and Mettler said they wanted Fuller elected so damned bad, that they let everybody vote that came up to the window; I have heard him say this over several times, but it was always the same thing."

Both these witnesses are, to a certain extent, corroborated by the evidence of Thomas Lloyd, to be found on page 11. Thus it appears that Mettler made these declarations, not merely on one occasion, and to one person, but on several occasions, and to various individuals. Stronger evidence than this could not be adduced in any case. If true, it establishes the fact, that at the opening of the election, a base fraud on the rights of the people was designed; and that Mettler was slipped on one side, to enable Kitchen more effectually to carry out that fraud. It is idle for the sitting member to attempt to evade the force of this evidence by denouncing these repeated declarations of Mettler as jokes. The conversation with Vanderlin was in the presence of two other persons; and it was, moreover, during the time that the commissioner was sitting at Danville, engaged in the examination of witnesses in this very case. No sane man would, under such circumstances, have made such a joke on such a subject. Besides, the witness expressly denies that there was any joke about it; for, he says, "he appeared to be in good earnest." Was Mettler jesting, too, when he talked to Reuben Schock, and to Thomas Lloyd, and when, under oath, he admitted that he had told the officers of the election, "that if they were going on that way he would like to be sworn back, and that they must hold the election honestly?" No rational man, it seems to me, can believe in such an absurdity; and still less can he doubt the fraudulent intent of at least a part of the officers of that election.

But there are still other circumstances tending strongly to establish the fraud. The laws of Pennsylvania direct, that when a person votes upon age, the inspectors shall make an entry of the word "age" in the margin of the alphabetical list opposite to the voter's name. When he votes upon payment of tax, the word "*tax*" shall be so marked; and if the elector shall have been sworn or affirmed, or produced a certificate of naturalization, the inspector shall also note the same in the margin of such list, and where proof of residence is made, he shall also note the name of the person making such proof. Now, sir, was one of these provisions complied with? Was there a single entry made by that board on that day, in obedience to the act of Assembly. No, sir; not one. I agree that these provisions of the law are merely directory, and that no court in Pennsylvania would set aside an election simply because its officers had failed to execute their duty in that respect, in the absence of all evidence of fraud or other impropriety in the conduct of such election. But when such a case of fraud has been made out, as is proved to exist here, then the omission to make these entries becomes material.

Mr. MEADE. I will ask the gentleman a question, with his leave. I have not been able to read the whole of the documentary proof. I wish to know if Thomas Mettler himself has not given a deposition in this case, that the election was conducted fairly and properly?

Mr. ROSS. Thomas Mettler swears to that, and he also swears that he told them that if they did not conduct the election honestly, he must be sworn back.

Mr. FULLER. Thomas Mettler did not swear so.

Mr. ROSS. If you will examine the evidence, you will find it so. He swore both ways. I was about commenting upon the fact that there was an omission to make any entry. The gentleman [Mr. FULLER] says, that in Pennsylvania it is not usual to make such entries at any of our election districts. I say to him, that upon that subject he is entirely mistaken. I speak, it is true, with reference to my own district; and I know, that whenever an individual votes there upon age, or taxes, or on naturalization papers, an entry is always made in accordance with the directions of the law. I suspect there is not a district in the State in which it is not done. And I know, from the proceedings in the Wilkesbarre district, returned with the evidence, that every provision required by the act of Assembly was complied with, and that all these entries were made. Now, why was every entry required by law wholly omitted? To me the reason appears plain. It was to leave no mark or trace on the record of their proceedings, by which the fraud in receiving illegal votes could be readily detected. It may have been unintentional; but the facts in the case lead me to a different conclusion.

Such being the manner in which this election was organized and conducted, the result is not surprising. We find that there were 751 votes polled at this election, which were 268 more than had been polled in the preceding year, and 176 more than were polled in the subsequent year, when we had a Governor, judges of the supreme and other courts, and the various county officers to elect. The difference in the vote of the two last years is remarkable, and cannot be very easily explained. But I pass this by, and come to matters of greater moment.

We further find, on examination, that forty-one individuals, not one of whom had been naturalized, cast their votes on that day at that election district. This fact is indisputable. Some of these men had not even filed their declarations at the time they voted, and every one of them made application to be naturalized after this election had been held. Each one, therefore, of these forty-one voters, were wholly illegal; but not as the gentleman from Georgia [Mr. TOOMBS] supposes, because the officers of the election did not require them to produce their certificates of naturalization, but because they are proved not to have been legal voters. One of these men had been in the country but six weeks, as is proved by his brother; and the first time he goes to the polls he casts his vote for a member of Congress, neither knowing nor caring what he did. Another man, who had been in the United States only one year and a half, declared that he did not know what voting meant. But let me turn to his testimony, and show what he himself says about it. It is as follows:

"At five o'clock we all quit work, and went down to the office; our tickets were given to us; we went to the court-house, and gave them in at the window. It was the company office at the rolling mill."

And when asked for whom he voted, or for what officers, he answered: "*No, I don't know at all. I voted the tickets that were given to me.*" And in answer to another question, he replied: "*I don't know what voting means.*" He also admitted that he had been in the United States but one year and a half. What a mockery of repre-

sentation is this! and what a misconception of the theory of our Government, to designate an election by such votes, as the expression of the will of the people! On the contrary, sir, it is a suppression of the people's will; for it tramples on the rights of all who are entitled, under our Constitution and laws, to exercise the elective franchise. One illegal vote nullifies a legal one, and thus, to all intent and purposes, operates as a disfranchisement of the legal voter.

But, Mr. Speaker, these forty-one foreigners were not all the aliens who voted at the Danville poll on that day. We have to add to the list the names of Parker, Woodruff, Black, Watters, and Powell, who have been omitted by the committee in their report, through inadvertence, I presume. How many more voted I am not able to say, as there is no positive testimony in regard to any others. Sidler, one of the witnesses, says that he saw men voting there who, he was satisfied, had not been in this country very long; that they had no certificates of naturalization, and did not show any; and he further states, that as near as he can judge, the whole number of persons of foreign birth who voted at that election was two hundred. I have no doubt that many of these two hundred were naturalized citizens. But by our statute, the only evidence of naturalization is the certificate thereof, under the seal of the court where such naturalization took place, excepting when such alien shall have resided in the election precinct for ten years preceding his application to vote; in such case, the oath of the voter shall be *prima facie* evidence of naturalization. No law is better understood in Pennsylvania generally than this; and, perhaps, we have no district in my State in which its application is more frequent than the Danville district, in consequence of the large foreign population engaged in the various iron establishments. But, sir, in the very face of this law, Mr. Kitchen, the judge, is unable to specify more than two instances in which the certificates of naturalization were exhibited, although it is said that two hundred foreigners are believed to have voted there. Mr. Kitchen himself admits that he knew that many of these persons were foreigners, and therefore he cannot plead ignorance in excuse of his conduct; and, besides, we have the declarations of Metler, the inspector, and who was also the inspector at the special election, "*that now he was at the window himself, 'and that he was determined he would not let any per-'son vote unless they had a right to vote, or something 'to that effect; as he said there had been men voting at 'the fall election who had no right to vote.*" With all these facts before the House, can there be a doubt as to the fraud which was perpetrated at this election?

I know, sir, it is said on the other side that there is no evidence of the identity of these alien voters. But we have abundant evidence of it. In the first place, we have the certificates of naturalization and of the declarations of intention filed after the election; and, so far as regards the question of identity itself, we have the admission of the voters themselves. We have the evidence of George Saunders, that Lewis Coleman, one of these foreigners, told him that he had voted at that election, and that he had been in the country but one or two years. We have the evidence of Reuben Schock, that the Jewish rabbi, Steinhammer, declared, when he was taken to the polls, that he had no right to vote. We have the evidence of Peter Kratz, who, on his own oath, admits that he had voted, and that he had been in the United States but two years. We have the evidence of Jacob Dietrich, that his brother David had been in the United States but one year. We have the evidence of Perry Dean, that James Parker, an Englishman, who had been in the United States but one year, and John Woodruff, an Irishman, who had been in the country but two or three years, both admitted they had voted. We have the evidence of Samuel Antrim, that Frederick Bower, an unnaturalized citizen, told him he had voted. We have the evidence of Henry Vanderlin, that Thomas Watters told him he had voted, and that he had been in the country but six weeks. And we have the evidence of A. G. Harrington, that Adam Heissler, an alien, a German, told him that he had voted, and thought he had a right to do so, because "*he had been to Mexico.*" I cannot, however, undertake to enumerate the names of all these men. Enough have been named to show that the identity of these voters is clearly established. In addition to all this, we have the evidence of Kitchen, the judge, who, when interrogated on his examination before the commissioner whether he knew many of these foreigners, admitted that he did, all but one; and when asked whether their certificates of naturalization had been produced, answers that he does not recollect whether they were or not. This, although not a positive, is certainly an implied admission that these men had voted. If they had not, he surely would have said so, instead of saying that he did not recollect whether their naturalization papers had been produced or not.

Now, I beg to ask the House, whether our elections are to be determined by such votes? Are the qualified voters of Pennsylvania to stand silently by and see the employees of our iron and other large manufacturing establishments sending their foreign operatives to the polls in droves, and thereby defeating the voice of the people, without obtaining any redress from the only tribunal to which they can appeal? Are the principles of our Constitution to be influenced, and perhaps entirely controlled, by a population which is daily being thrown in immense numbers upon our shores, strangers to our country and our people, and ignorant of our laws, our institutions, and of every principle of representative government? When an American Congress confirms an election, carried by the votes of men who admit that they did not know what voting meant, and that they had no knowledge of what they were doing, the Union will indeed be in imminent danger.

Sir, I entertain no opposition to foreigners. I approve of the existing naturalization laws. The experience of fifty years and upwards has established the wisdom of that policy on which they are based. The history of my life will show, that in advocating those laws, as they now exist, I never have concurred in any of the movements which have been made to change or affect the rights of our foreign population. No, sir, I welcome them all—the downtrodden and the oppressed of every land—to the shores of this country. We have a territory broad enough to hold them all, and rich enough to support them all in habits of industry and frugality; and we have a Constitution strong enough to protect them all, and liberal enough to bless them all with the bounties which a free Government bestows on all her citizens. But I am unwilling to confer upon them the elective franchise until they have resided here the five years prescribed by the laws, for acquiring some knowledge of our institutions.

But my time will not allow me to dwell longer on this branch of the case, as there remains another for our consideration, equally important. Besides the forty-six unnaturalized votes, there were one hundred and seventeen votes received by the officers of that election, in direct violation of an express and positive statutory prohibition. This class of voters embraces eighty-three persons whose names were not on the list of taxable inhabitants furnished by the commissioners, and who did not make the proof required by the law to entitle them to vote. It also includes thirty-two who were between the ages of twenty-one and twenty-two, and who voted without exhibiting the proof which the statute requires; and it further includes two persons who were non-residents, and therefore disqualified.

In order that the members of this House may understand what is meant by the "*list of taxable inhabitants,*" or, as it is more frequently termed, the list of voters, I will endeavor to give a brief explanation of it. In consequence of certain frauds alleged to have been committed in Philadelphia, some years ago, the Legislature, with the view of preventing such frauds, directed that the county commissioners should, on or before the first of August in each year, deliver to the assessors of the several districts, a certified transcript of all the taxable persons returned at the previous assessment, arranged in alphabetical order. The assessors are also directed, on the receipt of the transcripts, to make out copies of alphabetical lists of the names and surnames of all the white freemen residing within their respective districts; and they are further directed to post up the said copies on or before the twentieth day of August, at the most public places, one of which is to be the place of holding the election. Copies of these lists are to be kept by the assessors, subject to the inspection of any white freeman, without charge; and any person claiming a right to vote within the district, is entitled, at any time, not less than ten days before the second Tuesday of October, (the day of our election,) to have his name entered on such list. When the list is thus corrected, duplicates are to be made, one of which the assessor is required to deliver to the county commissioners, and the other to one of the inspectors of the election, before the polls are opened. By these provisions, a full and ample opportunity is given to every voter to have his name entered. He has more than six weeks to make an examination of the lists; and even if the voter neglects to do so, the party presses and the friends of the different candidates are vigilant enough to do it for him. It is manifest that in the Danville district, there was no laches of this kind; for ninety-five names were added to the list after the transcript had been placed in the hands of the assessors.

Such being what is understood by the "*list of voters,*" let us now inquire whether the 117 persons, whose names are not on that list, were qualified voters; for if they were not, then their votes were illegal and should not have been received. It will not, I presume, be denied that each State has the power of prescribing the qualification of her voters. So far as regards the election of a President, the power is exclusively vested in the States; and as to the election of members of Congress, the only restriction which the Constitution of the United States imposes is, that "the electors 'in each State shall have the qualifications requisite 'for electors of the most numerous branch of the 'State Legislature." In the exercise of this reserved power, Pennsylvania has fixed the qualifications of her voters, and has declared that, in a certain contingency, a particular class of her citizens shall not be admitted to vote. Let me call the attention of the House to her statutes on this subject. The fifth and sixth sections of her election laws declare that—

"No person shall be admitted to vote whose name is not contained in the list of taxable inhabitants furnished by the commissioners, as aforesaid, unless, first: He produce a receipt for the payment, within two years, of a State or county tax, assessed agreeably to the constitution, and give satisfactory evidence either on his own oath or affirmation, or the oath or affirmation of another, that he has paid such a tax, or on failure to produce a receipt, shall make oath to the payment thereof; or second: If he claim a right to vote by being an elector between the ages of twenty-one and twenty-two years, he shall depose on oath or affirmation, that he has resided in the State at least one year next before his application, and make such proof of residence in the district as is required by this act, and that he does verily believe, from the accounts given him, that he is of the age aforesaid, and give such other evidence as is required by this act, whereupon the name of the person so admitted to vote shall be inserted in the alphabetical list by the inspectors, and a note made opposite thereto by writing the word 'tax,' if he shall be admitted to vote by reason of having paid a tax, or the word 'age,' if he shall be admitted to vote on account of his age, and in either case the reason of such vote shall be called out to the clerks, who shall make the like notes in the list of the voters kept by them.

"SEC. 6. In all cases where the name of the person claiming to vote is not found on the list furnished by the commissioners and assessor, or his right to vote, whether found thereon or not, is objected to by any qualified citizen, it shall be the duty of the inspectors to examine such person on oath as to his qualifications, and if he claims to have resided within the State for one year or more, his oath shall be sufficient proof thereof, but he shall make proof by at least one competent witness, who shall be a qualified elector, that he has resided within the district for more than ten days next immediately preceding said election, and shall also himself swear that his *bona fide* residence, in pursuance of his lawful calling, is within the district, and that he did not remove into said district for the purpose of voting therein."

The eighth section prohibits the inspector from receiving the votes of any persons who are non-residents of the district for which such inspector has been elected.

It will thus be seen that those statutes require a person, whose name is not on the list, and who claims the right to vote by reason of being between the age of twenty-one and twenty-two years, to establish three things: First, he must swear that he has resided in the State at least one year immediately preceding his application; second, he must make oath himself, and also furnish proof by one qualified elector of the district, that he has resided therein for more than ten days next pre-

ceding the election; and third, he must make oath that he verily believes he is of the age represented. Unless he complies with these three conditions the statute declares he shall not be admitted to vote. Well, sir, from the evidence before us, there were thirty-two persons between the age of twenty-one and twenty-two years who were admitted to vote without having complied with any one of these requisites, and who were, therefore, no more entitled to vote than if they had been minors, non-residents, or persons laboring under any other disability. The great value of our statutes in requiring proof from the voters on age, will be seen by every one, when I hereafter refer to the testimony, showing that minors did vote at that election.

Beside these age voters, we have another class, numbering eighty-three, who were not assessed, and not on the voters' list. These persons were also required by the statute to comply with three conditions before they could be admitted to vote—first, to make proof of the payment of a State or county tax, assessed according to law; second, to make oath of their residence in the State for one year or more; and third, to make proof by their own oath, and that of a qualified elector, of their *bona fide* residence within the district in pursuance of their lawful calling for more than ten days preceding the election. But not one of these requirements of the statute was complied with.

In addition to the eighty-three there were two other persons, who were non-residents, or had not paid a State or county tax within two years preceding the election; thus making one hundred and seventeen illegal voters, exclusive of the forty-six foreign voters.

But, sir, it is contended here, that these persons were not illegal voters. On what ground, however, I have been unable to comprehend; for surely there is not a member from Pennsylvania, Whig or Democrat, who does not know, that under her laws, these one hundred and seventeen persons were all disqualified voters. It is useless to refer to the reports of the committees of this House, as the gentleman from Georgia [Mr. TOOMBS] has done; for no election case has ever been decided here which turned upon this point. It would have been far more profitable for that gentleman to have discussed the meaning of the statutes themselves, as found in our digest. Those statutes are as clear and explicit as language can make them, and have received a judicial construction. It is a great mistake to suppose that they are merely directory in their provisions. On the contrary, they contain an express command that "*no person shall be admitted to vote*" unless he complies with the conditions prescribed therein. They leave nothing to the discretion of the inspectors; for, if such were their construction, the object of the Legislature in their enactment, which was the prevention of fraud, would be entirely defeated. So mandatory has been the legislation of my State on this subject, that in the forty-fourth section they have imposed a penalty upon any officer of an election who shall receive the vote of any person not on the list, without first requiring the evidence to be made which the statutes require. Why, sir, if these requirements of the law may be dispensed with, then may any of the other qualifications requisite for an elector be also treated as a nullity. I trust, sir, that the day has not already come when the election laws of a sovereign State are thus to be disregarded, and every regulation which she has made for the prevention of fraud be thus trampled under foot!

I know that it has been urged that the legal presumption is, that the election officers did their duty, and therefore that it is but fair to presume that these votes were not received until the provisions of the statutes had been complied with. Conceding this doctrine for the sake of the argument, still the presumption is rebutted by the evidence of Kitchen, the judge. He admits, on his examination, that there were not more than ten persons sworn on that day—thus leaving one hundred and seven voters who were wholly disqualified. But it is further said, that these persons may have been qualified electors although the proof was not made. If this were so, then it devolved on the sitting member to prove it; for the contestant having made out his case that they were disqualified under the laws of Pennsylvania, the burden of proof was thrown on the sitting member. But not a particle of evidence on the subject has he adduced. And, sir, it is indeed a most remarkable fact, that if those one hundred and seventeen men had been entitled to vote, that no evidence was offered to prove the fact. What testimony there is in the case, on this point, establishes that some at least of those sworn had no right to vote. On examining the evidence, I find that Cathers, Saunders, Bryan, Paugh, Sherwood, and Snyder were minors; that Huntington, Bryan, and Conklin had paid no taxes, and that Young, Owens, Alliger, and Evans were non-residents. Young and Owens were boatmen, belonging to another county, who arrived at Danville on the afternoon of the election, and were permitted to vote!

Mr. STANTON, of Ohio. Were there enough illegal votes given to change the result?

Mr. ROSS. Undoubtedly there were. There were enough illegal votes given for the sitting member to change the result and give the seat to Wright.

Mr. RICHARDSON, who was very imperfectly heard, was understood to inquire whether, if all the illegal votes taken at the Danville precinct, were stricken off, it would leave the contestant a majority in the whole district?

Mr. ROSS. It would leave him a clear majority.

Mr. STANTON. Does the gentleman presume, that all the votes not on the register's list, are *prima facie* illegal?

Mr. ROSS. All the voters who were not on the assessor's list, and who did not take the necessary oaths, were not legal voters.

Mr. RICHARDSON. Do I understand that Wright proved that he had thirty-two legal votes, and that when the illegal votes are stricken off, there is a majority for Wright.

Mr. HAMILTON. Wright proved that he had thirty-two legal votes.

Mr. RICHARDSON. What number of the votes for the sitting member does Mr. Wright prove were illegal?

Mr. ROSS. He proves altogether 163. I have a statement, which I will now submit to the House:

Illegal votes of foreigners	46
Not registered	83
Non-residents	2
Voters on age	32
Whole number of illegal votes	163
Fuller's majority	59
Illegal votes for Mr. Wright	13
Add for similarity of names	34—106
Wright's majority	57

Mr. TOOMBS. Were the 83 votes illegal because they were not on the assessor's list?

Mr. ROSS. No, not because they were not upon the assessor's list, but because the required oath was not taken.

Mr. TOOMBS. They are not proved to be illegal otherwise.

Mr. RICHARDSON. Does Mr. Wright show by evidence that thirty-two men voted for him at that precinct, and who they were?

Mr. ROSS. There is no contest about that. Whatever illegal votes there were, were cast for his opponent; because Mr. Wright proves the fact by the voters themselves.

Mr. CAMPBELL, of Illinois. I desire to ask the gentleman whether he bases his statement in regard to these illegal votes upon this ground, that the sitting member did not prove them to be legal, and that therefore they are illegal?—or, in other words, that it rested with the sitting member to prove that they were legal voters?

Mr. ROSS. I rest it simply upon the ground that the law of Pennsylvania says they are illegal, and cannot be received.

Mr. TOOMBS. I do not understand the facts of the case to warrant the impression, that those eighty-three votes were illegal votes. They might be illegal votes; but they are not declared to be so.

Mr. ROSS. Do not the laws of Pennsylvania make them illegal?

Mr. TOOMBS. No; they require, as a test of legality, that the person so offering to vote shall be sworn.

Mr. ROSS. A penalty is imposed upon any officer receiving a vote of that kind. But in addition to what the law says, I will read what the courts of Pennsylvania have said. In the contested-election case of Kneass, Judge King uses this language:

"It is from votes offered by this class of persons the great danger of election frauds arises. If election officers should receive votes from such persons without the inquiry as to residence required by the act, the consequences may be easily divined. Whoever could procure the greatest number of reckless men, ready to offer votes in districts where they were not entitled to vote, would be certain of triumph; for such men could operate, not merely at one poll, but in all others where such votes should be received, with the same facility. It is true that this might be, to some extent, arrested by citizens challenging such voters; but that would afford too uncertain a security against an act of so mischievous and dangerous a character. The Legislature has, therefore, most wisely provided an efficient remedy in the case; and that consists in making it the duty of the inspectors to examine every person offering to vote, whose name is not found on the alphabetical list, whether he is challenged or not, as to his qualifications to vote, and to demand other testimony than his own of his actual residence in the district ten days before the election. A rigid and faithful execution of this part of the election law is absolutely indispensable to a fair election. Neglect or evasion of this duty is one of the grossest irregularities, if nothing worse, that election officers could commit."

Now, sir, the construction of the courts of Pennsylvania is, that a rigid adherence to this provision is absolutely and indispensably necessary.

Mr. TOOMBS. Have the courts of Pennsylvania ever declared an election void because the votes were taken of men whose names were not upon the assessment list?

Mr. ROSS. I am not aware that any case has ever arisen, which turned on that point.

Mr. TOOMDS. Did not you, yourself, vote that it did not vacate the seat in the case of Robbins?

Mr. ROSS. I voted that Robbins was entitled to the seat, but upon the ground that, deducting all the illegal votes, he was still elected. That is the ground on which I voted, and the ground on which the case turned.

Then, sir, we have in the first place the law, which is mandatory. In the next place, we have the decision of the courts, declaring that it is indispensably necessary to a fair election that these statutory provisions shall be strictly adhered to. Is it possible that gentlemen can entertain any further doubt about the law? In open violation of its plain requirements, 117 men were permitted to vote without a single qualification being required with regard to age, residence, payment of taxes, or anything else, which could entitle them to vote. If the House should sanction this plain departure from the law, it will be, in effect, repealing the election laws of Pennsylvania, and it will be a precedent fraught with more evil consequences, than are now foreseen.

There are many other features in this case to which I intended to have alluded, but I see that my time has nearly expired, and I must therefore omit any notice of them. There is one matter, however, to which I will advert before I conclude. The minority report gives a comparative list of names of those who were assessed, and of those who, the contestant says, voted without being assessed, for the purpose of inducing the belief that they are the same individuals. Who drew up this list I do not know. It must have been drawn by a clerk, for certainly no member of any committee of this House would have presented such a statement as is to be found in that list. It is said that there is a man by the name of King, and another by the name of Kinn, one upon the tally list and the other upon the taxable list. But by turning to the record, it will be found that persons of the separate names of King and Kinn voted. It is also said that a man by the name of Peter Hans and another by the name of Peter Hain may be found, one upon the tally list and the other upon the taxable list; and that it is to be presumed that they are one and the same person. But on examination we find that several by the name of Hans voted. The names of Henry Lynn and Henry Layon are given in this list as being probably the same persons, but we find that both Henry Lynn and Henry Layon voted. So, also, in relation to Grim and Graham. They both voted. But what is extraordinary on the part of the minority of the committee is, that they give in their list the name of John Taggert as one of the voters, and the name of J. Taggert as on the assessors' list. We might very readily conclude from such a statement that John Taggert and J. Taggert were the same. On turning, however, to the assessors' list, we discover no J. Taggert, but a *James* Taggert. It follows, that James

Taggert and John Taggert were two different persons. But why did they give merely the initial letter of the first name? It was written in full on the assessors' list. Why it was not so written in the committee's list, each one can judge for himself. The same omission occurs in regard to the names of J. Carlton and James Carter. On turning to the election lists, we find that one is James Carter and the other *John* Carlton. So in regard to Wesley Rouch and W. Rokes, the same thing occurs; for one is Wesley and the other William. But I will not weary the House by going further through this list. I have said enough to satisfy all that it is unreliable and entitled to no weight in the consideration of this case. But, sir, in the calculation which I have already submitted I deducted all the names in this list from the illegal votes, and still Mr. Wright is elected by a majority of fifty-seven votes.

Mr. Speaker, I have given this case a careful examination. I have been unable to resist the conclusion that the contestant is entitled to his seat; and it does seem to me, that in a case presenting such strong badges of fraud, and such clear evidence of illegal voting, it is due not only to the people of that Congressional district, but to the people of Pennsylvania and of the whole Union, that this House should adopt the report of the committee vacating the seat.

Mr. BARRERE controverted the conclusions of the majority report, returning the election to the people, and maintained that the sitting member was entitled to hold his seat. [This speech will be published in another place, if the MS. sent to Mr. B. is returned.]

Mr. FULLER said: Mr. Speaker, the House have already given me an attentive hearing upon the general merits of this case, and I hoped there would be no occasion to trespass again upon their indulgence further; but the allegations made by the gentleman from Pennsylvania [Mr. Ross] compel me to this necessity. The gentleman declared, as I understood him, in order to prejudice the minds of this House with regard to the character and conduct of Judge Kitchen, that Judge Kitchen had distinctly, positively, and openly admitted, that at a former election, when he was an officer of that former election, he permitted anybody to vote—boys and everybody else—if they were only of a sufficient size; it made no difference from whence they came. I interrupted the gentleman then, and told him he was mistaken. Such was not the evidence, and I defied him to prove the fact. He referred to page 131 of the printed testimony, in order to establish his allegation; it being the evidence of Mr. Smith B. Thompson, and the only evidence on the subject. It does not affirm the allegation of the honorable gentleman.

Judge Kitchen was alleged by the gentleman from Pennsylvania to have been an officer at that previous election. Such is not the fact, and there is no evidence that he was so. Even his witness does not make any such declaration; and again, upon the cross-examination, when asked this same Mr. Thompson "Is not Kitchen a joking man?" he replied, he is. Now, I respectfully ask with what propriety can the gentleman rise in his place, and upon testimony such as this, gravely argue that Judge Kitchen had violated the law at a former election, and then infer that he must have done so at this election? Are light, jocose remarks regarding a former election, to impeach a man's official character, or will you declare him to be a perjured cheat upon such inferences? When was this conversation? More than three years previous to the taking of the testimony of the witness; more than two years before the election here in controversy. Yet conversations thus testified to after this lapse of time, are gravely introduced here, and magnified in order to break down the reputation of an honest man. It is idle—it is *talk*—"it is cramming words into your ears against the stomach of your sense."

Ah! but there was another impression the gentleman attempted to produce upon this House, quite as unfortunate as the other. Just let us look at that. He said a boy by the name of Alexander Cathers had voted, and that there was *testimony* to that effect. And he referred to the testimony of Mr. Reuben Schock, to be found on page twenty of the printed evidence. Reuben Schock swears that Alexander Cathers told him after the election, he had voted, and that he had no right to vote. Why, sir, in the case of Letcher *vs.* Moore, and in every case which has been decided by this House, it has been uniformly ruled that the declarations of men after the election, are not evidence. And the propriety of that decision must be apparent to every intelligent gentleman, certainly to every well-informed lawyer. Congress has said, that if evidence of this character should be admitted, it could be manufactured to order, and to any extent, and no man would be certain of his seat for a single hour. But let us examine this very witness, and see what he says about Alexander Cathers.

He, Reuben Schock, (the witness,) swears, that Alexander Cathers, this alleged illegal voter, whose declarations are treated as evidence, is not to be believed. In the first place, no lawyer having in view legal rules, and established precedents, could regard such declarations as evidence. In the second place, fairness and candor would seem to require of the gentleman introducing them, to state the fact that the declarations themselves were discredited.

He undertook to impeach Thomas Mettler, too, by similar testimony. The chairman of the committee admitted here the other day—I do not think the gentleman heard him, however—that Mettler was an honest man. They produce Mr. Mettler, who is their witness, although the gentleman from Pennsylvania [Mr. Ross] charged distinctly—for I put it down in my notes—that he was our witness. He was not our witness, but theirs; we never called him—they did. They claim that he is an honest man. We admit the fact. What does he say? Here is his testimony. I will refer the gentleman to it, for he evidently has not read this book with much attention, although he assures us he has made a careful examination of the 2,000 names on the assessment and the voters' lists, an example of patient industry not exhibited by any other gentleman, and one very highly to be commended. I will refer the gentleman to the sixth page of the testimony of Captain Thomas Mettler, in order to refresh his recollection. Here it is—and remember that he is their witness, and not ours:

"*Question.* Did you agree to receive any votes, as a member of the board, but such as you thought to be entitled to vote?

"*Answer.* No.

"*Q.* Were the votes read off and in your presence?

"*A.* Yes; before the whole board.

"*Q.* Was it done fairly and accurately?

"*A.* Yes; to the best of my *knowledge and belief.*"

And who is Thomas Mettler? Sixteen of his neighbors came forward and testified that they had known him ten or fifteen years as a resident of Danville, and that he is a man of truth and integrity.

The Bateses, of whom they make complaint, were rejected at this election, and they were objected to by Thomas Mettler, and excluded by the judge, because they were foreigners and had no right to vote; and yet the gentleman says that no votes were rejected, but all were admitted. Here is the positive evidence of Mr. Mettler and the judge, that the Bateses were rejected.

Mr. ROSS. Were not the names of the Bateses recorded upon the list of voters?

Mr. FULLER. Yes, sir; and I will explain that to your entire satisfaction.

Mr. ROSS. Did not Mr. Kitchen state that they were not allowed to vote?

Mr. FULLER. The evidence in regard to Thomas Bates and Richard Bates is that of the judge and inspector, who swear their votes were rejected, and that although they appeared at the window, and called their names, which were entered by the clerk, yet the board rejected their tickets. The evidence of Thomas Mettler, one of the inspectors, who was called as a witness by the contestant, is conclusive on this point.

"*Question.* Were the votes of Thomas Bates and Richard Bates received?

"*Answer.* No, sir."

In reply to a previous question, he states that "they were challenged."

The appearance of these names on the list of voters, doubtless arises from the fact that the clerks, who were sitting back from the window—out of sight of the voters—either misunderstood the judge, or omitted to erase the names after they were rejected. The fact that the number of the names on the voters' list exceeds the number returned as having voted for Congress, justifies this conclusion—there appearing 731 voters on the list, of whom only 691 voted for Representative in Congress.

It is all explained in the minority report. If the gentleman will read all the evidence, he will find a full and satisfactory explanation of that circumstance.

Here is a man who they swear is an honest man, who is produced by them, and swears, not as our witness, but as theirs, that it was all conducted fairly and honestly. Will you believe their own witness?

Mr. ROSS. You have omitted a part of the testimony.

Mr. FULLER. Will the gentleman show me what I omitted which he regards material, and I will read the whole for him if he desires it.

Mr. ROSS continued, reading from the testimony—

"*Question.* On the day of the general election, was your attention directed, or did you take notice of those who came to vote?

"*Answer.* No, sir, I did not.

"*Q.* Was it at the time the Bateses came to vote that you made the remark about being sworn back?

"*A.* I cannot say whether it was at that time or not; a dispute arose, and I said they must hold the election honestly."

Mr. FULLER. This is all susceptible of the easiest and simplest explanation. The election was held in the court-house; the voters were outside; the election-board within. Judge Kitchen stood at the window and received the tickets from the voters. Mr. Mettler stood back and was engaged in distributing the tickets and putting them in the several ballot-boxes prepared for the occasion. From his position in the room he could not notice who came to vote as they came to vote; but, of course, he heard their names as they were called by the judge, announced to and registered by the clerks.

At this election there were sixteen different candidates voted for, all on separate pieces of paper, and all to be deposited in different boxes, for the people had not only the State officers to vote for, but for their entire county organization besides. At so heavy a poll, the officers were of course kept constantly occupied, and, at times, required some assistance. Now, because Mettler remarked during the progress of the election, that they must hold the election honestly, therefore the gentleman infers it was held dishonestly. Because Mettler said, on his examination as their witness, that if he had stood at the window he would have had some *fun*, therefore there must have been something wrong. Well, some men will draw strange conclusions. It comes with a very bad grace from them, however, to attempt to impeach their own witness.

There is another point to which I wish to allude. The gentleman gravely, distinctly, and positively alleged that a Mr. Garrison had been elected inspector and declined, for the purpose of concocting fraud—that he declined, and was then engaged in bringing up illegal voters from the rolling-mill. Now, it so happens (but the gentleman did not know it, of course—he did not read so far) that in the borough of Danville, as the evidence discloses, there is a Cornelius Garrison, the elected inspector, and there is a Theodore Garrison, who was a clerk in the rolling-mill store, and a very worthy young man he is; and he it was who committed all these *terrible frauds* of which the gentleman complains, and not Cornelius Garrison, the elected inspector. They are two entirely distinct persons. The gentleman did not discover that, of course. I commend him to some examination of the evidence, before he charges honest men with "*concocting* a fraud." I do not charge him with any intentional misrepresentation; but the truth is, that he does not correctly understand the facts. Cornelius Garrison is called as a witness, and he swears that he was elected inspector, but declined because it was impossible for him to attend, and Thomas Mettler, their witness, was legally substituted. Again, he says it is proved that forty-one unnaturalized foreigners voted at that election,

which are undisputed. The gentleman again betrays the fact that he has not read, or does not remember the evidence. If he had looked to the minority report he would have found the following statement of facts:

"The testimony taken shows that at the first examination on the part of the contestant, (being the only examination which the sitting member had an opportunity to rebut,) twenty only of these certificates were produced, and of that number are as follows:

"Thomas Woods, John Woods, William Owens, Peter Kline, James Roland, Thomas Lloyd, Joseph Richards, Thomas Lewis, Thomas Bates, and Richard Bates—10.

"The sitting member produces evidence, showing that at the time of the election there were residents in the borough of Danville, three Thomas Woods, and only two of them voting; two John Woods, two William Owens, two Peter Klines, two James Rolands, three Thomas Lloyds, five Thomas Lewises, and only one of each name voting. (See evidence of Thomas Woods, Thomas Lloyd, John Woods, Lewis O. Van Allen, Charles Cook, the assessment list, and list of voters.")

The Bateses have already been accounted for. And yet he rises in his place, and in the face of the evidence, and in the face of this report, declares that the forty-one names are undisputed. In candor, he should acknowledge his error.

Mr. MEADE. I wish the gentleman from Pennsylvania would give the House an explanation of the testimony of Mr. Henry Vanderlin, found upon page 154, and that of Reuben Schock. I find that these two witnesses, who corroborate each other's statement to a certain extent, have testified that Thomas Mettler, one of the officers of the election, admitted that votes given to Colonel Wright were torn up by the judges, and that they were guilty of other malpractices.

Mr. FULLER. I will explain, and it affords me pleasure to do so; for I know the honorable gentleman from Virginia desires to treat this case fairly. After the testimony of Mr. Mettler had been taken by the contestant, whose witness he was, an attempt is made on the part of the contestant to destroy his character. Of course every lawyer understands that it was incompetent for him to impeach his own witness. But we are disposed to waive all that, and to have Mr. Mettler judged by his own action, his own evidence, and his established character. He himself swears, as their witness, to the honest conduct of the election. During the progress of the investigation, while the commissioners were in session taking the testimony, there was considerable excitement and much conversation among the people of Danville. Mettler and his associates of the election-board had been charged with all sorts of malpractice. He is a joking, fun-loving man, and in reply to various inquiries—*bar-room* inquiries, as was testified to—would say, "Well, boys, it was not done exactly right. There is no kind of doubt but they threw out Wright's tickets; they found he was getting too many of 'em. I would not stand it. they turned me back, so that they could do it, you see. But I can't tell you, boys, how many. I hope, as we didn't do right, you will." Such is the substance of the declarations of Mettler; and they were jokes, and bar-room jokes; and even those who testify to them say that he is a joking man. Now, you must recollect that these were witnesses of the contestant, and that they came there influenced by feelings in his favor; and they gave this testimony as witnesses naturally will influenced by such motives, and colored with their own prejudices. The gentleman is a lawyer himself, and he understands how testimony not of facts, but of conversations, are often distorted, and how easily false impressions may be founded upon them. The committee attached no importance to these declarations. They were regarded as jokes; and if the gentleman will read the whole testimony in connection with the conversations, he will understand the character of the man, will appreciate the feeling of the witnesses, and thus be satisfied that these conversations were mere idle talk—*vox et præterea nihil*. It was doubtless this idle joking—this kind of random talk, and nothing else, which first excited the suspicions of the contestant—which first induced him to embark in this business, and he seizes on them now in order to fasten suspicion upon this election. The gentleman from Pennsylvania made another very great mistake. He declared distinctly, as I understood him, that Jacob Dietrick had sworn that his brother David voted at this Danville poll, when he had not been in the country two years. He said that his brother had testified that he had voted. I will read his testimony:

"*Question.* Was your brother David living in Danville borough at the time of the last October election?

"*Answer.* Yes.

"Q. How many years has he been in the United States?

"*A.* Next fall it was two years; it was one last October.

Cross-examined.—"Q. Where is your brother now?

"*A.* He is in town.

"Q. How long have you been in the country?

"*A.* The twelfth of June next will be six years.

"Q. Do you live in Danville?

"*A.* Yes."

That is the testimony of Jacob Dietrick. He does not swear to any voting whatever. The gentleman misunderstood the evidence entirely, or he certainly would not have stated what was not the evidence of Jacob Dietrick. I refer him to the testimony in order to satisfy him upon that point. I am sure the honorable gentleman does not knowingly misstate the *facts*, but he is evidently laboring under false impressions in regard to them.

Again: my colleague stated that it was proven that two boatmen had voted at this poll who were from the adjoining county; and again is he entirely mistaken. There is evidence to this effect: A man of the name of Antrim, who keeps a grocery on the canal, was produced by the contestant, and swears that after the election, two men, Noah Owens and William Young, came into his grocery, saying they had voted at Danville courthouse, and that they lived in Luzerne county. But the gentleman did not read far enough with regard to those men. We produced William Young himself—the only William Young on the list of voters—(the man testified to as having lived in Luzerne county)—and he swears that he was born in Danville and never lived anywhere else, and that he voted there; and he is the only William Young who did vote.

I understood the gentleman to say that he does not care anything about the report of the committee. Such would seem to be the fact, for they never allude to this matter of the two boatmen, because they discovered, upon a full examination of all the evidence, that the testimony of Antrim was untrue. But the gentleman goes behind the report of the committee and behind the record, and now discovers and reports as facts what neither the committee nor anybody else discovered or claimed to be facts before. The other boatman was Noah Owens. Well, we produced a witness, Mr. M. S. Ridgway, who swore that Noah Owens lived with him in the borough of Danville at the time of the election, and was a voter there, and there is but one Noah Owens on the list of voters. This testimony satisfied the committee; and yet, because this man, Daniel Antrim, swears that two men of the same name *said* they had voted who said they *lived* in an adjoining county, notwithstanding we produce the most conclusive testimony—satisfying the committee and even the contestant himself—yet the gentleman from Pennsylvania insists upon it, and wishes to make that the ground of suspicion and of fraud. The gentleman relies upon detached portions of the testimony. His vision does not embrace the whole. Now I submit whether, when the committee had this matter under consideration, they disregarded all this evidence to which the gentleman has alluded—when it was abandoned by the contestant himself—whether he can be right and the committee wrong?

Mr. ROSS. Do I understand the gentleman to say that it is proved by the evidence that this boatman, William Young, belonged to the borough of Danville?

Mr. FULLER. I said that one William Young, voted at that poll, and that there was but one William Young on the list of voters. We produced that William Young and he swore that he was born in the borough of Danville, had always lived there, and was entitled to vote there.

Mr. ROSS. Does the gentleman mean to say say that the testimony does not show that another William Young, not a resident in the borough of Danville, voted at that poll?

Mr. FULLER. I do. I said that a man of the name of Daniel Antrim swore that a man of the name of William Young came into his grocery after the poll closed on the day of the election, and said that he lived in Luzerne county, and had voted at the court-house. But looking at the list of voters, we find but one William Young, and that William Young we produce and prove to be a qualified elector.

Mr. ROSS. Does not the witness Antrim say expressly, that the William Young to whom he alludes as having voted at that poll, was not the William Young residing in the borough of Danville, but was a William Young who lived in Luzerne county?

Mr. FULLER. He does not so swear. He does not so swear that this man voted at all, but that he said he voted. All the differences in the matter of the names of the voters growing out of the comparison of the assessors, with the voters' list can also be as satisfactorily explained.

FRIDAY, *July* 2, 1852.

Mr. ASHE, as chairman of the Committee on Elections, being entitled to the floor, to close the debate, said:

Mr. SPEAKER: When I finished my remarks on Thursday last, it was not my intention to address the House again upon this subject; but I am induced to do so in order to clear the committee, or rather the majority of the committee, who made the report in this case, from some aspersions which have been cast upon them. The honorable member from Georgia, [Mr. TOOMBS,] in assailing the committee in making this report, made grave charges against it, that I, as its chairman, feel it my duty to repel. Of course, Mr. Speaker, I do not object to any of the terms which the honorable gentleman used in reference to this report, and which now have escaped my mind; and as I have not had the pleasure of seeing his speech in print, I therefore will say nothing about them. Besides, it is a matter of perfect indifference to me whether, in the expression of his opinion, he preferred in selecting his terms of denouncement to descend to the purlieus of the kitchen or to ascend to the parlor.

The honorable gentleman from Georgia, in his remarks, accused the majority of the committee, in the first place, of taking a position which was inconsistent with that taken in the case of Little *vs.* Robbins, reported here at the last Congress, and acted upon by the House. If the gentleman had read the report of the majority, he would have found that his charge was unfounded, and that so far from making an inconsistent report—so far from making a report which did not carry out the views and acknowledged force of that report, they adopted the opinion of Judge King respecting the qualifications of voters, and particularly assert, that under the Pennsylvania election laws, there may be a class of legal voters whose names do not appear upon the list of registration, or upon the tax or assessment list. Now, sir, in the case of Little *vs.* Robbins, there is but one reference to this point, which reads in the following manner:

"In addition to this, as we have already stated, the assessors' list is incomplete. Under the laws of Pennsylvania, persons are entitled to vote whose names are not on that list, if they have been residents of the State one year, and ten days immediately preceding the election in the district, and have paid within two years a State or county tax, assessed at least ten days before the election. Citizens of the United States who are between the ages of twenty-one and twenty-two, who have resided within the State one year, and within the district ten days, although they have not been assessed or paid taxes, are entitled to vote, and their names are not on the list."

In the report of the majority criticised so severely by the honorable gentleman from Georgia, there is the same law set out, not, indeed, in the language of Judge Strong, who was the author of that report, but in the language of Judge King, who gave this opinion in the highest court in the State of Pennsylvania, before which this case could come, in which he uses the following language:

"But another class of applicants to vote may present themselves, viz: persons who are not to be found on the official or alphabetical list of the white freemen and qualified electors in the possession of the inspectors."

So far from any inconsistency between the report made in this case and that portion of the report made two years ago, in the case of Little *vs.* Robbins, there is a perfect agreement and consistency. But the honorable gentleman further accused the majority of the committee with quoting the decision of Judge King in the case of Boileau, with only stating a contra-judicial opinion, and not giving to the House the ultimate decision. From my reading of the opinion of Judge King,

and comparing it with the report, I am induced to believe that the honorable gentleman either had not read the report which he was quoting, or, if he had read it, he misapprehended its meaning. The charge preferred is, that the committee suppressed the decision. The majority of the committee, in making the report, did not pretend to treat the opinion quoted as binding upon this House, but merely stated it as an exposition of the law of the State of Pennsylvania, and the law which the Constitution of the United States, with all due deference to the honorable gentleman's opinion to the contrary, makes it obligatory upon this House, adjudicating upon the qualifications of its members. This is a case where, in the course of the election, one of the clerks became inebriated and unfit to discharge his duty. He had to resign, and another was appointed, who acted without the solemnity of an oath; and without there being any charge of fraud or illegality in the conduct of the election, alleged or charged, without there being any violation of the law, except the mere fact of that clerk not being sworn, Judge King refused to set the election aside. The honorable gentleman complained that the majority of the committee did not state that fact.

Now, let us see what that report does state, and if his charge agrees at all with the words of the report.

Mr. TOOMBS. If the gentleman will allow me, I will correct him. My point upon that was this: that the case which you stated did not sustain the point made; not that you did not state the point correctly from the report, but that none of the points you made were sustained by Judge King in his decision. That was my position.

Mr. ASHE. I certainly misapprehended the gentleman, and not having the benefit of any publication of his speech, I may be in error; and I hope I may be, because I thought it was very uncourteous and ungenerous in the gentleman to make such a charge.

Mr. TOOMBS. I can hand you the reporter's notes uncorrected; but that is the precise point I made.

Mr. ASHE. It is all right. I misunderstood you; sir, that is all. I felt satisfied, Mr. Speaker, that I, in this case, endeavored to do full justice between the parties; and, notwithstanding the honorable gentleman several times charged the majority of the committee with making a partisan report, and sacrificing the justice of the case to the indulgence of party feeling, as I said when I first opened the debate upon this subject, I endeavored to drive from my bosom—to exorcise the demon of party, and to give it a fair and full consideration. I was, indeed, then much surprised at the earnestness with which the gentleman made the charge against the committee.

Now, if the gentleman had listened to the speech of the sitting member, who exonerated the majority of the committee from all indulgence in party feeling, or, if he had listened to the speech of the gentleman from Massachusetts, [Mr. DAVIS,] who is, I believe, the author of the minority report, he would have found that each of those gentlemen disclaimed the imputation which he, with such force and emphasis, cast upon the majority of the committe. I know, Mr. Chairman, it is very difficult for persons who are party men always to free themselves from improper feelings; but I think I am as exempt from party influences as the gentleman from Georgia, and I think that my declarations to the fact that I was so exempt is entitled to as much credence before the House as those made by the gentleman that he was entirely exempt from the like frailty. How stands the record between the gentleman and myself respecting this case, notwithstanding that he had not read the report until that day, as he stated? Notwithstanding that he never looked into the evidence at all, except that referred to in the report; yet, sir, for three weeks, during which time the majority were pressing the House to take this case up, four or five times the honorable gentleman uniformly voted to postpone it, acting with the whole Whig party voting that way, against the majority of the Democratic party, anxious to take it up. But I have said before, sir, I will not further criticise that speech, because I have it not before me; but I thought his charge against the committee was highly ungenerous and uncourteous, and may have misapprehended him in his remarks.

The honorable gentleman alluded to the report, and alleged that it was not sanctioned by the precedents of this House. Now, sir, in order to settle that point, I have selected the decisions of this House in contested-election cases, from the year 1790 down to the present time, and I shall be very much surprised if any unprejudiced man in this House will say that the report of the majority of the committee is not sustained by the authority of precedents established by this House.

The first case of contested election was from the gentleman's own State—the State of Georgia, as far back as 1791. In that case—Jackson *vs.* Wayne—the House decided, that as the law of Georgia requires that three *magistrates* should preside at elections, a return by three *persons*, two of whom were not magistrates, was defective. "In 'Georgia, if it appear on a comparison of the return 'with the tax lists, that more votes are given than 'there are qualified voters, the fact will be regarded 'as evidence of corruption, and the return set 'aside." That case was decided in 1792, and the resolution then adopted by the House is similar to that we recommend. Here it is: "*Resolved*, That the seat of Anthony Wayne, as a member of this House, is vacant." Why? Because of the irregularity in the conduct of the officers; because they received the votes of persons whose names were not on the tax-lists. That is the first case in point, and which, I think, sustains the committee.

The next case was from North Carolina, from the district now represented by my honorable friend, Mr. DOCKERY—the case of McFarland *vs.* Purviance. In that case, the House decided that, "the neglect or refusal of the inspectors or clerks 'of elections, to comply with the requisitions of 'the election laws of the State, as to taking the 'oaths prescribed, &c., vitiates the election." I think that case is clear and explicit. Here was irregularity in the officers of election in not having taken the necessary oaths, and that irregularity was declared to vitiate the election. That case was decided in 1804.

The next case is that of Easton *vs.* Scott, which I commented on, on Thursday, and in which it was decided, that if "votes are required by law 'to be given by ballot, *viva voce* votes ought not 'to be received," and that "if an election is required by law to be held by *three* judges, who 'are to be sworn, and it is held by *two* not sworn, 'their proceedings are irregular, and the votes 'taken by them are to be rejected."

In this case it was properly decided, that where the votes are regular and legal, but the conduct of the officers of election is irregular, the votes are to be rejected. Is not that a case in point? The committee in that case reported that the sitting member should retain his seat. The House overruled that report, and declared the seat to be vavant on account of the irregularity of the officers in conducting the election.

The next case is that of McFarland *vs.* Culpepper, decided by the House in 1807. The principle here decided is, that "the neglect of returning 'officers to be sworn, where the law requires them 'to act under oath, will vitiate all returns made by 'them." In this case, the returns in three out of five counties in the district being defective, the committee also, not being altogether satisfied with the formality in the other two, declared in favor of a new election; and in this opinion the House concurred.

Now, sir, it is by the authority of that case and the case of Easton *vs.* Scott, that the committee justify their report and the resolution which they have adopted. The resolution, so far from being any out of the way or irregular, has been established and approved by almost every decision made by Congress on the subject.

But, sir, while I am examining this case of McFarland *vs.* Culpepper, I will point out to the House the remarkable similarity in the circumstances of that case, and the case now before us. There was not only the same irregularity in the conduct of the officers at a particular poll, which was declared sufficient to set aside and make defective the votes at that poll, but there were great complaints made in other parts of the district of irregularities. If gentlemen will turn to the report of the minority in this case, they will find that independent of the irregularities complained of by the contestant at the Danville precinct, the sitting member asserts, and by reference to documents undertakes to prove, that there were other portions of the district in which the election officers acted irregularly. If this is so, is not this House bound, in justice to its own character, to return the election back to the people, and let them make a correct, fair, and full return?

But to return to the precedents. The next case which I bring to the notice of the House is that of Draper *vs.* Johnston, from the State of Virginia. In that case the House decided that "the neglect of 'election officers to take the oath required by law, 'will vitiate the poll for the county or precinct in 'which such officer acts. Where such oath is required, it will be presumed to have been taken, 'unless the contrary appears."

What was the resolution which the committee adopted in that case? The resolution reads in this way:

"*Resolved*, That the seat of Charles C. Johnston, the sitting member from the Congressional district in Virginia composed of the counties of Russell, Scott, Wythe, Lee, Tazewell, Grayson, and Washington, be vacated for irregularities in the election; and that the Speaker of the House transmit to the Executive of Virginia a copy of this resolution, to the end that a new election may be ordered."

Now, sir, it requires a very nice and critical discernment to draw any substantial difference between that resolution and the one reported by the majority of the committee, and which has met with such denouncement at the hands of the gentleman from Georgia.

Mr. Speaker, I will not take up the time of the House by referring to the intermediate cases which I have noted down, but will come down at once to the action of the last Congress. During the last Congress we had a contested case from the State of Iowa—Miller *vs.* Thompson, and the great complaint then was, that a number of voters voted in that district who lived out of the district. The majority of the Committee on Elections reported that the contestant should have his seat. The House overruled that report, and declared the seat vacant. Why? For irregularity in voting. There was a complaint that in a certain township, occupied principally by Mormons, there were some six or seven hundred votes polled by persons who did not live in the district where the laws of Iowa prescribed that they should vote. The House decided that for that reason the election should be sent back to the people.

I hope, sir, that the reference to these decisions, made at different times, from 1791 down to the present time, will satisfy the House that there is nothing unusual, or extraordinary in the report of the committee, or in the resolution recommended, as the eloquent gentleman from Georgia would induce us to believe.

Having thus disposed of these points, I wish to say a few words respecting the argument, and they will be a mere recapitulation of what has already been said, because the honorable gentlemen who have addressed the House have left nothing new to be said by me.

I desire to reduce this case, if possible, into a nut-shell. The contestant avers that there was gross irregularity of conduct on the part of the election board at the Danville precinct, and that in consequence of that irregular conduct, there was a sufficient number of illegal votes received to change the result of the election. It will be for the House to determine the two points—whether there was the irregularity there which has been complained of, and, if so, whether the number of illegal votes received was sufficient to change the result of the election. If those two points are made satisfactorily to appear, it seems to me that if the House consults its own reputation, if they have any regard for the free and incorrupt expression of opinion on the part of the people, they have but one alternative left, and that is, to return this election to the people for a second determination.

Now, sir, immediately after the board of election at this Danville precinct was organized and went to work, what do we find? We find a change of positions between the officers. The majority of the committee in their report assert that they believe that change of position was intended to shift the responsibility of the oaths, and that it was a mere device to cloak a fraud. Is

that charge unsupported by evidence? On the contrary, does not the declaration of Mettler, one of the inspectors, prove conclusively that they would not allow him to remain at the window, because, forsooth, he was too honest to yield his conscience up to their dictation, and because he would reject votes which they desired to receive? Do not his declarations particularly state that there was illegal voting—voting contrary to the election laws of Pennsylvania, and that they wanted FULLER elected so damned bad that they allowed all to vote who came to the window to vote? This declaration is established and proven by two other witnesses—independent of his own acknowledgment.

Now, sir, when these illegal votes, which are proven to have been given, are taken in connection with the declarations that he was made to change his position—made to leave the window, in order that he might not object to votes, will any unprejudiced, unbiased mind say there was no fraud committed at this precinct? But the complaint is made, that we ought not to receive, or that it was improper to receive, the declarations of one of the officers of this election, because, forsooth, he was a witness, called and introduced by the contestant; and being his witness, he could not introduce declarations made by him to invalidate and destroy his testimony. There is one wrong which was practiced here by the officers of this election, to cover and conceal frauds, which consisted in opposing the execution of the process. But, sir, if you go to the common law, and ransack its antiquated and obsolete opinions, in order still further to stifle investigation, how is it possible for this House ever to obtain evidence sufficient to convict election boards of corruption?

Now, sir, I maintain that the declarations of this Mettler are not only pertinent, but I maintain, and I repeat it, in the language of the report, that it affords *overwhelming* evidence, notwithstanding the sneers of the gentleman from Georgia, [Mr. TOOMBS,] that there was corruption here. Of course we did not spread all this evidence out in our report; and why? Because if we had, there would be no necessity for printing the evidence separately. We thought that gentlemen, searching after the truth in this matter, would look into the evidence before they made up their opinions in relation to it. And it was for that reason that we only referred to the evidence in our report, and did not give it in full.

But, furthermore, the same witness, Mettler, says, in his testimony, that there could not be more than five hundred legal votes polled in that precinct. He had been an assessor and an officer at the elections in that precinct for many years, and he knew that it was so; yet how many do we find polled at this election? Seven hundred and thirty-two; although, as I said before, there were not so many by two hundred at the election immediately preceding, or at that following, which would give us a number of legal votes corresponding with Mettler's opinion. I speak of legal votes, and not that squad of foreigners belonging to the iron manufactories established in this place, and who were driven up to vote like so many cattle, without even knowing the nature of voting—without knowing anything of the character of the privilege they were exercising. I say, these declarations of Mettler are entirely in accordance with the fact that at those different elections there was a discrepancy between the number of votes then polled and the number polled at this time, by nearly two hundred.

But, sir, what are legal, and what are illegal votes under the laws of Pennsylvania? for I take it for granted that this House is still willing to look at the laws of Pennsylvania as prescribing the qualifications of voters. I take it for granted that they are not willing, in the very face of the Constitution, to arrogate to themselves the power of saying who shall or who shall not be a voter in a Congressional election. I take it for granted that they are still willing to give the second section of the first article of the Constitution a free and unrestricted interpretation, and to make the laws of the State respecting the qualifications of voters its rule of action. Now, sir, what are the qualifications of legal voters in Pennsylvania? The election laws of that State not merely prescribe definitely, certainly, and most positively the qualifications of voters, but they also impose upon the election boards certain duties which they are required to perform, and which the precedents established by this House in the cases already referred to also require they should observe; if these prescriptions, as contained in the Pennsylvania election laws, have not been observed in this case; and if precedents avail at all as authority with this House by which to guide its action, then, for the *mere non-observance of these prescriptions*, we should be justified in sending the election back to the people.

The tenth election case which I have here upon my list, was referred back to the people merely for irregularity in not observing like prescriptions. I know it may be said, as the honorable gentleman from Georgia [Mr. TOOMBS] said, that a State has no right to disfranchise its own citizens. Sir, this is a good *ad captandum* argument, but when addressed to the legal and constitutional discretion of this House, it should meet with no favor. We have only to look to State regulations, and we cannot look behind them. Some States vote by ballot. But suppose votes are given in a different manner, say *viva voce*? That is a mere prescription how the vote is to be deposited; yet such votes would be declared illegal. Other States again prescribe that the voters shall be possessed of a certain amount of land or other property, as was the case in Virginia under her old constitution. But the House decided that those not possessing the amount of land or property required by the Virginia laws were not entitled to vote. Thus we have but to know the mode of voting, and the qualifications required for voting by the laws of Pennsylvania, to govern our action in this case. They prescribe the mode and manner for casting votes. It is laid down in the constitution of the State, and there is but one rule for us to pursue, which is, to say that that mode and manner shall be observed.

But suppose these prescriptions by the different Legislatures of the different States, are merely directory; and, being *merely directory*, as that term is so much harped upon, this House can disregard them at their pleasure—can look behind them and set them aside. Taking all that for granted, let us see if there are not other directions in the law which give us the qualifications for voters. Now, in order that I might make myself fully intelligible in the report, I would not undertake to analyze the Pennsylvania laws myself, but I referred to the highest courts before whom these questions would come, and adopted their decisions, and according to their decisions and their declarations of what is the constitution of Pennsylvania, we have no right to set aside. In regard to the qualifications of electors, it says:

"Qualified voters at such elections are: first, white freemen, residents in the State one year, and in the district where they offer their votes ten days immediately preceding the election, and who shall, within two years, have paid a State or county tax, which shall have been assessed at least ten days before such election; second, white freemen between the ages of twenty-one and twenty-two years, having resided as aforesaid in the State and district, although they may not have paid any tax.

"But another class of applicants to vote may present themselves, viz: persons who are not to be found on the official or alphabetical list of the white freemen and qualified electors in the possession of the inspectors. What is required of the inspectors under such circumstances? The answer to this inquiry is found in the sixty-sixth section of the act of Assembly regulating elections. This section declares that 'in all cases where the name of the person claiming to vote is *not found* on the list furnished by the commissioners, or his right to vote, whether found thereon or not, is objected to by any qualified citizen, it shall be the *duty* of the inspectors to examine such person, on oath, as to his qualifications; and if he claims to have resided within the State for one year or more, his oath shall be sufficient proof thereof, *but* he shall make proof by at least one competent witness, *who shall be a qualified elector*, that he has resided in the district for more than ten days next immediately preceding said election, and shall also himself swear that his *bona fide* residence, in pursuance of his lawful calling, is within the district, and that he did not move into said district for the purpose of voting therein.'"

Now, Mr. Speaker, here is the express decision in regard to the individual who shall have the right of voting in Pennsylvania. His name must be found upon the assessor's list, unless, perchance, it is included in the exceptions. And what are the exceptions? Persons under age, persons who have been absent from the State, and have returned soon enough to have paid a county tax within ten days of the time for holding an election. These, and no other persons, according to the law of Pennsylvania, have the right to vote without being properly assessed. That is the law. It has been so decided by the supreme court; and we are either to set that law aside, or we are to rule out the eighty-three illegal voters, whose names are found upon the poll, but not upon the assessor's list.

Now, sir, if they fall within the exceptions, if they can vote for any of the other reasons mentioned in the act which I have read, it is incumbent upon them to qualify themselves, and the burden of proving that these persons have no right to vote should not be imposed upon the contestant, although he endeavored to prove the fact, and failed only to do so in consequence of the machinations of those who were guilty of the vilest frauds that I have known to be perpetrated upon the elective franchise.

But it has been said, and many members of the House labor under the impression, that because we do not prove directly and positively, that the sitting member received these illegal votes, that therefore, we should not set the election aside.

Now, sir, if upon that point the House will look to the report of the committee, and to the evidence, they will find that there were seven hundren and thirty-one votes polled at that election, and that there were six hundred and ninety-one of these votes polled for Congress, making a difference of forty votes between the votes polled at the general election, and the votes polled for Congress. If I can show that of these six hundred and ninety-one votes which were polled for Congress, there were one hundred and sixty-five of them which, according to the laws of Pennsylvania, had no right to be cast; and if I can prove that the contestant received, of that number so polled, but thirty-two, which were proved incontestably to be legal, the conclusion is irresistible that the sitting member must have received the balance. Now, there were forty-one persons who voted there, who were aliens. That is undeniable, because their papers are produced here, showing that they were not entitled to the right of elective franchise.

Then again, sir, there were eighty-three persons whose names were not upon the assessment list, and the *onus probandi* of their having a right to vote devolved upon the sitting member. *Prima facie*, they were not entitled to vote, and if they brought themselves within any of the exceptions recognized by the laws and constitution of Pennsylvania, it was the duty of the sitting member, and of his friends, so to prove it to this House, more especially as they had combined to prevent the contestant from proving the fact. In addition to that, sir, there were thirty-nine persons who voted that day upon age, without taking the oath required by the laws of the State of Pennsylvania. Taking from that one hundred and sixty-three illegal votes received on that day, the forty votes—the difference between the general election, and at the Congressional poll, and you leave one hundred and twenty-three illegal votes which were received by one of the candidates for Congress. They were not received by the contestant, because he received but thirty-two according to their own returns, and each one of them, he proves by the testimony of the voters themselves, was a good and legal vote. Now, as the official majority of the sitting member was only fifty-nine, and he received more than double that number of *illegal votes*, we should not hesitate to set the election aside.

I have already made some remarks about the resolution reported by the committee in this case. The committee could not have reported an unqualified resolution, allowing the contestant his seat, for the reason that, independent of the illegal and irregular conduct practiced by the elective board at this particular precinct, there were other precincts in the district where the sitting member alleges the officers of the election acted without being under the solemnity of an oath, where the contestant had a considerable majority of votes. The form of the oath was objected to. I did not yield to the objection any great weight, placed no reliance upon it, but as it was strongly urged by the sitting member, it struck us as comporting with the justice of the case, inasmuch as there was fraud practiced at Danville, and in consequence of those frauds there was much illegality

of voting, and inasmuch as throughout the other portion of the district the sitting member complained of gross irregularity, that we had only one course to pursue, which was to declare the seat vacant.

Now, in conclusion, Mr. Speaker, I will merely remark, that this is a case depending entirely upon the proper construction to be placed upon the constitution of Pennsylvania, and the laws made in pursuance of that constitution.

The majority of the committee have referred to and adopted the decisions of the highest court in Pennsylvania, before which cases of this nature come for adjudication, as their rule of action. These decisions sustain entirely the committee in setting aside the election, for the improper manner in which it was conducted. In the case of Boileau, referred to and discussed so frequently, the judge says particularly, that where there is any violation of law, they would not hesitate to set the election aside. He also says, that where there is any bribery or any contrivance to operate against the elective law, to perpetrate or cover a fraud, the court will not hesitate to set it aside.

But, sir, the committee have gone further. They have looked into the decisions made in the State of Pennsylvania, and I defy gentlemen to produce a single case where the law has been violated, and where a charge of fraud has been made in consequence of such violation, which the court of Pennsylvania has not declared to be void, and which it has not set aside.

Independent of this, the committee have consulted and brought before this House the various cases which have been acted upon and established as precedents by this House, and they all concur in sustaining the report of the committee. What more could we do, sir? We have done what we thought we were required to do by a high sense of duty; and if we have failed in the performance of that duty, it cannot be attributed to an indifference, or neglect upon our part; but it must be attributed to a misapprehension of what we considered to be the plain, clear, and intelligible meaning to be placed upon the constitution of the State of Pennsylvania, and the laws made in pursuance of that constitution.

THE COMPROMISE MEASURES—THE FUGITIVE SLAVE LAW.

SPEECH OF HON. J. R. GIDDINGS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

March 16, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union on the deficiency bill—

Mr. GIDDINGS said:

Mr. CHAIRMAN: For the manner in which these political questions are now precipitated upon the House I feel no responsibility. From the commencement of our session I have endeavored, so far as able, to guide the business of this body in the regular and appropriate channels marked out by our predecessors in the earlier and better days of the Republic. I endeavored, by all the influence I could command, to take up the President's message in the first months of the session. On examining that document, all parties could have brought forward their views. I will also add that I regretted to hear the gentleman from Georgia, who has just taken his seat, [Mr. HILLYER,] boast in this Hall of the price of human flesh at the South. It appeared to me that this was not the place for such declarations.

As to the ridicule he saw fit to pour out upon the laws of Massachusetts, I shall leave the members of that State to answer it. Where are her sons, to resent, in a burning manner, this indignity offered to her people—to the sons of those who met the foes of freedom in the din of battle at Bunker's Hill? I am sure her patriotism did not die with that venerable man who expired in yonder seat, [pointing to the seat formerly occupied by Mr. John Quincy Adams,] and whose memory is now cherished by all who love justice and venerate virtue.

Sir, on the morning of the first day of this session, one of the great political parties of this body in caucus assembled, resolved to sustain the compromise measures of the late Congress. The other, assembled in like manner, laid similar resolutions on the table. The support of these measures was a subject of agitation and discussion before we had proceeded so far as even to ballot for a Speaker; and few days of the entire session has passed in which a portion of the time has not been occupied by such agitation.

The compromise I understand to consist of a series of laws, enacted by the late Congress, consisting: First, of the law which admits California as a State. The object of that bill being accomplished, no attempt to disturb it will of course be made. Secondly, that which defines the boundaries of Texas. This, too, has accomplished its object, and is, therefore, settled, and no longer a subject of controversy. The others, establishing governments in our Territories, that excluding the slave-breeders of the States of Maryland and Virginia from the slave markets of this District, and that for the recapture of fugitive slaves, are in operation—subject, like other statutes, to modification or repeal. But it is said that all questions of slavery were settled by the passage of these laws; that they are to operate as a final *quietus* of the whole slavery agitation. These ideas were not advanced in this body at the time those bills were passed. Indeed, if my recollection be correct, there was no discussion upon the passage of the fugitive law, or the laws establishing governments in Utah and New Mexico. They were passed under the previous question without examination. Few members of that Congress, I think, entertained the absurd notion that their action could bind the action of gentlemen now present. Few members from the free States who voted for these measures, have survived the storm of popular indignation brought upon themselves by the passage of those laws. Their successors were sent here for the very purpose of repealing these enactments; and I am of opinion that it will require strong argument to convince them that the reprehensible conduct of their predecessors is to control and govern this Congress.

I am aware that men in high official stations have announced to the country that the slave questions are settled; that all agitation has ceased. But what are the facts? We see and know that discussion has increased, and extended more rapidly, since the enactment of those laws, than at any former period.

Our elections are very generally made to depend on the slave question. It has placed new and able members in the Senate, and it has driven others into retirement. It has occasioned great changes in this body. Where now are the Northern members who advocated these compromise measures? Gone, sir, most of them, to that land of political forgetfulness from which they will never return. What questions entered into the late contest in New Hampshire? What were the issues in Massachusetts at her late autumnal election? What has occasioned the political revolution in Ohio? These elections turned upon the question of slavery. And while on this point, I would ask what has blasted and withered the last political hopes of the present Secretary of State? Every man knows that it is this very question of slavery. While he has been writing letters and making speeches to demonstrate that the slave agitation had ceased, it was operating in the popular mind, was silently stealing his political breath, and has now pronounced the sentence of death to his political hopes. In most of our elections for State and county officers, it is rapidly becoming the principal disturbing element. The people in some portions of the country will not confide in those who are the advocates of freedom, in other parts they will confide in no other.

The institution of slavery has increased its victims, in sixty years from six hundred thousand to *three millions*.

The slave States early finding themselves unable to hold their bondmen in subjection, called on the Federal Government to assist them in recovering their fugitives from their neighbors, the Indians. Without discussion, or, so far as we know, without objection, the Executive power then, as usual, in slaveholding hands, effected a treaty providing for the return of fugitive slaves to their masters. This constituted a precedent. Another similar treaty followed. The Indians failed to live up to their stipulations. The sending of their fellowmen back to chains and bondage was a barbarity at which they revolted. At length the first Seminole war ensued. Then the second; and untold millions of the people's money ware squandered in returning them to bondage.

Slavery and the slave trade in this District was established early in the present century, and in a few years thereafter, Congress established the coast-wise slave trade. As the institution increased, more slave territory was demanded. Louisiana was purchased; then Florida. Texas was annexed. War with Mexico followed, and vast territory was acquired. Three million slaves could not be held in bondage by the power of the slave States. We were called on to permit the institution to be extended into our Territories; we did so. To give free territory to Texas; and we did it. To pay her for territory which our arms had conquered; and we did it. To take upon the nation the burden of capturing and returning fugitive slaves; to appoint officers, or slave-catchers, in all parts of the free States; to subject the citizens of the North to the expenses and disgrace of chasing down the hunted fugitive, as he flies from a land of chains, and sighs, and bitter tears. The people of the free States have witnessed these things. They know them to be unconstitutional—violations of their rights—inhuman, and barbarous. They, of course, understand that the remedy is with themselves, and they are endeavoring to cast these burdens from them. *And they will do it.*

Looking forward, as all reflecting men must, we see that in sixty years more we shall have 20,000,000 slaves in the United States—a greater number than our present white population. Now, sir, if this Federal Government is to take upon itself the burden and expense of holding that vast number of human beings in bondage; if we are to appoint officers to catch all who shall hereafter attempt to regain their freedom, and to pay the expenses of returning them to bondage; if we are to provide territory for them, and to maintain slave markets for such a population, we shall find ourselves involved in business which may well occupy our whole time at no distant day.

For three years past, this body has done very little except to legislate for slavery; but what else can it do, when that institution shall be three times as great as it now is? Sir, this agitation will increase as slavery increases, unless this Government shall respect the constitutional rights of the free States, and relieve them from the burdens, the disgrace, and the crimes of that institution.

I have so often discussed the constitutional rights of the several States respecting slavery, that I now feel no disposition to repeat the doctrines on which I base my political action; but I may be permitted to say that Congress has no more right to bestow its energies for the support of the slavery of the South, than it has to sustain their banks, their railroads, or their system of apprenticeship, or the laws of those States respecting minors, or those which regulate the rights of husband and wife. Slavery, with all these subjects, are matters which each State should regulate for itself, and with which this Government has no right to interfere, and with which we cannot interfere, except at the expense of the constitutional rights of the North.

To this view of our constitutional obligations, both the great political parties of the nation are committed. I need only quote the resolution of this House, in December, 1838, which is in the following words:

"That this Government is a government of limited powers, and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of slavery in the several States of this Confederacy."

This resolution was introduced by a distinguished Democratic member, and was sustained by a vote of 198 yeas to 6 nays; nearly every member of both parties voting for it. The Baltimore platform contains resolutions substantially embracing this doctrine; and now the entire Democratic party of the nation stands pledged before the world to maintain this important right of the people of each State, to maintain just such an attitude, in regard to slavery, as to them shall appear just and reasonable. Such, too, were the positions of the Whig party, generally, up to the passage of the compromise measures, to which I have referred. Indeed, the Whigs were more strongly

committed to this policy than were the Democrats. The *Free* Democracy, at Buffalo, adopted this great leading principle of State-Rights, as the basis of their organization. But the distinction which marked that party as separate from both the others was, and still is, a determination to bring into practice this important doctrine, upon the maintenance of which the liberty and the rights of the people depend; while both the other parties have, practically, deserted their professed and avowed principles.

To the maintenance of the compromise measures as a *final settlement* of the slave question, the President, in his message, exhorts the people to adhere. The Whig and the Democratic parties are each striving to go beyond the other in their devotion to this plan for silencing all further agitation of the questions of liberty and slavery. The Whigs, at the commencement of this Congress, apparently got the start of their competitors in servility. They passed resolutions pledging their party to the support of the compromise. And here, in this Hall, certain leading members publicly boasted of the fact, before we had even commenced the election of our officers. I do not say that the whole Whig party were present at the caucus, but the act has gone forth as the act of the party. Those individuals who were present, evidently thought that servility to the slave power was the only means of securing political success. But we are given to understand, by leading Democrats and by the press of that party, that their National Convention will do that which their Congressional caucus refused to do, by passing resolutions pledging their party and their candidate to maintain the compromise measures. On the other hand, we are now told that the Whigs will play dark; that they will make no avowal of principles, but will select as their standard-bearer a gentleman of acknowledged military renown; will spike his cannon, take the flints from their own muskets, and go forth to the conflict without music, but with the silence of a funeral.

And now, Mr. Chairman, the question comes home to every elector of this nation, to every man, woman, and child, whether bond or free: *What will be the effect of maintaining the compromise?* What the effect of silencing further agitation of the slave question? These are important inquiries which, as yet, have never been answered; nor have they been discussed in this body.

The first consequence resulting from the support of the compromise will be, to *maintain slavery and the slave-trade in this District.*

As already observed, in 1801 Congress passed a law by which the institution of slavery in this District, with its attendant commerce in human flesh, was continued and established under Congressional enactment. That law remains in force to this day. Here, sir, under our own observation, within our own jurisdiction, by virtue of our own laws, man is degraded, robbed of his intellectual enjoyments, kept in deplorable ignorance, and disrobed of his manhood. By virtue of those laws, he is transformed into a chattel, brutalized, and sold like swine. Here, sir, men and women are bred for market. Beings in human shape follow the business of rearing boys and girls for sale; and by that business sustain themselves and families, and accumulate wealth.

To sustain the compromise is to sustain this revolting practice—to give these slave-breeders license and encouragement to pursue an occupation abhorrent to every feeling of Christianity and of decency. Yet, sir, the Whig members of this body, on the first day of our session, resolved, distinctly and emphatically, to support this practice, which is spurned and held in disgust by Mohammedan governments. I wish to be understood, and therefore repeat, that the support of the compromise measures is identified with, and inseparable from the support of slave-breeding and slave-dealing, now carried on in this District. To sustain the compromise is to sustain these practices. To prohibit the slave trade here would violate this pretended compromise. It is required, I understand, of each of the Democratic candidates for President, that he shall sustain the compromise, and thereby lend his whole official influence to uphold and encourage the breeding and sale of slaves in this District. Unless pledged to this, he cannot receive the support of that party; while the Whig candidate is to say nothing about it, to express no opinion in regard to it, to stand neutral upon the subject. To stand neutral, to do nothing, is to lend an influence in favor of this growing human flesh for market. This traffic in the bodies of females depends on the voice of Congress. If we say stop, it ceases forever; if we are silent, it continues. To remain supinely silent is to continue it.

Now, I do not think there is a member on this floor from a free State who dare speak out boldly and say to this House and to the country that he is in favor of this breeding of mankind for market, that he approves this traffic in God's image. If any member from the free States should do it, I think it would seal his political fate. Yet gentlemen do not hesitate to rise here and declare their intention to support the compromise, thereby lending their entire influence to sustain this business of breeding human cattle for the shambles. I respectfully ask the gentleman from New York, [Mr. BROOKS,] who first publicly swore allegiance to this compromise, whether he is in favor of sustaining this traffic in human flesh? I desire to understand the position of gentlemen, and hope they will stand up manfully and avow their doctrine and their policy. I therefore respectfully ask the gentleman to say what he will do in regard to this slave trade? Will he vote to continue or to abolish it? I await his answer.

Inasmuch as that gentleman remains silent, I respectfully ask any other Northern man who sustains the compromise, to say whether he is willing to sustain this traffic in human flesh? I repeat, that I understand the compromise to embrace this slave trade; that if we sustain the compromise we must sustain this traffic. And I desire to see gentlemen stand up, like honest, honorable men; like the representatives of freemen, and avow their sentiments; and if there be a Northern member who will avow himself in favor of this traffic, in the face of this House and of the country, I desire to hear him and I await a response.

No man will do that. There is not a man in this House who will boldly and manfully avow himself in favor of this slave trade, with its attendant crimes, in plain and direct language. Yet, sir, they will declare it in their general remarks.

But inasmuch as I have been addressing Whigs more particularly, I will also inquire of gentlemen on the other side of the House on this point. I noticed the letter of the gentleman from New Hampshire to his constituents, alluded to by the gentleman who preceded me. I understand that he considered himself pledged to support the compromise. I should like to know whether he will sustain the slave trade in this District?

Mr. HIBBARD. I voted for the bill of the last Congress abolishing the slave trade in the District of Columbia. That vote explains my views on that subject. If the gentleman wishes to know whether I would vote for a bill abolishing slavery in the District, or the trade between the people of the District, I answer that I should vote against it. I am opposed to the further agitation of the subject.

Mr. GIDDINGS. I thank the gentleman for his frankness. I understand him, and the country understands him. I was mistaken in supposing there was no man from a free State who would sustain this commerce in the bodies of women and children. But I like to see a man bold, even in his iniquities. I have more respect for the gentleman who thus says what he will do, than I have for members who refuse to speak, but cast their votes and exert their influence to maintain this slave trade. I presume the gentleman honestly represents the views of his people, that they approve of this breeding of men and women for market.

But the compromise embraces also the slave trade upon our Southern coast. All are aware that, by the ninth section of the act of 1807, slave dealers are authorized to carry, under certain regulations, slaves from one port of the United States to another, under the flag of our Union. Men, women, and children, are purchased in this District, and in the northern slave States, and placed on board these slave ships, and carried to the torture and premature deaths which, it is well known, await them upon the cotton and sugar plantations. There they are murdered under a slow torture, by the lash of inhuman overseers. It is estimated that twenty thousand human victims are thus annually sacrificed to Southern barbarity. The blood of those victims rests upon the members of this body. We have the power to stop this flood of human gore. But, while these victims toil in chains, and sigh and weep under the tortures to which our law consigns them, members here refuse to examine this subject, refuse to permit the introduction of a bill to repeal this law; but they stand here and exert their utmost powers to revive, to galvanize into life the old party issues on which they have heretofore contended. They endeavor to close their eyes to notorious facts, and soothe their consciences by occupying their own attention, and that of others, upon the miserable party conflicts, which have no higher motive or aim than to secure the spoils of office to one or the other political party. I judge not for others, but so far as I am myself concerned, I should feel far less guilt were I to strike a stiletto to the heart of a single victim, than I should to exert my influence to sustain that slave trade, or than I should were I to sit here in silence and permit that infamous traffic to continue without my solemn protest against it. It is frequently the case, that men and women, apparently doomed to the tortures of the far South by this trade, commit suicide rather than meet its horrors. All will recollect the story of the father, mother, and children, confined in a slave prison in a neighboring State, destined to the Southern market. The parents having deliberated upon their situation, and that of their children, took the lives of their own offsprings, and then sought death by their own hands. Do not we who sit in this Hall, and by our silence and inaction continue this slave trade, share in the guilt of those dark and damning iniquities? Does not the blood of those victims stain our garments? And when we appear at the bar of final retribution, shall we plead this compromise as a justification for crimes which would strike terror to a savage heart? I am aware that some of my colleagues have pledged themselves to sustain these compromise measures, thereby upholding this slave trade. Now, sir, I wish to inquire of those gentlemen whether they are willing to rise on this floor, and say frankly to the people of our State, that they are in favor of supporting this slave trade? I desire a full and fair understanding on this subject. I wish to understand the position of the Whig party of my own State; will they sustain this coast-wise slave trade, or will they not? or are they to play dark and keep silent? I mean no disrespect to my colleagues of either party. I am solicitous that the people of Ohio should understand how each of their Representatives stands on these questions.

The people of the North have been deceived long enough by politicians who proclaim their intention to sustain the compromise without descending to particulars and explaining what they mean by such support. Indeed, gentlemen dare not avow their intention to sustain the slave trade in this District, upon our Southern coast, and in our Territories, and to maintain the infamous fugitive slave law. It was a truism uttered by my Lord Coke, when he said, "fraud lurketh in generalities." This general expression in favor of sustaining the compromise embraces all these iniquities; and when a man, either here or elsewhere, avows himself in favor of the compromise measures, he, in substance and fact, avows himself in favor of breeding men and women for market in this District, and in our Territories, and of prostituting our flag to the protection of a commerce in human flesh. I would be as willing to traffic in God's image as I would to sustain the owner of yonder slave prison in his accursed vocation, by upholding the law which authorizes him to pursue it. I would as soon vote for Williams, the slave-dealer and owner of yonder barracoon, to the office of President, as I would for any man who sustains him in his execrable commerce. Yet, sir, strange as it may seem, your presidential candidates of the Democratic party appear to think they will have no chance of success unless they patronize those worse than savage practices, while the Whig candidate is to keep silence in regard to them.

But the compromise was intended also to, and, if observed, must, forever close all hope of excluding slavery or the slave trade from our Territories. On this point there is no longer uncertainty. The

official returns from Utah show that slavery exists there. Servile politicians can no longer deny the fact. The honorable Secretary of State, I think, will not repeat that gigantic falsehood which he put forth in the Senate on the 7th of March, 1850, when he asserted that slavery was "excluded from that country by the laws of God." Indeed, at the time when that attempt to deceive the people of the North was made, it was known here and throughout the country that slavery existed in Utah. The fact had been published some two months previously in most of our leading newspapers; and if the author of that declaration was ignorant of the fact, I think he was the only member of Congress uninformed on that point. Slavery also exists in New Mexico, as we have seen by the public press. Indeed, if we can rely upon the public press, a judge of New Mexico was lately engaged in purchasing slaves in this city to work the silver mines of that country, from which the Secretary of State asserted that slavery was excluded by God's law.

Now, if the compromise be sustained, then are these Territories to be delivered over to the curse of slavery. The soil which, under Mexican law, had been consecrated to freedom, is now, under American law, to be cursed with the most degrading oppression that exists upon earth; and slave markets are to be established, and men bought and sold, and women made the subjects of purchase and sale on territory conquered by our arms. To sustain the compromise, is to sustain slavery and the slave trade in those Territories. To vote for presidential candidates who uphold the compromise, is to vote for slavery, for the slave trade, with its attendant crimes, to continue in those Territories.

Mr. Chairman, when I hear members on this floor rise and proclaim their intention to support the compromise, I understand them to say, emphatically, that they have made up their minds to support slavery in this District, and in the Territories; and to maintain the slave trade, with all its crimes and frightful amount of guilt, here, and in the Territories, and on our Southern coast. If gentlemen mean anything by their declarations, they mean this. When they say the slave question is settled, they intend to be understood by Southern men as giving their influence in favor of maintaining slavery and the slave trade, wherever they now exist under the laws of the Federal Government. I desire the people of the North to understand them. I rose to speak for this purpose. I ever have been, am now, and trust I ever shall be, hostile to political deception and double-dealing. I desire to see gentlemen maintain their opinions at home, and in this Hall. I have no respect for that man who will hold one set of doctrines before the people at home, and then lend his influence to overthrow them in this Hall. The people have no respect for such men; nor do I believe that such men have respect for themselves.

Mr. Chairman, who that held a seat in this Hall during the last and present Congress, could listen to the gentleman from Massachusetts, [Mr. RANTOUL,] who spoke so frankly and so ably a few days since, and help comparing that speech with the conduct of a certain honorable member from the same State, who, in the last Congress, fled from the Hall in dismay, rather than to give a vote on a pending question, lest that vote would show his constituents and the country his position on the slave question? I care nothing for political names. The people will look at the *man*, and compare him with the *servile*. All men, of whatever party, must approve the course of him who frankly avows his sentiments; and all must pity him who has not the moral courage to give a vote where slavery is involved.

Sir, I would commend to our Whig friends the example of the gentleman from the old Bay State, who recently spoke so boldly on this question. I greatly desire to see gentlemen on this side of the Hall speak as boldly as he did. I know there are some who hold the same sentiments. I hope they will not hesitate to express them. And I also desire to see all who hold that it is our duty to maintain the compromise, to lend our influence to the support of slavery and of the slave trade, come forth, and say so manfully, as becomes men who represent an enlightened people. This expression of our honest sentiments is due to the people; it is due to ourselves. We have been pained at exhibitions of tergiversations here; at the exposure of gentlemen who hold to manly sentiments of freedom at home, and when they once get here, turn round and swear allegiance to slavery. There is no excuse for this deception. If our constituents desire us to act for slavery, let us do it openly and boldly. If they wish us to maintain the cause of freedom, let us do it manfully, or resign our seats in this body; but let us not deceive those who honor us with their confidence.

Again, sir, by maintaining the compromise, we shall uphold the fugitive law, with all its infamous and unconstitutional provisions. The constitutional provisions in regard to fugitives from labor have been so often argued by me, that I will not, on the present occasion, repeat my views. I will only say that a proposition to involve the people of the free States in the expenses and disgrace of arresting and imprisoning fugitive slaves, was offered to the Convention that framed the Constitution; that the proposal was objected to; and so strong were the objections, that the member who offered it withdrew it, not daring to take a vote of the Convention. We are all aware that on that occasion, no member expressed the opinion that the people of the free States were bound by that instrument, or by any moral or political principle, to participate in the expense or the disgrace of capturing fugitive slaves. We know, historically, that it was the intention of the framers of that instrument to do no more than to secure to the master the same right to pursue and capture his slave in a free State, that he possessed to pursue and capture his horse or mule. That the latter part of this provision, which says "he shall be delivered up on claim of the person to whom such service or labor may be due," renders it our duty to deliver up the slave, as we deliver up the stray horse or mule, on claim of the owner. We are not to obstruct the master, in reclaiming him. This was the view expressed by the Supreme Court, in the case of Prigg *vs.* the Commonwealth of Pennsylvania.

This is perfectly consistent with the views of the gentleman from Massachusetts [Mr. RANTOUL] who, I think, has taken the ground entertained at the time the Constitution was adopted by the people in their several State conventions. But, for the sake of the argument, I will go beyond him, and admit that Congress possesses the right to legislate so far as to secure the owner in the exercise of this right; that we may, by legislation, punish any person who interferes with that privilege, either by making such interference penal, or giving a compensation to the owner. This was the view evidently entertained by the Congress of 1793. They endeavored to effect this object; but there they stopped. They made no attempt to involve this Government, or the people of the free States, in the burdens, expense, and disgrace of catching and sending the trembling fugitive back to bondage.

Here, sir, at this precise point, I take issue upon the constitutionality of that portion of the law of 1850 which imposes upon this Government the burden, expense, and disgrace of chasing down the flying bondman, and sending him back in chains.

Those portions of the law which authorize and require the appointment of officers to grant process for the arrest of slaves; that part which makes it the duty of judges to grant such process; that part which directs marshals and deputy marshals to arrest the slave; which authorizes them to call on the people to assist in that piratical work; which renders it penal for a man to feed a famishing or starving fugitive, by which he shall be strengthened and enabled to pursue his flight; these provisions are each of them unconstitutional, unjust, abhorrent to the principles and the feelings of the people of the free States, inhuman, and barbarous.

Mr. Chairman, it has pleased certain gentlemen, on various occasions, to allude to myself and my political friends as *opposed* to the Constitution. They will not meet our arguments on this point. They recoil from legitimate debate, and seek to misrepresent us by general charges, carefully avoiding every specific point. I now repeat, that to the full extent to which the law of 1850 involves this Government, its officers, and the people of the free States, in the burden, the expense, and disgrace of recapturing and returning fugitive slaves, it is *unconstitutional*.

And, sir, I here desire to understand if there be a member from Ohio, or from any free State east of it, who denies this position? Is there one who holds that his constituents and himself are bound to participate in the expense and crime of chasing slaves? If so, I desire that he will announce the fact. I long to find one such public man; and if there be one here, I wish he would avow the fact.

No, Mr. Speaker, I blush for my country when her Representatives take shelter behind unmeaning generalities, and refuse to avow their honest sentiments.

Mr. BRECKINRIDGE, (interrupting.) As the member from Ohio has invited inquiry, will he allow me to interrupt him for a moment? I only want to know his argument, and do not wish to rob him of his time. I understand the member to say that the Federal Constitution does not authorize the General Government to pass any law to enforce that provision of the Constitution, which says that the fugitive from labor "shall be delivered up."

Mr. GIDDINGS. The gentleman misunderstood me. We have no Federal authority to catch slaves. Of course we cannot enforce such authority. As to delivering up the fugitive, it is to be done just as the framers of the Constitution intended. We deliver up the slave precisely as we would a horse. We permit the master to take him on claim, as he would take his horse on claim. That is the delivering up expressly contemplated by the framers of the Constitution. And this construction is borne out by the decision of the Supreme Court in the case of Prigg, and was the evident understanding of those who enacted the law of 1790, which gives no aid whatever to the master, but merely protects him.

Mr. BRECKINRIDGE. The member from Ohio does not understand me, nor does he understand the decision in the case of Prigg, nor the law of 1790. The whole action of the Federal Legislature has been in the teeth of the position he now takes. I understand him to deny that the Federal Government has a right to pass a law enforcing that fugitive clause through its own officers.

Mr. GIDDINGS. The clause contemplates no enforcing by this Government. It is for the master to enforce his rights, to catch his own slave. Our duty is performed when we pass suitable laws to protect him while recapturing his slave. Then we leave him, and if he then fails, we certainly have no sympathy for him.

Mr. BRECKINRIDGE. I have no disposition to draw the member into a dilemma, as he charges. I understood him to say, that the Federal Government has no power to pass a law by which fugitives from labor from the Southern States shall be seized and delivered back again to their owners, through the officers of the Federal Government.

Mr. GIDDINGS. I deny that the Federal Government has power to pass a law by which to compel our officers or our people to seize and carry back fugitive slaves. We may pass laws, as I have already said, to protect the master.

Mr. BRECKINRIDGE. The member also says it was not contemplated that the State governments should themselves take initiative steps to deliver them up, but that all they are required to do is to say, "Come and catch them if you can; we will not interfere by prohibitory laws to prevent you." I will not ask him to go into a criticism upon the language of the Constitution. His vision, clouded by fanaticism, cannot understand the plain stipulations of that instrument; yet I have reason to believe, that the concurring opinions of our ablest statesmen, and the decisions of the Supreme Court of the United States, will survive these recent expositions. This is the language of the Constitution:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Under the compact we have the right, through some power or authority, to have our fugitives delivered up to us. He denies it to the Federal Government. He says the States are not bound to do it; and then, throwing us on the unaided

efforts of the masters themselves, he would excite the people against them. What does he mean in this connection by his eulogy upon the Christiana rioters?

Mr. GIDDINGS. I have already stated that the delivery up on claim is permitting the master to take his slave, as we would permit him to take his horse. As to the Christiana rioters, they were fugitive slaves, they fought for freedom. Gorsuch fell by the hand of his half-brother, if report be true. That brother's liberty was as dear to him, as is the gentleman's to him; he unquestionably did as the gentleman or myself would have done had we been in his situation: he slew his assailant who attempted to rob him of liberty, and in that, discharged a high and imperative duty.

Mr. BRECKINRIDGE. Is there a citizen of the Western Reserve—that is a part of his district, I believe—who would use his influence to suppress popular opposition in his district, if a citizen of Kentucky should attempt to reclaim his fugitive slave there?

Mr. GIDDINGS. We have the most law-abiding people upon earth in my district. [Laughter.] There is no place upon the footstool of the Almighty, where there is so law-abiding and intelligent people as there is in that old Free-Soil district. They would fight only for liberty or for life, but they would never fight, nor move, nor speak, to aid an oppressor to regain his grasp upon a fellow-man!

Mr. BRECKINRIDGE. Will the member answer my question?

Mr. GIDDINGS. I supposed I had done so. If he wishes me to go further, I will say that we should probably pay no attention to him nor his slaves, if he pursues him to that country. I presume he would find his slave armed, and if he press upon him, he will probably shoot him. I assure him no white man there will ever step between the master and slave to protect the master. No, sir, we don't interfere; we let each take care of himself.

Mr. BRECKINRIDGE. The member has narrowed down our rights under the Constitution to a certain point. He has denied us the aid of the Federal Government, and of the States. I now ask him whether he, as a citizen of Ohio, would attempt to suppress, and would resist popular opposition to a Southern man who should attempt to recover his slave?

Mr. GIDDINGS. The gentleman wants me to say what I would do in a certain position. I cannot tell him what I might be led to do. But I think I may assure him that I should never aid the master in arresting his slave. On the contrary, I should rejoice to see the slave regain his liberty. My efforts are for freedom, not for oppression.

Mr. BRECKINRIDGE. This is enough. He has frittered it down to this, that it is a provision of the Constitution which guaranties to us a certain right, but which he never intends shall be enforced, if he can prevent it. Against the impotent ravings of his baffled fanaticism, I place the plain words of the Constitution. To his coarse and offensive language I have no reply.

Mr. GIDDINGS. The gentleman is at liberty to understand, that we do not intend to arrest or carry back their slaves. If that work be done, it must be done by the master.

If gentlemen intend to support the compromise, they must, of course, intend to chase down the trembling female, as she flees from the inhumanity of a worse than savage oppressor. And, in view of some men, no candtdate is fit for President, or other office, unless he is willing thus to degrade himself in view of those who regard with sentiments of respect the dignity of the human race.

Mr. Chairman, we are under neither moral nor political obligations to legislate on this subject. The first clause of the same section of the Constitution provides that "the citizens of each State shall enjoy all the privileges and immunities of citizens of the several States." Now, sir, instead of carrying out this provision of the Constitution, by legislating for its enforcement, we have left the subject as it was when the Constitution was adopted. And instead of enforcing this provision, we permit Southern States now to sell the citizens of Massachusetts into slavery; and hundreds of native-born American citizens have by those States been seized and sold into slavery, in plain, direct, and palpable violation of the Constitution, and are now bowing under the lash; while members of this body from the same States do not even refer to such outrages upon liberty and humanity, but are eager to rise and swear allegiance to this fugitive law; avowing their readiness to chase down a fellow being who seeks an asylum from oppression. How long will the people tolerate such callousness, such insensibility to all that is right, and just, and patriotic?

Mr. Chairman, for sixty years this construction of the Constitution which I have expressed has been acknowledged and observed. During that period, no statesman advanced the abhorrent doctrine of subjecting the laboring men of the North to the disgrace of catching slaves. The history of our Government shows this fact, and coming ages will read it. This law which takes from the laboring men of the North a portion of their earnings, to pay for catching and returning fugitive slaves, is a thousand times more repugnant to their feelings than was the stamp act, or the tax on tea. Under this law, they are involved in supporting an institution which they detest; compelled to contribute to the commission of crimes abhorrent to humanity. This oppression, this violation of conscience and of their constitutional rights, this tyranny, they feel and deprecate. It is impossible that an intelligent—a patriotic people can long be subjected to such violations of their rights, and the rights of humanity. The conscience of the nation cannot be long separated from its Government. It will be in vain for navy-yard chaplains to deliver lectures, and write essays, to convince our people that it is their duty to uphold the slave trade and the fugitive law. It will be in vain for "ministers of the lower law," to preach up the duty of Christians to commit crimes against God and humanity, at the contemplation of which our very natures revolt. The voice of reason and of conscience will find utterance. The escape of Shadrach at Boston, the just and holy manifestation of the popular mind at Syracuse, the merited death of Gorsuch at Christiana, should teach the advocates of the fugitive law, and of the compromise, that the "higher law" of our natures, dictated by God, and imprinted upon the hearts of a Christian people, will eventually set these barbarous enactments at defiance. The shooting slaves in the mountains of Pennsylvania, the inhuman murder of a fugitive in Indiana, as stated in the public papers, could not fail to be followed by the resistance to which I have referred.

The slaves, as already stated, are to increase; the number of fugitives will of course increase more rapidly. Our railroads, steamboats, and the vast increase of inter-communication between our free and slave States, cannot fail to carry knowledge and intelligence to the whole colored population, North and South. With them there must be hostility and hatred towards their oppressors, whether they be slaveholders, or the allies of slavery. It is a law of the human mind. All honest men must unite in the acknowledgment of their rights. It is our duty to carry intelligence to every being who bears the image of our Creator. Thousands of agencies are at work, bearing information to the oppressed and down-trodden of our land. By an inscrutable law which pervades the moral world, our very efforts to sustain slavery are converted into the means of its overthrow. The slave trade in this District is upheld for the purpose of sustaining slavery in our Southern States. But where is the reflecting man, who does not see that every slave sold from this city carries with him intelligence of his rights, and becomes a missionary of freedom when transferred South? Why, sir, in that mournful procession of fifty-two victims of this infamous commerce, taken from this city in 1848, was an individual of unusual intellect. His name was Edmundson. He called on me at different times to aid him in raising money to redeem his sisters. They were, however, sold, and subsequently repurchased by some benevolent people at the East, and are now free. I am told that his whole family were endowed with intellects of the highest order. He was himself, so far as propriety of language, gentlemanly deportment and intelligence are concerned, not the inferior of gentlemen here, or of the President of the United States. But he was a victim to this slave trade; and unless he now sleeps in a servile grave, he is preparing the minds of Southern slaves for that work which lies before them; a work which if not accomplished by the voice of truth and justice, will be perfected in blood. That, too, is the case with every fugitive slave who is returned to bondage. The whole Northern slave population are becoming intelligent. They read, or hear read, the discussions of our Northern press. They learn what is said in this Hall. The remarks I am now making will reach the ears of many thousands who are borne down by oppression. To them I say, "*All men are created equal;*" "*you are endowed by your Creator with an inalienable right to liberty;*" and I add the words of one of Virginia's noblest sons, "GIVE ME LIBERTY, OR GIVE ME DEATH."

Mr. Chairman, the day of redemption for this people *must come*. No human power can prevent it. All reason, philosophy, and history demonstrate the approach of that day. Look at the British West Indies. There the Africans for centuries labored under the scourge; they clanked their chains; they toiled and wept under the hand of oppression. But they increased in numbers, as do the slaves of our Southern States. Their oppressors became enervated by indolence and luxury, while the slaves increased in numbers, in knowledge, and in power, precisely as do the slaves of this land, sarcastically called a land of freedom. They became an expense to their government, as do ours. That expense increased, as ours does, until the government had no other course than to purchase them and set them free. The same result is intended by those who now advocate the compromise, which is nothing more nor less than an attempt to throw the burden of sustaining slavery upon this Federal Government. As was well remarked by the gentleman from Massachusetts, [Mr. RANTOUL,] it is a *Federal* measure, a centralizing measure, calculated to concentrate power in this Government, and to destroy the influence of the States. The plan has often been hinted, and this day it is more than hinted, in the leading organ of the Administration of this city. This grand scheme will subject the nation to a debt of $1,200,000,000—a debt one third greater than that of England—a debt that, to an indefinite period, will weigh down the laboring men of this nation, cripple our energies, and bring upon us the oppression, the suffering, which now render the English peasantry the subjects of pity throughout the civilized world. The compromise is but the incipient step to this final consummation. If we are now willing to subject the funds of the nation to sustain this institution; if we silently submit to this compromise, I assert, without hesitation, that a proposition to relieve ourselves from this burden, by the purchase of the slaves of the nation, will be made within the next five years. I therefore say to the laboring men of the North, of all parties, Your constitutional rights, your liberties, are in danger. To pay $1,200,000,000 would, however, be far less degrading to the Northrn charactee than this fugitive law.

Sir, gentlemen here strive to get up old party issues. Who does not know that those issues have become obsolete; that they cannot be galvanized into life? Who now contends for a national bank? Who opposes the sub-treasury? These issues have been surrendered by the Whigs. The Democratic party no longer contends against harbor and river improvements. There will be no more proceeds of the public lands to divide among the States. There is no longer any issue of principle in regard to the tariff. The Whigs ask no more, than that the revenue to sustain Government shall be raised by a tariff of duties, so adjusted as best to promote the interests of our own labor. To this the whole Democratic party of the North assent. There is no longer any party who goes for free trade—for supporting Government by direct taxation. I would myself be willing to try this method, as it would soon abolish the slavery of the South; but no political party is in favor of that system; all agree upon the principles of a tariff, but differ as to the amount which shall be assessed on various articles. Why, sir, for three years the parties have been unable to arrange themselves upon any issue, whether it be the tariff, or any other of the old questions which divided Whigs

and Democrats. Nor can those issues ever again become interesting. They have become obsolete by force of circumstances. While these issues have been fading away, the great and overshadowing questions of humanity have been increasing, strengthening, and extending throughout the nation. It has entered into all our moral and political questions. It is discussed in our social circles, our political conventions, and our pulpits. It controls our county and State elections, our elections of members of Congress, and our presidential elections. It occupies the attention of our State Legislatures, and of Congress. Europe sympathizes with us in this great work. The question of a man's right to his life and liberty now occupies the attention of the civilized world. It has thrown Europe into commotion. Her people, her statesmen are discussing it. It has taken an undying grasp upon the conscience, the judgment of this people. The agitation will go on, until this Government shall be redeemed and regenerated from oppression—until the stain of slavery shall be wiped from our national escutcheon.

Let me assure gentlemen that a noble band of patriots, of philanthopists, are now laboring to bring about this "consummation so devoutly to be wished." Upon the broad basis of truth, of justice, of equal rights, of the brotherhood of man, and of nations, we have taken our stand. Our numbers are increasing. The effects of our labors are becoming manifest. Our cause is advancing. Our moral and political influence is extending, and our final triumph is certain. We have no hostility to any party. Our contest is waged against oppression in all its forms—against tyranny and usurpation. Nor will we cease our warfare until victory, rendered glorious by results that will reach forward to man's remotest existence, shall crown our toils——

[Here the hammer fell.]

PACIFIC RAILROAD—COLLINS STEAMERS.

SPEECH OF HON. V. E. HOWARD,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

July 6, 1852.

The House having under consideration the bill to supply deficiencies in the appropriations for the fiscal year ending 30th June, 1852—

Mr. HOWARD said:

Mr. CHAIRMAN: I propose to speak to the subject in hand, and offer some observations on two of the Senate amendments to the deficiency bill. The first is the amendment of the Senate to the appropriation for continuing the survey of the boundary between the United States and Mexico. It enacts—

"That nothing herein contained shall be so construed as to sanction a departure from the point on the Rio Grande, north of the town called Paso, designated in the said treaty,"

And is made necessary by the illegal and unauthorized course of Commissioner Bartlett, in establishing the initial point of the boundary on the Rio Grande, thirty-four miles north of the point fixed by the treaty.

The fifth article of the treaty with Mexico provides that—

"The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called *Paso*) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the River Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean."

And to preclude the possibility of all mistake as to the true southern and western boundary of New Mexico, the treaty declared:

"The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled '*Map of the United Mexican States, as organized and defined by various acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York, in* 1847, *by J. Disturnell.*' Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries."

In order to mark and designate the boundary upon the ground, a commissioner and surveyor were appointed by each Government, with powers described as follows:

"In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary."

It will thus be seen, that the true initial point on the Rio Grande is that at which the southern boundary of New Mexico, as laid down on the map of Disturnell, strikes that river. If this point can be found, it is not in the power of the joint commission to agree upon one different from that established by the treaty. That instrument declares, that "the southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled," &c. The treaty also declares, that the southern boundary of New Mexico runs north of the town called Paso. When we look upon the map, we find that this line is traced immediately north of the town of Paso, and by taking the scale of the map and measuring it, is found to be precisely eight miles north of that town. If there were nothing else, therefore, to fix the beginning point of the boundary upon the Rio Grande, this would be absolutely certain, for that is certain which is capable of being reduced to certainty. It is as certain in its character, as though the church of the town of Paso had been named for the initial point of the boundary. Unaided by anything else, it can admit of no controversy, the town limits being established and known, as they are in all Spanish and Mexican towns, by measuring a certain distance from the center.

But the question does not depend on the town limits and simple measurement, certain as they must be in their character. At about the distance of eight miles above Paso, and near the point on the Rio Grande, given upon Disturnell's map as the southern corner of the boundary of New Mexico, is laid down a place called La Salinera, (the Saline.) It is a place noted for supplying salt to the country, and corresponds on the ground with the map. It was at once recognized and identified by Colonel Graham and the other members of the scientific corps, as identical with the initial point. This of itself could establish, beyond the shadow of a doubt, the beginning point of the boundary on the west bank of the Rio Grande. The result is too obvious to admit of argument. Besides, it agrees with other points and places given on the map, and found to correspond on the ground.

It is a principle of law which will not be contested, that fixed monuments, natural or artificial, are to prevail over course and distance, and as a corollary over latitude and longitude. The true point of beginning on the Rio Grande thus being shown by the map and natural objects to be eight miles above the town of Paso, it was, by the treaty, in the first instance to run "westwardly along the whole southern boundary of New Mexico to its western termination," which, taking the scale of the map, is three degrees.

When Mr. Bartlett arrived at El Paso, in advance of his coördinate officer, the surveyor, he assumed, of his own authority, to open negotiations with the Mexican Commissioner, and to fix the initial point at latitude 32° 22', which is about thirty-four miles north of the point established by the treaty. The result is a clear loss to the United States of a country thirty-four miles wide and three degrees of longitude deep, equal to 5,950 square miles on that line. In giving up this amount of latitude, Mr. Bartlett has gained practically no longitude, because the southern boundary is three degrees, according to the treaty map, whether you take the true line or the one agreed on by Commissioner Bartlett. Colonel Graham reports that when he arrived at El Paso, instead of finding the surveying party on the true treaty line, he found them thirty-four miles north of it, on a line commencing at 32° 22'.

In relation to this action of the joint commission, I take it to be too clear for controversy, that the commission had no right to change the boundary fixed by the treaty. They had no jurisdiction to make a new boundary, and therefore their action by which they have done so is void for want of power. They might as well make a new treaty, as a new boundary. Their functions were limited to making, and designating upon the ground, the boundary established by the treaty. The treaty assumes to have defined the initial points with sufficient certainty to be readily identified and found, as in truth it has. And if it had not done so, the boundary clause would have been void for want of certainty. I am aware that it has been contended that this action was legal, because the agreements of the Commissioners were to be deemed part of the treaty. But this provision goes only "to establish, upon the ground, landmarks which shall show the limits of both Republics as *described in the present* [in the fith] *article*" of the treaty. They had no power to make a new boundary. Their functions were the ascertainment of that already *established*. They were bound to go by the treaty, and not in opposition to it. They had no power to fix the boundary on the Pacific at Monterey, instead of "one marine league due south of the southernmost point of the port of San Diego," as required by the treaty. If the commission may fix the initial point on the Rio Grande thirty-four miles north of that named in the treaty, they have power to place it one thousand miles north. Whenever the commission desregards the points established by the treaty, their act is void for want of authority; it is an excess of jurisdiction, and cannot bind either the United States or Mexico.

There is another fatal objection to the action of Mr. Commissioner Bartlett. By the express provision of the treaty, each Government was to have on the work a commissioner and a surveyor. They were treaty officers, and one had as much authority as the other. To render any line legal and binding under the treaty, it was necessary that both the commissioner and the surveyor should concur in it; for it is a principle of law, too well established to be controverted, that when the execution of a power is given to two or more, jointly, all must concur to render it valid. When the surveyor, Mr. Gray, arrived at El Paso, he refused to concur in the line which had been agreed on by Commissioner Bartlett and the Mexicans, and filed his protest against it, showing, conclusively, that it was not the point established by the treaty. Bartlett's action would have been void for want of the concurrence of the surveyor, even if he had commenced at the true point. It was not only illegal, but unjust, that the Mexicans should have both officers allowed by the treaty, while this Government had only one to guard its interests.

It has been asserted that Lieutenant Whipple acted as surveyor *pro tempore*, until the arrival of Mr. Gray; but there is no evidence that he assumed to act in that capacity, or ratify the line with his signature. On the contrary, Mr. Bartlett states, in his communication of the 28th of December, 1850, that Whipple acted as chief astronomer, *ad interim*. Mr. Bartlett had no authority to appoint a surveyor, as that function was confided by law to the President and Senate, and the office filled by the appointment of Mr. Gray. There could not at the same time be two surveyors under the treaty.

At this stage of the proceeding, it becomes necessary to notice the singular course of Mr. Secretary Stuart. Before Colonel Graham, who was detailed as chief astronomer, left Washington, it was known that Commissioner Bartlett had established this line, so far as he had the power to do so. It was understood to be in opposition to the views of the Department of the Interior. It was known to be repugnant to the opinions of every officer of the Engineer Corps, who had paid any attention to the subject, and especially to those, Colonel Graham and Major Emory, so much so, that I am informed by the highest authority, that Colonel Graham

declared to Secretary Stuart, that he would not put his instruments up on Bartlett's line. Now, what was the plain duty of the Secretary of the Interior under these circumstances? Clearly, to instruct the Commissioner to adhere to the treaty boundary, and that he could not agree upon and mark a line on the ground without the concurrence of the surveyor. That would have brought the line back to the treaty point in the vicinity of El Paso, and secured the rights of his Government.

When Colonel Graham arrived at El Paso, finding the line progressing in the wrong place, thirty-four miles too far north, he ordered in his subordinate officer, Lieutenant Whipple, for consultation and with a view to correct the error. Subsequently, after a good deal of correspondence, Colonel Graham, Mr. Bartlett, and the Mexican Commissioner, came to an agreement by which the work progressed on those sections not in dispute. But as soon as Lieutenant Whipple was ordered on to El Paso, Commissioner Bartlett, without waiting to confer with Colonel Graham, joined the Mexican Commissioner in a representation that Colonel Graham had stopped the work on the line thus progressing from the wrong point, which resulted in the recall of Colonel Graham. In the mean time Mr. Gray, who accompanied Colonel Graham to El Paso, protested the line, and refused to sign the proceedings establishing the initial point, as contrary to the treaty. On being advised of this proceeding, the Secretary of the Interior first issued an order directing Mr. Gray to agree to the line of Bartlett, and before action could be had dismissed him from office, no doubt under the impression that he would not consent to be the instrument of such an unjust and unpatriotic act towards his Government. Thus the leading motive which led to the dismissal of Colonel Graham was his refusal to concur in this line, and the only true reason of the dismissal of Mr. Gray was his protest.

Not only does the Secretary pursue this course, but in his annual report he enters into an argument to sustain what had been done by Commissioner Bartlett, in which he adopts the views of Bartlett, and the Mexican Commissioner. Their only excuse for what has been done is, that the map of Disturnell is inaccurate as to latitude and longitude; that the initial point is not correctly laid down on the treaty map with regard to their true position on the earth's surface. Sir, Mr. Trist, as well as the other authors of the treaty, were quite aware of that fact. Humboldt pointed it out many years ago, with reference to all Spanish maps. Hence, the treaty does not mention latitude and longitude, but takes natural objects for the initial points of the boundary. On the Rio Grande, that object is the town of Paso, and the other places in that vicinity appearing on the map, especially La Salinera, which is near the immediate point where the map represents the southern line of New Mexico to strike the Rio Grande. The object of the negotiators of the treaty was to avoid all difficulty about latitude and longitude, by calling for natural objects, represented on the map, and found on the ground. Their object has been defeated by the illegal conduct of Commissioner Bartlett and Secretary Stuart, who have thrown away the treaty monuments to hunt for latitude and longitude, an element not mentioned in the treaty. Without the slightest reason or justice, they have allowed the Mexican Commissioner to inveigle them into giving up thirty-four miles of latitude, without gaining an inch in longitude, because the latter is three degrees by Disturnell's map on either line, and that is what they have adopted.

In his annual report, Mr. Stuart says:

"Difficulties also existed in regard to the latitude of the point where the Rio Grande strikes the southern line of New Mexico. By the map it appears to be at latitude 31° 45', whereas the true position is latitude 32° 22'."

Sir, this is a gross and extraordinary misstatement of the whole subject. The point agreed on by Bartlett and the Mexican Commissioner is 32° 22'; but the latitude of the true point established by the treaty is 31° 52', where the southern boundary of New Mexico strikes the Rio Grande, as ascertained by our officers on the ground, and as appears by the protest of Mr. Gray, on file in the office of the Department of the Interior. The church of El Paso is 31° 45', as ascertained by observation.

This effort of Mr. Stuart to misrepresent the true boundary of the treaty, and to surrender a portion of our territory, is difficult to understand and impossible to defend.

Mr. Bartlett, in his correspondence with the Department, gives his impression that the line which he has agreed to will strike the San Pedro. There was much more probability of reaching it by adhering to the true treaty line—as it will be seen by the map that it approaches nearer the Rio Grande on that line—than on the one established by the commission. He also says that, in case he does not strike a branch of the Gila on the northern boundary of New Mexico, the line will run directly to the Gila. Such is not the boundary contemplated by the treaty. The fifth article declares, that after running along the whole southern boundary of New Mexico, it shall run "thence 'northward, along the western line of New Mex-'ico until it intersects the first branch of the river 'Gila; or if it should not intersect any branch of 'that river, then to the point on the said line near-'est to such branch, and thence in a direct line to 'the same; thence down the middle of said branch, 'and of the said river, until it empties into the 'Colorado."

It will thus be seen that the treaty assumes, what the fact is, that there is a branch on or near the north line, which empties into the Gila, and that when at the nearest point to the branch, the boundary line is to run directly to it. The treaty calls cannot, therefore, be answered by running a due north line to the Gila. It is supposed by some that the Mimbres is a branch of the Gila. It is well known that the San Pedro is a branch of that river. Thus, should Mr. Bartlett run due north from the western termination of the line, as he intimates he will, if he does not strike a branch of the Gila, he will not fulfill the calls of the treaty, by which it is declared, that in case a branch of that river is not encountered in running northwardly, then when at a point nearest to such branch, the line is to be run directly to it, and thence down the same to the Gila. If Mr. Bartlett persists in this construction of the treaty, and thereby misses the San Pedro, as will probably be the result, then he will on both lines surrender to Mexico 9,530 square miles.

It was extraordinary that Mr. Gray and Colonel Graham should have been recalled under these circumstances. Both were able officers. Colonel Graham had rendered distinguished service on the Northeastern Boundary, and was selected for his peculiar fitness for the position. It is true he has been succeeded by a very able and accomplished officer—Colonel Emory. But it is obvious that the motive of the recall of Colonel Graham and Mr. Gray was to enable Commissioner Bartlett to carry out this unfortunate and illegal agreement for the surrender to Mexico of a large and valuable territory belonging to the United States.

It cannot admit of doubt, that in assuming to direct Mr. Gray to sign the agreement of Bartlett and the Mexican Commissioner fixing the initial point, the Secretary of the Interior arrogated to himself a power which, under the treaty, was confided to the United States surveyor, and which the Secretary had no right to control. If he had the right to exercise any such power, it is to be regretted that he did not exert it in favor of the United States. It is unfortunate, that when he saw the error of Mr. Bartlett, he did not sustain the surveyor of the United States and Colonel Graham, instead of the Mexican Commissioner, General Conde.

I do not discuss this subject for the purpose of making any point on the present Administration, against which I entertain no hostility. I have no doubt that if the attention of that able and honest-minded officer, President Fillmore, had been brought to the subject, he would have corrected the error of Commissioner Bartlett.

The country which would be surrendered, if the action of our Commissioner were ratified, is necessary to the country as furnishing a convenient track for a military road, as well as a railway to the Pacific. The further north we are compelled to go the more mountainous the country becomes, and the more difficult and expensive will be the construction of any road to the Pacific. A military road to the junction of the Gila and Colorado is necessary to enable us to carry out our treaty with Mexico in relation to the Indian tribes, and the defense of our own frontier. Both of which we have too much neglected. There has also, for the last twelve months, been a system of *fillibustering* on the Rio Grande which has nearly broken up business and threatens to depopulate the country. It originated in a system of lawless aggressions from this side of the river, which has resulted in retaliations from the Mexican side, until the whole frontier is a scene of murder and bloodshed. Our own citizens are daily assassinated with impunity. If this state of things is not promptly arrested it will soon lead to another war with Mexico. All these outrages could have been arrested by stationing four or five hundred good mounted troops on the Rio Grande, who would not only have restrained these crimes, but have prevented Indian hostilities and incursions as well. If the Government had not this amount of regular cavalry at its disposal, it ought to have called for volunteers. It has ample power under the law for that purpose.

PACIFIC RAILROAD.

More than all, is this country proposed to be surrendered necessary to the United States, as furnishing a convenient iron for a railroad to the Pacific. All accounts tend to prove that Mr. Bartlett has surrendered the best route for the road. He has given up to the Mexican Government public land sufficient to construct the road to the junction of the Colorado and Gila.

No one who has investigated the subject can doubt the national necessity of a railroad to the Pacific. Look at the reports of your officers, both of the Army and Navy, upon the subject of our national defenses, and they all tell you that they cannot be made complete without a railroad and the telegraph to the Pacific ocean. In the event of a war with any naval power, the first demonstration would be upon California and our Pacific possessions; and in the present condition of things they would fall before you could afford them aid or relief. We would have no right to march an army through Mexico, by way of the Isthmus, even if the navigation of the Gulf should remain open, and the fate of the country would be decided before you could sail round the Cape or march an army overland through your own territory; but with a railroad, you could transport an army there in from four to six days. The enemy could not effect a landing before the country might be put in a complete state of defense, by means of troops transported on a railroad, with wings of steam. If the road is not constructed, the Government will be compelled to line the Pacific coast with a system of forts, which will cost more to build and man than the expense of a road, which will change the commerce of the world, and furnish ample defenses.

Consider, sir, the mighty effect of such a work upon national and international commerce. It would change into a new channel the commerce of Europe with Asia. The United States are situated in the center of the world's commerce and production. With a railroad to the Pacific, we must become the largest store-house of the commerce of all nations, and the mart for the exchange of products. Through our dominions would pass the commerce between Europe and the Indies, as well as all Asia. To a great extent the Asiatic trade would fall into our hands. With the power over it which such a work would give, our own manufactures would enter China and other Asiatic countries under the most favorable auspices. Already this commerce has commenced between China and California, and bids fair to be a trade of great profit. No nation has ever possessed the commerce of the Indies without growing wealthy by its immense gains. It has created a race of merchant princes for several European nations. This commerce is at our door, and we have only to stretch out our hands and engross it.

I am in favor of devoting some portion of the public lands west of the Mississippi, in the vicinity of the road, to its construction. This may be effected either by granting it to States, or individuals, upon condition of building certain sections of the work. It is true that the Government has no public lands in Texas; but that State has

already granted the right of way through her limits for a Pacific railway, and made a liberal donation of lands in aid of that object. I have no doubt that her Legislature will grant still more, if necessary, to carry out this great national improvement. She has a rich territory, more than five times as large as the State of New York, which will contribute a large commerce to the support of this great work. Possessing over a hundred millions of acres of public domain, it is her interest to be liberal to this vast national project. The effect of a railroad to the Pacific in increasing the value of the public domain must be obvious to all. This Government owns west of the Mississippi more than a thousand millions of acres of public domain. Near six hundred millions of acres of this public land is in New Mexico, Utah, California, and Oregon. I have already presented my views in favor of the power in the Federal Government to grant sections of the public lands to aid in the construction of railroads, when the result is to enhance to an equal or greater amount in value the land along the road reserved to the Government, and shall not repeat them.

In New Mexico alone the Government has nearly 135,000,000 of acres of public lands, which will be almost valueless for half a century, unless a railroad is constructed through that Territory. The Government would be a great gainer to give half this land for the construction of a railway from the Rio Grande to the junction of the Colorado and Gila. In an agricultural point of view, New Mexico is comparatively a poor country; but as a grazing country, it has great capabilities. It is well adapted for raising sheep, cattle, and horses. It is a region where wool can be grown with decided success, and the winter is such that beef could be packed there with safety for the Pacific and other markets. It is also the land of the vine and the grape. Its great power, however, lies in its mineral resources. It abounds in valuable metals. Gold has lately been discovered in quantities sufficient to invite the miner both upon the Gila and the Colorado. It is rich in silver, copper, iron, and coal. With a railroad the mining interest of New Mexico would soon become a source of vast wealth. Without such a work these mines will, in a great degree, be lost to the country for ages. The same may be said of a large portion of California. The mineral products of that country cannot be fully developed without a road, which will afford rapid and cheap means of communication. How many thousands are there who would visit the mineral regions to labor temporarily if they could reach them in a few days at a moderate expense. Hereafter the business of mining is to be one of the most important interests in this country. The precious metals are already one of the largest items in our exports, and destined to have a still greater effect upon our foreign and domestic commerce. It is estimated that the California mines have yielded at least $200,000,000 up to this time. But the great branch of industry which would be promoted and benefited most extensively, taking the Atlantic and Pacific both into account, by such a road, would be that of agriculture. Not only by means of opening new lands, by furnishing transportation for the products of what would otherwise be remote regions, but in effecting exchanges of the products of the great valley of the Mississippi with the people of the Pacific side. It could not fail to open an extensive market for the agriculture and manufactures of the population of the Atlantic section of the continent.

But independently of all these considerations, it is for the interest of the United States, as a proprietor, to grant sufficient public domain to construct a road to the Pacific. How else is this Government ever to settle in a reasonable time the thousand million of acres which it owns on the other side of the mountains? No action which the Government could take would enhance the sale of the public lands to such an extent, because the road would carry population to settle and improve countries that would otherwise remain a waste wilderness for an indefinite period of time. To make these grants is not to waste, but to increase and enhance fourfold the land fund and the value of the land west of the Mississippi; for real estate, like all other property, has no test of value but its use. If it cannot be occupied for want of a market, it is without appreciation; and this is precisely the condition of four fifths of the country beyond the Rocky Mountains, exclusive of the gold diggings. Off from the shore and navigable waters of the Pacific, there are no means of transportation for products to induce settlements.

It is not my purpose to enter at any length into a comparison of the two routes—the northern and the southern. My own opinion is, that if both were constructed, the southern route would do the largest portion of the business, so far as it might be connected with the Pacific and Asiatic commerce. The southern road being through a better climate, could be used at all seasons of the year, without any interruption from snows.

Mr. Whitney estimates the northern route at over two thousand miles; no one has ever supposed the southern route to be more than seventeen hundred miles from the Mississippi river; and in point of fact it will not exceed fifteen hundred, with all the detours, starting from any point south of the mouth of the Ohio. With a railroad from the Mississippi river to the Pacific, it would be easy to reach China from London in thirty days. I am not opposed to any individual enterprise in the Tehuantepec route; but it cannot supply the great national want.

The running distance from Tehuantepec, on the Pacific side, to San Diego or San Francisco, is as great as from the Mississippi river to either of those places by the running distance by railroad, while the time made on the railroad will be at least twenty miles per hour, and that on the steamers about twelve.

From Tehuantepec by steamer to San Francisco is nearly 2,000 miles; to San Diego about 1,600. From the Mississippi to San Diego by a straight line about 1,380 miles; to San Francisco about 1,500 miles; and the detours of the road on either route will not make the distance greater than the present running course by steamers from Tehuantepec to either of those places. And when the difference of speed and the obstructions from the weather are considered, it will be seen that the journey from the Mississippi by railroad can be made in about half the time that it can from Tehuantepec. Even when you have reached the Pacific side, the time saved in going from New York to California by the railroad direct over that of Tehuantepec would be sufficient to secure the construction of the railroad. A ship canal through the Isthmus would not change the result, nor do away with the necessity of a railroad.

It has been urged that a railroad to the Pacific, if constructed, would not yield enough to pay interest on the investment, defray current expenses, and keep the work in good repair. It can be shown beyond controversy, that on the basis of the present trade and travel between the Atlantic and Pacific the road would not only be a good stock, but a profitable investment.

The present emigration to California is not likely to diminish for a number of years. It will continue so long as gold is found in its present abundance in that region; and there does not appear to be any limit to it. The mines, from all appearances, are as productive now as they ever have been since the discovery of the gold in California. The returns show that the commerce of the Pacific is steadily increasing. The tonnage to California for the fiscal year ending the 30th of June, 1851, foreign and from other portions of the United States, was upwards of 258,000 tons. Of this, the tonnage from the United States was upwards of 115,000 tons. It is known that vessels out always go with full freights. Let us go more fully into details as to the means of sustaining a railroad to California.

Length of the road from the Mississippi river to the Pacific, taking the largest estimate, one thousand seven hundred miles, cost of construction $40,000 per mile.....	$68,000,000
It is ascertained that in order to pay and defray expenses, a road should divide 12 per cent.; which on the cost of the road.....	$8,160,000

The next question is, from what sources is this amount to be derived? It is known that an ordinary trip around the Cape takes one hundred and fifty days. As much as $40 per ton freight on that voyage has been paid to the fast clippers. The steamers, according to their advertisements, charge seventy cents per cubic foot to Chagres, and $100 per ton from Panama to San Francisco. At $10 per ton from the Mississippi river, heavy freight would pay cost, charges, and repairs on the road. At this rate of freight the road would do nearly all the business, owing to the greater expedition and saving in insurance and interest on capital. By the Isthmus the steamers now make the trip in twenty-six days. It could by railway be made from New York to San Francisco in six. The profits from travel would be so great as to warrant a very low rate of freights. It is estimated by Lieutenant Barnard, in his survey of the Isthmus, from official documents, that the average travel to California for the years 1849, 1850, and 1851, was 141,320, which, at $50 per passenger, less than one fourth the present average rate, would give the sum of..... $7,066,000
Then freights, 150,000 tons, at $10... 1,500,000

Which would produce an annual profit of..... $8,566,000

More than sufficient, without allowing for any increase of the present Pacific commerce.

It will be perceived that the foregoing estimate of resources for the support of a railroad is based almost exclusively upon the present domestic trade and travel between the Atlantic and the Pacific. To this must be added the commerce of China, and other portions of Asia.

The foreign trade with China, in 1845, was.... $43,390,784

In British ships.....	$16,073,682
In American ships, including specie.....	2,909,669
All other countries.....	1,417,433
Opium, smuggled.....	23,000,000
Total.....	$43,390,784

Exports from China to British Empire.....	$26,697,321
" " " the United States.....	8,261,702
" " " all other countries	1,972,875
Total.....	$36,931,898
Balance of trade in favor of England.....	$6,458,886

Balance of trade in favor of China, and against the United States, paid in bills on London...	$5,325,033
China consumes in raw cotton.....	$7,000,000

Lieutenant Maury estimated in 1849, that in transporting oil on the railroad instead of sending it home by sea, there would be a saving to the whaling business of $2,000,000 a year, in avoiding loss of time, interest, and insurance, as well as the loss incident to the present character of ships, and that this freight would pay to the railroad $970,800, at $20 per ton. This trade would probably pay $500,000 a year on freight at $10 per ton.

There is still to be taken into account the way transportation and travel, which all must perceive will be immense, if we estimate only for the rich planting district between the Mississippi and the Rio Grande. That portion of the road, alone, will pay a good dividend as soon as it shall be constructed. There is also the country from the Rio Grande to the junction of the Gila and the Colorado, whose mineral wealth has already been alluded to. It is believed to be valuable for its gold. It is well known to be rich in copper and silver; and the working of these silver mines is a matter of great interest to the country, as demonstrated by the recent scarcity of silver for the ordinary purposes of circulation. Not only does New Mexico possess valuable silver mines, but they abound also in the three northern States of Mexico. If we had a railroad to the Pacific we could, by our commerce, command the produce of these mines, together with the Mexican trade generally. And let me assure you, sir, that this is a most important trade, which we have too long neglected. Mexico has a population of more than eight millions of people, and may be said to be a nation without manufactures. Merchandise has been taken overland from Texas, not only into the interior of Mexico, but to the capital itself. With a road to the Pacific, the United States could control this commerce; certainly in all except the southern States of Mexico. Now, suppose this population took of merchandise and goods, of all sorts, only five dollars per year for each person—which is a small estimate—it would amount to $40,000,000. This, of itself, would create a very large way-freight and travel. It is well known that the wants of these people increase with the

habit of consumption. It must be apparent, and it is the opinion of commercial men, that our trade with Mexico can be made quite as important as our commerce with Asia; because, with proper exertions on the part of our Government, it may be nearly monopolized by the United States, and open a vast market for American manufactures. To effect this, a railroad is not only necessary to transport merchandise, but to enable us to furnish the heavy machinery, indispensable to the profitable working of the rich silver mines of Northern Mexico.

It is admitted that the efficiency of any road to the Pacific, as a medium of commerce, must depend greatly upon the rate of tolls charged for freight. It is ascertained that at one cent per ton per mile, a road will pay dividends, and it will pay expenses and repairs at half a cent per mile. At these rates heavy freight can be transported. There is no doubt that the road would take the freight from the Mississippi to the Pacific at $10 per ton. This would be cheaper than it could be taken round the Cape or across the Isthmus by steamers and railroad. Calculating the distance at seventeen hundred miles, it would leave a profit of $1 50 per ton. At these rates, cotton, corn, flour, beef, and pork could be transported on the road for the Chinese market, from the valley of the Mississippi, and leave a fine profit. But they can be raised in great abundance east of the Rio Grande, within one thousand miles of the Pacific, and can therefore be transported there for $5 per ton. Such a rate of freight would enable us to supply the Chinese Empire with a large proportion of its food in exchange for Asiatic products, thus creating an extensive market for the agricultural products of the United States. This rate of freight will enable dealers to transport corn, flour, and provisions from any portion of the valley of the Mississippi to the Asiatic market. It has been estimated that these articles can be transported from the Pacific to China for $14 per ton, which would make the freight on corn about fifty cents per bushel, and flour $2 25 per barrel, from the Mississippi to China. At these rates, such articles would bear transportation and yield a fair profit.

The route from the Mississippi through Texas has this great advantage over the northern route: it passes through a country which in its whole length can produce something valuable for export, and can therefore create a large way trade; whereas the northern route will lay over more than a thousand miles of desert, which can add nothing to commerce. This single fact of itself should be conclusive in favor of the southern route, as well as the fact of its more immediate and direct connection with the great mineral trade of California and Northern Mexico. On the southern route there is no section of the road that would not pay from the time of its completion.

MAIL STEAMERS.

The English have already projected a line of steamers from Liverpool to New York, Chagres, California, and Australia, to connect with their other line to India. This country has no way to maintain her natural influence over the commerce of the world unless she sustains her own lines of steamers from Liverpool to New York and China, in connection with an overland railroad to the Pacific. With such a road we can so far outstrip them in speed as to command both the travel and freight on this great line of commerce and emigration. The British Government perceives this, and is taking steps to anticipate us, not only with steamships, but is discussing the propriety of a railway through Canada to the Pacific. There is an able discussion of this subject in the English Nautical Magazine of 1851, a semi-official journal; and by the recent European mails we learn that Government has already taken action on the subject, by authorizing the steam mail line referred to. They see that, as connected with Asiatic trade and European emigration to America, this is but one great line of commerce and travel. This is the key to all British operations in Central America, and their efforts to get exclusive control of a ship canal across the Isthmus. And if this country does not bestir itself, our fine natural advantages will be superseded and thrown in the background by British enterprise and capital.

This brings me to speak of the increased mail pay to the Collins line of mail steamers contained in the bill under discussion, for I consider the continuance of these steamers in that trade as a great national interest which it would be disgraceful to abandon. It has been asserted that the appropriation is unconstitutional, but I have heard no argument advanced which would tend to prove that we may not provide for carrying the mails, or the establishment or increase of a steam navy. When such an argument is put forth, I shall give it an attentive consideration, as it will operate a repeal of the express grants of the Constitution over the mails and the creation of a navy. Indeed, constitutional law is getting to be a very anomalous science in this body. With one class of gentlemen it is clearly unconstitutional to remove a snag out of the channel of the Mississippi, but constitutional enough to erect a light-house over every snag from the Falls of St. Anthony to the Balize, to show the mariner where the danger lurks. With another, it is unconstitutional for Congress to make appropriations to internal improvements, but quite constitutional to pass the land distribution bill which received the sanction of this House the other day, by which 60,000,000 of acres of the public lands are divided among all the States, except Texas, for the purpose of internal improvements—a fund more than sufficient to construct a railroad to the Pacific, and which will be squandered as was the distribution fund of 1837. Those gentlemen who would think it monstrous to vote for the erection of poor-houses in the States find no difficulty in voting as a gratuity a farm to every man in the country, rich or poor, who is not at present the owner of land, whereby the whole land revenue, amounting to millions a year, is altogether destroyed for an indefinite period. And even the Roman virtues of the sturdiest declaimer about economy and the Public Treasury melt like snow in a July sun before the potent influence of a bounty land bill, although it will dissipate in land and money nearly one hundred millions of the public resources, about two thirds of which go into the coffers of land-jobbers and Wall street brokers, instead of the pockets of the soldier. I observe, sir, that most subjects are constitutional which bear directly upon the local suffrage, but a great national measure must run the gauntlet of all sorts of captious and fine-spun constitutional argument.

Sir, we need no better illustration of the fact than the steam-mail service and the steam-mail navy. It is said that the Collins line is a monopoly. A monopoly is defined to be "the exclusive right of the buying, selling, making, or using of anything." It is said by a great English jurist that, "every monopoly has three inseparable incidents—the raising of the price, the deterioration of the commodity, and the impoverishment of artificers and others." It would be difficult to bring the Collins line within any of these definitions. It has not the exclusive right of carrying even the mails. It has not the exclusive right of any species of freight, which is as open to free competition now as formerly. It has, however, the merit of having broken up the monopoly of the Cunard line, both as to the mails and the lighter species of freight. And when we see these mighty steamers outstripping the English, and everything else upon the ocean, no one can say that the "commodity" has been greatly deteriorated. Such, certainly, is not the opinion of the Cunarders. And I trust it will not ruin that class of American artificers who have constructed the engines of those mighty leviathans of ocean speed, and who are an honor not only to our country, but the age in which they live. Sir, the construction and navigation of these steamers has injured no class of American artificers, and no American shipping interest. Where is the rival American line to be injured? Its whole effect has been to destroy English monopoly and supremacy in steam ocean navigation.

Gentlemen need not raise the clap-trap cry of protective policy. I shall vote to protect this great national interest whenever it can be done without creating a charge on the Treasury, or imposing any tax upon the industry or production of the community. In the present case I feel confident that the postage will, in the end, meet the full amount of the appropriation; and it has been demonstrated that by a reduction of freights on exports and imports, as well as on foreign letters, the Collins line has been a great benefit to all classes of the community. It is not that protection which levies a duty upon any article of consumption, or excludes it from importation, for the benefit of some home producer.

I am unable to perceive the force of the reasoning which is urged against this measure in a financial point of view. It appears that, for the two years during which the contract for mail service with the Collins line has been in force, after deducting the amount of postage received from the amount paid Collins for the transportation of the mail, the charge on the Treasury is only about $128,000 a year. The increase of the amount of postage of the second over the first year was $183,734. The amount of postage received in 1851 was.....$343,641
Assume a like increase for 1852 of..... 183,734

Makes for 1852 the sum of.....$527,375
Assume a like increase for 1853 of..... 183,734

Makes the amount in 1853.....$711,109
for twenty trips. If twenty trips produce this amount, the increase to twenty-six trips, as proposed, will produce for 1853 the sum of $924,441. It will thus pay a revenue to the Government; for the whole amount proposed to be appropriated for the twenty-six trips a year, is $858,000. This estimate is reasonable. It goes on the ground of an increase for two years equal to that of 1851. If the steamers were kept on the line I believe the increase would occur without the additional trips; certainly with them, for it will be perceived the estimate goes upon the ground of a like increase, and not upon that of a proportioned increase, which would be much greater in amount. Appearances go to assure us that we are to have a large augmentation, not only of business, but of immigration, which must increase correspondence, and consequently the mail pay.

The United Service Journal, for 1851, estimates the emigration from Europe to America at 1,000 per day. Recent estimates place it at 500,000 a year. The same journal states that passage money alone is a profitable trade for ship-owners, independent of carrying freight. This latter fact shows how important it is that American vessels should be prepared to participate in this trade. But let us reflect on the immense correspondence which this emigration must produce. The emigration and travel, taken together, cannot be less than 500,000 a year. Suppose those persons write and receive one letter each per year, at the present rate of postage, (16 cents,) it will produce..$160,000
We may safely estimate that there are in this country 5,000,000 European emigrants, who will write and receive each two letters a year, which, at the same rate, will be..... 3,200,000

Making an aggregate letter postage of..$3,360,000

Under our postal treaty, half will belong to the United States, if our steamers make equal trips and carry an equal amount of letters, $1,680,000 per annum.

If our steamers, under the present system, have not produced a proportional part of this sum, it is because they have not performed half the service which would entitle the Government to claim half the mail pay. And there is still another and stronger reason: A large portion of the letters are carried by private conveyance, at less charge or no charge, which ought to be remedied by legislation, as recommended by the Postmaster General. The abuse could easily be arrested; and even if the rate of postage was reduced, the increased correspondence would prevent a reduction of the revenue.

By the terms of the amendment, the Government has a right to terminate the service after 1854, and it is quite certain that, by that time, the postages will be equal to the mail pay. But, if it should still be a charge of $128,000 per year upon the Treasury, it would be economy to keep the line up; for if you let it go down, then the British steamers will carry the mail at their own price;—no doubt double the postage you now pay the American steamers. Nor does it seem to me that this is an extravagant compensation. The English Government now pay their own, (the Cunard line,)

$856,820, which is very near the sum embraced in the proposition to the American line. There is no doubt the British Government would rejoice to see the American steamers go out of the trade, for in the six years previous to the establishment of the American line, the Cunard paid that Government, in postage, the sum of $5,286,800 as a clear profit, according to the statement of the able report of Senator RUSK. Sound economy, therefore, to the American Government, requires that the American mail steamers to England shall be continued and sustained.

That national policy dictates to us to support our system of mail steamers, which can be converted into efficient war steamers, cannot admit of a reasonable doubt. The opinion is now universal, that steam has produced a complete revolution in naval warfare. This condition of things forces upon us the necessity of an increase of our steam naval marine, unless we intend to surrender our position upon the ocean as a naval Power. There is no alternative.

According to the United Service Journal of 1850, the English have 70 line-of-battle ships, 63 frigates, 117 corvettes, brigs, and smaller vessels. They had at that time 150 steam war vessels, and 1,184 merchant steamers, and 40,000 seamen in the Navy. It is said the English now have 320 war steamers, including mail steamers, carrying 1,520 guns. The French have 224 sailing vessels, 100 war steamers, and 291 merchant steamers, and 21,000 seamen in the Navy. It is said that a large portion of those English and French war steamers could be armed and made available for war purposes. The United States have 16 regular war steamers, and 24 mail steamers, 40 in all, carrying 73 guns.

This state of things cannot be permitted to remain, unless we intend to abandon our commerce, now the first in the world in point of marine tonnage, to the mercy, not only of our own enemies, but to that of European belligerents, in case of another general war. We must increase our steam navy; we have too much at stake, not only of foreign commerce, but coastwise trade, along this extended country, to neglect longer this great national necessity. Our force need not be near as large as that of England or France; but we cannot, with safety, permit the continuance of the present disproportion.

Two methods, then, are presented to us, by which we may supply this national want. First, by building war-steamers by the Government, to be placed at once in the Navy, and used exclusively for naval purposes. This would involve a heavy expense to the Treasury, without any direct aid to the commerce and business of the country. The other method is that of contracting to carry the mails, in steamers so constructed as to be well adapted for war and naval purposes, and easily converted into war steamers, when required for that purpose, and liable to be taken, at any time, by the Government, on the payment of their appraised value, as all the present contracts provide. This is undoubtedly the cheapest system, and has the great merit of aiding commerce, facilitating emigration, and contributing to build up and increase the general business of the country. We have now, on the different lines, twenty-four mail war steamers, (if I may so express myself,) which we might, at any time, if we chose, place in the Navy, by paying their appraised value. These vessels have cost nearly $10,000,000. The Government has paid to them, for the transportation of the mails, over and above the postages received from the lines, the sum of $1,534,158. Had these steamers been donated to the Government, ready mounted with guns for sea, it would, by estimation, have cost nearly double that sum to have preserved them in the navy-yards for the same length of time. It would have cost the Government $10,000,000 to $15,000,000 to have kept them in commission and actual service.

It should also be recollected that the postage is constantly increasing on these steamboat lines, and that the chance is that in the end they will be very little charge to the Treasury.

The Collins line of steamers have had a very important effect in another respect, which is worth more to the country than all we have paid, or shall pay, if the compensation is increased as proposed. Since they came into the trade, freights between New York and Liverpool have been reduced from £7 10s. to £4 per ton—nearly one half in the rate of compensation. The effect of this reduction upon the great staples of the country, and especially upon the production of cotton, rice, and tobacco, is immense. It involves not only the profits of these pursuits, but in some sections, the capacity to continue their growth and production for export. There is scarcely anything more advantageous to American agricultural industry than cheap freights. This country is a great exporter of raw materials, and an extensive importer of manufactured goods. Low freights, therefore, are of vast national importance to our producing class throughout the whole Union. Especially are low freights important to the South, and the producers of Southern staples. The rate of freight generally settles the question of loss or profit to the cotton grower.

The support of the Collins line, therefore, is not a mere local question. It is of direct interest to every man who grows a bale of cotton, or consumes a pound of foreign goods or produce. The subject of cheap freights is also one of vital importance to the great Southwest and Northwest. It is to determine whether corn, flour, and other provisions can be exported to Europe to any great extent for a series of years, when the crops are not short on the other side of the Atlantic. It involves the question of cheap bread to the toiling and starving millions of the Old World, in exchange for clothing for the men of the New. It is a question of no ordinary moment to both, and especially to the producers and exporters of provisions in the Western States. Let their Representatives look to it. As soon as the Collins line is withdrawn, the Cunarders will restore freights to the price they bore previous to the competition created by the American steamers.

Not only is the South especially interested in this subject, as a question of freight, but in the continuance of the system, as it affects her own commerce and navigation. There is no doubt that the great Eastern cities, if the British Government did not interpose to support English competition, might establish and maintain a line of steamers to Liverpool. But the Southern cities have not, at present, sufficient commerce to enable them to sustain any line of steamers to a foreign port without the mail pay of the Government. Two or three Southern lines have been projected of great importance to the country, if they can be sustained. I allude especially to the one from New Orleans to Vera Cruz, and from some Southern port to the mouth of the Amazon.

I also regard a steam connection between California and China as a great national *desideratum*, indispensable to give to this country the mastery over Asiatic trade and commerce. If we neglect this great interest, the British Government will at once monopolize it. And it is because that Government is aiding English steam navigation and capital on an extensive scale, that the American Government ought to counteract its efforts on this continent, and in the Asiatic trade, by sustaining American enterprise, when it can do so without any considerable charge on the Treasury. Let us sustain our own steamships, wherever the mails will refund the outlay.

It has been urged that these mail steamers are not adapted to war purposes. But the whole weight of the testimony of the officers of the Navy goes to show that they can be converted into war steamers without any great delay or expense, and be made to answer a valuable purpose. It is true they say that these vessels would not be equal to steamers originally constructed for that purpose. But these professional opinions are to be taken with certain grains of allowance. It is natural that officers in the Navy should desire the Government to build and own their own steam navy, disconnected with commerce and the mails. They, however, all agree that these steamers would answer a valuable purpose in case of war, if they were properly equipped with necessary batteries. Such is the opinion of Commodore Perry, Commodore Skinner, and others. They agree that these steamers are strong enough to carry heavy guns, and the necessary armament. A shot that would disable a Collins steamer would have the like effect upon any regular war steamer in the Navy. Neither are shot proof. The truth is, that if war steamers of the first class cannot be furnished in this way, they cannot be built in the Navy. The plans and specifications have been furnished by the Naval Bureau. The ships have been constructed under the supervision of officers of the Navy; and the law requires that they should not be accepted unless fit to be readily converted into war steamers. If, therefore, they are not fit for that purpose, it is because the officers of the Navy are wanting either in capacity or fidelity to the Government. Moreover, it is well known that a war steamer cannot be wholly constructed in our navy-yards. They have not been furnished with the shops necessary to make the machinery. If we are to build steamers in our own yards to any extent, we ought first to prepare the shops required for that purpose. The building a steamer in the Navy is the work of years, altogether too slow to furnish vessels for an emergency.

It has been alleged that the necessary strength required for a first-rate war steamer could not be given to a mail steamer without impairing her speed. But this is no answer. The slight gain in speed is not important anywhere except on the New York and Liverpool line, and that is already supplied, or will be, by the Collins boats. The English officers agree that the mail steamers are equal to any for war purposes, if strengthened fore and aft. Whatever may be the difference of opinion as to the success of the first experiment, there is no doubt that the mail steamers can be made equal to any for war purposes, as well as a war steamer can be made to carry mails. There is no impossibility in the thing, and confessedly no great difficulty. There is no necessity of sacrificing strength to speed. There is one great advantage in requiring these vessels to be made strong enough for vessels-of-war. It is the greater durability, and security for life and property. The ocean steamers constructed under these contracts have been free from those disastrous accidents so destructive to life and property in ordinary steam navigation.

There are other reasons for adopting this system of mail steamers, convertible into vessels-of-war. The service of ocean steam navigation is yet in its infancy. Improvements are constantly being made in the model and construction of this class of vessels. If, therefore, the Government were to expend several millions at this time in the construction of steamers, the probability is that they would prove useless before we should have occasion for them in any actual war. Such is the progress in this branch of service, that, in all probability, it would be necessary to throw aside steamers that would be built at this time, and adopt others, in order to keep pace with the progress of improvement in steam navigation. Such superannuated ships would result in a great loss to the Government. But the same extent of loss could not occur, if these experiments are made by private builders, because they could adapt their old models to some useful service in the merchant marine, which would avoid any great sacrifice.

But a still more cogent reason why our peace establishment for war steamers should, for the present, be in the merchant service, is, that, in all probability, should the Government go to the expense of placing a number of these ships in the regular Navy, they would rot, or be destroyed by worms, before we should have a war, or any urgent necessity to place them in commission. It is estimated that a war steamer will not do good service, as a war vessel, longer than ten years. Although liable to that calamity, it is not probable that we shall have a war with any naval Power in the next ten years.

Why, then, should we sink a large amount of Government capital in naval steamers, when we can be prepared for an emergency by the system of mail steamers, which are all the time building up, and extending our foreign and domestic commerce? Why not make this system of defenses contribute to the general wealth and prosperity of the country?

Until very recently, the side-wheel has been the decided favorite in the propulsion of steam vessels. Some recent experiments go to prove that the screw-propeller is about to divide steam navigation with it. There is every probability now that steam and sails are about to be so combined by the screw-propeller, that it will not be necessary

to use steam when the winds are fair for sails. Several recent English and American experiments go very far to establish that fact. A vessel of this character can be navigated at much less expense than the side-wheel steamers. The estimate of the English and American engineers is: that the screw steamship will not consume quite half as much coal, when steam is resorted to, as the side-wheel steamer. It is asserted that the screw ship, in order to make good time, need not use steam for more than one fifth of the time; whereas the side-wheel vessels must use it all the voyage in order to make any speed. It has been shown in the English service, that the screw vessel can carry a full broadside, which can never be mounted on a side-wheel steamer. It is, therefore, no doubt, a superior war vessel on that account, as well as for its much greater economy. The English are using them as mail steamers; and it ought to be the object of the Government to test them in the regular Navy as well as in the mail service, which may easily be done by inviting bids to carry the mails in this class of vessels.

I confess, for one, that I do not desire to see the regular peace establishment of the Army and Navy increased to any greater extent, unless it shall be absolutely necessary. In the first establishment, we ought to rely on the militia as far as possible; and in the other, upon the merchant marine, wherever it can be made to answer the purpose of national defense. If it can be effected, let a large portion of the naval peace establishment belong to the States in the merchant marine. I do not desire to see the standing Army of this Government increased. In my estimation, there is no wisdom in increasing the Federal power of this Government. If we needed any proof that the danger of standing armies, and regular establishments, is as great now as it ever was, the recent example of France furnishes an instructive lesson. Mr. Macaulay, in his History of England, has made a profound observation on the comparative power of the people to resist government in the Middle Ages, and at the present time. He shows, that while there was little personal property, it was easy for the baron to gather his retainers about him, and resist government for a time without leaving behind any lasting evidence of the ravages of war. But in this age, with its advance in civilization and wealth, its vast accumulation of personal property, resistance to an organized government is a fearful enterprise; and concludes by saying that a civil war in England at this time, of even short duration, would be felt for an age, from the Thames to the Hoangho and the Missouri. Sir, property and capital are proverbially timid, and it is the tendency of the age to submit to oppression rather than encounter the fearful hazard of civil war, and the consequences of even successful revolutions.

COLLINS STEAMERS.

SPEECH OF HON. J. R. CHANDLER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

July 6, 1852.

The House having under consideration the bill to supply deficiencies in the appropriations for the fiscal year ending the 30th June, 1852—

Mr. CHANDLER said: Mr. Chairman, I need not tell this House that I am specially opposed to the patronage which this Government has weakly, and as I think wickedly, bestowed upon the city of New York, in disregard, and I may say to the injury, of other cities of the Union. I last year dwelt with earnestness, and, as it proved, with effect, upon the manifest wrong which the lavish partiality of the Government to New York had inflicted upon other cities—among others, that which I in part represent on the floor of this House; and in no one particular has that injudicious preference been manifested more than in that of patronage continued to certain steamboat lines running from and to New York, in opposition to other lines owned there or elsewhere in the Union, and running in the same trade, and between the same ports. *Running*, I have said, with these Government-favored steamers—not exactly so, Mr. Chairman—but *ready* to run with them, whenever private enterprises can be left free to compete with private exertions.

Against these things, Mr. Chairman, I have protested, not only because New York was thereby enabled to maintain her swelling port, without the investment of ample capital, and without the effort of fair competition; but also, and especially have I protested, and I do protest against it, because, inflated with the favor, New York claims all else of national patronage and national distinction, and makes the success of her constant demands the grounds for augmented favoritism; thus improving upon the axiom of Scripture, and taking the coat of the Government because it has already possessed itself of the cloak.

There is a point when governmental favor, like parental partiality, rises from an error into a crime, because, while it inflates into impracticable insolence the object of its favor, it disheartens, cripples, and destroys the neglected rival. The judicious parent will promote his own interest, indulge his own affection, and secure the success of his family, not by lavishing his means upon one child to the injury of another, but by the judicious distribution of his property among all his sons, to enable them to compete with the enterprise of antagonistic or rival neighbors.

So, Mr. Chairman, a judicious Government will seek to diffuse its favor, if it have favor to bestow, upon all portions of its citizens, to enable each to give efficacy to its industry, and to enable all to contend against the industry and enterprise of the people or Government of another country. And while I advocate the former, and desire also the latter—while I protest in the name of my constituents against any uses of public funds that shall tend to promote centralization on any one city against all others in the Union, beyond the advantages of nature, and the results of well-directed enterprise, I advocate such a system of governmental power and legislative competency as shall enable the citizens of this country, in all enterprises that involve capital and industry, and seek to enlarge national and individual benefit, to compete with and outstrip the enterprise and industry of foreign shores; and if that enterprise and industry, and that devotion of capital by foreigners, have one of their *points d'appui* upon our shores—if England, that almost omnipotent architect of commercial consequence, centers one foot of her mighty compasses in London, and turns the other on New York, or any other city of our Union—then, sir, I say it is not for Philadelphia, it is not for Boston, not for Baltimore, not for New Orleans, to stand aside, and let our means, our commerce, our trade, our habits of business, be circumscribed by English rule, and made subservient to British profits.

The amendment now under consideration is a proposition to give to a line of steamers now already patronized, an additional amount of compensation for carrying the mail across the Atlantic.

Various objections are made to this amendment:

1st. That individuals of New York must be more concerned than the public, because they are so anxious and clamorous for the means of relief.

2d. It is said that it is only a New York enterprise, and therefore has no claim for support upon the nation at large.

3d. It is added that no benefit can come from dividing with Great Britain the business of mail transportation.

4th. And that the contest with England as to whose steamer shall run the fastest in the race across the ocean, is unworthy national engagement.

I purpose occupying a few minutes of the time of this committee in considering these objections, and if it should appear that the premises which I have assumed are correct, and that the Government should sustain her people against the enterprises of foreigners, supported by their own Government; and if I am successful in showing you that the enterprise denominated the "Collins Line of Steamers" is not a local work; that it is of general consequence, and is opposed by foreign capital, sustained by foreign governmental patronage, then I shall ask your concurrence in the proposition to adopt the amendment which the Senate has made to the deficiency bill, with regard to this line of steamers.

And let me add, that while I ask for the protection of home industry, home enterprise, home capital, and home independence, I only ask it as a temporary encouragement. I do not expect that Government is continually to protect the same industry and the same investment, or, indeed, any industry and any investment which shall not in time acquire strength, gristle, and bone to sustain itself. I am regarding the "Collins line of steamers" as I regard any other American effort—any other child of our glorious institutions. The child must be sustained until it can go alone, and when it has once had its share of public support it must stand and move upon its own feet, and leave public support and public protection to some younger project.

Mr. STEVENS, of Pennsylvania. I desire to ask my colleague why it is that the Government is asked to give a specific sum to certain individuals to carry the mails across the ocean, instead of giving the service to the lowest bidder, as is done everywhere else? I admire the magnanimity of my colleague in going for New York, and I hope the gentlemen from New York will go for our Mint; but I do not understand his argument. [Laughter.]

Mr. CHANDLER. If the gentleman will sit and listen with his usual attention, and exercise his usual judgment, he will hear how I answer that question. It is very pertinent, and one which naturally suggests itself.

Mr. Chairman, the measure now before the committee, is one that is more strongly recommended by the New Yorkers than by any other class of citizens. It proposes assistance to an enterprise which purports to be of New York origin, and New York investment.

The steamers connected therewith were built at New York, are registered at New York, they arrive at and depart from New York in fulfillment of their transatlantic mission, and they bear upon their ample sterns the name of the commercial emporium of the State of New York.

The incessant clamor of the New York gentlemen around the bar of this House, and around the bars of many other houses of this city, must not, however, be cited in proof that the "Collins line of steamers" is of New York concern alone. Nor can the fact that these ocean palaces were built, registered in that city, and that they depart from and arrive at New York, be admitted as any proof that the enterprise which has given them existence and sustained them thus far, even with considerable pecuniary loss, is of less than national importance—less indeed than national direct interest.

These vessels must be built somewhere, and they must be registered somewhere, and they must, by the law of the land, have upon them in legible characters, their own name and the name of the place at least in which they are registered, and they must, to compete with the British undertaking, have with some of the British steamers running between England and the United States, a common port.

New York, then, was preferred. It is, for such an enterprise, as well chosen as almost any other would be—and that the New York people are clamorous, does not prove that they alone are interested, but only that in the habit of constant appeal for themselves, they but indulge that habit when they make prominent their own interests in an enterprise which, by investment, character, and results, must be regarded as *national*, and therefore asking the House to sustain the amendment of the Senate, upon grounds entirely distinct from the claims to patronage in individual efforts against another or rival enterprise of one city more than another.

The truth is, sir, that these steamers are national not more by their conditional dedication to the public service, than by the universality of their ownership. They are not owned alone in New York. Philadelphia capital is largely invested therein, and if you have heard less of that than of New York interest, it is simply because Philadelphia is always less clamorous than New York for justice to her interest.

There are a few points in the remarks of the honorable gentleman from Kentucky [Mr. BRECKINRIDGE] which struck me forcibly—as, indeed, what does that gentleman say upon this floor that does not

deserve and receive attention? The honorable gentleman, in his speech, referred to the contest between the Cunard and Collins lines as an antagonism between man and man, and he spoke of such rivalry as "the rude contest of commerce." The honorable gentleman mistakes the matter entirely. There is no contest between man and man. If there were, or if between company and company, I should say, "stand aside, fair play, and no favor." I will never ask odds for an American against any other man, nor ask odds for an American company against a British company. But when an Englishman comes into our very ports, and under the noses of our merchants sits down and plans his voyage to take our commerce, and throws into our faces the Treasury of the British Crown, I say we have but one alternative—either to relinquish all contest, or to make that contest equal by backing the American ship against the British-backed concern. The affair, sir, is not the rude contest of commerce—it is the artful enterprise of a nation, that, having eaten the life out of India, Ireland, and Portugal, comes now with vampire appetite to fasten upon our limbs and glut itself upon the life-blood of our commerce.

The appeal of the honorable gentleman to the Democrats of this House, against the provisions of the amendment under consideration, was most painful to my ears. Has party discipline been made so efficient that it may be invoked against the experiment which we are trying of ocean steam navigation? And is it to be a part of the principles of the progressive party that it is to check the growing enterprise of our country? Is Democracy destructive? I know a portion of it is; but is the Democracy in which that gentleman shares of the iconoclastic kind, that destroys the images of all that is great in commercial enterprise, and all that is brilliant in mercantile possession? When honorable gentlemen are thinking about withdrawing the public patronage from the transatlantic steamers, let them pause and think what are the destinies of that net-work of steamers with which Great Britain overlays the great oceans. Does he not see that at this moment that far-reaching and over-reaching Power is appointing steamers to reach her Eastern possessions by the way of the Isthmus of Darien, and that she feels that, with the decay of her commerce in the Indies is the weakening of her grasp on the trident of the ocean? Does the honorable gentleman forget the great political truth, that the Power which commands the commerce of the East, commands the ocean, is the mistress of the sea, and therefore the arbitrator, if not the ruler of the world? England sees this, and, awakening to the truth at the time when her own domination seemed to wane, she seizes upon ocean steam, and quickens individual enterprise by national patronage till she can reassert her supremacy and reconstitute herself as the law-giver of trade; and the honorable gentleman appeals to the Democracy of the country to allow Great Britain to reassume her dominant position. Nay, sir, he turned to the Whigs with an imploring, half-hoping appeal. I, sir, turn to no party, no section; I lay the case before this committee as before American Representatives, representing Americans, and I shall prosecute my argument upon the broad ground of national good; and if any member of this committee points me to a plank in any platform whatsoever, I point him, sir, to the ark of our national covenant, and tell him to leave those perishable materials, and their petty, temporary offices, and to stand by the country, its Constitution, and its means of true independence.

Reference is made to the terms offered by other companies to carry the mails between New York and other ports of this country. Of that I have very little to say. If the United States has made a contract with steamboat proprietors to carry the mail, where there exists only individual competition, as with the California lines, that contract must be fulfilled in letter and in spirit; not one jot or tittle must fail on the part of the Government; the faith and honor of a republic must be kept as sacred and as immaculate as those of a monarch. And we must even make some allowances for shortcomings in the contractors. Though in all their home contracts, let it be remembered, Mr. Chairman, the Government patronage is interposed between rival American concerns; or if, when first exercised, only one claimant is presented, it is certain that now rival cities, as well as rival merchants, ask to share the favor, or failing in that, ask that their enterprise may not be weakened by the partiality of the National Government to a favored company or a favored city.

But even in these rival claims, Mr. Chairman, you find the benefit of pecuniary protection; the road is open, the enterprise is found practicable, and the Government, a kind mother, has nursed, and encouraged, and established a trade which now invites and rewards competition; and so soon as the expiration or violation of contract will warrant the step, let the field of domestic enterprise be thrown open to domestic competition. But, sir, what is done in, and for these lines, is not for us now to define or to defend. It is with COLLINS'S LINE alone that we are concerned; and I repeat it, sir, it is with that line as opposed *to* and opposed by the Cunard line, sustained by British governmental patronage, in our own waters, and waging a warfare upon American enterprise, even in the markets of the continent of Europe, underbidding for freight, when Collins's ships are there, and underrating the American means when they are absent.

This is all true, Mr. Chairman, but it is not all the truth. When the American steamer is to depart on the same day with the British, the seacoast of the continent is secured with steam tugs to bring freight to the British boats. From Havre to Liverpool; from Antwerp, Brémen, Haven, Hamburg, and other ports along and down the coast, bringing it, sir, free of freight when the American steamer is to depart, but making a high charge for these freights when the United States interposes no competition. It is thus that the British Government provides for the commerce of that country; it is thus that she fosters and protects her trade; it is thus that she has placed herself in the position she now occupies; and it is thus that she will maintain and elevate that position against the United States, if we neglect the means presented to place ourselves in the commanding position which all circumstances, but our want of liberality, present.

In the first six years under Cunard the Government of Great Britain received for postage alone seven millions eight hundred and thirty-six thousand eight hundred dollars, ($7,836,800;) and they paid in that time to Cunard $2,550,000; thus realizing a net revenue to the Government of $5,286,000.

Now, the Cunard steamers crossed the Atlantic eighty-four times, and Collins's only forty; of course, the British steamers carried double the number of mails, and received a much greater excess of postage. And, I may add, that the British Government, in the Post Office Department, took pains to secure to the Cunard steamers all the advantages possible, refusing to send any letters by the Collins steamers unless the letter should be specially marked for one of these steamers by name, even though the Collins steamer was to leave Liverpool first. The difference between the number of trips of the two lines will not be so great if this amendment should pass. In that event, which I confidently predict, the Cunard line will draw off *three* of their steamers, and thus divide the labor and the profits.

I did not design, sir, to refer to that part of the understanding between the contracting parties, which regards these steamers as resorts of our Navy Department in case of war; but the honorable gentleman from Kentucky has chosen to refer thereto, and to express a doubt whether they are suited for that purpose, and to deny that any sum less than $100,000 will render them fit. Sir, the steamers of the Collins line are better, stronger, more nearly approaching the war standard than the contract required, and when they passed from the builder's hands, they were pronounced by the proper officers fit for war service, of course with such additions and alterations in various ways as about $20,000 would supply. The argument of the gentleman from Kentucky is against the sufficiency of these steamers as war vessels. As batteries, sir, they may not be equal to some others, but there are many uses for steamers in war, to which these vessels may be applied; for which they are adapted beyond all others. Capacity to carry troops, and speed to overtake an enemy, or to escape from superior force. I need not argue this, sir; it is evident, that in any war in which our country may be engaged, she will have need of just such vessels as these; and very recently Great Britain has made use of her right to some of the ocean mercantile steamers of the character of those of the Collins line, to convey her troops and otherwise to assist in an expedition against Rangoon. The slow, lumbering process of other times will not now avail. Celerity is as important as numbers; indeed, it supplies the place of numbers, and the power that can present and remove its forces the soonest, has the victory, and hereafter our own harbors and sea-ports must, in time of war, look to railroads to convey troops for their defense, and to steamships and locomotive batteries to defend the point assailed.

One other view must be taken of this question of war steamers. If the time should ever arrive (and we see that it has arrived in Great Britain) when any of these steamers should be needed for war purposes by our Government, it will be for that Government then to decide how much cheaper they will be supplied to her than could be those which she should build. Unfortunately, it is with Government war vessels as it is with horses—the cost of keeping them a short time far exceeds the cost of purchase. And while these Collins steamers may be placed in active service in a few days, and at an expense of $20,000 apiece, it would cost ten times $20,000 for the Government to keep them six months waiting for the demands of war. I repeat it, sir, if the Collins steamers were in the service for the Government, (now awaiting war vessels,) they would cost $2,000,000 a year; and if in the navy-yard, they would cost $500,000 a year.

The fact that the calculations of the owners of the Collins line were incorrect is cited here against their requests for additional aid, as if mistakes of this kind were not incident to such a concern far more likely to occur against themselves than against the Government, because of the earnestness of the company to connect themselves with the Government. But mistakes of this kind are not unusual. In 1836 Great Britain received proposals to carry these transatlantic mails. But in the attempt to fulfill the contract Cunard's company broke down. It is the first step which costs, Mr. Chairman. In 1839 Cunard took the contract for £85,000 per annum. The next year it was found necessary to increase the payment to £110,000 per annum. And with the compensation of $550,000 a year Cunard failed, and went into bankruptcy. The Government of Great Britain then increased the compensation to £145,000 per annum; which sum was continued until 5th April, 1852, when, in consequence of the increase in the size of the steamers—I call the attention of the committee to that fact—the Government gave about £171,000, or more than $855,000 per annum.

The size of the ships was deemed of consequence to the British Government, and it is worth taking into consideration here.

Cunard's line has seven steamers, with an aggregate tonnage of 12,282, making eighty-five trips a year, or the working of 145,750 tons, for which the exact payment is $856,871, or $5 75 per ton.

Collins's line has four steamers, with an aggregate tonnage of 13,702, and under present contract crossing the Atlantic fifty-two times a year, and thus takes across the Atlantic 30,000 tons more than Cunard, with his seven ships; for which service Collins will receive, if the amendment before us should pass, the sum of $858,000, or $4 82 a ton, being less, by twenty per cent., than the amount paid by Great Britain to Cunard.

By his first contract, Collins was to make forty voyages. And on the 15th of last November the whole number of voyages was completed, and nothing remained to be done until the 1st of May, 1852. The Postmaster General then wrote to Mr. Collins directing him to make six more round trips, for which he should receive a *pro rata* compensation; and the Secretary of the Navy concurred in the plan; and thus the Collins line on the 1st of May had completed the trips.

"But why," it is asked by the honorable gentleman, "why not accept the proposition of the new company to run between St. John's and Galway?"

When that company shall have been established and proved itself competent to the fulfillment of its high promises, then will be the time to relinquish another to go to that. Who shall say that the Galway enterprise will not prove more disastrous than the Collins line threatens to be? And then, after yielding up one glorious scheme, one real, national means of contest, we shall have either to apply additional funds, or to yield again to British superiority. Nay, Mr. Chairman, are you satisfied, is the honorable gentleman who propounded the question, "Why not accept the Galway proposition?" is he satisfied that that is better than the route and line now used? I am not. The Commissioners of the British Admiralty are not. Those sharp-seeing officers discover at the mouth of the Galway harbor a number of low rocks, called "bull heads," that render it most dangerous to approach that place with a westerly wind. And with such dangerous objects to guard *that* coast, they recommend Cape Clear and the harbor of Cork as more easily accessible under all circumstances. I do not wish to see Brother Jonathan beat his brains out against those bull heads. I leave to the honorable gentleman who propounds the question the duty and labor of deciding how we are to manage between St. John's and Halifax, and between Halifax and the United States. There is nothing yet in the Galway proposition to divert this country from the existing route, which is practicable, and on which we can beat the British. "The cheaper offer of Galway," says the gentleman. Sir, we have had enough of cheap contracts.

Mr. Chairman, I regret as much as any one the necessity which drive this company hither, and forces us upon our national pride; and I regret it so much, that I desire to have no repetition of the appeal. Let us do the work well now, and secure the triumph while we can, and while it will be a profit as well as a victory.

In referring to the amount appropriated to enable these Collins steamers to carry the mails, we must not forget to deduct therefrom the amount received for postage; and still further we must consider the fact, most important in its bearing upon the view which I would have you take of the question, viz: that the difference of appropriation and receipts is annually diminishing, and ere long, it is evident the investment we make will become one of profit to the nation; pecuniarily so, as well as in other ways.

The protection which you have given, and which we now ask Congress to increase, operates as almost all other protection which Congress has extended to home industry and home capital; it daily reduces the cost of the work, and thus enables the people of this country to be more and more independent of the Government and people of the Old World. And I have no hesitancy in saying, that while I expect that many honorable members of the House will vote for this amendment upon grounds different from these which I assume, and will satisfy themselves and others with a course of argument different from that which I adopt, yet I regard the spirit in which this amendment is presented, as of that true character which seeks to interpose the shield of governmental protection between the efforts and schemes of the people of this country, and the plans sustained by the institutions and governmental patronage of foreign countries; and I shall vote for this amendment with the same cheerfulness if not upon the same grounds with which I shall, if I have an opportunity, vote to give protection to home industry, in addition to that now enjoyed by the tariff of 1846.

Sir, I go for my country in all that goes for her honor, her comfort, her prosperity, her independence; and whether a ten cent pocket-handkerchief or a half a million of dollars steamer be the point upon which the question of Great Britain or the United States may turn, I go for the United States against the world.

I desire, Mr. Chairman, to divest this proposition of every appearance of monopoly which has been charged upon it, and to protect it in the enlarged view of a national enterprise to which it is entitled. The amount asked for, if given, is not to sustain the Collins company against any other company, nor one American interest against another. I have shown that, I appeal, and shall appeal, to national pride, which is certainly concerned in the maintenance of the Collins line against the Cunard line. I appeal to general cupidity, which may have a gratification in the varied rate of freight consequent on the establishment of the Collins line, making an aggregate saving of five times the extra amount of support solicited. I appeal to the principle of national economy—and it must be pleased at a prospect which supplies the country with war steamers of the kind, most to be needed, and when needed, at a cost which involves only the building, and not the maintenance of the ships. I appeal directly, plainly, openly, to that American feeling which manifests its gratification at every result that exhibits American superiority, from the reaping machine at the crystal palace, to the ocean palaces of Collins's line.

Notwithstanding the kind of objection to the plan which this amendment is intended to support, I imagine that there are in this House of Representatives of the American people not many who really think that it is of no consequence whether Great Britain or the United States conveys the mails across the Atlantic. Sometimes these abstract views have a specious bearing, and obtain a momentary triumph. But the American citizen who can deliberately sit down in the conviction that if the mails are conveyed as rapidly, it is of no consequence to him who conveys them—is ripe for the conclusion, that if he is personally safe under the Government, it is of no consequence whether our own people or the Governments of Europe supply its rulers.

The distance between supplying our steam conveyances and furnishing our rulers, is undoubtedly very great; but in a philosophic view, Mr. Chairman, not greater than that between the seed time and the harvest. Let any nation commence furnishing another with the conveniences, and she soon acquires a monopoly of the necessaries of life; and he must be blind that does not see the intimate relations which exist between the failure of our people to meet the first great step of England to monopolize our ocean commerce, and their yielding *all* to the superior backing which individual British efforts receive from the British Government.

Step by step that great, that artful and specious Government is gaining upon our country. Port after port is opened to her trade. Manufacture after manufacture is yielding to her demands; and while this is going on, and she has New York and Boston as the depôts of her shipping that carries the American mail, she is demanding reciprocal trade with Canada, and is thrusting her fingers wherever else an opening seems to suggest the success of additional efforts. I desire, Mr. Chairman, when she thrusts her fingers thus into the American trade, to teach her the fate and punishment of Milo; and not the smallest effort which Great Britain has made is this of the steamers.

Hitherto the Americans have beaten the British in the beauty of their ships, in the elegance of accommodation, and, most of all, most galling to the British, most gratifying to American pride, they have been the conquerors in point of time in that great measure of *locomotive* success.

Now, I know it is said that this whole contest is "a boat race across the Atlantic," (it was so said with a sneer by an honorable Senator,) and therefore unworthy the consideration of our national councils.

It is something more than a "boat race," sir, much more; but even if it were not, if it was only to settle the question of superiority in that single particular, it would still be worthy our special consideration, and our liberal support. Nothing that is national is unworthy of us. But supposing it is only a "boat race?" That race, sir, may become of vast national consequence. You recollect the interest, sir, which was manifested in England, some months since, in the race between the American yacht and the British vessel of the same character. It was not the excitement of a foot race, or a horse race. It was not the amount of money at issue, but the extent of reputation involved; and when the American triumphed, (and the Americans always will triumph when fair play is insured,) then, sir, the matter was deemed of consequence enough to occupy the attention of the British Parliament, a proof that it was of national interest, and connected with national honor.

Honorable gentlemen must not underrate the importance of the capability of a vessel to beat in "a race." It is the power to overtake a retreating foe, the ability to escape from a superior force. The vessel that can come from Liverpool to New York in one day less than any other ship, can, in the event of war, overhaul any ship to which it may give chase, or can escape from any force with which it is deemed imprudent to contend. Let not that be overlooked.

In July, 1812, the frigate Constitution, under the command of Captain Isaac Hull, was descried by a British fleet, on the eastern coast of Massachusetts. That ship, sir, which stood the brunt of the whole of the war afterwards, seemed then destined to be the first maritime martyr of that war, to consummate on the ocean the evils and disgrace which had been begun and continued on the frontier. Ships-of-the-line, frigates, sloops, and tenders were rather a formidable sight for a single frigate; to fight would have been impossible, to strike would have been a terrible beginning of the war on the sea. There was but one course left, and that was to escape. The energy of the officers and crew of the ship, and her fleetness saved her, saved the good old Constitution to gather from our waters the harvest of glory reaped in the battle with the Guerrier, the Java, and the Cyane and the Levant. Sir, the "boat race," in which the United States ship Constitution won the cup, was of as much consequence, and as full of glory to the nation, as was the battle in which the British fleet was destroyed on the lakes.

Sir, there is a "boat race" going on now between the clippers of our Atlantic cities, and the merchant ships of Great Britain, and I need not tell this House, that the American clippers are everywhere distancing their competitors, and individual profit, and national credit are resulting therefrom.

Sir, the carrying trade between China and Great Britain is now much in the hands of the owners of the American clipper-built ships.

The "boat race," then, is of national consequence, and England, that has styled herself the mistress of the seas, stands aghast at the fact, that her pleasure yachts, in which speed is the great desideratum, are out-run by the pleasure boats of the United States, while her national ships are crowded from her own docks by American merchantmen, that come to bring to the British ports the goods of the British merchant.

Mr. Chairman, do you think that Great Britain does not see that the same ingenuity and interests which construct a yacht and a merchant ship to out-sail others, may be applied to ships-of-war, and that the sovereignty of the ocean may be derived from the speed of a sail-boat or steamers?

Mr. Chairman, let me urge upon this House the dangers of neglecting whatever may be the instrument of national contest. Superiority may be conceded for a time, in what it takes time to complete, but no nation will wisely and willingly admit that she is to remain inferior. No matter on what the stake is set for national contest, it is of national import that victory should be achieved.

Is it in arts? Genius and science will lend their powers with patriotic devotion to insure superiority. Is it in arms? Courage, skill, and daring will seek to snatch the palm of victory. Is it in humanity and its benevolent schemes? The heart, while it yields admiration to the efforts of others, will seek to procure the crown to itself. In commerce, in agriculture, in all that gives wealth, dignity, confidence, and superiority to a nation, let us encourage our own people to take the lead. And let us not despise the spirit which fixes a nation's interests, and exercises a nation's energies in the combat for swiftness in steamships.

Sir, if Great Britain presents *that* as the test of superiority, as the cause of national combat, let us accept the gage and do the battle, assured

> "That when the fight becomes a chase,
> He wins the fight who wins the race."

I ask, Mr. Chairman, for the means of victory to American exertions here. Since the British merchant has confessed that he cannot compete with those of the United States, without the patronage of the British Government, and since the British Government have seen the policy of grant-

ing that patronage, you, Mr. Chairman, the honorable members of this House, will not, I am sure, see the American merchant succumb for want of a little patronage from the American Government.

Let England excel France in the number and size of her ships; let France excel Austria in the discipline of her armies, and Russia outrate Holland in the extent of her territory, and each European nation be superior in some respect to any and every other European power. But oh, *let*—nay, not *let*—oh, *help* our own beloved Republic to excel them in all. Let them claim and deserve, each of them, some superiority among themselves. But let preëminence in all that is good and great be the prerogative of the United States.

THE PRESIDENCY—COLLINS STEAMERS.

SPEECH OF HON. B. STANTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

July 6, 1852.

The House having under consideration the bill to supply deficiencies in the appropriations for the fiscal year ending the 30th June, 1852—

Mr. STANTON, of Ohio, said:

Mr. CHAIRMAN: I ask the attention of the committee for a short time, to a few remarks which I desire to submit on the subject of the appropriation in the bill now before us, for the Collins line of steamers from New York to Liverpool. Before proceeding to the consideration of this subject, however, I desire to return my thanks to the gentleman from Georgia, [Mr. TOOMBS,] for the speech delivered by him on Saturday. And I am under special obligations to him for his construction of General Scott's letter of acceptance.

The Whigs of Ohio, and especially that portion of them who are opposed to the measures of compromise passed by the last Congress, were inclined to take a different view of it, and to regard that letter as an approval of those measures. And I entertained strong fears that he would lose many votes on that ground.

But the gentleman's high reputation for candor and intelligence will give great weight to his construction of that letter, and remove the only objection which thousands of the voters of Ohio had to supporting General Scott. And I can assure him that special pains will be taken to inform them of his views on that subject. I have never had any serious doubt about the vote of Ohio in the approaching presidential election. But whatever doubt there might have been on that subject, is entirely removed by the gentleman's speech. And whatever influence it may have elsewhere, it will secure to General Scott the fifty-eight electoral votes of Ohio and New York. It may aid in securing the electoral votes of Georgia and Alabama to General Pierce, though I had always supposed they were certain for him without it. General Scott does not need them, as he is sure to have votes enough elsewhere to elect him.

I also noticed in yesterday morning's papers, a sort of "Pronunciamiento," signed by the gentlemen from Georgia, and sundry other gentlemen belonging to the same political organization, announcing their determination not to support General Scott, for reasons substantially the same as those contained in his speech, and adopting his construction of General Scott's letter of acceptance. So much the better. "Personally, I have no objections, but, on the contrary, I am glad to see it." But gentlemen have not astonished us by this declaration. We never expected you to support General Scott. He was nominated by a *Whig* Convention, not by a Union State-Rights Convention. I know you sent delegates there to control the deliberations of the Convention; and having failed in that, you repudiate the nominations, as we always supposed you would.

I should just as soon have expected a pronunciamiento from you, (Mr. STUART, of Michigan, being in the chair,) and any ten or a dozen men on that side of the House, as from the gentlemen who signed this paper. We had just as much reason to expect you to support General Scott as any of these gentlemen, and I think a little more; for I am told there is a good deal of caving in amongst the Democracy of Michigan.

I believe there is not one of the gentlemen who have signed this document that have pretended to act with the Whig party for some two or three years past. They have all joined another political organization.

And gentlemen may as well understand now, that the Whig party of this country has not been swallowed up by the Constitutional Union party of Georgia, Alabama, and Mississippi. That that party cannot control and govern the Whig party of the Union, and, as that party has, as I suppose, performed its office by making comfortable provision for some of its leading members, I think it might as well disband, and let its remaining members make their peace with Young America and Progressive Democracy upon the best terms they can. And as gentlemen are about taking their leave of us—and I entertain none other than the kindest personal feelings towards each of them—I have only to say "*Bon voyage*" to you, gentlemen, one and all.

As to the two gentlemen from Tennessee who have signed the codicil to the last will of these gentlemen, I presume the public were prepared for it from their previous course. I very much regret the course they have taken, and still hope they may reconsider their determination. I may as well avail myself of this occasion, to state what I believe to be the true position of the great body of the Whigs of the free States in relation to these compromise measures. They were opposed to their passage. The struggle which preceded their passage was long, arduous, and bitter. The result was only another instance of the superiority of the trained and disciplined forces of the South, over the undisciplined forces of the North.

From the organization of the Government, the South has been represented on this floor by old, tried, experienced, and veteran statesmen, thoroughly skilled in parliamentary tactics and strategy, and fully aware of the effect of denunciation and bravado upon the new and inexperienced members from the North.

The North has, for many years past, at the commencement of each Congress, sent here a raw and undisciplined crew, ignorant of the complicated rules and usages of this House, and whenever a sectional controversy has arisen, this Northern force has uniformly divided, and fled, panic stricken, before the trained forces and loud denunciations of members from the South.

The people of the North have no right to complain of the result. It is a necessary and legitimate consequence of their own folly. But after these measures had passed, the general feeling amongst the Whigs of Ohio was, that it would be unwise to make any effort to disturb them. It is true that they submitted with reluctance. Some of these measures contained provisions which they could not approve. But all intelligent men saw, that any effort to alter or repeal them for years to come would fail. The people were tired, worn out, exhausted, and sick of sectional agitation and strife. Other great interests required the attention of Congress and the nation. And the hope and desire of the Whigs of Ohio was, that as these measures were passed, and no question of a sectional character was likely to arise for many years to come, that Congress would turn its attention to the many important and practical questions that demanded consideration and action, and that past controversies might be buried in silence and oblivion. And I undertake to say now, that at the opening of the present session of Congress the compromise measures were just as safe from any alteration or repeal from the North, during the next four years, as the Decalogue.

If a different state of feeling exists now, the friends of these compromise measures have themselves, and nobody else, to blame for it. It is the result of their foolish and ill-timed efforts to force from us an expression of approval, *which they will never get.* I know gentlemen say, if we do not wish to agitate, we ought to say so. My answer is, you have no right to ask us the question. If we keep silence, that is all, and more than you have any right to claim. We feel humiliated enough by our defeat in that contest, and are not in the humor to be browbeaten and domineered over about it. We shall give you no securities to keep the peace; and if that is the price which you demand from the Whigs of Ohio as the condition of your adherence to the Whig party, and your support of its candidates for the Presidency and Vice Presidency, the sooner you leave us the better, *for you will never get it.*

Mark it! We do not demand a candidate who is opposed to these compromise measures. We make no objection to supporting a candidate who is in favor of them, provided he will accept our support, and recognize us as Whigs, notwithstanding our difference of opinion on that subject. We do not regard the opinion of our candidate for the Presidency in regard to these compromise measures as of the least practical consequence.

We have not the remotest idea that there will be any serious effort to alter or repeal them during his term of office, unless it comes from the South. And we are willing to let Congress take care of any proposition that may come from that quarter, and shall expect the President to give his approval to any proposition that may pass that body.

This is our position. We wish it distinctly understood. We are asking no alteration or repeal of the compromise measures. We are not agitating this question, nor proposing to do so. We present to the Whigs of the South a candidate for the Presidency known to be opposed to the agitation of this subject; whose fidelity to the Constitution and the Union has been tried and proved upon a hundred victorious battle-fields, and by a long life spent in the service of his country.

You refuse to unite with us, and propose to go over to the common enemy, or get up a sectional organization, upon the sole ground that we refused to give securities to keep the peace.

I know you *say*, yours is a national party, and I believe you have christened it the "Constitutional Union party." "A rose by any other name would smell as sweet." You are none the less a sectional party because you assume a national cognomen. Very well, gentlemen. I hope you have counted the cost, and are ready to meet the issue.

We'll "meet you at Philippi."

I now leave this subject, and as it is the first, I hope it will be the last time, I shall ever allude to it in this Hall.

Mr. POLK. I understand the gentleman from Ohio [Mr. STANTON] to state that the State which he in part represents will give General Scott a large majority in the election in November next.

Mr. STANTON. About 20,000.

Mr. POLK. I wish to know of the gentleman from Ohio whether, in supporting General Scott, they adopt the resolutions and platform laid down by the Convention at Baltimore which nominated him?

Mr. STANTON. I will answer that. For my own part, I see no treason in the platform. I do not find anything specially objectionable to a National Whig, and which he may not indorse. I do not take it because it was laid down by the Whig National Convention. If there is anything in it which does not meet my approbation, or if there is anything which ought not to be there, I do not hold that my judgment should be bound by it.

Mr. POLK. Do I understand the gentleman from Ohio to state that General Scott stands upon the platform adopted at Baltimore, and that he sustains him upon that basis?

Mr. STANTON. I have said already I was strongly apprehensive, before these speeches and this pronunciamiento, that General Scott might lose many votes in Ohio, from the apprehension that his letter was an approval of the platform; but as we have high authority for saying that it is not such, I think it will secure him a large number of votes.

Mr. POLK. It seems difficult to get the gentleman to answer the question I put to him. Do you approve or disapprove the platform at Baltimore? I am only asking the gentleman a question, and it seems difficult to get an answer.

Mr. STANTON. If I had been making a platform, I would not have made one exactly like it.

Mr. POLK. Do you approve or disapprove it?

Mr. STANTON. There are some things in it I do not approve.

Mr. POLK. Does the gentleman desire to say——

Mr. STANTON. I will insist upon my time.

Before proceeding to the remarks I desire to submit upon the subject of the Collins line, I wish to reply to a remark or two made by the gentleman from Texas [Mr. HOWARD] in support of it. He made a remark, which I have seen before, that these expenses will be defrayed by the postage receipts; and yet, in a moment afterwards, he admits that these very same lines have left the Government a debt of over a million and a half of dollars. But supposing it be true that prospectively the receipts from postage might pay an enormous compensation for the transportation of the mail: would that be an argument for giving it? Are not the receipts from the postage a portion of the revenue of the Government? If the receipts of postage will be more than a fair compensation for the transportation of the mail, should you not reduce the rates of postage, and not tax the correspondence at an enormous expense beyond what you can get it carried for? That is an answer to that question, I think. One remark made by the gentleman from Texas was, that we have now twenty-four mail steamers, costing a little over a million and a half of dollars beyond the amount received from the postage. Any gentleman, upon hearing that remark, would take it for granted that we owned these twenty-four mail steamers. We do not own a dollar of stock in one of these steamers. They belong to companies which run these lines. If we get them, we will have to buy them at a valuation. It is idle, then, to undertake to argue this matter. It is a mere speculation. The gentleman from Texas says it is no monopoly, and he gives us a definition of monopoly. I confess myself wholly at a loss to comprehend what constitutes a monopoly, if the service which is to be performed for the public is given out to a favorite bidder, without competition, at his own price is not a monopoly. I desire further to understand, if anything more is necessary to create a monopoly in the carrying of freight and passengers, but to grant subsidies to such vessels, in such sums as would enable them to underbid all other vessels in transportation of passengers and freight. That is about as effectual a mode of creating a monopoly in the foreign commerce of this country as could be well imagined—as great a monopoly as it was under the British Government, when they farmed out the revenues of the crown to particular individuals, and gave them the exclusive right to trade in particular commodities?

There is another remark of the gentleman from Texas, which I wish to notice, and which calls for special attention. He appeals to the cotton growers and the grain growers here, and he advocates this appropriation as a means of getting cheap freight. How is this? Is it true that we are to fasten upon the National Treasury a part of the expense of the transportation of cotton? Is that what gentlemen desire? I would like to know of the gentleman from Texas, if he expects to have vessels which shall draw subsidies from the National Treasury, that the cotton growers of this country may receive all the benefit in the diminished freight upon cotton? I wish it known all over the country, if that be the object. I submit that the whole doctrine is unsound. The gentleman from Pennsylvania, [Mr. CHANDLER,] in his argument upon this subject, urges upon us that we ought to sustain this Collins line, and make this appropriation, because the British Government sustained the Cunard line by an appropriation. I should have been obliged to the gentleman from Pennsylvania, if he had informed us, upon reliable data, what the British Government paid the Cunard steamers per trip. My information is, that they are paid $14,000 per trip. The price that is paid Collins, is $19,250. Then I want to know, if we pay to our vessels already the sum of four or five thousand dollars per trip more than is paid to the Cunard line, whether further subsidies are necessary to maintain a competition with British steamers?

Well, the gentleman from Pennsylvania tells us that our contract with the Collins line must be fulfilled to the letter. I should like to know who proposes to violate it. This is not a question about complying with the existing contract, but it is a question about doubling the present compensation provided by the contract, and fixed by the gentlemen themselves without competition.

Mr. Chairman, in reply to the argument of the gentleman from Kentucky, [Mr. BRECKINRIDGE,] that you might have your mail carried cheaper by the line from New York to Galway, the gentleman from Pennsylvania tells you that he does not know, and that we do not know that the Galway line would be able to comply with the contract. I ask you who knew that the Collins line would be able to do it until you subsidized them out of the National Treasury? Here you propose to subsidize them out of the National Treasury—to pay them enormous sums of money, so that they can carry freight and passengers cheaper than anybody else, and unless an independent line establishes itself in the face of that competition, and sustains itself, it is to be used as an argument against giving the transportation of the mails at lower prices. I suppose they can give security just as the Collins line did.

Mr. STEVENS, of Pennsylvania. I wish to ask the gentleman a question. I do not know whether he is a member of the Committee on the Post Office and Post Roads or not, but I want to know a fact which I have heard stated by a member of that committee. I wish to know whether there are not propositions before that committee to carry this mail between these same points in a shorter time for about half the price? I have been told that is the fact.

Mr. BRECKINRIDGE. There is one such proposition.

Mr. STEVENS. I have been told that there are more than one.

Mr. STANTON. I now propose to proceed to the argument I designed to make against this appropriation.

Amongst the Senate amendments to the bill now under consideration, generally known as the deficiency bill, I find the following:

"For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last to the Secretary of the Navy, commencing said increased service on the 1st of January, 1852, at the rate of $33,000 per trip, in lieu of the present allowance, the sum of $236,500: *Provided*, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice."

A brief statement of the origin and character of the arrangement with this Collins line, or its owners, will be essential to a proper understanding of the subject.

By an act of Congress, approved March 3d, 1847, the Secretary of the Navy was authorized and required to accept the proposal of E. K. Collins and his associates, which had been submitted to the Postmaster General on the 6th of March, 1846, for the transportation of the United States mail from New York to Liverpool.

In pursuance of this law, a contract was entered into on the 1st day of November, 1847, between the United States, by the Secretary of the Navy of the one part, and E. K. Collins and his associates of the other part. By this contract, Collins and his associates undertook to build five steamships, of not less than 2,000 tons measurement, with engines of 1,000-horse power each, to be built for great speed, and sufficiently strong for war purposes. Four of them to be ready for service in eighteen months, and the other as early as "possibly practicable." And to carry the United States mail between New York and Liverpool twice each month, during eight months of the year, and once a month during the other four months; for which the United States was to pay $385,000 per annum, in quarterly payments. The Government was to have the privilege of purchasing the ships at a valuation, at any time when they should be needed for war purposes. One of the ships was to be ready to perform the mail service in eighteen months, and three others as fast as they were required by their contract, to take their places in the line. Under this contract, four steamships have been built, and entered the service as follows:

The Atlantic, of 2,845 tons burden, commenced running April, 1850.
The Pacific.....2,707 tons.....May, 1850.
The Arctic.....2,866 " .....October, 1850.
The Baltic.....2,723 " .....November, 1850.

It will be observed that they are all larger than was required by the contract, and that all of them were greatly behind the time required by their contract in entering the service.

It will also be observed that this contract was entered into without competition, and at the price fixed by Collins and his associates themselves. It is not likely that they would fix such prices as would make it a losing business. And when it is considered that the Cunard steamers receive from the British Government less than $14,000 per trip, it would seem that the compensation to the Collins line, which amounts to $19,250 per trip, ought to be considered liberal.

But it is said that the Collins line cannot be sustained under this contract, and that unless the compensation is increased to $33,000 per trip, and the number of trips increased to twenty-six, that the line must go down. And in support of this allegation they submit the following statement, sworn to by their clerk, or book-keeper:

NEW YORK AND LIVERPOOL U. S. M. S. S. Co.,
No. 56, WALL STREET, NEW YORK, *December* 15, 1851.

Statement showing the actual expenses and receipts of the first twenty-eight voyages of the New York and Liverpool United States mail steamships, Atlantic, Pacific, Arctic, and Baltic:

Expenses, Wages of Crew, and Provisions for same.

Average of each voyage, as above.....	$8,845 04
Fuel do do do	8,612 28
Repairs to machinery, do do	4,571 90
Do do extras, average as above.	4,643 00
Ordinary expenses, including carpenters and joiners, port charges, sailmakers, light and dock dues, passengers' provisions and waiters, and other necessaries, average as above.....	12,762 73
Insurance, average on above voyages.....	8,904 64
Interest do do do	8,438 00
Deterioration at seven per cent. per annum on do.	8,438 00
Total	$65,215 59

Receipts.

Passage money, average as above....	$21,292 65	
Freights do.....	7,744 20	
Mail money from Government do....	19,250 00	
		48,286 85
Deficiency average, per voyage.....		$16,928 74

Mr. Wm. L. Youle, Secretary of the New York and Liverpool United States Mail Steamship Company, swears that he is not interested in said company, and that the foregoing statement is true.

Now, if it be admitted that the Government is under some obligations, legal or moral, to save these contractors from inevitable losses incurred by the unforeseen contingencies of a perilous service, I ask, most respectfully, does this showing satisfy the House that there is a loss? Would any prudent man, in the management of his own affairs, pay such a sum of money upon the bare production of such a paper as that, without inquiry as to the credibility of the witness, or the necessity and propriety of these enormous expenditures?

These expenditures are "thumped" up in general arrearages, of the expenses of each trip, in sums ranging from $4,000 to $12,000, without the possibility of knowing the cost of a single article used in running the vessels. I submit, if there was no other objection to this appropriation but the want of evidence, that the line cannot be sustained at the contract prices, that is sufficient as the matter now stands. But let us see what is the amount we are asked to appropriate upon this *ex parte* affidavit. The contract was for ten years, and the service commenced in April, 1850. The increased compensation is to commence from April, 1852. So that the sum of $33,000 per trip, at twenty-six trips per year, is to be paid for eight years service.

The whole cost per annum will be..$858,000
From which deduct..... 380,000

The contract price, and it leaves....$478,000

for the increased compensation per annum, contemplated by this amendment; and making an aggregate of $3,824,000 for the eight years which the contract has yet to run.

It is the "coolest" operation I have seen for many a day, for a set of gentlemen to come here with an *ex parte* affidavit no bigger than your hand, and ask you, upon the strength of that, to give them some $4,000,000. No wonder it was deemed necessary to back up such an application by sending one of their vessels round into the Potomac, and invite members on board, and stuff them with good dinners and good liquor, in addition to other ap-

pliances of the same kind, that have been kept here during the entire session. But, as the gentleman from Kentucky [Mr. BRECKINRIDGE] remarked on Saturday, the most important feature of the case is, that this is the pioneer to some dozen or twenty "still more hungry swarms," who will claim a similar increase of compensation, upon the strength of the precedent set in this case. It is the beginning of a system of the most dangerous character.

An exhibit from the Post Office Department shows the following ocean mail steamship lines to be now in operation under contracts similar to the contract with the Collins line:

Statement of the United States mail steamship lines in operation on the 1st of March, 1852; the names of the several steamers, where employed, their tonnage respectively, and the date of their being first placed in service.

Names.	Where employed.	Register tonnage.	Date of commencement.
		Tons.	
Washington..	Between New York and Bremen, *via* Southampton.	1,641.00	Ju. '47.
Hermann....		1,734.00	Mr.'48.
Franklin.....	Between N. York and Havre, *via* Southampton or Cowes.	2,184.00	Oc.'50.
Humboldt....		2,181.00	Ma. 51.
Atantic.....	Between New York and Liverpool.	*2,845.66	Ap.'50.
Pacific		*2,707.10	Ma. 50.
Arctic.....		*2,856.75	Oc.'50.
Baltic		*2,723.08	No.'50.
Falcon	Between N. York, Havana, N. Orleans and Chagres; New York and Chagres, direct; N.York and Chagres, touching at Kingston; and between N. Orleans and Chagres, direct.	891.18	De.'48.
Ohio		2,432.23	Se. '49.
Georgia.....		2,727.42	Ja. '50.
Crescent City		1,291.00	Ap.'51.
El Dorado...		1,049.88	Ap.'51.
Empire City.		1,751.21	Ma. 51.
Cherokee....		1,244.89	Ma. 51.
Illinois.....		2,123.65	Au.'51.
Philadelphia.		1,238.10	Oc.'51.
California†...	Between Panama and Astoria, *via* San Diego, Monterey, San Francisco and Umpqua City.	1,058.00	Oc.'48.
Oregon†.....		1,099.00	Oc.'48.
Panama†....		1,087.00	No.'48.
Tennessee†..		1,275.00	–, 1849.
Golden Gate†		2,068.00	–, 1851.
Columbia†...		778.00	–, 1850.
Isabel.....	Between Charleston and Havana, *via* Savannah and Key West.	1,115.00	Oc.'48.

*The steamers of the Collins line are some six feet deeper han the custom-house rule for calculating tonnage embraced in the calculation, which makes their actual tonnage about twenty-five per cent. more than their registered tonnage, demanded in the table.—*Mr. Collins's report.*

†The Pacific Mail Steamship Company has, besides, in the Pacific, seven steamers of different tonnage, but aggregating near five thousand tons. They transport the mail only when exigencies make its transportation by them necessary or expedient.—*Mr. Aspinwall's report.*

It will be observed that this statement does not furnish the amount paid these several lines for mail service.

The Senate Committee on the Post Office and Post Roads, who are prominent advocates of this increased compensation, furnish sundry tables showing the amount received for postages from the several lines, but they forgot to connect with them any statement of the amount paid for mail service. This information is scattered through various contracts which I have not taken the trouble to examine. The chairman of the Senate Committee on the Post Office and Post Roads [Mr. RUSK] does inform us, however, that the balance against the Government for this ocean mail service is $1,534,158.

If the Collins line from New York to Liverpool, which must do such an immense business in the transportation of freight and passengers, cannot sustain itself with a reasonable compensation for the transportation of the mail, what is to be expected of the other lines running between points of so much less commercial importance? It may therefore be laid down as a settled proposition, that if the compensation for this line is increased, all the others must be increased in the same proportion. This may therefore be properly regarded as a question involving an annual expenditure of from $3,000,000 to $4,000,000. Upon what principle is it that these enormous bounties from the Treasury are claimed? Not because they are necessary to the safe and speedy transportation of the mails from New York to Liverpool. That is not pretended. The Cunard line will carry them for half what you now pay under your contract with the Collins line.

But if your patriotism is shocked at the idea of having your mails carried in British vessels, you can have it done in American vessels for half what you now pay, if you will let out the transportation to the lowest bidder, as you do the transportation of your mails on the lakes and rivers.

It is not protection to the interests of commerce and navigation, in any proper and legitimate sense of the term. It is a mere bounty, or endowment, by the Government, of particular steamship lines, to enable them to underbid all others in the transportation of freights and passengers, and thereby destroy a free, energetic, and self-sustaining commercial marine. And the idea of building up a steam commercial marine, by bounties and gratuities, is simply ridiculous. The destruction of competition takes away the stimulant to energy, industry, and economy, and leaves a sluggish, over-grown and over-fed set of ship-owners and ship-builders, who are of no use to "king or country."

But, so far as this operates as a protection to the interests of navigation or commerce, in any sense, I object to it as unequal; and *therefore* unjust, as that interest is now, and ever has been, better protected by legislation than any other interest in the country.

By the laws regulating the coasting trade, no vessels except such as are wholly owned by a citizen or citizens of the United States, and of which the master and two thirds of the crew are citizens of the United States, can engage in this trade. Here are no revenue duties discriminating for *incidental* protection, but total and absolute prohibition, for the purpose of building up a home commercial marine.

The report on commerce and navigation for 1851, shows the aggregate tonnage of the United States to be 3,772,439 tons; of which 1,854,317 tons is engaged in the coasting trade.

In favor of vessels engaged in foreign commerce there is a discriminating duty of ten per cent. imposed on all goods imported in foreign vessels, from any place on this side of the Cape of Good Hope; and of twenty per cent. on all goods imported in foreign vessels from beyond the Cape of Good Hope, except goods imported from countries with which we have commercial treaties modifying these laws. All vessels engaged in the fisheries must be owned and manned by citizens of the United States. Large bounties are paid from the National Treasury upon all salt fish exported in American vessels. Yet with all these prohibitions, discriminations, and bounties, gentlemen are not satisfied, but must have immense sums granted to particular individuals, to protect them from domestic as well as foreign competition.

In addition to all this, large sums are granted for the improvement, preservation, and repair of harbors, dock-yards, light-houses, &c., on the Atlantic coast, for the protection and advancement of foreign commerce.

Now, with all this I have no fault to find, if gentlemen will only extend to their neighbors the same measure of justice which they are receiving themselves.

But gentlemen must not be astonished if I decline to go any further in that direction, until they do justice to other interests equally entitled to protection and encouragement. These same gentlemen, who claim this enormous grant from the National Treasury, I believe *preach* free trade. Who represents Wall street and the merchant princes of the commercial metropolis of the Union? It is my friend over the way, [Mr. HART,] who, I believe, belongs to the strictest sect of the disciples of free trade, and goes steadily against all appropriations for rivers and harbors. I cheerfully agree that the country has been immensely benefited by the steady and uniform protection which has been extended by our laws to the interests of commerce and navigation; and I am equally certain that the country would have been benefited just as much by extending like steady and uniform protection to the manufacturing and agricultural interests. It is a matter of great national importance to have an immense commercial marine, owned and controlled by our own citizens, and independent of foreign nations.

I think it equally important to have the pursuits of our people diversified, the country dotted over with manufacturing towns and villages, manufacturing every commodity necessary for the defense of the country in time of war, and necessary for the subsistence and comfort of the people in time of peace; furnishing to every man a market for the productions of his industry by exchanging with his neighbor at home, instead of sending his bulky agricultural productions half round the globe, to buy him a hat or an axe, and having two thirds of their value exhausted in freights, insurance, commission, and the thousand other ways that his hard earnings are filched from him. This system of protection is either right or wrong. There are no *three* ways about it. If it is right to protect ship-builders, ship-owners, and fishermen, it is right to protect farmers and mechanics. If it is not right to protect farmers and mechanics, it is not right to protect ship-builders, ship-owners, and fishermen. Let us do one thing or the other. Let us have a general system of protection applicable to all the great interests of the nation, or abandon it altogether. But, as I have no hope at present of any general system, I say to my friends on my left, that I will not only go with you against this Collins line swindle, but if you do not want to be taxed any longer in the shape of discriminating duties in favor of American vessels, or by excluding foreign vessels from the coasting trade, I am with you to repeal the whole concern. I can understand very well why it is that our merchants and ship-owners are opposed to protecting anybody but themselves.

Whilst we have no protection for manufactures, and are consequently obliged to send our heavy agricultural productions abroad for market, and exchange them for iron and other manufactured commodities, the ship-owners levy an immense tribute upon the farmers of the country.

If we had a protective tariff (not an incidental revenue concern) that would enable us to sustain manufactures at home and consume our agricultural productions, we should keep the freights and other incidentals that we pay to them in our own pockets. It is difficult to tell how far the steady support of domestic manufactures, and the consequent creation of a home market for agricultural productions, would operate upon foreign commerce.

I know it is claimed by some gentlemen, who ought to know better, that you cannot, by establishing manufactures in this country, create a sufficient home market for the agricultural productions of the country.

A single remark will explode that objection. Our agricultural products are now consumed by the artisans who produce the manufactured commodities, which were received from them in exchange for our productions. I mean the artisans and those who are connected with them in the towns and cities of Europe, that are supported by these enormous manufacturing establishments. *All* of our surplus is paid for in the manufactured products, which we receive in exchange for them.

Now, is it not certain that these same artisans, or an equal number, could produce at least as large an amount of manufactured products here, as in Europe? And is it not equally certain that they could buy more of our agricultural productions with their earnings here than they can in Europe? because they receive them free from the cost of transportation, and because they are better paid for their labor here than in Europe, and therefore are able to buy more with the proceeds of their labor here than they can in Europe. And is not the farmer and mechanic both the gainers by being brought together, so that they can exchange without the intervention of the shipper, who taxes both parties at least ten per cent. upon the products of their labor?

But if you build up a home market, it will not take away the foreign. The people of Europe will still have some employment, and will continue to eat just as much as they do now. And if we do not buy their fabrics, they will exchange them for the productions of other climates, which we must continue to buy, and give us these in exchange for our agricultural productions.

So that by creating a home market, you do not destroy the foreign; but you build up a new market, increase the number of consumers, and thereby enhance the price of your products.

The rapid increase of population and wealth which such a state of things would produce, would, no doubt, open up new channels of trade, and so vastly increase the consumption of the productions of other climates that it might maintain our foreign commerce at its present amount and value.

But gentlemen of the trade are not willing to risk the trials, and therefore they oppose protection to anybody but themselves.

The contracts for these lines, it will be observed, contemplate converting these vessels into war steamers if an emergency should require it. This was, no doubt, one of the prominent considerations which induced Congress in 1847 to authorize these contracts. It was then supposed to be practicable to make steamships with all the requisites for speed, and, at the same time, with sufficient strength and power of resistance to be valuable as war steamers. The experience of the five years that have since elapsed, has exploded that idea. It is agreed on all hands that for speed you must have side paddle-wheels, which a single shot will totally destroy and render the vessel unmangeable and useless. That for war vessels you must have the screw-propellers, because their machinery is not exposed to an enemy's fire, and sails may be used in aid of the engine, whereby the amount of fuel necessary is so much less than is required for a side-wheel boat, that it can remain much longer at sea. The chairman of the Naval Committee of the Senate, [Mr. RUSK,] frankly admits that these vessels are not adapted to close naval combats, on account of the exposed condition of their wheels and other machinery. But he insists upon it, that their great speed gives them great capacity for *running away and keeping out of danger*. That is not the way our gallant naval commanders and seamen have won their laurels, and I doubt very much whether their experience and training have fitted them for that kind of service. But I do not understand that the intelligent advocates of the Collins line claim anything on this ground.

But leaving out of view the unfitness of these vessels for war, the argument that they may be made available for war purposes has no influence on my mind. For a nation situated as we are, I believe money expended in peace in making preparation for war is worse than thrown away. There is no nation on this continent against whom any man would think of spending a dollar in the way of preparation for defense. The Governments of continental Europe are all sufficiently occupied in defending themselves from their own subjects. Immense standing armies, which tax their productive powers to the utmost, have to be sustained to support the throne, and preserve order. They have no stomach for a war with a nation of twenty-five millions of people, who are free from debt, in possession of unbounded resources, unquestioned courage and capacity for war, and, above all, where the people are devotedly attached to their Government, and will rally, as one man, to its support in the hour of danger. Great Britain, which is the only nation with whom we need have the slightest apprehension of a hostile collision, is loaded down with an immense national debt, the payment of the interest of which is a source of grinding oppression. She has the elements of discord amongst her people. Nine tenths of the Irish people are ready for rebellion at any moment when there is the slightest chance for success. No nation can desire war with us, and will not be likely to engage in it without such cause of offense as we ought not to give them. We are not likely to be involved in war unless it arises from some aggression on our part. And nothing is so likely to induce us to give just offense to other nations as constant preparation for war. It begets an overweening confidence in our strength and prowess, and arrogance in our intercourse with other nations. I mean that this is the natural tendency, if not the necessary consequence, of constant preparation and equipment for war. War is always a great calamity, and therefore a crime on the part of those who unjustly provoke or begin it. There is no necessity for it if international intercourse was conducted upon principles of justice. It ought, then, to be the policy of all civilized nations to repress that spirit of arrogance and pride which is the fruitful parent of war.

If there is anything in this matter beyond the mere speculation to the owners of the Collins line, it is the proposition that it is to be a starting-point for an ocean steam commercial marine.

In addition to what I have already said on that point, I wish further to inquire if gentlemen who advocate this appropriation are aware that there is any such thing as internal commerce in this country? Do they know that there is in the interior of the United States a sheet of water called Lake Erie, and an inconsiderable stream called the Mississippi, with sundry tributaries? One o these is the Ohio. I desire to furnish gentlemen some statistics of this single tributary of the Mississippi, by way of illustrating the character of the internal commerce of this country:

In the year 1851, there was on the Ohio river 348 steamers; tonnage 67,601 tons; officers and crew 8,388; passengers in 1851, 3,467,967.

The whole number of steamers upon the inland lakes and rivers in the United States is 765, with an aggregate tonnage of 204,613 tons.

The whole number of passengers on these boats, in 1851, was 5,860,850.

The steamers which passed through the Louisville canal around the Falls of the Ohio, in 1851, was 1,456. Tonnage 376,000 tons, custom-house measurement, which, I am told by commercial men, is about one quarter less than the actual capacity of the boat. This does not include the boats and freight that pass over the falls at high water.

Now, sir, not a dollar has been appropriated from your Treasury for fourteen years for the preservation of the lives and property engaged in this vast commerce. Thousands of lives and millions of property have been lost for the want of appropriations to remove the snags from the rivers, and keep the harbors upon the lakes in repair. The canal at Louisville is utterly inadequate to the wants of the commerce of the river. There is a portage round the Falls of the Sault Ste. Marie river, at the outlet of Lake Superior, over which you have to transport not only all the supplies required for the mining operations of the whole coast of Lake Superior, and the metal brought from it, but the vessels, ready made, in which the commerce of the Lake is carried on. And this might be overcome by a canal three fourths of a mile long, for less than half a million of dollars. Yet not a dollar can we get from you for any of these purposes.

And I hope the farmers of the interior will not forget that all these increased perils and obstructions to internal commerce, are a direct tax upon them, in the shape of increased charges for freight and insurance upon all the commodities which they buy and sell.

Now, does anybody suppose that any member of Congress from the interior of the country, with these facts staring him in the face, is going to vote for an appropriation of some $4,000,000 to a company of steamboat owners in the city of New York, to enable them to establish an ocean steam marine? It is not three days since I saw a notice in a newspaper of a steamboat being wrecked while she was lying at anchor off the city of Cleveland, because the harbor had gone to decay, and there was no safe anchorage to be found.

It will not do to say, in answer to these complaints, that you have not had time to consider them, and that you are willing to vote for them. Time can be found for Buncombe speeches, and everything else but legitimate business, and the friends of this measure have contrived to find time to get it through the Senate, and bring it up for consideration here.

Our claims are the oldest. Our rivers were filled with snags, and our harbors were dilapidated and gone to decay, and we were beseeching Congress for appropriations before the Collins line was thought of. We claim that you shall *first* do us justice, by granting us the justice which has been so long delayed. We will then *consider* whether your application is meritorious. But I do not wish to be understood that I could, at any time, or under any circumstances, vote for this appropriation, or any other involving the same principles.

And whilst I am on the floor, I will avail myself of the occasion to give notice that I will, now and henceforth, so long as I have a seat on this floor, vote against all appropriations for fortifications, arsenals, dock-yards, and all that sort of thing, upon the Atlantic coast, until reasonable appropriations are made for the improvement of the rivers and harbors of the interior. But if all these reasons should fail, or be removed, there is still another which would be conclusive with me against voting for this appropriation. And that is, the means and appliances which have been used to secure its passage.

I have heard it said by old members, who ought to understand the matter better than I do, that a claim of $5,000,000 or $10,000,000 can somehow work its way through Congress, when one of precisely the same character for $100 would stand no sort of a chance. Whether it is true or not, I do not pretend to know. And if true, I do not pretend to understand how or why it is so.

What brought the Baltic here from New York? It must have cost the company $10,000; and I do not understand that there was any pretense of business.

There is no doubt, from the outside pressure that is brought to bear upon this measure, that Collins and Company will spend more than $20,000 to secure its passage. Is this necessary to enable them to furnish members with all the information required to enable them to vote understandingly upon this subject? It cannot be disguised that the votes of members are sought to be controlled by other influences than an appeal to their judgments upon the merits of the application itself. There are rumors of combinations with other interests that are pending before us for our action.

There are suspicions afloat that grants of land to certain railroads are somehow strangely blended with this proposition. Now, I wish to be understood as having no knowledge upon these matters, that is not accessible to, and I presume in possession of nearly every member on this floor. And without undertaking to vouch for the truth of any of these rumors and suspicions, I have seen and heard enough to satisfy me, that there is an effort making to carry this measure, by corrupt and corrupting influences and appliances. And I believe this House owes it to its own dignity, when any proposition is pressed upon its consideration under such influences, to reject it promptly and indignantly, without inquiry into its merits.

An honest claim needs no such influences and appliances, and an honest man, who was asking for nothing but what was right and just, would not be likely to squander a handsome fortune in procuring such influences to secure the passage of an honest claim.

I take it for granted, therefore, that any claim which is backed by such influences is *prima facie* unjust; and I should not, under ordinary circumstances, look further for a reason for voting against it. I hope the House will vindicate its own honor and dignity, by a prompt rejection of this amendment.

INTERVENTION.

SPEECH OF HON. JOHN WELLS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

July 2, 1852.

The House being in the Committee of the Whole on the state of the Union--

Mr. WELLS said:

Mr. CHAIRMAN: I desire to make some remarks upon one of the questions now before the country—the one which, in my estimate of it, is the most important of them all. I refer to the question of intervention, as it is commonly called, or more properly, to the policy of our taking action in this country in behalf of the law of nations, with the view of preventing, for the future, the interference or intervention of despotic Governments, in violation of that law, with the efforts of other nations, to secure freedom to themselves, and to liberalize their institutions and forms of government; and, in this connection, I propose, also, to make some remarks upon the third provision or resolution in the platform lately adopted by the Whig Convention at Baltimore.

The importance of the subject will at once be

conceded. Indeed, as I regard it, it is one of those prominent questions which arise from time to time in the world's history, involving principles of controlling influence in human affairs, the solution and right settlement of which are the processes, the steps, as it were, by which the great movement of civilization and improvement is carried forward.

Every gentleman will at once see how greatly the world would be the gainer by it, could this question of intervention be rightly settled, and the principles involved in it successfully established. If, for instance, the right of every people to the undisturbed control and direction of their own affairs, and their right, also, under the law of nations, not only to be unmolested, but to be protected in their efforts for improvement from the interference of despotic Governments,—if these rights could at this time be practically established, what a vast stride would the world at once have made towards that better condition of things, that universal independence and republicanism which is equally its right and its ultimate destiny.

Shall we, then, take any action in this country for the purpose of determining and establishing these principles, and of preventing, for the future the interference of despotic Governments with the liberal tendencies and movements of other nations?

To this question there are two responses among our people.

On the one side are those who answer it in the affirmative, who are favorable to some positive, earnest action on our part. This class of our citizens urge upon us, as the grounds and reasons of their opinions, considerations of what is just and right among the nations. They insist upon the claims of the international law, and the obligation of every people to respect and uphold that law. They point us to the future, and appeal to our love of progress, our philanthropy, our generosity, that, while we keep the lead of the nations in the march of improvement, we shall yet be willing to encourage and aid them in following our example and in obtaining for themselves that freedom and those rights which we have secured to ourselves so much in advance of them. These considerations are such that they must necessarily find their way to the hearts of all fair and just-minded men. No one can deny their justice or their force. Even the opponents, the intelligent opponents at least, of this policy, do not, as I understand it, attempt to dispute the truth or the application of these considerations, and it is only by raising new matter, as it were, by putting in what we might term a special plea, that they seek to answer and elude them.

This latter class of our citizens stand opposed to any action whatever on our part. Their policy is wholly negative, one of mere inaction. It consists simply in taking care of themselves and their country, and leaving the rest of the world to take care of itself. They tell us, not that our interposition would not be just, and right, and generous, and noble, but that it would be a departure from the old, cherished policy of our Government as prescribed to us by Washington, and that it would involve the country in difficulties with other nations, and dangers highly prejudicial, if not fatal, to it.

This, Mr. Chairman, is, as I understand it, a fair statement of the question as it now stands before the country, and of the position of our countrymen in respect to it; and it is in this view of it I propose to discuss it.

In the first place, I wish to say to those who are opposed to our taking any part in this matter, that as far as any and every action is concerned which will be prejudicial to this country, I concur with them. I desire, at the outset of my remarks, to declare, that I, for one, am not willing, and I will not for any object whatever consent to anything that will have a tendency, as I understand it, to prove injurious to this country. My allegiance is first, and above all things, due to my own native land. My proper business here, as one of the Representatives of her people, is to watch over and provide for her welfare and honor. And I should regard myself as false to that duty, to those who sent me here, and to my oath, did I for any consideration permit myself to lose sight of this the great controlling object of my mission here. Besides, I agree fully with the argument that we hear so often urged, that it is by steadily watching over our own national interests, by developing the growing power and greatness of this country, and thus nourishing her into that growth in which she will in her good time overtop all the other nations, and by which she will be enabled more and more to demonstrate and illustrate to the world the truth of her principles and the beauty of her institutions; it is by so doing, as I conceive, that we shall, more than we can in any other way, contribute to the firmer establishment of free institutions on our own continent, and to their more speedy and successful advance over the rest of the world. And for that reason alone, were there no other, and aside from that love of country, that instinctive patriotism, which we all feel, and which asks for no reason, I would never for a moment entertain the thought of anything that could prove disadvantageous to this country. I can consent to nothing that in any degree will tend to endanger or retard the success of this experiment of free, popular government, which we are here working out, and carrying into its fullest results, not for ourselves alone, but for the whole world and for all time.

But yet, Mr. Chairman, though all this is doubtless true; though our first allegiance is due to our own country, and we should ever hold her welfare as the first of earthly considerations, it by no means follows that we have no duty to render to the rest of the world; that we are to rest content with this indirect influence, which we are exerting through our example, and refuse all active sympathy and aid to the other nations, and particularly that we are to prove faithless to our obligations to the laws of nations;—by no means, sir.

There are many ways and means by which we can beneficially act upon the world, to aid and quicken its progress, and particularly to protect and uphold the law of nations, without in any respect endangering or compromising our country. If so, is it not equally our right and our duty to avail ourselves of those means? Can we, as a just and generous people, refuse so to do?

It is a narrow patriotism, a poor statesmanship, whose vision can reach no further than the limits of its own territory. True patriotism is but a more intense philanthropy. Philanthropy is a wider patriotism; and the heart that truly and honestly entertains the one, has ever in it room for the other. And, sir, if at this present juncture of affairs through the world we can, in answer to the appeal that has been made to us, and which has come to us, not from one voice merely, but from the thousands of our own and other lands, do anything to protect and vindicate the laws and the rights of nations, without peril to our own country, we should not hesitate to do it; and it is in so doing, in precisely that course, if guided by a sincere and enlightened patriotism, we will find our country's most substantial interest as well as its truest glory.

Before proceeding to inquire how this is to be done, I will for a moment consider the steps that have already been taken by the country in this direction.

It gives me great pleasure to think and to say, that what has so far been done by our people and Government has, with few exceptions, been well and wisely done—honorable to the country, and happy in their results, as far as they extend, to the world at large. I refer, here, more particularly to the action of the Government in sending Mr. Mann to Hungary, to ascertain the true condition of things there, with a view to the earliest practicable acknowledgment of its independence, thus evincing our deep interest in that struggle, and our anxiety for the success of the Hungarians.

Also to the letter of Mr. Webster, as Secretary of State, to Mr. Hülsemann, vindicating the course thus pursued by the Government. It is but little to say, in relation to that letter, that it spoke truly, as it did nobly, the feeling and the thought of this nation. No true American ever read it, or ever can read it, without feeling his heart grow bigger in its perusal. Coming, as it did, from the mind which is not only the largest among us, but the most nationally characteristic, the fullest of the true old American spirit, it was to me, when I first read it, like an echo from the old revolutionary times—the reawakened voice, as it were, that spake in the State papers of that glorious period. I know it is idle for me to attempt to eulogize that production; but, sir, it has added much to the reputation of our country, as well as to the fame of its distinguished author—a fame that belongs scarcely more to him than it does to every American citizen. It has already become public property—it is among the treasures of the country.

I also refer to the part taken by the Government in helping to procure the liberation of Kossuth, in sending a national vessel to bring him to this country, and to the cordial and enthusiastic reception accorded to him by our people and Government; testifying, as we thus did, our admiration and sympathy for him and for the cause in which he has made himself so illustrious.

And lastly, I refer to the President's message, and to that part of it, particularly, which reads as follows:

"Let every people choose for itself, and make and alter its political institutions to suit its own condition and convenience. But, while we avow and maintain this neutral policy ourselves, we are anxious to see the same forbearance on the part of other nations, whose forms of government are different from our own. The deep interest which we feel in the spread of liberal principles and the establishment of free governments, and the sympathy with which we witness every struggle against oppression, forbid that we should be indifferent to those in which the strong arm of a foreign power is invoked to stifle public sentiment, and repress the spirit of freedom in any country."

Sir, these sentiments do honor alike to the country and to the distinguished gentleman, their author, who now presides with so much of dignity and ability at its head.

And here let me ask, what has the country lost by this course, which it has thus far pursued, by these, its manifestations of sympathy and encouragement for those who have been struggling, unsuccessfully it is true, but yet nobly for that same freedom and for those same rights for which we, too, have had to struggle, and for which we would again struggle, if necessary, with equal bravery and desperation? Has our progress to greatness and power been in any degree retarded? Have our interests been jeopardized, or our honor compromised? No, sir, but every way the reverse. We are greatly the gainers by it. Our name has been elevated by it throughout the earth. It has brought us forward upon a higher and more prominent position before the world, and fixed the eyes of the nations more than ever upon us—the millions looking to us, grateful for the past and with hope for the future, and the despots with a greater dread of our influence, and a greater respect for our power. Our material prosperity was never greater. The moral effect upon our people has been most ennobling. I suppose that it will seem fanciful to those who can see no result to be valued, except as they can count it out in dollars, or measure it in inches or acres. But, for one, I have rejoiced to witness the interest and sympathy with which our people have regarded the recent revolutions in Europe, and with which they received the great Hungarian leader into their midst. Sir, it proved to me that there are, among our people, not merely the intellect to think, and the energy to act for themselves, which have ever characterized them, but that theirs also, are those higher elements of character, those better attributes of heart and soul, whose very nature and necessity it is to sympathize and take sides with the right, and which are essential equally to true national as to true individual greatness. I should have mourned over my country, could it have witnessed with apathy the events of these late years in the Old World, or could it have received him, the great representative of struggling freedom in Europe, with coldness and indifference.

No, sir, the country has lost nothing by the course it has thus far pursued in these respects, but it has been greatly the gainer by it in all the consequences which have flowed from it. And so will it continue to be, if we have the manliness and wisdom to persevere and go on in the same course; if we can raise ourselves to that height of view whence we can embrace in our vision our whole country, in its full length and breadth, in all its needs and interests, in all our duties and obligations to it, and whence, also, we can discern beyond, the great world, and the just relations in which we stand to it.

I would counsel no rash or inconsiderate measures. I would take no positions but such as we can justly and successfully maintain. In all

things I would act calmly and discreetly, ever careful to place our feet upon the right, as upon a rock. But I insist, that whenever we can, consistently with all this and without detriment to our country, do an act or speak a word that will tend to vindicate and uphold the law of nations, and advance the principles of political and civil liberty through the world, we should not hesitate to do it. Let the country stand up erect among the nations, in its own proper name and character, just as it is—a democracy, proud of itself and of its principles, and not ashamed or afraid to speak forth those principles to the world, and to recognize and hail them whenever elsewhere they may exhibit themselves.

Let us claim our proper voice and influence in the common affairs of the nations, and in shaping the common destiny of the whole; and let that influence be a thoroughly popular and democratic influence. Let our sympathies be given out freely and openly to all who believe in our principles, and who would follow our example, encouraging and strengthening them in all suitable and legitimate ways. No intermeddling, sir; no interference with the private affairs of other nations, by no means; no desire or attempt to force or urge our principles upon them, but ever that manly and honest avowal and recommendation of them to the world, at all times and in all places, which befits every man and every people who have faith in themselves and in their principles.

Above all, let us stand by the law of nations—that constitution, if I may so apply the term, of the world, whose supremacy is essential to the peace, the well-being, the union of the nations; giving to it all the protection in our power, and at least raising our voice in denunciation and rebuke of every violation of it. All this we can safely do; and for doing it, the world will honor and respect us the more.

I will now proceed to consider the further steps which, in my judgment, the country should take in this direction. In the first place, I am in favor of our affirming, by the adoption of suitable resolutions, the true principles of the law of nations, relating to this question of intervention. The first of which principles or resolutions is the following, viz: That it is the right of every people, under the laws of nations, to manage their own private internal affairs in their own way; to provide for themselves such institutions and forms of government as, in their view, are suitable to their condition, and most promotive of their happiness; and at all times to change and modify such institutions at their own pleasure. And that every interfence on the part of other governments with the exercise of such right, is a violation of the law of nations.

It will not be necessary for me to go into any argument to prove the truth of these propositions to this House. They are principles familiar to every American mind. They are the foundation doctrines of the Declaration of our Independence, and of our whole system of government, and no gentleman here who understands his position and his duty, will need further authority for their truth.

The adoption of such a resolution will of itself be productive, as I conceive, of much good. It will at least affirm and establish the principle more completely and positively as a rule of the law of nations.

I am well aware that it is already fully recognized by writers on international law, and that it may now be considered as a settled rule of that law. But yet, as we see, the practice of despotic Governments is widely different, and these repeated violations of theirs, if suffered to go on without check and objection, and silently acquiesced in, will, after awhile, do away with the authority of the true rule, and create instead a sanction for this practice of theirs, authorizing them to interfere to repress every upward tendency among the nations, and to crush liberal and free institutions at their pleasure.

Another principle which we should affirm is as follows, viz: That each and every people or nation has an interest in the due observance of the law of nations, and as such, that it is the right of every such nation, to the extent of its influence and power, and in such ways as it shall deem suitable and proper, to resist every violation of such law, and to cause it to be respected and observed throughout the world.

I presume there will be no difference of opinion as to the abstract truth of this proposition.

In respect to the international law, the nations stand in precisely the same relations that citizens do to the municipal law.

"We," meaning the country, says the present Secretary of State, in his great speech on the Greek Revolution, "have as clear an interest in the international law as individuals have in the laws of society."

This law is of universal obligation. Every people have a right to claim its protection, and an interest in its due observance towards all other nations, precisely in the same way that we, as individuals, feel interested and affected when the law of the land under which we live has been violated in the person or rights of a neighbor. True, our pockets have not suffered by the plunder of his property; our characters and persons have not been assailed by the indignity or injury inflicted upon him, but yet do we feel ourselves moved by all the impulses of our nature to aid in redressing his wrongs, and in vindicating the law.

Doubtless this is, in part, because we see clearly that it is our interest thus to uphold the law in its full authority and supremacy, so that when we may have to call to it for protection or redress, we shall not call in vain.

But there are other and higher considerations which thus interest us in upholding the laws for others the same as for ourselves.

We are not created utterly selfish beings. Our life is not restricted and confined to the little limits of our bodies merely. We have sympathies that reach abroad that connect us with everything that breathes—moral nerves, as it were, that, centering in our consciousness, stretch forth and pervade the whole body of humanity, and that bring the pain right home to us whenever anywhere an outrage upon our common nature comes within their reach and cognizance.

And this fact, this truth, is the one that lies at the very foundation of our religion and of our system of government and society.

The love to all, the doing unto others as we would have them do unto us—which is the substance of our religion—the democracy that we profess, the equal rights and obligations, the mutual protection which it extends to every one—all rest upon this great fact of our nature.

We are not isolated either as individuals or as nations, but are connected and bound together in natural and necessary sympathies, and in mutual rights and obligations, one with another, throughout the world. And hence every violation of right and law suffered by another becomes an outrage upon universal humanity, upon my nature and your nature; which not only authorizes, but calls upon us to take sides with him that is wronged the same as if in defense of ourselves and of our own rights.

Let me take an illustration of this principle, and it shall be the very case in question—that of the intervention of Russia in the Hungarian war.

You well remember, sir, how we all rejoiced as each vessel that crossed the ocean came freighted with the news of the battles and triumphs won by the brave Hungarians. We felt that the spirit that animated them was precisely the same with that which inspired those who laid the foundations of our independence. All America was, as it were, on tiptoe, looking across the ocean in anxious expectation to hail the establishment of Hungarian independence and freedom. And, sir, just as we hoped that the triumph was complete, do you not remember the apprehension that fell upon every heart as the word came that Russia was preparing to interfere? And as the accounts arrived of the march of her armies, and of the defeat, the retreat, the surrender of the gallant Hungarians, how deep and heartfelt was the execration that arose from every lip?

In America there was but one sentiment, and that was, that the Russian intervention was an outrage not merely upon the rights of Hungary, but of universal humanity, and a most flagrant violation of the law of nations; and had our country then been in the neighborhood of the contest, so that we could have interfered effectually, I doubt not, such was the feeling and spirit of our people, that for every slave—and they were but slaves—that Russia furnished to trample down the liberty of Hungary, there would here have been found two freemen, at least, ready to rush into the battle in its behalf; and in so doing, they would have acted not only in accordance with every noble and generous sentiment of our nature, but with every dictate of justice and of right.

There seems to exist, in many minds, a misconception as to the true character of the action or interposition which would be necessary on our part in order to enforce the law of nations, and resist the illegal interference or intervention of despotic Governments with the affairs of other nations; as, for instance, to resist the interference of Russia in such attempts as Hungary may hereafter make to regain its independence.

This misconception arises, in part, as I conceive, from the phrase which is in common use, and which, indeed, was employed by Kossuth to express the principles which he advocated, viz: "Intervention to prevent intervention, or for the sake of non-intervention." Thus characterizing the lawful action which he desired us to undertake, by the same term with which he expresses the illegal and wrongful interference on the part of Russia, which he was desirous to prevent.

This, as it seems to me, is calculated to give rise to misconception as to the true character, the precise nature of what we are to do, confounding it with the very wrong and outrage against which it is directed.

Intervention, properly speaking, is an unauthorized interference by one nation with the private internal affairs of another.

By the laws of nations, every people have the right of regulating their own domestic concerns, and providing and altering their institutions at their pleasure, and every interference by another Power with the exercise of this right, is a violation of this principle of the international law, and is, what is strictly speaking, intervention.

Such was the interference of Russia in the Hungarian war, and such, also, was the interference of France in the Roman revolution, in my judgment a far baser and more inexcusable outrage even than that of which Russia was guilty.

Such intervention is a violation of, and an offense against the law of the world. It is not only a trespass against the nation, whose rights are immediately trampled upon, but it is a public offense against the world, a crime against the whole society of nations, as much so as the act of the ruffian who assaults and outrages our neighbor is a crime against the public, against society generally. This is so because these acts strike at the very foundation-principles upon which depend the peace and harmony of the society, both of men and of nations.

Well, sir, suppose in some such case that we should interpose, with arms, if you please, or with any means, either of peace or war, to arrest and prevent such illegal interference: our action would not be intervention in this its proper and wrongful sense.

Our purpose would not be to trample upon the law of nations, but to uphold and sustain that law. It would not be to interfere in the private internal affairs of another people, but it would be resistance to such interference. Our object would not be to aid the Hungarians, if it should be in their case that we should act, against Austria. It would be no trespass against the Austrian Emperor. He would have no just ground for complaint. Our aim would be to give him, equally with the Hungarians, the rights to which he was entitled; to secure to them alike a clear field and fair play, and to uphold the laws of nations sacred in its supremacy over them both.

Our contest would be with Russia merely to neutralize and arrest the effects of her unjust and wrongful interference, and to leave the question where it rightly belongs, with the Austrian Government, and its oppressed and discontented people.

In all this, it seems to me, there can be, in no fair and well-constituted mind, a question, or a shadow of a doubt, as to the entire right and propriety of our acting, in case we deem it proper so to do.

On this point I am particularly anxious not to be misunderstood. I do not mean, when I thus

affirm the right to interpose in defense of the law of nations, that it is necessary to exercise that right to its full extent in all cases. It is a right that I suppose exists in all cases; but whether we shall exercise it or not, or in what way and to what extent, is a question of policy, to be determined at the time and according to the exigencies of the particular case; a policy to be exercised wisely, discreetly, but yet firmly, justly, and magnanimously. It by no means involves in any case the necessity of war or armed intervention. Candor requires me to say, that I, for one, could not consent to take any position which I supposed would commit us to such a result. I do not think the country is in a position at present to make such course advisable. Should it be my fortune to stand in this place a quarter of a century hence, and the same or a similar question should come before me, I might, perhaps, use very different language. The condition of the country and the world may then, or if not then at some still subsequent period, be such that we shall be able safely and consistently, with the most careful patriotism, to assume higher and bolder ground.

The time will doubtless come in the maturity of our country's power, and in the advanced condition of the world, when, in connection, perhaps, with other countries who may then share our sentiments and feelings, we shall be disposed to use a more peremptory tone to those who would trample upon the common laws and rights of nations; when we shall be able to say to them, with authority, "Thus far shalt thou go and no further," and when, too, if moral means shall be ineffectual, we will be ready to enforce our words with deeds upon the battle-field, if necessary, with man to man, and, if needs be, with million for million.

But that time is not yet, and, for the present, I am for doing nothing but what the most careful and prudent patriotism will sanction. I would simply affirm the right to interpose in protection of the law of nations, and then I would have the country act upon that right so far only and in the use of such measures of moral and peaceable interposition or otherwise, as shall be compatible with her own safety and prosperity.

There is one step, however, which in all cases, and in the first instance we should take, and that is to interpose our protest. This, at least, we can do with safety, and it is the very least, in my judgment, that we can do with honor.

In case hereafter any Power, whether it be Russia or any other, shall attempt to interfere with the efforts of another people, to improve their condition, and to liberalize their institutions, let our minister be instructed at once to present a protest and remonstrance, in the name of the people and Government of this country, against the outrage. A protest of this kind would by no means draw after it any necessity of war or of armed intervention. It would amount simply to a declaration on our part of the true principles of the international law, and to an earnest remonstrance against the violation of it. It would be in the nature of an appeal to the public opinion of the world. It should, in the first instance, at least, be couched in the language of friendly and respectful, though earnest remonstrance, and not in that of menace or dictation. It should be addressed to the moral sense of the offending Power.

An appeal so made would by no means be without an effect. Indeed, in my judgment, it would, as a general thing, be far more successful, and carry with it an influence and power greater than that which any threat or menace of force and armed intervention could have. At all events, we would thus place ourselves right upon the question before the world. We would wash our hands of that consent and acquiescence in the outrage that our silence would imply. It would greatly tend to check and embarrass the wrong-doer. It would encourage and strengthen those who were wronged. It would call forth and array the public opinion of the world on the side of the right.

In such a protest we should not be alone. The heart and mind of the civilized world would be with us. There is everywhere in the heart of man a sentiment in favor of justice and of right. This sentiment, while silent and unuttered, is impotent and powerless; but once awaken it, let it be called forth, give it a voice among the nations, and it becomes the public opinion of the world—the great moving power by which events are controlled. It is in this way our protest would operate. It would tend powerfully to awaken this just sentiment—this love of the right, which dwells in the heart of man. The voice of our twenty millions on this side of the Atlantic would be reëchoed back by the millions beyond. The response would swell up from every part of Christendom, and arouse a public opinion which no despot would willingly encounter.

The time has been when this country was comparatively unknown among the nations, and when, perhaps, its voice would not have been heard. But that day has past.

"The young giant of the West," as our country has so often been styled of late, has now attained to that growth and power that its influence cannot but be felt.

Here he stands—that young giant, astride the continent, with one foot planted on either ocean-shore, with his right hand stretched out over the Atlantic, and with his left upon the Pacific, and with his own eagle and the stars alone above him. Let him, then, as he stands in his pride and his young strength, speak out to the world. Let his voice go forth in favor of freedom, of those principles which are the very life-blood of his existence—the elements of all his vigor and all his greatness. Be assured it will not be without its effect. His voice will be heard. It will go forth into the East, and it will linger and dwell in every land, and it will go on and on till it shall come back to us from the West. Nor will it return alone; but it will come mingling with, and borne upon, the cries and the blessings of the millions it will help to make free.

The question may here be asked, as it often has been, suppose our protest should be unheeded, disregarded, what then must we do? That is a question which cannot be answered at this time. The reply will rest with those who shall occupy these seats when the emergency will arise, and it will depend altogether upon the circumstances of the particular case.

Perhaps nothing more will be advisable. We shall already have done much. We will have washed our hands of all acquiescence in the offense, and placed ourselves right upon the question in recording our remonstrance and appealing to the world against it.

Perhaps in case the intervention complained of shall occur on this continent, in the domestic concerns of any of the nations here, we shall feel disposed to resist it at all hazards, and with the full force and armed power of the Republic.

Perhaps we may resort to such other, and suitable, moral, and peaceful measures—such means of aid and encouragement, consistent with the maintenance of peace, as shall suggest themselves at the time, and appear to be effectual and productive of some good result.

Perhaps, too, if we should find that moral means availed not, and that interposition by force would be effectual and productive of no serious hazard to our country, we should feel disposed, at least I, for one, would feel disposed to stretch forth the arm of our power to uphold the right between the nations.

The only rule that can be laid down for our action in such case, is this: That we should do all that we can in all suitable and proper ways for the protection of the law of nations and the advancement of freedom through the world consistently with the safety and well-being of our own country. And I hesitate not to say, that the further we go in this direction, and the more we can do, and shall do in this way, the better it will be, not only for the world at large, but for our own country, and the more will it redound to our national credit and prosperity.

Sir, I wish to be understood here. Speaking as I now do, for the country, as one of those to whom its welfare is intrusted—my language is different from what it would be to an individual merely, who might feel an impulse to go abroad and fight for freedom in another land. To such a person, if he had the courage and the noble ambition to devote himself and his fortunes in any fair and legitimate war for freedom, I would say "Go, and God be with you." For him so to do would be what Steuben, and Kosciusko, and La Fayette, did for us. It would be but obeying an impulse that more or less must enter into every generous and brave American soul; and whenever any of my countrymen shall go forth to fight for freedom, wherever it may raise its banner, whether on the plains of Hungary or on the hills of Rome, or on the fields of green Ireland, or in any other land, there will be one voice at least that will bid him "God speed," one heart to send forth its admiration and its prayers with him.

But speaking for my country in view of the terrible evils of war, and of the essential importance of our success here, not only to ourselves but to the cause of freedom through the world, I would wish to incur for her no hazard, encounter no peril that can be honorably avoided.

But yet, sir, war is by no means, in my regard, the worst of national evils. It is not the greatest danger for our country. I would dread disgrace, dishonor, more. I would fear more to have her sink in her own self-respect, to have her fall under the dominion of base ideas, of an ungenerous and ignoble policy. Even on this question of intervention, rather than have the country fall into the extreme on the one side of narrow and soulless selfishness, indifferent to the cause of freedom, faithless to her obligations to the laws of nations, shrinking into silence and acquiescence when despotism presumes to trample upon that law in order that it may stifle the spirit of liberty through the world, rather than that I would have her go into the other extreme of war with all its hazards. It would at least be the nobler alternative. We would thus, at least, preserve our honor and our self-respect.

One word as to the objection which is so often and strenuously urged, and which, indeed, is the only objection of any weight which is urged against the views I have been advocating, viz: that in so doing we shall be departing from the principles and policy adopted by Washington, and recommended by him to us in his Farewell Address.

I do not so understand the policy of Washington. I do not so read his Farewell Address.

I have not now the time to enter into all the details of the argument on this point; nor, indeed, do I deem it necessary, as the task has already been abundantly performed by one of the distinguished gentlemen from my own State, at the other end of the Capitol, as well as by other able Senators; but I will say, generally, that I have read, and am somewhat familiar with the life of Washington. I have studied his career, his words, and his character, and as I have learned them, there is not a word that I have uttered, or a sentiment I have avowed, but which, as I firmly believe, he himself, were he now living and in our midst, would repeat and reaffirm.

I deny, utterly, that there is anything in his Farewell Address which is hostile to the views which I have expressed, but, on the contrary, there is much that will sustain and confirm them. Not, indeed, that he ever directly spoke to this point, for this question, as it now stands before the country, had not arisen in his day, and strictly, he never said anything about it; but in the general maxims and principles which he laid down, there is much to confirm these views. As for instance, where he speaks as follows:

"Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin such conduct," &c. "It will be worthy of a free, enlightened, and at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

What means that? Exalted justice and benevolence, good faith, peace, and harmony with all? Is it justice and benevolence towards a people, while we profess friendship and good faith towards them, to see them stricken down, in violation of every principle of law and of right, the protection to which they are justly entitled from the laws of nations, withheld from them, and all their rights, and their very existence trampled upon, and merely for the reason that they have caught from us the spirit, and are striving to follow in the steps of Washington—is it justice and benevolence, I repeat, in us, to look coldly upon all this in silent acquiescence and give no sign, make no effort in opposition or remonstrance? Is that such conduct as religion and morality enjoin? Can such be the policy recommended to us by Washington? God forbid. If so, the Washington that I have loved

and reverenced has never lived. If that is the idea of national justice and benevolence cherished by him, the foremost man of all the earth, thank Heaven, the world has grown somewhat since his day: and there is now a higher principle, a better and truer policy dawning upon the earth.

No, sir; they do great wrong to the character of Washington, who seek to fasten upon him the authorship of this narrow and ungenerous policy which has started up so lately in our day. There is no likeness, no feature of Washington in it. It bears no mark, no lineament of such exalted parentage. Its advocates will in vain seek to elevate and dignify it, by striving to associate it with that sacred name. The association, even if it were possible, would not serve to raise and redeem it. It would still be the same narrow, selfish, and contracted policy, unworthy of a great and generous people, and catching no luster, it can only cast a shade upon whatever and whomsoever it stands connected or associated with.

The truth is, Mr Chairman, that this question which we are now discussing, and which is before the country for the first time, had never arisen in Washington's day. He was speaking of an entirely different question when he used the language in his Farewell Address, which has been of late so much referred to, and so much perverted.

Every gentleman must be aware, who knows anything of the history of that day, that a powerful effort had then been made to connect this country in permanent and closer alliance and connection with France, and of course to involve us in the quarrels and wars which she was waging with almost all the rest of the world. Against this effort Washington had, as President, opposed the whole weight of his authority and influence, and it was against this and similar entangling alliances that he sought, in his Farewell Address, to caution his countrymen. Thus he says:

"Permanent, inveterate antipathies against particular nations, and passionate attachment for others should be excluded."

Also—

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

And speaking of Europe, he says:

"It must be unwise in us to implicate ourselves by artificial ties in the ordinary combinations and collisions of her friendships or enmities."

Also—

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible."

It was against these permanent, inveterate antipathies and passionate attachments, these artificial ties, these political connections, these permanent alliances, that Washington intended to caution the country; and it seems to me that no gentleman can read the Address with common candor or with the least intelligence, but he must see at once that this is the whole scope and effect of it.

But all this has nothing to do with the question now before the country—that of our taking action in behalf of the law of nations. These alliances and entangling connections, of which our fathers were so justly jealous, were far different from the views and measures which I seek to advocate. What is an alliance, sir? An alliance between nations is analogous to a copartnership between individuals. It is a permanent union, a league, an agreement entered into between them in exclusion of the rest of the world, to gratify some preference or partiality, or to promote some peculiar interest or ambition, and which, of course, commits the one nation to the policy and the fortunes of the other. It was against such alliances, and especially that with France, that Washington was so earnestly opposed, and against which he has so impressively and eloquently raised his voice. And, sir, to every word that he has uttered my heart and my judgment alike respond. No gentleman can be less disposed to depart from his counsel than myself.

So with the neutrality that we are counseled to preserve. It is evidently such as we can properly maintain, consistently with our obligations to the law of nations. Thus he says:

"The duty of holding a neutral conduct may be inferred without anything more from the obligation which *justice and humanity* impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations."

It refers to those thousand questions and differences that are constantly arising between nations, giving rise, in some cases, to quarrels and wars, but which involve no flagrant violation of international law—no outrage against justice and humanity, and in which, of course, no other Power has any right or inducement to interfere. Thus, speaking of Europe, the Address says:

"Europe has a set of primary interests, which to us have none, or a very remote, relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities."

It is these ordinary vicissitudes of her politics, these ordinary combinations and collisions, in which we can have no interest, to which the Address refers; just as in the thousand questions and differences that occur among one's friends and acquaintances, but which do not involve the peace of society, or any great principle of justice or right; in such cases, all good citizens may and should stand aloof and take no part. But, far different is it in those extraordinary cases of outrage and wrong, when despotism presumes to trample upon the law of nations, in order that it may arrest the spread of free principles through the world. In such cases Washington never could have intended that we were to repress our natural and just sympathies, and shrink into an unmanly silence and acquiescence.

Much less could he have intended such as the permanent policy of the country. The counsel which he gives, whatever may be its extent and meaning, was evidently offered in reference to the then unmatured and feeble condition of the country, and designed but as a temporary policy until the period, "not far off," as says the Address, "when 'we may defy material injury from external an-'noyance, &c. &c.; when we may choose peace or 'war, as our interest, guided by justice, shall coun-'sel." And in another place it says:

"With me a predominate motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes."

Has not the country attained that degree of strength and consistency? Has it not now the command of its own fortunes?

Suppose, Mr. Chairman, that you should think proper to adopt it as the policy of your life, to have no exclusive preferences among your friends and acquaintances, to form no copartnerships and extend no partialities to any one over another, but to remain neutral, as it were, and hold them all alike on the same terms of equal favor and benevolence: would it therefore follow that you were to feel no interest in the due maintenance of the laws of the land, no care or anxiety that the rights of individuals under those laws should be regarded and protected, and that if you should see one of those friends and neighbors assailed by another, plundered, outraged, murdered, that you must calmly look on and raise no voice, no arm, in remonstrance or opposition? Would that be what you would call preserving a just neutrality, observing justice and good faith, and cultivating peace and harmony with all men? Surely not; and yet that is the precise position of those who draw an argument from the Farewell Address of Washington, against our taking action in vindication and protection of the law of nations.

I am speaking in favor of no alliance with Hungary or of any other people. I would extend to them no favor but such as I would extend to every other country. It is not for Hungary but for universal humanity that I speak; for the common rights of all the nations, for the great principles of justice and international law, which every people are bound to respect, and which they are equally bound to protect to the extent of their influence and capability. Sir, I would hold all the nations—Russia, Austria and Hungary, Rome and France, England and Ireland—all on the same level of a common brotherhood, and be guided towards them by the same broad principles of equal, and, in the language of Washington, exalted justice and benevolence. But, as among my friends and neighbors, if I should behold one violating the laws and trampling upon the rights of the other, as I should deem it my duty to raise my voice, and if necessary my arm, in vindication of those laws and those rights, so, too, would I have my country ever ready to lift up its voice, and to exert, at least, its influence in behalf of the law of nations whenever the rights of any member of the great family of nations, under that law, shall be violated and outraged.

This is no foreign cause or interest. It is not leaving our own to stand on foreign ground. It is our own ground, sir. It is the cause of universal humanity, our cause, our interest, our right, our duty.

In so doing, we shall, in no respect, be departing from the early principles and policy of the country. It will be but the natural and necessary inference and result of that very policy, and of those same principles carried out as they should be in the altered circumstances of our country and the world. It will be but a step forward in the same direction in which Washington himself first advanced, and in which he would still go forward were he now living in this our day. Calm, discreet, and wise would he doubtless still be, but yet brave, noble, and just, as he ever was. Every impulse of his great nature would impel him to this course.

Let us, then, at once reject and disavow this principle, or rather this want of principle, which is sought to be fastened upon us as the policy of this country—this doctrine of mere selfishness, of apathy, of indifference to everything external to ourselves. Let us proclaim a higher, truer, more generous, and wiser policy. Let us at once avow our obligation to the law of nations, both for obedience to it, and for its protection. Let our justice and benevolence be a positive, active, earnest principle. Let our motto be not that narrow and illiberal one, "Our country, and nothing but our country;" but that other more generous and noble, and more patriotic, because more generous and noble one of "Our country, our whole country, and the world." Our own country first, our whole country forever, but also the world.

Mr. Chairman, what is the good of being powerful and free, of having strength and energy, and intellect, and liberty? Is it merely that we may use them in self-defense, or for our self-aggrandizement? Is it that we may increase our wealth, extend our territory, and promote our own prosperity merely? No, surely, not that alone. But more than all that, it is for the means they afford us, the power of acting upon others, for the control, the influence, the irradiation, the good we may thereby diffuse around us.

And so will it yet be with our country. It is so now to a great extent, but it will be preeminently so, and that in the not distant future, when it will be her chief glory, not that she stretches from sea to sea merely, nor that liberty and happiness dwell in all her fields, amidst her people, but that as she sits thus supreme between her two oceans, and looks forth over the one, unto the East, and over the other unto the West, she will everywhere meet the gaze of the nations turned to her, and not in vain, for an example, for sympathy, for aid, and for protection.

I wish, in this connection, to make some remarks upon the third resolution, or provision of the platform recently adopted by the Whig Convention at Baltimore. I regret exceedingly that that resolution, in its present form, was ever adopted and incorporated into a platform of the Whig party; not, indeed, so much for what the resolution says, for to every sentiment it contains I can fully subscribe, but for what it omits to say, and because I distrust the object for which I fear it was intended, and to which it may, by many persons, be applied.

The resolution reads as follows:

"3. That while struggling freedom, everywhere, enlists the warmest sympathy of the Whig party, we still adhere to the doctrines of the Father of his Country, as announced in his Farewell Address, of keeping ourselves free from all entangling alliances with foreign countries, and of never quitting our own, to stand upon foreign ground. That our mission as a Republic is not to propagate our opinions, or impose on other countries our form of government, by arti-

fice or force, but to teach by example, and show by our success, moderation, and justice, the blessings of self government and the advantages of free institutions."

Sir, to all this, as far as it goes, I fully assent; but I am utterly unable to see the necessity of any such resolution, or its application to any question or circumstance of the country or the times. Doubtless it is the true policy of this country to adhere to the counsel of Washington, and keep itself clear from entangling alliances. But who is there who advocates any other doctrine, or wishes to set up any different policy? I know of no one; no intelligent or leading American that I have ever heard of has desired or proposed anything of the kind. And what is the effect and meaning of this phrase, of "never quitting our own to stand on foreign ground?" As that expression was used by Washington in his Farewell Address as a figure merely, it was eminently beautiful and appropriate, but as here used, as a substantive part of a resolution, as the enunciation of a principle of party faith, of national policy, I can get no very clear or definite idea of it. Surely the authors of this resolution could not have supposed, either in any literal or figurative sense, that the American people were about to leave their own to stand on foreign ground. And so with the rest of the resolution, "that our mission is not to propagate our opinions, or impose on other countries our form of government, by artifice or force." Doubtless this is so; but who proposes otherwise; who is seeking thus to propagate our opinions and institutions by artifice and force? Sir, all this does not touch the real question before the country. It is a mere evasion of it. The resolution might as well have gone on and affirmed the truth of the Christian religion, or that the Whig party were opposed to the abolition of the institution of marriage, or of the elective franchise; and if it had done so it would, in these respects, have been no more idle and unnecessary than it is as it now stands. It is but the assertion of old political truisms and maxims, to which everybody assents and which no one wishes to disturb.

But is it the case that this resolution, although it does not say so, was intended to be understood and regarded as avowing the policy of total inaction in respect to this question of intervention? That we, as a nation, were to have nothing to do or to say, no matter how much despotism might trample upon the laws of nations, and outrage the rights and opinions of mankind? If so, if such is to be its interpretation, and the use to be made of it, I for one can never consent to it.

In such case, however, the resolution should have been expressed somewhat differently. It should have been worded in language like this: "*Resolved*, That we as a nation desire no voice, and will seek to exercise no influence in the common affairs of the world. That we have no interest in or care for the law of nations, and that despotism may violate that law, and trample upon the rights and liberties of mankind at its pleasure, provided it keeps away from our shores, and that we will make no objection nor opposition to it, but will silently acquiesce in it all."

Such, sir, should have been the reading of the resolution, if such is to be its meaning and interpretation. It would, at all events, in that form, have met the question before the country. It would at least have had the merit of frankness and manliness. It would not have been ambiguous nor evasive. It would not have raised a false and an unfair issue, nor would it have dishonored the memory of Washington by quoting and perverting his language to sentiments so ungenerous and unworthy of him.

But, sir, if such had been the resolution, or if such is to be the interpretation or the use made of the one now in the Whig platform, it is one to which I never could or can consent. It is a plank, to whatever platform it may be attached, upon which no foot of mine can ever be placed, unless it be to spurn and reject it.

It will be noticed that this resolution is mostly taken from the President's message, but that it contains only a part of the sentiment of the message. The language in both is in a great part precisely the same, word for word. But the message goes on and avows plainly the fact, the true and noble sentiment that we cannot, as a nation, be indifferent to these cases of outrage and wrong, in which the strong arm of a foreign power is invoked to stifle public sentiment and repress the spirit of freedom in any country. Why was this part of the message left out of the resolution? Why omit the noblest and best portion of it?

Sir, that resolution should have incorporated this sentiment of the message. After avowing, as it now does, the policy of a strict and just neutrality between the nations, it should have gone on and avowed also, as the President has done, the deep interest that we feel in the spread of liberal principles, and the establishment of free governments, and the sympathy with which we witness every struggle against oppression. It should also have proclaimed the rightful supremacy of the law of nations, and our determination to uphold and protect that law in all legitimate and suitable ways. And it should have declared that we, as a nation, cannot be indifferent to, and will not acquiesce in any act of any Government violating that law; but that we will at all times protest against and resist every such violation in every way in our power, consistent with the safety and welfare of our own country.

Such should have been the resolution that should have been incorporated into the Whig platform, as I believe such is the true sentiment and feeling of the Whig party. But was all this intentionally omitted? Did the Whig Convention purposely depart from the President's message in this respect for the purpose of negativing and disavowing the sentiment he has thus expressed and the policy to which that sentiment will lead? I trust not, sir. Let the Whig party beware how it is betrayed into a position so narrow and so false.

Is it not enough that by one provision of this platform we are made to surrender up the country to the principle of slavery, without also, by another, giving up the world to despotism?

For the one provision, we can plead the requirements of the Constitution, and the necessities of the country and the times, but for this other, we have no such plea; but, without necessity, unasked even, in utter disregard of that other constitution, the constitution of the world, the great system of the law of nations, we are voluntarily yielding up the world and its destinies, to the pleasure of despotism, that it may, unopposed, trample upon that law and the dearest rights and hopes of mankind.

No, sir, such is not the wish or intention of the Whig party, or of the American people. Such at least, I know, is not the sentiment of the people whom I have the honor here to represent, or, if it be, I greatly mistook them and they mistook me when they chose me to utter their voice on this floor. The sons of those who poured in from their fields and hillsides, and gathered at Saratoga to win that glorious victory for freedom, those sons, when they shall come in from those same fields and hillsides to exercise the rights so gallantly won for them by their fathers, will not by their votes sanction any policy, any sentiment, so ignoble and unworthy. Nor will he, the great captain, whom the Whigs have chosen as their leader, their candidate for the Presidency, as I trust, ever consent to a policy so unworthy of him and of the country. While he will, as I doubt not, if elected President, faithfully adhere to the sentiment of the resolution as it reads, and to the policy of a just and impartial neutrality as recommended by Washington, yet will he also, as I trust and believe, ever insist upon all that influence and consideration to which this country is entitled among the nations. Wielded by him as our President, the influence of our Republic will be felt, as it should be, for good throughout the world; not by any means of artifice or unjust force, not by any intermeddling or improper interference with the affairs of the other nations; no sir, but by an example of justice, good faith, and benevolence towards all, by a generous and active sympathy with, and encouragement of, freedom and improvement throughout the world, by a steady adherence to and support of the law of nations, and a firm and manly rebuke and resistance, in every way consistent with the honor and well-being of our country, against every violation of that law.

Such, as I hope and believe, will be the policy of General Scott. As such, I speak of him upon the authority of his life, his character, his deeds—upon the evidence of the great qualities displayed by him in every part of his glorious career. As such I am proud and eager to follow in his lead to what I believe will soon prove to be the greatest and the crowning victory of his life.

There is one other suggestion which I wish to submit before closing my remarks upon this subject. After adopting the resolutions I have suggested, affirming the true principles of the law of nations, and thus clearly defining our position and policy in reference to this question, I would be in favor of presenting a formal invitation to each of the other Governments to unite with us in the same position, and in the adoption of such other measures as shall be best calculated to enforce these principles throughout the world.

I shall attempt no argument to show the propriety of this suggestion. To my mind it is obvious, and I can conceive no just, well-founded objection to it. The narrowest and most exclusive policy cannot object to a union with the other Governments on this ground, and for these objects. Surely if the nations would voluntarily unite with us to affirm and enforce these just principles of the international law, there is no honest heart here or elsewhere but would rejoice at it. If, however, after being thus invited by us, the other Governments should refuse, the shame would be theirs only, and the more marked and signal would be our position, standing thus apart from them on grounds so much higher and more advanced.

Mr. Chairman, events are multiplying and developing themselves with strange rapidity in this our day. Ideas and principles that are to mould the policy of men and nations, and sway the world, spring up and mature, as it were, in a day. Years now suffice to perfect what, in times past, centuries were too brief to accomplish.

I believe that we are not distant from the time when these principles, which I have been advocating, and which so many other voices and pens in our country are advocating, will be universally acknowledged and acquiesced in. If we prove true to them, and avow them, as we should manfully and firmly, it is not impossible but that alone will be sufficient to establish them in their rightful supremacy. The day will be when the mere announcement of a true principle will be equivalent to its enactment as a law.

If, however, it shall be requisite for their complete practical enforcement that other nations cooperate with us in the adoption of them, who can tell in what brief period they will be by *our* side? There is already a powerful and influential sentiment in England in their favor. So, too, to a very considerable extent, in France; and though its voice is there suppressed for the present, yet who can tell what a day will there bring forth, or how soon it will be ere that very sentiment will be in the ascendant and control of the capital and Government of that country? And with England and France, Italy and Hungary and Germany would also be with us. Sir, we must make haste if we would secure to our country the honor of taking the lead in this matter. It is a glory that rightly belongs to her, and if we fail to secure it for her, it will be an omission and neglect for which no services which we shall be able to render will expiate or atone.

Whether with us, or without us, the final success of these principles is certain. Our favorable action will doubtless aid and expedite that success; but yet without us, or in spite of us, the day of their triumph is sure.

The popular demonstrations which we have witnessed, clearly show what is the sentiment of the people of our country. That, at least, is generous and right, whether we are fit leaders and true interpreters of it or not; and everywhere the signs are prevalent, though they may be clouded and obscured for the present, of the approach of that time, when the prayer of Kossuth, uttered in our presence, will be answered; and God grant that it may be in his day, and he and we all may live to witness it—when there will be a Power on earth able and willing to protect the law of nations, though now there are so many to violate it.

THE CONSTITUTIONALITY OF THE FUGITIVE SLAVE LAW.

SPEECH OF MR. RANTOUL,

OF MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES,

June 11, 1852.

The House being in Committee of the Whole, and having under consideration the bill making appropriation for the Indian Department.

Mr. RANTOUL said:

Mr. CHAIRMAN: The gentleman from Vermont, [Mr. MEACHAM,] who spoke yesterday, and the gentleman from Pennsylvania, [Mr. STEVENS,] who has just taken his seat, have addressed to me, individually, a large portion of the remarks which they have had occasion to make upon the subject of the tariff. Now, sir, I am not concerned, but that the common sense of the world, operating as it is upon both sides of the Atlantic, will set this question of free trade and protection right, without any assistance from me. I am not afraid that the people of the United States will be made to believe that the highest taxation is the greatest blessing. I am not afraid that the farmers of the West, by any degree of ingenuity, can ever be led to the conclusion that it is better for them to give two barrels of flour for a certain quantity of iron, rather than one barrel of flour for the same quantity of iron; and to that it comes. Gentlemen may talk by the hour together about this question. Reduce it down to its ultimate elements, and it is simply this for an agricultural nation: Do you choose, for the product of so many days' labor, to get a ton of iron; or would you prefer, for the same amount of labor, to get only half a ton of iron? If gentlemen of the West think two tons of iron better than one, and if they think they had better buy a given quantity with one barrel of flour rather than with two, then, I think, they will never aid Pennsylvania in screwing down labor, which has been the effect of protection in England, Spain, and France, and wherever it has been tried. I think they will never aid Pennsylvania capitalists in screwing labor to the lowest point, in order to carry out theories which have been tried over and over again, and failed wherever they have been tried.

Sir, the gentleman who last addressed the House addressed it very ably and very eloquently, but in a long series of historical facts, he is totally mistaken in his idea. The supposition that civilized nations have always adopted high protective tariffs, is ridiculously wide of the truth. Why, sir, the commerce of ancient nations, and the commerce of the middle ages, flourished in proportion to the freedom of that commerce, and it was the nations who adopted restrictive systems—the nations that adopted restriction and protection that ruined their commerce, and caused it to depart to other better-conducted nations.

Now, the gentleman meant to allude, as I suppose, although he did not specify it, to the Italian Republics of the middle ages, and to the great commerce which extended round the shores of the Mediterranean. Now, sir, the gentleman may go as far back as he pleases—he may go back to Athens, a Republic made great, and wealthy, and powerful by her commerce, and Athenian commerce was the creation of free trade—he may go back to the Roman Empire, and take the tariff under Diocletian, when the Roman commerce was at its height.

The tariff of the time of Diocletian was a tariff lower than that of England now, and that of England, as everybody knows, is a great deal lower than ours. Then you come down to the first tariff that was constructed upon scientific principles, after the downfall of the Roman Empire, which was that adopted under Godfrey de Bouillon, King of Jerusalem at the time of the Crusades, and put in operation in Syria, and which afterwards became a model for all nations around the Mediterranean, in Italy and everywhere else. You find that it is an "*ad valorem*" tariff, with very few exceptions, from beginning to end, and most of the duties are eight per cent., while some articles are put at sixteen per cent., and a very few, and those not important, at twenty-four per cent. Under this tariff, so much more liberal than any of later times, modern commerce had its birth. That is the truth of history, and it was the freedom of commerce in the Italian Republics that made them what they were. It was from their great commerce that their great wealth sprung up, and from their wealth grew up their immense manufactures, and not, as the gentleman supposes, that the commerce was created by the manufactures. He was putting the cart before the horse. But I am not going to make a speech upon the subject of the tariff now; but by-and-by, if the House will indulge me, after gentlemen from the North, East, and particularly from New England, have said all they have to say in propping up that rotten system which has produced so much misery in England, and has the same tendency here, I will take the liberty to reply, and for the present, thinking it quite safe to do so, I leave these arguments without an answer.

I pass on to a subject of as much more consequence than the tariff, as liberty is more important than property. Liberty and property are the two great objects of good government. Government ought to protect them both; and I hold, that of the two, liberty is infinitely the highest in importance; and when rights and liberties are outraged, it becomes an imperative duty to speak upon that outrage, and set it right before the country.

I have been sitting here since the commencement of this session—ay, and it began before we took our seats here—I have been sitting here listening to denunciations of agitation, and agitators upon a certain subject, which has been handled a great deal upon this floor. "Cease this agitation! Quiet the distracted country!" That has been the cry. We were told that we must cease agitation upon that subject, at a meeting of the Democratic members, before we took our seats here; we were told so in a manner tending to promote agitation. We came here on the following Monday, and the first greeting that I received upon this floor, before we went into the election of Speaker, while I was sitting very quietly, as I generally do, being a quiet and peaceable man, was a denunciation of myself individually, by a member from the South, [Mr. MEADE, of Virginia,] who spoke of me as an agitator, coming here to stir up the nation into strife, to lash the waves of agitation into fury. I made no reply. Very strange for an "agitator!" Again and again, for at least the twentieth time, have I listened to the same denunciations, without replying. I have been taunted on the floor of this House with being an agitator. By whom? By gentlemen from the South. All the gentlemen who have risen here to denounce agitation, and to stir up bitter feelings by that very denunciation—all, I might almost say, have come from the South. And persons who sit quietly in their seats and hear epithets applied to them, which they can scarcely, as gentlemen, listen to without immediately resenting them; gentlemen from the North, who have exercised all this forbearance, are again, and again, and again, and seemingly without end, taunted in this manner by gentlemen who say that they desire quiet, and that agitation shall cease. If they do so desire, why do they not cease it? I and my friends have made no agitation. I have not opened my mouth before this House in any allusion to the subject of slavery, except in reply to a direct attack upon me. Again and again have I suffered such attacks to pass without notice or reply, but still the charge of agitation comes from another and another quarter, against me, and all those who think as I do.

Well, sir, after sitting quiet so long, disposed to leave to abler hands the work I am about to undertake, I am at last singled out in such a manner, that I cannot, as a man of honor, sit quiet any longer. I am compelled to speak by a necessity which I cannot avoid, without the imputation of cowardice, and, as I think, a justly-deserved imputation of cowardice, if I should remain quiet. That is my position. I speak not because I desire it, but because the men who say "put an end to agitation," compel me to speak, and will not allow me to remain silent. That is the reason why I intend at present to discuss this question.

I said, sir, that these taunts and sneers came from the South, but sometimes they came from gentlemen who happened to be born in the North. By what mysterious dispensation of Providence it happened that they were born there, it is not for me to conjecture. Why, there comes here from a district represented in the last Congress by an Abolitionist—an Abolitionist elected by the votes of the gentleman's friends—a young stripling, Hon. COLIN M. INGERSOLL, of Connecticut, who undertook to introduce Benedict Arnold as a subject of comparison on this floor. Well, sir, if Benedict Arnold is to be compared to members of this House, I, for one, claim the liberty to select the member with whom the comparison is to be made. Benedict Arnold, if I recollect aright, was born and brought up in Connecticut, and not in Massachusetts. He was a young gentleman of great promise—a gentleman from whom his friends expected something very magnificent, supposing him to be just the man fitted to rise in the world—a man troubled with no scruples. They were very seriously disappointed in that expectation. Benedict Arnold apostatized from the cause of freedom to the cause of slavery, if I have read history aright. His efforts against slavery did him honor. Ambition riveted about his neck the collar of slavery, and he was damned to eternal infamy. Well, sir, when gentlemen from Connecticut choose to make comparisons of that sort, let them read their history carefully, and see where a parallel will run; and not jump to find a parallel where there is nothing but a contrast. But, sir, (and that is my excuse for occupying the attention of the committee,) events have recently transpired, which are perfectly well known to every member of the committee, and, therefore, not necessary to be recapitulated in detail at present, which have singled me out, and made it my duty to explain my position. I am about to speak of this process of putting an end to agitation, so wisely conceived by these gentlemen, who must know, if they are sane men, they produce agitition by the course they pursue.

Sir, when six and a half millions of white men in the South attempt to control the feelings, opinions, judgments, and consciences of thirteen and a half millions of white men in the North—when that process is attempted, and when they undertake to drive it through by threats, by force, and by all those appliances which make men revolt against their dictation, they must understand that they have to do with the descendants of the men who commenced and who fought through the American Revolution, and whose characters have not materially changed—those of them who stay at home—however much those who come here may be corrupted by the influences which surround them here—I say, those who remain at home have not very much departed from their original character. I allude to the circumstances which recently occurred at Baltimore, as my reason for addressing the committee at this time. Sir, I was unanimously elected a delegate to the National Democratic Convention by ballot, and on the first ballot, in the fullest convention that has been held in my district for many years—a convention regularly called, according to the uniform usage in Massachusetts for the last twenty-five or thirty years. I was sent there to represent five thousand Democrats, who act with the party in its regular organization. The convention thought proper to disfranchise my district—the only Democratic district in Massachusetts—and thought proper thereby to insult, not merely that district, but the sovereign State of Massachusetts, which was shorn of her proportionate share of representation in the convention by that proceeding.

They then thought proper to go on and take measures for the union of the Democratic party. Is any one Democrat in Massachusetts bound by what you do in such a convention? I speak not of the course which those Democrats may think proper to take. That is a matter for them to determine. But I ask if any one Democrat in the State of Massachusetts is under any obligation growing out of the preceedings of a convention in which the State of Massachusetts was deprived of her proportionate number of delegates elected by her choice? That is a question for the Democratic party to consider, and for the Democrats of Massachusetts to consider.

As to the district which has been thus disfranchised, why, sir, if there is a district in the United States, from the Madawaska to the Rio Grande—if there is a district from Massachusetts Bay to San Francisco that is, and ought to be Democratic, it is the district that I represent; and I should like

to compare its history with the history of any other district represented by any other individual upon this floor.

Sir, in my district is that glorious old town of Marblehead. Elbridge Gerry, coming from the town of Marblehead, was the chairman of the committee that reported the resolutions of the 30th of April, 1784, giving the power to regulate commerce to the Government of the nation—the resolution that laid the foundation of your Federal union. It was a citizen of my own native town of Beverly, and a native of my own district, Nathan Dane, who was chairman of the committee that reported the resolves of the 21st of February, 1787, for calling the Federal Convention at Philadelphia—the Convention that framed the Constitution of the United States; and that same Nathan Dane, of that same town of Beverly, was the man who drew up the ordinance of 1787, which gave freedom to the broad territory Northwest of the Ohio.

Well, sir, if I stopped there, I think I should have made out a list of claims for my district which it would not be very easy to surpass. But, sir, the first resistance to the power of Great Britain in the revolutionary struggle was in the town of Danvers—a town in my district, and which adjoins my own. On the 26th of February, 1775, before the battle of Lexington, that which was done at Lexington and Concord was attempted to be done at Danvers. The British troops marched upon the town to seize the arsenals and stores of the Americans, but they were turned back. They were met by a collection of the farmers and mechanics of Salem, Beverly, and Danvers, so strong that Colonel Leslie, who commanded the British troops, turned back discomfited of his purpose, knowing that unless he did do so, he and his party would be made prisoners-of-war. Danvers, far distant from Concord, and in a different county, had more men killed in the Concord fight than any other town after the morning massacre. Beverly, my native town, sent her sons further than any other town on the 19th of April, 1775, to strike in the first battle for liberty; and I have seen the garment, stained with his blood, in which one of her sons was killed on that day. The first Continental flag hoisted upon the ocean, in defiance of British supremacy, was the flag of the schooner "Hannah," fitted out from my own town of Beverly. The first commission given by Washington to the commander of any cruiser against Great Britain, was issued to Captain Manly, of Marblehead, in my district. The first in the long list of naval heroes; the first man who poured out his life in that great war against slavery, crying, as Lawrence afterwards cried, "don't give up the ship," was Captain Mugford, of Marblehead, on the 19th of May, 1775.

There is the material out of which to form a Democratic Congressional district. It is a district that has bright revolutionary glory—historical glory thickly clustered around it. It is not to me that the insult has been offered, but it is to that district which I have described to you.

Why, I ask, is it that this insult has been offered? It is simply because, as I told the committee who examined that case, when they asked me if I would pledge myself beforehand to agree to the resolutions which might be adopted by that convention, "I do my own thinking, and do not allow any convention to do it for me." That is the reason. Well, now, do gentlemen suppose there are not some millions of white persons at the North, who do their own thinking, as well as myself? If they suppose any such thing, they are grievously mistaken, and by and by the consequence of that mistake will begin to appear, a little more clearly than they now appear. It is because I determined to think for myself, and adhered to that determination, upon a great question of constitutional law; and thought it a duty incumbent upon me to avow the conclusions at which I had arrived.

That question of constitutional law I now propose to examine. It is this: Is there in the Constitution of the United States a grant of power to legislate for the rendition of fugitives from labor? I say there is not; and no man who calls himself a Democrat—whether he hails from New Hampshire, or any other part of the Union—can for a moment sustain his character as a Democrat upon the position that there is such a grant of power. Why, sir, what is the distinguishing doctrine of the Democratic party? I suppose it is the doctrine laid down by Jefferson, in his comments upon the proposed veto of the first United States Bank. Thomas Jefferson says: "I conceive the corner-stone of the Constitution to be laid in the tenth article of the Amendments to the Constitution;" the article that no powers can be exercised by the General Government except such as are granted to it; that powers not granted to the General Government "are reserved to the States or to the people." That is the foundation of the Democratic faith, so stated to be by Thomas Jefferson, so understood to be by Samuel Adams and Elbridge Gerry, and all the old Democrats of New England as well as by Virginia, and the Democrats in the South; and that is the doctrine upon which I mean to take my stand. That is the doctrine of the Baltimore resolutions *as they were;* the doctrine of the resolutions of 1798, '99, adopted at Baltimore the other day, which gentlemen talk about in such a way as to lead one to suspect that they have not read them—the doctrine of the resolutions of 1798, '99, which declared the alien and sedition laws to be unconstitutional by a course of reasoning which applies as strictly to this question of the fugitive slave law as it does to the alien law, or the sedition law, or to any section or clause of either.

But the State of New Hampshire, when the constitutionality of the alien and sedition laws came up in her Legislature, voted unanimously, in a full House, *one hundred and thirty seven members being present*, and unanimously in the Senate, that those laws were clearly "*constitutional*, and, *in the present critical situation of our country*," said they, "*highly expedient.*" Is there a man in New Hampshire who believes that now? New Hampshire blushes when that page of her history is recalled to the memory. It was then the unanimous opinion of the Senate and House of Representatives of New Hampshire, that the ALIEN AND SEDITION LAWS were "CONSTITUTIONAL." It is the unanimous opinion of New Hampshire now, that they are UNCONSTITUTIONAL; and, sir, the day will come when every man's children will blush for his servile heresy upon this question, as the men of New Hampshire now blush for what their fathers did upon that question.

The question of the constitutionality of such a grant of power is within a very narrow compass. It is only necessary to take up the history of the clauses included in the FOURTH ARTICLE of the Constitution, and see where they came from, what they mean, and what changes they underwent. Sir, everybody knows that the Constitution contains an enumeration of powers granted to Congress. The powers granted to Congress stand by themselves, as they did in the old Articles of Confederation. In another part of that instrument, distinct from the enumeration of powers granted to Congress, you find certain clauses of compact. I suppose there is not a man in this House who will undertake to deny that there are clauses of mere compact in the Constitution—clauses of compact between the States, which imply no grant of power whatever to the Federal Government. The whole question is, *does the clause relating to fugitives from labor, belong to that class of clauses which give power to the General Government, or is it simply a clause of compact between the States?* That is the question.

Well, now, sir, the Continental Congress resolved, on the 11th of June, 1776, to appoint a committee of one from each Colony to report articles of confederation. The next day the committee was appointed, and Samuel Adams, of Massachusetts, was the member from that State, upon it. On the 12th of July, 1776, a little more than a month afterwards, this committee reported the articles, which were debated, from time to time, and adopted by Congress on the 15th of November, 1777. They were ratified by the States, one after another, until Maryland, the last on the list, acted upon them on the 1st of March, 1781.

The first article establishes the style of the Confederacy—it shall be "The United States of America." The second article is the key to the whole; and is therefore very important to be considered. It determines that the government to be established for the management of the general interests of the United States, shall be strictly held, and confined within the limits of powers expressly granted by the act of confederation. It is in these words: "Each State retains its sovereignty, free-'dom, and independence, and every power, juris-'diction, and right, which is not, by this Confed-'eration, EXPRESSLY DELEGATED to the 'United States in Congress assembled."

No implied powers there! "*Expressly delegated.*" This, I say, is the corner-stone of the whole system of the Confederation—State-rights jealously preserved; a few powers clearly defined are granted to a Congress, which is sternly prohibited at the outset, by the first fundamental regulations of its existence, from assuming any scintilla of power not so granted.

There can be no difficulty, then, in ascertaining what powers belonged to the Congress under the Confederation. We have only to read the enumeration, and we shall find them all *expressly delegated;* none others existed.

Let us proceed, then, with our examination of the several "Articles of Confederation and Perpetual Union."

By the THIRD article, the said States "severally enter into a firm league of friendship;" but no power is granted to Congress.

By the FOURTH article, the free inhabitants of each State, except paupers, vagabonds, and fugitives from justice, are "*entitled to all privileges and immunities of free citizens in the several States;*" but no grant of power is connected with this particular provision of the compact.

A *second clause* of the same article is in these words: "If any person *guilty of, or charged with*, 'treason, felony, or other high misdemeanor, in 'any State, shall flee from justice, and be found in 'any of the United States, *he shall*, upon demand 'of the Governor or executive officer of the State 'from which he fled, *be delivered up*, and removed 'to the State having jurisdiction of his offense." The power to deliver up the person guilty, or charged, is *not* "expressly delegated to the United States," but "each State retains" that power, as entire, and unimpaired, and unquestioned, and unquestionable, as if the Confederation had never been brought into existence.

A *third clause* of the same article is in these words: "Full faith and credit shall be given in 'each of these States, to the records, acts, and 'judicial proceedings, of the courts and magistrates 'of every other State." The Congress had no power to enforce, or to regulate, this stipulation of the compact. Each State retained unimpaired, and unquestioned, all and "every power, jurisdiction, and right," over the *manner* in which this agreement should be performed, and the *effect* of that performance.

Now, the substance of this FOURTH article of Confederation—the substance of each of the three clauses of this fourth article—has found its way into the Constitution of the United States, constituting, together with certain additional provisions to be considered by-and-by, the first and second sections of the FOURTH ARTICLE of that instrument.

How came these agreements of the old compact of 1777 into the Federal Constitution of the 17th of September, 1787? What changes have they undergone in passing there? What effect and force, in their present form, do they now carry with them? Are they, by any means, transformed from mutual stipulations between contracting parties, into grants of power, by parties surrendering what they had retained and reserved to themselves for ten years, to a new administration of the powers, jurisdiction, and rights, in this behalf, then for the first time delegated to the United States?

If so, how, when, why, by whom, by what apt words to express the transformation of these mutual covenants into delegations of power, was this new grant first made, and where in the record, do you find it written down?

We will trace the subsequent history of these stipulations of the old Confederacy, and examine, first, the process to which they have been subjected, the changes resulting from it, and the additions they have received, and when we have sufficiently considered the clauses by themselves, we will inquire whether they are affected by their relation to other parts of the same instrument, and whether any different rule of construction is to be

applied to interpret them, so as entirely to change their character.

It does not appear that any complaint was made of the non-performance of either of these three stipulations by any State, either in the Continental Congress during the ten years that followed the adoption of the Articles of Confederation, or in the Constitution Convention during its whole session, or that any apprehension of such non-performance in future was expressed from any quarter. Nor does it appear that any objection was raised against the clause concerning the faith due to public records, or that concerning fugitives from justice.

It was, however, as it would appear, repugnant to the sentiments of South Carolina to guarantee all the privileges of free citizens of her own State to the colored free inhabitants of other States. On the 25th of June, 1778, South Carolina accordingly moved to insert the word "*white*" in article fourth, clause first, between the words "free inhabitants."

On this proposition the States voted—ayes 2, noes 8, divided 1; and the motion was rejected; the two ayes were South Carolina and Georgia.

South Carolina moved, after the words "several States," to insert "according to the law of such States respectively, for the government of their own free *white* inhabitants." On which motion the ayes were 2, the noes 8, divided 1; and it was rejected.

South Carolina was unable to repeal that clause of the old Confederation, or prevent its passing into the new Constitution. But she has found a very convenient way of escaping its consequences since that time, and calls upon other States to fulfill their agreements in these articles of compact, a portion of which, understanding it perfectly well, as she showed by trying to change it, she still goes on coolly and deliberately, and habitually, and perseveringly to violate.

No other change seems to have been suggested in either of these clauses in the Continental Congress during the whole period of ten years.

On the 21st of February, 1787, a grand committee, of which the Hon. Nathan Dane, of Beverly, Massachusetts, was chairman, recommended a meeting of delegates from each State to revise the Articles of Confederation. On the motion of the delegates from Massachusetts, it was resolved to call a convention for that purpose, to meet at Philadelphia on the second Monday in May.

Sundry members met on that day, May 14th, 1787, but the Convention did not elect their president, George Washington, until the 25th. On Monday, the 28th, they adopted their rules and orders, and on the 29th, they proceeded to business. On that day, Charles Pinckney, of South Carolina, submitted a draft of a constitution, which became the basis of the further action of the Convention.

In this draft, the twelfth and thirteenth articles were as follows:

"ART. XII. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. Any person charged with crimes in any State fleeing from justice to another, shall, on demand of the Executive of the State from which he fled, be delivered up, and removed to the State having jurisdiction of the offense.

"ART. XIII. Full faith shall be given, in each State, to the acts of the Legislature, and to the records and judicial proceedings of the courts and magistrates of every State."

There is no reason to suspect, therefore, that it had occurred to South Carolina at that time to convert either of these clauses into a grant of power, or to insert among them any provision for the case of fugitives from service. Neither of these changes had been thought of either by South Carolina or, so far as we know, by any other State. That these clauses, as they stood in the Articles of Confederation, were so far satisfactory to all sections and to all parties as not to be among those provisions of the compact which it was desired to revise, and which the Convention had come together expressly to reform, seems to be quite evident, not only from the facts already stated, but also from the circumstance that in the *six other* plans submitted to the Constitution Convention, in the form of resolutions, imbodying the views of leading statesmen, and of the different parties struggling to mould the new institutions upon principles in some respects widely diverse from each other, neither the faith due to public records, nor the immunities mutually pledged to citizens, nor the extradition of fugitives from justice, nor the extradition of fugitives from labor, is so much as once alluded to. Yet the very object of all of these resolutions was to bring forward and present for discussion the views of their authors upon all the disputed points involved in the mission of the Convention. The plans to which I refer were Edmund Randolph's fifteen propositions, presented May 29th; Mr. Patterson's eleven propositions, presented June 15th; Colonel Hamilton's plan in eleven propositions, presented June 18th; Randolph's plan as amended, and again submitted in Committee of the Whole, in nineteen resolutions, June 19th; the report of the committee of detail on the twenty-three resolutions, July 26th; the report of the Committee of Eleven, made September 4th, and for several days afterwards. *Neither of these plans contains any allusion to the question of fugitives from service*, now insanely imagined by the fanatics of slave-worship to have been one of the leading "compromises of the Constitution"—a thing which no man in the convention which formed the Constitution dreamt of until it was suggested in another assembly, and upon another occasion, and for another purpose. On the 18th of June, the same day in which he submitted his plan, Mr. Hamilton read, as part of his great speech, his complete draft of a constitution, in which the clauses already given from Pinckney's draft reappear in the following shape:

"ART. IX.—SEC. 5. The citizens of each State shall be entitled to the rights, privileges, and immunities of citizens in every other State; and full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of another.

"SEC. 6. Fugitives from justice from one State, who shall be found in another, shall be delivered up on the application of the State from which they fled."

This draft of Mr. Hamilton is a carefully-finished production, carried out into all the minute details, and giving the author's matured opinions what the Constitution ought to be in every one of its provisions. This gentleman represented the ultra federal, consolidation, monarchical tendencies of the Convention more fully and frankly than any other member; and was most desirous to multiply and extend grants of power to the Federal Government. He carried this notion so far as to desire that the legislation of each State should be controlled by the United States; and to effect this object, in the tenth of the resolutions offered by him on the 18th of June, he proposed that the Governor of each State should be appointed by the General Government, and have a veto upon all laws about to be passed in the State of which he was Governor. This, with his President and Senate for life, as proposed in the same resolutions, would have constituted a consolidated monarchy.

Mr. Charles Pinckney, of South Carolina, was the champion of the sectional slave interest, and he also declared, in the debate on the 23d of August, that he thought the State Executive should be appointed by the General Government and have a control over the State laws by means of a veto. Neither Mr. Hamilton, nor any other friend of the Northern monarchical interest, nor Mr. Pinckney, nor any other Southern friend of the sectional slave interest, had suggested in their drafts, or resolutions, or speeches, or in any other way; still less had any friend of Democratic freedom and State-rights suggested, before the 28th of August, to give Congress any power over either of the three subjects of compact, viz: credit due to records, immunities of citizens, and fugitives *from justice;* nor had any one alluded in the Convention to the subject of fugitives *from service*. On the 6th of August, about a month after the principal compromises had been settled, and the difficulties surmounted, a committee of five—of which John Rutledge, of South Carolina, was chairman—reported a constitution entire, a printed copy being handed on the same day to each member. In their report, the fourteenth, fifteenth, and sixteenth articles are as follows:

"ART. XIV. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

"ART. XV. Any person charged with treason, felony, or high misdemeanor in any State, who shall flee from justice, and shall be found in any other State, shall, on demand of the Executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of the offense.

"ART. XVI. Full faith shall be given in each State to the acts of the Legislature, and to the records and judicial proceedings of the courts and magistrates of every other State.'

On the 28th of August these paragraphs came up in order for consideration. Article fourteen was taken up. General Pinckney (Charles Cotesworth Pinckney) was not satisfied with it. He seemed to wish some provision should be included in favor of property in slaves. Article fourteen was adopted—ayes 9, no (South Carolina) 1, divided (Georgia) 1. Article fifteen, the words "high misdemeanor" were struck out, and "other crime" inserted. Mr. Butler and Mr. Pinckney, (Mr. C. Pinckney,) both of South Carolina, moved to *require* "fugitive slaves and servants to be delivered up like criminals." Mr. Wilson, of Pennsylvania, said, "this would oblige the EXECUTIVE OF THE STATE to do it at the public expense." Mr. Sherman, of Connecticut, saw no more propriety in the public seizing and surrendering a slave, or servant, than a horse. Mr. Butler does not object to either objection; but he undertakes to change his proposition. "He withdrew his proposition, in order that some particular provision might be made apart from this article." Article fifteen was then adopted unanimously.

Thus far there is no indication of any intent to make a grant of power. Butler's motion to require slaves to be delivered up, was to "*require*" THE STATES *to do it*—not to empower Congress to do it; or rather, to authorize the NATIONAL EXECUTIVE to do it. Wilson's objection shows this understanding: it would oblige the Executive OF THE STATE to do it AT THE PUBLIC EXPENSE, as happens when one State demands from another a fugitive from justice. Sherman thought THE PUBLIC had no more cause to seize a slave than a horse. How did Butler propose to obviate this objection? Was it by transferring the duty and expense from the lesser public, the State, to that greater public, the United States? It was by giving to the master the same authority to recover his servant that he had already to recover his horse; and it goes no further. A Virginian horse would be property in Pennsylvania. A Virginian negro held to service, might not be property in Pennsylvania. The Constitution stipulates that the character of property attaching to him before his escape, shall cause to attach to him in any State to which he may flee, whatever may be the laws of that State, a right of reclamation A horse so escaping must be delivered up; so also must be a fugitive from labor. And that is all.

When gentlemen imagine that the Constitution has attributed to the negro held to service—to that description of property—the character of sacredness that does not attach to any other property whatever, they misread the Constitution, and misjudge the men who framed it. Than have done what you impute to them, some of them would sooner have had their right hands cut off; yet the clause, as it now stands, *passed unanimously*. The strict attention of very sharp intellects was drawn to this very question which I have been discussing, in that Convention, and they settled it with their eyes wide open, and as I have; as I will prove to this committee. Article sixteenth of the draft was that concerning public faith in the acts of the Legislatures and records, and judicial proceedings of the courts and magistrates of the several States. That was the last in this series of compacts. What did the Convention do with it?

August 29, Mr. Williamson (of North Carolina) moved to substitute in place of article 16th, "the words of the Articles of Confederation on the same subject. He did not understand precisely the meaning of the article." Mr. Wilson and Dr. Johnson said it meant "that judgments in one 'State should be the ground of actions in other 'States; and that acts of the Legislature should be 'included, for the sake of acts of insolvency."

Mr. Pinckney moved to commit it, with a motion for *a power* to pass bankrupt laws, and to regulate damages on protested bills of exchange. Mr. Madison favored the commitment, and wished *a power* to be given to Congress "to provide for the *execution* of judgments in other States. He thought this might be safely done." Mr. Randolph thought there was no instance under heaven of *one nation* executing the judgments of another. He had not been graduated in the modern Virginia consolidation school. Gouverneur Morris moved

to commit also a motion to give to Congress power "to determine the *proof* and *effect* of such acts, records, and proceedings." *Nobody dreamed that there was a power in the article already.* Many thought one should be inserted. It was committed. It became the opinion of the majority that they had better attach to the compact a clause giving power to Congress over that subject, the faith to be given to records.

John Rutledge, of South Carolina, was the chairman of the committee to which these clauses were referred to make the change. They took the clause which stood last in order and transferred it to the head of the list, where it now stands, attaching to it power to Congress to act upon the subject. There it stands. Were these men so simple as not to know whether a grant of power was necessary to be added, in express words, to enable Congress to determine the effect of public acts, records, &c., in another State? Congress had the power already, as the article stood, if they have any power under either of the other clauses over fugitives from labor, or over either of the other subjects of either of these clauses of compact. But so thought not John Rutledge, of South Carolina, who reported the grant of power; James Madison, of Virginia, who desired a grant of power, and favored a commitment for that purpose; Gouverneur Morris, a high-toned Federalist, who could find constructive powers wherever Hamilton could find them, but *could find none here*, and therefore asked for an express grant. All these clauses were in the Confederation originally, and articles of compact *there*, and nobody had ever pretended that they were anything else *there*. All the four clauses are still in their language, in terms, in their obvious—one might almost say, in their only possible construction, articles of compact. Still, it is agreed to attach to one of them a grant of power, and not to the other three. The Convention takes out that fourth clause, makes it the *first*, and says Congress *shall have power* to determine the effect to be given to the public records of the States. Where did Congress get that power from, in either of the other clauses of compact where it is not given? Why did Congress have that power given to them by express words in that if clause, the Government had it already in *all* these clauses, as they must, *if they had it in either?* These were not men to waste words. There is not a document in the language of any human race which treads the face of the globe, so carefully considered in the effect of every word, as the Constitution of the United States. When the constitutional Convention saw they had not made a grant of power in either of these four clauses, and came to the conclusion that they had better make it as to one of them; they knew what to do. They picked out that clause, put it at the head of the article, and said Congress shall have power to determine, by law, what shall be the effect given to public records. Why did they not say: "CONGRESS SHALL HAVE POWER TO PROVIDE FOR THE RENDITION OF FUGITIVES FROM LABOR?"

That is what they would have said had they so meant. They did not so mean, and therefore they did not say it. And this is the only reason which the ingenuity of man can divine for the omission to express a grant of power in this clause of a Constitution, which grants no powers except those given in so many words, or those which, being subsidiary in their nature, are essential to the carrying into exercise of powers granted in so many words. Where they desired a power, the clause was changed. Who made that change? Was this a cunning devise of Northern men? John Rutledge was chairman of the committee appointed on the 29th of August, that reported that clause as altered, giving the power to Congress. Mr. Pierce Butler, General Pinckney, and Mr. C. Pinckney, the three other members from South Carolina—for there were but four in all—had, each of them, had his attention called to this subject on the very day before that on which the committee was appointed, they had, each of them, alluded to it in the Convention, and nobody else had done so, in the debate of August 28th. Three members from South Carolina—each having his attention specially called to the subject of fugitives from labor, on the 28th of August—that subject brought up again on the 29th. John Rutledge was chairman of the committee of five, appointed on the 29th, when Mr. Butler moves the clause of fugitives from labor, and that committee of five, who reported this clause on the first of September, took the ground that the power to legislate on the proof and effect of public acts, must be expressly granted. On the 3d of September another debate took place, on granting this power, in which Madison, Gouverneur Morris, Colonel Mason, Mr. Wilson, Dr. Johnson, and Mr. Randolph participated, with various views. No one suggests that the clause will give a power, although none be expressed. The doctrine of implied powers had not then been strained so far. No one suggests a power over fugitives from labor. Slaveocracy had not then ventured so far. It would have been rejected at once. But the clause as it stands passed unanimously.

Does it not make a clear case? I would like to see those profound lawyers of New Hampshire, or Virginia, or anywhere else, show us how the power was put into this clause of fugitives from labor, which was not originally there; and who put it there; and where, and how Roger Sherman and Elbridge Gerry were induced to put it there. John Rutledge put it there, in the clause of faith and credit to records; but he did not put it into the other clause. He had a reason for putting it in the one clause, and he had a reason for omitting it in the other clause. When Colonel Mason, on the 22d of August, only a week before this clause was unanimously adopted, told the world that "every master of slaves is born a petty tyrant. 'They bring the judgment of Heaven on a country. If nations cannot be rewarded or punished 'in the next world, they must be in this. By an 'inevitable chain of causes and effects, Providence 'punishes national sins by national calamities." * * * "*He held it essential, in every point of 'view, that the General Government should have 'power* TO PREVENT THE INCREASE OF SLAVERY—" When that far-seeing Virginian, who seems to have anticipated the history of Virginia in the nineteenth century, uttered these memorable words in the Convention, do you suppose that he was contriving a Government to be used as a great negro-catching machine, and that should be good for nothing else—to be broken up the moment it ceased to perform that function, as seems now to be the prevailing opinion among the demagogues of both parties? Do you suppose for a moment that James Madison, Thomas Jefferson, Patrick Henry, George Washington, George Mason, and other Abolitionists of that day—to use the word as we hear it used every day in Congress—imagined that a provision so abhorrent to their general views had been inserted in the Constitution, and did not make it the subject of indignant comment in the Convention or out of the Convention? Mr. Madison would not suffer the black and odious name of slave to be named in the Constitution. Is it conceivable that he meant to enroll the hunting-down of the fugitive slave among the highest duties of the Government founded under that Constitution, as our present Administration esteems it to be?

Are we to believe that one half of the Convention, being honest and firm men, belied all the instincts of their hearts, all the prejudices, if you choose so to phrase it, of their education, all that devotion to the principles of liberty in the abstract, which the Revolution had developed, and made themselves parties, without a particle of inducement held out to them, without a word of remonstrance from one of them, to an eternal national slave hunt? Are we to believe this, not only without evidence, but against all the evidences? Let me remark upon the strangeness of this fact. Among the thousand letters which were written by leading members of the Constitution Convention, or of the State Conventions at the South, and at the North, never was there anything produced that would lead one to suppose for a moment that the Convention, or any man in it, or any man out of it, in the year 1787, suspected that the clause relative to fugitives from labor, contained a grant of power.

Not a solitary letter, speech, journal, memorandum, or record, of any description has been brought forward, which contains the explanation which is now put upon this clause for the purpose of impairing State rights—helping to build up a consolidated system of Government, which is centralizing power, and growing stronger and stronger every day and every hour, without casting into the vortex to be swallowed up in the Federal maelstrom, the State institution of slavery!

Do the Southern gentlemen know what they are doing? Do you mean to throw the whole power over the subject of slavery into the hands of the Federal Government? You do it here.

Do gentlemen desire that two thirds of the white men of the country—aye, a great many more than two thirds very soon, for by the next census we shall have at least twenty-one millions of white people at the North, and nine millions, at the utmost, at the South—do gentlemen desire that those twenty-one millions of people should take this subject of slavery into their hands—to let it agitate, and agitate, and convulse the whole nation, until it shall finally be treated, as it will be treated, if it becomes the fuel of a universal conflagration through this land? Let Southern statesmen take warning in this matter. I desire to stand upon the Constitution, your only rock of safety, in this terrible future, glimpses of which are opening upon us—to stand there, because I think I can stand there safely, and nowhere else.

When I said that John Rutledge, of South Carolina, was the man who reported the grant of power in the one clause, but that he did not report any such grant in the other clause, I had not exhausted the argument. The clauses underwent another scrutiny; they passed another ordeal. This matter was committed to a committee of eleven for revision. It came back in essentially the same shape. Who was upon the committee of revision? Charles Cotesworth Pinckney, of South Carolina, was one of that committee of eleven. His attention had been drawn to this subject, the reclamation of fugitive slaves, for he had not only taken part in the discussion of the subject on the 28th, but he was the individual member who first introduced it to the notice of the Convention. If he wanted a grant of power, he knew how it was to be expressed, for the clause in which the grant of power was inserted on the same day *that the fugitive from labor clause was adopted*, was also before that committee. James Madison, a sound and a keen constitutional lawyer, was one of that committee. Luther Martin, of Maryland, was also of that committee. If ever there was a strict constructionist, Luther Martin was one; and he also, as well as Mr. Madison, was a sound constitutional lawyer, as the gentleman from Virginia, [Mr. BAYLY,] who reviewed this matter the other day, will allow. If the committee intended a grant of power, would Luther Martin have left it to be implied, and that, too, in such a manner that it requires your optics to be sharpened by a judicial decision to discover the implication?

Williamson, of North Carolina, was also of that committee. Here were men who would look to the interests of the South, and if they meant a grant of power, express a grant of power. Why did they not do it? Why did they not put it there? They have not put it there. Perhaps they did not want it; perhaps they wanted the power, but knew they could not have it. One or the other is the natural and true interpretation. This clause came from the ordinance of 1787, passed by the Congress of the Confederation—a clause that there should be no slavery northwest of the Ohio, and that a fugitive flying from labor into that territory should be delivered up.

That was a compact, and that compact we could not fail to understand. It contained no grant of power. It is not materially changed as to this point. Trace out its history; it is easy to find what that compact was, and whence it came. It was copied from an old New England compact, made in the year 1642, between Massachusetts Bay and her neighbor colonies. Afterwards, substantially, the same compact was renewed, and extended a little further, but granting no power—simply an agreement to return each other's runaway servants. This is the whole history of it. Nathan Dane copied a familiar provision of New England policy from those old contracts into the ordinance, which made the whole Northwest FREE SOIL forever.

Mr. Jefferson in 1784 attempted to make ALL the territory then belonging to the United States free soil. He attempted to exclude slavery by an organic ordinance from Alabama and Mississippi,

and all the Southwest, as well as the Northwest. It was defeated by the vote of Mr. Spaight, of the State of North Carolina. If Spaight had been a Jeffersonian Democrat that day, there would have been no slavery west of the Alleghanies. Mr. Jefferson proposed to exclude slavery, but *did not provide for the rendition* of fugitive slaves. That was Thomas Jefferson's plan in 1784.

[Here the hammer fell.]

MEXICAN BOUNDARY COMMISSION.

SPEECH OF HON. J. B. WELLER,

OF CALIFORNIA,

IN THE SENATE, *July* 6, 1852.

The Senate proceeded to consider the resolution submitted by Mr. WELLER on the 28th June, in relation to certain charges preferred against J. R. Bartlett, Commissioner for running the Mexican boundary, as follows:

"*Resolved*, That the charges preferred by Colonel J. McClellan, of the Topographical Corps, and others, against J. R. Bartlett, appointed Commissioner to run and mark the boundary line between the United States and the Republic of Mexico, be referred to a select committee of five for investigation, with power, if necessary, to send for persons and papers."

Mr. WELLER said:

Mr. PRESIDENT: If I were to consult my own feelings, I certainly should abstain from intruding myself upon the Senate to-day. The repugnance which I should naturally feel at all times in addressing so distinguished an assembly is greatly increased upon this occasion by the fact, that I am compelled to say much which, although important to myself, may be very uninteresting to others. Although bitterly assailed, and oftentimes shamefully misrepresented, I have consoled myself with the reflection that this was the common lot of all who took an active part in the political contests which from year to year have agitated the public mind. I have supposed, however, that there was sufficient intelligence in the country to enable the people to do justice in the end. I have generally found it better to bide "the peltings of the pitiless storm," than to expend any portion of my time in exposing the falsehoods which profligate politicians and a corrupt and mercenary press have invented and circulated against me. When warmly and zealously engaged in defending those principles which I sincerely believed were inseparably connected with the prosperity and happiness of the Republic, it was to be expected that I would come in for my full share of abuse from those who held antagonistical principles—that to destroy any influence which I might exercise over the popular mind, every species of warfare known amongst partisans would be resorted to. But I confess I was not prepared for the bitter and vindictive denunciations which have been heaped upon me by a considerable portion of the Whig press since I took my seat in this body as one of the representatives of a far and distant State.

I have scarcely opened my lips in the Senate, nor have I done or said anything calculated to give offense to any gentleman, or to any party. But these editors, mistaking blackguardism for wit, and low vulgarity for sarcasm, have been laboring most assiduously to amuse and instruct their readers by calumniating me. I have, however, been so long accustomed to their howling that the sound has become not only familiar, but rather musical to my ears. It is said that the hunter sleeps more quietly when lulled by the baying of his hounds; and I am sure in this case my repose has not been in the slightest degree disturbed. He who has slept sweetly in the dense forests of the far and mighty West, with a pack of howling "Cayotes" around him, cannot be disturbed by the barking of the contemptible puppies who infest your towns and cities.*

Whilst no one places a higher estimate upon the confidence and respect of those with whom he is acquainted or personally associated than I do, you will permit me to say that there is no one who is more indifferent to the abuse of his political enemies *when not repeated to his face*. I doubt not many very respectable men have been prejudiced against me by the slanders and misrepresentations of the press; but as I have never courted the friendship of any man, whether great or small, I do not intend to give myself any uneasiness upon the subject. Whilst I am ready and willing at all times to extend the hand of friendship and respect to honorable opponents, I do not intend to make any efforts to remove the prejudices which they may entertain against me. To my calumniators I can only say, as St. Paul said of the coppersmith Alexander, who had done him much harm, "May the Lord reward them according to their works."

But my object to-day, Mr. President, is to notice one of the keepers of the kennel, who has contributed largely towards hissing the cowardly pack upon me. One who took advantage of his position, as an accidental member of this Senate, to assail me in the most vindictive manner. This assault was made when I was an humble citizen upon the shores of the Pacific ocean, six thousand miles from those to whom I was personally known. I had been dismissed from a high and responsible mission, and thus disgraced so far as the action of the party then in power could effect it. This same man was the Secretary of the Interior, and as such acted as the political butcher in this work. Not content with this, he subsequently obtains a seat in the Senate, and here, before the American people, misrepresents, as I will show, most shamefully my public acts, and assails my private character with a vindictiveness almost unparalleled in party warfare. Like a base miscreant, he supposed that the breath of his nostrils, when invested with power, could prostrate me forever. Foolish indeed must he have been to have thought that one proverbial for rottenness and corruption could, because clothed with senatorial robes, blast the reputation of a young man who had always enjoyed the confidence and respect of those with whom he had been politically associated. For six years I had represented in the other branch of Congress one of the oldest and most respectable districts in my native State, (Ohio.) Immediately preceding my departure to the Pacific, I had received the support of the Democracy of that State for Governor, and in a popular vote of nearly three hundred thousand was beaten some three hundred votes.

My nomination as Commissioner, under the treaty of peace with Mexico, was received by the Senate, and instantly confirmed by a *unanimous vote*. There in Ohio, to which State this butcher supposed I would return, he circulated his slanders most extensively. As I have learned since my return, extraordinary efforts were made to put copies of his speech into every portion of the State. His pack immediately set up a most terrific howl, and one unacquainted with the impotency of these toothless animals, would have supposed that I was ruined forever! But, Mr. President, upon a visit to that State very recently, I found that no other effect had been produced, than to place me still higher in the confidence and respect of the people with whom I had been for so many years associated. In the county of my birth, and in the one where I had lived from boyhood, I met with a warm, generous, enthusiastic reception, which proved satisfactorily that an absence of more than three years, with all the vile slanders which the corrupt and unprincipled had heaped upon me during that period, nothing had been done to lessen the affection which they had always shown for me. Mr. President, nothing since my connection with public affairs, has given me so much pleasure as meeting, under such circumstances, the old friends who had sustained me through good and through evil report, and with whom I had fought, shoulder to shoulder, some of the fiercest battles known to the political history of that State. They had, at six different elections, bestowed their suffrages upon me for public offices; they had known me from boyhood; they were my old neighbors; they knew every pulsation of my heart; they were familiar with every act of my life. If I had betrayed their confidence, or been guilty of an act of dishonor, they must have known it, and they would have been the first to denounce me. God bless the people of Butler, and may they live a long, prosperous, and happy life!

Learning, however, in a short time, that it was not my intention to return, a large number of his slanderous speech was sent to California, with a view to ruin me there amongst strangers, far from kindred, far from those with whom I had been personally associated. The position I now occupy in this body, by a vote of seventy-one to seventeen, proves conclusively how well he succeeded in this unmanly effort. The people of that mighty State of the Pacific, have sent me here to respond to his charges.

To show the extent to which this man has succeeded, I may be pardoned for alluding to the compliment recently paid me by my native and adopted State—a high compliment, for which I shall always feel under the deepest obligations, as it proves that all the efforts of enemies here and elsewhere to prostrate me have most signally failed. Give me the confidence and respect of those men who represented the honest and true Democracy of Ohio and California, and the denunciations and curses of my political enemies shall pass by me as the idle wind.*

Before I proceed any further, I must be allowed to return my unaffected thanks to my colleague, [Mr. GWIN,] the Senators from Michigan, [Mr. CASS,] from Maine, [Mr. BRADBURY,] and Iowa, [Mr. DODGE,] for the manly defense they made in my behalf against the rude and unprovoked assaults of this ex-Secretary and ex-Senator. There were many things connected with that boundary commission which they could not then know; and yet I would be perfectly willing to let this case rest before the bar of public opinion upon their defense. But friends in whose judgment I have the most unlimited confidence, have advised me that it was due to my own reputation that I should reply in person, here in the Senate where the attack was made. I would not like to see my native State disgraced, and yet I would that he was here, for a short time at least, where I could meet him face to face, and fasten his falsehoods in his very throat.

To the distinguished Senators already named, I feel under the deepest obligations. They would not sit quietly by and see a young man abused and calumniated who was then in a far distant land. Their innate sense of justice induced them to extract the fang from the viper, and strip him of his power to injure. The distinguished Senator from Michigan, who has himself been made the object of unceasing abuse for more than a quarter of a century, can appreciate my feelings in reading the voluntary and unsolicited defense made in my behalf.

I rejoice, too, that none of the ex-Secretary's political friends, who participated in the debate, gave any countenance or support to his personal attack upon me. They knew me only as a political foe, and they had too high a sense of honor to join in a crusade against my private character. On the contrary, I find by reference to the Congressional debates that the distinguished Senator from North Carolina [Mr. MANGUM] used the following language:

"I have not a word to say with regard to Colonel Weller. I knew him very slightly some years ago, and I found him a very pleasant and agreeable gentleman. I know nothing which detracts from his reputation, or which ought to detract from it."

This is the language of a *gentleman*—of one who never permits his political feelings to convert him into a blackguard. And in this respect there is a striking difference between him and the ex-Senator of whom I have been speaking.

I also find, upon examining the debates, that the other distinguished Senator from North Carolina, [Mr. BADGER,] in the course of the discussion, when speaking of the delay in sending my vouchers, which was alleged as a cause of removal, said:

"I was very much surprised to hear him say, that if Mr. Weller had been a Whig, under such circumstances he would have advised his removal, because it showed not an ignorance, but a momentary forgetfulness, of the legal presumption, which I take to be this, that if Colonel Weller had been a Whig officer, it would have been presumed, until the contrary was proved, that there was very good reason for the delay; whereas, being a Democratic officer, the legitimate, fair presumption was, that the delay was unwarrantable, until the cause of it was explained. Therefore the course pursued towards Colonel Weller, being a Democratic officer, it strikes me would have been outrageous, if it had been pursued towards a Whig. [Laughter."]

If, as the Senator from North Carolina seemed

*NOTE.—See "Buffalo Commercial," "New York Tribune," "Cincinnati Atlas," *et id omne genus.*

* California gave her first vote in the National Convention for John B. Weller for President, and on the ballot for Vice President, Ohio and California both cast their whole vote for him.

to desire, my removal had been placed upon political grounds, no one would have had a right to complain. I had been an active politician, and it is very probable had *occasionally* denounced the Whig party in strong terms. Whilst I have many personal friends in that party, for whom I cherish the warmest feelings of friendship, as a political party I never did have much respect for them, and I think it quite likely I may have *sometimes* expressed that opinion.

Proscribed, as they no doubt thought very properly, for my political opinions, they felt no disposition to rob me of my reputation as a private citizen. No, sir; there was but one man in the whole Senate so devoid of principle, so destitute of all honorable feelings, as to engage in an effort to blacken the character of a citizen then in private life. With this man I have no personal acquaintance. He belongs to a class of men with whom I never intended to have any acquaintance. There are some men with whom contact is pollution—association, dishonor. As I had never done him any harm, his assault was wholly unprovoked, and exhibits a wicked and malicious heart.

Before I go into a history of this commission, I must also be allowed to say that I am satisfied that nothing but the outside pressure, the influence of political butchers, could have induced President Taylor to make the removal. I had served with that gallant chieftain in the Mexican war—had been with him in the bloody field of battle. The kindest relations always subsisted between us. He had invariably treated me as a friend, and although actively engaged in endeavoring to defeat his election to the Presidency, I never could be induced in the heat and violence of the contest, to impeach the character of the old soldier, or impugn his honesty or integrity, as a patriot. One who had so often exposed his life in the service of his country, I knew never would betray it in peace. That he was a statesman, acquainted with the science of government, and familiar with the political questions which have agitated the American mind, no one can claim. That he was an honest man and an incorruptible patriot, no one who knew him could doubt. If he had been permitted to follow his honest impulses, and the dictates of his own judgment, uninfluenced by the advice of selfish and tricky politicians, his course would have been far different from that which was adopted.

And now, Mr. President, I must go into a history of this boundary commission. What I say shall be that which I know—that which the records of the country will establish—that which, although it *may* be denied elsewhere, shall not be controverted here. The corrupt and unprincipled editors of a party press may deny, but no one here shall do it.

On the 12th of December, 1850, when the subject of my removal from office was introduced, this ex-Secretary, then upon this floor, used the following language:

"As to Colonel Weller, there was some difficulty in respect to him and the execution of his duty. There was an appropriation of $50,000 to commence the boundary survey. The whole sum was expended; and, in addition to that, as far as could be ascertained, some $20,000 or $25,000 were drawn for, and no more work was done by him than to simply fix the initial point on the Pacific coast—that is, to measure two marine leagues south of the Bay of San Diego,* erect a rough monument there, and to find the point of junction of the Gila and Colorado. The services performed bore no just relation to the expenditure. In addition to that, there were heavy complaints against him from those that were with him on the commission, of inefficiency and want of attention to his duties.

"This was the report received prior to the time of his removal."

The justification for the removal upon other than political grounds must of course rest upon the facts as they existed at the date of the order superseding him. Nothing which transpired subsequently can be introduced in justification. Now, Mr. President, this is assigned as the reason for the removal; and if I show from the records that there is not a single word of truth in it, I will have proved that the ex-Secretary is unworthy of the confidence of any honest man.

By examining the document printed by order of the Senate, under date of 27th February, 1850, it will be found that the first order for my removal bears date 26th June, 1849, and was forwarded to Colonel Frémont for delivery.

The only information the Department could possibly have had at the date of that order, was my letter of the 20th March, 1849, from Panama, advising the Government that I was awaiting transportation to San Diego. The Department, at the date of that discharge, could not possibly know from any source whatever that I had yet reached San Diego! I reached that point on the 1st of June; the Mexican Commissioner came in on the 3d July, and the joint commission was organized on the 6th. Under directions given by me, both parties of the American commission (surveying and astronomical) were placed in the field on the 9th; so that, so far from having expended $50,000 (whole appropriation) in determining the initial point on the Pacific, they could not know how much I had expended—nor was the joint commission organized—nor had *any part* of the work been done. In other words, the order of removal bears date ten days anterior to the organization of the commission, and thirteen days *before* any work whatever had been performed.

On the 20th day of July, the Secretary of State, in a letter to the disbursing agent, says: That of the appropriation "Commissioner Weller has received, in a payment in advance and accepted drafts drawn on the Department of State, $33,325—that vouchers in support of his disbursements have been received, (but have not yet been passed by the Fifth Auditor,) $24,849 32, leaving overpaid and wholly unaccounted for, a balance of $8,475 68."

This statement, so far as it goes, shows an expenditure of only *one half* of the appropriation. The vouchers to which he refers, and about which so much has been said, were received by the Department *the day after* the order of removal, and before that letter had left the city. How, then, could the Department know on the 26th *June*, that $50,000 had been expended? From what source did they obtain this statement? *Not a single voucher had* been returned at the date of the order, and, consequently, they could not know how much had been expended—"there was an appropriation of $50,000 to commence the boundary survey—that whole sum was expended, and in addition to that, as far as could be ascertained, some $20,000 or $25,000 were drawn for, and no more was done," &c. I have already shown that the first allegation was wholly false and unfounded. To the second charge I have to say, that the drafts drawn by me, (including the $15,000 received on my departure from Washington,) which had been presented to the Department at the date of the order superseding me, amounted in the aggregate to the sum of $33,000. I have further to say, that no drafts exceeding the appropriation *ever were drawn by me at any time*, either *before* or *after* the date of his order. Therefore, the charge that I had drawn for from $20,000 to $25,000 over and above the appropriation, is a base falsehood, and the records prove it.

In the next place, he affirms that "many complaints were made against him from those who were with him on the commission of inefficiency and want of attention to his duties—all these things and more appear from the papers accompanying the report," &c. I have examined these reports, and find, as I anticipated, that this allegation is also untrue. No one attached to the commission has complained of "inefficiency and want of attention to duty" on my part. The "papers" show no such charge, and he must have known it.

The order to which I have referred of the 26th of June, never was delivered. The history of that matter is briefly this: In the month of August, 1849, the money which I had drawn from the Treasury ($15,000) being exhausted, and having but a small supply of provisions on hand, I proceeded to San Francisco for the purpose of receiving the supplies which had been shipped in February preceding, from New York, *via* Cape Horn, and also, if possible, obtain funds by negotiating drafts on the Treasury. Previous to leaving, however, I made the necessary arrangements so far as my limited means would allow, for sending an astronomical party to the mouth of the Gila river, to determine the geographical position of that end of the line. This party left about the 8th of September, under charge of Lieutenant A. W. Whipple, who performed the service in the most satisfactory manner, and returned to San Diego in November.

I reached San Francisco about the 20th of August, and a day or two afterwards the vessel came in with my supplies, and they were dispatched to San Diego.

Finding it was impossible to negotiate my drafts upon reasonable terms, I repaired to Monterey, the headquarters of General Riley, with the hope that I might be able to obtain an advance from what was called the "civil fund," then under his control. In this city I was informed by gentlemen, whose veracity could not be questioned, that Colonel Frémont had in his possession letters superseding me as Commissioner.

As Colonel Frémont was then hourly expected in Monterey, I determined not to put any drafts in the market, but to await the delivery of the letters superseding me. After the lapse of some two weeks, (having met him in the mean time almost daily,) the subject was introduced by him, but he declined delivering the letters, which would have relieved me from duty. He was then informed that the commission was entirely destitute of funds, and unless money could be obtained the work must necessarily be suspended. With his approbation application was made to General Riley, and he, for reasons no doubt satisfactory to himself, declined making any advances. As Colonel Frémont left Monterey for San Francisco on the day preceding General Riley's decision, I dispatched an express for him with the following letter:

MONTEREY, CALIFORNIA, *September* 27, 1849.

DEAR SIR: Having failed in obtaining funds from General Riley, I have been compelled to send an express to San Francisco, with a view to negotiate the drafts herewith inclosed. Justice to the employees of the commission, as well as the interests of the Government, demand that funds to the amount of $10,000 should be raised, if possible, before you go to San Diego. Very little has been paid to them since the 1st of April, and as some of them will doubtless desire to leave, it is necessary they should be paid. Besides, there are some debts contracted for supplies, house-rent, &c., which should, for the honor of the Government, be paid *at once*. As the public understand that I am superseded, your explanation will be necessary in obtaining funds.

I send four blank drafts, supposing they might be more conveniently negotiated at different houses. If any are used as duplicates, please see they are so marked. As some of the employees may desire to go to San Francisco, a deposit of a portion of the money in that place will, perhaps, answer the purpose. Whatever sum is obtained in money should be placed on the "Oregon," unless you will take personal charge of it.

If any draft is sold below par, be good enough to take receipts in my name. I send my instructions of the 24th of January last, from which I derive authority to draw the appropriation specified.

Mr. Plume, of the firm of Burgoyne & Co., is charged with the execution of some orders for me, and will, I have no doubt, aid in raising funds.

As I regard this business of the utmost importance to the Government, as well as myself, I must beg your attention to it as soon as practicable.

Very respectfully, your obedient servant,

JOHN B. WELLER,
United States Commissioner.

Colonel JOHN C. FREMONT.

It will be seen from this letter that as it was *rumored* that I had been removed, I was unwilling to put my drafts in the market, unless negotiated through the agency of the gentleman who was to supersede me. This proves, too, how much truth there was in the dastardly insinuation of Secretary Clayton, that the Commissioner had drawn for money "*after his removal from office.*" On the first of October he came to Monterey in the steamer, and informed me that he could not negotiate the drafts for less than twelve or fifteen per cent. discount, and this he did not feel authorized, under my instructions, to give. He then informed me that he would be in San Diego (intending to travel by land) about the middle of October, when he would deliver his letters and take charge of the commission. I immediately embarked (leaving the drafts for $10,000 still in his hands) in the same boat which had brought him down, and reached San Diego on the 3d of October. When I reached that place, I had not in my possession fifty dollars, either public or private money! There were then some thirty-five or forty persons attached to the commission, to all of whom wages were due, and they were abso-

*The treaty required *one* marine league south of the Bay of San Diego, and yet the Secretary, in this unimportant matter, could not tell the truth.

lutely suffering for the want of their pay. And here I must say, in justice to those gentlemen, that a more intelligent or faithful corps never was placed in the field. Although without pay, they were ready at all times to perform cheerfully the duties assigned them; and I deeply regret that these young men, who had labored so assiduously for the Government, were compelled, upon settlement, to receive certificates, instead of money, which many of them were forced to sell at a discount of twenty or thirty per cent., in order to obtain the necessaries of life. Some of them have not yet been paid. When you take into consideration the fact, that these gentlemen were employed at wages not exceeding *one fourth* those paid by private citizens for similar work in California, the great injustice done to them will be apparent. So far from the charge of "extravagance," made against me by the Administration, being true, I only regret the niggardly economy which necessity compelled me to practice towards them. If any hard feeling was ever entertained by a single member of the commission toward me, it grew *out* of this.

With a full knowledge that they would find no difficulty in obtaining employment at San Francisco at most extraordinary wages, they did not desert me. There were men upon that commission employed at from $500 to $1,000 per annum, who could readily have obtained in the upper part of the State that amount *per month*. There were men employed at $2 per day, whilst the same labor would have commanded at San Francisco from $16 to $20. And still the charge of extravagance was preferred against us.

On the 3d or 4th of November I received the following letter from Colonel Frémont:

SAN FRANCISCO, *October 31st*, 1849.

DEAR SIR: After a long delay in endeavoring to sell your drafts on favorable terms, I have this day found myself obliged to sell them at ten per cent. discount. No better terms could be obtained, and the necessity which exists for your payments to be made did not appear to admit of further delay. I have sent to you (through Messrs. Burgoyne & Co.) by the steamer California, which sails to-morrow, $5,000 in specie, and have deposited to your order at the same house, the other $4,000 in specie. Of this about $50 will be required for the freight, and $300 more will be required to pay your carpenter, whom you directed to call upon me. The remainder will be subject to your order.

Hoping that this will arrive in time to meet the necessities of your people, I am, very truly, yours,

J. C. FREMONT.

Colonel J. B. WELLER, *U. S. Commissioner, &c., &c.*

This constitutes my whole correspondence with him. It will be observed that no *allusion whatever is made* to relieving me from duty. That I was exceedingly anxious to leave the commission no one can doubt, when they are advised of the fact, that gentlemen of my profession were then receiving from $3,000 to $5,000 per month at San Francisco. The funds to which he refers came safely to hand, and were faithfully applied as far as they would go to the extinguishment of the debts of the commission.

And now let me turn to the official documents, for the purpose of showing the extraordinary course pursued by the late Secretary of State, Mr. Clayton. On the 26th of June, 1849, he appoints Colonel Frémont commissioner, and incloses a letter for me to him. Two days afterwards (28th June) he says:

"With that letter one addressed to your predecessor was also transmitted, which, however, it is deemed advisable you should not deliver or forward to him until you are about to enter upon the duties of the office."

On the same day, 28th June, he addresses a letter directly to me upon the subject of Indian presents, &c., in which he makes no allusion whatever to a *failure to transmit vouchers, nor to my removal, nor to the protest of my drafts.* It is true that letter never was received, but if it had been it was well calculated to deceive. I was to be kept profoundly ignorant of everything until it suited the convenience of Colonel Frémont to relieve me of the commission.

If I could then have known that my drafts were protested, I should of course have withdrawn from the commission at once, and engaged in business more agreeable and far more profitable. But this information I did not receive until the month of December, two months after the last drafts had been drawn.

The Secretary of State, in his letter of the 20th of July, in making out a statement of my account to the disbursing officer, says:

"You will perceive, from this statement, that the whole sum appropriated for the service of the current year was $50,000, and that *more* than two thirds of this amount has already been drawn by the commissioner, *before and since his removal from office.*"

I have already shown that the order superseding me is dated 26th June, and by no possibility could reach me before the month of August; and yet on the 20th July, he speaks of drafts drawn "since his removal from office." The insinuation is a base and infamous one, unbecoming either a public officer or a gentleman.

In the last days of November, I repaired again to San Francisco with a view to obtain, if possible, my discharge from Colonel Frémont. There I learned that he had accepted the commission, subsequently resigned, and declined relieving me by returning the letter to the Department. Nothing was therefore left for me but to resign, break up the commission, and leave the work wholly unfinished, and in a condition which would compel the whole party, when reorganized, at great expense to return to San Diego, or go back to my post. As the young men upon the commission were employed at very low wages, and held by a mere pledge of honor to remain whilst I was in the service, a resignation on my part would have been the signal for disbanding. The only letter ever received by me from the Department (except my final discharge) was dated 15th March, 1849, directed to "San Diego, Mexico," and delivered to me by the Mexican Commissioner, on the 3d of July. In it I find these words:

"SIR: I have to inform you that Congress, at its late session, omitted to pass any act prescribing the amounts of the salaries of the civilians attached to the commission of which you are the head. Consequently, until this omission be remedied, compensation for your services as commissioner, and for those of Mr. Gray, as surveyor, cannot be lawfully paid; and no charge for salary, on the part of either of you, can properly form an item in the statement of your account to the Treasury."

Now, I had gone into the field with instructions fixing my compensation, and, as the joint commission was not yet organized, I would have been justifiable in resigning at once. How, then, stood the case in December, when I visited San Francisco? I had been informed, on the 3d July, that I could draw no pay. I knew that letters were in the country, and had been for five months, superseding me. My drafts had been protested. Funds had been refused to the disbursing clerk, who had been sent to Washington, to carry on the work. I had exhausted all the means at my command. No intelligence could be had from the Department. There, in that city, was a wide field for the legal profession—yielding at the rate of from $30,000 to $60,000 per annum! Will any gentleman undertake to say, under these circumstances, that I would not have been justifiable in throwing up the commission, and entering at once upon my profession? But I had undertaken to discharge a high and responsible duty under a treaty which terminated a bloody war with a sister Republic, and I feared that, in my leaving the field, the Mexican Commissioner would return to his home, and his Government find a pretext for postponing the completion of the work to an indefinite period. The State of California, (then organized,) as well as the Federal Government, were deeply interested in having the boundary line established at once. An immense number of emigrants were daily arriving in that State. A sense of duty to my Government—although I might have no respect for those who were then administering it—induced me to return again to San Diego and proceed with the work. I reached that place on the 3d January, 1850, and continued actively engaged until the 16th February, when, having accomplished all that could then be done, the joint commission was adjourned to meet at El Paso, on the Rio Grande. I will trouble the Senate to read so much of the Journal as will show how the matter was closed:

"It was determined, as nothing remains to be done on this side of the line, except that which has already been provided for, and as it is impracticable, in the present condition of California, to advance from this direction beyond the mouth of the Gila, and towards the frontier of New Mexico, that the commission should adjourn to meet at El Paso, in the State of Chihuahua, on the first Monday of November next."—*Extract from Journal, 15th Feb.*, 1850.

Two days after the adjournment, I received the following honorable discharge from the Department:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, *December* 19, 1849.

SIR: The direction of the commission for running and marking the boundary line between the United States and Mexico having been transferred to this Department, I have to inform you, in case, on the receipt of this, Colonel Frémont shall not have entered upon duty as your successor, that your services are no longer required in said commission; and to request that you will immediately turn over to Major W. H. Emory all the books, papers, and other property, in your possession, belonging to the United States, and pertaining to the boundary service; for which you will take receipt in duplicate, the one to be forwarded to this Department, and the other to be preserved by yourself. You were advised by the Secretary of State, under date of the 26th of June last, that, on account of your instructions to render to the Fifth Auditor quarterly accounts of your expenditures, with the necessary vouchers, payment of your drafts was suspended. As this barrier to payment still exists, I desire to call your attention to the importance of an early adjustment of your accounts.

T. EWING.

Hon. JOHN B. WELLER, *San Diego, California.*

This letter came in very opportunely, as the work for the season had just been closed. It will be perceived that it was written whilst Congress was in session. To this letter I responded on the 1st March, in the following terms:

SAN DIEGO, *March* 1, 1850.

Sir: I have the honor to acknowledge the receipt of your communication of the 19th December last, informing me that my services as commissioner upon the boundary survey were no longer required. As soon as Major Emory arrives, to whom I am directed to turn over books, papers, &c., it will give me very great pleasure to withdraw from the commission, especially since the business has been transferred to "the Department of the Interior."

The letter to which you allude, from the Secretary of State, under date of the 26th of June, has never been received. Diligent search has been made for it in the post office, but it cannot be found. It may have been directed in the same way his communication of the 15th of March was directed, (San Diego, Mexico,) and if so, its failure to reach me is easily accounted for. A little knowledge of the geography of a country, oftentimes facilitates the transmission of letters.

It is unfortunate for me, although fortunate for the Government, that that letter was not received; *unfortunate*, because its receipt would have justified me in withdrawing from the commission at once, and engaging in business more agreeable, and much more profitable than the public employ. Besides, I would not have made myself liable to suits for damages upon protested drafts. It is fortunate for the Government, because its reception would have necessarily disbanded the commission, and suspended the work for an indefinite period. The Mexican Commissioner could hardly have been expected to remain in the field until it suited the convenience of our Government to provide the necessary funds to prosecute the work. In this event, instead of completing the line from the Pacific ocean to the mouth of the Gila river, (except placing monuments at the places agreed upon,) as is now the case, the commission would have been broken up, and compelled to reorganize and reassemble at San Diego at some future day. This would have subjected the Government to an additional expense of at least $50,000. So that whilst the failure of that letter to reach its destination may, as it already has, inflicted injury upon me individually, the Government has profited very much. This portion of the work, which has always been regarded the most difficult and most important, is now nearly quite finished, and the joint commission adjourned on the 16th ultimo, to meet at El Paso, in the State of Chihuahua, on the first Monday of November next. All this has been accomplished in despite of the peculiar situation of affairs in this country, and the embarrassments which the Department has seen proper to throw in our way.

In December last, I received from the clerk and disbursing officer of the commission, who had been sent to Washington under my orders, a copy of a letter addressed to him by the Secretary of State under date July 20, informing him that my drafts on the Treasury could not be paid until vouchers for the whole amount received were adjusted by the proper officer! How the Department expected the Commissioner to obtain vouchers, and transmit them to Washington *without funds*, is to me incomprehensible. Did the Secretary expect that the Commissioner would be able to have vouchers at all times in that city sufficient to cover his drafts? Five thousand miles or more from the accounting officer, was it supposed that he could show the Department in advance the precise manner in which he proposed expending the proceeds of his drafts? But payment is suspended because the drafts there exceeded the vouchers returned some $8,000! If my vouchers had been in Washington for that balance, does it not follow, as a necessary consequence, that I would have been in the field without a single dollar? Was the Commissioner to have no funds on hand to meet the exigencies of the service? But there is a broad insinuation in the letter of the Secretary, so manifestly unjust that it is only necessary to allude to it. He speaks of the Commissioner having drawn money "since his removal from office." If this had been true, it would have been a dishonorable act; but the whole record of the case will show that it is entirely destitute of truth. The respect I owe the Department will not allow me to characterize the insinuation as it deserves.

A draft drawn by me for $10,000, and protested for nonpayment, has been sent back here for collection. That draft was negotiated by Colonel Frémont at my request, and the money has been fairly and honestly expended for the benefit of the Government. At the time it was placed in his hands, I had not a dollar with which to pay the employees, or even defray the necessary expenses of the com-

mission. Without the proceeds of that draft, the work would have been suspended, the American Commissioner driven from the field, and the employees left at San Diego, without the means to subsist or get away. And now, whilst the Government holds my vouchers for nearly if not the whole amount of the appropriation, exclusive of any compensation, &c., I am left to answer whatsoever damages the holders of that and other drafts may obtain against me! I am not only deprived of my compensation for services rendered, at a great pecuniary sacrifice, but my private funds have been seized to cover protested drafts, the proceeds of which have gone to the benefit of the Government.

Other parties have been sent into California upon public service, and I challenge comparison between their labors, their expenses, and those of the boundary commission. Whilst public business has been suspended, and all classes wildly excited by the rich mineral discoveries of this country, the boundary survey has been steadily prosecuted. Not an employee, whether engineer or servant, deserted, nor did any of them ask for discharges until reliable information reached this country that a new Commissioner was to be appointed. I had selected men upon whose personal pledge of honor I could rely, and they did not deceive me. There was scarcely a man upon the commission who could not have obtained from private individuals *three times* as much as was allowed them. Let the wages given these men be compared with the wages allowed for similar services in this country, and I trust the Department will be satisfied that the charge of extravagance which it has countenanced is without the shadow of truth.

I must again invoke most earnestly the attention of the Department to the satisfaction of the just demands against the commission. Injustice should not be done to the employees, merely to gratify the prejudice which may be entertained against the employer. For myself, I am content to await the action of Congress, confident that that branch of the Government will, in the end, do me justice.

I have the honor to be, very respectfully, your obedient servant, JOHN B. WELLER.

HON. THOMAS EWING,
Secretary Department of Interior.

Now, sir, I have a word of comment to make upon this letter, by way of showing that the Department practiced a base fraud upon the Senate, in order to do injustice to me. On the 21st day of May, 1850, the Secretary of the Interior sent in the document which I now hold in my hand, purporting to contain all the correspondence up to that time with the boundary Commissioner. In this document, he uses the following language:

"This, together with what I had the honor to communicate to the Senate on the 27th February ultimo, comprises all the information in the possession of the Department, relating to that service."

The letter which I have just read, was received at the Department, as the chief clerk informed me, on the 10th of April, and had been on file in the office, *forty-one days* before this document was sent to the Senate! Why was this letter suppressed? Did it present the infamous course of the Department in such a light that they deemed it necessary to withhold it? Would an honest officer, who did not fear the truth, practice so base a fraud? I have as much charity as most men, but I have not enough to believe that the omission to send in that letter was unintentional. It was one of those mean and contemptible tricks for which the then Secretary of the Interior has been notorious for years past. This may be strong language, but I am speaking of

"A man whose cold, callous breast conceals
A little soul, that never feels."

But, sir, this is not all. What has become of my letters to the Department under date the 15th May, 1849, and the 28th July, same year? These papers are nowhere to be found. I have no evidence that the latter was received at the Department, and therefore it is possible it may have miscarried; but I find upon this document conclusive proof that the first *was* on file. The Secretary of State, in his letter of the 28th June, says:

"Your letter from Panama of the 15th ultimo, with the accompanying list of persons in the service of the commission, was received at this Department on yesterday, the 27th instant."

It will be seen that the Secretary, in his letter of the 26th June, (transmitted to Colonel Frémont, but never delivered to me,) utters the following complaint:

"It is to be regretted that you should have omitted to comply with that part of your instructions which requires you to furnish the Department with a list of the persons employed to assist you in the discharge of your duties. In the absence of such a list, and a statement of the compensation stipulated to be allowed to each person, it is impossible for the Department to form an estimate of the probable expenses of the commission.

"Your instructions also direct you to transmit your account of those expenses at the close of every quarter, with the vouchers requisite for adjustment of the account at the Treasury."*

Why has this letter been suppressed? It was received, as I have already shown, the *day after* his order superseding me, and contained a list of the employees, together with vouchers amounting to upwards of $24,000! Its publication would of course have shown that the very foundation upon which he attempts to base the removal was swept away. Three calls have been made by the Senate for the correspondence since that letter was received, and why was it not sent in? Its publication would have shown the number of the employees, and the compensation allowed to each, and thus prevented the Department from charging me with "extravagance" and having an "unnecessary number" of men on the commission! But, notwithstanding all the calls made upon the Department, the Senate has been kept in profound ignorance as to the number of persons employed by me, and the salaries stipulated to be paid. This letter was delivered by the disbursing officer of the commission, who had been dispatched from Panama for the express purpose of adjusting the account. Now, I demand to know whether this official villainy is sanctioned by any member of this Senate? I venture the assertion that the records of no Administration will present such an infamous attempt to prostrate a political foe. I have fastened the fraud upon them, and no human ingenuity can extricate them. Little did they think whilst engaged in this unhallowed plot, that the time would soon arrive when he whom they sought to ruin would stand up here in the Senate and expose their infamy to the world. But the day of reckoning has come, and an intelligent people will not be slow in assigning them their proper position in society. After the lapse of years the prosecuted has become the prosecutor, and now demands the conviction of those who have abused the public confidence, and disgraced the high places which they occupied.

There is another circumstance in the singular history of this case, which I should like to see explained. The following letter is found amongst the correspondence sent to the Senate on the 28th of February, 1850:

PUEBLO OF SAN JOSE, *August*, 1849.

SIR: I have had the honor to receive, by the hands of Mr. Beale, United States Navy, your letter conferring upon me the post of Commissioner of the United States for the determination of the boundary line with Mexico.

I feel much gratification in accepting the appointment, and beg to offer through you to the President, my acknowledgment for the mark of confidence bestowed upon me, and which he may be assured is fully appreciated.

Colonel Weller is now at San Francisco, having just arrived from the South. His reports of the actual state of the surveys will probably suggest instructions for me. I will see him in a few days, and after having made myself acquainted with the condition of work, shall be able to communicate understandingly with the Department.

I have the honor to be, with much respect, your obedient servant, J. C. FREMONT.

HON. JOHN M. CLAYTON, *Secretary of State.*

Now this proves an acceptance; but when did Colonel Frémont resign? This document purports to contain all the correspondence upon the subject of the boundary commission, up to the 20th of May, 1850, and there is no information here touching this matter. Colonel Frémont published a letter in San Francisco, early in December, 1849, in which he said he had resigned the office. On the 1st of January, 1850, he left California for this city, as one of the Senators elect. Where is his letter of resignation? Was there anything in it which made it expedient to suppress it? I leave every gentleman to draw his own conclusions.

On the 7th of January, 1851, this man renewed his brutal attack upon me, and then used the following language:

"Thus it appears, Mr. President, that Colonel Weller was a defaulter to his own county, at the time of his appointment, in a large amount, and it was a fact known to me at the time of his removal—not then by the certified report of the master, but by undoubted information. And it is proper to add, that he was known to be habitually intemperate. Nobody denies this; nobody doubts it. The duty he was to discharge was exceedingly important, as he had the command of men, and the control of a large sum of money. There was placed in his hands, immediately upon his appointment, upwards of $33,000 of the public money."

And now, sir, for four years past, this charge of being a defaulter to Butler county, Ohio, has been circulated in almost every Federal sheet in the Union. In 1848, when I was canvassing Ohio for Governor, it constituted the theme of every stump orator who chose to play the blackguard in that campaign. It was presented in the public press in every shape and form which the ingenuity or malignity of unprincipled men could give it.* I gave them the full benefit of the charge, by making no reply in any other county than the one in which it was said this defalcation existed. Now, what was the result of that election? I received some three hundred votes less than those given to my competitor. And how stood the case in the county of Butler? In that county I received a majority of upwards of fourteen hundred, being more than had been given in the county for many years. Does any sensible man believe such would have been the result, if any dishonor rested upon me? Can it be pretended that the people of that county did not understand the whole matter?

Sir, I might rest, if I chose, upon this verdict of those who were familiar with all the facts, and who had known me all my life. But I prefer, as the matter has given my enemies so much trouble, to explain it for their satisfaction, at least.

On the 28th March, 1837, an act was passed by the Legislature of Ohio, providing for the distribution of the "surplus revenue," (received from the Federal Government) amongst the several counties of the State. The ninth section of said act commences in this wise: "Said fund commissioners shall have general power to control and manage said fund for the best interests of the county," &c. The section then goes on to provide that they may, if they see proper, invest the fund in bank, railroad, or turnpike stock, &c., at their discretion.

The 10th section provides, that if said fund is not so invested, it may be loaned out to individuals in sums not less than $100, at seven per cent. per annum. Applicants to be residents of county, and give security for the payment, &c.

It will be seen that this money was placed in the hands of the commissioners for the *express purpose* of being *invested* or *loaned* out at their discretion. Under the provisions of that act the commissioners would have had a right, upon giving security and paying the interest, to have taken the whole of the fund. In some of the counties this course, to a great extent, was adopted. *No one pretends that there is anything in the law which excludes, directly or by implication, the agents or commissioners from becoming borrowers if they chose.* The commissioners loaned a small portion to the county, and invested the balance in bonds and mortgages. I was not amongst the original borrowers. I was appointed one of the commissioners in 1838, and acted as agent for the board. From 1839 to March, 1845, I was a member of the other branch of Congress, and necessarily absent a large portion of time. During that period borrowers frequently paid in to my agent considerable amounts, and as I was responsible for the interest if applications were not made very soon, under my instructions this money was used for my benefit. The security for its repayment was in my official bond for $40,000. In 1848, in order to render the security still stronger, a mortgage was executed upon all my real estate in that county. Thus, it will be discovered that I was no more a "defaulter" than any other person who owed the fund commissioners, and had not the means at command to discharge the debt.

When the books and bonds, &c., were turned over to the auditor and treasurer, in 1848, (who had been made the commissioners,) suits were instituted against a large number of borrowers, and amongst others, a bill was filed against me. The commissioner appointed by the court reported, as I have since learned, a balance due from me of something over $16,000. This report has not been confirmed, but in the mean time my agent in my absence has paid $13,500, and I have been ready to pay the balance whenever it suits the court to pass judgment upon the report.

Here, then, is the whole of this "defalcation,"

*NOTE.—In the debate which took place in the Senate in January, 1851, the distinguished Senator from Michigan [Mr CASS] proved conclusively that not more than half the time fixed by law for the adjustment of my accounts had expired when the order for removal was issued! So clearly was this established that Secretary Ewing was compelled to abandon the ground.

*See Louisville Journal, and other infamous sheets.

about which so much has been said and written. No one pretends that any person has lost, or will lose, a single cent by my conduct. With a knowledge of these facts, no editor, who has a particle of decency in his composition, will continue to repeat the slander. But I have no expectation of silencing my enemies. I cannot say that I have any wish of that character. Their abuse has, thus far in life, contributed largely towards my success, and as I am still a young man, upon the sunny side of forty, I could not very well dispense with it.

In another portion of the speech upon which I am commenting, in speaking of General Lane and myself, he says:

"They belong, each, to his own separate class of office-holders—Colonel Weller to those who were wholly unfit for the office to which he was appointed, incapable of discharging its duties, and unfit to be trusted with the funds necessary to its execution. * * * * *

"*It is proper to add that he was known to be habitually intemperate. Nobody denies this—nobody doubts it.*"

To what depth of meanness must this man have sunk before he could, for political purposes, have stood up here in the Senate and preferred such an accusation against one with whom he had no personal acquaintance whatever? It is scarcely necessary to comment upon this charge. There are gentlemen here who have known me, personally, for more than twelve years, and there is not one of them who will not give the *lie direct* to the charge. Go, ask the people of my old district in Ohio, where I lived from boyhood until three years ago. Go, ask those who have been personally associated with me in California, and who have had every opportunity of knowing my habits, and all of them will pronounce this charge an unblushing falsehood. And yet, sir, a man clothed with Senatorial robes, stood up here, and before the whole country, gave utterance to this base calumny! A calumny which ought, under the circumstances, to consign his name to eternal infamy and disgrace. He who would take advantage of his Senatorial position to ruin the private character of a political opponent, by the assertion of an unmitigated falsehood, is unfit for the walks of civilized life. Nothing short of omnipotent power can ever convert such a creature into a *gentleman*. There should be

"——put in every honest hand a whip
To lash the rascal naked through the world."

The next sentence to which I invoke attention is in these words: "There was placed in his hands, immediately upon his appointment, upwards of $33,000 of the public money." Now, Mr. President, like the other statements, this is wholly false. The record before me will show that less than one half this amount ($15,000) was placed in my hands, and this was the whole amount received by me *directly* from the Government. With this amount I left for California. So that here, in a matter of comparatively very little importance, this ex-Senator, from the force of habit alone, found it impossible to tell the truth. In this regard he bears a striking resemblance to the miserable creature of the Louisville Journal.

Mr. President, there is a Senator now upon this floor, [Mr. SMITH,] to whom I must pay my respects. He, too, a year preceding the attack of ex-Secretary Ewing, found it necessary, in order to sustain the Administration then in power, to assail me. I find by the Congressional debates that this Senator, on the 23d of March, 1850, used the following language:

"Colonel John B. Weller, commissioner to run the Mexican boundary, has been removed, and I beg to assure the Senator for good and sufficient reasons. The papers in the case have been communicated to the Senate. I have examined them carefully, and it appears that he violated in the grossest manner the instructions of the last Executive. In addition, he has squandered the appropriation and overdrawn the amount by several thousand dollars."

Now, sir, the rules of the Senate will not permit me to characterize this allegation as it deserves. But I may be allowed to say that it lacks one of the essential elements necessary to give force to a charge—I mean *truth*. I have examined these papers "carefully," and I should be glad to know where he finds the evidence that the Commissioner "had violated in the grossest manner the instructions of the last Executive?" I also demand to know where he obtained the evidence "that he had squandered the appropriation and overdrawn the amount by several thousand dollars?"

Sir, this is a grave accusation against a public officer, and no gentleman would make it, unless sustained by proof. So far from "squandering the appropriations," the gentlemen upon the commission will bear testimony that the *most rigid economy was practiced*. A comparison of my accounts with those of other public officers in California, will show that I paid for labor, as I have remarked before, scarcely *one fourth* as much as was paid by other persons! And yet, sir, a Senator has the audacity to charge me with "squandering" the public money! "He has overdrawn the appropriation by several thousand dollars!" I have already shown that this charge is entirely destitute of truth. But I repeat again, that no draft exceeding the appropriation ever was drawn by me at any time. On the contrary, the drafts drawn fell a little short of the appropriation? In the absence of any explanation or apology, I am compelled to place him in that class of politicians who are very unscrupulous as to the means they use in assailing an opponent. Having said thus much, Mr. President, in my own defense, I may be permitted before I conclude, to allude to some matters connected with the commission since my removal.

On the 22d day of March (nearly four months ago) a resolution was adopted by the Senate, on my motion, calling upon the Secretary of the Interior to send in copies of all correspondence and papers connected with the boundary commission which had not previously been published. To this resolution no response has been made. This delay is certainly extraordinary. My relations with the present Secretary have always been of a friendly character, and I have no disposition whatever to do him the slightest injustice. The delay may have been unavoidable, but I am inclined to the opinion that influences have been at work somewhere in his office which have prevented an earlier response, and which could have been resisted if the Secretary had given a little of his personal attention to this matter. Others less charitable might suppose that the intention was to send in this document, which is necessarily voluminous, at so late a day that, in the present deranged state of our public printing, it could not be gotten from the press during this session of Congress. The want of these papers will prevent me from investigating the conduct of the present Commissioner; but there are some facts connected with this subject to which I must invoke the attention of the Senate now. They are facts which should be known to the public.

It seems that Mr. Gray, the surveyor, was stricken down by disease for several months, and this, together with the course pursued by the Department towards him, prevented his reaching El Paso on the 1st of November, 1850, the time fixed for assembling the joint commission. To guard against accidents of this character, an agreement made by the Mexican Commissioner and myself was entered upon the journal. He reached the field of labor on the 19th of July, 1851, and found that Commissioner Bartlett had already agreed to fix the initial point on the Rio Grande at latitude 32° 22′ north. This, after examination, did not meet the approbation of the surveyor; but, on the contrary, he presented an argument which, I think, will be found unanswerable against it. A copy of this was transmitted to the Department under date of the 3d of August. On the 31st of October following, the Secretary of the Interior addressed a letter to the surveyor, in which he says:

"As the Commissioners coincide in opinion respecting the correctness of their operations, and their results, and are satisfied that the initial point has been accurately ascertained and determined, it is very desirable that the official documents necessary to the settlement of this important point should be at once perfected. You are requested, therefore, to remove the only obstacle which now exists to the completion of this branch of the work by affixing your signature to the requisite papers."

This was an unwarrantable assumption of power. The Secretary had no authority whatever to issue such an order. The treaty of Guadalupe Hidalgo, in the fifth article, provides that

"The two Governments shall each appoint a commissioner and a surveyor who, before the expiration of one year from the date of this treaty, shall meet at the port of San Diego and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; *and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein.*"

The surveyor was an officer under the treaty, a component part of the joint commission, to whom alone the power was given to determine this question. How far either Government can supervise or control the acts of that commission, I may at some future day discuss. But surely the Secretary had no power whatever to direct the surveyor to agree to a line which in his judgment was manifestly wrong. This must make him a mere tool in his hands. The Secretary, however, *four days* afterwards, finds a more legal, and certainly a much more effective plan to carry out his object. This letter, dated 4th November, very politely informs him that "*his services as surveyor are no longer required!*" The same mail which carried out the order to sign the papers conveyed the letter of dismissal! *Four days'* sober reflection seems to have satisfied them that the surveyor would disregard this extraordinary order!

I understand that Colonel Graham, a gentleman ranking amongst the very highest in his profession, who had been detailed from the Topographical Corps as the chief astronomer of the commission, also refused to recognize the line as fixed by the Commissioner.

Now, Mr. President, what will be the effect of this agreement, if signed by the new surveyor, or sanctioned by the Government? It will give to the Mexican Republic some twenty-two minutes of latitude, and three degrees of longitude, which in right and justice belong to the United States; the map now before me, exhibiting this territory with the line agreed upon by Mr. Bartlett, and the one marked by the surveyor, presenting an area of nine thousand five hundred square miles. That the southern line here marked is the correct one, I have scarcely a doubt; but as the treaty seems to contemplate that the branch of the Gila, which it is intended to pursue, would be found by running "northward," it is questionable whether this northwest line is correct. At all events, at least five thousand square miles of American territory has been given away. This is represented by all as the very first quality of land and amongst the most beautiful country in the world. Upon this territory is situated the flourishing town of Messilla, (Messey,) settled by Americans and Mexicans. The Mexican Commissioner, a very shrewd and intelligent man, who, from a residence of some years in that section of country, was intimately acquainted with all the localities, unquestionably obtained a decided advantage in this settlement.

The great object of the Mexican representatives, who negotiated the treaty of peace, was to retain the town of El Paso. This is clearly shown by the correspondence. Both Governments intended that the line should pass immediately north of that town instead of thirty miles. But as I am deprived by the Department of the information necessary to a full and fair discussion of this point, I must pass it over for the present. At some future day of this session, unless anticipated by others, I may discuss it at large. I think I will be able to show that the conduct of the active and energetic surveyor in refusing to agree to the point selected, so far from being censurable, was such as to entitle him to the thanks of every one "who loves the right and hates the wrong."

In the month of March, 1851, Colonel J. McClellan, of the Topographical Corps of the Army, who had been detailed as chief astronomer to the commission, caused certain charges to be filed in the Department against the chief, J. R. Bartlett. A copy has been transmitted, upon my motion, to the Senate, and now lies before me. These charges, Senators will observe, are of the most serious character. If true, the Commissioner ought to be recalled at once; if false, the officer who has used his position to prefer them ought to be dismissed from the Army. At all events, one would very naturally have supposed that the Department would have considered these charges of sufficient importance to have ordered a full investigation. They were preferred by a gentleman of high rank and character in the Army, more than a year ago, and the only investigation had is disclosed in the letter which I now hold in my hand. The Secretary, after remarking that no formal arraignment had been directed, says:

"I did, however, make such an investigation of them as

to satisfy myself that they were preferred under such circumstances, and sustained by such testimony as not to demand a more formal examination. * * * *

"The explanations of the Commissioner in regard to these charges, and the other documents relating thereto, will be found among the papers already communicated to the Senate in answer to the resolution of the 2d of April last."

The testimony submitted to the Department on this subject is to be found in the document now before me. I have examined it with some care, and, certainly, with no disposition to do the Commissioner any injustice; but I must say that the evidence has left an entirely different impression from that which seems to have been produced upon the mind of the Secretary. But we are so differently constituted that that testimony which carries conviction to one shall fall far short of satisfying another. The charge against the commissary, for issuing improper supplies, &c., is sustained by twenty-seven witnesses, and, so far as I can see, denied by no one.

The charges against the Commissioner, which impeach his integrity as a public officer, are sustained by the testimony of *five* witnesses, (including Colonel McClellan;) a part of them are controverted by *three* witnesses, (including the Commissioner.) Two witnesses impeach the character of one who testifies for the prosecution; but *his* character is sustained by three witnesses.

The most serious charges are:

1st. "Conniving at the conversion to private uses of the transportation provided by the Government for the use of the boundary commission.

2d. "Unpardonable mismanagement of the public interest and funds intrusted to him."

These charges are clearly sustained by the testimony of *four witnesses*, and denied by *one*. Thus stands the evidence, as I find it upon the record; and how the Secretary could have been satisfied upon this proof of the innocence of the Commissioner, is to my mind, incomprehensible. If this be *all* the evidence on the subject, I undertake to say no jury in the world would hesitate a moment in convicting. The proof was too strong, in my judgment, to be rebutted by "a personal conference with George F. Bartlett, the brother of the Commissioner, and the quartermaster [he means *commissary*] of the commission, who was implicated in the charges," &c. Nor will it do to meet this testimony by the simple assertion that "the witnesses had been dismissed from the commission?" It was under the direct and positive orders of the Secretary himself, that a large number of the employees were discharged, because their services were not required. Is this dismissal, therefore, a sufficient reason why their testimony, upon honor or *under oath*, should be rejected? A statement of the question is sufficient. Nor will it do for the Secretary to claim credit for dismissing Commissary Bartlett, because "his near relationship to the Commissioner gave ground for injurious suspicions." It is true, under his orders, he was dismissed from this post. But I have a letter from a gentleman of character and respectability, containing the information that he is now the "acting agent of the commission," with a better salary than he received before, and shaving orders drawn by the employees on the commission at fifty per cent. discount!

As to the truth or falsity of the charges preferred against the Commissioner, I express no opinion, but have contented myself with speaking of the testimony as it now stands upon the record. I know that great injustice is oftentimes done to public officers by preferring charges against them whilst they are engaged upon distant service. He may be able to explain or contradict this evidence, and it would be unfair, at all events, to condemn him until an opportunity has been given for reply. But the public interest clearly demands a full examination into this whole matter, before another dollar is appropriated, whilst the work is under his control. If it is the pleasure of the Senate to adopt the resolution which I have submitted, I must decline, for reasons which will naturally suggest themselves to the minds of all, from serving upon that committee.

For the present, I am done. I deeply regret that, in vindicating my character from the foul aspersions cast upon it by men in power, during an absence of three years, I have been compelled to trespass so long upon the time and patience of the Senate. But it was due to those with whom I am politically associated; it was due to the generous friends who have always reposed confidence in me; it was due to my family, that I should meet the accusations of my enemies, and prove, by the record, that they were unfounded. The facts are now submitted to the people, and I am content to abide the judgment which they may pass upon them. Truth has lost none of its power, and must, in the end, prevail.

COLLINS LINE OF STEAMERS.

SPEECH OF HON. G. S. HOUSTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

July 7, 1852.

The House having resolved itself into the Committee of the Whole on the state of the Union, on the bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1852—

Mr. HOUSTON said:

Mr. CHAIRMAN: I shall endeavor to discuss this question with fairness. I may not be able to establish my propositions to the satisfaction of the committee. In the course of my investigations I may have arrived at conclusions that are not tenable—conclusions that are at variance with what should be the action and course of this House. It is not to be expected that my conclusions will be more correct than those of other members of this body, who have had the same opportunities of examination, and who have bestowed the same attention upon the subject. I will promise one thing, however, that, whatever points I may make, whatever positions I may assume, I will endeavor, at least, to make myself understood; so that, if I am correct in the principles I advocate, those who give me their attention will at once agree with me, or they will, without difficulty, be able to detect such errors as I may commit. I flatter myself, however, I can make the question so plain that there can be no room for doubt.

The point to which I propose to call the attention of the committee is one that has been debated with marked ability by gentlemen upon opposing sides. I speak of the pending amendment, which proposes to give additional compensation to the Collins steam line. In 1846, Mr. Collins and his associates contracted with the Secretary of the Navy, under a law of Congress, to carry the mails between New York and Liverpool, twice each month, for eight months in the year, and once each month for the other four months—making twenty trips—for a compensation of $385,000 per annum, that being $19,250 per trip. The contract further stipulated, amongst other things, that Collins & Co. should build and put upon the line five first-class steamships, of not less than two thousand tons each; that the steamers should be so constructed as to be easily converted into war steamers, and that the Government should have a right to take them at valuation, in the event of its desire to do so. That contract was made at the instance of Collins & Co. Upon their own calculation, and in pursuance of the dictates of their own judgment, they submitted to the Government their proposition. That proposition was accepted. They now claim additional compensation; and why? They do not pretend that the contract has been violated by the Government. They do not pretend that they were misled or overreached by the Government. They do not controvert the fact that their own terms—terms voluntarily proposed by themselves—were accepted by the Government; that the Government has promptly paid the money agreed to be paid, and has in all things scrupulously kept its contract. Such has not been the case with the other contracting parties. They have not fully complied with their part of the contract.

Mr. Chairman, the Government has not only paid them the $385,000 per annum since the service commenced, but it has, in addition to its engagement in the contract, advanced to the company one year's mail pay, for the purpose of enabling them to build their vessels, and put them upon the line. That advance has been made, and they are allowed the privilege of returning it in ten equal annual payments. That is one very material advantage we have given to the Collins company. Again, the Government has released them from that part of their contract by which they bound themselves to carry four passed midshipmen of the Navy, and one Post Office agent free of charge. These things all amount to something. But again; the contract required them to build and put upon the line five vessels, whereas they have only put four vessels into the service. Now this I regard as an important consideration, for if those vessels are really fit for war purposes, and if they were intended to be an addition to the Navy of the United States, then there is one fifth of the contract that has not been performed by Collins and his associates. Yet no deduction has been made or demanded for that violation of a material part of the contract. There is then the fifth vessel which was required by the contract as a war steamer, if need be, which has not been built, and the presumption is at least a fair one that it will never be built.

Gentlemen say that the consideration that these steamers were to be built with a view to their qualities as war steamers, and that the Government should have them at valuation if it should see fit, was the controlling inducement to the contract; and if that be so, they have failed to entitle themselves to the compensation of $385,000 by one fifth, because of their failure to have the fifth vessel ready for use in the event of a war.

But, Mr. Chairman, why are we called upon to make this additional compensation? The payment now made to that line is $19,250 per trip. We are asked to increase the number of trips from twenty to twenty-six, and to give $33,000 a trip for the whole twenty-six trips. Some gentlemen have argued that these additional trips entitle them to compensation beyond the $19,250, because they say the Government required the six additional trips, which will necessarily be less profitable (being in the winter months) for freight or passengers. That cannot be; for the reason that the six additional trips were put upon the line at the express request of the contractors themselves. The Government of the United States did not propose to add that number of trips, but as a matter advantageous to the proprietors of the line, they asked the Government to increase the number of trips from twenty to twenty-six. The Government consented to do so. Here is the statement of the Secretary of the Navy:

"A proposition has recently been made by the contractors to increase the number of trips, annually, between New York and Liverpool; to which the Postmaster General has assented, with the concurrence of this Department; leaving, however, the question touching additional compensation to the action of Congress."

Yet gentlemen argue as if the six additional trips were forced upon the company against its will, and to its injury.

Mr. Chairman, our American feeling—our patriotism—has been appealed to, and I should regret at any time to see an American Congress listless, or to any extent careless, to proper appeals of that nature. But let me ask, what grounds exist for that appeal? Is there any more propriety in appealing for protection to this line, than there is in appealing for protection to any other interest which has grown up and exists in this country?

It is said, however, that this line is peculiarly entitled to our protection, because its contest with the line of Cunard steamers is a national contest in which we are engaged with the British Government. Nothing could be more fallacious—more incorrect. It is not a national contest. It is a contest between a company of American citizens upon the one side, and a company of British subjects upon the other. Both the Cunard and Collins lines are owned by private companies, composed of citizens of the one and of the other Government. This Government has no more of its national honor, or credit, or reputation at stake or involved in this contest than it has in any one of the various iron founderies in the United States—no more than it has in a cotton factory; and, indeed, every other manufacturing establishment in the country. Under any circumstances, sir, the strongest light in which this can be viewed is, that it is a contest of one line against another. If the appeals to our patriotism are to be responded to by slackening the purse-strings of the nation, and allowing compensation to flow until the wants of the contractors are satisfied—until their appetites are satiated—we may confidently, and at an early day, look for an empty Treasury and an impoverished Government. But why give to this line and not

to the others? We are as much bound in honor and by our patriotism to protect one American steam line as another—one American interest as another—one American sailor or navigator as another. Such were the doctrines of our Republican fathers—such I understand to be the doctrines of true Democracy now. But suppose I admit this to be a national contest: then I contend that the contest is not confined to these two lines; but it is a contest between system and system, embracing all of the lines of the citizens of the respective Governments; and while my feelings are easily influenced by such appeals, I must be allowed to ask, why like appeals are not made by these very patriotic gentlemen in favor of the Bremen, the Havre, the Chagres, and the Pacific lines? They are all lines constituting a system; and as a part of that system, or taken separately, they as much involve the national honor, reputation, and credit, and are as much entitled to be kept up, sustained, and protected by the Government of the United States, as the Collins line. There is not an iota of difference between them in point of principle.

And, as I have already said, if this is a contest involving the honor of our Government, it is so, because this Collins line is a part of the system in a contest of system against system, and not of line against line; and gentlemen will find that, if this application is successful, all of the other lines will take the same view of it that I do, and will present their claims here, separately if you please, or in a group, if their interests so dictate. But I have already said, and I now repeat, that the Cunard line, is a line belonging to a private company, and one in which the British Government holds no stock, or interest, any more than it does in its iron founderies or cotton factories. The same is true of the Collins line. It is owned exclusively by American citizens, and used for their aggrandizement. If, then, we are to yield to this appeal; if we are to agree that we will protect the Collins line against the competition of the Cunarders, why not protect our iron founderies? why not protect our cotton establishments? and, indeed, every other manufacturing establishment that has been reared in this country by American citizens and American capital? What is the difference? There can be no difference in principle between protecting a steam engine that is afloat on the broad waters, and one that is stationary in the interior of the country—between a Collins and a Lowell engine.

Mr. MILLSON, (interrupting.) As this new scheme for associating the United States with private companies, for the transportation of passengers and merchandise, is likely to be scrutinized by our constituents, I desire to make an inquiry of the gentleman from Alabama, [Mr. HOUSTON,] the answer to which may throw some light upon the subject.

It has been said, by way, I suppose, of excusing the proposed grants of money to Mr. Collins and his associates, to make up the losses they have suffered in the business they have undertaken, that the Cunard line of steamers is sustained by liberal appropriations from the British Government, and that the competition of the Collins line must be abandoned, unless they, too, are sustained by appropriations beyond their present mail pay, from the United States.

I have seen it stated, also, and never contradicted, that Mr. Cunard and those connected with him made propositions for carrying the mail across the Atlantic, and that in consequence of a proposition made by the British Government, to let the carrying the mail to the lowest bidder, the Cunard company obtained the contract, they being the lowest bidder.

I desire to ask the gentleman from Alabama if this statement has ever been contradicted, so far as he knows, and if the amount paid by the British Government, in fulfillment of that contract, to Cunard and his associates, is not less than that already paid by the United States to Mr. Collins and his associates?

Mr. HOUSTON. In reply to the gentleman from Virginia, [Mr. MILLSON,] I will say, that so far as the official documents are concerned, I have been able to find nothing which shows the manner in which the Cunard contract was obtained. But I have seen publications in respectable journals, (and one I have with me now,) which show that the Cunard contract was the result of a contest between parties for the service, by bidding, in the same manner as in letting our ordinary mail contracts—that a proposition was made to establish a line between the points named; various bids were made; the bid of Cunard having been found to be the lowest, he thus obtained the contract.

Mr. EVANS, (interrupting.) Mr. Chairman, I only wish to say to the gentleman from Alabama, [Mr. HOUSTON,] that I have the official record of the British House of Commons in my hand, in which is the testimony in Mr. Cunard's case. He states expressly that he never entered into any bids with any other parties whatever. He took it at his own offer. There was no competition, and no bidding.

Mr. HOUSTON. My statement is founded upon an article in the New York Evening Post. An editorial article in that paper, giving a history of that contract, states expressly that there was competition; that Cunard was the lowest bidder, and in that manner obtained the contract.

Mr. EVANS. The official document says the contrary.

Mr. HOUSTON. In reply to the balance of the question of my friend from Virginia, [Mr. MILLSON,] I will present the various statements I have been able to find in the documents before me. It is contended by many, and amongst others the distinguished chairman of the Finance Committee in the Senate, [Mr. HUNTER,] that the Cunard company receive £145,000 per annum for fifty-two trips, which, at $4 80, would be $696,000. If that statement be correct, the compensation per trip is $13,3·4, while the Collins line receives, under their present contract, $19,250 per trip; and if this amendment shall pass, their mail pay for each trip will be thereby increased to $33,000. Another statement is, that the Cunard line receives £171,364, or $822,547 20, per annum for fifty-two trips. If so, then the amount for each trip is $15,818. But the highest amount contended for by any gentleman as the annual compensation of Cunard and his associates is £175,000, which, at $4 80, would make $840,000, or for each trip $16,153.

I think I have fully answered the questions. Gentlemen can now make their own calculations. I hope they will do so; for no correct calculation can be made which does not conclusively establish the fact that the Collins line now receives from $3,097 to $5,866 per trip more than the Cunard line; yet, with these facts before us, we are called upon to increase the pay to the Collins line from $385,000 to $858,000, thereby giving them more than double the pay made by the British Government to the Cunard line.

Mr. BOWIE, (interrupting.) What is the compensation per ton?

Mr. HOUSTON. I will answer the gentleman. There is some difference of opinion as to the precise tonnage of the vessels of the two lines; one gentleman (not a member of this House) contends that the Collins steamers average 3,425 tons—or for the four steamers 13,700 tons. That, however, is evidently erroneous. I can find no authority for it in any document before me. The chairman of the Committee on Finance in the Senate, (Mr. HUNTER,) who generally examines well, and properly understands his statements before he makes them, says:

"My statement was made out by Mr. Isherwood. He puts the Collins steamers in this way: the Atlantic and Pacific 2,666 tons each; the Arctic and Baltic 2,772 tons each. The two largest of the Cunarders, the Asia and Africa, he puts at 2,226 tons each, and he informed me that, including the Canada, there were eight Cunarders, and their average was a little over 2,000 tons. Therefore, the aggregate tonnage of the Cunarders would be something like 16,000 tons, whilst the aggregate tonnage of the four Collins steamers would be only about 11,000 tons."

I also find in a report of General RUSK, made to the Senate of the United States, on the 18th of September, 1850, what I now read. Speaking of the Collins steamers, he says:

"Of the vessels above referred to, four have been launched—the 'Atlantic,' of 2,845 tons; the 'Pacific,' of 2,707 tons; the 'Arctic,' of 2,856 tons; and the 'Baltic,' of 2,723 tons, registered measurement."

These are the most reliable statements I have seen. They differ but little, and I leave this committee to determine between them. Mr. HUNTER makes the entire tonnage of the four steamers of the Collins line 10,916 tons; while General RUSK makes the tonnage of the same vessels 11,131. Take either statement as correct, and the mail pay per ton, of the two lines, is about the same; but if this amendment shall pass, the pay of the Collins line will be nearly doubled.

But what has tonnage to do with the question? Their contract was that their vessels should not be under 2,000 tons, and if they have made them 3,400 tons, is it right or just, in the face of their contract, for them to come here and expect this Government to give them a ratable proportion for the unnecessary increase of tonnage? All the Government wanted was a compliance with the stipulations in its contract with Collins & Co. It did not want steamers larger than the contract called for; and if they are of greater tonnage, they were made so for the benefit of the company, and not for any advantage it might be to the Government. That being true—having departed from the contract for their own advantage—they must take the consequences; it is certainly with a bad grace that they call on Congress to indemnify them against their own blunders and wasteful extravagance. If they have put into their steamers two or three hundred thousand dollars more than they should have done, it would be monstrous to say that the Government should pay them for it. They say their vessels cost them $736,035 67 each, while the seven war steamers that were built for the Navy only cost $3,351,000, averaging under $500,000 each. Yet they are built of the best and most costly timber—the most if not all of them with copper boilers, and the Collins steamers are *built of mixed unseasoned timbers and iron boilers.*

But, Mr. Chairman, I think there is an important principle involved in this proposition—I mean the principle of protection which the Government of the United States is called upon to bestow on this line of steamers. I had intended to present my views at some length on this important point. My time is passing away so rapidly, however, that I shall be compelled to touch it briefly. In this connection I am sure I will be allowed to express not only my surprise, but also my regret, to see any free-trade gentleman sustaining this amendment, because I think it the most odious form in which protection to one interest at the expense of all others can be presented. I will change my phraseology. It does not protect one entire interest, but it is a protection to a few men engaged in that interest, and that by a direct system of bounties; for whatever sum of money you pay to the Collins line beyond the amount necessary and proper to compensate it as a mail carrier is, in my opinion, a direct bounty paid to protect Collins & Co. against the competition of a line of steamers between the same points. But the excuse which some gentlemen attempt to present is, that the Cunard line is owned by British subjects Suppose that be true, is that a reason why we should levy a tax upon all other branches of industry in this country to pay to that particular company of gentlemen? Can any man be found who will contend for such an absurdity? But again, if that constitutes a good reason for bounties and protection in this case, why not in other cases?—why not upon the same principle and for the same reason protect our iron founderies? They are competing with founderies owned by subjects of foreign Governments, and patriotism, national pride, and national honor demand that we should as much protect in the one case as the other, for in either case it is a tax upon the masses of our people to sustain and enrich a few—and the same may be said of all the other manufacturing establishments in the United States; every one of them is as much entitled to protection as Collins & Co.

And indeed, this is a much stronger and more palpable case of violation of the principles of free trade than it would be to protect all of our manufactures. In the case of the Collins line, we are called on to protect (by a bounty) one company of steamships to the exclusion not only of British vessels, but to the exclusion of all other vessels owned by American citizens employed in commerce. You propose to enrich a few gentlemen engaged in navigation, at the expense of the many. This Government should faithfully perform the stipulations in its contracts; it has agreed to give Collins & Co. $385,000 for twenty trips, and I am

willing to give them the same pay per trip for six additional trips. I will do no more. We already pay to that line over two dollars for one it yields in revenue from postages. Then, why shall we give additional pay to the line when we now give it more for the same service than the Cunard line receives? Shall we do it upon the principle that they are our mail carriers? Certainly not; for your revenue from postages by the Collins line does not exceed in its average, for the time it has been in operation, $150,000 per annum, after making the proper deductions, which I shall attempt to establish more fully before I take my seat, while your mail pay to the line is now $385,000 per annum. Then it cannot be that this large addition is necessary for their services as mail carriers. For what else, then, can it be? Is it for the privilege you have to appropriate these vessels to war purposes? If so, the principle that will justify this additional appropriation, will justify and require you to grant an amount equal to the difference between $385,000 (which is a very large pay for mail services) and $858,000, to every steamer owned by American citizens who will consent to let their steamers be taken by the Government at valuation, in the event of its desire to have them—if their vessels are so built as to be capable of "*temporary service in cases of particular emergency;*" if by "*strengthening*" *their decks* they "*can be made to carry each a few guns of heavy caliber and may be rendered useful in convoy, in the transportation of troops, carrying dispatches, conveying public functionaries,*" *&c., &c.*—even admitting that "*their service could only be contingent, and as before remarked, temporary.*" Any American citizen who will bring his steamer within these rules and provisions has the same right to protection by bounties that Messrs. Collins & Co. have; and it is indefensible to give it to one and not the other. Protection, in its old form, is bad enough in all conscience, but here you propose it in a form much more odious. You propose to protect one man and his associates at the expense of all other men. If you desire to protect American citizens who may be engaged in navigation, why not protect all who may be thus employed? Why protect one company, not only at the expense of others employed in the same business and who are equally worthy and entitled, but at the expense of every other class and business in the country.

But it is said, Mr. Chairman, that these steamers are to be appropriated for our benefit in the event of war between the United States and any other country; and because of that fact, and their fitness to be thus converted, they are entitled to compensation. Let us examine for one moment, and see whether that position be well taken. It was contended by the gentleman from Ohio, [Mr. CARTTER,] and the gentleman from Maryland, [Mr. EVANS,] that these steamships were fit for war purposes, and might easily and cheaply be converted into war vessels. I undertake to say, that the evidence before us does not, by a fair construction, justify that statement. I am willing to admit that they may be used for "temporary service in cases of particular emergency;" that by strengthening them they "*may be rendered useful in convoy, in the transportation of troops,*" *&c.;* but their service as war steamers can "*only be contingent*" and "*temporary.*" I will read extracts from the documents on this point; and as Commodore Perry is relied upon as indorsing the naval war qualities of our mail steamers, I will read from him first:

"If the vessels are not constructed with as much care and expense as those at our navy yards, it has been in some measure because the best materials could not be obtained; and whether they are as substantially built or not, they are only to be taken into the public service at an appraised valuation."

In another letter he says:

"The form and dimensions best adapted to a war steamer would not be the most suitable for a commercial vessel."

* * * * * * *

"*Eighth.* The mail steamers of the contracts of Howland & Aspinwall, of George Law, and of E. K. Collins, can be easily converted into war steamers for temporary service, in cases of particular emergency. These vessels, with little strengthening of the decks, can be made to carry each a few guns of heavy caliber, and may be rendered useful in convoy, in the transportation of troops, carrying dispatches, conveying public functionaries, &c., &c., but their service could only be contingent, and, as before remarked, *temporary.*

"The cost of converting them to war purposes would be large, and in no respect would they be as economical, or in any way equal to vessels built expressly for Government service; nor should they, in my opinion, interfere in the least with the organization and gradual increase of an efficient and permanent steam navy."

In another place he says the cost of converting them would not exceed $20,000. Again, he says:

"It should be taken into view that those mail steamers, if called into service as war vessels, would be considered as forming an auxiliary force to the regularly-constructed ships, and hence the impolicy of expending much money on them."

Here he says they would form an auxiliary force, and it would be impolitic to expend much money on them. How do gentlemen like that? Again, he says: "In no respect would they be as *economical* or in *any way equal* to vessels built expressly for Government service," and that they should not "*in the least*" interfere with the organization and gradual increase of an efficient and permanent steam navy. So, according to their own witness, this is not to be a part of the Navy proper; nor is it in any way to diminish the expenses of that branch of the public service; their use is to be in great emergencies, and then only *contingent* and *temporary*, and therefore they should not in the least interfere with the gradual increase of a permanent steam navy. Now, sir, if they are as well fitted for war purposes as our own naval steamers, why not, in the event we adopt this system, diminish to the same or to some extent the expenses for the increase and keeping up of our Navy proper? Their own witness tells you that will not do, and he puts it upon the ground that they are not equal to our war vessels; and if they are not, why expend millions of dollars upon them annually, when all who have examined must admit that they will not answer as a proper substitute for our Navy, and that they will not lessen the expenses of our Navy proper? Again he says:

"Vessels built at the navy-yards are constructed in almost every instance of live-oak and other seasoned timber, collected many years ago, and are heavily fastened with copper; consequently, the expense of construction is very much enhanced, especially as all expenses of docking and preserving the timber are charged to it when it goes into the ship."

It is stated as a fact in a report recently made to the Senate of the United States, by a member of that body, that the four Collins steamers cost, when ready for sea, $2,944,142 76, or an average of $736,035 67 each, while the same Senator, in a report made in September, 1850, says, that from a report of the Secretary of the Navy, the aggregate cost of the seven war steamers that have been built for the Navy has been $3,351,000.

But if gentlemen are not satisfied with the testimony of Commodore Perry, let us refer to the statements of others. I will read from Commodore Skinner:

"What is the best instrument for propelling commercial ocean steamers, the paddle-wheel or submerged screw? and do these instruments require different models for the hull?

"*Answer.*—The paddle-wheel is generally considered the best instrument of propulsion where speed is required; but for the purposes of war the screw would be preferable, and they do require different models.

"8. Do you consider commercial ocean steamers, as now built, convertible at once into war steamers, and capable of efficiently performing war service?

"*Answer.*—They cannot be converted into war steamers without great expense, and then they would be inferior to those designed solely for that purpose."

Again, he says:

"In Sloo's contract it was stipulated that she [referring to the Georgia] and they were to be equal in manner of build and materials to the late United States steamer Missouri. This was impracticable, and the Georgia may be considered to be a substantial-built vessel, of mixed unseasoned timber, (all the ships of the several contracts have been constructed of mixed unseasoned timber,) similar, but in nowise inferior, to the materials used in the construction of the best merchant ships in the city of New York."

M. C. Perry and R. B. Cunningham, in a letter to the Secretary of the Navy, of 12th June, 1850, in speaking of the steamer Georgia, say:

"The Georgia may be considered to be a substantial-built vessel of mixed unseasoned timber, (all the ships of the several contracts have been constructed of mixed unseasoned timber,) similar, but in nowise superior, to the materials used in the construction of the best merchant ships in the city of New York."

In April, 1850, Engineer Charles H. Haswell, in reply to interrogatories from the Secretary of the Navy, said:

"With a large majority of the commercial ocean steamers now built, the proportions, capacities, and construction of their hulls, and the design and arrangement of their engines and boilers, are such as to render them incapable of efficient and economical war service, without incurring an expenditure in alterations and a loss of time that would not, except in cases of national emergency, be at all repaid by the ultimate durability of the hulls of the vessels in their ready transfer to, or in their economical performance of active service."

* * * * * * *

"The steamers of Mr. Collins's line, now in progress of construction, will cost $550,000 each. Yet the boilers of these vessels, and all the other mail steamers, are of iron, their hulls are not constructed of live-oak, and the vessels are without the spars, rigging, armament, and equipment of naval steamers."

* * * * * * *

"*Second.* The first naval steamers have ever been pronounced, by competent judges, unequaled by the like productions of any country; and although nine years old, the Mississippi is the most economical and efficient steamer now afloat in any waters; that is to say, her engines drive a greater area of immersed section of hull, at a higher rate of speed, with less cost of repairs and consumption of fuel, than any steamer yet built out of our own naval service."

* * * * * * *

"In my opinion, then, not only more stringent requirements should be had in the steamers yet to be received, but the developments of the operation of the mail-steamer service, in the peculiar requirements of its vessels, in their existence closing proper schools to the personnel of a navy, and in the greater cost involved in the construction of equal vessels in the merchant service, over that incurred at our naval stations, render the application of the existing mail-steamer service, as an integral or even reliable incidental portion of the naval service, as subversive of its utility, efficiency, and economy."

John Lenthall, from the Bureau of Construction, &c., who had been directed by the Secretary of the Navy to furnish his views touching these points, says:

"From the superficial examinations I had the opportunity of making, these ships appeared in about the same degree of readiness for immediate conversion into steamers for war purposes as merchant ships, according to their size and speed, are into frigates, or other classes of ships of war, possessing the advantages common to large vessels of a capacity permitting, if required, the additional materials necessary and the armament and equipments required to be placed on board to make them war vessels."

* * * * * * *

"The impression left with me is, that to make these vessels into steamers for war purposes, the upper deck was too light to bear an armament; and if heavy pivot-guns were to be used, it must be removed. The part of the engine thus left exposed would require protection, and arrangements must be made for the proper accommodation of the officers and men, and the convenient stowage of the stores and provisions. These, together with the other equipments, I think could not be safely estimated at less than from seventy to eighty thousand dollars; in addition to which, will be the destruction of materials, and labor, and highly-finished work, that has probably not cost less than $100,000."

Mr. Chairman, in looking over the debates which were had in another place, I find some admissions by a friend of this system, which I regard as very important in this connection. Advocating this additional appropriation to the Collins line, and speaking to the point of their being "adapted to purposes of war," Mr. BAYARD said:

"If you mean by 'adapted to the purposes of war,' that these steamers are not adapted to *all* the purposes of war, I admit that the objection of the honorable Senator from Virginia is unanswered; that is, when I say 'all the purposes of war,' that they are unfit for a naval engagement in the line of a fleet or in single combat. But if you mean by the words, 'adapted to the purposes of war', that they are adapted to some of the uses and purposes of war, and can be made available as an auxiliary force in the support of your Navy proper, in the event of a war, then I beg leave to differ from the conclusions which the Senator has drawn from the evidence before him."

* * * * * * *

"I know there are conflicting opinions in reference to the side-wheel steamer and the propeller; and if the question was one as to your Navy proper, and the true form of vessels to be constructed for the Navy proper, I assure the Senator from Virginia that he might command my vote upon such a question at all times; that I would vote for no appropriation for the construction of any but a screw-steamer, as applied to the Navy proper. But the reason of that is very obvious. We do not require extreme speed in a war-steamer; and the difference between the two is, that in the side-wheel steamers you have speed, and with the propeller, or screw-steamer, you have economy, and comparative invulnerability, but they want speed."

* * * * * * *

"I concede that, for the purposes of the Navy proper, a propeller is the better of the two. With my consent, no future vessel shall be built for the Navy which is not modeled after the fashion of that steamer which was planned and constructed under the superintendence of my gallant and distinguished friend from New Jersey, [Mr. STOCKTON,] and which did such good service during the war with Mexico—of enlarged dimensions, if you will. As applied to the Navy, I believe such would be the best mode of construction; because, in the naval service, it is essential that a vessel should be able to enter into combat with any vessel of equal force. The pride and honor of the Navy demand this."

I had intended to close my reference to authori-

ties on this point, but I must ask the indulgence of the committee to read another short extract. William Skiddy, speaking of the Aspinwall line, and the manner in which the ships California and Panama are built—materials, fastenings, &c.—closes the paragraph in these words:

"They are, for their size and tonnage, equal in strength to any ship that I have seen or heard of, (*the Cunard steamers excepted.*")

Mr. Chairman, I have never doubted but that these steamers would all answer some good purpose in time of war, if taken by the Government. I have no doubt, but that all of our steamers, whether on these mail lines or not, could be used to some good purpose in the event of a war; but that they are easily convertible into efficient war-steamers is, in my view of the case,—judging from what naval gentlemen say upon the subject,—preposterous. I can but think so. When we build and maintain a Navy, we want war steamers that are "*fit for a naval engagement in the line of a fleet or in single combat.*" It would be not only unwise, but it would be cruel to put our naval officers and men on board of a vessel as a war vessel that could not take its place in the line of a fleet or in single combat. We want war steamers that can meet and grapple with a war steamer of any other Government of equal size. It is true, a mere *auxilary force* is in some respects proper and wise, but that, we can always get from our commercial marine, when needed, and under no circumstances would it be wise in us to reduce our entire Navy to a mere "*auxiliary force.*" And such will, in my opinion, be the certain result of adopting in its full extent the system now urged upon us by the friends of this amendment. Every naval officer, whose opinion I have been able to obtain, Perry, Skinner, and all, concur in saying that they would not be equal to war steamers built for the Navy.

Mr. POLK. I would like to ask the gentleman from Alabama a question.

Mr. HOUSTON. I can yield but little of my time.

Mr. POLK. I would like to know of the gentleman whether Commodore Skinner was ever in command of a steam-vessel, and whether he knows anything about it?

Mr. HOUSTON. While I regard it as entirely unnecessary to respond to the gentleman's question yet, in justice to Commodore Skinner, I will reply in the affirmative, not only that he has been in command of a steam-vessel, but he was for some time in command of the navy-yard at Norfolk; and that he was until recently Chief of the Bureau of Construction, Equipment, and Repair in the Navy Department. I have a very slight acquaintance with him, but he seems to be an intelligent officer; and, if I were to judge from the various responsible positions he has held, I would not hesitate to presume that he is at least as familiar with this matter as the gentleman or myself.

Mr. POLK. I do not pretend to know anything about it myself; but I object to authority being quoted where there is no evidence that that authority has exercised a judgment upon the point. When the chairman of the Committee of Ways and Means presents to this House testimony, I wish to know whether it is reliable or not. Now, the gentleman to which he refers has been sailing ships all his life, but knows nothing about steam.

Mr. HOUSTON. The gentleman is wholly mistaken; but in further reply to the remarks of the gentleman from Tennessee, [Mr. POLK,] I wish to say, that this testimony is not furnished by the chairman of the Committee of Ways and Means. It is testimony (if the gentleman will examine the matter) which is furnished by the Secretary of the Navy, upon a call of the Senate, and produced here by those in the two Houses who are in favor of this increased compensation to the Collins line. I am, therefore, only commenting upon the testimony which the gentlemen themselves have furnished me. I wish to say again, Commodore Skinner has been in command of a steam-vessel, and is a gentleman who is familiar with the subject about which he was called to speak. He did not voluntarily present his views to Congress, or the Secretary of the Navy. His opinions and his experience in these matters, with which he is familiar, were called for by the Secretary of the Navy. He has given them fairly, and, I have no doubt, correctly.

If I chose to pursue this branch of the subject, I could bring to the support of my positions, almost without exception, those whose opinions we would be likely to seek on such a subject; but I think I have said enough on this point.

Mr. Chairman, before I pass to the material remaining point of my argument, allow me to notice a statement which has been made here in debate, and which has even found its way into the report of a committee. It is said, and I suppose it is believed, that the Cunard line, during the first six years of its existence, yielded to the Government of Great Britain, in net revenue, from postages, (after deducting all payments made to it by that Government,) $5,286,800. The examination I have made into that subject satisfies me that it is grossly erroneous. I controverted the correctness of that statement in my place here a few days ago. Since then I have obtained from the Post Office Department reliable information, as far as it could be obtained from the books of that Department, and I find that the entire gross revenues from postages for one year, ending 31st December, 1851, of all the steam lines between the United States and Great Britain, to be only $1,022,279 60, and this amount includes the British as well as the United States inland postages. The Cunard line yielded from letters, $518,216 18; the Collins line, $246,288 56; the Havre line, $78,952 23; the Bremen line, $98,530 49; closed mails, $40,501 74; newspaper postage, $39,745 40—making the aggregate of $1,022,279 60; and if you deduct from the gross letter postage the British and United States inland postages, you will have less than $800,000 as revenue from all the lines, which is not enough to cover the mail pay of the Cunard line, and would fall near $100,000 short of covering the mail pay to the Collins line, if this amendment shall pass. Gentlemen may say that the postal treaty reduced the rates of postage between the two countries. That is true, but the reduction of the rates was of that character to increase the letters in so great a ratio as to retain about the same yield of net revenue. These figures, I must think, will satisfy every one who will look at them, of the fallacy and incorrectness of the statement of a net yield of $5,286,800 by the Cunard line.

It is also stated that the revenues received from the Collins line increased for the year ending 31st December, 1851, $183,734 05 over the year ending 31st December, 1850; and an argument is attempted to be drawn from that fact, that the receipts from the line will shortly cover its mail pay. A sufficient answer to that statement is, that while this bill was in the Senate, Senators offered to give the line its entire postages, and its friends refused to accept the proposition. If they had believed that the receipts would have been so large, they would certainly have accepted that offer. But again: it will be remembered that the Collins line started on the 27th of April, 1850, with one vessel; the second in May, 1850; the third in October, 1850; and the fourth in November, 1850, so that the disadvantages under which the line labored prevented it from showing what it would do. And that is not all, for during that time, or the most of it, the British Government had an order requiring all letters sent from the British post office to be sent by the Cunard line, unless specially otherwise directed by the writer of the letter. That order necessarily drove into the Cunard line a very undue portion of the letters coming to the United States. It was, however, in the latter part of 1850 rescinded by the British Government, and for the year ending 31st December, 1851, the lines have been, as far as that is concerned, upon an equality; and its yield for that year will not be very largely increased in this or any subsequent year without an increase in the number of trips. But even if you give the Collins line the carrying of all the letters that are now carried by the four lines, and after deducting for the inland postages of the two Governments, its yield will be far below what is necessary to cover the mail pay to that line if this amendment shall pass. In the year ending the 31st of December, 1850, the Collins line only performed service about eight months—from 27th of April—and with an insufficient number of vessels; hence the yield of postages on letters was necessarily small, being only $62,554 51; and for the year ending 31st of December, 1851, it was $246,288 56; both of these amounts, however, include the three cents and the five cents British and American inland postages, and should, therefore, be reduced one third. But I will present another table, by which you will be able to see at a glance the increase in postages on the four lines for the fiscal years 1851 and 1852:

Mails received and sent by Cunard, Collins, Bremen, and Havre lines, during the fiscal years which ended 30th of June, 1851 and 1852.

Cunard line received in 1851	$287,227 10	
" " sent "	248,810 51	
		$536,037 61
Cunard line received in 1852	$305,500 26	
" " sent "	260,072 71	
		565,572 97
Increase		$29,535 36
Collins line received in 1851	$102,232 92	
" " sent "	103,608 79	
		$205,841 71
Collins line received in 1852	$107,573 59	
" " sent "	121,294 02	
		228,867 61
Increase		$23,025 90
Bremen line received in 1851	$41,866 03	
" " sent "	52,732 00	
		$94,598 03
Bremen line received in 1852	$40,038 25	
" " sent "	47,081 62	
		87,119 87
Decrease		$7,478 16
Havre line received in 1851	$13,925 03	
" " sent "	24,185 71	
		$38,110 74
Havre line received in 1852	$37,371 87	
" " sent "	43,432 21	
		80,804 08
Increase		$42.693 34

Newspapers and Pamphlets by the Cunard and Collins lines, received and sent during the fiscal years which ended 30th of June, 1851 and 1852, on which the United States and British Offices collect their own postage of two cents each.

Cunard line received and sent, 1851	637,168	
Collins " " "	224,278	
	861,446	$17,228 92
Cunard line received and sent, 1852	858,212	
Collins " " "	294,686	
	1,152,898	$23,057 96
Increase		$5,829 04

The item for closed mails is left out; because all of the quarters of the fiscal year had not been received, though that is a small item, very little of it being done by the Collins line. These tables are from the books of the Post Office Department and are authentic, and they show that, notwithstanding the fiscal year ending 30th June, 1851, comprehended a part of the year 1850, and therefore subject to the disadvantages of that year, yet the increase of the year ending 30th June, 1852, over the preceding year in letter postages, is only $23,025 90, and a mere trifle on newspapers, and is, in truth, below the revenues of the year ending 31st December, 1851. The committee will observe that I have furnished several tests, one of the *year* and the other of the *fiscal year*. I have already given it as my opinion that there will be some increase on the Collins line: first, an increase from the increased correspondence of the two countries; second, from an increase in the number of trips. But gentlemen treat either themselves or this committee unfairly, by asserting, or attempting to create the impression, that the increase will be anything like $183,000 per annum. It cannot be, and if they do not know that fact they have not fully examined the subject; and if they do know it they should state it. This explanation is necessary to a proper understanding of the subject. I want nothing else, and I presume gentlemen who advocate this amendment want nothing but a fair presentation of the subject.

Mr. HART. I ask the gentleman from Alabama to allow me to read Commodore Perry's opinion as to what will be the cost of converting these Collins steamers into war steamers. Commodore Perry says that it will cost $20,000.

Mr. HOUSTON. I stated expressly, that in the opinion of Commodore Perry, the cost of con-

verting these vessels into war steamers would be $20,000 for each vessel. I also said that Mr. Lenthall had expressed the opinion that it would cost $80,000, besides the destruction of property to some $100,000, in making the change; and I will add further, that every other commodore with whom I have conversed on the subject, concurs substantially with Mr. Lenthall.

Mr. CARTTER. I wish to inquire of the gentleman whether they are "waiting orders?"

Mr. HOUSTON. The gentleman seems to have taken those who may be waiting orders under his special charge, so I will leave him to harvest his own glory—he can go and see whether they are waiting orders or not. Mr. Chairman, I propose now to show what we are paying the Collins line of steamers, as well as our receipts from postages by that line, that all may see how the account stands between the Government and E. K. Collins & Co., growing out of that mail contract; and if gentlemen will give me their attention, and especially the gentlemen from Ohio, [Mr. CARTTER,] from Maryland, [Mr. EVANS,] and from Pennsylvania, [Mr. CHANDLER,] who have made statements as to the postages, I think I will be able to satisfy them fully of the correctness of my position. I at least desire them to hear the statement which I propose to submit to the committee. The whole amount of revenue from letter postages by the Collins line from the 27th of April, 1850, (the day the line was commenced,) to the 31st of May, 1852, is $424,602 89. That was for a period of two years one month and three days; but to get at the precise revenue of the Collins line, we have to make some deductions from that amount, because, under the postal treaty between the United States and Great Britain, all the letters that pass from one country to the other, either in the Cunard or Collins line, are subject to a charge of three twenty-fourths for the inland postage of Great Britain, and five twenty-fourths for the inland postage of the United States; so that, while the postage on a letter from here to any portion of Great Britain is twenty-four cents, the ocean postage on it is in truth but sixteen cents, three cents being charged under the postal treaty for the inland postage of Great Britain, and five cents for the inland postage of the United States. In order, then, to arrive at the precise revenue derived from the Collins line, we must deduct $53,075 36 for the three twenty-fourths, the British inland postage, and also $88,458 90 for the United States inland postage. We will then have the sum of $283,000, the true amount of letter postages to be credited to that line; then add to that the postage on newspapers, $9,528 46, and for closed mails, $2,104 25, and we have our entire receipts by that line for two years and one month, say $294,701 34—but let us call it even two years. Then, sir, take one half of that sum, and we have the receipts from postages for twelve months, say $147,350 67. Deduct the two years' revenue from the two years' pay, and we have a loss to the Government of $475,298 66 by this line alone, or an annual loss of $237,649 33 at its present rate of mail pay. I allude to the compensation that the line now gets, merely to show that we are losing by it, and not for the purpose of bringing discredit on the line or throwing obstacles of any kind in the way. The Government should stand to its contract and pay the money agreed upon, although the contract may be a bad—a losing—one on its part. By reference to the following table, these facts will more clearly appear:

Whole amount of letter postage by Collins line from 27th April, 1850, to 31st May, 1852		$424,602 89
Deduct 3 24ths, British inland postage		53,075 36
		371,527 53
Deduct 5-24ths, United States inland postage		88,458 90
		283,068 63
Add newspaper postage	$9,528 46	
closed mails to March, 1852	2,104 25	
		11,632 71
Whole amount of postages from 27th April, 1850, to 31st May, 1852		294,701 34
Entire receipts from postages for one year		147,350 67
Two years' mail pay to Collins line		$770,000 00
Deduct two years' revenue of same		294,701 34
Loss to Government in two years		475,298 66
Or an annual loss of		237,649 33

Proposed amendments will make the annual mail pay of the Collins line		$858,000 00
Deduct annual revenue, &c		147,350 67
Will leave annual loss to Government of		710,649 33
Annual revenue with twenty trips		$147,350 67
Add average increase for six additional trips		49,257 71
Making annual revenue		196,608 38
Amount of pay, if proposed amendment passes		$858,000 00
Deduct annual revenue		196,608 38
Annual loss to the Government of		661,391 62
Gross receipts from postages for the year ending 31st December, 1851, deducting only the British inland postage		$215,502 49
Add for six additional trips average of last year		64,650 74
Gross receipts from postages, including the United States inland postage, and allowing increase for additional trips		280,153 23
Mail pay under pending amendment		$858,000 00
Deduct postages, as above		280,153 23
Annual loss to the Government		577,846 77

But, Mr. Chairman, what is proposed by the amendment now upon your table? The proposition is to increase the compensation to $858,000 per annum. Let us see what change that will make in the results. Take the $147,350 67 revenue from the compensation, if this amendment shall pass, and we have $710,649 33 as the loss which this Government will sustain by the Collins line in twelve months. But gentlemen say that the amendment proposes that the steamers shall make six additional trips per annum, and that it is fair to presume that those six additional trips will increase the amount of postages. I am willing to make a liberal allowance for that increase. Supposing the six trips to be added will give an average of postages, and we have $49,257 71, which, together with the amount received for twenty trips, will make $196,608 38; that deducted from the pay under the pending amendment, will leave $661,391 62 as the annual loss to the Government—by E. K. Collins & Co.—which is quite enough, with proper management, to build and equip a first-class war steamer. So that if this amendment is carried, the Government of the United States will lose under the most advantageous circumstances, and on the most favorable calculation that can be made, $661,391 62 annually. I ask the committee if they are prepared for that? I ask if that is the manner in which we should build up and maintain a Navy? I make this presentation of the case aside from the other view, that as soon as we agree to this amendment all the other lines will present themselves, and ask us to add in a like ratio to the compensation which they now receive; they will have the same right, if it may be called a right, that this line has, and they will ultimately get it if they press their application.

I will make one other calculation. Let us give the gross receipts from postages for the year ending 31st December, 1851, deducting only the British inland postage, and we have for twenty trips $215,502 49; then add to that an average for six other trips $64,650 74, and we have (including the United States inland postage) $280,153 23; deduct that from the pay proposed by the present amendment, $858,000, and it leaves as an absolute loss to the Government, for one year, the sum of $577,846 77. The question very forcibly presents itself, whether we are disposed to throw away or donate to Collins & Co. every year enough to build a first-class war-steamer? If we do, we may expect that those who have to pay that money by their own hard labor, out of their own honest earnings, will demand of us a better reason for such action than I have yet heard.

It will be observed that my calculations differ from those made by the friends of this amendment in this, that they claim as revenue to be credited to the Collins line both the British and United States inland postages. I decline to give the line that credit, and I feel entirely confident that I am correct.

Under the postal treaty between the United States and Great Britain, a letter passing from any part of either country to any point in the other, is charged with twenty-four cents postage. That twenty-four cents charge, however, consists of three parts; so that a letter brought to this country by the Cunard line pays three cents to the British Government for British inland postage, sixteen cents for sea postage, and five cents for United States inland postage, making altogether twenty-four cents on the letter. The same of letters carried by the Collins line. This inland postage is intended to compensate the mails of each country for carrying the letters to the various offices in the interior of each country; for instance, letters coming from Great Britain to this city, Richmond, Philadelphia, Baltimore, or any other point, are left by the steamer at the end of its route, and are there taken up by the mails branching off in the various directions, and are in that way taken to their respective points of destination; and for this inland service they are allowed by the postal treaty five cents, and in Great Britain three cents. The friends of this amendment claim the inland postages at each end of the line; they claim the entire twenty-four cents, when in truth they are entitled to only sixteen cents; they claim the pay which is due to our interior mails for the inland service. I think they are not entitled to it, and I feel sure that my calculations are based upon proper principles—upon the principle of paying the man who performs the labor—of rendering to every one his due.

THE PUBLIC LANDS AND EQUALIZATION OF GRANTS TO THE STATES.

SPEECH OF HON. W. W. SNOW,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

June 25, 1852.

The House being in the Committee of the Whole on the state of the Union, on the Indian Appropriation Bill—

Mr. SNOW said:

Mr. CHAIRMAN: I do not propose to discuss the bill immediately before the committee, although it is one incident to and growing out of the acquirement and perfection of title to the public domain which is now held by the people of this Government. I propose to discuss more particularly the merits of a bill before this House, reported by my colleague, [Mr. BENNETT,] for an equalization of grants of land to all the States, and to defend New York against the aspersions cast upon her on account of the refusal of her Representatives to vote for special grants of land to railroad corporations; also, to review some of the arguments offered in this House in favor of large grants of land to the land States, for the benefit of corporations.

The acquirement of this vast public domain, which is now vested in this Government, commenced with the Revolution which gave us liberty and independence. A large portion of these lands were held prior to the Revolution subject to the Crown.

In 1780, Congress recommended to the several States in the Union holding claims to the western territory to make cessions of a portion of their territory to the United States, for the purpose of creating a common fund to defray the expenses of the war of the Revolution.

On the 10th of October, 1780, Congress resolved that any lands so ceded should be disposed of for the common benefit of all the States, and when the territory by districts should be settled, they should be formed into distinct, republican States, and become members of the Federal Union, with all the rights and sovereignty of other States.

Under the above resolves of Congress, in 1781, New York, in view of the urgent appeals of her sister States, New Jersey, Delaware, and Maryland, who claimed that they in justice should participate in the benefits of the public domain, came forward as the first State to surrender, by cession to the United States, the public domain held by her, to be disposed of for the common benefit of all the States in defraying the expenses of the Revolution; Virginia and other States at that time declining to make cessions under the provisions already passed by Congress.

Consequently, Congress, in September, 1783, passed another resolution, expressing more particularly the conditions on which the cessions from the several States of their rights should be made.

In October, 1784, Virginia made cession of her

title to the public domain in what was called the Northwestern Territory; reciting in the cession the act of Congress, September, 1783, and upon the expressed condition that the lands so ceded should be considered as a common fund for the then existing States, or those that might be formed thereafter and become members of the Confederation, reserving the rights of individuals who might be occupying any portion of said Territory under color of grants or title.

In 1785, Massachusetts, following the noble example of her sister States, made a cession of her rights and interests to the territory of waste lands, under the provisions of Congress before recited.

In 1786, Connecticut, in view of the action of New York, Virginia, and Massachusetts, and the strong appeals of other States, who did not claim title to territory under color of grants, made like cessions for the "common benefit."

In 1787, South Carolina, for the purposes of promoting the honor and dignity of the United States, and strengthening the bonds of the Federal Union, made a cession of her rights and interest for the benefit of all the States then existing, or to become members of the Confederacy.

In 1790, after the adoption of the Constitution, North Carolina empowered her two Senators to make a cession of her domain for the benefit of all the States at that time, and those that might become sovereign States thereafter.

Within the territory thus ceded are embraced the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and all that part of the Territory of Minnesota lying east of the Mississippi river.

The lands within the boundaries of the States of Mississippi and Alabama, north of the thirty-first degree of north latitude, were conveyed to the United States by Georgia, in 1802, on the payment of $1,250,000.

The territory acquired by the treaty of the United States with France, in 1803, at an expense of $15,000,000 to the National Treasury, embraces the States of Mississippi and Alabama south of the thirty-first degree of north latitude; also the States of *Louisiana*, *Arkansas*, *Missouri*, *Iowa*, and that portion of Minnesota west of the Mississippi river; also the Indian territory, Nebraska territory, Oregon, and the territory north of the forty-second, and south of the forty-ninth degree of north latitude.

The territory within the limits of Florida was obtained by purchase of Spain, in 1819, at a cost of $5,000,000 to the National Treasury.

The territory embraced within the limits of New Mexico and the State of California, was obtained by treaty with Mexico, in 1848, at the cost of a war which required the blood and treasure of all the States, and $15,000,000 paid to Mexico, and $10,000,000 paid to Texas as a final settlement in the acquirement of territory and defining boundaries. In the manner set forth, the title of this Government has been perfected to the immense public domain which we hold, embracing within the jurisdiction of its proprietorship more than 1,400,000,000 acres now unsold.

In addition to the cost to this Government of the lands already mentioned, millions of dollars have been paid, and are now being paid, in extinguishing Indian titles, causing surveys, and for the expenses of the military arm of this Government in protecting and defending the settlement of the frontiers.

The policy of the Federal Government, since the adoption of the present land system, has been to regard the lands as a common fund, held by this Government in trust for the people; and as such they have been looked to as a source of revenue to defray the expenses incident to the administration of the Federal compact.

The system worked well, and the people were satisfied so long as the debt of the revolutionary war, and the subsequent war with England, rested upon the country. When those debts became extinguished, the proceeds of the sale of the public lands and the revenue derived from the tariff, gave us an overflowing Treasury of millions of dollars. The people soon became uneasy under this augmentation of funds in the Treasury, and many of the States petitioned Congress for a partition of the fund, or a distribution of it among the States. Many of the States were also asking for loans.

In view of such condition of things, many of the statesmen at that day, believing that the accumulation of such vast amounts of money in the Treasury was a policy dangerous in its tendencies, and as stimulating the sovereign States to look to the Federal Government for support, *an act*, known as the *deposit act*, was passed, by which $28,000,000 of the funds in the Treasury were distributed among the several States, according to representation; with the exception that the new States were to receive ten per cent. more than the old States, in addition to five per cent. already received by them, on the sales of public lands within their respective limits.

Since that time new States have been springing into existence. Large donations have been asked by the land States and granted by Congress, for schools and internal improvements, and various other projects; and opinions promulgated are taking a deep hold upon the people of the new States, that the land within their limits should belong to them, and that they should no longer be regarded as a source of revenue to the Government. Under this system of management, and the system of land warrants granted to soldiers for services rendered their country, any revenue to be derived by the Government from the sale of lands, is out of the question for a long time to come. And we have presented to us the humiliating spectacle of sovereign States, in their individual capacity, knocking at the doors of Congress, at every session, asking millions of acres to be donated for the benefit of *railroads*, *plank roads*, the improvements of rivers, and various other projects; and some of the States asking a cession of the Government lands within their limits.

The disposition exhibited by the new States to increase these demands upon the General Government, has been augmented to a great extent by the grant made to Illinois, Mississippi, and Alabama for the great central line of *railroad;* and we now have pressing before us more than fifty petitions asking for like grants, relying upon the good faith of the Government to comply. The Senate, after two months' discussion of the subject, has passed some fifteen or eighteen special bills, which have been sent to this House for concurrence; one of them, the *Missouri* bill, has passed this House, making a donation of 1,500,000 acres. The discussion on the subject has awakened the attention of the old States, and excited their jealousy, and a number of them have spoken to their Representatives, through their Legislatures, in favor of the adoption of some general system in relation to the disposition of the public domain, wherein the rights of all the States shall be protected; all of which action proves most conclusively that we should change the system in the management and disposal of the lands.

On this subject some of our able statesmen have already spoken. General CASS, the Senator and great American statesman, holds the following language, in a speech delivered in the Senate a few weeks since:

"It is obvious from the discussions, which annually take place in Congress, and from the increased zeal and, I may add, discordant opinions which mark the progress of this great question of the public lands, that some fundamental change must ere long occur in the system of their administration. We cannot go on with pretensions so radically different. On the one hand, with a large portion of the real property in many of the new States placed beyond the reach of the respective Legislatures, *tabooed*, in fact, as to all public objects, an inert mass amid a life of struggles and privations, while the great landholder does almost nothing, complaining, indeed, that he is asked to do anything; and on the other hand, propositons are pressed here, which lead in their principles to a division of all this domain among the several States of the Union, constituting their authorities the great landlords, controlling immense regions in other States, with all the difficult and delicate questions to which such new relations could not fail to give rise. I repeat, sir, everything indicates that we are in a chrysalis condition fast approaching our destined change."

Sir, these are opinions and sentiments, which have force and power, in relation to this great question, coming as they do from one who has filled so large a space in the history of this country, and been identified with its progress and the developments of its institutions.

I quote also from the speech of Hon. R. RANTOUL, delivered in this House on the Missouri railroad bill:

"MR. RANTOUL said: The question before the House seems to me to be very far indeed from a question of mere sectional and local interest. The disposition to be made of the public domain is certainly a great national concern, and ought to be argued with a view to its bearing upon the great national interests of the country, which are common to all sections. I do not see clearly—I cannot be certain, and I think no other man can be certain—that the national domain will continue to belong to the United States as common property, to be applied as it is now applied; for probably—without looking very far into the future—it is probable that some means will be found to withdraw the public lands from their present position, and to put an end to the long series of controversies somewhat sectional in their nature—to make a final adjustment, upon general, just, and national principles, of the whole subject. But into the question whether such an adjustment be possible, and if it be possible, how it ought to be made, I do not now propose to enter. I intend to confine my remarks to the question, whether appropriations, such as are proposed to be made in this bill, ought to be made for the opening of great avenues of internal trade. The old thirteen States have certainly great interest in determining what shall be done with the public lands—an interest as great, in some views, as that of the States in which the public lands are situated—and I wish to inquire, what use can be made of the public lands, at the present, and until some final adjustment is agreed upon, and of the proceeds thereof, which shall be equal in its advantages to the old States, as well as to the new? The proposition now before the House is for a grant of alternate sections of land to aid in the construction of roads in the State of Missouri."

I agree with the gentleman so far as he indicates that these controversies should be settled, and that the old States have a deep interest in the way and manner in which these lands shall be disposed of. I do not agree with him in his opinions that this system of special grants shall be longer pursued; and I ask the gentleman to give his aid and counsel in favor of the general proposition now before the House affecting the rights of all the States.

Mr. Chairman, it is time for this Congress to pause in this system of special legislation. The dignity and honor of this Government require that a new policy be adopted that shall quiet the acrimonious feelings which have already been engendered between the old and new States; for it is clearly indicated that we cannot proceed further without producing results disastrous in their tendencies—detrimental to the peace and quiet of the country.

The Committee on Public Lands have been occupying the floor of this House nearly five months, to the exclusion of all other committees, reporting special railroad bills mostly, and in the discussion of them during the morning hour allotted to reports. Each morning, almost, we are saluted with the cry, Give us land! land! the monotony of which is occasionally broken in upon by announcement from the Senate of the passage by that body of a railroad land bill located somewhere in the wilderness, or boundless *prairies*, and asking us most respectfully to concur.

I am a member of a committee in this House which has not been called to report this session, and has had no chance to report, except by unanimous consent. I hold in my hands reports and bills, affecting the rights and interests of private citizens of this Government, which have long been delayed, and we are now approaching the termination of this session.

The great public interests of this country have been retarded by this system of special legislation in regard to the public domain; and the country has become disgusted.

One of the sources of difficulty in relation to this great national question, arises from the fact that we are raising, by the operation of the tariff, nearly sixty millions of dollars revenue, annually—sufficient to defray all the expenses of the Government, meet outstanding debts, and have a margin left for "*Galphinisms*." We have a great and powerful manufacturing interest asking for more protection from foreign imports.

In addition to this magnificent revenue, there is concentrated and centralized in the hands of the Government 1.400,000,000 acres of public land, held as a trust fund, belonging to the people of the several States; and there is a constant struggle on the part of the new States to sever the proprietorship of the Government to the soil within their limits;—a strife not unnatural, growing out of State pride—the States having quartered upon them large amounts of land beyond the power of taxation. The power of taxation is one of the sovereign attributes of the States; it is a vital element in the development of State resources, the advancement of civilization, and the welfare and happiness of a people. The General Government, in view of this great principle, has wisely made

provision that the new States should receive five per cent. upon the sale of all lands within their respective limits—which has been sacredly adhered to according to the terms of the compact—by which means the States have had reserved to them millions of dollars. There has also been granted to the land States and Territories more than 84,000,000 acres of public lands—clear donations. Still, we hear the *cry* of injustice and oppression, on the part of the land States, against the Government.

For the information of the country, and the benefit of the people in the land States particularly, I herewith publish a list of some of the most prominent petitions now before Congress, asking donations of lands, to show the general tendency and the strong disposition of the people of the land States to get these large donations:

1st. Railroad from St. Louis, Missouri, *via* Little Rock, to Red river, near Fulton. This road runs southerly half way across Missouri, and in a diagonal direction entirely across Arkansas from northeast to southwest, in all about 500 miles.

2d. Road from Dubuque, in Iowa, near the north line of the State, to Keokuck, in Iowa, in the extreme south part of the State. This road runs parallel with the Mississippi, and is as crooked as a ram's horn, to accommodate everybody. Its length is over 300 miles.

3d. Road from Davenport, on the east line of the State of Iowa, westward to the west border at Council Bluffs—a distance of 350 miles.

4th. Road from Burlington, in the southeast part of Iowa, northwesterly to Fort Des Moines, on the Des Moines river—about 150 miles.

5th. Road from east to west across the north part of the State of Missouri, from Hannibal, on the Mississippi, to St. Joseph, on the Missouri river—225 miles.

6th. Road across the center of Missouri, from St. Louis to some point near Independence, on the west line of the State—250 miles.

7th. Road from the east to the west line of Michigan, beginning at Lake St. Clair, and terminating on Lake Michigan; points not yet determined, but road to be located where there are the best lands and the most of them, of course—distance, 225 to 250 miles.

8th. Road from Saginaw, on the east side of Michigan, northerly along Lake Huron to the Sault Ste. Marie, at the mouth of Lake Superior, thence along the south shore of that lake to near its western extremity at Montreal river—only about 800 miles.

9th. Road from Helena, on the Mississippi river, midway of the State of Arkansas, to Fort Smith, on the west line of that State, crossing the State from east to west—275 miles.

10th. Road from the Mississippi river, opposite Memphis, Tennessee, in a southwesterly direction across the State of Arkansas, to the Texas line—about 350 miles.

11th. Road from Selma, in the southerly half of Alabama, north through that State to the Tennessee river—about 175 miles.

12th. Road from Girard, on the line between the States of Alabama and Georgia, southwesterly across to the southwest corner of Mobile—250 miles.

13th. Road from Milwaukee, on Lake Michigan, on the east side of Wisconsin, westward across the State to the Mississippi river, on "the most eligible route"—200 miles.

14th. Road from the north line of Illinois, north through Wisconsin to Lake Superior, varying according to route—from 350 to 400 miles.

15th. Road from Manitorie, (the land of spirits,) on Lake Michigan, in Wisconsin, westwardly, across the State to the Mississippi river—250 miles.

16th. Road from Milwaukee, on the east line of Wisconsin, northwestwardly to Prairie La Cross, on the west line of the State, on the Mississippi river—250 miles.

17th. Road from Fond du Lac, on Winnebago Lake, in Wisconsin, southerly to Janesville—100 miles.

18th. Road from Green Bay, in Wisconsin, northwestwardly to Lake Superior—250 miles.

19th. Road from Shawneetown, Illinois, on the Ohio river, westwardly to the Mississippi river—150 miles.

20th. Road from Warsaw, Illinois, on the Mississippi river, northeastwardly to Peoria—150 miles.

21st. Road from Warsaw to Rockford, near the line of Illinois—225 miles.

22d. Road from Oakland, near Detroit, northwesterly across the State of Michigan, to the mouth of Grand river—about 200 miles.

23d. Road from Lafayette, Indiana, westerly across the States of Illinois and Iowa or Missouri, to the Missouri river—about 600 miles!

24th. Road from Springfield, Illinois, southwesterly to Alton—150 miles.

25th. Road from Pensacola, Florida, northerly to Montgomery, in Alabama—150 miles.

26th. Road from Brandon, Mississippi, easterly to the line of the State—100 miles.

27th. Road from the Falls of the St. Louis river, at the western end of Lake Superior, in the Territory of Minnesota, southerly to the Falls of St. Anthony, on the Mississippi river—200 miles.

28th. Road from New Albany, Indiana, opposite Louisville, Kentucky, westerly through Indiana and Illinois, to Alton, opposite St. Louis—325 miles.

29th. Road from New Orleans to Jackson, Mississippi—200 miles.

30th. Road from Toledo, on Lake Erie, in the State of Ohio, southwesterly to Springfield, Illinois—400 miles.

31st. Road from St. Charles, Missouri, near St. Louis, northwesterly to the river Des Moines, in Iowa—about 200 miles.

Various other petitions have been presented for other roads, both in the old and new States, plank roads, improvement of rivers—all asking donations of land.

Bills, on most of the above-named petitions, have been presented to the House, and many of them have passed the Senate. The arguments in favor of either of the above-named projects would apply to all. They are urged upon the ground, mostly, of the alternate sections being doubled in price to the purchaser from the Government price. The applications will measure more than 9,000 miles, requiring donations of more than 40,000,000 of acres.

We have announced upon this floor the declaration of gentlemen to vote against all measures, whether public or local, affecting the old States, until what is termed by them *justice* shall be done to Western interests. We hear the same doctrine promulgated by grave Senators, standing in their places in the Senate chamber. We hear also the warning voice of Representatives from the West that the new States will soon wrest these lands from the Government.

I will quote from the speech of Mr. FICKLIN, of Illinois, on the Missouri railroad bill, who said—

"There is a settled conviction in the new States that they have not been treated fairly in regard to the public lands, and it need not surprise any one that, so soon as they shall acquire that numerical strength which will enable them to redress their wrongs, they will do so, by declaring their jurisdiction over, and title to, the public lands within their limits, and maintaining their declaration."

Sir, I admire the frankness of this declaration! coming, as it does, from the Representative of a State that had sliced out of the *public domain* at the last session of Congress 2,700,000 acres of land for a single railroad! and having had donated to the State prior to that 2,884,850 acres; making an amount of 5,584,167 acres of domain, which, prior to its severance and transmission of title, belonged to the people of all the States.

I admire the boldness of the declaration. I have no doubt the gentleman speaks the sentiments of the people.

What are the wrongs this State, which the gentleman in part represents, have had perpetrated upon it by the General Government? I can point the gentleman to a wrong which he does not perhaps reflect upon. It was wrong for this Government to sever and transmit the title to 2,700,000 acres of public domain, and permit the State of Illinois to vest the title of it in the Illinois Central Railroad Company, giving the company power to hold it for an indefinite period without taxation; giving to a corporation the monopoly of the soil of our country in such immense bodies—a power dangerous in its tendencies, and which may be used to overshadow the rights of the people. This, sir, is one of the beauties of a system of special legislation by Congress for railroads. In this I am not mistaken. I hold in my hand the act of incorporation of this company by the State of Illinois, conveying to this company all the lands donated by Congress. A portion of the twenty-second section of that act of incorporation reads as follows:

"The lands selected under said act of Congress, and hereby authorized to be conveyed, shall be exempt from all taxation *under the laws of this State, until sold or conveyed by said corporation or trustees, and the stock, property, and effects* of said company shall be in like manner exempt from taxation for the term of six years from the passage of this act."

The time and manner of disposing of this immense tract of land may be seen from the following extracts from the proceedings of the directors:

"*Financial plan of the company, submitted to the directors, April 23, 1851, and by them adopted.*

"It would be *injudicious* at present to submit an estimate of the probable cost of the whole road and branches, and your attention will be particularly devoted to the plans to be adopted for the best use of the lands and properties which have been given to the company for the purposes proposed by the grants.

"*To retain the lands in your actual possession until the increase of population caused by the facilities created by the railroad shall have given to them a high market value, seems to be the most judicious course*, and therefore it will be necessary to avail yourselves of the authority given by the charter to build the road and its branches by the proceeds of bonds to be issued for the construction charges, to be secured in the most perfect manner in your power. The details of the arrangement, as far as it has been matured, are now submitted."

Attached to the same document are the written opinions of one of the directors, estimating the value of these lands, and the time the company should hold them; from which I will quote. Mr. Rantoul says:

"I consider, then, that any estimate which shall give to the lands belonging to the company an average value of from ten to twelve dollars an acre, to be reached in from twelve to fourteen years from this date, *is amply sustained* by the facts presented in this communication."

To retain these lands in the hands of the company until the building of the road and benefits derived therefrom shall have given them a high market value, seems to be the determination and settled policy of this company. And they put forth in their estimates the doctrine, based upon some scientific computation, that these lands will bring to the company in ten years, $25,000,000. In addition, this average price per acre to which the land is supposed within ten years to be worth to the company, they will have the power, holding this immense amount of land along the line of the road, to dictate the location of cities and villages, which, as a natural consequence, will spring into existence, which may add millions of dollars more to the coffers of this magnificent corporation. The charter of this company is one of great liberality on the part of the State of Illinois. It contains a provision that the company shall pay to the State seven per cent. upon the proceeds of the earnings of the road, supposed to be an equivalent for the surrender of the power to tax the lands, so long as the lands remain the property of the company. But the provision, in fact, gives the charter the elements of perpetuation—it is a contract on the part of the people of Illinois with this company, that so long as they shall pay to the State seven per cent. upon the proceeds of the road, they shall be entitled to all the privileges conferred by the charter.

I might stop here, having shown enough to satisfy common understanding that the principles of this grant are at variance with the spirit and institutions of our country; but the picture would not be complete. I herewith subjoin a statement, extracted from the English papers, of the transactions of the authorized agents of this company in England; and the acceptance by English bondholders of terms and conditions which must be flattering to those who are to participate in the benefits:

"The trustees of the Illinois Central Loan are the following well-known gentlemen:

"LONDON.—William Brown, Esq., M. P., (Messrs. Brown, Shipley, & Co., Liverpool,) John Pemberton Heywood, Esq., (Messrs. Heywood, Kennards, & Co., London,) Thomas Smith, Esq., (Deputy Chairman of the London and Northwestern Railway Company,) Matthew Uzielli, Esq., (Messrs. C. Devaux & Co., London.)

"BANKERS.—Messrs. Heywood, Kennards, & Co., Lombard street, London.

"SOLICITORS.—Messrs. Crowder & Maynard, Coleman street.

"BROKERS.—Messrs. J. Hutchinson & Son, Bethbury;

and Messrs. Barnett, Ellis, & Co., Birchin Lane, London.

"The prospectus of the loan, as published in the London papers, contains the following programme:

"This valuable and unprecedented grant of land, comprising, as it does, extensive beds of coal and other minerals, has determined the directors to raise the necessary funds for the construction of this line by the issue of bonds under the powers of their act of incorporation. Of the required $17,000,000, $12,000,000 have been reserved for subscribers in the United States, of which amount two thirds have already been disposed of there, and arrangements made for the remaining one third as the works may progress. In order to raise the remaining $5,000,000, the Illinois Central Company have authorized their agents in London to negotiate for that amount in bonds, bearing interest at the rate of six per cent. per annum, payable half-yearly in London."

"These bonds will be issued in sums of $500 and $1,000 each, at an exchange of 4s. 2d. for the dollar, (or £104 3s. 4d. and £208 6s. 8d.,) for which provisional certificates to bearer will be issued on the payment of the first deposit, and on the remaining payments being completed the provisional certificates will be exchanged for the bonds.

"The dates of payment are proposed to be as follows:

	On $500 b'd.			On $1,000 b'd.		
Deposit on 1st July, 1852....	£14	3	4.....	£28	6	8
Deposit on 1st October, 1852....	10	0	0.....	20	0	0
Deposit on 1st January, 1853....	10	0	0.....	20	0	0
Deposit on 1st April, 1853....	10	0	0.....	20	0	0
Deposit on 1st July, 1853....	10	0	0.....	20	0	0
Deposit on 1st October, 1853....	10	0	0.....	20	0	0
Deposit on 2d January, 1854....	10	0	0.....	20	0	0
Deposit on 1st April, 1854....	10	0	0.....	20	0	0
Deposit on 1st July, 1854....	10	0	0.....	20	0	0
Deposit on 2d October, 1854....	10	0	0.....	20	0	0
Total	£104	3	4	£208	6	8

"The installments may be anticipated by the payment of the bond in full, which will entitle the holder to interest at six per cent. from the date of payment.

"These bonds are to be made payable at par in London, in 1875, but redeemable by the company at any time previously at twenty per cent. premium; the installments, and reimbursements, and premium, to be effected at the exchange of 4s. 2d. for the dollar, and the rate of interest at six per cent. per annum, to be payable in London at 4s. 2d. for the dollar each half year, on the 1st of April and 1st of October, at the banking house of Messrs. Heywood, Kennards & Co., Lombard street.

"The Illinois Central Railway Company having thus decided to raise the money necessary for the construction of the railway, by the issue of its bonds, secured on the land and railway, will create, notwithstanding, a share capital equivalent in amount to the sum raised on bonds, and which will be issued in $100 shares, to represent the proportionate interest of the respective holders in the undertaking. It is proposed to give the privilege to the subscribers to the loan of $5,000,000 now offered, to become shareholders therein for one half of that subscription, ($2,500,000,) and as it can hardly be doubted that the bonds will be paid off by means of the sale of lands, there is every probability that the railroad will be constructed without any call on the share capital. A small deposit may be required on the shares, and these shares will thus become an actual bonus, and entitle the holder to a participation in all the profits of the line."

Here we have exhibited a system of English bondholding plastered over the soil of our country. And that soil locked up in the hands of a corporation made up of a few individuals, and placed, by the action of a sovereign State, beyond the power of taxation so long as it remains the common property of the corporation. We hear the European papers speaking of the grants "*as valuable and unprecedented, comprising extensive beds of coal and minerals.*"

It is proposed to give the bond holders one dollar of stock for each dollar of money they advance on the bonds, and that the money raised on the bonds in Europe and this country will build the road, and that the stock certificates will become a "*bonus*," and entitle the holder to a participation in all the profits of the line.

Sir, I am opposed to building up any such system of land monopoly in this country. This large grant is liable to have fastened upon it a system of tenantry and *landlordism*—one of the most pernicious systems that can be ingrafted upon the soil of any country. Feudal in its appendages—crippling the energies of any community where it exists—blighting in its influences—bringing, sooner or later, resistance to the exactions of rents—revolution against law and order—disturbing the harmony, moral, and social elements of society. It is this system that has reduced a large portion of the people of Ireland—that green spot of earth—to starvation and poverty, and sent thousands of her sons wanderers to this land of equality and liberty—dividing families and friends—crushing all the endearments of social happiness, and closing up the avenues to the intellectual advancement of the mass of the people.

Sir, I have seen in my own State the blighting effects of a system of "*landlordism and tenantry*," fastened upon the soil in its early settlement by the acquirement of colonial grants, and many of them of doubtful origin, but the title to which had been strengthened by legislative enactments, while the people were wasting their energies in cultivating the soil and giving it value.

Out of this system there grew the "*anti-rent*" war; wherupon the tenants took upon themselves the right of revolution and resistance to the laws in relation to the collection of rents, based upon the ground that the original grants were a fraud upon the people, and that subsequent legislation could not give them vitality. They divested themselves of former political associations; combined the elements of a new political party, holding at times the balance of power between the two political parties of the State; producing upon the body politic a state of things dangerous in its tendencies; dividing neighborhoods and districts, reducing them to all the horrors of civil strife.

The Legislature was called upon to act, which it did by making some wise provisions for the future, which allayed the excitement. And the strife, with its attendants, good and evil, has left a moral to the country.

The honorable gentleman from Iowa, [Mr. HENN,] who addressed the House a few days since, on the Iowa railroad bill, calls in question the vote of New York on the Missouri railroad bill, and says: "Out of twenty-six votes cast from that State, he finds the West has but three friends;" and significantly adds: "New York expects her Mint, appropriations for her dry-docks, steamships, and that she claims one or two Presidents; and for all these measures, as well as for these men who are to be Presidents, we of the West are expected to vote."

I would say to the gentleman from Iowa that New York will avail herself of no opportunity to oppress the interests of the Western States, or the land States. She expects no votes for the location of a Mint within her borders, unless the great interests of the country are to be benefited and advanced. As to her steamships and dry-docks, the great commercial and agricultural interests of the West, North, and South, are alike identified in their triumphs. All the facilities that open, extend, and cheapen the avenues of commercial exchange, have a direct influence upon the great agricultural interests of the West, which seek the markets of the world.

As to our candidates for President, the Baltimore Convention, in the wisdom of its council, has relieved the gentleman from a duty which I have no doubt he would have been most happy to perform.

I quote again from the gentleman's speech on the homestead bill, in which he says:

"We owe it to ourselves, as Representatives of the great and mighty West, to vote against every local measure brought forward here, until we have some intimation that justice will be done to us. We should unite ourselves together as closely as the mighty Father of Waters and its tributaries unite our interests and commerce; and then we may expect to return to our people and show a faithful discharge of our trust. I say, then, once for all, that until justice is done to the West, you of the East should not expect our votes for any local measure you may bring forward. In looking round among my Western friends, methinks I read a general assent to the correctness of this course. I do not wish my New York or Pennsylvania friends to think that this is a threat, for I do not say what I do say in the spirit of defiance or braggadocio. It is the cool deliberation of one who knows and *feels* that his constituents have not received their equal share of the bounties of this Government, and that what they now ask is but justice."

Sir, this is the language we have addressed to us, because we decline to vote away millions of acres of the public domain, and place it at the disposal of these gigantic railroad corporations, giving them the power to overshadow the rights of the people, and control the destiny and future hopes of the young republics of the West. Language coming, too, from a Representative of a State that has just commenced the germination of its existence, and has already had millions of acres of the public domain donated to it by Congress for the purposes of education, internal improvements, deaf and dumb asylums, to individuals, and corporations, &c.

The gentleman calls upon the Representatives of the mighty West to band themselves together, and vote against all local measures of the Eastern States, however much the common interests of the country may be identified with them, until we shall accede to their exorbitant demands; and that it is his cool determination to declare war, and override the constitutional duty of an American legislator, unless his particular views and opinions shall be complied with.

Sir, as one of the Representatives of New York, I decline, most respectfully, to comply with the demands, except it be upon some general proposition, like the bill now before this House, wherein the rights of all the States are protected; a proposition which does justice to Iowa, which seems to have been so long delayed, if we are to take the sentiments and opinions of her Representatives.

Does the gentleman expect the General Government to foster and protect his State with exclusive privileges, and to pursue this system of special legislation? Does he expect that railroads, cultivation, and wealth are to spring into existence at once in a new State, and that, too, through the bounties of the General Government? If so, he is mistaken. It is a position that has required in the old States years of toil to accomplish.

Sir, I represent a district upon this floor which has more inhabitants than the State the gentleman in part represents had when it was admitted into the Union. A district which has not within its limits a canal, railroad, or navigable river; agricultural in its elements, its people intelligent. A district that had an existence in the days of the Revolution, and shared largely in that conflict which gave us liberty and title, by conquest, to a large portion of the public domain, which is now held by this Government. We have been taxed in common, through the customs, to pay for the purchase of the public domain, acquired by treaty, by the extinguishment of Indian titles, for surveys and explorations, and for the support of the military arm of the Government, in protecting the settlements of the frontier.

I need not call the attention of the gentleman from Iowa to notice the facts already stated. I represent the land of his nativity. I need not refresh his memory as to the history of the sufferings and privations of the early settlement of the district—the burning of "*Cherry Valley*," his native town, and the massacre of many of the settlers by the Indians and Tories, the flight to the mountains, and the deadly strife. No, sir, I stand here to speak for the rights and interest of the people of that district; and the States claiming a partition in this common heritage, which is fast becoming absorbed and frittered away, and has *already ceased to be* a source of revenue to the Government.

From other sources we have been charged with oppression towards the interests of the land States, in not favoring a system of special legislation, in regard to the administration of the lands. I deny the charge as unwarranted and unjust. The policy of New York has ever been liberal towards the land States. She is identified in feeling and interest with their growth and prosperity. She has furnished thousands of intelligent settlers, who have peopled many of these new States, and broken the solitude of the prairies and the wilderness, and opened them to all the endearments of social and intellectual happiness, and stamped upon them the genius of her institutions.

In looking over the votes given by the Representatives of New York, for years past, for grants of land to the new States for education, internal improvements, county seats, universities, and salines, I find she has been in the advance of many of her sister States in the liberality of donations.

New York has taxed the energy of her citizens at home to build up the most splendid system of internal improvement in the world, at a cost of more than one hundred millions of dollars, consisting of great lines of canals and railroads, reaching from the Atlantic to the Lakes, giving life and vitality to the West and Southwest, opening the way and cheapening the transit of the immense agricultural productions, which their virgin soil produces in such rich profusion.

I do not deny that the advantages derived by this system of internal improvement have added wealth and prosperity to New York. But while it has done this, it has developed the resources of the mighty West, and brought into existence sovereign States, teeming with wealth and millions of happy people; which, without the benefit of those early improvements on the part of New York, would have had to-day but a feeble exist-

ence. I am aware that New York is looked upon with suspicion, on account of her power, and the potency of her vote upon this floor. I trust that power will ever be exercised with due regard to justice and equality, affecting the rights and interests of all the States of this great Confederacy. It is her own internal policy that has made her great and powerful, developed her resources, built up cities and towns, extended free education to the hamlets, giving intelligence to the people,—a policy germinated and protected by her great statesmen, many of whom have passed away, leaving the impress of their genius, and the wisdom of their counsel a rich inheritance to the country. She has not confined her energies to the narrow policy of State lines, but has extended her enterprise and aid to advance the interest of the commercial and agricultural elements of the country.

Whenever sister States have sought her borders with their great lines of internal improvement, they have been welcomed and had extended to them the right hand of fellowship; and that without taxation. The Legislature of the State of New York has spoken to her Representatives in Congress, through resolutions passed by that body almost unanimously, which I will read:

In Senate, *April* 10, 1852.

Resolved, (if the Assembly concur,) That the public land of the Federal Government, having been obtained by grants from individual States, by conquests, or by purchase, and by the terms of said grants, and the nature of said purchases and conquests, the joint and common property of the States are held in trust by the General Government as a common fund for the use and benefit of all the States, and should be faithfully and fairly disposed of for that purpose.

Resolved, (if the Assembly concur,) That while we approve of the policy that has been adopted of liberal grants to the new States, for the purposes of education and internal improvement, we deem it just for the old States to share also in these grants of land, for the same public purposes. And we claim for New York her just and rightful share of the domain, acquired by the blood and treasure of all the States.

Resolved, (if the Assembly concur,) That in consideration of the grants made to the new States, at the time of, and since their admission into the Union, and of the many applications now made for still further appropriations for railroads and internal improvements, our Senators and Representatives be requested to urge upon that body the propriety of making grants of land upon some equal and just principle of appropriation to all the States for the purpose of education, and for other useful public purposes, having due regard to the grants already made, and the population of the respective States.

Resolved, (if the Assembly concur,) That the Governor of this State be requested to forward a copy of these resolutions to each of the Senators and Members of Congress from New York, with a request that they be submitted to the consideration of Congress, and that our Senators and Representatives use their influence for the passage of such an act.

By order: IRA P. BARNES, *Clerk*.

In Assembly, *April* 17, 1852.

Resolved, That the Assembly do concur in the foregoing resolutions.

By order: RICHARD U. SHERMAN, *Clerk*.

These, sir, are the opinions of the people of New York, declared almost without distinction of party, almost unanimously through the legislative action of her representatives in the Legislature—opinions which I feel bound to respect and defend here, as one of her Representatives upon this floor, acting not only for the interest of New York, but our common country.

These resolutions recognize the right and power of the Government to make these grants, and that they shall be made on terms of equality to all the States. While they approve the policy of the liberality already extended to the land States, they indicate that in view of the increase of the number, and demands of the new States, that the time has come when some general plan should be adopted, which shall settle the conflicting opinions existing between the old and new States. Sir, I am in favor of these grants of land to the land States for railroads, with conditions that shall be safe to the applications of the fund granted, and beneficial to the settlement and early development of such States. "Railroads are the great highways of the people, and the strong arms of public defense, binding together the several States of this great Confederacy in one common brotherhood, and equalizing the rights and conditions of society."

Although yet in their infancy, railroads have revolutionized the old-established laws of trade, transit, and commerce, changed, improved, and elevated the social condition of the people—bringing together the extreme portions of the country, with a speed and power hitherto unknown, and not anticipated by the wildest dreams of prophecy. As a means of public defense of the country, they will take the place of forts and barracks, by their power in giving ubiquity to troops and munitions of war, and in furnishing the cheapest communication in the world. I think it is due to the great interests of this country that these donations of land should be made to the different States for such purposes, and trust the time is not far distant when the golden sands of the Pacific will be united with the great commercial interest of this country by these lines of inter-communication.

I herewith submit a statement of the progress of railroads in this country, which will be found interesting, containing facts in relation to them up to January 1st, 1852:

States with railroads in operation, or in process of construction.	Miles of railr'd completed and in operation.	Miles of railroad in course of construction.	Area of the States in square miles.	Population in 1850.	Number of inhabitants to the square mile.
Maine.....	315	127	30,000	583,188	19.44
N. Hampshire..	489	47	9,280	317,964	34.26
Vermont.....	380	59	10,212	314,120	30.76
Massachusetts..	1,089	67	7,800	994,499	127.49
Rhode Island..	50	32	1,306	147,544	112.97
Connecticut....	547	261	4,674	370,791	79.33
New York.....	1,826	745	46,000	3,097,394	67.33
New Jersey....	226	111	8,320	489,555	58.84
Pennsylvania...	1,146	774	46,000	2,311,786	50.25
Delaware.....	16	11	2,120	91,535	43.17
Maryland.....	376	125	9,356	583,035	62.31
Virginia.....	478	818	61,352	1,421,661	23.17
North Carolina.	249	385	45,000	868,903	19.30
South Carolina.	340	298	24,500	668,507	27.28
Georgia.....	754	229	58,000	905,999	15.62
Alabama.....	121	190	50,722	771,671	15.21
Mississippi.....	93	273	47,156	606,555	12.86
Louisiana.....	63	-	46,431	517,739	11.15
Texas	-	32	237,321	212,592	.89
Tennessee.....	112	748	45,600	1,002,625	21.98
Kentucky.....	93	414	37,680	982,405	26.07
Ohio	828	1,892	39,964	1,980,408	49.55
Michigan.....	427	-	56,243	397,654	7.07
Indiana.....	600	915	33,809	988,416	29.23
Illinois	176	1,409	55,405	851,470	15.36
Missouri.....	-	515	67,380	682,043	10.12
Wisconsin.....	20	421	53,924	305,191	5.65
	10,814	10,898			

Length of railroads in Great Britain, 6,621 miles.

The honorable gentleman from South Carolina, [Mr. Orr,] who is a member of the Land Committee, (and, I believe, a strict constructionist of the Constitution,) has reported and ably discussed a number of these special land bills, and quotes Mr. Calhoun, as authority, for his guide in defending these special grants. What was Mr. Calhoun's opinion as regards the equivalents the Government were to receive?

I quote from his remarks on the Michigan grant for railroad, vol. 15 Cong. Globe, p. 747:

"Mr. Calhoun was very anxious to vote for the bill, but *he could not do so only on the general principle that the Government of the United States as proprietors of the public lands would be indemnified for the grants.* To that extent he saw his way clearly. Beyond it he did not see his way. So long as the grants were limited by a reasonable distance from the line of the road or canal, there was ground to believe that the end of the grant would be accomplished. But when *the grants went beyond that, the policy was very questionable.* On principle, *and on the ground of expediency, therefore, it would be impossible for him to vote for the grants beyond the line*, although he had a very strong desire to vote for the bill."

The ground Mr. Calhoun took was, that the same amount of land donated to these companies, on the line of the road, should be raised to $2 50 per acre, as an equivalent, and that no donation should be made without such equivalent.

No, sir, I make the declaration, and it will stand beyond contradiction, that there has not been a bill reported by the Land Committee in this House, or in the Senate, at this session, donating lands to railroads, that contains the equivalent upon which these lands are asked. Sir, I dissent from such equivalents. This Government should not become a common speculator upon its soil, in connection with railroad companies; and where the system has been adopted, it has amounted to "*nichts komme heraus.*"

I will point to one instance—and could furnish more if necessary: Alternate sections of land were granted to the Miami and Dayton, and Wabash and Erie canals, in Ohio; 259,422 acres of the Government land was doubled in price to $2 50 per acre; of which there have been sold up to the 30th of September, 1851, 104,447 acres, at $2 50 per acre, leaving vacant and unsold 154,976 acres—none of which has been sold or could be sold at $1 25 per acre. And we find a bill now lying upon our table, just passed the Senate, ceding those lands to the State of Ohio—without consideration. What becomes of the "*equivalent*" in this case? I suppose the Government will not expect the mails to be transported upon these canals in order for the Government to obtain an "*equivalent.*" All the special bills reported by the Land Committee are based upon the "*equivalent*" to the Government, that the alternate sections for six miles in width, shall be raised in price to the settler to $2 50 per acre, and that if there is not unsettled lands enough within the six miles range, the companies are to have the privilege of a range of fifteen miles wide each side of the road, to make up the amount of land donated to the roads—without the Government lands being raised.

How did this system work in the grant to the Illinois railroad? The road had donated to them 3,259,020 acres of public domain. Within the six miles range on the line of the road the alternate sections of the Government amounted to 1,198,559 acres, which was raised in price to $2 50 per acre. The result is, the Central Railroad Company gets 1,827,361 acres, without this boasted "*equivalent*" to the Government of doubling the price.

The plan is a "*humbug.*" The Government price of the public lands are too high at $1 25 per acre.

It is detrimental to the interest and settlement of the new States to pursue this system.

It is putting conditions of sale upon the soil, which are unjust to the settler, a distinction in favor of capital and location. Who opens your frontier, and reduces it to settlement and cultivation? The hardy pioneer, with limited means, that in thousands of instances has barely money enough to purchase one hundred and sixty acres of land, at the Government price, and he is driven back from these great lines of improvement by the speculator, who has ample means to lay his hands upon these valuable locations, and hold them until the poor settler in the rear has given them an additional value by the cultivation of the country.

I quote from the gentleman's speech on the Missouri railroad bill, where he says:

"Here, let me say, that all the bills that the Committee on Public Lands have determined to report to this House, are bills of a national character—are bills which, if passed, will be of infinite service to this Government in time of peace, in the transportation of the mails and public property, and in time of war in the transportation of troops and munitions of war."

Now, sir, I love this word national, when it is applied in the full sense of its meaning. Are not railroads in the old States "*national in their character?*" Can you pursue this system of special legislation and satisfy the people? Can you donate to Illinois and reject Iowa? Can you donate to Alabama and reject Arkansas? Can you make these immense donations to the land States, and satisfy the old States, who have paid four fifths of the cost and expenses of these lands? No, sir.

I submit, here, a resolution extracted from the able speech of the honorable member from Missouri, [Mr. Porter,] on the Missouri railroad bill; which resolution was passed by an immense gathering of the people of his State, in relation to the "Hannibal and St. Joseph" railroad:

"*Resolved*, That the large grants of lands by Congress to a neighboring State, to aid her in the construction of a railroad, authorizes the State of Missouri to rely upon the justice and impartiality of the Federal Government for a similar grant of lands, to aid in the construction of the Hannibal and St. Joseph and the St. Louis and Pacific railroads; that the lands of the United States, in the neighborhood of the contemplated Missouri railroads, will be enhanced in value by the construction of said roads, quite as much as similar lands have been, or will be, by the construction of railroads in any other State; and that every reason which properly exists, or has existed, to induce such a grant of lands to any other State, exists in regard to the State of Missouri."

This resolution, sir, speaks not only the sentiments of the people of the State of Missouri, but of the people of all the land States. "*Relying upon the justice and impartiality of the Federal Gov-*

ernment," they look to a continuance of these grants, with faith, and not without hope. The voice of Missouri, spoken through the above *resolution*, and by the energy of her able Representatives on this floor, has triumphed. The policy of making these grants has been adopted by this Government. It is no party question. The land States strike together, and the question has become sectional in its character and elements.

Who should doubt, then, as regards a settlement of this question that some general system should be adopted, which would equalize these grants and protect the interests of all the States? Do my Western friends oppose this bill because they deny the right of the old States to participate in this common fund? Are they prepared to deny the partnership and dissolve the bonds of common benefit for which these lands stand pledged?

If this is so, it is time for a settlement of the concern, and draw out at least enough of the common stock to refund the cost and charges, to which the lands are indebted to the "*customs*."

I come now to speak directly to the provisions of this bill:

1st. Is the bill constitutional?

2d. Does it equalize the grants of land upon terms of equality to all the States?

The Constitution of the United States declares:

1st. "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or any particular State." Ratified 17th day of September, 1787.

2d. "All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be valid against the United States under this Constitution as under the Confederation."

By this provision of the Constitution, Congress has full power to control the territory of the United States, to provide for the sale and settlement of it, or to make such other disposition of it as will not prejudice the rights of the Government or any particular State. I contend that these special grants, made by Congress without a *bona fide* equivalent, are an infringement upon the constitutional rights of other States; but where an equivalent is, by the terms of the grant, made on conditions accompanying it, then such special grants would come within the meaning of the specific terms of the Constitution. Some gentlemen have contended that the adoption of the Federal compact, abrogated the "*cessions*" made by the original States under the Confederation. This is most clearly an opinion at variance with the plain provisions of the Federal compact, which says: "That all engagements entered into, shall be valid under this Constitution as under the Confederation." Were not the "*cessions*" made by the original States an engagement accompanied with conditions which are as sacred in their character as the Constitution itself? Most certainly. It is most clear, then, that Congress never had, and has not now, the liberty to disregard the solemn conditions of the original cessions made by the States for the "*common benefit*" of the States existing at the time the cessions were made, and of those territories settled by districts that should be admitted into the Union thereafter. Congress has full power, under the Constitution, to acquire territory by treaty, or by purchase; and when so obtained, it becomes the common property of all the States, subject to the provisions of the Constitution before recited.

A large portion of the public domain, now held by the General Government, has been obtained by treaty with other Governments. The Indian title of possession to the soil occupied by them, was recognized by the several States, under the Confederation, and by the Federal compact, as of most sacred character. And the different tribes have been acknowledged as having power, on their part, to enter into treaty with the States under the Confederation, and with the General Government after the adoption of the Constitution.

The public domain thus acquired by treaty has been paid for out of the National Treasury, and consequently belongs to the people of the several States, and is held in trust by the Federal compact for the common benefit of all. It is not, then, competent for Congress to surrender to the everal States, upon terms of equality, a portion of this trust for their particular benefit? And under the present management of the lands, is it not wise and judicious to do so? These are questions that address themselves to the candid judgment of the American people, and should be treated by this Congress with that consideration that the exigencies and the conflicting opinions seem to demand. This general bill does not propose to change the entire features of the land system; it only proposes a change in the manner of disposing of the lands. The present system contains some provisions, which should be preserved as invaluable to the people of this country. The power to acquire and transmit title to the soil through the Government, is one which gives stability to our institutions—confidence to the people—is one of the safeguards of our republican form of government. Consequently the transmission of title to the soil should be guarded with jealous care. This high prerogative under the provisions of the Constitution rests with the Congress, and should be exercised with care and deliberation, looking to the elevation of our country and the equality and independence of the people.

In view of these great principles, I am opposed to the Government severing and transmitting the title to millions of acres of the soil, to be vested, through the action of any of the sovereign States, in the hands of railroad corporations, or any other corporations, the tendency of which would be to build up local land monopolies in the different States, controlled by land speculators, to whose cupidity the settlers and cultivators of the soil would come in conflict. To the settler who breaks the silence of the wilderness, and reduces it to cultivation, should be reserved the rewards of labor; and the soil should be obtained by him at the cheapest rate compatible with its cost to the Government of purchase and protection.

The general bill reported by my colleague, provides against the contingency above referred to. In advocating the rights of the old States to participate in the benefits of the public domain, a proposition was brought forward in the Senate, and a bill was also reported by the Land Committee in this House, making grants of land directly to the old States, to be located and held by them in the States having public lands, and in the Territories of the United States. I am opposed to such a change in our land system. It would be attended with evil consequences, and bring the several States into collision, exercising, as they would be compelled to do, the rights of sovereignty of the public domain so ceded. It would be unjust to the Territories, which are fast becoming States, to have quartered upon them a variety of landlords in the shape of sovereign States, exercising, according to their peculiar notions, the proprietorship of the soil; the time and manner of its sale; all of which new and divided relations would lead to conflict of opinions, retarding the growth and settlement and free development of such new States.

These new States are jealous of their rights; they look upon the proprietorship of the Government to the domain within their limits as oppressive, and are constantly striving for its alienation. The care and protection of the Government should be of a character to foster the growth and settlement of these new States, whereby their resources may be developed, and the benefits of social and intellectual advancement secured to the people. I contend, this general bill, while it protects the interests of the old States, secures to the new States all such advantages. Sir, I am in favor of granting all the privileges to these new States that are consistent, taking into view the rights of the old States and the terms of the Constitution of the Federal compact. I think it is due to the Government and the land States that they should have donated lands to be sold by them, and the proceeds applied to aid in the construction of great lines of railroads. It will facilitate the sale and settlement of the lands, and augment the growth and power of the Government. But it should be done under the adoption of some general system of equality to all the States. The policy of special legislation on this subject will not give satisfaction or quiet to the people.

EQUALIZATION OF LAND TO THE STATES.

Mr. Chairman, this bill grants to the following States, which contain 7,774,304 inhabitants, the following donations of land:

	Acres.
Missouri	3,000,000
Alabama	2,500,000
Iowa	3,000,000
Michigan	2,500,000
Wisconsin	2,500,000
Louisiana	2,500,000
Mississippi	2,000,000
Florida	2,000,000
Arkansas	3,000,000
California	3,000,000
Illinois	1,000,000
To Indiana all the lands in the State belonging to the Government, and 1,000,000 acres in addition, making	2,002,000
Ohio do., and 2,000,000 in addition, making	2,216,000
To the Territories and District of Columbia	600,000
	31,818,000

Thus the new States, with one third the population of the old States, get 31,818,000 acres of the public domain for the purposes of internal improvement. The lands, under the provisions of the bill, are to be sold by the States, and the proceeds applied to the building of railroads. The lands are granted directly to the States, under the provisions of the bill, for certain purposes, the States acting as trustees for the fulfillment of the conditions of the grant; the States having reserved to them the power of granting all charters, designating the routes and location of such roads, and the application of the proceeds of such grant, or any portion of it, consequently the General Government exercises no power or control over such roads, nor is it identified in the interest or benefits arising from the building or operating of them.

I contend the Federal Government has no power to engage in a system of internal improvements, or to locate roads within a sovereign State. And if it had that power, it would be unwise and not judicious to exercise it. To the people of the several States, all such powers are reserved, to be exercised by them in their legislative capacity. Many of these petitions come to us, asking donations of land for roads, to commence at some stated point, and continue a line to be terminated at some other point, for which no charter exists, or has been created by the State within whose limits such donation is asked.

We have had already collision of opinions exhibited upon this floor, by gentlemen representing these land States, as regards the location and donations asked for these lines of road. The safety and well-being of the Federal compact require a strict adherence to the powers conferred by the Constitution, and that the rights reserved to the several States should not be invaded. The tendency of Governments, as they increase in power and magnificence, is to centralization, which is a power dangerous to a republican form of government, and if permitted to be ingrafted upon and exercised by the Federal compact, will sooner or later lead to a dismemberment of the States composing the compact, producing results disastrous to the welfare and happiness of the people; building up separate and independent districts, with divided relations which might produce a state of civil warfare, and blot out the name of liberty. Mr. Calhoun, the great American statesman, who has passed from among us, has left in his opinions and declarations on this subject, a prophecy, valuable to the country.

The title to the lands granted to the land States under the provisions of the bill, become vested in the States wherein they lie; the States having the power of sale, and transmission of title to the settlers. The States have no power to vest the title of the lands in the name of any corporation created by them to build the roads; having only power conferred upon them to dispose of the lands as trustees, to settlers, and apply the proceeds of such sales to the building of the roads, as they progress. The sales of the lands, consequently, are left open to the settlers, whereby no special privileges are conferred in the sale and settlement of them, and the same equality is preserved as if the title to the soil was transmitted direct to the purchaser by this Government. Power is also given, under the provisions of the bill, to the several States, to grant the right of way through the public lands,

to such roads as the States shall charter, with power to take materials of earth, stone, and wood from the same, to aid in the construction of such roads, out of the lands donated by this act. The proceeds of the sale of only six sections can be applied to each mile of road which the State shall designate. The preëmption rights of all settlers are protected, who may be occupying the soil; and all lands reserved to the United States for any purpose, cannot be conveyed or disposed of under the above provisions, the grants only reaching and covering those lands upon which the Government have made no prior conditions.

The following statement contains the present number of Senators and Representatives in the old States, and the amount of acres granted to each State in shape of land warrants, to be sold by each State, and the proceeds applied for school purposes, or such other public purpose as the Legislatures of the several States may direct.

The following is the amount of lands granted by this bill for schools to the old States:

States.	*Senators and Representatives.*	*No. of Acres.*
Maine	9	1,350,000
Vermont	6	900,000
New Hampshire	6	900,000
Massachusetts	12	1,800,000
Rhode Island	4	600,000
Connecticut	6	900,000
New Jersey	7	1,050,000
New York	36	5,400,000
Pennsylvania	26	3,900,000
Delaware	3	450,000
Virginia	17	2,550,000
Maryland	8	1,200,000
North Carolina	11	1,650,000
South Carolina	9	1,350,000
Kentucky	12	1,800,000
Tennessee	13	1,950,000
Georgia	10	1,500,000
Amount		29,250,000

Thus, it will be noticed, that the old States, with nearly two thirds more population than the land States, get the proceeds of 29,250,000 acres of public lands, while the new States get 31,218,000 acres. The disparity of the grant is based upon the time that it will take to absorb and settle the lands granted, and that the new States will increase much faster in the ratio of population than the old States, whereby they should have conditions in the advance that should approximate as near terms of fairness and equality as can be arrived at. The grants to the land States are based upon donations already received by the several States, the size and area of the States, their condition in relation to location and waste lands. Under the provisions of the bill, the old States have no power conferred to locate in the name of the State any lands within the several States holding public lands, or Territories of the United States. Power only is conferred upon the States to hold the "*scrip*" issued by the General Government to each *State*, to be disposed of by such States at such times as the States shall direct, consequently the disposal of such "*scrip*," or "*land warrants*," can only be to purchasers for location and settlement, the title of the Government to the soil remaining with the Government until such location is made by the purchaser. The several States acting as agents in the sale of lands, and directly receiving the benefits of such sale, is a surrender of a portion of the trust upon terms of equality, by the Government to the States. It is the extension of a new system already adopted in the sale of lands, and which system has intervened as against the arbitrary price of the Government of the sale of public lands, at $1 25 per acre. I refer to the "*bounty-land warrant*" system of granting lands to soldiers. The warrants will go into market, and the price will be governed by supply and demand, like other property, and will bring the lands within reach of the settlers on terms of equality.

GRADUATION OF THE PRICE OF PUBLIC LANDS.

The land States have been petitioning Congress for years past, for a graduation of the price of the public domain, and bills have been reported by the "*Land Committee*," and much discussion had upon the subject at every session, based upon the ground that where lands had been in market for several years, and remaining unsold, that graduating conditions of price should be put upon them, according to the term of years they had, or should remain unsold. I am opposed to such a multiplicity of conditions being placed upon the soil of our country. Many of the lands remaining unsold are as valuable as those that have been sold, in the fertility for agricultural purposes; they have remained unsold, on account of the location not being upon the great streams where the population of the new States have mostly clustered. Under the provisions of this bill, railroads will be opened through such lands, and they will become valuable.

This system of granting land warrants to the States, will act as a general system of graduation of the price of the lands, removing all objections now existing on this subject, and bring the lands within reach of the settler, at a cheap rate—striking at the root, and scattering to the winds all attempts to monopolize the soil, or concentration of it in the hands of speculators. Is not this provision, then, of value to the new States, and will it not hasten the time of their settlement, and the development of their resources?

TAXATION OF THE SOIL.

The new States complain that they have not the power of taxing the soil held by the Government. Will not this land-warrant system distributed to the several States facilitate the sale and location of lands within the new States, whereby they will be reached with the power of the State to tax them? A power vital to the development of the resources of the State, and exercised according to the discretion of the several Legislatures, will it not be potent as against any monopoly of the soil, by speculators, or any concentration of it, to be held from settlement? The power to tax the soil of the State, is one of the most vital importance to the people, and the complaint of the new States, that large bodies of land lie within their limits beyond the power, has force.

COST AND EXPENSES OF THE PUBLIC LANDS.

Gentlemen in this House who have advocated the passage of these "*special bills*," have attempted to prove that the lands have paid for themselves; or that the Government had received more money for lands sold than had been expended in the purchase and management of them. Consequently, the Government could make these donations without their being a charge upon the several States. Now, from all these opinions and statements I beg leave to dissent, and herewith submit a statement of the cost and management of the lands, from the adoption of the Federal compact to the present time; also, the receipts of money into the Treasury from the sales of lands for the same period. And I find myself sustained in a speech made by an able statesman, (Colonel Benton,) in 1840, in which he gives facts and figures (Congressional Globe, Twenty-sixth Congress, page 88) up to that time of cost and expenses of the lands. I quote from his remarks:

> The public lands have never fulfilled their destination; they have never paid the public debt, nor a shilling of it—not even its interest, nor a shilling of its interest.
>
> They are themselves in debt to the custom-house revenues for money taken from that source to assist in their acquisition and management.

Paid Indians up to 1839	$85,088,802
Appropriated and paid same to 1851	21,099,863
Land Office expenses, surveys, and explorations	14,518,274
Paid France for purchase of Louisiana, (principal and interest)	23,529,325
Paid Spain, do. do.	6,489,768
Paid Georgia, do. do	3,082,090
Yazoo claims	4,282,157
Paid Mexico	15,000,000
Released claims	6,000,000
Paid Texas	10,000,000
Making	$189,090,189
Received by sales of land, (in all)	138,563,266
Cost over sales	50,526,923

By which it appears the lands are in debt to the Government more than $50,000,000, saying nothing about the army expense in defending the frontiers.

Who has paid this money for the cost and management of the lands? The people, in shape of custom-house revenues—the old States paying more than three fourths of the amount. Have they not a large interest in these lands yet, so far as they are a charge on the Government?

It is contended that the cost and charges of the purchase of Louisiana and Florida should not be charged to the lands obtained; that the benefits derived by the Government in controlling the mouth of the Mississippi river was an equivalent. In answer, I would say, the money was paid for the territory. It is also contended that a large amount paid to the Indians is not directly chargeable to the lands. The Indians were found here occupying the soil, and by a title of high and unquestioned authority; and all annuities, expenses of removal, treaties, &c., are a direct charge to the acquirement by this Government of title.

I submit a statement of the amount of lands already donated to the land States and Territories:

	Acres.
Ohio	2,273,858.77
Indiana	3,267,460.61
Illinois	5,584,167.94
Missouri	3,242,627.00
Alabama	2,094,284.00
Mississippi	4,151,011.00
Louisiana	10,210,122.58
Michigan	6,170,866.00
Arkansas	6,250,813.00
Florida	2,022,993.00
Iowa	2,713,955.22
Wisconsin	3,128,799.00
Tennessee	3,353,824.00
California	500,000.00
Minnesota Territory	2,997,191.00
Oregon Territory	12,186,978.00
New Mexico	7,493,120.00
Utah	6,681,707.00
Total	84,222,184.12

By which it will be noticed, that the liberality of the Government is not to be questioned, the Government having sold only one hundred and one million acres; showing that almost as much has been donated as has been sold. The proceeds of the sale of the warrants granted to the old States, can be applied to schools or other public purposes. To what more high or holy purpose can the lands be applied than to the education of the people? The new States have had every sixteenth section appropriated to them by the Government for this purpose. Is it not constitutional to exercise the same right towards the old States? Is it not a question of State and National importance, that the people should be educated, and the great mass made intelligent? It is one of the safe-guards of our republican institutions, and protection to the rights of property. What renders the stars and stripes of our country respected on every ocean and in every clime? The acknowledged power and intelligence of the people of this country to protect and defend it. What renders the American arms victorious, whether defending our own soil or enforcing our rights upon the soil of an enemy? The moral and intellectual developments of the body-politic. It is the want of this general diffusion of knowledge that crushes the hopes of the masses of Europe in their struggles for liberty and equality. France, with her 35,000,000 of people, has 18,000,000 that cannot read or write. This is the key to the mystery of the triumph of the "*usurper*," and the extinguishment of the pulsations of that people for a republican form of government.

Mr. Chairman, for the reasons stated, I am in favor of the passage of this bill, and trust it will meet with that favor and consideration that it demands. It will absorb and settle the element of disquietude that is already germinating itself among the several States, in relation to their rights and interests in the public domain and its management. It will relieve Congress of a source of irritating discussion, calculated to engender sectional feelings which are detrimental to the great interests of the country. It is decentralizing in its character; surrendering, as it does, a portion of this great trust to the several States for their particular benefit, upon terms of equality to all. It is estimated that the lands disposed of under this bill, and those under the bounty land bill to soldiers, will be sufficient for the settlement of the country for fifteen years, taking into account the emigration and the ratio of increase of population. All of which opinions and statements I respectfully submit to this House.

STEAM NAVY.

SPEECH OF HON. GILBERT DEAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

July 9, 1852.

The House being in the Committee of the Whole on the state of the Union, (Mr. STUART in the chair,) on the amendments of the Senate to the deficiency appropriation bill—

Mr. DEAN said:

Mr. CHAIRMAN: As it is necessary at this stage of the question to propose some amendment to the bill in order to obtain the floor, I therefore move to strike out the proviso.

Mr. BAYLY, of Virginia. I desire to amend the prior clause of the bill, and I wish to ascertain if, after this proposition to strike out the proviso is acted upon, it will be in order to go back to the prior part of the section?

The CHAIRMAN. The Chair thinks it will be in order to go back to any part of it.

Mr. DEAN. This is the only question which has arisen during the session upon which I have entertained doubts as to the way I ought to vote. While every feeling of national pride bade me say ay, my fixed opinions of opposition to the creation or continuance of monopolies by the General Government, or of grants by it of bounties to individuals, seemed to compel me to give a reluctant nay to the application. Amid this apparent struggle between principle and patriotism, I examined the subject in its various bearings, and am satisfied that all objections on principle are without foundation; that it is a question free from all constitutional difficulty; that the amount of the appropriation is the only real question about which we should differ. Having, after a thorough examination, come to this conclusion, I endeavored some days since to obtain the floor to give the reasons which would induce me to vote for the appropriation inserted by the amendment of the Senate, and now recommended by the Committee of Ways and Means of this House. Not succeeding then, as my time is now limited by our rules, I shall avail myself of the privilege universally granted, if my time expires before finishing my remarks, to hand my notes to the reporters, that my constituents, to whom I am immediately responsible for every vote, may understand in full the reasons by which my action has been determined.

The first question to be settled in passing upon this appropriation is, *ought this Government to aid in maintaining the Collins or a similar line of steamers between this country and England?*

If this is answered in the affirmative, the question arises, *whether we are not obliged to sustain this line now, because of the impossibility at this time of obtaining any other ships, of sufficient capacity and speed, to carry the mails between New York and Liverpool, in a successful competition with the Cunarders?*

In discussing the first proposition, it becomes proper that I should address myself to the question propounded by the gentleman from Tennessee, [Mr. JONES,] who, in opposing this measure yesterday, asked, "Where can you find the power in the Constitution to make this appropriation?"

Now, sir, I might answer the question by citing precedents almost innumerable, of the exercise of similar powers, with the approval of every Administration; or point to the unbroken line of policy from the foundation of the Government. I might say that the creation of this system was upon the recommendation of President Polk in his annual message; that the law was passed by a Democratic Congress, and approved and signed by a Democratic President. But I do not propose to answer it in that way, choosing rather to point out the specific clauses in the Constitution which authorize this appropriation. By referring to the preamble to the Constitution, we shall find that one of the objects for which it was adopted was "to provide for the common defense and promote the general welfare." And the eighth section of the first article reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and *provide for the common defense* and general welfare of the United States."

That is, the taxing power is given to raise money for the purpose of providing for the common defense. Admitting, however, that it can only be exercised in pursuance of the subsequent grants of power, this, taken in connection with the war-making power, and the means to be employed in the exercise of this prerogative not being specified in the fundamental law, the right to employ such as in our judgment the wants and exigencies of the times require must be clear and undisputed. At one age of the world this duty on our part would have been properly discharged by building high walls, by arming our soldiers with spears, swords, javelins, and shields. At a later day, and while we had no commerce, by raising troops, furnishing them with fire-arms and ammunition, and erecting and manning fortifications to protect our harbors and the passes to our country.

Now, it is to be noticed that the manner in which the common defense is to be provided for, is not restrained in the Constitution, except by the limitations of the express powers. We are nowhere told that we may build a fort, establish and maintain a military academy or arsenal, or make or purchase fire-arms; yet the exercise of these powers has always been unquestioned, as necessary implications from the war-making power and the power to impose taxes to provide for the common defense. If it can be shown, that by sustaining this line, it will aid in providing for the common defense in case of war, the right to make the appropriation is clear. But will it necessarily effect this object? We have now a commerce which is universal; and, in view of the revolution that steam has effected in navigation, and the probability that the next war that any foreign Power shall wage against us will be upon the ocean—when all other maritime nations have their steam navies—in view of the necessity which this changed state of affairs creates, I submit that the power is not only within the strict purview and meaning of the Constitution, but that the duty on our part to exercise it in this manner is imperative; that a steam navy is as necessary now as were fire-arms and gunpowder in the time of the Revolution.

But I find, in another provision of the Constitution—in the grant to establish post offices and post roads—a direct power for this purpose.

Gentlemen may say, perhaps, that you cannot build a road upon the Atlantic. Why, you can build a road there as well as upon a river; and the navigable rivers in this country are made post roads; and I can see no reason why the ocean cannot be thus used. In fact, this line has bridged the Atlantic, and connected New York with Liverpool.

And, Mr. Chairman, there is no direct power in the "Constitution" to transport the mails. But it is a necessary incident to the powers granted. And Congress has the power "to make all laws 'which shall be necessary and proper for carrying 'into execution the foregoing powers, and all other 'powers vested by this Constitution in the Gov-'ernment of the United States, or in any Depart-'ment or officer thereof." Here, then, is the required grant—shall it be exercised? Unless gentlemen are desirous for us in our administrative capacity to imitate the shell-fish, which never ventures beyond the walls of its habitation, or are willing to take China or Japan as the model for our system, instead of those nations which, by a wide-spread commerce and expanded trade, have given wealth to their citizens, while they have added extension and permanency to their empire, our postal system must be coextensive with our commercial advancement; and this clear constitutional power and undoubted prerogative of national sovereignty must be exercised upon the ocean, the *highway of nations*, as well as within our own borders. Nor must we, in the discharge of this duty, confine ourselves to the transportation of those mails only where the postages received will defray the expenses; because the object to be gained is not the paltry sum which the Department charged for this service, but the maintenance of commercial intercourse and the transmission of information, that our citizens may be possessed of the state of trade and of the markets—the wants and demands of our own and all other countries. In establishing and maintaining mail routes and post roads within the limits of the Union, we do not confine them to such only as will pay the cost of transportation and the expenses of the post offices. By referring to the report of the First Assistant Postmaster General, made in December last, it will be seen that there are thirteen States, viz: Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, Tennessee, Missouri, Mississippi, Arkansas, Texas, Illinois, and Florida, in each of which the net revenue for the last fiscal year was less than the expenditure; while in New York we contributed to the General Treasury during the same year the sum of $609,006 99; over and above all expenses; that the above amount was the annual contribution of New York, the net revenue of her postages after paying all expenditures and disbursements.

I do not cite these statistics to claim that New York for this has any right to ask that a liberal policy should be adopted in relation to the mail routes her citizens demand, nor yet to boast of her prosperity or greatness, but for the purpose of legitimate argument only, to show that the Government has the right, and exercises it as a duty under the power I have named, to furnish mail facilities for all portions of the Union, as well where the net receipts do not equal the disbursements, as where they afford a surplus. Nor is this confined to the new States, where it is expected that a rapid increase of population will soon swell the revenues of the Department; for it will be seen that four of the States, where there is an annual deficit, are among the thirteen original States. We only ask that the same rule shall be applied to land and ocean postage and mail communication. It is a new enterprise, and if it does not at first pay its cost, it will in the end, and quickly too, be a self-sustaining system. By its operation, already the postage on letters from the United States to Great Britain has been reduced from *fifty* to *twenty-four cents*, and a further reduction must follow. And are not our citizens deeply interested in this question? Millions of them are engaged in commerce. The emigrants from Ireland and Germany, and all portions of Europe, are scattered over every township of our land; and although they have chosen this as the home of their adoption, and have transferred to our flag their political allegiance, and would defend it with their lives, yet the *allegiance of the heart*, the ties of blood and of kindred, remind them of fathers and brothers, of sisters and mothers, by the Rhine or the Rhone, the Shannon or the Tweed, to whom they would send a word to tell of their well-being here, and from whom in return they hope to receive a blessing. Shall we subject them again to the enormous tax that England levied upon them for transporting this evidence of affection, or, by withdrawing our line, oblige them to submit their correspondence to a system of British espionage? I trust that no American citizen will ever see the day when, by the neglect of Congress, he will be thus humiliated. No; our duty is plain. We must maintain mail routes on the ocean. As a justification of this course, I have adverted to the wants of our people; pointed to the uniform practice and policy of the Government, and the plain letter of the Constitution.

But, Mr. Chairman, I find another and distinct grant of power under which this appropriation may be made—"the power to regulate commerce." This has always been held to embrace our whole system of domestic and foreign commercial intercourse, including our navigation laws and the regulation of the river, lake, and coasting trade. Upon this subject I shall cite no authorities, but merely say that this interpretation was declared in 1794, by Jefferson and Madison, and has been maintained by an unbroken series of legislation to the present time. And how, I ask, can our citizens engaged in commerce prosecute the business successfully without the aid of a rapid, regular, and certain means of communication, under our own control, with their foreign factors and commercial correspondents? In this question not only all our Atlantic cities, but the manufacturers and producers of the whole country have the deepest interest. And in this aspect the subject acquires an importance reaching far beyond the success or failure of the Collins, or any other line. For if this appropriation fails on account of the want of the requisite constitutional power, the blow that strikes it down deprives of vision our whole commercial system, throws it, if not a dead hulk, floating aimless and sightless on the waves, the sport

of accident and chance, a waif upon the ocean, wrecked upon the rock of impracticable and blind legislation. If for want of the requisite power to establish post routes and pay for carrying the mail upon the ocean, either as a commercial or postal regulation, or as a necessary means of national defense, this line is to fail, then we release from our grasp the immense commerce of the Amazon—the carrying trade of the world through the Isthmus route to the Indies. All these are ours by our present commercial and geographical position, and shall we relinquish them? I hear the emphatic "No" which the American Congress will reply to such an interpretation of our fundamental law. That instrument was the production of statesmen—the result of the combined wisdom of sages, and the experience of long centuries—and is in its capacities adapted to the necessities of a nation in its rapid and unlimited expansion. And while I would not stretch or override a single article, yet in the pursuit of the declared objects of its adoption "to provide for the common defense and promote the general welfare," I would use its utmost powers. The rights, the interests of the people demand it. Duty to them requires it.

There is yet another grant of power in the Constitution within which this is a legal and proper appropriation. I need hardly say I allude to the power "to provide and maintain a Navy." By the contract with E. K. Collins & Co., these steamers were to be constructed "of not less than 'two thousand tons measurement, and of one thou-'sand horse power each, to be built for great 'speed, and sufficiently strong for war purposes, 'the United States to have the privilege of pur-'chasing said steamships, whenever required for 'public use, at a fair valuation, to be ascertained 'by appraisers mutually selected." I quote the contract. Again, it provides that the "Navy De-'partment shall at all times exercise control over 'said steamships, and at any time have the right 'to take them for the exclusive use and service of 'the United States." The Government appointed Captain Skiddy and Commodore Perry to watch and superintend their construction. They did it, and report not only that they are built in all respects equal to the requirements of the contract, but that they are each of them of one thousand tons greater measurement, with sufficient strength, "and capable, at a small expense, of being *con-'verted into war steamers of the first class, and well 'adapted to the purpose.*" Now, gentlemen may continue to tell us that fresh-water commodores, or waiting-orders captains, think them unfit for such purposes—till the Navy is all worm-eaten and water-logged, and it will not influence my judgment. For one of the admitted principles of evidence is, that facts attested by a single witness who has the means of knowledge within his power outweighs every hypothesis and opinion. When, therefore, Commodore Perry and Captain Skiddy, who examined each stick of timber, and inspected the entire machinery and method of construction, give us their testimony, I shall heed it, rather than the speculative conjectures of those who are frightened from their propriety lest the revolution of the wheels of these steamers may produce some reform in the "old fogy" Navy. But beside these considerations, we are estopped from denying the efficiency, capacity, and fitness of these steamers; for they have all been built and completed under the supervision and direction of our own agents and naval constructors, and have been approved and accepted by the Government. How, then, can we now raise that question?

No one will at this time doubt the necessity for a steam navy, when that of England consists of nearly three hundred war steamers, and every maritime power is providing itself with this means of defense. The only problem to be solved by Congress is, whether we shall build a large number of steam vessels ourselves at an enormous cost, and keep them in ordinary or service, waiting for the contingency which may require them, or encourage this new system of a provisional navy, by paying fair and remunerating prices to individuals for transporting our ocean mails, and providing in the contracts, as in the case of the Collins line, that the ships shall be suited for war purposes and liable at any time to be taken by the Government at an appraisal. Individual enterprise and public economy both favor the latter system.

Few persons not directly connected with the Government have any conception of the annual cost of our Navy. By referring to the last annual report of Secretary Graham it appears that the total amount drawn from the Treasury during the fiscal year ending the 30th June, 1851, for the naval service was $9,044,597 11. This would seem for a time of peace to be a pretty large sum; but it should be charged quite as much to the system as to the manner of administering it. And that the economical view of this subject may be fairly considered, I have thought it advisable to examine into the cost and annual expenses of a man-of-war, and also of frigates and steamers, and find by reference to a statement made by the Bureau of Construction, Equipment, and Repair, that the aggregate cost of ten ships of the line, now owned by our Government, was $6,090,000
Aggregate cost of sixteen frigates.... 6,150,000
Aggregate cost of seven war steamers belonging to Government..... 3,351,000

Total cost.....$15,591,000

Annual cost of a ship-of-the-line.

For repairs and renewal.....	$78,000
For pay of men and provisions.....	209,500
	$287,500

Annual cost of a frigate.

For repairs.....	$51,000
Pay and provisions for men.....	135,000
	$186,000

Annual cost of a steamer.

For repairs.....	$66,900
Pay and provisions.....	98,500
Coal for ninety days.....	25,200
	$190,600

That the annual cost or deterioration for each of these in ordinary, as it is called—that is, kept at the navy-yard and unused, is as follows:

For ship-of-the-line.....	$25,200
For frigate of first class.....	16,000
For steamer of first class.....	26,200

From this it appears that the original cost of each ship-of-the-line is $609,000, while its annual cost to the Government, without insurance or interest on the original expenditure, including only deterioration, is more than $300,000. You can make your own calculation on the same principles for the frigates and war steamers, and you at once perceive the great economical difference in favor of the system I now advocate. Let individuals build your steamers at their own expense and apply them to the arts of peace, reserving to the Government the right to take them at a fair price in case of actual war. By this means not only are the ships made serviceable when the nation is at peace, the Government relieved from the cost of their construction and of the risk of their loss by the casualties of the deep—the expense of manning and maintaining them, but the number of our naval officers may be greatly reduced, and an enormous sponge, that is absorbing half a million annually, in the shape of officers waiting orders, be removed from the Treasury. Whenever a person, by means of influential connections, or otherwise, gets a commission in the Navy, he is quartered on the Government for life, and whether at sea or on shore, keeps his stand at the public crib. Most singularly there are some who seem to manage at all times to remain at home, and whose names continually appear on the list for which we appropriate annually about half a million under the head of pay of "officers waiting orders." These men receive from $1,200 to $2,500 per year; and for what? Why, that they may be ready for service in the time of war We have all seen them wearing brass buttons and blue coats, hanging around the Capitol, or, cane in hand, adorning the porticos of the hotels in this city, in the day time, and with white kids, retailing small talk at the levees and soirees in the evening. War is the last use I would ever think of putting such men to—the smell of hostile gunpowder would throw them into spasms, as quick as the sight of Niagara would produce that effect upon a dog with the hydrophobia. The amount which goes to support these barnacles upon the ship of State, if properly applied, would keep constantly in commission a *fleet* of mail steamers, suitable for war purposes—employed on different routes, and in the event of a war, you not only have the vessels, but experienced engineers and men inured to the hardships of the sea, ready for the service, and you avoid much of the expense of keeping them in time of peace. You thus make a great saving of money, while you effect a practical and salutary reform in the Navy.

If I am right in the view now taken of the constitutional question, there are four distinct grants of power under which an appropriation for this purpose may be justified; or, if I am right on any one of these points, then this question is relieved from all difficulty arising from want of the requisite power, and we are to determine its necessity like any other appropriation for an object clearly constitutional; we are to examine merely in relation to the propriety or impropriety of the measure. It was in this manner only that it was discussed in the Senate. But, as in this House we have been met by a constitutional objection, I have felt called upon to examine the subject in that aspect.

I shall now proceed to a few considerations which, in my judgment, render this appropriation necessary and proper, in addition to what has been incidentally said in discussing the constitutional question. The characteristic *progressive* attached to the last half century has become so common and trite, as to be destitute of originality, and I would not allude to it here were it not absolutely essential to the proper elucidation of this subject. The motive powers and material pursuits of men within that time have undergone an entire revolution. Distances which, in 1800, required months to surmount, are now overcome in a day; fabrics which employed the hands of a hundred busy men, now, with a simple machine, by the aid of a boy, can be manufactured in an hour. Even thought, tired of its cold transmission by the pen or the press, traverses its illimitable way on nerves of steel; and this Aladdin ring, more wonderful than enchantment ever dreamed, is encircling the world. A corresponding change is progressing in society. Nothing in public policy is now venerable, because it is ancient, or sacred, because invested with traditionary memories. Reform, change—I had almost said destruction—is the order of the day. The hand too feeble to elevate, can, nevertheless, cast its own weight on the lever poised to the overthrow of some offending deity. Man, roused from the sleep of centuries, wakening in the blaze of sunlight, blinded and almost sightless, wanders amid "the wreck of old opinions," breaks the shrines of ancestral idolatry, ignores the proprietorship of potentates to his muscles and his life, and claims to have some interest in these attributes of existence, denies being longer the plaything of princes, or the property of kings.

The hour is passed, and I believe forever, when human rights are to be maintained or crushed on Marston Moors or Waterloo-fields—when the strength or glory of a nation is to be determined by the number of its soldiers, or its power of concentrated carnage. Civilization, which formerly only progressed by conquest, now follows in the peaceful track of the merchant-ship, and Christianity marches onward, not with the drum-beat of advancing armies, but its solemn chorus reverberates with the echoes of the woodman's axe. The war of opinion strongly enough rages; but experience has taught Christendom that the sword is not the arbiter for thought, and society has learned too highly to value human life, lightly to sport with it. The strife for superiority, leaving the tented field, now wages its unceasing war in the most peaceful avocations. Commerce and manufactures, trade and enterprise, the industrial pursuits—excellence, superiority in these are now the characteristic of the great nation, the glory of the age. Even poetry, so long confined to celebrating the deeds of the warrior, has at length been taught to sing—

"The camp has had its day of song;
The sword, the bayonet, and plume

Have crowded out of rhyme too long
The plow, the anvil, and the loom!
Oh, not upon our tented fields,
Are freedom's heroes bred alone!
The training of the work-shop yields
More heroes true than war has known!

Who drives the bolts, or shapes the steel,
May with a heart as brave unite,
As he, who sees a foeman reel
In blood, before his blow of might!
That skill that conquers space and time,
That graces life, that lightens toil,
May spring from courage more sublime
Than that which makes a realm its spoil."

England, by her arms, has done much to spread her name among distant and subjugated States, but her manufactures and commerce have accomplished infinitely more—the one is transient, and can only be maintained by continued force; the other enduring. She is now striving for the control of the commerce of the world, and there is but one rival in this contest that excites her jealousy—but one combatant she fears—America is that rival and that combatant, whose institutions, laws, and geographical position, unite to crown victor, if true to herself. That she can be I know—that she will be, I have never doubted.

An American first applied steam to ocean navigation. At that time our packets and sailing vessels had beaten those of England, and secured the passengers and trade which required speed and certainty of transit. Individual enterprise at first attempted to test the practicability of steam on the ocean, and failed in the effort made with the Great Western, British Queen, and the ill-fated President. Then the Cunard line was established, by the aid of the English Government, and with what result? It acquired a complete monopoly in carrying the mail, passengers, and light freight, and in 1850, when the Collins line commenced, had made a clear profit of $5,000,000. No individual or private association at that time could be found, unaided, rash enough to attempt a competition with the British Government. But every American felt the necessity of a struggle to regain the commercial reputation we had lost. President Polk, in three successive messages, called the attention of Congress to the subject, and recommended prompt and efficient action. The result is now known to the country and the world—ship-yards and machine shops have been established, with models, and tools, and workmen of sufficient capacity to build and completely equip the largest steamers. Our ships, the handiwork of *American* skill, and the product of *American* enterprise, have surpassed their rivals in speed, and are acknowledged as the fleetest boats on the waters. We have divided the passenger trade with the Cunard line, have paid into the Treasury $928,675 59 for postages, and reëstablished our character as the builders of the fastest ships in the world. And this last fact is worth much, very much—yes, worth more than it has cost, to us in a commercial point of view, as well as to our mechanical prosperity. As a source of national wealth, ship-building is worthy of the highest consideration. Many foreign nations purchase all their ships and steamers, and they buy them where they suppose they can obtain the best. With our inexhaustible forests of pine and oak, and mines of iron ore, furnishing the materials suited to the construction of vessels of every kind, our position is such that we may, and will, build the shipping of a large portion of the globe. To secure this object, we need only maintain the reputation of constructing the fastest and safest vessels. Hence we see the Representatives of Maine and Massachusetts, whose constituents are largely engaged in ship-building, supporting this appropriation.

But, Mr. Chairman, we are told by some of the opponents of this measure, that their hostility arises from its *protective features;* that it is a violation of their free-trade principles. Allow me to call the attention of such as entertain this opinion to a single distinction, which destroys the analogy. A protective tariff—and I will not now discuss its propriety—is a discrimination by way of duty upon articles manufactured or produced alike by citizens of our own and a foreign State; and the advocates of free trade insist this is unfair on the part of our Government, as every business should be left open to individual competition. Admitting, for the purposes of the argument, that this view of the tariff system is correct, it does not in any manner affect the question we are discussing. To make the cases parallel, you must suppose the foreign Government aiding their own manufactures by a direct grant of money, and that they are thus sustained by the Treasury of their Government. In such case, *individual competition*, the principle for which they are contending, would be destroyed by the action of the foreign Government, and in order to place our citizens upon an equality—so that there might be individual competition—our Government would be compelled to grant equal bounties. This is the precise case under consideration. The British Government pays the Cunarders large sums of money for every trip they make; and to place our line in a position where they can compete with them, we must determine to aid them by the action of the Government. But, sir, this cry of *protection*, applied to such a subject, however it may frighten some, carries no terror to my heart, imparts no tremor to my hand, and takes no firmness from my step in the plain path of duty. How long is it since this doctrine, that the Government owes no duty of protection to the pursuits of its citizens, has had a place in the creed of any party? It was not so in the days of Washington, Jefferson, Madison, Calhoun, or Jackson. No one can summon the sanction of their names to such a political heresy; but, on the contrary, the record of each of them is clear, distinct, and emphatic, that protection and obedience are reciprocal, and that when a Government ceases to afford the one, the duty of the other is abrogated and annulled.

On the subject of protecting our navigation President Washington, in his message of December 8, 1790, holds the following language:

"It requires also that we should not overlook the tendency of a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price of transporting its valuable productions to their proper markets. I recommend it to your serious reflections, how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies, *by such encouragements to our own navigation as will render our commerce and agriculture less dependent* on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries and the transportation of our own produce afford us abundant means for guarding ourselves against this evil."

The first annual message of President Jefferson, December 8, 1801, holds the following language:

"Agriculture, manufactures, commerce, and navigation—the four pillars of our prosperity—are then most thriving when left free to individual enterprise. *Protection from casual embarrassments, however, may sometimes be seasonably interposed.* If, in the course of your observations or inquiries, they should appear to need any aid within the limits of your constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under *which our carrying trade will soon be placed.*"

President Madison, in his message of December, 1810, says:

"It will rest with the consideration of Congress also whether a provident, *as well as fair, encouragement* would not be given *to our navigation by such regulations as will place it on a level of competition with foreign vessels*, particularly in transporting the important and bulky productions of our own soil. The failure of *equality and reciprocity in the existing regulations on this subject operates in our ports as a premium to foreign competitors;* and the inconvenience must increase as these may be multiplied, under more favorable circumstances, by the more than *countervailing encouragements now given them by the laws of their respective countries.*"

Mr. Jefferson, in 1794, made his celebrated report upon this subject, in which he recommended expressly the kind of legislation which is now proposed by the friends of this measure. Hear him:

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, *their commerce and navigation*, by counter prohibitions, duties, and regulations also. *Free commerce and navigation*, are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

"*Our* NAVIGATION *involves still higher considerations.* As a branch of industry, it is valuable; BUT AS A RESOURCE OF DEFENSE, ESSENTIAL. But it is as a resource or defense that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land board, and nothing to desire beyond their present rights. *But on the sea-board they are open to injury;* and they have there, too, a commerce which must be *protected.* This can only be done by possessing a respectable body of citizens, seamen, and of *artists*, and establishments in readiness for ship-building.

"If particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States to convert them for aliment of their own strength, and withdraw them entirely from the support of those to whom they belong, *defensive and protective measures* become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defense; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them; and its politics may be influenced by those who command its commerce.

"The carriage of our commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artisans, whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others, when *disgrace or losses* shall bring to our feelings the error of having abandoned them. The material of maintaining our due share of navigation answers in abundance; and as to the mode of using them, WE HAVE ONLY TO ADOPT THE PRINCIPLES OF THOSE WHO PUT US ON THE DEFENSIVE; OR OTHERS EQUIVALENT OR BETTER FITTED TO OUR CIRCUMSTANCES."

Now, sir, I need not say that I want no better authority than I have quoted; but I know I can make no stronger argument in favor of the protection we advocate than Mr. Jefferson has made. Those modern political economists who say the whole duty of this Government is discharged by standing still, and only defending the *person* of the citizen, forget that the *pursuits* are also of the highest importance—for you take away my life when you take away the means by which I live.

There is another acknowledged principle of governmental duty which supports this application. It is that of protecting and fostering the infancy of pursuits or inventions which promise to be of national importance. Such is the principle upon which Jackson, and Calhoun, and other republican statesmen defended a tariff for protection merely, at the commencement of our manufactures. The policy of affording aid to individuals and pursuits when likely to conduce to the common defense, was established with the Government, and has never been abandoned. In 1789 a law was passed giving bounties to those engaged in our fisheries, and bounties on that branch of our industry are still continued, because these fisheries are nurseries—schools for seamen who will be the *militia of the ocean* to defend us in case of a war. Our whole coasting trade is in our own hands, and under the control of our citizens by express laws. Not a bale of cotton is carried from Charleston to New York, or a yard of calico from Boston to New Orleans except in American ships; the prohibition is entire and absolute. It was upon the same principle that Congress, in 1845, made an appropriation of $30,000 towards constructing a telegraphic line on which to test the great invention of the age—that of our illustrious countryman, Professor Morse. The instances in which they have been made are innumerable, and I only refer to them to show, that whenever any new invention or discovery is likely to contribute to the national wealth or defense, that Congress has the power, and exercises it, too, of aiding in the development of the infant enterprise. That ocean steamers suitable at once to the purposes of commerce and of war are of this character, I think will not be disputed.

I desire now to say a few words in relation to the amount of this appropriation. It seems large—indeed it appears extravagant; but how are *we* to determine the amount? It is impossible for us individually to examine into all the items of each appropriation. The Postmaster General and Secretary of the Navy have each recommended increased compensation. Two committees, one of this House, the Ways and Means, and the Post Office Committee of the Senate, who have had ample opportunities to acquire all the necessary information, and who have thoroughly examined the whole subject, have reported to us the amount contained in the Senate's amendment as necessary to carry on this enterprise. A majority of the Committee on Finance, in the Senate, have also made a similar report. I ask whether we are to act differently upon this subject from what we do upon all others; or whether we are to rely upon the report of those who have had all the means of information within their reach, and who, after a full investigation, say this amount of money is sufficient—barely sufficient; that this company, in endeavoring faithfully to execute their contract, have already lost about $500,000? Or whether we are to take our own opinions, without having the necessary facts to attain a proper result on which to found them?

For my own part I shall place the responsibility as to the amount where it belongs—upon the Administration, who ought to have told us definitely how much was needed, and the committees who have investigated the subject and made their reports. I shall therefore vote for the amount as reported, relying upon the provision it contains of stopping the pay, by giving six months notice. If this amount is too large, I have no doubt the next Administration will recommend the termination of the contract by giving the requisite notice. If, however, it is true, as reported to us by Captain Skiddy, that by building these ships in the manner prescribed, they have cost $200,000 more than would have finished them suitably for the purposes of the owners—if by serving the Government in carrying this mail—if by fitting up shops for the manufacture of new machinery which could not be made on this continent before—if by instructing men in the use of this machinery and providing for us engineers who will be indispensable to the defense of the nation in case of a war, they have sustained heavy losses, I am for reimbursing them for this expenditure. Having undertaken this at the request of the President and Congress, I regard the public faith pledged to this subject. The laborer is worthy of his hire, whether that labor be for an individual or the Government, and no honorable man will take advantage of the honest efforts of another to complete a losing contract. And I trust this Government will not now set the bad example, particularly in the case of an untried experiment, where no one could make any rational calculation as to the actual cost of the enterprise.

But we have been told by gentlemen, "We acknowledge the power of Congress, and the duty of the Government in this matter; but why not put up this contract for carrying the mail to a fair competition, by letting it to the lowest bidder?" The answer to this question is very simple. It consists in the statement of an undisputed fact, which is: *There are no other steamers now built of sufficient tonnage, speed, and strength, to compete with the Cunard line;* and such ships cannot be constructed in a month or a single season, and we must provide at this time for the immediate and continued transportation of this mail. I would vote to-day for a proposition to give this business to the lowest bidder, if we had any other line of sufficient ability to conduct it successfully. I will do more; I will vote for a law directing the Postmaster General to advertise now for proposals for carrying this mail in American steamers, from the 31st day of December, 1854, when this contract may be terminated, and provide by the law that it shall be awarded to the lowest responsible bidder, who can give security for the performance of his contract. But in the mean time, and until other ships are ready, I am for sustaining those we have, maintaining our naval marine, and continuing this mail transportation.

But there is another consideration, which has been incidentally adverted to, and which, in a case of expediency merely, would be decisive of my action. It is, that this is a great national question, an American enterprise—which cannot result in failure without national dishonor and disaster—but in which success is the triumph of American skill and American commerce. That these two lines, the Collins and the Cunard, are the representatives on the ocean of the two great commercial Powers of the globe; and that, thus far, the victory is with us. Knowing the American people—having felt the beating of the popular heart on this subject, I hear them repeat their motto—

"There's no such word as fail."

And though gentlemen may sneeringly denominate it a "boat race," it is a race in which he who first reaches the goal wins the great prize, invaluable to a nation, of maritime supremacy—a contest in which the combatants are struggling for the dominion of the seas—the commerce of the world. In sailing vessels, from our noble packets to the little yacht *America*, we have left our envious rival in the rear. England has now, by immense grants of money, endeavored by steamers to secure what she had before lost; and it is for us to say whether we are willing to withdraw all support from our own citizens, and abandon the contest when victory is within our grasp, or by a statesmanlike and liberal policy, place them on an equality where they can enjoy a fair competition. For with an open field you need have no fears for the result—it will be one for which neither we or any child of ours will ever blush.

But I am asked, What is to be made by this race? I reply, what are you to make by erecting yonder towering pyramid to the memory of the Father of his Country? What are you to make by the beautiful paintings and designs commemorative of the prominent historical events in our national existence, with which you are decorating this Hall, the rotunda, and public buildings? What are you to make by preserving the lineaments of your heroes and statesmen, or any monuments of art? *A name!* Yes, sir, I repeat it, by all these you add to your national glory and national character, and make for your country a *name* among the Powers of the earth. And as in an individual a good name is worth living, suffering, toiling, and, if it need be, dying for, so national glory, being but the evidence of the advancement of its people, should be the effort of its sons—the end and ambition of its statesmen. We have already had two wars with England, the first upon the land for national existence, the second upon the land and sea for commercial existence, and now we are waging yet another for commercial, industrial, and naval supremacy; and the struggle to attain it is not confined to any class, but it is a contest in which our manufacturers, our artisans, and our producers are engaged for the markets of the world; and others may do as they please, but in this, the *third war with England*, I am on the side of my country.

Mr. BOCOCK. Has the war been regularly declared?

Mr. DEAN. Yes, sir, the war has been regularly declared, or rather, it exists by the act of England, for the power of the British Government is, and for years has been, devoted to the maintenance of this Cunard line.

But to return: If in this contest we do our duty, the result of this appropriation will be felt across the Atlantic. While it will be heard with fear at St. James, it will be received with exultation by every American abroad. It will infuse into the bosoms of our hardy mariners new confidence in the action of the Government, and will tell them wherever they may wander—under whatever sky they sail, there is here an eye that is watching for their welfare, an arm strong enough to guard them, and a will ready to defend them; that the American Congress is alive to American interests, and actuated by American feeling. And though the English sailor, his country vanquished in the contest, may cease to sing "Rule Britania," yet our noble seamen will everywhere exclaim—

"Far as the breeze can bear, the billows foam,
Survey OUR EMPIRE and behold our home."

THE PRESIDENCY.

SPEECH OF HON. R. TOOMBS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

July 3, 1852.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the Deficiency Bill—

Mr. TOOMBS said:

Mr. CHAIRMAN: It is my purpose to offer to this House, and through them to the country, some considerations touching the approaching presidential election. The task, sir, is not an agreeable one to me. The facts and the details are dry and uninteresting. They become important only in reference to their connection with that great event. I bring to this disagreeable duty, sir, no resentments, no antipathies, no disappointments. I do not flatter myself that I shall agree in the views which I am about to submit with any considerable portion of the gentlemen of this House, and probably with not a great number elsewhere. Therefore, there is but one motive that could induce me to submit these considerations to the country;—that motive is public duty.

The political organization with which I have acted for the last two years have declared the final settlement of the questions which have agitated this country for the last fifteen years in connection with African slavery, to be paramount to all questions of policy which have hitherto divided the two parties in this country. I concurred, sir, most fully in that declaration. It had the approbation of my judgment, and I shall adhere to it with fidelity. That organization declared that it would support gentlemen of any political party, in any part of this Republic, in the North as well as the South, who concurred with them in opinion upon these great and vital questions.

After this long agitation of fifteen years, my constituents desire repose, security, and an end to this sectional strife, and they intend to get it, if it can be had by any action of theirs upon the presidential election.

In conformity with these views of a local, though not a sectional organization, during the last session of Congress many gentlemen of this House, and many gentlemen of the other branch of Congress, representing both Northern and Southern States, aided by that illustrious statesman whom we have here so recently had to deplore the loss of, declared that they would support no man for President of the United States who was not known to be in favor of the acts of the last session of Congress known as the compromise, and to discountenance all further agitation upon the subject of slavery. I approved of that pledge, too, sometimes called in derision by its opponents, "The Mutual Insurance Company." I say I approved of that pledge, and I intend to adhere to it also, with fidelity. It is the key, sir, to my present position, and to my future action with reference to this presidential election.

There are some facts connected with the election of the Chief Magistrate of this Union that deserve to be noted, and deeply considered by the American people. That article of the Constitution which provides for this election has already been practically subverted. Within the first fifteen years of this Government, it became necessary to amend it. It was amended. The Government went on, from 1789 to 1832, with an apparent, and, to a great extent, a real conformity to these constitutional provisions. But from 1832 to this moment, on account of causes to which I will advert, all real control over the election of the Chief Magistrate of this country has been taken out of the hands of the people, and placed in that of political juntos, calling themselves National Conventions. If the present be the best policy, it ought to be regulated by law. If it be a wise, and safe, and proper mode of selecting the Chief Magistrate of this great Republic, that each political party should meet in convention, and present each one person to the American people, and, from those thus selected, the President should be chosen, then, I say, the Constitution ought to be amended, and the details of the plan should be regulated by law, so that we should have some security that the President should be a real representative, if not of the country, at least of a party. You have no such security now. And I apprehend, if this plan for the amendment of the Constitution, and the election of the President, was submitted to the American people, it would find but few advocates, even among the most sturdy friends of "regular nominations." Yet we stand, sir, practically, this day, upon that very basis. It is a great fact in our political history, the fact itself, and the means by which it has been produced, the instrumentalities which have been used, and the objects for which it has been accomplished, its effects upon our system of government, all demand the earnest consideration of the people.

The Constitution provides, that "each State 'shall appoint, in such manner as the Legislature 'thereof may direct, a number of electors, equal 'to the whole number of Senators and Represent-'atives to which the State may be entitled in the 'Congress," whose duty it shall be to vote for some citizen for the Presidency of the United States; and in the event that no person should get a majority of such electors, then the House of Representatives, voting by States, shall elect the President.

The framers of the Constitution intended these electors to have a real discretion. They were intended to be agents of the people, and not the machines of conventions. So much of the plan as looked to any discretion in the electors failed at once, but the power which the electors lost fell

into the hands of its rightful owners—the people. With this modification, the constitutional plan was steadily and successfully pursued, unaided and uncontrolled, except by the lawful agents of the people, from the beginning of the Government until 1836. Under this system the presidential chair was filled by ripe statesmen and tried patriots. It necessarily resulted, from the mode of selection, that all were excluded from the competition, except those who had great experience in public affairs, and who had distinguished themselves, and commended themselves to the people by virtue, wisdom, and patriotic services to the country. Such men had no need of hired biographers and venal letter-writers to inform the people who they were, and what were their opinions on public questions. They needed no interpreters of letters to the public, cunningly contrived to mystify what they pretended to elucidate. This system promoted the public welfare, and under it we grew great, and prosperous, and happy. But it did not suit that class of people who prefer their own to the public interest. These were the inventors and architects of National Conventions. They were contrivances to secure the popular support to those who had not and were not entitled to popular confidence. The power of association was invoked to subjugate free individual opinion. What has been the result? The ancient republican mode of selection gave you Washington, the elder Adams, Jefferson, Madison, Monroe, the younger Adams, and Jackson; all marked men; all tried men; men who had been identified with the great actions and ideas of their times—all of them identified with the civil, and three of them with both the civil and military history of the country; and who had illustrated, in their lives, their fitness for the highest trust in the Republic before it was conferred upon them.

What are the fruits of your National Conventions? What have the people gained by transferring their power over this subject to these juntos? They have brought you a Van Buren—have brought you a Harrison, a Polk, and a General Taylor. "Look upon this picture and upon that," and let the American people determine which, by its fruits—which mode commends itself most to the approbation of this great country. I mean no disparagement to any of these gentlemen. All of them but one have paid the last debt of nature, and gone to their long account, and the one who yet survives, unfortunately for himself, has survived his reputation. Then we cannot be said to have gained anything by a departure from the ancient mode of selection. The question is becoming one of greater, of still greater importance every day. With the enlargement of the Republic, with the increase of expenditure, this Executive power now promises to overshadow all the rest, and in truth it was to be expected.

That problem has never yet been solved, in this or any other country, which proposes to make an Executive strong enough to be useful, yet weak enough to be safe.

Impotence or omnipotence seems to be its inevitable destiny. England alone, of all modern nations, seems to have learned and profited by this great lesson. Happily for her liberties, the practice under her constitution is at variance with its theory. The practical result of her theory seems to be that "the King reigns but does not govern." With us the Executive department is increasing in power, in patronage, and in influence, and has already become dangerous to the other departments of the Government, and therefore it becomes a matter of the highest importance to the free people of this country to watch closely the means and the appliances by which it is filled.

This great and dangerous power should be held under the stern and watchful subjection of the popular will. It should not be intrusted to the disposition of party conventions. All party machinery—all irregular organizations, which are unknown to the Constitution, and are regulated by laws which seek to control or dispose of it, are dangerous to public liberty, and should be treated as usurpers of popular rights.

These conventions, although not elected by the people, nor recognized by them, not responsible to them, yet by reason of the unresisted exercise of the right to nominate the Executive of this nation, have already become a real power in the State, and exercise a dangerous control over the legislative body. I have seen, during this session of Congress, the members of a great and triumphant party, holding a majority of fifty in this House, coming here through constitutional and legal election, with the right to speak for their constituents on all questions affecting their political welfare, succumb to these organizations, and say, "We do not choose to declare the principles by which our own party shall be governed, because it would be usurping the rights of the National Convention." They have ignored their own powers and abandoned their own duty. They are false to a high trust, and sanction a usurpation whenever they utter such sentiments. They are the constitutional Representatives of the people of this country, and it is their right and their duty to declare for themselves the principles of their political action. Do you ask me why is this? The reason is obvious: they are sent here by and through these conventions, and not by the people; they do but obey their masters. This system has never produced and can never produce statesmen. In other times, when public men were sent to the councils of the country by the people and because of their virtue and intelligence and fitness for public service, they built up for themselves honorable fame, and did the State some service. They served the people and were sustained by the people. In those days there were giants, but the race is nearly extinct.

There is now a machinery standing between the Representative and the people which palsies him, which prevents the free utterance of his own opinions, which compels him to square himself by the declarations that accident, or caprice, or interest may cause these conventions to utter for his guidance. Obedience to them is infidelity to popular rights. I allow none such to stand between me and the people who sent me here, or to lay down principles for my action. The obligation is imposed on me by the Constitution. I will not disqualify myself for its faithful discharge. I have before observed, this system has produced none of those illustrious men who have become so distinguished in their country's and in the world's history; none of those great political lights which have shown so brilliantly on this Western Continent for nearly a half century. Nearly all of them have departed from us. Who is to take the place of the distinguished Carolinian? He was the handiwork of God himself, and of the people, not of party machinery. Who is to fill the place of the great Kentuckian? Who of the other great names of other days who yet linger among us? When worthily filled it will not be by these nurseries of faction. They have no need of such men. Their work requires another description of workmen; and he is not wise, he does not truly appreciate the best interests of his country, who does not put his foot upon them now and forever.

In 1836, these conventions had not much of public favor. Many of the States were not represented in the first conventions of either party. My own State had no representatives in any national convention until 1844; and it had a representation in the conventions of 1848. I believe there were three sets of delegates from that State in the recent conventions; but those who are acquainted with the circumstances of their appointment must be well aware that all three together did not represent any considerable portion of the people of Georgia.

Georgia, from the Revolution down to 1836, never had two tickets for the Presidency. Some distinguished republican, who had served his country long and faithfully, and had built up a character for himself, received the vote of the whole people. In 1836, it became important to run a man whom the people did not want, who had not built up a name that commended itself to the American people; who had no hold upon their affections. It was, therefore, necessary to get a party conformity by means of Baltimore machinery. Its very object was to defeat the popular will. That was the first national party convention that ever met in this country. It was successful, but the success was dearly purchased by the Democratic party. The retribution in 1840 was as overwhelming as it was just. In 1840, the representation became rather more general; in 1844 and 1848, nearly universal. In 1852, the people of many portions of this Republic were disinclined to trust these conventions. They stood out until the wire-pullers produced a seeming necessity for their coöperation. This seeming necessity was based upon the known fact, that when they had spoken, there was not one man in one hundred who would dare to stand up and give free utterance to his own opinions; who would not say: "I must conform to the party. I must elect as Chief Magistrate of this Union a man who, in my judgment, is not qualified for that high trust. I must support combinations which I believe to be injurious to my country, or I shall lose caste with my party." I would persuade such men to-day, that the path of duty is the path of safety; that country will gain what party loses, by the untrammeled exercise of their own judgments, and by making the ballot-box speak their own, and not another's will. I have heard the same sentiments uttered upon this floor, and gentlemen reproaching one another, when questions came up for their consideration and action, with having violated the platform of their party. Better violate that than your judgment, and your conscience, and your duty to the country. Rouse yourselves from any such degrading servitude. Your enemy is feeble, despised, disgraced in the eyes of the people—you have only to resist him, and he will flee from you.

With this opinion of these organizations, with this judgment of their effects and tendencies, they cannot prescribe a rule of political action for me. They would affect my conduct to some extent. I would yield much to overthrow them. I am ready to-day to unite with the free people of any portion of the Republic in their efforts to rescue their own rights from the hands of those who have usurped them, and to resume their ancient privileges, and among them the high one of designating for themselves who shall rule over them.

Party success being the life-blood of these organizations, they must and will, whenever it is necessary, sacrifice both men and principles to its attainment. Their history proves them true to this necessity, if to nothing else. When the Presidential election devolves upon the House of Representatives, the Constitution restricts its choice to the three candidates having the highest number of votes in the electoral college, and thus the popular will still remains the controlling element in the election. These conventions being under no such restraints, we have seen them make a candidate to suit themselves, instead of selecting one from the number of those designated by any portion of the people. Success demands that all factions of the coalition shall be pacified, the god of party harmony will accept none but noble victims—thus great public services become barriers instead of passports to public honors, and to have done nothing worthy of the Presidency is the surest means of obtaining it. The Republic must content itself with dispensing with the services of its most eminent and worthy citizens in this office, or with national conventions. Their action is not less fatal to principles than to patriots.

A moment's examination into the discordant materials which compose these conventions will demonstrate their unfitness to maintain principles of any sort. They neither devolop new truths, nor correct old errors. They usually announce, with pompous certainty, political axioms which nobody denies, and mystify with cunningly-contrived phrases controverted points of public policy. Truth is sacrificed to harmony. These combinations are in no just sense of that term parties. They do not combine to maintain any principles, neither to carry out a right policy or to resist a wrong policy. They are therefore coalitions "without principles and without policy, held together by the cohesive properties of the public plunder." Thus constituted, they can pull down, but cannot build up systems. They may acquire place, but cannot hold it. They can combine for mischief, but not for good. They can get place, but not power. Hence the people, from the origin of this system to this day, though they have supported the successful candidate, have almost uniformly been opposed to the President. This is a curious and instructive fact. Van Buren was elected in 1836; was not supported in office by the country, and was ignominiously driven out in 1840. Harrison was elected in 1840, and his party was driven out

in 1844, by Mr. Polk, whose party in turn were defeated in 1848. Thus each coalition in its turn, has answered the ends of its creation. The spoils have not only been regularly distributed, but have been greatly augmented to meet the increasing demand. The coalition gets an almoner of public wealth to political mendicants; the people get the privilege of replenishing the waste. Shame on them for thus betraying so noble a trust!

There was something more tolerable in the victorious legions who had subdued the barbarians, and defended the Empire from internal insurrection and foreign invasion, usurping the power to dispose of the imperial purple. They were at least able "to wear what they had won," and were probably more worthy to rule than the imbecile and timid hero, whose privileges and rights they usurped.

But I must pass on from this branch of the subject, and hasten to a brief examination of the constituent elements, and the action of the two late conventions. The Democratic Convention assembled first. The prospect was not favorable to its unity or harmony; the preservation of either was impossible, except upon the principles I have already explained. The political convulsions which raged so violently since its previous session had divided it into three parts. One portion had wandered off to Buffalo, and struggled lustily to bring the great Democratic family into disrepute in the North, by charging it with betraying it to the South. Another portion wandered off to Nashville, and battled against it under the pretense that it had betrayed the South to the North. And yet another portion, which embraced the majority of the party in Congress, stood firmly by the compromise measures, and voted for their passage. The two sectional wings of this party stood in extreme opposition—an agreement between them in principle was impossible. The Southern wing had denounced every public man North, Whig and Democratic, as unworthy of Southern support. The Southern men who supported the compromise measures were equally denounced by them. The Northern wing separated themselves from the organization upon what they called great questions of "human liberty." The condition of success was, that Birnam wood should be brought to Dunsinane—this moral miracle must be performed. It was done. The huge magnet of patronage was waved over the disaffected regions, and by its power of attraction, Buffalo and Nashville were brought in council together at Baltimore. Free-Soilers and Hunkers, Secessionists and Union men, compromise and anti-compromise men—all shades of opinion gathered together under the power of Democrats to select a candidate for the Presidency. The result of their labors was better than could have been fairly expected. It is true they threw overboard all those statesmen to whom public expectation and the public mind had been directed, and selected a candidate of their own; but the candidate selected is a fair exponent of the compromise element of the Convention. From my small knowledge of his history, I take him to be capable, honest, and faithful to the Constitution, and an early, consistent, and energetic opponent of anti-slavery fanaticism in all its forms, and a firm and decided friend of the compromise. His associate on the ticket is entitled to equal commendation.

The resolutions which were adopted by this body were numerous, and not creditable even to them. I took occasion, about four years ago, to review some of the most important of them, to which I refer for a fuller understanding of my opinions thereon. But the Convention did, fully and fairly, indorse and pledge themselves to abide by and adhere to the adjustment measures. The Southern-Rights division of the Convention surrendered fully, if not gracefully. The alleged reason for the act was, that it was done in obedience to the voice of the people of the South. The reason was not discreditable, if sincere. The Free-Soil division surrendered in sullen silence, and not a blow was struck by either of these divisions in defense of its peculiar tenets.

The compromise resolution which was adopted meets the question fully; the candidates nominated have put themselves fully, plainly, and distinctly upon it. Therefore the requisition of the Union party of Georgia is fully complied with, and these candidates are open to the support of the members of that party, without any surrender of its principles.

It is true there were many in that Convention who had uniformly opposed the compromise heretofore, and some who do now oppose it; but this class is neither numerous nor formidable. The compromise division of the party succeeded, both in its principles and its candidates. Their triumph was complete, and promises to be enduring.

It is deeply to be regretted that the same result did not happen in the Whig Convention. There were but two grand divisions in the latter body—the friends and enemies of the compromise measures. The former were divided between Mr. Fillmore and Mr. Webster, and the latter concentrated on General Scott. The result of their labors was, that the compromise was adopted, and General Scott was nominated. The Free-Soil Whigs of the North have complete control of the Whig organization in all of the non-slaveholding States, and Scott's success will be their triumph, and a triumph fatal to the principles of the Union Whigs, both North and South. The Whigs who supported General Scott for the nomination were the men who had been most active, by speech and pen, from the beginning of this excitement, in promoting sectional strife and discord. The men who stood here in 1850, were, from the beginning to the end of this great slavery agitation, opposing the settlement of it, and are, to this very hour, deadly hostile to the principles upon which it was made. In their party conventions at home, throughout the whole North, during the last year, not one of them, to my knowledge, has conformed to those principles. In their elections last year, in the two great States of Ohio and Pennsylvania, that party run candidates who were known to be averse to them. Ohio ran one, who voted against them in this House, who voted against them in the Baltimore Convention, and who, I believe, is now chairman of the Whig General Committee of the United States.

Mr. CAMPBELL, of Ohio. Will the gentleman allow me to ask him a question? I desire to know if the gentleman did not himself vote against a portion of that series of measures?

Mr. TOOMBS. I did. I voted against the bill admitting California into the Union.

Mr. CAMPBELL. Did not the gentleman also vote against that abolishing the slave trade in the District of Columbia?

Mr. TOOMBS. I did not; but I will give the gentleman the full benefit of his question. I should have voted against that bill if I had been here when it passed the House. I was not here at that time.

[Cries of "Go on!" "Go on!"]

In Pennsylvania, the candidate of that party was a gentleman who was known to be decidedly hostile to these measures. At both conventions which nominated these two gentlemen, General Scott was nominated for the Presidency, and the candidates had the full benefit of the association. These elections resulted disastrously to the Scott candidates and interest. These results somewhat cooled the ardor of the Scott Free-Soil Whigs; and at the opening of this session it was announced to the country that a Whig Congressional caucus had indorsed the compromise. It was very soon ascertained, though, that no friend of General Scott could be found among its supporters. The question was soon tested in the House; the test disclosed the Scott Whigs where they had always been—against the compromise; there were but twelve Northern Whigs who voted for it; and I believe all of them are to be found among the friends of Mr. Fillmore and Mr. Webster—national Whigs—who have upon all occasions since their passage avowed their determination to accept these measures as a peace-offering, without reference to their votes upon them. This was all we asked.

We do not wish to go behind the passage of these measures for objections to public men. We were willing that this settlement should stand as a pacification—what we approved, and what we did not approve. We were willing to do it for the sake of giving tranquillity, repose, peace to the country, and all sections of the country. We were willing that this adjustment should be considered an act of amnesty for past differences of opinion upon the general question of slavery, and to support, in good faith, any and all who were ready to stand by and maintain it. There are many in this House who voted against some, and even all of these measures, but who are still willing to stand upon that ground, and who do stand there; who had opposed them as, in their judgment, injurious to the rights of their own sections of country, but, for the sake of the peace and quiet of the Republic, and, inasmuch as they were acquiesced in by a large majority of the American people, North and South, they accept and maintain them. I honor them for it. But I find none such among the friends of General Scott. They have endeavored, in every way, to stifle those principles when presented, and they endeavored to prevent their affirmance whenever and wherever they could. To prevent their affirmance, both Northern and Southern supporters of General Scott made speeches on this floor, advocating the policy of going into the next presidential election without the enunciation of any principles whatever. Some gentlemen from the South, who had been supporters, but, I admit, reluctant supporters, of the compromise, were willing to accept General Scott without any pledge of his fidelity to these great principles, while they knew his friends were opposed to them. But the voice which came up from the people, even through the imperfect medium of the delegates to their convention, compelled them to pause, to tremble, to yield. They did wisely to heed that voice in demanding the resolutions; but they will hear its thunders again, for not heeding it, and giving it true utterance in the selection of the candidate; they will not, they ought not, to submit to have their principles put into the keeping of their enemies. They will demand principles and men, and make that demand effectual at the ballot-box in November.

The friends of the compromise demanded no sectional candidate. They were content to accept the present Chief Magistrate, whose name and fame have been identified with these measures. They were willing to accept the great New England statesman, notwithstanding their many points of disagreement with him in the past. He had thrown the weight of his mighty intellect into the scales of concord, in the darkest and most perilous hour of the conflict; and Southern compromise Whigs, at least, would have struggled with pride and energy to have seen the greatest intellect of the age preside over and direct the affairs of the greatest Republic in the world. These men were defeated in the Convention by the enemies of the compromise measures, because they were its friends. This was the true reason of their exclusion. And it is a sufficient reason for the friends of that measure, North and South, to oppose and defeat this nomination. My action shall respond to my convictions.

Shall we select between these two candidates? My preference would be for some citizen known to the people for his public services in civil life—some citizen disconnected from these organizations—some citizen devoted to his country, and not to faction—one whose wisdom and virtue have been tested by experience in public affairs. If such a name shall be presented to the American people, without reference to results, I would give him my support.

I will affirm the principle, and maintain the truth; and though I may not be able to succeed against this combination, yet, though all else may be lost in such a contest, honor will be saved, duty will be performed, and a great principle will be asserted. We must leave the rest to time and truth.

But what are the Union Whigs to do, if that contingency does not happen? This question would not be at all embarrassing if the majority in the Convention which nominated General Scott had put him before the country on their own principles. The difficulty arises from the fact that the resolutions passed by that body announce sound principles—principles which we approve. I object to but one resolution in the series, and that one is at least equal to, if not better, than the resolution upon the same subject in the Democratic platform. I mean the one relating to internal improvements. The Whig resolution asserts the

constitutional power in the Government to make internal improvements, but restrains it within limits, which, if honestly adhered to, would strip off most of the objections to it. The other platform denies the constitutional power to make such improvements in a particular manner, and, in my judgment, in the very way in which it ought to be done. Therefore, upon this question, I prefer the Whig to the Democratic resolution, though approving of neither. But while the compromise resolution of the Whig party is all I desired, and the other principles announced are in the main sound and republican, I have seen nothing in the past history of the men who offer them to me, to afford me any reasonable security that these principles would be honestly maintained. When I look to the record, when I look to their votes, when I look to their individual action, when I look to the struggle through which we recently passed in relation to the most important of these resolutions, I cannot believe these principles will be safe in such hands. They are my principles, and I intend to maintain them now, hereafter, and at all times—here, and wherever I may be.

I have already shown that General Scott's friends are not to be trusted with these principles, and he has given no assurance that they receive his approval, or will be maintained by him. Both parties having affirmed the compromise, it is important to examine how the candidates of each stand in relation to it.

The four candidates nominated by the two parties have all answered, and lest I might be charged with being hypocritical, I will give the answers in relation to the platforms of the parties of all four. The fact we wish to know is, whether the candidates approve and will maintain the principles declared by their respective parties. Every party has the right to demand this of its candidates, and without it no party man is under the least obligation to sustain his party's nominee.

General Pierce says:

"I accept the nomination upon the platform adopted by the Convention, not because it is expected of me as a candidate, but because the principles it embraces command the approbation of my judgment."

That is explicit. That is what General Scott ought to have done, especially as he was afraid of disgusting the people by writing anything before his nomination. [Laughter.]

Colonel King replies:

"The platform as made by the Convention meets my cordial approbation. It is national in all its parts, and I am content not only to stand upon it, but upon all occasions to defend it."

That is fair, open, and honest. These candidates stand pledged to the American people that they approve and will maintain these principles, and they are both honorable men. We have from them all the pledges we had a right to expect or demand, and their uniform action and declarations consistent therewith before as well as after their nominations.

We then come to the Whigs. Mr. Graham, the candidate for the Vice Presidency, says "*he* '*cordially approves* of the declarations made in the 'resolutions," and that, "should the people of the 'United States give their sanction to the nomina-'tions of the Baltimore Convention, so far as I 'shall be invested with authority, a faithful adher-'ence to those doctrines may be expected." That is equally full, and explicit, and satisfactory. These men did not intend to conceal their opinions. They did not take counsel of the enemies of their principles, and their language needs no expounding.

But what does General Scott say? He said he wrote no letters to secure the nomination. That is true. But he declined to write any because it was conformable to the policy of those who sought to give it to him. [Laughter.] They wanted silence, and he gave it to them. We demanded to know his opinions upon those great questions of public policy which we intended to make paramount to all others in the election. We could not get them. My friend from Tennessee, [Mr. GENTRY,] and from Florida, [Mr. CABELL,] and, according to Scott's own statement, many others, were clamorous before the nomination, demanding to know what he thought about them—what were his opinions upon them—did he approve them—and would he carry them out in good faith. They heard no voice from him, sir; and it could not be brought out, and there was but one reason why it was not got. We were told that when he should obtain the nomination we should receive it. He would not write letters to secure the nomination, but it would be fair, open sailing when it should be made. How has he answered those questions? "I accept the nomination with the resolutions annexed." I take it *cum onere*. [Laughter.] There is not a single line in the whole letter which expresses his approval of the compromise, or commits him to its faithful maintenance. It does not require much writing for a man to say whether he likes the platform or whether he does not like it, and whether he would carry out its principles or not. But he took a great deal of writing to get around it. He says, I accept it. There is no declaration here that it should be the policy of his administration; but on the contrary, he says he does not intend "to reduce [his party] by proscription to exact conformity to" his principles, whatever they are.

Mr. CAMPBELL, of Ohio, (interrupting.) I desire to know of the gentleman from Georgia, [Mr. TOOMBS,] inasmuch as he is assailing the letter of General Scott, whether he did not send a telegraphic dispatch to the State of Georgia, calling upon his friends there to oppose the nomination, before that letter of General Scott appeared?

Mr. TOOMBS. Certainly, sir; I did. [Laughter.] My dear sir, I would give you my whole history, if I had time. [Laughter.] I do not carry my principles in my pocket. I shall shun no question whenever I am asked; and no man has ever to hunt for my position in politics. I deem it to be the high duty of every public man to declare his sentiments, and my rule has been, that whoever is a voter has a right to my opinions, and he can get them whenever it suits his convenience. This is what I understand to be the true principle of representative Government, and I would scorn to represent men upon this floor, or in the highest office in the world, by a concealment of my opinions upon questions of public policy.

I did not intend to support General Scott in any event. I think him unfit for the office under any circumstances, and dangerous to the country, in the highest degree, in his present position. I am now offering additional reasons, furnished by himself, why he should not be elected to the office which he seeks. The reluctant members of the Convention are told, "You went to Baltimore, and you are bound by the action of the Convention." But I wish to show them that this is not a sound principle of party action, and that you have the right to demand of your candidates to stand up to general rules of honor and good faith. Whenever parties declare their principles, they have a right to have a candidate to carry them out. They have a right to know whether the candidate approves of those principles or not. If he says he will not, then nobody is bound by the nomination. Those are my opinions of party nominations.

General Scott has not done it. He has not declared his approbation of these principles in any part of this letter, but on the contrary, he has declared that principles shall make no difference, when it comes to the important business of becoming the almoner of fifty millions of dollars of the public money.

It was very easy for him to say whether or not he agreed with those principles, and approved of them, as Pierce and King and Graham have done. He is painfully obscure where it was his duty to be plain, but sufficiently certain where obscurity would at least have been prudent. His additions to the platform are certainly not to my taste. He has put two additional planks to it. [Laughter.] That is a little singular, as his friends seemed so much opposed to this kind of political structure. General Scott is for enlarging and making the platform broad enough, not only for you and me, and this country, but also to cover his own past errors, and get himself out of his past committals. It became necessary to him to rewrite a part of his own political history. He had certain committals to the tenets of an exploded party. His former opinions of our naturalization laws were not agreeable to a large class of our countrymen. He therefore proposes to alter them. He proposes to give "to all foreigners the 'right of citizenship, who shall faithfully serve, in 'time of war, one year on board of our public 'ships, or in our land forces, regular or volunteer, 'on their receiving an honorable discharge."

I am opposed to that position, and I think he will find the great body of the people are opposed to it. I do not think he cares much about it, and probably if he had not been trammeled by past errors, we might probably never have had the suggestion. This new mode of making citizens is liable to many and grave objections.

There is a great question lying under it, and I wish I had time to consider it in all its bearings before this House, and before the American people. The policy of this Government, from its beginning, has been, that the flag of this Republic shall be upheld and defended by American citizens, those who are citizens either by birth or naturalization, and none others; and I hope never to see the day when it will become necessary for this mighty nation to have that flag defended by anybody else. When you need mercenaries owing you no allegiance to fight your battles, you will be ready for a master, and you will soon find one. When you are not willing to defend yourselves, either from internal commotions or foreign aggressions—when you trust that flag to other hands than those of citizens, either native born or fully adopted, you betray the cause of liberty and your country. I want the flag of my country to be defended only by those who are entitled to demand and receive her protection. They are able to do it, they are willing to do it, and I trust they ever will be both able and willing. Let those who come among us assume the obligations of citizenship voluntarily, according to the Constitution and laws; then they have an interest in that flag, and have the right to join in its defense. It is a bad plan, if it agreed with the Constitution of your country, which is a matter of more than doubt.

I have but a few moments more, and I shall not be able to review all of this letter of General Scott.

He has another plank in relation to the public lands. Well, this is a vexed question. It is a question I should have been gratified to have seen any great statesman attempt to solve—to present me a system which would solve it wisely and well. But General Scott has not done so. He has not undertaken to grapple with it. He wants it solved, so as to benefit actual settlers, and injure nobody upon the face of the earth. That is safe, but it is not definite. I do not know whether I agree with him or not. I cannot tell, until he shall have submitted some plan for effecting his object.

There is another clause in General Scott's letter especially offensive to my own and the declared opinions of the great body of the people of Georgia. He says: "I should neither counte-'nance or tolerate any sedition, disorder, faction, 'or resistance to the law or the Union, on any 'pretext, in any part of the land." The State of Georgia has solemnly declared that she holds the Union secondary in importance "to the rights and principles it was designed to perpetuate," and has pointed out certain principles settled by the compromise, for the reversal of which she "will and ought to resist, even (as a last resort) to a disruption of the Union." Mr. Clay and Mr. Webster both affirm her right in one of those contingencies to resort to these extreme measures. General Scott does not seem to be able to discriminate between lawless mobs, Christiana murderers, and the action of the sovereign States of this Union. He seems not to have studied to advantage the Republican fathers. These opinions of General Scott make it still more important to know what he thinks of these great principles settled by the compromise, and whether he will abide by and maintain them. We can get neither the one nor the other from him. He tells us, "Finally, for my strict adherence to the principles of the Whig party, &c., I can offer no other pledge or guarantee than the known incidents of a long life now undergoing the severest examination." [Laughter.] That life has been a long and brilliant one No man now living on this continent, certainly, has added more to the military reputation of this country than General Scott. I have been very willing to award to him freely this justice. That

he is a great general nobody denies, but he has shown no aptitudes for civil life. And we have had too recent experience, that a great military genius may be wholly without fitness for civil life, to repeat the experiment. [Laughter.] Let us be admonished by our late almost fatal experience. General Scott's brilliant military history gives me no clue to his opinions upon these controverted questions of public policy. His civil history is to be found chiefly in half a dozen letters, and they offer me no satisfactory pledge for his future.

General Scott would have acted wisely and well not to have invited scrutiny into his past opinions on slavery. There are no known incidents in that life which commends itself upon these great questions to the approbation of a Southern man. Point to it. He is a faithful soldier and an honorable man, I know. That he will do what he says, I believe. I object that he has not said what we require; that he has not pledged himself to stand by and firmly carry out these great principles, and, therefore, as I believe him to be true to his own principles, and honest in holding them, I will not trust him where it is not clear that they agree with mine.

My hour, I am informed, is near its termination; and I shall, therefore, be compelled to pass by his Canada letter, to which I intended to make reference. I intended to examine his Atkinson letter, and to show that every one of the incidents of that history to which he has so unwisely invited the scrutiny of the people is against him, and speak trumpet-tongued against his being trusted upon this great question. I do not know of a single sentiment ever uttered by General Scott in relation to the principles settled by the compromise, or in relation to the subject of slavery in general, that is in unison with my own or the convictions of the slaveholding States of this Union. If he had stood upon these great questions where he ought to have stood, there would have been no need for his friend, the Senator from New York, [Mr. SEWARD,] attempting to relieve him by a letter to the public from somewhat of the odium of his alliance. But he did not stand there. For more than a year General Scott has been the known candidate of the Free-Soil wing of the Whig party. Even his friends in the South coöperated with them to strangle all acknowledgment of the compromise in Congress or the Convention. They finally gave him the nomination; to them he must look for his election; to them he must mainly look, if elected, for aid and advice in carrying on the Government. His election would reopen the sectional strife which we have just terminated, and imperil all that was gained to the country by the adjustment. Under these circumstances he can never receive my support. Let the compromise men everywhere—Union Whigs in the North and the South—rally once more in support of their principles. Let them make an open and manly resistance to the election of General Scott; use all honorable ways and means to defeat him; if we succeed, we shall have "conquered a peace," a lasting, enduring peace; and whatever may be the result, we shall have done our duty to ourselves, our principles, and our country.

THE COLLINS STEAMERS.

SPEECH OF MR. BRECKINRIDGE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

July 3, 1852.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the bill to supply deficiencies in the appropriations for the fiscal year ending June 30, 1852—

Mr. BRECKINRIDGE said:

Mr. CHAIRMAN: I propose to discuss the following amendment, from the Senate, to the deficiency bill passed by this House:

"For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last, to the Secretary of the Navy, commencing said increased service on the 1st of January, 1852, at the rate of $33,000 per trip, in lieu of the present allowance, the sum of $236,500."

I pass by, with a simple protest against this species of legislation—the action of the Senate in tacking this amendment to a bill intended to supply deficiencies in the ordinary expenditures of the Government. This is no deficiency, because it is not pretended that the Government of the United States has failed to perform strictly its agreements with Mr. Collins and his associates. It has no connection with the deficiency bill, and no business in it. It is the result of a practice, becoming too common, of requiring necessary appropriations to sustain and bear along others of doubtful propriety. Regarding it as a fruitful source of mischievous legislation, I shall always be prepared to assist in opposing the union of such incongruous measures.

The vote on this amendment will indicate the sense of Congress as to the extent to which aid shall be afforded by the Government to individuals and companies in the prosecution of mercantile adventures; in other words, it will test how far the Federal Government, by means of the common treasure, is to interfere with the ordinary commercial operations of the people. Several years ago, contracts were made, in pursuance of law, with various lines, and among the rest with the Collins line, for the transportation of the foreign mails of the United States between certain ports, in steam-vessels of a size and model suitable for conversion into war steamers. The United States agreed to pay certain sums annually for the transportation of the mails, and for the privilege of taking the vessels at cost in case of war. These vessels also carried passengers and freight, and thus engaged in commerce, derived a great incidental, but it was thought a fair advantage, from the Government money. It is not pretended that the Government has failed to comply faithfully with all its engagements to these steam lines; nor is it pretended that the sums paid under the contracts are not ample compensation for the transportation of the mails, and the right reserved by the Government to take the ships at cost in case of war. None of the memorials for additional aid are based on the idea of inadequate compensation, but only on the ground that the fierceness of foreign competition will break down the petitioners unless they receive further gratuities from the Treasury.

Mr. Collins and his associates, in their memorial, now before Congress, hold the following language:

"Relying on the national objects in view, and the national character of the enterprise, we have not been content to regard it as a commercial speculation, but have considered ourselves embarked in a contest of maritime skill and superiority."

Again:

"The increased aid, then, that we solicit, and which is indispensable to the continued prosecution of our enterprise, will impose a very inconsiderable present burden on the Treasury, and taking the whole term of our contract, no charge whatever." * * * * * "We make this appeal with the greater confidence, from the fact that the riva English line is sustained to every extent by the English Government, and that in a national competition we cannot doubt the willingness of the American people to grant all reasonable and just assistance to their countrymen."

Other steam lines are asking further aid on the same "national" grounds; and many applications are pending before Congress for the establishment of new lines.

Heretofore, the money expended upon our ocean mail system, has been paid on the principle of a contract, and the Government was supposed to receive a valuable consideration. The two objects avowed were to obtain for a fair price the transportation of the mails, and the germ of an economical naval marine. But the question now presented is wholly different. We are urged to open the Federal Treasury for the purpose of sustaining certain commercial lines "in a national competition." We are told they must go down, in the rude contests of commerce, unless they are sustained by the public money. The true question, when stripped of all disguises, is, Shall the Government become the partner of individuals and companies in commercial operations, thus inflicting a double wrong, by giving peculiar advantages to a small fraction of the community, and at the same time collecting the capital it subscribes by taxation from those who are to be oppressed by the monopoly? No more important subject has occupied, or will occupy, the attention of Congress; and since it is now proposed to extend the principle on which the Government at first connected itself with these steam lines, so as to make it embrace naked protection, and bounties from the Federal Treasury, to aid private companies in a "national" commercial contest, I submit that it becomes us to pause, and consider the results of the new principle we are about to adopt. Other lines now in operation, under contracts with the Government, have petitions before Congress for further aid, while many memorials for new lines are pending, and recently several have been recommended by a committee of the Senate. If, by the adoption of this amendment, the principle is established, that Government money shall be expended to support private commerce, what limit shall be assigned to the application of the principle? The precedent, if adopted for the benefit of the Collins line, like every other bad precedent, will be the fruitful parent of a pernicious brood of laws, and will ingraft a radically false policy upon the legislation of the country.

Sir, in my judgment, the proposition before the committee involves the highest interests of trade, and the true policy of America. As we shall decide it, so will we determine whether commerce shall be free or fettered—whether the carrying trade of the country shall be fastened upon the public Treasury—whether the free ocean shall be covered with the keels of commercial monopolies, wielded by the power of the Government, and leveled against the enterprise of its own citizens.

Before entering upon this new field of expenditure and experiment, it is proper to test the existing system, and to see whether the result of the policy already established has answered the ends intended by its founders, namely, the cheap transportation of our ocean mails, and the maintenance of a commercial navy. And although the amendment before the committee relates only to the Collins line, it brings up properly the whole subject, and invites a discussion of our entire foreign mail service.

We now pay to the six lines of ocean steamers already in operation under acts of Congress, *one million four hundred and twenty-three thousand two hundred and fifty dollars.* This sum is distributed among the different lines as follows:

Original contractors.	Service required by the contracts.	Acts of Congress under which the contracts were made.	Amount paid under contracts and acts of Congress.
Ocean Steam Navigation Company, New York.	New York and Bremen, touching at Southampton, (twelve trips out and back per year.)	Act March 3d, 1845, authorizing contracts to be made by P. M. General.	$200,000
Ocean Steam Navigation Company, New York. E. K. Collins & Co., New York.	New York and Havre, (twelve trips out and back per year.) New York and Liverpool, (twenty trips out and back per year.)	Contract, Feb. 2d, 1847. Same act, (included in Bremen contract.) Act March 3d, 1847, authorizing contract by Secretary of Navy.	150,000 385,000
A. G. Sloo, Cincinnati, (George Law, Marshall O. Roberts, B. R. Mc-Ilvaine.) Arnold Harris, (W. H. Aspinwall.)	New York to New Orleans, touching at Havana, twice a month and back; also Havana to Chagres and back, twice a month. Panama to California and Oregon, semi-monthly, connecting with Havana and Chagres line.	Same act. Act March 3d, 1847, and compensation increased 75 per cent. by act of March 3d, 1851.	290,000 343,250
M. C. Mordecai.	Charleston and Havana, *via* Key West, calling at Savannah.	Act March 3d, 1847.	50,000
			Total. $1,423,250

Even this large amount of $1,423,250 is represented as inadequate to the support of the existing lines, and an addition of $472,000 per annum

is demanded for the Collins line alone—making the annual compensation to that line $858,000, instead of $385,000. If this allowance should be made by Congress, the annual cost of transporting our mails on the ocean, under existing contracts, will be about $2,000,000; and if Congress should also grant the applications for increased pay of the other lines already established, (and they will insist with much force that the advantages granted to others shall be extended to them,) it will greatly augment this branch of our expenditures.

But this amount is small when compared with the sum which must be annually expended, if Congress shall accept the new proposals now pending, and urged upon us. I doubt if the country is aware of the amount of yearly appropriations which these proposed contracts will involve, or even of the number of the proposals themselves.

It will be remembered that the existing contracts are based upon the agreement, that the steamers employed were to be capable of conversion into first class war steamers, upon short notice, and at small expense. Most of the new proposals contain a similar undertaking on the part of the applicants. They nearly all come escorted by the plausible pretext of building up an efficient steam navy, capable of service in time of war.

The following list will convey some idea of the annual depletion which the Treasury must sustain, if these proposals are adopted:

New Lines, for which appropriations are sought.

Names of Applicants.	Service to be performed.	Amount to be advanced by Government to build.	Am't of compensation for service.
W. Chaloner & Co.	New York to Antwerp	-	$120,000*a*
H. B. Tibbetts..	Jersey City and Galway, Ireland	-	240,000*b*
John F. Ohl & Son.	Philadelphia to Havana	-	*c*
Thos. G. Shomburg.	New York to Venezuela	-	*d*
A.W. Thompson	Philadelphia to Antwerp	$2,000,000	375,000*e*
George Law....	New York to New Orleans, in connection with a contemplated railroad route across the State of Florida	-	375,000*f*
Joseph Bryan & others.	New York to Liberia	1,800,000	480,000
A.W. Thompson	San Francisco and Shanghai, China..	2,500,000	1,000,000*g*
T. G. Shomburg.	New York and West Indies, and Spanish Coast	65,000 on each steamer.	*h*
W. C. Templeton.	New Orleans and Vera Cruz	-	100,000*i*
Coffin & others.	Boston and New Orleans	-	100,000*j*
Chas. Fletcher..	Norfolk, Virginia, & Cadiz	-	462,000*k*
Bloodgood & Co.	Extension of Havre line to Bremen, from Cowes	-	50,000
	New York, by Gibraltar, Marseilles, and Toulon, to Genoa	-	-
Amazonian St'm Ship Company	From Norfolk, Virginia, to Porto Rico & Para, Brazil.	-	-
A.W. Thompson	Between the United States and Ireland.	-	-
H. D. Mankin...	From Baltimore and Norfolk to the West Indies, Brazil, and Buenos Ayres	-	-
W. B. Clarke...	From Baltimore and Norfolk to some point in England connected with London by railroad	-	-

a Two steamships; trips monthly.
b Four steamers, not less than 2,000 tons each, $10,000 the round trip.
c Monthly service. The conditions not specified.
d Terms to be left to the Postmaster General.
e Five steamers.
f Three times a week; five days from city to city; eleven steam-ships.
g Six steamers.
h Same amount per mile as paid Chagres line.
i Two steamers, not less than 800 tons each.
j Five steamers.
k Proposes to contract on same terms as Collins.

These lines would involve a yearly expenditure to the Government above the present contracts of at least four and a half millions of dollars. This estimate is sufficiently low, though not, perhaps, strictly accurate, because all the applicants have not specified the compensation. If to this amount be added the present appropriations, we have a total annual expenditure for this single branch of the public service of about six millions of dollars, and after those are established we shall, doubtless, as heretofore, have numerous applications for new lines, pressed with great industry and ability, as well as for increased pay to those already in operation.

It will be seen by reference to the last report of the Postmaster General, that the cost of transporting the mails for the last fiscal year over 6,170 land routes, whose aggregate length was 196,290 miles, and to perform which service 5,544 contractors were employed, was only $3,421,754; so that the annual cost of transporting our foreign mails would be nearly double the present cost of transporting all our inland mails.

The able chairman of the committee on Naval Affairs in the House, [Hon. F. P. STANTON,] in a report made August 1st, 1850, in favor of the Ebony line of steamers to the coast of Africa, after summing up the different lines of Government mail steamers supported by Great Britain, adds:

"It is not proposed that our Government shall attempt to emulate the vast net-work of steam navigation with which England has encompassed the globe."

I submit that our existing and contemplated lines not only "attempt to emulate," but they propose that this Government shall far exceed, both in the number of lines and amount of appropriations to them, the whole net-work of steam navigation with which we are told "England has encompassed the globe."

By the British Constitution, all moneys expended upon the mail or naval service must be appropriated by Parliament. A register of these appropriations, made every year, exhibits the amounts annually appropriated to the different lines. The London Times of March 12, 1852, contains a complete table of the ocean mail service of that country for the years 1851–'52, and 1852–'53, which was compiled from a Parliamentary report, and is probably accurate: [For table* see next column.]

From this table, it appears that the whole expense of the Queen's vessels employed in mail service, including allowance of Government agents on board the contract steamers, which is not included in the estimated cost of proposed lines in this country, is only £809,496 for the past year, and £870,158, or $4,202,863 for the ensuing year; an amount falling considerably short of the estimated cost to the Government of our existing and proposed lines, which we have seen was about $6,000,000.

It will be seen, also, that the compensation of the Cunard company, instead of being increased in proportion to the increase of their trips in the most dangerous portion of the year, has been actually diminished from $17,500 per trip to about $16,000, and that this amount *is all that the Cunard line received from the English Government.* The amount now paid by our Government to the Collins line is $19,250 a trip; the amount proposed to be paid is $33,000 a trip.

At the time our Government entered into the existing contracts, the agreement was that these steamers were to be constructed of such materials and from such models that they could be readily and cheaply converted into efficient war steamers of the first class, with the privilege to the Government, in case of war, of taking them at appraisement. For this privilege, or lien upon the vessels, the Government has not only advanced its capital, but also paid a liberal bonus each year.

I shall have occasion to refer the committee presently to the hasty and rather informal legislation under which the foreign mail system has grown up; but I wish at this moment to call your attention, Mr. Chairman, to the fact, that this sum of $1,423,250, which the Government is now paying to the six lines I have enumerated, and which we are called upon to increase so largely, is not paid as the price for mail transportation simply. The amount even now paid is not the lowest at which it is practicable to insure the adequate performance of mail service alone. It is worthy of note, also, that these contracts are different altogether from anything we have known before in our mail arrangements. Some of them are made with the Secretary of the Navy; some with the Postmaster General. The New York and Bremen, and New York and Havre, and the Charleston and Havana contracts are concluded with the latter Department. They all seem of a mixed nature. They neither belong exclusively to the Navy Department nor to the Post Office Department. No published proposals—except in the case of the Charleston and Havana route—extensively circulated for bids for the performance of the service, after the law authorizing the contracts was passed, were made, as is the case with all our inland mails. Neither, in all cases, has the service been thrown open to general competition. The mode of proceeding has been, in most cases, that individuals have memorialized Congress to authorize the Secretary of the Navy to contract with them for the mail between certain points for a specified compensation set forth in the memorial.

In this state of things, the inquiry naturally enough arises, why there was this departure from what has before been the almost uniform practice of the Post Office Department in contracting for the conveyance of its mails? The reason seems to have been that the Government, in addition to furnishing mail facilities, contemplated building up an economical naval marine, by the association of private enterprise with Government capital. And the increased compensation above a fair price for the mail service performed, was considered, by the Government at least, as so much money expended for building up this naval marine.

**Table showing the estimate for the Post Office Packet Service of Great Britain for the coming year, as compared with that which terminated on the 5th of April last:*

To and from—	Company.	Year. 1852–'3	Year. 1851–'2
Liverpool and Isle of Man		£850	£850
Holyhead & Kingston..	City of Dublin..	25,000	25,000
Aberdeen & Lerwick..		900	900
Southampton & Channel Islands	S. W. Railway..	4,000	4,000
England and Hamburg, and England and Rotterdam	General Steam..	17,000	17,000
Southampton, Vigo, Oporto, Lisbon, Cadiz, and Gibraltar	Peninsular and Oriental	20,500	20,500
Liverpool and Halifax, and Boston and Liverpool, & New York..	Cunard	171,364	145,000
Halifax, Bermuda, and St. Thomas's, and Halifax and St. John's, Newfoundland	Cunard	14,700	14,600
Southampton and West Indies	Royal Mail	240,000	240,000
Southampton, Brazil, and Buenos Ayres	Royal Mail	30,000	30,000
Callao and Valparaiso.	Pacific	25,000	25,000
Plymouth and Cape of Good Hope	General Screw..	30,730	30,730
England and West Coast of Africa	Laird	11,500	-
England and Australia.	Australian	26,000	-
England and Alexandria	Peninsular and Oriental	22,500	23,000
Alexandria and Beyroot	Hall, Brothers...	1,560	1,560
Suez and Calcutta, £115,000; less 7-16, payable by East India Company, £50,312	Peninsular and Oriental	64,688	64,688
Ceylon and Hong Kong £45,000; less as above £19,688	Peninsular and Oriental	25,312	25,312
Bombay, (proportion paid to East India Company)	East India	50,000	50,000
Allowances of Government agents on board the contract packets		10,683	9,985
		792,287	727,425
Expense of Queen's vessels employed in the packet service		77,871	82,071
Total expense		870,158	809,496

Whether the individuals, or any of them who applied for these contracts, expected that these mail steamers could not be made suitable for naval and commercial vessels at the same time, and used the war clause merely as a pretext for getting Government capital in aid of private pursuits, is another question. That the Government is paying more than a fair price, and so understood at the time the laws were passed, for the mail service performed, is evident from the debates in Congress at the time the system was first adopted. Mr. Thurman, in this House, on the 24th of April, 1846, said that "he was not willing to pay so large a sum for transportation of the mails merely;" "that the principal inducement to contract for mail steamers was to obtain vessels suitable for war purposes." It is further evident, from the fact that the Collins Company is already receiving about $3,000 a trip more for service between New York and Liverpool than the English Cunard Company for equal services. And, indeed, there is now a proposition before us from Mr. Tibbetts, to carry the mails between New York and Galway, as promptly and safely as they are now carried, and in vessels of not less than two thousand nor more than four thousand tons burden, for just about half what is now paid to Mr. Collins, and less than a third of the amount we shall pay him, if this amendment is adopted. This route is shorter and quicker than the Liverpool route, and, under our postal arrangements with Great Britain, it matters not, I apprehend, whether the mails are delivered at Galway or Liverpool, as no additional expense would be incurred in Great Britain. Mr. Tibbetts offers most responsible men as guarantors for the faithful performance of the contract. How much less than the sum which Mr. Tibbetts proposes to charge, the same can be done for, we have no means of ascertaining, because these contracts have not been open to competition. That many ocean steamships of the first class could be chartered to perform the same service now performed by the Collins line, at $10,000 per round voyage, I have no doubt.

Again, the contracts of Law & Co., and Aspinwall & Co., have about eight years to run. They will cost the Government in that time, according to the estimate of the Department, $750,000 per annum—$638,250 being paid to the two companies of contractors. The balance being the expense of getting the mails across the Isthmus; or $6,000,000 in the course of eight years.

An offer has been made by C. Vanderbilt to perform the same service to San Francisco, and would probably include the service to Astoria, over a route eight hundred miles shorter, and of course in less time, for $250,000, including the expense of the transit across the Isthmus, without the advance of a dollar from the Treasury for the construction of his ships, and without asking a single privilege not accorded to a person contracting to carry the mail on horseback; which is equal to only $2,000,000 in the eight years. Vanderbilt proffers to give any security which the Government may demand, for the fulfillment of his obligations; and also offers to permit the Government to take his ships at will or not, at actual cost on a valuation by appraisement, in case of war, actual or threatened.

The difference in the cost of transporting the mails between New York and San Francisco by the two routes, is therefore about $500,000 per annum, or $4,000,000 in the eight years.

And yet it seems, by a construction put upon the act of the 3d of March last, that the Government gave a bonus to these companies, to whom we are paying so much more than we could get the same service performed for by others, by releasing them from the payment of interest up to that time, on all advances made them for building their ships.

And now, I submit that it is of great importance for us to determine whether this privilege or lien upon the vessels is in fact of any value; whether this part of the consideration for which we pay so much, has not failed; whether, in other words, these steamers can be converted, in a short time, and at a reasonable cost, into efficient war steamers. That is what the contractors undertook to make them; that is what the Government was to receive in consideration for its money.

There is some plausibility in the argument that these vessels will always promptly furnish a powerful steam navy in case of a sudden and extensive naval war. I do not propose to discuss, in this connection, the question whether we might not, in case of need, have an equal or superior steam force upon a system untainted with bonuses and bounties, nor the other question, whether even the possession of a commercial steam navy will justify an attack upon equality of rights, and the freedom of commerce. These questions will come up in their proper order. My position now is, that we have no proof that any of these steamers can be converted, either in a short time, or at a small expense, or at all, into efficient war steamers of the first class; on the contrary, the evidence is, that there is a marked difference in solidity, strength, and other essential requisites, between these vessels (even the finest and largest of them) and those constructed at our navy-yards; that they cannot be altered without great expense of time and money; and that they have been built with a view principally to speed and the accommodation of passengers and freight.

Upon these points, Mr Chairman, we want accurate, clear, and positive information, before throwing open still wider the doors of the Treasury, and plunging still deeper into the system. It is certain that the strengthening of our naval marine was the object mainly sought by those who passed the first laws in favor of these contracts. The idea was, that the same energies that extended the commerce and manufactures, should also increase the protection of the country. That such was the intention of the founders of the system is sufficiently apparent from all the debates and reports upon the subject.

By recurring to the action of Congress, it appears that on the 8th of January, 1845, a bill was introduced in the Senate on leave, "to provide for the transportation of the mail between the United States and foreign countries," and without debate, it was ordered to be printed and referred to the Committee on the Post Office and Post Roads. On the 15th January, 1845, the bill was reported back to the Senate with an amendment, which was ordered to be printed.

On the 1st of February, 1845, the bill was taken up in the Committee of the Whole, and reported to the Senate, and *without debate* ordered to be engrossed and read a third time.

In the House, on the 15th of February, 1845, the same bill was taken up and referred to the appropriate committee. On the 25th of February, it was reported to the House, and on the 3d of March, just at the close of the session, was taken up and passed *without debate*.

In the House, on the 24th of April, 1846, the bill making appropriations for the Post Office Department for the year ending June 30, 1847, being under consideration, an amendment was moved appropriating $25,000 for the line of mail steamers from New York to Bremen, with which the Postmaster General had contracted under a law of the previous year, and in the course of the debate upon it, Mr. Thurman, with others, insisted—

"*That it could not be denied that the principal inducement to contract for mail steamers, was to obtain vessels suitable for war purposes.* If this object could not be accomplished, the measure would not receive his vote. He was not willing to pay so large a sum for transportation of the mails merely. The contract ought to stipulate that before any money shall be paid for these ships, they shall be certified by the proper officer to be fit for service as war steamers."

And he moved an amendment "that no money 'shall be paid under the contracts until the ships 'to be used shall be certified TO BE IN ALL RE-'SPECTS PROPER FOR USE AS STEAM-VESSELS OF 'WAR.'" Mr. T. Butler King, afterwards the warm friend of these lines, said he should vote for the amendment.

This was the understanding of Congress when the Bremen line was established.

In 1846, the subject came up again, and Mr. King, chairman of the Committee on Naval Affairs, to whom had been referred several propositions for the establishment of lines of ocean steamers, coast-wise and foreign, made a report, in which he said:

"It is true it is not compatible with our institutions or our interests, to maintain a large and expensive naval establishment in time of peace, but it has become a matter of the utmost importance to devise some system which, with a moderate and beneficial outlay, WILL ENABLE US AT ALL TIMES TO BE PREPARED FOR THE CONTINGENCY OF WAR. This, it is believed, may be accomplished by combining with the system proposed by this committee in a former report, on the increase of our steam navy, the plan more extensively adopted by Great Britain of uniting the elements of a commercial with those of a *naval steam force*. The design of this system is to render the transportation of the mail, passengers, and freight *subservient to the extension of her naval establishment*. The successful operations of her lines of mail steamers, has shown that commerce may not only, in this way, be promoted and extended, but made to contribute directly the means of its own *protection and defense*."

Again:

"While our commerce is extending itself to all quarters of the globe, and increasing in a ratio almost, if not quite equal to the increase of our population, and requiring protection in every ocean, it would seem, from the expensive nature of our naval establishment, under the present system, that no extensive augmentation of it can be hoped for or expected."

Again:

"It is proposed that they (these steamers) should be built under the superintendence of a Government naval constructor, *and capable of being converted into efficient war steamers at the shortest notice;* boilers and machinery to be located below the water-line, and secured, as far as practicable with paddle-wheels, from an enemy's shot, and to comprehend all modern improvements suited for the service for which they are designed."

Again:

"As it is designed to make these steamers, in case of necessity, a part of the naval force, and that they should be built under the superintendence of a Government naval constructor, it is proper that the contracts should be made with the Navy Department. This will enable the head of the Bureau of Construction to suggest to the contractors such internal arrangement of the steamers *as will render them convertible, at the least possible cost and delay, into vessels-of-war*. With these views the committee recommend the passage of the bill herewith submitted."

And on the 3d of March, 1847, at the close of the session, with scarcely any debate, a bill establishing the Liverpool line of steamers was passed.

Thus it appears that those who adopted and put in execution this contract system, did it with the expectation and understanding that they were building up an economical naval marine—that they were contracting for the building of such steamers as could promptly, and with small expense, be converted into first-class war steamers. Not tow boats, nor transportation boats, nor dispatch boats, but STEAM VESSELS-OF-WAR, in the usual acceptation of the words.

This is made still more evident, from the fact, that in the Collins contract are found these express words: "The steamships 'shall be so constructed as to render them convertible, AT THE LEAST POSSIBLE COST,' into war steamers of the first class," &c.

In the Sloo contract, for the Chagres line, is found the following stipulation:

"And the said steamers, in strength, capacity, rigging, spars, engines, boilers, AND IN ALL OTHER RESPECTS WHATEVER, are to be similar to the late United States ship Missouri, as far as the alterations 'above permitted, and a reasonable regard to the nature of the service contemplated will allow.'"

Now, Mr. Chairman, how have these contractors fulfilled their stipulation, upon the faith of which Government money is expended so freely, as appears from the evidence now before us? Even Commodore Perry, who is no doubt a most brave and accomplished officer, but whose special pleading in favor of these lines runs through every report and communication he makes upon the subject, in a report dated June 30, 1849, says:

"The deviations in Sloo's contract are, that THE MATERIALS AND FASTENINGS ARE NOT EQUAL TO THOSE OF THE MISSOURI."

THE MATERIALS AND FASTENINGS! Quite important items, one would suppose, in a war-ship. Well, if they "are not equal to those of the Missouri," what are they equal to? Does anybody know—can any one tell? Are they equal to any kind of a battle-ship? I may be mistaken, but I apprehend not. At any rate, we want a commission of naval constructors and others, who shall ascertain.

Chief Engineer Haswell says, in his report of April 20, 1850:

"With a large majority of the commercial ocean steamers now built, the proportions, capacities, and construction of their hulls, and the design and arrangement of their engines and boilers, are such as to render them incapable of efficient and economical war service, without incurring an expenditure in alterations and loss of time that would not, except in cases of national emergency, be at all repaid by the ultimate durability of the hulls of the vessels in their ready transfer to, or their economical performance of, actual service."

Chief Constructor Lenthall, a gentleman of great professional ability, in his report of February 20, 1852, says—

"That the cost of converting them into war steamers could not be safely estimated at less than $70,000 or $80,000; in addition to which will be the destruction of materials and labor, and highly-finished work that has probably cost not less than $100,000."

And he says, as he understands "being suitable for immediate conversion"—

"They are not in that state, for much work would have to be done to them."

Commodore Skinner, in his answer to the Navy Department of April 26, 1852, says, that—

"They cannot be converted into war steamers without great expense, and then they would be inferior to those designed solely for that purpose."

Commodore Perry also says:

"The mail steamers of the contracts of Howland & Aspinwall, of George Law, and of E. K. Collins, can be easily converted into war steamers, for TEMPORARY service, in cases of particular emergency; but the cost of converting them to war purposes would be LARGE, and in no respect would they be so economical, or in any way equal to vessels built expressly for Government service; nor should they, in my opinion, interfere in the least with the organization and gradual increase of an efficient and permanent steam-navy."

He further reports, that the steamers of the Aspinwall line have not been built according to the contract. They have, each, but one engine and two boilers. "A very serious objection," says the Commodore, "as no steamers intended 'for ocean navigation, however small her dimen-'sions, should be constructed with less than two 'engines and three or four boilers."

There are other equally wide departures from the terms of some of these written contracts, which I cannot now pause to comment upon.

Mr. Chairman, justice to the Navy and our naval security, to commerce, and to the vital principle of equality under the laws, demands that there should be a full and unprejudiced examination into the construction of these steamers, and their fitness for war purposes. The public treasure expended—the different lines now in operation—the new applications continually pressed upon us—are all justified on the ground, that the *naval force* of the United States is thereby increased. The argument of the projectors of the system was, that it would diminish the expenses of the Navy, and at the same time augment our naval strength. But, so far from the Navy proper having been reduced, or the construction of vessels-of-war having been in the slightest degree abandoned, the cost of this branch of the public service increases from year to year like the others. Our national expenditures are not a dollar less, in consequence of the annual outlay of $1,500,000, and the contemplated expenditure of about $4,500,000 more upon this CONVERTIBLE NAVY. Do gentlemen want both? Will the people sustain both? If these steamers can be of no "*permanent service*" as vessels-of-war—if their conversion will be attended with great expense and delay, and if, even then, their service can only be "contingent and temporary," why, no one will insist that the system should be longer sustained. It is upon these points, sir, that we ought to have thorough and accurate information from a board organized for the purpose.

Commodore Perry, in his report of February 18, 1852, alluding to our ocean mail steamers, says:

"If these steamers had been originally constructed conformably to the spirit (though it was not called for by the letter) of the contracts, as they should have been, and all English mail steamers are, *in anticipation of their possible conversion into war vessels*, the cost of converting them would be much less."

English steam vessels-of-war built by Government are frequently absent on distant stations and in active service for four or five years, without repairs, whereas our own mail steamers, it is said, require frequent repairs.

But, Mr. Chairman, my position is this, and to it I call the special attention of the committee: that since there have been palpable and admitted deviations from the contracts in the building of these steamers, and those, too, of an important nature—since naval constructors, selected for their skill in matters belonging to their profession, assure us that these vessels cannot be converted into efficient war steamers of the first class under a cost and sacrifice of less than $170,000 or $180,000 each, while a commodore informs us that the same can be done for $20,000; since it is the opinion of many that they could be of no "*permanent*" service to the Government in any event; and since we are relying on them as part of our naval force in time of need, it becomes us to ascertain the facts before we proceed further, and especially before we transcend the contract principle, and adopt the bounty principle. Can there be any objection to this position, especially when the examination will be attended with no expense? If these steamers are worthless as a naval force, I wish to know it, and my constituents wish to know it.

We are sometimes told that a great battle is to be fought between the commercial steam marine and the Navy proper, and that this floor is to be the field of conflict. I recognize no such impending conflict. I am a friend to our commerce, and favorable to all proper facilities for extending our communications with foreign countries. I am a friend, also, to the Navy. The history of my country presents too many pages adorned by its achievements, to allow me to speak aught in its disparagement. I never can be false to the memories that connect it with the eras of 1776 and 1812, nor ever forget that when the commerce of America retired from all the seas, and hid itself under embargoes, and acts of non-intercourse, our gallant Navy contended, not ingloriously, with the first power in Christendom, and avenged the wrongs we had long suffered from England. Gentlemen cannot, if they would, assume to speak for this new and untried *commercial navy*. They are ignorant as to its efficiency—ignorant of everything which should form the basis of an enlightened opinion as to its merits. The partial materials before us conduce strongly to prove that the system is as much a failure for naval purposes, as it is false to the true interests of commerce.

I am not disposed at this time to comment at length upon any particular lines in the pay of the Government. Much has been said and written about the Collins line. Interested agents seem to be attentive to the interests of other lines. All this may be very well. Contractors, announcing themselves upon the verge of bankruptcy, have thought it proper to send one of their steamers from New York to the Washington shores of the Potomac, for the inspection of temporary residents in the national metropolis. The Collins line is before Congress for a large increase of pay, and the application is sustained by the most powerful and determined outside pressure I have ever seen brought to bear upon any legislative body. The extent of these influences, and the vigor of their exercise, instead of impending bankruptcy, would argue imperial resources, for, in this selfish age, gentlemen do not incur the expenses of Washington, and abandon their own business to attend to that of others, from motives of simple benevolence, nor even "to sustain the national honor."

The grounds of the application as set forth by the petitioners are, that they are unable to compete with the British steamers on their present allowance, and that the country would suffer a loss of honor, of trade, and of maritime eminence, by their discontinuance, which they say would be the certain consequence of a rejection of their application. It has been shown that if they cannot compete with the British line upon the present allowance, other Americans can do it upon a less allowance, so that the pretext of a loss of trade and maritime honor falls to the ground, and the way is open for the transportation of our foreign mails, and the preservation of both honor and commerce, without the odious condition of granting Federal bounties to private companies. But if I were willing, under any circumstances, to sanction the principle of sustaining commercial lines from the Federal Treasury, I would require, first, the clearest proof that the steamers have been built in strict conformity with the contracts, and are suitable, "IN ALL RESPECTS," for war purposes; and, second, that the financial concerns of the line have been conducted with economy and ability. As individuals or as corporations, our people are obliged to manage their own affairs with prudence and economy, to make them successful, and they will demand the same of others who come to them for pecuniary assistance. Upon the latter point we have no reliable information. Although the Government is largely interested, there has been no examination into the affairs of the Collins line under Government authority; and the only evidence that I have seen, of proper management and of loss, consists of *ex parte* statements from the interested agents and subordinate officers of the company.

I am by no means insensible to the national honor and commercial renown which the Collins steamers have conferred upon our country. In common with others, I have exulted over the victory in steam navigation won by them for America, and should regret to learn that the enterprising capitalists to whom they owe their existence, had sustained losses from their princely adventure. My sympathies are warmly enlisted for those who have contended so nobly with the first naval Power on earth for the mastery of the seas. But are such sympathies a proper basis for legislation—when, too, that legislation must impose still greater burdens upon the people? Admit the plea in one case; legislate away $500,000 upon it from an almost exhausted Treasury in one instance, and where are you to stop? Where is the builder, and where the owners of the yacht "America," which lately won such brilliant honors in English waters? With what consistency could Congress deny financial aid and protection to them, when demanded upon the ground that they, too, had conferred national honor and naval glory upon our country? The pride of Britain—boasting that she holds the trident of the seas—was not more humbled by our triumph in steam navigation, than it was in August last, by the success of that little American craft, built in New York, by American shipwrights, and manned in England by American freemen. The British people have spent centuries in perfecting their sailing vessels, and English supremacy on the ocean has been the cherished object of national desire. One of her poets sang, in exulting strains—

"Her march is o'er the mountain wave,
Her home is on the deep."

But such a boast is now idle. Albion no longer "rules the waves." The last plank to which she clung was wrested from her by an American shipwright, and by American individual enterprise.

Mr. Chairman, it seems to me that with our present information as to the capacity of these vessels to be converted into efficient war steamers in a short time, and at small expense, the adoption of this amendment would involve the Government in the support of a naked and unmitigated monopoly. Let me repeat a little. We have seen that the public faith was pledged to the contractors, its money advanced, and the mail contracts given to them, upon the sole condition that the steamers were to be built IN EVERY RESPECT suitable for war purposes. That was the advantage sought by the Government, and the consideration for the expenditure of its money—I mean so much of it as exceeded a fair compensation for transporting the mail, which we have seen was a considerable part. Now, if the contractors have failed to perform this condition precedent—if these steamers are not capable of "*permanent*" service in a war contingency, but can be used only for "temporary" purposes, the consideration upon which the public money was paid, has failed. And if in such a state of the case—which, I believe, will be found to exist—the Government shall advance more money than the contract requires, thus giving the contractors a bonus for failing to perform their obligations—then all such payments from the public Treasury will be made TO PRIVATE INDIVIDUALS, FOR THE CONSTRUCTION OF PRIVATE SHIPS, FOR PRIVATE GAINS.

This will be the position of the Government, sir; and NOW, if any reference to the Constitution of the United States may be made in these days of magnificent monopolies and wholesale plunder, without calling up a smile of derision, I would inquire where that instrument confers the power to give such gratuities? And I desire to be pointed to the clause empowering us to tax one interest for the purpose of building up another. I put the question to Republicans everywhere, and especially do I commend it to gentlemen of the Democratic party—a party whose cardinal principles have ever been in direct conflict with such abuses.

To recur to the point I have been discussing, this steam system imposed mutual obligations. The Government was to pay its money and the contractors were to furnish war steamers. All will admit that a steam-vessel of war should combine the two essential qualities of strength and speed—the former being indispensable to support the weight of a properly-appointed battery, and the latter being equally so, for quick maneuvering, and bringing an enemy into action. Mr. Constructor Lenthall, in his report of February 18, 1852, tells us that "it is not enough that they should be *fast*, they must be capable of carrying and using an armament." "Nothing," he says, "can compensate for this latter quality. It is of primary consideration."

Now, I understand that the mail steamers now in operation were built by men whose sole occupation has been the construction of merchant vessels for freight and passengers only, and who, perhaps, have never been called to consider the ability of a vessel for the safe and easy carriage of a heavy battery. I believe, sir, that these mail steamers can no more be converted into permanent and efficient first-class war steamers, than our ordinary merchant ships can be converted into first class war frigates. And to sum up the reasons obtained from gentlemen of the highest skill, in and out of the Navy, I have no doubt that a fair and careful examination, by proper officers of the Government, would establish—

1st. That they lack the requisite power of resisting projectiles in their construction and materials.

2d. That they lack the strength sufficient to enable them to carry a battery equal to that of our present first-class steamers. Whereas they might be reasonably expected, from their greater size, to be able to carry a much larger one.

3d. That they lack the strength of hull, or such strength as is usually possessed by our men-of-war; their weakness arising from two causes: one of which is their model, which, being adapted for speed, is too long for the breadth of the ship, and being what is called remarkably clean, or lean, the form of the ship, both forward and aft, is not such as to afford that capacity which is requisite in a man-of-war. The other cause arising from the fact that the beams which support the deck have been placed in reference to the comfortable accommodation of passengers, without reference to the possibility of a battery of guns being placed upon them, and they are not as large as those commonly used for the support of the decks of a sloop-of-war of the first class. The same will be found to be the case in regard to the disposition of the knees at the side, which are placed more in reference to uniformity than actual use.

4th. The machinery, contrary to the custom of men-of-war, coming above the main deck as far as the spar deck, renders it impossible that the main deck should be decked over in the middle of the ships, which would give great strength. This arrangement of the machinery also preventing any strong beams being run across that space, to brace the ship together, in a place where it is so essential that ships of their length should be strong, and much danger is therefore run of breaking their backs.

5th. That although in steamers-of-war of the United States it is usual—indeed, always the case—that the boilers are confined to a space below the lower deck, so completely surrounded by coal bunkers, in some instances arched over by them, as to render the access of a ball a very remote chance, if not an impossibility, still in these mail steamers a large part of the most delicate portions of the machinery, and those portions the most easily put out of order, extend above the main deck, and the boilers above the lower deck, thereby cutting it forty or fifty feet, thus weakening the vessel and depriving the machinery of the protection it should have.

6th. That these steamers lack the strength and capacity for carrying a battery for the following reasons: the spar deck is too weak and too high above the water; the flimsy stanchions of the bulwarks would not stand the recoil of a twenty-pounder, much less that of an eight-inch shell gun, and the strain of a battery weighing over fifty tons would strain and rack them and materially endanger the safety of these vessels or any vessels of their model. Yet such a battery would be rather light than otherwise. That placing on the extreme bows and stern of the vessel, as it would be necessary to do, guns weighing each, with their carriages, ten tons, would still more endanger the ships amidships, besides increasing their tendency to pitch and run under.

7th. That it would be found, upon inquiry, that whenever it has actually been found desirable and expedient to get their anchors on board the moment they get to sea, that the trims of these vessels are so delicate that by moving one of their anchors a few feet forward or aft, they are in a great measure able thus to trim the vessel by the head and stern. That this is also the case with regard to keeping the vessels upright, for the slightest wind on one side or the other of the vessel, renders it necessary that their anchors should be transported from one side to the other, to keep the ships in proper trim.

8th. The principle upon which the boilers of these vessels are built, or the immense amount of steam required for their engines, renders necessary an almost fabulous quantity of coal to be burnt; at times averaging one hundred tons per diem, as in the instance of the Arctic's second trip from Liverpool. Nor is it probable that an average speed of five knots could be got out of them with a daily supply of forty tons—the most that could be allowed as a per diem while acting as a man-of-war.

9th. That the model of the steamers is such as to render a proper disposition of battery impossible, situated as the engines of these vessels are. Their great length, so disproportionate to their breadth, the body of the vessel above the water-line being so much larger than that below it—the leanness forward and aft, and the little bearings they possess, save that which is directly amidships, induces so great a tendency to roll, even now, without a battery, that were one placed on the spar deck, it would make them not only bad sea boats, but render them *utterly useless in a sea way*. The center of gravity would then be so far above and removed from the center of motion, that in the arc described by the deepness of the roll, the effect of a shot fired from the battery, would be attributable to chance, rather than accuracy of aim.

I think I have shown, sir, that these ships are not built according to the contract, and cannot be relied on as efficient war steamers. But if any doubt exists, let a board of commissioners be appointed, consisting of experienced naval constructors and others—practical men—to report to the House particularly upon all these points, and such others as may be deemed necessary to a full understanding of the subject.

It will be recollected that the late Secretary of the Navy, Mr. Preston, in his annual report of 1849, said:

"After a careful consideration of this subject, I cannot withhold the expression of an opinion adverse to embarking any further in the proposed union of public and private means in this system of ocean steamers, as calculated to promote the interest of the Navy. Whatever may be the view which Congress may entertain as to the policy of transporting the United States mail, and affording facilities for the transportation of passengers and freight, in the manner proposed by such a system, I entertain a decided opinion that, if it should be regarded as the mode and manner which Congress has determined on for increasing the naval force of the United States, it will be found, in the end, entirely subversive of the object which it intends to promote. To the extent to which the present contracts have committed the faith of the Government, and to the extent of the obligations under the contracts, they are, of course, strictly to be regarded and scrupulously to be performed. Yet, as a naval establishment, I deprecate any further extension of the system, as fraught with incalculable mischief to the Navy, and involving immense expenditures of public money. All must appreciate the great importance of rapid, regular, and safe transmission of our mails to all quarters of the world; and all are sensible of the great commercial advantages that must result therefrom. The contracts already made, and the sums already appropriated, are fully adequate to a thorough test of the experiment. I believe, however, it is a subject that should, in the future, be left to the competition of private enterprise. I feel assured that, in the struggle, American enterprise and American industry will eventually be successful."

And, in a communication of June 21st, 1850, to the Committee on the Post Office and Post Roads of the Senate, referring to these views, he said:

"The opinions heretofore expressed have been confirmed by the experience of the last year; to which I have but to add, that so far as the contracts contemplated a union with the naval force of the country, and an improvement in the efficiency of our naval power, they have not and will not prove beneficial."

Mr. Chairman, I think I have shown that the chief purpose for which the Government enlisted in this system has failed—that these steamers are not adapted to war purposes—that if the war clause is pleaded as the ground of further appropriations, the additional $500,000 per annum which this amendment proposes to give to the Collins line alone, will be so much money taken from the Treasury upon false pretenses—and finally, that while the contractors have failed to perform their obligations, the Government has complied strictly with its part of the contract. Can it be doubted, then, that the contractors are in default to the United States, and not the United States to the contractors? in other words, that if we decide the question upon the *contract*, and not upon the idea of *a mere bounty*, there is no pretense for this enormous increase of compensation?

I observe, sir, that of late the original argument for these large grants has been almost abandoned. Very little is now said about the capacity of these vessels for war purposes; but Congress is pressed to grant this gratuity chiefly on the ground that, on the present allowance, they cannot compete with the English line in the transportation of passengers and freight. The contest between the Cunard and Collins lines is declared to be a national contest, in which, for the honor of the country, the American line must be sustained from the Public Treasury; and we are assured that if the bounty is refused, the American line must go down, and the mails, passengers, and freight must fall into the hands of the British. Every chord of national pride and national jealousy, in the American heart, is touched with masterly skill, and some of our impulsive patriots are ready to empty the Treasury of its last dollar upon the notion that it is necessary to "beat the British."

Mr. Chairman, I pass for a moment the discussion of the question whether steam lines should be fed with the public money because others can do the same things cheaper—and answer this appeal by denying the fact. It is not true that our mails, passengers, and freight would be carried exclusively in English ships. I repeat, sir, that a proposition is before this Congress, with the offer of any security that the Government may demand, to transport the mails from New York to Great Britain, safely and promptly, for one half the pay now given to the Collins line; and the steamers that would carry the mails could command their proper share of passengers and freight. How, then, can we justify this unnecessary and prodigious expenditure? Others may look upon the functions of this Government from a different point of view, but I believe all such appropriations to be clearly unconstitutional. From all the evidence before us, I regard this pretext of establishing a steam marine as a magnificent scheme for fastening the carrying trade of the United States upon the Public Treasury; and this commercial steam navy, if firmly established, will be simply the great protected interest in navigation, and will revive the old and almost exploded doctrine of protection in its worst and most mischievous form. If the Government can endow steam-ship lines with such enormous sums; if Congress can make such princely gifts to private monopolies, it can, upon the same principle, and with equal propriety, endow railroads, canals, telegraphs, stage lines, and every other scheme which speculators and jobbers are continually urging upon this body.

Sir, for the last few years the obvious tendency of this Government has been to occupy wider and wider fields of power. If these things continue, it will not be long before the Constitution, if consulted at all, will be consulted to ascertain not what Congress may do, but what it may not do. All things are drawn to the maelstrom of Federal usurpation, and when the limitations of the objects to which the revenue shall be applied are all withdrawn, but little will be left to resist the tendency to consolidation. I have not raised the question as to the power of Congress to establish and maintain foreign mail routes, but have acquiesced in the practice of the Government, and throughout this argument conceded the power; yet gentlemen must see the vast increase to the General Government of influence, patronage, and

expenditure which it involves. But if, in addition to this, Congress may establish steam lines from all our ports, which shall be actively engaged in commerce, and under pretense of transporting the mail and furnishing ships ready for war, may sustain them from the Public Treasury against all competition,—why then, sir, it would baffle the ingenuity of man to devise a more corrupt and profligate system, and I would defy the greatest enemy of America to invent a scheme more surely fraught with our ruin and dishonor. Mr. Chairman, I am opposed to all these doctrines. I am opposed to every scheme of national plunder by which the people are to be bought up with their own money. I am opposed openly and forever to any system which would plunder one half of my country for the emolument of the other, and bankrupt the Treasury with utopian schemes of "national honor and renown."

I need not remind the committee how the system of Government bounties to particular steamship lines is directly hostile to the true interests of commerce, that ally of liberty and nursing mother of civilization; how it leads us back to the exploded errors of the past, and revives the odious monopolies and restrictions that oppressed the infancy of trade; how it withdraws the revenue (the life-blood of the Government) from the veins into the ulcers of the State; how it substitutes Government rivalries for private competition; how it destroys all commercial independence and self-reliance; how it closes every avenue to commercial success, except to those who can command the subsidies of the Government. The subject has become so important that we have before us memorials, numerously signed by intelligent ship-owners and merchants in our Atlantic cities and elsewhere, who have been driven, in self-defense, to protest against this unjust system. They object to these grants, as enormously expensive to the whole country, which is taxed for the means of the Treasury, and as creating commercial monopolies entirely inconsistent with the objects, spirit, and proper policy of the Federal Government. They say that, as private enterprise has founded our commerce, private enterprise should be relied on to sustain it; that it cannot flourish on any other foundation; that these grants have already created monopolies on the routes upon which they run, which are ruinous to private competition on the same routes; that private enterprise is amply sufficient to establish lines on any routes, and to sustain them on all profitable, or paying routes; and that the competition of private enterprise would cost the Government much less for the transportation of the mails, than it now pays to the Government lines. In these views I fully concur, knowing, as I do, that the rapid growth and admitted superiority of our sailing marine has been the result of individual enterprise, unchecked by legislative restrictions and monopolies. Why cannot the same individual enterprise win a like superiority for our ocean steam marine? Shall America, who first gave steam navigation to the world, be pondering and muttering over the apprehended rivalry of England in the practical application of her own discovery? Shall individual effort and activity, constituting, as they do, the great and glittering highway to national wealth, admit that here are enterprises too large for their grasp, and must they come, like suppliants, begging bounties from the Treasury? No, sir. The *real* energy of America will not do it. The same enterprise that so recently, at the "World's Fair," extorted from the most anti-American and anti-Republican journal in all England, the admission "*that every practical success of the season belongs to the Americans,*" will never shrink from any undertaking lying within the bounds of human effort. Why cannot lines of steamers be sustained as well on the ocean as along our inland waters, where they have grown up and flourished under the spur of sharp competition? It can be done; nay, it has been done; for I assert that the EXTERNAL steam marine alone of the United States exceeds the whole steam marine of Great Britain and her dependencies, by many thousands of tons. Look at the official statistics of our external and internal marine, as exhibited in a recent report of the Secretary of the Treasury, and see how both have flourished when left to the competition of private enterprise:

"EXTERNAL STEAM MARINE.—The steam marine of the United States on the Atlantic coast, from Passamaquoddy Bay to Cape Sable, consists of 46 ocean steamers, 274 ordinary steamers, 65 propellers, and 80 ferry boats, having a tonnage of 154,270 tons.

"The steam marine of the Gulf of Mexico, from Cape Sable to the Rio Grande, consists of 12 ocean steamers, 95 ordinary steamers, 2 propellers, with a tonnage of 23,244 tons.

"And the steam marine on the Pacific coast consists of 37 ocean steamers, 13 ordinary steamers, having 34,986 tonnage.

"On the Atlantic coast there are 116 high-pressure and 342 low-pressure boats; number of officers and crews 6,348; number of passengers during the year ending July 1, 1851, 33,114,782; the average number of miles traveled 8,118,987.

"On the Gulf of Mexico there are 98 high and 9 low-pressure boats, 3,447 officers and crews, 148,700 passengers during the year, and the average number of miles traveled 1,361,380.

"On the Pacific coast there are 3 high and 47 low-pressure boats, 1,418 officers and crews, and the number of passengers during the year was 79,207.

"The aggregates are: ocean steamers 96, ordinary steamers 382, propellers 67, ferry boats 80—total 625 boats. Total tonnage 213,500, high-pressure boats 213, low-pressure boats 410, number of officers and crew 11,770, passengers during the year ending July 1, 1851, 33,342,846.

"The shipwrecks on the Atlantic and Pacific coasts and the Gulf of Mexico during the year were 50 ships, 59 brigs, 190 schooners, 9 sloops, and 20 steamers—total 328; of which 278 were lost by tempest, 14 by fire, 15 by collisions, 19 snagged, and 2 by explosions. The number of lives lost was 318.

"The 'human movements,' by steamboats, on the principal tide-water lines during the year, were as follows:

	Passengers.
On Long-Island sound	302,397
On Hudson river	995,100
Between N. York and Philadelphia, by steamboats	840,000
On the Potomac and James rivers, and Chesapeake bay	422,100
On the Gulf of Mexico	169,209
On the Pacific coast	79,209

"In twenty-six districts on the Atlantic coast, there were 160 vessels lost, valued at $1.559,171, on which insurance was paid to the amount of $968,350.

In New York the marine insurance paid was	$3,520,161
In Philadelphia do do do do	906,616
In Boston do do do do	554,865

"And the total amount of marine (not inland) insurance paid the last year, ending July 1st, 1851, is estimated at $6,227,000."

"THE INLAND STEAM MARINE.—This comprises three grand divisions—the northern frontier, the Ohio basin, and the Mississippi Valley, and its magnitude exceeds the most extravagant estimates. I glean from Mr. Gallagher's exhibit the following official aggregates and facts:

	St'mrs.	Tonnage.	Crews.	Passeng'rs.
The northern frontier has	164	69,165	2,855	1,513,390
The Ohio basin has	348	67,101	8,338	3,464,967
The Mississippi river has	353	97,967	6,414	882,593

making the grand total of inland steam marine to consist of 765 steamers, with 204,613 tonnage, manned by 17,607 officers and crew, which carried, during the year ending July 1, 1851, *five millions eight hundred and sixty thousand eight hundred and fifty passengers.*

"The entire steam marine of Great Britain and her dependencies, is stated at 1,184 steamers, with a tonnage of 142,080 tons; while the aggregate of the external and internal steam marine of the United States consists of 1,390 steamers, with a tonnage of 427,113 tons—showing that either the internal or external steam marine of the United States exceeds the whole steam marine of the Great Britannia and her dependencies by tens of thousands of tonnage.

"The losses on the lakes and rivers during the year ending July 1, 1851, were 35 boats by tempest, 30 by fire, 18 by collision, 32 by snags. Lives lost on the lakes 67, and on the rivers 628. Total, 695.

"The steamboat tonnage of the upper lakes has more than quadrupled in eight years, and doubled in the Mississippi valley in nine years.

"From the introduction of steamboats to 1848, the disasters on the Mississippi river and its tributaries have been: fires, 104; by collision, 45; by snags, 469. Total 618. The original cost was $9,899,748. Depreciation in value $5,176,757. Final losses $4,719,991. The loss in 1849 is stated at not less than *two millions.*

"The average tonnage of steamers on Lake Erie is 437 tons, in the Ohio basin 206 tons, and in the Mississippi valley 273 tons."

And their growth in the future will be more rapid and magical than in the past. The great political movements which have marked the last eight years of our history, fixed forever our commercial and maritime supremacy. The annexation of Texas secured to us the control of cotton, the most important staple of commerce in the world; while the acquisition of California, giving to us another coast and another ocean, will pour into our lap, at no distant day, the boundless commerce of the East. With a country embracing every variety of soil, climate, and product—with a population unequaled in their self-reliance and energy, and doubling every twenty years—with a position between the two great oceans of the world, and the dawn already visible of that day when our power will control them both, he who runs may read the commercial future of America. He must be blind who does not see that our true policy is to sweep away the whole patchwork system of aids, bounties, and monopolies, with their pernicious brood of attendant evils, and to throw the controlling weight of our example and influence in favor of the freedom of commerce, whereby alone we can be just to the enterprise of our own citizens, and secure a market wide enough for the development of our inexhaustible resources. Sir, it is amazing to observe how American energy rises to the requirements of the age. The necessities of the world demand the union of the Atlantic and the Pacific—and, behold, how our people rush to its accomplishment. The contemplated ocean links, the marriage tie between these great waters—which, when completed, I would have celebrated on each returning year, as the Doges of Venice celebrated the marriage of their imperial city to the waters of the Adriatic—will give a new and irresistible impulse to our commercial progress. Our possessions on the Pacific—a sea destined to become a modern Mediterranean of commerce—have placed us in contact with the inhabitants of the opposite continent, and the beautiful islands reposing near it.

It is said there are now more than 500,000,000 of human beings who inhabit the countries of Asia and America bordering on the Pacific and Indian oceans, and the islands imbosomed in their waters. Of these 350,000,000 inhabit the Chinese empire, 50,000,000 the islands composing the empire of Japan, 30,000,000 the countries composing the Burman empire, and 100,000,000 inhabit Hindostan. Many more millions inhabit the Islands of Borneo, Java, Sumatra, New Holland, and the numerous other islands of the Pacific and the countries bordering on the western coast of South America. This numerous host inhabit some of the richest countries of the earth, abounding in the most valuable products of the tropical and temperate climates. The commerce of these countries is even now important; but who can measure its value when it shall be quickened into new life by contact with the restless and enterprising American?

Was there ever presented to any people a theater so boundless for the free play of commercial enterprise? But instead of unleashing the energies of the people, that they may seize this vast commerce as their proper prey, what is the glorious policy set before us? Why, sir, it is to pay money, collected by taxation from the whole people, to particular lines of steamships, to enable them to compete with the steam marine of other countries, AND OF OUR OWN. We begin the system by establishing steam lines, to be supported out of the Public Treasury, from two or three of our principal ports to the chief centers of foreign commerce. But will the evil stop even there? Let the numerous applications for new lines, which are continually pressed upon Congress, answer. When a false principle is once established, you cannot limit its application. To preserve the color of justice and equality, the same advantages must be afforded to all sections of the country, and the grand result will be, innumerable lines of steamers, engaged in commerce, owned in part by the Government, and the monopolies they create supported by the public money. Such a system, in its full development, would cripple the commercial enterprise, and exhaust the revenues of any nation on earth. Even in Great Britain, (a country whose errors of policy, as well as fashions of dress, we are prone to adopt, just as they are about to be abandoned there,) it is the judgment of the better part of her political economists that they have made a mistake in attempting to form an alliance between naval and commercial interests. Among other proofs, the London Times—a paper, I admit, which has no sympathy with America, or her institutions, but still a far-seeing, able, and faithful sentinel upon the watch-tower of British interests—in a careful article on this subject, as connected with the policy of England, recently said:

"They (the commercial interests) must suffer from the total suppression of all the improvements that result alone from intellect quickened by competition, and instead of enjoying the constant benefits to be gained by the exercise of individual genius, must content themselves with whatever progress may be deemed proper by boards of directors, protected from all rivalry, dreading innovation lest it should

lead to diminution of Government allowance, and controlled in everything by the Lords of the Admiralty."

I commend these sagacious and statesmanlike reflections to American legislators.

To sum up my reasons for opposing both the increased bounty to the Collins line, and the whole system as heretofore pursued by the Government:

1st. Because the contractors have failed to fulfill the stipulations of their contracts, and have not constructed vessels capable of being converted "at the least possible cost into first-class war-steamers."

2d. Because there has been no examination into the affairs of the Collins line by any officer of the Government; and therefore no proof of prudent management and unavoidable loss.

3d. Because, from the nature of the system, there is great danger that the contracts being necessarily so large, will be awarded to individuals or companies, whose personal or political influence will shield them from strict accountability.

4th. Because no partnership between the Government and individuals, resulting from express contract and formed for the acquisition of common profits, should be encouraged.

5th. Because the system is in the highest degree pernicious to the commercial enterprise of the country, by giving an unnatural and consequently unprofitable direction to all commercial interests.

6th. Because the bounties furnished by the Government to these steamships, enable them to compete successfully with private individuals, in the transportation of passengers and freight, and finally, to force all others to abandon the routes; as is the case between New York and New Orleans, and Havana and others.

7th. Because, under the system as heretofore administered, exorbitant prices have been allowed for carrying our foreign mails; thereby imposing high rates of postage upon the community, and also indirectly furnishing reasons for not reducing our inland postages.

8th. Because, under the system as now administered, great frauds are practiced upon the Post Office Department, on the different lines, by express men constantly carrying letters outside the mails, at half the prices charged by Government postage rates.

These are some of the reasons which impel me to oppose the further extension of this system; and while I hold a seat on this floor, I shall continue to protest, by voice and vote, against a policy which would hamper with odious restrictions our national commerce, now spreading its white wings "far as the breeze can bear, the billows foam," and pressing onward to that supremacy upon the wave, which is sure to be the crowning glory of our country, if the Government will but let the people win it.

But gentlemen may ask, What is the policy of the opponents of this system; and especially with regard to the Collins line? "Will the Government drive a hard bargain with its citizens, and because they happened to make a miscalculation, compel them either to relinquish their contract, after having made enormous sacrifices in struggles for its fulfillment, or to fulfill it at a sacrifice still greater?"*

To the first branch of the inquiry, as one opponent of the system, I answer without hesitation—let us comply strictly with existing engagements, but make no more of the same kind; and especially let us not, by passing this amendment, drop the idea of an equivalent to be received by the Government, and adopt the principle of maintaining particular commercial lines by bounties from the Treasury. Let us dissociate naval from commercial interests, since it is plain that their union will finally absorb the public revenues in the ordinary operations of commerce. In future contracts for the transportation of our foreign mails, let us abandon the war clause as a failure and a pretext for endless expenditures. In extending our foreign mail facilities, let us throw open the contracts to general competition, thus giving an impulse to steam navigation, and to the enterprise of our citizens. By pursuing this just and enlarged policy, in a few years both oceans will be covered with the commercial steam marine of the United States, which, in time of peace, will increase the general prosperity without increasing the public burdens, and in case of war, would be invaluable in conveying intelligence, transporting troops, and cutting off the commerce of an enemy. Your CONVERTIBLE COMMERCIAL STEAM NAVY, could do no more.

To the second branch of the inquiry, I answer, that if Mr. Collins and his associates have a hard bargain, let them apply to be relieved from it, when an investigation into the affairs of the company may be had under authority of Congress, and the case decided upon its merits. It would be far better even to reimburse to them their actual losses, if any have occurred, than to continue these enormous appropriations; for in the latter case we should at least be done with the system of taxing the community to supply the commercial losses of private companies.

Mr. Chairman, this amendment may pass this House, as it has passed the Senate. I know the power of the influences at work in its favor: Personal friendships—local interests—continual solicitations—all these are actively exerted, and are hard to resist. You may succeed in giving to the Collins line alone nearly $1,000,000 a year. You may succeed in maintaining a little longer this ocean aristocracy, supported, like the British nobility, by the sweat of the people; but the day of its destruction will come. Every step taken in continuation of this system increases the number to be retraced, because a principle which is both false to our destiny, and unjust, cannot find a permanent resting place in the American statute-book. When the country comes to understand and realize the effects of this legislation, it will demand its instant and final repeal.

Mr. Chairman, the time will not allow me to pursue this subject further, nor to speak of other abuses now weighing down the Government. The universal tendency among those who hold delegated power in a country whose resources are ample, is to extravagance. It is time again to inscribe on our banners *Economy—Retrenchment—Reform;* and for one, I will labor faithfully with those who, instead of constantly seeking for new sources of expenditure, shall strive to curtail the already enormous cost of this Government.

* Speech in the Senate of Hon. C. T. JAMES, of Rhode Island.

RIVER AND HARBOR IMPROVEMENTS.

SPEECH OF HON. J. H. DUNCAN,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

July 22, 1852.

The House being in the Committee of the Whole on the state of the Union, on the bill making appropriations for the improvement of rivers and harbors—

Mr. DUNCAN said:

Mr. CHAIRMAN: My purpose in rising upon this occasion is to vindicate the Committee on Commerce from the charges that have been preferred against it from various quarters of the House. The gentleman from Kentucky [Mr. MARSHALL] complains that the committee have appropriated too little. The gentleman from Virginia, upon the other side, who spoke yesterday, complained that the committee had appropriated too much. He is opposed to all appropriations of the sort. Both gentlemen charged the committee with injustice, or neglect of duty, towards their particular sections of the country. I believe these charges may all be fully met and refuted, and that to do this, it is only necessary to call the attention of this committee to the duty imposed upon the Committee on Commerce, the position in which they were placed, and the manner in which they have discharged that duty. They were selected to consider and report upon the different petitions and memorials which should be committed to them by this House, and upon such recommendations as they might receive from the several executive departments. This was their whole duty. They were not, as a committee, to make explorations, and personally to visit the various sections of the country, and see what improvements were wanted here and what there. They were not, I say, upon their own knowledge and information, to hunt out and present to this House objects for improvement, and recommend appropriations, but simply to pass upon the petitions, reports, and memorials which were committed to them, upon the recommendation of the departments, and upon the representations and information which should be laid before them by the parties interested in the objects for which appropriations were sought. They have done this. They have considered and acted upon all the subjects which were properly presented to them.

Mr. FREEMAN. Do I understand the gentleman to say that these appropriations are based entirely upon the petitions of private individuals?

Mr. DUNCAN. No, sir. I did not say so. I said they were based upon petitions and memorials presented to us, and upon the recommendations of the several executive departments.

Mr. FREEMAN. I desire to know if they are based upon any accurate surveys, or upon any official information obtained by the Government of the United States, or furnished this House?

Mr. DUNCAN. I answer, generally, yes; but if the gentleman will allow me to go on and explain the course of the committee, I think he will be satisfied.

There were different opinions entertained by the committee in regard to the constitutional powers of the Government over internal improvements; and, viewed as a mere question of expediency, how far these improvements should be carried out. The committee were not ignorant of the fact, that there existed great differences of opinion in both Houses of Congress, and throughout the country, upon these questions; but a majority of the committee were favorable to appropriations for internal improvements to a limited extent, and that to a limited extent they were within the constitutional powers of the Government. They have devoted three or four days in each week during a session of five months, to the consideration of these applications, and to hear representations which were laid before them by members of the House and others, who were informed with respect to the objects to be appropriated for. But the greater portion of two or three sessions of the committee, every week during this long period, was devoted to the patient hearing of those gentlemen, of representations from States, of chambers of commerce, of town and lake interests, in regard to the importance, the necessity, and the propriety of the improvements which they petitioned for; and the result is the bill which is now presented to the committee—a bill every appropriation of which met the approbation of the majority of the committee. Every appropriation in this bill was deliberately considered by the committee, and they sought information from every source from which it could be derived. They had before them, in the printed documents of this House—in answer to the gentleman from Mississippi, [Mr. FREEMAN]—surveys from the Topographical Bureau, reports of the progress of the works in different years, and they resorted repeatedly, by letter and otherwise, to the Topographical Bureau for information in regard to the different applications which were made to them. They consulted charts, maps, availed themselves of every source of information, and attended patiently to every application made to them, and decided honestly, I am sure, and according to their best judgment, upon the propriety of making the appropriations which they have made.

Now, sir, I think since so much attention and deliberation have been given to this subject by the committee, that their report deserves, at least, the *candid* consideration of the House.

I believe there is no appropriation made which the committee are not able to vindicate and to defend as being within the limits of the Constitution, and as being required to promote the commercial interests of some portions of the country. It has been charged against the committee that these appropriations are unequal. A gentleman complains that too little is given to this section of the country and too little for that. The gentleman from Kentucky [Mr. MARSHALL] complains that the great rivers have been neglected. But that gentleman will find, if he examines the bill, that the appropriations turn out to be made—without any design on the part of the committee, at least they made no question upon that point—in nearly equal sums to the Atlantic sea-board, the great rivers of the West, and the great lakes.

Mr. MARSHALL, (interrupting.) I understand myself as having made an objection to the bill, that the $60,000 which is estimated for the

Upper Ohio is thrown into hotch-potch, as it were, and the $50,000 estimated for the Cumberland dam has been embraced in the same way; and if you take this $110,000 estimated for the Ohio and the Cumberland dam from the general appropriation for the western rivers—which is the round sum of $260,000—you leave an insufficient amount for the balance of the rivers; and if you consume $100,000 in the construction of snag-boats, you will have left but $50,000 for the improvement of the rivers themselves.

Mr. DUNCAN. Such, then, are the objections. I thought that objection was satisfactorily answered by the chairman of the committee [Mr. SEYMOUR] this morning. Who are to expend these appropriations? Are they to be expended by interested parties—by those who choose to favor one river, or one portion of a river, to the exclusion of another—by no means. They are to be expended by the executive officers of the Government under the direction of the Topographical Bureau—gentlemen perfectly disinterested, and whose duty it is to apply the money in the best manner, at the best time, at those points where it is most needed, and where it can effect the most good. It seems to me that this is a sufficient answer to the objection.

The gentleman complains of the appropriation for the repairs of the Cumberland dam, as he also complained of those to the rivers. Gentlemen in the last Congress well recollect that the contest then was, whether the $50,000 appropriated in the bill, should be applied to tearing down the dam of the Cumberland river, or to the repairing of it. A warm contest was carried on, and a portion contended that the dam was a nuisance in the river, and that the money would be best laid out in removing and taking it out of the way. It is sufficient that the money is appropriated; and if, in the judgment of the officers who may expend it, it is desirable to appropriate a portion of it to the repair of the Cumberland dam, they are at liberty to do it.

But there is one general answer to all these objections. Have we not appropriated as much as can, in any reasonable expectation, be expended before the next meeting of Congress? The first thing to be done, unfortunately, is to provide the machinery and materials to commence the works; since, from the fact that appropriations for internal improvements have been withheld from the country for fourteen years, except a small appropriation for the great rivers and the great lakes, made in 1844, the snag-boats and other means of carrying on these works have decayed, and been sold I say the first thing, unfortunately, to be done is, to renew those snag-boats, and the materials to carry on those works; and surely we have appropriated as much money as can be employed for that purpose, and indeed as much as can be employed for any purpose, until another meeting of Congress. And I do hope, if the House sees fit to pass the reasonable, and proper, and moderate bill which we have now submitted to them,—I say I do hope it will be but the commencement of a series of improvements, judicious and within constitutional limits, and having a due regard to economy. I hope, as I believe, a majority of the House are now satisfied that such is the true interest and the true policy of the country, and that this bill, if now passed, will be the commencement of a system, which will be carried on for years to come, to promote the best interests and prosperity of the country.

Sir, the gentleman from Kentucky [Mr. MARSHALL] saw fit to complain of the appropriations for the Atlantic coast, and amongst others he singled out the Savannah river. I think he was unfortunate in his selection.

Mr. MARSHALL. I do not wish the gentleman to misapprehend me. I complained of no appropriation in the bill, but, on the contrary, I stated that I did not know that there was an appropriation in the bill that I would not vote for. I stated that distinctly. I alluded merely to the appropriation for the Savannah river and the Hudson river, as swelling the general Atlantic appropriation, and not that I should not vote for them.

Mr. DUNCAN. The honorable gentleman and myself agree in the main in regard to the principles of internal improvements, but he did allude to the appropriation for the Savannah river in a way to make it appear questionable to those members of the committee who were not informed of the facts. The necessity of the appropriation for the Savannah river grows out of the action of the Government, and is in consequence of wrecks sunk there during the revolutionary war.

In regard to the Atlantic coast, I think the committee will be satisfied with the propriety of making to it a reasonably large appropriation. Where is the revenue of the country collected? Where does the commerce of the country center? Where does it encounter the greatest perils? I know there are accidents upon the western waters; I know there are snags, and sand-bars, and other difficulties there, and I desire to see them removed, and am willing to vote any reasonable appropriation to effect that object. But is it not the fact, that a very large proportion of the accidents upon the western waters occur, not from the difficulties of the navigation, but from fire, and from defects in the machinery and management of steamboats? We have a bill soon to present to the House, which I hope will meet with their approbation; and which will go very far to prevent the losses and accidents which occur upon the western waters. Will the gentleman talk of the dangers of the navigation of the Ohio river, upon whose placid waters a boat may glide at all times in security, and compare those to the perils of the rock-bound coast of New England, where the commerce of the country must encounter, for six months of the year, fogs, gales, and storms? Is it not necessary to provide safe harbors for a commerce so exposed? Gentlemen talk of the immensity of the commerce of the lakes and rivers, and I grant it is great, and am rejoiced that it is so; but let me just tell them, that my colleague from the Barnstable district represents a district containing numerous harbors, and—including the circuit of several islands—a thousand miles of sea coast, and into one single little harbor, in the month of November last, four thousand vessels entered for shelter; and for that little harbor, we have appropriated $4,500, to preserve the water from breaking over the narrow beach, and thus depriving the navigation of the country of that harbor of refuge.

Mr. LOCKHART. I wish the gentleman will permit me to correct an error, and to give some information upon a point to which I adverted a few moments since. The number of steamboats destroyed by snags and other impediments in the navigation of the western waters since the commencement of steamboat navigation is 576; the number destroyed by fire, 166; and the number lost by explosion, 209.

Mr. DUNCAN. I feel as strongly as any gentleman can the necessity of improving and making safe the navigation of the western rivers. I am restrained by no constitutional difficulties upon this subject, and am willing to go as far as any gentleman of this House will go in making appropriations for this object; but at the same time I am desirous of doing what is practicable, and I concur with a majority of the committee in limiting the bill as we have limited it. We desired to present a bill which should meet the approbation of a majority of Congress, and a majority of the people of the country.

Mr. STANTON, of Ohio. I wish to inquire of the gentleman if every member of that committee is not a representative of the Atlantic coast, and whether there is a single member on it from the Mississippi valley, except the gentleman from Tennessee, [Mr. JOHNSON?]

Mr. DUNCAN. However that may be, the members of this committee are not responsible for their appointment. That rests with the Speaker.

Mr. STANTON. I make that suggestion merely with the view of showing that there might not be the utmost disinterestedness in the distribution of the appropriations.

Mr. DUNCAN. I say for myself, and I may say for the committee, that there was the utmost disinterestedness. The committee looked at nothing but the interests of the country.

Mr. GIDDINGS. I wish to inquire of the gentleman if the deductions made by the committee from the estimates and recommendation of the Department were not proportioned about equally between the East and the West?

Mr. DUNCAN. Really, I never instituted that investigation; but that reminds me of a point upon which I designed to touch.

Some gentlemen complain because the committee have, in all cases, taken the estimates that were submitted to them by the Topographical Bureau. I put the question to this House, whether, when they appointed us to discharge the duties of a Committee on Commerce, they expected us merely to register the decisions of the Topographical Bureau? If you expected that, our work was easy. They sent estimates to us, amounting to less than four hundred thousand dollars of the whole amount we have appropriated, and we should have had little to do but just to write out those estimates, and report the bill accordingly. We had no reference to the different portions of the country in making deductions from these estimates, but simply made appropriations upon the best information we could obtain, to those points most needing them.

Mr. COBB. I am satisfied, from the frankness of both the gentlemen of the Committee on Commerce who have addressed the committee, that their aim has been to promote the best interests of the country; but in glancing over the bill they have submitted for the consideration of the House, I find that they have omitted appropriations for the great Tennessee river—a river which is in importance second to none in the western country. They have overlooked it; but I trust that when they meet again,—if they shall do so before a final vote is taken upon the bill by the committee,—that they will take the importance of that river into consideration. They might appropriate $75,000 for the improvement of that river, for cleaning out the sand-bars above and below the Muscle Shoals. An appropriation of $75,000 would be inadequate for the Muscle Shoals; but $75,000 for the removal of the sand-bars in that river could not be appropriated to a better purpose. If the committee do not propose an amendment to that effect, at the proper time I shall do so.

Mr. DUNCAN. I will say to the gentleman from Alabama, that the committee did give a very careful consideration to all the facts in regard to the Tennessee river presented to them; but there was wanting sufficient estimates, surveys, and information to justify them in making the appropriation. And besides, they were aware that such an appropriation would give rise to constitutional difficulty in some minds, in consequence of its being a river so far inland. I think that this committee, without any further explanation, will justify the Committee on Commerce in not conceiving it to be their duty to just register recommendations of the Topographical Bureau. They had a great deal of evidence laid before them, in relation to the necessity of appropriations for objects which were not recommended by the Topographical Bureau. And they also had information which led them to believe that some of the objects recommended by the Topographical Bureau might, better than those appropriated for, be postponed to a future day. Other gentlemen seem to suppose that it was the duty of the committee to adopt the appropriations made by the last Congress. They were before us and received suitable consideration. We really did not conceive that, in the absence of petitions, estimates, or information, we were bound to adopt them. If we had done so, our work would have been very easy. But, in the first place, the appropriations of last Congress, it is well known, failed in the other end of the Capitol. In the next place, appropriations were complained of as being too large. In the third place, it was charged that the bill was made with a view to get votes, upon a log-rolling system. The committee, therefore, adopted only such as came within the principles which they had adopted to govern their action.

In discharging their duty the attention of the Committee on Commerce was directed to the ports upon the Atlantic coast, where the foreign commerce of the country centers, as being entirely free from any constitutional objections. In the next place, they were fully aware of the difficulties which beset the navigation of the great rivers, and they appropriated for these the whole amount recommended by the Topographical Bureau. In the third place, they went to our great inland seas, and appropriated, first, for the great ports where commerce centred; and next, they

directed their attention to those ports which were most eligibly situated as harbors of refuge for the navigation of the lakes, which at some seasons of the year is very dangerous. Upon those lakes we all know a great loss of life occurs. And they made their appropriations with reference to convenient harbors of refuge. They were obliged to omit appropriations for many harbors upon the lakes for which appropriations might be desirable, or they would have swelled the bill to an amount that would have been probably unacceptable to the House. After a careful consideration, however, of every case presented, they have reported the bill now before the committee.

I think, Mr. Chairman, that the argument of the gentleman from Virginia [Mr. MEADE] must have struck the committee, as it did me, as being most extraordinary. Opposed to appropriations, he was disposed to charge the committee with injustice and neglect of duty in not making an appropriation for James river, in his own State. I submit it to this committee, as practical men, what was the duty of the Committee on Commerce in that case, in the absence of any recommendation, in the absence of any survey, in the absence of any petition or memorial? No single individual, to my knowledge, presented at any time, or under any circumstances, a petition for the improvement of the navigation of James river. What were they to do? Were they to go and explore it for themselves? Were they to come to the House and get power to send for persons and papers—to summon in the Virginia delegation (as the gentleman seemed to suggest) or the Governor of that State, in order to learn its wants? To ask, is to answer these questions. It could not be expected that they should make appropriations for the wants of any portion of country which were not presented to them. It is not very strange that, coming from different and remote portions of the country, the members of the committee had but little personal knowledge of the navigation of the James river.

It does seem strange to me that if the navigation of the James river so needs improvement, the mariners and business men upon that river have not seen fit to present the subject to the consideration of Congress. I can hardly believe that they are withheld by those constitutional scruples which seem to influence so strongly the minds of the Representatives from that State. And in the absence of such information we are justified in believing that there is no pressing necessity for an appropriation for James river. I disclaim on the part of the committee any intention to *punish* Virginia, as the gentleman has suggested. She punishes herself; and so long as she sees fit to play this dog-in-the-manger part in relation to this subject, and to adopt such hair-splitting constructions of the Constitution of the United States, she must suffer the consequences, and take the responsibility upon herself. But the committee were complained of because they did not appropriate money to Virginia in proportion to other States, and the same complaint has been more than once suggested by gentlemen from other States. I regret that gentlemen should make such objections to this bill. They may be very pertinent for Buncombe, but they are very unsuited, in my humble opinion, to the deliberations of this committee.

Was it our duty, Mr. Chairman, as a Committee on Commerce, to determine that we would appropriate $1,500,000, and then divide it amongst the States according to population, or territory, or upon any principle of that kind? Above all, should gentlemen from Virginia ask it, when that State thought it fit to refuse to receive her share of the proceeds of the sale of the public lands distributed by the act of Congress many years ago? I disclaim the idea altogether, that it was our duty to inquire how or where, or in what proportion, money should be appropriated to the States. Our duty was to make appropriations to subserve the commercial interests of the country, at such points as were properly presented to our notice, and we have strictly confined ourselves to that limit. We have forbore, in every instance, to make appropriations of a merely local character. If our bill be examined it will be found that in all cases the appropriations have been made for improvements which tend to the advantage and the interest of several States, or to subserve the interests of an extensive commerce.

Gentlemen have complained of the appropriation for the North River; but it is perfectly defensible on the principles I have laid down. More than half of the revenues of the country are collected at the port of New York. Her immense commerce is sustained by the vast productions of the West. And the channel by which this immense product finds its way from the lakes to the ocean is the North River. The gentleman from Kentucky [Mr. MARSHALL] urged, if I understood him right, that the appropriation for the mouth of the Mississippi was not to be regarded as made for the benefit of the Western States, for that their craft had no occasion to use that channel. In my view of the case the appropriation for the mouth of the Mississippi river is beneficial to the Western States on all the rivers falling into the Mississippi.

Mr. MARSHALL, of Kentucky. I hope I may be permitted to set the gentleman right. Again I have to say that I made no such proposition as that stated by the gentleman, that their craft never navigated this river below New Orleans. I do not assume any such position that it is not of advantage to the Western States. I assume the position, that if the structure of this bill was upon the idea of sectionalizing the country into Atlantic, lake, and river sections, that the $75,000 was not to be charged to the river section, for it was an Atlantic appropriation.

Mr. DUNCAN. I think differently from the gentleman. I think the appropriation for the mouth of the Mississippi is for that river, and an appropriation for all the rivers and all the produce that centers on those rivers and finds an outlet to the ocean by that channel. Whatever diminishes the risks and the cost of navigation and the cost of insurance, goes to benefit the producer as well as the consumer; and just as we open safe channels to navigation from the interior of the country, we, to a certain extent, benefit every agriculturist in the country.

A word more, and I have done. Allow me to express the hope that the committee will not adopt the amendment moved by the gentleman from North Carolina, [Mr. STANLY,] to substitute the bill of the last year in the place of that reported by the committee. There are objections to that bill of several descriptions. One is, that it appropriates a much greater amount of money than gentlemen in this House, who are friendly to limited appropriations, are willing to sustain. In the next place, it provides for some objects of questionable necessity; and, in the third place, it is charged that appropriations were inserted not so much upon their own intrinsic merit as with a view to win support to the bill. I hope that the House will not adopt the substitute in lieu of the bill which has undergone such a careful and deliberate consideration in the committee; and that it will not incorporate amendments in the bill reported by the committee, that will jeopardize its passage through the House. I believe, as I have said before, that the sentiment of Congress and the sentiment of the country is inclining strongly to a reasonable and constitutional system of internal improvements. If the bill reported by the committee passes, we may expect, in every succeeding year, should the revenues of the country permit it, that the system will be carried on until the harbors of the country are made most serviceable for the interests of commerce. Having thus hastily given you my views upon this important subject, I will conclude my remarks by thanking the committee for the kind indulgence they have shown me.

RIVER AND HARBOR IMPROVEMENTS.

SPEECH OF HON. H. MARSHALL,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

July 21 and 22, 1852.

The House being in the Committee of the Whole on the state of the Union, on the bill making appropriations for the improvement of rivers and harbors—

Mr. MARSHALL, of Kentucky, said:

Mr. CHAIRMAN: As a legislator and as a citizen, I am in favor of the exercise of the power this bill asserts. I believe the Government of the United States possesses the constitutional right to improve harbors on the lakes and sea-board, and the channels of the navigable rivers of the interior. I believe that, under this power, it is the bounden duty of Congress to make appropriations. The repeated exercise of the power by Congress, and the approbation thereof by nearly all the Presidents, would appear to leave little room for doubt of the authority of Congress over the subject-matter. But I do not propose to enter upon any argument to sustain it, because I understand, from the remarks made the other day by the honorable member from Michigan, who is a prominent member of the Democratic side of the Chamber, [Mr. STUART,] that no question of this authority of Congress is now proposed by his party. The limitations which the honorable member proposed for the exercise of this power, by the recitation of the objects to which he thinks it might properly be applied, indicate a coincidence between our opinions, which relieves me from the necessity for discussion. He asserts the power as applicable to the lakes and to navigable rivers, as they are defined by the decisions of the Supreme Court of the United States. So do I; and I find the authority in those clauses of the Constitution which assert the power to provide for the common defense, and the power to regulate commerce with foreign Powers, and among the States.

But the discrimination between objects for the exercise of the power, is a duty frequently of great difficulty; and, in the case before us, I must be permitted to observe that it has not been discharged by the Committee on Commerce entirely to my satisfaction. The appropriations to the lakes and to the Atlantic sea-board are not proportioned to that for the Mississippi, Ohio, Arkansas, and Missouri rivers, when the trade and intercourse of the people in the different localities are considered. The State of New York alone has appropriations in this bill to her lake shore of $289,000, while all the rivers above alluded to have only $260,000. One of the sections of the bill is as follows:

"For the improvement of the Mississippi below the rapids; the Ohio, including the repairs of the Cumberland dam, at Cumberland Island; the Missouri and the Arkansas, $260,000."

Mr. SEYMOUR, of New York. In reference to those particular appropriations to which the gentleman from Kentucky is alluding, I wish to say, that the amount of $260,000, which is reported in the bill for the Mississippi, Missouri, Ohio, and Arkansas rivers, is precisely the amount which was sent to us in the printed estimates from the War Department. I would add further, that upon subsequent investigation upon debating these recommendations, the Committee on Commerce appropriated in the bill $75,000 for the mouths of the Mississippi, and $50,000 for the improvement of the Des Moines rapids in the Mississippi river. Besides that, I will say to the gentleman, that for another tributary of the Mississippi we appropriated $50,000, which, in all, makes between $400,000 and $500,000 for the Mississippi and its tributaries. This is as liberal appropriation as was ever contained in any bill ever before Congress.

Mr. MARSHALL. I remark that the long line of navigation from Pittsburg to the mouth of the Ohio, of more than one thousand miles, has no specific appropriation. I should like to know of the chairman of the Committee on Commerce how much tonnage plies upon the Ohio river?

Mr. SEYMOUR. I will answer the gentleman directly.

Mr. MARSHALL. For the purpose of saving time I will give him the answer. There are three hundred and forty-eight steamboats which ply upon that river, and the tonnage of the Ohio river *alone* is equal to the tonnage of the whole of your upper lakes.

Mr. CARTTER. Will the gentleman allow me to ask him a question?

Mr. MARSHALL. The gentleman will have an opportunity of making an explanation when I am done. I do not see the necessity of making half a dozen speeches in one.

Mr. CARTTER. I merely wish to say one word. I wish to ask the gentleman, if it is consistent with his convenience, whether that is a comparison instituted between steam craft on the river and lakes, or whether it embraces sail tonnage as well as steam?

Mr. MARSHALL. It is a comparison between the steam marine of the lakes and the Ohio, which I have stated.

Mr. CARTTER. I supposed it was, from the result.

Mr. MARSHALL. I will say now, that if you add the flat-boat and the keel-boat craft upon our rivers, and the sail craft upon your lakes, I think we would then bear about the same proportion as with the steam marine only.

Mr. WALSH. Will the gentleman allow me to call his attention to a single fact?

Mr. MARSHALL. I desired when I rose not to involve myself in any argument with the friends of this measure. I announced that, as a friend of these improvements, I only wanted fair play between the different sections of the country. I have no idea of cutting off all amendments to the bill, or of being told, as I have been, that I must take this dose just as the Committee on Commerce propose to administer it to me. That is to tell me what I do not intend to do.

Mr. WALSH. I wish to call the gentleman's attention to a single fact. Does the gentleman not know that it is a fact connected with *nature*, that these lakes are subjected to storms equal to those on the ocean, and that there is nothing of the kind on the rivers?

Mr. MARSHALL. The gentleman is not the first coming from a lake or bay, who has a very indefinite idea of our western rivers, or of the dangers to which they are subjected who navigate them.

[Mr. MARSHALL here gave way to a motion that the committee should rise. The committee rose, and the House adjourned.]

July 22, 1852.

Mr. MARSHALL resumed and said: Mr. Chairman, when I took the floor yesterday, I had no idea of occupying the time allowed me by the rules, nor had I an intention of going into the constitutional view of this question. While there are some gentlemen on both sides of the House, who doubt the constitutional power of Congress to improve the harbors and navigable rivers of the country, I understand that the constitutional power is conceded by the great mass of gentlemen upon both sides of the House. The gentleman from Michigan, [Mr. STUART,] who spoke for his party the other day, occupied about the same position upon this question that I do; and the gentleman from Virginia, [Mr. MEADE,] who spoke on yesterday, while he denies the constitutional power, concedes that it is a foregone question, upon which the country has made its conclusions.

Mr. MEADE. I said it was a foregone question so far as *this committee* was concerned.

Mr. MARSHALL. So far, then, as this committee constituting the representation of the country is concerned. Well, sir, that relieves me entirely from the necessity of arguing in regard to the constitutional power of Congress over the subject. I accept it as a departure by the Democratic party from the doctrine laid down by Mr. Polk during his Presidency upon this question. I hail it as a good omen; for it exhibits the fact that the sense of the country is about to resume, through the voice of its representation, action over all branches of the public interest.

Mr. MEADE. I will merely reply to the gentleman, that this decision of the committee is the result of a few Democrats uniting with the whole Whig party, and that the majority of the Democratic party still hope that they will bring their erring brethren to a sense of what is right on this question, as they did some years ago on the tariff.

Mr. MARSHALL. I have no wish to originate a partisan debate on a question of this character. I will, however, say another word to the gentleman from Virginia—and I will give him another chance to interrupt me for his answer—I desire to know whether he is at liberty to assert that what he considers the doctrines of the majority of the Democratic party on this question are also the opinions of the Democratic candidate for the Presidency—Mr. Franklin Pierce?

Mr. MEADE. Does the gentleman ask me a question?

Mr. MARSHALL. Yes, sir; I ask the gentleman whether he will go so far as to announce, *ex cathedra*, that the Democratic candidate for the Presidency occupies the position upon this question which he, the gentleman from Virginia, holds?

Mr. MEADE. I do not speak for the Democratic candidate for the Presidency.

Mr. MARSHALL. It is known that Mr. Polk held extreme doctrine upon this question. To refresh the memory with the origin of a term which has of late become familiar, it may not be amiss to observe that his veto message of the river and harbor bill of March, 1848, denied the power to "embark the Federal Government in a general system of internal improvement." It was that message, also, which made the division "wide and deep" between the great parties of the country on this question. Mr. Polk held no half-way doctrine. He met the responsibility fairly; and however erroneous his opinion, I will do him the justice to say that it was openly expressed, and without disguise. He said on that occasion—

"If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channels of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head, and make them navigable to their sources, can be denied." * * * "Giving to the subject the most serious consideration of which my mind is capable, I cannot perceive any intermediate ground. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams or sluices, by locking or canaling, must be admitted without any other limitation than the discretion of Congress, or it must be denied altogether."

We know his position; he denied the power altogether, and appealed to the Constitution and the practice of the Government in early years of the Government to show that tonnage duties levied by the States, with the consent of Congress, was the proper and only true mode of providing from the Treasury for works of internal improvement. On the other hand, the Whigs have derived the power from the Constitution, and have always contended that it is the duty of Congress to appropriate directly for the purpose of carrying on such works as were of national importance. The platform occupied by the gentleman from Michigan [Mr. STUART] is broad enough; and from the approbation of his views, as expressed the other day, I think I may congratulate the country that the great mass of both parties, as represented here, no longer continue the issue upon this all-important point. I congratulate the gentleman from Virginia, too, upon the graceful concession he has made, that his view of the constitutional disability in Congress has not met with friends enough in this Congress to induce him to make an active contest. If I am correct in my supposition, then, that the true interpretation which is to be given *now* to the Democratic doctrine amounts to a declaration that Congress *has* power to appropriate money from the Treasury *to improve harbors* on the sea-board and the lakes, and to *clear out and deepen* the channels of "*navigable rivers*" in the interior—and by navigable rivers we mean those upon which commerce is conducted between two or more Sates, (*vide* the case of the Genesee *vs.* the Cuba, MS. decisions of the Supreme Court of the United States,)—then I say that doctrine has enough latitude for me. It is my position also—the doctrine which I have proclaimed before the people of my section of the country, and it is the very doctrine set forth by the Whig National Convention which assembled in June at Baltimore.

Waiving, then, all further discussion of the constitutional question, since there is no difference practically in the theory of power we profess to believe, let us come to the bill actually before us for consideration.

Mr. Chairman, I do not like the bill. I do not know that I shall vote against any appropriation it contains, but it is nevertheless, in my opinion, defective, because it does not go far enough, and it distributes the appropriations which it does contain without due regard to the great interests of navigation; and because, so far as it does appropriate for western navigation, it is too indefinite in pointing to the objects for which provision is intended; and, sir, above all, because it does not protect, in manner or substance, great interests in my section which cry aloud for the attention of Congress. The construction of the bill has been effected, I understand, upon a classification by the committee of the country into several great departments, as, for instance, the sea-board, the lakes, the rivers of the interior. I find that the sea-board appropriations are made to the amount of $505,000; to the lakes, $492,000; to the Hudson river, $50,000, and to the Savannah river $40,000; making a total of $1,087,000. Against this there are appropriations to the rivers of the West and South of $382,500, to wit: to the Mississippi, Missouri, Arkansas, and Ohio rivers, $260,000; to the Des Moines rapids, $50,000; to the Red river raft, $50,000; to the Colorado of Texas, $20,000, and to the Bayou La Fourche of Louisiana, $2,500.

Mr. SEYMOUR, of New York. Will the gentleman from Kentucky allow a moment's interruption?

Mr. MARSHALL. I anticipate the explanation of the honorable chairman of the committee. He desires to add to my list the appropriation of $75,000 for deepening the mouth of the Mississippi, so as to afford a ship channel from the Gulf of Mexico. [Mr. S. assented.] That appropriation cannot be charged in this arrangement to the western rivers. It is intended to facilitate the passage of vessels bound seaward or coming from the sea into the port of New Orleans. It is properly chargeable to appropriations for the sea-board, since ocean steamers and ships of heavy burden only will be facilitated in their voyages by it. The steamers and craft which ply the rivers of the South and West, and are the carriers of internal commerce, will never pass that channel; and it would be just as reasonable to charge the appropriations for the New York harbor to the rivers of the interior, or the appropriations for Sandusky harbor, Buffalo, or Dunkirk, to western rivers, as to make the classification here contemplated. True, our products pass the channel you propose to open, but so do they pass the northern harbors I have mentioned, and swell the business of northern cities.

Mr. MEADE. I hope the gentleman is not *complaining* of the appropriations made to the West. I think that they are better made there than anywhere else.

Mr. MARSHALL. Not that we have appropriations to the West, but that they are so few and so far between. I hope the gentleman from Virginia does not find cause to regret that we are allowed something for the interior.

Mr. MEADE. I should be very glad had the framers of the Constitution excepted the Mississippi, and conferred power on Congress to make appropriations for its improvement.

Mr. MARSHALL. We are obliged, at least, for the good will of my friend from Virginia, and wish he could look at the general subject in such light as to give us the aid of his vote.

To return: You see here are but $260,000 for the western rivers, and in this sum the committee say the appropriation for the improvement of the Cumberland dam must be included. The estimate submitted last year for that work alone, was $50,000. Deduct this from the $260,000, and then deduct $60,000 which is *estimated* for the Upper Ohio river, and this appropriation dwindles to the insignificant sum of $150,000 for the great West. Nor shall we stop here. In the bill of last Congress was an appropriation of $100,000 for the purpose of building snag-boats and dredge-boats, which are absolutely necessary to the commencement of the improvement of those rivers. Now, if this be also deducted, you have from the liberality of the committee the sum of $50,000 appropriated for the year's work, in improving all the highways of western and southern commerce, as it floats through thousands of miles of dangerous navigation. I appeal to the sense of the committee to answer whether this arrangement is fair, generous, or just? The committee says that the estimates from the War Department constitute the basis of appropriation in this bill. I regret that it did not occur to the committee to examine the remarks which accompanied those estimates, for *they* would have obviated the necessity for the comments I am now making, by showing to the committee the propriety of enlarging the appropriation, to meet the necessary expenditure for snag-boats, of which I have just now spoken.

Colonel Abert, of the Topographical Engineers, says, in regard to the estimates for western

rivers, which he sent in to the Secretary of War, that he makes them "on the same principles with those mentioned in his report of November, 1849." And, sir, what were those principles? Why, that *no additional improvements are contemplated!* The position assumed by President Polk had caused the western improvements to cease. The engineer had made his estimates for works in progress in 1847, when he had the snag-boats in use and ready for service, and, of course, the estimates did not cover an expenditure for them. But after the veto of 1848, these were sold, and the service on our western rivers was abandoned. It cannot be renewed until you resupply the materials with which to perform the service, and this will exhaust a considerable portion of the proposed allowance. The estimates were made upon the supposition that these were on hand, ready for service. The cost of these vessels is about $25,000 each, and four of them will be required. By this amount, then, the appropriation should have been increased by the committee. Provision is made in this bill to put dredge-boats and delivering-scows on each of the lakes Champlain Ontario, Erie, and Michigan, at a cost of $20,000 each; and had the committee narrowly regarded the estimates and "the principles on which they are made," the committee must have seen that snag-boats, and dredge-boats, and scows were as much needed on the western rivers as on the lakes.

If the estimates were the guides of the committee, why did they not appropriate $60,000 specifically to the improvement of the Upper Ohio, above the falls at Louisville, leaving the Lower Ohio to come in for its share of the remaining $200,000? That is the mode of the estimates, and I am curious to understand the philosophy by which a committee, so tenacious of estimates, twisted a specific recommendation for a particular section of the river Ohio into a general fund for *all* western and southern rivers.

Mr. SEYMOUR, of New York. The estimates sent us from the Department were $200,000 for the Mississippi, the Ohio, the Missouri, and the Arkansas rivers, and $60,000 for the improvement of the Ohio river above the falls. The committee, after considering for a long time whether they should separate that appropriation or not, concluded that it was better to put it all into one, so that the Department might commence the work, and prosecute it as the state of the water in the different rivers might permit them to do to the best advantage. It was the opinion of the Topographical Bureau that we had better put the appropriations all together for these large rivers, because the water is often different in these different rivers at the same time. Sometimes there will be a flood in one river, when, at the same time, the water will be low enough to work to advantage in others; and, in that case, the work could be carried on to much better advantage by putting the appropriations for these large rivers all in one. We took this course upon the suggestion of the Department.

Mr. MARSHALL. Pursuing the same rule, would it not have been just as well to have estimated for the rivers in the aggregate at $360,000, instead of segregating $50,000 for the raft in Red River, and $50,000 for the works at the Des Moines rapids? Did it not occur to you that the river might be high at the rapids when the Upper Ohio would be in good order for the works to progress?

The explanation of the honorable chairman by no means solves the difficulty I have in understanding why the specific estimate for the Upper Ohio has been drawn into a general fund, when the rule has not been applied at other points. It must be evident, that under this disposition of the committee, the works on the Ohio river may be stopped at the pleasure of the Secretary of War, and the whole fund may be expended above the mouth of the Ohio in improving the Missouri, or the Upper Mississippi; or it may be all expended on the Arkansas, or on the Mississippi below Natchez. I have great confidence in the justice of the Secretary of War, but I do not think that it is prudent to leave the Upper Ohio completely at his discretion, when the estimates of the engineers, and the avowed rule of the Committee on Commerce, seem to create no such necessity. If the estimates are not proper, let us abandon them; if they are proper, let us adhere to them. If they are to govern, I demand the restoration of the $60,000 as a specific appropriation to the Upper Ohio.

Again: I should be pleased to learn on what estimates the committee included the improvement at the Cumberland dam, in the $200,000 estimated for the Mississippi, Ohio, Missouri, and Arkansas? When those estimates were orignally rendered, the specifications for the work at Cumberland Island had not been made. The plan of Colonel Long was submitted long since, and it is an estimate of $50,000 by itself, and should be as specific as that at the Des Moines rapids. It is a work in which economy will best be consulted by placing the whole fund in the hands of the superintendent at once.

It was suggested yesterday, that this bill would be endangered by an attempt to ingraft amendments upon it. For one, sir, I say, then let it be lost—ay, a thousand times, rather than such inequality should be confirmed as it proposes. I shall, in the progress of the bill, not only claim the specific appropriation as estimated for above the falls of the Ohio, but I should be derelict to a sense of duty were I to permit the opportunity to pass without bringing prominently to the notice of Congress the propriety of a large appropriation which should at once be made at the falls of the Ohio. The attention of Congress is called, by this bill, to the policy of appropriating $5,000 to blow out a rock here, and $10,000 to blow out a rock there, when such obstructions exist, to safe navigation at the entrance to an Atlantic harbor; but that great chain of rock extending across the Ohio river at Louisville, and which for two miles entirely obstructs safe navigation, does not seem to have elicited a single observation from the committee. I want to tell you, sir, that eight millions of people are interested in having that obstruction obviated. They pay an annual tax, because of that obstruction, of about $180,000 per annum, and if the Ohio is a navigable stream—if the jurisdiction of the United States courts so attaches to that stream as that the judicial power may be invoked to remove an obstruction to navigation at Wheeling, which spans, usefully, the Ohio river ninety feet above its surface, surely I will be pardoned for calling the attention of the legislative department of the same Government to the necessity of removing an obstruction at Louisville, which operates as a tax on the commerce and navigation of the same river to the amount of $180,000 per year. To overcome that obstruction a canal was dug across the narrow slip between Louisville and Shippingport, in Kentucky, which is known as the Louisville and Portland Canal. It is of this work I now propose briefly to speak, and I request, earnestly, attention to it, because it is a perfect eyesore and a constant shame upon this Government, while it remains in its present condition.

I premise what I have to say in regard to it by the remark, that my constituency have probably less interest in it than any people in the whole West. To them it does not operate as a very severe tax, for their merchandise from the East is landed above the canal, and their groceries from the South are landed below the canal. They are taxed with porterage only from Portland to Louisville for the want of a free canal, by which the merchandise from the South might be brought immediately to the wharves of Louisville. Nor are my constituents owners of stock in the canal. Only so much is in the hands of my constituents as is absolutely required to be held by gentlemen in order to be directors of the canal company. The Louisville and Portland Canal Company was chartered by the State of Kentucky in 1825, with a view of overcoming the obstruction to navigation at the falls of the Ohio, by a canal which would allow the passage of steamboats. The original capital was $600,000, divided in shares of $100 each. In 1829, the capital stock was increased $100,000, and in 1831 it was expanded so as to make the entire capital equal to $1,000,000. The charter was perpetual, and the company was authorized to declare dividends upon the stock to the amount of eighteen per cent. annually. The United States subscribed to this stock originally $100,000, thus becoming the owner of 1,000 shares. The enterprise was then considered a very hazardous investment of capital, and many individuals who had subscribed, preferred to forfeit their stock to paying the installments thereon. The United States subscribed in 1829 for 1,135 additional shares of stock so forfeited, for which they paid an additional sum of $133,500—making, in all, $233,500 in cash. *This is all the money the United States have ever paid for stock in the company.* Under the acts allowing the expansion of the capital stock, the company made allowances to the subscribers as follows: 1st. Interest at twenty per cent., on stock which had been subscribed three and one third years; ten per cent. on stock subscribed one and two thirds years. Under this allowance, the United States drew upon their 2,335 shares of stock $33,500. 2d. Dividends for the time since the stock had been subscribed: under this, the United States drew $23,500 more. These allowances were paid *in stock*, so that the United States by this means, in lieu of $56,700 in money, obtained 567 additional shares of stock. It may then be stated, that on the 1st of January, 1832, the Louisville and Portland Canal Company commenced operations upon a capital stock of $1,000,000, representing 10,000 shares of stock, of which individuals owned 7,098 shares, and the United States owned 2,902 shares, with a perpetual charter from the State of Kentucky, granting the privilege to collect from tolls on vessels using the canal, at any rate the company chose to assess, provided the gross amount collected did not swell the annual income to more than eighteen per cent. *net* (that is, over and above expenses and repairs) on the capital stock.

The facility to navigation afforded by the canal rendered the operations of the company very successful, and the increasing commerce of the Ohio insured large profits to the stockholders. The United States shared the common success. They were represented in all the action of the company by their proxy. From year to year the United States regularly drew their dividends upon 2,902 shares. The *money dividend* so collected by the United States between the 6th January, 1834, and the 3d January, 1842, amounted to $257,778. So that on the date last named, the United States had drawn in cash dividends the sum of $24,278 more than they had paid for their stock, and held, in addition, the 567 shares of stock which had been allowed as interest and dividends.

For several years prior to 1842, the people, oppressed by such a tax upon commerce as the canal tolls, and feeling that it was the duty of the General Government to remove the tax by making the navigation free, repeatedly memorialized Congress to appropriate public money to render the Louisville and Portland canal free, or to dig a free canal *around* the falls.

The Louisville and Portland Canal Company became alarmed at these manifestations of the public disposition; for the establishment of another canal—free—imported no less than the destruction of the whole value of their franchise. The Louisville and Portland canal was built with locks large enough to admit the passage of steamboats one hundred and eighty-two feet long and forty-nine feet broad, dimensions which, at the date of the erection of the locks, were supposed to be sufficiently large for all future wants of that navigation. The increasing commerce of the Ohio river and the improvements in steamboat building, together with a better appreciation of the character of the trade, have induced the builders of steam-vessels to increase the dimensions of the boats, until at length the most profitable models exceed the capacity both of the locks and the canal. While the security of their capital, already invested, was jeoparded by the applications for a new and free canal to be built at public expense, the investment of a large additional capital by private individuals, in enlarging and deepening the Louisville and Portland canal, and in increasing the capacity of the locks, was not to have been expected. The annual dividends of the stockholders was large; the business of the canal increasing, and the stock salable in the market at a very large premium upon its par value.

The stockholders, animated, it may be admitted, by their own interests, but yielding at the same time to a desire for the public welfare, applied to the Legislature of Kentucky for an amendment to the charter, whereby the annual receipts of the company from the canal might be appropriated to the purchase of the stock held by individuals, and that the stock so purchased might be held in trust for

the United States by the president and directors of the company until the whole private stock should be by this process absorbed. Then it is to be transferred absolutely to the United States, on condition that the United States shall only charge tolls sufficient to keep the canal in repair, and that the United States shall make it equal to the accommodation of commerce. Under this arrangement, to which the United States were a party by their proxy, the declaration of dividends ceased—as well upon the part of private stock as upon that of the United States; and since 1842, the whole avails from the business of the canal—which annually amount, after paying expenses, to about $160,000—have been regularly appropriated to the purchase and liquidation of stock held by individuals. Under this process the United States had acquired last January all but 1,340 shares of the entire 10,000 shares of the stock, and under this process, in two or three years at furthest, the Government will be the owner of the canal, with the public faith pledged to make it equal in its capacity to the demands of commerce. To compensate the private stockholders for the appropriation of their annual dividends, the law provided that they should have six per cent. added annually to the value of their stock, as that value should be ascertained by adopting as the standard the minimum price at which the first stock could be purchased under the amended charter. That standard was ascertained to be $150 per share, and accordingly $9 per year have been added to each remaining share in private hands since 1842. This process makes the shares now on hand worth about $230 each, and the stockholders whose shares are outstanding are mostly citizens of Pennsylvania and Virginia, and widows and orphans whose funds were vested in this company. Assured of the ultimate disposition of their stock according to the terms of the amended charter, these holders have no particular motive to cause them to apply for legislative interposition; but the community has reason to make the application. Who has paid this enormous amount of money? The people of the West—the commerce of the Ohio river has paid it. The sugar and coffee consumed and cotton brought above the Falls have paid it, and the merchandise imported from the East for the use of Illinois, southern Indiana, Missouri, Arkansas, and other States bordering on the Mississippi have paid it. Virginia, Pennsylvania, Ohio, and Kentucky have contributed. To liquidate this remaining stock by an immediate appropriation so as to remove this odious tax upon the commerce of the river should be the immediate action of Congress. The sum required will be about $300,000, and I desire that appropriation to be added to this bill. It is a work in which the entire West is deeply interested, and, in my opinion, presents a stronger claim upon Congress than any case in this or any other bill pending before us, and stronger than any work in the country. Congress appropriates annually large sums for facilitating commerce on the sea-board. At this session, and with my assistance, too, large appropriations have been made to maintain the ocean steamers between New York and Liverpool. Appropriations are made for a coast survey, for light-houses, breakwaters, buoys, beacons, fortifications, post-routes over the Ocean, in fine, sir, for everything imagination can devise to be necessary to expand, regulate, cherish, defend, and give security to Atlantic commerce.

In the midst of a great valley, over which are spread more than a third of the whole population of the Republic, stands the rocky barrier of the falls of the Ohio, obstructing the passage of a great highway of commerce, and though the people of that region toil, and by their industry swell the volume of eastern affluence, and by their consumption give life to eastern manufactures, and employment to that navigation which so much is expended annually to secure; though they have been your brethren in peace, and have shed their blood in defense of the common flag of the country in time of war, no heed has been given to their representation of the injustice they suffer in the case I allude to.

Now, Mr. Chairman, I am here to-day as one of the Representatives of that West, to protest against the continuance of this tax upon our commerce, and to appeal to gentlemen from New England, from New York and Pennsylvania, and from all the shores of the sea, to come forward in the spirit of magnanimity and fairness, and to assist me through with the appropriation I shall ask. Kentucky cannot remove the obstructions to navigation at the falls. Indiana cannot—no State can. We want the aid of the General Government, which is bound by the ordinance of 1787, by the duty which the Constitution imposes, and by every sense of justice, to act for our relief.

Mr. Chairman, gentlemen sometimes appear incredulous when we inform them of the magnitude of the commerce which floats on the western waters. It is strange this should be so when the fertility of our soil is considered, the enterprise of our people is regarded, and the representation we present in this Hall is observed. I spoke yesterday of the steam marine of the West. I proved to you, from the reports of Government, by the head of a Department, that the steam marine of the Ohio *alone* was equal to that of the lakes, and that it eminently deserved the protecting care of Government. Look at the record, sir, and see how it sums up:

TABLE OF STEAM MARINE.

	Steamers.	*Tonnage.*	*Officers and Crew.*
Mississippi Valley	253	67,957.84	6,414
Ohio basin	348	67,601.81	8,338
Northern lakes and frontier	164	69,165.87	2,855

Again: See the results of the Secretary's computation of passengers, in order to estimate the uses of these waters as lines of travel. Take the years 1850 and 1851:

	Passengers.
By the St. Lawrence and lakes	1,514,290
By the Mississippi and Missouri	882,593
By the Ohio and its tributaries	3,464,967
Total	5,861,850

What a tide of human movement! What a number of human beings exposed upon a precarious navigation!

I am told, however, that the result exhibited by a comparison of our steam marine affords no approximation to a correct estimate of the tonnage of the lakes and rivers when the sail tonnage is taken into consideration. I may be mistaken; but if the amount of produce exported in the flats and keels of the western rivers be a guide to correct results, I imagine the total would not exhibit a wide variance from the comparison of our respective steam marine. Senate document No. 48 for 1850 states the money value of the commerce of the lakes in 1848 at $93,242,683, and that of the western rivers for 1849 at $256,233,920. The above was only computed on "enrolled and licensed tonnage." Now, sir, the computation of the Committee on Commerce in 1847 of the flat-boat tonnage, which never is enrolled or licensed, was at 600,000 tons; but we have no data upon which to make an estimate of this description of trade. The farmer on his flat-boat carries off his produce, but his clumsy craft never returns. I am not solicitous, however, to indulge in this comparison for any invidious purpose, but only to prove that there is an immense interest afloat upon the western waters, and that it should be relieved from means of taxation created by obstructions to navigation, and should be secured by the improvement of our western navigable streams. When the Committee on Commerce appropriate freely to twenty-seven harbors on the lakes, I think fair consideration should be given also to the obstructions created by the falls of the Ohio.

I observe that there is no appropriation proposed for the Tennessee, the Cumberland, or the Illinois rivers in this bill. These are all navigable rivers in the strictest sense of that term. The Tennessee traverses three States. It joins at Chattanooga, the railroad which runs to Charleston and Savannah. If any considerations connected with travel contribute to the idea of nationality, it seems to me the Tennessee must be admitted to present the strongest claims to our attention. The Illinois is the only link between the Mississippi and the northern lakes. Since the introduction of steam as an element of ocean navigation how doubly interesting should be this connection between the lakes and the Mississippi! In time of war it may well be essential that we possess the means of throwing a heavy naval force from the Gulf of Mexico into the Lakes, and this chain of inland navigation affords that means. I am decidedly in favor of improving its capacity to pass steamers of the first class; and I regard it as national, under this aspect, as any river in the Republic.

It possibly may not become me, as a member, to dwell more in detail upon these omissions, apparent on the face of the bill; and I refer to them merely because, when trying to commend to us a system, I do think the committee should not have overlooked western rivers of so great importance.

My objections, then, Mr. Chairman, to the bill are, first, that, in the estimates by which the committee say they have been governed, specific appropriations were designed for the Upper Ohio, and this bill merges all those appropriations into a general count; secondly, that the appropriation to the section which comprises the western and interior rivers, is out of all proportion to the appropriations for the other sections of the country. You have but fifteen hundred miles of lakes, and upwards of ten thousand miles of steamboat navigation upon the rivers which are inserted in this bill. Talk to me about lake coast, and I, in reply, say that you must count *both sides of the rivers.* I ask you to look at the tide of human movement over these streams, and you will find that to one man who passes over the lakes and through the Hudson, there are three who pass over the bosom of the Ohio—more than a million of people annually pass through the Ohio basin beyond the number who pass over the whole of the northern line of navigation. Look, sir, at the loss of life, and you will find that the disparity is still greater than the proportion that is there stated. No battle our country has ever fought was so fraught with the loss of life as that battle which the traveler fights with the elements in conducting navigation over the western waters. The bill of mortality which is exhibited by the Secretary of the Treasury, upon well-ascertained data, shows a loss, in the year 1851, upon our western rivers, something like eleven hundred persons; and in 1849 there was about the same number—showing that the dangers of navigatian, which spring, to a great extent, from the obstructions to navigation, involve a fearful loss of life in that western country, and also, sir, a fearful loss of property. Steam was introduced upon the western waters in 1817 as an element of navigation. Sixteen hundred and sixteen boats have been built upon those waters since that time. Of these four hundred and fifty-nine have been totally lost by snags; and upon those boats, it has been ascertained that there were $12,000,000 of property which perished at the same time.

Here is a statement, compiled by the Secretary, exhibiting the total loss of steamers upon the western waters, amounting to six hundred and odd, at a valuation of $5,000,000; and the amount of cargo lost at the same time, swells that total, in the space of some twenty or twenty-five years, to upwards of $18,000,000.

Our people have met in convention; they have come from far and near; our States have been addressed; our Congress has been appealed to; all these data have been exhibited to you—all these pictures of the destruction of life and property have been presented, again and again. And—mark the fact—this list of disasters appertains only to the steam marine. Men who travel upon other craft—as flat-boats and keel-boats—are exposed to dangers which increase in a ratio corresponding to the insecurity of that description of vessels. Their graves are unknown. The story of the perils they encounter remains untold. They die and "leave no sign."

Mr. Chairman, I will not prolong this theme. As the representative of a western constituency, whose interests are deeply involved in the proper care of this Government over the navigation of Western rivers, I appeal to the assembled representation of the whole country, to come forward on this occasion, and prove by the character and generosity of your appropriations, that Congress has recommenced the improvement of harbors, and of the western rivers, in real earnest, and in good faith. I appeal to you, gentlemen of the House of Representatives, to act upon the subjects to which I have alluded; and I invoke you, by the loss of life, by the loss of property, by the onerous taxation which I have shown to you already my fellow-citizens are oppressed by in all their social and business relations, to act with liberality. The

interest I seek to promote demands your help, by every consideration of policy and of patriotism—ay, even of humanity. The people of the West and South are for action. Whig and Democrat, through the valleys of the Ohio and Mississippi, feel alike and speak alike upon the merits of this question. Their sentiments are echoed through this Hall to-day, in the common determination of gentlemen of every school of politics, to surrender the idea that we have no constitutional right to make these appropriations. Our vote for a liberal and just bill will make the valleys resound with gladness, and we shall hear the plaudits of rejoicing constituencies, that the union of parties on this question has given new impulse and life to the energies of commerce and agriculture.

Humble as I am, I feel that I speak the voice of millions of freemen, whose patience has been exhausted by the course of national legislation heretofore upon this subject. Their Representatives have known no sectional feeling on this or any other question. They have voted appropriations by the half million, annually, to light up the Atlantic and lake shores, and to guard the bold mariner against the dangers of ocean navigation. When night closes upon our sea-coast, the light-house, sustained by their toil, sheds its rays over the bosom of the waters. Shall *they* be longer permitted to grope their way, even at noon-day, amidst hidden dangers, which the just application of national means can avoid? We have reached a period when we must act. The voice of the people demands action. As one of their Representatives, I respectfully, but with all the emphasis of which I am capable, demand it. If we cannot obtain it, hope will expire, and we shall be thrown upon the necessity of unpleasant expedients to produce a uniform distribution of the appropriations which are made under the powers granted by the Constitution. We are aware that the West has not drawn one dollar from the Treasury where the sea-board has drawn five. We do not complain. Indeed, I have voted for whatever seemed requisite to insure safety and improvement. I do not know that I shall vote against a single item of *this* bill, but I desire it to be so enlarged as to respond to the necessities of the West, and to manifest to the people the continuing care of the interests of all sections by the Representatives of the United States.

THE WHIG AND DEMOCRATIC PARTIES.

SPEECH OF HON. EDSON B. OLDS.

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

July 20, 1852.

The House being in Committee of the Whole on the Indian Appropriation Bill—

Mr. OLDS said:

Mr. CHAIRMAN: I do not expect to be able to condense what I desire to say on this occasion into the brief hour allowed me under the rules of this House; and I take this occasion to say, that if the hammer shall fall before I have concluded my remarks, I shall write out what I should have said had my time permitted, that it may appear in its connection in my printed speech.

I do not design, in the remarks which I shall make upon this occasion, to eulogize the Democratic, or traduce the Whig nominee for the Presidency.

Franklin Pierce is now the standard-bearer of the Democratic party of the United States. In selecting him as their candidate, the Democratic party have virtually indorsed his official record. His votes, his letters, and his speeches compose that record. We have an abiding confidence in it, and cheerfully hand it over to our political opponents, and challenge their closest scrutiny and investigation. By it the Democratic party are willing to be judged—with it that party are willing to stand or fall.

Upon the other hand, the Whig party have made General Scott their standard-bearer.

With his military reputation I have nothing to do. I would not pluck one leaf from the laurel which adorns his brow. I am free to admit that he *is* a great general. In the science of human butchery he stands unrivaled. I admit that he is the greatest captain of the age. He will compare favorably with Cæsar, with Alexander, with Cromwell, or Bonaparte. General Scott himself does not put his claims to the Presidency upon his military service, for he refers "to the known incidents in this public life, *now undergoing the severest scrutiny.*" No man scrutinizes his military acts—public scrutiny is being instituted relative to his political writings. The inference, then, is a fair one, that the Whigs have selected General Scott as their standard-bearer because in his speeches and in his letters they find a faithful exposition of the principles of their party; and as we have challenged our opponents to investigate the principles of the Democratic party, as represented in the record of Franklin Pierce, so they must allow us to look into the principles of the Whig party, as reflected in the record of General Scott.

The Democratic party and the Whig party, the only national parties of the country, having selected their standard-bearers, are marshaling their forces for the great political conflict that is to be decided by the mighty voice of the people on the first Monday of November next. To a person unacquainted with the theory of our Government it might seem strange, indeed, that a people whose interests are identically the same should be so divided and excited in these political contests. Such a one would naturally inquire how it could be that a Democratic Administration could be a blessing to the Democratic portion and a curse to the Whig portion of the same community? He would naturally ask, would not the farms of the Whigs be as productive under a Democratic Administration as would the farms of the Democrats, and the same with all other industrial pursuits? And on the other hand, he would inquire, also, whether, if a Democratic Administration should prove an evil to the Whig portion of the community, would it not be equally burdensome to the Democratic portion? And when informed, as he must be, that the blessings and evils of the Government would affect all parties alike, he would look upon partyism as a very foolish part of the machinery of government.

But, sir, if he were told, also, that our Government was a Government of the people, and that its purity, its perpetuity, and its usefulness, depended upon the intelligence and vigilance of the people, and that this intelligence and vigilance were rendered active and operative through the medium of party, he would understand that party organization and discipline, though at times vindictive and mad—as in 1800 and 1840—yet are the great conservative principle of our Government.

The fact that parties always have existed in our Government, would seem to indicate that partyism is an incident of Republicanism.

If the time shall ever arrive in the history of our Government when political parties shall cease to exist, that will be the time in which our liberties will be the most in danger.

I can well imagine, that if the whole American people were of one mind, either all Whigs or all Democrats, maintaining and supporting the same political faith, and ever willing, as parties now are, to cover up and extenuate partisan faults, how frauds and corruptions would creep into every department of the Government; but while you have two parties, the one always watching the other, and ready to cry aloud and spare not, the moment that frauds and corruption are brought to light, neither party can be grossly corrupt, and for any length of time retain the confidence of the people.

Believing, as I conscientiously do, in the necessity of having two parties in the country, I trust that the defeat of the Whig party at the approaching election may not be so overwhelming, but that it can rally again, and continue its usefulness by watching and exposing every corruption that by possibility may creep into the Democratic party.

I repeat, sir, that we have always had two parties in the country. The one was, ever has been, and still is, the Democratic party. The other was, ever has been, and still is, opposed to that party. Let me not be accused of calling hard names, when I denominate the one the Democratic party, and the other the anti-Democratic party.

Now, sir, I assert, without the fear of contradiction, that for fifty years every distinctive measure of policy, advocated and supported by the anti-Democratic party, in opposition to the Democracy, has been measureably abandoned by the party, and condemned by the verdict of the American people. And upon the other hand, I assert with equal confidence that for more than half a century, every distinctive measure of policy, advocated and supported by the Democracy, and opposed by the anti-Democratic party, is still part and parcel of the Democratic creed, and has merited and received the approbation of the people of the United States.

Although I shall not have time upon this occasion, to demonstrate the truthfulness of my position, by a direct reference to all the distinctive measures of these two great political parties, yet I must beg the indulgence of the committee whilst I attempt a comparison of some of the more important measures, which, at certain marked periods, widely divided the Democratic and the anti-Democratic parties.

More than half a century ago, the anti-Democratic party, then in the ascendant in this country, advocated and passed the famous sedition law. They held that the people had no right to speak or publish their thoughts about the President, the heads of Departments, and members of Congress. In accordance with this portion of their political creed, they imposed fines and imprisonment for the exercise of the freedom of speech.

The Democratic party, ascribing all power to the people, and with a firm reliance upon the honesty and integrity, and an abiding confidence in the capability of the people to manage their own affairs, placed themselves in battle array against this most obnoxious measure. They said, How can the people be intelligent, unless they are permitted to speak and publish their thoughts? How can they exercise the elective franchise, the birthright of freemen, understandingly and judiciously, unless you let them discuss the merits of their candidates, and the measures of their Government officers? They saw in this measure of the anti-Democratic party, a deadly blow aimed at the freedom of speech, and the liberty of the press—and they warred against it until they swept it from the statute-book. Thanks to the Democracy, you have no sedition law now in existence; and you may cry "Galphinism" and "Gardinerism," in the ears of the present Administration, without the fear of confiscation and clanking chains.

Time and the people have now fixed the seal of condemnation upon this once cherished measure of the anti-Democratic party.

Again, sir, this anti-Democratic party once held that your liberties were unsafe if foreigners were permitted to land upon American soil. In their hatred of the Irish, they forgot the sacrifice of Montgomery; in their contempt for the Dutch, they forgot the material aid of Steuben and De Kalb; in their fear of the Frenchmen, they overlooked the services of La Fayette, the companion of Washington. They placed upon your statute-book the alien law—a law not coming up, perhaps, to the wishes of such anti-Democrats as Matthew L. Davis, who would have "erected a gallows upon every wharf, that he might hang each foreigner as soon as he landed upon our shores"—but a law driving back into the despotism of the Old World honest, patriotic hearts, thirsting and panting for political and religious liberty. But the great Democratic heart of this country, beating in unison with liberty everywhere, waged an undying warfare with this bantling of Federalism. Thanks to the Democracy, the alien law has received, also, the condemnation of the American people, and in lieu thereof you have your present naturalization law, giving a hearty welcome and the inestimable right of citizenship to the warm, generous-hearted Irishman, the honest, industrious, and right-minded German—in short, to all who, out of love for our free institutions, after having forsworn all allegiance to every foreign prince, potentate, and power, are willing to subscribe the oath of allegiance to the Constitution of the United States. No measure of policy, of any political party, ever received a more marked condemnation, or entailed a greater degree of odium upon its friends, than did the old alien law upon the old anti-Democratic party.

Sir, for nearly forty years this most obnoxious and anti-Democratic measure found no favor with any portion of the American people, and not until

quite recently was there any cause to apprehend that an attempt would ever again be made to re-enact into a law this most detestable measure.

For the last fifteen years there has been a factious remnant of the old alien law party, calling themselves "*Native Americans*," drawing out a miserable and sickly existence; but the horrid scenes of violence and bloodshed witnessed in the streets of Philadelphia; their indiscriminate butchery and murder of men, women, and children, because they happened to be of foreign birth; their detested midnight orgies around the burning Catholic churches, consecrated to the worship of the ever-living God, had placed a mark upon them, as signal as the mark placed by the Great Jehovah upon their prototype, the murderous Cain, that all mankind might curse and hate them.

The selection of General Scott, the head and front of *Nativism*, as the presidential candidate of the Whig party, excites well-grounded fears that the old alien law, under the auspices of the "Native American Whig party," will again be forced upon the American people.

It will not do at this late day, and for the purpose merely of catching foreign votes, for the friends of General Scott to attempt to disconnect him with the Native American party. Why, sir, this party was formed under the immediate auspices of General Scott. He was not only the acknowledged head of the party, but "known incidents of his public life," to which he refers in his letter accepting the Whig nomination, as the pledge of his political creed, clearly demonstrated that he contemplated reaching the presidential chair, through the organization of the Native American party.

General Scott's name had been used in connection with the Presidency in the Whig National Convention assembled at Harrisburg in 1840; and it is one of the well "known incidents in his public life," that at that Convention, so soon as it was ascertained that General Scott could not himself be the nominee, he and his friends threw their influence against Mr. Clay and for General Harrison. General Scott may therefore have entertained well-grounded expectations, that in return for this successful service, at the next Whig Convention, the friends of General Harrison would discharge the obligation by returning him a like service.

Now, then, let it be borne in mind, that nearly all the Germans and Irish, constituting a very large majority of the voters of foreign birth, were Democratic; and that prior to the election of 1840, the Whig party, unaided, had been unable to elect a President. Bearing these facts in mind, we are prepared to understand and appreciate one of the "known incidents" in the public life of General Scott, as opened to public view in his celebrated letter on Native Americanism, to George Washington Reed of Philadelphia, bearing date—

WASHINGTON, *November* 10, 1841.

DEAR SIR: I have the honor to acknowledge your letter of the 8th instant, written, as you are pleased to add, in behalf of several hundred Native American Republicans of Philadelphia.

Not confidentially, but not for publication, I have already replied to a letter from David M. Stone, Esq., of your city, on the same subject. I will write to you in like manner and in *haste*. This is the month when the pressure of official business is heaviest with me—leaving scarcely time for sleep or exercise. I must not, however, wholly neglect your communication.

Should any considerable number of my fellow-countrymen assign me, or desire to give me, a prominent position before the public, I shall take time to methodize my views on the great questions you have proposed. Those views had their origin in the stormy elections of the spring of 1835, and were confirmed in the week that the Harrison electors were chosen in New York. On both occasions I was in that city, and heard in the streets, "Down with the Natives." It was heard in almost every group of *foreigners*, as the signal for *rallying* and *outrage*.

Fired with indignation, two friends sat down with me in my parlor at the Astor House, (November, 1840,) to draw up an address, designed to rally an *American party*. The day after the election, I set out for the South, and have never known precisely why our appeal was not published. Probably the election of General Harrison rendered its publication at that time unnecessary in the opinion of my two friends.

I now hesitate between extending the *period of residence* before naturalization, and *a total repeal of all acts of Congress on the subject*—my mind inclines to the *latter*.

Concurring fully in the *principles* of the Philadelphia movement, I should prefer assuming the name of *American* Republicans, as in New York, or Democratic *Americans*, as I would respectfully suggest. Brought up in the principles of the Revolution—of Jefferson, Madison, &c.—under whom in youth, I commenced life, I have always been called, I have ever professed myself a Republican, or Whig, which with me was the same thing. Democratic *Americans* would include all *good native citizens*, devoted to our country and institutions; and would not drive from us naturalized citizens, who, by long residence, have become identified with us in feeling and interest.

I am happy to see by the Philadelphia *National American* that religion is to be excluded as a party element. *Staunch Protestant* as I am, both by birth and conviction, I shall never consent to a party or State religion. Religion is too sacred to be mingled up with either. It should always be kept between each individual and his God, except in the way of reason and gentle persuasions; as in families, churches, and other occasions of voluntary attendance, (after years of discretion,) or reciprocal consent.

Wishing success to the *great work* which you and other *patriots* have set on foot,

I remain, with high respect, your fellow citizen,

WINFIELD SCOTT.

TO GEORGE WASHINGTON REED, Esq., and others, Philadelphia.

Bear with me a moment whilst I attempt to "scrutinize" this important document, or "known incident in the public life of General Scott."

The letter of George Washington Reed not having been made public, of course we are somewhat in the dark as to its contents. From General Scott's reply we gather the fact, that it was written in behalf of the Native Americans of Philadelphia, consulting him as to the creed, the organization, and the name of the party.

General Scott seizes upon the occasion to strengthen his prospects for the Presidency, by making himself the candidate of the Native American, as well as the Whig party, as manifested in the following paragraph: "Should any considerable number of my fellow-countrymen assign me, or desire to give me, a prominent position before the public"—that is, should the Native Americans make me their candidate also for the Presidency—"I shall take time to methodize my views" upon Nativism.

As establishing his claims upon them for presidential nomination, General Scott reminds them that he was the center from which Nativism radiated. "*Fired with indignation*" against the foreigners, "*two friends sat down with me in my parlor at the Astor House*, (*November*, 1840,) *to draw up an address designed to rally an American party.*"

Burning up with indignation against the Irish and Dutch, whom he had heard shouting for Democracy in the streets of New York, and to whom he ascribed the defeat of the Whig party on former occasions, he determined in consultation with his two friends to add Nativism to Whiggery, and increase their chances of success by exciting the prejudices of the American born, by the insane shout of "Down with the foreigners!"

This address, unfortunately for the truth of history, has never been given to the world. Its publication, most undoubtedly, would have added another to the important "incidents of General Scott's public life."

But, sir, why has this address been withheld from the public? Because, says General Scott, in the opinion of his two friends, "probably the election of General Harrison rendered its publication unnecessary at that time." That means, I suppose, that the election of General Harrison demonstrated that military glory has charms for the Irish and Dutch as well as Democracy; and that this important document had better be withheld for further development of public sentiment. General Scott's burning indignation is suffered to cool under the prudential counsel of his two friends. But the triumph of Democracy in 1844, aided by the vote of our naturalized citizens, kindled again the fires of Native Americanism in the heart of General Scott.

In order to understand the next step taken by General Scott in Nativism, it should be borne in mind, that he had said in his letter to George Washington Reed, just read, that "should any 'considerable number of my [General Scott's] fellow-countrymen assign me, [General Scott,] or desire to give me [General Scott] a prominent position before the public, I [General Scott] shall take 'time to methodize my [General Scott's] views 'upon Nativism."

General Scott, with his eye fixed steadily upon the presidential chair, beholding the discomfiture of the Whig party in 1844, through, in some degree, the instrumentality of the naturalized foreign vote, thinks the time has come for him to "methodize his views upon Nativism." Consequently, under the name of Americus, he gives them to the public, in the National Intelligencer, the then organ of the Whig party, on the 17th December, immediately following the defeat of the Whig party in 1844.

His methodized views, as expressed in that communication, stripped of their verbiage, are, first, that naturalization shall not give the right to vote, but shall in other respects confer the rights of citizenship, and may be conferred upon foreigners after three years residence; and second, that all foreigners shall forever be excluded from voting for President, or Vice President, members of Congress, or of State Legislatures, Governors, judges, sheriffs, mayors of cities, aldermen, &c., except such foreigner as shall have served two years in the Army or Navy of the United States in actual war. General Scott says "his political 'principles are convictions which, in accepting 'the nomination for the Presidency, he must not 'be called upon to change." But that General Scott may speak for himself, I will ask the Clerk to read the communication referred to:

[From the National Intelligencer, December 17, 1844.]

"COMMUNICATION.—*Notes on the admission of aliens to citizenship.*

"'The Congress shall have the power' 'to establish a uniform rule of naturalization.'—(*Constitution U. S., art.* 1, *sec.* 8, *clause* 4.)

"On this power, or on all citizens who may be adopted under any established rule made pursuant to the power, the Constitution itself in other parts imposes four limitations or restrictions:

"1. 'No person shall be a Representative who shall not have [&c.] been seven years a citizen of the United States.'—(*Art.* 1, *sec.* 2, *clause* 2.)

"2. 'No person shall be a Senator who shall not have [&c.] been nine years a citizen of the United States.'—(*Art.* 1, *sec.* 3, *clause* 3.)

"3. 'No person, except a natural born citizen, or citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President.'—(*Art.* 11, *sec.* 1, *clause* 5.) And

"4. 'No person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.'—(*Amendments, art.* 12, *clause or sec.* 3.)

"Under the power and the restrictions here severally quoted, Congress may legislate on this subject, in the shape of a *uniform* rule—that is, a *rule* the same, for the time being, throughout the whole Union and its Territories.

"It is seen, then, that the Constitution itself, in respect to foreigners, contemplates or establishes many distinct *degrees* of citizenship besides age, sex, and residence. 1st, Congress, under the delegated power, might, by a uniform rule, confer on all aliens, immediately on arrival—instead of at the end of *five years*, as at present—the right of holding and transmitting property of every description; the right of voting for President, Vice President, and members of Congress; the right of voting and being voted for in respect to all State offices and trusts; and the right of holding all Federal offices with the exceptions which follow. Yet as at present, 2d. No such adopted citizen would be eligible to a seat in the House of Representatives, nor until seven years after taking the oath; nor, 3d, to a seat in the Senate until two years more, making nine; nor, 4th, ever to the Presidency or Vice Presidency; whilst, 5th, there are yet among us some foreigners by birth, who, having been here prior to the adoption of the Constitution, are eligible to the Presidency and Vice Presidency, and enjoying every other right of natural-born citizens. Behold, then, at this moment, within the bosom of our country, foreigners holding, by naturalization, five several grades of *citizenship*; besides, 6th, a host of other foreigners, all personally under the protection of our laws, with the right to acquire, to hold, and to transmit property, including (in several States) lands and houses, and all (males) again, in different stages of advancement towards the acquisition of the *political* rights under the first four heads above. It is therefore shown that the Constitution, by 'a uniform rule of naturalization,' did not mean a rule under which all rights whatsoever of native born citizens should be conferred on aliens (*subsequently* arriving in the country) at once, and in a lump. One right (the second above) the Constitution withholds for seven years after naturalization; another (the third) for nine years, and the fourth forever. If we follow strictly etymological meaning, it would be a bull to say that Congress can, by a rule of *naturalization*, make a foreigner a *natural*-born citizen. 'Naturalization' is a technical term, borrowed by our Constitution from English law—just as *levying war, overt act of treason*, &c., were borrowed by the same instrument from the same source. To find the legal meaning of either term we have always been obliged to look to that fountain rather than to dictionaries. Nothing is more natural or common than such technical reference.

"In the English practice of 'naturalization' it is exceedingly rare to find that aliens have been admitted to all the rights of a born subject. In England they have been almost universally, by the terms of adoption, disqualified from holding office, &c.

"With us, Congress may 'establish a uniform rule of naturalization,' or repeal the present rule and have none, just as we have twice had, and have twice repealed, 'uniform laws on the subject of bankruptcies,' a subject over which Congress has unlimited power under (by the way) the same clause of the Constitution.

"As, then, Congress might originally have legislated or not on naturalization, and may now repeal the existing established rule, and substitute no other, so may Congress, at

its good pleasure, in view of national policy and expediency, alter or modify the existing rule.

"The motives for change are many and powerful. They cannot fail to occur to every thinking mind. Suffice it here to repeat what was once declared of a single sovereign's power—the evils of the existing rule of naturalization are great, are increasing, and ought to be diminished.

"One of some experience, and who has meditated the subject long, presumes to suggest as follows:

"1. *Not* to repeal the existing rule and leave none, as the *non-user* on the part of Congress of the delegated power would give at least a colorable authority to State adoptions of citizens, just as the non-existence of a uniform system of bankruptcy has led to State insolvent laws; and it is evident that twenty-six *State* rules, without, perhaps, uniformity between any two, would increase the evils to be diminished, independent of extreme embarrassment, in court and at the polls, under the provision, 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.'—(*Const., art.* 4, *sec.* 2, *clause* 1.)

"2. *Not* to extend the period of residence before admission to citizenship, as this would be impolitic nationally, and unjust to aliens, in respect to the acquisition and transmission of real estate in many parts of the Union, as also in respect to other *civil* rights. Besides, extension of previous residence would not diminish the alleged perjuries and frauds at the polls; but,

"3. Leave the basis of the naturalization system as it is, and superinduce the following modifications:

"An act supplementary to the acts now in force on the subject of a uniform rule of naturalization.

"SEC. 1. *Be it enacted*, &c., That any alien, being a free white person, and who shall come into the United States six months or later after the passage of this act, may be admitted to become a citizen thereof after a residence therein of at least three (1) years, and one year (2) at least after declaring his *bona fide* intention of becoming a citizen, in the manner and form, and upon the other conditions not herein altered, as prescribed by the act entitled 'An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject,' which was approved April 14, 1802: *Provided*, That no alien arriving in the United States after six months from the passage of this act shall ever acquire the right to vote, except in the manner hereinafter prescribed, for any elector of President or Vice President of the United States; for any member of the House of Representatives of the same; for any governor, lieutenant governor, member of the Legislature, judge of any court of record, or sheriff, in any State or Territory of the United States, or for any mayor, intendant, president, alderman, assistant alderman, or common councilman of any city, borough, or incorporated town or village, in any of the said States or Territories, or within the District of Columbia; but all aliens admitted to naturalization under the foregoing provisions and limitations shall enjoy every other right and privilege of native-born citizens which is not expressly limited or withheld by the Constitution of the United States.

"SEC. 2. *And be it further enacted*, That every naturalized citizen, as aforesaid, shall be wholly exempted or excused from involuntary service in the militia, Army, and Navy of the United States.

"SEC. 3. *And be it further enacted*, That every free white alien, being an able-bodied male of at least seventeen years of age, who shall, in time of war, engage to serve the United States against their enemies, for at least two years, or during the war, or who, in time of actual war, shall serve the said States faithfully two years, or to the end of the war, in any company or vessel-of-war, in the Army or Navy of the said States, shall, on obtaining the certificate or certificates of faithful service, signed by the commanding officer or officers of such company or companies, vessel or vessels-of-war, and countersigned by the next higher officer in the Army or Navy under whom, if any, such alien has served, shall be admitted, on presenting such evidence to any court designated in the act hereinbefore recited, to all the rights and privileges of citizenship at any time conferred by the act, on simply taking the oath of allegiance to the United States, and making the renunciation enjoined in the said act.

"SEC. 4. *And be it further enacted*, That this act shall take effect on and after six months from its passage, when all provisions of former acts, inconsistent with this act, shall be taken and held to be repealed, in respect only to all aliens arriving in the United States after that date.

"Should some bill like this become a law, it would not in the slightest degree affect any alien already in the United States, or who might arrive within six months after its date. Of course, the rights of naturalized citizens would be as little touched by the act as those of native-born citizens. What foreigners abroad would be affected by the law? Probably but few; possibly not one who, at the time of its passage, would have a mind made up to migrate to the United States. As to all female foreigners arriving after the passage of the act and the additional six months, they would be sooner, by two years, admitted to all the *civil* rights of citizenship, and no others have ever been conferred on females. Sooner, also, by two years, would their male relatives and friends be admitted to that large class of rights, besides eligibility to *all* but four offices, State and Federal.

"As to other foreigners abroad and in existence, or who may hereafter be born abroad, what right would they have now or in future to complain of such a law? We, already in the United States, whether natives, naturalized citizens, or aliens, have a great question of national policy to settle for ourselves and our own posterity, and we may settle it for the benefit of both, without looking to speculative philanthropy or liberty beyond such posterity. We think we are liberal enough when, in providing for America, we leave the door of admission open to the children of foreigners, now abroad, who may hereafter be born here, without allowing their fathers to come and help to govern us. We, who alone have any right to think on the subject, claim that we can best govern ourselves, and the better such government, in the mean time, so much the better for the foreigners who may hereafter come among us, and for their American-born children.

"It will be observed that the bill proposes to leave future naturalized citizens as eligible to all offices and trusts as those who have heretofore been naturalized. Many of them, no doubt, will be appointed and elected to high places, as heretofore, and be found as worthy of confidence as a Montgomery, or a Morris, a Gallatin, a Findlay, or a Smiley. We, now in America, mean only that, after a given time, electors born on the soil shall alone select natives or adopted citizens to make laws for America, or to administer those laws.

"But, without a syllable on the subject of electors (voters) for electors of President and Vice President, because, perhaps, it was intended they should be chosen by the State Legislatures, as at present in South Carolina, the Constitution has declared:

"'The House of Representatives shall be composed of 'members chosen every second year by the people of the 'several States; and the electors in each State shall have 'the qualifications requisite for electors of the most numer-'ous branch of the State Legislature.'—(*Art.* 1, *sec.* 2, *clause* 1.)

"Not another word is said in any other part of the instrument on the qualifications of voters.

"In view of that clause, it may be asked, and to the confusion of some minds, Has Congress the power to limit the political franchise of future adopted citizens, as in the first section of the bill proposed? The answer is, certainly not, if that were the only clause bearing on the question. But here are two others:

"'Congress shall have power' 'to establish a uniform 'rule of naturalization, and uniform laws on the subject 'of bankruptcies throughout the United States.'—(*Art.* 1, *sec.* 8, *clause* 4.)

"And—

"'The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.'—(*Art.* 4, *sec.* 2, *clause* 1.)

"The three clauses must be construed together, and if they can be harmonized or rendered *not* incompatible with each other, each must have its full weight and effect. Nothing more easy than to solve the supposed difficulty, or to find the desired harmony.

"It is evident that if each of the original thirteen—now twenty-six—States could make its own different rule, Delaware, against the will of Virginia, might make adopted citizens for both, and Michigan for New York, greatly to the annoyance of the latter; but Virginia is not represented in the Delaware Legislature, nor New York in that of Michigan. A citizen of one State being a citizen of every other, we should have had by this time 'confusion worse confounded,' everywhere; but that it was precisely to avoid this opposition and interference of many capricious rules that the Constitution, in express terms, at least in respect to the adoption of foreigners, declares that Congress—in which all the States are equitably represented—*shall have the power to establish a uniform rule of naturalization throughout the United States.* The object is as plain as the lodgment of the power was indispensable. No act of a single State can be put in concurrence with such power. If not left derelict and seized upon by others from sheer necessity, it must be *exclusively* in the hands where primarily lodged. There is a wide field left for the exercise, on the part of the several States, of the power to determine what shall be the 'qualifications'—alienage and naturalization aside—'requisite for the electors of the most numerous branch of the State Legislature.' There is the land and other property qualifications in some States, age, militia service, &c., in others—all, however, within the range of *citizenship*, whether by birth or naturalization, which Congress may determine for all. It can say what qualifications, for the good of all as a Union, shall be imposed upon adopted citizens in respect to the political franchises of voting *throughout the United States*—as the Constitution itself imposed the qualifications we have seen above, on other political franchise—eligibility to Federal offices and trusts. Both *Federal* and *State* eligibility to office, the proposed bill leaves where they were found.

"The Constitution was a compromise and a compact between all the people, (nearly,) whether citizens, aliens, (or foreigners,) of one State, and similar people of the other States, or between the people generally throughout the whole Union; which, it is unimportant to the present question to determine. There had been previously no intimate union between the parties—no uniform rule of naturalization. Each State had loosely adopted, in its own way, nearly all aliens, not alien enemies, who had come within their limits.

"Natives who were Tories were as generally expelled. Political and military services were the great inducements to adoption—in most cases without certificate as without record. All—very nearly all—had earned *general* citizenship. An army of patriot heroes had been recently disbanded far from their native homes, and many were still unsettled in any new residence. Hence the language of the Constitution, 'the citizens of each State shall be (&c.) citizens of the several States.' That clause was a sweeping adoption or recognition. It called a nation of AMERICANS into existence, and fixed their *united* being. Their descendants, and those since adopted, with *their* children, are the present AMERICANS—the PEOPLE of the United States.

"It may, perhaps, be objected to any bill like that proposed, What would be its binding force should it become a law? Particular States might still, at their pleasure, (it may be said,) permit aliens to vote for all functionaries—State and Federal—immediately on coming, for the first time, within the threshold of the State. The only answer is, *oaths registered* in Heaven, as on earth. If these cannot bind, then there is an end to all human society or government. The Constitution of the United States, in the name of the whole people, *commands*—'This Constitution, and the laws 'of the United States which shall be made *in pursuance* '*thereof*, (&c.,) *shall be the supreme law of the land*; and '*the judges in every State* shall be bound thereby, anything 'in *the Constitution or laws of any State* to the contrary 'notwithstanding.' Also, '*the members of the several State* 'Legislatures, and all *executive and judicial officers*, shall 'be bound *by oath* or affirmation to *support* this Constitu-'tion.'—(*Art.* 6, *sec.* 2 *and* 3.)

"But I have not time for declamation or polish, and I have had but little time to cite principles or press arguments. I have only written notes. Much support might be derived from the equally judicious distribution of power over the militia between Federal and State authorities. The analysis and application are left to abler hands. They will find that what required uniformity was given to one side; all that allowed to disconformity left to the other. The reasons were the same as in the case of citizenship.

"It is not probable that the proposed bill will have the good fortune to conciliate the general favor of either Native Americans or Whigs. The leading Democrats will no doubt reject it as an attempt upon their "spoils." Yet it is not seen why the liberal of the three parties may not support the measure. More cannot be attained, if more were desirable, without an alteration of the Constitution; and even something less would not be accepted by those who are already more than satisfied with undue advantages. But the Whigs are yet surely under unmerited defeat, and the Natives flushed with the first fruits of their young endeavors. The green tree waves its branches and the foliage to the breeze, and looks with the confidence of inexperience to the returning season. No nipping frost has ever seared its hopes. Yet this party stands on the 'unsteadfast footing of a spear,' or, at least, a narrow isthmus, which the first wave of success, coming from either side, may forever wash from under its feet. Triumph would, indeed, be more fatal to its existence than defeat. As yet it has no concerted system of principles or measures—or has proclaimed none—for carrying forward the business and the development of this concrete and mighty Republic. My humble advice to all around us is, to revive your spirits, to moderate the intoxication of victory, to look to the Constitution, to serve your country in soberness and faith, and to scorn to be the slave of party or the tool of demagogues.

"AMERICUS."

In this communication we have General Scott's views methodized. That the sentiments expressed in this communication are "convictions," may be inferred from the fact that it presents a bill fully matured for the action of his friends in Congress.

The authorship of this communication was charged upon General Scott by prominent Whigs, who desired to defeat his nomination, in 1848. Neither General Scott nor any friend for him has had the hardihood to deny but that its paternity belonged to him. The charge has now been made in the Union, under the very eyes of General Scott. He dare not deny it. I repeat the charge here in the American Congress. Will any gentleman on the Whig side of the House rise in his place and deny the charge? I pause for an answer. None, none dare make the denial. Let this, then, be set down as one of "the known incidents in General Scott's public life," and let our Irish and German friends take good heed how they cast their votes for any man holding and avowing such sentiments. Let them read the views of General Scott, and be warned in time. "Being forewarned let them be forearmed."

Mr. Chairman, in 1848 the Whig party again triumphed with a military hero. The election of General Taylor was but another proof that military glory as well as Democracy has charms for those of foreign birth. The spoils of office enjoyed by the Whig party under their triumph with military heroes in 1840 and 1848 has induced them to interpolate the Whig creed with the doctrine of availability. No man except a military chieftain can now aspire to be the Whig candidate for the Presidency. But military heroes are scarce in the Whig party; not that the party is not patriotic, but from the fact that the party has been opposed to all the wars which have added so much to the glory of our country. Among Whig military heroes General Scott is the "Last of the Mohicans;" and in order to continue the spoils of office in their hands, or rather, to use the classic language of the New York Express, in order to restore "the tail of the Galphins," General Scott must be nominated. But military glory is available only with those of foreign birth. Scott, by his Nativism, has alienated this class of citizens. Consequently his principles, though "convictions," must change, or this foreign vote must be lost. This fact has had a wonderful cooling effect upon General Scott's "burning indignation" against the "wild Irish, and the ignorant Dutch," and has caused him to modify his views upon the subject of naturalization.

In 1841 he hesitated between extending the period of residence and a total rejection of citizenship to all of foreign birth. His mind inclined to the latter. Now, he would bestow the inestimable right of citizenship to any one who should

serve one year, either in the Army or Navy of the United States, in time of actual war. What a miserable gulltrap to catch votes, and escape from the just indign tion which he has reason to fear that the Irish and Dutch will visit upon him for his former selfish, bigoted, and narrow-minded policy! This interpolation of the Whig creed will mark another "important incident" in the public life of General Scott.

Sir, our revolutionary fathers, duly appreciating the important aid which they had received during that memorable struggle which gave birth to a nation of freemen, contemplated bestowing citizenship upon such persons of foreign birth as, by an actual residence in the country, should make themselves acquainted with, and qualify themselves to sustain and support, our peculiar institutions. The Congress of the American people, in their wisdom, fixed this period of probation to a residence of five years. But General Scott's suggestive military experience is, that a foreigner can learn as much of the peculiar nature of our Government, as will qualify himself to sustain our peculiar institutions, by one year's experience in actual war as by five years' experience in the peaceful pursuits of domestic life. Why, sir, if one year's familiarity with, and participation in the scenes of bloodshed and slaughter peculiar to the Navy and Army of the United States, qualifies a man to exercise the elective franchise, and the other rights of citizenship, what splendid American citizens could have been manufactured out of the grand army of Napoleon! Alas! the sad experience of France demonstrates quite the contrary.

Perhaps, however, the military experience of General Scott suggested to his admirable political mind that the flogging, and other punishments endured on board a man-of-war, in actual service, or the strict obedience which every soldier in actual service learns to yield to the word of command, issued by every petty tyrant wearing the epaulets, qualifies him to become a freeman and an American citizen.

But, sir, as another war may not occur in the next half century, and as service in a war, like the one in Mexico, the very one which suggested the change in General Scott's views—a war in which you take the foreigner out of the United States, away from every opportunity to learn the Constitution of our country, or to gather any knowledge of our peculiar institutions—and inasmuch, I think, as General Scott will be free to admit, that the scenes of carnage and bloodshed upon the battle-field has no tendency to qualify for citizenship, why did not his military experience suggest the establishment of military trainings in each of our principal cities for the purpose of qualifying foreigners for citizenship? Let us imagine the foreign population of New York, of Philadelphia, drawn up on the Battery, or in Independence Square, or if you please in the Grand Plazza of Mexico, to receive the necessary instruction from the hero of Chippewa or Lundy's Lane to qualify them to receive and exercise the right of citizenship. Ah! methinks I hear the "teachings of wisdom speaking from the lips of age and experience." Eyes right! Eyes left! Right about face! Mark time! Honorably discharged! Why, sir, the world would be struck with wonder and astonishment at this "suggestive military experience" of General Scott, and wonder that Washington, and Jefferson, and Hancock, and Patrick Henry should have overlooked this easy process of making American citizens. But, sir, to come down from all this "pomp and circumstance of glorious war" to the sober realities of the case, and as the friend of the downtrodden and oppressed of the Old World, who seek to obtain the boon of citizenship in "this land of the free and home of the brave," I must be permitted to doubt this sudden conversion of General Scott from Nativism.

"Show me his company, and I will tell you who he is," is a proverb not less true than old. Who are the spirits that now and for the last few years have clustered around and controlled the head and pen of General Scott? Such men as Archer, the once candidate of the Native American party for the Presidency, and the very man who, in the late Whig Convention, held General Scott's confidential communication upon the subject of the platform; and William H. Seward, of New York—the man who manifested his love for the negro, and his hatred of the foreigner, in his proposition to Governor Smith, of Virginia, to trade him in exchange for his worthless free negro population the Dutch and Irish of the city of New York. Sir, if General Scott is to be elected President, and that master spirit of Whiggery, William H. Seward, to control his administration, be not disappointed if you hear them rallying their forces with the cry of "Up with the negroes, and down with the Irish and the Dutch."

I beg pardon, sir, for having occupied so much of the time of this committee in scrutinizing this "important" Native American "incident" in the public life of General Scott. But I cannot pass from it without calling the attention of our foreign population to the non-intervention resolution of the Whig party, now made part and parcel of their political creed. By itself, it would simply mean that, forgetful of the material foreign aid which our revolutionary fathers received, and which, under the blessing of Heaven, secured our national independence, we, in return, would give nothing but our cold sympathy to other nations struggling for freedom; but in connection with the Native Americanism of the Whig candidate for the Presidency, and the course pursued by the present Whig Administration in the Cuban affair, it speaks trumpet-tongued; and unless the Democracy shall triumph in the approaching election, it is the death-knell to struggling freedom in the Old World.

But, sir, my time admonishes me that I have dwelt too long upon the old alien and sedition law, two of the cherished measures of the anti-Democratic party, having their origin in the memorable contest of 1800.

Allow me now, sir, in contrast, to notice a measure of policy, having its origin at the same period, advocated and carried into operation by the Democratic party.

The Democracy, under the lead of Mr. Jefferson, were in favor of the acquisition of territory. It was under the auspices of the Democratic party that the Louisiana purchase was made. The anti-Democratic party were virtually opposed to the purchase. To defeat the measure, they raised the cry of "Ruin! Ruin!" They told us that the territory was barren and worthless—fit only for the residence of frogs and alligators, and to talk about making good American citizens out of the French and Creole inhabitants they said was perfectly preposterous. Such was anti-Democracy then, and such is Whiggery now. But the Democracy took another and more extended and liberal view of the measure. They saw the vast importance of this territory, and the great and ever-increasing necessity of the command of the Mississippi river to the rapidly-increasing West; and despite all the Federal cries of ruin, the purchase was made, and now the experience of half a century has tested the policy. Four of five enterprising, prosperous, and patriotic States have grown up out of this purchase. This land of frogs and alligators—under the influence of American institutions and American enterprise—has been made to blossom as the rose. Thousands of steamboats, ploughing the waters of the Mississippi, are wafting the produce of this beautiful Eden to every quarter of the habitable globe, and those French and Creoles, upon the battle-field of Mexico, have proved themselves the bravest, the most loyal, and patriotic of American citizens. Each acquisition of territory, from the day of the Louisiana purchase to this, has been made under the auspices of the Democratic party, and opposed by the other party of the country.

When you acquired Florida, the anti-Democratic party opposed it. When you annexed Texas, the Whig party opposed it; and when you acquired Utah, New Mexico, and California, the Whig party most vehemently opposed it. Why, sir, in the canvass of 1848, the Whig stumpers in my State took bold and decided ground against the acquisition of territory under the treaty of Guadalupe Hidalgo. Again and again upon the stump, have I heard them declare, "that you had better 'make General Taylor fight all his battles over 'again, if thereby you could compel Mexico to 'take back her territory."

"It was," they said, "a barren and worthless 'territory, and they would but curse their worst 'enemy by giving him a thousand acres of it." Four years have scarcely passed away, and yet how the scene is changed. California has become one of the glorious States of this Union. Her golden star now glitters in that splendid constellation that adorns the American flag; she now has her Representatives in each end of this Capitol. In the harbor of San Francisco, to-day, are more vessels riding at anchor than are to be found in any port of the United States, the ports of New York and Boston alone excepted; and every steamship that returns from that once-despised and "barren and worthless country," come freighted with untold millions of the precious gold, to enrich the whole country of the United States, and add another triumph to the supremacy of Democratic measures.

I do not know that we shall ever make any further acquisitions of territory; but judging the future by the past, it requires no spirit of prophecy to see, that if further acquisitions are made, it must be under the auspices of the Democratic party. Perhaps it may be our destiny to enlarge the area of freedom, until, in the language of the poet, we can exclaim,

"The whole, the boundless Continent is ours."

I should delight, in this connection, to contrast the war measure of the Democratic party of 1812, with the Hartford Convention, and the Connecticut "Blue-light" measures of the anti-Democratic party, but they have passed into history and are read and known by all men.

The next distinctive measures of policy of the anti-Democratic party, to which I desire to call the attention of this committee, is the national bank question. The time was when an anti-Democrat, or National Republican, "lived, and moved, and had his being" in the idea of a United States Bank. In 1832, it was a principle inscribed upon their banners; and a theme pathetically dwelt upon by all their stump orators. Why, sir, then the country would be ruined without a United States Bank. It was absolutely necessary as a regulator of the exchanges, and a depository of the Goverment funds. When General Jackson was about to remove the Government deposits from this monster institution, one of Ohio's Senators, since notorious as a member of the Galphin Cabinet, proclaimed in the Senate, that "your canals would become a solitude, and your lakes a desert waste of waters." But the Democracy, under the lead of the hero of New Orleans, a man raised up by God to deliver this people from the tyranny of this mighty money power—saw its dangerous tendency; they saw it subsidizing the press of the country, paying $50,000 to this editor, and $10,000 to that; tampering with members of Congress, making large loans to this Senator, and that member, without adequate security, and with the expectation of receiving votes for the renewal of its charter; and they willed its destruction. The Democracy struck in down; and now, sir, "it lies there, and none so poor as to do it reverence." There is no United States Bank party in the country to-day. In the classic language of the god-like Daniel, "it has become an obsolete idea."

Did I say that there was no bank party in the country to-day? Perhaps I am too fast in the assertion, for General Scott, the standard-bearer of the Whig party, in his letter of the 25th October, 1841, says that if he had been a member of Congress in the extra session of that year, he would have voted for the second bill creating this fiscal corporation. But "change" is written upon all the measures of the Whig party, and perhaps (though we have not the evidence) Scott, "although his principles are convictions," has changed his views, and now thinks with Mr. Webster, "that a bank of the United States is an obsolete idea."

Mr. CAMPBELL, of Ohio. I wish to ask my colleague whether he was not once in favor of a bank of the United States?

Mr. OLDS. I am thankful that my colleague has asked the question if I was not once in favor of the Bank of the United States. I have already told the House that I was once a Whig, and when I was a Whig I thought as a Whig, I spoke as a Whig, and I acted as a Whig, but when I became a Democrat, I put away childish things. [Laughter.]

Mr. HUNTER. Will my colleague tell us when that change took place?

Mr. OLDS. Yes, sir, I will answer this question also, and I will inform my colleague and this House when the change took place. It took place when the Whig party, who, in 1828, had invoked war, famine, and pestilence, rather than the rule of a mere military chieftain, went "a whoring after strange gods" and General Harrison. It took place when the "all decency party" disgraced the American name, and the sacred cause of freedom, by their hard cider drunken campaign of 1840. That was the time that I came "out from among the foul party."

Mr. HUNTER. I ask the gentleman if he did not oppose General Jackson, and carry coffin handbills through the country?

Mr. OLDS. I never did. As mean a Whig as I may have been, I was never mean enough to carry coffin handbills. [Laughter.] I thank God there have been meaner Whigs in the country than I have been. [Great laughter.]

Mr. Chairman, I suppose from these repeated attacks upon me, for having once been a Whig, means, to have been a Whig, is to commit "the unpardonable sin." It is passing strange that when a Whig desires to blacken my character, he accuses me of once having been a Whig. I hope all the people in the country at the approaching election will be warned by my fate, or show their claim to respectability by voting the Democratic ticket.

In contrast with the bank policy of the anti-Democrats, let me advert to a Democratic measure, having its origin in the downfall of the United States Bank. I allude to the Independent Treasury.

This measure had been adopted by the session of Congress which preceded the memorable campaign of 1840. The ludicrous pictures of the "Leg-Treasury" exhibited at the Whig gatherings of that campaign; the violent denunciations that were sent up by their stump-orators against the Democracy for their firm and unyielding support of this great financial measure, are yet fresh in the memory of those who witnessed the disreputable scenes of 1840.

But, sir, the Whig opposition to this measure did not stop at the exhibition of caricatures, and the denunciations of stump-orators; for at the extra session of Congress called by General Harrison, (all the measures of which, including the fiscality, the land distribution, and the bankrupt law, have been indorsed by the present Whig nominee,) the Whigs repealed our Independent Treasury and gave again the control of the Government funds to the irresponsible banking institutions of the country.

Bear in mind, that I have said that the Democratic party never abandoned any one of their measures, until it had received the unerring test of time and experience. Nine months' operation of this measure, before its execution by a Whig Congress, had not convinced the Democracy of its impracticability. When, therefore, the people, in the administration of Mr. Polk, restored the power to the Democracy, they reënacted the Independent Treasury. It has now been tested by the experience of full seven years, and where now are the caricatures and denunciations of 1840? What Whig paper or orator dares now assail this great Democratic financial measure? Sir, the Constitution of the United States requires the President, under the solemnity of his official oath, at the opening of each session of Congress, to transmit a message, recommending the repeal of obnoxious, and the establishment of wholesome measures. General Taylor was a Whig President. Did he, in his inaugural, or in his annual message, recommend the repeal of the Independent Treasury? No, sir; he was as silent as the grave upon this subject. But, in the providence of God, General Taylor was stricken down, and Millard Fillmore became President of the United States. Has he, in any of his messages to Congress, recommended the repeal of this once derided and abused Democratic measure? No, sir, conviction as strong as death hermetically sealed his lips upon this subject. Has any Whig in Congress, during these two Whig Administrations, indicated, by word or deed, a desire for the repeal of the Independent Treasury? Nay, more sir; in the present political creed, promulgated by the late Baltimore Convention, have the Whigs expressed a thought or wish in condemnation of this Democratic measure? The truth is, sir, this crowning financial measure of the Democratic party has won its way to favor through the most violent Whig opposition. It has now become a fixed measure of policy, never again to be disturbed, or made an element in a Whig electioneering campaign.

Again, sir: the time was when a high protective tariff was an essential in the Whig creed. That, too, is becoming an exploded Whig doctrine. Now and then we are amused with a little muttering thunder from some old-fashined Whig, who speaks more from the force of habit than from convictions of policy. Listen to the following:

"Revenue sufficient for the expenses of an economical administration of Government, in time of peace, ought to be derived from a duty on imports, and not from direct taxes, and in laying such duties, sound policy requires a just discrimination, whereby suitable encouragement may be afforded to American industry, equally to all classes, and to all portions of the country."

Does that sound like an old-fashioned Whig tariff resolution? Would that be recognized by a Whig of 1832 or 1844? No, sir, at its reading they would swear they were in a Democratic meeting, listening to the reading of the celebrated letter of James K. Polk to John K. Kane. Yet, sir, that is the resolve of the late Baltimore Whig Convention.

The Democratic tariff of 1846—a tariff for revenue, with *ad valorem* duties—a tariff which taxes the rich man's brandy, worth four dollars per gallon, twice as high as it does the poor man's brandy, worth two dollars per gallon—a tariff which taxes the rich man's sugar, worth ten cents per pound, twice as much as it does the poor man's sugar, worth five cents per pound—a tariff which taxes the rich man's broadcloth, worth four dollars per yard, twice as much as the poor man's cloth, worth only two dollars per yard; has taken the place of the Whig tariff of 1842—a tariff for protection to the capitalists of the country, by the imposition of duties upon the consumption of the country—a tariff with specific duties, by which the poor man paid as much duty upon poor brandy as the rich man paid upon his fine brandy—a tariff by which the poor man paid as much duty upon his muslin worth eight cents per yard, as the rich man paid upon his cambric worth twenty cents per yard—a tariff which taxed the farmer one hundred per cent. upon his log-chains, and the merchant, the banker, and the millionaire eight per cent. upon his diamonds, his pearls, and precious stones.

Already public sentiment has settled this vexed question in favor of Democracy and the people.

Again, sir, what has become of all the Whig "noise and confusion" about rivers and harbors? Listen again:

"The Constitution vests in Congress the power to open and repair harbors, and remove obstructions from navigable rivers. It is expedient that Congress should exercise such power, whenever such improvements are necessary for the common defense, and for the protection and facility of commerce with foreign nations, or among the States—said improvements being in every instance national and general in their character."

Does that sound like a Chicago resolution upon the subject of river and harbor improvements? Does that resolution embrace your Big Sodus and Little Sodus, your Big Sandy and Little Sandy? Can any Whig take that resolution in his hand, and justify his vote upon the river and harbor bill defeated in the last Congress? Sir, you and I remember how much we were amused, during the first day of the late Whig Convention, when some wag telegraphed from Baltimore, that the Whig Convention was about to nominate General Cass as their candidate for the Presidency. But I must confess that my amusement was turned into real alarm, when I saw their resolution on rivers and harbors. I cannot even now drive from my mind the conviction, that when the Convention adopted that resolution, they seriously contemplated stealing a march upon the Democracy, by the nomination of General Cass. Why, sir, that resolution is the very quintessence of General Cass's speeches and votes, upon river and harbor improvements.

Again, another distinctive measure of policy of the Whig party, was the odious bankrupt law. I do not misrepresent them when I say, in the most emphatic manner, this was a Whig measure—a Whig measure in its inception, a Whig measure in its passage, and a Whig measure in its operation. So distinctively Whig was this law, that General Scott, who was all over a Whig, in his political card, published during the Tyler administration, openly declared himself in favor of this measure. In his letter of the 25th October, 1841, which marks one of the incidents of his public life, referring to the extra session of Congress, he says:

"If I had had the honor of a vote on the occasion, it would have been given in favor of the land distribution bill, the bankrupt bill, and the second bill for creating a fiscal corporation—having long been under a conviction that in peace, as in war, something efficient, in the nature of a bank of the United States, is not only 'necessary and proper,' but indispensable to the successful operation of the Treasury, as well as to many of the wants of our commerce and currency."

Thus, sir, one by one, has every distinctive measure of policy of the anti-Democratic party been swept away by the verdict of the people, until scarcely a wreck is left behind.

Upon the other hand, one by one, have all the distinctive measures of policy of the Democratic party withstood the attacks, the denunciations, and the ridicule of the anti-Democrats, and, by the verdict of the sovereign people, become incorporated into the policy of the Government; and to-day, although the anti-Democrats are administering the Government, it is without an alien and sedition law; without a United States Bank; without a high protective tariff; without a general system of internal improvements by the General Government; without the distribution of the proceeds of the public lands; without an assumption of the State debts, and without a bankrupt law; but with the acquisition of Louisiana and Florida, and Texas, and California, Utah, and New Mexico; and with the Independent Treasury, and with a tariff for revenue.

So convinced, sir, are these anti-Democrats of the fallacy of all their peculiar theories of government, and the utter worthlessness of all their distinctive measures of policy, that, in their late National Convention, they have abandoned them all, and adopted, as nearly as they dare do without losing their party identity, the platform and measures of the Democratic party.

But, sir, before we allow them to become godfathers to our measures, and trust them to administer the Government upon our platform, we must ascertain what reliance may be placed upon Whig professions and Whig promises, and their capability to faithfully administer the Government in accordance with those vital measures of policy established by the Democratic party.

The first inquiry that naturally arises is, have the Whig party the confidence of the American people? I have already shown that one by one the people have condemned and repudiated every distinctive measure of policy of that party. For more than half a century they have signally failed in electing a President from their party by the voice of the American people, when they have entered the canvass with their principles inscribed upon their banners. True, sir, in 1840 and 1848, in utter disregard of their holy horror of military chieftains, and by a careful concealment of their principles, and by an appeal to the basest passions of the human heart, and by the practice of a base deception, which in its awful consequences had well-nigh destroyed our Government, they succeeded in electing their candidates. In both instances, however, the people manifested their lack of confidence in the President thus brought into power by returning a Democratic Congress at the next succeeding election; that through the legislative branch of the Government some check might be placed over the Executive.

What was the result of the small experiment which the people made of Whiggery in 1840? Can the people, nay more, can the Whig party look upon the fruits of that Administration with satisfaction and triumph? Sir, every American citizen would gladly blot from our history the prominent events of that Administration.

Again, sir, what has been the result of the Whig triumph of 1848? Why, sir, all, *all* are now ready to admit, that the deception practiced in the election of General Taylor, had well-nigh ruined the country. Nothing but the self-immolation of such men as Cass, and Clay, and Webster, and Dickinson, could have saved the country from the horrid consequences of a civil war. Sir, you and I remember how our hopes revived, and

how we breathed fuller and freer when we saw Henry Clay, standing tall and erect in the Senate of the United States, and heard him hurl defiance at an Administration which had been brought into power through the agency of that party that had been as the breath of his nostrils. Sir, the Administration brought into power by the frauds and deceptions practiced by the Whig party in 1848, is one long to be remembered by the people of the United States. Its Galphinism, its Gardinerism, its Crawfordism, and Corwinism, will receive the execration of the American people for many generations yet unborn.

As pertinent to the inquiry now before us, let us see what reliance may be placed upon Whig promises. I wish I could spread before you to-day some of the Whig banners and mottoes of 1840. Prominent among them was the pledge, that there should be "no proscription for opinion's sake." Yet, sir, the thirty-day administration of General Harrison witnessed a general sweep of the office-holders from Maine to Georgia. Witness again, the administration of General Taylor, an Administration brought into power under the promise of "no friends to reward and no enemies to punish." Show me the Democrat holding office under the General Government to-day. Sir, you may go to the poorest two-penny post office in the country, even though its revenues may not exceed five dollars per annum, and if they could find a Whig, whom they dare trust with the money, they have turned the Democrat out, and turned the Whig in.

I am not one of those who find fault with a change of office-holders with the change of the Administration. The President being responsible for the expenditures of his Administration, has a right to have his friends to help him administer the Government. No, sir, I give you my word for it, that if I were made President, I would, like Joshua, rather stay the sun in its course, than it should go down before I had hurled the whole tribe of "Galphins" from office. I do not refer to this turning-out system by way of complaint, but only as marking the Punic faith of the Whig party—as marking one of their deceptions practiced upon the people. Why, sir, if you or I were to practice as gross a fraud in our business transactions, we should be branded with eternal infamy. If ever our constituents should go to the city of New York, and obtain $100 worth of goods, under as false pretenses as the Whig party practiced to obtain office, the Governor of New York would make requisition upon the Governor of the State in which our constituent has his residence, and demand that he be delivered up as a fugitive from justice; and he would be taken back to the city of New York in irons, as a common felon; and, as a just punishment for his crime, he would be incarcerated within the prison walls of Sing-Sing. And yet, sir, this Whig party, after having been thus guilty, asks us again to trust them with power. "A man may cheat me once and it will be his fault; if he cheats me again it will be my fault." So let it be with the people.

Sir, I could have excused them in some measure for their broken faith, if they had had the manliness to avow, that their indiscriminate removal from office was for the purpose of making room to reward their political friends; but when they condescended to calumny and slander for the purpose of destroying the good name of their victims before leading them to the guillotine, they richly earned, what I trust they will receive, the contempt and execration of all good men.

Mr. Chairman, well can we remember how in 1840, Whig statesmen, Whig papers, and Whig stumpers, charged upon the Democracy extravagance in the public expenditures. The Oriental splendor of the far-famed "East Room;" the English coach, the French bedstead, the gold spoons, and the hemmed towel of President Van Buren, were as household words in the mouths of all the Whig orators of the campaign. Loud were the professions of the Whig party, of economy and reform. Their President was to live in a log-cabin, and feed upon corn-dodgers and hard-cider. Every artifice that the ingenuity of man could devise, to illustrate their desire for economy, and conformity to the simple wants and habits of the common people, was made use of. Their princely merchants, rich bankers, and millionaires, could condescend to lay aside their silk stockings and ruffle shirts, and dress themselves in buckskin breeches and linsey-woolsey frocks, that thereby they might gain the confidence of the voters of the country. Their motto then was, "We stoop to conquer." But, alas, sir, these loud promises and professions were only made to be broken. Their first act of power was to appropriate six thousand dollars of the people's money, to refurnish the White House, that it might be fit to receive their log-cabin President. Their every official act, from that day to this, has been a libel upon their professions of economy.

Sir, I had occasion the other day to advert to the fact that the expenses of Mr. Van Buren's administration, excluding the Seminole war, averaged less than twenty-six millions per annum, and that now, in a time of profound peace, an appropriation of fifty-two millions annually will not suffice this expense-hating and economy-loving Administration. Let me not be told that the Administration cannot spend a dollar of money, unless it is first appropriated by Congress, and that, as we have a Democratic majority in Congress, the Democracy must share the responsibility of the extravagance of this Administration. Sir, although this may be true in theory, yet it is untrue in practice. You and I well remember that at the last session Congress made an attempt, and did cut down the appropriations for the War Department some million of dollars; and what has been the result? Did the Executive stop the expenditures as soon as the appropriation was exhausted? Neither in this, nor in any other department of the Government, have they confined themselves to the appropriations made by Congress. Sir, your fiscal year has ended: what means, then, the five million deficiency bill that has passed since the close of the last fiscal year? Is it not to meet Government liabilities, and pay Government debts contracted during that year? Most certainly it is, or otherwise it could not be a deficiency. A Democratic Congress undertook to cut down the expenses of the Government, but a Whig Administration expended the money; and then, as did the gentleman from New York, [Mr. BROOKS,] and the gentleman from Tennessee, [Mr. GENTRY,] while these deficiencies were being discussed, dare the Democracy to vote against them; casting into our teeth that if we did not give them the money your army should be recalled from the frontier, and that upon every stump they would raise the howl, that the butchery of men, women, and children was chargeable upon the Democracy for withholding the supplies.

Sir, these $52,000,000 are not all swallowed up in the ordinary expenses of the Government, as extravagant as they are. But hundreds of thousands of dollars have vamosed into the pockets of the Crawfords, the Corwins, the Galphins, and Gardiners of this Administration. Such frauds as have been practiced under this Whig Administration, were unknown in the most corrupt days of the Roman Empire. Men then gave money for votes and office, but now they hold office that they may cheat the people, and defraud their Treasury.

Through the investigation of Congress, their Galphinism has been exposed; and Crawford, loaded with the execrations of the American people, has received his passport to perpetual infamy. But Corwin still remains unwhipped of justice. True, sir, his catspaw and accomplice in the fraud, is loaded with irons, and is branded by public sentiment as a perjurer and forger; but the master-moving spirit, the head and brains, in the fraud, through the negligence of this House, is still permitted to control the Treasury of the United States. Though this House may not visit upon him retributive justice, yet the American people, remembering, in connection with this fraud, "his bloody hand and hospitable grave" sentiments, and the aid and comfort he gave our enemies in time of war, will sink him so deep in infamy "that the hand of resurrection will never reach him."

The time was when the Whig party claimed to embody all the intelligence, the decency, the honesty, and the consistency of the country; and I have no doubt, sir, but that this very pretension has had the effect to seal the political destiny of many young men in this country. Many a merchant's clerk, and young aspirant to drawing-room favors, by this shallow pretense, has been led to consider that being a Whig was a passport to the society of the cod-fish aristocracy of the country.

Sir, if the Whig party have not already abandoned this most extraordinary pretense, it proves that they still cherish one of the distinguishing features of Federalism, Hamilton calling it being "rich and well-born," the Whigs call it "the decency of the country." It is the principle which led Federalism, and still leads Whiggery, to hate Democracy, because, as their name implies, the Democratic party is the party of the people.

"The intelligence of the country!" Yes, sir, they manifested their peculiar claim to intelligence when they selected General Taylor over General Cass, the most accomplished scholar and statesman of this or any other age.

"The decency of the country!" Yes, sir, let them point the future historian of our country to the drunken hard-cider campaign of 1840, and say, Behold our decency!

"The honesty of the country!" Yes, sir, let them hold up to public view the Galphins, the Crawfords, the Gardiners, and the Corwins of this Administration, and you will have a beautiful company of "*honest Iagos.*"

"The consistency of the country!" Yes, sir, let them point to their long catalogue of broken promises. Let them exhibit the ghost of the alien and sedition law, the dead carcase of the Bank of the United States, the tomb where lies buried their famous bankrupt law, and then let them exclaim, Behold the consistency of Whiggery!

But, sir, I have something of more serious import to say about the consistency of the Whig party.

Sir, you and I remember the impassioned and bitter denunciation of this consistency party in 1828 against military heroes. Then, sir, General Jackson was the candidate of the Democratic party. He had endeared himself to the American people, no less by his statesmanship and legal abilities, manifested whilst clothed with the ermine in Tennessee, or with the robes of State in the Senate of his country, than in his glorious defense of New Orleans; yet the Whig party could only contemplate him as a Cæser, a Cromwell, or a Bonaparte. And Henry Clay, (peace to his ashes,) the then embodiment of Whiggery, invoked "war, famine, and pestilence, rather than the rule of a mere military chieftain." Then, sir, it might be said of all their stumpers, orators, and newspaper editors, as it was said of Saul of Tarsus, "behold he prayeth." Yes, sir, then the prayer of every Whig was, "if indeed it be necessary to chastise this people with thy Divine displeasure, send upon us war, famine, and pestilence, rather than the rule of a mere military chieftain."

Alas! alas! what miserable backsliders these Whigs have proved themselves to be. Twelve years have scarcely passed away before those very pious praying Whigs raise their drunken shouts,

"For Tippecanoe
And Tyler, too."

Nay, sir, they became military mad, and in 1848 went into the regular Army for the candidate. They nominated a man as their candidate for the Presidency who never held a civil office in all his life; a man who acknowledged himself unacquainted with all the great measures of policy which for more than half a century had agitated the very heart of the American people; a soldier who frankly acknowledged himself ignorant of the bank, the tariff, the independant treasury, the bankrupt, and the distributive policy—who acknowledged that he had never even exercised the right of suffrage; a man dripping with the blood of the battle-fields of Mexico; a man whose only renown had been gained in a war which they had pronounced "unholy and damnable;" a man whom they had two short years before stigmatized as a "throat cutter and a human butcher," as "a slayer of defenseless women and children." Alas! what a commentary upon Whig consistency.

But this commentary does not stop here. The sad consequences which followed the election of General Taylor—the destruction of our glorious Union, averted only by the interposition of Provi-

dence in the death of General Taylor, has not cured them of their military madness; for again they have selected as their standard-bearer a mere military chieftain. The leaders of the Whig party have not only demonstrated their own military madness, but they are endeavoring to convert the whole country into a military mad-house. If the people will not take this military infection the natural way, they must be inoculated as you do for the small-pox. At all events, the contagion must be spread among the people. And how is this to be done? We had an exhibition of the process at the Whig ratification meeting in this city. The military-mad politicians are to appear among the people with transparencies representing the blood and carnage of the battle-fields upon which General Scott has acquired his military reputation.

It is said that in England they will not allow a butcher to set upon a jury when a man is on trial for his life. And why? Because familiarity with bloodshed and death-scenes renders him careless of human life. It is upon the same principle that the Whig politicians are attempting to vitiate the judgment and taste of the American people, to make them military mad by the representations of battle-fields and war.

I hold in my hand, sir, another process by which Whiggery seeks to inoculate the people with this military madness. This remarkable production contains thirty-two pages, and more pictures than pages. It purports to be the life of General Scott. Can you find in this book any of the "prominent incidents of his public life," to which, in his letter accepting the Whig nomination, he refers as a pledge of his political principles? Does this book contain his letter of the 25th October, 1841, giving his views upon "party politics," upon the "judiciary," upon the "Executive veto," on "rotation in office," on "one presidential term," on "Executive agency in legislation," on the "fiscality, the bankrupt law, and land distribution," on "secret or oath-bound societies?" Does this book contain his remarkable condescension, manifested in that letter when he says:

"Finally, I am asked, if nominated as a candidate for the Presidency, 'Would you accept the nomination?' I beg leave respectfully to reply—yes; provided that I be not required to renounce any principle professed above. My principles are convictions."

No, sir, not one word of all this is found in

"This picture-book that you may look upon,
And see what Whiggery was, when it is dead and gone."

Within the pages of this literary production can you find his views upon Nativism as expressed in his letter to George Washington Reed? Does it contain his views "methodized" upon this all-important question, as published by him in the National Intelligencer of December 17, 1844, under the signature of Americus? No, sir; this book studiously avoids all mention of General Scott's political sentiments; and, instead thereof, you find the pictures of dead soldiers and live soldiers—of guns, feathers, swords, field-pieces, horses, savages, and a tall man, with a cocked hat, sword, epaulets, and a "long-tailed blue." Sir, can any one of these—"all the intelligence—all the decency—all the honesty—and all the consistency"—Whigs fail, after a careful analysis of this remarkable book, from coming to the conclusion that General Scott will make a most wise, safe, patriotic, and statesmanlike President?

Mr. Chairman, I have already adverted to the fact, that the election of a mere military President four years ago, had well-nigh proved the ruin of the Republic. Can it be possible that the American people are so struck with military madness, nay, may I not say, military blindness, as to run the good old ship of State upon this rock again? Will the people not be warned by past experience? Are they blindly, madly intent upon converting our glorious Republic into a military despotism? Are there no statesmen and orators of the Whig party now living, to raise the warning voice? Then let one rise from the dead, and "entreat the 'American people, *by their love of country, by their 'love of liberty, for the sake of themselves and their pos-'terity—in the name of their venerated ancestors, in the 'name of the human family, deeply interested in the 'fulfillment of the trust committed to their hands—by 'all the past glory which we have won—by all that awaits 'us as a nation, if we are true and faithful in grati-'tude to Him who has hitherto so signally blessed us—'to pause, solemnly pause, and contemplate the preci-'pice which yawns before us!*"

Sir, I have imagined that the committee of the Senate of the United State, charged with the sacred duty of bearing the remains of Henry Clay from yon Senate Chamber to their final resting-place, in his own beautiful Kentucky, could not have bestowed greater honor upon the illustrious dead, or have rendered a more important service to their country at this particular crisis, than by repeating in each village, hamlet, and city through which they pass, his solemn warning to the American people to beware of a blind, mad devotion to mere military chieftains.

Mr. Chairman, let me suggest to those mad worshipers of military heroes, that in their nightly convocations, and in the midst of their displays of transparencies, representing Bridgewater, Lundy's Lane, the Castle of San Juan de Ulloa, Cerro Gordo, &c., there should be one lone transparency, borne by the majestic form of Henry Clay, clothed in the habiliments of the grave, bearing upon it in bright and shining letters this inscription, taken from his address to the Baltimoreans in 1828:

"I had thought, if any one more than all other principles, characterized the term Republican party, it was their ardent devotion to liberty, to its safety, to all its guarantees. I had supposed that the doctrines of that school taught us to guard against the danger of standing armies, to profit by the lessons which all history inculcates, and never to forget that liberty, and the predominance of the military principle, were utterly incompatible. The Republican party! In this modern, new-fangled, and heterogeneous party, Cromwell and Cæsar have recently found apologists. The judgment of centuries is reversed; long-established maxims are overturned; the Ethiopian is washed white; and the only genuine lovers of liberty were the Philips, the Cæsars, the Cromwells, the Mariuses, and the Syllas, of former ages.

"It is time for slumbering patriotism to awake, when such doctrines as these are put forth from the Capitol, and from popular assemblies. It is time that the *real* Republican party, (I speak not of former divisions, springing from causes no longer existing, and which are sought to be kept up by some men in particular places, only for sinister purposes)—that party, under whatever flag its members may have heretofore acted, that party which loves freedom, for freedom's sake—justly to estimate the impending perils, and to proceed with an energy and union, called for by the existing crisis in the Republic. Regardless of all imputations, and proud of the opportunity of free and unrestrained intercourse with all my fellow citizens, if it were physically possible, and compatible with my official duties, I would visit every State, go to every town and hamlet, address every man in the Union, and entreat them, by their love of country, by their love of liberty, for the sake of themselves and their posterity—in the name of their venerated ancestors, in the name of the human family, deeply interested in the fulfillment of the trust committed to their hands—by all the past glory which we have won—by all that awaits us as a nation—if we are true and faithful in gratitude to HIM who has hitherto so signally blessed us—to pause—solemnly pause—and contemplate the precipice which yawns before us! If, indeed, we have incurred the Divine displeasure, and it be necessary to chastise this people with the rod of His vengeance, I would humbly prostrate myself before HIM, and implore his mercy, *to visit our favored land with war, with pestilence, with famine, with any scourge other than military rule, or a blind and heedless enthusiasm for mere military renown.*"

Let the dead body of Henry Clay be borne to every State; let it be carried to every town and hamlet; let it be exhibited in every Whig gathering, that every man in the Union may catch the spirit sound, "entreating him, by his love of 'country, by his love of liberty, for the sake of 'himself and his posterity, in the name of his ven-'erated ancestors, in the name of the human fam-'ily, to pause—solemnly pause—and contemplate 'the precipice that yawns before him."

Washington, though a successful General, was only a soldier in war. Jackson, though one of the greatest of military men, was less than six years in the Army. Harrison was more of a civilian than a soldier. General Taylor is the only instance in which the American people have placed a mere military man in the presidential chair. The experiment had well-nigh been the destruction of the "model Republic." Our glorious Union was only preserved by the interposition of divine Providence, as manifested in the death of General Taylor. Shall we, will the American people again, within the short period of four years, madly, blindly plunge into the yawning precipice? Sir, the history of our sister Republics upon this continent illustrates the danger of trusting civil power in the hands of military chieftains. I have an abiding confidence that the American people will profit by the lesson taught us in the fate of Mexico and the South American Republics. My faith remains unshaken in the ultimate success of the experiment now being tried—the capability of the people for self-government. The sober second thought, that after the mad campaign of 1840 restored the helm of Government to the Democratic party; the quick returning sense of the people, that after the election of General Taylor, caused State after State to wheel into Democratic line; the utter abandonment of every Whig measure of policy, the long catalogue of broken Whig promises, Whig abandonment of professions made prior to our elections, and the corruption and extravagance of Whig office-holders in power, will, I am quite sure, satisfy the American people, that if they desire to preserve this glorious Union—if they wish to keep the United States the "model Republic;" if they desire to hand the liberty we now enjoy down to our posterity, they must avoid that mad, blind devotion to military heroes which has ruined all the Republics that have preceded us, and which is now so fearfully destroying our sister Republics upon this continent. In a word, let them avoid untold evils, by restoring to power the old time-honored Democratic party.

THE PRESIDENCY.

SPEECH OF HON. HIRAM BELL,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

July 20, 1852.

The House being in the Committee of the Whole on the state of the Union on the bill making appropriations for certain Rivers and Harbors—

Mr. BELL said:

Mr. CHAIRMAN: I do not rise to reply to all that has fallen from my colleague, [Mr. OLDS,] for I have not been in a position to hear all that he said; and besides, as he has exhibited a written argument, which he intends to publish, it would be impossible to reply to it, not knowing what is in it. But I have been watching my colleague with some little interest, for I understand somewhat the mode of warfare pursued by that party in my own State of which my colleague is a prominent leader. I perceive that my honorable friend and those who act with him are not willing to canvass before the people the principles, acts, and votes of the man whom they have nominated for President; but they expect to accomplish much by making charges to put the friends of the old veteran on the defensive. Well, sir, it is not the first time that General Scott has been upon the defensive, but he never yet retreated, unless it was to recharge upon the enemy and gain a victory.

The honorable member [Mr. OLDS] said that he would not pluck one leaf from the laurel that adorns the brow of General Scott—that he was the greatest captain of the age. It was his civil qualifications he proposed to canvass. He also told us that the Democratic party, in nominating General Pierce as their candidate, indorsed his (Pierce's) official record; and that his votes, letters, and speeches composed that record; and which they, (the Democratic party,) cheerfully handed over to the Whig party for investigation and scrutiny.

Mr. Chairman, I am glad that the friends of General Pierce have thrown that record before the country with such a challenge; for I assure you it will prove a most unfortunate record for the success of the Democratic party this fall. I will speak of that record hereafter. The honorable member, for fear of the effect, or some other cause equally potent, that the publication of the votes of Mr. Pierce would produce upon the presidential election, has failed to refer to the record of such votes. Is he afraid to let the people know what the principles of Franklin Pierce are? How he voted on measures of national policy? He is. He dare not publish his votes.

Mr. Chairman, notwithstanding the tender regard my colleague [Mr. OLDS] appeared to have for the fair fame of General Scott in the commencement of his remarks, I submit to this committee whether his whole speech was not a personal attack upon that veteran hero, and his public life? Such was its character; and that its object. And why? I will tell you, Mr. Chairman. The honorable member, and the leaders of the party with whom he is associated, are not willing

to meet the issues that now divide the two great political parties. It is their object to get up false issues. Hence, my colleague in his remarks has studiously avoided touching upon any of the pending measures that now interest the people.

The ghosts of the alien and sedition laws, the United States Bank, the Native American party, and similar questions, some of which have been consigned to the tomb half a century ago, according to his own account, now appear most to haunt the gentleman's imagination; questions that have not for years been in issue, and that are not now in issue, but out of which he fancies he can make some political capital. The same game was tried by his party in 1840, and the results of that campaign show the efficacy of a warfare of this kind. What surprised me most was, that my friend should go so far back in the history of the Whig party as to convict himself. If I had been near enough to my colleague I would have whispered in his ear, "Friend, be careful, you are treading on forbidden ground." If the Whig party are chargeable with what my honorable colleague says they are, which I deny, and if those charges are to apply so far back, the votes of my colleague, and his political life, would prove an old adage to be true, that "The greatest rascals frequently turn State's evidence." [Laughter.]

NATURALIZATION LAWS AND NATURALIZED CITIZENS.

My colleague has charged General Scott as being unfriendly to citizens of foreign birth, and read before the committee a part of his letter in 1841; but his other and subsequent letters he has withheld. Why not read all? If he wished to do justice to an old soldier, should he not have read all General Scott had said or written on that subject publicly? Yes, sir, he should; but he did not do it. He dare not tell the whole facts, and give the *whole* truth on that subject, to go before the public. What are the facts? Simply these, sir: The first letter, a part only of which my colleague read, of General Scott, was written under the influence of a great excitement produced in one of your cities (Philadelphia) by a conflict and loss of life between Americans and foreigners. After this excitement died away, and when General Scott had become better acquainted with that class, he wrote the following letter:

WASHINGTON, *May* 29, 1848.

DEAR SIR: In reply to your kind letter of the 8th instant, I take pleasure in saying that, grateful for the too partial estimate you place on my public services, you do me no more than justice in assuming that I entertain "kind and liberal views towards our naturalized citizens." Certainly, it would be impossible for me to recommend or support any measure intended to exclude them from a just and full participation in all civil and political rights now secured to them by our republican laws and institutions.

It is true, that in a season of unusual excitement, some years ago, when both parties complained of fraudulent practices in the naturalization of foreigners, and when there seemed to be danger that native and adopted citizens would be permanently arrayed against each other in hostile factions, I was inclined to concur in the opinion, then avowed by many leading statesmen, that some modification of the naturalization laws might be necessary, in order to prevent abuses, allay strife, and restore harmony between the different classes of our people. But later experience and reflection have entirely removed this impression, and dissipated my apprehensions.

In my recent campaign in Mexico, a very large proportion of the men under my command were your countrymen, (Irish,) Germans, &c. I witnessed with admiration their zeal, fidelity, and valor in maintaining our flag in the face of every danger. Vying with each other and our native-born soldiers in the same ranks in patriotism, constancy, and heroic daring, I was happy to call them brothers in the field, as I shall always be to salute them as countrymen at home.

I remain, dear sir, with great esteem, yours truly,

WINFIELD SCOTT.

WM. E. ROBINSON, Esq.

General Scott, in his letter of acceptance of the nomination, dated 24th June, 1852, in speaking of what he would approve if President, uses the following language: That he would "approve a single 'alteration in our naturalization laws, suggested by 'my military experience, viz: giving to all foreign-'ers the right of citizenship, who shall faithfully 'serve, in time of war, one year on board of our 'public ships, or in our land forces, regular or 'volunteer, on their receiving an honorable dis-'charge from service."

These, Mr. Chairman, are the sentiments and opinions of General Scott. I wish them known and published through the length and breadth of the land. These were known to the honorable member [Mr. OLDS] when he read an extract of a prior letter. I presume he had all those letters before him. He had read them a hundred times. With all these facts before him, he reads an old extract from some paper, that General Scott had no more connection with than the moon, and still persists in his *unfounded* charges against General Scott, of hostility to adopted citizens. When men will so far misrepresent a fellow-citizen for political purposes, it is time that the honest, independent, and patriotic citizens of this country arise in their strength and affix their seal of condemnation upon such conduct at the ballot-box. They will do it, sir. The people are moving. They are becoming aroused. They will protect the character and fame of that man who has protected them in the hour of peril.

The honorable member says a man is known by the company he keeps, and that the Senator from New York [W. H. SEWARD] is a supporter of General Scott, therefore he infers that General Scott entertains the same political views that Senator SEWARD does. That is his course of reasoning. It deserves no refutation. But, sir, any man may be proud to claim, as his associate, a man of the talents and patriotism of Senator SEWARD, without concurring in all his views. *The company he keeps.* I accept the mode of trying our respective candidates proposed by my colleague. What company has General Scott kept? All classes of American citizens. The high and the low, rich and poor. From the time of his first commission in the Army he has enjoyed the confidence and approval of all the Presidents, from that day to this. His skill, bravery, and patriotism have often received the official approval of Congress and different Legislatures. He has shared the perils of war, upon the tented field, with officers of the highest rank, as well as the common soldier.

But, sir, what company has the favorite candidate of my friend from Ohio kept? What company has General Pierce kept in New Hampshire on the subject of religious toleration? I mean in reference to that clause in the constitution of New Hampshire which excludes Catholics from holding office. Dare my friend go home to the free and independent voters of the State of Ohio and say that it is right to exclude one class of community from holding office because they worship at a different altar than ourselves? Will he go home and say that General Pierce is not of the same opinion with that party who supported that prohibition in the State of New Hampshire? Dare he say that he is not a man of influence in that State? Can he say that he is not a man of influence in the town in which he resides? And will he say that that influence was exerted to strike that odious restriction from the constitution of the State? No, sir—no, sir. There is the company your candidate has kept. That is the only State in this Union whose constitution contains a vestige of religious intolerance, and could not Mr. Pierce, with his commanding influence, have procured a change? Such is the company your man has kept.

Mr. OLDS. I do not like to interrupt my colleague; but if he knows that the opinions of Franklin Pierce are precisely opposite to those he represents, and then makes that statement upon this floor, I leave him to the tender mercies of the country.

Mr. BELL. I have got the gentleman where the shoe pinches. The truth of the matter is this: I have heard such a thing rumored in the public papers, and that is all the gentleman has heard. I have heard it since his nomination. But I hope, in the name of patriotism, that Franklin Pierce condemns in his heart that spirit of intolerance. I do not say that he has not. But if he has, why did not my colleague tell this committee so? Why did he not state this matter before the committee? Why did he not state the principles of General Pierce, instead of making those random charges against General Scott? Why did he not tell us his principles? Does he think the people of this country are prepared to vote for a man without knowing his principles? That would be a fair inference from his argument.

Mr. POLK. I do not desire that the charge of the gentleman from Ohio [Mr. BELL] should go out unanswered, or without being accompanied by a proper explanation.

No longer than two years ago the people of New Hampshire called a convention for the purpose of amending the constitution of the State. Mr. Pierce was a member of that convention, and voted to abolish that feature of the constitution upon which the gentleman has commented. It was stricken out by a majority of the convention. But the constitution, to be ratified, required two thirds of the votes of the people. There are more than one third of the people of New Hampshire Whigs. They voted against the ratification of the constitution, and thereby prevented the alteration of that feature which the gentleman now complains of.

Mr. TUCK. If the gentleman from Tennessee says that the Whigs of New Hampshire voted against the new constitution, he asserts what is not true.

Mr. POLK. I wish to understand the gentleman. I stated that more than one third of the people of the State voted against the constitution, and that, if the Whigs of the State voted against it, it was not Mr. Pierce's fault. What does the gentleman mean? Does he mean anything personal? Does he mean to allege that I have stated anything untrue?

Mr. TUCK. Certainly I intended nothing personal. I mean to say that the gentleman has stated as truth that which was not correct. His reason for making the statement I presume was that he had been misinformed, or that he had not taken the necessary trouble to inform himself.

Mr. POLK. My remark was, that more than one third of the people of New Hampshire were Whigs; and if more than one third voted against the ratification, as submitted to them by the convention, they were the responsible parties for preventing that alteration of the constitution from being made, and not General Pierce, and those who advocated and effected the repeal in the convention.

Mr. TUCK. That, Mr. Speaker, changes the gentleman's statement entirely.

Mr. POLK. The gentleman misunderstood me, or he could not have listened.

Mr. TUCK. I understood the gentleman to say that more than one third of the people of New Hampshire were Whigs, and that they voted against the new constitution. That is an error; and I will further state that many of the Whig towns threw the strongest votes in favor of the new constitution that were thrown in any part of the State.

Mr. POLK. Will the gentleman answer me a question? I wish to know if the gentleman from New Hampshire does not know that Mr. Pierce was in favor of the repeal of that feature of the constitution of his State, and if he does not know that he made a speech in favor of its repeal in the convention which formed the new constitution?

Mr. TUCK. Upon that subject I will say that I was here during the session of the convention which formed the new constitution of New Hampshire. I have no other means of informing myself upon that subject than the public newspapers, and those are equally open to the gentleman from Tennessee, [Mr. POLK.]

Mr. BELL. I wish to propound a single question to my honorable friend from Tennessee, [Mr. POLK,] since he has propounded one on his part. It is this: Whether he is apprised of the reasons why General Pierce did not answer the letter of Mr. Scott, of Richmond; or whether, if he did answer it, can the gentleman tell us what the answer was?

Mr. POLK. Mr. Pierce has, in his letter accepting the nomination of the Baltimore Convention, answered the questions contained in that letter.

Mr. BELL. That does not answer my question. I desire to know whether he answered Mr. Scott's letter directly?

Mr. POLK. He did not answer it directly, because General Pierce had previously announced that he was not a candidate for the nomination to the Presidency, and, therefore, felt himself under no obligation to answer it.

Mr. BELL. Then he did not answer it, did he?

Mr. POLK. I have never seen any answer.

Mr. BELL. Well, it is fair to presume, if he did answer the letter, the gentleman would have seen it.

Mr. MEADE. I wish to give the gentleman all the information upon that subject that I possess, and it is to this effect: that when the letter of Mr. Scott arrived at Concord, New Hampshire, General Pierce was absent, practicing in some of his courts, and in his absence his partner undertook to reply; and in that reply, I understand, he said that General Pierce was from home, and therefore could not answer the letter personally, and that if he were at home, General Pierce, not being a candidate for the Presidency, would hardly feel himself under any obligation to answer questions of that sort. That was just before the Convention met. The Convention, when it did meet, nominated General Pierce contrary to his expectation, and in his letter of acceptance, sufficiently committed himself to all the questions which had been propounded to the other candidates for the Presidency.

Mr. BELL. I do not doubt, Mr. Chairman, that the gentleman has been informed, and probably believes all that he has stated. [Laughter.] Indeed, I would not doubt it at all. I trust—I will not say I trust—I *know* there are very few who will accept the reasoning that has been given for his not answering the letter. It is frequently the case, that it is only by taking the testimony that is given on a cross-examination, that you get at the real facts. What does he tell us? He tells us that the letter came there during General Pierce's absence, and it came into the hands of his partner, and his partner, knowing that he was not a candidate, was authorized to say he was not at home, and would not answer it if he was at home. That is the substance of it. Is that a good reason for not answering? How came his partner to unseal that letter, unless he knew the contents of it? If he knew its contents, was it not of enough importance to have been sent to Franklin Pierce? It reveals this fact, sir; and what is it? Why, sir, it shows the eagerness of the Democratic candidates, of whom there was a multiplicity, almost a score, and who have honored your country in her councils, to obtain a nomination by any means.

Mr. HIBBARD. Will the gentleman yield to me for a moment?

Mr. BELL. Yes, sir. Men who have thus been honored——

Mr. HIBBARD. Will not the gentleman yield one moment?

Mr. BELL. Pretty soon, pretty soon. I wish to finish this idea, and I will then hear you. Men who have thus been honored through the excitement—ah, sir, an excitement got up and carried on by some honest and patriotic men—and by a great many more for political humbugs, about saving the Union, &c., until they got this man Scott, of Virginia, an instrument to propound to these men questions, which, if they answered in the affirmative—that is, pledging themselves in advance, if elected, to veto a law of Congress without constitutional objections, would be acting contrary to the very principles of your Constitution. This gentleman—Mr. Scott—propounded questions to those Democratic candidates, an affirmative answer to which said nothing more or less in advance, notwithstanding what the people might do in this Democratic country—notwithstanding what they may determine through your legislators and Congress, the President says, "I forbid—I veto." He exercises an authority more than the King of Great Britain, or than the King of any limited monarchy; the exercise of which would bring to the block any King that now sits upon an European throne. Through eagerness for office, a part of those candidates answered affirmatively. Young America was too shrewd. He left a creeping-out place—he would not interfere with Congress at all. General Pierce knew the character of that letter, and it is the greatest evidence I have seen of the talent of that man, that he withheld his reply from the public, and professed to be *practicing law somewhere at that particular time*. The letter fell into the hands of his partner, and could not be seen by him until after the nomination was made, as is now claimed by his friends.

Mr. HIBBARD, (interrupting.) Mr. Chairman, I have been out of the committee, and have not been made acquainted with the course of this debate until this moment. I understand that it has been charged, directly or indirectly, that General Pierce was not in favor of striking out of the constitution of New Hampshire the anti-Catholic provision. If it was not so charged by the gentleman, [Mr. Bell,] at least he expressed some doubts upon the subject.

Mr. BELL. I will explain to the gentleman, and then he will understand how it is charged. I cannot give way to him now, to have my time taken up. My honorable colleague [Mr. Olds] wanted to indict General Scott for keeping bad company—that is, the company of the Whig party, to which my friend [Mr. Olds] himself formerly belonged. I insisted that the rule worked both ways, and that if he was going to use that course of reasoning, we would have to turn round and apply it to General Pierce.

Mr. HIBBARD. The gentleman from Ohio and myself will not disagree, if he disapproves of the provision in question, though it has been practically inoperative and a dead letter in our constitution. I wish to say that in the late convention, called for the purpose of reforming the constitution of New Hampshire, General Pierce was called to preside over its deliberations, and he did so. When the proposition was introduced to strike from the constitution that obnoxious clause, by the late Judge Woodbury, and by an able speech, General Pierce left the chair, indorsed the remarks of Judge Woodbury, seconded the motion, and accompanied it with pointed and explicit remarks of his own, in favor of striking out that clause from the constitution. Those remarks are in all the papers.

I will say further, that I have on more than one occasion heard General Pierce converse upon the subject, and I personally know that he is entirely and decidedly opposed to the whole spirit and substance of that clause in the constitution of New Hampshire. The charge to the contrary which has been going the rounds of the papers, is wholly unfounded. It has nothing to sustain it, and is contradicted by all the evidence in the case. It asserts directly the reverse of all that General Pierce said and did on that subject. General Pierce favored striking it out in that convention. After the vote of the people was cast, he again advocated putting the question before the people of the State, whether they would not strike out that clause? I wish to put a question now to him.

Mr. BELL. I will answer you some other time. I want to ask the gentleman from New Hampshire [Mr. Hibbard] one question. Did General Pierce vote for the constitution?

Mr. HIBBARD. I have no doubt of it. Of course he did.

Mr. BELL. Do you know whether he received that letter from Mr. Scott?

Mr. HIBBARD. I know nothing about it, more than all the newspapers contain. I suppose the letter of General Pierce, accepting the nomination, answers that letter; and——

Mr. BELL. I claim this floor. I am a liberal man, but my friend taxes my liberality too much.

Mr. HIBBARD. I want to ask the gentleman a question.

Mr. BELL. I cannot now yield—I cannot. I have touched the gentleman in a tender place, or else he would not stand up so long and trespass upon the House, and upon my liberality.

Mr. HIBBARD. Will the gentleman allow me to ask him a question? It is a Yankee custom to answer one question by asking another.

Mr. BELL. I cannot yield any longer.

Mr. HIBBARD. I wish to answer his question.

Mr. BELL. I cannot.

Mr. HIBBARD. My friend will not ask me a question, and then refuse to let me answer it?

Mr. BELL. I cannot yield any more. [Laughter.]

The CHAIRMAN. The gentleman from New Hampshire [Mr. Hibbard] is not in order, the gentleman from Ohio refusing to yield the floor.

Mr. BELL. I supposed that I had been liberal, but I do not want my liberality taxed too much. The gentleman has once answered my question, and if his own answer is not satisfactory to himself it is not my fault.

Now what is all this about? You will remember that I did not commence these charges. I want that distinctly understood. I would rather try these men upon their lives, their public history, their votes, their acts, and their services to the country. I am referring to those charges which have been made by my colleague, [Mr. Olds,] and when I came to apply the rule that he laid down, why, sir, there was more than one interested in the matter. I do not think anything strange of that. I like to see my friends upon the other side of the House make the best advance they can. I think it is rather a *prima facie* case against General Pierce, according to their own showing. General Pierce would not answer that letter, because, if he would not pledge himself in advance to veto an act of Congress, he would not get the nomination; and if he pledged in advance that he would veto, it would be a very little chance he would stand of an election.

Mr. Chairman, I will now call the attention of the committee to the subject I was referring to when interrupted for explanations. I mean the test qualifications under the constitution of New Hampshire.

And, sir, I will state another fact. In the strong Democratic towns of the State of New Hampshire, where the votes were recorded on each clause of the constitution, a majority voted for retaining that clause; and in the Whig towns the reverse was the case.

Mr. HIBBARD. The gentleman's statement is incorrect. I trust I shall be allowed a moment's interruption.

Mr. BELL. Not now. If I am mistaken you can correct me hereafter. But I will give you the facts, which will show whether I am right or wrong. My statement is, of course, based upon the information I have received through the newspapers of that State. I challenge the gentleman to gather up the vote of every town in the State of New Hampshire, and if what I now state be not proved, I will rise upon the floor and candidly admit that I was misinformed. Whenever I perceive that I am in error it is my greatest privilege to make a correction, especially when the error is calculated to affect third persons. But, sir, I have no fears in this case, for I am right.

The old constitution of New Hampshire, and which is still in force, contains the following:

Article 14, under the head of "Form of Government," provides that "every member of the House of Representatives shall," among other things, "have an estate within the district which 'he may be chosen to represent of the value of '£100, one half of which to be a freehold, whereof 'he is seized in his own right," and "be of the 'Protestant religion, and shall cease to represent 'such town, parish, or place immediately on his 'ceasing to be qualified as aforesaid."

Article 29, under same head, contains the following in regard to the qualifications of Senators: "No person shall be capable of being elected a 'Senator who is not of the Protestant religion, 'and seized of a freehold estate, in his own right, 'of the value of £200."

The constitution further provides, Article 42, "that no person shall be eligible to the office of 'Governor unless he shall at the same time have 'an estate of the value of £500, one half of which 'shall consist of a freehold in his own right within 'this State, and unless he shall be of the Protest-'ant religion."

Article 61. Qualifications for councillors shall be the same as for Senators.

There was a convention called about two years ago to amend said constitution, of which Mr. Pierce was elected President. Several amendments to that constitution were submitted to the people to vote upon. One of which amendments proposed was to strike out from the old constitution that part which disqualified Catholics from holding office, and also the property qualification. For it will be seen that New Hampshire is one of the Democratic States that forbid poor men from holding office. And I would say further, Mr. Chairman, that I believe that every State in the Union that retains a property qualification for holding office has for many years been, or now is, under the government of the self-styled Democracy.

What Franklin Pierce said in that convention I know not, nor do I care, for it was only a preliminary proceeding. And I understand, sir, that there was no division of sentiment among the

members of the convention as to the form in which the question should be submitted to the people to vote on. He may have made a five minutes speech for presidential capital abroad; but if he did, I have understood it was after the vote on the religious test question had been taken in convention. But, sir, this is of little importance. It is the influence that Franklin Pierce and his friends exerted, and the undisputed control they had over the question, that I am considering. On the same day (March, 1851) that the vote was taken on the amendments to the constitution, there was an election for Governor of the State. There were two Democratic and one Whig candidates. The Democratic candidates received 39,159 votes; the Whig candidate did not receive one third of the votes, as he got only 18,484. The vote on amendments to the constitution was small, as will be seen by returns copied from the New Hampshire Patriot, a Democratic paper. The aggregate vote on the test and property qualification was as follows: For abolishing it, 9,862; for retaining it, 17,122. The Democratic party of that State at all times had the power of abolishing those odious features in their constitution, but refused. "That the Whigs were not accountable for the defeat of the amendment abolishing the religious test and property qualification was clearly demonstrated by the press of the State at the time, which gave publicity to the following facts, in contrasting the votes given in the strongholds of both parties in favor of the amendment. The comparison is made between fifteen towns of each party, as follows:

DEMOCRATIC TOWNS.			WHIG TOWNS.		
	Yeas.	*Nays.*		*Yeas.*	*Nays.*
Barnstead	53	330	Merrimack	139	98
Centre Harbor	19	97	Nashua	647	16
Gilmanton	61	494	Nashville	255	95
Effingham	1	136	New Ipswich	94	53
Ossipee	12	281	Dublin	91	14
Tuftonborough	42	149	Fitzwilliam	94	1
Wakefield	1	212	Jeffrey	74	42
Wolfborough	11	363	Keene	233	6
Bow	26	150	Marlborough	81	32
Chichester	11	172	Troy	61	13
Warner	36	235	Winchester	203	6
Wilmot	43	151	Claremont	245	186
Alexandria	12	196	Bath	107	34
Ellsworth	1	72	Littleton	100	50
Hill	11	148	Lyme	88	57
	369	3,186		2,512	574

This table shows that the above-named Democratic towns gave almost ten votes to one against the amendment, whilst the Whig towns gave nearly four to one in favor of it. The town of Concord, in which Mr. Pierce resides, gave 122 votes in favor of the amendment to 509 against it."

These facts contradict the inferences of the honorable members from Tennessee [Mr. POLK] and from New Hampshire, [Mr. HIBBARD,] "and exhibit the liberality of the Whigs of the granite State in a much more favorable light than that of the Democrats." Now, sir, where was Franklin Pierce at this election? He, sir, is the idol of the Democracy of that State, and if he had been in earnest in favor of abolishing that test, he had only to say so to his friends, and it would have been done. The Democracy of New Hampshire is held up as a model for the people to imitate by the supporters of Mr. Pierce. They are his company. I have given you their votes, by which they exclude the Catholics from the privileges of other citizens, and also prohibit a poor man from being eligible to certain offices. The people will pass upon the claims of that man who sanctions, by his acts of *omission* as well as *commission*, such a discrimination between citizens of our common country. *The Whigs are right* on all such questions, and will abide the result with confidence.

I believe the great mass of the Democratic and Whig parties are high and honorable men. I always recognize them as such. I pray God there never may be party strifes engendered to cause us to think otherwise. I said my colleague, instead of meeting the issues now presented before the American people, did not even deign to give a single measure upon which General Pierce had cast his vote. Why keep this back? We present you with affirmative resolutions of the Whig party, and their votes on all questions of public policy. What do the Democrats do? They present negative ones. They are always opposed to something which has no application to the times. They are always seeking for some false issue. What do they say? Do they say that they are in favor of internal improvements? No; they are opposed to them. Do they say they are in favor of a tariff for revenue, and the protection of all the interests of the people of this country? No; they are opposed to it. They present Franklin Pierce to the American people for their support;—a man who is in favor of nothing, but opposed to everything beneficial to the country.

Mr. Chairman, notwithstanding General Pierce, as well as the convention nominating him, have endeavored to avoid any frank avowal of their principles, if they have any, on measures of great public interest, yet there are some questions upon which they and their candidate stand committed upon record, that cannot be blotted out. I shall proceed to name some of them:

General Pierce is opposed to river and harbor appropriations, and if elected President of the United States, would be bound by his terms of acceptance to veto any such bill that Congress might pass during his term. PROOF.—The Democratic party that nominated General Pierce adopted, as part of its platform, the following resolution:

"2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements."

General Pierce in his letter accepts the Democratic platform, and says, further, that "No word nor act of my life is in conflict with the principles of these resolutions or platform." Now, his recorded votes during his whole time in Congress were uniformly against river and harbor improvements, as well as appropriations for light-houses, marine hopitals, &c. This was admitted on this floor by the honorable member from Michigan, [Mr. STUART,] a political friend of General Pierce, and if I understood him aright, it was upon constitutional objections.

But, sir, I will refer to the record in proof of a part of his votes. For it is here in presence of his friends that I make the charge, and no one will attempt to deny it.

June 28, 1836, a bill was pending in the House of Representatives making appropriations for the improvement of harbors in TWENTY-THREE different States. This bill passed and received the approval of President Jackson.

FRANKLIN PIERCE *voted against it.* On the same day, FRANKLIN PIERCE voted against an additional bill for the improvement of rivers and harbors, which passed and received the approval of Andrew Jackson. The appropriations made by these bills were all needed, and much more; yet none would have been granted if General Pierce could have prevented it.

I submit to the committee the appropriations proposed in one of these bills:

For continuing Delaware breakwater	$100,000
For continuing improvement of Chicago (Illinois) harbor	30,000
For continuing improvement of Big Sodus Bay	12,600
For continuing works at Provincetown harbor, Massachusetts	4,400
For continuing works at Plymouth Beach, Massachusetts	500
For continuing works at harbor near river Raisin, Michigan	15,000
For continuing removal of obstructions at Black river, Ohio	6,660
For continuing improvement of Cleveland harbor, Ohio	15,000
For continuing removal of obstructions at Grand river, Ohio	6,000
For continuing removal of obstructions at Cunningham creek, Ohio	1,275
For continuing removal of obstructions at Conneaut creek, Ohio	2,500
For continuing improvement of Presque Isle harbor, Pennsylvania	15,000
For continuing improvement of Dunkirk harbor, New York	11,000
For continuing works at Genesee river, New York	20,000
For continuing pier and mole at Oswego, New York	20,000
For continuing pier at Kennebunk, Maine	7,500
For continuing improvement of navigation of Hudson river, New York	100,000
For continuing improvement of New Castle harbor, Delaware	25,000
For continuing removal of obstructions at Ocracoke inlet, North Carolina	9,000
For continuing improvement of Cape Fear river, North Carolina	20,000
For continuing improvement of Ohio river, between Pittsburg and Falls	20,000
For continuing improvement of Ohio and Mississippi rivers, from Louisville to New Orleans	60,000
For continuing improvement of Mississippi river, above the mouth of the Ohio—Missouri river	40,000
For continuing removal of obstructions in Red river, Louisiana and Arkansas	40,800
For continuing improvement of Cumberland river, Kentucky and Tennessee	20,000
For continuing removal of obstructions in Chipola river, Florida	4,000
For continuing removal of obstructions in Escambia river, Florida	5,500
For continuing improvements at Huron river, Ohio	4,300
For dredging machine on Lake Erie	8,000
For boat to prevent obstructions in Red river, Louisiana and Arkansas, and for working and supporting the same	30,000
For completing channel between St. Mary's and St. John's, Florida	5,000
For completing pier at La Plaisance, Michigan	323
For erecting light-house at Buffalo, New York	494
For erecting beacon-light at Erie, Pennsylvania	69
For improvement of Ohio and Mississippi rivers, under act of 1832	17,800
For expenses of surveys and examinations on public lands in the Territories and in the Indian country	30,000

In 1837, Mr. Pierce voted *against* a bill making appropriations for building light-houses, and other similar works, in twenty-one different States. The same session, Franklin Pierce voted against a bill "to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers." This bill passed the House of Representatives by a vote of 107 yeas to 51 nays:

Here are the appropriations:

Illinois	Chicago harbor	$40,000
Indiana	Michigan City harbor	30,000
Michigan	St. Joseph river pier	15,000
"	River Raisin harbor	30,000
N. Hampshire	Cocheco river	5,000
New York	Black river harbor	10,000
"	Whitehall harbor	10,000
"	Genesee river mouth	10,000
"	Dunkirk harbor	15,000
"	Portland harbor	10,000
"	Cattaraugus creek harbor	10,000
"	Salmon river harbor	10,000
"	Plattsburg breakwater	10,000
"	Oak Orchard creek	5,000
"	Big Sodus Bay	12,000
"	Oswego harbor	15,000
"	Hudson river	100,000
Alabama	Mobile harbor	50,000
Ohio	Black river	6,410
"	Huron river	2,565
"	Vermillion river	20,000
"	Cleveland harbor	10,000
"	Cunningham creek	5,000
"	Ashtabula creek	8,000
"	Conneaut creek	5,000
Pennsylvania	Presque Isle harbor	15,000
"	Chester harbor	2,000
Vermont	North and South Hero Islands	6,000
"	Burlington breakwater	10,000
Maine	Steele's Ledge	466
"	Stanford's Ledge breakwater	25,000
Massachusetts	Sandy Bay breakwater	20,000
"	Hyannis harbor	5,000
Connecticut	River Thames	20,000
"	Southport harbor	1,000
"	Westport harbor	3,734
Delaware	Wilmington harbor	8,000
"	New Castle harbor	10,000
"	Delaware breakwater	141,000
Maryland	Baltimore harbor	15,000
North Carolina	Ocracoke inlet	12,500
"	Cape Fear river	10,000
"	Beaufort harbor, New river, &c.	20,000
Florida	Channel between St. Mary's and St. John's	5,000
New Jersey	New Brunswick harbor	6,963
Erection of a marine hospital at New Orleans		70,000
Purchase of sites for marine hospitals on western waters		15,000
Marine hospital at Mobile		10,000
Cumberland river improvement, Kentucky and Tennessee		55,000
Red river improvement, Arkansas		65,000
Ohio river improvement between the Falls and Pittsburg		60,000
Improvement of Ohio and Mississippi rivers from Louisville to New Orleans		60,000
Mississippi river—continuing removal of obstructions at mouth		210,000
Arkansas river improvement		25,000
Improvement of Mississippi above mouth of Ohio and of Missouri river		40,000
Erection of pier at St. Louis		50,000
Other improvements in Mississippi, Ohio, and Missouri rivers		23,000
Survey of rivers in Arkansas and Missouri		1,000
Survey from the Chesapeake bay to Charleston, South Carolina		10,000

June 29, 1836, Mr. Pierce voted against a bill making appropriations to "continue the Cumberland road in the States of Ohio, Indiana, and Illinois." This bill was signed by President Jackson. It appropriated, for expendiure in Ohio, $200,000; in Indiana $250,000; and in Illinois $150,000. Mr. Chairman, here, sir, is a sample of Mr. Pierce's negative merits for advancing the prosperity of the country.

Will the Democratic party of the West and South-west, many who have sustained these measures, support a man who stands pledged against them?

If so, speak out, and let the people know. You must either repudiate General Pierce and your platform, or oppose the best interests of your country.

The Whig party and General Scott occupy no doubtful position on those measures. They are the avowed and steadfast friends of them. I read the resolution adopted by the Whig Convention, and approved by General Scott:

"6. The Constitution vests in Congress the power to open and repair harbors, and remove obstructions from navigable rivers; and it is expedient that Congress should exercise that power *whenever such improvements are necessary for the common defense or for the protection and facility of commerce* with foreign nations or among the States—such improvements being, in every instance, national and general in their character."

Mr. Chairman, inasmuch as the honorable member [Mr. Olds] has refused or failed to tell this committee or the public what principles his party support, or the opinions of their candidates upon questions of public policy now interesting the people of this nation, I propose to compare the claims of each candidate, Generals Scott and Pierce, for the support of their fellow-citizens, in connection with the distinctive principles of the Whig and Democratic parties of the day.

INTERNAL IMPROVEMENTS AND RIVER AND HARBOR APPROPRIATIONS.

The *Whig* party and *General Scott* are in favor of and support these measures. *Proof*, resolutions of Baltimore Convention and votes. General Pierce is opposed to those measures. Proof, his votes and Democratic platform.

TAXES TO SUPPORT THE GOVERNMENT.

The Whig party are in favor of an economical administration of the General Government, and of raising a revenue to support it mainly from duties on imports. See resolution of Whig Convention, as follows:

"5. Government should be conducted upon principles of the strictest economy, and revenue sufficient for the expenses thereof, in time of peace, ought to be mainly derived from a duty on imports, and not from direct taxes; and, in levying such duties, sound policy requires a just discrimination and protection from fraud, by specific duties, when practicable, whereby suitable encouragement may be assured to American industry, equally to all classes and to all portions of the country."

The Democratic party refused to proclaim their opinions on this subject at their Convention. But, sir, it is well understood that many of that party favor direct taxation.

RELIGIOUS TOLERATION.

General Scott is known to be an American at heart and practice on the subject of religious freedom. He is for equal privileges to all. The Democratic party of New Hampshire, who first nominated General Pierce for President, exclude Catholics from office, and require a man to hold a certain amount of property to qualify him for office. Such is the constitution of that State, and that party who had the power voted against amending it.

PROTECTION TO AMERICAN INDUSTRY.

The Whig party and General Scott are in favor of affording protection to American agriculture, manufactures, commerce, and all branches of industry, by a discriminating tariff of duties, &c. General Pierce and his party are opposed to it.

DISTRIBUTION OF THE PROCEEDS OF THE PUBLIC LANDS.

The Whig party are in favor of dividing the money arising from the sale of our national domain among all the States in an equitable proportion. The Democratic party oppose it.

THE RIGHT OF PETITION.

General Scott never denied the right of an American citizen, under the Constitution, to petition for the redress of grievances.

Mr. Pierce voted against it in Congress. I refer to the Journals.

ACTUAL SETTLERS UPON PUBLIC LANDS.

General Scott, in his letter of acceptance of the nomination, uses the following language:

"I therefore barely suggest, in this place, that should I, by the partiality of my countrymen, be elevated to the Chief Magistracy of the Union, I shall be ready, in my connection with Congress, to recommend or to approve of measures in regard to the management of the public domain, so as to secure an early settlement of the same favorable to actual settlers, but consistent, nevertheless, with a due regard to the equal rights of the whole American people in that vast national inheritance."

By reference to the Senate Journal of January 14th, 1839, you will find the following proposition pending in that body:

"*And be it further enacted*, That when any of the public lands of the United States have remained unsold for the space of fifteen years after the termination of the public sales, the same may be entered and purchased by *actual settlers* on the following terms, to wit: If a settler is desirous to purchase for a residence eighty, or less than eighty acres, he may enter and purchase the same at fifty cents per acre."

Upon this proposition the vote stood—ayes 21, noes 23. Among the noes were Franklin Pierce and William R. King. The votes of the Senators from Ohio, Indiana, Illinois, Kentucky, Louisiana, Arkansas, Mississippi, Michigan, and Tennessee, without regard to party, were given for this provision, which was defeated by the votes of Pierce and King, and yet the poor man of the West is asked to vote for these men.

VETO POWER.

General Scott disclaims the exercise of the one-man power to thwart the legislation of the people's representatives.

General Pierce, when interrogated upon that question, either refuses to answer or keeps his answer pocketed, but permits his friends in one part of the country to say he is in favor of, and in another part against the exercise of such monarchical power.

QUALITIES OF THE HEART.

General Scott's whole life has been spent in that kind of service that has made him familiar with the sufferings of all classes in all conditions of life of which he has been among the sufferers. But, sir, the wounded, sick, or hungry soldier, the afflicted and disconsolate widow, the victim of the cholera, the captured prisoner, or the wayfaring man in distress, always found a sympathetic friend in Winfield Scott. No man was ever turned away from his door or his tent in distress without relief.

As to General Pierce, I will not say that he does not possess these qualities in a high degree; for I have no personal acquaintance with him; but if he does, he has at least on one occasion had a bad way of showing it. Mr. Chairman, after the death of General Harrison, when his widow was mourning the loss of her late bosom companion and earthly protector; when she was poor, and her husband had spent all his means in moving to your capital, there was a bill brouguht forward in Congress to allow the widow Harrison one full year's salary for her deceased husband. Franklin Pierce not only voted against this bill, but used his influence to prevent its passage. But thanks to the benevolence of the members of that Congress, there were few that thought as Mr. Pierce did. The bill passed, and the lonely widow's heart was cheered with some relief.

CIVIL QUALIFICATIONS.

General Scott is far superior to Mr. Pierce in this respect; yet the Democratic party—no, sir, I will say the *Locofoco* leaders of that party—are trying to depreciate the merits of the old patriot for civil qualifications, and trumpet forth Franklin Pierce as the greatest civilian of the age. But they tell us of nothing that Mr. Pierce has ever done in or out of the Legislature or Congress to warrant such an assumption or claim. They have politic reasons for such a course. They know he never did a single act in his life to merit the confidence of the people in him as a statesman. I challenge a successful contradiction of this statement. He was educated a lawyer, and that has been his practice except when in the Legislature or Congress; and in the latter capacity all his influence and votes were cast in opposition to measures calculated to advance the prosperity of the country, as I have before proved.

Now, Mr. Chairman, let public history, the records of your country, and the life of General Scott, speak for him in this respect. Commence with his interference and saving the lives of the Irish prisoners while he was a prisoner on board of a British vessel; and after which, and in 1813, he recommended and procured the passage of an act of Congress which effectually placed soldiers in our Army of foreign birth that might be captured by the enemy upon the same terms of protection as Americans.

Examine his proceedings in 1832 in settling the Black Hawk war, treating with the Indians, restoring peace and protection to the Northwestern Territories.

His perilous services and settlement of the Florida war; his delicate yet successful mission under President Jackson to South Carolina to maintain the supremacy and integrity of the Union, and at the same time not infringe upon the rights of any particular State. He was successful, and order and confidence again restored throughout the country.

Again, you find Scott intrusted with almost unlimited power to settle the difficulties and maintain the peace upon our Canada frontier and Maine boundary. He was successful here. By his personal popularity and ripe qualifications as a diplomatist he accomplished what no other man could have done under similar circumstances.

Come down to a more recent period in his history. Test his civil qualifications after he became the conqueror of Mexico.

In a very few days after his triumphant entrance into the city of Mexico he established and promulgated a code of laws and system for raising revenue. That, considering its adaptation to the times and circumstances, as well as its practical effects, has challenged the admiration of the greatest statesmen. It may be said also that he was the master spirit in bringing about a treaty there.

Mr. Chairman, General Scott, like General Washington in his time, has the peculiar combination of military and civil qualifications united, eminently fitting him for the office of President.

MILITARY QUALIFICATIONS.

I will not compare these, sir. The most the friends of General Pierce claim for him in this respect is, that during the Mexican war he was taken from his law office, and commissioned as a general; went to Mexico as such officer; served a short time, and resigned before the termination of that war.

The history of your country, and the success of her armies under Scott for the last forty years, will best illustrate his services, bravery, skill, and patriotism, and claims upon his country.

Mr. Chairman, hear what some of the most eminent men of your country have said of General Scott.

In a speech in the United States Senate, March 23, 1848, Daniel Webster spoke as follows, relative to the character and services of General Scott:

"I understand, sir, that there is a report from General Scott; from General Scott, a man who has performed the most brilliant campaign on recent military record; a man who has warred against the enemy, warred against the climate, warred against a thousand unpropitious circumstances, and has carried the flag of his country to the capital of the enemy, honorably, proudly, *humanely*, to his own permanent honor, and the great military credit of his country."

Henry Clay, in the Senate of the United States in 1850, spoke thus of General Scott and the Mexican war:

"I must take this opportunity to say, that, for skill—for science—for strategy—for bold and daring fighting—for chivalry of individuals and masses, that portion of the Mexican war which was conducted by the gallant Scott, as chief commander, stands unrivaled either by the deeds of Cortez himself, or by those of any other commander in ancient or modern times."

Dr. Channing, in the preface to his Lectures on War, pays the following tribute to the man whom the Whigs have selected for their candidate at the approaching contest:

"Much, also, is due to the beneficent influence of General Scott. To this distinguished man belongs the rare honor of uniting with military energy and daring the spirit of a philanthropist. *His exploits in the field, which placed him in the first rank of soldiers, have been obscured by the purer and more lasting glory of a pacificator and a friend of mankind.* In the whole history of the intercourse of civilized communities, we doubt whether a brighter page can be found than that which records his agency in the removal of the Cherokees. As far as the wrongs done to this race can be atoned for, General Scott has made the expiation. In his recent mission to the disturbed borders of our country he has succeeded, not so much by policy as by the nobleness and generosity of character, by moral influence, by the earnest conviction with which he has enforced on all with whom he had to do the obligations of patriotism, justice, humanity, and religion. It would not be easy to find among us a man who has won a purer fame; and I would do something, no matter how little, to hasten the time when the spirit of Christian humanity shall be accounted an essential attribute and the brightest ornament in a public man."

Hear what his political enemies said of him be-

fore he was a candidate. In the Washington Union of April 10, 1847, I find the following:

"GLORIOUS ACHIEVEMENT.—Victory follows victory in rapid succession. It was a settled maxim that we could never cease this war with honor until we had taken the Castle of San Juan de Ulloa. *Thanks be to our distinguished and skillful General*—to his brave officers and men—to the gallant officers and men of our Navy, this great achievement has been effected with but little loss of life on our part. *We have taken the Gibraltar of the Western Continent. We have added new laurels to our wreath.* THE GRATITUDE AND ADMIRATION OF A FREE PEOPLE ARE DUE TO MAJOR GENERAL SCOTT. We congratulate our country again upon the prowess of their Army and Navy. *In less than eleven months, a succession of achievements has poured in upon us which would grace the annals of any people under the sun.* Let our countrymen rejoice, and let them pour out their thanks to the brave men who have done honor to the character of this free country."

Such, Mr. Chairman, is the man that the honorable member [Mr. OLDS] has compared to butchers in human blood; and would try to make him, and necessarily the America army under his command, appear destitute of those sympathies and humane feelings common to the rest of mankind. But not content with that, he has descended to the tombs of Harrison and Taylor, to calumniate the memories of those departed heroes and sages—and in effect, to read the independent freemen of this country a lecture upon the exercise of their rights of suffrage in elevating those patriots to the highest office in this Republic. He wishes to apply the dispensations of Providence to the unholy purposes of a political contest. He thinks the Union was saved "only by the interposition of Providence in the death of General Taylor." This, I confess, is the last version given of the salvation of the Union I have heard; and hope I may never hear it again. But, Mr. Chairman, what further do we hear from the honorable member on this subject? Why, sir, he invokes the spirit of HENRY CLAY to come forth from the grave to aid him and his party in vilifying and abusing General Scott, and defeating his election. I will assure the member, that if he had the power to call forth all the spirits of Henry Clay and other departed patriots, from the Revolution to this time, he would get no aid from any such source in his unholy purpose.

No man, when living, was ever vilified and abused more than *Henry Clay*, by the Democratic party, or at least by many of them; and if I mistake not, the honorable member [Mr. OLDS] performed his full share in that abuse for many years past. Now that that pure patriot and great statesman is no more with us, his long political life ended, his person and character removed from the poisonous shafts of his political enemies, the honorable member, with hundreds of others who abused him while living, now become most eloquent in praises of his former service to the country. I am glad it is so—that political animosities do not always last. And, sir, it is useful in this respect: the people will now know how to appreciate political charges coming from the same source, against the living. They will, sir, see that such charges are entitled to *no confidence*—but only made to accomplish political purposes. For, sir, as I said before, no man was more misrepresented and traduced in his time, by men incapacitated by nature and association, to do justice to a great soul and mind, than Henry Clay; nor were deep, heartfelt grief and sorrow ever so universally manifested in the death of an individual since the days of Washington, than in that of Henry Clay. He lived long enough to shame his traducers into an acknowledgment of their falsehoods, and to stamp his name upon the enduring pages of history as one of the greatest statesmen, orators, and patriots of the nineteenth century. Posterity will do justice to his traducers. This is all they have to fear.

Sir, it is with General Scott as it was with Henry Clay. When he had passed the time of life to preclude the idea of again becoming a candidate for the Presidency, no men were more lavish in their encomiums upon his splendid and useful career, than the members of the Democratic party. At times, when they fancied General Scott would not be in their road to the highest office in the gift of the nation, they were never more prolific in eulogiums upon his genius and world-wide military fame. Their regrets in 1839 and 1848, because he was not nominated by the Whig National Conventions, were apparently sincere; and their censures of the Whig party for not nominating him, were not few. Sir, their griefs and condolences are now hushed, and we hear nothing from them but murmurings and deep-felt uttered curses at their own sad condition. Their days must still continue to be numbered with those that were, and the reigns of Government perpetuated in the hands of the true American party. Gentlemen may rise upon this floor, and make barbarous and unpatriotic comparisons, but they will avail them nothing. General Scott has been tried in the scales of public opinion and national justice, and not found wanting. The decree of the people has gone forth, from Maine to Florida, and from the shores of the Atlantic to the Pacific coast, that justice must and shall be done to him who has done justice to and protected them and their fathers in days past. In him who has said that he feels that he is a citizen of every part of this great Republic, they know that they will have a wise President, a sagacious statesman, and a cool, prudent man.

Sir, in every capacity and relation in life that he has been called on to fill or sustain, he has discharged his duty or trust with credit to himself, and honor to his country. If a man's capacity for fulfilling the duties of the Chief Magistracy are to be judged from the manner in which he has discharged public duties for nearly half a century, and I know no better means of arriving at a just conclusion upon this subject, why General Scott's friends—nay, the whole people—may challenge the world in vain for another such a record as his. From the time he entered the service of his country in 1808, with a captain's commission of light artillery, down to the storming and surrender of the capital of the Mexican Republic, "*his epaulets and plume*," in the language of a political opponent, "*were always found glittering and waving 'where the battle raged fiercest, where the bullets 'rained thickest, and where the carnage was deadliest, 'directing the American arms on to glorious victory.*" In the discharge of the various civil trusts, whether at home or abroad, which have been imposed on him by his country, he has executed them with consummate skill and ability. But why amplify upon this subject? The country knows it by heart, and is only waiting to ratify it at the ballot-box.

In conclusion, Mr. Chairman, permit me to say, that I challenge any man upon this floor to point the country to one single act in the public life of Winfield Scott, whether military or civil, which will not bear the closest scrutiny. If he will, I will show him the recorded approbation, not only of the Administration under which it was done, but that of his own party. But, sir, I will do the Democratic party the justice to say, that notwithstanding the abuse some of their leaders have heaped upon General Scott, they have never been able to point to one single act in his long public life to which they could take exceptions or condemn. This fact is the best encomium that can be passed upon any public man, who has served his country for more than forty years.

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N. B. Mr. HIBBARD says, in reference to the question of Mr. BELL, respecting General Pierce's vote on the constitution, that he understood it to refer to his vote upon the amendment striking out the religious test, and answered it with that understanding.

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NOTE.—After my remarks had been revised and sent to the printer, Mr. HIBBARD made a number of corrections or alterations of his remarks, by additions and omissions, some with my assent and some without.

The following was added to the report by Mr. HIBBARD, to which I objected:

"The charge to the contrary, which has been going the rounds of the papers, is wholly unfounded. It has nothing to sustain it, and is contradicted by all the evidence in the case. It asserts directly the reverse of all that General Pierce said or did on that subject."

Mr. HIBBARD's reply to my question, Whether General Pierce voted for the constitution?—was, "I suppose he did."

He was so reported, which I thought, at the time, correct. I made no alteration of my remarks as reported with Mr. HIBBARD's and others on that occasion, as I did not consider myself authorized to do so. HIRAM BELL.

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HOUSE OF REPRESENTATIVES, *July* 30, 1852.

Sir: In the report of the speech of Hon. Mr. BELL, of Ohio, reported in the Globe of yesterday, is a question from Mr. BELL, whether General PIERCE voted for the [proposed new] constitution of New Hampshire? To which I am reported as answering as follows:

"I have no doubt of it. I suppose he did."

In a note of Mr. BELL appended to that report is the following:

"Mr. HIBBARD's reply to my question, whether General PIERCE voted for the constitution, was, 'I suppose he did.' He was so reported, which I thought at the time correct."

It is true, as Mr. BELL says, that I was so reported. But he is mistaken, no doubt unintentionally, in saying that such was my answer. I said *that I had no doubt of it*, as the report now stands, through my alteration made to conform to the fact. When the inquiry was made and answered, I understood it to refer to General PIERCE's vote upon the proposed amendment to the New Hampshire constitution, striking out the religious test; and I distinctly remember my reply. Though I had not personal knowledge, my answer was founded upon information which I did not and do not doubt.

Very respectfully yours,

HARRY HIBBARD.

EDITOR OF THE GLOBE.

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RIVER AND HARBOR BILL.

SPEECH OF HON. D. L. SEYMOUR,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

July 21, 1852.

The House resolved itself into the Committee of the Whole on the state of the Union on the Harbor and River appropriation bill, (Mr. OLDS in the chair.)

Mr. SEYMOUR, of New York, rose and said:

Mr. CHAIRMAN: The Committee on Commerce of this House, at an early period in the session, had their attention drawn to the great question of the improvement of harbors and rivers, and a discussion was had, to some extent, upon the consideration of the President's message, in reference to this subject; but the principles or views upon which the committee would act in framing a bill, were not then determined. Shortly after that time, however, petitions were presented in very large numbers from all quarters of the country, praying appropriations for the improvement of our large and navigable rivers, and of our harbors both upon the sea-coast and upon the northern lakes. Petitions also came before us in reference to our great western rivers in such numbers, and presenting such pressing exigencies, that the committee, before any decision had been had upon the President's message, referring this subject specifically to their consideration, proceeded to examine this very important, and, I will add, as it has proved, very embarrassing subject. In addition to these petitions, I ought to state, that from many of the large cities deputations of gentlemen of the highest respectability connected with our commerce, and practical navigators—men who have been long engaged both in our foreign and domestic commerce—appeared before us, pressing upon our consideration subjects of very great importance to the localities where they resided. I allude particularly to delegations sent here by the cities of Boston, New York, Philadelphia, Baltimore, and New Orleans.

Sir, we found when we approached this subject that it was full of embarrassments. On looking back to the history of this country for the last fourteen years, we found that no appropriations had been made—not even to keep in repair public works which had been, through a long period under previous appropriations, erected by the Government, and were out of repair. We found, in some cases, that the channels of streams and the approaches to harbors were rendered even worse than they were in their natural state, by the obstructions occasioned by the lack of appropriations to keep in repair these old works of the Government. Besides, very large and extensive territories have been added to this Government

during the fourteen years which have elapsed since any general appropriation bill of this character has passed. In that period the State of Texas, with a sea-coast of six hundred miles, and watered by many very large rivers, with harbors adequate to a large trade, if they shall but receive small appropriations for the purpose of removing the sand-bars at their mouths, has been opened to the commerce and enterprise of the country; and finally the march of population to the West, during that long period, has been settling the wilderness and developing the resources of one of the richest and most fertile countries on the face of the globe. New States have been added to the Union—States which have received no consideration by appropriations of this character since they have been admitted into the Union; States where large towns, great commercial centers, are now growing up, where are large harbors to be improved, and where commerce is concentrating; States in which rivers of great magnitude, needing but small appropriations to remove the obstructions of nature, will in a short time bring from the improved and fertile regions of the interior a vast amount of commerce to eastern markets.

Under these circumstances, and in view of a subject so embarrassing as this is, the committee addressed themselves to the preparation of this bill; and I will say, in their behalf, that they have devoted more time to this bill than to any other—indeed, I may add, than to all the other bills before them—although the subjects referred to them are very numerous, and concern the whole commerce of the country, both foreign and domestic.

Sir, the majority of the committee were opposed to entering upon anything like a general system of internal improvements. They wished to frame such a bill as would meet the good sense of this House and of the country—one that should not embrace so large an amount, and located at such various points as would be liable to the objection that it was reviving the old policy of a general system of internal improvements, but which would satisfy the imperious demands of commerce. The great difficulty has been to define and settle upon a bill which, at the same time that it should meet the wants of commerce, would suit the wishes and gratify the expectations of the various localities concerned. That, sir, is a very difficult matter. It is one that has occasioned great embarrassment to the committee. Many gentlemen seemed to expect that, because appropriations were contained in a former bill which passed this House, a bill embracing very large appropriations made at numerous points, apparently much at random, and without regard to localities and the interests of commerce, the same appropriations should be adopted by us, and reported to the House in this bill.

But the committee prescribed another rule for their conduct. They supposed—and that is the ground upon which they have framed this bill—that it was their duty to provide for the general wants of the commerce of the country at those localities, those great commercial depôts, where it had already concentrated. They did not conceive it to be within their province to go into those parts of the country where commerce had hardly yet defined its localities, where you would not know if you appropriated to-day ten or twenty thousand dollars for the improvement of a harbor, whether ten years hence there would be any trade or commerce to be benefited by it. They preferred rather to confine appropriations to the wants of the general commerce of the country, first by locating them at the great centers where it already exists, and where it will be benefited.

But there are still other harbors needed for protection. While our trade is passing from one of these great centers to another, either upon the lakes or the ocean coasts, it needs harbors of refuge to which it can repair in case of distress. Appropriations for such harbors, in the view of the committee, are not local in their character, but protect and subserve the interests of the general commerce of the country. Therefore, we have located a harbor of refuge between the mouth of the Niagara river, on Lake Ontario, and the port of Rochester, at the mouth of the Genesee river. Between those points, a distance of some eighty or ninety miles, there were many harbors which had been projected, and some of which, I believe, received the favorable consideration of the Government, and had been aided by appropriations. But the committee did not think it proper, they did not think it fell within the rule which they had prescribed for their action, to recommend appropriations for any of these small ports, simply because they had received them before, or had a respectable local trade.

But inasmuch as the general commerce on that lake, in its transit from the mouth of the Niagara river to the harbor of Rochester, in case of stress of weather would need a harbor for shelter, we determined to locate one, and only one, between those two points. And let me say here, we located that harbor, as all others of this character, without reference to any speculative interests that persons living there may have, but simply from the consideration that Oak Orchard creek is midway between the two points to which I have alluded, and will afford a harbor where all shipping, in case of necessity, may find a shelter and protection from storms. The case which I have stated illustrates the principle upon which the committee have proceeded in framing the whole of this bill. They have not intended in any instance to depart from that rule. When they provide for the general wants of commerce by making improvements in harbors where that commerce has already concentrated, and then provide such harbors of refuge as will be needed in its transit from one of those points to another, they regard the appropriations such as will subserve the general interests of the commerce of the country. Surely a bill so framed should not meet with the objection which has often been raised—and many times with the very best of reasons—that the appropriations are designed to subserve the interests of some particular locality, rather than the country at large.

Mr. Chairman, I have not the vanity to believe that this bill is entirely perfect. There were a great many embarrassments in framing such a bill, arising out of the want of that information which, had the system of making these improvements for our harbors and rivers been kept up for the last fifteen years, we should have been supplied with. We have looked back to the data of former years. We have been obliged to refer, continually, to the Topographical Bureau for further estimates. In some instances we have obtained them, and in others we have been compelled to rely upon such information as we could get from reports which have heretofore been made upon these subjects, and we present appropriations based upon them as the best information we could obtain.

When we consider the amount which it is proposed to appropriate by this bill, it seems perfectly apparent that it would be better to adopt it than, by imposing various amendments, so to enlarge the amount as to subject the bill to the objections which have been made against other bills of this nature. The amount in this bill is a little over $1,500,000; and that is small when compared with the extent of our country, the number of our rivers and harbors which have, for a long time, needed improvement, and which still need it, and the value of the commerce exposed to the dangers against which this bill is intended to guard. I do not intend to go into a statistical detail of the disasters, which have been attended with loss of property and of life to a most alarming extent, upon our western waters and our northwestern lakes. I will merely state, that the Committee on Commerce have before them statistical information, showing that, in one year—the year 1851—the amount of property lost upon our northwestern lakes, in consequence of a lack of proper harbors of refuge, has been far greater than the whole amount appropriated in this bill. Yes, sir; upwards of $2,000,000; and more than five hundred lives, have been lost during the last year upon our northwestern lakes, mainly for the want of those very works of improvement which this bill seeks to construct.

It would be impossible for me, upon this occasion, to give any adequate view of the magnitude of the commerce which is to be subserved by these appropriations. Since the last appropriations to these objects, it has largely increased. In the year 1847, a convention was held at Chicago, where much valuable and authentic statistical information bearing upon this point, was collected. Since that time, I am not aware that there has been any regular and properly-authenticated information communicated to Congress upon this subject. We have been obliged to glean what information we could from the newspapers of the day, and from the various periodical publications which have treated of our commercial interests. But we may safely assume that this commerce, so great fourteen years ago as to astonish the country by its magnitude, if we are to be guided in our estimate of its present volume by the information given to the public by the Chicago convention, has, within this period, increased threefold.

Why, sir, when we look at the improvements that are going on under the guidance of individual enterprise, and by the aid of private capital, in the construction of railroads throughout the country, for the increase and accommodation of its internal trade, we cannot fail to see the almost incalculable surplus products by which it is sustained. There is not a State in the Union which is not now aroused upon this subject, and diligently constructing her railroads upon which to transport the products of the illimitable and fertile West to the harbors and ports of the East for domestic consumption or transhipment abroad. Look at New York, spanned by three parallel railroads, connecting the commerce of the western lakes with the populous marts of the East, besides the main artery of her inland trade, the Erie canal—and all sustained by the demands for transportation. I was surprised by the statements of a committee which came before the Committee on Commerce, from the State of North Carolina—a State which, until recently, had not imbibed the spirit of improvement, nor entered with much zeal upon the development of her own resources by the construction of railroads, and other works of internal improvement. But, sir, that State is now directing its energies with as much ardor and efficiency as any other State in this Union, towards this great object, by the construction of railroads and other improvements. And she, too, seeks by these means not only to lay open her own agricultural and mineral wealth, but also to reach the trade and commerce of the great western valley through the neighboring State of Tennessee. The bill under consideration proposes to aid her enterprise by the improvement of those harbors on her coast to which this trade is being directed.

Sir, you find the State of South Carolina, too, very deeply interested at the present time in the subject of railroads, connecting with similar lines of communication in the western States, and provision has been made in this bill for the improvement of the harbor of Charleston, the point towards which those lines of railroads are directed. The general design should be so to reach the trade and commerce of the West that it may find an easy transit to all those points on the seaboard, north and south, where it will meet our foreign trade. The spirit of enterprise, beginning with the northern and central parts, has extended to every portion of the Union. The railroads to the West have poured incalculable wealth into the eastern States, and they are destined so to do for a long period to come.

Now, I invite gentlemen who have hitherto entertained prejudices against this system, to look at this bill as it has been drawn, limited, and carefully guarded in every point, and see whether it be not better to join with the rest of their fellow-citizens in this work, restricted within constitutional limits, and thus develop our own resources by the improvement of our rivers and harbors. By so doing, while we are developing the great and ever-growing West, we shall also add wealth to the sea-ports of the East. I know there are difficulties; I know there are dangers attending this as well as every other subject of legislation. It has been said that this system leads to corruption and extravagance; and that it will bankrupt the Treasury. Sir, what subject of legislation is not obnoxious to the same objection? Will not the Navy, and the Army, if you vote profuse and extravagant expenditures, in the spirit which has been charged upon the friends of the improvement of rivers and harbors, lead to corruption? Would not those systems lead to extravagance? Would they not be apt also to bankrupt the Treasury? Why are they not objected to, because they may lead to that result? It is because we all trust in the good sense

of Congress, and in the good sense of the people who sent us here to make such appropriations as we ought to make, and no other.

I know we might go into a general scramble, and make up a bill, as some, I believe, have been made up in former days, for the very purpose of dividing out the public funds. I would deprecate such a course. It should be repudiated by every honest legislator to whatever party he may belong. Such a policy will find no favor with me. Sir, I believe upon this subject, as upon all other subjects within the pale of the Constitution, that Congress have the purity, integrity, honesty, and firmness to meet questions of this character upon principle, and to decide them upon their merits. When the day comes, if it ever does, that the Congress of the United States cannot be trusted with the exercise of this power, it will be a dark day for our Republic. Such an insinuation goes to impeach the moral honesty of the community; it impeaches the integrity and the patriotism of those who come up from every part of the country to legislate for this great people. It would be the knell of our liberties if it were to be known and understood that Congress was so corrupt, so regardless of constitutional duty, and so devoid of patriotism, that they could not decide questions of this character with honesty, and are not, therefore, to be trusted with them. I am not one of those who believe that there is not intelligence enough among the people to understand these subjects, and to appreciate our conduct as Representatives. And although many gentlemen who agree with me politically may differ with me upon this subject, yet I never entertained a doubt that we had the constitutional power to make such appropriations.

Sir, were I called upon to justify the care which a Government unfettered by constitutional restrictions should bestow upon the commerce subject to its control, I should content myself by referring to the extent of that commerce and its demand for protection. If this national interest was everywhere diffused, occupying all classes of citizens, from the man who can supply only the bone and muscle of an iron frame up to the skillful navigator and the merchant prince; if it employed an immense capital, wafted by every breeze and borne on every sea; if it was exposed to the encroachments and depredations of the barbarian, the marauder, the ruthless pirate, or if endangered by the various perils of an extended coast, or the obstructions of mighty rivers, I would at once claim for it, on the score of that parental care, that general guardianship, which any supreme national Government should exercise over the interests of its citizens, the protection and the fostering care of the Government to whom such vast commercial interests pertained.

Protection, in that sense of the term which renders secure the person and property of the citizen, whether upon the land or the sea, is acknowledged by all to be one of the highest duties of every Government. The united suffrages of all nations, ancient and modern, have sustained this sentiment. It has ever been the cardinal rule of the statesman, and the boast of the patriot. It was the maxim of the sages of antiquity that the most perfect Government was that by which the rights of the meanest citizen were regarded of equal sanctity with those of the wealthiest and most powerful. And it may well be the pride of our Government that its legislation and its power regard the rights and the welfare of its humblest citizen—the sailor before the mast—as sacred as the millionaire whose capital puts the machinery of commerce in motion; which regards the bone and muscle, the nautical skill, and the capital each as but links in that golden chain which binds the wealth of commerce fast to our side.

In this general view of the duty of the supreme Government of a nation, the protection of all those engaged in its commerce—extending that commerce—removing the obstacles to its advancement, and protecting it on the high seas and in the harbors are most clearly embraced. This consideration has a most important bearing in defining the limits of legislation under a constitutional government of limited powers like our own. In all such cases the power to make appropriations for any purpose must be referred to the provisions of the Constitution. That is the great chart by which all its powers are to be measured. Yet the conceded duty, binding the supreme Government to give protection, will always be the polar star of construction in defining its powers.

The clause in the Constitution of the United States, to which the power of improving rivers and harbors has principally been referred, is found among the express grants of power, and reads as follows: "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." The language itself, "to regulate commerce with foreign nations, and among the several States," would seem to be so explicit as to leave no doubt and need no comment. Commerce on our large rivers is surely regulated by those improvements which direct its course—facilitate its passage—and protect it from the perils of navigation while floating on their bosom. Commerce on our ocean coasts and inland seas is regulated by those improvements which have for their object its safety from storms by the protection of roadsteads and harbors. Such works regulate it by increasing its volume and insuring the certainty and regularity of its transit from point to point.

But we are not left to a narrow rule of construction. We may safely occupy a higher and more satisfactory ground. The framers of the Constitution intended to confer this power upon the new Government. What had these sages of the Revolution assembled for? To patch up a rickety confederation? No! They had met to form a new government—a government whose main and distinctive quality should be, that it operated not upon States and communities, but upon individuals. It was designed not to make requisitions of sovereign States, but to command individual citizens of a common country—to make and govern a Union, not a confederation. It was, therefore, clothed with the power to lay and collect taxes, duties, imposts, and excises. It exercised these high powers. It laid tonnage duties—imposed a tariff of duties upon importations—built custom-houses, established port regulations, appointed collectors, and assumed to demand and hold the whole revenue derived from commerce, for the use and support of the General Government. Can it for a moment be pretended that the States surrendered to the General Government the right of collecting a revenue from their commerce; and did not also surrender the power of giving that commerce direction, extension, and protection?

The whole history of our country, cotemporaneous with the formation of the Constitution, forbids such a supposition.

The conflicting commercial regulations of the different States of the old Confederation, was one of the greatest sources of trouble and embarrassment to the National Government of that day. The impossibility of producing united, just, and proper action in extending those facilities, and that protection demanded by the complex commercial intercourse of contiguous States rendered it necessary to create a superior power upon which should devolve the duty of regulating, in the most extended sense, this great national interest.

The writers of the Federalist alluded to the want of a power to regulate commerce as one of the principal defects of the old Confederation. It is there said:

"The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others; and it is to be feared that examples of this nature, if not restrained by a national control, would be multiplied and extended till they become not less serious sources of animosity and discord, than injurious impediments to the intercourse between the different parts of the Confederacy."

And Mr. Madison declared that—

"The defect of power in the existing Confederacy, to regulate the commerce between its several members, is in the number of those which have clearly been pointed out by experience."

Mr. Calhoun, too, in his elaborate report made to the Senate in 1846, upon the subject of harbor and river improvements, says:

"The embarrassments, distraction, and hazard of collisions, growing out of the exercise of the power thus reserved to the States respectively to regulate their commerce with foreign nations and with each other, were so great and alarming as, in the opinion of the reflecting and patriotic, to demand a speedy and effectual remedy, and contributed more than any other cause to the calling of the Convention which framed the Constitution. As is well known, care was accordingly taken to apply effectual remedies as might be expected by delegating to the newly-formed Government the exclusive power of regulating the commerce of the States with foreign nations and with one another, and prohibiting, without qualification, the States from entering into any treaty, alliance, or confederation."

The Constitution, then, evidently gives to the National Government all power which the States, under the Confederation, had exercised, or might have exercised—to regulate commerce with foreign nations or among themselves.

It is a well-attested historical fact, that before the adoption of our Constitution, the power of erecting light-houses, buoys, beacons, and piers, or breakwaters, had been exercised by each State at its own pleasure, and as it deemed the exigencies of its commerce to demand. Each State levied its own duties, imposts, and excises; and from its treasury thus supplied, regulated and protected its commerce by such structures and improvements as were demanded.

Sir, so clearly obvious, so well understood at that day was it, that by the power to regulate commerce, the General Government had the power not only to light up the whole coast, by the erection of light-houses, not only to save commerce by buoys and beacons from destruction on rocks, sand bars, and snags, but to protect it from the storms of the ocean and our inland seas—that, at the first session of Congress after the adoption of the Constitution, a law was passed authorizing, to the fullest extent, the exercise of this commercial power. After enacting a law "for laying a duty on goods, wares, and merchandise imported into the United States," and another "imposing duties on tonnage," it passed a law entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers." It is worthy of observation, that, although there was no grant of commercial power to the General Government, then contended for, except what was given by the power to regulate commerce, this act provided for the payment out of the National Treasury "for 'the necessary support, maintenance, and repairs 'of all light-houses, beacons, buoys, and public 'piers erected, placed or sunk, before the passage 'of this act, at the entrance of, or within any bay, 'inlet, harbor, or port of the United States, for 'rendering the navigation thereof easy and safe." Not only did the act adopt all the public works of this character then in the country, and provide for their rebuilding and repair, but provided for an extension of these works, by directing the building of a new light-house at the entrance of Chesapeake Bay.

Here, then, was claimed and exercised the power to erect and maintain—in the bays, inlets, harbors, and ports—public piers. For what purpose was this power exercised? For national defense merely? No; but for the broadest and most general of all commercial objects, fully expressed in the language of the act itself—"rendering the navigation easy and safe." And by whom was this done? Not by the men of a remote generation from the fathers of the Republic, but by the first Congress convened under the Constitution; a body of men embracing many of the most illustrious members of the Constitutional Convention of 1787. Among them we find the names of John Langdon and Nicholas Gilman, of New Hampshire; Roger Sherman, of Connecticut; William Patterson, of New Jersey; Robert Morris, George Clymer, and Thomas Fitzsimmons, of Pennsylvania; Richard Bassett and George Reed, of Delaware; Daniel Carroll, of Maryland; James Madison, of Virginia; Pierce Butler, of South Carolina, and William Few, of Georgia. Nine of the old thirteen States were represented in this Congress by one or more of those who had represented them in the Constitutional Convention, making an aggregate of thirteen men, distinguished for their talents and patriotism, now, as legislators of the nation, claiming the right to exercise this power under the Constitution which they had themselves helped to frame. Neither language nor cotemporaneous exposition can furnish stronger proof of the existence of this power in the Constitution.

This construction of the Constitution, clearly deducible from its language, has been for a long course of years so fully sustained and followed by the legislation of the country, under all political parties, that it is now approved and sanctioned by a large majority of the people. Recurring to past legislation, we find that from the commence-

ment of Mr. Jefferson's administration to the end of Mr. Tyler's, there have been appropriated for the construction and repair of roads, and the improvement of rivers and harbors, $17,199,222. These appropriations were made as follows:

Under	Mr. Jefferson	$48,400
"	Mr. Madison	250,800
"	Mr. Monroe	707,621
"	Mr. J. Q. Adams	2,310,475
"	General Jackson	10,582,882
"	Mr. Van Buren	2,222,544
"	Mr. Tyler	1,076,500

Although the appropriations during the administrations of Jefferson, Madison, and Monroe, were made chiefly for the improvement of roads and canals, yet we find in 1802 an appropriation of $30,000 for repairing and erecting piers in the Delaware river; in 1805, an appropriation of $5,888 for the same purpose, and still another in 1806. These acts received the official approval of Mr. Jefferson.

In 1816, under the administration of Mr. Madison, an act passed making an appropriation for repairing the piers in the harbor of Newburyport and the preservation of Plymouth beach, in the State of Massachusetts; and another in 1824, under the administration of Mr. Monroe, appropriating $75,000 for the improvement of the navigation of the Mississippi and Ohio rivers. Thus it appears that while those distinguished statesmen —Jefferson, Madison, and Monroe—did not admit the power of the General Government to enter upon and adopt a general system of internal improvements, embracing roads and canals, they did not hesitate to approve of acts of Congress for the aid and protection of commerce, by erecting piers and other harbor works, and improving the navigation of our large rivers.

There had been, however, ever since the close of the war of 1812, a large party in the country in favor of a system of internal improvements, embracing the construction of roads and canals, in the States, by the General Government.

The Cumberland road commenced during the administration of Jefferson, and the gigantic enterprise of New York for connecting the waters of the lakes with the Atlantic had begun to develop the wealth of the great West. The practicability and the advantages of these avenues of trade and commerce were no longer problematical. The question was settled. The enterprise of the whole country was aroused, and urged capital and legislation to follow these glorious examples. As is usual in such cases, this fervor mingled with political agitation, and the expediency of our Government adopting a general system of internal improvements, extending over the whole country, became one of the leading topics in the political discussions of the day. In Congress, the movement took a decided shape and character. In the House of Representatives, a committee called "A Committee on Internal Improvements," was formed.

The system of improvements by roads and canals was adopted nurtured by this organ of the House, and increased from year to year in extent—in the number and magnitude of the works recommended, and the expenditures incurred, until it received a check in General Jackson's veto of the Maysville road bill—and was finally prostrated by the prevalence of the doctrines of that celebrated message, elaborated, discussed, and repeatedly applied in his subsequent messages. The extent of the evils engendered by this system will be seen by the character of the bills which were reported. This committee on internal improvements was abolished in 1832—and the contents of the last bill reported by it should be preserved as illustrative of the system which it represented. It contained, among other appropriations, the following: for a road from Detroit to Grand river; a road from Memphis to Little Rock; a national road from Portsmouth, Ohio, to Lynnville mountain, in North Carolina; a road from Lower Sandusky to the boundary line; for a canal from the Illinois river to Lake Michigan; for a subscription to the Alexandria Canal Company, and to erect a bridge over the Ohio river at Wheeling. Here, then, are grouped together, in one system, roads, bridges, canals, and joint stock companies, exhibiting the true character of that class of improvements for which there were, at the time of the Maysville veto, projects before Congress, the completion of which would have required more than $100,000,000. The Maysville road itself started at a point on the Ohio river, and ran only sixty miles to an interior town. It was a strong case of a mere local improvement.

The doctrine which finally prevailed, and which was sanctioned by the administration of General Jackson as the true constitutional doctrine, and was followed in the subsequent administration of Mr. Van Buren, is thus laid down by General Jackson:

"There is another class of appropriations for what may be called, without impropriety, internal improvements, which have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others, have already been stated to Congress. I will now only add, that at the first session of Congress under the new Constitution, it was provided by law that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support, and maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of this act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation there easy and safe, should be defrayed out of the Treasury of the United States; and further, that it be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our commerce, ports of entry and delivery have been multiplied and established, not only upon our sea-board, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the extension of these expenditures to the erection of light-houses, the placing, planting and sinking of buoys, beacons, and piers, and the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes as well as on the sea-board. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors."

It must be peculiarly grateful to every friend of the judicious and proper exercise of this power under the Constitution, to find it fully sustained and justified by that venerated patriot who never failed, whether in the Cabinet or the field, to stand by the Constitution. The prosperity and advancement of his country in all her varied interests, and especially in the extension of her commercial interests by the improvement of the great natural avenues and depôts of her commerce, were objects which lay near his heart. He repeatedly, in his messages to Congress, declared himself the friend of those internal improvements which were national in their character and designed to advance the great interests of general commerce. And as a permanent proof of his sincere devotion to these interests, he placed his approval upon record to acts of Congress appropriating more money for these objects than the aggregate of all other acts of this character which have been sanctioned by every other Administration, from the adoption of our Constitution to the present time.

Sir, it needed the vigorous mind, the determined will, and the inflexible purpose of such a man at the head of our Government to establish, sustain, and guide this policy. It needed his strong arm, at the same time, to protect it against the attacks of its enemies, and to save it from the excesses of its friends. The nations of antiquity were accustomed to erect statues commemorative of the virtues and achievements of their heroes and statesmen. We, at an humble distance, follow their example, and the gratitude of this Republic will soon be evinced by an equestrian statue to be erected in this Capitol in honor of the hero of New Orleans.

But, sir, permit me to say, that while the work of the artist shall transmit to posterity the victorious General in the attitude of triumph, there is another work, not less permanent, and equally grand and imposing—the Delaware breakwater, a structure which owes its existence chiefly to the wisdom, firmness, and expanded national feeling of Andrew Jackson. And the tempest-tossed mariners through future years who shall take refuge behind its surge-beaten walls, will ever be reminded of him, the hero and statesman, whose policy it commemorates, and whose distinctive character it indicates in its silent but impressive majesty. There it stands, and there we hope it ever will stand, as he, its great founder stood, when in the zenith of his power, firm and immovable, amid the jarring elements of political factions.

Sir, in this review of the policy of our Government I shall not omit to notice the veto message of President Polk on the river and harbor bill of 1846. That message presents, in a very able manner, the opinions of that distinguished statesman, whose administration fills one of the brightest pages of our country's history. Those opinions had been long before formed, expressed, and acted upon by him from the very commencement of his public life in the councils of the nation. They are entitled, as are all the productions which emanated from the pen of that able man, to our most respectful consideration. But when we reflect upon the circumstances which called forth that veto—the preconceived opinions of the President; his hitherto consistent opposition to such measures as he was there called upon officially to approve; an empty Treasury; the pressing exigencies of the Mexican war; the vast amount of debt already incurred in its prosecution; the prospect of a still further increase of this debt; and the great uncertainty which then hung over the issue of the contest—we cannot fail to see that, aside from any views of precedents and clearly settled previous policy, there were other reasons abundant and sufficient to justify the course adopted by the Executive. Indeed, he sets forth, as one of the prominent reasons justifying the withholding of his approval of that bill, the situation of our Treasury, and the embarrassments created by the war with Mexico. I trust that single exception, occurring under such circumstances, will not be allowed by the American people to have unsettled and overturned the well-established policy of the country for near half a century on the subject of these improvements.

I cannot dismiss this review of the constitutional power in question without referring to opinions expressed by two distinguished statesmen of different sections of the country, and each, during his public career, wielding a political influence more potent than the highest official station could give. I refer to John C. Calhoun and Silas Wright.

Mr. Calhoun, in the report to which I have already referred, after pursuing at some length a course of the most luminous and forcible argumentation, arrives at the following general conclusions. After citing the provisions of the Constitution and the subsequent acts of Congress, he says:

"These provisions furnish conclusive proof that the States, under the power to regulate commerce, established light-houses, buoys, beacons, and public piers; that Congress regarded the power as delegated to it, to the same extent; that the object of the power was the increased facility and safety of commerce along the coast; that it appertained especially to the regulation of commerce among the States, as the portion of the ocean in its vicinity is the great common highway of the commerce of the States bordering on it; and that it embraced navigation as well as trade."

Again he adds:

"Having now shown that the power to regulate commerce, fairly construed, embraces the establishment of light-houses, buoys, beacons, and public piers, for the increased safety and facility of the commerce of the Atlantic coast, your committee will next proceed to consider the question, whether it may not be constitutionally applied to increase the safety and facility of the Mississippi and its waters."

After pursuing at some length the line of his argument, he concludes thus:

"Having now shown that the power to regulate commerce among the States is as applicable to the commerce of the Mississippi, as it is to that of the Atlantic coast, and that the removal of the obstructions which endanger or impede its navigation is as fully embraced by it as the establishment of light-houses, buoys, beacons, and public piers, your committee are also of the opinion that it extends to the removal of like obstructions in its great navigable tributaries, including such as have three or more States bounding on their navigable waters."

Thus the whole power claimed by the friends of these measures is conceded by this eminent statesman, of the school too of the strictest construction. For the slight exception he makes of such rivers as run between two States only, or are confined to a single State, stands upon a construction most clearly erroneous and inconsistent with the unqualified grant of the power itself.

Sir, Silas Wright, the clear and logical reasoner, the pure-minded legislator, the greatest of our

northern statesmen, in his letter to the Chicago Convention written in May, 1847, after reviewing the constitutional question, and the many embarrassments which attend the exercise of this power, admits its existence in reference to such improvements as are of a general or national character.

And he adds:

"I make this distinction because my own observation has shown that application for harbor improvements, at the public expense, are made and passed *within distances of a very few miles, and at locations where, from the natural position of the lake coast, a good harbor at either point* would secure to the commerce of the lakes all the convenience and safety of duplicate improvement. The river improvements constitute a much more difficult subject, and the connection of them with the lake harbors has often, to my knowledge, fatally prejudiced the former.

"There are applications for the improvement of rivers, about which, *as a matter of principle and constitutional power*, I have no more doubt than about the harbors upon the lakes or the Atlantic coast; and there are those which, in my judgment, come neither within the principle nor the constitutional power.

"There has appeared to me to be one broad distinction between these cases, which has not always been regarded, but which, I think, always should be. It is between the applications to protect and secure the safety of commerce upon rivers where it exists, and is regularly carried on in defiance of the obstructions sought to be removed, and in the face of the dangers they place in its way, and those applications which ask for improvement of rivers that commerce may be extended upon them where it is not. The one class appears to me to ask Congress to regulate and protect commerce upon rivers where commerce in fact exists, and the other to create it upon rivers where *it does not exist.*"

Such, then, is the clear and well-defined line of policy adopted by the Fathers of the Constitution and the greatest statesmen of the present day—a policy which, while it distinctly repudiates the old heresy of a general system of internal improvement, meaning by that a system embracing canals, roads, bridges, and aid to joint stock companies—applies the legislative power to such improvements of rivers and harbors as are "general, not local; national, not State." A policy which refuses to administer to the cupidity of speculation, or the rivalry of mere local interests, but meets the commerce of the whole country on the great highways of nations, and there extends to it as well protection from the perils of navigation in peace as the ægis of its military and naval power in war.

Sir, whatever fine-spun theories others may weave, to whatever hair-splitting they may resort, on this much-debated question, I am proud to stand on ground sanctioned by the official acts of Jefferson, Madison, and Monroe, and fully endorsed and approved by Jackson, Calhoun, and Wright. I plant myself on the Constitution as that sacred instrument was read, understood, and applied by them. Here I confidently await not only the approving verdict of an intelligent and patriotic constituency, but of all who desire the full development of our national resources and the highest prosperity of our foreign and domestic commerce.

Having expressed these views in relation to the constitutional question, I shall now address myself to the considerations which have been urged against this bill. The gentleman from Kentucky [Mr. MARSHALL] complains of the manner in which these appropriations were proposed to be applied to the western rivers. He urged that the sum of $260,000 named for them all should have been divided and distributed by the bill to the several objects to which it was to be applied. I will say to the committee in reference to that point, that the manner of appropriation adopted in the bill was introduced as a matter of economy, and under the advice of and after full consultation with the Topographical Bureau. Former appropriations have been made to individual works. The custom has been to open an account with each work separately, and in every case to procure for each of these works upon the western waters a separate and distinct company of men to operate, and a distinct equipment of boats and machinery necessary to carry on the operations. It has, however, been found, by experience, more economical for the Government to have a general appropriation, which would enable them to purchase one set of boats and implements in number and equipment sufficient for the work on all the rivers, and to operate upon them as the exigencies of the case might seem to require. Thus, the Topographical Bureau, under whose direction the whole force operating on these waters will be placed, can adapt their movements to the state of the water, and other circumstances, as may best subserve the interests of the Government. The gentleman has also alluded to what he has been pleased to denominate the apparent inequality of these appropriations between the different sections of the country. I hope gentlemen have examined this subject for themselves, and if they have, they will see that there is no such inequality existing. None surely was intended. They will find, upon looking over these appropriations, that for the Atlantic coast there is an amount of $530,000; for the northern lakes, $492,000; and for the western rivers and harbors, $458,000. Such a distribution, if tested by the only proper criterion by which appropriations of a national character should be tried, the actual wants for the operations of the next fiscal year is eminently just and proper.

Again, in regard to the western rivers, in no case have we reduced the estimates sent to us from the Department for these rivers, but we have given them in every instance the full amount asked for by the Government. We have gone further: We have added to the appropriations for the western rivers $125,000, which the Government did not ask for, and for which they sent us no estimates until we called for them. We have recommended a large amount required for opening the mouth of the Mississippi, for the benefit of the great trade not only of New Orleans, but of the upper country.

I differ with the gentleman from Kentucky [Mr. MARSHALL] in his view of the character of this appropriation. The appropriation for the mouth of the Mississippi is as advantageous to the Upper Mississippi, the Ohio, or the Missouri, as if it was given to these rivers specifically. No appropriation is more needed than that which opens the mouth of the Mississippi, giving access to the foreign trade, and an outlet for the whole internal trade of the great valley. At the present time the mouth of the Mississippi is so clogged as almost to prevent navigation. There is not in this bill a single case which appeals more strongly to the House for the exercise of the constitutional power to improve rivers than this very appropriation. So deeply has it been felt by the people in that quarter, that they have come here in large numbers, representing the mercantile and shipping interest of the city of New Orleans, and have laid before us statistical information, showing the most alarming extent and injury of these obstructions. The Senate, upon this representation, without waiting for the usual forms of business, passed a bill appropriating the sum of $75,000, and sent it to us asking our concurrence in the measure. The committee, however, have placed it in this bill, deeming it just to the pressing wants of other parts of the country that this appropriation should abide the action of the House upon the general subject—for there are other points suffering for immediate appropriations. I might name the city of Boston, where the main channel to its harbor has been for several years back filling up by the abrasion of the island lying near it, which is not only blocking up that channel, but threatens serious injury to the whole commerce of that port. Indeed, this will demand our action immediately in a military point of view, if in no other.

In the last Congress an appropriation was made of $15,000 for the purpose of protecting Great Brewster Island, in the harbor of Boston. If that island is washed away, (and it is now rapidly going,) it will fill up the only good channel which gives access to the large shipping of Boston, and will deprive the harbor of that city of the protection of the forts and batteries we have erected there to defend the commercial emporium of the North. There are numerous instances of this character demanding the immediate action of Congress. There is a case in the State of North Carolina where this Government has constructed a fort on the Cape Fear river, and established piers. Subsequently the falling down of the walls, and the banks upon which they stood, have materially obstructed the navigation of that very valuable river—a river in which the great bulk of the commerce of that enterprising State is now finding its way to the ocean. There has been a committee here representing that interest, and urging immediate action upon it by this House.

Allusion was made by the honorable gentleman from North Carolina, [Mr. VENABLE,] who is not now in his seat, to the character of the bill in reference to the location of the appropriations, and he claimed that the committee had acted most unfairly and unjustly towards the South.

He estimated that the planting States had not been fairly dealt by in making these appropriations. Sir, those States lie mainly on the Atlantic sea-board; and if you will look at what we have given them in that quarter, you will find that it amounts to $433,000; and if you add to that their proportion of interest in what has been given to the great rivers of the West, it makes the sum of $563,000, which is given to the planting States. Sir, no injustice of this kind was designed, and none has happened through any mistake or negligence of the committee. I am satisfied that this committee, on examining the details of the bill, will see that it does ample justice to every part of the country.

We have also been referred to the important work recommended for the Delaware river, the harbor of shelter on Reedy Island. This, and some other improvements on that river, stand upon different ground from any other. The piers in the Delaware were long ago ceded to the Government upon the implied understanding and agreement that the Government would keep them in repair. Among these works were the piers at Port Penn. They lie on the west side of Reedy Island, and greatly need repairs.

The Department, however, believed that a better work could be made on the east side of the island, and that too for a small increase of expenditure; and we recommend that object as one of great importance to the commerce of the city of Philadelphia.

I regretted the introduction of the substitute proposed by the gentleman from North Carolina, [Mr. STANLY,] which is the old bill of last session. I warn gentlemen who are friends of judicious and proper appropriations of this character, against adopting such a bill as that. Gentlemen who were in the last Congress know the character of that bill. The committee had it before them. They went into an examination of its contents, and they found that a large number of appropriations were put in that bill without any estimates whatever from the proper Department, without any surveys, so that when you commenced the work you never could know where it would end, or what would be its utility. I will mention one item in the bill which struck the Topographical Bureau as most extraordinary. It was an appropriation of $20,000 to construct a breakwater at Nantucket, for which there had been no survey or estimate; and when the attention of the Bureau was called to the subject, they found that you might as well construct a breakwater on the broad expanse of the Atlantic as to put it there; and its ultimate expense, instead of being computed by thousands, would absorb millions of dollars. There are other appropriations in that bill of a similar kind, and so numerous are they, and so ill-digested, and of such doubtful utility, that I should deeply regret to see it adopted. There are many votes in this House which will be given for the bill under consideration that, under no circumstances consistently with good policy and with the principles which we have adopted for our guidance on this subject, can be given for the bill introduced by the gentleman from North Carolina.

Sir, reference has been made to my own State. That State has a vast commercial interest—a large extent of lake and sea-coast and of river navigation. A State having more than one fourth of the tonnage of the whole country, and collecting at its ports more than half of all the duties paid into the Treasury. Now, instead of the appropriations for that State being increased as western and southern appropriations have been, this bill contains upwards of $20,000 less than the estimates sent to us by the Department for the State of New York. I regret that the gentleman from Virginia should have taken the course he has in holding up to this committee a comparative view of the revenues of certain post offices in New York with certain others in Virginia, instead of comparing the commercial returns of the two States. Anything connected with the commerce of my State, or the importance of the Hudson river, I shall at all times be ready to meet, whenever gentlemen shall invite the discussion.

I stated in my remarks at the opening of this debate, the principle upon which this bill was framed. I instanced the very case of Oak Orchard creek on Lake Ontario, to which the gentleman has alluded, as an illustration of that principle. We have made an appropriation for that place, not with reference to its local commerce—we expressly repudiated that as a criterion for appropriation—but with reference to the general commerce of the lake upon which it is situated, and for the purpose of providing for that general commerce a harbor of refuge. A better appropriation is not contained in this bill. The fact was brought to the notice of the Committee on Commerce, that a harbor of refuge was especially needed at that point during the storms which prevail upon the lake. We have not sought to make these appropriations for the purpose of building up towns at any particular points, but to make them where the general commerce of the country demanded. This same is true with regard to Dunkirk and Port Jefferson harbors in New York. The latter, on the northern shore of Long Island, is intended as a harbor of refuge, and is the only harbor of that kind upon a coast of one hundred and forty miles in extent, covered by a large commerce.

As to the Hudson, the gentleman from Virginia, [Mr. Meade,] and the gentleman from Illinois, [Mr. Bissell,] yesterday seemed to consider it a small river, of very little importance—altogether a trifling affair, compared with the western waters. Have these gentlemen reflected that this is the only outlet for a trade as large as that of which they so continually boast, upon the Mississippi and its tributaries. It is, like the mouth of the Mississippi, an outlet for that great chain of Mediterranean seas, which stretches from Lake Ontario to Lake Superior, the natural avenue for the whole trade of those lakes except the comparatively small amount which passes through the St. Lawrence. This trade comes down to the tide waters of the Hudson by the Erie canal and the several lines of railroad, and then finds its way to the great emporium of our commerce. The official returns of last year show that produce to the amount of $54,000,000 came by the canals alone to the tide waters of the Hudson, of which three fourths at least came from the Western States, and a great portion from Illinois itself. The ascending trade will make nearly as much more; and when you add the other trade upon the river, coming by railroads and other ways, you will swell it up to the amount which gentlemen are claiming for the Mississippi itself. Nor is this merely a New York appropriation. It will open a way for vastly more produce from Ohio, Indiana, Michigan, Illinois, and Wisconsin, than from New York. But it has been denounced as extravagantly large. It is $50,000; and it is only the fourth appropriation the Government has made for the improvement of the Hudson since the commencement of the work in 1834. This is the smallest appropriation that ever passed this House for that work; smaller by one half than those passed during the administration of General Jackson. It is a case of the most urgent necessity; so strong that the Legislature of the State at its last session appropriated $10,000 to be employed in affording temporary relief to the navigation, until the National Government should resume this important and truly national work.

With regard to the particular case upon which the gentleman from Virginia offered his amendment for the James river, in which the city of Richmond is principally interested, I have already explained to the committee the situation in which the committee were placed. We would have recommended an appropriation to a national work in Virginia as cheerfully as in any other part of the Union. But we had no memorial, no estimates for this work. We heard nothing in relation to it until the bill came up in this House for consideration, when gentlemen arise and denounce the action of that committee for not inserting it in the bill, and claim that it should now be inserted without estimates, without surveys, and without data.

I am far from claiming for this bill anything like perfectability. I stated before that the committee labored under great embarrassments in forming the bill, and the reason of those embarrassments. I wish now to say to gentlemen on all sides that this bill is the result of great deliberation on the part of the committee, and has arisen out of concessions and compromises of opinion, differing as we did with regard to the extent to which we should proceed in this matter; and I hope for that reason, if for no other, the House will be very reluctant to admit any additions to it.

Sir, in conclusion, let us briefly survey the present position of our Republic, and see what it demands of us as wise and patriotic legislators. Our country is rapidly advancing in her career of greatness. Compare its situation in 1838, when the last general appropriations for the rivers and harbors were made, with its present condition, and we are astonished at the progress we have made. No other nation has achieved so much in the same period. We have peaceably annexed one empire, settled the boundaries of another, and conquered a third. Our commerce, which, fourteen years ago, was found in three grand divisions—that of the western rivers, the northwestern lakes, and the Atlantic coast—has crossed the isthmus, and now covers the shores of the western ocean. To our two maritime fronts, the Atlantic and the Gulf, we have added the Pacific. And there from a coast of sixteen hundred miles in extent, we look out upon the primeval habitations of our race—the seats of ancient empire—and the most inviting field ever opened to the moral or physical energies of man. Nor is the dominion thus gained a barren sceptre. On the contrary, the precious metals found in abundance in California have placed in the hands of this Republic a monetary power which, ere long, will transfer commercial ascendancy from Europe to America, and will adjust in our great commercial emporium the balance-sheet of the world. And can such a nation be longer held in the swaddling bands of its infancy or the leading strings of its childhood? No, sir. The enterprise of our country, always bold and restless, is already, by the liberal aids of an improved science and the vast accessions of capital, driven onward almost with maddening speed. Nothing can arrest the progress of individual effort in all the avenues of commerce. You may excite the apprehensions of the timid, the doubts of the wavering, or the opposition of the enemies of progress, but all will be in vain. The mighty current of events, as they are ordained, will, in spite of our resistance, bear us onward and still onward to our destiny. It is, then, the part of wisdom, of exalted patriotism, to grasp the helm of the ship of state, and, with a strong and bold hand, guide it on its course by the chart of the Constitution.

RIVER AND HARBOR BILL.

SPEECH OF HON. B. C. EASTMAN,

OF WISCONSIN,

In the House of Representatives,

July 22, 1852.

The House being in the Committee of the Whole on the state of the Union, (Mr. Olds in the chair,) on the bill making appropriations for the improvement of Rivers and Harbors—

Mr. EASTMAN said:

Mr. Chairman: If I had consulted my personal feelings, I should not now trespass upon the time and patience of the committee. I am aware that anything I may be able to say upon this subject, at this time, may have but little influence upon the minds of the members of this House, and will not change the final result, or even control a single vote. But I feel called upon by a sense of duty which I owe both to myself and to my constituents, and which I cannot disregard without being derelict to them, and to the position which I occupy as their Representative, to put myself upon the record in favor of the proposition now before the House in a more emphatic manner than a silent vote would do. Hitherto I have not thought it necessary or important, in view of my inexperience in Congressional legislation, to obtrude my views upon this House in any other manner than by casting my vote either in favor of or against the various measures which the House has acted upon. But this is a matter in which the whole West, and more especially my own State, and the people in my own district, are deeply interested, and I therefore desire to give some reasons why I think it is due to the West to pass this bill.

In stating my views for the consideration of the committee, I shall not follow the course marked out by those gentlemen who have spoken upon the subject heretofore. I shall not argue at any great length the power of Congress, under the Constitution, to pass this bill, or bills of this character. I take it for granted, and start upon that basis, that we have the power and the constitutional right so to do.

I am aware, sir, that this is a question which has engaged the attention of the most eminent and learned statesmen of both the great political parties of the nation, and that this ground has been made the battle-field of many a hard-fought political campaign, wherein have been engaged some of the ablest men that America or any other country has ever produced. And so fiercely contested have been some of these engagements, and with such various success, that they have called forth the most brilliant efforts of these men.

Various grounds have been assumed in these contests, and in the heat of the struggle for the mastery, each party may have assumed grounds, which, in their cooler moments, they would willingly admit were untenable, and occupied only as outposts which they could surrender without yielding any important thing for which they really contended. One party may have been as wrong, and erred as far, in denying the right of Congress under the Constitution to appropriate money for the improvement of rivers, partly navigable or navigable at certain stages of water only, and for the protection of our commerce on the great inland seas, as another party was in contending that Congress had the constitutional right to appropriate money for the construction of roads and canals, or for the construction of works merely sectional or local in their character.

Thomas Jefferson, in his sixth annual message to the two Houses of Congress, under date of December 2, 1806, uses the following language in reference to the disposition of the surplus revenue:

"To what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactories? On a few articles of more general and necessary use the suppression, in due season, will doubtless be right; but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as may be thought proper to add to the constitutional enumerations of Federal powers. By these operations, new channels of communication will be opened between the States, the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties."

Mr. Jefferson then adds:

"I suppose an amendment to the Constitution, by consent of the States, to be necessary; because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public money to be applied."

This is the first allusion which was made by any person occupying the chair of Chief Magistrate of the nation to the subject of applying a portion of our surplus revenue to "objects of improvement," and it is clear to my mind that Mr. Jefferson did not undertake to give any firmly-founded opinion on the subject, from the language he makes use of. The objects enumerated by him are not all of them, according to the creed of the present day, esteemed and admitted to be such national objects as are within the control of Congress in this respect.

It is admitted I think by all men who have formed any opinion on this subject, that the provision of the Constitution under which the objects named in this bill are allowed, is that which says that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with Indian tribes."

It certainly was not then, and it has not since, been denied, that appropriations for the protection of our commerce on the Atlantic coast could be constitutionally made by Congress. But these objects were not named by Mr. Jefferson; nor was it necessary that he should name them to indicate his opinion on the subject; for at the first session of Congress under the new Constitution, Congress

had assumed that power by providing by law, that from and after the 15th day of August, 1789, all necessary expenses for the support and maintenance and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States, *for rendering the navigation thereof easy and safe*, should be defrayed out of the Treasury of the United States, and that said light-houses, beacons, buoys, and public piers, should be kept in repair, rebuilt, and furnished with supplies out of the public Treasury. These objects therefore needed not to be named by Mr. Jefferson. Congress had the same authority to erect and provide for other works of a like character, as it had to take the control which it did by the law then passed. This power has never been denied, that I can find, from that time to this. So far, then, as our lake harbors are concerned, the most skeptical cannot, except it be on the ground of expediency, refuse his vote in favor of this measure. If, however, he can stand calmly by, and as one of the Representatives of the people, reflecting the opinions and wishes of a hundred thousand members of this Confederacy, and acting for them, and see millions of the treasure of those by whose industry and enterprise the Government is supported, destroyed, absolutely annihilated, and see also hundreds and thousands of the lives of these men sacrificed for lack of suitable shelter for vessels, when the storms of heaven descend—if humanity has no voice loud enough to penetrate his heavy ear—if there is no pitying throb in his flinty bosom, then I am forced to say, let him alone, he is "joined to his idols."

It is worthy of remark, that at the time Mr. Jefferson made these suggestions, Louisiana, embracing the mouth of the Mississippi river, had not been three years the property of the United States, it having been purchased from France as late as the spring of 1803. As yet, the whole commerce of that noble river was inconsiderable. The settlements upon either bank, from the Balize to Saint Anthony, were exceedingly sparse, including only a few French villages whose commerce was limited to a small fur trade with the tribes of Indians, and carried on in canoes and pirogues, with an occasional broad-horn from the Ohio river. Fulton and Fitch and Stevens had not yet projected the use of steam power to propel vessels, for it was not until some time after this period that the former of these named persons was, by a vote of the majority of the members of this branch of Congress, refused the use of the hall of the House of Representatives in which to state his views upon the discovery he had made, and elucidate to the world the practicability of employing steam as a motive power—he being looked upon by a majority of our wise men of that day as a visionary fanatic. It is fair to presume, that with all of Mr. Jefferson's farseeing sagacity and wisdom,—and no man's vision was clearer in this respect than his,—that he did not then hope or expect to see the mighty river of the West bearing upon its broad bosom her thousands of huge vessels laden to their utmost capacity with the products of the shores which have been made fat with its yearly inundations—stemming its rushing current with a power and velocity unequaled by the swiftest ship on the ocean. The immense commerce which is now carried on through this national channel, coming from all the States which are washed by its waters and its thousands of tributaries, was not then dreamed of in the dim future, and as yet no appropriations were needed in this quarter. The rivers, then, which he mentioned in the message to which I have alluded, could not have included the Mississippi; and it will not be irreverent, I trust, in me to say, that the improvements since made, and the exigencies of the present day, may not have called forth from him such an examination of this subject as, had he lived at this time, he would have given it.

Mr. Jefferson again alludes to this subject in his eighth annual message, under date of November 8, 1808. He says:

"The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? or shall it not rather be appropriated to the improvements of roads, rivers, canals, education, and other great foundations of prosperity and union under the power which Congress may already possess, or such amendment of the Constitution as may be approved by the States?"

Here, then, is a direct recommendation of the objects above-named, or some one of them. If he had been of the opinion that the power to appropriate money for these objects was not in Congress—if he had entertained no doubts upon the subject, why does he state the proposition in the alternative, and not content himself with what he had already said in relation to it in his former message? Why does he recommend an application of a part of this surplus to the objects named "under the power which Congress may already possess," if he had been of the opinion that Congress did not possess the power to appropriate any of these moneys to the objects enumerated by him, or some of them?

But this question seems to have been definitely settled during the first presidential term of General Jackson's administration; and the doctrine now held to be catholic upon this subject may be stated in that eminent statesman's own words. In his annual message to Congress on the 2d day of December, 1834, he says:

"There is another class of appropriations for what may be called without impropriety internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce.

"As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only on our sea board but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures, to the erection of light houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions of our navigable rivers, and the harbors upon our great lakes as well as upon our sea board.

"Although I expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow in this respect in the footsteps of all my predecessors."

Now, I suppose no reasonable man will contend that commerce is only foreign so long as it is carried on by means of shipping which has crossed the ocean, or which is only carried on upon salt water. General Jackson contended for no such doctrine. He established a rule by which he was governed, but at the same time he did not pretend to say that this rule was the line of demarkation between what was, in his opinion, constitutional and what was unconstitutional, but merely as a rule convenient for him at that time, and by which he would be governed. Referring to this rule he says:

"Sensible, however, from experience and observation, of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the Executive Department in its execution, by appropriations, for remote and not well-understood objects. But as neither my own reflections, nor the lights which I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded."

However proper this rule or limit might have been at the time it was established, now nearly twenty years since—and that it was proper I do not pretend to deny—yet a new system of things has grown up which renders its application partial and almost impracticable.

Since the ports of Europe—through the agency of steam, which it was thought within a few years could not be successfully applied to ocean or trans-atlantic navigation—have been brought nearer to our Atlantic cities than some ports of our own country, the whole system of trade and importations has been changed. Formerly we had our importers, our jobbers, and our retailers, in regular gradations of rank, and the former held himself as high above the latter as the dukes of old did above the baronet, or as the knight above the squire. In those days our merchants and traders of St. Louis, Galena, Cincinnati, and Chicago made their purchases at some of the Atlantic cities, and paid tribute to the merchant princes who held the monopoly of imports, and who alone had a traveled air, which it would be impertinent in the customers to imitate. But those days are now only known in history. The jobbers or middle-men have nearly disappeared, and now we have our own importers, who can, with the present facilities, better afford to go to Europe for their supplies, than to pay the profit demanded by the eastern importer, or than they could once have gone to New York or Boston. They blend business with pleasure, and while they order their yearly or semi-yearly supply of merchandise, they make a tour of observation, and by the liberal educations they have received, are fully competent to appreciate what they see that is interesting and has become noted in history.

I can see no difference, therefore, whether the vessels which float this commerce across the ocean breaks bulk before the dutiable goods reach the warehouse of the importer, or whether they do not. The imposts come out of the pockets and are paid by the western man, and are finally borne by the consumer in the interior on the banks of the Mississippi and its tributaries.

At one time this question assumed something like a political form, and one party was arrayed against the other upon it. But it was always unfairly done. The party calling itself the Whig party, it is true, claimed a greater latitude in the construction of this constitutional power than the Democratic party did, and it at the same time held out to the country that the Democratic party denied all power under the Constitution to make any appropriation for any purpose whatsoever in the way of what is called internal improvements. Such an issue is as unjust as it is untrue, and it cannot be forced upon us at this time.

It has always been the policy of the Whigs to load down any and all bills of this nature with amendments in the way of appropriations for objects purely sectional, and not of a national or general character, with a view of rendering it obnoxious to the President, and thus compel him to veto it, or to take the disagreeable alternative of approving of a bill palpably wrong, and which would be a disgrace not only to the Democratic party, but to all parties engaged in its passage. This course has been aided by the anxiety which every person has more or less to procure from the public Treasury appropriations for his particular neighborhood, even at the expense of doing what, under other circumstances, he would shrink from as beyond the power of Congress to do. I say, therefore, that the issue which is attempted to be forced upon the Democratic party at this time is not a political issue, and I invoke the aid of every Democrat to stand by this bill as it is, and prove to the country that, for proper national objects, we are always, when the Treasury will admit of the expenditure, ready to make liberal and just appropriations for the purposes named in this bill.

We have been accustomed to look upon Andrew Jackson's Democracy as pure as that of any other man, and I think I have proved by the quotation I have made from his message, that he recognizes this right.

I may be told that our candidate for the Presidency is opposed, upon principle, to this doctrine, and that he will veto any bill that Congress may pass, of this character. I am aware that such is the talk of all the Whig newspapers of the West. But I have yet to see any evidence that his sentiments are such as would compel him to refuse his assent to such a bill; and I shall be slow to condemn him upon an accusation coming from the quarter in which this charge originated. To me it is no proof that because a member of this House votes against a particular bill, containing many different items and objects, that he would therefore, if he was acting in the capacity of Chief Magistrate, veto that bill. He might vote against it on the ground of expediency, or because he did not think the state of the Treasury admitted of such an expenditure of money; and he might have no constitutional scruples upon the subject at all.

To settle this matter, I would ask any one of those persons, who are so ready to charge upon Mr. Pierce bitter hostility to river and harbor appropriations, whether they believe that Mr. CLAY, or Mr. MANGUM, or Mr. UNDERWOOD, would have vetoed the bill, which they, as well as Mr. Pierce, voted against? Assuredly they would not.

Then why is Mr. Pierce judged by a different rule than that by which others are judged? Their offense is the same, and their judgments should be equal.

We know, from the opinions often expressed and votes given upon other measures of this kind, that these gentlemen whom I have named, as voting with Mr. Pierce, were in favor of the doctrine of internal improvements. Now, what right have gentlemen to judge one man and condemn him for doing that which it is no crime for another to commit? Mr. Pierce had, I doubt not, reasons which satisfied him that he ought not to go for that bill; those reasons were sufficient to control him, and they may have been precisely the same reasons which prompted Mr. CLAY, Mr. MANGUM, and Mr. UNDERWOOD, to vote against the bill. I am as warm an advocate for river and harbor improvements as any man can be. I have, in common with every citizen of the West, suffered for the want of them. I have been taxed annually a large percentage in the shape of high freights and insurances upon the merchandise I have consumed, and I am also a Democrat, whose devotion to the party has ever been true and unquestioned, and I say, unhesitatingly, that I do not fear the action of Mr. Pierce upon this subject. He was taught his Democracy in the school of Andrew Jackson, and the lessons he then learned from that old Roman in the days that tried men's souls will not be easily forgotten.

If I doubted him; if I was not well convinced that he would give his approval to a fair bill for these objects; yet, with all my fidelity to party, and with all my admiration for the man and my repugnance to his opponent, I should be strongly tempted to throw into the opposite scale whatever of influence I could wield in the present political campaign. I should consider myself fighting against the interests of my own State, and of my constituents, if I should take a different ground. But, I repeat, I have carefully examined the whole progress of the attacks made upon Mr. Pierce in relation to this subject, and I find nothing which has at all shaken my confidence in him as a man who will, when the time comes, do ample justice to the interests of the West.

I will take occasion here to say, that although I am strongly in favor of appropriations for the improvement of our harbors upon the lakes, and the removal of obstructions to the navigation of the Mississippi and Missouri rivers, yet I would not vote for a bill which embraced large appropriations for objects not national in their character, but which were local, or put in merely to be carried by those which are national.

In examining the matter touching the interests of the West in this particular, I am strongly impressed with the great inequality with which appropriations have been made to protect our commerce. While millions have been voted with a freedom unknown to almost any other country, for the building up of the cities of the East, in the way of erecting mints, custom-houses, warehouses, dry-docks, floating-docks, buoys, beacons, breakwaters, and light-houses, it has been with the utmost difficulty that a few thousand dollars have been doled out for the benefit of the West, which, in a few more years, will scorn to beg and take such an appropriation as a favor, but will, in its strength, demand it as her right in a language which will command a ready and favorable response, such sums as will place her on an equality with the more favored portions of the Union. It is a truth, as remarkable as it is unjust, that what of success the West has met with has been obtained, not with the fostering care of the Government, not by encouragement extended to it in her utmost need, and not because it has been treated as a favorite child, but in spite of the system that has been pursued towards it by what may well be termed its mother-in-law.

A few instances of oppression on the part of the Government towards these infant settlements in the West, which have happened in my own State, will show some of the grounds of complaint which I have adverted to.

Soon after the discovery of the lead mines in Illinois, Iowa, and Wisconsin, had become generally known, hundreds of persons flocked into that country to avail themselves of the benefit of that discovery. Sound policy would have dictated that every encouragement should have been held out to this hardy and adventurous class of persons, and that the most favorable terms should have been offered them in their uncertain and hazardous undertaking. That whole country was then a wilderness, almost totally unknown to the white man, undescribed upon the maps even, in any other manner than by the almost fabulous name of "Northwestern Territory." Into this wilderness, where hostile tribes of Indians held their bloody sway, these pioneers in civilization, without any of the conveniences for traveling known at the present day, but in their canoes and upon their pack-horses, they penetrated this unknown country to open it up to future commerce, and render it habitable for those who should come after them. Did the Government encourage them in their enterprise? Did it, as good policy or even strict and even-handed justice dictated, offer a bounty upon what they should produce? And did it protect them in their homes, and in their property? Far from it. I have been at some trouble to collect statistics upon this subject, which it would afford me great pleasure to read in detail; but I have not time within the limits of my hour, and must content myself with the following extract:

"The first law authorizing the leasing of the lead mines was passed March 3, 1807. The superintendence of them with the books, papers, &c., was transferred from the office of the Secretary of the Treasury to that of the Secretary of War, on the 29th day of November, 1821.

"On the 15th day of June, 1822, proposals for leasing the mines were invited, by advertisement in several of the western newspapers. The conditions upon which these leases were granted, were as follows:

"1st. The quantity of land granted to an individual or company, not to exceed three hundred and twenty acres.

"2d. The duration of a lease to be three years.

"3d. The lessee to commence mining and (if there should be wood on the premises) manufacturing lead upon the land within two (at first it was nine) months after the date of the lease, and to continue such mining and manufacturing with a force which was at no time to be less than twenty men, weather and season permitting, without cessation or intermission. If the lessee failed to have twenty laborers in his employ,—he was to permit any miner to go upon the same tract and work, provided he delivered to the lessee all the ore he raised, on the lessee securing to him the usual quantity of lead (or ore equivalent) for each hundred pounds of ore; and the lessee admitting his tract to be so occupied, was to be considered as keeping twenty men in his employ.

"4th. The lessee at the end of every month was required to pay to the superintendent of the mines six pounds (at first ten pounds) of every hundred produced by said mining or manufacturing operations, in clean, pure lead, as rent for the use of the United States, and to deposit the same in a storehouse near Fever river, to be designated by the superintendent, free of expense to the United States. This condition was subject to the revocation of the Government upon giving three months' previous notice; at which time it was optional with the lessee to accept or refuse the new terms. Upon his refusal to accept, the lease to cease and terminate.

"5th. The lessee agreed at his own cost and expense to make all necessary preparation and improvement for the prosecution and fulfillment of his part of the contract; for which purpose he was allowed the use of all the stone, wood, and water that might be found on the premises, to be used without waste or extravagance.

"6th. The lessee was to keep a book or books, in which he was to keep a true and faithful account of all the mineral and lead which he raised, purchased, or manufactured; which book or books were to be always open to the inspection of the superintendent. And the lessee was further required to furnish the superintendent with a monthly abstract or return of such mining or manufacturing operations which the superintendent might require, to be verified by oath or affirmation.

"7th. The lessee was prohibited from disposing of or subleasing the tract to any person, and from removing or permitting to be removed any part or the whole of the mineral from the mines or the place of manufacture without the consent of the superintendent, until all arrearages of rent had been settled and paid.

"8th. The lessee agreed not to permit any miner or laborer to commence working in his mines until he had signed the regulations.

"9th. On the failure of the lessee to carry any of these conditions into effect, the superintendent was authorized to declare the lease forfeited, and take possession of the lands and all the improvements made by the lessee."

Here we find that these miners had the gracious permission of Government to work upon lands which it did not own, but which belonged to the Indians, on condition that they should work constantly, weather and season permitting, without cessation or intermission, paying to the Government first one tenth, and afterwards one sixth of all the mineral or ore they dug in the form of good clean lead, delivered at the Government warehouse in Galena, as *rent;* thus becoming tenants to the Government, which thereby assumed for itself the character of landlord, with its retinue of stewards, agents, surveyors, and servants, supported by a military force, to carry into effect its orders and keep in awe these bondmen, while they, the lessees, had not the poor right to take and use "wood, stone, and water," without being restricted in the terms of the lease and regulations, "*without waste and extravagance*"

This was the inducement held out by a great and powerful Government to such as would peril their lives and forego the security and comforts of a home to develop the resources of the mines. We hear much of the despotism of Russia and other monarchies in Europe, but I question whether in any of these countries a parallel can be found to these regulations established by this free Government for the government of these miners. They could not take from the forests of the mighty West such timber as they might think their necessities demanded to keep themselves warm, and with which to build their rude cabins, or even to take from the running stream water to drink and keep themselves clean, without being under the surveillance of an agent, backed by an armed guard, to prevent them from using these things without waste and extravagance; and if the lead agent should happen to differ in opinion as to the quantity of wood, and stone, or water that was necessary, he might cancel the lease or revoke the permit, and the unfortunate miner would lose the benefit of the labor and suffering of years. And even at this day, when it would not be unreasonable to suppose that some of the liberal spirit of the age would be infused into the narrowest and most contracted mind, we see honorable gentlemen upon this floor opposing bitterly the passage of a bill granting the right of way through the public lands and the use of timber, stone, and earth with which to construct railroads and plank roads.

As a proof that it is not upon principle that these gentlemen vote against our Western railroad bills and other grants for the benefit of the West, one has only to examine the vote upon the bill recently passed by this House, which was reported by the gentleman from New York, [Mr. BENNETT.] A more magnificent scheme to plunder the West for the benefit of the East, was never conceived; and yet we find that the scruples of gentlemen must disappear the moment their own States are to be benefitted by the *division* which they claim, is just, but by which they receive the lion's share.

It will be observed, that no man could have more than nine or ten acres of land, and, by a subsequent regulation, this was to be the limit; and he could not even fence and cultivate any part of this or any other land whereon to cultivate a "truck patch;" and as no land was or could be leased for farming purposes, all the articles of food were purchased from abroad at enormous, and, in some cases, ruinous prices. I am informed by credible persons, who were among that early band of pioneers, that it was not unfrequently the case that as many as three thousand pounds of lead ore, which at present prices would be worth not less than eighty dollars, was frequently paid for one barrel of flour, and four thousand pounds for a barrel of pork.

When the land in that country was brought into market in 1834, these mineral lands—that is, such lands as had been reported to the Land Office as mineral land, and upon the plats of the public surveys of which lead mines or diggings were indicated—were reserved from sale. Many of them had been before that time settled upon and improved; and as it is the common lot of all persons to have enemies, it was only necessary to report to the lead agent that a certain tract was "mineral land," and it was withheld from sale; or, if it had been entered even in good faith, the patents were withheld under the pretense that a fraud had been committed against the Government in the entry of the land; and it was not until 1846 that these difficulties were finally settled by a special act of Congress providing for the sale of all of these lands which had been reserved from sale.

Some excuse might be offered by the Government for this course, if any considerable revenue had been derived from this leasing system, but so far was this from the truth, the system was a charge upon the Treasury; and the only persons who grew rich were the agents, who had fat sal-

aries, and by some means became the owners of some of the most valuable mineral land in the country.

Since then, and within a few years, Congress has, in a few instances, made all the reparation in its power for the injustice which has been done to some of the more wealthy of the miners and smelters, and has, by an appropriation, refunded the money which was unjustly and illegally extorted from them; but hundreds of the poorest of these men yet remain the creditors of the Government for the amounts they severally paid; and there is now before one of the committees of this House, a large petition, praying that a general bill may be passed to refund to all persons whatever sums they were compelled to pay as rent-lead while the title to the lands was in the Indians.

In the year 1836, this system had become so odious to the people, and the oppression which it had caused had become so apparent, that it was suffered to fall into decay, and nothing more was heard of leases or permits, or of rents or lead agents until 1841. But now a new Administration came into power, and the clamor for office was so loud and constant, that everything in the form of Government-pap was seized upon with an avidity never before known in the history of party. No one dreamed that this office of lead agent, which had become obsolete, would ever be dragged from its musty resting-place, and made to grace the person or replenish the pockets of any other man; but the people know not the means by which they are oppressed. Here was a partisan to be rewarded. He had made himself heard in singing the campaign songs in 1840, and was suffering the torments of an unquenchable thirst, which a lengthened debauch upon hard-cider and mean whisky had produced, and he would not be silent until he was provided for. He claimed that he should be indemnified for the violence he had done his conscience; and that his clamor might be stilled, this office was refurbished and bestowed upon him; in other words, he had power to make all the money he could out of the miners of the Northwest. I will not give in detail the scenes which were again enacted under the official garb of lead agent, but will merely say that the people set themselves to work in this matter, and, in 1846, Congress passed a bill which did away with the odious leasing system, and the mineral lands were sold. But before this was done, and during the Whig Administration, which was the result of the election of 1840, nearly a hundred of our oldest and most worthy citizens were harassed with suits, and even a special attorney, at great expense to the Government, was employed, and "come down special" to prosecute the suits which were brought to vacate the entry of land, under the allegation that they had practiced a fraud upon the Government.

After these difficulties had been settled, it was hoped by our western citizens that this experiment to obtain a revenue, or, rather, of rewarding party favorites by a system of plundering the people, would cease, and that no new attempt would be made to oppress the pioneer. But they knew little of the rapacity of those who are invested with a little brief authority; for no sooner was the present Administration well settled, and the wheels set in motion, than another cause of complaint has transpired on our northwestern frontier.

Upon the rivers which are tributary to the Mississippi, and also upon those which empty themselves into Lake Michigan, there are interminable forests of pine, sufficient to supply all the wants of the citizens in the country, from which this supply can be drawn for all time to come. A few years since, and that whole country was unknown to the white man. The planter and farmer of Missouri, Illinois, and Iowa, had exhausted the limited supply of timber which the groves upon the streams in the prairie lands had afforded, and the demand for pine timber with which to fence their farms and build their houses, called into activity a class of persons who fear no danger, and whose courage and enterprise are equal to any emergency. At great risk, and with intense labor, these lumbermen—some of whom had been reared in the frontiers of New York and Maine, while others had been scouts in the settlement of the West—penetrated this forest, and erected mills upon the Menomonee, the Black, Chippewa, Wisconsin, and Saint Croix rivers, and thus they opened a trade in lumber, which at the same time supplied the settlers upon the vast prairies of Illinois, Iowa, and Missouri, and the cities and towns upon the Mississippi, with lumber, and opened a market for the corn, flour, pork, beef, and cattle of the farmers, which they took in exchange. By this internal and domestic commerce two objects were effected, both highly advantageous to the interests of the Federal Government. Without lumber with which to erect houses and make fences, the vast prairies of the lower country could not be settled and farmed profitably, or with success; and there were no supplies from which to draw this necessary article, but from the forests of the North. With this supply, and by the demand created for the crops of the Southern planter and farmer, the Government found a ready market for the lands which would otherwise have been unsold for years to come. The demand for lumber enlisted the enterprise of a worthy and industrious class of men, but for whom this upper country would now have been totally unsettled and unknown, which is now as flourishing as any other country in the West. As this trade increased the demand for supplies increased, and the result is, that instead of lumbering being the only business carried on in this portion of the country, the country is now, and has been for years past, rapidly increasing in population, and agriculture is flourishing there in a manner unknown to some of the better portions of the West.

All this has been brought about by the timber trade, and the sales of the public lands in this portion of the country is greater now than in any other. The true policy of the Government would be, for the present, certainly, to leave this enterprising class of citizens to use a portion of the timber of the public lands without stint, as a sort of bounty for the hardships they have undergone in piloting the way to this country. But very far from this is the fact; for the whole power of the country, in the shape of the United States marshals and a whole *posse* of deputies and timber agents, appointed by the President, without the least authority of law, have been let loose upon this devoted class of our citizens, and they have been harassed almost beyond endurance with pretended seizures and suits, prosecutions and indictments, until they have been driven almost to the desperation of an open revolt against their persecutors.

It cannot be for the purposes of revenue that these measures are taken against these persons, for I am well assured that not a dollar has been derived from this system to the Treasury. The courts are obliged, when these cases are brought before them, to inflict the punishment prescribed by law, and while the Government receives in each prosecution from one dollar to ten dollars fine, the costs, which always fall upon the accused, seldom amount to less than two or three hundred dollars in witness fees, marshal's fees, attorneys' fees, and clerks' fees. It was once a common mode of rewarding a favorite in England to grant him a monopoly, which the patentee farmed out, and for which he received immense annual revenues at the expense of the people. And it would seem that the rulers of the present day in this country profit by this example in history. If the lands from which this timber is alleged to be cut was in market, and could be purchased by the lumber men, there would be more reason for these prosecutions; but they have not yet been offered for sale, and some of them are not yet surveyed.

In Oregon the Government have pursued the most liberal policy towards the emigrants; every man who is the head of a family becoming the owner of six hundred and forty acres of land the moment he sets foot in the Territory, and every single man having three hundred and twenty acres. In California, every man, of whatever color, whether the greaser from Mexico, the Chinaman from the Celestial Empire, or the convict from Botany Bay, with his crimes yet unexpiated, no matter whether he is free or slave, every man is allowed to dig gold or cut timber without let or hindrance; and not only to dig, but to carry away, out of the limits and jurisdiction of the United States, without rent; but in our West, every man who cuts a sapling for a roof-tree for his humble cabin, or a pine tree with which to make a bunch of shingles to purchase food and clothing for his family, is waylaid by a Government agent, having his commission by the President in his pocket, and if he is too poor to pay his fine and costs of his arrest, he is imprisoned, while in the mean time his family may starve.

Such are some of the difficulties which the people in the West labor under, and have labored under for years, while they have been laboring and toiling to increase the wealth and importance and prosperity of the nation, and hoping, year after year, that the "powers that be" would at least be just to them if not liberal.

The men who have gone West, driven perhaps by their unsuccess in the old States, or too enterprising to settle down in some worn-out corner of New England, are yet willing to read what is going on in the land which gave them birth. They have left friends there, and they love to write to them, and hear from them. They are fond of politics also, and like to see what is going on in the political world. They therefore need mail facilities, and the statistics of the Post Office Department show that for their number they pay a greater revenue than any other class of persons in the country. They paid in the year 1851, more than three times the amount in postages in the State of Wisconsin than the cost of transporting the mails. One would think that with this state of facts, the people would be supplied with mails; but it is with the utmost difficulty that service can be obtained upon many routes of great importance, and if it so happens that a particular route does not pay, service is either taken off entirely or reduced within the income of the officers on the route. Is this so in other portions of the Union? I do not say that every route should pay. I believe that the mail facilities should be increased, and the rate of postages reduced upon both letters and all readable matter, even if the people at large have to be taxed for it, and the expenses borne out of the common Treasury, for this is the only manner in which the rich man is compelled to bear the burden of this branch of the public service for the benefit of the poor man; and, while upon this subject, I will say that the franking privilege ought to be abolished, root and branch, from the highest officers of the Government down to the lowest, except upon business strictly official.

It has been deemed sound policy by the Government to pay to the owners of the fishing vessels on the sea-board, a bounty in proportion to their tonnage, as it encouraged that branch of industry, and was a school for the education of seamen with which to man your merchant and navy marine. It requires no great skill to perform the duties of seamen, nor does it require any great length of time or service to perfect one in this branch of knowledge. It is only to offer inducements to young men to engage in this service from their boyhood, so as to inure them to the hardship incident to this kind of employment that this policy is pursued. Are not soldiers as necessary for the defense of a country as sailors? And where can you find a better school for educating soldiers than by accustoming your young men to the hardships and privations of a western life? Where can you perfect a man in the skillful use of the rifle so well, as to compel the frontierman to protect his home from the wily Indian and bring him up amid scenes of peril and adventure? And who ever dreamed of offering a bounty to the man who pitches his tent upon the prairies of the far West, and subdues the earth, and explores the remote passes and rivers of the wilds, where no foot was ever trod save that of the Indian alone? In my opinion, there is no man more worthy of the gratitude of the country than he who leaves far behind him the conveniences of a civilized home, where are left all the comforts that dense neighborhoods and society have rendered indispensable, and goes with his compass, and his axe and his gun, and settles and subdues a new country. It is this class of persons who render the wilderness valuable. But for these men, the West with its busy towns, its growing villages, and its smiling farms, would now be a wilderness, untenanted by a human being, and silent, except by the war-cry of the vagrant savage. The rivers which now float to market the commerce more than equal to that which freights your entire shipping on the Atlantic, would be unruffled by a wave from the keel of the broad-horn, and not an echo from the pipe of a single steamer would waken their silent shores.

Does the Government derive no benefit from these settlements, from this commerce? Does this busy multitude, these teeming millions, do they pay into your Treasury no duties, no money for your waste lands? Do they consume none of your manufactures from the looms and shops of the old eastern States? Do they purchase none of your importations, or use none of your cotton, rice, and sugar of the South? Are they, then, entitled to no benefits common to the great brotherhood of this Republic? Will you not allow them an acre of land, a stick of timber, a dollar in money to preserve what they have with so much toil, and hardship, and danger acquired?

Mr. Chairman, these things will not always be so. We demand something more than words of commendation and fulsome praise. Paper sentiment will no longer content us. We must have and see some of the fruits of the promises which you of the East have so long amused us with, and we will have an earnest before we again repose our trust in you.

We have settled your lands, we have built your cities, we have explored your wildernesses, surveyed your rivers; we have made glad the waste places and turned the trackless prairies into checkered fields of waving grain. We have paid yearly tribute into your Treasury for the support of the Government. We have furnished your armies with soldiers, fought your battles, conquered your enemies. We have made for your country a name, and we now demand that we may receive some of the benefits which should be common to all.

THE MEXICAN BOUNDARY COMMISSION.

SPEECH OF HON. J. H. CLARKE,

OF RHODE ISLAND,

IN THE SENATE, *July* 26 *and* 27, 1852,

In defense of the conduct of Mr. John R. Bartlett, Commissioner of the Mexican Boundary Survey.

The Senate having under consideration the following resolution, submitted by Mr. WELLER, on the 28th of June—

"*Resolved*, That the charges preferred by Colonel J. McClellan, of the Topographical Corps, and others, against J. R. Bartlett, appointed Commissioner to run and mark the boundary line between the United States and the Republic of Mexico, be referred to a select committee of five for investigation, with power, if necessary, to send for persons and papers"—

Mr. CLARKE said:

Mr. PRESIDENT: This resolution, the Senate will recollect, was introduced some four or five weeks since, by the honorable Senator from California, [Mr. WELLER.] Three weeks since, that honorable Senator gave his reasons why a select committee should be appointed by the Senate to investigate these charges, which charges have been reported to the Senate, and comprise one of the public documents upon the table of every Senator. This document contains not only the charges that have been preferred against the present Commissioner on the boundary line between this country and Mexico; but it also contains charges that have been made by an officer of the Navy of the United States against Colonel John McClellan, of the Topographical Engineers. Upon these it will be my duty to comment.

I need hardly say to the Senate, that it is with extreme reluctance that I shall enter into this discussion. It necessarily, of itself, is of an acrimonious and personal character. It involves the reputation of men who have been distinguished, perhaps, for all the courtesies of life, and therefore it is unpleasant to enter into it in any manner before a body like the Senate of the United States. It is more particularly unpleasant to me, for this Boundary Commission, and all that relates to it, brings nothing to my mind but the saddest and most mournful recollections. I have no disposition to follow that Commission from its incipient reformation in this city; nor to trace its course into New Mexico, and thence to the Pacific. There is nothing in it that is pleasant or agreeable to me. I would be glad—very glad—if every recollection of it could be blotted from my memory; but that cannot be done. I would have been willing that every record that is before us, every charge that is before us, every paper in support of those charges, and every paper in refutation of them, should at once be blotted from the recollection of every Senator, even from the public archives, and, if possible, from the public mind. But it is too late to do that. I am bound, from the position in which I stand, and the obligations which rest upon me, to enter into this discussion—to defend the innocent, and, unpleasant as it may be to me, to convict the guilty.

These papers are not brought here at the instance or through the agency of the Commissioner upon the boundary line. They are brought here by gentlemen who have chosen to take the course they have taken; and if the obloquy falls upon them, the evil is their own. I am bound to defend this Commissioner, who, I believed when I assisted in getting him the appointment, was an honest man, and whom I still believe to be a high-minded and honest man. I am bound to defend him, because I then thought, and still think him, to be a man of high and unblemished reputation; I am bound to defend him, because it was partly through my persuasion that Senators were induced to consent to his confirmation by this body. I am bound to gentlemen about me, who, relying on my assurance, gave their votes for the confirmation of this individual. I am bound to the Administration that appointed him to justify, in my own person, the assertions that I made, and the assurances that I gave to them. I am still more bound, sir, to defend an absent individual, whose only possession is his reputation and his talents;—an individual now in the western wilds, performing his duties as an officer of this Government, as we all know, amidst hazards, toils, and sufferings; who embarked himself in this undertaking, leaving home and friends behind him with nothing but the recollection of his virtues and his spotless character, which constitute the only legacy he can leave to those who are entitled to an inheritance from him; an individual who has an amiable, excellent, and accomplished wife, who is sustained, in his absence, by the hope of his early return from an honorable service, and by the assurance that that service will be faithfully and honorably performed; and five children, who have nothing to console them for their deprivation but the hope that he will soon renew his parental care, and bless them with his counsel. Under these circumstances I feel it necessary for me to go on in the defense of this absent man, and to assure the Senate, and to prove, in support of that assurance, that he is an honest, an injured, and a persecuted individual.

It would be an easy task for me to defend Mr. Bartlett from the accusations against him; but in doing that, I am bound to bring up criminations against others, which I do with great reluctance.

The honorable Senator from California, in the course of his remarks, chose to speak strongly and forcibly against an attack that had been made upon his private reputation in this Chamber, by a gentleman who is no longer a member of the body, [Mr. Ewing,] and whom he designated as "an accidental Senator" upon this floor. The language of the Senator from California was strong, and marked with deep and intense feeling. The Senator complained that, while he was a private citizen upon the shores of the Pacific, that ex-Senator, then an honorable member of this body, took advantage of that position and charged him with crimes of which he was innocent, and made an unjustifiable assault upon his private reputation. With those charges I have nothing to do. I know nothing of them. I am not called upon here to defend the "accidental Senator" from Ohio. But it did occur to me, when I heard the honorable Senator from California, with so much feeling, with so much strength of sarcasm and denunciation, speak of the cruelty towards himself in being so strongly marked and denounced by the Senator from Ohio, that it might have suggested itself to the Senator, in the conclusion of his remarks, when he spoke of this Commissioner, that he was also absent, and could not be here to respond to the charges against him, nor to the intimations shadowed forth in the speech of the honorable Senator; he should have recollected that the case was, in some measure, reversed. The Senator has a just and perfect consciousness of the evils that result from attacks against the private character of an individual. His refined and elegant reading has taught him undoubtedly, what were the words of one who understood well the human heart:

"Who steals my purse, steals trash; 'tis something, nothing:
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name,
Robs me of that which not enriches him,
And makes me poor indeed."

"Poor, indeed," Mr. President, will be this individual, whose cause I stand here to defend, if this rich possession of his is stricken from him by insinuation, or groundless charges made against him. In the revolutions which take place in this wide world of ours, it may possibly occur that the case will be reversed again, and that this individual, who now stands charged, before the Senate and the country, with such things as would damn the reputation of any man, may, when his skirts are cleared, and he himself acquitted of these charges, even here, upon this floor, taking the example of the honorable Senator from California, retort upon him, if he should have a disposition so to do. But this is only a reflection upon the chances of life, and is made with no disrespect to the Senator, and I have nothing more to say upon that subject.

Mr. President, the charges which have been brought forward against this Commissioner, Mr. Bartlett, are eight in number, as appear by this document in the possession of Senators. Some of them are of the most heinous and offensive character. They strike at the very vitals of the reputation of Mr. Bartlett as an honest man, and, if true, show him to be unfit to be intrusted with property, or any commission from the Government of the United States. If true, a just condemnation would follow him into private life; and if he is guilty of them, I shall, as readily as any gentleman on this floor, join in denunciation against him. If he is innocent, it is my duty—and I regret, for his sake, that he has so humble a defender here—to place his defense, as best I may, before the Senate. Let the truth be told, fall where it may, and the accusations, if unjust, recoil upon those who made them.

Before I enter upon the resolution before the Senate, and consider the charges which that resolution necessarily involves, I will briefly notice some things contained in the speech of the honorable Senator from California, [Mr. WELLER,] for referring to which I trust he will pardon me. I shall do it with no disrespect to him. As I have already said, I have nothing to do with the remarks of the honorable Senator from California, personally relating to a former Senator in this body from Ohio, [Mr. Ewing.] The Senator from California made some very severe and caustic remarks in reference to that gentleman, particularly in relation to a letter which was withheld, as he says, by him when Secretary of the Interior, and which should have been sent to the Senate. It is unnecessary to read what the honorable Senator said upon that subject. The purport of his remarks, however, were that a certain letter from him had been intentionally withheld from the Senate, by the then Secretary, in answer to a call for all papers and correspondence. This charge, with others, I should have passed over in silence; but the late chief clerk of the Department of the Interior has made a request that I would submit an explanation in regard to that letter to the Senate. I suggested to him that he should give me his explanation in writing, as I desired to do nothing, and would say nothing here which was not based upon written evidence, or capable of being sustained by proof. Mr. Goddard, therefore, in explanation of the action of the Secretary of the Interior, sent me the following letter:

WASHINGTON, *July* 13, 1852.

DEAR SIR: Agreeably to your suggestion, I reduce to writing the statements I made to you on the 9th instant.

In the Union newspaper of that date I read a speech of the Hon. Mr. WELLER, in the Senate, in which it is charged that a certain letter therein copied, from Mr. WELLER to the Hon. Thomas Ewing, late Secretary of the Interior, dated March 1, 1850, had been designedly suppressed by Mr. Ewing, in his response to a resolution of the Senate calling for the correspondence of his Department with the Boundary Commissioner.

From the organization of the Department of the Interior until the 3'th ultimo, I was chief clerk of that Department, and it was my duty to attend to all the details of the office, and to superintend the preparation of all papers required to be sent to Congress. I was directed to see that copies of *all papers called for by the resolution* referred to were prepared and sent to the Senate, and for any omission the blame must rest upon me, and not upon the Secretary. In the

great mass of papers covered by the resolution, the letter in question escaped my attention, and was unintentionally omitted.

Before the delivery of this speech, and sometime within the last two months, Mr. WELLER was at the Department, examining the papers relating to the Boundary Commission, and I then stated to him, substantially, the facts mentioned above. I have not heard from Mr. Ewing since the delivery of Mr. W.'s speech; but justice to him requires that I should state the manner in which the omission occurred. You are at liberty to make such use of this explanation as you shall deem proper.

I have the honor to be, very respectfully, your obedient servant, D. C. GODDARD.

Hon. JOHN H. CLARKE, *United States Senate.*

I present this at the request of Mr. Goddard, who felt bound to exonerate Mr. Ewing from the charge of willfully withholding that document, made against him by the honorable Senator from California. I have no comment to make upon it.

There was another point in the Senator's speech to which I intended to allude, in regard to a suggestion that the Secretary of the Interior had withheld this mass of documents, which has this morning come in, and that they might have been withheld for the purpose of keeping them from the Senate until too late to be printed at the present session. I had a conversation with the Secretary on that subject. I came in this morning while his letter was being read, and I believe that letter explains very fully the reasons why the papers were not sooner sent in. There was no disposition to keep them back because they contained anything which could inculpate this Commissioner, or sustain the charges made against him. As regards the action of the Commissioner in fixing the initial point, I have already stated this morning, on another subject, that I do not feel disposed at this time to enter into that question. It is a question entirely separate from the one now before the Senate, and I do not purpose to mingle that investigation with the present one. It stands by itself. My object now is to rescue the character of Mr. Bartlett from the foul imputations which have been cast upon him. If he has made a mistake—if he has misjudged with regard to the proper initial point—it is only an error of judgment, to which all men are liable. In all that there is no imputation against his private character, and it is that alone which I purpose now to defend. The honorable Senator from California, in the closing part of his speech, speaking of the charges that have been made against Mr. Bartlett, said:

"The testimony submitted to the Department on this subject is to be found in the document now before me. I have examined it with some care, and certainly with no disposition to do the Commissioner any injustice; but I must say, that the evidence has left an entirely different impression from that which seems to have been produced upon the mind of the Secretary. But we are so differently constituted, that that testimony which carries conviction to one, shall fall far short of satisfying another. The charge against the commissary for issuing improper supplies, &c., is sustained by twenty-seven witnesses, and, so far as I can see, denied by no one.

"The charges against the Commissioner, which impeach his integrity as a public officer, are sustained by the testimony *of five* witnesses, (including Colonel McClellan;) a part of them are controverted by *three* witnesses, (including the Commissioner.) Two witnesses impeach the character of one who testifies for the prosecution; but *his* character is sustained by three witnesses.

"The most serious charges are:

"1st. 'Conniving at the conversion for private uses of 'the transportation provided by the Government for the use 'of the Boundary Commission.

"2d. 'Unpardonable mismanagement of the public inter-'est and funds intrusted to him.'

"These charges are clearly sustained by the testimony of *four witnesses*, and denied by *one*. Thus stands the evidence, as I find it upon the record; and how the Secretary could have been satisfied, upon this proof, of the innocence of the Commissioner, is, to my mind, incomprehensible. If this be *all* the evidence on the subject, I undertake to say, no jury in the world would hesitate a moment in convicting. The proof was too strong, in my judgment, to be rebutted by 'a personal conference with George F. Bartlett, the 'brother of the Commissioner, and the quartermaster [he 'means *commissary*] of the Commission, who was impli-'cated in the charges,' &c. Nor will it do to meet this testimony by the simple assertion that 'the witnesses had been dismissed from the Commission.' It was under the direct and positive orders of the Secretary himself that a large number of the employees were discharged, because their services were not required. Is this dismissal, therefore, a sufficient reason why their testimony, upon honor or *under oath*, should be rejected? A statement of the question is sufficient. Nor will it do for the Secretary to claim credit for dismissing Commissary Bartlett because 'his near relationship to the Commissioner gave ground for injurious suspicions.' It is true, under his orders, he was dismissed from his post. But I have a letter from a gentleman of character and respectability, containing the information that he is now the 'acting agent of the Commission,' with a better salary than he received before, and shaving orders drawn by the employees on the Commission at fifty per cent. discount."

Sir, for the first time, and beyond all the charges which are contained in this document, the honorable Senator from California, from information derived "from a gentleman of character and respectability," has stated that Mr. George F. Bartlett, the brother of the Commissioner, is "now," at the moment he made his speech (three weeks ago) engaged on that Commission, at a better salary than he had before, and as the agent of the Commission, and the expression, I believe, is somewhere used, that it was an "office unknown to the Commission." The Senator further says, upon the same respectable authority, that he is now engaged in the same course of pilfering from the Government of the United States, and of course in connection with his brother, by shaving orders at fifty per cent. discount. In the depositions which I have here, and which I shall read by and by upon another point, it is stated by Mr. George F. Bartlett himself, and confirmed by others, that he was appointed commissary, and went out with this Commission in August, 1850. The whole of his acts in that capacity will be explained in their proper place, and it will be shown that on the 16th of February, 1851, he left his brother, John R. Bartlett, at the copper mines in New Mexico, under orders from him to return to the United States; and I recollect very well that in the month of May, perhaps of the last year, I saw him in Rhode Island.

Mr. WELLER. Does the Senator desire me to read the evidence on which I made the assertion, that George F. Bartlett is now, or was very recently, the agent of the Commission?

Mr. CLARKE. The Senator can read it if he pleases.

Mr. WELLER. I do not desire to interrupt the Senator.

Mr. CLARKE. My object was merely to show that whoever wrote the letter was certainly mistaken. I make no charge; and I hope the honorable Senator does not understand me as making a charge against him.

Mr. WELLER. All that I vouched for was the respectability of the person who wrote the letter. It is written by a very intelligent gentleman, who gives a history of the Commission.

Mr. CLARKE. If the honorable Senator desires to read the letter, I have no particular objection; but I have a great many papers here, and I desire to get through with them as soon as possible.

Mr. WELLER. The only reason why I propose to read the letter now is, that it may not be necessary for me to make any reply to the Senator. I do not sit here as prosecutor.

Mr. CLARKE. If the honorable Senator will wait till I get through with this part of the subject, he may read it; but its reading now would interrupt the train of thought which is in my mind. Mr. George F. Bartlett left his brother, John R. Bartlett, at the copper mines, in New Mexico, in February, 1851. He came to the United States under orders from him to get further supplies for the Commission. In the mean time, in the winter of 1851, I was at the office of the Secretary of the Interior, and was told that the Secretary had concluded to reorganize the Commission so far as regarded the Quartermaster and Commissary's Departments, that he thought it better that two subalterns of the United States Army should be selected for commissary and quartermaster rather than have it under its then organization. Mr. George F. Bartlett, in June, 1851, when he was purchasing supplies for that Commission, received the following letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, *June* 5, 1851.

SIR: By an arrangement with the Secretary of War, Lieutenant O. H. Tillinghast and A. E. Burnside, United States Army, have been detailed for service on the Boundary Commission as quartermaster and commissary. These officers joined Colonel Graham at San Antonio, and have proceeded with him to El Paso—there to enter upon their respective duties.

You will remain in your present position until you have completed the duty upon which you are now engaged, after which your functions as quartermaster and commissary will cease.

I can have no objection to the Commissioner assigning you to such other position under him as he may deem proper, and will so advise him.

I am, sir, very respectfully, your obedient servant,
ALEXANDER H. H. STUART.

Major GEORGE F. BARTLETT,
CAPE VINCENT, *Jefferson county, New York.*

I understand the deposition of Mr. Bartlett will prove that he was required by the Secretary of the Interior to go to El Paso with the supplies purchased by him for the Commission, which he did; that he never has seen his brother since February, 1851; and that upon the subject of an appointment he had but one line from his brother, which I shall read by and by, in which the Commissioner said he could say nothing in regard to giving his brother any position on the Commission. He declined to give him any position. George F. Bartlett had purchased goods in this country, and fearing that those goods might come under some officer who might be jealous of a civilian's having any charge of them, especially after he had been removed, Mr. Bartlett took, by way of security, this letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, *September* 11th, 1851.

Major George F. Bartlett, the former commissary for the United States and Mexican Boundary Commission, having entered into a contract with Juan Maria Ponce De Leon for the transportation of fifty thousand pounds of provisions for said Commission, from Indianola, Texas, to El Paso del Norte, is in charge and has entire control and direction of the transportation of the stores about to leave Indianola in the train which he will accompany, and no other person will be recognized and respected as such, until the train reaches the depôt at El Paso and is taken charge of by the present commissary and quartermaster.

ALEXANDER H. H. STUART, *Secretary.*

I have introduced this in order to show that the Senator was entirely mistaken in regard to Mr. George F. Bartlett; and as to his holding any distinct position on the Commission. It is true that when he arrived at El Paso there was no opportunity for him to return to the United States, and he remained during the winter upon the Rio Grande with Major Emory. In April last he was directed by Major Emory to return to the United States with dispatches for the Department here. He did return, and at the very time when the honorable Senator from California in consequence of information he had received from this gentleman of "character and respectability," ventured to make the charge, or to intimate the charge against Mr. Bartlett, he was at his quiet home in the State of New York, having no immediate connection, that I know of, with the boundary commission. Upon the invitation of the friends of Mr. Bartlett in Rhode Island to whom I wrote, he was telegraphed to come here, and he is now in this city. I have his deposition, which I shall read by and by.

Before I proceed further, I will say, that in my opinion the Commission was organized in one of the worst forms in which it could possibly have been sent from the United States. There were four persons holding a sort of distinct and separate command. There was, in the first place, the Commissioner, Mr. John R. Bartlett, who might be considered, I suppose, as at the head of the civil part of the Commission. In the next place, at the head of the astronomical corps was Colonel McClellan, he himself exercising a certain degree of authority, and I think, as the evidence has shown, appointing mechanics, who were under his own authority and control. There was another sort of subdivided duty among them, which was discharged by Lieutenant Strain, who preferred the charges against Colonel McClellan. Of him I know nothing, except that he went with the commission from New York in the steamer Galveston, which left there on the 3d of August, and arrived at Indianola, Texas, on the 23d of August, 1850. He claimed a sort of command, I suppose, as a naval officer, while they were on salt water, and I believe he was attached to the Commission with a view of taking charge of the boats when they should ascend or descend the Rio Grande and the Gila; but, I believe he left the Commission at Victoria, and returned to the city of Washington, where he preferred those charges.

That is almost all the evidence upon that subject, and is quite as much as I intend to read to the Senate. There is some other evidence upon the subject, which I will not present to the Senate, as it would seem to be almost a work of supererogation.

Thus was the Commission formed, so far as re-

gards those who had charge of it. When Mr. Bartlett was appointed I was in the city, Congress being in session. Under the direction, or by the advice of the then Secretary of the Interior, [Mr. Ewing,] Mr. Bartlett was induced to consult Colonel Graham, of the Topographical Corps, as to the number and the kind of employees who should go out with him upon the Commission; and I have it in a letter from Mr. Bartlett to me that the whole formation of the employees of the civil department was made by him, under the advice and by the direction of Colonel Graham. So that although this Commission was disjointed, the Commissioner himself can hardly be deemed responsible for it. I think about one hundred employees went out; and I should venture to presume, from my own knowledge of the case, that he had not any opportunity of personally knowing many of them before they went. Very many of them he never saw till he arrived at Indianola; for be it remembered that he did not go in the Galveston from New York, but went direct to New Orleans and from there to Indianola. At Indianola they were mutually strangers to each other, and it may well be supposed that groundless pretensions were made by many. They had received appointments at the solicitation of friends, and various recommendations given to the Commissioner; and when assembled, it may well be imagined that in a Commission formed as this was, there must have been a great deal of disjointed machinery, and much that was calculated to engender ill-feeling. I have done with that part of the subject.

In the order in which this subject is introduced, as reported to the Senate from the Department of the Interior, I find that on the 9th day of October, 1850, certain charges were preferred by Lieutenant Strain of the Navy against Colonel John McClellan of the Topographical Engineers. They are as follow:

WASHINGTON, D. C., *October* 9, 1850.

SIR: It is with regret I find myself obliged to report to you Brevet Lieutenant Colonel McClellan, captain in the Corps of Topographical Engineers, now attached as chief astronomer to the Mexican Boundary Commission, for habitual drunkenness, between the dates August 2, inclusive, and September 11 last.

I have also to report Brevet Lieutenant Colonel McClellan for conduct unbecoming an officer and a gentleman, inasmuch as he did, on various occasions, between the dates already specified, publicly use offensive and disrespectful language towards J. R. Bartlett, Esq., United States Commissioner for the determination of the Mexican boundary line.

I have also to report Brevet Lieutenant Colonel McClellan for injuring, by his own example, and by his remarks publicly made in the presence of the subordinate members of the party, the necessary discipline of the United States Boundary Commission: in the latter case by blaming and applying offensive epithets to the Commissioner (at that time absent) for not having employed a certain class of subordinate employees in the Commission, with superior accommodations on board the American steamship Galveston, selected by the Commission to carry the main body of the Commission to Matagorda bay, in the State of Texas.

Also, inasmuch as he, Brevet Lieutenant Colonel McClellan, endeavored, by his remarks among the subordinate members of the Commission, to depreciate the authority of the Commissioner and other officers of the party, and that being cognizant of a conspiracy against the person of one of the said officers, did not take measures for his protection, and being acquainted with the names and persons of at least two of the conspirators, and not attempt to bring them to punishment.

At the same time that I prefer this complaint in justice to the Government, the other members of the Commission and myself, I would respectfully suggest that the health of Brevet Lieutenant Colonel McClellan was, according to the last advices, in an extremely precarious state, which fact increases my reluctance to be the medium of preferring charges against him, the only effect of which might be deep mortification to his family, and the high-toned corps of which he is a member.

I respectfully request that the Department will avail itself of the earliest opportunity to transmit to Brevet Lieutenant Colonel McClellan, a certified copy of this report. Very respectfully, your obedient servant, I. G. STRAIN,

Lieutenant U. S. N., attached to Boundary Survey.

The Hon. A. H. H. STUART, *Secretary of the Interior.*

There are some letters which it is hardly worth while to read to the Senate, as they have been printed, together with these charges of Lieutenant Strain against Colonel McClellan. Here I beg leave to say that the charges which have been made against Colonel McClellan, have never come from Mr. Bartlett, the Commissioner. Notwithstanding some men, under the provocation received, would have been very much inclined to have done something of that sort, I find, very much to his credit, and to that good feeling which I know he possesses, that he did not do so. In a letter which he addressed to me from El Paso, dated 27th December, 1850, he speaks of Colonel McClellan thus:

"The party have all enjoyed excellent health, save the Colonel, and I believe there is not a single case of sickness among us. I have not said anything, in my official letters, relating to Colonel McClellan. Others had better speak of him. I will only say that I am extremely gratified at his removal, and by the appointment of Colonel Graham, who, I learn, has been appointed in his place."

This is a letter which I have found among my papers. It is a private letter, which Mr. Bartlett had no idea would ever reach the public eye. I have read it in order to show that Mr. Bartlett himself, as late as December 27, 1850, had made no charges against Colonel McClellan.

In support of the charges that have been made by Lieutenant Strain, I refer to Mr. Jacob's statement of some occurrences which took place. It is as follows:

"The only private stores that the commissary had were consumed before the steamer Galveston reached Indianola, and consisted of two boxes, sent aboard, by a mutual friend, to the commissary and myself, and contained one box about six bottles of brandy and six of wine, and one box about twenty pounds of butter and sugar biscuit. The brandy was consumed in less than a week after we sailed, owing, mainly, to the daily morning calls of Colonel McClellan for a drink of the same."

I mention this because it is in the printed document which has been laid before us, and it begins to show the course which was taken by Colonel McClellan upon the outward voyage. I have, therefore, thought proper to introduce it.

The next extract which I shall introduce on this point is from a letter of Mr. Bartlett to a gentleman in this city:

"I brought wines and brandy with the stores of the Commission; but, with the exception of two kegs of brandy, drunk by Colonel McClellan, and one keg stolen, all these liquors were brought to El Paso. The greater portion of them are there still. I have never had wine on my table, except when I had company at dinner, and not always then. No whisky has been served to the members since leaving Indianola, or other liquors; and, were it not for the necessity of wines and brandy as medical stores, I would not have a drop in the Commission."

I follow up the evidence in regard to these charges, in order to show the character that may well be ascribed to McClellan's charges against Mr. Bartlett. I have some other evidence upon this point. Here is an extract of a letter from Dr. Bigelow, who certifies that Colonel McClellan was not intemperate, and at no time, although he took a pretty good quantity of stimulants, was he unable to attend to his duties. This letter is dated San Eleazario, December 29, 1850:

"I was acquainted with Brevet Lieutenant Colonel J. McClellan between the dates of August 1 and September 11, 1850. His habits were regular, taking no more stimulant than those of the principal officers of the expedition, and even less than some of them. His physical condition, during that period, was rather feeble, but not in such degree as to incapacitate him from the business of his station."

Here is an extract of a letter from the same Dr. Bigelow to Mr. Ewing, then Secretary of the Interior, dated March 12, 1851, in explanation, I suppose, of his certificate to Colonel McClellan:

"On the march from San Antonio I was obliged to give Colonel McClellan a great deal of attention, personal and professional. It must be confessed, by his best friends, that he was many times imprudent, and that at all times his habits and illness were such as to render his control over a large expedition hazardous and unsafe in a high degree. His best friends cannot deny that his indulgence in spirituous potations were often such as to render him incapable of taking care of himself, much less the interest and safety of an important expedition."

Let one of these offset the doctor against himself. I can only say to him, "Physician, heal thyself."

I will now present to the Senate, in further substantiation of this charge, a letter from George Thurber, who, I believe, went out as botanist to the Commission, which is certified to by George Cremony, S. P. Sanford, and H. C. Cranston. It is:

SANTA RITA DEL COTRE, NEW MEXICO, *July* 8, 1851.

SIR: In answer to your asking my opinion of the sobriety of Colonel J. McClellan, United States Topographical Engineers, during the time I had an opportunity of observing his conduct, I will say that I am not a little surprised that there should be any question about what is so generally admitted in the Commission, and spoken of by those who are considered as his friends. I have seen Colonel McC. drink frequently, and his conduct and conversation were generally such as to impress me with the belief that he was *drunk*. If he was not, it was a most excellent imitation. I could enumerate many acts and expressions, the absurdity and profanity of which are too gross to be repeated, and could only be palliated or accounted for by supposing their author under the influence of intoxicating drink. On board the steamer Galveston, on the passage from New York to Indianola, it was his custom to talk to the young gentlemen of the Commission in a manner calculated to create desrespect for the officers and insubordination. I heard him remark, that when the Commission arrived at Indianola, he would not wait five minutes for the Commissioner; that if Lieutenant Strain dared open his mouth to give an order on shore, he would put him under arrest; that the Commissioner was a d—d Yankee bookseller, &c. At one time, while discoursing on some subject, I have now forgotten what, he said, "if Mr. Bartlett says a word, I will have him tied neck and heels, and laid out for you to look at." He was, in my opinion, drunk at Indianola, Victoria, and San Antonio, and talked publicly to the citizens of those places, in regard to the Commission and the Commissioner in such a manner as to disgrace him as an officer and as a man.

I have the honor to remain your obedient servant,

GEORGE THURBER.

I subscribe to the truth of the above, with the exception of the occurrences on board the Galveston, (I not being present.) JOHN C. CREMONY,

Interpreter and Translator
United States Boundary Commission.

We certify to the truth of the whole statement by George Thurber. S. P. SANFORD,
H. C. CRANSTON.

Hon. J. R. BARTLETT,
United States Boundary Commission.

Such is the evidence, so far as it goes, as it has been put in my hands, and which I have felt bound, reluctant as I may be, to present to the consideration of the Senate, in order to show what was Colonel McClellan's character, and what was probably his situation when he preferred these charges against Mr. Bartlett.

Here is a letter from Dr. Nott:

EL PASO DEL NORTE, (MEXICO,) *April* 3, 1851.

SIR: Your favor of the 1st instant, requesting answers to certain questions, has received due attention, and the following is submitted:

I accompanied the train of the United States and Mexican Boundary Commission from San Antonio de Bexar to El Paso del Norte, and while on the march furnished such medicines, and gave such medical attendance to various members of the Commission as I was called upon to give, in consideration of the permission of availing myself of its protection on the road.

1st. While the Commission was at Victoria, Texas, Colonel John McClellan, United States Topographical Corps, and Astronomer of the Commission, occupied a room in the Globe Hotel, where I was likewise stopping. During his stay there he was attacked by deliriums tremens; being solicited to visit him, I did so, and found him prostrated to a very hopeless state. The causes of this serious illness were an excessive use of ardent spirits, with long and continued periods of intoxication, acting too powerfully upon a broken constitution; this opinion was formed partly at the time when acting as consulting physician, and in part by the frequent meetings with him in public while he was in a state of intoxication.

2d. On the march from San Antonio de Bexar to El Paso, I had every opportunity to see and judge of the character and habits of Colonel McClellan, and found that the opinion I had formed was the one generally received and published among the members of the Commission and the public. I do not recollect ever to have seen him without some signs or marks of intoxication.

3d. I do not, nor never did, think that Colonel McClellan was a competent person to take charge of the direction and interests of the Commission while on its march.

Firstly. Because of his continued drunkenness, which rendered him at times more like a madman than one of sane mind, and which gave a dangerous and annoying influence to those of like habits, who, using said influence, might, and I believe did, avail themselves of his infirmities, for the purposes of carrying out certain selfish purposes.

Secondly. Because his orders relative to the marches, and the organization of the party were whimsical and capricious, if not malicious, in some of their bearings, and certainly on many occasions were contrary to the interest of the Commission. His direct interference with subordinates and employees of other departments, distinctly separated from his own, created dangerous and mutinous conduct; his interference with duties and responsibilities entirely beyond the extent of his own proper position and authority, on many occasions, delayed the advance of the Commission on the road, proved highly injurious to its character and respectability, and created an additional expense for the Government.

I remain, very respectfully, your obedient servant,

HENRY NOTT, M. D.

I certify that the above is a true copy of a letter in the possession of J. R. Bartlett. THOMAS DUNN.

Hon. JOHN R. BARTLETT, *U. S. Commissioner.*

The next thing which I shall present to the Senate is an extract from a letter of Mr. Bartlett, dated El Paso, March 12, 1851, in which he speaks of Colonel McClellan and Mr. Chamberlin, who was one of the witnesses of McClellan's charges. Mr. Bartlett says:

"Since Colonel McClellan left, I hear from various sources that he has prepared a long list of charges against me, but for what I do not know. He kept very still about them, but I learn that he has held out great inducements for some persons to accompany him to Washington, with the promise of having four dollars a day as witnesses, before a committee to examine these charges. If there is anything serious in them, and they require the notice of the

Department, I hope I may be furnished a copy of them at an early day. This much I am certain of, that I have done nothing to regret; and I challenge the most rigid scrutiny into all my acts, public and private, as well as into all my accounts. I presume that much that McClellan will complain of, will be found in my correspondence sent to the Department, which will speak for itself. The Colonel seems to have made his removal a personal matter, and in his disgrace he endeavors to include me, but in what way I am entirely ignorant. There is a Mr. Chamberlin with him, who has been his *right-hand man*, and who will still sustain him in everything. This man was removed from the Commission for a personal insult to me. [See correspondence.] Chamberlin is an honest (I believe) and hard-working man, but has been contaminated by contact with McClellan, and is completely under his influence."

This is an additional evidence which I have in regard to these charges. It appears that the Commissioner was unaware of what the charges were at the date of this letter; but, like an honest man, he desired an investigation into his conduct, and says he stood ready then, or at any time, to rebut any charges which might be made against him.

Since the introduction of this resolution there has been sent to me a deposition made and signed by Henry C. Cranston, of Providence, Rhode Island, who was attached to the Commission. It relates to two or three different subjects; but there is one clause relating to this point which I shall read now. The others I shall read in their proper places. He testifies under oath to the conduct of Colonel McClellan, in these words:

"Colonel McClellan was frequently drunk, and I have never seen him but that I thought him more or less under the influence of liquor. His general bearing was against Mr. Bartlett, endeavoring to create an ill-feeling towards him; and I have heard him at several times use disrespectful language in speaking of him."

This young man is the son of a very respectable gentleman in my State. I know his father well. The young man there bears the reputation of being an excellent and talented person. He went out with this Commission, but left it in New Mexico.

I have another deposition in my hands which bears the signature of John Bull. Mr. Bull I have seen within the last few days; and, so far as I can judge, I think him a very remarkable and talented young man. He went out on the Commission, as I understand, as an assistant surveyor; was attached to it from the time it left New York until it finally reached San Diego, on the Pacific. From there he has returned. He belongs to the State of New York; and from what I have seen of him for the last few days, I most cheerfully bear testimony to his being a young man of fine talents, and apparently unexceptionable reputation. In his deposition he says:

"And I do further depose and say, that I was in almost daily intercourse with Colonel McClellan during his connection with the Commission, and that his habits of intemperance were such as often to unfit him for duty. Once his life was despaired of, and I have no doubt his illness was produced by the excessive use of ardent spirits."

In the next place, I beg leave to call the attention of the Senate to one man who has figured very largely, and will figure very largely before I get through with this Commission. It is the private secretary to Colonel McClellan; his name is Robert H. Caffee. There are two depositions, I believe, and some other papers which refer to him. In order to show what is the weight of this testimony, when counting by numbers against Mr. Bartlett, as the honorable Senator from California did the other day, I desire to call attention (I shall not read it) to the deposition of Mr. Caffee, at pages 60 and 61, printed document, and his other deposition at page 32. In these depositions he endeavors to exonerate Colonel McClellan from the charge of having used disrespectful language towards Mr. Bartlett; and he swears that Colonel McClellan said that Mr. Bartlett "was a very good man, but that he did not understand his duty." There are other matters in relation to that subject which I shall not read, but which are in the printed documents, and Senators can read them for themselves.

The third point in this connection is a letter of John R. Bartlett, to be found at page 36 of the printed document, charging Caffee with dishonesty:

EL PASO DEL NORTE, *March* 25, 1851.

DEAR SIR: As soon as I had sent off my last dispatches, (March 14th,) I began personally the settlement of accounts of the members of the Commission, paying them off to the end of March. In doing so, several of the young men stated that there were charges against them on my books, for their board-bills at Nicholson's Hotel, in Victoria, Texas, which were incorrect. Some had never been to the hotel, and others had paid their bills themselves; for the truth of which I was referred to Mr. L. C. Houghton, a young gentleman in the employment of Colonel McClellan, who stopped at the hotel referred to, and knew certain facts connected with Nicholson's bill. I then addressed a note to Mr. Houghton, requesting information on the subject. This note, with Mr. Houghton's reply, is annexed. By this it will appear that Caffee had many items inserted in the bill for the board of members who owed nothing there. The amount of these I paid, and charged them to the members; Caffee, supposing it would be charged to the Government, pocketed the money.

My recollection of this is as follows; it is strongly impressed on my mind, as I did not hesitate to mention it to those around me:

The Commission was encamped at the Colette, six miles from Victoria; Colonel McClellan remained at Nicholson's Hotel, at that place, with Caffee and a few others. Caffee sent Mr. Houghton to me, with several bills for payment, some of which were in his own handwriting. One was for "board for members of the Boundary Commission, $98;" *all* but Colonel McClellan's bill for his pay were returned, as I believed that fraud was intended in them. I sent word to Caffee to give me the names of the gentlemen whose bills were included in Nicholson's bill of $98, and return the others in a more business like form.

Nicholson's bill was returned with the names. The board for Colonel McClellan's party, and of those attached to the astronomical corps, then engaged on duty, I charged to the Government, and the remainder to the individual members.

Another of the bills was Rogers's, $105 05 for groceries. Caffee said these were for Colonel McClellan. I accordingly paid it; but it appears from Houghton's letter that Caffee kept many of the articles himself, and that others were never had. Mr. H. says they did not come into the Colonel's mess, where he always was. This bill underwent several important alterations by Caffee before I would pay it.

I do not think that a single bill has passed through Caffee's hands without some fraud or attempt at fraud in it. On one occasion he involved Dr. Bigelow, who was entirely innocent and ignorant of Caffee's operations, until he found his name connected with Caffee's in the frauds of the latter. I could get a statement from the doctor to this effect, as he has spoken of it to me, but he is at the copper mines.

If it becomes necessary for me to say more to substantiate what I have said regarding the dishonesty of Mr. Caffee, I can obtain certificates from three quarters of the members of the Commission, not only to this, but to his general character as a most *unqualified liar*. Please file this away among the Caffee papers, where it may be accessible in case of necessity.

Yours, &c., J. R. BARTLETT.

D. C. GODDARD, Esq.

Here is a letter in the printed document from Leonard C. Houghton to Mr. Bartlett, in regard to Mr. Caffee. Mr. Houghton was, I believe, clerk or secretary to Colonel McClellan, and was in his mess, at any rate:

SOCORRO, TEXAS, *March* 18, 1851.

SIR: In reply to your inquiry about Nicholson's bill for the board of certain members of the Commission, I will state what I know on the subject.

While you were encamped at the Colette near Victoria, I took out to you, at the request of Mr. Robert H. Caffee, several bills against the Commission for payment. The only one you paid was Colonel McClellan's, the others you said were incorrect, and refused to pay them, returning them to Mr. Caffee for correction. One of them was Nicholson's bill referred to; this bill was for $98; it included the board bills of several members of the Commission, but, in order to obtain a larger sum from the Commissioner, he (Caffee) had the names of several members of the Commission charged with board who had never been there, and others who had paid their bills. I remember seeing Mr. Young pay his bill, yet Mr. Caffee had an item inserted against him. I also know my own bill to be $5, yet Caffee had it inserted at $7 50. I remonstrated with him for making such a charge, when he told me that it was no business of mine, that the Commissioner would pay all and charge the Government.

The astronomical party, under Lieutenant Whipple, boarded there. I know their bills to be $7 50 each, which Caffee had inserted at $12 50 each. Colonel McClellan would not certify to this; he afterwards reduced the charge, but left in the bill the charges against the others who did not owe Nicholson. I remember telling Mr. Caffee that they had not been there, when he told me to mind my own business. As to Rogers's bill, which you also decline paying, I remember that several articles were included in it, such as brandy, fruit, &c., which Caffee kept himself, remarking to me that the Government was bound to furnish all these articles to the members.

Mr. Caffee stated to Colonel McClellan that the way he had managed in the vouchers of Mr. Capers to get more money from the Commissioner than the amount of goods purchased, was as follows:

Colonel McClellan ordered sixty gallons of oil; Caffee had eighty charged, but was not to have but sixty, which would have given him $50. Colonel McClellan ordered three lamps at $3; Caffee had nine charged at $3, giving him thereby $18. None of the groceries, knives, nor penoli, amounting to $42 15, charged in Mr. Capers's original voucher, which I have examined, and is now in your possession, were furnished.

Very respectfully yours,

LEONARD C. HOUGHTON.

Hon. JOHN R. BARTLETT, *Commissioner.*

The next thing to which I refer is the following letter from John R. Bartlett to D. C. Goddard, Esq., which is to be found on page 38 of the printed document:

EL PASO DEL NORTE, *March* 14, 1851.

MY DEAR SIR: Hearing from an intimate friend of Colonel McClellan that one of the charges to be brought against me by him, was in my permitting my brother, George F. Bartlett, commissary of the Commission, to bring with him sixty bales and boxes marked private stores, containing clothing, liquors, &c., I thought best to write a note to Mr. Jacobs, the assistant commissary, for information on the subject. I knew the charge to be false and malicious, but the Colonel seems determined in his downfall to carry me with him, and to catch at every straw that presents itself to effect his purpose. I inclose Mr. Jacobs's letter in reply.

Colonel McClellan knew all about the clothing; in fact, we conversed on the subject at the Department, and made out lists of what was required, and he knew that I bought it.

I inclose you a statement sworn to by Mr. Houghton, in relation to Caffee, showing his dishonesty. This is not the only dishonest affair of his, and I can bring forward twenty affidavits, if necessary, showing that he is not only dishonest, but entirely unworthy of credit.

I fear no one but liars in any charges that Colonel McClellan may make against me, and as I believe Caffee to be a most consummate one, I annex a statement in reference to him from Colonel McClellan. I sent the voucher referred to, to you by my brother. Please place this document where it may be found. There is no justice of the peace nearer than twenty-five miles, or I would make oath to the statement. Yours, truly,

JOHN R. BARTLETT.

D. C. GODDARD, Esq.,
Department of the Interior, Washington.

The next reference which I make, is to Mr. Bartlett's statement on pages 38 and 39 of the printed document:

"I hereby certify that on the evening of the 9th of October, 1850, being the evening before I left San Antonio for this place, Robert H. Caffee, then connected with the Mexican Boundary Commission, as secretary to Colonel J. McClellan, called on me with a bill of Major L. G. Capers against the Commission for sperm oil, lamps, powder, &c., amounting to $364 15. As these articles purported to be for the astronomical department, and were bought without my knowledge; and furthermore, as the articles were charged at high prices, and were not required, I requested Mr. Caffee to obtain Colonel McClellan's approval of the bill, as he said the Colonel had ordered him to purchase the goods. Caffee expressed a great reluctance to do this; said, when I went to see the Colonel in the morning he would approve it, that Major Capers was extremely anxious for the money that evening, and that he had promised it to him. As Caffee had endeavored to impose upon me at Victoria with a false voucher, I positively refused to pay it without Colonel McClellan's approval.

"The next morning I went to see Colonel McClellan as I was leaving. Immediately on entering his tent he stated that Caffee had presented him Major Capers's bill the night before, for his approval, which he had refused to give, as he had not ordered the goods; and secondly, because Caffee stated to him that the bill was for $100 more than it ought to be, and more than the goods would cost, but that this difference they would appropriate to themselves for the purchase of brandy and choice stores. Colonel McClellan then denounced Mr. Caffee in the strongest terms, and said he ordered him out of his tent for making such a proposal to him to defraud the Government. He further stated to me that he had no confidence in Mr. Caffee, and his sympathy for his family only induced him to retain him; that he considered him dishonest and a great liar; that when he was sick at Victoria and not expected to live, Caffee had taken his keys from his pocket, opened his trunk, and taken money therefrom, as well as some papers. Colonel McClellan made no secret of this, but spoke of it freely to others. JOHN R. BARTLETT.

EL PASO DEL NORTE, TEXAS, *March* 14, 1851.

Mr. President, I feel reluctant to abuse the patience of the Senate in reading this history too far; but if any gentleman desires it—though it seems hardly to be necessary—I shall read the certificates of Capers and Houghton, which are to be found at pages 40 and 41 in the printed document.

Caffee drew up the charges that were made against Mr. Bartlett, as I am advised in a letter which I have here from Mr. Bartlett. I shall read by and by the deposition of Mr. Cranston in relation to Caffee. In a conversation with the Secretary of the Interior, and with the chief clerk of that Department, I was assured by both, that when Colonel McClellan arrived in the city of Washington, speaking in the department of Caffee, he said he was a "damned liar," and "was not entitled to any credit whatever." And I believe the late chief clerk can testify to the same thing.

It seems to be hardly necessary that I should go further into that matter. I need not read any more papers, as it would be absolutely abusing the patience of the Senate. My object in reading what I have in regard to him is to show that this Caffee, who was the private secretary of Colonel McClellan, and who was with him during his expedition into New Mexico with this Commission, was a man whose character was so bad that Colonel McClellan himself had a just appreciation of it;

but he still relies on the testimony of that man, with others, on which to found charges against Mr. Bartlett. It would seem that McClellan and and these four witnesses had formed a sort of quintuple alliance to swear as hard as they could, in order to break down an innocent and unoffending individual.

I shall next proceed to the consideration of the charges which have been preferred against Mr. Bartlett. I really very much regret that I should have taken up so much of the time of the Senate in reading so many of these documents, which, from their character, must be distasteful; but I have felt it to be due to Mr. Bartlett, who has no opportunity to defend himself, that I should do what I could, and what I deem it my duty to do, to rescue his character from the hands of men who are worse than vipers. If a serpent should attempt to coil himself around an unsuspecting and unoffending individual, he might seek the wide world through, and not find one more inoffensive than the gentleman who is now apparently the victim of a disgraceful combination.

Now, I turn to the charges which have been preferred against Mr. Bartlett. There are eight charges filed by Colonel McClellan, an officer in the Army of the United States, wearing the brevet commission of Lieutenant Colonel; a man holding such a commission should be one of high honor and integrity. It is my purpose to examine these charges as briefly as I can, and to show not only that they are false in themselves, but that he knew them to be so; and—although, I believe, he has not made oath to them, still, he has preferred them to the Department against the Commissioner, knowing them to be false—has procured them to be sworn to by Chamberlin, Fowler, Caffee, Lusby, and somebody else, and thus has been guilty of subornation of perjury, in getting those men to swear to charges which he knew to be untrue. If I shall prove them to be false, I shall accomplish the object which I have in view. The first charge is:

"Conniving at the conversion to private uses of the transportation provided by the Government for the use of the Boundary Commission.

"*Specification* 1. In permitting his brother, George F. Bartlett, commissary of the Commission, to transport a large quantity of goods on private account, such as shirts, shoes, pea-jackets, pantaloons, oil cloth clothes, playing-cards, tobacco, &c., on the steamer Galveston, which transported the members of the Boundary Commission from New York to Indianola, Texas, between the 3d and 24th of August, 1850, thus greatly increasing the amount of tonnage paid for by the Government.

"*Specification* 2. In permitting George F. Bartlett, commissary of the Commission, to transport a large quantity of goods, such as are mentioned in the first specification, on private account, from Indianola to El Paso, Texas, in the train of the Commission, to the exclusion of the necessary supplies of the provisions of the Commission, say one hundred and thirty-four barrels of hard bread, and to the exclusion of the personal baggage of many of the members of the Commission, who were obliged for want of transportation, (to which they were justly entitled,) to sacrifice their clothing.

"*Specification* 3. In permitting George F. Bartlett, commissary of the Commission, to practice a gross imposition on the members of the Commission, by charging them a heavy advance on clothing, &c., furnished by the Government for their use, and intended to be issued to them at its original cost, and appropriating to himself the advance so charged as a fair perquisite; he being a regular salaried officer of the Commission, and therefore entitled to no such perquisite; thus allowing the public funds and property of the Government to be used by the commissary in a mercantile operation."

There are three specifications under that charge. The two first charge George F. Bartlett, commissary, with having transported, with the knowledge of the Commissioner, all those goods at the cost of the Government, although his own private property. The third specification charges that George F. Bartlett took these goods, which belonged to the Government of the United States, and when he arrived at El Paso, and other places upon the route, sold them at a great advance, and applied the profit to his own account.

There is a discrepancy in these statements, and it only shows what very often befalls men when they allow themselves to sink into corruption and error. They misstate their own supposition; they absolutely mistake, as it were, the identity of their own knowledge, and in these specifications, contradictory as they are, we have an instance of this.

I now proceed to the explanation and refutation of the first charge. I first ask the attention of the Senate to Mr. Jacobs's certificate, which is to be found at page 39 of the printed document. And here, allow me to say, that Mr. Jacobs is known to me personally as being a man of very great respectability. He was the assistant commissary, and, of course, would be as likely to know as much about this matter as any other man. He says:

SOCORRO, *March* 13, 1851.

In reply to yours of this date, making the inquiry relative to certain charges intended to be made against the commissary department of the Commission by Colonel McClellan, I, without hesitation, pronounce them, to my certain knowledge, false. The charge "that the commissary brought with him some sixty boxes or bales from New York, on his private account, marked 'private stores:'" Colonel McClellan, as well as every other member of the Commission, knew that the boxes and bales contained goods belonging to the Commission, such as boots, shoes, hats, woolen shirts, blankets, check shirts, &c., and that they were Government property.

I told the gentlemen of the Commission myself, when some of the bales and boxes were opened, for the purpose of issuing blankets, shirts, &c., that they belonged to the Government, and afterwards, for the purpose of avoiding the vexation and trouble of rendering a detailed account of the issue of clothing to the Government, the arrangement was made that all the clothing should be charged to the commissary by the Commission, at cost prices, with the addition of twenty per cent. for transportation, and the commissary to sell to members of the Commission at the same rate—*i. e.*, cost and twenty per cent addition; all the clothing, boots, shoes, shirts, &c., have been sold at this rate. As for packages being marked "private stores," I reply, that I have frequently seen the wagons unloaded and reloaded, on the trip from the coast to this place, and have never seen more than one or two small boxes marked in this way.

* * * * * * *

The commissary had one trunk, and I think one box of private property, containing small articles, such as needles, thread, tape, scissors, tobacco, wallets, &c., and this was all the private property in the train belonging to him, except his personal baggage. He could not have had more without my being aware of it, as I had the superintendence of the commissary stores during the journey, and frequently overhauled the wagons in the discharge of my duties.

There were a number of bales and trunks in the train which I understood contained goods for presents to the Indians—I do not recollect precisely the number, but should say that there were thirty or more bales and trunks.

Very respectfully, yours,

HENRY JACOBS, *Assistant Commissary United States and Mexican Boundary Commission.*

Hon. JOHN R. BARTLETT.

The next evidence I have, in regard to this, is the deposition of Henry C. Cranston, regularly taken before a notary public in the State of Rhode Island, which I will read:

I, Henry C. Cranston, of the city and county of Providence, in the State of Rhode Island, do depose and say, that I was attached to the United States and Mexican Boundary Commission, as assistant to the engineer and surveyor; that I sailed from New York in the steamer Galveston on the third day of August, 1850, and continued with the Commission until the ninth day of July, 1851.

I traveled in the party with Colonel McClellan to San Eleazario, Texas. I have read the deposition of Chamberlin, Doran, Fowler, Lusby, Phillips, and Caffee, and do not see how any one acquainted with the facts of the case, as every member of the Commission must have been, could make such statements.

Colonel McClellan was frequently drunk, and I have never seen him but that I thought him more or less under the influence of liquor. His general bearing was against Mr. Bartlett, endeavoring to create an ill feeling towards him, and I have heard him at several times use disrespectful language in speaking of him.

He frequently spoke of Chamberlin as *his* man, and he was considered as Colonel McClellan's "right-hand man."

Caffee had difficulty with Colonel McClellan at San Antonio; understood it was because he undertook to get the Colonel to certify to a false voucher. Afterwards, on the route to El Paso I occupied the tent with him. Colonel McClellan treated him coldly, and had very little to do with him, as I could see, during the trip across the plains.

At Key West the party went on shore, and quite a number of them being drunk when they came on board, they got into a row, during which several of the mechanics came into the cabin and took part in it. Two of them were tied hands and feet, and kept so for some time. Lieutenant Strain quelled the disturbance.

In regard to the charge of Colonel McClellan against John R. Bartlett, Commissioner.

Charge First. I have always understood that the boxes, bales, &c., taken with us, containing shirts, blankets, jackets, boots, shoes, and other articles of clothing, were considered as Government property, and belonged to the Commission. After my arrival at El Paso, and until I left the Commission at the copper mines, I performed the duties of clerk to the Commission, kept the books, &c. The articles of clothing were charged to the commissary, George F. Bartlett, at invoice rates, with an addition of twenty per cent., which I understood to be for transportation.

Charge second. We left Indianola in great confusion, most of the mules being unused to harness, and we stopped at Victoria to brand and shoe the mules and horses, and make other repairs. At San Antonio more transportation was procured, and the wagons were repacked, more mules and horses were procured, which had to be shod, saddles fixed, and other preparations made for the trip across the country.

Charge fifth. I was present at the occurrence at the "Painted Caves." Colonel Craig's train had encamped near the road, and, as usual, had drawn up their wagons, leaving one side of the square for our wagons, where Myer drew them up when they arrived; but in the mean time Colonel McClellan took a freak into his head to encamp a quarter of a mile or so distant, and he ordered Myer to bring the wagons there, which he at first refused to do, but on being told by Colonel Craig that he should be obliged to enforce the order, he brought the teams where McClellan directed. It was dark before we got our tents, utensils, &c., out, and we encamped in great confusion that night.

HENRY C. CRANSTON.

The State of Rhode Island and Providence Plantation, Providence county, ss:

Be it known, that in the city of Providence, in the county and State aforesaid, on the tenth day of July, in the year of our Lord one thousand eight hundred and fifty two, before me, Henry Martin, a public notary for said county of Providence, personally appeared Henry C. Cranston, (to me personally known,) and made oath, that the statements contained in the preceding affidavit, by him signed, are wholly and strictly true.

In witness whereof I have hereunto subscribed my name and affixed my notarial seal, at said Providence, the day and year last aforewritten.

[SEAL.]

HENRY MARTIN, *Public Notary.*

I feel it necessary, in order to do justice to Mr. Bartlett, to read a statement of his own, in regard to his baggage—what he had, and how scantily he went, so as not to incumber the Government teams:

"I will now state a few facts to which I am willing to make oath. I left New York with two common traveling trunks of clothing. Beyond these, I did not bring a single *package, box, keg, bottle*, of merchandise, private stores, or anything else with me, not the property of the Commission; nor did I after leaving New York.

"Although I am entitled by my instructions to my personal expenses, which, as military men say, should correspond with my rank, they have not been $20 a month beyond the ordinary rations and accommodations of those whose pay is $1 25 a day.

"*I have not had a horse to this day.* My riding animal is a mule, believing that a strong and hearty animal would be better than a fine, showy horse. My carriage, of which I often speak, is what is called in New York a *rockaway*. I bought it second hand for $250, after it had been used in New York for three years. It was recommended to me as being better than a common wagon. The ambulance, or spring-wagon of Colonel McC., cost $300, and a common wagon, with the cost of superintendence, more than $250. My carriage was drawn by four mules, which mules I have kept to this day. But I shall ride my saddle-mule no longer. A broken arm, and other injuries, which have deprived me the use of this arm for three months, have cured me of mule riding."

I have referred to this for the purpose of showing—and I invite attention to the fact—that in everything that relates to this Commissioner personally, he has shown the greatest simplicity and honor of character. Nothing did he take which could encumber the Commission; and yet, that men having any pretensions to character, should have brought these charges against him, is to me almost inconceivable. In Mr. Bartlett's letter of July 1st, 1851, he refers again to the same thing, but it is hardly worth while to read it to the Senate, because it is only a recapitulation of what has already been said, and the rest of it disavows any connection whatever with the corruption that has been charged against him. I shall next read to the Senate the deposition of George F. Bartlett, which is as follows:

District of Columbia, City of Washington, ss:

I, George F. Bartlett, of the county of Jefferson, in the State of New York, being duly sworn, do depose and say, that I have been a member of the Commission for running and marking the boundary between the United States and the Republic of Mexico since its reorganization, in July, 1850; that from that time until the month of June, 1851, I was the commissary of said Commission, at which time I was officially notified from the Department of the Interior that I was relieved from the duties of commissary, by the appointment of Lieutenant Tillinghast, United States Army, to that office; that from the time of being so relieved I have been connected with the said Commission, and have performed duty without having had my position and pay positively fixed.

And I do further depose and say, that I sailed from New York in the steamer Galveston, with the main body of the Commission, on the third day of August, 1850, for the field of operations. Among the articles carried out in the said steamer were various bales, boxes, trunks, and packages, purchased by the Commissioner and myself in New York, and containing the following articles, to wit: blankets, hats, shirts, drawers, pantaloons, pea jackets, oil-cloth clothes, tobacco, Indian goods, &c. Said articles were the property of the Government of the United States, having been purchased by the Commissioner and myself for the use of said Commission, with the money and in the name of the said Government. None of said articles were purchased or transported on private account, or owned by me, nor do I know of any such articles on board said steamer, (besides those contained in the personal baggage of the various members of the Commission,) which did belong to the Government of the United States. I had none in my possession or care (save my own personal baggage, and the articles hereafter enumerated) that was not the property of the said Government.

And I do further depose and say, that the various articles, to wit: blankets, hats, shirts, drawers, pantaloons, &c., enumerated above as having been transported from New York to Indianola, upon the steamer Galveston, were also transported by the train of the said Commission from Indianola to, or near to El Paso, and that they were, as above stated, the property of the Government of the United States, and that they were not owned by me, nor transported on private account, and that besides the property so described as belonging to the Government, I know of no similar articles transported by said train, excepting the personal bag gage of the various members of the Commission.

And I do further depose and say, that the Commission arrived at Indianola, on the coast of Texas, about the 20th day of August, 1850, and immediately commenced making the necessary preparations for the journey across the country to El Paso del Norte, under the command of Lieutenant J. G. Strain, and Brevet Lieutenant Colonel John McClellan, United States Topographical Engineers. Whilst at Indianola an order was issued by Lieutenant Strain, directing the members of the Commission to reduce their personal baggage to a certain amount in weight, and I was nformed that this order was made necessary on account of the limited transportation then at the command of the quartermaster of the Commission. I had no authority to issue said order, nor was I in any manner connected with its promulgation. A quantity of hard bread was left behind at this point for want of transportation. On or about the fourth day of September, 1850, the Commission started upon its journey, and in a few days reached Victoria, where it remained about two weeks. The time was consumed in shoeing the mules belonging to the train, and in otherwise preparing for the remainder of the journey. The Commissioner, John R. Bartlett, and a large portion of the Commission, moved out of Victoria, and encamped on the Collette, about seven miles distant, some days previous to the departure of Colonel McClellan, who, I understood, was detained by severe illness, during which his life was despaired of. Soon after Colonel McClellan came up the Commission resumed its journey. At San Antonio (about one hundred and fifty miles from Indianola) it became necessary for the Commission to halt for the purchase of additional transportation, forage, &c. This occupied about two weeks, when the Commissioner, with a small portion of the Commission, departed by the northern or Fredericksburg route, leaving the main body of the Commission under the command of Colonel McClellan. It was several days after the departure of the Commissioner before Colonel McClellan left San Antonio with his command (and at that time he had the exclusive control of its movements) to proceed by the southern route to El Paso. The train was composed of American wagons, drawn by four or six mules, and Mexican carts drawn by oxen. The average capacity and load of these wagons and carts was about two thousand pounds. On reaching Leoni, the whisky was left behind. When at or near the last crossing of Devil's river, an order was issued by Colonel McClellan requiring that a certain quantity of provisions should be placed in the mule wagons, and all the balance left in the ox-carts, and that the mule-wagons, together with a majority of the command, should proceed from that point to El Paso, by forced marches, or at least more rapidly than the oxen were supposed to be able to travel. This order was carried into execution. At the time I sent a formal protest to Colonel McClellan against the limited quantity of provisions which he had ordered to be taken in the mule wagons, which protest was disregarded. There was also delivered to Colonel McClellan at this place, and upon his directions, one ten-gallon cask of brandy. Before the mule train reached its destination—viz: El Paso—the supplies were exhausted, and I was compelled to subsist the party (on less than full allowance) by borrowing from the commissary belonging to the escort. From the head of the Olympia (nearly two hundred miles distant from El Paso) the quartermaster dispatched couriers to the latter place, by whom I sent letters to the Commissioner, stating the circumstances of the bulk of the provisions having been left behind in the ox-carts, and that on our arrival at El Paso we should require supplies to be in readiness, and requested him to obtain them. The mule train reached San Eleazario (about twenty miles below El Paso) on the ninth day of December, 1850, and the ox-train about one month afterwards. The members of the Commission were subsisted during this interval upon rations obtained by the Commissioner and myself, either from the Commissary Department of the United States Army, or by purchase from merchants in that vicinity. Those obtained from the Commissary Department of the Army were, as I have reason to believe, such as were issued from said department to the officers and soldiers stationed at or near El Paso, and those purchased from the merchants were as good as were to be found in the country at the time, with the exception of the flour. For the supply of this article a contract was made with Mr. A. Morell, a merchant of Franklin, (opposite El Paso,) upon a sample shown by him, for forty or fifty thousand pounds. It was delivered at the Commissary Department of the Commission at Socorro, and an issue made therefrom to the various members of the Commission. After a trial it was found to be of an inferior quality. I immediately returned the balance of the flour to Mr. Morell, and demanded of him that a better quality, according to the original sample, be furnished. Mr. Morell partially complied with this demand, and sent a small quantity of good flour, which was issued. When, however, the balance came to be furnished, it proved to be of an inferior quality, and was returned to Mr. Morell, and his contract declared annulled. Subsequently the flour used by the Commission was purchased from Señor Poncet, and a good article was furnished. The above-mentioned rations—to wit: those obtained from the Commissary Department of the Army, and those purchased from merchants, were issued to the members of the Commission during the interval between the arrival of the mule train, on the ninth of December, and the arrival of the ox train, and it was during this period that a written complaint was made to the Commissioner, signed by several persons connected with the Commission, and quartered at San Eleazario. After the arrival of the ox-train no such complaint was ever made, excepting concerning a small lot of hams, which being condemned by a board of survey, were never afterwards issued.

And I do further depose and say, that after the arrival of the Commission at El Paso, the above-mentioned goods—to wit: blankets, hats, shirts, drawers, &c. &c., were charged to me at the original cost, with the addition of twenty or twenty-five per cent., the estimated cost of transportation, or, in some instances, the addition of fourteen cents per pound, the precise cost of transportation; and I continued to sell them to the members of the Commission at said rate, viz: cost, and twenty or twenty-five per cent., or fourteen cents per pound, addition. This transfer of the property to me was made to avoid the trouble and confusion attending the numberless requisitions for the issue of the same—to prevent the complication of the accounts with the Government, and to secure a direct personal responsibility for their proper disposition. I have never sold said goods to persons not connected with the Commission, and not to them at "a heavy advance" upon their original cost, as alleged in the charge preferred by Colonel McClellan.

And I do further depose and say, that there was transported for me by the steamer Galveston, and also by the train from Indianola, to El Paso, the following packages, which were my own private property, viz: one trunk, marked "Commissary U. S. B. C.," two boxes, marked in the same manner, and perhaps one marked "G. F. B." These packages contained tooth and hair brushes, combs, needles, pins, thread, tobacco-wallets, knives, about fifteen dollars worth of cheap jewelry, and a few other articles of a similar character; and were purchased by me for the use and convenience of the members of the Commission. In addition to the above I had a small quantity of powder and shot, two boxes of tobacco, purchased in New Orleans, one dozen India-rubber blankets, and a few Mexican sashes.

And I do further depose and say, that on the 16th of February, 1851, I left El Paso for the Atlantic States, under orders to that effect from the Commissioner, to purchase additional supplies for the use of the Commission; that after my arrival at Washington I received from Hon. A. H. H. Stuart, Secretary of the Interior, a letter notifying me that I had been relieved from the position of commissary, but directing me to proceed with the business upon which I was then engaged; to return with the stores to be purchased by me to El Paso, and there turn them over to the then commissary and quartermaster; that on my return to El Paso, in accordance with such instructions, I found that the Commissioner had proceeded westerly from the Rio Grande, in prosecution of the survey of that portion of the boundary line, and that from the said 16th day of February, 1851, until the present time, I have not seen said Commissioner, or received any communication from him relative to my position and pay, beyond what is contained in the following extract from a letter from him, dated Yuni, State of Sonora, November 30th, 1851.

"As to your position in the Commission I can say nothing, but may be able to write you by the returning parties from the Gila on the subject."

And I do further depose and say, that on the 20th day of April, 1852, I received instructions from Major William H. Emory, chief astronomer, &c., of the said Commission, to return to the Atlantic States with dispatches from that officer to the Department of the Interior, and to transact other business of the Commission.

GEORGE F. BARTLETT.

Signed and sworn to before me this 22d day of July, 1852.

F. S. MYERS, *J. P.*

That deposition of George F. Bartlett, who was charged with having colluded with his brother, states that he has had no communication from the Commissioner, in relation to any position, except one letter, an extract of which he there inserts. This shows the reliance to be placed upon the evidence by which the charges are supported.

I have procured from the Fifth Auditor's office a copy of the accounts rendered by Mr. Commissioner Bartlett for the purchase of those goods in New York, the account current amounting to $22,000. I have a copy of each of the bills of parcels, taken upon the purchase of those identical goods charged by Colonel McClellan, and the residue of his quintuple alliance, as having belonged to George F. Bartlett. They charged that those goods, being George F. Bartlett's, were transported at the Government expense. I have from the Fifth Auditor's office a copy of all the vouchers rendered for the purchase of those identical goods, and which were paid for by the United States. I deem that to be most conclusive evidence to rebut the charges that have been made in relation to these goods, and to show they were not private but public property.

Besides, in regard to the first charge, there is a deposition from Mr. R. A. Matthews, who went out in this Commission, in what capacity I do not know. I believe he is from Georgia or South Carolina. He states that he knew and understood that these goods belonged to the United States. He understood the manner in which they had been transferred by the Commissioner—in order to avoid frequent requisitions for such little things as a pair of shoes, stockings, &c.—to Mr George F. Bartlett. He states that he himself had purchased of Mr. Bartlett some of those goods as low as he could get them at retail in New York; that he paid the wholesale price, with the addition of about twenty-five per cent. to pay for transportation.

Two gentlemen belonging to the Commission arrived here yesterday from San Diego, on the Pacific. One of them is Captain Barry. I understand that he gives this information: That portions of these goods went with the Boundary Commission from the Copper Mines to the Gila, and that those which were not used there were carried on to San Diego.

I wish now to read to the Senate the deposition of John Bull:

District of Columbia, Washington city, ss:

I, John Bull, of the city of Buffalo, in the State of New York, being duly sworn, do depose and say: That I have been a member of the Commission for running and marking the boundary between the United States and the Republic of Mexico, since its reorganization in July, 1850; that I sailed from New York, on the steamer Galveston, in the month of August of that year. The officers who were in command of the Commission, while on board said steamer, were Brevet Lieutenant Colonel John McClellan, of the Topographical Engineers, and Lieutenant J. G. Strain, of the Navy. The Commissioner, John R. Bartlett, did not accompany the Commission, but joined it about the 25th of August, at Indianola, Texas. I knew Mr. George F. Bartlett, the commissary of the Commission. He had in his possession a quantity of clothing, such as blankets, shirts, shoes, pea-jackets, pantaloons, oil-cloth clothes, &c., which was transported by said steamer Galveston, and also by a train of the Government from Indianola to El Paso. These articles, I have been informed, and always believed, were the property of the Government of the United States, and not the private property of the said commissary. I have purchased from him some of the said articles of clothing, and was charged, what I thought, a reasonable price—not exceeding from twenty to thirty per cent. advance upon their original cost.

And I do further depose and say: That when the Commission had arrived at Camp McClellan, a point in its route, between Goliad and San Antonio, the various members were called out, and an order read to them from the Commissioner, requiring them to obey all orders which might be issued to them by Colonel McClellan, under the penalty of being dismissed from the Commission, for a failure to do so. During Colonel McClellan's connection with the Commission, Mr. Bartlett always endeavored to sustain his (McClellan's) position, and to maintain him in his authority. After leaving San Antonio for El Paso, the main body of the Commission was under the exclusive command of Colonel McClellan. The surveying party, engaged in making a reconnoissance of the route, was also under the command of the Topographical Engineer officers. Said officers were not confined to the performance of their astronomical duties.

And I do further depose and say: That at the second crossing of the Devil's river, the bulk of the provisions in the train, belonging to the Commission, were, by the order of Colonel McClellan, placed in the ox-carts, and suffered to remain behind. The commissary, Mr. Bartlett, protested against this order, but without effect. I have no doubt that the temporary inconvenience, which the Commission suffered, soon after its arrival at El Paso, on account of the indifferent quality of the rations, was directly attributable to this order of Colonel McClellan. It was at the said second crossing of Devil's river, that the members of the Commission were called together, and a portion of the "Articles of War" was read to them, and an attempt was made to make them think that they were amenable thereto.

And I do further depose and say: That I was in almost daily intercourse with Colonel McClellan during his connection with the Commission, and that his habits of intemperance were such as often to unfit him for duty. Once his life was despaired of, and I have no doubt his illness was produced by the excessive use of ardent spirits.

And I do further depose and say: That since the 16th day of February, 1851, until the present time, the said George F. Bartlett has not seen his brother, the Commissioner, he (the Commissioner) having left El Paso for the Pacific before the commissary arrived. I accompanied the surveying party along the Gila river, and met the Commissioner at San Diego, in California, and left him on the Pacific coast, on the 14th day of April, 1852.

JOHN BULL.

Signed and sworn to before me, this 26th day of July, 1852.

F. S. MYERS,
Justice of the Peace.

This deposition concludes what I have to say in regard to this charge. It seems that a portion of these transactions took place on the route through Texas, and some when the Commission crossed the Devil's river. It is the strangest thing in this transaction, that the complainant and his companions, having once crossed that stream, should have been permitted to return. I have now gone through with the first charge. There are eight charges in all.

Several SENATORS. You can conclude to-morrow.

Mr. CLARKE. There are eight charges, but I submit to the Senate now that the evidence which I have read would seem to be sufficient to refute them all. I shall not go further to-day, but as gentlemen desire it, I will give way.

On motion, the Senate adjourned.

TUESDAY, *July* 27, 1852.

The Senate resumed the consideration of the resolution of Mr. WELLER, submitted on the 28th of June.

Mr. WELLER. Before the Senator from Rhode Island proceeds with his speech, I desire to call his attention to some remarks which he is reported to have made yesterday. He is reported as having used this language:

"But, as regards any remarks made by the Senator from California in reference to a former Senator upon this floor, I would observe that with that I shall have little to do, except incidentally. In the remarks of the Senator, however, upon the resolution which he introduced, there were charges preferred and made by him, for the first time, against this Commissioner, as far as my recollection extends. It was that to which I referred as being of a personal character."

Now, Mr. President, I have no idea that the Senator from Rhode Island desires to place me in a false position. At all events, I am not satisfied to occupy that of a public prosecutor. I have preferred but one single charge against the present Boundary Commissioner in Mexico, and that was, that by an error of judgment—for I accorded him honesty of purpose—he had given away between five thousand and six thousand miles of land, which, in right and justice, belonged to the Government of the United States. And now, from the course of remark in which the Senator is indulging, it seems he does not intend to respond to that charge at all. I have not charged the Commissioner with squandering the public money; I have not charged him with entering into collusion with the commissary of the Commission to swindle the Government. I only referred to certain charges which had been made by an officer of high rank in the Army of the United States against him; and, in speaking of that, I studiously abstained from expressing an opinion as to the truth or falsity of the charges. Now, sir, what did I say? I said that—

"In the month of March, 1851, Colonel J. McClellan, of the Topographical Corps of the Army, who had been detailed as chief astronomer to the Commission, caused certain charges to be filed in the Department against the chief, J. R. Bartlett. A copy has been transmitted upon my motion to the Senate, and now lies before me. These charges, Senators will observe, are of the most serious character. If true, the Commissioner ought to be recalled at once. If false, the officer who has used his position to prefer them, ought to be dismissed from the Army. At all events, one would very naturally have supposed that the Department would have considered these charges of sufficient importance to have ordered a full investigation. They were preferred by a gentleman of high rank and character in the Army, more than a year ago; and the only investigation had, is disclosed in a letter which I now hold in my hand."

In a subsequent part of my remarks I said as follows:

"I have examined it with some care, and certainly with no disposition to do the Commissioner any injustice; but I must say that the evidence has left an entirely different impression from that which seems to have been produced upon the mind of the Secretary. But we are so differently constituted, that that testimony which carries conviction to one, shall fall far short of satisfying another."

In another place, I used this language:

"As to the truth or falsity of the charges preferred against the Commissioner, I express no opinion; but have contented myself with speaking of the testimony as it now stands upon the record. I know that great injustice is oftentimes done to public officers, by preferring charges against them while they are engaged upon distant service. He may be able to explain or contradict this evidence; and it would be unfair, at all events, to condemn him, until an opportunity has been given for reply."

This was the language I used on the occasion to which the honorable Senator from Rhode Island has referred. I simply desired to bring before the Senate the fact that these charges had been preferred, that they were on file in the Department, and that it was due to the character of that public officer that a full investigation should be had before any more money was appropriated to this work. I am not content to occupy the position in which the honorable Senator from Rhode Island endeavors to place me—that of a prosecutor who comes here in the Senate to prefer charges against the Commissioner. He seemed yesterday to intimate that, in that respect, I was occupying exactly the position which the ex-Senator and ex-Secretary to whom I alluded on a former occasion, had occupied. I preferred no charges. I have none to make. I do not know that it will be necessary that I should enter any further into the investigation of the subject on which the Senator from Rhode Island now has the floor.

There is another question, and that relates to the only charge which I did make, upon which it may be necessary for me, hereafter, to speak: I mean in regard to fixing the initial point of this boundary line. Whether the officer who made the charges was in the habit of drinking too much or not, is one of those questions that does concern me; but I think that the Senator from Rhode Island would do more justice to his friend if he were to go into a fair investigation of the facts stated, and leave the character of the witness to stand where it is. Sir, I ought to apologize to the Senator from Rhode Island for trespassing upon his time, and the patience of the Senate now; but it was necessary that I should do it, in order to avoid being placed in the position of a public prosecutor.

Mr. CLARKE. Mr. President, I may have been misunderstood by the honorable Senator from California. It was not my intention—I was not aware of any intention on my part to charge that Senator with any impropriety, or anything that might lead to the supposition that he was part or parcel in this prosecution, or persecution, against the Commissioner upon the Mexican boundary. What I did refer to in the remarks which I made, was the charge made by some one, as I understood, against the Commissioner of col, luding with his brother, as the expression was, in "shaving" orders—in depredating upon the employees of the Commission, which charge I have evidence to prove was unfounded. The honorable Senator did say, when he made that charge—and it was the first time I had ever heard it—that it was communicated to him by a gentleman of character and respectability. The name was not given. The honorable Senator therefore stood, in my humble opinion, as having made that charge upon an authority for which he was responsible; and in the allusion I made, I intended to be understood as confining myself to that charge.

Mr. WELLER. If the Senator will allow me, I yesterday offered to read the evidence upon which that accusation was made. I made no statement of facts upon my own responsibility. I said that I had in my possession a letter written by a highly-respectable gentleman; and I should be glad, with the consent of the gentleman, now to read that portion of the letter which refers to the matter.

Mr. CLARKE. I have no objection.

Mr. WELLER. The letter is dated El Paso, April 10th, 1852. It states as follows:

"There are men now in the Commission receiving large salaries, who hold no office whatever—real sinecures. I will name Mr. Bartlett's own brother, who was last year removed from the office of commissary for abuses in that department. This man is now receiving $1,500 per year, with the title of agent for the commission. Agent for what, I ask? We have a regular quartermaster, commissary, and every other functionary requisite for the good of the Commission. Wherefore, then, do we have these parasites to eat out our substance and clog the operations of the survey?—to gratify private ambition and fill the purses of lazy favorites, while diligent young men, who are kept assiduously at work, are cut down to fifty dollars per month, and otherwise basely used. Mr. Bartlett has with him a private secretary and assistant secretary, and several other persons receiving higher pay than those actually employed in the work. And *here* he has an assistant secretary, at $1,000, who has a clerk to assist him, and his brother the agent, all from Providence.

"But the most villainous conduct of any one connected with the Commission, is the practice of this man Bartlett—this agent of the Commission—of perpetrating usury and extortion on the members of the Commission, who are compelled to have a little cash to procure the absolute requisites of life. I presume you are aware that our appropriation has been exhausted six months since. Such is the fact. When a young man wants a little money he will call on the assistant secretary of this agent for the purpose of negotiating a small loan. This agent, with the avidity of a Shylock, with the sycophantic sympathy of the usurer, says, "Write me an order for fifty dollars, and I will hand you twenty-five." Thus you see that we are compelled to merge *two* months' pay in *one* to procure the necessaries of life, and that, too, by a Government agent. I paid these rates myself, as well as several of my friends, but I assure you I was compelled to do it."

It was upon this letter, the respectability of the writer of which is vouched for by a gentleman of character here, that I made the allusion which I did upon a former occasion.

Mr. CLARKE. I have produced no papers here but of which I have given the names of the writers and of the witnesses. I have given them for every letter that I have produced, and now I will ask the honorable Senator if he will have the goodness to give me the name of the writer of that letter?

Mr. WELLER. I have no objection. It is Mr. A. P. Wilbar, one of the assistant surveyors upon the Boundary Commission. I think he will be found rated as such in the report of Mr. Bartlett.

Mr. CLARKE. Mr. President, I know nothing of this. I have nothing to do with any charges which may be made against the brother of Mr. Commissioner Bartlett, with which the Commissioner himself is not connected.

The charges which have been under the consideration of the Senate before, and are now, are charges preferred against Mr. John R. Bartlett, the Commissioner, by Colonel McClellan. As to those charges, evidence has been taken and has been produced by me in order to their complete refutation; but, in the speech made by the honorable Senator some three weeks since, while referring to the Commissioner's brother, he said:

"I have a letter from a gentleman of character and respectability, containing the information that he is now the acting agent of the Commission, with a better salary than he received before, and shaving orders drawn by the employees of the commission at fifty per cent. discount."

My impression was, when that statement was made by the honorable Senator, that he meant to say, from the information he had received, that this George F. Bartlett, the brother of John R. Bartlett, now held an appointment as agent of the Commission, which he received from his brother, the Commissioner, "an office,"—I believe he used the expression—"unknown to the Commission;" and that, being thus the appointee of his brother, he had a larger salary than he had before he was employed in this "shaving" business. The inference was, that his brother was in all probability concerned in it. I so considered it, and so far forth I meant to refute it. So far as regards any acts of George F. Bartlett upon the Rio Grande, since he parted from his brother on the 16th of February, 1851, and in which his brother could have no participation whatever, I have nothing to do with them. If he has been guilty of any improprieties here, let the proper officers of the Government take cognizance of it. I have only to say, that the evidence which I produced yesterday showed that it was clear that George F. Bartlett was not now the appointee of his brother in any office on the Commission.

He returned to the United States in the spring of 1851, and was "relieved," according to the expression of the Secretary, from his position as commissary; but he was required to go out again to El Paso to deliver up the goods which he had purchased, and his commissariat, papers and all, to the new commissary. He testifies—and there is other evidence, I believe, to prove—that he has not been with his brother, nor had any communication with him, from that time to this, except he gives one quotation from a letter from his brother to him, in which he informs him that he can say nothing about any position which he is to hold. Now, I understand from the deposition of George F. Bartlett, which is here, that when he returned to the Rio Grande, he still remained under Major Emory upon that Commission, but without any distinct appointment, or any distinct salary. So that his holding the appointment of "agent to the Commission," and his having a larger salary—$1,500—than he had before, is certainly groundless, if his deposition be true.

He returned to the United States last spring, I understand, with dispatches from Major Emory to the Department. What he did there—whether he was engaged in actual service, or only remained during the winter because there was no opportunity to return, or whether he engaged in taking these orders from the employees at a discount on the Government—I know nothing. I have nothing to do with it. I merely referred to it with regard to what I considered as a charge made against Mr. Commissioner Bartlett, as having appointed his brother to "an office unknown to the Commission," with a higher salary than he had when he was commissary. It was that to which I meant to reply, and it was that to which I referred.

With the honorable Senator himself, I have no dispute. I agree that he did not vouch for the charges which have been preferred against Mr. Bartlett. Those charges have been sent to the

Senate on the motion of the honorable Senator, and have been printed and laid on our desks for some time. The resolution under consideration, offered by the Senator from California, calls for a select committee of the Senate to be appointed to investigate those charges. I have no objection to that, but upon the resolution I did deem it my duty, as a Senator from Rhode Island, in which State Mr. Bartlett was born, and in which State he now claims his residence and citizenship, from my own position personally with Senators who voted for his confirmation upon my recommendation, from my position, believing that he was perfectly and entirely innocent, a persecuted and inoffensive man, as regards the charges preferred against him—I did feel it my duty to defend him, and to produce evidence before the Senate which has been placed in my possession, in order to acquit him entirely of these charges, and to exonerate him from all blame; I mean in reference to his personal character, as involved in these charges and specifications.

I did say yesterday that I did not intend upon this resolution to discuss, nor ought it to be discussed upon this resolution, the question as to the propriety of the initial point fixed on the Rio Grande, whether it be right or wrong. The honorable Senator from Texas [Mr. RUSK] gave notice to the Senate that at a certain day and upon a certain time he would oppose an appropriation for any money to be applied to this Mexican Boundary Commission till that question as to the initial point on the Rio Grande was fully and rightly settled. Now, upon that question, I hope, when the time comes, to be as fully prepared as I have been upon this; and I still have more assistance in the preparation upon that subject, and much will be produced to the Senate by the honorable Senator from Maryland, [Mr. PEARCE,] who is far more capable than myself of investigating the subject and placing it fairly before the Senate.

I have then only to say to the honorable Senator from California, that I had no intention of applying anything to him in regard to these charges that have been preferred here, that he had either made them or vouched for them; but my observations were meant entirely to apply to the last charge which he makes here on the authority of the "gentleman" who has written this letter, supposing that it connected Mr. John R. Bartlett and Mr. George F. Bartlett together in the same iniquity, and which they were practicing against the Government of the United States. That being disposed of, I shall proceed, if the honorable Senator is satisfied, with the remarks which I was about to make.

Mr. President, I endeavored yesterday to show to the Senate that the author of the charges filed against Mr. Commissioner Bartlett, was himself, from gross delinquencies and misconduct, unworthy of credit; and that his confidential secretary, and principal witness, Robert H. Caffee, stands convicted of fraud and dishonesty, and was not to be credited, and this upon the admission of Colonel McClellan himself. The other witnesses have been incidentally discredited. But I shall still further show that they have sworn ignorantly or falsely, and this particularly of Chamberlin.

Here I might have rested, as the testimony upon which the eight charges against Mr. Bartlett was supported was utterly overthrown; but justice to that individual has required me to go further and disprove every charge against him by positive and incontrovertible evidence. Such evidence will further inculpate this complainant, bringing home to him the knowledge that these charges are untrue, and the more damnable sin of procuring others to swear to their verity.

I have already produced to the Senate the evidence in refutation of charge first, and the specifications under that charge. I will briefly recapitulate that evidence, which is so conclusive that the complainant and his witnesses, if they knew anything, must have known this charge to be untrue. In addition to the attempt to destroy the private character of the Commissioner, their malice was equally extended to the reputation of his brother, the commissary—a gentleman, I believe, of irreproachable integrity and standing. The shaft falls equally harmless at the feet of both.

This charge, in the first place, was disproved by the deposition or certificate of Mr. Jacobs, which is contained in the printed document, in which he says distinctly that no goods, the private property of George F. Bartlett, were transported on the Galveston from New York to Indianola, except some two or three boxes. Then there is Mr. Cranston's deposition, who was with the Commission during the whole time, who swears to the same fact, as being within his own knowledge. Then there was a letter of Mr. Bartlett, in which he related particularly how few were his own private stores, and how little was his own private baggage. Next, I produced a letter from Mr. Bartlett, dated July 1st, 1851, in which he gives a description of the few things he carried with him, and denies entirely that his brother had any private property that had been transported by the Government. Next, I produced the deposition of George F. Bartlett, which denies that he had any property of his own on board, except one or two boxes and some small things that were carried across the country to El Paso, and that all the property said to belong to him actually belonged to the Government of the United States, and was transported at the expense of the Government, having been designed for the use of the members of the Commission. In addition to this I produced, and have with me now, a copy from the Fifth Auditor's office, of the bills of the purchases which were made. I also read from a deposition of Mr. Matthews, that he had purchased articles of George F. Bartlett, who was the commissary, in New Mexico, at a price as low as they could be purchased in New York. It will be recollected that one of the charges was that these goods were sold at an advance of two hundred or three hundred per cent. I also produced and read the deposition of John Bull, who was an assistant surveyor upon the Commission, in which the same evidence is given.

All this I did consider as most completely and fully disproving the first charge made. The first specification of that charge was, that these goods were transported from New York to Indianola, Texas, in the steamer Galveston. The second of the specifications was, that they were transported from Indianola to San Eleazario, being the private property of George F. Bartlett, at the expense of the Government. I spoke of the discrepancy between that specification and the third specification, in which George F. Bartlett was charged with having sold the goods at an extraordinary and exorbitant advance. I considered that the charge, and the specifications under it, had been fully disproved by the evidence which was produced by me, and which I will not again read to the Senate. Now I beg leave to refer to the second charge which has been made by Colonel McClellan, against Mr. John R. Bartlett. It is this: "Unpardonable mismanagement of the public interests and funds intrusted to him." That is a high and important charge. The first specification in that charge is: "In permitting the train of the Com-'mission to be stopped at Victoria, only two days' 'march from Indianola, that repairs might be made 'to the train, which left Indianola in perfect order, 'and could have required but little if any repairs; 'thus subjecting the Government to great and un-'necessary expense, and the Commission to a delay 'of fourteen days." In reference to that specification, I would refer to the deposition of George F. Bartlett, who states that the train halted at Victoria for the purpose of shoeing and marking their mules, and that it was delayed there no longer than was necessary, except from one cause, and that was the illness of Colonel McClellan. The Commissioner, it seems, had gone out some six or seven miles and encamped at a place called the Colette, and was ready to move at any moment when this work was done by the mechanics, but that the health of Colonel McClellan would not permit him to go on with the train. From the deposition of Doctor Nott, which I read yesterday, it will be seen, that he states that he was called to visit Colonel McClellan at Victoria, where he was confined to his room with a fit of *delirium tremens*. It was his intoxication, and the consequences of that intoxication, which forced the train to remain so long at Victoria, because it could not be expected that the train would pass on without him. He was the principal astronomer of the Commission, and it would have been idle to suppose that the Commissioner would have started from Victoria, and left Colonel McClellan, the principal astronomer, confined to his bed, let the cause of the confinement be what it might.

The deduction which I make from the testimony which I produced yesterday is, that in the first place, it was necessary for the train to halt at Victoria in order that the animals should be shod and marked as is their custom, and some repairs made upon the wagons. It is true Victoria is but a short distance from Indianola, but it was necessary that they should stop there for those purposes, and that after those purposes were completed this train was there delayed, and the Commissioner was delayed, in consequence of the illness of Colonel McClellan. This is testified to by Dr. Nott. It was the sickness of Colonel McClellan which detained the train in Victoria. I consider that specification, therefore, as having been disposed of.

The second specification of the second charge, is: "In permitting an unnecessary delay of the Commission and train at San Antonio, [twenty days,] at an enormous expense;" and for the same reason as before, with as little truth as at Victoria.

Now, the depositions that I read yesterday—the deposition of Mr. Bartlett, the deposition of Mr. Bull, and the evidence furnished, and which is before me, make this explanation: that when the train arrived at San Antonio, which is probably about one hundred and fifty miles from Victoria, they found that it was necessary that they should get more transportation for the *materiel* they had with them, and the provisions and supplies, in order to pass through that long and uninhabited portion of the country, between San Antonio and El Paso, a distance of some eight hundred miles. It was necessary, therefore, to halt, and they did halt for the purpose of getting more transportation, more forage, and preparing themselves for going into that distant country, when perhaps they were going almost beyond the bounds of civilization. It is in evidence, that before that train had been long in San Antonio, the Commissioner had used all the means in his power to make all the haste that it was possible for him to do, in order that he should be able to meet the Mexican Commissioner in the month of November, at El Paso, as had been agreed upon previously by the American and Mexican Commissioners at San Diego. He thought it was necessary for him to proceed, and therefore left the train at San Antonio, and took what they call the northern route to Fredericksburg, that he might hasten on in his own wagon, or ambulance, from there to El Paso. The train, as the evidence before me shows, remained at San Antonio some six or eight days after the Commissioner himself had left, and when he supposed that the train was in readiness to start. I have it from gentlemen on that Commission, that one reason for the delay was, that after the departure of the Commissioner, when Colonel McClellan was left in the command of the Commission—and he did take and exercise that command from San Antonio to San Eleazario—he concluded to organize a body of mounted men, to the number of fifteen, under Captain Barry, who himself is now in this city and can correct me if I am worng.

It was necessary to procure animals for these mounted men, saddles, bridles, and all the equipments necessary, and of course an extraordinary amount of forage. It was these preparations, made under the direction of Colonel McClellan himself, which delayed the train at San Antonio longer than would have been necessary if these directions of his had not been made. Now, I do not say that that was unnecessary. I do not complain of Colonel McClellan for having detained the train, but he complains of Mr. Bartlett, and makes out as one of the specifications against him that he detained the train longer at San Antonio than it should have been detained, when he himself was in command for the last six or eight days before the train removed, and when he might have started it any time he pleased. It is the injustice of the accusation against Mr. Bartlett of which I complain.

The next specification under that charge against Mr. Bartlett is "Specification 3. In retaining in the 'service of the Commission Quartermaster James 'Myer, and permitting him to disburse large sums 'of public money at Victoria, San Antonio, and 'elsewhere, after he [Mr. Bartlett] had been fur-

'nished by Brevet Lieutenant Colonel McClellan 'with a blank voucher from Quartermaster Myer, 'with the receipts signed, on which an account 'for any amount could be drawn against the Com- 'missioner, when not a single article charged for 'had been furnished, (see blank voucher annexed 'marked H,) which was taken by Brevet Lieu- 'tenant Colonel McClellan from a quire of them 'found by him at Victoria, and handed to Mr. 'Commissioner Bartlett to put him on his guard." This specification contains the charge that Mr. Bartlett allowed Myer to have blank vouchers in his possession, seen by somebody, which might be filled up to any extent; and that he therefore permitted this Mr. Myer to defraud the Government out of any sum of money that he chose to insert in these blank vouchers. Another specification is, that after having been informed of this, Mr. Bartlett retained him in the service as quartermaster. It is stated that these blank vouchers were taken by Colonel McClellan "from a quire of them found by him at Victoria." I did intend yesterday to have said, and I say now, that Mr. Myer was a stranger to Mr. Bartlett. He was appointed quartermaster at the instance and request of the late President Taylor. When the Commission was forming here, President Taylor made a personal request of the Commissioner that he should appoint Mr. Myer as his quartermaster. Of course Mr. Bartlett made the appointment, and I do not understand, from any information that I have from Mr. Bartlett, and the mass of letters I have read, that he had ever any cause to suspect Myer of dishonesty. But in order to show the manner in which Colonel McClellan became possessed of that blank voucher, I will read the deposition of R. A. Matthews, who states distinctly how it was procured, and for what purpose. The deposition is:

District of Columbia, City of Washington:

I, R. A. Matthews, of the city of Washington aforesaid, being duly sworn, do depose and say, that from the third day of August, 1850, until July 1851, I was a member of the Commission to run and mark the boundary between the United States and Mexico; that I was present with the Commission during its sojourn at Victoria, in Texas, and was acquainted with the circumstances under which certain vouchers were signed in blank by one Dr. Harvey Nott; which were as follows, viz: The late Edward C. Clark was at the time a member of said Commission as assistant quartermaster, and from the 11th to the 17th of September, 1850, inclusive, he was confined by sickness to his room at the Globe Hotel, in Victoria. During his illness, Mr. Clark was professionally attended by Dr. Harvey Nott, a physician then residing at Victoria; and during his (Mr. Clark's) convalescence he spoke to me on the subject of obtaining vouchers from Dr. Nott for the money paid him for such professional attendance, and requested me to obtain them from Dr. Nott. I accordingly took a quantity of blank vouchers from Mr. Clark's trunk, and saw Dr. Nott for the purpose of having them filled out and signed. When I saw Dr. Nott, he was about to leave town, and had not time to wait for the accounts to be properly made out; but he executed in blank four vouchers, to be filled out by Mr. Clark when it should suit his convenience. These blank vouchers were printed on common letter sheets of paper, each sheet containing two vouchers or duplicates. Two of such sheets were signed by Dr. Nott. One of the vouchers I found to be defaced, and tore from its duplicate and destroyed, leaving three vouchers executed by said Nott. These vouchers were left upon the table in Mr. Clark's room. Two of them were subsequently filled out and presented to John R. Bartlett, Commissioner, by whom they were received, and the account allowed. The third voucher was not used, and I believe it to be the same one produced by Colonel McClellan, and upon which he bases a charge against the said Commissioner. The rooms occupied by Mr. Clark and Colonel McClellan were in the same building, and adjoining.

And I do further depose and say, that in a conversation which I had with Colonel McClellan on the subject of the blank voucher signed by said Harvey Nott, which was in his possession, he stated that it was found in the privy connected with said Globe Hotel by Robert H. Caffee.

* * * * * * * *

And further the said deponent saith not.

R. A. MATTHEWS.

Sworn to and subscribed before me this 22d day of July, 1852. F. S. MYERS, *J. P.*

I shall not comment much upon this. How low must this individual have been sunk in infamy to have made such a charge upon the honor of an officer, which should have been sacred in his eyes, against Mr. Bartlett, for allowing blank vouchers to lie about in this way, and to assert upon his honor that he took the blank voucher, which he sent to the Department of the Interior, from a quire of them lying loosely on a table, when it is proved that there were but three of them, and two of them were necessary to be used! And Mr. Matthews testifies that the other was left where it may have been stolen, either by McClellan or by his secretary, Caffee, and that McClellan said it was found in an out-house at the Globe Hotel, at Victoria. I only ask honorable Senators to consider how a man like Mr. Bartlett may be prosecuted by such witnesses as this McClellan and the men he has brought here to swear to these charges. Why, sir, it is shocking; it is disgraceful to humanity. It is not only disgraceful to Colonel McClellan as an officer in the service of the United States, from which service he ought to be dismissed, but it is disgraceful to our nature to find that a man can so debase himself as to make such a charge, stating that he found this blank voucher and took it from a quire of them lying on the table. And here I have brought to your attention the testimony of a witness of respectability who states where it was found, and how McClellan got it. I have done with that specification.

The next specifiation embraces the same thing. It is for not discharging Mr. Myer, when his own witness swears that he told Mr. Bartlett that Mr. Myer was not honest. I have no doubt at all that Mr. Bartlett supposed that Myer was much more honest than the witness that made the complaint; and the reply was, that he had no evidence of dishonesty, but that if they could furnish him with it, he would displace Myer. Could he have discharged a man upon mere hearsay, when there was no evidence which could have justified him in discharging Mr. Myer from his position as quartermaster? I consider that specification as disposed of. It is embraced very much in the previous one in regard to the blank vouchers. This blank voucher was sent to the Department. It was found at Victoria; and it was treasured up during the whole route to El Paso; and after this man McClellan was recalled by the Department, on account of his total incompetency to act upon the Commission, and fulfill the duties which had been assigned to him, he brought out the voucher with all the malevolence that could possibly be harbored within the human breast.

The next charge is charge third: "Conduct unworthy of Commissioner of the United States." The first specification is: "In leaving the greater 'portion of the Commission and the train at San 'Antonio, without the necessary funds for their 'support, to be conducted by Brevet Lieutenant 'Colonel McClellan to El Paso, a distance of near 'eight hundred miles; and after he had reached a 'point near Fredericksburg, sending back to Bre- 'vet Lieutenant Colonel McClellan, then in camp 'on the San Pedro, near San Antonio, two requi- 'sitions on the Treasury Department, one for '$3,000 and the other for $2,000, in favor of Quar- 'termaster James Myer, of the Commission, with 'the accompanying letter, marked A, asking Bre- 'vet Lieutenant Colonel McClellan to examine the 'estimate of Quartermaster Myer, and if he ap- 'proved it, to hand the requisitions to him, the 'quartermaster; thus having complained of the 'extravagant expenditures of the quartermaster at 'San Antonio, and after having condemned this, 'my estimate, endeavoring to shift the responsi- 'bility of supplying the quartermaster with these 'funds from himself to Brevet Lieutenant Colonel 'McClellan, that he, the Commissioner, might es- 'cape the censure of the Department, which, he 'says in his letter, might fall upon him. Mr. 'Commissioner Bartlett knew, at the time he sent 'the requisitions and the estimate, that it was im- 'possible for Brevet Lieutenant Colonel McClellan 'to decide correctly upon their propriety, as he 'had no returns of public property nor forage, of 'any kind, from the quartermaster, and could, of 'course know nothing of what was in hand, and 'what was required."

Now, I beg leave to call the attention of the Senate to the fact, that this train was left at San Antonio, by Mr. Bartlett, under the command of Colonel McClellan; that the letter A, referred to in this specification, was a letter from Mr. Bartlett to Colonel McClellan, which I shall take up in its order. After Mr. Bartlett left San Antonio, it seems that Colonel McClellan issued the order for mounted men, to which I have already referred; and, of course, that required more forage and transportation than had been provided. The quartermaster, at that time, finding himself short of funds, in order to get the necessary forage, dispatched a messenger, or an express, as they call it there, to Mr. Bartlett, stating that so much more forage had been required than he expected, and so much more transportation, that it was necessary that he should have further funds. Mr. Bartlett, not understanding why this excess of expenditure had arisen, and fearing that the quartermaster might be too extravagant in his demands for funds, sent these two requisitions—one for $3,000, and one for $2,000, to Colonel McClellan. With these drafts he sent Colonel McClellan an abstract of the quartermaster's account, as rendered to him—that is to say, that he would want so much money; that he subsequently called for so much more money; and, I think, on the whole, he had given him $14,000, upon an estimate made by the quartermaster, that $12,000 would be enough, and he supposed there would be $2,000 left in the hands of the quartermaster. The quartermaster, as I have said, finding himself short of funds, when the Commissioner was going to El Paso, by the northern route, dispatched an express, telling him that he needed more funds. What did the Commissioner do? He inclosed to Colonel McClellan two requisitions, amounting to $5,000; sent an abstract of the quartermaster's account; and then requested him to give the quartermaster one or both of these requisitions, as he should judge it to be necessary. Here is a letter of the quartermaster to Mr. Bartlett:

"QUARTERMASTER'S OFFICE,
"U. S. AND MEXICAN BOUNDARY COMMISSION,
"SAN ANTONIO, *October* 12, 1850.

"SIR: I have the honor to inclose to you a requisition made upon me this morning for additional transportation, to be furnished immediately, and which appears to be absolutely necessary to the advancement of the expedition. I find the funds I have on hand inadequate to meet this further demand by $3,000 or $3,500, and, in order to guard against contingencies that may arise on the way, I feel it to be my duty to request of you an additional sum of $5,000, making in the aggregate $8,000."

Mr. Bartlett, on the receipt of this letter, sent the two drafts referred to to Colonel McClellan, leaving it to his discretion whether or not to deliver them to Myer, the quartermaster. I do not know that the act of sending them to Colonel McClellan should condemn him. Mr. Bartlett, on the receipt of the letter of the quartermaster, wrote the following letter to Colonel McClellan:

CAMP WEBB, SUNDAY, *October* 13, 1850.

SIR: I was utterly confounded last night to receive your letter making an additional demand for eight thousand dollars, ($8,000;) and without a more satisfactory estimate than the one sent, cannot comply with the request. Your estimate given me at San Antonio embraced several items which are repeated and increased in this; for instance, corn fodder required at San Antonio, Leona, &c., $2,750; you now ask, in addition to this, $5,250 for the same. I wish to give you all you require; and, after giving you the last $8,000, supposed you would have a surplus of $5,000, after paying all demands mentioned in the previous estimate. At the same time I sent to the Department of the Interior a memorandum of your expenditure, and said no more would be required. I do not see where we are to stop at the rate we are now going on in your department, *and fear that I shall be censured for it.* I see no additional item in your estimate beyond what was first given. You had an item of $1,000 for horses, and the requisitions of Captain Barry and Colonel J. McClellan for horses or mules for fifteen men cannot materially increase this, particularly if Spanish horses at $25 or $30 are furnished, which I deem the best. I have written a letter to Colonel McClellan on the subject, and have directed him to furnish you with additional requisitions for money, which I have placed in his hands, on your presenting him with estimates for additional purchases in your department. It appears to me that I shall not be justified in complying with your increased demand without understanding more fully their necessity, which is not apparent from your last estimate. Colonel McClellan is authorized to promote your wishes as far as necessity requires.

Yours respectfully,
JOHN R. BARTLETT, *Commissioner.*

To JAMES MYER, Esq., *Quartermaster*
U. S. and Mexican Boundary Commission.

He gives all this information to Colonel McClellan, and sends him these requisitions, to be delivered to Myer at his discretion. What else could he have done? and what else should he have done? There he was by himself, some distance—how far I do not know—from the train containing the main body of the Commission, on his journey to El Paso, in the faithful discharge of his duty, and is overtaken by an express from the quartermaster, stating that he wanted $5,000, and could not get on without the money. Mr. Bartlett, not knowing but there might be some extravagance on the part of the quartermaster, sent to Colonel McClellan the requisitions thus requested, and told him to deliver them if he thought proper; and that

very act, of doing so, is, by Colonel McClellan, brought up as one of the specifications under this charge of "conduct unworthy of a Commissioner of the United States."

Now, I submit to Senators whether there is any truth in that?—whether the information I have given must not be perfectly satisfactory to every mind that it was impossible for Mr. Bartlett to be there to investigate the matter?—and the fact is, that much of the money was required in consequence of the extraordinary orders of Colonel McClellan himself.

The second specification of the third charge is, that Mr. Bartlett deceived "a number of the mem-'bers of the Commission as to their pay, telling 'them at Washington, New York, and elsewhere, 'that the pay would range from $1 50 to $2 per 'diem, and on reaching El Paso, a distance of 'three thousand miles from their homes, fixing the 'pay of a number of the same members at $1 25, 'and some at even less, per diem, and this after 'having been applied to by many for a statement 'from him of the pay they would be allowed." This specification is supported by the evidence of Chamberlin, Fowler, Lusby, and, I take it, of course, by Caffee, for I suppose he would swear to anything. I wish now to give an explanation of that matter, which, I think, will strike surprise to every gentleman who hears it. The facts are these: Mr. Bartlett, the Commissioner, did not go with the Commission from New York, on board the steamer Galveston. He never joined the Commission until it arrived at Indianola, in Texas. When they arrived at Indianola, as is sworn to in the depositions, Mr. Bartlett requested the mechanics of the Commission to come out that he might see them and have a conversation with them; and, according to the expression of one gentleman, he made an address to them, telling them of the long journey they had before them, and giving them his best advice. He then requested this same Jonathan Chamberlin, who was the appointee of Colonel McClellan, and was at the head of the mechanics, to make out a list of the mechanics, with their names, and to fix, according to his judgment, the proper compensation they should receive. Jonathan Chamberlin, in consequence of this request from Mr. Bartlett, did make out that list, and he carried it to Mr. Bartlett, in his quarters. Mr. Bartlett, not knowing whether it was right or wrong, being himself unacquainted with the fair compensation which should be given to such mechanics, sent for Colonel McClellan to come to his quarters; and there Mr. Bartlett, in the presence of Chamberlin, handed this list, made by Chamberlin, with the prices affixed to each name, to Colonel McClellan, and asked him if it was right. Colonel McClellan took his pencil and altered such of them as he thought were overcharged or had been allowed too much. Some of them, the evidence says, he allowed to remain; others he altered, I suppose by reducing them; and then Mr. Bartlett taking that list, as corrected by Colonel McClellan, had it copied by Mr. Murphy, his clerk, sent a copy of it to the Department of the Interior, and retained a copy, by which he settled with these mechanics after their arrival at El Paso.

Thus it will be seen that the prices fixed for the mechanics was absolutely done by Colonel John McClellan himself. It was first done by Chamberlin, who swears that Mr. Bartlett did not pay him what he agreed to pay. The list was then corrected by McClellan, and then sanctioned by Mr. Bartlett, and a copy sent to the Department of the Interior, and another copy retained by Mr. Bartlett, agreeable to which copy the men were paid. Now, that very act of deceiving the men which he states, if there was any deception, was a deception of his own, and makes that specification in support of the second charge as nugatory against the Commissioner. That nothing may be taken for granted from me, I will read testimony on this point. Here is the evidence:

HEADQUARTERS OF THE UNITED STATES AND MEXICAN BOUNDARY COMMISSION,
EL PASO, *January* 24, 1851.

To the mechanics to the Boundary Commission:

GENTLEMEN: I have just received from Mr. J. Chamberlin a letter, in which he incloses me a list of your names, and the rate of your pay, as fixed by him, at my request, while the Commission was in Indianola, Texas.

This list is so totally at variance with that given me from his book at that place, that justice to you, as well as to myself, demands that I should state the following facts, which are supported by witnesses.

Yours, respectfully,

JOHN R. BARTLETT, *Commissioner.*

When the Boundary Commission was at Indianola, in Texas, I requested Mr. Chamberlin, a blacksmith, who had had the superintendence of the construction of the wagons and other work for the Commission, to fix the rate of pay for the mechanics attached to it. I supposed that his judgment would enable him to do this to the satisfaction of all. He prepared a list as requested, called at my quarters, when I took down from his memorandum book, as he called them off, the names of the mechanics, their several trades, and the pay assigned to each. This list I showed to Colonel McClellan, who pronounced the pay too large. He directed Mr. Chamberlin sent for, when we sat down with the list before us. Colonel McClellan then took a pencil and reduced the sums affixed to many; others were suffered to remain as they were.

I then requested Mr. Chamberlin to notify the mechanics of their pay. He said he would, with other remarks I do not remember. I then handed the list to Mr. R. C. Murphy, assistant secretary of the Commission, who was sitting at a table in the same room, and requested him to make a copy, which he did.

I now have in my possession the original list, as reduced by Colonel McClellan, in his own figures; also the copy made by Mr. Murphy at the time.

JOHN R. BARTLETT, *Commissioner.*

Copy of a list of the mechanics in the Boundary Commission, taken by J. R. Bartlett, from J. Chamberlin's memorandum book, as called off by him in Indianola.

NAMES.	TRADES.	Pay per month, affixed by Mr. Chamberlin.	Pay as reduced by Colonel McClellan.
William Brooks	Wheel-wright	$60 00	$50 00
Samuel S. Moe	Carpenter	60 00	50 00
Thomas Quin	....do	50 00	40 00
William Ferguson	....do	60 00	40 00
G. W. Miller	Blacksmith	67 50	
Joseph Harvey	....do	50 00	
James Lynch	....do	50 00	
R. M. Tuttle	Armorer	60 00	
John Tennant	Butcher	50 00	
C. W. Litchfield	Tailor	60 00	
B. F. Burns	....do	50 00	40 00
T. Briggs	....do	50 00	40 00
James Fowler	....do	45 00	40 00
James E. Owens	....do	45 00	40 00
J. Shackleford	Harnessmaker	60 00	
William Garrett	....do	50 00	
John Fitzpatrick	....do	50 00	40 00
James H. Lusby	Shoe-maker	50 00	40 00
George McClellan	....do	50 00	
Madison Gassaway	....do	50 00	
R. B. Smith	Stone-cutter	50 00	
Samuel McPherson	....do	50 00	40 00
James Roane	....do	50 00	40 00
Charles Rainey		50 00	
Tidy Carroll		50 00	30 00
John J. Mankin		30 00	
Thomas Dillon		30 00	

I certify that the above is an exact copy of the list made by me in Indianola, as before stated, with the reductions as made by Colonel McClellan in my quarters at that place. That as soon as the Colonel made the changes, I handed it to R. C. Murphy, assistant secretary, to make a copy, which he did. This copy I now have attested by him.

JOHN R. BARTLETT, *Commissioner.*

Statement of R. C. Murphy.

OFFICE OF THE MEXICAN BOUNDARY COMMISSION,
EL PASO, *January 25th*, 1851.

I was present when a consultation was being held at Indianola, Texas, in the Commissioner's room, between the Commissioner, John R. Bartlett, and Brevet Lieutenant Colonel McClellan. About what they were engaged I did not know, but I noticed that both were looking over a paper together. After Colonel McClellan left the room, what I believe to be the same paper was handed to me by the Commissioner, with a request to copy it. I found the rate of pay opposite to many of the names changed by figures in pencil, and the original figures, which were in ink, canceled. The copy which I made was according to the changes as they appeared in pencil, which list is now in the Commissioner's possession, certified by me. A duplicate I drew off, and gave to Mr. Caffee at San Antonio, and which is now, I believe, among the papers belonging to the chief of astronomical corps. I do not remember whether Chamberlin was in the room during this consultation of which I speak, or not. The list purported to be a list of mechanics attached to the Mexican Boundary Commission, with the pay affixed. Yours most respectfully,

R. C. MURPHY,
Ass't Secretary Mexican Boundary Commission.

Statement of George F. Bartlett, Commissary of the Commission.

EL PASO, *January* 25, 1851.

I remember being in the Commissioner's room, at Indianola, at the time when the Commissioner and Colonel McClellan were discussing a list of the mechanics attached to the Commission, and their pay, which I understood had been submitted by Mr. Chamberlin. I heard the Colonel say that the pay was too high, and he held in his hand a pencil with which he was marking the list before him.

When he had finished, the Commissioner handed it to R. C. Murphy, to copy. I cannot say whether Mr. Chamberlin was present or not. I once met him there, and think it was on this occasion.

GEORGE F. BARTLETT,
Commissary Mexican Boundary Commission.

I believe that is a pretty full explanation of the manner in which these prices were fixed for the mechanics, by whom they were fixed, and according to which the mechanics were paid. I cannot but again express my surprise, that any man in his senses, would have allowed himself to have brought forward such a charge against this Commissioner, who had really done him no harm, when he himself might have known, if he had reflected at all, that the proof of his falsehood and duplicity could have been produced by the Commissioner. There is but one way to account for it, and that is, that it was done in the absence of the Commissioner, and where the whole investigation has been obliged to be gone into, and the Commissioner defended without his presence, and without the means of defense which he himself could have furnished. That closes the specifications of the third charge.

The next is the fourth charge: "Conduct destructive of the true interests, and tending to defeat the intentions of the Government in the organization of the Boundary Commission." The specification under that charge, is: "In endeavor-'ing by all the means his position as Commissioner 'gave him, and by assuming authority not be-'longing to him or any one else, to degrade the 'officers of the Army attached to the commission, 'by placing them under the control of a man, (the 'quartermaster of the commission,) without rank; 'first, by his letter of instructions to Quartermas-'ter Myer, dated San Antonio, Texas, October '10, 1850, marked C; and since, by depriving the 'Topographical Engineers on detail in the Com-'mission, of the stationery, drawing instruments, 'paper, etc., procured for their use by Brevet 'Lieutenant Colonel McClellan, thus putting it 'out of their power to reduce to maps the topo-'graphical examinations already made, or to be 'made, in the course of the boundary survey; and 'also, by confining them to their astronomical 'duties only, thus destroying their usefulness as 'Topographical Engineers." The depositions of George F. Bartlett and Henry C. Cranston fully explain this: Mr. Bartlett left the Commission at San Antonio, and gave Mr. Myer, by letter, which has been published, the charge of the teams and stores; that is to say, they were brought immediately under his charge; and he left Colonel McClellan in command of the whole. Colonel McClellan knew that he had command, and he exercised it to its fullest extent.

The other part of the specification in relation to the maps, charts, and stationery, is explained fully in the letters which passed between Colonel McClellan and Mr. Bartlett, the one at El Paso, and the other at San Eleazario, after Colonel McClellan was recalled. In that correspondence, Mr. Bartlett, from the overflowing goodness of his own heart, proposed to Colonel McClellan that he should ask permission to withdraw, rather than be discharged. Mr Bartlett then communicated to him his wish, that he should ask for his discharge from the Commission, and he would grant it to him. This Colonel McClellan refused; and demanded of Mr. Bartlett a copy of the charges which had been filed in the Department against him. Mr. Bartlett asked him why he should demand a copy from him, as a copy had already been sent to him from the Department of the Interior, and was in his possession. This being the case, it became necessary for Mr. Bartlett to issue a general order, in which he announced to the Commission that Colonel John McClellan was no longer connected with it as head of the astronomical corps. That was made necessary by the obstinate resistance of Colonel McClellan to surrender his place, until it was absolutely taken from him, under the instruction of the Secretary of the Interior, by the Commissioner, Mr. Bartlett. After that had been done, Mr. Bartlett sent to him a Mr. Vandricourt, asking for the boxes of stationery, drawing instruments, &c., which had been obtained for the Astronomical and Topographical Corps, and which had been purchased by him for the use of the Commission. He urged upon Colonel McClellan, that, by so doing, he would be exonerated from all responsi-

bility. Colonel McClellan held them for several days, until, at length, they were delivered up to Lieutenant Whipple, who was next in command of the Astronomical and Topographical Corps, and who was next to Colonel McClellan in rank. He received the stationery from Colonel McClellan, by direction of Mr. Bartlett, for the use of the Commission. There has been no other deprivation. The only thing to be complained about in connection with this matter, in my opinion, was the attempt in Colonel McClellan to retain, not for his own use, but to retain from the use of the Commission these maps and materials, in order to embarrass the Commission and the Commissioner.

In relation to this part of the specification, I wish to read to the Senate an extract from the deposition of John Bull, who was attached to the Commission during the whole time. He says:

"And I do further depose and say, that when the Commission had arrived at Camp McClellan, a point in its route between Goliad and San Antonio, the various members were called out, and an order read to them from the Commissioner, requiring them to obey all orders which might be issued to them by Colonel McClellan, under the penalty of being dismissed from the Commission for failure to do so. During Colonel McClellan's connection with the Commission, Mr. Bartlett always endeavored to sustain his (Colonel McClellan's) position, and to maintain him in his authority."

Now, this charge of McClellan's is, that he had endeavored to degrade the officers—meaning himself, I suppose. Why, that was already done to his hands. The man had degraded himself. Mr. Bartlett, with all his power as a Commissioner—as at the head of that Commission—had not the power to do that. I have done now, I believe, with that charge.

The next charge is "Charge 5th: Conduct calculated to destroy all discipline in the Boundary Commission, and producing resistance to the authority of the officers in command of the main body of the Boundary Commission, on its march from San Antonio to El Paso; and to endanger the lives of members of the Commission." There is evidence here to show the explanations that are given to that charge. While the Commission was passing on somewhere, I do not know where, the lamented Colonel Craig, a gentleman of whose death we have so recently received the melancholy intelligence, who possessed the highest character as a military man, an officer, and a gentleman, gave an order which seems to be the foundation of this charge. I beg leave, in the first place, to offer to his memory a tribute of my respect. That he should have proceeded upon this Commission as commander of the escort, and have gone to San Diego, and on his return, in company with Mr. Bartlett, more recently, as we all know, be killed, maintaining during the whole time an intimacy with Mr. Bartlett, shows that a good feeling always subsisted between them. I could do no better, if I had it here, than read to the Senate a beautiful letter, which has been published in the Intelligencer, from Mr. Bartlett, in which he speaks most feelingly of the misfortune that befel this gallant man. Here I beg leave to say, that if Colonel McClellan himself had been a man of good temper and good habits, as Colonel Craig was, he would have formed a friendship with Mr. Bartlett which would have lasted through both their lives. But from the conduct of Colonel McClellan, Mr. Bartlett has been deprived of an officer who has been assigned to him, and whose experience and judgment he supposed would have benefited him in his deliberations and counsels. Except Colonel McClellan, Mr. Bartlett has had no one of the *corps* of Topographical Engineers but Colonel Graham and Lieutenant Whipple, who was substituted for Colonel McClellan, on his departure. I have before me the papers in reference to the transaction alluded to. It is hardly worth while to read them to the Senate, but I will state their substance.

As the party were about to go to their evening encampment, Colonel Craig led on his escort, and placed his wagons on one or two sides of a square, leaving the other sides for the wagons of the Boundary Commission. Into the square thus formed, I suppose the animals were to be put for greater security, and I suppose the wagons were used somewhat as a defense against the Indians that might steal the animals. When the teams of the Boundary Commission came up, as Mr. Cranston states in his deposition, Colonel McClellan "took a freak," and ordered the teams to be removed about a quarter of a mile distant. One of the assistant surveyors, who is here, tells me that he measured the distance, and it was about one thousand feet. The position had been left by Colonel Craig for these teams, in order that they might form one side of his square, which was to be used as a defense, I suppose, against the Indians surrounding them. Colonel McClellan, instead of stopping his teams at the place where Colonel Craig supposed he would have done, ordered the men to go one thousand or twelve hundred feet further, merely for the purpose of embarrassing the Commission and exercising his little petty authority over the quartermaster. Now, that is brought as a charge against the Commissioner, that he attempted to deprive the officers of the Commission of their authority, by allowing a quartermaster to assume a power which he ought not to possess. I suppose, from what I hear, that it is true that the quartermaster at that time did absolutely say that it was so improper an order that he would not obey it. Colonel McClellan then said to Colonel Craig, "I call upon you, sir, to see that this be done with the armed force under your control." Colonel Craig went to the quartermaster and told him that the order of Colonel McClellan "must be obeyed." It was done, and the teams were sent where Colonel McClellan directed, and Colonel Craig had to reform his own teams, and have them in proper position. Mr. Bartlett had nothing to do with this. He was not there at all, and yet it is brought as the fifth charge against him. A full statement of the case will be found in Cranston's deposition and in the deposition of John Bull.

I come now to the sixth charge. It is: "Unpardonable neglect of the lives of the members of the Commission." The specification under that charge is: "In neglecting, on the march to San Antonio from Indianola, although warned that a desperate man named Turner, a teamster in the train, threatened to take the life of John Tennant, a member of the Commission, to discharge or cause to be discharged said Turner, and the consequence was the death of Tennant on the day or the day after the arrival of the Commission at San Antonio." On that subject I confess I have no evidence at all. I asked those gentlemen of the Commission who are here, what they knew about it, and they said, "Nothing at all." I have no doubt that some of the teamsters who were employed were desperate, wicked, and abandoned men. They had quarrels, of course, as men of that sort oftentimes have; they were probably ungovernable men. Occasionally there were threats of violence, but the gentlemen of the Commission who have been here said they did not understand that any particular threat was made, nor did they understand that the Commissioner had any knowledge of it.

But it seems that Turner did execute his threat of vengeance against Tennant, on some quarrel between them, I believe at San Antonio. He was arrested there, and the Commission was detained two or three days, I believe, in order to get evidence so substantial as to convict him of murder. He was tried by the authorities of the State of Texas, and found guilty of manslaughter, and is now in the penitentiary of Texas undergoing a sentence of fifteen years imprisonment. So that instead of there having been a case of murder, it was manslaughter, produced in some violent heat between these men, with which Mr. Bartlett had nothing to do—with which he had no connection whatever. There is no evidence to prove that he ever heard of it, except one of these witnesses says he told Mr. Bartlett that Turner had threatened to take the life of Tennant; and Mr. Bartlett said to him, "Do you think he will do it?" No answer was made, or at least none was reported to have been made, and that seems to have been the end of it. On that charge I have nothing more to say. I can, however, say this: that if the Commissioner, John R. Bartlett, believed that the life of the most humble individual under his command, or control, in that train, was at hazard, there is not that man in existence who would have periled himself sooner for his protection than he would. He is incapable of any neglect which should peril or hazard the life of any human being whatever.

The next charge is the seventh. "Conduct unbecoming the station he held as Commissioner of the United States on the Boundary Survey." "Specification: In using in a letter marked G, of official correspondence with Brevet Lieutenant Colonel McClellan, the following offensive language: "*This transaction*" [referring to maps, charts, &c.,] "*is certainly a very extraordinary one, and I can see no more reason why you should appropriate the articles alluded to for your benefit, or withhold them from the Commission, under the plea of your being responsible for them, than other public property.*"

Now, in explanation of that, I will say this: I agree that the point is not very important, but the explanation of it is furnished here by Mr. Bartlett himself, and the letters of Colonel McClellan, both to be found in the printed document, page 15. The letter of Mr. Bartlett is not long, and I shall trouble the Senate for a moment with reading it. In this letter he gives an apology for having accidentally used, if he used at all, the expression which was complained of. He says:

HEADQUARTERS MEXICAN BOUNDARY COMMISSION,
EL PASO, *December* 23, 1850.

SIR: I have yours of the 22d instant, and agreeably to your request annex a copy of the order announcing to the members of the Boundary Commission your removal from it, and the appointment of Lieutenant Whipple.

As it respects property in your possession belonging to the Commission, there is a regular and legal mode of procedure, whereby you will be relieved from all responsibility, pecuniary or otherwise, viz: by a direct delivery of the same to me, as the head of the Commission, or to any agent I may authorize to receive the same. The transfer of Commission property to any individual whom you may choose, more especially without my consent, and still more, without my knowledge, does not shift the responsibility, should any loss occur in consequence of such transfer; you very well know that, both legally and equitably, you would be bound to make good the loss.

To relieve you from all further responsibility, I will, if you desire it, appoint some one to receive such other property as still remains in your possession belonging to the Commission, and I would have done it ere this had I been advised that you had any in your possession, from which you wished to be relieved.

In regard to the remark in my letter of the 21st instant to you, in relation to the box of stationery, "*that you had appropriated to your benefit*" the articles alluded to, I will state that it was inadvertently made, and I hereby withdraw it. *The letter was written in haste, and the words alluded to do not appear in my copy, which reads,* "I can see no more reason why you should withhold them [the articles referred to] from the Commission, than any other public property."

Yours, respectfully,
JOHN R. BARTLETT, *Commissioner.*

To Brevet Lieutenant-Colonel J. MCCLELLAN,
U. S. Topographical Engineer, San Eleazario.

In the copy that Mr. Bartlett retained for himself, those words were not to be found. Colonel McClellan says that they were in his copy; but when the suggestion was made that the words were unbecoming, Mr. Bartlett immediately retracted them, if he had written them. Such is the explanation of that charge. It seems to have been rather a personal matter between them; and I will mention that the documents show that Mr. Bartlett allowed to Colonel McClellan, when he came home, the best ambulance, or spring-wagon, they had. He says he was very reluctant to part with it; but, as Colonel McClellan was about leaving, and as a train would start in a short time with a guard of about twenty men, if he chose he could take that wagon at its original cost ($300) in New York, which Colonel McClellan proposed to do. Mr. Bartlett dispossessed himself of a vehicle which was absolutely necessary for his comfort in the position which he held, in order to accommodate Colonel McClellan, that the latter might be relieved from the necessity of riding on horseback from El Paso to Indianola.

The eighth and last charge is: "Unpardonable neglect of the health and comfort of the members of the Commission. Specification: In neglecting, after various reports had been made to him, by members of the Commission, of deficiency in the quantity and quality of the rations, (particularly flour, pork, and beef—a sample of flour is inclosed to you,) furnished by George F. Bartlett, commissary of the Commission, to attend to said complaints, and remedy the evil complained of, and permitting the commissary to continue to issue flour, beef, pork, &c., unfit for use, and injurious to the lives of the members of the Commission; and, finally, in treating said complaints with open and avowed contempt." (See petition marked L, and correspondence in the hands of J. H. Prioleau.)

The explanation of that is this: The train of the Commission, on its departure from San Antonio, had a sufficiency of provisions, of the very best kind. At San Antonio the command of the train was left with Colonel McClellan, Mr. Bartlett having gone, by the northern route, toward El Paso. Colonel McClellan, after they had proceeded some distance on the route—I do not know how far—halted the train, and ordered the mule wagons to be unloaded of everything that appertained to the *personnel* of the Commission. After selecting a limited quantity of provisions, the residue were left with the ox-carts, which, of course, could not go so fast upon the route as the mule teams. Mr. George F. Bartlett, the commissary, as it appears by his own deposition, remonstrated with Colonel McClellan against leaving so much of their provisions with the ox-carts, because the limited supply which Colonel McClellan ordered to be taken on with the mule teams would not subsist the Commission till they reached El Paso. The order, however, was carried into effect. The whisky and the brandy were left behind, except one ten-gallon cask, which Colonel McClellan directed to be carried to his quarters as "private stores." The ox-teams were left behind, and the mule train started on its journey, of some seven or eight hundred miles, for New Mexico. Before they had accomplished more than one half of their journey they got very nearly out of provisions, and were obliged to depend, as the depositions of George F. Bartlett, Mr. Bull, and others, state, upon the quartermaster of the escort, that is, the quartermaster of Colonel Craig's command. When they got within two hundred miles of El Paso, finding that the provisions that Colonel Craig had were insufficient for the supply of the men, they sent on an express to El Paso, to Mr. Bartlett, to purchase provisions to have them ready when the team arrived, for they would be perfectly destitute, and had scarcely enough to carry them on the route. George F. Bartlett states that the Commissioner immediately set himself to work to endeavor to get provisions for them. This mule train, with Colonel McClellan himself, arrived at San Eleazario on the 9th of December, 1850. They were totally destitute of everything eatable or to drink. George F. Bartlett immediately made a contract with a man by the name of Morell, as his deposition shows, to furnish him with flour, according to a sample which was furnished. Morell furnished some flour inferior to the sample, and one day's rations were issued of this inferior flour before its quality was discovered. But when the inferior quality of the flour was known, it was returned, and good flour was demanded. They then made another contract, with a Mexican, whose name I do not remember, and by that contract got the flour they required.

There is also before me some statements of the United States Quartermaster and officers of the forces then at El Paso, stating that the Commission were obliged to borrow of the United States Quartermaster, stationed at El Paso, and of the commanding officer at that place, enough to sustain them until their ox-teams arrived. In the mean time they got what they could, and, among the things they got was one cask of hams, which were unfit for use, and were returned or thrown away. But otherwise they were depending on the United States Quartermaster for subsistence during most of the time. Here is a letter from Mr. Bartlett to Mr. H. Miller, commissary of the United States of the Mexican Boundary Commission, and other statements in regard to the matter:

HEADQUARTERS, COM'RY DEP'T U. S. AND MEX. BOUNDARY COMMIS'N, SOCORRO, *Jan.* 6, 1851.

DEAR SIR: I wish you to give me your written opinion in regard to the quality of the beef issued by you to the Commission since the arrival of the party into quarters.

Very respectfully yours,
GEORGE F. BARTLETT,
Commissary U. S. & M. B. C.

MR. H. MILLER,
Commissary Sergeant U. S. & M. B. C.

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SOCORRO, *January* 7, 1851.

SIR: In reply to your note of yesterday, I have only to state that I have been a butcher at the north for many years, and profess to be a good judge of beef; that since the death of Mr. Tennant, I have acted in that capacity in the United States and Mexican Boundary Commission, and must say the beef I have killed and issued to the members of the Commission, since our arrival at this place, has been superior to any I have issued since our arrival in Texas.

Very respectfully yours,
H. MILLER,
Commissary Sergeant U. S. & M. B. C.

GEORGE F. BARTLETT, Esq.,
Commissary U. S. & M. B. C.

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SUBSISTENCE OFFICE,
PASO DEL NORTE, TEXAS, *January* 4, 1851.

SIR: In accordance with your request, I have the honor to make the following statement in regard to a communication addressed to you by certain persons in the employ of the Boundary Commission, complaining that the rations issued to them are of inferior quality to those issued to the troops stationed in this section of the country.

Agreeably to an order received from the War Department, directing that the Boundary Commission be supplied, at the several commissary depôts, with such articles of subsistence stores as could be spared without injury to the public service, there has been issued to them, at different times, from this depôt, pork, coffee, sugar, rice, &c., from the same stores and of the same quality as those issued to the officers and soldiers stationed at this post.

In regard to the assertion that the pork had been condemned at this post, previous to its being issued, I can state that not a single pound of pork has ever been condemned of the lot of stores from which these were issued. No fresh beef or flour has ever been issued at this post, to the parties complaining.

I presume the beef issued to them by the commissary of the Commission, is not of the best quality, as it is with the greatest difficulty that even a tolerable quality of beef can be procured in the country.

For the last three months, notice for proposals to furnish the post with fresh beef has been published, and, as yet, not a single bid has been received.

The beef we are now receiving is delivered by verbal agreement, and that so long only as the person delivering may be able to procure beef at certain rates.

I am, sir, very respectfully, yours,
W. H. WOOD,
2d Lieut. 3d Infantry, A. A. C. S.

TO JOHN R. BARTLETT, Esq.,
United States Boundary Commission.

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SAN ELEAZARIO, TEXAS, *January* 29, 1851.

I examined a quantity of rice, beef, and pork in the possession of the commissary of the United States Boundary Survey, which I was assured was such as was issued to persons belonging to the said Survey, and I unhesitatingly state that I consider the samples of rice, beef, and pork shown me, equal in quality to the provisions issued to the United States troops on this frontier.

W. B. JOHNS,
Captain 3d Regiment Infantry.

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SOCORRO, TEXAS, *January* 31, 1851.

I hereby certify, on honor, that the provisions examined by Captain Johns were from the same lot as that issued to the members of the expedition at San Eleazario, in December and January. HYLAND MILLER,
Commissary Sergeant.

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SOCORRO, TEXAS, *January* 31, 1851.

I hereby certify that the provisions examined by Captain Johns were from the same lot as that issued to the members of the United States and Mexican Boundary Commission, at San Eleazario, in December and January, and that we had no better provisions on hand at the time the issues were made. On honor, HENRY JACOBS,
Assistant Commissary U. S. & M. B. C.

The difficulty in regard to provisions arose entirely, as is proved by the evidence, from the fact that Colonel McClellan, of his own motion, having full and entire power over the movements of the Commission, left the provisions behind in the ox-carts, and went on with the mule train, dispossessing, by that means, the Commission of the provisions that had been provided for them. It is sworn to that the ox train did not arrive at San Eleazario until one month after the arrival of the mule train; and it is also sworn to that it was only during that one month these complaints were made, and that during the rest of the time there were no complaints made.

Now look at it. Here is Colonel McClellan himself, acting certainly from his own judgment, if he had any. He had this change made entirely of himself. The mule train passed on, and the ox train was left behind. The great bulk of the provisions was left for the ox train. Provisions were borrowed on the route from the United States quartermaster of the escort. They arrived at El Paso. There they were dependent on the United States quartermaster, as is proved by the letter which I have read from the lieutenant in command. When the commissary arrived he had to make purchases of flour. One day's flour was bad, and when it was discovered better flour was demanded. A part of the issue of that bad flour was preserved by Colonel McClellan, and sent by him to the office of the Secretary of the Interior, in order to show that bad flour was distributed by the commissary.

From all the evidence which I have seen, I think that all due diligence was used, that every exertion was exercised which possibly could be by both of the Mr. Bartletts, to give the best provisions they could, and still we find these charges made against Mr. Commissioner Bartlett, who had nothing to do with the matter, but who used his exertions to supply the Commission with flour and other necessary provisions.

I have now got through with these charges. I have not produced any evidence which was not sworn to, where it was possible to have it sworn to. I have shown who Colonel McClellan was, and who were his associates. I have shown that it is to his own misconduct, and to that alone, he must attribute the difficulties which have attended the Commission whilst he was associated with it.

Thus have I presented the evidence which has been placed in my hands. If a word of mine has reached the ear or the heart of these misguided men, let that silent monitor, which a merciful God has implanted in the heart of all men, awaken them to the evil courses of their way.

The great Bard of Avon says:

> "I have heard
> That guilty creatures, sitting at a play,
> Have, by the very cunning of the scene,
> Been struck so to the soul, that presently
> They have proclaimed their malefactions."

In the name of this abused and calumniated individual, John R. Bartlett, against whom their poisoned shafts have been directed—in the name of an accomplished and affectionate wife, whom he would not willingly "permit the winds of summer to visit too roughly;" and in the name of five interesting and lovely children, all of whose earthly treasure is a husband and a father's love, and fair fame—I conjure these abandoned men to pause in their mad career. Let them turn from their wickedness, and live. A life of penitence and virtue may appease an offended God, whose name they have indeed taken in vain. An outraged public will forget their transgression; and of all men, there is not one who will more readily forgive them than this injured and reviled Commissioner.

RIVERS AND HARBORS.

SPEECH OF HON. J. LOCKHART,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

July 22, 1852.

The House having resumed its session, (evening session,) went into the Committee of the Whole on the state of the Union on the River and Harbor Bill, (Mr. OLDS in the chair,)

MR. LOCKHART said:

MR. CHAIRMAN: I had not expected to have participated, at this time, in the debate upon this bill. I had supposed, and indeed entertained the belief, that the House of Representatives would have permitted the chairman of the Committee of Ways and Means to have progressed, at least for another week, with the appropriation bills. I thought it due to him and to the public service that he should have been thus permitted, but the decision has been otherwise. The bill now under discussion proposes appropriations for the improvement of rivers and harbors. In that provision of it which appropriates money for the improvement of the Ohio and Mississippi rivers, the people of the district which I have the honor of representing are deeply interested. That district extends from the mouth of the Wabash river to within eight miles of the Falls of the Ohio, a distance of about two hundred and fifty miles. Fronting this district most of the obstructions in the lower Ohio are to be found. My constituents, then, are deeply interested in every movement made for the improvement of the navigation of that noble river.

I, sir, would prove recreant to duty and the best interests of my constituents were I to omit to urge the importance of these improvements upon the attention of Congress, and to ask its favorable action upon them. The waters which descend the western slope of the Alleganies and drain the great basin of the Mississippi valley, in their meandering course to the ocean, wash the shores of thirteen of the finest States of this Confederacy. Upon the bosom of the noble rivers of the West

the rich agricultural productions of these vast regions are borne to market, and millions of our fellow-citizens, in their passage from one section of the Republic to another, annually travel.

Before proceeding to give my views upon the merits of the bill now before the committee, it is perhaps proper that I should say that I belong to the class of politicians who believe in a strict and rigid adherence to the principles of the Constitution.

I maintain that the States are independent powers, and possess absolute sovereignty, which carries with it an undoubted right to legislate upon all questions unless restrained by local constitutional law or the Federal Constitution, and that Congress possesses no power to legislate upon any subject unless that power is expressly delegated to it by the Constitution, or necessarily implied to enable the expressly delegated powers to be executed. To travel beyond this point in looking for authority for our action, we are trespassing upon the reserved rights of the States and the people. This is what I understand to be State-Rights Democratic doctrine. Professing to be guided by these views, I can vote for most of the appropriations contained in this bill. I am aware, sir, that upon this subject there are differences of opinion between members of the same great political family, and it is probably fortunate for the country that it is so. If we were all of one mind, and in power, by taking one direction, profligacy and extravagance might mark our course; if the other, the wants, interests, and rights of the people might be neglected and disregarded. These different and conflicting views, while they restrain and control extravagance and waste, will insist upon a just and liberal policy which will impose no unnecessary or unjust burdens or restrictions upon any class of our fellow-citizens, but on the contrary, afford just and equal protection and facilities to all. I, sir, agree with neither of these extremes; there is a medium, a just and a prudent course, which I think, with all due deference to the opinions of others, ought to be pursued.

This course was clearly and distinctly laid down by General Jackson, one of our ablest and most patriotic Presidents. That doctrine is so clear and explicit, that he who reads can understand it. It received a universal approval from the American people at the time of its promulgation. It was then regarded as Democratic doctrine, and those who rightly understand the doctrine of the Democratic party, I apprehend will regard the teachings of Jackson as Democratic now. While he was very clear and explicit against all improvements of a local character, he was equally clear and explicit in favor of judicious appropriations for the improvement of our great navigable rivers. In his sixth annual message, he examines the whole question of internal improvements in a masterly manner, and presents his views upon river and harbor improvements as follows:

"There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have, for their object, the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce.

"The grounds upon which I distinguish appropriations of this character from others, have already been stated to Congress. I will now only add, that at the first session of Congress under the new Constitution, it was provided by law, that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States; and further, that it should be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several States, and for furnishing them with supplies.

"Appropriations for similar objects have been continued from that time to the present without interruption or dispute. And as a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our sea-board, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the extension of these expenditures, to the erection of light houses, the placing, planting, and sinking of buoys, beacons and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes, as well as upon the sea-board.

"Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant, and disproportionate to the advantages to be derived from them I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of *all* my predecessors. Sensible, however, from experience and observation, of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limit for the government of my own conduct, by which expenditures of this character are confined below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the Executive Department in its execution, by appropriations for remote and not well-understood objects. But as neither my own reflections, nor the lights which I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded."

Here, sir, you have the views of the Sage of the Hermitage, a man whose memory will be revered, and whose name will be handed down to posterity as one of the ablest expounders of constitutional law, of this or any other age. Few men of any age have possessed more of those controlling qualities which combine to make the great man than did Andrew Jackson. By the lights of his counsel, I profess to be guided. By the standard which he erected, I am willing that my political faith shall be tested.

But, sir, General Jackson was not the only Democratic President who favored improvements of the character I advocate; they have received the countenance and support of Washington, Jefferson, Madison, and Monroe. Does any one doubt it? I will give him incontestable proof. Washington, during his administration, approved some twenty bills, making specific appropriations for the erection and support of light-houses, and at least one for the support, maintenance, and repairs of "BEACONS, BUOYS, AND PUBLIC PIERS, ERECTED, PLACED, OR SUNK WITHIN ANY BAY, INLET, HARBOR OR POINT OF THE UNITED STATES."

In his first message, Mr. Jefferson makes use of this language:

"Agriculture, manufactures, commerce, and navigation, the four great pillars of our prosperity, are then most thriving when left most free to individual enterprise. PROTECTION FROM CASUAL EMBARRASSMENTS, HOWEVER, MAY SOMETIMES BE SEASONABLY INTERPOSED, if in the course of your observations or inquiries, they should appear to need any aid within the limits of our constitutional powers."

Again, in his last annual message, he says:

"The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it be unproductive in the public vaults? Shall the revenue be reduced? or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendments of the Constitution as may be approved by the States?"

Here, sir, is the last officially-expressed opinion of Mr. Jefferson upon this important question; a clear and explicit declaration that Congress can appropriate money from the National Treasury, for the improvement of ROADS, CANALS, RIVERS, EDUCATION, and other great foundations of prosperity and union, under *such power* as Congress, by the Constitution, possessed, or under such powers as might by amendments to the Constitution be conferred upon that body.

I am aware, sir, that when Mr. Jefferson entered upon the discharge of the duties of Chief Magistrate of the nation, his prepossessions were strong against this class of appropriations. In his new position, however, he felt himself called upon to look beyond the geographical lines which divided Virginia from her sister States; he felt and knew that his relations to the people had changed, and with this change followed a relaxation of the rigor of his former views. Turning his eyes westward, he beheld the extensive valleys of the Ohio and the Mississippi. The free navigation of these rivers presented a new subject for his meditations. The acquisition of Louisiana soon became a favorite theme; he examined the question in all its bearing, and finally arrived at the conclusion that he could, without doing violence to his own conscience, or the Federal Constitution, approve a bill appropriating $15,000,000 for its purchase. By this master stroke of policy, the commerce upon our western rivers had a free passage to the ocean. He gave his assent to the constitutional right of Congress to construct works of a national character, when he signed the first bill making an appropriation for the construction of the Cumberland road—a road which, at that day, was regarded as a national work.

Mr. MILLSON. I hope I do not understand my friend from Indiana as asserting that Mr. Jefferson acknowledged the power of Congress to construct roads. When he refers to Mr. Jefferson's having signed the bill for the appropriation of money for the Cumberland road, I hope he recollects the circumstances under which that bill was signed. He should remember the features of that bill, and the objects for which it was introduced. It was introduced in furtherance of a compact made between the United States and the State of Ohio, upon her admission into the Union, by which, in consideration that she would impose no tax of any kind upon the public lands in the hands of purchasers for a certain period after their sale, it was stipulated that two per cent. of the sales should be reserved by the Government for constructing certain roads. The bill signed by Mr. Jefferson expressly provided that the money appropriated by it should be paid out of this two per cent. fund.

Mr. LOCKHART. In reply to the remarks of my esteemed friend from Virginia, I will simply say, that the compact of which he speaks was no compact at all; it was an act of Congress passed in 1802, and approved by Mr. Jefferson himself, providing for the admission of Ohio into the Union; and that the two per cent. fund of which he speaks was the twentieth part of the net proceeds of the sales of the public lands in Ohio. This twenty per cent., it will not be denied, was paid into the Treasury of the United States, and again drawn out under the act appropriating the money for the construction of the road. Had Mr. Jefferson regarded these laws as unconstitutional he would not have signed them. Having approved them, the argument is irresistible that he regarded them as constitutional.

Mr. FREEMAN. Perhaps I misunderstand the gentleman. I wish to call his attention again to the same point raised by the gentleman from Virginia. The two per cent. fund that was to be appropriated in consequence of this compact when Ohio came into the Union, was two per cent. of the proceeds of the sale of the public lands. Now, under the power which Congress has to admit States into the Union, she made that contract with Ohio. There can be no doubt, that when Ohio was admitted into the Union, Congress had power to admit her with that condition. It did so. Now, do I understand the gentleman to say it would have been competent for the President of the United States, after that time, to have vetoed the bill, or any bill, making an appropriation of this two per cent. fund from the Treasury, simply because that two per cent. had been received from the sales of the public lands and deposited in the Treasury? Will the gentleman pretend to say this Government could have violated the compact which was entered into, as everybody will admit, constitutionally, when that State came into the Union, and that the bill might be vetoed?

Mr. LOCKHART. My friend does not seem to understand the point I make. I say that the act of Congress providing for the admission of Ohio into the Union was not a compact, but a law of Congress, approved by Mr. Jefferson. Will the gentleman from Mississippi maintain that the act was unconstitutional? To do so, would be to say that Mr. Jefferson did not understand what acts were and what acts were not constitutional. It is, then, folly to say that Mr. Jefferson was bound by a compact when he approved the Cumberland road bill. He was bound only by the Constitution and by an act which he had himself approved.

Mr. FREEMAN. The Constitution says, Congress shall have power to admit new States into the Union. That power is unlimited. There is no appeal from it. Ohio was admitted with the condition that three per cent. of the proceeds of the sale of the public lands should be appropriated for roads within the State, and two per cent. for roads to or through the State. Now, that was a compact which could not be unconstitutional, because Congress has unlimited power to admit States into the Union. This compact had been entered into, and I take the ground that no subsequent

Congress could have vetoed a bill for the taking of that money from the Treasury for those purposes.

Mr. LOCKHART. My friend from Mississippi must remember that the power which Congress has under the Constitution to admit new States, is in these words: "*New States may be admitted by the Congress into this Union.*" The right to admit States, it will be seen, is in no way connected with the expenditure of money; hence the argument based upon the supposition that, to admit a State, carries with it the power to appropriate money from the Treasury for works of internal improvement within the newly-formed State, in contradistinction to similar improvements elsewhere, falls to the ground.

If other acts of Mr. Jefferson are needed to prove that he did not regard laws of Congress unconstitutional which appropriated moneys for internal improvement, I have only to state, that in 1802 he approved a bill appropriating $30,000 for repairing or erecting piers in the Delaware river; in the same year, he approved a bill appropriating money for the purchase and erection of warehouses and stores, and another appropriating $6,000 for opening roads in Ohio; in 1806, he approved a bill appropriating $18,400 for opening roads from the frontier of Georgia, on the route from Athens to New Orleans, and from the Mississippi to the Ohio river, and from Nashville to Natchez.

Having now shown the position occupied by Mr. Jefferson, I propose briefly to examine the position of Mr. Madison upon the question of internal improvements.

In his seventh annual message, he uses this language:

"Among the means of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country roads and canals, which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the Government, whose wise and enlarged patriotism duly appropriates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work, for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication, in bringing and binding more closely together the various parts of our extended Confederacy. Whilst the States, individually, with a laudable enterprise and emulation, avail themselves of their local advantages, by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means."

These theoretical views of Mr. Madison were exemplified in practice by repeated acts during his administration. In 1811, he signed a bill appropriating $6,000 for roads in Ohio. In 1816, he signed a bill appropriating $10,000 to a road between Columbia, on Duck river, in Tennessee, and Madisonville, in Louisiana; and a road between Fort Hawkins, in Georgia, to Fort Stoddard. I could enumerate several other bills of a similar character, which received his approval, but it would be an unnecessary task. I have shown enough to prove that Mr. Madison was fully committed to works of internal improvement of a national character. I now propose to show the position of Mr. Monroe upon the subject of internal improvements. It is true that Mr. Monroe, in his first annual message, took strong grounds against internal improvements by the Federal Government, and that in May, 1822, he vetoed a bill making appropriations for the Cumberland road, and in the same year, in his annual message, virtually abandoned his position by saying, that in his judgment, Congress had the right to provide for the superintendence of the road, and to appropriate money to keep it in repair.

In 1820 he approved a bill making an appropriation for a survey of the Ohio and Mississippi rivers, with a view of improving their navigation; and in 1824 he signed the first bill making an appropriation for the improvement of those noble rivers. This bill goes the whole length for river improvements, and appropriates $75,000 for that object. Having now shown most conclusively that works which, at the time the appropriations were made, were considered of a national character, have received the approbation and sanction of Washington, Jefferson, Madison, Monroe, and Jackson, I will dismiss the further consideration of this branch of the subject, after noticing a remark made a few weeks since by the distinguished gentleman from North Carolina, [Mr. VENABLE,] who expressed himself most strongly against appropriations for internal improvements, and expressed the wish that upon this subject the administration of the Federal Government could be brought back to the policy which characterized the administrations of the earlier Presidents; and particularly those of Madison and Monroe. Could it have escaped the recollection of my honorable friend that the first steamboat which traversed the waters of the Ohio and Mississippi was in 1811, and that there were but four or five at the close of Mr. Madison's administration, and but little or no commerce, either upon those rivers or upon our long line of spreading lakes? That which was but an experiment in the early part of Mr. Madison's administration approached towards perfection during the administration of Mr. Monroe, and demonstrated most clearly that the swift current of the Mississippi could be overcome by the power of steam, and a market given to the rich agricultural regions of the West.

By the introduction of steam navigation, a new era dawned upon commerce—new duties devolved upon Government. In this age of progress, in philosophy, in science, in agriculture, in commerce, and in navigation, this Government should not play the part of the laggard. Our geographical position, the interests of our people, our rank as a nation, our high destiny, demand that every constitutional means within our power should be resorted to, to alleviate the condition of the toiling millions, and extend "fair and just protection to 'all of the great interests of the whole country, 'embracing agriculture, domestic manufactures, 'commerce, the mechanic arts, and navigation." If my friend from North Carolina will practice what Mr. Monroe taught, I shall expect to see him vote for all necessary appropriations for the improvement of the navigation of the great rivers of the West, and in return ask that justice shall be done to the South. And now I wish to say a word to the distinguished gentleman from Virginia who sits near me, [Mr. MEADE.] He, too, denies the constitutional right of Congress to appropriate money for works of internal improvement, and says that he wishes there was an exception in favor of the Ohio and Mississippi, and that, could he see his way clear, he would vote for appropriations for the improvement of those rivers. May I not ask him to turn his eyes back upon the past legislation of Congress, commencing with the administration of Washington, and terminating with that of Jackson, and then tell me whether he ought to set up his opinions and views as a standard for our action in preference to the action of Congress for half a century, sanctioned and approved by four of our most distinguished Presidents, three of whom were the pride and boast of Virginia?

Mr. Chairman, I regard the constitutional question as settled by the highest authority, and that the main duty which devolves upon Congress is to see to it, that the appropriations are kept within proper bounds, and applied to works of a national character; or, as Mr. Madison has it, to works "REQUIRING A NATIONAL JURISDICTION AND NATIONAL MEANS." Let us, then, inquire into the character of the works embraced in this bill. Do they come within the rule laid down by Mr. Madison or by General Jackson? That most of them do, I have no doubt. The amount proposed for the improvement of the Ohio and Mississippi comes clearly within the rule laid down by all preceding Administrations, including the stringent rule of Mr. Polk, as laid down in his veto message of 1846. I understand him to admit in that message that Congress has the right to make appropriations for the improvement of the navigation of "bays, inlets, and rivers connected with, or lead-'ing to, such ports as actually have foreign com-'merce; ports at which foreign importations arrive 'in bulk, paying the duties charged by law, and 'from which exports are made to foreign coun-'tries." Whether this rule, as laid down by Mr. Polk, be the correct one or not, I will not stop to inquire. It is sufficient for me to know that appropriations for the improvement of the navigation of the highways of States in the West come within the rule, as well as the harbors upon the sea-board.

The commerce upon the western rivers is immense. The region of country lying above St. Louis now sends more produce annually to market than thirty years ago was sent from all the States bordering upon the Ohio and Mississippi. Well did Mr. Calhoun remark, after his visit to Memphis, that the Mississippi and Ohio rivers were great inland seas. They are great inland seas, and the Supreme Court of the United States, at its last term, declared them to be under admiralty and maritime jurisdiction. The court repudiates the doctrine that admiralty jurisdiction does not extend beyond tide-water, although the same court, a quarter of a century ago, so held. So much for the spirit of progress upon American jurisprudence. May we not hope that legislators will learn wisdom from the past, and profit by experience? They must do so to meet the wishes of the people, and keep pace with the spirit of the age. I have said that the commerce of the West was immense. This statement will be fully appreciated when I state that in 1850 there were two thousand one hundred and ninety-two steamers landed in New Orleans, principally from the interior, and that the shipments of domestic produce from the port of New Orleans in 1850 amounted to the sum of $37,698,277; and that during the same period there were but $41,502,800 worth of domestic produce shipped from the city of New York, a large portion of which was also western produce, finding its way thither through the lakes and canals.

The risks and dangers incident to the navigation of the Ohio, the Mississippi, and its tributaries, is immense, and the destruction of life and loss of property very great, as appears by the following extract:

"The boats sunk by snags and other obstructions in western rivers, up to the present year, number 576. The sinking occurred within the following periods:

From the year 1810 to the year 1820	3
From the year 1820 to the year 1830	37
From the year 1830 to the year 1840	184
From the year 1840 to the year 1852	272
Boats whose dates of loss are unknown	80
Total number of boats	576
Tonnage of 480 of the above boats, as ascertained by record	68,048
Tonnage (supposed) of the remaining 96 boats	17,210
Total tonnage	85,258
Original cost of boats lost by sinking, as ascertained	$6,348,940
Supposed original cost of 102 not accounted for	765,000
Total original cost	$7,113,940
Total depreciation of the above boats while in service	$3,655,890
Final loss, total	$3,681,297

"These statistics refer to those steamboats only that have been sunk by snags and other obstructions.

"The list of boats destroyed by fire consists of 166. The original cost of these 166 steamers was $2,010,854; their depreciation while in service $1,041,434; and their final loss $1,817,428.

"The explosions that have occurred on the western waters up to the present year number 209. The loss of life actually recorded is 1,440; the number wounded 838. The pecuniary loss in the 209 instances, at the supposed reasonable average of $13,302 for every boat, is $2,780,118. Regarding the subject of the loss of life just mentioned, we will add that in numerous cases where it is known that many human beings were launched into another world, the records show nothing. The following estimate is reasonable—it may even fall short of the reality:

Estimate of persons killed in 209 explosions, averaging eleven persons to each case	2,299
Estimate of persons wounded, averaging nine to every explosion	1,881
Supposed total killed and wounded	4,180

For this statement of facts I am indebted to a late number of the St. Louis Republican. I have examined it with great care, and think it can be relied upon as the most authentic and correct statement of the disasters and losses of life and property upon the western waters yet published. If this statement does not show the absolute importance and necessity for prompt and speedy action, and liberal and just appropriations for our western waters, then, sir, no case can be presented which would justify Congress in affording our commerce just and fair protection. Let a vessel be wrecked upon our extended sea-board for want of a light-house, beacon, buoy, public

pier, or breakwater, and the entire press of the Atlantic cities is down upon the Government for its gross neglect of the wants and interests of commerce. The commercial associations of our Atlantic cities are at once assembled, and active and energetic means concocted to procure the necessary improvements to be made. Congress, through these associations, and through memorials, numerously signed, is asked to remedy the evil at once; and, sir, Congress has never yet turned a deaf ear to their appeals. Everything is done which men and money can do to render the navigation of the ocean safe, and it is right that it should be so. Of this the people of the West do not complain. What they complain of is, that when they approach your halls of legislation, and tell Congress that of the 1,716 steamboats built upon the western rivers, 565 of them have been lost upon snags, sawyers, and other impediments to navigation, and that millions of property have been destroyed, and thousands of human beings drowned; and when they ask for an appropriation to remove these obstructions, they are told, by some, that it is unconstitutional to appropriate moneys for that object; by others they are told that if they will vote for the improvement of the mouths of creeks, and for the construction of piers and breakwaters at every indentation upon the ocean and lake shores, they can have a small appropriation for western rivers. In other words, if we will vote millions to the East, they will grudgingly give us a few thousands for the West. Away with such arguments as these. The West "asks nothing that is not clearly right, and will submit to nothing that is wrong." Weak though her voice may now be, the day is not distant when her power will be felt in these Halls—when, by the force of numbers, she will be able to assert and maintain her rights.

The loss of one of our floating palaces on the western rivers is an occurrence so common that it makes but little or no impression upon the public mind beyond the vicinity in which the loss occurs. Not so with the loss of a vessel upon the ocean. Do you remember, does this committee remember, that but a year or two ago one of the Collins line of steamers was supposed to be lost? Do you remember how every section of the country was convulsed? Do you remember how the people in our commercial cities thronged around the bulletin boards to learn if there was any intelligence of the Atlantic? Day after day, and week after week the papers were teeming with inquiries after the fate of that noble vessel. And what was the feeling throughout the country when the telegraph announced that she was safe? Sir, when that swift-winged messenger of thought conveyed to the extremes of this Union, with the velocity of lightning itself, the intelligence of the safety of the Atlantic, friend greeted friend, and all exclaimed, "The Atlantic is safe!" "The Atlantic is safe!" That noble vessel, though disabled and tempest-tossed, still rides the waves in triumph. She enters the harbor of New York amid the cheers and huzzas of thousands, who throng the wharves to behold again one of the finest specimens of naval architecture that traverses the ocean.

Do you remember the state of excitement and feeling that pervaded every portion of the globe, upon the receipt of the intelligence of the probable loss of the steamship President, and how great the anxiety to gather up some fragment from the wreck of that ill-fated vessel?

How different the tone of public sentiment, and of the Press, at the receipt of the intelligence of the loss of one of our noble steamers on the western waters! Occurrences of this character are so common, that newspaper editors in the East scarcely notice them, and if they do, it will be in a short paragraph of half a dozen lines, something after this style: "Another steamboat sunk. The steamer John Adams, while turning a point five miles above Memphis, in the Mississippi, struck a snag and sunk in three minutes; two hundred and thirty persons drowned—boat and cargo a total loss; no insurance. Captain, clerk, and first cook saved."

While I am most anxious to do all in my power to prevent this terrible destruction of property and loss of life, I will not vote for improper and improvident appropriations to secure so desirable a result. Let the friends of judicious and proper improvements see to it, that the log-rolling principle is not resorted to, and the bill loaded down with appropriations for works of a local character—improvements within States which are not warranted and sanctioned by a fair and just construction of the Constitution.

I will say here, to the gentleman from Virginia, [Mr. MILLSON,] that if he will introduce his proposition for an appropriation for the James river, and vote for it himself, I will vote for it too. I think that river ought to be improved, and that the obstructions spoken of on yesterday by his colleague [Mr. MEADE] ought to be removed. But I think the Representatives of Virginia ought to take the lead in this matter; that they ought to throw aside their abstract doctrines upon this subject, and act as becomes enlightened statesmen, and take as broad and liberal a view of this subject as did Washington, Jefferson, Madison, Monroe, McDuffie, Poinsett, Barbour, and Calhoun, (all of whom, in some form or other, have sanctioned appropriations of this character,) and come in with us and have a fair share of the appropriations.

Mr. MILLSON. Of the spoils?

Mr. LOCKHART. No, sir; not of the spoils, but of appropriations for national objects. Let them take their share, if they choose, of the money which was distributed a few years ago and placed on deposit with the States. Let them be just and liberal towards themselves, and not be stubborn and mulish upon that subject any longer. [Laughter.] I have shown them that Jefferson sanctioned this policy and signed bills appropriating money for these purposes. I have shown them that Madison and Monroe both recommended it and both signed bills of this character. The brilliant examples of these men were the great lights by which my friend from Virginia [Mr. MILLSON] said the other day that he was guided. Why, then, should he persist any longer? Why not come in and share with us? Virginia is now constructing a railroad from Richmond to Memphis, so as to connect the James river with the waters of the Mississippi. Then why not improve the James river, remove the obstructions, and enable their ships to ascend to Richmond? That city is a port of entry, and James river an arm of the sea, its improvement is of national importance, and requires national means. It comes within the rule for improvements as laid down by the Fathers of the Republic and the framers of the Constitution.

Mr. MILLSON, (interrupting.) I merely wish to correct a mistake into which the gentleman has fallen. He has fallen into an error in supposing that I am the member who is particularly interested in the appropriation for James river. I presume he refers to one of my colleagues, and I do not wish my colleague's purpose to be at all thwarted or impaired by any opinions I may entertain upon this subject.

Mr. LOCKHART. Certainly not. I understand that each member from Virginia acts and thinks for himself. They are all free men, and free thinkers, and I have no doubt that the gentleman who represents the Richmond district will do what he believes to be right upon the subject, as well as all the other Representatives from Virginia. What I wish to be understood as saying is, that unless he introduces the amendment himself, and votes for it in good faith, I will not vote for it.

Mr. CASKIE. I have great pleasure in saying to the gentleman, that I shall, at the proper time, introduce that amendment, and vote for it myself—most certainly vote for it. It is fair and proper, however, that I should say, as I am most careful to say everywhere—and I am sure that the gentleman and the other members of the committee will understand my position—that I shall not vote for the bill, with or without the amendment. But to that gentleman, and to other gentlemen like him, I will appeal, and ask them whether they, being satisfied of the propriety of this policy, will not carry it out fairly, equally, and justly? Will they refuse to carry it out fairly, equally, and justly, because I cannot, do not, and will not, agree with them as to its propriety? I am sure, from what I have heard from that gentleman—with whom I regret that I have not had the pleasure of an acquaintance—this evening, that he will carry it out as if adopted it should be carried out, without regard to what may be my opinion of the policy itself.

Mr. LOCKHART. All I intended in drawing the gentleman out, was to have him say that he would introduce the amendment, and vote for it himself. I understood his colleague [Mr. MEADE] to say on yesterday, that he was opposed to, and would vote against this bill even though an amendment making an appropriation for James river should be inserted, but that as an act of justice to Virginia, those who entertained the opinion that these appropriations could be constitutionally made, ought to vote for the James river appropriation, although the Virginia Representatives should all vote against the bill on constitutional grounds. Although I am as willing to do justice to Virginia as to any other part of the Union, yet I respectfully submit to him whether Congress ought to give to any State that which her Representatives will not ask and vote for themselves?

Mr. CASKIE. My colleague [Mr. MEADE] is not present, but the gentleman must have misunderstood him. I agree entirely, and I understand my colleague fully to concur with me, in the proposition that no gentleman here has a right to ask the members of this House to vote for an amendment which he himself will not vote for.

Mr. LOCKHART. I am pleased to learn the gentleman's position on that point. I hope to see him at no very distant day, becoming still more liberal, and standing side by side with his Democratic brethren of other sections of the Union upon this subject. I hope he will go with them in insisting that we shall have no log-rolling bills, and that he will frown down and vote against every appriation that may be attempted to be fastened on this bill, with a view to render it odious, and kill it.

Mr. CASKIE. I will.

Mr. LOCKHART. This bill is swelled up pretty largely already. I am not satisfied with it as it stands. It does not appropriate enough to the Ohio and Mississippi rivers. New York gets a monstrous pile out of this appropriation. She gets by this bill, according to the calculation made by the chairman of the Committee on Commerce and by myself, $228,000.

Mr. HART. Will the gentleman state how much less New York gets, than the estimates of the Department for that State?

Mr. LOCKHART. I do not know; but this much I can say, that the Secretary has no doubt made them large enough—that Department is good on estimates and deficiency bills. New York has always been well provided for, and she ought to be. In previous bills, Buffalo, for which there is a liberal appropriation in this bill, has already received $233,000. Big Sodus Bay has had $116,000, and "Sodus, in Cayuga county," now asks for an appropriation. Hitherto they have been called Big Sodus and Little Sodus, but the chairman of the Committee on Commerce has dodged round beautifully, and now calls "Little Sodus," "Sodus in Cayuga county."

Mr. SEYMOUR, of New York. The gentleman alludes to a matter that concerns my own State. I wish to state, and to have it understood by the committee, that the appropriations in this bill for the State which I have the honor in part to represent, are over $20,000 less than the estimates sent in to the committee from the Department, and that amount is given to other quarters, besides an addition of several hundred thousand dollars to meet the extensive wants of the Government, beyond any estimates that have been sent to us.

With regard to the particular locality to which the gentleman has alluded, I think that so large and good a port as that which has been called Little Sodus, should not be depreciated in this bill by being called small or little. We have given it a name according to its locality. It lies in the county of Cayuga, while the other Sodus lies in the county of Wayne. It is a large harbor, better protected from the winds, as I am informed by those who are acquainted with the navigation there, than any other harbor on that side of Lake Ontario; and one reason why we put it in the bill was, that we ascertained from practical navigators, that on account of the conformation of the coast, vessels in the most prevalent storms from the northwest driving them on the coast, can better get into that harbor than into any other between Oswego and the lower ports on the lake.

Mr. BRECKINRIDGE. How far are the two Soduses apart?

Mr. LOCKHART. Some say fifteen miles, and some say five miles.

Mr. SEYMOUR. I believe the distance between them is about fifteen miles.

Mr. FREEMAN. I desire to ask the gentleman from New York one question. Are not these two Sodus harbors entirely within the limits of the State of New York?

Mr. SEYMOUR. They are.

Mr. FREEMAN. I wish to ask the gentleman whether he believes the State of New York has the right to improve these harbors herself?

Mr. SEYMOUR. She has.

Mr. FREEMAN. Then I understand that the Constitution and the laws of the United States are the laws of the land, and that where the jurisdiction of the United States extends, its jurisdiction is sole and exclusive,

Mr. SEYMOUR. Certainly.

Mr. FREEMAN. Now, if the State of New York has the right to improve these harbors, I hope they will be stricken out of the bill.

Mr. SEYMOUR. I ask the gentleman from Indiana [Mr. LOCKHART] to allow me to say one word. If the gentleman desires to press this point, he may as well do it with nearly all the appropriations contained in the bill. The same is true of Charleston. While the United States have jurisdiction by a special act, passed in the year 1845, over all those harbors and rivers, yet will it be said that, upon that account, the State of New York, or the State of Ohio, or the State of Michigan, have on that account no right to build entirely or in part any work of improvement in the harbors in those States? And it is no objection whatever to the system of the improvement of rivers and harbors by the States that those harbors were under the jurisdiction of the United States Government, and has never been so urged. The doctrine to which the gentleman from Mississippi [Mr. FREEMAN] alludes is one which pressed upon the early fathers of the Constitution, in reference to what was called a system of internal improvements, where they went into a State for the purpose of constructing a canal across, or solely in a State over which the State not only had jurisdiction, but the citizens of the State owned the land upon which it was built. So also, in reference to the construction of roads like the great national road, which were contemplated at that time. They were to collect tolls, also. That was a part of the system; and the question of conflicting jurisdiction in these works came up and was very much debated at one period, some twenty or thirty years since. But this question cannot in any sense be applied to the question of the improvement of harbors and rivers where the commerce of the nation is concerned. I beg most respectfully to refer the gentleman to the able report of Mr. Calhoun in reference to the proceedings of the Memphis Convention. He will there find this doctrine clearly defined, and the distinction closely drawn between a system of internal improvements as carried on in the construction of roads and canals and the improvement of the harbors and navigable rivers of the country.

Mr. FREEMAN. I am glad that the gentleman admits that this objection applies to a great many of the appropriations in this bill. I hope to have an opportunity to point them out before this discussion is ended.

Mr. LOCKHART. I was proceeding to remark when I was interrupted that by the provisions of this bill New York comes in for the lion's share. This may be all right, yet I think after having hitherto received so much she should have been content with a less sum now. It should be remembered by her Representatives that for most of the points named in this bill that lie within her borders, large sums have already been appropriated. For instance, Buffalo has had about $230,000; Big Sodus about $116,000; Oswego about $200,000; Genesee river about $156,000. I could keep on at this rate until the sums will, in the aggregate, amount to millions, but it is unnecessary that I should do so.

The commerce of Pennsylvania also comes in for a good share of these appropriations. There has been no less than $1,589,000 appropriated for the construction of the Delaware breakwater.

Mr. FLORENCE. Will the gentleman allow me to interrupt him?

Mr. LOCKHART. I cannot yield further.

Mr. FLORENCE. But I rise to a matter of fact. I beg to inform the gentleman that the Delaware breakwater is not in the State of Pennsylvania.

Mr. LOCKHART. I know it is not; but is not Philadelphia more interested in it than the whole State of Delaware?

Mr. FLORENCE. We are very much interested, indeed. I will acknowledge that.

Mr. LOCKHART. Well, the appropriations, as I remarked, have already amounted to $1,589,000 for the Delaware breakwater. We are now asked in this bill to appropriate $51,000 for a new work at Port Penn. If I am not correct in stating that it is an entirely new appropriation, the gentleman from New York [Mr. SEYMOUR] can correct me. I think it is for a work for which there has been no previous appropriation.

Mr. SEYMOUR. Does the gentleman wish an answer now?

Mr. LOCKHART. I do.

Mr. SEYMOUR. I am very happy to state, in reference to the appropriation to which the gentleman alludes, that of Reedy Island, it is upon the inner side of Reedy Island, and from fifty to one hundred miles above the Delaware breakwater. It is to answer the purpose of an improvement which had already been commenced upon the other side of the same island by the General Government, under an implied agreement with the State that ceded to us the harbor at that place. The name of it is not now familiar to me, but it is upon the other side of the island. I will refer to it at some future time. I will state for the information of the committee, that several years since the States bordering upon the Delaware ceded to the United States certain piers which were constructed in the Delaware at Reedy Island, with an implied understanding upon the part of the General Government that they were to keep them up; and this appropriation is to carry out that implied understanding, as is also that just above, as was stated in the report of the Topographical Bureau some five years since.

Mr. FLORENCE. I will state that the loss of one packet-ship coming up the Delaware which might be preserved by running into the harbor at Reedy Island, would more than five times pay the amount you propose to appropriate to make that a proper shelter for vessels during a storm.

Mr. LOCKHART. I will say to the gentleman from Pennsylvania that the removal of one snag in the Ohio or Mississippi river may save an equal amount of property.

Mr. FLORENCE. Oh, I am for the removal of the snags; but that is no reason why we should be deprived of the appropriations in our harbors.

Mr. LOCKHART. I am not complaining of those appropriations. I am glad, however, that this sort of debate has drawn out some facts in relation to them. I am not opposed to them if they are right. All I desire is, that the Committee on Commerce shall satisfy me that the appropriations are correct, and for national objects; that done, and I shall vote for them; but local appropriations that are not necessarily connected with commerce, cannot receive my vote. I could not vote for many of the provisions of the bill offered by the gentleman from North Carolina [Mr. STANLY] as a substitute for the bill reported from the committee. Among those appropriations is one for the improvement of the harbor of St. Louis, Missouri. It is an appropriation which ought not to be made—one which, if consented to in committee, ought to damn the bill. Such appropriations may do well enough for property holders in the neighborhood; but the improvement, when made, is not in aid of commerce. It only aids property holders in its vicinity. That appropriation alone ought to have defeated the bill of the last session; but that, sir, was but a small item in the profligate and extravagant expenditures of the national treasure proposed by that bill.

It behooves this committee, Mr. Chairman, to be cautious how they admit amendments which, instead of strengthening the bill, will weaken it. In saying this I do not wish to be understood as saying that I am opposed to all amendments. On the contrary, I think that there are some that ought to be made. Of one of them—that of an appropriation for James river—I have already spoken. Another amendment which I think ought to be made, is an increase of the amount appropriated for western rivers. The snag-boats, for want of the necessary appropriations to keep them in repair and in use, have gone to decay, and were last year sold under the direction of the War Department at public auction. Snag and dredge boats must now be built, the construction of which will cost a large sum. In view of these facts, I hope the committee will consent to an increase in the appropriations for the Ohio and Mississippi improvements.

RIVER AND HARBOR IMPROVEMENTS.

SPEECH OF HON. C. E. STUART,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

July 3, 1852.

On his motion to reconsider the vote by which the bill (No. 121) making appropriation for the improvement of the navigation of the Illinois River was referred to the Committee on Roads and Canals,—

Mr. STUART said:

Mr. SPEAKER: On the 15th of January last, on the motion of the gentleman from Illinois, [Mr. YATES,] a bill providing for the improvement of the navigation of the Illinois river was referred to the Committee on Roads and Canals. At that time, I moved to reconsider that vote, not because I was opposed to the proposition—for I am decidedly in favor of appropriating money, under proper restrictions, for the improvement of rivers and harbors—but I did it for the purpose of enabling me to submit to the House, and particularly to that portion of the House who agree with me in opinion in reference to such improvements, some considerations connected with that subject which I deem important. I doubt not, sir, that there is at this time, as there usually has been in this House, a majority of its members in favor of these measures.

When bills have hitherto been lost, that result has usually been attributed to a variety of causes which it was entirely in the power of their friends to control. The most usual, perhaps, among these causes is the disposition to amend the bill, and so overload it as to compel many of its real friends to vote against it. My object in moving to reconsider this motion, sir, was to refer the bill to the Committee on Commerce. At this late day the particular measure is not of so much importance as the subject-matter involved in it. I am aware that our rules say that subjects relating to rivers are to be referred to the Committee on Roads and Canals; but the custom of this House has been different. I am aware, also, that there are many gentlemen, and I myself am among the number, who would prefer to have the subjects divided, and, if practicable, subdivided, so that each bill should contain but one single subject of improvement. But, sir, practically, such legislation is impossible. While the present rules exist governing debate in the Committee of the Whole on the state of the Union, you would not reach bills thus framed in two hundred years.

It is known to you, Mr. Speaker, but not, I think, to the country generally, that debate in that committee is not confined to the bill under consideration, but extends to and embraces all subjects which may be supposed to affect "the state of the Union." And in practice every subject is discussed there, which the member occupying the floor chooses to introduce.

Besides, sir, our rules declare that in that committee general appropriation bills shall take precedence over all others. And now let me ask gentlemen, who insist upon having separate bills for each and every appropriation for the improvement of harbors and rivers, if they believe that, under the rules and practice of this House, such bills would ever be reached in their order? Nothing, Mr. Speaker, in the progress of human events, is more improbable. The friends of these measures must, therefore, sir, while our present rules exist, yield this point, and consent to support a general bill. It is obvious, therefore, sir, that such general bill should approach correctness in principle, and equality in detail, in regard to every section of the country as nearly as practicable.

The Committee on Commerce have reported a bill at this session which, although not meeting my views and wishes precisely, is, as I am free to say, fair in its terms so far as it regards the various interests of the country, and the various sections of the Union. I think that the committee might, with propriety, have made the bill larger. They thought otherwise. They thought so with great unanimity, and I am disposed to yield to their judgment, and to support that bill as it is.

Now, if the motion that I made shall prevail, or if the House shall act upon the suggestions which I make, that bill can become a law at this session. And I beg here to say that I make them with no desire to dictate any course of procedure to the House; but I throw them out merely as the suggestions of a single member. I ask for them that respectful attention to which the magnitude of the subject entitles them; believing that if adhered to, united action will be secured among the friends of these measures, and consequent success, whereby our commerce will be protected, safe harbors will be provided for our Navy in the event of a war, and the immense losses of property by our commercial men, as also the terrible destruction of human life annually occurring among our sailors, for the want of safe and convenient harbors, will be prevented.

Before I proceed further, I propose for a few moments, and for a few moments only—(for under our rule no subject can be discussed with profoundness, even if the member discussing it is capable)—to advert to the question of the power of Congress under the Constitution to make such appropriations.

It is insisted by many gentlemen that Congress does not possess the power to appropriate money to improve harbors and rivers. Now, I claim the exercise of this power under two provisions of the Constitution, at least, and, in my judgment, there are others which confer it; but, under two, at least, I think it is perfectly clear that we possess it—first, under the power to provide and maintain a navy; for, sir, upon your lakes and navigable rivers, such as the Mississippi and the Hudson, and all the larger rivers of the country, a navy, in time of war, is as indispensable as one upon the Atlantic or Pacific.

Our dominions are divided from those of Great Britain by the lakes, and although there is a treaty in existence which prohibits each country from keeping war vessels upon those waters in time of peace, yet in time of war it would be indispensably necessary.

Now, if a navy is to be maintained upon those lakes, there must be shelter for it in times of storm; and there is not a single provision in the bill reported from the Committee on Commerce, in reference to an improvement of harbors on the great lakes that does not fall clearly within the power growing out of these very necessities. I claim it, also, under the power to regulate commerce; and I ask any gentleman at his leisure to answer me the question if the power to regulate commerce does not carry with it the power to protect it? If you cannot protect your commerce, how long will you have any to regulate? If you cannot prevent it from being destroyed by gales, by storms, and whirlwinds, I repeat, how long will you have any commerce to regulate? Where do you get the power to protect your commerce on the high seas by means of armed vessels, if you do not get it under this authority, to regulate it? If the power to regulate does not necessarily carry with it the power to protect, then the English language is used in this instance without any meaning.

But, sir, as I said, I can only glance at this subject within the time allotted to me under our rule; and I propose to turn the attention of the House to what has been said upon it heretofore.

Mr. GIDDINGS. Will the gentleman allow me to ask him a question?

Mr. STUART. Yes, sir.

Mr GIDDINGS. I wish to inquire definitely and distinctly of my friend from Michigan if he thinks that Congress has the power to commence and carry on a general system of internal improvement?

Mr. STUART. I will answer the gentleman from Ohio in the order of my argument. I beg to say to him that I will answer him distinctly and emphatically upon that subject. General Jackson, in his message of December, 1830, uses this language:

"The practice of defraying, out of the Treasury of the United States, the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof easy and safe, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.

"As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes, as well as on the sea-board. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow in this respect in the footsteps of all my predecessors."

Now, sir, that language is no less clear and constitutional than it is true. Throughout the whole history of this Government, from its commencement to the present day, bills "for the construction and repair of roads, and the improvement of harbors," have been passed by Congress, and approved by, if not the wisest men, certainly the strictest constructionists who have ever occupied the Presidential chair of this Union.

For these purposes there was appropriated—

Under	Mr. Jefferson.....	$48,400
"	" Madison.....	250,800
"	" Monroe.....	707,621
"	" J. Q. Adams.....	2,310,475
"	" Jackson.....	10,582,882
"	" Van Buren.....	2,222,544
"	" Tyler.....	1,076,500

I will now turn the attention of the House to what was said by Mr. Polk on this subject, in his veto message upon the river and harbor bill. Mr. Polk, in that message, said:

"Congress have exercised the power coeval with the Constitution of establishing light-houses, beacons, buoys, and piers, on our ocean and lake shores, for the purpose of rendering navigation safe and easy, and affording protection and shelter for our Navy and other shipping. These are safeguards placed in existing channels of navigation. After the long acquiescence of the Government, through all preceding Administrations, I am not disposed to question or dispute the authority to make appropriations for such purposes.

"When we advance a step beyond this point, and in addition to the establishment and support, by appropriations from the Treasury, of light-houses, beacons, buoys, piers, and other improvements, within the bays, inlets, and harbors, on our ocean and lake coasts immediately connected with our foreign commerce, and attempt to make improvements in the interior, at points unconnected with foreign commeree, and where they are not needed for the protection and security of our Navy and commercial marine, the difficulty arises in drawing a line beyond which appropriations may not be made by the Federal Government."

There, President Polk not only recognizes the authority, in language equivalent to that used by General Jackson, to improve our harbors upon the ocean, upon the great lakes, and upon navigable rivers, but he states with great clearness the very difficulty to which I alluded just now, and against which I take occasion again to caution gentlemen who are friendly to these measures, and that is in permitting amendments to be thrown upon these bills which are not national in their character, but which go into the interior of the country where foreign commerce is in nowise affected—thus compelling members who otherwise would like to vote for the bills, to vote against them. If at this Congress, the friends of these measures will but discharge the duty they owe to themselves, and to the country, there will be no difficulty in keeping the bill, reported by the Committee on Commerce, within the limits of the Constitution, and no difficulty in passing it through both Houses of Congress by a very decided majority.

Now, sir, in this connection, I propose to answer the inquiry of the gentleman from Ohio [Mr. GIDDINGS.] Allusion was evidently made in the inquiry of the gentleman to the resolution of the Baltimore Democratic Convention, and I have no hesitation in undertaking to say what that resolution, in its inception, meant, and what it means now. That gentleman's recollection is perfectly clear in regard to the history of this matter. He knows that at one time, with perhaps the great Kentuckian who has just left us for another and happier existence, at the head of the movement, it was contemplated to increase the tariff for the purpose of protection to manufactures; and knowing that such increase would create a surplus of revenue in the Treasury of the United States, it became, at the same time, necessary to provide for the expenditure of that surplus. That expenditure was proposed to be made through the medium of artificial canals and roads, to be constructed throughout the various States of this Union, with or without their consent, for the purpose, as that great man said, of binding the Union more strongly together. General Jackson attacked that policy in his veto upon the Maysville road bill. Succeeding that, the Baltimore Convention adopted this resolution, which from time to time has been reaffimed.

"*Resolved*, That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements."

But, sir, during the whole time that that resolution has been in existence, under every succeeding Administration—General Jackson himself, Mr. Van Buren after him, who prided himself on following in the footsteps of his illustrious predecessor, and Mr. Tyler, who was a strict constructionist, all of them approved bills for the improvement of harbors and rivers; and, sir, to use the language of both the Presidents from whom I quoted just now, this power has not been seriously disputed by any prominent man during the whole history of this Government, under the present Constitution.

Mr. GIDDINGS. I am perfectly satisfied with the gentleman's answer. My sole object in propounding the question was to draw from the gentleman an expression of his opinion upon this question; not because I disagreed with, or wanted to find fault with him, but because I wanted an avowal from gentlemen on that side of the House, as I intend to get one from gentlemen on this side, of their opinions in regard to this doctrine.

Mr. STUART. I am happy to have had an opportunity of answering the gentleman. I had intended to allude to these things in the line of my remarks, because I intend, as far as it lies in my power, to put the country right upon this question.

In this connection, sir, I wish to make another remark, and that is, that the question of improving harbors and rivers, within the provisions of the Constitution, to which I have alluded, and agreeably to the opinions of the distinguished men to whom I have referred, never has been, and never can be a party question. There has never been a vote taken in this House that showed it to be a party question; and, sir, I trust there never will be. In my humble judgment, a portion of the Whig party—and I make the remark with the utmost good feeling—have done more to injure the success of legitimate and proper improvements upon harbors and rivers, by seeking to make that a party question which is no party issue, than all other causes combined. And, sir, I ask them now to-day, not only in this House, but throughout the country; I ask their speakers, I ask their public press, if they mean what they say—and I cheerfully concede that I believe they do mean it, if they have a hearty desire to improve necessarily and properly, the harbors and rivers of the country—I ask them to desist from this effort to prove what is not true, that the Democratic party of the country is committed against such improvements.

Mr. MARSHALL, of Kentucky. I notice that the gentleman, in referring to the Presidents who had asserted this power, stopped with Mr. Tyler's administration. Does the gentleman understand that the whole power was denied by Mr. Polk, and that that position of Mr. Polk's veto message upon the river and harbor bill is the present position of the Democratic party?

Mr. STUART. If the gentleman had listened with his usual attention he would have heard me read from Mr. Polk's veto message upon the river and harbor bill, where he expressly concedes the power, and says it is coeval with the existence of this Government, and that he is not disposed to dispute it:

Sir, there is a very great misapprehension in the country in reference to this subject. I did not

rise to make a political speech, and I mean to refrain from it now; but I desire to say that I shall be most happy at any time when the interests of the country will permit it, to undertake to show that the Democratic party, as a party, never have been, are not now, and so long as they maintain the principles that now govern them, never can be opposed to river and harbor improvements.

Mr. JOHNSON, of Georgia. I desire to ask the gentleman this one question: Whether Mr. Polk based his veto of the river and harbor bill upon propriety, or upon the ground of want of constitutional power?

Mr. STUART. Mr. Polk based his veto of that bill upon the ground that there were particular provisions in it, which he described as being for the improvement of rivers and harbors in no way connected with foreign commerce; those provisions being contained in the bill, he could not approve it as a whole, and therefore vetoed it. That was his ground. He never denied the power, but on the contrary, if the gentleman will turn to the message, he will see that Mr. Polk there expressly asserts the power to improve harbors and rivers where foreign commerce reaches.

Now, sir, my constituents are largely interested in this question. The lower peninsula of Michigan is surrounded by the lakes. We have about a thousand miles of lake coast, and we have not, during the whole history of this Government, received appropriations for improvements, except at two points, one at St. Joseph's, on Lake Michigan, and the other at the river Raisin, on Lake Erie.

But, sir, as it would be of very little importance to provide for the present if we could not look confidently into the future, I trust I shall be pardoned if, having shown, as I think, that it is in the power of this Congress to pass the necessary appropriations for the improvement of harbors and rivers, I turn the attention of the House for a few minutes to our probable prospect when we shall have elected our present candidate to a seat in the presidential chair.

No sooner was that candidate nominated, than the Republic started the idea, which has been industriously circulated all over the country, and especially by the Whig press of my State, that General Pierce would veto all appropriations for the improvement of rivers and harbors. The argument is, that because he voted against the particular bills referred to, as a member of the House of Representatives, elected from an interior district, and by a constituency not immediately interested in the improvement of harbors and rivers, he must and will, as President of the United States, and in that capacity representing the people of the whole Union, veto *all* bills providing for harbor improvements. I did not expect, Mr. Speaker, to meet such a fallacy from any quarter; but I was especially surprised to see it seriously published to the country in the highly-respectable press to which I have alluded. Why, sir, it is known to all who know anything of legislation, that members are frequently compelled to vote against measures, according to their own sense of duty, which, occupying the Executive chair, they would, governed by at least an equal sense of duty, cheerfully approve. I venture to affirm, sir, that there is not a member of Congress who does not do it at every session. A variety of reasons may and do operate upon members to control their votes, and different members frequently vote against the same measure for reasons very dissimilar, while the Executive, in his action, is governed alone by fidelity to the Constitution and the best interests of the whole country.

I deem what I have already said, sir, as a sufficient refutation of this argument, if argument it can be called. But, sir, I propose still further to exhibit its fallacy, by showing what it would prove in regard to the action of other distinguished men upon the very same bill referred to by the Republic. That was a "bill making additional 'appropriations for the Delaware breakwater, and 'for certain harbors, and removing obstructions 'in, and at the mouths of certain rivers, and for 'other purposes, for the year 1836." And on its engrossment, General Pierce and sixty-three others voted in the negative, against one hundred and twenty-six in the affirmative. On the same day the bill was passed in the House without a division, and on the first day of July following, Mr. Davis called it up for consideration in the Senate. "Mr. Mangum (according to the Congressional 'Globe) addressed the Senate at length in opposi-'tion to the bill. Mr. Buchanan replied in support 'of it. The debate was further continued by Messrs. 'Linn, Davis, Webster, and Southard, in its favor, 'and Messrs. Walker, Preston, Moore, and Cal-'houn, in opposition to it. The amendments were 'ordered to be engrossed, and the bill read a third 'time." On the next day the same bill came up for consideration in the Senate, and the question being upon its passage, Mr. Mangum voted against it. Now, sir, will anybody undertake to infer from that record, that Mr. Mangum, if President, would veto all bills appropriating for the improvement of harbors and rivers? And does not the record show, sir, conclusively, that the Senate was not divided in its action upon the bill according to political parties?

I call particular attention to the action of Mr. MANGUM upon the bill, because he was then, as now, a distinguished member of the Whig party, and because he has recently proved himself the Warwick of the party, dictating from his place in the Senate who should be its nominee for the Presidency. But, sir, I will call the attention of the House to the action of another and more distinguished individual then, as also for a great portion of his life, a member of the Senate, upon the bill to which I have alluded; and I regret, sir, upon this account, that I could not submit my views upon this subject on a former day when I desired to, for I propose to allude to a great man who, though living then, has now passed from among us. I shall do so, however, sir, with the most profound respect for his memory. For although, ever since I have been old enough to investigate political subjects, I have been compelled to differ with him in regard to many of his political opinions, I never have, on any occasion, sir, permitted myself to indulge in a single ungenerous remark in relation to him; and I feel most thankful now, sir, that I have that consolation. He was a man, sir, who, by the force of his genius, not only rendered his own name immortal, but he added lustre also to the brightest pages of his country's history. Yes, Mr. Speaker, Mr. Clay, as well as Mr. Mangum, together with ten others, voted against that same harbor bill on its passage in the Senate. Now, sir, will any Whig rise here and say, or will any Whig throughout the country tell us that Henry Clay was not in favor of appropriations for harbors and rivers? Was he not, sir, during the whole course of his political life, preëminently the champion of those great and useful measures? And yet I repeat, sir, he voted against the bill. Now, sir, with these facts before us, what becomes of the argument against General Pierce?

Mr. BELL, (interrupting.) I merely wish to inquire what river and harbor bill Mr. Pierce ever did vote for?

Mr. STUART. Nothing could afford me more pleasure, Mr. Speaker, than to respond to these interrogatories. But if gentlemen on the other side had examined the record a little more carefully, I hardly think they would propound them to me in the hope of making political capital against General Pierce. I have not asserted, nor do I intend to assert, sir, that General Pierce, while a member of the House of Representatives, voted in favor of any river and harbor bill. I am seeking to prove, as I think I can, successfully, that having voted against certain bills then under consideration, constitutes no reason for the assertion that as President of the United States he would veto all bills for such purposes. I am speaking, sir, from the record, and will invite the attention of the gentleman from Ohio [Mr. BELL] and the House to another case.

On the same day that the House of Representatives passed the bill to which I have alluded, they had under consideration "A bill making appropriations for the improvement of certain harbors therein mentioned, for the year 1836;" and upon its engrossment, General Pierce and ninety-one others voted in the negative, against one hundred and nine in the affirmative. The House passed the bill on the same day by a vote of ninety-nine to eighty-five, General Pierce not voting on its final passage.

On the second day of July, thereafter, this bill also came up for consideration in the Senate, when Mr. Mangum and Mr. Clay both spoke against it.

Mr. King, of Georgia, moved to postpone the bill till the first Monday in December then next, and Mr. Mangum and Mr. Clay both voted in favor of the motion. On the engrossment of the bill, Mr. Mangum, with sixteen other Senators, voted against it, and twenty-one Senators for it, *Mr. Clay not voting.*

Mr. WALSH. Will the gentleman allow me to ask him a single question in this connection?

Mr. STUART. Certainly.

Mr. WALSH. Does not the gentleman know that in all those cases, Mr. Clay voted against those bills, because they did not do justice to the country? Does he not know also, that Mr. Pierce's vote throughout, in regard to those measures, was based upon their unconstitutionality?

Mr. STUART. The gentleman from Maryland was never more mistaken in his life. Mr. Clay spoke against the last-named bill. What he said is not reported, for at that time the Congressional Globe did not contain as full reports as it does now. I will read an extract from the report:

"After some remarks from Messrs. Clay, Preston, Walker, and King, of Georgia, in opposition to the bill, and from Messrs. Buchanan and Kent in its favor, Mr. King, of Georgia, moved," &c.

Thus showing that Mr. Clay was opposed to some of the appropriations contained in the bill. Besides, sir, it is known to all that Mr. Clay never opposed harbor bills upon such grounds as those suggested by the gentleman from Maryland, [Mr. WALSH.] He never voted against a bill because it only gave half a loaf. His rule, in such cases, was that for which I have contended to-day, and for which I shall vote. It is a rule which will govern me in supporting the present bill reported by the Committee on Commerce. Not that the bill gives to Michigan what we ought to have, but it gives to us a portion of what we should have; and if we cannot get all we are entitled to this year, why, sir, we have but to bide our time and continue our exertions in good faith, and we shall obtain it.

Again, sir, an inspection of the bills will show that Mr. Clay could not, in opposing them, have been influenced by any motive such as that indicated by the gentleman from Maryland, [Mr. WALSH.] Few gentlemen will, I think, after examination, contend that they are not liberal enough in all conscience; and no one, that they do not contain some provisions for which, in a separate bill, he would not vote. Besides, had Mr. Clay desired additional appropriations, he could have moved them as amendments. No such motion appears to have been made, however, though there were several motions made to strike out of the last-named bill some items already in.

Mr. WALSH. I will follow my first question up by another one, and which will bring the gentleman to the point I desire. Does he mean to tell the House that, in the opinion of General Pierce, the candidate of the Democratic party for the Presidency, appropriations for rivers and harbors, as we understand them in this House, and upon which he says parties are not divided, are constitutional?

Mr. STUART. I say so, most emphatically; and I undertake to say that there cannot be found a single word uttered by Mr. Pierce, upon any occasion, which goes to show that he does not think such measures constitutional.

Mr. WALSH. For the protection of commerce between States, as well as in reference to foreign commerce? Or did I understand the gentleman to state that that is the opinion of the Democratic candidate?

Mr. STUART. I undertake to say, *myself*, that Congress possesses no power to make appropriations for rivers and harbors, except at such points as are connected with foreign commerce.

Mr. MARSHALL, of Kentucky. Will the gentleman define, by some mode, how he tests whether a thing is connected with foreign commerce, or not?

Mr. STUART. The gentleman must know that, within an hour, no man here can elaborate his opinions upon constitutional questions; but I can give him a few illustrations. I will say, sir,

that all the chain of lakes; that the Mississippi river, the Ohio river, the Illinois, Missouri, and Hudson rivers, are connected with foreign commerce. It is not necessary that it should start upon the same boat and go to England, or to any other foreign country. Provisions for the improvement of such works are what I call constitutional provisions.

Mr. MARSHALL, of Kentucky. I understand, then, waters emptying into any sea? [Laughter.]

Mr. STUART. No, sir. The gentleman from Kentucky must be presumed to know a little something, and he knows what is understood to be a navigable stream according to the law and Constitution of this country. Those streams are within the power of Congress to improve.

Mr. BELL. I hope the gentleman will not be interrupted. He was going on to answer my question, and state for what appropriation for Western rivers and harbors Mr. Pierce did vote.

Mr. STUART. I have said, sir, that while Mr. Pierce was a member of Congress he never voted for any bill making appropriations for rivers and harbors. But I say, sir, that every bill he voted against Mr. Clay also voted or spoke against, or both.* Mr. Clay is distinctly committed against every bill that Mr. Pierce is committed against. Now, if any gentleman is therefore to infer from his votes that Mr. Pierce is opposed to these measures as being unconstitutional, he must at the same time, and for the same reasons, come to the conclusion that Mr. Clay was also; which conclusion no man in his senses believes.

Now, Mr. Speaker, I think I have succeeded in showing that the argument employed to prove that General Pierce is opposed to all harbor and river appropriations on constitutional grounds is not founded on facts, nor sustained by any fair interpretation of his public life in accordance with the acknowledged rules of logic.

I very cheerfully concede, Mr. Speaker, that General Pierce is a sound Democrat, according to the school of Jefferson, Madison, and Jackson; and that he will construe with strictness and careful judgment every provision of the Federal Constitution. He is a man also of stern and unbending integrity, and will not countenance extravagance or wastefulness in any department of the Government. He possesses also, sir, cautious discretion and sound judgment; and while he will not readily fall in with any mere clamor of the day, under the vain belief of its popularity, neither will he rashly set at defiance the matured opinions of the great men who have preceded him; but will, as General Jackson did, in respect to harbor and river improvements, "content himself to follow in the footsteps of all his predecessors."

Let us now, Mr. Speaker, turn our attention for a few moments to the necessity which exists for the exercise of the power of Congress under the Constitution. The data from which to ascertain the loss of property and life on the lakes is exceedingly imperfect, and I have only been able to procure a mere approximation to what it has been from 1848 to 1851, both years inclusive. This information is derived from the insurance offices, and of course does not cover the whole loss even for those years.

	Loss of Property.	*Life.*
1848	$420,512	55
1849	368,171	34
1850	558,826	395
1851	730,537	79

Thus you see, sir, that over two millions of money—more than enough to build every harbor on the lakes—and nearly six hundred human lives have been buried beneath the blue waters of these inland seas, within the last four years. This statement alone, sir, would seem sufficient to arrest the attention of Congress, and induce us to commence at once and without delay, the necessary harbor improvements, and to carry them on to a point which will stop this awful destruction.

I have said, Mr. Speaker, that this is not a party question, and that I deprecated all attempts to make it so. But let us see how matters would stand in Michigan if such an issue were made with the present Whig Administration. First, then, sir, by neglecting the necessary protection around the light-house at the Kalamazoo river, to do which the means have all the while been at their disposal, the house has been undermined and destroyed, and the country put to the expense of rebuilding it.

Again, sir: while I was a member of the Thirtieth Congress, I succeeded in procuring an appropriation for a light-house at North Black river, on Lake Michigan, and not a blow has been struck by this Administration towards its erection. By this delay the interests of a large colony of Hollanders have been disregarded—a colony whose members have settled there permanently, by whose industry the wilderness has been made to bud and blossom like the rose—who have become citizens of their adopted State, and who are worthy of high rank among our people for sobriety, energy, and perseverance, and who only ask for a comparatively trifling expenditure by Congress in improving their harbor, to give them the best one on the whole chain of the lakes, to enable them to carry on safely a heavy commercial business and render them a wealthy and happy people.

But yet again, sir: this Administration recommended to Congress an expenditure of $1,136,676 for the improvement of harbors and rivers. Let us see how Michigan fares in its distribution.

For the improvement of the Ohio river, $260,000 is recommended; Hudson river, $50,000; for improving harbors on the lakes within the State of New York, along a coast of about three hundred and twenty miles, $179,500; in Ohio, with a coast of about one hundred and seventy-five miles, $121,000; Wisconsin, with about three hundred miles of coast, $65,000; and Michigan, with about one thousand miles of coast, $34,000; Pennsylvania, at a single harbor, $50,000; and Illinois, at a single harbor, $20,000. Now, sir, do these facts justify the Whig press of our State in asserting that the Whig party is the river and harbor party, par excellence?

Sir, there is no difference of opinion among the people of our State upon this subject—there is none among their Representatives in Congress. One and all, sir, here and at home, constituents and Representatives, unite in the support of fair and liberal appropriations for the improvement of harbors and rivers. They all, without distinction of party, believe such measures constitutional, and they all feel and know, from bitter experience, the necessity of such measures for the protection of our commerce and the lives of our people.

This harmony of sentiment in Michigan is not without its foundation in our unity of interest. For nearly twenty years, sir, we have suffered largely, both in property and feeling. Year after year our vessels, in greater or less numbers, have gone to the bottom of those lakes, carrying with them our products and our sailors.

The freights which have reached your Eastern markets in safety, enriched your dealers and fed your people, have carried with them no tidings of the woe and suffering left behind. We send to the East, sir, the rich productions of one of the finest agricultural States in the Union, but we retain in the bosoms of our own noble people, in silent melancholy, those deep feelings of anguish with which we mourn the loss of fathers, brothers, and husbands, who have perished in our commercial service for the want of safe and convenient harbors.

In the bill reported by the Committee on Commerce, we think we see a harbinger of better times. That bill proposes to appropriate for the harbor at New Buffalo, $8,000; at St. Joseph, $10,000; Black Lake, $8,000; for a slight improvement at Grand river, $2,000; at Clinton river, $5,000; for the St. Clair flats, $20,000; and $14,000 for completing the harbor at Raisin river. These appropriations are small, and the whole bill is one of the most economical character. The true interests of the country would have been consulted, in my judgment—as I have before said—by enlarging its provisions; and my own constituents ought to have received more benefit from it, by larger appropriations at the several places mentioned, and also additional ones at the Kalamazoo and South Black rivers. Yet, sir, these constitute a commencement, and will hereafter direct the attention of Congress and the country to the objects of these appropriations, which alone will be sufficient to insure their completion. For, sir, the more Congress shall become informed in regard to the Lake country and its commerce, the more liberal will it be in appropriating for the necessary harbors. And could *this* Congress, sir, visit that country in a body, it would readily appropriate there five times the amount proposed in this bill, without a word of debate, and without a division.

There is an additional reason why we the more readily agree to this bill, sir, and I trust I shall be pardoned for referring to it in this connection. Our State, in common with a large portion of the Union, feel a deep interest in the construction of a ship-canal around the Falls of the St. Mary's river, so as to secure an uninterrupted navigation between the lower lakes and Lake Superior. This is truly one of the most important works of the age, in a national point of view. The great States of Ohio, New York, and Pennsylvania have indicated their wishes upon the subject, and their representatives on this floor are doubtless willing to respond to the call. New England is also willing. From all which, we are led to hope and believe that, at the present session, Congress will provide the means for constructing that canal. It is not within the range of my subject, sir, to enlarge upon the necessity for that work, nor the advantages which would flow from it. It is estimated that the loss to the capitalists doing business on Lake Superior, was about $150,000 during the last year for want of it; and so highly is its importance estimated, even by the British authorities, that they have now a party of surveyors actually engaged in examining for a route on the Canadian side of the river. Let us have this great work constructed, sir, and we will be the better contented with the small appropriations for our harbors.

RIVERS AND HARBORS.

SPEECH OF HON. T. CAMPBELL,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

July 22, 1852.

The House having resumed its session, (evening session,) went into the Committee of the Whole on the state of the Union, on the River and Harbor Bill, (Mr. OLDS in the chair.)

Mr. CAMPBELL, of Illinois, said:

Mr. CHAIRMAN: At an early day in the present session, I introduced a bill, appropriating the sum of $100,000 for the improvement of the Des Moines and Rock River Rapids in the Mississippi river, which, on my motion, was referred to the Committee on Roads and Canals, and was, by that committee, favorably considered, reported back, and referred to the Committee of the Whole House on the state of the Union. I now propose, sir, to occupy the time allowed me under the rule, in a discussion of the merits of that bill, and the principles it involves.

My object in having it referred to the Committee on Roads and Canals, instead of the Committee on Commerce, was twofold. In the first place, I desired to have the objects embraced in the bill, presented on their own merits. And in the second place, I desired to make an effort to separate the improvements of rivers from the improvement of harbors on the lakes. If I could not succeed in having separate bills for each particular object, I might, perhaps, succeed in having appro-

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*This statement, though entirely correct, I have determined to explain in a single particular in vindication of my own motives. At the time I made my speech in the House, I had traced the action of the Senate on the harbor bill of 1838, to the 6th of June, when it was rejected in that body by a vote of 18 to 18, Mr. Clay voting against it. And I was then not aware that any further action was had upon it. On a subsequent examination, however, I have ascertained that on the 7th of June, being the day following its rejection, that vote was reconsidered on the motion of Mr. Merrick, and the bill was recommitted to the Committee on Commerce, with instructions to strike out certain amendments. The committee struck them out accordingly, and reported the bill back to the Senate, where it was passed, Mr. Clay this time voting for it.

I append this note because I wish to state facts fully and precisely, and not because it affects my argument.

I have sought to show, that this is not a party question; a truth which is exhibited on every vote taken. And on the vote to which I have just alluded, Mr. Crittenden and other prominent Whigs voted against the bill, while Mr. Buchanan, Mr. Wright, and other prominent Democrats voted for it. And this vote is equally argumentative to prove, that the position taken against General Pierce is untenable, for who believes that Mr. Crittenden, if President, would veto *all* harbor bills? And yet he voted with General Pierce against this one, *after* it had been amended according to the instructions.

priations for rivers in one bill, and appropriations for harbors in another bill. These were my principle reasons for having the bill in question referred to the Committee on Roads and Canals. And I will further take occasion to state frankly to this House, that when I came to look over the Committee on Commerce, I discovered that there was not a single northwestern State represented in that committee. The interests of the great Northwest seemed to have been wholly overlooked and disregarded in its formation. I do not intend to charge that committee with partiality in their bill. I leave that to speak for itself. But I was more willing to trust the interests of the particular region of country I have the honor to represent, to a committee where identical interests were represented, than to one that had not a single member upon it who felt a personal interest in objects of improvement similar to those embraced in the bill referred to.

In the year 1837 Lieutenant Lee, an accomplished engineer, in obedience to orders from the War Department, proceeded to survey the Des Moines and Rock River Rapids, in the Mississippi river, for the purpose of reporting a plan for their improvement, and an estimate of their cost. The Des Moines Rapids are situated about two hundred miles above St. Louis, and are about eleven miles in length. The Rock River Rapids are about one hundred and fifty miles above the Des Moines. They commence about fourteen miles above Rock Island, and extend to its foot; making, in all, about eighteen miles in length. These rapids afford the only serious obstacles to the navigation of the Mississippi from the mouth of the Ohio to the Falls of the St. Anthony, a distance of about one thousand two hundred miles. In a high stage of water, steamboats of the largest size can pass over them without serious difficulty; but in low stages of water, the navigation of the river is greatly impeded, and for steamboats of the class which usually navigate the Upper Mississippi, wholly obstructed.

Captain Shreve, who made a report in 1836, as to the best plan of improving the rapids, suggested an artificial channel along the shore; but the subsequent and more thorough survey of Lieutenant Lee, satisfied the War Department that the improvement of the "*natural channel*" was not only the least expensive, but by far the most preferable and practicable; and Mr. Poinsett, in his communication transmitting the report to the Senate, expresses his approval of Lieutenant Lee's plan, in the following strong and expressive language:

"With the views of Lieutenant Lee, as set forth in this report, as to the best method of improving the navigation at these rapids, the Department *fully concurs*, and recommends the plan for adoption."

Besides, the experience of all those who have navigated the Upper Mississippi confirms the policy and practicability of improving the natural channels instead of cutting an artificial one.

I have here a statement, made by practical navigators, valuable for the experience it brings to bear as to the best mode of making the improvement. The gentlemen whose names are attached to the statement are all personally known to me to be practical navigators of the Mississippi, and in whose judgments I have the most implicit confidence:

"We, the undersigned, being now, and having long been, engaged as practical navigators on the Mississippi river, and being familiar with the channel of said river across the Des Moines and Rock River Rapids, and with the true character of the obstructions to the navigation at those points, unite in expressing the opinion that these difficulties do not arise from the scarcity of water at low stages so much as from the crooked and winding track of the channel, and the projecting points of rock on the sides of the same, and in the bed of the river.

"We further unite in the opinion that the navigation may be easily and cheaply made safe and available at all stages of water by removing these projecting rocks in some places and straightening the channel in others.

"L. Moorehouse, M. S. B. Dubuque, James McGinnis, Uriah Brock, (Pilot,) George King, Captain S. B. Wyoming, Henry Carson, Charles Barger, M. S. B. Danube, K. M. Henderson, (Clerk,) G. P. Cormack and Henry Elkison, (Pilots,) Samuel R. Barlow, M. S. B. Lamartine, Charles Mulford, (Pilot,) James McKell, Master; W. P. Hubbard, S. B. Glaucus, W P. Hall, (Pilot.)

"BURLINGTON, *October*, 1851."

For the purpose of giving to the members of this House, and to the country, an idea, however indistinct, of the extent of the trade and commerce of the Mississippi above these rapids, and the amount of freight that yearly passes over them, I have been furnished with a statistical statement from intelligent gentlemen residing in the different cities and towns located on the banks of the Mississippi, which affords the strongest argument that can be produced in favor of the proposition contained in the bill now under consideration, and to which statement I now beg leave to refer:

"*Statistics from Galena, Illinois, furnished by* NICHOLAS DOWLING, *Esq.*

Number of steamboat arrivals for 1851.....386
Aggregate tonnage of do.....58,076
Imports of lumber, shingles, lath, and wood, in feet.....6,021,500
Value of same.....$73,869 04
Value of exports, same period.....$1,700,358 70

"Insurance by reason of the rapids is increased one eighth of one per cent. on lead, and one quarter of one per cent. on merchandise, besides loss sustained by the delay, &c. In low water, freights are increased one hundred per cent., and at all seasons twenty-five to fifty per cent. from August 1st to the close of navigation."

"*Statistics from Dubuque, Iowa, furnished by* R. A. LORIMIER, *Esq., Mayor.*

Number of steamboat arrivals for the year 1851.....353
Number of steamboat departures for the year 1851.....352
Number of tons of merchandise imported, in tons.....4,287
Value of the same.....$233,207
Number of tons of merchandise exported.....24,663
Value of the same.....$1,175,207 40
Number of emigrants arrived.....2,824

"Exports consist chiefly in agricultural products, lead, horses, cattle, and hogs.

"Imports chiefly in dry-goods, groceries, queensware, hardware, machinery, leather, lumber, &c., &c.
Amount of insurance on exports.....$1,749
Amount of insurance on imports.....8,814

"Taking into consideration the detention of goods and injury thereto occasioned by transhipment at the rapids, the obstruction occasioned by the rapids causes an expenditure of at least $20,000 per annum, a greater part of which could be saved by removing the obstructions.

"The navigation of the Mississippi having been unusually good the past year owing to the extraordinary high water, the amount of insurance and loss above given is *much less* than that of other years.

"The amount of business the past year falls considerably short of the average, owing to the destruction of crops by high water."

"*Statistics from Cordova, Illinois, furnished by* J. L. PHILLIPS, *Esq., P. M.*

Exports, 1,983 tons, valued at.....$28,500
Imports, 25 tons. Damage by reason of rapids, eight per cent., or in amount.....$3,212 80

"At a low stage of the water, freights are twenty-five cents per hundred extra."

"*Port Byron, Illinois, furnished by* N. BELCHER, *Esq,*

Amount of exports in bushels of produce in 1851...100,000
Amount of imports at first cost.....$50,000

"Extra freights, by reason of the rapids, at least three cents to five cents per bushel on produce."

"*Savannah, Illinois, furnished by* PORTER SARGENT, *Esq.*

Amount of exports, in bushels, in 1851.....127,073
Value of same.....$84,276
Imports of merchandise, in tons.....1,000
Value of same.....$85,000

"Insurance one quarter to one half per cent. Losses by delays, &c., on rapids, five per cent. No shipping done in July or August on account of high freights."

"*Hampden, Illinois, by* FRANCIS BLACK, *Esq., P. M.*

Steamboat arrivals in 1851.....280
Exports, in tons.....3,289
Value of same.....$23,018 90
Imports, in tons.....200
Value.....$18,000

"Freight in high water, six cents; in low water, twelve cents. In high water, passage to St. Louis two days; in low water, eight days to two weeks. Much damage and waste occur on rapids."

"*Guttenburg, Iowa, by* DAVID P. GOINTER, *Esq.*

Steamboat arrivals in 1851.....234
Tonnage exported.....6,714
Value of same.....$402,840
Value of imported.....$9,861
Value not reported.

"*Oquawka, by* S. S. PHELPS & Co.

Tonnage exported.....6,887
Value of same.....$421,746
Tonnage imported.....1,595
Value.....$415,880
Lumber, two million feet, valued at.....$2,400

"Insurance increased one fourth by rapids. Freights increased twenty-five per cent."

"*Burlington, Iowa, furnished by* HENRY W. STARR, *Esq.*

Steamboat arrivals and departures in 1851.....750
Aggregate of exports and imports, in tons.....35,000

"The increase of freight owing to the lower rapids is forty per cent. on goods, and thirty-three per cent. on passengers."

Many important points are not included in this statement, but enough is shown to give you an idea of the magnitude of the interests that seek relief from the burden which these obstacles to the free navigation of the river impose upon them, and which the industry of the country is compelled to pay in the shape of delay, losses, or insurance against loss.

I have also procured a statement from the Commissioner of the General Land Office, showing the quantity of land lying above the rapids, on each side of the Mississippi, and within its influence, which has been sold by the Government, and also the amount of unsold land, the sale of which would be greatly facilitated by the proposed improvement, while the land itself would be immensely enhanced in value:

GENERAL LAND OFFICE, *July*, 1852.

SIR: In reply to the inquiries contained in your communications to this office, of the 13th and 19th instant, I have the honor to transmit the following estimated statement of the sold and unsold lands lying within one hundred miles on each side of the Mississippi river, between the Des Moines Rapids and the Falls of St. Anthony:

States.	Whole surface of acres within limits.	Acres sold and disposed of.	Acres unsold.
Iowa.....	14,462,720	4,839,680	9,623,040
Minnesota....	6,938,880	51,200	6,887,680
Wisconsin....	18,661,120	4,490,240	14,170,880
Illinois.....	11,265,280	8,949,440	2,315,840
Missouri.....	874,520	287,640	586,880
Total.....	52,202,520	18,618,200	33,584,320

Very respectfully your obedient servant,
JOHN WILSON,
Acting Commissioner.

To Hon. THOMPSON CAMPBELL,
House of Representatives.

The statement to which I have just referred is valuable in this: it gives a tangibleness to the great interests which are to be benefited by the proposed improvement. I have taken an area of country, the products of which seek the banks of the Mississippi for shipment to their destined market, and must of necessity pass over both the rapids, taking from the profits of the producer the additional cost, which it has been shown these impediments add to everything transported up and down the Mississippi river. The large sum which the Government has already realized, by the sale of lands lying between the points indicated in the letter of the Commissioner, and the immense territory still remaining unsold, the sale of which would be greatly hastened by the improvement being made, the true policy of the Government, it would seem, is plainly marked out. Has not this great interest, which has paid into the common treasury more than $20,000,000, a right to claim a moity of that sum, to be used in relieving it from a tax, which otherwise must be perpetual?

Time will not permit me to dwell upon the importance of this great work; the magnitude of the interests to be affected; the vast extent of country to be benefited. The incalculable resources to be developed, when concentrated, speak in a language more eloquent and persuasive than I am able to command.

Before I leave this branch of the subject, and proceed to the discussion of the *power* which this Government possesses to make the proposed improvement, and others of a similar character, and the necessity and expediency of a prudent and discreet exercise of that power, permit me to refer to a single authority, which, I am sure, will be acknowledged as having emanated from a source entitled to the highest respect, at least on this side of the House.

Silas Wright, whose opinions on every subject upon which they were expressed, had great weight with the American people, and were little less than absolute law to the Democratic party throughout the Union, entertained no doubt as to the constitutional power in Congress to make appropriations for the improvement of rivers and harbors on the lakes; and in his letter to the Chicago Convention, in speaking of the difficulty of drawing distinctions between objects for which appropriations should be made, and those for which they should not be made, he says:

"There has appeared to me to be one broad distinction between these cases, which has not always been regarded, but which, I think, always should be. It is between the applications to protect and secure the safety of commerce upon rivers, where it exists and is regularly carried on in defiance of the obstructions sought to be removed, and in the face of the dangers they place in its way, and those applications that ask for the improvement of rivers that commerce may be extended upon them when it is not."

Could the objects sought to be improved by the bill before us have been more clearly pointed out

if that great statesman had designated them by name in illustration of the idea he was expressing? How forcible and apposite his distinction—"to secure the safety of commerce where it exists, and where it is carried on in *defiance of obstructions.*" Yes, sir, the commerce of the Upper Mississippi meets and overcomes these obstructions, and in defiance of them pursues its destiny. Commerce is not to be *taken* there by the improvement. It is there already, struggling against almost insurmountable obstructions and difficulties. Shall it continue to struggle without relief and without hope?

Sir, I have presented this application for an appropriation in a separate bill, for the further reason that the Mississippi river is an object entirely national, and over which States have no jurisdiction for the purposes of its improvement. In support of this position I beg leave to refer to authority, and to which I would particularly direct the attention of gentlemen from Virginia.

President Tyler, in his veto message of the 11th of June, 1844, on what was called the eastern harbor bill, speaking of the Mississippi river, says:

"The Mississippi occupies a footing altogether different from the rivers and water-courses of the different States. No one State, or any number of States, can exercise any other jurisdiction over it than for the punishment of crimes and the service of civil process. It belongs to no particular State or States, but, of common right, by express reservation, to all the States. It is reserved as a great common highway for the commerce of the whole country."

The national character which President Tyler here gives to this great public highway, places it at once under the jurisdiction of the Federal Government. No State or States have the right to undertake its improvement. By express "*reservation*" that right belongs to all the States in their Federal character. If anything was wanting as to the power or policy of the General Government to make appropriations for the improvement of the Mississippi, I might refer to the purchase of that stream, and to the motives that induced the purchase.

Mr. Jefferson, with his prophetic eye, beheld the future, now the present commerce of the Mississippi river, and its great valley. The necessity of an outlet for this commerce, was the first great moving cause that impelled the purchase of the Mississippi river.

Mr. Monroe, in his message of March, 1821, when speaking of the moral achievements of the United States, in a glow of national pride, exclaims that, "our physical attainments have not 'been less eminent. Twenty-five years ago, the 'river Mississippi was shut up, and our western 'brethren had no outlet for their commerce." He then goes on to say, that the river has become the "*property of the United States,*" and in the same exulting strain speaks of the great results that had flowed from the *purchase* of the river, and of those that would continue to accumulate. And here I might well put the question, "If the Constitution contained the power that would authorize an appropriation of money to purchase a *river* for the benefit of the *interior* commerce of the country, would not the same power authorize an appropriation of money to improve that river, so that the object of the purchase might be carried into complete effect?" If there is a power in the Constitution that would authorize the erection of light-houses, the placing of buoys and beacons, for the purpose of guiding the navigator in safety through the dangers of the channel, would not the same power authorize an appropriation of money to remove the dangers, against which the navigator is warned, and thus relieve the Government from the perpetual expense of pointing them out? Sir, the friends of the improvement of western rivers and harbors have a guarantee for the future in the history of the past, that it is to the Democratic party alone they can look with any hope of success.

If the Democratic policy of confining the exercise of the constitutional power to the improvement of navigable rivers and harbors on the lakes, should be superseded by the adoption of the "*general system,*" to which the Whig party is so much wedded, roads and canals, and other local and State improvements, would swallow up the revenue of the Government, to the exclusion of our great navigable streams, and the destruction of our commerce on the lakes.

I regret very much that my friend from Kentucky [Mr. MARSHALL] deemed it necessary, in the course of his speech to-day, to make an issue between river improvements and harbor improvements. These two interests are, in my judgment, inseparably connected with each other, and their respective friends will best promote the great object they have in view by considering them as they really are—identical.

The commerce of the lakes may, to a great extent, be considered the commerce of the rivers. The Illinois and Michigan canal has connected the waters of the lakes with the Mississippi and the Gulf of Mexico. There is also a direct connection by railroad, running from Cleveland to Cincinnati on the Ohio; and in a short time other and numerous points on the Mississippi, the Ohio, and their tributaries, will be connected with the shores of the northern lakes. Much of the river commerce, even at the present time, before it reaches its destination, is compelled to encounter the dangers of a lake transportation, and as the various chains of railroad now projected arrive at completion, it will be greatly increased. I hope, therefore, that the immediate representatives of the river interests (and I class myself amongst that number) will feel that our cause, in the great Northwest, is a common cause, and should command our common support—the only sure way to effect the object we have in view.

In relation to the question of power in the General Government to improve and construct harbors on the lakes, I am unable to perceive the distinction which is sometimes attempted to be drawn between harbors on the lakes and harbors on the sea-board. Large sums of money have been annually expended for the improvement and construction of harbors on the Atlantic coast, from the foundation of our Government up to the present time. The aggregate sum expended by the Government for roads and the improvement of harbors and rivers, and improvements in the interior, from the year 1806 up to the present time, amounts to $17,199,000, only $2,861,964, of which has been devoted to the improvement of western rivers and harbors. This great inequality in the expenditure of the public revenue is, to some extent, attributable to the distinction attempted to be drawn between improvements on the sea-board and improvements in the interior. Piers for the protection of vessels at the mouths of rivers, inlets, &c., have been sanctioned by every President, from Washington down.

Now, what is a pier? Why, sir, piers at this time constitute the *harbors* of the lakes. Piers are defined by Mr. Calhoun to be "moles raised for the shelter of vessels against storm and ice," and two lateral piers make a harbor. Now, sir, it does seem to me that if you can build one pier, you may, without a very great infringement of power, build two piers, parallel with each other, and then you will have a harbor of refuge—one of the life-preservers, which are so much needed on our lakes, where the tempest and the storm are, by far, more appalling and dangerous than in the open sea. There you have room; but on the lakes the proximity of the coast, in the absence of harbors, makes escape from destruction almost impossible. We have in all about five thousand miles of lake coast; two thousand miles of the opposing coast belong to a foreign Power. Under an existing treaty with Great Britain, neither of the two Governments are permitted to float a navy on the lakes in time of peace. At the first signal of war, (and there can now be seen a small speck in looking in a certain direction,) what would be our condition on the lakes? Our dependence would rest altogether upon converting the steam commercial marine of the lakes into a war marine. How could this be accomplished without safe and convenient harbors? How would you protect our beautiful lake cities, without harbors of *defense*, as well as harbors of refuge in time of war? Mr. Calhoun, in his able report on the memorial of the Memphis Convention, draws a distinction between harbors for shelter and harbors for commerce, admitting the constitutionality of the former, but denying it in regard to the latter.

The protection of commerce is an incident to harbors of refuge, and you might as well deny the constitutionality of a revenue tariff, because it afforded incidental protection to the manufacturer, as refuse to construct harbors because they afford shelter and protection to the commerce of the country. I care but little by what name you call the harbors to be constructed; only construct them at the right points, and they will not only be harbors of refuge in time of danger—harbors of protection for life and property, in time of peace, but also fortresses of defense, and protection to an exposed coast of five thousand miles in length in time of war.

The river interest has greatly suffered on account of the selfishness of certain localities, insisting upon appropriations for the improvement of *river harbors.* Now, I desire to be distinctly understood as being opposed to all such objects of improvement by the General Government. I am opposed to them because they are purely local in their character, and intended merely for the benefit of the cities and points where they happen to be situated. So local are they considered that they are seldom or never embraced in any State system of internal improvements, but are always made to depend upon the locality immediately interested in their support. The distinction between harbors on the lakes and harbors on the rivers is well defined. The one is a haven of refuge from the fury of the elements, over which man has no control; the other is a convenient landing place, where freights are received and discharged. The one is eminently national; the other is purely local, and should never be admitted into any bill of appropriations made under the sanction of the Constitution.

The destruction of property and life on our northern lakes is appalling; and yet, strange as it may appear, but little is known of the immense losses that yearly occur.

One of the most valuable public documents that has ever been published in relation to the steam marine of the United States, has been reported during the present session by the Secretary of the Treasury, in compliance with a resolution of the Senate. The most startling facts of the loss of property and life during the short space of four years will be found in one of its tables, to which I beg leave to direct the attention of the House and of the whole country. Here it is:

Loss of Property and Life.

Years.	Amount of property.	No. of lives.
1848.....	$420,512	55
1849.....	368,171	34
1850.....	558,826	395
1851.....	530,537	79
Total for four years.....	$2,078,046	563

Here we have the enormous sum of more than $2,000,000—equal to the whole amount appropriated for the benefit of western rivers and harbors since the year 1806 to the present time—lost in the last four years.

But this alarming loss of property was not all. *Five hundred and sixty-three* human beings perished during the same period, while navigating these dangerous waters. Their melancholy fate appeals to us, the national legislators, to provide, so far as lies in our power, by the wise and judicious exercise of constitutional authority, against the repetition of such terrible disasters.

The history of the internal commerce of the United States discloses the most startling, and, at the same time, most gratifying results. When we consider that the steam tonnage of the United States, engaged in the transportation of passengers and in the carrying trade on the lakes and rivers, for the year ending June 30th, 1851, amounted, in the aggregate, to the sum of $16,378,000, as appears by a late report made by the Secretary of the Treasury, the magnitude of the interest seeking protection is brought home to the comprehension of the dullest intellect. The capital thus invested differs from all other investments of money; because it goes entirely out of existence, and has to be reinvested every three and a half or four years—the period of the *natural life* of a steamboat on the western waters. Lessen the dangers of navigation, and you will prolong the existence of the capital invested in the same ratio.

Why, sir, the interior steam marine tonnage of the United States exceeds in extent that of Great Britain and all her dependencies. The commercial history of the world contains no parallel to its growth. It stands alone in sublime grandeur, a

proud monument of the inherent greatness of our ocean-bound Republic.

It has not been, sir, without great caution that I have taken the position in relation to the question of harbor and river improvements by the General Government which I now occupy. And as I intend to stand upon Democratic ground, surveyed and laid out by the *fathers* of our creed, I have fortified myself with authority—an unbroken chain of authority—from the administration of Jefferson down to the end of the administration of Mr. Van Buren, and from that time to the present, strengthened by the resolves of every National Convention, embracing the late Baltimore platform, upon which our distinguished and eminent candidate for the Presidency has taken his stand. I will first refer to that celebrated passage in the message of Thomas Jefferson, delivered in 1806, upon which the opponents of the constitutional power to make improvements of any kind mostly rely.

In speaking of the disposition to be made of a surplus revenue, Mr. Jefferson says:

"Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and *such other objects of public improvement* as it may be thought proper to add to the constitutional enumeration of Federal powers."

In this passage several objects are enumerated, as education, roads, *rivers*, canals, "and such *other* objects of public improvement as it may be thought necessary to add to the constitutional enumeration of Federal powers." The meaning which Mr. Jefferson evidently intended to convey in the passage just quoted was, that there were enumerated powers in the Constitution under which appropriations for the objects specially enumerated by him could be made, but that there might be other objects for which the Constitution did not provide, and to embrace which it should be amended. I will now refer to some of the official acts of Mr. Jefferson, for the purpose of showing that, in the administration of the Government, he gave the same interpretation to the language I have just extracted from his message of 1806 which I have given to it. On the 6th of April, 1802, he approved a bill that made an appropriation of $30,000 for the erection of public piers in the Delaware, for the purpose of improving its navigation, and for the benefit of the interior commerce of the country. Rivers, it will be observed, were one of the objects enumerated by him in the message referred to. It will, therefore, be readily seen that *rivers* were not one of the objects for which it was necessary, in his judgment, to amend the Constitution. On the 29th of November, 1806, Mr. Jefferson approved a bill containing an appropriation of $30,000 for a new work—the Cumberland road. This approval and the commencement of this new work, running through several States of the Union, were made nine months previous to uttering the language upon which I have just been commenting; and I would submit, if it would not be unjust to the reputation of that greatest and purest of statesmen, to draw any other conclusion than that he was, in the message referred to, giving an interpretation of the Constitution that would conform, and be in every way consistent, with his previous official acts? Roads, it will be remembered, were one of the objects which he had enumerated.

It is not necessary for my present purpose to enumerate the different appropriations that were made, and approved not only by Mr. Jefferson, but his successors, for the purpose of carrying forward the Cumberland road. Suffice it to say, the enormous sum of $5,883,236 was expended in its construction, and this work was commenced during the very time, when the opponents of the constitutional power would have it, that Mr. Jefferson was solemnly declaring to Congress in his annual messages, that the Constitution contained no authority for these large appropriations. Was he the man to exercise power, and then to deny its existence, and, after the denial, exercise it again?

Again: Mr. Jefferson, in his message of November 8, 1808, in speaking of the probable surpluses of the revenue that might accumulate beyond what could be applied to the payment of the public debt, held this language:

"Shall it lie unproductive in the public vaults? Shall the revenue be reduced? or shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union, *under the powers which Congress may already possess*, or such amendments of the Constitution as may be approved by the States?"

Here he again refers to roads, canals, rivers, and education, the same objects he had enumerated in his previous message of 1806, with the meaning that he intended to convey still more distinctly and clearly expressed. These objects he recommends may be carried on "under the powers which Congress may *already* possess," and some of which he had commenced, and was then carrying on, by appropriations of money made in obedience to his own recommendations. What objects? may be asked. Why, most clearly those he had just enumerated. But he goes on to say, there are still "*other great foundations of prosperity and union*," which the Constitution does not authorize, but which are so essential that an amendment of the Constitution should be submitted to the States for their approval.

The power necessary to authorize these other "foundations of prosperity and union," having been once secured in the Constitution, all the powers necessary for a system of improvements, of which he speaks in the closing sentence of the same paragraph, would then be obtained. Those objects for which he recommended an amendment of the Constitution in his message of 1806, but did not then clearly define, he points out in his subsequent message of 1808, in terms too explicit to be misunderstood, and removes all doubt, ambiguity, or obscurity from the meaning he intended to convey.

During the administration of Mr. Madison, a bill passed both Houses of Congress, and was presented to him for his approval, which was refused. It was a bill setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense. The ground of Mr. Madison's objection to the constitutionality of the bill was, that it proposed to construct roads and canals within the *limits* of the States, and not that Congress had no power under the Constitution to appropriate money for works of a national character. This may be considered the origin of the distinction between the constitutional right of the General Government to make improvements that are entirely local, and within the limits of the States, and those which are general and national.

Again, Mr. Madison, in his message of the 3d of December, 1816, holds this language:

"And I particularly invite again their attention to the expediency of exercising their *existing powers*, and where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals."

He here recommends to Congress the "*expediency*" of exercising the "*existing powers*" which they possess, under the Constitution, to construct "*roads and canals.*" Nothing is here left to inference; the power is admitted, and its exercise insisted upon, subject to the restrictions above set forth, which are, that the road or canal must not be confined to the limits of a particular State.

Mr. Monroe, in his message of December 2d, 1818, declared it to be his conviction, that Congress did not possess the right to aid, by appropriations of money, the construction of roads and canals. In this message, he does not allude to the distinction between general and local objects, but at a subsequent period, while discussing the same question, he states that his mind had undergone a change in relation to the constitutional power of Congress upon that subject, and that his opinion then was—

"That Congress have an unlimited power to raise money, and that in its appropriation, they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, *not local—national, not State benefits.*"

And this, in the language of General Jackson, was avowed to be the governing principle through the residue of his administration. Mr. Monroe, in thus explicitly defining the "*discretionary*" power of Congress under the Constitution, only gave shape and form to the same distinction taken by his predecessor, Mr. Madison. And I here assert, that the ground assumed by Mr. Monroe is the same occupied by the Democratic party, from that period to the present time. General Jackson, in his celebrated veto message of the Maysville road bill, assumed precisely the same ground taken by Mr. Monroe, and after having quoted the very words of his message, he goes on to say that—

"A disregard of this *distinction* would, of necessity, lead to the subversion of the Federal system."

The ground upon which General Jackson rested his veto of the Maysville road was, that it was a local work, and was confined within the limits of a single State. The constitutional power of Congress to make appropriations to aid in the construction of public works that are national in their character, is conceded by General Jackson throughout, and in every part of that able and celebrated State paper. And his official approval of different bills during both his terms, all of which contained appropriations for works, some of which would not, at this day, come within the definition of nationality, as understood by the Democratic party; and, indeed, some of the soundest Democrats of that day did not approve, as appears by their votes upon those bills, of the liberal construction which General Jackson was willing to give to the exercise of constitutional power.

As to works that might be considered *national*, there was at that early day a greater diversity of opinion than exists at the present time, and indeed diversity of opinion still exists. General Jackson himself says, in the same message, "what is properly *national* in its character, or otherwise, is an inquiry which is often extremely difficult of solution." And when we consider that the practical distinction between objects that were properly national and those that were otherwise had not been clearly defined at that time, it was not strange that different minds should arrive at different conclusions. With General Jackson's administration the present policy of the Democratic party had its origin. And the course of policy marked out in his Maysville message, and which was strictly adhered to during his administration of the Government, ripened into a Democratic principle, which has continued to be a cardinal point in the Democratic creed from that period up to the present time. In the convention that nominated Mr. Van Buren in 1840, the resolution defining the position of the Democratic party was first adopted, and has continued to be reënacted at every National Democratic Convention up to the present time. The principle asserted by that resolution, is the embodiment of the policy announced and promulgated by General Jackson, and, in my judgment, expresses the true constitutional power of the Government to make improvements, indicating, at the same time, the only safe policy under which the power can be exercised. Before I give to that resolution the interpretation to which the history of its origin entitles it, and which it proclaims for itself, I will examine more particularly the opinions of its illustrious founder.

While General Jackson was in the Senate of the United States, the Journal shows that he admitted, by his votes, the existence of the constitutional power in its broadest sense; but more particularly did he use his influence in favor of the improvement of rivers, which the following extract from the Journal of the Senate will prove: "An act to improve the navigation of the Ohio and Mississippi rivers." On ordering to a third reading, as amended, May 19th, 1824, General Jackson voted in the affirmative. This bill appropriated the sum of $75,000 for the improvement of the Ohio and Mississippi rivers, and was approved by President Monroe. This, I think, was the very first appropriation that was made for the improvement of a western river. General Jackson, in his annual message of December 7, 1830, says:

"The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, buoys, and public piers, within the bays, inlets, harbors, and ports of the United States, to render the *navigation thereof safe and easy*, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute."

In the succeeding paragraph he says:

"Light-houses, beacons, buoys, public piers, and the *removal of sand-bars, sawyers*, and other partial or temporary impediments in the *navigable rivers* and *harbors* which were embraced in the revenue districts, from time to time

established by law, were authorized, and the expense defrayed in the same manner."

Again he says:

"From a bill making direct appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contains surveys of a *local* character which I cannot approve."

Again, in referring to his objections to the Maysville and Rockville Road Companies, and the power of Congress to appropriate money for improvements of a local character, he says:

"I at the same time intimated my belief that the right to make appropriations for such objects as were of a *national* character, had been so generally acted upon, and so long acquiesced in by the Federal and State governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage."

I might go on, if the limited time I am allowed to occupy would permit, and make further extracts from his different messages, showing the ground upon which he placed the exercise of the constitutional power, which he always admitted to its fullest extent. But enough has been shown to establish, beyond all cavil or doubt, what General Jackson's opinions were in regard to the existence of the power, and the distinction he drew between improvements that were national and those that were otherwise.

The resolution, therefore, of the Democratic Convention to which I have already referred, was, as I have stated, intended to embody the principle asserted by General Jackson and carried out by him, which is, "that the Constitution does not 'confer upon the General Government the power 'to commence and carry on a general system of 'internal improvements." This resolution has been tortured not only into a declaration of war against all improvements, but as a denial of all constitutional power in Congress to make appropriations for any improvements, either national or otherwise? The language of the resolution should protect it from any such construction. This resolution draws the true line of distinction between the doctrines of the Whig party, and those of the Democratic party. The former embrace all improvements, including roads and canals, local works of every description, without regard to their nationality; and this is the "general system" which the resolution denounces. The policy of the latter, as clearly asserted in the resolution, confines appropriations to objects that are "*general, not local—national, not State,*" and by which roads and canals, and all other State improvements, are excluded. When, therefore, a Democratic nominee for the Presidency takes his stand upon the Democratic platform, he pledges himself to the country to faithfully carry out the intention and design of this resolve, and thereby perpetuate the policy of the immortal Jackson. We are indebted, sir, to this very resolution, and to the illustrious author of the policy it contains, for nearly all the appropriations of which western rivers and western harbors have been the recipients. We are indebted, sir, to this resolution for a withdrawal of the Government patronage from "*roads and canals,*" and directing it to the improvement of our navigable rivers, and to the protection of our commerce on the lakes. The improvement of rivers and harbors is a Democratic measure; it is the result of Democratic policy, all of which is sustained by record proof that can neither be denied nor questioned.

I hold in my hand a list of river and harbor improvement bills passed during Democratic Administrations of the Government. They are some of the fruit of that tree, planted by General Jackson after he struck down the poisonous upas set out by his predecessor, Mr. Adams. To this record I direct the attention of the people of the Northwest. It speaks for itself:

Title of Bills.

For continuing to improve the navigation of the Ohio and Mississippi rivers, $50,000. Act of April 23, 1830.

For improving the navigation of the Ohio and Mississippi rivers, to be expended under the existing laws, $50,000. Act of March 2, 1831.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, $50,000. July 3, 1832.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, $50,000. March 2, 1833.

For improving the navigation of the Ohio, Missouri, and Mississippi rivers, $50,000. January 28, 1834.

For improving the navigation of the Ohio river below the Falls, and the Missouri and Mississippi rivers, $50,000. March 2, 1835.

For improving the navigation of the Ohio and Mississippi rivers from Louisville to New Orleans, $60,000. July 2, 1836.

For improving the navigation of the Ohio and Mississippi rivers from Pittsburg to New Orleans, under the act of March 2, 1831, $17,800 04. July, 1836.

For continuing the improvement of the navigation of the Ohio river between the Falls and Pittsburg, $60,000. March 3, 1837.

For continuing the improvement of the navigation of the Ohio and Mississippi rivers from Louisville to New Orleans. March, 1837.

For continuing the work for the removal of obstructions to the navigation of the Mississippi river, at its mouth, $210,000. March 3, 1837.

For continuing the improvement of the Mississippi river, above the mouth of the Ohio, and the Missouri river, $40,000. March 3, 1837.

For improving the navigation of the Ohio, Mississippi, and Missouri rivers, and to replace the steam snag boat Archimedes, sunk in the Mississippi river in November, 1836, $23,000. March 3, 1837.

For improving the Ohio river between the Falls and Pittsburg, $50,000. July 7, 1838.

For continuing the improvement of the navigation of the Ohio and Mississippi rivers, from Louisville to New Orleans, $70,000. March 7, 1838.

For continuing the improvement of the Mississippi river, above the mouth of the Ohio, and of the Missouri river, $20,000. July 7, 1838.

In answer to the charges with which the Whig press of the Northwest is now teeming, that the Democratic party has always been opposed to the improvement of harbors and rivers, and in addition to the foregoing table, I beg leave to refer them to the following statement of appropriations, made under Democratic Administrations, and then I call upon them to produce their proof of what they claim has been done under *Whig* Administrations, and by their fruits let them be judged.

Amounts appropriated during the first term of General Jackson's administration:

1830	$672,506 03
1831	926,311 84
1832	1,225,008 43
1833	1,159,451 82
Total	$3,983,278 12

Amounts appropriated during the second term of General Jackson's administration:

1834	$1,641,621 52
1835	1,352,243 61
1836	1,837,520 31
1837	1,768,218 63
Total	$6,599,604 07

The amount appropriated during the first year of Mr. Van Buren's administration (*i. e.* 1838) was $2,087,044 16.

Those who seek to place the Democratic party in a false position upon this question, mainly rely upon the veto messages of President Polk. But I apprehend that if Mr. Polk had carried his opposition so far as to deny the existence of any power in the Constitution to make improvements of any kind, (which he did not,) it could in no way alter or change the settled policy of the Democratic party. Mr. Polk placed his veto upon the ground that the bill presented to him for approval contained items of purely a local character, and for that reason it could not receive his approval. In connection with this view of the subject, he says:

"Some of the provisions of this bill are not subject to the objections stated; and did they stand alone, I should not feel it to be my duty to withhold my approval."

At the succeeding session another bill similar to the one vetoed by Mr. Polk, was, on the last night of the session, passed and presented to him for his approval, which he declined to give, but returned it with his reasons for withholding his signature. Both of these bills, it will be remembered, provided for large appropriations of money at a time when the country was prosecuting a foreign war, and was borrowing money for that purpose. This fact of itself exercised a strong influence over the mind of Mr. Polk, and indeed it is assigned by him as being one of the most potent reasons against the bill becoming a law. While I do not concur with him in his argument, I deny that he, in any part of his messages, denies the existence of the constitutional power in Congress to make appropriations for objects that would be national in their character. On the contrary, he expressly states that the bill did contain items which, if they stood alone, would receive his sanction.

I now propose to answer a public clamor that was raised against our present distinguished candidate for the Presidency, simultaneous with his nomination, and intended to operate against him in the western States, most interested in the subject I have been discussing. This clamor against General Pierce is based altogether on his votes, while he was a member of this House, and during the time he occupied a seat in the Senate of the United States, on appropriation bills, all of which contained items so entirely local in their character, that many of the leading Whigs, with their great leader, Mr. Clay at their head, voted on the same side with General Pierce. I have examined the Journals of the House, and of the Senate during the time General Pierce was a member of Congress, and have made an abstract of the votes of distinguished and leading Whigs on river and harbor bills. I have selected the names of Whigs known to the country, and I find the following to be the result of my investigation:

Second session 23d Congress, 1834–5.

H. R. No. 648. A bill making additional appropriations for the Delaware breakwater, for certain harbors, and for removing obstructions in and at the mouth of certain rivers for the year 1835.

Among those who voted in the negative, are: William S. Archer, Va.; E. Deberry, N. C.; George Evans, Me.; Horace Everett., Vt.; Balie Peyton, Tenn.

There was no vote by yeas and nays in the Senate.

First session 24th Congress, 1835–6.

H. R. No. 307. A bill making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1836.

Question on engrossment and third reading:

Among those who voted in the negative are: Chilton Allan, Ky.; Edmund Deberry, N. C.; William J. Graves, Ky.; Benjamin Hardin, Ky.; Daniel Janifer, Md.; Abraham Rencher, N. C.; John Taliaferro, Va.; Joseph R. Underwood, Ky.; John White, Ky.; Lewis Williams, N. C.; Sherrod Williams, Ky.

No vote in the House on the passage.

Among those who voted in the negative in the Senate on the bill (No. 307) at the first session 24th Congress, are: Henry Clay, Ky.; Benjamin Watkins Leigh, Va.; Willie P. Mangum, N. C.; Alexander Porter, La.; W. C. Preston, S. C.

First session 24 Congress, 1835–6.

H. R. No. 523. A bill making appropriations for the improvement of certain harbors therein mentioned.

Among those who voted in the negative are: Chilton Allan, Ky.; John Bell, Tenn.; William K. Bond, O.; George N. Briggs, Mass.; Thomas Corwin, O.; Edmund Deberry, N. C.; Horace Everett, Vt.; William J. Graves, Ky.; Hiland Hall, Vt.; Benjamin Hardin, Ky.; James Harlan, Ky.; James A. Pearce, Md.; Abraham Rencher, N. C.; John Taliaferro, Va.; Joseph R. Underwood, Ky.; John White, Ky.; Sherrod Williams, Ky.

In the Senate, first session 24th Congress, on third reading of the same bill, among those who voted in the negative are: Thomas Ewing, O.; Benjamin Watkins Leigh, Va.; Willie P. Mangum, N. C.; William C. Preston, S. C.

There was no vote on the passage.

Second Session Twenty-fourth Congress, 1836–7.

H. R. No. 895. A bill to provide for the improvement of certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes during the year 1837.

Among those who voted in the negative on the engrossment and third reading of the bill, are: John Bell, Tenn.; Horace Everett, Vt.; James Graham, N. C.; William J. Graves, Ky; Benjaman Hardin, Ky.; Abraham Rencher, N. C.; Augustine H. Shepperd, N. C.; Waddy Thompson, S. C.; Lewis Williams, N. C. There was no vote by yeas and nays on the passage.

In the Senate, among those who voted in the negative upon the passage of the same bill, are: Henry Clay, Ky.; William C. Preston, S. C.

Second Session, Twenty-fifth Congress, 1837–8.

H. R. No. 394. A bill to provide for certain

harbors, and the removal of obstructions in and at the mouths of certain rivers, and for other purposes during the year 1838.

Among those who voted in the negative on the passage are: John Bell, Tenn.; John W. Crockett, Tenn.; William C. Dawson, Ga.; Edward Deberry, N. C.; Horace Everett, Vt.; James Graham, N. C.; James Harlan, Ky.; John Pope, Ky.; Abraham Rencher, N. C.; Augustine H. Shepperd, N. C.; Edward Stanly, N. C.; John Talliaferro, Va.; Joseph R. Underwood, Ky.; Lewis Williams, N. C.; Christopher H. Williams, Tenn.

In the Senate, among those who voted in the negative on the same bill, on its engrossment and third reading, were: John J. Crittenden, Ky.; William C. Preston, S. C.

What does this record of Whig votes establish against the men whose names are recorded on the same side with the name of General Pierce? It will certainly not be contended that it is conclusive evidence of a denial, on their part, of the existence of the constitutional power to make improvements of any kind, or that all the items contained in the different bills against which they voted were unauthorized by the Constitution. We find such names as *Henry Clay*, of Kentucky, John Bell, of Tennessee, Thomas Corwin, of Ohio, J. R. Underwood, of Kentucky, and Thomas Ewing, of Ohio, all recorded on the same side with General Pierce; and yet we are told that these very votes, by which they establish for those men the most conclusive evidence of their devotedness to the improvement of western harbors and rivers, establish just the opposite for General Pierce. They, by the same record, prove that General Pierce was not only opposed to all such improvements, as being inexpedient and impolitic, but they claim to establish beyond a doubt his unalterable and fixed opinion, that the Constitution contained no power that would authorize any appropriation for any one of the objects specified in either of the bills referred to.

The assertion that General Pierce denies the existence of the constitutional power in Congress to appropriate money for the improvement of harbors and rivers, and consequently would be compelled to refuse his approval, if elected President of the United States, to any and every bill of that character, is based solely upon the record I have just read; because out of that record the whole political history of General Pierce may be quoted to prove the very opposite conclusion.

I call upon the originators and upon the authors of this unfounded clamor against General Pierce, to point to a single word he ever uttered either in Congress or out of it, intimating, in the remotest degree, his denial of the constitutional power in Congress to make appropriations for objects strictly national in their character, or in any way denying the existence of the power. General Pierce did not vote against the bill of 1836; but Corwin, of Ohio, Briggs, of Massachusetts, Underwood, of Kentucky, Ewing, of Ohio, Hardin, of Kentucky, Mangum, of North Carolina, and a host of other leading Whigs did record their names against it. And these men are held up as the especial friends of western improvements, while General Pierce, who refused to vote against the bill, is set down as an uncompromising enemy of the interests of the whole Northwest.

I now propose to contrast the localities of some of the Whigs that voted on this question with the locality of General Pierce. It is well known that the North and East were more strict in their views of the exercise of this power in the Constitution than the western wing of the Democratic party. General Pierce, it will be remembered, was representing a particular locality, and at that time was carrying out the views of his constituency. A position involving responsibilities widely differing from those that attach to the Chief Magistrate of the whole nation, as the opinions of Mr. Fillmore while a Representative in Congress, and his opinions upon the same subject while President of the United States abundantly prove.

In the States of Tennessee, Kentucky, and Ohio the public sentiment not only admitted the existence of the power to its fullest extent, but the interests of the whole people demanded its liberal exercise. Yet we find the leading Whigs of that day refusing to sanction by their votes bills containing appropriations for objects within the limits of the very States they were representing, not because they had constitutional scruples, but because they could not, like Mr. Pierce, give their assent to *every* item contained in the broad schedule of objects for which appropriations were sought.

But it is said General Jackson approved the very bills that General Pierce voted against. General Jackson was a western man; had always so far as the improvement of the great navigable streams of the country were concerned, been extremely liberal in the exercise of the constitutional power, never denied or ever doubted by him, and acting as the representative of every interest, with the whole people for his constituency, he saw fit to approve bills which the Representative of a locality might not feel himself called upon to support. It must not be forgotten that General Jackson had, with his strong arm, just struck down that great system of internal improvements, projected by his predecessor, John Quincy Adams, and was calling upon the Democracy of the country to sustain him. General Pierce was among the first to respond to that call, and contributed, by his votes and by his influence, more, perhaps, than any other public man of that day, towards checking the extravagance that would have been the inevitable result of Mr. Adams's policy, and, at the same time, saved the revenue of the Government from being swallowed up in the vortex of a stupendous system of internal improvements, partial and local in its operation, which the policy of Mr. Adams, if permitted to have been carried out, would have created. The eagle eye of General Jackson saw, at a glance, the terrible consequences of such a policy, and the aim of its originators. Additional duties on the imports of the country, made necessary by the creation of a huge public debt, would have been the inevitable result; all of which would have been followed by a system of protection, sectional and local in its operation, to sustain which all other branches of industry would have been taxed for all time to come. From these evils the country has been saved, and its revenues directed to the improvement of our great navigable channels of commerce, not for the purpose of taking commerce where it did not exist, but to facilitate and protect it where it had already gone in obedience to its own unchangeable laws. I have already alluded to the origin of that resolution in the Democratic platform, defining the true position of the Democratic party on this question, and fixing the limits of its action. That resolution, General Pierce has said, "*commands the approbation of his judgment.*" Can there be any doubt as to its meaning? Permit me again to refer to the time and circumstances of its adoption.

When the administration of Mr. Van Buren was drawing to a close, the Democratic party met in convention, at the city of Baltimore, at which Convention Mr. Van Buren was renominated for the Presidency. The platform then adopted reaffirmed the policy of his Administration, which was a continuation of the policy of his "*illustrious predecessor.*" I need not repeat the course of policy pursued in relation to the subject embraced in this resolution during the Administrations of General Jackson and Mr. Van Buren. It is ingrafted on the legislation of that day, and will forever remain, a full and complete answer to every charge that our opponents can fabricate against the Democracy, and against Democratic Administrations, of hostility to western improvements. Will it be contended that that resolution was intended to condemn the policy, not only of Mr. Van Buren's administration, but of General Jackson's also? I apprehend no man, in his senses, would give to it any such interpretation. The resolution denies the power of the General Government to commence and carry on a general system of internal improvements. But was the system projected by General Jackson and carried on by Mr. Van Buren a general system? If it was, then the Convention of 1840 condemned the policy of General Jackson, and repudiated the most prominent feature of Mr. Van Buren's administration. And this, too, was done at a time when every act of the latter Administration was "*undergoing the severest scrutiny*" that a mendacious press, stimulated by the most unscrupulous motives, has ever ventured to institute against the public acts of any public man.

But, sir, if they did not commence or carry on a "general system of internal improvements," then this resolution did not condemn their policy, but on the contrary approved and sanctioned it. The many acts to which I have referred, making appropriations for western rivers and harbors on the lakes, passed during the twelve years the Government was administered by General Jackson and Mr. Van Buren, leave no room for doubt as to the policy, its extent, and limitation intended to be embraced in that resolution. Will General Pierce perpetuate and carry out this policy? He has given to the country the most solemn pledge that he will; and Frank Pierce never made a pledge that he did not redeem.

But, sir, the Democratic party has also a duty to discharge—a sacred, a solemn, and a constitutional duty. While the Democracy have the control of the National Legislature, it is their duty to see that no bill shall be presented to the President of their choice that contains a single item not sanctioned by the Constitution, and from which, acting under his high constitutional obligations, the President would be compelled to withhold his approval. The Democracy of the West cannot be deceived. Those who hope to delude them by the false clamor of Pierce's hostility to the interest which they have so much at heart, will themselves be deluded. Let the West be true to itself, and it has nothing to fear. Let its demands be reasonable, as they always have been, and the right will and must prevail. No sectional strife threatens her peace, or can shake her patriotism. She stands between the North and the South like a mighty rock separating two tempestuous seas. Her Democracy can neither be deceived by false and unfounded clamors against their present distinguished standard-bearer, or bribed by promises made to the ear, but always broken to the hope. I can almost hear the tread of the multitude, as they move in their might and in their power to the accomplishment of their great purpose—the vindication of their principles in the triumphant elevation of Frank Pierce and William R. King to the highest places within the gift of a free people.

THE COMPROMISE—THE PRESIDENCY—POLITICAL PARTIES.

SPEECH OF HON. C. J. FAULKNER,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

August 2, 1852.

The House being in the Committee of the Whole on the state of the Union on the Civil and Diplomatic Appropriation Bill—

Mr. FAULKNER said:

Mr. CHAIRMAN: I had hoped, sir, that no occasion would have occurred, during my service in this body, rendering it necessary for me to address the House upon any of the current political topics of the day. I came here to discharge my duty as a representative of the people—to labor in the plain, straightforward path of constitutional legislation—to limit myself to the discharge of the appropriate duties which belong to me as a member of this body—to dedicate my time to the investigation of those questions upon which I am required to record my votes, and to sustain the peculiar interests of my constituents, wherever those interests have been improperly neglected and disregarded by the Government. But having taken occasion, some short time since, in company with a few others who concurred in opinion with me, to indicate, in a very brief card, the course which I should feel it my duty to pursue in the approaching presidential election—a right, the exercise of which belongs to every freeman of this Republic, and my position having been made by partisan orators and editors, throughout the country, the subject of most acrimonious assault, I feel impelled to throw myself upon the indulgence of the committee to present more at large some of the reasons which govern me in the course which I propose to pursue; and if those who differ from me in opinion can perceive in my present position the slightest aberation in principle from that which I assumed in my canvass for a seat upon this floor, I shall be gratified to see the discrepancy pointed out to the censure and condemnation of those who have a right to sit in judgment upon my conduct.

Mr. Chairman, looking at the respective plat-

forms announced by the two parties, and at the course of national legislation, few, if indeed a single one, of the questions which formerly divided parties, have for some years past constituted political issues before the country. The Bank of the United States, to protract whose corporate existence so much misplaced patriotism was expended, has almost perished from human memory, and has been supplanted by a financial system which is everywhere acquiesced in without a murmur. The bankrupt law was a temporary measure, and rose and exploded like a bubble upon the agitated surface of the water. The Mexican war has left behind it nothing but the memory of its proud achievements, and successful issue. The system of internal improvements, once so vigorously maintained, is now universally discountenanced; and all who maintain any power in the Federal Government over the subject, in any form, limit the exercise of that power within such a narrow range of commercial facility and national defense as to avert any very marked hostility to their views. A tariff policy, looking to protection as its leading and primary object, is now without an advocate in the country—as completely so as the doctrine of pure international free trade; and so long as the principle is avowed and honestly carried out, that no more revenue should be raised than is sufficient to defray the just and economical expenditures of the Government—that such revenue should be collected from imposts, and not from direct taxes, so as to give to the labor of our own country the incidental benefit resulting from that system of taxation; and that in raising this revenue, such equality of burden should be imposed that one class or portion of the country should not be taxed for the benefit of another—principles now universally conceded, all else pertaining to any tariff law must be mere matter of detail, about which local interests may squabble, but in regard to which national parties cannot differ. The question of the public lands has long since passed from the control of party action, and been merged in the ever-circling whirlpool of sectional cupidity and universal demagogism; and the only divisions which it has been my fortune to witness upon that subject, since I have held a seat upon this floor, have been those which spring from the celebrated Rob Roy maxim:

> "That good old rule—that simple plan,
> That they SHALL TAKE who have the power,
> And they may HOLD who can."

These old issues have passed away, because they sprung alone from the administrative policy of the Government—a policy which, in a country of such gigantic growth, rapid development, and intimate connection with the whole commercial world, must necessarily be modified and adapted to its changing condition and ever-onward destiny. They have passed away, because time and enlightened discussion have corrected many of the errors and dissipated many of the prejudices which surrounded those subjects; and more than all, they have been lost sight of by the public mind, because, of late years, they have yielded to a class of questions of far greater magnitude, involving the very existence of the noblest structure of civil government which the sun has ever shone upon.

Sir, since the recent alarming agitation of these sectional issues, I have had but one rule to guide and control me in my political course, and that is irrespective of all former party associations and of all *effête*—lifeless, galvanic political organizations, to give my humble and sincere support to those men, and to those associated bodies of men who, from their public declarations and authentic acts, give me the highest assurance of their fidelity to the obligations imposed by our great Federal compact. The South is now, for the first time since the origin of this Government, in a minority in both branches of the National Legislature. We have in this fact a source of just solicitude, which may well arouse us to reflection, and cause us to look more narrowly into the tendencies and composition of parties than we have heretofore done. We have now no longer in this nor in the other Chamber the power of numbers to repel aggression and to vindicate our rights. We have great and momentous interests confided to our safe custody, upon the firm and intrepid maintenance of which, depend our peace and tranquillity, and which interests may be, and are, the subjects of constant aggression and assault. A very slight examination into the tone of public sentiment, and the tendencies of this Government must be sufficient to satisfy any man that the safety of the South in this Confederacy depends upon a strict and literal interpretation of the powers of Congress; upon a vigilant watchfulness of abuse; and upon a faithful observance by the Government of all of those provisions in that instrument which have been so carefully designed to protect and defend our interests.

Amongst the clauses contained in the Constitution is one which has attracted an unusual share of public attention within the last few years. The interest which this question has awakened has resulted from the fact that it is a plainly written condition of the bond; that it is a provision of vital practical importance to the South; that it has been violated with impunity and under every circumstance of atrocity and insult; that the authority of the National Legislature has been invoked to give vitality and efficacy to the compact, and that fanaticism and resistance have reared their treasonable heads to cancel and destroy a solemn and deliberate contract made and approved by our fathers. The question presented, being no less than whether the Constitution is an instrument intended for the benefit of the whole Union, or only of a part of it;—whether the South shall bear its burdens, without being allowed to participate in its benefits. Sir, I do not over-estimate the importance of that provision of the Constitution which requires the delivery of our fugitives from labor, when I say, that upon its stern and inflexible execution depends our domestic tranquillity, and the peace and stability of the Union. I say here, to gentlemen of the North, deny us the honest, cheerful, and faithful observance of that guarantee of the Constitution, and you make us aliens to you in feeling, and enemies to a system of Government which can tolerate such injustice. It was one of the equivalents which was promised for the surrender of that unrestricted commercial power which it was then foreseen, and which has since resulted in covering your country with cities, palaces, and all the evidences of affluence and wealth. It was one of the conditions of the bargain, and one without which we should have refused to have negotiated at all. Of this opinion was the Supreme Court of the United States, when it was announced to the North, through the lips of one of its most eminent northern judges, "that 'the full recognition of this right and title was 'indispensable to the security of that species of 'property amongst them, and was so vital to the 'preservation of their domestic interests and in-'stitutions, that it constituted a FUNDAMENTAL 'ARTICLE, without the adoption of which THE 'UNION COULD NOT HAVE BEEN FORMED." To secure this important object the South made many sacrifices in the Federal Convention; and surely, no man who looks to the welfare of the South, or to the interests of the Union, (for upon this question, above all others, the interests of the South and of the Union are one and the same,) can be indifferent to the respective views of the two great political parties upon this question, nor, indeed, to the views of any influential portion of these parties. It cannot be an unimportant inquiry at a time like this, to know who, during the late perilous crisis through which we have passed, have been our friends, and who have been our enemies; who have recognized our rights, and who have denied them; who have regarded the Constitution as the fraternal bond of Union, and who have misapplied the powers conferred by it for the purposes of its own destruction, and from what quarter we may expect allies and friends if these rights should hereafter be assailed. So vital do I regard this subject, that I have no hesitation in declaring, that whatever might be my diversity of opinion upon questions of ordinary legislation with the two great parties of the country, I should feel it to be my imperative duty, at a period like the present, and until all serious agitation upon this subject is finally put at rest, to contribute my aid to secure the ascendancy of that party which shall give me the most satisfactory assurances of its firmness and fidelity upon this fundamental issue.

In the view which I take of this question, and in the overwhelming importance which I attach to it, I am sure I do not stand alone. Certain it is, that I am sustained by the sagacity and patriotism of that eminent man, whose voice has not often been heard without a respectful response in this land, and whose death has so recently filled this Republic with grief. I take the following extract from some remarks delivered by Henry Clay, before the General Assembly of Kentucky, on the 18th of November, 1850, upon which occasion he was invited to address that body:

"If the agitation in regard to *the fugitive slave law* should continue, and increase, and become alarming, it will lead to the formation of two new parties, one for the Union and the other against the Union. And the platform of that Union party will be, the Union, the Constitution, and the enforcement of its laws. And if it should be necessary to form such a party, and it should be accordingly formed, I announce myself, in this place, a member of that Union party, whatever may be its component elements. Sir, I go further: I have had great hopes and confidence in the principles of the Whig party, as being most likely to conduce to the honor, the prosperity, and the glory of my country. But if it is to be merged into a contemptible abolition party, and if abolitionism is to be engrafted on the Whig creed, from that moment I renounce the party and cease to be a Whig. I go yet a step further: if I am alive, I will give my humble support for the Presidency to that man, to whatever party he may belong, who is uncontaminated by fanaticism, rather than to one who, crying out all the time and aloud that he is a Whig, maintains doctrines utterly subversive of the Constitution and the Union."

I do not wish to be understood, in making this quotation from Mr. Clay, to affirm that the time has arrived, in the contemplation of that distinguished man, when all the extreme results which he prefigures have been fully realized. I feel, in common with the whole country, grateful to the Southern Whigs for the firmness and patriotism which they displayed in forcing upon the Baltimore Convention the adoption of the compromise resolution. It was an important step in the right direction; and I trust in God it may be found to leaven the whole mass of heretofore hostile sentiments in the Whig party of the North. But I must be allowed to express my want of faith in its efficacy for any such result. I have too long observed the extent and intensity of that disease to believe that it will yield to so simple a prescription. Neither am I unadvised of the fact that the platform referred to was, in truth, forced upon that body under circumstances of a most marked and peculiar character—that the Southern Whigs were aided in their strategy upon that occasion by a triangular struggle for the nomination, and by a condition of things which may never again occur; and that, after all, it was carried in opposition to a most formidable minority, who continued earnestly opposed to it to the end. Neither am I insensible to the fact that the Southern Whigs constitute a very decided minority of their party in this Union; that its true power and acknowledged strength lies in the North; and that it is to the sentiments of the Northern Whigs we can alone look for a true exposition of that policy which must give tone and character to the Whig party of the Union. Wholly unembarrassed, therefore, as I am in my present political position, and free to choose between the respective nominations now before the country, it becomes my duty as a Southern man, and as a Union man, to examine the principles and past proceedings of that majority branch of the Whig party to whose influence the country is indebted for the nomination now before us, a nomination made in opposition to the unanimous and protracted struggles of the South, and in opposition to the struggles of the few national Whigs of the North who were so fortunate as to find a sufficient constituency in that section of the Union to delegate them to that body.

In order to present my own position fairly and distinctly before the country, it is necessary for me to advert to some portion of my own personal history, and to look back to the incidents of the past few years.

As early as the year 1846, my attention was in an especial manner drawn to that extraordinary condition of things existing in this Confederacy, exhibiting the virtual and practical nullification of one of the most important provisions secured by the Constitution to the South. The guarantee existed, it is true, (as a dead letter,) in the Federal compact; but public sentiment and State legislation combined, had rendered it as absolutely inoperative as if it had been expressly excluded from the terms of our National Covenant. The act of Congress of 1793, depending for its vitality upon State

agents and State officers, its efficacy was wholly destroyed by the legislation of the States forbidding the coöperation of State officers in its enforcement. I cannot better illustrate the spirit of northern legislation upon this subject than to refer to the case of Vermont, which, by an act of November, 1843, inflicted a heavy pecuniary penalty, and declared it to be a penitentiary offense, not only for a State officer, but even for any *citizen* of that State, to aid in the recapture of a fugitive slave. I found that hostility to the institutions of the South was an increasing and growing sentiment in the North, stimulated and fomented by politicians for the worst and most nefarious purposes.

Shortly after this occurred the brutal murder of Kennedy by a mob of free negroes and abolitionists in Pennsylvania, whilst engaged in the assertion of his legal and constitutional rights; and next the prompt and disgraceful acquittal of the murderers, and their discharge from all punishment whatever. I felt persuaded that unless there was some decided action upon the part of Congress in giving efficacy and value to this despised provision of the Constitution, and some change in the public sentiment of the North, leading to a better understanding and more thorough recognition of the rights of the South, that the Union must be brought to a speedy and violent rupture. I accordingly, in July, 1847, opened a correspondence with several of the most prominent and distinguished men of the nation, suggesting such remedies as occurred to my mind for the existing evil, and soliciting their advice. From none of them did I receive the slightest encouragement to the idea that any amendment could be obtained to the act of 1793 by Congress. Mr. Calhoun, in emphatic terms, replied to me that "any attempt to procure favorable legislation from Congress would be idle."

Not discouraged by this advice, I determined, in the spring of 1848, to submit myself to the voters of Berkeley county as a candidate for a seat in the House of Delegates—intending, if elected, to endeavor to bring the whole moral power of Virginia to bear upon this subject before Congress. I was elected, and, accordingly, within a few days after taking my seat in that body, I submitted a resolution for the appointment of a select committee to consider the subject in all its bearings, and to report. The resolution was adopted, and a committee appointed, of which I was chairman. Early in the month of February following, I submitted, with the sanction of the committee, my report, which was unanimously adopted by both branches of the General Assembly of Virginia, instructing our Senators, and requesting our Representatives to urge upon the consideration of Congress, the amendments of the law of 1793, recommended in that report. These joint resolutions of Virginia were laid before the Senate and House of Representatives but a few days before the adjournment of the Thirtieth Congress, and too late for any action upon them at that time.

I will here remark, that the day fixed for the consideration of my report in the House of Delegates of Virginia, was the same day upon which it had been decreed by the Whigs of New York that they would elevate WILLIAM H. SEWARD to the high and distinguished post of Senator of the United States. Having been furnished, a few days prior to that time, with a copy of a speech delivered by Mr. SEWARD, at Cleveland, in Ohio, on the 26th of October preceding, I took occasion, in my exposition of the report, to direct the solemn attention of the Whigs of Virginia to the sentiments contained in that speech, and to inquire of them if they could unite in political fellowship with a party such as he described the Whigs of the North to be. I then took occasion, in the most precise and explicit terms, to declare that I should thereafter feel it my duty, as the basis of my individual action, to direct my attention more to the course of the Whig party of the North, and if I found satisfactory evidence of their concurrence in the views and policy here ascribed to them by Mr. SEWARD, that I should, without hesitation, separate myself altogether from their organization.

Here is an extract from the speech of Mr. SEWARD, to which I allude:

"There are two *antagonistical* elements of society in America—FREEDOM and SLAVERY. Freedom is in harmony with our system of Government, and with the spirit of the age, and is, therefore, passive and quiescent. Slavery is in conflict with that system, with justice, and with humanity, and is therefore organized, defensive, active, and perpetually aggressive."

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"These elements divide and classify the American people into *two* classes—the party of Freedom, and the party of Slavery. Each of these parties has its court and its scepter."

* * * * * * *

"The party of Freedom seeks complete and *universal emancipation*. You, WHIGS of the Reserve, and you especially, seceding Whigs, none know so well as you that these two elements exist and are developed in the two great national parties of the land, as I have described them. *That* existence and development constitute the *only reason you can assign* for having been enrolled in the *Whig party*, and mustered under its banner, so zealously and so long. And now I am not to contend that the evil spirit I described has possessed the one party without mitigation or exception, and fully directed the actions of the other; but I appeal to you, to your candor and justice, if the beneficent spirit has not worked chiefly in the *Whig party*, and its antagonist in the *adverse party*."

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"Slavery is the sin of not some of the States only, but of them all—of not our nation only, but of all nations. It perverted and corrupted the moral sense of mankind, deeply, universal; and this corruption became a universal habit. Habits of thought became fixed principles. No American State has yet delivered itself entirely from these habits. We in New York are guilty of slavery still by withholding the *right of suffrage* from the race we have emancipated. You, in Ohio, are guilty in the same way, by a system of *black laws*, still more aristocratic and odious. It is written in the Constitution of the United States, that five slaves shall count equal to three free men, as a basis of representation; and it is written, *also, in violation to Divine law*, that we shall surrender the *fugitive slave* who takes a refuge at our fireside from his relentless pursuer. You blush not at these things, because they have become as familiar as household words; and your pretended Free-Soil allies claim peculiar merit for maintaining these *miscalled guarantees* of slavery which they find in the national compact. Does not all this prove that the *Whig party* have kept up with the spirit of the age? That it is as true and faithful to human freedom as the inert conscience of the American people will permit it to be? What, then, you say, can nothing be done for freedom because the public conscience is inert? Yes, much can be done, everything can be done. Slavery can be limited to its present bounds; it can be ameliorated. It can be, and it must be, ABOLISHED, and you and I can and must do it. The task is as simple and easy as its consummation will be beneficent, and its rewards glorious. It requires only to follow this simple rule of action: To do everywhere, and on every occasion what we can, and not to neglect or refuse to do what we can at any time because at that precise time and on that particular occasion we cannot do more. Circumstances determine possibilities. When we have done our best to shape them and make them propitious, we may rest satisfied that superior wisdom has determined their form as they exist, and will be satisfied with us if we do all the good that circumstances leave in our power. But we must begin deeper and lower than the composition and combination of factions or parties wherein the strength and security of slavery lie. You answer that it lies in the Constitution of the United States, and the constitutions and laws of slaveholding States. Not at all. It is in the erroneous sentiment of the American people. *Constitutions* and laws can no more rise above the virtue of the people than the limpid stream can climb above its native spring. Inculcate the love of freedom and the equal rights of man under the paternal roof; see to it that they are taught in the schools and in the churches; reform your own code; EXTEND A CORDIAL WELCOME TO THE FUGITIVE *who lays his weary limbs at your door*, and DEFEND HIM AS YOU WOULD YOUR PATERNAL GODS; correct your own error, that slavery *has any constitutional guarantee* which may not be *released*, and *ought not to be relinquished;* say to slavery, when it shows its bond and demands its pound of flesh, that if it draws one drop of blood its life shall pay the forfeit; inculcate that the free States can maintain the rights of *hospitality* and humanity—that Executive authority can forbear to favor slavery—that Congress can debate—that Congress, at least, can mediate with the slaveholding States—that, at least, future generations might be bought and given up to freedom, and that the treasures wasted in the war with Mexico would have been sufficient to have redeemed millions unborn from bondage. Do all this, and inculcate all this, in the spirit of moderation and benevolence, and not of retaliation and fanaticism, and you will soon bring the parties of the country into an *effective aggression upon slavery*. Whenever the public mind shall will the abolition of slavery, the way will open for it.

"I know that you will tell me this is all too slow. *Well, then, go faster if you can, and I will go with you;* but remember the instructive lesson that was taught in the words, 'these things ought ye to have done, and not to have left the others undone.'"

In three months after the delivery of this speech, which, by the newspapers and in pamphlet form, has acquired an extensive circulation, these sentiments were indorsed by the Whigs of New York by his elevation to a seat in the Senate of the United States. On the 5th of March, 1849, he took his seat in that body, to advance the great mission for which he was elected, and from that day to the present, has he stood forward before the country the impersonation of every sentiment hostile to the interests and institutions of the South.

Early in the following session of Congress, Mr. MASON, of Virginia, in pursuance of the instructions of his State, submitted to the Senate a bill to carry out the second section, fourth article of the Constitution, in relation to fugitives from labor. Had that bill come before Congress wholly as an independent measure of policy, it is difficult to say what may have been its fate. But the momentous questions growing out of the admission of California as a State into this Union; the establishment of territorial governments for Utah and New Mexico; and the settlement of the Texas boundary bill, afforded an opportunity highly favorable to its being successfully passed during that session. Without going into the details of that stormy and ever-memorable session of Congress, it may be sufficient for my present purpose here to state, that the *fugitive slave law*, with all the other acts constituting that series of measures, called the adjustment or compromise, were passed early in the month of September, 1850, and received the signature of President Fillmore.

It naturally attracted my attention, after my previous acquaintance with the spirit of Northern State legislation, and especially with the legislation of some of the most decided Whig States of the North—and after the declarations of principle ascribed to the northern Whigs by Mr. Seward, in his speech from which I have before quoted, to notice the political complexion of the vote by which this tardy act of justice was rendered to the South, and the Constitution at length recognized as an instrument giving protection to our rights. I found upon examination that *not one single northern Whig Senator* voted for the passage of the law, and but *three Whigs* from the whole non-slaveholding section of the Union cast their votes for it in the House of Representatives, to wit: One from the city of Boston—one from Indiana, and one a native of Virginia, representing the Chillicothe district in Ohio.

Now, when we consider the plain and perspicuous language of the guarantee for the delivery of fugitive slaves embraced in the Constitution—the absolute nullification of the remedy prescribed by the act of 1793, imperfect as that remedy was—the solemn declaration of the Supreme Court of the United States that we were without the benefit of a fundamental provision of the compact to which we were entitled—the urgent demand for redress from the South—the impending danger to the Union consequent upon the denial of a right so clear and indisputable, we may well estimate the extent and depth of the feeling of the constituent body which could thus paralyze their Representatives upon the floor of Congress, and cause them in a body to withhold from us a remedy so clearly granted and so urgently required by our situation.

The passage of the compromise acts by Congress in September, 1850, was far from terminating the struggle of the friends of the Union. It is true some of those measures became by their passage final, and are in their nature irrepealable. But there was one—that one to which I have before more particularly referred—in which the South had a vital and peculiar interest, which was subject to repeal at any time, and which, whether repealed or not, could be of little practical value to us unless sustained by a sound public sentiment at the North, where it was to be executed. The contest, then, so far as that law was concerned, was transferred from the Halls of Congress to the direct tribunal of the people themselves. Open rebellion to the execution of the law was familiarly proclaimed. Its constitutionality vehemently denied. The pulpit, the press, county and corporation meetings, and legislative assemblies thundered their denunciations against it, and proclaimed a warfare for its repeal, whilst ferocious mobs were incited and encouraged to resist its enforcement. Some idea may be formed of the frenzy which animated the opponents of this measure by quoting the sentiment of a convention which, during that period, assembled in Pennsylvania. It was there declared "that George Washington was as infamous and vile for signing the 'act of 1793 as Millard Fillmore is for signing 'the act of 1850; both were infamous; both laws 'were infamous." Never was there a period which more urgently demanded the active influence and patriotic exertions of every sound-think-

ing man who possessed influence in the North to allay the spirit of open discontent, and to suppress the treasonable projects of the enemies of the Union. Any man existing in that day, who was blessed with the power to give a sound direction to public sentiment, and who, from any purposes of selfish and vaulting ambition, withheld the exercise of that power, was guilty of a flagrant dereliction of duty which the people of this country will never cease to remember to his injury.

In casting our eyes back to the fall of 1850 and the year 1851, we find the highest intellect and the noblest patriotism of the North everywhere in motion, and earnest and unceasing in its appeals to resist the tide of fanatical resistance of that law, then sweeping over the free States. President Fillmore, accompanied by a portion of his Cabinet, visited the States of Massachusetts and New York, and sought, by the weight of his high character, and by the exercise of all of the legitimate influence at his command, to soften the excited prejudices of the people, and to turn their reflections into the current of public duty. HENRY CLAY, from the capital of Kentucky, sent forth a warning voice to his friends in the North. WEBSTER, roused by the magnitude of the danger, traveled from point to point, and brought the massive powers of his mighty intellect to maintain, uphold, and support the supremacy of the Constitution and laws. Pierce, Choate, Dallas, Dickinson, Douglas, O'Connor, and a host of others, brought all the influence of their abilities and well-earned popularity to aid the triumph of the cause of CONSTITUTIONAL UNION.

As the course of FRANKLIN PIERCE is not so generally known at this period as that of his three more illustrious compeers, and as it is fit and proper that it should be better known, I will present from the columns of the National Intelligencer, of the 28th of November, 1850, a sketch of the sound and patriotic remarks made by him on the 20th of that month, at a Union meeting held at Manchester, in New Hampshire. The whole proceedings of the meeting cover near four columns of that paper.

"GENERAL PIERCE'S SPEECH.—The President then introduced General Franklin Pierce, and that gallant gentleman was received with enthusiastic cheers. Disclaiming any purpose of making anything like a regular address, he said he never before was so much under the influence of conflicting emotions. There was much in the appearance of the assembly that filled his heart with joy; and yet a feeling of sadness oppressed him when he cast his eyes over that vast, calm, resolved multitude, and remembered that they had gathered there to consider a question, which for twenty years, had never been raised in any public body in our country. That question was, not whether the Union should be perpetual, but whether there should be disunion.

He was in the United States Senate when that word was heard for the first time on that floor, and never shall he forget the thrill of horror it sent through that body. A deep and solemn pause succeeded, and Senators shuddered as they slowly turned their eyes upon the bold author of the appalling suggestion. But he had now lived to hear hisses while one of the secretaries was reading a resolution in favor of Union. [This remark drew hisses, and General Pierce proceeded:] They hiss again. Let the men who do it, show themselves. [Up rose two clergymen, the reverend Mr. Foss, and the reverend Mr. Davis.] Here, then, said General Pierce, we have two men who seek to destroy the Union. [One of them replied: 'No. If you will let us explain, we will show you that we do not intend that. We are willing to meet the question, however, any way.'] General Pierce continued. You shall have your opportunity all in good time. Let the discussion come, and he that is defeated, must go to the wall, and yield the question. That is the way to manage such matters in a free country. There must be no breaking up of the country in case of defeat. If we are precipitated into a war by fanaticism, we cannot conquer. Both sections of the country may be immolated. Neither could come out of the contest short of ruin. It was said that we of the North could bring two men in the field for every one that the South could muster; but it would be found, when the trial should come, that the man who now makes that boast would not be one of the two men who was to go forth to meet even the one man from the South. [Great cheering.] General Pierce said the men, then in the hall, who had abandoned themselves to the infatuation of disunion sentiments, would probably live to regret and repent of their present course. In the coming days of decrepitude, when the infirmities of age shall have crept upon them, they would gather their children around them, and confess how they were once betrayed into moral treason, and, as a legacy, say to them: 'STAND BY YOUR UNION—AND STAND BY YOUR COUNTRY!' He said he deemed it unnecessary to go into a formal argument in support of the Union. The resolution embraced all that could be said on that subject. When the compromise was first proposed in Congress, he had no doubt that the Union would go down, unless the measures recommended were carried. The *defeat* of the first attempt overwhelmed him *with apprehension*, understanding that the compromise *was intended to give to the South a sense of greater security, for one of their rights than they felt they had for some time past possessed.* Who did not deplore slavery? But what sound-thinking mind regarded that as the only evil that could rest upon the land? The men that would dissolve the Union, did not hate or deplore slavery more than he did; but even with it we had lived in peace, prosperity, and security from the foundation of our institutions to the present time. *If the Constitution provided for the return of fugitive slaves,* IT SHOULD BE DONE. That was what he WANTED TO DO; that was what our fathers AGREED *we should do;* and that was what the FRIENDS OF THE UNION established by them wanted to do. [Hisses.] There, said General P., are the arguments of the 'higher law,' I suppose.

"These provokers of disunion claimed to be men of humanity. They were the men who were always preaching against war. Yet how was a peaceable dissolution of the Union to be accomplished? If one portion of the States could secede without violence, how long would peace continue? The slaves would escape; their owners would pursue them. If the slaves were protected in the free States, the owners would pursue with armed forces. Troops would be raised to resist them; battalions would be added to battalions on each side, and the free States would be the battle ground where such armies would be found engaged beyond what Napoleon ever saw on the most terrific of his bloody battle-fields. It was the fear of such dreadful consequences that caused such a universal revolution of feeling throughout the Union when the original compromise project failed. The eyes of the nation were opened to the magnitude of the danger. Even those who opposed it in Congress felt they were standing on the brink of a precipice. There seemed to be no step between disunion and a faithful adherence to the compact of the Union. He knew that was the feeling. Members of Congress had confessed it. The resort to disunion as an experiment to get rid of a political evil would be about as wise as if a man were to think of remedying a broken arm by cutting his head of. The danger which would have existed if the compromises had not been passed, would now exist if they were defeated by the action of the opponents of those measures. They were fairly within the scope of the Constitution, and were to be obeyed with the same fidelity as that sacred instrument itself, which all good citizens must and would stand by while a plank remained. Happily, through the lowering clouds of the passing storm the white cliffs of concession were in sight, and the joyful cry was the Union—eternal Union! [General Peirce spoke with a free and fiery energy, which created and maintained a lively sensation during the whole of his eloquent and uncompromising speech.]"

Who, upon a perusal of this speech—the general accuracy and truthfulness of which cannot be questioned—delivered on the 20th of November, 1850, and reported in the National Intelligencer on the 28th, can fail to see in it the most conclusive refutation of the misrepresentation recently propagated of his opinions by a few abolition journals of the North? This speech alone, covering, as it does, all the ground embraced in that fabricated report, is sufficient, apart from the mass of overwhelming testimony bearing upon that point, to consign the infamous slander to the contempt of every fair and honorable mind. If I were a bitter opponent of Franklin Pierce, I would feel it due to the truth of history—due to his consistent record in support of southern institutions—demanded of me as a southern man, to trample under foot the vile and infamous falsehood!

Sir, the men of the North, who were engaged in this patriotic struggle to save the Union, were well aware that they were opposing themselves to a torrent that might, at least temporarily, overwhelm them. But they freely elected, for the sake of their country, to make, if necessary, a sacrifice of themselves. Webster, the most powerful man which the walls of Boston ever encompassed, was, for his course upon this question, excluded with ignominy and insult from Faneuil Hall, a place which he had so often illustrated and adorned by his eloquence. President Fillmore, in a speech which he made at Fredericksburg, Virginia, in June, 1851, and to which I had the pleasure of listening, truly said:

"When I look back to the crisis through which we have passed, I feel that there *was* danger that the days of the Union were numbered. I determined then, if necessary, *to sacrifice every political prospect* I had in the world, and life itself to *save the country!*"

And now it may not be uninteresting to inquire how Mr. SEWARD was employed during this period? We have many facts before us resting upon mere newspaper rumors, to which I will not advert. But here are a few extracts from a letter addressed by him in reply to a convention in Boston, called for the purpose of protesting against the fugitive slave law:

"AUBURN, *April* 5, 1851.

"DEAR SIR: Your letter inviting me to attend a convention of the people of Massachusetts opposed to the fugitive slave law, and to communicate in writing my opinion on that statute, if I should be unable to attend the convention, has been received.

* * * * * * *

"It would be an honor to be invited to address the people of Massachusetts on any subject, but it might well satisfy a generous ambition to be called upon to speak to that great and enlightened Commonwealth on a question of human rights and civil liberty.

"I confess, sir, that I have earnestly desired not to mingle in the popular discussions of the measures of the last Congress.

* * * * * * *

"I am unwilling even to seem to imply by reiterating arguments already before the public, either any distrust of the position of those with whom I stood in Congress, or *impatience* for that *favorable popular verdict* which I believe to be near, and *know* to be *ultimately certain.*

"Nevertheless there can be no impropriety in my declaring, when thus questioned, the opinions which will govern my vote upon any occasion when the fugitive slave law shall come up for review in the National Legislature. I think the act signally unwise, because it is an attempt by a purely federative Government to extend the economy of slave States throughout States which repudiate slavery as a moral, social, and political evil. Any despotic Government would awaken sedition from its profoundest slumbers by such an attempt.

"The attempt by the Government has aroused *constitutional resistance* which will not *cease* until the effort shall be relinquished. He who teaches another faith than this, whether self-deceived or not, misleads."

Whilst SEWARD and his Abolition allies were thus employed in fomenting resistance to the execution of this law, the Democracy of Boston were not idle; but from the walls of old Faneuil Hall they issued a declaration of their constitutional principles in the following terms:

"*Resolved*, That the legislative enforcement of the second section of the fourth article of the United States Constitution, which expressly requires that fugitives from labor shall be delivered up to the party to whom such labor shall be due, is one of the vital conditions of the compromise, and was introduced, carried, and will be sustained by the Democracy of the United States."

Again, sir, during all this period, from the passage of the compromise acts in the month of September, 1850, where was WINFIELD SCOTT? It is well known that he has for many years possessed many friends, and exercised considerable influence in the North. The exclusive northern and sectional vote which he received in the several Whig Conventions of 1840,-'44, and '48, manifested very distinctly that there was a large class of persons in that section upon whose conduct his opinions would have fallen with influence and power. Where do we find his voice in all this tumult, to still the agitated waves, and to proclaim peace to a distracted country? Amidst all the letters which were written to the numerous Union meetings of the North—by public men who were unable personally to attend, we look in vain for one single line from that distinguished source. Was no letter of invitation sent to him from the great Castle Garden meeting, of November, 1850, none from Boston, New York, Philadelphia, Concord or Manchester?

Mr. SCHOONMAKER. Surely the gentleman from Virginia must be aware that General Scott made a speech at the Castle Garden meeting in New York.

Mr. FAULKNER. The occasion to which the gentleman from New York refers was in February, 1850, several months before the passage of the compromise acts. I am examining the course of General Scott since the passage of those measures.

Mr. SCHOONMAKER. I think his speech was since the compromise acts were passed.

Mr. FAULKNER. Certainly not.

Mr. STEPHENS, of Georgia. The gentleman from Virginia is correct in his facts. The Castle Garden meeting, at which General Scott made some remarks, occurred on the 25th of February, 1850.

Mr. FAULKNER. Sir, was General Scott favored with no opportunity of declaring his sentiments, and of throwing the weight of his illustrious name in behalf of the Union, at this most critical and perilous crisis in its destiny? It seems to me that he ought to have sought the opportunity, if one did not present itself. Looking to a great and imperishable fame, such as Fillmore and Webster, by their efforts upon that occasion, have acquired, and elevating himself far above every selfish object of human ambition, he should have volunteered a rebuke to that wild and mischievous spirit of anarchy which bid fair to shake to its foundations the very pillars of our Constitution. It was the remark of the celebrated Fox, that ignorance in a statesman is crime; and there are occasions in public affairs when silence in a statesman is crime. The period succeeding the passage of the compromise acts was one of these occasions. During all this period, the only letter

that emanated from the pen of Winfield Scott, so far as I am advised, on public affairs, was the following:

WASHINGTON, *March* 26, 1851.

SIR: I have received your letter, (marked "confidential,") in which, after committing the error of supposing me to be "fully before the country as the Whig candidate for the Presidency," you proceed to interrogate me on many points of grave public interest.

Permit me to say, that considering we shall probably only have a Whig candidate for the Presidency through a National Convention, and that I cannot be its nominee except by the force of the unsolicited partiality of large masses of my countrymen;—

Considering, also, that if my character or principles be not already known, it would now be idle to attempt to supply the deficient information by mere paper professions of wisdom and virtue made for the occasion;—

And, considering, that if I answer *your queries*, I must go on and *answer others already before me*, as well as the long series that would inevitably follow, to the disgust of the public;—

I will beg permission to close this acknowledgment of your letter by subscribing myself,

With great respect, your obedient servant,

WINFIELD SCOTT.

———— ————, Esq., *Harrisburg, Pennsylvania*.

But General Scott did not merely sin by his refusal to answer—he sinned to a much deeper extent by the direct countenance which his silence and acquiescence gave to those who arrayed themselves in hostility to the compromise policy.

And this leads me to advert to some incidents in the proceedings of the two great parties of the country in the States of New York, Pennsylvania, and Ohio, subsequent to the passage of the compromise acts. I select those three States because it would consume too much time to review the action of all of the northern States; second, because these three constitute the leading and controlling States of the North, and by their power and influence give a tone and direction to public sentiment in that section; and lastly, because of their especial connection in bringing before the nation the name of Winfield Scott for the Presidency.

On the 10th day of September, 1850, immediately subsequent to the passage of the compromise measures, and whilst the compromise Congress was still in session, the *Democratic* State Convention of New York assembled at Syracuse. From that convention a cheering voice issued, "congratulating the country upon the recent settlement by Congress of the questions which had unhappily divided the people of these States;" and "deprecating all sectional agitation at the North or South, calculated to *impair its sacred obligations*, or to threaten its perpetuity."

On the 26th September, 1850, (Congress still in session,) the *Whig* State Convention of New York, assembled likewise at Syracuse. From this Convention no voice issued approving the compromise—none deprecating further agitation of sectional issues—but, on the contrary, resolutions were adopted virtually repudiating the compromise, and declaring it to be the solemn duty of Congress, notwithstanding the perilous crisis through which we had just passed, "to extend the anti-slavery ordinance over Utah and New Mexico, on the first indication that slavery was likely to be introduced into those Territories." Thus opening afresh the bleeding wounds of the country, and kindling with renewed frenzy the fire of sectional agitation and strife.

The Whigs of New York did not stop here, but they passed the most marked resolution, tendering the warmest thanks of the convention to WILLIAM H. SEWARD, distinguished as the course of that gentleman eminently was, by hostility to the compromise, and more especially to the fugitive slave law. It is true, some thirty members of the convention seceded from this body, upon the ground, as they declared in their address, "that the design of the Convention was to convert the Whig party of this State into an Abolition party, or rather to destroy the Whig party, and to build up an Abolition party upon its ruins;" and yet, even these seceders, at a subsequent convention, held at Utica, ratified all the nominations made by the Syracuse Convention, and amongst others, the nomination of Washington Hunt as the candidate for the office of Governor, who had previously publicly declared, in a letter addressed by him to the President of the seceding Convention, that he deplored the passage of the fugitive slave law in its present form, and expressed himself in favor of such modifications of it as must have deprived it of all value to the South.

In this Syracuse Convention no recommendation was made for a candidate for the Presidency. It occurred too shortly after the approval by Mr. Fillmore of the fugitive slave law to justify any such formal action. But it is a fact, asserted upon this floor, and not denied, that immediately after the approval by Mr. Fillmore of the fugitive slave law, the name of General Scott as a candidate for the Presidency was placed at the head of every paper in New York under the influence of Mr. SEWARD. Time had not yet been given to put that machinery in motion which was destined to impair the confidence of the people of New York in one, a native and resident of the State—whose elevated and patriotic character was known to them, and upon whom they had so recently cast their votes for the second office in the gift of the people, and who, by the death of General Taylor, had now succeeded to the first. The most decisive blow that these political managers could at that early period venture upon, was to express their distinguished confidence in Wilriam H. Seward—the man who stood before the State the avowed antagonist of Mr. Fillmore—who condemned without reserve his whole policy, and who was then preparing to marshal his well-drilled forces to overwhelm and crush him in the North.

At a somewhat later period—in the summer of 1851—the Pennsylvania Whig Convention assembled. The avowed purpose of calling this meeting was the nomination of State officers; but it was deemed a very fit and appropriate occasion to usher the name of Winfield Scott before the country as a candidate for the Presidency. Accordingly, William F. Johnson, whose free-soil opinions and hostility to the fugitive slave law were well known, and who then *held in his pocket*, and who refused his executive sanction to the bill repealing the unjust and detestable "obstruction law," was renominated for the office of Governor. In this same convention a resolution was submitted to this effect:

"*Resolved*, That the provisions of the Constitution in reference to the rendition of fugitives held to service or labor, demand, and *shall receive from our party*, a faithful, manly, and unequivocal support."

Which was promptly *voted down* by an overwhelming majority. And Winfield Scott, who, it will be recollected, had, on the 26th of March preceding, refused to give his opinions upon any of the public questions upon which he was interrogated, was formally recommended for the Presidency.

Thus do we find the name of General Scott for the first time during the present canvass, brought to the notice of the American people by an organized convention. That name associated with Free-Soilers and enemies of the compromise, and brought before the country by a convention which in express terms rejects the maintenance of the fugitive slave law as a principle of its party association.

Governor Johnson, in his act of accepting the nomination thus tendered to him, declares, "The fugitive slave law is as open to modification and repeal as the tariff of 1846."

And thus was the Whig canvass opened in 1851, under the broad banner of SCOTT and JOHNSON, by an open and avowed warfare upon the finality of the compromise acts.

Now, let us turn for a moment to the action of the Democratic State Convention of Pennsylvania, held at Reading about the same period, in 1851:

"*Resolved*, That the sixth section of the act of the Legislature of Pennsylvania, passed on the 3d of March, 1847, denying, under severe penalty, the use of our State jails for the detention of fugitive slaves while awaiting their trial, ought to be expunged from our statute-book, both because it interposes obstacles, by means of State legislation, to the execution of the provisions of the Constitution of the United States, and because it is a virtual disregard of the principles of the compromise, and is calculated seriously to endanger the existence of the Union.

"*Resolved*, That the Democratic party of Pennsylvania are true to the Union, the Constitution, and the laws, and will faithfully observe and execute, so far as in them lies, all the measures of compromise adopted by the late Congress for the purpose of settling the questions arising out of domestic slavery; and this, not only from a sense of duty as good citizens of the Republic, but also from the kind and fraternal feelings which they cherish towards their brethren of the slaveholding States."

Again: at a subsequent convention the following resolution was adopted:

"*Resolved*, That the Democracy of Pennsylvania will maintain with fidelity and energy the faithful execution of the fugitive slave law; and that we pledge ourselves to exert our best efforts to secure the speedy repeal of such portions of the 'State obstruction law' as deny the use of our jails for the detention of fugitives from labor while awaiting their trial, or in any other manner interfere with the constitutional rights of citizens of our sister States in reclaiming their property."

Here, then, was an issue fully, fairly, and distinctly joined in Pennsylvania, and to which the whole country looked with the deepest and most anxious interest.

About the same period a Whig State Convention was held in Ohio. Resolutions were adopted repudiating the compromise as a measure of Whig policy—refusing to recognise its validity as an adjustment—nominating for the office of Governor Samuel F. Vinton—a gentleman who had the previous session voted against the fugitive slave law and who was one of its most prominent and determined opponents—and recommending Winfield Scott for the Presidency.

A Democratic State Convention assembled in Ohio. I find no resolution adopted by this Convention approving or disapproving of the Compromise acts. Reuben Wood was nominated as their candidate for Governor. What his opinions were prior to his nomination I do not know. I have heard it charged that they were unsound on this question. It may be so. But the National Intelligencer of the 20th January last, transfers to its columns his inaugural address, and accompanies the publication of it with the expression of its gratification "at its sound conservative sentiments in reference to the compromise."

Referring to the compromise, he says:

"Under all the circumstances which surround us, IT SHOULD REMAIN UNDISTURBED, and this fruitful source of agitation and excitement BE FOREVER CLOSED."

Now, sir, who can fail to perceive in the movements of these three powerful States—led on by Seward, Johnson, and Vinton—a fixed and settled purpose to arrange the campaign for the pending presidential election; to array the Whigs of these States, and of the North, against the finality of the compromise; to rekindle the fires of sectional discord; to make the fugitive slave law the basis of political agitation; and to rally the whole anti-slavery feeling of the North, with a view to the organization of a great and triumphant sectional party? Hostility to the compromise as a final pacification of the distracting questions involved, was openly and publicly proclaimed by all concerned in these political movements. And Winfield Scott, whether with or without his consent, was selected by them as the favorite and chosen instrument to accomplish their purposes.

Mr. STANTON, of Ohio. Is the gentleman from Virginia aware that Mr. Vinton did not receive the abolition vote? but that there was at the same election a Free-Soil candidate for Governor, who received upwards of sixteen thousand votes?

Mr. FAULKNER. This may be, and doubtless is, as stated by the gentleman from Ohio. But I do not perceive how the fact affects my argument. It only shows that there were sixteen thousand voters who carried their hostility to slavery even beyond the point taken by Mr. Vinton. Now, sir, is it sufficient for gentlemen to say to me that General Scott was personally and individually, during this period, favorable to the compromise? That, in his private talk with his friends, he so expressed himself. Will this lessen the grave objection to his course? In the estimation of many will it not aggravate it? Can it be possible that he was ignorant of the object and purpose for which his name was invoked by this Free-Soil triumvirate? Could he be unconscious that he was lending his great name to give to them influence and power—to enable them to crush all the true friends of the compromise throughout the North—and to build up a great sectional party upon principles hostile to the peace and tranquillity of the Union. Can any rational mind account for the determined silence of General Scott on these questions, after the date of their passage, in defiance of all the appeals made to him, except upon the idea that it was one of the conditions of their support, and the presumed condition of his success? It is manifest that a renewal of sectional agitation was at this time the preordained policy of the northern Whigs—a fact to be inferred not only from their almost unanimous refusal to vote for

the fugitive slave law, but from the subsequent declarations of their party conventions, declining to acquiesce in it. And to enable them to carry on that agitation successfully under the banner of Winfield Scott, all that they required of him was, that he should abstain from writing or publishing any opinion in conflict with their purposes and policy.

Sir, when I see to what extent they have already succeeded in the North in crushing such men as Millard Fillmore and Daniel Webster—true and tried friends of the Constitution and of the Union—when I see in such undisguised characters everywhere through that section of the Union, the manifestations of their influence and power, I tremble to think what might now have been the condition of this country if the firmness and patriotism of the Democratic party, aided by a noble band of national Whigs, had not, by the results of the elections of 1851, thwarted their incipient movements of agitation. Had Johnson, upon the issues involved in his election, triumphed in Pennsylvania—had Vinton triumphed in Ohio, with Hunt, the previous fall, successful in New York, I solemnly believe that a concerted and powerful movement would have been commenced for the repeal of that law which must have led to the most fatal consequences to our political system. From this catastrophe we were saved—saved by the firmness and loyalty of the Democratic party, aided by Union Whigs; and the opponents of the compromise policy were thus taught a lesson of prudence and discretion which has suspended for a time at least their warfare against our institutions. To General Scott we certainly are not indebted for our escape from this impending danger. For it was against the combined names of Scott and Johnson in Pennsylvania, and Scott and Vinton in Ohio, that the battle was fought, and the cause of the compromise and of the Union triumphed in that struggle, in defiance of the name of Winfield Scott arrayed against it.

In the month of August, 1851, I became a candidate for a seat in the House of Representatives of the United States. The position which I occupied in my canvass, will appear from a letter published by me in March, 1852. It was circulated by the newspapers, and in pamphlet form, in every portion of my district; and I am yet to learn that any man in the district has questioned the correctness of a single statement contained in it. I will make the following extracts from it:

"In announcing myself as a candidate for Congress, I did so upon the platform of the UNION CONSTITUTIONAL PARTY OF THE SOUTH. That platform presented a few distinct and definite issues for the judgment of the people. As such it was adopted and made the basis of political organization in Georgia, Alabama, Mississippi, and every other portion of the Southern country where the diversity of opinion and the agitation of the public mind rendered such a contest necessary or proper. That platform presented, as controlling and absorbing issues, the finality of the compromise measures of 1850, the faithful execution of the fugitive slave law within the limits of the Union by all the power of the Government, whether resisted by States, cities, mobs, or individuals, and a denial of the right of a State to resume at its pleasure the powers which it has conferred upon the General Government, and thereby to destroy the force of Federal legislation within its limits, and to place herself beyond the pale of her responsibilities as a member of the Union. I expressly declared that I did not present myself before the district as a Whig; that I neither expected nor desired any man to regard or support me as such; that so far as my sentiments upon the issues above set forth were acceptable to the people, whether Whigs or Democrats, I claimed their suffrages—so far as they dissented from on those questions, I did not expect their support. I expressly rejected from my public discussion all of the old party issues as obsolete or immaterial, and staked my election wholly upon those higher and greater questions upon which I believed the peace and integrity of the Union depended. I thereby became identified in position and principle with that intrepid and patriotic organization which in Georgia, Alabama, and Mississippi cast aside all former bonds and ligaments of party, and entered into new combinations to maintain the peace and tranquillity of the country. The tenth Congressional district of Virginia exhibited, upon a small scale, the precise contest that was at the same time so fiercely and furiously waging in the more Southern States. The same argument, the same principles, the same objects, the same disregard of former party associations, marked their struggles and ours; and not a man that gave me his support but looked with the same anxiety, and sympathized with as sincere a joy at the triumph of the gallant Cobb of Georgia, and of the indomitable Foote of Mississippi, as they did at my election. Whigs and Democrats alike generously sustained me—the Whigs in a much larger proportion than the Democrats; yet amongst the bitterest and most unscrupulous of those who assailed me in the canvass were Whigs—amongst the most ardent and zealous of my supporters were Democrats. No other issue was presented in my election—not another pledge asked or expected of me.

* * * * * * *

"If there is a policy, which, beyond all others, I am pledged to maintain by the circumstances of my election, it is the finality of the compromise measures of 1850, and with it the faithful execution of the fugitive slave law; nor could I, without dishonor, coöperate with any party that does not in some satisfactory mode make a strict observance of those measures a cardinal and fundamental canon of its political creed.

* * * * * * *

"I feel no hesitation in declaring that if the Philadelphia Convention shall adjourn without a clear, distinct, and unequivocal annunciation of its adherence to the compromise acts of 1850—shall fail to pledge the Whig party, North and South, to a stern and inflexible execution of the fugitive slave law, and shall nominate, as the organ and exponent of its views, a man who shall pertinaciously withhold from an anxious and impatient public *his pledges upon those questions*—I shall not be found among those who will coöperate in the support of any such nominee. * * *

"So in like manner, if the Baltimore Convention shall adjourn without a distinct declaration of its views on these questions, and shall nominate a man uncommitted before the public in these issues, it would with me be a conclusive reason against the support of any such nominee.

"Without suggesting the various alternatives which will naturally present themselves to every mind, it may be sufficient, with a view to have myself distinctly understood, to say that my opinion is now precisely what it was during my canvass for a seat in Congress: I regard the peace and harmony of this nation as of infinitely more importance than the mere fact of whether a Whig or a Democrat fills the Executive chair, and I shall, in the next presidential contest, be governed in my choice by the *individuals* respectively nominated, and by the assurance which *such nominations*, and the platform of principles which they may announce, shall give me of their soundness and fidelity upon these great and vital questions of national policy."

Elected, as I then was, to Congress, to carry out principles as congenial with my own feelings as they were conducive to the best interests of the country, the opportunity was soon presented of recording my own sentiments in regard to them, and of observing the course of the two political parties on the same interesting subject.

On the 1st of March, Mr. FITCH, of Indiana, submitted to the House the following resolution:

"*Resolved*, That we recognize the binding efficacy of the compromises of the Constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours, individually, to abide such compromises; and that we deprecate all further agitation of questions growing out of the provisions embraced in the acts of the last Congress known as the compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless, and dangerous."*

On the 5th of April, 1852, Mr. HILLYER, of Georgia, submitted the following resolution:

"*Resolved*, That the series of acts passed during the first session of the Thirty-first Congress, known as the compromise, are regarded as a final adjustment and a permanent settlement of the questions therein embraced, and should be regarded, maintained, and executed as such."

This resolution also received the vote of but twelve northern Whigs—although, as it will be perceived, no especial allusion was contained either in HILLYER's or FITCH's resolutions to the fugitive slave law.

On the same day, Mr. JACKSON, of Georgia, submitted the following resolution—upon which the vote was also taken by yeas and nays:

"*Resolved*, That we recognize the binding efficacy of the compromises of the Constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours individually, to abide such compromises, and to sustain the laws necessary to carry them out—*the provisions for the delivery of fugitive slaves, and the act of the last Congress for that purpose, included;* and that we deprecate all further agitation of questions growing out of that provision of the questions embraced in the acts of the last Congress known as the compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless, and dangerous."

This resolution, in which, for the first time, reference is made to fugitive slave law, received but *seven northern Whig votes* in the House of Representatives, and amongst those seven not a single friend to the nomination of Winfield Scott for the Presidency.

It will thus be perceived, by reference to the record, that if the fate of JACKSON's resolution had depended upon the vote of the northern Democrats, it would have been sustained by the triumphant majority of 35 to 22—that is, a majority of nearly *two to one*. Had the fate of the same resolution depended upon the vote of the northern Whigs only, it would have been voted down by a majority of 30 to 7,—more than *four to one*. If it had depended for its support upon the northern Scott party, it would not have received a single vote.

On the 20th of April last, a Whig Congressional caucus assembled in the Senate Chamber, in pursuance of a call "to consider matters of importance to the Whig party." Mr. MARSHALL, of Kentucky, submitted to that meeting a resolution "that they regard the series of acts known as the 'compromise measures, as forming, in their mu-'tual dependence and connection, a system of 'compromise the most conciliatory and the best 'for the entire country that could be obtained from 'conflicting sectional interests and opinions; and, 'therefore, they ought to be adhered to, and car-'ried into faithful execution as a final settlement, 'in principle and in substance, of the dangerous 'and exciting subjects which they embrace." This resolution was ruled to be out of order, and the opinion of the Chair sustained by a vote of 46 to 21. Eleven southern Whigs thereupon seceded from the caucus, to wit: H. Marshall, of Kentucky; M. P. Gentry and C. H. Williams, of Tennessee; David Outlaw and T. L. Clingman, of North Carolina; J. Morton and E. C. Cabell, of Florida; John Moore and J. Aristide Landry, of Louisiana; James F. Strother, of Virginia; and W. Brooke, Senator from Mississippi.

I take the following extract from their address to the Whigs of the United States, published in the National Intelligencer of the 29th of April, 1852:

"By a reference to the list of persons who participated in these proceedings, it will be perceived there was a great disparity in the representation from the free States and the slaveholding States. We are authorized to state that several gentlemen from the slaveholding States, belonging to the Whig party, declined to participate at all in a meeting of which the result was palpable, under the intimations of purpose advanced by the chairman at the first meeting.

"The meeting was composed of forty-six gentlemen from the free States, and twenty-one from the slaveholding States. The vote is divided, forty-six to twenty-one—seven from each class of States voting with the opposing section.

"The entire meeting was a meager majority of the representation classed as Whig in the Congress of the United States. The quota from the slaveholding States remaining in the meeting after our withdrawal was just one fourth of the Whig representation from the slaveholding States. The determination of the time and place for the Whig National Convention may, therefore, justly be considered as made by the Congressional Representatives from the free States.

"Of the members of Congress from the free States present and acting in this meeting, a large majority were committed, by legislative action, against the compromise measures at their passage, or have refused to express an intention to maintain and execute them since their passage. Among those who took part in these proceedings were some of the most conspicuous opponents of the adjustment and most active agitators of the North. Of the thirty-one Representatives from the free States who voted affirmatively on the proposition that the appeal do lie on the table, only *three* had recorded their votes in favor of the passage of HILLYER's resolution at this session, expressing as the sense of the country that the compromise measures should be maintained as a final settlement of the questions they embraced, and should be fairly and honestly executed. Nineteen had voted against that resolution. Nine were absent. These, united to the vote of the Senators, would have been sufficient to overpower the whole representation present from the slaveholding States, had that representation been united. We will not dwell upon the considerations these facts suggest, or express the reflections which they naturally awaken. It is apparent, however, that the time and place have been determined, not only by a minority of the Whig representation, but by a preponderance of that element of the representation which either opposed the adjustment or disavows the "finality" of the settlement."

I have thus shown conclusively from the record, that the northern Whigs arrayed themselves in a body against the passage of the fugitive slave law—a measure of vital and indispensable importance to our interests—essential to give validity to a fundamental guarantee of the Constitution, and intimately connected with the preservation of the peace and integrity of the Union. I have shown that shortly subsequent to its passage, in three of the most powerful States of the Union, they arranged their organization so as to accomplish its modification or repeal—a result which could not have been attained without a sectional struggle of a most perilous character—and that from the passage of the law down to the meeting of the Baltimore Whig Convention, not one word approving or acquiescing in its enactment, so far as I am advised, is to be found issuing from any of the recognized Whig political organizations of the North. I might cite many facts and details illustrating this same spirit and policy, but I have preferred to rely upon the authentic, recognized, unquestion-

*This resolution received the votes of but twelve Northern Whigs.

able expositions of party action, exhibited under its most solemn and impressive forms.

The National Whig Convention assembled in Baltimore on the 16th of June, exhibiting before the country a sectional division in its ranks upon a great, momentous, and practical question, without precedent in party annals. The northern Whigs, who had never, upon any previous occasion, recognized the justice and obligatory force of the fugitive slave law, presenting the name of Winfield Scott for the Presidency; and the southern Whigs who had determined that this occasion should not pass by without a distinct recognition of it, presenting the name of Millard Fillmore—the individual who had signed and approved the bill.

The recent secession of the southern Whigs from the Congressional caucus—the fullness of the representation from that section of the Union, embracing a delegation from States where there are scarcely the semblance of any Whig organization—all portended that a struggle was at hand pregnant with the fate of the present and future destinies of the party. The northern and southern wings held their respective conclaves in the spirit of belligerent factions. The southern members adopted a platform of principle, which they caused to be communicated to their northern allies, with the distinct declaration that unless adopted they would take no part in the proceedings of that Convention. It was soon ascertained that the full representation from the southern States, combined with the few Fillmore and Webster delegates from the North, would be sufficient by a mere majority vote to carry the resolution before the Convention.

A portion of the friends of General Scott perceiving that the resolutions must pass, and satisfied that all opposition to them was vain, made a virtue of necessity, and concurred in their adoption. They were determined to carry their favorite candidate, and if an acquiescence in a resolution propounded against their known and uniform party sentiments could accomplish that result, and which had no legal, and could have but little moral influence upon their constituents, they considered it purchased at a cheap sacrifice. It was obvious to any indifferent spectator of the scene that the Convention could have but one of two results—that the South must carry its compromise resolution, or the Convention would break up in a row, and that the North must have its candidate, or the same result would follow, and concessions were made only so far as it was necessary to harmonize in these results. How far the high contracting parties in this political arrangement were satisfied with their work, it is not for me to say, but that the original, inherent vice in the constitution of this discordant and ill-assorted body will continue to develop itself until the close of the election, I have no manner of doubt; and we shall see every day the increasing evidences of a repudiation of the platform by the northern Whigs, and of a repudiation of the nominee by the southern Whigs.

What assurance can I derive from a calm survey of all the circumstances attending that Convention, that the fixed, well-settled Whig sentiment of the North, such as I have shown it in my remarks, has undergone any material change since the adoption of that resolution? What evidence have I, in the past, that the northern Whigs will, in the practical affairs of legislation, treat that policy with respect or deference? What, that the principle there announced, has been adopted with a sincere purpose to stand by and abide it? Do I not see prominent and distinguished northern Whigs around and about me, in this Hall, who say, that whilst they accept the nominee, they reject the platform? And what do we learn from the columns of one of the ablest, most influential, and widely circulated organs of the Scott party in New York—I mean the Tribune. In speaking of the principles of the platform, he says:

"They were never *intended* to be a statement of the grounds whereon the Whig party is united and the ends which it unanimously meditates. On the contrary, *they were forced upon a portion of the delegates in full view of the fact that they did not express their convictions*—were driven through by the argument of menace and terror—were rammed down by the potent intimation: "Swallow in silence or we bolt!" Yet in the face of every entreaty and threat, *sixty-six* of the delegates, (*seventy* as we count,) voted No, when the yeas and nays were called on their passage. Here was *one fourth* of the Convention whom *not even the imperiling of the nomination of their beloved candidate* and the prospect of breaking up the party could deter from protesting against the gross wrong."

The three great States of New York, Pennsylvania, and Ohio alone, under all the circumstances here described, casts *forty-three votes* against the platform.

The platform adopted may be used as a pretext to satisfy some, but in my judgment the case presented is not materially variant from the failure to adopt any platform at all. The Southern Whigs were already known to be perfectly sound upon the question involved, and the case is not changed as to them; and the Northern Whigs were equally as well known to be unsound upon this subject; and I cannot perceive that any modification or revolution in their opinions has occurred since.

Neither do I perceive anything in the terms in which General Scott has accepted the nomination of that Convention which places him in a more satisfactory relation to the compromise policy than he occupied prior to his nomination. His acceptance is unaccompanied with a single syllable of approval of that measure, and is without one solitary expression of opinion in favor of its wisdom or policy. Give the most favorable construction to his language which his friends claim for it, and the utmost that can be inferred from it is that so long as it exists upon the statute-book as a law, he will, if elected, have the law executed. This is no more than his official oath requires of him, no matter how much at heart he is opposed to it.

Can you, from anything that appears before the public, claim the benefit of his name and authority to recommend it as a wise and judicious policy to the favorable judgment of the people? Will a vote for General Scott imply an approval of that policy? Will he so wield his Executive influence if elected, and so dispense the patronage of the Government as to give strength and power to the friends of that policy against its enemies? So far from it, that he distinctly announces that he will not (*a la mode* Fillmore) attempt, by proscription, to reduce his supporters to exact conformity of opinion upon this, or any other question. Will he, if the enemies of the South and of the Constitution should accomplish a repeal of that law, interpose his veto, and save the country from the terrible consequences of such an act? We are told by those upon this floor who profess to know and to speak his sentiments, that he would not, in such a case, interpose his veto; that such an exercise of the veto power would not be in accordance with Whig principles. In what conceivable form, then, I should be pleased to learn, can the election of Winfield Scott contribute to the peace of this Union, by giving stability and firmness to the compromise policy of 1850? Will any gentleman inform me?

Now, sir, I have desired to record my vote on this pending contest for some one whose election might be claimed as the *triumph of that policy;* for some one whose history, whose acts, whose opinions were so identified with that wise and conservative policy, that every vote cast for him would have been a declaration in favor of the policy itself. I would have been pleased to record my vote for that eminent man, whose name will forever appear on the rolls of legislation, appended to the law, as having constitutionally sanctioned and approved it, and who has sought honestly and faithfully to execute it. In the history of General Scott, I can find nothing to come up to this just expectation and wish. The records of my country, so far as I am advised, exhibit no connection of his with the success of this measure, or with its triumph before the great tribunal of popular opinion. His public acts and declarations do not point to him as one of its champions and defenders. But his name has been unhappily brought before the country in association with those who are acknowledged to be amongst its ablest and most inexorable opponents.

Sir, in my judgment it was the imperative duty of the Whig party, in its recent Convention, disregarding all temporary ends of expediency, and looking solely to the permanent welfare of the country, to have nominated Millard Fillmore as its candidate; not, surely, as any personal compliment to him, but with the view to justify some claim upon the confidence of the country. In no other mode, upon the issues involved in that nomination, was it possible to give nationality to the Whig party. It is not often that the personal fortune of any single individual is thus bound up with national results. But events, for the past few years, had so concurred as to impress that character upon recent movements. In rejecting Mr. Fillmore, the Whig party virtually disavowed that policy of which he was the exponent and representative. In selecting General Scott it yielded to the embrace of those principles which had brought him in successful antagonism to his rival. The policy of Mr. Fillmore was national; it was conservative, it recognized the binding efficacy of constitutional guarantees; and it enforced them, because the Constitution required it, no matter how unacceptable to those amongst whom he had been born, and with whom he had lived. The policy which has forced General Scott upon the country is sectional; it sprung from an impatience of constitutional restraint. It had its origin in a wide-spread hostility in a particular section to the enforcement of a plain and undeniable guarantee of the Federal compact.

No Administration has more universally than the present challenged the admiration of friends and foes upon every subject except the compromise policy. There was, it seems, one fatal objection to his nomination, and that objection is alike fatal to the nationality of the Whig party. He had approved the fugitive slave law, and he had, in the discharge of his official duty, required it to be faithfully executed. For this he was sacrificed. Yes, tell it in Gath; publish it in the streets of Askelon, that Millard Fillmore was deemed unavailable by the Whig party because he had approved, and caused to be executed, the fugitive slave law. For the submission of his judgment to the Constitution of his country, and for his rebellion to the "higher law," did those mighty men of the North—Seward, Johnson, and Vinton—array their disciplined battalions against him. In vain did the Whigs of the South struggle in his behalf; in vain did they, for days and nights, exhibit an unbroken front, and say to their Northern allies: We present a man from your own section, whose only offense—if offense it be—is, that he has obeyed the Constitution, and accorded to us our rights. Their appeals were spurned. The decree had gone forth: Let him die. Let his fate be an example hereafter to all northern statesmen who dare to pander to a slave catching policy. Can there be unity or nationality in a party where discord reigns upon such vital interests? Is this a question upon which southern Whigs can agree to disagree with their northern allies? Is it sufficient to tell me that the platform recognizes the binding efficacy of that law? I have already shown, from the manner of its adoption, how little confidence can be placed in it as a rule of party action; and besides, mere paper resolutions, when they stand alone, are airy, unsubstantial nothingness. They are salt without its savor—bodies without souls. The nomination is the living, breathing, animating principle, that imparts life to the object, and assures us there is a reality in what we see.

The Whig party might have been nationalized; it might have been made powerful. Had the compromise resolutions been adopted under circumstances to give satisfactory assurances of its sincerity; had the distinguished representative of the principles embodied in that resolution been triumphantly placed upon its pedestal; and had the northern Whigs rallied to his support at the polls in a manner to testify that they had the hearts to honor and support a man who had the firmness to maintain the constitutional rights of the South; then, indeed, a confidence might have been inspired in their patriotism and fraternal sympathies that would in some measure have atoned for years of hostility and warfare upon our institutions. But the opportunity is past; the nationality of the Whig party is gone; sectionalism must forever predominate in its present organization. Scott may succeed. He may become President. But success or defeat will now be alike fatal to it. Its inevitable destiny is to have its northern wing hereafter absorbed in this great Abolition Free-Soil party of that section.

It is, then, manifest that, with my views of General Scott's position in the present canvass,

he cannnt receive my support. Shall I be neutral in this contest? No, sir, that is alike inconsistent with my sense of duty.

Franklin Pierce stands before this nation, in this contest—the representative of that conservative compromise policy, which I was sent here to support, and upon whose inflexible maintenance depend the peace and the tranquillity of this Union. No man who looks to his past course, or to the influences to which he must be indebted for his election, can feel the slightest emotion of apprehension for its disturbance while he occupies the Executive chair. I have already shown you that, with the first burst of sectional agitation and tumult at the North in the fall of 1850, he repaired to the post of duty, and before a large assemblage of his countrymen, threw the full weight of his high character, of his unbounded personal popularity, of his great and acknowledged abilities into the scale of the Union. His presence there upon such an occasion and under such circumstances was an evidence of his patriotism. His remarks manifest a just appreciation of the importance of that crisis, and of the necessity and justice of recognizing the constitutional rights of the South. Since that day, every act of which we have any record; every remark which in any authentic form has reached the public eye; every letter which bears his signature, breathes the same anxious and profound interest in the maintenance of that conservative policy. And in his letter of acceptance, which contains the last declaration of his views, he speaks with the frankness of a soldier, and with the fullness of a patriot; who estimates the vast influence which this question must exercise over the destinies of the Republic:

"I accept the nomination upon the platform adopted by the Convention, not because this is expected of me as a candidate, but *because the principles it embraces command the approbation of my judgment*, and with them I believe I can safely say, THERE HAS BEEN NO WORD NOR ACT OF MY LIFE IN CONFLICT."

My first acquaintance with General Pierce dates back to August, 1833. Since that time I have been a close observer of his public career. Time does not enable me, now, to go into an examination of his course. But I do not fear contradiction when I assert, that the record of no northern statesman exhibits a more uniform and consistent respect for the constitutional rights of the South than his; nor can one be shown manifesting more true loyalty to all the objects and purposes for which this great Union was formed. It will give me pleasure, sir, to record my vote for him.

POLITICAL PLATFORMS—THE PRESIDENCY.

SPEECH OF HON. JOHN W. HOWE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

TUESDAY, *August* 3, 1852.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the Civil and Diplomatic Appropriation Bill—

Mr. JOHN W. HOWE said:

Mr. CHAIRMAN: It is not my design to make a set or formal speech. I have no such intention as that; but owing to circumstances over which, to some extent, I have no control, I propose making some remarks. And I would say here, that as I wish to have all the talking to myself, I should feel much obliged to gentlemen if they would not offer any interruption. I am about to touch a very delicate subject, and I propose to do it very delicately. I know very well that all persons of political parties and religious communities are very jealous of their creeds. I know that very well, and I know that they will allow you to touch their persons and their property, but you must keep your hands off their creed. Perhaps there is no man more tenacious of his creed than I am myself. I allow no man to intermeddle with it; that is, unless he wishes to. [Laughter.]

Mr. Chairman, it is my purpose now to examine briefly, and as concisely as I can, the platform adopted by the Whig party, of which I am a member. I was not present, sir, at the Baltimore Convention. I have looked at the platform erected by the Whig party with intense interest; and I have examined, also, another platform that was manufactured at Baltimore, which is becoming quite a manufacturing city, and I am unable to discover that there is any particular difference between the two. The eighth resolution in the Whig platform is a little more pointed and perspicuous than is the Democratic platform. It is faulty, but the Democratic platform is equally faulty, because it is much longer. I consider them both as nothing short of a farrago of balderdash—there is very little meaning in either; one is made up of negatives almost entirely; and the other is merely the vomitings of the South. When I make my comments upon the Baltimore platforms, of course I shall speak almost entirely of the Whig platform, for I have not much right to speak of the other. I have no disposition to do so, because it is unnecessary, and the remarks that I shall make will apply equally to it, generally. It is not my purpose, Mr. Chairman, in any remarks that I shall make here, to speak disrespectfully, or irreverently of the candidates of either party. I purpose to give no offense in that way, and I do not intend to be personal. I am not quarreling with men but with creeds. It is the platform adopted by the Whig party that I am at loggerheads with, and it is on the subject of that platform that I intend to confine my remarks principally, and my object is to show, in the first place, of what kind of materials the eighth resolution in the Whig platform is composed, and it will turn out, sir, that it is made out of a dog-raft upon which two very eminent gentlemen in this country *stove up* and had to go to Salt river sometime ago. I propose, then, to confine my remarks principally to the eighth resolution in the Whig platform, and in doing so I intend to make reference generally to the law referred to in that resolution, and to dissect and examine its various parts, in order to see whether it is orthodox, or not, and whether it will do to live by. I should be verry sorry to die by it, at all events. [Laughter.]

There is something very remarkable, indeed, Mr. Chairman, connected with the history of this whole matter. That law generally called the *fugitive slave law*, that was passed in September, 1850, was not very well relished by the Whig party that was in Congress at that time from the North. I remember perfectly well, without turning to the Journal, that there were but three Whigs from the free States that had moral courage enough to vote for that measure. I recollect, also—and I only speak from recollection and may be wrong—that there were twenty-seven who dodged their votes upon it. One third—nine of that number—a colleague of mine [Mr. STEVENS] said he found stowed away afterwards in a very compact and uncomfortable place, and inhaling, as he supposed, very bad air. Well, sir, this thing went on, and we went home, and my reëlection took place a day or two after my arrival. I had no opportunity of addressing my constituents upon that or any other subject; but after the election was over—and that is what makes it necessary in part now for me to appear here in my place, to show that other things may have changed, and how men may have changed, and I may have changed, yet in politics I have not changed a whit—I was called upon afterwards, in the month of November, to go through my entire district, and to address the people upon the fugitive slave law; and they assembled in great masses, in many places, I may say without distinction almost of party, because there was but one, almost, prevailing sentiment in that country, and that was—condemnation of the fugitive slave law. In the language of Franklin Pierce, they said, as he did, "I loath the fugitive slave law." Well, sir, at the meeting of this present Congress, nine months ago, the evening before Congress met, it was thought necessary and proper that the Whigs of this House should get themselves together, in some convenient place, and should, by resolution, then and there enact the fugitive slave law. Some——

Mr. INGERSOLL. Will the gentleman allow me to ask him a question?

Mr. HOWE. I really cannot afford the time, my friend.

Mr. INGERSOLL. I merely wish to know on what authority you state that General Pierce said he loathed the fugitive slave law?

Mr. HOWE. I read it from a newspaper, published in his neighborhood, reported by a reporter of the name of Foss, who swears that it was so, and that he said some other things about the evils of slavery. See his reported speech.

Mr. INGERSOLL. I undertake to pronounce it false.

Mr. HOWE. I read it from a New Hampshire paper, published in New Boston, and sworn to by the reporter to be true, that Mr. Pierce, in making a speech there, a Free-Soil speech, a *home speech*, said: "I loathe the fugitive slave law." I adopt it as my language, sir. I wish he had said nothing inconsistent with that from then till now. He said many other things, too, that I may speak of, and, perhaps, may not speak of. That depends upon time. Well, sir, at this caucus that I was mentioning at the commencement of the session, it was said—although there was some warm controversy as to the fact in this House—that the Whigs adopted it for the present——

Mr. McMULLIN. I desire to ask the gentleman one question.

Mr. HOWE. I will hear the question, but I cannot promise to answer it.

Mr. McMULLIN. If General Pierce did use the language attributed to him, is he not more acceptable to you?

Mr. HOWE. Most certainly, sir. If he had said nothing inconsistent with that, I should have thought he was one of my party. But I will speak of that hereafter.

Mr. McMULLIN. Will you vote for him, then?

Mr. HOWE. No; I am going to show that he said something else. The thing rested there, and there was considerable dissatisfaction in the House here, as will be recollected by the chairman and many others; and some Whigs from the North turned States-evidence, and swore themselves and some of their friends out of the *scrape*. It was thought to be a monstrous act at the time, and it was said there was cheating about the board. Sometime after the period I am speaking of, to bring the history up, for I wish it to appear entire in my speech, to be confined to the records and to truth, a resolution was offered by the gentleman from Georgia, [Mr. JACKSON,] and an amendment offered by one of his colleagues. The amount of it was, that they resolved that the fugitive slave law is a law, and that it is above the Constitution, and is final, conclusive, and irrepealable, like the laws of the Medes and Persians. Well, a vote was taken on that resolution, and the yeas and nays were had. I was sick myself, and was not present when the final vote was taken, but it appears that when that vote was taken by yeas and nays, only seven or ten of the northern Whigs voted for it. That was very unsatisfactory to southern Whigs, to the southern people, and to the world generally. However, it rested there until some time in the month of April, when a Whig caucus was held for the purpose of affixing the time and place for holding a National Convention for the selection of candidates and the preparation of a platform. Well, sir, there was an attempt made there to incorporate the fugitive slave law into the Whig creed, and it failed, and there was some fillibustering thereafter. It shook the foundations of the Whig party of the United States from the center to the circumference,—I mean of the few Whigs here in Washington. It did not disturb the great body of mankind generally, but it made considerable fuss and trouble here for a time. I think there was some backing out from the Whig party, too, but it went off well enough. The caucus refused to incorporate the fugitive slave law into the Whig creed, and it was referred to the Baltimore Convention as a more fitting place and occasion to do such dirty work. At Baltimore there was an assemblage of about three hundred delegates. There were twenty-seven from the State in which I have the honor, in part, to represent, twenty-six of whom were known to be opposed to the fugitive slave law, or were believed, by their professions and by their acts, to be as hostile to the fugitive slave law as I am. Almost all the Whigs from the North who were there, except a few "hunkers" or "silver greys"—a few "old fogies"—were opposed to the adoption of the fugitive slave law as a part of the Whig creed. They said that it was the law; and that, whilst it was such, it must be carried out like any other law, but they were opposed to making it the chief corner-stone of the Whig edifice. They were met there by southern men. There were a few

southern men at that gathering, and they had a right to be there. They were gathered up from every part of the South—from some places that delegates had never come from before to a Whig Convention. They were coaxed up, rolled up, tumbled up, somehow or other; and they were there in full life. Well, these southern gentlemen got together, as history tells, and they formed a platform of principles, falsely so called. They prepared it, matured it, examined it, and were satisfied with it. They offered it to their northern brethren, and told them they must take it or *climb;* there was no other alternative. Sir, the northern men had it under consideration, as the story goes on to say, during one night. Some liked it pretty well, and thought there was not much in it; others did not like it, and thought there was a good deal too much in it; and some (honest men) said there was a way of getting around it—that they could adopt the platform, and afterwards trample upon it, and go for the man. Others said they could not do that conscientiously—that if it was adopted as a platform of principles, it must be adhered to; and so say I. Sir, they did not want to have a *split.* Discord in the Whig family would be disagreeable. So they told the southern men: "We will agree to take your platform upon one condition." And what was that condition? They told the southern men "a motion must 'be made in the convention to raise a committee of 'one member from each State, to be called the com-'mittee on platform, or the committee on resolu-'tions; and let them report this platform back to 'the body, so that it may seem to have the sanc-'tion of deliberation, and may appear to have been 'the work of all concerned, and we will then adopt 'it." Well, sir, this was agreed to—the platform was reported back, and after very little examination or discussion it was adopted. It is a remarkable fact, and one that I have never been able to account for, that out of the whole body of Whigs there from the North there were only sixty-six honest men found to vote against that platform. What became of them I do not know. Of the twenty-seven delegates from my own State, we had a right to suppose that twenty-six, if they did not betray the trust confided to them, would have voted against that platform. We knew that there was one man there who would vote for it, but we had a right to expect that the remaining twenty-six would vote against it. Sir, only six men from Pennsylvania were found to vote against that platform; and I am proud to say that one of that number was from the district which I have the honor to represent here. He truly represented the sentiments of his district at that time.

Mr. ALLISON. Before my colleague leaves that part of the subject, I wish to correct him.

Mr. HOWE. I desire to be corrected if I have fallen into any mistake.

Mr. ALLISON. I do not wish to correct any statement of fact which has been made by my colleague, but an inference might be drawn from what he has said that would place some of those who attended the Whig caucus in a wrong position, and I do not intend to be placed in a wrong position by any one.

Mr. HOWE. That is right. I do not want to place any one in a wrong position.

Mr. ALLISON. It would be inferred, from the remarks of my colleague, that it was agreed that the proposition to adopt a platform should be adjourned from the Congressional Caucus to the Whig National Convention. Now, so far as I was concerned, and so far as I know what was the sentiment of northern men, the majority of them were not in favor of any such adjournment. They were willing to meet the question there, and to decide the question there; that there should be no platform for the Whig party, but that they should go before the people as they had always gone before them.

Mr. HOWE. I ask my colleague if he is speaking of the last caucus—the one held in the Senate Chamber?

Mr. ALLISON. I am speaking of the two caucuses held in this city by the Whig party.

Mr. HOWE. Well, sir, I do not like to tell tales out of school, but as older members have set me the example, I will say, that I was at that caucus—the second one—and that there were northern Whigs there who said that if this question of a platform was postponed till the Baltimore Convention—the proper place—they would vote for it. My colleague is right, however, as it respects himself, and perhaps the majority of the northern men who were there.

Mr. ALLISON. The idea I wish to convey is this: I do not wish it to be understood that I, and those who acted with me, agreed to any such adjournment or postponement of the question.

Mr. HOWE. My colleague did not.

Mr. ALLISON. Permit me to say here, that at the first meeting of that caucus, I, for one, declared my readiness to meet the proposition there, and to decide it; and that I never would agree to stand upon a platform such as was asked for by certain gentlemen on that occasion.

Mr. HOWE. My colleague is correct.

Mr. ALLISON. I believe I stood upon correct ground then. I stand there yet.

Mr. HOWE. I would trust my life with my colleague on the subject of slavery, or any other question. [Laughter.]

Mr. Chairman, on the 21st of June, General Scott was nominated by the Convention, and upon that day he sent the following note to Baltimore by telegraph:

WASHINGTON, *June* 21, 1852.

Having the honor of being the nominee for President by the Whig National Convention, I shall accept the same, with the platform of principles which the Convention has laid down. Please show this to G. B. Duncan.

With respects to friends, WINFIELD SCOTT.

That was written several days after the platform had been adopted. It was in General Scott's hands, and he knew what it was. He had had time to con it over. I bring forward this letter for no other purpose but to do justice to General Scott, because it has been said here by gentlemen from the South, who have fillibustered a little, that General Scott had not adopted the *platform* of *principles* that was made for him by the Baltimore Convention, but that he merely said, in a casual way, in his letter of acceptance, that he accepted the nomination, with the resolutions annexed. I thought at the time that the honorable gentleman from Georgia, [Mr. TOOMBS,] in confining his remarks to that expression, and commenting upon it, hardly did him justice. General Scott says here, in language not to be misunderstood, that he accepted the nomination and the platform of principles which the Convention had laid down. He said this aboveboard. He did not wish it to be confined to the gentlemen in the Convention, to whom it was addressed. He said, "show this to G. B. Duncan. With respects to friends." [Laughter.] General Scott said distinctly that he accepted the platform of principles laid down by the Convention.

Well, sir, now for the platform itself. There are but three resolutions in that platform which require examination.

Mr. STEVENS, of Pennsylvania. I see that my colleague is about to read the platform. I ask him if General Scott had that version of the platform before him when he sent that dispatch?

Mr. HOWE. It was the same, with the exception of the word "final."

Mr. STEVENS. The word "final" was not in at the time General Scott sent that telegraphic dispatch.

Mr. HOWE. On looking over the platform, carefully and critically, I find that there is but one item in it peculiar to the Whig party—that is to say, there is but one item that distinguishes, or contra-distinguishes it from the platform laid down by the Democratic party;—and their DOCTORS construe that to mean the same thing—but it is rather an unnatural construction, I confess. And that is upon the subject of internal improvements. I do not know but the Democrats will claim that as their doctrine during the present canvass; but I know it is good Whig doctrine the year round, and always was.

I will now read the fifth resolution of the Whig platform, and accompany it with a single remark. It says:

"5. Government should be conducted upon principles of strictest economy, and revenue sufficient for the expenses thereof, in time of peace, ought to be mainly derived from a duty on imports, and not from direct taxes; and, in levying such duties, sound policy requires a just discrimination and protection from fraud by specific duties when practicable, whereby suitable encouragement may be assured to American industry equally to all classes and to all portions of the country."

That is not Whig doctrine. Whig doctrine is "protection, for the sake of protection"—a tariff for revenue and a tariff for protection. That is Whig doctrine. I wish to make just this one other remark upon this resolution, because I do not think any northern man is bound by it. I do not feel much bound by it. This resolution is the mere old Democratic doctrine—[laughter]—with the exception of one single expression, where a word seems to have been taken out, and another put in of less force and meaning. Now, when you ask Democrats for their principles upon a tariff, they will say, "Certainly, we are for a tariff for revenue, and we are for a Government economically administered." That is all good Democratic doctrine. That is Whig doctrine, too, so far; but the Democratic doctrine is tariff for revenue with discrimination for incidental protection. But they have left out the word "incidental." They have left out the word "protection," also, and have inserted the word "encouragement." [Laughter.] Why, sir, it is encouragement, words of encouragement, that the Whigs have been living upon since the destruction of the tariff of 1842. That word "encouragement" has kept us alive until now; but we have had enough of it. It is protection now that we want, and not encouragement, that we shall have it at some future day, when we have all gone to smash. I leave this part of the subject with this single other remark: That the doctrine contained in this resolution is nothing but the old Locofoco doctrine upon that point, with the words, "with discrimination for protection," left out, and which they themselves have abandoned as an absurdity.

The sixth resolution is Whig in sentiment, but the doctrine of internal improvements is not set forth in very bold relief—a little foggy. The Whig doctrine of the use of the veto is not mentioned here, and there are several other important items belonging properly to the Whig party which are entirely lost sight of in these resolutions. General Scott himself adverts to one or two of them in his letter of acceptance. But to come down to the eighth resolution; that is one which is very important in meaning—in its proper place. I will read it entire, after which I propose to comment upon it. It is as follows:

"8. The series of acts of the Thirty-first Congress, commonly known as the compromise or adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States as a final settlement in principle and substance, of the subjects to which they relate; and, so far as these acts are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other—not impairing their present efficiency to carry out the requirements of the Constitution; and we deprecate all further agitation of the questions thus settled, as dangerous to our peace; and will discountenance all efforts to continue or renew such agitation, whenever, wherever, or however made; and we will maintain this settlement as essential to the nationality of the Whig party and the integrity of the Union."

General Scott had a copy of these resolutions, with the word "final" left out, for two or three days, and therefore could not have judged of them hastily. I have not time to expound this resolution fully upon this occasion, and in this place, but I have to say that I dissent from several propositions in it. I deny, sir, in the first place, that it is necessary for the nationality of the Whig party for us to adopt this resolution, and regard it ("the healing measures") as the final settlement and final adjustment of the slavery question. I do not know, I admit, what is required to *nationalize* the Whig party. I know it does not take much to *niggerize* that party, and they have done it most effectually by the adoption of this platform, and that is all I wish to know. [Laughter.] But I do not believe in the doctrine myself. I dissent from every one of its propositions. I do not think that it is necessary to "discountenance all efforts to continue or renew such agitation whenever, wherever, and however made." Upon so important a question as this slavery question I will not assume so great a responsibility as to make any declarations of that sort. There is not another law upon our statute-books, not an article in the Constitution that we are not commended for investigating. We are taught to investigate them and to discuss

them. Agitate them, if you please, if you like that expression better. Agitate and sift, and examine thoroughly into the merits of the law, and see whether it shall be repealed or amended. But this law is so sacred that it is regarded as the very ark of the covenant for the party. They have made it so sacred that the man who shall touch it will die, "politically speaking."

Mr. Chairman, it is not possible—I know it is not possible—to go through the northern States of this Union and find one man in ten thousand belonging to the Whig party who would not tell you that he did not adopt the sentiment of any proposition embodied in this eighth resolution. You cannot find a man in the North, in my opinion, except some old hunker—some old silver grey, who is a slave to his party, or, if not to his party, is a slave to the powers that be for the time—who will not say that the fugitive slave law, upon examination, is a bad law, degrading to the people of the North, and that if it ought not to be repealed, it certainly ought to be amended, so as to take off anything which may attach to it that is degrading to the free and sovereign people of the North. At least they would tell you that it would be highly proper to discuss it, whenever, wherever, and however, they just please. They would tell you they did not care if every man in the land had a copy of it. They would tell you, and they will tell you as I tell you now, that if this or any other law passed by an American Congress is too sacred to be discussed, or even agitated, if need be, and if the integrity of the Union depends upon their silence upon the subject, this Union is not worth preserving twenty-four hours. I want no part nor lot in any such American Union as that. I want nothing to do with a Union in which a northern citizen shall be deterred through fear from giving his opinion of an act of Congress, and particularly one which was introduced into this House, and passed through as this law was. It was brought in, I believe, by a northern member, by a colleague of mine, if I recollect right, [Mr. THOMPSON.] It was never printed and laid upon the desks of members at all. Very few members understood its monstrous provisions. A few remarks were made in favor of the law, then the previous question called, and all debate shut out; and, under the gag, without investigation, without having seen the law, and without having it laid upon our tables at all, it was forced through this House by the disgraceful (and in that case criminal) dodging of many members. Twenty-seven Whigs from the North "jumped the pole," and many Democrats also dodged. It passed by a triumphant majority of this House in that way, but now, forsooth, it is so sacred an instrument that every time there is a public political meeting of the Whig party, they must reënact it as an essential part of their political existence. Congress must reënact it by the most solemn resolutions, and it must be incorporated as a living, and abiding, *eternal*, principle of the universal Whig party. These acts were put in here by way of compromise peace measures. I am no friend to compromises unless they are just and right to all parties and interests. Now, sir, while I am upon this subject, I propose to say what I have said before, that with regard to the slavery question there is no essential difference that I can perceive, in the language of the Whig and the Democratic platforms. The word "final" does not appear in the Democratic platform, but still it is sufficiently expressive, and I cannot complain.

I now propose to make some few comments upon the Democratic platform. I do not propose to read the whole of it, but I will read one or two of the resolutions:

"*Resolved*, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

The only difference between this language and that used by the Whigs in their resolution, is this: The Whigs say that they will "discountenance all efforts to continue or renew such agitation whenever, wherever, and however made." The Democrats use other language. They say they "will 'resist all attempts at renewing in Congress or out 'of it, the agitation of the slavery question under 'whatever shape or color it may be made." But I am not going to take up any more time with that platform, except to read the last paragraph of Mr. Franklin Pierce's answer to the committee who notified him that he was the nominee of the Baltimore Convention. It is in these words: "Weak myself." Now, whether he meant that he was physically weak, or whether he had one of those fainting spells, or whether he was morally or mentally weak, we are not informed. All I can say is, that by the expression, probably he referred to his predisposition to faint under certain circumstances. [Laughter.] "Weak myself, faith and hope repose there in security." Now, I suppose those words, "faith and hope repose there," must refer to the "rainbow of promise" mentioned in the latter clause of the preceding paragraph. I do not know whether this is the correct reading. I am not very good at construction, but that is the sentence, and the whole sentence. I will read it again: "Weak myself, faith and hope repose there in safety." There may be some doubt and difference of opinion as to what Mr. Pierce meant by this language, whether it was the reason which I have given, or whether his weakness consisted in the recollection of his New Boston speech of 2d January last, in which he spoke just like a Free-Soiler. As appears, he might have had reference to that. I would not doubt but he had. He might have thought that was the "weak myself." I cannot say as to that positively.

But Mr. Pierce goes on to say: "I accept the 'nomination upon the platform adopted by the 'Convention, not because this is expected of me as 'a candidate, but, because the principles it embraces 'command the approbation of my judgment; and 'with them I believe I can safely say there has been 'no *word* or act of my life in conflict." He might have added, for the greater caution, excepting what *I may have said* in my New Boston speech last January. But he does not say that; but that "I accept the nomination upon the platform adopted by the Convention, not because this is expected of me as a candidate, but because the *principles* it embraces command the approbation of my judgment." Weak, indeed, is frail man. There is a candidate who "took it the natural way." [Laughter.] Here is a spontaneous answer from a man *generous* and good to the children. And to show that by some forecast, some fore-knowledge of the future, he had *ever* been in favor of the fugitive slave law; to show that he loved it as an innate principle, which was bred in his bones, and could not resist his attachment to the fugitive slave law, and the principles it inculcates. What servility! This is most extraordinary. If the question had been asked him it would have been natural for him, under his peculiar circumstances, to have answered it as he did. I say it is extraordinary, and I think Mr. Pierce, when he wrote this, wanted to do work meet for repentance—a little work of supererogation. I presume he said more than he would have said, if he had not recollected very well that there were some old papers out, containing his remarks made in January last, and in order to show that he was a little better than common in that business, he used the strongest expression here, to answer a question which was not asked of him at all. A willing witness in a good cause is not a bad *thing*.

Now, sir, I propose to turn the attention of the committee, or at least my own attention, to the fugitive slave law, for a few minutes.

The title of the act is as follows: "An act to amend and supplementary to the act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' approved February 12th, 1793." Profanely called the fugitive slave law—better known as one of the "healing measures" of the Thirty-first Congress —"All men are born free," &c.

The first section of this act goes on to enact that the commissioners and officers known under the act, I believe, of 1787, in addition to their duties, which were to take bail, and do such things about the court as were entirely proper and honorable for gentlemen, should be also commissioners under this act.

The second section goes on to provide that the superior court of each Territory shall have power to appoint such officers as the judges of the circuit court have, and that their duties shall be the same in that regard—catch runaway negroes as per stipulations hereinafter mentioned:

The third section is in these words:

"*And be it further enacted*, That the circuit court of the United States, and the superior court of each organized Territory of the United States, shall from time to time enlarge the number of commissioners, with a view to afford *reasonable* facilities to reclaim fugitives from labor, and to a prompt discharge of the duties imposed by this act."

The fourth section prescribes their duties, and it says that these commissioners appointed in the way indicated here, shall have concurrent jurisdiction with the judges of the circuit and district courts of the United States, and with the judges of the superior court of the Territories, in that particular business; that is, that they shall be courts of last resort, and their judgments shall be final and conclusive, as I will show hereafter.

The fifth section requires that a marshal, when a warrant is put into his hand, shall go forthwith, and make every effort in his power to make an arrest, and it goes on to provide that—

"After the arrest of such fugitive by such marshal or his deputy, or whilst at any time in his custody, under the provisions of this act, should such fugitive escape, whether with or without the consent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant for the full value of the service or labor of such fugitive in the State, Territory, or district whence he escaped."

This, I say, Mr. Chairman, is an unnecessarily severe law. I say it is most extraordinary, indeed, that the marshal shall, in the first place, omit any other business he may have on hand at the time—be may be concerned in serving a civil process, he may be taking an invoice of a store of goods—and under the penalty of $1,000, he shall quit that business, whatever it may be, and proceed immediately to make the arrest, and if he is overcome by a superior force, if he gets his head broke, even if his life be taken, it is provided here that his bail shall be liable to the full value of the service or labor of the slave escaping from him by force or any other means.

"Oh, where did you come from, knock a nigger down."

That, Mr. Chairman, is a very severe act. And then it goes on to enact—

"And the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hand, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or to the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, *or posse comitatus* of the proper county, when necessary to insure a *faithful* observance of the clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose."

This is decidedly cool; but it is a part and so much of the Whig platform—Whig principles for 1852. I must not "agitate," and will pass on. I read from the fifth section of the law. It requires not only that the marshal shall drop and dispense with all other business and go out at the bidding of any slave hunter, but that he shall call upon the *posse comitatus*, if necessary, to give greater facilities for carrying out the provisions of this act, and the Constitution. The commissioner, an inferior officer in the law, and not known to the Constitution at all, may appoint other persons to assist in making the arrest that is required by this act, and in order to carry out the requirements of the Constitution contained in this act.

You will remark that "*all good citizens*" are required to aid and assist the marshal in executing this law. Now, sir, I would like to see three fifths of the Whig party chasing some poor negro, with a little deputy marshal in the lead, appointed by some BEAGLE of a commissioner—I should like to see them running the country, tip and tie, after a lame negro. Why, sir, the Whig party, as I understand the eighth resolution, have pledged themselves to a faithful execution of this law, to save their "nationality," and other valuables in the bill.

I propose now to refer to that provision of the Constitution referred to in the sixth section of the act. It is found in the second section of the fourth article of the Constitution. That section is divided into three clauses, and I will read them. The first clause declares that "the citizens of each State shall be entitled to all privileges and immunities of

citizens in the several States." I find, in looking through the laws of Congress, no act for carrying out this provision of the Constitution. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Now, it is a fact, Mr. Chairman, that in the State of Massachusetts, and perhaps some other New England States, colored persons may be citizens within the meaning of the Constitution. It is also an historical fact, that many of these colored citizens are sailors, and go on board of vessels which put into southern ports—Charleston, for instance; and it is known that in the State of South Carolina they have an act of their Legislature which requires that colored persons coming into port as sailors and going ashore, shall be taken and put into jail, and shall be kept there until the vessel is about ready to depart, when notice shall be given to the master or captain, who shall pay the jail fees, and take away the prisoner; but in case he shall fail to do so, the prisoner shall be sold into perpetual slavery.

Mr. McQUEEN, (interrupting.) As the gentleman has spoken of the law of Massachusetts and of South Carolina, I will ask him if he has examined the law of Massachusetts so far as to find that when she had slavery she not only imprisoned such persons, but inflicted ten lashes on them for every ten days they remained and refused to leave the State?

Mr. HOWE. I have not examined, but I know the poor slave gets licked everywhere. I do not doubt it at all. The Yankee would get twice as much labor out of him, and put on the lash more freely—present company always excepted. [Laughter.] I do not intend to be personal, Mr. Chairman.

We find that a citizen of Massachusetts, some years ago, went into the State of South Carolina, with a view of bringing up this question before the Supreme Court of the United States, to test the constitutionality of such a law as that under which they imprisoned citizens of Massachusetts. It is said he did not succeed in getting his case before the court; but when receiving an intimation that another court was about to assemble for the purpose of administering to his present "necessities," he was advised by a friend to leave the State; and he did so. There was no *proclamation* issued by the Executive, and I do not learn that there was any law recommended to carry out this provision of the Constitution, nor trials for treason.

Mr. ORR. I suppose the gentleman alludes to the mission of Mr. Hoar to South Carolina. I would like to say a word or two in explanation.

Mr. HOWE. I cannot give way. My time is limited.

Mr. ORR. I wish the gentleman to learn the true facts of that case. It has been misunderstood.

Mr. HOWE. I cannot yield.

Mr. ORR. I will not consume more than two minutes.

The CHAIRMAN. The gentleman from Pennsylvania declines to yield, and interruption is not in order.

Mr. HOWE. The gentleman may take two minutes.

Mr. ORR. Mr. Chairman, the gentleman refers, I presume, to the case of Mr. Hoar, of Massachusetts. He was selected by the Governor, under authority from the Legislature, to go to South Carolina to test, as they were pleased to say, the constitutionality of a law of that State regulating its internal police, which law provides that free negroes coming into the port of Charleston on merchant-vessels, as sailors, stewards, or cooks, shall be taken into custody and kept within the walls of the jail until the vessel is ready to depart, when they are delivered up to the captain on the payment of jail fees. The object of the law is to exclude such free negroes from all social intercourse with the slave population, experience having demonstrated that they were ever active in inciting the slaves to sedition, insubordination, and insurrection; and, for the benefit of commerce, that which I have stated is not so stringent as the general legislation of the State, which positively inhibits the immigration of a free negro into the State. A free negro from any northern or southern State, is positively excluded from our borders, whilst the free negro sailors do not forfeit their liberty by landing upon our coast; nor is the legislation of South Carolina peculiar on that subject. Indiana has excluded free negroes from her limits by a constitutional provision; and several other of the free States have enacted the most stringent laws against free negroes coming into their territory. These laws were passed by the Legislature of South Carolina to promote the peace and safety of our people, being necessary for an efficient domestic police.

When Mr. Hoar reached Charleston, it would seem that he imagined himself a foreign minister; for he addressed a letter to Governor Hammond announcing his arrival, the object of his mission, and that he came by *authority* of the *State of Massachusetts*. The Governor not choosing to recognize this envoy extraordinary, transmitted Mr. Hoar's letter, with a message, to the Legislature of South Carolina, then in session, which brought the question of his mission before that body. The Legislature denied the right of the State of Massachusetts to supervise, overlook, control, modify, or interfere with any law affecting our domestic police, which the peace, quiet, and safety of the inhabitants of the State required should be enacted, whether they were laws regulating quarantine or the ingress of free negroes, especially when the free negroes of Massachusetts would not incur its penalties if they kept out of our ports; and so believing, when officially notified, that Massachusetts, in the person of Mr. Hoar, was on a mission seeking to subvert it, the Legislature of South Carolina determined that the dignity of the State required that such an unprecedented surveillance over her domestic policy merited a marked rebuke, and the Legislature passed, unanimously, a resolution directing the Governor to expel Mr. Hoar from the State. The Governor dispatched an aid-de-camp from Columbia, the seat of government, to Charleston, with full authority to execute the resolve; but before his arrival there, and before the action of the Legislature was known in Charleston, Mr. Hoar had taken his departure. He left at the suggestion of many leading citizens of Charleston, who told him plainly that his longer stay might lead to a popular outbreak, which might not be easily quelled. But for his impertinent communication (official, and not personal impertinence) to the Governor, which brought the officious and unjustifiable pretensions of Massachusetts to the notice of the constituted authorities of the State, the Legislature would never have taken any action in the premises.

Mr. HOWE, (resuming.) I learned, at that time, that South Carolina was not in the habit of recognizing foreign or domestic ministers. But times, and the mode of doing business, have changed, and South Carolina treats with foreign ministers on the subject of imprisoning colored seamen who are citizens of her Majesty's Government. There has been a case more recently in that State where a colored *British* subject went there, and he was imprisoned as American citizens are wont to be. An attempt was made to obtain his release by an application to our Government, by an agent of the British Government; but this Government said they had nothing to do in the premises, and turned him over to the independent State of South Carolina; and, I believe, that State, rather than go to war with England, did finally release the sailor—a most fortunate thing for the world that those two mighty nations did not appeal to arms!

The next clause provides for the rendition of fugitives from justice. Then comes the clause upon which this act purports to be based. It says:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This does not imply that there is to be any legislation upon the subject, and the circuit court of the United States decided over and again, when Judge Baldwin was upon the bench, that no law was required; and that the owner might go into the State of Pennsylvania, or any other free State, and get his slave where he could catch him.

The Supreme Court decided, in the case of Prigg *vs.* Pennsylvania, that the Constitution executes itself this far, that the owner may go and arrest his fugitive slave, and take him away, and use sufficient force for that purpose, with or without law. And the act in question authorizes the owner or his authorized agent to arrest, with or without process, his fugitive from service, and to take him before a commissioner or a judge, and that that officer shall, in a *summary* way, decide the matter and give a certificate. I read from the sixth section of the act referred to, which is a small part of the Whig platform; it reads as follows:

"Either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid; of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, when the same can be done without process, and by taking, or causing such person to be taken, forthwith, before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner."

This expression, "in a summary manner," has invariably been construed by the negro commissioners, with the "material aid" of the extra five dollars provided for, to mean, give the certificate of removal to the claimant, *nolens volens*, and that, too, instanter, unless prevented by the officers of the law. I refer to Ingraham, McAllister, Morton, Curtis, and to every other man whose especial business it is to catch negroes. The section goes on further to provide, that after the "summary" hearing, the commissioner or judge shall give his certificate to the claimant, authoring the removal of the fugitive to the place from whence he escaped, and concludes in these words:

"In no trial or hearing under this act, shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the fourth section mentioned, shall be *conclusive* of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever."

"Hail, Columbia, happy land." Mr. Chairman, further comment upon this part of the Whig "platform of principles" seems to be unnecessary in this place. I will read the second clause of the ninth section of the first article of the Constitution of the United States:

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety require it."

But it must be remembered, Mr. Chairman, that neither Baltimore Convention was concerned for the "integrity" of the Constitution. And it occurs to me now that slaves are *chattels;* the *habeas corpus* was made to protect the rights of men.

Mr. Chairman, the State of Maryland, dissatisfied with this law, and thinking that it was not sufficiently penal, adopted by her Legislature the following, among other resolves, as an amendment to the fifth section of the act, now the "soul" of the Whig and Democratic parties:

"*Resolved*, That experience has demonstrated the 'fugitive slave act' to be impotent for the purposes it was intended to effect, by reason of the failure of Congress to enforce, by the adequate penalties, the attendance and aid of the '*posse comitatus*,' when required by the officer charged with the execution of the law. Therefore, such an amendment by Congress as will render the act efficient and operative in this respect, is imperatively necessary."

Mr. Chairman, from the fact that both the great leading parties of the country, soon after adopted the law as their "platform of principles," and pledged themselves to adhere to it as a *final* adjustment of the vexed question, no application was made to Congress for the proposed amendment, but if they want it, they can have it on five days' notice. See eighth resolution of Whig platform, for the reason of my last remark.

Posse comitatus! I would suggest that the same penalty be provided that is set forth in the seventh section of this law, which is, that for refusing to aid the marshal, or his deputy, they should pay a penalty of $1,000 to the United States, and $1,000 for each slave so pursued, whether caught or not, and to suffer an imprisonment not to exceed six months in the penitentiary. That is the penalty provided for by one of the clauses of this act. I believe it would "insure" the necessary assistance——

Mr. WALSH. I hope the gentleman will allow a word of explanation.

Mr. HOWE. I cannot yield at present, as my time has almost expired. The penalty to which I have alluded is "rather salty," and I do not think

that it has any "legitimate" right to be incorporated into the Whig platform. I enter my dissent to it, any way.

Mr. Chairman, the seventh section first goes on to say: "If any person knowingly hinders the 'arrest of a fugitive, or shall rescue, or attempt to 'rescue, or aid, or abet, or assist a fugitive to es-'cape," &c., and then: "Or shall harbor or con-'ceal such fugitive, so as to prevent the discovery 'and arrest of such person, after notice or knowl-'edge of the fact that such person was a fugitive 'from service or labor as aforesaid, shall, for either 'of said offenses, be subject to a fine not exceed-'ing $1,000, and imprisonment not exceeding six 'months, by indictment and conviction before the 'district court of the United States. * * * * 'And shall, moreover, forfeit and pay, by way of 'civil [civil, very!] damages to the party injured 'by such illegal conduct, the sum of $1,000 for 'each fugitive so lost aforesaid, to be recovered by 'action of debt."

Mr. Chairman, I am not a good judge of the value of human flesh, but I venture the opinion that the Whig party has estimated it too high; but, as that is the price fixed by both the Baltimore Conventions, and an American Congress, I *knock under*, with the remark that it is above the average price of negroes in Washington city, to say nothing of the fine and imprisonment. Sir, can any man ask God's blessing on the eighth resolution, after knowing of what a rotten carcase it is composed?

Mr. Chairman, I will proceed to examine briefly the eighth section of the fugitive slave law. It provides fees for services of marshals, deputies, &c., and then enacts:

"And in all cases where the proceedings are before a commissioner, he shall be entitled to a *fee* of TEN DOLLARS in full for his services in each case, upon the delivery of the said certificate to the claimant, his agent, or attorney; or a fee of five dollars in cases where the proof shall not, in the opinion of such commissioner, warrant such certificate and delivery, inclusive of all services incident to such arrest."

"Bribery and corruption" offered directly to as mercenary a set of "*devils incarnate*" as have lived since the days of Judas Iscariot; and if any proof is necessary other than acceptance of their office, I ask if a single instance can be found upon record where a commissioner has not taken the *bribe*? There is not a case, I believe, upon record where the commissioner and deputy marshals, have not shown indecent haste to deliver their certificate and *pocket* the money. There was a striking instance of the kind once occurred before and with Commissioner Ingraham of Philadelphia. He sent a freeman into bondage. I will barely mention the case before Commissioner Morton, assisted by Busteed and Martin. It is said that the commissioner at Harrisburg, Pennsylvania, catches all his negroes in the dead hours of the night. He is properly called the NOCTURNAL NEGRO COMMISSIONER. "Weak, myself, faith and hope repose there in security."

Mr. Chairman, I must hasten on to the "finality." The ninth section of the act provides—

"That upon affidavit made by the claimant of such fugitive, his agent, or attorney, after such certificate has been issued that he has reason to apprehend that such fugitive will be rescued by force, * * * * it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and then to deliver him to said claimant, his agent, or attorney. And to this end, the officer aforesaid is hereby authorized and *required* to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses as are now allowed by law for *transportation of criminals*, to be certified by the judge of the district within which the arrest is made, *and paid out of the Treasury* of the United States."

Sir, this is one of the most obliging features of law; it is very neighborly; but the people have to pay for it. We are not only required to catch their slaves, but we have to carry them home at our own expense.

"8. The series of acts of the Thirty-first Congress, commonly known as the compromise or adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States as a *final settlement in principle and substance* of the subjects to which they relate; and so far as these acts are concerned, we *will maintain* them, and *insist* on their *strict* enforcement until time and experience shall demonstrate the necessity of further legislation to guard against the *evasion* of the laws on the one hand, and the abuse of their powers on the other; not *impairing their present efficiency* to carry out the requirements of the CONSTITUTION; and we *deprecate all further agitation* of the questions *thus settled as dangerous* to OUR peace; and we will discountenance *all efforts* to continue or renew such agitation *whenever, wherever*, and *however*, made; and we *will* maintain this settlement as *essential* to the *nationality* of the Whig party and the *integrity* of the Union."

I find appended to the published proceedings of the Baltimore Convention the following very flattering remark:

"The resolutions, as they were read, were severally received with demonstrations of applause, especially those relating to the compromise measures. There were loud cries of 'Choate!' 'Choate!'"

Notwithstanding, Mr. Chairman, all this, and the many lower-law sermons that have been preached by mercenary hypocrites of the North to prove slavery a blessing to the master and the slave, "I loathe the fugitive slave law."

I saw a few months ago an account of some Yankee doctor of divinity who declared from the pulpit his love for the "peculiar institution," and the entire justice of the fugitive slave law; and to prove his sincerity, said he would assist to arrest his own mother were she a fugitive from labor. Why, Mr. Chairman, our *own* Ingraham would not do that; but he would send a free negro—I must not agitate—but that minister would be a perfect "*devil* in a *slave hunt*."

Mr. Chairman, the tenth and last section of the law and Whig platform, is what Sam Slick would call a "sockdoliger." A monstrosity in legal history, a nondescript, and without a parallel in the history of the world. My time will not allow me, Mr. Chairman, to read as much of the section as I should be pleased to put upon the record, nor to comment as fully as could be desired. I can do but little more than call public attention to the subject generally. It enacts—

"That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court, or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proven, also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attestation of the clerk and of the seal of the said court, being produced, in any other State or Territory, or district in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and *conclusive evidence* of the *fact* of *escape*, and that the service or labor of the person escaping is due to the party in such record mentioned." * * * "*Provided*, That nothing herein contained shall be construed as requiring the production of a transcript of such record or evidence aforesaid. But in its absence the claim shall be heard and determined upon other satisfactory proofs, competent in law."

Now, sir, I have given what I consider to be the substance of the Whig platform. Sacred to their "nationality" and the "integrity of the Union." Its operations might be after this manner: Some *eel-back* Yankee, a good affidavit-maker, goes before some judge in, say Texas, and describes some person, no matter whether black or white, by this law, living in New York, swear that he owed him service in Texas, and that he had escaped from him, describes his marks with reasonable certainty, have it certified, or *forge* the whole of it—it don't make any odds which—come on to New York, lay the evidence before Morton, put the warrant into the hands of Marshal Martin, employ Busteed, or the like, to make the arrrest; Morton judges the evidence sufficient, or, if he required other proof of the identity of the man, call upon his attorney, or Price, of Philadelphia—have it all down in a "summary manner;" certificate delivered before an honest man has heard of the arrest; and to make sure, doubly sure, he makes the requisite affidavit, and Martin retains the person, and, at the expense of the people of the United States, employs sufficient force to resist all opposition, and to retain them in his service as long as he pleases. Where, Mr. Chairman, I ask, is relief to be sought? Not by force; the man is overpowered; not at the law, he is beyond the reach of the *habeas corpus*.

I will read, sir, again from the platform—fugitive law:

"And the certificate in this and the fourth section mentioned *shall be conclusive* of the right of the person or persons in whose favor granted, to remove such *fugitive* to the State or Territory from which [I suppose he might sell him by the way] he escaped, and shall prevent [the certificate] all molestation of such person or persons by any process issued by any *court, judge, or other person whomsoever*."

Stand from under! I say, sir, it is most likely, that the members of the Baltimore Convention understood this law perfectly. I have no doubt of it. One of them did, I very well know. But that General Scott had read it critically before that time, I very much doubt. It cannot be possible, sir, that that noble, honest man, the hero of so many victorious battles of his country, could have adopted the Baltimore "platform of principles which the Convention had laid down, if had been familiar with it."

Sir, with a full knowledge of the details of that most odious of all laws, he could not have adopted the language and sentiments of the eighth resolution—impossible, sir. Nor would he have said in his letter of acceptance: "I accept the nomination with the resolutions annexed." [The platform was handed to him with the letter informing him of his nomination.]

And again:

"The political principles and measures laid down in those resolutions are so broad, that but little is left for me to add;" and "finally, for my strict adherence to the principles of he Whig party *as expressed* in the resolutions of the convention, * * * I can offer no other pledge or guarantee than the known incidents of a long public life, now undergoing the severest examination."

It is idle, sir, to say General Scott is not upon the platform. Sir, I consider that he is on it ON ALL FOURS. I would, sir, it were otherwise.

Mr. Chairman, I have ever had a high regard for General Scott. I admire his devotion to his country, his capacity as an executive officer, his incomparable talents and success as a General; but above and still more his unsullied moral character. Sir, I do not concur with him in his "strict adherence to the principles of the Whig party, *as expressed* in the resolutions of the Convention." I do not believe those resolutions express Whig principles, or any other principles. I believe, sir, the law referred to in the eighth resolution is at war with Whig principles, and Christian principles, and will destroy the "nationality of the Whig party," and has already weakened the "integrity of the Union." I believe, sir, it is a legal asylum for manstealers, for perjurers, and murderers, and for every class of scoundrels that prowl about our cities and country. Sir, the true, and only true exposition of the fugitive slave law has been and will continue to be, from time to time, written in blood. Sir, I have in my mind Christiana, Columbia, Kline, McAllister, the one-armed deputy marshal who held the negro while the officer from Baltimore shot him, Gorsuch, Lewis, the Quakers, the circuit court of Philadelphia, Governor Bigler, and Alberti, the pardoned convict, the enormity of whose crimes are of record and known to the country. The penitentiary was wronged out of him. I have not time, sir, to mention other persons, and crimes connected with and growing out of the fugitive slave law. I am for repeal.

THE FUGITIVE SLAVE LAW, &c.

SPEECH OF CHARLES DURKEE,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

August 6, 1852,

On the Fugitive Slave Law as a "Finality"—Present position of Parties.

The House being in the Committee of the Whole on the state of the Union (Mr. PHELPS in the chair) on the Civil and Diplomatic Appropriation Bill—

Mr. DURKEE said:

Mr. CHAIRMAN: History proves that the most galling oppression the people have ever suffered has been inflicted by cruel and tyrannical Governments under the name and forms of law. But in the long catalogue of public crimes among civilized nations, there is none more cruel and barbarous than the fugitive slave law now in force in the United States. This law was called by its friends a healing and peaceful measure, yet time has proved it, what every candid mind knew it to be at the time of its passage, a *war* measure, in some instances even more cruel in its operation than the guillotine itself. Jefferson says, "by the law of

nature man is at peace with man until some aggression is committed." Here aggression exists in savage form.

This law in its operation disregards every principle of justice, and tramples under foot the very objects for which government was instituted. The tendency of the Federal Government to consolidation and oppression, was apprehended by our revolutionary fathers, and so great was their opposition to the Constitution, that it could only be overcome by the strongest assurances that the amendments now incorporated in that instrument, should be immediately thereafter adopted. These amendments were designed as additional checks against an unlawful exercise of Federal power. But, alas, how futile are paper constitutions, in the day of profligacy and usurpation! Who could have imagined, four years ago, that this great Republic, boasting of its intelligence and of its sentiments of equality, would be now engaged in performing the drudgery of slave traders—kidnapping men, women, and children, for a slave market! Who would have believed this Government could ever be capable of waging a piratical war against an innocent, unoffending people, for the sole purpose of enriching the pockets of those who manufacture, and those who use thumb-screws, chains, and fetters, and construct prisons in the maintenance of this horrid traffic? Good heavens! can it be possible that the Government established by Washington, Jefferson, and their compatriots, has engaged in the middle of the nineteenth century, in what our own statute-book declares, in certain latitudes, piracy! Strange as it may seem, it is true. It remains to be seen how far the people are bound by the chains of party slavery to sustain and continue this unrelenting war against the African race.

Should the masses of the American people, after mature deliberation, indorse the principle of "finality," which deprecates free discussion, and through the veto power, place it beyond the control of Congress, we shall be compelled to say that the great Democratic principle of self-government in the United States has utterly failed. It will be following the example of the notorious Louis Napoleon, only to be less thorough in our work than the French usurper; for, while we rely on Baltimore platforms, and Congressional resolutions to suppress free debate, he has taken the precaution to banish all the independent Democratic elements from the State, and placed a censorship over the Press. This is the only *effectual* course to be pursued in this country, should we persist in carrying out the principles of the Baltimore platforms; nay, more, we shall find it necessary to strike at the root of the evil—suppress our free-school system—discontinue the telegraph—suspend internal and ocean steam navigation—provide for the rendition of Democratic agitators, Kossuth, Meagher, and many others who have fled to this "land of liberty" for refuge. They must be taken back to cruel despots in Europe, and there forfeit their lives, or be thrown into dungeons for daring to speak in behalf of suffering humanity in their own country; for no one can fail to perceive that these various and powerful agencies are constantly diffusing knowledge—and the diffusion of knowledge, we know, tends to promote civil liberty and universal emancipation.

But, Mr. Chairman, I have too much faith in the integrity of the people, to believe them capable of descending to such depths of infamy. I do not believe that the fugitive slave law of 1850 is approved of by the country generally. No, sir. If it were submitted, to-day, directly to the people, I have no doubt it would receive the condemnation of *three fourths* of the popular vote. It is the measure, alone, of a few strong partizan politicians, exceedingly ambitious of public notoriety and political power, who make politics a trade, and claim the control of Whig and Democratic organizations as a "patent right" during life. It was enacted by influences not very complimentary to Congress, or to the country. I need only to refer to the fact, that Daniel Webster and Mr. Fillmore abandoned the ground they had previously occupied on the slave question, and gave their influence for this measure. Several members of the House of Representatives, elected by free-soil votes, and who were supposed to be true to liberty, were also persuaded to abandon the cause of freedom in New Mexico and Utah, and subject that immense tract of country to the control of slavery. These recreant Representatives now holding office in the Government, (in my candid opinion, as a reward of their treachery,) contributed largely to bring about this humiliating and disgraceful state of things. But, though the minority has triumphed over the majority, as usual, through the treachery of northern Representatives, thus widening the sphere of slavery, yet I look upon it only as an incident in a war still waging in behalf of the poor and oppressed—a war that must, sooner or later, bring triumph to freedom. I say it is but an *incident*. Our enemies, in 1812, gained a like temporary victory when they took possession of this city and burned the public buildings. But their triumph was of short duration; and so, in my opinion, it will be with this high-handed piracy, now, under the name of law, ingrafted on our statute-books. True, there is a dissimilarity in the manner of conducting these two wars, but a striking parallel in their origin and character.

The friends of freedom in America declared war against Great Britain because she seized American citizens and made them slaves, precisely what the hunker parties are doing in this country, at the present day. This war on the rights of man has been the cause of every conflict among civilized nations. It has ever exhibited one class aiming to wallow in luxury and dissipation at the expense of the toil and labor of another class. All the bloody wars of Europe have arisen from this source. But our despotism is much more barbarous and cruel than that of many of the European States. In Russia, for instance, the families of slaves are never separated nor taken from the homes where they are reared; while in the United States, under the ordinary laws of trade, a child is frequently taken from its mother, and the wife from her husband, and separated for life.

Sir, this is painful to contemplate. The greatest Republic on earth upholding an institution, of which even barbarous nations are becoming ashamed, and arraying itself, in this age of the world, against the spirit of progress and reform! It was not so once. The ship of State has drifted a long way from its moorings since 1776. In 1789, George Washington, at heart opposed to slavery, was an acceptable and successful candidate for the Presidency of the United States. In 1852, neither Washington nor Jefferson, were they living, could receive the support of either the Whig or Democratic party. Yes, it has come to this, that no man can receive the support of the hunker Democracy of the country, unless he be in favor of slavery extension, and of the fugitive slave law in particular!

During the first century of the Christian era no person could be found willing to betray the cause of freedom for a less consideration than "thirty pieces of silver." But now, Mr. Chairman, there are numbers of United States "commissioners" willing to perform the service for ten pieces. Treachery to freedom, opposition to reform, "finality" in iniquity, are now considered the cardinal principles of the hunker Democracy. Hear the honorable gentleman from Maine, [Mr. APPLETON,] a reliable expounder of this doctrine:

"The compromise is only the first of old and established Democratic principles applied to a serious exigency in affairs."

What a strange backsliding! What a perversion of the name and principles of Democracy!

The honorable gentleman from Mississippi [Mr. WILCOX] remarked, in a speech made on this floor during the present session, that the time had arrived when we should return to cardinal principles in public affairs. I approve of this suggestion. It is precisely what we ought to do. When the patriots of the Revolution renounced their loyalty to George III., they uttered their bold and manly sentiments in these words:

"We hold these truths to be self-evident—that all men are created free and equal—that they are endowed by their Creator with certain inalienable rights—that among these are life, liberty, and the pursuit of happiness."

Now, sir, we should ever be conscious of this memorable truth, that these rights exist independent of Governments—that constitutions and governments are instituted to *protect*, not to *destroy* these rights. Our form of government, we all know, is of a mixed character. In the partition of power, as regulated and guarantied by the Constitution, we find specific powers granted to the Federal Government, and certain specific powers granted to the State governments. All power not granted to the Federal and State Governments, is reserved to the people, so that there exist three limited jurisdictions, to some extent, independent of each other. I will illustrate: If the officers and legislators of the Federal Government should transcend the power vested in them by the Constitution, and lay violent hands on the treasury of any one of the States, with or without the forms of law, for the avowed purpose of self-aggrandizement, the State would have a right to resist, by force, the exercise of any such assumed power. Such a right is self-evident. So would an *individual* have the same right, in like circumstances. Neither the General nor State Governments possess any more right wantonly to rob a citizen of his property, than does a highway robber. The citizen is a sovereign judge of his self-evident, reserved rights, as much as either the State or Federal Government is, of rights delegated to it by the people, and he possesses the right to institute his own mode of defense, whenever those rights are assailed by violence.

Should, therefore, the General or State Government, undertake to seize your person for the purpose of selling you as a slave, or to deliver you up to some person claiming you as a slave, without any charge of crime, you would have the same right to defend yourself with deadly weapons, as you would if attacked by pirates. It is a mistaken opinion, Mr. Chairman, though honestly entertained by many, that crime becomes sanctified when committed in the name of law. I am aware, sir, that this sentiment, in some instances, desecrates the pulpit, while heartless, dishonest politicians are found assenting to it; but I deny its correctness. It is the doctrine alone of tyrants and despots! The multiplication of numbers can never justify crime; neither can the high source from which it may emanate lessen its moral turpitude. It is crime still, and it cannot escape the penalty of God's violated law. Law, in the most exalted sense of the word, exists in the very nature of things. It is only the business of legislators to discover and enforce this law, so far as they have the power. Then, sir, if the State has no right to commit a great wrong upon any one of its people, it has no right to require *me* to do such an act.

But I am asked, who is to decide this matter? I answer, each man, individually, for himself. We should ever bear in mind the injunction, that we are to "obey God rather than man." Can a corrupt Legislature—can a miscreant "commissioner," who may be bribed for five dollars—lay down a rule which should govern, and justify the consciences of men in the kidnapping of their fellow-beings? Sir, I acknowledge no such censorship over my conscience! While I am forbidden by a law of Congress to give a cup of water or a crust of bread to the hungry and thirsty fugitive, or commanded to lay violent hands on his person for the purpose of returning him into a life-long bondage, rest assured, sir, I shall treat all such laws with contempt. I shall trample them under my feet, as an outrage on humanity, and an insult to God. Why, sir, if we become loyal to such despotism, and do acts that would disgrace a barbarian in a heathen land, we show ourselves unworthy the rich legacy bequeathed us by the fathers of the Revolution. In fact, we surrender every right guarantied to us by the Constitution. Were I to obey such a mandate, I should prove myself a knave or a fool—I should be a traitor to high Heaven. I am for retaining to the people all powers not granted to the General and State Governments, and for resisting every encroachment of Federal domination.

So much, Mr. Chairman, for the character of the fugitive slave law, its cruelty to the people, its disgrace to the country. I propose now to consider the arguments of its friends for its necessity and continuance upon our statute-book.

It was said, and is still maintained by the authors of the late "compromise measures," that, in adopting them, they but followed the illustrious example of our revolutionary fathers in framing the Constitution—that the slavery question in

1789 was, as now, a very grave and serious one, and could be settled only by a "compromise." The great difference, Mr. Chairman, between the compromises of the Constitution and the compromises of the fugitive slave law, consists in this: That was a compromise of jurisdiction, this a compromise of principle, like the one which Russia, Prussia, and Austria made with Poland, when they blotted out her national existence, and divided her territory among themselves! Or the compromise England made with China, when she sunk over thirty junks in one day, with all on board, because of their refusal to permit the sale of a poisonous drug in the Celestial Empire!

Sir, talk about "the compromise," when it actually authorizes slave dealers, a ruffianly class, who are despised through the South, and looked upon as base and wicked by many slaveholders themselves, (how consistently, I will not say,) to scour the North, break up peaceful families, seize and carry off fathers and mothers into slavery for life, and even to require citizens of the free States to aid them in this most nefarious and revolting practice. Why, sir, the very idea that this is the fruit of a "compromise," is an insult to the understanding and to the moral sense of the age; for it compromises principle and character—everything dear to humanity—at the command of impudence and arrogance—crushing the weak and innocent in disregard of their most solemn protestations and prayers! The compromises made by the framers of the Constitution, between the State and Federal Governments, was a very different matter. A part of the delegates, in convention, were anxious that the Federal Government should be clothed with jurisdiction over the foreign slave trade, while a majority were unwilling to transfer this power from the States to the new Government; but they finally consented to do so, to take effect after 1808. Congress acted, without hesitation, upon the subject immediately thereafter, by declaring its further continuance piracy. That, Mr. Chairman, did not look much like binding the General Government to sustain slavery.

Slavery needs no law but that of brute force. It presupposes the abrogation or absence of all law. Mr. Calhoun always scouted the idea that slavery existed by virtue of State laws. There is a wide difference between clothing Government with power to restrain crime and conferring power requiring its commission, and that is precisely the difference between the compromises of 1789 and those of 1850. I know it is contended that power is delegated to the General Government to deliver up fugitives owing service or labor. This is denied by Mr. Webster, and by many other distinguished lawyers and statesmen, who say that the clause in the Constitution touching this subject is only a treaty stipulation between the States. The honorable gentleman from Massachusetts, [Mr. RANTOUL,] in a very able speech on this floor a few days since, sustained this view. But suppose we admit, for argument's sake, that Congress has the power, under the clause by which apprentices and minors held to service have been returned, it does not follow that this power is to be exercised wholly regardless of the rights of humanity and the cause of justice. The war power in Congress is unlimited, yet who does not see the iniquity of declaring and maintaining war for the sole purpose of conquest and military glory? We can readily see, too, how the power providing for the surrender of fugitives from justice could be abused. Suppose the State of Georgia, for the maintenance of her "peculiar institution," should deem it necessary to pass a law making it death for any person to denounce the Baltimore platforms, or, what is the same thing, the fugitive slave law, and an offender should escape into another State, would it be right to return such fugitive? I answer, No. The Federal Government was formed by those who believed in the "supremacy of God, the equality of man, and freedom of speech;" that laws were instituted to protect these rights, and that whenever they become destructive of such ends, it is the right of the people to alter or abolish them. Were the Federal Government to conspire or coöperate with a State in such tyranny, it would prove itself recreant to every rule of justice and to the great principles that called it into being. Mr. Lieber, of South Carolina, in his Political Ethics, discusses this question in regard to the duty of obedience to unjust laws with great fullness. Here is an extract:

"We must not forget that laws may be passed in regular and lawful form, and yet be clearly against the plainest rights of the citizens, although outwardly conformable to the fundamental law. There is, however, a fundamental law superior to any fundamental charter, that is, reason, right, and nature; and that superior fundamental law of all humanity requires, in cases of high conflict, first to be obeyed. An immoral law is no law, and my yielding to it or no is a mere question of expediency, just as I may or may not yield to the demands of a robber."

The exercise of constitutional power, then, vested in Congress is a matter of discretion—to be active, or inactive, as the general good requires. This exposition is fortified by the opinion of Judge Thompson, of the United States court. In the celebrated Prigg case, where the jurisdiction of Congress was involved in the extradition of persons held to service or labor, escaping from one State to another, he says:

"This legislation, I think, belongs more appropriately to Congress than to the States, for the purpose of having the regulation uniform throughout the States; but there is nothing in the subject matter that renders State legislation unfit. It is no objection to the rights of the States to pass laws on the subject, but there is no power anywhere given to compel them to do it. Neither is there to *compel Congress* to pass any law on the subject. The legislation must be *voluntary* in both, *and governed by a sense of duty*."

Mr. Chairman, I know it will be said that human laws, even in their greatest perfection, in many instances, work injustice, and that it is impossible for the General Government, in the administration of law, to provide for such contingencies—that the laws of Congress proceed upon general principles, and must be faithfully enforced. But I am speaking of laws upon the statute-books of some of the States, which stand out in as bold relief, and far more barbarous, than the stamp act of 1776—laws that deny a certain portion of their population the benefits of common education, by making it a penal offense to impart instruction—laws that permit one class to trespass on the rights of another, even to sensualism and prostitution, and then order the visitation of the death penalty on the innocent victim, who, in the act of self-defense, dares to strike the offender! These are the laws that Congress is called to make operative on the poor African, when he tries, through flight, to place himself in a condition of civilization and improvement! Sir, should not a Government, established to promote the general welfare, encourage such noble aspirations of the mind, rather than conspire with those who seek to suppress them, and to blot out God's image from the soul? I am bold to say, Mr. Chairman, that Congress, in enforcing the fugitive slave law, under such circumstances, is indirectly violating the letter, as well as the spirit of the Constitution, which provides, that cruel and unjust punishments shall not be inflicted, to say nothing of the fifth article of the amendments, which declares, that "no person shall be deprived of life, liberty, or property, without due process of law." I repeat, that the law of Congress requiring its officers and the people to aid in recapturing those who have become free, as did our fathers, by their own noble exertions, under the Heaven-approved love of liberty, is contrary to justice and the law of God, AND OUGHT NOT TO BE OBEYED! I submit a few extracts from the best writers on natural law, and the rights of men, in defense of this position. Mr. Dane, a distinguished jurist of Massachusetts, who acted with Jefferson and Washington in adopting the proviso against slavery in the Northwest Territory, indorses this principle.

"Statutes against natural justice or equity, as where one makes a man judge in his own cause, is void."—5 *Dane's Abr. ch.* 148, *a* 7, *s* 1.

He states this as a clear settled law, without exception or qualification.

Mr. Dane in another place says:

"Natural law, the foundation of ethics, being dictated by the Deity himself, renders all human laws invalid contrary to it."—6 *Dane's Abr. ch.* 187, *s.* 42.

Again, Mr. Lieber says:

"*Ad turpia nemo obligatur.* No one is bound to do what is iniquitous. Mankind have uniformly agreed in applauding resistance to that which is iniquitous, because they have always either acknowledged or at least felt that man cannot lose his own moral value, his independent moral individuality; and that authority, even if supposed to rest upon some divine origin, may be and ought to be either disobeyed or opposed, if it prevents its character and demands things against God's laws, as expressed by revelation, nature, feeling of humanity, morals, reason, or physical necessity. When Charles IX. or his mother issued orders to slaughter the Protestants in the provinces, as they had been murdered in Paris on the eve of St. Bartholomew, several governors and other officers—Sully mentions seven—declined obedience. Viscount Orthez, or Ortez, commandant at Bayonne, wrote back: 'Sire, I have found in 'Bayonne honest citizens and brave soldiers only, but not 'one executioner. Therefore, they and myself supplicate 'your Majesty to use our arms and lives in possible (*faisible* in the original) things.' He was right to call this demanded murder an impossible, an unfeasible thing for an honest man. Iniquitous things (*turpia*) are as to obedience as impossible (*impossibilia*) as physically impossible things."—*Political Ethics, Book* 4, *s.* 17.

The Mirror of Justice, is an ancient work of considerable note. In a preface by William Hughes, to a translation of this work, published in 1642, he says:

"Sure I am that every law, custom, usage, privilege, prescription, act of Parliament, or prerogative which doth exalt itself above or beyond the law of God, the law of Christ, or the law of nature, hath ever, by the worthy sages of our laws, been declared to be void."

In Noy's Maxims, the work of a great lawyer, first published in 1641, which has passed through many editions, on the very first page we have the following:

"If any general custom were directly against the law of God, or if a statute were made directly contrary to the law of God, as for instance, if it were enacted that one should not give alms to any object in ever so necessitous a condition, such a custom or such an act would be void."

E. P. Hurlbut, one of the judges of the supreme court of New York, in his Essays on Human Rights, published in 1845, says:

"There is, then, a fundamental law, the law of man's mental constitution, to which the framework of Government and all human legislation must conform. The citizen under Government has a right to look beyond the written constitution, to that higher, nobler, and diviner work, *the constitution of man*. Herein lies his protection against tyranny; and he is bound to seek it, lest by rendering blind fealty to Government, he may become a traitor to humanity; for 'resistance to tyrants is obedience to God.'

"Written constitutions are often regarded with as profound reverence as if they were the offspring of divine inspiration. The people are taught that they are sacred and inviolable, and are exhorted to bring all laws to their high test, and to note every departure from their principles. This is well, if these constitutions are well; otherwise, not. So that the first exhortation should be to bring the written constitution to the test of the natural laws, to compare the constitution of government with the constitution of man, and see whether the former is founded upon the latter. The charter of man's rights and liberties is stamped upon his nature by the sovereign of the universe; and to this great charter man can never surrender the right of appeal, without being a traitor to himself, and to the Creator's laws."—*Hurlbut's Human Rights, pp* 32, 33.

Let me add the testimony of the Catholic denomination of Christians on the British Islands. Parliament, not long since, passed a law, forbidding the assumption of Episcopal titles by the bishops of the Roman Catholic Church, and yet this is the manner in which that law is treated by the "Tablet," the organ of the British Roman Catholics, with the hearty concurrence of the whole Catholic body:

"As to this last act of this Imperial Legislature, we must break it, or be unfaithful to positive obligations of duty which have a higher origin than secular legislation. We must treat it as we do a Parliamentary divorce, as a nullity in law, and a sin in morals. The truth is this: we must break the law, and the Ministers know it." * * * "An act of Parliament is not necessarily just, and therefore not necessarily binding. This is a truth which the Catholics of these kingdoms have testified to, ever since the reign of Elizabeth." * * * "Even as a question of worldly policy, to say nothing of high principles and sacred obligations, this law is to be broken. It is the easiest, and shortest road to victory, perhaps even to the conversion of England. A timid policy has done nothing but neutralize good works, and pave the way for apostacy."

Let me appeal again to South Carolina authority. In arguing a certain legal case, the counsel said:

"There are certain fixed and established rules, founded on the reason and fitness of things which were paramount to all statutes; and if laws are made *against* these principles, they are null and void. For instance, statutes made against *common right and reason*, are void.—8 *Rep.* 118.

"The court recognizes the principle by saying, 'It is 'clear that statutes passed against the plain and obvious prin-'ciples of common right and common reason are absolutely 'null and void, as far as they are calculated to operate 'against those principles.'

"The court accordingly decided the case before it in direct opposition to the letter of the statute in controversy. *Ham* v. *McClaws*, 1 *Bay's Rep.* 93.

"In another case, in the same State, it was held that if absurd consequences, or those manifestly against common reason, arise collaterally out of a statute, it is void *pro tanto*.

"In another case in South Carolina, an act of the Assembly passed in 1712, was, in 1792, held to be void, because it took away the freehold of one man and gave it to another. The court said it was against common right, as well as against *magna charta*, to take away the freehold of one

man and vest it in another, and that, too, to the prejudice of third persons, without any compensation or even a trial by the jury of the country; that the act was, therefore, *ipso facto*, void; that no length of time could give validity, being originally founded on erroneous principles.—*Bowman v. Middleton*, 1 *Bay*, 252.

But, Mr. Chairman, the citizens of South Carolina have not only spoken theoretically on this subject, but have given in one case, as I am informed, a practical illustration of this sentiment. I was told a few days since, by a highly respectable gentleman who resided several years in that State, that a negro in the city of Charleston a few years ago was sentenced to be hung for striking his master. The narrator, in speaking of the provocation, said:

"The master was discovered by the prisoner trespassing on the chastity of his wife. Under the excitement of the moment the slave struck his master, for which he was sentenced to be hung! On the day appointed for the execution, the sheriff ascended the scaffold with the prisoner, placed the rope about his neck, but felt so much sympathy for the slave that he could not perform the duties of his office, and offered $1,000 to any person that would; but not one could be found. All were aware of the circumstances, and presumed that a colored man had nerves to feel on such an occasion as well as a white man. After a time, the rope was taken from his neck, and he was permitted to escape from the State."

Thus we see the triumph of the "higher law," even in South Carolina, and another proof that man is stamped with a divine principle by his Creator, that cannot be entirely effaced by barbarous legislation. Sir, this humane and righteous act of the citizens of Charleston is worthy of all praise, and how much more to the honor of human nature than the infamous conduct of the citizens of Boston in kidnapping poor Simms—a crime which will leave an indelible stain upon the inhabitants of that city and upon the Republic in all coming time. How strangely it contrasts with the battle of Bunker Hill, and the conduct of the Boston Tea-Party! I do not wonder at the animadversons of the Rev. Theodore Parker on the shameful conduct of that city, whose "prejudices" had been conquered by its distinguished leader. Mr. Parker's remarks are so appropriate and forcible that I cannot forbear reading some extracts. He says:

"Out of the iron house of bondage, a man guilty of no crime but love of liberty, fled to the people of Massachusetts. He came to us a wanderer, and Boston took him into an unlawful jail; hungry, and she fed him with a felon's meat; thirsty, and she gave the gall and vinegar of a slave to drink; naked, and she clothed him with chains; sick, and in prison, he cried for a helper, and Boston sent him a marshal and a commissioner; she set him among kidnappers, the most infamous of men, and they made him their slave. Poor, and in chains, the Government of the nation against him, he sent round to the churches his petition for their prayers; the churches of commerce, they gave him their curse; he asked of us the sacrament of freedom, in the name of our God; and in the name of their trinity, the trinity of money—Boston standing as godmother at the ceremony—in the name of their god they baptized him a slave. Said the New England church of commerce, 'Thy name is slave. I baptize thee in the name of the gold eagle, and of the silver dollars, and the copper cent.'"

* * * * * * *

"Massachusetts took a man from the horns of her altar—he had fled to her for protection—and voluntarily gave him up to a bondage without end; did it with her eyes wide open; did it on purpose; did it in violation of her own law; in consciousness of the sin; did it after 'fasting and prayer.' Yet it was not the people of Massachusetts who did the deed; it was only their Government. The officers and the people, thank God, are something a little different."

* * * * * * *

"The stamp act levied a tax on us in money, and Boston would not pay a cent, hauled down the flags, shut up the shops, tolled the church bells, hung its authors in effigy, made the third officer of the Crown take oath not to keep the law—cast his stamp shop into the sea. The slave act levied a tax in men, and Boston fired a hundred guns, and said: 'We are ready; we will catch slaves for the South. It is a dirty work, too dirty for any but northern hands, but it will bring us clean money.'" * * * "Boston told her servants 'by no means to join in any measure for countenancing and assisting in the execution of the stamp act.'"

This, Mr. Chairman, was the Boston of 1776, inspired with the patriotism and manly independence of the Otises, the Adamses, and the Hancocks. But the Boston of 1850 submits to the kidnapping of her citizens in southern cities, and even in her own; and so far dishonors herself as to join in the shameful work! Alas for our country! for Boston is not the only city in the United States that upholds piracy under the act of 1850. New York, Philadelphia, and Harrisburg have all joined the oppressor in trampling God's poor under their feet.

The passage of the fugitive slave bill was a sad event to thousands of colored people and their friends throughout the free States. It was to them more terrible than the "disease that walketh in darkness and wasteth at noon-day." But hear Mr. Parker again:

"The word 'commissioner' has had a traditional hatred ever since our visitation by Sir Edmund Andros; it lost none of its odious character when it became again incarnate in a kidnapper. With slave act commissioners to execute the bill, with such 'ruling' as we have known on the slave act bench, and such swearing by 'witnesses' on the slave-stand, any man's freedom is at the mercy of the kidnapper and his commissioned attorney. The one can manufacture 'evidence' or 'enlarge' it, the other manufacture 'law;' and with such an administration, and such creatures to serve its wish, what colored man was safe? Men in peril have a keen instinct of their danger; the dark browed mothers of Boston, they wept like Rachel mourning for her first born, refusing to be comforted. There was no comfort for them, save in flight; that must not be in the winter, but into the winter of Canada, which is to the African what our rude climate is to the goldfinch and to the canary bird."

Yet, sir, in view of all this, we find ourselves surrounded with leading public men who profess to be lovers of justice and order, more clamorous for power and the spoils of office, than for the maintenance of principle and the integrity of the Union. Their programme is already before the people, indicating a determination to break down the great bulwarks of religious and civil liberty—the right of trial by jury and the freedom of speech.

Mr. Chairman, this threatened subversion of our constitutional liberties naturally forces upon our consideration two important questions: First, what has brought our country to this disgraceful condition? Second, what are the proper instrumentalities to be used for its overthrow? I answer the first inquiry by stating, that it is *African slavery at the South*, and *party slavery at the North*—the former always controlling the latter, for its own maintenance and benefit. And in passing let me remark that, of these two kinds of slavery, I consider the slavery of party, by reason of its voluntariness, infinitely more base and self-degrading than African slavery. It blunts the conscience; it paralyzes all the heavenly aspirations of the soul; it destroys individuality, and every lofty attribute of the heart and mind. Such a slave knows no higher loyalty than obedience to the decrees of his "party." He is bound at all times to give his undivided support to the "regularly-nominated candidate," without regard to character or fitness; he feels it his duty to aid in the execution of all laws found on the statute-book, no matter how barbarous in principle, or cruel in their operation. Should the officers of the Government demand his services to aid in the murder of innocent children, as did Pharoah and Herod, his duty binds him to render such aid. Nay, more: Should he be required to bow down and worship an image, such as Nebuchadnezzar set up in the plains of Dura, or to go still further, and enforce the fugitive slave law, he readily obeys, asking of himself, as did the ancient hunker Jew, "Why are laws made, if not to be observed?" Such is party slavery, and such the drudgery of those who are bound by caucuses and conventions of dishonest, heartless politicians. This bondage to party is directly at war with Christianity, and tends to the overthrow of the great principles of republican government. In short, it is gross infidelity and atheism, and the source of all the ridicule we hear, in and out of Congress, of the "higher law," which is but another name for the "law of God!" But to return to the questions just propounded. I have answered the first inquiry, by asserting that the cause of all this disgrace and degradation is African and party slavery. In proof of this, allow me to call your attention to the conduct of the late hunker Democratic Convention at Baltimore. Such confidence had the leaders of that convention in the servility of its members, that a committee was appointed to draft a platform which should govern the party at the ensuing election, and a large number of copies were ordered to be printed before it was submitted to the action of the Convention. Nor were they disappointed; for in due time, as a matter of course, and of mere form, the Convention passed upon it, and the printed copies were forthwith distributed! That was a time-saving process, I doubt not, Mr. Chairman; but surely little else can be said in extenuation of this "go-it-blind policy."

A distinguished member of this House, [Mr. RANTOUL,] who was elected a delegate to that Convention, but suspected by it of not being true to despotism, was asked if he would support the platform. He replied that he should do his own thinking This was enough—nothing less than an open war on their platform. The committee on credentials, so called, immediately reported against him, and he was thrust out of the synagogue of hunkerism. It seems, Mr. Chairman, that the "good time coming," so long prayed for by slave-traders and slavery propagandists, when the two great hunker parties should see eye to eye, has arrived. They have constructed platforms almost identical in character and aims. The prominent feature in both these creeds is the "divine right"—*negro catching*, and the suppression of all discussion, both in and out of Congress, calculated to render that employment disreputable. The hunker Democrats have nominated Franklin Pierce, of New Hampshire, as a suitable man to carry out their principles. Hear what the New York Tribune says of him:

"The Union does not contain a bitterer or a more proscriptive proslavery hunker than Franklin Pierce. For years he has been foremost in stifling every aspiration for freedom among the Democracy of New Hampshire. He insisted that John P. Hale should be ostracised and crushed because he refused to vote for the annexation of Texas, without a stipulation that some part of its immense unsettled territory should be secured for free soil. The Post has still more recently seen this same Frank Pierce deprive John Atwood of his nomination for Governor, and drive him out of the party for nothing else than expressing his repugnance to the fugitive slave law. In all New England slavery and slave catching have had no more unscrupulous, thick-and-thin servitor than this same Frank Pierce."

Says the honorable gentleman from Tennessee, [Mr. GENTRY,] "Honor to General Pierce, if the Tribune truly states his position, as I believe it does." Thus we see a leading member of the Whig party indorsing Frank Pierce, because he is against freedom among the Democracy of New Hampshire, and in favor of the fugitive slave law—a law which Mr. APPLETON, of Maine, says is the result of a great Democratic principle! We have now presented to us two "great parties," standing on the same platform, embracing "fundamental principles," which are considered the very perfection of all human and divine legislation—nothing less than a "*finality!*" Now, sir, inasmuch as, in their opinion, this law has become like the laws of the Medes and Persians, which changeth not, I have thought proper, for the benefit of the great mass of the people, and for those who may hereafter become converts to this new system of political ethics, to put these "finality" measures into a more definite form, or creed, as they apply to the existing state of things. It may read thus:

I believe in the great Democratic principle of supporting the regular nominee, right or wrong, providing always he is in favor of the fugitive slave law and the compromise measures.

I believe that slavery is a cardinal principle in civil government, ordained of God, conservative in character, and the chief corner-stone of Democracy!

I believe in the Baltimore platform, which deprecates free discussion, both in and out of Congress, on the subject of universal liberty.

I believe in the Constitution of the United States, as interpreted by slaveholders, and repudiate any "higher law" as fanatical, because at war with Christianity, and the perpetuity of the Union.

I believe that man was made for the Constitution, and not the Constitution for man.

I believe that the highest felicity to be attained in life, consists in the honors and emoluments of office, and that, in acquiring them, the end sanctifies the means.

I believe in the doctrine of non-intervention, except in the United States; that is, should any of the people of the slave States attempt to become free, that it would be the duty of the Federal Government to interfere with force of arms against such a traitorous attempt!

I believe in the "compromise measures" as a "finality," and that the fugitive slave law should be considered a part of the Constitution; that it is humane and kind, because it seeks to elevate the colored race; and that every person gives new proof of his fidelity to the "Union" when he refuses a cup of water or a crust of bread to any

poor, panting fugitive who has had the audacity to run away with himself!

I believe that the General Government performs a high and patriotic duty in recapturing and returning to bondage every person who arrogates to himself the right of freedom without the consent of his master.

I believe that slavery is right, *per se*—that it exists independent of law—hence the imprisonment of runaway slaves on charges of "theft," in order to get possession of their persons, is neither in derogation of law nor equity, but in perfect keeping with the spirit of slavery.

I believe that the repugnance felt at the falsely-styled "bribery clause" in the fugitive slave act, and the strong opposition shown by the fanatics of Massachusetts to South Carolina and Louisiana making slaves of her citizens, as also the weeping and wailing of the wives of fugitive slaves, when they see fetters and handcuffs riveted on the limbs of their husbands, and know that they are separated from them forever, are merely the results of a "sickly sympathy," unworthy the consideration of true republicans!

I believe that slavetraders and slaveholders have a property right in their slaves, which "two hundred years of legislation have sanctified," and that the laws of many of the States, making it a penal offense to impart instruction to a slave, are compatible with, and essentially necessary to, the preservation of that right.

I believe that the laws forbidding any colored person to testify against a white man, for injuries committed on one of his own race, are in keeping with slavery; and that the death penalty enforced upon persons of color for striking a white man, even though it be in defense of life or personal chastity, and their own so-called "natural rights," is a wise and salutary law, and necessary to the perpetuation of the "peculiar institution."

I believe that the words in the Constitution, "to establish justice, and promote the general welfare," mean the maintenance of slavery in the District of Columbia, the coastwise slave-trade, the catching and returning of negroes to slave-dealers and slave-owners.

I believe that the great mission of this Republic is, to teach other nations by example; and that the law in the District of Columbia, authorizing the imprisonment and sale for jail fees, of every colored person who cannot prove himself free, and who is not claimed by a slaveholder, affords a powerful lesson of instruction to foreigners and foreign ministers; that it serves to give character and stability to our "cherished institution" at home, and shame despotism abroad.

I believe that morality should have no influence over us in the discharge of our political duties, for the obvious reason that it would lead to a union of Church and State.

I believe that the protection of commerce by the General Government, in the improvement of harbors and rivers, serves to disturb the "equilibrium of the States," by too rapidly building up the free Northwest, and weakens the Union, and therefore ought not to receive the countenance of the Government.

I believe that despotism and freedom are antagonistical to each other—that either one or the other must rule; and as the former is national and the latter sectional, that slavery should always hold the reins of Government.

I believe it to be the duty of the people, in choosing their Chief Magistrate, to elect a President that will appoint pro-slavery judges and governors to preside over the Territories, who shall annul the "sickly" anti-slavery laws left in full operation over this vast country by the barbarous Mexicans, that a proper foundation may be laid for States which shall be truly national in character, repudiating the vulgar notion of liberty and equality as sectional and fanatical.

Lastly, I believe that the success of Pierce and King, or Scott and Graham, will be the success of slavery and of the "compromise measures."

I have thus, Mr. Chairman, endeavored to give a plain view, according to my understanding of the principles of the Baltimore platforms, and of the policy they seek to enforce. If I have erred in drawing the picture, I beg to be corrected by the "knowing ones" among the chief priests of Democracy around me. In justice to the candidates, let me quote some of their own words. General Pierce says, "he has consistently accepted the 'nomination upon the platform adopted by the 'Convention, not because this was expected of 'him as a candidate, but because the principles it 'embraces command the approbation of his judg-'ment, and, with them, he can safely, as well as 'truly, say, there has been no word or action of 'his life in conflict." Mr. King said, in discussing the slavery question, that the Legislatures of the newly-acquired Territories had no power to pass any law to destroy slavery, but, on the other hand, they were bound to pass laws for its protection. General Scott says he accepts the nomination with the platform of the Convention.

Sir, I am dwelling too long on these broad and patriotic principles of the hunker Democrats. I will now say a word or two about the policy of the hunker Whigs, who are waiting so impatiently for my testimony, to show their fidelity to the slave power. I was forcibly struck with one idea in the Whig platform, in relation to our duty towards other countries, now struggling for freedom, which declares that we "are not to impose upon other countries our opinions by artifice or force, but to teach by example." Now, sir, we all agree in the propriety of teaching by example, though we may differ widely as to the character of the lessons we are to teach. The Algerines taught by example. Gibbs, the pirate, taught by example. Nero taught by example. England, in her doctrine of "constructive treason," under James the Second, and in her subsequent conduct towards the American colonies, taught by example. She is now teaching by example, in crushing the patriotic hearts of Ireland. Russia taught by example, in her intervention policy against the liberties of Hungary. She is now teaching by example in seeking to subdue the German States. Yes, sir, this is teaching by example; but an example that carries with it devastation and ruin at home and abroad. It is an example of scaffolds and prisons—an example that crushes female innocence, sacrifices noble and patriotic hearts, and enslaves the people! Are these the lessons we are to repeat in teaching foreign countries by the force of "example?" While all Europe is striving to throw off the yoke of despotism, are we, the people, to suppress free discussion or "agitation," in order to teach by "example?" Shall our vast country be converted into slave territory, and twenty-five millions of people be made slave hunters, with the same benevolent view?

Sir, if this prove to be the settled policy of the United States, I will confess I have read history, and studied human nature to little purpose! But it cannot be. The great extent to which the blind and reckless spirit of party slavery is now cherished, is a *presage* of its own dissolution, and that, too, at no distant period.

Mr. Chairman, I have alluded to the abuse of political power by James the Second. Permit me to run the parallel between the policy of the English Government immediately preceding the revolution of 1688 and that of the present Administration of the United States. It will be remembered that the liberties of the English people were guarantied by a written constitution similar to our own. The King, to remove this serious obstacle to the restoration of absolutism, had recourse to the doctrine of "passive obedience," and the subserviency of a judiciary that sympathized with him in the great object of his ambition.

This is precisely the course pursued here. James appointed Jeffries to construe the laws and constitution of England. Our Government has selected a majority of the Supreme Court from that class who have received their education under the influence of southern institutions and habits, to construe the Constitution and laws of the United States.

Now, sir, let us look a moment at the application of these principles as they were administered in England, and as they are attempted to be enforced in this country. The King, by a perverted construction of the British Constitution, through the notorious Jeffreys, and by the popular sentiment of *passive obedience* among the people, found himself clothed with absolute power; and from this period in English history date some of the most bloody cruelties and judicial murders, perpetrated under the doctrine of "constructive treason," that can be found in the annals of the world. It appears that the King, at this time, embraced similar views of personal liberty to those represented in the Whig platform—sentiments that he wished to maintain as a "finality." He, aided by other branches of the Government, had made this "compromise" for the "preservation" of the British Empire, and "deprecated" further "agitation" of the subject. It was for "agitation" and disturbance of that "final settlement" that so many generous and patriotic citizens of England were executed. Alice Leslie, known as the Lady Alice, was the first victim that suffered for indirectly encouraging a disturbance of the "finality measures." Her life was taken for the hospitable entertainment of one who advocated liberal views in relation to government and the rights of the people. I quote from Macaulay's History:

"The jury, at first, were inclined to acquit the prisoner, but the Government had determined she should be sacrificed, and an influence was exerted on the jury to return a verdict of guilty. On the following morning sentence was pronounced. Jeffreys gave directions that Alice Leslie should be burned alive that very afternoon." * * *

"A few other cases deserve special attention. Abraham Holmes, a retired officer of the Parliamentary Army, and one of those zealots who would own no king but King Jesus, had been taken at Sedgmoor. His arm had been frightfully mangled and shattered in the battle; and, as no surgeon was at hand, the stout old soldier amputated it himself. He was carried up to London and examined by the King in Council, but would make no submission. 'I am an aged man,' he said, 'and what remains to me of life is not worth a falsehood or a baseness. I have always been a republican, and am so still.' He was sent back to the west and hanged. A woman, for some idle words such as had been uttered by half the women in the districts, was condemned to be whipped through all the market towns in the county of Dorset. A still more frightful sentence was passed on a lad named Tutchen, who was tried for seditious words. The sentence was that the boy should be imprisoned seven years, and, during that period, be flogged through every market town in Dorsetshire every year. The women in the galleries burst into tears. The clerk of the arraigns stood up in great disorder. 'My Lord,' said he, 'the prisoner is very young. There are many market towns in our county. The sentence amounts to whipping once a fortnight for seven years.' Tutchen, in his despair, petitioned, and probably with sincerity, that he might be hanged."

Another painful case of this constructive treason was the execution of Elizabeth Gaunt, for harboring one Burton, who was hostile to the Government. This Burton was then opposed to the King's "compromise measures," but afterward changed his politics, went over to the Government, or Hunker party, and informed against Elizabeth Gaunt. She was tried and sentenced to be burned at the stake for this very act of friendship toward her accuser when his life was in great peril.

"The cruel and vindictive decree was soon after carried into effect at Tyburn.

"She left a paper, written, indeed, in no graceful style, yet such as was read by many thousands with compassion and horror. 'My fault,' she said, 'was one which a prince might well have forgiven. I did but relieve a poor family, and lo! I must die for it.' She complained of the insolence of the judges, of the ferocity of the jailor, and of the tyranny of him, the great one of all, to whose pleasure she, and so many other victims, had been sacrified. In as far as they injured herself, she forgave them; but, in that they were implacable enemies of that good cause which would yet revive and flourish, she left them to the judgment of the King of Kings. To the last she preserved a tranquil courage, which reminded the spectators of the most heroic deaths of which they had read in Fox." * * * *

"When she calmly disposed of the straw about her in such a manner as to shorten her sufferings, all the bystanders burst into tears."

Mr. Chairman, I ought to mention that many of the clergy of that day openly and boldly denounced the cruelties of the Government, some of whom escaped the King's vengeance; among them was the Reverend Samuel Wesley, father of John Wesley, who has given slavery the most truthful and appropriate epithet it has ever received, viz: "The sum of all villainy." Mr. Wesley had been commanded to preach obedience to the compromises and usurpations of the King. He preached, but spoke from this text: "Be it known unto thee, O! King, that we will not serve thy gods, nor worship the golden image which thou hast set up."

Sir, doctrines which led to such atrocities as these are now sought to be established among us! Take the Christiana case. It convicts our Government of attempting to go further in this infernal "constructive treason," in some respects, than did the bloody Jeffreys himself; for Jeffreys never sought to establish treason against persons not entitled to the protection of the Government, while

in the Christiana case some of the persons charged with treason were known to have been declared outlaws by the fugitive slave law. We all know that this infamous law strips many of the citizens of the free States of every political right, and authorizes kidnappers to seize them by force, and even aids in the crime by furnishing men and money; and offers a standing bribe of five dollars to every man who is mean enough to act as "commissioner" in this solemn mockery of judicial proceedings, to ascertain whether an innocent man has a right to himself! The citizens of Christiana, for acting out their noblest instincts in self-defense against a violent and personal attack, were charged by our Government with "treason." What an insult to the American people! What a disgrace to human nature! And this we call constitutional liberty, do we? Is it "promoting the general welfare" to declare, by a law of Congress, a part of our population outlaws, without any disloyalty on their part, and then to charge them with treason for defending themselves against an attack of marauders and barbarians? Thank God our courts have not quite come yet to the support of such an infamous doctrine as that of "constructive treason!" Had the Government succeeded in this conspiracy against the liberties of the people, and undertaken to enforce the penalty for treason, Mr. Fillmore and all his coadjutors would not only have discovered the striking parallel in their conduct to that of James II., but would have experienced a like disastrous fate. They would have been permitted to remain in this country only as inmates of a penitentiary or a State prison. No, sir, this principle of "constructive treason" can never be permitted to take root in these United States! The Whig leaders have made rapid strides in this age of progress—have risen far above the sectional views of Washington, Jefferson, and Hamilton, who were for "localizing, circumscribing, and discouraging slavery."

The Whig party was told by its leaders, at the Baltimore Convention, that, if they would do what had never before been required of them, viz: indorse the kidnapping law, and pledge themselves to discountenance freedom of speech, they should not "surely die," but live forever; that they would become a great and successful party; that, in this process, the party would become nationalized; comprehensive in its views; practical in its movements; brilliant in its career! It remains to be seen whether this be true or false prophecy. But, if we are to judge from isolated cases that have come under our observation, it would seem that this process of nationalization, is, after all, a hazardous experiment. Mr. Cass was "nationalized" by the Nicholson letter in 1848. We know the result! McGaughey, Walden, and Elliot, Representatives of the free States, were "nationalized" two years ago, in voting for the fugitive slave law. Where were they at the subsequent elections in their several districts? The late candidates for the Presidency were "nationalized" when each promised in advance, if elected Chief Magistrate, to defeat the will of the people, in a given case, by the veto power. Where are they? The President, too, was "nationalized" in signing the kidnapping law, and making it operative by calling out the Army and Navy. His name was placed before one of the late conventions. Sir, you know the result. And what shall we say of the great expounder of the Constitution? He was nationalized on the 1st March, 1850, in the Senate of the United States, by ridiculing the Wilmot proviso, and has become still more distinguished since, by attempts to "conquer the prejudices" of Massachusetts, and establish the doctrine of constructive treason. Aptly may he repeat, now, his famous questions: "Where am I?" and "Where am I going?" The unrivaled Senator, and accomplished Secretary of State, after sacrificing all to please his southern friends, received not a single vote from them, in return, when his name was presented for their suffrage! Alas! these men, in the language of the distinguished member from Ohio, [Mr. GIDDINGS,] "all died of eating southern dirt!" Sir, history is full of such instructive lessons. They are read in the fate of Charles I.; in the melancholy career of Bacon, Woolsey, and a host of others.

Mr. Chairman, whatever may be the immediate result of this stigmatizing as well as nationalizing process upon the two old parties, one thing is certain: the friends of freedom have gained something; nay, a vast deal, in that they have driven the leaders of party slavery to avow, openly and boldly, what the third party has charged upon them for years, but which has always, till now, been denied, viz: that they love offices and honors more than the great principles of right and humanity. This is a glorious victory. We see, now, more distinctly the great national ulcer which is gnawing at the very vitals of the Republic! Sir, as soon as the great body of the American people, who are neither expecting nor wishing office, shall understand the real object in constructing such infamous platforms, they will be swept away, with all who stand upon them, like the spider's web before the morning blast.

Mr. Chairmain, having explained, briefly, the sources and character of despotism, as it exists in these United States, I proceed to show what are the proper instrumentalities for its overthrow; and, in doing so, I need only point to the means now in successful operation for the attainment of this most desirable end. They are simple and easy—practical and certain in their results. They consist in persuasion and argument, and in a proper expression of correct sentiments through the ballot-box. They require us, when we pray for just rulers, to be earnest and sincere, and see that our votes correspond with our prayers; to vote for such men, and such only, as represent our principles, and possess the integrity and firmness to maintain them, at all times, and under all circumstances; men who reject the stale and false argument that we are to indorse one great political wrong to destroy another, men who do not expect to improve the condition of society through unprincipled majorities and stratagem in legislation, but by a practical illustration, in themselves, of a genuine Democracy, marching steadily forward to victory—a victory that will relieve the child of misfortune, and let the oppressed go free. Such are the means, and such the motives, of those who are ardently devoted to this great work of separating the Federal Government from the voluntary political slavery of the North, and the involuntary personal slavery of the South. A history of the many and severe conflicts, during the last few years, between the advocates of freedom and the friends of oppression, would be interesting and instructive, but I have not time to enter upon it now. Let it suffice to say that the little band of Free Soilers, during the organization of the Thirty-first Congress, by their integrity and firmness, drove the two old parties into an alliance with each other, for self-preservation, under the leadership of Henry Clay and Howell Cobb. There they have remained ever since, and now stand as a body-guard to slavery, on the same platform—the watch-tower of the "peculiar institution." And, as remarkable as it may seem, the Democrats feel proud of their position, if we may judge from the semarks of Mr. Senator CLEMENS, a few days since, in his eulogy on Mr. Clay, of whom he raid:

"He lived long enough to see the accomplishment of this last great work of his life." * * * "Both of the great parties of the country have agreed to stand upon the platform which he erected, and both have solemnly pledged themselves to maintain, unimpaired, the work of his hands."

Sir, I knew not how these remarks impressed others, but to me it appeared that the hunker parties were held up to the world as occupying an extremely humiliating position—the Democratic party especially. Behold an organization, which has been opposing the great deceased Whig leader for more than twenty years, overcome and placed on a miserable "finality" creed, formed and fashioned by this same leader himself! Alas! how have the mighty fallen! A party which had driven back the British lion—a party that had spoken eloquently in behalf of Greece, and ably defended the independence of the South American States, humbled and brought low by its own infamy! When I heard this allusion of the Senator, I could not help picturing to myself the ridiculous spectacle presented by this great party, standing on the compromise measures, with its lips locked, and the key in the slaveholders pocket! Shame on the party whose policy has led to such a fate! Shame on the parties, and on the men, who have become slaves to a policy so contemptible and degrading!

Mr. Chairman, it is true there is a faint show kept up of two political parties, under the names of Whig and Democrat; but it is all hypocrisy, designed to deceive the people, and no member of this House pretends to deny it. Every political man throughout the country, who has observed the course pursued by Whigs and Democrats for the last two years, knows that the affinity in sentiment and feeling is infinitely stronger between these so-called parties than between the sections of which each is composed. The two creeds recently constructed at Baltimore are so nearly identical as to leave no doubt on this point. Indeed, their similarity has spontaneously drawn from the people the title of "Siamese platforms." The only issue in the canvass for Scott and Pierce, is their own comparative personal popularity. It is evident, then, that so far as political principles make parties, (and I know of no other element that will sustain a political party long,) there are now, practically, but two parties in the country. The Whigs and Democrats being united on all the great questions now absorbing public attention, form the party of retrogression; the friends of freedom form the other, which may emphatically be styled the Party of Progress.

Sir, in the history of American independence, we discover four important epochs, each marked by high political excitement on great public questions.

The first was the conflict between the Colonies and the mother country; the second, on the alien and sedition laws; the third concerning the rights of American seamen; the fourth, in regard to the National Bank. In all these great struggles for political ascendancy, there was on one side a conservative, retrogressive party, and on the other a Democratic progressive party. The party of freedom, in every contest, was triumphant. It will be so in the present struggle marking the fifth epoch. To be sure, the hunkers *talk* about "reform." So did George III.; so did the enemies of progress when they undertook to put down freedom of speech under the sedition laws; so did the bankites, when the officers refused to permit an examination of their books. There were no means proposed for the relief of the poor and oppressed then; neither is there now; but, on the contrary, every member of the fraternity is forbidden, under pains and penalties, to plead their cause, "both in and out of Congress," in the social circle, and through the press. Oh, most pitiable humiliation! It has left them not so much as the certainty of a mess of pottage in exchange for their birthright!

The Progressive Party, Mr. Chairman, demands personal liberty for all the people wherever the General Government has jurisdiction; freedom of the public lands to actual settlers; the homestead exemption; the election of President, United States Senators, and Postmasters, directly by the people; the reduction and reorganization of the Army and Navy; the protection of commerce in the improvement of harbors and rivers; cheap postage, and freedom of speech and of the press on all subjects, not excepting the immaculate Baltimore platforms, or even the Constitution itself. Let the people judge which class of measures tend most to advance civilization, protect the liberties of the people, and perpetuate republican institutions.

Sir, I have before me an address on this subject, written by an able Democratic editor of Wisconsin, (the Hon. C. L. Sholes,) from which I will read merely a paragraph:

"But this whole question of slavery has to me a deeper significance than appears on its face. It is but a part of the great strife which is now agitating the world, between wealth and idleness on one hand, and honest labor in all its conditions, on the other. Slaves are held because they labor, and enable the master thereby to riot in idleness. It is not the *individual* who is enslaved, but it is *labor* that is bound and cast at the feet of idleness. The slave-hunter does not scour the country to find his human chattel, simply because he wants the *man*, but because he wants the *labor* the man represents. When, then, we are called upon to aid in slavery extension, we are called upon to put labor in chains and under the lash in a new extent of country; and when we are called upon to chase and chain a slave, it is to run down and tie up so much labor as dwells in his muscles and sinews. It may do for wealth, and idleness, and aristocracy, to do these things, but every man whose standing and interest depends on honest labor, when he acquiesces in or permits these things, is binding the chains upon his own limbs—is degrading his own calling, and lowering his own standing. If the slavery principle finally triumphs in our Government, then idleness has got the upperhand of industry, and think you its effects will never be

felt north of Mason and Dixon's line? It is no longer the black man who is slave to the white, but it is labor that is enslaved to idleness, and the slave will be the laborer whatever his color, and the master the idler, whatever his color. The strife is, whether our Government shall be the Government of the laboring masses, or the Government of the few idlers, and the triumph of slavery is of necessity the triumph of idleness against industry."

This, sir, presents the *real* issue, not only in America, but on the Eastern Continent. Europe is at this moment rocking to and fro with mingled emotions of sympathy and indignation. This undying principle, love of liberty, will soon burst forth in some of the transatlantic States with a burning lava more destructive to tyrants and despots than was that which buried the cities of Pompeii and Herculaneum.

I rejoice to see the true friends of freedom in this country waking up to the universality of this great struggle for constitutional liberty. Kossuth, the patriot and statesman, the great apostle of freedom, has done much to awaken the sympathies and energies of all true republicans on both sides of the Atlantic. This great chord of sympathy must hereafter be kept alive and cherished, by advocating, in Europe and America, a just and liberal domestic and foreign policy in governmental affairs. Kossuth has uttered many truths on this subject, which will sink deep into the American heart. Meanwhile, we are having practical illustrations of the overbearing and centralizing power at home, which is opening the eyes of the people to the real danger that surrounds us. If the laws of nations are to be made operative anywhere, they certainly should be enforced in maintaining the rights of individual States throughout the civilized world. While the advocates of despotism, both in Europe and America, sympathize with each other, and form leagues to strengthen oppression, should not equally efficient means be instituted by the friends of Progress, in support of law and order? Yes, sir, the time has arrived when we should not only speak, but *act* on this subject. Hear a few words from an address read a short time since in London, as was drawn up by the friends of Italy, with Mazzina at their head:

"You must tell your workingmen not to fear that the agitation for international mastery should prove a deviation of forces from vital internal questions; that the very existence of the actual cabinet sprung up after the establishment of despotism in France, shows how connected European enemies are; that the death blow to despotism and aristocracy on the continent would be a death-blow to British aristocracy, and that the emancipation of the working classes is not a mere interest, but a principle, which is to be conquered everywhere or nowhere. We trust you for the fulfillment of this task. Trust us for the accomplishing our own. And may this mutual trust and active coöperation toward a single aim be the forerunner of that alliance that we have long dreamed of, for the general good of humanity, as of a national one between new-born Italy and England."

Sir, let the friends of the same common cause in America, so acquit themselves at the polls on the great question soon to be presented for their suffrages, that it may be said they too can be trusted with the part assigned them in this glorious warfare. Our duty is plain, and our prospects encouraging. True, some have deserted and gone over to the enemy; but this should neither surprise nor alarm us. Such apostacies are incidental to all great struggles for independence and reform. It was the case in the American Revolution. It was the case when the Hungarian General Görgy forsook Kossuth. He reasoned just as some Free-Soilers do now, that he could "do more good" to the cause of civil liberty with Haynau and Nicholas than he could by remaining in a republican minority in Hungary. All who pursue this course, in my opinion, do great injustice to themselves and to their country, and they will sooner or later both see and feel it. It is a consolation, however, to those who remain steadfast to principle that hundreds and thousands of noble minds and stout hearts are leaving the old parties and coming to our aid in the great battle yet to be fought in behalf of freedom! And truly may it be said, that the struggle is but begun; for behold what an immense extent of our new territory (large enough for fifty States!) still lies subjected to the inexorable grasp of slavery, which is meanwhile seeking fresh aid from pro-slavery administrations to thwart the beneficence of Mexican laws that wisely reënacted the laws of God. In fact, this is the great object now to be attained by slavery propagandists. This will appear more evident by adverting to the last great speech delivered by the honorable Senator from South Carolina, (Mr. Rhett.) In that speech, he dwells at some length on the imminent danger to southern institutions from appointing judges and marshals to preside over the Territories who are not reliable in construing and enforcing the law of slavery. The enthusiastic manner in which Mr. Rhett and his party support Pierce and King shows their entire confidence in the ticket in regard to this point. Let no man then fold his arms with the delusive argument that this question of slavery in the Territories is settled.

Mr. Chairman, I have spoken frankly and freely of the political condition of the country. I have animadverted upon the profligacy of party, and party machinery, and of the recreancy of its leaders who assume to direct the Government. But, let me assure you, it is from no other motive than to express my own views, and the views of those who sent me here, on the great question before us, and what I conceive to be our duties and responsibilities at the present crisis.

No well informed mind, sir, will deny that we possess an important influence in the family of States, and that we can wield it for weal or for woe, both in regard to ourselves and to the destiny of nations. The Constitution of our country guaranties to us the legitimate and only efficient means of all reform—freedom of speech and of the press. "These rights are inestimable to freemen, and formidable to tyrants only." They are now openly and boldly attacked. The arguments used against these peaceful remedies for the evils that afflict our country is that the Government is too weak to bear up under the agitation or free discussion of a question "so delicate" as that which relates to the rights of *all* the people, that such discussion serves to disturb the public peace, and to endanger the perpetuity of the Union. What a sad comment on our political institutions! How cheering to tyrants, how discouraging to the victims of oppression! Sir, this is a libel on the American people, and I hurl back the foul aspersion upon the heads of its authors! This great guarantee of our *magna charta*, of free discussion, is held dearer by every true republican than life itself. We cannot forget that it was purchased by the struggles and sufferings of our illustrious ancestors, for the maintenance of which they pledged their lives, their fortunes, and their sacred honor. Can we do less? If we are legitimate sons we shall rush to the scene of battle, and resist these conspiracies lately formed at Baltimore for its overthrow. The enemy is now fairly in the field, with the two old parties forming the right and left wings of his army, inviting a conflict. Who are the men to volunteer? We have them in the country. Let the occasion bring them out! We want no mere hirelings. We desire none but volunteers who enlist to serve during the war. With such recruits our enemies will find that they have engaged in a serious contest, with fearful odds against them. "Can a league formed against the Almighty prosper?" Gentlemen should remember that it is not the feebleness of numbers against which they contend, but a mighty undercurrent of truth, that laughs at majorities, and controls or sweeps them away in its onward career.

True, the great Being that upholds and protects us all, is kind and long suffering, and is even now speaking to us in the language of inspiration, "Come, let us reason together; though your sins be as scarlet they shall become white as wool." Yet the Hunkers, in the pride of their numbers, have repudiated "reason," and have closed the door against it by the decree of "finality."

Sir, these conspirators against the liberties of the people may persist in this war against freedom; but they should remember that God cannot take sides with the oppressor, and that, unless history and revelation prove a falsehood, unless justice and the divine law prove a fiction, they must utterly fail. It is but a question of time, and the prospective victors can afford to "wait a little longer."

Hear the words of a distinguished statesman, [Mr. SOULE,] uttered a few weeks since, in the Senate:

"We boast exultingly of our wisdom. Do we mean to hide it under a bushel, from fear that its light would set the world in flames? As well might Christianity have been confined to the walls of a church, or to the inclosures of a cloister. What had it effected for mankind? what had it effected for itself, without the spirit that promulgated it to the world? Onward! onward! To stand still is to be lifeless—*inertia is death!* Had the colonies stood stil, would this be the Government it is?"

Sir, let Northern doughfaces and serviles ponder upon the truthful sentiment proclaimed by a southerner, the meaning of which is that "*finality*" *is death!*

Mr. Chairman, I will say but a word more, and conclude. Cobweb resolutions may be passed again and again, to check the onward march of the present age, by repressing the outgushing sympathies of the human heart; but they will serve only to show the folly and the blindness of frail human nature when at war with principles as uncontrollable as the laws of attraction and repulsion. "Agitation" will go on; "finality" will pass away; the people will become regenerated, and our country redeemed. The influence of our social and religious institutions will go eastward, westward, and southward, until bleeding Africa, once the seat of learning and empire, shall become the recipient of our blessings instead of our curses—until the Indian and the Mexican, the Chinaman and the Japanese, shall mingle in the same social circles, and rejoice that they live under a constitutional and representative government, which cherishes equally the rights of all! Our commerce, too, will become greatly enlarged by enlightened views of reciprocal trade, under the fostering aid of oceanic steam navigation. It shall win new triumphs in the cause of civilization, and register the wisdom and justice of our policy in the hearts of coming generations.

Let us, then, devote ourselves more faithfully to these great objects, so worthy of our regard. Let us cherish those hopes in which we have fondly indulged. Let us raise our conceptions to the highly responsible duties assigned us. Let our ambition and our legislative policy be as broad as the cause of universal humanity; the fulfillment of our mission, the political regeneration of the world!

AGRICULTURAL BUREAU.

SPEECH OF HON. C. SKELTON,

NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

August 2, 1852.

The House being in the Committee of the Whole on the state of the Union on the Civil and Diplomatic Appropriation Bill—

Mr. SKELTON said:

Mr. CHAIRMAN: As I have had the honor to be appointed on the Committee on Agriculture, and having agreed with the majority of the committee in reporting a bill for the establishment of an Agricultural Bureau, I deem it proper that I should present the reasons that induced me to recommend that measure.

Agriculture is the most important branch of industry that engages the attention of the American people; it is the basis on which all other branches of industry rest. This being the case, how important is it that we should endeavor to promote the agricultural interests; and in doing so, it cannot be said that we are favoring sectional interests, for it is the great interest of every State in the Union, and gives employment to over seventeen millions of our population.

It appears singularly strange that our Government has so long and so steadily refused to do anything to promote this great interest. Millions have been lavished for the promotion and encouragement of commerce. Manufactures and the mechanic arts have been favored and encouraged by levying discriminating duties on foreign products coming in competition with our own productions, whilst the great interest of agriculture has been entirely neglected by the Government. It is true that one reason in favor of this course has been stated, again and again, that we have no constitutional power to act in the case. But let us see if this argument is a good one. What says the Constitution in regard to this power? In section eight of that instrument, we find the following language:

"The Congress shall have power to levy and collect taxes, duties, imposts, and excises, to pay the debts, and provide

for the common defense and general welfare of the United States."

This would appear sufficiently comprehensive for the purpose proposed. Common defense and general welfare are coupled in the same sentence, and must stand or fall together. No one questions the constitutional right, nay, even duty, of the General Government to protect us from foreign, and even domestic enemies. By what authority, I would ask these sticklers for express constitutional grants, do you establish the Military Academy, the Naval Academy, and hundreds of other projects of a public nature? What clause of the Constitution gave you the power to appropriate half a million of dollars this session, to build two new wings to the Capitol? No, no; this kind of logic will not stand the test of reason. The only constitutional question to be settled is, what constitutes *the general welfare?* The general welfare of a country can only be promoted by promoting habits of industry and economy, by extending intelligence, and fostering virtue in all classes of our people. The general welfare is not promoted by building splendid palaces and magnificent Capitols, nor by keeping powerful navies and armies. The true prosperity of a nation must be estimated by the condition of the great mass of the people. Individual prosperity constitutes national prosperity. Where the individuals are all independent, virtuous, and happy, the nation must of necessity be in the highest state of prosperity. Hence it is, that if we desire to act as consistent and patriotic statesman, we must endeavor to encourage the industrial pursuits of life, and extend intelligence, and promote virtue amongst the great mass of our fellow-citizens.

> "Ye friends to truth, ye statesmen who survey
> The rich man's joys increase, the poor's decay,
> 'Tis yours to judge how wide the limits stand,
> Between a splendid and a happy land."

The objects proposed to be accomplished by this establishment, are the collection and diffusion of information on agricultural subjects. The increase of improvement in all the arts and sciences, in the present age, is rapid beyond all parallel. The human family is moving forward in the race of improvement with giant strides, and he that expects to tread in the beaten track his fathers trod, will be left far behind the rest of mankind in the race of improvement.

The art of agriculture is as susceptible of improvement as any other art, but the individuals engaged in this occupation are spread over a vast extent of country, and consequently cannot have that intimate intercourse which those engaged in other industrial pursuits have. To establish a medium of communication through which this numerous class of citizens may interchange the knowledge of improvement, is the main object proposed in this bill. Who will pretend to say that the farmer's knowledge should be bounded by the limits of his own fences, or even of his own country? An institution of this kind could collect the most valuable knowledge of the whole world, and spread it broadcast over the vast extent of our whole country. Who can calculate the influence of this increased intelligence upon the agricultural products of our country?

When Franklin first analyzed the lightning of the clouds, he did not dream that it would so soon be made the instrument for the transmission of thought, that would traverse the circumference of the earth in less than half a minute, and become the means of transmitting intelligence from one extreme of our country to the other. And so with Oliver Evans, the humble mechanic, when he harnessed his iron-horse to his small wagon, to traverse the streets of Philadelphia, could scarcely anticipate that in so short a time his horse, in an improved form, would traverse from one extreme of our country to the other, outstripping the wind in speed. Who would have supposed the invention of Whitney's cotton-gin would have, in a few years, doubled the value of all the cotton lands in the Union, and swelled the exports of cotton to over $80,000,000 annually?

And so it is with every new discovery; knowledge applied to the arts of life gives impulse, activity, and productive energy beyond all calculation. Knowledge is the lever that governs the material and moral world. It has brought immense wealth from the deep, dark bowels of the earth, where it has slumbered valueless for numberless ages; it has taught man to harness the lightning of heaven, and to make it the bearer of messages of love and kindly affection to the suffering loved one in the distant regions of our land; it has enabled man to traverse the trackless ocean, in opposition to wind and tide, with almost the velocity of the wind; it has already multiplied and extended the products of the earth beyond calculation. And what may we not expect from this source if we embrace all the advantages that we have within our reach? Knowledge not only multiplies and improves the products of the earth, but teaches us the true use of them, and points out to us the path of happiness and our destiny in futurity. Hence it is, that establishments of this kind, the object of which is the increase and diffusion of knowledge, must be of the highest importance in promoting our prosperity and happiness. Ever since man existed in the social state, his energies have been directed to the cultivation of the art of war. The true interests of man have been neglected by the Government, nay, have been trampled on and obstructed. How has it happened that Governments have pursued this suicidal course? Is it because the liberties and the happiness of the people required it for their protection? By no means. So far from this being the case, the liberties and the happiness of the people of every nation on earth have been destroyed by it, if our own nation even may be an exception.

From a careful estimate of the cost of the military establishments of Europe, it may safely be set down at $1,000,000,000 annually. And what good results are established by this astounding waste of energy and treasure? No good, but most enormous evil. In the first place, the liberties of the people are entirely crushed, and in the second, a blasting and withering moral degradation covers the land with a cloud dark as the pall of death. Man, that should be to his fellow-man a brother, is arrayed against his kind in deadly hostility. This earth, which should have been a blooming garden and a paradise, has been made a great slaughter-house for human butchery. Can we expect to promote "the general welfare" of our country by pursuing a course so unreasonable and unjust? The time has arrived when the energies of this nation should be turned to the cultivation of the arts of peace, and the promotion of the happiness of our race. Let the same amount of capital and energy be devoted to the improvement of our social condition, that has been devoted to the destructive and demoralizing art of war, and our beautiful earth would soon become a vast blooming garden and a paradise, where love, harmony, and human happiness would reign supreme. The only sound foundation for the permanent prosperity of our country, is to be found in the productive energies, intelligence, and virtue of the people. Commerce and war armaments may give us apparent power and wealth, but the real elements of wealth can only be found in the hand of labor, and in the products of the soil.

The agricultural capabilities of our country are by no means fully appreciated. We have a climate ranging from twenty-five to forty-nine degrees of latitude, embracing almost every range of climate, from the frozen regions of the North, to that of perennial summer, in which will flourish the products of every clime. Both tea and coffee may be cultivated in this country in the highest degree of perfection. Of tea, we imported last year 16,656,066 pounds; of coffee, 152,453,617 pounds. The cultivation of tea and coffee in this country would not only increase the productive energies and wealth of the country, but would furnish these articles to the people free from adulteration and impurity, and by this means promote the health, comfort, and prosperity of the country.

In addition to tea and coffee, there are numerous other products of foreign countries, that might be profitably and beneficially cultivated in this country. Increased knowledge to the agriculturist will not only increase the varieties of the products of the earth, but teach improved methods of cultivating the soil, the various products will be increased in number and improved in quality. The increase of the quantity, quality, or variety of the agricultural products of our country not only increase the wealth of the nation, but they increase the health and comfort of the inhabitants. A plentiful supply of food and a variety of kinds is important to health as well as pleasure; so that all are interested in the increase, in the variety, and in the improvement of the quality and quantity of the products of the soil. The farmer is especially interested in increasing the variety as well as the quality of his products; for by increasing the quality he improves the price, and in increasing his varieties he extends the fields of his operations. By changing the various crops, he obtains more from the same soil with less exhaustion of its fertility. Here, then, are the important advantages of an extended intercourse with foreign as well as with the various parts of our own country. We are indebted to foreign countries for many of our most valuable products. Wheat and rye are found growing wild in Siberia, and on the borders of the Caspian sea. Rice has been obtained from the fertile and sickly plains of Ethiopia. Buckwheat comes to us from the savage lands of Tartary. Tomatoes from the shores of the mighty Amazon, in Brazil. Cotton, the fabrics of which now clothe and beautify nearly all the inhabitants of the globe, is a native of Siam. The peach and plum we have received from Persia and Syria.

The horse is a native of the wild plains of Arabia, and is also found in the wild, picturesque, and fertile mountains of Circassia. The wild horses that inhabit the extensive plains of South America and our own country are supposed to have been imported with the first settlers. Our valuable cattle have been derived from Europe and Asia; and the goats from the gigantic and beautiful mountains of Switzerland. And so it is with nearly all the valuable plants and animals—our resources have been largely increased from varied and distant countries. Culture has also added largely to the variety and value of nearly all our products. Many fruits and grains that in the wild state are nearly valueless, have been by culture highly improved, and made very valuable. A person, uninformed on the subject, would not suppose that the small sour crab-apple, growing wild in our forest, was the parent of that highly valuable fruit, the cultivated apple. Thus it is that the wise and good Giver of all good has placed under the control of the intelligence and industry of man nearly all the products of the earth. Man has unlimited capabilities of progress and improvement, and has the power to subject almost all things under him to the same laws. Industry, directed by knowledge and virtue, is the great agent that is to renovate and beautify the earth, and to improve and elevate its inhabitants.

There is a happy and pleasing combination of results flowing from the application of knowledge to the improvement of the soil. In every locality where decomposing vegetable matter is found the air is more or less unhealthy—bilious fevers, dysenteries, and agues are found to prevail in the summer and fall months. These elements of disease and death may be made, cheaply, to contribute to fertility, health, and life. By removing these decomposing vegetable matters from the marshes and meandering streams, and mixing them with quick-lime, the elements of fertility may be obtained in the greatest abundance; the barren soil may be made to bloom in beauty, and to yield in rich abundance its products for the sustenance of man, and the air of heaven restored to purity, and the fountains of disease and death dried up. Truly may it be said, that knowledge, sustained by labor, leads to life, health, and happiness; and that ignorance and sloth lead to disease and death!

God has given to man a hand to toil, and a mind to direct aright the hand. The working hand and the thinking mind have been too long separated. He that produces should have power and intelligence to possess and dispose of that which he produces. Where the governing mind and working hand are united in the same person, his energies will be increased, and harmony of action obtained. It has been the great error of the world to suppose that the masses were made to toil, and the favored few to think and direct the energies of all. If God had intended to exempt any from labor, he would not have given the instruments of toil to the favored few. If he had intended that the great mass should not reason for themselves, he would have withheld the thinking brain. Obedience to the great command of God to man, to eat

bread by the sweat of his face, is necessary to the full development of his physical and intellectual powers, and to the full enjoyment of health and happiness.

It is a too common error to suppose that scientific knowledge is of no value to the great mass of our working citizens. Anatomy, that teaches us the beautiful, complicated, and harmonious structure of our own system; and physiology, that teaches us the laws of the vital actions, and the best means of maintaining those actions in a healthy condition; astronomy, that teaches us the infinitude of the material universe, and thus unfolds to us the goodness, wisdom, and power of the Creator; geology, that teaches us the elements that compose the earth we live on, and the uses and application of these elements to the production of the necessaries of life; chemistry, that analyzes all material things, and teaches us the varied and useful combinations in organic and inorganic matter; botany, that unfolds the wonders and beauties of the vegetable world, with the laws that govern the healthy actions of each individual production,—can it be supposed that the knowledge of these highly interesting, instructive, and useful subjects can be of no importance to the man who cultivates the soil? Who will not perceive at once what a rich field is here opened up to the expansion and enjoyment of the intellecual faculties, and for the application of the laws that govern the universe to the production of the comforts and necessaries of life? Knowledge diffused to all, is the medium through which the physical and moral world must be renovated. Knowledge of the laws that are ordained to govern the material world, must be observed and applied, in order that we may reap the rich treasures of material things. Knowledge of the moral laws, ordained by God to govern our moral actions, must be known and obeyed in order to enjoy happiness here and hereafter.

The establishment proposed in the bill under consideration, contemplates the appointment of six officers and an annual expenditure of $10,350; so it will be perceived that the cost, or the patronage conferred, cannot be very objectionable. Our agricultural exports amount to over $100,000,000 annually; so that it will be perceived that it is the foundation of our vast and increasing commerce, and the source of nearly all our national revenue. Shall we, then, continue to neglect an interest so important? I think not. The agriculturists, as they constitute four fifths of the population of the country, may, and probably will, demand of their Representatives that a small part of the debt due them from the Government shall be paid. But it is not those engaged in these pursuits that are alone interested. Every inhabitant of the country is deeply interested; the food of all is drawn from the soil, and if the supply should fail none would escape the calamity. Both pleasure and profit unite in demanding the passage of this bill, and I hope the honorable Representatives of this Congress will unite cheerfully and give it their support, and thus favor the most important interest of this country and of the world, and that

> "Haply from them the toiler bent
> Above his forge or plow, may gain
> A manlier spirit of content,
> And feel that life is wisest spent
> Where the strong working-hand makes strong
> the working brain."

THE NORTH AMERICAN FISHERIES.

SPEECH OF HON. LEWIS CASS,

OF MICHIGAN,

IN THE SENATE OF THE UNITED STATES,

August 3, 1852.

A message having been received from the President, in relation to the Fisheries on the coasts of the British possessions, with accompanying documents, and Mr. CASS having moved to refer the same to the Committee on Foreign Relations—

Mr. CASS said:

Mr. PRESIDENT: I have looked with some care into this question of the fisheries since it was first brought before us, and as there seems to me to be some important errors prevalent, I desire to take this opportunity, before the just cause of our country is prejudged, to correct them.

The ocean which unites, while it separates the nations of the earth, is at once their common highway, and a liquid field, whose abundant supply of food for man is among the most wonderful and beneficent dispensations of Nature. No nation can appropriate it to itself. For the purpose of mutual convenience and of proper internal police, it seems to have been understood that the authority of every country may control the shores of the ocean within one marine league, or three miles of its coasts. But within this distance vessels may navigate the seas, though they ought not to violate the municipal laws passed for revenue and for other proper purposes.

When the United States asserted their independence, and entered into negotiations with England for its recognition, the question of the fisheries was one of the most important, whose adjustment was required by the relations existing between the two countries. England contended that we were in the condition of any other foreign power, and that, consequently, we had no rights but such as every nation possessed by virtue of its sovereignty. Our revolutionary patriots contended, and justly and successfully, that the colonists were among the first to carry on the fisheries—that they did their full share, and more, too, in defending and acquiring them from the French; and that, as a portion of the common Empire which possessed them, they had a right to enjoy their just proportion, as well when separated as while united. And we learn, both from the traditional accounts and from diplomatic and historical documents, that in the very darkest period of the struggle there was no wavering upon this point, but that our conscript fathers held on to it with as much tenacity as their Roman predecessors held on to the rights and honor of Rome when the enemy was at the gates of the capital. That sturdy patriot, John Adams, told the story in his old age—and an eventful one it is—valuable both as an encouragement and as an example. It is contained in a letter to William Thomas, dated—

"MONTEZILLO, *August* 10, 1822.

"DEAR SIR: The grounds and principles on which the third article of the treaty of '83 was contended for on our part, and finally yielded on the part of the British, were these: First, that the Americans and the adventurers to America were the first discoverers and the first practicers of the fisheries; secondly, that New England, and especially Massachusetts, had done more in defense of them than all the rest of the British empire; that the various projected expeditions to Canada, in which they were defeated by British negligence—the conquest of Louisburg in '45—the subsequent conquest of Nova Scotia, in which New England had expended more blood and treasure than all the rest of the British empire—were principally effected with a special view to the security and protection of the fisheries; thirdly, that the inhabitants of the United States had as clear a right to every branch of the fisheries, and to cure fish on land, as the inhabitants of Canada or Nova Scotia; that the citizens of Boston, New York, or Philadelphia, had as clear a right to those fisheries, and to cure fish on land, as the inhabitants of London, Liverpool, Bristol, Glasgow, or Dublin; fourthly, that the third article was demanded as an ultimatum, and it was declared that no treaty of peace should ever be made without that article. And when the British ministers found that peace could not be made without that article, they consented—for Britain wanted peace, if possible, more than we did; fifthly, we asked no favor, we requested no grant, and would accept none. We demand it as a right, and we demanded an explicit acknowledgment of that right as an indispensable condition of peace."

The war of 1812, and the peace that followed it, left this important right in a disputed and precarious condition. No arrangement could be made at Ghent in relation to it; and the effort was closed by the peremptory declaration made on the 10th of November, 1814, by the American to the British commissioners, "that they were not authorized to bring into discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto, [the fisheries.] From their nature, and from the peculiar character of the treaty of 1783, by which they are recognized, no further stipulation has been deemed necessary by the Government of the United States to entitle them to the full enjoyment of all of them."

After the peace, during some years difficulties and troubles arose, threatening serious consequences, from the almost hostile pretensions of the parties, that finally led to the negotiations of Messrs. Gallatin and Rush, which terminated in the existing convention of 1818.

There were strange claims in those days as well as now. An effort was made to exclude us from coming within twenty leagues of the colonial coasts; though the act was finally disavowed by the British Government, wherever the design may have originated.

And Mr. Monroe said, in his instructions to the Commissioners at Ghent, that the Administration "had information, from a quarter deserving attention," that a demand would be made to surrender our right to the fisheries, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain.

"These rights," said the Secretary, by order of the firm and patriotic Madison, "must not be brought into discussion. If insisted on, your negotiation will cease."

And even after the convention, a claim was made to run a line from Cape Granby to Cape North, across the whole northeast coast of Cape Breton, not less than one hundred miles, including within the *tabooed* region, numerous bays and harbors.

The history of that period of pretension teaches lessons that no independent State, mindful of its own self-respect, or solicitous of the respect of the world, should forget or disregard. Those were the days of impressment, when British officers took whom they pleased from American ships, and when two great belligerents, animated with the spirit of the highwayman, robbed us of our property wherever they could find it on the ocean, each alleging as its justification that the other had set the example. Hereafter let us meet the first intentional insult or injury—by intentional, I mean one directed or justified by a foreign Power—let us meet it as it should be met, by the armed hand, and by the whole force of the nation. Submission and acquiescence will conduct us only to contempt and dishonor.

We learn from the report of the commissioners of 1818 that the important provisions in the present convention were the result of an ultimatum submitted by them, and which was followed by an arrangement. That arrangement was in some respects different from the treaty of 1783. By that treaty the American fishermen were acknowledged to have the right to fish on the Grand Banks and all the other banks of Newfoundland, and also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries were at any time before used to fish; and also on the coast of Newfoundland, and on the coasts, bays, and creeks of all the other colonial possessions; and the right to cure and dry fish on all the colonial coasts except Newfoundland.

The new convention restricted the right to fish—that is, to fish within three marine miles of the coasts—to the lines and points enumerated in that instrument, and the right to dry fish on the coast of Labrador, and to a portion of the coast of Newfoundland, which was substituted for a more extended recognition in the original treaty.

The consideration on the part of the United States for entering into this convention, was the amicable arrangement of a perplexing and dangerous question, which, while it was open, was at any time liable to lead to war, and the security of a large portion of the rights claimed by them, which placed this great fishing interest in a prosperous condition. The consideration on the part of England, was the same permanent establishment of the amicable relations of the two countries, and the relinquishment, by the United States, of some part of what they had previously claimed. Each party, therefore, surrendered something to the other—rights and claims arising out of the relations they had previously occupied as portions of one common empire. But their rights as sovereign States, having no reference to previous connection, were neither touched, nor designed to be touched, by this convention. We did not ask of England, nor did she ask of us, the privilege of fishing in the ocean, three marine miles from each other's coasts. No treaty was needed for that purpose, nor did either Government dream of it. What we wanted was the enjoyment of a right we had possessed since the settlement of the country, to fish near to the coast when necessary, without reference to the question of jurisdiction, and to dry the fish in proper places; and what England wanted, was to reduce these claims within the narrowest limits she could induce us to accept; and the result was the existing arrangement.

We did not get the right to fish on the ocean from England, nor from any other earthly Power. We got it from Almighty God, and we mean to hold on to it, through the whole extent of the great deep, now in the days of our strength, as our fathers held on to it in the days of our weakness. Should we abandon this attribute of independence, even in any extremity which human sagacity can foresee, we should prove recreant both to the glories of the past and to the hopes of the future, to the deeds of our fathers and to the just expectations of our children. I know but little of the character of my countrymen, if they would not reject with indignation, any proposition thus to tarnish their history, and to write their own dishonor upon it.

What, then, I repeat, have we secured by the convention? The right to take fish within three miles, and the right to come ashore to dry them, and the right of shelter in certain coasts, harbors, creeks, and bays. In what bays do we possess rights?—for there arises the controversy.

This word bay, as a geographical designation, is very indefinite in its application. Neither the form, size, nor position of the various expanses of water to which it is applied has any such strict relation as to give to the term a fixed definition. We have designated that great interior sea, under the Arctic circle, named from the enterprising mariner, Hudson, as a bay, though with its various indentations it extends through twenty degrees of latitude, and as many of longitude. And the few miles at the mouth of the North river, forming the harbor of New York, is equally entitled to the same appellation. Baffin's Bay is another prodigious indentation of the ocean, covering, with Davis's Straits as far as Cape Farewell, a greater area than the Gulf of Mexico and the whole Caribbean sea. The Bay of Biscay—whose headlands, according to the new doctrine, may be said to be near Brest, as my honorable friend from Louisiana [Mr. SOULE] well knows, on the northeast, and Corunna on the southwest, giving an arc of near five hundred miles—is another of these mighty sheets of water with a comparatively humble name; and so is the Bay of Fundy, though less, and the Bay of Chaleur, from both of which we are sought to be excluded. The same uncertainty prevails as to gulfs and seas; for we have them of all sizes and forms, from the great Gulf of Guinea and the Mediterranean sea down to the Gulf of Patras, and to the far-famed but diminutive Marmora, renowned in history, but insignificant in geography.

Now, sir, it is preposterous to run a line from one projecting point of these vast expansions to the other, and claim for the State which holds the coast, even if it is the whole of it, exclusive jurisdiction over great arms of the ocean, with the right to prevent any other nation from enjoying them, either for the purpose of fishing or of navigation.

That there are many land-locked indentations which constitute portions of the territory of the country whose coasts surround them, is indisputable. It is not necessary to enter into the public law, made since by general consent, which regulates that subject. No doubt cases may arise where rights are claimed and resisted, which are not easy of adjustment in consequence of the absence of fixed principles. When such controversies arise, they must take their own course of settlement.

But, independent of these general considerations, applicable to the larger bays and gulfs of the fishing region, there are others which fix the meaning of the word bay, as employed in the convention, beyond reasonable doubt or dispute, beyond all cavil, but a determination to resort to interest rather than to reason for the signification of a term. The convention, by indicating the use of the bays, sufficiently indicates their nature. They are for the purpose of affording *shelter, &c.* Now, what shelter can the storm-beaten mariner find in the Bay of Fundy or in the Gulf of St. Lawrence? Both of these seas are among the most dangerous that our hardy seamen are compelled to encounter, whatever may be their pursuits, or wherever they may range the ocean. They are proverbially perilous and deceitful, and the right to find shelter upon these tempestuous waves would not be worth the paper on which it might be written.

The Montreal Herald, indeed, in a late number, while accusing the American of standing "upon any advantages they may possess," cuts this Gordian knot with great ease by the discovery and annunciation that "there is, after all, no real 'ground for considering this as an insult; for the 'bays and straits where the British men-of-war 'are stationed are as exclusively British as the 'British channel." Quite cool, this claim over the great highway which separates France from England, twenty-one miles broad in its narrowest part. This is going backward, indeed—to the days of Selden, the advocate of this pretension, and to the reign of Charles, who hoped to establish it. The knowledge and the modesty of the editor are equally commendable.

The bays of the convention are classed with harbors and creeks—a classification significative of the object. They are defined as bays "of his Britannic Majesty's dominions," over which the British Government has jurisdiction, as it has over the land that encircles them. That such was the understanding of our negotiators is rendered clear by the terms they employ in their report upon this subject. They say, "It is in that point of view that the privilege of entering the ports for shelter is useful," &c. Here the word "ports" is used as a descriptive word, embracing both the bays and harbors within which shelter may be legally sought, and shows the kind of bays contemplated by our framers of the treaty. And it is not a little curious that the Legislature of Nova Scotia have applied the same meaning to a similar term. An act of that Province was passed March 12, 1836, with this title: "An act relating to the fisheries in the Province of Nova Scotia and the coasts and harbors thereof," which act recognizes the convention, and provides for its execution under the authority of an imperial statute. It declares that harbors shall include bays, ports, and creeks. Nothing can show more clearly their opinion of the nature of the shelter secured to the American fishermen.

The general views of Messrs. Rush and Gallatin are shown in the following extract from their report, and I introduce it because it has an important bearing upon the whole subject before us:

"*Messrs. Gallatin and Rush to the Secretary of State, October* 20, 1818.

"It will also be perceived that we insisted on the clause by which the United States renounced their right to the fisheries relinquished by the convention, that clause having been omitted in the first British counter-projét. We insisted on it with the view—1st. Of preventing any implication that the fisheries secured to us were a new grant, and of placing the permanence of the rights secured and of those renounced precisely on the same footing. 2d. Of its being expressly stated that our renunciation extended only to the distance of three miles from the coast. This last point was the more important, as, with the exception of the fishery in open boats within certain harbors, it appeared from the communication above-mentioned that the fishing-ground on the whole coast of Nova Scotia is more than three miles from the shores; whilst, on the contrary, it is almost universally close to the shore on the coast of Labrador. It is in that point of view that the privilege of entering the ports for shelter is useful, and it is hoped that with that provision a considerable portion of the actual fisheries on that coast (of Nova Scotia) will, notwithstanding the renunciation, be preserved."

Now, sir, it appears to me, on a careful review of this whole question, that the conduct of England is equally unfriendly and unjust. Indeed, I find it difficult—I might almost say impossible—to ascertain her true motive or the length to which she is prepared to go; and more especially so, since her Government at home and her officers abroad have heralded her proceedings to the world, the instructions of the Secretary of State and the orders of the Admiral having been fully communicated through the medium of the press, and are now on their way through Christendom. Where her prudence, after these disclosures, will prompt her to stop, or how far in this dangerous career her pride, or whatever other motive dictates her course, may impel her onward, I am at a loss to conjecture. Nations, before they take such ground, and take it so openly, should be very sure of their rights, and fixed in their determination to maintain them. Mr. Monroe was equally puzzled in 1815, under not dissimilar circumstances, and I commend to attention the remarks in his letter to Mr. Adams, of July 21 of that year:

"It can scarcely be presumed that the British Government, after the result of the late experiment, in the present state of Europe, and under its other engagements, can seriously contemplate a renewal of hostilities. But it often happens with nations, as well as with individuals, that a just estimate of its interests and duties is not an infallible criterion of its conduct. We ought to be prepared at every point to guard against such an event. You will be attentive to circumstances, and give us timely notice of any danger which may be menaced.

When the honorable Senators from Maine and Massachusetts [Mr. HAMLIN and Mr. DAVIS] attributed the course of England in this matter to a design to effect a reciprocity arrangement for her colonies by a manifestation of energy and display of force, I could not concur with them at all in the opinion. I thought it was impossible that England would hazard such an experiment upon our forbearance, not to say timidity. I could not believe that any British statesman could so far mistake our national character as to suppose that such a course would extort our consent to any measure, whether obnoxious or not. I thought we had lived in the world so long, and grown to be one of its great Powers, under circumstances so often requiring energy and resolution, that no nation would regulate its demands against us upon the presumption, even if they were made with boldness, they would be granted with the alacrity of fear. I am well aware that England, and other Powers, indeed, have measured their own rights for themselves, and have compelled reluctant States to do them justice. And this is justifiable where the demand is incontestable, and voluntary satisfaction becomes hopeless. But this generally occurs with comparatively small States; for with powerful ones such a course would be the signal of war. But I did not believe we were in this category in the estimation of the British administration, nor that the experiment would ever be made of firing a gun on the Potomac in time of peace, to secure any demand whatever, because such an act had succeeded on the Tagus. I do not mean that the display of an unusual force in neighboring waters is as indicative of a belligerent attitude as would be its appearance upon our own coast; but it is well calculated to give offense, especially when coupled with the avowed determination of so turning the circumstances as to procure commercial arrangements, which it is not certain we shall ever make.

Now, sir, recent statements in the Colonial papers justify the conjecture of the Senators from Maine and Massachusetts, and indicate pretty clearly one of the objects of this new movement. I will refer to some of them:

[From the New Brunswicker.]

"We have no doubt but an attempt will be made by the American Government to obtain a modification of the strict letter of the fishery treaty between Great Britain and the United States; but failing, as we believe they will, in this, they will then offer, as an equivalent, reciprocity in certain articles of domestic growth and produce for the privilege of fishing within the prescribed limits. The unlimited sway which American fishermen have heretofore enjoyed along our coasts, left them little or nothing to wish for; and when these Colonies wished a reciprocity in some of their staple articles, they were treated with the utmost indifference. Our neighbors had so long trampled upon our privileges, that they imagined they had a perfect right to our fishing-grounds for their benefit. Did they possess such a valuable source of wealth, British subjects would not be permitted to take a single fish. The strictest *surveillance* would be exercised to keep off all intruders."

[From the St. John Morning News.]

"The recent movements of the British with respect to the American fishermen, have caused some sensation in the United States, and serious troubles between the two Governments are anticipated, consequent upon the strict interpretation of the fishery treaty by Earl Derby's Government. It is not at all improbable that the determination of the Ministry to enforce the treaty has been conceived with a view to the success of the negotiations for reciprocal free trade, and that the American Government will be glad to make terms."

[From the Montreal Herald.]

"THE FISHERIES RECIPROCITY.—The Americans are always disposed to stand upon any advantages they may possess, and refuse to yield favors to others, even when themselves likely to gain by the bargain, without a distinct and apparent compensation. When, after abolishing the differential duties, we asked the small return of reciprocity in raw materials, we were immediately met by the question, what have you got to give in return? The fisheries were suggested by the Americans as something that might be thrown in on our side; but eventually they seemed to have become impressed with the conviction that, as they were enjoying them without any formal concession of privilege, they might as well still refuse what the colonies asked. It was quite time to show them that we had something which we could withhold as well as they; and though we know not whether the desire to obtain reciprocity has not been one of the grounds for the present somewhat sudden action on the part of the Imperial Government, we hold that such a desire would be a perfectly legitimate ground for such action."

I understand, also, that similar views were expressed in Parliament during some recent allusion to this subject. I trust, for the permanent welfare of both countries, that this effort, as a compulsory means of effecting a diplomatic arrangement, will be abandoned.

Apart from this conjecture—for it is only such—what does England intend to do? I see it stated in many of our journals, as a reason for sitting still, that we do not know what is the exact object of England. Well, sir, that is precisely one of our most serious grounds of complaint. A great movement is going on in a part of the ocean where we have immense interests at stake. A powerful armament has arrived there; rumors are rife that a new policy is to be adopted; the British Minister here, and the British Secretary of State, and the British admiral, talk of our "encroachments;" and the whole tenor of the preparations show that what is thus termed is to be resisted; and yet we have no information, official or even authentic, as to what England designs to do. A very able and respectable journal of this city, which I generally read with pleasure, and often with profit, (the Intelligencer,) and for whose editors I have much personal regard, gives us the following information:

"Nor has the present proceeding by the British authorities been so sudden, or so entirely without notice, as seems to be supposed. We are informed, upon the best authority, that about the 7th of this month the Minister of Great Britain notified our Government that measures had been adopted by the British Government to prevent the repetition of the complaints which had so frequently been made of the encroachments of vessels belonging to citizens of the United States and of France upon the fishing-grounds reserved to Great Britain by the convention of 1818; that urgent representations had been addressed to the Government of Great Britain by the Governors of the British North American provinces in regard to those encroachments, to the effect that the colonial fisheries were most seriously prejudiced; and that directions had been given by the Lords of the Admiralty for stationing off New Brunswick, Nova Scotia, Prince Edward's Island, and in the Gulf of St. Lawrence, such a force of small sailing vessels and steamers as should be deemed sufficient to prevent further infractions of the treaty.

"The Minister of Great Britain at the same time also informed our Government that it was the command of his Government that the officers employed upon this service should be specially enjoined to avoid all interference with vessels of friendly Powers, except when they were in the act of violating existing treaties; and on all occasions to avoid giving ground of complaint by the adoption of harsh or unnecessary proceedings where circumstances compelled the arrest or seizure of such vessels."

I have no doubt but this is substantially correct. Now, I disagree with the Intelligencer as to the use or friendly spirit of this communication. What does it amount to as a correct means of judging the true state of things, either present or prospective? What are these "encroachments?" and what is this "infraction" thus to be forcibly presented? Fair dealing requires we should be told; but the matter is involved in Delphic obscurity. Do these complaints, thus to be remedied by one of the parties alone, relate to palpable violations of the treaty which our Government would not defend—such as fishing within the clearly excluded limits, attempts to smuggle, or other indefensible acts?—or do they relate to the large open bays, which we contend we have a right to enter, and which is, in fact, the only real subject in dispute?

Sir John Packington, the British Secretary of State for the Colonies, in a letter to the Colonial Governors, employs the same word "encroachment," and leaves us equally in the dark as to its application. This is his letter:

Copy of a letter from Sir John Packington, Secretary of State for the Colonies, to the Governors of the British North American Colonies, dated

"MAY 28, 1852.

"Her Majesty's ministers are desirous of removing all grounds of complaint on the part of the colonists in consequence of the encroachments of the fishing vessels of the United States upon those waters from which they are excluded by the terms of the convention of 1818, and they, therefore, intend to dispatch, as soon as possible, a small naval force of steamers, or other small vessels, to enforce the observance of that convention."

In the mean time, the colonial papers are in raptures, looking forward to the advent of a golden age by the adoption of their construction of the treaty, and by the determination of the Home Government to maintain it. There is a prodigious flourish of trumpets upon the occasion, and it is obvious that every colonist believes that this large force has been assembled for far more important purposes than to watch smugglers or the common trespasses of fishermen.

Now, what are these "encroachments," thus denominated and denounced by the British Government, and by their representative here? There are not wanting the means of answering this question.

For a series of years the colonial authorities have complained of our fishermen for fishing in all the large bays—in the Bay of Fundy, the Gulf of St. Lawrence, the Bay of Chaleur, and elsewhere. In 1842 these complaints assumed quite an imposing appearance, and a resolution passed the Legislature of Nova Scotia, embodying their supposed grievances in a distinct form, with a view to decisive action. A case was stated by the Governor embracing all the points they contended for, which was transmitted to the Government, with a request that the opinion of the Advocate and of the Attorney General might be taken upon the various questions propounded. Among these questions was the following:

"3d. Is the distance of three marine miles to be computed from the indents of the coast of British America, or from the extreme headlands, and what is to be considered a headland?"

There are two curious facts in connection with this proceeding worthy of a passing notice.

The first is, that in the case stated by the Nova Scotia Government, it is asserted that, at the peace of 1783, a treaty was entered into between the United States of America and Great Britain, by which the people of the former country obtained the right "to take fish on the Grand Bank," &c. A greater historical error could hardly be committed in this matter, which the treaty itself, as well as all cotemporaneous accounts, contradicts. What influence the statement may have had upon the subsequent opinion, I know not. It certainly leaves but little respect for the careful action of those who prepared the document.

The second curious fact, though of a different nature, concerns the Governor—Lord Falkland—who gravely tells the Secretary of State, while sending him this paper, that "the people of the colony have not been wanting in efforts to repel the incursions of the NATIVES of the United States upon these fishing grounds," &c. This dignitary seems to have supposed that the aboriginal population yet possessed our country, as the term *native* is, by common consent, applied to the primitive inhabitants of a region.

The case thus stated was referred by the Home Government to the Advocate and Attorney General, who decided every point in favor of British, or, rather, of colonial interests. It is, probably, well for the peace of the two countries, if the course of England is to be guided by the views of these functionaries, that nothing more was asked; for I suppose a negative upon such questions of national interest could have hardly been expected from these legal expounders. On the main point the following was the opinion:

"2d. Except within certain defined limits to which the query put to us does not apply, we are of opinion that by the terms of the treaty American citizens are excluded from the right of fishing within three miles of the coast of British America; and that the prescribed distance of three miles is to be measured from the headlands, or extreme points of land next the sea of the coast, or of the entrance of the bays, and not from the interior of such bays or inlets of the coast; and consequently that no right exists on the part of American citizens to enter the bays of Nova Scotia, there to take fish, although the fishing being within the bay, may be at a greater distance than three miles from the shore of the bay, as we are of opinion that the term headland is used in the treaty to express the part of the land we have before mentioned, excluding the interior of the bays and the inlets of the coasts.

"4th. By the treaty of 1818, it is agreed that American citizens should have the liberty of fishing in the Gulf of St. Lawrence, within certain defined limits, in common with British subjects; and such treaty does not contain any words negativing the right to navigate the passage of the Gut of Canso, and therefore it may be conceded that such right of navigation is not taken away by that convention; but we have now attentively considered the course of navigation to the gulf, by Cape Breton, and likewise the capacity and situation of the passage of Canso, and of the British dominions on either side; and we are of opinion that, independently of treaty, no foreign country has the right to use or navigate the passage of Canso; and attending to the terms of the convention relating to the liberty of fishery to be enjoyed by the Americans, we are also of opinion that that convention did not, either expressly or by implication, concede any such right of using or navigating the passage in question. We are also of opinion that casting bait to lure fish in the track of any American vessels navigating the passage would constitute a fishing within the negative terms of the convention."

This decision goes for the whole; but it is accompanied with two remarks little creditable to those high jurists-consults, and which shake our faith in their opinion.

The first is, that "the term HEADLAND is used in the treaty to express the part of the land we have before mentioned," &c. Unfortunately for their accuracy and their reputation, the word headland is not to be found in the treaty, from one end of it to the other.

The second drawback upon their intelligence is of a much graver nature, and utterly destroys all confidence in their views. They say, that "the prescribed distance of three miles is to be measured from the headlands, or extreme points of land next the sea of the coast, or of the entrance of the bays," &c. Here we have two kinds of headlands—one of the sea of the coast, and the other of the entrance of the bays. The former expression, if it means anything, means that from headland to headland along any coast, however straight and however unbroken such coast may be, resting upon the broad ocean itself, a line may be drawn, and exclusive jurisdiction claimed within it. This is more than the Nova Scotians asked, and more than the law officers of the English Crown could give. It is preposterous. The Bay of Fundy is not named specifically in this opinion, but it was evidently intended to embrace it. Now, this bay is not within the exclusive dominion of England, as part of the coast belongs to Maine; and it has no marked entrance, nor any distinct headlands on the northeastern side, being almost a straight line, both in Maine and New Brunswick. It wants all the characteristics of a bay, as defined in this opinion. It is, in fact, an open, exposed arm of the ocean, running along the coast of Maine more than one hundred miles. Geographers consider the Bay of Fundy as separated from the Atlantic ocean by a line from Cape Sable, on the southern coast of Nova Scotia, to the islands in the Penobscot Bay; and in the discussion respecting our northeastern boundary it was contended on the part of England that the rivers east of Penobscot Bay all emptied into the Bay of Fundy. This diagonal line would be little short of two hundred miles in length. It is impossible to be definite in such an inquiry; but these facts indicate the great extent of this oceanic indentation, and how far it is from being a sheltered sheet of water separated from the ocean and protected from it by marked projecting headlands. It averages probably about fifty miles in width, and includes within its circuit numerous bays, such as Penobscot Bay, Frenchman's Bay, Passamaquoddy Bay, and Machias Bay, in Maine, and the Bay of Mines, Chignecto Bay, and Bay Norte, in Nova Scotia and New Brunswick, together with several others. Such an expanse of water is geographically and politically a part of the Atlantic ocean.

But, sir, this is a strange way of settling great international questions of jurisdiction—by referring them to the decision of the law officers of a Government. Such questions involve the most important and delicate points of foreign intercourse, and should be the subject of negotiation, not of legal reference. We thus arrive, sir, at what the British authorities consider the "encroachment" of our fishermen, and for which they have recently made provision. No doubt occasional infractions of the treaty occur, which the ordinary force in those regions is competent to prevent or to punish. No one defends such acts, nor will our Government make any reclamation in relation to them. But the complaint of throwing out offal and furnishing bait to the fish, and other grievances of a similar nature, are rather small matters to become the subject of controversy between two great nations. If the British colonists would imitate the industry, and skill, and enterprise of our fishermen, it would be far better for them than these eternal complaints because a neighboring people seek to obtain a portion of that beneficent bounty which is offered to the human race. Their proximity to the places of fishing, and their possession of the whole coast, would give them advantages which ought to insure their superior success, if they would put their shoulders to the wheel, instead of calling for help across the Atlantic. And, besides, the rigid pursuit of this object where our fishermen are concerned is in singular and unfriendly contrast with the con-

duct of the British Government toward the French and Dutch fishermen even in time of war. The former is marked with a spirit approaching persecution, while the latter is characterized by just moderation.

There is also a decided contrast between the force now employed and the force called out upon former and similar occasions. In 1817 one vessel only—the Dee—was ordered upon this kind of service, when strong remonstrances were made by the colonies.

In 1836 Lord Glenelgin informed the Governor of Nova Scotia, in answer to his representations, that the British Minister at Washington had been instructed to ask the friendly coöperation of the American Government, and that one small vessel would be sent to Nova Scotia, and another to "Prince Edward's Island." But times have changed. Whether the change is to go on remains to be seen. Certainly a just comity would have dictated a similar guarded course under existing circumstances. Here is an active, powerful squadron close to our shores, and in waters where we have a deep interest, and to this day our Government learn nothing of the real designs of England. We have barren generalities leading to no useful results, and report tells us that seizures are daily making, and that many more are anticipated.

I have no doubt but that some of the Senators from the Eastern States will give to the Senate full statistical details of this important branch of national industry. I have been struck with its magnitude from a statement recently made in the papers, and which represents that we have 30,000 seamen, among the best in the world, and 2,000 vessels engaged in the various branches of the fisheries. This is an interest that no just Government can neglect, and one that would expose us to the severest reprehension of the American people should we neglect it.

The Gut of Canso, which is the passage from the main ocean to the Gulf of St. Lawrence, and which avoids a long detour round the Island of Cape Breton, is also to be shut to us, as is that great gulf itself, if the decision of the law officers of England is to be carried into effect. This pretension opens some of the gravest maritime questions as to narrow communications between various arms of the sea, and as to the right of jurisdiction over large expansions of the ocean. I shall leave them for other inquirers.

There are two episodes, if I may so term them, in this drama, which deserve a brief remark.

The first is the declaration of Lord Stanly, now Lord Derby, and the head of the British ministry in 1852, in a letter to the Governor of Nova Scotia, acknowledging the receipt of the case stated for the consideration of the Advocate and Attorney General, and transmitting the decision of those officers. The whole subject was then before him, and he thus communicates the determination of the British Government:

"We have, however, come to the conclusion, as regards the fisheries of Nova Scotia, that the precautions taken by the Provincial Legislature appear adequate, (alluding to the law before referred to;) and that such being practically acquiesced in by the Americans, no further measures are required."

Now, this is significant enough. The Home Government refuses to indorse the exorbitant demand of the colonies, even fortified, as they are, by high legal opinions, and put the whole case upon the question of practical acquiescence of the Americans. Now, no one will contend that at any time—then, or before, or since—did our Government or citizens practically, or virtually, or in any other manner, acknowledge this pretension to exclude us from the great bays of that region; and of course such a claim is actually surrendered by the terms of the declaration. The second assurance is found in the admission of Lord Aberdeen to Mr. Averett, that the Bay of Fundy would not be shut to us; and more distinctly in the dispatch of Lord Stanly to the Governor of Nova Scotia. Here it is:

To Sir William Colebrook.

DOWNING STREET, 30th *March*, 1845.

SIR: I have the honor to acquaint you, for your information and guidance, that Her Majesty's Government have had under their consideration the claim of the citizens of the United States to fish in the Bay of Fundy—a claim which has hitherto been resisted, on the ground that that bay is included with the British possessions.

Her Majesty's Government feel satisfied that the Bay of Fundy has been rightly claimed by Great Britain as a bay, within the treaty of 1818; but they conceive that the relaxation of the exercise of that right will be attended with mutual advantage to both countries—to the United States, as conferring a material benefit to the fishing trade, and to Great Britain and the United States conjointly and equally, by the removal of a fertile source of disagreement between them. It has accordingly been announced to the United States Government that American citizens would henceforward be allowed to fish in any part of the Bay of Fundy, provided they do not approach, except in cases specified in the treaty of 1818, within three miles of the *entrance* of any bay on the coast of Nova Scotia or New Brunswick.

I have, &c., STANLY.

Now, Mr. President, I take it for granted, that no one who knows the course of British statesmen, and the instincts of the British people upon all questions touching territorial rights or interests, will doubt for an instant that this concession, as they call it, but recognition, as we consider it, was made in the conviction that the right was with us; at any rate, in the full persuasion that the pretension of England was so doubtful that they ought not to hold on to it. And as Mr. Everett justly remarks, the principle of this acquiescence applies with equal force to the other larger bays, and particularly to the great estuary of the St. Lawrence; and it is pretty clear that the British Ministers suffered themselves to be driven from their proper course in the application of their own principle elsewhere, in the other bays and waters, by the unreasonable clamor and remonstrances of the colonies.

Now, sir, this acquiescence in our practical construction of the treaty was an absolute surrender of the point in dispute; and it is too late in the day to recall the step. Nations cannot safely play the game of fast and loose, of give and take at pleasure, with one another, in the practical exposition of their conventional arrangements. It will not do. Nothing is gained; on the contrary, things are made worse by such temporary recognitions, to be resumed or changed when the opposite party is most strongly convinced by time and usage of its rights. England had just the same interest in our exclusion from the great arms of the ocean in 1842 which she has at this time; and her surrender of the point then implies her own views of the case, and the ten years which have since intervened, unquestioned, have been enough to place our rights beyond dispute.

An attempt has been made to show a difference between *our rights and liberties*—designations first used in the treaty of 1783, and transferred from that instrument to the convention of 1818—and thereby to establish the pretension that the one is more indefeasible than the other. And I regret to see, sir, that this effort is countenanced by the views of some of our own journals—honestly I have no doubt, but erroneously I am satisfied. I do not suppose that an Englishman can be found from Johnny Groat's house to the Lands End who will not firmly believe in the claim of England in this case, as he believes it in all other cases. No man will accuse the English people of a want of patriotic ardor; and it is rare, indeed, that their demands upon foreign nations are not supported by the almost unanimous sentiment of the country. I wish we had a little more of this feeling—not enough to blind us to the truth, but enough to render it a source of congratulation to find our Government in the right. In looking back upon our past history, I recollect no case where we have not found doubts and opposition among our own citizens in our controversies with foreign Powers. I hope this case will yet prove an exception, as the right is so manifestly with us, and that we shall be found united in feeling and in action. Such an exhibition of patriotism would be worth more and do more than "an army with banners."

Now, sir, no man, it appears to me, can read the letter of Mr. John Quincy Adams to Lord Balhand, written, I believe, in 1816, without being satisfied that our claims are not in the least affected, either in their strength or duration, by the use of one or the other of those words, *rights* or *liberties;* and the subject is placed beyond dispute by Mr. John Adams in the letter to which I have already referred, and in which he explains the origin of the difference, and shows that it had no relation to the pretensions of the parties:

Further extract from the letter of Mr. John Adams before referred to.

"And the word 'right' was in the article as agreed to by the British ministers, but they afterwards requested that the word 'liberty' might be substituted instead of right. They said it amounted to the same thing; for *liberty* was *right*, and *privilege* was *right*, but the word *right* might be more displeasing to the people of England than *liberty;* and we did not think it necessary to contend for a word."

And I cannot refrain from asking the attention of the Senate to the able and interesting letter of Mr. Stevenson, then our minister in England, to Lord Palmerston, dated March 27, 1841. It is written with great force and with a full knowledge of this whole subject, and Mr. Stevenson successfully combats what the Republic of this city well terms the *preposterous pretension of England.*

The danger and impropriety of transferring the course to be pursued in such delicate questions to the colonial authorities, locally interested in the establishment of their own construction, is well shown in this letter; and I am glad to see that Mr. Webster, in some recent remarks at Marshfield, advances views similar to those of Mr. Stevenson. The Colonial Legislatures are authorized to pass laws, and to make regulations upon the matter, and these laws and regulations carefully follow the words of the convention, but in their administration colonial interests are kept prominently in view, and the peace of two great countries is put to hazard by petty interests, as exemplified in the complaints about offal and fishing bait.

Mr. President, I said on a recent occasion, and I repeat emphatically, that I desire no war with England. Far from us and them—from the world, indeed—far be such a calamity. No two countries on earth have stronger inducements, moral and political, to remain in amity with each other than have the United States and England, and woe be to either of them which voluntarily changes the pacific relations that now hold them together. But, sir, the way to avoid war is to stand up firmly but temperately for our clear rights. Submission never yet bronght safety, and never will. To yield, when clearly right, is to abandon at once our interest and our honor, and to show to the world how the finger of scorn can be best pointed at us. I am one among the feeblest of the sentinels placed upon the watchtowers of the country, and perhaps the one among all others the tenure of whose interest in our common property is, from my age, the most uncertain. But I shall not cease to raise my voice when I believe danger approaches, unmindful of the senseless charge so often made against me, that, because I am jealous of the honor and rights of my own country, I am therefore hostile to all others. I shall defend myself against no such clamor.

MR. DAVIS, OF MASSACHUSETTS.

Mr. DAVIS said: I propose to occupy only a brief period of the time of the Senate, in the discussion of this question. I said, the other day, when this subject was under the consideration of the Senate, that I felt no peculiar degree of alarm; that I did not apprehend that hostilities would grow out of it; and that opinion remains unchanged. Nevertheless, I see much to object to in the course pursued by Great Britain. I see much that is irritating in its character, and well calculated to ripen a feeling of hostility.

But, before touching on the subject really under consideration, I wish to make one remark in regard to a topic connected with it—the proposition which comes from the colonies for reciprocity of trade. It has been suggested by the Senator from Michigan, to whose patriotic sentiments I have listened with great pleasure, that the question as to the privileges of reciprocal free trade, might form a subject of negotiation between the two countries; but here, at the outset, I enter my protest against any such proceedings, so far as revenue is concerned, at any time, and under any circumstances which may exist. Is the Congress of the United States prepared to transfer the control of the revenues of the country to the treaty-making power? Are we prepared to transfer it to negotiators, and let them settle and determine what amount of revenue we are, from time to time, to raise for the uses of this country? A treaty is an irrevocable law; it is a law which cannot be modified at any time or under any circumstances, except by agreement of the contracting parties. In one year we may require forty millions to meet

the exigencies of the public service, and in the next year, we may want eighty millions in the transition state of our affairs which may exist from causes which cannot be anticipated. No man in his sober senses can suppose that the control of the revenue should be transferred to the treaty-making power. It would be an encroachment on the fundamental principle of the Constitution itself. So jealous is that Constitution of the money power of the country, that it does not even allow this body, in its legislative capacity, to originate a money bill.

Such, sir, were the feelings and views of those who framed that instrument, and of the people who adopted it. And now, sir, at this day, it seems to me the opinion can hardly be entertained anywhere, and under any circumstances, that the revenues of the country are to be transferred to, and disposed of, by the treaty-making power. But, sir, I will not trouble you on that point. I only wish to say, that whenever such a treaty comes here, it will never meet with my approbation.

As to these fisheries, in regard to which negotiation is appropriate, I think this whole matter is to be explained as a stroke of policy. It may be a dangerous step to be taken by the British Government, and the colonies may be playing a game which will not advance materially the interests they have in view. I think that very probable; but I am not alone in entertaining the opinion that the motive at the bottom of the whole transaction is a motive of policy.

Well, sir, is it justifiable? Is the course pursued one that can be maintained anywhere, or by any process of reasoning? Mr. President, I think that the last class of men in this country which a politic nation, about to enter into hostilities, would disturb, is the class of fishermen; and a bolder stroke of policy could not be executed by a Government about to make war upon the United States, than to say to these fishermen, "War or no war, you may carry on your business at your pleasure, and you shall not be disturbed." Can Great Britain maintain the ground which has been pointed out by the Senator from Michigan, [Mr. CASS?] Can she maintain the construction of the treaty which is said to be given to it by the law officers of the British Government? I say unhesitatingly that she cannot, if I understand correctly her position. I admit that the terms of the treaty are capable of such a construction as they have given to it; but I say it is open to another construction, quite different, and that all cotemporaneous authorities concur in establishing the other construction as the true one.

It is to this point that I invite the particular attention of the Senate, and I shall occupy but a few moments in considering it. The doctrine laid down by these law officers, as is alleged, is, that Great Britain may stretch a line from headlan to headland, and that all the waters within these headlands, are waters within the jurisdiction of the Colonial or the Imperial Government.

Now, I apprehend, if the Senate will give me their attention while I analyze the terms of the treaty, which are very brief, they will be satisfied that no such construction can be maintained. What, then, are the terms of the treaty? They commence in the first article by pointing out certain coasts, and certain portions of the territory of these colonies which are to be left open to American fishermen, freely to fish therein.

What is the rest of the article? In order that I may not make any mistake in quoting any part of it, I will read from the treaty itself. After running through that portion to which I have alluded, the article proceeds thus:

"And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland here above described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground."

The right, then, is to take, dry, and cure fish in certain coasts, bays, harbors, and creeks of Her Britannic Majesty's dominions in America. But that portion of the treaty, to which I wish to invite the attention of the Senate more particularly, is the renunciation. It is in these words:

"And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits."

They renounced the right to take fish within three miles of any of the coasts, bays, creeks, or harbors of Her Britannic Majesty's dominions. Now comes the proviso to the renunciation:

"*Provided, however*, That American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, repairing of damages therein, of purchasing wood, and obtaining water, and for no other purpose whatever."

That is what is renounced. The envoys inform you that they chose to renounce the rights which were given up, and they chose to do it distinctly and in detail, that it might be known what was surrendered at the time. The true question is, What do they renounce by the language they use? I know that in using these terms they are excluded from the coasts, bays, harbors, and creeks; and the British Government raise a question of construction, namely, that we cannot fish within three miles of any of these bays; that we are excluded to a distance of three miles, not only from the coast, but also from these bays, including, in that term, Fundy and other large bays.

But, sir, analyze the article a little further, and you will ascertain what the terms of the exclusion are, and what they apply to. You have a right to come within three marine miles of the coasts, within three marine miles of the bays, and within three marine miles of the harbors and creeks. What, then, is meant by the word bays? The latter part of the proviso which I have just read explains the whole of it. They have a right "to enter." "To enter" what? "To enter such bays," &c., undoubtedly referring to the bays mentioned in the former part of the article—the bays renounced. And for what purpose have they this right to enter such bays? Why, sir, they have a right to enter them for the purposes of shelter, and of obtaining wood and water, and for the purchase of bait. All these things are enumerated in the treaty itself, and they have a right to enter all such bays for such purposes—that is, all the bays renounced. Now, let me ask if the Bay of Fundy is a bay to enter for shelter, or for wood, or water, or bait? No, sir. And are these great open seas from headland to headland, in the Gulf of St. Lawrence, (where I understand they have stretched a line, and forbid vessels to enter within these headlands, and thereby excluded them from some of the most important fisheries in that gulf,) places where vessels are to enter for the purpose of obtaining bait, and shelter, and wood, and water? Sir, the term "such bays," and the uses to be made of the privilege, show most clearly and distinctly what the purposes and intentions were—and these were not the waters renounced by the term "bays." Then, in conformity with all this, we have the cotemporaneous practical construction of this treaty. These open bays were all enjoyed by the fishermen of the United States from the making of this treaty, for more than twenty years, without any serious interruption or complaint, and they enjoyed this right practically as a construction acceded to on all hands. They were permitted to fish everywhere, except within three miles of the coast, being excluded only from the coast and the small bays and harbors of the coast. These were the bays renounced, and none others. All else were left open to the fishermen.

Now, this construction put upon the treaty cotemporaneous with its execution, and its continuance for twenty years, undisturbed, seems to me to stamp it with a decided character of authority. The treaty is capable of that construction without any violation to language, and no other fair or just construction, can be put upon it. Now, is it to be pretended, after all this has happened, that under the opinion of the law officers of the Crown, lines are to be stretched from headland to headland, across the Bay of Fundy, and across certain portions of the Gulf of St. Lawrence, of still more doubtful character, and that our fishermen are to be excluded from grounds which they have always occupied? No, sir. It is a stringent, unfair, and unjust construction given to the instrument, and moreover, it is one which, in my opinion, the people of this country never will acquiesce in.

The term "bay" is exceedingly indefinite in its application to the waters of the ocean; take, for instance, Hudson's Bay and Baffin's Bay, which are parts of the great ocean, and compare the use of the term applied to such waters, with its application to those indentations of the coast which serve as harbors of refuge, and are properly so called. There is also the Bay of Fundy, a large body of water from which our fishermen are now sought to be excluded, but in which they have the right of fishing at the distance of three miles from the British coast, not only in accordance with the terms of the convention, but also by another right, which was pointed out by the Senator from Michigan—the right of coterminous proprietorship; it having the coast of Maine on the one side, and the coast of Nova Scotia on the other, as forming the headlands of that bay. It flows along the coast of the United States for a considerable distance, and, therefore, even under the British construction, our fishermen are entitled to fish there. This language of the British authorities is much less applicable to the Bay of St. Lawrence, for that is as much a part of the open ocean as the Gulf of Mexico. The headlands are a little nearer together, it is true, but it is as much a part of the open sea as any of those which all nations have a right to enjoy.

Now, to undertake to shut our fishermen out from that gulf, is a very singular, and stringent, and, in my apprehension, a very unjustifiable construction to the treaty. I do not desire to enter into a discussion of this matter at length. This, it seems to me, is not the fit or proper occasion for that. But, nevertheless, as it is open to inquiry, and as the main point in controversy is the construction of this treaty, and as I have not seen precisely this view given to it, I thought that I would make these statements, that the attention of the Senate might be drawn to it; and if it is drawn to it, and the construction which I have given is taken in connection with the cotemporaneous construction given at the time, together with the use of the fisheries for so long a time, I think the Senate will conclude that my construction is the true one.

If Great Britain wants a war, undoubtedly she can have it; but I do not believe she wants any such thing. But I do not believe she will maintain the position she has assumed, nor do I believe she will maintain her pretensions to an extent to violate and break up the pacific relations which now exist between us. I do not think she will do it; I hope not, at least.

THE FISHERIES.

SPEECH OF HON. H. HAMLIN,

OF MAINE,

IN SENATE, *August* 3 *and* 5, 1852.

The Message of the President of the United States transmitting information in regard to the Fisheries on the Coasts of the British Possessions in North America being under consideration—

Mr. HAMLIN said:

Mr. PRESIDENT: The magnitude and importance of this question are such that I need make no apology for inviting the attention of the Senate and the country to its careful consideration. The interests of Maine and Massachusetts are more directly involved than those of any other State. But it is a question which rises above mere localities, and becomes one of national importance. It affects deeply our national honor; and the expression of this Senate to the country, is a certain indication that our just rights are to be maintained. The great interests of commerce and navigation, as well as those of our Navy, are intimately connected with the subject of the American fisheries, which are well regarded as the great fountains of commercial prosperity and naval power.

To learn what are the rights of Americans, and what are our duties and obligations as statesmen to protect and preserve those rights, a careful examination of their origin, and what has been the action of our Government in relation thereto, becomes not only appropriate, but actually necessary. When these are well understood, it is believed we shall have no trouble in determining our duty in the future.

The *right* to take fish upon the coast of the

British Provinces has always been claimed and exercised by the people of this country from its first settlement. Let it be constantly borne in mind that this has always been claimed as a *right*. It has never been taken as a grant or concession from any power on earth, but has been claimed and exercised as a right from their first use up to this time. These fisheries grew up with the growth of this country while colonies subject to the British Crown; and the *rights* of the citizens of all the Colonies to take fish along the coast of New Brunswick, Nova Scotia, and Newfoundland, were as certain and well known as any right they possessed. Possession and cultivation of the soil could hardly secure a more certain right than was secured by the possession and use of these fisheries. They are contiguous and adjacent in part to the State of Maine. They were freely used as God's highway, outside of maritime jurisdiction, should be used by all. Such was the origin of our rights; and so they remained until the commencement of the revolutionary war, which separated this Government from Great Britain. In the treaty of peace which secured the nationality and independence of the United States, the *rights* of our Government were acknowledged and defined. It was no grant or concession, but the acknowledgment of a right as much as that of our sovereignty and independence.

The third article of the treaty of 1783 is in these words:

"It is agreed that the people of the United States shall continue to enjoy, unmolested, the *right* to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also, on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for said fishermen to dry or cure fish at such settlements, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

This article admits and secures to American citizens "unmolested the right to take fish," &c. It acknowledged and secured the rights which had been acquired as much and as fully as other portions of the treaty secured our right to independence, and to exercise sovereign power over that territory which had belonged to the Crown. These rights, too, unmolested, were used and enjoyed by the American fishermen up to the war of 1812, when they were interrupted—never lost—by that war. The British cruisers would not, of course, allow our fishermen to occupy the fishing grounds during the war. Had they done so, they would have been captured as upon any part of our coast which might have been blockaded by a sufficient force for that purpose.

At the time when the treaty of peace was negotiated with Great Britain in 1814, the subject of these fisheries was under consideration, though nothing was said in the treaty in relation to them. They were entirely omitted. It becomes important to learn why this was so; why they were omitted; what were the instructions of our Government to our ministers negotiating the treaty, and also what were the views and opinions of the ministers themselves; what was said and done by all the high contracting parties. An investigation into these points, and we shall have no doubt why an article was not incorporated into the treaty of Ghent relating to the fisheries.

The instructions of our Government were as follows in relation to the fisheries:

"Information has been received from a quarter deserving of attention that the late events in France have produced such an effect on the British Government as to make it probable that a demand will be made at Guttemburg to surrender *our right to the fisheries*, to abandon all trade beyond the Cape of Good Hope, and to cede Louisiana to Spain. We cannot believe that such a demand will be made. Should it be, you will of course treat it as it deserves. These *rights* must not be brought into discussion. If insisted on, your negotiations will cease."

It will be seen that our Government claimed the use of these fisheries as a *right*, and our Ministers were expressly instructed that "these rights must not be brought into discussion, and if insisted on, negotiations will cease." This, too, was at a time when our whole country was desirous of an honorable peace, having been suffering all the evils incident to a war. But anxious as were the Government and the people for a peace, still, with the known importance of these fisheries in a commercial and naval point of view, negotiations were to be broken off, and the war renewed, rather than concede away this valuable right.

Such was the high and patriotic stand taken by Mr. Madison. Let it be ours to imitate his example. The country will be, and should be satisfied with nothing less. The subject was brought forward by the British plenipotentiaries; but our commissioners, true to *right*, and true to their instructions, would not allow of its discussion.

The demand of the British Government was first advanced in this artful and ensnaring form:

The American commissioners were duly notified by the British plenipotentiaries, "that the 'British Government did not intend to *grant* to 'the United States, gratuitously, the privileges 'formerly granted by treaty to them, of fishing 'within the limits of the British sovereignty, and 'of using the shores of the British territories for 'purposes connected with the fisheries."

Grant privileges formerly granted by treaty! This involves the whole question, whether we had a *right*, or whether we held the fisheries by a grant? An assent to the principle that we held the fisheries by a grant, was yielding all, and equivalent to an admission that the war had abrogated the treaty of 1783.

The American Ministers replied as follows:

"In answer to the declaration made by the British plenipotentiaries respecting the fisheries, the undersigned, referring to what passed in conference on the 9th of August, can only state that they are not authorized to bring into discussion any of the *rights* or *liberties* which the United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the *treaty* of 1783, by which they were recognized, *no further stipulation has been deemed necessary by the Government of the United States to entitle them to a full enjoyment of all of them.*"

Thus, promptly, was this matter met by our Government, and placed on the ground of right, admitted and secured in the treaty of 1783. On two other and different times, during these negotiations, was, in different forms, but in substance the same as I have quoted, this subject presented by the British plenipotentiaries, and on both occasions, as on the first, was all discussion of it refused by our commissioners. The treaty was finally agreed upon, and was silent upon the subject. So stood the matter when negotiations closed and a treaty had been concluded. So far as the fisheries were concerned, they remained, in the language of the negotiators, "*status ante bellum.*"

This was the view taken of the question by our commissioners. In their communication to the Secretary of State, dated Ghent, December 25, 1814, they state their views with great clearness and power. It never has been answered. It admits of no answer. They say:

"Our instructions had forbidden us to suffer our right to the fisheries to be brought in discussion, and had not authorized us to make any distinction in the several provisions of the third article of the treaty of 1783, or between that article and any other of the same treaty.

"We had no equivalent to offer for a new recognition of our right to any part of the fisheries, and we had no power to grant any equivalent which might be asked for it by the British Government. We contended that the whole treaty of 1783 must be considered as one entire permanent compact, not liable, like ordinary treaties, to be abrogated by a subsequent war between the parties to it; as an instrument recognizing the rights and liberties enjoyed by the people of the United States as an independent nation, and containing the terms and conditions on which the two parties of one empire had mutually agreed henceforth to constitute two distinct and separate nations. In consenting, by that treaty, that a part of the North American continent should remain subject to the British jurisdiction, the people of the United States had reserved to themselves the liberty, which they had ever before enjoyed, of fishing upon that part of the coast, and of drying and curing fish upon the shores; and this reservation had been agreed to by the other contracting party.

"We saw not why this liberty, then no new grant, but a mere recognition of a prior right always enjoyed, should be forfeited by a war more than any other of the rights of our national independence; or why we should need a new stipulation for its enjoyment more than we needed a new article to declare that the King of Great Britain treated with us as free, sovereign, and independent States. We stated this principle in general terms to the British plenipotentiaries in the note which we sent to them with our *projet* of the treaty, and we alleged it as the ground upon which no new stipulation was deemed by our Government necessary to secure to the people of the United States all the rights and liberties stipulated in their favor by the treaty of 1783. No reply to that part of our note was given by the British plenipotentiaries.

"JOHN QUINCY ADAMS,
"J. A. BAYARD,
"H. CLAY,
"JONA. RUSSELL,
"ALBERT GALLATIN."

Vattel, in speaking of the jurisdiction of any one nation over fisheries, says:

"If it has once acknowledged the common right of other nations to come and fish there, it can no longer exclude them from it. It has left that fishery in its primitive freedom, at least in respect to those who have been in possession of it."

And he cites the herring fishery on the coast of England, as being common to them with other nations, because they had not appropriated it to themselves *from the beginning*. So far was this principle carried, that it is said the Dutch were in the possession and use of these fisheries at a time when they were at war with Great Britain. But it is maintained that the great highway of nations outside of three miles from the shore, the distance of national jurisdiction, is open to all who may desire to use it. That is the doctrine which must be sustained by us. We can admit nothing which shall limit the freedom of the seas in time of peace, unless clearly defined by treaty.

Thus stood the question after the treaty of Ghent, in 1814, until the convention with Great Britain, which resulted in the treaty of 1818, containing the article under which both Governments are now acting. Before, however, proceeding to the examination of that article to ascertain what is its true and correct interpretation—what is its scope and meaning—the history of the action of both Governments should be scrutinized between the treaties of 1814 and 1818. That shows that the British Government did not claim anything but a *jurisdiction of one marine league along her coast.* She made no claim to a right to exclude our fishermen from the great bays or inland seas, as the Gulf of St. Lawrence really is. Her claim was to a jurisdiction of *three miles from the shore.* In 1815, a British sloop-of-war warned off the coast of Nova Scotia, and about forty-five miles from Cape Sable, an American vessel engaged in the cod fisheries. This was immediately brought to the attention of the British Minister, who promptly disavowed the act, as will appear by his note to Mr. Monroe:

"MR. BAKER TO MR. MONROE.

"PHILADELPHIA, *August 31st*, 1815.

"SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, together with its inclosure, relating to the warning off, to the distance of sixty miles from the coast of Nova Scotia, of some American fishing vessels by His Majesty's brig Jaseur. This measure was, as you have justly presumed in your note, totally unauthorized by His Majesty's Government; and I have the satisfaction to acquaint you, that orders have been given by the naval Commander-in-Chief on the Halifax and Newfoundland stations, which will effectually prevent the recurrence of any similar interruption to the vessels belonging to the United States, engaged in fishing on the high seas."

I have examined with great care all the cases of seizure by the British Government, and believe it may be correctly asserted, that none were made outside of three miles *from the coast*, and no distinction is drawn, or attempted to be drawn, between the coast of the sea and the coast of a bay. These acts are all significant, as showing that no claim was preferred for anything but a jurisdiction within three miles of the shore. On the other hand, we maintained that we were entitled to all the rights secured in the treaty of 1783.

On the 16th of June, 1816, an order was issued by Admiral Griffith to the British cruisers to remove our fishing vessels from the coast of the Provinces. This order, however, was revoked, and nothing was done under it. In May following, an order was issued by Rear Admiral Milne to Captain Samuel Chambers for the protection of the revenue, as also the fisheries on the coast of the Provinces. That order shows that vessels were not to be disturbed unless

"Fishing, or at anchor, in any of the harbors or creeks in His Majesty's North American Provinces, or within our maritime jurisdiction."

That is, within three miles of the shore. Captain Chambers did seize several American vessels *in the harbor on Ragged Island*, and within British *jurisdiction*, but they were all discharged by the Provincial court. These are the transactions which took place upon the fishing grounds. During the same time the same subject was under

discussion between the two Governments. Mr. Adams, with his great ability and comprehensive knowledge of the whole matter, was our Minister who conducted the correspondence on our part. He maintained the same doctrine that was advanced at Ghent, that our rights were fully secured by the treaty of 1783, and that the war of 1812 did not abrogate them. This was denied by Earl Bathurst on behalf of the British Government. Each party maintained its former position. But from that correspondence, from the interviews between the Ministers of the respective Governments, and from the protocol of the contracting parties, when a treaty was concluded, we shall learn precisely what was claimed by the British Government, and what were the intentions of the parties. There is no sounder rule of law than that the intention of a law is to be learned from the discussions of those who enacted it. And so of the formation of treaties. The conferences and protocols of the parties will guide us to a correct conclusion. And we find a remarkable concurrence of evidence to show, beyond doubt, that all Great Britain claimed was to exclude us from within one marine league of the *shore;* not to exclude from inland seas, whether called bays or gulfs. This investigation all becomes important and necessary, to show that such is the construction which should be given to our treaty of 1818.

Mr. Adams writes to Mr. Monroe, September 19, 1815, giving an account of his first interview with Lord Bathurst, and he gives the language used by Lord Bathurst. He, (Lord B.,) said:

"Great Britain could not permit the vessels of the United States to fish within the creeks, and close upon the shores of the British territories. So, on the other hand, it was by no means her intention to interrupt them in fishing anywhere in the open sea, or without the territorial jurisdiction, a marine league from the shore."

This shows clearly that all that was demanded or claimed was, simply, that our fishermen should not exercise the right to take fish within a "marine league of the *shore.*" No claim was preferred to exclude us from bays or gulfs. All that was required was, that we should keep three miles from the shore. During all the correspondence that took place between our Government and Great Britain, that right only was insisted upon.

Under this state of the case, each Government adhering to rights as already advanced and discussed, and being unable to agree, Mr. Monroe says, in his note to Lord Bagot, December 30th, 1816, and in answer to a note from Lord Bagot of November 27th, 1816:

"I concur in the sentiment, that it is desirable to avoid a discussion of their respective rights, [the United States and Great Britain to the fisheries,] and to proceed in a spirit of conciliation to examine what arrangement will be adequate to the object. The discussion which has already taken place between our Governments, has, it is presumed, placed the claim of each party in a just light."

And it was under that suggestion that a convention was finally agreed upon, which negotiated the treaty of 1818. The first article of that treaty is as follows:

"Whereas, differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northwestern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands; and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, indefinitely, along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company:

"And that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks, of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purpose, with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbors, of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors, for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

This is the law under which we now exercise our rights. What is its true and correct construction, is the question in dispute between the United States and Great Britain. The construction of that article by our Government has always been, that a line should be drawn along the coast from indentation to indentation, and not from headland to headland. It is contended by the British Government, that by the strict letter of the treaty, we are to be excluded from those great bays, so called, where they are not miles, but some of them degrees in width. The precise terms of the treaty may, at first view, seem to carry that construction, but when tested by what had been claimed by the British Government, as we have seen, such could not have been the intention of the parties. The only thing claimed through all the negotiations, was that we should be excluded from coming within three miles of the shore, not bays that were leagues in extent. Had such been the intention of any party to the treaty, we should find somewhere such a claim. None such was made. Had there been, it would have been promptly denied. That clause, which says, "that the United States 'hereby renounce, forever, any liberty heretofore 'enjoyed or claimed by the inhabitants thereof, to 'take, dry, or cure fish on or within three marine 'miles of any of the coasts, bays, creeks, or har-'bors, &c.," is to exclude us from the great bays and gulfs! Was such the intention of Great Britain? She never made any such pretensions during all the negotiations, and when we renounced our right to the shore fisheries, as we did in the treaty, and of taking fish within three marine miles of the coasts, bays, creeks, and harbors, that language became necessary to exclude us from the small bays, creeks, and harbors within three miles of the shore—within the jurisdiction of Great Britain, and which we had formerly enjoyed—claimed as a right. That such was the intention of the parties must be inferred from the facts to which I have alluded, which took place during the negotiations.

But the last clause of the article contained in the proviso at the end, will explain what *bays, creeks, and harbors* were surrendered up by our Government. The article says:

"American fishermen shall be admitted to enter such *bays* and harbors for the purpose of *shelter,* and for *repairing damages therein,* purchasing wood, and obtaining water."

The *bays* and *harbors* which are surrendered up by the Americans, are *the* bays and harbors into which the American fishermen may go to find a *shelter, repair damages,* purchase *wood,* and obtain water. All these things could only be done in the small harbors, which would afford shelter, and where damage could be repaired. But to allow fishermen to go into the Gulf of St. Lawrence or the Bay of Fundy for repair or shelter! They might with far greater propriety seek the open sea for shelter, for with sufficient sea-room they might be safe, while in such bays as the Bay of Fundy, they would be sure of destruction upon a lee shore. Better, far better, to seek the broad and trackless ocean for a *shelter,* to repair, for wood or water. The very uses to which these bays and harbors are to be appropriated, must show what was intended—such harbors and bays as could be used for the purposes named. The same interpretation of the word bay in the treaty, when applied to Fundy, Chaleur, or St. Lawrence, should be understood, as when applied to the Bay of Biscay or the Gulf of Mexico.

Another view of this question will, it is believed, furnish us with what is the true construction of the treaty, by which we are restricted in certain bays, creeks, and harbors, therein named. What were the rights enjoyed by our fishermen under the treaty of 1783? They had the right, and did use, what is known as the shore fisheries, inside of three miles from the shore, and in the bays, creeks, and harbors, with which the whole coast was indented. These were what we occupied; and for many purposes, they were very valuable. To them were claimed a right, and these were the privileges which we renounced. A line drawn from indentation to indentation along the coast, as has always been contended for by our Government, would exclude us from the shore fisheries, which were and are so called in distinction from the sea fisheries, more than three miles from the shore.

Besides, the intention of our ministers who negotiated the treaty, and the evidence which the protocols furnish as the negotiations progressed, all concur to aid us in our construction. These protocols and this evidence of that time are of great importance, and cannot fail to carry conviction along with them, as to what was intended by the language used in the treaty, and the reasons for which it was placed there. Let Messrs. Gallatin and Rush speak on this matter. In their dispatch, dated London, October 20, 1818—the very day on which the treaty was signed—to the Secretary of State, communicating the convention or treaty which had been concluded, they say:

"We succeeded in securing, besides the rights of taking and curing fish within the limits designated by our instructions, as a *sine qua non,* the liberty of fishing on the coasts of the Magdalen Islands, and of the western coast of Newfoundland, and the privilege of entering for shelter, wood, and water, in all the British harbors of North America. Both were suggested as important to our fisheries, in the communications on that subject, which were transmitted to us with our instructions. To the exception of the exclusive rights of the Hudson's Bay Company, we did not object, as it was virtually implied in the treaty of 1783, and we had never, any more than the British subjects, enjoyed any right there; the charter of that company having been granted in the year 1670. The exception applies only to the coasts and harbors, and does not affect the right of fishing in Hudson's Bay, beyond three miles from the shores, *a right which could not exclusively belong to, or be granted by, any nation.*

"It will also be perceived that we insist on the clause, by which the United States renounce their right to the fisheries, relinquished by the convention, that clause having been omitted in the first British counter *projet.* We insisted on it with the view—1st. Of preventing an implication that the fisheries secured to us were a new grant, and of placing the permanence of the rights secured, and of those renounced precisely on the same footing. 2d. Of its being expressly stated, that our renunciation extended only to the distance of three miles from the coast. This last point was the more important, as, with the exception of the fisheries in open boats within certain harbors, it appeared from the communications above-mentioned, that the fishing-ground, on the whole coast of Nova Scotia, is more than three miles from the shore; whilst, on the contrary, it is almost universally close to the shore on the coasts of Labrador. It is in that point of view that the privilege of entering the ports for shelter is useful, and it is hoped that, with that provision, a considerable portion of the actual fisheries on that coast (of Nova Scotia) will, notwithstanding the renunciation, be preserved."

The first paragraph of this dispatch which invites our attention is the description which they give of the rights which we surrender in the fisheries. It explains what was their intention. They state within what limits we are to fish; and in alluding to the prior rights of the Hudson's Bay Company, *in Hudson Bay,* they say expressly, that we have the right to fish *in that bay* outside of three miles from the shore, and that "WAS A RIGHT WHICH COULD NOT EXCLUSIVELY BELONG TO, OR BE GRANTED BY, ANY NATION." That is and was precisely the American doctrine, and hence we cannot be excluded from other bays more than three miles from the shore. Such is the true meaning of the treaty of 1818. Such the intention of the parties who negotiated it.

The second paragraph of this dispatch shows from the protocol, that renunciation of our Government to the right of the shore fisheries was inserted by our ministers, and for what purpose it was put there—to show, that rights were renounced and that in the treaty of 1818 we admitted no *grant* to fish elsewhere by forming a new treaty. And, secondly, that it was expressly stated that our renunciation extended *only to fisheries within three miles from the coasts.* But let us hear what Mr. Adams has said on this question, a man better acquainted with the whole subject in all its ramifications than any other man. He was one of our commissioners who negotiated the treaty of 1814, and as Secretary of State he gave instructions to Gallatin and Rush, and in those instructions, referring to the fisheries, he said:

"The British Government may be well assured that not a particle of these rights will be finally yielded by the United States without a struggle, which will cost Great Britain more than the worth of the prize."

Again, John Quincy Adams's construction of the first article of the convention of 1818, and the reason for relinquishing any right by our Government:

"In that instrument the United States have renounced forever that part of the fishing liberties which they had enjoyed, or claimed, in certain parts of the exclusive jurisdic-

tion of British Provinces, and within *three marine miles* of the shores. The first article of this convention affords a signal testimonial of the correctness of the principle assumed by the American plenipotentiaries at Ghent; for as by accepting the express renunciation by the United States of a small portion of the privilege in question, and by confirming and enlarging all the remainder of the privilege forever, the British Government have implicitly acknowledged that the liberties of the third article of the treaty of 1783, has not been abrogated by the war."

This was the opinion of Mr. Adams in 1822, expressed while Secretary of State, in an able review of the subject of the fisheries.

The true intent and meaning of the first article of the treaty, as our Government contend, is to draw a line along the indents of the shore, and not from headland to headland of the great bays and gulfs, which would exclude us from what are really inland seas. This will comply with the treaty, and will exclude us from the bays, creeks, and harbors three miles from land. That such was the design—that such should be the construction for which we should insist—cannot admit of a reasonable doubt. The actual acquiescence of the British Government for more than twenty-two years, and a virtual acquiescence up to this time, should preclude her from all attempts to give or enforce any other. The most perfect commentary of compacts and treaties is a cotemporaneous acquiescence in their execution. Our position is fortified by that acquiescence. It is too late to deny it now, and we shall be derelict in our duty if we do not sustain it. I cannot doubt that our Government will do so.

What is the history of this acquiescence? The British Parliament, in 1819, passed an act "to 'enable His Majesty to make regulations with 'respect to the taking and curing of fish on cer-'tain parts of the coasts of Newfoundland, Lab-'rador, and His Majesty's other provinces in 'North America, according to a convention made 'between His Majesty and the United States." This act recites and contains that article of the treaty relating to the fisheries, but it gives to it no construction. It then confers power upon His Majesty and his Privy Council, by any order or orders in council to be from time to time made for that purpose, to make such regulations and to give such directions, orders, and instructions to the Governor of Newfoundland, &c., for the purpose of carrying into effect said convention. It also contains certain other provisions in relation to the same, not necessary to describe. But not a word is said in said act which gives a construction to said treaty, or of drawing a line from headland to headland of the great bays. That is the only act ever passed so far as I can learn.

March 12, 1836, the province of Nova Scotia passed an act for the preservation of the fisheries, and the first and third sections of said act are conclusive evidence as to what must have been their undoubted understanding of our just rights under the treaty, and what was and is the true intent and meaning thereof. These sections are as follows:

"SEC. 1. Officers of the colonial revenue, sheriffs, magistrates, and any other person duly commissioned for that purpose, may go on board any vessel or boat within any *harbor* in the Province, or hovering within *three miles* of any of the *coasts* or harbors thereof, and stay on board so long as they may remain within such place or distance."

"SEC. 3. If the vessel or boat shall be foreign, and not navigated according to the laws of Great Britain and Ireland, and shall have been found fishing or preparing to fish, or have been fishing within three marine miles of such *coasts* or harbors, such vessel or boat and the cargo shall be forfeited."

Mark the language of the first section, "Officers 'of the colonial revenue, &c., may go on board 'any vessel or boat within any harbor, or hover-'ing within *three* miles of any coast or HARBOR."

The third section, "if any foreign boat shall have been found fishing or preparing to fish within *three marine miles of such coasts or harbors.*" The description and terms given in these sections prove beyond a doubt that up to that time our rights were well understood. That language conforms to what was and is our construction of the treaty; we were debarred from fishing within three miles of the shore, and a line drawn from indentation to indentation, as we contend, is just in accordance with this law of the Province, and just in accordance with our use and occupation. So we have continued to occupy and use these grounds according to our construction—undisputed for more than twenty-two years, and virtually and essentially up to this time. Since 1841, the fishermen have been much annoyed by the Colonies. Laws have been passed which are in plain and unmistakable violation of the treaty. The right of entering her harbors on her coast by the fishermen for shelter, repair, or water, secured by the treaty, have been infringed and limited. By one provision of law, the owner of a vessel, when seized for a violation of law, is required to prove his innocence. According to our maxims of law, a man is called to prove his innocence after proof of guilt has been offered. Our vessels have sometimes been wrongfully seized and confiscated, and it would be strange if instances could not be found where they may, some of them, have infringed upon the terms of the treaty. Still the practical use of these fisheries has been in accordance with the construction for which we contend.

In May, 1841, the Governor of Nova Scotia, in a dispatch to Lord John Russell, said:

"In point of fact I have not been able to learn that any seizures have been made when the vessels have not been within three miles of the distance prescribed by the statute, or considered so to be, although it is true that the Bay of Fundy, as well as smaller bays on the coast of this Province, is thought by the law officers in the Province to form a part of the exclusive jurisdiction of the Crown."

Here, then, we have unequivocal proof of our use of these bays up to 1841; just our construction of the treaty. Nor can I find the evidence of the seizure of any vessel up to this day outside of three miles from the coast, whether in the great bays or out of them.

In 1841, Mr. Stevenson, then our Minister at London, called the attention of the British Government to the true intent and meaning of, or the construction which should be given to the first article of the treaty of 1818. In his dispatch, dated March 27, 1841, to Lord Palmerston, then principal Secretary of State for Foreign Affairs, Mr. Stevenson says:

"It also appears, from information recently received by the Government of the United States, that the provincial authorities assume a right to exclude the vessels of the United States from all their bays, (even including those of Fundy and Chaleur,) and likewise to prohibit their approach within three miles of a line, drawn from *headland to headland, instead of from the indents of the shores* of the Provinces!

"They also assert the right of excluding them from British ports, unless in actual distress, warning them to depart or get under way and leave harbor whenever the provincial custom-house or British naval officers shall suppose that they have remained there a reasonable time, and this without a full examination of the circumstances under which they may have entered the port. Now, the fishermen of the United States believe, (if uniform practice is any evidence of correct construction,) that they can with propriety take fish anywhere on the coasts of the British provinces, *if not nearer than three marine miles from land*, and have a right to their ports for shelter, wood, and water; nor has this claim, it is believed, ever been seriously disputed, based, as it is, on the plain and obvious terms of the convention. Indeed the main object of the treaty was, not only to secure to American fishermen in the pursuit of their employment, the right of fishing, but likewise to insure him as large a proportion of the convenience afforded by the neighboring coasts of British settlement as might be reconcilable with the just rights and interests of British subjects, and the due administration of Her Majesty's dominions. The construction, therefore, which has been attempted to be put upon the stipulations of the treaty by the authorities of Nova Scotia, is directly in conflict with their object, and entirely subversive of the rights and interests of the citizens of the United States. It is one, moreover, which would lead to the abandonment, to a great extent, of a highly important branch of American industry, which could not for a moment be admitted by the Government of the United States."

Mr. Stevenson thus states, with great clearness and power, what is the construction placed upon the treaty of 1818 by his Government, and that such a construction had been acquiesced in up to that time by the British Government, a term of more than twenty years. This was the first correspondence of the two Governments, as to the true interpretation of the treaty. None other but the one which we had adopted, and Great Britain had assented to, by a quiet acquiescence, is to be found prior to this time. The answer of the British Government to the dispatch of Mr. Stevenson is to be found in the opinion of the Crown officers of Great Britain. A case was prepared by the Governor of Nova Scotia, May 8, 1841, submitting certain questions as to the intent and meaning of the first article of the treaty of 1818. All that part of the case material to our inquiry at this time is embraced in two interrogatories: First, whether the war of 1812 abrogated and annulled our rights to the fisheries secured by the treaty of 1783? And second, whether a line is to be drawn from headland to headland of the great bays? The answer of J. Dodson and Thomas Wilde, Queen's Advocate and Attorney General, August 30, 1841, is very explicit. It says:

"We are of opinion that the treaty of 1783 was annulled by the war of 1812."

To the second point they answer:

"The prescribed distance of three miles is to be measured from the headlands, or extreme points of land next the sea of the coast, or of the entrance of the bays, and not from the interior of such bays or inlets of the coast, and consequently that no right exists on the part of American citizens to enter the bays of Nova Scotia, there to take fish, although the fish being within the bay may be at a greater distance than three miles from the shore of the bay, as we are of opinion that the term *headland* is used in the treaty to express the part of land we have before mentioned, excluding the interior of the bays and the inlets of the coast."

Thus it will be observed that the question, whether our rights under the treaty of 1783 were abrogated or not, is most summarily disposed of. The manner of running from headland to headland is also disposed of in the same way. The reasoning for these profound conclusions we are not permitted to see. All that we can know is upon a case made up by the government of Nova Scotia; the Attorney General and Queen's Advocate have so decided. There is one expression used in the opinion of these officers which is significant, and which we may well suppose aided, if it did not control, the result to which they came. They say that the "*term headland is used in the treaty to express the part of land,*" &c. There is no such word as headland used in the treaty. Had such been the case, there would be some reason for the conclusion to which they came. The absence of that very term on which they say their opinion is based proves their error. The reason for their opinion is not there, and without it their opinion or conclusion must be incorrect by their own showing.

This is but an *ex parte* decision, and one which our Government has never assented to, and one to which we were not a party. It in no way controls or disturbs the position of our Government upon these questions. We are left to maintain our own construction, which involves all that is now in dispute. What is the construction which shall be given to the treaty, is a question for both Governments to settle and determine.

This construction, thus formally given by the British Government, was allowed to remain without any attempt to enforce it by Great Britain. In the mean time, from 1841 to 1845, the Provincial Legislature of Nova Scotia had adopted sundry reports in relation to the fisheries, and some attempts were made by the provinces to exclude our fishermen from the Bay of Fundy, which led to a renewal of correspondence between the two Governments. All the information which I gather upon the point is from the dispatch of Mr. Everett, the American Minister at London, dated April 23, 1845, to Mr. Buchanan, Secretary of State:

"Sir, with my dispatch, No. 278, of the 25th of March, I transmitted the note of Lord Aberdeen of the 10th of March, communicating the important information that this Government had come to the determination to concede to American fishermen the right of pursuing their occupation within the Bay of Fundy. It was left somewhat uncertain by Lord Aberdeen's note, whether this concession was intended to be confined to the Bay of Fundy, or to extend to other portions of the coast of the Anglo-American possessions, to which the principle contended for by the United States equally apply, and particularly to the waters of the northwestern shores of Cape Breton, where the 'Argus' was captured. In my notes of the 25th ultimo and the 2d instant, on the subject of the 'Washington' and 'Argus,' I was careful to point out to Lord Aberdeen, that all the reasoning for admitting the *right* of the Americans to fish in the Bay of Fundy apply to those waters with superior force, inasmuch as they are less land-locked than the Bay of Fundy, and to express the hope that the concession was meant to extend to them, which there was some reason to think, from the mode in which Lord Aberdeen expressed himself, was the case.

"I received last evening the answer of his lordship, informing me that my two notes had been referred to the Colonial Office, and that a final reply could not be returned till he should be made acquainted with the result of that reference; and that in the mean time, the concession must be understood to be limited to the Bay of Fundy.

"The merits of the question are so clear that I cannot but anticipate that the decision of the Colonial Office will be in favor of a literal construction of the convention."

The *concession* made was in fact, and could be only an abandonment on the part of Great Britain of her construction of the convention or treaty—for I use the words as synonymous—so far as it applied to the Bay of Fundy. It was in fact no concession. It only allowed what was in our view the true intent and meaning of the treaty. Nor does

the term used at all disturb our construction. The substance was important, and the most that can be said is, that it leaves Great Britain in a position where she may insist that she has not abandoned her construction of the treaty. It was but a reiteration of her claim which she put forth in 1814, when, in the negotiations at Ghent, her Ministers declared that no new *grants* would be made to the United States to fish on the coasts of her provinces, without an equivalent. This *concession* was made on our claim of the *right*, and the terms used in securing our rights, cannot be used to deprive us subsequently of them.

It will also be noted that Mr. Everett speaks with an unqualified confidence that a *literal construction of the convention will be given by the Colonial Office;* the plain meaning of which is, that a literal construction of the convention will secure to us the right to fish in all harbors more than three miles from the shore. That was what Mr. Everett meant.

The only other reference which I propose to make is a dispatch of Lord Stanley, (now Earl of Derby, and Prime Minister of England,) to Lord Falkland, Governor of Nova Scotia, dated September 17, 1845.

"DOWNING STREET, *September* 17, 1845.

"MY LORD: * * * * * Her Majesty's Government have attentively considered the representations contained in your dispatches, No. 324 and 331, of the 17th June and the 2d July, respecting the policy of granting permission to the fisheries of the United States to fish in the Bay of Chaleur, and other large bays of a similar character on the coast of New Brunswick and Nova Scotia, and, apprehending from your statements that any such general concession would be injurious to the interests of the British North American Provinces, we have abandoned the intention we entertained upon the subject, and still adhere to the strict letter of the treaties which exist between Great Britain and the United States, relative to the fisheries in North America, except so far as they may relate to the Bay of Fundy, which has been thrown open to the North Americans under certain restrictions."

This, it will be seen, is dated but a few months after the note of Lord Aberdeen, to which Mr. Everett referred, relating to the fisheries in the Bay of Fundy. That note gave us what we claimed as our right in that bay. This last dispatch of Lord Stanley applies the British construction of the treaty to the Bay of Chaleur, and other large bays. It is their construction only, and can have no binding force upon us, or our construction. This dispatch has never been enforced, except as we understand it is now attempted. We have continued to enjoy our ancient rights, hearing only the muttered threats of the colonies.

From all this history of the facts connected with, and growing out of this question; from our original rights; from what was demanded by Great Britain; from the correspondence and protocols of negotiating ministers; and from an acquiescence in our claim of rights, and their use for more than thirty years, we are justified in saying that our construction of the treaty is not only just and right, but that it is the true intent and meaning thereof. And, admitting that it is an unsettled question—the most that Great Britain can claim—the courtesy and the honor of our nation will demand that nothing less will be conceded in any settlement of the same, than our right to fish in all waters one marine league from the shore.

Now we are informed, from such sources as are believed to be reliable, that Great Britain is enforcing her construction of the treaty, and is now driving American fishermen from the bays in which they have always used the right to fish, or to seize aud confiscate their vessels. So far as we know, not a word of notice or warning has been given to our Government. The first intimation we have, a hostile fleet is sent to enforce, with naval power, this construction upon our honest and hard-working fishermen. The ordinary rules of courtesy, which should mark the acts of all Governments, it would seem, should have induced a different course.

Mr. SEWARD. If the Senator from Maine will allow me, I will state that, from the papers this day communicated to the Senate, I find that the British Minister did communicate to our Government, on the 5th of July last, that a sufficient force *had been ordered* upon the British coast for the purpose of protecting the fisheries. I state this that the Senator may have the whole case as it is. I say nothing here of the character of that notice.

Mr. HAMLIN. I was speaking of what had been made public. And this dispatch, after the squadron had been ordered upon our coast, does not at all obviate the objection made; and such a fleet is not required for such a purpose. Notice was not given until after the act was done. Such a notice does not alter the case at all; it is, in fact, but an aggravation. This was like the action of Charles the XII, the mad King of Sweden on another occasion. He sent his army first, and then gave notice that his minister would follow to negotiate. That will not do in this age, and with our Government. The movement may be regarded as most remarkable, and leads to the conclusion that it has some ulterior purpose. It is said that reciprocal trade between the United States and the British colonies is thus to be enforced. If such be the object—for it cannot be supposed that, at this day, we are to surrender the freedom of the seas—I will only say, in my opinion, the wrong mode has been adopted to secure the end desired. It may have been designed to aid or strengthen a Tory Ministry, which came in by accident, and, judging from the recent elections in England, it will be likely to go out by design.

What are the designs of the British Government is of much less importance than what are her acts. It is with them that we must deal. What are they? Our information is not yet official, but is presumed to be reliable. The Halifax Chronicle, in the last month, gives a list of the naval force cruising in British waters. That paper says:

"For the information of all concerned, we subjoin a list of the cruisers our calculating neighbors are likely to fall in with on the coast—all of which will, we apprehend, do their duty, without fear or favor:

Cumberland*	74		Capt. Seymour.
Sappho	12	sloop	Com. Cochrane.
Devastation†	6	steam-sloop	Com. Campbell.
Buzzard	6	steam-sloop	Com. ———
Janus‡	4	steam-sloop	Lieut. ———
Netley	3	ketch	Com. Kynaston.
Bermuda	3	schooner	Lieut. Jolly.
Arrow	—	brigantine	———
Telegraph	—	schooner	———
Halifax	2	brigantine	Mast. Laybold.
Belle	2	brigantine	Mast. Crowell.
Responsible	2	schooner	Mast. Dodd.
Daring	2	schooner	Mast. Daly.

* Flag, Sir G. F. Seymour. †300 horse power. ‡220 horse power.

"In addition to this formidable force, his Excellency Sir G. F. Seymour requires, we learn, *two more* vessels, besides the Arrow and Telegragh, (two beautiful craft, of whose merits we have previously spoken,) to be fitted, provisioned, officered, and manned by the British Government. The Buzzard, hourly expected from Portsmouth, brings out men to man these hired vessels. To these must be added *two* from New Brunswick, *one* from Canada, and *one* from Prince Edward's Island, making a total of *nineteen* armed vessels, from the "tall Admiral" to the tiny Tender, engaged in this important service. His Excellency the Vice Admiral deserves the thanks of the people of British North America for the zeal with which he has taken up this momentous matter, and also for the promptitude of his coöperation with the Provincial Government. Janus comes to Newfoundland direct from Gibraltar; she is an experimental steamer, constructed by Sir Charles Napier, and by some said to be a splendid failure. Cumberland sails immediately for St. John's and the Newfoundland coast."

A formidable force indeed, to prevent the peaceable and unoffending fishermen from violating the treaty of 1818. And more are required as it is stated. That such a force is at all necessary for such a purpose will not be credited by any familiar with the business. Nor is such the intention, can any one believe. Such cannot be the object. The true design is to enforce a construction of the treaty foreign to its intention, and, as we believe, against its fair interpretation; a construction which has been left for a Tory Ministry to enforce after it has been negatived by an acquiescence in a different one for more than thirty years; and a construction, too, which we believe we have shown to be in accordance with the design and intention of the parties. Such a state of things cannot be submitted to without disgrace and dishonor—nor will it be. With firm and patriotic councils no fear or alarm need be entertained, though we may well be astonished and startled at the flagrant violations of our flag in the recent seizures of American fishermen. The acts which have already taken place demonstrate the great propriety of the call made by the resolution of the honorable chairman on Foreign Relations [Mr. MASON.] There was a necessity for knowing officially what had been done by Great Britain, and what was intended to be done by our Government, so far as that knowledge should be compatible with the public interests.

We learn daily, by the mails, through the press, and by the telegraph, of the continued seizures of our vessels under the solemn protestations of the parties that no violations of the treaty have been either designed or committed. And we are also informed from the same sources, that duties are imposed upon our vessels, when seeking a harbor for shelter, to repair, or for wood or water—rights which we possess under the positive stipulations of the treaty, and about which there can be no mistake. If duties can be thus imposed upon our vessels, they may be prohibited from the use of these ports at all. It is a gross violation of our treaty rights, and is another evidence that the faith of Great Britain in relation to her treaties with us is but a Punic faith. I fear much that our acquiescence in her violation of the Nicaragua treaty, has served as an inducement to this.

We have accounts which are presumed to be correct, of the seizure of Hayades, of Lubec, Maine. The schooner Wellfleet reports that, on the 23d of July, two American vessels were taken off Gosperhead by a British steam-frigate. Captain Saybold, of the brigantine Halifax, informed Captain Whalan that his orders were to seize all vessels found fishing within the line laid down by the British Government. This will cut off our vessels from fishing on all the grounds, except in the neighborhood of Gaspe and Magdalen islands. The distance from this line to the shore in some places is fifty or sixty miles. Another restriction has been placed upon our vessels, in the shape of anchorage duty, at sixpence per ton. In all the Provinces the fishing vessels have been obliged, heretofore, to pay a like duty at Canso, and now they are obliged to pay this anchorage duty at other Provinces in addition, which is something never required before.

"BOSTON, *July* 31st.—The fishing schooner Northern Light, which arrived at Booth Bay, Maine, from the Gulf of St. Lawrence, reports having been boarded by a British cutter and requested not to fish within three miles of land, a line from headland to headland being marked out in their presence.

"The schooner Wave, which has arrived at Gloucester, reports that on Monday last, while lying at anchor near Sable Island, in company with the schooner Helen Maria, of Gloucester, they were boarded by a British cutter, and fish bait being found on the Helen Maria, she was taken in Pubuces. The crew of the Helen Maria allege that they had not been fishing, and had no intention of evading the treaty but had only put in for supplies. The intelligence has caused great excitement among the Gloucester fishermen."

"SEIZURE OF ANOTHER AMERICAN FISHING VESSEL.—BOSTON, *August* 2.—The American fishing schooner Union has been seized for an alleged violation of the fishery treaty and carried into Charlottestown."

[SECOND DISPATCH.]

"BOSTON, *August* 2.—The schoonor Coral was sold at St. John's to-day for a breach of the fishing treaty."

Such are the accounts of some of the many seizures which have taken place, and they can leave no doubt that they are seized many miles from shore. But I will pass from the consideration of this part of the subject, and will proceed to the examination of the other branch of it. I propose to show the importance of our fisheries, as connected with our commerce and our Navy, and exhibit the amount of means and the number of men engaged in the same, for the purpose of presenting their true importance to the country, and demonstrating the necessity, as well as justice, of protecting their just rights and sustaining the honor of our country.

THURSDAY, *August* 5, 1852.

The President's message, in relation to the North American fisheries, being again under consideration—

Mr. HAMLIN resumed, and concluded as follows:

Mr. PRESIDENT: It will now be my purpose to call, as briefly as I can, the attention of the Senate to the importance of these fisheries in a commercial and maritime point of view, for the purpose of showing that, not only as a matter of right, but as an obligation of duty arising as well from right as from interest, our Government should protect our fishermen in the rights which properly and justly belong to them by the treaty of 1783, by the convention of 1818, and by the law of nations.

We must have men for our Navy; we must have men for our commercial marine. Those men can only be had who have followed the occupation, and who have become proficient, by a train-

ing in the sea service for a series of years. There is no nation that has ever existed which has not reposed with confidence on the fisheries as the great fountain of supply for its commerce and its Navy. Our own Government, from its foundation to the present time, have regarded the fisheries as the great source from whence we are to draw our supply. They are the school in which our seamen are to be trained to fight our battles on the ocean and on the lakes. There is no other school; there is no other training adequate to the purpose. There is no nation now existing that has been distinguished for its commerce or its naval power, which has not had such a body of men as a corps on which it could rely for the purpose to which I have alluded.

From the days of the commercial prosperity of Venice down to the present time, every nation which has been distinguished for its commerce and naval power, it will be found, has not only devoted its energies to this branch of industry, but it has relied implicity upon it as a great source from which its navy and its commerce were to be sustained. When Venice was mistress of the Adriatic; when she commanded absolutely the Mediterranean, and almost the whole of Europe; when she was indeed the first commercial Power in all Europe, and it is said by some writers, equal to all Europe, she had a corps of fishermen, with which to supply her commerce and her navy along her coasts and bays. They covered the lagoons, they swarmed the Mediterranean, and her argosies were found in every port along the British coast. Her vessels visited every port of the Mediterranean, and every coast of Europe. Her maritime commerce was probably not much inferior to all the rest of christendom. Such was Venice in the day of her greatest commercial prosperity, and that prosperity was in a great degree attributable to the enterprise of her seamen, who had been trained and educated in the school of her fisheries. They were hardy, industrious, and energetic, and they went wherever commerce could find an avenue.

Holland also furnishes a remarkable example of the prosperity and commercial power of that country, in connection with her fisheries and her seamen. Indeed, sir, the old Dutch proverb is, that the city of Amsterdam was built upon fishes' bones. When Holland was the mistress of commerce, as she was from the year 1588 to the year 1750, Amsterdam was perhaps the first commercial city of Europe. History informs us that that distinction was obtained by her fisheries and her commerce. Indeed, she had little else. By her fisheries she won this great commercial power, and that commerce was sustained by her fishermen. When Von Tromp swept the British ocean, with a broom at his mast-head, threatening entire destruction to the British navy, and annihilation to the commerce of that nation, his vessels were manned by those hardy and persevering men which were supplied from the fisheries of Holland. These were the men who were in fact a terror to all her adversaries, and by which Holland acquired such renown. Her commercial prosperity and the prosperity of her fishermen were coexistent with each other. The Government itself, in a dispatch on the causes of its commercial prosperity, prepared with great care by the direction of the Stadtholder, places the fisheries in the first class of causes as contributing to the advancement of the Republic in its unexampled prosperity Such was beyond all doubt the fact.

France furnishes a most remarkable example, too, of the intimate relation which exists between commerce, the naval power, and the fisheries. While that nation held her eastern colonies, and their fisheries, we all know that she was rapidly equaling Great Britain in her commerce and in her navy; and an examination of the history of these times will show clearly and conclusively that, from the very hour she parted with her fisheries, which had been the nurseries of her seamen and her commerce, her navy began to decline. Under Louis XIV., and under that most remarkable minister, Colbert, we find that her commerce had extended, and had become almost equal to that of England. Her navy was indeed formidable.

Allow me to read here from a communication made to the National Assembly of France, at its session in 1851, by M. Ancet, in relation to the fisheries. It has been very kindly furnished me by a friend, and is not only an able, but a most valuable paper. In that review, which the French Government have given to this subject very recently, I find very clear and satisfactory evidence of the value which they place upon their fisheries at this time, and of the extraordinary measures which they are taking, not only to retain their present interest in them, but to extend the same. He says:

"It is not, therefore, a commercial law that we have the honor to propose to the Assembly, but rather a maritime law—a law conceived for the advancement of the naval power of this country.

"No other school can compare with this in preparing them [seamen] so well, and in numbers so important, for the service of the navy.

"It may be said of this fishery that if it prepares fewer men for the sea, it forms better sailors—the *élite* of the navy.

"The preservation of the great fisheries assumes a degree of importance more serious when they are viewed as being in fact the nursery of our military marine."

To foster their fishermen they give a bounty of twenty francs on a French quintal of two hundred and twenty and a half pounds avoirdupois—nearly equal to two dollars per American quintal of one hundred and twelve pounds; a sum almost equal to what our fishermen obtain for their dried fish when fit for market.

This shows the estimate in which the fisheries are held by that Government at this time. Another extract to which I will call the attention of the Senate, is from the same report. In speaking of the character of these fisheries, it shows the estimation in which they were held at the period of time to which I have already alluded—that period when the colonies which now belong to Great Britain were in the possession of France.

M. Ancet continues:

"The loss of her most magnificent colonies has occasioned irreparable injury to the commercial marine, which is an essential element of naval power." * *

"In order to preserve them [the fisheries] we must continue the encouragements they have received, even at periods when a commercial and colonial prosperity, infinitely superior to that now existing, multiplied our shipping, and created abundance of seamen. It is on our fisheries that at this day repose all the most serious hopes of our maritime enlistments."

In the same connection, allow me to read, for the purpose of showing the estimate placed upon these fisheries, not only by the English, but by the French Government at the period to which I have alluded, before they passed from the French to the English jurisdiction, an extract from a report on commercial tariffs and regulations, made to the British Parliament in 1846, by Mr. Macgregor. In that report he says:

"In speaking of the fisheries, De Witt says:

"That the English navy became formidable by the discovery of the inexpressibly rich fishing bank of Newfoundland." * * * * * * *

"And from 1618, the fisheries were carried on by England, and became of great national consideration."

"Before the conquest of Cape Breton, by these alone France became formidable to all Europe." * *

"It was a maxim with the French Government, that their American fisheries were of more national value, in regard to navigation and power, than the gold mines of Mexico could have been if the latter were possessed by France."

He says further:

"It is very remarkable that, in our treaties with France, the fisheries of North America were made a stipulation of extraordinary importance. The Minister of that Power considered the value of those fisheries, not so much in a commercial point of view, but as essential in providing their navy with that physical strength which would enable them to cope with other nations.

"The policy of the French, from their first planting colonies in North America, insists particularly on training seamen by means of these fisheries. In conducting their cod fishery, one third, or at least one quarter, of the men employed in it were 'green men,' or men who were never at sea before; and by this trade they bred up from four thousand to six thousand seamen annually."

I beg leave also to call the attention of the Senate to an extract from the message of Jefferson, in the early history of the country, calling the attention of the Government to the importance of this branch of our industry. I quote from his message of December 15, 1802. He says:

"To cultivate peace, and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries and nurseries of navigation, and for the nurture of man; * * are the landmarks by which we are to guide ourselves in all our proceedings."

He states very succinctly the importance of the fisheries in a national point of view, as a school in which to train the seamen of our commerce and our Navy. This shows very clearly the importance placed upon these fisheries by France, by England, by all great or commercial nations, and by our own Government. And, sir, that importance is in no way diminished at this period of time. We are to rely upon them now and hereafter to maintain our supremacy upon the ocean.

A like lesson could be drawn from the history of Spain, when her commerce and her navy had reached its culminating point. She, too, drew her support from the fisheries in which she then participated, and which she then held.

This branch of industry has always been considered by the English Government as one of very great importance; and she owes to it that supremacy which in times past she has exercised upon almost every sea. She owes it to the hardy seamen, that she has educated that her commerce has been found in every quarter of the world. She owes it to this class of men that she has been enabled to maintain a naval superiority over any Power that has ever existed.

Such is the importance of our fisheries in a commercial and maritime point of view. They are also important when we examine them in connection with the amount of means, the number of men, and the persons who are engaged in them who are citizens of this Government. The American tonnage employed in these fisheries at the close of the fiscal year 1851, amounts, in the total, to 146,155 84-95 tons, a fleet which, in another age of the world, would have been regarded as adequate to the commercial purpose of a whole nation. This is classified as follows:

Amount of Tonnage engaged in Cod Fisheries for the year ending June 30, 1851.

STATES.	Enrolled vessels over 20 tons.	Licensed vessels under 20 tons.	Total.
Maine	41,233.00	4,294.72	45,527.72
New Hampshire	1,705.33	211.82	1,917.20
Massachusetts	38,110.57	1,871.58	39,982.20
Rhode Island	26.40	344.73	371.18
Connecticut	5,591.13	1,193.72	6,784.85
New York	808.41	294.16	1,033.57
	87,475.89	8,140.88	95,616.82

Amount of Tonnage engaged in Mackerel Fisheries, ending June 30, 1851.

STATES.	In Mackerel Fish.	Total Cod and Mackerel.
Maine	9,857.59	55,385.36
New Hampshire	481.16	2,398.36
Massachusetts	39,416.40	79,398.60
Rhode Island	189.76	560.94
Connecticut	594.01	7,378.86
New York	-	1,033.57
	50,539.02	146,155.84

The Boston merchants, who are practical men, who are engaged in the business, and are so situated that they can avail themselves of more reliable information than can be by any possibility acquired at this point, have estimated the whole number of vessels employed in this branch of industry at 2,500, and their value at $12,000,000, including the outfit. The value of fish caught by this fleet cannot be estimated with any considerable degree of accuracy. It varies from $3,000,000 to $5,000,000 annually. According to the information which I have been able to acquire, I am inclined to the belief that an estimate varying from $3,000,000 to $4,000,000 annually, will be very near the true point. It is a fluctuating and an uncertain business, and the results of one year cannot form at all a reliable basis for the results of a subsequent year.

A trouble which arises, and which prevents the obtaining of such information as is desirable, and as will enable us to state with accuracy what is the annual amount of production of our fisheries, arises from the want of accuracy in the returns, and from the fact that full returns are hardly ever made. There are, however, some returns which may be found at stated periods, and other returns at particular localities, from which we may draw a conclusion that will safely justify us in the opinion that the annual production of our fisheries must be at least from $3,000,000 to $4,000,000. Some years they may exceed that sum. The

report of the inspector general of fish, in Massachusetts, gives the quantity and value of the mackerel inspected by him in 1851. He puts down 940 vessels, making 59,417 tons, with 9,998 men.

Now, it will be remarked that in our commercial tables the tonnage engaged in the mackerel fisheries is put down only at 50,539 tons, while the inspector general of Massachusetts puts it down at 59,417. The difference between the two may be explained in this manner: By a decision of the late Justice Woodbury, fishermen who were engaged in the codfisheries, and who were compelled to complete their four months between February and the November following, might devote a portion of their time to the mackerel fisheries. A portion of them were engaged in the mackerel fisheries; and by the estimate made by the inspector of Massachusetts, are placed in that column, thus making the aggregate of tonnage engaged in the mackerel fisheries, some 10,000 tons above that which appears in the commercial tables reported at the Treasury Department. The first part of those tables exhibits the number of vessels, the number of tons, and the number of men engaged.

The same report also gives us information as to the localities in which the mackerel were caught. I find that 140,906 barrels were caught in the Bay of Chaleur, and other large bays on the coasts of the Provinces from which we are to be excluded, under a line drawn from headland to headland, and that 188,336 barrels were caught in all other waters. Therefore, we learn from the report of the inspector general that if we are excluded from those large bays by drawing a line from headland to headland, we are excluded from waters in which very nearly one half the mackerel caught in the year 1851 were taken. The value of these, according to the estimate placed upon them by the inspector general of Massachusetts, was $2,315,576. This is only the amount of mackerel caught in 1851, and inspected within Massachusetts alone. It embraces the whole amount caught and inspected there, and it gives to us the localities in which they were caught. The quantity of cod, or the value of the same, taken by Massachusetts vessels, or inspected in that State, for the year 1851, I cannot obtain. If the quantity and value of all descriptions of fish could all be ascertained from one State, it might furnish a rule upon which estimates for all could be based.

I find from Macgregor's report, to which I have already alluded, that he has given to us the result of his investigations in relation to the fisheries of Massachusetts alone in 1837. His is not an authority which would be likely to over-estimate the quantity of fish taken, or the importance of those fisheries. According to his estimate, in 1837, we have the following in regard to the fisheries in Massachusetts:

Number of vessels employed in the cod and mackerel fishery	12,290
Tonnage of the same	76,089
Number of quintals of cod fish caught	510,554
Value of the same	$1,569,517
Number of barrels of mackerel caught	234,059
Value of the same	$1,639,049
Men employed	11,146
Total value of cod and mackerel	$3,208,866

The number of seamen estimated there, as being engaged in that year, is placed at 11,146. That is the number of seamen actually engaged upon the ocean. There is another class of men, very numerous, which serves to increase the number a very considerable per cent., who are left upon the shore for the purpose of curing, preserving, and taking care of the fish; and who alternate with those who do the fishing; consequently the number of fishermen who are returned as actually employed in the business, is not the actual number of those who devote their lives to that occupation. And the number of seamen who are engaged at different times in the fisheries cannot be accurately ascertained; but it is at least fifty per cent. above the number of those who are employed at any given time in fishing.

I have, Mr. President, some other tables to which I wish to call the attention of the Senate. They are as follows. They are not as full and complete as I could desire, but they are the best which can be obtained, and are sufficient to show that our fishing interest is a great and important one:

Statement of the Tonnage of Vessels employed in the Fisheries of the United States each year from June, 1843, to June, 1851.

Year.	Cod fisheries.	Mackerel fisheries.	Total.
1843	61,223	11,775	72,998
1844	85,224	16,170	101,394
1845	76,990	21,413	98,203
1846	79,318	36,463	115,781
1847	78,280	31,451	109,731
1348	89,856	43,558	133,414
1849	81,695	42,942	124,637
1850	93,806	58,112	151,918
1851	95,616	50,539	146,155

I offer this for the purpose of showing that the amount of tonnage engaged in that branch of industry is very large, and has continually increased from that period of time up to the present—showing its growing importance.

Statement of Pickled Fish inspected in Massachusetts, from 1841 to 1850, inclusive.

	Barrels.
1841	50,992
1842	46,537
1843	74,893
1844	98,014
1845	212,296
1846	195,194
1847	238,980
1848	300,336
1849	203,499
1850	246,463

This is the amount of pickled fish inspected in Massachusetts only. It is hardly sufficient to base a calculation of value upon, but is still one element that will aid in a correct understanding of the magnitude of the whole business.

Exports of Dried and Pickled Fish from the United States during the years ending June 30, 1843, to 1850, inclusive.

Years	Dried Fish—quint'ls.	Value.	Pickled Fish—barrels.	Value.	Total value.
1843*	174,220	$381,175	30,554	$116,042	$497,217
1844	271,610	699,833	46,170	197,179	897,015
1845	288,380	803,353	44,203	208,654	1,012,007
1846	277,401	699,559	57,060	230,495	930,050
1847	258,870	659,629	31,361	136,221	795,851
1848	206,549	609,482	23,736	109,315	718,797
1849	197,457	419,092	25,835	93,085	513,177
1850	168,600	365,349	19,944	91,445	456,794

*The returns for 1843 were but for nine months.

This exhibits that while we have lost the market of the Mediterranean for our fish, and much of the market of Cuba, and other West India islands, yet, from our fisheries we exported, for that period of time, about three fourths of a million annually.

The next table which I present, is for the purpose of showing the hazard and loss of life which is incurred by the fishermen who follow this pursuit. It is a table which exhibits—

Number and value of American Fishing Vessels, and number of lives lost in 1851.

District of—	No. of vessels.	Tonnage.	Value.	Loss of life.
Gloucester	9	629.49	$19,366	24
Penobscot	14	696.01	14,400	22
Portland	7	369.54	5,600	66
Barnstable	10	563.50	24,100	43
Portsmouth	6	328.00	16,200	47
Passamaquoddy	3	143.91	3,600	17
Total	49	2,730.53	$83,266	219

What the number of lives, the number of tons, and the value of vessels would be, if we could get correct estimates from all the ports, it is impossible to tell; but this table exhibits, at a single glance, the great hazard which is experienced by our fishermen in the pursuit of their lawful calling. The life of a fisherman is not only one which deprives him of the comforts of home, but is a constant scene of disaster and danger. More severe toil is endured by none. He labors harder and obtains a smaller return than is afforded in any other branch of industry.

I have thus briefly, Mr. President, called the attention of the Senate to the importance of these fisheries, as the great source and fountain of our commercial and naval prosperity, and the great fountain and source of the commercial and naval prosperity of every maritime nation that has existed. Thus hastily have I presented, as far as I have been able, the amount, the value of our fisheries, the number of men employed, and the productions of these fisheries—all showing their importance, and imposing upon us the obligation to maintain the just rights of our fishermen, and to sustain them in what properly belongs to them. A few words more, sir, and I shall have done; and in these few words I shall invite the attention of the Senate to the character of the men whom we are called upon to protect—whose interests are involved, whose rights are invaded, and who come here to call upon us to stand by them, as they have stood by the flag of their country in the day and hour of trial and peril.

These men come here and claim of us the protection which we, as a nation, owe to them; and it is a protection that we must give to them, or we shall be faithless to the trust reposed in us. We have induced them to embark their all upon this perilous enterprise. We have induced them, by bounties, and encouraged them for commercial and maritime purposes, to pass their lives upon the stormy ocean; and there, sir, it is, in sunshine and in storm, that they are following that vocation which fits them for, or makes them the best seamen the world can produce. Our Government has given to them a just right to protection by insisting, from the treaty of 1783, and from the treaty of 1818, and by the principles of international law, that they have a right to fish within those waters. But it is said that they are now to be prohibited; and, sir, if their vessels are to be seized—if they are to be excluded from those waters—if their vessels are to be confiscated, then this immense amount of property, thus invested, will become useless, and leave them in want and beggary, or in prison in foreign jails.

Many of them, indeed, have embarked their all in the enterprise. In the great majority of cases these fisheries are conducted by men who own the vessels in small shares, who have not even the ability to own the whole vessel. Few instances can be found where a single fishing vessel is owned by a single individual. They are divided into very small fractions. They are built, they are sailed, they are conducted by the men who own them in fractional parts.

We shall need these men hereafter; we shall need them, as we have needed them, to fight our battles upon the ocean and upon the lakes. God grant, sir, that the time may never come when the supremacy of our commerce upon the ocean shall be tested by the force of arms. Still, judging from the past—and we know that the past is "philosophy teaching by example"—we may not suppose that that supremacy is always to be maintained by peaceful and quiet movements. We should be prepared when that struggle shall arrive to assert that supremacy in whatever way may be demanded at the moment. And when that time shall come, it is the American fisherman who is to fight your battles; it is your American fisherman who is to fight them as he fought them in the war of 1812. Then, when the British Government threatened to sweep our little, but gallant Navy, from the bosom of the ocean or sink it in its vortex, and to annihilate our commerce, it was the fishermen from Marblehead, and all along our coast, who rallied with patriotic hearts and with ready hands to sustain the stars and stripes of our country. And it was by their prowess that Great Britain was made to feel the force of a freeman's arm whenever wielded in a holy cause. Whenever the cross of St. George came down to the stars and stripes we were indebted mainly to them for that victory. We shall be faithless to the trust that has been reposed in us if we do not sustain and stand by what are their legal, their international, and their treaty rights. Why, sir, in that war of 1812 we captured from the British more than 2,300 sail of vessels, mounting more than 8,000 guns; we captured 56 men-of-war, mounting 886 cannon; and took in all about 30,000 prisoners of war.

The American loss was, three frigates—the Chesapeake, the Essex, and the President; six brigs, and fourteen small vessels, two sloops, and one gun-boat;—making in all twenty-five. And, by the Admirality report of Great Britain to the

House of Commons, it was stated that 1,407 American merchantmen were captured or destroyed by the British, and 20,960 seamen taken prisoners of war. Now, sir, not only were all your naval battles proper fought mainly by your fishermen, but the greater portion of the commercial vessels of Great Britain was captured by these very men. We do not desire to train every seaman for naval purposes in the Navy; that would require thousands of dollars, while training in the fisheries would cost not a single dollar. It is for these reasons, in addition to the duty of our Government to protect the rights of every citizen everywhere, and at all times, that we are to sustain them and protect them in their rights. If we do our duty faithfully by them, we shall find them when the calls of a common country are made upon them, rallying to support that flag to which they now look for support. I cannot doubt that they are to be protected, nor can I doubt that any branch of this Government, either legislative or executive, will be derelict in its duty. Though not in the language of diplomacy, or legislation, yet it is appropriate to this occasion for me to say, that I shall do what has been said by the individual who is now conducting the negotiation—stand by them in their just rights, defend them at all hazards, and "protect them, hook and line, bob and sinker." Stand by them as they have always stood by their country—they ask no more.

THE NORTH AMERICAN FISHERIES.

DEBATE IN THE SENATE,

THURSDAY, *August* 12, 1852,

On the Message of the President of the United States transmitting information in regard to the Fisheries on the Coasts of the British Possessions in North America.

Mr. SEWARD said: I move that all prior orders be postponed, for the purpose of taking up for consideration the President's message in relation to the subject of the fisheries on the coast of North America.

The motion was agreed to.

The PRESIDENT. When this subject was last before the Senate, the pending question was on a motion to refer the message and certain papers on the same subject, to the Committee on Foreign Relations. That is now the pending question.

Mr. SOULE. In delivering out my sentiments with reference to the difficulties which have arisen lately between our fishermen and Her Majesty's colonial subjects of North America, and in passing an opinion on the course which it has pleased Her Majesty's Ministers to pursue in relation to those difficulties, I shall endeavor to express myself with the utmost moderation and reserve.

The subject is one of considerable moment and delicacy; involving interests of vast national importance, which we can neither barter away nor surrender, and raising questions of momentous bearing, but too well calculated to stimulate and augment the excitement and irritation already produced by the high-handed measures which have occasioned this debate; and it is not to be supposed that I be willing to approach the grave questions which it suggests, without keeping in view the high responsibilities under which I speak. No, sir; I know too well the unhandy materials with which I have to deal, and you need not apprehend that I be, for a moment, unguarded, in the use which I may have to make of them.

We live in strange times, Mr. President, that we have to witness occurrences like those through which a nation, with whom we are at peace, and semblingly, at least, on terms of reciprocal kindness and amity, attempts to signify her disregard of the protest which we have so often and so solemnly entered against her assuming the rights which she claims to exercise, to the exclusion of others, over regions of the sea which are of all nations, and which she can only make hers as long as she is permitted to cover them, unquestioned and unmolested, with her armed steamers, her sloops, and her men-of-war, and to ride triumphantly upon their waters, in the gorgeous display of her supremacy; and, like that Van Tromp, of Holland, to whom my honorable friend from Maine so happily alluded the other day, with a broom at the mast-head of her ships, to sweep away from their approaches whomever she finds within sight of the shore under colors not her own.

The first notice we have of these unaccountable proceedings on the part of England, is to be found in the LETTER-PROCLAMATION issued by our Secretary of State, and officially dated, *State Department, Washington, July 5th*, 1852.

Among other things copied in that letter, from a circular communication addressed, on the 1st of May preceding, by Her Majesty's present Colonial Minister to the Governors of the North American Colonies, I note what follows:

"Her Majesty's Ministers are desirous of removing all grounds of complaint on the part of the Colonies, in consequence of encroachments of the fishing vessels of the United States *upon waters from which they are excluded by the terms of the convention of* 1818; and they, therefore, intend to dispatch, as soon as possible, a SMALL naval force of steamers, or other small vessels, to enforce the observance of that convention."

We find in the same paper that "in the mean 'time, and within ten days of its date, an American fishing vessel called the Coral, belonging to 'Machias, in Maine, has been seized in the Bay 'of Fundy, near the Grand Messan, by the officer commanding Her Majesty's cutter Nettle, 'already arrived in that bay, for an alleged infraction of the fishing convention, and the fishing vessel has been carried to St. John, New 'Brunswick, where proceedings have been taken 'in the admiralty court with a view to her condemnation and entire forfeiture."

It informs us, also, that the United States having, by the first article of the convention of 1818, "renounced forever any liberty theretofore enjoyed 'or claimed by their inhabitants, to take, dry, or 'cure fish within three marine miles of any of the 'coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in North America," not included in "that part of the coast of Newfoundland which extends from Cape Ray to the 'Rameo Islands, on the western and northern 'coast of the said Newfoundland, from the said 'Cape Ray, to the Quirpon Islands, on the shores 'of the Magdalen Islands, and also in the coasts, 'bays, harbors, and creeks, from Mount Jolly, 'on the coast of Labrador, to and through the 'straits of Belle Isle, and thence, northwardly, 'along the coast;" and that "being permitted to 'enter the bays or harbors" first named, only, "for 'the purpose of shelter and of repairing damage 'therein, and purchasing wood, and obtaining 'water, it *would appear by a strict and rigid construction of the article, that fishing vessels of the United States are precluded from entering into such bays and harbors of the British Provinces*," for any other purpose.

That the British authorities *insist* that England has a right to draw a line from headland to headland, and to capture all American fishermen who may follow their pursuit inside of said line.

That the opinion delivered by certain officers of the Crown is that, "by the terms of the convention, American citizens were excluded from any 'right of fishing within three miles from the coast 'of British America; and that the prescribed distance of three miles is to be measured from the '*headlands* or extreme points next to the sea; and 'that consequently no right exists, on the part of 'American citizens, to enter the Bay of Nova 'Scotia, there to take fish, although fishing, *being 'within the bay, may be at a* GREATER DISTANCE 'THAN THREE MILES from the shore of the bay."

Such is the pretension which England sets up, and which she threatens to enforce with the one hundred and fifty guns which she carries boastingly, mounted, loaded, and primed, on board the nineteen vessels now decking the sea at the entrance and in the environs of the Bays of Chaleurs and Fundy; and we are told, sir, and told by our Secretary of State, in language most solemn and impressive, that our fishermen must look out AND BE UPON THEIR GUARD.

Sir, is England right? Are we wrong in all this? And why is it that from the very outset we look so humble, so dejected, so submissive, so enduring?

It is not denied, is it, that the liberties which England now attempts thus violently to wrest from us have been practiced by our fishermen from time immemorial? They were liberties acknowledged in the treaty of 1783, as preëxisting to it; liberties retained against most insidious and daring pretensions at the peace of Ghent, where they were not even suffered to be drawn into question; liberties enjoyed before and after the convention of 1818; liberties *allowed*, though under an ungracious, but unadmitted proffer of favor and grace, in 1845; and yet, all at once, without previous remonstrance, or the least notice, this, our long possession, this, our solemnly-stipulated right, without whose recognition the peace of 1783 could have never been concluded; which our negotiators protected against the attaint of a query or a doubt in 1814; which our envoys thought they had ennerved and strengthened by the convention of 1818; which Lord Stanley, through sufferance, at least, consented to let us enjoy after 1845, as we had enjoyed it before, is brutally torn away from us, as an usurpation and encroachment upon waters from which it would seem we are to be excluded; our vessels are captured, condemned, and sold before an explanation is sought and obtained, or asked and refused; and all this in the midst of the most profound peace, and when England is incessantly receiving at the hands of our Government most profuse tokens and manifestations of condescendence, and is allowed, there, to turn to her advantage and profit the good will which a sister Republic bears us, and the influence which that good will enables us to wield over her affairs—as in the case of Nicaragua, a State all American in spirit and feelings, unmercifully spoliated to enrich Costa Rica, but a British Province in all her associations and tendencies; and, here, to introduce her bankers in our Treasury, and give them charge of our concerns, and institute them our disbursing agents, as in the case of the two last installments of the indemnity due to Mexico, that British creditors might get a chance of paying themselves of doubtful claims; and political marauders in Mexico be enabled to pounce *in transitu* upon the emaciated treasure, and, with its remnants, to bring about in that doomed country a crisis and a revolution. Sir, I repeat it again, these are strange times indeed!

Is England right? If we trust the Secretary of State, in the view which he takes of her claims, it would seem as if the terms, the letter of the treaty, were on her side. This, Mr. Webster most peremptorily admits, while others but debate it upon mere technicalities of language.

Mr. Webster says that "it was undoubtedly '*an oversight* in the convention of 1818 *to make so 'large a concession to England*, since the United 'States had usually considered that these vast in'lets or recesses of the ocean ought to be open to 'American fishermen, as free as the sea itself, to 'within three miles of the shore." Here the whole is surrendered; there is no escape from the admission. IT WAS AN OVERSIGHT TO MAKE SO LARGE A CONCESSION TO ENGLAND! The concession was then made, was it not? If so, the dispute is at an end; and yet, even then, it were a hard task to justify the summary process through which England has sought to compel us to compliance with the concession, particularly as she had, to say the least of it, suffered our fishermen to haunt the Bay of Fundy, by express allowance, in 1844, and to make their haunting other bays rightful, by a continuous, open, and public emjoyment of them, ever since the convention of 1818. But to this I shall presently revert.

"The precise words of the treaty," says my friend from Maine, in the remarkable speech he delivered the other day, "may, at first view, seem to carry that construction;" but he denies immediately that the construction be correct; and so does the distinguished Senator from Michigan, who has shed so much light on this controversy, and handled with so rare a dexterity all the questions of secondary right arising under the treaty of 1818.

The honorable Senator from Massachusetts grants, that "by the terms of the treaty American 'fishermen are excluded from the coasts, bays, 'harbors, and creeks," &c. "The British Gov'ernment," says he, "raise a question of con'struction, namely, that we cannot fish within three 'miles of any of these bays: that we are excluded, 'to a distance of three miles, not only from the 'coasts, but also from the bays, including in that 'term the Bay of Fundy and other larger bays." But with that peculiar energy which characterizes his manner of argument, he also denies that such

be the term of the exclusion, predicates his own understanding of the article upon the obvious meaning which its whole context bears, and strenuously contends for the American construction placed upon it.

For my own part, Mr. President, I consider that the terms of the treaty need, in no wise, be defended upon such collateral issues. Their true import stands on firmer ground than that of philological discrimination or inferential argument. They are most clear and precise, the very terms, the appropriate terms, for expressing that which it was intended they should convey. Had our negotiations spoken of bays and harbors, without specifying what bays and harbors they meant we should remain excluded from, there might be room for doubt and for dispute. But they did not so speak. On the contrary, they distinctly pointed to the specific places of exclusion; *the bays, creeks, and harbors* OF HIS MAJESTY'S DOMINIONS; and the question recurs: which are the bays over which His Majesty could claim dominion?

This question, though not a novel one, still has its merits and attractions, and may, perchance, be deemed not altogether unworthy of notice. I shall proceed briefly to its consideration.

England has, from time out of mind, attempted to arrogate to herself the supremacy of the ocean. She once ruled it supreme. But the sceptre has fallen from her hands, and the sea has resumed its freedom. It is of all, and belongs to none. Who dares to claim, at this day, to be the owner of it? Who presumes to command to its waves, and to its currents, and to its storms?

"The earth," says the Psalmist, "was given to the children of men; but the sea is of God alone." The sea is, from its very nature, unsusceptible of human ownership. The idea of ownership implies that of exclusive possession; and, of consequence, the right of using the thing owned at will—and not only that, but the right of excluding others from its possession, and the necessity of so excluding them, that the possessor may make HIS all the advantages it can yield. The sea has none of the characters that could constitute it in ownership of any man or nation. Its immensity, its fluidity, must forever prevent its being subject to possession. It may be turned to profit, it is true, but by each and by all of the human species, without its enjoyment by some, impairing or diminishing its enjoyment by others. Its capacity is incommensurable. There is no volume that can exhaust it. Thousands of fleets may be sunk in it to-day, and to-morrow it will again ingulph millions of others, without ever being filled or notably compressed. There are no signs, no marks through which to attest its occupancy. Even those frightful, though majestic, leviathans that now plough it over, in all directions, leave not behind them any trace of their passage. The rolling wave paddled back as they move on, wafts away from its surface the last vestiges of their march.

To make a thing yours by possession, you must possess in continuity the same thing. Identity in the thing owned constitutes one of the main elements of possession. A field, a forest, may be upturned, and altered, and transformed; they will still be the same field, the same forest. Not so with the ocean; so unceasingly changing in its form, place and surface; now sinking its upper layers in the uttermost recesses of the deep, and then upheaving others from her lowest bed to the surface, as if to spread them to the light of Heaven in glorious exultancy. Its inexhaustibility renders its exclusive enjoyment not only useless but impossible. You may take from it for years and ages, with thousands and millions of men; you may seize upon its pearls, and its corals, and its salts, and its fishes—you but develop its powers of production and multiply the yieldings of the mine from which you draw. By the decrees of God, the ocean is of all men. Nations may undertake to explain and interpret those decrees; they cannot abrogate them.

Yet, sir, nations have claimed ownership over it, or such a supremacy as seemed to constitute it in a sort of monarchy. They would have other nations call them the queens of the sea. Yes, sir; they claimed to appropriate to themselves the sea, and to subject it to their exclusive dominion. The discovery of America, and the vast development of commerce and navigation incident on it, gave zest to, and became a powerful stimulus for such assumptions. Thus Venice arrogated to herself the Adriatic; Genoa, the Ligurian sea; the Portuguese and the Spanish, the sea of the two Indies; and, in the eighteenth century, England claimed to be the mistress and sovereign of *all the seas in communication with those surrounding her coast*, which, of course was no less than to claim sovereignty over all the seas in the world, as they all communicate with each other. But these arrogant assumptions on the part of powerful States, never were assented to by those whom they excluded from the common domain. The history of England furnishes us with a striking example of her own susceptibility, whenever such claims were set up against her. At a time when, though powerful on the ocean, she could not yet pretend to rule her rivals out of it, and when Spain, in the palmiest days of her strength and glory, and aided by the bulls of the Pope, was claiming titles to all the lands and seas of the two Americas, this latter nation sent her embassadors to the English court and loudly complained of the devastations which an illustrious navigator, Sir Francis Drake, was committing on her domains. Here is the answer which the supercilious and unbending Elizabeth made to her complaints:

"The use of the sea and of the air is common to all. No people nor private person can claim any power over the ocean; for neither its nature nor its public usage will allow its being occupied."

We find, it is true, in all ages, nations who, being more especially addicted to commerce and navigation, obtained, for a time, what the writers on the law of nations would call a *prepotency* over the sea; but even under that prepotency they never pretended to be the sole tenants of it. Tyre, Rhodes, Athens, Lacedæmon, Carthage, and Rome herself never claimed its absolute and exclusive enjoyment, but suffered other nations to enjoy it with them. Though it was said of the Carthagenians that they exercised such a power over the sea as to render its navigation dangerous—*adeo potentes mari, ut omnibus mortalibus navigatio periculosa esset*—yet they but aimed at a nominal supremacy; and therefore it is that according to Strabo, "they carried their commercial jealousy 'so far as to interdict the nations who contested 'with her for that supremacy, from landing upon 'their coasts, and to sink all vessels with which her 'own met, directing their course towards Sardinia, 'or towards what was called afterwards Gibraltar."

I read in a most lucid and interesting treatise on the right of property, by Comte, that the shores of the sea which formed part of the Roman Empire were considered the property of the Roman people; the use of them was held to be common to all mankind for fishing and navigable purposes; and though the authority of the prætor was necessary to warrant the construction thereon of any buildings, the want of such an authority did not involve the destruction of the works, if not injurious to fishing or navigation, or the cause of damage to others; and the sole object of the authority required, seems to have been to ascertain and establish the sovereignty of the Roman people over coasts which formed part of their territories.

THE SEA AND ITS SHORES ARE AS COMMON AND FREE TO ALL MEN AS THE AIR ITSELF; AND NO PERSON CAN BE PROHIBITED FROM FISHING IN IT. So speaks the Roman law; and therefore the Emperor Antoninus, to whom remonstrances were made against the inhabitants of the Cyclades who interrupted the navigation of their neighbors, appropriately answered: "that he was the lord of the land; but that law alone was sovereign over the sea."

In more modern times, the Dutch gave a remarkable proof of their pertinacity to resist the claims of England over the immediate seas bordering on her coast. It is somewhat curious to see how the records of that struggle speak of the constancy, valor, and energy with which they asserted their right to haunt every part of the ocean, and to fish within the very waters that washed the proud island. I hold in my hand a short extract from a musty book, exhibiting, in a striking light, the genius and temerity of that once great nation.

I crave the attention of the Senate to its contents. I read from Selden:

"On the 6th day of May, 1609, James I. wishing to put an end to the liberties enjoyed by Holland to fish in the British seas, as they were then called, issued a proclamation wherein, among other things, is what follows:

"'We have resolved first to give notice to all the world 'that our express pleasure is, that from the beginning of the 'month of August next coming, no person of what nation 'or quality soever, being not our natural-born subject, be 'permitted to fish upon any of our coasts and seas of Great 'Britain, Ireland, and the rest of the Isles adjacent, *where 'most usually heretofore any fishing had been*, until they 'have orderly demanded and obtained licenses from us, or 'such of our commissioners as we have authorized in that 'behalf; which licenses our attention is shall be yearly de-'manded for so many vessels and ships, and the tonnage 'thereof, as shall intend to fish for that whole year or any 'part thereof, upon any of our coasts and seas aforesaid, 'upon pain of such chastisement as shall be fit to be inflicted 'upon such willful offenders.'

"Notwithstanding this proclamation, the Netherlanders proceeded still in their way of encroachment upon the British seas and coasts through the whole reign of King James, *and were at length so bold as to contest with him and endeavor to quarrel his Majesty out of his rights*, pretending, because of the long connivance of himself and Queen Elizabeth, that they had a right of their own by immemorial possession; which some commissioners of theirs who were sent to London had the confidence to plead *interminis* to the King and his Council. And though the King, *out of his tenderness to them, insisted still upon his own right*, by his council to those commissioners, and by his embassador to their superiors, yet they made no other use of his indulgence than to tire out his whole reign and abuse his patience by their artificial delays, pretenses, shifts, &c. &c.

"In a letter of Secretary Naunton's to the British ambassador, dated Whitehall, December 21st, 1618, M. Naunton says:

"'The States' commissioners and deputies both having 'attended his Majesty at New-Market, and there presented 'their letters of credence, returned to London on Saturday 'was a sevennight, and upon Tuesday had audience in the 'council chamber, where, being required to communicate 'the points of their commission, they delivered their medi-'tated answer at length. The lords, upon perusal of it, ap-'pointed my Lord Bining and me to attend his Majesty for 'directions, what reply to return to this answer of theirs, 'which I presented to their lordships yesterday to this effect: 'That his Majesty found it strange that they having been 'so often required by your lordship, his Majesty's embassa-'dor, &c., to send commissioners fully authorized to treat 'and conclude not only of all differences grown between 'the subjects of both States touching the trade to the East 'Indies, but withal to take order for a more indifferent 'course of determining other questions growing between 'our merchants and them about their draperies and the 'tare, and more especially to determine his Majesty's right 'for the sole fishing upon all the coasts of his three king-'doms, into which they had of late times encroached 'further than of right they could; and lastly, for the regle-'ment and reducing of their coin, &c. &c., all which they 'confessed your lordship had instanced them for in his 'Majesty's name; that after all this attent on his Majesty's 'part, and so long deliberation on theirs, they were come at 'last with a proposition to speak only *to the two first points*. 'They would decline all debate of the fisheries on his Ma-'jesty's coasts. They profess their loathness to call their 'right in doubt or question, claiming an immemorial pos-'session, SECONDED BY THE LAW OF NATIONS.'

"In his answer Lord Embassador Carlton says:

"'I told the Prince of Orange that howsoever his Ma-'jesty, both in honor of his crown and person and interest 'of his kingdom, neither could or would any longer desist 'from having his rights acknowledged,' * * * 'espe-'cially finding the same openly oppugned both by their 'statesmen and men-of-war, as the writings of Grotius and 'the taking of *John Brown* the last year may testify; yet 'this acknowledgment of right was no exclusion of grace 'and favor,' * * * 'and that such was his Majesty's 'well-wishing to this State (the Netherlands) that he pre-'sumed of his permission to suffer them to continue their 'course of fishing, which they might use thereby with more 'freedom and less apprehension of molestation than before, 'and likewise spare the cost of some of their *men of war*, 'which they yearly sent out to maintain that by force which 'they may have of courtesy.

"'The prince answered that, for himself, at his return 'from Utrecht, he would do his best endeavor to procure 'His Britannic Majesty's contentment.' * * * 'And 'touching their men of-war, he said they must still be at the 'same charge with them because of the pirates.'

"By another letter, of January 21st, 1618, from Secretary Naunton to the Lord Embassador Carlton, the latter was instructed to desire the States not to suffer and tolerate the growing abuses committed on the coasts and seas of Scotland, and to issue a proclamation inhibiting their subjects from fishing within fourteen miles of His Majesty's coast this year.

"Now, what effect the ambassador's negotiation with the States had, appears by a letter of his from the Hague, of February 6th, 1618, to King James himself, where, among other passages, he has this:

"'I find, likewise, in the manner of proceeding, that 'treating by way of proposition here, nothing can be ex-'pected but their wonted dilatory and evasive answers, '&c., &c. The way, therefore, (under correction,) to effect 'your Majesty's intent, is to begin with the fishers them-'selves, by publishing, against the time of their going out, 'your resolution, at what distance you will permit them to 'fish, whereby you will force them to have recourse to 'their council of fishery, that council to the States of Hol-'land, and those of Holland to the States-General, who 'then, in place of being sought unto, will, for contentment 'of their subjects, *seek unto your Majesty*.'

"On the 16th of April, 1635, Secretary John Cook, writing to Sir William Boswell, the King's resident then at the

Hague, after remarking that, 'Whosoever will encroach 'upon the King by sea, will do it by land also, when they 'see their time'—goes on to say: 'To such presumption '*mare liberum* gave the first warning voice; which must 'be answered with a defense of *mare clausum*—not so 'much by discourses as BY THE LOUDER LANGUAGE OF A 'POWERFUL NAVY, to be better understood.'

"This was followed by the appearance, on the fishing ground, of an imposing naval force, and by a new proclamation which was issued on the 10th of May of the next year, 1636."

But the Dutch did not desist from their avocation, and stuck to the shore and fished in the British seas, as before.

The treaty of 1654 is sometimes quoted as containing on the part of Holland a full acknowledgment of England's sovereignty over the sea. How impotent must the teachings of history be that such errors can obtain credit and be received as truths. Holland had sustained a protracted and most disastrous war against England, and from impending exhaustion had agreed to the main condition of a treaty of peace as early as 1561. The Long Parliament insisted upon an article being inserted in the treaty by which England's sovereignty should be recognized and her flag saluted wherever it might appear on the high seas. This Holland bravely and peremptorily refused. The war continued three years longer, and the treaty could not be signed, until in 1654 the obnoxious clause had been stricken out, and another inserted in its place, granting the salute also, it is true, but as a mere mark of deference and courtesy alone.

Thus, as it seems, the concurrence of mankind repelled all attempts at transforming the ocean into a thing manageable and compressible, capable of being reduced to possession and therefore susceptible of ownership. I have already said that it defies the mastery of men, and that being of none, it remains of all and is common to all.

The use of the ocean belongs to man and nations in so far only as it is being exercised. It is a right to such alone as exercise it, for the time they exercise it, and within the space over which it is exercised. As soon as it is abstained from, the right ceases—it is at an end—gone. *Cum igitur nil nisi usus maris et littorum occupari possit, facile constat jus hoc utendi tantum dictare quamdiu quis utitur et quatenus utitur.*

The ocean, therefore, is free. Yet will some say: May not its dominion be conferred from one nation to another—by all men to one? It is clear that it cannot. Concede this, and what becomes of its freedom? If its sovereignty can be conferred, it can be conquered; and if so, it becomes at once the property of the first occupant or of the strongest. Force, in the one case, will be as legitimate as injustice in the other. Even its enjoyment could not be of one man and of one nation, without all other nations and men renouncing the rights which nature has given equally to them all.

But this is no longer insisted upon. It has grown obsolete; it is not as much as thought of, unless, indeed, it be by some incorrigible tyro of the school of Selden, or some fanatic and blind admirer of every dictum that ever fell from the fertile pen of Grotius. The difficulty is not there. But some contend that though the sea—the main, the high sea—be the common thoroughfare of mankind, there are yet parts of it susceptible of and subject to dominion, which, on that account, may rightfully be claimed as the property of the nation having sovereignty over their immediate coasts.

Armed with these principles, and supported by the opinion of her Crown officers, England presumes to do away with all restrictions injurious to her in the treaty of 1818, and placing a most untenable construction on the limits which that treaty assigns to her maritime jurisdiction, claims that those limits are to be measured from headland to headland, thus assuming that under that treaty our vessels are excluded from the Bay of Chaleur, the Bay of Miramachi, the Bay of Fundy, and the Straits of Northumberland, within which the greatest quantity of the best mackerel are now taken.

The disasters and loss which such a pretension, if strictly enforced, would entail upon a large portion of the inhabitants of New England, can hardly be computed, although some idea may be formed of them from the short memorial that I send to the Secretary's desk to be read. It was addressed to the lamented member of the other House whose untimely and much-regretable loss we had lately to deplore, and has found its way to my hands through the kind indulgence of a friend. [The Clerk read the memorial of fishermen, citizens of Massachusetts, stating the damage which they will sustain in consequence of the late measures adopted by the British Cabinet, unless an armed force of the United States is sent to protect them, &c., &c.]

And thus, if I may be allowed to borrow the pithy language of the Boston Journal, "two thou-'sand vessels and thirty thousand men and boys 'are now exposed to the cannon of a British fleet, 'and the cruelties and horrors of British prisons 'for doing just what they have for thirty-four years 'been accustomed to do without molestation."

But let us see upon what principle this other pretension is founded. Those who sustain it assert that the rights of the territorial sovereign over the sea extend as far as his power can physically reach; in other words, it is predicated upon a fiction, and because, since the discovery of fire arms, that power can be extended from the coast to a given distance upon the sea, so as to preclude others from approaching it within that distance, the sovereignty reaches thus far. Such is the foundation, and the only foundation, upon which stands that extraordinary right. It is, at best, as you see, but a constructive right; it is nowhere held up as an absolute and original one. Well, be it so. But, then, to what terms will you reduce it? Undoubtedly to these, and none other: that, being founded upon the power of the sovereign to extend his armed hand beyond the shore, it reaches as far only as that power is felt. The rule of law is, *terræ dominium finitur ubi finitur armorum vis*—the domain of the land ends where the force of arms terminates. And such seems to be the universally-admitted measure of what, in diplomatic parlance, and in the books treating of the law of nations, is termed the maritime jurisdiction. And it is reasonable that it be so. After you have laid down the principle that the ocean is free—that it is of nobody, and therefore of everybody—the exception, if exception there is, must be kept within the terms of the fictitious right under which it is claimed—within the point which the more powerful projector can reach from the shore—within cannon's shot, in a word; and that is within *three marine miles—eo potestas terræ extenditur quo usque, tormenta exploduntur eatenus quippe cum imperare tum possidere videtur.* Galiani, Hubner, Kluber, Vattel, Azuni, Grotius, all concur in assigning those limits to the land power over the circumambient sea. They were solemnly sanctioned by the treaty of 1780, constituting the armed neutrality. They had been previously acknowledged in the marine regulations adopted by Tuscany in 1778, by Venice in 1779, and are found reaffirmed in those published by Russia in 1787, and by Austria in 1803; and, indeed, in every convention which has been signed since the closing of the last century. If such be the rule of the right and the measure of the supremacy to which a nation may pretend over a littoral sea, we have a meaning for the words used in the convention of 1818: we know what constitutes a bay or a gulf of HIS MAJESTY'S DOMINION, or a pent up sea, the true and only *mare clausum*. Such bay, says an eminent writer, must communicate with the ocean only by a strait so narrow that it must be reputed as being a part of the maritime domain of the State to which the coast belongs; so that you cannot enter it without going through the territorial sea of that State; which means twice the distance of a gun shot, or six miles. It is required besides that *all* the coasts bordering on such bay be subject to the State claiming such strait. The two conditions must unite to give to any part of the ocean the character of an internal sea, or a *mare clausum*.

Our envoys then committed no oversight, and made no such concession in the treaty of 1818, as is admitted by Mr. Webster. How that eminent statesman could so far have misjudged the sagacity, tact, and subtleness of mind of such men as Messrs. Rush and Galatin, and of the wisdom and forecast of that far-reaching, astute, alert, and discriminating diplomatist, John Q. Adams, as to suppose that they had all overlooked the untoward remissness of language supposed to exist in it, and surrendered everything, when they thought that, without endangering any substantial interest, they had secured so much that was valuable and good, I am at loss to conceive. A more matured appreciation of that instrument will reclaim, I have no doubt, Mr. Webster from his error, and redeem our envoys and their illustrious compeer from the foul stain which for a time seemed to darken their diplomatic escutcheon.

The convention of 1818, therefore, excludes us from no part of the littoral seas washing her Majesty's dominions, without three marine miles of the coast of such littoral seas, be they bays, gulfs, or other inlets, unless the coast bordering the same be all under her sovereignty, and unless the strait formed by the headlands at their entrance exceeds six miles in length. The question is here entirely solved and put at rest. It only remains to be ascertained how distant be the headlands at the entrance of the Bays of Fundy, of Chaleurs, and elsewhere. Are they more widely apart than six miles? Then the bays are as open and free as the main ocean itself. Are they within the line of the six miles? Then they are private bays, bays shut up from the commerce of the rest of mankind, at the will of the riparious sovereign, provided he be the lord of the whole coast surrounding them, and not otherwise. Now, we know that such is not the case with the bays just named. Both have an entrance too wide to be claimed as private seas; and independent of this, the Bay of Fundy is bounded in part by the State of Maine, a circumstance which alone would preclude all pretensions on the part of England to make it hers. I am done with this part of my subject.

The next question which naturally calls my attention is, what can have been the object of the British Government in arraying within sight of the fishing grounds the imposing armaments whose appearance has created such alarm among our fishermen, and so much sharpened the susceptibilities of this whole nation? We have no reliable data on which to base even an approximation. Many are the surmisers and many the surmises. Some suppose that the object was to stir up and stimulate the languid energies of our diplomacy, in reference to certain *negotiations about to be reopened with the United States of America, for the settlement of the principles on which the commerce of the British North American Colony is hereafter to be carried on.* I use the language of Sir John Packington, and of the Vice Admiral Commanding the Forces now plying within the waters of Newfoundland and Nova Scotia, as quoted by Mr. Webster himself;—others consider the movement as having originated in the arrogant and inconsiderate policy of Her Majesty's ministers, and in their desire to manifest, through some bold and striking exhibition of zeal and earnestness, their anxiety to pay a long-arreared debt to the undeviating toryism of the colonies by a tender of every protection it may be in the power of the Imperial Government to afford;—others again have thought that those demonstrations were made with a view to strike terror in the minds of the colonists, supposed to be disaffected on account of their failing to obtain the privilege they had asked to build a railroad from Halifax to Quebec;—and there are those, lastly, who cannot be persuaded that the whole is not a deeply-laid game to try us in a diplomatic conflict, and ascertain how far we may feel inclined to surrender this main dependence of our naval strength and important element of our national wealth.

There is that, with nations whose fortune it is to have thrived and prospered under the assumption and exercise of rights which were not theirs, that they grow infatuated with their too easily-earned successes, and become rash, and daring, and reckless, ever ready to jump over abysses of difficulty in pursuit of a cherished object, and in the extravagant conceit that whatever they wish to attain, it is in their power to grasp, and that whatever they grasp is legitimately theirs. Such is England. She knows where lies the secret in the great fountain of your power. She loathes to see those naval nurseries of yours almost stuck to her shores, those hives of whizzing seamen pitched upon the waters of what she would have you to call *her seas*, and *her gulfs*, and *her bays*, as so many advanced posts watching over the deep,

that none may dare to claim its mastery and hold it in thraldom. She cannot but look with extreme jealousy and concern on the growing prosperity of this country. She may think that it were well for her if she could bar its progress while it has not yet reached its acme. Who can say, that in some of those wild dreams that come, at times, over the mind and darken the intellect of nations, she has not conceived that by timely interposition she might, perchance, slacken our march, arrest the tide of our fortune, and assign limits to our greatness? I will not say that she has. Still, how are we to conciliate her well-known sagacity with the intention attributed to her of coercing us into a treaty by so insulting a premonition of her purposes and designs? Depend upon it, Mr. President, she has been emboldened by *her late triumphs* in the Nicaragua and Mexican questions; and she may expect to deter us from holding on to our rights in the fisheries, as we were deterred, it is said, by ominous warnings, from entertaining the proffer lately made to persons in high places, of isles impatient to throw themselves in our lap.

Sir, what does England mean? What is she after? But, hush! She is negotiating. So says her admiral; so says Sir John Packington. She is negotiating? No! She has negotiated, if we are to believe the semi-official announcement made in a Whig paper of this city, under the caption OF ADJUSTMENT OF THE FISHERIES DIFFICULTIES. Here it is:

"We are enabled to announce upon what we regard as entirely satisfactory authority, that the subject of the recent excitement in regard to the New England fisheries, has been arranged between Mr. Webster and Mr. Crampton in a manner that will prove wholly satisfactory to the American people."

Mr. SEWARD. Will the honorable Senator allow me to ask him, from what paper he reads?

Mr. SOULE. The Daily Telegraph. The honorable Senator understands, I imagine, that, when speaking of a semi-official announcement, I meant not to impart a character to the paper, but to the announcement alone. The peculiar language in which the intelligence which it imparts is couched, fully justifies the denomination under which I have presented it to the Senate. The honorable Senator, besides, is presumed not to be unfriendly to the paper; and, in all probability, knows more of its whereabouts than I do.

I was going to remark, when I was interrupted, that the announcement which I have just now read had scarcely gone out from the press, than the magnetic wires were transmitting to us another announcement, which I have also here. I read from the Union of the 7th instant:

THE FISHERIES DIFFICULTY.—BOSTON, *August* 6.—Information has been received in this city that a remonstrance to the British Government against the Americans fishing within three miles of the coast, even if reciprocity be granted, is circulating in Halifax, and has received a great number of prominent signatures. The Halifax Acadian and Recorder considers the question fraught with much danger, and that war between the two nations is not improbable."

And thus, sir, we may, for ought we know, have negotiated away by treaty a branch of our revenue, with the hope that we would silence the roaring lion; but the lion still roars, it seems, and will roar until he frightens us out of those haunts the participation in which we acquired by original occupation, if not otherwise; which we retained as a constitutive element of our separate existence as a nation; which war itself could not wrest from us; which we hold under no grace or favor of any one but under the sufferance of God alone, and under the highest sanctions of the laws of nations; for, in the language of the now redeemed negotiators, who signed the convention of 1818, *ours is a right, which cannot exclusively belong to, or be granted by any nation.* Sir, I ask it of you, would that be an attitude becoming this great country? But I believe not in these rumors; it cannot have escaped that wise and clear-sighted person, who now holds the seals of the State, and whose great mind and exalted patriotism are equal to any emergencies, that to negotiate under such circumstances, and sign a treaty, whatever its merits in other respects be, were to sink in the dust what of pride, what of dignity, what of honor, we have grown to in the rapid race which we had been running since we became a nation.

But, it may be asked, What would you have this Government to do? Sir, as I cannot suppose that this debate is an idle and unmeaning ceremony; as I know too much of the distinguished Senator who so creditably occupies the chair in the Committee on Foreign Relations to indulge the least thought that he could have moved in so grave a matter with no view to some practical end, to the attainment of some object of public interest, I will take it for granted that his aim was to provoke an expression through which the sense of this Senate, and, as far as this Senate may be a proper organ of the nation, the sense of our people might become manifest, and be attended to where otherwise it might have been overlooked and unheeded.

Mr. SEWARD. Will the honorable Senator allow me to ask him whether we are to understand him as supposing that it was the intention of the honorable chairman of the Committee on Foreign Relations that the sense of the Senate should be taken before any negtiations were entered into, or before any treaty was made?

Mr. SOULE. There are two attributes of this body under which we act in two different capacities. The one connects us with the Executive, and creates duties which we perform in Executive session. The other constitutes us a component part of the legislative power of the country, and enables us to address ourselves without any reserve but that which a proper regard for the interests of the nation may impose, to all questions of public policy, whether internal or external, and to which it may be our wish to call the attention of the country.

Under such promptings, I cannot hesitate to give my humble judgment, which is, that our Cabinet should follow to the letter the course which the great Chatham, on a memorable occasion, recommended to ministers ready to surrender, in a disgraceful negotiation, what he considered to be the honor of the British Crown.

It was on the occasion of the forcible taking by Spain of the Falkland Islands from the possession of a British garrison. He pointed solemnly to the conduct of Lord Granville in a like emergency:

"The French," said he "had taken a little island from us called Turk's Island. The minister then at the head of the Treasury took the business upon himself; but he did not negotiate. He sent for the French embassador, and made a peremptory demand. A courier was dispatched to Paris, and returned in a few days with orders for instant restitution, not only of the island, but of everything that the English subjects had lost."

Such is the spirited conduct he advised the ministers to pursue, deeply impressed with the conviction, that while a prompt and warm resentment would infallibly secure peace, tameness and silence would as inevitably lead to a rupture.

Sir, there is a world of storms in the questions which the present difficulty must soon bring to a definite issue. I am fully aware of the great stake which not only this country but the whole world has in their speedy and amicable adjustment. Yet we should insist upon having the last word of them. This is no time for a patched-up accommodation. We owe to ourselves—we owe to all mankind—not to leave undispelled the cloud hanging over our security and peace. We would seek in vain to avoid the contest. If it has to be met at all, let it be met now, and be met fairly, in all its bearings and intricacies. England has forced it upon us; she must expect that we will face its dangers like men.

Sir, these neighbors of ours constitute no longer a mere colonial dependency. They have grown to be a nation—a nation of hardy, industrious, aspiring men, who will have their place, and claim rank, before long, among the independent States of this continent. Whatever be their present views of the relation which it may suit them to form with us hereafter, their interest is too closely linked with ours to be dealt with slightingly. While I would wish to see our rights in the fisheries established on a firm and permanent basis, giving security and quiet to our fishermen, I am also for indulging the colonists in what reasonable concessions they may expect at our hands. I desire to see them contented, and would heartily aid in hastening the conclusion of any arrangement that might be satisfactory to them. But until England has withdrawn her squadron, and given satisfaction for what wrongs she may have perpetrated on us, let no negotiation be entertained; and if, contrary to my expectation, any was being entertained, let it be dropped at once and abandoned. I shall vote for the reference of the papers on the table, in the hope that they will be returned to us with a resolution expressive of such sentiments as behooves this Senate and this great country to speak forth in such an emergency.

Mr. CASS. Mr. President, I have listened with great satisfaction, as I am sure the Senate has, to the remarks of the honorable Senator from Louisiana, and I agree with all his views most fully. But there is one point connected with my own remarks, in regard to which the honorable Senator has not well understood me, and which I now desire to explain. The honorable Senator has alluded to the remarks made by myself and some other members of the Senate on this subject, supposing that we had put our objection to the course of England on what he called secondary ground, that is, ground not connected with the claim of England to exclude us from great indentations of the ocean. I wish to show to the honorable Senator that he entirely misunderstood me on that subject; and that I put our claim upon the ground upon which he has to-day so well put it, though I did not do it so well, and did not go into it so extensively as he has done. Speaking of the rights of the United States in reference to these fisheries, when the subject was up before, I used the following language:

"But their rights as sovereign States, having no reference to previous connection, were neither touched, nor designed to be touched, by this convention. We did not ask of England, nor did she ask of us, the privilege of fishing in the ocean, three marine miles from each other's coasts. No treaty was needed for that purpose, nor did either Government dream of it. What we wanted was the enjoyment of a right we had possessed since the settlement of the country, to fish near to the coast when necessary, without reference to the question of jurisdiction, and to dry the fish in proper places; and what England wanted, was to reduce these claims within the narrowest limits she could induce us to accept; and the result was the existing arrangement.

"We did not get the right to fish on the ocean from England, nor from any other earthly Power. We got it from Almighty God, and we mean to hold on to it, through the whole extent of the great deep, now in the days of our strength, as our fathers held on to it in the days of our weakness."

Again, I said, in alluding to the bays of Nova Scotia—Chaleur and Fundy—and the Gulf of St. Lawrence:

"Now, sir, it is preposterous to run a line from one projecting point of these vast expansions to the other, and claim for the State which holds the coast, even if it is the whole of it, exclusive jurisdiction over great arms of the ocean, with the right to prevent any other nation from enjoying them, either for the purpose of fishing or of navigation."

This is a point which I merely touched, and it is one to which the honorable Senator has very fully alluded. Still further, I said:

"That there are many land-locked indentations which constitute portions of the territory of the country, whose coasts surround them, is indisputable. It is not necessary to enter into the public law, made since by general consent, which regulates that subject. No doubt cases may arise where rights are claimed and resisted, which are not easy of adjustment in consequence of the absence of fixed principles. When such controversies arise, they must take their own course of settlement."

Why, the elder members of the Senate will undoubtedly recollect, that some years ago we had a contest which might have terminated in a conflict with Russia, which embraced one of these very principles. She advanced most astonishing doctrines, and certainly trespassed on our forbearance and moderation as far as any nation could have done, or can do now. She advanced the doctrine that she had an exclusive right to the possessions of the Pacific ocean in the northwest, across four thousand miles, because she owned the coast upon each side of it. With regard to that, let me read an extract from a letter of Mr. John Quincy Adams, in which he used this language:

"With regard to the suggestion, that the Russian Government might have justified the exercise of sovereignty over the Pacific ocean, as a close sea, because it claims territory both on its American and Asiatic shores, it may suffice to say, that the distance from shore to shore on this sea, in latitude 51° north, is not less than 90° of longitude, or 4,000 miles."

Well may the honorable Senator say that the claim set up on the part of England is a very strange one. It is, indeed; but after this letter we heard no more of the claim of Russia, and I trust that our Government will pursue such a course now, and we shall never hear more of this claim. In the same speech, I said:

"The Montreal Herald, indeed, in a late number, while accusing the American of standing 'upon any advantages they may possess,' cuts this Gordian knot with great ease by the discovery and annunciation that 'there is, after all, 'no real ground for considering this as an insult; for the 'bays and straits where the British men-of-war are sta-'tioned are exclusively British as the British Channel.'"

The honorable Senator is perfectly right. Here is the doctrine maintained at this very day by one of the principal colonial newspapers, and, I suppose, that if every Englishman, from John O'Groat's House to Land's End was to be asked his opinion about the matter, he would say that England had a right to jurisdiction over the English Channel, and a right to take possession of these bays, and to send armed vessels to occupy either the one or the other. In regard to that, I observed:

"Quite cool, this claim over the great highway which separates France from England, twenty-one miles broad in its narrowest part. This is going backward, indeed—to the days of Selden, the advocate of this pretension, and to the reign of Charles, who hoped to establish it."

The honorable Senator will recollect that Selden wrote a treatise on the doctrine of "*mare clausum*," to show that England had this jurisdiction.

Again, I said:

"The bays of the convention are classed with harbors and creeks—a classification significative of the object. They are defined as bays 'of his Britannic Majesty's dominions,' over which the British Government has jurisdiction, as it has over the land that encircles them."

I contended, of course, that they had no such just claim; and I adverted to the opinion of the British law officers in regard to the subject; and in commenting upon it, I used the following language:

"The Bay of Fundy is not named specifically in this opinion, but it was evidently intended to embrace it."

We know that the British Government did claim it, because both Lord Aberdeen and Lord Stanley said so—that, although they waived the right at that time temporarily, still they claimed that England should exercise jurisdiction over these great bays. I said that the Bay of Fundy was not within the exclusive jurisdiction of England. The honorable gentleman has made the point very well, that no foreign nation can claim, under any circumstances, exclusive jurisdiction over the smallest bay, unless it owns the whole coast along it.

Again, I observed:

"Now, this bay is not within the exclusive dominion of England, as part of the coast belongs to Maine; and it has no marked entrance, nor any distinct headlands on the northeastern side, being almost a straight line, both in Maine and New Brunswick. It wants all the characteristics of a bay, as defined in this opinion. It is, in fact, an open, exposed arm of the ocean, running along the coast of Maine more than one hundred miles. Geographers consider the Bay of Fundy as separated from the Atlantic ocean by a line from Cape Sable, on the southern coast of Nova Scotia, to the islands in the Penobscot Bay; and in the discussion respecting our northeastern boundary it was contended, on the part of England, that the rivers east of Penobscot Bay all emptied into the Bay of Fundy. Such an expanse of water is geographically and politically a part of the Atlantic ocean."

The honorable Senator will therefore see that I did not rest our right upon secondary considerations, but upon the great considerations which he has so forcibly presented to-day, and into which I am much obliged to him for entering at such length.

Now, Mr. President, there are two points connected with this dispute with England. The first is the treaty arrangement. We conceded, for the sake of making an arrangement that would remove the existing difficulties at the time, and still more to prevent an occurrence of more serious difficulties, to give up some of the rights secured and acknowledged by the convention which terminated the Revolution. We then claimed the right, as an integral part of a divided empire, to hold on to the fisheries which we had aided to acquire. But we conceded a part of our claim for the purpose of terminating that difficulty amicably. We said to England, "though we have a right to fish within three marine miles of your coast, yet if you will agree to a certain line running along the southern bank of Newfoundland, and then up northeast, and so to Labrador, and give us certain bays acknowledgedly in which we can dry fish, we will cede to you the right of fishing in all other bays, ports, harbors, and creeks." Then comes up the question, What is one of these bays? And we meet it at once by saying, "we never gave up the right of fishing in such a bay as the Bay of Fundy." We never dreamed of giving up our rights on the ocean, because it is evident on the face of the treaty that these are not within her Majesty's dominions by any acknowledged principle of public law. Besides, the treaty expressly provides that the bays within which we shall not have a right to fish shall be "bays for shelter, for wood, and for water;" and I alluded to the act of the Legislature of Nova Scotia upon that subject to sustain my position.

Now upon this point, there is no American Government that can safely for itself yield one single inch. No man claims the right for an American citizen to go to any portion of the coast, and fish within three marine miles of it, unless that right be specifically marked out and granted in the treaty. No man claims that we have a right to go there and smuggle, or interfere in any way with the internal police of the country which they have a right, under the laws of nations, to establish for themselves, and by which they may regulate the fishing trade. All these minor matters are subjects of too small account to occupy the attention of two great nations like the United States and England. Then we make no such pretension. We are perfectly willing, if our fishermen are caught in these circumstances within the ground prohibited by the treaty, to have them fairly tried by the proper tribunals, and condemned. Then what is the difficulty?

No other point of dispute remains between the two Governments but this claim to exclude us from that great deep which God gave to all mankind. That is the only point in dispute; and it is all that any man can make out of it. As to the "encroachments and infractions" mentioned in this paper of Mr. Crampton's, and in the letter of Sir John Packington, the Colonial Secretary of State, a copy of which is printed along with my speech, I have nothing to say. We make no claim that we have a right to make any "encroachments" or "infractions." We merely ask for our rights under the plain provisions of the treaty. We do not claim at all to trespass upon the coast. We do not claim to go beyond the treaty; and hence there can be no infractions and no encroachments on our part, unless the British establish the doctrine that they have a right to exclude us from those great expanses of the ocean. That is precisely what England has attempted to do, as it seems. She owed it to comity, and still more she owed it to the relative condition of the two countries—and I may add, she owed it to our power, and strength, and standing in the world—to have said to us fairly, "The treaty is so and so. It has been practically construed otherwise for more than a quarter of a century; but that construction is wrong, and now we are going to terminate it." Why, I saw a report in the papers of to-day, I believe, that the British Minister has prevailed upon the British Admiral to suspend his orders. What orders? Would any Secretary of State ask the British Minister, or any British Minister ask a British Admiral, to suspend orders requiring him to prevent trespasses upon the grounds stated in the treaty itself? It is impossible. Well, then, what is he to suspend? To suspend for a moment, in order, perhaps, to go into negotiation, our right to fish in the Bay of Fundy, and other large bays! We might as well claim to have the right to suspend our fishing on the Atlantic coast. That is the only point there is between the two nations.

Mr. BUTLER. I have forborne, heretofore, to take any part in this debate, believing that it would be much safer if the Senate, when it had to consider this subject, was to consider it upon full information. We should be furnished, perhaps, with a report from a committee. Information has been called for from the President, and I suppose it is upon our tables. And if the subject had been referred to the Committee on Foreign Relations, I was in hopes that we should have had something more than a mere conjecture upon which to deliberate.

Sir, if it be supposed that I can say anything here to stimulate a feeling for war between this country and Great Britain, it is a mistake. I believe such a war would be one of the most calamitous wars that could ever take place, or that has ever taken place between any two nations at any period of the history of the world. Great Britain has no temptation, as far as I can see, to make war, by invasion, upon the United States. Her power is not protected by standing armies or by warlike preparations as, is the case with the Continental Powers. She does not need, like Russia, to have a standing army for the protection of the Emperor; nor does she need, like France, to guard her President by armed soldiers around the throne—for I may so call it. The basis of her power is much broader. It is a civic power founded in the great policy of civilization; and ours is the same.

But I rose, sir, to say that it was my purpose not to enter into the debate at this time, because I am not fully prepared to express the opinions which I entertain on this subject; and for the reason that I have not had the materials upon which to form such opinions as I choose to publish to the country. But I wish to say, that if discussions of this kind are to go on with a view to influence our negotiations, or to influence public opinion for war, I am opposed to them. I do not hesitate to say that I would deplore a war with Great Britain, unless the glory or the interests of the country required it. If conjecture is to be indulged in, I am rather inclined to think that Great Britain is more disposed to give up her alleged exclusive right to the fisheries, than to retain it, because it is palpable and certain that so far from its being an advantage to American fishermen to be confined within the limits assigned by the treaty, it is, I suppose, doubted by no one, that they have derived other incidental advantages from fishing within the limits from which they were prohibited. That seems to be admitted.

I suppose that the worst thing that could occur to the American fishermen, would be to retain Commodore Perry's fleet there, to confine them strictly to their rights. But, if I were to indulge in a conjecture, it would be, that, in giving up to the Americans, or in enlarging the rights of Americans under a literal construction of the treaty, I have no doubt that Great Britain has in view some equivalent; and it may be, that that equivalent is to be conceded to her at the expense of the interests of the portion of the country which I represent. I do not know it; and I have no right, perhaps, to indulge in the conjecture, when there are no proofs that can be adduced, to sustain it.

I have gone beyond what I intended when I arose; and having done that, I shall now undertake to define what I regard as the true issue before the American people, and I shall do it in such language that I hope I shall not be mistaken.

The whole question turns, as we lawyers would say, upon "an issue to try the title" of Great Britain and the United States. The question is as to the title of these Americans to fish within bays wider than six miles at their mouth. Now, if there was a process by which the title of Great Britain to the different seas which have been indicated could be tried, I doubt very much whether the right which she has acquired under the treaty of 1818 would not be much stronger than that which she had independently of that treaty, or by the laws of nations, or by the natural law which has been so eloquently referred to by my friend from Louisiana.

But we cannot disguise the fact that we are reduced to stand upon our title under the treaty. We cannot go beyond the treaty of 1818; and that narrows down the question still nearer to this point: What is a British bay? What is one of the bays and harbors of Great Britain? The question is narrowed down to that, which might, perhaps, be qualified in another point of view: Whether it was competent, according to the views expressed here, for Great Britain and the United States to say that the Bay of Fundy should be regarded as a British bay? Would it be competent for these two Governments to say that the Bay of Fundy should be regarded as a British bay? I express no opinion upon that subject. As far as regards the citizens of both, perhaps we could control them. Then the question turns entirely upon this proposition: What is a British bay? What is one of His Britannic Majesty's bays, under the treaty?

Sir, I take it that it must be not only a bay on the coast of New Brunswick and Nova Scotia—it must not only be a bay running into Nova

Scotia and New Brunswick—but it must be one of those bays that can be regarded as a British bay. That is the issue. It must be a British bay in the case of New Brunswick and Nova Scotia. The question to try title is reduced to that, because I can demonstrate that so far as regards Newfoundland, our negotiators expressly stipulated that our fishermen should have a right not only to take but to dry fish upon its coasts, with some qualifications; that so far as regards the southern bays of Newfoundland, they should have a right to go in them, and fish upon them, and dry their fish upon the coasts until those coasts were settled, and then it should be determined in the manner stipulated in the treaty.

Then, this being the fact, that part of the issue is certain: that so far as regards the coast of Newfoundland, and, perhaps, some of the other coasts to the northwest of Newfoundland, and upon some of the islands specified in the treaty, it is entirely clear that our fishermen have a right to fish in common with the fishermen of Great Britain and the fishermen of all the world; but so far as regards the bays of Nova Scotia and New Brunswick, we have no right, under the terms of the treaty, to fish in them if they can be regarded as British bays. Then, as we lawyers say, the proposition is reduced to this: whether this is such a latent ambiguity as can be explained by parol testimony, or by usage; and that is the whole question in the case.

Now, sir, if, contemporaneously with this treaty, our fishermen entered into the Bay of Fundy and fished, that would seem to be a commentary on the meaning of the treaty. But, as I learn from my friend from Maine, the great inducement to the treaty of 1818 was, that under the treaty of 1783, our fishermen were in the habit, with their seines, of fishing upon the coasts of Nova Scotia and New Brunswick, and it was to exclude them from fishing on those coasts, and to drive them to fish in the middle of the bays. That seems to have been the great inducement. But if you try the issue that has been made by the honorable Senator from Michigan, whether the Bay of Fundy be a British bay according to the treaty between the United States and Great Britain, I tell him that he would, perhaps, find it very difficult to show that the two nations might not agree, as between themselves, to regard it as a British bay. I think that, as a lawyer, he would find it extremely difficult to maintain that proposition.

Mr. CASS. I do not deny that by law or by treaty, we can exclude our citizens.

Mr. BUTLER. Then the question does occur, whether it is a closed sea under the terms of that treaty, and is a British bay.

Mr. CASS. That is precisely what I have said all along. I may be right, or I may be wrong, but the principle is clear: I contend that the Bay of Fundy is not a British bay, for two reasons—it is not one of those indentations of the ocean marked by projecting headlands that give a known jurisdiction over it; but it is a great indentation of the ocean, and hundreds of miles of its coast belong to Maine. And, besides, according to the treaty, the bays within which we are not allowed to fish must be within the British "dominions," and these bays must be bays calculated to give "shelter," or to which resort could be made for wood or water. That is the ground on which I place it.

Mr. BUTLER. I have studied to some extent this subject of *mare clausum*. A sea that is closed by headlands and enlarges itself as it goes through is generally regarded as a *mare clausum;* but where it projects out and admits through its mouth a great width of water, it is very difficult to tell where the dominion of the nation bordering on it ceases. I say it would be a very dangerous proposition to assume that Great Britain has not a political dominion over the Bay of Fundy. That may be a very doubtful proposition, but with regard to the right of fishing, it is a very different question. The difference between Great Britain having political dominion over the Bay of Fundy is a very different thing from having a right to all the fish which might be found there. It is the difference between corporeal and incorporeal hereditaments. Suppose, for instance, there were to be found a bed of pearls, or of gems, or of gold, in the middle of that Bay, and it was ascertained to a certainty that it was a source of inexhaustible wealth, in an action of trespass to try the title, who would have possession? In an action to try title, *usque ad fidem*, as we lawyers say, to determine who should have corporeal possession, I am not prepared to say how it would be decided. But that question is a very different one from the right of fishing. Great Britain's dominion is very different from the right of excluding persons to fish, as she has undertaken to exclude American fishermen. That depends entirely upon the construction of the treaty, and resolves itself, as the honorable Senator from Louisiana has said, into the question of what is a British bay. If it was intended by the terms of the treaty to include these large bays, then it is expressly stipulated in the treaty that American fishermen shall not go into them except for purposes of shelter and repair.

I have been driven to make these remarks rather by way of *caveat* than otherwise. If the subject comes up on the report of the committee, I intend to express myself at large. I have not prepard myself as my eloquent friend from Louisiana has. I have made these remarks in rather a disconnected manner, and if I should have time to collect my remarks, I could not have prepared such a speech as he has presented to the Senate. He must permit me to say, as to the probable effect of that speech, not only here but throughout this broad land, that with his clarion voice, his high spirit, and burning sentences, his speech is a vehicle of honorable sentiments that appeal to the American mind before the American Senate on its responsibility. I believe, as far as indications show, that he has spoken from his bosom—a bosom of warmth and spirit.

But I do not know, Mr. President, that we are authorized, or that we are at liberty to indulge in conjectures as to the policy of this country or of Great Britain, in relation to this controversy. It may be aggravated into a controversy for war. Yes, sir, the public mind may be stimulated so that this controversy, which in the beginning is but as a little speck, may grow up to make one of the storms to which the gentleman from Louisiana has alluded. I do not believe that it contains within itself the elements of a storm; but it may be made to assume the aspect of a terrific storm, so far as regards the interests of this country.

While I thus express myself freely, allow me to say, that I hope I have resentment enough in my nature to feel a taunt upon national honor, as deeply as I would one upon private honor. But before I undertake to make war; before I undertake to play with elements of policy affecting so deeply the interests of this country, I must have time to pause and get all the information in my power.

I have spoken without preparation, and upon questions that I did not expect to rise. If the subject comes up after the report of the committee, I shall ask the liberty of the Senate, to refer to the papers, to look into this subject, and make an argument upon it to the Senate.

Mr. SEWARD. Mr. President, the honorable Senator from Louisiana misinterpreted the object of the questions which I put to him. They were put as all questions which I put at any time to any Senator are addressed, for the sole purpose of obtaining information, and with a careful regard not to embarrass the speaker, but with the simple purpose of getting information which I thought would be useful for legislative purposes. So far from questioning the right of the Senate, either in its executive or legislative character, to express its judgment upon a question of this magnitude, I agree to the propriety of its expression in either or in both cases. I am as desirous as the honorable Senator that the Senate of the United States, as a branch of the Legislature of this nation, shall express its opinion upon the question which is involved in the dispute which has arisen in regard to these fisheries. But, Mr. President, when the Senate expresses its opinion, I want it to be a wise one; I want it to be a just one; I want it to be a tenable one; I want it to be a defensible one; and for that purpose I want it to express no opinion at all until we ascertain what is the true issue.

Mr. DAWSON. Then, if the Senator will permit me, I will suggest that the consideration of this subject should be postponed until we get all the information necessary to found that opinion upon, and that Senators who desire to express their views on the subject have the facts properly before them, so that they may do it understandingly. Therefore, if the Senator will permit me, I will move that the further consideration of the question be postponed.

Mr. SEWARD. I trust that I shall be able to clear up this question, and to show what is the true issue involved in it; and I trust that I shall be able, if the Senate will give me a hearing, to show the advantage of adhering to the course which I suggested on a former occasion—that is, of keeping cool. I hope I shall be able to show that the Administration has been much misapprehended, and, unintentionally, unjustly censured. I trust I shall be able to show that there is no danger of war; that there has been no negotiation which has compromitted the rights, the interest, the dignity, or the honor of this country; that there will be no negotiation that will compromit either; and with that view I will address the Senate either to-morrow or at any other time which they may designate.

Mr. DAWSON. Let the Senator name his own day.

Mr. MASON. The Senator from New York will allow me to say that the President's message and accompanying documents on this subject have not yet been referred to the Committee on Foreign Relations. The question pending is to refer them; and I submit to the Senator whether it would not be better to allow the reference to take place, and discuss it afterwards.

Mr. SEWARD. Mr. President, I deem it is due to the Administration, before the message shall be referred, that I shall be heard upon the subject. I will speak either to-morrow, or at any early day that will suit the convenience of the Senate. I apprehend there will be more information to go with this message to the Committee on Foreign Relations.

Mr. DAVIS. I hope the wish of the Senator from New York will be acceded to. While I shall abstain, until the papers are all before the Senate, from entering into the argument generally, yet there were some views thrown out to-day, which I think are to some extent erroneous in fact. There are some misapprehensions, I think, in regard to the questions in controversy between the two countries. Let there be suitable time allowed to gentlemen to offer their views on that point, if they propose to offer them. I hope the question will be postponed until to-morrow, to give the Senator from New York an opportunity to address the Senate.

Mr. DAWSON. I would concur most cheerfully in the proposition made by the Senator from Virginia; but the Administration, indirectly or directly, has been attacked in regard to its conduct on this subject, and it is the desire of its friends to reply to those charges and insinuations, and to show that the Administration has acted properly throughout this transaction, and also to show that this debate ought not to have arisen upon the motion to refer the communication, but that it should have been referred to the Committee on Foreign Relations, and their report been the subject-matter of the discussion before this body. Now, as the matter stands, speeches have been made entirely in opposition, as the public mind will suppose, to the Administration, though not so intended, in my judgment. It is but due to those who desire to be heard on the subject, that they should have the opportunity for reply upon the question and upon the information as it now stands.

Mr. CASS. Mr. President, I have not said one word about the Administration in the whole course of this discussion. The honorable Senator says that ground has been taken against the Administration. I have taken American ground—I have taken anti-British ground; but I have not even alluded to the course of the Administration, and for the best of reasons—because I did not know what that course was. I did not make the most distant allusion to the course of the Administration. I am willing myself to hear the honorable Senator from New York; but I would prefer that the message should be referred to the committee, and let them report upon it in a day or two.

The Senator from Georgia supposes that discussion ought not to have been had heretofore. He intimates that we have had a very improvident discussion on the subject. Why, sir, nothing is more common in the Senate than to get up such a discussion. Senators will undoubtedly recollect the memorable discussion in the British House of Commons, which make such a glorious page in their history. When a captain who had lost his ears by the act of the Spanish authorities, came in, a discussion took place, and a war grew out of it. They asked the captain what he had said? Why, said he, "I recommended my soul to God, and my cause to my country." Nothing is more common in all legislative bodies in the world than to discuss the question of right upon a motion to refer. This is not a *mare clausum;* this is not a closed question; it is an open question, as boundless as American dominion—as boundless, I may say, as civilization itself. I think that the better course to pursue would be to send the matter to the committee, and let them report upon it in a day or two. By that time we shall have all the documents before us. They are now being printed; and when the committee shall make their report, we shall have the matter fully and fairly before the Senate.

Mr. BADGER. Mr. President, whatever propriety there might have been in the position assumed by the honorable Senator from Michigan before what has taken place this morning, it is an absolute certainty that his proposition is without a shadow of support, after what we have heard to-day. If it were proper that this subject should be referred before discourses were made upon it, it was proper that it should have been referred before the elaborate oration which has been delivered this morning by the honorable Senator from Louisiana. If it was proper that that honorable Senator should be heard on this subject, at large, I should be glad to know if it is not proper that other gentlemen on this floor, who entertain different and modified views on the subject, should not be heard before the reference. Can any man give a reason for it?

As has been said and argued upon this floor many a time, is not this a Senate of equals? Have we not all the same right to discuss a subject? And if there is a discussion pending on the question of reference, and that discussion is within the bounds of order—if it is appropriate to go into it, why should one or two gentlemen be heard, and then the mouths of others be closed, and the particular subject-matter taken from the consideration of the Senate?

But again: what is the mighty object in referring this matter at all? Is it to collect information? Why, we have before us, as I understand, now printed and lying upon our desks, the information which the President of the United States has communicated to us, embodying, I suppose, all that the Executive Department can furnish. We have the papers here. Why, then, not discuss the subject? But, at all events, the discussion has commenced; and a most elaborate discourse has been pronounced this morning. It is now to go forth in the country. Why should the answer, if gentlemen choose to give an answer to it, be suffered to lag behind five, six, seven, eight, nine, or ten days, or, perhaps, until the next session of Congress?

I submit then, sir, that however correct the course suggested by the honorable Senator from Michigan may be in itself, it is a course that ought to have been pursued originally, or it should not now be resorted to. Hudibras, in the argument to one of his books, tells us that—

> "Th' adventure of the bear and fiddle
> Is sung, but breaks off in the middle."

I see no reason why we should take that course, and apply it to the debates of the Senate.

Mr. MASON. Mr. President, I have no desire in the world to stop the debate, where it stands, on this question, if the honorable Senator from New York, who, I believe, has the floor, desires to be heard. I only meant to suggest to him that there had, as yet, been no reference, and that the motion pending was for a reference.

Now, if he will indulge me one moment I will take leave to say to the Senate, that when I first brought the subject to its notice, in the remarks which I made upon the occasion of introducing the original resolution calling for information on this subject, I scrupulously refrained from expressing any opinion whatever as to the rights of our fishermen under the convention of 1818. I found, as I considered it, the manifesto which had been issued by the Secretary of State. I found that the Secretary of State had construed the treaty, and that he had admonished the fishermen that we could not protect them in the rights which they asserted. He admonished the fishermen that Her Britannic Majesty had sent a large fleet into those waters, and he told them (as has been recalled by the Senator from Louisiana) that an oversight had been committed by the American ministers who formed the convention of 1818. He told them that concessions had been made, and then he admonished them, in terms not to be mistaken, that the country could not protect them in the rights they had heretofore enjoyed. He said to them very plainly, "the British fleet is in those waters, and my advice to you is, to keep out of the way." That was the substance of what he said; for his own language was that he thought it his duty to give this information, "to the end that those concerned in the American fisheries may perceive how the case at present stands, and be upon their guard."

In that state of things I felt it to be my duty to call the attention of the Senate and of the country to the posture in which this question stood. I refrained scrupulously from expressing any opinion as to the rights of the fishermen under the treaty; but I said this: They had enjoyed certain rights by the acquiescence of the British Government for more than a quarter of a century, and I deemed it to be the duty of the Administration to preserve those rights in *statu quo*. I went further. I said that if this British fleet was in those waters, and the President was admonished of it, it was his duty to send a fleet there to lie by the side of it. And I went further still. I expressed the opinion that until the British fleet was withdrawn, there should be no negotiation whatever. But I said not a word as to the rights of the fishermen under the treaty. That is entirely to be determined between the two Governments, and the two Governments meet each other only through their Executive Departments.

It would seem that, if it is designed that any practical end should be obtained by the Senate, by the call which has been made for this information, the message should go to the Committee on Foreign Relations; but as gentlemen have suggested that they want to reply, I will not insist upon the reference, if they wish to continue the debate.

Mr. SEWARD. The course of the honorable Senator is such as I had a right to expect from him—manly and frank. I shall not detain the Senate long, nor detain this subject long from the committee, when I get hold of it. I will speak to-morrow, or any other day that may be agreeable to the Senate.

Several SENATORS. Say Monday. To-morrow is private bill day.

Mr. SEWARD. I will say Monday, if that be agreeable to the Senate.

Mr. HUNTER. I hope Monday will not be fixed for the consideration of this subject, for, by Monday we expect to be able to report the civil and diplomatic appropriation bill.

Mr. SEWARD. Then say Tuesday. I move to postpone the further consideration of the subject till Tuesday.

Mr. HUNTER. I think we had better say Saturday, for we shall have to sit on Saturdays hereafter, and that will be a very convenient day.

Mr. ADAMS. I wish to ask for an Executive session as soon as we get through with this subject, and I therefore move to postpone it without fixing any day; so as to let the Senate hereafter be governed by circumstances.

Several SENATORS. No, no.

The PRESIDING OFFICER, (Mr. NORRIS, in the chair.) The question is on the motion of the Senator from New York, to postpone the further consideration of the subject until Tuesday next.

Mr. PRATT. I hope the question will be taken on the motion to refer the message to the Committee on Foreign Relations. Senators say, that they want to reply to what has been said. My honorable friend from Georgia [Mr. DAWSON] says, that he wants to defend this Administration; and the honorable Senator from New York says that he must be heard. Defend the Administration from what? From the charge which is alleged to have been made by the honorable Senator from Louisiana of a want of American feeling in the present Executive Department of the Government?

Mr. SOULE. Does the gentleman mean to say that I said any such thing?

Mr. PRATT. No, sir; I say that it has been attributed to you.

Mr. SOULE. Does the Senator indorse that charge which he attributes to me?

Mr. PRATT. I wish the Senator to understand that I do not say he charged any such thing but it has been charged upon him, though not by me.

Mr. SOULE. It gives me pleasure to see that the Senator from Maryland understands me, for I never charged any one with being wanting in American feeling. It would not suit my habit of discussing a subject, or that course of propriety which I have ever pursued and expect to pursue toward those with whom I may be associated.

Mr. PRATT. Mr. President, who has charged the Administration? Senators say they are to defend the Administration. From what? From the charge which has been made against it of the want of American feeling, or which is alleged to have been made by the Senator from Louisiana? I did not understand him to make any such charge. Who then has made the charge? The Senator from Michigan says he has not said one word in reference to the course of the Administration on this subject, yet gentlemen say that they wish to defend the Administration from the charges which have been made against it. The Administration needs no defense from my honorable friend from Georgia, or from the Senator from New York. I wish to refer the message to the Committee on Foreign Relations, and my life upon it, before that committee shall have reported, the course of this Administration will be vindicated in the eyes of the American people, from any charge which can be made against it. I want the papers to go to the committee, but before the committee shall have time to report, the question will be settled to the satisfaction, I believe, of the Senate, and of the American people, and in consonance with the honor of the country.

I cannot see that, at this late period of the session, this question ought to be postponed from day to day, that Senators may make prepared speeches and orations upon a subject which is understood by everybody, and when those speeches and orations can have no beneficial effect. I therefore ask that the question on the reference of the message to the Committee on Foreign Relations may be submitted to the Senate. I want to record my vote in favor of that reference. I do not want to occupy the time in discussion. We ought to be devoting our time now to the passage of measures necessary for the support of Government, and it is a useless consumption of time to discuss an abstract question which has been already sufficiently discussed. I therefore ask the yeas and nays upon the motion before the Senate, to refer the message and documents to the Committee on Foreign Relations.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York to postpone the further consideration of the motion to refer till Tuesday next.

Mr. BUTLER. That will be unfair to many others. If I thought the subject would have taken that course, I should have asked for a day to make a speech upon it; but I did not think it was right to make a speech on the subject before it was reported on, and therefore I confined myself to the few remarks which I made. I wish the message to be referred to the Committee on Foreign Relations; and I wish that the issues which seem to be involved in this discussion should be reduced to something like a definite issue. I have no doubt that if my honorable friend from Virginia, [Mr. MASON,] at the head of that committee, applies himself to it, we shall have the subject presented in a form in which we shall have something to shoot at more definite than the whole world. [Laughter.]

But allow me to say one thing. I do not know

how the remark has escaped from any source or from anybody, that my honorable friend from Louisiana said that the Administration had been animated by an un-American feeling. I believe he is the last gentleman upon this floor who would have made such a remark. He has an American heart, and he has taste enough to forbear making any such remark. I will do him that justice.

Mr. PRATT. The Senator says that he does not know how that remark could have escaped me.

Mr. BUTLER. No, sir; I said I did not know how it could have escaped from any source.

Mr. PRATT. The honorable Senator from New York said that this subject should not go by without his being permitted to defend the Administration; and my honorable friend from Georgia said that he felt it to be his duty to defend the Administration before the subject should go to the Committee on Foreign Relations; and then my friend from North Carolina [Mr. BADGER] said that whatever might have been the issue anterior to what has occurred to-day, the oration of the honorable Senator from Louisiana, and the charges that had been made by him, rendered it absolutely necessary that there should be granted to the friends of the Administration an opportunity to defend it against what was charged by that Senator. It was not I who said that the charge was that of anti-American feeling; but it is to be attributed to the Senators who made those suggestions.

Mr. SEWARD. Mr. President, you will recollect that I rose and was proceeding to address the Senate. I should before this time probably have considerably advanced in the subject, had I been permitted to go on; but Senators interrupted me, preferring that the subject should be postponed until some other day. I then said that if the Senate preferred it, I would speak to-morrow. Senators again interposed, and expressed a preference for a day further off, and I acceded to the longer time.

Now, it seems that although I was ready to proceed in the beginning, I am to be allowed no opportunity to speak at all, either to-day, or at any other time. I ask the Senate to postpone the subject until to-morrow. I want no time to prepare. I can be as well prepared to-morrow as at any other time. If to-morrow is not agreeable to the Senate, let it be postponed until any day which does suit them.

Several SENATORS. Say Saturday.

Mr. SEWARD. Honorable Senators mention Saturday. Very well; let it be Saturday. I move to postpone the further consideration of the subject until Saturday next, and make it the special order for that day.

Mr. SOULE. Mr. President, as my silence might be misconstrued, I deem it necessary to say a few words in reply to the remarks which have been presented to the consideration of the Senate since I resumed my seat. To the honorable Senator from Michigan, [Mr. CASS,] I would say that he has entirely misconceived what I intended to say. He must recollect that I had just alluded to the opinion entertained by my friend from Maine, [Mr. HAMLIN,] in reference to the construction to be placed on the treaty. He had admitted that the meaning of the words referred to in the treaty might be susceptible of the construction placed upon them by the Secretary of State. But I remarked, too, that he had soon denied the correctness of that construction, and nobly vindicated the true meaning of the treaty. It was in reference to this vindication of the American construction, solely and exclusively, that I alluded to the remarks of the honorable Senator from Michigan, as being in accordance with the position taken by the Senator from Maine. When the honorable Senator goes on and speaks of the secondary bearings of this subject, as alluded to in my remarks, he mistakes also the point I had intended to present. I merely meant to limit myself to that portion of his speech which treated of the situation of America under the treaty of 1818; and it was in that view, and in that view alone, that I qualified those rights, which he had so nobly defended, as being secondary rights in contradistinction of the primary rights upon which I had placed my main reliance in the view I had taken of the question. So much for the honorable Senator from Michigan.

As to my honorable friend from South Carolina, [Mr. BUTLER,] I am sorry that we should disagree about anything which I may have had occasion to express in connection with this matter; but, without attempting now to answer the suggestions that have fallen from him, he will allow me to entertain the hope that when he has more thoroughly investigated the subject, he will find that the whole, and the only question to be debated here is, whether, under any circumstances, England or anybody else can claim any dominion at all over the bays, gulfs, creeks, or harbors, that are beyond three marine miles from her coast. The position which I meant to assume was, that the Bay of Fundy, as well as the Bay of Chaleur, and the Straits of Northumberland, were *seas* to all intents and purposes; and that England could claim over them no right of supremacy; that they were as free and as open to our fishermen and to every man under the sun as to English subjects.

But that question, in all probability, from the turn which the debate has taken, will have to be discussed again; and when it comes in a proper shape—reduced to those terms that will make it tangible—I shall be ready to meet it, and to attend to the objections which have been intimated to some parts of my speech.

There have been some allegations here; or, at all events, if those allegations have not been made, it was under a misapprehension of the honorable Senator from Maryland, [Mr. PRATT,] that they were suggested, that, in my remarks, I had charged the Administration with a want of American feeling in its appreciation of the impending difficulties. I am at a loss to account for such a misapprehension. It will be found by those who may do me the honor to peruse the fugitive remarks which I have presented to the Senate, that there is not a word there which, to my sentiment, and, I am sure, to the sentiment of the whole Senate, will go to incriminate any person. I repelled the supposition, that certain things coming from the newspapers, and from the rumors set afloat around us, could be founded in truth. I merely presented the question, as it was being spread to the whole world through the agency of this Government itself; and, commenting upon it, I ventured to give, as I had a right to do, my opinion of the course which it would become the Government to pursue in relation to it, if such should prove to be the real state of the case.

As to my right to do so, I can hardly conceive that any member of this body can question it. Why, sir, the parliamentary history of England is full of instances of motions for a communication of papers by the Executive. They are the usual means through which a parliamentary body is enabled to approach questions which, otherwise, would escape its reach, and be beyond its action. It is said we cannot express an opinion upon these matters until we know how they have been acted on. If that be true—if the principle be correct, then the original resolution of the Senator from Virginia was wrong; for we may have to consider these matters in Executive session, and there alone. If the proposition were a correct one, could we permit ourselves to enter into any details with respect to its merits? But, sir, the correctness of this proceeding has never, that I know of, been questioned, either as to its expediency, or as to its parliamentary appropriateness. It is clearly within the terms of those powers which are vested in us. And, when a motion is before us upon the question to refer the information obtained to a committee, then is the proper time for discussing how far the interest of the country can be benefited by further action upon it.

That being my view of the subject, and prompted besides by the consideration that it is but justice that ample opportunity be afforded those Senators who intend to address the Senate, and answer the positions which I have taken this morning, I shall vote for the motion to postpone, so that honorable Senators may have time to prepare speeches, and deliver them whenever it will suit their convenience.

Mr. BUTLER. I wish to define my position in relation to my friend from Louisiana, [Mr. SOULE.] When I made the few remarks which I offered in reply to that Senator, I narrowed the question down to this: whether England and the United States could by treaty stipulations make the Bay of Fundy, and those other bays that have been mentioned, English or American seas. If my friend is right, that they are open seas, then it is not competent for these Powers to do so.

Mr. SOULE. That is my view of the case.

The PRESIDENT. Does the Senator from Maryland insist on the yeas and nays?

Mr. PRATT. Yes, sir; on the question of reference.

The PRESIDENT. But the question now is to postpone until Saturday next.

Mr. WALKER. Which motion has precedence?

The PRESIDENT. The motion to postpone.

Mr. CLEMENS. I desire to ask a question. I understand that the Senator from New York [Mr. SEWARD] has requested that this subject should be postponed to a particular day for the purpose of enabling him to deliver his opinion upon it. Is that a fact?

Mr. SEWARD. I will state, for the information of the Senator, that I rose to address the Senate upon the question to-day in order; and it was suggested that the Senate desired not to proceed with the subject to-day, but to postpone it until to-morrow. I then consented to the proposition to postpone until to-morrow; but Senators preferred that it should be postponed until Saturday, and I acceded to that. I do not ask for its postponement to any particular day; but merely desire that, whenever it is considered, I may have the floor to express my views.

Mr. CLEMENS. Then I have only one thing to say: The courtesy asked for by the Senator from New York, is one that the Senate has never refused to any member of this body. If I understand the question presented to us, it is simply whether we will give that Senator an opportunity to express his opinions on the subject recently under discussion? If that is the question, I shall vote in favor of it. The courtesy has been invariably extended to every Senator, and I should take it as exceedingly unkind if it were refused to me. I shall vote in favor of the motion to accommodate the Senator from New York.

The PRESIDENT. The question is on the motion to postpone till Saturday next.

Mr. PRATT. The remarks of the Senator from Alabama place my opposition to that motion on a ground that I do not desire it to occupy. I am disposed to render all courtesy to every member of this body, and it was not to the request of the Senator from New York [Mr. SEWARD] that I objected; but the Senator from Georgia, [Mr. DAWSON,] my honorable friend from South Carolina, [Mr. BUTLER,] and a number of other gentlemen round me expressed a desire to speak on this subject, and it was for that reason I objected. The question before the Senate was the reference of these communications to the Committee on Foreign Relations. If the reference were made to that committee, according to my opinion, before that committee could report, the action of the Executive Department would render any reply to the speech of the Senator from Louisiana [Mr. SOULE] unnecessary. There was no discourtesy, therefore, to the Senator from New York [Mr. SEWARD] in advocating that reference.

Mr. BUTLER. It would deprive me also of the right to speak.

Mr. PRATT. Certainly. My argument was this: At this stage of the session, if some dozen gentlemen desired to speak on this subject, it would be impossible, in view of the transaction of the public business, to permit them all to speak anterior to the reference to the committee. I thought, therefore, that it would be better to agree to the motion of reference, as all necessity for reply would cease before the papers came back.

Mr. CLEMENS. The answer to that argument is simple: it ought to have been urged before. We have allowed three speeches to be made—all on the Democratic side; and one on the Whig side; and I think it is nothing but fair, certainly nothing but courteous, to permit the Senator from New York [Mr. SEWARD] to be heard. I know not what he intends to say. I know not whether he intends to answer the speech of the Senator from Louisiana, [Mr. SOULE.] He asks nothing unreasonable—nothing that has not been asked before, and never refused. As to the business of the Senate being delayed by acceding to

his request, I ask would not the business of the Senate be as much delayed after the papers come back from the committee as before?

Mr. PRATT. Perhaps the committee will never report.

Mr. CLEMENS. The gentleman says he supposes the committee would not report. Then the reference would be a virtual prohibition to express his views on the Senator from New York, [Mr. SEWARD.]

Mr. BUTLER. Allow me to say one word in justice to myself, and I wish to say it with particular reference to the remark of the Senator from Alabama, [Mr. CLEMENS.] I will relate to him what took place between Mr. Clay and Mr. Calhoun. Mr. Calhoun called on Mr. Clay on one occasion when I was present; and I recollect that the meeting was apparently very cordial. Mr. Clay remarked at that time to Mr. Calhoun, that though they had often differed upon questions of domestic policy at home, he believed that so far as related to foreign affairs, there had been no party distinction between them. Now, for my part, with regard to any question pertaining to our foreign relations, I do not wish to hear of Whigs or Democrats. I make that reply to the Senator. I do not believe those who have spoken on this question have consulted the dictates of party.

But I wish to say, that if this debate is to go on, I think the Senator from New York will acquire a right—not as a member of the Whig party, but will acquire a right which others could have claimed, and which I could have claimed if I had asked it at that time; but I did not think it fair to do so. I think that when this subject goes to the Committee on Foreign Relations they will find that we have been firing at a mark when there was none in existence; and perhaps we can reduce the matter to such a form that we may all be prepared to act upon it, not at all as partisans, but as American citizens.

The PRESIDENT. The Chair will take occasion to state, that as soon as this debate sprung up, he informed the Senate that it was out of order; that on a question of reference the subject-matter was not open to discussion. The Senate, by general consent, determined that the debate should go on, and the Chair acceded to it. He makes this explanation, inasmuch as it has been observed that speeches have been permitted, to show that it has been done by order of the Senate, and not by his permission.

Mr. MASON. I wish to say that when the Senator from Louisiana expressed a wish, last Thursday, to address the Senate, and there was no objection, I committed myself, and stand ready now to hear the Senator from New York on Saturday. I look upon this as a matter of courtesy which should be regarded.

Mr. CLEMENS. I beg to say one word in reply to the Senator from South Carolina. He has been unjust, contrary to his usual custom. He has endeavored to make an impression upon the Senate that I intimated that in questions affecting our foreign relations there was a difference between Whigs and Democrats. I meant no such thing; and I am sure the honorable Senator from South Carolina does not believe that I did; but I stated it as fact that, on this subject, three Democrats have spoken to one Whig. I do not know whether the Senator from New York is a defender of the Administration or not. I rather think he is not. But still the Administration might desire that its policy should be commented upon—whether by the Senator from New York, or any one else, makes no difference; and I hold it just, and right, and fair to that Administration that he should be heard. I do not mean to say that a Whig is less patriotic than a Democrat. I do not believe anything of the sort. I believe that, so far as our foreign relations are concerned, we are upon an equality.

Mr. SEWARD. Just about.

Mr. CLEMENS. I think so. I think we are both too ready to fight to acquire territory anywhere—north or south.

Mr. BUTLER. I must do the Senator the justice to say, that I suppose he then intended what he has now explained.

Mr. CLEMENS. Certainly.

The question was then taken on the motion to postpone the further consideration of the subject until Saturday next, and it was agreed to.

THE NORTH AMERICAN FISHERIES.

SPEECH OF HON. W. H. SEWARD,

OF NEW YORK,

IN THE SENATE, *August* 14, 1852.

The Message of the President of the United States transmitting information in regard to the Fisheries on the coasts of the British Possessions in North America, being under consideration—

Mr. SEWARD said:

Mr. PRESIDENT: When this debate was suspended on Thursday last, a question had just arisen whether the Executive administration had been censured here for its conduct in regard to the subject.

The honorable Senator from Virginia, [Mr. MASON,] chairman of the Committee on Foreign Relations, when addressing the Senate, remarked that if the President had done his duty, the whole naval force of the country had been already sent into the northeastern seas to protect the rights of American fishermen against British cannon. The honorable Senator from Maine, [Mr. HAMLIN,] the honorable and distinguished Senator from Michigan, [Mr. CASS,] and the honorable Senator from Arkansas, [Mr. BORLAND,] declared that they fully concurred in all that had been said by the honorable Senator from Virginia.

Now, it is quite certain that the whole naval force of the country has not even yet been sent into those seas, and I suppose it equally certain that at that time none had been sent there.

The honorable Senator from Arkansas [Mr. BORLAND] expressed astonishment and regret that the President had not, without a call, sent here all the information which he possessed. He complained that the Secretary of State had "treated the subject wrongly in what has been called his 'proclamation;'" that it "cast doubts on the right of the fishermen." Alluding to rumored negotiation at Mr. Webster's country residence, he declared his opinion that the place was ill-chosen, and indeed that negotiation there, or even here, under the circumstances, ought to be reprobated altogether. The honorable Senator from Connecticut [Mr. TOUCEY] asked what was the meaning of the notice published by the Secretary of State—was it designed to induce our fishermen to retire from their pursuits; to invite us to surrender the rights secured to us by the convention of 1818. The honorable Senator was pleased to express his sorrow that he could not have confidence in the Administration, and also an opinion that it needed to be prompted. The honorable and esteemed Senator from Louisiana [Mr. SOULE] was more cautious, but even he complained that some of our rights in the fisheries had "brutally been torn away" "in the midst of the most profound peace," and "when England was incessantly receiving most profuse tokens and manifestations of condescension, and was allowed to turn to her own advantage and profit the good will indulged towards us by Nicaragua, and had been allowed to introduce her bankers into our Treasury as agents in the payment of our debt to Mexico. These," said the Senator, "I repeat it again, are strange times indeed." Again, that Senator argued, that Mr. Webster had erred when he said in the notice published by him—that it was "an oversight in the American Government to have made so large a concession to Great Britain in the convention of 1818." Further the honorable Senator said:

"We may, for aught we know, have negotiated away by treaty a branch of our revenue, with the hope that we would silence the roaring lion; but the lion still roars, it seems, and will roar until he frightens us out of those bounds the participation in which we acquired by original occupation, if not otherwise; which we retained as a constitutive element of our separate existence as a nation; which war itself could not wrest from us; which we hold under no grace or favor from any one, but under the sufferance of God alone, and under the highest sanctions of the laws of nations; for, in the language of the now redeemed negotiators, who signed the convention of 1818, ours is a right which cannot exclusively belong to or be granted by any nation. Sir, I ask it of you, would that be an attitude becoming this great country? But I believe not in these rumors; it cannot have escaped that wise and clear sighted person who now holds the seals of the State, and whose great mind and exalted patriotism are equal to any emergencies, that to negotiate under such circumstances, and sign a treaty, whatever its merits in other respects be, were to sink in the dust what of pride, what of dignity, what of honor, we have grown to in the rapid race which we had been running since we became a nation."

I disclaim the idea, that these restrictions impute want of patriotism or of fidelity to the Administration; but, when taken together with the facts which they assume, they seem to me to import a censure of this effect and extent, viz: That her Britannic Majesty's Government has recently set up a new construction of the convention of 1818, by which it proposes now to draw lines from chief headland to chief headland, and thus to exclude American fishermen from the Bays of Fundy, Chaleur, and Mirimachi, and also from the Straits of Northumberland, and the Gut of Canso, all of which have hitherto been enjoyed by our fishermen; and that her Britannic Majesty's Government has sent a large naval force into those waters to enforce that new construction, and has so attempted to bring us to negotiate for maintaining national rights at the cannon's mouth: that the Executive has not acted with sufficient promptness and decision, has not properly resented an insult and an indignity received, and has already negotiated, or may be negotiating, or about to negotiate, in the presence of that naval force, in derogation of the interest or dignity or honor of the United States, and that Great Britain has been emboldened and rendered thus insolent by previous diplomatic triumphs over the present Administration.

Sir, I take leave to say that there is a presumption, a violent presumption, against the soundness and the justness of all such censures. There is no want of firmness or of boldness in asserting American rights here, or in the House of Representatives. Experience has shown that the Executive Department has generally been quite as firm and as bold as Congress. Sir, the fisheries are a commercial interest. By peculiar fidelity in guarding such interests, this Administration has deservedly gained the confidence of the commercial classes, the conservative classes of the country. The fisheries are practically and peculiarly a northern interest. In the geographical balance, they were once weighed against the free navigation of the Mississippi. The President of the United States and the Secretary of State are northern men. Each began, and, when he shall have closed his public career, each will rest in the associations of the North.

More than this; the fisheries are an interest of the States of Massachusetts and Maine, which practically are undivided and inseparable in commercial fortunes. The Secretary of State, in whose Department this subject properly belongs, is a man of Massachusetts—is it too much to say *the* MAN OF MASSACHUSETTS? The ocean, with its fisheries, washes the shore of the farm on which he dwells. Nay, sir, he is an angler himself, I am told, and of course he is a good one, for he is not half and half in anything. He tills the sea, and I fear his principal harvests are gathered upon it; are gathered with the line, and not with the sickle. There is a strong presumption that the Secretary will be faithful to an interest so near to himself, and the constituency to whom he chiefly owes the long public life which he has enjoyed. A distinguished artist of our country has enriched our academies with a national painting. It represents the Secretary of State in debate defending the honor and fame of Massachusetts against the assault of an eminent orator of South Carolina, (Mr. Hayne.) That is a heroic piece; let honorable Senators here take care that they do not provoke the artist to produce a comic counterpart, in which the Senators from Arkansas and Louisiana [Mr. BORLAND and Mr. SOULE] may be presented in the act of rescuing Massachusetts from desolation, brought on through the timidity of her own, her chosen and honored statesman. Such a picture might enter into a new and interesting series of political illustrations, to be entitled, "The vagaries of a Presidential Election."

Mr. President, the statesman thus impeached for want of boldness and firmness in defending his country's maritime rights, is he who replied to Great Britain, when claiming for the last time the right to "search" American vessels, "The ocean is the sphere of the law of nations; every vessel on the seas, is, by that law, under the protection of the laws of her own nation." "The practice

of impressing seamen from American vessels cannot hereafter be allowed to take place." "In every regularly-documented American merchant vessel, the crew who navigate it will find their protection in the flag which is over them."

Sir, the statesman thus impeached for being unreliable in defending the interests of Massachusetts is he who, in the memorable debate to which I have referred, achieved his triumph with the words:

"I shall enter on no encomium upon Massachusetts. She needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past is at least secure. There is Boston, and Concord, and Lexington, and Bunker Hill—and there they will remain forever."

I shall enter into no encomium on the Secretary of State—he needs none. I should be incompetent to grasp so great a theme, if it were needed. The Secretary of State! There he is. Behold him and judge for yourselves. There is his history; there are his ideas—his thoughts spread over every page of your annals for near half a century. There are his ideas, his thoughts, impressed upon and inseparable from the mind of his country and the spirit of the age. The world knows them all by heart. There they are, and there they will be forever. The past is at least secure. The past is enough, of itself, to guaranty a future of fame unapproachable and inextinguishable.

Mr. President, a simple narrative shall now accomplish the two purposes for which I address the Senate. It shall show that the censures of honorable Senators are erroneous, and it will lead us to an exact knowledge of the issue involved in the question which occupies the Senate.

I pass by the treaty of 1783. All the world knows that, in common with the people of England, we were subjects of the King of Great Britain, and that in the war which terminated that connection, we secured not only independence, but also an equal right, in common with those who remained subjects, in the fisheries, which had before been enjoyed in common. I pass by the treaty of 1815. It was a treaty concluded at the end of our second war with Great Britain. In that treaty no allusion whatever was made to the subject; and so Great Britain contended that our rights to the fisheries were gone with the war, because they had not been reëstablished by the treaty of peace. We maintained, on the contrary, that we retained *all* those rights, because they had not been surrendered in the treaty of peace. The convention of 1818 was a convention made for the purpose of settling this great dispute, and did settle it in this way. The United States took, under it, the equal right to fish in common with His Britannic Majesty's subjects, in the waters that wash the southern coast of Newfoundland, from Cape Ray to the Rameau Islands; on the northern and western coasts of Newfoundland, from Cape Ray to the Quirpon Islands; and also the right to fish along the Magdalene Islands; and from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwards indefinitely. Here on this map you see these common fishing grounds. By that convention the United States renounced all right to fish anywhere within the distance of three miles of the shore, within any other of the coasts, bays, creeks, or harbors of His Majesty's dominions in North America, or to enter them for any cause but distress and want of wood and water. The fisheries to which this provision was applicable were, on the excepted coasts of Nova Scotia, New Brunswick, Cape Breton, Prince Edward's Island, and a portion of Canada, called Gaspe. You see them all here on the chart.

Will the Senate please to notice that the principal fisheries in the waters to which these limitations apply, are the mackerel and the herring fisheries, and that these are what are called "shoal fisheries;" that is to say, the best fishing for mackerel and herrings is within three miles of the shore. Therefore, by that renunciation, the United States renounced the best mackerel and herring fisheries. Senators please to notice, also, that the privilege of resort to the shore constantly, to cure and dry fish, is very important. Fish can be cured sooner; and the sooner cured the better they are, and the better is the market price. This circumstance has given to the colonies a great advantage over us in this trade. It has stimulated their desire to abridge the American fishery as much as possible; and indeed they seek naturally enough to procure our exclusion altogether from the fishing grounds. Such was the convention of 1818, and its effects.

On the 14th of June, 1819, the British Parliament passed an act for the purpose of carrying the provisions of this convention into effect, by which they authorized the King to issue orders in Council. By orders in Council the Government of Great Britain provided for the seizure of persons trespassing within the forbidden fishing grounds, or abusing the conceded privileges.

The Provincial Government of Nova Scotia, in 1836, passed a very stringent law for the purpose, or under the pretext, of preventing encroachments by American fishermen; and simultaneously with this act, they set up the claim to exclude the American fishermen from entering the great bays of Fundy and Chaleur, and all other great bays; and also to shut up the Gut of Canso, to prevent American fishermen from using that very necessary channel to reach the Straits of Northumberland and the Gulf of St. Lawrence. That Province asserted, at the same time, that by the true and just construction of the convention of 1818, we were excluded from the British harbors and waters, except in case of actual distress; and authorized the police to assume to judge absolutely what were cases of distress, and when the plea was at end; and declared it a cause of forfeiture, also, when a fisherman should come in for wood or water, without showing that he had been well supplied when he left home. The Province also declared it an abuse and ground of forfeiture, when our fishermen baited fish within three miles from the shore, for the purpose of tempting them out into the deep sea; and also when they *prepared*, within three miles of the shore, to fish outside those limits.

Moreover, the Nova Scotia statute rendered it almost impossible for a fisherman to defend a just cause, because it allowed only a month in which to prepare his defense, and cast the *onus probandi* on the party libeled. Mr. Stevenson, and after him Mr. Everett, remonstrated with the Imperial Government against this atrocious act, and insisted on the same construction of the act we now demand. The Imperial Government indulged a desire to accommodate, and submitted such a proposition to the Colonial authorities of Nova Scotia. That Colony resisted, as I think did all the others; and Nova Scotia requested the opinion of the law officers of the Crown on the construction of the treaty in regard to all the points to which I have thus adverted. Those law officers confirmed all the pretensions of the Nova Scotians. Under these circumstances, the British Government, declaring their adherence to the construction given by the law officers, yielded to the appeal of the United States so far as to grant, as a concession, that the Bay of Fundy should be open to the American fishermen, subject to the limitation of not going within three miles of the shore, and *they declined to concede more*. The American minister, Mr. Everett, received this not as a concession, but as a right. The British minister insisted that it should be regarded not as a right, but as a concession.

Mr. Everett wrote on the 25th of March, 1845, thus:

"I received, a few days since, and herewith transmit, a note from Lord Aberdeen, containing the satisfactory intelligence, that after a reconsideration of the subject, *although the Queen's Government adhere to the construction of the convention which they have always maintained, they have still come to the determination of relaxing from it, so far as to allow American* fishermen to pursue their avocations in the BAY OF FUNDY."

So, the one party calling it a "concession," and the other defining it a "right,"—the privilege of fishing, or the right to fish within the Bay of Fundy, except within three miles of the shore, was admitted, and so has constituted a departure, in one instance and on one point, from the rigorous construction otherwise pertinaciously adhered to by the Government of Great Britain.

What the British Government had thus conceded as a relaxation, the Canadian authorities still declared was unwise; and, although this concession had been made, yet all that time, as well as ever since, the Provincial authorities have insisted upon the technical and rigorous construction of the treaty, and the United States upon the more liberal and just one. The Imperial Government, although it adopted and has adhered to the Provincial construction, has, nevertheless, always declined to maintain it practically by force. Such have been the attitudes of the three parties heretofore. Such are their attitudes now.

Now, sir, during all this time—I do not know how long before—the Imperial Government has kept some naval force in those seas, for the purpose of preventing encroachments and abuses by American and French fishermen; and the colonies have, at all times, I believe, made some show of naval force for that purpose, or on that pretext.

In the last year a new administration with the Earl of Derby at its head obtained the control of the Imperial Government. That Administration was understood to favor the principle of *protection*. The United States pay considerable bounty to their fishermen—bounties amounting to about $300,000 a year—and they impose a duty of twenty per cent. on foreign fish. The colonial fishermen claimed of the new ministry, as they had been in the habit of claiming of the old ministry, the assent of the Royal Government to the granting of bounties; and they complained to the new ministry, as they had been in the habit of complaining to the old one, of the encroachments of the American fishermen. The colonial authorities last year, by reports and resolutions threatened retaliation against the United States in some form, if these claims and complaints should be disregarded.

Under these circumstances, the Imperial Government, in 1851, proposed to the President of the United States to negotiate concerning the questions raised by the British Colonies, and submitted, through Sir Henry Bulwer, a schedule of the terms or principles upon which that Government would negotiate, for the purpose of settling what they were pleased to call the commercial intercourse between the Provinces and the United States. The President of the United States altogether declined to negotiate; and he referred the subject to the Congress of the United States in his annual message of December last, in these words:

"Your attention is again invited to the question of reciprocal trade between the United States and Canada and other British possessions near our frontier. Overtures for a convention upon this subject have been received from her Britannic Majesty's Minister Plenipotentiary, but it seems to be in many respects preferable that the matter should be regulated *by reciprocal legislation*. Documents are laid before you, showing the terms which the British Government is willing to offer, and *the measures which it may adopt, if some arrangement upon this subject shall not be made.*"

Thus, in December last, was Congress invited by the President to consider the subject out of which all the present difficulties have arisen; and we then had this notice from the British Ministry, viz:

"Her Majesty's Government are prepared, on certain conditions and with certain reservations, to make the concession to which so much importance seems to have been attached by Mr. Clayton, namely—to throw open to the fishermen of the United States the fisheries in the waters of the British North American Colonies, with permission to those fishermen to land on the coasts of those colonies, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the owners of private property, or with the operations of British fishermen."

Congress did nothing, said nothing, thought nothing on the subject. The colonies, in the mean time, continued to complain of encroachments, and continued to demand the consent of the Imperial Government to the granting of bounties. The Imperial Government answered that to remove the complaints of the colonies, they would not object to measures being taken by the colonies themselves for the granting of bounties, and that they would send an additional force to protect them against encroachments. Such a force was sent, and, simultaneously with sending it, the British Minister here, on the 5th of July last, informed the President of its coming, and its objects, in the following communication:

"I have been directed by her Majesty's Government to bring to the knowledge of the Government of the United State a measure which has been adopted by her Majesty's Government to prevent a repetition of the complaints which have so frequently been made of the encroachments of vessels belonging to citizens of the United States and of France upon the fishing grounds reserved to Great Britain by the convention of 1818.

"Urgent representations having been addressed to her Majesty's Government by the Governors of the British North American Provinces, in regard to these encroachments,

whereby the colonial fisheries are most seriously prejudiced, directions have been given by the Lords of her Majesty's Admiralty, for stationing off New Brunswick, Nova Scotia, Prince Edward's Island, and in the Gulf of St. Lawrence, such a force of small sailing vessels and steamers as shall be deemed sufficient to prevent the infraction of the treaty. It is the command of the Queen that the officers employed upon this service should be especially enjoined to avoid all interference with the vessels of friendly Powers, *except where they are in the act of violating the treaty*, and on all occasions to avoid giving ground of complaint by the adoption of harsh or unnecessary proceedings when circumstances compel their arrest or seizure."

Let us now see what force it is that has been sent into the field of the dispute. There is the Buzzard, a steamer of six guns, the Sappho, a sloop of twelve guns, and the Bermuda, a schooner of three guns, sent to the Straits of Belle Isle, and on the coast of Newfoundland, where we have an unquestioned right of fishing, and where there is no controversy. Then there is the Devastation, a steamer of six guns, the Arrow and the Telegraph, of one gun each, and the Nettley, of two guns, in the Gulf of St. Lawrence; making, in the whole, seven vessels, with a total of thirty-one guns, sent by the Imperial Government into these waters. If you add to this force the flag-ship of Vice-Admiral Seymour, the Cumberland, with seventy guns, there are, altogether, one hundred and one guns. This is the naval force which has been sent into the northeastern seas.

Now, I desire the Senate to take notice what force was there *before* this great naval force was sent. Last year there was the flag-ship, the Cumberland, commanded by the same Sir Charles Seymour, with seventy guns, a frigate of twenty-six guns, two sloops of sixteen guns, and one steamer of six guns, making, in the whole, sixty-four guns, without the Cumberland, and, including the Cumberland, one hundred and thirty-four guns.

Then this mighty naval demonstration, which has so excited the Senate, and roused its indignation, and brought down its censures upon the Administration, consists in a reduction of the naval force which Great Britain had in those waters a year ago from one hundred and thirty-four to one hundred and one guns. What the British Government has done has been to withdraw some large steamers, because they were not so useful in accomplishing the objects designed, or because they would be more useful elsewhere, and to substitute in their place a large number of inferior vessels, either more efficient there, or less useful elsewhere.

The Senate will understand me. I do not say this is the whole force which is in those waters. There is an increase, I think, on the whole, which is furnished by small vessels of the different Provinces; Canada having sent one; New Foundland one; Nova Scotia four. But the question I am upon, and the real question now is, what the Imperial Government has done, and so I say the British Government has reduced the number of guns employed.

Now, when this force was approaching, a letter from Sir John Packington, bearing somewhat the tone of a proclamation, appeared, and at the moment was magnified and applauded by the colonial newspapers in a most bellicose manner, and before the letter of the British minister could have been read or received by the President of the United States, an alarm went abroad throughout the fisheries, and along the northeastern coasts. It was exactly at the season when the fishermen were going to the ocean fields to gather their autumnal harvests. The President, it seems, took pains to obtain information informally, and he caused it to be published, in a notice issued by the Secretary of State, and dated at the Department of State, July 6, 1852, and which has been called here the "proclamation" of the Secretary. The Senate will see that the Secretary of State set forth such unofficial information as had been obtained, and all the information was unofficial, and stated the popular inference then prevalent, saying that the Imperial Government "appeared" now to be willing to adopt the construction of the convention insisted on by the colonies. Inferring from circumstances, the hazards and dangers which in that case would arise, he set forth the case precisely as it seemed to stand. He adverted to the question understood as likely to be put in issue, and admitting that technically the convention of 1818 would bear the rigorous construction insisted on by the colonies, he declared the *dissent* of the Government of the United States from it; and then communicated the case to the persons engaged in this hard and hazardous trade, that they might be "on their guard."

I am surprised that any doubts should be raised as to the proclamation being the act of the Government. I do not understand how a Senator or a citizen can officially know that the Secretary of State is at Marshfield, or elsewhere, when the seal and date of the Department affirm that he is at the capital. I would like to know where or when this Government or this Administration has disavowed this proclamation.

In issuing this notice, the Secretary of State did just what the Secretary of State had been in the habit of doing in such cases from the foundation of the Government, viz: He issued it to put citizens on their guard in a case of apparent danger resulting from threatened embarrassment of our relations with a foreign Power. The first notice of the kind which I have found in history, is a notice issued by Thomas Jefferson, Secretary of State under George Washington, to the merchants of the United States, informing them of the British orders in Council, and of the decrees of the French Directory, and of the apprehended seizure and confiscation of American vessels under them; and assuring the American merchants that, for whatever they might unlawfully lose, the Government of the United States would take care that they should be indemnified. I brought that to the notice of the Senate heretofore; and upon that ground, among others, they have twice sanctioned a bill providing for the payment of losses by French spoliations. The notice published by Mr. Webster was of the same character and effect. Since that time, the Mississippi, a steam war-frigate of the United States, has been ordered to those waters, to cruise there for the protection of American fishermen in the enjoyment of their *just* rights. Thus ends the whole story of these transactions about the fisheries. The difficuties on the fishing grounds have "this extent, no more"—they are the wonder of a day, and no longer.

No negotiation has been had between the President of the United States and the English Government. No negotiation is now in progress between the two Governments. No negotiation has been instituted between the two Governments, for any purpose whatever. No overture of negotiation has been made by the Britsh Government since the last year, and no overture has been made by the American to the British Government. So, then, it appears that nothing has been negotiated away at the cannon's mouth, because there has been no negotiation at all, either at the cannon's mouth or elsewhere. There has been no negotiation under duress, because there has been no pretence of a design by the Imperial Government to enforce its rigorous construction of the convention of 1818, or to depart from the position of neutrality, if I may so call it, always heretofore maintained. All the change is, that, in August, 1851, the British Government had one hundred and thirty-four guns on that station; and now, in August, 1852, it has one hundred and one guns; and this famous Sir Charles Seymour, who sweeps away, not only fishermen's smacks, but also the icebergs coming down from Hudson's Bay and off the coast of Labrador, with his "broom," is the Admiral of the whole station of British North America—a field of duty which reaches from Central America to the North Pole. He has two headquarters: one at Bermuda, in the winter; and the other at Halifax, in the summer. This same Admiral Seymour was in the same seas with his broom last year, just as he is this year, and yet he excited no alarm then. He has four trusts to execute for his Government with the small force at his command, of which his flag-ship constitutes the largest portion. The first of these is to protect British rights in the vicinity of Cuba, just as the United States last year sent a vessel to maintain their rights and perform their duties there. His next duty is to secure British rights at Greytown, just exactly as the United States ought to have had a vessel there to secure their rights. The third duty is to watch Solouque, the Emperor of Hayti, to prevent him from subjugating the Dominican Colony, which the British Government is bound to do by an arrangement existing between the United States, Great Britain, and France; and the fourth duty is to protect British rights in these fisheries against encroachments and abuses by whomsoever may come along. The season of fishing is in the summer; and, therefore, the Admiral arrives at Halifax with his broom during that season, and perhaps, also, he comes north, because the weather is more pleasant.

There have been since that time, some seizures, four or five, I believe; but, in this there has been nothing new. I have before me a list of seizures of American vessels for the violation of the provisions of the convention of 1818, from the year 1839 to the year 1851. They amount in the whole to twenty-eight vessels, and it is insisted by the Imperial Government that they were all made on the grounds of violation and abuses of the convention of 1818, as construed by ourselves. There may have been mistakes, and probably, instances of oppression, but the British Government is understood to have disclaimed any such. More or less of these seizures have been brought to the notice of the Government of the United States from 1839 to this time. Yet there has been no war—no declaration of war, but, on the contrary, there has been the most pacific spirit on both sides which could be imagined. In 1836, Mr. Forsyth, the then Secretary of State, was so pacific and friendly, that he informed Mr. Bankhead, *by direction of the President*, that "masters, owners, and others, engaged in the fisheries," were to be informed by the collectors "that complaints had been made, and that they were enjoined" to the strict limits assigned for taking fish under the convention of 1818. So in that year the Secretary of the Treasury addressed a circular letter to the collectors of customs, directing them to inform the American fishermen not to encroach "upon the fishing grounds secured exclusively to British fishermen by the convention of 1818." So in 1839, Mr. Vail, Acting Secretary of State, in an official communication, said:

"Under the supposition that many of the seizures had been made upon insufficient grounds, and in order, if possible, to preclude for the future the recurrence of such proceedings, the Acting Secretary of State, in a note dated the 10th of July, called the attention of the British Minister to the cases of seizure which had come to the knowledge of the Department, and requested him to direct the attention of the provincial authorities to the ruinous consequences of the seizures to the owners of the vessels, whatever might be the issue of the legal proceedings instituted against them, and to *exhort* them to exercise great caution and forbearance in future, in order that American citizens, *not manifestly* encroaching upon British rights, should not be subject to interruption in the pursuit of their lawful vocations."

Sir, I think you now see that this present Administration has roared, in tones of defiance of Great Britain, at least as loud as these utterances of the administrations of Mr. Van Buren and of General Jackson. It has been a ground of censure, and a cause of excitement here, that no notice was given by the British Government to the United States that they had changed their construction of the treaty. That is all right. It is a good ground of complaint, provided the condition holds. If they had changed the construction of the treaty, they ought to have given us notice; but if they had not changed, then the complaint of want of notice must fail.

It has been complained here that the President withheld information. It is enough to know that he had nothing official worth communicating; and that when requested he furnished all that he had.

If I have been successful, I have shown the Senate that there is not, in the present difficulties about the fisheries, any ground of alarm—precisely for the reason that nothing new has occurred. That circumstances remain just exactly as they were; that there is no ground to apprehend a war, because the dispositions of the British Government remain just as pacific as they were before; and the dispositions of the colonies to retaliate were well known before; and that if there were reasons for censure in any quarter, it must fall elsewhere, and not on the Administration. The President transferred the subject to Congress last December. The Senate implies that this was right, because it rejects the idea of negotiation. Who, then, has a right to complain? Is it Congress, that the Executive has not acted?—or is it the Administration, that Congress has been silent?

I shall be told, indeed, that the notice of the

British Minister was ambiguous. But it was no more ambiguous than the well-understood reserve practiced by that Government for a dozen and more years past.

The Executive is not to be censured for not having resisted the British force, for there has been none there in hostility to resist. It has not resented indignity, because there has been no indignity offered. This is so, unless the Government of the United States shall claim a right to prescribe to the Government of Great Britain what portion of her naval force, and of what kind, she shall maintain on this station, and what on that. I should like to see how the Senate of the United States would regard a notice from the British Government that we must send not more than one, or two, or five, or ten war steamers, or ships-of-the-line, off the coast of Nicaragua, or into the Mediterranean. The Executive has acted with all sufficient promptness, and, when it seemed necessary, the Mississippi was sent into those waters. From accounts received, it appears that Commodore Perry found the British authorities adhering practically to our own construction of the convention of 1818. What is the Mississippi to do? She must not protect fishermen who, according to our own construction, are encroaching, and those who are not seem to need no protection.

Sir, it has been complained by the honorable Senator from Louisiana [Mr. SOULE] that Mr. Webster conceded too much in his official notice of July 6, 1851. Now, here is Mr. Webster's language. After quoting the treaty, he says:

"It would appear that, by a *strict and rigid construction of this article*, fishing vessels of the United States are precluded from entering into the bays," &c.

And, in the same connection, he adds:

"It was undoubtedly an *oversight in the convention of 1818 to make so large a concession to England.*"

That is to say, it was an oversight to use language in that convention which, by a strict and rigid construction, might be made to yield the freedom of the great bays.

It is then a question of mere verbal criticism. The Secretary does not admit that the rigorous construction is the just and true one. And so he does not admit that there *is* any "concession" in the sense of the term which the honorable Senator adopts. Now, other honorable Senators, if I recollect aright—and particularly that very accurate and exceedingly strong-minded Senator, the gentleman from Massachusetts, [Mr. DAVIS]—conceded that the treaty *would bear* this rigorous construction, insisting, nevertheless, just as the Secretary of State did, that it was a forced and unjust one. The Senator from Louisiana dissents from him and other Senators, and maintains that it will not bear that construction at all; because he says that the other portions of the convention show that the "bays" described must be bays within the British dominions. He adds that, in order to bring a bay within the dominion of any power, it must be such that its passage to the sea shall not exceed six miles in width, and that the shores on both sides belong to the Power claiming dominion over the water. I cannot assent to the force of this argument of the honorable Senator from Louisiana. I am the more inclined to go against it, because I believe it is getting pretty late in the day to find the Secretary of State wrong in the technical and legal construction of an instrument. Let us test the argument. The honorable Senator says that where the Government occupies both sides of the coast, and where the strait through which the waters of the bay flow into the ocean is not more than six miles wide, then there is dominion over it.

Now, then, the Gut of Canso is a most indispensable communication for our fishermen from the Atlantic ocean to the Northumberland Straits and to the Gulf of St. Lawrence, for a reason which any one will very readily see by referring to the map; yet the Gut of Canso is only three quarters of a mile wide. I should be sorry to adopt an argument which Great Britain might turn against us, to exclude us from that important passage.

Again I recall the honorable Senator's argument, viz:

"Two things unite to give a country dominion over an inland sea. The first is, that the land on both sides must be within the dominion of the Government claiming jurisdiction, and then that the strait is not more than six miles wide; but that if the strait is more than six miles wide, no such jurisdiction can be claimed."

Now, sir, this argument seems to me to prove too much. I think it would divest the United States of the harbor of Boston, all the land around which belongs to Massachusetts or the United States, while the mouth of the bay is six miles wide. It would surrender our dominion over Long Island Sound—a dominion which I think the State of New York and the United States would not willingly give up. It would surrender Delaware Bay; it would surrender, I think, Albemarle Sound, and the Chesapeake Bay; and I believe it would surrender the Bay of Monterey, and perhaps the Bay of San Francisco, on the Pacific coast.

Sir, it seems to me that we have been laboring for the last fortnight under a strange misapprehension: that we have been arguing here the freedom of the seas—of open and broad seas—the freedom of great bays, which freedom is not now practically denied, or newly brought in question. It is true that the British Government deny our right to enter the great bays, but it is equally true that they have done so for thirty years; and it is equally true, moreover, that, for thirty years we have practically exercised the right, and that we are exercising it now just as we have done throughout all that period.

Now, how has all this confusion come into the Senate, and how is it that we are alarming, perplexing, and bewildering the country in so idle and cruel a manner? What ground has there been for assuming that the British Government had determined to revise the convention of 1818, and to enforce its construction by arms? On what did Senators base their apprehensions and build this excitement? The honorable Senator from Michigan [Mr. CASS] quoted from three newspapers, but neither of them was an organ of the Imperial Government, nor even a *British* newspaper. He quoted from merely provincial journals; and I believe that two of the three journals were anti-ministerial papers. Moreover, such as they were, they did not assume to speak by authority, but only on report, and by way of conjecture. Perhaps with those journals "the wish was father to the thought;" and they thought that their brethren "down South" would soon take a new lesson from the presence of an assumed extraordinary force in the fisheries. My honorable friend from Louisiana based his censure on the Administration for possibly negotiating away valuable national rights on what he called a "semi-official announcement" of the fact in the "*Telegraph*," a small newspaper of this city, which is not, as I understand, an organ of this Administration, but can pretend to no more than a desire, perhaps, if it should survive, as I fear it may not, to become the organ of a future one. The honor, able Senator, however, most candidly confessed when called upon to name the paper, that he called the announcement "semi-official," not from any official character that the paper bore, but from the authoritative manner which it assumed. A case may be easily made out against the Administration, if you will quote from the papers, friendly or otherwise, which make up their articles from telegraphic reports. Now, if provincial newspapers are authority on one side of a case, I am sure that they are equally so on the other. I am very happy to produce such, for the purpose of restoring the equanimity of the Senate. I read from the New Brunswicker, a provincial paper of the date of August 3, 1852:

"Nearly all the American papers we have seen labor under the erroneous impression that the Imperial Government is about to enforce the *legal* construction given to the convention of 1818 by the Crown officers of England, and prevent Americans from fishing, except at the distance of three marine miles outside of lines drawn from headland to headland. We have good authority for asserting that such is not the case. It is quite true that since the opinion of the Attorney General and Advocate General of England was given upon the case submitted by the Legislature of Nova Scotia, the Government of that Colony, upon the urgent request of the fishermen, has evinced a desire to carry out the extreme *legal* view of that convention; but the Imperial Government has steadily refused to take that view of the case, conceiving that American fishermen might properly claim to fish anywhere outside of three miles of any part of the coasts of British North America, even within bays more than six miles wide.

"Acting under this impression, the Imperial Government has for some years sent a few sloops of war, or other smaller armed vessels, to cruise during the fishing season along the shores of the colonies, to prevent foreign vessels from fishing within three miles of the land. But these vessels had each such a large extent of coast to watch over, that the duty of keeping foreign fishermen three miles from the land was indifferently performed; and the trespasses and encroachments have consequently increased every year, until they could be borne no longer. The colonies found they must take the affair into their own hands, or else abandon their shore fisheries to the people of the United States, who, by the convention of 1818, 'renounced *forever* any liberty theretofore enjoyed or claimed to take, dry, 'or cure fish in or within three marine miles of any of the 'coasts, bays, creeks, or harbors of her Majesty's dominions 'in America.'

"It was owing to these determined movements on the part of the colonies that the Imperial Government resolved upon giving efficient assistance to protect the North American fisheries; and this assistance was offered, as our neighbors will soon learn, not with the view of enforcing the rigid legal construction given to the convention, but absolutely to prevent the colonial cruisers from carrying out that very construction, thereby incurring the risk of unpleasant collisions with the vessels of a foreign but friendly Power. It was to insure the continuance of peace, and prevent the possibility of hostile encounters, that the Imperial Government has dispatched its vessels to the shores of North America."

Sir, there was a presumption, which, it seems to me, we ought to have admitted, that would have prevailed against the sounding forth of these idle alarms. For one, I want no evidence that England desires, and is determined, to maintain her power wherever she can, and to fortify and extend it over the world wherever she may, consistently with the rights of other nations, and, perhaps, without a very careful regard, in all instances, to those rights. But, on the other hand, I want no evidence to satisfy me that England desires peace with the United States.

The vast commerce of the world is practically divided between these two capital maritime Powers, and is as yet largely in the hands of England. The British nation is a mercantile one. We also are a mercantile people with whom England deals largely, and we are agents in carrying on a large portion of the commerce of England with other countries. The trade between the two countries employs ten thousand American vessels, and nine thousand British vessels, with an aggregate tonnage of three millions of tons. The comfort and welfare and happiness of the British nation depend, as do our own largely, on the preservation of that commerce. War between the two nations would sweep it from the ocean. The ministry that should involve that nation in war with the United States, would be driven from power by public indignation, arising out of universal calamity and distress.

England is a manufacturer. Her imports in all her domains are valued by hundreds of millions annually, and her exports are equivalent. She needs raw materials—cotton and wool and other articles, and breadstuffs and provisions. And to get these, while extending the markets for her manufacturers, she bends all the policy of her commercial and fiscal systems. We furnish those indispensable supplies lavishly, and we consume her fabrics of iron, cotton, flax, wool, silver, gold, everything in preference to manufacturing for ourselves. A war with the United States would close these relations at once, and the artisans and laborers of England would be involved in calamities such as they have never yet known.

England is a creditor nation. We are debtors to her. Heaven knows how much capital is not accumulated in England. It is a capital that has been gathered through a thousand years, by a nation of wonderful and world-searching sagacity, industry, and enterprise. We employ of that capital all that we can obtain, for we have need of it all to bring at once into sudden development and perfection vast and perpetually-extending regions, which, for near 6,000 years, were by civilized man untrodden and unknown. A large portion of our public debt is owned in England. Large masses of our State debts are owned there. In addition to that, our merchants are indebted to England I know not how much; but I have known the time when the whole public and private debt of the United States was not less than $250,000,000. The interest on this debt constitutes the support of a considerable portion of the British community.

England, then, cannot wisely desire nor safely dare a war with the United States. She knows all this, and more; that war with the United States about these fisheries, would find the United States able to surround the British colonies. She would find that the dream of conquest of those colonies, which broke upon us even in the dawn of the Rev-

olution, when we tendered them an invitation to join their fortunes with ours, and followed it with the sword; that dream which returned again in 1812, when we attempted to subjugate them by force, would come over us again, and that now, when we have matured the strength to take them, we should find the Provinces willingly consenting to captivity. A war about these fisheries, would be a war which would result either in the independence of the British Provinces, or in their annexation to the United States. I devoutly pray God that that consummation may come—the sooner the better; but I do not desire it at the cost of war, or of injustice. I am content to wait for the ripened fruit, which must fall. I know the wisdom of England too well to believe that she would hazard shaking that fruit into our hands, for all that she could hope to gain by insisting on or enforcing with armed power the rigorous construction of the convention concerning the colonial fisheries.

Sir, what is the condition of England for a war with the United States at this moment? Her power has been extended over the East, and she employs nearly all her armies in India, and in Africa, to maintain herself against the natives of the one continent and the savages of the other. At this very moment, those who understand her condition best, say that her home defenses are inadequate to protect her against an invasion by France. Wise and able statesmen now representing the ruling and prevailing interest of the country, demand of the Parliament to add to their defenses, by extending and reorganizing the militia; and it is a great party question in that kingdom whether the safety of England shall be secured by such an increase, or whether it shall be left exposed to an invader.

What is the condition of English power in Canada, and in the British Provinces? They have never, since the war of 1812, had so small a military force in those Provinces as now. The Imperial Government has maintained heretofore some show of naval defense upon our lakes. But within the last six months it has broken up the whole naval force there, and now none whatever exists. While thus showing the supposed motives to peace on the part of Great Britain, I confess that peace is no less the interest and the instinct of our own country. The United States *might* aggrandize themselves by war, but they are *sure* to be aggrandized by peace. I thank God that the peace of the world is largely subject to the control of these two great Powers; and that, while they have common dispositions toward harmony, neither has need of war to establish its character for firmness or for courage. Each has had enough of

"The camp, the host, the fight, the conqueror's career."

Some honorable Senators have averred that they could not trust this Administration, because of its antecedents; that Britain was induced to assume a bold tone on this question, by triumphs which she had obtained in negotiations with this Administration. One general remark meets all these objections; and that is, that they are extraneous issues, each one sufficient for a discussion in itself. Any Senator who thinks the interests of the country have been sacrificed, can bring it before the Senate and the country, and present it distinctly for examination.

But, sir, what are these charges in regard to Cuba? Why, as I understand, that this Administration interposed to prevent an expedition which it was alleged was fitted out in this country for that island, in violation of our neutrality laws. Was this all? If it was, let Senators dissatisfied repeal the neutrality laws if they can, and not censure the President for executing them. What complaint is made in regard to Mexico? Why, that the Secretary of State employed a British banker, as an agent, to pay the instalments on the debt of this Government, payable in the city of Mexico. I see nothing wrong in that. An agent was necessary, and a foreign one. I believe the money was honestly paid to Mexico, and that she was satisfied. But it is said that British creditors got a portion of the money. I know not what obligations we were under to take measures to defeat British creditors, or any others, or the British Government, from obtaining satisfaction of any of their creditors. Indeed, in some of the States, there is a system of remedies founded on the principle that the creditor has a right to attach money belonging to his debtor *in transitu*.

What has the Administration done, or neglected to do, in regard to the Sandwich Islands? It is understood that this imagined shortcoming of the Administration consists in the President's not having entertained, as is supposed, a proposition from the Government of the Sandwich Islands, to put themselves under the protection, or subject themselves to the jurisdiction of the United States. I submit to honorable Senators, that they begin at the wrong end. It was settled by the last precedent, that the function of *annexing* belonged, not to the President, but to Congress. Congress have power "to admit new States." Let Senators who desire annexation introduce the bill. I am ready to entertain the question for examination, and to act as prudence, wisdom, and the great interests of the country shall be found to require. But I cannot prejudge a question so great, so momentous.

These alleged and mistaken triumphs of England, then, form no cumulative evidence to support the censures bestowed upon the Administration in regard to the transaction in question.

And, now, what is the real question before Congress in regard to these fisheries? That question is simply this: The British Colonies insist upon the rigorous construction of the convention of 1818, so as to exclude us from entering the large British bays, and distract and annoy our fishermen; and the people of the United States resist that construction, and they never will yield it. The British Government approve in words, and yet, so far as their acts are concerned, refuse to support it. The controversy is thirty years old, and seems an endless one. While that question is kept up, the American fisheries, which were once in a most prosperous condition, are comparatively stationary or declining, although supported by large bounties. At the same time the Provincial fisheries are gaining in the quantity of fish exported to this country, and largely gaining in their exportations abroad. In 1844, those colonies sent us products of the fishery valued at $264,000; in 1851, the value of their fish which we received, was $781,000. In 1844, they exported through our ports to other countries, fish valued at $3,000; in 1851, their exported products were valued at $173,000!

Our fishermen want all that our own construction of the convention gives them, and want and must have *more*—they want and must have the privilege of fishing within the three inhibited miles, and of curing fish on the shore.

Consider for a moment the magnitude of the interest of the fisheries—that it employs a fleet of twelve hundred sail, managed by twelve thousand men, and a capital of $4,000,000; and that, together with the whale fishery, it constitutes the basis of our naval power.

Shall we not try to quiet and end this long and injurious dispute, and to procure for the fishermen not only peace and security, but also an extension of the fishing ground and its privileges? That is the question; and I am for it.

Sir, there ought to be a decision on this matter some time or other. At all events, delay is injurious and dangerous. We think the right is with us, and so I am sure it is. But nevertheless it is a question. The British Government are our equals, and they hold it an open question. They quote American authorities, especially that of Chancellor Kent, against us. This shows us that they are as confident in maintaining their position, as we are in maintaining ours. We can dictate no terms to Great Britain. We will not allow her to dictate terms to us.

Now, sir, can we, in any event, yield our right to navigate the Gut of Canso, and with it the fisheries of the Straits of Northumberland? No! Can we enjoy our fisheries as we ought while these disputes exist? No! Are we to leave them open and if so, shall our fisheries be carried on hereafter under the surveillance of an armed British squadron, and the guardianship of a naval fleet of our own?

The indications are abundant that it is the wish of the Senate that the Executive should not treat upon this subject, and I think wisely. I agree on that point with my honorable and distinguished friend from Massachusetts, [Mr. DAVIS.] What the Colonies require is some modification of commercial regulations which may affect the revenue. That is a subject proper to be acted upon by Congress, not by the President, if it is to be acted upon at all. It must not be done by treaty. We seem to have courted the responsibility, and it rests upon us. Let us no longer excite ourselves and agitate the country with unavailing debates; but let us address ourselves to the relief of the fishermen, and to the improvement of our commerce.

Now, sir, there is only one way that Congress can act, and that is by reciprocal legislation with the British Parliament or the British Colonies of some sort. I commit myself to no particular scheme or project of reciprocal legislation, and certainly to none injurious to any agricultural or manufacturing interest. I, for one, will give my poor opinion upon the subject, and it is this: That so long hereafter as any British force shall be maintained in those northeastern waters, an equal naval force must be maintained there by ourselves. When Great Britain shall diminish or withdraw her armed force, we ought to diminish or withdraw our own; and that in the mean time, a commission ought to be raised, or that some appropriate committee of this body—the Committee on Foreign Relations, the Committee on Finance, or the Committee on Commerce—should be charged to ascertain whether there cannot be some measure adopted by reciprocal legislation to adjust these difficulties and enlarge the rights of our fishermen, consistently with all the existing interests of the United States.

THE NORTH AMERICAN FISHERIES.

SPEECH OF HON. ZENO SCUDDER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

August 12, 1852.

The House being in the Committee of the Whole on the state of the Union—

Mr. SCUDDER said:

Mr. CHAIRMAN: Availing myself of the liberty of debate as practiced in this committee, I propose to speak upon a subject which has not frequently been brought to the attention of Congress.

Some, on occasions like this, have been defining their personal positions and making known to the country where they stand among the jarring elements of political discord. Upon these I am content to stand where the record puts me. So far as they have been practically brought before the House my position has been defined by my vote; and whatever of interest it may be to my constituency or the country, it may there be found recorded *in perpetuam memoriam*.

Others have discussed the merits and demerits of the distinguished presidential candidates now before the country. It is well known to my constituency and those to whom I speak, that I have a decided preference for one of the nominees; that for years I have had a strong and unshaken confidence in the adaptation and ability of General Scott for the Presidency. I prefer, however, and think it my duty, to leave the contention upon this subject to the tribunal of the people, where the Constitution has placed it, and proceed to the discussion of a department of industry, and the governmental policy connected therewith, which, in my opinion, is more appropriate to this body.

I speak, sir, upon the subject of American fisheries, particularly the cod and mackerel fisheries on the Atlantic coast. It is time for the public mind and the legislation of the country to be aroused upon this subject. It once was a theme which shared largely the attention of our statesmen. One of the noblest of them, in those days, upon an occasion similar to this, truly and emphatically said: "The catching of codfish is a momentous concern." I know not that the enterprise is of any less moment now than in the days when these words were spoken by Fisher Ames. They were times when the good of the Republic and the labor of her citizens were cared for, and so are these. Time and experience have lent aid to the theory, and demonstrated the fact, that the labor so importantly spoken of is "momentous" indeed.

The Republic of Venice, standing as she did in the commercial history of the Middle Ages, with her almost innumerable ships and merchant

princes, received her first impulse of prosperity from the nurtured fleets of fishermen that sought her harbors and hovered around her coast.

So important were the fisheries in the view of this Republic, that the omission, by a reigning Doge, at an annual festival, to notice the honors which had, time out of memory, been paid to them, well-nigh overthrew the power of the ruling order.

The foundation and prosperity of Genoa was also based upon this humble but important calling. Amsterdam, the city of the Dutch, was reared by the profits and skill of her fishermen. So directly was her wealth and commerce derived from their industry, that it formerly was a quaint saying: "Amsterdam is founded on herring-bones, and Dutchmen's bodies are built of pickled fish."

France, elevated as she is in the family of nations, is also indebted to her fisheries for the foundation of her Navy, and the extent of her commerce. She has the credit of being the first nation that encouraged the pursuit of this industry in the American waters; and in this she developed her naval operations and marine strength, by attempting to relieve herself from the competition of the English. Her appreciation of this marine enterprise, as a national interest, has never ceased under any of the governmental mutations to which it has been subjected. She has not only, for a century and more, given it a liberal protection and encouragement as a source of power and influence, but her late movements, as I shall have occasion to show in the course of my remarks, have tended to an extraordinary policy in this respect.

The fisheries of which I speak are coeval with the first settlement of our country. They were the principal inducements, says a reputable writer, connected with religious aspirations, which prompted the Puritans to leave the Old World and plant themselves upon the shores of New England. The correctness or incorrectness of this assertion, is of but little importance for my present purpose. It is enough for me to know, that the taking of fish was an important item of labor with our ancestors, and has continued so to be among their descendants to the present time. How important a part this calling has performed in the formation of New England character, habits, and politics, I will not stop to inquire. In passing, however, I think it but justice to the committee and the subject to call to mind that memorable political compact, which was formed and adopted on board the first fishing vessel of our country. Scarcely were the sails of the Mayflower furled in the harbor of Cape Cod, when the emigrant patriots and statesmen made a council chamber of her cabin, and there formed the first American Constitution, as follows:

"In the name of God, Amen. We whose names are vnderwritten, the loyall subjects of our dread Sovereign Lord, King James, by the Grace of God of Great Britaine, France, and Ireland, King, Defender of the Faith, &c.

"Having vndertaken, for the glory of God, and advancement of the Christian Faith, and honor of our King and Countrey, a voyage to plant the first Colony in the northern parts of Virginia, doe, by these presents, solemnly and mutually, in the name of God and of one another, covenant and combine ourselves together into a civill body politike, for our better ordering and preservation and furtherance of the ends aforesaid; and by vertue hereof to enact, constitute, and frame such juste and equall Lawes, ordinances, acts, constitutions, offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony: unto which we promise all due submission and obedience. In witness whereof we herevnder subscribed our names. Cape Cod, 11 of November, in the yeare of the raigne of our Sovereign Lord, King James of England, France, and Ireland, 18, and of Scotland 54. Anno Domini 1620."

This paper of State being finished, and signed by John Carver and forty others, they then cast forth their lines, and took the fish from the waters—the fish which had previously given name to the barren sand-peaks of the coast, which then encircled their shattered bark.

Thus, to the fishing regions of Cape Cod belongs the honor of issuing the first written constitution in America; and although in its loyalty to King James it may not now seem the most acceptable, yet it was the first scintillation of that political spirit which has since passed over the continent, illuminating it with a constellation of thirty-one independent Republics.

In a more superstitious age, when the flying of birds and the responses of oracles determined the course and policy of States, the fortunate coincidence of the simultaneous origin of written constitutions and New England fisheries, might have been considered an omen of good to the latter; but the days of auguries having ceased, the only benefit which they now claim from the circumstance is the encouraging and protecting influence of the improved principles of their ancient cotemporary.

The untrammeled energies of these founders of the fisheries were not long to be circumscribed by the coast of Cape Cod. They soon pointed their little ship across the bay to the memorable Plymouth Rock, and in a few short years they were found with their crafts and *pinkies* not only exploring the bays of the cape and the shoals of Nantucket, for the cod, anchovies, and salmon which had been so attractively spoken of by Gosnold, but, in 1670, their adventurous spirits had led them to brave the high waves of the Atlantic, and moor their barks upon the fog banks of Newfoundland. There they vied with the French, Spanish, Portuguese, and British fleets which had frequented the regions from a period almost coeval with the discovery of the Continent. So important had the French Government considered these adventures for the aggrandizement of her Navy and commercial influence, that in 1744 she had no less than 564 ships and 27,500 seamen employed therein.

At, or a short time prior to this period, the British Government also awoke to the imperious necessity of increasing the strength of her maritime influence; vying with her avowed enemy for the supremacy of the ocean, stung by the rapid increase of the French marine, she put forth her vigorous efforts. By dint of war and parliamentary encouragements, in 1755, she had won success, and become triumphant in the fisheries over her formidable marine rival.

The colonies, with the exception of the interruptions caused by the French wars, made steady progress in their industry, and with such success that from the year 1764 to the commencement of the Revolution, they employed annually 665 vessels and 4,405 seamen.

Sir, it needs no argument from me. No man can examine the history of the cod fishery on the coast of North America without discovering the undoubted source of the French and English commerce, which has extended to every part of the world; and not only this, but the source which gave the first impulse to the two rival navies which have ridden triumphantly upon the ocean for the last two centuries.

The success of British arms, with no puny aid of the colonies, had, prior to the Revolution, extinguished all European sovereignty and dominion over the fisheries of Newfoundland, Nova Scotia, and the other provinces, excepting a limited fishery to France, which she still enjoys. The British flag then proudly waved over the whole coast from the Mississippi to the North Pole.

Sir, the battles of the Revolution came, and they were fought by the patriots, not only for their independence on *terra firma*, but for their rights in the fisheries on the northeastern coast of the continent. These inestimable treasures and sources of their enterprise had been wrested from them by the bill of Lord North which had passed the Parliament, and they then claimed them as *rights*, and not as fluctuating privileges of British legislation. So essential and valuable were these rights considered that the Congress, when peace negotiations were pending, resolved to make no peace without an acknowledgment of our rights to the fishing grounds.

New England, in resolute tones, declared that there was no victory without these rights. Samuel Adams, her champion and defender, echoing her sentiment, boldly proclaimed "*No peace without the fisheries.*"

The sensation in the New England colonies was deep and abiding. They had fought the French battles of the mother country for the purpose of achieving these very rights, and they were not to be tamely yielded to her imperious demands. John Adams, one of the peace commissioners, than whom no one knew better the value of the fisheries to New England and the country, when the British commissioners expressed their willingness to acknowledge them as a *privilege*, but not as a *right*, vehemently replied, "the *right*, the *right*, or no treaty."

The point was ultimately settled, and the provision of the treaty of 1783 was:

"That the people of the United States shall continue to enjoy, unmolested, the *right* to take fish of every kind on the Grand Bank, and on the other banks of Newfoundland; also, in the *Gulf of St. Lawrence*, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and, also, that the inhabitants of the United States shall have *liberty* to take fish of every kind, on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island,) and, also, on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

I have been quite particular in stating the grounds, diplomacy, and treaty, upon which the most important part of the American fisheries depended at the commencement of our Government, in order that the country may fully understand its basis, and the relations which exist between the United States and Great Britain upon this subject. The rights of the fishermen, secured by these relations, have, of late, in my judgment, been unwarrantably invaded. I now allude to this subject, but shall take occasion to speak more fully upon it in the course of my remarks.

Sir, under the full and just rights recognized by this treaty, the fisheries, which were nearly destroyed during the war, began to revive, and so vigorously were they pursued, that in 1789 the vessels employed numbered 539, and the seamen 3,287. At this period, it was found that the blessings of independence had opened new avenues for American enterprise. Agriculture and the fisheries could not alone wield the power and develop the resources and energies of the growing country. Manufactories were to be established; ships to be built; the carrying trade secured, and a navy raised. The fisheries were then looked to as the great national nursery, in which seamen were to be trained for the manning of the private and public ships; but as the necessity of this auxiliary to our maritime success became plain and urgent, the probability of its increase or continuance grew doubtful and uncertain.

There were other departments of industry springing up, in which labor was better rewarded. The fisheries in themselves were not sufficiently productive to attract the citizens from the new and more profitable pursuits which were rapidly increasing in the country. This was the view which the statesmen of the age took of the subject.

On one occasion, after a long and faithful examination, Mr. Jefferson said:

"On the whole, the historical view we have taken of the fisheries, proves that they are so poor in themselves, as to come to nothing with distant nations, who do not support them from their treasury."

Great Britain and France, for the purpose of raising seamen to monopolize the carrying trade of the world, and to maintain their naval ascendency on the seas, had both given large bounties to their fishermen. They had also imposed prohibitory duties on the importation of foreign fish. The policy of the French has always extended far beyond that of any other nation in their encouragement of this industry. They have considered it a measure productive of national wealth, and their statesmen have cherished it as a flattering means by which they might wrest the commercial and naval palm from the British Empire.

Under these circumstances, with the experience of other nations before them, and knowing that the commerce and navy of the country could not succeed without seamen, the General Government began to take measures for their increase, by fostering the fisheries as a department of industry, which would tend to encourage their pursuit. I can conceive of no wiser policy of Government than that of patronizing an industry or art, which, while it gives nurture and support to her citizens, it also cultivates and retains a national corps which are prepared, when the exigency calls, to man her ships and fight her battles upon the ocean. When private and public duties can be so intertwined as to make the practice of the one the necessary training and preparation for the other, then we behold the perfection and beauty of civil government.

When, by the payment of a small bounty, we can have our civil marine and line steamers changed at the call of the Government into naval corps and war liners, then we shall demonstrate the theory that the functions of our Government are performed not only by the people, but by the *business* of the people. Our Government gave no direct bounty or allowance to her fishermen, except as a drawback of duties, until 1792. Mr. Jefferson, Secretary of State, at the previous session of that Congress had made a labored report, in which he reviewed the whole subject of the fisheries, and the policy which other nations had pursued in relation to them. He expressed his strong apprehensions that without some encouragement, the business would have to be abandoned, and engrossed by England and France, who were then liberally encouraging it by their bounties. "The loss of 'seamen," said he, "unnoticed would be followed 'by other losses, in a long train. If we have no 'seamen, our ships will be useless; consequently 'our ship-timber, iron, and hemp—our ship-build-'ing will be at an end; ship-carpenters go over to 'other nations; our young men have no call to the 'sea; and our produce carried in foreign bottoms." "Again," said he, "the rapid view of the cod-'fishery enables us to discern under what policy 'it has flourished or declined in the hands of other 'nations, and to mark the fact that it is too poor a 'business to be left to itself, even with the nations 'most advantageously situated." He enumerated the advantages and disadvantages under which our fisheries were prosecuted. He considered the impost duties on salt, tea, rum, sugar, molasses, hooks, lines, lead, duck, cordage, cables, iron, hemp, and twine, which were consumed in their prosecution; also, the duty on coarse woolens worn by the fishermen, and suggested to Congress that such duties should be remitted, as an equivalent to the fishermen in the form of drawback or bounty.

I have thus given the early views of one of the most eminent of American statesmen, who well knew the object of the Constitution, and the extent of the protective policy which it contained. At a later period, when Mr. Jefferson was elevated to the Presidency, in his second message to Congress, he says:

"To cultivate peace, and maintain commerce and navigation, in all their lawful enterprises; to *foster our fisheries as nurseries of navigation*, and for the nurture of man, &c.; *these*, fellow-citizens, are the *land-marks* by which we are to guide ourselves in all our proceedings. By *continuing* to make these the rule of our action we shall *endear* to our countrymen the *true* principles of the Constitution."

I do not pretend that Mr. Jefferson ever said, *in totidem verbis*, that you *shall* pay money from your Treasury for the support and encouragement of your fisheries; but he directed it as clearly and explicitly as he directed any other disbursement therefrom. "It will rest, therefore," said he, "with the wisdom of the Legislature to decide 'whether *prohibition* should not be opposed to *pro-'hibition*," &c., &c.; and "whether any and *which* 'of the naval and other duties may be remitted or 'an equivalent given to the fishermen," &c., &c.

Sir, I have no hesitation in averring, that any legislation which relieves an individual or a class of individuals from the ordinary duties on imports is as clearly a special bounty or favor of the Government as though the duties were first collected into the Treasury and then paid out in coin. Under the instructions of Mr. Jefferson's report, the succeeding session of Congress passed the law of 1792, which provided that there should be paid annually to the owners of vessels, qualified according to law for carrying on the codfisheries, and that should be *employed at sea* for the term of four months of the year, for every ton of burden, if over twenty and not exceeding thirty tons, $1 50; and if above thirty tons, $2 50 per ton; of which allowance three eighths should accrue to the owner, and the other five eighths be divided among the crew and fishermen. This was a *bounty*, an encouragement given, and not, in *spirit*, entirely a substitute for a drawback on fish cured with dutiable salt and exported, as has been contended by some statesmen who have indicated the adoption of measures which would destroy the fisheries of the North. The reasons and policy of this first important act of the then new system, can be seen in the *omitted*, as well as the expressed language. There is no provision that any specified quantity of fish shall be caught. Neither is there any proviso that the fish taken shall be cured with dutiable salt, nor even that they shall be exported.

A strange substitute, indeed, is this for a law providing for drawback on fish cured with *foreign* salt and *exported!* But there is one *expressed* proviso which shows the object and policy of the act. It requires that the vessel shall be employed *at sea four months*. No matter what her success, whether she uses ten or a thousand bushels of salt, nor whether it be dutiable or domestic—she must spend the *prescribed time at sea*. This looks evidently and *unquestionably* to a result, which is that of training seamen by a long drilling upon the ocean. Truly, the act also repealed the duty or drawback payable on the exportation of codfish, which was ten cents per quintal; but if that were the only reason for giving the tonnage allowance, it is very unaccountable why the substitute given should be more than twice the amount that the drawback averaged, even upon the supposition that all the fish taken in the country were exported. A vessel of sixty-five tons generally obtains from five to six hundred quintals of fish in the season. The drawback duty on such a cargo, provided they were *all* exported, would have been $55; but the Government allowance, under the tonnage act, on such a vessel would have been $162 50. When we deduct from the drawback duty a reasonable amount based upon an estimate of home consumption, we shall find that the tonnage allowance was considerably more than twice the amount of the sum for which it was a *substitute*, as has been contended in later years. I consider it therefore as proved, and submit it to the committee and the country, that the allowance made by the statute of 1792 was a direct bounty for the increase of seamen through the fisheries. It is undoubtedly the fact, that in estimating the allowance necessary to induce the pursuit of the fisheries, the duty on salt was considered as one among the many obstacles that stood in the fishermen's way, but it was by no means the sole one; and had it been, I see not as it would have altered the case or the policy, so long as it was not required that the fish should be cured with dutiable salt and *exported*, in order to be entitled to the allowance.

Again: In 1792, the year when the tonnage allowance was established, there were 364,898 quintals of fish exported, it being a very successful year, with a *large* export. The ten cent export duty was $36,489. This sum averaged on the tonnage of that year, which was 32,062 tons, would be but $1 13 per ton. This is another conclusive proof that the allowance was not a substitute for the drawback. I have endeavored to establish the basis upon which this law was founded, in order to correct the opinion that distinguished gentlemen have heretofore expressed, that the bounty law is the relict of a system, the reasons for which have ceased; and as I progress in the review of the subject, I have no hesitation in saying that this mistake will become more and more apparent.

The immediate life and impulse which this new encouragement gave to the fisheries, exceeded the most sanguine expectations of the country. The ocean in a few years became whitened with the bankers and shore crafts, manned by thousands of sailors, vying with each other in the art of seamanship; while at the same time they were obtaining comparatively a comfortable support for themselves and families.

So rapidly did this industry increase under the new protection of Government, that, in 1805–7, there were 57,465 tons of shipping, and about 8,000 seamen employed; and in 1805 the exports amounted to $2,058,000. But this bright day of fishermen's prosperity was short. It was soon to be clouded by fluctuations and changes, as many other policies of the Government have been. In 1807, the act of 1792 was repealed, together with the act laying a duty on foreign salt. Whether the coincidence of repealing these two acts at the same time was the result of a supposition that the allowance to the fishermen was a mere offset for the duty paid on salt, I will not pretend to decide; but if it were, the effects of the legislation showed it to be a very palpable mistake.

The result was, that under this repeal, the fisheries declined in as great a ratio as they had increased under the act. So disastrous was the effect of the repeal, that in three years from the time, in 1810, the tonnage employed had dwindled to only 34,000 tons, and the number of seamen had fallen to about 4,857; and under this withdrawal of protection, the business continued to decrease until 1812, when it became almost annihilated by the war.

The disasters which followed the repeal of 1807, form an instructive commentary upon the theory of those who consider the fishing bounty and salt duty so allied and connected, that they should stand and fall together.

By this repeal, the fishing bounty was not only discontinued, but the salt duty also. Why did not this latter measure have its *theoretical* effect? Why did not the remission of the salt duty operate as a substitute for the fishing bounty? The only reason was, that they were not so germane to each other as some in their theories have supposed. The latter was a policy adopted by the Government, not for relieving the fishermen from the trifling duty on salt alone, but for the purpose of relieving them from many other obstacles and repulsions which beset their calling.

I have thus shown that there was a period in our history, when the Government, apparently neglectful of the fisheries, withdrew its aid and permitted them to languish and become almost extinct.

But, sir, a circumstance incident to nations soon awoke the slumbering interests in their behalf. The war of 1812 ensued. A call was made for the manning of our public ships. The sea-coast was resorted to for enlistments, and then the value of the sailors, who had been trained on board the fishing vessels of New England, was fully appreciated. They responded to their country's call, enlisted in her service, and fought her ocean battles, such battles as will be remembered in naval history so long as such history exists.

New England does not vainly boast of the prowess of her sons on that memorable occasion. She only did her duty to herself and the other sections of the American Republic. Her sons had been trained to the seas by the patronizing influence of the Government, which called for their aid, and it was their highest ambition to render service to the source of their patronage. I will not enumerate the thousands that leaped from the sands of Cape Cod, the shores of New Hampshire, and the Capes of Maine, into the foretops of the battle-ships during that war; but according to a late estimate, I am authorized in saying that the small town of Marblehead alone, in Massachusetts, which has been engaged in the fisheries from its first settlement to the present time, furnished more men for the service than some whole States. Very truly did the honorable Secretary of State, on a recent occasion, say, "our fisher-'ies have been the very nurseries of our Navy. 'If our flag-ships have met and conquered the 'enemy on the sea, the fisheries are at the bottom 'of it. The fisheries were the seeds from which 'these glorious triumphs were born and sprung."

Sir, this war, which showed the necessity of American seamen, and the alacrity with which they would enlist in the public service, again brought the subject of their encouragement before Congress; and pending the war in 1813, an act was passed not only restoring the former allowances, but making large additions thereto. By this act two dollars and forty cents per ton was given to vessels over twenty and under thirty tons, and four dollars per ton to all vessels above thirty tons. In other respects, relating to the time necessary to be spent *at sea*, &c., it conformed with the law of 1792. This act also imposed a duty of twenty cents per bushel on imported salt, which undoubtedly was a part of the inducement; yet it could not have been the sole, or even the principal, reason for the fishing allowance, as this also amounted to more than double the sum that the amount of drawback would have been. Neither does *this* act provide that the fish shall be exported, cured with foreign salt, or that even *any* salt shall be used in order to entitle the vessel to the bounty. This subject again enlisted the attention of Congress in 1819, and then the fisheries were encouraged by a further additional bounty.

By this act three dollars and fifty cents are given to all vessels above five tons and under thirty tons,

and four dollars per ton to all vessels above thirty tons, upon condition of the *four months' sea service*, as in the former acts. In this act the allowance of three dollars and fifty cents per ton is also granted to vessels above thirty tons for three and one half months' of *sea service*, provided the crew consists of not less than *ten men*. In this act no alteration of or reference to the salt duty is made.

This being the last act on the subject, and embodying the whole policy of the former ones, it needs no more argument to show that the prime, medium, and final object of this series of statutes was, and is, the cultivation of seamen by the encouragement of a business which, in itself, was, and is, too poor to be sustained.

The law of 1819 has continued to this time, and under its protection there has been a gradual increase in the business. It has, however, been small in comparison with that of other departments of commerce; showing that with all the aid which the Government has rendered, it is still too poor in its returns to be followed to a great extent.

The tonnage employed in the business during the year preceding this act was, according to the custom-house registry, 58,551 tons. The average tonnage for the ten years ending June, 1851, was 79,251 tons. The tonnage in the year ending June, 1851, was 95,616 tons. (This is the largest amount of any one year during the ten.)

The number of men employed was about one for every seven tons, making an annual average of 11,321. The average quantity of the fish taken annually was about nine quintals to the ton, making the average annual produce of the United States, for the ten years, 713,259 quintals; the average price per quintal, including the oil, &c., is about $2 60, making the whole annual income from the codfisheries $1,854,473 40. The expenses of outfits (not including vessels' bills and depreciation in value) upon an average amount to fifty per cent. of the gross income, which being deducted therefrom leaves $927,236 70 for distribution among the owners and crews. From this deduct twenty-five per cent., the customary part of the owner, which leaves for the fishermen $695,427 53. This sum, divided among the whole number of fishermen, gives to each one $62 31. To this should be added the allowance or bounty which is paid them from the Government. The average annual sum paid by the Government for the ten years ending June, 1851, was $264,192 19. From this deduct $99,084 06, being the three eighths that belong to the owners, which leaves $165,108 13. This sum, divided among all the fishermen, gives them $14 58 each. This being added to the catchings, makes the annual voyage of a New England cod-fisherman $76 89.

Sir, I have thus far confined my remarks to the codfishery; but there is another branch of the fishing industry in New England, which is about equal to that in magnitude and importance. I refer to the mackerel fishery. This has principally come into existence as a prominent business, since the time when the Government first extended its protection to the other. Had it been coeval with the codfishery in its origin and progress, it probably would have received the same encouragement.

It never was recognized by the Government as a business distinct from that of the codfishery until 1828, when an act was passed authorizing collectors of the customs to license vessels engaged in it. Although this fishery has never, until recently, been recognized by the Federal Government, yet, for its reputation, I am happy to say, that one hundred and seventy-nine years ago, it was recognized and established as a *literary foundation* for the education of the people whom I now have the honor to represent, by an ordinance of the Plymouth Colony, in the following words:

"*June*, 1673.—It is ordered by the Court, that the charge of the *Free Scoole*, which is three and thirty pounds a yeare, shal be defrayed by the Treasurer, out of the profitts arising by the fishing at the Cape, untill such time as that the minds of the freemen be knowne concerning it, which will be returned to the next Court of Election."

"*June*, 1674.—This Court haveing received, by the Deputies of the several Townes, the Signification of the minds of the major *pte* of the free men of this Collonie, that all the proffitts of the fishing att Cape Cod, graunted by the Court for the erecting and maintaining of a Scoole, be still continued for that end if a competent number of scollars shall appeer to be devoated thercunto, which this Court judges not to be lesse than eight or ten—Doe therefore hereby confeirme the graunt of the aforsaid proffitts of the fishing at the Cape to the maintainance of the Scoole; and that there be noe further demands, besides the said proffitts of the Cape, demaunded of the Country for the maintainance of the said Scoole."

Here, sir, we find the first appropriation for a free school in America. It was based upon this fishery; and from this humble, though propitious origin, have arisen, in Massachusetts alone, 3,987 public schools, dotted over her surface, supported by an annual tax of $915,839, and taught by 8,694 public teachers; in which 196,536 children, betwixt the ages of five and fifteen years, are being educated and prepared to perform their duties as citizens of this Republic. Sir, I state these facts to the committee and the country with no ordinary emotions in view of the prospect of my native State and the future character of her citizens. They are intimately connected with the subject upon which I am speaking. I must leave them, however, and pursue the course of my remarks.

In 1830, two years after the act authorizing the licensing of vessels in this employment, the tonnage engaged in the business was about 36,000 tons. This cannot be considered the increase of those two years. The probability is, that the greater part of it was previously engaged in the same business, under codfishing or coasting licenses. Since that time, the average tonnage has varied from 11,000 to 73,000 tons. This is much more fluctuating and uncertain than the codfishery. In one season it may yield a profit, and in another prove disastrous, both to owners and crew. Even in one part of the season it may be successful, and in another very unsuccessful. It seems, in a great degree, to be a chance game or lottery. The fishermen and shoremen engaged in it are of the same class as those that pursue the codfishery. In fact, they often change a number of times in the same season from the one to the other, according to the *luck*. The expenses and outfits are about the same in each. These fish are taken in the waters nearer the coasts than the codfish are. A considerable proportion, from one third to one half, are taken on the coasts, and in the bays and gulfs of the British Provinces.

The inhabitants of the Provinces take many of them in boats, and with seines.

The boat and seine fishery is the more successful and profitable, and would be pursued by our fishermen were it not for the stipulations of the convention of 1818, betwixt the United States and Great Britain, by which it is contended that all the fisheries within three miles of the coasts, with a few unimportant exceptions, are secured to the Provinces alone.

I shall speak more fully upon this subject before I close.

The average tonnage in this fishery, during the five years next preceding 1851, was 51,503 tons. The number of seamen was one for every five and four fifths tons, making the average number, during the five years, 8,879. [The amount of tonnage and number of seamen in Massachusetts alone, in 1851, according to the report of the inspector of that State, exceeded this estimate; and the amount and number reported this year far exceeds it, which shows the extraordinary fluctuations in the business.]

The number of barrels taken was five and a half to the ton, making the average annual product 283,266 barrels. The average value per barrel, including all qualities, is $5 50, making the annual gross income $1,557,963. From this should be deducted fifty per cent., the average cost of outfits, including salt, provisions, gear, barrels, &c., &c., but *not* the vessels' bills and depreciation in value, which leaves $778,981 to be divided among the owners and fishermen. The average share of the owner is twenty-seven per cent., which being deducted, leaves to be divided among the fishermen the sum of $568,656 13. This divided betwixt the 8,879 fishermen, gives to each one $64 04. This, sir, according to my calculation, is the average voyage of a New England mackerel fisherman. The codfishery being the most profitable, by reason of the Government allowance, invites the greater number to its pursuit.

Sir, I have had some hesitancy in stating my deductions relative to these two fisheries. I would alter them if I could, but the facts will not admit of it. That there are 20,200 fishermen in New England, and many more according to recent reports, whose principal income is only from $64 04 to $76 89 per annum, is almost incredible; yet such is the fact. As a class they are poor. Their toil and industry has never been rewarded as that of other pursuits in the country. The time employed on their voyages is from five to seven months. It involves all the mild season of the year. They employ, however, the inclement season in casual jobs, trips, and boat or market fishing, which help out the deficiencies of their principal income.

It should also be understood, that of those who constitute the fishermen, but few have families, or follow the business for life. They are generally boys or young men, who are serving their marine apprenticeship. They soon pass this initiatory degree and move on to more distinguished positions in their profession. Some of them become seamen and officers of your State ships. Others transfer themselves to the merchant service, and move grade by grade from the forecastle to the cabin. A large proportion of them ultimately become the commanders of your line ships and steamers. The highest ambition of a New England boy, when he stands upon the sand bluffs or barren rocks of the coast, looking out upon the ocean, whitened by the sails of the fishermen and the merchantmen in transit, is, that the day may arrive when he shall be large enough to become an active participant of the scenes that are before him. Thus, those fishermen who have families, and continue in their calling, avail themselves of the early energy and industry of their sons. It is not unfrequently the case that the father and three or four of his sons sail in the same business, and often in the same vessel. From their joint voyages, by the exercise of the most rigid economy, they are enabled to sustain their household, and lay by a small fund for support in declining age. In this manner the boy, while preparing himself for the higher and more profitable pursuits of his calling, is taught habits of industry and frugality which attend him through life.

At the age of twelve or fourteen, his education, obtained at the free schools, is so far advanced as to warrant his absence during the fishing season. At that time he lays aside his satchel and his books, and cheerfully springs from the school-room to the vessel's deck, which to him is the El Dorado of earthly hopes, and the long-sought theatre of his early imagination. After spending the season in fishing on the banks and coasts of the continent, he returns to his home in the autumn, with the pleasant reflection of having taken his initiatory step in the noble calling, which is to be the basis of his future usefulness and distinction. He then reenters the school of his childhood, with a thirst for knowledge, made keener by his absence, and plies himself to the acquisition of learning, till the spring sun announces that the time of fishing has again arrived. In this way, alternating betwixt the school of the land and the school of the sea, the one founded by the State and the other by the nation, he spends his minority; and then, or soon after, he enlists in the merchant or other service, where he meets with encouragement more worthy of his merits.

A correspondent from the Boston custom-house, in a late communication to me, says:

"Were it not for the fisheries, in less than ten years, we should not have American seamen enough to navigate our ships as *masters* and *mates;* and even now Cape Cod furnishes a large, a very large, proportion of the active, intelligent ship-masters and mates out of this port, and very many out of New York."

I should feel myself fortunate indeed, had I the means to state to the country what number or proportion of the ship-masters and mates, who sail from the Atlantic cities, originated from Cape Cod, and took their first maritime lessons in the school of her fisheries; but for the present I must leave it to the inference which may be drawn from this correspondence, and the world-wide renown of her nautical reputation.

When the system of maritime training in our fisheries is fully understood by the country, and the dependence of our navy and commerce upon it, I am confident that there will be but few representatives in Congress who will desire or think it politic, to take from the fishermen the small pittance which they now draw from the Government. No, sir; they will rather seek to extend it

to that class who have not heretofore been its recipients.

I have already shown that the codfishery being patronized by the Government, returns the better profits and employs the greater number of men; but were the same patronage extended to the mackerel fishery, it would undoubtedly increase far beyond that of the codfishery. It is considered a more pleasant and desirable business. It has greater attractions for the youth of the country. Though fraught with equal sea danger and toil, yet in incident and adventure it is better adapted to the enthusiasm of the young man who is about to take his first voyage upon the ocean.

Let the Government extend its aid to this branch of our industry and the scarcity of American seaman which now prevails would soon cease to be felt.

Is there any reason why this should not be done? I see none. Are not the eight thousand eight hundred and seventy-nine young men engaged in this business, training themselves for the Navy, the merchant service, and the country, as effectually as the eleven thousand three hundred and twenty-one who are in the codfisheries? Undoubtedly they are. Is there not a pressing emergency now existing for the increase of seamen? Yes, sir. It is notorious that many of our merchant ships have been delayed, during the last year, for the want of crews; and others have proceeded to sea only half manned. Our public ships have also been delayed from important expeditions from the same cause. The Japan expedition has been delayed for months for the want of seamen, and the Cumberland frigate departed with thirty men short of her complement. England, with her tons of shipping, exceeding but little, if any, those of the United States, has three hundred thousand seamen, while the United States have but one hundred and seventy-five thousand. This disparity in our marine force is already exhibiting its effects in the carrying trade of the world, and calls loudly upon the country for relief.

It has been announced upon this floor, that more than three fourths of the seamen in our Navy are foreigners! Is this consistent with the interest and honor of our country? Does it look like independent America! No Government can be independent which relies upon foreigners for the sailing of its battle-ships; and the policy which leads to such a necessity, is unworthy of our support. The scanty crews of our merchantmen are also from one half to two thirds foreigners; and those of the coasting vessels are one third foreigners; but the crews of the fishing vessels are wholly American, with occasionally a cook of foreign birth. We have a statute which requires two thirds of our seamen to be citizens of the United States; and if it were enforced, one half of our ships would lie rotting at our wharves. The cry comes from all the large ports of the Union, that something *must* be done for the increase of seamen. The gold mines of California have already drawn thousands from this pursuit; and the land bill, giving to every man a farm, under certain circumstances, if passed by the Senate, will draw off its tens of thousands.

A strong and powerful argument, in favor of the land bill, was that it would encourage the *poor* man, and develop the agricultural resources of the country. If this was an argument sufficiently potent to warrant the donation of the public lands; how much more so the argument that something should be granted, either in lands or dollars, to encourage the *poor* sailor, and develop the resources of the ocean. In the labor of the fisherman we are not only bringing in the riches of the sea, and fostering commerce, which is the handmaid of agriculture, but we are fortifying the liberties of our country, and preparing ourselves to cope with other nations. A bounty upon this labor is nothing new in principle or policy.

It has been protected by every modern nation, which has ever attained eminence in commerce or distinction in war. France, England, and Spain, adopted it generations ago. It is based upon the same policy which has founded our Naval School and Military Academy, in which young men are educated at the Government's expense, and retained as a reserved force for the time of their country's need. Although more humble in pretension, yet not less important in practice are the schools of marine service on board the fishing fleets of New England.

Our appropriations have always been liberal for the protection of citizens. We have devoted millions of dollars for the support of Western frontier armies to protect the farmer from the attacks of the Indians. This has been as it should be. New England has never withheld her support from this policy, and she never will.

She knows full well that the frontier life with its incidents and hardships, like that upon the fishing banks with its toils and disasters, can never be sustained without the special protection of the Government. Our public lands have been bountifully appropriated for the establishment of schools and the education of children in the arts and sciences. This receives my hearty approbation. No duty of this Government is more important than that of educating its citizens, and preparing them for usefulness. I contend, however, that the same policy should lead to the establishment of agricultural and marine schools, either by an entire or partial support, as the necessity of the case may require. It is as important to the welfare of our Government, and the perpetuity of its blessings, that a class of men should be educated as navigators and practical seamen, as that the boy should be taught the ordinary branches of the schools. Both will contribute to our national glory, and have undoubted claims upon its patrimony.

We have, during the present Congress, appropriated public lands for the building of railroads. The argument was that they would facilitate the trade and commerce of the country, and expedite the movement of troops and munitions of war. Am I to be told that it is constitutional and politic to make appropriations to facilitate the transport of produce, from the interior of Missouri and other States on to the Mississippi, and thence down that stream to the ocean; but that it would be unconstitutional and impolitic to make appropriations for the increase of seamen, in order to facilitate the further transport of that same produce, either across the Atlantic or to the northern ports of the Confederacy? That it is expedient for Congress to build railroads, in order to be ready to transport soldiers when the emergency requires it, and that it is *not* expedient to encourage seamen, in order that our Navy may be manned to fight the battles on the ocean? I trust that no such inconsistencies will ever be practiced by the legislators of our country. I do not advocate the special patronage of the Government to mere private enterprises, where there is no public or ulterior advantage in view. There should be something more national in the design than the mere feeding from the public Treasury. But when the advancement of private enterprise can be made subservient to public prosperity and security, then it is the high duty of Government to foster it by pecuniary aid. Under such a system the industry of the people becomes the bulwark of the nation. In the application of this policy to the raising of seamen and building of ships we might avoid, I doubt not, a large part of the enormous expense of a naval peace establishment. The seamen in the fisheries might be so trained, and many merchant ships and line steamers in commerce so built, as to be readily converted into an efficient and powerful navy when the emergencies of the country should require it.

I am aware, sir, of the source of the opposition which has heretofore been made to the encouragement of the fishing industry of New England. The western section of the country, whose industry is agriculture, have not, in my opinion, taken a broad, national view of this subject as they are accustomed to do in relation to others. They have considered it as a local, individual industry, without national importance, and, like agriculture, should support itself, or not be supported at all. I cannot admit that this industry, though comparatively less important in production of food, does not bear a different relation to the Government from that of general agriculture. It is one of those enterprises which is too poor to support itself, yet too important to the Government, the commerce, and even the agriculture of the country to be permitted to cease.

Neither can I admit that the agriculture of the West has not and is not now receiving special appropriations and protection from the Government far beyond those of the fisheries. What are the appropriations for the support of the frontier army? for the clearing of rivers, &c.? Are they not for the purpose of encouraging the increase of farmers in those regions, by protecting them from the Indian depredations? To enhance the value of labor by furnishing facilities for marketing their corn, flour, beef, pork, &c.? As to the appropriations for their rivers, it may be said New England has an offset in the appropriations for her harbors. I will freely admit it, if it be necessary that such accounts should be balanced. But what offset do we have for the appropriations for the frontier army, unless it be the bounty upon the fisheries? Sir, I deprecate such sectional accounts, feelings, and jealousies as may lead us to vote for appropriations for one section of the country and not for another which is equally meritorious. We are too apt to look at appropriations or policies as local in their effects, merely because they are to be expended or practiced, as they necessarily must be, in some particular locality. This should not be the statesman's view of the subject. Effect, good effect, is what we want in the ramifications of the business of the people, and it matters not *where* or what the cause that produces it.

The money expended for the support of the army to protect the agriculturists upon the frontiers, or for the purpose of clearing the rivers of the West, is a *cause* which is primarily seen and felt only in those regions; but the *effect* is as sensibly felt by the State of Massachusetts as by them. The same circumstance in this case which increases the demand and raises the price of produce at the home of the producer lowers it at the home of the purchaser or consumer. The small bounty that is given for the encouragement of fishermen, in its commercial bearing, has the same effect. It is first expended in New England, and prompts the pursuit of an industry which yields a gross income to the country of $3,412,436 40.

Now, sir, where is this income eventually disbursed? After being divided among the fishermen, more than three fourths of it is expended for the corn, flour, beef, pork, and other produce of the western States. Hence, the very allowance which is looked grudgingly upon by the agricultural States, is annually giving a patronage to their labor and produce not much short of $3,000,000. Permit me to ask, whom does the small bounty which the Government pays to the fishermen benefit? It seems to me that it is a bounty to the West as well as to the East. Take from the fishermen this bounty, and let the industry cease, as it undoubtedly would, what then to the West would be a substitute for this trade? I can answer: Nothing, nothing, except that they would have to take the fishermen themselves as competitors in their labor. They would have to leave the sterile coasts of their fathers, and wend their way to the rich West, and join the pioneers in the tillage of the soil.

But what would become a substitute for the loss of American seamen? I know of nothing. There could be none. Our commerce, which demands them, would have to cease or dwindle, and fall into the hands of foreigners. The time which my Boston correspondent speaks of, would then come when "there would not be American seamen enough for captains and mates of our ships;" and what would become of agriculture itself, which is so dependent on commerce for the transportation and exchange of its products? This would decline also. That part of the ocean which is now traversed by thousands of vessels for the purpose of drawing riches from its depths, would be deserted, excepting by now and then a lonely craft, cruising to obtain fresh fish for the city markets.

Upon these effects I will quote from my correspondence with a gentleman of Cohasset, Massachusetts, of high standing and respectability. In writing upon this subject he says:

"I have ceased to have any personal interest in the fishing business, yet my experience has confirmed me in the opinion that a bounty is essential to sustain the fisheries in New England, which I deem of great national importance. Without it not a codfisherman would be fitted out from this place. Can it be possible for a nation, which deems it necessary for national security to build ships of war to decay upon the stocks, to fill its navy-yards with perishable material for the construction and maintenance of a Navy, establish naval schools, (all for possible contingencies,) to deem

the fisheries, which afford the most efficient school of induction for the effective use of these materials, not of sufficient importance to be sustained by a bounty? Will our nation abandon the fisheries to that nation from whom alone we have anything to fear? The bounties necessary to encourage all our fisheries would probably not equal the deterioration in any navy-yards in our Union. We have now two seas in which we must, in case of war, maintain fleets; and who are to man them? Shall the example of Great Britain and France be lost upon us?"

Sir, there are many difficulties appertaining to our fisheries, to which I wish to call the attention of the Government. I will first speak of the obstacles which the fishermen encounter in obtaining their bounty. The defects in the bounty laws, or in the constructions that have been put upon them, are so numerous, that, in many instances, they defeat the object which they were intended to secure. This has become a matter of so much importance that it demands of Congress either an amendment of the laws or a resolution correcting the wrong constructions.

The existing law is as follows:

"There shall be paid on the last day of December, annually, to the owner of every fishing-boat or vessel, or his agent, by the collector of the district where such boat or vessel may belong, that shall be qualified, agreeably to law, for carrying on the bank, or other codfisheries, and that shall *actually* have been employed *at* sea for the term of *four months*, at least, of the fishing season, next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such boat or vessel's burden, according to its admeasurement as licensed or enrolled, if of more than five tons, and not exceeding thirty tons, $3 50; if above thirty tons, $4; and if above thirty tons, and having had a crew of not less than ten persons, and having been actually employed in the codfishery, *at sea*, for the term of three and one half months, at the least, but less than four months, of the seasn aforesaid, $3 50."

It also provides that five-eighths of the sum so paid shall go to the fishermen, and the other three eighths to the owner. These are the principal provisions of the law, and it needs no argument to show that its main object is to encourage a class of men to perform labor upon the sea, and learn the art of seamanship, and not merely the taking, *drying*, and exporting of fish, or the consumption of salt. Hence the provision that *four months* must be spent at sea, where there is no stipulation as to the number of crew, in order to obtain the whole allowance, and three and a half months where the crew is not less than *ten persons*, in order to obtain the partial allowance. If ever there was a statute which carried its policy and test for construction upon its face, this does. *Time spent at sea in the cod fisheries.* This is the requirement, and the only requirement, if the vessel is duly licensed, &c.

I will now ask the attention of this committee to a circular from the Treasury Department, dated December 20, 1851, many of the provisions of which seem to me to be in direct conflict with the spirit and letter of this law. I shall quote only those sections and clauses which are objectionable.

After stating that no allowance can be made unless the proofs therein pointed out are duly made, a part of the second paragraph of the first section reads as follows:

"In the case of a boat or vessel of more than five and less than twenty tons burden, an account from the owner of such boat or vessel, showing that there have been landed therefrom during the preceding season at least twelve quintals of fish, when dried and cured fit for exportation, according to the weight thereof at the time of delivery when actually sold, for each ton of the admeasurement of such boat or vessel."

By this clause or paragraph, the Department makes it necessary that boats and vessels under twenty tons shall catch and cure twelve quintals to the ton, in order to be entitled to the allowance. For this requisition, I have not been able to find any satisfactory law. I am aware that it has been long practiced, and is supposed, undoubtedly, to be based upon the sixth section of the statute of 1813, which made such a provision. But the statute of 1819, the object of which was to enlarge and increase the allowance to the fisheries, gave it to *all* boats and vessels above five tons upon the same conditions, without reservation except as to the amount, and the provision in regard to time, where the vessel was above thirty tons, and the crew not less than *ten*. The last section of the act of 1819 reads as follows:

"That such parts of the fifth and sixth sections of the act (act of 1813) hereby amended, as are contrary to the provisions of this act, be, and the same are hereby, repealed."

As this act provides that *every* vessel and boat, from five tons and upwards, shall be entitled to the allowance without any condition as to the quantity of fish taken, &c., it seems to be the irresistible conclusion that the conditions in the act of 1813 were thereby repealed. And such appears to be the opinion of Mr. Justice Story, in the case of the schooner Harriett. [Story's Reports, vol. 1, page 251.] In this case, the learned judge says:

"The first section of that act (the act of 1819) merges the fifth and sixth sections (referring to the act of 1813) into one, so far as the allowance or bounty is concerned, and apportions it by the *same rule*, the *tonnage* of the boat or vessel, and upon the *same condition*, the employment at sea for a specified period."

The last paragraph of the fourth section reads as follows:

"Unless a regular journal or log-book is kept day by day on board a fishing vessel while at sea, and such journal or log-book is produced to the collector, duly verified by the oath or affirmation of the master or skipper of such vessel, it will not hereafter be considered that the necessary evidence of her employment at sea in the codfishery is presented. Such journal or log-book must contain the dates of her departure from, and arrival at, every port or place she may touch at during her voyages or fares, and state the material daily occurrences on board, as is usual in other sea-going vessels, and must specially contain daily entries of the catch of fish by each person on board."

By this paragraph it seems that the Secretary is going to impose it as a condition precedent that a log-book shall be kept in order to entitle the vessel and crew to the bounty under the statute. Where, Mr. Chairman, is the law requiring such a log-book to be kept; and providing that it shall be the *only* and *necessary* evidence of the services performed? There is none. It is intimated in a preceding part of this section, that the legal necessity of keeping such a log-book had been decided by the United States circuit court of Massachusetts. The case referred to is that of the schooner Harriett, 1 Story's Reports, page 251; but the law, as laid down in that case, has been misunderstood, if it is supposed that it *enjoins* the keeping of a log-book in order to be entitled to the bounty. The only principle decided there was, and which was by no means new, that where there was suspicion or evidence of bad faith, the introduction of loose papers, memoranda, &c., would not be admitted to control it; but that if any such evidence could be admitted, it must be a regular log-book or journal.

The statute, itself, prescribes the only *specific* evidence which is requisite for the allowance; that is, that the owner shall present the original agreement or shipping paper, and also a certificate, by him subscribed and sworn to, stating the particular days on which the vessel sailed and returned, &c. And it further provides, that if the owner or any other person shall make any false declaration, he shall be deemed guilty of willful perjury, and punished accordingly. This is the evidence prescribed by the law upon which the bounty is payable; and I submit that this is the only evidence that can be required, and that it is conclusive upon the collectors and the Treasury Department; but if not, the Department has no right to require any specified form of evidence, in writing or otherwise. If the facts are proved by such evidence as is always admitted in ordinary executive or judicial tribunals, it should be satisfactory. It is no trifling inconvenience for the skipper of a fisherman to have to record *in extenso*, daily, the occurrences which transpire on board his craft. It may appear simple to us, or to the Reporters at the desks, who can take down a speech as fast as it is uttered, but I assure you it is a very different process to him who spends his time at the fishing rail.

Again: The fifth section reads thus:

"It is also required that the owner or agent of every fishing vessel of the burden of twenty tons or upwards, for which bounty is claimed, shall make a certificate stating therein the particular days on which such vessel sailed and returned on the several voyages or fares during the season which comprise the period for which bounty is claimed. It must expressly appear in this certificate that such vessel was exclusively employed in taking codfish for the purpose of being dried or dry-cured, for such period. This certificate must be subscribed by the claimant, and sworn or affirmed to before the collector."

Here, sir, the Department requires that the codfish taken shall be for the purpose of being *dried or dry-cured*. I have yet to find that there is any law authorizing this requisition as to vessels either above or below twenty tons. The last bounty statute—that of 1819, which I have previously quoted in full—provides *absolutely* that *all* boats or vessels from five to thirty tons, and from thirty tons upwards, qualified according to law, which shall be employed in the codfishery the prescribed time, &c., *shall* be paid their respective allowances. There is no proviso as to how many fish they shall take, how they shall cure them, whether they shall cure them at all, or how they shall dispose of them. If the *time* has been spent on the ocean in the training of seamen in pursuit of codfish, it is all that the statute requires. The whole policy and letter of it is complied with, whether the fish are disposed of in a green or fresh state, for the supply of the current market, or salted and dried as an article of commerce. The circumstance which has led to this erroneous construction by the Department is, that when the Government first extended its patronage to the fisheries it was in the form of a bounty or drawback on *dried* fish *exported;* but when the business of the country developed the necessity of a more liberal patronage for the purpose of multiplying seamen, the form was changed and the allowance given absolutely to the tonnage employed, with no reference ultimately to the fish, whether green, dried, or exported. Yet, in the construction of the Department, the old provision relative to *dried and cured fish* has, by some unaccountable oversight, been retained, although the law upon which it was based has long since been repealed, and, in fact, never was applicable to the system after the patronage was changed from an export duty or drawback to a tonnage allowance.

Again: A part of the sixth section reads as follows:

"The master or skipper of every fishing vessel for which bounty is intended to be claimed, immediately on her arrival from any voyage or fare of such fishery, at any port or place at which any officer of the customs is stationed, must report such arrival to such officer, who is required to examine such vessel, her papers, equipment, and the quantity of fish on board, and to enter the result of such examination in these respects upon a record kept by him for that purpose, which is to be returned to the collector of his district whenever required. In case the master or skipper of such vessel neglects or refuses to make report of his arrival, the officer will state that fact upon his record, with such other particulars respecting such vessel as may come to his knowledge. Such neglect or refusal to report by the master or skipper of any vessel claiming bounty, will operate against the allowance of the claim, unless a full and satisfactory explanation of such neglect or refusal is made under oath.

"The collectors of the respective districts will direct the inspectors at the several ports therein; or where the district contains but a single port, the collector will detail an inspector, to examine all fishing vessels arriving at such ports, requiring them to take down their names, and of their masters, their employment, whether they had fish on board, and of what kind, and whether fresh, pickled, or otherwise, and report the same to the collector of the district at such times as may be required."

Here is another very onerous requisition which is not provided for in the law. It requires the skipper of every vessel, on his arrival at any port or place, to go and report himself to an officer of the customs, if there is any such at the place. I have no doubt but this may be a good regulation for the Government, and if it were a *law*, would not complain, though it would be attended with many inconveniences. It seems, however, that, without the authority of any law, the Department is casting an official duty of the officers of the customs upon the skippers of the fishing vessels. If it is necessary, and I doubt it not, that the fishing vessels should be watched or boarded as other vessels are, let the inspectors of the customs do it as they do to other vessels. Let it be at the expense of the Government and not of the fishermen. I know of no rule of the customs in any other Department which requires captains or owners to report themselves or cargo unless there is a statute which provides for it. If it is inconvenient for inspectors to be located upon the coast, so as to see the vessels when they enter the harbors and voluntarily visit them, it is equally inconvenient and much more onerous for the skipper to leave his craft in the harbors or roadsteads and go many miles, which he often will have to, to look up the officer to *tell him that he has arrived*. It will be recollected that the "port or place at which any officer of the customs is stationed," is a very indefinite location. In my part of the country the "port or place" is "all along shore." In one of the collection districts which I represent there are one hundred and seventy-five miles or more of sea-

coast, with a population of about thirty-six thousand settled upon its banks, or "risings," and indented with coves or harbors at almost every point, which are frequented by the fishing vessels; and the whole corps of custom-house officers, including the collector himself, is only nine. It may readily be perceived that it is a burdensome tax upon the time as well as the purse of the skipper of a fisherman to travel and hunt up one of these sparsely-located officers every time he arrives into one of these "ports or places," which, at the inclement seasons of the year, averages once or twice a week.

Again: The seventh section is as follows:

"From the original act of 16th February, 1792, changing the drawback on dried fish exported to bounty on the tonnage of vessels employed in the bank or other codfisheries, it has always been held that, to entitle any fishing vessel to bounty, she must be shown to have been employed at sea exclusively in catching codfish for the purpose of being dried or dry cured, during the period prescribed by law. It is not required that the entire period be embraced in one voyage or fare, or in voyages or fares immediately succeeding each other; but it is indispensable to the allowance of bounty that the period required shall be comprehended in distinct voyages or fares in which no other kind of fishery is pursued. No part of a fare or voyage in which halibut, mackerel, or any other fish, are taken as an object of pursuit, as well as cod, can be reckoned as a portion of the time required by law; where other fish are taken merely as bait for cod, or as food for the crew, no objection will be made, as such taking is regarded as strictly subsidiary to the codfishery; but if such other fish remain on board until the close of the fare or voyage and are carried into port, the fare or voyage must be regarded as one of mixed fishery, which cannot be taken into the computation of the time required by law for the allowance of bounty. A vessel may be exclusively employed in the codfishery at sea for one, two, or three months in a distinct fare or fares in the first part of the fishing season, then pursue the mackerel fishery under the license required by law, afterwards may surrender her mackerel license, and then complete the period required by law by another distinct fare or fares, of exclusive employment in the codfishery, previous to the last day of November. But the taking of mackerel by any vessel under codfishing license, except as bait or food for her crew, is regarded as a violation of the license laws. Such illegal fishery during any season will forfeit all claim to bounty for that season, and when the fact is known to any collector he is instructed to refuse the allowance hereafter accordingly.

"Vessels employed in taking any kind of fish for sale and consumption in a fresh or green condition, as well as fish to be preserved by pickling, are not within the bounty laws, and no voyages or fares in which such fisheries are pursued can be lawfully computed as any part of the period required for the allowance of bounty."

Here, in my opinion, the construction of the Department again runs counter to the law in considering that the fish should be caught "for the purpose of being *dried* or *dry-cured*." The statute of 1792, which first changed the drawback into an allowance on the tonnage, did not require that the fish should be exported, neither that they should be *dried*, excepting those that were taken by vessels under twenty tons; and this provision, as I think, was repealed by the statute of 1819, which gives the bounty upon like conditions, only differing in amount, to *all* boats or vessels above five tons; and repeals or amends all the previous statutes on the subject, so far as they are contrary to the provisions of this, (the one of 1819.) And this, as I have before said, appears to have been the opinion of Mr. Justice Story, in the case of the schooner Harriet, (1 Story's Reports, page 251.) This construction defeats, in a considerable degree, the policy of the law, and deprives many seamen of its benefits, who, during certain parts of the season, and during parts of certain trips, take fish to be disposed of in the fresh or green state, in the city markets and other places.

The fish in this condition have become quite a large and healthy item of food for the country. By the facilities of railroads and ice-packing, they are transported into the interior, and consumed by thousands of our citizens who never saw the seaboard of the Atlantic. Now, according to this construction, if, at the latter end of a voyage, within a day or a few hours of entering the port, any quantity of fish should be caught, carried in, and disposed of in this way, the whole time which had preceded such catching, would be lost, and the bounty forfeited. This could not have been the intention of the law.

This section of the circular also decides that *no* part of a fare or voyage shall be counted in the computation of the time, if, during *any part* of it, any *mackerel* or fish other than cod are taken which remain on board till the end of the voyage, and are carried into port. This is in direct opposition to the law, which says nothing about *fares, parts of fares, or voyages*. *Time* is the important subject of the statute. Time spent *at sea* in the codfishery, not trips, fares, or voyages. These are the recognized divisions of the Department, not of the law. As well might the Department devide the time into any other portions, as to say it shall be continuous on a fare or voyage. There would be the same authority for requiring the whole four months to be a continuous voyage, as that any twenty, fifteen, or five days shall be continuous in order to be counted.

It seems to me to be not only a perversion of the law, but an oppression of the fishermen, to first divide the time into fares or trips, and then to decide that if one day in those divisions or fares is devoted to mackerel fishing, it shall destroy the whole count of such trip or fare. This is making fares or trips the condition precedent to the allowance of the bounty, instead of *time*. As well might they say the time shall be the time of sunshine, time of rain or time of fog, as to say it shall be the continuous time of a fare. If they have the right to qualify it in the one way, they have in the other. If they can say they will not count the time by days, but by fares, they can, with equal right, modify and qualify the fares themselves, and stipulate the number of days of which they shall consist. If they can say that a trip of twenty days shall not be counted even as nineteen, because one of them was devoted to mackerel fishing, then I know not any limit to the modifications and restrictions which the Department may not impose. It would thus be in the power of the Department to obtrude obstacles or afford facilities that would so restrict as to defeat or enlarge, as to pervert the whole law, according to the different views which successive Executives might take of its policy and expediency.

The difficulties arising from this construction are momentous. They operate upon the most unfortunate voyages. I have stated that the cod and mackerel fisheries are distinct species of industry, but it is almost compulsory that they should cross and run into each other. The waters in which they are pursued are the same. The vessels, fishermen, and outfits, are about the same; so that they change their licenses and alternate in their voyages betwixt the two very frequently. Often upon the same voyage or fare a profitable turn can be made by changing from the one to the other, according to the promise of success. The whole, as it is well known, and often severely felt by the fishermen, being a chance voyage, depending upon the inexplicable habits and varying voracity of the piscatory tribe. Sometimes the ocean swarms with the mackerel, but they will not "bite;" and at other times the codfish are abundant, but "full fed," and too dainty for the hook.

Under such circumstances vessels heretofore, after spending months in fruitless attempts to procure a cargo of codfish, have frequently changed their pursuit, and saved a bankrupt voyage by "filling up" with mackerel, and the collectors of the districts have allowed the bounty, provided, after deducting the time spent in mackereling, four months of the codfishery remained. In this I feel assured they have acted in keeping with the letter and intent of the law, the required *time at sea* having been made out in the codfisheries. But this is now forbidden by the circular.

"No *part* of a fare or voyage," it says, "in 'which mackerel, &c., are taken as an object of 'pursuit, as well as cod, can be reckoned as a por-'tion of the time required by the law." Hence, if a vessel which has been to the Grand Bank and spent her whole four months *at sea* in quest of cod, without having got one quarter of a voyage, should, when returning, perhaps within six hours sail of her home, fall in with a shoal of mackerel, and take a few barrels to help out the voyage, and "foot the provision bill," she would forfeit her previously hard-earned bounty.

This is a construction fraught with too much disaster, unless the law has so provided; and such a provision I have been unable to discover.

Again, this section provides that if a vessel, under a codfishing license, shall take mackerel other than for bait, &c., during any *season*—that is, on any fare—she shall forfeit her bounty! I am at a loss to learn upon what law this declaration is based. By this construction, if a vessel in the month of March, under her codfishing license, should catch and dispose of three barrels of mackerel, and then go to the Grand Bank and spend five months in the legal pursuit of codfish under her license, she would not, according to the Secretary's orders, be entitled to the bounty. This, upon the face of it, is nothing more nor less than an attempt by the Treasury Department to inflict upon the fishermen, for the breach of a general law, an additional penalty which that law has never recognized. It has long been known to the fishermen, that under the law they were not entitled to bounty for time employed in taking mackerel; and there has never been an instance, to my knowledge, where they have claimed it. It has also been long known to them, that under a general law of Congress, a vessel licensed for one trade becomes forfeited if, under the same license, she pursues another, and that this is applicable to the different sorts of the fisheries. But never before has it been known—if it be so—that the Secretary of the Treasury has power to impose an *additional* forfeiture of a fishing bounty which may have been legally earned subsequently or previously to any such breach of the general law.

I contend, sir, that these provisions of the circular are not based upon any existing law. They are constructions and assumptions which crept into the Treasury Department during the mutations and progress of the laws upon the bounty subject, and never have been revised and corrected to comply with the more modern legislation relating thereto. No Administration or Secretary is particularly responsible, therefore, unless it is for the negligence of permitting old constructions of old laws to stand as the *new* construction of new laws. It will be perceived that this modern circular of December, 1851, is a mere digest of former circulars issued by former Secretaries. There are great wrongs done to the fishermen by these constructions; and let the blame fall where it will, they should be investigated and removed.

Another obstacle to the prosperity of our fisheries is, the unequal competition which we meet with in those of the British Colonies. The inhabitants of those Provinces have not only become formidable competitors in the foreign markets, but, under the present tariff, they are made rivals in our own. Their vicinity, near to the fishing grounds, gives them a facility of access, with a very small comparative outlay, whilst we at a distance have to approach them by long voyages and expensive outfits. A great difference in the price and quality of vessels, is another peculiar charge upon us. As a matter of necessity, our vessels having to perform so long and oft times boisterous voyages, must be larger, stronger, and more thoroughly rigged, in order to insure safety to the crew and property. The vessels of the Provinces are cheaply built, rigged, and fitted. They are not such as would command a crew from New England. In fact, a considerable part of their fishery is carried on without any vessel, a common open boat serving their purposes by reason of their shore privileges. Their habits of life, and social relations, permit them to pursue the business even with a smaller profit than we do or can. Their manner of living, educating their children, &c., is far below that of the fishermen of the States. They can be hired, as I am informed, for a much less sum than what our fishermen make. This may answer for the laborer of New Brunswick, Nova Scotia, and Prince Edward's Island, but far be the day when the intelligent and independent fishermen of Cape Cod, Plymouth, Cape Ann, and Mt. Desert shall be reduced in their small earnings which they now obtain. The Provincials also have great advantages in the curing of their fish. They are put on shore at short intervals, and dried by females, children, and others, who, by age or infirmity, are past going in the boats; while, on the other hand, the fishermen of New England have to pack their fish in the vessel's hold, bring them home and cure them and dry them on flakes at great expense.

In addition to these difficulties, there are others under which our fishermen labor, more within our own control. They are those of our own creation. The tariff of 1846 changing the duty on fish from specific to *ad valorem* has brought the Provincial fishermen in competition with ours,

even in our own ports. They have now, not only taken from us in a great degree the fish trade of the West Indies, but they are, by means of their low-price labor, and superior natural advantages, rivaling us in our own market.

The annual value of the imports of codfish during the four years next preceding 1846, averaged $5,859, and the average value during the four years next *succeeding* 1846, was $55,178.

The annual value of the imports of mackerel for the four years previous to 1846 was $219,626, and the annual value the four years succeeding 1846 was $465,806. Hence it will be seen that under the tariff of 1846 the quantity of codfish brought into the country to compete with our own fisheries increased nearly tenfold; and the quantity of mackerel considerably more than doubled.

The value of imports of mackerel during the year 1850–'51 was $549,525, showing an annual increase of $83,719 above the average of the preceding four years.

With this rapid increase it cannot be many years before our whole market will be supplied by foreigners, and our own valuable fisheries limited, if not extinguished. A discerning writer in the North American Review, as early as in 1843, anticipated this very result. Said he: "We know 'something of the energy and skill of our fisher-'men, and appreciate them highly; but we feel 'quite certain that, under a system of uniform *ad* '*valorem*, or sensible reduction of specific duties, 'these colonial competitors would take from them 'the supply of our *own markets*, as they already 'have taken away the principal markets of catho-'lic Europe."

That such a policy should be pursued by this Government, whose interest it is to protect its own labor and furnish a home market for its productions, is *strange indeed!* And the more so, when we consider that Mr. Jefferson, the father of the American commercial policy, when speaking of the prosperity of the country, said one of its "land marks" was to foster our fisheries, as a nursery of navigation, and for the nurture of man.

Another source of danger which threatens our fisheries comes from our ancient ally, who has ever been vigilant in protecting her ocean fisheries as the prime source of her marine and naval power. I refer to France, whose Navy now numbers 224 sailing ships, 100 war steamers, and 291 merchant steamers; a large portion of which are so built as to be made available for war purposes; and whose naval seamen number 21,000. With this numerous fleet and armament, and recognizing the policy which has produced it, she is making still further efforts to increase it by giving extraordinary bounties to her fishermen. She has not forgotten her maxim, which is quoted by Mr. Andrews in his excellent report on the trade and commerce of the British North American colonies —"that these American fisheries were of more national value in regard to navigation and power than the gold mines of Mexico could have been, had she possessed them." "For many years," says a late writer who has investigated the subject, "the French Government has paid a bounty to its seamen in the codfisheries, at a rate per quintal larger than the whole average price at which American codfish have been sold."

In a late report, which I have before alluded to, recently made to her National Assembly, a manuscript copy of which has been shown me, it is proposed to allow each fisherman annually fifty francs—nine dollars thirty-seven and a half cents; and to pay twenty francs on every French quintal of fish exported to transatlantic countries, which is about equal to two dollars per American quintal. Such is the estimation which France puts upon the fisheries; and such is the policy by which she intends to encourage them for their intrinsic value, and for the purpose of strengthening her commercial and naval marine. It is by this means that she intends to contest the briny palm with her British and American rivals.

If the doctrine which was taught by the early statesmen, that "prohibition should be applied to prohibition," and that which is involved in our late act relative to the Collins line of steamers, giving a bounty to protect ourselves from the effects of foreign bounties, is to be the practice and policy of our Government, then, truly, it seems to me that we should act immediately in behalf of our fishermen, and protect them from the effects which this French bounty may have upon them. This French export duty amounts to a sum nearly equal to the average price of codfish in our market; and if, under our present tariff, the French fishermen should think proper to supply us, such competition, it seems to me, would entirely annihilate our fishing industry. But if they should not extend their trade into our ports, they will undoubtedly monopolize the remnant of our West India market, which, under similar adverse influences, has long since been dwindling. In 1805 we exported codfish to the value of $2,058,000. In the fiscal year ending June, 1851, we exported only to the value of $367,729.

Sir, I have spoken of the advantages which the inhabitants of the British Provinces have in their boat and shore fisheries. So abundant are the mackerel in some seasons of the year, on these coasts and shores, that forty thousand barrels have been taken in a season with boats and seines, on a section not more than twelve miles long. The shore fishery, with the exception of certain parts of the coasts of Newfoundland, the Magdalen Islands, and coast of Labrador, has been claimed as solely belonging to the British, by reason of the war of 1812, and the provisions of the convention of 1818 betwixt the United States and Great Britain, and it has partially been yielded to them. Our vessels have generally, of late years, fished three miles from the outer coasts, and from the coasts or shores of the gulf, bays, and harbors. Even at this distance, from the shores, the fisheries are very valuable.

From one third to one half of the mackerel caught by our citizens are taken in these waters, and at a season of the year when they are rarely found anywhere else. Our fishermen claim these fishing grounds as a matter of right to them and their successors. They claim them as the prizes for which our fathers fought in the French wars, and which were achieved by the mother country, chiefly by New England valor.

("The colony of New England," says a historian, "gave peace to Europe by raising, arming, and transporting four thousand men who took Louisbourg.")

They now claim them from the British Government as a part, and a prominent part of the sacred rights which were contended for and achieved by our fathers, who asserted and obtained the American Independence; that they are the trophies of the Revolution; the price of blood. Lord North's bill in the British Parliament, upon which Mr. Fox displayed the first indications of his ability and oratory, deprived the colonies of these fisheries, which were bought, as it was said, by "American sufferings and arms." Truly was it said by the English orator, "God and nature had given the fisheries to New England and not to Old England." And at a later period by our noble American orator, when negotiating with the British on the subject, that "if *war*, and *blood*, and *treasure*, give a right, ours is as good as yours."

Sir, these rights were considered as important by the statesmen who assembled for the formation and adoption of the United States Constitution as by those who had fought the battles of the Revolution.

Said Gouverneur Morris:

"The fisheries and the Mississippi are the two great objects of the Union."

Mr. Grayson, in the Virginia Convention, said:

"It is well known that the Newfoundland fisheries and the Mississippi are balances for one another."

Mr. Lowndes, in the South Carolina Convention, when speaking of the effects of the fisheries, said:

"The Navy so necessary was to come from the northern, and not the southern States."

Mr. Ames, in the first Congress, said:

"The taking of fish on the banks is a momentous concern; it forms a nursery for seamen, and this will be the source from which we are to derive maritime importance."

Mr. Gerry, on a similar occasion, said in relation to the fishery:

"It is well known to be the best nursery for seamen. The United States have no other, and it never can be the intention of gentlemen to leave the navigation of the Union to the mercy of foreigners."

Little, sir, did these statesmen think that any circumstances could occur, after these rights were once secured, which would embolden the British Government to claim them from our country, and make us dependent upon foreign nations for the supply of our fish. No, sir; these declarations were made under a due sense of the value, and anticipated security of, these fisheries. The history of them for a hundred and forty years or more, had convinced the country that the security of them was essential to its maritime liberties and greatness.

In the negotiations for the peace of the Revolution, the *right* in all the fisheries of the banks, bays, coves, and shores of the British Provinces were claimed by us as a part of our heritage, and not as a mere easement or privilege. As I have before said, the Congress, though wearied with the war, then resolved "to make no peace without a guarantee of our rights to all the ancient fisheries;" the people of Massachusetts and New England declared that they "would never lay down their arms without this right," and Samuel Adams, echoing their sentiments, cried "*No peace without the fisheries.*" The elder Adams, one of the treaty commissioners, declared, with an appeal to the "Almighty God," that he would never put his name to a treaty that did not recognize the *right;* and when the British commissioner spoke of yielding them as a *privilege*, he again replied, "the *right*, the *right*, or no treaty." Under the prevalence of these feelings, and the patriotic determination of the commissioners, our claims were acknowledged and the treaty of 1783, which I quoted in the former part of my remarks, was made and ratified.

Under this treaty the fishermen were substantially remitted to all their privileges under the two distinct titles of "*right* to take fish," and "*liberty* to take fish," which I shall hereafter have occasion to speak of in connection with this subject. They considered the fishing privileges secured by this treaty as *permanent*, and decidedly *prominent*, among the other achievements of independence. These rights, or liberties, were never called in question again until after the second war with Great Britain—the war of 1812. When the peace commissioners of 1814 were appointed, they were expressly instructed to abandon all negotiations unless the fishermen's rights, under the treaty of 1783, could be preserved. Pending the negotiations of that treaty, the British commissioners contended that, by the law of nations, the war had abrogated the provisions of the previous treaty relative to the fisheries, and insisted that the negotiations on that subject should be for *new* and *limited* privileges; but the American commissioners took the high and consistent position that the fisheries were held by the same right and tenure as the independence of our nation, and that the one was no more the subject for new acknowledgment than the other. Their arguments, based upon such fundamental premises, finally prevailed, at least, so far that the matter was left as it was found. No stipulation having been made, either confirming or altering the rights under the first treaty, the fishermen continued to pursue their industry as they had done.

Sir, I acknowledge that the general principles of the laws of nations are, that war dissolves all contracts, or licenses betwixt the belligerents, and that unless stipulated for anew at the settlement, or treaty, they are forever gone; but I deny that it dissolves all *rights* which have been recognized in each other by the belligerents. Hence, so far as these fisheries had been acknowledged as *rights*, it was not in the power of England, by *war*, or otherwise, to abrogate or extinguish them without the consent of the United States; but, so far as they were recognized as *liberties* granted by the British Crown, I will not contend but war, according to the laws of nations, abrogated them. In this respect they would be held by contract, by sufferance, and subject to the rules which apply to all contracts betwixt nations.

Notwithstanding this apparent acquiescence by both parties in the treaty of 1783, the British, soon after the dissolution of the treaty convention of 1814, claiming to put their own construction upon the effects of the war, soon forbade our fishing vessels from approaching within sixty miles of the coasts of the Provinces, and for a breach of this unjust and arrogant prohibition, they seized some of them and condemned them. These differences, with some others, led to the convention of 1818.

By this convention, which consisted of Mr. Gallatin and Mr. Rush, on the part of the United States, it was provided as follows:

"That the inhabitants of the said United States shall have, forever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of said Newfoundland, from Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands; and also, on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American fishermen shall also have liberty, forever, to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose, with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed, by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

It was undoubtedly considered by the negotiators at the time that this was an advantageous arrangement; and, although it relinquished valuable parts of our shore fishery, it probably would have been acquiesced in as a final settlement, had we obtained the uncontested liberties which the commissioners supposed we had. In fact, the fishermen throughout the country, viewing the construction to be undoubted, that they could fish at a distance within three marine miles of any of the shores or coasts of the gulf, bays, harbors, and indents, hailed it with joy. That they could fish, unmolested, in the waters from which they had previously been driven, seemed to them to be a matter of new acquisition. Not being versed in the learning of treaties and diplomacy of States, they did not realize that what they considered as a *new* privilege, was nothing but a *part* of their *old liberty*.

Mr. John Q. Adams, however, in speaking on the subject, says: "Upon the whole, I consider 'this interest, as secured by the convention of 1818, 'in a manner as advantageous as it had been by 'the treaty of 1783. It has secured the *whole* 'coast fishery of *every part* of the British domin-'ions, except within three marine miles of the '*shore*." With this understanding of their rights, our fishermen have pursued the fisheries from the time of the convention to the present year, within three miles from the coasts or shores, whether in the open sea, the Gulf of St. Lawrence, Bay of Fundy, Bay of Chaleur, or any other waters of the British North American Provinces. They have continually persisted in their claim for thirty-four years; and never, so far as I have learned, have they been molested when without three miles from the shores, unless by some provincialists without governmental authority. This fishery in the bays has not been secretly, but openly pursued. It has been practiced with the knowledge of the Colonial Governments, the Imperial Government, and the deputations from the English Admiral, commissioned to cruise in those waters for the purpose of enforcing the treaty stipulations, which I shall briefly allude to before I close.

Sir, the present difficulties with the fishermen on the coast of the Provinces have arisen from a comparatively recent construction which the British have put upon our treaty relations. It is such an one as presents a new obstacle to their progress, and threatens almost a total destruction. In the year 1841, or thereabouts, the Provinces of Nova Scotia and New Brunswick, conceiving that a *strict* and *stringent* construction of the treaty of 1818 might exclude us from the waters which we had improved, made complaint to the Imperial Government. A case was made up for the opinion of the law officers of the Crown, and the opinion thus obtained was, that the prescribed distance of three miles mentioned in the convention, was to be measured from the headlands, and from the entrances of the bays or indents of the coast, and that there was no right on the part of American citizens to enter the bays, &c., or take fish, although they should be taken at a distance of three miles from the shores. By this construction, if adhered to, we are excluded from the Gulf of St. Lawrence, (though I think I shall hereafter show that the fishing in this Gulf was not affected by the treaty of 1818,) Bay of Fundy, Bay of Chaleur, and the other waters in which the principal part of our fishing in those regions is pursued. Against this construction our Minister at the Court of St. James remonstrated; and, after reiterated remonstrances, the British Ministry, in 1845, receded from their construction, or enforcement of it, so far as related to the Bay of Fundy; and in practice, there has been no earnest attempt to enforce it in the other bays and waters until the present year. But now, sir, since the inhabitants of the Provinces have discovered their advantages in supplying our market under the tariff of 1846, it suits their convenience and interest to enforce their construction, and repel us from the fishing grounds. If they are successful, it will add much to their already flattering prospects of supplanting us in the fish trade of our own market. Sir, if there is any philosophy in politics or governmental movements, nothing can be better demonstrated than that the tariff of 1846 has brought upon our fishermen the troubles which they now experience from this source. The colonies, having thereby tested the advantages of our market, are now strenuous in their efforts to extend them. Their present attempts are to monopolize them entirely. This has become evident from the whole circle of events since our destructive policy has admitted their fish into our ports under an *ad valorem* duty, which, in practice, amounts to almost nothing.

For the purpose of obtaining these advantages, the Imperial Government has been induced to lend her aid to the colonies, and station armed steamers, ships, and cutters in the waters, to be joined by those of Newfoundland, Canada, Nova Scotia, and New Brunswick, to drive us from our pursuits. If these insults are tamely submitted to, we shall lose that which has been the principal pride and foundation of American commerce, and which has had no small influence in increasing the American tonnage from that of about nothing to nearly 4,000,000 tons. Sir, it is not the character of the New England fishermen, any more than it is that of our distinguished statesmen, to claim that which does not belong to them. If they could not justly and honorably retain these fishing facilities, I assure you that they would *scorn* the possession of them.

But I contend, sir, that the commissioners of this Government in the convention of 1818 never intended, and never did, expressly or impliedly, alien or relinquish the rights or liberties which the British Government say they did, and for the following, among other reasons:

1st. Because it was well known to the commissioners—Messrs. Gallatin and Rush—that the fishing rights were of great importance to the country; that at the treaty of 1814, at which Mr. Gallatin was also a commissioner, the subject of the shore as well as vessel fishery was introduced, discussed, and claimed as appurtenant to the independence of the country, and as a right recognized under the treaty of 1783; also, that the commissioners were instructed by Congress not to give up any of the rights under that treaty.

They were also aware that the British commissioners, during the negotiations of 1814, did not even *claim* the relinquishment of any part except the *shore* fishery, which is *within* the three miles of the shores of the bays, &c., and that the consultations proceeded upon this basis alone; and that Lord Bathurst then said:

"As, on the one hand, Great Britain could not permit the vessels of the United States to fish within the *creeks* and *close* upon the *shores* of the British territories, so on the other hand, it was by no means their intention to interrupt them in fishing *anywhere* in the open sea, or without the territorial jurisdiction, a *marine league* from the *shore*."

And that at another interview, he said:

"It is not of fair competition that His Majesty had reason to complain, but of the preoccupation of the British *harbors* and *creeks*."

Thus acknowledging that no complaint or objection was made to our fishing three miles from the shores, but that the objections were to our occupying the *harbors*, *shores*, and *creeks*, hauling seines, drying fish, &c., to the exclusion of the British. I submit, that with a knowledge of these facts, it is not to be supposed that our commissioners yielded what the British now contend for, unless such is the *only* interpretation of the language of the treaty, which is by no means the case.

2d. Because the commissioners put a different construction upon the treaty at the time it was made.

On the day that the treaty was signed, they wrote to the Secretary of State, saying they had agreed to the insertion of the renunciatory clause, "with a view of its being expressly stated, that our renunciation extended only to the distance of *three miles;*" and that from their information, &c., "all the fishing grounds, with the exception of the *open-boat fishery*, on the whole coast of Nova Scotia, is more than three miles from the *shore*."

Now, sir, as the bay and shore fishery was the only subject upon which they were negotiating, this renunciation to the distance of three miles from the *shore*, according to their understanding, applied to bays, harbors, and creeks, within which the *boat* fishery only was carried on. This will appear more apparent when I show, as I trust I shall, that by the letter and spirit of this renunciatory clause, it applies to the fishing *liberties*, instead of the fishing *rights*, which distinction had always been kept up in all the negotiations, and that the *liberties* were what we had in the bays, creeks, harbors, &c. Thus, sir, the very subject-matter of which the renunciatory clause treats, was the *inner*, and not the outer fisheries, and of course the three miles must be applied to them, and nothing else, and so did the commissioners intend.

3d. Because Great Britain herself did not suppose that we had yielded what she now claims. She has put, or permitted to be put, upon the treaty of 1818, a very different construction.

Sir, construction determines the law and extent of a contract. Betwixt citizen and citizen the Government itself, through its judiciary, performs this duty; but in contracts betwixt Government and Government there is no tribunal, no umpire, except the parties themselves. They make their own constructions, and if not acquiesced in, "war and might determine the right." War, however, is the last resort. Thousands of pacific constructions are made to one of the belligerent. Pacific constructions are made by Governments as by individuals, sometimes by mutual express agreement as in conventions and treaties, sometimes by actions and practice, and sometimes by *non-action*, acquiescence, or implied permission. Whatever a Government does, expressly or impliedly, is as binding upon it as upon an individual. Now, sir, I contend that Great Britain, upon all the principles of implication, has put, or permitted to be put, the same construction upon the renunciatory treaty of 1818 as that which the American fishermen are now contending for. She has looked quietly on and made no formal resistance, whilst we, for a period which gives title to the most important estates, have been claiming and possessing the premises which she now attempts to deny to us. Is it to be admitted that one of the contracting parties to an agreement or treaty will look quietly on and see a supposed breach made of it, commencing contemporaneously with the contract itself and continued for thirty-four years without taking action upon the subject? It is contrary to all the principles of human nature; and so forcible is the inference in such cases that the judicial tribunals of all civil countries have been driven to deduce it as a conclusion of law that no actual breach has been made.

Now, sir, what are the facts in relation to Great Britain upon this subject?

Immediately after the treaty the American fishermen withdrew their fishing operations to within three miles of the shores of the interior of the bays, &c., and claimed that line as their boundary. They have ever since, from 1818 to the present time, made continued claim and kept up continued occupation of these waters for their fishing purposes. This has been done in open sight of the Provincials and the Provincial Governments, and with a full knowledge on the part of the Imperial Government. Even their State vessels, sent into these waters to see that the treaty was adhered to and to protect their own rights under it, have seen

these waters, without the three miles, swarming with American fishermen, and yet have not molested them. They have even seized some for supposed violations, and, finding that they were three miles from the *shores* of the *bays*, &c., have released them without trial. British Admiral Milne, in his instructions to Captain Chambers, who was to cruise upon the coast, says:

"On your meeting with any foreign fishing vessels fishing or at anchor *in any of the harbors or creeks* in His Majesty's North American Provinces, or within our maritime jurisdiction, you will seize," &c.

These would be extraordinary instructions, indeed, to a maritime force whose duty it was to keep our vessels three miles from the headlands or entrance of the bays of the country. Captain Chambers, in his report, says that he did seize vessels found fishing in the *creeks* and *harbors*, and within the interdicted limits of the three miles in the bays, &c. He speaks not of seizing any others.

The schooner Commerce, one of our fishing vessels, is reported to have been seized in the Gulf of St. Lawrence, and sent in for trial by a colonial cutter, and was released after a hearing, because, though within the *body of the gulf*, no offense had been committed within the *shore* prohibition. In an official letter of the commander of another British revenue vessel, whose duty it was to protect the fishermen of the Provinces, it is stated "that from six hundred to seven hundred 'sail of American fishermen drive into the gulf 'annually, where they remain without molesta-'tion from the Governments."

If this silent permission on the part of the British, under our continued claim and practice, was not an assent to the construction which our fishermen put upon the treaty, as unequivocal, and more so, than words could make it, then we must acknowledge that diplomatic negotiations and judicial tribunals have heretofore made wrong conclusions and deductions from the actions of nations and men. I do not intend to wink at the fact, that as early as 1841, twenty-three years after our practical construction commenced, the British Ministry, through their law officer, on a case made up by the House of Assembly of Nova Scotia, did avow their constructive opinion of the treaty, which was the same that they are now endeavoring to enforce; but on the remonstrance of our Government, through our Minister in London, Her Majesty's Government receded from the enforcement of it. What effect the postponement of the enforcement of their opinions should have upon the present difficulties, I will not now say; for the good resolution continued but a short time. Lord Stanley, it appears, communicated it to Lord Faulkland, Lieutenant Governor of Nova Scotia, by a dispatch of May 19th, and Lord Faulkland being dissatisfied with the liberal notions of the Home Government, requested that all negotiations should be stopped until he could have an opportunity of addressing Lord Stanley on the subject. On the 2d of July he communicated his objections, with the law opinion of the Attorney General of Nova Scotia. The proceedings on the part of Nova Scotia caused Her Majesty's Government to adhere to its former construction, "except so far as related to the Bay of Fundy." Yet, sir, *this* construction has never earnestly been attempted to be enforced until the present season.

By this and other circumstances, we have evidence that it is the will of the Colonial Governments, and not of the Imperial, that is now being enforced. And a view of the history of these proceedings, if I had time to give it, would show that this is one among many of the appliances, which the British colonies are making for the purpose of effecting a long-desired object, viz: a reciprocity of trade and navigation between them and the United States. Having obtained, under the tariff of 1846, an advantage in our fish market, they are determined, by means of their low labor, and natural facilities, to monopolize the whole of its profits, either by free trade or excluding us from the fishing grounds.

If the tariff of 1846 had never been enacted, we never should have seen the British Navy seizing our fishermen and driving them from their fishing haunts. Free trade or expulsion from the fishing-grounds, seems to be their intention. The one with them is about equivalent to the other. I do not say that, by the superior energy of our fishermen, we might not compete with them against all disadvantages, provided we could have the *shore* fishery; but without this, I contend that reciprocity would be *death* to our fishermen, and extremely injurious to the country. Sir, I am here, again, *deeply* impressed with the importance of immediately so regulating the tariff of 1846 as to protect us from the *game* which the British Ministry are now attempting to play upon us. Raise your tariff, sir, to a prohibition of the importation of fish from the Colonies, and you would no longer see the British fleet chasing our fishermen from their industry.

Again, sir: Independent of any treaty or construction, favorable or unfavorable, our fishermen have gained the right which they claim. Thirty-four years of claim and occupation on the part of our fishermen, independent of the rules of implied construction, would, by the principles of the law of England itself, give us a *new* and *original* right, if such were wanted to make out our case. By the great principles of justice, as embraced in the common law of England and all other civilized countries, if one person claims and enjoys openly a right or title to another's estate for twenty years, and the right is not contested within that time, a *grant* is presumed, and the juries are so instructed. A lost grant may be pleaded; and evidence of twenty years' uninterrupted possession is proof, as the courts say, that a grant was made and lost. This rule of presumption has become so interwoven with our knowledge of the affairs of men, that courts have adopted it as a rule of action.

Now, sir, why should not this rule of wisdom be applicable to nations as well as to individuals? Why should it not be applied to England as well as to her subjects? I contend that it should; and that, by the evidence of thirty-four years' possession, under a claim of title, by the law of nations and the perfection of human reason, as the common law is called, a *new* grant, if necessary, may be presumed and pleaded from the British Government.

Vattel, after reasoning upon the subject, and showing that a nation may have a fishery on its coast, and exercise the sole control over it, says:

"But if so far from taking possession of it, it *has once* acknowledged the common right of other nations to come and fish there, it can no longer exclude them from it; it has left such fishery in its primitive freedom, at least with respect to them who have been in possession of it."

This national law is laid down as applicable to the English herring fishery on the same coasts where our rights of fishing are now contested. Sir, can any American citizen, or citizen of any other country where law and order is known, either national or municipal, doubt that England, either by cotemporaneous construction, tacit acquiescence in our possession for thirty-four years, or upon the principles of lost grant, has yielded to the American fishermen the rights which they now claim?

Again, sir: Without the aid of cotemporaneous and implied construction, thirty-four years' possession, and an undoubted *new* or lost grant, let us look to the treaties themselves, and see if, by any construction, our fishermen can be ejected from the gulf and bays of the Provinces.

Whether the war of 1812 had or had not extinguished our *liberties* of fishing cannot now be brought into the question. We made a *new* agreement with respect to *them* by the treaty of 1818. I do not, by this, mean that we made any new agreement by that treaty as to the *rights* of fishing, which, as I shall presently show, are very distinct, and based upon a different foundation from that of the *liberties*. The *liberties* were affected by the treaty of 1818, and not the *rights*. The question is, What liberties did we renounce or give up by that treaty? The renunciatory clause reads as follows:

"And the United States hereby renounce, forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish, on or within three marine miles of any of the coasts, bays, creeks, or harbors, of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors, for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

It will be perceived that we renounced the *liberty* to take fish within three miles of any of the coasts, bays, creeks, or harbors, &c. Now, what bays, creeks, or harbors, were intended to be renounced by this clause? It is a general rule of law in construing a contract, that each part of it must be considered as referring to the subject-matter, and as explanatory of the other parts. The second paragraph of this renunciation serves to interpret the preceeding one. It says:

"*Provided, however*, That the American fishermen shall be admitted to enter *such* bays or harbors for the purpose of *shelter*, and of repairing damages therein, of purchasing wood, and of obtaining water," &c.

Now, sir, one of two positions must be admitted—either that these bays, &c., from which we were to be excluded, consisted only of such bays, creeks, and harbors, as are frequented for shelter, for repairing damages, for wood, water, &c., or the high contracting parties must be charged with the absurdity of supposing that the open waters of the Gulf of St. Lawrence, Bay of Fundy, and Bay of Chaleur, were convenient and appropriate places for the American fishermen to repair their vessels, and supply themselves with wood and water. I trust that no individuals or Government will do the commissioners the injustice to say, that the latter was the position which they assumed. *Such* bays and harbors as we renounced were those into which vessels go for repairs, wood, and water. And *such* were the bays and harbors, &c., concerning which the complaints had arisen that we preoccupied them, to the exclusion of the British fishermen.

Again, sir, I have heretofore alluded to the broad and recognized distinction betwixt the *right* and *liberty* of fishing in these British waters. I shall now proceed to show that our *right* of fishing in the *whole* of the Gulf of St. Lawrence, which includes the Magdalen Islands, Prince Edward's Island, and other valuable coast and shore fisheries, has never been touched or affected by any treaty since that of 1783, by which it was recognized and stipulated for.

At the close of the Revolution, the United States claimed these fisheries in common with the British, as a *right* appurtenant to the country, and which had become fixed by the acknowledgment of independence. The British, on the other hand, contended that we had no *right*, but that if any privilege in them appertained to us, it was a *liberty*. It is important for the committee and the country to note the denomination of the easement which each was tenacious of. The Americans denominated it a *right*. The British denominated it a *liberty*. However unimportant this distinction may appear at the first view, yet it was considered of *vast* importance by those who negotiated the treaty of 1783, and I intend to show that it is equally as important in construing the treaty of 1818. The *right* signified the holding of the fishery independent of, and without the permission of England; but the *liberty* signified the holding it under contract, and by her consent. In the former case, a subsequent war would not abrogate it; but in the latter, it would, unless provided for anew in the treaty of peace. If any one will examine the diplomatic correspondence and debates of the peace commissioners of 1783, he will find much earnestness in the discussions upon this subject. It was then that John Adams said:

"Gentlemen, is there or can there be a clearer *right*? In former treaties, that of Utrecht and that of Paris, France and England have claimed the *right* and used the *word*." "If occupation, use, and possession give a *right*, we have it as well as you." "If war, and blood, and treasure give a *right*, we have it as well as you." "If the *right* cannot be denied, why should it not be acknowledged and put out of dispute?" "Why should we leave room for illiterate fishermen to wrangle and chicane?" "The *right*, the *right*, or no treaty."

The reasoning of Mr. Adams was confessed to be good, but the British commissioners doubted their authority to acquiesce. Mr. Adams again pressed the matter, and said he would never sign the treaty without the acknowledgment of the *right* and not the liberty. Eventually the treaty was made, in which the *right* in certain parts and the *liberty* in others was acknowledged. This treaty of 1783, upon its face, shows that it was the result of a compromise betwixt the *right* and the *liberty*, for both are provided for by its terms.

The first provision of the treaty, which acknowledges the *right*, reads as follows:

"It is agreed that the people of the United States shall continue to enjoy, unmolested, the *right* to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish."

The second provision, which acknowledges the *liberty*, reads as follows:

"And also, that the inhabitants of the United States shall have *liberty* to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island;) and also, on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America."

Here, sir, we find the two distinct interests provided for by two distinct, though immediately connected clauses. If they were synonymous, they would both have been included in the same clause; but they were not; they were so different as to be separately stipulated for.

By this treaty we have the British acknowledgment of our title to a *right* on the Grand Bank, and on all the other banks of Newfoundland, in the *Gulf of St. Lawrence*, and at all other places in the sea where, &c. And the grant or acknowledgment of a *liberty* to fish on such parts of the coast of Newfoundland as the British fishermen shall use, and on the coasts, bays, and creeks of all others of His Britannic Majesty's dominions.

With these facts and distinct titles before us, we will proceed to the next stage of their history, which grew out of the war of 1812. At the treaty of 1814, and the subsequent correspondence, it was contended by the British commissioners that the war had abrogated our title to the fisheries. They did not contend, however, that it had abrogated our *right* to the fisheries, but the *liberty* which depended upon treaty or contract. Thus, in Lord Bathurst's correspondence with John Q. Adams, he says, referring to the treaty of 1783:

"In the third article Great Britain acknowledges the *right* of the United States to take fish on the banks, &c., from which Great Britain has no right to exclude," &c., &c.

And further, he says:

"It is surely obvious that the word *right*, is throughout the treaty (the treaty of 1783) used as applicable to what the United States were to enjoy in virtue of a recognized independence; and the word *liberty* to what they were to enjoy as *concession, strictly dependent on the treaty itself.*"

The treaty of 1814 was finally concluded, with no settlement whatever in regard to the fisheries, or the effect which the war should have upon them. The titles of the *right* and the *liberty* were therefore held in abeyance, at least the latter, until the *third* era or stage arrived, which was that of 1818, in which we have paper muniments and evidence.

What effect did this treaty or convention have upon the two titles of *right* and *liberty*? Sir, this convention treated of but one of those titles, leaving the other as it existed under the treaty of 1783.

The treaty of 1818, which I have before quoted, so far as it relates to taking fish, reads as follows:

"Whereas differences have arisen respecting the *liberty* claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of said Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands; and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. And the United States hereby renounce forever any *liberty* heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors, for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

Now, sir, the preamble of this treaty shows that but *one* of our titles to the fisheries was to be modified or affected thereby. It says: "Whereas differences have arisen respecting the *liberty* claimed by the United States," not the *right*. The subsequent part of the treaty confines itself to the same title, the *liberty*. It says: "And the United States hereby renounces, forever, any *liberty* heretofore enjoyed or claimed," &c.

Sir, this treaty operates upon the *liberty* alone, which Lord Bathurst contended had been affected by the war; but not one word is said or contained in it relative to the *right* of fishery, which Lord Bathurst had admitted were *not* affected by the war.

Now, sir, let me ask this committee and the country, to refer to the treaty of 1783, and see in what part of these fisheries we had a *right*, instead of a *liberty*. Sir, among other places, we had and have still a title of *right* in the whole of the Gulf of St. Lawrence. Let the British Ministry, or any other power on earth, construe the treaty of 1818 as they will respecting the *liberty* on the bays, creeks, and harbors, still it cannot affect the title of *right* in the Gulf of St. Lawrence, which has never been modified or altered since the treaty of 1783, and the subsequent expression of Lord Bathurst, that it could *not* be modified or altered. I will leave it to the fishermen and the country to define the extent of the Gulf of St. Lawrence. It contains, besides the Magdalen Islands and Prince Edward Island, many other important coasts, shores, &c., which are resorted to for our fishing purposes.

Sir, I have read accounts within one day of our fishing vessels being *seized* in the Gulf of St. Lawrence for a breach of the treaty of 1818! They might, with the same propriety, seize vessels in Plymouth Bay or Provincetown harbor for having made a breach within the purview of that treaty, as to seize them in the Gulf of St. Lawrence. I contend that every inch of that Gulf may be traversed by our fishermen in pursuit of their industry, with no breach of any convention, and with no one rightfully to molest them or make them afraid. Our title of *right* in that water has never, no, *never* been discussed or jostled since 1783, when it was first acknowledged by the British Government. Sir, I am willing to submit this opinion to the country, *knowing* that when it is fully understood, they will concur with me.

Under these views of the subject and its difficulties, I hope the Government will not be tardy, but send such a naval force into those waters as will convince the British that the rightful industry of our fishermen is not to be insultingly tampered with.

Sir, the attacks from without and the obstacles within which impede the course of the twenty thousand or more fishermen of our country, are of no trifling importance. By their pursuits they scarcely obtain a competency for themselves and families. But to how many millions of citizens and of property are their sufferings and labors made subservient! Their adventures produce not only the necessaries of life and the energies of commerce, but the securities of peace and the life-blood of war. Their calling is fraught with experiences which arouse the noblest faculties of the man. The very element upon which they move inures them to danger, and prepares them to overcome the obstacles of life. The ocean has no wave, no chasm, which can cause them to quail, and which they will not ascend and descend with a heart as buoyant and fearless as the bravest of the brave. Such is their character; and such has been their appreciation in some ages and countries that even the shafts of war have not deigned to molest them.

The treaty of 1799 betwixt the United States and Prussia provides that fishermen, by reason of their occupation being for the common subsistence and benefit of mankind, shall be allowed in time of war to continue their employment unmolested.

Sir, no class of men ever received protection from your Government who have given a like satisfactory response to its patronage. They have been worthy recipients of the small bounty from your Treasury. They have been encouraged by our bounty; the object of which was, and still is, that through their industry a marine force may be reared which can be made available, not only to commerce, but to our Navy, when the emergency may call for it. In this policy the Government has not been deceived. It is no longer a theory, but a demonstrated fact, that the fisheries indeed are the nursery of our seamen.

The fishermen's devotion to their country has not been less conspicuous in deeds of war than in usefulness to commerce. No sooner do belligerent relations drive them from the deck of the fishing vessel than they find them in the foretop of the frigate. No patriots have responded more readily to their country's call than the fishermen of New England. Who were the seamen in the two wars that guarded our coasts and captured the gallant ships of the British navy? They were mostly the fishermen of our country. Where were they educated for these duties? In the free schools of New England, on the banks of Newfoundland, and in the Gulf of St. Lawrence. Whence could these seamen have been supplied, had not Congress, in its wisdom, encouraged the fishing industry? I leave this for others to answer.

If any one doubts their usefulness and importance, let him refresh his memory by turning over the pages of the Revolution and the naval history of the country. He will there find the naval achievements of the celebrated Captain Manley, and others, of Marblehead, called the "hook and line, bob and sinker cruisers," who did honor to their country. It is related, upon authority, that in the small town of Marblehead "at the close of the Revolution there were more than thirteen hundred widows and fatherless children" who had been so rendered by deeds of war. At the close of the war in 1815, it is said that more than five hundred citizens of this town were released from one British prison.

A celebrated fisherman of the State of Maine, Skipper Tucker, as he was called, captured more guns, during the revolutionary war, than any naval commander in the service. He was the commander of the ship that carried John Adams to Europe in 1779, on which occasion he not only exhibited his superior naval talent, but patriotic obedience and fidelity to the orders of his country. It is related of him that, on his passage, he fell in with an enemy, resolved to fight him, and requested Mr. Adams to retire below to a place of safety; but he soon observed him with a gun fighting as a common marine, and in tones of authority ordered him to leave the deck. Mr. Adams, however, continued at his post, when Commodore Tucker at last seized him and forced him away, exclaiming, "I am commanded by the Continental Congress to carry you safely to Europe, and by —— *I will do it.*"

Where were the fishermen at the siege of Tripoli? They were there, sir, fighting for the honor of their flag and the liberty of the seas. Where were they in the war of 1812? They were sailing your war ships upon the Atlantic and the Lakes.

It is said, sir, by a writer of reputation, "that without our fishermen, we could hardly have manned a frigate or captured one during that war." Marblehead alone, as I have before said, furnished more men for the public service during that period than some whole States. I do not pretend, sir, that the enlisted peace establishment of the Navy is made up of fishermen. Far from it. The term "man-of-war's man" is exceedingly repugnant to their feelings and their enterprise. They are not of that class who perform patriotic duties for the "rations and the stipends." They are the men for the emergency. They will leave their fishing rails to fight your battles when the exigency requires it; but to return to their calling when peace will permit it.

This, sir, is the class of men for whom I speak, and whose industry and art I ask the Government to protect. The indication of the times, the scarcity of seamen, and the weakness of our Navy require it. England has her forty thousand, and France her twenty-one thousand naval seamen; and the policy of this Government should be to provide a reserved corps, from which a marine force could be called forth to meet them.

The circumstances which affect the New England fishermen are not the less oppressive because of their patience. Citizens of other callings similarly affected would undoubtedly besiege the Capitol, and quarter themselves in every corner and lobby of the House. They come not here themselves; neither do they look to the legislation of the country as a speculating matter for the creation of their wealth. They are upon the ocean, buffeting the storms, and trying to draw up the treasures of the deep. In their name, I will ask the

Government to disperse the British cruisers that have now *pounced* upon them, and adopt such a policy as will relieve them from their embarrassments, and protect their industry.

Sir, I propose the following as the course and policy which the condition of the fisheries and our naval and marine interests demand of the Government:

1st. That the British cruisers which are attacking our fishing vessels on the coasts of the British Provinces, should be withdrawn; and that by convention, or otherwise, arrangements should be made for our fishermen to enjoy their *right* of fishing in all parts of the Gulf of St. Lawrence, according to the treaty of 1783, and their *liberty* of fishing within three miles of the harbors and creeks of the Provinces, according to the treaty of 1818.

2d. A law authorizing the licensing of vessels for the mixed fishery of codfish and mackerel, giving to said fishery the same bounty that is now given to the codfishery, and extending the time to be employed at sea to five months instead of four.

Also, allowing the fish taken to be disposed of in a fresh, green, or dried state, as may best accord with the judgment of the owner and crew.

I have prepared a bill embracing these provisions, which is now pending before the Committee on Commerce, and shall annex a copy of it to these remarks.

3d. In case the above-prescribed law should not be acceptable, then that a resolution or law be passed to obviate the difficulties which have arisen from the constructions put upon the existing law by the circulars from the Treasury Department.

4th. That the tariff of 1846 be so modified as to prohibit or essentially restrain the importation of fish from the British Provinces.

This policy, with such modifications as further investigations may suggest, I consider essential to the welfare of the fishermen, and the commerce and navy of the country, and to it I ask the attention of the Legislative and Executive Departments of the Government.

A BILL to authorize the licensing of vessels to be employed in the mixed fisheries of codfish and mackerel; granting allowances to vessels so employed, and to encourage the increase of American seamen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of January next, it shall be the duty of the collector of the district to which any vessel may belong, on application for that purpose by the master or owner thereof, to issue a license for carrying on the mixed fisheries for codfish and mackerel, to such vessel, in the form prescribed by the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed the eighteenth day of February, in the year one thousand seven hundred and ninety-three: *Provided*, That all the provisions of said act respecting the licensing of ships or vessels for the coasting trade and fishery, shall be deemed and taken to be applicable to licenses and the vessels so licensed by this act for carrying on the mixed fishery for codfish and mackerel, as aforesaid.

SEC. 2. *And be it further enacted*, That there shall be paid on the last day of December annually, to the owner of every vessel, his agent, or lawful representative, by the collector of the district where such vessel may belong that shall be qualified according to this act for carrying on the mixed fisheries aforesaid, and that shall actually have been employed in such mixed fishery, or either of them, at sea, for the term of five months, at the least, of the fishing season next preceding, which season is accounted from the last day of February to the last day of November in every year, for each and every ton of such vessel's burden, according to her admeasurement, as licensed or enrolled, four dollars, of which allowance three eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five eighths thereof shall be divided by him, his agent, or lawful representative, to and among the several fishermen who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish which each one may have caught shall bear to the whole quantity of fish taken on board such vessel during the whole season: *Provided*, That no owner of any vessel shall be entitled to any allowance under this act, who, for the same season, shall claim, or is entitled to, any allowance on the same vessel under any other statute of the United States relating to fishermen, or vessels employed in the fisheries: *And provided further*, That the allowance aforesaid on any one vessel, for one season, shall not exceed $360.

SEC. 3. *And be it further enacted*, That no vessel employed as aforesaid shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on his voyage, make an agreement in writing or in print, with every fisherman employed therein, stating the time for which he has shipped, and the general terms and conditions of the voyage; also the pay, share, or other compensation, which he is to have for his services and catchings whilst so employed, which agreement shall be indorsed or countersigned by the managing owner or agent of said vessel; and under such agreement all the rights, duties, and liabilities of owners, vessel, and fishermen, shall be the same as those provided for by an act entitled "An act for the government of persons in certain fisheries," passed the nineteenth day of June, in the year eighteen hundred and thirteen.

SEC. 4. *And be it further enacted*, That the said allowance shall be paid only on vessels, the officers and, at least, three fourths of the crew of which shall be proved, to the satisfaction of the collector of the district where such vessel shall belong, to be citizens of the United States, or persons not subjects of any foreign prince or State.

SEC. 5. *And be it further enacted*, That the owners of every fishing vessel licensed for the mixed fisheries as aforesaid, his or their agent or lawful representative, shall, previous to receiving the allowance herein provided for, produce to the collector who is authorized to pay the same, the original agreement or agreements, which may have been made with the fishermen employed on board such vessel as herein before required; and also a certificate to be by him or them subscribed ——— therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares she may have made in the preceding fishing season, which shall be verified by the production of the log-book or journal which shall be kept on board of every such vessel, and the oath or affirmation of such owner, agent, or representative.

SEC. 6. *And be it further enacted*, That if at any time, within one year after payment of such allowance, it shall appear that any fraud or deceit has been practiced in obtaining the same, the vessel upon which such allowance shall have been made, if found within the district where it was paid, shall be forfeited; otherwise the owner or owners having practiced such fraud or deceit, shall forfeit and pay $500, to be sued for, recovered, and distributed in the same manner as forfeitures and penalties are to be sued for, recovered, and distributed for any breach of the act entitled "An act to regulate the collection of duties on imports and tonnage."

SEC. 7. *And be it further enacted*, That any person who shall make any false declaration in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States having jurisdiction of such offense, shall be deemed guilty of willful perjury, and shall be punished accordingly.

SEC. 8. *And be it further enacted*, That the vessels duly licensed betwixt the first day of January, in the year eighteen hundred and fifty-two, and the first day of January, in the year eighteen hundred and fifty-three, for the carrying on of the Bank and other codfisheries, under the provisions of an act entitled "An act for the enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed on the eighteenth day of February, in the year seventeen hundred and ninety-three, shall not be deemed or taken to be liable to the forfeitures imposed by the fifth and thirty-second sections of said act for being engaged in catching mackerel under such license, neither shall the taking of mackerel as aforesaid, nor the sale of the codfish caught in the green or fresh state, instead of that of a salted and cured state, at any time hereafter, be any objection to the payment of the allowance to the owners of such vessel which is provided by the law to be paid to the owners of vessels employed in the Bank and other codfisheries: *Provided*, Such vessels shall, in entire or parts of voyages and fares, be employed at sea, in the codfisheries, the whole time which is required to entitle fishing vessels or owners to such allowance, and shall, in all other respects, comply with the laws relating to Bank and other codfisheries.

SEC. 9. *And be it further enacted*, That the allowance granted by this act to vessels employed in the mixed fisheries, for codfish and mackerel, shall be paid, whether the codfish and mackerel are disposed of in a fresh, green, pickled, or cured state, and whether exported to foreign countries or consumed in the United States.

SEC. 10. *And be it further enacted*, That all laws giving a bounty on the exportation of pickled fish, so far as they are applicable to mackerel and codfish, and all other laws inconsistent with this act, are hereby repealed.

PUBLIC LAND POLICY OF THE UNITED STATES.

SPEECH OF HON. J. D. FREEMAN,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

August 13, 1852.

The House being in the Committee of the Whole on the state of the Union on the Army Appropriation Bill—

Mr. FREEMAN said:

Mr. CHAIRMAN: I have desired for several weeks to address the committee on the subject of the public land policy of the United States. The southern and western States are deeply interested in this question; and inasmuch as this House have thus far refused to adopt the several railroad measures recommended by the Committee on Public Lands, of which I am a member, I feel it my duty to make one more effort in favor of those measures.

I maintain, *first*, that the public lands originally ceded to the United States, were to be disposed of by Congress for two distinct purposes, viz: to *pay the public debt* and *to build up new Republican States; second*, that the lands subsequently acquired by treaty with France, Spain, and Mexico, by the terms of those treaties, are consecrated to the same purposes; and *lastly*, that the granting of alternate sections of land, as provided for by the several railroad bills before the House, is not only a legitimate exercise of constitutional powers expressly conferred upon Congress, but is the surest mode of increasing the public revenue, and encouraging the growth of new republican States in our public domain.

I will now proceed to demonstrate these positions by the law and the testimony.

TITLE TO THE PUBLIC LANDS.

In the course of the discussions in this House on the proposed grants of lands for railroads, much has been said of the title by which we hold the lands. We are told England acquired the country by discovery—that the colonies achieved it by revolution—that the States ceded the lands to the United States for the joint benefit of all the States, and that therefore they cannot be granted to a single State for any purpose whatever. These investigations have all proceeded upon the hypothesis that the public lands, whether ceded by the old States, or purchased by the Federal Government, were *consecrated alone* to the *acquisition of revenue*. This radical error runs through all the opposition speeches. It seems never to have occurred to these dollar and a quarter per acre statesmen, that the chief policy connected with our public lands was the *settlement and enlargement* of our national domain, and the building up of new Republican States within our limits. The fact that we have increased from thirteen meagre colonies to thirty-one great States and several Territories, and from three millions of British subjects to twenty-six millions of free citizens of the United States, is to them a trifling consideration compared with the "almighty dollar." Let us now recur to the historical facts as they appear in the public records of the country.

The independence of the United States was declared by Congress on the 4th of July, 1776. On the 14th of August, 1776, Congress passed a resolution inviting foreigners to leave the armies of Great Britain and become members of the United States; and also declaring "that this 'Congress will *provide* for every such person *fifty* 'acres of *unappropriated* lands *in some of these* 'States, to be held by him and his heirs in abso-'lute property."

On the 27th of August, 1776, Congress passed a similar resolution, encouraging officers and soldiers to desert the British armies, and offering, according to rank, from one hundred to one thousand acres of land, *to be procured in some of the States.*

On the 16th of September, 1776, a resolution was passed, giving bounty lands to officers and soldiers of the American Army; and the expense of *procuring the land* was to be *borne by the States* in the *same proportion as the other expenses of the war.*

On the 9th day of July 1778, the articles of Confederation were entered into; but by these articles it was provided "that *no State shall be deprived of territory for the benefit of the United States.*"

At this period, the State of Virginia, in addition to its present boundaries, claimed all the territory now covered by the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

North Carolina claimed the territory now covered by Tennessee; Georgia claimed that covered by Alabama and Mississippi; and South Carolina, New York, Connecticut, and Massachusetts had other unsettled claims of territory. This left Maryland, New Jersey, Rhode Island, Vermont, Delaware, and New Hampshire with comparatively small quantities of territory; and if the large States retained all the territory claimed by them as being within their colonial limits, it would enable them, in time, by the increase of population and wealth, to control the legislation of the whole Confederacy, and thereby deprive the small States of their proper influence in the Federal Government. They refused to remain in the Union upon such unequal terms, and required, as a *sine qua non* to the perpetuity of the Union, that the large States should yield up their unoccupied territory, as common prize of war, for the benefit of the whole Confederacy. By the articles of Confederation Congress had been deprived of all legislative power over this subject. Congress therefore determined to appeal to the patriotism of the large States to yield to the demands of the small States; and accordingly, on the 10th day of October, 1780, passed the following resolution:

"*Resolved*, That the unappropriated lands that may be

ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be *disposed of for the common benefit* of the United States, and be *settled* and *formed* into *distinct republican States*, which shall become members of the Federal Union, and have the same rights of *sovereignty, freedom, and independence* as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, &c.; that the said lands shall be *granted* or *settled* at *such times* and under such *regulations* as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

It will be observed that this resolution contains the following distinct propositions relative to the lands ceded or to be ceded:

1st. That said lands shall be *disposed of* for the common benefit of the United States.

2d. That they shall be *settled* and *formed* into *distinct republican* States, with specified quantities of territory.

3d. That said States shall become members of the Federal Union, with the *same rights* of *sovereignty, freedom*, and *independence* as the *other States*.

4th. That said lands shall be *granted* or *settled* at such *times* and under such *regulations* as may be agreed upon by the United States in Congress assembled, or any nine States, or more of them.

I will now demonstrate the fact that these propositions were accepted by the States making the cessions of land, that they were adhered to by the Congress of the Confederation, and finally incorporated into the Constitution of the United States.

Four months after the passage of this resolution by Congress, on the 2d of January, 1781, the Legislature of Virginia resolved that they would yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim which the said Commonwealth had to the lands northwest of the river Ohio, upon the following conditions, among others:

"1st. That the territory so ceded should be *laid out and formed into States* containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the *States* so formed should be *distinct Republican States*, and admitted members of the Federal Union having the *same rights of sovereignty, freedom*, and *independence* as the *other States*."—*Journal of Congress, vol. 4, page 265.*

This resolution identifies and accepts the previous offers of Congress.*

One year and eight months after the date of the resolutions of Virginia, on the 13th of September, 1783, Congress considered these resolutions, and resolved—

"That your committee are of the opinion that the *first condition* is provided for by the act of Congress of the 10th of October, 1780. Your committee are further of opinion that the fourth, fifth, and sixth conditions, being reasonable, should be agreed to by Congress."—*Ibid*, 266–7.

In the mean time New York had made a deed of *quit claim* to all territory save that contained within her present limits; but the other States remained inactive on the subject, and accordingly, on the 13th of April, 1783, Congress had revived the resolution of 1780 by adopting an address to the delinquent States on the same subject, which was drawn up by Mr. Madison, in which they urge the States to complete their cessions of lands, stating that "the first measure recommended was an 'effectual provision for the debts of the States. 'The amount of these debts, as far as they could 'be ascertained, was $42,000,375." * * * "The amount of the annual interest was computed to be $2,415,956."

The address further states, that "to obviate 'disagreeable consequences and confusions, Con'gress has included in their present recommend'ations a renewal of those of the 6th day of 'September and the 10th day of October, 1780. 'In both these respects a liberal and final accom'modation of all interfering claims of vacant 'territory is an object which cannot be pursued 'with too much solicitude."

On the 19th of October, 1783, Congress passed a resolution to "appoint a committee to *report a 'plan*, consistent with the principles of the Con'federation, for *connecting with the Union*, by a '*temporary government*, the purchasers and *inhab'itants* of the western territory, until their *num'ber* and *circumstances* shall entitle *them* to *form* a '*permanent constitution* for *themselves*, and as citi'zens of a *free, sovereign*, and *independent State*, to 'be admitted to a representation in the Union," &c.

On the 20th of October, 1783, Virginia passed an act to authorize their Delegates in Congress to convey to the United States all the right of that State to the territory northwest of the Ohio, "*subject to the terms and conditions contained in the beforerecited act of Congress of the 13th of September last*," &c.

On the 23d of April, 1784, a committee of Congress reported a plan of government, in pursuance of the preceding resolution, wherein they declare as follows:

"*Resolved*, That so much of the territory ceded, or to be ceded, by individual States to the United States, as is already purchased, or shall be purchased, of the Indian inhabitants, and *offered* for sale by Congress, shall be *divided* into *distinct States*, in the following manner, as nearly as such cessions will admit, that is to say, by parallels of latitude, so that *each State* shall comprehend, from north to south, two degrees of latitude, beginning to count from the completion of forty-five degrees north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of the Ohio, and the other through the western cape of the mouth of the Great Kenhawa; but the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania *shall be one State*, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the forty-fifth degree between the said meridians, shall make part of the *State* adjoining it on the south; and that part of the Ohio which is between the same meridians coinciding nearly with the parallel of thirty-nine degrees shall be substituted so far in lieu of that parallel as a boundary line.

"That the settlers on any territory so purchased, and *offered for sale*, shall, either *on their own petition* or on the *order of Congress*, receive authority from them, with appointments of time and place, for their *free males* of full age *within the limits of their State* to meet together for the purpose of *establishing a temporary government, to adopt the constitution and laws of any one of the original States*, so that such laws, nevertheless, shall be subject to alteration by their ordinary Legislature, and to erect, subject to a like alteration, *counties, townships*, or *other divisions*, for the *election of members* for their *Legislature*.

"That when any *such State* shall have acquired twenty thousand free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to *establish a permanent constitution* and *government* for themselves: *Provided*, That both the *temporary* and *permanent governments* be established on these principles as their basis.

"1st. That they shall *forever remain a part of this Confederacy of the United States of America*.

"2d. That they shall be subject to the Articles of Confederation in all those cases in which the *original States* shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

"3d. That they in *no case* shall *interfere with the primary disposal* of the *soil by the United States* in Congress assembled, *nor with the ordinances and regulations* which *Congress may find necessary*, for securing the title in such soil to the *bona fide* purchasers.

"4th. That they shall be subject to pay a part of the Federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule or measure, by which apportionments thereof shall be made on the other States.

"5th. That no tax bill be imposed on lands, the property of the United States.

"6th. That their *respective governments shall be republican*.

"7th. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any *new State*, before the admission thereof to a vote by its delegates in Congress.

"That whensoever any of the *said States* shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen *original States*, such *State* shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said *original States*; provided the consent of so many States in Congress is first obtained as may at the time be competent to such admission. And in order to adapt the said articles of confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the Legislatures of the States, originally parties thereto, to require the assent of two thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine States is now required, which being agreed to by them, shall be binding on the *new States*. Until such admission by their delegates into Congress, any of the said *States*, after the *establishment of their temporary government*, shall have authority to keep a *member in Congress*, with the right of *debating*, but *not of voting*.

"That measures not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said *new States*, until they shall *assume a temporary government* as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

"That the preceding articles shall be formed into a *charter of compact*, shall be *duly executed* by the President of the United States in Congress assembled, under his hand, and the seal of the United States; shall be *promulgated;* and shall *stand* as *fundamental constitutions* between the *thirteen original States*, and each of the *several States now newly described, unalterable* from and after the sale of any part of the territory of such *State* pursuant to this resolve, but by the *joint consent* of the *United States* in Congress assembled, and of the *particular State within which such alteration is proposed to be made*."

It will be seen that this plan of a government provides,

1st. That the ceded *territory* "shall be divided into *distinct States*," &c., "by parallels of latitude, so that *each State* shall comprehend, from north to south, two degrees of latitude," &c.

2d. That the "*free* males of full age, *within the limits of their State*, are empowered to meet together for the purpose of establishing a *temporary* government, to *adopt the constitution and laws of any one of the original States*."

3d. "That when any *such* State shall have acquired twenty thousand *free* inhabitants," &c., they shall receive authority from Congress, &c., "to establish a *permanent* constitution and government for themselves."

4th. "That the respective governments shall be *republican*."

5th. "That whensoever any of said States shall have of *free* inhabitants as many as shall then be in any one of the *least* numerous of the thirteen *original States*, such *State* shall be admitted, by its delegates, into the Congress of the United States, upon an equal footing with the *original States*."

6th. That before such "new States shall assume a temporary government as aforesaid," Congress may, from time to time, take steps "necessary for the *preservation* of *peace* and *good* order among the settlers in *any* of the said *new* States."

7th. That these *articles shall* be "*formed* into a *charter of compact*," &c., shall stand as "*fundamental constitutions* between the thirteen *original States*, and each of the *several States* now *newly described unalterable*," &c.

I call attention to these prominent features of the "*plan* of government" reported by Congress for the "new States" to be laid out in the ceded territory, to show that it conforms to the principles laid down in the resolution of Congress of 1780 and 1783, and to note the further fact that these new political divisions of the ceded territory were not *then*, as now, called "*territorial governments*," but "temporary governments for *new States*." The impression seems now to prevail with many, that a "territorial government" is not, in any sense of the word, a *State*, and that the citizens of the Territories are disfranchised of the rights that pertain to citizens of the old States, until they form a constitution, and are admitted into the Union of constitutional States. This *Abolition heresy* will be still further exposed as the investigation proceeds, and it will be made apparent from the acts of Congress, and also of the several States subsequent to the date of this "*plan of government*," that its leading features were substantially incorporated into the ordinance of 1787, and finally into the Constitution of the United States.

This plan of government for the "new States," was reported by Congress on the 23d of April, 1784, and conformed precisely to the articles of cession already entered into between Virginia and the United States, on the 13th of September, 1783. Subsequently, on the 19th day of April, 1785, Massachusetts made her deed of cession "*to the uses in a resolution of Congress of the 10th day of October,*

* The sixth condition was, that the ceded lands "should be considered a *common fund* for the use and benefit of such of the United American States as have become, or shall become, members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their *usual respective proportions in the general charge and expenditure*, and should be faithfully and *bona fide* '*disposed of*' for that purpose, and for *no other* purpose whatsoever."

This sixth resolution had reference to the eighth article of Confederation then in force, which provided that "all charges of war, and all other expenses that shall be incurred for the *common defense* and *general welfare*, and allowed by the United States in Congress assembled, shall be defrayed out of a *common* treasury, which shall be *supplied* by the *several States*, in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint. The tax is for paying that proportion which shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States in Congress assembled."

"By the adoption of the present Constitution this article of the Confederation was repealed—this mode of taxation was abandoned, and our present system adopted, and by this means it became impossible to execute the sixth condition of the Virginia cession. Her adoption of the constitution was a recision of this condition, and therefore the power of Congress over the public lands is not restricted by this condition."

1780." On the 13th day of September, 1786, Connecticut made her deed "for the *common use and benefit of the United States.*" South Carolina passed her act of cession on the 8th day of March, 1787, "*for the use of the United States.*" Although the acts of Connecticut and South Carolina do not specifically refer to the terms of cession previously proposed by Congress, they are in general words an acceptance of the terms previously proposed by Congress, and are subject to no other construction.

From this review of the action of Congress, and the reciprocal action of the States, it is made evident that the States, by assenting to the terms proposed by Congress, become parties to irrepealable contracts for the benefit of the United States, which Congress, as a faithful trustee, was bound to execute, without any material alteration or diminution. The only alteration ever made of the terms of these cessions was in that of Virginia, at the request of Congress. On the 7th of July, 1786, it was resolved by Congress, as follows:

"That it be recommended to the Legislature of Virginia to take into consideration their act of cession, and to revise the same, so far as to empower the United States in Congress assembled to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into *distinct Republican States*, not more than five nor less than three, as the situation of that country and future circumstances may require; which *States* shall hereafter become members of the Federal Union, and have the same rights of *sovereignty, freedom, and independence* as the original States, *in conformity to the resolution of Congress of the 10th October*, 1780."

Before Virginia acted on this resolution, on the 13th July, 1787, Congress passed an ordinance for the government of the territory northwest of the river Ohio.

By this ordinance the western territory ceded by Virginia was made one district, "for the purposes of temporary government." Congress appointed a Governor and Secretary, a court composed of three judges, with common law jurisdiction, and the ordinance provided that—

"The Governor and judges, or a majority of them, shall adopt and publish in the district *such laws* of the *original States*, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but, afterwards, the *Legislature* shall *have authority to alter them as they shall think fit.*"

By the same act the district was divided into *three* States, the *western*, *middle*, and *eastern*, and it further declares, as follows:

"And for extending the fundamental principles of civil and religious liberty, which *form the basis* whereon these REPUBLICS, *their laws, and constitutions* are erected; to *fix and establish those principles* as the *basis* of *all laws*, constitutions, and governments, which *forever hereafter* shall be formed in the said Territory; to provide also for the establishment of *States* and *permanent* government therein, and for their *admission to a share in the* Federal councils on an equal footing with the *original States*, at as early periods as may be consistent with the general interest; it is hereby ordained and declared by the authority aforesaid, that the following articles shall be considered as *articles of compact between the original States* and the *people* and STATES in the said *Territory*, and *forever* remain *unalterable* unless by *common consent.*"

Following this declaration are five articles granting to the people of the new States in said Territory, all the rights common to the people of the *old States*. The sixth article declares against slavery in the Territory; but it is clear that Congress had no power to make such a declaration. All the States, with the exception of Pennsylvania, were then slaveholding States. The Governor and judges of the Territory were authorized by the same ordinance, to adopt the laws of *any of the old States;* and as the old States were, with one exception, slaveholding States, the *adoption of their laws would adopt slavery.* Moreover, Congress had no power at all over the land or the settlers thereon, save what was granted by the States ceding the Territory, and I have already demonstrated that no power was given by them over the subject of slavery. Virginia gave no such power, and never consented to it. It was, therefore, void.

By the fifth article of the ordinance it was provided that—

"There shall be formed in the said Territory, not less than *three* nor more than *five* States; and the boundaries of the States, *as soon as Virginia shall alter her act of cession and consent* to the same, shall become fixed and established," &c.

Here is a confession by Congress in the ordinance of 1787, that they had no power even to alter the boundaries of the new States proposed, without the consent of Virginia. They did not ask the consent of slaveholding Virginia to abolish slavery in the same Territory. Virginia did not give her consent, and consequently slavery was not abolished by the ordinance. In consequence of the requests of Congress, Virginia subsequently passed the following law:

"Whereas the United States in Congress assembled, did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, showing that a division of the territory which hath been ceded to the United States, by this Commonwealth, into States, *in conformity to the terms of cession, should the same be adhered to*, would be attended with many inconveniences, and did *recommend a revision of the act of cession so far as to empower Congress to make such a division of the* said *territory* into *distinct* and *republican States*, not *more than five* nor *less than three* in number, as the situation of that country and future circumstances might require. And the said United States, in Congress assembled, have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz:"

[Here the fifth article of the compact of the ordinance of 13th July, 1787, is recited *verbatim.*]

"And it is expedient that this Commonwealth *do assent* to the *proposed alteration* so as to *ratify and confirm* the said *article of compact between the original States and the people and States in the said Territory.*

"2. *Be it further enacted by the General Assembly*, That the aforerecited article of compact between the original States and the people and STATES, in the territory northwest of the Ohio river, be, and the same is hereby, ratified and confirmed, anything to the contrary in the deed of cession of the said territory by this Commonwealth to the United States notwithstanding."

It will be observed that this celebrated ordinance of 1787 had no application to any lands save those ceded by Virginia; and in order to give the fifth section of the ordinance vitality as to that territory, Virginia, by *express legislation, accepted* of the same. This ordinance had no application whatever to the lands ceded by all the other States, consequently the resolutions of 1780-'83 still remained the law of the land, as to the cessions made by the other States.

As a further evidence on this point, on the 17th of July, 1788, Congress resolved as follows:

"Whereas Congress, on the 13th of September, 1783, *fixed* the *terms* and *conditions upon which they would accept* a cession of claims to *western* territory from Virginia, and whereas the said State *agreed to the same terms and conditions*," &c.

I cite these quotations to show that the deeds of cession made by the several States were based on the resolutions of Congress, and that those resolutions *form a part of the contract of cession, and therefore define the intentions of all parties concerned*, and leave nothing open to conjecture or uncertainty.

CONSTITUTIONAL POWER OF CONGRESS OVER THE PUBLIC LANDS.

Subsequent to all these events, on the 17th of September, 1787, the Constitution of the United States was adopted, and we shall now see that the provisions of that instrument are in perfect harmony with all the previous acts of the Congress of the Confederation on this subject. We have already seen that the cessions made by the several States were *voluntary contracts*, entered into between them and Congress, for the benefit of the United States. The Articles of Confederation had declared that "no State should be deprived of any territory for the benefit of the United States." This was a prohibition upon Congress, but not upon the States—they retained the right to dispose of their own territory, and they disposed of it to the United States, making Congress a trustee to execute the deeds of cession.

By article sixth of the Constitution, it is declared that—

"All *debts contracted*, and *engagements entered into before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.*"

This provision confirms and continues the "engagements entered into" by Congress with the several States, in relation to the public lands, and incorporates those engagements into the Constitution itself.

GOVERNMENT OF THE PEOPLE OF THE TERRITORIES.

I have heretofore proven that the general principles contained in the resolution of the Congress of the Confederation of 1780, were subsequently adhered to by the ordinances of Congress, and by the States, in their subsequent cessions of territory, and that these contracts have been ratified and perpetuated by the Constitution itself. Let us now compare the provisions of the Constitution, relative to this subject, with the resolution of 1780:

The resolution of 1780 provides, 1st, that the ceded territory "Shall be '*disposed of*' for the common benefit of the United States;" "that the said lands shall be *granted* or *settled* at such times, and under such *regulations*, as shall hereafter be agreed on by the United States in Congress assembled," &c.

2d. "Shall be settled and formed into distinct *republican States*, which *shall become members of the Federal Union*, and have the same rights of *sovereignty, freedom*, and *independence* as the other States."

The Constitution provides, 1st, that "The Congress shall have power to '*dispose of*, and make all needful rules and *regulations* respecting, the territory or other property belonging to the United States."

2d. "New States may be admitted by the Congress into this Union."

3d. "The United States shall guaranty to every State in this Union a *republican form of government*, and protect each of them against invasion," &c.

The only substantial difference between the resolution of 1780 and the provisions of the Constitution is, that the resolution of 1780 defines the rights of the citizens of the "new States" by declaring that they shall have the "*same rights of sovereignty, freedom, and independence, as the other States*," while the Constitution provides in general terms that their governments shall be "*Republican.*" For all political and practical purposes they are the same.

Why did the Constitution provide that "new States" should be admitted into the Union? Where were they to come from? Clearly from the ceded territory. By the ordinance of 1787 the Northwest Territory had already been divided into *three* "new States," and were entitled eventually to become members of the Federal Union. By the terms of the Virginia cession, "new States" were to be "settled and formed," out of all the territory then ceded, or thereafter to be ceded to the United States, and hence it was that the framers of the Constitution, in good faith to the terms on which the lands had been ceded, made this and the kindred provisions of the Constitution relative to the protection of the citizens of the "new States."

While the Constitution was under discussion before the Convention that framed it, Mr. Madison proposed to give the following power to Congress:

"To institute governments for the *new States* arising in the Territories of the United States."

This power was refused by the Convention, and the other provisions before quoted inserted in its stead. Why was this refused? The "new States" could not arise or exist without a government. Where was this government to come from? No reason can be assigned for this refusal of the Convention, unless it be found in the fact, that a sufficient power over this subject had been granted to Congress by the several States, when they ceded the territory, and therefore the Convention could do no other acts than such as would enable Congress to execute the previous grants of power agreed upon by Congress and the old States when the lands were ceded.

In confirmation of this view of the subject, the Constitution declares that: "Full faith and credit shall be given in *each State* to the public acts, records, and judicial proceedings of *every other State.*"

This provision clearly includes the *new States* or Territories then and thereafter to be formed, as well as the *old* States:

"*The United States* shall guaranty to *every State in this Union* a *republican* form of government, and shall protect *each* of them against invasion; and, on application of the *Legislature*, or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

By the resolution of the Congress of the Confederation of the 14th of October, 1783, the *new States* were to be *connected with the Union* by a temporary government provided by Congress. The ordinance of 1787 finally made that connection for the three States in the Northwest Territory, and therefore these *new States*, although not admitted by a constitutional form of government, were members of the Union by a temporary government. Hence, these *new States*, with temporary governments, were *in the* Union, and their inhabitants entitled to all the rights of sovereignty, freedom, and independence of the *original* States, and as such entitled to the protection granted to all the States by the foregoing clause of the Constitution. There are many other clauses of the Constitution

equally demonstrative of the position that the word *State*, as used in the Constitution, applies as well to the temporary governments now called *territorial governments*, as to the States having regular constitutions.

For example, "no tax or duty shall be laid on articles exported from any *State*."

Will it be said that this does not include an organized Territory? Would it be lawful to lay a tax or duty on articles exported from any *Territory*? Clearly not.

"No preference shall be given by any regulation of commerce or revenue to the ports of *one State* over those of *another*."

Does not this include the ports of a *Territory*? Could the ports of a Territory have privileges not granted to the ports of the States?

"No *State* shall enter into any treaty, alliance, or confederation."

Can a *Territory* do what is prohibited here to a *State*?

"No *State* shall, without the consent of the Congress, lay any imposts or duties on imports or exports," &c.

Could a Territory lay imposts or duties without the consent of Congress? Beyond doubt it could not.

I could select as many more clauses from the Constitution where the word *State* is used, to show that in the use of that word the framers of the Constitution intended to include and protect the citizens having temporary governments in the *new States* or *Territories*, as they are now called, as well as the citizens of old States. These points being established, the power of Congress over the Territories is well defined and its duties exceedingly plain.

Construing the resolutions of the Congress of the Confederation, the enactments and deeds of cession of the several States, the ordinance of 1787, and the Constitution of the United States together, there is no room to doubt that the citizens of the *Territories* are entitled to all the rights of sovereignty, freedom, and independence of the citizens of the *old States;* and that the power of Congress over such citizens is limited to the organization of such a temporary republican government as will secure and protect them in these rights until their numbers are sufficient to enable them to form a constitution and take upon themselves the sole right of permanent republican State government.

These historical facts prove alike the wisdom and the patriotism of our revolutionary statesmen. While they were providing the sinews of war to protect the principles and the enjoyment of American independence in the then existing States, they looked with prophetic eye to the far distant future, and pictured in the boundless wilderness the great Confederacy of republican States that now span the continent with their grandeur. They were genuine State-Rights men, and left nothing to the discretion of Congress that pertained to the liberty of the citizen. This same policy has been engrafted upon every treaty since made for the acquisition of territory.

TERRITORY PURCHASED OF FRANCE, SPAIN, AND MEXICO.

By the third article of the treaty with France for the Louisiana territory, it is provided that—

"The inhabitants of the ceded territory shall be *incorporated into the Union of the United States*, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the *rights, advantages*, and *immunities*, of *citizens* of the United States; and in the mean time they shall be maintained and protected in the *free enjoyment of their liberty, property*, and the religion they profess."

The treaties with Spain for Florida, and with Mexico for our Mexican territory, contain similar provisions. No legal eye will fail to perceive that, by these treaties, all our *purchased* territory is placed on the same footing with the territory ceded by the several States, and the power of Congress over the *disposition* of these *lands* and *the government* of the *inhabitants*, is therefore *identically the same*.

This view of the subject strips Congress of all power to deprive the people of the Territories of the enjoyment of any right of person or property that pertains to the citizens of any State of the Union. I am aware that a different doctrine pervades the minds of a class of politicians in this House and in the northern States; but in the discussion of the question they have averted their eyes from the plain requirements of the terms on which the lands were either ceded or purchased. They tell us that Congress is given "power to dispose of, and make all needful rules and regulations respecting the *territory and other property belonging to the United States;*" that this grant of power repeals all former contracts relative to the public lands, and the rights of citizens that may inhabit them; and that, therefore, Congress has despotic power over the Territory and the people. The simple statement of their position furnishes a full refutation of their doctrine.

The first resolution ever passed by Congress on the subject of the public lands, and which formed the basis of their cession by all the States, after declaring that the lands shall be erected into distinct republican States, with all the rights of *freedom, sovereignty*, and *independence* of the *other States*, provides further, that "said lands shall be *granted* or *settled* at such times and under such *regulations* as shall hereafter be agreed on by the United States, in Congress assembled," &c. The two grants of power are so identically the same, that no legal mind can resist the conclusion that the framers of the Constitution inserted the clause in question by way of confirming the resolution of 1780, which had been expressly adopted by the ceding States, in order to limit the power of Congress over the citizens of the ceded territory.

It is wholly impossible for any sane mind to suppose that the power to "dispose of" the *territory* and *other property belonging* to the United States," includes also the *rights* of *person* and *property* pertaining to the *citizens* of the United States to whom the "*territory*" might be "disposed of" by Congress.

I cannot believe that the power to "dispose of" a *property* interest in lands either by sale or donation, and to make "needful rules and regulations" to accomplish this end, conveys also the power to "dispose of" the liberties of person and property that pertain to an American citizen. I cannot believe that the settlers upon the public lands become fixtures to the realty, and subject to sale or donation, or to be granted to the Indians by treaty with them. Much less can I believe that the wise and patriotic statesmen who were baptized in the blood that they and their compeers so profusely shed upon the altar of American liberty, would have left, or intended to leave, their own posterity, the hardy pioneers of the wilderness, to be "disposed of" by Congress like sheep in the shambles, or, like the "dirty acres" of the public domain, at *private entry* or under the *auctioneer's hammer*. Such an interpretation of the Constitution is, in my judgment, a libel upon the fair fame of our most distinguished men, and should rather be resented as a slander than made immortal as a law. Sir, the men of the Revolution and the Constitution were no respecters of persons—they drew no line of privilege between the humble tenant of a forest cabin and the princely occupant of a city palace: their motto was, "PRINCIPLES, not *men;*" their policy was not partial, but universal; and it was these peculiar characteristics that immortalized their names and wrung applause from their bitterest enemies. Who does not recollect the burning words of Lord Chatham to the English Parliament?

"When your lordships look at the papers transmitted us from America; when you consider their decency, firmness, and wisdom, you cannot but respect their cause, and wish to make it your own. For myself, I must declare and avow, that in all my reading and observation—and it has been my favorite study, I have read Thucydides, and have studied and admired the master-states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to the General Congress of Philadelphia. I trust it is obvious to your lordships, that all attempts to *impose servitude* upon such men, to *establish despotism* over such a mighty continental *nation*, must be vain, must be fatal. We shall be *forced ultimately to retract;* let us retract while we can, not when we must."

And yet, sir, there are those among us who seem willing to believe that these very men—more jealous than all the world beside of personal liberty and the reserved rights of the old States and the new—have consigned a large portion of our citizens to the unrestricted dominion of a Federal Congress. It is worthy of remark that these precise words, "to dispose of," occur in the first resolution of Congress of 1780—they are used in most of the deeds of cession which followed the resolutions of Congress, and were based upon them; and finally, these identical words appear in the Constitution itself. They convey a much larger power than a mere authority to *sell*. To *sell* territory is but *one* of *numerous modes of disposition*. These lands were occupied by many tribes of warlike Indians; and they and their rights had to be "disposed of" by Congress under this power "to dispose of" "the territory." The lands were to be surveyed and divided into "distinct republican States;" they were to be "granted" and "settled," and Congress was authorized to "make all needful rules and regulations respecting the territory" to enable them to make this survey—to establish land offices and appoint officers and employés to perform all the various duties connected with the whole subject, embracing the policy of encouraging the rapid settlement of the lands, the removal of the Indians and the establishment of "*new States.*"

The chief policy of this nation, with regard to the public lands—like that of all other nations—has been to increase our inhabitants, to induce settlements in the wilderness, as well for the purpose of expelling the Indian tribes, as of increasing our wealth and the growth of new States within our limits. To this end the sixteenth sections have been reserved for schools—"thirty-six sections" granted for State universities; grants made for the sites of State governments, treaties made with the Indians, and roads constructed in the Territories. Why did Mr. Jefferson purchase Louisiana? Was it only to sell the land at a dollar and a quarter per acre, and put the money into the National Treasury? No, sir, his principal object was to secure the right to navigate the Mississippi as a national highway to the Gulf of Mexico, and to add more States to the nation.

Why did we acquire Florida? Was it not to prevent that Territory from falling into foreign hands, to make our sea-board complete, and give us the command of the Gulf of Mexico? Why did we acquire Texas and the Mexican territories? Was it not our avowed public policy to extend the national jurisdiction, by the addition of an organized Republic, and by the seizure of a foreign country that gave us the command of the Pacific ocean? Was not Texas permitted to hold all her public lands, and are not the mines of California now open to all the world? Why did we threaten war with Great Britain on account of the Oregon boundary? Have we not since donated the lands in large bodies to *actual settlers*? Sir, this public policy is so engraven upon every page of our history, that "he that runs may read, and the wayfaring man, though a fool, may not err therein."

RAILROADS.

I will now address a few remarks to the objections which have been made in various quarters to the donation of public lands to aid in the construction of railways in the States and Territories.

Being a member of the Committee on Public Lands, which has reported a series of railroad bills, I feel under some obligation to make known to the House the considerations which induce me to adopt such a policy. I profess to be a State-Rights Democrat, a disciple of Jefferson and Jackson, and am as much opposed to internal improvements by the Federal Government, save for legitimate Government purposes, as any member on this floor.

The wonderful progress which all the States of the Union have made and are now making in the construction of railroads, canals, and the navigation of rivers, renders me more than satisfied with the policy of the Democratic party on this subject. Had the Federal Government undertaken to perform in this respect what the States have already accomplished by their own efforts and by individual enterprise, the Federal Treasury would have been bankrupt years ago, and our national debt would now have been equal to that of Great Britain. The States would have remained listless and inactive, and private enterprise, instead of going manfully to work on its own capital, and relying on the practical success of its own improvements, would have sent its corrupt combinations of emissaries to Congress with their petitions for Federal donations to impracticable schemes,

which would have ended like that magnificent failure "the Cumberland wagon road." Millions of money were squandered in its construction, and the vacuum it created in the National Treasury is the only monument that remains to perpetuate its memory. At the time President Jackson put his veto on the Maysville road bill, similar schemes were projected to the amount of *two hundred millions of dollars*. This early, but salutary lesson, should never be forgotten.

The bills under consideration grant to the States the right of way over the public lands for railroads, and alternate sections of land for six miles in width on each side of the roads; and the lands are not to be sold unless the roads are built.

As a consideration for this grant, the Federal Government receives—

1st. The right to transport the United States mails at her own price, thereby making the roads *national* post roads. The exclusive power of Congress to *establish post roads*, gives full authority to grant public lands for that purpose.

2d. The right to transport, free of charge, her military stores and armaments; thus making the roads *national military* roads.

The power of Congress to "declare war"—"to raise and support armies"—"to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," authorizes and requires Congress to provide the means of transportation for our soldiers and military stores; and a railroad is the most expeditious and the cheapest method of accomplishing this object. No sane mind will deny that the construction of roads for these two purposes is within the power of Congress, and an appropriation of lands for that purpose would be to dispose of the land for the common benefit of all the States of the Union.

3d. The enhanced value of the public *lands* in the *vicinity of the road*.

Experience has already demonstrated the fact, both in Europe and America, that the construction of a railroad, doubles, at least, the value of the lands along its line; so that the United States, in fact, gains in value what is lost in the quantity of land donated; and the privilege of transporting the mails and military stores, and armaments, is a net profit in the transaction. Such being the admitted facts, why should not the bills pass?

There are two classes of objectors to this policy. The one fancies that the *sovereignty* of the *States* is infringed by the measure, as a system of Federal internal improvements.

The *second* conceives that the *sovereignty* of the *United States* is invaded, unless the old States in which there is no public land shall have *donated* to *them an equal amount of land without any consideration whatever*.

As to the question of *internal improvements* by the Federal Government, either *general* or *partial*, none such is proposed by the bills. The States themselves have projected these roads; they run through a portion of lands belonging to the United States; and the States by their Representatives on this floor propose to build *post roads* and *military roads*, for the benefit, in part, of the United States. And by this means to double the value of her public lands, upon condition that a portion of the lands are granted to the States building the roads. It is a fair contract, and one in which the Federal Government gains more than she loses.

The honorable Senator from Virginia, [Mr. HUNTER,] who is opposed to these grants, nevertheless admits that railroads which pass through the public lands are an *exception* to this rule, and that in those cases lands should be granted, but "the United States should be treated as any other 'land-owner; and any other land-owner, when he 'contributed money, would expect to have some 'return in the shape of *stock*." This is substantially what the bills propose. The States treat the *Government* as they would *any other land-owner*. They say to her, You are a large landholder; we will build a road through your land and double its value, and we will give you an interest in the road for the transportation of your mails and munitions of war, if you will give us a part of your land. What better *stock* than this does the honorable Senator want? Really, sir, this doctrine of *State-Rights* assumes Protean shapes. Formerly it made war on Federal power. Now, it requires of the several States to build railroads through the domain of the Federal Government, and thereby double its value, and yet the States are not even to tax the Federal lands, or receive a farthing for the benefit conferred.

Sir, the bills under consideration are "State-Rights" bills, in the true sense of the term. They retain to the States the sole power over the roads and the lands; they give no jurisdiction to the Federal Government over the works proposed; they are carried on exclusively by the States wherein they are located; and as such, I claim for them the support of every State-Rights man.

The honorable member from South Carolina, [Mr. ORR,] demonstrated this fact, the other day, to the satisfaction of the most skeptical. He read the speeches of several eminent Democrats, and among them that of Mr. Calhoun, in favor of a similar bill; and will it be said that Mr. Calhoun was not an ultra *State-Rights man?* Sir, a reference to the appropriation bills will show that it has been the constant habit of this Government to appropriate *money* to works not more national in their character than these; and they have received the sanction of all Democratic Presidents, from Thomas Jefferson down to James K. Polk.

But it is said by the Senator from Virginia, "If you wish to distribute the benefits of the proceeds from the sales of these lands *equally*, you must apply them to the debts and expenses of the Government." Sir, I have already shown that the Government loses nothing by the donation of the land: it gets more in return than it gives, and no change is made in the mode of distributing the proceeds equally. What kind of *equality* is that which *requires* the *new States* to improve the public lands at a cost of millions of dollars, while the *old States* receive their share of the advanced price without the expense of a dime? The old States have *fattened* upon this kind of *equality*, from the foundation of the Government to the present time. They have eaten the flesh and drank the blood of the hardy pioneers of the forest, until their craven appetites can no longer be satiated without it. How long shall they feed upon this inhuman food? How long shall oppression prosper under the cry of equality? How long shall the old States wear purple and fine linen every day, while the new States have scarcely a leathern girdle about their loins?

In this House several members from the old States have argued that these railroad grants were for the sole benefit of the States to which they were made; that the other States enjoy no benefit from the grants, and therefore they are unequal and unconstitutional. This objection does not apply to the bills now before the House, because they are links in a chain of national roads; such is the fact with regard to all the roads in favor of which the committee have reported bills. Our object has been as far as possible to connect all the new or land States with the old States, and with each other by railways, so that the whole Union may be benefited by the safe and speedy transmission of their passengers and their internal commerce. Every railroad built in the new States, carries wealth, convenience, and comfort to the old States. The new States are but so many nurseries planted for the benefit of the old, and to which they send their children to run their career in life; and the railroad is made the means of communication between sire and son.

Much has been said of the increased value of the lands along the line of the Illinois railroad; they are said to be worth $10 to $12 per acre, and this is spoken of as a great wrong perpetrated at the expense of the other States. Let us examine this charge. I hope the statement is true. If the alternate sections granted to this road have risen, or will rise, in consequence of the location and construction of the road, to $12 per acre, the land remaining to the United States must rise to an equal value; and if the land be sold at its value, the Federal Treasury would receive $12 per acre, which would be equal to $6 per acre for the whole quantity of land. Hence the Federal Treasury makes a speculation of $4 75 per acre on the whole amount of the lands, and the United States are benefited alike by a pecuniary gain, by its privileges on the road and the use of the road by the people of all the States.

Query.—If it be *unconstitutional* and unequal to make a grant to Illinois of this profitable character to the United States, would the grant be made *equal and constitutional* by donating to New York or Pennsylvania millions of acres, in return for which no railroad would be built, and not a dime put into the Federal Treasury? This, sir, is the philosophic and statesman-like mode whereby members from the old States propose to render these railroad bills *entirely constitutional*, and, in all respects, lawful.

I have now disposed, as I think, of all the objections which have been made to the passage of these bills. They have been defeated, thus far, by the votes of southern men. The members from Virginia, North and South Carolina, and Georgia, with one or two exceptions, have invariably voted against them, while the members from the northwestern States have invariably voted for the southern railroad bills. Thus it will be seen that the South has been stricken, vitally stricken, by her own Representatives. The great commercial power of the northern over the southern States, is mainly to be attributed to their railroads and canals. Previous to the construction of the great Erie canal, and her subsequent railways, by the State of New York, western New York, Michigan, and the northwestern States and Territories, were almost a barren wilderness; now, this region is the seat of vast population, wealth, commerce, and all that pertains to the happiness and prosperity of man. The Erie canal opened commerce between the great western lakes, the Hudson river, and the Atlantic ocean. Railroads have since traversed the same region, and thence westward, yet the highways of commerce are scarcely sufficient to meet the rapidly increasing wants of the country. What better evidence could be desired of the efficiency of the railway to *build up new republican States from the public domain?*

ATLANTIC AND PACIFIC RAILWAY.

We have now *fourteen hundred millions of acres* of vacant territory, a great portion of which lies in Utah, New Mexico, Oregon, and the State of California. How are these lands to be reduced to habitation and cultivation? How are they to be covered with new republican States? How are we to repel the incursions of the Indians and fulfill our treaty stipulations with Mexico? We now pay *one million of dollars per annum for transportation alone* of the public supplies to these Territories. How are California, New Mexico, Utah, and Oregon to be retained in the Confederacy? How is the Pacific ocean to be subdued to our commerce, and the trade of Japan, China, and all Asia, made tributary to our Treasury? There is but one answer to all these questions, and that is, "*Build the Southern Atlantic and Pacific Railway.*" It is now nearly completed from Maine to Vicksburg, on the Mississippi river. From thence to San Diego, on the Pacific, the line of the road, by way of El Paso del Norte, runs through one of the richest portions of the habitable globe, with a climate of almost perpetual summer, and a level surface, unsurpassed in all the qualities, and covered with all the materials necessary for the construction of the road.

The public lands are looked to by the country as a fund to aid in the construction of this work. By such a road these lands will be made valuable and brought into market, and this increased value alone will be sufficient to construct the road. Upon what ground can southern men oppose such an appropriation? Will the delegates from Virginia, North and South Carolina, and Georgia, dare to put their veto upon such a scheme? Will they deny to the South what the North has already taken? Will they follow the *ignis fatuus* of State-rights to the destruction of the southeen States themselves? Will they stand like Samson, at the gates of Gaza, and pull down its crushing pillars upon their own devoted heads? Will their constituents submit to such an outrage? Will they abandon the noblest enterprise of the age in which we live? Will they refuse to connect their own commerce with that of the Pacific ocean? Will they refuse gold fresh from the mines of California, oil from the whale fisheries of the northern Pacific, and teas and spices from China? Will they not open a new and boundless market for their sugar and cotton in all the Pacific ports? Will they not execute the design of our revolutionary fathers to build

up new republican States in the vacant territory? Will they not plant in the bosom of the southern States the great commercial axis of the world, and thereby render themselves, and their posterity forever, independent of all combinations against their peculiar institutions—their social happiness, their individual wealth, and their political power as independent States?

THE LIGHT-HOUSE SYSTEM.

REMARKS OF HON. H. D. MOORE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

FRIDAY, *August* 13, 1852.

The House being in the Committee of the Whole on the state of the Union on the Army Appropriation Bill—

Mr. MOORE, of Pennsylvania, said:

Mr. CHAIRMAN: I shall offer a few remarks upon the subject of the light-house system of our country, by way of calling the attention of the House to that subject. This branch of the public service has, in my opinion, become, at this time, one of very great importance, because of the immense yearly expenditures which have become necessary to support and maintain it, and because of the very great and extended interests connected with it—such as the safety of human life, and the great and constantly-increasing commercial and maritime interests of our country. It will be remembered by those members of the House who were in the last Congress, that, through the exertions of my honorable friend from Maryland, [Mr. EVANS,] an act was passed creating a Light-House Board, to inquire into the condition of the light-house establishment of the United States, and to make a general or detailed report, to guide us in legislating upon the subject. That Board was appointed, and of its character for ability and fitness, in every respect, for the duty they were to perform, it is unnecessary for me to speak, for they are too well known to the country to need any words of commendation from me. The Board was organized, proceeded to the discharge of their duty, and have made their report, which has been before the members of this House for the last four or five months; and I cannot but feel, Mr. Chairman, that if previous to the report of this Board there was in the minds of any of us an opinion or a belief in the necessity of a thorough revision and alteration of our light-house system, we must be doubly confirmed in that opinion by this report, and the facts elicited by the thorough and searching investigation they have given to the subject. I have not time now to enter into a detailed examination of this report; indeed I hope it is unnecessary, for I hope that every member of the House either has or will read it for himself.

By this report, I am perfectly satisfied that the light-house system of our country will not at all compare, either in point of utility, efficiency, or economy, with those of Europe generally, and especially will it not compare in these respects with the light-house establishments of England or France. And among other positions assumed by this Board in their report, and which positions I think they maintain conclusively, they say "That 'the want of proper professional knowledge or 'faithfulness on the part of those having charge 'of the erection and repairs of the towers, &c., 'was apparent in nearly all the modern towers and 'buildings visited by the Board." * * "That 'the present large sums annually required for re-'newing, renovating, and repairing towers and 'buildings, are the consequences of the want of 'an efficient organization, which could afford the 'necessary professional ability for plans, drawings, 'and superintending of constructions and repairs." * * "That towers and buildings have been 'constructed without regard to the wants of the 'service, and to the peculiarity of localities, and 'the special design of the lights themselves." * *

"That there is no system of public inspec-'tion and superintendence calculated to render the 'light-house establishment moderately useful or 'efficient." * * "That the duty of lighting 'and marking with beacons, buoys, and sea-marks, 'our extended sea, lake, gulf, bay, sound, and 'river coast, efficiently and economically, can only 'be performed by persons of professional experi-'ence and undoubted ability, upon a systematic 'plan, based upon the principles of the most ap-'proved light-house engineering."

Now, Mr. Chairman, the truth of the positions assumed by this Board must be apparent to every unprejudiced mind who has carefully studied and examined this report. How can it be expected that the collectors of our ports, who are the superintendents of our light-houses, &c., can understand what is necessary to the security of navigation, and the protection of life and commerce? Is it not apparent to every mind that this duty can only be properly performed by persons of professional experience and undoubted ability?—those who are acquainted with the management of vessels, and who understand what is necessary to render the navigation of our bays, rivers, harbors, and coasts, easy and safe. We want those charged with this important duty who can take, for instance, the beautiful and correct coast survey chart of Delaware bay and river, and tell your Committee on Commerce what aids to navigation are necessary, and where they should be located—and so of any other locality in our country. But I shall allude in my remarks to those localities which are more particularly connected with my own city and State, and leave it to gentlemen who represent other sections to speak of the defects in the present system, as applicable to the interests they represent. And I know, sir, that the same objections to our present light-house regulations, will apply with equal force to almost every section of our country where there is any necessity at all for these aids to navigation, as the inefficiency of our present system does not consist merely in the bad or improper location of the lights, but also in the character and inefficiency of the lights themselves, and their improper management, superintendence, &c., &c. Why, Mr. Chairman, under whose charge or superintendence are the light-houses, beacons, buoys, and light-boats of our country, at this moment, by our present laws? Why, sir, they are placed, as I have before stated, in charge of the collectors of the various ports, who are required to visit and inspect them "*once a year*," to see that everything is right and properly conducted about them, and that they are kept in good order, repair, and preservation. Now, how many of these collectors have that kind of knowledge or information which is actually necessary to fit them for the proper discharge of this duty, even if they have the time to spare from their other duties to devote to it? Why, I will guaranty, sir, that not one in fifty of those collectors knows anything more of what is necessary to the efficiency, economy, and regulation, of this branch of the public service, than you or I do; and I question whether there are not many of those collectors who never saw a light-house or light-boat until they were made, by our present system, overseers and inspectors of them. Now, is not this a farce, or worse than a farce? Why, sir, what are light-houses, light-boats, beacons, &c., for, except for "the security and aid of navigation, and the safety 'and convenience of the mariner? And no one, 'then, but seamen and practical men should have 'the superintendence of these matters with which 'their interests are so directly connected," and which we cannot doubt for a moment they thoroughly and practically understand.

And at this point I would particularly refer the members of this House to a report made to the Senate by Governor Davis, from the Committee on Commerce in 1838. (See Sen. Doc., vol. 5, 1837-'38, No. 428.) This report contains much valuable information upon the whole subject of our light-house system. In that report Mr. Davis says:

"The lights should be visited by a general inspector who is master of the whole subject, being fully capable of estimating the true character of the apparatus, its condition, the manner in which it is managed, whether the keepers are capable and faithful, and whether the oil is such as it should be. In short, this visitor should be so thoroughly skilled in everything pertaining to the subject, as to keep the light-houses in as perfect condition as the arts and progress of science will allow."

Again:

"We have already said certain collectors of the customs are the inspectors of the light-houses in their respective districts. It is manifest the two offices have no natural connection, for they require qualifications quite different. The one should understand the laws of light as it is affected by reflectors and refractors; the other, the character and value of merchadise; and there is no affinity between the employments, nor does it follow that one who is well qualified for a collectorship has a particle of that information which is essential to a well-conducted system of lights."

Now, it appears to me there is no argument necessary to sustain the truth of such propositions, for their soundness and truth must be evident to every reflecting mind. And now a few words in reference to those localities in which my own city is more particularly interested, and where these aids to navigation are needed. And here let me say, that the Delaware river leading to the port of Philadelphia is almost as effectually sealed for all purposes of navigation after night-fall as it would be were it blockaded by a fleet of 74-gun ships. And why? Simply because of the want of those proper aids to navigation; because it is not properly lighted. And why is it not properly lighted? Because this branch of the public service, involving so many great and important interests—interests of every class of our citizens—is not under the charge of competent professional men, who can discover and point out the wants of commerce in this respect. Our packet, and other ship-masters, on their homeward-bound voyages, are afraid to come up the bay and river at night, because of the insufficiency of lights, and for fear that some of the light-boats may have either drifted from their moorings, or been taken off for repairs. It is only a day or two since that I cut from one of our papers the following notice:

"CAUTION TO MARINERS.—It will be seen by reference to our marine column that the light-boat stationed on the shoal known as 'The Ledge,' in Delaware Bay, was blown from her moorings during the storm of the 17th instant. It is hoped she will be replaced immediately, as her absence at this time may lead to the loss of life and the destruction of much property."

And from testimony in the report of this Board it appears that frequently, when light-boats have drifted from their moorings in this manner, or been taken off for repairs, they have been from their stations two and three months, and sometimes even longer.

Now how is the mariner who has been at sea for twenty or thirty days, and who makes the capes about nightfall, to know of this "caution to mariners," published in the papers on the day perhaps when he arrives at the capes? Why, of course he can know nothing about it; and knowing as he does the frequency of such accidents under our present regulations, and the entire insufficiency of lights in the river, he has either to anchor under the breakwater all night, or at Bombay Hook, or possibly, in bad weather, in exposed positions in Delaware Bay. Now, the serious losses and inconvenience arising from this entirely inadequate light-house accommodation, in the Delaware river, does not fall entirely on the citizens and business men of Philadelphia; for there is not a portion of our country which has any commercial intercourse whatever with the city of Philadelphia, or the State of Pennsylvania, that does not suffer from it in one way or another. Does not the detention of our coal and iron and other vessels in the bay, for the want of proper lights to run by at night, increase the price to the consumer of these articles, by increased freight and insurance? And does not this subject call for the earnest and serious attention and prompt action of Congress? There are many matters connected with the engineering and scientific branches of this service, with which I am not familiar, but in which I feel convinced, from the examination of this report, there is much need of reformation; and I will express the hope that the honorable gentleman from Maryland, through whose exertions this Board was created, and who is thoroughly conversant with the scientific principles which ought to be observed in the construction and arrangement of our lights, will give the House his views on the subject. I have thought a complete alteration in the management of our light-house system so necessary, that I determined to bring it to the attention of the House, however imperfectly I may do it; and I speak not as a Philadelphian, not as one having at heart merely the interests of Philadelphia, but as one of the Representatives of the people of the United States, and feeling that I am speaking on a subject in which all the people of the United States are alike interested; for this matter of the inefficiency of our light-house system is not confined to one locality, or one river, as it is bounded in its application only by the extent and confines

of our country. It is true, sir, that many portions of our coasts, and bays, and rivers, are better provided with these necessary aids to navigation than others are; but I maintain that while this is the fact, that there is scarcely any portion of our coasts where an alteration and revision of our present system will not be beneficial to navigation, and to our great and extended commercial and maritime interests.

Now, let us see what this report says further upon the subject; and we must bear in mind that the gentlemen who have thoroughly examined this matter, and made this report, are, in point of character, scientific attainments, and ability for a duty of this nature, second to none in our country, and the result, therefore, of their examination and deliberations, is worthy of our serious attention. The report says: "That due regard has not been 'had to the wants of commerce in selecting sites 'for lights along the coasts of the United States; 'that for want of a proper system in this branch 'of the public service, the densely-populated 'coasts have a superabundance of lights, to the 'injury of navigation, while on the sparsely-set-'tled coasts bounding the great outlet to the mil-'lions of commerce from the valley of the Mis-'sissippi and its tributaries, for hundreds of miles, 'there is not a single light."

Now, Mr. Chairman, if these are not evils calling for a remedy, then I confess my utter incompetency to judge of the efficiency or inefficiency of our light-house system as at present managed and controlled. Why, sir, if any one will but notice in our daily papers the records of calamities, and losses of life and property which are continually occurring on our coasts, and which are attributed to the want of proper lights, beacons, buoys, &c., I am sure they must be convinced of the immediate and urgent necessity of a revision and alteration of our light-house system. I have here an extract from one of our papers, of a recent issue, which I will read, and it is a record of but three or four out of hundreds of similar calamities which are almost daily occurring on some part of our coasts:

"In looking over a paper this morning, I met with the following paragraph concerning the recent loss of the Meteor, and a number of her passengers and crew, a case very appropriate to be mentioned here, and only one of many: 'This is the fourth vessel lost by these gentlemen within a 'period of sixteen months, to wit: the Palmetto, at Pass 'Cavallo; the Globe, at Brazos Santiago, and the Galves-'ton, on Ship Island Shoals; amounting, in the aggregate, 'to about $250,000 of entire loss to them, as they do not 'insure. We trust our Government will now be induced 'to bestow some means at our Pass, and that we may have 'the lights and buoys to which, by the magnitude of our 'commerce, we are justly entitled. We feel assured, that 'had this been done, neither of these wrecks would have 'occurred.' Thus you see that this crying evil is not local. Take the lights from Maine to Texas, and you will find but few, very few, that would now be standing in any of the commercial countries of Europe."

Mr. Chairman, I think it can readily be perceived, that if we had a Light-House Board who thoroughly and practically understood this whole subject, and whose duty should be to ascertain the wants of navigation, that the most, if not all these difficulties and calamities might be obviated and prevented. This Board have said in their report, that some portions of our coasts have so many lights that it is actually injurious to navigation, which we can readily see would be the case; for where there are too many lights (especially if they are of a poor class) the mariner may, in such a case, very easily mistake one light for another, and, consequently, involve himself and vessel in danger before he is aware of his error. Now, a Board of this kind, who practically understand the wants of navigation, could, wherever there was a superabundance of lights, make such recommendations to the Committee on Commerce as would obviate the difficulty; and, on the other hand, where there was an actual necessity for a light-house, beacon, buoy, or light-boat, their recommendation to this effect would undoubtedly meet the favorable action of Congress. As it is now, there is no system whatever by which Congress is governed in their appropriations for this branch of the public service. A petition may be sent in here for a light-house, beacon, or light-boat for some point on our coasts, and the member representing that district feels himself bound to use all his influence to secure an appropriation for it, even without knowing whether there is the least necessity for it or not; and in this way, there can be no doubt, there are hundreds of thousands of dollars spent for which there is no benefit received in the way intended, and which, under the supervision of a competent Board, might have been expended with the greatest advantage to the interests of navigation and the security of life and property.

I am aware, sir, that the gentleman who is ostensibly at the head of this establishment, is quite jealous of its reputation, as he very naturally should be, having occupied that position, I believe, near half a century; and of course he cannot but feel sensibly any charges which may be made against the efficiency of the department or bureau over which he has so long, and I will say, ably presided, so far as the discharge of all those civil and financial duties are concerned which belong to his position as Fifth Auditor of the Treasury Department; but, sir, when he undertakes to defend or maintain the entire efficiency of our present light-house system and regulations, as he has undertaken to do in his replies to the report of this Light-House Board, I maintain that he has failed entirely in the task he undertook. It is true he lays before us certificates signed by a respectable number of captains and owners of schooners, sloops, fishing vessels, and a few steamboats, and a large number of *pilots*, certifying to the general efficiency of our present light-house system, as far as it has come under their observation; but, sir, while I do not for a moment question the character or respectability of his witnesses, I am not willing to admit that their testimony is at all a refutation of the immense mass of evidence contained in the report of this Light-House Board, and the facts as stated and laid down by the members of that Board, whose duty it was to make a thorough and searching examination into this whole matter. Why, sir, in the testimony he has sent us of the efficiency of our present system and regulations, we have certificates of a very great number of *pilots*, which, to say the least, cannot be considered, on a subject of this nature, the most disinterested testimony. And I observe that the collector at Newport, who sends one of these certificates to the Fifth Auditor, says in his letter, "very few signed, without first reading it," thus admitting that some of the signers did not know what they were certifying to, unless they relied on the statement of whoever requested them to sign it. And I observe that in the letter of B. F. Isherwood, Esq., who certifies to the general efficiency of our present system, he alludes specifically to but one light-house, and of that he says: "It may be 'proper to observe that I designed and superin-'tended the Saukaty Head light-house, and other 'light-houses on the coast of the United States, 'which are acknowledged by all to be equal to the 'best European lights."

Now, any one who would read this certificate and not examine the facts of the case as laid down by the Board in their report, would of course infer that there is nothing different in this light from the lights of any other station; and it is therefore proper and necessary that I should state, at this point, what Mr. Isherwood has failed to state, that this light is a second order *lens light*, one of the same class or kind which this Board recommends to be generally used instead of the old-fashioned reflectors; and the Board, in their report upon this light, says: "This lens is acknowledged, univer-'sally, so far as could be ascertained, to be, if not 'the best light in point of brilliancy and power, 'greatly superior to all others on the entire coast of 'the United States, (except, perhaps, those in the 'highlands of Navesink, New Jersey,") *which are the same order of lights, and the only ones of the kind in our country.* Now, at this point it would be well for us to look at one of the most important and essential features in the report of this Board; it says: "That if all our present lights were 'fitted with lens apparatus, [the same apparatus 'which Mr. Isherwood speaks so highly of,] of 'equal power to the reflectors now in use, the 'usual expense for supplies of oil and cleaning ma-'terials would cost little more than one fourth as 'much as is now expended for these articles of 'supply annually: that is, that the supplies now 'costing upwards of $152,000 would not exceed '$38,000 to $42,000, making an annual saving of '$110,000 to $115,000. And that in addition to the 'greater superiority in building, power, and econ-'omy of the lenses compared to the reflectors, 'they possess the great advantage of durability, 'to the extent of never requiring to be renewed."

Now, Mr. Chairman, I question whether many members of this House are aware of the immense annual cost of sustaining this branch of the public service for the last several years. I have very hastily collected from the records of the general appropriations the cost of our light-house establishment for fifty-seven years, from 1792 to 1849, and find the amount to be $9,723,700; and for the last twelve years of that time it was $5,245,744, being $761,788 more for the last twelve years than for the previous forty-five years. Now, if the annual expenses of this establishment is to increase in the same ratio for the next twelve years, what, I would ask, is to be its expense at the end of that time? If, sir, with this enormous expenditure, we had a thorough and efficient light-house system, equal to all the wants and necessities of our growing and increasing commerce, and our extended maritime interests, the amount of this expenditure would not and ought not to be a matter of consideration at all; but when we reflect that with all this immense outlay, these great interests of our country which it is intended to protect are so poorly benefited and protected, it appears to me it is time for us, as Representatives of the people, whose interests we are sent here to advance and protect, to inquire into and see if we cannot bring about that reform in this branch of the public service which is, in my opinion, so essentially necessary.

I believe the Committee on Commerce have had this subject under consideration, and I think a member of that committee is ready to report a bill; and I earnestly hope that the members of that committee, if they have not already, will at once give their consent that the bill shall be reported, so that we may get the subject properly before us for the consideration and action of the House.

THE TARIFF QUESTION.

SPEECH OF HON. THOMAS ROSS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

August 12, 1852.

The House being in the Committee of the Whole on the state of the Union—

Mr. ROSS said:

Mr. CHAIRMAN: We have had, during this session, several speeches in favor of a modification of the tariff; but I believe that not one has been delivered in opposition to it, unless it be the speech of the late honorable member from Massachusetts, who, in his remarks on the Missouri railroad bill, incidentally considered this question. Opposed as I am to any modification of the tariff rendering it more protective, I will avail myself of the present opportunity to submit the reasons which will induce me to vote against all propositions tending to increase the protection which our manufacturers now enjoy. I am the more anxious to do so, because whatever changes may be proposed, will be sprung upon the House when it will not be in the power of the friends of the tariff of 1846 to defend that measure.

It is not known what modifications the advocates of protection will finally determine to demand of Congress; for thus far they have been unable to agree among themselves. From recent indications, however, it seems to be understood, that the various projects will resolve themselves into one of two propositions. First, to assess the duties on foreign imports, as they were valued on the first of December, 1846, when the present tariff went into operation; or, second, to assess them on the average value for each series of five years, and to adopt the home instead of the foreign valuation. It is not my intention to discuss at any length the character of these propositions; for my time will not allow me to do so. It is sufficient for me to say, that I cannot give either of them my vote. The first proposition, which my colleague [Mr. STEVENS] has the honor of suggesting, would, if adopted, give a bounty to the iron-master far greater than was given by the tariff of '42, or indeed any other tariff that we have ever passed; for in consequence of the large production of iron, both in England and in this country since 1846,

the value of iron has been reduced fully one half. Beside, it is an abandonment of the *ad valorem* principle, and partakes in a great measure of the character of a specific duty.

The second proposition is also objectionable, not only because it substitutes the home for the foreign valuation, but because by taking the average value for a series of years, on which to assess the duty, it in effect defeats all the practical good to be derived from *ad valorem* duties. Such a system, when connected with a home valuation, would lead to so much confusion, and to so many difficulties, as well as frauds, that its repeal would be demanded by the manufacturers themselves before the expiration of the next Congress. Sir, I will support no measure which looks to an abandonment of the *ad valorem* principle. It is the only safe, just, and honest principle to adopt in assessing duties on imports. Under the *ad valorem* system, our revenue, which should be the only object in imposing duties, has rapidly increased, even beyond the most sanguine expectations of its warmest friends. The late distinguished Senator from Kentucky (Mr. Clay) gave it his decided preference over any other mode of assessing duties. In a speech delivered by him in the Senate, when the tariff of '42 was under consideration, he thus expressed himself:

"There is the principle that a fixed *ad valorem* duty shall prevail and be in force at all times. For one, I am willing to abide by that principle. There are certain vague notions afloat as to the utility and necessity of specific duties and discriminations, which I am persuaded arise from a want of a right understanding of the subject. We have had the *ad valorem* principle practically in force ever since the compromise act was passed; and there has been no difficulty in administering the duties of the Treasury on that principle." * * * "I say, that in theory, and according to every sound principle of justice, the *ad valorem* mode of taxation is entitled to the preference."

It is true that Mr. Clay preferred the home to the foreign valuation, but he did so, merely because he thought that the foreign valuation was more liable to fraud. In this, I think he was mistaken. There can be no revenue system that will not be subject to fraud. But if the officers appointed to execute the laws are competent to discharge their duties, and do discharge them with proper vigilance and fidelity, the foreign valuation is less open to fraud than the home. Whatever objection may have existed on this ground to a foreign valuation, will be obviated by the law of last Congress, creating a board of appraisers. As to a home valuation, I consider it utterly impracticable. It is making the value depend upon every auctioneer's hammer. In a country of such great extent of territory as we possess, stretching from the Atlantic to the Pacific ocean, and with places of import separated from each other by thousands of miles, there can be no such system as a home valuation. How are you to determine the valuation? Will you take the value at Boston, New York, New Orleans, or at San Francisco? That cannot be done, for the Constitution expressly declares, "that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." But even if we had such power, and exercised it, still it would not be a home valuation.

As to the proposition, which has been suggested, of creating a board of appraisers to adjust the average valuation at the various ports of the Union, the difficulties would be so great, and the opportunity to commit fraud so easy, that the whole system would, I repeat, be wholly impracticable. While we adhere, as I hope we always will, to the principle of assessing duties on values, we must adopt the valuation at the place of export, and not at the place of import.

But, sir, the design of both the propositions, to which I have so briefly referred, is to give further protection to the manufacturers; and this alone would induce me to oppose the adoption of either of them. I believe that Government has no more right to interfere for the purpose of controlling the industry of the country, than it has for the purpose of restricting the freedom of thought and of opinion. Its object should be to protect all classes and to injure none; but legislation, which confers a bounty on one class of the community, injures the many for the benefit of the few. It cannot be denied that every tariff having protection for its object, is a tax upon the labor and the industry of the country. For my own part, I rejoice that the age of commercial restriction is passing away, and that in a few years labor and capital will be left entirely unshackled by legislative enactments. The progressive spirit of the age has already aroused the public mind on this subject, and the light of truth and of reason is exhibiting the whole system of protection in all its deformity and nakedness.

But, Mr. Chairman, let us now see what has been the operation of the tariff of 1846; for by the fruit must the tree be judged. Have the predictions of the Whig party in regard to its destructive effects been fulfilled? Have our workshops been closed? Have our manufacturing establishments been abandoned? Have the fires in our furnaces been extinguished? Have our agricultural products been shut out of foreign markets? Or has capital been unemployed, or labor unrewarded? No, sir—no. Not one of these direful forebodings has come to pass. On the contrary, no country in the world has exhibited such a spectacle of unbounded prosperity as we have enjoyed since the tariff of 1846 became the law of the land. Our commerce, both foreign and inland, has been greatly extended; our revenue has been doubled; our various works of internal improvement have been prosecuted with an energy and a success unknown in any former period of our history; and in almost every department of American industry there has been an increased activity and prosperity. It could not well be otherwise; for the less interference there is by Government in diverting labor or capital from its ordinary pursuits, the more profitably will it be employed, and the less injury will be done to other industrial occupations from which it is attempted to be withdrawn.

The tariff of 1846 reduced the duties one half of what they were under the act of 1842; but notwithstanding this reduction, the revenue of the fiscal year ending June 30, 1851, has exceeded the revenue of the last year of the tariff of 1842, $22,905,859 52. The value of the exports of the growth, produce, and manufacture of the United States, during the last year of the tariff of 1842, exclusive of gold and silver coin, amounted to $101,718,042; but, under the Democratic tariff of 1846, during the year ending the 30th of June, 1851, our domestic exports amounted to $178,620,138, showing an excess over the fiscal year of 1845 and '46 of $76,902,096. The value of the exports of our agricultural products for the year preceding the act of 1846, amounted only to $78,827,511; but the value of our agricultural exports for the fiscal year ending June 30, 1851, amounted to $145,903,778—nearly double the value of our agricultural exports under the tariff of 1842. Now, sir, I ask, how can the agriculturist, with this single fact before him, advocate an abandonment of a policy which has opened a foreign market for the products of our soil, and which has already, in the short space of five years, doubled the agricultural exports of the country? But as I intend, before I conclude my remarks, to show the effect of the tariff of 1846 on the interests of agriculture, I will not now dwell on this branch of my subject.

The present tariff has not merely increased our agricultural exports—it has in an equally striking manner stimulated the manufacturing industry of the country, and more than trebled our exports of articles of domestic manufacture. During the fiscal year ending in 1846, the export of articles of American manufacture amounted to $11,563,433; but for the year ending in 1851, the exports of American manufactures reached the sum of $38,206,547. And it is a fact worthy of a passing notice, that the manufacturer of cotton goods during the last fiscal year of the tariff of 1842, exported printed or colored cottons to the value of only $380,549; but in 1851 he had increased his exports to the value of $1,006,561. In 1846 there were exported uncolored cottons to the value of only $1,978,331; but in 1851 the export of the same articles of manufacture amounted to $5,571,576;—thus making a difference in the export of two descriptions of cotton goods alone, of $4,219,257 in favor of the tariff of 1846. But in the face of these facts, which the official reports of the Treasury Department exhibit, my colleague [Mr. STEVENS] boldly asserts, without the slightest authority, "that the tariff of 1846 decreased the manufacture of cotton in this country." Why, sir, in a period less than twenty years, our export of cotton manufactures, including white, printed, and colored goods, has increased more than four hundred per cent. And still the cotton manufacturer clamors for further protection.

Even in regard to iron, for the protection of which a certain class of Democrats in my own State seem ready to abandon the principles of their party, we find that our exports have been annually increasing under the act of 1846. For the year ending June 30, 1846, our export of the manufactures of iron amounted to $1,151,782; but for the year ending June 30, 1851, those exports, at a much reduced value, amounted to $2,255,698, almost double the export under the tariff of 1842, and exceeding the export of any other manufactured article excepting that of uncolored cotton goods. So also in regard to coal, we find the same gratifying result has taken place. It must be in the recollection of all, that when the tariff of 1846 was being discussed in the Senate, Mr. Webster expressed the opinion, that if the bill became a law, the colliers of Pennsylvania would not be able to maintain a competition with the colliers of Nova Scotia and New Brunswick; and "that in the end the coal from the British Provinces would take the place of the Pennsylvania coal under such a tariff." But, like all Whig predictions, time has proved their falsity. Instead of that tariff increasing the import of coal, it has on the contrary diminished it. But it has done even more; for previous to 1846 there are not to be found in the reports on commerce and navigation any exports of coal; but during the fiscal year ending in 1851 we exported coal to the value or $163,977. No branch of industry has had a greater growth. In 1846 there were sent to market about 2,300,000 tons; but in 1851 the quantity exceeded 4,000,000 tons. During that year the number of arrivals of vessels engaged in the coal business at Port Richmond, the great coal depôt for the Schuylkill region, was 8,126—more by 4,238 than the whole number of vessels arriving at New York. During the present year the demand for coal far exceeds the supply. It was but yesterday that I noticed in the newspapers that the colliers of Scuhylkill county are advertising for miners, the supply of workmen being unequal to the demand. One firm alone advertises for one hundred hands. I hope that the hard-working miner will remember these facts when his employer denounces the tariff of 1846, and attempts still further to reduce the wages of his labor.

What a commentary, sir, do these facts furnish on the wisdom of that Democratic policy, which repealed the protective tariff of 1842, and substituted in its room the revenue tariff of 1846!

But unable to deny the truth of these stubborn facts, or to resist their conclusion, the protectionists turn round and allege that, although the exports have increased, the imports still exceed the exports. And so they do. But would any one desire it to be otherwise? Do we not all know that our imports are governed by our exports? The best evidence that we can have of a profitable trade is in a reasonable excess of imports. Do our merchants who send abroad our domestic products desire that they shall receive in return only the same value? Do our farmers, who take to market the products of their farms, expect to return with only the same amount of money which they would have brought in the neighboring market? If they do, then there is no gain to be acquired by traveling to a distant market, and their wisest course would be to sell their produce at home. Allow me, sir, to give you an illustration of this balance-of-trade policy. During the year 1851, we exported about $107,000 worth of ice. This ice, when sold in a foreign market, brought, perhaps, about $1,000,000, which was invested in some foreign product, and imported into the United States. The trade would stand as follows:

Imports	$1,000,000
Exports	107,000
Balance against us	$893,000

Now, sir, the custom-house books would exhibit a balance against us on this trade of $893,000, when the fact was, that the export paid for the import. In the past thirty years our imports ex-

ceed our exports more than $250,000,000; and according to the theory of the manufacturers and their friends, we would be in debt to foreign countries in that amount.

But my colleague is as much mistaken in his facts as he is in his theories; for, instead of the balance of trade averaging annually $30,000,000, it scarcely exceeds $4,000,000 in the four years from 1846 to 1850. And if we have exported specie at the rate of $66,000,000 annually, as he alleges, does he not know that we have, in the same time, dug from American soil, and, by American labor, a much greater sum? My time, however, will not allow me to enter into any elaborate discussion of these points, and I must, therefore, pass them by for the present.

But, perhaps, the most striking evidence of our national prosperity, under the existing tariff, is to be found in the great increase which has been made to our commercial tonnage. The highest point which it reached under the tariff of 1842, was 2,562,084.81 tons; but at the close of the fiscal year ending in 1851, it numbered 3,772,439.43 tons. Another fact connected with the tonnage equally instructive is, that in the five years from 1841 to 1846, our tonnage had increased only 431,340.44 tons; but from 1846 to 1851, the increase was 1,210,354.62 tons; thus showing that, under the tariff of 1846, the increase was nearly three times greater than it had been under the tariff of 1842. If we examine the tonnage of our coasting trade, we will find the same evidence of increased activity under the tariff of 1846. In 1846, it had reached 1,289,870.89 tons; but in 1851 it numbered 1,854,-317.90 tons. During the five years preceding the tariff of 1846, the coasting tonnage increased 182,803.01 tons; but during the five years succeeding the passage of that law, it has increased 564,447.01 tons. I will also add that the number of vessels built in the United States during the last five years was 2,956 more than were built in the five years preceding the tariff of 1846.

Now, Mr. Chairman, it is impossible for us to shut our eyes to these facts. When we find that in the short period of five years, our revenue has been nearly doubled—that our domestic exports have bounded forward from $101,000,000 to $178,000,000—that the exports of our agricultural products have risen from $78,000,000 to $145,000,-000—and our exports of articles of American manufacture, from $11,000,000 to $38,000,000, and that, in the same period, we have added to our commercial tonnage more than 1,700,000 tons, and all this, too, while we were engaged in a foreign war, we must be convinced of the wisdom of that policy, which has given freedom to commerce, and removed the shackles of protection from the industry of the country. Sir, it is that policy of commercial freedom, which is annually developing new sources of industry for the employment of labor and capital, and which has already given an impetus to American enterprise in all the pursuits of life, that is daily exhibiting results unexampled in the history of any other people. In 1846, we had four thousand one hundred and forty-four miles of railway in operation in the United States, at a cost of $120,000,000; but on the first of January, 1851, we had eight thousand seven hundred and ninety-seven miles in operation, at a cost of $286,455,073. It thus appears that in the four years following the enactment of the tariff, which our Whig friends predicted would destroy American industry, we put in operation more than four thousand six hundred miles of railway, at a cost exceeding $165,000,000; and I may add, that during the same time we have extended our telegraphic wires more than eleven thousand miles. In 1827 the first mile of railway was constructed; and from that time to 1846, a period of nineteen years, only four thousand one hundred and forty-four miles were completed. But so great was the impetus which the tariff of 1846 gave to all branches of industry and enterprise, that in the four years following its passage we more than doubled the number of miles; and that, too, at a cost of $45,000,000 more than had been expended in the previous nineteen years. Since 1846 we have added nearly four millions to our population—we have acquired more than a million of square miles of territory, and at least fifteen hundred miles of ocean coast—we have extended our postal communications many thousands of miles, and have reduced the rate of postage more than thirty per cent. In a word, we have restored the credit of our Government, and established it both at home and abroad on a firm and sound basis. Instead of ruin and desolation marking the progress of our tariff, we see cities and towns springing up, as if by magic, in all directions—our agricultural, mineral, and manufacturing resources rapidly multiplying, and labor in increasing demand, and, as a general rule, more liberally compensated. With such evidences of the great advance which our country is daily making in everything that can contribute to her power and glory, as well as to the physical, moral, and intellectual well-being of her people, it is useless for my colleague [Mr. Stevens] to speak to us about the prosperity of the cities of ancient times. It may show his historical reading, but it also proves that he has read history with as little profit as he seems to have studied the science of political economy; for the power and greatness of those cities was attained by the freedom of their commerce.

Mr. Chairman, it is time that this cry for further protection was silenced. Let it be done now and forever; for the tariff of '46 vindicates itself. Neither the sophistries of the protectionists, nor the clamors of a subsidized press can any longer deceive the people as to the successful results of that act. Notwithstanding these beneficent results, this House is annually besieged to return to the old system of protection for the sake of protection; and I regret to say that now, when our policy has been so nobly vindicated, and our party is almost everywhere victorious, the hue and cry for further protection is raised chiefly in my own State, and by individuals from whom better things might have been expected. I will not charge that they are actuated by selfish motives, either personal or political; but I do assert that when they allege that the modifications sought for are not in violation of the principles of a revenue tariff, they assert that which is unfounded and untrue. Sir, a modification of the act of '46, so far as to give additional protection to any interest, is an abandonment of the principles of that act. It was passed for the purpose of revenue alone; and that object has been fully attained, as your overflowing Treasury plainly shows. No modification is therefore required for revenue purposes; but even, if more revenue were required, how that revenue is to be increased by raising the duties, and thus lessening the imports, I am at a loss to understand. It certainly is a new theory in political economy, that in proportion as you make a duty more prohibitory, you augment the revenue. It would have been more manly on the part of those gentlemen to have said, at once, that they repudiated the principle of the act of '46, and that they advocated a modification not for the purposes of revenue, but for the sake of the bounty which such modification would give them. This is what they mean. It is said, by them, that the iron interest is in a depressed condition; and they appeal to the Government to increase the duty, and thus diminish the revenue, in order that iron may be made dearer and the iron-masters richer. What is this but a return to the odious doctrine of protection, which plunders the many for the benefit of the few? Deeply as Pennsylvania may be interested in the manufacture of iron, let no one suppose that her Democratic masses sympathize in this movement. They know well, that if a bounty be given to the iron interest of Pennsylvania, additional bounties must also be extended to the cotton and woolen interests of New England, and the sugar interest of Louisiana, and that in a little while there would scarcely be a plank left of the revenue tariff. I repeat, sir, the Democratic party of Pennsylvania is not in favor of disturbing the existing tariff. Resolutions of instruction were introduced into the Legislature, in the session of 1851, but they were indefinitely postponed; and during the last session, no one even dared to offer resolutions in favor of a modification of the tariff. It is true that we have a few Democrats who seem prepared to join the Whig standard, to fight the battle of capital against labor—of protection to the few against equal rights to all and exclusive privileges to none; but they will be leaders without followers. Politicians may prove faithless; but the people themselves will take no step backward in any of the great reforms which the progress of political science is almost daily developing. When a great principle has been tested by experience, and found to be productive of the general welfare, neither the threats of its enemies nor the delusive sophistries of its pretended friends will seduce them from giving it their unwavering support.

I admit, Mr. Chairman, that Pennsylvania is interested in the successful development of the iron business; but it is equally true that her agricultural, mechanical, and laboring interests are already subjected to a heavy contribution to foster and enrich that business. The act of '46 imposes a duty of thirty per cent. *ad valorem* in favor of the manufacturer of iron; and when to this is added the expense of importation, and the profit of the importer, surely the people are sufficiently burdened by taxation for the support of that branch of industry. This tax affects all classes of the community, for iron is one of the necessaries of life. There is not a wood-chopper, who has an axe to buy; there is not a blacksmith, who has a horse to shoe; there is not a farmer, who has a plough-share to sharpen, nor a mechanic, who has a nail to drive, that is not required to pay this tax for the material he uses. If the amount of money which the people are even now required to pay as a bounty to the iron-master were collected of each one at the close of the year, as other taxes are, there would not be a protectionist returned to this House. But when you make the tax a part of the price of the material purchased, the injustice of the protective system is not so strongly impressed on the minds of the unreflecting. A tax it is, however, whether it be paid directly to the tax-collector, or indirectly to the merchant and manufacturer. The earnings of labor, and the profits of the farmer, mechanic, and indeed of all the unprotected classes, are reduced in proportion to the amount of tax which this system of legislative bounties compels them to pay. To that amount is each consumer made poorer, and the manufacturer richer; for the proposition is a plain one, that where a protective duty is imposed, the design is not to reduce, but to increase the price of the protected article.

But not satisfied with the liberal bounty which the present tariff bestows upon them, the iron masters and their friends now come forward, and ask that they may be permitted to thrust their hands still deeper into the pockets of the tax payers, and take out a still greater sum. Truly, this is a modest application! Why, sir, if you granted the additional bounty, two years will not elapse before they would be again knocking at your doors, and appealing to Congress for a still further increase. But for what purpose is this additional duty now to be given? Is it to give higher wages to the laborers in their employ? Is it to give an increased price to the owners of ore beds for their ore? No, sir: it is simply to make iron dearer, and to subtract from the earnings of the consumer a still larger sum, and transfer it to the coffers of the iron-master. The laborers employed by them will derive no benefit from the increased duty, nor will the owners of ore beds receive one farthing more for their ore. I know that it is asserted by my colleague, [Mr. Stevens,] that protection principally benefits labor; but our experience of protective tariffs proves the reverse. When the iron-master, under the tariff of 1842, was making from $20,000 to $40,000 annually, did he give better wages to the laborer, or more liberal prices for his ore, than he has done since? Let us see. A friend informs me that the wages paid for mining labor in Lehigh county, in my district, ranged under the act of 1842 from sixty-five to eighty cents; and that they have fluctuated between the same prices under the tariff of 1846. The laborer has therefore fared about as well under the tariff of 1846 as he did under that of 1842. As respects the prices paid for ore, from 1842 to 1846, they ranged from $2 to $2 50 per ton; from 1846 to 1848, from $2 50 to $2 75; and from 1848 to 1851, from $2 to $2 37½ per ton. The highest price paid from 1842 to 1846 was only twelve and a half cents higher than the highest price paid from 1848 to 1851, a period of the greatest depression in the iron business. It will also be observed, that the highest price was during the tariff of 1846, and the lowest price under that tariff did not fall below the lowest price under the

tariff of 1842. Now, sir, into whose pockets did the high bounties given by the protective tariff of 1842, fall? Certainly not into the pockets of the laborer or the farmer, who sold the ore. No, sir, but they were swept into the pockets of the iron-master himself, who, when his profits were enormous, clutched the whole, and ground down the wages of labor and the price of ore to the lowest possible point. That was a time when he had it in his power to have manifested some of that sympathy which he now pretends to feel for the poor laborer, whose daily toil was rapidly enriching him. But he felt no sympathy, and therefore manifested none.

When, indeed, has manufacturing capital manifested sympathy for the rights or the interests of labor? Its history, not only in England, but in this country, proves, that it is always seeking means to trample on the one and to oppress the other. Already has legislation been required in most of the States to lessen the hours of labor, and to redress other wrongs perpetrated by the manufacturers. Sir, the idea of increasing the wages of labor by increasing the profits of the manufacturer is entirely erroneous; for we all know, that the rate of wages which the manufacturer pays his operatives is not regulated by the profits which he receives. It seems to be a law of his nature, fixed and unalterable, to obtain labor at the lowest possible rate, without regard to the profits which his capital may be yielding him. It cannot have been forgotten, that one of the first steps taken by some of the New England manufacturers, immediately after the adoption of the tariff of '42, was to reduce the wages of their operatives, and to drive them to "strikes" in order to protect themselves and maintain the rights due to labor. Such was the protection which that act gave to labor.

Now let us turn to England, whose protective policy for several centuries, my colleague so much admires and so strongly urges us to adopt, and see what is the condition of the laborer there, and how far he has been benefited by protection to manufactures. On this point I will refer to his own speech, an authority which I suppose he will not dispute. In speaking of the condition of the English operative, he said:

"The common price paid laborers in Europe is one shilling sterling a day, and they find themselves. I see by an address of a large operator, published in 1851, that he pays from 8d. to 1s. By a later publication, I find wages on the Continent are eight cents. In order to get cheap labor, they employ women as well as men in the most laborious work. According to the report of a committee of Parliament, women are employed in mining coal several hundred feet under ground. They were found harnessed into cars, hauling heavy loads from the long drifts to the shaft. In consequence of these low prices, the laboring classes have scarcely enough to feed and clothe them. They live on poor fare, are meanly clad, and have nothing to bestow on the education of their children. They grow up in ignorance, to remain hewers of wood and drawers of water, from generation to generation."

Such have been the fruits of the protective policy in England. Who that regards the well being of the laborer would desire to introduce such a system into this country? Instead of benefiting the laborer by elevating his character, and giving him the means of education and the blessings of a comfortable home, it has reduced him to poverty, suffering, ignorance, and in many instances, to crime itself. It is true that it has led to an extraordinary growth of manufacturing industry, but it has at the same time made lords of the few and slaves of the masses. As an eminent English writer well remarks, its obvious tendency has been "to create immense wealth in one part of the 'population, and increased numbers in another; 'to coin gold for the master manufacturer, and to 'multiply children in his cotton mill; to exhibit a 'flattering increase in the imports and exports of 'the empire, and an augmentation as appalling in 'its paupers, its depravity, and its crimes." With such a frightful picture, as is here exhibited, of the effect of the protective policy on the English laborer, it is extraordinary indeed, that it should find any advocates on this floor. God forbid, that it should ever take root among us. If history teaches by example, we have a lesson spread before us in the rise and progress of English manufactures, which should teach us not to adopt a system that will degrade American labor to a level with the pauper labor of Great Britain. This must be the Whig system of policy; for my colleague denounces the other as the Democratic system. For my part, I prefer the Democratic policy, which, to use his own language, gives to laborers the dignity and the feelings of independent freemen, and enables them to fit their children to share in the government of the Republic; let those who wish to degrade labor choose the other.

The surest guarantee which our manufacturing operatives can have for a just reward of their labor, is in the natural growth of manufactures, and in placing all our industrial interests on an equal footing, so far as respects the protection of the Government. Let agriculture, commerce, and manufactures, go forward hand in hand, and the laborer will have nothing to fear.

But the reason assigned by the iron-masters themselves for asking further protection, clearly establishes that the laborers will not receive the benefit of it; for they put their case on the ground that a further increase of duty is necessary, "to compensate for the difference in the price of labor in this country and in England." Now, it follows, that if the additional protection be necessary to compensate for the present difference in the price, then higher prices cannot be paid either for labor or for ore; and the only effect will be, as I have said, to make iron dearer and the consumer of it poorer. I am aware that it is argued on the other side, that, in consequence of the domestic competition, iron will not be enhanced in price. But, sir, if the domestic competition reduce the price to its present standard, then, unless the complaints of the iron-master be unfounded, the iron interest will be broken down, or the prices are now sufficiently remunerative without any further protection. I deny, however, that the difference in the price of labor in the two countries requires any modification of the tariff on iron. The duty which the act of 1846 imposes, together with the low price of land, fuel, water-power, and ore, and the cheaper provisions and lighter taxes of this country, compared with England, more than compensate for the difference in the price of labor.

But my colleague complains that there has been a large increase in the import of iron. This I admit. But the great increase has not been in that description of iron, which should give rise to complaints from any one who regards the prosperity of the country. The increase in the import of pig, hammered, old and scrap iron, will not average, from December 1, 1846, to June 30, 1851, more than $325,000 annually, a value which could not seriously affect the iron-masters of this country. The large importation, however, is of railroad iron, amounting to nearly three fourths of the iron imported. What right has any one to complain of this? It was paid for in the products of home labor, and therefore it is just as much the result of American labor as if it had been manufactured here. But, sir, has not this railroad iron enabled us to construct in four years more miles of railway than had been made in the nineteen previous years? Has not the construction of these roads developed the resources of the country, multiplied the means of communication with the interior, opened to the products of the farmer and the planter cheap and easy avenues to market, and given employment to thousands of laborers, as well as created a market for our home products? Cheap railroad iron has enabled us to do all this. Does my colleague desire to make this iron dearer by restricting its importation, and thus to compel every railroad, now making or about to be made, and every interest dependent upon them, to pay tribute to the few iron millionaires engaged in the manufacture of rails? To such a policy I will never give my assent; for it strikes at the prosperity of the whole country.

But are our iron-masters injured by the importation of railroad iron? I think not; for such importation increases the demand for other iron, which is manufactured in our own country. It is estimated, that every ton of rails imported creates a demand for five tons of American iron.

Mr. STEVENS. What is it used for?

Mr. ROSS. For various purposes connected with the roads.

Mr. STEVENS. For chairs about twenty pounds to the ton.

Mr. ROSS. Yes, sir; and for locomotives, cars, wheels, and for the buildings and all the fixtures required by railroads. If this estimate be correct, and I believe it is, it will be seen how much the consumption of American iron is increased by the import of rails. The iron-masters well know that the great demand for their iron proceeds from the various railroads now being constructed. And therefore it was that at the commencement of this session, they were willing to throw the manufacturers of rails overboard, by admitting that description of iron free of duty, if Congress would increase the bounty on their own manufacture.

The iron business, Mr. Chairman, has always been, and always will be, subject to derangement in consequence of the fluctuations in the foreign import. Under the tariff of 1842, great fluctuations occurred. Thus we find that in 1843, only 38,000 tons were imported from Great Britain; but in 1844, 102,000 tons were imported; and in 1845, the quantity receded to 68,000 tons. If we take any series of years from 1830 down to 1850, it will be seen that the importation of iron has varied from ten to two hundred per cent. between one year and the next. These fluctuations in the import have existed under high, as well as low tariffs—under the compromise tariff of 1833, the protective tariff of 1842, and the revenue tariff of 1846. The remedy is not to be found in a protective tariff; for the causes of the fluctuation lie deeper, and are beyond the control of all just legislation.

The depression which has existed in the iron business of this country for the past three years, is not to be attributed to the tariff of 1846; for it is well known that the depression has been equally as great in England. The English market was broken down before our own was seriously affected. It was not until the foreign market had fallen below the cost of production, that the American market became depressed. In England, the iron market has varied from a price two or three hundred per cent. above the cost of manufacture, to a price far below it. During the year 1849, iron sold in Great Britain below the cost of producing it. In 1846, the price of pig iron was £5 12s.; and in 1849, £1 18s. In the former year, bar iron sold as high as £15; but in 1849 it fell as low as £4 10s. The effect on our own market of this extraordiary depression in the foreign market was just such as must necessarily have occurred under any tariff; for the prices of our manufactured, as well as of our agricultural products, depend on the prices in the foreign market. Whenever that market is depressed, a corresponding depression will be experienced here. This is, perhaps, more true in regard to iron than any other article of domestic manufacture; for, in order to relieve their over-stocked market, the English iron masters deem it the wiser policy to get rid of their surplus stock by sending it to a foreign market, to be sold at any price. Although they lose money by this operation, they would lose more by forcing it on the home market, and thus still further depressing prices. Their immense capital enables them to adopt this course without serious embarrassment. There is, Mr. Chairman, no system of legislative bounties, which will protect our iron masters from this disturbing influence. It will occur under any tariff that stops short of an absolute prohibition. I trust, however, that the day is far distant, when such a corrective will be applied.

But what, I ask, produced this depression in the British market? What caused the price of iron to fall there below the cost of manufacture? It could not be foreign competion; and surely no one will pretend that it was our Democratic tariff of 1846, for I have never heard it charged as one of the sins of that act that it paralyzed the arm of foreign industry. The English market, sir, was broken down by the same cause which has chiefly operated to depress the American market—and that was, *over-production*. With respect to England, I presume no one will deny the fact. I have not time to go into the statistics corroborative of it; but I will merely state, that in 1840 the quantity of iron made in Great Britain was about 1,000,000 tons; but in 1848, the quantity manufactured had nearly doubled, being in that year not less than 2,000,000 tons. This great increase was owing to the railway mania, combined with other causes; but when the speculative bubble burst the manufacturers were left with a stock which exceeded the demand several hundred thousand tons. While these causes were over-stocking and breaking down the English mar-

ket, a different cause was producing a like effect in this country. The inducements offered by the tariff of 1842, in the high bounties it bestowed, withdrew capital from other branches of industry, and largely concentrated it in the manufacture of iron. Under the operation of that act, the profits of the iron-master so far exceeded the profits of other industrial pursuits, that all men who desired to grow rich in the shortest possible period, eagerly and heedlessly rushed into the iron business. The result was, that, within the ten years commencing in 1840 and ending in 1850, there were 97 charcoal furnaces, 62 mineral furnaces, and 65 bloomeries, forges, and rolling mills—making in all 224 iron works—built in Pennsylvania alone. Of this number, there were built, from 1846 to 1850, inclusive, 35 mineral furnaces, 50 charcoal furnaces, and 33 bloomeries, forges, and rolling mills—altogether 118 new iron establishments erected in one State during the five years preceding 1851. Prior to 1840, we had in Pennsylvania 280 iron-works, which, added to the 224 new works, made the total number, in 1850, 504. How many have been built in other States during the same period I have had no means of ascertaining; but, no doubt, there has been a corresponding increase in all the iron regions. The effect of such a large addition to our iron-works was, that, under the act of 1842, the production of iron in this country reached 800,000 tons, equal to the entire production of Great Britain in 1834, and exceeding the product of that kingdom in 1830 by more than 120,000 tons. Why, sir, in four years, under the act of 1842, the quantity of iron made in this country was quadrupled, rising from 200,000 to 800,000 tons. The domestic product for the three years of '46, '47, and '48, has been estimated at about 2,500,000 tons. This large production was equal to about one hundred pounds of iron each year for every man, woman, and child, in the United States during that period! To show that the supply was greater than the demand, it is merely necessary to state that the quantity of iron on hand at the close of 1849 exceeded 300,000 tons. Thus, while the iron-masters of this country, stimulated by the excessive bounties of the act of '42, were quadrupling the domestic production, the manufacturers of Great Britain, deluded by the railway mania, were doubling the foreign production.

Now, Mr. Chairman, can any reasonable man, with these facts before him, doubt as to the cause of the depression complained of by the iron-master? Will any one who is disposed to treat this question fairly, deny that it has been mainly an overstocked market, and not the tariff of 1846, which has led to the existing embarrassment? In my opinion, if the tariff of 1842 had continued in operation to this time, the iron business in this country would have been entirely prostrated. The domestic production would have been so great, and the stock on hand would have so far exceeded the demand, that ruin—irretrievable and wide-spread—would have overwhelmed all who had invested their capital in the manufacture of iron. But the tariff of 1846 was passed, and the iron-masters saved from universal bankruptcy. That act, by reducing the duties to thirty per cent., checked the speculative mania which was absorbing the capital of my own State for investment in ore-beds and iron-works It has given sufficient encouragement to the business to place it on a sound and healthy basis; but not sufficient to give it an unnatural expansion, or to derange other branches of American industry, by withdrawing the capital necessary for their full and prosperous development.

Mr. Chairman, though over-production in England and in this country has been the chief cause of the depression in the iron business, there were still other causes operating here to produce the same result. There is, perhaps, no business which requires so large a capital as the manufacture of iron. In the purchase of the land, the erection of the furnaces and other buildings, as well as in providing all the necessary outfits, a large capital is required. It is represented by the iron-masters that the expenses of a blast furnace are from $200 to $300 per day throughout the whole year; and in some of the iron establishments the daily expenses are stated to exceed $2,000—an expenditure requiring an active capital which few men in this country possess. Besides this, it is necessary that the iron-master should have a capital adequate to meet the fluctuations which are so frequently recurring in the iron market of England and this country. It should be large enough to enable him to hold on to his stock when the price falls below the cost of production. How few of the men who were tempted by the gilded bait of the act of '42 to rush into the iron business possessed the capital necessary to its successful prosecution. And how few possessed the knowledge, the skill, or the laborious and systematic industry which that business peculiarly requires. Men whose minds and habits of thought had been trained to other pursuits, and who had neither practical nor theoretic knowledge, embarked at once in the business. The consequences which followed were just such as might have been expected. Injudicious investments were made, unfavorable locations selected, capital wastefully squandered, and the business itself improvidently, as well as ignorantly conducted. Under such circumstances it is not surprising that the fires of furnaces, which ought never to have been kindled, have been extinguished; and that some of the weak and rickety establishments have been brought under the sheriff's hammer. But it is neither just nor honest to attribute their failure to the tariff of '46; for the first surge of embarrassment would at any time, and under any tariff, have swept them away.

To these various causes is to be attributed the depression, which has existed in the iron business. The act of 1846 has had little or no agency in the matter. As I have already stated, but for that act we should have had the strong and sound establishments falling with the tottering and the weak. Few of the iron-masters would have been able to ride out the storm, which was even then gathering, and the elements of which, in this country, were to be found in the tariff of 1842.

Mr. Chairman, if the tariff of 1846 created the depression, then has the conduct of the iron-master been extraordinary indeed; for it is remarkable, that in the very face of the law, which, it is now asserted, he knew would bring destruction on his head, he should have prosecuted his business in such apparent security. One would suppose, that when that much-reviled bill became a law, he would have taken some precautionary measures to break the force of the blow that was about to fall upon him. Men generally put themselves in a state of defense, when they believe that danger is approaching. The iron-master, however, did no such thing. On the contrary, he increased the product of his manufacture—he extended his business—he purchased new ore-beds—he built new furnaces, and forges, and rolling-mills, and at the same time cried out lustily, that the tariff of 1846 had destroyed the iron business. Yes, sir, in the midst of all this cry of ruin, which the poor, oppressed, and ever-to-be-pitied iron-master declared the Democratic tariff was bringing upon him, we find, on examining the statistics furnished by himself, that in Pennsylvania alone, he invested more capital, built more iron-works, of various kinds, and of greater capacity, in the five years preceding 1851, than he did during the five years preceding 1846. So completely prostrated was our impoverished iron-master, that within the past five years there has been erected, in an adjoining State, one establishment for the manufacture annually of 15,000 tons of bar-iron, at a cost for land, buildings, and machinery, of $600,000! Out upon such hypocrisy, for it can deceive no one. If the tariff of 1846 were so destructive in its operation, why was so much capital invested in it in 1846, '47, and '48, and even down to 1850? Do capitalists make investments, with their eyes open, in what they know will be a losing business? Will the manufacturer enlarge his old works, and erect new ones, and increase his stock of raw material, when he is daily sinking money? Will the iron-master continue to make iron at a daily expense of from $300 to $2,000, when he knows that every pound he manufactures is bringing him nearer to his ruin? Surely no one can be so infatuated as to believe in these absurdities.

I concede that the profits of the iron-master have been greatly reduced. It was not only just and proper that they should be reduced, but it was demanded by the best interests of the country. Few people have any idea of the enormous profits which they at one time realized. The iron-masters themselves, in a convention held for the purpose of memorializing Congress for further protection, gave the cost of making a ton of pig at $17 50. This included interest on capital invested, wear and tear of machinery, operator's profit, incidental labor, charges on railroads, and everything else that could, by any possibility, be introduced into the estimate to increase the apparent cost to $17 50. Exaggerated as this estimate manifestly is, I am willing, for my present purpose, to adopt it as the cost of making a ton of pig at that time. By referring to the same authority, I find that pig iron sold as high as $30 per ton, thus yielding a clear profit to the manufacturer of $12 50 on each ton manufactured. Estimating the annual yield of a furnace at 3,000 tons, (and some yielded 10,000,) the iron-master realized in one year a clear profit of $37,500 over and above the interest on his capital invested. In the year of which I speak, there were 800,000 tons made, on which there was an aggregate profit of more than $10,000,000. Such was the protection which the tariff of 1842 gave to the iron-master—a protection which extended to him the privilege of wresting from the earnings of labor the enormous profit of nearly seventy-five per cent. A more perfect system of legislative robbery could not have been devised. Every principle of justice, as well as sound policy, demanded the repeal of such a bill of abominations.

But it is alleged that the tariff of '46 has not merely reduced the profits, but has broken down and destroyed the iron manufacture. Let us turn to the facts, and see what truth there is in this representation. The official tables of the census of 1850 furnish us with the following statement of the quantity of pig iron produced in the United States in that year:

	1840.	1850.
Pennsylvania	98,395	285,702
All other States	188,508	279,053
Total tons	286,903	564,755
Add castings 1850		322,745
		886,500

Such, sir, is the picture of ruin which the facts themselves exhibit. Instead of the iron business being destroyed, the production of pig alone was, in 1850, twice as great as it was in 1840. As a Pennsylvanian, I am gratified to find that in 1850 her production was nearly three times greater than it was in 1840, and that it exceeded by nearly 8,000 tons the aggregate production of all the other States of the Union; whereas, in 1840, Pennsylvania only produced about one half of the quantity manufactured in the United States. With these statistics before us, showing the production of nearly 600,000 tons of pig iron in one year, and that year, too, when prices were most depressed, we have abundant evidence that the iron business is far from being broken down. I know that a systematic effort has been made to impress this House and the country with the belief that our iron-masters have become bankrupt, and our furnaces subjected to the hammer of the sheriff. Let us see to what extent this is true. I will select Berks county, not only because in 1850 there was in that county a greater number of iron-works than in any other in my State, but also because the first meeting, purporting to be Democratic, in favor of increased duties, was held there. In 1850 there were in Berks county 41 iron establishments of various kinds, with an aggregate capital of $1,231,000; and in the ten years from 1840 to 1850 there were but eight of these works that had failed, or been sold by the sheriff. These eight embraced only three of the twelve charcoal blast furnaces, and only five of the twenty-three forges. Not one of the anthracite blast furnaces, or of the bloomeries, or rolling-mills either failed or came under the sheriff's hammer within that period, and only two of the eight failures occurred subsequently to the passage of the act of 1846. Another fact worthy of notice is, that of the thirteen blast furnaces, only two were blown out, and those two charcoal cold blast furnaces.

Such, sir, was the condition of the iron business in 1850, in the largest Democratic county in Pennsylvania. I will now turn to Lancaster county, the largest Whig county in the State, and represented by my colleague, [Mr. Stevens.] In

that county, with a capital of $1,273,000 invested in the manufacture of iron, being a larger capital than was then invested in any other county, there were in 1850 thirty iron works. Of this number, there had been but five failures or sales by the sheriff in the ten years preceding 1850. Two of these failures occurred in 1842, and only three after the passage of the present tariff. In my own district there are eleven iron works; but in the entire period of ten years preceding 1850 there has been but one failure or sheriff's sale. It thus appears that in the three districts I have named, of the eighty-two iron establishments there had occurred but six failures from the passage of the act of 1846 down to 1850. Comment on these facts is scarcely necessary. No other business in the country can show so few failures in the same period. How many merchants and farmers and mechanics have been sold out by the sheriff during that time? But no cry of ruin is heard from them. No appeal comes up from them asking for the exclusive privilege of taxing their fellow-citizens to enrich themselves. No, sir, they ask no bounties from the Government; but are satisfied with the profits which an honest industry, under just and equal laws, will yield them.

I will take up no further time by remarks on this branch of my subject. It is manifest that the manufacturer of iron is not only able to stand alone, without leaning on the Government for support, but that he will soon be taking rapid strides in the race of competition with the foreign producer. The consumption of iron is annually increasing. There is scarcely a day that we do not hear of some new purpose to which iron is being applied. Iron houses, iron ships, iron bridges, iron fences, are steadily increasing in number. In the construction of various articles of household furniture, it is becoming an important material; and with the increase in our steam marine, the extension of our railroads, and the general development of the industrial interests of the country, no one can now foresee the various purposes to which iron will be applied, nor can he fix a limit to the consumption which, in a few years, must necessarily take place. With this increasing demand for iron, and with our hills and valleys abounding with ore and coal, and everything requisite for its manufacture, and with the multiplying facilities of transportation to the sea-board, who can believe that a further legislative bounty is required either for the present or the future prosperity of the iron manufacturer? I do not. The doctrine that the Government, under the pretext of protection to particular branches of manufacture, has the power to tax the industry of the masses for the benefit of the few, has always been to me anti-republican in its conception, and injurious in its consequences. But when this system of taxation is applied to the manufacture of an article so indispensably necessary to the wants of the people as iron, and which we have such abundant means of producing in close proximity to the sea-board, the doctrine becomes doubly odious, and ought not to receive the support of any member of the Democratic party. Pennsylvanian as I am, by birth, education, and affection, I will, nevertheless, neither by word nor deed, aid in the perpetration of so great a wrong to all her other industrial interests as would be the giving of further protection to iron.

It is not true that the iron manufacture is the great leading interest of Pennsylvania. She has other interests far exceeding in magnitude and importance her interest in the production of iron. One of those is her agricultural interest. She is now, and always must continue to be, one of the great agricultural States of the Union. By the census of 1850, she was the largest wheat-growing State, her crop amounting in that year to 15,482,191 bushels. The capital which she has invested in agriculture is nearly ten times greater than her capital in the production and manufacture of iron. It is ascertained by the census returns that there are in Pennsylvania 8,619,631 acres of improved land, which, estimated at $15 per acre, would amount to.....$129,294,465

Value of farming implements as given by census.....	14,931,993
Value of live stock.....	42,146,711
Capital invested in agriculture....$186,373,169	

The whole amount of capital invested in the manufacture of iron in Pennsylvania is $19,613,415; of which sum there are invested in the manufacture of pig.....$8,570,425

Castings.....	3,422,924
Wrought iron.....	7,620,066

It thus appears that the capital invested in Pennsylvania in agriculture exceeds the capital invested in the iron business by nearly $167,000,000; and it exceeds the aggregate capital of her iron, cotton, and woolen manufacture combined more than $160,000,000. How absurd, therefore, it is to designate the manufacture of iron as the great interest of Pennsylvania. Why, sir, the value of her wheat and corn crops alone for 1850 exceeds, by more than $5,000,000, the value of the entire iron product; and if to this be added her 21,000,000 bushels of oats, her 5,000,000 bushels of rye, her 2,000,000 tons of hay, her 40,000,000 pounds of butter, her 5,000,000 pounds of wool, and her barley, buckwheat, potatoes, grass, seeds, and all the other products of her soil, it will be seen how insignificant is the iron interest when compared with the agricultural interest of my State. But it is not merely in Pennsylvania that this excess of agricultural capital is to be found; for, if we compare the capital invested in the various branches of manufacture throughout the Union with the capital invested in agriculture, we find that there is an excess of agricultural capital of nearly 1,300,000,000, a sum almost inappreciable.

Sir, I do not belong to that class of persons who think that there is no other labor or domestic industry American but manufactures. In my opinion, agriculture is the great, paramount interest of this country; and if there were no other reasons for opposing a higher rate of duties, the serious injury which an increased tariff would inflict on all engaged in agriculture, ought alone to be sufficient. There is not a farmer or a planter who is not vitally interested in keeping open the markets of the world; for already more than two thirds of our entire domestic exports are the products of the soil. The statistics show, that with a fair average crop, we raise annually in the United States about 750,000,000 bushels of breadstuffs—to wit, wheat, rye, corn, and buckwheat. With a population numbering a fraction over 23,000,000, it is impossible to consume this immense quantity in our own country; for, allowing 210,000,000 bushels to be consumed by the people in food, and 310,000,000 to be used in feeding stock, and in distilling and other purposes; and 30,000,000 to be retained for seed—all of which is a more liberal allowance than writers on this subject are willing to concede—we are still left with a surplus stock of breadstuffs amounting to 200,000,000 bushels. If the surplus of our breadstuffs be now 200,000,000, what will it be in a very few years, when the many millions of acres are brought into cultivation under the new disposition which is being made of the public lands? In the old States, in consequence of the division of farms and the improved modes of culture, one third at least has been added to the production, in the last ten or fifteen years; but when the lines of railroads which are now penetrating the far West are completed, and your homestead bill and other land distribution bills, which are about being passed, are in full operation, the production will be so great that I will not undertake to estimate its quantity. Farmers, therefore, cannot avoid seeing how important it is to them that there should be a free interchange of commodities between different nations, untrammeled by protective duties or prohibitory regulations of any kind. It is not a home market which they want, for that they have already; but it is a foreign market, which they must have, and without which the value of real estate will inevitably sink to a point it has never yet reached in this country. The wages of labor, and the price of all the products of industry, must share the same fate; for they are all dependent upon the prosperity of agriculture. There is not a merchant, or a mechanic, or a laborer, who does not know that he sells more merchandise, receives higher prices, and that his labor is more in demand, and better rewarded, when the farmer obtains good prices for his products. These prices he can only obtain under a low tariff, which will open to him the markets of the world.

The tariff of 1846 has done this to a considerable extent. The mere introduction of that bill into Congress, and the probability that it would become a law, exercised great influence in the repeal of the British corn laws, which excluded our breadstuffs from the English market. For several centuries that Government had recognized, as a favorite policy, the doctrine of protection to the products of the soil by a high tariff on foreign imports. From 1773 down to 1828, at each revision of the corn laws, the duties were made still more protective. But in 1828 a reduction of seven shillings per quarter was made. That act continued in force, with some modifications, until the corn laws were repealed; and by it no wheat could be imported at a nominal duty, unless the price in England had risen to seventy-three shillings per quarter. Whenever the prices fell the duties rose until they amounted to an absolute prohibition. A more perfect system of monopoly could not well have been framed. It is, indeed, a matter of wonder that two enlightened and Christian nations—the one possessing a surplus of breadstuffs, which the starving subjects of England needed for their subsistence, and the other a superabundance of manufactured products, which the people of the United States required for their comfort as individuals and their prosperity as a nation—should have so long discarded sound policy and common sense by adhering to the bigoted and uncharitable system of commercial prohibitions. Every attempt to fetter commerce and to prevent a free interchange between nations is as absurd as would be the attempt to place shackles on the limbs of a child, in order to prevent the growth and full development of the human body. But a new era is dawning upon us. The abolition of the British corn laws, and the adoption of the tariff of 1846, indicate a great advance of public opinion in the true principles of political economy. Their favorable influence has been already felt in all the departments of industry; but in none more than in that of agriculture.

The value of all our exports in four years, under the operation of the act of 1846, was.....	$610,422,263
For the same number of years under act of 1842.....	423,609,880
Excess of exports under act of 1846,	$186,812,383

This great increase is not made up of exports of foreign goods or products; for we find that the increase in that branch of our exports is only $13,075,881, thus showing that our domestic exports alone for four years, under the tariff of 1846, exceed the domestic exports for the same number of years under the act of 1842, $173,736,502. But another fact equally instructive is, that the total exports for the last four years of the compromise act of 1832, when the duties had reached almost the lowest point, exceeded the exports under the act of 1842 about $56,000,000; and the domestic exports of the same period exceeded those under the tariff of 1842 more than $37,000,000. The falling off in our domestic exports in 1843 and 1844, was $16,848,233. In all our agricultural products, $10,864,117. In wheat and flour, alone, the falling off was $9,101,545. Such has always been the effect of high duties. They not merely reduce our imports, but they reduce our exports in a greater ratio; for high duties imposed by us necessarily lead to high duties by others. Is it not time that we took warning from the past? We have an annual surplus of the growth and product of the soil amounting to about $140,000,000, after supplying the home demand; and if we impose restrictions on our foreign trade, we close the markets of other nations against us. Our exports soon fall off; for if we will not be purchasers, we cannot expect long to be sellers. It is in this way that a high tariff, by limiting the market, reduces the value of both labor and of capital, and that a low tariff, by enlarging the market and increasing the demand, gives additional value to capital, and enhances the wages of labor.

But allow me to call the attention of the House to the great increase which has been made in the export of breadstuffs and provisions alone; and what I have to say on this point, I commend to the consideration of the gentleman from Vermont, [Mr. MEACHAM,] who, in a late speech, made the extraordinary assertion, "that in four years under the tariff of 1842, our export of food run up

$17,000,000; but under the tariff of 1846, it run down $16,000,000." An assertion so wholly unfounded in fact, is simply absurd, and almost unworthy of even a passing notice.

From the official tables, it will be seen that the value of the breadstuffs and provisions exported from the United States in the years 1847, 1848, 1849, and 1850, amounted to....	$171,381,552
Ditto, in the years 1843, 1844, 1845, and 1846, to.....	73,618,800
Excess under the act of 1846.....	$97,762,752

Here we have the gratifying fact, that the tariff of 1846 has enabled us to send abroad nearly $100,000,000 worth of breadstuffs and provisions more than we did under the tariff of 1842; and that, too, before the repeal of the English corn laws had gone into full effect, which did not take place until 1849. In the four years that I have named, these exports amounted to one third of all the exports we had made for twenty years preceding 1850. The average exports of breadstuffs and provisions for the four years of the tariff of 1842, was $18,404,700. But, under the revenue tariff of 1846, the average exports were $42,845,388—exceeding the annual average exports under the tariff of 1842, $24,440,688. It is a great mistake to attribute, as my colleague has done, this increased activity in our exports of breadstuffs and provisions to the famine, which prevailed in various parts of Great Britain during the years 1846–'47. I concede, that for those years our exports were largely increased in consequence of the famine; but, if we strike out the exports for both years, there is still an excess of more than $50,000,000 in favor of the tariff of 1846. In all the products of the soil, there is an excess of exports in the fiscal year ending 1851, over the fiscal year ending in 1846, of more than $67,000,000. My colleague must assign some other reason than the famine for this great increase; for that reason has been given so long, that it has become "stale, flat, and unprofitable." What a triumph is this, sir, for the advocates of low duties! And how conclusively does it admonish us to tread firmly in the path which the framers of the tariff of 1846 have marked out for us!

What would have been the condition of the agriculturist if these $100,000,000 worth of breadstuffs had not found a foreign market? And what, indeed, would have been the condition of all the industrial interests of our country? A loss of $100,000,000 would have seriously affected, not merely the agriculturist, but the manufacturer, the mechanic, and the laborer, in an equal, if not greater degree; for if the farmer is cut off from a foreign market, where he could sell $100,000,000 worth of breadstuffs more under one tariff than under another, he cannot be so good a customer of the manufacturer and the mechanic, nor can he employ as much labor or pay as high wages. All classes must suffer, but the manufacturers more perhaps than any others. I know that it is the favorite doctrine of the protectionists, that the farmers are dependent on the manufacturers; but a greater fallacy was never uttered, for the manufacturers are dependent on the farmers. They are the great consumers of manufactured products. Take, for instance, the manufacture of cotton. The entire product is $61,869,184. Now how much of this do you suppose is consumed in this country? By turning to the report on commerce and navigation we find that only $4,734,424 are exported, and $57,134,760 are consumed in this country. And by whom is this great consumption? Why, sir, by the planters of the South, and the farmers of the northern, middle, and western States. Deprive them of the foreign market which is just opening to them, and you at once diminish the resources of the best customers which the manufacturers have. It is the agricultural products of the South and of the great West which is building up your Atlantic cities and supporting the manufacturing establishments of the eastern and middle States. If you adopt the suicidal policy which my colleague has recommended, you will at once cripple your best purchasers, and reduce the value of capital and of labor in all branches of industry. Sir, if we wish to enhance the price of labor, if we wish to increase the quantity of manufactured products, if we wish to add to the value of capital, in a word, if we wish to make our country prosperous, we will adopt such a system of legislation as will throw the markets of the world wide open to the farmer and the planter. The more free our foreign trade is the better is home labor rewarded.

But it is said, that by protecting manufactures we would create a home market for the products of agriculture, and that the immense surplus of breadstuffs, which we now send abroad, would all be consumed in this country. I can scarcely believe that any one can be found in this broad land, however weak and credulous he may be, who will be deceived by a representation so palpably false and preposterous. But, in this age of spiritual rappings and of mental delusions of all kinds, it is possible that the no less absurd doctrine of a home market for the consumption of all our breadstuffs may have more disciples than any rational man would suppose. My colleague, I regret to say, is laboring under this delusion. I will therefore give it a moment's consideration.

We now have, as I have already stated, a surplus of nearly 200,000,000 bushels of breadstuffs after supplying the entire home demand. To consume this quantity in our own country would require about 22,000,000 people, in addition to our present number. In other words, we must double our population. Need I say to any one here that, in the first place, no human legislation can be devised by which you can add 22,000,000 of manufacturers to the present number; and, in the second place, that if such a miracle could be performed, the production would be so great that it would supply the market not merely of this world, but of two or three worlds similar in size and equal in population. The whole number of persons in the United States employed in the three leading branches of manufacture was, according to the census of 1850, as follows: In the cotton manufacture there were 83,286; in the woolen, 39,252, and in the iron, 57,294; making, in the aggregate, 179,832 persons. Now, sir, if you treble this number, we will have 539,496 individuals employed. Estimating that each of these persons will consume ten bushels of breadstuffs annually—which is a bushel and a quarter more than is allowed in the estimate of Mr. Burke, the late able Commissioner of Patents, in his report of 1847—the whole quantity consumed by this increased number of manufacturers would be less than 5,500,000, still leaving us with a surplus of 194,000,000, or thereabout, to be disposed of in some other way. Such would be the home market which the manufacturers would give us! But if we increase the operatives, we must necessarily increase the production in the same ratio at least; and does any one believe that the demand would justify so large an increase of the supply? In 1850, the value of the entire cotton, woolen, and iron manufactures amounted to about $160,000,000; but if we treble the product they will amount to nearly $480,000,000. It is thus seen, that in order to give the farmers a home market for only 5,000,000 bushels of the surplus, the manufacturers must increase their products to the extent of about $320,000,000 annually. What absurdity, therefore, it is to talk about a home market for the consumption of a surplus of 200,000,000 bushels of breadstuffs! If such a theory could be carried out even for one year, it would involve not only the manufacturers, but the whole country in universal bankruptcy.

The doctrine of an exclusive home market for our breadstuffs is based on the assumption, that one market is better than many, and that $200,000,000 of our surplus produce will be consumed by the manufacturers, when, in fact, they cannot consume one twentieth of that quantity. The two States of Pennsylvania and Ohio produce annually a sufficient surplus of breadstuffs and provisions to supply, not only all the manufacturers who are now in the United States, but all who will probably be here for several generations to come. And when to those two States, we add the large wheat growing States of Virginia, New York, Indiana, and Illinois, the fallacy of a home market becomes still more apparent. Wisconsin, one of the youngest States of the Confederacy, with a population of only 305,191, produced, in 1850, 4,594,717 bushels of wheat. In a very short time, she will double her production, and twenty years will not elapse before she will have quadrupled it. If the farmer, under such an increasing production, is to be confined to a home market, the prospect before him will be indeed gloomy enough. It is his duty to give this subject his serious consideration; for the only security which he has either for his present or his future prosperity, is in having a free access to the foreign, in addition to the home market.

Since the tariff of 1846, our exports of breadstuffs, compared with the home consumption by the manufacturers, have been in the proportion of twenty to one; that is, for every bushel consumed by the manufacturers, we send twenty to foreign countries. We all know that our export of agricultural products is in a much greater proportion to our entire production than the exports from England to this country of her manufactures is to the entire amount of her production. The annual average of wheat and wheat flour imported into England from foreign countries, for the ten years preceding 1846, was about 18,000,000 bushels. It was stated, by the Chancellor of the Exchequer, in a debate in Parliament in 1846, that the annual increase in the population of England would require from 100,000 to 200,000 acres of land to be annually brought into cultivation for wheat, to meet the wants of the increased population; and in the same debate, it was estimated that England, before the expiration of the next ten years, would be compelled to import 24,000,000 bushels annually, however vigorously or scientifically the arts of agriculture might be applied to enrich her soil. It should be the object of the farmers of the United States to adopt such a commercial system as will enable them to supply this foreign demand. With a free commerce, it is in their power to do so; for the American grain-grower can afford to deliver his grain or flour at as low a price in England as the grain-grower of any other country. Instead of deluding himself with the idea of building up a home market for the consumption of his breadstuffs, by an unnatural expansion of our manufactures, he should endeavor to multiply his foreign markets, by a liberal system of legislation towards other countries. By doing so, he will more effectually build up a home market than by any other course he can pursue; for that class of our people who are engaged in commerce are far more numerous, as well as more extensive consumers of our agricultural products, than the manufacturers. The more, therefore, that we extend our commerce by sending our breadstuffs abroad, the greater will be the number of consumers in our own country, and the better will be the home market.

But, sir, the farmers, under the tariff of '42, had an opportunity to test the doctrine of creating a home market by undue protection to manufactures; and the result of that trial was such that, I am sure, they can feel no disposition to repeat the experiment. By that act they had all the home market which manufactures could give them. But, notwithstanding this, the prices of breadstuffs were lower than they had been before its passage, and lower, too, than they have been since the tariff of '46 went into operation. Even the depression in the iron business, during the years 1849–'50, and the consequent loss of this much-boasted home market, did not affect the prices of grain; for, by turning to the commercial table of prices for those years, we find that grain commanded a higher price than it did during any year under the tariff of 1842. It is not the home, but the foreign demand which determines the prices of our breadstuffs. The more active the foreign market is, and the greater facility we have in making shipments to other countries, the higher will be the price here; for every farmer knows that the price is controlled, not only in our manufacturing districts, but everywhere else throughout the country, by the prices which rule in the great exporting cities of the Atlantic States. It is not the home demand of Pittsburg or of Lowell, the two great manufacturing cities of this Union, which determines the price of breadstuffs; but it is the foreign demand at the city of New York which fixes the price, not only at Pittsburg and at Lowell, but at Cincinnati and Chicago, and even at the remotest town in the far West.

But however this may be, the experience of the past thirty years incontestably proves, that our agricultural products are more in demand and

command higher prices under a low rate of duties, than they have ever done under a high tariff. In 1847, the Albany Argus published a tabular statement of the average prices of flour in that city, from 1824 to 1846 inclusive, during the season of canal navigation. From that statement, it appears that for the four years preceding the tariff of 1842, the average price was $5 72, and for the four years under that act, it was $4 84. In 1841, the average price was $5 61, but in 1844 it was only $4 53. For the nine years of the compromise act of 1832, the average price was $6 70, and for the nine years preceding that act, a period of high duties, it was $5 31. The average price for the last five years, a period of abundant harvests, has been $5 64. An examination of the prices current for the several years of the two periods, in regard to cotton, tobacco, corn, and other products of the soil, will exhibit the same difference of price in favor of the present tariff. There is no difficulty in assigning the true reason for an advance in prices under a low tariff, and for a decline under a high one. In the one case, we are, to a certain extent, excluded from the foreign and confined to the home market, where the demand falls far short of the supply; but in the other, we increase not only the home demand, by multiplying the consumers, but we also enlarge the foreign demand, by extending to the people of other countries the ability to become purchasers. It is indeed strange, that so numerous and intelligent a body of our citizens as the farmers, who have such a deep interest in this question, should have so long submitted to a surrender of the earnings of their labor and capital. The time has now come, however, when they should divest themselves of all party prejudices, and instead of seeking further protection for the manufacturers, they should endeavor to protect themselves from the burden of taxation, which manufacturing cupidity seeks to impose upon them. It surely cannot be their interest to advocate a policy which reduces the value of their products, and, at the same time, taxes them for the iron which they consume, and for the coat which they wear, merely to enable a few capitalists, who have invested their moneys in manufactures, to receive exorbitant profits. "Agriculture," as some one has eloquently said, "supplies the great staples, keeps up the price of labor, furnishes the materials for our commerce, and advances us onward in the career of national happiness and prosperity." Let us beware how we adopt a policy that will injuriously affect this great leading interest of our country.

One word to the manufacturers themselves. In 1833, you asked protection for only nine years. It was granted. But so soon as the moneyed power of the country obtained the control of the Government, you violated every pledge, and obtained the enactment of that most unjust and highly-protective law—the tariff of 1842. Be satisfied with the protection which you now enjoy. The present tariff is submitted to not because it is just, but because the country required repose from the agitation of a question which has for so many years disturbed its tranquillity. If, however, you persist in again opening the legislative halls for its discussion, be assured that not a vestige of that incidental protection which you now receive will be left on the statute-book. Your resistance will be powerless, as it was in 1846.

Sir, when we consider the combinations of associated wealth which were then formed throughout the country to defeat the tariff of 1846—when we consider the immense influence and power which the protected classes had at their command, and which were wielded against that bill—when we consider the predictions that were made by the most distinguished leaders of the Whig party, of the ruin and the desolation that would follow in its train, if it became a law,—I say, sir, when we consider these things, and also remember that we were then just engaging in a war with Mexico, we cannot fail to accord to our Democratic brethren of that day a disinterestedness of action, a firmness of purpose, and a far-seeing political sagacity, which entitle them to the gratitude of their country. But to no one of that enlightened body is more honor due than to the distinguished Pennsylvanian (Mr. Dallas) who, disdaining all personal considerations, and actuated by a high sense of public duty, gave the casting vote by which the bill became a law. By that act, protection for the sake of protection was wholly repudiated, and the principle established that revenue sufficient for an economical administration of the Government, should be the only object in adjusting the duties on imports. It is true that we have not yet reached the goal, but we have taken one step in the right direction.

DEBATE IN THE SENATE,

MONDAY, *August* 16, 1852,

On the Bill granting to the State of Michigan the right of way and a donation of Public Lands for the construction of a ship canal around the Falls of St. Mary's, in said State.

The Senate, as in Committee of the Whole, resumed the consideration of the bill granting to the State of Michigan the right of way and a donation of public lands for the construction of a ship canal around the Falls of St. Mary's, in said State. The question pending is as follows:

Mr. FELCH had moved to amend the bill by striking out all after the enacting clause, and inserting:

That the Secretary of War be, and he is hereby, authorized and directed to contract with the lowest bidder or bidders, after public notice given in the usual manner for letting contracts, for the construction of a ship canal around the Falls of St. Mary's, in the State of Michigan; which canal shall be not less than one hundred feet wide and twelve feet deep, with single locks not less than three hundred and fifty feet long and seventy five feet wide, with such piers and other appurtenances as shall, in the opinion of said Secretary, be required for the safe and proper use of said canal: *Provided*, That said Secretary may enter into separate contracts for such different portions of the work in constructing said canal as he shall deem conducive to the public interest, and the aggregate amount of all said contracts shall not exceed $400,000, which shall be paid to the contractor or contractors as the work progresses, reserving always a sum equal to twenty per centum on the amount of work performed until the whole be completed: *And provided further*, That the contractor or contractors shall perform the work under such instructions and superintendence as the said Secretary shall deem necessary and proper to secure the faithful execution of the contracts, and shall give such ample security for the performance thereof as he shall direct and approve: *And provided further*, That such contractor or contractors shall have the right of taking from any of the lands of the United States stone and other materials for the construction of said canal and its appurtenances.

Mr. TOUCEY proposed to amend that amendment by adding to it the following as an additional section:

SEC. 2. *And be it further enacted*, That the said canal, with its appurtenances, when the same is completed, shall be delivered over to the State of Michigan, to be kept in operation and repair, and subject to use by all citizens of the United States, and such foreigners as may be permitted to use the same by authority of Congress, upon the payment of such tolls and charges only as shall, in the aggregate, be sufficient to defray the necessary expenses of the operation and repairs of said canal: *Provided*, That all boats and vessels belonging to or in the employment of the United States shall at all times be allowed to pass through said canal free of all charges: *Provided also*, That there shall be kept under the authority of said State an accurate account of expenditure in the repairs and the operating of said canal, and also of all receipts for tolls and charges, and a sworn statement of the same be returned to the Secretary of War in the month of January in each year: *And provided further*, That the work upon the said canal shall not be commenced until said State, by an act of the Legislature thereof, shall agree to accept the same, and shall make proper provision for the preservation, repair, and operation thereof on the terms and conditions above specified.

Mr. CASS. Mr. President, I listened with attention to the remarks of the Senator who spoke last, when this subject was before the Senate, some days since; but, I must confess, I attempted in vain to understand with precision his views upon the disputed question of internal improvements. In some respects his doctrine was good orthodox Democratic doctrine; but some of his illustrations seemed to destroy his restrictions, and to leave us at sea, without pilot or port, as we were some years ago, while the system was in vigorous operation. The Senator announces that he is in favor of great national works, and that on that subject he has no party zeal to guide or influence him. He inquires—he will excuse me for saying it—with more emphasis than justice, what precedence this work has over others?—some of which he enumerates, while the rest we are left to conjecture. We claim no precedence for this work, as an object of internal improvement; nor do we compare its character with the claims of any others of that class, not only because we ask its construction as an important means of national defense, but because, whether the honorable Senator means, by precedence, that priority which depends on time, or age, or upon importance, it is useless to enter into any such competition. I have not the Senator's speech to advert to; but I think he referred to the Cumberland dam, and to the Muscle Shoals, and, I believe, to some other of the western rivers, as having many years the advantage of the work contemplated by this bill. I know of no circumstances of time which give any priority in these matters. They present no questions of age, but of importance, and likewise, in some degree, of local justice, as every portion of the Union is equally entitled to be heard, and to have its claims fairly considered.

The Senator places this in the category of all other canals, and asks that a difference may be shown in the situation or objects which give it a peculiar claim to our consideration. The circumstances urged during this discussion, by the friends of the measure, give what is a true and what ought to be a satisfactory answer to this question, that it is needed as a means of defense, and they show it, too.

Objections have been made here, and I think very justly, to the practice of inserting a great number of local objects in the same bill. It is a bad plan, sir, and leads to a great deal of improper legislation. We all know the effect of this agglomeration, if I may so call it, and how each appropriation bears upon the bill and renders itself essential to its success. Far other considerations than the real merits of each proposition bear upon its fate, and giving here and taking there, becomes almost necessarily a part of the system. I will cheerfully join any Senator in an effort to prevent the recurrence of this evil, and I am satisfied that the nearer we arrive at a plan which will insure the consideration of each case, disconnected from others, the more likely we shall be to succeed in our object. As I suppose it will be impossible to pass a bill for each work, we must confine ourselves to some kind of classification, by districts perhaps, which will give us more control over the tendency to admit propositions, more because they strengthen the bill than because their just claim gives them a right to be provided for in it.

But an apposite objection to this bill is also made, well-showing the discordant opinions that prevail on this general subject, and that is, that it stands alone with no other proposition in the bill—with no associates, in fact, to give it artificial strength. If it is alone, it must stand or fall upon its intrinsic merits, and not upon the strength or weakness of its associations. I believe some of those who urged this objection are in favor of the Cumberland dam bill. That bill contains but a single appropriation. However, rules, it seems, are not always inflexible.

Now, sir, this appropriation is not asked for in the river and harbor bill, simply because the object of the proposed work has not a direct relation with the objects of that bill. The power of Congress over this work is placed upon the ground of its being a defensive one, and not upon its connection with the commerce of the country. Those gentlemen who have constitutional objections to all works of this description, whatever may be their necessity or national importance, may, indeed, fight the battle of principle upon this bill, if that often-fought battle is to be again renewed; but the place of contest is badly chosen, because, as I have said, the measure proposed is urged upon other grounds.

As to the old doctrine of internal improvements, I have but little to say, and shall limit myself to a few very general observations, growing out of some of the remarks made here when this bill was first before us. The discussions which the subject has undergone from time to time, have certainly rendered the doctrine less latitudinarian, even with the party most disposed heretofore to push it the furthest. I was struck with this truth when I saw the resolutions of the New York Whig Convention, last autumn, which declared that those works should be confined to objects of a national character, as a constitutional principle, and to such as had been previously surveyed and estimated as a fiscal one, to prevent the commencement of too expensive and improvident works. I have not the resolution to refer to, but I cannot

be wrong as to its purport, and good, sound doctrine it contains; and the objections which many of us had to the extravagant bill of the last session upon this subject, was, that it violated these just safeguards.

Originally, very loose ideas prevailed upon this general question. A great system, carrying the authority and the influence of the Federal Government everywhere, was looked forward to as equally constitutional and expedient. A network of roads and canals was to cover the country, carrying business and commerce to every man's door. An estimate was made of the amount of the propositions of this nature pending at one time before Congress. I cannot recur to the document, but I well recollect that the aggregate was alarming. General Jackson opposed, and successfully, too, this expanding effort; and his Maysville veto message contained irrefragable arguments in favor of a more limited action of the Government.

General Jackson in his views upon this subject states that two opinions had prevailed, one of which, with the right to construct such works, contended for the power of Congress to exercise jurisdiction over them independent of State authority; and another, which contended for the right of construction under given circumstances, but without any claim of jurisdiction. The advocates of the first of these doctrines have disappeared, but there is much diversity of opinion among those who hold to the latter as to the practical extent of the power. The Democratic party has endeavored to limit the action of the Government, and has succeeded in withdrawing it from both roads and canals, as mere objects of internal improvement. And a conviction of the danger to which such a loose system was liable, seems also to have taken possession of many of our political opponents. As to rivers and harbors, they present different considerations, as was well shown by Mr. Calhoun, and it is indispensable that the national and truly important objects of this nature should be provided for by Congress. I have no more doubt of the constitutionality than I have of the necessity of such legislation; still I concede the system has such a tendency to abuse that its operation should be vigilantly watched.

I have said, sir, that this application has no relation to any of those questions of improvements, but to the defense of the country. It has, indeed, been urged, and with perfect truth, that the contemplated work would have a direct tendency to improve the value of the public lands in the Lake Superior country, amounting to not less than 20,000,000 of acres, containing some of the richest mineral land in copper and iron to be found in the world; by opening a communication between Lakes Superior and Huron, and thus avoiding the expensive interruption which levies a heavy tax upon the prosperity of that region. Such a work would operate as railroads do to and through the public lands, and would facilitate their settlement, and add greatly to their value; and in a similar manner it would be advantageous to the commerce of the country, like the improvement of a harbor and river.

I shall not enlarge upon these considerations at this time, because I dwelt upon them at length in my opening remarks upon this subject. I then endeavored to show the present and prospective value of that great region, what it is, and still more, what it would be, and the importance of the proposed work to the commerce and to the public land, which is, in fact, almost all the land in that country. And since then the Senator from Connecticut [Mr. SMITH] has gone still more fully into all these details, and has collected with care, and spread before the Senate, with ability, a great mass of statistical information, which leaves to others no necessity of repeating his work. These considerations, commercial and fiscal, are accessions, and just ones, too, to the principal proposition of the protective nature of this work, which should be the more readily made, not only because a frontier has stronger claims to defense, the weaker and more exposed it is, and the greater are its products and its promises, but because a prudent legislature should be more willing to undertake such a precautionary work, if, while it answered the great purpose of naval communication, it would promote the interests of commerce in all time to come, and add to the National Treasury a sum far greater than the required expenditure, by the augmented value and more rapid sale secured for the national domain. If it will subserve at once the great purposes of peace and war, the appeal may be the more confidently made for its construction.

Without entering unnecessarily into any vexed question, it is enough to say, that that frontier needs and merits protection, and that it is the right and duty of Congress to protect it; and that we have full constitutional power to do so.

I understand from the Senator from Connecticut, [Mr. TOUCEY,] that he proposes to offer a preamble to the bill, which shows the defensive and proper character of this proposition, and its just claims upon the attention of the National Legislature, and, with his permission, I will read it to the Senate:

"Whereas, the Falls of the river St. Mary, which is the outlet of Lake Superior, and forms the only communication between that lake and Lake Huron, interrupt the navigation so that vessels cannot ascend or descend the same; and whereas, the construction of a proper canal upon land now owned by the United States around the said falls, would greatly strengthen the defenses of the northwestern frontier, by enabling the armed vessels of the United States to pass from one of the said lakes to the other, for the purpose of offensive or defensive warfare, as the circumstances may require; thus rendering the same military marine competent to act upon the four Lakes—Superior, Huron, Michigan, and Erie: Therefore, be it enacted," &c.

Now, the work the Senate is asked to provide for, is urged as a defensive work for the weakest part of the northwestern frontier. In this state of the matter, there are two questions for our consideration.

The first is, has Congress the right to authorize such a work, under the circumstances of this case? And the second is, whether this is truly and fairly a work of defense?

With respect to the first proposition, I choose to confine myself to the *circumstances of this case*, that is, of a case where the United States own the land through which the proposed canal, of about three fourths of a mile in length, is to pass, the site being yet a part of the public domain.

I must be permitted to express my surprise that any doubts could have arisen upon this subject. The right to construct works of defense is derived from the war-making power, which carries with it a general authority to take all proper measures, justly incident to such a state of things, for the prosecution of hostilities by offensive or defensive operations. In the practical exercise of this power in our country, owing to the duplicate nature of our political institutions, a question may arise as to the site of a work, and as to civil jurisdiction over it. If the United States own the place, they may erect a defensive work, or any other *needful building*, upon it, without asking the permission of any State authority. I have, in conversation, here in the Senate, heard the power to construct fortifications derived from the 17th clause of the 8th section of the 1st article of the Constitution, which provides that Congress may exercise exclusive legislation, &c., "over all places, purchased by the consent of the Legislature of the State, in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

Now, sir, this derivation of the power in question from this clause is owing, as I think, to an entire misapprehension. It has no reference to the question of property, but of jurisdiction. If the United States own a piece of land, or purchase one, without application to the Legislature of a State, as they may do, they may erect any *needful buildings*, or other constructions upon it, necessary to the execution of their constitutional powers. But if they desire to add the right of jurisdiction to the right of property, then application must be made to the Legislature of the proper State for its consent. The clause, as will be seen, on analyzing it, does not confer the right to purchase, but it regulates the mode in which jurisdiction may be obtained, by confining it to purchases made with the consent of the proper Legislature. And as a fact, in the practical administration of the Government, it is well known that a large portion of the *needful buildings* of the United States are erected upon land never purchased with the consent of the Legislature of a State. I have made some inquiry as to the sites of the fortifications; but the necessary materials for determining how many of these have been ceded to the General Government are not to be found in the War Department. The practice has heretofore been quite loose; though more recently the proper precautions for cessions have been observed. There are, however, many of the forts on lands not acquired with the consent of the proper Legislature, and over which of course the United States have not jurisdiction; and the same is true, and to a much greater extent, with respect to court-houses, custom-houses, post offices, and mints, not one of which I believe is within the jurisdiction of Congress.

I made application at the Treasury Department on the subject of light-houses, for it will be observed, Mr. President, that these buildings are all in the same category, and that the same constitutional provision applies equally to all of them. *Forts, magazines, arsenals, dock-yards, and other needful buildings.* Such are the words. The answer to my inquiry was, that from 1822 to 1847, cessions of jurisdiction were not required by law. Provision for that purpose was then made by legislation, since when the assent of the Legislature of the proper State has been obtained before the construction of the work; and numerous cessions of sites previously built upon have also been obtained, but many yet remain the property only of the United States, jurisdiction still resting in the States for the want of the assent of the proper Legislature.

Now, sir, in no aspect in which the case under consideration is viewed can there be any question of conflicting right or jurisdiction. The United States own the land—have owned it, indeed, since the existence of the Government. They claim no jurisdiction over it, or rather they claim none which could control the proposed work, leaving the power of the State in full operation. The United States, as a land-owner, desire to construct a work upon their own property, for purposes, within their constitutional power, as being responsible for the defense of the country. Let us not, then, be met with the question of jurisdiction, for the civil jurisdiction of the State will remain untouched.

2. The second inquiry I propose to make is, whether this canal would be truly and fairly a work of defense.

I think, sir, a very cursory examination will show that there can be no reasonable doubt upon this point. As to the nature of defensive works, with a view to test the legitimate exercise of our power, it is clear that there is no fixed line which determines the extent of its application. Such a question appeals to our reasonable and proper discretion, having reference to existing circumstances and to the protection which is sought. Human ingenuity has been taxed to multiply the means of defense, and in the progress of knowledge these have increased in number and power as the means of assault have become more dangerous and efficient. I suppose no one will question if the alleged discovery of Archimedes at the siege of Syracuse, by which the Roman fleet was burned, should be renewed and practically applied to the destruction of hostile squadrons, but that it would be fully competent to authorize the purchase of mirrors, larger and more expensive, if necessary, than ever issued from the workshops of Venice, in order to destroy an enemy seeking our destruction. I refer to such a state of things as illustrative of the principle which governs this subject, and which enables us to apply the advancing science of the age as indefinitely in defensive as they may be applied in offensive operations. I suppose no one questions our power to encircle the whole country with a wall of stone, as vast and useless as that of China, should the wall of hearts that now defends us quail at the aspect or at the approach of danger. And our power is equally unquestionable to remove one of the vessels of the navy from her cradle to her destined element, either by marine ways, or by a canal, or a ditch, if you please, for that purpose, whichever mode might be most economical or expedient, or even to draw one across the land, should she be required in a new situation. These are powers which are fairly incident to the maintenance of a navy, and in the exercise of this right of transportation, if it can be done cheaper and better by a ditch or canal, than by the construction of a mode of land com-

munication, surely it may be so done without overstepping our constitutional power. Such a point cannot be seriously contested.

But I will not push these considerations further. It cannot be necessary. All that is required is to show that this work, from the nature and condition of the northwestern frontier, is truly a work of defense. And in doing this, I shall not again go over the ground that has already been occupied before the Senate. I will merely remark, that Lake Superior is elevated above Lake Huron about thirty feet, and that in the water communication between them at the Sault Ste. Marie is a fall or rapid of about twenty-five feet, which interrupts the navigation between those great internal seas, so that vessels cannot pass from one to the other, and their freight must be taken out and carried across a portage, and then transhipped for its destination. Of course, neither the mercantile nor military marine employed upon Lakes Erie, Huron, and Michigan, which are all united by navigable communications, constituting, in fact, one vast sheet of water, for the purposes of navigation, can pass into Lake Superior, and therefore a double marine—both commercial and military—is required to do what should be the work of one, and what would be, were there no impediment in the river St. Mary, or were the existing one overcome. The injury which this obstruction occasions, and will still more occasion, to the business of the country, has been already sufficiently shown to the Senate, and needs no repetition. It is, indeed, apparent on the slightest consideration of the present and prospective state of things in that magnificent and growing region.

Mr. President, in both the wars we have had with England, it has been found necessary to have fleets upon the great lakes. In the revolutionary struggle we could do but little towards that object; but in the war of 1812 our efforts were more powerful and more successful, and we had an armed squadron upon Lake Champlain, another upon Lake Ontario, and a third upon the middle lakes. And so long as Canada is possessed by England, we must adopt the same policy, in the event of war with the latter country, whatever may be the nature of the operations in which we may find it necessary to engage. One of the Senators seems disposed to rebuke a disposition to look forward with any precautionary spirit to the possible future relations between us and England, and asks emphatically, if not prophetically, if any one fears or anticipates a collision with that country?

Well, sir, it appears to me it required some moral courage to propose such a question; almost, indeed, triumphantly, when it had been asked, with as much apparent confidence, but a few days before, by the Senator from Georgia, [Mr. DAWSON,] who, I think, within a few hours afterwards, when the information respecting the fishing difficulties reached us, made the *amende honorable*, conceding the fallibility of human judgment. He, however, advanced the conjecture that these troubles might have been got up to ruin his reputation as a soothsayer. I do not know how this may have been, nor how necessary England may deem it to assail his reputation in this respect; but, sir, it is assigning about as rational a motive for her course as any that occurs to me. No wise Government should calculate on perpetual peace. Accidents, beyond the reach of human foresight, and beyond the control of human prudence, always lie in wait in the march of nations, ready to interrupt their amicable relations, and to bring on hostilities between them. History is full of lessons upon this subject, and they may be yet read with profit; for the passions of men still influence their course, both individually and collectively; and I commend to attention the letter of Mr. Monroe to Mr. Adams, in 1815, read, a day or two ago, to the Senate upon another occasion:

"But it often happens with nations, as with individuals, that a just estimate of their interests is not an infallible criterion of their conduct. We ought to be prepared at every point against such an event."

I was forcibly struck with a remark I once heard made, upon the prevalent propensity to embark in hostilities which has distinguished every age of the world, by one who died in exile, after having filled a throne and gained the honorable appellation of the Napoleon of Peace, that *no nation ever came out of war as well as it went in*. There is much wisdom, as well as truth in the sentiment, especially when we look, beside the material cost of a war and the loss of life it occasions, to the moral evils it is sure to engender, and, to its effects upon the social and political condition of a country. Still, it will come, and the true rule is to pursue the avocations of peace, as though war would never break out, but to watch the signs of the times, so that it would not find us unprepared should it break out to-morrow. There are so many points of contact between us and England, that there may be many points of conflict, which may involve the two countries in war, unless their Governments and people are animated with a mutual spirit of moderation and forbearance. Let no song of perpetual peace lure us to danger, I will not say destruction; for if we are true to ourselves, the united world in arms could not destroy us.

In the course of this discussion, besides the improbability of war, we have heard it charged as another reason for refusing to grant this application, and that it would be useless, because, should war come, Canada would fall, with comparatively little opposition; certainly with so little as to render a military marine upon the lakes unnecessary. Mr. President, we are taught, as well by the book of history as by the book of revelation, that *the race is not always to the swift, nor the battle to the strong*. Too much presumption and self-confidence have often robbed powerful nations of victory, and driven them recreant from the field of contest. It is not easy to reduce a people determined upon resistance; and in any future war with England, come when or how it may, the success of our operations in Canada, or at any rate their facility, will depend essentially upon the disposition of the inhabitants. England has great means of annoyance; no one denies that; and if she should put forth her full strength—and who doubts it—she would be a formidable coadjutor with her Canadian subjects in the defense of the country. That we could overrun and deprive her of her possessions in our neighborhood, I am perfectly satisfied.

But I wish neither to underrate the difficulties we should have to encounter, nor the preparations we ought to make. It is an error we committed once to our cost, and which I hope we shall not commit again. It is an error of which I partook as well as others, but from which we recovered by the aid of experience. There was even then a great disparity in our strength, compared with that of our opponents. It is indeed greater now; but still British North America has increased since then in a rapid ratio in population and power. In the event of a war with England, it will undoubtedly be our policy, among other means of annoyance, to seize her continental colonies, and to hold them to await the arrangements of a treaty of peace. For myself, sir, I should be glad to see those countries annexed to the United States, as well from their position and contiguity as from the nature of the population, which is capable of appreciating the benefits of a free Government, and of aiding in its administration. I live in sight of Western Canada, and a beautiful country it is, rejoicing the heart and the eye of the traveler; but I want no annexation at the expense of political honesty, nor of a war with England, nor without the free consent of the people themselves. I would not, if we could, unjustly deprive that country of her existing territorial possessions, whatever examples I might find in her own history of successful spoliation. But should war come, which is a contest of injury as well as of strength between the parties, we should have a moral right to carry our arms into her colonies, and to subdue them if we could, and then to retain them on the conclusion of peace, should England find it necessary to assent to the cession. But even then, I repeat, I would not hold on to an acre without the free consent of the people; for their intellectual and moral condition is such that they ought to be permitted to decide that vital question for themselves. I would rather have them contented neighbors than reluctant citizens.

I have been charged, sir, with a great desire to swallow territory, and I do not deny but that I have the bump of acquisition tolerably well developed for a Jonathan; but for a John Bull, even mine would be a very small organ, a mole-hill to a mountain. But I should like a reasonable slice north, and one near insular acquisition, on the south; both of which regions are important to our security and prosperity. But I would not receive either of them but upon condition that the deed were done openly, honestly, acceptably to all parties; unless, indeed, a just war should give us a right to subdue them, and thereby to violate no principle of national conduct.

But I must return to the lakes, which, while they separate us from Canada, furnish also the means of communication along almost the whole frontier. I have before said they constitute three *plateaus*, the lower being Lake Ontario, the middle, Lakes Erie, Huron, and Michigan, and the upper Lake Superior. The interruption of navigation between the upper and the middle of these great reservoirs, I have already shown. Between the middle and the lower the Falls of Niagara are interposed, which, however, have been overcome by the Welland Canal, constructed by the British Government, and which furnishes a navigable communication for vessels; and we learn from recent information, that a surveying party was, a few days ago, at St. Mary's, surveying a route for a canal across the falls, to be constructed by the British Government, a wise precautionary measure, which we shall do well to imitate. The slightest inspection of the map will show that the command of these lakes by one party restricts the other, both for its supplies and for all its means of communication, to three or four points, where the frontiers approach each other, thus facilitating the powers of offense and defense by the command of the water.

Now, sir, in the event of hostilities, we must have armed vessels upon Lake Superior, as well as upon Huron, Michigan, Erie, and Ontario. We cannot neglect the country upon the greatest of our lakes. It is growing into importance; and the further our researches are pushed, the greater becomes its promise. The mineral treasures, already so productive, though but yet in the infancy of our knowledge of them, and the population there, and daily going there, must be protected, both from the civilized and uncivilized foe, who will be sure to take hold of the tomahawk together, in that region, should war render their cooperation desirable. And a heavy Indian force can be collected there, from the extensive northern and northwestern regions, ready to strike upon our frontiers, if the necessary supplies can be secured, which can only be done by the command of the lakes. Our naval superiority would enable us to intercept all this atrocious intercourse, leading to blood and destruction.

Well, sir, open a passage for vessels from Lake Huron to Lake Superior, and the same squadron can act, as necessity may require, upon the appearance of danger on all the lakes above Ontario. Leave the present interruption to exist, and you must double your marine force, as it cannot be transferred from one of these theaters of operation to the other. We may be driven to another war of ship-carpenters, such as we fought at an enormous expense upon Lake Ontario in 1813–'14. All who lived in those days, know, from recollection, and those who have come upon the stage of action since, know from history, what prodigious efforts both the parties made for maritime superiority. The dock-yards were kept in constant activity, and when a new ship gave too great an ascendency to one fleet, the other kept out of harm's way till the trees in the forests—for they were cut as they were wanted—could be fashioned into a vessel, and an equality or superiority insured. And thus the contest went on, with no decisive results, till the peace, which found us with the largest ship in the world, or almost the largest, upon the stocks, and I do not know how many others in process of construction; and I believe the British commander, Sir James Yeo, was not a whit behind us in this race for power. The expense must have been prodigious; and, I think, after the peace, that our huge monster rotted in her cradle.

Now, sir, if after the naval battle of Lake Erie, by which the whole British armament was destroyed, the gallant Perry had possessed the means of conveying his squadron to Lake Ontario, the naval warfare would have been finished in a week, or the British vessels would have been hermetically shut up in their ports, leaving to us the com-

mand of the lake. The canal we ask, being once made, would exist forever, for light tolls would keep it in repair, and its cost would be far less than the necessary expense to provide vessels even upon a single occasion for Lake Superior, whose destruction a few years would witness by natural decay, leaving us to do the work of building again.

It has been asked here, with a kind of *ex cathedra* manner, in what remote generation can hostilities occur on Lake Superior? I do not precisely understand the purport of the question; but as it was put with a good deal of emphasis, I suppose it was intended to include a good deal of argument or objection, or both. But whether it intimates that the country will not be worth fighting for, or that there will be no inhabitants requiring our protection, I know not. It seems to concede that there may be a foe in that region, in some remote period, no man knows when.

Now, sir, the history of our whole progress is the best answer to such an interrogatory, and especially the history of the West. There is one simple fact, within my own knowledge, which I trust the Senate will pardon me for referring to, because nothing can place in a more striking aspect, the wonderful advance of this country in power and prosperity. I have often conversed with a venerable relative, who was the cotemporary of Peregrine White, the first child born to the Pilgrims, after their arrival upon this Continent. But one generation between him who tells the story, in this great depository of political power, a portion of the power of one of the mightiest nations on the face of the earth, and the oldest of the sons of the Puritan patriarchs. Verily, though God made no covenant with them, as he did with Abraham, the patriarch of Israel, when he said to him, "Look now toward heaven, and tell the stars if thou be able to number them," and then gave him the memorable promise, "So shall thy seed be," though we can point to no such covenant, yet if we have not been a chosen, we have been a favored people, and already have become like the stars in the heavens, which it is hard to number. But though our mighty progress marks every page of our history, and attracts the admiration of the world, provoking, also, less justifiable feelings in some portions of it at least, yet we are asked here, in the American Senate, in what remote generation one of our magnificent regions will be worth defending? Why, Mr. President, when I crossed the Ohio river, in the last century, there was but one organized political community—the old Northwestern Territory, with a venerable revolutionary officer (General St. Clair) at the head of it, and with a population of a few thousand inhabitants—north of that river, and east of the Mississippi; and now there are five States of this Union, and five millions of people there, occupying as fair a country as God ever gave to man to enjoy,—a rate of increase which outstrips all previous human experience, as it almost outstrips the human imagination, and the advance in the other elements of power and prosperity have not been less striking than the augmentation of numbers, and all this within the limits of an active life. Why, sir, at that time we had but one small American vessel, I believe, of perhaps a hundred tons, upon all the middle lakes; and now we have upon the various lakes a navigating interest of not less than two hundred thousand tons. I remember when a single vessel—the Adams—made two annual trips from Buffalo to Chicago—one in the spring, to take the supplies to the upper country; and the other in the autumn, to bring down the furs, almost the only article of trade collected there. And those two voyages occupied the navigating portion of the year. Now, the annual value of the freight carried over the lake routes is not less than $200,000,000; and a solitary passenger or two, who then ranged over an almost unknown world, is now succeeded by hosts of travelers, with splendid homes on the waters, numbering certainly more than half a million, probably nearly approaching a million, every year.

Well, sir, I shall say no more upon this subject, but beg gentlemen to judge the future by the past, and to look forward to the day when a numerous and thriving population upon both shores of Lake Superior will demand the attention, and, if need be, the protection of the Governments who may then have jurisdiction there.

Is it really believed, says one of the Senators opposed to this measure, that we shall ever have war vessels on the lakes? The question is so emphatically put, that it is intended to carry with it its own answer, as if the thing were impossible, and the supposition absurd. Proper confidence is well, but presumption is prone to lead to disaster. I have already shown, I trust, that whether we may ever need a military marine upon our inland seas, depends upon considerations, not within the reach of human sagacity, and that ordinary circumspection requires us, not, indeed, to provide such an armament before it is needed, but to construct a work, which cannot be hastily done, and which will greatly reduce the expense and extent of our naval arrangements, when the period for their use shall come, and which, in the mean time, will add essentially to the growth and prosperity of the frontier.

I have already said that the uncertainty prevalent respecting the course of Congress in regard to the national domain would render it difficult to construct this work by grants of the public lands, and at any rate would much delay it; and we have therefore been compelled to ask an appropriation from the Treasury, which the defensive character of the construction justifies Congress in making.

And as to the proposed surrender to the State, though my colleague and myself have not asked it—we shall not oppose it; and there are at least two precedents upon the statute-book which show that such a course, under similar circumstances, has been deemed advisable. One is the surrender of the Cumberland road to the States through which it passes, namely: Maryland, Virginia, Pennsylvania, Ohio, and Indiana, to those States respectively, as provided for in the act for the continuation and repair of the Cumberland road, passd-June 24, 1834, as follows:

"SEC. 4. *And be it further enacted*, That as soon as the sum by this act appropriated, or so much thereof as is necessary, shall be expended in the repair of said road, agreeably to the provisions of this act, the same shall be surrendered to the States, respectively, through which said road passes; and the United States shall not thereafter be subject to any expense for repairing said road."

Another cession of this nature was the surrender to the State of Maine of the Mar's Hill military road, constructed in that State for the defense of the northeastern frontier. The following act contains the arrangement:

An Act for the repair of the Mar's Hill Military Road, in the State of Maine.

Be it enacted, &c., That the sum of $6,000 be, and the same is hereby appropriated for the repair of Mar's Hill military road, in the State of Maine, which sum shall be paid out of any money in the Treasury not otherwise appropriated; the State of Maine having by a resolve, approved the 8th day of March, 1834, agreed to assume the preservation and repair from and after the 1st day of January, 1835, on condition that the said road shall be put in a state of repair by the United States prior to the 1st day of January aforesaid: *Provided*, That no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States, or any cannon or military stores belonging to the United States, or to any of the States composing this Union.

Approved, June 30, 1834.

Both the expediency and the constitutionality of the disposition proposed to be made of this canal are practically asserted by these proceedings, both of which were approved by Andrew Jackson.

Mr. UNDERWOOD. I rise to congratulate the country upon the admirable speech which the honorable Senator from Michigan has just delivered, and for finding in the war power of the country an authority for internal improvements. Sir, I think he is right. There is no "noise and confusion" here now, and well has he explained his position before the country. I thank him for it. I rose for the purpose of saying that this canal goes through private property.

Mr. CASS. Not a foot of it.

Mr. UNDERWOOD. I think some of it does.

Mr. CASS. No, sir; not one single foot of it.

Mr. UNDERWOOD. I think the Land Committee stated so. I will make the statement, and will stand corrected most cheerfully, if I am mistaken. There is a town upon that Strait, and we have passed a law, as I understand, for the purpose of securing a lot to that town; and a part of that property is crossed by this canal. If I am not right, I will thank the Senator from Michigan [Mr. FELCH] to inform me.

Mr. FELCH. The Senator from Kentucky is under a mistake as to that matter. The private land claims to which he refers, are claims of certain old French settlers; they are founded upon a gratuity of Congress, and, in the title which gave the right, there is a reservation of a right to carry a canal across the land. The canal runs across a portion of the land near the river, to which the claims do not extend.

Mr. UNDERWOOD. My understanding was, that these old French claims were founded in right, and that we ceded the land to them because they were founded in right.

Mr. CASS. There was a reservation in the confirmation of that right.

Mr. UNDERWOOD. I think I understand that. The answer to it is, that in confirming these claims, we made the reservation, and did not confirm them as a matter of right, but as a matter of grace and favor.

I do not intend to occupy the time of the Senate by considering that question; but if they were affirmed as a matter of right, and the canal cuts through a portion of that territory, it is a point to which I wish to call the public attention. We take private property and appropriate it for this canal for national purposes. I am in favor of such a proposition; I subscribe to it. I think that it is correct to do so. I do not object to it—not at all. I think it is a legitimate exercise of power on the part of this Government; and, among other reasons, it might be done by the military power for which my friend from Michigan [Mr. CASS] has contended. But let that pass, and say that the land is public property, still the argument is in full force.

The Senator from Michigan, [Mr. CASS,] with his capacious intellect, broad enough to take in Canada, on the one side, and Cuba, on the other, comes out like a man, and acknowledges that it would give his heart great pleasure to see them both annexed to this Union. Well, looking at the same map, I would not dissent from such an extension of territory. I think, that for revenue operations, Davis's Strait would furnish a very good boundary, and for commercial operations Cuba might be a very great accession; but, like that Senator, however we might desire for the great interest of commerce and revenue to obtain those possessions, I would not take a single acre, nor a foot, nor an inch, unless it could be done on the highest principles of national morality; and I am not prepared to say that the annexation of these territories might not produce such dissensions among ourselves as to endanger the Confederacy, by breaking it to pieces by its own weight. For this reason, I conceive that all such propositions deserve great consideration before you arrive at any determination. But I refer to these things for the purpose of saying that if you view the construction of a canal round the Sault Ste. Marie as a legitimate military appropriation, why can you not take the snags out of the Mississippi river, with a view to military operations on the southern frontier? And, if you can take the snags out of the Mississippi with that view, I would ask gentlemen to discriminate, to point out the difference, if they can, between military operations by a canal or river, and by a railroad, or any other great artificial work, by which troops and munitions of war may be transported? When it is viewed in that way, I want to know why you cannot make a railroad across Kentucky and Tennessee, down to the Gulf of Mexico? I want the whole nation to consider these great principles, and when I get such support as that of the Senator from Michigan [Mr. CASS] in their behalf, I cannot allow the opportunity to pass without calling public attention to the fact, that the Whig doctrine for ages, doctrines which I believe to be sound, are supported by the most distinguished Democrats of the country. We must harmonize on these great questions. We must amalgamate our platforms hereafter, whether they are made at Baltimore, or elsewhere, and then we shall all come out in favor of internal improvements for the purpose of facilitating military operations, and commercial operations, through the great powers conferred by the Constitution, which are to be looked on as the means to an end.

I was glad to hear the Senator from Michigan [Mr. CASS] say that in that clause of the Constitution which provides power for the erection of forts, arsenals, and dock-yards, there is not one

word said about the purchase of land for those purposes; that that is a necessary result of the war power, the naval power. The Constitution itself shows that it is a deduction from the means of carrying out these powers. I take it for granted, that in the very clause to which the gentleman alludes, that power will be found to exist.

I have answered the purpose, Mr. President, for which I rose—to take advantage of the opportunity to have the doctrines enunciated by a Democrat, indorsed by a Whig.

Mr. BUTLER. I regard this as one of the most important measures which has been brought before the Senate during the present session. I regard it as what I may characterize as a pioneer measure—as a measure leading to that system of internal improvements which has been referred to by the Senator from Kentucky; and I shall take the liberty, in the very few remarks I have to offer, to express my opinion upon this subject. Time will not allow me to go fully into the discussion.

It is said of war that it must necessarily be unlimited in its ends, and illimitable in its means. The latter cannot be defined or presented. I shall not undertake to say, that as a war measure this might not be vindicated, if expediency, policy, and good faith would allow us to say that it was a war measure. But, sir, we have not had a war with Great Britain for nearly forty years, and why is it now, for the first time, suggested that in cutting a canal around the Falls of St. Mary's, we are to regard it as a war measure? It is not usual, Mr. President, for war measures to originate with the Legislature; nor is it common for any single member of the legislative Department of the Government to originate a proposition of this kind as a war measure. Projects of such a nature usually come recommended from the Department of War, under the supervision and suggestion of engineers in reference to a system looking to war. I understand that this is proposed by the Senator from Michigan, as a war measure, without looking to any particular war. Allow me to give the history of this bill. I was here when this bill was first introduced, and it was introduced distinctly on the ground that it fell within that species of bills which appropriated public lands for railroads running through the public lands, which would take one alternate section under the view that the other would thereby be increased in value. That was the class of bills to which this bill was referable at the time that it was introduced; at least so I understood it. It was so spoken of in debate. I may not have understood it correctly. I shall not say that others may not have understood it differently.

But the whole history of that system may be traced in a few words. When it was first proposed that the United States, as a landed proprietor, should allow a road to run through the public lands, and allow the road to take alternate sections with the idea that the improvement would increase the value of the other sections, it was vindicated on the ground that the United States was a great landed proprietor, and had, therefore, an interest in increasing the value of its lands. It was contended that such a policy would contribute to enhance the value of the land. So long as this was confined to the alternate sections through which the road ran there was some security and limitation against abuse of such a policy. But how long was that limitation adhered to? We all know that very shortly afterwards bills were introduced not simply to take the alternate sections along the line of the road, but to take sections anywhere within fifteen miles of the line, and finally it came to this, that land equivalent to alternate sections could be taken anywhere within the State. Such was the state of things when this bill was introduced, and this was the first that was ever introduced here proposing to take land anywhere for the purpose of internal improvement by cutting a canal around the Falls of St. Mary's. Until the present session—until this amendment was offered—it was never supposed that this bill would involve anything but the disposal of public lands for the purpose of affecting this object—this war-measure, as it is now called—as though a name could change the true character of the bill. We said, however, that names are things. It was never supposed that money would be required for this purpose, and this is the first bill requiring the appropriation of half a million of dollars for the purpose of cutting a canal. It is, I repeat, the very first measure ever brought before Congress appropriating money for that specific purpose. It is said that it is for war purposes that the canal was to be constructed. Why, sir, there is not a measure which can be brought before the Senate, if the means of war are illimitable, which may not be called a war measure. On this principle you may give any measure such a complexion.

When the Collins line was under consideration, we were to be reconciled to the appropriation of a large amount for its maintenance, because those vessels were said to be war vessels. I would as soon consider the barge sent by Cleopatra to receive Mark Antony, a war vessel, as one of the Collins line of steamers. A vessel carrying women and children, and to run away from an enemy, to be called a war vessel! It seems to me, that the people of this country are supposed to be willing to be reconciled to any measure, if you appeal to their spirit and love of war. I do not know that I can better illustrate this warlike spirit, and belligerent temper of our people, than by reciting a dialogue between a young trooper and a revolutionary soldier. Jimmy Pacton, in returning from the muster of a troop of cavalry, called by Joe Nurr's, a revolutionary soldier. Joe had seen hard service—had experienced something more than the dangers of war; privations, hardships, and cruelty of a triumphant enemy, for a while, had been suffered by him. He was a great favorite, for his frankness and good humor. Says Jimmy: "Uncle Joe, Captain Brooks made a speech to-day, that satisfies me we are to have war. I tell you what he got our courage up to the fighting point." "Well," says Uncle Joe, "what did the captain say?" To understand Jimmy's account of the speech, it may be proper to remark, that the captain had served in the Revolution with great credit, and one incident in his military career had attracted particular attention and applause. In the face of an enemy much more numerous than the party to which he was attached, the captain, then a stripling, had volunteeed to cross the river—Little Saluda—and make an attack. Thus the crossing a stream to attack, generally formed a part of the captain's address to his troops. Jimmy, in giving his account of the speech which had inspired him with so much ardor and courage, (for even after riding eight miles he was still chock full,) said, that Captain Brooks had told them in animated accents, that they must prepare their minds for war; they must keep their swords bright and keen; their powder dry, &c.; and concluded by this stirring appeal: "Now, fellow-soldiers, suppose the enemy was on the other side of Big Creek, we would have to fight them no matter what might be the odds; and in such case, who would volunteer to follow me?" And, as Jimmy represented it, there was one unanimous response, "We will all follow you, and have victory or death." Jimmy, the young trooper, was in full feather, and gave utterance to the captain's speech in an animated voice. After a pause, Uncle Joe said, "Well, Jimmy, and who are you going to fight? Jimmy's reply was," "Bonaparte—the British." "And amongst them," says Uncle Joe, "I think, you will have your hands full." The young trooper only responded by saying that, "if any of them came near Captain Brooks's troop, they would make the fur fly." Upon some such feeling does the gentleman rely to carry through his warlike bill; for warlike, I suppose, we must regard it. It could be nothing else, coming from such a source.

Sir, does the gentleman from Michigan think that Great Britain is going to make war upon the United States in the Northwestern Territory? I will pay the compliment to that people, to say that it is the very last point of attack which Great Britain would make. Why, sir, one of the Senator's Sempronian speeches would raise a spirit which would induce the people in that section to charge a British fleet upon horseback. [Laughter.] Great Britain to invade the United States in the Northwestern Territory! Does any one suppose, for a moment, that this measure was devised under an apprehension that Great Britain is to invade us in the neighborhood of the gentleman? Why, sir, she might as well go directly to the lion's den. [Renewed laughter.] When we are advocating measures as war measures, we must look to the ordinary sphere of probability within which we should legislate. I have not the least idea that Great Britain will ever make war upon us in that quarter; and the Senator says, himself, if we acquire Canada, there will be no necessity for this canal as a war measure. And from what the gentleman has suggested, I suppose we must prepare ourselves for the acquisition of Canada by treaty. He says he has a stomach quite capacious to swallow her, and other acquisitions in the bargain. These acquisitions have and will change the whole tone of our national character. *Rome* will be Rome no more—but more of that at another place.

But I choose to say, Mr. President, that I do not regard this as a war measure. Sir, there were blessings asked in the name of Esau, when it was known that they were for the benefit of Jacob. You may ask this in the name of war, but rely upon it, it is for commerce. I am not going to have my common sense, and the common sense of the country so far blinded as to say that this is not a commercial measure—an improvement to facilitate commerce. Did not the Senator from Connecticut [Mr. SMITH] say as much as that in his remarks the other day? Is it not the truth? Sir, reduce this proposition to the simplest form to which it can be reduced, and which it should stand before the country, it is this: to make an appropriation of $500,000 to cut a canal, for the purpose of developing the local resources of Michigan, and opening a communication between the northern lakes and the northern sea-port towns upon the eastern Atlantic. Did not the Senator from Connecticut tell you so? So far from objecting to having these resources developed, I would be the very last man to do that, if it were to be effected by the money of those who are exclusively interested. But when an appeal is made to the Treasury of the United States, and I am required to pay a part of that money, I think I have a right, as a citizen of the United States, to inquire into the objects and the operation of the measure itself.

This is a measure not looking to war, but to the improvement of local resources, and, perhaps, private interests. It has been often said by gentlemen that they were opposed to a "general system" of internal improvements, whilst they are going on and making these local improvements by a system which secures them one by one. I do not hesitate to say openly, before the country, that I infinitely prefer a general system to a local system of internal improvements; and if the public treasure of the United States is to be expended to make these improvements, I would rather it should be expended for the construction of a great road from Washington to New Orleans, and from Washington to Buffalo, and then another across to the Mississippi river, taking these as the great channels of commerce, than to appropriate the money to be expended for any purpose merely local. Not, sir, that I would not be glad to see the local resources of every part of the United States developed, but I do wish, in the regulation of commerce—if it is to be effected by money—that it shall be done under a system of equality and justice; and much prefer, that with deliberation and care, we should prepare a general system—one that has the sanction of all sections for its adoption. If the revenues of the country are to be taken for internal improvements, let all have a fair chance in saying what system shall be adopted—one that looks to every part of the United States. I do not hesitate to say so; as between the process now going on, and the system I have indicated, although I do not believe either has the sanction of the Constitution. Why, if we had the will, we should need the wisdom of the Deity, to appropriate this money justly; for the temptation would be so great that we could not otherwise avoid being partial. Suppose Congress had the power, under some such doctrine as that suggested by Professor Espy, of making rain descend from the clouds when and where we pleased. It is the very last power under heaven that I would wish to see given to Congress, or to any set of men, however wise and good. If it were proposed that Congress should have the power of regulating the clouds, and saying whether rain should decend, and where it should descend upon the United

States, I would say that nothing less than the wisdom of God was required to regulate such a dispensation. And when you undertake to regulate commerce by partial appropriations of money for local objects, I will not say there is corruption, but we violate that portion of the Lord's prayer which says, "Lead us not into temptation." It is impossible that we can guard against the temptations of interest. No one knows the wants and necessities of another part of the country, though he may know those of his own, with a disposition always to magnify them. But where will you get the means? If you undertake the regulation of commerce by the appropriation of money, the local demands will be various and unlimited, whilst the means must be limited and running to exhaustion. Some will get all whilst others would have nothing. Such a system of policy is not only partial in its operation, but would ruin any country having in it more blind greediness than the dictates of intelligence. I do not believe that the political morality of the country, much less the Treasury, could stand under it. Would it be fair, would it be equal? No, sir. If you are to appropriate money for the purpose of regulating commerce, let us have a general system; let us have a system which will be fair towards all portions of the country; let us have a straight road from here to Buffalo, and from here to New Orleans, and then another from the Atlantic to the Mississippi river.

It may be asked, "Will you deny entirely the power to Congress to regulate commerce by appropriations of money?" I am one of those who believe that the appropriation of money never was intended as one of the modes of regulating commerce. But if such a clause were in the Constitution, that money should be appropriated to regulate commerce by a vote of two thirds, I would under such a clause as was once inserted in the Constitution while under discussion, have some security; but there is none at all against the decision of a majority, which would be only other words for selfishness and combination. I would object to a mere majority controlling the matter. My understanding of that article of the Constitution for the regulating of commerce—and I once studied it very well on a law investigation—is, that it was exclusively given to Congress on the grounds that States having conflicting interests, and were making hostile regulations in regard to commerce with foreign nations, and that Congress should therefore have the exclusive power of saying by declaratory laws that these conflicting regulations should be null and void; and that Congress should have the exclusive power of establishing the law upon which commerce should be carried on between the States. At that time there were light-houses and buoys, which had been erected by the States; and Congress had to purchase and sustain them as part of our commercial regulations with foreign nations.

The power given to Congress was to regulate by one uniform law; to require all the States to conform to one rule; and not the power to establish or to facilitate commerce by making new channels by appropriations from the Treasury. Such a power, in its practical exercise, must be used, as it has been, to direct commerce, and thus destroy the equality contemplated in the Constitution; to give to the stronger portion of the Confederacy the power to control commerce by treaties and discrimination, &c.

The regulation of commerce, by making new channels for it, was a subject that was discussed in convention. Such a mode of regulating commerce was, I believe, proposed by Dr. Franklin; let me say that it was rejected, being necessarily regarded as a measure of more corruptibility than any other. But admit the principle, and where are you to obtain the money? I know of no limit to this Government, except the want of money; and, sir, if we are to appropriate it to any and every object that may be suggested here, and that on the pretext that it will facilitate the purposes of war, you will very soon have no Treasury left. The objects contemplated by the Constitution, upon which money was to be bestowed as a means of accomplishing, afford no security; for if, in assigning one object you can affect another, and *vice versa*, then there can be no limitation of national expenditure but a want of the means. The power to regulate commerce under the war power, like Aaron's rod, will swallow up all the rest.

I recollect reading a story—and I hope the Senator will not take any offense at my relating it in this connection, for he knows I have the profoundest respect for him—where a man wanted, on a public occasion, to evade the license law in Massachusetts, which forbade his retailing liquor. And so he got a striped pig, and advertised him for a show. Well, everybody who went in to see the striped pig, and paid for that, got a treat besides. [Laughter.] Now, I am opposed to this "striped pig" mode of construing the Constitution. Everybody knows that the man who went to see the striped pig, went for the drink; and here everybody knows that this canal is for commercial purposes, and not for war purposes. I do not know but the Senator thinks it is wanted for war purposes, but if he does, I differ with him. It is the difference between a name and a thing.

Mr. CASS. It is wanted both for commercial purposes and in case of war.

Mr. BUTLER. Perhaps so; but I do not know on what ground anybody says it is wanted for war purposes. When Johnson cut down the British horsemen with the rifle, in the early history of the Northwestern Territory, it was weak; but I do not see why, under Heaven, when it has increased so as to be the strongest part of this nation, the British should think of making any attack upon us in that quarter.

Mr. CASS. Will the Senator allow me one word?

Mr. BUTLER. I will.

Mr. CASS. It is only a few days since the Senator from Georgia [Mr. DAWSON] scouted the very idea of a war with England. I think that the very next day the fishery question arose, and then the Senator made the *amende honorable* by starting the idea that the fishery difficulty was got up merely to show that he was a false prophet. Let me say to the Senator from South Carolina, that eight years have not passed by since this project was contemplated by the Administration, with a view to strengthen the northwestern frontier in the event of a war with England. That fact I know. Let me repeat, that in the event of a war with England, and she should determine to hold on to her Canadian provinces—as I have no doubt she would—her policy would be to bring down the Indians in the northwest upon us, and cut off our supplies. I do not suppose she would send a great army there to make war, but she would collect the Indians in as great a force as she could muster, and endeavor to cut off supplies, and carry on the same game as in 1812.

Mr. BUTLER. I will give my word for it, that whenever I have such an apprehension, or whenever this Senate has any serious apprehensions of such a state of things, I will give my vote to appropriate money; but as there is no such apprehension upon anybody's mind, nor do I believe there can be at this time, I cannot exactly do it. We know it was said that Bonaparte had a peculiar pronunciation of the word "*D'Armée*," the last words he pronounced, and a great partiality for it; and I am afraid the last words of my friend from Michigan will be "*War*." [Laughter.] He pronounces that word better than any man I ever heard—he does it superbly; he pronounces every letter of the word "war." [Laughter.] Just name codfish, and he and his allies cry "war" directly.

Mr. CASS. Codfish, corn, or cotton, it is all one to me. I go for the North and the South, the East and the West. I go against whoever attacks them.

Mr. BUTLER. I really believe that if you only give the Senator a chance for war, he would go in for it—for cotton war, or for any other—with England, I mean. [Laughter.] In truth, I must say, the gentleman is lifted above sectional bigotry.

Mr. President, I shall not have time to finish the remarks as I had them in my mind; but I intend to present my views to the public in some form or other, on other topics connected with this debate. As I have already said, this is a pioneer measure to others which are to follow. If this mode of making internal improvements is to be followed out, as it is indicated in the river and harbor bill; if this thing of appropriating money for local purposes, without regard to a general system, is continued, it must necessarily break down the Treasury. It is out of the question to suppose that the Treasury can stand under it, and the only limitation of the powers of the Government is the want of money. Sir, I am almost inclined to think that you will never have a good Government until you are without money. If tomorrow you had an empty Treasury, and you had to resort to direct taxation, I believe you would have something like the responsibility and accountability of representatives to their constituency; but when money is collected and distributed without the constituencies knowing how it is collected and distributed—without knowing how they are taxed, the danger to the Republic is indifference, and an extraordinary degree of corruptibility. On the other hand, if you go into a system of direct taxation, and ask a citizen to pay five dollars because of his ownership or occupation of land, he will be very likely to ask, for what purpose is that money levied? And how will you answer him? Will you say that it is for cutting a ditch around the Falls of St. Mary's? Would he pay you the money for a purpose of that kind? I do not say that he would not, but I think he would be very apt to inquire, Why should I pay money for such a purpose? What purpose? This would be an interrogatory that would lead to an inquiry worthy of the attention of a freeman, and an American citizen. It would lead him to look for the warrant of the tax—was it such as he had consented should be levied on him under the Constitution? or was it one that was to be levied for purposes not contemplated by the Constitution? The great maxim of free Governments would at once be resorted to—am I to be taxed against my consent? It might awake the spirit, and lead to the determination of John Hampden, as to ship-money. He resisted and demanded to know the power by which it was executed. The great security against the abuse of any Government is, that you must go to the pockets of the people. The great danger to this Government has been the power of illimitable appropriation, without letting the people know for what objects they are taxed. It was against that illegal taxation that John Hampden involved England in a revolution. When called upon to pay his twenty shillings for ship-money, he said he would throw twenty shillings to the first passer-by, for the purpose of showing that it was not the money he valued, but that he repudiated the power to tax him. He said, here are twenty shillings which you demand for your King—these you shall not have. I stake my life and liberty upon them; and if you take them, you must take my life and liberty too. I am ready to go to any extremities to maintain them.

Sir, once reduce this Government to the necessity of appealing to the intelligence of the people of the country, in regard to the objects of taxation, and it will be controlled by the people and the different States of the Union; but leave it without such a control, and if there is no power to confine it within its constitutional sphere, what becomes of it? Sir, it becomes at once an elective despotism. I do not choose to disguise words. If you can take money and appropriate it to any object, and there is no power to control it, this Government must necessarily be an elective despotism. Call it a Democracy if you please; names do not have any influence upon me. Democracy is the worst of despotism when it becomes irresponsible. Sir, Rome itself underwent a great change in fifty years. Before Julius Cæsar assumed supreme power, there were no people on earth or in history that held such severe notions of morality in the administration of public affairs—a people of fortitude and justice. The Roman Senate conducted its proceedings, if not with regard to the world, at least with regard to the Roman people, on principles of justice. The virtues of the Roman people grew out of sentiments of a Roman people practicing the simplicity of an unadulterated people. But in less than fifty years, what was the change in that people? They retained many of the forms of a free government, but under various influences. Domestic morality was departed; public virtue professed, but wholly disregarded; acquisition and foreign notions had

introduced a facility and casuistry that debased the people and corrupted the Government. I dare say, contracts, made to be fulfilled from the national treasure, for private interests, had much to do in this change. The Senate was no longer the Senate of Cicero; and the virtues of Cato and Brutus were but subjects of derision. An Eastern taint had seized on the healthy system. The river that had carried with it associations of Roman purity had been corrupted. The waters of Orontes were mingled with those of the Tiber.

The very elements which gave any strength to this Union are dissolving and crumbling away by the admixture of opinions for the appropriation of money. The school of Jefferson is only appealed to to carry out the most extravagant doctrines of the most ultra Federalists. Territories have been annexed, compromises resorted to, constructions introduced, which have in their operation superseded the Constitution. The Constitution will be sacrificed under professions of love for the Union.

Sir, I know this thing will go on; I have no idea that what I can say will arrest this abuse. But I speak only as a sentinel, and not as a soldier, capable of arresting the tide of abuse which is likely to flow from the appropriation of money for local purposes. I believe the public money could be expended for rivers and harbors, and other great works in the country, by a compact between the States. That power has been entirely overlooked. I see no difficulty in the different States on the Mississippi, or the States interested in this work, entering into a compact to construct it, and asking Congress to ratify it. What prevents that? What prevents the States, who want local improvements, from entering into a compact, and asking Congress to ratify it? Nothing, except that we have the money, and it is much easier to appropriate it than to require the States interested in local improvements to apply their own money. I repeat, that if we are to have a system commenced under this pioneer measure, I prefer a general system for the purpose of internal improvements, rather than to have such a course of making partial and local improvements pursued any further. Let us have a road from Buffalo to New Orleans, and another crossing it from the Atlantic to the Mississippi river. I can see something like equality in that, but nothing like it in this cutting what may be called a northwest passage for commerce from the great lakes to the Atlantic ports in the North.

I have not time to go through with arguments which occur to my mind. I have spoken rather by way of premonizing than giving any digested views upon the subject. I had hoped that this bill would have been postponed; but as it is to be voted upon I shall oppose it, and I say that I think this is the most naked bill for purposes of local improvements that ever came up. It is to appropriate half a million of dollars from the Treasury for the construction of a canal, on account of war! If I saw, or if anybody else saw, any prospect of war, I would let them have the money. But I do not want one thing asked in the name of Esau, when it is to be appropriated for the benefit of Jacob. [Laughter.]

Mr. MASON. Apart from the objection to this bill that it proposes to take money from the Treasury of the United States, and expend it for a purpose not authorized by the Constitution, there is another which, I understand, this amendment is intended to obviate: it gives the General Government the right to go within the limits of States, and assume a right over its soil, at least so far as to dig a canal; and, in digging this canal, to exercise an authority over the soil which can only belong to a proprietor. This amendment, I say, intended to obviate the constitutional objection of going within a State, and there exercising the powers of proprietorship, provides that after the work is completed it shall be surrendered to the State. Surrender what? The property which the General Government claims, because of the money expended on it? We give to the General Government this property; but where is the power in the Constitution to give the General Government the right to acquire property in a State, whether the State assents or not? The amendment removes no objection whatever.

It is said that before the canal can be made, the State Legislature must pass a law agreeing to accept it, and making certain provisions in relation to it! Can an act of the Legislature of one of the States confer a power unknown to the Constitution? Can any act of the Legislature of one of the States amend the Constitution? There was a time, but that time is gone by, when this power of expending the public money within the States for the purpose of internal improvements formed one of the lines of demarkation between parties in this country. That was one of the principles contended for by John Quincy Adams; and which he conceived would be the means of sustaining his administration before the American people. It broke down; and it is with the deepest, the greatest regret, as one of the great republican party in America, that I see it now brought forward, and sustained in the quarter from which this proposition has emanated. I know not what other Senators may think on the subject, but I know what my constituents think of it—they look on it as an attempt to break down the great lines of demarkation which have hitherto existed.

I do not intend to discuss the bill now, because I am not in a position to do so; but I desired to say, before giving my vote, that I intend to vote against the measure, and I desired to give my reasons why I conceive that the amendment of the Senator from Connecticut [Mr. TOUCEY] does not remove one of the objections to the bill.

The question was then taken on the amendment to the amendment, and, on a division, there were —ayes 21, noes 14.

So the amendment was agreed to.

The PRESIDING OFFICER. The question will now be taken on the amendment as amended.

Mr. UNDERWOOD. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BELL. I made some remarks on this subject the other day, and concluded them by saying that I thought it would be very proper that the friends of the general system of internal improvements, or of improvements to rivers and harbors, should inquire why this bill should obtain the start of all other measures of a similar character. I took it that there was some design of precipitating the passage of this bill, of securing it, at least, particularly as it appeared very doubtful whether the river and harbor bill would pass this body or not. I alluded to the course pursued by the Senate with reference to a separate bill for the removal of the dam at the head of Cumberland Island, in the Ohio river, and I observed that, although serious applications had been made to the Senate to pass that measure, the Senate rejected it on the ground that that was the general fate of such measures; that it should pass if the river and harbor bill passed; and that if that bill did not pass, then the obstruction should still remain in the Ohio river.

Now, I doubt whether the strength of the river and harbor bill, even if it should be a proper bill to pass, will not be very seriously diminished, and whether the zeal of gentlemen from the northwest will not be very much weakened if this bill, which seems to be considered of primary importance in that section of country, should be passed separately. I suggested, that if no other gentleman would propose to do so, I should move to lay this bill on the table till we should see the fate of the river and harbor bill, and I think still that it would be a proper step on the part of the friends of that bill. I took occasion then to state that I could not discriminate between this proposition and the proposition for a canal round the falls in the Ohio river, or across the arm of Florida, or across the neck of land which divides the Delaware and Chesapeake bays; nor could I discriminate between this project and the proposal to construct a railroad, or any other road, from Buffalo to New Orleans, or from the mouth of the Ohio to New Orleans, because it could be shown that all these works would contribute to bring forward the military resources of the country in time of war. The principle is the same, and I said then that if this bill were sanctioned, the principle of general internal improvements might be considered as sanctioned also. I took occasion then to say, that I was opposed to any such system. I agree with the Senator from South Carolina [Mr. BUTLER] in the opinion that this proposition to make a canal stands no more on the war-making power than any other of these improvements; and that there is no pretext for urging the construction of this canal on the ground of a prospect of collision with Great Britain on our northwestern frontier. I will not now repeat my remarks made on that subject a few days since. It must be apparent to every one that the real objects of this measure are local and commercial, and unless it can be assimilated to the principle of opening our great rivers and constructing harbors on the great lakes, I am opposed to it.

I do not agree with the Senator from South Carolina that a general system of internal improvements would be preferable to improvements on our rivers and lakes. We had a trial of thirty years in attempting to locate these great arteries between one section of the country and another—between the North and the South, the lakes and the gulf, and it would seem wholly impracticable to locate any one of these lines satisfactorily to all. It would take as many lines as there are separate districts to undertake to establish a route between Buffalo and New Orleans, before you could establish a locality for such a road. Besides, there are various other considerations, such as the amount of wealth, the corruption and profligacy and extravagance of such a system. I believe we once had roads chalked out, the cost of which would amount to between three and four hundred millions of dollars, and that was but the commencement. Nor do I entirely agree with the Senator from Kentucky. I have never given my assent entirely to the question of our having the power to construct these roads and canals. But whether we have the power or not, I have been opposed to them as expedients, as leading to profligacy and discontents the most serious that could afflict the country. The funds could not be distributed with equality throughout the Union, and therefore I am prepared to say that the principle laid down by the Senator from Michigan reaches every question, and, in point of fact, every road and every canal which has been projected up to this time. You cannot stop and see how far you can go under the war power, for there is not a canal or a railroad, any more than a river or lake improvement, which would not contribute to the facility of war purposes. I shall vote against this proposition, let it be decided when it may, unless I am convinced that it stands upon the same principle as the improvement of our great national channels.

But I rose, sir, for the purpose of saying that I think the question on this bill ought to be postponed. I think it should for the present be laid upon the table, because when the river and harbor bill comes up it will then be in the power of the majority to say whether it ought not to come within the provisions of that bill.

Mr. DAVIS. Put it in the river and harbor bill.

Mr. BELL. I have no objection; but I will now move to postpone the further consideration of the bill till Thursday next.

Mr. CASS. I wish the Senator would allow us to take the question. It has no relation to the river and harbor bill. That bill is sure to pass if it is moderate. It will have my vote certainly, if it is moderate.

Mr. BELL. I have no objection to move to put it in that bill if it is proper.

Mr. CASS. That bill is sufficiently loaded down now, perhaps.

Mr. BELL. With my views now, I do not know that I shall have any objection to incorporating this in the river and harbor bill, for I do not know that I shall vote for that bill. But I see the expediency and propriety, not to say the necessity of improving the great rivers; but with regard to their improvement by a compact between the States, we have always found it impracticable to find States to conform to any compact, since one State will be more interested than another, and there are too many such improvements needed, to be able to adopt any mode of making them by the States themselves. Then with regard to the great lakes, I think the obligation to improve them stands upon a higher principle than that which relates to the construction of roads. I can see the importance and necessity of improving the harbors upon the lakes for the security of commerce, and the war power or the commercial power

either, can come in for their support. But I do not mean to discriminate upon the principle. I go upon the ground of expediency. A general system would be ruinous and involve the whole of our Treasury, creating as great a degree of dissatisfaction as has ever been expressed in regard to any object. As I understand the principle on which this bill rests, since it is to come in as the pioneer of a general system, I shall vote to lay it on the table or reject it, unless it can be fixed that it comes within the principle of river and harbor improvements.

I shall make no motion to embarrass this bill unnecessarily. If there be a majority in the Senate ready to pass it, it will be passed of course; but I cannot see why it should have the precedence over other bills of a similar character. If I belonged to the local district in which the Falls of the Ohio are, I should ask that the bill to construct a canal around those falls should pass cotemporaneously.

There has been a great obstruction to commerce there, and I think it might have been removed long ago by adopting the right to appropriate money under the war power. There is an obstruction which has existed for a long time; but now the wants of an old long-established community are passed by, while a region which has been known but a few years must have a work done for it which is denied to the older community, for the purpose of the accommodation of those which the copper mines have attracted to that spot. We have had millions and millions of commerce floating down the Ohio, and yet we have had no appropriation to remove that obstruction and great impediment to trade; it is scarcely noticed. When is the generation to arise between whom and Great Britain there is to be a conflict on Lake Superior or its borders? Never, in my opinion. On the whole, I prefer to lay the bill on the table.

Mr. TOUCEY. I understand the Senator from Tennessee to move to postpone this bill to a day certain. I am not certain if I am right in that understanding, and I would like to ask him whether his motion is to postpone to a day certain, or to lay the bill upon the table? In the one case, I suppose nothing can be said. If the Senator moves to postpone to a day certain, I should like to make one or two remarks on the subject.

Mr. BELL. I do not wish to prevent discussion. If the friends of the bill will name a day to which they desire to postpone it I will withdraw my motion.

Mr. UNDERWOOD. Oh, no.

Mr. CASS. The honorable Senator from Tennessee will pardon me for saying that I should prefer that this bill should stand upon its own merits; and indeed if we could pass every bill of the same kind in the same way, it would be better than to associate a number of them together.

The PRESIDING OFFICER. The Chair will suggest that the question of laying the bill on the table is not debatable.

Mr. TOUCEY. I ask the Senator from Tennessee to withdraw that motion, and substitute for it a motion to postpone the subject to a day certain, that I may have an opportunity to say a few words now with regard to the bill. Does the Senator consent to do that?

Mr. BELL. I would like to oblige the Senator if he is very anxious to submit his remarks now, though we shall get into a general debate. The Senator from Michigan has said already that one of the great objections which I made the other day to bills for internal improvements, was the conglomeration of these measures, making it a matter of bargain. I made no such objection.

Mr. TOUCEY. I should have no objection to postponing the bill to a day certain.

Mr. UNDERWOOD. Let the motion to lay the bill on the table be considered a test question.

Mr. TOUCEY. It is to that I object. I do not wish to vote on a test question without having an opportunity to say a few words.

Mr. BELL. For the accommodation of the Senator I will withdraw my motion to lay the bill on the table, and move to postpone it until to-morrow week.

Mr. TOUCEY. As I have interfered by offering an amendment, for the purpose of pefecting this bill, I must say a few words at some stage of the debate, that I, personally, may not be misunderstood. I differ with the Senator from Michigan [Mr. CASS] in the idea which I understand to be put forth by him, that having a title to the land confers any power upon this Government. I do not think that the accidental circumstance of possessing the title to the land, by this Government, authorizes the construction of a public work within the limits of a sovereign State. If it were so, there is not a road or canal in the whole country which might not be brought within our jurisdiction, and subject to our authority; for the projectors of such a road or canal would have nothing to do but to acquire the title to the land requisite to the construction, and then to convey that land to the United States. On the other hand, if you have the power to construct the public work, you have the power to take the land for that purpose; and if you accidentally possess the land, without the power to construct the public work, you have no authority to tax the people of the United States to carry forward and accomplish that public work. I therefore put that circumstance out of the case, as entirely unimportant—entirely immaterial—as conferring no power upon this Government.

I apprehend, too, that we derive no authority in this case from the commercial power of the Government. The authority to regulate commerce does not confer the power to build roads and canals within the limit of a State. There are many reasons why that power is not conferred. The circumstance adverted to by the honorable Senator from South Carolina [Mr. BUTLER] is one entitled to great consideration, that a proposition was made in the Convention which formed the Constitution to confer upon this Government the power to construct roads and canals, and was rejected. You are therefore driven to the question, whether it is an inferential power. The power to regulate commerce is essentially different from the power to construct roads and canals. If you derive it inferentially, it is on the ground that a road or canal is essential to the transit of commerce; and if you admit that to be a sufficient ground for inferring the power, then you have the power to construct and maintain every common road, and every canal, and every railroad in the country; because they are all the conduits of commerce; and any such interpretation of the Constitution as that would be to make this a Government of unlimited powers. I therefore derive no support to the bill from a reference to the commercial power granted by the Constitution.

Nor do I derive any support to it from the circumstance that it would facilitate the transit of troops or of military stores. They can be transferred from one place to another without this canal, and the same reason would apply to all the great railroads and canals in the country. They facilitate the transit of troops and of military stores; and if that be a ground of inferring that it is within the power of this Government to construct railroads and canals, why you take the jurisdiction of every railroad and every canal in the country. It is another question with regard to the improvement of rivers. That is another and totally distinct question, not touching the question that is now involved here. I admit most freely that if this bill in the amended form cannot be supported under the war power, in my opinion it cannot be supported at all. I admit also, that if this is a mere cloak, a cover for the construction of a public work for a totally different purpose, it would be indefensible; and upon that point every Senator is called upon to vote in good faith and fidelity to the Constitution. If the object of it is merely to construct within the limits of a sovereign State a canal, it is our duty, in my judgment, or at least the duty of those who entertain the same views I do, to reject the bill. But will any one tell me that a ship-canal less than a mile in length uniting Lake Superior with Lakes Huron, Michigan, and Erie for naval purposes is not within the power of this Government? Does any Senator deny that? I should like to hear any statesman in this country advance that position. Why, sir, you construct a canal with locks for the purpose of taking vessels out of the water and into the water; you construct a railway, or some other way, to transfer a ship from the stocks into the water; and now, will any one tell me, if you can do that, and you have the ships ready in one of these lakes that, at a less cost than it would require to build one, you might not excavate the earth and construct a lock or locks by which armed vessels may be transferred from Lake Superior to Lake Huron? Will any one advance the idea that you must go upon the land and construct a new naval marine upon Lake Superior, and build a canal with locks, or both, and a railway, or some other way, to transfer the ship when it is built from the stocks into Lake Superior, and yet, if you have them already built, that you may not excavate less than a mile, and transfer armed vessels already built from one to the other? I think there can be no difference of opinion upon that point. I think that every man in the country will admit that if that is the object of it—if that is truly and *bona fide* the object of it—it is entirely within the power of this Government. I doubt not, indeed I have understood, it is already the plan of the British Government to construct a ship-canal of this kind on the Canada side for the purpose of transferring their armed vessels into Lake Superior from Lake Erie and the other lakes. Cannot we do it? I understood the honorable Senator from South Carolina to admit that it might be done for that purpose.

Then the question is this: Must you wait until you are involved in a war before you can do it? Is a power of this Government to exist or not to exist, upon the matter of fact, whether we are actually engaged in a war? May you not in peace prepare for war? And if, by the expenditure of $400,000, your naval force upon Lake Huron may be transferred to Lake Superior, without any expense hereafter, may you not do it in time of peace? I confess it has rather struck me that it was a very essential part of the defense of our frontier. We come into closer union and contact with Great Britain, than with any other people on the face of the earth. Our commercial relations, and all other relations, are more intimate with that nation than with any other. And is not that important to be looked into—in the case of a collision—as a battle-ground between the United States and Great Britain? I trust it would not be long so. I have a pretty strong impression upon my mind that in the event of a war with Great Britain, a certain portion of the two millions of the best citizen-soldiery existing in the universe, would be very likely to overrun Canada, and expel the British power from this continent. I acknowledge I have no doubt that that result would be brought about, if Great Britain were ever brought into actual hostilities with us. But what then? Is it too much now for us, for the protection of life and for the defense of our frontier, to expend the pittance of $400,000 to make Lake Superior and the other lower lakes all one sheet of water to be traversed by the same fleet? It seems to me it is only necessary to ask that question in order to get an answer from any intelligent mind.

Sir, I did not intend to go into the discussion of this question. I do not now. I desired, by the amendment which I proposed, and by a preamble which I had it in contemplation to offer to this bill, to place it upon the ground as a necessary part of the naval power which this Government possesses—not the general war power, but the naval power. It is not designed for the transit of troops; it is not designed for the transit of military stores; but, according to my apprehension of it, the primary and fundamental object of the canal is to transfer the armed vessels of the United States from the lower lakes to Lake Superior, or from Lake Superior to the lower lakes. I doubt not that this Government has the power to establish the same ship communication between Lake Erie and Lake Ontario. Why, Mr. President, in looking at the defenses of the frontier, at the measures necessary to perfect that defense, is not the expenditure of half a million of dollars a mere pittance to accomplish so great an object as that? To complete and perfect, in the most economical manner, with the least possible expenditure of money, a line of defenses between us and the Government with which we are most liable to come into contact? I ask, if economy or the want of constitutional power is in the way of accomplishing this great object? Mr. President, I rose rather for the purpose of explanation, to avoid misapprehension, as I ventured to meddle with the bill, and to place myself in the right position, and state the ground upon which I shall vote. If

I should be satisfied by any debate here that it is not essential to the public defense to complete the line of defense, I shall vote against the bill. But I am one who go for the defense of the country. I am willing to expend any money for its defense; but I am not willing to expend one farthing for the construction of roads and canals within the sovereign States of this Union.

Mr. BELL. I desire to ask the honorable Senator one question. He places this bill exclusively upon the defensive power, the war power—whether it relates to the naval force or military force, makes no difference, I suppose. Now, if that be true, it is in the nature of a purchase, and holding jurisdiction over a tract of land, or a piece of ground upon which to erect a military fortification, a fort, or a battery. It is upon the same principle, as I understand. Then, if this is to be put exclusively upon that ground—the honorable Senator repudiates the idea of the commercial power or any other power, except the simple one he has stated—I submit to him whether he ought not to withdraw his amendment; for if it is to stand on that ground, the United States ought to have the complete control, jurisdiction, and management of the canal. I understand his amendment was, to cede it to one of the States—that its repair, its condition to be useful in war, is to be dependent wholly upon what that State shall do with it. It is to make the repairs. Then what hold have we, after we once appropriate the money, and construct it by the superintendence of our military engineers, if we transfer it altogether from our control? I submit to the honorable Senator whether his proposition to amend was not totally inconsistent with the principle upon which he places this bill?

I do not pretend to be a military man, or to be conversant with the art of war, like the honorable Senator from Michigan, nor do I suppose the honorable Senator from Connecticut does; but I would like to know of the honorable Senator from Michigan, when he speaks of this as a war measure—and I understand this canal is to be about a mile in length, which is to get clear of the falls, and it is for the purpose of transporting ships of war which we may have upon Lake Huron into Lake Superior, and from Lake Superior into Lake Huron, as the emergency of the case shall require, in the event of a war—who owns the opposite bank of this stream, the Sault Ste. Marie? Is there no *terra firma* upon which to build forts and erect batteries? And how is the ingress or the egress of the canal to be protected or guarded? How will you be able to get your ships-of-war through this pass in the time of war? The honorable Senator may say, Why we can erect a battery or fort to protect our ships at the ingress and egress. But they could, and doubtless would, erect batteries on the opposite ground, if they saw we had a naval marine ready to transfer from one lake to the other; so that at last it brings this to a land contest, to the strength of batteries, and the caliber and number of guns. If you extend this canal, even from Lake Huron, and never mind the falls, the whole distance of sixteen, twenty, or thirty miles, you would have your outlet upon each lake, as well as a place of ingress, and all exposed to the batteries of the enemy.

Now, sir, this whole pretense—I do not mean to say that honorable Senators have that opinion of it—this whole argument of this being necessary to war, is entirely futile. If the British power ever reaches such an extent in their military preparations in Upper Canada and on Lake Superior, as to become formidable to us, one of the very first things they would do would be to build batteries and forts to command these passes; so that, in any point of view, it is entirely futile; I had almost said I think that it is rather ridiculous to put it upon any such ground. Although you may extend a part of the canal out of the reach of the enemy's guns, unless you take it up the whole length of the lake, it cannot be out of the reach of their batteries; and even if we do that where it enters into Lake Superior, it would be exposed to the fire of a battery from the opposite shore; and so as to Lake Huron. There is no such thing, it seems to me, if I comprehend anything of the principle upon which war would be conducted, and ever should be conducted, and this should be a contested line between the countries upon which you could use this for the purpose of transporting your vessels from one lake to another. I intended to move to lay the bill on the table at the close, unless some Senator desires to reply to what I have said. I do not wish to enter into any further discussion of the subject.

Mr. TOUCEY. Does the honorable Senator expect a reply from me to the question which he puts?

Mr. BELL. I will hear the Senator with great pleasure; but I wish to move to lay the bill on the table. If honorable Senators think they can put it under the principle of the river and harbor bill—can put it in that bill, and can convince me that it stands upon the same ground, I will assist them in doing so.

Mr. TOUCEY. With the leave of the honorable Senator, I will reply to his inquiry. The amendment which I proposed, and which has been adopted by the Senate, is not inconsistent with the view I take of this subject. I acknowledge, that in my judgment, we have the power to take land for the construction of this work—for the object which I have stated—upon making compensation to the private owner. If we had not that power, in my judgment we could not construct the public work, because the Constitution gives us power to take land for the public use, upon making compensation; and if this be not a public use, then it is not constitutional at all. Now, is there any objection that the only purpose for which we wish this ship-canal is the transfer of armed vessels from one lake to the other, that we may not interfere in the least degree with the jurisdiction of the sovereign State itself?—that we may not rely upon the State to maintain the canal and locks in order, securing to ourselves this only public use for which we need them? I think that course is dictated by economy. I think it is dictated, also, by a regard to the sovereignty of the State not interfering with it in the least possible extent.

But it is my opinion that this is necessary for naval purposes—that branch of the war power which I have indicated, and upon that ground only I shall give my support to the bill.

Mr. DOUGLAS. Mr. President, I rise not for the purpose of entering into this discussion, but to express the hope that before any vote is taken to postpone or to lay on the table, we may be permitted to vote upon the amendment, in order to know whether the bill is to be a moneyed or a land bill that is to be passed, if either is to be passed by the Senate. My vote would be influenced much by the decision of the Senate on the amendment. The original bill provides for a grant of land to Michigan, for the purpose of aiding in the construction of the canal around the Falls of the St. Mary's. The amendment, as I understand, proposes to strike out the grant of land, and substitute an appropriation of money for the canal to be constructed by this Government. I desire to have the question determined on the amendment, whether we will make it a moneyed bill, or whether we will retain it as a grant of land to the State of Michigan, to enable that State to make it. By allowing the vote to be taken on the amendment, we shall know what is to be the character of the bill, and then we can determine whether to pass it, postpone it, lay it on the table, or whatever else we may choose to do with it.

Mr. UNDERWOOD. I hope that the object expressed by the Senator from Illinois will be accomplished before the question is taken on the motion to postpone the further consideration of the bill; but I rise for the purpose of saying that I shall most unequivocally vote for the amendment, because, if it should happen that Michigan has not land enough within her boundaries to make this improvement, if you make a mere grant of land, there is an end of the improvement, and you determine by that that national improvements are made according to the quantity of land the States may have within their borders. There is no principle in that. I therefore intend to vote for the amendment, and hope we shall have the question upon it.

But I want, before I take my seat, to call the attention of the Senate one moment to the doctrine advanced by my friend from Tennessee, and also by my friend from South Carolina, that the corruptibility of human nature is such that Congress cannot be trusted with this power of making internal improvements. If I understand the argument of these gentlemen, it amounts to that. Sir, I want to vindicate the dignity of my nature to some extent, and to say that there are some honest men, I hope, and that I do not believe that the Congress of the United States is so corrupt that they cannot be trusted with the power of adopting a general system of internal improvements for the whole country. And, sir, I will say further, that if they are so corrupt the Government is not worth preserving. Moreover, if the system of internal improvements be corrupt plunder, it is the most advantageous mode to the people of plundering their Treasury of which I can conceive. Sir, I do not believe that Congress is yet so totally depraved. I think the great danger of political corruption exists in the doctrine of the "*spoils.*" I think it exists in the creation of offices for ourselves and our friends, either by forming *new*, or removing incumbents from the *old* offices, in order to provide for partisan cliques and combinations, and our kith and kin. It has been the hordes of avoricious, covetous officers, so far as I know the history of the world, that have fleeced the people, from the days of the Pharoahs of Egypt down to the present time. Nothing has stopped those who have set their hearts on the powers and emoluments of office. Not the crime of murder; not even the sacrifice of innocent women and children, constitutes the least barrier in the progress of unholy ambition. In my opinion, the danger to our system consists in the "spoils" doctrine and practice. From that fountain the waters of corruption flow which overwhelm the people with bitter streams of oppression and misery; and Governments, instead of being benefactors, become the oppressors of those who are governed by them.

Sir, the power of adopting a system of internal improvements—a general system for that purpose—is subject to such checks, in my judgment, that there is no danger from it. I shall vote for this bill in regard to the improvement about the Falls of the Ste. Marie. I never was in the State of Michigan in my life. I have been in the neighborhood, but never quite in the State. I have not a particle of interest there, independent of my connection with the interests of the whole Union at large. True, I am looking ahead to a good time coming, when her representatives will pay me for my vote by some equivalent advantage to the State of Kentucky. Now, here is the condition of things. There is a limitation upon the extent of these improvements. The people of this country never will submit to oppression in the shape of taxation. The limitation is the amount of money in the Treasury; for you cannot expend beyond that unless you increase the taxes. Start your railroad from here to New Orleans, have the Yankees any interest in having that road located improperly? No, sir; their interest is to have a direct road—a road that will cost the least money—one most advantageous to the country. Start the road spoken of by the Senator from South Carolina—from here to Buffalo—what interest has the great West in that location, which may warp the judgment of men in fixing the positions from here to Buffalo? The people of Maryland, of Pennsylvania, and of New York, might have some local interest to warp their judgment; but what interest can the great masses of the people of the United States, removed hundreds, and some thousands of miles from the track of the great internal improvements—what interest have they to warp their judgments? The only thing that can be said in answer to this argument, is, that if you tolerate the power at all, you may multiply the objects until hundreds of millions are required to build these works. The limitation upon that is in the want of money to expend; and if you once go for a general system, we shall select first the great lines of improvement indicated by the commercial interests of the country, and then the little lines afterwards, as we have the means to improve. That is the doctrine I advocate.

Mr. ATCHISON. The Senator from Kentucky says that he must vindicate the dignity of human nature, and he attempts to prove that there is something like honesty here and elsewhere. I know that he is a gentleman of integrity. I would risk everything with him; but I do not think he has on this occasion exhibited his usual fairness. Nor do I think that my friend from

Tennessee [Mr. Bell] has exhibited his usual fairness on this occasion. He says this bill must be postponed until the river and harbor bill is acted upon. Why should it be postponed until the river and harbor bill is acted upon? And if I am not mistaken, the Senator from Kentucky suggested aside, "Put it in the river and harbor bill."

Mr. UNDERWOOD. The gentleman is entirely mistaken. I did not say one word about it.

Mr. ATCHISON. Some one said so, and I supposed it was the Senator.

Mr. UNDERWOOD. On the contrary, if the gentleman will allow me, I will say, that some of us had a little conversation among ourselves, and I avowed rather a hostility to the postponement, and avowed an intention to vote for the bill through thick and thin.

Mr. ATCHISON. Very well; then I am mistaken, and I take back the assertions so far as regards the Senator from Kentucky. But why postpone this bill? Why not take the vote now? Why lug in the river and harbor bill at all in this connection? Why postpone this bill until the river and harbor bill be acted upon? It is to hold a whip over the Senators from Michigan and others directly interested in this particular measure, and to say to them, "If you do not vote for the river and harbor bill we will vote down this proposition of yours." That may not be exactly the proposition as it is worded, but I so understand it when translated into plain English.

The only thing in this proposition that commends it to my mind is that it is a naked, isolated, honest proposition, submitted by the Senators from Michigan, for a work of internal improvement, standing alone upon its own merits. If anything in the world would commend it to me, it would be because it is presented disconnected from all other propositions—excluding the idea of trading, log-rolling, or trafficking of any kind in legislation.

I regret very much that the Senators from Michigan have changed their ground. I regret that they have not left this bill precisely where they presented it, making an appropriation of public lands to construct this great work, thereby conferring a benefit upon the commerce of that region, and upon the United States, in the event of war, and adding to the value of the public lands in the State of Michigan. I regret they have not placed it precisely upon the same ground upon which we have placed grants for the purpose of constructing railroads and canals—a ground that nobody disputes. Propositions of that kind have been carried by the almost unanimous vote of the Senate. I say, take the land, and then we get rid of this vexed question as to the power of Congress to construct roads and canals out of the Treasury of the United States.

Mr. DAWSON. Mr. President, I consider that the question which has divided parties for many years—the question of internal improvements—is now presented as clearly as it has ever been before the Senate of the United States. This is a most beautiful time to illustrate the two platforms upon which the parties stand; and perhaps it is intended for that purpose.

Now let us trace the character of this bill, how it presented itself originally in this body, and the principle upon which it was attempted to be sustained. When the proposition first came into this body it was proposed to cut this canal by appropriating public lands in alternate sections between these two lakes for the distance of about three quarters of a mile, and to extend the right to take the public lands a sufficient distance to raise the amount to about five hundred thousand acres. I contested it upon the ground that the taking of the alternate sections would not improve the value of the public lands. That was controverted. It was said that the Government would not lose a dollar by the appropriation of the public lands. I thought that, as on such questions I had before been very often defeated by a majority of this body, they would still carry through the measure appropriating public lands for this work.

Why is it that that course has been abandoned, and the present plan been presented? This body may be compared to one of these lakes, and the other branch of Congress to another. These appropriations of the public lands for railroads and other internal improvements, it seems, cannot get from one of these political lakes or bodies to the other, so as to pass through both. The House of Representatives have checked this prodigality in the appropriation of public lands. Then it was instantly perceived that the idea of improving the value of the public lands must be abandoned. The next principle to be resorted to was, that it was for the encouragement of commerce, and to put it upon the ground that Congress had power to regulate commerce between the United States and foreign countries and between the States. How is this idea met here? Why, there is a division of sentiment upon that power with Congress, and many of our friends on both sides of the Chamber deny that under that article of the Constitution money can be appropriated for the encouragement of commerce.

Then it was, when these two grounds had failed, that my ingenious and distinguished friend from Michigan, [Mr. Cass,] whose tendencies, according to my friend from South Carolina, are decidedly belligerent, thought to raise the cry of "War" in this country, excite the public mind, and seek for the passage of this bill upon the ground of the necessity of this canal as a means of defense. Why, does he not recollect that a certain Secretary of War, very distinguished for intellect and purity of character, and now a member upon this floor, once recommended a survey of this canal between those two lakes? How many years ago was that? How many Administrations have passed since that survey took place? Several. Has there ever been any recommendation from either branch of Congress for the appropriation of money to cut this canal for the public defense, from the days of General Jackson down to the present hour? Why, sir, the distinguished Senator from Michigan said the other day that President Polk had it in his mind once to recommend that this work should be completed, when he was apprehensive of a war between this country and Great Britain, but he did not recommend it when the cloud or speck of war had passed away.

Where now is that speck or cloud of war that makes it necessary that this appropriation of half a million of dollars should be made to commence this canal as a public defense? The Senator from South Carolina has told you that no human being now expects anything like a war. The only specks that I see which render it necessary now to make this appear to be a means of public defense, consist, first, of a failure in the appropriations of the public lands for building railroads and canals by the stubborn course pursued by the House of Representatives; and, secondly, a failure to carry the measure, under the idea of increasing the commerce of the country. These failures throw it necessarily upon this great principle of public defense!

Now, sir, it is known to you, that I am one of those who vote for bills of internal improvement whenever they are for national purposes, or for the purpose of increasing commerce; but, in every instance, it must be for the good of the whole country. The improvements must be national and general in their operations and tendencies; otherwise appropriations for them would not, in my judgment, be constitutional.

There are two questions presented here—a question of constitutionality and a question of expediency. I waive the question of constitutionality; and putting it upon the ground of expediency, and referring to the history of this country for the last twenty years, in relation to this very canal, what cause is there now for making this appropriation of $500,000 of the public money? There is no cause existing. Mr. Polk said it was not necessary. No regular estimates have ever been sent to us for it. The estimate made of the amount of the cost, under the order of the Secretary of War many years ago, to which I referred, was not made by the order of either branch of Congress. We have never called upon the Executive Departments to say whether this work was necessary for the public defense. The Departments have never called upon Congress to make an appropriation for this public defense, or this means of public defense.

The best plan for us to adopt, in relation to a subject of this kind, is to submit the matter to the Committee on Military Affairs; let them ascertain if there be a necessity for such a public defense; let them call upon the Executive Departments for all the information they have, and lay that information before us, and then let a report be made upon which you can base an appropriation of money; and not suffer a Senator, however elevated his character, or however supreme his control, in consequence of that elevation of character, merely rise and present a bill to appropriate half a million of dollars, without its being founded upon a single application from any Department of the Government of the country.

Why, sir, suppose some southern gentleman—my friend from Florida, for example—should ask an appropriation to-day of one million of dollars to make a canal across the peninsula of Florida. That would save millions of commerce, and render the defense of the whole Atlantic and gulf coast much more efficient than it is now. Would not gentlemen ask us whether the Government of the United States, through its Executive Department, had had the canal surveyed, and an estimate made of the expenditure, and the necessity of its construction? Surely they would ask that. But here, for particular local objects, for the benefit of a State, or individuals, or companies holding large amounts of capital in different sorts of mines—principally copper mines—we are called upon to appropriate this amount. This improvement is, in the language of the Senator from Michigan, vastly important to the local interests of Michigan. I have no doubt of it. It may be advantageous to the whole of that section of country in some degree; but not upon the ground of its being a public defense, or a means of defense from a foreign enemy. That, in my judgment, has been assumed as a ground upon which this appropriation should be made, when the real truth of the matter is, that the canal is intended for direct local advantages, and, perchance, commercial benefit. Admitting that to be so, and putting it upon that ground, it is known that a majority of this body cannot be obtained to support it. That being known, the only other ground upon which we all can stand is this: Whenever an appropriation is asked, which is really for the purpose of erecting a public defense, protecting our frontiers, or our cities, or any exposed part of our country, it then becomes general in its character, and we can all stand upon it and make the appropriation. Hence it is that it is sought to place this bill upon that principle.

Now, does this principle apply here?—and if it does apply, is there any reason why, to-day, we should make the appropriation? None at all. Mr. Polk has not recommended it. Mr. Fillmore has not recommended it. As I understand, no branch of the Government has ever asked this appropriation.

Mr. CASS. The honorable Senator will allow me to say, that he is mistaken. The construction of this work was recommended by the President in his annual message.

Mr. DAWSON. Which message?

Mr. CASS. I think the President recommended the construction of this canal in his message to Congress at the session before last.

Mr. DAWSON. Did Mr. Polk make any recommendation?

Mr. CASS. Mr. Polk did not make any recommendation to Congress for the construction of the work.

Mr. DAWSON. Is there any necessity for it now? Why appropriate money when there is no existing necessity for it? Do you say in peace prepare for war? If you do, are there not many vastly more important points upon our frontiers, and upon our Atlantic gulf, or Pacific coast, requiring millions of appropriation to place them in a defensible condition? This is for an inland section of the country upon the northwestern lakes, where an enemy will scarcely ever go again. Now we are called upon to appropriate this money for that work, abandoning every other section of country, and where we have the views of the honorable Senator from Michigan himself, showing that he did not originally intend this work as a mere public defense. Hence it is, I say, that now is the time to pass this bill over, or to take a test question upon it. If it be for the encouragement of commerce, let us vote upon it as such. If it be

for the purpose of increasing the value of the public lands, let us vote on it upon that principle; but let the proper principle upon which it is based be presented, and when the vote upon it shall be taken, if the majority of this body be in favor of this internal improvement, let it be so.

Mr. DOUGLAS. Mr. President, I do not intend to enter into a discussion of the right of this Government to appropriate money to commence and carry on a general system of internal improvements. When this bill simply proposed a grant of land to aid in the construction of a canal around the Falls of the Sault Ste. Marie, I defended its provisions, and advocated its passage. My argument then rested upon this principle: that while the Government of the United States had more than one hundred million acres of wild and vacant land upon the borders of Lake Superior, which were inaccessible in consequence of the obstruction interposed to navigation by these falls, it would be good policy to grant a half million of acres to aid in the opening of this canal, in order to render accessible and valuable one hundred million acres of land owned by the Government above the falls. I am prepared now to maintain, that a grant of land for this purpose would be a wise measure. Suppose it were an individual case; if there were any Senator here owning all the public lands upon the border of Lake Superior, and any person would make an offer to him to open a canal for a grant of 500,000 acres of land, he would instantly make the grant, in order that he might have his lands made valuable and salable. Upon that principle I vindicated the bill then, and I am prepared now to vindicate the measure, if the Senators from Michigan will abandon the money appropriation, and accept of a grant of land.

So far as this bill is justified or asked for upon the ground of a military defense, I confess that the argument does not strike my mind with very great force. I think that if there is any one spot upon the face of the globe where the British army will never be found, it is upon the borders of Lake Superior. And if that army is ever found there in hostile array, you may rest assured it will never be found anywhere else after that period of time. [Laughter.]

So far as there is alleged to be a necessity for getting shipping there for war purposes, I do not appreciate it. The British cannot get their naval shipping there. We have a population upon our side; they have none upon theirs. Whatever vessels may be there for purposes of commerce will be American vessels, and can be used by our Government for purposes of war. I do not, therefore, appreciate the war argument.

I wish this canal constructed for commercial purposes, and for commercial purposes alone. I am willing to do whatever I can properly do, under the provisions of the Constitution, and in conformity with what I conceive to be a sound line of public policy, for the opening of this canal for purposes of commerce. I believe it is proper to grant lands in aid of such improvements, where the residue of the lands are enhanced in value, to a greater extent than the value of the lands granted.

Sir, if we commence by the appropriation of money from the National Treasury, for the construction of a canal in the State of Michigan, at the cost of half a million of dollars, where is that principle to lead us? Where are we to stop? It is true the canal is but three quarters of a mile long; but the right to construct a canal three quarters of a mile may give the right to construct one three hundred miles, or three thousand miles in length. If we should make an appropriation of money from the Treasury of the United States for the construction of a canal around the Sault Ste. Marie Falls, how could we refrain from another appropriation to construct a canal around the Falls of Niagara upon the American side? That a canal can be built there I have no question. That it would cost twenty-five millions of dollars to do it is very probable. That it would be useful to our commerce is certain. That it might be necessary for purposes of military defense, in case of a war with Great Britain is also certain; for Great Britain having a canal on her side, could run her ships from Lake Ontario by the Welland canal through to Lake Erie, and this canal would be closed to us at the opening of a war. Yet I would not deem it necessary, on military grounds, to construct a canal around the Falls of Niagara, for the simple reason that it would be much cheaper for us to take possession of the Welland canal, and use it in time of war, than to make one of our own. I should therefore oppose the construction of a canal for war purposes around the Falls of Niagara, upon the same principle that I oppose now the construction of forts along our northern frontiers to protect us against the British. When war breaks out, it would be easier to take possession of the British forts than to build them on our side of the rivers and lakes. England is building all the forts there that we need, and we can take her forts cheaper than we can build them for ourselves. She is building canals for us. She may say she is building them for war purposes; but within three weeks from the opening of any war with Great Britain, the Welland canal, the Rideau canal, and the other canals there, would be in our possession, and would be American canals during the residue of the war. Therefore, so far the war argument is concerned, it has no weight upon my mind.

But the commerce of these lakes is immense. The entire nation is deeply and vitally interested in that commerce. My own constituents have a deep local interest in it, as well as a general interest as a part of the United States. I should be willing, therefore, by grants of land, or by the exercise of any other power which is clearly confided to us by the Constitution, to aid this great commercial enterprise by opening these lines of commerce.

Sir, I do not agree with the Senator from Kentucky, that it is the legitimate province of this Government to commence and prosecute a general system of internal improvements by means of appropriations from the National Treasury. And first, I object to that line of policy for the reason that I am too good an internal-improvement man to adopt it. The most vital blow you could strike at the internal improvements of this nation would be for the General Government to take possession of them, and therefore induce the States to look to Congress for aid to construct their railroads and canals, instead of exerting their own energies and their own means for that purpose. Sir, who believes that if the railroad system of this country had been placed under the charge of the Federal Government, instead of the State governments, we should now have had ten thousand miles of railroad completed in America, and ten thousand miles more in process of construction?

Mr. UNDERWOOD. Will the gentleman allow me one word of explanation? I did not go into the system which I preferred; but I rise now for the purpose of saying to the gentleman that I go for the system which Mr. Monroe preferred, and under which we commenced. It was to allow the Government to take stock in our enterprises, as in the Louisville canal, the Chesapeake and Ohio canal, the Delaware and Chesapeake, and the Dismal Swamp canals; or, if you please, as in the Maysville road. That was the system which I would advocate now; because, by it you would take away patronage from the Government of the United States; you would avail yourself of individual judgment and enterprise, and you would give to the Government the selection of taking those works which would be national in their character. I do not want to enter into an argument; but I thought it necessary to make this explanation, to show that such would be my scheme, if I could carry it out.

Mr. DOUGLAS. Then the gentleman's scheme is worse than I thought it was. I thought he was only making a speech in favor of the Government of the United States using its own money through its own agents, to construct works of internal improvement where they might be deemed necessary.

Mr. UNDERWOOD. I believe in both.

Mr. DOUGLAS. The Senator says he believes in both systems, but there is one which he now especially advocates, and which I particularly and specially oppose—that is the partnership system between the General Government and individuals in the construction of roads and canals. Why, sir, the Senator tells us that the advantage of such a system would be, that the Government of the United States would prescribe the lines of communication. I say the lines would be prescribed by the combination that could be formed in Congress to carry the greatest amount of money.

Mr. UNDERWOOD. The gentleman misunderstands me. I said expressly that my plan would give the Government the opportunity of selecting between various lines those which were national.

Mr. DOUGLAS. I am willing, then, to take it upon that ground. The gentleman would have the Government of the United States furnish the money for the local authorities to make the lines of communication. I am not aware that that would improve his system materially; for if this Government is to make works of internal improvement with its own funds, I apprehend that we ought to have the selection of the lines of communication, in order that we may determine that the improvement would be valuable either for war purposes, or for commerce, or for carrying the mails, or for some other object that the Government might have in view in the expenditure of money. But, sir, I am opposed to this plan, upon this ground above all others, that works of internal improvement can be made by the local authorities for half the expense that they can be by the Federal Government. You will have more works of improvement made if you leave them to the local authorities than if you intrust them to the Federal Government. Do you suppose that Massachusetts to-day would have been chequered all over with railroads in every part of that ancient Commonwealth, if she had been begging Congress from year to year for appropriations, instead of relying upon her own energies, and the energies, and the resources, and enterprise of her own citizens?

The Senator from Kentucky has alluded to the Chesapeake and Ohio canal as being an exemplification of his policy. Contrast that with the New York canals. The Chesapeake and Ohio canal commenced with a partnership between the Federal Government and individuals, and has been crawling along at a snail's pace, begging the Government, and when the Government did not respond, begging elsewhere, and now it remains not half completed, while the New York canals, resting solely on the State resources, have been completed years ago, and have yielded more than revenue enough to pay their original cost. Wherever private enterprise has taken hold of roads and canals they have been completed, and they have prospered. Wherever the Government of the United States has granted lands in aid of them, and left them to the local and State authorities to be constructed, they have prospered. The Ohio canals were constructed by State enterprise, aided by grants of land. The Indiana canals, also, were constructed under the authority of the State by grants of land from the Government. The Illinois canal, which connects the great lakes with the Mississippi, making two thirds of this country one grand island, owes its origin to a grant of land from this Government in aid of that canal, which was to be constructed under the authority of the State of Illinois. A grant of land was made a few years ago in aid of a railroad in our State from the lakes and the Upper Mississippi river to the mouth of the Ohio, and thence to Mobile. Every inch of that road is now under contract. So far as it is in Illinois—seven hundred and eleven miles long; it is to be completed within twenty-four months from this day.

Mr. UNDERWOOD. By a company?

Mr. DOUGLAS. By a company under the authority of the State, and responsible to the State. Now, suppose that, instead of granting these lands to the State of Illinois for that purpose, you yourselves had commenced the road; do you suppose you would have had it all under contract now? Do you suppose you would have finished it in three years, or would you at the end of forty or fifty or sixty years have abandoned it, as the Cumberland road was abandoned, after bestowing the energies of the Government on it for half a century? Wherever the Government has taken hold of a work of internal improvement, there has been a squandering of public money, and a failure of the enterprise. Wherever individual enterprise has taken charge of a work it has succeeded.

What I object to is, that by absorbing all these public works within the circle of the Federal Government, you put the most baneful check upon in-

ternal improvements in this country that can possibly be suggested. My plan is this: Everything which can be made by individual enterprise ought to be done by individual enterprise. That which cannot be done by individuals but can be done by the States should be done by the States; and that only should be done by the Federal Government which cannot well be done in any other mode. I would limit the powers of this Government and the expenditures of this Government upon these subjects to the narrowest possible limits. I believe that every friend of internal improvement should seek to prosecute these great works in the mode which I have indicated.

I cannot vote for an appropriation of money for the Sault Ste. Marie canal, for the reasons which I have stated. I believe that by so doing I should commit myself to a system that would cost the Treasury $500,000,000, for I can point out works to you now that we should commence and go on with if this work is to be made at the expense of the Federal Treasury. I have already indicated a canal around the Falls of Niagara. I will indicate, also, a canal around the Falls of the Ohio, connecting a steamboat navigation of eight hundred miles above the falls, with a navigation of twelve hundred or thirteen hundred miles below them. I would also suggest, if this be adopted, a canal around the Des Moines rapids, in the Mississippi river, a canal around the Rock Island rapids, in the Mississippi river, and a canal around the Falls of St. Anthony, in the Mississippi—all of them by short canals, connecting long water courses of navigable streams; and then making a canal across the peninsula of Florida. If you adopt this system, there are objects enough where the interests of the country would be promoted, where the interests of commerce would be advanced, if you were to expend $500,000,000, and you would have an exhausted Treasury, and an enormous public debt, before you would get through with them. These works can best be made by the local authorities, with such aid in the shape of grants of land as may properly be made, where the works may be so situated that the residue of the lands would be enhanced more than the value of the grants. I think that we had better confine ourselves within the narrow limits of doing only that which the Constitution has clearly authorized us to do, and which can be done in no other mode except through the agency of the Federal Government. I can cheerfully vote for the improvement of the channels of rivers, and for the improvement of harbors on the lakes and on the ocean, although I believe that a cheaper and wiser and more economical and effectual system than the one now adopted can be substituted for the present plan. Yet I must vote for the present plan until we can devise another, because these are subjects not within the control of State authority. Hence the General Government is the only power on earth that can properly protect life and property upon them until another plan is devised.

With these views I shall be compelled to vote against the amendment proposing an appropriation of money for this canal. I regret it exceedingly. It is a work very near to my own constituents—a work in which they are deeply interested, and which will advance the interests of my own section of country. It comes from my friend from Michigan, who knows that I would aid him if I possibly could. I regret to be compelled to throw myself in the position of resisting an appropriation of money for an object of this kind. Yet I believe the interests of my own State, the interests of the State of Michigan, and the interests of the entire country, require that this improvement should be made by the local authorities. If, therefore, the Senate will come to a vote, and reject the money appropriation—thus leaving the original bill to stand as a grant of land in aid of the construction of this canal on such terms and conditions only as would authorize the State of Michigan to charge tolls enough to keep it in order, we can pass it, and the canal can be made in a very brief space of time. A grant of lands to Michigan for this purpose, properly administered, would make a canal in half the time that it could be made by this Government, if put under the War Department, or any other Department. It will be made by the State for a less amount of money. It will be made better; it will be kept in better condition; it will answer the objects for which it was constructed in a greater degree than by putting it under the control of this Government. For these reasons I shall vote against the amendment proposing a grant of money, and for the original bill proposing a grant of land, if that feature be not stricken from it.

Mr. CASS. I simply rise to ask the Senate to come to a vote. The proper time and place to discuss the subject of internal improvements will be upon the river and harbor bill. I hope we shall now come to a vote upon this measure.

Mr. UNDERWOOD. I shall be very brief. When a gentleman attacks me, I think I have a right to make some vindication of the position which I have assumed. I have said to my friend from Illinois, that, if I had to select a system to carry out my views of internal improvement, it would be that upon which the Government commenced its operations.

Why ought that system to have been the one which should have been continued? Because it would have accomplished precisely that which the gentleman advocates; it would have left to individuals, acting upon the principle of interest, the execution of these works. In that way, they would have had every motive of economy which can stimulate man, to go on with them and complete them with the least possible expenditure of money. Is not that the way which the gentleman's own State is doing at this very time? I brought out in the course of his remarks the fact that the great Central railroad in Illinois was to be done by a company. But, says the gentleman, a company responsible to the State. Yes, sir, the State is a partner with a company, the State legislates for a company, but then it is a contract, and by that contract made between Illinois and that company, the rights of the parties are secured, and you have the very advantages which I wanted to secure to the General Government—the advantage of individual enterprise, of individual skill, and of individual economy.

Why cannot the National Government do these things, precisely as the States are doing them? Is it a great disgrace for the National Government to enter into a corporation as a partner? and is it perfectly legitimate and right for a State to do the same thing? I cannot understand any principle of distinction between the National Government, acting through a corporation and a State government acting through a corporation. Both cases are identical in point of principle. My object, if I could have selected the means of carrying on internal improvements, would have been to secure the very means of carrying them on, which the States are now securing.

But the gentleman makes a distinction between land and money; still he tells us that he will go for an improvement around the Falls of the Ohio, and around the Falls of the Mississippi. Why, sir, there is no land to appropriate around the Falls of the Ohio. Where are you to get the land for that improvement? Nearly all the land in that neighborhood is exhausted, and by the time that you get a bill passed for that purpose, the remnant that is left will be gone. How, then, are you to get a canal there, unless by an appropriation of money? Will the gentleman vote money for that object, and not for this great improvement around the Sault Ste. Marie? Where is the ground of distinction, if the principle which he has laid down be correct? If he is for these improvements, he must necessarily resort to the Treasury for the purpose of accomplishing them.

But where is the difference in principle between the dollars of the country and the acres of the country? They are both public property—both belong to the country. The sale of one brings money into the Treasury. Where is the difference between taking money out of the Treasury and expending it, and shutting up one of the supplies of the Treasury from the property of the country? Sir, the mind that can make these distinctions is too astute for me. I cannot see the difference between the property of the country and the money of the country.

I have said to the Senate, that if this old system which Mr. Monroe favored, commencing long ago, could be continued, I should prefer it. It has been done away with; and how has it been done away with? In violation of those very principles which I laid down when I was speaking before. It has been done away with for the purpose of substituting the system of contracts; for that kind of bargaining, and that kind of manœuvering by which men have made private fortunes out of the Government. As long as the old system existed, you left it to the corporations of the country. By furnishing the money you had individual enterprise and individual interest to carry on these improvements. But you have abandoned that, and substituted a system of contracts, appointing Government agents to see that they are carried into effect. I do not know but that a committee which is now sitting in one of the lower rooms in this Capitol will develop something of that system before we get through. I will not go into it further than that.

I said when I was up before that the corruptions which were most dangerous to this country were the corruptions to which men would resort for individual emolument by the partition of the spoils through a system of intrigue—through a system of cliques covering the country with their corrupt practices. That is the thing against which I wanted to guard. I wanted to guard against it by the old-fashioned system of allowing the Government, upon Mr. Monroe's plan, to furnish some of the means while we secured individual enterprise to execute the object. But the gentleman says we would never execute these things on that plan, and he referred to what I said as to the Chesapeake and Ohio canal. He alluded to the fact that that canal was not finished, while the New York canals had been finished long ago, and asked us to look at the millions which the New York canals had brought in. Sir, if the Government had furnished the money, as I think it ought to have done, when it put its hand to the plow in reference to the Chesapeake and Ohio canal, that canal would at this day have formed a connection with the Ohio river which would have poured thousands and millions of valuable commodities into the lap of this District for commercial purposes, and for the supply of the seat of Government. But you failed to do that. You abandoned the whole scheme. You entered into a contract, as it were—a sort of pledge of faith—with the people, not only of the District, but with the stockholders in that enterprise, that you would, from time to time, unite with them in furnishing the means, and would contribute in proportion to their contributions. But you abandoned the work; you have thrown it upon the State of Maryland, and upon individual enterprise, and failed to contribute with them in proportion to the amounts which they raised. You relieved the District from their Holland debt; you took upon yourself on that account $500,000 or $1,000,000, and then you abandoned the scheme of the Chesapeake and Ohio canal; and now it is matter of reproach that the canal has been unprofitable. Why, the reason of that is, that it never was finished—the original plan was never carried out; and it is a poor argument, when you have carried the house up to the eaves, to say that it is good for nothing, for you never put a roof upon it. If you had finished that canal, it would have been a valuable improvement, and it would have developed and shown the importance of the system for which I contend.

Mr. PRATT. The speech of the honorable Senator from Illinois [Mr. DOUGLAS] has opened a new theme of discussion, into the results of which I desire the representatives of some of the older States to look for a single moment. The Senator commenced by saying, that he did not intend to argue the question of the power of this Government to appropriate money for purposes of internal improvement; still, during the course of his remarks, he stated that he would vote against this bill, provided it appropriated money instead of land. He tells us that there are two or three reasons which would influence his judgment in voting for the bill if it appropriated land. The first is, that there are 100,000,000 of acres on the line of Lake Superior, which would be enhanced in value greatly above the expenditure on the part of the Government, by the appropriation of half a million of dollars' worth of that land. And then he says that this canal ought to be made, because of its commercial importance. And further, he says that he intends to vote against any appropri-

ation of money for this purpose, but would vote for an appropriation of land. Where, then, is the State represented by the Senator from Georgia, where is the State represented by my friend from Kentucky, where is the State of Maryland, where are all those States upon the margin of which there are no public lands, if appropriations for works of internal improvement, according to the argument of the Senator from Illinois, can only be made where the improvement is to benefit the public lands? His argument withdraws from the scope of the exercise of this power all those States—the constituents of all the representatives on this floor, in whose States there are no public lands to be improved by the particular work of internal improvement. It is apparent—and I think the honorable Senator cannot escape the conclusion—that the necessary result of his argument is, that the Government of the United States have the power to make appropriations for the purpose of internal improvement, but only in those States in which the United States own public lands. The national view which the honorable Senator takes of the subject is, that the Government can appropriate money for works of internal improvement, but it is a power which can be legitimately exercised only where they have lands within the State which are to be enhanced in value by the particular work of internal improvement which is to be executed.

Let us now take for a moment a common-sense view of this subject; and I ask the honorable Senator from Illinois to look at it for a moment in a common-sense point of view. The distinction which he makes is, that we have power to appropriate public lands for purposes of internal improvement, but that we have no power to appropriate money. In this particular case, he concedes that this work will enhance very much the value of the public domain on Lake Superior. That is the concession on his part. Therefore the Government have the power to improve these public lands by making this work; but then he restricts that power by saying that, although this canal can be made for the purpose of improving these lands, yet it can only be by appropriating land, and not appropriating money. The common-sense view which I put to him is this: Where is the difference to the Treasury? If the public lands are to be enhanced in value by the improvement, cannot the General Government appropriate money as well as land for the purpose of enhancing the value of these lands? What is the difference to the Treasury whether you appropriate half a million of dollars' worth of land or that amount of money out of the Treasury? The only difference is, that if you take land, you would have to take a larger quantity of land, if his argument be true, because of its enhanced value. If the value of the lands enhance afterwards, you have to take more of the land in value than the amount of money now called for, for the purpose of making the improvement, because if you take the money out of the Treasury it only amounts to half a million in the whole; but if the value of the lands be enhanced, the Government of course would have the whole of the land at its enhanced value by the mere appropriation of $500,000.

My friend from Virginia [Mr. MASON] says that this doctrine was started by Mr. Adams; and that it is a Whig doctrine that the Federal Government has power to make appropriation for works of this kind.

Although Mr. Adams might have recommended such a course of measures, yet it is due to the truth of history to say that he did not originate it. So far as I find, it originated with Mr. John C. Calhoun, while Secretary of War. In his report to Congress, he recommended an appropriation on the part of the General Government for the purpose of completing the Chesapeake and Ohio Canal, (to which the honorable Senator from Kentucky has referred,) as a work of national importance—as a work of importance to this Government in time of war. But the Whigs in this body, I believe, are not divided in opinion as to the power of the General Government to appropriate money for such purposes. The sole question with us is in regard to the particular work, and whether it is of that importance to commerce to justify the appropriation. I, for one, am convinced that this measure is of that importance. I shall vote for it with a great deal of pleasure. I shall not vote against this bill for the purpose of bringing up any other bill in lieu of it. I am in favor of this measure, as I presume I shall be in favor of the river and harbor bill when it comes up. I will vote for this now, as I shall vote for that when it comes before the Senate.

The principal object which I had in rising was to show, that if the system proposed by the honorable Senator from Illinois is to be carried out, it confines the exercise of this power on the part of the Federal Government exclusively to those States which have lands to be benefited by the particular work of internal improvement; and I thought, therefore, that the attention of representatives of States where there were no public lands should be called to the matter, so that they might vote for this amendment, and bring before the Senate the question of the power to appropriate money for such purposes. I want the amendment adopted, so as to bring up for the decision of the Senate the question of the power of the Federal Government to appropriate money for these useful and beneficent purposes.

Mr. BUTLER. If it is in order to offer an amendment at this time, I have one which I desire to submit.

The PRESIDING OFFICER. The question pending is on the motion of the Senator from Tennessee to postpone the further consideration of the subject until to-morrow.

Mr. BELL. I will withdraw that motion, if it is the pleasure of the Senate to take the question on the amendment now, but I intend afterwards, if I can get the floor, to move that the bill lie on table.

Mr. BUTLER. As the motion to postpone is withdrawn, I offer the following amendment:

SEC. —. *And be it further enacted*, That the Secretary of War be also instructed to advertise for proposals for the construction of a ship canal of like character across the Peninsula of Florida, from the waters of St. Mary's Sound to the waters of Tampa Bay, and to cause the same to be constructed: *Provided*, That the cost thereof shall not exceed $400,000.

I offer this amendment in good faith; but even if it be adopted, I frankly confess I shall not vote for the bill. I am constitutionally opposed to the bill; but if the proposition of the gentleman from Michigan is to pass, I think that this should pass with it. So far as I have any information on the subject, I think that the work which I have proposed to have constructed is vastly more important. I regard this as a matter connected with commercial considerations; and I think the work proposed to be constructed by my amendment would be of vastly more importance to the commerce of the country than the work proposed in the bill. It will save a great deal of property and many valuable lives. I admit I do not know much as to the particular localities. The Massachusetts and Maine people go there, and know far more about the bays of Florida and South Carolina than I do. They are more interested in this work than in the Sault Ste. Marie canal; and I can assure the Senate, that so far as regards a comparison between the two works, this canal across the peninsula of Florida is of much more importance, because it accommodates a greater interest, and there are larger portions of the United States interested in it than any one project that can be suggested.

Mr. HAMLIN. I desire to say to my friend from South Carolina that I concur with him most cordially as to the magnitude and importance of the work to which his amendment refers; but I think it occupies a very different ground in the Senate at this time from the original proposition. The one has been surveyed and estimates have been furnished in relation to the completion of the work. In relation to the other, nothing has been done. However, that is not the purpose for which I principally rose. I wish to say, that the Committee on Commerce have at this session examined this subject, and that my friend from Louisiana, [Mr. SOULE,] at the proper time, will offer an amendment to the general bill, providing for a survey of the route of a canal across the peninsula of Florida. Until a survey shall have been made, and until we shall have definite information upon which we can act, I think the two propositions must be essentially different.

Mr. MALLORY. Mr. President, the amendment of the honorable Senator from South Carolina, contemplating, as it does, a public work whose whole extent will be within the State which I have the honor in part to represent, may render it necessary for me to say a few words upon the subject, and I shall be as brief as possible. I will first remark, in reply to the honorable Senator from Maine, who is under the impression that no survey or estimates have been made for a canal across the isthmus of Florida, that he is mistaken. A survey has been made, and estimates have been prepared, and it was at my instance within a few days back, that the proposition originated before the Committee on Commerce.

The proposition is to put our hands into the Treasury and take money therefrom for the construction of a canal at the Sault Ste. Marie, and the right is based upon the idea that it is necessary for the national defenses. Strike out that idea, and it falls to the ground at once; for I presume that we all consider that there is no money in the Treasury that can be appropriated properly to internal improvements. I apprehend that if any Senator puts the proposition directly to the people whether they should be taxed for the work, and it should be said to each one, "Give your contribution for this work," it would fall to the ground. If we have a right to put our hands into the Treasury for $400,000 to construct that canal, we certainly have the right to tax the people directly for the contribution of so much money, and it requires no political foresight to see how such a proposition would be met.

It shows vast political foresight to place this bill on the ground of national defense, for the American people are a military people. Notwithstanding our military forces are short of twelve thousand men, we are the most military people on earth; and no appeal of this character can ever be made to the American people unsuccessfully. We have seen it recently here in the proposition referred to by the honorable Senator from South Carolina, with regard to the Collins line of steamers, whose compensation has been more than doubled upon the idea that they were suitable for war purposes—suitable for fighting the battles of the country with guns on the high seas. That proposition was entertained here in defiance of the opinion of twenty-nine thirtieths of the military men of our Navy. I feel that I am not wrong in saying that twenty-nine thirtieths of the military men of our Navy ridiculed such a proposition as being utterly preposterous, that these gorgeous barges, fitted up with more than eastern magnificence, when they should be reduced, according to the plans submitted, would disclose to you ships fitted for war. But I pass from that subject. I give it merely as a suggestion that an appeal to the war feelings of our people is never unsuccessfully made. I have no doubt that this work might be incidentally useful in case of war; but so is every manufacturer of cloth, and every agriculturist who turns his attention to the cultivation of wheat, or any other kind of grain. So is every weaver—so is every manufacturer of arms. All these are incidents of war; for without these, the sinews of war, we could not progress for a single moment; and every measure of the Government might as well be placed on an appeal to war purposes as this.

Mr. BUTLER. Perhaps my friend had better allow me to withdraw the amendment, as I understand it is intended to provide for this object in another bill.

Mr. MALLORY. I shall be happy if the honorable Senator from South Carolina will withdraw the amendment; because I feel interested in its passage, and I do not wish to attach it to this bill. But before I give way to allow the amendment to be withdrawn, I wish to call the attention of gentlemen to the important measure now under consideration. If the canal round the Sault Ste. Marie be an important measure in view of the national defenses, it is as nothing compared to a canal across the peninsula of Florida. The Gulf of Mexico may be compared to a demijohn on its side, and through the neck of it is a navigation of about sixty miles made available for a navigation of more than two hundred and fifty millions annually, which at this time passes through it. These are the statistics of the country; and our statistics are so informally taken that they fall actually far short of the truth. In addition to these two hundred and fifty millions, we have in view the Tehuantepec trade, which will probably

in twenty years double this amount; because in twenty years there will not be a chest of tea that will go by any other route than by the Isthmus of Tehuantepec to the United States. And I wish to say, too, that when the proper time arrives, I have it in my power to show to the Senate that more than a million of American property is lost annually in endeavors to double the Tortugas and the dangerous coast on the south side of Florida, which this canal will entirely obviate; and that within the last ten years more property has been destroyed for want of a canal than would have constructed a navigable ship-canal.

Mr. BUTLER. At the suggestion of my friend from Louisiana, and the Senator from Florida, who understands this subject much better than I do, and as a matter which they have so much at heart, I ask leave to withdraw the amendment.

The PRESIDING OFFICER. The question, then, will be on the amendment of the Senator from Michigan as amended.

Mr. BADGER. I desire by some mode to have a separate vote on so much of the amendment as was originally proposed, and then on the proposition which has been inserted on the motion of the Senator from Connecticut. I do not see any other mode of attaining the object than by moving to reconsider the vote by which the amendment of the Senator from Connecticut to the amendment of the Senator from Michigan was agreed to. I therefore make that motion. My object is to obtain a separate vote upon the question of appropriating money for the erection of the canal as a distinct proposition from the question of transferring it to the State and allowing her to regulate the use of it.

Mr. CHASE. I hope that the motion of the Senator from North Carolina will prevail. The propositions are essentially distinct in their character; and, without going into an argument on the subject at this time, when every Senator has made up his mind, I intend merely to say, that for myself, I shall vote cheerfully for the first section, but I shall not vote for the last.

Mr. BADGER. I ask for the yeas and nays upon the motion to reconsider.

The yeas and nays were ordered.

Mr. HALE. I hope the Senate will allow the vote to be reconsidered, so that gentlemen who want to vote for one part of the proposition can do so, without being compelled to take the whole.

Mr. CASS. I have no objection to the reconsideration for that purpose.

Mr. DOUGLAS. With that view there can be no objection to the reconsideration, and I would therefore suggest that the call for the yeas and nays be withdrawn.

Mr. BADGER. As there seems to be a general acquiescence in the reconsideration, I ask the unanimous consent of the Senate to withdraw the call for the yeas and nays.

There being no objection, the call was withdrawn.

The motion to reconsider was agreed to, and the question recurred on the amendment of Mr. Toucey to the amendment.

Mr. UNDERWOOD. I would ask whether, if we adopt the original amendment without the amendment of the Senator from Connecticut, it would not then be in order for him to offer his amendment?

The PRESIDING OFFICER, (Mr. Norris in the chair.) It will be in order to move to add anything to the original amendment after it may be adopted.

Mr. UNDERWOOD. Then I would suggest to the gentleman to withdraw his amendment to the amendment, because that will relieve us of a great deal of embarrassment. If he should withdraw his amendment, we can have the yeas and nays on the amendment of the Senator from Michigan, and then the Senator from Connecticut can offer his amendment, and we can have the yeas and nays upon that. This will show the position of every one.

Mr. BADGER. I would appeal to the honorable Senator from Connecticut to allow the Senate to vote upon the proposition of the Senator from Michigan as it stands, and he can offer his amendment afterwards. It will be just as much in order, and just as appropriate in every respect, after that proposition shall be passed upon as now. I hope the honorable Senator will allow us an opportunity of voting in such a manner as to show our position upon each amendment.

Mr. BUTLER. I hope the request of the Senator from North Carolina will be yielded to by the Senator from Connecticut, and that we shall have a separate vote on each proposition.

Mr. BORLAND. It seems to me that the proposition of the Senator from North Carolina is not altogether fair and reasonable to the Senator from Connecticut, for if he withholds his amendment now, it will materially change the proposition before the Senate. There may be Senators here willing to vote for the whole proposition, if the amendment proposed by the Senator from Connecticut be incorporated with it, but who may not be willing to vote for it in its present shape. The incorporation of the amendment of the Senator from Connecticut adds to the original proposition an essential feature which gives character to the whole and makes it an entirely different measure.

Mr. TOUCEY. The request of the Senator from North Carolina is, that I should withdraw the amendment which I have offered to the amendment. If that amendment be withheld, the amendment proposed by the Senator from Michigan will lose a considerable portion of its support, and I therefore cannot consent to withdraw it.

Mr. BADGER. It will lose more if it be kept in.

Mr. BADGER called for the yeas and nays on the adoption of the amendment to the amendment.

Mr. BUTLER. If this is a war measure, I cannot abandon this work to a State, any more than I could abandon a fort; and if it be not a war measure, it is a work for the benefit of Michigan. I shall vote against the amendment to the amendment.

The question being taken by yeas and nays on the amendment to the amendment, resulted—yeas 23, nays 27; as follows:

YEAS—Messrs. Adams, Atchison, Borland, Bradbury, Bright, Brooke, Cass, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, James, Jones of Iowa, Morton, Sebastian, Shields, Smith, Soulé, Toucey, Underwood, and Weller—23.

NAYS—Messrs. Badger, Bayard, Bell, Butler, Charlton, Chase, Clarke, Davis, Dawson, Fish, Geyer, Hale, Hamlin, Houston, Hunter, Jones of Tennessee, Mallory, Mason, Meriwether, Norris, Pearce, Pratt, Seward, Spruance, Sumner, Upham, Wade, and Walker—27.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Michigan, [Mr. Felch.]

Mr. DAVIS. That brings us to the first proposition to appropriate money. I would suggest to the Senator from Michigan the expediency of striking out one part of that amendment, which I think would be a great improvement in every point of view to the bill. There is in the amendment a provision that twenty per cent. shall be retained from those who carry on the work. Now, I believe all experience has shown such a reservation to be a very improvident one—one calculated to cripple and break down the contractors, and no man will, when there is such a reservation made, make a contract upon so favorable terms as he will if you give him all the money as he goes on. I think I could demonstrate this, if time would permit. I move, therefore, to amend the amendment by striking out the words:

"Reserving always a sum equal to twenty per centum on the amount of work performed, until the whole be completed."

The amendment to the amendment was rejected, on a division, by a vote of—ayes 17, noes 27.

Mr. BORLAND. Before the vote is taken on the amendment, I desire to say a few words. I had made up my mind to vote for this amendment as it had been amended on the motion of the Senator from Connecticut, [Mr. Toucey.] It did require some considerable effort on my part to bring my mind to that conclusion. It was as much as I could do; and perhaps my feelings and personal considerations has as much to do in bringing me to that conclusion as my judgment. I hesitated a long while.

But the amendment of the Senator from Connecticut to the amendment having been reconsidered and rejected, puts it entirely out of my power to vote for the original amendment. I am willing to vote for the bill as it came from the committee. I am willing to give 500,000 acres of land. I am willing to give one million of acres, if necessary, to construct this canal, but as the amendment now stands, I am unable to vote the money appropriation.

The question being taken by yeas and nays on the amendment of Mr. Felch, resulted—yeas 21, nays 32; as follows:

YEAS—Messrs. Badger, Cass, Chase, Davis, Felch, Fish, Geyer, Hale, James, Jones of Iowa, Meriwether, Morton, Pearce, Pratt, Seward, Smith, Spruance, Sumner, Underwood, Upham, and Wade—21.

NAYS—Messrs. Adams, Atchison, Bayard, Bell, Borland, Bradbury, Bright, Brooke, Butler, Charlton, Clarke, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Gwin, Hamlin, Houston, Hunter, Jones of Tennessee, King, Mallory, Mason, Norris, Sebastian, Shields, Soulé, Toucey, Walker, and Weller—32.

So the amendment was not agreed to.

Mr. WALKER. I have an amendment to propose. It is the river and harbor bill as it passed the House of Representatives, with the amendments of the Committee on Commerce.

The Secretary was about to read the amendment, when Mr. Cass suggested that there was no necessity for reading it, as every one knew what it was.

Mr. WALKER. As this may be the last opportunity of success that the river and harbor bill will have, I do not propose to discuss the amendment, but shall simply ask the yeas and nays upon it.

The yeas and nays were ordered.

Mr. DAVIS. I hope the amendment will be adopted.

Mr. PRATT. The adoption of the amendment is certainly, under the decision of the Senate, the only earthly hope we have for appropriations for works of internal improvement in those States in which there is no public lands. I shall therefore vote for the amendment.

Mr. CHASE. Is the amendment to strike out and insert, or to add?

Mr. WALKER. It is to add additional sections to the bill.

Mr. CHASE. I desire to inquire whether it will be in order to amend the motion of the Senator from Wisconsin, so as to strike out all after the enacting clause, and insert his amendment? If I understand the proposition as it now stands, it is to add a long series of money appropriations to an appropriation of land.

Mr. BADGER. When we get the amendment in, we can strike out the other.

Mr. BUTLER. I move that the Senate do now adjourn.

The motion was not agreed to, there being, on a division—ayes 21, noes 28.

Mr. DODGE, of Iowa. I trust the Senator from Wisconsin will withdraw his amendment. I am sure he must be aware that there is no time to pass so important an amendment as that this evening. As I understand it, he has offered the House bill for the improvement of certain harbors and rivers, with the amendments of the Committee on Commerce of the Senate, as an amendment. There are various amendments to be offered, in addition to those made by the committee, and there is not time for the consideration of the subject this evening. I hope he will withdraw his amendment.

Mr. BUTLER. I wish to call the attention of the Senate to this condition of things. Here is a bill offered as an amendment, which I have not read, and I will venture to say there are many others on this floor who have not read it—for the reason that we did not expect to vote upon it to-day; and if you resort to this parliamentary mode—I do not say it may not be a parliamentary mode—you do it in a way not to enable gentlemen on this floor to vote intelligently on the subject before the body. I know that the river and harbor bill may be crammed down our throats by those who have the power; but I wish to have an opportunity to examine, to consider it, to study it. I cannot, upon the responsibility of an individual, much less as a Senator, undertake to violate what may be proper upon this subject, for if the bill is to pass, perhaps it may need to have some qualifications; but I am not to be required at this time of the evening to take it as an amendment to the bill before us. If the Senate has a mind to do it, let it be done in the face of the open

declaration that here is one of the most important measures of the session brought forward as an amendment to a bill; at a time when nobody expected it.

Mr. TOUCEY. I wish to ask, if this amendment be adopted, whether the proposition can be made to strike out an item from the river and harbor bill, as it is incorporated in this bill?

The PRESIDING OFFICER. When the bill shall be reported to the Senate it can be done.

The question was then taken by yeas and nays on the amendment, and resulted—yeas 20, nays 32; as follows:

YEAS—Messrs. Badger, Bell, Clarke, Davis, Dodge of Wisconsin, Fish, Geyer, Hale, James, Jones of Tennessee, Pearce, Pratt, Sebastian, Seward, Spruance, Sumner, Underwood, Upham, Wade, and Walker—20.

NAYS—Messrs. Adams, Atchison, Bayard, Borland, Bradbury, Bright, Brooke, Butler, Cass, Charlton, Chase, Dawson, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Hamlin, Hunter, Jones of Iowa, King, Mallory, Mason, Meriwether, Morton, Norris, Shields, Smith, Soulé, Toucey, and Weller—32.

So the amendment was rejected.

Mr. ATCHISON. I move to amend the original bill by striking out 500,000, and inserting 750,000; so as to appropriate 750,000 acres of land for the construction of the canal.

A SENATOR. Then you exceed the estimate.

Mr. ATCHISON. My object is to secure this work. I am satisfied that it is of great importance in many points of view. I doubt very much whether 500,000 acres will be sufficient for its accomplishment in as short a time as we trust it can be done. Therefore I move to increase the appropriation to 750,000 acres.

On motion by Mr. HALE, the Senate adjourned.

TUESDAY, August 17, 1852.

On motion by Mr. FELCH, the Senate resumed the consideration of the bill.

The question pending being on the amendment of Mr. ATCHISON to strike out "500,000" and insert "750,000," so that the grant shall be 750,000 acres of public land.

Mr. SMITH said: Mr. President, I desire to say a few words to the Senate on the subject of appropriating lands to aid the State of Michigan in constructing this canal; and perhaps I may as well say them now as at any time. I voted at the first session of the last Congress for a bill of this character, but I had not at that time any particular information on the subject. I acted upon considerations and views such as have governed my course both as a member of the House and of the Senate, in supporting appropriations of the public lands to aid the States, where the lands are situated, in works of internal improvement. I believe that to be a sound principle of policy to be pursued with respect to the public lands; and if I thought that this canal could be executed by the State of Michigan by an appropriation of 500,000 acres, or of 750,000 acres within a reasonable period, I should certainly vote for the amendment, if that is deemed expedient, and at any rate in favor of the original bill. I should vote in favor of such a cession of the public lands exactly on the grounds which induced me to support the cession of alternate sections of public land to aid in the construction of the great Central Railroad through the State of Illinois, and various other bills which have passed the Senate both at the last and present sessions. But this subject, owing to circumstances to which I am about to advert, is in a situation that is somewhat peculiar; and I think I can satisfy the Senate that the State of Michigan cannot construct the canal, though aided, within such a period of time as is required. You may give her lands which she may sell by private sale, or she may sell them by auction. She might in that way raise funds enough—say $400,000—to enable her to enter upon and execute the work. But if we were merely to grant her the lands to the amount specified in the original bill, or even to the amount named by my friend from Missouri, [Mr. ATCHISON,] I can demonstrate that the State cannot cut that canal within any period short of some ten or twelve years.

The Senator from Illinois [Mr. DOUGLAS] told the Senate yesterday that if we make this grant of 500,000 acres, the State itself can cut the canal, and not only so, but that it could be done in a shorter period than would be accomplished by the appropriation of money by the General Government. I thought that that was a very extraordinary view of the subject. I think it is a little too extravagant to render it necessary for me to make any particular remarks upon it on the present occasion.

I have nothing to say here in regard to the important distinction between the construction of this work by the General Government—in which case the canal would be made a free canal—and its construction by the State government out of property and means in the form of land to be furnished to the State by the General Government, clothing the State government with the power of laying any amount of burden it may choose upon the commerce which may pass through this channel of communication. This distinction, in my humble judgment, is very important; and I regret very much that it did not have a more prevailing effect upon the judgment of the Senate than it did in the vote which they gave yesterday upon the amendment of the Senator from Michigan, [Mr. FELCH.]

Before we hand this amount of public property over to the State of Michigan, it becomes important for us to consider what the State can do with it. Can she take it and hand it over to some corporation—some body of men having corporate powers—who will enter upon the execution of the work, and who will be induced by a cession to the State of such an immense amount of property to undertake its execution? Can the State, I inquire of the Senate, execute the work through the agency of a corporate body, to be created by the Legislature? Can the work be executed by the State itself? In order to settle these questions, it becomes necessary to recur to the present constitution of Michigan. I have before me certain extracts from that constitution, to which I invite the particular attention of the Senate:

Constitution of Michigan, revised 1850.

ART. 14—FINANCE AND TAXATION.

"SEC. 3. The State may contract debts to meet deficits in revenues. Such debts shall not, in the aggregate, at any one time, exceed $50,000. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

"SEC. 4. The State may contract debts to repel invasions, suppress insurrections, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts.

"SEC. 5. No money shall be paid out of the treasury except in pursuance of appropriations made by law.

"SEC. 6. The credit of the State shall not be granted to, or in aid of, any person, association, or corporation.

"SEC. 7. No scrip, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this constitution.

"SEC. 8. The State shall not subscribe to, or be interested in the stock of any company, association, or corporation.

"SEC. 9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such works, except in the expenditure of grants to the State of land or other property."

ARTICLE 15—CORPORATIONS.

"SEC. 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section, may be altered, amended or repealed."

I may as well, in this place, notice this last provision of the Constitution. It is an express provision that the Legislature of the State shall have no power to create a corporation to build this canal. No special act of incorporation shall be passed by the Legislature for any purpose whatever, but they may make a general incorporation law—but how? Suppose they do make such a law, authorizing individuals to associate themselves together for the purpose of building canals and railroads, or undertaking other works of internal improvement, what does this article of the Constitution say? That every general incorporation law shall be subject to be altered, repealed, or amended, at any time, at the pleasure of the General Assembly of the State. But the State of Michigan has made no such general incorporation law, I will venture to say, unless it is a law for plank roads. I believe they have a general corporation law for that purpose. But I do not understand that the State has authorized any corporation for the purpose of constructing canals and railroads; but suppose they have, what does this article of the constitution say? It says that the law, whatever it may be, may be altered, or amended, or repealed, at any time, at the pleasure of the General Assembly. Suppose they come forward and make such a general law, authorizing the citizens of the State or of the country to associate themselves together to build this canal, or other canals, what capitalist on earth would advance a dollar when he has to hold the property by such a tenure as the will of any legislative body—I will not say of the Legislature of the State of Michigan, for I would trust to the discretion of that body as much as to that of the Legislature of any other State.

What, then, sir, is the condition of this subject? Totally different from those grants to railroads in Illinois, Missouri, Iowa, and elsewhere, for which I have voted. I have voted for large grants of alternate sections of the public lands in the expectation and wish, nay, the certain knowledge, that they were to be handed over to corporations to build the railroads, and they are uniformly so handed over. But here standing in the way is this constitution. I do not say whether it is a wise or unwise one; but it seems to have been a constitution made upon the high-pressure principle, going the whole figure in this business of excluding the Legislature from all power to enter into works of internal improvement. We may give the lands to the State for this canal, but the State can organize no body of men to construct it. There can be no body politic to which the property can be transferred for the purpose of constructing the work. Then we are brought down to the question, whether the State itself can take the land, and make the canal. Here again we find the State hampered and manacled completely, tied up in every possible way with cords running about its arms in forty different directions. In the first case we have the decree which has gone forth as irreversible as the laws of the Medes and Persians, that the Legislature shall contract no debt whatever exceeding $50,000 for any purpose on earth. It is true there are certain exceptions to this, which I will name. The State shall contract no debt except to make up a deficiency in its revenue, and that debt shall in no event exceed $50,000, excepting, however, says another section, that if the State is involved in war, or there is an insurrection, it may contract debts for the purpose of defending itself, or suppressing the insurrection, and the money thus borrowed shall be applied to that object, and to that object alone. That is going a good way. They seem to pile on the agony. Not content with saying in general terms, that the State shall contract no debt beyond $50,000, they take it up in detail, and seem to suppose that the people of Michigan were so constituted that they could not trust themselves.

Let us see how they manage it:

"The credit of the State shall not be granted to, or in aid of any person, association, or corporation."

In the first place, they cannot create corporations; but if some other State should make a corporation to go there and build a canal within the limits of Michigan, the State shall not aid that person or corporation.

Again:

"No scrip, certificate, or other evidence of State indebtedness, shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in the Constitution."

So that they cannot issue any scrip for this work, in any shape or form.

The eighth section then says:

"The State shall not subscribe to, or be interested in, the stock of any company, association, or corporation."

It shall not grant any scrip; it shall not create any corporation. If a corporation gets it under a general law, it shall not give it any credit; it shall not grant it any aid.

Then the ninth section says:

"The State shall not be a party, or interested in any works of internal improvement; nor engaged in carrying on any such works."

It would be agreed by all that here is a complete end of the matter, were it not for the fact that the convention which made this constitution had a suspicion that they might get some land from the Government of the United States to build this canal, and therefore this clause was inserted: "except in the expenditure of grants to the State of land or other property." I am very sorry they did not put in grants by the United States, for that was really what they referred to. They thought

that they might get some land to build this canal; therefore that exception was presented. Here we find the State of Michigan placed in this condition, without the power of raising a dollar, without the power of issuing scrip in any shape, without the power of lending its credit, without the power of creating corporations, but simply with the power of taking what lands we may choose to give them; of selling these lands at some time or other, and applying the avails to the object that is indicated by the grant. This is the condition of the State. We are to hand over the 500,000 acres of public lands, or the 750,000 acres, and then I want to know if the public are to derive the benefit from that which we expect them to derive from the grants. We knew that the effect of the grant to Illinois would be to build the railroad; we knew that its effect—at least I believed—would be not only to build the railroad, but to enhance the price of the reserved sections, so that the Treasury would be indemnified, as it will be, I have no manner of doubt. We expected to get an equivalent for our grant; but how are we to get an equivalent here for this grant of land, and when are we to get it? I can demonstrate to you by the past experience of the State that Michigan (I do not care if you grant her 2,000,000 acres) would not build a canal under ten years; and in the mean time the British will build a canal there. Then, according to my friend from Illinois, [Mr. DOUGLAS,] all that we would have to do would be to get into a war and to capture it. He says he wants to have the British build all the canals they can, and then we can have a war and capture them. Well, sir, that might be a cheap way of getting along, but it might cost more money to pay for the war than to build the canal for ourselves. But I say I can demonstrate from the experience of Michigan that the canal will not be built by the means proposed in less than ten years.

And here I have to refer to a past circumstance. We have had a little experiment in Michigan. We granted her once, out of the public lands, a half a million of acres. I refer now to what is called the distribution law of 1841. My friend from Kentucky [Mr. UNDERWOOD] was in the House of Representatives at that time, and concurred with me and other gentlemen in passing that act. We undertook to distribute the avails of the public lands among the States of the Union. We wanted to treat the new States with very great liberality; and we expected to get some return ourselves; we expected to have some little benefit from that large fund. We commenced by giving to the State of Michigan, and other new States, 500,000 acres of land each; or, in case they had received some previously, enough to make up 500,000 acres. But there was unfortunately thrown into that law what is called the twenty per cent. clause, on the motion of a gentleman recently a member of this body from Georgia, [Mr. BERRIEN,] to the effect, that whenever Congress should lay duties on any article of import exceeding twenty per cent. it should suspend that distribution. We had to make such a tariff. We passed the tariff of 1842; and therefore the distribution bill stands suspended to this day. It has not been repealed. It is a law of the land; but it is a suspended law. But somewhat inequitably, it did not suspend the grant of 500,000 acres to Michigan. That State got her grant of land. What did she do? She went on and organized a land system, and, I am told, got up a land office; had a number of officers to sell those lands; and she has been selling, and selling for eleven years, and has not yet sold them all.

Mr. DOUGLAS. I would ask at what price does Michigan propose to sell her lands?

Mr. SMITH. I do not know. Any price she pleases, I suppose.

Mr. DOUGLAS. Does she sell them at $1 25, or at three, four, or five dollars per acre?

Mr. SMITH. I do not know anything about it; but I am told that she has not sold the whole amount from that day to this, but has had a large number of office-holders supported by the fund. I believe nobody has derived any benefit from the grant except those office-holders. I do not know but she has taken some lands in the midst of settlements, which she holds at this day at five dollars per acre; but when she comes to select the 500,000 acres, as proposed by this bill, she will have to go into the wilderness. But I would like to know when she can sell them. It is to be borne in mind, that she will have to encounter difficulties which she has not had to encounter heretofore. She will have to meet the difficulties of the land-warrant system; and to what extent it is to proceed I do not know. There are the bounty land warrants now coming readily into the market; at what price they are held I do not recollect, but I believe they are at about twenty-five per cent. discount at this time; and when the whole amount comes into the market, they may fall down fifty per cent., or even more.

Mr. BORLAND. Does the honorable Senator mean to say that the last issue of bounty land warrants has reduced the price of them in the market?

Mr. SMITH. I did not say any such thing.

Mr. BORLAND. I would say that I understand the price of the land warrants, notwithstanding the last issue, has increased instead of lessened.

Mr. SMITH. I knew that the fact was so. I say that they were sometime ago, as my honorable friend from Arkansas knows very well, at a much lower rate than they are now. I know they have risen, notwithstanding the last issue; but does my honorable friend feel any degree of confidence that they will not fall when this issue is consummated? Does he feel any degree of confidence that they will not fall if the Bennett land distribution bill passes the Senate? I do not know whether that bill will pass or not, but it has passed the other House. I have not examined it; but I believe it makes grants of land to the amount of some 60,000,000 of acres.

I do not say that the State of Michigan cannot sell this land. I do not say, if you give them land enough, but that they can raise a sufficient amount of money to construct the canal; but what I do say is, that it cannot be built under a great number of years. She has been eleven years selling her former grant of 500,000 acres, and she has not sold them all yet, and this canal will be put off under this system some eight or ten years. I think I may say with truth, that I am too strong a friend to the best interests of the upper peninsula of Michigan to give my assent to any such bill as this. What is more than that, it is totally unnecessary; and if we do not make the appropriation of money in a very short time, I feel perfectly certain that the British Government will make one on the Canadian side of the river. They have had their engineers there making surveys this season; and they are there now for aught I know. They were there at my last advices. The moment a British canal is constructed, so far as the business interests of the country are concerned—and some Senators say they do not want any such work for war purposes—another canal would be wholly unnecessary. For the honor of my country, I desire to have an American work; but if we cannot have that, I am willing to have a British work, and I would not ask Congress to go into a war to capture it; but I would be willing to pay toll. It would, however, be a mortifying circumstance to me to have this great communication fall into British hands.

My own belief is that the bill, as it now stands, will amount to a donation of these lands to Michigan, and that the work will never be constructed; or certainly not within such a period of time as to make it of any value whatever to the upper peninsula; and, sir, what a poor, miserable way this is of meeting a subject of this kind. Honorable Senators refuse to meet it with a money appropriation, and they refuse to come up to the exigencies of the case. The honorable Senator from Illinois [Mr. DOUGLAS] says it is a canal; and there is something, one would suppose, horrible in his notion of that word—a canal! He told us, yesterday, that if you make this canal, there are a great many other canals to be made. I cannot go over that catalogue; but he thought it would take about $500,000,000 to build all the vast canals that might be wanted in various parts of the country; and he could not consent to go for this work, because it falls under the name of a canal. I will relieve the honorable Senator from that difficulty; and if he will only consent to grant the money, we can make a dam in the river—make it a slack-water navigation. The rapids there might be overcome by a dam. A dam raising the water twenty-two feet, will overcome this entire difficulty. Then it is nothing but a river improvement. And if the honorable Senator is not satisfied with putting up a dam, I will accommodate him in another way. We can build a wall out in the river, about a rod or two from the west bank. There is not a vast amount of water that flows out of Lake Superior—probably not over one quarter of the amount of water thrown down the Falls of the Niagara—and it is spread out over an expanse of nearly a mile. I should judge we could just as well build a wall there as not, two rods from the west bank of the river; and then it is nothing but a river improvement; it deserves no other name. Suppose you were to make a cut-off upon the Mississippi—and I believe such a thing has been done often—you dig a canal in the first place; and is not that a river improvement?

In the river and harbor bill which passed the House, but which did not pass the Senate, towards the close of the last session, there was an appropriation to open a communication between Albemarle sound and the Atlantic ocean by the way of improving a harbor or harbors. Well, if you baptize it by the name of a canal, it is a horrible thing; but if you call it a "communication" between Albemarle sound and the Atlantic ocean it becomes very constitutional and highly expedient.

Now, I say this is nothing but a river improvement; and if there are gentlemen that have conscientious difficulties, constitutional difficulties, I am very much disposed to accommodate them. I will do all I can to relieve them from their troubles. If they only come out for this enterprise they may put the work in the river itself, and there would be no difficulty in putting it there if it is so outrageous to locate the communication on the bank.

But I want to call the attention of the Senate, in my concluding remarks here, to the condition of things. I do not mean any discourtesy to other honorable members of this body. I wish to treat every Senator and his arguments with respect; but here are Senators, and among them my honorable friend from Illinois, sustaining the appropriation of land; and then comes up my friend from Missouri and says: "I will grant 750,000 acres of land:" and I do not know but that some other gentlemen, who will not give a penny of money, will propose to grant a million, or two millions. If you will only agree to give land enough to the State of Michigan, a sufficient amount of money can be obtained out of the grant to build the canal. There is no doubt about that. They can sell it at a New York shilling an acre, and get the money ultimately. But I have an objection to make to this in my capacity of a representative of one of the old States of this Union. What is this but taking the property of the Union and squandering it? How is it that Senators make a distinction between taking land and taking money? I want to know if land is not property, and if money is anything more than property. Sir, I do not understand this. I may be obtuse on this subject. Perhaps I have no powers of comprehension.

The principle advocated seems to be to take the land, seize township after township, and sell it at twelve pence an acre; but, as to taking a dollar out of the Treasury, there is the Constitution in the way; but let the British Government build the canal, and we will capture it from them. Sir, that is not my view of this matter. This work ought to be executed by the General Government, or it ought not to be executed at all. I have no idea of making myself a party to such a miserable proceeding as this, and grant the land to the State of Michigan, under the circumstances of this case, which has not the power to create a corporation, which has not the power of borrowing a single dollar of public money, or the power of issuing scrip, but simply to take the land and sell it at some time or other, and getting something out of it at some remote period. I regard it—with proper respect for other Senators, and particularly my friend from Michigan—as a most stupendous humbug. The canal would never be built in that way, or, if built, it would only be at a period so remote as to render it of no sort of importance. I maintain, therefore, that unless honorable Senators consent in some form or other, to have the General Government take this matter into its own hands, and construct the canal within some reasonable period—and then I am willing that it should be

handed over to the State—it is useless to do anything. I think some of my friends on this side of the Chamber, yesterday, took an erroneous view of the subject, in not agreeing to the amendment of my honorable colleague, [Mr. TOUCEY.] I am for the construction of the canal by an appropriation of the General Government, or I am for doing nothing.

Mr. BORLAND. Although not one of the representatives of the State of Michigan, guarding her peculiar interests on this floor, I deem it not altogether inappropriate, as a representative of that great region known under the name of the West, to return thanks to the Senator from Connecticut for the very great interest he has manifested on several occasions, and particularly today, for the welfare, the peculiar welfare of, and improvements to be made in, that region of country. It is not my purpose now to enter into a vindication of the propriety or wisdom of the action of the Committee on Public Lands in reporting this bill; but it does strike me as a little remarkable that the views of the Senator from Connecticut have undergone such a change within the space of a year. If my memory serves me aright, about a year ago that Senator was one of the most zealous advocates of this very bill. Then, the canal, in his opinion, ought to be made. Congress ought to grant 500,000 acres of land; with those 500,000 the canal could certainly be made in a very short time.

The Senator is very obtuse on this occasion. He cannot understand Senators who do not agree with him entirely in opinion. It is rather more difficult to understand, without a more lucid explanation than the Senator has given, what has produced this sudden, remarkable change in his own views; and I would suggest to him, until he has thrown a little more light on the subject, that he should be a little charitable in his estimate of the views of other Senators when he undertakes to differ with them. He ought to be a little cautious before he denounces their views as arrant humbugs,—miserable humbugs he calls the proposition. He cannot see now as he saw a year ago. He cannot understand as well as he understood a year ago. Most persons, I believe, gain information and insight into subjects the more they examine them.

It seems that the more the Senator from Connecticut looks at it, the less he understands it; the more he studies it, the less he knows of it, if we are to take for truth what he says now—and that we are bound to do. When was he right—a year ago, when he advocated this bill; or now, when he opposes it? He has not shown the Senate any *data* upon which he bases the opinion now that we cannot make the canal with the land proposed to be granted. He has no more information on the subject now, or at least has given no more to the Senate, than we had before us a year ago. I think he owes it to the Senate—certainly he owes it to those with whom he differs in opinion—to tell why this change has come over him.

Mr. SMITH. The honorable Senator will permit me to say that I advocated the grant of land for this purpose not a year ago, but two years ago; and then I knew nothing as to the provisions of the constitution of Michigan. I supposed at that time that she could incorporate a company, and hand the land over to that company for the purpose of constructing the canal.

Mr. BORLAND. Then, if I understand the Senator, it is because this work cannot go into the hands of private individuals, and be made a speculation, that he now opposes the bill. If his explanation means anything, it means that.

Mr. SMITH. The honorable Senator will permit me to say, that in candor I think he ought to refer to the entire ground which I take. I say that, according to the constitution of Michigan, she can neither organize a company and hand the land over to that company to construct the canal, nor can she construct it herself, except with the proceeds of the lands by waiting till they are sold.

Mr. BORLAND. I would ask the Senators from Michigan if there is any obstacle interposed by the constitution of their State in the way of Michigan making use of this land as she may think proper in making the canal? My friend from Michigan, [Mr. FELCH,] who sits beside me, has handed me the constitution of Michigan; and I find in it these provisions, which, I suppose, are the only ones which relate to the subject:

"The State shall not subscribe to, or be interested in, the stock of any company, association, or corporation."

"The State shall not be a party to, or interested in, any work of internal improvement; nor engaged in carrying on any such work, except in the expenditure of grants to the State of land or other property."

There is precisely this case excepted. This case is provided for expressly. This is a proposition to grant land to the State of Michigan, to make a work of internal improvement. That State is prohibited, by her constitution, from engaging in any such enterprise, except to administer the very grant which we now propose to make to her. But the Senator says that he opposes this grant, because the constitution of Michigan prohibits that State from administering on it in this way. Why, here were the words of the constitution before him, which give her power expressly to administer such a grant. There can be no reason, then, for his opposition.

Mr. SMITH. I am entirely sure that the honorable Senator could not have listened to the observations which I addressed to the Senate. I admitted, in express terms, that Michigan could construct a canal in that way, but when I came to that point, I said it could not be done under this grant in less than eight, or ten, or twelve years.

Mr. BORLAND. The Senator said he would explain to me why he was now opposed (when he was not opposed a year ago) to this grant of land. He said the State was forbidden to take stock, or engage in a joint stock company, for the construction of public works. In answer to that, I showed the provision of the constitution of the State of Michigan, by which she was prohibited from forming partnerships with individuals. I said then that the objection was, because the State was prevented from forming partnerships with individuals for purposes of speculation. The Senator said I did him injustice in that, and that he meant that she was prohibited by her constitution from using grants made to her by the General Government. I read to him from the constitution of Michigan, to show that she was expressly authorized to administer such grants—that grants like this are excepted from the prohibition which the constitution makes to her in regard to all other enterprises of the kind. So that if the Senator's objection was made in good faith, it is entirely removed, and he has before him no information on this subject which can be of any weight whatever, that he did not have a year ago, when he advocated this bill most strenuously.

Now, sir, since the Senator has expressed so much surprise at the course of others on this subject—since he has taken upon himself deliberately to denounce the opinions and reports of this body as miserable humbugs, not worthy of respect, he ought at least to be careful to make his own course and the motives which have governed him more clear and satisfactory. I will not say, either here or elsewhere, that the Senator gets up before the Senate and says what is an arrant or a miserable humbug. Common propriety requires that I should everywhere abstain from saying so, and the rules of the Senate require that I should abstain from it here; but I wish the Senate to bear in mind that the Senator's course has very suddenly changed, and changed in a most extraordinary manner. He has turned a somerset that would do credit to the most active performer in a circus; and in the very act of the tergiversation, he cries out at the top of his voice to everybody looking at him and admiring his agility, "miserable humbug." Mr. President, I say it without disrespect, but it reminds me very much of an expression I have heard—I will not use the precise terms of the phrase here—the substance of which is, that when we are most anxious to divert attention from our own extraordinary conduct, we are very apt to raise a cry about somebody else. I have nothing more to say.

Mr. SMITH. I desire, with the permission of the Senate, to correct a mistake that I made in my remarks. I said that the river St. Mary was about a mile wide. I am informed by gentlemen in the Chamber, who are well acquainted with the subject, that it is in point of fact only a quarter of a mile wide, and therefore can be dammed without any sort of difficulty.

Mr. FELCH. Mr. President, I had hoped yesterday, when the amendment, which was then acted upon, was before the Senate, that we should not be under the necessity of referring to the particular phase of the matter which has been the subject of discussion this morning. This bill was introduced as it came from the committee, at the present session, for an appropriation of land. It has been said this morning, that that was the original proposition. I wish to correct an error into which gentlemen have fallen with regard to that matter. The original proposition before Congress was not to appropriate land for the construction of this work, but to appropriate money. Nor was it, as some seem to have supposed, a proposition placed upon the ground that it was one of the ordinary improvements, such as are provided for by the bills granting alternate sections for railroads. It was placed upon the ground upon which we yesterday placed the amendment, to wit: the importance to that portion of the country of this work in particular in a military point of view. This was one of the grounds. In 1844, the first report was made upon the importance of this work, and a bill was reported to the Senate providing for its construction. It was upon the application of the Legislatures of several of the States of this Union—of Ohio and Pennsylvania, and of some other States more immediately bordering upon the lakes—that the subject was brought before Congress. In that manner it came up. When, therefore, the proposition was made by the amendment which was discussed yesterday, to appropriate money instead of land, we were but recurring to the original proposition which was brought forward here.

If this is not a new proposition, neither is it an ancient proposition which has become obsolete; because we have before us, at the present session, the action of the Legislatures of some five States, not asking for an appropriation of land to make this work, but putting it upon higher grounds, and asking the appropriation of money; and yesterday we discussed the matter as according to the last application of the Legislatures of these important States. I believe they were New York, Pennsylvania, Ohio, Michigan, and Wisconsin.

We have now heard a discussion here upon this subject, in regard to the State of Michigan, which certainly seems to me to confine this matter within altogether too narrow limits. It is not Michigan who is here asking that she shall receive the lands and put the money from their receipts into her treasury, that she may derive benefit from it. This appropriation is asked by the other States of the Union to which I have referred—by all the States who are interested in the great trade of the great lakes, and all who are interested in those articles of commerce—copper, for instance—for the supply of which we look to that region, and for which we now pay millions of dollars to a foreign country. So that I think we were right yesterday in looking at this matter in a national and military point of view.

I had supposed that the time had passed when gentlemen would look upon that portion of the country and at this work in a military point of view, the light in which they were spoken of yesterday. Sir, there has never been a time in the history of this country when we have not looked to the northern frontier as a point upon which attack would be commenced, in case of a war with Great Britain; nor has there been a time when the eye of military men has not run along the line of the northern boundary of this country as a point where it was necessary to afford every protection and every guard in the case of hostile collision with Great Britain. But, sir, that matter has passed. I allude to it only for the purpose of saying to the Senate that it having decided against the proposition to appropriate money, I acquiesce in that view. And now we come back to the bill, which is to appropriate land;—a proposition which was substituted for the original money proposition, because we thought it would be more acceptable to the Senate.

I wish to make a very few remarks upon the bill as it now stands before us. I shall not weary the Senate, for I did not intend to say a word upon the subject; but I feel constrained to say something now, from the course which the debate has taken.

My honorable friend from Connecticut [Mr. SMITH] was with us yesterday, and I suppose is in feeling with us to-day, in the desire to construct this work of improvement. But, if I understand correctly his position, it is now adverse to the proposition which we have before us. He supposes that the State of Michigan cannot now, under the constitution which exists in that State, receive the public lands which are proposed to be given by this bill, and construct the work. The difficulty in his mind, is with regard to the constitution of Michigan. Well, sir, the merits or demerits of the provision of the constitution of Michigan are not now subject to discussion. The provision of the constitution of that State, which bears upon the subject, is one which has just been read by my friend from Arkansas. That provision was intended to prevent the State running into a wild general system of internal improvements. We have had some experience upon that subject, and we have retreated from the position which we once took in regard to that matter, and have found it necessary, by constitutional provision, to provide against interesting ourselves in works of that description in a general system. But it will be observed that the provisions of that constitution expresaly exclude from its operation the very case we have now before us.

Sir, there has not been a man in Michigan for years who has not looked to the outlet of Lake Superior as one of the points in which great interests were centerd, where it was necessary, as a public measure for the benefit of the country, to do something to make a communication between the upper and the lower lakes. Sir, we see what it was in the eye of the members of the body who drafted the constitution of Michigan, that this work should be done; for they provided that the State might receive grants of lands, such as are contemplated by the bill under discussion. I know that by other provisions of the constitution of my State, to which the Senator from Connecticut has referred, it is impossible for the State Legislature to issue scrip; I know that they cannot engage in works of internal improvement by associating themselves with companies. They cannot do it in various other methods which have been heretofore resorted to for the purpose of carrying on such works. But above all this, while carefully providing for the interests of the State in that regard, and throwing limitations and guards around the power of the legislative body, they had steadily in view, also, the very action which we now contemplate, to appropriate lands which might be made use of, through the agency of the State, for the purpose of constructing this work; and the provision of the constitution has been read, enabling the State to avail herself of grants of land. That very provision will, in my humble judgment, enable the Legislature of Michigan to take that kind of action which may be necessary, in order to construct this work.

The Senator from Connecticut also seems to suppose that there are other difficulties, apart from the constitution, which would prevent the State from engaging in this matter, and prevent the lands from becoming available. And he does not hesitate to declare that the work can never be made under the provisions of the bill before us, even if a grant of land were put at the disposal of the Legislature. He supposes, that because a company cannot be organized, therefore the work cannot be constructed. My idea upon that subject is this: companies may be organized under general acts of the Legislature. How far they have proceeded to legislate since the adoption of the constitution, which is very recent, I am not able to say; but it is manifest, that under the provisions of the constitution, the Legislature may pass general acts of incorporation, under which companies may be formed. But has it come to this, that no work of actual importance can be prosecuted in this country unless it be done through the agency of corporations? Sir, I did not suppose that that was necessary for the purpose of constructing this work. I have supposed that it might be done without the action of corporations. I have supposed that it could be done in this manner; and this is the only manner in which I think it can be done by the State: The State can receive proposals by which it shall be proposed to construct the work, receiving in payment the lands granted to the State. I know the State cannot use money from the Treasury for this purpose; I know they cannot obtain money upon a loan or on the issue of scrip, or in any method of that kind; but they can receive proposals; and if persons can be found who will construct the work upon such terms as may be agreed upon, receiving the land at such prices as may be agreed upon, then the work may be prosecuted.

Sir, I admit—and that was one reason why I wished an appropriation of money instead of land—that there are difficulties about the prosecution of a work of this kind by the mere agency of land. We do not know to-day what the next half hour may bring forth with regard to the public lands. I am told that it is the intention of gentlemen to take up a bill of very great importance with regard to the disposition of the public lands. I am told that the clock itself is watched for the time when this bill shall be laid down, that another very important measure in regard to the public lands may be taken from the table and acted upon in this body. If that bill passes—and, for aught I know, it may pass within the next half hour—I would not give a straw for the passage of this bill; for that would give lands to all the States for such purposes, and then this particular grant would not be of much value. I say here, beyond all contradiction, that there will be no use in passing this bill, or that it will be of little value, if the bills to which I have referred shall pass. I admit, then, that there is a difficulty with regard to making a grant of land. I refer to this for the purpose of showing that this matter is in doubt at this moment. None of us know what the result is to be, and none of us know how quick that result is to come upon us. If the subject could remain as it was some years ago, and if the 500,000 acres of land proposed to be granted could be made use of by the State, without any danger of other measures interfering, I think it could be made use of for a purpose sufficient to construct the canal. I must confess, however, that I doubt very much whether, with the prospect now before us, we could do so. I should be unwilling to say that I feel a perfect confidence that the State, with the amount here proposed to be granted, could construct the canal. Still, I think it could. At all events, I would say, for my State, that so far as it has the power, it would do everything possible to construct this work, and make available the land, so as to get out of it what it could for the purpose of securing the construction of the work.

It will be remembered that, under this bill, it is not possible for the State of Michigan to make a single dollar out of this appropriation if the land should bring in millions of dollars. It is not competent for the State to appropriate a single cent of that sum to her own treasury. If the State undertakes this work, she does it as a member of this great Confederacy, having an interest, with the other States of this Union, in carrying out an anxiety to see a work of great national importance completed, which, at the same time, running through her own territory, opens up to her incidental advantages of no minor importance.

The Senator from Missouri has moved an amendment, to meet the view to which I have just now referred—in regard to the difficulty of constructing this work—by increasing the amount of land proposed to be granted in the bill. I shall vote for that proposition, and I am obliged to the Senator for making it. I believe if we get that amount we can go on and construct the canal. If it is the pleasure of the Senate to vote the amount now proposed in the bill—500,000 acres—we shall do the best we can with it. According to the bill, the State is obliged to report here every step she takes, every dollar that is received, and every item that is expended; and then the Congress of the United States and the Executive Departments will have within their power a perfect knowledge of everything done upon the subject.

Mr. SEWARD. I would ask the honorable Senator if the bill, as it stands, provides for the application of land, exclusively, to this purpose?

Mr. FELCH. It does provide for the express application of the land for this purpose, and for no other purpose. It provides, moreover, that an account shall be kept of everything received from the land and other sources for this purpose, as well as every expenditure; and further, that the moment the State is reimbursed for the amount actually advanced, that moment no tolls shall be taxed on the users of the canal, other than enough to keep it in repair. Thus it will be seen at once that not a single dollar can be received for the use of the State, in any manner whatever, except that incidental advantage which they will receive from the location of the work.

I have now said all that I wish to say on the subject. I will merely add, that I am sorry that we have been obliged to take up so much time on this bill, which, in the eyes of many, is a matter of minor importance. I hope that we shall now be able to take a vote upon the subject.

Mr. UNDERWOOD. I concur in the view which my friend from Michigan has taken, that if the bill to which he alludes be passed, it would be altogether useless to pass this bill. I think that we shall consume time by acting upon this bill until we know the fate of that bill. I therefore want to suggest to him, whether it would not be better to allow this bill to lie on the table for the present, and let the other bill be taken up and acted upon?

Mr. CASS. What has that bill to do with this?

Mr. UNDERWOOD. I think it has a great deal to do with it. And so the gentleman confesses.

Mr. CASS. I think we had better take the question now upon this bill.

Mr. UNDERWOOD. The gentleman's colleague admitted that, if the bill to which I refer is to pass, this bill will never accomplish its object.

Mr. CASS. To what bill does the Senator allude? What bill is it that he wishes to have taken up?

Mr. UNDERWOOD. The bill usually known as Bennett's land distribution bill.

Mr. CASS. I think if the honorable Senator will allow us to take a vote upon this subject, we can do it in five minutes.

Mr. UNDERWOOD. If we can have a vote on this subject without consuming any more time, I will give way. I am willing to consent to take the vote; but if any other speeches are to be made, I am clearly convinced that the course which I suggest will be a proper one. I wish to have the bill distributing lands among the States for purposes of internal improvement, taken up; I wish to have that bill passed with the amendment which has been laid upon our table, which I understand the Senator from Iowa, [Mr. JONES,] intends to offer.

Mr. CASS. I think we can take the vote upon this bill now.

Mr. UNDERWOOD. Then I have no objection to going on with it.

Mr. WALKER. Mr. President, I regret that the Senator from Arkansas, [Mr. BORLAND,] is not just now in his seat, for I am forced to the necessity, contrary to what is usually the case with me, to differ with him in his remarks upon this subject. I principally differ from him in those remarks which he addressed to the Senate, in which he expressed the impossibility, on his own part, to account for the change of opinion which the Senator from Connecticut [Mr. SMITH] had undergone within a year or two past. Sir, it is not to me at all unaccountable that the Senator's views should have undergone a change. Men are very apt to change their views, and to change their actions, when they change their parties. It is a melancholy fact—one which perhaps the Democratic party of the country has to deplore—that early in the month of August the Senator from Connecticut unfortunately underwent a change in his general political views. The manifesto announcing the change is dated simply "August, 1852." But I find it published in the Union of the 13th instant, which was some days ago. Thus it will be seen that when the Senator spoke a year or two ago, he was the fellow of myself, and the Senator from Arkansas, and the distinguished Senator from Michigan. He was a fellow Democrat; but "a change has come o'er the spirit of his dream" in regard to party politics, and I suppose consequently a change in his views in regard to this appropriation for the Sault Ste. Marie canal.

To me it is astonishing that a Senator of the acute perception, and astuteness of the Senator from Arkansas, should have been so much at a

loss to account for the change of the Senator from Connecticut in regard to this canal. Why, it is easily explained upon this ground. I find here, dated "August, 1852," and published in the "*Union*" of the 13th instant—and God knows how much longer it had been in circulation among the people—a proclamation signed by Truman Smith, of Connecticut, William Cullom, of Tennessee, Israel Washburn, jr., of Maine, George Briggs, of New York, Fitz-Henry Warren, of Iowa, W. T. Ward, of Kentucky, and H. D. Moore, of Pennsylvania, with a little addenda of W. P. Mangum, of North Carolina, and Edward Stanly, of North Carolina, in which they give the reasons why, contrary to what they had heretofore done as "Democrats, and Republicans," they cannot now support General Pierce for President. [Laughter.] They commence by saying:

"To vindicate ourselves, and to prevent all misapprehension and mistake, we, the undersigned, Senators, Representatives, &c., in Congress, adopt this method of making a joint statement to our constituents, respectively, and to all who may take an interest in the subject, that we cannot, and will not, support General Pierce for the Presidency, as he now stands before the American people, for the following, among other reasons."

This is dreadful, sir; but further along, in the proclamation, I find, "Democrats and Republi-'cans as we are, [laughter,] we would a thou-'sand times sooner give our support to Winfield 'Scott." [Laughter.]

Now, sir, it is clearly manifest from this proclamation, that up to a very recent period, within the month of August, the Senator from Connecticut was acting with the Democratic party; and it would not be at all wonderful that in regard to the policy of the Democratic party as to this limited scheme of internal improvement, he should have voted formerly with the Democratic party. But having changed his politics along with Willie P. Mangum, and Fitz-Henry Warren, he cannot now go with the Democratic party, and goes right *kerwallop* over into the Whig party, and nothing will content him but an appropriation of money. [Laughter.] It is not at all wonderful. It is all explained upon this score. Why, sir, for my part, so exceedingly modest and quiet had the Senator, and these other gentlemen who are associated with him in this proclamation, heretofore been, that it had never come to my knowledge that he was a Democrat. When he was at the head of the Executive Committee of the Whig party, in 1848—when he was the prime minister of the Post Office Department, in throwing before the world everything that savored of Whiggery—it is true it looked to me like a bad symptom for a Democrat; and it never struck my mind then that he was a Democrat. But how can I dispute a Senator's word? Why, it would be outrageous to do such a thing. Here he says, under the date of "August, 1852," that Democrat as he had been, he could not consent to give his support to General Pierce. When he says this, how can I doubt but that up to that time, notwithstanding his previous conduct, he had been a Democrat? And how can I fail to be satisfied that the Senator has good reason for changing his action in regard to the policy of internal improvements, when he has changed his party, and has gone clear over into the Whig ranks?

Mr. BADGER. Mr. President, I have a few remarks to submit, first in reply to the honorable Senator who has just taken his seat, and then in relation to the question pending before the Senate. I think the honorable Senator from Wisconsin is entirely too severe upon my friend from Connecticut, even supposing that this hoax upon which the Senator has commented had been written by himself. Why, sir, it is no uncommon thing in politics—it is no uncommon thing in Democratic politics—to experience a very sudden change with regard to the persons whom the party is disposed to support. I have passed repeatedly here on this avenue a sign on which I saw painted the words "turning promptly executed;" and I will venture to say that whoever the turner is who puts up that sign, and however much he may have entitled himself to truth and veracity in the statement which he has made in it, he cannot hold a candle, in point of speed, to the promptness with which turning was executed in the last Democratic Convention. [Laughter.] Why, sir, when the Convention met, we all of us, Whigs and Democrats, everywhere, were thinking of the selection that should be made between my honorable and distinguished friend from Michigan, [Mr. CASS,] the distinguished Senator from Illinois, [Mr. DOUGLAS,] the distinguished Senator from Texas, [Mr. HOUSTON,] and a number of other distinguished gentlemen from different portions of the United States. Yes, sir; even my friend from Wisconsin was included in the general view of the public.

Mr. WALKER. Even?

Mr. BADGER. Yes, sir, even my friend. [Laughter.] When that Convention met, I believe there was nobody out of New Hampshire that had ever thought of General Pierce as the nominee. The Convention balloted a great many times, and then suddenly, like a flash of lightning, beating the "turning promptly executed" in this city, they all nominated General Pierce. And what is a very remarkable fact, my friend from Illinois discovered that it was the most fortunate thing that had ever happened, and he congratulated the party and the country upon it. [Laughter.] He congratulated the party and the country, in a telegraphic dispatch that he had not been nominated, and that General Pierce had been. [Renewed laughter.] Although my friend from Michigan did not go quite so far as to congratulate the country that he had been passed by, yet he did not wait for the mail, but dispatched a telegraph *instanter* to say that it was a most capital nomination, and that he went for it, tooth and nail. [Great laughter.] Now, suppose that it was the fact that my friend from Connecticut had been disposed, out of his Yankee proclivities, to go for General Pierce, it would not be at all strange that after six, seven, or eight weeks' deliberation, he should have changed his mind, and concluded to go for General Scott. It would have been only following the example set him at the Baltimore Convention, with this exception, that he was not so prompt at turning, and took longer time to accomplish the operation. Upon that subject I think my friend from Wisconsin should be a little charitable to the Senator from Connecticut. So much for this by-play. And now I wish to say a word as to the question before the Senate.

We had yesterday under consideration an amendment to this bill proposing to grant $400,000 for the execution of this canal. That was voted for by my friend from Michigan. I voted for it; and if we could have had that provision in the bill—if that had been the simple provision of the bill, I should have voted for its passage; but now it is proposed not only that the 500,000 acres of land proposed to be granted by the bill when originally introduced, shall be appropriated, but my friend from Missouri, by his amendment, proposes to increase it to 750,000 acres. Now, I desire to be informed if $400,000 was considered a sum sufficient to execute this work, for what purpose is it that we propose to give 750,000 acres of land to accomplish it? Waiving all objections with regard to the granting of land, I presume that there ought to be some proportion between the value of the land to be granted and the cost of the object to be accomplished. If $400,000 would have been sufficient to accomplish it—which I suppose is clear, or otherwise my friend from Michigan would not have voted for that appropriation—on what principle is it that it is now proposed to increase the appropriation from 500,000 acres of land, which the original bill proposes, to 750,000 acres? I want some explanation of that. I suppose that that quantity of land would be worth near a million of dollars.

Mr. CASS. I merely wish to remark, that here is an illustration of our whole land affairs. It is a great error to suppose that because you put the value of $1 25 an acre on your land at a particular time, it is worth that amount at that time. The point as to the value of the public lands was fully discussed on the Iowa land bill when that was under consideration. When you put the value of $1 25 an acre on the land, it is not worth it at the time of the valuation, but it will be worth that amount when it is made accessible. There has been land in the market since 1789 which has not yet been sold; but if you were to reduce it to twenty-five cents an acre, it would be sold much quicker. The fact that you grant 500,000 acres of land in that quarter to Michigan, does not prove that that land would be worth $1 25 an acre, or that it could be sold for that price. Time is a consideration which enters into its value. Besides, there is the expense of its administration to be deducted from the receipts of the land. We remember, too, that this is a very heavy operation for a single individual. He cannot embark in it without capital—he must have capital to enable him to go on with the work and sell the land as he progresses. That is the reason why it is necessary to make such a large appropriation of land.

Mr. DOUGLAS. Mr. President, I must say a word to my friend from North Carolina. If I was prompt in congratulating the Democratic party upon the result of the National Convention at Baltimore, I certainly can, with equal promptness, congratulate the Senator from Connecticut that he has the Senator from North Carolina to speak for him to-day, instead of attempting to respond himself to the Senator from Wisconsin. It may answer the purpose of the Senator from Connecticut to remain in silence, and allow the gentleman from North Carolina to pronounce the document which has been read a "hoax;" but, sir, I would like to hear the Senator from Connecticut himself rise in his place and say that it is not a genuine document, signed by the parties, franked by the parties signing it, and sent by them through this country. I would like to hear that denial from the Senator from Connecticut, after hearing the Senator from North Carolina pronounce it a "hoax."

Mr. BADGER. That is fair. Give him a chance.

Mr. DOUGLAS. I will give him a chance. I wait for a response.

Mr. WELLER. You will wait for some time, in my opinion.

Mr. DOUGLAS. I am afraid I shall have to wait; but if the Senator from Connecticut will respond, I will give the floor to him.

Mr. SMITH. Mr. President, I have to say to the Senate that I occupy a seat here for the purpose of discussing questions of public policy, and when a member of this body so far forgets the respect that is due to the Senate, and due to himself, to bring in here the common blackguardism of the newspapers, I will treat him with silent contempt.

Mr. WALKER. Mr. President, I admit that it was, perhaps, a little deviation from the rules which are prescribed to govern debate for me to have introduced into it the circular signed by the Senator from Connecticut. I must respond, too, to the truth of his observation, when he acknowledged that that circular was a piece of base blackguardism, gotten up in this city. Whether it is genuine or not I do not know; but I brought it out for the purpose of getting an answer as to that point. But that it is a piece of blackguardism, (without attributing it to the Senator,) I know, and every respectable man in the community knows, and that is what, it seems to me, ought to be condemned in the Senate, if nothing else.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The Chair was under the impression that the remarks of the Senator from Wisconsin, originally, were not in order, but the present occupant of the chair being in it temporarily was unwilling to interfere with the gentleman; but he will now remind Senators that the debate has taken too wide a range—that it has gone entirely beyond the question before the Senate.

Mr. DOUGLAS. I should not have alluded to the matter at all, but for the fact that a Senator of high standing and character, distinguished for his candor and integrity, pronounced it upon the floor of the Senate to be a hoax.

Mr. BADGER. You know it is.

Mr. DOUGLAS. The Senator says that I know it is a hoax. Now, I have reason to believe that it is not; and I will give my reason for that belief. I have seen this very document returned here in an envelope, which envelope had upon it a frank, in his own handwriting, of one of the persons who signed it. It had been distributed throughout this country as a genuine document; and I have seen one returned very recently from the State of Connecticut to a member of Congress to whom it was returned. I understand that the member who had franked it, and whose name was upon it, acknowledged that he had franked it, and that it was a genuine document.

Mr. BADGER. Is he a member of this body?

Mr. DOUGLAS. He is a member of the other House. I supposed that if it was genuine as to one, and was franked off by one of those signing it, it was a genuine document as to all. That being the case, I submit the question of morality to the Senate and to the country as to what justification can be given for these gentlemen styling themselves "Democrats," in order to palm off upon the public the impression that they were Democrats, protesting against the nomination of the Democratic nominee. I submit to the Senate and the country the question of morality, as to the truth or falsehood of the document. I leave the question of the propriety of bringing the document before the Senate between the Senator from Wisconsin and the Senator from Connecticut. If there is any more blackguardism in reading it, than there was in writing it, or in franking it, I leave to the people to form their own judgment.

I had a word or two to say on this bill, but lest it might call forth a reply from somebody else, I will take my seat, with a wish that the question may at once be taken.

Mr. JONES, of Tennessee. Mr. President, I certainly desire to take no part in this debate, either upon the bill before the Senate, or upon the collateral issue which has been raised between the Senators from Connecticut and Wisconsin. But I confess my astonishment that the Senator from Illinois should have given so much dignity and importance to this matter. I should not have felt called upon to say a single word, but for the fact that the name of one of my colleagues in the other branch of the Congress of the United States is appended to the paper which has been read; and as he is not permitted to speak for himself, I, as his friend, undertake to speak for him. I was not here when that paper made its appearance. When I returned to Washington I met with it. I took it up without reading it, and put it in my pocket, supposing it to be a genuine document. Some days afterwards I looked at it, and it occurred to me that it was a very strange document to be signed by the names attached to it, and I said to my colleague, whose name is attached to it: "General Cullom, this is a strange paper—what does it mean?" "Why," said he, "it is all a hoax." I laid the paper down without reading it through, and I have never read it from that day to this. I had supposed that there was not a member upon this floor, or an enlightened politician in the District of Columbia, who did not understand that document to be a hoax, gotten up by some individual with these names attached to it, whether with or without the knowledge of these gentlemen, I do not know. All I know about it is, that the gentleman to whom I refer said it was a hoax. Sir, does the Senator from Illinois, or any Senator upon this floor, believe that the gentlemen whose names are attached to that paper would attempt, in open daylight, to practice such a fraud as that upon the country? Does that Senator believe that Willie P. Mangum, of North Carolina, whose name is attached to the paper, signed it, and intended to make the world believe that he had been a Democrat all the days of his life until the present time, and that some new light had beamed upon him, such as that which beamed upon the Baltimore Convention, and that suddenly, in the brightness of that light, (such as fell upon Paul when he was converted,) he became a Whig in an instant? Does my honorable friend from Illinois believe that? Does any one believe it? Does not every man who desires to look at this matter fairly and impartially, perceive at once that this must have been a hoax? And I understand it was so pronounced in the Republic of this city. I saw it so announced in the Intelligencer. I understand it to be a matter of play got up by somebody, and that these names were used. That it might have been sent away under the frank of some member of Congress, is very likely. If a gentleman had brought it to me, and asked me to frank it, and I had known what it was, and that it was addressed to a man of sense, I should not have hesitated for a moment to frank it, knowing that the person to whom it was addressed must know that it was a mere act of sport and amusement. I cannot imagine that my friend from Illinois believes that those gentlemen would attempt to perpetrate such a fraud upon the country. I stand here to vindicate my colleague in the other House, to say that I know him to be incapable of any such fraud.

Mr. DOUGLAS. I will respond very briefly to the question propounded by the Senator from Tennessee. When I read that document I looked upon it as a hoax. I could not believe that any one of the gentlemen whose names were attached to it, could have signed it, or given his sanction to it. True, I am not personally acquainted with all of them; but still, from the position which they hold, I deemed it utterly impossible that it could have been put forth by the parties whose names are attached to it. I remained under that impression until I saw the newspapers taking some notice of it as a genuine document, and a member of the other House showed me the document returned with an envelope, and the frank of a member of Congress upon the envelope, and that frank was by one of the signers of the document. I have not the pleasure of knowing personally the gentleman who franked it, and whose name was appended to it; but I was informed that he made no disguise of the fact. Be that as it may, the fact being known to me that it had thus been franked and circulated, as I had been informed, very generally, I thought it was due to the country—when it was pronounced a hoax by the Senator from North Carolina in the presence of the Senator from Connecticut, whose name was attached to it—that that Senator should say whether it was genuine or not. I desired to know that fact, as I was not willing that it should be pronounced a hoax here by any Senator when there was one present who could answer whether it was genuine or not, and his answer would have been conclusive upon the point. The Senator from Connecticut now can settle the question, if he pleases.

I wish to know what is now meant by this term "hoax?" Is it meant that the gentlemen whose names are attached to the paper put it forth, and intended it as a hoax, or that it was put forth by somebody else in their name, and without their knowledge and consent? The question is, if it were put forth without their knowledge and consent, why is it circulated and franked over this nation by the parties whose names are attached to it, unless it is to convey to the public the impression that Democrats, like Whigs, are coming out and protesting against the nominee of their party? I ask, whether this was not intended as an offset to the real, genuine protests that are being sent forth by Whig members of the other House of Congress against the nomination of their own party?

I never thought of calling the attention of the public to this matter, and I should not now have alluded to it but for the scene that took place between the Senator from Wisconsin and the Senator from North Carolina. My friend from North Carolina treated the matter admirably to give it the go-by—admirably to create an impression that it was a mere hoax—admirably to screen the Senator from Connecticut, who, as we understand, is the chief manager of the present political campaign. I desire to have the Senator from Connecticut answer on another point. Whenever I come into the Capitol each morning, I see three, four, five, six, and sometimes ten large boxes unloaded from the railroad cars that have just arrived, containing books printed in New York, and sent here directed to the honorable Senator from Connecticut, and keeping the whole force in our folding-room employed to fold them at the public expense, and send them out to the country.

The PRESIDING OFFICER, (Mr. NORRIS.) The Senator from Illinois will pardon the Chair for interposing; but his remarks do not apply to the question before the Senate.

Mr. SMITH. I wish the gentleman might have the floor. I think he ought to have full sweep.

Mr. DOUGLAS. I will yield the floor to the gentleman from Connecticut, if he wishes to respond.

Mr. SMITH, (to Mr. DOUGLAS.) I want you to get through.

Mr. WALKER. The Senator from Tennessee [Mr. JONES] has said that he is ready to respond to the inquiry on behalf of one of his colleagues in the House of Representatives, that he has already pronounced this circular a "hoax." I do not know what that term means, in connection with this subject. The Senator from Illinois [Mr. DOUGLAS] says he does not know what is meant; but there are two questions which I wish to ask: first, whether the Senator from Tennessee is prepared to deny that his colleague ever put his name to that paper——

Mr. JONES. Does the Senator from Wisconsin desire an answer at this time?

Mr. WALKER. I do, if the Senator from Tennessee is ready to answer.

Mr. JONES. I am ready to answer instantly and frankly what I know in regard to this matter, and I then refer the honorable Senator to my colleague, who will be ready to respond whenever he is permitted to do so. I stated frankly the conversation which occurred between my colleague and myself in regard to this affair. I asked him what it meant; to which he replied, "Oh, it is all a hoax;" and therefore I take it for granted that he has never signed his name to that paper. If he has, I have no doubt that he will stand up and sustain what he has done; if he has not, I have no doubt that he will answer promptly and frankly.

Mr. WALKER. I have no doubt that Mr. CULLOM would answer promptly to any question of the kind, but I have no opportunity of making his acquaintance. The Senator from Tennessee, however, having volunteered to speak for him, I did not know but that he might be prepared to answer directly, whether his colleague had signed the paper or not. We have one Senator here whose name is appended to it, and he has not denied that he signed it.

Another question which I would ask is: Does the honorable Senator from Tennessee know what number of these things were franked to the State of North Carolina, pending the late election in that State?

Mr. JONES. I will answer that question, too; but I must say at once, that if it be the desire of gentlemen to turn the Senate of the United States into a political arena, I am ready to enter the lists. If there is anything that suits my taste more than another, it is the subject of the approaching election. I have, however, at all times forborne to introduce this question upon the floor of this Chamber, believing it to be incompatible with the dignity of the Senate and the purposes for which this body was originally established. If, however, this Chamber is to be made a political arena, by which the claims of candidates are to be considered, I shall defer to the superior wisdom and judgment of older Senators.

Now, I can answer the Senator's question; and I am ready to answer any question he may propound to me. I was not here when that paper made its appearance, and if one single copy of it has been franked to the State of North Carolina I do not know it. I never franked one of them in my life, nor do I know that one of them was ever within the limits of the State of North Carolina. There may have been thousands and tens of thousands sent, for anything I know; but one thing I can tell the Senator, that whether these things have been sent to North Carolina or not, the Whigs have never been able to compete with the Democrats in the franking and distribution of political pamphlets and papers. The Senator from Illinois has talked about large boxes of pamphlets. I am not at the head of that bureau; but when boxes are mentioned, and the pamphlets that are folded in the folding-room, I will venture to assert that, for every Whig document sent there to be folded, there are ten Democratic documents. I never was in the folding-room; but I understand that the documents of both parties are there to be folded. I will say this much, too, that sometimes I go into my committee-room—for I am a working man—and I frank documents as long as I can, and to the end of the session I intend to fight you to the ditch, if that is what you want. When I go to my committee-room, and ask why we have no documents to frank, I am told that the Democrats have got the inside track of us—in other words, that they have obtained all the force in the folding-room. We are all, doubtless, engaged in franking documents—the Senator from Illinois, perhaps, as much as any other. I suppose it is a legitimate mode of warfare, and if it is to be brought before the Senate and discussed, I should like to have a day set apart for the purpose of going into the investigation.

Mr. ADAMS. I would ask the Chair what is the question under consideration?

The PRESIDENT. The bill under consideration is the subject-matter to which Senators must confine themselves. The Chair will be under the necessity of arresting this discussion, as being wholly inapplicable to the question legitimately before the Senate.

Several SENATORS. The question on the bill.

The PRESIDENT. Is the Senate ready for the question on the amendment proposed by the Senator from Missouri—to strike out "five hundred," and insert "seven hundred and fifty?"

The question being taken, on a division there were—ayes 22, noes 13.

So the amendment was agreed to.

Mr. HALE. I have an amendment which I desire to offer, to come in at the close of the bill. I will send it to the Chair, and ask that it may be read.

It was partially read, as follows:

SEC. —. *And be it further enacted*, That any person who is the head of a family and a citizen of the United States, or who is the head of a family and had given notice of his intention to become a citizen of the United States, prior to the first day of January, 1852, as required by the naturalization laws of the United States, shall, from and after the passage of this act, be entitled to enter——

Mr. CASS. That is the homestead bill.

Mr. ADAMS. I rise to a point of order. I desire to know whether the amendment is germane to the subject-matter of the bill now under the consideration of the Senate?

Mr. HALE. I do not wish to have the amendment read, if other Senators do not desire it, and will therefore state to the Senate in a few words what it is.

Several SENATORS. We know what it is. It is the homestead bill.

Mr. ADAMS. I raise the question of order. Mr. President——

The PRESIDENT. That is for the Senate to decide. If the gentleman raises the question of order, it will be presented to the Senate in that form, for the Senate to decide whether the amendment is germane to the original question.

Mr. CASS. I wish that that question may be submitted to the Senate. The amendment is perfectly inconsistent, perfectly incompatible with the bill.

Mr. BADGER. I think that, according to my recollection of the practice of legislative bodies, there is no preliminary question of that kind. I believe that the Manual of Practice says that there can be no question of order as to whether an amendment is germane or not; but if the body in which an amendment is proposed thinks it is not germane, they may vote it down. I think there is no rule respecting amendments which are not germane.

The PRESIDENT. The Senate must decide whether the amendment is so.

Mr. BADGER. The question is on the amendment submitted by the Senator from New Hampshire, [Mr. HALE.] If the Senate think that it is not germane, they can vote it down. I hope the question will be taken.

The PRESIDENT. The practice of the Senate, as understood by the Chair, is, that amendments, as offered, shall be presented and the question taken on them. The usual way of determining whether an amendment is germane or not is to approve it or vote it down.

Mr. SMITH. I have a few words to say on the motion to amend. It is exactly such a proceeding as was taken yesterday, when a Senator moved the river and harbor bill, which has already passed the House of Representatives, and is now before this body, as an amendment to this bill for the construction of a canal around the Falls of Sault Ste. Marie. By that motion it was proposed to set aside entirely the action taken by the House of Representatives on that bill, and commence anew, by sending them another bill. Instead of taking up the House bill, and acting on it—passing it, if we think that it is right, or amending it if it was defective—it was actually proposed to commence *de novo*, and send down this river and harbor bill, incorporated with the Sault Ste. Marie bill to the House of Representatives. Very much to my astonishment, a proposition of that character received here a considerable number of votes. To-day we have a repetition of the same mode of procedure. We have before us a bill called the homestead bill; but instead of taking up that bill, and acting on its merits, a Senator gravely proposes to insert it as an amendment in this bill; and, instead of sending back to the House of Representatives their own bill, to commence *de novo*, and send them a new bill. Now, with very great respect for the gentlemen who have made these motions yesterday and to-day, I must say that this is a course of proceeding to which I do not intend to make myself a party.

I do not intend to express any opinion respecting that homestead bill now. It is a very important measure, and one which ought to receive grave and serious consideration whenever it is taken up. I am perfectly willing that it should be taken up for consideration, but I cannot state now what course I shall pursue with reference to it.

What I rose to say was, that I am unwilling that all the important measures now pending before this body, general appropriation bills included, for aught I know, shall be brought here and thrust into this bill for the construction of a canal at the Falls of Sault Ste. Marie. And I do think that it is hardly treating the Senators from Michigan with that respect to which they are entitled to attempt it. Let us proceed with the consideration of this question alone, and then, if any Senator is desirous that the homestead bill should be acted on, let it be taken up, and treated, as a separate measure.

Mr. HALE. I want simply to call the attention of the Chair to the doctrine of the Manual on this question of order. I do not understand that any such question can come up now.

The PRESIDENT. Certainly not. The Chair stated that when an amendment is proposed to a bill, it remains for the Senate to act on it, whether it is germane or not. If it is not germane, the Senate may vote it down for that reason.

Mr. HALE. That is what I understand to be the doctrine of the Manual. If the amendment be not consonant with the original question, that may be a reason why the Senate may vote it down, but there can be no question of order.

I wish to appeal for a moment to the Senator from Connecticut, [Mr. SMITH,] and then I am done. Let me tell him, that unless we append some of those important measures he mentioned, by way of amendment, to other bills which may come under the consideration of the Senate, we shall never get them through. Does the Senator think that we shall be able to set apart a day for the consideration of those bills? Not at all. And, again, as to the suggestion made by that honorable Senator, that the proposal of this amendment is a mode of treating the Senators from Michigan with want of respect, I must demur to that, because they know that I am incapable of doing anything of the kind. I will refer them to the history of an act which once passed this body, to prove that I am only following out the usual practice. I was advocating a bill for the relief of Dr. James Norris, of the county of Carroll, New Hampshire, when the Senator from Wisconsin [Mr. WALKER] moved, in amendment to it, a bill providing for the compensation of the whole of the civil officers of the Territory of Minnesota. [Laughter.] Well, there was no disrespect in that to Dr. James Norris; none at all; nor did I think that any disrespect was shown to myself.

I tell the Senator from Connecticut [Mr. SMITH] that if he is in favor of the homestead bill, he will never get a better opportunity. In the language of the platforms, I say that the whenever, and the wherever, are here now to-day. If he ever means to support that bill, let him do it now.

Mr. SMITH. I wish to ask the Senator whether he intends to set aside the homestead bill of the House of Representatives?

Mr. HALE. Exactly! Exactly! [Laughter.] That question is very easily answered. We shall never get up that bill. If there is anybody here a friend of free farms—that is more popular than free soil; I am in favor of both; I am in favor of free farms, free soil, and free people to live on them—if there is any friend of this free farm bill here, I tell him he will never get a better opportunity of passing it than the present. The idea of deferring if for a more convenient season, is very like the excuse given by the Roman governor, who put off one of the Apostles until a more convenient season would afford the opportunity of attending to him; but the Acts of the Apostles, Mr. President, do not tell us that that time ever arrived; and so it will be with those gentlemen who may vote to-day for postponing this bill, under the expectation that a more convenient season, a more fitting opportunity, may arrive. They will be mistaken. If it is voted down to-day, it is dead; no, not exactly dead—it will suffer from catalepsis. It may be revived, and the result will show, that those who may vote against its consideration will have hurt themselves, not the bill. They will find that the bill is stronger than those who vote against it.

I am afraid to talk any more to-day, for there have been so many things said, and so many things which might have been well said have been left unsaid, that if I were to continue, I fear that the President might say—impelled by that strong sense of propriety which governs him—that the Senator from New Hampshire is not exactly in order; and to prevent that I shall stop here. [Laughter.]

I ask for the yeas and nays on the amendment.

The PRESIDENT. The amendment will not be read unless some member desires it.

Mr. ADAMS. I understand that we are now considering this bill as in Committee of the Whole. If so, we should be governed by the rule which governs us in regard to journalizing when in Committee of the Whole. I understand that the great design of going into Committee of the Whole is to allow free discussion and ample opportunity to offer amendments, so that the record shall not be incumbered with what is done in Committee of the Whole; and, therefore, I think the yeas and nays should not be taken. When a bill is reported to the Senate, nothing which has been done in Committee of the Whole goes upon the record.

The PRESIDENT. The Senator is thinking of the practice of the House of Representatives. We never go into Committee of the Whole in the Senate, and the yeas and nays can be demanded and taken at every stage of our proceedings, and, when taken, will of course appear upon the record.

The yeas and nays were ordered.

Mr. WELLER. I have but a single remark to make in regard to the proposition of the Senator from New Hampshire. The effect of the vote taken upon this proposition will be to put some gentlemen in a false position before the country. I do not say that such is the intention of the Senator from New Hampshire, but such will inevitably be the effect. Many of us will be compelled to vote against the introduction of this bill as an amendment to the bill under consideration, for the reason that it has no connection whatever with this bill. Sir, you might as well introduce any other bill now pending before the Senate as an amendment to this bill. Yesterday, we had the river and harbor bill proposed as an amendment—a bill which embraces many important improvements in various sections of the country. That was rejected, and now to-day the Senator from New Hampshire proposes to insert the homestead bill, having no connection with it whatever. This proposition reminds me of a circumstance which took place in the State of Indiana, which my friend on my right [Mr. BRIGHT] so ably represents. A gentleman was elected to the Legislature of that State solely with the view of obtaining an appropriation of $500 for the purpose of removing an obstruction in the White Water river. On every bill that came up he tried to fix his appropriation as an amendment; but as often as he tried so often did he fail. But when the last night of the session came, and the usual resolution of thanks to the Speaker was presented, this member of the Legislature was then told that that was the proper time to offer his amendment. [Laughter.] He availed himself of the suggestion, jumped up in his seat, and offered his amendment to the resolution:

"*Resolved*, That the thanks of this House are tendered to the Speaker thereof for the able, dignified, and impartial manner in which he has presided over its deliberations.

"And that the sum of $500 be appropriated to remove obstructions in the White Water river."

The amendment, of course, was carried *una voce*. [Laughter.]

Mr. CASS. I must say that I consider it some-

what unkind in the Senator from New Hampshire, to offer this homestead bill as an amendment. Here is a bill which my colleague and myself have been laboring for sometime to have passed. It is a local bill—merely a local bill, for a very important national object, it is true—and at the last hour, on the moment of its passage, the Senator from New Hampshire gets up and urges an amendment which has no more relation to it than have the provisions of any other bill. That gentleman has no idea that this proposition will be passed without discussion; and if it is passed, and put as an amendment into this bill, it will certainly destroy it. He ought to know, that from the commencement, I have been in favor of the homestead bill. I do not say that I will vote for it until we come to discuss it, and know something more about its details; but I am in favor of the general principle of giving land to actual settlers on our remote frontiers. I am not, however, to be driven to vote upon this bill under such circumstances. I voted against the river and harbor bill yesterday, because the inevitable effect of attaching it as an amendment to this bill would be to destroy both. Now, I know that the Senator from New Hampshire does not want to do that; and the inevitable effect will be to destroy the homestead bill by making gentlemen vote against it when they would otherwise vote for it. I will go with the Senator from New Hampshire for a good homestead bill; but I do not think that that kind of legislation is justifiable which would force one bill upon another, with a view of passing it through, when it could not be passed under other circumstances. There ought, in matters of legislation, as in everything else, to be a proper and wholesome regard to consistency. I will not make any appeal against this proposition, but I have only to say, that I shall vote against putting the homestead bill upon this bill; but that that vote will be given without any regard to the merits of the bill itself. When that bill comes up, if its details are good, I shall vote for it; but I am opposed to coupling it with a bill in which my State is deeply interested—a bill which my colleague and myself have sedulously labored for. There are twenty other bills to which my friend from New Hampshire might add his amendment, without attempting to incumber this local bill. Let him add it to the general appropriation bill. It would certainly be quite as germane to that bill as it is to this. Why, therefore, does the Senator wish to throw others into a position to vote against this homestead bill, who, under other circumstances, would vote for it?

Mr. GWIN. I am in favor of a bill giving the public lands to actual settlers, but I shall vote against the amendment of the Senator from New Hampshire, on the ground stated by my colleague.

Mr. BADGER. I wish to explain the reason why I shall vote against the amendment. I shall not vote against it merely for the reasons assigned by my friend from Michigan—namely, that the amendment is out of place. I am totally opposed to it, out and out, from the beginning to the end, in its principles and its practice, its origin and its probable results, and I shall vote against it whensoever it may be presented to the consideration of the Senate. Perhaps, too, I shall take occasion to assign the reasons why I shall vote against it. But independently of any of these considerations, I believe, with my friend from Michigan, that it would be improper to add it as an amendment to this bill. If we could have added to the river and harbor bill——

Mr. CASS. Which would have been much more germane than this bill——

Mr. BADGER. Certainly; then you would have obtained valuable public improvements; and the value of those improvements would have been sufficient, in my estimation, to obviate any objection in consequence of want of form, or of its not being germane to this bill. But surely, Mr. President, we ought not to put a mischievous bill like the homestead bill on the bill which my friend from Michigan has so much at heart, and on which he and his colleague have expended so much labor.

Mr. BUTLER. In some points of view I conceive that this bill might be germane to the bill under consideration, for I suppose the Senator from New Hampshire wishes to come in for snacks of the public lands; and for fear they may all be taken up by these appropriations for railroads and canals, and other purposes of internal improvement, I suppose he wishes that some may be reserved for that class of citizens who may become valuable voters hereafter. But, Mr. President, let me ask what is to become of these poor Indians, of whom we heard so much the other day? If you take all the public lands for the purpose of constructing railroads and canals, and giving homesteads to those who have not got them, what is to become of the red man, over whose hapless fate we have had so much weeping? Whenever the case of the Indian is mentioned, we hear a great deal of fine declamation, and many efforts are made to awaken our sympathies in their behalf; and yet in almost every measure you are adopting you are taking from these creatures the only mode in which they can sustain a lingering physical existence.

As to the public lands, I do not know but I would rather that they were confided to the States in which they lie, for I find that they are a source of temptation to much mischievous legislation in this body. What the State of Michigan will do with these lands I know not—whether she will parcel them out as homesteads, or what else; but so far as regards good faith—and I do not suppose that that obligation is very remarkably observed in measures of this kind—I can readily see that this bill might be discussed without being pitched on to the one under consideration. It is unfair to introduce it collaterally and incidentally as an amendment. It has not been discussed, and surely the gentleman does not introduce it as a measure that we can vote upon without discussion. I suppose that is his idea.

Mr. HALE. I certainly did not intend to put any one in a false position by my motion. Nor do I believe that it would be in the power of any one person to put another in such a position, because we are all here for or against. I can assure the Senator from California [Mr. WELLER] that I had no such purpose, no such desire.

The Senator from Michigan, [Mr. CASS,] for whom I have the highest respect, has made a suggestion to me that I feel somewhat inclined to follow; but before doing so, I wish to remind that honorable Senator that, in 1848, there was a famous amendment, generally known as Walker's amendment, introduced into an appropriation bill. I am speaking of history now, Mr. President; and if I am not very much mistaken, there are a good many gentlemen here to-day, who are great sticklers for order, and exceedingly desirous that amendments should be germane to the original proposition, who were not much troubled with such scruples of conscience at that time.

Mr. CASS. I am guiltless of that charge, for I was not here.

Mr. HALE. I think I heard the Senator from Michigan [Mr. CASS] say, in an under tone, that he was not here at that time. We all know how his absence was caused.

Mr. DOUGLAS. I will be his scape-goat.

Mr. CASS. You hear that the Senator from Illinois [Mr. DOUGLAS] says he will be my scape-goat. [Laughter.]

Mr. HALE. Well, I do not think that in the present aspect of things I would gain much by throwing the responsibility on either of those gentlemen. If the action of a certain convention had been such as to make it convenient for the Senator from Michigan [Mr. CASS] to reside in Michigan rather than here, as in 1848——

Mr. CASS. Or if the action of a still more recent convention at Pittsburg [laughter] had made it convenient for the Senator to reside now in New Hampshire——

The PRESIDENT. Order.

Mr. HALE. Yes, Mr. President, order. I reflected fully on the illustrious example of the Senator from Michigan, [Mr. CASS.] I thought a good deal on the subject, and had almost resolved to consult him, ask him what he thought of it, whether he would recommend me to follow his example, and if it was likely, in his opinion, to help out chances. [Much laughter.]

Mr. CASS, [laughing.] I do not think it would help them much.

Mr. HALE. But as the time that is to transpire between the present time and the end of the session is only about two weeks, I thought that without any great arrogance, or the pretense to uncommon boldness, I might as well face the music here for that little time; accordingly I made up my mind not to resign, and I will not do so. [Laughter.] So that, as far as precedents go, the Senator from Michigan [Mr. CASS] may have the advantage of me.

Now, as to the suggestion that that honorable Senator made; he thinks the amendment would be attached more becomingly to an appropriation bill, and, as there are several appropriation bills yet coming up, and as that Senator has expressed his friendship for the homestead bill, which I am very much rejoiced to hear——

Mr. CASS. Does not the Senator from New Hampshire know that I voted for taking up that bill a week ago?

Mr. HALE. No; I did not. I have been to the sea-shore, for the purpose of making myself practically acquainted with the fishery question, [laughter,] and I did not read the debates in the Senate. I am rejoiced, however, to know that the advocates of the free farm bill are to have the aid of the Senator from Michigan——

Mr. CASS. Oh! you shall have it. I will vote for a homestead bill.

Mr. HALE. And if, through his instrumentality and his aid, we are successful in carrying out this great measure, it will give him a place in the hearts and affections of the American people to unborn generations, such as no elevation to office could confer.

I wish now to say a word to the Senator from North Carolina, [Mr. BADGER.] He thinks that my amendment is out of order; that it is not germane to the original bill; but he thinks that the river and harbor bill would be germane, because it is a great measure of improvement—that is, that it would effect great good. How? I suppose it will effect great good just as the nine million dollars bill did in New York—in putting immense sums into the pockets of the contractor. That, I expect, is one way in which it would effect great good. But to institute a comparison between these two bills disparaging to the homestead bill as a means of spreading abroad the benefits of a wise and enlightened legislation argues an obtuseness of perception that I should have looked for, sir, in any man rather than in my friend from North Carolina, [Mr. BADGER.] That Senator must certainly know, for every one must know, that if ever there was a project introduced into the halls of legislation which in its scope and operations was likely to confer advantages untold and incalculable on an innumerable class of people who do not ordinarily come in for the lion's share in legislation, it is the homestead bill. It is a bill that will effect more good, confer more happiness, and cause a greater elevation in the social scale of that great laboring class for whom so much vapid sympathy has been expressed, than any other legislative scheme which has been mooted since the Senator from Michigan [Mr. CASS] first had a seat in this body; and in consequence of the announcement by that gentleman of his friendship for this measure, in view of the fact that he voted a week ago for taking it up, I shall yield to his suggestion to withdraw the amendment, as it can be attached more appropriately to one of the appropriation bills. I therefore ask the consent of the Senate to withdraw the amendment. I know it cannot be done without unanimous consent; but I hope that no one will object to it.

The PRESIDENT. The Senator asks the unanimous consent of the Senate to withdraw his amendment.

Mr. BORLAND. I object. I have but a word to say. The Senator from New Hampshire must have had a purpose in bringing forward this measure at this time, and in this way. What that purpose may have been is not for me to say. It has been suggested—but I will not say that it is so—that the purpose was to put other Senators in a false position.

Mr. HALE. I did not hear any Senator make that suggestion.

Mr. BORLAND. For myself, I will say, that I agree with the Senator from Michigan, [Mr. CASS.] I am in favor of the homestead bill—perhaps not this bill in all its details, but in favor of the principle, and I hope that the bill may be put in such a form as to secure its passage this session. But I shall vote against its being incorporated with

the bill now under consideration; and, sir, let me say that the worst enemy of the homestead bill could not devise any better mode of defeating it. The Senator from New Hampshire knows that this homestead bill has come from the other House; that it has gone to the Committee on Public Lands; that it has been reported back, and is before the Senate among the general orders, and that all the Senate have to do is to take it up and pass it, and it will become a law. Suppose, however, that he should succeed in passing his amendment, the bill will then have to go to the other House, and it would be just as certain to be defeated as that we voted it into this bill. It was for a similar reason that I yesterday refused to vote for the river and harbor bill as an amendment to this bill. The effect in either case would be the same. We have before us a river and harbor bill, which its friends in the House of Representatives expect to be passed here; but, if we take up that bill and place it upon another bill, you may rely upon it, it will not be passed this session. I now withdraw my objection to the proposition of the Senator from New Hampshire to withdraw his amendment.

The PRESIDENT. The Chair will state that until recently the practice has been, that when the yeas and nays have been ordered on a motion or an amendment, it was not permitted to be withdrawn; but by an amendment of the rule recently made, when the yeas and nays have been ordered, an amendment may be withdrawn by unanimous consent. The Chair hears no objection, and the amendment is withdrawn.

Mr. UNDERWOOD. I am in favor of practical legislation. Under the state of things between the two Houses of Congress, if this bill should pass and is sent to the House of Representatives, I do not believe it will pass during the present session. I rise for the purpose of offering an amendment, which, if adopted, will, I believe, secure something practicable and valuable to the country. The amendment is germane. It has that advantage. It is a provision of House bill No. 280, proposing to grant lands in aid of the construction of railroads and for other purposes; and in offering it as an amendment I want to modify it so as to make it differ in form and manner from that in which the House passed it. I would strike out the third section and put in the amendment offered as laid upon the table by the gentleman from Iowa. Now, I would like to inquire whether I can make a few remarks to the Senate?

The PRESIDENT. The Chair will hear the Senator.

Mr. UNDERWOOD. If the bill which I have offered as an amendment shall pass, the bill now under the consideration of the Senate will, as has been avowed by my friend from Michigan, be valueless. I wish to bring this whole subject to the consideration of the Senate and of the nation, in a practical point of view. The amendment which I offer does it. It proposes, as every Senator knows—and I have been in favor of it from the commencement of the session—to secure some interest in the old States in the vast public domain which Congress must dispose of. This amendment secures a very large portion of the public domain to Michigan and to the other land States; but while it does that, it asserts the principle that the old States have some interest in this great fund, and are entitled to be provided for. If, sir, you will adopt the bill which I offer as an amendment as proposed to be amended by the Senator from Iowa, [Mr. JONES,] and pass it, you then send back to the House of Representatives a measure which they have sanctioned. You send to the popular branch of the Legislature a measure which they have matured, and in which they have affirmed the principle for which I have contended from the commencement of the session, that the old States have an interest, and ought to have a share in the vast amount of the public domain which we have. You will then bring the other branch of Congress simply to a disagreement with the bill proposing to give 750,000 acres to Michigan for this canal, on the passage of the bill with that feature in it, and thereby it will become the law of the land. And after all that has been said in this debate, if we intend to act upon this subject during the present session we had better take up the amendment I offer now, and act upon it definitively, than to get up a debate upon that amendment after this bill shall have passed.

Directly after the speech made by my friend from Michigan, under the admissions which I thought nobody could deny, I suggested to the Senator that he had better lay his bill upon the table, and take up this bill and act upon it; for that, if it was passed, he would then secure something. If it was passed, according to his argument, it would render the bill now under consideration nugatory and of no avail. The course which I suggested would have been the best to have pursued. But he said that we should have a vote directly; and I, for the purpose of trying to see whether we could get a vote, withdrew my suggestion. But what has been the consequence? Speech after speech has been made since. An amendment has been proposed to put the homestead bill upon this bill—a measure not germane, as I consider, to the subject embraced in this bill. This Michigan bill proposes to grant lands to the State of Michigan to make a canal. My amendment proposes to grant land to the State of Michigan to make railroads. Is not that germane? It is a grant of land to the State of Michigan for both purposes. But my amendment goes beyond that; and while it proposes to grant the land to Michigan to make the railroads, it proposes to grant lands also to the other States, to be appropriated for the purposes of internal improvement. It proposes to give to all the land States lands for the purposes of railroads; and to those that are not, properly speaking, land States—meaning by that, that they have no public lands within their borders—a portion of the public lands, which they are to have a right to appropriate to purposes of internal improvement. The object of the present bill is to make a provision for an internal improvement. The object of my amendment is to make provision for internal improvements. The object of the bill is to make provision for an internal improvement in one State. My amendment only enlarges it, by making provision for internal improvements in all the States. I conceive that the amendment is perfectly germane to the bill in every aspect. I believe that it is the only opportunity, perhaps, that we shall obtain to get the action of the Senate upon the bill which I propose as an amendment, as it came from the House of Representatives. I would say to gentlemen who have the various railroad projects at heart—all of which I have voted for, and which we have sent to the House of Representatives, and they know their fate as well as I do—that if they wish, during the present session of Congress, to act efficiently upon this subject, they had better take up my amendment and consider it seriously, make it a part of this bill, and send the whole subject together to the House of Representatives. There is no propriety in taking this bill, isolated and alone, granting lands to Michigan for one particular species of improvement, and refusing it to all the rest of the States for their improvements, which may be regarded as of vast national as well as local importance to the other States.

I will not repeat the arguments I made use of the other day, to show, that in a military aspect, it is just as important to have a road connecting with the Gulf of Mexico, as to have a canal around the Falls at the Sault Ste. Marie. I will not repeat any of those arguments. I merely refer to them, knowing that the intelligence of this body will see at once their force, and the importance of having the whole subject blended in one bill and sent to the House of Representatives. Unless you adopt this amendment, and take up the subject in the manner I have proposed, what chance is there, I ask Senators, to get this House bill up and obtain separate action upon it? And if you pass this Michigan bill separately, granting 750,000 acres of land for this canal, it will fare precisely in the House of Representatives as the other bills have done; unless—which perhaps my friend from Michigan will say is the case—this object is of so much more importance than everything else, that it will entitle it to precedence in the consideration of the House of Representatives. That might, therefore, give it a greater magnitude, a greater importance in their estimation, and lead the Senate to insist upon not connecting it with the other measures, but send it to the House of Representatives, so that they may obtain a separate vote on that measure, relying upon its greater importance. But I ask if that is fair? I ask if such a course, even should it succeed, is just and proper to the other States of this Union, who are here affirming the great principle, that they have the same interest in these lands that Michigan has? These are the reasons that have induced me to propose the amendment. It is to add to the bill now under consideration, the bill "making grants of lands to aid in the construction of railroads, and for other purposes," as it came from the House of Representatives, with the exception of the third section, in lieu of which I propose to insert the amendment of which the Senator from Iowa [Mr. JONES] has given notice.

The Secretary was about to read the amendment, when Mr. CASS suggested that there was no necessity for it, as every one understood it. It was accordingly not read.

Mr. CASS. I desire to say but a few words. This is the seventh session that I have been in the Senate, and I must say, that I have seen nothing so unkind; I may also say, so unfair, in the whole process of the legislation which has taken place, as the efforts which have been made to load down this bill. I have seen nothing like it. It is the first instance of the kind that has come within my observation; and I say, for one, that I take it very unkind in any Senator to take such a course. What is the object of the Senator from Kentucky? Is it to aid this bill; or is it to aid his? If it is to aid this bill, the friends of it do not want that aid. We are better without it than with it. Is it, then, to aid his own bill? What aid can this small bill give to that great one, by putting them together? If there is a majority of the Senate in favor of the Senator's bill, they will vote for it. They can control the matter at any time. It is before the Senate; why then put it as an amendment on this bill, which is now almost upon its final passage, when the question must be debated during almost the whole session? The honorable Senator from Kentucky has not the remotest idea that such a measure as that which is in his amendment is going to be passed, without a long, tedious, and elaborate discussion here.

And in another point of view, Mr. President, I object to this. The perfection of all legislation would be to legislate upon every proposition by itself, independently, if you could. That would be the perfection of all legislation; for it would enable you to decide every case without reference to any other consideration but those properly belonging to it. But you cannot do that. It would consume too much time, we all know, to do so. Then the next best step is to put those measures, that are connected, together as much as you can, and exclude others. Now, the Senator from Kentucky proposes an amendment here, which, if it is adopted, will compel me to vote against my own bill. That is the position in which you put Senators by associating objects together that have no proper relation. If the amendment prevails, I shall vote against my own bill. I shall never vote for it. I am utterly opposed to the principle contained in the amendment. I am utterly opposed to the whole matter.

Now, why deal so unfairly with those who support the bill as to put this amendment to it which will embarrass it? There is no equity and justice in it. Let me suggest to my honorable friend from Kentucky, that if the majority of the Senate are in favor of his bill, they can take it up and pass it without having the ancillary aid of this bill—without adding to the kite a tail far greater than the original instrument. The honorable Senator asks, why put this measure in a separate bill? Then why did he put the Cumberland dam appropriation in a separate bill? That is a local appropriation on the Ohio river, introduced by the honorable Senator himself as a separate bill. I repeat, that if we had all these bills separate and by themselves, it would be much better, especially when a bill involves these considerations on this remote frontier. It is sufficient to state to the Senate that there is no necessary relation between the two bills.

Mr. ADAMS. I hope that Senators who are in favor of taking up bills in their order, and permitting a majority of this body to determine what bills they will consider, as well as what bills they will pass, will agree to vote down this and all

similar propositions. Yesterday my friend from Wisconsin [Mr. WALKER] proposed to add the river and harbor bill to this little bill; and what reason did he give for it? The reason he assigned was, that unless he got that bill attached to this it might not receive the consideration of the Senate. This morning the honorable Senator from New Hampshire [Mr. HALE] offered an amendment to attach to this bill what is known as the homestead bill; and what reason did he give for that? Why, that this body, having the right to control its own business, and say, by a majority, what bill should be considered, and what bill should not be considered, he was afraid that it might not be taken up, and therefore he offered it as an amendment to this bill. What is the reason the honorable Senator from Kentucky now offers his amendment? He offers it for precisely the same reason.

Now, I ask the honorable Senators who agree with me on this point, to vote down this amendment, and to say that a majority of this body shall consider what it pleases. I do not speak now about the merits of the amendment, for I will not do the injustice to the Senate to allude to its merits. I will say, however, that when the bill shall come up I have various important amendments to offer to it. I hope to give good reasons for their adoption; but I shall not allude to them now. I only rose to make a few remarks with regard to the propriety of voting down this and every other proposition, coming from whatever quarter it may, that will have such an effect as this; for we all know that here is one of the most important bills of the session offered as an amendment to the small bill of the Senator from Michigan. We all know that various amendments are to be proposed to the bill which the Senator from Kentucky offers now as an amendment. This amendment will require discussion and consideration; and the only reason why it is offered now as an amendment to the present bill is, that it is feared a majority of this body will not consider it as a separate measure, or will not have time to consider it. I trust that this body will determine to act upon questions as they are presented to it in their order, and that a majority shall determine what bill shall be acted upon. These are my objections to offering such an important bill as an amendment to any other bill. I hope the Senate will voted own this and every other proposition of the kind.

Mr. UNDERWOOD. If I could get a direct vote of the Senate to-morrow morning, on the question of whether they would take up this bill, and act upon it, during the present session, I would withdraw the amendment with a great deal of pleasure.

Mr. CASS. I would be willing to vote upon it in the morning.

Mr. UNDERWOOD. Very well, sir. But I want to make a remark to the Senator from Michigan. I voted for this bill in the committee. I consented to report it from the committee. I expect to vote for it here. I have been in favor of all these measures from the beginning, but this system of partial legislation in favor of one section, and excluding all other sections of the country, is beginning so to operate upon my mind and my judgment as to make me feel disgusted with the whole concern. I have endeavored from the beginning, to try and get something like what I conceive to be justice for all portions of the United States, in reference to this great fund—the land fund. I want to give every State its proportion. I want to observe the principles which have been observed in the past legislation of the country on this subject, and of which I believe every State in the Union has availed itself; for I do not know of any State outstanding now that has not received the benefits of the distribution of the land fund. I believe they have all come in and taken it. It is suggested to me that Mississippi has not taken her share. If that be so, then I am mistaken so far as she is concerned; but I thought that all the States had availed themselves of that provision.

Mr. MASON. If the Senator avers that every State has taken a share of that fund, he is mistaken. Virginia has not taken her share.

Mr. UNDERWOOD. I make no averment at all on the subject. I expressed it as my belief. Virginia may not have taken her share, and it may be so with Mississippi. I do not profess to have any absolute knowledge on the subject. I merely expressed my belief of what had been done, but whenever a gentleman says his State has not received this money, of course, I except it from the remark.

But I desire to say to the Senator from Michigan, that having voted for his bill in the committee, and expecting to vote for it here, I yet desire to see other States have the same like justice done to them. Having a fair opportunity to bring them all up together, I felt it to be my duty to try to amalgamate them. As to the amendments which the Senator from Mississippi has to offer to the bill which I propose as an amendment, if it were agreed to, he could offer those amendments afterwards, as well as if the bill were acted upon separately; so that my offering it as an amendment to the bill under consideration, does not preclude any one from acting on it in any way he may think proper.

These are the views which have induced me to make the motion to amend. I should prefer greatly to see whether the Senate intend to take it up and have a direct vote on the question. If the Senate do not act upon it, I do not propose to call it up again; it may "sleep the sleep of death" for me, unless some other gentleman chooses to move to take it up. If, however, gentlemen will give it a fair chance to-morrow, and they think that it can be acted upon, I have no objection to acting upon it. I want this bill to pass, but I prefer its passing with others. As to voting separately upon every measure and making a distinct bill of it; if we were to cut up our appropriation bills in that way, according to the literal meaning of the phrase used by my friend from Michigan, we should have a curious state of things, such as has never existed from the foundation of the Government to the present day. These various measures for the appropriation of the public land are more germane to each other, and constitute more a subject of identity and unity than any appropriation bill that was ever introduced into this body. They form one subject; they ought to be considered as one. The principles connected with them ought to be considered together, and we ought to mature some system for the distribution of the great fund. I have been advocating that from the commencement. The fact that we considered this as one subject—as we do the Navy appropriation bill, consisting of various items, or the military appropriation bill, or the civil and diplomatic bill—and attempted to adopt a system applicable to the whole fund, would be advantageous rather than to take the various measures in piece-meal; would be more in conformity, as I conceive, to principle. I have, therefore, not offered my amendment to try to defeat the measure which is under consideration—to press down a measure of which I have avowed my friendship, and have given testimony of that friendship by voting for it; but I have offered it from a sense of justice, and because it provides for the disposition of a great subject having something like unity in all its bearings.

Mr. BUTLER. My view upon the questions before the Senate may be misunderstood, unless I say a few words of explanation. I am opposed to the bill of the Senator from Michigan; and I am opposed to it upon the very ground which he has assigned this morning—that it is a local measure. I understood yesterday that it was a general bill of vast importance—a war measure. I understand now that it is a local measure, which concerns nobody but Michigan.

Mr. CASS. Is not a fort a local measure in that sense?

Mr. BUTLER. No, sir; you have to fight the world with a fort. I am opposed to the bill upon that ground. I am opposed, upon principle, to the amendment which has been presented and advocated by the Senator from Kentucky. I am opposed to the amendments to which the Senator from Mississippi refers. I am opposed to the whole of them; but if I have to take my choice between them, I prefer that of the Senator from Kentucky. I shall therefore vote for that amendment with the view that if any is to prevail, it may in preference to any of the others; and if I can defeat the others by that, I am willing to do it.

Mr. BROOKE. I move to amend the amendment of the Senator from Kentucky by inserting in the third section, which designates the routes of the various railroads to be constructed, after the word "Aberdeen," the words "from Canton, Mississippi, to some point on the Tennessee line." That provides for an additional railroad.

Mr. UNDERWOOD. I am willing to accept that.

Mr. JONES, of Tennessee. I rise to ask my friend from Kentucky to withdraw his amendment, and I do it for this reason: In the first place, I do not think it is a very fair and legitimate mode of warfare. The Senate has his proposition; it is a separate and distinct one, and we can vote directly upon it; and if it is the desire of a majority of the Senate to take up the bill which he offers as an amendment, it can be done at any time.

Again, the proposition is calculated to place gentlemen in a false position, which I do not think is altogether fair. The Senator from Michigan says that if the amendment is adopted, he will be constrained, under a sense of duty, to vote against his own bill. Now, I ask the Senator from Kentucky if he desires to place any Senator in a position of that sort? We are all here upon our own responsibility. Every Senator is expected to vote as his own judgment suggests. If you bring forward two propositions—I being in favor of one and opposed to the other—and amalgamate them, do you not place me in a contradictory position? and surely that cannot be the purpose of my friend from Kentucky.

But I have another reason for making this request. I want to see Senators come up to this question of distributing the public lands to all the States of the Union, fairly and squarely. I want no excuse—no evasion. I do not want any Senator to go home and say to his constituents, "I voted against the distribution to all the States according to their Federal representation, because it was attached to a measure local in its character for Michigan; and that is my excuse." I want every man to stand fairly before the country. The only objection I have to voting for the bill of the Senator from Michigan, is this: I have voted for other proposition of that sort since I have been in the Senate, and shall vote for this, although I confess he has thrown some difficulties in the way. Yesterday we were told by the Senator that it was a measure for national defense; to-day he has told us that it is a local measure.

Mr. CASS. I wish the Senator would not stumble upon a word. I mean by "local," situated in a remote district of country. I do not mean that it has no general objects. I beg the Senator not to rest his arguments upon a word which slipped out in a hasty debate.

Mr. JONES, of Tennessee. Then I have given the Senator an opportunity of putting himself right. It is a local measure with general objects. But my purpose in rising was to ask the Senator from Kentucky to withdraw his amendment, so that we may have an opportunity of voting upon the separate propositions. I am willing to vote for the bill; but there are Senators who are not, and I am not willing to cast upon any the charge of inconsistency in regard to their votes on it as an amendment. I hope, therefore, the Senator will withdraw his amendment.

Mr. ATCHISON. I desire to inquire whether the amendment proposed by the Senator from Kentucky can now be amended? If so, I propose to strike out all after its enacting clause, so that I may insert what I think to be a very fair graduation bill.

The PRESIDENT. It is not in order now to make any such proposition, inasmuch as another amendment to the amendment has been moved by the Senator from Mississippi, upon which the question must first be taken.

Mr. UNDERWOOD. I desire to say that I cannot withdraw my amendment, because I believe conscientiously that the subject embraced in it will not be acted on during the session, if it is not acted upon now. And I would say to my frend from Tennessee that no such consequence follows as he seems to imagine—that gentlemen cannot show their hands. If the amendment is adopted, motions can be made to amend it. Senators can, if they choose, call for a division of the amendment, and have a separate vote upon its various sections. They can call for the yeas and nays; so that every gentleman has it in his power to show exactly where he stands in reference to it by his vote. We have already had one bill for the distribution of a portion of the public lands among the States, which I had the honor to offer at an

early part of the session, acted upon. It was voted down. One great objection to it was, that it allowed States to own lands in other States. But the House has got clear of that objection. I want to see whether the Senate will take that bill of the House. As to the injustice which the Senator says I do, by placing others in a false position, there is no injustice done. The Senator from Michigan has said that he will vote against his own bill if my amendment prevails. My object is to see how Senators will vote upon that identical question. I want them to discriminate if they can between the grant of lands, as the amendment proposes, to the new States, and to the old States. I wish that to go before the country; and being a friend to all these measures—they are in principle the same—I think it perfectly legitimate to offer the amendment, and have the sense of the Senate upon it.

Mr. PRATT. I think it is manifest from the various propositions which have been submitted upon this bill, that we have no prospect of acting upon it. I therefore move that the whole subject do lie upon the table.

The motion was not agreed to.

Mr. BROOKE's amendment to the amendment was agreed to.

Mr. DAWSON. I do not intend to detain the Senate; I merely rise to express my regret to hear the Senator from Michigan say that, if the amendment is agreed to, he will vote against his own bill. Mr. President, the whole of the public lands belong to the United States. The Senator asks 750,000 acres to enable his State to make what he terms a local improvement which would be beneficial to the whole country. Other States ask an appropriation of a similar amount of land, proportionately, to make internal improvements for local purposes, which will benefit all the States. A railroad from Mobile to Columbus, in your State, sir, made out of the proceeds of the public lands, appropriated in the same way, would be a local improvement for the benefit of Alabama, and for the benefit of the whole of the States. In this case, 750,000 acres of land will be taken to cut a canal three quarters of a mile long; but yet, in your State, to make a railroad two hundred and fifty miles long, with the same amount of land, it is said it would be so objectionable that it would make the Senator vote against this bill. I cannot see the justice of it. Has Michigan any more right to claim 750,000 acres of land than your State has? What is the reason that the Senator urges in its favor? That it will be a local benefit, and for general purposes also. Cannot every State in this Union make the same assertion?

Mr. ATCHISON. If the Senator will give way, I will move that the Senate adjourn.

Mr. DAWSON. I will do so.

Mr. ATCHISON. I move that the Senate adjourn.

Mr. HUNTER. If the Senator from Georgia desires to adjourn, I am willing.

Mr. DAWSON. I do not.

Mr. BADGER. I would suggest to the Senator from Missouri to move to postpone the subject until to-morrow.

Mr. ATCHISON. I withdraw my motion to adjourn, and move to postpone the further consideration of the subject until to-morrow.

Mr. HUNTER. I hope this subject will be disposed of to-day. To-morrow, I shall ask the Senate to take up the civil and diplomatic appropriation bill. We have but eleven days of the session left, and there are a great many bills to be acted upon. Besides the civil and diplomatic appropriation bill, there are the military, naval, and post office bills; and I do hope that we will dispose of this matter to-day, that we may take up the civil and diplomatic bill to-morrow.

Mr. BADGER. We cannot finish this bill to-day.

Mr. HUNTER. I will vote to postpone the bill, to get rid of it.

The motion to postpone was not agreed to, there being, on a division—ayes 18, noes 24.

Mr. MASON. If the amendment is agreed to, I can only say to the friends of the bill of the Senator from Michigan, that it will necessarily lead to a debate which I presume will not be terminated this session.

Mr. SHIELDS. In order to get at some other business to-morrow, I hope we will finish this subject this evening. I am satisfied that the amendment will not be adopted, and for that reason I am disposed to sit the bill out this evening, and get rid of it. It has occupied the attention of the Senate several days.

Mr. JONES, of Iowa. Will it be in order to call for a division of the amendment, so as to take a separate vote upon the amendment which I had given notice I would move to the land distribution bill as it came from the House?

The PRESIDENT. It will be in order for the Senator to move to strike out all of the residue of the amendment.

Mr. JONES, of Iowa. I will do that. I desire to take the sense of the Senate upon my proposition to grant lands for railroads.

Mr. DODGE, of Iowa. I hope my colleague will not call for any such division. I know he does not desire to embarrass the bill which is before the Senate, and would not offer his proposition as a separate amendment. I know that he cannot forget the manner in which the bill making a grant of land to our State for railroads was passed in this body, and the manner in which the Senator from Michigan stood by us in the support of that measure, without offering any of the other various measures which were then in arrears as amendments to it. I know he designs to offer no objection to this bill.

Mr. JONES, of Iowa. I have made no such proposition. I do not design to offer any amendment to the bill of the Senator from Michigan. I want the Senate, though, to declare whether they are in favor of my proposition when it comes up. I would like to have the sense of the Senate upon it.

Mr. BADGER. I would suggest to my friend from Iowa that he cannot get the sense of the Senate upon his proposition in this way, because other considerations than its merits will influence Senators in their vote upon it. For instance, I am in favor of the bill which my friend from Kentucky moves as an amendment to this bill, but, as an amendment, I shall vote against it. And so with regard to the proposition of the Senator from Iowa. He had better withdraw it.

Mr. JONES, of Iowa. Very well, I will do so.

The question was then taken by yeas and nays on Mr. UNDERWOOD's amendment, and resulted—yeas 14, nays 36. [For yeas and nays see Congressional Globe, page 2232.]

The bill was reported to the Senate as amended. The amendments made as in Committee of the Whole, increasing the length and width of the locks, were concurred in.

The next question was on concurring in the amendment made as in Committee of the Whole, to strike out "500,000" and insert "750,000," so as to make the grant of land 750,000 acres.

Mr. HAMLIN. I desire to state to the Senate, that this matter was investigated by the Committee on Commerce; and on looking at the papers, we found that the State of Michigan asked for but 500,000 acres of land.

Mr. CASS. I hope we shall have a vote, without any more discussion.

Mr. CLARKE called for the yeas and nays; and they were ordered.

Mr. FELCH. My friend from Maine is entirely mistaken in his statement of what is contained in the act of the Legislature.

The question being taken, by yeas and nays, on concurring in the amendment made as in Committee of the Whole, resulted—yeas 28, nays 21. [For yeas and nays see Congressional Globe, page 2232.]

Mr. SMITH. I call for the yeas and nays on the passage of the bill. I shall vote against the bill, though I voted for the amendment.

The PRESIDENT. The question is on ordering the bill to be engrossed for a third reading.

Mr. CLARKE. I consider that the vote which we have just had, by yeas and nays, is a test vote, and therefore I can see no necessity for calling for the yeas and nays on the passage of the bill. Let it be passed without any question. I shall vote for it, and I hope every gentleman will vote for it.

Mr. SMITH. I withdraw the call for the yeas and nays.

The bill was ordered to be engrossed for a third reading.

THE FAME OF NEW JERSEY.

SPEECH OF HON. CHARLES SKELTON, OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

August 12, 1852.

The House being in the Committee of the Whole on the state of the Union, (evening session,)—

Mr. SKELTON said:

Mr. CHAIRMAN: I rise for the purpose of redeeming the pledge made to this House a few days ago to defend my State from the unjust aspersions then cast upon her honor and fair fame. The gentleman from Arkansas [Mr. JOHNSON] has, since the charges were made, given such an explanation as to relieve him from any charge of willful misrepresentation. He will, therefore, relieve me from the charge of intending to say anything offensive to him. My intention is only to set the historic record of this House in the light of truth. These charges will stand on that record, and I desire the correction to stand with them. Sir, I desire to be understood as not being the defender of corporations; for I have no particular love for institutions of this kind. I believe that they should never be created except where private capital and enterprise are inadequate to the accomplishment of the object intended. Where a large amount of capital is necessary, as in the construction of railroads, they are both necessary and useful.

My only object, then, sir, is the defense of the honor of my State. The language of the honorable gentleman, on the occasion referred to, was as follows:

"I imagine there is not another member from the State of New Jersey who would make such an accusation, knowing the keen reply that could be thrown back upon him. How do they support their government? I say, that State levies taxes upon strangers passing through it, for the purpose of supporting its government, as I am informed by a gentleman who sits beside me."

Sir, do members on this floor think that Jerseymen fear the *keen rebuke* that may be thrown upon the honor of their State? No, sir. If there is a State in this glorious Union that a man may be justly proud of, that State is New Jersey. Sir, no tax is levied on any person for traveling over our territory. The citizens of all the States of the Union, whether from the North, South, East, or West, are privileged to travel through her territory whenever and wherever they may choose.

Now, sir, upon what ground are these charges predicated? In the year 1832, the Legislative Assembly of New Jersey, being anxious to give increased facilities of travel through the State, and to develop the natural resources of her locality, chartered a company for the purpose of constructing a railroad and canal across the State. The books for the subscription of this stock were opened, and the privilege of subscribing offered to the capitalists of New York and Philadelphia. At that time investments in railroad stocks were of doubtful expediency, and capitalists were in no hurry to invest in this enterprise. The consequence was, that this stock, or the largest portion of it, fell into the hands of our more sagacious Jerseymen, and the road and canal were completed. In these gigantic works nearly $8,000,000 are invested.

Now, sir, we have a rule of action in our State, based on a principle of justice, which induces our Legislature to tax all property alike, whether that property be in the hands of individuals or corporations; and the question to be settled was, how shall this tax be levied? The stockholders could not all be reached personally; for many of them resided out of the State. The State, therefore, resolved to assess the tax upon the receipts of the company. Ten cents on the receipt of three dollars was the amount demanded, and agreed to be paid; or, in other words, at the present rate of fare between the two cities, it would be ten cents for each passenger carried.

But, sir, was the State, in granting this charter, reckless of the interests of other States, or of travelers passing over this road? A few facts will show that, in this instance, as in all other cases, the State was actuated by that strong love of justice which has ever influenced her councils, and that she has guarded the interests of other States with jealous care.

Before this road was constructed, the fare between the two cities was from five to ten dollars, and in bad weather, in winter, even higher. Yet, in granting the charter, the company were restricted to three dollars as the highest price that could be charged. Here, then, sir, the fare was cheapened and the time of travel shortened more than one half. Thus, the State, by her intelligence, enterprise, and liberality, conferred an immense benefit on all travelers passing over her territory. We could have left the price to be regulated by the company on strangers, without detriment to our own interests, and the company might have charged six instead of three dollars on foreign passengers, and yet the traveling public would have had no remedy. Sir, it has always been the fixed policy of New Jersey to treat with justice and liberality all her sister States, and the people of all States and nations.

If the tax upon the company, at the rate of ten cents a passenger, was removed to-morrow, the fare would not be reduced in consequence, because the amount is so small that it would not warrant a reduction. Three dollars is a round sum, and two dollars and ninety cents would not be substituted by the company in its stead. Hence, it is positively demonstrated that this is not a tax upon the traveling public, but upon the corporation.

Now, Mr. Chairman, is it not right that the property of the company should pay for the protection it receives from the State? Why should it not be taxed as well as individual property? Nobody has a right to complain that we levy a tax upon it, as we do. It affects no man's interest who is not a stockholder. No increase of fare follows as a consequence of it.

Mr. VENABLE. I understand that you tax each traveler ten cents.

Mr. SKELTON. No, sir; we tax the company.

Mr. VENABLE. But the company accounts to the State ten cents for each passenger.

Mr. SKELTON. That is in lieu of the tax upon their property.

Mr. VENABLE. So the tax is paid by the passenger at last.

Mr. SKELTON. No, sir, it is paid by the company. Were we to abate the tax upon the company, passengers would not be carried any cheaper. The sum is so small that it would make no difference in the fare.

Mr. VENABLE. Do the citizens of New Jersey pay the same fare?

Mr. SKELTON. Just the same. This system of taxation, I am informed, prevails in other States; and why is it that we hear only such charges against New Jersey? Maryland, I am told, levies a tax of *fifty cents* a passenger, over the road from here to Baltimore—a distance of less than forty miles.

Mr. VENABLE. That is true.

Mr. SKELTON. If that be so, it is a tax upon the passenger; for if that tax of fifty cents was abated, the fare might be reduced in consequence. The whole question turns upon that point. If a reduction of the tax would cause a reduction of the fare, travelers would be benefited. If it does not cause a reduction of the fare, the traveling public pay nothing in consequence of the tax. In the one case it does amount to an increase of the fare, in the other it does not.

Sir, we have here presented a strange inconsistency. Members on this floor are insisting on the propriety of taking the public lands for the construction of railroads in various sections of the country, for the purpose of advancing the public interest. Three or four millions of acres of these lands have already been voted for that purpose; and yet the character of New Jersey is assailed for having done, with her own means, what other States are trying to do at the expense of the public treasure. Sir, we ask no contributions from the public treasure, to enable us to construct our railroads; but this we do ask, that you shall not attempt to tarnish the honor of our State for doing with our own means what you are trying to do at the public expense.

Mr. VENABLE. I will simply remark, as between my friend and myself, that I think the State of New Jersey does right in levying this tax of ten cents; but I think he might as well say that they do tax the traveler.

Mr. SKELTON. I refuse to say so, because it would be to allege that which is not true; for I intend here and elsewhere always to abide by the truth; and the reason why I have proposed to investigate this subject, and to make these remarks upon this floor, is, that I wish the truth to be known, for I am confident that it is fully established that New Jersey is exonerated from this charge.

Now, sir, I will make a comparison with another case, by way of illustration. Every State in this Union has turnpike companies, and grant charters to companies for the construction and improvement of turnpike and plank roads, and they grant the privilege to these companies and associations to charge passengers for traveling on those roads. Well, now, sir, is it urged here or anywhere else that when a man passes through a toll-gate, upon any road in any State in this Union, that the State levies a tax upon the passengers traveling over the road? Is that the construction placed upon such a course of conduct? Why do these individuals pay toll at the turnpike gate? It is for traveling over an improved road, in the construction of which individuals have invested their capital for the benefit of the public traveler, and they demand that some interest should be returned to them for their outlay. Here is a direct tax levied for a man traveling on a turnpike road through a toll-gate. This illustration of the point shows the absurdity of the charge. Again, sir, this railroad is not only of great benefit to the traveling community throughout the Union, but it is beneficial and important to the nation in a defensive point of view.

In the war of 1812, it cost this Government an enormous amount of money for the transportation of their troops and munitions of war from Philadelphia to New York and back again; and should we ever be again engaged in a foreign war, that railroad and canal will be of immense advantage to the nation in a defensive point of view. It will not only facilitate the transportation of troops and munitions of war with expedition and dispatch, which is very important when an enemy lands upon our coast, but we shall be able to throw a strong force upon any particular point of attack. And further, sir, this railroad not only facilitates the transportation of troops, but it accomplishes this object at a rate much cheaper than if it were not in existence, thus saving immense sums of money to the Government.

So far from the citizens of New Jersey and the State Legislature being liable to censure, for having invested their capital in the construction of such a railroad across the State of New Jersey, they deserve the highest credit.

Now, I believe the great cause of complaint against New Jersey is, that we have given this road into the hands of a corporate institution, and the State is relieved from a State debt. The history of New Jersey illustrates that we have ever been careful of our credit before the country. We have always refused to contract debts and involve ourselves so that we could not liquidate them. It would be well, sir, for many States of this Union, who have hurled their anathemas at the State of New Jersey, which stands preëminent for enterprise, intelligence, industry, and honesty, if they could say that their escutcheon is not stained with repudiation, and that their debts and obligations have been promptly met, as have those of New Jersey. In addition to this, sir, the foresight and intelligence of the Legislature, and the business habits and enterprise of our citizens, have given not only to the State and the country a thoroughfare for traveling with expedition, dispatch, and cheapness, but it has saved the country from the State debt; and she now has not only no State debt, but a large surplus revenue is laid up for the education of the rising generation in our State.

But, sir, it may be a legitimate course of argument to refer very briefly to our past history for the establishment of our reputation and character; for in every court of justice proof of previous good character is always evidence which bears considerable weight before a jury of the country. Now, I believe that I have exonerated my State from the charges offered upon this floor; and I will refer for a few moments to the course of conduct which the State of New Jersey has pursued from the earliest settlement. I speak in relation to her early history, and challenge investigation. There is no State in the Union whose fame stands higher than New Jersey. In the first settlement of this country, the people were influenced by the same love of justice and humanity that has ever marked the character of our people. The native tribes that have ceased to exist in our State—they that have passed away, no more to tread the soil of their nativity, or to shed the tear of affection over the graves of their sires—their spirits, if they still hover over their last sad resting place, can never rise and charge us with either injustice or inhumanity; for every foot of soil in New Jersey was obtained from the savages by fair purchase and sale, and a satisfactory compensation given.

Here, sir, is a beautiful illustration of the influence of a good example extending through a number of generations. We turn with pride to this beautiful example of justice and humanity, and every time we do so, we are stimulated and strengthened to imitate the noble deeds of our worthy sires.

Sir, the people of New Jersey were not only actuated by a love of justice in their conduct in the early settlement of the country, but a love of liberty has always accompanied their love of justice. As early as 1672, we find that the people of New Jersey, when small in numbers, having a Governor to rule over them of the name of Carteret, whose oppression and tyranny bore hard upon them, even at that early day they rose and expelled him from the State. Here, sir, is the first example on this continent, of that undying love of liberty, not to be extinguished by fears of suffering or death, that has been seen burning through so many succeeding generations, and that still continues to glare up from the fields of oppression in distant lands, and that will continue to burn in the human heart until all the nations of the earth are redeemed. So that you will perceive that a love of justice and liberty has predominated from the commencement of the settlement of this State. No State in the Union has made greater sacrifices for liberty and justice than New Jersey. Refer for a moment to our history in that great struggle—the American Revolution—and you will find that the State of New Jersey, in the darkest hour of danger, and when her soil was occupied in various places by the enemy, was ready to hold on to independence and liberty. In 1776, the darkest hour of the Revolution, when our soil was in possession of British troops, we find, sir, that in that very year, the people of New Jersey elected their first Legislature and their first Governor under their independence. When their soil was in the possession of British troops, who menaced the inhabitants with destruction and death on every hand—when houses were pillaged and burnt, cattle drove off, provisions consumed, and every description of property destroyed—still, sir, the people of New Jersey were in arms wherever they could rise sufficiently numerous to organize a band to resist these oppressions. New Jersey, as I stated before, has sacrificed more treasure and more lives in the cause of independence, in proportion to her size and means, than any State in this Union. Yet how do we find her even in the dark hour of the Revolution, when our Government paper currency was depreciated below its proper value? Why, the paper money of the State of New Jersey was found superior in value to that of the General Government; and so great was the inequality that the Legislature of New Jersey, at that period, was compelled to call in her circulation, in order to permit the circulation of the General Government to pass within her borders. We find that, in looking to our history, this State was the barrier that arrested the tide of conquest. The bold British troops have but in one instance passed into our State, but they were hurled back again, and the only instance in which they passed through, was on their retreat from Philadelphia to New York, on which occasion they came very nearly being made prisoners. So you will perceive that New Jersey has stood like an adamantine rock in the darkest hour of trouble that hung over the land, and boldly and fearlessly arrested the tide of conquest and invasion.

This State was the barrier that arrested the tide of conquest. The enemy invaded her soil, and pillaged and imprisoned her people, but were never allowed to cross her borders to invade other States.

The battle of Trenton turned the tide of conquest in the hour of the greatest danger that threatened our independence. This signal victory changed the whole aspect of the war; the hitherto victorious invaders were hurled back from our borders, and the desponding spirits of the patriots reanimated. New courage and new hopes sprung up as from the midnight gloom.

This glorious victory revealed the great truth that the spirit of liberty in this land could not be subdued, or the nation conquered. Here the proud spirit of the oppressor was humbled, and his visions of conquest shrouded in gloom. From this point the retreat of the enemy commenced, and he was compelled to seek a more convenient path through which to pursue the conquest of our sister States.

Sir, our State has ever been true to her love of liberty, and to the cause of independence. No danger could daunt her bravery; no privations swerve her integrity, and no losses extinguish her spirit of perseverance. On various occasions her soil was invaded, the country pillaged, and the inhabitants insulted and imprisoned; and still her brave sons, whenever and wherever they could organize a band, continued to resist the oppressors. The prison ships of the tyrant were almost constantly peopled with her noblest and bravest sons.

So well were the people of New Jersey known to the people of this Union in the time of the Revolutionary war that the term applied to them was "Jersey Blue," synonymous of truth and fidelity, and even to this day is the same term applied to the inhabitants of that State. Sir, we challenge an investigation of the character of our State, and it is for that purpose that I have arisen to-night. We challenge and confidently assert, that if you will examine the history of New Jersey you will not find one single stain resting upon her character from her earliest settlement up to the present time.

Sir, I might speak of the undaunted bravery of her soldiers in the defense of our common country, of the victorious battles fought upon our soil, of Trenton, of Princeton, and Monmouth, and of the heroes and patriots whose lives were there offered up on the altar of our country's liberties.

The soil of New Jersey is made holy by the blood of the bravest and best men that the world has ever seen, and we cherish, as a sacred trust, the remembrance of their bravery, patriotism, and virtue.

Sir, we have transmitted to us by our ancestors a State character that is unsurpassed; and we desire to preserve unsullied this fair fame through all coming time. We desire that our children's children, to the latest generation, may look with just pride on the memories of their ancestors, and be stimulated to constant perseverance in the path of duty, of virtue, and of honor.

THE WHEELING BRIDGE.

SPEECH OF CARLTON B. CURTIS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

August 18, 1852.

The House having under consideration the bill declaring the Wheeling Bridge a lawful structure and a post road—

Mr. CURTIS said:

Mr. SPEAKER: The interest which the State of Pennsylvania feels in the question now before the House will be fully appreciated, when it is understood what amount of capital she has expended to enjoy the privilege of the free navigation of the Ohio river. The State improvements, consisting of railroad and canal from Philadelphia to Pittsburg, have cost the State about $16,000,000. Not only this, but the capitalists of Philadelphia and Pittsburg are now constructing a line of railway from Harrisburg to Pittsburg, at an expense, when completed, of about $12,000,000. Further, the boats which are obstructed by this bridge carry about thirty-five millions of freight per annum, and about eighty thousand passengers, transacting one half of all the business on the Ohio.

In view of this immense expenditure of money, to enjoy the uninterrupted navigation of the Ohio —that right having been attempted to be interfered with—Pennsylvania sought such redress in the Supreme Court of the United States as she believed that the Constitution and laws of the United States ought to extend to the State and her citizens.

What is the legal proposition involved in this bill? It is to reverse, or render inoperative, the soleman adjudications of the Supreme Court, pronounced after a laborious investigation covering a period of almost three years, in which the parties, by their counsel and their witnesses, were fully heard, for the reason, as is alleged, that Congress differs with the court in their construction of the law.

The case comes up before us, although not in form, but in substance, like an appeal from the Supreme Court for our revision, sitting as a court of errors and appeals; the first error assigned being, that the Supreme Court have erred in taking jurisdiction of the matter in controversy, and assumed powers not belonging to them. 2. That the decree of the Supreme Court, if carried out, will be an act of legal vandalism, and prejudicial to the interests of the Wheeling Bridge Company. We are asked not to reverse in form, but, by some colorable proceeding or devise of ours, so to legislate that the decree may be made inoperative. I would infinitely prefer, if it is the determination of Congress to legislate against the adjudications of our Supreme Court, that we should meet the question openly, not covertly under some other name.

Now, if the decrees of the Supreme Court are to come before us annually for revision, and we are to sit as a self-constituted court of errors and appeals, it is time that all litigants should fully understand it, and govern themselves accordingly. If Congress shall furnish a precedent in this case, it will be but the beginning of the end. We shall then have to decide causes by yeas and nays, and woe then to the rights of the minority; they will find that no oppression is so intolerable as that of a majority unrestrained. I had supposed that the Constitution had provided us a judiciary to determine and settle disputes and controversies such as have arisen between the State of Pennsylvania and the Wheeling Bridge Company.

The growing popular favor of railroads in this country at this time, and the consequent importance attached to rivers as a channel of commercial intercourse, is unfavorable to the adjudication of the rights pertaining to the question now before us. Aside from this, we are not the impartial judges which our laws contemplate. Virginia votes in favor of the bridge, because she avers, through her Representatives, that a strike has been made at her State sovereignty, of which she is so very jealous. Another class vote for it because they want a bridge at their own particular locality; and the determination of this question, it is thought, may have an influence upon their own favorite project. The Representatives from Pennsylvania may vote against it, because the interest of the State may be effected; all showing that the members of this House have not the requisite qualification of judges, viz: impartiality and disinterestedness. But, inasmuch as we are bound to act upon the bill now under consideration, let us inquire and see if Congress itself is not restrained by a constitutional provision in its proposed legislation. The power to pass this bill is claimed under the power to regulate commerce and establish post roads and post offices.

But the powers of Congress are limited over this subject by the ninth section first article of the Constitution, among which is the following:

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

Now, if Congress shall pass an act which shall compel the boats bound to the ports of Pennsylvania to incur greater charges or expense than those bound to Wheeling, do we not thereby give a preference, which is inhibited by the provision of the Constitution referred to? I therefore dissent from the opinion delivered by the gentleman from Ohio, [Mr. DISNEY,] viz: that there can be no constitutional objection to Congress legalizing the present erection of the Wheeling Bridge. I believe it is within the power of Congress to regulate the height of chimneys, by prescribing their height and character; because this would be a general rule, applicable to all boats, to whatsoever port bound. If it is the determination to let the present bridge remain, with its present elevation, let us by an equal law applicable to all boats, say what character of boats may navigate the river Ohio. If we are determined to confer a special privilege upon the Wheeling Bridge Company, let us do it under the semblance of general laws, and not by special legislation.

Now, I submit this proposition, which I think ought to govern our action upon this case: If the public can be accommodated as well, or nearly so, in crossing over the bridge at an elevation of one hundred and eleven feet, with three hundred feet headway, as prescribed by the Supreme Court in its decree, and that such an elevation would not materially obstruct navigation, then is not the Bridge Company bound to adopt that elevation which would be the least obstruction or impediment to navigation? In the cause decided there is satisfactory evidence showing that there is ample distance on the island to effect the descent, making the rise on the floor of the bridge less than four feet to the hundred from the abutments to the center of the bridge. If this be so, it destroys the force of the argument that the present bridge is indispensably necessary for the cross travel. Congress ought not to sanction an elevation which is a nuisance, when that nuisance can be avoided by eighteen feet additional elevation, and the passage over it be as well enjoyed by the traveling public or those engaged in the transportation of merchandise. The only remaining argument for legalizing the present elevation would be, that it would incur expense upon the stockholders; but when it is shown that the cost of remedying the evil will be amply remunerated by the tolls, making the whole cost a profitable investment, I cannot see the force of the reasoning. Aside from this, if the company have erred in the erection or in their opinion as to the fact of its being an obstruction, it is the fault of the company, not of Congress; and although the stockholders might be entitled to sympathy, are not to redress.

It is, however, said that the Supreme Court had no jurisdiction of the matter in controversy, because Virginia, by an amendatory act, had legalized the obstruction, and that we ought to be governed by the dissenting opinion delivered in the cause, and not by the opinion of the court. Such is not any part of my legal education. This leads us to inquire what is meant by the power to regulate commerce, which includes navigation as an incident, and which has been conferred upon Congress. I find it laid down that the power to regulate commerce being a national power, is not under the control of State legislation, because it would be the exercise of two powers which might come in collision with each other.—(5 *Wheaton, Holms* vs. *Jemison, p.* 551.) And again, in 2 Story, page 466, barque Chusan, I find it laid down that if the power to regulate commerce, foreign and inland, be exclusive in Congress, all State interference therewith is unconstitutional and void. Congress having the power to regulate the whole subject, regulates it as much by what it leaves without any positive regulations as by what it expressly provides for.

Whatever of commerce the Government does not restrict or prohibit wills it shall be unrestricted, and it is, in my opinion, unsound doctrine, not warranted by the books, that whatever remains unregulated or untouched by Congress, may be regulated, or power over it may be exercised, by the States. It is not a power which may be concurrently exercised by the State and General Government. What is the judicial construction placed upon the power to regulate commerce as employed in the Constitution? All commerce is lawful in all countries with which we are at peace, unless prohibited by the supreme powers in the State. Such is the law of nations. We do not pass laws declaring that certain trade or certain navigation shall be free, but we pass laws for its prohibition, restriction, or regulation; and yet the gentleman from Virginia [Mr. MILLSON] affirms, in his very able argument, that the court had usurped the powers of Congress in their decree against the Wheeling Bridge Company, *because* Congress had failed to pass an act prohibiting obstructions of the character complained of in the Ohio. What *has* Congress done, so far as to regulate navigation

on the Ohio? It has passed numerous laws making appropriations for the removal of obstructions to the free navigation of the Ohio. Congress *has* established ports. It has passed laws requiring licenses to be taken out; and established rules for the safety of passengers upon boats. Does not all this show that Congress is exercising its power in regulating the navigation upon that river, and thereby making the enjoyment of her citizens in its free navigation more complete? I believe the gentleman from Virginia denies the constitutional power of Congress to remove obstructions in rivers, such as the Ohio, by the General Government, but I understand that he affirms the power of a sovereign State to place such obstructions in the rivers within her borders as she may think proper, unless prohibited by an act of Congress; to which doctrine I cannot subscribe.

In addition to all this, Virginia has made a compact with Kentucky, which has been sanctioned by Congress, saying as follows:

"That the use and navigation of the river Ohio, so far as the territory of the proposed State, or the territory that shall remain within the limits of this Commonwealth, lies thereon, shall be free and common to the citizens of the United States."

This compact was sanctioned by Congress in the admission of Kentucky into the Union, and is, therefore, the law of Congress. The Supreme Court have heretofore decided, that a violation of a compact between the State of Kentucky and Virginia was void; and they say that they have authority to declare a State law unconstitutional, upon the grounds of its impairing the obligation of a compact between different States.

Congress being in the full exercise of a power conferred upon it, is not even within the rule of Sturges *vs.* Crowningshield. The case of Holmes *vs.* Jenison, and the case of Gibbon *vs.* Ogdon, show that the ruling of the court in that case is not the law governing the obstruction which forms the subject of this controversy. In the celebrated case of Gibbon *vs.* Ogdon, 9 Wheaton, Chief Justice Marshall refers approvingly in his opinion to the following proposition:

"To regulate implies in its nature full power over the thing to be regulated; it excludes, necessarily, the action of all others that would perform the same operation upon the same thing. It is a uniform whole which is as much disturbed and deranged by changing what the regulating power designs to leave untouched as that on which it has operated."

The same language is made use of by Mr. Justice Johnson, and incorporated in his opinion delivered in the same cause.

I refer to these numerous cases for the purpose of showing, that whatever legislation there might have been, either in the original charter or the amendatory act of Virginia, sanctioning the present erection, that it can have no effect upon the determination of this question, for the reason that the whole matter is under the control of Congress, which was committed by the framers of our Constitution to the General Government, to one power to avoid conflicting regulations by the several States, and to make one uniform system throughout the whole country. The remaining inquiry is, although it is admitted that the court had no authority to punish by indictment for the offense of obstructing a navigable river, because no act of Congress had been passed conferring such jurisdiction, yet cannot the court take jurisdiction, by virtue of its chancery powers, in such a manner as to afford relief for an injury to an individual or a State, which is the same thing, suffering an irremediable injury for which a remedy at law will not afford adequate redress? What are the chancery powers of the Supreme Court? On examination it will be found that the *limitations* upon the general chancery powers of that court are few, and consist mainly in the character or residence of the parties, and the amount in controversy, and extending to all cases arising under the Constitution and laws of the United States.

It is urged in favor of the passage of this law, that this whole proceeding originated in jealousy on the part of Pittsburg, on account of the prosperity of Wheeling. Such is the manufacturing and commercial resources of Pittsburg, that she fears no rival on the western slope of the Allegany mountains, and least of all a rival of a city like Wheeling—the greatness of which is almost entirely in the prospective. If Wheeling aspires to the greatness, wealth, and prosperity of Pittsburg, by depriving her of the navigation of the Ohio upon the same terms as enjoyed by that city, then Wheeling is in the wrong; and her application for the interposition of Congress in her behalf, ought not to receive a favorable consideration. Disguise it as we may, the proposed legislation *does* give a preference to boats bound to Wheeling over those bound to Pittsburg, by subjecting the latter to charges and risks in passing that bridge, to which the Wheeling boats are not subject.

The whole question, so far as relates to this proposed elevation, in accordance with the decree of the Supreme Court, is one of mere expense, which ought to be incurred by the wrong-doer. But if our sympathy is so strong for the individual corporators of that company, it would be far better that we should appropriate a sum of money sufficient to defray the expense of alteration, than to obstruct the navigation upon that river.

The necessity of this bridge as a military road would never have been thought of, had not the friends of the bridge been hard pressed for a device to avoid the force of the decree. The necessity for making it a post-road is equally colorable and fallacious. The whole scheme is a strike at the commercial prosperity of Pittsburg—injuriously affecting the public works of Pennsylvania, by diminishing the revenue derivable therefrom.

It is urged in the very elaborate argument submitted to this House in the majority report by the Committee on the Post Office and Post Roads, that the Legislature of Virginia, when, in the charter of this bridge company, in 1816, it provided, that if said bridge should be so constructed as to injure the navigation of said river, that the same should be treated as a public nuisance, did not have in contemplation steam navigation, because no steamboats at that time were in use—the commerce then being carried on by means of "broad prows and keel-boats."

Nor, in 1847, when, by an amendatory act, a wire suspension bridge was authorized, in which similar language was employed in guarding against any obstruction to free navigation, for the reason that the necessity of high chimneys had not then been discovered. Such an argument is a species of old fogyism, when we consider the improvements now making in navigation, unworthy of the progressive spirit of the age in which we live. Aside from this, it has no applicability to the case under consideration, because it is settled by judicial authority, that no legislation under any State authority can sanction a nuisance which obstructs navigation. Among all civilized nations there is no policy which has been so universally acquiesced in and insisted upon as that of preserving the freedom of navigation. Shall we depart from it for the promotion of private ends and the advancement of local purposes? The Wheeling Bridge is a magnificent structure, and commendable to the enterprise of Wheeling; but compared with many other enterprises which are being pushed forward to facilitate trade by means of private capital, is diminutive and insignificant. A private company in Pennsylvania has nearly completed an iron road from Harrisburg to Pittsburg, overcoming the Allegany Mountains without inclined plains, at an expense of about twelve millions; while New York has built a railway from that city to the lakes at an expense of over twenty millions. The Wheeling Bridge cost less than two hundred thousand. When we compare the Wheeling Bridge enterprise with others, we ought not to be dazzled with its magnitude.

My constituency have as little interest in the Wheeling Bridge nuisance, as perhaps any other in the State. The commerce in which they are mostly engaged does not require floating palaces with magnificent chimneys, or the assistance of steam as a motive power to carry it to market. They adopt a mode of transportation more primeval, but admirably adapted to their wants for descending navigation; and with abundant water and an unobstructed channel they are content. Nevertheless, they are deeply interested in the principle maintained by the Supreme Court, securing to them free navigation of the Allegany, an affluent of the Ohio. They are now grievously suffering by reason of obstructions placed in that river by the State itself. No less than two acqueducts have been placed across the Allegany, under State authority, where there was no necessity for any, with an elevation so low that during the most advantageous period of navigation upon that stream, our commerce is entirely cut off, and destroyed. Several bridge companies, since the construction of these State obstructions, have taken the standard of elevation adopted by the State, and erected bridges over the river, injuriously affecting its navigation, to the great detriment of all interested in the free navigation of the Allegany, which, although not among the most magnificent, is one of the most beautiful rivers upon the American continent. The principle decided in the Wheeling Bridge case opens the door for a ray of hope for the injuries inflicted upon the commercial prosperity of my constituency. Any citizen now, who is aggrieved, can vindicate his right to a free navigation upon that river, by becoming relator and making the State respondent. But if Congress —under some colorable pretext—is to establish the precedent of interfering by legalizing obstructions, then the redress of a citizen will be in vain. I, for one, would repudiate a remedy so uncertain and precarious.

We now have over twenty-four thousand miles of navigable waters in the United States, and in all times heretofore, it has been the settled policy of this Government to preserve and maintain the navigation thereof free. If we are to depart from this wise policy, I hope it will be done by some measure which shall operate equally upon every part of the country, giving a preference to no locality or section. Pennsylvania is a loyal and law-abiding State, and has no conception of any other mode of redress for her grievances, other than through the regularly-constituted tribunals of the country, and having vindicated her right to the free navigation of the Ohio. I hope that the National Government will not wrest from her a right which she deems invaluable and guarantied not only to her, but the whole country.

THE FUGITIVE SLAVE LAW.

SPEECH OF HON. EBEN NEWTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

August 12, 1852.

The House being in the Committee of the Whole on the state of the Union, (evening session,)—

Mr. NEWTON said:

Mr. CHAIRMAN: From the commencement of the session, I have expected to express my views upon the fugitive slave law, at some convenient and appropriate season, after having become somewhat acquainted with the forms of business, and mode of proceeding.

On a number of occasions when I had expected to avail myself of the opportunity, debate has been cut off. Want of experience and want of a convenient opportunity have prevented me from performing this duty before. At the commencement of the session the friends of this measure, so odious to the people I represent, and to the free States generally, were warmly and earnestly engaged in debating the propriety of confirming the law. Upon the propriety and expediency of this measure, its friends were divided, and this fact furnished a reason for the opponents not to interfere or take part.

From the earliest history of our Government, the subject of slavery has been an exciting one, and one on which the public mind has been divided. Its origin is founded upon the law of might, and not of right; but it has gradually and insidiously progressed and increased, until it has for its recognition, State laws and compacts, and for its support and faithful fulfillment, General Government laws, with penal provisions, founded, it is claimed, upon constitutional sanction and authority.

Against the State authorities and regulations now established, I do not interfere; but against its gigantic advance in territory and political power, patronage and influence, I am unalterably and uncompromisingly opposed. That it is thus advancing in territory and power, is proved by a simple recurrence to its condition in 1776 and 1852. Then, there were only six slave States

where slaves furnished the basis of representation, and declining in sentiment and influence. Now fifteen States, and in political power and political sentiment, advancing and striving for more territory and power, until its claims and demands are incorporated into the political creeds and platforms of the great political parties.

In this attitude it becomes important to inquire for our original landmarks, and to learn what they are. The power of the General Government over the institution of slavery, is one I had intended to discuss and consider, but it has been fully occupied by one now in his grave; but his valuable legacy is left for his country and posterity.

What I now say is not expected to influence the present day, but for the consideration of the future; for the time must come, yea, will come, when the present construction given to the Constitution will be reversed and exploded as one of the great and most fatal errors of the day and age in which we live. It may appear to be vanity in any one man to attempt to express this paradoxical opinion upon this important and exciting subject, against which there is so general an acquiescence. But the freedom to think and to speak, so generally tolerated and cultivated in our country, in view of the magnitude of the error and its consequences upon the political and social relations of our country, induce me thus to act and speak. You can sail upon a much smoother sea, to acquiesce in that which is fashionable and powerful, no matter what its influences and relations may have upon the prosperity and growth of our country, than to attempt to expose and refute established opinions and theories. I hold that the General Government have no more right or power to interfere with slavery in the States, than they have to interfere with the forms of Government in the Old World.

It has never been delegated to the Government by the States, and it possesses no power, but as it is delegated. The States alone have the entire and sole control over the whole subject within the States. We have no power as a Government, to deal in slaves, to buy or sell them, or in any way whatever to recognize them as property or to compel others to so recognize them except by virtue of the following provision. The advocates of this power only claim it by virtue of the Constitution. If it is not there it is not possessed.

It is claimed to be found in the following provision: "No person held to labor in one State 'under the laws thereof, escaping into another, 'shall, in consequence of any law or regulation 'therein, be discharged from such service or labor, 'but shall be delivered up on claim of the party to 'whom such service or labor may be due."

The object of this section is obvious, and that is to prevent the owner of the slave escaping from the State where owned to a free State, losing his property in him. In other words, to permit the owner of a slave to retain his title to him in a free State, to which he may have escaped or be found.

Property in man, without this power in the Constitution, does not exist out of the States constituting him a slave. By the escape into a free State, the man became a free man. Hence this provision, extending the ownership. The provision is a recognition of ownership in the State where the fugitive is found, notwithstanding the laws of the State where found, and a mandate to the State that he be delivered up. That is, that the owner's right of property be respected. This construction is justified and supported by the members of the section with which it is classified. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. Fugitives from justice escaping from the State where charged shall, on demand of the Executive of the State from which he fled, be delivered up to be removed.

Here the person or authority that is to deliver up, is not designated, but is clearly understood. The people where the fugitive is shall deliver him. The whole section taken together relates to the duties, privileges, and powers of the different States. No power is here delegated to Congress, but is declared to exist in the States. It only defines what shall exist and be permitted by them. The whole is a mere internal regulation and recognition between the different States fixed by the Constitution.

The expression, "shall be delivered up on claim of the party to whom service or labor is due," only means any mode the owner may adopt to obtain his property is to be allowed and enforced. This provision imposes no more obligation upon the General or State Government to make laws to aid and facilitate the capture and return of the fugitive, or to defray the expenses, than it would if the subject-matter was any other article of property known to our laws.

There is no reason to infer, that because human laws create and fix property in man, that thereby there should be more rigid laws made to hold and enjoy the property.

The language here used, as well as elsewhere in the Constitution, and in the debates upon its formation, render it plain and obvious to me that the framers of the Constitution were troubled with this vexed question, and wished to have as little to do with it, and say of it, as possible, and studiously avoided all interference with, or recognition of the power as a governmental appendage; but, on the contrary, intended to discourage and discountenance it, by encouraging and making prominent and conspicuous, liberty and freedom. They could not blot it out, but supposed it would bleach out, or die out. Much light is to be gained in giving a construction to that section by the general views entertained by the body, upon the subject of slavery. They supposed it was an evil, and like other evils would be cured and worn out. We had left the mother country because liberty and freedom had been disregarded and trampled upon.

They use strong language to show their jealousy in assuming power. "All powers and rights shall be reserved by the States, that are not *expressly delegated* to the United States."

Can any one suppose that that body of men, more intelligent than any other, would have permitted this power to be delegated to Congress to pass laws to aid and increase slavery, and not have debated it, and had it perfectly well understood and expressed? To me it is entirely incredible.

I have so much to say upon other branches of the general subject that I cannot go into the various propositions presented and discussed, and shall have to confine myself to the single article I am now considering.

On the 28th of August, 1777, this section came up for consideration, and I cannot go even here into particulars, unless I repeat that which others have said. This fact cannot be too often repeated, however, that there was nothing then said that can be understood as wishing to delegate to Congress any power over slavery, or connection with it, but all goes to confirm the construction I have given: that by it the right of property in the slave was secured to the owner in any State to which he might flee. Mr. Pinckney wished some provision should be inserted in favor of property in slaves. Mr. Pinckney and Mr. Butler proposed that fugitive slaves and servants be delivered up like criminals.

Mr. Wilson, of Pennsylvania, said "this would oblige the Executive of the State to do it at the public expense." Expense in those days was seen and regarded; now it is cast off with entire indifference.

The whole discussion shows that no proposition was made, nor wish entertained that the General Government should be empowered to legislate upon the subject.

The suggestion of Mr. Wilson was acquiesced in, not only as to the tribunal, but also the expense. Take the language used, and give to it the plain, obvious meaning intended, and the object desired, and you have this sentiment, and nothing more: the master may retain a property in his slave in any State where found, and if he wishes to take him away he shall have the right, as he has by common law to take his horse, or ox, that had strayed.

Upon this hinge is reared the whole superstructure of the law of 1789 and 1850. If it contains no power and capacity to support them, they fall, and fail for want of foundation upon which to stand; for neither of them have any intrinsic merit of their own, even if they had a base upon which to stand.

If man will hold property in the body and intellect of his fellow-man, whose every instinct leads him to shake from his limbs the shackles that incarcerate his body, and shut up every avenue, and shut out every influence except the light of heaven and the works of creation, that are calculated to elevate body and mind, it must, from its very nature, be more difficult to keep such property in the field than it would an ox or a horse; but is that a reason why extraordinary and unusual laws should be passed applicable to this property alone, and that every one to whom such property should happen to stray should be presumed to be a rogue?

Property in man is hazardous, for liberty is the first aspiration he conceives and seeks for, and there is a constant strife between his bondage of body and mind, and his love of liberty and power to acquire it. You may chain him by laws and bonds, and they may bind his body, but his desire and aspiration will seek to repeal and remove them. The law of 1793, though mild and lenient in comparison to that of 1850, overleaps all original authority in its desire to circumscribe liberty and enlarge slavery, passed without discussion and reflection, as I humbly think we have a right to presume, as an evidence of its power and character, remained over fifty years a dead letter upon the statute-book, and until 1850, when it was revived and embellished by additions the most extraordinary that can be found in any nation. Before entering upon the examination of these laws, let me examine the causes that led to their adoption.

There is, and at all times has been, and ever will be, a controversy between liberty and slavery. There is a controversy between the body and mind of the slave himself. His body is enslaved, his mind is striving to liberate, improve, and release it. Nature created every living creature with a love of liberty and a desire to preserve it, and if deprived of it, with the power to struggle to reclaim it. From the most inconsiderable insect to the greatest and most commanding intellect, the same instinctive law governs all.

The free States loathe and abhor slavery, and strive and labor to check its growth and advance, and to turn the torrent of public influence against its expansion and diffusion.

The South cling to it, and love and cherish it, and unite with more unanimity, strength, and power, to spread it broadcast over the land, than any other body of men on earth. With less than one third of freemen, they control and govern two thirds of would be, and should be, freemen at the North, and convert them into slaves and slavery, and compel them to bow the submissive neck to their yoke. No matter whether the effort is the passage of a law that will enslave twenty-five millions of freemen, or the formation of a political platform, or the ratification of a town meeting, they sound the alarm that the Abolitionists are in the field, and their whole force wheel into line, and present a solid, unbroken, uniform front, and maintain it, undaunted; and the North quail, and faint, and desert, and break; and they triumph and sweep the field. It ever has been so, I fear ever will be. These odious laws and platforms that set the whole country on fire, and do not benefit the South at all, the entire North, in feeling and sentiment, oppose and despise, for by them they are degraded and humbled. No matter how much support and strength they may receive from that quarter, it is against the great prevailing feeling and sentiment. In every effort to extend slavery it has triumphed, its boundaries extended, and numbers and influence increased. The great effort that so extensively prevailed a few years since to prevent more slave territory, is abandoned and given up. The law of 1793, that so long was a dead letter upon the statute-book, is now revived, added to, and confirmed by resolutions of legislative assemblies, and political bodies. Its provisions only empower the owner of the slave when he escapes, to arrest and take him before competent authority for trial, and upon competent and sufficient testimony establish his claim to him, and, if successful, have him taken back to servitude, and inflicting a penalty upon any one who should interfere in rescuing him. The fugitive law of 1850 shows a powerful advance in public opinion and feeling in favor of slavery over that of 1793. Whenever there has been a prosecution in favor of the owner of a slave, growing out of the relation of master and servant, previous to

1850, the courts invariably decided that the same rules of evidence and mode of proceeding should be observed, as are applicable to other cases. But by the law of 1850, the whole course of procedure is changed—the court, the officers, the trial, the evidence, the witnesses—and every presumption drawn in favor of slavery and against liberty, and the community in which the alleged slave may be found, charged as aiding in defeating the master, and, as a penalty, charge the Government with all costs. This is a mere outline of the law. By this act courts are authorized to appoint judges without reference to their qualification or duration, but in fact for this specific purpose, and compel them to execute the duties; also, all the courts are authorized to enlarge the number of judges or commissioners, to an indefinite number, if it be necessary to facilitate the capture, and giving the temporary judges concurrent jurisdiction with the regularly appointed judges of our courts.

These provisions are in violation of all law, as I understand it. United States judges are to be nominated by the President, and confirmed by the Senate, and are presumed to be men of intelligence and character. All marshals and deputies are to obey, and execute all warrants put into their hands, under heavy penalties, and to take and keep the fugitive safely, under all contingencies, and against all force, or be liable upon his bond; and the temporary judges or commissioners are authorized to appoint any additional marshals that may be necessary to advance the business; and these fresh officers, or any others, are authorized to call out the force of the county, if necessary, and all good citizens are commanded to aid and assist, in order to carry out the provisions of the Constitution.

This sentiment in this section contained, bears the most striking evidence of the progress and advance of the power and influence of the advocates of slavery, under a claim that it is made to carry out the provisions of the Constitution, but according to all rules of construction, is in violation of it.

If the fugitive escape and flee to another State, this deputy is authorized to pursue him, and if taken, take him forthwith before some judge or commissioner, whose duty it shall be to hear the case in a summary manner, by what he calls satisfactory proof, in which case the testimony of the fugitive shall not be admitted, and if judgment is given for the master, the fugitive is to be returned to the place from whence he escaped.

Here are provisions all on one side, and for one object, and calculated to produce one result, and so calculated to impress every officer and every witness engaged in the mock trial. He (the judge) is to proceed immediately to hear the case without delay, upon such evidence as he sees fit to require. No provision to secure the safety and liberty of the alleged slave, although he might be free. What man in his cool, calculating moments, can look upon this section of the law, and not say that it contains provisions and principles that will keep up a perpetual warfare against the law, until it is repealed or improved?

The seventh section provides against any aid being given the alleged slave to escape, and is couched in such general terms, as to leave it doubtful whether any kindness or humanity shown the fugitive may not make the party liable to a penalty. Giving food or clothing, if required, or the fugitive found in the house of any one, may make him obnoxious to the demands of this law.

Here is a provision that may constantly expose our people to difficulty, who pay any attention to the wants of any one who may be suspected as a slave. From it, it is obvious the supposed slave who may stray from his master must suffer, or any one who may extend relief or comfort, suspected of aiding in his escape. This provision clashes with the common civilities of life, and puts every man upon his guard, whenever a stranger approaches his door with a tawny skin.

The next provision is offering a strong fee for an affirmative judgment, and a small one for a negative judgment. He must record his judgment if it be against the claimant, and then get five dollars; if he record it in favor of the claimant, and gives a certificate, he shall receive ten dollars. A more direct insult could not be offered to an honest man than is here recorded, under the sanction of an American Congress, and yet it is here done under the authority of law, that legalizes it, and makes it lawful and final.

This certificate that is given by the officer is conclusive, and shall prevent all molestation of the person by any process issued by any court, judge, magistrate, or other person whomsoever. What could the draughtsman of this provision have had in his mind at the time he framed this law, for he was a lawyer. What is the process by which the fugitive could be taken out of the hands of this deputy, under this ten-dollar certificate? There is none known to the law but *habeas corpus*. There could have been no other thought of by the draughtsman, for this course would be the most natural and obvious remedy resorted to by the fugitive. Without this provision, nine out of ten who have been tried by the commissioner and delivered over, would have been taken from the deputy by this process. The term process is applicable, and a technical term for all writs, original or final. It is the most appropriate term that could be used. The expression, shall not be molested by any process issued by any judge. *Habeas corpus* is among the very few writs a single judge can issue. The language is intended to comprehend all possible writs that could have proceeded from any judicial tribunal, or single magistrate. There is but one interpretation to be given to the language, if you give to it its obvious meaning, and keep in mind the object to be gained.

The Constitution provides that "the privilege of the writ of *habeas corpus* shall not be suspended," unless when in cases of rebellion or invasion the public safety may require it.

There is as plain a violation of the Constitution as language can make it. In the ninth section there is a provision that after the certificate has issued, if the claimant make affidavit that he has reason to apprehend that such fugitive will be rescued by force from his possession before he can be taken beyond the limits of the State where the arrest was made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and remove him to the State from whence he fled. And to this end, the officer is authorized and required to employ as many hands as he may deem necessary to overcome such force, and the expenses are to be paid out of the Treasury of the United States.

Why not leave the owner of a slave, in reclaiming his property, as you would the owner of a horse or ox? The Constitution so left him, but we give him power to command our services and our purse, upon suspicion of a jealous thought, when, in truth and in fact, no human being would have disturbed him in his triumph. By what law, or rule, do you treat this slave as a prisoner, and not leave with the officer to discover signs of suspicion upon which to call help? I answer, by none. He (the slave) is no prisoner. He is your property. Has he violated any law in straying off? I have not discerned any. By this law you permit the party in interest, with feelings exasperated with or without cause, to draw upon your Treasury to an extent that will astonish even prodigality. Bills already have been swollen to an alarming extent under this law, that the Government are called to pay.

Has it come to this, that, by the power of the slavery interest, the public money, yours and mine, is to be taken at will, to reclaim and return private property to its owner. Pause! pause! I entreat you, before you resolve to be bound, not to touch it by an unholy hand, thought, word, or act. But we have been made to say, by a resolution in Congress, that for the peace and harmony of the country, this law shall be permitted to remain undisturbed. I have no doubt it will remain as long as the entire South can command northern votes enough to keep it. But it is in vain to ask the free States to cease agitation while the record is stained with the law, fraught with more evil to North and South both, than any and all other measures.

It is so strongly opposed to all our notions of propriety and legality, that any attempt to enforce it in practice is attended with a general curiosity that excites discussion and keeps up agitation, and renders all proceeding under it troublesome and expensive. Any law that is against public sentiment, is, in effect and utility, a dead letter. Every effort to apply it in practice costs more than it is worth. It is a matter of feeling, and not of interest, to the South, as far as my observation has extended. To the North it is a matter of deep interest and feeling, for by it they are humbled and degraded; for the law operates upon them as if they were knavish and intriguing, and condemns them before hearing, and inflicts a penalty, by way of costs, at the whim of the slave-owner. The powers that be have pronounced the law constitutional, and they will not resist its execution. But this judgment does not command their approbation or inspire their confidence.

You have the law and the opinion of the court in favor of its validity; we cannot get strength enough to repeal it; but not content with that, you must taunt us by confirming it, and incorporate it into creeds and platforms, and make it a household appendage throughout the land. As long as the law is permitted to remain and be applied in practice, and insisted on as a principle or creed with the two great political parties, and carried into their platforms, so long will it be directly calculated to produce a sectional issue of slavery and freedom, and all the main tendencies and indications are now strongly taking that direction. And it is in vain to conceal it, and blindness, indeed, not to see it. For it is as natural a result of the course pursued, as for the sun to reflect light and heat.

Talk about discountenancing and preventing discussion about the fugitive laws, when they are arrayed and presented every day as the bulwark, the watch-tower of the Constitution, and the liberties of this great people, as they are called, when we see in these measures nothing but deformity and controversy, and an attempt to override the law and Constitution. As well may you ask us to cease to debate the laws of health and disease, with which we are daily surrounded, by a knowledge of which we preserve life and health, or of food and raiment, the quantity and quality of which we daily use and wear.

This fugitive law is connected and interwoven with all our legislation. We began with it, we have continued, and shall end with it. It is thrown to the people for their approval or disapproval, throughout this broad land. Yes, it is placed in the hands of every small platoon of side-way and by-way conversers, and said to them in tones of thunder from this Hall, You shall approve it or die. But we who oppose this law, and all its measures and platforms, are commanded and required to sing lullaby to others and fall asleep ourselves.

The South, so fond of, and attached to it, band together for its adoption and success, and nothing is more common than for southern members upon this floor to rise and say the North, in all their feelings and political pursuits, are opposed to these laws, and we must break from our political associates, and sustain southern interests. In all important measures of legislation, these laws have more or less influence, and often a controlling one.

We are brought daily, in the course of business, into constant contact with these measures, and denounced as agitators; and we have but one course left, to defend and boldly, yet respectfully, proclaim our views and feelings, or tamely bow and submit, and thereby swell the majority that triumphantly attach these measures upon the A B C of our common avocations, and misrepresent the interest and deep-settled feeling of our people.

What, stop agitation by agitation, for the sake of peace and quiet, and to save the Constitution and the Union! The Union is never in danger, except when a great slavery triumph is at hand and to be effected, and then the trumpet of alarm is sounded aloud in every palace and log-house in the nation, and patriots, and lovers of peace and order and the Union, are found North to swell the entire southern vote, and adopt the vital measure, and save the nation. Stop agitation, did I say? You may as well stop the blood coursing in your veins, or thought flowing from the mind, or words from the mouth. While parties resolve to make final the fugitive slave law, men will resolve to repeal and expunge it. While parties organize under it, men will organize to overthrow it. Resolutions of parties may make it binding,

but resolutions of men will tear it asunder and expose it. Delegates may rally under it, but delegates will rally over it. Slavery may place her chosen, tried, and valiant champion upon it. Freedom, with the sling of David, will indent the forehead of Goliah. Power, influence, and servility, may confirm the act—the fugitive act—and follow the champion for elevation. But freedom, law, and justice, will spurn the sanctity, intercept the march, and slay the champion. Public opinion is the great regulator of public actions, but its power and influence may be intercepted and misrepresented by space, and new scenery, and influences, or by errors of judgment; but the misrepresentation will be represented by the voice of the people, in tones that may be heard, and when it can be, will be obeyed.

Am I to be told that for the peace and quiet of the nation, and to save the Union, I must bow to the slave law, and slave power? I reply, I hear one uniform voice from a uniform constituency, crying out in anxiety, No! Never! We love the Union, and it will save itself, if you can check the march of slavery. We will save it, if you can save us from the curse and mildew of its influence.

Slavery has seduced fifteen States of this Union, of the fairest and most fertile soil and climate the sun of heaven ever shone upon, to that extent, that they forget all their vital interests that promote enterprise and commerce, and all their political ties, that bind the whole nation together, and worship their idol and seducer, and fancy all are enemies who do not worship the same god, and fall down before the same seductive power.

When I see the slave States falling behind their sisters in free population, and in productive commerce, and increasing in slaves, and neglect the culture of her fields for the traffic in human beings, and the improving of her water privileges, and working her rich mines, and rearing factories and furnaces, I am constrained to speak thus. Slavery, in my estimation, has not only done this, but has steeled the mind against all these great enterprises. Extending her area over newly-acquired territory, and by it increasing the demand and price of slaves, the reckless adventurer is induced to overleap all laws of humanity, and positive enactments, and plunge anew into the foreign traffic, which is increasing to an alarming extent, at a great sacrifice of human life and happiness. By submission and acquiescence in these compromise measures, all these evils are promoted and others encouraged and permitted.

All importations of slaves into any of the States that existed at the adoption of the Constitution was prohibited after 1808 it is true; but by additional encouragement and facilities which the business is receiving generally, at the hand of the Government, State and National, have prostituted our flag abroad to engage in the African slave trade. I will insert several extracts from our excellent ex-minister's correspondence, Mr. Tod, to our Government, while at Rio Janeiro. I introduce these extracts not only because it is due to Mr. Tod, that his correspondence should in some way, and to some extent, be brought before the public, but also that the people may be informed of the traffic now carried on. Mr. Tod, to Mr. Buchanan, on the 16th October, 1847, writes as follows:

"Sir, I am mortified to learn, by reference to their correspondence, that my predecessors have been compelled to report to your Department frequent instances of the use of the flag of our country in the infamous traffic of carrying negroes from the coast of Africa to this country. It has also been their painful duty to announce the fact of American citizens being engaged in this abominable trade. I deeply regret that it is likewise incumbent upon me to address my Government upon the subject.

"The infamous traffic is yet carried on to an extent, I am advised, almost incredible. Many discreet and intelligent men have informed me, that not less than forty-five thousand negroes have been imported into Brazil within the last year. The poor creatures are not only separated from their homes and friends, but, on their passage, and frequently after their arrival here, are treated most brutally. More or less of every cargo are murdered on the voyage, and the survivors are too often used as mere beasts of burden.

"This traffic should, at all hazards, be put down; and when I inform you that by far the greater portion of it is carried on in vessels built in the United States, and under the flag of our country, I trust you will agree with me, that it becomes us to act, and to act promptly. For myself, I will do so with hearty good will.

"Our consul at this place, in the months of May and July last, took sundry depositions, clearly establishing the fact that the American brig Senator proceeded to the coast of Africa, in the month of December last, and brought to the coast of Brazil a large cargo of negroes. The depositions (an abstract of which I inclose you, marked A,) represent a scene of cruelty and horror indescribable. It will be difficult, if not impossible, wholly to rescue American vessels and the American flag from this trade.

"We build better ships, and at less cost, in the United States, than are built in any other part of the world. The slave trader, therefore, finds it to be his interest to use American vessels. But, above all, the 'stars and stripes' give to vessels throughout the world, a protection that is afforded by no other flag.

"Treaty stipulations with this Government, binding it to lend its aid for the suppression of the trade, and providing for the surrender of the violators of our laws, are, perhaps, the only means we can resort to for its arrest. Well-guarded provisions of this nature would, I apprehend, tend greatly to accomplish the desired end.

"The use of American vessels in this traffic would also be materially checked by refusing sea-letters, except for the sole purpose of returning home to obtain a register.

"These several measures adopted, and then rigidly enforced, would tend greatly to arrest this guilty and inhuman traffic. The subject is one of great moment to our Government, and I hope you will, without delay, give me your views upon it."

No communication was made by Mr. Buchanan to Mr. Tod, and no action had by the Government, but the foul stain permitted to rest upon us, of indirectly by our indifference aiding in this horrible traffic. The first that has yet been done, was by Mr. WADE, who, on the 12th of December last, brought the subject before the Senate, had the correspondence referred to a committee, who have not yet reported, and I fear will not. Mr. Tod, in speaking of the testimony to which he referred, makes the following remark:

"This proof establishes beyond question the fact that the American bark 'Senator,' under the flag of the United States, sailed from this harbor in the month of December last, to the coast of Africa, for a cargo of human beings; that she received on board some nine hundred blacks; that after a short voyage she returned and landed at Macahi, a Brazilian port, within one hundred miles of the capital of the empire, over six hundred and fifty souls, and that on the passage two hundred and forty-six were cruelly murdered, not with the ordinary instruments of death, which, under the circumstances, would have been a blessing to them, but by the awful and excruciating tortures of thirst and suffocation."

Mr. Tod, in writing to Mr. Clayton, on the 8th of January, 1850, makes the following remark:

"Fifty thousand Africans are annually imported into Brazil and sold as slaves for life. I believe one half of this number are introduced through the facilities, directly and indirectly afforded by the American flag. This belief is founded upon my familiarity with the subject, growing out of a close attention to it since my arrival in Rio de Janeiro. The declaration is a humiliating one, and nothing but a desire to awaken action on the part of the legislative power of our country could induce me thus to make it. As my predecessors had already done, I have from time to time called the attention of our Government to the necessity of enacting a stringent law, having in view the entire withdrawal of our vessels and citizens from this illegal commerce."

On the 27th of February, 1844, Mr. Proffit to Mr. Upshur, says:

"I regret to say this, but it is a fact not to be disguised or denied, that the slave trade is almost entirely carried on under our flag."

Mr. Wise, on the 15th of February, 1845, says to Mr. Calhoun:

"Our flag alone gives the requisite protection against the right of visit, search, and seizure; and our citizens, in all the characters of owners, consignees, or agents, and of masters and crews of our vessels, are concerned in the business, and partake of the profits of the African slave trade to and from the ports of Brazil."

Here the testimony of Mr. Proffit and Mr. Wise both concur in the same statements made by Mr. Tod: that under the American flag, with American seamen, and with the full knowledge of our Government, is this wretched, humiliating African slave trade carried on, at the rate of from twenty-five to fifty thousand a year. These facts have been pressed upon the Government from year to year since 1844 until the present time, unheeded. Mr. Tod makes the following statement:

"There has been no diminution in the number of Africans imported, and the participation in this business at the opening of the year in 1850, is believed to be at least as unblushing as at any former period."

Again he remarks after this wise:

"In this unequal struggle between humanity and patriotism on the one hand, and cupidity and imaginary self-interest on the other, the influence of the United States flag is scarcely felt, except in support of the slave dealer—the seizures made by American men-of-war weighing as nothing in the scale with the facilities which our colors afford in the transportation to Africa of slave goods, slave crews, and slave vessels."

Whether any of these poor unfortunate beings reach our shores I do not know, but from the relations given by our ministers, I should fear our coast-wise trade may participate more or less in the traffic. Mr. Tod recommends the following laws to be passed:

"1st. That all trade in vessels of the United States between the ports of Brazil and those of Africa, be prohibited by law.

"2d. That it be declared criminal to sell any American vessel on the coast of Africa, unless when condemned as unseaworthy, after survey made by law.

"3d. That it be declared criminal to sell anywhere an American vessel deliverable on the coast of Africa."

Again he says:

"It may be said, in general terms, that the entire trade carried on in American vessels between Brazil and Africa, is directly or indirectly connected with the slave traffic."

Again, this language:

"It cannot be denied, and it is no longer to be concealed, and the sooner the parties at home and abroad are informed of it the better, that there is no trade whatever between the coast of Africa and Brazil but what partakes, directly or indirectly, of the nature, and of the profits or losses, of the slave trade."

Humiliating as these facts are, yet great credit is due to Mr. Tod for communicating them. If the slave power has influence enough to permit these facts to sleep eight years from the time first communicated by Mr. Proffit to the Government, and repeated time and again by his successors down to 1850, and no course adopted, or attention paid to it, well may we say, this sentiment, if not checked, will soon rule the land, as it does the sea. Shall it be said, to our everlasting shame and disgrace, that our flag, most honored and most admired in the wide world, because most free, has prostituted its honor and pride to the sordid lust of slavery, to that extent that it can calmly look on and see with silent approbation forty thousand citizens of Africa torn from home and country and friends, each year, and tumbled into the hold of the ship and taken to market, and then hawk them, living or dying, to the highest bidder? Well may my friend from Pennsylvania, with contempt, cast off slavery platforms, if such facts are to be placed in our national archives, and remain from year to year unavenged, while our country's honor bleeds from every pore.

In this humiliating picture is seen another striking exhibition of the progress of slavery, and its influence upon the public mind. Other evidences to some extent I will give, to show the influence and effect of the system and its operation.

Since 1832, I think nearly all the southern States have made their laws more stringent upon the subject of slavery, and in many have changed their constitutions so as to prohibit emancipation, except upon conditions that can rarely be complied with, such as having means furnished to transport them abroad.

All these changes in favor of slavery are produced by their ability to carry any and all measures they desire. An effort that is now being made by the slavery power to prevent the passage of any laws unless by a vote of two thirds of the National Legislature, will, if carried out and adopted, secure their triumph and success, in every possible case; for over one third can, on all occasions, be secured against any effort to repeal or modify the fugitive slave law, or any other measure. An effort to prevent any more slave territory stands upon the same ground. Once adopt the principle that, for the passage of any law, a vote of two thirds of the legislative body is to be obtained, and our liberties are at an end. In a popular Government like ours, where all have equal privileges and equal rights, and general means of information, the masses become intelligent, and well-advised of their rights and duties.

In all legislative bodies in our country there is much general information upon all important and exciting questions, and in very few cases indeed can two thirds of the members be obtained in favor of a closely-controverted question. This measure to the South is a vital one, and if secured, secures their success, long enough to crush our prosperity. It is entirely against the genius and laws of our Government and institutions, and at war with all our practice and mode of thought and action. It is a one-man power, that, if permitted to prevail, will crush our freedom and paralyze our efforts. The President is but the agent of the people, to carry out their wishes and desires. We are a people of majorities, or Government of ma-

jorities. Our officers are elected by majorities. The President is elected by a majority, and if a majority of the members pass a law and present it to be approved, and he refuses to sign it, because the party who elected him put before the people as a principle the proposition that the President should not approve a bill unless it can be passed by two thirds, until it can be sent back to the people for their approval or disapproval, then it is that all hope for freedom is at an end. This proposition to send it back to the people is entirely impracticable, and cannot be carried out. The people are divided into parties, and a vast variety of questions are presented for their consideration, and no one particular question. And after the election, one set of men will claim it carried upon this question, and another upon that, and there is no possible manner of establishing the fact, and giving the President the information desired for his action. Illustrate this principle placed in the platform by southern votes and influence and now presented to the people for their approval. Suppose next year a bill is passed in Congress to repeal the fugitive law, or to prevent our citizens from carrying on the African slave trade by a vote of one or twenty majority, and sent to the President, and he refuses to sign the bill, and an effort is made to get two thirds to concur, and it cannot be done, and the bill is lost, and there is no presidential election for three years, and then no way to ascertain the will of the people, and the members of Congress changing each year, and also opinions of members, and the next effort to pass the bill fails, and slavery triumphs, as it always will with this policy, for in all these questions a two thirds vote cannot be obtained; and under this theory no improvement can be made in existing laws.

But, on the other hand, a law is passed to admit a new slave State, and a bare majority may do, and it is signed, so that the power centered in one man, by this policy, may pass a law the South want, and refuse one they do not want, and by it all power is in their hands.

I single this proposition out, and dwell upon it at length, because it is designed and aimed by the slave power directly against the anti-slavery sentiment, and calculated to thwart all their efforts. The success of the measure is a bulwark for slavery, and a death-blow to liberty. It is an attempt at consummating before the people that which they, by their union, have successfully practiced for years.

This question is above any other, for it embraces all. Starting from the source it did, and carried by the power it had, designed to effect the object in view, and directly calculated to accomplish that design, renders it infinitely more formidable than any other political agency. Its adoption will control all questions growing out of the whole system of slavery.

One very important question not to be lost sight of, but to be kept in mind, is, to prevent any more slave territory. This can be checked by a majority. For no new State can be admitted short of a majority, except the territories we now have, in which we have provided they shall be admitted with or without slavery, as they please, one of the most fatal errors that has happened for years, and done, too, by northern votes. Texas will soon seek to be divided, and here, as well as at all other attempts to make new States, or acquire new territorial government, the friends of freedom should rally and prevent slavery.

No principle is better settled by law or usage in our Government, than that Congress has a right upon any State applying for admission, or Territory for a territorial government, to prescribe the terms of admission. Abandoning that policy, and yielding the point in the extensive Territories of Utah and New Mexico, will soon enable them to form States, and thereby give the ascendency in the Senate. This will be another practical illustration of the advantages acquired by union of the friends of slavery over the interests and feelings of the North.

I remarked that the subject of the compromise was early brought before Congress at this session, and, in fact, before we organized. The fugitive slave law appears to be the great matter that is claimed to be executory, and not yet firmly fixed, because it is agitated. Why this law should be singled out from among all others, and made an especial test of party fidelity and love of country, I have never been able to discover. It certainly creates more controversy than all others put together. It arrays slavery and freedom against each other on all occasions when it is a subject of conversation. It brings the two great sections of the country against each other more and more in hostile feelings and interests, as it is more and more pressed and insisted on as the great cornerstone of the Union, and as a household commandment. It, among other things, is wrongfully called a compromise; for it was all on one side, and for one object, and producing one result; and that was the growth and advance of slavery, and directly calculated to give that interest the ascendency. It is now a law, passed by the Legislature and sustained by the courts; but a very considerable portion of the people do not believe in its constitutionality, and some not in its vitality; but it is to be pressed upon them in every conceivable manner—in legislative bodies, as if confirmation and approval by those bodies were necessary to its vitality; and before political conventions, for their adoption; and, at last, before the people, for their ratification and sanction. Before representative and delegated bodies majorities have adopted it. When such a question is thus presented, it is in vain, and worse, to talk about being quiet over it. What is natural in such a case? The law is a sectional one, and in this all will agree, at least so far as it attempts to confer any benefit. It naturally would array all the South in its favor, and all the North against it, because their interest lead in that way. The law upon its face, and in its very terms, is directly calculated to array the North against it; for it is extraordinary and unusual in all its provisions and requirements. Under such circumstances, what possible benefit is conferred or expected to either section of the Union? On the contrary, is it not a positive injury, and directly calculated to array the South against the North, and the North against the South? and are not the indications following the natural direction? And how, and by whom, has this question been thus placed before the people for their ratification and sanction? By the power and influence of the South. Before both Conventions, they triumphed in the adoption of the compromise for their benefit, and to secure their support. In the proceedings of the Conventions, the North are humbled and misrepresented; for there is but one general, prevailing opinion, with few exceptions, throughout the entire free States. This ratification and sanction asked the people of the North will never give. But against it they will raise their voice, and cast their votes, and struggle and agitate, until their numerical strength can be made to represent their power and influence in all the councils of the nation. Every anti-slavery feeling, from the faintest twilight to the most perfect day, should be cherished and cultivated, that its influence may be felt and realized to check the pro-slavery sentiment in its onward march in growth and strength to all influence and power.

THE WHEELING BRIDGE.

SPEECH OF HON. EBEN NEWTON,

OF OHIO,

In the House of Representatives,

August 18, 1852,

On the Bill declaring the Wheeling Bridge a lawful structure.

Mr. NEWTON said:

Mr. Speaker: As I have been intrusted by the citizens of my district with petitions to a considerable extent, asking the passage of this bill, I do not feel at liberty to remain silent, while it is under discussion, and not express the views they entertain, and the interest they feel in its passage. Aside from this, the relation Ohio sustains to the subject, and the interest she has in its passage, is a sufficient excuse and inducement for the part I take in the debate.

On the 30th day of October, 1802, in the early history of the West, Congress passed a law authorizing the eastern division of the Territory northwest of the Ohio river, to form a constitution and State government. The act provided that one twentieth of the proceeds of the sale of the public lands lying within the State of Ohio should be applied to laying out and making public roads leading from the navigable waters emptying into the Atlantic to the Ohio, to said State, and through it, and the road to be under the authority of Congress.

In consideration of this law, Ohio was to pass an ordinance, exempting all the United States lands sold there from taxation, for five years after the sale. On the 29th day of November, 1802, Ohio accepted this law, and passed an irrevocable ordinance exempting all the Government land from taxation, as required by the law, and Congress approved of the act of Ohio; and by this the Government became bound to build the road, Ohio having paid for it. And between 1816 and 1836 they did build it to the Ohio river, and from the western bank of the river nearly though the State, but not across the river. That the nation considered itself bound to build the bridge is evident, from the fact that she built the road to the banks of the river east and west, and made no arrangements for crossing it. The territory from the east bank of the river to Zane's Island, now occupied by the bridge, is all in the State of Virginia, and the law in terms provides that it shall be built to Ohio.

It is also evident from the fact, that the subject of the bridge was kept before the public mind from that time on, as will be seen by reports from committees in Congress, and no question made as to the obligation to build, but surveys ordered and estimates made.

On the 12th of January, 1836, Ohio, keeping in mind the obligation of the General Government to build the bridge, and the adequate consideration she had paid for it, reminds her Senators and Representatives in Congress to ask an appropriation to be made to do the work. Here, again, by the action of the Government, no question was made as to the liability to build the bridge, or the necessity for it.

By the Constitution, Congress have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes. They have recognized this power, and have in this instance been paid for its exercise and accomplishment. Money has been invested in Wheeling, and improvements made there, and throughout the whole length of the road in the State of Ohio, with reference to the fulfillment on the part of the General Government of this obligation.

The tardy proceeding of the Government, and the great necessity for a bridge in 1816, induced Virginia and Ohio to incorporate the Wheeling and Belmont Bridge Company, and authorized it to erect a bridge at Wheeling across the river. The charter provided, if the bridge should be so constructed as to interfere with the navigation of the river, it should be abated as a public nuisance, and it also required a draw in the bridge. In 1836, under this charter, the company built a wooden bridge from the west to Zane's Island. This bridge contained no draw, as the eastern branch was free to navigation. Previous to this time a considerable portion of the commerce of the river was done by keel-boats.

In 1847, Virginia, by an amendatory act, authorized the company to build this wire bridge, so high as that floods heretofore known to exist would not obstruct navigation by reason of the bridge, and providing if it did obstruct the commerce of the river in violation of these requirements, it should be abated as a public nuisance.

The bridge was built and finished in 1849. In January, 1850, Virginia interposed in view of the facts, and again passed a law confirming the bridge as built and finished.

With this short statement of facts, the question is here presented, is this bridge an advantage or a disadvantage to the public at large, and thoughout the whole country? If it is a disadvantage, it should be abated as a public nuisance. If it is not, it should be declared a mail route, as it is now used to carry the mail over the river. The necessity is perfectly apparent from what follows. Great inconvenience, danger, and delay have arisen from carrying the mail over the river at Wheeling by ferry, from ice and other causes. In 1836 it was detained from ice thirty-two days; in 1837, seven-

teen days; in 1838, thirty-eight days; in 1839, twenty-two days; in 1840, eighteen days; in 1841, twenty-four days. The Postmaster General, in 1840, recommended a bridge at Wheeling to carry the mail over.

A public nuisance is a public injury, a public inconvenience—not an injury or inconvenience to a particular interest, or a particular place, or under peculiar and extraordinary circumstances. But does it injuriously affect the whole public business coupled together that use it, or is affected by it? The benefit and the injury are to be consulted and weighed, and as the scales preponderate, so is the judgment to be formed. It is entirely too narrow a view to take of this great and greatly-needed improvement, to say that a single city in its vicinity has received a few dollars less in tolls by the detention of some seven or eight tall-chimney boats a few days, two or three times a year, by reason of the bridge, and therefore prostrate it, while ten times the amount of trade and business by land from east to west, and from north to south, are passing and repassing almost every hour in the year.

The bridge is the great connecting link for the whole business and travel upon the great national road, without which the travel is greatly interrupted, and soon would have to seek some other route. The travel upon our rivers and lakes is fast giving place to that by railroads. The travel upon this river, to a very considerable extent each year, is affected and interrupted by high and low water, and also by ice, and great delays and interruptions take place. The public cannot, from the nature of things, and from the tendency of business, be anything like as well, and to the same extent, accommodated by the river as by land. And I know of no rule or principle in commercial law, by which the travel and business upon land is to be subservient and ancillary to that upon water.

Suppose it should be found that there was a necessary conflict between the travel and business upon the river, and that upon land: which should give place to the other? I answer, neither; but they should be made to harmonize upon the great principles of justice and equity. Navigation, in its pride and advance, or imagination, or jealousy, has no right, without any restriction, to elongate its chimneys, and overawe and override commerce generally.

This bridge was made and established by competent authority, with direct reference to the navigation of the river in all its capacity and wants, through all past time. And has it now a right, in a mere freak, and for improvement, to elevate its chimneys, and sweep away one of the main avenues of commerce for the whole West?

If it may do it now, and it should be prostrated and rebuilt to meet its present demands, a year hence, if a new improvement, or a new vision, should again elevate the chimneys, a like successful demand can be made for an unlimited and unrestrained right to navigate. This will never do. It would appear that no one acquainted with the geography of the country where this bridge is located, and the vast amount of travel and business it accommodates, could hesitate in declaring and establishing all that is required by this law.

A bridge is indispensable to accommodate the business passing the road. Any attempt to do it by a ferry-boat, or a boat of any kind, would be like feeding the river in a dry season with a teaspoon.

The large number of live animals passing this road, and to be accommodated by it, would far outweigh all the inconvenience it imposes upon navigation. In all past efforts to pass stock in ferry-boats over this river, great delay, loss, and expense have occurred. When time is important and an object, hereafter there will be but little travel upon our inland waters, except when the heavens are propitious and the distance short. For without the obstruction of bridges, you cannot depend upon time. The greatest amount of business by far upon the river, is carrying products, and the time of its destination is not so important, and its uncertainty is not removed by removing the bridge. Uncertainty in time is one of the natural incidents to business upon this river, that the acts and decrees of men cannot remove and abate.

Refusing to pass this bill when there is such urgent necessity for it, must be sustained, I should think, upon some well-authenticated objection.

Who is objecting? It is said Pennsylvania. But it is more narrow and limited than that, and in part and substance confined to Pittsburg. Then contrast this limited view of the complaint, if confined to a single city, or even the State at large, with the whole East and West interested in its establishment. Take numbers, and see which way the scale preponderates. How many more people use this bridge and are accommodated by it, than are incommoded and injured by it. The number benefited, over those injured, is overwhelming. To establish the fact, look at its location—the two ends of the great national road are connected by it. The objectors say the amount of tolls would soon pay all expense of taking down and rebuilding in a short time.

These are evidences that lead the mind to decide whether it be a nuisance or not. But there are others.

Pittsburg has bridges herself upon navigable streams in her own neighborhood, that she regards as paramount to the inconvenience they impose upon navigation.

The Government is under strong obligation to Ohio and the people upon the road, who have bought and built upon it, to establish a bridge at Wheeling. Is the one now built to be sustained or destroyed? To attempt to elevate, is the same as to destroy.

The decision of a majority of the Supreme Court, saying the bridge was an injury to navigation with the present high chimneys, and ordering it to be elevated to a certain height, is only a protection against a complaint for circumscribing the science of navigating the river as it now is; and whenever the science again mounts another hobby, and the new bridge should intercept the new scenery, it would be obnoxious to another ouster, and no man or set of men will again attempt to rebuild it with the uncertainty now prevailing.

The fact cannot be disguised, that between Pittsburg and Wheeling there has been some rivalry. Pittsburg has been opposed to any bridge at Wheeling, and is now. Wheeling has been anxious for it. The high-chimney boats—higher than any other in the world on vessels of the same size—were built at Pittsburg; and their complaint and injury seems to be peculiar, and somewhat confined to one locality. The question is now legitimately presented and to be made—can any bridge be erected and kept up here that is safe and secure from controversy and litigation? We are the legitimate and only tribunal that can decide and settle the question, and give it that kind of permanence that will quiet the public mind, and set it at rest. If we act in favor of a bridge, the public feeling, supported by the public interest, will be so strong as to give permanency to the whole controversy. Our action does not, in any measure, conflict with the decision of the Supreme Court. It being the highest judicial tribunal in our Government, it would be wise in us to consider it conclusive between the parties upon the subject-matter involved. Although it is a decree of only a majority of the court, it is, nevertheless, as binding as if the whole had concurred; but not so influential in its relations. It was a case between the State of Pennsylvania on the one part, and the Wheeling and Belmont Bridge Company on the other, relating to a controversy heretofore existing. Our inquiry is as broad as the land—as general as commerce and intercourse between the different nations and tribes of the world. If the case before us was alone between Pennsylvania and the Bridge Company in the shape of a review, it might be wisdom for us to consider it as final. Between Pennsylvania and the Bridge Company, the Supreme Court have decided the bridge shall be prostrated, because it is injurious to the trade of Pittsburg; between navigation and commerce generally, in all their interests and relations, we have the power to say it shall be established and confirmed. Taking the case as made between Pittsburg and the company, it was a very doubtful one. This we are justified in saying, from the divided opinion of the court. If it was then doubtful, what would it naturally be when a broad and general commercial view is taken, and the interest of the whole community in all its relations brought into competition with the objection from Pennsylvania alone. For the purpose of ascertaining whether it is our duty and interest to grant a perpetual injunction against removing the bridge, the merits of the whole controversy, in some measure, are to be examined. That we have the power, I do not suppose can be doubted; and that it should be exercised, when the general interest requires it, is obvious. The decision of a majority of the court was, that the bridge, in the precise case made, and between the parties, was a nuisance. Suppose the judgment of the Supreme Court had been in damages, could we not say execution should be perpetually stayed in a case where the United States have an interest in the subject-matter of the controversy? Take this case: Virginia had established and confirmed the bridge as it was, and is; the United States Court step in and take jurisdiction, (and there is great wisdom in the opinion of Chief Justice Taney, that they have none,) and say, between Pennsylvania and the Bridge Company, the bridge is a nuisance; here before us are the claims of commerce generally, that have not been heard, and over which we have full jurisdiction; can it rightfully, and in law, be said, we are estopped when a case, as now, is made between the United States and the bridge, and that the claims of commerce cannot be heard? This case now presented has never been heard or considered; for it was not made. Strange, indeed, would it be if Virginia had no right to be heard, or power to claim that she has an interest in this bridge. Virginia has a legislative act in her favor that the bridge is in conformity with the charter, and by it confirm it as it is. Pennsylvania has the judgment of the Supreme Court in a suit alone in her favor, and Virginia no party to the proceeding. In this aspect, how would the question stand in the case now presented in favor of the United States? Certainly Pennsylvania has no superior claims over that of Virginia. Virginia has had no day in court. Her rights are not prejudged. No matter how much they may have been commented upon, they have not been before the court, in a legitimate manner, to be heard. But if we have no power to enjoin directly, we can establish a mail route over the river by the bridge, and thereby lay the foundation for an injunction in favor of the United States against removing the bridge.

Those who oppose the measure, do so upon the ground that the Ohio river cannot be obstructed at all by bridges, as it is a highway of commerce, and therefore cannot be molested. I agree to the definition, but cannot subscribe to the conclusion. The case is placed upon the correct ground. It is in vain to consider it upon the hypothesis that the bridge might be raised, and thereby better accommodate navigation. In proportion as you elevate it, you incommode travel, and only attempt to conform to the present views of the theory of high chimneys, and promise no security against the future demands of science.

Mr. Wilkins places his argument mainly upon the law, that the Ohio cannot be bridged. I hold this is not the law, nor is it policy. Reliance is placed upon a resolution merely, of the Federal Congress of the 12th of May, 1786, which declares "that the navigable waters leading into the 'Mississippi and St. Lawrence, and the carrying 'places between the same, be, and they are hereby 'declared to be common highways, and be forever 'free, as well to the inhabitants of said territory, 'as to the citizens of the United Sates, and those 'of any other States that may be admitted into 'the Confederation, without any tax, impost, or 'duty therefor."

Here it is said to be declared to be a common highway, and forever free. I know it is a common highway, and free to all. Here freedom only means a right, in common with the rights and interests of all who wish and seek to enjoy it. No public highway is exclusively free to any one interest; but freedom is regulated and controlled so as to accommodate all. The resolution only means the river shall be free to the public, and not exclusively so to the navigating interest, but to all the public travel upon it or across it. It is said the science of navigation is but in its infancy, and the river must be free to accommodate it in all its advance in improvement. If this be so, it is a perfect impunity against any permanent bridge. Much stress is placed upon priv-

ileges given to bridge navigable streams, when it is provided the bridge shall not interfere with navigation. It is claimed that among European nations, very few of their navigable streams are bridged, and those entirely above the reach of any machinery of ships. This is a mistake. I know the early policy of European Governments was to preserve navigation from impediments by bridges, as much as could be, without impeding commerce entirely. The policy to a very considerable extent has prevailed in this country. Since the introduction of railroads, and other improved methods of land travel, that policy is fast changing. It is true that the Britannia Tubular Bridge at Menai Straits is on a very high level; but it was so placed mainly to conform to the railroad, and not the road to it. This bridge was built to see what art could do, at the cost of millions. It was not so built to accommodate shipping, for there is none, or very little, done in the straits; or at least I saw no appearance of any. The Rhine is often bridged. There is one at Cologne, one at Mayence, one at Basle, and, I think, some others. The Liffey, at Dublin, is bridged on a level with the streets. There are four bridges on a level with the streets over the Thames, at London, in sight of each other, and I copy the following extract I get from a public journal:

"We perceive by our exchanges that a line of steamboats is now in course of construction to run on the Thames, which are to be built without any chimneys. The smoke and the products of combustion are to be discharged into the wheel-houses, so that the draft will be increased by the action of the paddles, and the consumed particles of the fuel mingled with the water. The object of this improvement is to give greater facility in passing the very low bridges over the Thames, which are necessarily built on a level with the streets of London."

This language only means you shall not obstruct navigation materially. It has never been held to prevent any interference. All interests shall be preserved and harmonize one with the other.

The necessity for crossing the river is so palpable and apparent, that no reason can be given why any advantage should be given to the right to navigate over the travel by land.

Much stress is placed, in the minority report of the committee, upon the assumption that we are, by the decision of the court, estopped from inquiring into the advantage and disadvantage the bridge is to the community at large. The case then made was between a single State and company.

There might be some force and propriety in the case then made, to say that inquiry was confined. Here it is stripped of doubt, from the nature of the case made. The case now made is, Shall a mail route be established by the General Government, to accommodate the whole country? This very inquiry, from the proposition made in the bill, is the first in order, and the main and important one in the whole case. If the suit had been a national one, the evidence would have been national and general—the judgment also general and national.

The road connected by the bridge is national and general in its use and objects; and its effects upon a particular locality have alone been heard and considered. This is a proposition to exercise the power we exclusively possess over commerce between the several States. This could not be exercised by the court. If we in this instance can exercise it, it is in vain to say we are circumscribed in the range of our inquiries. The power to regulate, necessarily carries with it all the incidents necessary to its full exercise. Confining and limiting inquiry to a particular State, or to the effect it has upon a single State, or to the course pursued by a single State, is to abridge and limit our power to their peculiar wishes and interests.

There is no well-authenticated case, at any period of the world's history, that I have found, where a public improvement, charged as a public nuisance, that the advantages and disadvantages it confers and implies upon the community who use and are affected by it, are not a legitimate inquiry. If there was such a case, it has no application to our laws and institutions.

Congress, by our Constitution, is the only tribunal who has exclusive jurisdiction over commerce with foreign nations, and between the States and tribes. This provision, then, in its very terms and general power, opens the whole case, and presents the broad and general inquiry: What subjects are embraced in the range of these expressions, convenience and inconvenience to the public? I think in this connection the whole range of commerce is involved. Railroads are about to cross the river at Wheeling, and not at the rival city, Pittsburg.

It is said the bridge is not adapted to, or capacious enough for, that interest. If not, make it so. Establish the fact that the river can be bridged, and settle the vexed question that has been disturbing and agitating that community for the last fifty years. The railroad must cross the river upon something, or it must stop and bow in submission to the power and influence of navigation. Where commerce is carried on upon land and water, there is an absolute necessity for common privileges, for a community of interests, and enjoyment of rights in public thoroughfares. If it was not so, there would be a constant conflict between different interests.

Between commerce and navigation and all other miner interests, no one has exclusive privileges over the other in the enjoyment of public highways upon land or water. Each interest to some extent and in some measure is incommoded by the other.

It is said, again, that the free navigation of the river is secured by regulations of Congress, and by compact of Virginia and Kentucky with all the States in the Union, and that it cannot lawfully be obstructed under the authority of any State. This only means that there shall be a reciprocity of interest and freedom between all the States; and it in no measure deprives Virginia of the power to bridge the river.

Mr. Wilkins, who argued this case before the committee, and whose argument has been upon the table of each member of this House, upon nearly every page of his argument, takes occasion to say, that the object of declaring this bridge a post road is only colorable, and that the measure is in fact for the benefit of a private corporation, a private company; as if there was some charm, some magic in the expression, private corporation. There is no ground for these remarks, nor have they any application to the case, and I hope, and believe, will have no influence upon the question. True, if the bridge is prostrated, $200,000 of property is destroyed; but that, to the case, is as a drop to the ocean. The millions of people and property the bridge accommodates each year, are but items in the long catalogue of benefits it confers and secures.

But, it is said, it is impolitic to confirm and declare it a mail route, for it can be raised in conformity to the decision; and it is only a question of expense. This can all be answered in a single sentence. If raised, there is no security that it may not, at any time, be again prostrated, under a claim of nuisance.

This view ought to be further elaborated, as I see it is much dwelt upon, and repeated over and over again, that this is only to save a great speculation, and prevent expense in elevating the bridge, and thereby avoid all objection and secure all safely.

Such expressions as these are used: "What interest of a private corporation can sanction such injustice towards persons and capital, lawfully and usefully engaged in commerce?" Nothing can be more absurd and inappropriate than statements of this character.

The bridge is one of the most general and useful structures, for the great mass of the people, that can be found in the land. It connects, and renders most useful the greatest, and most general and national road in the world, and without it, the road is a mere mockery. It is national, and not to accommodate a private company. It is due, yea, and has been for over fifty years, to the West, from this nation; and the idea, so often thrown out, that to make it entirely permanent and unobjectionable, all that is necessary is to elevate, a moment's consideration, by a fair mind, will show it entirely fallacious.

To make it thus unobjectionable and permanent is not a judicial power; they do not possess it; they cannot exercise it.

If that tribunal did possess the power, and wished to exercise it, no case has yet been presented in which they could exercise it. A single case has been made by the State of Pennsylvania, against the Bridge Company, charging the bridge to be a public nuisance, and that Pennsylvania had sustained an injury by it.

This is the only case made, and the only one that can be decided. The court decide the bridge to be a nuisance, and that Pennsylvania has sustained an injury by it, and order it abated, unless elevated to a certain height; and this is as far as they can go. It is claimed this river is entirely free, and cannot be bridged; that the science of navigation is but in its infancy, and as it progresses, steamboat chimneys elongate, other machinery expands and becomes more capacious, and wants more and more room still to develop itself. The moment the court fix and locate the bridge—yes, at any time—any other State or individual may charge the bridge, as it now is, or would be if fixed and located by the court, as a nuisance, and if that decision is right, again order it prostrated. Even Pennsylvania herself may again present a new case, arising since the one made in her bill, again prosecute it, and again prostrate the bridge.

This argument to elevate the bridge, to be successful, must be addressed to others than those who have been saddled with thousands and thousands of dollars in defending the bridge, and are now upon the verge of absolute destruction by its prostration; and if they move, are threatened by the law and exposed to its penalties in front and rear. No set of sane men will attempt to move anew with the bridge, while it is involved in the thraldom with which it is now surrounded.

We, I repeat, are the only tribunal that can fix the bridge as it now is, or that can fix and limit its height, stability, and permanency. We embrace all parties interested in it, and all power over it. Let us exercise it. Let us not longer procrastinate it. Let us, I entreat you, not permit it to be prostrated for want of action. Let not the prospect of a permanent bridge be destroyed by the destruction of this, because we will not hear, consider, and decide it.

We, but a few days since, passed a bill improving rivers and harbors. The power has been acknowledged and exercised from our earliest history, in the shape of roads, bridges, piers, docks, and in every variety that our various interests require.

Without them, life and property is disregarded and sacrificed, business interrupted and procrastinated, and enterprise checked and stifled. All that is now asked is, to ratify what Virginia has confirmed, what three fifths of the people want and require—that which injures no one exercising a disposition not to appropriate all to self, but to yield what is necessary to enable all to enjoy a common public benefit—a common highway.

THE WHEELING BRIDGE.

SPEECH OF HON. EDSON B. OLDS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

August 18 and 19, 1852.

The House having under consideration the Bill declaring the Wheeling Bridge a lawful structure and a post road—

Mr. OLDS said:

Mr. SPEAKER: It will not be necessary for me to occupy much time in concluding the argument in this case, for I believe that every member has made up his mind, and is prepared to cast his vote one way or the other. It may be necessary for me, however, to say a few words in explanation of some of the points made by the opponents of the bill.

I do not propose to touch upon the question of the right of Congress to legislate upon this subject, for I think that sufficient has already been said to satisfy this Congress that they have an undoubted right to declare this bridge a lawful structure, and to require steamboats to construct their chimneys so as to conform to its elevation. The court expressly states that Congress has a clear and undoubted right to do precisely what we ask in this bill. I do not propose, therefore, to discuss the point that the passage of this bill will be in conflict with the judiciary of the country; for I am satisfied that there will be no conflict. I

am satisfied, as stated by the gentleman from South Carolina, [Mr. WOODWARD,] that this bill, if it should pass into a law, will have to undergo a revision by the courts of the United States, and it is in their power to declare it unconstitutional; and, if it be so, then there is an end of the subject. There is really no conflict between the jurisdiction of Congress and the jurisdiction of the court, when rightly understood—not but that I will say, that in the decision of the court, as it now stands, they have exercised legislative authority.

Now, Mr. Speaker, this is a matter of some importance to my immediate constituents. It is a matter of importance to the people of the State of Ohio, to the people of the whole West, and to the people of the United States. The gentleman from Pennsylvania representing the Pittsburg district, [Mr. HOWE,] made a very elaborate argument; and refers to the fact that the Legislatures of Virginia, Ohio, Kentucky, Indiana, and Illinois, have all guarded the right to the navigation of the Ohio river in their legislation granting powers to erect bridges across that stream. Let me refer to the fact that the members of the Legislature of Ohio, at their last session, in their individual capacity, signed a petition to the Congress of the United States, to declare that the Wheeling Bridge, at its present elevation and location, is a lawful structure. Out of all the members of that Legislature, there are seven only whose names are not appended to that petition. Six were absent from Columbus at the time the petition was circulated among the members, and but one solitary individual, out of the entire Legislature of Ohio, refused to append his signature to that petition to Congress; and there is now, sir, upon the table of this House, resolutions of the Legislature of Indiana, requesting their Representatives, and directing their Senators in this Congress, to vote for a law declaring this bridge a lawful structure. Here, then, sir, you have the action of the Legislatures of Ohio and Indiana; and the Legislature of Virginia, at her recent session, has also passed an act declaring it to be a lawful structure, in accordance with the true intent and meaning of the charter which she has granted for the erection of this bridge.

Now, sir, there is another important fact, and it is this: You may take all the members upon this floor between the city of Pittsburg and the State of Louisiana, who represent the navigable interests of the Mississippi and Ohio rivers, and, so far as I have been able to ascertain their sentiments, they are all in favor of maintaining this bridge as a lawful structure. Now, can it be possible that this bridge is dangerous to the navigation of the Ohio river when all those gentlemen representing the counties upon that river, as well as the Mississippi, are in favor of maintaining the bridge? I ask the Representatives from other portions of the United States, if they can readily credit the fact, the immediate Representatives of the navigable interests of the Ohio and Mississippi rivers being in favor of maintaining this as a lawful structure, that it is really an obstruction to the navigation of the Ohio river? Such testimony in favor of this work is, I think, sir, sufficient to satisfy any unprejudiced mind. It is a strong and speaking fact—speaking so strong and loud that it cannot be misunderstood.

But the minority of the committee, in their report, seem to rely upon the fact, and so does the gentleman from Pennsylvania representing the Pittsburg district, [Mr. HOWE,] that this is for the benefit of a private incorporation, and against the State of Pennsylvania. Why, sir, the Wheeling and Belmont Bridge Company, although they come here as an incorporation—if you choose, as a private incorporation—yet come here as public benefactors, and have peculiar claims upon the action of this Congress to sustain them in maintaining their property in the Wheeling and Belmont Bridges. By solemn compact between the United States and the people of the Northwestern Territory—or rather, let me say, between the Congress of the United States and the people of the Territory west of the Ohio, afterwards made into the State of Ohio, in their grant for the people of that State to meet in convention and frame a constitution, guarantied to that people that one twentieth of the proceeds of the sales of the public lands in that State should be applied to making public highways leading from the navigable waters emptying into the Atlantic ocean to the Ohio river, across the Ohio river and through the State of Ohio. A solemn compact was entered into between the Congress of the United States and the people of Ohio, that public roads should be made across the Ohio and through the State of Ohio. Well, sir, Congress having failed to make a bridge a cross the Ohio river, and having, in accordance with this contract, completed the Cumberland road to the Ohio river, and through the State of Ohio, were petitioned by the Legislature of the State of Ohio, in fulfillment of that compact, to bridge the river; and having failed to do so, the Legislatures of Virginia and Ohio incorporated a company to bridge that stream, and that company has done what Congress was certainly bound to do. If, therefore, it is in the power of Congress to protect them in maintaining this bridge in its present elevation, is it not their solemn duty to do so without delay? Congress having been bound by her compact with the people of the State of Ohio, to bridge the river, cannot now fail, in justice to those who have done this work for the United States, to protect them in their rights.

Now, I wish to advert for a few moments to the facts relative to this bridge. It is known to the members of this House who are acquainted with that locality, that the Belmont and Wheeling bridges are across the two branches of the Ohio river; that the river branches above the city of Wheeling; and that there is an island there, half the water being upon one side of the island, and half the water upon the other. Now, the city of Wheeling is upon a high bluff bank. Perhaps there is no city upon the Ohio, or upon the Mississippi, which has the elevation that the city of Wheeling has. This bridge, therefore, although at an elevation of ninety-two feet above the low water level of the river, is not much above the level of the main street leading through the city of Wheeling. But, sir, when you pass over the eastern branch of the river to Zane's Island, then this bridge, which is at an elevation of ninety-two feet above low water level, must be fifty or sixty feet above the level of Zane's Island, which is half a mile wide. I name this fact for a purpose which I shall endeavor to show directly. If you intend to bridge the Ohio for railroad purposes, it will be impossible, although this bridge itself may not answer for that purpose, if a bridge is to be maintained at a higher elevation than the present one, to get down again upon Zane's Island.

Well, now, the complaint is that this bridge interferes with the navigation of the Ohio river. Their charter provides that if they interfere with the navigation of steamboats and other water craft *commonly* navigating the Ohio, the bridge is to be considered a public nuisance, and abated. The court itself, in its decree, admits the fact that there are but seven steamboats, all belonging to the Cincinnati and Pittsburg packet line, whose pipes come in contact with this bridge. Of all the rafts, keel-boats, flat-boats, and the two hundred and thirty steamboats navigating that river, there are only seven steamboats whose pipes at any time come in contact with this bridge in the navigation of that river. Now, sir, can it be said that those seven steamboats constitute the common navigation of the Ohio river, and that, interfering with them, this bridge interferes with the common navigation of the river?

Mr. FOWLER. Do not the court state, however, that those seven steamboats carry one half of the merchandise and three fourths of the passengers that are carried upon all the steamboats navigating there?

Mr. OLDS. That brings me to a point in my argument that I intended to have delayed, but to satisfy my friend and colleague on the committee, I will address myself to it now. I am willing to admit the fact, that those seven packets now do get a large proportion of the light freight and travel upon that river. But we are legislating not for to-day, nor for yesterday, nor for to-morrow, but for future years and future generations. What are the facts? You have now almost completed to the Ohio river, at Wheeling, a railroad not only from Baltimore, but from Philadelphia, and from Harrisburg. There is also a road in progress, to be completed in two years, from Wheeling to Cincinnati. This road is almost an air-line road from Philadelphia to Cincinnati. In two years from this time all these roads will be completed, and you will be able to pass from New York to Cincinnati on the railroad cars in the same space of time which it now takes to pass from Cincinnati to Wheeling in these very packet-boats. Now, I ask my colleague, if he supposes, for a moment, that when these railroads are completed, you can then say that half the travel will pass upon these packet-boats?

Mr. FOWLER. I would ask my colleague whether he supposes that this bridge, as it is now constructed, can sustain railroad trains?

Mr. OLDS. I see that my friend is determined to anticipate me, and make me argue the question just to suit him.

Mr. FOWLER. Not at all, not at all. I was responding to the gentleman's own inquiry.

Mr. OLDS. I wish to dwell a moment longer upon this branch of the question. What will be the condition of freight and travel on the Ohio river when this railroad connection shall be made? Take into consideration the fact, that when these railroads are completed, you will be able to pass from Philadelphia to Cincinnati in as short a space of time as it now takes you to pass from Wheeling to Cincinnati in these packet-boats, and can any one suppose that the carrying trade of the Ohio will be confined to the packet-boats? Look at the North river, one of the finest navigable rivers in the United States. A steamboat can pass up one hundred and sixty miles of that river in eight hours; and yet, since the laying down of a railroad along the bank of that river, the travel, the merchandise, and goods necessary to be carried with expedition, have been changed from the travel upon the river to the travel upon the railroad.

When the railroads, crossing at Wheeling, are completed, the transportation and travel will not be stopped by low water, or by the freezing of the river. What are the facts now? Why, for three or four months in the year the water in the river is so low that not one of these packets can navigate it; and for another portion of the year is so obstructed with ice that these packet-boats cannot navigate it. In the language of John Randolph, the Ohio river is dry for one half of the year, and frozen over during the other half. Will you, for the sake of these seven steamboats, with their high and majestic pipes, destroy this railroad connection, which, in two years from now, must take the entire travel and valuable freight that now passes upon the river? Now, sir, why did not the court look at these facts? Why, for the reason suggested by the gentleman from South Carolina, that the court should base its action upon the past, and the Legislature upon the future. The court has given the facts of the past, but the Legislature of the United States—the law-making power—are to look at what will be the state of facts in the future.

Mr. CURTIS. I beg leave to refer the gentleman from Ohio to an article in the Richmond Enquirer, which shows that bridges can be erected adapted to railroad purposes, in the vicinity of Wheeling, *without* obstruction to the navigation of the river, and so far superior in other locations that the Ohio and Zanesville Railroad Company have decided that it will forego advantages of a subscription by the city of Wheeling as an inducement to that company to cross the Wheeling Bridge. The article is as follows:

"The Ohio Central Railroad, chartered in 1847, has been finished from Columbus to Zanesville, and is now said to carry about two hundred passengers daily. The company have, until recently, intended to connect with the Baltimore and Ohio railroad at Wheeling. It appears, however, that they have ascertained a more convenient point of connection four miles below, crossing the river at Bogg's Island, where, it is said, a bridge can be constructed of sufficient height to avoid the objections taken by the Supreme Court to the Wheeling Bridge. The superior advantages of this route has induced the locating committee of the company to forego the subscription by Wheeling of $250,000 rather than connect at that city. It is inferred, from this determination, that they have abandoned, at least for the present, the Hampfield connection, (a branch of the Central Railroad of Pennsylvania,) and, consequently, that the commerce of central Ohio will pass some two hundred and fifty miles through Virginia, in its transit to Baltimore. Early next year the Baltimore and Ohio Railroad will be opened to Wheeling, and it is not improbable that the connection with the Central Railroad of Ohio will be made within the year following. From late information, we are induced to believe that the Northwestern Virginia Railroad, from Tygart's Valley River to Parkersburg, will be prose-

cuted with great energy, and carried through within the next two years. From the reports and maps of the Baltimore and Ohio Company, this branch is viewed as a portion of the main stem of their great work to the far West. Parkersburg lies almost in a direct line from Baltimore to Cincinnati and St. Louis. The company have published a map tracing out this connection. The stocks in these roads are believed to be among the best prospective investments in the country."

Mr. OLDS. I will say, for the benefit of my friend from Pennsylvania, that this determination of the Central Railroad has been predicated upon the decision of the court. Change that decision by the passage of this bill, and you will enable the Central Ohio Railroad to avail itself of the Wheeling subscription. But the great question is not really whether this bridge can be used by the Baltimore, the Hampfield, and the Ohio Railroads, but whether the river can be bridged at all by these railroads, without vexatious law suits, and abatement. At this point, let me advert to the question of the gentleman from Massachusetts, [Mr. Fowler.] It is whether or not this bridge can be used for railroad purposes. I am aware that the gentleman who represents the Pittsburg district, [Mr. Thomas M. Howe,] read some extracts from the testimony taken by Chancellor Walworth, to show that the bridge could not be so employed.

[Here the morning hour expired.]

Thursday, *August* 19, 1852.

Mr. OLDS continued: Mr. Speaker, when interrupted yesterday morning by the expiration of the morning hour, I was replying to the inquiry of the gentleman from Massachusetts, [Mr. Fowler,] as to whether this bridge could be made useful for railroad purposes, for the transit across the river. I am aware of the fact that the gentleman representing the Pittsburg district, [Mr. Thomas M. Howe,] in his argument read an extract from the testimony of Mr. Ellet, showing that this bridge was designed, not for railroad purposes, but the common travel that passes over the river. But, sir, if you read the entire testimony of Mr. Ellet, you will find that he also states that by the addition of cables and a change of the flooring, the present structure can be made useful for railroad purposes. However, the main question with me, is not whether the present structure is or is not fitted for railroad purposes, but whether railroads crossing the river Ohio at Wheeling shall be permitted to construct bridges at the elevation of the existing one for the passage of their cars. That really is now the question for consideration to be determined by the fate of this bill.

The minority of the Committee on the Post Office and Post Roads in their report, seem to suppose that the majority have fallen into a mistake in asserting that at the time of the passage of the amendatory act of the Virginia Legislature incorporating this company, there was navigating the Ohio river but one steamboat—the Clipper, No. 2—whose chimneys would have been interfered with by the present elevation of this structure. The impression made by their report is, that there were several boats then navigating that river whose chimneys would have been interfered with by the bridge. It will be remembered that this amendatory act was passed on the 19th of March, 1847.

The following extract from the opinion of the court, as delivered by Justice McLean, fully sustains the assertion made in the majority report. I read from page 21:

"The Clipper, No. 2, came out in March, 1846, was 215 feet long, and had chimneys 64 feet high. The Hibernia, No. 2, came out in 1847. She was 225 feet long, and her chimneys were 72½ feet high from the water. The Brilliant came out in February, 1848, was 227 feet long, and had chimneys 71 feet high. The Messenger, No. 2, came out in the winter or spring of 1849, was 242 feet long, and had chimneys 76½ feet high. The Isaac Newton was 182 feet long, and had chimneys only 63½ feet high. The New England, No. 2, was 222 feet long, and her chimneys were 65½ feet high. 'The dimensions and height of the chimneys of the Monongahela,' the commissioner says, 'I have not been able to ascertain from the evidence.'"

The Hibernia No. 2, say the court, came out in 1847. Her registry is dated the 15th February, 1847. The amended charter passed the 19th of March. It is true that the registry of this boat is thirty-four days older than the amended act, incorporating the Bridge Company. The majority of the committee referred to this fact, in order to elucidate what the Virginia Legislature meant by the words; "*commonly navigating the Ohio river.*" The fact that a second boat, with chimneys more than sixty-four feet high, had been registered at Pittsburg, could hardly be considered as constituting the "*common navigation of the Ohio river.*"

There is, Mr. Speaker, another very important consideration of this question, and it is with regard to the necessity of high pipes. The gentleman from Pennsylvania [Mr. Thomas M. Howe] read an extract from the testimony of an engineer of his own State, (Mr. Rœbling,) in which the assertion was made that chimneys of steamboats have not yet reached the height by which they could obtain the greatest draft, and consequently the greatest speed. If he had read the whole of the testimony of Mr. Rœbling, it would have made a very different impression upon the minds of his auditors, from the one made by his partial reading. Mr. Rœbling, in the summing up of his conclusions, (I read from page 462 of the report of Chancellor Walworth,) says:

"But it may be asked, what bearing has all this upon the bridge? I would answer this question by another: Why object to the bridge on account of the high chimneys? High chimneys are the strongest proofs of defective arrangements, they will disappear from our rivers sooner or later, as improvements advance. They are objectionable in every aspect; if they could be forced from our rivers by some low bridge, it would be the greatest service which could be rendered to the navigation of our western waters.

"The ostensible object of high chimneys on board of steamers is to create more draft. Now, it is fully established, and generally known, that *economy in fuel is inversely as the rapidity of combustion.* And, on the other hand, *the escape of lost heat and unconsumed fuel up the chimneys, is in direct proportion to the draft.* These, and a few more points, are already better understood on our eastern waters, and in ocean navigation, where economy of fuel is a greater desideratum than here in the West. Chimneys on eastern boats are much lower than on western boats; they are still lower on ocean steamers, where high stacks are very objectionable. The question of an increased speed is there not solved by simply raising the chimneys and increasing the draft, but by other means, a little more creditable to science.

"My remarks upon chimneys have extended beyond what was contemplated. But I had to enlarge upon this topic to meet those objections raised against the project in question, on account of these high chimneys. I am free to maintain, that in future, the power and value of a boat will be estimated, not by the height of chimneys, as is now the case, but by their lowness. *Low chimneys on a powerful boat will be the best proof of a superior arrangement for the generation of steam.* But, as there are a number of boats still running which carry high chimneys, and as this fashion is likely to continue for some time yet, we shall be obliged to adopt, in the construction of the proposed work, an elevation unnecessarily high."

In my judgment, this extract from the testimony of Mr. Rœbling sets the matter perfectly at rest.

In this report of Chancellor Walworth is contained the record of the testimony of several hundred witnesses. Strike from this record the testimony of the interested witnesses, the captains and pilots of these seven packet boats, the owners of stock in the packet line, the builders of boats, and other citizens of Pittsburg, and the balance of the testimony would largely preponderate against the high chimneys.

I do not desire to be understood as intimating that these captains, pilots, packet men, and citizens of Pittsburg have sworn falsely—far from it. But we all know how much self-interest will govern men in the formation of their theories and opinions. For that reason it is the courts, as well as Legislatures, have looked with some degree of allowance upon the testimony of interested parties. The gentleman from Pennsylvania seems to suppose that the citizens of Pittsburg have been dealt harshly by, because it has been hinted they got up these high pipes for the prosecution of the Wheeling Bridge from interested motives. I should not have alluded to this fact at all if the gentleman from Pennsylvania, as I thought, had not sought to prejudice the House against the Wheeling Bridge Company by it. As a rebutter, I will advert to it. Who are the men who have testified in this case? The gentleman himself read from the testimony of Mr. Duval, a captain of one of these steamboats. I do not say that the *ex parte* affidavit made by him recently is to be relied upon as setting aside the facts of his former testimony. In his recent affidavit he shows not only that the court has misunderstood what he testified, but demonstrates the fact that the prosecution of the Wheeling Bridge Company has been gotten up from interested motives on the part of citizens of Pittsburg.

I have not time to read in full his deposition, but shall content myself with that portion which refers to the getting up, and the manner of prosecuting this suit against the Wheeling Bridge. He says:

"In reference to the detention of the packets Messenger, Brilliant, Hibernia, &c., at the Wheeling Bridge, the said affiant declares, that the captains of the seven boats constituting the said packet line, *were requested by the owners of the boats and the counsel of the complainant, not to use too great exertions to get under the bridge, but if they possibly could, to lay up at the bridge, particularly while this case was pending*, and to bring suit for the detention. In fact, the counsel of the complainant when the Bridge Company refused affiant permission, to use the bridge, to cut off the chimneys of his boat, *expressed much regret that affiant had not created a fight at Wheeling, in order, as they said, to give tone to the case abroad.*"

I have no ill feelings towards the citizens of Pittsburg. I should not have adverted to this testimony had it not been necessary to do so to rebut the charge of the gentleman from Pennsylvania, that the committee and the memorialists wronged the citizens of Pittsburg, and thereby endeavored to obtain the sympathy of the House.

Mr. THOMAS M. HOWE. I wish to ask if the language was not that these high pipes have been gotten up for the purpose of making testimony for this suit? I quoted only the language used.

Mr. OLDS. I state that if you take the testimony in regard to the necessity for high pipes, putting aside that of interested parties, it will be found that they are unnecessary. Supposing this Congress should sustain the decision of the court, and the Bridge Company, at much expense, should elevate the bridge to one hundred and twenty feet, what guarantee have they that they will not again be disturbed? Some new development of science, or the caprice of steamboat builders, for the purpose of beauty or symmetry, might require chimneys to be greatly elongated. Would not the effect be to destroy all the bridges of the country across navigable waters? True, sir, in this very case the probability is that in a very short time all the travel and all the valuable freight will be diverted from the river to the railroad; yet, because some steamboats may choose to have high pipes, Congress must fold its arms, and permit the interests of commerce to be jeopardized, for fear that they may give offense, or be deemed disrespectful to the court.

I regret, sir, that I have not time to dwell longer upon the necessity of high pipes. New theories seem to be likely to greatly diminish, and, perhaps, to change altogether the construction of steam chimneys. In England the new theory is, to have the smoke-pipe come out behind the wheel. The action of the wheel is said to produce a suction upon the pipe, greatly increasing the draft. A pipe constructed upon this plan, in its draft, is said to possess advantages over any of the tallest chimneys now in use on the river. Another theory, and a plausible one too, is, that the smoke-pipes should be made horizontal, extending along the hurricane deck, to the stern of the boat, the speed of the boat acting as a suction upon the pipe, greatly increasing the draft. If those theories are true, why may not the navigable streams of the country be bridged, for the accomodation of transverse travel and commerce, even at a much lower elevation than the wire suspension bridge at Wheeling? Congress having the power to regulate commerce, it behooves us to consider twice before we establish a precedent that, in all human probability, will be a perpetual clog upon commerce. Is it not manifestly the duty of Congress to fix upon some point of elevation at which navigable streams may be bridged for the accommodation of transverse travel and commerce? This bridge has an elevation of ninety-two feet above the water level. By the passage of this act, Congress says, in effect, that this river, at least, may be bridged at the elevation maintained by the Wheeling Bridge.

I ask if there is a single gentleman within the sound of my voice who believes that for practical purposes of navigation of the Ohio a bridge with a thousand feet span, and without any piers to obstruct the navigation of the river, at an elevation of ninety-two feet above the low-water level, and sixty-two feet above the highest floods, is not sufficient for all practical purposes? And yet, because six or seven steamboats happen to have

pipes higher than sixty-four feet, this bridge must come down, and the transverse commerce of the river and the railroad interests of the country must all give way for these six or seven steamboats. The House is called upon to look at the state of facts as here presented. Supposing, by the decision of this Congress, you shall establish the fact that this bridge must be removed, or that it must be abated as a nuisance, what is to be the result? What will be the effect of such a decision even upon the State of Pennsylvania, the complainant in the suit against the Wheeling Bridge? Since the grant of the charter by the Virginia Legislature for the construction of the Wheeling and Belmont Bridge, Pennsylvania has granted a charter for the construction of a bridge across the Ohio river, below Pittsburg, at an elevation of thirteen feet less than the elevation of the Wheeling Bridge. That charter is still extant. It has not been revoked by the Legislature of that State. She comes before us, it is true, by solemn resolution, and calls upon Congress to abate the Wheeling and Belmont Bridge, while at the same time she has standing upon her own statute-book a charter for a bridge across the Ohio river at a less elevation than the Wheeling Bridge. This Congress is called upon to abate the Wheeling Bridge, and at the same time to suffer Pennsylvania to construct one below the city of Pittsburg at thirteen feet less elevation than that of the bridge at Wheeling.

Sir, before Pennsylvania has a right to demand the abatement of the Wheeling Bridge, she should strike from her own statute-books the grant of power to obstruct, in a much greater degree, the navigation of the Ohio river. Before she can present herself as a suiter for equity, she must be willing herself to do equity. When she comes before Congress demanding equity, common decency demands that she should come with clean hands.

Sir, let the decree of the court be carried into effect; let this bridge be stricken down; let the Congress of the United States set calmly by, and see this beautiful structure sink "by an act of legalized vandalism," and Pennsylvania will rue the day, and mourn the act. Sir, the Monongahela and Allegany are navigable rivers. Pennsylvania has granted charters, and these rivers have been bridged by the enterprising citizens of Pittsburg. These bridges are at very many feet less elevation than is the Wheeling Bridge,—so low, indeed, that every steamboat plying upon their waters is compelled, in passing them, to lower its chimneys. The State of Pennsylvania herself, in her public works, has thrown a magnificent aqueduct across the Alleghany at the city of Pittsburg. Let the decree of the court be executed upon the Wheeling Bridge, and all the bridges at Pittsburg, and the State aqueduct, must fall. Virginia will have a right, and she will act with greater forbearance than falls to the lot of individuals, if she does not demand their removal. Sir, the refusal of Congress to stay the execution of the decree against the Wheeling Bridge, is the death-warrant of every bridge across any of the navigable waters of the United States. Congress, and Congress only, can avert this fearful calamity. What interest of the people of the United States demands such a sacrifice? What interest of navigation demands so fearful a precedent? Why, sir, the truth is, that rather than compel some steamboats to lower their smoke-stacks, all the bridges over the navigable waters of the United States must be destroyed.

I adverted, on yesterday, to the locality of the Wheeling Bridge. I stated that there was an Island in the river, opposite Wheeling, half a mile wide, and perhaps a mile long. That the wire suspension bridge was over the eastern branch of the river, and the wooden bridge over the western branch. The court have said that the Bridge Company may try the experiment of making a draw two hundred feet wide in the wooden, or western bridge. Now, I will venture the assertion, that if such a draw shall be constructed, there is not one of those seven packets that will ever use it. All of them will prepare themselves to lower their chimneys, and pass under the wire suspension bridge, rather than go round Zane's Island; for this simple reason, that they are all compelled to make a landing at Wheeling. In this connection, and at this point, allow me to refer to the argument of gentlemen against the bridge, and to the opinion of the court. It is, that Pennsylvania is damaged in her commerce, and that the Wheeling Bridge is a nuisance, because the operation of lowering a chimney to pass this bridge is attended with a great loss of time. I dissent altogether from his argument of counsel, and this opinion of the court. Wheeling being a point at which all these packets stop, both upon their upward and downward trips, it requires no additional loss of time to lower their chimneys. The Wheeling Bridge is just above the Wheeling landing. A boat leaving the landing, bound upwards, cannot obtain any speed before she passes under the bridge. A boat coming down, must slacken her speed before she comes to the bridge, because she has to round to in order to make the landing. All the time that would be lost in lowering the chimneys is lost in making the landing, whether the chimneys are lowered or not. However much it might be otherwise, under other circumstances, yet so far as these packets are concerned, and these are the only boats obstructed by the bridge, there would not be the loss of a single moment of time, in consequence of having to lower their smoke stacks, to pass under the bridge, even were these high chimneys at all necessary.

Mr. STEVENS, of Pennsylvania. Do I understand the gentleman to assert that boats bound from Pittsburg to New Orleans invariably stop at Wheeling?

Mr. OLDS. The gentleman understood me nearly correct. I make the assertion that every one of the packet boats obstructed by this bridge stop at Wheeling, both on their upward and downward trips, without a single exception.

Mr. STEVENS. The court find that the contrary is the case.

Mr. OLDS. The gentleman is mistaken when he says that the court find the contrary. I have seen nothing to the contrary in the finding of the court. I have passed up and down the river several times, and I know the fact myself, that these packets always make a landing at Wheeling for the purpose of receiving and landing passengers that travel upon this Cumberland road. There is another fact to which I wish to advert for a single moment. It is this—that the bridge is decreed to be abated, because the State of Pennsylvania suffers a damage in tolls upon her canal. I believe the finding of the court is upon this point alone. Pennsylvania, say the court, is injured in the navigation of her canals, and in her commerce, in consequence of this obstruction to the navigation of the Ohio. The court may, perhaps, have had stronger testimony than I am aware of to justify them in finding the verdict they did. Mr. Painter, the President of the Board of Public Works, gave testimony to this effect before Chancellor Walworth. This testimony undoubtedly had its effect upon the court. But Mr. Painter was so well satisfied, by the experience of two years, since this bridge has been in operation, that he has felt himself called upon to give a counter statement, as follows:

WILLOW TREE, WESTMORELAND COUNTY, *March* 20, 1852.

DEAR SIR: I cannot refuse your request to authorize you to say, on my authority, that while I remained in the Canal Board—from the time of the completion of the Wheeling Bridge until the 14th of January last, embracing a period of more than two years—the revenues of the public works of Pennsylvania were in no degree impaired by the existence of that structure. At the time of the erection of the bridge, representations were made to the board which induced serious apprehensions; but these apprehensions were never realized. Neither the trade nor the revenues of Pennsylvania suffered any diminution in consequence of the bridge, and it is not probable that they ever will.

I am happy to be able so to certify, and am, with great respect, yours, ISRAEL PAINTER.

CHARLES ELLET, jr., Esq.

Upon the question of damage to the State of Pennsylvania, Chief Justice Taney remarks:

"And a case where there is more conflict in the testimony of men of high character and undoubted skill and knowledge, could hardly be imagined, than is presented in the record before us, nor a case where the injury is more doubtful."

Justice Daniels, in his dissenting opinion, says:

"The shadowy pretext of an interest or injury from the nature of things not susceptible of calculation or estimate, can never be the foundation of a right, legal or equitable. And indeed, so far as any light can be reflected by facts on this pretended or incidental interest of Pennsylvania, resulting from any supposed effect upon the tolls on her canals, an actual increase instead of a diminution of those tolls, since the erection of the Wheeling Bridge, is proved.

Such, Mr. Speaker, are the facts. Is it possible that this House, that this Congress, under this "shadowy pretext of an injury to Pennsylvania," will suffer this bridge to be destroyed? I trust not. I trust that the motion to commit may be voted down, and that the bill may be put upon its passage.

The right of Congress to legislate upon this subject, is admitted by the court. The constitutionality of this bill, and the power of Congress to take this bridge under protection, has been clearly and ably demonstrated by the gentleman from South Carolina, [Mr. WOODWARD,] the gentleman from Virginia, [Mr. MILLSON,] and my colleague, [Mr. DISNEY.] And I trust that I have said enough upon the facts of the case, to satisfy all unprejudiced minds, that this bridge should stand. What is done, should be done quickly. I call upon the friends of the measure, to pass the bill this morning, before proceeding to any other business.

THE PRESIDENCY—COMPROMISE MEASURES.

SPEECH OF HON. D. MACE,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

August 13, 1852.

The House being in the Committee of the Whole on the state of the Union—

Mr. MACE said:

Mr. CHAIRMAN: When I obtained the floor last night it was my purpose to discuss a question which I had had under consideration for some time; but owing to the somewhat extraordinary speech of the gentleman from Pennsylvania [Mr. STEVENS] last night, I feel disposed to devote the time allotted to me by the rules to the consideration of that speech. Sir, I did not expect to hear from that gentleman so extraordinary a speech in view of the circumstances connected with the organization and purposes of the Whig party, as foreshadowed in the platform of the Baltimore Convention. Those circumstances were the yielding up of personal opinions; and the purposes, the quieting of slavery agitation, with the view of producing harmony in their ranks, and concert of action in the approaching presidential election. If I have not been misinformed, and I presume I have not, the Whig delegation from Pennsylvania in the Baltimore Convention, after surveying the platform and thoroughly understanding it, voted for it, save and except six. The unanimity of that delegation upon that occasion led me to believe that these men reflected truly the sentiments of the great body of the Whigs of Pennsylvania. It is my belief that they did reflect, at that time, the sentiments of that party. But developments have since been made which has brought a change over the spirit of the dreams of the gentleman from Pennsylvania, [Mr. STEVENS,] and those with whom he is acting.

I was not a little surprised last evening, in view of the action of the Whig Convention—the building of its platform of material contributed by every segment of that party—to hear that gentleman make such an onslaught upon the South and southern institutions. It was more violent towards the South and its institutions than anything to which I have listened for a long time. What is the cause of this ebulition? What the motive at this particular juncture? Why, the purpose now is to repudiate the platform—to act as if it had never been constructed by all the factions composing that Convention, that each faction, Abolitionists and all, secretly understanding the movement, may rally their forces under their different leaders to the support of General Scott, whose nomination was secured by the commands of SEWARD. It may not be uninteresting at this time to inquire what the South has done to merit this rebuke? What have the Whigs from the southern portion of the Union—what have the Democrats from that portion of the Confederacy done, in bringing out their candidates for the Presidency, or in reference to the adoption of the respective platforms—what have they done to call down upon them the indignation of the gentleman from Pennsylvania?

What has been done by the Whig party in the South since the erection of the platform, authorizing him to set at nought the declarations of the Whig party of his own State—authorizing him to condemn and to discard with bitterness and vituperation the Whig platform adopted upon that occasion? I cannot perceive that the Whig party of the South, as a party, have showed any want of good faith towards the Whig platform.

Now, sir, what was the position of the political parties prior to the nomination of candidates for the Presidency? Did the Democracy of the South bring forward any of their distinguished statesmen and place their names before the people of the country as candidates for the high and distinguished position for which there are so many aspirants? On the contrary, they advised differently. They, for the purposes of harmony and good brotherhood between the different sections of the Union, expressed their preference for some man from the North, national in his feelings and principles, who believed that a regard for the Constitution—the observance of its principles—was the highest law by which to regulate the political action of man.

The compromise measures had been adopted, and the country seemed disposed to acquiesce in them; and our southern brethren, in order to carry out that spirit—in order to give quiet to the country, would not present to the consideration of the Democratic party any candidate from that section. A distinguished son of Pennsylvania was before the country as a candidate. We had a distinguished son of Michigan, of Illinois, and of New York, and our southern friends told us, "If you nominate either of these gentlemen we 'will support him. We have no candidate of our 'own. We wish to present to our brethren of 'the free States the olive branch of peace. We 'wish to quiet an unnatural excitement that is 'tending to dissever the bonds of the Union. 'Nominate, therefore, one of these men, and we 'will be content." Now, wherein has the South offended in this? In nothing, that I can see. There was no spirit of dictation, but one of solicitude.

But I will refer to another matter. During the progress of the Democratic Convention, after we had balloted from day to day, and after a great deal of excitable feeling had been engendered in the Convention—when it was believed by many that we should dissolve without effecting a nomination at all—where did we find our southern brethren? Did they come forward at that time and sustain the distinguished gentleman from Texas, [Mr. HOUSTON,] who received the vote of that State? No! But acting with a firm purpose, with a disinterested purpose, to save the peace, harmony, and welfare of the Union, they turned their eyes towards the extreme North; and old Virginia, imbued with that spirit of peace, first cast her vote for Franklin Pierce. I shall never forget the excited feeling of southern gentlemen upon that occasion—their praiseworthy solicitude for the success of this northern man of national feeling. I recollect Mr. Thompson, of Mississippi, came round to the Indiana delegation, and said, with much feeling, "We have not brought forward a 'candidate from the South; we have tried all the 'distinguished men whom you have presented 'from the North, and failed to make a nomination, 'because of your divisions North. Now, the 'name of Franklin Pierce is brought forward from 'the Granite State, from the extreme North, and 'in the name of common sense, gentlemen, let us 'nominate him." The result you have; Franklin Pierce, the distinguished civilian, the statesman and soldier, received the nomination.

The gentleman from Pennsylvania understands one principle of human nature as well as anybody. He knows well the effect of strong appeals to the sympathies and prejudices of the people of the non-slaveholding States. He knows their power when brought to bear in a presidential contest. It creates excitement—excitement of a peculiar yet dangerous character—by which he hopes to secure the election of General Scott.

Now, sir, upon the subject of sympathy, we all feel it. Every man, whose heart is in the right place, cannot but feel an appeal made to his sympathy in regard to the infliction of punishment upon his fellow-creatures—upon the colored race—and upon the brute creation even. That feeling is alike prevalent, North and South. But when I hear gentlemen talk about terrible punishments inflicted upon slaves—and I have no doubt that they are punished sometimes with great severity—I would direct their attention to the North. How do we find the state of things there? Are there no punishments inflicted there? Do we not hear occasionally of the infliction of the severest punishments in families? Are not our feelings harrowed up sometimes at the recital of the brutal treatment of the wife and children by the husband? These things are calculated to excite our sympathy, as they do excite it. But that sympathy should not be so misdirected as to be made the basis of a political organization, by which to deprive a whole section of its rights, in violation of the Constitution of the United States, and its guarantees of protection, and security to the people of the nation. But by what act has the South offended my Whig friend from Pennsylvania. Why such bitter denunciation of GENTRY & Co.? Wherein have they been derelict to the great interests of the nation? They strove, and strove with all their might, and with all their power, so to arrange matters as to allay the excitement which had existed in regard to the subject of slavery. But they are called seceders—they are called refugees by the gentleman from Pennsylvania. But the denunciation of these men was not without its object. It was to make it appear to the Abolition party of the North that they and the South would not support General Scott for the Presidency, because of their knowledge of his anti-slavery sentiments. It will be well understood in the northern portions of the Confederacy, where the people have been excited upon the subject of slavery, and where he hopes, by the bold stroke of policy, evidenced in his speech, to make them more highly excited upon that subject, to advance the Whig cause, which he has so much at heart.

The gentleman from Pennsylvania seems to expect but little support to his candidate from the South. Hence he repudiates the Whig party in that section, and looks to the free States of the North and East for support. And in order to accomplish that purpose, he presses upon the country a domestic and sectional issue. With General Scott as his standard-bearer, he comes forward and assails the Whig platform—assails it, because he sees in it a purpose to allay sectional excitement, by which alone he hopes for success. He does it, too, in face of the fact, that General Scott "accepted the nomination with the platform annexed." As to that platform now, its proportions are graceless in his estimation. He has found out very recently, that it is a deformed nondescript—that it is wrong upon the subject of slavery—wrong upon the subject of currency—wrong upon the subject of the tariff—wrong, because, for the first time, the Whigs have avowed their confidence in the intelligence and virtue of the people; and wrong in every essential principle of the Whig party. Now, what is the gentleman's object in all this? It is to carry out the peculiar notions of Horace Greeley. Like him, he likes the man, but spits upon the platform. I think he treated that platform in an exceedingly cavalier manner. He might have given it a narcotic, and allowed it quietly to sleep the sleep of death. But, no; that would not answer his purpose. He whets his butcher-knife upon a brickbat, and goes to work upon it, and demolishes it, body and soul. There is not a single vestige of it left.

But the gentleman from Pennsylvania speaks of the binding authority of platforms. I do not know what the gentleman considers the binding authority growing out of the Whig platform. I suppose he has been reared and educated in that school where platforms are not adopted for honest political purposes, but for the purpose of serving for the time being, to catch votes, and to be regarded or disregarded just precisely as circumstances may justify. Now, I am perfectly willing that the gentleman should discuss the authority of the Whig platform; but he also undertook to discuss the authority of the Democratic platform, to which I must interpose objection.

Mr. Chairman, what is a platform? It is a declaration of principles. It is the embodied sentiment of a great political party—convened together in convention, according to the rules and regulations of the party—and when adopted in good faith, and when the party intend to live up to that platform, it becomes of binding efficacy. Why, sir, when did we commence the adoption of platforms? Have you not heard of that Democratic platform sustained by General Jackson in his veto of the Bank of the United States, and promulged by national conventions? It found its way into States, counties, townships, and localities. It was received everywhere as the political creed of the party—and as of high authority. Such was the adherence of the Democratic party to the platform in reference to the Bank of the United States, that in process of time, that institution became unpopular with the great mass of the people everywhere, and was finally treated as an obsolete idea by the great Webster himself. The compromise, so called, in reference to the Missouri question was laid before the people in good faith as a platform, and they acted upon it and adhered to it. The Independent Treasury, although repealed at one time by the Whig party, was adopted by the Democratic party as a most important part of its platform, until it was finally reënacted into a law, which the Whig party have not had the boldness, if the desire, to attempt the repeal of. It is now a most important law of the land—securing a sound and uniform currency which is satisfactory to the nation. A platform was adopted on some other minor questions—for instance, in reference to the expunging resolutions introduced solitary and alone by Mr. Benton. It became a part of the political faith of the Democratic party, and was held up before the people from time to time, until the measure was consummated. So in reference to the fine inflicted upon General Jackson by Judge Hall.

I trust that from the recital of the various Democratic platforms which have been adhered to until the purposes and principles embodied therein have been fully enforced, will satisfy the gentleman from Pennsylvania, that the adoption of the platform at the recent Democratic Convention at Baltimore means something—that it has vitality in it. Democratic platforms are a rule of action—a rule of conduct for that party, to be pressed home at all times upon the consideration of the people, until the principles embodied therein have become the settled policy of the country.

Mr. STEVENS, of Pennsylvania. I knew that everything which passed the convention bound every Democrat, but not so with every thinking Whig in regard to the action of the Whig Convention.

Mr. MACE. Sir, it is the policy of the Democratic party—and that policy was well known before the meeting of the Baltimore Convention, that the finality of the compromise should become a part of the platform—to be adhered to in all future time.

The Whig party, in view of the action of the Democratic Convention, were constrained to adopt the finality of the compromise as a part of their platform. They were told that General Scott and Mr. Clay, in common with many Whigs and Democrats, had, out of the abundance of their wisdom, and for the purpose of quieting the country, settled upon the principle of the compromise; and the great object of these men and of the Democratic party, and of the southern Whigs, was to adopt a platform, such as would exclude from the approaching presidential contest, the exciting elements involved in the compromise measures. We thought the matter was consummated. We believed that the question was adjusted and settled. But in this we have been sadly disappointed. It seems now that the compromise, although declared so by the Whig Convention, is not to be regarded as a finality, but as a mere soother to southern Whig feeling, until, by their votes, power may be obtained, and SEWARD, and others of the same peculiar sentiments, through the election of General Scott, shall be installed in power.

Our Whig friends commence this campaign by circulating throughout the length and breadth of the land a large book of pictures, presenting General Scott to the American people in all possible shapes and forms. It is a most beautiful thing to set up in bar-rooms, in barber shops, and at cross-roads—perfectly harmless in itself. But they went to work in addition to this harmless mode

of presenting Whig arguments, and are playing the same game they played in 1848. Certain doctrines having a strong and decided abolition tendency were, and are now being, circulated at the North, and others of a different character in the South, where elections are coming off.

I have, sir, an interesting matter of history, of recent origin, which transpired between myself and a distinguished gentleman in Maryland. I sent him a document—Mr. GENTRY's speech. He returned that speech to me, saying that he was born a Whig; that he was raised a Whig; and that he expected to die a Whig; but that he would read Whig documents if I would send any to him. I then sent him another speech—the speech of Mr. TOOMBS. He returned that with the same remarks. "I thought I would gratify the gentleman, and I went and procured a brief chapter of the life of General Franklin Pierce, as published in the National Era of June 17th, going to show that General Pierce was pro-slavery in all his feelings; that he had stood up in the legislative halls for the constitutional rights of all sections of the Union; which was extensively circulated, as it is now being circulated in the North by the Whigs to influence the Abolitionists there against him. But now what do you think that distinguished Whig of Maryland did when that reached him? He inclosed it to me, saying that a Democrat there had read it and wanted to buy it, but he refused to sell it, stating in his letter to me that he was no politician; that he believed all politicians to be rascals; and if I had anything of a scientific or literary nature to send him, he would like to read it. [Laughter.] But this same document, prepared at the National Era office by the Whigs, for circulation in the North, found its way into North Carolina by Democratic hands. The result which may have been somewhat affected by this identical Whig document has given a different face to the reflections of the gentleman from Pennsylvania, [Mr. STEVENS.] An election has come off in North Carolina—the home of the candidate of the Whig party for the Vice Presidency—a State from which that party desired and expected much to give confidence to their wavering ranks. We had an account of that election in full yesterday, and the gentleman sees that owing to the telegraphic wires—owing to the vigilance of the Democatic party in the city of Washington—that documents of that kind, published for the northern section of the country, will find their way to the South. He sees from that election the handwriting upon the wall. Hence it is that he and those acting with him concocted and brought forth the speech which we heard delivered here last evening. Why, sir, I had not the remotest idea but that he intended, when he obtained the floor, to answer the able speech of his colleague [Mr. ROSS] upon the subject of the tariff. I expected nothing else; but he declined to do so. His fears had become too much excited at the result in North Carolina, and at the speech made by his friend from Ohio, [Mr. NEWTON,] an anti-slavery Whig, who also denounced both platforms. I have no doubt that his vision, too, was somewhat startled in consequence of the result of the election in North Carolina. In the denunciations of the fugitive slave law, by the latter gentleman, I rose in my place and asked him which platform he adhered to. His reply was, to neither. I asked him which candidate he would vote for—Pierce or Scott. He said he would not vote for Pierce, but would vote for Scott if the Free-Soilers should.

Now, sir, combine all those facts and circumstances, view them dispassionately and truly, and who is there within the sound of my voice, that cannot perceive the object of the gentleman from Pennsylvania, [Mr. STEVENS;] who can close their eyes to the great and important events which that gentleman and his friends are endeavoring to set on foot to accomplish the election of General Scott? The southern Whigs are to be thrown overboard. The gentleman discards and denounces them because they have attempted to nationalize the Whig party. For doing this, they are to have it thrown into their teeth, that they are seceders and refugees from that party. Sir, it was the province of wise men in all ages of the world, to seize upon great questions, and to lay down great principles, not only for the benefit of the generation in which they lived, but the benefit of those who were to follow after them. Such, sir, is not the policy of the gentleman from Pennsylvania, [Mr. STEVENS.] He, from his understanding of the mode of getting up excitement, seizes upon every humbug of the day for the purpose of accomplishing a selfish object, whatever may be its effects upon our institutions, and its evils upon the present and future generations of mankind.

Sir, I do not want to say anything that is unparliamentary upon this occasion, but the history of Pennsylvania bears me out in the remarks I have made. I have read something of anti-masonic excitements. I have heard something of the raising of a committee in the Legislature of Pennsylvania, of the sending of a sergeant-at-arms after the Governor of that State, to compel him to disclose what they conceived to be the obligations of a mason.

Mr. JOHN W. HOWE. I wish to inquire, whether you are having reference to the buckshot war?

Mr. MACE. No, sir. The anti-masonic excitement was prior to that. The buckshot war grew out of a different question; but I am glad the gentleman has mentioned it. My distinguished friend [Mr. STEVENS] figured extensively in that war, and if history is correct, he and Mr. Penrose found their way out of the State-house from a high elevation. In that case, it was an attempt to set aside an election by the people—to treat such an election as a nullity, even at the expense of revolution and bloodshed. That attempt is scarcely less censurable than the effort now making by one of the distinguished heroes of that war, to treat as a nullity the compromise platform of the Whig Convention at Baltimore—a platform designed to secure peace and harmony to the country, and prevent, it may be, bloodshed. But, if he is firm in his purpose, if he is a man of fixed and unalterable principles—and surely he is a man of very distinguished ability—why not adhere to his anti-masonic humbug? When that had its day, it suited his purposes during the time, and he has abandoned it as a thing that was.

Why, sir, I am very sorry indeed that the gentleman from Pennsylvania has not been consistent upon this question, because the Democratic party have nominated a man who is not a mason. It is true he is not an anti-mason; for I suppose he never interfered with such questions. He is too elevated a man to do so. The Whig party have, however, nominated a man who is a mason—a mason with certain resolutions of a Native American kind annexed. That is a kind of mason and anti-mason, which will be seen from the reading of one of General Scott's letters:

"SECRET OR OATH-BOUND SOCIETIES.—I have not been a member of a masonic lodge in thirty-odd years, nor a visiter of any lodge since, except once—now more than sixteen years ago. There are at many academies and colleges, as is well known, associations of students, tutors, and professors, for purely literary purposes, and their meetings generally, for aught that I know, may be secret. Twenty-eight years ago, I was once present with such an association, and never since; and I have, within five years, received many flattering notices of my having been enrolled as an honorary member of as many such associations. I am sorry to be reminded that, by some strange neglect, I have failed to accept one of those honorable distinctions.

"Finally, I am asked, 'If nominated as a candidate for the Presidency, would you accept the nomination?' I beg leave respectfully to reply—Yes, provided that I be not required to renounce any principle professed above. My principles are convictions.

"Hoping that you, who have done me the honor to invite this general reply, may, with the millions, be enabled in a year or two, to fix on some other citizen, as your candidate, more worthy, and therefore more likely to conciliate the majority of popular suffrages, I remain, gentlemen, your friend and fellow-citizen, WINFIELD SCOTT."

I have nothing to say against General Scott as a distinguished military man—not one word; but when I see the vacillation of the man; when I see that, for the last fifteen years, he has been courting every breeze, and that he has been writing letters for and against everything; when I see that such is the manner and the character of his mind; and when I see, further, that an effort is being made by the gentleman from Pennsylvania, and others, to elect him on sectional grounds, I am satisfied that, should he be elected, the Government would be under the influence of bad counsels, and evil results would follow.

I think the gentleman from Pennsylvania was hard pressed in reference to one point last evening. In the eulogies he passed upon General Scott, among other things, he referred to the fact that after the General had marched into Mexico and conquered that country, he was offered $200,000 to become the President of that nation; and he considers that it was a great virtue in General Scott in declining that bonus and the honor, with all the consequences annexed to the Presidency of that Republic. Great God, has it come to this? General Scott has been in the service of the United States for forty-five years. It is his birth-place, and his home. Honor after honor has been heaped upon him for his distinguished services in the field. Medal after medal has been voted to him. He had occupied the highest position upon our military list, and he had realized for his services more than $500,000, and yet the gentleman comes forward and tells us that it was a great virtue in General Scott to resist the allurements of this miserable pelf—this contemptible trash, by declining the Presidency of the Mexican Republic! What would have been the spectacle presented, had he accepted that honor, in case of a war between us and that country? Who would we have seen commanding their great armies? General Scott. We would have General Scott, after leading a victorious army to the Halls of the Montezumas, selling himself like an ox in the shambles for $200,000, and in the event of a war, commanding an army against the country of his birth, which had done him so much honor. I could see no priceless pearls or costly diamonds in the wreath which the gentleman attempted to weave and place upon the brow of General Scott; but I could perceive nothing but a miserable substitute for the mark placed upon the forehead of Cain.

I propose now, Mr. Chairman, to say a few words in reference to the effect of the late movement on the part of the gentleman from Pennsylvania, on the people of the non-slaveholding States. I profess to know something of the people of those States. I was born and educated in one of them myself. I have lived with those people. I have studied this people more than I ever have books, or anything else, and I tell the gentleman that when he presses the election of General Scott to the Presidency, upon the sectional ground of slavery, upon the people of the non-slaveholding States—when he makes that question an important element of the coming contest, he mistakes the character of that people if he hopes for success, and especially after his speech of last night, and the distributing of abolition incendiary documents. This is not like an election for a constable, a justice of the peace, or a member of the Legislature, where either party bringing the Free-Soil vote to its support will succeed, and losing it will not. On the great question of who shall be elected as President of the United States, the people have their feelings and their views. You may have with you Fred Douglass—you may bring to bear, in aid of the purpose you design, the vote of the Free-Soilers of easy virtue and elastic conscience; but when you do so, you will lose more than you will gain. We have scattered all over the great Northwestern Territory a class of Whigs of this character. They love the land of Washington, and admire this glorious Republic. They have participated in its blessings. In their families are found the Declaration of Independence, the Constitution of the country, and the portraits of the immortal signers of the Declaration of Independence, cherished as household words and household gods. They have their fathers, brothers, sons, and daughters, in Kentucky, in Tennessee, in North Carolina, and in all of the slave States; and when you say to these men who have all their lives contended for the doctrines of the Whig party—a United States Bank, protective tariff, and the distribution of the proceeds of the public lands taught to them by the immortal Clay—they will reply, "We fight under that Whig banner willingly, but when we see this presidential contest narrowed down to a miserable sectional issue, and these principles all overlooked and disregarded; when we see one portion of this Union arrayed against another with strong stubborn will, and stern purpose we say, "Away with your Fred Douglass—away with your General Scott—away with all this contemptible trumpery, we will sustain the Union, we will sustain the Democratic party and Franklin Pierce." I have some experience, and know something about it. When I made speeches

and discussed these great questions occasionally, some Free-Soiler would come up and say to me, "You are not exactly right," "I disapprove *in toto* of your opinions, and will not vote for you;" but right at his side would stand the old grey headed veteran from North Carolina, or Tennessee, who had been a Whig all his life—who would, at the same time, take me cordially by the hand and say: "There, now, my good fellow, I have opposed you all my life, but am now with you heart and soul." This is the operation of it, and I most solemnly assure this committee, the gentleman from Pennsylvania, and the country, that that miserable game cannot, and will not win. Do you believe that the Whigs of the northern and western States have forgotten the speeches of the lamented Clay, and other distinguished Whigs upon this exciting question? No, sir. They are laid away with their Bibles, and conned over weekly. Would to God that Henry Clay had been spared to this hour, and was in his full life and vigor. By one shake of that long finger of his, which was magic in itself, he would drive into their holes all of these miserable trucksters who are attempting to foist General Scott into the Presidency upon this sectional question. He was the man who could do it. The blood had almost chilled in my veins at the conclusion of the gentleman's speech. What was it? He told the South that it was in impending danger, that God in his Providence would raise up some great man of the colored race, possessing perhaps the military genius of Hannibal, through his instrumentality a servile war would burst forth, and our brethren of the South would have their throats cut by their slaves. He stated in connection that the civilized world would sympathize in that movement. What does he mean by the civilized world? What does he mean by sympathy? Would sympathy lead him to furnish ammunition and the instruments of death to carry on such a war against the white races? If it would not, his sympathy would be unavailing. But the civilized world would sympathize! Oh! yes, the civilized world does not upon that occasion take in the South at all! They are not civilized, they are barbarians and without the pale of law! They deserve to have their throats cut! The sympathy which he speaks of is to come from his region of the State, and I suppose the arms and ammunitions of war, and everything of the kind that was used in the celebrated buckshot war is to be handed over to the slaves to enable them to murder their masters. In my opinion in religion, politics, and everything else, it is the better policy to act honestly, to look at the thing as it is, view it in all of its aspects, and endeavor if possible to maintain our position as American citizens, and not with every fleeting breeze, upon the result of every election, shift our forces for the purpose of manufacturing political capital in certain localities. The people always, when correctly informed, act honestly. They have never been known to fail to do so, and never will, unless misinformed—unless by excitement reason is dethroned. What interest have the great mass of the people in the presidential contest, save that such a man shall be elected as will preserve the interests and honor of the nation? All they want and require is, that this Government shall be administered properly, economically, and upon the principles promulged heretofore by our forefathers. Such cannot be the case should General Scott—devoid of civil qualifications, and dependent upon such men as the gentleman from Pennsylvania and Messrs. SEWARD and others, of the same peculiar principles—be elected President of the United States.

In regard to the compromise measures, I believe that the people, as a general thing, are satisfied with them. I have had no petitions for the repeal of the fugitive slave law. We hear from no section of the Union of petitions for its repeal; yet the gentleman from Pennsylvania, and those with whom he is acting, are determined to get up an excitement—to get up an agitation upon the subject, that the sinking cause of Whiggery may be resuscitated thereby. Such a course should be condemned by good men of all political parties—good men from all sections of the Union. If it were possible to obtain a victory by the combination with either of the great parties of such an element as the gentleman from Pennsylvania desires to stir up and control, such a victory would be an eternal death to that party, if not ruinous to the best interest of the country.

Mr. Chairman, I now propose, in conclusion, to say something in reference to General Pierce's public services and private worth; and in doing so, let me say, that as to his public services I speak from the record; as to his private worth and amiable qualities, I speak from information derived from those who have known him long and well, and more especially from information derived from a distinguished and highly honorable gentleman, now of this city, but a native of New Hampshire, whose intimate knowledge of General Pierce enables him to give reliable information, which cannot and will not be controverted, here or elsewhere.

General Pierce was born at Hillsborough, New Hampshire, on the 23d day of November, 1804. He is, consequently, in the very prime and vigor of manhood. He was the son of a farmer, a revolutionary hero, and a Democrat—a man whom the people of New Hampshire elevated to the highest office in their gift, and whom they ever delighted to honor. The patriotic blood of old General Benjamin Pierce courses freely through the veins of his son Frank, and warms as noble and generous a heart as ever beat in mortal bosom.

Frank Pierce was educated liberally, and studied the profession of the law, upon the practice of which he entered at Hillsborough, his native town, about 1828. He was elected to the Legislature of New Hampshire in 1830, '31, and '32, and during the two latter years was Speaker of the House of Representatives, over the deliberations of which he presided most acceptably to all. In March, 1833, he was elected a Representative to Congress, in which he took his seat in the succeeding December. He was reëlected in 1835, and before the expiration of his term was elected by the Legislature of New Hampshire a Senator in Congress, and took his seat in the Senate in 1837, which seat he held until February, 1842, when he resigned it. When he made known to his friends his intention of resigning, every possible argument was used to dissuade him from his purpose; but in vain. And it was with a reluctance bordering on sorrow that his friends saw him, in the very meridian of his Senatorial usefulness, cast from himself, voluntarily, the robes of office, and retire to private life.

He returned to New Hampshire and soon afterwards settled, with his family, at Concord, and resumed the practice of his profession, in which he was most successful. On retiring from the Senate, he avowed that he had retired from public life; and it is worthy of observation, that during his entire Congressional career no vote, speech, or action of his was given, made, or done for political effect, or for home purposes—to use a more familiar phrase, for *Buncombe*. When he spoke, he did so to advocate or oppose measures that he really believed were for the good of, or prejudicial to, the interests of the country. All his action in Congress bears the impress of sincerity, patriotism, and consistency. In all his speeches—and they are not few—he sought to impress his hearers by stating the simple truth, and urging it eloquently, accompanied by such arguments as seemed to him to sustain it. There is no demagogism, no straining after mere effect; but manifest honesty of purpose, seeking the right by the straightforward, legitimate road of reason.

No public man has ever left upon the annals of Congress a cleaner record than Franklin Pierce; and however much those political hyenas who seek to disinter the actions of prominent men may prowl about for something unpopular in the Congressional career of Pierce, without adding the infamy of falsehood to their other base acts, they can find nothing to weaken the public faith in him. And the falsehoods they have already spread abroad concerning him are now reacting, as falsehoods ever will, "to plague the inventors."

President Polk knew Franklin Pierce well—no one knew him better; and he endeavored to draw him from his retirement by proffering to him the high and most honorable office of Attorney General of the United States. This high honor was most respectfully declined. In his letter of declination, he says:

"Mrs. Pierce's health while at Washington was very delicate; it is, I fear, even more so now, and the responsibilities which the proposed change would necessarily impose upon her, ought, probably, in themselves, to constitute an insurmountable objection to leaving our quiet home for a public station at Washington."

Who can read that, and not appreciate the kindness of heart which prompted it? One of the highest civil offices in the gift of the President could not induce him to place at the least risk the health of the wife of his bosom, or to leave his "quiet home" among the granite hills, where health is in every breeze. How many men are there who, *for such a reason*, would decline such an office? And while we contemplate the public character of a man, why should we, as we are prone to do, pass carelessly over his private and individual character, as if that were of no account? Can it be expected that the harsh aristocrat, who shows nothing but the iron of his soul in his family relations, can change his nature when placed in public position? Never—as well might the Ethiopian change his skin, or the leopard his spots. The tyrant of the household will still be the tyrant, place him where you may; and the kind husband and father will be the kind and considerate public man, in whatsoever station he may be placed.

In the same letter General Pierce said:

"When I resigned my seat in the Senate, in 1842, I did it with the fixed purpose never again to be voluntarily separated from my family for any considerable length of time, *except at the call of my country in time of war.*"

True to this patriotic purpose, no sooner was the war with Mexico commenced, than, sundering the ties so dear to him, he volunteered *as a private soldier*, to fight the battles of his country, and, as a private soldier, he would undoubtedly have buckled his knapsack upon his back, shouldered his musket, and marched to Mexico, as his father before him did to Bunker Hill, had not the President, who could not induce him to take a seat in the Cabinet, commissioned him first a colonel, then a brigadier general, of the Army of the United States. His brilliant career as a soldier is written in the dispatches of his superior officers; and that craven and coward spirit which has led those who would have quailed like whipped puppies before his eagle eye, to attempt to rake up from the sewer of falsehood and misrepresentation something to tarnish the bright shield of Pierce, has been met and overwhelmed by the statements of those brave men who fought side by side with him on the bloody fields of Contreras and Cherubusco! Braver heart never beat in mortal bosom than that which beats in the bosom of General Pierce, and no one who knows him ever, for a single moment, doubted his bravery, courage, or his determined purpose; and it may be said of him—

"It is held
That valor is the chiefest virtue, and
Most dignifies the haver; if that be,
The man I speak of cannot, in the world,
Be singly counterpoised."

It is enough to say that General Pierce fought bravely through the Mexican *war*—he did not remain "to revel in the Halls of the Montezumas" *after the fighting was over*, but embraced one of the earliest opportunities to return to his quiet and happy home, and resume his duties as a citizen. From that quiet, neither the honors of the gubernatorial chair nor the Senatorial robes, could induce him, though they were freely offered. Nothing but the hope of being able to aid in expunging, from the constitution of his native State an odious feature, could bring him before the public. He did accept a place in the constitutional convention, was made its president, and did all that it was possible to do, to cause to be expunged from the otherwise liberal constitution, the religious test, and property qualification. But his State, with an apathy that would put to the blush Rip Van Winkle himself, suffered that amendment to be passed over without giving *one third of the vote of her people upon it!* Shame on them! If they had possessed the spirit of Woodbury and Pierce, they would have been awake, and that "stigma upon the State," to use Pierce's own words, would now have been wiped off. The Democratic spirit is *now* fairly roused, and before two years are over, her constitution will be purged.

A large State Democratic convention of New Hampshire, nominated General Pierce as their candidate for the Presidency. Even this high honor he respectfully declined. But the Baltimore

Convention, notwithstanding that declination, nominated him for that exalted office, and he has consented to be a candidate, and he will be overwhelmingly elected, as sure as next November comes!

I have thus briefly given the outlines of the life of a noble-hearted, generous, and brave man—one who has honored every public station in which he has ever been placed, and one who *will honor* the highest station that man can hold on earth.

The prevailing feature of General Pierce's character is modesty. In every position which he ever held he has never, for a single moment, forgotten that he was made of the same clay as his fellowmen. With a disposition absolutely overflowing with kindness and generosity, he cannot see others suffer without lending his personal aid to their comfort, and giving up all personal considerations to the comfort of his fellow-beings in distress. This was beautifully exemplified during the Mexican war, where many a glazing eye fixed its last look with gratitude upon, and many an expiring breath went out freighted with words of thankfulness to the brave, but compassionate general, who was not too proud to give his personal attention to the comforts of his soldiers, and who, with his own hand and voice, endeavored to remove some of the roughness from their pathway to a soldier's grave!

No better illustration of his modesty can be referred to than his constant declination of office. He never in his life sought any office. He took his place among the rank and file of his fellowmen, and all the offices he has ever held, *sought him.*

As President of the United States he will *do his duty.* No matter what may be the consequences, his duty to his country will never for a moment be lost sight of.

He will recognize the great principles embodied in the platform of the Democratic party, for that has been *his* platform. He will stand sternly by the Constitution, and see that its provisions are rigidly enforced, for he knows that the Democratic party is, emphatically, the party of the Constitution; by that party it has been upheld, and while others have sought a latitudinarian construction of its provisions, that party has recognized nothing that is not there *put down in black and white*, and Pierce is just the man to carry out such views as have ever actuated the party to which he belongs. He will hold the compromises *of*, and the compromises *under*, the Constitution sacred, and in his care they will be safe.

Will it be out of place to add here, that the example of Franklin Pierce is one for our young men to follow? Our country has been too much cursed by a constant demagoging for office, and many of our public men, who were indeed worthy of the places they held, have, in seeking some higher sphere, for which nature never intended them, degraded themselves and the offices they should have honored. They have

> "Crook'd the pregnant hinges of the knee,
> That thrift might follow fawning;"

and, missing their aim, have sunk back into the insignificance that should ever follow such efforts.

In General Pierce the young men have an example that modest merit will never be lost sight of by the American people. If a man truly deserves to be promoted, there are enough who will appreciate and bring him forward, without any effort on his part to trumpet his own fame.

RIVER AND HARBOR BILL.

DEBATE IN THE SENATE,

WEDNESDAY, *August* 18, 1852.

On motion of Mr. DAVIS, the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives, "making appropriations for the improvement of certain Rivers and Harbors."

There were several amendments reported by the Committee on Commerce, the first of which was to amend the following clause:

"For opening a ship channel of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico, $75,000. And it shall be the duty of the Secretary of War to apply said moneys to the opening of said ship channel by contract, and at an early day in the next session of Congress to report said contract, the progress of said work, and an estimate of the annual cost of keeping said channel open;"

—by striking out these words:

"To report said contract, the progress of said work, and an estimate of the annual cost of keeping said channel open;"

—and to insert in lieu of them these words:

"To report the progress of the work, the amount necessary to complete it, and an estimate of the annual cost of keeping said channel open; and any contract made shall be limited to the amount hereby appropriated."

Mr. DOWNS. I hope the amendment will not be adopted. Probably it might be an improvement to the bill; but I think it evident, at this late stage of the session, considering the controversy and the discussion involved in the disposition of this bill, that the only way in which its friends can expect it to become a law at this session is to pass it as it is now, without any amendment.

Mr. BUTLER. Are we to pass it without examination?

Mr. DOWNS. I do not object to an examination of the bill. But I do not think that the amendment to this particular provision is very material or important. I think that the provision of the bill, as it now stands, is sufficient. It now provides that the Secretary of War shall apply the money appropriated to the opening of the ship channel by contract; and he is "at an early day in the 'next session of Congress to report said contract, 'the progress of said work, and an estimate of the 'annual cost of keeping said channel open." The amendment is to make it read so that it shall be the duty of the Secretary of War to apply the moneys to the opening of the channel, "and at 'an early day in the next session of Congress 'to report the progress of the work, the amount 'necessary to complete it, and an estimate of the 'annual cost of keeping said channel open; and 'any contract made shall be limited to the amount 'hereby appropriated." I do not perceive that there is any point in the amendment which makes it necessary. I think the original bill is sufficiently explicit.

Mr. HAMLIN. I will explain the object of the amendment. By the provision of the bill, as it now stands, it was apprehended by the committee that a contract for the entire completion of this work, might be entered into under this appropriation. The committee propose so to change the provision that the contract shall be limited to the appropriation. It is a great work. It is an important work. Everybody who considers it must see this at once. The importance of the work—what should be its character—and the effect to be produced by the expenditure of this sum are matters which should be fully understood before a complete contract is made, which would cover the whole ground. For that reason it was deemed expedient, prudent, and proper, by the committee, that the contract to be made under this appropriation, should be limited by it. Then, after a knowledge of all the facts which may grow out of the expenditure of this sum, we shall be able to judge of what amount will be necessary to prosecute it hereafter. Besides, the amendment is precisely in the terms of a bill which the Senate has passed this year, providing for this very object.

Mr. DOWNS. I consider that the limitation proposed by the committee exists in the nature of the law itself, without any express declaration to that effect. The Department certainly has no right to go beyond the amount of the appropriation. The amount appropriated is the extent of its power. If the Department is in the habit of going beyond that, it is certainly irregular, and cannot bind the Government, because the Department has no authority to do so. I therefore consider that the amendment is not at all material; but that, as a necessary consequence of the amount of appropriation, the Department will feel itself limited in making a contract by the amount appropriated. What authority has the Secretary of War to make a contract for a larger amount? The appropriation will be the law by which he will be governed. It will be his warrant for making any contract; and any person proposing to make a contract with him, would look at the law, and see at once that whatever contract might be made beyond the amount of appropriation, would be null and void, because the appropriation is the extent of the authority of the Secretary. I therefore consider that if this bill becomes a law, as it stands, this provision will be construed as the committee wish it to be. If there had been such limitation made in the bill as it came from the House, I should not object to it, because I do not think it material, but I feel satisfied that if any amendment be made the bill will be defeated.

Mr. CASS. Mr. President, I have no thought of discussing any general question upon this bill. It has been gone over time and again. It has been so often discussed, and rediscussed, that it seems to me that the time for discussion has passed by. But I fully agree with the Senator from Louisiana, [Mr. DOWNS,] that so far as we deem the appropriations contained in this bill proper, we ought to take it as it is. I have not examined the bill with much minuteness, but I am disposed to take it as it is. I shall therefore object to any proposed amendment.

Before I go any further, however, allow me to say that I think myself and my colleague are about as disinterested on this subject as any members from the West. This bill appropriates to Michigan, with nearly a thousand miles of lake coast, but $47,000. It appropriates to Ohio, with perhaps two hundred miles of lake coast, $70,000; and the committee propose to appropriate for her $35,000 more. It appropriates to Wisconsin, with about four hundred miles of lake coast, $53,000. It appropriates to New York, with three hundred and fifty miles of lake coast, $144,000; and the committee propose to add $10,000. Michigan gets the least of all the appropriations for the lakes, with the exception of Illinois and Indiana, which barely touch upon the southern extremity of Lake Erie. I say, therefore, that so far as respects any equitable division, we have as much to complain of as any other State in the Union. But I think it is a great deal better to take the bill as it is, than to run the risk of defeating it by amendments.

Why, what will be the consequence? If you put on an amendment for one quarter of the Union, you will have to put one on for another, and so you will get up the old fight and have to fight it over again. This is one consideration, independent of the risk that there will be of the bill failing in the House of Representatives, if we send it back.

This bill is a moderate one in its amount, and that is one of the reasons why I am in favor of keeping it as it is. We all know the danger to which we are led in this kind of arrangement. We know the difficulty there is, in regard to making large appropriations, of bartering one improvement for another. Everybody knows that that is the danger of the system, and it is a danger against which we ought to guard.

Besides, independent of these considerations, there is to be a vacation of only three months. The next session of Congress commences on the first Monday of December. Now, I suppose that the appropriations for the Northwest, and I presume for the East, cannot be expended until next spring. It is totally impossible that they can be expended sooner. At the next session of Congress, we shall have it fully in our power to make any necessary alterations, and any additions where injustice has been done to any particular portions of the country. But I repeat, if you amend this bill, and send it back to the House of Representatives—if you load it down with amendment after amendment, it will break down. That course will probably break it down here, and it must encounter the inevitable chance of being destroyed in the House of Representatives; for I understand, from conversation with gentlemen of that House, that there is great risk in sending it back.

For these reasons I hope the Senate will take the bill as it is. Still, if the Senate begin to make amendments, my colleague and myself will of course endeavor to have justice done to our own State, and will propose some amendments which are exceedingly necessary for that part of the country.

Mr. BORLAND. Mr. President, I concur in the general remarks made by the distinguished Senator from Michigan, as to the unequal distribution of the appropriations made in this bill. The bill which we had before us at the last session of Congress was called a monstrous bill—

one of enormous inequality. Much opposition was made to it on that ground, as well as on account of what was called its enormous amount. But that bill was not, in my opinion, as unequal in the distribution of the amounts appropriated as this is.

In looking over this bill, my eye falls upon this item:

"For the improvement of the navigation of the Mississippi river below the rapids; the Ohio, including the repair of the dam at Cumberland Island; the Missouri and the Arkansas rivers, $260,000."

Now, sir, the extent of water-courses embraced in that appropriation; the obstructions to navigation which the appropriation is designed to overcome, may be stated to be certainly as great if not greater, in the number of miles, than that covered by the whole of the appropriations contained in the rest of the bill. It is proposed to appropriate $260,000 for the improvement of the Mississippi from the rapids to its mouth; for the improvement of the whole of the river Ohio, embracing the removal or repair of the obstructions which the Government itself has placed at Cumberland Island, and the Missouri river. Added to these, is the Arkansas river, which runs not only through the whole extent of Arkansas, a distance of six hundred miles from its mouth to where it leaves our western boundary line, and then goes more than one hundred miles into the Indian country, constituting a necessary and important highway to our forts and military defenses on our frontier, and in that country.

By way of contrast, and as if to mark this inequality more strongly, we find the very next item to be this:

For the improvement of the James and Appomattox rivers, below the cities of Richmond and Petersburg, $45,000.

This amount is appropriated for two little rivers, running I do not know exactly how far; but the Senator from Virginia, perhaps, can tell me.

Mr MASON. Some hundreds of miles.

Mr. BORLAND. But how far does the river extend below Richmond?

Mr. MASON. I suppose one hundred and fifty miles.

Mr. BORLAND. Objections are made to the improvement of our rivers in the West, because it is said they are local; because they are within the limits of a single State, and do not embrace a number of States, and cannot therefore be considered national. Why, here are the Mississippi, Ohio, Missouri, and Arkansas rivers, embracing how many States? Eight or nine, at least, and extending thousands of miles, floating upon their bosoms more commerce in one year, perhaps, than the James and Appomattox rivers have ever carried to and from the ocean, since the foundation of the Government. A river of one hundred and fifty miles, altogether within a single State, is to receive an appropriation of one fifth as much as the Mississippi river, and its three greatest tributaries, many *thousands* of miles in extent, and floating upon their waters the most valuable and important commerce of the whole country! Think of that, Mr. President.

I come, here, to another appropriation:

"For removing the raft of Red river, $50,000."

That is one of the most important rivers in the whole southwestern country, runs through three States, and extends into our possessions far west of these States. It runs through Louisiana, Arkansas, and Texas, with a navigation, even above the raft, estimated to be at least one thousand miles. Only $50,000 for that river!—a river which is absolutely necessary to the Government, as a highway for our troops and munitions of war. There is to be hardly anything more for removing the most serious obstructions in that river than we find for improving a little river running altogether within the limits of a single State, and that only to the extent of one hundred and fifty miles!

Here is another item:

"For the improvement of the Patapsco river, from Fort McHenry to the mouth of said river, $20,000."

Will my friend from Maryland tell me the length of that river from Fort McHenry to its mouth.

Mr. PRATT. I believe it is about eight or ten miles.

Mr. BORLAND. Here we have nearly half as much appropriated for the improvement of another little river, eight or ten miles in extent, within the limits of a single State, as for the improvement of the great Red river, which is from 1,200 to 1,500 miles in extent, and is one of the most important rivers, not only for the general purposes of commerce, but is absolutely necessary for the transportation of troops and munitions of war, to put us in proper connection with, and enable us to supply and defend our western frontier.

Sir, I have not mentioned these items for the purpose of making opposition to this bill. I have done so, somewhat for the same purpose that the Senator from Michigan has suggested—to call attention to the great inequality of the bill, and to say to the representatives of western States, that they have great cause to be dissatisfied, far more cause than those of any other portion of the country. I wish, also, to couple with this the declaration, that notwithstanding this inequality, in order that we may obtain some portion, though it be small in itself, and inadequate and unequal in amount of that protection and relief which are really due to us, and which has been withheld so long, we should be, under the circumstances, willing to withdraw objections on this account. I, for one, am willing to withdraw my objections to the bill, in order to secure its passage, and thus make a beginning, at least, towards doing long-delayed justice.

Mr. SOULE. Mr. President, an appropriate regard for my colleagues upon the Committee on Commerce requires that I should say a word with respect to the first amendment which they have proposed to this bill. The measure which the appropriation included in the clause under debate is intended to carry out, was originally introduced by me into this body some two or three months ago. I prepared a bill for that purpose, which underwent the scrutiny of the Committee on Commerce, came before the Senate, and was passed, after due and deliberate consideration. The original bill, as adopted by the Senate, is somewhat different in terms from that which has come from the House. That difference goes to let the impression remain that, under the phraseology adopted in the latter, the Secretary of War might feel authorized to contract for the whole work, although but a comparatively small portion of the amount presumed to be necessary for its completion has been appropriated.

I, of course, could have no kind of objection to allowing this provision of the bill to remain as it now stands, in so far as the powers which it confers on the Secretary of War are concerned; for I know, sir, that nothing will come from that quarter that will not be in accordance with the just expectations of those who take interest in the measure.

But I must admit, that when the bill which I introduced was originally before the Committee on Commerce, and when I urged it upon the consideration of that committee, and afterwards upon the consideration of the Senate, it was not contemplated that the $75,000 thus appropriated would be enough to enable the Department to contract for the whole work. It was anticipated, on the contrary, that, while going on with it, some estimate would be formed of its extent, of the expenditure which its completion would render necessary, and of the annual amount which would be required to keep it in a condition that would make it permanently available. Our wish was to have the subject fairly before us at the next session of Congress, that we might act upon it understandingly. The Committee on Commerce having done nothing by this amendment but to restore the appropriation to the terms in which it was originally claimed, I would have been wanting in good faith if I had insisted on the bill remaining as it came from the House of Representatives. I could not but give my vote to the amendment as proposed in the Committee on Commerce; and I cannot but give it again in favor of its being retained in the bill as reported.

The amendment, it is admitted, can do no harm. Well, if it can do no harm, where the impropriety of adopting it? The distinguished Senator from Michigan suggests that it may create difficulties, and embarrass the bill in the other House. If I could presume that it is to be the only amendment we will send back to the other House, I might conceive the honorable Senator's repugnance to have it stuck to the bill; but the honorable Senator knows full well that the bill will be loaded here with amendments, and that by refusing to insert this in it, we by no means will avoid its being sent back to the other House. It will have to return thither, and this amendment cannot load it much more than it will otherwise be without it.

Mr. DAVIS. I wish to suggest to gentlemen who object to this amendment, that if there is a wish to try whether there is a disposition to amend the bill, this is, perhaps, not the most proper amendment on which to test the question, and that this amendment, which has the approbation of the committee, should stand as it is until the bill is reported to the Senate. We can pass this amendment now, and proceed to others, and then test the question, whether there is a disposition in the Senate to make amendments or not.

Mr. BRIGHT. I disagree with the Senator from Massachusetts in regard to this amendment. I think this is the proper time to test the question whether the Senate will amend the bill or not. If we pass this amendment, we shall, as a matter of course, follow it up with other amendments. Doubtless a majority of the Senators present have amendments to offer. And now is the proper time to consider how far any alteration of the bill may affect its final passage. I concur in much that has been said by my distinguished friend from Michigan. There is no section of this Union more neglected by the provisions of this bill than the great West. Only $260,000 is proposed for the improvement of the Mississippi, Ohio, Missouri, and Arkansas rivers—an amount needed for the Ohio alone, in order to prosecute the work with dispatch and profit, so far as the interests of trade, travel, and commerce generally, are concerned. And, sir, appropriations for objects so important as the improvement of the Mississippi and Ohio rivers, should be made separately and collectively. I regret that the bill had not been so worded as to apply specially to each of these rivers the amount intended to be expended upon them, instead of appropriating a gross sum, and leaving it to the discretion of the officials of the Government to apply it, where and as they may choose. But I do not propose discussing the merits of the bill. I rose rather to address myself to the collateral question: of how far the fate of this bill depended upon legislation of the Senate requiring the concurrent action of the House. The bill needs amendment in many important particulars; but I shall not be the first to propose them. I prefer rather to see those who claim to be the especial friends of lakes, rivers, and harbors, take charge of this bill; and if in its progress amendments are made, I shall feel it to be my duty to offer one, embracing the "Falls of the Ohio," as the section on that subject amounts to nothing in a practical point of view, in my judgment.

Mr. ATCHISON. I am inclined to think that this is the first time in the history of the legislation of this country that an attempt has been made to establish the principles avowed by the Senators from Michigan and Indiana. What do those principles amount to? Both those gentlemen affirm—the Senator from Indiana more especially—that the bill ought not to be amended, although the appropriations may fall short in certain districts of the country, for certain works and certain purposes, and although they may be extravagant for certain works and certain purposes in other sections. The argument used is, that you must adopt the bill as it is, defective though it may be; and why? Because, if you discuss the bill and amend it, where amendments are necessary, it may be defeated in the House of Representatives, for want of time. Suppose that we were to adopt this logic in relation to all our legislation, what would be the effect?

Mr. BRIGHT. I hope the Senator from Missouri will permit me to correct him. I did not say, at least I did not wish to be understood as saying, that there was any provision in the bill which I considered grossly wrong, though it has some very objectionable items to my mind. I look upon the bill as a much better bill than the one defeated at the last session of Congress; yet I believe it falls far short of doing justice to many points in the West, demanding the attention of Congress, if Congress decides to make appropriations for such purposes.

Mr. ATCHISON. I understand the gentleman to reiterate what he said before, that the bill is very good as far as it goes. Why, sir, the appropriations for the Mississippi and all its tributaries amount to only $260,000; and, if I understood the honorable Senator, he was of opinion that a much larger sum is necessary, and should be appropriated. The honorable Senator knows, as well as I do, that $260,000 will not be enough to buy the snag-boats which are necessary to be employed on the Missouri and Arkansas rivers, not to say anything of the great trunk of the Mississippi river.

It is complained that the plunder—no, not plunder; I will take that word back, Mr. President; I should have said the money—appropriated by the bill, is not equally distributed throughout the United States; thereby intimating that a bill of this character should make an equal distribution of the public funds as nearly as may be, to the different sections of the Union, not with regard to the absolute necessity of the works for which the appropriations are to be made. I now take the opportunity of saying that this bill, in its general features, if not for the same works and with the same provisions and details, is identically the same with the bill that was, some years ago, vetoed by Mr. Polk. I do not know whether the principles of those who sustained that veto have undergone any change; they may have changed, for aught I know; but I intend to stand precisely where I did then, and where I have always stood, on this subject. And I here avow, that if every object in the bill was a just object, coming as it does, combining so many different interests, making appropriations for every Congressional district in the United States, I would vote against it, on the ground that it is fraudulent on its face.

Mr. PRATT. There may be something very forcible in the last argument used by the Senator from Missouri—that this bill is similar in principle to the one which was vetoed by Mr. Polk; containing the same provisions, as he says; and the conclusion necessarily is, that as the bill was vetoed by Mr. Polk, it should not now be passed by the Senate of the United States. It was passed by Congress before it was sent to the President for signature, of course. He vetoed it; and if the Senator from Missouri recollects the history of those times, he will certainly remember that this act on the part of the President was one of the great causes which induced the people to veto Mr. Polk himself.

Mr. ATCHISON. I meant to say that I did not know whether anything had occurred to change the views of certain gentlemen, with respect to the principles on which that bill was vetoed—whether anything had transpired to change gentlemen's opinion as to the constitutional power of Congress to pass such a bill, or as to the expediency of such a measure.

Mr. PRATT. As to the power of Congress, all those who believe that Congress has not the power to pass such a bill, cannot, of course, vote in favor of it, however it may be amended. That argument of the Senator from Missouri, therefore, does not apply to that class of legislators. As to the expediency of passing the measure, I think that the result of the elections, to which reference has been made, shows that there is some reasonable ground for supposing that a change of opinion has taken place.

Mr. ADAMS. Mr. Polk declined to be a candidate.

Mr. PRATT. It was very differently understood by our side. We understood that he proposed to the Democratic party to take him as their candidate, and that they refused to take him.

Mr. ADAMS. If the Senator from Maryland will allow me, I beg to say that that certainly was a misunderstanding. I know it personally, from Mr. Polk himself, that he declined to be a candidate.

Mr. PRATT. I am willing to be corrected. The argument of my friend is this: the Senator from Missouri says that the bill ought to be amended, and that the sentiments avowed by my friends from Indiana and Michigan are monstrous, when they say that, believing all the appropriations which the bill contains to be right, they are willing to go for it without any amendment, although they believe that the bill might be improved by increased appropriations in favor of the objects which they have indicated. Now, if the Senators from Indiana, and the States in the great valley of the Mississippi, cannot obtain as much as they desire for improvements in their sections of the country, is that any reason why they should not accept an appropriation which other Senators are willing to give? I cannot see the soundness of the logic, or the force of the argument, which would say, that because it is the opinion of some Senators that this amendment is not large enough, they would not accept an appropriation which Senators representing other sections of the country might be willing to give for such improvements. I do not see the force of such reasoning.

Mr. President, another very strange course of argument has been used, this morning, by my friend from Arkansas, [Mr. BORLAND.] In pointing out the defects of the bill, he points to an appropriation of $50,000 for the removal of the obstruction in Red river, commonly known as "the raft;" and he brings in contrast that appropriation with an appropriation of $20,000 for the improvement of the Patapsco river, from Fort McHenry to its mouth; and because that river is shorter than the Red river, he assumes that the relative amounts appropriated to each are not proportionate, or just in themselves. Why, sir, the appropriation of $50,000 is for the removal of a particular raft. It is to be applied to that, and to that alone. It has been alleged that this raft prevents the navigation of that river along its whole extent, and this appropriation is to remove it, and make the river navigable. The appropriation for the Patapsco river is to render the port of Baltimore accessible to the commerce of the country.

But let us enter into a comparison of a different kind. The receipt of duties at the port of Baltimore during the year ending June 30, 1851, amount to $1,047,278, while the whole revenue from customs at New Orleans, amounts only to $2,319,370, which has the commerce of the Red river, and the Missouri, and the Ohio, and the Arkansas—all those rivers, whose uniform market is New Orleans. There can certainly be no just argument adduced from the length of the river to be improved. If there be but one raft in the Red river, and if the removal of that would render the river entirely navigable, it certainly is all that is necessary for the improvement of that river. That is a national object; and to remove the obstructions in the Patapsco river, which is the outlet of the port of Baltimore, is equally so.

I agree with the Senator from Louisiana, [Mr. DOWNS,] and the Senators from Michigan and Indiana, that the friends of this bill should test this amendment, whether they will consent to amend the bill at all. I differ from the honorable Senator from Massachusetts, [Mr. DAVIS,] who says that this is comparatively an unimportant amendment, and that therefore we had better let it pass. It is said that this is a mere verbal amendment. That is the very reason why I would make it a test question; and the reason, too, why it should be rejected; because it is apparent that if the Senate would consent to amend the bill, at the hazard of its loss by an unimportant amendment, they would run further hazard when the question came up on more important amendments. It therefore becomes a test question; and I conclude that if the Senate agree to this amendment, they will necessarily consent to amendments of more importance. I shall therefore sustain the call for the yeas and nays.

Mr. RUSK. I desire to enter my protest against the process of reasoning enunciated by the Senator from Michigan, [Mr. CASS,] and followed up by the Senators from Indiana and Maryland. That is, that we must take this bill for better and for worse; and the knock-down argument of the Senator from Maryland——

Mr. PRATT. The Senator is mistaken. I did not say that we must take the bill as it is. I stated that those Senators who were willing to take the bill as it stands would oppose any amendment; all other Senators may do as they please—they may offer any amendments they choose.

Mr. RUSK. That appeal is made to the majority in this body for the purpose of voting on the bill in its present shape without any amendment, whether it is right or wrong. A further argument used to induce us to take this course is, that the House of Representatives will reject the bill if we amend it. I object to the soundness of that argument. The House of Representatives have sent up this bill; and there is no reason to suppose that if it goes back with judicious, sensible, and proper amendments, that they will refuse to agree to them. The bill as it has come up to us is wretchedly defective in respect to many of the appropriations; the Senator from Arkansas [Mr. BORLAND] has alluded to some of them, and has shown that one sum of $50,000 might as well be thrown in the fire. I speak of the appropriation for the removal of the raft in Red river. That sum will not nearly suffice for the removal of the raft; and when we consider the immense value the uninterrupted navigation of that river would confer on the whole country—when we consider the immense cost to the Government of this country, occasioned by its obstruction—we can readily understand why the Senator from Arkansas is dissatisfied with the amount named, and we can readily understand how it now costs double that sum—ay, $200,000, or $250,000—for the transportation of troops and munitions of war through that section of country. If we adopt the reasoning of those Senators who urge the adoption of the bill as it stands, the Senate of the United States are bound to become the mere registrars of the acts of the House of Representatives, based upon the estimates of the Departments; and a great many of them, as the Senator from Missouri [Mr. ATCHISON] has remarked, based on no estimate whatever.

I hope that this bill will be discussed and amended. Those who are in favor of internal improvements—as I expect to vote for the bill, if properly amended, on its passage—can do no more serious damage to the plan of internal improvements than to pass a defective bill, appropriating some $1,500,000 which will accomplish little or no good, and render the whole system unpopular hereafter.

I will not vote for this bill—nor will I ever vote for any bill—for the mere distribution of money in different sections of the country. I believe that the distribution of money is one of the most dangerous things within the control of Congress; and when it comes to be a mere scramble for the spoils, as to who shall get the most, I will never participate in it. What I desire to vote for in regard to this subject, is an appropriation of the public funds for national objects, such as will be likely to increase the commerce of the country and promote the national prosperity; and when such a measure is brought forward, I will vote for it cheerfully. But, sir, when we are asked to take a bill that is right or wrong—with all its defects—as it may be sent to us, I cannot agree to it.

A SENATOR. No one has shown any defect.

Mr. RUSK. The gentleman says that no one has shown that there is any defect in the bill! Why, is not an appropriation of $50,000, which will accomplish no good object, a defect?

The Senator from Maryland has drawn a comparison between the amount of customs—duties paid at Baltimore and New Orleans—for the purpose of showing the high national value of the Patapsco river. But if that Senator had pushed his comparison a little further, he would have found that the tables of exports show a much greater discrepancy the other way. He would have found that nearly half the exports of the country go out from the city of New Orleans, and by the Mississippi river; and the reason why the duties are paid on these exports in Baltimore and the eastern cities is, that no measures have been taken to enable vessels to reach the port of New Orleans. A large portion of those duties, to which the Senator has referred, is paid by the valley of the Mississippi, in addition to the heavy expenses imposed on trade by the transit, by land, and coast-wise.

Mr. CASS. The discussion on which we have entered shows how we shall end on this bill. Amendment will succeed amendment, and the bill will be broken down by the weight attached to it. My friend from Missouri made some very extraordinary remarks. In the first place, let me observe, that his remark in regard to Mr. Polk's veto does not in any way affect me. I voted for the bill which was vetoed; and here stands my vote on record. I have the Journal of the Senate before me: "The yeas and nays being demanded

by one fifth of the Senators present, those who voted in the affirmative"—were as here recorded, and my vote is amongst those in the affirmative. My principles in regard to this question were the same then as now.

Mr. BADGER. What was the question?

Mr. CASS. The question was on the passage of the bill.

Mr. BADGER. What was the vote?

Mr. CASS. The yeas and nays being demanded the result was—yeas 34, nays 16. I repeat, Mr. President, that among those who voted in the affirmative will be found my name; and I repeat yet further, that while the bill was pending before Mr. Polk for his signature, I went myself to him and tried to urge considerations to induce him to sign the bill—the "Chicago letter," and the "noise and confusion" to the contrary notwithstanding. [Laughter.] So that the fact of Mr. Polk's having vetoed the bill speaks nothing in regard to my action upon it. I was just the same friend of necessary national improvements then that I am now; and I defy any gentleman to find a vote in that Journal, from beginning to end, which contradicts the position which I have taken to-day. I am in favor of such improvements as embrace great national works, but I am opposed to an unreasonable and extravagant extension of the system. I have always maintained that there is danger in the system, and that a wise and vigilant Legislature should watch the progress of such a system in order to avoid danger. I say, again, that past experience shows that danger, and if this bill is once opened to amendment, the event will show that I am right. Every member of the Senate will get up and urge amendment after amendment, and will contend that unless his amendment be adopted, injustice will be done to his section of the country.

To hear my friends from Texas and Missouri talk about this matter, one would suppose that some high moral principle was involved. What is the fact? Here is the State of Michigan, with a lake coast of a thousand miles, and for the whole of that coast it is proposed to appropriate the sum of $47,000! Still my colleague and myself are willing to take that sum rather than to endanger the passage of the bill.

Mr. BADGER. How much for Michigan?

Mr. CASS. Only $47,000 for the whole coast of Michigan on Lake Huron, Lake Erie, Lake Superior, Lake Michigan, and Lake St. Clair. Forty-seven thousand dollars is the whole amount of the appropriation.

The Senator from Texas says that we are unwilling to send the bill back to the House of Representatives, for fear that body will reject it. That is a mere question of expediency; but there is another consideration which, with me, has still greater weight—the danger of overloading the bill, so that I shall be compelled to vote against it. If the appropriations be increased so as to become enormous and unjust, I shall be compelled to hazard a vote against the bill, and I want to avoid that. So far as I understand the bill, without going into the items, as we shall be obliged to do if these amendments are persisted in, I am favorable to it. I think that as it was sent from the House of Representatives, it is moderate and reasonable. The honorable Senator from Missouri [Mr. Atchison] says that the bill being unequal in its distributions, as a matter of course, we should go against it. Why, sir, when will you ever get a bill which is equal in its distributions? It is utterly impossible that you can have any such bill. You will have every little stream that a man may step across lugged into it as a great highway, and every little indentation on a coast made out to be a suitable place for a harbor. And yet the Senator from Missouri would lead us to believe that unless this bill proceeds on the general principles of equality of distribution he will vote against it!

Mr. ATCHISON. The Senator from Michigan misunderstands me. He misrepresents the position which I take.

Mr. CASS. Oh, no; not at all.

Mr. ATCHISON. I said that in this bill, and in bills of a similar character, the effort was to make appropriations for Congressional districts, and thereby carry the bill, whether its provisions were right or wrong. I did not say that the bill should be framed so as to distribute the money equally throughout the United States. What I said was, that attempts would be made to effect an equal distribution—at least so far as to carry the bill.

Mr. CASS. Upon that point it is obvious that the Senator speaks about the impropriety of merely local distributions; but I ask whether it is not in human nature for each man asking for an appropriation for his particular district, to suppose that it is more important than an appropriation for some other district with which he is unacquainted? You may find one great improvement necessary to be made that will be more important than any other and all others. But do you suppose you can ever get a vote in such a body as this to put the whole internal improvement appropriation on such a work? The thing is impossible. I do not pretend to say that every Congressional district should have an equal division; but from the very principles of human nature, you must in such a case as this have reference, more or less, to local considerations. You must look to what your work is to be in the first place, and then act upon that in connection with other considerations; and unless you do that you will get no favorable vote. The thing is obvious. It is simply a question of expediency; and, let me say, that since this discussion commenced, two members of the other House, both of whom are favorable to the bill, and voted for it there, have given me, as their decided impression, that if the bill is sent back overloaded with amendments, it will break down. They both voted for it, although they believed their sections of the country had injustice done them; but they believed that, under the circumstances, it is the best bill that can be got through Congress. I believe that they are right. I believe there is no principle of morality or justice or injustice involved in the bill; I believe that it is not so grossly unjust but that every man may vote for it. No State in the Union will receive less by it, in proportion to its extent of coast, than the State of Michigan. I repeat what I said a short time ago, that Michigan, with a lake coast of eight or nine hundred miles, will receive only $47,000; while Ohio, with two hundred miles of coast, is to receive $70,000, and the committee propose to add for her $37,000. For Wisconsin, with four or five hundred miles of coast, $53,000 are appropriated; for New York, with a coast on Lakes Ontario and Erie of three hundred and fifty miles, $144,000. I do not say that a dollar of this money is improperly appropriated. I do not say that there is a single work contemplated by it which ought not to be provided for. I merely mention these facts to show the inequality of this distribution. Do as you will, and you will yet find that after you have loaded the bill down you will have every member of the Senate and House of Representatives complaining that his district has not received enough.

Mr. SEWARD. It appears to me, Mr. President, that instead of attending to the practical question before us, we are discussing the metaphysics of legislation. I do not intend to go into the question of internal improvements on the present occasion, but I desire to call the attention of the Senate to the nature of the present question. We are already afloat in a debate on a question whether we shall increase the amount of the appropriations proposed to be made by this bill, while this amendment does not propose to increase them by a single dollar, but merely perfects the phraseology of the bill, as it is designed to show the intention of Congress. I hope that such an amendment will not be made an occasion for a test question upon changing the character of the bill. The committee recommend this amendment merely for the purpose of guarding the public interests, supposing that both the friends and opponents of the bill would agree to it, because it does not change its character at all.

Mr. BUTLER. I do not rise to discuss this bill on its general merits, or its particular provisions; but to ask one or two questions. Mr. President, I have read this bill, and know nothing more about it than if I had not read it. Why $45,000 should be appropriated for one thing, $50,000 for another, and $5,000, or $6,000 should be appropriated for a third, I do not know. We have no information on the subject. If you were appropriating public funds for the erection of any building, no matter how ordinary, a report would be laid before us, giving the reasons for voting this and that. Such a bill as this should have been accompanied by a report; showing the reasons why we should vote the money, and the necessity for our doing so, and such other information as might be necessary to enable me, as a member of the Senate, to judge of the propriety of the measure, without depending on the oral explanations of individuals Senators. Now, I ask the Senator who reported this measure, [Mr. Davis,] how it originated, and how its framers arrived at the conclusion that it was necessary to vote these exact amounts? I should be told, no doubt, that we are commencing a system, and that we must commence it one way or the other. I find that Senators are not very particular as to the mode. But I ask how this bill was originated, and why we are to vote on it without having any information?

Mr. DAVIS. I shall certainly have no objection to reply to the Senator from South Carolina, although I believe that after the response is made I shall not obtain his vote. I believe that he, so far as the whole matter is concerned, perhaps, would not be extremely troubled, without looking at the bill, to know how to vote in the end; but still I have no objection to say what I know on this subject. The first remark I have to make is, that the bill was originated in the House of Representatives. It was considered and passed by that body. It is framed in accordance with the principles which usually govern us in making similar appropriations, and nearly all the items in this bill—I will not say all, because I am not quite certain with respect to the whole of them—are founded on estimates for public works long since begun and carried on by the Government, by appropriations from year to year, or from time to time, bills being passed appropriating such sums as it was supposed could be properly expended within the current year. Those are the data upon which the Topographical Bureau determined that the various sums mentioned in the bill were necessary. Those sums are merely the estimated expenditures for the current year, on works already begun. There may possibly be one or two exceptions to this rule, but I cannot say positively that such is the case. The greater proportion of these items is founded on surveys long since made, as I have already said, for works already commenced and prosecuted by the Government whenever enabled to do so by the action of Congress.

Gentlemen take it for granted that these works are not national; in other words, that they are not of sufficient public importance to justify such an appropriation. That only leads us back to a question which has been discussed, again and again, until it is exhausted. Some of these works are of more importance than others; but they have all been adopted by the Government, on the supposition that they were necessary for the purposes of the commerce of the country; and as a general thing I may remark, without entering fully into the subject—for I am not anxious to absorb the time of the Senate—that the harbors provided for in the bill—and I suppose the objection applies mainly to them—are generally deemed to be necessary as harbors of refuge for the trading vessels which pass through dangerous waters, and as ports of protection. That is the foundation on which these items stand.

Then as to the removal of obstructions from the rivers, I am sure that no one needs enlightenment on that subject. It must be apparent to the mind of every Senator that these great highways of commerce, which pass through several States, cannot be improved and made susceptible of convenient navigation without some aid in addition to the resources of the population residing on their banks. I believe that no State can undertake, with any degree of success, to improve such a great highway as the Mississippi, and this is characteristic of many other rivers.

The Senator from Arkansas [Mr. Borland] has brought the port of Baltimore, with its little river, the Patapsco, into comparison with the Red river, or the Mississippi. Well, if the relative size of the Patapsco and the Mississippi constitutes the only ground of comparison, the Patapsco must sink into a humiliating position, for it is a very small river. But, in a question of this nature, we must look to the commerce that is borne on its

bosom, and the right which the public has to expect that it will be improved as a great commercial highway. When we see a great city, containing a population of two hundred thousand souls, which is visited by the commerce not of this country alone, but also of foreign nations, we must perceive the strong, the urgent necessity for rendering the approach to that city as easily navigable as possible. We must consider not merely the amount of the exports and imports of the place, and the length of the river, but we must also consider the general amount of business done on that river, and the exigencies which exist for facilitating its transaction. It was with a view to such considerations, that that item was recommended.

Mr. President, I have purposely abstained from making any opening argument upon this bill, or of entering into any debate, because I despair of prevailing upon any gentleman to vote for the bill who has made up his mind on the question that we do not possess the constitutional power to pass such bills. I think the duty of my friend from Missouri [Mr. ATCHISON] is easy. His mind is made up. He is resolved to vote against the bill. His duty, therefore, cannot be perplexing to him. But I equally despair of getting gentlemen to vote for a bill of this description who have made up their minds against it, not for constitutional reasons, but who are influenced by considerations of expediency. I know that in the multitude of the items of which this bill is composed, and the variety of provisions which it embraces, if a gentleman desires to vote against the bill he can readily find a reason. I never knew a gentleman fail in such a case to assign a reason for his vote which did not appear to be quite satisfactory to himself at all events, whatever it might be to others. It would, therefore, be a work of supererogation for me to endeavor to convince gentlemen—especially in discussing those topics which have again and again been discussed by the most luminous minds of this country in the Halls of this Capitol. To my own certain knowledge, this question of constitutional power has been discussed here again and again and again, during the last twenty years, as well as the other perplexing questions which have grown out of it—the questions of the expediency of doing this, that, or the other.

These discussions have been carried on until really there is nothing new to be said on the subject; and I may therefore be very well pardoned for not introducing this bill with any particular observations of my own. If, however, I had known that my friend from South Carolina [Mr. BUTLER] had need of a report, I would, for his special gratification, have taken the trouble to draw one up, setting before him all the figures and estimates, and the progress of each work for which each item is proposed, as fully as I might have been able. I have, nevertheless, failed to do that; and perhaps I ought to admit that I have failed in my duty in this instance. I wished, with all my heart, that the bill had been placed in the hands of some other individual. I was anxious that some one else should take charge of it; but it was the wish of the committee that I should undertake it, and I will conduct it as well as I can. I suppose the committee thought it should fall into the hands of some individual who had no particular interest in the "division of the spoils," as it is usually called.

We of Massachusetts generally are pretty modest in this matter. We share very little of this distribution of the public money; and if there is to be the equitable arrangement which has been suggested by some Senators, I might very well rise in my place and complain that Massachusetts had not got a fair share. But, sir, I shall do no such thing. I shall make no complaint because the money does not flow towards my State; and I must confess, that I thought the Senator from Michigan had forgotten what passed yesterday, when he rose to complain that there was an unjust and unequal distribution.

A SENATOR. Yes, 750,000 acres.

Mr. DAVIS. Sir, did we not, yesterday, vote to give to the State of Michigan 750,000 acres of the public lands in addition to the $47,000 which it is proposed to give her under this bill? Is not Michigan the last State that, under any circumstances, should complain of want of aid to make her internal improvements?

Mr. CASS. I beg the Senator's pardon; but I must say she is not. She has received less than any other State of the Union. What she has received is not for a work merely her own, but is for the purpose of connecting two great highways common to all the Union. It is not Michigan alone that is to be benefited by the construction of that work; it is the entire country, inasmuch as the products of the country bordering on Lake Superior will all pass through that canal.

But, Mr. President, I did not say one word about the injustice of the bill. I spoke of its inequality. Nor am I censuring the committee: because I maintain that you can make no bill which will not be unequal. I am, therefore, willing to take the bill as it is; but if you open it, I shall show its inequality.

Mr. DAVIS. I am rejoiced to hear the remarks of the Senator from Michigan. He uses exactly the right word when he applies the term "national" to the work for which the appropriation of land was made yesterday. He takes that measure out of the category, because the canal is a public work. I know the exigencies of the State of Michigan; but if I had my choice in the matter—and I have carried this principle out as far as I could—Michigan should have no work because she is the State of Michigan. If that public work was not required to meet the public exigencies, I should not have supported that proposition. I know the great extent of Michigan, and the great extent of her lake coast. I know how destitute she is of harbors, and how indispensable to commerce places of refuge are; and when, for one, I vote for improvements on the coast of Michigan, it is only on the idea that they are to be places of refuge for the commerce of the country, and that they belong to the General Government; and it is no less a work belonging to the public than the canal around the Falls of Sault Ste. Marie. The one is as much identified with the public wants and exigencies as the other, and they both stand in the same category. There can be no distinction made as to States; none at all. States should not be permitted to hold any accountability in this matter.

Sir, you placed a breakwater, which cost millions of dollars, in the State of Delaware. Was that done for the benefit of the State of Delaware? No, sir; it was to afford a refuge to our vessels carrying the commerce along the coast of the country. It was equally useful to the shipping of New York, and Boston, and Portland, and Philadelphia, and all engaged in carrying commerce on the Atlantic coast, and especially for all that was to go up the Delaware river. Would there, therefore, be any injustice in saying that the State of Delaware was accountable for this expenditure of money for the building of a breakwater which was to benefit the whole shipping of the Atlantic? Should she be held responsible for taking millions of dollars for this purpose? No, sir; the matter stands on no such footing. It is the public character of these works that makes it proper that Congress should sanction them; and if they have not that character they should not be sanctioned. And, Mr. President, these little ports along the lakes are just as necessary as a canal around the Falls of Sault Ste. Marie. I do not think the ingenuity of my friend from Michigan can draw a distinction between the one and the other. It is of no consequence to me whether a place of refuge lies in the State of Michigan, or Illinois, or New York, or Pennsylvania. That is not the inquiry. The inquiry is, Does the public exigency require it? If it does, then it should be granted, if the Government has the means of doing it.

I have taken some pains to note down the amount of money which has been expended upon these old works. The bill itself will show what is now asked for, and the principle on which it is asked. I repeat, that it is supposed to be a proper sum for the current year. It is to be a sum which can be conveniently expended. That is the true principle. With these remarks, I will yield the floor.

The PRESIDENT. The question is on the demand for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. I did not so much as suppose that the report which I said should have been made upon this subject should have come from the Senator who reported this bill; but I do say that there ought to have been some report made by those who originated it. If the bill originated in the House of Representatives, and I am to vote upon it according to the objects contained in it, whether they are national or local, how am I to know whether they are national or local from the mere naked bill?

My friend from Michigan tells me, that the only guard and security against the abuse of appropriating money for the purposes indicated in this bill, is the vigilance of members. Sir, all my vigilance would do me no good in regard to a bill which I cannot understand, and know nothing about, and which I must take blindfold and upon faith. Whether its objects are of national importance, or whether they are purely local, I cannot tell. But I am told now that I am required to vote upon faith, and not by vigilance. Vigilance is the very last thing which need be exercised in regard to this bill. No, sir, the Senate must go it blind, or the bill, I am told, is not to pass.

I would like very much to know whether this is a general internal improvement bill, or whether it is a local improvement bill; because gentlemen say, if it is of a general character, they will not vote for it; and if it is of a local character they will not vote for it. They will only vote for it if it is of a national character. I cannot understand these lines. There is nothing in the world from which some gentlemen will recoil so soon as the term, "a general system." Now, I want to know if this is a general system: for I take it for granted if it is, that a great many men will recoil from it. But I cannot tell whether the objects of the bill are national or local from the mere bill itself. And by the way, I will say this, that if I had selected any gentleman upon this floor to draw up a report on the subject, I would have selected the Senator from Massachusetts. I believe that he would have drawn it up as lucidly and clearly as any Senator, but I also say that it would be a difficult task for any one to draw up such a report as would discriminate between what is national and what is local. I would like to have the measurement by which we are to settle what river is big enough to be national; but I suppose, *de minimis non curat lex.*

This subject is full of difficulties. It has constitutional objections, and it is especially open to objections, if we are called upon to vote on this bill, upon the broad ground that a system is to be commenced upon faith, and not upon anything like vigilance, which may be exercised upon the subject. And I say here to the honorable Senator from Massachusetts, that I might give preference to one amendment over another. In a bill of this kind every clause ought to be discussed by itself, so that members might vote according to their intelligence upon each one of the appropriations. But that would not carry the bill through. We are to take it as we find it, combined together; and it is by this combination of interests that a bill of this kind will always pass—and pass it will, always, for the benefit of those who can control the votes of Congress, and that is the majority. I do not say improperly combined; but it would be a difficult thing indeed for representatives to avoid a temptation of this kind to vote for a bill which contains a favorite clause of their own, although it contains others which may be objectionable to them.

And now, when I am told to take this bill without examination, it at once discloses the whole character of legislation upon subjects of this kind. If we are to take a bill making appropriations for internal improvements, let us have some estimate made out, deliberately made out, looking to the interests of the whole country. I do not say it would be unequal—not at all. But I cannot undertake to vote for this bill, nor shall I undertake to vote for a single clause in it, if I am to take it upon faith, and not upon information, to enlighten me. I have no doubt that I should give a preference to some appropriations over others. I have no doubt that I should give a decided preference to some, but I shall be debarred that privilege, because I understand that on all sides the friends of the bill want it to pass, and the only way to pass it is not to show the character of the bill. Vigilance! Invoke legislative vigilance upon a matter which we must take blindfold, without seeing what

it is—which we are required to take upon faith, and not look into it! That is the way such things will always go through. But I am opposed to acting in such a manner. I wish to vote understandingly. I cannot vote blindfolded. I must know what I am voting for.

Mr. MASON. Mr. President, the question now before the Senate, as I understand, arises upon the first amendment proposed by the committee to which the bill was referred. In that way the present question is before the Senate. The amendment is to strike out a portion of one clause, and insert other words in lieu of it; and the question which has led to this debate, comes before the Senate upon that amendment, because it is the first amendment to the bill presented by the committee. Gentlemen who have called for the yeas and nays upon it, as I understand, say, "Let the Senate vote upon this amendment as a test question, that we may see whether they will amend the bill at all." They address to the majority this argument: "If you amend the bill at all, it will insure its defeat, because when it goes to the other House, there will not be time to pass upon the amendments." And the Senator from Michigan suggests that it will so overload the bill as to sink it, I suppose by its specific gravity. How overload it, Mr. President? What does the honorable Senator mean by overloading the bill? If he means anything, it is that you will ingraft appropriations upon it for so much money, or for such unworthy objects, as ought to destroy the bill; for he says, in a certain event, he may vote against it himself. This would present the subject to us as a sort of general scramble. The doors of the Treasury have been opened by the House of Representatives passing the bill in the form in which they sent it to us, and the argument addressed to the majority of the Senate is, "Take what they give you. Do not go into this scramble, because if you do you will bring the subject into such disrepute, that the Senate, or a majority of it, will be obliged to vote against it;" and that argument is addressed to the American people, in vindication of the expenditure of their money to the amount of millions.

I have been led into this by the suggestion of the honorable Senator, that one danger, if you go into amendments at all, is, that you will overload the bill. What I wanted to present to the Senate, and through the Senate to the people of the country, who will look here at our proceedings, is this: The first amendment offered by the Committee on Commerce, is to be presented to this Senate as a test question, and that test question is, whether you will amend the bill at all. What is that saying to the Senate? It is a request to the majority here not to inquire into the propriety of the amendment—not to inquire whether it is wise or just, but exclude all that from your deliberations, and be it wise or unwise, reject it, because, if you do not reject it, we shall lose the bill. In other words, the bill comes before us under such circumstances as to preclude deliberation, and the recommendation of the gentleman is, "Do not deliberate. Exercise no discretion upon it. Take it as it is, be it good or bad, because if you do not, it will be in the power of the other House to defeat the whole bill."

I want to look a little at this amendment. I want to inquire before the Senate whether it is wise or unwise. I am going to vote against the bill. I am satisfied it cannot be presented in such a form that I shall vote for it in any event; but I would say to the majority of the Senate, strike from it everything mischievous, or amend it in such a form as to reduce the mischief to which we who are opposed to it think the whole measure has a tendency. The clause in the bill which the Committee on Commerce propose first to amend, is a proposition to appropriate $75,000 "for opening a ship channel of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico." Is there any Senator who believes that $75,000 will accomplish that? I am told by the chairman of the committee which reported the bill, [Mr. HAMLIN,] "Oh no, it is only a small part of it;" yet in its terms it is an appropriation of $75,000 to open "a ship channel of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico." What is the amendment proposed by the Committee on Commerce which gentlemen present here as a test question, in order to determine upon it whether we will make any amendment to the bill? The most important feature in that amendment is, that the engineers who are to conduct the work, shall, through the proper Department, report to the next Congress what amount of money it will require to do this work; and gentlemen say, "strike that out; do not admit it." Sir, I should say, that with that strict propriety which becomes those who are to administer a trust—and we are to administer the trust here of the Government—we should entertain no work, of this magnitude at least, without first knowing what it is to cost the country. We should not enter upon this work, to which the Treasury of the people is to be committed—for when you once begin there is a committal—and refuse an amendment to it which inquires into what the work will cost; and yet the Senator from Michigan, and those who reason with him, tell us: "Do not ask what the work will cost; for if you do, it will defeat the whole bill." Sir, this is a most important amendment. It is one about which the American people ought to be informed, and yet that information you deny them, by refusing the amendment which proposes to give it to them. As the bill comes from the House, there is no such provision contained in the clause. All they require is, that the Secretary of War, through whose Department this work is to be conducted, shall, "at an early day in the next session of Congress, report said contract, the progress of said work, and an estimate of the annual cost of keeping said channel open." It requires nothing more. What the work is to cost is not contained in the original bill. The amendment requires that he shall report "the progress of the work, the amount necessary to complete it, and an estimate of the annual cost of keeping said channel open; and any contract which shall be made, shall be limited to the amount hereby appropriated."

I say, with all possible respect to the Senate—and I say it to the country through the Senate—is it that sort of legislation which the people expect of the Senate, that we shall commit the Treasury to a work which must cost a very large sum of money, and yet deny the people the opportunity of being informed what the work is to cost in the end? And this will be the effect, if the amendment is not adopted.

This is not the only amendment proposed by the committee. There are large series of amendments, proposing on the part of the Senate appropriations for such works as the committee have determined are proper to insert in an expenditure of this character. This is the only opportunity that Senators have had to make any proposition whatsoever in reference to the course of expenditure contemplated by the bill; and yet the honorable Senators from Michigan and Indiana, and those who reason with them, say that the bill comes before the Senate under such circumstances as to preclude deliberation and action. You must take it as it is, good or bad. "We are satisfied with it," say they, "and you must take it as it is, or you run the risk of losing it." Sir, if you legislate in this way, the Senate is a useless body, a mere incumbrance upon the House of Representatives. We should stand here prepared only to register their rescripts as the edicts of the Government. I do not know—I am unable to say—whether the House of Representatives will pass this bill or not, if amended. But I am rather disposed to think, from the character of the expenditures involved in it, that, put upon it what we may, it will pass; because there is such a combination of interests in it, that it will carry the majority. Of course I do not mean to charge corruption, for I do not believe there is that; but every section of the country, as far as I can judge from scanning the general provisions of the bill, are interested. There is a combination of local interests which I apprehend will carry the bill through, put into it what we may; but I wish for one, holding the very humble position I do before the American people upon this floor, to place it upon record, that this test vote is upon an amendment that is intended to preclude deliberation, and preclude action on the part of the Senate on an immense money bill.

Mr. BELL. I do not propose to enter into the discussion of the general principles upon which this bill is founded. I do not intend to go into an argument which has often been largely gone into in this body heretofore—whether it is a wise policy or not. But, sir, I wish to trespass upon the Senate for a few moments only, in reference to the immediate question before the Senate. It is proposed by some of the friends of this bill, that to reject the amendment under consideration should be a test question, and decide the point whether the Senate will admit any amendment whatever to the bill. My apology for trespassing at all upon the attention of the Senate, is that I have what I consider a very important amendment to propose. And I do not think it perfectly fair, that the question upon the first amendment of the committee should be considered as a test. In regard to that point, the appropriation—$75,000—proposed to be made for the improvement to which that amendment is attached, I doubt not will be very judiciously expended in deepening the channel at the mouth of the Mississippi, so that the improvement will go on under the auspices of the Government. The amendment, therefore, is not indispensably important as regards the appropriation proposed to be made for the opening of that channel.

But as to the general proposition, that it is the policy of the friends of the bill to reject every amendment, as it strikes every individual member of this body who is favorable to the bill, and whose particular section, or, if you please, whose sectional interests are provided for, it will be regarded as a favorable and wise policy by the Senate to reject such amendments. But, it will strike other members of the body whose particular sections, or whose share in the general policy of improving the internal communications of the country have not been sufficiently appropriated, as an unreasonable and unjust policy to exclude every amendment, when their particular sections of the country shall appear to be entirely or mainly overlooked. I do not pretend to say that the southwestern section—the interior States—have been entirely overlooked; because partial appropriations have been made to the rivers Ohio, Mississippi, Missouri, and Arkansas, which are streams and channels of communication which deeply interest the trade and commerce, and the transportation of the products of that country. Still, there are large sections of country, including entire States, and having navigable waters of very great extent, which are entirely overlooked in the various provisions of this bill. I may be pardoned for alluding to particular or local interests, since I am claiming the injustice which is done to any particular section as the ground and apology for consuming a very few moments of the time of the Senate on this subject.

There are the Tennessee and Cumberland rivers, one of which is ordinarily navigable for eight hundred miles to his upper stem, and the other some seven hundred and fifty miles. Not one cent is given to them by this bill. They are wholly overlooked, while streams which are only twenty or thirty miles long, in some instances, have appropriations made to them; streams that are confined to single States have very respectable appropriations, in amount, made to them. It is impossible for me not to offer what I deem important amendments, as a friend to this general policy, and, if you please, as a friend to this bill—for I do not pretend to say that I should act upon such limited grounds as, because no measure—I will not say an equal measure—of equality is dealt out to the section I represent, that, therefore, I will vote against the whole bill. I do not take any such ground; but I think it my duty, and I think the Senate will not complain of me, and even the friends of the measure will not complain, if I do feel myself called upon to bring to the notice of the Senate what I consider a gross omission in the bill—not that I regard the measure of equality of distribution as important in a bill of this sort; but I do think it should have some approximation to it. I do think that it should have such an approximation to it, that it should not have an infinite variety of small objects in one section of the country, carefully attended to, while much larger ones, much more magnificient streams and channels of

commerce and navigation, in another section, are wholly overlooked. Though I may vote for this bill, I shall consider it a gross and rank injustice in its framers, if no modification is made in it in favor of important objects—one that cannot be accounted for upon any just principle.

The honorable Senator from Massachusetts has well said, that a large proportion of the items contained in the bill—I think he said almost the entire body of them, not to say the whole—are for the continuance of old works which have been examined and surveyed, and appropriations made to them from time to time for twenty years past, with such intermissions when the policy and principles of the Administrations for the time being have inhibited them by placing vetoes upon appropriations for carrying them on. That is true; and during all that time have not a majority, a large proportion, of the people of this country been in favor of these measures, and supported them from session to session, and from Congress to Congress during the whole time? Taking it to be true that the appropriations contemplated by the bill are chiefly, if not exclusively, designed for those old works, for which appropriations have been already made—works upon which large amounts have been already expended—the representatives of other sections of the country, and of other considerable interests, think that, after twenty years, it is time to pay some attention to those objects which have received nothing in all that time—objects that have never had an appropriation from the General Government; objects more worthy, five and ten times, than some which have repeatedly received the attention of the Government and appropriations of money. My argument is, that it is time, if, as the honorable Senator from South Carolina says, we are about to commence a system, that these larger objects should be noticed. But the truth is, we are not about to commence a system; it is a continuation of what has been, I believe, the policy of the Government. I believe, even in General Jackson's administration, there were eight or ten millions appropriated for those purposes. I may state the amount too high.

Mr. BUTLER. I would ask the Senator if he knows whether the money so expended has done any good at all, or not?

Mr. BELL. I think it has.

Mr. BUTLER. Take the Cumberland dam appropriation, particularly.

Mr. BELL. That did great good, I am happy to be able to say to the Senator from South Carolina. As the honorable Senator has provoked me to a digression, I would remark that the whole country interested in the navigation of the Ohio has been appealing to Congress for four years—that has been the time since I have had the honor to return to Congress—for money, either to remove that dam altogether, or put it into a state of repair in which it would be beneficial to the commerce of the whole country. I have the pleasure of announcing to the honorable Senator from South Carolina that that dam was a very beneficent work to the whole commerce of the Ohio when it was constructed, and that it continued so for many years; but for the last five or six years, owing, not to the removal of the dam, or to any part of it being swept away, but to a depression in one part which was never completely finished, perhaps, it has become a nuisance. The Government placed it there. Congress and the Executive, at one period, refused to make an appropriation to remove it, upon the ground that if the Government placed it there, and it became a nuisance, it must remain a nuisance, because the Government originally trespassed upon the Constitution in putting it there, and therefore it would not be constitutional to remove it. That, in effect, is equivalent to the declaration made in the message of a former President. I am complaining of these great inequalities; and if the honorable Senator from South Carolina will allow me, I will mention here what I consider one of the greatest causes of these inequalities: why, it is that one particular section, the northern or eastern, if you please, or the northwestern, seem to have the largest share of the "spoils," if you choose to call them so, or the largest amount of the public money appropriated for internal improvements, so that there is not even an approximation to justice in such bills as they are generally presented. This gives rise to an idea of hardship, as the honorable Senator from Missouri says, wearing the aspect of fraud upon its face, and founded in a combination of interests. All these things do seem to be presented when you go into a consideration of the relative importance of the various measures provided for, and of the relative magnitude of the works. These appearances are exhibited: they do present themselves. And yet it is the natural result of the condition of parties in this country, and of the opinions entertained by honorable members of this body, and of the other branch of Congress. The honorable Senator will understand that I mean nothing personal when I say, if I am asked why these extraordinary features are presented in the bills of this magnitude, as Nathan said unto David, "Thou art the man" who hath brought it about.

Mr. BUTLER. I do not think I have been here long enough to do much in that way.

Mr. BELL. I do not say that the Senator, as an individual, has had this immense influence upon bills of this description, giving them a feature of partiality and a want of proximate equality in the different sections of the Union; but I speak of him as a type, representing a class of statesmen and politicians on this floor. Although this question now presents itself, after having been a popular and favorite measure of a large majority of the people of this country for twenty years at one time—from Mr. Monroe's administration to the close of Mr. Van Buren's; it was considered a popular and conceded doctrine; I do not mean a system of general improvements, including roads and canals through the States, with or without their consent, or by taking shares in their companies, but the improvement of rivers and harbors—harbors of the interior inland seas, the lakes, and great rivers west. Although I say that has been the sentiment of the country for so long a period, what has been the fact with regard to the minority of the representatives of the States in this body, and of the people in the other House? Some of them have continued to stand out upon the question of inexpediency, and others upon the want of any power in the Constitution to make the appropriations for such improvements. Let these gentlemen come in and regard this doctrine as settled. It is a doubtful one. Can honorable Senators stand upon the ground that this is a clear unconstitutional effort to appropriate money from the Treasury? That is a question which some of the most enlightened and patriotic statesmen in the country have from the foundation of the Government discussed. Will gentlemen never regard it as a settled question? Will they never come in and attempt, by their uniting in the support of the policy that has the sanction of a majority of the country, to give an equality to it, to restrain its abuses, interpose their influence and votes to give it not only the aspect, but the reality of justice, and an approximation to an equality as near as may be in a policy of this kind? When they speak of constitutional objections, let them say upon what ground they give their support to the light-house bill.

The late eminent, lamented, and distinguished Mr. Calhoun, a former Senator from the State now so worthily and honorably represented on this floor by my honorable friend, [Mr. BUTLER,] took what I conceive to be the view of a practical and sound statesman upon this question. When he had made up his mind that these appropriations for the great rivers of the West constituted a proper policy for the Government to adopt, and he saw no such constitutional objections to it as were not surmountable in his judgment—his principal objection was to the expediency of such a system—he came in and endeavored to regulate it. That great man saw the inequality and great injustice which might be done to one section over another, while there was a respectable minority of the States represented upon this floor always protesting against such a policy, and allowing the majority who thought favorably of it, and had it in their power to adopt the measures to make an unequal distribution, and not do complete justice to all the sections of the Union. When he saw that that must be the result, he took a far-seeing and statesman-like view of the subject, and inasmuch as the policy was so loudly demanded by the condition of the West, particularly the great lakes and the great rivers of the West—when he saw that it would be forced upon the country—he did, and even if he had considered it more objectionable, he would have strained the construction of the Constitution, not against a clear and valid objection, but a constructed one—he would have constrained his mind to come to the conclusion that it was constitutional, because he saw that the policy was likely to be established in the country. He saw that if one barrier of the Constitution was broken down, he might conclude that others might readily be overleaped. He wanted this to stand upon no ground of unconstitutionality. His great mind and experience led him to the propriety, the expediency as a statesman of acquiescing in this measure. If all his admirers—those who have generally agreed with him at the South—would adopt his conclusions on that subject, they would come in in support of this measure, and assist by their votes in giving somewhat of equality and justice to all having the interests of every section of the Union duly and properly looked to in this great measure; they would come in and sustain those who are of the opinion that although the system is in itself liable to great abuse necessarily, and that the only way to prevent abuse is to unite heartily in the support of such objects as are considered important and proper, rejecting those which are unimportant and unnecessary, but which may be combined together in order to get a majority in their favor.

These are my views upon the subject. If the South would come in, regarding this as a settled question—a question that is foregone in the decision of the country, and must be acquiesced in—if they would let the country be regarded as competent to settle it, they might have a beneficial influence upon it. This policy has been going on, and will go on. The interests of the West will see that it goes on strengthening from year to year. I am as much opposed to the abuse of it as any Senator on this floor can be. There are objects in this bill such that, although I may give my support to them, I shall do so under a sort of moral duress—a necessity on account of the great importance of improving these great works. There are numerous small objects of no importance, in my estimation, in the bill. And, again, the section to which I belong has been almost neglected; but still, sensible as I am of the importance of making the other improvements, I shall probably vote for the bill. But I did not rise for the purpose of making such remarks as these. The honorable Senator from South Carolina has called me out on them. I will remark, further, in answer to his question, though, that the improvement of the Mississippi river, and some parts of the Ohio river, appropriations which have been heretofore made were of great and beneficial use. And when he speaks of making estimates in regard to the probable cost of deepening the channel of the Mississippi, I would ask what engineer, or what corps of engineers, in the world, could make an estimate of what it will cost annually to clear out the accumulations of snags in the Mississippi? We want an annual appropriation, and no engineer can compute what it will cost to carry on the improvements.

With regard to deepening the channel at the mouth of the Mississippi, that inland torrent—more like a torrent than an ordinary river to the eyes of the careful observer—I would say that the river is annually making immense deposits. The whole delta, that whole country, is but a deposit from the Mississippi of the sands, &c., of the Rocky Mountains, and of the Alleganies. It is depositing annually. That channel may be deepened out to admit ships of the greatest burden, but it will have to be kept clear. An appropriation of $20,000, $30,000, or perhaps $50,000, annually will be required to keep that channel open. Who can estimate what it will cost? Suppose, instead of $50,000, it would cost $250,000; would it not be worth it? The honorable Senator from Maryland alluded to the receipts of duties at New Orleans upon our imports. Sir, the great Southwest is supplied with its imports chiefly through New York and through Baltimore, and that makes it important to deepen the channel of the Patapsco, which is a little river, I do not know exactly how long. But, sir, look at the exports which pass down the Mississippi river, and out by the

way of New Orleans. There are thirty millions or forty millions of cotton, besides tobacco, and other productions of the West, exported annually. A Senator near me suggests more than fifty millions annually. Suppose, now, it should cost $250,000 a year to keep that channel open, after it has once been opened, why not appropriate it? I had it from a passenger who traveled down the Mississippi river, that he counted eighteen large ships—some carrying three thousand or four thousand bales of cotton at one time—aground in the river at this pass of the Mississippi. It is an impediment to the commerce of the whole country. It should be improved. It is one of the most important works in the bill, undoubtedly.

But this is all aside from the object for which I rose. I desired to address a few remarks to the Honorable Senators who have expressed themselves satisfied with this bill. The honorable Senator from Michigan is willing to take it, as well he may be. It has been demonstrated that he has no cause to complain. He is satisfied—the honorable Senator from Louisiana [Mr. DOWNS] is satisfied. He is getting as much as can be applied this year to the mouth of the Mississippi. There are, besides, $50,000 appropriated to the Red river raft; but still he shakes his head, as if he were not satisfied. I think he may be reasonably satisfied with the bill. Besides there is the general appropriation on the Mississippi. It is very likely that there is as much appropriated as can be applied between this and the next session of Congress. The honorable Senator from Arkansas [Mr. BORLAND] is satisfied, and well he may be; and other Senators are well satisfied; but I am not. But, sir, it is not as an individual that I am dissatisfied. I am dissatisfied with the general inequality of the bill. I repeat again, that the Cumberland river is navigable for seven hundred and fifty miles. It is tributary to the Ohio first, and then to the Mississippi river; but I do not propose to ask one cent for it. All I would say to the honorable Senator from Massachusetts is, that that is one of the old rivers to which some thirty or forty thousand dollars have been appropriated; yet, it has been left off. No appropriations have lately been made to it. It goes by my door; but I do not mean to make a pretext of that being an old work. Let it pass. But here is the Tennessee river, running through portions of three States—Kentucky, Tennessee, and then into Alabama, and then into Tennessee again. It runs for near eight hundred miles, and it has never had an appropriation for the improvement of its navigation. I say that is a new object; and is it not time, after the twenty years that this system has been in partial operation, that at least some notice should be taken of it? I think it is.

I think the Representatives of that section may well complain, if they are put off on the ground that we are afraid that making amendments will jeopard the bill, and on the ground of its being a new object. For the very reason that it has never had any appropriation before, it should have one now. Gentlemen ought to pay some attention to it. There are rich productions upon that river, and have been for the last twenty years, and yet it has never attracted any considerable notice from the Government. For this reason, I trust I shall be excused for saying these few words, and for appealing to the friends of this measure to let us amend this bill judiciously. If we do so, and it goes to the House, and they do not agree to the amendments, we can recede from them and take the bill as it originally stood.

I am in favor of the bill. If these amendments are not made, I think I shall vote for it. I have not particularly examined the items. I do not know that there are any items in it of such a character as would lead me to vote against the whole bill. I trust, however, that the Senate, in taking the vote upon this amendment, will not regard it as a test question, and consequently vote it down, because by making amendments we may run some risk of losing the bill in the House. Senators say we have next session to get appropriations—they say it is only three months until we have another session of Congress. And what will the next session be? It will be but three months long. I will not say how it is likely to be spent. It will be upon the eve of the advent of a new Administration, when the spirits of one party will be buoyant with success, and those of the other depressed. What will be our condition for legislation? There will not be such an anxiety to look to the interests of the country. At most, we will have but three months; and while we may be disposing of the appropriation bills, we will not be very likely to succeed in obtaining a new river and harbor bill. For that reason I think I am justified in making a point, if I can, to have this bill properly amended.

Mr. DOWNS. The honorable Senator from Tennessee has made a mistake if he supposes I am satisfied with this bill. I am not satisfied with it. I concur in the objections urged to it by the Senator from Arkansas and others. It does not appropriate as much to the Mississippi as it ought to do. But I have been here long enough to know that if I wait until I get everything exactly as I wish it, and never vote for a bill until I do so get it, I shall have to wait a long time before I vote for the bill. I do object to this bill; and if it is once amended, I shall move to amend the appropriation which has been alluded to several times in the course of this debate—that for the Red river, and also those for the Mississippi, and I shall insist upon them. But the point which I make is, that, considering the period of the session, the great quantity of business we have to do, and the little probability there is that the bill will pass if it is altered, we had better not make any amendment. I have objected to the amendment now under consideration not because I have any objection to it in itself—for it is an improvement of the bill, and I should be glad to have it—but because I thought it better under the circumstances not to amend the bill at all. This being the nature of the amendment I would greatly prefer—and I will bring the discussion to that point if I can—to see the suggestion of the honorable Senator from Massachusetts adopted—that it should be passed over for the present, because my vote upon it would depend upon the fact whether we make any amendment to the bill at all. Let us then go on and take the question on the other amendments of the committee, making addition to the amount appropriated, and then if the bill is amended at all I shall have no objection to this amendment, but on the contrary, shall vote for it. I therefore suggest that the amendment which is under consideration first, because it stands first in the bill, be passed over for the present, and that we vote upon the others. I suppose that can be done, for it is really a question about the merits of which, independent of the circumstance I have mentioned, we do not differ. I hope by unanimous consent the Senate will pursue this course.

Mr. HUNTER. It seems to me that the test vote as to whether the bill will be amended or not can be taken as well upon this as upon any other amendment—for surely it is a most important one.

The PRESIDENT. The Chair will state that the amendment cannot be passed over in that way, but by unanimous consent. It is the first amendment reported by the committee, and the question will have to be taken on their amendments in their order, and one cannot be passed over for the purpose of taking up the others, but by unanimous consent.

Mr. HUNTER. I hope this amendment will be adopted. I am opposed to passing over it for the purpose of taking up the others. I wish the question taken now.

The PRESIDENT. It cannot be passed over.

Mr. DOWNS. Then, although I do not disapprove of the amendment itself, I shall vote against it; but if other amendments are adopted, when the question comes up on concurring in them, I shall vote for it. The Senator from Missouri [Mr. ATCHISON] seems to think that it is astonishing that the Senators from Indiana and Michigan should support this bill, although it is not exactly what they would wish. Is that extraordinary? Is it not of every-day occurrence? According to the idea of the Senator from Missouri, there ought to be but one legislator in Congress, and if he could not get everything according to his will, he should go for nothing. I thought there were some two hundred and thirty-odd members of Congress who are to deliberate and agree upon the subjects which come before us; and I certainly have been in the habit—and I am very much mistaken if all have not frequently been in the habit—of voting for bills which contain some provisions of which we do not approve. So it is with this bill. I do not approve of the whole of it. It contains some appropriations which are highly defective; which are too small. Take, for instance, that for clearing out the mouth of the Mississippi. We have been asking for $150,000 for that purpose, and the bill appropriates only $75,000. The appropriation for the improvement of Red river, as the Senator from Texas has said, is clearly inadequate. So are all the appropriations for the Mississippi and Ohio rivers. But the question is not whether I am perfectly satisfied with the appropriations or not, but whether I will take them, or take nothing? I prefer that we should take them rather than take nothing. Although this appropriation for the mouth of the Mississippi is too small, still I think it will do some good; it will do something towards removing the great impediment to the entrance of that river, which has been peculiarly unfortunate and disastrous within the last six months. So as to the Red river. I prefer to take what the bill proposes rather than to take nothing. It is, therefore, a matter which gentlemen must decide for themselves upon what course they will take. But, for my own part, I much prefer the bill, defective as it is, to being without appropriations altogether.

But there is another difficulty in the way about these amendments. Situated as the bill is now, there are, perhaps, some persons who will vote for it; but if you make it like some other bills which have been before us, they will not vote for it. This is not the same bill which was before us at the last session. That bill contained some provisions against which I voted which are not here. The two Sodus Bays, and other provisions that we fought against most strenuously at that time, are not in this bill as it came from the House, but are reported by the committee. If these amendments are adopted, my support of the bill is very uncertain. It is a pretty bitter pill as it is. It is not very palatable; but certainly, if the two Sodus Bays are put into it, with the harbor of St. Louis, which my friend from Missouri says he is going to move, with other local provisions, I, for one, will most assuredly refuse to vote for it. I think, then, if anything is to be done on this subject during this session, the only plan is to leave the bill as it is. I would remark, in regard to this particular amendment, that I do not think it is material.

Mr. ATCHISON. I want to call the attention of the honorable Senator to the Sodus bays. In the bill, as it came from the House, there is this clause:

"For the improvement of the harbor of Sodus Bay, Lake Ontario, Cayuga county, New York, $10,000."

Whether that is Big or Little Sodus Bay I do not know.

Mr. DOWNS. That is the amendment of the committee.

Mr. ATCHISON. No, sir; it is in the bill as it came from the House.

Mr. DOWNS. It is for Little Sodus Bay.

Mr. SEWARD. It is for Little Sodus Bay.

Mr. DOWNS. I think, then, Mr. President, that, if we desire to pass this bill at all, we had better take it as it is. But I was about to remark, that the amendment insisted on cannot be material; because I have reason to believe that the proper construction of the law is as I stated, that the contract could not be made beyond the money appropriated. I have reason to believe that the Secretary of War takes this view of the subject. I therefore do not consider it very material.

Mr. HALE. Mr. President, a good deal has been said, in the progress of this debate, about the framing of this bill to meet particular local interests, by which it might be enabled to command the votes of a majority of the Senate. I wish to vindicate myself, as far as it may be necessary, in voting for this bill, from having been prepossessed by any such consideration as that alluded to. There is a State in the Union by the name of New Hampshire, of which we should not know if we did not read the debates of political conventions. So far as the legislation of the country is concerned, in regard to any appropriations for internal improvements, I believe, from the foundation of the General Government to the present time, there has never been but one single appropriation for

any improvement in the State of New Hampshire, and that was for the small sum of $10,000, in the year 1837, which was employed for the purpose of increasing the facilities of the circulation of a small Democratic newspaper, and not for removing obstructions in any river or harbor. That has been the history of internal improvements so far as the State which I have the honor in part to represent is concerned; and you are to-day, and have been for years, collecting more money annually out of the factory girls and factory operatives, in the shape of postage, than you have ever appropriated in the State for any sort of improvement, from the formation of the Federal Constitution to the present moment. It is said, in making arrangements of this sort, that it will not do to appropriate the sums to one particular point. That is true. I have no doubt it is correct; and that certain influences must be looked to. I have no doubt of that; but I have found that the class of States that need not to be looked to are those whose population is very small, and growing comparatively less. A State which has but four Representatives in the present Congress, and will have but three in the next, is not, in any view, worthy of an appropriation for an internal improvement. But, sir, in a State which has but two or three Representatives in the present Congress, and will have one or two more in the next, it is manifest to everybody that the navigation must be improved. I think some suggestion of this kind, without intimating anything corrupt in this—because it is not senatorial, and none of us would do anything which is not senatorial—some such consideration may afford some clue to the construction of bills of this character. Nevertheless, I shall give my vote for this bill, although I am unfortunately from a State which has but four Representatives in this, and will have but three in the next, Congress.

I shall vote against the amendment for this reason: it is entirely immaterial, as the Senate will see by looking at it. It does not qualify the bill itself, and leaves the sum of money to be appropriated exactly the same; it leaves the object to be effected exactly the same. The original bill requires the Secretary to report the progress of the work at the next session of Congress; the amendment does the same. The original bill requires an estimate of the annual cost of keeping the channel open; the amendment does the same. All the amendment does which the bill does not, is, that it proposes to require an estimate, and a further provision that no contract shall be made which shall exceed the amount appropriated. Now I take it, that if it is possible to frame a law—we have got more than one statute upon the statute-book which accomplishes that object—which prohibits the head of a Department from making a contract for a larger sum than is appropriated in the bill authorizing the work to be done, I think that gentlemen who have been interested in the Senate, in getting up the California dry-dock, or California floating-dock, will understand what the settled construction of the law upon that subject is. By the action of the Department, under the advice of the Attorney General, the application of the appropriation in that case was delayed twelve months, because the Department could not make a contract for the work within the appropriation made. This amendment in that respect, then, is entirely immaterial. And then all that it does is simply to require an estimate of the annual cost of keeping the channel open. It would be very idle for us to make a provision by law that there should be an annual exhibit or estimate of the amount required to do that, when those who are interested in it will see that the estimates are made and presented. I have not found, thus far, that it is necessary to make a law to require estimates; but on the contrary, the estimates come in a great deal faster than the appropriations are made. I do not think for that reason, that it is necessary to make any provision of the kind.

But there is a difficulty in my mind in voting for this bill; and I regret that there are not some gentlemen now in the Senate who used to be here, more conversant with dictionaries than I am, so that we might have the meaning given of a "general system of internal improvements." You know, sir, that we Democrats are all opposed to a general system. But anything short of that is Democratic. Now, what makes a general system? That is the thing that labors in my mind. The constitutional question is entirely clear. I have not heard of any "old fogy" in the Senate who talks of referring to the Constitution now. It is entirely superseded by platforms. I wish that some gentleman who is conversant with platforms and dictionaries both—and very few men are: those who understand most about platforms know least about dictionaries, [laughter]—but if there should be any conversant with dictionaries and platforms both, I wish (and I say it with a sincere desire) for light. We want light upon this subject. I want to know, and I want gentlemen who advocate this bill to know, if, in voting for it, we are not in great danger of coming up to a general system? General is an indefinite term. We apply it to systems and candidates now, indiscriminately. They are most all generals; but whilst some are in favor of generals for candidates, they are opposed to generals for systems; they are opposed to a general system. They are in favor of General Scott and of General Pierce, but they are opposed to general systems. The difficulty is in finding out what a general system is. I ask for light. It strikes me that the common experience and observation of mankind is the reverse of what it might be supposed to be. The system which the minority are in favor of is general; the system which the majority are in favor of is not general. One would think that exactly the reverse of that should be true; and that the system which combined the greatest number, and united the majority in its favor, would be the general system. But that does not seem to be the fact. The general system now means that which the minority want; the system which is not general, is that which the majority want—that which is not general is sought for by the majority. I do not know how to understand this. I confess that I have been embarrassed to know how to get along. I trust I am making due progress in this age of progress; and that I shall soon reach, if I have not already reached, to that pitch in which I can treat platforms with respect, and the Constitution with contempt. But it seems to me, in the tendency of things now, that the Constitution has got to be an obsolete idea; and I have been looking—and I hope by another session to find—instead of the resolution which requires the Constitution to be printed with our rules, and distributed to Senators and Members, that the Constitution will be dispensed with, and thrown away—possibly given to some antiquarian society—and, in place of it, that platforms shall be printed with the rules, and some definitions; so that those of us who wish to keep within the pale of the true faith, may understand what is the meaning of general, and what of particular, when applied to the measures which we are to vote upon in our capacity as members of this body.

But I am ready to run the risk, so far as I am concerned, of following in the footsteps of my illustrious predecessor.

Mr. FOOT. Who is that?

Mr. HALE. It is no matter who. I am willing to run that risk, and take it for granted, that this system stops short of a general system, and so that it is safe and democratic to vote for it. But I do hope the present session will not close—I hope we shall not go home to our constituents, until we set up some landmarks by which the unwary may take heed, that they may not in an evil hour step beyond the mark which divides the boundaries of a general system from a particular one. Upon that subject I do feel some solicitation.

I confess I am quite ignorant of this bill. I have not even read it; and I do not know that I am peculiar in that; but I am in favor of the system; I am in favor of a general system; and I think that one Senator whom I heard address the Senate this morning, has qualified it by saying, that he is not in favor of an unreasonable system. I think I will agree to that. I am in favor of a judicious system—of a reasonable system. I am in favor of anything—I had liked to have said—that is national in its character; but I forget that another dictionary of the language is to be made, and that the word national has an entirely different meaning from what it used to have. We have nothing national in the northern States—nothing national at all, I mean in the modern acceptation of the word. I had supposed, according to the old dictionaries which I read, that "national" was "general;" but we are opposed to what is general. I am in favor of anything which is truly national in its aspects. I am in favor of improving the Mississippi, and the Patapsco, and the Hudson, and any other river, or harbor, or lake, in which the citizens of this whole country are interested.

I will not shut up my sympathies, nor confine my action here by any such miserable consideration as might arise from the fact, that not a dollar has ever been, or probably ever will be, appropriated to the little State which I have the honor in part to represent on this floor. No, sir, I will remember here, however I may forget it elsewhere, that I am a citizen of the United States; and that when I speak of a national interest, I have something else besides negro slavery that I connect with the definition of "national," as used in reference to political subjects.

For these reasons, I am in favor of the bill. I will vote for it; and I will not delay it a single hour, nor embarrass the Senate with offering amendments; but will endeavor, as they are presented by others, to give as understanding a vote as I may upon them.

With these remarks, I leave the subject, saying, however, that I have not examined the bill as minutely as I could wish to have done; and probably shall not. From the defects and deficiencies of which I have had occasion to complain again and again on the floor of this Senate, it is now to be voted upon hastily. Nine tenths of the session of the Senate—I speak with all the respect that is due to the Senate; I will not speak of this Senate, but of some Senates that have sat heretofore—nine tenths of their time, I say, have heretofore been taken up in making speeches, that have no possible connection with any practical subject for legislation before them.

And now important business, involving millions upon millions of expenditure, and all the great interests of the country, are forced into the very last hours of the session, when the proper consideration cannot be given to them. No consideration can be had on the great subjects upon which we are called upon to legislate. How do we find ourselves at this moment? About a week and a half of the session is left, and we have yet to consider the civil and diplomatic, the naval, and the army appropriation bills, and the bill for the improvement of harbors and rivers; and, by the blessing of God, I hope we shall consider the "homestead bill." All these great measures are left to be acted upon in this little span of time—these few, brief, fleeting hours, at the end of the session, when nearly the whole of the session has been consumed by the vicious system which has prevailed. In alluding to this vicious system, I do not speak of this Senate at this session; I am speaking historically of another Senate, which used to sit in the Island of Nickvoo, [laughter,] some three hundred years ago. But we may take advantage of the history of those who have gone before us, and avoid the errors into which they fell, and escape the consequences.

Mr. MALLORY. Mr. President, if the vote which is now about to be taken is to be regarded as a test vote, I deem it proper to say a word upon the subject. I do not deem it proper, however, at this moment to say a single word as to the general policy which this bill attempts to carry out, or as to the constitutional power upon which it seems to be based. Nor will I occupy the attention of the Senate by adverting to the importance of this particular amendment. I apprehend that every Senator, familiar at all with the trade and condition of this country, must see by a glance at this bill that the very amendment proposed here is more important to the general welfare and interests of the country than are twenty-nine thirtieths of the measures contained in this bill. It is to afford an outlet to the immense trade of the Mississippi valley, in which trade the States represented by every western Senator—the States represented by every Senator of the United States from the valley of the Mississippi—are interested. It is a trade which at this very hour amounts to $150,000,000.

The amendment is based upon this common-sense view, that the bill as it comes down from the House seems to contemplate that the

entire contract is now to be made by the Secretary of War, and that the appropriation is to complete the work. The amendment contemplates that a report shall be made to Congress of how the money may be appropriated, and it recognizes, at the very outset, that this is but a partial and temporary appropriation.

But, sir, I rose more particularly to say that the attempt to cut off all amendments to this bill will necessarily preclude many gentlemen from voting for it who would otherwise feel inclined to do so. Gentlemen would feel more induced to vote for a bill which they had been permitted, somewhat, to amend. I would follow the example of the Senator from New Hampshire, and remind the Senate that there is such a State as Florida; and that while hundreds and thousands of dollars have been expended for some sections of the country, and while large sums, which are not apparently necessary, are appropriated by this bill, there is a State having fifteen hundred miles of sea-coast—embracing within its folds the most dangerous navigation upon the face of the earth—in which is interested $250,000,000 of commerce upon the Gulf, which has to go through a very narrow pass, and has not a single dollar appropriated for the improvement of this navigation for the passage of your commerce. I do not stand here to speak particularly in behalf of the State of Florida as wanting anything for herself, but I call the attention of the Senate to this matter, so that, if this bill is to be passed on great national views—if these are great national measures which you seek to secure—we may adopt the plan which has been adopted in the fortification of the country, and provide for those works which are evidently the most important, and follow them up, beginning at the right end first.

Sir, it has been in the contemplation of our public men ever since the acquisition of the Floridas to make a canal across the peninsula. It is entirely practicable. A survey has already been made. We have arrived at a state of things when our bureaus here are perfectly conversant with the nature of the country, and an estimate has been made for a new survey which will not exceed $30,000. If this work be made, it will—next to a transit across the Isthmus of Tehuantepec—be the great national work of our country.

I would say, too, in addition, that for some three hundred miles your vessels, bearing this immense commerce between the Bahamas, Florida, and Cuba, have to pass this dangerous navigation, and there is not a single light-house there; while in New England there is hardly a mile of coast, I may say, where there is not a light-house constructed by the General Government. Yet on the Florida coast, a million of dollars, at the lowest calculation of western produce, is annually lost, and northern shipping, barely and purely for the want of lights and buoys; but this great national object has no place in this bill! There is a paltry appropriation here, as the bill comes from the House, of $5,000 for letting one inlet into another, which is an object more peculiarly State than national.

Now, sir, as to the policy of all these measures here, I would say nothing now; but I call upon the Senate to let those gentlemen who have national views, who are not local in their views—and I profess not to be; I profess to ask nothing for the State of Florida, but only for great measures which contemplate national security—let them improve this bill. Let us make it such that we can all vote for it. I, for one, am willing to give up some prejudices to make this the best bill of the sort that ever was passed; but as it stands I do not think I can vote for it.

Mr. BORLAND. Mr. President, it seems to me that Senators, in their remarks upon this question, have proceeded upon the ground that a proposition has been made to deprive them of the liberty of speech, or the privilege of offering such amendments which they may choose to offer to this bill. Now, I do not understand that there is any such proposition. Whether this question be decided one way or the other, every Senator can offer any amendment to the bill which he may choose. The only question, as I understand it, presented by the Senator from Indiana is, whether those who desire the passage of the bill will vote for those amendments or not; and as this was the first proposition to amend which came up, it was suggested that we might as well indicate by this vote, in the beginning, as by any subsequent vote; and, therefore, it was suggested that this might be considered a test, as it would probably save the time of the Senate hereafter.

But, sir, a word as to this particular amendment. In itself, I find no objection to it. I would vote for it very cheerfully under other circumstances, as a matter of precaution; but if I am capable of understanding the existing provisions of the bill which it is thus proposed to amend, there is really no necessity for it, unless we assume that the Secretary of War is likely to exceed his authority, and culpably disregard what is evidently the intention of the original provision. What are the words of the provision of the bill as it stands? After providing an appropriation of $75,000 for this work, it goes on to provide, "and 'it shall be the duty of the Secretary of War to 'apply said moneys to opening said ship channel 'by contract"—not, be it observed, to accomplish the *whole* work by a contract, but to apply a specific sum of money which is here appropriated—of course as far as it will go, to that particular object. If it had been intended to appropriate more than this, the bill would surely have mentioned the amount. I am not authorized to say, and perhaps it would not be proper for me to say, if I knew, what was the intention of the House of Representatives in using this particular phraseology, but I can well suppose what consideration might have governed them in using it. We know very well that, with the best explorations and examinations we could have made by the engineers of our Army, and other scientific persons employed for the purpose, we have been unable to ascertain certainly, what amount of money would be necessary for the whole work. What is now proposed, if I understand it, was regarded, from the beginning, only as an experiment. Even the plan of the work, beyond an experimental trial, has not been determined upon. And I apprehend, that with this small amount of money—less than any of the engineers who have examined the matter have declared to be sufficient even to make an experiment—no Executive Department charged with carrying out such views, would for a moment think of making a contract embracing the whole work, and involving an amount larger than that appropriated.

Some engineers, who have been employed to examine and report upon a proper plan, and the probable cost of its execution, have, I think, gone as high as $300,000 in their estimates for the mere experiment to test its practicability upon the plan proposed by them. Another one, I understand, has estimated for the same at $100,000. If I recollect rightly, the report made by Mr. Ellet, a distinguished civil engineer, who was engaged a year or two ago in examining and estimating for this work, sets down the cost upon a peculiar, and, I thought, a simple and feasible plan of his own, at something like $100,000 to open the channel, with a regular annual sum of perhaps $20,000 to follow. This is my recollection of it. Does any one suppose that $75,000 will be sufficient to complete the work? No, sir—no. I have been told by those who desire the work to be commenced speedily and prosecuted with success, that less than $150,000 will not do to begin with; and I doubt not, if this amendment be now made, that this last-named sum will be moved. Why, sir, I doubt whether the whole work contemplated can be done for less than from half a million to a million of dollars, or within a shorter time than two or three years. These considerations, which must be present to the mind of any Secretary, and the words of the law and its obvious intention staring him in the face, he would be a bold man indeed if he exceeded the amount of the appropriation. If he did, he would deserve impeachment.

Senators have complained that they have no opportunity to examine the bill; that a proposition is made to force them to vote before they have been enabled to enlighten themselves. Why, sir, on the 30th of last month the bill was received by the Senate from the House, and on the 11th of this month it was reported by the Committee on Commerce. Since then—seven days—it has been before us. I presume that every Senator who intended to read it, and intended to enlighten himself about it, has done so already; and if he has not, it is perfectly competent for him to rise here, present his own views, and discuss it to his heart's content. He may discuss every proposition in the bill from beginning to end. He may offer any amendment that his judgment, or even his whim or caprice may suggest, to every section and every line in it. There is no restriction upon any one; there is no proposition to deprive any one of the privilege of offering to amend or discussing the bill as he may choose.

A few words now to the remark of my honorable friend from Maryland, [Mr. PRATT,] with regard to the comparative importance of two rivers mentioned in this bill. He objects to my comparison of the length of the Patapsco with that of Red river, as measuring the relative importance of the two, or of their commerce. I mentioned the great difference between them, in this respect, as only one point of contrast, not as constituting all. In amount of present commerce, I admit that the short river has more than the long one. But by looking ahead for a few years, and anticipating the future by an estimate of the past, the immense and fertile country of which the Red is *the* river, and which is already populating, and would fill up almost in a day, and grow from a wilderness to cultivated fields, if this great thoroughfare were opened, rises into an importance which deeply overshadows the whole country which is drained and supplied by the Patapsco, and commands an interest commensurate with its extent, or the length of its great river. But in estimating the amount to be appropriated, there is an element more directly and appropriately to be considered than those either he or I have mentioned. I mean the character and extent of *the obstruction to be removed.* And in respect to this, how compares the Patapsco with the Red river? A mole hill to a mountain! The Red river, as I said before, is of great national importance—not merely to one State, but running through three States, and a country destined to make some half dozen more. The Senator from Texas stated, what we all know to be true, that the Government of the United States incurs, in consequence of the raft, an expense, almost every year, for the transportation of supplies for the troops on our western frontier, much greater than the amount now proposed to be given for its removal. It strikes me to be one of the simplest questions of economy. If you should appropriate at once an amount sufficient to clear out that obstruction, and follow it up with an annual appropriation to keep it clear, it would be a money-saving operation for the Government. You would save enough in the item of transportation, almost, in one year—certainly in two—to cover the whole expense of the work.

And then, sir, the Senator from Maryland seemed to proceed upon the supposition that the raft of the Red river was a very small affair. I do not know whether the Senator has paid much attention to it, or taken the trouble to inform himself; and he may be surprised when I tell him that the Red river raft alone is something like five times longer that the whole length of the Patapsco river. It is estimated as *sixty miles long;* and although not a solid mass of timber, it is not wide of the mark to say, that if all the timber it contains were brought closely together, it would make a solid mass filling up the whole bed of the river for a space of at least *twenty miles*—a solid mass of wood, sir, twice the length of the Patapsco; and then a navigable stream on each side of this obstruction, which, above and below, measures from twelve to fifteen hundred miles. I claim not too much for such a river when I call it national in its character and importance. As I have said, it runs already through three States—Arkansas, Texas, and Louisiana, and, beyond them, through a country which is destined, I doubt not, at no distant day, to make some half dozen more broad and fertile States.

Besides these considerations, there is an obligation, in the nature of a compact on the part of the United States, and for which a pecuniary consideration has been paid, to remove this obstruction from Red river. Many of our people who purchased the Government lands near that river, especially above the raft, did so when the Government was engaged in the work of cutting out the raft. It was then believed that the work would

be done, well and effectually done. Such was the promise of the Government by its acts, and such was the belief of the people upon their faith in the Government. I need not remind the Senate and the country that this belief would have been justified had the Government done its obvious and easy duty. Under that promise, and on that faith, the people purchased the land, knowing it would be valuable if the raft was removed, but comparatively valueless if that were suffered to remain. Under those circumstances, and while the work was in progress, they paid their money into the National Treasury. The implied promise to go on with the work to completion was part, and a most material part, of the consideration, for which the money was paid. But after that the appropriations were withheld, and have been withheld ever since, and the work abandoned. Was not that a compact, and was it not binding upon the faith of this Government? Injustice has been done in this case, not only by failure to perform a great public duty, and consummate a great national work of pressing importance to the whole country, but also of failing to keep faith with the individual citizen. It is time that reparation was made. This seems like a beginning. It is small, but I hope it will be consummated.

Mr. MASON. The hour is late, and as it is important that we should have an Executive session, I move that the further consideration of this subject be postponed until to-morrow, in order that the Senate may proceed to the consideration of Executive business.

The motion was not agreed to; there being, on a division—ayes 22, noes 28.

Mr. SOULE. Mr. President, I have but a word to add to what has been said on this question. I am seriously apprehensive that, unless the amendment proposed by the Committee on Commerce be adopted by the Senate, the appropriation itself may fall to the ground, and be rendered perfectly useless. My apprehension is based upon this consideration: that from the phraseology which has been adopted by the House, it might seem as if the $75,000 appropriated were to cover all the exigencies of the contract to be entered into. Such being my sense of the meaning which might be attached to the clause as it came from the House, the Senate will perceive that I cannot consent to its remaining in that condition. The very suggestion which fell from the Senator from New Hampshire, [Mr. HALE,] would prevent me from doing so. He alluded to the case of some appropriation made at the last session in favor of California, which could not be acted upon, on account of the sum appropriated not having reached the amount necessary to effect the whole work for which it had been thus appropriated. If such a rule prevailed in that case, it will equally prevail in the present one; and I labor under some apprehension that no contract then will be entered into. For it is obvious—and I have no wish to conceal it, either from the Senate or from the country—that this work, to be completed in a manner that will make it truly available for the great purposes intended to be accomplished, will necessitate an expenditure on the part of this Government not far below $500,000.

The Committee on Commerce being under that impression, and being provided with all the materials that could enable them to judge of the nature and extent of the work to be undertaken, and anticipating the large amount of expenditure which it would render necessary, considered it important to make the appropriation in such language as would leave no doubt of the intention of Congress to carry it out, whatever its cost might be, but to carry it out upon data and estimates that would enable them to judge that it was properly directed and attended to.

If Senators will do me the favor to look at the amendment as it comes from the Committee on Commerce, they will see that it places it beyond all doubt that this is but an initiatory appropriation—that it is not expected that it will be sufficient to enable the Department to complete the work, but that, on the contrary, so far from expecting any such thing at the hands of the Department, it beforehand tells them that they are to go on with the sum appropriated, and to prepare an estimate of the probable cost of the whole, that Congress may at the coming session, appropriate whatever amount may be deemed necessary to complete the work; thus laying on a large basis the foundation of the great undertaking which this body, on my suggestion, had the merit of fathering and of encouraging with its special care and protection.

That being the view which I entertain of the effect which the wording of the bill as it comes from the House may have, and of the meaning which the amendment proposed by the Committee on Commerce so strikingly imports, I entreat those who are truly the friends of the measure to vote for the amendment, and by their vote to guard the measure from the danger of being defeated under the unguarded phraseology adopted by the House.

Mr. DOWNS. I merely wish to remark, that I put an entirely different construction upon the provision of the bill as it stands. I do not think that this appropriation as it is in the bill will imply that the whole work is to be done for it. The provision specifically requires the Secretary of War to report the contract, and the progress of the work, and the money required to keep the channel open thereafter. Here is the language:

"And it shall be the duty of the Secretary of War to apply said moneys to the opening of said ship channel by contract, and at an early day in the next session of Congress to report said contract, the progress of said work, and an estimate of the annual cost of keeping said channel open."

I cannot see that, as the bill now stands, it implies that this appropriation is to be final, or that more money is not to be appropriated. I shall, therefore, vote against the amendment.

Mr. SOULE. The remarks that have fallen from my colleague but strengthen me in the opinion which I have expressed. He will himself perceive, by looking to the wording of the amendment as it comes from the committee, that there is a material difference between it and the provision of the bill. While the bill from the House requires the Secretary of War merely to report upon the progress of the work, and the probable cost of maintaining the passes open, it does not say anything about any amount necessary to complete that work; but the amendment of the committee requires him to give Congress an estimate of the amount necessary to complete it; thereby clearly indicating that the $75,000 are but an entering wedge into the work, and that Congress does not expect the Department to be limited to these $75,000 in the completion of the work. I cannot hesitate a moment in believing that if this amendment be not adopted, the appropriation is in great danger of being of no avail.

Mr. CHASE. Mr. President, I have yet heard no argument directed against this amendment, upon its merits. The arguments urged, have been against any amendment to this bill. As it is one in which the State which I have the honor in part to represent, has a deep interest, both as it came from the House of Representatives and as it is proposed to be amended in the Senate, I wish to say now that I shall not vote upon the pending amendment as a test question.

If this bill had come up for consideration at the very heel of the session, as was the case with the river and harbor bill of the last session, so that no time could be afforded for its return to the House, and action had there upon the amendments of this body, there would be reason why we should vote against all amendments, since any amendment would occasion the loss of the bill; but such is not now the case. If the Senate choose to take time for the consideration of this bill, we can proceed with it to-day—we can persevere in the consideration of it, and, if necessary, sit late in order to accomplish action upon it, and within one or two days we can pass upon all the amendments and send the bill back to the House.

Now, so far as regards the particular amendment under consideration, without having myself the means of forming an accurate judgment upon it, I feel disposed to defer to the committee which has reported it, and to the Senator from Louisiana, [Mr. SOULE,] who resides in the city which is most immediately to be affected by it, and I shall, therefore, vote for it.

There is—and I will refer to it for the purpose of illustrating the position in which we shall place ourselves by voting against all amendments—an amendment recommended by the committee, making provision for the harbor at Huron on Lake Erie. Within the last few weeks a storm has swept away the light-house at that point, and also one of the piers by which the harbor was formed. Since this bill has been passed by the House, the Committee on Commerce has reported an amendment, proposing an appropriation for the purpose of repairing the damage thus occasioned. That is one of the most important harbors of refuge on the lakes. Shall we rigidly adhere to the bill as it passed the House, and refuse to repair the injuries which the storms, within the last few weeks, have occasioned? It seems to me that would not be wise legislation. I prefer, for one, to discharge my duty here as a Senator, to consider this bill, which we have time to consider; and to spend that time upon it which is necessary for its consideration, and return it with the amendments which may be made, to the other House; and I have no doubt at all that they will be acted on there.

Mr. DAVIS. Mr. President, I wish to say a word or two about the merits of this portion of the bill. The Senator from Ohio seems to think that there has been some omission of duty in that respect, and I will respond to his suggestion. I say, then, to the Senator from Ohio, that the passes of the Mississippi river are choked up with various sorts of obstructions, so that there is not a sufficient depth of water for ships, which, in the course of business, are desirous of visiting the port of New Orleans, for the purpose of carrying cargoes there and taking away cargoes. Ships of the largest draught are oftentimes detained there sunk in the mud, and sometimes perhaps experiencing injury from it. At any rate, they experience a very inconvenient detention. The floods coming down the Mississippi river, frequently increase those bars across the different passes, and make the obstructions more inconvenient and more injurious to the commerce of the country. The object of this provision is, to open some one of these channels of the delta of the Mississippi, and to give to it a sufficient depth of water for the accommodation of commerce.

Mr. CHASE. The honorable Senator will allow me to say, that if his remarks are intended especially to enlighten me, I am pretty well acquainted with the general subject. I said that I had heard no argument directed specially against the amendment, except as a general question, which should be made a test question in regard to this bill.

Mr. DAVIS. These, then, are the merits of the proposition contained in the bill. The bill appropriates $75,000—for what? Why, for a beginning. The deepening of the channel of these passes need not be undertaken as a whole. It may easily be undertaken in installments to any extent. But I view this mainly and principally as a preparatory step only, and I suppose that this sum of money will be exhausted in initiatory proceedings. They have no means of dredging this stream, that are competent for the purpose, as I understand it, at present. There must be an outlay to set out with. If a suitable boat or dredge is employed for that purpose, it will have to be paid for, and that will exhaust a large portion of this appropriation, if not the whole of it. It is a beginning that is contemplated by the bill. But if the boat is built for less money than the appropriation, it may be used without any prejudice to future operations by contract with somebody or other, or under the general direction of the Government.

Thus much for the general policy which is to be pursued to deepen the channel in this important passage. Now, how is it to be carried on? Why, it is to be carried on hereafter according to the circumstances which may be developed in those initiatory proceedings; and I believe the papers in the case, which I have here, will show that the judgment of men of great experience, of great observation, and of great skill as engineers, differ very widely as to the probable expenditure which is to accomplish this operation. One of the chief men in the Departments here thinks it will take hundreds of thousands of dollars to accomplish the object. Others place it at a much less sum. There are many men of skill and intelligence who have given much time to the subject. There is great difference of opinion in regard to it. It was supposed that you might give $75,000 for a beginning, as a preparatory measure, and for operations, if there is money enough for that.

This brings me, then, to consider the merits of the proposition to amend. I did not think it important in the committee. I do not think it important now. I do not think it will change our relations to this subject, or that there is any danger from leaving the bill where it was, without the amendment which is proposed. The very nature and character of the transaction is such that it cannot be attended with any particular danger of a contract which shall extend over the whole operation. If this were to dig a canal out of solid land—a thing that is a whole of itself, and the *modus operandi* of which is understood by everybody—there might be a contract for the whole of it; but this is to scour out a passage, to deepen the water, to take away obstructions, in the bed of the Mississippi. It is a thing which can just as well be done by installments from year to year as any other business which can be pursued successfully in that way.

This amendment, therefore, is not a very important matter in any point of view. It is not essential to the merits of this question in any way. If it is thought worth while to adopt amendments, it may be very well to put in the express limitation; but I think that, from the necessity of the case, the officers of the Department will be limited to the appropriation, and they cannot go beyond it. I concur with the Senator from Louisiana [Mr. Downs] in that particular. I do not deem this amendment an important matter at all.

Mr. DAWSON. I would not detain the Senate for a moment, but for the understanding now existing in the Senate, that the vote on this amendment is to be regarded as a test question. The same proposition was made, at the last session of Congress, when the river and harbor bill came from the House of Representatives here. My course in relation to that bill is well understood. I am prepared at all times, and under ordinary circumstances, to vote for all proper appropriations of this kind; but I understand this bill to be almost the same bill as that which we had under consideration at the last session, with some additional appropriations.

Mr. DOWNS. This bill is much smaller. I think the bill of last session was double the amount of the appropriation that this contains.

Mr. DAWSON. It was not double as it came from the House, but with the amendments attached to it here. Perhaps, in that view, the bill of last year was smaller than this. The only question now is, whether we shall adopt this bill without any amendment?—whether, in the language employed in the last session of Congress, this bill shall be passed without crossing a *t*, or dotting an *i*?

I beg to say that it is proposed to revive a system that has been exploded since about the year 1845—exploded under the administration of the late President Polk. It is now about to be revived under the auspices of a very large majority of this branch, and to be revived by the use of what may be deemed and be considered here "the previous question"—not exactly the previous question, but an agreement not to make any amendment to the bill. It is to be revived not on account of the operation of the bill, but merely for the purpose of reestablishing the system. Why, sir, during the last session of Congress, when this point was presented, and this very question arose, some of my distinguished and worthy friends upon the other side of the Chamber announced to this body that if gentlemen intended to make the question one of amendment or no amendment, they would vote to lay that bill on the table, and would refuse to act upon it.

What do we behold now? Those who, during the last session of Congress, thought it would be improper to take the bill in that way, now contend for taking this bill as it is; because, say they, if you do not you lose the measure. They propose to take the bill as it is, and reëstablish the system—to reëstablish it without any regard at all to the circumstances by which it may be surrounded; to take it with all its defects, whether its provisions be constitutional or unconstitutional. It is proposed to take it without investigation, and make it a precedent. Is there any Senator on this floor who contends that there are not some objectionable features in this bill on constitutional grounds? If there be none such, then let them vote against all amendments; but if there be any such, how can they seek, by a majority, to force the minority against the bill, or some part of that minority to vote for it? I consider it an attempt to bridle the constitutional power of this body. The "previous question" has been abandoned in this branch of Congress in order that there may be no restraint put upon the legislative action of Senators—that they may present any appropriation which they may deem worthy of consideration, or essential to the interests of their section of country. The "previous question" has never been sanctioned by our rules; but it is now about to be indirectly foisted in by the controlling action of a majority. What was the course of the friends with whom I acted upon this subject during the last session of Congress? Some of them have presented arguments stronger and more influential and commanding than any I could use to-day. What were the positions then laid down by those who are now foremost in the ranks of those who are forcing this bill on this body? Why, that the people would abandon it. What! said they, seek to revive a system that had been exploded! Seek to revive it by Congressional action without any estimate from the Departments for the various sums asked to be appropriated, taking upon us the responsibility of destroying the Engineer Corps! I have before me a speech on the subject containing these views, delivered at the last session of Congress, which I will read, without saying who delivered it. I take it merely on account of the argument, considering it to be very strong. I read from the debates of the last session of Congress the following remarks in relation to the river and harbor bill then under consideration:

"But, sir, there are grave objections to this bill, violating, as it does, the established practice of the Government, and leading to a system of appropriations without example in our legislative annals. It will be observed that the practical application of the question of appropriation for a given object of this kind is made up of its necessity and its probable cost, after its constitutionality is settled. If it does not come within the established category as to constitutional power, and is not national in its importance, and if it cannot be accomplished without a sacrifice of the true principles of action, or without an expense disproportionate to its value, it ought to be abandoned. To ascertain its true character, a previous examination is indispensable, by an experienced and trustworthy officer; and the receipt of his report, with proper plans, surveys, and estimates showing the nature of the work contemplated, the excavation, dredging, piers, wing-dams, or whatever else is proposed, together with an estimate of the various items in detail, and the probable eventual cost of the work, and exhibiting such topographical information as the officer may be able to procure. Upon this system have we proceeded, both in the legislative and executive Departments of the Government; nor do I believe that one single instance can be found upon the statute-book where an appropriation has been made without these preliminary operations. So far as I know—and I have had my share of experience in this work—this is the first attempt to sweep away all the means of information, as well as all the established guards against abuse; the first effort to induce Congress to commence a system of appropriation, without the slightest knowledge of the true character of the work proposed; without any plan of operations, and without any estimates, even the most conjectural, of the expense into which the Government must be led before the improvement is completed."

This comes up to the argument of my friend from South Carolina, [Mr. Butler.] Whether this impression was made upon his mind by this speech during the last Congress, I cannot tell; but the argument is strong—it is incontrovertible.

Mr. BUTLER. I did not know I was so strongly fortified.

Mr. DAWSON. Then the speech proceeds: "Sir, are we prepared for such a state of things?" That is the interrogatory propounded, and which I propound now as the friend of constitutional appropriations for rivers and harbors, and as a representative of the country, seeking to protect it against the very consequences which this bold and eloquent argument at the last session pointed out. Again:

"Sir, are we prepared for such a state of things? If we are, I am sure the public is not, and we shall receive the condemnation due to the reckless, if not the unjust steward, if we persist in such a course."

This was in reference to the bill of the last session. Now, what do we understand of the character of this bill? Are its provisions founded upon estimates? I know some estimates were made in 1849, by one of the Departments of the Government.

Mr. DODGE, of Iowa. I wish to inquire, from what speech the Senator has been reading?

Mr. DAWSON. The speech of a distinguished Senator from the West.

Mr. DODGE. That is too indefinite.

Mr. DAWSON. It is a speech of the Senator from Michigan.

Mr. CASS. I knew it, and I intended to say so as soon as the Senator got through; and I shall take the liberty of showing the Seantor that he has entirely misapprehended me.

Mr. DAWSON. He proceeds thus:

"This system, if carried out from this day, will enable any one member of Congress to procure the insertion of any appropriation he pleases, without a shadow of responsibility; and the same privilege will pass round to any other member who chooses to exercise it."

That is the principle upon which I stand. I do not wish to be charged as being opposed to internal improvements when they are presented constitutionally. When they are presented constitutionally, I wish all the checks to be thrown around them which can protect the Government from imposition. Hence it is that I am opposed—and I believe the Senator will agree with me—to putting in any appropriation for improving a harbor or river for which an estimate has not been made. This is a principle upon which I mean to act. You, Mr. President, will do me the justice of saying that I acted upon it during the last session of Congress. None of the intermediate platforms made at Baltimore had changed my views. I am now, to-day, as I was then, in favor of all these appropriations which are national in their character. I know the word "national" is somewhat undefinable, but still I may define it according to my view.

I will not go into an appropriation, unless the Engineer Corps or the Topographical Corps, whom we have educated at the expense of the Government, have examined the subject, and placed the facts before the country on which Senators and Representatives can act understandingly. Why abandon that principle now? Why put appropriation after appropriation into this river and harbor bill, for which there have been no surveys and no estimates? Gentlemen say that all these items have been estimated for. Will any Senator rise here and say that the Government has made estimates for all these proposed appropriations? Has any estimate been made since the last session of Congress? But when an appropriation of that kind is put in the bill, how are we to find it out? How are we to get rid of it? If there is one such, have we not the right of offering amendments to it? And that is the only ground upon which I rose to make observations, that it is proposed to make this vote a test question, so as precludes us from ascertaining facts, and cuts off amendment in order that the minority may be forced, by the power of the majority, to pass every appropriation contained. The speech from which I have read, goes on to say:

"It is easy to see what kind of operations, as well legislative as topographical, all this will lead to; and if it does not explain how this bill has been passed, with its enormous load, it must be because our mental vision is shut in by Egyptian darkness."

This is an argument intended to preclude this arrangement of making the question as to amendment or no amendment a test question. This was an argument to which I listened with profound respect, and I acted under its influences then, almost to stubbornness, as will be recollected. But the Senator proceeds:

"I do not pretend, sir, that even the most accurate surveys, and the most carefully-prepared estimates, can fix with accuracy the annual or eventual cost of a work. From the very nature of the elements, which necessarily enter into the calculation, and from the accidents of water and weather, we must only expect a general approximation towards the object."

Then the Senator goes further, and presents an estimate made by one of the Departments in 1849, showing that certain works included in the bill were then estimated for, and that others were not. But the arguments of Senators upon this point at the last session were well understood; and it is not necessary to reiterate them.

Now, I beg to say, that if we are going to reestablish this system of appropriation, I am one of those who announced from the time I have taken my seat in Congress that whenever constitutional questions are settled by the decision of a majority, even against my own conviction, I will, in my legislative capacity, acquiesce in those de-

cisions. Whenever the Government of the United States, in either of its Departments—for instance the Judiciary—decides a question to be constitutional against my opinion, I, as a representative of that Constitution, in my legislative character, if I deem it expedient, will conform to it. Now, when we are going to re-establish this system, let us do it deliberately. Let the country know from this period down, that fairly, honestly, and after full argument and discussion, both the great parties of this country have come to the conclusion that this kind of appropriation is constitutional. Let it be understood that three fourths of this body and of Congress belonging to one party—who have heretofore lived under the explosion of this system, and declared that it was a proper system—have changed their opinion, and now, with the other antagonistical political party, have settled down upon this constitutional ground. That is what I desire to have understood.

I do not desire to create any discussion here unnecessarily. All that I wish to know, and all that I wish the country to know, is this: That the Congress of the United States, composed politically as it now is, have seriously come to the conclusion that it is constitutional to make these appropriations. But in order to have this decision carry force and influence over the public mind, I desire that it should be done by deliberation. I desire that it shall not be done under a declaration that no possible amendment shall be made to this bill; that it is so perfect that you cannot add to it, or detract from it, without doing injury to the country. Is that true? Can any man go to the country, and proclaim to the people that this bill is so perfect that it ought not to be touched? that there is no other want of the country which requires appropriation? that all have been sought for, and that all have been found which it is right and proper to place in the bill? If they can let them vote for the bill as it now stands.

Mr. CASS. Mr. President, I must occupy the attention of the Senate for a few moments. In the first place, let me tell the honorable Senator from Georgia that he totally misapprehends my position, as he himself will see before I get through. The honorable Senator seems to think that there is to be some sort of arrangement by which he is not to be allowed to discuss these several appropriations. Who is to prevent him? All of us who have contended for the course of which he complains, have maintained, that so far as regards the policy of the bill, it is better not to increase the appropriations; better not to send it back to the House. But no man taking this course has advocated the idea of stopping debate. The honorable Senator can take up and discuss each item of the bill, if he chooses. There is nothing to prevent him. If he thinks any item is unconstitutional, or inexpedient, he can move to strike it out; and if he can prove to me that it is so, I shall vote with him.

I gave two reasons for the course which I suggested. First, I do not want to send the bill back to the House. In the next place, the object of the bill is so important, to be passed, that I think it is unnecessary and impolitic to increase the amount appropriated. If it is loaded down with amendments, it will prevent me, and a great many of its friends, from voting for it. That is the position in which we shall be placed. I shall be happy to hear the Senator discuss the provisions of the bill. I have never said, that I would vote for it; I have said that from my present impressions, looking at it cursorily, I am prepared to accept it; but I do not wish to foreclose discussion on the part of any member of the Senate. I hope the discussion will go on.

Now, as to my position at the last session, allow me to tell the honorable Senator that I occupy precisely the same position now. If all the appropriations contained in the bill of last year had been based upon estimates, would the Senator have voted for that bill?

Mr. DAWSON. Are all the provisions of this bill based upon estimates?

Mr. CASS. If the honorable Senator will show me a single item which has not been estimated for, I will vote against it. I occupy precisely the same ground now that I did at the last session. The honorable Senator has totally misapprehended the whole matter. I understand that every item of this bill has been estimated for; but if not, let the honorable Senator show me what proposition is to be excepted from this remark.

The objection which I made to the bill of the last session, was precisely this: gentlemen came here and proposed to put on immense additions to the bill, which had never been sanctioned by the Department, and we therefore could not tell, from the nature of the work proposed, whether it was to cost $100 or $100,000 or $100,000,000. If the Senator had read further from my speech at the last session, he would have seen that that was the very ground upon which I placed my opposition.

The object of having estimates is, to check useless and extravagant appropriations, so that we may know at the commencement where we are to be led. We cannot tell with precise mathematical certainty what a particular work will cost; but it is a great check upon extravagant appropriations to have engineer officers to go to a river or harbor and estimate, according to the best *data*, what the improvement is going to cost. And when they come here with their report, we have got some landmark, something by which to guide our action. But if gentlemen get up here, or a committee report, as at the last session, in favor of attaching immense amounts for objects which have never been sanctioned by the Department, you destroy the whole system at once. That was my objection then; it is my objection now. I occupy the same position exactly. If the honorable Senator will show one single appropriation in the bill that comes within the ground I then took, I will vote against it. There is not the slightest inconsistency in the world, with regard to my course. I have not changed my views.

Mr. BRIGHT. Mr. President, I think there is something like unfairness in the manner in which the honorable Senator from Georgia argues this question. If he will refer to the Journals and Debates of last session, he will find that the bill then before us, for the improvement of lakes, rivers, harbors, &c., contained appropriations amounting to about $2,300,000, being $800,000 more than is proposed by this bill; and, sir, there is this marked and distinguishing feature between the bill of the last and present session: The former contained appropriations for the erection of works and improvement of objects, that had never been estimated for by any authorized Department of the Government,—appropriations made on motion of members of the other House, to be expended in their immediate districts, generally, and, as they came to us, were unaccompanied by the least evidence, showing they would, if made, be of any public benefit. The bill before us appropriates about $1,500,000, and every item, as I am informed, directed to the improvement of places, and for works recommended and estimated for by the proper Department; yet, let me here say, that some of them are very objectionable to my mind, and do not come within the rule I have laid down to govern my votes.

When the bill of last session came up for consideration, the distinguished Senator from Michigan took exceptions to many of the items of appropriation contained in it; he declared that cherished principles of the Democratic party would be compromited by its passage; that the evil greatly overbalanced the good, and that he could not support the bill without many material amendments, but avowed his willingness to support a fair bill. I joined the honorable Senator from Michigan in these positions, concurring in the general outlines of the views he then expressed. But we were met by the distinguished Senator of Kentucky (now no more) with the declaration, (and I quote his exact language,) "that we must take the bill as a man takes his wife, for better or worse," the honorable Senator going on to argue that any amendment made by the Senate, at that advanced stage of the session, would insure the defeat of the bill in the House of Representatives.

I said then, what I now repeat, that I will vote for no bill contemplating the improvement of lakes, rivers, harbors, and objects generally, that I do not regard as strictly national in their character. To illustrate—I am willing to vote liberal appropriations for improving the navigation of the Ohio and Mississippi rivers, to improve the Ohio river at the falls thereof; and if the Senate decide to amend this bill, I say again what I said yesterday, I shall feel that it is my duty as a Senator from the West to offer as an amendment to it a bill lately reported from the Committee on Roads and Canals, appropriating $500,000 "for the construc-'tion of a national arsenal, armory, and found-'ery at the Falls of the Ohio river, in connection 'with a public canal for the use of the Army and 'Navy, trade and commerce, and for the supply of 'water-power for manufacturing ordnance and 'arms for the use of the United States;" and I flatter myself that I can present such reasons for the commencement of this work as will satisfy a majority of this Senate that it ought to be entered upon by the General Government without delay.

But to return: There are various other rivers, lakes, harbors, &c., that I can vote for, on the ground that the public interests would be promoted by their improvement, and come within the much talked-of platform, that gives so much trouble to some of our friends on the other side of the Chamber. Whether any of the works contemplated by the bill before us, are outside of the rule I have laid down, and by which I govern my votes on such subjects, cannot be settled by the consideration alone of their having been estimated for by the proper Department, though I admit that that fact would incline me to look favorably upon the appropriations recommended, as I have done in this case; and, with all my anxiety to see a river and harbor bill of the right kind passed, I am constrained to say the present one is objectionable in many respects; but I do not intend to be the first to condemn it. This is rather an important point of time to undertake the consideration of this question; and I admit that I distrust the sincerity of some gentlemen here who are now apparently so anxious for rivers and harbors. There is a presidential election pending—there is a studied effort making to create the impression that the Democratic party, as a party, are opposed to the improvement of all rivers, harbors, &c. This is not true. There is a branch of the Democratic party, a small part of it as to number, and among them I call my honorable friends the Senator from Virginia and South Carolina, who oppose all improvements on constitutional ground; and they are not alone in their peculiar notions; there are gentlemen of the Whig party here—the honorable Senator from Georgia one of them—who, I believe, concur in opinion with the Senators referred to, and who go against all improvements. A large majority of Senators, however, on this floor, of all parties, as I understand them, acknowledge the power of Congress to make appropriations for such objects, but differ widely as to the extent of that power. I claim to belong to that class opposed to a general system of internal improvement by the Government, but willing to improve objects clearly national in their character, without reference to whether the work or works lie entirely in or through more than one State. While, as I have stated, I am willing to vote appropriations for the Ohio and Mississippi and Missouri, and might, under some circumstances, go for improving the Arkansas, I could not, however, vote money out of the National Treasury to improve the Cumberland, Tennessee, Wabash, or Kentucky rivers. They do not come within any rule that I have laid down, to guide me on this sort of question.

Mr. BELL. I would like the honorable Senator to tell me why is not the Cumberland river a national object? It is navigable for seven hundred and fifty miles, and passes through two States—Kentucky and Tennessee.

Mr. BRIGHT. I would not vote money out of the National Treasury to improve the Cumberland river, because I am unwilling to see this Government launch out in a general system of improvement, as must be the case if the precedent be established, of applying money on rivers all over the United States having no more commerce and travel upon them than the Cumberland has; and again because it is unknown as to commerce and travel, compared with either of the rivers I have expressed a willingness to go for. I know, Mr. President, the great difficulty in this matter is, to set proper intelligible limits to legislation; and until some plan is adopted whereby a system can be introduced and economy observed, I believe it

would be better to not act at all. But I did not rise to make a speech, in my attempt to set my friend the honorable Senator from Georgia right as to his facts; I have been led on until I have taken up more time than I had intended.

Mr. DAWSON. Mr. President, the point upon which I rose to speak, has not been changed at all by the argument of the Senator from Michigan. He says he does not want any amendment made to this bill, because, if it goes back from the Senate to the House, it may be lost.

Mr. CASS. I gave two reasons.

Mr. DAWSON. But this one is sufficient for my purpose. It is proposed to make the vote on this amendment a test question, and to consider every Senator who votes against the present amendment as pledged to vote against every other amendment.

Mr. CASS. I do not mean that at all. I never had the least idea that the Senator had any constitutional difficulty with respect to any specific appropriation in the bill, that he would not explain and be satisfied in regard to it before he voted. I have no desire to preclude him from presenting his views.

Mr. DAWSON. Then I can see no necessity for a discussion on the question whether this vote is to be a test vote or not, if Senators, by the vote now to be given, are to be considered as under no obligation to vote against any other amendment that may be presented.

Sir, I was right in my conception of this matter. I would have felt myself in honor bound, if the majority of the Senate had decided—that majority being sufficiently large—that they intended to hear no amendment, not to delay the Senate against the will of that majority.

But, it is said, that there is no appropriation in this bill which has not been estimated for by the Department. Where is the report to prove that fact? Is any report accompanying this immense bill establishing great constitutional principles? Have we any report setting forth the facts upon which we are to act? Am I to be told by the Senator from Indiana that all these measures have all been estimated for? Where does he get his information from? The Senator from Michigan, at the last session, having before him the report of Colonel Totten, of the Topographical Engineers, for 1849, said:

"The amount thus asked for in the annual report of the Department is	$1,035,000
The amount included in the bill before the Senate is	2,337,000
Being an excess beyond the demands of the Department of	$1,302,000

And how is this excess created?

1st. By the addition of various sums to the several objects recommended by the Department, which had stated the amounts it needed, and to which additions are made by the action of the committee upon their own responsibility, varying from $36,000 in one case, to smaller sums in other cases, but producing an aggregate of.... $324,000

2d. By increasing the number of the objects, without previously consulting the Department, so far as the documents show, in any case, and without consulting it at all in other important cases, to the amount of..... $978,000."

That much was put into that bill without being asked for by the Department. We have not even now a report on the subject. You will not listen to the case of the widow or orphan of an old revolutionary soldier, unless the proper committee report the facts and give you all the information necessary to act understandingly.

Mr. BORLAND. The Senator objects to this bill, if I understand him, because there is no written report from the committee accompanying it. I would inquire of him whether such a thing has ever been done from the beginning of legislation?

Mr. DAWSON. I contend that friends of this system, who wish to revive it, and to galvanize it, should present to the country a well-written argument or a statement of the constitutional principles upon which it rests, and the reasons for a change of views on this subject, and let them go forth, and not rise up in numbers when the yeas and nays are called, merely to declare that their views have changed, without giving the whys and the wherefores. I knew it was not unusual to act upon the appropriation bills without reports; but upon the revival of a great system of this kind, which has been literally dead for seven years, there should be something of solemnity connected with the resurrection. But gentlemen merely rise and tell the ghost to come forth, and lo! it comes. That is what I speak of. This is a great occasion; it announces the settlement of a great question, and it writes a history upon the past course of one of the political parties of this country.

The Senator stated, in his speech, that the Department asked for forty-four dredge-boats, and the committee added fifty-two, or a majority of the whole number in the bill. Such were the provisions of that bill as they were then pointed out, and this bill, I understand, is almost the same as that.

Now, I am called upon by a friend to state which of these measures I oppose. The very object which I have in view in going through this bill leisurely and considerately is to ascertain the truth of the facts. How can I run over ten or fifteen printed pages of appropriations—nearly one hundred different objects—without a knowledge of the facts before me, not being a member of the Committee on Commerce? Can I ascertain its particular provisions? By being forced by a majority in this way, can I do justice to myself as an individual, and in my representative character to my State? I am against all these pressing operations when the emergency does not require them.

I know that the Senator from Illinois [Mr. DOUGLAS] intends to test a great principle connected with this subject—the power of a State to levy tonnage duties. I suppose that will be presented as a test question. I am anxious to see it presented; and I want no arrangement by which it can be evaded.

I know that the constitutional power for which the Senator from Illinois contends exists. The only question is the expediency of its exercise. I want to have that point settled. I wish to have it declared to be expedient, if a majority so determine, to exercise that power on the part of the States. And then the power contended for by one of the old national parties will be settled, and we will know where we stand and to which party we belong on these questions; and not till then will it appear.

On motion by Mr. JAMES, the Senate adjourned.

THURSDAY, *August* 19, 1852.

The Senate, as in Committee of the Whole, resumed the consideration of the bill; the pending question being on the first amendment of the Committee on Commerce, which was to modify the following clause:

"For opening a ship channel of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico, $75,000. And it shall be the duty of the Secretary of War to apply said moneys to the opening of said ship channel by contract, and at an early day in the next session of Congress to report said contract, the progress of said work, and an estimate of the annual cost of keeping said channel open,"

by striking out the words "to report said contract, and an estimate of the annual cost of keeping said channel open;" and insert in lieu thereof the following:

To report the progress of the work, the amount necessary to complete it, and an estimate of the annual cost of keeping said channel open; and any contract made shall be limited to the amount hereby appropriated.

The question was taken on the amendment by yeas and nays, and resulted—yeas 37, nays 13. [For list, see Congressional Globe, page 2256.]

So the amendment was agreed to.

The next amendment of the committee was to insert in the bill the following:

For a survey of the Rappahannock river, Virginia, $3,000.

Mr. CASS. On the subject of these surveys I desire to say a single word The amount proposed for surveys, as the bill came from the House of Representatives, and as the committee propose to amend it, is, in all, about $37,000, including $5,000 for a survey of the Falls of the Ohio river —without that, making a total of about $32,000. Now, the old standing appropriation for such purposes used to be about $30,000—not, however, designating the localities, but leaving it discretionary with the Department to direct where the surveys should be made. The operation of the thing under that mode was, that a large portion of the expense of the surveys was defrayed by the people in the locality in which they were made; and by this means the appropriation of $30,000 was made to do the work of perhaps $100,000. In looking into this bill as it stands now, you will see several distinct appropriations for surveys of rivers and small harbors. I cannot understand why the amounts are to be appropriated. It seems to me it would be a great deal better and a great deal fairer, to take a fixed sum for these surveys generally, and thus, as formerly, make an appropriation of $30,000 or $40,000, leaving the Department to do justice to the various parts of the country, and thus enabling them to do the work of $100,000; for the sections of country where these works are wanted are always ready to furnish persons and aid very much in the work. In that case, it seems to me, the amount would be more fairly distributed than if it were directed merely to four or five specified rivers and harbors, none of which, so far as I can see, has any kind of claim over and above many others.

Mr. DAVIS. All these cases were inserted without taking the opinion of the Board of Topographical Engineers at all in regard to other localities. The sums which have been recommended to the committee for the localities named have been inserted. Some of them are, perhaps, too large. They are made large enough to cover the probable expense. The precise amount required in each case the Department could not foresee. I presume that the amount proposed will not be exhausted in all of these cases. The Senator from Michigan will see at once that the head of the Topographical Engineers has been applied to to make estimates for particular places. He may have some information in regard to the amounts necessary, or he may have none.

Mr. CASS. I understand it perfectly. The head of the Topographical Office is asked to make out an estimate for a survey at a given place, and he makes it out accordingly. He might have been asked to give his opinion in regard to the amount necessary for a hundred different places, and he would have given it; but that opinion would not indicate that these places should have a preference over others. I object to the amounts, and the way they are put into the bill. Here is an appropriation of, say $4,000, for a survey of a small harbor mentioned in the bill. It is for that particular place, and cannot be applied to any other; whereas, if you put in a general appropriation for surveys, you enable them to go on and determine what is best to be done on principles of equity. But look at the bill as it now stands, and you will find it loaded with small places to be surveyed; and if these surveys are to lead to further appropriations, it is giving to these places an undue preference over others.

Mr. SEWARD. This subject was brought to the attention of the Committee on Commerce by an application for an amendment to this bill, to make an appropriation for an improvement of this river. There was no recommendation for any improvement, and the Committee on Commerce consulted the Department in regard to the expediency of such an appropriation. The Board of Topographical Engineers advised that a survey was desirable; that there was so much merit in the proposed improvement that it deserved to be taken into consideration, and they recommended a survey. Why, then, not adopt the recommendation of the Department, and apply the money specifically to that purpose? There is now too much for these surveys in the aggregate, and if we should throw all these sums into one mass, the Board of Topographical Engineers would be at liberty to apply that money for other objects than those for which the committee were desirous to provide, and to take the necessary means for providing for. It seems to me that this is the principle on which we ought to act, and not appropriate a large sum to be disbursed at the discretion of the Board of Topographical Engineers, for the purpose of making surveys for improvements that might never be brought before the notice of Congress. And besides that, the committee understand that the Board of Topographical Engineers are desirous of being relieved from the responsibility of deciding in regard to conflicting claims for surveys, by having Congress indicate to what particular improvements they shall direct their attention. I hope, therefore, the amendment of the committee will be adopted.

Mr. DAWSON. I would be glad if the chairman of the Committee on Commerce would send to the table of the Secretary the estimate from the proper Department—I mean the letter justifying the committee in inserting this amendment. I merely wish to hear it read. I want to know how it was obtained, and the extent to which it goes. If the committee has seen it, the Senate desire to see it—at least I do.

Mr. ADAMS. The amendment now under consideration involves the question of the power of the Government; and I had intended, when this bill came up for consideration, to submit my views both in relation to the power of the Government over this system of internal improvements, which it is now proposed to carry out, and also in regard to the merits of the bill now under consideration. But the bill has come up at so late a day of the session, when there is so much for Congress to act upon, so many matters which are of the highest importance to the country, that I cannot, consistenly with my views of the obligations resting upon me as a Senator upon this floor, in reference to this business, consent to consume the time of the Senate, in regard to the merits of this bill, as fully as I would wish. Believing, however, as I do, that this is only the commencement of a system which is destined to grow with very great rapidity, and to swallow up and destroy all opposition to it, and that within a very short time; believing, also, as I do, that this is the most important proposition which has been offered during this session of Congress, both in regard to the Constitution and the consequences to the country as it affects our legislation, I trust I shall be excused if I venture to trespass so far as to state the grounds of my objections. I shall only attempt to give a synopsis of my views on the subject—a mere skeleton of an argument; but believing that the time is not far distant when this question will override all opposition, I desire to offer my protest against it, and to state my reasons for so doing.

I have thought it a good rule, Mr. President, to go back to first principles—to look to the authority whence we derive the privilege of legislating on this subject. I am not willing to take precedent alone as the ground of my action. I have a high regard for the opinions of those who have gone before us, and those who acted under the powers of the Constitution at an early day. But it is not improper that we should go back and see how they acted, and compare the difference of opinion which has existed upon this subject from the inception of the question down to the present time. I find, by a reference to the Constitution, that it is provided that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." This provision of the Constitution confers upon Congress the power to collect taxes and impose duties, and upon this "general welfare" phrase a wide difference of opinion has prevailed under different administrations of the Government. The two great opposing parties have perhaps grown up in their opposition more in consequence of a different construction of that clause, than of any other; the one party believing that whatever could be fairly construed to be for the general interest of the country, Congress had power to do; and the other party denying it. But, sir, there is a limitation of that power. It is restricted by a subsequent clause, reserving to the States and to the people all powers not expressly granted; and upon the construction of the powers therein conferred, the two parties have grown up in this country; and they have existed as opponents on this question, until recently. I acknowledge that there is some difference of opinion in the Democratic party in relation to the power of the Federal Government, so far as regards works of internal improvement. A portion of the party contends that these works should be of a general or national character; and they think they find sufficient in the Constitution on which to base this distinction. The Senator from New Hampshire, [Mr. HALE,] for instance, inquired yesterday, in reference to this bill, whether it was not of a general or national character. Sir, I have looked into the bill; and I will not pretend to answer the question of that Senator. But if the spreading of these public works over the whole extent of the country makes this bill a bill of a national character—and I believe that, with the exception of the States of New Hampshire and Mississippi, every other State in the Union has been provided for; and New Hampshire has been amply provided for in having two candidates for the Presidency—then it is a bill of a national character; for in that case I believe the State of Mississippi is the only one which is not provided for; and now, on reflection, I remember that the committee have not overlooked even my State, for they have proposed to give Mississippi $5,000 for a survey!

This bill, therefore, is "general" on the face of it—indeed, I may say it is almost universal. But, sir, I find no authority in the Constitution for this. The Democratic party have insisted heretofore that the rights of a State, and the perpetuity and safety of our institutions depend upon a strict construction of the powers conferred upon the Federal Government. Permit me here to remark, that in my humble opinion, if this Government would confine itself to the express grants and the power which was intended to be conferred upon it, by disposing of our public lands, and creating a court to settle claims against the Government, abandon abstractions, entertain no proposition which has not for its object legislative action, the whole business of the Government might be done in three months; and not only that, but instead of levying on the people annually $50,000,000 for this purpose, $30,000,000 would be amply sufficient. But be that as it may, let me ask if it was the intention of the framers of the Constitution that Congress should have power to carry on works of internal improvement? Sir, I take the position that the framers of the Constitution never intended to confer this power upon Congress. I am sustained in that view from the consideration that the very question came before the convention, and it was voted down. And here we are, the Democratic party, contending that we are the strict construction party, and yet admit by implication the existence of powers which were voted down by the convention! If there had been nothing said upon the subject—if it had not been alluded to—we might have had some sort of ground to suppose that the powers were implied or incident to such grants; but I beg leave to call the attention of Senators to the discussion which took place, to show that the whole question of internal improvements was considered by that body, and that the constitutional power was not accorded. When the framers of that sacred instrument, which each Senator is sworn to support—when the States were divesting themselves of power, and conferring it upon the Federal Government—this subject was brought before the consideration of that body by Dr. Franklin. Dr. Franklin moved to add, after the words "post roads," article 1, section 8, a power "to provide for opening canals where deemed necessary." The whole subject was thus brought before the convention, and the report of the debates will show the light in which it was considered. The speeches were not quite as long as those made at the present day, but they are fully explanatory of the views of the members; and it will be observed that the whole subject was under their consideration.

It appears that—

"Mr. WILSON seconded the motion.

"Mr. SHERMAN objected. The expense in such cases will fall on the United States, and the benefit accrue to the places where the canals may be cut."

That is the very argument which applies to the bill now before the Senate. It was offered as a reason why the power of opening canals should not be conferred on the General Government, and constitutes an argument that cannot be answered even now by any Senator on this floor. It must be recollected that they knew nothing about railroads and steamboats at that day; but they did understand the mode of opening roads, and of cutting canals. Those constituted the means of internal improvement at that time, and hence the discussion was limited to those classes of works.

"Mr. WILSON said that, instead of their being an expense to the United States, they may be made a source of revenue.

"Mr. MADISON suggested an enlargement of the motion, into a power 'to grant charters of incorporation where the interest of the United States might require, and the legislative provisions of individual States may be incompetent.'

"His primary object was, however, to secure an easy communication between the States, which the free intercourse, now to be opened, seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow."

That is the argument made use of now.

"Mr. RANDOLPH seconded the proposition.

"Mr. KING thought the power unnecessary.

"Mr. WILSON said: It is necessary to prevent a State from obstructing the *general* welfare."

Mark, the provisions for the "general welfare" had been adopted previous to this time. This debate, therefore, clearly shows the views that were entertained relative to this proposition.

"Mr. KING said the States will be prejudiced, and divided into parties by it. In Philadelphia and New York, it will be referred to the establishment of a bank which has been a subject of contention in those cities."

Senators will remember that at that time there was a proposition under consideration for the creation of a bank.

Mr. King concluded by saying:

"In other places it will be referred to mercantile monopolies."

"Mr. WILSON mentioned the importance of facilitating, by canals, the communication with the western settlements."

The very subject that is now under consideration. He went on to say, that—

"As to banks, he did not think with Mr. King, that the power in that point of view would excite the prejudices as parties apprehended. As to mercantile monopolies, they are already included in the power to regulate trade."

Here I wish to call the attention of Senators to the fact, that the differences of opinion among the framers of the Constitution as to the extent of the power given for regulating trade, and facilitating trade, have led to more difficulties in the interpretation of that part of the Constitution, than anything else it contains:

"Colonel MASON was for limiting the power to the single case of canals. He was afraid of monopolies of every sort, which he did not think were by any means already implied by the Constitution, as supposed by Mr. Wilson."

The report goes on to state, that—

"The motion being so modified as to admit a distinct question specifying, and limited to, the case of canals"—

The vote was taken by States, and resulted in the following manner:

"Pennsylvania, Virginia, Georgia—aye, 3; New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina—no, 8.

So that you will perceive, when the whole question was submitted to that convention, which conferred on us the powers under which we act here, it refused directly to confer that power. And we, the Democratic party, pretending to be the party of strict construction, can find, even by implication, the right to exercise the power which that convention expressly refused. I repeat again, that if this question of power had been passed over lightly, if it had not been considered, if the attention of the convention had not been directly called to it, we might have put such a construction on the Constitution as gentlemen now insist upon. How it is to be done, with that report of the proceedings before us, I am unable to say. It may be thought that this is a very important proposition. So it is. It was so considered at the time the Constitution was framed; and it was not left unprovided for by the convention. It was provided in the Constitution that a State might levy tonnage dues with the consent of the Congress of the United States. The same view of the subject was taken as I take now; that those who are more especially interested in commerce should have the control of it; that they might levy tonnage dues, so as to improve their rivers and harbors. Commerce could then pay its way. It would be a proper and legitimate exercise of power; and in this way the objection urged by Mr. Wilson, and which appears to have controlled the convention, that the funds must necessarily be provided by the United States, would be obviated. Influenced by these considerations, I now give notice that if the amendment offered by the Senator from Illinois [Mr. DOUGLAS] should not be adopted, I will move that the whole bill be struck out after the enacting clause, and that his amendment be inserted as a substitute, so that these improvements may be carried on. There will be no difficulty about it; at all events, if there is any difficulty, it will be worth a trial. Our greatest and best men have contended that we have no power to act upon this subject, and that an amendment to the Constitution will be necessary before any such power can be exercised. Let us, then, make trial of the provision contained in

the Constitution, and if that should fail, let us make an appeal to the people to alter the Constitution, and confer on the Government those powers which the framers of the present Constitution refused.

I now beg leave to call the attention of the Senate to the opinions of the early Presidents on this question. Although these things are known to Senators, and although I do not offer them as new, yet it is well that we should stir up our "pure minds" occasionally, "by way of remembrance."

I take it, sir, that Mr. Madison understood the powers conferred on the Federal Government better than any man living, or better than any man who ever lived. I do not mean any disparagement to others, when I say that from his familiarity with the subject, in consequence of his having assisted in drawing up the Constitution, and in the discussions on it, and from the peculiar character of his intellect, he understood the whole subject better than any man cotemporaneous with him, or who has lived since. Now, what does he say on the question of internal improvements? On Monday, 3d of March, 1817, he returned to the House of Representatives a bill passed by the two Houses, entitled "An act to set apart and pledge certain funds for internal improvements," and stated his reasons in the following words:

"Having considered the bill this day presented to me, entitled 'An act to set apart and pledge certain funds for internal improvements,' and which sets apart and pledges funds for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense, I am constrained, by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States, to return it with that objection, to the House of Representatives, in which it originated.

"The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution; and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers; or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States."

This is the point to which I wish to call the attention of the Senate:

"'The power to regulate commerce among the several States,' cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress."

Thus we see that in the view which Mr. Madison takes of it, "the power to regulate commerce" differs essentially from the power "to facilitate" it, and it would be impossible to show that they are in any way synonymous.

He continues to say:

"To refer the power in question to the clause 'to provide for the common defense and general welfare,' would be contrary to the established and consistent rules of interpretation; as rendering the special and careful enumeration of powers, which follow the clause, nugatory and improper. Such a view of the Constitution would have the effect of giving to Congress a general power of legislation—"

—as this bill would do, in my opinion—

"instead of the defined and limited one hitherto understood to belong to them; the terms 'common defense and general welfare' embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the laws and constitution of the several States, in all cases not specifically exempted, to be superseded by laws of Congress."

That is the only portion of Mr. Madison's veto message to which I desire to refer, and in which he expressly denies that Congress, in his opinion, has any such power.

Although I do not consider Mr. Monroe so high an authority as Mr. Madison, yet he is a respectable authority on this subject, and exhibited great anxiety that Congress should be enabled to exercise this power.

In his veto message, he says:

"Having duly considered the bill, entitled 'An act for the preservation and repair of the Cumberland road,' it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage, and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power, under the Constitution, to pass such a law.

"A power to establish turnpikes, with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries; and if it exist as to one road, it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes, is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty, for all the purposes of internal improvements, and not merely the right of applying money, under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced, and has been, so far, executed. I am of opinion that Congress do not possess this power—that the States, individually, cannot grant it; for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction, or sovereignty, by special compacts with the United States. This power can be granted only by an amendment to the Constitution, and in the mode prescribed by it.

"If the power exist, it must be, either because it has been specifically granted to the United States, or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them; nor is it incidental to any power which has been specifically granted.

"It has never been contended that the power was specifically granted. It is only claimed as being incidental to some one or more of the powers which are specifically granted."

Having thus stated his views as to the powers really possessed under the Constitution, Mr. Monroe makes the following suggestion relative to their increase:

"Having, at the commencement of my service in this high trust, considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest, for the consideration of Congress, the propriety of recommending to the States an amendment to the Constitution, to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it."

It will be remarked that Mr. Monroe, in this message, was of opinion that Congress did not possess the power they had assumed, and that the States could not confer it by giving their assent to the appropriation, which is almost a self-evident proposition.

I had intended to refer to a portion of General Jackson's veto message, in which he lays it down as being impossible, under the powers of the Federal Government, as conveyed by the Constitution, to carry on any extensive and useful work of internal improvement. Although he admitted, that for national purposes, which some might be disposed to call internal improvements, Congress might make appropriations of money, yet that it was necessary to change the Constitution in that portion in which the powers of the Federal Government are limited, before even this much could be done to any advantage. But I will not detain the Senate by referring to that message.

I intended, also, to refer to the message of Mr. Polk, to which reference was made by the Senator from Maryland [Mr. PRATT] yesterday, in which he exercised the veto power in regard to a bill similar in its provisions to this. I have only to say, in reference to the course pursued by Mr. Polk on that subject, that, in my humble judgment, if he had left nothing else to posterity but that argument in favor of the Constitution and the rights of the States, he would have been entitled to immortality as the preserver of that sacred instrument, and the perpetuator of the rights of the States. And the doctrines contained in that message were not rejected by his party. No man has ever been more worthily embalmed in the memory of his political friends as a mere civilian than has James K. Polk. Look upon his Administration! It was not only pure in every respect, but it was a model administration of Democratic government; and in that veto message his advice to all those who desire to preserve the political institutions of the country should never be lost sight of; for it contains the purest and best of maxims—maxims which may well be observed and cherished by politicians of both parties. I know that high authorities can be quoted on the other side of the question. I know that the opinion of General Jackson is quoted. I know it is contended that he assumed that there were some improvements which the Federal Government had power to make; and I admit that the Democratic party, since his day, have admitted that the Federal Government had this power, under the Constitution, for works which were strictly of a national character. But, sir, with all due deference to those who entertain such opinions, I agree with Mr. Winthrop, in the House of Representatives, when he said that this is either an entire system, or it is no system at all. Mr. President, I have searched in vain for the power, either express or implied, which will enable Congress to legislate for any such purpose; at all events, so far as our rivers are concerned. I admit that the power to levy duties carries with it the power to provide for their collection; and you may improve harbors on your coasts which are necessary for your commerce where these duties are collected. All this can be done if done legitimately; but I do not think you are allowed to erect custom-houses, and make ports of entry on rivers where vessels never go.

Then, Mr. President, finding no power in the Constitution for these appropriations; finding that those who ought to understand, and who, in my opinion, did understand this Constitution better than any men who ever lived: believing that the true interests of this country, the perpetuity of its institutions, and the rights of the people depend on preserving the Constitution untouched; believing as I do that this bill not only infracts that sacred instrument, but grossly and palpably violates it, I cannot support that bill in any shape or form in which it may be presented. We ought not to exercise any doubtful powers; we should leave the reserved rights of the States untouched, and thus we secure an object still more desirable than all others, the perpetuity of our institutions with their untold blessings. Pursue this course, and you will never again hear the unwelcome word "Disunion" in this Chamber.

It is not my purpose to go at length into discussion, but I must beg a few moments of the time of the Senate, while I go into the particular character of this bill. I have said that these appropriations embraced every State of the Union. If the bill omits any other States than those which I have excepted, I am not aware of it. There are about seventy different appropriations in the bill as it passed the House of Representatives; and if it be amended, as is proposed by the Senate Committee on Commerce, it will then contain about ninety-five appropriations, which are to be distributed for various objects in various parts of the United States.

I will not consume the time of the Senate by discussing the great and manifest injustice which is hereby done to different sections of the country, by the undue preference which is given to others; but there is one case to which I will allude. Here, for example, is the Tennessee river. My friend from Tennessee [Mr. BELL] yesterday said that this river passed through three States. Permit me to call attention to some additional facts in regard to it. That river divides the line between Alabama and Mississippi at one point. An important town of Mississippi is on the bank of that river. A large portion of the trade there, is directed to that point; and if this river could be improved, it would greatly facilitate the conveniences of a large portion of my constituents. We are as deeply interested in the improvement of this river as the State of Tennessee. South Carolina and Georgia are also deeply interested, and even Virginia and North Carolina. Sir, if the improvement of the Mississippi river is a work of national character, then the improvement of the Tennessee river is equally so. If two States, being interested in a work, makes it a national work, then one State being interested in such a work will make it half national. And so we may go on to an *ad infinitum* subdivision. If having a commerce of $100,000,000 is sufficient to entitle any locality to a public improvement, then a locality having commerce to the amount of one dollar would entitle it to public patronage in proportion. It would, in short, make it partly national. We are thus enabled to see the wisdom of the Constitution in withholding this power; and I hope my Democratic friends will see the difficulty of drawing any line of distinction in the principles they have laid down for their action.

Now, although I am consuming the time of the Senate in making these remarks, I must still say that I have no hope of defeating this bill. I expect it will pass, and not only that, but I expect that next session the whole amount of these appropriations will be doubled, and perhaps quadrupled; and the next session they will be still further increased, for this small appropriation is

but the initiatory step. When this question of internal improvements sprang up a few years ago, we know that it rose suddenly from a few dollars to hundreds of millions of dollars; and you may depend upon it, that it is to be so again. I have no hope that it will be rejected, when I see so good a Democrat as my friend from Iowa [Mr. DODGE] outstripping the Whig party on this floor—in short, when I see Democrats taking the lead on this question of internal improvements. I have no hope that, from any efforts I can put forth, this system will be rejected. My friend from Tennessee the other day said that he wanted to take a vote, to see whether gentlemen were for or against these works of internal improvement. I can inform him that no political capital can be made out of this question now. The time has been when such might have been the result. I was forcibly reminded of a speech which I believe you and myself, Mr. President, once heard in the House of Representatives. Mr. Sawyer, of Ohio, remarked that his colleague [Mr. GIDDINGS] had now got to be only a second-rate Abolitionist. They did not allow him even the honor of introducing the Wilmot proviso. And so it is, Mr. President, with the Whigs; they have now got to be only second-rate internal-improvement men, the Democrats having outstripped them. Well, sir, we shall see what will be the result. It may be said that the Democratic candidate, [Mr. Pierce,] while a member of this body, having voted against a proposition of this kind, he would, if elected, exercise the veto power. My judgement, however, is that Mr. Polk was the last man in this country who has or will exercise this power. Although I have as much confidence in the moral and political honesty of Franklin Pierce as in any man now living, though I believe that were he now a member of this body, and this bill were before him, he would vote against it, yet I have no idea that, with the precedents before him, were he President of the United States, he would veto such a bill. I say this with all due respect; but I cannot but feel that the Democratic party have yielded up this question of internal improvements. To be sure, the Whigs, to compensate for this, have yielded up the two points of banking and the protective tariff; but so far as the power of the Government and the rights of the States are concerned, and taking into view the contaminating influences of such legislation, I would rather have lost both of these to have preserved the Government from the corrupting influences of this system of internal improvements.

Some Senators on this floor are wavering in doubt and hesitation as to the course they should pursue, between the desire to perform their duty according to the Constitution, and the fear lest a vote which would defeat the little, miserable, appropriations for their respective States, should exercise a prejudicial influence on the approbation of their constituents. All desire to obtain appropriations for the benefit of their own constituents, especially those who have to go home, and meet them face to face. I know the difficulties which are to be encountered. I know that, when an appropriation of $100,000 is proposed for the improvement of any neighborhood, the whole constituency becomes excited about it, the benefits are exaggerated, and the expectations of all aroused, to the highest point. If, then, a Senator from that district should, in the faithful discharge of his duty, vote against the bill containing that appropriation, he will be met on his return with frowns and complaint, no matter how obnoxious may have been the other provisions of such a bill. But the evil does not stop there. It goes further. Let any man, who has the moral courage to stand firm by the Constitution, give a vote regardless of the immediate interests of his constituents, and what is the result? He is met by some one who pretends a greater regard for their welfare, who represents the matter in a way to suit his own purposes, and asserts that if he had been in Congress he would have obtained the appropriation. What is the effect of such a system on the proceedings of this body? Every vote given is with a view to purchase popularity at home by securing an appropriation; and every effort is directed to this one end. Is not this a most corrupting influence? The vote on a bill appropriating money for particular localities, at once determines the question of future reëlection, or rejection, and no one, therefore, dare investigate such a bill with that degree of impartiality which should be exercised. He would not dare to vote against it.

I have a very good opinion of my fellowmen. I believe they would act fairly under all circumstances, when it is possible for them to do so; but I have no idea that, under such a system, men will be apt to adopt the prayer of him who spake as never man spake: "Lead us not into temptation." I say, that every one who has spent any time in a legislative body knows the fact to be so; knows that no system of legislation has ever been presented which is so likely to exercise a corrupting influence on the human mind as the system of internal improvements. The expression may be harsh, but every one knows it to be literally correct. Present all these questions separately, examine them as individual appropriations, on their own merits, and how many would pass? Propose an appropriation for the benefit of my constituents, and how can I vote against it, and meet them afterwards? Or, in other words, how am I to give a bill, containing such an appropriation, that impartial investigation which it would otherwise receive? Every Senator on this floor knows that this is one of the effects of the system, and I appeal to them to make an attempt to dam up this torrent of corruption, which is contaminating everything within its reach.

Sir, the appropriations made by the Federal Government, or rather the benefits derivable from those appropriations, are greatly overrated.—Whenever you appropriate money through the Federal Government for any section of the country, you contaminate that community on the instant. Not only do you confer on them no good, but you inflict on them a positive injury. Leave the control of these internal improvements as the Constitution intended. Leave those who are interested in them to furnish the money, as the Constitution intended they should, and then they will see it honestly and fairly appropriated. How any one can conceive that any other system is more correct, how any one can offer opposition to this portion of the Constitution, and adopt a system that is wholly opposed to it,—is, to me, passing strange.

But I am going further into the subject than I intended. I will not detain the Senate further than to say that in connection with this subject, and although perhaps I am not strictly in order, my friend from Maryland in speaking of the powers of the Government, the other day, said he could see no difference between appropriating public land and of appropriating money from the Treasury. Now, while this subject of appropriating money is under consideration, I would beg leave to call the attention of the Senate to a marked distinction. Congress has the power to levy money and to appropriate it according to the powers granted in the Constitution. But can any one say that it is necessary in carrying out that provision of the Constitution to make the appropriations which are asked for by this bill? The power conferred upon Congress with regard to the public land, is altogether different. The power of the Government over the public lands is unlimited. These lands may be disposed of by Congress in just such manner as Congress believes will be conducive to the best interests of the whole people. You may give these lands away if you think proper to do so. If, in the opinion of the Congress of the United States, the best interests of the country will be promoted by that course, they would be justified by the Constitution in following it.

In voting for the bill of my friend from Michigan, [Mr. CASS,] I did so believing that in this appropriation the Government was making a speculation; that by the improvement of these lands the remaining lands belonging to the Government would be increased in value. There is no comparison between the two cases. They have unlimited power in the one case and are restricted in the other.

Now, Mr. President, before I close these desultory remarks, I must pay my respects to the Senator from New Hamshire, [Mr. HALE,] who I am sorry I do not see in his seat. It will be recollected that yesterday he called upon the Senate to exercise great caution how they went for a system of internal improvements. He stated that he had not read this bill, and yet he said he would vote for it without having seen it. In other words, that he would "go it in the dark." I am inclined to think that the proceedings of a late convention have given that Senator a fondness for dark subjects. He said he had never read the bill, but that he would vote for it; and that although his State would not derive any benefit from these appropriations, he was willing, under his enlightened views of philanthropy, to do justice to his constituents for the benefit of other sections of the country. That is not my case. I trust I shall always be ready to do justice to every section of the country alike. No bill can be passed which will operate in perfect justice to every portion of the United States; but whenever you present any question that does *palpable* injustice to any portion of the people of the United States, whether they are my constituents or the constituents of others, I will not vote for it. The Senator from New Hampshire says that the thing is wrong; that his constituents pay their proportion of the taxes, and yet they are to derive no benefit. Notwithstanding that, however, he is ready to vote for the bill. My constituents get nothing, yet I care not for that. I might have been tempted; but that is no temptation; and it only serves as a means to show the injustice and inequality of this bill.

Mr. President, I have, perhaps, detained the Senate too long—certainly much longer than I had intended. I designed to express my views, and the reasons why I cannot vote for this bill, very briefly; and if, under the circumstances, I have occupied more time than I should, I can only apologize by saying that I will not trespass again, in a similar manner, during the present session.

Mr. CASS. I move to strike out all the appropriations for specific surveys, in order to insert an appropriation of $30,000 generally for surveys.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The question is on the amendment reported by the Committee on Commerce, to insert in the bill a provision, "for the survey of the Rappahannock river, in Virginia, $3,000."

Mr. CASS. Cannot I move to strike out all of these appropriations for specific surveys, for the purpose of inserting a general appropriation?

The PRESIDING OFFICER. The amendment is open to amendment.

Mr. CASS. I wish to amend it. I move to amend by appropriating $30,000 for surveys, with a view afterwards to strike out the appropriations for particular local surveys. The whole amount of appropriations in the bill for surveys—striking out the $5,000 for the Falls of the Ohio, which is, professedly, with the view to have the survey connected with a canal and an arsenal—is $32,000, which is all divided among eight States. Massachusetts has $10,500; New York, $4,200; Maine, $2,500; Louisiana, $2,500; Virginia, $3,000, and South Carolina, $3,000. I ask if it will not be much better and fairer to make a general appropriation of $30,000, and hold the Government responsible for its application, in which case they would divide it equally, than to make these specific appropriations, and thus give the objects a precedence for asking improvement hereafter, among the eight States?

The honorable Senator from New York [Mr. SEWARD] said that the War Department had been applied to with regard to this survey of the Rappahannock. I have no doubt of that, Mr. President; but how came it to be applied to for an estimate for the Rappahannock in preference to any other? Why was that single place selected out of the one thousand five hundred or two thousand positions which require surveys as much as it does?

A SENATOR. Some one asked for it.

Mr. CASS. Yes, sir; some one asked for it, I suppose. Precisely; that is what I said. Gentlemen have gone to the committee and indicated this object, and thus it happens that the whole of the surveys are to be confined to eight States, which are to have the preference hereafter in applications for appropriations for improvements. I say that is exceedingly unfair, and I repeat, that if you make the appropriation that I propose of $30,000, the Department will do an amount of

work worth $100,000 in this way, for the reason which I have stated, that at the points where the surveys will be made, the people who are interested in them will contribute a portion of the expense in provisions, and men to accomplish a vast deal of business.

Some honorable Senators suppose that $25,000 is appropriated for surveys on the lake. This is an entire misapprehension. It is for what may be called the coast survey of the lake. It has been going on for years. There never has been a dollar expended in a survey of a harbor there with a view to its improvement. It is a hydrographical survey of the lake. That is the object of that appropriation. So that you will observe that there is not one dollar appropriated for the lakes—for surveys of harbors—with the exception of one appropriation to the State of New York, and not one for the West or southwest, with the exception of one or two in Louisiana, and perhaps one in Mississippi, though I am not sure.

Mr. SEWARD. I will state to the honorable Senator, that citizens of Virginia, interested in the improvement of the Rappahannock, applied to Congress for an appropriation to improve the navigation of that river, and the subject was referred to the Committee on Commerce. That committee applied to the Board of Topographical Engineers for information in regard to the river; whether an appropriation would be expedient—whether there were merits enough in the application to justify any action on the premises, so that the Department might say whether there was so much merit in the application as to justify a survey being made, to the end that the improvement might, if Congress deemed it proper, be made hereafter. Now, the Senator from Michigan moves to strike out that specific appropriation, upon the ground that it will be unjust to somebody else—unjust and unequal in its operation. How, sir, can it act unjustly or unequally upon anybody? Either all other persons who are entitled to consideration in the same way, have applied to Congress, or they have not. If they have applied, their cases have been considered,

Mr. CASS. I would inquire of the Senator whether applications have been made to the Department for all the cases which have been brought to the knowledge of the committee?

Mr. SEWARD. I cannot answer that.

Mr. CASS. I can. I can tell of one case, for information, in regard to which application was not applied to the Department; and I do not know how many others there may be. I want to know why this is preferred before others?

Mr. SEWARD. The honorable Senator seems to proceed upon the principle that only those are equal which come last—that those are entitled to be equal who never come at all. I take it for granted if persons in other localities did not come to Congress and ask an improvement of their rivers and harbors, they have no rivers or harbors to improve. My colleagues on the committee, however, can answer with more accuracy than I can; but my impression is, that the committee have in all cases sent to the Departments every application which has been made for its opinion upon the subject. I hope, therefore, the amendment of the committee will be adopted.

Mr. RUSK. I hope that the motion of the Senator from Michigan to amend the amendment of the committee, will not prevail. I am as willing as the honorable Senator from Michigan to apply to the Department for such information as they have, but I am not willing to shut myself out from every other information which may be obtained. I have no objection to whatever information may be laid before us by the Departments or by the head of the Topographical Bureau as to national objects, but I have a serious objection to confining all my discretion, all my investigation upon subjects of this description, within the pale of the recommendation of the head of that bureau. If the Senator thinks there are some surveys for which money ought to be appropriated that are not included in the bill, or in the amendments of the Committee on Commerce, it is very easy for him to move an amendment appropriating sums of money for them. I feel satisfied, that although we get, perhaps, in the majority of cases, correct information from the heads of bureaus, that in others we do not. I know that recommendations of appropriations have been made for objects that are comparatively of no importance, and that objects in the immediate neighborhood of vastly more importance to the commerce of the whole country have been entirely overlooked. Under such circumstances, it seems to me clear, that we should leave open all channels of information upon subjects of this description, and not blindly permit ourselves to be directed by estimates from the Departments, or make the appropriation in gross and leave the expenditure of it discretionary with them. If there is sufficient information with regard to any locality before the Senate to induce the majority of the body to believe that there ought to be a survey of it, I can see no reason why we should not make the necessary appropriation for the purpose of obtaining the information. Why should we be checked up here? Why should we turn over the whole discretion of the investigation to the head of a bureau? Sir, I hope the proposition of the Senator from Michigan will not be adopted.

Mr. DOUGLAS. I do not see the necessity of applying to the head of the Topographical Bureau for information as to whether we should survey a river or not; for if the river has not been surveyed, what opportunity has that Bureau for information that we have not? The very object of an appropriation is to enable the head of the Department to obtain such information as they can base a recommendation upon. Until the survey is made, the Department knows no more about it than we do, or any private individual of the country does. Is it supposed that the head of the Topographical Bureau can know intuitively the size, the depth, and the capabilities of every river and creek and inlet in America? Sir, I know of no greater mockery than this, of applying to that Bureau for information in regard to these various surveys throughout the country. I have not the greatest respect for their recommendations when they are based upon their surveys, for the reason that I have yet to learn an instance in which the Topographical Bureau has ever refused to estimate for anything in the world that they were asked to estimate for. That Bureau, by its profession, has the charge of these works. It wishes to draw to itself all the power within its reach. It recommends the highest amount of money always that can be obtained; and as they are not politically responsible, holding their position as they do by their commissions in the Army, you have not the slightest check upon them.

But, sir, there is a very important result arising from the incorporation of this appropriation in the bill. When you appropriate $3,000, or any other sum, for the survey of a river in Virginia, that becomes the foundation upon which an estimate is to be made next year by the Department for the improvement of that river. It is a designation of that river as a proper subject for improvement in future; and the amount of $3,000 this year brings the estimate of $30,000 next year. Go to the coast of Maine; you have in the bill an appropriation of $1,000 for a survey, with reference to a breakwater. That is a very small item. It attracts no attention—it is only $1,000; but $1,000 for a survey this year brings into the bill of next year $50,000, or $100,000, or $200,000, for the construction of the breakwater. The mere insertion of it in the bill this year puts it in a position for an estimate for the breakwater next year. So with the breakwater on the coast of Massachusetts; provision is made for a survey of $1,500. So with the long list of small appropriations for surveys in the bill with reference to breakwaters, and harbor and river improvements. So far as you get the name in, with one dollar for a survey, you have got it in the line of precedents for large appropriations to follow. In that point of view, if this designation is thus to be made at random in the bill, selecting here and there a point for surveys, it may become important to us to move amendments, by which all the rivers and points suitable for harbors upon the lakes shall also be incorporated for surveys; so that we may have estimates founded upon those surveys in the next bill that may come up.

There is the whole coast of Michigan, about one thousand miles, to which the distinguished Senator from that State has frequently alluded in the course of the debate upon this bill. A large number of harbors are absolutely necessary there for the protection of commerce along that coast; not for the benefit of the State of Michigan exclusively, but for the protection of life and property upon the whole line of the lakes, for the commerce from one end to the other of that chain of lakes has to pass along those dangerous shores. I would like to have estimates for surveys at the mouths of each of those rivers, and for harbors on the lakes, if the Senator from Michigan would furnish the names of them. I do not know them, and I suppose the Topographical Bureau would find it difficult to ascertain their names. They have not the means of ascertaining them; yet we know that along that line of dangerous coast, harbors are necessary, and we would like to find out whether they can be made or not; for if this system of appropriations from the National Treasury is to be kept up, and if the States are to be deprived of the power of making their own improvements, I tell you, sir, that an appropriation of a million and a half is not going to satisfy the necessities of the line of lakes alone. Five millions a year will not satisfy the absolute necessities for improvements upon that line of lakes alone, for harbor improvements, in order to protect life and property. I see clearly that this system must run, if it is continued, to at least fifteen or twenty millions a year, or else your appropriations are the merest mockery in the world. You now appropriate $10,000 or $15,000 to commence a harbor at the mouth of any given stream upon the lake. The money is not sufficient to make work enough during any one year to stand the storms that may come during the winter; and what you may do each year is swept away, and you begin anew the next. You may as well appropriate none as to appropriate these small amounts, which accomplish no beneficial purpose; which do not make works sufficiently strong and firm to last through the series of storms which may follow the season in which they are constructed.

Sir, the million and a half which you have here, instead of being sufficient for the one hundred or two hundred objects specified in the bill, could all be profitably employed on five objects in it that I could specify, and would be economically employed upon five, to complete and put them beyond the reach of destruction by storms. Sir, this system is becoming a failure, because of small appropriations being made to innumerable points, instead of combining them upon one until you finish it, and then upon another until you finish that, and so on, until you go through them. But, why do we not appropriate enough to accomplish some object? Simply because no one section—no one point can combine strength enough to pass this object by itself; and because there is not money enough in the Treasury—your revenue system cannot raise enough to make all the works which are really essential to the protection of the great navigating interests of this country. But, sir, while I am anxious to see whether we cannot get a better system than this, or rather, whether we cannot adopt a system of harbor improvement which will be effectual; yet, until that should be adopted, I must adhere to the present, in order to put a stop, as far as possible, to the frightful and appalling destruction of life and property, that we find now happening upon the western waters, and the northern lakes, and upon our coast almost every day; and when we are going on with this bill, I do feel under an obligation, when seven or eight objects are specified in it for small appropriations for surveys with reference to future expenditures, to insist that we extend these surveys to points in which my constituents are vitally interested; or else, that we make an appropriation for a survey in general terms, so that, at least, we shall have a chance to have our coast examined, as well as those other objects. I am willing to leave the examination of our coast in the general lump with the others; but I am not willing that you should omit ours to the bill, and then specify for other objects about which you have no information, and in the very law exclude the Topographical Corps from the investigation of the necessity of our works. I therefore wish to get these in a general lump, or else let us make the specifications so general as to give fairness, at any rate, in the distribution.

Mr. DAVIS. Mr. President, I rise to make a few remarks to the Senate in regard to the prin-

ciple which governs us in reference to surveys. There are but two modes which have ever been adopted within my knowledge. One is that suggested by the Senator from Michigan, which strikes the mind obviously as a convenient mode to begin with. The other is by Congress specifying the places which they desire to have surveyed. Now, it was formerly the practice of the War Department to recommend the sum of $30,000 for the prosecution of surveys. The mode then was that whoever wanted a survey of any particular point applied to the War Department, and that Department formed an opinion as to whether it was expedient or not to make the survey. If the judgment was favorable, the survey was made; if unfavorable, no survey was made. I remember very well that that mode excited a great deal of feeling in Congress. They thought there was some partiality in the exercise of this power, because perhaps some parties used greater vigilance than others; and some were successful, while others were unsuccessful; consequently the exercise of the power by the Department became offensive, and the result was that Congress refused to make that annual appropriation, and they said: "Let us consider in each House, when a place is presented for a survey, whether it is expedient to do it." That practice has been followed from that time down to this. Now, the Senator from Michigan suggests very correctly that those who are most vigilant in making applications and pressing their claims are most likely to have provision made for a survey of their object; and if the Senate will look for a moment at the nature of this transaction, they will see that it amounts to very little, as a professional thing, on the part of the Topographical Engineers. Here comes an application for a survey of the river now under consideration—the Rappahannock. The very object of a survey is to enlighten Congress—to bring the requisite information here in regard to that stream. Perhaps all that the Bureau know about it is that it is a navigable stream—that it has long been entered by sea-going vessels and other craft; but about its obstructions there is no reason to suppose they have any more knowledge than the members of Congress have. Then, why send it to them at all? For a very obvious reason; not because we suppose the knowledge to be derived from them can be essentially useful to Congress, but they are better judges of the amount of money necessary to make the survey than men who have no practical experience in regard to objects of that sort. Then, it comes down to this: that it is to get the judgment of men of practical experience as to the probable expense of the work. As to the rest, it is a matter of geographical knowledge. These gentlemen—it being their business to look into the subject—may be better acquainted with the character of the streams than you or I am. But after all, it brings itself to the sober judgment of the Senate; and the committee have put in these various surveys with the expectation that the Senate will exercise its own judgment upon the subject, as to whether the different objects merit that degree of examination which is asked for in the survey. That comes up to the view of my friend from Texas. As I understand him, he thinks Congress had better pass upon them rather than the Department. The old practice was changed for that express purpose.

But what does my honorable friend from Illinois say? He says, "Now, be cautious, gentlemen, what sort of surveys you make. They are the entering wedge to improvements." So they are. That is all true enough; but there is nothing very scary in that. There is nothing very alarming in it, for the very reason that when we come here with a measure to present it to the Senate, the first question asked is, whether there has been a survey? "Has there been an examination? Has the Topographical Bureau made the necessary inquiry into this thing?" "No; we have come here without that." "Well, then, you may go away. We have nothing to do with a matter that has not undergone this investigation. We take up no matters that have not been submitted to the Department, and where the instruments have not been applied and the regular charts made out, so that we can understand the nature and character of the difficulties to be overcome." This is a pretty reasonable principle—so reasonable that it is not often contested in either House of Congress. If you desire to make an improvement, how shall you begin? If you do not begin with a survey, how are you to begin? It only comes to this—*obsta principiis*.

Mr. DOUGLAS. The Senator misunderstands my point. If you put it specially in the bill that they shall survey a point, the Department considers that a point appropriate for an improvement and estimates for it; but if you appropriate a round sum, say $30,000, for surveys, you put all the points upon an equality before the Department for them to select from.

Mr. DAVIS. I expressly disclaimed that view of the subject. I say it is a mere consideration whether or not Congress will direct an inquiry to be made. The decision, whether it is worthy of future patronage and future grant of an appropriation by Government, is reserved until that question comes up. This settles nothing as to the propriety of undertaking the measure. It can settle nothing. It has the effect that the survey is ordered; nothing more. But when the survey is returned here, then, if a question arises, that question is, whether you will go further with it and predicate the improvement upon it?

The Senator says that the sums granted by this bill are very inadequate to the public exigencies. That is true; they are very inadequate. They are pretty numerous in that portion of the country to which the Senator has adverted; and I have sometimes concurred with him in the opinion that perhaps more works were undertaken than the circumstances authorized; not that any particular improvement which I have in my mind is not useful to the public; but perhaps it would have been wiser to have limited the number to a smaller one than that which was undertaken. But, sir, that question was settled. Congress have determined that all of these works should be commenced. The Senator says that you limit the sums to so small an amount, that the storms of winter carry away the work of the summer. That cannot be literally true. It is a pretty figure of speech, but cannot be literally true. If it were, there would be no works completed.

Mr. DOUGLAS. I never knew a harbor undertaken by the Government completed. If the Senator can show me one harbor on this continent which has been completed, he will show me an object which I have never seen or heard of.

Mr. DAVIS. They are never completed because the structures in most of them—and nobody knows it better than the Senator—were intended to be temporary. They were cribs of wood filled with stone, intended to try the experiment, and see, when we should come to a permanent structure, whether or not it was worthy of adoption. There is no port which better illustrates that than Chicago, the Senator's own place. I suppose he would not stop improving Chicago because the improvement may work a little differently from what he anticipated when it was put down. He is quite right when he says the harbor is incomplete. I believe the history of that improvement is this. It was worked in this way: The small stream which constitutes the harbor of Chicago, enters into the lake, and has a very good depth of water. The coast of the lake is nearly straight, affording no shelter to vessels at all; and to have a harbor they must enter into that stream. Now, what did you do? There is a current running from the north to the south, ordinarily, in the lake, and in coming against the current, the river rushing in, it stretched a bar away off in the southeasterly direction, and that bar had not enough water upon it to permit vessels to go in. We carried out a couple of piers, quickening the current of the water, and sweeping it away into the lake, and thus got a depth of water for vessels to go in. The piers were carried out to a certain distance, and the result was that a new bar was formed. It was necessary to remove that; and then, again, I believe the bar formed anew; then, I believe, they proceeded to extend one of the piers instead of both, perhaps with better results, though I do not know how that is. But I ask the Senator—if this is what he means by incompletion—shall we stop improving the harbor of Chicago?

Mr. DOUGLAS. I answer, by no means. But I say you will never complete a harbor, and have good harbors upon the lakes, as long as they are under the charge of men who have no local knowledge of the currents, sand-bars, and formations that are there. If you will put the money under the charge of old sea-captains and pilots, who have watched those bars and currents for twenty years, and know the effect which storms have upon them, you will have the money judiciously expended, and have the harbors so constructed that they will stand, and not be required to be renewed or extended every year. The error is in the system. After you expend ten dollars, you only get one dollar's worth of work; and that which is done, is upon a plan that does not accomplish the object.

Mr. DAVIS. The gentleman would have us go on then, but go on with sea-captains instead of scientific engineers. He would have this work carried on by gentlemen who had examined the currents more than the engineers. You have already got some practical results of a useful character; and it is admitted that something must be done here in order to give this large population and this large business, the accommodations which are indispensable to them. But I was about adverting to another matter, to show why these improvements are not, and could not be completed for the present. I said they were temporary wooden structures. These structures can last no longer than the wood lasts. When the wood perishes, they are done. They were put there with a view to try an experiment, and ascertain what permanent improvement could be made useful and proper, and then, when that experiment had been made, the intention was to put down stone piers. That has been done in part in Cleveland. One of the piers running out from Cleveland is permanent masonry; but the difference between Cleveland and Chicago is this—in the former place they are able, by much shorter piers, to strike quite deep water, so that there is not such a liability to re-form the bar.

Mr. CASS. Another most important practical difference is this—the current is stronger at Cleveland than at Chicago.

Mr. DAVIS. The Senator says that the current is stronger at Cleveland. I dare say that is true; but they have been able to make the experiment there, and designate satisfactorily what ought to be the permanent improvement; and as soon as they reach that point, the Government begins to put down a permanent improvement in masonry to last to all time. None of these harbors will be improved until we reach that point, and they will require large sums of money beyond all doubt. I have no personal interest or feeling in this matter. I have been through the western country. I have seen the operation of all these matters. I have seen the great and urgent necessity which the population is under for protection from the calamities which have been referred to by the Senator from Illinois. I understand all that; and it is but an act of humanity that protection should be afforded. Something is indispensable to be done; and while my own local position places me where we have little interest in these transactions, yet I cheerfully and freely, at all times, subscribe to the necessity of doing something for that portion of the country, to protect its people from the evils which surround them.

These, without troubling the Senate further, are the general principles upon which surveys are made. It is with me quite a matter of indifference whether you adopt the principle suggested by my friend from Michigan, or whether Congress expresses its opinion as to each particular survey, whether it is expedient to adopt it or not. I would add, however, that among the papers which were read before the Committee on Commerce, I noticed a letter—I do not now recollect precisely how it comes into the case—but I believe it is by the correspondence between the Topographical Bureau and the head of the War Department, in which the head of the War Department deprecates the course which the honorable Senator from Michigan now proposes to pursue. He does not desire to have this power invested in him, or a sum of money be placed at his disposal in this way. I do not know that his personal wishes ought to be regarded. The convenience of the Government should be consulted; but I doubt very much, from our past experience, whether you could get an

administration of this object that would be as satisfactory—if you threw it into the War Department—as that by Congress itself.

Mr. SHIELDS. I shall vote to change the character of these surveys; and I shall do it because I am a friend of the bill. I want it to pass. But I am sorry to say, that it is not such a bill as I should wish to see passed, in its present shape; and, I will add, that if the highly-intelligent and able gentlemen who have had charge of this subject in both branches of Congress have found it impossible to prepare a more equal and equitable bill than this, it will become a very strong argument against the whole system. I have looked over it carefully; I have looked at the different objects intended to be accomplished by it, and the different amounts proposed; and I confess that I could scarcely imagine, in my humble opinion, a more unequal distribution of money than this bill presents. And I would say further, that I heard it said the other day, that this was similar to the bill which President Polk vetoed; and I must say for myself, that if I were called upon, as President, to act upon this bill, I should feel it to be my duty to veto it, on the ground of inequality; on the ground of injustice; on the ground that there seems to have been taken into account in its formation no element either geographical or commercial. I will not go into that now, but it is so. We western men are accused of coming here and clamoring for large appropriations. Now, take up the bill and examine it, item by item, and will you find the appropriations going to the Northwest, or Southwest? No, sir; but to the Atlantic. Double the amount is appropriated upon the Atlantic, and more, than that upon the whole West, including the Gulf and the valley of the Mississippi, with all its rivers and navigable streams.

Mr. BUTLER. How far north are the appropriations on the Atlantic?

Mr. SHIELDS. Why, sir, this is the most extraordinary bill I have ever seen. There are, running into the Mississippi, throughout its length of two thousand five hundred miles, about fifty-seven navigable rivers. Look at the appropriations for that whole region; and look at the lakes also. But of all the inequalities in this bill—and it is curious to see the distinctions that are made here from day to day, which I have listened to since I came into the Senate; and every one of those distinctions is violated in the original bill. The appropriations for surveys are confined to particular States; but I say, among all the inequalities, this is the most gross and glaring, that, from this whole country, from the Atlantic to the Pacific, they should select a few places—petted, favorite places, and appropriate surveys for them, and leave all the others, not only neglected and overlooked, but entirely disregarded: and say that that is such a bill as ought to be presented and sustained here.

In regard to referring these matters to the Topographical Bureau, I would merely say, that that bureau ought to have topographical knowledge and information enough on these subjects, or it is acting to no purpose. It has that knowledge; at all events, it has that information to a certain extent. The officers are there, and have to collect that information and that knowledge. I will ask, then, if it would not be advantageous for this Senate to have the benefit of that information before they make appropriations for the surveys? We may get it, but need not be bound to act upon it when we receive it. But, having the bureau prepared for that purpose; having officers highly qualified—for I differ from my colleague in that respect—those officers are eminently qualified for this service—why not get the information they can give us, before designating the points for making surveys, and leaving the rest of the country without any appropriations? Why not employ competent engineers—men qualified and educated for that purpose, having no other employment, who are collecting information in that way, to give us that information? A gentleman can get more topographical information, if he will go up to the bureau, than he could get during the period of a whole session here sitting in his committee.

Mr. RUSK. I have tried very hard to obtain it, but failed.

Mr. SHIELDS. Well, it has been the gentleman's misfortune, I fear, for the information is there; and if it is not there, the bureau ought not to be there. That is what they are there for. They ought to have topographical information in relation to rivers and harbors at every point of importance where we ought to appropriate money, whether for a survey or for the completion of the work.

My colleague has alluded very justly to the result of commencing a survey. What is our egislation here? What did I contend about this morning? That we enter into things blindly, without expecting its full consequences; and if we find that the expenditure has become enormous, we become economical, and are ready to abandon the whole enterprise. Will my honorable friend from Michigan tell me where the surveys are intended to be made by this bill?

Mr. CASS. They are all in eight States, with the exception of a survey of the Ohio river at the Falls.

Mr. SHIELDS. Here are appropriations for surveys in eight States. I should like to know why there are not appropriations for surveys in the residue of the States? For the same ground which authorized these ought to extend them to all. Let us have a fair, open examination of the whole country; or let us have no peculiar points—selected and petted points—for future appropriations. For my own part, as the bill now stands, if it goes on in this shape, I shall take but very little interest in it.

Mr. RUSK. The honorable Senator from Illinois seems to think the Topographical Bureau is full of information; and as he seems to have had a better capacity for getting it from them than I have, I would reply to his question as to why appropriations are not made for surveys in other States. It is simply because the representatives from the States in which surveys are not provided to be made, whose information I am more willing to trust than the Bureau, have not offered the amendment to the bill.

Mr. HAMLIN. They have not been asked for by the representatives.

Mr. RUSK. Now, the State of Illinois has commissioned the Senator, with all his intellect, to look after her interests——

Mr. SHIELDS. If the honorable Senator will allow me, I should have considered it very indelicate to have presented myself before an intelligent committee, which has charge of the business of the whole country; for I take it for granted that any honorable member of that committee would have considered the interests of my State just as he would his own State; but when the bill comes up here, am I not at liberty to expose these inequalities?

Mr. RUSK. Certainly; and to offer amendments, if the Senator chooses. I do not choose to depend upon the same information he does. He chooses to throw himself entirely upon the Topographical Bureau. I am not willing to do that. I am not going to say that they are not more intelligent, or as intelligent as anybody else, but at the same time I prefer to depend on my own information with regard to the localities in my own State, rather than on the Topographical Bureau, because their information depends upon half a dozen things, and one of the very first is the politeness with which representatives go to them. I may go up and ask the head of the bureau to recommend a survey of some place in my State, and he may refuse to do it; another Senator may obtain a recommendation for his State; perhaps he is more polite than other Senators, and thus gets the survey in his State, and hence the very inequality from that quarter is the inequality which the Senator himself complains of in this bill.

Here is a bill appropriating more than a million and a half of dollars—and how much of that is upon the great Mississippi? Less than $300,000; and that comes from the immense amount of information derived from the Topographical Bureau, which is to be set up above the discretion of Senators—above the opinion and investigation of Senators, to guide and direct us how we shall expend the public money for the general benefit. The Senator says he can get any information from the Topographical Bureau. I, sir, am unfortunate enough not to be able to get that information, as I do not have the sense to understand it when I get it. If I do get it, am I to be blocked up from using what little intellect I have in asking for appropriations for surveys of points on coasts where a great deal of life and property are always exposed? On the coast of Texas there is a great deal of life and property exposed. There is a vast deal of commerce carried on there, and that commerce is doubling every year. It now amounts to $25,000,000 or $30,000,000 annually. Now, must I be blocked up from proposing amendments to this bill, and have the appropriations for surveys thrown into a pile, and have to depend upon the politeness of the head of the Topographical Bureau whether they will ever make a survey there or not? No, sir. I am not opposed to improvements in the eastern country. I shall vote for them, and vote for them liberally. I have no sectional views to carry out in this matter, nor have I any section to complain of.

Mr. HUNTER. The Senator from Michigan objects to these appropriations for the survey of specific objects. He says they are unequal, and he desires to make an appropriation in gross, so as to leave the matter to the discretion of the Topographical Bureau. It seems to me that he does not escape the difficulty by that course. He only postpones it; for if the Topographical Bureau are to select from among the various objects to be surveyed, they will be as likely to do injustice and make a partial and unequal selection as the Senate of the United States. I am inclined to think that this would be as safe a tribunal as that. If the argument is good in relation to the surveys, it is good a little further. If, in order to prevent this inequality, which the Senate is likely to be guilty of, we ought to leave to the Topographical Bureau the selection of the places to be surveyed, why not leave it to the Executive to make the improvements? Why not appropriate the sum in gross, and place it at the disposal of the President, so that he may improve such places as he thinks proper? We do not do that, because we do not choose to repose this amount of discretion in him. We think we ought to have something to say in relation to the points to be selected. If we ought to have something to say in regard to that, why not in relation to the surveys? The reason, it seems to me, is as good in the one case as in the other. As to the inequalities, I have never seen a bill which did not contain them, and I never expect to see one which will not contain them; and that is one of my objections to the system.

Mr. SHIELDS. Will the honorable Senator from Virginia, (who, I think, is as well calculated to do what is just and even in this case as any one,) not agree to this—refer the matter to the Topographical Bureau, and let them classify the cases as they do with fortifications: Number one, giving the reasons why they are of first importance; number two, giving the reasons why they are of second importance; number three, and so on? Would it not be more advantageous for us to have such information before us, than to go into the matter blind, as we are doing now? We are not bound to accept it and act upon it. But I think we should get the men who are appointed for that specific business, to give us the benefit of their time and of their talents. It is like what is done by a general, when he goes out with his army. Does the gentleman suppose that he would not employ engineers to reconnoiter a country before he would throw his army into it? The same argument might be applied to this case. You have a bureau which ought to collect the information for this specific purpose. They are paid for doing so. They are educated for this purpose. All you have to do is to legislate, and put them to work; and I know of no way in which we can ever establish anything like a uniform system until we appoint men who will select and classify these points, as we have done in relation to the national defenses. Give us class one, class two, &c., and then we will be able to proceed with something like system. This is no system. There is no system about it. From the commencement to the end it is a scramble to see who will get the most on these bills. If the method is pursued, the system must break down. No nation can sustain such a state of legislation. I have only witnessed it twice—this time and the last time a bill of this kind came up. I recollect the scene in the Senate last session. If we are to reënact those scenes every session over bills of this kind, and scramble about who are to

have the largest proportion, and whose points will be inserted in the bills, I must say that for one I am satisfied the system will break down.

Mr. HUNTER. The honorable Senator from Illinois is mistaken if he supposes I said that the Topographical Engineers were not fit to make the surveys. They are the very persons to make them. But the question is, by whom are they to be ordered to make them? He says we may select the points to be improved after they have made the surveys; but you observe there is a rule in relation to this subject. You do not appropriate except for objects for which surveys have been made; and according to this proposition, they are to select the places to be surveyed, and therefore they are to select the places for which you are to appropriate. If you commence by appropriating in this manner, a sum in gross for the surveys, they are to distribute the sum as they please, and survey such places as they choose. I take it for granted, that the committee of this body does call upon the bureaus for information if they desire it; that they can do so at any time, and that they can obtain the information beforehand, which would enable them to decide with as much justice and certainty in relation to what surveys ought to be made, as the Topographical Bureau, because they would have all the light of the bureau, as well as their own judgment to exercise in relation to the matter. It seems to me, therefore, that it would be quite as fair and expedient to resort to the mode here proposed as to wait till the surveys are made and the objects selected by the Executive. The honorable Senator from Massachusetts says that the mode proposed by the Senator from Michigan was once tried, and that it broke down. The Senator from Illinois [Mr. SHIELDS] says that if you resort to this system it will break down. Sir, I believe, resort to what mode you will, it will break down. It is a system which will break down by its abuses, and fall to pieces by its very weight; for it is easy to see to what it will lead. You cannot prevent it from breaking down. I am inclined to think that the mode adopted by the committee in regard to these surveys is as just as the other. But I acknowledge I have no right to say much in relation to this, or intrude my advice. I am against the bill. Still I hold it to be my duty to make it as equal in its benefits by my votes upon amendments as I can. I will make it as perfect as I can, believing, though, all the time, that after the best exertions that may be used, no bill can be framed to pass through here which will not be subject to the objections I have to this system.

Mr. MANGUM. I have listened to this discussion with considerable interest, and feel very strongly impressed by some of the remarks which have fallen from the honorable Senator from Virginia. I also feel strongly impressed with some of the remarks which have fallen from the honorable Senator from Illinois, [Mr. SHIELDS.] Sir, this system ought to be made uniform, as far as uniformity is attainable. Take care, though, to fall a little short of a general system, because that, I understand, will not do. Uniformity, if it be attainable, is eminently desirable; and hoping that gentlemen will club their wits together, and be capable of bringing to our notice amendments to give this uniformity, falling a little short of general, I move to postpone the further consideration of the bill till to-morrow, with a view of following it up, if that motion should prevail, with a motion to go into Executive session, which is very much needed for many purposes.

Mr. BORLAND. I hope that that will not be done. The Senator says that there is some very necessary business to be done in Executive session. I conceive there can be none so pressing as the business involved in this bill.

Mr. DAVIS. I hope the bill will not be postponed. I hope to get through with it to-morrow.

Mr. CASS. I desire to make a remark or two, and then I will give way. What I want to say is in respect to the Topographical Bureau. I want to do justice to the character of the officers there, who are some of the best officers in the Army, and some of the most intelligent in it. I know something of them. They are men whom I may say are capable, practically and theoretically, of discharging all their duties; and I will say that they have gone to the very bottom of their profession. As to applying to the War Department, and not getting information from them, I never heard of such a case in my life. I am sure there must be some mistake. They are always ready to give any information. Gentlemen say that this Bureau should know everything with respect to rivers. How are they to know it if you do not give them the means? What power have they to send officers to make a survey if you do not give them the means of doing it? They can only give you the information when you call for an estimate, and an estimate agreeable to the surveys that have been made by the officers of their own Department; and if you have not furnished them with the means, how do you expect them to give you specific information on the subject. To expect the information without giving them the means to obtain it, is unreasonable.

This whole question lies in a nut-shell. The question is, are you prepared to give to eight States the whole of the surveys provided by this bill? Are you prepared to give to Massachusetts $10,500, and leave out the other States? That is the whole of it. The gentlemen say that they have not had the subject of other surveys brought before them. Why, I know there was a petition presented here from Saginaw, for an improvement, and I do not hear a word about it. What has become of that? It did not go to the Department to get an estimate. I do not know how many others there may have been in the same category; I do not like to say. I speak for myself; and I suppose I may speak for a large portion of the Senate, that if we had had the least idea that this system of surveys was to be determined by individual applications of the members of Congress before the surveys could be made, all would have probably applied.

Mr. SEWARD. Is the Senator quite certain that the petition from Saginaw was referred to the Committee on Commerce at all?

Mr. CASS. I should think it was. It is on my mind, strongly, that it was; but I will not make the assertion. I should not like to say. But if the committee of the Senate say that they applied for estimates in every case referred to them, I will say I am mistaken. I do not undertake to call in question their intention; not the least in the world. I supposed, however, that they had selected the cases that appeared to them to be presented most strongly for their consideration, and received estimates for them.

In answer to the Senator from Virginia, I would say in regard to the old system, that when $30,000 was expended by the Department, it did the work of $100,000, for the very obvious reason that the persons who wanted the surveys, went to three fourths of the expense. The honorable Senator says, if you give to the Department the discretion of dividing the $30,000 for the surveys, you might as well give them the discretion of making all the internal improvements in the country. Now, I appeal to the Senate if that is a fair argument. He says he wants to break down the bill, and does not know anything more likely to break it down than that. He is opposed to the whole system.

Mr. HUNTER. I say that the practice of this body forbids us to appropriate for improvements unless the surveys are made.

Mr. CASS. Mr. President——

Mr. MANGUM. I rise to a point of order. This discussion is not in order on a motion to postpone.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The Senator from Michigan is entitled to the floor.

Mr. MANGUM. I make the point of order, that a discussion upon the merits of the bill is not in order upon a motion to postpone it.

The PRESIDING OFFICER. The Chair understood that by common consent the Senator from Michigan was permitted to go on.

Mr. CASS. The honorable Senator from North Carolina need not have been so impatient. He may be sure, that so far as I am concerned, I shall be willing to dismiss him to his dinner in two minutes.

I am well aware of the ground which I have taken before—that appropriations should not be made for these improvements without estimates; and for the most obvious reason in the world, because if you do not have such estimates, although they may be merely approximative, you go in the dark; you do not know what you are voting for. You want intelligent officers to go on the spot, and give you an approximate estimate of the extent of the improvement contemplated, and the probable cost of that improvement. Otherwise you do not know where you will be led. You will be at sea without a pilot and without a chart. Therefore, as a matter of precaution, you require a previous estimate.

Now, let me say a word to the honorable Senator from Virginia. He speaks about the Department taking the initiative, and says that if they do that they may as well have the right of appropriation. I have never heard of a survey being refused as long as they have the means. They distribute the fund placed to their disposal as equally as they can. I give my word for it, that if the fund was placed at the disposal of the Department, they would not confine the surveys to seven or eight States; but they would distribute them equally according to the requirements of the country, and the circumstances of different positions. That is the course they take; and who ever, before now, complained of that power of the Department to make surveys? Why, it seems to me that the question just resolves itself into this: Are you prepared to confine your surveys this year to seven or eight States? or are you prepared to go into a general scramble from one end to the other?—because, I repeat, those gentlemen who have been aware that the system will prevail have had an advantage over the rest.

The PRESIDING OFFICER. The question is on the motion to postpone the further consideration of the bill until to-morrow.

Mr. RUSK. I hope that the bill will be postponed. I wish to say here, however, that I made no assault upon the officers of the Government. I said that I had not been able to get information; and this bill shows that there is not correct information. Will the Senator rise in his place and say that $260,000—which I have all the time understood is according to the estimates of the Department—are enough for the Mississippi river and its tributaries? Is it fair?—is it equal?

Mr. CASS. I have said before that I think the bill is very unequal.

Mr. RUSK. The bill is based on the very information which the honorable Senator wants us to depend upon for all future operations. I think that we should not be confined in this way. I think the Senator puts the argument rather unfairly. He objects that we shall make appropriations for the survey of particular places, but that we must put all those appropriations together in one amount, and leave the Department to make the application of it. If he is anxious for this information on which he relies so much, in the name of common sense can he not offer an amendment to appropriate $20,000 or $30,000, to be applied for the same place?

The substance of it amounts to this: that, as the honorable Senator from Virginia has said, the result will be to center in the head of the Topographical Bureau the whole power over these appropriations. It leads precisely to that; and for such a system I will never vote.

Mr. BUTLER. I hope the bill will be postponed; and I wish to make this remark: I venture to say the longer it is considered, the greater will be the difficulties of passing it. If the honorable chairman of the committee supposes that he can have the bill passed to-morrow, he is mistaken; for these difficulties will increase on him, and the whole Senate. I rose some time ago—and perhaps the question is not pertinent now—to ask my friend from Illinois, when he speaks of the appropriations for the Atlantic coast, how many of the appropriations in this bill are for places south of Baltimore? I wish to say, that if this inequality does prevail, it is entirely in favor of the lakes and northeastern rivers and northeastern harbors.

Mr. SHIELDS. I have not made any calculations as to the appropriations for the southern portion of the Union.

The PRESIDING OFFICER. The Chair would remind Senators that such a discussion as this is not in order on the question of postponement.

Mr. SHIELDS. Then I will take another op-

portunity of answering the Senator from South Carolina.

The question being taken on the motion to postpone, it was decided in the negative; there being, on a division—ayes 20, noes 27.

Mr. HAMLIN. Mr. President, I do not desire to detain the Senate, because I believe much of the discussion has been very inappropriate. But, I desire to correct my friend from Illinois in one statement which he has made in regard to this bill. He spoke of it in very emphatic terms, and denounced it even for the appropriations which it contained for the Atlantic coast; and also for the want of appropriations which should have been in for the western lakes and rivers. My friend from Illinois could not have examined the bill, for, if he had, he would not have made such a statement. If he will figure up the amount of appropriations contained in this bill, he will find that, upon the whole Atlantic coast, stretching from Texas to Maine, there are but $369,000 proposed to be appropriated; and that for all the rivers that enter into the Atlantic coast, except the great one that drains the valley of the Mississippi, there are but $224,000 proposed; making an aggregate of only $593,000 for the Atlantic coast and the rivers emptying into it; while, upon the lakes that are drained by the St. Lawrence, and the other lakes of the West, and the Mississippi, and the other rivers in that great valley, more than $900,000 are proposed to be appropriated. My friend from Illinois could not, therefore, have examined this bill, when he undertook to denounce it because it gave nothing to the West. Why, sir, it gives to the West three fifths of all the appropriations which it contains. But I do not think that feature in it is an objection to it; nor do I think it hardly appropriate for Senators to go into an examination as to every particular locality, and raise a bugbear because another little locality is not in this bill. I certainly shall not imitate their example. How this bill is divided between the North and the South I do not know, nor do I care.

In relation to this amendment, let me say to the Senator from Michigan that application was made to the Topographical Bureau as to the propriety of making specific surveys in his State—for Lake Michigan and Lake Superior; and the application for a specific survey was returned from the bureau, with the answer that it was not necessary, because the bill already appropriated $20,000 for specific surveys there. I afterwards learned, in a conversation with the Senator, that that appropriation was for a coast survey of the lakes, and not for the specific survey of harbors; but that was the information communicated to us from the bureau. If there were to be $20,000 appropriated for the general purpose of those lakes, we did not believe that specific appropriations were necessary, and for that reason we declined to make them in two cases, and only in two cases, and for that reason alone.

From the general knowledge of the subject, and of the localities which have been communicated to me by the Senator from Michigan—which differs from that communicated directly to the Senate by the proper Department—I shall concur with the Senator in making appropriations for those points which he has designated. But shall the appropriation be made general or specific? I think it is of very little importance either way. If you make a general appropriation, what is the result? Applicants go to your Departments, and those who are able, get the specific surveys which they want from the general appropriation. It all results, in fact, as the Department pleases, whether you make an appropriation general or specific; because if you take the specific recommendation of the Departments here, and act upon them, the thing is done according to those recommendations. And if you vote a general fund, and leave it to the Department to select the objects, they would, of course, select those which they had recommended. I do not, therefore, regard it of the slightest importance whether we make the appropriation for surveys general or specific.

Mr. CASS. I think the statement of the Senator is perfectly justified by the fact to which he has referred. The appropriation of which he has spoken is even $5,000 more than he supposed; it is $25,000.

Mr. DAWSON. I ask the attention of the chairman of the Committee on Commerce for a few moments. I would ask him, whether there is any difference, constitutionally, between appropriating money to survey a river and appropriating money to make it navigable; and whether he recognizes any difference between a river running wholly within one State—a river as small as the Rappahannock—and a river running between two contiguous States? In other words, does he maintain, now, that the Congress of the United States has power to render navigable the Rappahannock up to Fredericksburg?

Mr. HAMLIN. I can say to the Senator, that I have no constitutional scruples in the matter. I have not the least doubt in the world that the Constitution grants to us power to make these improvements whenever and wherever we please; and, in my judgment, it is simply a question of expediency whether or not we will make a particular improvement, when it is presented.

Mr. DAWSON. Then do I understand the Senator to say, that Congress has unlimited power to appropriate money for any internal improvement, either upon land or water?

Mr. HAMLIN. No, sir.

Mr. HALE. What about the platforms?

Mr. DAWSON. As I understand the two platforms, they are a very different thing; but that is not the subject about which I wish to speak. I would say to my friends from Virginia, both of whom I know to be opposed to this measure, that I do not see how these appropriations for the Appomattox, and for the James river, and the Rappahannock, have got into this bill. If it be upon the ground of commercial advantages to the country, I ask the committee why they have forgotten the State of Georgia? Take the city of Augusta, on one side, and the city of Hamburg, in South Carolina, on the other side of the Savannah river. Look at the immense commerce of that river. Three or four hundred thousand bales of cotton are annually sent to the Atlantic by means of that river. Have we not a right to an appropriation for its improvement? Certainly we have, if Virginia has a right to an appropriation for her rivers. Then, look at the Ocmulgee river, going from Macon, bearing on its bosom annually from 150,000 to 200,000 bales of cotton. That river runs entirely within the limits of the State of Georgia. If commercial purposes be the reason for appropriations for Virginia, why has not the Committee on Commerce, in looking over the whole extent of the country, looked at the wants of the State of Georgia?

But, sir, it is said that these appropriations have been asked for from the Topographical Bureau. Who asked for them? The sum for the Rappahannock river is an amendment reported by the Committee on Commerce. Have either of the Senators from the State of Virginia asked that this appropriation should be placed in this bill? or did they call upon the Topographical Bureau for an estimate? Neither of them.

Mr. HAMLIN. Both of them.

Mr. DAWSON. Now, I desire to know if the Senators from Virginia both applied to the head of the bureau for the purpose of getting an estimate for the surveys of these various rivers?

Mr. HUNTER. I never had the slightest communication with the head of the bureau in relation to either of them.

Mr. DAWSON. Then it only shows how badly informed the chairman of the Committee on Commerce is on the subject.

Mr. MASON. I never had any communication with the bureau on the subject. I had a communication with the gentleman who presides over the Committee on Commerce, and introduced to him two or three gentlemen who came here from the town of Fredericksburg, who desired that this appropriation should be made.

Mr. DAWSON. I merely wanted to inquire into the *modus operandi* by which these things can be procured.

Mr. HAMLIN. If the Senator from Georgia will allow me, I desire to inquire from the Senator from Virginia who sits near me [Mr. MASON] if this statement of facts be not true? The Senator called upon me, and desired to introduce to me some respectable gentlemen of Virginia, who were desirous of obtaining this appropriation. He did so introduce them. I stated to that Senator, as I stated to both the Senators from Virginia, for both made the same application, that the rule of the committee was to make no amendment which the Department did not recommend. I suggested to both of them that they should send their friends there, and I believe they gave them a letter of introduction to that Department. The Senator from Virginia who sits near me, [Mr. MASON,] when that recommendation came from the Department, was the individual who placed it in my hands.

Mr. DAWSON. Will the chairman of the Committee on Commerce be kind enough to send me that recommendation, in order that I may see the manner in which these things are done?

Mr. HAMLIN. It is in the possession of the Senator from Massachusetts, who has charge of the bill.

Mr. DAWSON. I will state the reason why I desire to know these things. If it be intended to have surveys of the various rivers for the benefit of the commerce of the country, let us make appropriations for those rivers where that commerce which affords the largest proportion of exports, demands the improvement. I have looked south of Virginia to the cotton-growing States, to see if there be an appropriation in this bill for the rivers in those States running up to the point of steamboat navigation, and I find not one.

I have not opposed the claim of Virginia, but I knew that her Senators were decidedly opposed to a bill of this kind; and all that I wanted to know was, if the system is to be adopted by the arrangements of the Committee on Commerce; or, if one or two gentlemen from any one city or town in the United States are to make a recommendation to Congress for an appropriation for a particular work, and that recommendation is attended to by the committee, why cannot the Senators and Representatives of the States themselves appear before that committee and say, "Here is a stream worthy of appropriation?" How can the committee refuse it? If this measure be passed; if an appropriation be made for the Rappahannock, one for the Appomattox, and one for the James river—vastly inferior streams to this of which I have been speaking—can I, as a representative of the people of Georgia, stand by and not ask an appropriation for the rivers of that State to which I have referred? If it is to be done by procuring a letter from the Topographical Bureau, cannot the Senators and Representatives call upon the head of the bureau to make that recommendation? And if that recommendation be made in and through the bureau, merely upon the emergency of the case, just at the moment we are about to pass this bill, will it not be equally as valuable as the recommendation made in favor of the Rappahannock? Has the head of the bureau ever been up or down the Rappahannock? In all probability he never has been, and I presume he never has been up or down the streams of which I have spoken. Then what gives his recommendation power and influence over this body? It is this: It is either the influence of the name of the State of Virginia, the position of the State, or the character of the gentlemen who represent it.

Mr. HALE. All combined.

Mr. DAWSON. Now, sir, if this be a system depending upon the will of Senators and Representatives, how can it be denied here that all the States of which the Senator from Michigan has been speaking, who are left out of this bill, shall not present their claims? Why, I had thought, that before Congress would make an appropriation for purposes of this kind, they would understand, at least, the geography of the country, the extent of the stream proposed to be improved, the character of its commerce and the extent of that commerce, and what probable advantages the improvement of the system would give to the United States at large.

That is the duty of the committee, but yet they seem to deny that, and to throw it entirely upon the recommendation of the head of the bureau with regard to surveys. A call is made upon them by citizens of Fredricksburg for an appropriation for the Rappahannock; they send them to the head of the bureau, and he sends a letter, saying that $3,000 will, in all probability, pay the expense of an engineer going from the mouth of the river to Fredericksburg. That is the recommend-

ation upon which we are to rely as that of the head of the bureau.

I have said over and over again that I would vote in favor of these appropriations which are calculated to benefit the States and the commerce of the Union, where the objects were national; and I have stated that I will vote for no appropriation of this kind except an estimate be made. Now, what is meant by an estimate?

Congress must first understand what power it has over the river proposed to be improved. How is Congress to ascertain that power? By the knowledge which the members possess of the geography of the country and of the character of the system? Does not every gentleman here well know—and those gentlemen who have passed Fredericksburg going south, particularly know—that the Rappahannock is a small stream, not one-third the size of the ordinary streams in Georgia of which I have spoken? Steamboats, and perhaps schooners, can go up it. How is the constitutional objection to be interposed? Upon what principle is that to be founded? Will the Senators upon the opposite side of the Chamber say that if there be constitutional objections to opening a river and improving it by the funds of the Government, the same constitutional objections do not apply to making an appropriation to survey it? Where do you get the power from the Constitution to authorize the survey if you have not the power at the same time to appropriate money to clear out the river? I cannot see the distinction. Whenever we vote for an appropriation to survey a stream, there seems to be an obligation created to clear it out. If you have not the power to clear out, I say you have not the power to survey, unless you maintain that the power to survey is necessary to ascertain the character of the stream in order to decide the constitutionality of an appropriation for opening it.

In my own mind, I can draw no constitutional distinction between the power to appropriate to survey a river and the power to appropriate money to render it navigable. But I wanted to give notice that, in the event of these various amendments being passed, I shall, before the bill is finally disposed of, procure a copy of the address made to the head of the Bureau of Topographical Engineers, and go to him and ask of him if he has the same knowledge of the streams of Georgia which he had in regard to the river Rappahannock, and to tell us how much it will take to survey those streams. How can you deny me that appropriation, if you admit this? There is the question!

But it seems now that we are about to retrace our steps on the subject of internal improvements, and instead of doing it by limitations of any power known to the Constitution, we are going into it without any limitation whatever. This may be an illustration of the platforms recently established by the two great parties of the Union. I do not say that it is. I do not see that, according to the principles on which gentlemen are proceeding, there is any limitation to this power. I have looked over this bill, and I find that it is beyond my power to convince my mind as to the constitutionality of all of its provisions. I have laid down the position as well as I could, that I would vote for all appropriations that were national in their tendencies, and which would be for the benefit of the whole Union.

I admitted, yesterday, that the word "national," in this connection, is very general, and is scarcely sufficiently limited to express precisely what my meaning is. The Democratic party took the best means in their power to establish it under the administration of General Jackson, of which my friend from Michigan was a most distinguished member—that was, that the Constitution could be run up a river as high as a port of entry. When I looked at the subject, I found that Congress had power to declare what should be a port of entry. My friend from Missouri ran the Constitution as far up the Mississippi as St. Louis. There was a port of entry established there, I believe; and, therefore, the Constitution ran up that far. I believe that Nashville, upon the Cumberland river, is a port of entry; and, according to the principle to which I now refer, you can run the Constitution there. Now, the city of Augusta, on a river vastly superior to the Cumberland river at Nashville, is not a port of entry; and consequently, according to the view of which I am now speaking, the Constitution cannot extend there; and so it is with Macon and Columbus.

In this state of things, what am I to do? Shall I first call upon Congress to establish ports of entry at these various places, and increase the expenditure of the Government of the United States by appointing officers there as agents to those ports of entry? It is evident that will not do.

Then what is the limitation? What is the point at which either of the parties of this country stand now with regard to the constitutionality of this question? Or have they abandoned their old ground? Why, according to the language of my Democratic friend from the State of Maine, [Mr. HAMLIN,] there is no limitation on the power of Congress in this respect. If that be so, then it becomes a strife between parties; and the strongest combination that can be made in either House will carry through the bill; and a man who has any feeling of fairness, who will not go into the general combination, or who asks too much for his vote, cannot get anything. If there be no constitutional interposition—no constitutional barrier or limitation on the power of Congress with respect to internal improvements, I have been mistaken all my life.

In the language of the Senator from Michigan, the course now being adopted has no limitation. The barriers which that honorable Senator tried to throw around it, in his speech during the last session of Congress, were prudent and wise; that is, before the appropriation be made, we shall understand the extent of the improvement desired, the extent of the benefit it is to be to the country, and have an investigation of the subject. Now, how are you to ascertain and get that information? We have to come back to that question. The Senator from Michigan says it cannot be done by a particular appropriation of this kind for a survey. I cannot see how it can be done in that way; because, if you have a right to call for an appropriation for the survey of a stream, such as the Potomac, it will be contended that you have a right to survey the Rappahannock, which flows into it, and then it will be carried to one of the small creeks flowing into the Rappahannock, and so we will go on. What is to guide us but a knowledge of the situation, the locality of the surface of the country, and the extent of the stream proposed to be improved? Who is to do that? Congress? Do not all the members of this body know that the Rappahannock is not one of those streams which come within the view of either of the great parties of this country? What kind of vessels are found lying at the wharf in the town of Fredericksburg? What is the commerce which distinguishes that town from the city of Augusta, or the city of Macon, in Georgia? I cannot perceive that there is any distinction in favor of Fredericksburg. But the only reason for which it is proposed to include that river, and not the Georgia rivers, is, that the Topographical Engineers, at the request of certain gentlemen from the town of Fredericksburg, have said it would cost about $3,000 to survey the Rappahannock; but does the Topographical Bureau say that the survey is necessary?—that it is constitutional to improve the Rappahannock? And that brings up the question of the Senator from Virginia, Who is to decide the constitutional point? The position now assumed would be in effect that the head of the bureau could say whether it was expedient or constitutional to do it. Who gave him the power of deciding on the expediency or the constitutionality of these measures?

Mr. HUNTER. Does the Senator say that I said so?

Mr. DAWSON. The argumeat was such.

Mr. HUNTER. I made no such argument.

Mr. DAWSON. I am glad to hear it. The Senator says, then, that we have no power to go into a survey. Well, the honorable Senator from Michigan tells you that he wants to appropriate a round sum, in order to let the Department make the surveys. Then his idea will be this, I presume: If these $30,000 shall be appropriated to the Topographical Engineers for the purpose of making surveys, with the power to ascertain the propriety of making appropriations for improving navigable streams, does it not make the head of the Bureau at once the judge of the constitutionality and the propriety of exercising this power? Suppose he should say that the Rappahannock river was a fit subject for appropriation, and that the James river was not, would that be conclusive upon us? No, sir! Then it comes back to this: That Congress is presumed to have a knowledge of the geography of the country, and they, with their knowledge, must ascertain whether it be constitutional to improve a particular stream.

I understood my friend from Illinois to say that it was constitutional to improve rivers as high as the tides flow—so far as tide-water goes. That is one limitation; but it has been found that it will not do; for we know that rivers run, sometimes, even three hundred miles above tide-water. Then we are turned back to this position: It is a question of expediency as now considered before this body; and that question of expediency being considered by me, with a knowledge of this stream, I cannot vote for this appropriation, because it is not for the general good of the country.

Mr. MASON. If the Senator will allow me, for a moment, I will say to him this: In looking through this bill—and it seems to be a sort of *terra incognita* to all Senators; certainly it is to me—I find that there is an appropriation of $40,000 proposed for the Savannah river.

Mr. DAWSON. There is; why? The appropriation is for the Savannah river below the city of Savannah. That is, within the jurisdictional power of the Government of the United States. It is below-tide water, and it is below a port of entry. Now, there it comes under General Jackson's definition, or on the tide-water system, so that I am right—Democratically right. Besides, the appropriation to which the Senator has referred, is not one to clear out a river, but it is to remove a wreck placed there during the revolutionary war by the Government of the United States. Having placed it there, and it being an obstruction, the Government is bound to remove it. Will the Senator from Virginia, who is much more opposed to a system of this kind than I am, present that as an argument against the suggestion I have made; and therefore pretend to say that if it is constitutional to remove the wreck at the mouth of the Savannah river, it is constitutional to appropriate money to survey the Rappahannock? He certainly does not mean that. That cannot be an argument coming from one with his strict knowledge of the Constitution, and his strict construction of it.

Mr. MASON. I merely meant to afford the Senator information. I understood him to say that there was no appropriation for Georgia, and I rose for the purpose of pointing out one to him.

Mr. DAWSON. I know that a separate bill for the removal of those obstructions passed the Senate some three or four months ago by a unanimous vote. The most strict constructionist—the most violent opponent of river and harbor appropriations, could not go against that bill by itself; but when it got to the House of Representatives, it was thrown into this *omnibus*, with a view to force those in favor of that measure which was constitutional, to vote for one which they deemed not to be constitutional in all its parts; or to vote against an appropriation admitted to be constitutional. That will be the effect of it; and that is the reason why I speak of it now.

Mr. HUNTER. Mr. President, as some allusion has been made to me with regard to this matter, I desire to say a few words in explanation. The Senator from Georgia has addressed himself to me, as if I advocated the constitutional power of making an appropriation to survey the Rappahannock river, or to clear out the James or the Appomattox rivers. Why, sir, the Senator is entirely mistaken, if he supposes that I entertain any such view. But I can hardly think he imagined that I did. I would vote against the separate proposition to appropriate money for these purposes. I would vote against a bill which combined these objects with others of the same character. But when the Senate are appropriating money to objects of this kind, I will, by my vote, make the bill as equal in its benefits as I can; and I think it perfectly fair and legitimate to do so. I would, by way of amendment, vote in the rivers in my own State, so that she might participate in the advantages of the bill, and then vote against the bill. I said so when I was up before. I said that I was against the bill, and felt that I had no par-

ticular right to advise in relation to it. But I do think it is right and proper in representatives from States which are opposed to this system, to see if they can, by their votes, and by fair and legitimate means otherwise, get for their States a fair share of the benefits.

Sir, there is no reason why those who believe that there is this power should monopolize its benefits in favor of States alone, or sections alone, in which the doctrine is held. It ought to be their object, if they believe the power to exist, to see that it is exercised for the benefit and for the welfare of all.

The only connection I had with this matter of the Rappahannock was, to introduce to the chairman of the Committee on Commerce the delegation sent up by the town of Fredericksburg. I told them, as he told them, that they could get no appropriation without a survey; and I said to the chairman, that, if he thought their application a good one, I would be glad if he would incorporate in his report an amendment providing for the survey of that river.

I shall vote for this amendment; for I believe that Virginia is as much entitled to the benefit of a system of internal improvements as any other State. This does involve the assumption of all the powers that can be exercised. If you go into the system of internal improvements, she is as much entitled to her share as any other State in the Union. Therefore I will, by amendment, or any other fair mode, make the bill equal; and whether such amendments are adopted or rejected, I will vote against the whole bill. That is my position in relation to it. I see nothing inconsistent in this; but whether there be inconsistency or not, these are the facts in relation to my connection with this amendment.

Mr. MASON. If I understand the scope of the amendment proposed by the Senator from Michigan, to the amendment of the committee, it is this: It seems to me a settled rule—and I dare say that it is a very good rule for such purposes—not to appropriate money for these improvements until there has been a survey made under the authority of the War Department. Now, these amendments to the bill propose that Congress shall declare what points shall be surveyed; and, after the survey has been made, Congress, I suppose, will determine, if it legislates again on this subject, whether the points that have been surveyed are of sufficient importance to incur the expense of the proposed improvement.

But the Senator from Michigan says that you should turn over the whole subject of surveying, which is preliminary to improvement, to the Department of War. What would then be the result? Although gentlemen say these improvements are intended for national purposes instead of State purposes, still we have here demonstrated upon this floor, from hour to hour—and in no case more strikingly than in the case of the Senator from Michigan, himself—that Senators representing the States, press upon and demand of the Senate appropriations for their particular States. Yet, the Senator says you are to turn the preliminary surveys over to the Department of War, and let that Department alone determine what points shall be surveyed. Well, then, it will come to this: that the representatives of the States, and the representatives of the people of the States, are to go to the Department of War as supplicants, to ask as a favor of the executive department, that particular points in their State may be surveyed. Is it that to which the Senator would bring us? We cannot go there and demand it as a right, because you vest in them the discretion, but we are to go there as supplicants, and in that character alone. Are the representatives of the States to go before the executive department and ask the favor of having particular points surveyed? That is the policy, as I understand it, of the Senator from Michigan; and he proposes to insist upon this policy, by striking out from the bill all provisions for surveys, and turning them over to the War Department.

Sir, the State of Virginia has been always opposed to this whole policy; she continues so opposed, and I trust she ever will be opposed to it. But she will not have her opposition much weakened if it becomes the policy of the legislative department of the Government to say to the representatives of the States: "If you want an improvement made, you must go to the executive department as a supplicant." Such a course as that will not much commend this policy to Virginia.

Mr. CASS. I merely ask a recurrence to the old system, which was found to be such a good one that no complaint was made about it. Every Senator knows what I want to accomplish by my amendment. It is to substitute a general appropriation of $30,000, to be used by the Department for surveys, instead of the particular surveys named in the bill.

Mr. CHARLTON. Does the Senator mean to strike out the surveys proposed by the committee as amendments? Or does he propose also to strike out the provision proposed for surveying contained in the original bill?

Mr. CASS. I mean to put in an appropriation of $30,000 in lieu of the particular appropriations in the bill for surveys. I repeat, that sum, put under the general direction of the Department, will do the work of $100,000 appropriated in small sums to one place and another.

Mr. BADGER. I would suggest to my friend from Michigan that the amendment which he should offer would be to strike out all of the pending amendment of the committee after the word "for," and insert, "surveys to be executed under the superintendence of the Topographical Bureau of the War Department, $30,000."

Mr. SHIELDS. I understand that the amendment of the Senator from Michigan is to strike out the appropriations of the original bill for surveys, as well as the amendment for that object reported by the committee.

Mr. CASS. That is what I mean.

The PRESIDING OFFICER. A proposition of that kind cannot be entertained. The question is on the amendment of the committee. The Chair understands the amendment of the Senator from Michigan to be an amendment to that amendment.

Mr. BELL. I wish to state the reasons why I shall not vote for striking out this appropriation for the survey of the Rappahannock river at present, though I may vote for striking it out before we get through with the bill. I understand that this proposition is made upon a general principle. Now, I have listened to the discussion to-day, as to what should be a limitation of this power, so as to constitute a general object, or a national object, or one in which the whole Union is interested. No gentleman pretends that he is able to define distinctly to what extent the power of the Government, in regard to internal improvements, may go. How long may a river be to render it capable of improvement by the General Government? Is it to be a river running through one or more States? That is a question of which the Senate ought to be advised. It was raised long ago upon this subject. Everybody who became an advocate of the system, saw very early that it was liable to great abuses—that it would run into a thousand minute objects—appropriations for creeks or small rivers, navigable for a mile or two, or two or three miles, reaching out from the Mississippi. Why, it is estimated that the navigable waters running into the Mississippi—including that great stream—amount to sixteen thousand miles in extent. Every gentleman must see at once what a stupendous, and in fact impossible undertaking it would be, for the Treasury of the United States to attempt keeping all these streams constantly open, as they are being filled up by the annual surges of the torrents coming down from the hills and mountains.

Those gentlemen who turned their attention very early to the subject, saw, or thought they saw, the necessity of some limitation with regard to smaller rivers and objects of improvement. I appeal to honorable Senators who investigated this subject years ago, and remember the discussions upon it, whether it was not generally conceded at one time that a very salutary limitation upon the whole system of improving rivers (to say nothing of harbors, or roads, or canals) would be that the General Government, whether they had the power or not, ought not to appropriate for any stream which, in its extent, or its navigable extent, was exclusively within the boundaries of one State; and it was upon that idea that I grounded some of my remarks yesterday.

That was once thought to be a good ground of definition, that when a river ran through two States, and no one State had the exclusive right to improve it according to any mode, there was some necessity that the General Government should do it.

Mr. CASS. I do not think any such principle was ever adopted here. I know the idea was started by Mr. Calhoun, in the report of the Memphis Convention, but I do not think the principle of confining the appropriation to rivers running through three States was ever adopted practically by Congress.

Mr. BELL. I know there was nothing ever adopted, and the misfortune is that we have never been able to adopt anything; and therefore this system is liable to abuse. It was on that ground that yesterday I attempted to make an appeal to that portion of the Senate opposed to the whole system to unite in some limitation, and go on with the system with some practical limitation, and not give rise to these gross abuses. The honorable Senator says that the principle to which I allude was not adopted. Does he say it has not been discussed and considered over and over again?

Mr. CASS. Not in this body, since I have been here.

Mr. BELL. Does the honorable Senator tell me that that was never urged as a strong argument in favor of the adoption of some limitation of the system? Was it not urged that with regard to such a river as the Mississippi, where the States could not improve it because there were so many of them interested in the work, and it required such vast means that the States could not be got to unite in it, the General Government should step in? A system of compact between the States has been alluded to. Well, the same remarks which I have made with regard to the Mississippi river may be applied to the Ohio. There are six or seven States interested in the navigation of that river, and constituting its boundary. How can you get those States to unite and furnish funds to improve that river? If they had the funds, they would be likely to differ as to the mode of improvement. One would say, "these wing-dams do no good;" another would say, "you ought to have canals at certain points;" and others would say, "we will have none of them." Some would wish to clear out the shoals or sand-bars, and others would wish to open new channels. This remark is true of a great many streams in the West. Then, it is impracticable for the States to improve them.

A question has arisen whether the Hudson river was properly improvable. Objection was raised to that, on the ground that it was within a single State; but we finally settled upon it that New Jersey bordered upon a part of it, and that, therefore, it was within two States.

The limitation as to the number of States through which a river shall run, has been discussed and insisted upon as a salutary limitation. Such a system is mainly grounded upon the idea of having some mode of improving these great inland seas, as Mr. Calhoun called the Mississippi, which the States could not do. Here was a commercial necessity which led many gentlemen to adopt this system, who otherwise would not have thought of it. It was because the States could not improve these great rivers, that it was proposed to make the distinction that the Government should improve them, where the rivers ran through two or more States. It has been contended, that where a river runs through a single State, the General Government ought not to improve it. The State of Kentucky, acting upon the idea that the Government would, perhaps, carry out that policy, improved her own rivers. I believe she improved the Kentucky river.

I was astonished to hear the Senator from Michigan intimate the idea that because a river runs through two States, it gives it no additional importance. If he meant that it was not so finally settled, I agree to it; but it gave the idea of more general importance to a river, so as to take it out of the class of local objects.

Now, look at the river Rappahannock. It must be said by everybody, that vessels trading upon the Atlantic coast may run up the Rappahannock, if they are small enough to get up there. But if we exclude these rivers of Virginia, she will not

be without being provided for in the bill. Why, the breakwater at the mouth of the Delaware is of importance to Virginia as well as to Delaware, New Jersey, and Pennsylvania. That breakwater is of importance to the whole Atlantic coast. There is hardly a State on that coast which is not interested in it. The same thing may be said of almost any great improvements on the Atlantic coast.

I want to say that this question, of whether a river is confined to a single State, is an important one. If we are to confine the system of improving rivers within some practical extent, it would be one rule. I do not pretend to say that the Constitution would be enlarged or limited by it. I speak of it as a sensible limitation to the system of improving rivers.

I shall not vote to strike out the appropriation for the Rappahannock, though I may consent to do so before the bill passes finally through the Senate. If the Senate shall come to any understanding, that it is important to limit the system by some general rules, perhaps it will be found practicable to assume the principle, that where a river runs through two or more States, or where a river is a dividing line between two or more States, the Government may improve them. That may be found to be a salutary limitation. If we adopt that principle, I shall have finally to vote against an appropriation for the Rappahannock, because it is a river entirely within the limits of one State.

Mr. GWIN. Mr. President, I shall vote for the amendment of the Senator from Michigan, because I want to have it said that, by implication, this bill will have some bearing on the State which I have the honor, in part, to represent. It is not named in this bill. There is no appropriation in the bill for any portion of the Pacific coast. There is no part of the United States that needs appropriations for this purpose more than that coast. By this general clause we can at least extend the benefits of this act, if it should pass, to the State of California, and therefore I shall vote for the amendment of the Senator from Michigan.

Mr. JONES, of Iowa. I desire to move, if it be in order, that, during the balance of the session, the Senate take a recess from four o'clock to seven o'clock. We can meet at seven o'clock and have an evening session, in order that gentlemen who take great delight in debating these questions may have an opportunity of doing so till eleven o'clock the next day, if they please. I make that proposition, if it is in order.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) There being a question before the Senate, the motion of the Senator from Iowa is not in order.

Mr. JONES. I suppose it can be made by unanimous consent. I ask the unanimous consent of the Senate to make the motion.

Mr. CHASE. I hope the question will be taken on the amendment, so that we may at least make some progress in this bill to-day. A similar motion to that now suggested by the Senator from Iowa was proposed when this bill was under discussion at the last session, and it was ruled to be out of order, and that decision was acquiesced in by the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan to the amendment of the committee. That amendment is to strike out that part of the proposition which appropriates $3,000 for the survey of the Rappahannock river, and to insert instead of it, "for such surveys of rivers and harbors as may be directed by the Secretary of War, and to be expended under his direction, $30,000."

Mr. CHASE. I would suggest to the Senator from Michigan to strike out the survey of the Rappahannock river, with the understanding that the principle settled by that amendment will apply to the other appropriations for surveys when they come up.

Mr. CASS. That is my object.

Mr. BORLAND called for the yeas and nays on the amendment to the amendment; and they were ordered.

Mr. CHARLTON. Mr. President, I have only to say that the motion of the Senator from Michigan is not definite enough. It will lead us into great confusion, and we shall not know how we are voting. The amounts of the original bill for surveys are $49,000. The amendments of the Committee on Commerce propose to add for surveys $23,500, making in all upwards of $72,000. Is it meant by the Senator from Michigan that we shall strike out this appropriation for the Rappahannock, and instead of that insert a gross sum of $30,000—that gross sum to cover, by implied understanding, the whole amount for surveys in the amendments of the committee, and in the original bill? That, of course, will govern, in a great measure, the votes of Senators. If it is merely meant to cover the amount for surveys in the amendment, of course we all understand that. But are we to understand that this being done, all amounts for surveys in the original bill, as it came from the House, and in the amendments of the Senate committee, are to be stricken out?

Mr. CASS. What I want, is to introduce into the bill an appropriation of $30,000 instead of all the other items for surveys for the improvement of rivers and harbors. I learn, however, from the Chair, that I cannot make the motion to strike them all out, as the question is on the amendment proposed by the committee. Then I propose now to strike out the amount proposed by the committee, and to insert a general appropriation of $30,000 for surveys; and as soon as we get through with the amendments of the committee, I intend to move to strike out the surveys provided in the original bill, so as to leave the $30,000 which I propose to appropriate to apply to the whole. Perhaps I ought not to say the whole; for there is in the bill an appropriation of $25,000 for the coast survey of the lakes, which I do not propose to strike out. That is founded upon the same principle as appropriations for the coast survey of the ocean. It does not involve the question of internal improvements. It is the hydrographic survey of the lakes. That has never been applied—as I suppose my honorable friend from Maine must have thought it was—to the survey of rivers and harbors for purposes of internal improvement. The coast survey of the lakes is a great work now going on upon the upper lakes, and charts of those lakes are being prepared for publication. I propose, of course, to retain that.

Mr. UNDERWOOD. Mr. President, I think the remarks of my friend from Georgia [Mr. CHARLTON] are conclusive against the amendment of the Senator from Michigan. If it be adopted, it will work this result, that the $30,000 which he proposes to appropriate, will not be sufficient to make up the surveys contemplated according to the bill.

Mr. CASS. The honorable Senator will allow me to say that I know, from actual, personal experience, that $30,000 applied in this way, at the disposal of the Department, to be used for surveys generally, will do the work of $100,000, to be laid out in separate items. The officers will not rely altogether on the appropriations; for, in most of the places which they are required to survey, contributions are raised to pay the expenses of the survey.

Mr. UNDERWOOD. I have no doubt that such is the opinion of my friend from Michigan; and if his opinion be correct, it follows that the committee have proposed too great allowances for the accomplishment of the work. If they have not greatly overestimated, then the gentleman from Michigan is wrong; and if he be wrong, it results thus, that the Secretary of War will have the right to select which of those works he prefers, and to expend the money on them in the accomplishment of his favoritism, if he has any, and let all the rest go unattended to. I am not willing to assent to that. I am not willing to give the Secretary of War that discretion; for, if you give it to him, he may make the selections just where he pleases, or he may make no selections at all. If the Secretary should happen to be one of those gentlemen whose views of the Constitution are different from mine, he would not spend a dollar; he would have no surveys made at all. Besides, this is a discretion which Congress ought never to part with to an executive officer. It is taking from us the legislative power vested in us by the Constitution, which, I think, we cannot properly part with.

Mr. BORLAND. I rise merely to make a suggestion to my honorable friend from Kentucky, who has just taken his seat. It strikes me as something extraordinary, that when the distinguished Senator from Michigan proposes to trust the exercise of a discretion in the appropriation of money to this Administration, its friends should get up and oppose the proposition, on the ground that the Administration cannot be trusted. That strikes me as very extraordinary. The Senator further says, that this is a power which Congress ought never to part with—to allow an executive officer to expend money at discretion. Yet the Senator voted, not only to give the President discretion to expend $100,000 in the construction of the extension of the Capitol, and the preparation of plans, but $500,000 more to continue the construction; and I have no doubt at the next session he will vote $500,000 more, leaving it entirely at the discretion of the Executive. Now, why should he be afraid to trust the Secretary of War with the expenditure of $30,000, when the Secretary is almost the only person, under the circumstances, who can be supposed to be able to exercise a sound discretion in reference to the subject? We, on this side of the Chamber, are willing to trust the Administration. Its friends on the other side will not do that. They think the Administration has not got discretion enough to expend $30,000 fairly. This seems to me to be very strange.

Mr. UNDERWOOD. It does seem to me a little astonishing how my friend from Arkansas can so understand me. I did not say one word about not trusting the Administration. Does the Senator know that the money can be expended by the present Administration? Why, it may take years to accomplish this work. I made no such discrimination as the Senator supposes. It may fall into the hands of the favorites of my friend from Arkansas; and the distrust, if I felt any, would be in regard to them. He ought to have recollected that I said distinctly, that if the occupant of the office was one of those who professed political or constitutional opinions upon this subject different from mine, as he might exercise his discretion, there might not be any of the money spent at all.

A SENATOR. What if it should fall under the administration of the Senator from New Hampshire?

Mr. HALE. It would be perfectly safe then. [Laughter.]

Mr. UNDERWOOD. I am grateful to hear that. But a remark more in reply to this little assault upon me, and I am done. My friend from Arkansas says, I voted to authorize this Administration to spend money in building the extension of the Capitol. That was no selection of the object. Congress determined upon the object, just as we are about to do here; and when you determine upon the object, there must be some little discretion given. But the amendment of the Senator from Michigan proposes to leave the objects for which the money shall be expended to the discretion of the Department. I am surprised that the astute intellect of my friend from Arkansas did not see that the whole matter was perfectly reconcilable in that view.

Mr. BRADBURY. Mr. President, we have expended the whole day in determining who shall have the direction of expending some $30,000. Nearly all of the appropriation bills have been acted upon by the House, and have been sent to the Senate. If the debate is to take so wide a range, it is perfectly obvious that we shall be unable to get action upon the bills which are necessary to be acted upon before the adjournment of the present session. It has occurred to me that this whole discussion has proceeded upon the idea that there was to be no session hereafter, and that there would be no opportunity to correct anything wrong in the appropriations at the present time. Suppose we should continue the system as proposed by the Senator from Michigan, and leave to the War Department to determine how this small amount of money should be expended in making surveys: if the Department should abuse that power, would it not be as easy at another session to correct the abuse? Is this question one so very important that we should occupy so much time upon it, and have so many explanations before we come to a vote? I do hope we may be permitted to take a vote upon this, and upon every other question that may arise, upon the presumption that gentlemen can vote upon their own understanding.

Mr. HALE. I move the Senate adjourn.

The motion was not agreed to.

The question being taken by yeas and nays on the amendment to the amendment of the committee, resulted, yeas 21, nays 28. [For list of yeas and nays see Congressional Globe, page 2256.]

So the amendment to the amendment was not agreed to.

On motion by Mr. BUTLER, the Senate adjourned.

FRIDAY, *August* 20, 1852.

The Senate, as in Committee of the Whole, resumed the consideration of the bill; the question pending being upon the amendment of the Committee on Commerce to insert the following:

"For a survey of the Rappahannock river, Virginia, $3,000."

Mr. BUTLER. I moved the adjournment yesterday, and I suppose that I have, therefore, a right to the floor; but I give way to my colleague, [Mr. DE SAUSSURE,] who wishes to make some remarks upon the subject.

Mr. DAVIS. Will the honorable gentleman from South Carolina yield me the floor for a moment?

Mr. DE SAUSSURE. Certainly, sir.

Mr. DAVIS. We have now spent two days in considering this bill; and, as far as I am able to judge, we have made no sort of advancement in it. We have not yet accomplished anything of importance during the past two days. They have been spent about amendments which could not be very material or important, whether they were adopted or rejected. I wish now to say to the friends of the bill, as a matter of suggestion for their grave consideration, whether they had not better abstain from entering into debate and rather hear what others have to say. There seems to be some necessity for this course, owing to the lateness of the session and the press of business upon us. I think the friends of the bill will succeed best in accomplishing their object if they forbear, as far as they can, from debate and be willing to hear others, instead of speaking themselves.

Mr. DE SAUSSURE. Mr. President, I am opposed to this bill, and shall have to vote against it. I am especially opposed to the amendment under consideration introduced by the Committee, which is to appropriate $3,000 for a survey of the Rappahannock river, Virginia, together with other kindred amendments proposed by the Committee on Commerce; such, for example, as appropriating $3,000 for a survey of the Taunton river in Massachusetts, appropriating for the survey of the San Antonio river in Texas, and repairing the public works at Little Egg Harbor, New Jerey, and for the survey of East Pascagoula Bay; for the survey of Shrewsbury river, New Jersey; for repairs at Kennebunk; for repair of the breakwater at Owls-head, in Maine; for improvement of Cape Fear river, at and below Wilmington, North Carolina. There are several other amendments of a kindred character, proposed by the Committee on Commerce, to all of which I object.

I differ very much from the distinguished Senator from Massachusetts, [Mr. DAVIS,] who has just taken his seat, who seems to suppose that these amendments are unimportant. On the contrary, I regard them as of the last importance; for however unequal and unconstitutional I may consider this whole system of internal improvements —however I may regard it as leading to the greatest abuses, I am persuaded that these amendments are worse than the bill, and show the inevitable tendency of the system. The bill itself, independent of the amendments of the committee, embraces some large objects of general concern; but these amendments are essentially vicious; they appropriate money for local objects, in which the country at large has no interest, and lead exactly to those abuses which have always been fatal, and I trust will ever prove fatal, to the construction of the Constitution which sustains them.

I do not propose to detain the Senate at this stage of the session with a constitutional argument upon the general question. I believe that it would be out of time, and I fear, I must add, out of place. Therefore, when my friend from Mississippi [Mr. ADAMS] yesterday referred to the Constitution, I was a little surprised; for I must confess that I have come to regard the Constitution upon this subject pretty much as a dead letter here. It was once deemed of importance to adhere to the letter of the Constitution, and I grieve to see that in any particular it should have become a dead letter. I regret to be obliged to say that the Constitution has become, in some particulars, just what a majority of Congress choose to make it; and yet that is the necessary result of carrying out the policy indicated by the bill and amendments, and which is pressed upon us by gentlemen in favor of a general system of internal improvements by the Government.

I believe that when our ancestors framed this compact of union, they acted wisely. They thought so in their time. They thought that, although this was a compact between various political communities of unequal power, yet it might be made to secure the equal rights of all, by imposing certain restrictions on the power of the majority upon the face of the compact and by preserving an equal representation in this body. But what sort of protection does it furnish, when we come to that class of questions where, by a loose construction, you would have the power, and where by a strict construction, according to the letter and spirit of the Constitution, you would not have it? Why, sir, the majority will override you. They will overrule you, and make the Federal compact to mean whatever their interests may dictate.

Talk about the guards which the Constitution has provided, that it shall require three fourths in order to effect an alteration! Why, sir, two thirds of Congress, or of the State Legislatures, can call a convention, and it is true that it requires three fourths of the States to ratify amendments. That is a very wise and apparently safe precaution, but when a question comes up here as to the construction of the instrument and the extent of your power—notwithstanding the fact that, to a common understanding, it will seem that no such power was ever granted by the instrument, yet when, what are termed large views of public policy prevail, or perhaps the "higher law" interposes, it is found convenient to construe the Constitution to carry into effect the objects which the majority have in view. Instead, therefore, of the alteration of the Constitution by three fourths, you have it altered by a naked majority of the two Houses of Congress. That is the result. I grieve to say it, but it is so, and I fear it will always be so. If I am asked whether this is not incident to all human compacts, I concede it. Then, what is the remedy? Why, sir, it must be found in the high spirit of the parties to the compact, and if there is no common judge to decide when the agreement is violated and power usurped, those who wish to force their views on the minority must do it at the risk of the destruction of the compact and of the Union. I know of no other remedy than that. But it seems to be a remedy which will rarely be resorted to. There have been times (some almost too recent to be termed by-gones) when the country has been excited, almost to desperation, by what have been supposed to be usurpations of power by the Federal head. The suffering States have discussed separately, and some of them conjointly, whether they should make common cause and arrest the evil; but all these discussions have ended in nothing. The aggrieved States found out at last that they had better endure the evils; animated perhaps by Christian patience and humility, or by a noble loyalty to a beneficent Union, or it may be by an unwillingness to risk the consequences of its displeasure or its arms. However that may be, they gave up the struggle. We are therefore remitted to the purity of Congress and the forbearance of a disinterested majority, instead of those safeguards which the Constitution intended to provide, and failing which, resort can only be had to a strong heart and firm will.

It is true it has occasionally happened that in the exercise of usurped power the General Government has been checked. Thus, in the year 1832, the tariff policy was arrested by the loud remonstrances, the imprecations, I had almost said, of a large portion of the Union—who denounced the policy as fatal to their rights and interests, and necessarily destructive to the Union. You gave way under the impression that consequences more disastrous to the Union were likely to result than you thought advantages could be gained by adhering to that policy which had been fraudulently ingrafted upon the Constitution, and therefore you graciously and charitably acceded to a reduction of the tariff by a graduated scale. How long did that last? Only until the hungry applicants for favor at your hands came back here with importunity and sharpened appetites to demand another tariff; and another and oppressive tariff was granted in spite of what was supposed to be a compromise, and a settlement of the question forever.

I have no great faith in compromises, and I am afraid that although it may happen sometimes that the Government may be arrested in this way, in the exercise of usurped power, the lust of power and love of plunder will soon prompt the renewal of the attack. I believe it was a distinguished English statesman who said that you may intrench yourself chin deep in parchment, but the sword of corruption will find its way into the vitals of the Constitution. It is vain to rely upon parchment. Your constitutional forms must be grafted in the hearts and the habits of the people, and be guarded by unsleeping vigilance and determined courage, or they cannot be preserved.

However, as I said, I do not propose to enter into any constitutional discussion of the general question, but approach the proposition before us which relates to the survey of the Rappahannock river.

Various opinions have been entertained as to the power of the Government to undertake a general system of internal improvements. Distinguished statesmen have entertained opposite opinions. Upon the one hand, some have thought that it should be restricted to the narrowest possible limits; such, for example, as light-houses on the coast, to direct the entry of commerce into the harbors where the customs are obtained; the Government ought, undoubtedly, to maintain these, and put out buoys to mark the channels of rivers and harbors, and provide for the safety of the commercial marine and of naval armaments. Up to this point there seems to have been no difference of opinion.

But then the question arose, whether the power should be extended to the great rivers, the Mississippi, for example, where there is a common interest in a dozen States, and the mouth of the river (filling up with mud) is the great outlet to the ocean for the commerce of nearly half the Union.

The greatest sticklers for strict construction, were inclined to give way, when what was termed a "national" object was thus presented—an object embracing the interests of a very large portion of the Union. It does seem to me that as it regards the mouth of the Mississippi, the outlet of the commerce of so large a portion of the Union, the right must be conceded to the General Government to open the channel, and to keep it open at the expense of the Union; because, otherwise the commerce of that vast country would be cut off; and because it is not a matter in which New Orleans or the State of Louisiana alone is interested, but which interests nearly one half of the Union. Therefore, it appears to me, in that particular, strict constructionists must yield.

Then another question arises: Are you not bound to give way everywhere, where the customs are collected? That is a nicer question. It presents more difficulties. If it be an object embracing a very large portion of the Union, I would answer, yes; but where it is purely local, where it is a matter of small consequence to the general commerce; where it lies within a single State; where it does not require the action of several States to accomplish it, I say unquestionably it ought not to be made an exception. Now, the Rappahannock is exactly one of these cases. Why cannot the State of Virginia improve that river?

I know not what this improvement will cost, nor can the Senate know. If this amendment be adopted, and incorporated into the bill, and the bill becomes a law, we order a survey to be made at an expense of $3,000. That is comparatively nothing; but the improvement of the river may cost $100,000, or it may cost $1,000,000; I cannot tell how much. I shall vote against the appropriation, because, as I understand it, when it is granted, and a survey is made, there is an implied pledge

that the Rappahannock is a river of sufficient dignity to justify the interposition of Congress, and to induce Congress to embrace it within the category of the lawful objects of its care. I do not mean to say that it is an absolute pledge. The object of the survey is to ascertain what is wanted upon the river, and what will be the cost of improving it. I do not mean that when the survey is made, the result may not induce Congress or the Department to decline going on with the work; but I mean that, by appropriating for a survey, there is an implied pledge that you are going on to make the improvement. So with regard to the other appropriations for surveys which the committee propose to incorporate into the bill.

The debate which took place upon this subject the other day was eminently instructive. The moment we got upon this question, to wit, what special points should be selected for improvement, gentlemen all around the Chamber got up and exclaimed, "Our section of the country has received none of the fostering care of the Government." Gentlemen from the Lakes said, "You have neglected us." Gentlemen from the South said, "We have been passed by." The West complained that neither the bill nor the amendments contained any fit appropriations for the great Mississippi valley, which had been cruelly neglected, while petty harbors of the North and elsewhere on the Atlantic coast had been provided for. And thus the scramble began. We heard these clamors from nearly every quarter. That will be the case whenever you introduce a bill here for this purpose; and that is the vice of the system. There will be a scramble; and then combinations, the nature and effect of which, upon the political morals, or the treasury of the country, I need not stop to paint. It is that which is destined to crush it. I do not know but that it would be better for the opponents of this power, except within very narrow limits, to vote for every one of these amendments to the bill, and let the doctrine run to its full extent—to its inevitable course of destruction in the lapse of a few years, for that would be the result. It has been the result heretofore. It was the result when the Maysville veto arrested it. All appropriations having a discretionary character as to sectional distribution, have a like tendency. At one time you got up an immense system of fortifications, by which the coast was to be rendered impregnable. At last complaints came in from all parts, and the expenditure was so enormous, and the plans and estimates for the future were so formidable, that the Government dropped the whole scheme at once, and many works, then undertaken, remain from that day to this unfinished.

We had in the State I have the honor to represent a most striking illustration of this. We began (before the days of railroads) a large and extensive system of canals, and undertook to remove obstructions in our rivers. The object was to clear out all the great public highways of commerce and make them navigable. The Legislature resolved to expend the money of the State freely; but after we had made some progress in it, what did we find? Why, from remote corners of the State gentlemen came, with clamorous petitions, demanding that their section should not be overlooked; and at length we had Black Mingo making a bargain with Salkehatchie, and Lynch's creek with some swamp, that if one would go for the improvement of his swamp, the other would go for the improvement of his creek; and so on, until, by means of these combinations, large appropriations were secured for portions of the State which nobody had ever heard of, as channels of commerce and trade.

This brought the system to a close; but it was not until very large outlays had been made, and various unimportant objects had received large appropriations. Money was misspent, and there lie the objects of it. There lie canals, made in places where there was no necessity for them. They are there now, converted into mill-races, and streams partially cleared again obstructed. That is precisely the result that will take place here, I foresee, if this state of things goes on. The Government will expend, under this bill, a million and a half this year, and when you add in the amendments of the committee, I suppose the bill will figure up to about $2,500,000.

Mr. SEWARD. The committee only propose to add about $150,000.

Mr. DE SAUSSURE. The Senator from New York says the committee only propose to add $150,000 to the appropriations in the bill. Well, next year we shall be asked to vote two or three millions more. My friend, the distinguished Senator from Illinois, says that to carry out certain great works which press upon his mind as highly important, $15,000,000 would be necessary, I think he said, per annum. Now, suppose we are to embark, in the course of a year, in these operations, and having gone on and improved one half of these rivers to a certain extent, we shall be crowded with applications from every part of the Union to expend immense amounts of public money upon improvements of no general concern, until, at length, a crisis will come, the affair will reach its culminating point, a general exclamation will burst from the people, the whole scheme will be arrested, and nearly all the money will have been wasted. That will be the result.

Sir, I desire to know why the States cannot improve their own rivers? I desire to know what is the difficulty in the way of their doing it? Was it intended that, when we entered into this compact of union, any more power should be granted to the Federal Government, than was indispensably necessary to carry on the great purposes of general commerce and national defense? Are not those the two great objects for which the Federal Government was formed? Whenever we go beyond the extent necessary to carry those powers out, it appears to me that we are violating the Constitution, and transcending the purposes of the Union. Most of the objects of appropriation contained in this bill, are entirely within the competency of the States. I suppose it will not be denied by the candor of the honorable Senator from Massachusetts, that nearly every one, if not every one, of the amendments proposed to this bill by the Committee on Commerce, are such as are entirely within the competency of the respective States. Why are the States not able to accomplish these works? Let us take, for example, the Rappahannock river; are there any other States interested in the commerce on that river, plying up as far as Fredericksburg, but Virginia? Is any other State interested in clearing out that river? Then, why does not the State of Virginia effect this improvement of her own water-course, lying entirely within her own limits, and leading to her own town?

Then there is the Taunton river, in Massachusetts, and the Cape Fear river, in North Carolina. Why should not the States clear out these rivers? There are rivers in my own State upon which we expended a great deal of money, but we have dropped them all; and one reason why we have dropped them, is because railroads are superseding canals and the use of the navigable streams. After you have expended immense sums upon the canal around the Sault Ste. Marie, and in cleaning out the rivers proposed in this bill, you will have to abandon the works, because they will be superseded by railroads. The rivers of the country, which formerly used to be regarded as the great highways of commerce, (except, perhaps, the Mississippi, and some others of that class,) will come to be regarded as mere conduits to carry off the waste water from the surface of the earth. I remember to have read that when Brindley, the great engineer, was examined before a committee of the House of Commons, in the day of canals, he was called upon for an opinion in relation to some river—how it was capable of being improved, and where a canal should be made. He repudiated the river; and was such an enthusiast for canals, that he was asked, at length, what he supposed rivers were made for? "There is no doubt," said he, "that God Almighty made them to feed canals." Although I do not exactly agree with Mr. Brindley, yet I believe that railroads are about to supersede canals and the use of rivers to a great extent. It has been so in my State. The Congaree, and the Wateree, and the Saluda, and other rivers, that formerly wafted to Charleston a vast quantity of cotton, have been almost entirely superseded. Steamboats have almost entirely ceased to run upon them. But a few of them are now plying. Most of the cotton is carried by railroad, and for the obvious reason that that mode of transportation is cheaper, safer, more expeditious, and saves an outlay of capital to the intermediate buyer. Therefore, I repeat, while you are pursuing this policy of opening these channels, before the money is expended which you propose to appropriate, the rivers will have been abandoned, and railroads will have superseded them.

Now, as to the capacity of the States to conduct these improvements, I have a word to say which the allusion to railroads suggests. When railroads were first undertaken, it was supposed that they could not be completed without the aid of the Government, and in various States applications were made to the State governments for their aid. That aid was offered in some instances, and in some it was not. In some cases the credit of the States was pledged; but many of the roads were built by the combined capital of individuals alone.

Let any one look at the map of this country now, and compare it with the map twenty years ago. Why, if you had shown it to a stickler for internal improvements by the Federal Government twenty years ago, and prophesied to him that in August, 1852, he would find the State of Massachusetts covered, as the map now shows, all over with a net-work of railroads—the same of the State of New York, the same of Pennsylvania, the same of New Jersey, and so of Maryland, Virginia, the Carolinas, Georgia, and Alabama, besides the western States—and told him that all this would be accomplished by individual capital, with the aid of the State treasuries, in twenty years, he would have laughed you to scorn as a false prophet. He would not have credited that it was within the capacity of the people, or the fiscal resources of the States to effect such gigantic undertakings, at the expense of so many millions, and especially within so short a period; and therefore he would, perhaps, have gone with the internal-improvement gentlemen for resorting to the Government of the United States for aid. Now, in what situation would this country be if we had undertaken twenty years ago to construct all these railroads by the hands of the Government, instead of leaving them to the States and the people? I appeal to Senators on both sides of the Chamber, what would be our present condition, if the Government had undertaken to construct these thousands of miles of railroad which are now in actual and beneficent operation? Why, in the first place, we would not have accomplished one twentieth part; and if we had accomplished it, it would have been at the cost of twice the amount which has been expended by the States and the people. Is that an extravagant calculation? If it is admitted to be just, then figure up the result, and see what the cost would have been to the country. But that is not all.

There is another view of the subject alarming to some of us, though not perhaps to both sides of the Chamber in an equal degree; I mean the vast amount of patronage it would have thrown into the hands of the Government, and which the system of internal improvements now proposed will necessarily confer. I am averse to an increase of the patronage of the Federal Government. I think its patronage has been a curse to the country heretofore. I am unwilling to give to it by my vote, any increase. And yet, sir, if the Government is to reëmbark in this exploded scheme of a general system of internal improvements, whereof the present bill, with its amendments, is but a premonitory symptom, what an army of contractors and agents will be subjected to its influence! What a horde of officers, surveyors, and engineers will be dancing attendance upon the executive departments! To complete the grateful picture, behold the sovereign States engaged in a dignified scramble for the spoils of the Treasury, each claiming priority, and the stronger sections obtaining it by successful combinations. Or, if it be left to the executive department to select the public works to be undertaken, we may behold these same sovereigns bowing at the foot-stool of Executive power, and loyalty to the Administration made the price of favors conferred. We had almost come to that yesterday. It was proposed by the distinguished Senator from Michigan to refer the whole subject of surveys, including the places to be improved, to an officer of the Government. It was proposed to make a general appropriation for that object, and leave it not to Congress to say where the surveys should be effected, but to

the executive department of the Government, upon which the power would thus be conferred, to say which State should be favored, and which should not. I trust that day will never come. I trust that we shall restrict the patronage of the Federal Government within the narrowest limits; that we shall not add to the thousands of postmasters, custom-house officers, land receivers, Indian agents, &c., &c., the vast swarm which a great system of internal improvements will necessarily generate. Such an accumulation of patronage may, I apprehend, be attended with disastrous results, and prove too strong for our institutions.

I had occasion, some time ago, to look into a book, published by order of Congress, entitled "The Opinions of the Attorneys General of the United States." I found it to be a very interesting volume. It shows this: that there is not an officer, from the humblest tide-waiter up to the highest plenipotentiary, but has to apply to some of the Departments for favors or extra allowances in the course of his term of office. If a minister abroad wants an office to keep the archives of the legation; if he wants an extra clerk; if he wants compensation for unexpected charges he has had to encounter, he has to come to the Department. The cases arising before the Departments as to the construction of contracts, or the extension of time, or additional allowances to be made by the Government, are infinite. The reason why I had my attention specially called to the subject was this: A friend of mine, before the annexation of Texas, had charge of an Indian agency, and the Government ordered him to go out of that agency, and look after the Texas Indians, then threatening an inroad upon both the Texas frontier and our own, and make a treaty, I believe, if he could. He went there in the midst of hostile tribes, at peril of life, I suppose; for many of them were the most wild savages in this country—Arrapahoes, I believe, Camanches, Caddoes, and various others. By and by he made application to the Department for additional compensation, to which he thought he was entitled for severe and perilous service outside of his agency. It was referred to the Attorney General, who overruled the claim. He asked me to look through the volume of Opinions I have referred to, and study the question; and if I did not concur with the Attorney General, to write a counter opinion, which he would send to the Department. I looked through the work, and found many cases of like applications. I only cite this as an illustration of the vast number of cases perpetually brought before the Government, in which some of its officers have to ask favors at its hands; to illustrate the power of the patronage of this Government, and in various departments; and that, therefore, we ought to avoid any such course of action—any such construction of the Constitution, in doubtful cases, as will lead to an accumulation of patronage, and to those results which must finally terminate in the ruin of the Confederacy. I suppose it will be admitted that there is no more corrupting power than the power of appointment, and the unlimited control over the agents of the Government in the various particulars in which their interests are directly concerned.

I do not know that I should be opposed to this bill in all its parts, or disposed to ask those who adhere to the old doctrines, to vote against all the propositions it contains. Some of them are for objects which I have much at heart, and desire to see accomplished. But I am afraid this bill is a mere entering wedge. The system was arrested for a number of years. From all sides of the Chamber we have heard complaints that this river and that river, this harbor and that harbor, have been neglected for many years. They have been without any of the *pap* of the Government, and they are now clamorous, they are crying and vociferating for it, and I suppose they must have it. But if the course indicated by the amendments proposed by the Committee on Commerce is carried out in its true spirit hereafter, the Treasury of the United States will be found inadequate to answer the enormous demand without a large increase of taxation, and the Administration will have to retrace its steps, or the people will rise in their majesty, and arrest this whole system of unequal, ruinous, and unconstitutional expenditure.

The times for those of us who adopt the conservative view, are rather alarming; for when I turn to the other branch of Congress, where I had hoped to find safety in a large Democratic majority, I see a bill passed entitled "An act making appropriations for the improvement of certain harbors and rivers." That is the bill now under consideration here. Upon seeing that, I turned over my file of newspapers, and I read a platform which was adopted the other day at Baltimore. When I looked at the bill, and looked at the platform, I could not, for my life, reconcile them.

Our Whig friends have adopted their platform too; and they go for opening and repairing harbors, and removing obstructions from navigable rivers. As they have a majority in this body just now—not exactly a majority of their party, but a majority with them on this question, I desire to see how far their platform extends. I say to them, I shall watch them; I want to see how far they are going to carry the river and harbor policy. I have read in their platform that the object must be national and general in its character. Now, perhaps, when the appropriation for the Susquehannah river comes under consideration, we may test their principles. Perhaps the appropriation for the Taunton river may test it. As I understand it, a great many amendments are to be offered to the bill, and upon some of them we can test their principle. If there are harbors high up on the Mississippi river, where ports of entry were made not long since, in anticipation of this question; where customs are collectable by law, but will never be collected in fact, those harbors will apply to have dredging-boats and some little money besides. We shall be asked, too, perhaps, to create harbors, not to improve them merely. I shall watch very closely to see how far their policy goes. For, to tell the truth, I distrust all platforms. I have very little faith in platforms. Platforms answer for the time being; they serve to throw dust in the eyes of the people; but when they are relied upon here as a test or rule of conduct to govern those who are called to act upon them in either of the two Houses of Congress, I confess I have very little faith in them. I understand a platform to be an honest declaration of opinion by a political party—a declaration of the principles which are to govern its course, if it attains power. I understand a platform to be a pledge of honor to the country, that the party will abide by those principles, and carry them out in good faith. But it has not been my good fortune to witness the observance of that good faith heretofore, and I am obliged to say, I despair of it hereafter. I have very little confidence in platforms. I have this faith, however, that if this bill is loaded down by the Senate, as I expect it will be, with the contemplated additions, it will not pass the other House in that shape. But I believe that if it does pass both these Houses, and is carried into operation, a very few years will witness the winding up of the policy by its total and entire overthrow. I regret to say, however, that it will be at the cost of a great many millions of dollars to the country, which will have been vainly expended in the pursuits of these objects, and I fear at the cost of much corruption, both in and out of Congress.

Sir, I am not disposed to delay the bill. I do not desire to detain the Senate by any prolonged discussion; I merely wish to enter my protest against the course about to be adopted.

Mr. SHIELDS. I move to strike out the amendment, and to insert in lieu of it, the following:

For a survey and examination of rivers and harbors, $50,000. Such survey and examination to be made by the Topographical Bureau under the superintendence of the Secretary of War. It is hereby directed that the ablest and most experienced Topographical Engineers in the service of the United States be employed on this duty; and that they be instructed to arrange the navigable rivers of the country into three classes, based on their commercial importance to the nation, and the extent to which they are navigable; and also to arrange the harbors into three classes, based on their commercial importance, their capacity as harbors, and the general necessity for their improvement; and that they make a probable estimate of the amount necessary to render each improvement effectual and permanent; and that the Secretary of War report the same as soon as possible to Congress.

Mr. ADAMS. If I understand the reading of the amendment to the amendment, it provides that the ablest and most experienced Topographical Engineers shall be selected for the performance of this work. I want to know who will determine that question?

Mr. SHIELDS. The Secretary of War. However, I do not care particularly about that point. The object of the amendment is somewhat similar to the proposition made yesterday by the Senator from Michigan, [Mr. CASS.]

I am only sorry that the first amendment to the bill, recommended by the committee, affects my friends from Virginia. I am sorry that it touches that State; but I will assume the ground taken by the Senator from South Carolina, [Mr. DE SAUSSURE,] and appeal to those gentlemen themselves, whether it is worthy of their position, and the position of their State, to insist on the assent of the Senate to this trifling appropriation for the survey of the Rappahannock?

What does my amendment propose? I beg to call the attention of the Senator from South Carolina, who touched this point a few moments since; and I beg to call the attention of the Senate to the question. The amendment proposes to give equal chances to the whole country—not equal benefits, for no scheme of legislation can do that; but equal chances; and that legislation should always give.

There is another point I want to see brought before Congress, for my own instruction. I want to see the full extent of this system which we are entering upon; for if the Senator from South Carolina, and if my colleague [Mr. DOUGLAS] be correct, when that information is laid before this body, it will appal the country. I do not say, absolutely, that it will or will not do so; but I want to see where this system will lead us. How is that information to be obtained? By employing the ablest and most competent engineers—to do what? To make an examination of the rivers of the country, and classify them on the basis I have proposed. Then, after having done that, as far as it is practicable, to make an estimate of the amount that may probably be required to improve any, or all of these rivers. On the same principle, they should make an examination of the harbors, and arrange them in first, second, and third classes. When such a classification has been made, you will have a map of the whole country before you, together with a chart of the improvements which may be required, extending to the whole of the States, and not to two or three only. Then, and not till then, in my humble judgment, shall we be able to set to work, and establish a system. I have as much confidence in the committee which investigated this subject, and recommended these appropriations, as in any other body of gentlemen in the Senate; but it is impossible for any committee, composed of any amount of talent, to examine such a vast question thoroughly in a few days; and, as the result of their labors, bring in a bill that will be perfectly equal and just to all parts of the country. And, here, I will beg gentlemen to reflect, for a single moment, upon an evil which I have noticed in my short experience as a member of this body. We rush headlong into all sorts of enterprises, without calculating their cost, without calculating the extent to which they may lead us; and then, deterred by the expense, or actuated by some other motive, we abandon them when scarcely half completed.

I beg gentlemen who are opposed to this bill on principle to say whether it will not be better for them and for us all, to ascertain what the extent of the system will be when fully carried out. How is any committee to determine the expense of a work on which it is proposed to expend money? or how is it possible to ascertain whether a particular improvement is necessary at the present day? The only information they receive is from the Senator who goes and importunes them for an appropriation; but all uncertainty would be at once removed if the scientific men now in the pay of the Government were employed in the manner I propose; if they were instructed to classify the rivers, and then determine whether they are worthy of improvement, and the expense of the improvement; and so with the harbors.

I will not waste the time of the Senate by any further observations on this subject; but I will ask whether it is not fair, in common justice to the country, that all portions of it should have an equal chance of obtaining these improvements? Can any one fairly oppose that? I do not ask for an equal distribution of the benefits, because that

cannot be effected; but there is one thing certain—that every Government can, and should, afford to all equal chances.

Mr. HUNTER. The Senator from Illinois does injustice to myself and my colleague, when he supposes that this is a question between the Senators from Virginia and the amendment itself. This is by no means the case. The question is one between the Committee on Commerce and the Topographical Bureau. The system which the Senator from Illinois recommends leaves it to the discretion of the Executive as to what surveys and improvements shall be made, while the other system leaves the matter to the discretion of the Committee on Commerce. Of the two, I prefer the latter.

Mr. SHIELDS. Will the Senator from Virginia allow me to say that I think he has not considered the amendment I have offered. It is, that the Topographical Bureau shall classify all the rivers and harbors of the country according to their prominence and importance in a national sense.

Mr. HUNTER. I believe that I comprehend the amendment; and I think I shall be able to say to the gentleman, if he will accept the logical consequences of his argument, I will go with him. I say that he has treated this question as though it were a question between the Senators from Virginia and the amendment. On the contrary, however, it is a question between the Committee on Commerce and the Topographical Bureau. He says that we are to leave it to that bureau to classify these rivers and harbors, and that we should give them $50,000 for that purpose. Why, sir, let me ask him if that sum will be enough to make all these estimates? No, sir, it is impossible. They will have to select the particular points at which to execute these surveys. And then you say that you will make no appropriations for any improvements, unless that bureau makes estimates, and recommends such appropriations. What is that, let me ask, but leaving the system to be determined by the Executive and the Topographical Bureau? I say that if I had to choose between a system so directed, and one directed by the Committee on Commerce, who can summon to their aid the Topographical Bureau, I should prefer that mode which leaves the matter in the discretion of the Committee on Commerce But so far as the amendment and the bill are concerned, I agree with what the Senator said yesterday—that it is a very bad bill; and I agree with what he has said to day, that no committee can originate a fair bill without full information. If, therefore, he will move to postpone the further consideration of these items making appropriations for specific works, which constitute the main feature of this bill, and will offer a substitute for it merely embracing appropriations for surveys and estimates, I will vote with him for such substitute, and will be content to strike out the appropriation for the Rappahannock river, and all the rest of them. But if he means to strike out all these surveys, and leave the bill otherwise as it stands, and thus confer the power of the selection for surveys and improvements upon the Executive and Topographical Bureau, then, as I have just remarked, of the two systems, I should prefer to confide something in this matter of selection to a committee of our own body. I have not insisted strenuously upon this thing; but I shall certainly vote against the amendment of the Senator, unless he moves it as a substitute for the whole bill. If he will do that, I will go with him, because, I think with him, that there ought to be more information on the subject. Even if we were certain that under the Constitution we had the power to make these improvements, and if we had come to the conclusion that it was expedient to make them, I think that it would be altogether better that we should postpone our action further than is proposed by the honorable Senator from Illinois, until we have some further information on the subject. If, therefore, he will bring forward a scheme of this sort, as a substitute for the bill, I will cheerfully go with him.

Mr. SHIELDS. I am not prepared to act upon the suggestion of the honorable Senator from Virginia, because all that I can do is to act in regard to the present. I have no power over the past. Even Jove himself had no such power. But I can say that, if, before any such system had been undertaken, such an examination as is proposed by my amendment had been made, the matter would have been in a very different position. That any Legislature, in the short space of a few months, can undertake to determine what rivers and harbors, in a continent like ours, which has more rivers and harbors than any continent of equal size in the world, should be improved, and should undertake to distribute and appropriate money for such purposes with anything like equality, acting upon the information we at present have, is utterly impossible. What has struck me in listening to the arguments we have had here on this subject, is this: I wanted to have some ground to stand upon; I wanted to see what principles were involved; I wanted to tell my constituents for what I voted, and why I voted—what for Illinois, and what for Virginia; I wanted gentlemen of experience on both sides who have preceded me here, to tell me whether this system of internal improvements is capable of being regulated; whether it is measurable; whether it is to be the cause of a continued squabble every session, so that each may try who can obtain most money out of the Treasury. I find the question as it is; and I only now propose what ought to have been done before any system of the kind was attempted.

The Senator from Virginia says that $50,000 will not accomplish this. I cannot say how that may be; but one thing I can say, and that is, that it will not acquire anything like the amount which some gentlemen seem to suppose. And why? These rivers have mostly been surveyed already, either by the States through which they run, or by the General Government, for some purpose or other. The information is nearly all collected now. All that would be necessary would be to require a *corps* of engineers to go out into the West, one to the North, another to the South, and another to the sea-board. These engineers are doing nothing in these piping times of peace, and how can you employ them better and more profitably than by sending them out to obtain for you this information? If you never put this information into use for the purpose of making improvements, it is still so much gained. It is so much information collected in your bureau, enabling you to know the extent and character of your rivers, the commerce that floats upon them, and the classification of them according to certain peculiarities which they possess in common. So also with regard to harbors. Suppose we had pursued the system we are now seeking to pursue in regard to our national defenses, what would have been the result? Why, sir, Pennsylvania would have wanted this, and New York would have wanted that, and Massachusetts would have wanted something different from both, and so it would have gone on, and we should have had no defenses at all. Fortunately, however, that subject was placed under the care of scientific men, who knew how to deal with it. And what have they done? Why, they have selected the places which were most assailable, and have classified them, and we have, according to that selection and classification, been pursuing their erection since 1816. Why not adopt the same course in reference to this subject? I say again, that with the information we now have, no committee can do equal justice in apportioning over this continent such appropriations as may be necessary for national improvements. It is utterly impossible. They can only act upon what is brought under their consideration.

Mr. DAWSON. I wish to ask my friend from Illinois how far up each river he would have these surveys to be made? In what way would he limit these topographical engineers in going up a stream? It would have to be left entirely to their discretion as it seems to me.

Mr. SHIELDS. Since I have been here I have found out one thing: That in our legislation we are too apt to think that we ought to administer as well as legislate. We are too apt to think that no others can judge of these matters but ourselves. My proposition is, to classify all these navigable rivers—to place them in three different classes, according to the extent of their navigation, their commercial importance, and such other characteristics as may be deemed proper. These things ought to be left to the bureaus; they should administer. We cannot pass laws and administer them too. All that we can do is, to pass the laws capable of being fairly administered, and as free as possible from liability to abuse. Those who administer the laws may abuse them; but for that we are not responsible.

The PRESIDING OFFICER, (Mr. BRIGHT.) What part of the bill does the Senator from Illinois propose to strike out?

Mr. SHIELDS. All the amendments of the committee in relation to surveys, and to substitute my amendment for these several amendments.

Mr. BORLAND. I would suggest to my friend from Illinois, as I agree with him in the views he has presented, that his amendment might be advantageously amended in one particular, by adding, after the word "commercial," the words "naval and military;" because these services constitute important elements as to the necessity of improvements.

Mr. SHIELDS. I accept the modification proposed by the Senator from Arkansas.

Mr. MASON. If that amendment be adopted, I suppose that this information is to be collected for the purpose of enabling the Government, at a future day, to improve such rivers and harbors as the Government, in its discretion, may think proper.

Mr. SHIELDS. No; as Congress may think proper.

Mr. MASON. Well, as Congress may think proper, if you will. *That* will necessarily be to claim jurisdiction over this general system of internal improvements. It will be to determine the rules and the places which, in the estimation of Congress, are of sufficient magnitude and importance to be effected by the Treasury of the country.

Mr. SHIELDS. If the honorable Senator from Virginia will allow me, I would say to him that I think differently. The gentleman from Virginia may take that view of the matter, if he pleases; but, after all, so far as my amendment goes, it is merely the collection of a certain kind of information. That information may be used for this, or for any other purpose; but the obtaining of the information does not necessarily include in itself any assumption of jurisdiction whatever.

Mr. MASON. I take it for granted that the Government should not collect statistical information on any subject not within the pale of its appropriate jurisdiction. If this is done, it will be done under the idea of the jurisdiction of the United States over the subject of improvements, for the purpose of generalizing and determining what points they will improve and what points they will not improve. Now, I believe that I am right in saying that the honorable Senator from Illinois and myself are strongly committed in the coming presidential canvass to a certain platform; and in that platform the jurisdiction of the Government over any system of general internal improvements is expressly denied.

Mr. SHIELDS. I did not anticipate such an objection; and I must confess I do not see the force of the argument of the Senator from Virginia. The rivers of this country are public highways, and, as such, we can explore them.

I will tell the Senator from Virginia that if he wishes to expose the effects of this system of internal improvements, there is, probably, no better method than to assist me in bringing the whole expense it is likely to entail before Congress and the country. I want to know it for my own guidance; for if the system is likely to be attended with the results that some gentlemen anticipate, I, for one, shall oppose it. I want to know its effects; and how can we know its effects except by some such means as that which I propose? I cannot see any constitutional objection to an effort to obtain this information.

I cannot concur in the position taken by the Senators from Virginia in respect to this bill. I am not to judge of their conduct; but, holding the opinions that they do, I could not consistently vote for a little partial appropriation inserted in a bill with other appropriations which they consider unconstitutional. I cannot conceive how they imagine that they must vote for this appropriation, and yet they will have to vote against the whole bill, because they deem it unconstitutional. I cannot understand that policy, but I suppose that they are the best judges.

I repeat, again, that I cannot see how any constitutional objection can be made to the proposition for collecting the information that I desire.

Mr. BORLAND. If the remarks of the Senator from Virginia are correct, we are placed in a very extraordinary position. The gentleman says, if I understand him aright, that by ordering these statistics to be collected by the officers of the Government, we, by that act, commit ourselves to assume jurisdiction over the subject, and bind ourselves to take legislative action with regard to it. Let us test that by the position which I understood the Senator from Virginia to occupy yesterday. The Government some years ago ordered an Exploring Expedition out to the South Seas, under the command of Captain Wilkes, and he collected, under the instructions of the Government, an immense quantity of information about plants and shells and birds. Now, I want to know if because that expedition was ordered by Congress, and these objects of natural history were collected, we are committed to legislate in regard to them? Captain Wilkes was also directed to collect information in regard to all the islands which he might discover in the South Seas; are we committed by that to the position or duty of assuming jurisdiction over all that region, and over all the islands that he discovered? I think not; but it seems to me that if the position of the Senator from Virginia be correct, we have so committed ourselves, and are bound to take legislative action accordingly. I understand the amendment of the Senator from Illinois to be intended for the purpose of collecting information that we may make use of or not, as we may think proper; to bring before us the information necessary to enable us to judge whether we shall legislate, and if we do legislate at all, to enable us to determine how far we shall go, and what objects are of sufficient importance to render the expenditure of the public money justifiable. All admit that we are now legislating in the dark as to these appropriations, and that no person possesses sufficient information to be able to decide whether an appropriation is advisable, excepting that Senator who comes from the particular locality where the money is to be expended. I cannot see how we are to legislate understandingly on these questions, unless we take some such step as the Senator from Illinois proposes to make the action of this body intelligible and effective.

Mr. DOWNS. I do not like the provisions either of the amendment of the committee, providing for a survey of the Rappahannock, or the amendment of the Senator from Illinois. I disapprove of the principles on which they are both founded. One contemplates that we should survey a place that we know nothing of, without examination, and the other, that we should call on the Executive officers of the Government to make these surveys. Now, I have one radical objection to both these projects, and that is that these works of improvement, if they are important, if they are national in their character, will be sufficiently known through the representations of members of Congress, and will be well known to the Government. There will be no necessity for a search by scientific gentlemen to hunt them up. It seems to me to be an anomaly in the Government of this country, if Congress, with the aid of the executive branches of the Government, cannot legislate for a particular object, cannot obtain the information necessary to enable them to legislate, until they send out officers to make a search, and report back to them whether they ought to do so or not. If this is to be the rule by which we are to be guided, I should like to know why members of Congress are elected to represent their several localities on account of their presumed acquaintance with the wants and interests of their constituents? Is it ordinarily the case that we send out persons to obtain that information which we ought to have when we come here? Why, will Government, in carrying on any great works of a national character, send out first to inquire whether they ought to be executed or not? Take the instance of the custom-house which is now in course of erection at New Orleans, at an expense of many hundred thousand dollars; or the cases of the public buildings which are in course of erection at New York and Charleston. I will ask whether anybody ever thought of sending out to inquire whether New Orleans, New York, or Charleston, should have custom-houses? Was there so much doubt on these subjects that it was thought necessary to send out a corps of engineers for the purpose of making reports on what Congress ought to be thoroughly acquainted with already? I take it for granted that there will be no work of a national character, no work which ought to be executed by Congress, which will not be made known. It will be made known by the Representatives of that section of country in which the work is located. There will be no need of sending out officers to make an investigation of whether the proposed work be necessary or not.

There are propositions in this bill which require no examination. One of the first is for the improvement of the mouth of the Mississippi. I would ask whether the Senate would ever think it was necessary to send out an engineer to inquire whether that was a national object, or whether it was a desirable improvement or not? Why, information was submitted to the Committee on Commerce which showed that at one time last spring there were fifteen or twenty vessels from all parts of the Union, detained there, at a heavy expense, in consequence of the bars at the mouth of the river preventing navigation. That was not a mere local question or a mere local interest, for there was scarcely a State in the Union which had not a direct interest in the improvement; therefore there was no necessity for sending out to make an examination before deciding that the improvement should be made. So it is with other great works on the western waters. There is a provision in this bill for a survey of the Falls of the Ohio. Does any person require that an engineer should be sent out to inquire whether that work is national in its character, or important, desirable, or necessary for the business of the country? Every member of Congress knows that it is important to the commerce of the Ohio, and that it will be conducive to the business interests of the country generally. They know that, although there is a canal there, it is only a small and imperfect one, and that navigation, in which the whole Union is interested, is necessarily retarded. Nobody doubts that this is one of those objects which, if such improvements are to be entered into at all, are of a national character. So it is with the Cumberland dam. Does any one doubt that the improvement at this point is a national object? Or does any one require that we should send out for the purpose of obtaining information with respect to it? Not at all; for every member of Congress, and all those who have ordinary information, know perfectly well that it is one of those objects requiring the action of the Government, especially as it is an obstruction which was put there by the Government itself. I do not like this plan of sending out Government officers to search for works of internal improvement. It is useless, and expensive.

The platform of the Democratic party has been referred to in this debate; and I desire to say a few words on that subject. An attempt has been made to throw some mystery around the expression contained in that platform, that we are opposed to "a general system of internal improvements." That expression has been referred to, as though it contained some mystery—some ambiguity. I see none in it whatever. I take the meaning of that expression to be that the Democratic party will not go into "a general system of internal improvements;" that we will not go into any improvements except for great national objects, such as cannot be carried out by a single State, not only on account of their magnitude, but also because other States and other sections are as much interested in them as the people of the particular State in which they are located. Take, as an instance, the improvement to which I have already referred—the clearing out of the mouth of the Mississippi. I do not go into the nice distinctions made by some; I do not ask whether a river runs through or between two or three States. I think that distinction is perfectly impracticable; because a river may run through only one State, and yet the whole Union may be as much interested in its improvement as if it ran through twenty. For example, the Mississippi river, for two hundred and fifty miles on both sides from its mouth upwards, and for seven hundred miles along its western bank, is in the State of Louisiana; but will any one say that the opening of the mouth of that river is a work in which Louisiana is alone interested? that it is an improvement in which the whole Union is not concerned? Of those vessels which were detained at its mouth, by the impediments to the navigation, how many belonged to Louisiana? Perhaps not one. I ask if there can be any difficulty in deciding whether that work is one of general or national importance, such as should be undertaken by Congress or not?

But it may be said that this is a matter subject to doubt, and that it is difficult to determine where the line of distinction should be drawn. I admit that it is difficult; but there is one rule which, it seems to me, ought to remove all doubt on the subject. Legislation is something positive—something to be done. It is an action. And I hold that we should let things alone unless we can do something for the better; and, therefore, in this, as in all other legislation, we must not only balance the probabilities whether a thing should be done or not, but we ought to be fully and practically satisfied that it is right before we take any action at all.

Upon this principle, then, with regard to these improvements, where is the difficulty? Take the case of the mouth of the Mississippi river, and will any one say that that is not a national work? There is no difficulty whatever about that. There can be none. But take these small rivers, such as the Rappahannock, or the Arkansas, or some of your small harbors on the lakes, and then let the friends of such measures show that they are national measures; that the improvement is not for the benefit of a particular locality or neighborhood; that it is not for the purpose of bringing commerce to a particular place, but for facilitating general commerce already existing there, and the case will be different. Let this rule apply to the particular cases in this bill, and when there is a doubt as to the nationality or importance of it, let it be laid aside until some other time; and let us take up nothing about which there is any doubt. In pursuing this course there can be no difficulty. No good cause was ever lost for want of information and a full understanding of the subject. It might well happen, in the first instance, that some propositions for improvement might be laid aside for a time; but if they should be found to have true merit, if they should be found to be practicable and national objects, and such as ought to come within the principle which the Democratic party have laid down, then the additional information will be certain to bring them within that rule when the question comes up again; and I do not suppose that any gentleman imagines that when the system has been suspended for so many years, we can, at once, with imperfect information, in a single bill, provide everything that may be necessary for the whole country. This is but a beginning; and as it is but a beginning, I think it should be a cautious one, as was well suggested by the Senator from South Carolina, [Mr. DE SAUSSURE.] It should be such a beginning as will not break down the whole system at once.

I am not unfriendly to a reasonable and national system of internal improvements. I have always been the advocate of such a system; but, like the Senator from South Carolina, I feel that the most likely way to break down such a system, is to overload it with these small local improvements. I tell gentlemen now, in voting upon this bill, that every one who votes for a proposition that is not only not right, but where a doubt exists in regard to it, votes to break down the system. If, on the other hand, you adopt my theory, you will go for nothing about which there is any doubt; you will take those improvements which are undoubtedly national; and if the bill does not go far enough, then you can amend it next year. By doing so, you will perfect the system; and it may thus be perfected in accordance with the principles of the Democratic party; because, when this rule is pursued, there can be no difficulty in ascertaining what is a matter of national importance, and steering clear of a general, wild, and reckless system of internal improvements.

I must confess, Mr. President, that I was a good deal struck with a remark made by the Senator from Virginia, [Mr. MASON,] when he said,

that this amendment asking for a general survey, looked like a call for a general system of internal improvements. The amendment of the Senator from Illinois may be better than the amendment offered by the committee; but I disapprove of these surveys, for I have no idea of sending officers to search out these places where the improvements are not obviously needed.

But, sir, there is another serious doubt which the amendment of the Senator from Illinois has suggested here, and which ought to be seriously considered—a doubt to which the Senator from South Carolina, in his able remarks, called attention; and that is in regard to the improvement of rivers. It is perfectly true that one of the most rapid changes is now going on in regard to the facilities of commerce, for men are abandoning the navigation of rivers, and substituting railways in their place. We are just now in a state of transition. No man can tell how far it will go; but yet whatever advances may be made by railroads, however much they may supersede river navigation, that gentleman seems to think that they would never supersede the navigation of the Mississippi. But I can tell that gentleman that railroads are progressing most rapidly in the West, and that in a few years New Orleans will soon be reached from all points by land. We shall soon have railroads running parallel with the Mississippi itself, and, if that is the case, do you not see at once that all your rivers, about which so much interest has formerly been manifested, will sink into insignificance and be abandoned. I think, then, that however important it may be to make investigations in regard to the navigation of rivers, those investigations should be entered into with great caution, for before these surveys will be completed, many of the rivers which are now considered of great importance will be regarded as unimportant to the commerce of the country, which will be carried on with so much more facility by railroads.

But, sir, the amendment proposed by the Senator from Illinois is indefinite. It proposes an order to the Topographical Bureau to survey the navigable rivers of the country. Let me ask what is meant by "navigable rivers?" What limit is put to this survey? Some of these rivers are navigable all the year; others are navigable only for half the year, and others again only for two or three days in the year. There is nothing definite in this, nothing which makes it apply exclusively to the great rivers of the country. If there were nothing else in the amendment to indicate that it savored of a general system of improvement, that would be sufficient, because it is to apply to "navigable rivers," without any restriction.

Sir, there are insuperable objections to entering into a general system of internal improvements by the General Government. In the first place, these small local improvements—such as the Rappahannock river—are not of that general character which it was ever intended should be subjects for the action of the General Government. This system is not at all necessary. It was never contemplated by them. The case, however, is altogether different with these great subjects of national interest. So obvious was this that at the very commencement of the General Government some of these objects were begun by it and pursued ever since without any question, such as the construction of light-houses, buoys, &c., in some of our most important harbors. The same necessity, however, does not exist for the Government undertaking these local improvements which have been proposed. They are not matters of general interest. They are matters in which local interests and particular States, in their individual capacity, alone are concerned, and there is therefore no propriety in the General Government undertaking them.

But even if this serious objection did not exist in reference to this system of general improvements, there are other objections, which, in my mind, have great weight. First, I object to it because it is a system which cannot be made to operate equally and fairly. You cannot go into it for the obvious reason that many of the States have expended large sums for improvements, the like of which you now propose to make for other States out of the funds of the general Treasury; and this would be unequal and unjust. My own State has perhaps expended more money for improvements, according to her resources, than any other State of the Union—improvements in regard to the navigation of her streams, and the building of wharves at New Orleans, and various other improvements. I have not a statement of the amount by me, but it is many millions of dollars for improving such streams as the Rappahannock; and I now ask you with what propriety you can call upon me to contribute to the improvement of the Rappahannock river, which is much smaller than many rivers and bayous in the State of Louisiana, which have been improved at the State expense? I say you must, in this respect, put the States on an equality, and confine yourselves entirely to subjects of improvement in which the whole country is concerned.

Now, as to this Rappahannock river, I do not understand that the Senators from Virginia contend that it is a national work at all. The committee proposes to appropriate for it $3,000; but all agree that it is merely a local work—that Virginia alone is interested in it in the same way that Louisiana is interested in her own small streams. How can these gentlemen, acting conscientiously according to their constitutional views, ask me to vote for an appropriation for the benefit of their State, when Louisiana has made precisely similar improvements at her own cost? Does anybody doubt that this Rappahannock river appropriation is for a purpose strictly local? Let me ask the chairman of the Committee on Commerce if it is not so, and if the adoption of this amendment would not involve the adoption of a general system of internal improvements? If it does not involve that system, then I do not know what a general system of internal improvements is. But it may be that the committee repudiate the Democratic platform, and therefore in such case this is not an essential question. But if they do not repudiate that principle, if they include an appropriation for such a small stream as the Rappahannock, I ask, then, how small an improvement they would include in that class?

Mr. SHIELDS. Will the honorable Senator from Louisiana allow me to ask him whether he is in favor of the original bill?

Mr. DOWNS. Yes.

Mr. SHIELDS. I do not believe that any of the amendments proposed are half so obnoxious as some of the appropriations proposed in the bill for the State of Louisiana.

Mr. DOWNS. Will the Senator from Illinois point them out?

Mr. SHIELDS. I will.

Mr. DOWNS. I shall be glad to see them.

Mr. SHIELDS. Does the Senator mean to say that the appropriation for a survey in reference to the removal of obstructions to the navigation of Bayou La Fourche is for a work of a national character?

Mr. DOWNS. I will explain that.

Mr. SHIELDS. And for the construction of a harbor on Lake Ponchartrain?

Mr. DOWNS. I will explain that. The language of the bill, so far as relates to this appropriation is peculiar; it is an appropriation for the removal of the obstructions in the Bayou La Fourche, and not for the improvement of the navigation. If the Senator from Illinois had thoroughly understood the bill, he would have chosen some other item for his animadversion. It so happens that those obstructions were placed in the bayou by the United States authorities in time of war to keep the enemy out, and we now only ask the United States to remove the obstructions which they placed there.

Mr. SHIELDS. Do I understand the Senator to say that those obstructions were placed there by the United States, and that this appropriation is merely for the purpose of removing them? The removal of obstructions, then, is not synonymous with the improvement of navigation?

Mr. DOWNS. I will state the facts, as I understand them. I have not examined the documents, but I have been informed by a member of the House who has examined them, that during the war of 1814-'15 the United States authorities caused obstructions to be placed in the Bayou La Fourche for the purpose of preventing the British from getting around to New Orleans, and turning the navigation above. I know that a similar course was pursued on the Mantchias, and that the obstructions remain there to this day. I was informed yesterday, by a member of the House of Representatives, that this is the case. The United States, in the exercise of the great war power, placed these obstructions in the bayou, and even if the question be a local one, it is but right that they should be called on to place the bayou in the same situation as they found it in before 1814. I believe the Committee on Commerce has the documents necessary to establish this fact; but if that should not be the case, so far from insisting on the appropriation, I will consent to its being struck out.

Mr. ATCHISON. I concur with the Senator from Louisiana in the ground he has taken. I am willing to vote for many appropriations in this bill, and shall vote for the bill if you strike out of it such items as are not of a national character. That will remove the great objection to it. The Senator says that he is willing to coöperate with us in striking out such appropriations as that for the Bayou La Fourche, and, particularly, that for the construction of a harbor on Lake Ponchartrain, near the city of New Orleans—$35,000—if they do not rest on the ground on which he has put them. There is now no harbor on Lake Ponchartrain, and this appropriation is for the purpose of constructing one; in that respect it stands alone among all the items in the bill. It contains other appropriations for the protection and improvement of harbors, but none, excepting this, for digging out and constructing a harbor.

Now, if the Senator from Louisiana, and those who concur with him in opinion, will place themselves on the national Democratic platform, as I understand it, and as he portrayed it, we will agree; we will pass this bill, after striking out all the appropriations for mere local improvements—for such improvements as no man, however learned he may be in such matters, can discover to have anything of a national character. Strike all such items out, and I shall vote with that Senator.

Here is an appropriation for the Rappahannock river. Now, this Rappahannock is a very ancient river, [laughter;] it is a very important river; and the pronunciation of the name is exceedingly euphonious—the Rap-pa-hannock! [Laughter.] I suppose it is as national in its character, and floats as much commerce upon it as the Appomattox, a stream that is navigable for twelve or fourteen miles, and empties into the James river near Richmond. I do not know for what kind of craft it is navigable.

Mr. MASON. I will inform the Senator. It is navigable for boats.

Mr. ATCHISON. What kind of boats? Flatboats?

A SENATOR. Scows. [Laughter.]

Mr. ATCHISON. Well, here is an appropriation of $45,000 for the improvement of the James and Appomattox rivers, below the cities of Richmond and Petersburg. I suppose that the fact of these improvements being limited below those cities renders them national in their character. Now, I protest against the doctrine on which many of the appropriations in this bill are based—that the small streams on tide-water, and on the small Atlantic bench—for it is a small bench when compared with the western portion of the United States—are, because of that fact, national; and that any improvements on them come within the meaning of the Democratic platform, as laid down and advocated from one end of the Union to the other ever since the day of the formation of the great Democratic party—ever since the resolutions of 1798-'99.

Mr. BADGER. I beg to correct my friend. Everything is national except what has been acted on.

Mr. ATCHISON. No, sir; whether acted on or not. It appears that these little streams, which would not make good mill-streams in the West—the Appomattox and the Rappahannock—are to have a national character conferred on them. I will venture to say that there is as much commerce floating on the Illinois river as on either of these streams.

Mr. MASON. The Appomattox river is an old and venerable river, in the State of Virginia—not a mere stream. It is venerable in proportion to the age of Virginia, which is amongst the oldest

Commonwealths in America. It empties into James river, and is navigable from its mouth to the city of Petersburg. It is navigable to within some twelve miles of the falls. I trust that hereafter the Senator from Missouri will recollect the character of the Appomattox. The James river is one of the largest southern rivers. It takes its rise in the Allegany Mountains, and empties into the Chesapeake Bay, near the sea. It passes its whole length through the State of Virginia; and when the Senator from Missouri says that these Virginia rivers are not to be compared to the rivers of the great West, I would ask him to look at his own State, which looms up in his own imagination so magnificently there above all the rest, and let him tell us if it possesses a whole river within its borders? I admit that there are many rivers which pass through that State, but I would remind him that the State itself cannot boast of a single river of its own. [Laughter.] And yet the honorable Senator undertakes to contrast the rivers of the State of Virginia with those of the State of Missouri, when the latter State has no entire river of its own at all! [Laughter.] I tell him that the State of Virginia owns the whole of the James river, from its mouth to its source, from the Atlantic to the mountains; and I want to know if the State of Missouri does own a navigable river of one fourth the extent of the James river, the whole of which is owned by Virginia? Now, I do not mean to take any of the Senator's time, which is very valuable to him, but speaking of the Rappahannock river, I would tell him that that river is dignified by the Indian name that originally belonged to it. It has not been changed. The name of the James river unfortunately has been changed. Its proper Indian name was Powhattan. That name properly belongs to history—to the classics; but the Rappahannock retains its original name. That river is altogether within the State of Virginia. It rises in the mountains—not in the furthest of the Allegany range, but in the Blue Mountains—and it runs into the Chesapeake Bay. The town of Fredericksburg is on that river, and has a large trade. It is just below the falls, and is a port of delivery. The port of entry is a town that is in the neighborhood of my colleague—a town, the name of which I cannot recollect.

Mr. DAWSON. Is it on the map?

Mr. MASON. Doubtless: I recollect its name now to be "Jappahannock." It is a port of entry. The port of delivery is Fredericksburg. Well, the proposition is to appropriate this sum for the purpose of ascertaining, by a survey, what it will cost to remove the sand-bars which obstruct the navigation. I hope the Senator from Missouri will turn his attention to the character of our Virginia rivers.

Mr. ATCHISON. I had nearly closed my remarks, but I thank the Senator from Virginia for his interruption, for he has made a valuable contribution both to history and geography. I have the utmost veneration for "Old Virginia," for her politics, and her position in the Union, her past glory and her present greatness; and I should be sorry to say anything that might sully the one or diminish the other. I was only speaking of these rivers as an illustration of what I consider an inconsistency in my Democratic friends, and particularly those who framed this bill—the inconsistency of gentlemen who entertain the opinion of the chairman of the Committee on Commerce, that there was no limit to the power of Congress on the subject of these internal improvements beyond the discretion of a majority of the two branches of Congress with the approbation of the President of the United States.

Mr. HAMLIN. In answer to a question propounded by the Senator from Georgia [Mr. DAWSON] yesterday, as to whether I made any distinction between a river running between one or more States, I said that I made no distinction whatever, and I repeat, that I think no distinction can be drawn. If a port of entry is upon a river that runs only from one State into the ocean, whether it be ninety miles or fifty miles or ten miles or one mile, I draw no distinction between that and a port that lies as far up a river as St. Louis is on the Mississippi. And I repeat again, that if I had any disposition to take up the time of the Senate in discussing the matter I could demonstrate it as clearly as that two and two make four.

Mr. ATCHISON. I do not deem that matter of any importance. All that I can say is, that I so understood the Senator. But I would ask this of the chairman of the Committee on Commerce: Why is there not an appropriation for the Cumberland river?—why not for a survey of the Tennessee river, and of the Osage river, a portion of which is in my State?—(for the gentleman from Virginia states the truth in regard to rivers originating in the State of Missouri.) I believe we have only one that we can claim as our own; and I am not certain that we have even one that we can claim as our own, except it be Salt river.

Mr. BUTLER. Will the Senator from Missouri allow me to ask him, if he ever was up there? [Laughter.]

Mr. ATCHISON. No, sir. But we have the Osage river; and notwithstanding the Potomac and Appomattox look well on the map, yet the Osage and the great Missouri run through our limits. I do not complain of any appropriations made for the Rappahannock river, or the Appomattox, or the James rivers. If an appropriation is to be made to survey the Colorado river, or the Trinity river in Texas, or the Taunton river in Massachusetts, why not for other rivers? The chairman of the Committee on Commerce told us yesterday, that the reason why there were not more appropriations made, for the survey of other rivers, was, that Senators from the western States had been remiss in their duties, that they did not go to the Committee on Commerce and make a representation that they desired these appropriations to be made.

Mr. HAMLIN. I did not say so.

Mr. ATCHISON. I understood the Senator to say that, because gentlemen asked these appropriations to be made, they were therefore proposed. Is that not so?

Mr. CASS. No, no.

Mr. ATCHISON. Then, the Senator from New York said so.

Mr. SEWARD. If the Senator from Missouri will allow me, I will state what I did say. It was, that these applications were made, and were brought to the notice of the Committee on Commerce. The committee were not to hunt up matters which were not brought before them. The remark did not apply to members of the Senate or to members of the House of Representatives alone.

Mr. ATCHISON. Something has been said about the Sodus harbor, and the harbors on the lakes. I have no objection to vote for appropriations for the lake harbors any more than for those on the sea-board, if I am satisfied that they are objects of general importance; and I take occasion now to say that I concur in all the views expressed by the Senator from Louisiana, [Mr. DOWNS,] if I understood him. I call on him now to give his consent to strike everything from the bill which is of a local character, and leave nothing but what is of national importance.

Mr. DOWNS. I am glad to find that my views are supported by the Senator from Missouri; but in respect to his strictures upon the appropriation for a harbor at Lake Ponchartrain, I must say he is altogether mistaken. He does not thoroughly understand that question.

Mr. ATCHISON. There is no harbor there.

Mr. DOWNS. Yes, there is; but we want to make a better one. I will state to the Senator, what is well known to those more familiar with the locality, that the approach to New Orleans by that lake is one of the great lines of communication for the coasting trade, and especially for a small class of vessels; and it is also the great line of communication for the mail route from the North. That mail is carried in boats from this harbor, as it originally existed, at the end of the railroad, and the end of the canal. It was formerly an open lake shore, very shallow, and very dangerous; such as no boat could touch at in bad weather previous to the construction of the harbor. To overcome this difficulty, a harbor was constructed at the end of the railroad and end of the canal—very imperfect, it is true, as it was built with the slender means of the company. This point is, however, constantly increasing in importance, and is now in the direct mail route to New Orleans. If there is any place, therefore, in the United States where a harbor ought to be improved or constructed by the General Government, it is there. The amount of commerce carried on is large, and I would cheerfully vote for a proposition to construct a harbor at any place which possesses a twentieth part of its commerce. If there is any doubt as to the extent of that commerce, I will call on some member of the Committee on Commerce who has the necessary information, to state its amount. But I presume there is no doubt on that subject. The principle of locality, therefore, does not apply to this work; and if there is any case in the whole bill which comes within the rule I have laid down, it is exactly that one to which the Senator has taken exception.

Mr. BUTLER. I rise to move to postpone indefinitely the further consideration of the bill. If I was disposed to attack this system of internal improvements obliquely, I would let the bill pass; for it is unquestionable that none of us understand it. It is admitted by all that it is crude and undigested—that we are legislating in the dark, and more upon conjecture than upon evidence. It is evident that we are puzzling ourselves as to what is national, and what is local—what general, and what particular. Some gentlemen say that if it were of a character looking to a general system of internal improvements they would oppose it, because such a system is opposed to their party platform; and with regard to that, what is general and what local, we are like the man who said to his neighbor, "Your doxy is heterodoxy, but my doxy is othodoxy." If anything is said about New Orleans, or the State of Louisiana, or the river Mississippi, then, according to the Senator from Louisiana, it is all national; every appropriation is for a national object; and so with every other section, until even the Appomattox is made into a national stream. Again, if you take the State of Arkansas, everything to be done there is of a national character. So that it depends entirely upon who is to judge as to what is national and what is not national. I can agree with the gentleman from Maine in one respect. I can well understand a river entering into the ocean may be national with regard to foreign commerce. I, like him, however, do not think that, because a river happens to run through two or three States, such river is properly to be regarded as a national river. And, while on this question, allow me to refer to my friend from Missouri, [Mr. ATCHISON,] who spoke so slightingly of what he termed the "Atlantic bench"—this small tract of land. Allow me to say, that that "Atlantic bench" will never be superseded by railroads. A railroad to compete with the ocean, and then call the ocean a bench! Why, sir, it never can be superseded by a railroad. I grant you that the Mississippi river, with all its tributaries, may be superseded by railroads, but who ever dreamed of the ocean being superseded by a railroad, or any other artificial mode of communication!

Without regard to the principle of the bill, if these appropriations are made, they are altogether inadequate, because they are too small, and too diffusive, for any object contemplated. And again, if you undertake to make appropriations for all the objects indicated by gentlemen who represent different portions of the United States, you have not money enough in your Treasury to satisfy such demands; and even if you had, you could not distribute it equally and fairly, although you were to distribute it all in one week, as Bonaparte did the sick fund. If you were to bestow a million and a half of dollars, to be expended at some point on the Mississippi, or on the lakes, then you might effect something of value; but so far as regards many of the sums appropriated in this bill, you might as well throw them into your rivers at once, for they will effect nothing in regard to the end contemplated, except to go into the hands of contractors, who will make advantageous bargains with the Government.

Something has been said about Charleston and about the $50,000 which is to be appropriated for an experiment there. What is that for? To try an experiment; to see whether the bars in Charleston harbor can be removed? It is a mere experiment, which, I will undertake to say, will result more to the benefit of Maine than of Charleston, for the vessels of Maine will go there and derive the benefit. Whether it is worth while to make the experiment or not, I do not undertake to say; but

when gentlemen call attention to this appropriation as a local appropriation for the State of South Carolina, I must answer them by saying, that it is an appropriation more for the benefit of Massachusetts and Maine, and other northern States on the Atlantic, whose vessels come into Charleston for security in hard weather, or to trade there. Besides, Mr. President, so far as regards these $50,000, I believe that the contractors for such work generally come from the State of Maine, or thereabouts, and I have no objection to that, for they do the work very well. But, after all, this is clearly an appropriation in the name of Charleston, for the benefit of Maine and the northern Atlantic States. And so it is with regard to many things which I could name. And yet we are to be deluded by saying that an appropriation is for this or for that place, when it is to benefit some other place.

The bill is wrong, totally wrong; and my friend from Illinois [Mr. SHIELDS] has satisfied me that if we are to get into this system, we ought to have the information of previous surveys before we go into this wholesale system of appropriations for local improvements. I move to postpone the bill indefinitely; and if it had not this name of "river and harbor bill," there are not five gentlemen here, acting upon their own responsibility, who would not be willing to postpone it. Or if they believed it to be a bill affecting their private interest, they would be equally willing to postpone it. But it is called a "river and harbor bill!"

"A rose by any other name would smell as sweet!" [Laughter]—and having this name, there are very few who can resist it. This "river and harbor bill" covers up as much crude legislation as any bill that ever was introduced into this body. It is admitted by all that it is undigested. You talk about appropriations for the Big Sodus and the Little Sodus! What do I know about the Big Sodus or the Little Sodus? [Laughter.] My friend from Louisiana [Mr. DOWNS] may know something about them, but I do not. And you require me to make appropriations upon your representations, and not upon my own knowledge! We are legislating in the dark; and allow me to say that the most successful way to get the bill passed, is to do it by guess-work. But gentlemen are afraid to postpone the bill. If we are to have a system of internal improvements, let us have a general system at once. I do not object to the name. Gentlemen are willing, seemingly, to go for what are national objects; but who is to tell what is national, or what is local? Oh! the wisdom of a majority! What is national is not to depend upon your opinion or on mine, but upon the combined opinion of those interested. You may not think so, and yet it essentially is so. Legislation of this kind, therefore, must depend upon combination, and when several objects are combined, they are stronger than they would be separately. If I wanted to carry out a great system of internal improvements, I would commence with some great work in the first place, and put a million or a million and a half of dollars upon it. I would say, with my colleague, if you are to go into such a system, put your money out in the best way you can, and make new channels for commerce, which would be better than to be digging out and improving rivers and harbors which we never heard of.

Let us see what will be the operation of this system if it is carried out? We shall find that in five years there will be a contest between the Mississippi valley and the lakes for the commerce and carrying trade of the West. Yes, sir, if this line of communication between Lakes Huron and Superior is completed, an attempt will be made to carry the whole of the trade by the way of these great lakes to New York; and there will ensue a contest between that city and New Orleans, and the Mississippi will have a great difficulty to contend with. We who reside on the southern Atlantic coast need not care much about the issue of such a contest; it will be a matter of perfect indifference to us which obtains the superiority; because, whether the commerce comes round to our ports by way of New Orleans or New York, it would not affect us. But, sir, it would be a great contest as to which of those two cities would get the most money. I am not a prophet, and I do not pretend to be a prophet; but I repeat that that contest between the Lake interests and the Mississippi interests is certain to take place; all the small rivers for which appropriations are made by this bill, will be utterly forgotten, and the whole attention of members of Congress will be absorbed by the demands of the two great rival lines, to the exclusion of all such petty interests; and the gentlemen from the Mississippi valley, who are voting for these appropriations, will find that they are commencing a system for the benefit of the Lake interests—to carry commerce on the lakes to the great northern ports.

I beg pardon, Mr. President, for detaining the Senate so long. I did not intend, when I arose, to say so much. I move that the further consideration of the bill be indefinitely postponed.

Mr. DAVIS. I ask for the yeas and nays on that motion.

Mr. BUTLER. Well, well; take the question, and let us decide it at once.

Mr. HAMLIN. Mr. President, I do not desire to prolong this discussion; but I wish to call the attention of my friend from Illinois [Mr. SHIELDS] to a fact, and I think I shall be able to induce him to withdraw his amendment. My object is to get votes upon this bill. The amendment pending is, I understand, that proposed by the Senator from Illinois, appropriating $50,000 for general surveys. I think I can induce the Senator to withdraw the amendment, or, at least, to reduce it to half that amount. I stated yesterday that the appropriation in this bill for continuing the survey of the northern and western lakes, of $25,000, was probably designed for a survey of those lakes corresponding somewhat to the coast survey on the Atlantic coast. I was very well satisfied then, that the honorable Senator from Michigan, [Mr. CASS,] who had given me that information, was mistaken. I thought so then, but supposing his knowledge to be superior to my own, I bowed in deference to it, and made that statement in the Senate. I am now satisfied that he was incorrect, and that I was right in my original proposition, that the $25,000 appropriation in the bill is for the purpose of surveys for harbors at different localities upon the lakes. I hold in my hand a report of Colonel Abert, of the Topographical Engineers, in which he says, in so many words, that $25,000 was recommended for the purpose of making specific surveys on the lakes, not for the purpose of a coast survey. I want to show to the Senate that at least a part of the amendment to the amendment is unnecessary; and I trust that I can satisfy my friend from Illinois that as $25,000 are appropriated for such a survey, he should withdraw his amendment.

Mr. CASS. I desire to say one word of explanation. Yesterday the question came up about the appropriations for the surveys of harbors on the lakes. I adverted to the appropriation of $25,000, which I supposed to be the ordinary appropriation, which has been made for twenty or twenty-five years past, for the topographical survey of the lakes—a lake coast survey. So the honorable Senator from Maine thought.

Mr. HAMLIN. I did not.

Mr. CASS. Well, I thought so. Now, I find that it is not intended for that, but that it is in another bill; therefore, I was incorrect.

Mr. SHIELDS. The honorable Senator from Maine has stated one thing that induces me to change the phraseology of my amendment, and make it accomplish the object I had in view. It provides now "for a survey and examination of rivers," &c. I will change the word "survey" to "reconnoissance," so as to make it "reconnoissance and examination," for the purpose of classification.

Mr. BUTLER. At the instance of some gentlemen, I withdraw the motion to postpone the bill indefinitely; but I intend to renew it after we shall have acted on a few more amendments.

The PRESIDENT. With the permission of the Senate, the Senator from Illinois can modify his amendment in the manner designated by him.

Mr. DOUGLAS. I rise to express the hope that before we discuss the general principles of the bill, as far as internal improvements are concerned, we may go on and vote upon the amendments of the committee, making only such speeches as are applicable to them. I have an amendment—which has been printed—which it is my purpose to offer, that will bring up fairly and fully the merits of the entire question. I shall be ready to go into an explanation of that amendment when it is before us; and it strikes me now that we would get along more rapidly, if we would confine ourselves to an explanation of the particular amendments of the committee, until we get through with them. Then I will offer my amendment in relation to tonnage duties, when speeches upon the general merits of the question would be more applicable.

Mr. BORLAND. I desire to say a few words in reply to the remarks made by the Senator from Louisiana. In undertaking to show that the proposed amendment of the Senator from Illinois was both unnecessary and improper, he mentioned one instance as an illustration. He said only such works should be considered and acted upon, as were notoriously necessary, and where the improvements were needed, and that no examination or report of the Topographical Engineers was necessary, and he instanced the mouth of the Mississippi river as one of those cases. That was rather unfortunate for his purpose, for it so happens that that particular work has been undergoing an examination and survey under the direction of the Government for several years past, and its importance never was brought to the attention of the Senate, or an appropriation asked for its accomplishment, until the reports of the engineers were laid upon our table, and I suppose every Senator has examined them. Its importance was not known. The amount of money that it would probably require to make the work, was not known until this very examination by competent engineers was made.

Mr. DOWNS. What examination does the Senator refer to? There have been several examinations made.

Mr. BORLAND. I refer particularly to that made by Mr. Ellett, a report of which was before us last year, and ordered to be printed. He made a special examination under the direction of the Government.

Mr. DOWNS. I can state that many years before that examination, surveys were made, and I was convinced of the importance of the work. I do not understand that the appropriations which have been made for it are based upon these surveys, but on the fact which I stated before, of the great obstructions to the commerce. These facts in regard to the river I know.

Mr. BORLAND. The Senator strengthens my position still more. He says that years before this, surveys were made and the importance of the work was demonstrated. But it seems that with all this, it required still another examination. I know that during the time I have been here this session, appropriations have been asked for the accomplishment of the work; and Mr. Ellett's report demonstrated to my mind, not only the propriety of the work, but his ability to carry it out.

One other point: The honorable Senator from Louisiana commented strongly upon the position of those Senators who are in favor of what he seemed to suppose was a general system, and he undertook to draw a line between national and local. I understood him to undertake to define what kind of works should be undertaken by the Government; and what did he say? Why, sir, he said that no one had ever questioned that it had been the practice of the Government to improve important works. I ask him if that relieves us from the difficulty? After all, assuming his definition to be correct, (and I will not question it, because those that are not important should not be improved,) I would like to know how it relieves us from the difficulty, and how it puts it under any other supervision than the discretion of Congress? Who is to determine the importance of the work? That is the point to be determined, after all. Define it as you will, it must be, and always has been, left to the sound discretion of the legislative body. No man can draw a mathematical line and say where national or where local improvements begin. The whole practice of the Government, and the approval of every President of the United States, down to the present time has been given to sanction the power of Congress to make the improvement of harbors and rivers. I am not aware, in the whole history of the Government, that there has been a single President who has ever denied that power. I

know very well that Mr. Polk did veto a bill, but I apprehend that during his Administration, he approved bills which made provision for the improvement of rivers and harbors. No one will question that. It was that particular bill which he considered so objectionable, and vetoed it; but from General Washington's administration down to this very day, bills have passed Congress based upon the power of Congress to make the improvements. Now, sir, admitting the power, and taking the definition of the Senator himself, that important improvements are to be made, I ask him—I ask any Senator—to tell me where is the tribunal which shall decide what are important, and what are not important, and thereby fix their character as fit subjects for legislative appropriation, except it be the discretion of the Senators or Representatives who are called to vote upon them?

Mr. DOWNS. It is necessary for me very briefly to notice the remarks of the Senator from Arkansas. Perhaps I did not define my position as clearly as I ought to have done; or if I had, the Senator would have found that, so far as the constitutionality of the measure is concerned, he and I do not differ. I admit I did not intend to deny the constitutional power of making the improvements. I believe that every President of the United States has sanctioned it; I believe all parties have sanctioned it; I believe that it is a matter of discretion—but still I do not suppose that it is so vague a discretion but that it is to be governed by certain rules—certain principles. The very fact that I suppose Congress must decide from the information before them whether the work is of national importance or not, implied the power of Congress to make these improvements. I did not deny that power, but I say it is a power which ought to be exercised with great discretion; and when there is a doubt as to the nationality or general importance of the measure, it ought not to be gone into. It is true, as the gentleman says with reference to the improvements at New Orleans, that there have been surveys made; and it is also true that if these surveys had not been made independent of them entirely, the main fact was evident that improvements were needed. The information which I have acted upon chiefly is what has been submitted by the Chamber of Commerce of New Orleans, and delegations showing the great losses of property and the detention of vessels which have been run aground, particularly within the last few years. I have not looked into the details of these elaborate surveys. I do not think them a matter of consequence. I am aware of the fact as to the importance of the work.

I admit, then, to the fullest extent, the power of Congress to make these improvements; but I say it has not been the practice of the Government or the doctrine of the Democratic party, recognized, and which ought to be recognized, to apply them to any except those of general interest. Wherever it is for a local improvement, wherever it is confined to a particular location, and for the use of a particular location or State alone, it should not be made. I care not whether the river or harbor embraces more States than one; I think that immaterial to the general question, if its benefits are general. I can mention an instance in this bill, where the improvement seems to be local and all in one State, and yet I consider it as much a national object as if it was in half a dozen States—I mean the Patapsco river—because that is the entrance of one of the great ports of the United States, in which all the western country are interested. That is an object of general importance, although situated in the State of Maryland alone. So it is with the improvements generally upon the Chesapeake Bay. So with the improvements on the Hudson river. Although they are in but one State, yet many portions of the Union are interested in them. But I will not apply the principle to the Rappahannock river, or to the James river, which are rivers exclusively within the bounds of one State, and for the use of that State alone, because they are just such improvements as my State and other States have undertaken to carry out themselves.

Mr. DOUGLAS. Such repeated references have been made here to the Baltimore platform, upon the subject of internal improvements, that I feel it appropriate to make a remark or two upon the subject. We are taunted by our Whig friends, that the advocacy of rivers and harbors, by a Democrat, is in violation of the platform; and those of our Democratic friends who are opposed to these appropriations, take the same view of the subject. I think that a moment's reflection will satisfy the Senators on both sides of the Chamber that they are entirely in error on this point.

The Baltimore platform, so far as that subject is concerned, I believe, is substantially what it has been from the days of Jackson down to this time. The system of internal improvements—a general system of internal improvements—spoken of in the resolutions, is that system to which General Jackson's administration was opposed, and which was put down by General Jackson's veto. It will be borne in mind that, at that time, what was known as a system of internal improvements, and supported by the administration of Mr. Adams, and opposed by that of General Jackson, was a system of roads and canals, and other artificial communications in the different States of the Union. It was against that system that General Jackson's vetoes were directed. The internal improvement system stood entirely distinct and apart from the navigation interest; and in General Jackson's veto of the Maysville road bill, you will find, after expressing his conviction that Congress had not the power to carry on a system of roads and canals, under the name of a system of internal improvements, he says:

"But there is another class of works which may not be improperly called internal improvements, which stands upon an entirely different footing; I allude (he says) to appropriations for the improvement of the channels in our navigable rivers, and for harbors, buoys, and beacons, and other works for the protection of navigation. These appropriations (he says) have been made from the foundation of the Government, and it is not my purpose to disturb that policy."

I speak from recollection, but that is the substance of the language, and very nearly the words of General Jackson, with reference to appropriations for rivers and harbors. I would give his precise words, but have not the book before me.

Now, sir, with that issue pending before the country—the Whigs advocating a system of roads and canals, and artificial communications in the different States—the administration of General Jackson resisting the system, and General Jackson destroying it by his veto—the Baltimore Convention assembled and passed a resolution against a general system of internal improvements by the Federal Government. What was the meaning of that resolution? To condemn that which the Administration we were supporting had vetoed; to condemn that which separated the policy of the Democratic Administration from that of the Whig Administration which had preceded it. Then by the Baltimore platform condemning a general system of internal improvements, the Democratic party was committed only against a system of roads and canals, and other artificial communications in the different States of the Union. So far as harbors and rivers are concerned, the Baltimore platform did not commit us either way. While we put in the platform a resolution against roads and canals, we omitted to put in a resolution in favor of the works which General Jackson did not see proper to veto. Then the river and harbor bill is an open question to the Democratic party, upon which a Democrat can take either side without violating any principle or resolution of that platform. I deem it necessary to make this exposition in order to show that these taunts on the other side are unfounded; that a man may be a good Democrat, and either support or oppose the protection to navigation in the mode provided by the river and harbor bill. A man here sometimes opposes, and sometimes supports a bill for these objects; for when a bad bill comes up he opposes it, and when a good one comes up supports it.

This is the position of men who do not discover any want of constitutional power to legislate upon this subject. Other persons, who believe that appropriations having reference to harbors and rivers are unauthorized by the Constitution, oppose all appropriations for these objects. Therefore Democrats may differ upon this question without their infringing upon the platform in the slightest degree.

The fact is that larger appropriations were made for the improvement of rivers and harbors under General Jackson's administration than under any other that has existed since the days of Washington, or, rather, since the foundation of the Government; because I believe the whole of the appropriations made under Washington amounted to but a few thousand dollars for all the harbor and river improvements in America. As these appropriations have been larger under General Jackson's administration for harbors and rivers than any other; and as they have failed under Whig Administrations as often as under Democratic Administrations, it clearly shows that river and harbor improvements have never been party questions in this country. The party question was as to whether roads, canals, and other artificial communications should be made within the different States of the Union; and that question involved an important principle, because the right to make a canal within the limits of a State carries with it the right and duty to protect that canal, and hence the obligation to assume jurisdiction over its banks so far as is necessary for the purpose of protection. Such a jurisdiction was supposed to be in conflict with the rights of the States, because, by the United States assuming the jurisdiction, it thereby excluded the State jurisdiction. Then it was a great point of principle involving a constitutional power, so far as making artificial communications, roads, and canals, within the limits of any State, was concerned. So far as it related to a navigable river, which was held to belong to the United States, and not to the State, no such question of conflict of power can arise.

I must remind gentlemen that the question of power over the rivers and other navigable waters, is conceded and affirmed in all your legislation relating to navigation. The power is not alone involved in the right to improve the harbors and rivers. Did you not pass a bill the other day to regulate steam navigation within the limits of the United States; prescribing how vessels should be run; how they should be provided with the implements and means to avoid disasters? What right had you to prescribe the mode of navigating the Ohio river, or the Mississippi river, or the Lakes, or of any other inland communication, unless you have jurisdiction over it, to the exclusion of State jurisdiction? The passage of that bill affirmed your authority over those waters. You also have laws, and have had upon your statute-books for many a year, providing for the appointment of inspectors of steam-boilers, and requiring the commander of every steamboat to procure his certificate of inspection, and to put it up in the cabin of his vessel before he could run it. Did not that law assert the jurisdiction of this Government over those waters, to the exclusion of State authority? You have also your laws regulating the licenses of vessels on the coasting trade to run into certain harbors and inlets throughout the United States; do not those laws also assert the jurisdiction of this Government over the navigable waters? Your whole system of legislation, from the beginning of the Government up to the present time, has asserted and exercised jurisdiction by this Government over navigable waters wherever they extended within the broad limits of this Republic. Yes, sir, and I am aware that we have collection districts, and ports of entry, and ports of delivery, and all the other machinery of customs which show that this Government has always acted upon the principle, that wherever water was navigable, there the jurisdiction of the Federal Government extended. But, sir, this is not the case, when you come to invade the limits of a State, to open a canal, or to make a road, or any other artificial communication. You are invading State jurisdiction and State sovereignty then; your right to make the work was denied, because the making of it excluded the State from jurisdiction over a part of her own territory.

Mr. UNDERWOOD. Am I to understand, then, that when a steamboat gets upon a canal, made by artificial means, the laws of the United States are no longer enforced over it while there?

Mr. DOUGLAS. When I say so in my speech, the Senator is to understand me so. But as I have not deemed it necessary to go into the discussion of that point, I will ask him to wait until I come to it. My object was simply to show what had been considered by past Administrations, by parties, and by the action of this Government, as the

doctrine upon this subject, without any reference to what were my individual opinions upon that point. Now, sir, this being the course pursued by this Government, without interruption, from the beginning up, so far as navigable waters are concerned, and we legislating every year upon this subject of navigation, show that we have always regarded the great interests of navigation as being a separate and distinct interest from that of general internal improvements. The Supreme Court of the United States hold in their decisions that the interests of navigation and commerce are vested by the Constitution in the Government of the United States, and that no State can interfere with that supreme authority of the General Government.

My object in making these remarks at this time, in advance of the general discussion upon the question, which will come up upon my amendment, is for the purpose of showing that there is no party advantage to be gained on this side of the question by citing platforms, with a charge of violating those that have been formed at Baltimore by either of the two great parties. I thought that we were perhaps trenching a little upon that doctrine, when we came to the point of making canals around the Falls of Sault Ste. Marie; but as long as we confine ourselves to the protection of navigation, we are clearly within the principle.

Here I will remark, that before the Federal Constitution was formed the rivers and harbors were improved to the extent to which they were improved at all by a system of tonnage duties levied by the States. In the Constitution of the United States, the States were deprived of the authority of levying tonnage duties, except with the assent of Congress. I will be ready to show, whenever the question arises, that tonnage duties were then instituted as being proper means out of which rivers and harbors were to be improved, and the only question was then, whether the power to levy the duties and make the improvements, should be vested in the State or in the Federal Government. The Convention divided on that point. They agreed that the tonnage duty was the proper fund; but they doubted as to which was the proper authority to administer the fund; hence the right to levy tonnage duties was vested in the State by the assent of Congress, or retained by the General Government in the event that the assent of Congress was withheld. The first Congress that assembled under the Constitution chose to withhold that authority, and passed an act to the effect that the appropriations for public piers and lighthouses, and other works for the protection of navigation should be borne out of the National Treasury. Nine thousand dollars, I believe, was the sum first appropriated for that purpose; and $16,000 the next time. It seems that the system was a very small one then. It has been growing from that time to this.

But my object is not to go into a discussion of that question now. It is simply to show that rivers and harbors belong to the navigation interest, and not to the general internal improvement system; and that the Federal Government has always, in all its branches, claimed and exercised such jurisdiction over the navigating interest, and that the right under the Constitution is vested entirely in the Federal Government or in the State governments, as Congress shall determine. If Congress does not give its assent to the States, it is then vested in the Federal Government; but if it does give this assent, then it is vested in the State governments under the tonnage duty.

That being the position of the power, it then becomes a question of expediency as to how that power should be exercised—whether we should retain or surrender it up; and I am prepared, whenever the question shall come up, to go into the question of expediency, as to where the power can be most safely lodged for the benefit of the great navigating interest. But, sir, the object now is to perfect the bill under the plan which now prevails. I shall vote to perfect it—to render it as perfect, as fair, and as just as possible; and I shall maintain the rights of the great navigating interest to appropriations from this Government, until we can devise a system which will give more effectually and economically a protection to that interest in another mode. I hope that we will be able thus, with this brief review, to see that the question of rivers and harbors involves no question as to the system of internal improvements by the General Government. I am utterly opposed to any such system. I believe that the general internal improvement system was left wisely in the State governments, and not in the General Government. Our roads and canals, and all our artificial modes of communication, were left, very wisely, with the State governments. You would not at this day have had one tenth or one hundredth part of the railroads, if the power had been in this Government which you have by the power being lodged in State authorities. I wish to keep this broad distinction in view throughout this discussion; and by doing so, you will avoid much of this quibbling about partisan politics and the violation of platforms.

Mr. UNDERWOOD. I do not rise for the purpose of taking any part in attempting to compose the contentions which are going on among my Democratic friends in regard to the subject of the difference which they have discussed nearly a whole day; nor do I rise for the purpose of showing the inconsistency of their arguments in regard to their whole position on the subject of internal improvements. I merely rise to state that my object in interrupting the Senator from Illinois was to try and understand, if I could, the length and breadth, the depth and height, of the Democratic creed upon the subject of internal improvements. From the argument which the gentleman made, I thought that he placed the right of commercial regulations in regard to the navigation of steamboats, and things of that sort, upon the ground that, as we have always assumed jurisdiction over the natural channels of commerce, we have the right to enter into these commercial regulations, because of that jurisdiction limiting them to that. A necessary deduction resulted from that, that whenever you get into the artificial channels, the powers of the Constitution cease—at least that was my conclusion; and I simply put the question to know whether that was a legitimate deduction from the argument, and whether he was of opinion that when we get into an artificial channel, the Constitution gave no right to regulate steamboats in the navigation of that artificial channel? It was a mere inquiry for my satisfaction, hoping that the gentleman would give me the information I desired.

Mr. DAVIS. I rise to congratulate the gentlemen around me that we have reached one point—that we have got a definition of internal improvements. Roads and canals, then, are internal improvements. Harbors and rivers are harbors and rivers, and do not fall within the category of that definition. I believe the platform says, "internal improvements." Now, the gentleman says, within the fair meaning of that word, these things are not embraced. It does not fall within the definition, but roads and canals belong there, and they are all that constitute internal improvements.

Mr. CASS. Will the gentleman allow me to show him my idea upon this subject, by reading what I said at the last session of Congress? The same objection was then made, that we were pursuing rather an inconsistent course. I then said:

"Now, sir, the honorable Senator from South Carolina [Mr. BUTLER] has referred, rather triumphantly, I thought, to the resolutions of the Baltimore Convention, and seems to suppose, that their faithful observance would prevent those of us, who acknowledge their obligations, from voting for any river and harbor bill. Mr. President, for one, I see neither difficulty in the case, nor inconsistency in the course. This resolution, disavowing the right to establish a general system of internal improvements—for that is the doctrine reproved—was first presented to the Democratic party by that able and incorruptible statesman, Silas Wright, whose memory is embalmed in the heart of every true Democrat. Well, sir, he, its acknowledged father, held at the time he urged it, and continued to hold till his lamented death, the same opinions upon this subject, which are now sanctioned by the Democratic party, and which authorize these appropriations for certain national objects. Can a doubt rest upon the mind of any man, fairly disposed, respecting the construction he put upon his own declaration? What he meant, and what the Democratic party mean to repudiate, is the power to spread a great system of public works through the whole country, embracing roads, canals, rivers, and harbors, and ponds, too, for aught I know—a system by which the Union was to be covered with roads and canals, as by a net-work, and whose consequences, as well financially, in the enormous expenditure it would entail, as morally and politically, by the corruptions it would lead to, no man can seriously contemplate without alarm. Why, sir, a fact which has just been stated by an honorable member, [Mr. DOWNS,] that at the time of the Maysville veto, there were propositions before committees of Congress for lines of roads to the amount of $106,000,000, as I understood him, for I have not time to refer to the documents, places in a striking light the dangers we were exposed to, and from which we escaped by the firmness and wisdom of Andrew Jackson; and by the adherence of the Democratic party to the principles of this great act, we are yet safe from this peril. They have taken roads and canals from the grasp of the General Government, and all the rivers, except a few, which can be considered national in their character, by the contributions they furnish to the commerce of the country. A great system of internal improvements is exploded, and the powers of the Government are confined within their legitimate boundaries, the right to regulate commerce, and to improve natural reservoirs, and some of the principal natural avenues of communication.

"Look, sir, at the votes in the Senate in 1847, the last time a bill upon this subject passed, and but a year before the meeting of the Baltimore Convention. You will find, that on a test vote, so announced by the mover, Mr. Bagby, to strike out the sum of $156,000 for the improvement of the Ohio river below the falls, there were 39 nays, and but 6 yeas. My name is recorded among the former; and a far greater one than mine is there, too—the name of Calhoun."

I have the votes in 1846 and 1847 before me. The Democratic Convention met in 1848. This resolution was pending before the Democratic party for ten, or twelve, or fifteen years. Does any man suppose that the members of the Democratic party in this Chamber who voted for the bill to which I allude—does anybody suppose that Silas Wright, who avowed his opinions in a much longer letter to the Chicago Convention than I wrote—can any man suppose that he, who was the father of the resolution, intended to be inconsistent upon the subject? No, sir; the doctrine announced by the honorable Senator from Illinois [Mr. DOUGLAS] is the doctrine of the Democratic party. It is a sound and wholesome doctrine.

Mr. BELL. I desire to ask the Senator a question. I understand he says that the doctrine is to improve certain objects of national importance. If there is any importance at all in stating such doctrine, where is the limitation?

Mr. CASS. I was coming to that, and I will answer the question now if the Senate are ready, or I will do it in the morning, and I will not take ten minutes to do it.

Several SENATORS. Move an adjournment.

Mr. BRODHEAD. It seems to me that we ought to take a vote, and dispose of this bill to-day; because we have most of the appropriation bills yet to act upon, and if we go on discussing this bill, and every member who desires to speak on the subject of internal improvements delivers his views at length, we shall have no time to consider the appropriation bills. It seems to me that we ought either now to sit out the bill or adjourn to meet at six o'clock for the purpose of proceeding with its consideration. It is utterly impossible to get through the business unless we proceed with this bill and get through with it to-night.

Mr. ATCHISON. I move that the Senate do now adjourn.

Mr. BRODHEAD. I desire to inquire if I cannot submit a motion that when the Senate adjourns it adjourn to meet at seven o'clock this evening?

The PRESIDING OFFICER, (Mr. BRADBURY in the chair.) That motion cannot be received while another subject is pending.

The motion to adjourn was not agreed to, there being, on a division—ayes 19, noes 19.

Mr. DOUGLAS. I hope we will be permitted to vote on the amendments of the committee this evening, and then I will offer my amendment in the morning, make a brief explanation of it, and we can get through the bill.

Mr. CASS. I have but to say that I will not detain the Senate ten minutes in answering the question of the Senator from Tennessee, [Mr. BELL.]

Mr. BORLAND asked for the yeas and nays on Mr. SHIELDS's amendment to the amendment; but they were not ordered.

The amendment to the amendment was then rejected; their being, on a division—ayes 20, noes 24.

Mr. BUTLER. I move that the Senate do now adjourn.

Mr. DOUGLAS. Let us vote on the other amendments first.

Mr. DAVIS. I hope before the Senate adjourns we will vote on the amendments of the committee.

The motion to adjourn was not agreed to; there being, on a division—ayes 21, noes 22.

The amendment of the committee making appropriation for the survey of the Rappahannock river, was agreed to.

The next amendment of the committee was to insert:

"For a survey of Taunton river, Massachusetts, $3,000."

The amendment was agreed to.

The next amendment of the committee was to insert:

"For a survey of San Antonio river, Texas, $1,500."

The amendment was agreed to.

Mr. HAMLIN. If there be no objection, I hope that the question will be taken on all the amendments of the committee together.

Mr. ATCHISON. There are several of them of which I desire explanations. I do not interpose the objection for the purpose of delaying the bill.

Mr. CASS. In the bill, as it came from the House, there is a clause "For continuing the improvement of the harbor of Ashtabula, Ohio, $10,000." The committee report an amendment:

"For repairing the piers at Ashtabula, Ohio, $15,000."

Now, I have no objection to the appropriation for the improvement; but I would suggest to the Senator from Massachusetts, whether it would not be better to unite the two sums together for it?

Mr. DAVIS. I am glad that the Senator has called my attention to it. I propose to disagree to that amendment of the committee when we come to it.

The next amendment of the committee was to insert:

"For repairing the public works at Little Egg harbor, New Jersey, $8,500."

The amendment was agreed to.

The next amendment of the committee was to insert:

"For a survey of East Pascagoula river, Mississippi, $5,000."

Mr. ATCHISON. That is one of the amendments which I desire to have explained, for I know nothing about the East Pascagoula river. I call upon the Senator from Mississippi to state what kind of a river this is.

Mr. ADAMS. The Senator from Missouri objects to the appropriation to this river, because he does not know anything about it. If that constitutes a good objection, I presume there are a great many appropriations to which he will object. So far as this river is concerned, there is no serious objection to it, I suppose, because it lies in Mississippi.

Mr. ATCHISON. The explanation is sufficient. [Laughter.]

Mr. ADAMS. It is a river navigated by steamboats for some two hundred miles. It empties into North river, and various streams enter into it. Very large interests are concerned in it.

Mr. DAWSON. I desire to ask the Senator a question in earnest, and ascertain whether there is such a river in Mississippi?

Mr. ADAMS. Yes, sir; and it extends into Alabama.

Mr. DAWSON. And I suppose it runs into the gulf.

Mr. ATCHISON. No, sir; it runs into North river.

The amendment was agreed to.

The next amendment of the committee was to insert:

"For a survey of Providence harbor, Rhode Island, $1,500."

The amendment was agreed to.

The next amendment reported by the committee was to insert:

"For a survey and examination of the Falls of the Ohio river by a board of topographical and civil engineers to be appointed by the Secretary of War, to report upon the expediency of an additional canal around said Falls, $5,000."

Mr. DAVIS. The Senator from Indiana, [Mr. BRIGHT,] the other day reported a bill in regard to the improvement of the navigation around the Falls of the Ohio. This amendment was put in on the suggestion of the Topographical Bureau. I do not want to interfere with the measure of the Senator from Indiana, if his bill provides for the same thing as the amendment. I am sorry he is not in his seat to explain it. It is deemed a very essential matter by the people living upon the Ohio river, and they want a board of intelligent, experienced scientific men to devise the best mode of improving those falls. If anything additional is necessary, I am quite content to grant it.

Mr. RUSK. If it is necessary the amendment can be non-concurred in in the Senate.

Mr. UNDERWOOD. I desire to offer an amendment to the amendment of the committee, but it is suggested to me that I can offer it when the bill is reported to the Senate, and I will therefore withhold it.

Mr. MERIWETHER. I move to amend the amendment by inserting after the word "Falls," the words:

And the comparative advantages and cost of enlarging and extending the present canal at said falls.

Mr. DAVIS. I supposed that would come in as it is. I have no objection to it.

Mr. UNDERWOOD. It has been suggested that we could amend this in the Senate. I will, therefore, ask my colleague to withdraw his amendment for the present, in order that I may have a conference with him. I think there are some other matters that should be provided for. I want the comparative cost of enlarging the present canal, and the dimensions of a new canal, and the branching of the present canal so as to enter below the Portland bar.

Mr. MERIWETHER. That is embraced in my amendment. It refers to the enlargement and the extension. A provision for obtaining the comparative cost might be inserted; but if it does not suit my colleague, when we get into the Senate, we can amend it again.

Mr. UNDERWOOD. Very well. There is additional matter which I think should be put in.

The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

The next amendments of the committee were to insert:

"For the repair of the sea-wall at Marblehead, Massachusetts, $500."

"For a survey of the harbor of Georgetown, South Carolina, $3,000."

The amendments were agreed to.

The next amendment of the committee was to insert:

"For a survey of Shrewsbury river, New Jersey, $1,500."

Mr. ATCHISON. I want to know something about Shrewsbury river.

Mr. SEWARD. It is a navigable river which connects with the Bay of New York. The town of Shrewsbury is upon it, and is an important port.

Mr. ATCHISON. What distance is it navigable?

Mr. SEWARD. I do not know the length of the river. The town of Shrewsbury is very near the sea-shore; and the object is to make a survey for the improvement of the navigation up to the town.

Mr. DAVIS. I will state to the Senator from Missouri, if he feels any anxiety upon the subject, that this is a river which has a bar at the mouth of it. The survey is to find out what it will cost to remove that bar and to make it a good harbor.

The amendment was agreed to.

Mr. RUSK. I hope the question will be taken on the residue of the amendments of the committee together.

Mr. DAVIS. I hope that will be done, with the exception of the one for Ashtabula, Ohio.

The PRESIDING OFFICER. It can only be done by unanimous consent.

No objection was made, and the following amendments were agreed to:

"For repairing the piers at Kennebunk, Maine, $7,500.

"For a breakwater at Owls-head harbor, or at Rockland harbor, in Maine, as the Department of War shall decide, $15,000.

"For the further removal of obstructions and the improvement of the harbor of Dubuque, Iowa, $15,000.

"For repairing the piers in Great Sodus Bay, New York, $10,000.

"For improving Cape Fear river at and below Wilmington, North Carolina, $20,000.

"For repairing the piers at Huron river harbor, Ohio, $10,000.

"For continuing and repairing the breakwater at Burlington, Vermont, $10,000.

"For repairing the piers at Conneaught, Ohio, $10,000.

"For repairing the piers at New Castle, Delaware, $15,000.

"For the further improvement of the harbor at Bridgeport, Connecticut, $10,000."

The next amendment of the committee was to insert:

"For repairing the piers at Ashtabula, Ohio, $15,000."

Mr. DAVIS. I hope the Senate will disagree to that amendment, for the reason which I have already stated.

The amendment was rejected.

Mr. BELL. I desire to present an amendment, to come in at the close of the bill.

Mr. DAVIS. I hope the Senator will allow me to go through with the amendments of the committee. I have one or two which I am instructed to offer. In order to carry into effect the amendments proposed by the committee, another is necessary. We have inserted an appropriation for the repairs of the public works, and the improvement of the harbor of Wilmington, North Carolina. On that account it is necessary to strike out the second section of the bill giving to the Commissioners of Wilmington power to collect tonnage duty for that purpose. I move to strike the following from the bill:

"*And be it further enacted*, That the Commissioners of the town of Wilmington, North Carolina, be authorized to levy and collect a tonnage duty, not exceeding four cents per ton, upon all vessels of not less than sixty tons, for the purpose of cleaning out the obstructions at the mouth of the Cape Fear river, and that to effect that purpose the said Commissioners be authorized to pledge the receipts from the said tonnage duty, to pay the interest or principal of any loan they may effect for that purpose: *Provided*, That the Legislature of North Carolina, at the next session, order and authorize such tonnage duty."

Mr. DOUGLAS. I would suggest to the Senator whether, as that involves the principle of tonnage duties, it had better not be laid aside to be discussed in connection with the general subject. It strikes me that it had. I see no reason why it should be stricken out now.

Mr. DAVIS. This is not intended to raise or settle the question in regard to tonnage duties. What we propose to strike out authorizes the Commissioners of Wilmington to collect tonnage duties for the improvement of the harbor. We have made an appropriation for that object. I think, therefore, that the amendment proposed by the committee, and adopted by the Senate, renders this unnecessary, not that I intend, in any way, by it to interfere with the proposition of the Senator from Illinois.

Mr. RUSK. It is evident that we cannot get through with all these amendments this evening.

Mr. DAVIS. I have but one more.

Mr. RUSK. But I shall lose the floor if I give way. There is a bill upon the table which I want to go to the House. I therefore move that the further consideration of this bill be postponed until to-morrow, in order that that bill may be taken up and passed. It is the postage bill.

The motion to postpone was agreed to.

SATURDAY, *August* 21, 1852.

The Senate, as in Committee of the Whole, resumed the consideration of the bill; the question pending being on the amendment of Mr. DAVIS to strike out the following:

"SEC. 2. *And be it further enacted*, That the commissioners of the town of Wilmington, North Carolina, be authorized to levy and collect a tonnage duty, not exceeding four cents per ton, upon all vessels not less than sixty tons, for the purpose of cleaning out the obstructions in the mouth of Cape Fear river, and that to effect that purpose the said commissioners be authorized to pledge the receipts from the said tonnage duty, to pay the interest or principal on any loan they may effect for that purpose: *Provided*, That the Legislature of North Carolina, at its next session, order and authorize such a tonnage duty."

The amendment was agreed to.

Mr. DAVIS. I am instructed by the Committee on Commerce to offer another amendment. It is necessary, in order to preserve the consistency of the bill, to strike out—

"For the improvement of the channel at the mouth of Cape Fear river, North Carolina, $8,000."

There is another provision made for that, and I therefore move to strike it out.

The motion was agreed to.

Mr. DAVIS. I am also instructed by the com-

mittee to offer the following amendments, to come in after the amendments already adopted:

For the improvement of the river St. Johns, Florida, $10,000.

For the completion of the old line of survey, or the new line, as may be deemed expedient, for a ship canal across the peninsula of Florida, $20,000.

The amendments were agreed to.

Mr. DAVIS. The chairman of the Committee on Commerce informs me that the committee directed the following amendment to be offered:

For a survey of the sand bars, Newark Bay, New Jersey, $2,000.

The amendment was agreed to.

Mr. DAVIS. I wish to make a verbal amendment. The committee reported an amendment, which was agreed to by the Senate, appropriating $3,000 for a survey of Taunton river, Massachusetts. I wish to insert after "Taunton river" the words "and New Bedford harbor." They were left out accidentally.

The PRESIDENT. That amendment cannot now be offered. The amendment of the committee has been adopted, and it cannot be amended until the bill is reported to the Senate.

Mr. SEWARD. I wish to have a verbal amendment made. I move to insert after "Hell Gate" the words "and Diamond's Reef, in the East River," so as to make that clause read:

"For the further improvement of the harbor of New York, by removing the rocks at Hell Gate and Diamond's Reef, in the East River, $20,000."

The amendment was agreed to.

Mr. BELL. I move to amend the bill by inserting:

For the improvement of the navigation of the Tennessee river, $138,600, in conformity with the estimates of the War Department of the 13th of July, 1852.

Mr. President, I have presented the amendment for the whole amount of the estimate of the Department, and I prefer that the whole amount of the appropriation should be made at once, for the object is to remove obstructions in that river that are most important to be removed at once, in reference to the trade and navigation of the country. The part of the river which it is proposed immediately to improve, will connect with an important line of railroad, that is now completed within a short distance of the river at one point. The principal part of these obstructions prevent the immediate use of that river between the points which are the *termini* of two very important railroads. That portion of the river will connect, for the present, to some extent, the railroad from Memphis, approaching the banks of the Tennessee river, with the Georgia railroad.

I should not object, strenuously, to any proposition to reduce the amount of appropriation proposed in the amendment, at the present session, under the impression that the whole amount cannot be expended until the next session. Still, I have thought proper to ask for the whole amount at once, inasmuch as the improvement upon which this estimate is based will require the whole amount to complete it; and by appropriating the whole amount at once we get rid of the contingency of an appropriation not being made at the next session. I do not propose to add one word as to the propriety of the amendment, beyond what I said on a former day on this subject, unless some gentleman wishes an explanation.

Mr. SHIELDS. I would suggest to the honorable Senator, that it would be better to make the appropriation a little more moderate, in order to harmonize with the general tendency of the bill. I am clearly in favor of the proposition of the honorable Senator to improve the Tennessee river. I think it is one of those works for which there is a crying necessity; but I think, from the general character of this bill, it is better to make our amendments moderate. I should think that the friends of the bill should not endeavor to insert any amendment that would make it obnoxious. The items in the original bill, and the amendments of the committee, have not, in any case, come up to the estimates; and I would, therefore, suggest to the Senator from Tennessee, in accordance with the general policy of the bill, to reduce the amount of the appropriation. I will not ask him to do this if he objects to it.

Mr. BELL. I have no objection to that.

Mr. SHIELDS. I wish to offer an amendment to include the Illinois river. It has been included in every river and harbor bill that ever came before this body up to this time. I will ask the Senator from Massachusetts what amount of money should be appropriated for that river in proportion to the amounts appropriated for other rivers? I think $30,000 would be a fair proportion for that river, in accordance with the other appropriations in the bill. I would ask the honorable Senator from Massachusetts what appropriation should be made in this case, to make it conform with the general character of the other appropriations?

Mr. DAVIS. All I can say in answer to the honorable Senator from Illinois is, that we have not had the Illinois river under consideration at all; and I do not know what the estimates are for it. I do not know that it has been surveyed.

Mr. SHIELDS. It has been surveyed, and an estimate for its improvement has been made, and that estimate, I believe, is $50,000.

Mr. DAVIS. I am unable to say the amounts of the estimates exactly, and I have no means of judging at present what could be expended within a year on the Illinois river, or the Tennessee river.

I concur in what the Senator from Illinois says, that the plan of the House of Representatives was to place the items which they put in, below the estimates of the Department. They reduced every one, I believe.

Mr. SHIELDS. That was my understanding. I went to the committee of the other House and consulted with them as to the estimate for this river. The estimate was $50,000, and I came to the conclusion that $30,000 would be an appropriation which would make it proportionate to the other items of the bill. I move to amend the amendment of the honorable Senator from Tennessee, therefore, by inserting an appropriation of $30,000 for the improvement of the Illinois river. And, I would suggest to the honorable Senator to reduce the appropriation in his amendment for the Tennessee river to a reasonable amount.

Mr. BELL. I am perfectly willing to take what I suppose would be a sufficient appropriation to put that river in a navigable condition at all seasons of the year. I wish to have the most formidable obstructions removed, so as to leave the river open in order to connect the *termini* of the two great railroads to which I have alluded. I think those obstructions should be removed immediately. They are all that I propose to remove now, because it is not designed at present to touch what are known as the Muscle Shoals, which are the greatest obstructions to the river. I believe we have now a railroad in the State of Alabama, around the Muscle Shoals, and therefore, the removal of those obstructions is not so important as the removal of obstructions between the *terminus* of the Nashville Railroad, which will stop for some years, or for some time at all events, on the Tennessee river, so as to secure a safe navigation of the river up to the *terminus* of the Georgia and Chattanooga Railroad. That is one of the most formidable obstructions now proposed to be removed. The estimate for the removal of the obstructions is $138,000. I suppose that the sum of $50,000 may be sufficient to remove the obstructions in that part of the river to which I refer, and probably that amount is as much as can be expended during the present season until the winter freshets descend, which will put a stop to the work. Therefore, I have no objection to reducing the appropriation to $50,000. If it be the sense of the Senate, I have no objection to making an appropriation of $30,000 for the Illinois river, but I cannot consent to incorporate it into my amendment. It must be for the Senate to decide that matter. I would say, however, with regard to the improvement of the Illinois river, I am not certain that the mode of improvement proposed to be adopted by the Senators from Illinois or by the Engineer Department, would bring that river within that description of objects that require immediate attention. But, if they propose to construct a ship canal communication between Chicago and the Ohio river, I know of no work that would be more national in its character.

Mr. DAVIS. That would be impracticable.

Mr. BELL. The honorable Senator from Massachusetts says it would be impracticable. I do not know how that is, but if it be not practicable, I do not see upon what principle we can improve the river. I am willing to reduce my amendment to $50,000, in conformity with various suggestions of gentlemen around me.

Mr. ADAMS. Mr. President, I do not know that I shall object to the suggestion of the Senator from Tennessee, to modify his proposition so as to reduce the appropriation to $50,000. I beg leave, however, to call the attention of that honorable Senator, as well as of the Senate, to the fact, that that portion of the Tennessee river, from its mouth to the Muscle Shoals, could be repaired with a very small appropriation, and be greatly benefited by it, and that north Alabama and north Mississippi are as deeply interested in that portion of the improvement of the river, as they are in that portion from Chattanooga to Decatur. I know that the suggestions of the Senator from Tennessee are correct, that the railroad from Charleston to Nashville has been completed almost to the bank of the river, and steamboats are running between the town of Decatur, which there intersects the Charleston and Memphis Railroad at this time, and they need very greatly some improvement. But, I wish to suggest, whether it would be doing justice to every portion of the country, and all those interested in that river, to make the appropriation and apply it only to that portion of the river, when it is equally needed below the Muscle Shoals. I am not altogether prepared to give my assent to that. Some small appropriation for that portion of the river, it seems to me, would be right and proper. I know that a large amount of commerce is deeply interested in it. If, however, the Senator from Tennessee prefers $50,000, I shall not move to increase it.

Mr. BELL. From the interests which I represent on this floor, I should certainly desire to see an adequate appropriation for improving the navigation of the Tennessee river, below the Muscle Shoals—clearing out some obstructions, which, I doubt not, could be removed without very great expenditure. But we have no estimates just now as to that, and cannot tell exactly what the removal of those obstructions would cost. Again: the honorable Senator from Mississippi will recollect that, except in very low stages of water, that portion of the river is navigable. But it would require a stage of water much higher than that to render the river navigable at that portion which I wish to see attended to immediately. This particular section of the Tennessee river can scarcely be navigated at all, and certainly never without great peril. I believe the navigation is very frequently impeded between the *termini* of those two roads, even at pretty high stages of water; and boats of light draught have great difficulty in getting along. But, under the circumstances in which I am placed, I think it is most advantageous to the public interests that we should confine the appropriations to the section above the Muscle Shoals. I know that the river below the shoals could be rendered navigable, at comparatively small cost, at all seasons of the year, for shallow-draft boats; which ought to be a subject for the consideration of Congress at the next session. The difficulty is in getting all these local points considered in the navigation of the whole river, and in getting an appropriation for them all at the present session. Therefore, I have forborne to include the whole.

Mr. SHIELDS. I agree entirely with the honorable Senator from Tennessee—that he had better, in this case, confine himself to what can be advantageously expended during the present year, for which the estimates are already made. If we all act in this spirit, the bill will be placed in a shape, at all events, that will not render it obnoxious. That spirit I am anxious to see carried out. I shall endeavor to carry it out in all the amendments that I may offer.

The amendment which I have offered to the amendment of the Senator from Tennessee is to provide for the improvement of the Illinois river. There are eight hundred miles of navigable water on that river. There is not probably on this continent, or on any continent, a water communication like that, which is formed by the Mississippi, then along the Illinois to the lakes, and down to the Gulf of St. Lawrence. The Illinois is a link

in the chain of one of the longest water communications in the world.

My friend from Massachusetts remarked that it would be impracticable to make a ship canal there. Why, we have one for a great portion of the way, and nothing but the failure of the credit of the State prevented us from continuing the original plan. Our State lost its credit, and we were placed deep in debt, and were thereby prevented from carrying out the plan; but we hope to be able to accomplish the object at some future day. I ask only $30,000 for the Illinois river. The estimate of the Department is for $50,000. That amount was in the bill which came to us at the last session of Congress. I examined the estimates before the committee in the other House, and I scaled this one down in proportion to the residue of the bill.

I wish to add further, that having made a contest with regard to this bill originally, I shall do everything I can to place it in a condition not to render it obnoxious.

Mr. UNDERWOOD. I rise to say that I approve of the observations just made by the gentleman from Illinois, and to state to him that I feel just as much concerned in the navigation of the Illinois river as he does. It is as much my river as it is his; and perhaps it is more beneficial to the people whom I represent, if possible, than it is to the State of Illinois. I rose, however, principally for the purpose of stating a fact. When I was recently out in Kentucky, I went from Louisville to Bowling-Green on a steamboat, and while upon the boat, I met with three tobacco traders, who informed me that they had been trying experiments between the market at Louisville and the market at New Orleans; that they had transported their tobacco, which is the principal staple of my region of country, to New Orleans. And one of them told me that he had set on foot a project to try the difference between the New Orleans market and the New York market, by running to New York, through this very channel of communication, and by the channels of communication through the State of Ohio. He had already carried two loads of his tobacco to New Orleans, and was on his way back for the third, for the purpose of opening this direct trade between the town in which I live—almost in the very center of the continent—and the city of New York, through the interior of the country. I know it to be a fact, that the manufactories which are carried on where I live, supply the region beyond my friend from Illinois, to the north, and down Lake Michigan, through this very channel of communication of which he speaks.

If I were as young a man as I was when I first came here, I should hope to see the day when the Government might convert the Illinois canal, now used for boats of small character propelled by horse power, into a canal through which steamboats could pass, so that when boats were laden with the great staple of my region of country, they might pass through directly to Chicago and deliver their cargoes there to the larger boats on the lake, or even go on with them through that northern region, supplying it with the great product of my region. Sir, it is an object cherished by my heart, and therefore I hope this appropriation may be made. If the Senators from Illinois would only offer a proposition to have their canal surveyed with reference to its conversion into a canal for steamboat purposes, and have a report upon that subject, as to the cost of the canal, and the cost of making the change, it would likewise meet the approbation of my heart and my judgment.

Mr. DOUGLAS. I must add a word upon the subject of the Illinois river. We have good steamboat navigation in high water from La Salle, which is at the termination of our canal, by way of the Illinois and Mississippi, to New Orleans. In low water, there is not good navigation in the Illinois river, there being some bars that interpose. The river is very straight and very deep. The navigable part of it is two hundred and thirteen miles long. The great difficulty to which its navigation is subject, is, that there are bars formed across its channel, at points where the tributary streams intersect it. From Chicago eastward, down the line of the lakes, there is good navigation to the ocean, for ships using the Welland canal in Canada, and running down the St. Lawrence. It is only one hundred miles from Lake Michigan to the navigable waters of the Illinois; and over these one hundred miles the State of Illinois has made a canal of the largest class of the ordinary canals of the United States.

Mr. SHIELDS. What did my colleague say was the length of the Illinois river?

Mr. DOUGLAS. I said the length of the river from the termination of our canal, at La Salle, to where the Illinois empties into the Missouri, is about two hundred and thirteen miles.

Mr. SHIELDS. My colleague did not mean by that statement, the whole length of the river?

Mr. DOUGLAS. No, sir; if I had stated the whole length, it would have confirmed my colleague. From the mouth of the Illinois, vessels can pass to the Gulf; because the Mississippi is navigable the whole length. Then this canal connects the Gulf of Mexico with the Gulf of St. Lawrence, and is of great national importance in this point of view.

The Illinois river is, as I remarked, a very straight stream; and it is very deep except where these bars interpose. If its navigation were unobstructed it would be one of the safest navigable rivers in the whole country. It forms a great connecting link between the lakes and the Mississippi Valley, and if any river in the United States is national, it is that river. If the State of Illinois could have the privilege of levying tonnage duties on it, we would never have asked for appropriations here. But as we have not power to do that without the consent of Congress, the Illinois river stands on the same footing as the Mississippi, and I do not see how it can be objected to. It is in fact a part of the Mississippi. It is a continuation of it. They both form in fact the same body of navigable water.

Mr. GEYER. The Illinois river, under the compact, is free to the whole United States.

Mr. DOUGLAS. It is, under the compact with the Federal Government, a stream that is a public highway, not within the jurisdiction of the State, and I do not see how you can refuse an appropriation for it.

I would simply add, that I am clearly of opinion that the Tennessee river is fairly within the principles which the friends of this bill advocate. I know of no other limitation than this: If you have power at all over the subject, that power extends wherever the water is navigable, whether it be fresh or salt, whether it be tide-water or not tide-water, no matter, wherever it is, if it be navigable, it comes within the principle upon which this bill rests.

Mr. SHIELDS. I desire to explain a remark which I made in regard to the Illinois river. I meant to say, that that river, from its head waters to the Mississippi, was some eight hundred miles long—not quite as long as the Red river. My colleague is correct in stating the length to which it is navigable, which is up to where it connects with the canal. I spoke of the length from the head waters of the river to where it empties into the Mississippi.

Mr. DOUGLAS. I will merely remark, that I did not hear the statement of my colleague. If I had heard it, I should certainly have distinguished between our statements, so as to have made them agree with each other. The whole length of the river is what he states. I spoke of the navigable part of it. I hope my friend from Kentucky [Mr. UNDERWOOD] will not embarrass us with any proposition for an appropriation for the survey of a canal. That subject is under the jurisdiction of the State, and we do not want that brought into this question.

Mr. SHIELDS's amendment to the amendment was agreed to; and Mr. BELL's amendment as amended was agreed to.

Mr. BROOKE. I desire to offer the following amendment:

For the improvement of the Yazoo river, in the State of Mississippi, including the removal of the obstructions at or near its mouth, $20,000; and for the improvement of Pearl river, $20,000.

Mr. President, in examining this bill, and comparing the importance of the improvement of the Yazoo and Pearl rivers with that of many which are here provided for, the comparison is very favorable to the rivers embraced in my amendment. A very large amount of cotton—probably 150,000 bales annually—goes down the Yazoo river. There are in the channel, at several places, obstructions, sand-bars, which interfere very materially with the safe navigation of the river in the fall seasons of the year, when the cotton is on its way to market; and there is also a very serious obstruction at its mouth. The Pearl river is also a very important river to the interests of the State of Mississippi. It is a small river, it is true; navigable only for small boats, but those boats carry down a great deal of cotton, as the river flows through an important and fertile section of the country.

I cannot, however, promise, Mr. President, to reciprocate the tickling process in this bill; that is, I cannot go to any brother Senator and say to him:

"Tickle me, Tommy, tickle me, do;
If you'll tickle me, I'll tickle you."

I cannot promise anything of that sort. I wish my amendment to stand on its own merits. If these rivers are not as important as others which are provided for in the bill, or if they are of no national importance at all, vote down the amendment. I cannot consent to give my vote for other amendments for the purpose of securing any support to these. Neither can I promise, if it be adopted, to vote for the bill as it stands, or as it probably will stand. I think it is deficient in many respects, and violates the Constitution in some respects.

Mr. BADGER. I rise to a question of order. With the most heartfelt sympathy for the amendment of my friend from Mississippi, I desire to ask the opinion of the Chair whether it can be offered to this general appropriation bill?—whether my friend is provided with an estimate from any Department?—or whether any committee of this body has directed the amendment to be made? If not, I submit that the amendment is not in order.

Mr. BROOKE. I do not consider this as a general appropriation bill. A general system of internal improvements, I understand to be unconstitutional.

A SENATOR. Oh, no; it is opposed to the platforms.

Mr. BROOKE. Or is it contrary to a certain platform?

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) A point of order having been raised, the Chairman will be under the necessity of deciding it.

Mr. BROOKE. I was merely going on to say that my amendment is not out of order, because this is not a general appropriation bill.

Mr. BADGER. My friend is right. I forgot that this is a bill which is considered constitutional, because it is not general; therefore, I withdraw my point of order.

The PRESIDING OFFICER. The amendment is in order.

Mr. ADAMS. I move to amend the amendment of my colleague by adding to it the following:

For the improvement of the Tombigbee river, $75,000.

I will remark to the Senate that the Tombigbee river is navigable for steamboats for about five hundred miles. It passes a very considerable distance through the States of Alabama and Mississippi, and carries upon its bosom 250,000 bales of cotton annually, and a corresponding commerce in return. Perhaps it is one of the most important rivers in the whole country, although it has never been noticed by the Government. I shall not vote for this bill under any circumstances; yet, while money is being distributed, I think sheer justice to the tax-paying people of Alabama and Mississippi requires that my amendment should be adopted. It seems that in Mississippi we have scarcely anything to do with the Federal Government but to pay taxes. We have no light-houses, no custom-house, no expenditure of money for our benefit. Five thousand dollars a year would cover every dollar of money that goes out of the Treasury to the State of Mississippi, except for post office purposes, and we pay more taxes, perhaps, than any other State in the Union according to our population.

Mr. DAVIS. I simply desire that Senators will vote on these propositions one way or the other, until we find out what is the sense of the

Senate. The last amendment seemed to pass almost without notice. I hope the Senate will bear in mind the suggestion which I think fell from the honorable Senator from Michigan, [Mr. CASS,] that if we go on adding appropriations in this way, we are certain to fail in passing the bill. There are three rivers proposed to be improved. I dare say they may be meritorious objects; but I have not learned from either of the Senators that there has ever been any survey, or any estimate made, or that anybody knows anything about the sort of improvement which the rivers require, or what would be a probable and reasonable sum for that purpose. How can we vote for propositions of that description?

Mr. CASS. I did not exactly hear the honorable Senator from Massachusetts, but I would inquire if we have any estimate at all, as to the probable expense of these improvements?

Mr. DAVIS. None at all.

Mr. CASS. If we assume that principle, we may as well give up all idea of making improvements. The rule requiring an estimate is the only wholesome check which we have, so far. If you abandon it, we shall be at sea without a pilot.

Mr. RUSK. I am anxious that this bill should be disposed of, and I rise for the purpose of making a suggestion. We are now acting as in Committee of the Whole, and the amendments which we agree to here have to be again acted upon in the Senate. I hope, therefore, that the friends of the bill, at least, will reserve their amendments until we get into the Senate, when there will only be one action upon them. At present there is evidently a carelessness on the part of Senators, because on the amendments but very few votes are given. This course will not only endanger the bill, but the amendments themselves. I merely throw out this suggestion, with the hope that Senators will act in accordance with it. I have one or two small amendments, but I shall defer offering them until we get into the Senate.

Mr. DAWSON. My friend from Michigan has interposed a principle here, which, in my judgment, is not tenable. It is one which we have been discussing, and which we ought not to rely upon. He says there should be a survey first made. What is the object of a survey? It is to ascertain whether the river is navigable or not. If it be already navigable now, and steamboats and other craft are plying upon it, it is evident that there is no necessity for a survey, as to its navigability. But, when we ask for an appropriation, it is said we must go to the head of the Topographical Bureau for an estimate. What do we go there for? To ask the head of the Bureau to say what, in his judgment, it will cost to survey the river and ascertain whether it be navigable or not; and, I suppose, at the same time, to ascertain, if it be not navigable, how much money is necessary to clear it out and make it navigable.

The rivers which are proposed to be improved by the amendment are similar, perhaps, to one which I am going to propose. They are already navigable. There are some obstructions which, at low water, impede the navigation, and the object is to make an appropriation of money to remove those obstructions. What object, then, could we accomplish by having a survey made? When the money shall be appropriated and placed in the hands of those whose duty it is to see to removing the obstructions, no more than is necessary will be expended; and if it requires more than we appropriate, they will have to stop the work until they can get another appropriation. I cannot see, therefore, the necessity of cutting off the amendment under that suggestion. My friend from Illinois [Mr. SHIELDS] a few moments ago asked for an appropriation of $30,000, which was agreed to. Have any of us seen the estimates for it? No doubt they have been made; for he has told me so. There were some estimates made some years ago, but none of them have been called for during this session by the heads of the Departments. I have no doubt of the fact which he has stated; but how does that differ from the proposition of my friends from Mississippi? They say their streams are navigable.

Mr. SHIELDS. I have not the estimates in my hand, but if the statement is doubted, I will send for them.

Mr. DAWSON. I do not doubt the fact.

Mr. SHIELDS. The estimates were made. They were before the committee in the House. But that is not the question here. That river never was surveyed as to its navigability.

Mr. DAWSON. The river never has been surveyed. There has been no estimate at all; nor is there a necessity for surveying it, because it is known to be navigable. If you appropriate $10,000 or $12,000 for the removal of the obstacles in the rivers proposed by the Senators from Mississippi, they will be removed, and if the money is not sufficient, application will be made for more.

Mr. SEWARD. It is necessary that we should confine ourselves to some limits in regard to the amount which is to be appropriated. I would also remark that we do not consent here to make an appropriation of money for the purpose of supplying this city—this capital—with water, without a previous examination—some survey and some estimate. All will be in confusion if we go on and appropriate money for the improvement of rivers all over the country, when we have nothing from any scientific source or practical authority in regard to the objects to be improved or the amount to be expended. For these reasons I shall be inclined to adhere to the bill as it now stands.

Mr. CASS. Will the honorable Senator from Georgia allow me to say that he is under an entire misapprehension as respects my view on this subject. I thought he himself the other day—though I may have misunderstood him—was anxious to retain the check of the survey and estimate, so as to prevent the abuse of the system. Did I so understand him or not?

Mr. DAWSON. The Senator understood me correctly; but when any two or three gentlemen go to the head of the Topographical Bureau, and get an estimate in this way, without his having the necessary knowledge on the subject, it is no evidence of its necessity.

Mr. CASS. I presume the Department never gave such an estimate to anybody.

Mr. BADGER. Is it not given as a matter of civility?

Mr. CASS. No, sir; it is not given as a matter of civility. I will undertake to say that the Department never gave such an estimate. They would not undertake to do such a thing without some kind of a survey. They may have a mere sketch or a reconnoissance, but without it they would never give it. It would be mere guess work, and no engineer would hazard his reputation in such a manner. But the Senator is misinformed on another point. It is not for the purpose of determining the navigability of the river that we get the survey made. Some we know are navigable, and in regard to others we have a doubt. But the great object is to ascertain how far the expenses are going to lead us. I can tell the honorable Senator that some years ago—and the plan ought to be adopted now—every estimate and plan went before the committee, and the committee determined whether the plan was a practicable one, and how far the ultimate expense was going to lead us. How does the Senator know whether the improvements of the Tombigbee will cost $20,000 or $2,000,000? We want to know that before we commence the work, because we commence with a kind of assurance that we will go on. We do not mean to throw the money into the river and let it flow into the ocean, and leave no marks of the progress of the work behind it. Like reasonable men, when we are about to build, we should sit down and count the cost. To be sure, we cannot determine it to a mathematical certainty, but we can get an approximation to it which will enable us to act understandingly. What is the operation? I think every gentleman will have seen it. We have now commenced a race as to what we will put in the bill, and before we have done, I presume we shall add millions to it; and I say that this rule, with regard to the survey and estimate, is the only remaining barrier for its safety. We should require a survey and an estimate by competent men, as to whether the improvement is necessary, and the expense to which it will lead us. If we have not this, we shall open the flood-gates of the Treasury, and let all the money go out. I do not pretend to have more sagacity than others, but I foresaw what would be the state of things if you amended the bill at all. I saw that you would open it to an incalculable number of amendments, and we have found it to be so.

Mr. BROOKE. In reference to the Yazoo river, I can say that I have an estimate that satisfies my mind much better than any estimate which could be furnished by any Department in this city. It is one made by experienced captains and steamboat men, who have been navigating that river for years. It is true, I have not got it on paper before me, but as I passed over that river on my way here, I was informed by a gentleman of this class, that this amount of money would materially aid the navigation of the river. In reference to Pearl river, I have no such estimate. But, sir, we have been here voting thousands and hundreds of thousands of dollars for rivers without any estimate being presented to the Senate at all. It is true, that estimates may have been made, but the Senate has not had the benefit of them. There was a river in New Jersey for which we voted $1,500, the very name of which struck almost every Senator on the floor with surprise. It was the Shrewsbury river. We have all heard of the Shrewsbury clock, by which Falstaff boasted that he had fought the gallant Hotspur a whole hour, but nobody had heard of Shrewsbury river. A large amount was voted for that; but when we come to the improvement of the Yazoo and Pearl rivers, which float upon their bosoms hundreds of thousands of bales of cotton annually, we are met with the objection that no estimates have been made.

Mr. ADAMS. It is true, we have not been running to the head of the Department to get an estimate, which any man can get for such a river as the one I have proposed to include in the bill. I have stated that it is navigable for steamboats a portion of the year for five or six hundred miles, and that it transports upon it two hundred and fifty thousand bales of cotton annually, with a corresponding amount of commerce in return. No one, I presume, will doubt that. I state the fact to be so. It does require improvements; but it is said we should go to the Department at Washington to obtain information. Why, sir, if I wanted information, I would go to Ligon Laughridge, an old steamboat captain upon that river, who could furnish me more practical information in reference to the necessities of that river, and proper estimates, than all the Departments in Washington could, with all the information they could get in a year. Then, what rule will you establish? If the Senate are satisfied that it is of a character for which they can vote, and if that portion of the people are entitled to equal rights with others, I object to a vote against it on this ground. Vote against it, if you think proper, on the ground that it is not entitled to this distributive appropriation of the revenue of the country. I have no objection to that. I do not care one cent whether the amendment be adopted or rejected. We have not been in the habit of looking to the General Government for aid in these matters; but still I have thought it proper to bring the facts before the Senate. I have no objection to your rejecting the amendment, on the ground that this river is not entitled to any portion of the fund; but I do object to its being rejected on the ground that the Department has not reported and estimated upon it. Is there no other mode by which this body can act, but through information derived from one of the Departments? I suppose the Senate will be governed by such information as satisfies the minds of Senators in relation to the proposition, and not whether it comes through the Departments or not. If that is to be the check, we all know that there are rivers and harbors enough in the country to procure estimates from the Department to consume every dollar we can collect from the people, and that will not amount to a check. The Senator from Michigan says we have no other check. Sir, I have no idea that his mode or any other will be a check, if the Treasury is opened. If this bill be passed, I desire that my constituents may have some portion of the consideration of Congress.

Mr. CASS. I will not assert the fact, but I believe that you may travel back through all the river and harbor bills from the first commencement of the system, and not find a single appropriation which was not based upon an estimate and survey by the proper officers of the Government. I do not contest at all that steamboat captains may be

competent to judge of the navigation of a river, but they are not the persons to whom we would recur for an estimate of the expense of accomplishing an improvement.

Mr. ADAMS. Will the Senator allow me to ask him a question? Will he be so good as to inform the Senate if the improvement at the mouth of the Cumberland was based upon an estimate by a Department?

Mr. CASS. Does the Senator refer to the dam?

Mr. ADAMS. Yes, sir.

Mr. CASS. I will not assert the fact, though I have no doubt of it; but the Senator from Tennessee [Mr. BELL] can answer the question.

Mr. BELL. Yes, sir; there was a survey made. Colonel Long, a competent engineer, made a minute report on the whole subject, and made an estimate. The appropriation of $50,000 was based upon that.

Mr. ADAMS. I will, then, call the attention of the Senator to the fact that there is a contest between the Senator from Kentucky and the Senator from Missouri, whether the $50,000 shall be appropriated to remove what has been done through the estimate of these bureaus, or to repair it.

Mr. CASS. I am aware of that. I do not claim any infallibility for the judgment of officers more than anybody else. The western rivers are a tremendous interest to understand. They are perpetually changing, and that is one of the difficulties which the officers have to encounter in making the estimates. It might be that in so new an experiment as endeavoring to improve the navigation of the Ohio, they should make mistakes. That I do not dispute; but still I cannot see but that it is essentially necessary for prudent legislation, to have some idea of the expense to which the work will lead; and let me say to the Senators from Mississippi, that it is not a question of to-day. It is a question which arose at the last session of Congress, and upon which many of us voted against the river and harbor bill.

Mr. DAVIS. I will state one point which the Senator seems to forget. The motion is made here to appropriate $20,000 for the improvement of a river. Now, how do you know that $20,000 will make the improvement?

Mr. CASS. We know nothing about it.

Mr. DAVIS. How do you know, if you do make an improvement, that it will not be destroyed ultimately before another appropriation may be made for it?

Mr. JONES, of Tennessee. I do not rise to make a speech, but to ask my friend from Mississippi one question. He has offered an amendment to appropriate $75,000 for the improvement of the Tombigbee river. That may be very proper, for all I know, but will the Senator vote for this bill if it shall be put in?

Mr. ADAMS. I shall not. I stated so distinctly when I offered the amendment.

Mr. JONES. I hope, then, we will vote down the amendment.

Mr. ADAMS. Exactly. I wanted to show the principle upon which this bill is based.

Mr. DAWSON. I desire to ask the Senator from Tennessee if he will vote for this bill if the Tennessee river be not put in it?

Mr. JONES. I shall vote for the bill with the Tennessee in, or the Tennessee out of it.

Mr. ADAMS's amendment to the amendment was rejected.

Mr. BROOKE asked for the yeas and nays upon his amendment; and they were ordered; and being taken, resulted—yeas 12, nays 31; as follows:

YEAS—Messrs. Adams, Borland, Brooke, Charlton, Dawson, De Saussure, Douglas, Gwin, Hunter, Morton, Rusk, and Sebastian—12.

NAYS—Messrs. Badger, Bayard, Bell, Bradbury, Bright, Brodhead, Cass, Chase, Clarke, Cooper, Davis, Dodge of Wisconsin, Downs, Felch, Fish, Geyer, Jones of Iowa, Jones of Tennessee, King, Meriwether, Pearce, Seward, Shields, Smith, Spruance, Sumner, Toucey, Underwood, Upham, Wade, and Walker—31.

So the amendment was rejected.

When the roll was called, Mr. ATCHISON said: I have made an agreement with the honorable Senator from Maryland [Mr. PRATT] to pair off with him, and therefore I ask to be excused from voting.

The PRESIDING OFFICER. If such be the pleasure of the Senate, the Senator will be excused.

Mr. CHASE. I move to insert the following amendment:

For removing the bar at the head of Sandusky Bay, and in the mouth of the Sandusky river, in Ohio, $5,000.

I will state, in reference to this amendment, that the Sandusky river is the outlet of a very important commerce. It is a navigable stream. In 1813, the British fleet, conveying Proctor and his troops, sailed up that river to the attack of Fort Stevenson. In the course of time, a bar has accumulated at the mouth of the river, to which access is, in consequence, rendered difficult. The resident population have removed the obstructions from the stream, and they ask only that Congress will remove the obstructions at the mouth of the river, where it connects with the bay and the lake. It comes strictly within that class of improvements which come especially under the care of Congress, and is recommended from the Bureau of the corps of Topographical Engineers. I hold in my hand the chart of the survey, and also the estimate of the amount required for the work. The whole amount is $14,000; but I only ask now for $5,000, and I hope the Senate will grant it.

Mr. ADAMS. That is a very moderate sum. The Senator from Ohio ought to ask for more.

Mr. SHIELDS. Do I understand the Senator to say that the Department has made a survey and estimate for the appropriation?

Mr. CHASE. Yes, sir. This case comes strictly within the rule. I hold in my hand a report of the Bureau of Topographical Engineers, transmitted to the Secretary of War, and by him transmitted to Congress. The amendment is drawn up in pursuance of that report.

Mr. DOWNS. There is an appropriation in the bill already of $15,000 for the improvement of the harbors at Sandusky City.

Mr. CHASE. This is an appropriation for a different object.

Mr. DOWNS. Is not this appropriation on $15,000 for preserving and improving the harbor of Sandusky City to be expended at the same place?

Mr. CHASE. Not at all.

Mr. CASS. I can state the facts for the information of the Senator from Louisiana, [Mr. DOWNS.] The mouth of Huron, for which there is an appropriation of $10,000 in the bill, enters Lake Erie about ten miles east of Sandusky Bay. You enter Sandusky Bay, which is a considerable indentation, and within eight or ten miles of its mouth is Sandusky City, for the harbor of which there is an appropriation in the bill. At the head of the bay is the mouth of Sandusky river, for which another appropriation is now asked.

Mr. BADGER. I beg leave to suggest to the Senator from Ohio, [Mr. CHASE,] that the addition of $5,000 is very small business. He had better ask for $25,000. Large appropriations pass here much more easily than small ones.

Mr. CHASE. I am aware of that fact; but I thought I would display my usual modesty and ask but very little, in the hope that the Senate would grant it.

Mr. DAVIS. I wish to say one word in regard to the appropriations for the State of Ohio. Several appropriations for that State were contained in the bill as it was sent up from the House of Representatives, and the committee have since recommended some three or four appropriations. They found it necessary to do so, in consequence of a storm which occurred after the bill was drawn up in the House of Representatives, and after it was reported here, having carried away a pier at each of the harbors of Huron river, Ashtabula, and Conneaut, and at one other place, Cunningham's bay, I think. The storm, which was of unusual character, and extraordinary violence, took place in the latter part of May, or early in the month of June, and its disastrous effects rendered the action of the committee necessary. They have taken such steps as they conceive to be necessary; and in doing so, I think we have gone as far as we can with respect to Ohio.

The question was taken on the amendment; and it was rejected.

Mr. BORLAND. I desire to offer an amendment to that clause which provides—

For the improvement of the navigation of the Mississippi river below the rapids, the Ohio, including the repairs of the dam at Cumberland Island, the Missouri and the Arkansas rivers, $260,000.

I propose to strike out the word "and" after Missouri, and insert the words "and White" after Arkansas, so as to make the clause read:

For the improvement of the navigation of the Mississippi river below the rapids, the Ohio, including the repairs of the dam at Cumberland Island, the Missouri, the Arkansas, and White rivers, $260,000.

Mr. CASS. Does the amendment propose to increase the appropriation?

Mr. BORLAND. No, sir; it does not.

Mr. GEYER. I would inquire whether any estimate has been made for the improvement of White river? I will state my object in asking the question. If White river is inserted in the clause, an additional appropriation will be rendered necessary.

Mr. BORLAND. I shall ask the Senate to increase the appropriation, if the amendment is concurred in.

Mr. GEYER. I was about to suggest to the Senator from Arkansas, whether it would not be better to divide the appropriations for the different rivers. It has always struck me as very extraordinary, that every river falling into the Atlantic, and every harbor on that coast, and on the lakes, has its separate appropriation, while these western rivers from the beginning have been grouped together as if they were very small affairs, and as if it was a matter of indifference whether any appropriation was made for their improvement or not. The consequence has been, that although we have had improvements on the Ohio, and on the Lower Mississippi, very slight attempts have been made to improve either the Missouri or the Arkansas, or any of the rivers in the Southwest. In order to effect a remedy, therefore, I propose, not to increase the appropriation, but to divide it, by inserting in this clause, after the word "rapids," $90,000; after the word "Island," $90,000; and to strike out $260,000, after the words "Arkansas rivers," and insert $40,000 each. Thus making the clause read:

"For the improvement of the navigation of the Mississippi river, below the rapids, $90,000; the Ohio, including the repairs of the dam at Cumberland Island, $90,000; the Missouri and Arkansas rivers, $40,000 each."

The entire appropriation for the improvement of these rivers will therefore remain at its present amount; but the appropriations will be rendered specific; and it will not be left to the discretion of those who superintend the works to omit some of the most important improvements which are necessary on those rivers.

Snag-boats have been once or twice on the Upper Mississippi, between the mouth of the Ohio and the Missouri; and once, a snag-boat was on the Missouri river, when it could not work elsewhere. All that I desire now, is to make the appropriations specific, or as much so as possible; and to approximate, in some degree, to the rule adopted in reference to appropriations elsewhere.

Mr. BORLAND. I agree with the Senator from Missouri in the general tenor of his remarks, and with the object he has in view. I would greatly prefer, as he suggests, that separate and specific appropriations should be made for each river. I think that such a system would be much better; but I did not make the proposition, because I supposed that for reasons which may have appeared sufficient to control the decisions of the Committee on Commerce, they had adopted this, which has been the usual mode of appropriating the money in the aggregate, and because it would be more likely to meet with general approbation; but I am very willing that the proposition which I have before me, and which I intend to offer, should be so modified as to meet his views.

For the reasons which I shall now state, I am desirous of having the White river inserted in this clause. The Senator from Missouri will admit that it is a very important river. It runs a considerable distance within the limits of his State; it runs also within the limits of the State of Arkansas, almost without obstruction, being navigable for boats of considerable size, all the year, for a distance of four hundred miles to the town of Jackson Port, and to the mouth of Black river. Then, I suppose, taking its meanderings, it runs something like a hundred miles before it enters the

State of Missouri, and in that State it runs a considerable distance. I believe boats have gone as high as the town of Springfield. Between that place, however, and Black river, there are some obstructions which need removal, and it would then become a most valuable river for the purposes of navigation to all that region of country. From the mouth of the White river up to the town that I have mentioned, Jackson Port, there are no obstructions but snags. It is a most beautiful river, and well adapted for the purposes of commerce up to that point, being only obstructed here and there by a snag; and it is of importance that these obstructions should be removed, for though the country through which it runs is but recently settled, it is now being rapidly filled up with one of the finest classes of population on the continent of America. Above that point, the country is equally valuable and interesting, and is now tending rapidly to settlement, but the river is still obstructed at the mouths of a few small streams which fall into it. From these obstructions it might be freed by the expenditure of the small amount of money which I intend to indicate, and then the navigation would be rendered perfectly safe during the whole year, for a distance of seven hundred miles for boats of a large size. For this reason, I am anxious to insert the White river in this clause; and I must say I am astonished to find that it has been heretofore excluded from all plans of improvement.

We are accustomed to consider the Arkansas river the most important in that State, running, as it does, diagonally through the State, from northeast to southwest, about six hundred miles. So far as the military operations of the Government are concerned, it is certainly more important than the White river, because it connects us with the Indian country, and is necessary as a highway to reach our military defenses on the frontier; the White river being made navigable, also becomes of considerable importance as extending that line of communication. I therefore hope that the Senate will consent to this amendment.

Mr. SEBASTIAN. When the Senator from Missouri [Mr. GEYER] was last up, he seemed to make some point upon the question, whether White river had been estimated for? I can inform the Senator that as early as the year 1838, in a bill approved by a Democratic President, a survey for the improvement of the White and Black rivers was made, and of that survey an elaborate and careful report was made. The obstructions in these rivers were found to be of two characters—those which were temporary, such as small rafts and snags, and overhanging trees, and those which consisted of shoals—making it necessary either to make locks and wing-dams, or to adopt some expedient for deepening the channels. For the removal of those obstructions which were of a temporary character, and which, after all, constituted the chief difficulty, an estimate was made; and the expense of improving both the White and Black rivers, and of opening up an almost uninterrupted navigation, and, as my colleague has said, the best which the State of Arkansas affords for six hundred miles, was only $27,600. Now, although this estimate was made in 1838, yet were another estimate made to-day, it could scarcely make much difference on account of the character of the obstructions. I imagine that the amount recommended by the engineer in 1838 would approximate as nearly to the wants and necessities of these rivers now, as though a new estimate were made.

While I am up, I will allude for a moment to what has been said in regard to the principle of the bill. So far as my support of this bill upon principle is concerned, (for I have a principle in this matter by which I shall be regulated,) these rivers come within it by connecting two different States, and are used as the means of carrying on and conducting the commerce of one State with another. That, I think, is one test of its constitutionality. I will not enter further into the merits of the bill now, for I will not render it the unkind favor which is too often incautiously afforded of speaking it to death. But in making appropriations for rivers we ought to inquire, in order to determine whether the work is of a national character, whether these rivers are used for carrying our foreign commerce between its various parts; whether they convey between their termini the commerce between different States; or whether they are used for the purpose of communicating between the United States and the Indian tribes. These streams which have been estimated for by Congress come emphatically within that definition. They are streams on which a regular commerce is carried on between two independent States of the Union. They are not merely the beds of dried-up streams, occasionally affording navigation, but they are large streams, penetrating into the State of Missouri through a distance of five or six hundred miles. Their length of navigation, the volume of their water, and the commerce carried on upon them, make them the equal of the Cumberland and Tennessee rivers, which have been regarded as rivers having a national character and importance. The reason why appropriations have been heretofore confined to the Arkansas and Red rivers to the exclusion of the White and Black rivers, is on account of the use of the former rivers by the Government as military roads, affording the only way in which we could conveniently connect the Mississippi river with the western Indian frontier and military posts; and appropriations have always been applied to these rivers for that reason and for that particular object—not merely as a natural means of communication for the commerce of the States with the Indian tribes, but for the additional and paramount object of facilitating the administration of the Indian and military affairs of the United States in that distant region.

I will say, relative to the Arkansas river, that it is the only means of communication with the military posts on the western frontier; that it is the only road by which we can furnish to the Indians the annuities and other supplies rendered necessary by our treaty stipulations with some five or six tribes on that frontier; and if by any extraordinary convulsion of nature, or by any other agency, that river should be annihilated, the Government would find that the cost of the transportation of supplies to the frontier would be largely increased beyond what is now the annual charge on the Treasury for the proposed expenditure. But, because the White and Black rivers have been placed under the ban of a constitutional objection, as relates to their improvement, they have hitherto received no other notice than a slight appropriation for a survey. But, aside from the constitutional objection to the system, I do not entertain the scruples expressed by some Senators as to the power of Congress to make an appropriation for a survey. It is, in my opinion, a most necessary exercise of power to prevent a violation of the Constitution; for I do not know what better authority, or what higher power, we can appeal to for the purpose of preventing the abuse of legitimate authority, than to the statistical information acquired by the Corps of Topographical Engineers, scientific gentlemen, educated at the expense of the Government, for this very object. Why, the appropriations for these objects are the life of that body, and if they were not required to devote themselves to the acquisition of this information, their offices would become mere sinecures, where they would merely receive their pay without anything to occupy their time or attention. I cannot see that the appropriation of the money for the purpose of carrying on the work, or its expenditure, is in any way connected with an appropriation for a survey. The survey and the improvement are very different; the one may come within the constitutional objection, the other cannot do so. However, it is not my purpose, as I have said already, to enter into a discussion of the bill on its merits, or the great principles involved, or the determination of the question as to where the powers of the General Government stop, and where those of the States commence. If time afforded, it is one of those subjects on which I should desire to express myself to the Senate. It is one of the great living questions of the age, intimately connected with the best interests of this country, and must have a material influence on its prosperity and advancement.

In relation to the suggestion of my friend from Missouri, [Mr. GEYER,] which has been acquiesced in by my colleague, [Mr. BORLAND,] I must express my doubts as to the propriety of separating the appropriation for the improvement of the southwestern rivers, and its division among the Red, Mississippi, Arkansas, and Missouri rivers. I understand that the object to be gained by making but one appropriation for all, is to avoid the difficulty consequent upon voting the money in such a manner as to prevent the Department from expending the whole amount to the best advantage. In one case, the appropriation may be too small to effect the object contemplated, and the work must be left incomplete; in other cases, it may be larger than is required, and then the Department could not take the excess for the purpose of finishing the incomplete work. The practical consequence is, that you must open an account for each of the improvements commenced, and after they are carried as far as possible, or as far as may be necessary, you cannot apply the excess on one appropriation to meet the deficiency of another. The mode proposed by the bill affords the means of bringing all the odds and ends together, so that, taking the sum in the aggregate, you enable the Department, in the administration of the funds placed at its disposal, to govern the disbursement with more economy than it could otherwise effect. There is one condition, however, on which I would agree to the separation of the items, and that is, the increase of the whole amount of the appropriation. I understand that the sum mentioned in the bill—$260,000—would barely supply the material with which the work is to be commenced. The cost of the eight snag-boats, which will be necessary, will, at $30,000 each, alone exhaust the whole sum, and nothing will be left for removing the obstructions. If the amount of the appropriation is increased to such an extent as to permit the work of removing the snags to be commenced after the first cost of the boats has been defrayed, then the object of the Senator from Missouri, [Mr. GEYER,] and of my colleague, [Mr. BORLAND,] may possibly be answered. Until such an increase is made, I think it would be unwise to make a division, for the whole sum must necessarily be absorbed by the preparatory arrangements before the removal of a single obstruction is undertaken. The obstructions in the White and Black rivers, proposed to be embraced, are of the same character as those which have been reported to exist in the Arkansas and Red rivers, and may be removed with equal facility, and with the same means; and I can have no doubt as to the propriety of the work of improving them being undertaken by the General Government, as they come directly within that class of works generally embraced in bills of this nature.

Mr. GEYER. The Senator from Arkansas partly misunderstood my object, when I asked if this appropriation was estimated for. The object of my inquiry was that that additional sum should be put into the bill for that river as a specific appropriation. The estimate, as we have it now, is for the Ohio river above the Falls, $60,000. For the Ohio river below the Falls, including the Mississippi, the Arkansas, and the Missouri, $200,000. As it is grouped in the bill, it is for the Ohio river and Mississippi river below the rapids, the Missouri and Arkansas rivers, $260,000 in the aggregate. That is according to the estimate which I did not propose to increase. When it was proposed by the other Senator from Arkansas [Mr. BORLAND] to insert White river, it struck me that it would be reducing the amount for the other rivers, and that if there was a separate estimate for White river, a separate and specific sum should be appropriated, so that the whole appropriation for the four rivers named should not be diminished. I then intended to make the sum specific for several reasons.

Mr. BORLAND. At the time I offered the amendment, I intended to have provided for the difficulty which has suggested itself to the mind of the Senator from Missouri. I also intended to propose an increase of the amount. I will accept his suggestion, and modify my amendment in that way, so as to let the latter portion of the clause read, "the Missouri and the Arkansas rivers," leaving the $200,000 as it now stands, and add for the improvement of White river, $28,000; and then, that my amendment may be fully understood, I will adopt the suggestion of the Senator from Missouri, which proposes to separate the different amounts, and give them a specific application to the different rivers, dividing the whole

amount proposed to be given by the bill to the rivers in the aggregate, according to a fair estimate of their relative importance and necessity.

Mr. DAVIS. Has a survey been made?

Mr. BORLAND. A survey, as my colleague informed the Senate, was made some years ago, and an estimate was reported. I propose to modify my amendment so as to add at the end of it, in the twenty-fifth line—

And for the improvement of White river and Black river, $28,000.

That will make it equal with the proposed amounts, which we design to assign respectively to the Missouri and Arkansas rivers.

Mr. CASS. If this were merely a question of adding to this bill a small appropriation for the White river or the Black river, this class of appropriations which have been estimated for without increasing the appropriations, I would have no objection to it. But, Mr. President, I am utterly opposed to increasing these appropriations simply because I am a friend to this bill and desire its passage; and it is as obvious as day that if you put into this bill appropriations for rivers, Red, Black, and White, and all the colors of the rainbow, the bill is dead and gone. It will be sunk with its own weight. There will only three months elapse between this and the next session of Congress. There is money enough proposed here to be appropriated for improvements for four or five months to come. Why, then, will gentlemen run the risk of losing the whole when enough can be had to carry on these improvements for three or four months at least? Why not let the bill go as it is with a rational prospect of passing, rather than run the risk of its being killed either here or in the House of Representatives?

Mr. BRIGHT. The Senator from Michigan has said much that I intended to say. I am doubtful if this bill can now find a safe deliverance in either House of Congress; certainly not when the friends of the bill propose to add to it appropriations for such rivers as the White river and the Black river in Arkansas—the latter of which I never heard of before, and the other is, I believe, but lately known to history. I should like much to vote for this bill provided it can be brought into shape; but I am unwilling to vote for it embracing appropriations for such rivers as those named by the Senator from Arkansas. I had in my mind the idea of excluding from the bill any appropriation for the Arkansas river. I had my doubts whether it came within the proper class for which appropriations ought to be made. But on account of my regard for the Senator from Arkansas, [Mr. BORLAND,] I was willing to vote for it, hoping we could obtain a larger appropriation for the Ohio, and the same for the Mississippi. But when the friends of the bill propose to include in it appropriations for such rivers as the Black river and the White river, I cannot vote for it.

Mr. BORLAND. I am certainly much indebted to my friend from Indiana for his forbearance, and the friends of the Arkansas river also should be much indebted to him, on my account. I hope that I may have it in my power, when the question may come up on some river in which his State is interested, to return the compliment. It is indeed, peculiarly unfortunate for my State, that we have such names for our rivers as "White" and "Black." Sir, we are not so fortunate as the Senator from Michigan, [Mr. CASS,] having a great lake almost surrounding his State. I have never been in that region, and therefore can say nothing in regard to the color of its water. But both the Senator from Michigan and the Senator from Indiana seem to be much influenced by the names of our rivers, because they happen to indicate colors. The Senator from Michigan has just said, that we have rivers embracing all the colors of the rainbow.

Mr. CASS. NO, no; I said no such thing.

Mr. BORLAND. One of the rivers of my State, however, does not aspire to any such honor, for it is called the "Black river." I do not know that there is any black in the rainbow, nor do I know that there is any white in it. Red is in another category, and I suppose that that color is usually seen in the rainbow.

But, Mr. President, I have been told that the friends of this bill should not offer amendments. Sir, I started out on that ground. I resisted all amendments to the bill; and, although I considered it unfair to omit that portion of the country which I represented, I was willing to take the bill as it stood, because I believed that, if we amended it, and sent it back to the House of Representatives with our amendments, it would be likely to fail. In this feeling, however, I, and others, were overruled. The Senate decided to amend the bill. Amendment after amendment has been made, and more than half the amendments that have been made, have been more objectionable than the amendment which I now propose. If we could have kept off all amendments to the bill, I would have agreed to it. But, since the rule of "no amendment" has been rejected, I do not see why my State should not have something as well as other States; nor do I see any reason why, if others are willing to hazard the passage of the bill by offering amendments for their States, I should not hazard it by seeking to obtain something like justice for mine. All these proposed amendments are dignified by the name of "justice." I want "justice" too.

I am sorry to find that the Senator from Indiana is so defective in his knowledge of geography. One of these rivers he says he never heard of before; and the other is only recently known to history. I believe the Senator from Indiana is somewhat older than I am, and I have heard of these rivers since my boyhood, and read of them. Although that Senator in coming to Congress has not the honor to cross the Mississippi, and come within our limits, (where we shall at all times be happy to see him,) I think he must be in jest when he says that these rivers are not within his knowledge. They have played too conspicuous parts, both in the geography and legislation of the country, to have escaped the attention of that Senator. These rivers, however, as my colleague has stated, have been surveyed and estimated for long ago, and I have reduced the amount to that estimate. I hope there will be no objection to the amendment.

Mr. SEBASTIAN. I will not, Mr. President, in the face of an evident disposition to come to a vote upon the question, say more than a word in reply to the Senator from Michigan, whose fears and apprehensions as to the success of the amendment are somewhat of a morbid character, and not sustained by the facts. As a mere question of policy, by which I intended to govern my own action, I was anxious to pass the bill through as it came from the House of Representatives, acknowledging its imperfections, but recognizing it as the commencement of a system in its infancy which we would have time to mature and regulate and prune of its abuses hereafter. But the Senate disregarded that mode of treating the bill; and after giving my vote, without avail, against the first amendment, I have exercised my best judgment in regard to the amendments which have been offered since. No amendments of importance have been ingrafted on the bill which may weigh it down; but a more important matter is the principle on which they are ingrafted; and when an amendment is proposed on principle, and is true and legitimate in itself, I shall entertain no fears in giving my vote upon it. I entertain no fears as to the objection which has been urged in regard to overloading the bill merely as to the amount of the appropriations. Gentlemen are disingenuous and unfair if they suppose that a just and legitimate system of river and harbor improvements is to affect this bill merely because of the amount of money involved. I affect no such moderation as that. On the contrary, I know that if these appropriations are made, they must continue; that they must not only continue, but must enlarge; and let me ask, what appropriations of whatever class are not enlarged under the growth of the Government? But yesterday, your appropriations for the support of your Navy were only $4,000,000. Now your appropriations for the same service amount to $9,000,000.

The expenditure of the Army, and, indeed, every other expenditure, grows with the growth of the country. Some seem to have forgotten that but yesterday we were only a colony, while to-day we are a great empire; and you cannot expect to circumscribe the expenditures of the Government now within the same limits within which they were confined a few years ago. But the amendments which we have proposed here, are not obnoxious to the objections which the Senator from Michigan [Mr. CASS] supposes. We are not going into an indefinite field of expenditure. On the contrary, each one of these improvements is based upon the compact entered into between the State of Louisiana and the United States. They come within the pale by which every Senator proposes to regulate his conduct. They have been surveyed and estimated for; they stand upon a principle which has been ratified by previous Administrations, and are declared national highways by the terms of the compact in which the States of Arkansas, and Louisiana and Missouri were admitted into the Union. There was a time when that great territory was all under one political jurisdiction, and the first State that was carved out of it was Louisiana; and so careful was the Federal Government at that time, lest these large rivers emptying into the Gulf of Mexico and the Mississippi, would be withdrawn from their jurisdiction by State legislation, that they made provision in the compact with Louisiana, and subsequently with other States of the Mississippi valley, that the navigation of the rivers flowing into the Mississippi and the Gulf of Mexico shall forever remain common highways, open to the citizens of all the States, without any toll, or duty, or impost, by the authority of the States whatever. Could any language more perfectly withdraw these rivers from State jurisdiction, to incorporate them as objects of the care of the Federal Government? I doubt whether the amendment of the Senator from Illinois [Mr. DOUGLAS] would be a preservation of the faith of the Government with these several States since the Federal Government has thus legitimated them as national highways, exempt from their jurisdiction. They have in one clause withdrawn and released the whole of these from any pretext of jurisdiction by the States. The White river, and the Black river, and the Red river, and the Arkansas river, are all rivers belonging to that class embraced in the compact, and there is no danger of extending the compact too far. This, therefore, is not a mere general provision; and if it were extended to every river embraced under that compact, it could not be deemed an abuse of authority. It appears to me that we can adopt this amendment without either fearing or inviting the abuses about which many Senators evince so much alarm.

Mr. DAVIS. I understand from the gentleman from Arkansas, that these rivers have formerly been surveyed. That is a fact with which I was unacquainted when the motion was made to add them to the bill. They have not been referred to any committee for examination or investigation, nor have they been thought of as suitable provisions for this bill until this amendment was moved here to-day. I am not about to argue that they are not suitable; I would rather believe all that has been said in their favor. I wish, however, to say one thing to my friends from Arkansas, and that is, that you cannot provide for all the rivers which may be esteemed worthy of having a place in this bill. That is out of the question. There must be a limit somewhere, for it is quite impossible to put them all in. I will say more—that however strong their claims may be, it is inexpedient to put them all in. There are certain rivers in which the State of Arkansas is interested, which are pretty largely provided for in this bill; and I would ask these gentlemen if they hope to press an amendment of this sort without inviting others to offer similar amendments? Will it not result in defeating the whole measure? It is really time that we should come to a vote on this subject; and I rise more for the purpose of asking a vote than for anything else.

Mr. BORLAND. It may all be very true, Mr. President, that these rivers were not presented to the committee as deserving their consideration. The Senator from Massachusetts is right when he says they were not presented. It is, perhaps, unfortunate for the State of Arkansas, and perhaps equally unfortunate for many other States in this Union, that she and they were not represented in this committee. I mean no reflection whatever upon the committee, but I desire to call attention to the fact that not a river or harbor belonging to any of the States which were represented in that committee has been omitted. There were, how-

ever, out of the thirty-one States, only some seven or eight States provided for by the amendments of the committee, and they were adopted by the Senate. My State and some others had not the good fortune to be represented on that committee. They were lucklessly omitted. We have made appropriations in this bill for objects that three Senators cannot be found to state they know the value of. We have made appropriations for little harbors here, and little rivers and indentations there, and yet when a great river, seven hundred miles long, is brought forward here as an object of important legislation, we are told that it was not before the committee! Why was it not before the committee?

The Senator from Massachusetts says that the rivers in the improvement of which the State which I represent is interested, are largely provided for by the bill. That gentleman's estimate of a large provision must be very different from mine. There is an appropriation in the bill of $260,000 for the whole of the Mississippi, the whole of the Ohio, the whole of the Missouri, and the whole of the Arkansas rivers.

Mr. DAVIS. The Senator is mistaken. The bill now contains appropriations for those rivers to the amount of $400,000.

Mr. BORLAND. Then I have not seen them.

Mr. DAVIS. Besides the appropriation of $260,000, there are $50,000 for the Upper Mississippi, and $50,000 for the Arkansas river, in addition to another appropriation of $80,000 inserted this morning.

Mr. BORLAND. The Arkansas, the Missouri, the Mississippi below the rapids, and the Ohio, including the removal of the dam at Cumberland Island, which is estimated alone to cost $50,000, are all to be provided for out of this appropriation of $260,000. What is the extent of navigation, and the importance of the commerce which is to be added by this insignificant sum? Compare them with those other rivers and harbors which have been amply provided for, and the appropriation, compared with what has been given to the latter, is a mere drop in the bucket—a mere rivulet to the ocean—whilst the works thus amply provided for, compared with the great western waters, are themselves mere rivulets to oceans.

Mr. DAVIS. Where are these paltry streams? What are they?

Mr. BORLAND. If the Senator will look into the bill he will find them. Look at the appropriations for the Hudson, the Savannah, the Delaware, the Appomattox, the James river, the Patapsco—eight miles in length—and others of even less importance. Will the Senator from Massachusetts say that these rivers are to be compared in importance with the Mississippi and its tributaries? And yet add together the appropriations you have given them, and they will more than double what you have set apart for the Mississippi and the Ohio.

I am a friend to this bill, and, as I said before, I was unwilling to touch it for fear of hazarding its existence; but the Senate overruled me; and when the system of amending commenced, I felt at liberty to act for the benefit of my constituents. I have offered no amendment, which, in proportion to the magnitude and importance of the improvements, would not compare favorably, and even exceed those already contained in the bill. It is no desire to obtain mere local advantages which has influenced me; but when the door was opened by the admission of appropriations for mere works of trivial importance, I felt it to be my duty, as it is my purpose and intention, to attend to those improvements which ought to be made, because I live where their necessity is felt, and because I have it in my especial charge to see that they are not neglected. When I see that all those interests which were represented on the committee, have been provided for, and that those which I represent, and which had no advocate in that committee, are left without any provision, I shall stand up here as the guardian of those interests, and point out to the public how, and where, the money goes, and for what purposes. If we are threatened with the loss of the bill, because it is asserted that the amendments I offer will overload it, let it be lost. I am willing to bear the responsibility so far as it refers to my constituents. If I cannot obtain justice when you undertake to distribute justice, let the bill fail. I am not to be driven from my purpose by such threats. I ask for common justice to the region of country I represent. If the bill is to fail because I ask for that measure of justice which was not meted out to us, because, as the Senator from Massachusetts [Mr. DAVIS] has suggested, our interests were not represented, and our claims to regard were not urged on the committee, then let Massachusetts and all the other States go, too; for there is no obligation on me to aid in the distribution of the benefits of this Government to all other sections of the country to the exclusion of my own district.

Mr. DAVIS. I do not wish to detain the Senate; but I do desire to show that the Senator from Arkansas has done great injustice in his remarks to the Committee on Commerce.

Mr. BRIGHT. Did I understand the Senator, when he was up before, to say that the amount appropriated to the Ohio, Mississippi, and Missouri rivers, and their tributaries, is $400,000?

Mr. DAVIS. I have just footed up the amounts, as the bill now stands by the vote of the Senate, and it is $465,000.

Mr. BRIGHT. Will the Senator name the rivers for which it is appropriated?

Mr. DAVIS. Two hundred and sixty thousand dollars are for the Mississippi below the rapids, the Ohio, Missouri, and Arkansas. Then above the rapids, $50,000 are appropriated. Then there is to clear out the pass of the Mississippi, $75,000. We voted this morning to appropriate $50,000 to the Tennessee river, and $30,000 to the Illinois river. That makes, as I have footed it up, $465,000, there being $385,000 in the bill independent of any amendment of the Senate; $50,000 are also appropriated for the Red river.

Mr. BRIGHT. My object in calling for the amount was to see that we were not charged with the $75,000 appropriated for the mouth of the Mississippi. That we consider as an appropriation for the Gulf, rather than for the Mississippi.

Mr. DAVIS. That belongs as much to the commerce of the Mississippi river as the North river belongs to the commerce of New York. But I wish to show that the honorable Senator from Arkansas, who cast some reproach and some reflection upon the committee, was mistaken.

Mr. BORLAND. I cast no reproach upon the committee. I spoke upon the suggestion of the Senator himself, who said that some objects were left out because they were not before the committee.

Mr. DAVIS. They were not presented to the committee; and I repeat that it was not the business of the committee to go after these things. But it is not that of which I complain. What I complain of, is another suggestion of the Senator; and that is, that those who are on the committee have taken pains to avail themselves of the opportunity which they have there to protect their own States. Now, sir, what is there, in all these amendments, appropriated to the State of Massachusetts? There is one little appropriation of $3,000 for a survey of Taunton river, and if it worries the mind of any one in the Senate, I am perfectly willing to strike it out. I wish to oppose no obstacle to the bill, if I can help it. If any gentleman makes an objection to that because it is an unimportant matter, because it does not fall within the principle, let it and all similar works be stricken out. The survey was asked for, and I thought it would answer a good purpose for the benefit of a large population, owning, perhaps, a greater amount of shipping than any single town in the United States, in proportion to its size, having 140,000 tons of shipping. There are some obstructions at the entrance of the harbor. I thought it best to ask for the survey, but if it is thought to be unnecessary, I am willing to strike it out at once, and not let it stand in the way of the bill.

That is all my State has got in this matter, from the amendments of the Senate; and so far as it is concerned, although there are several little unimportant objects in the bill, coupled with one of some magnitude, which I can explain at any time, whenever it is necessary, and show that it is for the public and not for the State—although I say they are appropriate, yet they are not matters that I could shed any tears about, if we should strike them all out. There is a provision in the bill for an improvement which is within the State of Massachusetts, which ought not, in my judgment, to be connected with this bill at all. Why it is put there, unless it was because there was some objections raised to it when it was put into a fortification bill sometime ago, where it belonged, and where it should be, I am unable to state. There was a war made upon that measure here some three or four years ago. The strongest opposition was made to it, but still it was retained in the fortification bill. Why does it get into this bill? It is there simply on this ground: that the engineers of one of the Departments of this Government, of its own accord, unasked and unsolicited by our citizens, proposed that a sea-wall should be built against Great Brewster Island, in Boston harbor. The reason is one which would be satisfactory to any man's mind, that if Great Brewster Island is washed away—and they show the facts that by one single storm two hundred feet of it were washed away—a great fortification, designed for the whole defense of that harbor, called Fort Warren, which was made at an immense expenditure by the Government, of probably more than $1,000,000, will become of no utility at all. Seeing these facts—they being apparent to the War Department, and apparent to everybody who will look upon the thing as it was—they said: "This belongs to the defense of the country. We have a navy-yard in the harbor of Boston. We have an extensive public property there, besides the private interests which belong there. We have built a fortification at great expense. In order to save that, and to save the harbor, there are public interests enough in it, independent of private considerations, to justify the putting of this wall there." Any gentleman who will examine the report of the War Department, will find all these facts set out in the most lucid manner, and Congress is asked, on the grounds I have stated, to make an appropriation for a sea-wall to protect the island.

The amount of the matter is this, that it is an outer island, facing the Atlantic ocean. When a northwest storm comes upon it, it comes with great force and violence, and, if any portion of the island is swept away, it is washed into the ship channel. The plan of fortifying the harbor is this: There are two ship channels in it; one is called the Broad Sound. It is proposed to fill that up, and make it inaccessible, across a large portion of it, for large ships-of-war, leaving a sufficient depth of water for smaller vessels to go through at certain times. This Fort Warren, taking the ship channel, which is considered the main channel, always affords a perfect and complete protection, as a fortification. The batteries are so arranged, that when a ship first presents herself within gun shot, it is with her bows to the battery. She then has to show her broadside to the battery, and, as she passes, presents her stern. No vessel can pass there; the batteries are so powerful that they would be fatal to it. Under all these circumstances, the War Department, in my judgment, came to a very judicious conclusion. They decided that the island ought to be preserved as a part and portion of the public defenses of the harbor. Take that from Massachusetts, and I do not believe there are $5,000 appropriated in the bill for that State.

Mr. ATCHISON. It is apparent that we cannot get through with this bill this evening.

Mr. DAVIS. Let us try.

Mr. ATCHISON. The Senator from Illinois has a substitute for the whole bill, changing its entire principle.

Several SENATORS. No, no.

Mr. ATCHISON. I understand that it is a substitute for the whole bill.

Mr. DOUGLAS. The amendment is to add additional sections to the bill, not a substitute for the whole. I am anxious to offer it whenever I can get the floor, and make some remarks—about half an hour—in explanation of it.

Mr. BRIGHT. I desire to say, that I intend to offer an amendment appropriating $500,000 for an improvement at the Falls of the Ohio, according to the notice that I gave.

Mr. ATCHISON. I am anxious to get a vote on the bill. I will make no factious opposition to it; and I will vote for it, if I can get certain amendments made—not adding to it, but striking from it. I will assist the friends of the bill to get a

vote upon it at as early an hour as practicable. But it is now four o'clock, and I think it unreasonable, on Saturday, to sit later than that hour. It is not for the purpose of delaying the bill, that I make the motion I now do, that the Senate do now adjourn.

Mr. HUNTER. I hope we shall not adjourn.

The motion was not agreed to; there being, on a division—ayes 16, noes 22.

Mr. BRODHEAD. It seems to me that this bill, or at least the amendments, ought to be discussed and disposed of to-day, so that on Monday we might come to a vote upon it. But, if we do not dispose of the amendments now, it will take all day on Monday, and perhaps Tuesday, to discuss it. Then, when do we propose to discuss the civil and diplomatic bill? I am opposed to this bill, and do not intend to vote for it; nor do I intend to discuss it. But if the friends of the bill intend to talk it to death, let them do so.

Mr. Borland's amendment was rejected.

Mr. MALLORY. I desire to offer an amendment, for which I have an estimate from the Topographical Bureau. It is to add the following:

For the improvement of the harbor of Appalachicola, by deepening the straight passage, $15,000.

In relation to that, I will say that the harbor of Appalachicola receives the Appalachicola river, the Chattahoochee river, the Flint river, and other rivers rising in Georgia, and emptying into the Bay of Appalachicola. Flourishing towns are situated upon these rivers. From the town of Appalachicola, the States of Alabama, Georgia, and Florida, exported last year, 140,000 bales of cotton. The amount this year will probably reach 160,000. This cotton was exported last year in seventy ships, which were detained below Appalachichola, at the point known as the straight passage. The proposition is, to deepen the passage to promote the communication between the shipping and the town. An effort was made to accomplish this some years ago, by private enterprise; and, I believe, $20,000 were expended. The Topographical Bureau estimated that it might be done for $31,000, taking the *data* furnished them. I have reduced the amount to $16,000.

I trust no opposition will be raised to the amendment, for if there be a national measure in the bill, this is really one. It is one which concerns the State of Florida less, perhaps, than the shipping of the northern States.

The amendment was rejected by a vote, on a division, of—ayes 17, noes 21.

Mr. GEYER. I now desire to offer the amendment to which I alluded a short time ago. It is not to increase the appropriation, but is to make it specific for the rivers named in the bill. It is in the following clause:

"For the improvement of the Mississippi river below the rapids, the Ohio, including the repairs of the dam at Cumberland Island, the Missouri and the Arkansas rivers, $260,000."

To insert after the word "rapids," $90,000; after the word "Island," $90,000; after the word "rivers," insert "each $40,000;" and strike out "$260,000," so as to make the clause read:

"For the improvement of the navigation of the Mississippi below the rapids, $90,000; the Ohio, including the repairs of the dam at Cumberland Island, $90,000; the Missouri and Arkansas rivers, each $40,000."

Mr. BRIGHT. The effect of that amendment will be, as I understand, to leave but $40,000 to be applied to the Ohio river.

Mr. GEYER. Ninety thousand dollars.

Mr. BRIGHT. Fifty thousand dollars is stated to be for the Cumberland dam.

Mr. GEYER. It is not stated what is for the Cumberland dam. I objected to that, but do not wish to interfere with it.

Mr. UNDERWOOD. I hope that amendment will not prevail. Suppose it does not take more than $50,000 for the Cumberland dam, and not more than that can be expended there, then there will be $40,000 left, which, if the amendment prevails, you cannot expend elsewhere; whereas, if you let the bill stand as it is, that $40,000 can be expended. If you apply $90,000 for the dam—and the whole is not necessary—there will be a great surplus left.

Mr. GEYER. That is not the effect of the amendment. It does not apply to the dam. The appropriation is for the Ohio river, including the island.

Mr. UNDERWOOD. The argument still applies, with this difference: I supposed $90,000 had been applied to the dam, but it is now to the river and dam both. Now, if you cannot appropriate the whole of it upon the river and dam, you could appropriate a part of it elsewhere, if you allow the clause to stand as it is in the bill.

Mr. ATCHISON. I think I can make a suggestion which will obviate the difficulty of the Senator. Let us strike out the $50,000, leaving $40,000 for the Ohio river; and then add the $50,000 to the Lower Mississippi river.

Mr. UNDERWOOD. I no not want to do any such thing. The effect of the amendment, if it prevails, will be simply this: If you cannot expend the whole $90,000 for the Ohio and the dam, but only $50,000, there remain $40,000, which you might appropriate elsewhere, but, under the amendment you could not do so. I do not want to tie the hands of those who are to expend the money in that way. That is the inevitable consequence of the amendment. So I might allude to the appropriations to other works. If you could not expend the money judiciously at the point specified, you could not apply it elsewhere. But if we allow the clause to remain as it is, it can be appropriated among the different works according to the ability of the Department, and the force and machinery which is employed to improve them. If you cut up the appropriation in the way proposed, the difficulties which I have suggested will arise.

Mr. SEWARD. I think the honorable Senator from Kentucky is right in his remarks. This appropriation is made upon a recommendation by the Department. All these objects are taken together, because they are of a similar nature, and the boats to perform the operation can be removed from one river to the other. They could work from one to the other. If we can trust to our Departments at all, we can trust to their discretion in this matter.

Mr. GEYER. The suggestion of the honorable Senator from New York will present to the mind at once, the decided objection to this grouping of appropriations. Why was it not done on the lakes? Are they not kindred improvements? Why have they separate appropriations for every harbor and the mouth of every river upon the lakes and upon the Atlantic, and when you get upon the waters of the West, which float every day at a risk, more lives and property than there is on the same day American property on the Atlantic ocean, they are grouped together?

I do not intend to occupy the time of the Senate longer than is necessary for the purpose of explaining my ideas on the subject. It is not my habit to do so. What has been the practicable effect of appropriations heretofore? The Missouri river, which is navigable for more than two thousand miles from its mouth, has never had a snag boat in it but once; and then when it could not work anywhere else, and when the river was not in a condition to make operations to any advantage. Why? Because the officers having charge of the improvement were at liberty to work where it was most pleasant for them to work—in the Lower Mississippi and the Lower Ohio. Now, I think there is some virtue in specific appropriations, and if they are grouped together in the West, they may as well be grouped in the East.

I have one word to say in reference to the objection of the Senator from Kentucky. He supposes that if the appropriation of $90,000 is made for the Ohio river, including the dam at Cumberland Island, there will be $40,000 with no place at which it can be applied. If it takes $50,000 to repair the dam or to remove it—for it is a controversy whether it is to be repaired or removed—there would be $40,000 left for the Ohio river. The expenditures have been almost entirely confined to the Ohio and Lower Mississippi heretofore. I have no objection at all to a specific appropriation for the Cumberland dam. But if you make an appropriation of $260,000 for the four rivers, and if it is to cost $50,000 to repair or remove the dam, and $100,000 more for the Ohio, that is $150,000 out of the whole appropriation, and it leaves you only $110,000 for the Mississippi, the Arkansas, and the Missouri, out of which you have to purchase, as this appropriation stands, snag-boats and dredge-boats, and the machinery necessary for the work.

If this general appropriation stands, I think I do not hazard much in predicting that a large amount will be expended in the purchase of boats and in repairs at Cumberland dam; and the sum left will be so small that it will be regarded, as it has been heretofore, as not worth while to go into other rivers. I should have preferred that the estimate made by the Department a year ago had been attended to. We should have had a separate appropriation for boats and machinery necessary for the western waters. The machinery which would answer in the Ohio cannot answer the purpose for the Lower Mississippi, especially that which will be required for the reconstruction of the dam in controversy, at the head of Cumberland Island. Other boats, of a different construction, are required for the Mississippi and the Missouri, and I believe the Arkansas, though I am not familiar with that river. The machinery, in the first place, under this appropriation, will be adapted to the Ohio, and the application of the whole amount may be on the Ohio; but if you remove the dam, and go to improving the whole Ohio, expending the money there according to the discretion of those who have charge of it, there will not be enough left to purchase the machinery for the improvement of the other rivers.

Mr. UNDERWOOD. I have conversed with those who have been concerned in the improvements heretofore. They tell me that four snag-boats will be required for the large and deep rivers, and they suppose that about three smaller snag-boats will be required for the more shallow streams, to go on advantageously with the operations there. I wish the appropriation to stand in such a way, because I think it will be for the interest of the whole that the Department, whenever it is necessary, can apply the whole four large boats upon any portion of the Mississippi or Missouri, or that they might employ the whole or any portion of the smaller boats upon the Ohio, or the Tennessee, or the Cumberland, or other streams, the Illinois being included. In this way you will allow the officers to use their discretion, and the whole force may be taken where it can be most advantageously used; but if you confine them by your specific appropriations, and take out of an appropriation for the Lower Mississippi money enough to make one snag-boat; out of the appropriation for the Missouri enough to make another; out of the Ohio enough to make another; making the large boats to operate upon the lower portions of the streams, and confine them there, what will be the consequence? In the months of June and July, when the snow upon the Rocky Mountains is melting, it will be impossible to operate on those streams by this machinery; and the boats will lie idle, because they cannot use them on the Mississippi to advantage. It is certainly the best and most economical plan, if we have competent men, to let them exercise their judgments in the accomplishment of the objects proposed, and not trammel them. If you get bad men, incompetent persons, who go for ease and a division of the spoils, without desiring to labor, it will all be spent, and do no good anyhow.

Mr. CHASE. It is evident that we cannot get through with this bill this evening. I therefore move that the Senate adjourn.

The motion was not agreed to; there being, on a division—ayes 20, noes 21.

Mr. BRIGHT. I believe we all agree touching one fact, viz: that out of this appropriation the preparation is to be made, necessarily, to improve the rivers. We are to purchase boats and machinery necessary to remove the snags and bars. That, I believe, is the understanding of the Senator who has charge of the bill. Now, I undertake to say, that the amount proposed to be appropriated for the rivers named in the clause we have before us, is not sufficient to make the preparation—is not sufficient to purchase the boats, and machinery, and implements necessary to get ready to enter upon the work. While we are endeavoring to amend this clause, I should like to see an amount inserted sufficient to make the work useful—sufficient to make it valuable, so that when we enter upon it we will not have to stop. If the object is to appropriate money to improve the Ohio and Mississippi rivers, and the Arkansas and Missouri, let us make an appropriation now that will show we are in earnest; that we intend to

follow up the work and make something useful out of it. Ninety thousand dollars is not sufficient to enter upon it. The amendment of the Senator from Missouri is pending; but I intend, at the proper time, to offer the following amendment: to strike out the clause and insert—

For the improvement of the navigation of the Mississippi, Ohio, Missouri, and Arkansas rivers, $500,000.

That will be a sufficient amount to enter upon the work, so as to make it useful to the public. A less sum than that, in my judgment, would be productive of no good.

Mr. BORLAND. I would suggest to the Sentor from Indiana, that I have had a consultation with the Senator from Missouri, and have prepared an amendment which will meet his views. I had intended in the beginning to move to amend the bill by increasing the appropriation to $400,000—$140,000 of which to be used in the construction of the snag-boats and other machinery and fixtures necessary to carry on the several works contemplated by the appropriation. But as the appropriation seems to be likely to be amended in other respects by the amendment of the Senator from Missouri, the amendment which I propose to offer at the proper time, will be to add this:

For the construction and repair of snag-boats, dredge-boats, discharging scows, and machinery to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western rivers, $1-0,000.

Mr. RUSK. The amount is not sufficient.

Mr. BORLAND. I am willing to increase it to make it sufficient.

The PRESIDENT. It will not be in order to offer that at this time, as there is another amendment pending.

Mr. BORLAND. I know that. I have merely suggested that I shall offer it.

Mr. GEYER's amendment was agreed to by a vote, on a division, of—ayes 17, noes 15.

Mr. DOUGLAS. I rise for the purpose of offering the amendment which I submitted informally some time ago, and had printed and laid upon the tables of Senators. It relates to the levying of tonnage duties.

Mr. SHIELDS. I hope my colleague will allow me to offer an amendment. I do not intend to make a speech, and I mean to vote against every amendment that is sustained by a long speech. [Laughter.] All I want is a vote upon it.

Mr. DOUGLAS. With the understanding that I can have an opportunity of presenting my amendment and adjourning on it, I will yield the floor to my colleague.

Mr. SHIELDS. I move to amend the bill by inserting the following:

For the improvement of the harbor and breakwater at Waukegan, Illinois, $15,000.

Here is an estimate, and survey, and everything else.

Mr. CASS. That is a celebrated little work, just scooped out. I hope the Senate will not agree to it.

Mr. WALKER. It is about the last harbor of refuge for vessels before they reach the extremity of Lake Michigan, and without it they must run ashore.

Mr. DOUGLAS. I have a word to say about this scooping. If there is a harbor on the lakes necessary for a place of refuge, it is this very place. It is true there was a time when an appropriation was asked for it without an estimate, and it was resisted, properly, perhaps, by the friends of the bill; but since that time it has been carefully surveyed, and we have the estimates. We know precisely the cost, and it has been decided by the Department that it would be the best place for a harbor of refuge. The breakwater will cost only $47,000, when completed. It is a place where you must have a harbor of refuge, to prevent vessels going ashore at the head of the lakes. The town there has grown up to be a place of about 5,000 inhabitants, and their commerce is growing up without a harbor. If we are not to have a harbor there, I would like to investigate its relative claims with those of any one of the harbors—I care not which—between it and Buffalo.

Mr. SHIELDS. I promised not to make a speech. I will merely read what the officers who made the survey say:

"It is about sixty miles from Chicago, without any intermediate place of shelter."

Mr. CASS. It is not sixty miles from Chicago.

Mr. SHIELDS. It is.

"It is about sixty miles from Chicago, without any intermediate place of shelter; and the plan proposed would make it one of the most convenient and most accessible ports of refuge on the lake."

Mr. CASS. I acknowledge I am mistaken in the distance, and that alters the case materially. I thought it was within fifteen miles of Chicago.

The amendment was agreed to by a vote on a division of—ayes 20, noes 14.

Mr. BORLAND. I offer the following amendment:

For the construction and repair of snag-boats, dredge-boats, discharging-scows, and machinery to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western rivers, $150,000.

I apprehend that no one can object to the amendment; because it may be considered as absolutely necessary to carry out the works we propose to make.

Mr. BRIGHT. If we adopt that amendment, it will supercede the necessity of my moving to increase the appropriation to $500,000; for if the amendment be adopted the cost of the machinery will not have to be taken out of the appropriation made to carry on the work.

On the motion of Mr. MASON, the Senate adjourned.

[*To be continued.*]

THE SLAVE QUESTION—THE POSITION OF PARTIES.

SPEECH OF MR. SCHOONMAKER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

August 17, 1852.

The House being in the Committe of the Whole on the state of the Union—

Mr. SCHOONMAKER said:

Mr. CHAIRMAN: A few days since we heard the gentleman from Virginia [Mr. FAULKNER] define his position on the presidential question, and give to the country his reasons for withholding his support from the Whig nominee for the Presidency. I desired, at the time, to reply to a portion of his remarks, but failed to procure the floor. Had the gentleman confined himself to a consideration of the views of General Scott upon the compromise measures, and of his qualifications for the Presidency, I probably should not have felt called upon to say a word in reply. But, sir, when I hear the Whig party of my State, of which party I claim to be an humble member, repudiated, and their support of the Whig nominee put forth as the ground why General Scott should not receive the support of other Whigs, I feel bound to say a word in reply. And again, sir, when I hear the cry of censure and condemnation unjustly raised against one of the distinguished representatives of my native State, in the other wing of this Capitol, [Mr. SEWARD,] I would do injustice to that State by keeping silence. I therefore now ask the indulgence of the committee for a few moments.

The gentleman, [Mr. FAULKNER,] in his introductory remarks, for the purpose, probably, of smoothing his way to new and more congenial associations, speaks of the old issues between the two great political parties as having passed away, and yielded to another class of questions relating wholly to the slavery issue. He says "the tariff 'policy, looking to protection as its primary and 'leading object, is now without an advocate in the 'country." Upon that point, sir, he may, for aught I know to the contrary, speak the sentiments of a portion of the Whigs of Virginia, but they are not the sentiments of the Whigs of the Union.

Mr. FAULKNER. Will the gentleman from New York allow me to inquire whether my view of the present position of parties, in reference to the tariff policy, is not fully borne out by the action of the National Whig Convention of Baltimore?

Mr. SCHOONMAKER. I do not recollect the precise character of the tariff resolution passed at that Convention. But I deny the right of a body of men, assembled with power only to nominate candidates, to determine what shall or what shall not be the doctrines of the Whigs of the Union. An appointment to perform one duty, gives them no power to usurp another.

Mr. FAULKNER. Then I understand the gentleman from New York to repudiate the platform of principles announced by that Convention?

Mr. SCHOONMAKER. I deny the authority of that Convention to determine the creed or principles of the Whig party. The Whigs of the Union have still, and I trust ever will have, inscribed upon their banner and sustain among their leading principles, protection to American industry. They, sir, claim that the great interests of our country—the agricultural, the mechanical, the manufacturing, and the commercial—are mutually dependent upon each other; that whatever tends to promote the succesr or paralyze the interests of the one, will earlier of later have a like effect upon the other; and that, therefore, the protection of our manufacturing, iron, and other interests, by adequate impost duties, would add to the prosperity and promotion of all the interests of the country. Such protection would not only drive the spindle and the loom, heat the forge and propel the trip-hammer, but would nerve and give employment to the arm of the laborer, the mechanic, and the artisan; provide consumers and a market for the productions of our farmers and agriculturists, give increased employment to our commerce, create a home competition, call forth and give activity to the inventive genius of our citizens, and in the end reduce the price and cost of the manufactured articles far below the standard, when alone dependent for supplies upon foreign monopolists. And claiming this, the Whigs insist, that government, instituted for the protection of the people, as well in their individual as their corporate capacity—as well in their property, industry, and ingenuity, as in their lives and liberty, is under solemn and imperative obligations to sustain by a protective tariff the manufactures and productions of our people and our country against the ruinous competition of the pauper labor and overgrown monopolies of Europe. Sir, that is Whig doctrine; while, on the other hand, the Democratic doctrine is tariff for *revenue* to aid the *Government, not* for *protection* to benefit the *governed*.

Neither is the internal-improvement issue among the things that have been. That issue still divides the two great parties. The Whigs, on the one hand, claim that it is the duty of the Government to make liberal and necessary appropriations for the improvement of our harbors, lakes, and rivers, and for the development of the resources of the country. While, on the other hand, our opponents read in the organic law, inscribed as with a pen of iron, and the point of a diamond, a prohibition against the appropriation of money for any such purpose, unless it operates for the protection and accommodation of *foreign* commerce.

Neither is the issue in relation to the public lands wholly obsolete, as between the two great political parties. The Whigs still claim and insist upon the policy and duty of the distribution of their proceeds, and equalization of their benefits. While the Democracy repudiate such doctrine, and shelter themselves against the unanswerable arguments in favor of its expediency, and justice, by a denial of constitutional power. In this instance, as in all others, the Constitution and constitutional power being ever foremost and ready, on the lips of the Democracy, to justify a denial, and neglect of the proper rights and interests of the people.

The gentleman from Virginia, after having summarily disposed of the old issues between the two great political parties, appears most strangely to settle upon the conviction that the principle of slavery itself is not only in question now, but that it is the only issue. And instead of looking upon that question as totally and finally settled and adjusted by the so-called compromise acts, those acts pass for nothing, and he raises the slavery issue anew by demanding guarantees of their finality, and oaths of fealty to the principles of slavery itself, and makes the yielding to this new demand the test of orthodoxy in the Whig party of the Union. Not content with the fact that the laws are passed, and that the country has acquiesced in them, he even insists that those who

questioned the wisdom of those measures shall come up and confess that the laws are the perfection of human wisdom, or he will hold no further political communion with them. Man, sir, cannot be so easily forced to acknowledge himself to have been in the wrong when he acted under the dictates of an honest heart and conscientious obligations. In our system, an admission of the justice or expediency of a measure is not essential to an honest acquiescence in it practically. Every act of Congress, of a Legislature, of a court, every election, is a triumph of a majority over a minority; the minority always acquiesces, never confesses; it raises the issue again whenever it sees fit, and can do so constitutionally, by appeal or reconsideration.

Thus, sir, the gentleman from Virginia, and those who think with him, press forward the slavery question again, as the main and, in fact, the only issue for national politics. Has the gentleman counted the cost of such doctrines? Has he reflected upon what must be the legitimate and inevitable result to arise from the prevalency of his views? If he has not, let us for a moment reflect upon it. We have now, at the North, the great bulk of the people divided into two great parties upon questions, some of a national, and others of a local character, irrespective and independent of any issue on the subject of slavery. I have already adverted to the doctrines of protection, internal improvements, and the disposition of the public lands, as being some of the great questions upon which they are thus divided. There are many, and their number is not small in any of the free States, who are in sentiment opposed to slavery; but making no party issue of it, they remain and act with one or the other of such great political parties. The liberty and anti-slavery organizations of the North, being small and limited in numbers and extent, present no sufficient appearance of strength and prosperity to induce men to break from their old party allegiance to form new associations, in the hope of advancing even the cause of freedom and humanity. The old parties are practical parties, dealing with existing practical interests. Those new parties would, if successful, be agitating and disturbing parties, devoted to the uprooting of slavery, irrespective of all other existing practical interests. Dangerous agitation of the slavery question by men retaining their allegiance to one or the other of the great political parties, is stifled and kept in subjection, by reason of the generality and complex variety of the party issues, and the necessity of maintaining them.

But, sir, let us annihilate those great parties. Let us carry out the principles of the gentleman from Virginia—make the slavery issue the only test for national politics, and call upon the free voters of the North, without reference to any other question, to rank themselves on the one side or the other of the slavery issue: what think you would then become of the anti-slavery and liberty parties of the North?—parties whose very life and existence depend upon the slavery question—parties which feed, grow, and fatten upon such agitation? Yes, what would become of these parties, if the old ligaments which respectively bind the Whig and Democratic parties should be sundered, and such simple issue presented? It needs no extraordinary prophetic vision to answer that question, and see that such anti-slavery associations would and must then necessarily become the predominant political organizations in the North, and would soon be in the ascendant in every State north of Mason and Dixon's line. With such parties controlling at the North, does the gentleman from Virginia suppose that the security and permanence of the slavery institutions of the South will be increased and established? If he does, and he and other southern gentleman desire to force such issue upon us, all we can say is, beware lest you discover too late to benefit you that your safety in fact depends upon the prominence and interest of the other great political issues.

But, sir, we may be told by the gentleman from Virginia that he does not desire to bring about a disruption of the two great political parties, but his object is simply to purge them of all such members as will not subscribe to an act of perpetual moral and political amnesty towards slavery, or, as he would express it, the wisdom and finality of the compromise acts in all their parts and details. Such recusant members only are to be read out of the party, and virtually disfranchised, so far as advancement or connection with the party is concerned, as are not healthy and sound on the slavery issue. Such bull of excommunication is to be issued for them; and its effect will be to drive those men with such convictions of right and wrong from the bosom of a party whose interest and policy have been, as far as possible, to suppress agitation, into full communion and fellowship with the anti-slavery and liberty organizations; thus to aid in swelling the notes of agitation and alarm, which need only the chorus of numbers to make the South to quake and tremble for the perpetuity of her peculiar institutions. If the South desire thus to repudiate the action of the North, and force the increase of the anti-slavery organizations, so be it. Let them take the responsibility, as they are the ones who are to bear the burden.

The gentleman from Virginia went into a partial history of the Whig party of the State of New York, in order to exhibit his views of their principles upon the subject of the compromise measures, and thereby justify his repudiation of the Whig nominee. The gentleman thus acting upon the basis that General Scott's principles are to be judged of and measured by the principles and doctrines of some of his supporters. It is true, that General Scott is the favorite candidate of the Whigs of New York; but it is not true that he is to be held accountable for all their acts. It is with General Scott in this respect in the North as in the South. He is the favorite candidate of all Whigs in the South who are Whigs; but he is not responsible for all their opinions and acts on the subject of slavery, or any other subject. It is true, that the Whigs of New York, in State conventions, and in the Legislature of their State, anterior to the passage of the compromise acts, did pass resolutions at different times, declaring their opposition to the extension of slavery in the Territories, and in favor of the abolition of the slave trade in the District of Columbia. In these points, among others, they differed in sentiment from their brethren of the southern States; such differences of opinion extending to both political parties, and throughout the Union; and the resolutions and action on the part of the North on the subject, gave rise to the proceedings in Congress which resulted in the passage of the several compromise acts. It is true, that immediately after their passage the Whigs of New York, assembled in convention, refused to pass resolutions giving their approval to those acts, and declaring them wise and right. But, sir, I allege that they have never denied their validity.

It would be deemed singular to judge of a man's adherence to a contract after it was executed, by what he might have said before the contract was made or the terms agreed upon. Equally strange is it to pretend to judge of the position of the Whig party of the State of New York upon the compromise acts by their resolves anterior to its being dreamed of. But the Whigs of New York have been unwilling to pass resolutions or vote for resolutions declaring those compromise acts, like the laws of the Medes and Persians, irrepealable and unalterable. So they have, and I am sure they never will pass such resolutions about any laws. Laws that are irrepealable need no such resolution; while, on the other hand, it is absurd to pass such resolution in relation to laws which are, like the fugitive slave law, confessedly repealable. Such resolution would in itself be the most effectual way of opening agitation for the repeal of the law. Such position of the Whigs of New York, therefore, augurs no want of obedience to the laws. I have ever found that those who are longest and loudest in their professions are the least to be relied on and the first to falter. The firmness of the New York Whigs, in refusing to join in resolving a constitutional absurdity, is the best guarantee of their practical good sense and judgment, and of their adherence to principle rather than to empty professions and idle pretenses.

Again, the Whig party of the State of New York is to be repudiated, because, forsooth, WILLIAM H. SEWARD is of them, and been honored by them with the high office which he now fills with so much distinction and ability. And where, I will here ask, could the Whigs of New York, either within the confines of their State, or, I might say, of the United States, have selected a man who would have filled the office, and discharged its duties, with more distinguished ability than that Senator? But, says the gentleman from Virginia, he holds sentiments adverse to slavery, adverse to its extension, adverse to the increase of its power, and in favor of its eradication. So he does, sir; and his feelings on those subjects, it is well understood, have undergone no change. And it did not need the quotation made by the gentleman from Virginia, from the speech of Mr. SEWARD, delivered before his election to the Senate, at Cleveland, to inform the country of that fact. But his speeches and his acts show that he holds those opinions in subservience to the Constitution. He has, it is true, frequently, and in no measured terms, expressed his conviction that slavery was erroneous in principle, and injurious to the welfare and prosperity of the nation, and the stability of its free institutions. He has expressed an anxious desire for its eradication; but not by violence or fanaticism, or by unconstitutional means, and only by the acts of those States which have control over the subject. He has, as he did in his speech from which the gentleman from Virginia quoted largely, urged upon the opponents of slavery at the North, that they should, under the paternal roof, in churches, and in schools, "inculcate the love of freedom and the equal rights of man;" inculcate the principle that Congress can debate, that Congress can mediate, that future generations might *be bought*, and given up to freedom, and *thus* inculcate "in the spirit of moderation and benevolence, and *not* of retaliation and fanaticism." Surely the inculcation of the love of freedom, and the equal rights of man, in the spirit of moderation and benevolence, at the fireside, in churches, and at schools, cannot be treason in this land of liberty, universal education, and free institutions.

But, sir, the gentleman from Virginia, after quoting largely from that speech, states that, within three months after its delivery, Mr. SEWARD was elected by the Whigs of New York to the Senate of the United States, and that "on the '5th of March, 1849, he took his seat in that body 'to advance the great mission for which he was 'elected; and from that day to the present has he 'stood forward, before the country, the imper-'sonation of every sentiment hostile to the inter-'ests and institutions of the South."

Sir, that Mr. SEWARD was thus elected by the Whigs of New York, and that he took his seat to discharge the responsible duties or mission of a United States Senator, is true. That he has been faithful to that mission, and to his own convictions, and to the rights and interests of the people of New York, is also true. When was Senator SEWARD unfaithful to any mission, or any trust, or any principle? It is his fidelity which marks the character of the man, and has given him the confidence of the people. But, sir, in the allegation that that Senator has, since he took his seat in the Senate, "stood forward before the country the impersonation of every sentiment *hostile to the interests and institutions of the South*," the gentleman from Virginia is greatly mistaken, and has grossly misconceived the position and conduct of that Senator.

We, of the State of New York, are familiar with a letter of that Senator, which appeared about the time of his election to the Senate, subsequently found its way into the public prints, and was widely published and circulated throughout the State. In that letter he substantially stated, that as to slavery he should never be found its defender or apologist; nor should he unnecessarily or unreasonably agitate against it; that whenever he met it as a *practical subject* of legislation, he should discuss it like every other subject, fully, frankly, and fearlessly; and that whenever it did not come before him in that way, he should leave it as he should every other subject that was foreign to the subject in hand.

Such was the course of conduct which he seemed to have laid down for himself, and which it is presumed, and his course in the Senate proves, it was his intention to follow.

Immediately, however, upon his introduction

into the Senate, Mr. SEWARD was assailed by southern Senators for his opinions and sentiments on the subject of slavery, and attacks of a like character were continued and repeated almost daily. Although his friends and others were impatient and urgent for his reply, the subject of slavery was not practically in question, and he was silent, and chose, for a long time, to let the southern Senators assume to themselves the credit of the slavery agitation, and listened to their attacks with dignified silence. When the slavery question was presented by the resolutions of Mr. Clay, and the bills embodied therein before the Senate, and the compromise measures, as reported in the Senate, were under consideration, he met the questions, each and all of them, as it was his duty to do, and gave the expression of his views upon them. He was willing and desirous to "vote for the admission of California directly, without conditions, without qualifications, and without compromise;" but he was unwilling, for the purpose of obtaining freedom in California, thus offered, to yield to the demands of the southern States, for the extension and perpetuation of slavery in the other Territories. That compromise, dove-tailed into a single measure, was defeated; but subsequently, a series of separate and distinct acts were passed, together covering the same grounds as the original compromise proposition, and received the Executive sanction. Since the passage of those laws, when and on what occasion has he idly or unnecessarily agitated the slavery question in the Senate? He knows better how to promote the cause of freedom—better how to promote the varied interests of this great Republic. The debates and minutes of the proceedings of the Senate, since the passage of those laws, may be searched, and will be searched in vain, to find the record of any voluntary action or unnecessary agitation on the part of that Senator for the disturbance of those laws, or for any voluntary or unnecessary agitation of slavery before or after their passage. Of their merits he is understood to think now as he thought before their passage; and I suppose that he considers them like all other laws to be executed by the Executive, and yet, nevertheless, subject to examination, scrutiny, amendment, and repeal, if found unwise, defective, or improper. As for agitation, whose course in either House is less obnoxious to such a charge? While the southern press, and the northern press in southern interests, sustained by the agitators from the South, have been loud and long in his condemnation, there is no man who has censured others less, and at the same time borne the unmerited censure of others more patiently. Who is there, who has spoken at all in the Senate, who has spoken less on the slavery question? Who is there who has spoken more, who has spoken more nationally on all, nay, more nationally on that very subject? It is proof of this, that no one of his associates, with the Globe on their tables, ever quotes any of his speeches in the Senate to justify their assaults. His speeches, in respect to their national character and patriotic sentiments, are models for imitation and instruction!

But the gentleman from Virginia, at a loss for proof in his senatorial action to sustain the charge of agitation and fomenting resistance to the laws, is driven to extracts from a letter of Mr. SEWARD, dated in April, 1851, in reply to an invitation received by him to attend a convention of "the people of Massachusetts in favor of constitutional opposition to the fugitive slave law." In that letter, Mr. SEWARD declines attending the convention, and declares that he has "earnestly desired not to mingle in the popular discussion of the measures of the last Congress." But being requested in the letter of invitation, to give his opinions on the fugitive slave law, he took occasion to declare that the opinions expressed by him in debate had undergone no change, and to repeat some of the positions which he had assumed and expressed in his speech in the Senate against that law. This, as a good citizen, and as a public man, he had a right, and it was proper for him to do. He counseled none to the disobedience or resistance of the law; but on the contrary, near the close of the letter, used the following patriotic language and counsel in reference to future action upon those laws:

"Whatever is irrepealable in any of the acts of the late Congress, no one will be mad enough to attempt to repeal. Whatever is repealable in those acts, and whatever shall be repealable in future acts of Congress, whether it shall favor freedom or slavery, no matter under what circumstances, nor with what auspices, nor with what solemnities it may have been adopted, *must abide the trial of experience, of reason, and of truth.* It is only in this way that the Constitution can be maintained, and the Union can be saved. Its security consists in the adaptation to the physical and moral necessities of the broad and ever-extending empire which it protects and defends, and in the facility with which, *without violence*, or sudden change, errors of administration can be corrected, and new exigencies can be met, so that the State, free or slaveholding, which may at any time be least favored, will be at all times safer under this Government, when worst administered, than it would be under any other, however wisely administered, or favorably conducted."

It has, at times, not, I believe, by the gentleman from Virginia, but by others, been urged as an accusation against that Senator, that he has been bail for persons charged with the act of rescue. So he has; and the law recognizes the right, it recognizes the propriety of citizens becoming bail for the accused. Until conviction the presumption of law is in favor of innocence, and therefore it encourages the bailment of prisoners before trial. Such acts of the Senator have been in strict accordance with one of his leading and openly-advocated principles: "*that every man has a right to do for the cause of humanity that which no law forbids.*"

Sir, I will unhesitatingly venture the assertion, that there scarcely ever was a man more unjustly accused, and without just cause more violently assailed, than that Senator from New York. A systematic effort appears to have been started at his first entrance into the Senate, by accusations and misrepresentations of actions and motives, to prevent the influence he was sure to gain; and with so much vehemence was the war carried on, and with so much boldness of assertion, that in many sections of the country the falsehood gained the credence of truth. While all this was progressing, the Senator went on in the even tenor of his way, and in the honest and faithful discharge of his public duties, carrying out and fulfilling the course of action he had laid down for himself. While others discussed and agitated the slavery question, he remained silent. While others and southern Senators discussed the value of the Union, gave prominence to, and created excitement upon questions which they professed it was of vital interest should be quieted, he was engaged in advocating and urging the passage of measures for the promotion of our national prosperity and greatness, and securing the Union against all real danger. I believe, sir, that the time is coming, and not far distant, when, having outlived the misrepresentations of his opponents, not only the talents, but also the position and the course of that Senator will be fully appreciated by the country.

Sir, the gentleman from Virginia, and those who sympathize with him, may repudiate General Scott because he is supported by northern Whigs, and, in doing that, they may enter into the support of General Pierce in cordial coöperation and fellowship with the Van Burens and their associates of the North. It is their right, if they choose so to do, to repudiate political association with northern Whigs, and enter into full political communion and fellowship with John Van Buren, the acknowledged leader of the Democratic party in New York, who, at Cleveland, in 1848, used the following most emphatic language:

"*I am, however, the unmitigated enemy of slavery, and would have it* ABOLISHED WITHOUT DELAY. I say, therefore, for myself—and I wish to be understood as speaking for myself alone—that, let what will come, *I shall, under no necessity whatever, support a man* WHO DOES NOT BELIEVE SLAVERY TO BE AN UNMIXED CURSE, *and who will not, by virtue of his office, use all constitutional power to* ABOLISH *it.*"

And who, also, at the great mass meeting at Syracuse in 1849, declared, as the special leader and champion of the united Democracy, that they "expected *to make the Democratic party of this State* '[New York] *the* GREAT ANTI-SLAVERY PARTY of 'this State, and through it, to make the Demo-'cratic party of the United States the GREAT ANTI-'SLAVERY PARTY *of the United States.*"

And who, also, in his letter dated the 4th of August, 1851, written in reply to the invitation sent him to attend the Massachusetts convention of those opposed to the fugitive slave law, declared and argued that the fugitive slave law was unconstitutional, "because Congress had no power to legislate on the subject;" because, conceding the legislative power, "it did not give the person seized a trial by jury at the place where he is seized, and before he is put in the custody of the claimant;" and because its provisions "intrepidly defy the provisions of the United States Constitution, which declare that no person shall be deprived of life, liberty, or property without due process of law;" and who, also, in such letter, in striking contrast with the patriotic suggestions of the Senator from New York above quoted, thus urged and encouraged resistance to the law:

"But I have referred altogether to its [the fugitive slave law] unconstitutionality. How are its consequences to be avoided? So far as this is to be done by legislation, it seems to me the remedy is with the State Legislature. An excellent bill for that purpose has been introduced into our Assembly by Mr. Coffin, of Otsego, and I trust it may become a law. It does not assume to legislate for fugitive slaves. It protects the *free* inhabitants of our own State, and *presumes all the inhabitants to be free.* Other States will, of course, legislate as they may deem wise. In the mean time, every individual should determine for himself what respect he will pay to the act of Congress in question. There is a distinction between an unjust and an unconstitutional law. The *former* must be obeyed until it is repealed. *Disobedience* to the *latter* is frequently the only mode of testing its unconstitutionality."

Such are the *southern* sentiments held by the leading Democratic supporters of Messrs. Pierce and King in the State of New York. It is, I repeat, the right of the gentleman from Virginia, and his associates, to repudiate their former Whig allies, and select such new Democratic political associates; and in doing that, it is proper that they should reap a fair degree of consolation in the perusal and due consideration of the choice and select paragraphs and sentiments put forth in the organs of the Free-Soil Democracy of New York. It is peculiarly right and proper, also, that they should read and ponder with care and approbation the declarations of such of the organs of their new political allies, as, like the Buffalo Republic, following in the wake of the Albany Atlas, and the New York Evening Post, declare that—

"We affirm that we and the *Republic cling to our Free-Soil principles, and cherish them as the apple of our eye.* And we not only cling to them and cherish them, but defend them as manfully as we can, whenever an enemy worthy of notice presumes to lift his pen or wag his tongue against them."

* * * * * * *

"But, say some of the grumblers, by supporting Pierce and King, you are supporting the platform which was made when they were nominated, and which you repudiated. We deny that we ever repudiated the platform. WE REPUDIATED THE ROTTEN PLANKS THAT WERE FOOLISHLY PUT IN TO WIDEN IT; AND WE REPUDIATE THEM STILL. We say the old Democratic platform was wide enough, and good enough, and the meddlesome fellows who put in *those rotten planks* did it without authority, and deserve to be booted by those who employed them for meddling with that which was none of their business. We support Pierce and King, and recognize as ours the old Democratic platform—*not the rotten planks.*"

Sir, the gentleman from Virginia, and his associates, in thus forming new political associations, repudiating Whigs on account of alleged Free-Soil principles, and taking to their embrace and confidence the Free-Soil Democracy, are, undoubtedly, exercising their unquestionable rights as freemen, and they are, of course, the proper judges of their own consistency. It is, however, equally our right, as northern Whigs, to support the candidates of our choice; and, if such support has the effect to drive off others to the opposition, we can only regret that our companionship is deemed so disreputable, and then enter into the canvass with increased zeal, and a bold determination that our candidates shall be successful.

[Here the hammer fell.]

THE PRESIDENTIAL QUESTION.

SPEECH OF HON. THADDEUS STEVENS,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

August 12, 1852.

The House being in the Committee of the Whole on the state of the Union on the Army Appropriation Bill—

Mr. STEVENS, of Pennsylvania, said:

Mr. CHAIRMAN: Certain recent events, unimportant in themselves but of deep significance, induce me to trouble you for a short time. A small fragment of the Whig party have deserted their colors, and gone over—with what little political

material they could collect—to the camp of the enemy. [Laughter.] This in itself is a very small and insignificant occurrence, but it is an index and plain interpretation of many past exciting events, which have acquired a painful notoriety in the history of our country. It is a further development of a plan deliberately formed years ago, to organize parties upon different principles, if not under different names, from what had heretofore existed. It is a strong link in the chain of overwhelming evidence, which conclusively proves that the excitement which was created in this Hall three years since, and which so frightened ancient dames and old maidish men—that the wildfire which was kindled here, and sent forth to scorch the nation, was all created and all kindled for this contemptible conclusion. Until lately, the principles of the Whig party were clearly defined, and well understood. They consisted in obedience to the Constitution and all constitutional laws; in a protective tariff; in an equal participation of the public lands; in river and harbor improvements; in a sound currency, and a well-regulated commerce. In all other things Whigs were permitted to differ in opinion, without forfeiting their allegiance to their party. They did differ in many things—on the question, for instance, of the naturalization laws, the cause of education, of morals, and religion. Being a national party, they were necessarily permitted to differ upon the subject of African slavery. In the South, Whigs and Democrats were slaveholders; but even there, many were found who condemned the institution, deplored its existence, and hoped for its final overthrow. But this question was not incorporated into any party creed. Emancipationists were found in both political parties. In the North, a great majority of the people believed, as they still believe, that slavery was a great moral, religious, and political evil—a disgrace to the nation, a reproach to humanity. They acknowledged their obligations to tolerate its existence, and to execute the provisions of the Constitution with regard to it. But in the North, opinion was by no means uniform. Scattered throughout all the free States, many men were found whose dispositions naturally inclined to domination, who sincerely believed that a portion of the human race were created for no other purpose than to be servants of others; that a part of mortal clay was of finer texture and nobler mould than the rest. This class was especially numerous in our large commercial cities, where more men are mercenary, and where princely fortunes beget kingly appetites.

But this was never made a party question, nor attempted to be introduced into a party creed. Had it been, parties long ago, instead of being known as Whigs and Democrats, would have rallied under the names of slavery or freedom. To avoid this issue which must soon have degenerated into a mere sectional contest, has been the honest, sincere, and constant aim of all that portion of the Whig party that favored freedom. Whether they will be successful or not, I think, depends much on the result of the ensuing election. Slavery, being local, was not suffered to disturb national parties, for, indeed, it was impossible to incorporate into a uniform creed for any party, what three fourths of the people abhorred and one fourth loved. To tolerate each other in their opinions upon this subject, and leave it an open question, was all that could reasonably be expected on either side of the line. But, as slaves became more numerous, and the produce of their labor became important articles of trade, the advocates of that institution determined to extend its boundaries, and change the whole current of public thought and public action with regard to it. They began some years ago, by denouncing and ridiculing the GREAT TRUTH first promulgated by the inspired authors of American independence, "that all men are born free and equal, and entitled to the inalienable right of life, liberty, and the pursuit of happiness." To reduce this opinion to practical operation in both sections, the ambition of statesmen and the avarice of merchants have been appealed to. It was believed that if the whole South could be combined together, with a modicum of northern parisites, it would be sufficient to bend the proudest ambition and the sternest will. It has been successfully tried on more than one northern aspirant to the Presidency of each party, whose carcasses now strew the political field; and it is now being tried upon that self-poised patriot who never yet quailed before the dictation of mortal man.

Sir, I have been led into these remarks by the gentleman near me, [Mr. FAULKNER,] and the gentlemen from Georgia, [Mr. TOOMBS,] who is not now in his seat; and I say that, in my judgment, it was to aid this object, that, three years ago, at the opening of Congress, the gentleman from Georgia and his associates raised a furor and clamor within this Hall which could hardly have been justified had the Republic been in flames. Sir, their assigned cause for it was all factitious and unreal. I speak but the sentiment of the late lamented Executive, when I say that never for one moment was this Union in danger. Outside the walls of Congress, there was no excitement among the people except what was created here, and sent forth from this focus. The people nowhere desired the dissolution of the Union, except perhaps, in a single long-cherished instance, and there it was desired not for safety, not for security, but for separate empire, for independent chiefs.

The object of all this disgraceful turmoil, of all this false clamor, of all this national disturbance, was to compel both the political parties to incorporate into their party creeds the defense and propagation of slavery.

The gentleman from Georgia, [Mr. TOOMBS,] stated with great candor, and the respectable gentleman from Virginia, [Mr. FAULKNER,] in his late speech, gave as the specific reason for his abandonment of his party, that this subject of slavery was paramount to all others; every other question is to bow down before it; manufactures, agriculture, commerce, and especially liberty, are to be rejected, and slavery is to become the idol of our political adoration.

The gentleman from Georgia denounced conventions. I agree with most that he said with regard to the construction of conventions, and the authority of their acts. I admit that the decrees of political conventions, and especially their dogmas, are of very low authority. Those conventions are often framed in a discreditable manner. The Democratic party lately found the State of South Carolina represented by a single self-elected delegate—General Commander.

Mr. ORR. No, sir, he was not admitted.

Mr. STEVENS. Not at the late convention, but at the one before that he cast the whole vote of South Carolina. At the late convention he was there, but could not *command* them. [Laughter.]

Now, sir, I will deal impartially, and speak of the Whig Convention lately held at Baltimore. It admitted delegates from States having no Whig organization. The State of Georgia, as any gentleman from that State will bear me witness, had disbanded the Whig party, and never would have thought of sending delegates to that Convention had they not been stimulated by an express from Washington. The constituents of the delegates who cast the vote of that State were members of Congress whom I daily see around me, and heads of Departments, and not the people of Georgia. Why, sir, that same messenger extended his journey to Charleston to search for Whigs enough there to represent South Carolina. It is said that when he got there, and they were all mustered, they amounted to *three*, and that the rest of that delegation was composed of custom-house officers from the city of New York. [Laughter.] I admit that the platforms framed by such conventions can have no binding authority upon the people, especially as the people never delegated to them the power to construct platforms. They were sent there to select candidates to represent well-known principles, and not to teach principles either to the people or to the candidates. They were sent there to fix upon candidates to represent principles which were established before they were born—which were promulgated by Washington and Hamilton, by Jefferson and Madison, and other great men of the past and present age. For conventions of General Commanders and hired tide-waiters, to construct platforms for the people, is simply absurd arrogance.

But, sir, let that pass. It does not trouble me. Nobody is bound to protect these crude novelties, these misshapen monsters, but those who begot and brought them forth.

Sir, I agree, also, with most of what the gentleman from Georgia so well said with regard to the growing and absorbing influence of the Executive, and the unworthy purposes to which it is too often applied. We have all seen and felt it under every Administration. Many of those around me have seen it force measures through this House, against the known and declared opinions of a large majority of its members. It has worked miracles in more ways than I choose to stop to enumerate. We have seen it convert the sturdiest defenders of freedom into a mob of sycophants.

But, sir, the chief object of the gentleman from Georgia, [Mr. TOOMBS,] with the gentleman from Virginia, [Mr. FAULKNER,] seemed to be to examine the platforms and nominees of the parties, and to ascertain which was most favorable to slavery, in order that he and his "Union" associates might range themselves under that banner. He took up the Whig platform, some things in which he does not like, although on the subject of slavery it is sufficiently explicit, provided General Scott had declared that it met his cordial approval and would receive his hearty support, which the gentleman says that General Scott has not said, and he says it truly. Now, sir, in most that the gentleman says with regard to these resolutions as a whole, and in disliking them, I agree with him, although not, perhaps, for the same reasons. I have read those resolutions carefully, and I do not think they contain very good Whig doctrine. They are very faint upon the subject of internal improvements, and they entirely fritter away, and reduce to the standard of Locofoco folly the question of a protective tariff, [laughter,] and reduce it to a mere incidental or accidental protection, depending entirely upon the accident of the amount of revenue required, and the amount receivable—a doctrine which my learned colleague [Mr. ROSS] might well indorse, and I hope he will get upon this platform. [Laughter.]

Now, sir, they have, very unwisely, as I think, interpolated a resolution with regard to non-intervention, about which Whigs differ, and will continue to differ. It is a foolish thing to attempt to make uniform what all human minds can never reduce to practical uniformity. Their compromise resolutions are creatures of modern birth, not the legitimate children of Whiggery, for which the whole Whig family is responsible. But, as I said before, I shall let that pass. I leave them for those who produced them to nourish. I shall not disturb their parental fondling, but they will never find me to nurse them.

The gentleman from Georgia [Mr. TOOMAS] then takes up the Democratic platform, and finds that it is opposed to his long-cherished principles. He finds it is opposed to a protective tariff, to river and harbor improvements, and an equal participation in the public domain; in short, to all the ancient Whig doctrines. But he finds that it is ultra upon the subject of the protection of slavery, and the perpetuation of the fugitive slave law and the gagging of the people; and he and his associates, at once, gracefully mount the Democratic slavery platform. But the gentleman makes a greater distinction between the nominees than the platforms, and, for his purpose, greatly prefers General Pierce to General Scott. He says, speaking of General Scott and slavery—and also, the same thing is repeated in this proclamation to the nation, signed by nine or ten gentlemen, with a kind of half postscript or half indorsement by two other gentlemen, [see note at end of speech]—"I have already shown that General Scott's friends are not to be trusted with these principles." While General Pierce says: "I accept 'the nomination upon the platform adopted by the 'Convention, not because it is expected of me as 'a candidate, but because the principles it em-'braces command the approbation of my judg-'ment, and with them I believe I can safely say, '*there has been no word or act of my life in conflict.*'" From their letters and their antecedents the gentleman concludes, as well as the gentleman in front of me, [Mr. FAULKNER]—and in that they agree remarkably with the gentleman from South Carolina, [Mr. ORR]—that slavery would be much safer in the hands of General Pierce than in the hands of General Scott.

Now, sir, I intend to be frank upon this subject. So far as enforcing the provisions of the

Constitution, with regard to slavery, is concerned, in all its parts, I believe no man in this Union could be more faithful than General Scott. His whole life has been spent in administering and submitting to discipline; and having taken the official oath of Chief Magistrate to support the Constitution of the United States, it seems to me that none but base-minded men would distrust its fulfillment; but if gentlemen require, as they plainly do require, that any act of Congress, amending or repealing the fugitive slave law, should be met by Executive obstructions, and arrested by the Executive veto; and that the whole influence of his Administration should be used for that purpose, I am free to say, that I do not believe they can rely upon General Scott for such high-handed tyranny. If they require that the Executive shall afford facilities for extending slavery into territory now free, or the admission of new slave States into the Union, beyond the line of compact now existing, I think I hazard nothing in saying that they cannot rely upon General Scott. Upon the other hand, I am constrained to admit, that in all official as well as extra-official efforts by the use of the Executive veto, to prevent the amendment or repeal of the fugitive slave law, and to afford facilities for the spread of slavery into free lands, and for the admission of new slave States into the Union, they can rely most implicitly upon General Pierce, notwithstanding what some foolish men have published about some speech made by him at New Boston. [Laughter.] If he ever did utter such sentiments—if he ever did fall into the path of rectitude, it was momentary and accidental, and for which he is not to be held responsible, [renewed laughter]—for all his votes in Congress, and all his public acts everywhere, proclaim him the champion of Slavery. If this election is to be put on the sole grounds of supporting slavery beyond the requirements of the Constitution, (as is now apparent,) and all other questions are to be considered of minor importance, then those gentlemen who think so are right in abandoning all other parties and supporting Pierce. I concede further, that if my friend from New York, [Mr. P. KING,] and those who profess to be anti-slavery men elsewhere—if the whole Democratic party do rally in support of General Pierce at the coming election, it will conclusively prove the truth of what was long ago asserted by one of their ablest statesmen, that northern Democracy is the natural ally of southern slavery. If this is the position of gentlemen, they are right in opposing General Scott, and going for General Pierce. I find no fault with those who make that the sole object of this contest.

But the gentleman from Georgia, in this proclamation, says—I speak of the gentleman from Georgia only—a part for the whole—and when you take a small part you have got nearly all, [laughter,]—General Scott has not been sufficiently explicit in his acceptance of the platform. In making these remarks he puts out of view General Scott's telegraphic acceptance, because, he says, that when he sent that dispatch, he had before him an edition of the platform very different from that published under official sanction. That is all true. The first resolutions published, which General Scott had before him, had not the words "*final* with regard to the compromise," in them; but they are there as certified by the officers of the Convention. I admit, therefore, that General Scott is not to be judged by the platform, but by his letter of acceptance, and his previously-declared, published, and known opinions. Now, in that letter General Scott declares that he will see the laws executed, and will abide by all the principles of the Whig party. But that is not sufficient. He is required to declare that certain laws now in existence shall be *final* and *irrepealable*, and that he will insure their permanency by the use of the Executive veto, and that he will use the whole power and patronage of his high office to prevent discussion on the subject of slavery. Now, sir, this doctrine, which General Scott repudiates, and which General Pierce adopts, is unmitigated tyranny. What authority is there in this Government to make any law *final* or *irrepealable*? Who has the power to make an act of the National Legislature not only equal to, but superior to the Constitution? Any attempt to enforce such a doctrine is arbitrary and despotic. The efforts which have been lately made by members of Congress, and high officers of the Government, to paralyze the free action of Congress, and to overawe and intimidate public opinion, is unconstitutional, and destructive of every element of freedom. This movement of these gentlemen is but another march in the same direction. Whenever any Executive or any statesman shall command the people not to think, or not to utter their thoughts, and it does not cost him his political life, I shall tremble for the liberties of the nation. Whenever a political party attempts it, it deserves to die. Whoever—whether individual, or Government, or party—attempts to enforce such principles, is as detestable a tyrant as the King of Dahomy, the gates of whose city, and the portals of whose palace are garnished with the hideous heads and eyeless skulls of slaughtered slaves! Sir, this atrocious attempt must fail in this country. You may imprison the wind, you may chain the forked lightning, but you cannot bind the free thought and free utterance of a nation of freemen!

The gentleman, and those who act with him, say "the only pledges and guarantees he (General Scott) offers for his adherence to the principles of these resolutions, are the known incidents of a long life," &c., and "that among these known incidents there is no one, so far as we are aware, in favor of the compromise." "In one of his published letters he has expressed sentiments hostile to the institutions of fifteen States of this Union." Now, the letter to which the gentleman refers is the letter of General Scott, dated February, 1843, and written to J. P. Atkinson, Esq., on the subject of slavery, in which he says substantially that he "early became deeply impressed with the views given by Mr. Jefferson in his notes on Virginia, and by Judge Tucker, in his appendix to Blackstone's Commentaries in favor of the gradual abolition of slavery."

He adds in the same letter, "I need hardly say that Congress has no color of authority for touching the relation of master and slave in the States." But he adds, "I am persuaded it is a high obligation of masters and slaveholding States to employ all means not incompatible with the safety of both colors, to meliorate slavery even to extermination."

Now, sir, I care not what pretenses are set up, in my judgment, that letter is the head and front of General Scott's offending. He holds the doctrine of Jefferson and Tucker. He believes in the Declaration of Independence; and while he accords to slavery the whole protection which the Constitution gives it, he believes it to be a moral duty in slaveholding States voluntarily to abolish slavery. And for this he is opposed by the bigots of slavery. I thank God that they have such cause of opposition.

The gentleman says he does not find enough in the acts and pledges referred to by General Scott to induce him to trust him. Now, sir, I think that very few of his fellow-citizens will agree with him in regard to this. I am not now going to recount the acts, both civil and military, which entitle General Scott to the nation's confidence. He is qualified by nature and education to guide both civil and military affairs. A lawyer by profession, he is known to be deeply versed in both municipal and international law. He is, perhaps, the greatest master of his own art—the art of war—of any man now living. Brave as Julius Cæsar, with no particle of his ambition. Like him, he has written ably upon subjects connected with his own profession.

But, sir, I shall not stop, as I said before, to recount many of his acts. I might refer, but I will not at length, to his acts of youthful valor in the war of 1812, at Fort Erie, at Chippewa, at Niagara; or to his more recent glorious campaign in Mexico. Vera Cruz, Cerro Gordo, Churubusco, and Chepultepec, are all eternal monuments of his enduring fame. They, and his acts there, have passed into history, and become immortal. And, sir, the future historian will be compelled by impartial truth to illustrate the brightest pages of forty years of the annals of America with the glorious deeds of valor and of patriotism of Winfield Scott.

And yet he is not to be trusted because he is not in favor of the perpetual bondage of the human race! Let the people of America know and decide this eventful issue, for the issue is made and it must come.

I believe, notwithstanding what these gentlemen have said, that there are incidents in the life of General Scott which show more disinterested patriotism and devotion to his country than can be found in the life of any other man living or dead, except the "Father of his Country."

It may not be indelicate for me to mention one fact, which perhaps all have heard, although somewhat erroneously reported by fame: After General Scott had been for months the civil and military ruler of Mexico, his administration became so highly appreciated that many of their ablest men, having the ability to do what they offered, proposed to General Scott that when peace should be concluded, for a treaty was then being negotiated, and he should have disbanded such of his forces in Mexico as were entitled to a discharge at the conclusion of peace, which were about twelve thousand men, he should reënlist them for the Mexican service at double their previous pay, and should resign his own commission in the Army of the United States, and be proclaimed President of the Republic by the Congress then sitting; and as an indemnity for the future for that act, five of their wealthiest citizens, fully competent to perform, offered to deposit instantly in the city of New York, or wherever he should direct, one million of dollars to his credit, and insure him that the Government would grant him $250,000 a year salary. It would have been perfectly lawful, perhaps honorable in him, after having dissolved his connection with his native country, and disbanded his army at the conclusion of peace, to have accepted the proposition. He rejected it, and returned poor and persecuted to his native land, to be told by some of his fellow-citizens that he is not to be trusted; that he has not given sufficient pledges of his devotion to his country! Pledges, sir, of General Scott! You need not look simply for them on paper or figured parchment. They are deeply graven in his flesh and bones by the steel and the lead of the enemies of his country.

And yet, windy politicians, who have never shown their devotion to their native land except by "long orations" and the possession of office, dare sit in judgment upon the fidelity of this mutilated hero!

Mr. Chairman, let me ask those who, like my friend before me, [Mr. NEWTON,] my colleague from Pennsylvania, [Mr. JOHN W. HOWE,] or if I dare approach those holding similar sentiments upon the other side of the House, let me ask all, everywhere, who desire to restrain slavery within constitutional limits, how they can honestly refuse their support to General Scott? You see and know that the issue of extra constitutional slavery is staked on the success of General Pierce. The gentleman from Virginia, [Mr. FAULKNER,] following the views of the gentleman from Georgia, [Mr. TOOMBS,] and others, opposes General Scott, because a vote for him will not imply an approval of the slavery policy. He asks:

"Will a vote for General Scott imply an approval of that policy? Will he so wield his Executive influence if elected, and so dispense the patronage of the Government, as to give strength and power to the friends of that policy against its enemies? So far from it, that he distinctly announces that he will not (*a la mode* Fillmore) attempt, by proscription, to reduce his supporters to exact conformity of opinion upon this or any other question. Will he, if the enemies of the South and of the Constitution should accomplish a repeal of that law, interpose his veto, and save the country from the terrible consequence of such an act? We are told by those upon this floor who profess to know and speak his sentiments, that he would not, in such a case, interpose his veto; that such an exercise of the veto power would not be in accordance with Whig principles."

Will not General Pierce's success discourage the friends of constitutional liberty? With the whole sympathies, and influence, and patronage of the General Government against them, will not their hands become weak and their hearts faint? They see the issue distinctly made, and I ask them now if, upon such an issue, they suffer General Pierce to be elected, to dispense his patronage as his friends require of him, to exercise the veto power—I ask them if they can, consistently with their principles, not merely not vote for General Pierce, but refuse their support to his opponent?

It is not for me to admonish others. Every man must act and think for himself; but would it

not be well for those professing anti-slavery principles to look well to their consistency and their consciences before they peril both by aiding by acts of commission or omission this illegitimate, slave-propagating democracy?

A single word to slaveholders, and I am done. Does not your safety—I think it does—depend upon the continued union of these States, and the harmonious action of all sections? Do you believe that that union and that harmony will be promoted by the election of General Pierce? You have distinctly made the issue against General Scott, because he does not love slavery, although you know he will afford it all the protection which the Constitution requires. In short, you have forced a sectional issue on the country; if for these reasons General Scott should be defeated, do you believe that hereafter you can ever avoid the sectional issue in any coming national election? Do you believe that the North, tame as she is, when so often trod upon, will never turn? And if the issue shall be made the result cannot be doubtful.

I know your answer will be that then you will vindicate yourselves by a separate confederacy. I see and feel that this is the tendency of your present movement; but are you quite sure that with your increasing slaves and increased burdens, you can protect yourselves against foreign foes and servile dangers?

You could find no nation who would enter into a treaty with you for the extradition of your fugitives from labor. You would be in constant collision with surrounding nations, and war would ensue. Your chivalry would not permit you to yield upon that point. And with impending or existing wars, might not some Spartacus of African blood arise, and call his brethren to arms to shake off oppression. With the sympathies of the civilized world in their favor, might they not find allies who would compel you to grant them a just emancipation? These dangers are not to be treated lightly. St. Domingo found energetic leaders who were able to inflict terrible retribution upon their former masters. The ancient gladiator, with an army of rebel slaves, ravaged the very heart of Italy, and for three years held one of her richest and finest provinces against the whole power of imperial Rome. I know you would scorn the idea of treating with such an enemy, but if it be true, as your greatest statesman has declared, that in such a conflict every attribute of the God of armies would be upon their side, might not they bury their chains beneath the ruins of your empire?

These are painful reflections, but no candid and intelligent statesman can calmly contemplate passing events, and exclude from his saddened mind these fearful forebodings. May the sound sense and true patriotism of the American people arrest the headlong career of reckless men.

VINDICATION OF SECRETARY CORWIN, &c.

SPEECH OF HON. L. D. CAMPBELL,

OF OHIO,

In the House of Representatives,

Tuesday, *August* 12, 1852.

Gardiner and Galphin Claims—Vindication of Secretary Corwin—The Treasury plundered by Democrats when in power—Justification and Defence of General Scott's Political Principles. In reply to his colleague, Hon. Edson B. Olds, and others.

The House being in Committee of the Whole on the state of the Union—

Mr. CAMPBELL, of Ohio, said:

Mr. Chairman: It is not my purpose to speak upon the bill before the committee, but in part to reply to the remarks of my colleague from the Circleville district, [Mr. Olds.] He was in his seat a few minutes since, but I notice is now absent. I would much prefer to have him present, and, as it has been suggested that we should hold an evening session, if that is the pleasure of the committee, I will submit a motion that we take a recess until six o'clock.

Several Members. "No, no!" "Don't rise!" "Let some other member have the floor!"

Mr. CAMPBELL. I see the committee are not disposed to take a recess now, and I withdraw the motion. If I yield the floor, I may not get it again during the session. I will therefore proceed, as my colleague, if he does not come in, can read my remarks when printed, if he chooses, and digest them, at his leisure.

Mr. Chairman, the first duty the American Representative owes to his constituent, of whatever party, is to defend his character from unjust and false imputations. It is in discharge of such a duty, in part, that I ask the indulgence of the House at this late period of the session. The magnanimous spectacle presented in the early part of the session, by the Representatives from the State of Virginia, challenged my admiration. It will be remembered that a charge was preferred against the Secretary of the Interior—not one that in any way involved his integrity as a public functionary, or the purity of his character as a citizen—but simply the propriety of the manner in which the estimates for his Department had been presented to this House. At the first dawning of an assault, every Virginian in this Hall, discarding mere party feeling, sprang to the floor, ready and eager to defend a son of the "Old Dominion," though a political opponent. Their conduct on that occasion was generous and just—a creditable display of Virginia State pride, gallantry, and magnanimity. In bearing testimony of this honorable course on the part of Representatives from a sister State, it is with feelings of the deepest humiliation and regret, that I am forced by a sense of duty to contrast with it the continued efforts of a Representative from that State which gave me birth, and which in part I represent, to blacken the fair fame of one of Ohio's purest and noblest sons, for the paltry purpose of mere party gain. For the credit of my State—for the honor of her citizens of all parties—I had hoped, that if, in the heat of party conflict, it became necessary to have any person to do the work of dishonorable warfare, there would be no one amongst my colleagues, on either side of the Hall, willing to accept the place. I acknowledge my disappointment with deep, deep mortification.

Mr. Chairman, assaults have been made—not once, but often—not in this Hall alone, but elsewhere—by my colleague, [Mr. Olds,] upon the character of Thomas Corwin, the present Secretary of the Treasury,—a man who has been recognized throughout Ohio, by all parties, through all the embittered political controversies in which he has been a prominent actor, as distinguished for his high moral virtues, and for an integrity not only unquestioned, but unquestionable. And, sir, if I exhibit on this occasion, any unusual warmth of feeling, I may be pardoned for saying in excuse of it, that I was born in the same county in which he has always resided, since, at the age of four years, he was brought from Kentucky, his native State; and that from my boyhood to the present hour, I have found in him, in prosperity and in adversity, all the elements of an honest man, as well as a true, tried, and steadfast friend. Besides, sir, I know that the people I represent, surrounding the home of the Secretary, without party distinction, bear testimony of his inflexible integrity, and will regard the assault which has been thus wantonly made upon him, as one which I could not neglect to repel here, without dishonor and disgrace.

Before proceeding to consider his connection with the "Gardiner claim," upon which the most serious charge is founded, I must advert to the fact that my colleague never makes a speech in which he does not attempt to excite odium against Mr. Corwin, by dragging in the expression of "bloody hands and hospitable graves!" He displays in this way nothing but the effort of a demagogue to poison the minds of the less-informed portion of the community against a distinguished man of his own State, by a gross perversion of a most patriotic sentiment. Mr. Corwin, during the progress of the war with Mexico, was a member of the United States Senate—a place which he filled with honor to himself, and credit to his country. He was opposed to a war of conquest, and believed with Senator Benton, then, if not now, a leader of the Democratic party, that that war was not just, and that its object was the conquest of a territory, the acquisition of which would be fraught with imminent dangers to the perpetuity of our Union. He spoke against it in the Senate with a power which electrified the whole land, and brought forth the plaudits of his political adversaries. Even Mr. Ritchie, the editor of the Union, on the succeeding day pronounced it through his press, one of the most powerful efforts of the times. His effort, I may say, commanded the admiration of the civilized world, by the bold and eloquent manner in which great moral truths were proclaimed; and that speech, sir, will live in history when the insignificance of its author's calumniators shall have been buried in oblivion. I have it in my hand. I desire that the country, at least that portion of it into whose hands my remarks may, perchance, fall, shall be reminded of the true sentiment expressed, that they may appreciate its merits, and form an enlightened opinion. As to my colleague, although he may have the head, I doubt if he has the heart to appreciate the sentiment, or do justice to the statesman who uttered it. I read the extract:

"*What is the territory, Mr. President, which you propose to wrest from Mexico? It is consecrated to the heart of the Mexican by many a well-fought battle with his old Castilian master. His Bunker Hills and Saratogas and Yorktowns, are there! The Mexican can say, 'There I bled for liberty! and shall I surrender that consecrated home of my affections to the Anglo-Saxon invaders? What do they want with it? They have Texas already. They have possessed themselves of the territory between the Nueces and the Rio Grande. What else do they want? To what shall I point my children as memorials of that independence, which I bequeath to them, when those battle-fields shall have passed from my possession?'*

"*Sir, had one come and demanded Bunker Hill of the people of Massachusetts, had England's Lion ever shown himself there, is there a man over thirteen and under ninety, who would not have been ready to meet him—is there a river on this continent that would not have run red with blood—is there a field but would have been piled high with the unburied bones of slaughtered Americans before these consecrated battle-fields of liberty should have been wrested from us? If I were a Mexican I would tell you, 'Have you not room in your own country to bury your dead men? If you come into mine, we will greet you with bloody hands, and welcome you to hospitable graves.'*"

Now, Mr. Chairman, there is not a man who has the true feeling of patriotism in his heart who will not readily indorse this sentiment. It may be true, sir—I admit it to be true—that the *time* for its expression in a rhetorical figure was unfortunate, particularly unfortunate to the orator himself. But no man who loves his country can hesitate to approve the sentiment which my colleague has so often attempted to pervert for the purposes of mere party gain.

THE GARDINER CLAIM.

The connection of Mr. Corwin with the Gardiner claim is a theme upon which my colleague loves to dwell. He presumes there is something in that from which he may manufacture a vote in his next Congressional election. Two or three months ago he alluded to it in a speech, when I demanded to know whether he meant to insinuate that the connection of Mr. Corwin with that claim was in any way dishonest or disreputable. His reply was, that he did not so insinuate—leaving upon my mind a satisfactory impression; but upon the minds of other members, as I since learn, the idea that, instead of *insinuating*, he made the *direct charge*.

Time passed on, and I was loth to drag the matter again before the House. A few weeks since ill health drove the Secretary to a visit to his home in Ohio. He had been absent but a few hours from the city before my colleague, pursuing him as it were with the spirit of the hyena, presented a resolution asking a committee of investigation, prefaced with a string of preambles setting forth what rumor (which, I presume, he had himself created in part) said upon the subject. The honorable gentleman from Georgia [Mr. Toombs] objected to its introduction, on the ground that no man should be put on his trial upon mere rumor. That preamble betrays a desire on the part of my colleague to involve me in a controversy with him; for he sets out that I, the "immediate representative" of Mr. Corwin, have failed to call for investigation. If it is controversy with me that my colleague has been seeking, I can say to him that he can have it to his heart's content. I called for no investigation because I found no responsible indorser of the charge. And here let me say, that if the calumny was to circulate only where my colleague is personally known, or where Mr. Corwin is personally known, I should not consume a moment of the time of the House. In such case it would fall perfectly harmless. But, sir, I un-

derstand that the Democratic Executive Committee, who are directing the movements of the party in this presidential compaign, are circulating the slander, at the rate of one hundred thousand copies, throughout the breadth and length of this great Confederacy; and in this way it will penetrate regions where neither the malicious spirit of my colleague nor the purity of Mr. Corwin's character is known.

A brief statement of the true history of Mr. Corwin's connection with this claim will be sufficient for the present. By the provisions of the treaty of Guadalupe Hidalgo, our Government stipulated to pay, for property destroyed during the war with Mexico, a sum not to exceed three millions and a quarter of dollars. A Board of three Commissioners was provided for, who were to examine and report upon all such claims. This man Gardiner presented a claim. General Thompson, of South Carolina, was employed as his counsel. General Thompson being the warm personal friend of Mr. Corwin, and acquainted with his high legal attainments, and desirous to avail himself of his assistance, employed him to aid in the argument to the Board of Commissioners. The fee agreed on to be paid Mr. Corwin by General Thompson was five per cent. upon the amount allowed. Gardiner had nothing to do with Mr. Corwin in this contract. Mr. Corwin spent, to my knowledge, the greater part of one vacation between two sessions of the Senate in the preparation of arguments in this cause. The proofs were furnished by Gardiner and his agents, and I have the authority of the members of the Board of Commissioners, composed, as it was, of distinguished men and able jurists, for saying that there was no clearer case presented to that Board than this of Gardiner. The papers were most perfect, both in matter of form and substance, and contained internal evidence, by a combination of corroborative circumstances, to force the conclusion that the claim was just. It was allowed.

Now, sir, it is charged that this claim was fraudulent, and the testimony perjured. It may be so, and it may not. Gardiner has been arrested, and because of that, members of Congress who may desire fat offices, think to make progress in their pursuit by jumping at the conclusion of his guilt before a trial. I do not deny his guilt, yet any man who will assert it, in high or low places, to his prejudice, before a fair trial, (though he be in irons,) does not deserve the rights of an American citizen. If guilty, he has acted strangely. He had received payment of his claim, or a large portion of it. Leaving his money here, he went to Europe. There hearing that it was rumored here this claim was fraudulent, with all possible speed, he returned to this country to meet his accusers, and gave himself up to the law. Though he may be guilty, this conduct, sir, is very like that of one conscious of his innocence.

My colleague sometimes places his condemnation of Mr. Corwin upon the ground, that when in the Senate, at eight dollars per day, he had no right to engage in this pursuit of his profession. In reply to that, I will only say, that although Mr. Corwin did not consume as much of the time of the Senate in speaking as his friends desired, nevertheless, the record will show him to have been present on all occasions when voting, the most essential part of legislation, was done. My colleague, who, when a candidate two years ago, ran home to electioneer the best part of a month before the adjournment, thereby dodging or evading a vote upon that test question of the day—the fugitive slave law; who "Galphinized" upon the public Treasury (in a small way) to the amount of about one hundred and fifty dollars for per diem up to the close of the session, whilst he was at home making stump speeches, averring his tenacity to free soil principles, should be the last man to raise such frivolous objections.

But, Mr. Chairman, to the Gardiner claim. It will long be remembered by the members of the Thirty-first Congress, that, whilst we were engaged in this Hall in the controversy about the connection of Secretary Crawford with the Galphin claim, we were startled by the announcement that President Taylor was dying. The House adjourned. In a few days Mr. Corwin was invited to take charge of the Treasury Department. I had the pleasure then, as I had had during the whole of that session, of living with him. Our relations were then, as they ever have been, of the most intimate and confidential character. For political reasons, I was opposed, warmly opposed to his going into that Cabinet; hence every movement affecting his action made an impression on my memory. Mr. Corwin, having then fresh upon his mind the scenes of this House a few days previous upon the Galphin matter, declared to his friends that his contingent fees on Mexican claims were an insuperable barrier to his acceptance; that under no circumstances would he subject himself to any such suspicions as had given rise to that controversy. He was importuned and pressed, by day and by night, by distinguished statesmen from all quarters of the Union, to accept the post. His resolution was fixed, and in reply to the argument, that as these claims were settled, and determined by a tribunal independent of the Cabinet in all its action, his delicacy was too fastidious; he sternly said, that he would never act as the Secretary of Treasury out of which any claim, in which he had either a direct or remote interest, should be paid. On this point he was immovable. His friends then suggested that he should first dispose of all his interest in those claims. To this he consented. A house in New York proposed to buy his interest. The terms were arranged; the money was paid. Mr. Corwin became divested of every interest he had, direct or indirect, in all Mexican claims, including that of Gardiner, and in this position, free and untrammeled, entered the Cabinet of Mr. Fillmore—very much, I will add, to my regret.

Now, Mr. Chairman, for the truth, substantially, of this statement, I pledge my veracity as a man, and my honor as a Representative in the American Congress. I will now read the extract from my colleague's speech:

"Through the investigation of Congress, their Galphinism has been exposed; and Crawford, loaded with the execrations of the American people, has received his passport to perpetual infamy. But Corwin still remains unwhipped of justice. True, sir, his catspaw and accomplice in the fraud, is loaded with irons, and is branded by public sentiment as a perjurer and forger; but the master-moving spirit, the head and brains, in the fraud, through the negligence of this House, is still permitted to control the Treasury of the United States. Though this House may not visit upon him retributive justice, yet the American people, remembering, in connection with this fraud, 'his bloody hand and hospitable grave' sentiments, and the aid and comfort he gave our enemies in time of war, will sink him so deep in infamy, 'that the hand of resurrection will never reach him.'"

Here, Mr. Chairman, are two clear, positive, and distinct charges. First, that Mr. Corwin has been guilty of the high crime of subornation of perjury. Secondly, that he is *particeps criminis to a most villainous fraud upon the public Treasury*, over which he was appointed the people's sentinel. If my colleague were present I would extend to him now the opportunity of withdrawing unconditionally the base calumny; or I should, on behalf of my constituents, demand a statement of his proofs. But, presuming that he ventures to base his charge upon public rumor, and avails himself of the aid of her foul and irresponsible tongue, to slander my friend and constituent, that his party may gain something, I have but to say that public rumor is notoriously a "*common liar*," and that the charge of these crimes upon Mr. Corwin is a *willful*, a *malicious*, and a deliberate lie.

Mr. Chairman, in relation to the other parties concerned, so far as there is a design to manufacture party capital, I have only to remark that General Waddy Thompson, of South Carolina, who was the original and leading counsel in the Gardiner claim, is now, as I learn from newspaper publications, not a supporter of General Scott, but the friend of Mr. Pierce. Major Lally, who was of the counsel in this case, is a distinguished advocate of General Pierce's election.

Mr. STANLY. He had Pierce's letter.

Mr. CAMPBELL. Yes, he seems to be the boon companion of Pierce; for he held his private and confidential letter at the Baltimore Convention, and has since figured in Pierce meetings in New England. Sir, I dismiss the subject so far as Secretary Corwin is concerned. And, it may be proper to add, that since these charges were made by my colleague, I have never met the Secretary. In fact, sir, I have avoided him, believing, from his well-known aversion to having his name connected with public controversies, he would attempt to dissuade me from the performance of that which I regard as a duty I owed not only to him but to his neighbors who send me here, his hosts of friends everywhere, and to myself as a member of this body.

THE GALPHIN CLAIM.

A few words, Mr. Chairman, upon the subject of the "Galphin claim." Our opponents are flooding the country with publications on that subject, well calculated to deceive an unsuspecting people. This was a claim on the part of the heirs of Galphin for money expended by the ancestor in Georgia during our revolutionary struggle. I will not go into its interesting details, but will state that this expenditure, at the time when our forefathers "fought, bled, and died" for our liberties, brought down upon the head of that patriot the vengeance of old England. Such was his efficiency in the struggle for independence that a resolution passed the British Parliament attainting him for high treason, and setting a price upon his head as an outlaw and a rebel. But, sir, neither the justness of the claim, nor the interesting associations connected with it, are matters of any consequence for my present purpose. It is sufficient, for the purpose of heading the Democratic leaders in their effort to manufacture party capital out of it, to say that the Journals before me show (which no Democrat will deny) that the bill allowing the claim passed the Thirtieth Congress, and that not a single Democrat opposed its passage.

Mr. HALL. I deny that. I did not vote for it.

Mr. CAMPBELL. The record may not show that you did. There was no person to raise a voice against it. Your voice, sir, if raised in opposition to it, would have defeated the bill.

Mr. HALL. That is a mistake. It was passed under a suspension of the rules.

Mr. CAMPBELL. I say that under the rules, when it was acted upon, a single voice in opposition could have killed the bill. (Addressing Mr. STEPHENS, of Georgia,) Am I not correct?

Mr. STEPHENS, (in his seat.) You are. Any member objecting would have defeated it.

Mr. CAMPBELL. Then, sir, I charge home upon the Democracy, as I have a right to do by the record, the responsibility of the measure—at least their equal share of it.

The bill allowing this Galphin claim was signed and approved by President Polk. The principal was paid by President Polk's administration. The question of allowing interest upon it was left open by that Administration. It was taken up as unfinished business by the Taylor administration. The question was one of doubt. Secretary Meredith submitted it to the Attorney General, the legal adviser of the Government upon all doubtful questions, who made an able and an elaborate report, showing that interest should be paid. Robert J. Walker (Mr. Polk's Secretary of the Treasury) states in his testimony before the committee of investigation, on this subject, that such was the character of the question of paying the interest, that he, upon the opinion of the Attorney General, would have paid it. Thus, Mr. Chairman, do I, by these official documents, cast back upon the Democracy the responsibility of this claim.

Mr. FLORENCE. I desire to ask the gentleman a single question. Has it not been the practice always, both in Congress and in the Department, to refuse the payment of interest upon any claim?

Mr. CAMPBELL. No, sir. By no means.

Mr. FLORENCE. I thought that such was the case.

Mr. CAMPBELL. Not at all. The honorable gentleman from Pennsylvania only shows that he has not examined the documents in this case, and is therefore not "posted up."

I shall not now discuss the propriety of Secretary Crawford, in entering General Taylor's Cabinet whilst he had a contingent interest in this claim, nor repel the charges of my colleague against him. He has friends enough on this floor competent, fully, to that duty. On that subject it is proper to say that the very gentlemen who defended that Secretary's course during the last Congress, [Messrs. TOOMBS and STEPHENS, of Georgia,] are now giving no "aid and comfort"

to the cause of General Scott, as my honorable friend before me [Mr. STEPHENS] will at any time testify. On the contrary, the weight of their influence seems to be thrown into the scale of Franklin Pierce.

Mr. Chairman, having thus, as I conceive, cleared away the stigma which our opponents have attempted to cast upon the Whig cause, by reason of these claims, I shall now charge back along their line. The fruits of all their industry and efforts to convict Whigs of frauds on the Treasury dwindle into these insignificant and frivolous charges of "Galphinism" and "Gardinerism." They vanish before the light of truth as chaff is scattered by the mighty whirlwind. But let us look into the integrity of that party to whom my colleague would have the people intrust the keeping of their Treasury.

DISHONESTY OF DEMOCRATS WHEN IN POWER.

It is my purpose, sir, to expose the gross violations of official duty, and wholesale peculations upon the public Treasury when they were the chosen sentinels to guard and defend it. "By their fruits shall ye know them." I propose, for a few minutes, to "carry the war into Africa!" As my colleague is prone to investigate antiquated issues, and "obsolete ideas," in the hope of drawing party capital from them, I will be excused for refreshing the memories of gentlemen upon the subject of past Democratic defalcations. I have risen, sir, to cast no aspersions upon the integrity of the leaders of the Democratic party which are not justified by authentic documents. I come with not vague and idle rumors, but I hold in my hand, and will read from, the records of Congress. If any gentleman questions the correctness of what I read, I desire him to make it known.

This, sir, is the second volume of the reports of the third session of the Twenty-fifth Congress. It exposes more glaring corruption, and more barefaced frauds upon the rights of the people, during a few years of Democratic reign, than are to be found in the entire annals of the Government. I cannot go into them in detail; but call the attention of the House and the country to one specimen of the kind of practical "Reform" these Democratic leaders, who promise so much *now*, gave us *then*. From this, an honest people may judge what they may expect from them in future. It is the case between Messrs. Taney and Woodbury, Democratic Secretaries of the Treasury, and the Democratic Receiver of public moneys at Columbus, Mississippi. For want of time to read the whole, I read extracts from the correspondence:

Secretary Taney to W. P. Harris, February 7, 1834: "Receivers have been engaged in trading with the Government money. Such conduct would be regarded as a gross violation of official duty."—Page 168.

To this charge Harris pleads guilty.—Page 168.

Taney to Harris, March 6, 1834: "In regard to the returns which are required to be rendered, it becomes my duty to advise you, that those for the months of November, December, and January, are in arrear, and to say that a strict and punctual observance of this duty is indispensable."—Page 169.

Taney to Harris, March 17, 1834: "The money which is received *must be deposited*"—Page 169.

Taney to Harris, March 25, 1834: "The Department has received no monthly returns, showing the transactions of your office, from the month of October last."—Page 169.

Taney to Harris, May 19, 1834: Incloses copy of last letter, and says: "I again call your attention to its requirements."—Page 169.

Woodbury to Harris, February 6, 1835: "I *regret* that there should be occasion for again calling your attention to your omission to pay over the public funds."—Page 170.

Woodbury to Harris, February 28, 1835: "I cannot omit the occasion to impress upon you the necessity of a strict attention to, and punctual compliance with the duties required of you in regard to the prompt deposit of the public moneys."—Page 170.

Woodbury to Harris, March 17, 1835: "Having received no monthly duplicate returns of the transactions of your office since that for the month of October last, it becomes my *unpleasant duty* to call your immediate attention to the omission. *Allow me* to express a *hope* that there may be no further occasion to remind you of the importance of punctuality in the transmission of these returns."

Here is a beautiful specimen of *Democratic honesty*, and its efficiency in guarding our Treasury. A public officer, known at the Treasury Department for *thirteen months* to have plundered the people, is addressed by the Secretary in the cringing style of "*allow me to express a hope!*" The Secretary was truly a confiding man to indulge in a "hope," when there was no longer even "a loop whereon to hang a hope." But I proceed with this racy correspondence. Harris replies to the last polite epistle, by saying, in substance, that he *could not fork over the dollars*, because he had no "blanks" to make out his returns upon. This most potent excuse seemed, for a while, to be entirely satisfactory.

Woodbury to Harris, June 25, 1835, after reciting that he had often written to him to pay up, says: "It becomes my unpleasant duty to say to you, that if the moneys in arrear are not transmitted by return of mail, I shall be constrained to report your neglect for the action of the Executive."—Page 172.

Harris to Woodbury, July 13, 1835: "Inclosed you will receive my monthly *account current for the month of December*, 1834, showing a *balance of three hundred and eighty-five thousand and sixty-seven dollars, and eighty-three cents*."—Page 172.

Woodbury to Harris, August 28, 1835: "It has become my *disagreeable duty* [very "disagreeable," of course, Mr. Chairman,] to report your continued neglect to the President, who has instructed me to say to you, that if the monthly returns required from you by the regulations of the Treasury, which are in arrears, are not received at the Department on or before the 10th day of October next, you will then be dismissed from office."—Page 172.

Harris to Woodbury, September 14, 1835: "I ask of the President a suspension of my removal," &c.—Page 172.

Woodbury to Harris, September 22, 1835: "*Allow me to inquire* why your deposits are not made," &c.—Page 172.

Woodbury to Harris, September 28, 1835: "I regret to say that the reasons assigned in your letter of the 14th instant, for withholding your monthly returns, cannot hereafter be deemed satisfactory."—Page 173.

About this time matters were coming to a focus. The defaulter had exhausted all his own personal powers with the Administration, and therefore brings to bear a sort of "outside pressure" in behalf of his plunderings of the people.

September 15, 1835—*John F. H. Claiborne*, former member of Congress, I believe, from Mississippi, writes to the President as follows:

"Many of the *early and constant friends of the Administration* in this State have heard with much regret and sorrow, that the present receiver of public moneys at this place, is to consider himself dismissed, *unless his returns are made by the 1st of October*." * * * * * *

"Nothing would rejoice him (Poindexter) more than the expulsion of General Harris, whom he knows to be *one of the main pillars of the Democratic cause, and one of the earliest and most distinguished friends of the Administration in Mississippi. His family and connections, are extremely influential, and all of them are coöperating with us in the arduous struggle which we are now making.* They are true Democrats." * * "We are now in the midst of an electioneering campaign." * * "*It will be a close contest.*"—Page 174.

And, he might have added, "Harris, with the people's dollars, will do good service!"

This appeal produced its effect upon the "model Democratic administration," and Harris, the receiver, known by the Democrats in power to have been plundering the Treasury for twenty months, was retained in office. But let us examine further, to see how they managed the people's affairs afterwards.

Woodbury to Harris, October 26, 1835: "I can perceive no reason why each deposit in past months should not have embraced the whole amount in your possession at the time of such deposits, as the instructions require."—Page 177.

Woodbury to Harris, November 28, 1835: "No reason whatever can be seen why the whole money in your hands at the end of the month is not deposited; it is expected that it will be hereafter"—Page 178.

Woodbury to Harris, February 4, 1836: "Your returns for the months of October, November, and December have not been received. I regret that there should be any occasion to notice the neglect or accident (as the case may be) in this important duty."—Page 178.

It is worthy of remark here that this letter was also addressed to TWENTY-TWO Democratic receivers of public moneys, under the same date, notifying them that they were defaulters. I can only take time to trace out the beauties of one case as a specimen of the integrity of the leaders of that party from which we are compelled to hear lectures upon "*honesty.*"

Harris to Woodbury, March 13, 1836: "Inclosed you will receive my monthly account current for the month of November, 1835, showing a balance of FOUR HUNDRED AND SIXTY-SIX THOUSAND FOUR HUNDRED AND TEN DOLLARS and fifty-nine cents."—Page 179.

Woodbury to Harris, March 28, 1836: "Your letter of the 13th instant, inclosing your return for the month of November, is received. Again it becomes my unpleasant duty to complain of your neglect in this respect." * * * "On the return of mail, therefore, if the usual statement for the other months in arrear are not received, I shall be under the disagreeable necessity of again submitting the subject to the President, for his immediate action."—Page 179.

Woodbury to Harris, June 6, 1836: "Seeing the balance of public moneys in your hands amounted to $128,584 70 at the end of that month, I have to request that you will explain why it was that the whole of the public moneys in your hands on the last of the previous month was not deposited instead of a part, in conformity to explicit and frequent instructions on that point. It is *painful* to be obliged to ask you so often for explanations."—Page 180.

The subject was really becoming "*painful*"—painful to Harris especially. On the 27th August, 1836, he writes, resigning his office, and then proceeds:

"In conclusion I will take the liberty of recommending to you for appointment of my successor, Colonel Gideon D. Boyd, of Attala county. You are probably acquainted with his public character, as he has been for several years a prominent member of our State Legislature, and has been throughout an *ardent supporter of your Administration*, and an *unyielding advocate of the principles of Democracy*. The request is made in his behalf, in part on my own account."

Now, Mr. Chairman, we shall soon see what sort of an exponent of the "principles of Democracy" this Boyd proved himself. Strange as it might seem to honest men of any party, the Democrats in power appointed him to the office on the sole recommendation of Harris, who had been known by the Administration to be a defaulter for *thirty months* before, and had been so notified by the Department, as I have shown, at least *seventeen times!* This is an honest management of the people's affairs with a vengeance! You employ a man to keep your money—allow him to rob you for more than two years, and then permit him to select his friend to fill his place. This is called good Democratic management of public affairs!

Well, Mr. Chairman, let us look into the stewardship of this man Boyd, the "unyielding advocate of the principles of Democracy"—the "successor of his illustrious predecessor," Harris, who stepped out, as the committee show in this report, with the small sum of only ONE HUNDRED AND NINE THOUSAND ONE HUNDRED AND SEVENTY-EIGHT DOLLARS AND EIGHT CENTS of the people's money.

Woodbury to Boyd, March 25, 1837: "Sir, I regret to be under the necessity of complaining of your neglect to transmit your return for the month of March last, and of reminding you that greater strictness must be observed in the performance of this duty."—Page 186.

Boyd pays no attention to instructions, and V. M. Garesche is sent out as an envoy extraordinary to "tighten up the screws" of Democracy in Mississippi, and to examine into the land office affairs. On the 14th of June, 1837, he writes to Mr. Woodbury, the Secretary of the Treasury, that Boyd is already, in a service only of some three months, a defaulter to the amount of FIFTY-FIVE THOUSAND NINE HUNDRED AND SIXTY-FIVE DOLLARS—carrying out his unyielding "principles of Democracy!" He was as stern a Democrat as my colleague! I read a few extracts, on the principles of a Democratic administration, from this letter (page 189 of the document:)

"The man (Boyd) seems really penitent, and I am inclined to think, in common with his friends, he is honest."

So, doubtless, would my Democratic colleague think.

"He has been led away from his duty by the example of his predecessor, (Harris,) and a certain looseness in the code of morality which here does not move in so limited a circle as it does with us at home."

They do seem to have been plundering the people, to use a western expression, with a "most perfect looseness!"

"Another receiver would probably follow in the footsteps of the two."

It must be remembered that "following in the footsteps" was, in these days, a favorite plank in the Democratic platform!

"You will not, therefore, be surprised if I recommend his being retained in preference to another appointment, for he has his hands full now, and will not be disposed to speculate any more. He has, moreover, pledged his word that, if retained, he will strictly obey the law."

Mr. Chairman, I never knew a convicted horse-thief who would not promise to obey the law in order to be pardoned out of the penitentiary, that he might have a chance to steal another. Speaking of the predecessor, (Harris,) this Democratic agent writes:

"He, too, passes for an honest man."

On the 24th of July, 1837, Boyd writes to the Secretary that he is a defaulter, and that he will resign, (p. 187,) and the Secretary replies, (p. 188:)

"I am *happy* to hear of the *frank and honorable* course proposed in your letter of the 24th ultimo."

Thus it would seem that, according to this rule

of Democratic leaders, he who robs the public Treasury of $109,000, "passes for an honest man"—he who robs it of $50,000 *only*, and offers to resign, is regarded as "frank and honorable," and makes the Secretary of the Treasury "happy!"

Mr. Chairman, if my brief hour would permit, I could go on and show up similar cases. This large volume is filled with their details. Would that every voter throughout the land could be furnished with a copy. It would cause tens of thousands of honest Democrats indignantly to drive from power the leaders of the party, which has tolerated these outrages upon their rights, and so flagrantly abused their confidence. I could go into the cases of your Swartwouts and your Hawkinses, your Tods and your Prices, whose joint robberies amounted to more than two millions of dollars! But, sir, I turn with loathing and disgust from this mournful picture of human depravity—this official record of political infamy, on the part of Democratic leaders, some of whom are now attempting to rally their dismayed and broken forces under the banner of Franklin Pierce. I let them pass, and merely give the list in a marginal note.*

But, sir, this is not the only "Galphinizing" with which I charge the managers of that party. My colleague always harps upon the efficiency of the Sub-Treasury. They promised, for this scheme, that it would free the Government from its dependence upon banks and bankers to transact its fiscal affairs, and that by its penalties, its penitentiaries, its bolts and its bars, it would prevent further peculations upon the public Treasury. Yet, sir, the result is, that even under the Polk administration, the financial operations of the Government required the aid of banks and bankers. The terrors of all the penalties did not prevent your Wetmores, your Collinses, and your other sub-treasurers, from proving defaulters to the amount of near a million of dollars!

PUBLIC PRINTING.

That the spirit of "Galphinism" still prevails among the Democratic leaders, I refer to the bill now before this body, and which I predict they will carry before our adjournment, by which Mr. Ritchie is to get from the public Treasury some $200,000 or more of the people's money, because he published the Union newspaper, and, acting upon the "higher law" principle, used his efforts to nullify the law of Congress providing for letting the public printing by contract to the lowest responsible bidder.

CONSTRUCTIVE MILEAGE.

Sir, there is still another class of Democratic *Galphinizers*. I allude to your *constructive mileage* men. Look at your Democratic members of the United States Senate. On the 4th day of March, 1851, the Senate adjourned, as did this House, at a few minutes after twelve o'clock, m. An extra session of the Senate had been called by a message from the President, to attend to Executive business. The extra session was called to order in a few minutes past twelve. Senators did not quit the Chamber. Yet, sir, we find that a large portion of the Democracy, then congregated, acted upon the *presumption* that they had traveled to and from their respective homes, and received their mileage accordingly. I have here a statement which shows that there were twenty-one Democrats who acted upon this forced presumption, whilst there were three Whigs only.

A MEMBER. There were not many Whigs there.

Mr. CAMPBELL. Well, sir, there were fifteen Whigs who then refused to take the constructive mileage, and only eight Democrats who so refused.

Mr. JONES, of Tennessee. I wish to ask the gentleman what session he speaks of?

Mr. CAMPBELL. The close of the Thirty-first Congress.

Mr. JONES. Can the gentleman tell how many have since received this constructive mileage?

Mr. CAMPBELL. I do not know and do not care. If any, let them meet the consequences. The statement shows that your Democratic Senators "Galphinized" upon the Treasury to the amount of about $33,000! Here it is:

Senators who REFUSED it:	Senators who TOOK it:	
George E. Badger, N. C.	David R. Atchison, Mo..	$1,696
John Bell, Tennessee.	Solon Borland, Ark.....	1,808
John M. Berrien, Ga.	Jeremiah Clemens, Ala.	1,040
James W. Bradbury, Me.	*James Cooper, Penn.*...	184
Jesse D. Bright, Ind.	Augustus C. Dodge, Iowa	1,440
Andrew P. Butler, S. C.	Henry Dodge, Wis.....	1,584
Lewis Cass, Michigan.	Stephen A. Douglas, Ill..	1,084
SALMON P. CHASE, O.	Solomon W. Downs, La.	2,240
John H. Clarke, R. I.	Alpheus Felch, Mich....	896
Henry Clay, Kentucky.	Henry S. Foote, Miss...	2,064
John Davis, Mass.	William M. Gwin, Cal..	4,008
Jefferson Davis, Miss.	JOHN P. HALE, N. H...	453
William C. Dawson, Ga.	Hannibal Hamlin, Me...	590
R. M. T. Hunter, Va.	Sam Houston, Texas....	2,495
Wm. R. King, Alabama.	George W. Jones, Iowa.	1,600
Willie P. Mangum, N. C.	*Jackson Morton, Fla...*	1,336
James M. Mason, Va.	Moses Norris, jr., N. H.	472
Jacob W. Miller, N. J.	R. Barnwell Rhett, S. C.	512
James A. Pearce, Md.	Thomas R. Rusk, Texas.	2,347
Thomas G. Pratt, Md.	Wm. K. Sebastian, Ark.	1,520
William H. Seward, N. Y.	James Shields, Ill.....	1,341
Truman Smith, Conn.	Pierre Soulé, La.....	2,074
Presley Spruance, Del.	*William Upham, Vt.*...	520
Jos. R. Underwood, Ky.	Isaac P. Walker, Wis...	1,584
	James Whitcomb, Ind...	812
	Total amount.....	$35,719

Whigs in *italics*. Free-Soilers in SMALL CAPITALS.

It seems that the Senator from California, [Mr. GWIN,] "Galphinized" the snug sum of $4,000, on the presumption that he had traveled to San Francisco, by the "fast line," in about five minutes, when, in truth, he did not, I suppose, so much as rise from his cushioned arm chair; not disturbed, perhaps, in his comfortable nap, rendered pleasant by the "fatigues" of the previous night-session. And, sir, this is the same "Galphinizer" who stands at the head of your Democratic Executive Committee, and is calling lustily through the public press, for lists of names to whom may be sent electioneering papers to expose what is termed Whig Galphinisms! In his eyes, it seems an awful fraud to pay interest on money paid to whip England in our Revolution, and perfectly just to pocket $4,000 traveling fees, under such circumstances.

Mr. INGERSOLL. I ask the gentleman to allow me to ask him one question?

Mr. CAMPBELL. My brief hour runs rapidly, and I have much more to say. I cannot yield, unless I have said something that is personally offensive to you.

Mr. Chairman, I dismiss this examination and comparison of Galphinisms. I have maintained the integrity of the Whigs in power, and exposed the frauds of their opponents. There are other points in my colleague's speech to which I must advert. Much that he has said is but the repetition of his old and stale stump speeches in Ohio, made a thousand times, and answered as often; and which any of our buckeye farmer boys can answer successfully at their district school-house meetings, on winter evenings. His old song of "alien and sedition laws," &c., I therefore pass. He says:

"Now, sir, I assert, without the fear of contradiction, that for fifty years every distinctive measure of policy, advocated and supported by the anti-Democratic party, in opposition to the Democracy, has been measurably abandoned by the party, and condemned by the verdict of the American people. And upon the other hand, I assert with equal confidence, that for more than half a century, every distinctive measure of policy, advocated and supported by the Democracy, and opposed by the anti-Democratic party, is still part and parcel of the Democratic creed, and has merited and received the approbation of the people of the United States."

Mr. Chairman, I do contradict it. I assert that the records show the reverse of this proposition to be true.

BANK OF THE UNITED STATES.

My colleague always drags up this dead monster. He assumes that General Scott is for a bank *now*, because in 1841 he expressed himself in favor of such an institution. By the same reasoning my colleague proves that he is himself now in favor of it, because he admits that he is a renegade Whig, and was about those days in favor of a United States Bank. That he has *personal reasons* for opposing banking institutions, I cannot deny. He has had some experience in the shin-plaster business, having once been a subscriber to stock to the amount of $250,000 in a manufactory of that sort in Ohio. For proof that he did not pay up the stock, and for the fact, of which I have been informed, that his name disappeared from the stock books in a most mysterious manner, I beg leave to refer him to *his own deposition* now on file in one of the Ohio courts.

Mr. Chairman, we have had two United States Banks. Washington approved the first charter. The Democratic party, in 1816, chartered the second, and Madison approved the bill—William R. King, my colleague's candidate for the Vice Presidency, voting for it. In 1832, a bill passed Congress. George M. Dallas, a leader of Democracy, reported the bill in the United States Senate. His Democratic colleague, Senator Wilkins, voted for it. The Democracy of Pennsylvania were almost a unit in its favor. Her representation in this Hall stood twenty-four for, and only one against it. Her Legislature resolved *unanimously* in favor of the institution. Yet, sir, subsequently the party abandoned the policy and planted itself upon the support of

STATE BANKS.

The party recommended the "pet bank system." It exploded, and brought distress upon the country. They then abandoned that.

A PROTECTIVE TARIFF.

In 1824 and in 1828, the Democratic party claimed to be the original supporters of the protective policy. "Protection for the sake of protection," was their motto. General Jackson avowed the principle in his "Coleman letter," as he did in one of his messages after he was elected to the Presidency. In 1828, the party voted for the highest and strongest protection bill ever passed by an American Congress. Subsequently they abandoned that policy, whilst the Whigs have steadfastly supported it. My colleague says the Democrats are now against that policy, which is one truth for which I willingly give him credit. Yet, sir, in speaking of the *ad valorem* policy of duties, which distinguish their tariff of 1846, the gentleman, whose ideas seem to turn instinctively upon liquor, spoke of the effect of duties on the poor man's brandy, and omitted to state that even by that law they abandoned their recently-adopted principle of "*ad valorems*," and placed a protective duty and a tax upon the poor man's sugar.

INTERNAL IMPROVEMENTS.

The Democratic party, every where, from 1828 to 1832, avowed themselves in favor of a system of internal improvements by the General Government. Subsequently they abandoned it, and their Executive vetoes fell thick and fast upon the measures of Congress for the improvement of rivers and harbors. The Whigs adhered to the policy through good report and through evil report. Now, sir, the Whig policy prevails. The pressure of popular sentiment has forced this Congress, with its heavy Democratic majority, to yield a triumph to Whig policy in this respect.

LAND DISTRIBUTION.

This was a measure of the Whig party, passed by Whig votes in 1832, under the lead of Clay, and defeated by the veto of a Democratic President. Yet, sir, in the last Congress the wet lands were distributed amongst the States in which they are located, by the aid of a large Democratic vote—a distribution which was, perhaps, partial and unjust to the States in which no such lands were situate. A few weeks ago, and soon after the Democrats, at Baltimore, put the anti-distribution plank in their platform, this House, with its Democratic majority of fifty, passed the bill introduced by the gentleman from New York, [Mr. BENNETT,] distributing a large portion of the public domain among the States. Here, sir, is another instance of the success of an important Whig measure, and of the abandonment of its long-adhered-to policy by the Democratic party.

ANNEXATION OF TEXAS.

The consistency of the Democratic party in Ohio on this measure may be better understood by reference to the journals of the Legislature of that State, which show that when it was first proposed the Democrats almost unanimously voted against the proposition to annex. They subsequently abandoned their opposition, when the leaders found it necessary in order to secure the "spoils of office."

THE BANKRUPT LAW.

This was originally a Democratic measure. Mr.

*See list at the end of speech, p. 1067.

Van Buren, when at the head of that party, was in its favor; and Mr. Walker, late Democratic Secretary of the Treasury, claimed the paternity of the law. The Whig Congress, yielding to Democratic advice, passed the law; but finding that it was fraught with practical disadvantages, they very properly yielded to public opinion, and repealed it. That is the whole story on this point.

GENERAL SCOTT AND THE FOREIGNERS.

My colleague assails General Scott in regard to his views on naturalization. He finds him, he thinks, "*long time ago*," in favor of placing too heavy restrictions upon the right of foreigners to vote—*now*, too liberal. My colleague's facts and arguments seem to neutralize each other. On this point of opposition, without inquiring, or caring, whether General Scott is the author of the anonymous article signed "Americus," which my colleague has discovered in some old musty newspaper, I content myself with the following letters, which express very frankly his opinions *at the present time:*

WASHINGTON, *May* 29, 1848.

DEAR SIR: In reply to your kind letter of the 8th instant, I take pleasure in saying that, grateful for the too partial estimate you place on my public services, you do me no more than justice in assuming that I entertain "kind and liberal views towards our naturalized citizens." Certainly *it would be impossible for me to recommend or support any measure intended to exclude them from a just and full participation in all civil and political rights now secured to them by our republican laws and institutions.*

It is true that, in a case of unusual excitement some years ago, when both parties complained of fraudulent practices in the naturalization of foreigners, and when there seemed to be danger that native and adopted citizens would be permanently arrayed against each other in hostile faction, *I was inclined to concur in the opinion then avowed by leading statesmen*, that some modification of the naturalization laws might be necessary in order to prevent abuses, allay strife, and restore harmony between the different classes of our people. *But later experience and reflection have entirely removed this impression and dissipated my apprehensions.*

In my recent campaign in Mexico, a very large portion of the men under my command were your countrymen—Irish, Germans, &c. I witnessed with admiration their zeal, fidelity, and valor, in maintaining our flag in the face of every danger, vying with each other, and our native-born soldiers in the same ranks, in patriotism, constancy, and heroic daring. *I was happy to call them brothers in the field, as I shall always be happy to salute them as countrymen at home.*

I remain, sir, with great esteem, yours truly,

WINFIELD SCOTT.

WILLIAM E. ROBINSON, Esq.

WASHINGTON, *March* 11, 1852.

GENTLEMEN: I have received your note, inviting me to join you at Philadelphia in the celebration of the approaching St. Patrick's day—an honor which, I regret, the press of business obliges me to decline.

You do me but justice in supposing me to feel a lively interest in Ireland and her sons. Perhaps no man, certainly no American, owes so much to the valor and blood of Irishmen as myself. *Many of them marched and fought under my command in the war of* 1812-'13, *and many more (thousands) in the recent war with Mexico, not one of whom was ever known to turn his back upon the enemy, or a friend.*

I salute you, gentlemen, with my cordial respects,

WINFIELD SCOTT.

R. TYLER, C. MCCAULLAY, W. DICKSON P. W. CONROY, and J. MCCANN, Esq's., *Committee, &c.*

After the conquest of Mexico, on his return to the United States, he was met at Elizabethtown, New Jersey, and in reply to an address by Alderman Franklin, said:

"You have been pleased, sir, to allude to our adopted citizens. I can say that the Irish, the Germans, the Swiss, the French, the Britons, and other adopted citizens, fought in the same ranks, under the same colors, side by side with native-born Americans—exhibiting like courage and efficiency, and uniting at every victory in the same enthusiastic shouts in honor of our flag and country. From Vera Cruz to the city of Mexico, *there was one generous rivalry in heroic daring and brilliant achievements.* Let those who witnessed that career of valor and patriotism say, if they can, what race, according to numbers, contributed most to the general success and glory of the campaign. On the many hard-fought battles there was no room for invidious distinction. *All proved themselves the faithful sons of our beloved country, and no spectator could fail to dismiss any imaginary prejudice he might have entertained as to the comparative merits of Americans by birth and Americans by adoption.*"

That, I think, will answer, especially when we remind ourselves of the fact that Franklin Pierce, a Democrat of overwhelming influence in the State of New Hampshire, where the Democracy have always had an immense majority, belongs to the party which has retained in the constitution of that State the clause excluding all persons from holding office who are not of the Protestant religion, is General Scott's opponent.

In addition to these expressions of opinion, were it necessary to go further to place General Scott in his true light before the country, I need but remind the people of the fact that the late convention of the "Native American party" repudiated him and nominated another person as their candidate for the Presidency.

But General Scott's "new plank" on this subject has disturbed the repose of my colleague, as well as of the honorable gentleman from Georgia, [Mr. TOOMBS.] It is a little remarkable, that whilst every other person on this floor is assailing General Scott's views on the vexed question of slavery, my colleague most carefully avoids approaching that subject. Not a word from him on the merits of the fugitive slave law. Why is this? My colleague dodged the vote on the passage of the bill in the last Congress, and he has dodged the vote on the "Hillyer resolution," indorsing it in this. Does he wish to be understood as being *for* the "totality and finality" *here*, and in favor of modifications of that law amongst his Free-Soil constituents *at home?* It would have been interesting to us, though perhaps not profitable to him, to have heard him on that subject. But he flies off to the "alien and sedition laws," and the naturalization hobby, and anon regards the proposition to allow a foreigner a vote who fights our battles one year as most iniquitous! Now, Mr. Chairman, I regard that foreigner who casts his lot in this "land of the free," and faces the cannon's mouth of our enemy under our glorious stars and stripes, as quite as deserving the right of suffrage as the one who may locate in my colleague's district, sell whisky at the cross roads, and electioneer for him as a candidate for Congress. [Laughter.]

Mr. GAYLORD. It is in your district where they make whisky. [Laughter.]

Mr. CAMPBELL. True, sir. The difference between us is simply this: we make it—you drink it. [Laughter.]

Mr. POLK. Mr. Chairman, I call for the enforcement of the "Maine liquor law!" [Laughter.]

Mr. CAMPBELL. That might improve both the manners and habits of some members.

SLAVERY.

General Scott has been assailed most bitterly on this floor in regard to his views upon slavery. I do not propose to renew the discussion upon that subject now. I have made no effort to do so during this session, because I have been unable to see the advantages to any portion of the country to be derived from it; and at this late period, when we are all preparing to separate, some of us, perhaps, to meet no more forever, I have no desire to stir up the embittered feelings which are, and must, in the nature of things, continue to be the unavoidable fruits of such discussions. At a proper time I am ready to meet the issue. For myself, I have but to say that my sentiments have been recorded, and I stand where I have ever stood. My principles are my own, and I shall not allow any party, or any political platform-making conventions, to change them until my own judgment satisfies me I am in error.

The honorable gentleman from Georgia [Mr. TOOMBS] bases his opposition to General Scott upon the reasons given in the extract which I quote from his speech of July 3d:

"General Scott would have acted wisely and well not to have invited scrutiny into his past opinions on slavery. *There are no known incidents in that life which commends itself upon these great questions to the approbation of a southern man. Point to it.* He is a faithful soldier and an honorable man, I know. That he will do what he says, I believe. I object that he has not said what we require; that he has not pledged himself to stand by and firmly carry out these great principles, and, therefore, as I believe him to be true to his own principles, and honest in holding them, I will not trust him where it is not clear that they agree with mine.

"My hour, I am informed, is near its termination; and I shall, therefore, be compelled to pass by his Canada letter, to which I intended to make reference. I intended to examine his Atkinson letter, and to show that every one of the incidents of that history to which he has so unwisely invited the scrutiny of the people is against him, and speak trumpet-tongued against his being trusted upon this great question. I do not know of a single sentiment ever uttered by General Scott in relation to the principles settled by the compromise, or in relation to the subject of slavery in general, that is in unison with my own or the convictions of the slaveholding States of this Union. If he had stood upon these great questions where he ought to have stood, there would have been no need for his friend, the Senator from New York, [Mr. SEWARD,] attempting to relieve him by a letter to the public from somewhat of the odium of his alliance. But he did not stand there. For more than a year General Scott has been the known candidate of the Free-Soil wing of the Whig party."

The honorable gentleman "*intended to examine his Atkinson letter.*" And in reply to a courteous inquiry made by myself, he kindly proffered to give me his own entire history but for the want of time. What he has omitted, I may, in part, undertake to perform.

Again: that gentleman, his colleagues, [Messrs. STEPHENS and JOHNSON,] and other southern gentlemen, issued their *pronunciamiento* against General Scott, on the 5th of July, the thirty-eighth anniversary of the gallant chieftain's battle of Chippewa. In it they say:

"*Among these 'known incidents' of his life there is not one, so far as we are aware of, in favor of the principles of the compromise. In one, at least, of his public letters, he has expressed sentiments inimical to the institutions of fifteen States of the Union.*" * * * *

"*We consider General Scott as the favorite candidate of the Free-Soil wing of the Whig party.*"

This opposition is founded upon General Scott's letter of 1843, on the subject of slavery, written to Mr. Atkinson, of Pennsylvania. That is to these gentlemen the fatal "incident"—for it is his only letter on the subject of slavery and kindred questions which has ever been published—for aught I know, the only one he has ever written. I propose to examine it, and to show by comparison, that these opinions are justified by quite as high authority as that of gentlemen who now assail it. And, sir, I will prove that, although these assailants, in their misguided zeal in behalf of slavery, find nothing in it which "commends itself to the approbation of a southern man," they are but the identical sentiments which were inculcated in General Scott's mind by the efforts of true and tried statesmen of the South, in whose wisdom, patriotism, and virtue no reasonable man, North or South, can hesitate to place the most implicit confidence.

EMANCIPATION.

General Washington wrote to General La Fayette under date Mount Vernon, May 10, 1796:

"To set the slaves afloat at once, would, I really believe, be productive of much inconvenience and mischief; but by degrees it certainly might, and *assuredly ought to be effected, and that, too, by legislative authority.*"

General Scott wrote to D. P. Atkinson under date Washington, February 9, 1843:

"I own, myself, no slaves, but never have attached blame to masters for not liberating their slaves—well knowing that liberation without the means of sending them in comfort to some position favorable to the pursuit of happiness, would, in most cases, be highly injurious to all around, as well as to the manumitted families themselves, unless the operation were general, and under the auspices of prudent legislation. But I am persuaded that it is a high moral obligation of masters and slaveholding States to employ all means not incompatible with the safety of both colors, *to meliorate slavery, even to extermination.*"

Mr. JEFFERSON wrote a letter to the convention of delegates from the different provinces, which assembled in Philadelphia in 1774, as follows:—(See American Archives, 1st vol. 4th series, page 696.)

"THE ABOLITION OF DOMESTIC SLAVERY IS THE GREATEST OBJECT OF DESIRE IN THESE COLONIES, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to prohibition, have been hitherto defeated by His Majesty's negative. Thus preferring the immediate advantages of a few *African corsairs* to the LASTING INTEREST of the *American* States, and to the RIGHTS OF HUMAN NATURE DEEPLY WOUNDED BY THIS INFAMOUS TRAFFIC."

GEORGIA MEN OF THE REVOLUTION.

The noble sires of the Georgians who now assail the expression of General Scott's opinions above quoted, assembled on the 12th day of January, 1775, and made to the world the following declaration of their principles on slavery: (see American Archives, 1st vol. 4th series, p. 1136:)

"We, therefore, the representatives of the extensive district of Darien, in the Colony of Georgia, having now assembled in Congress, by authority and free choice of the inhabitants of said district, now freed from their fetters, do resolve:

"5. *To show the world that we are not influenced by any con-*

tracted or interested motives, but a general philanthropy for ALL MANKIND, *of whatever climate, language or complexion,* we hereby declare our *disapprobation and abhorrence of the unnatural practice of slavery in America,* (however the uncultivated state of our country or other specious arguments may plead for it,) *a practice founded in injustice and cruelty, and highly dangerous to our liberties,* (as well as lives,) *debasing part* of our fellow-creatures below men, and corrupting the virtue and morals of the rest, and is laying the basis *of that liberty we contend for,* (and which we pray the Almighty to continue to the latest posterity,) *upon a very wrong foundation. We therefore resolve, at all times, to use our utmost endeavors for the manumission of our slaves in this colony,* upon the most safe and equitable footing for the master and themselves."

SOUTHERN MEN OF THE REVOLUTION.

A similar pledge was made at Philadelphia, on the 20th October, 1774, (see American Archives, same vol.,) and signed by the following list of southern patriots, and others, who subsequently subscribed the Declaration of Independence:

Maryland.—Matthew Tilghman, Thomas Johnson, jr., William Paca, Samuel Chase.

Virginia.—Richard Henry Lee, George Washington, Patrick Henry, jr., Richard Bland, Benjamin Harrison, Edmund Pendleton.

North Carolina.—William Hooper, Joseph Hewes, Richard Caswell.

South Carolina.—Henry Middleton, Thomas Lynch, Christopher Gadsden, John Rutledge, Edward Rutledge.

But, Mr. Chairman, I quote now from those who have spoken in our own time. I hold in my hand an old pamphlet, which is a copy of a speech delivered in this Hall—yes, sir, from the very desk you now occupy—by a distinguished southern slaveholding statesman, in 1827, over whose newly-made grave the nation now mourns. I will read an extract, which I commend to the special attention of those southern gentlemen who a short time since, on a sad occasion in this Hall, were so eloquent in their eulogies upon the virtues, the wisdom, and patriotism of that great man. It contains the sentiments which he subsequently impressed upon the people of his own State. This, sir, is the identical pamphlet from which I received, in early youth, the impressions I bring into this Hall. I prize it highly. I read it, too, because it fixes the time when, and not till when, there is to be a "*finality*" to all agitation on this subject. Mr. Clay most eloquently said:

"What would they, who thus reproach us, have done? If they would repress all tendencies towards liberty, and ultimate *emancipation*, they must do more than put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunders its annual joyous return. They must revive the slave trade, with all its train of atrocities." * * * * * "They must blow out the moral lights around us, and extinguish that greatest torch of all which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. *Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race who are doomed to bondage.*"

"Our friends who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver our country from it is to be crushed because of a possible and ideal danger."

Yes, sir, there is the finality. You may have vexatious and bitter debates in this Hall; you may pass your laws and your resolutions reaffirming them; you may make and unmake your political platforms; you may elect, or, perchance, defeat General Scott, because of the emancipation "incident" of his life, or the manner in which he may have accepted your platform; but you cannot stop all agitation until you first possess yourselves of the attributes of the Omnipotent God, and destroy those sympathies which he has implanted in the soul of man, and which adorn and dignify his character. Such, sir, were the opinions of the great statesman of Kentucky, reiterated in his speech at Lexington, in 1848, from which I quote:

"My opinions on the subject of slavery are well known. They have the merit, if it be one, of consistency, uniformity, and long duration. I have ever regarded slavery as a great evil—a wrong, for the present—I fear an irredeemable wrong to its unfortunate victims. I should rejoice if not a single slave breathed the air, or was within the limits of our country."

Mr. Chairman, I have many more authorities to justify General Scott, as well as those of us whom these bolters would excommunicate from the Whig party, before they will consent to vote for our candidate. I could consume, not merely an hour, but a whole day, by quoting similar opinions expressed by great men and by small men of the South; but having justified this "incident" in General Scott's life, by the *highest southern authority*, I must pass on.

CAMPAIGN PLEDGES.

The gentleman from Georgia, [Mr. TOOMBS,] and others, complain that General Scott did not give a *written pledge* to support the compromise measures, prior to the nomination. There may, perhaps, be some "incidents" in that gentleman's political history quite as vulnerable as those of General Scott. If scrutinized, they might materially weaken his present position. If I am correctly informed, that gentleman joined the Whig ranks in 1840. General Harrison was then the standard-bearer. Let us examine the principles, on this point of *pledges*, which were then inscribed upon the banner which won to its support the efficient aid of the gentleman from Georgia. General Harrison, in his letter to the New York Legislature, said:

"A better guarantee for the correct conduct of a Chief Magistrate may be found in his character and the course of his former life, than in pledges and opinions given during the pendency of a doubtful contest." * * * * "As it regards the subjects upon which the Legislature may be called to act, the pledges and opinions should be required, if required at all, of the candidates for Congress."

In his celebrated speech at Dayton, Ohio, in that renowned campaign, GENERAL HARRISON again said, (*Niles' Register, vol.* 59, *p.* 70:)

"If the candidate for so high an office be designated by the will of a portion, or a majority of the people, they will have come to the determination of sustaining such a man from a review of his past actions and life; they will not exact pledges from him of what he will do, and what he will not do, for their selection of him is proof enough that he will carry out the doctrines of his party. This plan of choosing a candidate is a much surer bar against corruption than the system of requiring promises. If the pledging plan is pursued, the effect will be, to offer the presidential chair to the man who will make the *most* promises. He who would pledge most, he who would promise most, would be the man to be voted for, and I have no hesitation in declaring my belief, that he who would thus subject his course to be thus tied up by promises and pledges, would not stop to break them when once in office. Are my views on this topic correct, or are they not?" [Here the immense mass of people exclaimed "They are!" "They are!"]

In 1848, the honorable gentleman from Georgia was prominent in shaping the course of that contest. GENERAL TAYLOR'S letter to CAPTAIN ALLISON was *the* document of the canvass. We begged for something more, but the gentleman contended that it was the embodiment of Whig doctrines. On the subject of pledges, that letter says:

"Crude impressions upon matters of policy which may be right to-day and wrong to-morrow, are perhaps not the best test of fitness for office. *One who cannot be trusted without pledges cannot be confided in merely on account of them.*" * * * * "If the American people have not confidence in me they ought not to give me their suffrages." * * * * * "Indeed, I have thought for many years past, the known wishes and opinions of the Executive have exercised undue and injurious influence upon the legislative Department of the Government, and for this cause I have thought our system was undergoing a great change from its true theory."

On the 1st day of July, 1848, the gentleman from Georgia [Mr. TOOMBS] made a speech, in which he eloquently expounded the doctrine of "platforms." After quoting this Allison letter, he says:

"This is General Taylor's 'platform.' It is constructed out of *constitutional materials, and is broad enough and strong enough to hold every man who does not prefer party to his country.* He made it, and stood open before the nation; it was approved by the people and the Whig party; therefore, the convention of Whigs who met at Philadelphia on the 7th of June, but gave utterance to the national voice, and to the voice of their constituents, when they adopted General Taylor as their candidate, and supported him upon his own platform. The Whigs do not fear to trust those measures which they deem important to the public welfare, *to the uncontrolled judgment of the people, speaking through their constitutional agents for legislation.*"

Well, sir, General Scott was persuaded (by the gentleman perhaps) that this was the true position. He joined with him cordially in the support of General Taylor and this platform, thus recommended for its "breadth" and "strength." He learned the lesson on campaign pledges, as he did upon slavery, from our Southern friends. And now that he has practiced upon the gentleman's own precepts, he is assailed for it. Is there any fairness in this? Is there consistency in it? Is there statesmanship in it? Is there, I ask, good common sense in it? Neither, sir, neither. If the gentleman from Georgia could "jump Jim Crow," and turn a political somerset, General Scott could not—would not. The gentleman, assuming the command, issued the word of "'bout face!" but the old campaigner, not recognizing the right in a rank-and-file recruit, *who had evinced a determination to desert and join the enemy,* refused to obey, and marched straight foward, according to the most approved discipline and usage of the Whig party. At this, the honorable gentleman became exceeding wroth, and we find him now a fugitive from the Whig party. That, sir, is the whole story, and the question of consistency is respectfully submitted to his own deliberation, in his leisure moments, after he shall have finished giving "aid and comfort" to the Democracy, and his effort to fix up a "Union party" shall have more completely "fizzled out!"

THE RIGHT OF PETITION.

If this right, guarantied by the Constitution, is withheld upon *one subject*, it may be upon *every other*. It is important to understand the position of candidates and of parties upon it. General Pierce and his party are recorded against it. General Scott declared his opinion in the Atkinson letter, and this is another of the objectionable "incidents:"

"I have from the first been of opinion that Congress was bound by the Constitution to receive, to refer, and to report upon petitions relating to domestic slavery, as in the case of all other petitions; but I have not failed to see and to regret the unavoidable irritation which the former have produced in the southern States, with the consequent peril to the two colors, whereby the adoption of any plan of emancipation has everywhere among us been greatly retarded."

These views are in exact accordance with the opinions eloquently expressed and advocated by Henry Clay, Daniel Webster, and other distinguished statesmen, in the United States Senate, in 1839, as will be seen by reference to the debates.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA.

Here is another "incident." It is the frank expression of a very conservative opinion on this subject, in the Atkinson letter. It is the same that has often been avowed by leading statesmen, North and South. It has been recently indorsed by the National Intelligencer, and other leading papers published in the South, as sound doctrine:

"I suppose I scarcely need say, that, in my opinion, Congress has no color of authority under the Constitution for touching the relation of master and slave within a State.

"I hold the opposite opinion in respect to the District of Columbia. Here, with the consent of the owners, or on the payment of 'just compensation,' Congress may legislate at its discretion. But my conviction is equally strong that, unless it be step by step with the Legislatures of Virginia and Maryland, it would be dangerous to both races in those States to touch the relation between master and slave in this District."

ONE PRESIDENTIAL TERM.

General Scott, as early as 1841, defined his position as follows:

"Of the eight Chief Magistrates that preceded General Harrison—whom the nation yet mourns—the first, third, fourth, fifth, and seventh, presided over this Union, respectively, two successive terms; the other three but four years each; and every one of the eight, whilst in office, became a candidate for a second term.

* * * *

"*I am, however, in favor of an amendment of the Constitution, in one of the forms prescribed, declaring that no citizen should be eligible to a reëlection to the Presidency; and also of an extension of the term to that of a Senator—a period of six years.*

General Jackson, in his third annual message to Congress, said:

"I have heretofore recommended amendments to the Federal Constitution, giving the election of the President and Vice President to the people, and *limiting the service of the former to a single term.* So important do I consider these changes in our fundamental law, that I cannot, in accordance with my sense of duty, omit to press them upon the consideration of a new Congress. For my views more at large, as well in these points as to the disqualification of members of Congress to receive an office from a President in whose election they have had an official agency, which I proposed as a substitute, I refer you to my former message."

This, too, is the doctrine espoused by Mr. Clay, and approved by the whole National Whig party, in its former contests.

THE VETO POWER.

This was designed, by the framers of the Constitution, as a conservative power, to enable the President to protect the other Departments of the Government from the encroachments of the Legislature. It has, however, so often been made by Democratic Presidents the means of defeating tariffs, bills to improve rivers and harbors, and other salutary acts passed by the Representatives

of the people, that, for twenty years, its practical restriction has been made a prominent tenet in the Whig faith. It is worthy a remark, sir, that since the inauguration of General Taylor, not a single measure passed by the Representatives of the people has been defeated by means of the veto.

General Scott, in his letter dated Washington October 25, 1841, said:

"*The Executive Veto.*—This, by the framers of the Constitution, could only have been designed—1. To enable the President to defend his own rightful powers against usurpations on the part of Congress. 2. To enable him to forbid other legislative infractions of the Constitution; and, 3. To guard the country against other acts of hasty or violent legislation."

* * * *

"*I hope, then, by an early amendment of the Constitution, to see a reduction of the President's veto.* The regulation of patronage would properly follow.

"There can be no good reason why the veto should not be overcome by a bare majority in each House of Congress of all the members elected to it—say, for the benefit of reflection, at the end of ten days from the return of the bill. An amendment to this effect would leave the President—the general representative of every State and district—armed with the votes of all the members absent at the moment from the respective Houses; and there will always be some absent from both."

Henry Clay, in the Senate of the United States, in 1842, proposed the following amendment to the Constitution:

"When a bill, which shall have passed the Senate and House of Representatives of the United States, shall be returned by the President, with his objections to his approbation and signature, if, upon its reconsideration, it shall again pass each House by a majority of all the members belonging to such House, notwithstanding the President's objection, it shall become a law, and the requisition by the existing Constitution of two-thirds of each House again to pass the bill in such cases, is hereby annulled."

General Harrison, in his letter to Sherrod Williams, said:

"I consider the qualified veto upon the acts of the Legislature, conferred by the Constitution upon the President, as a conservative power, intended only to be used to secure the instrument itself from violation, or, in times of high party excitement, to protect the rights of the minority, and the interests of the weaker members of the Union."

General Taylor, in his Allison letter, to Captain Allison, said:

"The power given by the Constitution to the Executive, to interpose his veto, is a high conservative power, but, in my opinion, should never be exercised, except in cases of clear violation of the Constitution, or manifest haste and want of consideration by Congress."

The extent of the veto power over the will of the people, may well alarm the true Republican and the State-Rights man. The difference between a majority of this House, the popular branch of the Congress, and two thirds, which is the requisite vote to overcome a veto, is *sixty* members. There are eighteen sovereign States of this Union, that send here only sixty Representatives. So that it may be seen the President, in addition to his other vast powers, holds a negative power over legislation equal to that of a majority of the States of the Union. Franklin Pierce and his party are pledged to exercise that power, if a particular law is passed, though there may be no infraction of the Constitution. If this power may be thus exercised in one case, it may be in another. Yet honorable gentlemen, who talk eloquently about State-Rights, State sovereignty, &c., are first to raise a shout for "Pierce and the Veto!"

EXECUTIVE INFLUENCE.

The enormous and increasing patronage of the President, connected with the veto power as it has been practically brought to bear in defeating the popular will, is a point to which every eye, jealous of the Republican rights which it was the design of the framers of our form of Government to secure, should be vigilantly directed.

GENERAL SCOTT, on this subject, in his letter of 1841 says:

"*Agency of the President in Legislation.*—1. I am persuaded that this should be strictly limited. 2. To the veto qualified as suggested above. 3. To the command of the Constitution, 'he shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient;' and 4. To furnishing, through the appropriate Executive Departments, such details for bills as any committee of either House of Congress may specially call for."

GENERAL TAYLOR said, in his Allison letter:

"The personal opinions of the individual who may happen to occupy the Executive chair, ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed where questions of constitutional power have been settled by the various Departments of Government, and acquiesced in by the people."

GENERAL HARRISON said, in his speech at Dayton, in 1840:

"Power is power, it matters not by what name it is called. The head of Government exercising monarchal power, may be named King, Emperor, President, Imaum, still he is a monarch. But this is not all. The President of these United States exercises a power superior to that vested in the hands of nearly all the European kings. It is a power far greater than that ever dreamed of by the old Federal party."

Hon. MEREDETH P. GENTRY, in a speech delivered in this House in March, 1842, said:

"What, sir, is to be the result of this war of the Executive against the legislative branch of the Government." * * * * "It is a war between the prerogative of the President and the supremacy of the popular will, as represented in the Congress of the United States. It behooves every man in taking his position with reference to this struggle to bear in mind that *he identifies himself in principle, to some extent, with those tyrants who have waged against freedom*, or with Hampden and Sidney, and that host of worthies who have made their names glorious by the services which they have rendered in behalf of the rights and liberties of mankind!"

Hon. A. H. H. STUART, (present Secretary of the Interior,) in a speech delivered in this House, in July, 1842, said, in regard to the increase of executive power over legislation:

"If it be tolerated, you had as well surrender the whole legislative power in the hands of the President. He will possess it substantially through the agency of his power to recommend and his power to forbid. Why should we retain the shadow, when the substance is gone? Give him the power to recommend what laws you shall pass, and the unqualified power to forbid your passing any that do not conform to his recommendations, and what more is necessary to invest him with absolute legislative authority?" * * * "*If we stand here merely to register Executive edicts, where is the necessity of going through the forms of consultation and deliberation? Why not suffer the laws to be promulged at once from the Executive mansion, without the intervention of a cumbrous legislative assembly? Or, why shall we not, when we assemble here in obedience to the letter of the Constitution, at once make an address to his Majesty, the President, and beg that he will condescend, at his earliest convenience, to inform us what laws are, in his opinion, necessary and proper to promote the interests and happiness of the people, and in what form they will be most likely to receive His Majesty's gracious approbation?*"

Hon. THOMAS L. CLINGMAN, in a speech delivered in this House, March 7, 1844, said:

"Under their [the Democratic party] system the Executive power is advancing with rapid strides, the public morals are daily becoming more and more corrupt, and unless it be arrested our liberties will be lost." * * * * * * *

"To resist the downward tendency of things, the great Whig party are united to a man now, as they ever have been against the extension of Executive power. As a means of effecting its reduction to proper limits, they are *for a single presidential term; for the modification of the veto power; for the separation of the purse and the sword; for the reduction of patronage; for the non-interference of Government officers in elections, and for the rigid supervision of all Executive officers by Congress.*"

At the Whig ratification meeting at Baltimore, held the day following the National Convention, which nominated Mr. Clay, the following resolution was offered by Hon. THOMAS Y. WALSH, and adopted by acclamation:

"*Resolved*, That the practical restriction of the veto power, which has grown, by repeated incroachments, into a mighty engine of Executive despotism, the limitation of a President to a single term, the retrenchment of our national expenditures by every practicable means, the reform of the now glaring abuses and corruptions, and abuses growing out of an unworthy bestowal of Executive patronage, and the general reductions and burdens and increase of benefits resulting to the people from the existence and operations of the Federal Government, are objects for which the Whig party will unceasingly strive until their efforts are crowned with a signal and triumphant success."

Mr. Chairman, I think I have quoted enough Southern authority to justify every political sentiment, whether on the subject of slavery or any other question of public interest, which General Scott has ever uttered. I do not pretend that his opinions accord with my own in all respects, nor, sir, shall I exact that. He makes no Procrustean bed for me; I desire to make none for him. It is enough for me to know that upon the great principles on which our republican system is founded, viz: that the representatives of the people shall make law, that the judiciary shall expound it, that the executive shall enforce it, and that each department shall act independently of and uninfluenced by the other—his opinions accord with my own and are those which have uniformly been promulged as the great tenets of the Whig faith. His principles have been frankly avowed—they are Whig principles—and he has not only advocated them by pen and by speech, but at all times and under all circumstances he has cordially aided in the election of Whig men to carry them into practical effect. And, sir, though I look upon his brilliant military career, and his forty years of service to the nation on its battle-fields, as entitling him to the gratitude of his countrymen in its fullest extent, it is his unwavering devotion to the great principles of republicanism, and his able and efficient advocacy of human rights and popular government, that commend him most to my humble support.

Mr. Chairman, we may talk of legislative aid to American industry—to internal improvements—to your railroads, your rivers and harbors—we may dispute about the expediency of a distribution of the public lands, or the propriety of banks; we may agitate upon the question as to the details of a fugitive slave law; but, sir, these are all *mere measures* which, even the mighty people, in all their sovereignty, cannot control until they shall first establish the great Whig principle that executive power shall not absorb the legislative powers of the Government. Sir, upon each and all of these measures all that I ask is free legislation, uncontrolled by Executive vetoes—uninfluenced by the President, either through fear, favor, or affection.

Mr. Chairman, it is the contest upon this ancient Whig principle now which creates the great division line between the political parties of this country—such a contest as in other days has dethroned monarchs and made rivers run red with blood. The jealousy of the Whig party of Executive power is justified by all human experience. It is founded upon the great republican principle that man is capable of self-government, and that the will of the people, constitutionally expressed, should be the law of the land. It was the source of that great struggle between the Whigs and Tories of England during the reign of Charles I., which brought the head of that monarch to the block. It displayed itself first here in the glorious struggle in our Colonies in the conflict between the same parties, during the reign of King George III.; the one party contending that the people should make the law, the other asserting the prerogatives of the Crown! Thanks to the God of battles, and ever-living gratitude to the patriotism and valor of our forefathers, it triumphed in America!

It was for the ascendency of these principles that I, an humble soldier, enlisted under the banner of that Whig party when executive power and presidential usurpations struck down the sovereignty of the people!

Yielding to executive influences, the Secretary of the Interior may, if he chooses, forget his record, and, for a time, *punish* his "dependents" who may dare think for themselves, in opposition to Executive will.

The honorable gentleman from Georgia, [Mr. TOOMBS,] and his colleagues, may grow faint as the battle waxes warm, and fall by the way-side, or join the ranks of our opponents under the banner of

"The hero with never a scar!"—

My honorable friend from Tennessee, [Mr. GENTRY,] whose eloquence, in days gone by, cheered on many a gallant spirit in support of these great Whig truths, may grow weak and "go home," withdrawing from the conflict those brilliant talents which God gave him for the use of his country.

The voice of the honorable gentleman from North Carolina, [Mr. CLINGMAN,] may be hushed by his desires to form a "balance-of-power party" in the State Legislature.

But let me say to each and to all of them, that that great cause will still be pressed forward and onward, with the spirit of our Whig ancestors, to a final and decisive triumph.

I have been told by our opponents that we might as well "surrender." It is related, I believe by Headley, that the Emperor Napoleon was once, in the course of his life, struck with dismay at the sound of that word. It was near the close of one of his hardest-fought battles. The contest had been long—close—fearful. To

turn the tide of battle, the "Imperial Guard" had been ordered into the action—those scarred veterans who knew no defeat, and whose personal devotion to their great captain had caused them to brave death, the "king of terrors," in a thousand forms. An officer galloped from the field, strewn thick with the slain, to the Emperor, with the message, "the Old Guard have surrendered!" Napoleon's countenance was the picture of dismay! After a moment's pause, drawing himself up to his full height, he exclaimed: "Impossible, sir! impossible! The Old Guard know how to die, but not how to surrender!" So gentlemen will find it will be with the "Old Whig Guard," who, under the banners on which their principles have been inscribed and borne aloft by such gallant leaders as Clay, Harrison, Taylor, and Scott, have battled through many a contest. There is no such word in their vocabulary as "Surrender."

Let others do as they may, sir; for my own part, I have long been enlisted in this cause—a soldier not for three months, nor six months, nor "for the war" alone, but for life; and my greatest aim shall be so to press on, that when my battles are all over in this world, it may be written of me, politically, at least—

> "Faithful found
> Among the faithless." * * * * *
> * * * * * "Unmoved,
> Unshaken, unseduced, unterrified,
> His loyalty he kept, his love, his zeal;
> Nor number, nor example, with him wrought
> To swerve from truth, or change his constant mind!"

List of the Democratic Galphinizers who plundered the Public Treasury, with the amount of each one's plunder, as appears from the official document.

Samuel Swartwout, New York	$1,225,705	69
Wm. M. Price, do.	75,000	00
A. S. Thurston, Key West, Florida	2,922	14
Geo. W. Owen, Mobile, Alabama	11,173	48
Israel P. Canby, Crawfordsville, Indiana	39,013	13
Abr'm McCarty, Indianapolis, Indiana	1,338	92
B. F. Edwards, Edwardsville, Illinois	2,315	76
W. L. D. Ewing, Vandalia, Illinois	16,754	29
John Hays, Jackson, Mississippi	1,386	16
Willis M. Green, Palmyra, Missouri	2,312	12
B. S Chambers, Little Rock, Arkansas	1,146	28
David L. Tod, Opelousas, Louisiana	27,230	57
R. R. Rogers, Opelousas, Louisiana	6,624	37
Maurice Cannon, New Orleans	1,259	28
A. W. McDaniel, Washington, Mississippi	6,000	00
John H. Owens, St. Stephen, Alabama	30,611	97
W. P. Harris, Columbus	109,147	08
W. Taylor, Cahawba, Alabama	23,116	18
U. G. Mitchell, do.	54,626	55
George B. Crutcher, Choctaw, Mississippi	6,061	40
George B. Cameron do.	39,059	64
S. W. Dickens, do.	11,831	91
Same, do.	898	53
J. W. Stephenson, Galena, Illinois	43,294	04
Littlebury Hawkins, Helena, Arkansas	100,000	00
S. W. Beall, Green Bay	10,620	19
Joseph Friend, Washita, Louisiana	2,541	91
Wm. H. Allen, St. Augustine	1,997	50
Gordon D. Boyd, Columbus, Mississippi	50,937	29
R. H. Stirling, Chochuma, Mississippi	10,733	70
Paris Childers, Greensburgh, Louisiana	12,449	76
Wm. Linn, Vandalia, Illinois	55,962	06
Samuel T. Scott, Jackson, Mississippi	12,550	47
James T. Pollock, Crawfordsville, Indiana	14,891	98
John L. Daniels, Opelousas, Louisiana	7,280	63
Morgan Neville, Cincinnati, Ohio	13,781	19
M. J. Allen, Tallahasse, Florida	26,821	57
Robert Key Brown, Springfield, Missourri	3,600	50
Total	$2,064,209	86

THE WHEELING BRIDGE.

SPEECH OF HON. THOS. M. HOWE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

August 13, 1852,

On the bill declaring the Wheeling Bridge a lawful structure and a post route.

Mr. HOWE said:

Mr. SPEAKER: I do not propose to discuss the intricate legal questions which are involved in the bill reported by the chairman of the Committee on the Post Office and Post Roads, and now presented for the consideration of this House. It has been truly said by my worthy colleague, the chairman of the Judiciary Committee, that the bill *did* involve questions which are eminently of a judicial character. There are other questions, also, of a commercial character no less eminent; and while I propose to leave to my colleagues, who are learned in the law, the discussion of the former, I must trespass for a few minutes upon the indulgence of the House while I present, in a practical way, for its consideration, the prominent points involved in this controversy.

Under the guise of declaring the bridges which have been erected across that great artery of commerce—the Ohio river—at Wheeling, Virginia, and Bridgeport, Ohio, to be post roads, the true object sought to be accomplished is, the sanction, by an act of Congress, of an adjudged violation of the rights of the State which I in part represent, and to perpetuate what has been decreed by the highest judicial tribunal known to our laws to be "*a public nuisance on a national highway.*"

That the Ohio river is a navigable stream is a matter of history, abundantly attested by the statistics of its commerce in your Treasury Department; and was declared to be a common highway anterior to the adoption of the present Constitution.

On the 12th of May, 1786, on motion of Mr. Grayson, of Virginia, the following resolution was adopted:

"*Resolved*, That the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, be and they are hereby, declared to be common highways, and be forever free, as well to the inhabitants of said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederation, without any tax, impost, or duty therefor."

And subsequently, in 1789, when it was proposed by the State of Virginia to create an independent State out of so much of her territory as now comprises the State of Kentucky, the General Assembly of Virginia passed an act for its erection as an independent State, upon certain terms and conditions, among which are the following, viz:

"That the use and navigation of the river Ohio, so far as the territory of the proposed State, or the territory that shall remain within the limits of this Commonwealth lies thereon, shall be free and common to the citizens of the United States."—*Va. Rev. Code*, 1819, *p.* 50.

This act passed, as it will be seen, by the General Assembly of Virginia, as a condition precedent to the admission of Kentucky into the Union; and as a consideration, it is fair to infer, to the other States for their consent thereto, was assented to by Congress, (1 U. S. Stat. at Large, 64,) and therefore became a compact between Virginia and Kentucky with the other States of the Union. The State of Pennsylvania, therefore, as one of the parties to this compact, claims the free navigation of the Ohio river as *a right* of which she cannot be divested without her own consent, and denies that any power can lawfully be exercised here or elsewhere to obstruct the same.

On looking into the history of the several attempts which have at various times been made to bridge the navigable waters of the West, it will be found that the several Legislatures, which have granted charters to private companies for that purpose, have carefully guarded against any obstruction to their free navigation. In 1816, the Legislature of Virginia authorized the erection of a bridge across the Ohio river, at Wheeling; and, studiously careful at that day not in any degree to infringe upon the terms of the compact of 1789, it was expressly declared in the 19th section of the act—

"That, if the said bridge shall be so constructed as to injure the navigation of the said river, the said bridge shall be treated as a public nuisance, and shall be liable to abatement, upon the same principles and in the same manner as other public nuisances are."

And, again, in 1847, when the Legislature of the same State, by an act amendatory of the foregoing, authorized the erection of a wire suspension bridge between Wheeling and Zane's Island, it was expressly provided—

"That if the said bridge shall be so erected as to obstruct the navigation of the Ohio river in the usual manner, by such steamboats and other crafts as are now commonly accustomed to navigate the same, when the river *shall be as high as the highest floods therein heretofore known*, then, unless upon such obstruction being found to exist such obstruction shall be immediately removed or remedied, the said last-mentioned bridge may be treated as a public nuisance and abated accordingly."

Kentucky, also, in an act to authorize the erection of a bridge over the Ohio at the Falls, passed December 23, 1831, provides in the ninth section:

"That the said permanent bridge shall be erected so as to permit the passage of ships, schooners, sloops, and steamvessels of the *largest size and height* at the *highest* stage of water in the river."

And in section eighteenth:

"The Legislature reserves the right to amend the charter so as to secure the navigation free from any injury."

In an act authorizing the erection of a bridge between Cincinnati and Covington, passed February 17, 1846, it is also provided:

"That nothing contained in this act shall be so construed as to authorize the said company to construct any bridge which may *obstruct the free and common navigation of the said river Ohio.*"

And in an act, passed as late as the 9th of December, 1850, authorizing the erection of a bridge across the Ohio river at Louisville, it is provided:

"That nothing contained in this act shall be so construed as to authorize said company to construct any bridge which *may obstruct the free and common navigation of the said river Ohio.*"—(Sec. 19.)

The State of Ohio, also, has been equally jealous in guarding the Ohio river against obstructions to its navigation.

The act authorizing a bridge over that river at Wheeling, sanctioned and reënacted by the General Assembly of the State of Ohio, on the 30th December, 1816, provides—

"That if the said bridge shall be so constructed *as to injure the navigation* of the said river, the said bridge shall be treated as a public nuisance, and shall be liable to abatement, upon the same principles and in the same manner as other public nuisances are.—(Sec. 19.)

In an act authorizing a bridge between Cincinnati and Covington, passed March 9, 1849, it is provided—(Sec. 13:)

"That nothing contained in this act shall be so construed as to authorize said company to construct any bridge which may obstruct the free and common navigation of said river Ohio."

And by an act passed by the General Assembly of the same State, on the 24th of February, 1848, incorporating the Steubenville and Indiana Railroad Company, it is provided—

"SEC. 2. And said company is further authorized, with the consent of the Legislature of Virginia, or by arrangement with any company that may have authority from said State, to construct a bridge or viaduct across the Ohio river at Steubenville, so as to connect said road with a road leading eastward from that place: *Provided, That said bridge, or viaduct, shall be so constructed as not to interfere with the navigation of said river.*"

Indiana, also, in an act authorizing a bridge at the Falls, passed January 26th, 1832, provides—

"That the said bridge shall be so erected as to permit the passage of ships, schooners, sloops, and steam vessels of the *largest size and height, at the highest stage of water in the river.*"—(Sec 9.)

The legislation of the States of Illinois, Missouri, and New York, might also be cited to show that they have been equally careful in their grants of authority to bridge their navigable rivers to guard against obstructing their free navigation; but I will not consume the time of the House by a recital of their various acts of Assembly upon this subject.

It is apparent, from the several acts of Congress, and the compact of Virginia and Kentucky, with the other States of the Union referred to, and the exposition which those acts have uniformly received at the hands of the Legislatures of all the States bordering on the Ohio river—Virginia herself included—during a period of half a century, that the unobstructed navigation of that river, free to all the States, was considered as a settled principle, unquestioned, and universally esteemed unquestionable, until the recent controversy between the State of Pennsylvania and the Wheeling and Belmont Bridge Company, at whose instance, and for whose relief, the interposition of Congress is now invoked.

A succinct statement of that controversy I quote from the able argument of the Hon. William Wilkins, which was read before the committee which has reported the bill under consideration:

"Under the amendatory act of the Legislature of Virginia, passed in 1847, the wire suspension bridge now existing between Wheeling and Zane's Island was commenced in 1848, and finished in December, 1849. Before its completion, it being discovered that it would obstruct the steamboat navigation of the Ohio river, and be a serious injury to the ports, public works, and commerce of Pennsylvania, a suit was commenced in July, 1849, in the Supreme Court of the United States, by the State of Pennsylvania, against the stockholders of the company. After full argument the case was referred to a distinguished jurist of New York, Chancellor Walworth, who was authorized to visit and examine the localities, and take testimony as to the effect of the bridge on navigation.

"The commissioner called to his assistance a distinguished engineer, now chief engineer of the State of New York, and spent several months in the examination of the subject and in taking testimony.

"Some of the most learned and distinguished men of science of the age were examined by him. Practical men were also interrogated, and upon their testimony, and his own observation, a report was made, characterized by the diligence and ability of its author. After a full argument a second time, the opinion of the Supreme Court was delivered in February, in which, among other things, the following points are adjudged:

"1. The Ohio river is a highway of commerce between the States, free navigation whereof being secured by regulations of Congress, and by compact of Virginia and Kentucky with all the States of the Union, it cannot lawfully be obstructed under authority of any State.

"2. An obstruction to the navigation of the Ohio river is an injury to the commerce and public works of the State of Pennsylvania, for which she is entitled to redress by proceedings in equity in the Supreme Court of the United States.

"3. The Wheeling Bridge is a serious obstruction to the navigation of the Ohio river, and is a public nuisance.

"4. It obstructs the passage of the seven daily steam-packets between Pittsburg and Cincinnati, which carry one half of the trade, and three fourths of the passengers on the Ohio river; the annual value of the merchandise and freight carried by them exceeds $35,000,000 in value, and the passengers over 80,000 in number.

"5. The bridge is *not* ninety-two feet above the ground at any point; its highest point is not over the channel, and it is thirty feet lower at one end than at the other, so that the packets cannot pass, in any stage of water, without reducing the height of their chimneys, or lowering them in order to pass the bridge.

"6. It is clearly proved by science, and confirmed by practical skill and experience, that the present height of the packet chimneys is necessary, and that they cannot be reduced in length without serious injury to the speed and power of the vessel.

"7. The packet chimneys were as high as they now are before the erection of the bridge. Chimneys of equal and greater height are used on the ocean steamers, and the best packets of the eastern waters, the lakes, and the Mississippi.

"8. It is proved by science, experience, and the nature of things, that the packet chimneys cannot be lowered in order to pass the bridge, without imposing heavy expense upon the packet, and endangering the safety of the vessel, and the lives of the passengers and crew.

"9. The defendants are required to relieve navigation from obstruction by elevating the bridge to the height or 111 feet above low-water level for the width of 300 feet over the channel.

"10. This can be done, and the bridge, after all expenditures are made, will yield a fair profit to the stockholders.

"From the history of the case, it is apparent that the question is, whether a great public wrong shall be sanctioned in order to relieve a private company from a comparatively small loss, occasioned by the unskillfulness of their engineers, and their own disregard of law? Whether the commercial rights of Pennsylvania shall be subjected to perpetual annoyance and injury in order that wrong-doers may be relieved from affording a redress within their power, and which will still leave them an ample revenue upon the capital invested in their illegal enterprise?"

The majority of the committee, in their report accompanying this bill, concede the fact that the bridge is an obstruction to what they are pleased to term "high-pipe steamboats;" but that "it may, 'at little inconvenience, be remedied by so con-'structing these 'high pipes' as that they may be 'lowered while passing under the bridge; whilst, 'upon the other hand, the elevating of the bridge 'to the height of 111 feet, as ordered by the court, 'so as to enable this class of steamboats during 'high floods to pass under the bridge without low-'ering their chimneys, *would be attended with great* 'expense to the company, and much inconvenience 'to the commerce and travel passing over the 'river."

The committee do not pretend that it is impracticable to elevate the bridge in accordance with the decree of the court; for the fact that such elevation is practicable has been abundantly demonstrated by the testimony of many of the best engineers of the country.

John A. Rœbling, an eminent civil engineer of much experience in the construction of wire suspension bridges, says:

"I am acquainted with the locality of the Wheeling Bridge, having made the surveys necessary for the planning and execution of such a structure. A bridge might have been constructed at an elevation in the centre of 25 feet more than the elevation of the one erected, or about 120 feet in the clear above low water, by simply continuing the rise of the floor at the rate of five feet in a hundred from the abutments to the center—a distance of 500 feet. Both abutments would have to be 95 feet high from low water to the base of the towers; the latter would require a further height of about 100 feet; total, 195 feet. *There is ample distance on the island to effect a descent.* If there was any absolute necessity for a still higher elevation, more might be obtained by going further back with the approaches, and by increasing their rate of ascent."—*Original Record*, 180.

E. F. Johnston, engineer, says:

"I have made a rough estimate, in my mind, of the cost of raising the suspension bridge at Wheeling to a height of 130 feet above low water—a portion of the bridge of this height to be 400 feet in extent; the remainder of the road way to incline in the same degree as the present bridge now declines. My opinion is, that this change can be effected for between ninety thousand and one hundred thousand dollars."

It is not pretended that the bridge was designed for, or that it is adapted to the transit of locomotive engines and railroad cars, as Mr. Ellet, the engineer who planned and superintended its construction, says distinctly in his report to the citizens of Wheeling:

"I do not wish to be considered as holding out any promise that the Wheeling Bridge, as it is intended to be constructed, can be safely used for the passage of locomotive engines."

And in another place he says:

"The work is *designed expressly* for common travel, and the use of heavy teams."

Mr. McAlpine, the distinguished chief engineer of the State of New York, who was selected by Chancellor Walworth, says upon this subject:

"In compliance with the instructions to inquire as to the adaptation of the bridge, as now constructed, to railroad purposes, for the passage of loaded trains of railroad cars, drawn either by locomotives or by horses, I have to reply, that I am satisfied that the bridge, as now constructed, *is not adapted to such purposes.*"

Thus it will be seen that there can be no objection to the elevation of the bridge growing out of its supposed adaptation to railroad purposes; and as the resulting inconvenience, if any, to the commerce and travel across the river, by the ordinary modes of conveyance would be so inconsiderable, the whole matter may be considered as resolved into an appeal to Congress, to exercise the very delicate, not to say doubtful power, of placing itself in a position of antagonism towards a coördinate branch of the Government, and practically nullifying one of its solemn decrees; and that, too, upon the slender apology of saving a few dollars to the exchequer of a private, local corporation.

The application which is now made to Congress, can be regarded in no other light than as an appeal from a solemn decision of the supreme judicial authority of the Union, by the unsuccessful party who asks the legislative branch of the Government to protect them from a judgment enforcing a State compact on behalf of one of the States whose rights are invaded. The case, therefore, involves not only important commercial interests, but also serious questions of State right and constitutional authority.

And you are asked to sit as a court, for the correction of the errors of the Supreme Court of the United States, in a case involving principles of such momentous import, commercial as well as judicial, without any report upon the subject, either by the Committee on Commerce or the Judiciary.

If it shall be determined by this body to go behind the judgment of the court, and try this case *de novo*, I respectfully suggest that it is due to the important legal principles involved that its action should, at least, be deferred until these principles can be fully examined, and reported upon by the Judiciary Committee.

If, however, it shall be determined to press the House now, without such examination by that committee, to final action upon the passage of the bill; then I would respectfully suggest, that in the consideration of facts to guide its deliberation, such facts as have been judicially ascertained, are far safer guides to a just conclusion than the various *ex parte* statements which have from time to time been profusely scattered around this Hall.

I proceed, therefore, to call the attention of the House to such facts as have been judicially ascertained to be such, and which are gathered from the report of Chancellor Walworth, and the opinion of the court.

The fact that the bridge is an obstruction is not only shown by the report of the commissioner, but is conceded by the committee who have reported this bill. The extent and degree of obstruction is thus stated by the court:

"It is said that seven packets are the only boats obstructed by the bridge of the two hundred and thirty which ply upon the Ohio, and run to Pittsburg.

"The transportation of goods and passengers by these packets, will show their relative importance as instruments of commerce between Cincinnati and Pittsburg. From the evidence, it appears that they convey about one half the goods, in value, and three fourths of the passengers, between those cities. Taking the Keystone State as a criterion, each packet transports annually thirty thousand nine hundred and sixty tons of freight, and twelve thousand passengers. The line was established in 1844; and it appears from the proof, that since that time it has transported between the above cities nearly a million of passengers.

"It is in proof that the life of these packets averages five years, when their places in the line must be supplied by new boats. If to their original cost of construction there be added the expense of running them for five years, adding nothing for repairs or accidents, a total sum will be expended of $1,680,000. This amount of capital is appropriated every five years in running this line of packets. The structure of the bridge cost less than one eighth of that sum.

"The speed of these boats, their excellent accommodations, and their general good management, recommend them to the public, as is shown by the large amount of goods and passengers which they convey; and any change in their structure, or in the production of the propelling power, which shall impede their progress, would not only impose upon their proprietors a most onerous tax, but would greatly lessen their profits, by reducing the amount of freight and passengers. And no part of the amount would probably pass to other boats on the river, but to the northern or southern lines, where greater expedition is given."

In his report, the commissioner says:

"The boats running in that line, and passing the site of the present suspension bridge, in 1849, previous to the time when the first cables were thrown across the eastern branch of the Ohio, at Wheeling, were the Clipper, No. 2; the Hibernia, No. 2; the Brilliant; the Messenger, No. 2; the Isaac Newton; the New England, No. 2; and the Monongahela.

"The Clipper, No. 2, came out in March, 1846; was 215 feet long, and had chimneys 64 feet high. The Hibernia, No. 2, came out in 1847. She was 225 feet long, and her chimneys were 72½ feet high from the water. The Brilliant came out in February, 1848; was 227 feet long, and had chimneys 71 feet high. The Messenger, No. 2, came out in the winter or spring of 1849; was 242 feet long, and had 76½ feet chimneys. The Isaac Newton was 182 feet long, and had chimneys only 62½ feet high. The New England, No. 2, was 222 feet long, and her chimneys were 65½ feet high. The dimensions and height of the chimneys of the Monongahela I have not been able to ascertain from the evidence.

"There were also two other regular packets running past Wheeling in the spring and summer of 1849, previous to the erection of the bridge; the two Telegraphs, running as regular packets between Pittsburg and Louisville. The chimneys of the Telegraph, No. 1, were 80 feet high, and those of the other Telegraph, were 79 feet 9 inches high.

"Not more than two or three of these nine packets had their chimneys prepared for lowering at the close of the navigation in the summer of 1849. And of the five largest, only one of them could have gotten under the bridge, on a twenty feet stage of water, with the chimneys standing; and that one—the Brilliant—could not have gotten under when the water was more than twenty-one feet upon the Wheeling bar. And neither of the two Telegraphs could have gotten under the bridge at thirteen feet stage of the water, with their chimneys standing.

"If the bridge had been erected in 1847, therefore, and these nine packets had then been running, two of them could not have gotten under the bridge for nearly three months, when the water was thirteen feet and over. Two of them would have been unable to get under for thirty-three days, when the water on the bar was twenty feet and over; another—the Brilliant—from nineteen to twenty-five days, when the water was over twenty-one feet; and the other four as much as ten days, when the water was twenty-nine feet and over, unless they had lowered or cut off their chimneys."—*Wallworth's Report*, p. 32.

The passage of three of the Pittsburg and Cincinnati packets, which were running on the Ohio before the erection of the bridge, had actually been stopped, or obstructed by such bridge previous to the order of reference by the court, the Messenger, No. 2, the Hibernia, No. 2, and the Brilliant.

The first of these boats arrived at the bridge on the 10th of November, 1849, on her downward passage, upon a twenty feet stage of water, and had to cut her chimneys before she could pass the bridge. She was detained there about seven hours. She was subsequently detained at the bridge seven hours, and had to cut off her chimneys a second time.

The particulars of the detention of the Hibernia, No. 2, are thus detailed in the testimony of Captain Klinefelter:

"*Hibernia No. 2, Tuesday Packet.*

"We left Cincinnati on Friday, the 9th of November, on her last trip up, bound to Pittsburg, with about 230 passengers in all when she left Cincinnati, bound to different ports, but principally to Pittsburg. We had not a great deal of freight on this trip; the principal part of it was for Pittsburg. She reached Wheeling on Sunday, the 11th of November, about noon. There were 25 feet 7 inches of water in the channel at Wheeling. She did not reach Pittsburg at her usual time; she was hindered by the bridge. She could not get under the bridge with her chimneys. It was nothing more than a common freshet—nothing more than common high water. The bridge was from 6 to 7 feet too low for her to pass on that stage of water. We laid the boat up at Wheeling, and shipped her freight and passengers on board the James Nelson for Pittsburg. The Nelson is a small boat. We can't say what the damage is yet. We paid to the James Nelson for one item, $140 for passengers. Her next down trip was injured by not being in Pittsburg in time. She did not reach Pittsburg until 7 o'clock on Tuesday morning. Her regular time for reaching Pittsburg is from Sunday noon to Monday morning. Judging from ordinary occasions, she was injured in her downward trip $400.

One of our chimneys, which was injured in passing the bridge, was taken down, and they are working at it now. If it cannot be put up again, the cost of a new one will be $300. I think it can be put up again."—*Captain Klinefelter.*

"The second obstruction to the passage of the Hibernia occurred day before yesterday, 18th December. We left Pittsburg about 11 o'clock." * * * "We reached Wheeling about 5 o'clock. The water, by the marks on the Wheeling wharf, was 27½ feet. We lacked about 6 feet of getting under the bridge. We found the river falling so slowly that we should not be able to get under the bridge in less than thirty or thirty-six hours, which would throw us off our regular day and cause us to lose a trip, as we should not be able to leave Cincinnati on our regular day. We leave Cincinnati on the same day every week, and if we miss that day we have to lay by for a week. We then thought proper to reship our freight and passengers on another boat, and the Hibernia, No. 2, returned to Pittsburg. She will have to lie here until her regular day for going down next week. There will be no regular boat to take the place of the Hibernia in coming up from Cincinnati to-morrow, (Friday, the 24th of this month,) so that the upward trip is entirely lost to us.

"We have lost the receipts of the week, which, at an average, at this season of the year, would be about $1,600 a week; and it has caused us to lie still, under an expense of $500 or $600. Our present losses are nothing, in comparison to those which will follow from the loss of confidence in our boat. Our friends will not go with us, from the apprehension, on every prospect of high water, that we shall not be able to get under the bridge. We left this, on the day before yesterday, with but nineteen cabin passengers, and I never knew so small a number leave Pittsburg on a packet boat before. The cause of this, I have no doubt, was the apprehension that this boat would not be able to get under the bridge at Wheeling."—*Original Record*, 173.

The following is from the testimony of Captain Redmond Grace, in reference to the detention of the steamer Brilliant:

"*Brilliant, Thursday Packet.*

"The Brilliant was detained at Wheeling yesterday morning, December 18, 1849, by the obstruction to her passage caused by the bridge. The stage of water when we reached Wheeling, was about 24 feet. We were detained there between three and four hours. We were compelled to cut off 4 feet from each of our chimneys. The water was still rising. We were very near having to cut off an additional portion of our chimneys, from the rapid rise of the river. We had very little to spare, after cutting off 4 feet. We did not clear the bridge by more than 3 or 4 inches.

"On this last trip, we lost some fifteen to twenty passengers at Wheeling, that would otherwise have come on to Pittsburg. At this season, there are not many passengers traveling; such an interruption occurring with our customary number of passengers, would cost us fifty or sixty passengers. I have learned from passengers, that the liability to be stopped by the bridge has been held out as an inducement to passengers to go by stage from Brownsville to Wheeling, instead of coming on to Pittsburg and going down the river, as they had intended to do.

"I consider 24 feet a very common stage of water, during the season of the year at which packets usually run."—*Capt. Redmond Grace. Original Record*, 208.

In the winter and spring subsequent to the erection of the bridge, the Buckeye State, the Keystone State, and the Cincinnati, three new packets, were brought into the Pittsburg and Cincinnati lines, in the place of the New England, No. 2, the Isaac Newton, and the Monongahela. They were all of much larger dimensions, and had taller chimneys than the boats for which they were substituted; and their chimneys were hinged and rigged for lowering. The chimneys of the Buckeye State were 74 feet 8 inches high, those of the Keystone 77 feet 5 inches, and those of the Cincinnati 84 feet 7 inches.

Two accidents have occurred to these new boats since they came out—the first to the Keystone State, the particulars of which are thus detailed in the testimony:

"*Keystone State, Monday Packet.*

"On Monday, 4th March, 1850, after we had left Pittsburg, in holding a council aboard the boat, we measured the height of our boat, to see whether there was a prospect that we could get under the bridge. From our calculation, we supposed that the water in the river would be from 2½ to 3 feet higher at Wheeling than at Pittsburg. We supposed there would not be more than 3 feet difference, and at 3 feet we could have gone under the bridge. We came to the conclusion that we had at least 12 inches to spare. When we got there, there was no light at the highest point of the bridge, and we rounded to, for the purpose of finding the place to get under the highest point of the bridge. Ever since that, we have found a light there. We did not consider it safe to go down head foremost. In dropping down, we got as close to the Virginia shore as we deemed it safe to go, for the purpose of getting under the highest point, but we struck about 20 feet from the highest point, towards the Ohio shore. In dropping through, our outside chimney from the Virginia shore struck the bridge, and tore away the entire fastenings of both chimneys except one rod. We broke the outside chimney in two, and broke off the hinge from the inside chimney. The rods tore up the hurricane deck some, but not much. The chimney that broke off fell on to the other chimney, and both were sustained by the single rod that did not give way. We were detained until the next day at three o'clock in the afternoon, working all the time, with the exception of about four hours. The night was very dark, and we worked at a very great disadvantage. We had at the time from twenty-five to thirty men of our own, including laboring men, engineers, and mates, engaged in working at the chimneys, in getting them out of the way, and clearing them up. From the city we got two sheet iron workers, to assist in repairing the chimneys; we also had some blacksmith work done in town, besides the work done by our own blacksmith. Our chimneys were fixed up temporarily, to run to Cincinnati and back to Pittsburg, which we did. The chimney broken in the middle we repaired at Wheeling; the chimneys have not since been altered. The breeching, with the chimneys, are sagged, so that they do not stand straight, and in lowering, they lower to one side."

The accident to the other boat, the steamer Cincinnati, is thus described in the testimony of John Ferguson, the pilot of the boat:

"CINCINNATI, *Wednesday Packet.*

"We reached the bridge a little after dark. It was a beautiful moonlight evening. I think there was between 4 and 5 feet of water on the bar at Wheeling; but I did not look at the gauge-mark. We lowered our chimneys at the wharf at Wheeling, low enough, as we thought, to pass under the bridge. We came up to the bridge as slow as we could come; and as we approached it, the other pilot, who was looking out with the captain on the forepart of the hurricane deck, called to me to stop the boat just as the bow of the boat was commencing to pass under the bridge, at the very highest point of the bridge. He told me I had better back the boat. I stopped her as soon as possible, but the chimneys had struck the bridge before I could back the boat. I then thought it would be more dangerous to back her, as the chimneys were so far under, and I went ahead. The chimneys being lowered backwards, would have been torn down by the bridge if I had backed the boat. The captain told me to start the boat ahead, and I told him I had done so. By this time the chimneys had gotten beyond the bridge. I asked them if some of the guys were not broken; the captain and the other pilot said they thought not. I told them something had struck the pilot-house very close to my head. A piece of the cross timbers of the bridge, on which the flooring rests, a little over 2 feet long, which bears the marks of having been struck by a chimney and torn off, was shortly afterwards found on the hurricane deck near the pilot-house. All the guys of the larboard chimney, except one, were broken; and the hinge of the chimney was also broken to pieces, and that chimney hung quartering over the pilot-house nearly over my head. When I saw the chimney sway over my head in that way, I was very badly frightened, but dared not leave my post. Two of the iron cross-pieces between the chimneys, which stay them from swaying, were broken; and one of them broke through the hurricane deck and the cabin deck, and fell on to the lower guards of the main deck. It fell through the cabin where the passengers usually stand when we pass the bridge; but we had no passengers on board at that time, having been lying aground at Buffington. The piece of iron must have weighed 15 or 20 pounds, to have broken through the deck by its own weight in falling. There were many of the rings at the top of the chimneys, to which the guy rods were attached, that were broken. One of the chimneys was badly mashed in at the top. We had to take both chimneys down and repair them, and to put in new rings for the guy rods."—*John Ferguson, Pilot.*

Thus far I have quoted from the record. I now propose, Mr. Speaker, to read the affidavits of Redmond J. Grace, Edward Boland, and William Romick, the captain, mate, and carpenter of the steamer Brilliant, to show that that boat, on her passage upwards from Cincinnati to Pittsburg, was obstructed by the Wheeling Bridge, and that she was detained at that place from the 20th to the 23d of April last, being unable to pass under the bridge with her chimneys down:

Commonwealth of Pennsylvania,
Allegany County, City of Pittsburg, ss:

Personally appeared before me, an alderman in and for the city aforesaid, Redmond J. Grace, of lawful age, who, being duly sworn, doth depose and say:

I am captain of the steamboat Brilliant, one of the Pittsburg and Cincinnati packets; that on Tuesday, the 20th instant, the said boat arrived at Wheeling, Virginia, on her way to Pittsburg, at about five o'clock, p. m., of said day, and was prevented from continuing her trip or voyage by the obstruction of the Wheeling Bridge. The boat could not pass under the said bridge, even with her chimneys taken down, as our hog-chain braces were between 7 and 8 feet too high, and the top of the pilot-house about 18 inches too high to pass under the bridge. The mate and the carpenter belonging to the boat went on the bridge and measured by a line the distance between the bridge and the surface of the water, and reported 41½ feet. The river continued to rise for several hours afterwards, as reported by the watchman on board. The steamboat Cincinnati is the packet for the day preceding the Brilliant, and passed under the bridge more than twenty-four hours before our arrival at Wheeling, during all of which time the river was rising rapidly. By the aforesaid detention, the Brilliant lost an entire trip from Pittsburg to Cincinnati and back, by being thrown out of her regular day; and after detaining her passengers all night, had to reship them to Pittsburg by the steamboat Winchester, which boat is a packet between Pittsburg and Wheeling, and remained above the bridge, being unable to come under. The loss to the Brilliant, by this delay and obstruction, was between $2,000 and $3,000.

The Brilliant was detained at the bridge from Tuesday until Friday following, in the afternoon. The Brilliant was built with her pilot-house at its present height, in the year 1848, previous to the erection of the Wheeling Bridge a year and upwards. REDMOND J. GRACE.

Sworn and subscribed this 29th day of April, A. D. 1852.
THOS. STEEL, *Alderman.*

Edward Boland, of lawful age, being duly sworn, doth depose and say:

I am carpenter on board the steamboat Brilliant, and was on her during her last trip from Cincinnati to Pittsburg. The said boat arrived at Wheeling on Tuesday, the 20th instant, about five p. m. of said day, and was unable to pass under the bridge, owing to the high stage of water.

The captain directed deponent and the first mate, William Romick, to measure the distance between the bridge and the surface of the water, and also to measure the height of the pilot-house and hog-chain braces, to see if we could pass under. In compliance with his orders, we went out and found the distance between the bridge and the surface of the water 41½ feet, and we also found that the hog-chain braces were too high by about 7 feet to allow the boat to pass under.

The pilot-house was too high to pass under by between 1 and 2 feet. The Brilliant was detained from Tuesday until Friday afternoon following.

EDWARD BOLAND.

Sworn and subscribed this 29th day of April, A. D. 1852.
THOS. STEEL, *Alderman.*

William Romick, of lawful age, being duly sworn, doth depose and say:

I am the first mate on the steamboat Brilliant, and was on board during her last trip. I have heard the facts set forth in the affidavit of Edward Boland, and know them to be correct and true, and I hereby fully join him in his statements, and pronounce them the truth, the whole truth, and nothing but the truth. WILLIAM ROMICK.

Sworn and subscribed this 29th day of April, A. D. 1852.
THOS. STEEL, *Alderman.*

It has frequently been stated, in the progress of this controversy, that the pipes or chimneys of the Pittsburg and Cincinnati packets are of an unnecessary height; and in the memorial of the Wheeling and Belmont Bridge Company, presented to Congress at its present session, and which is the ground-work of its present action, it is distinctly charged, that "they were lengthened *solely* for the purpose of furnishing testimony against the bridge." This, Mr. Speaker, is a grave charge uttered against a large number of my constituents, who comprise the proprietors and officers of these boats—gentlemen who, for intelligence, honor, and honesty of purpose, will compare favorably with the constituents of any member on this floor, and they require no indorsement at my hands.

It is sufficient to say that the charge is utterly groundless. That high chimneys increase the speed of the boat is a fact which has been practically and scientifically demonstrated. Chancellor Walworth, in his report on this subject, says:

"NECESSITY FOR HIGH CHIMNEYS.—In relation to the question, whether chimneys as high as those now in use upon the Pittsburg and Cincinnati packets, and some of the larger boats on the Ohio, are necessary for obtaining the maximum of speed desirable in the navigation of the river, there is a diversity of opinion among the witnesses—especially among those who are not acquainted with the scientific principles of chimney draft in reference to the combustion of fuel for the generation of steam. But I think there is a great preponderance of the testimony in favor of the necessity of very high chimneys upon the large Ohio steamboats."

"The teachings of experience show that, as boats upon the Ohio have been gradually increased in their dimensions from time to time, and the heights of their chimneys increased, they have been enabled to run with greater speed, to the evident advantage of commerce and of travel upon the river. And the fact that several different projects for procuring artificial draft, as an available substitute for the draft of tall chimneys, have been tried upon the western waters and have failed and been abandoned, is very strong evidence in favor of the necessity of natural draft for the combustion of wood and bituminous coal upon the steamboats navigating the Ohio.

"The deductions of science also show that the draft is increased by elongating the chimneys. And most of the scientific witnesses, who profess to be acquainted with the principles of natural philosophy which regulate or affect the draft produced by chimneys, admit that the height which will produce the maximum of draft has never yet been attained by any chimneys, either upon steamboats or elsewhere."—*Commissioner's Report*, 35, 36.

In his conclusions, the commissioner is sustained by the testimony of Professors Renwick, Byrne, Locke, and Bartlett, and by Engineers Johnston and Long, together with a large number of practical men, comprising engine-builders, steamboat engineers, captains, and pilots, from whose testimony I make the following extracts:

"NATURAL DRAFT, BY HIGH CHIMNEYS, THE BEST METHOD OF PROPELLING STEAMBOATS.

"*Professor Renwick*, (pp. 102, 708.) *Question.* In general, if the following mechanical problem was to be solved, viz: To obtain on a boat a maximum power of propulsion with a minimum weight of boiler and engine, and with a limited extent of fire surface, and to use bituminous coal or wood, what would you suggest as the most economical and effective arrangement, having regard to the pressure of steam used, and the mode of obtaining draft?

"*Answer.* It would be most economic to use steam of the highest tension consistent with safety, because a given quantity of water, converted into steam, has a more powerful mechanical effect. The engine adapted to this high steam would be smaller, and therefore of less weight, thus meeting the condition of small draft in the vessel. To generate this high steam, I would use long cylindrical boilers

of the smallest admissible diameter; because by them a given fire surface would be obtained with boilers of less weight themselves, and containing a weight of water still less in proportion than the reduction in their own weight. *And in order to obtain a sufficient draft in the long narrow flues adapted to such boilers, I would use a chimney as high as could be properly stayed upon the vessel.*

"*Question.* Would, or would not, in your opinion, the deductions of science warrant any such expression as the following: 'The height of a chimney for a boat need never exceed 60 or 70 feet, or any such fixed number, for all practical purposes?' Must, or must not, all such height be conditioned to the particular exigencies of combustion in each case?

"*Answer.* I should not consider that any number could be fixed, either scientifically or practically, to meet every case, being under the impression that chimneys rarely, or never reach the height most advantageous for draft. I consider the proper height of the chimney of a steamboat to depend up n the dimensions of the vessel, and the means which the vessel furnishes for staying and supporting it, rather than upon any other circumstance.

"The maximum amoun of draft, in a chimney, is reached when the air in the chimney, that reaches its top, has the same temperature as that of the neighboring atmosphere. *This is a height which is probably never reached in any chimney. The general rule is, the higher the chimney the better the draft.*"

"*Professor Byrne.* (117.) The boiler and machinery should be very light. The pressure of steam must be very high. *And I would depend on the due length of chimney for draft, instead of blowers, because the additional pipe for the chimney is lighter than the machinery composing the blowers. There would be more economy, also, in a long chimney,* because draft would act with greater steadiness and uniformity. Besides, you lose no steam power by lengthening the chimney, when you would by using the bl wer.

"*Question.* Would, or would not, the deductions of science, in your opinion, warrant such expressions as the following: 'The height of the chimney of a boat, from the grate surface, never need exceed 60 feet, or any fixed number, for all useful practical purposes?'

"*Answer.* I think such an expression could not properly be made use of.

"*Question.* Must, or must not, every such height, for maximum draft, be varied according to the conditions of combustion in the particular case?

"*Answer.* It must."

"*Professor Locke.* (444.) What is the most economical and effectual means for steamboats on the Ohio river using wood and bituminous coal, to attain a maximum power of propulsion with a minimum weight of boiler and engine, and with a limited extent of grate and fire surfaces, having regard to the pressure of steam, and the mode of attaining draft:

"By increasing the natural draft by chimneys as high as circumstances would permit.

"What rule, or natural law, regulates the maximum height proper for steamboat chimneys?

"I do not know that there is any absolute rule on that point. The height of a chimney, of suitable diameter, would continue to increase the draft until it would reach the point at which the contents of the chimney became condensed by cooling to such extent that their specific gravity would be equal to the specific gravity of the air outside of the chimney. As the products of combustion in the chimney are naturally heavier than common air of the same bulk, this condition of equilibrium would take place rather before the gases in the chimney were cooled down to the temperature of the surrounding atmosphere. *The tallest chimneys of our boats are far short of the height due to this maximum draft,* and are probably not supplied with the greatest draft desirable. It follows, then, that circumstances of mechanical convenience must regulate the maximum height of steamboat chimneys."

"*Professor Bartlett.* (156.) If you increase the height of the chimney, you will increase the draft; this certainly will be the case in a stationary engine. What would be the effect in the case of a chimney moving rapidly through the atmosphere, and subjecting a greater surface to its cooling influence, (for the draft depends upon the internal temperature of the air,) I cannot say; but I am inclined to believe that there would always be an increase of draft, as long as the mean temperature of the internal air was below 300 degrees centigrade, or 572 of Fahrenheit, the external air being at 32 Fahrenheit. And even when the temperature of the internal air somewhat exceeds 572 Fahrenheit, the external air being still at 32, if that increase of temperature is caused by an increase of height of the chimney, it will still increase the draft to a certain extent.

"*Edwin F. Johnston.* (224, 226.) Please state to what extent, in your opinion, the height of chimney influences the amount of draft; and whether you can refer to any authors on the subject, or any calculations of your own, to show the extent of this influence?

"I am not able to state, from any information I possess, at what height the drawing effect of a chimney ceases. It is, however, beyond that attained by any of the chimneys which I measured on the Ohio. The conclusions which I draw from my investigations of this subject are, that the draft does not cease to be augmented under a height of chimney of one hundred feet, with a suitable diameter. I am of the opinion that the height of the chimneys upon the boats measured by me, cannot be advantageously lessened. I do not know of any so good mode for producing draft for combustion, on board the boats I examined on the Ohio, as by chimneys of suitable lengths and diameter.

"*Colonel Long.* (553.) The more elevated the chimney, and the higher the temperature of the rarified column within it, the more rapid will be the ascent of the column, and the more powerful will be the natural draft.

"PRACTICAL ADVANTAGES OF HIGH CHIMNEYS.

"*Captain Hesley.* (45.) *Question.* What, according to your experience, is the best method of procuring draft to the furnaces of steamboats; and your opinion of the benefit and use of large and high chimneys on boats such as the Telegraph, or boats of her size?

"*Answer.* I cannot say, except from a little experience on Telegraph, No. 1. The first spring she ran, she made steam very badly; we could not get anything like the steam she could work; in the fall, when I took charge of her, I suggested the idea of lengthening her chimneys, which was agreed to; and we lengthened them eight feet. I think she ran about half a mile an hour, up stream, faster than before; that is, she made steam much better.

"*Captain Devol.* (55, 56.) They lessen the complication of machinery; it lessens the care and responsibility of the engineer; and it lessens expense in running the boat, and lessens the cost of apparatus for increasing the draft.

"*Question. What effect did the shortening of the chimneys have upon the draft of the furnace* and speed of the Clipper?

"*Answer. I think it made a difference of from two to three hours in our passage up from Cincinnati to Pittsburg.* We could not consume as much fuel, and consequently could not make as much steam, the draft being lessened.

"PROGRESSIVE INCREASE IN SIZE OF WESTERN BOATS AND THEIR CHIMNEYS.

"*Samuel Young, Steamboat Engineer.* (70.) *Question.* What changes have been made in the construction of steamboats and their boilers, within the last few years, between Pittsburg and Cincinnati?

"*Answer.* The boilers and chimneys have both been made longer in boats concerned in the packet trade between Pittsburg and the Falls of the Ohio; and there is a less number of boilers in proportion to the size of boats. The boats are increased in size.

"*Question.* What has been the effect of such changes upon the speed and power of the boats?

"*Answer.* To give more speed and power with less fuel.

"*Reuben Miller, Engine Builder.* (80.) What changes have been made in the construction of boats and their chimneys since you have been engaged in them?

"They have been increased in size very much; and the chimneys have been increased in their height and diameter, in proportion to the size of the boats.

"The boilers, in many instances, have been reduced in number in boats of the same class, and the same speed obtained by improved application of the power; that is, by the enlargement of the opening of the valves of the cylinders, the improvement and enlargement of the fire-beds and chimneys, and *the increased height of the chimneys,* for the purpose of increasing the draft and the steam.

"*Captain Thomas J. Haldeman.* (389.) The boats are now built much longer and wider than formerly, and deeper in the hold; and the heights of their chimneys have been much increased. In 1820, the longest boats on the Ohio and Mississippi rivers were about ninety feet in length; and now some of the boats are three hundred and five feet long. And *the chimneys have been increased in height and in diameter in the same proportion, or very nearly so.*

"The commerce of the country has increased so rapidly that it requires larger boats to do the business, and these larger boats have proved more productive to the owners. The prices of freight and passage have both been very much diminished; and the speed of travel has been increased. In 1820, the cabin passage from New Orleans to Cincinnati was from $100 to $125, and now it is from $15 to $20. There is about the same relative difference in the prices of the downward passage, and about the same relative difference in the prices of freight both up and down. In 1820, it took from twenty-five to thirty days to make a trip from New Orleans to Louisville; and now the average trips, with the fast boats, is from five to six days. The fast boats are of the larger class of boats. There has been about the same difference in the rate of speed between Louisville and Cincinnati. The reason why the larger boats have proved more profitable, is that their capacity has been so much increased, for passengers and freight, without much additional expense in running the boats. The reason is, that the same power that drives a boat one hundred and eighty-two feet long, will drive a boat two hundred and fifty feet long faster, the breadth of beam being the same. The expenses for pilots, masters, firemen, mates, engineers, deck-hands, and crew, with the exception of the expense of servants to attend the cabin, whose services are generally about $15 a month, is about the same."

A large number of witnesses all testify substantially to the same general fact, viz: that the elongation of the chimneys of steamers has been going on gradually for many years; and that the object aimed at has been an increase of the power and speed of the boat; and not, as is charged in the memorial referred to, "to make testimony against the bridge." And if what has been shown does not serve, in the estimation of all fair-minded men, to exculpate my constituents from the charge of acting from "selfish and unrighteous" motives, they will at least be consoled by the reflection that they come in for only a fair proportion of the aspersions which have been lavishly bestowed alike upon the court—whose decree has been styled "an act of legalized vandalism"—and the commissioner, "in whose impartiality (the memorialists say) they never had any confidence."

It has been said by the memorialists, nay, solemnly declared—

"That any of these seven boats may pass freely under the bridge on the highest flood that has been known within the memory of living man, by only partially lowering its chimneys; an operation which is perfectly safe, attended with little trouble, and so simple and expeditious, that it can be done without one moment's delay, or by barely reducing the headway of the boat."

To this general declaration I may oppose a fact already stated in the affidavit of Captain Grace; that on the 20th of April, of the present year, the steamer Brilliant, on arriving at Wheeling, ascertained by actual measurement, *that she would not have been able to pass the bridge by some seven or eight feet, if she had had no chimneys at all,* and she was detained until the 23d before being able to proceed on her voyage. It is proper to say, however, that the flood in the river was greater than any which has occurred since 1832.

That the operation of lowering chimneys is attended with trouble, danger, and delay, was proven to the satisfaction of the commissioner by the testimony of many witnesses, which is thus succinctly stated in the opinion of the court:

"On the practicability and safety of lowering chimneys, a great number of witnesses were examined; and the commissioner says, although there was gr at conflict in the testimony, as respects the danger to the limbs and lives of the passengers in the operation, yet he says, when the facts sworn to are examined, there is a decided preponderance against the safety of lowering the chimneys. And he remarks, 'the very elevated as well as large chimneys used upon the Cincinnati and Pittsburg packets, and other boats of that class, cannot certainly, with any facility or safety, be lowered by hinges at the tops. They are, therefore, obliged to lower them at the hurricane deck, by the means of a derrick. The weight of the parts of the two chimneys which must be let down upon those large boats, is estimated by the witnesses to be from three to four tons. This enormous weight hanging over the cabin, or rather over the berths of passengers in process of lowering, would probably prove disastrous in the extreme, if by any accident, the chimneys should come down by the run; which is very likely to occur from the carelessness or stupidity of the green hands that the owners and officers of western boats are so often obliged to employ.'

"And if, to the difficulties stated in the report, there be added the darkness of the night, a snow-storm, or the falling rain, congealing on the roof of the boat and covering it with ice, and a high wind which generally is experienced in a storm, it would be impracticable, while the boat was proceeding at the rate of ten or twelve miles an hour, to lower the chimneys, and this must be done, or the boat must land. During this operation the pilot, on whom the safety of the boat, and the lives of the passengers in a great degree depend, must, from his position, be in imminent danger.

"The expense of lowering these chimneys, if practicable and safe, would constitute no inconsiderable item. *The time lost in raising and lowering chimneys is variously estimated by the witnesses at from one to three hours.*"

Mr. Speaker, my constituents are deeply interested in the navigation of the Ohio river. The city of Pittsburg, with its twin sister, the city of Allegany, and their suberbs, embrace a population of about 100,000 souls, engaged chiefly in manufacturing pursuits, whose great outlet of trade is that river; hence the urgency of their appeals year after year for appropriations to *improve* its navigation. Judge, then, of their disappointment and chagrin when they learn that the National Legislature, instead of appropriating means to remove the *natural* obstructions of the river, are seriously engaged in the consideration of a measure to sanction and legalize and to perpetuate through all time to come an *artificial* obstruction which has been interposed, not only without law, but in defiance of law. While "they ask you for bread, you propose to give them a stone;" and "in place of a fish to give them a serpent," whose fangs are to strike deep into the heart of a commerce which it has been their pride, for a third of a century, to cherish as the apple of their eye.

Pittsburg, sir, is the largest steamboat-building port in the Union. If you will take the trouble to look into the statistics of your Treasury Department, you will discover that during the fiscal year ending 30th June, 1851, the whole number of steamers built in the United States was two hundred and thirty-three, and that of this number fifty were built at Pittsburg—more than one fifth—almost one fourth of the whole. And yet, sir, we are told that "Pittsburg is jealous of Wheeling," where, according to the same statistics, there were constructed during the same period only two. I cherish no feelings of unkindness towards the enterprising citizens of Wheeling; for, Mr. Speaker, they are an enterprising people, and this bridge, which has occasioned my constituents so much vexation and annoyance, is a monument of their public spirit; and the indefatigableness which they have manifested in defending it would furnish conclusive proof, if it were the only monument of their untiring energy. No, sir; Pittsburg is *not* jealous of Wheeling; but we are justly jealous of all encroachments upon the free and unobstructed navigation of our great highway of commerce, which we claim has been guarantied to us both by laws and compacts.

This subject has been presented and argued, Mr. Speaker, as if the carrying out of the decree of the court involved the *existence* of the bridge. It is a great mistake to suppose so. It is entirely practical to *elevate it*, or, if you please, reconstruct it, so far as the superstructure is concerned; and then it will be as useful for all the purposes for which it was designed as it is now. Then why not let it be done as the court have decreed? The answer, and the only answer which can fairly be given is, that it will cost money, and "the means and credit of the company are exhausted." Principles are to be measured by the money-cost of maintaining them.

Mr. Speaker, I have only to say in conclusion, that the influence of your action does not stop here with the Wheeling Bridge. The principle which you may establish in this case will apply equally to the whole 12,000 miles of navigable rivers in the United States. If you settle by your action in this case the principle that navigable rivers, which are national in their character, and over which you have extended the maritime jurisdiction of your courts, may be obstructed at all under the authority of the State governments, who is to decide the degree of obstruction which may thus be interposed? If a bridge at Wheeling, which only constitutes a partial obstruction at its present elevation, may be legalized and sustained, how long will it be before another bridge, under some urgent plea of necessity, may, under State legislation, be thrown across the river at a still lower elevation, and still another and another and another at the various towns and cities along its margin? Obstruction of the river having been resolved into a matter of degrees, anything short of a total obstruction, at any one of these points, may be deemed admissible, until in the aggregate the delays and vexations interposed will amount to a practical annihilation of the present system of communication by the splendid packets which now traverse its bosom, and you will have restored to you the condition of things so graphically portrayed in the testimony of Captain Haldeman.

THE WHEELING BRIDGE.

SPEECH OF HON. J. S. MILLSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

August 14 *and* 16, 1852,

On the bill declaring the Wheeling Bridge a lawful structure and a post route—

Mr. MILLSON said:

Mr. SPEAKER: Volumes have already been written upon the Wheeling Bridge case. The theme is, indeed, a fruitful one, and it would be impossible for any one man to exhaust it within the limits allowed a speaker in this Hall. I shall leave to other gentlemen, who, I understand, will come after me, the discussion of this question in its details and more immediate practical results, and apply myself to the examination of those principles which lie at the bottom of all controversies of this nature. I listened with great pleasure to the able and philosophical argument addressed to the House by the gentleman from South Carolina, [Mr. WOODWARD;] and it is with reluctance I venture to dissent from any of the propositions advanced by him. If it were necessary to sustain the conclusion to which the gentleman arrived, that all the views he presented should be adopted by others, I should have the greater hesitation in expressing any difference of opinion; but when I consider that many of these views were only concessions to the other side, and were announced by him seemingly with the purpose of showing how much he could concede to his opponents and still maintain his position—with what confidence in his own powers he could abandon his outworks, and still defend himself within the citadel, I am the more encouraged to express my dissent from some of them. I do so the more freely when I remember that if I shall succeed in making an impression upon others, I shall only be aiding the objects of his own argument, and that if I fail I cannot injure them.

To what extent did Virginia, at the time of the adoption of the Constitution, exercise control over her navigable rivers? The whole of the Ohio river was within her territory, and it may be remembered that even Pittsburg itself, lying almost at the head of navigation, was an integral part of Virginia, and was represented in her Legislature. Conceding, however, that Pennsylvania had navigable streams uniting with the Ohio, what was the nature of her right to the navigation of that river?

The gentleman from South Carolina claims this right for Pennsylvania, as well under the law of nations as by the Constitution of the United States. I admit that, under what is called the law of nations, she had a right to the navigation of the Ohio river, through the territory of Virginia, to the ocean. But what sort of right was it? Was it an absolute, independent, perfect right? Could she claim its exercise against the consent of Virginia, and in defiance of any conditions she might impose upon it? Unquestionably not. The right of riparian States to the navigation of a river which flows through their territories, is what publicists call an imperfect right. It is something which ought not to be denied, where it can be innocently used, but which cannot be insisted on. It is founded alone on those considerations of mutual good will and reciprocal benefit, which induce nations to concede to others such privileges as may not be hurtful to themselves. Wheaton, who is one of the latest writers on national law, thus speaks of this right:

"The right of navigating for commercial purposes, a river which flows through the territories of different States, is common to all the nations inhabiting the different parts of its banks; but this right of *innocent* passage, being what the text writers call an *imperfect right*, its exercise is necessarily modified by the safety and convenience of the State affected by it, and can only be secured by mutual convention regulating the mode of its exercise."

The older writers on the law of nations take the same view of this subject; nor, indeed, do I suppose that my friend from South Carolina means to be understood as insisting that this right is any other than an imperfect one. It is only a right of *innocent* passage. It ought not to be claimed, and it would not be granted if it caused any detriment; much less would a nation be expected to withhold any important advantages or facilities from its own people, lest they might, in some degree, interfere with the exercise of this right by another.

The gentleman from South Carolina alludes to the claim of the United States, some fifty years ago, to the free navigation of the Mississippi, and to the controversy with Spain upon that subject. But it will be recollected that the main argument relied upon was that not only the free navigation of the river, but the right to deposit goods upon the Spanish territory, had been, by treaty, secured to us for three years, and even longer, if it was found to be not prejudicial to the interests of Spain; and our chief complaint was, that the Spanish Intendent had violated that treaty by prohibiting the landing of goods at New Orleans, without designating some other place, as stipulated in the treaty. It is true that we also urged our right under the law of nations, but it was not denied to be an imperfect one, or that its exercise was subject to such modifications as the convenience of Spain might require.

The gentleman from South Carolina also referred to the navigation of the European rivers, and he mentioned particularly the Rhine and the Scheldt. Now, sir, the right to navigate the Rhine and the Scheldt has always been the subject of conventional arrangement, and has been ascertained, limited, and secured by compact between the nations having an interest in the navigation. It is only of late years that the subject has been definitely adjusted. It was stipulated in the treaty of Paris in 1814, that the navigation of the Rhine and the Scheldt, the former of which had been impeded by various regulations of the riparian States, should be henceforth free, and it was left to a future Congress to secure this freedom of navigation of all the other European rivers that ran through different States. This Congress met at Vienna, in 1815, and the plenipotentiaries of the eight contracting powers adopted regulations respecting the navigation of the Neckar, the Mayne, and other rivers, and established general principles, which, while they provided for free navigation, were cautious to prevent any interference with the police which the riparian States might exercise. Similar regulations respecting the free navigation of the Elbe were established among the States bordering on that river, in 1821, and it was only as recently as 1840, that a treaty was made between Russia and Austria, securing to the contracting parties the free navigation of the Danube.

There was, then, Mr. Speaker, no such right, under the general law of nations, as that contended for by my friend from South Carolina, except as an imperfect one, the exercise of which could not be insisted upon, and which, if conceded at all, must be enjoyed in such a way as would not be injurious to the party making the concession. At the adoption of the Constitution, the State of Virginia had exclusive jurisdiction over the whole of the Ohio river, from the Pennsylvania line to the Mississippi. It ran entirely within her territory. When she ceded the northwestern country, she gave up no part of the river. What she conveyed was, the country northwest of the Ohio river, but the river itself remained within her limits, and became the southeastern boundary of this territory. This was held by Judge Marshall—if, indeed, so plain a proposition requires any extrinsic support—in the case of Handley's lessee *vs.* Anthony, in the supreme Court. He says:

"She (Virginia) conveys to Congress all her right to the territory situate, lying, and being, to the northwest of the river Ohio.

"When a great river is the boundary between two nations or States, if the original property is in neither, and there be no convention respecting it, each holds to the middle of the stream. But when, *as in this case*, one State is the original proprietor, and grants the territory on one side only, it retains the river within its own domain, and the newly-created State extends to the river only. The river, however, is its boundary."

Mr. LOCKHART. With the permission of the gentleman from Virginia, I wish to state that in the case of Handley's lessee *vs.* Anthony, to which he refers, the question of State boundary was not discussed. The only question presented to the court for its consideration was, whether thirty-six thousand acres of land, situate, lying, and being to the northwest of the Ohio, and lying within the county in which I reside, was in Kentucky or Indiana. The lawyers in that case conceded that if the land in controversy was an island, it was in Kentucky; if not an island, it was in Indiana. From this statement it will be seen that what Judge Marshall says in relation to the boundary between the States of Kentucky and Indiana, is not entitled to the consideration of a judicial decision; that it is only the *obiter dicta* of the judge who delivered the opinion, and is not authority judicially pronounced upon the important question of boundary.

Mr. MILLSON. I know perfectly well what was the point in dispute. The interruption of my friend, if he will excuse me, was altogether unnecessary. The question was, whether that land lay in Kentucky, which was once a part of Virginia, or not. The court held that inasmuch as it was a portion of the northwestern shore, it was not a part of Kentucky; and decided that the territory of Virginia and Kentucky extended to the southeast shore of your northwestern territory, and embraced the whole of the Ohio river. The gentleman will not differ with me about that. The point decided was directly in issue.

I have shown that Virginia had exclusive jurisdiction over the Ohio river, at the time of the adoption of the Constitution. I say at the time of the adoption of the Constitution, because I do not understand my friend from South Carolina [Mr. WOODWARD] as contending that the ordinance of 1787 vested in the Federal Government any control over the Ohio river at all; although, perhaps, some erroneous impressions may be drawn from what he said upon that subject.

Mr. WOODWARD. No, sir, it is not mentioned in the ordinance.

Mr. MILLSON. The ordinance speaks of the rivers emptying into the Mississippi and into the St. Lawrence, and applied exclusively to rivers lying within the territory ceded. The Congress of the Confederation had no authority to claim jurisdiction over the Ohio river, which lay wholly within the limits of the State of Virginia. I say this by way of answer to the argument of the gentleman from Pennsylvania, [Mr. THOMAS M. HOWE,] who seemed to think that by the ordinance of 1787 some control over the Ohio river has been granted to Congress. I repeat, then, that the sole jurisdiction over this river was in the State

of Virginia at the time of the adoption of the Constitution. If it was then, it is now, unless there be something in the Constitution by which it has been surrendered. I maintain that no such surrender was made, or was intended to be made. And here again I differ with the gentleman from South Carolina, [Mr. WOODWARD.] He thinks that this control over the Ohio river was surrendered in that clause of the Constitution which gave to Congress the power to regulate commerce. There is no other clause in the Constitution which can be supposed to have taken away this control of the State of Virginia; and if she has lost it at all, I grant it must be by the clause indicated by the gentleman from South Carolina. This power which is supposed to be in conflict with the original right of Virginia was granted to the Congress of the United States, and not to the supreme Court.

Mr. WOODWARD. I wish to make a single observation. I never said that the ordinance applied to the Ohio river expressly. It applied to the affluents of that river, which implied that the river was as free as the affluents.

Mr. MILLSON. I so understood the gentleman from South Carolina. It was with the view of enabling him to set himself right upon the subject that I took the liberty a few moments ago to suggest that erroneous inferences might be drawn as to his meaning.

The clause in the Constitution which authorizes Congress to regulate commerce among the States, is the one relied on by the gentleman from South Carolina, as divesting Virginia of her original control over the Ohio river. He says it includes the power to regulate navigation. Perhaps it does. Judge Marshall, in delivering the opinion of the court in Gibbons *vs.* Ogden, held that the power to regulate commerce embraces the power to regulate navigation, and said that "if commerce did not include navigation, the Government of the Union had no direct power over that subject." It will be seen, however, that the power to regulate navigation has never been expressly granted, and is, at best, an implied or incidental power. But, from this implied power to regulate navigation others are implied, and others again from these, so that we almost lose sight of the original grant of power.

The morning hour here expired.

MONDAY, *August* 16, 1852.

Mr. MILLSON resumed and concluded his remarks, as follows:

Mr. Speaker, I have shown that at the adoption of the Constitution, no other State than Virginia had any control or jurisdiction over the Ohio river, and I proceed to inquire how far the implied power of Congress to regulate navigation, which, as I have admitted, is probably included in the power to regulate commerce, interferes with the control of a State over her navigable waters.

Does this implied power to regulate navigation, that is, the transportation of merchandise upon these waters, give any control over the waters themselves? Does it imply anything like a cession of the waters by the State to the United States? Assuredly not. It is but a right to make uniform rules in respect to the transit of such commodities as may be borne upon the face of the waters, and implies no more control over the rivers themselves, than similar rules in relation to foreign commerce imply a control over the sea upon which it passes. Judge Marshall, in Bevan's case, said that the cession of all cases of admiralty jurisdiction cannot be construed into a cession of the waters; and I say, that by an identical course of reasoning, the cession of the power to regulate commerce is not a cession of the waters. Sir, if it were otherwise, the argument would prove a great deal too much. If the power to regulate commerce implies the power to control the channels through which it is borne, why confine it to rivers and water-courses? Why not extend it to canals and turnpikes and railroads? Rivers are not the only medium of commerce. Does any man doubt that the commerce between States by land routes, is as much under the regulation of Congress as that which passes over rivers? If the power to regulate gives control over the rivers, why not over the roads also? The roads are not more under the jurisdiction of a State than her rivers. The ebbing and flowing of the sea, or the coursing of the rains, in greater or less quantities, over any portion of her soil, in nowise impairs her control over it.

It is argued, however, that any impediment to navigation is unlawful, because it is an obstruction to commerce. Then, I suppose, sir, that anything else which obstructs commerce must be equally unlawful. But we know that obstructions to commerce by the States are not necessarily unlawful. If obstructions to commerce are not necessarily unlawful, then an impediment to navigation which obstructs commerce is not necessarily unlawful. Sir, I can give you hundreds of instances in which the States may, and are accustomed to put impediments or obstructions in the way of commerce; by regulating and taxing its transit over railroads and canals; by levying heavy taxes upon merchants' licenses; by preventing the landing of goods under her quarantine regulations and health laws, and prohibiting particular articles altogether; by requiring vessels to take on board pilots and compelling the payment of their fees; by authorizing the seizure and detention of vessels and their cargoes for violation of State laws, and by innumerable other modes. It may be said that all these restrictions are within the admitted powers of a State, and that they produce wholesome results. That is precisely what I contend for. It cannot be denied, however, that in their operation they are obstructions to commerce, though with just cause and for good ends. What I am trying to prove is that the mere fact of their obstructing commerce does not in itself make them unlawful. An act of a State, therefore, is not necessarily unlawful, merely because it may in some degree obstruct commerce, although the power to regulate commerce has been expressly granted to Congress. Tell me, then, why any hindrance to navigation, which is only at second hand an obstruction to commerce, must be necessarily unlawful.

Mr. STEVENS, of Pennsylvania. I desire to know whether the gentleman means that an obstruction of commerce by a State is not unlawful, or whether he refers to an obstruction of commerce by Congress?

Mr. MILLSON. I allude of course to obstructions authorized by the States. I have shown that such obstructions are lawful and are sanctioned by all the States, and therefore if it is to be proved that the Wheeling Bridge is an unlawful structure a better reason must be given than that it may be an obstruction to commerce.

Let it not be answered that great mischief might result if these rights of a State were acknowledged. Sir, *the argument from inconvenience* never proved anything. It can only show what ought to be; it cannot show what is. The States, by the exercise of their reserved powers, might inflict great injury upon others. What is the remedy? If a court could apply one to a sovereign State, then the State would cease to be sovereign. The security against the abuse by any of the States of their reserved powers, is to be found in the good faith of the State, and the interests of her people. Sir, if the States should be disposed to inflict injury by an abuse of their reserved powers, they have means enough for doing so. A State may decline to elect Senators or Representatives to Congress, or may refuse to concur in the election of a President, and if any considerable number should refuse to do so, your very Government itself would be overthrown. A point of land in a State may be peculiarly adapted for a fortification, which might be indispensable to the safety of the whole country. But the State may refuse to cede the land to the Government, and you have no remedy. You may be engaged in a desolating war, and terms of peace may be offered you, requiring the surrender by a State of a portion of her territory. She may refuse to part with it, though the alternative might be the loss of your independence, and of your very existence as a Power. But the Constitution has provided no remedy. These things are left, and were intended to be left, to the discretion of the States. It is no objection to our system of government that such powers were reserved by them. God left free the human will. Its unrestrained impulses sometimes prompt the perpetration of crimes so horrible and dreadful that they would even lend a blacker shade to the nature of a fiend. Is this a reason for complaining of the arrangements of Providence, which set before us both good and evil, and left us free to choose between them? Would gentlemen have all the affairs of human society regulated in advance, upon a sort of fundamental principle of optimism, and so bind up the hands of States and people as to prevent every mischief that may be possible or conceivable?

But, sir, admit that I am wrong in these views—admit that the power to regulate commerce implies a control over rivers and roads, and all the channels of commerce, yet this power has been granted to Congress, and not to the supreme Court, and until it is exercised by Congress, and in such way as to interfere with the original right of the State, such right is not impaired. This has been declared by the supreme Court of the United States itself.

In the case of Sturges *vs.* Crowninshield. this court said that the mere grant of a power to Congress does not imply a prohibition on the States to exercise the same power.

Judge Marshall, delivering the opinion of the court in Bevan's case, uses this language:

"Whatever may be the constitutional powers of Congress, it is clear that this power has not been so exercised in this section of the act, as to confer on its courts jurisdiction over any offense committed in a river, haven, basin, or bay; which river, haven, basin, or bay, is within the jurisdiction of any particular State.

"What, then, is the extent of jurisdiction which a State possesses? We answer without hesitation, the jurisdiction of a State is coextensive with its territory—coextensive with its legislative power.

"The place described is unquestionably within the original territory of Massachusetts. It is, then, within the jurisdiction of Massachusetts, unless that jurisdiction has been ceded to the United States.

"It is contended to have been ceded by that article in the Constitution which declares that 'the judicial power shall extend to all cases of admiralty and maritime jurisdiction.' The argument is, that the power thus granted is exclusive, and that the murder committed by the prisoner is a case of admiralty and maritime jurisdiction.

"Let this be admitted. It proves the power of Congress to legislate in the case; not that Congress has exercised the power."

It will be observed, Mr. Speaker, that the grant in question was to the judicial power; yet it was held that it vested no power in the court, and took no power from the State, till Congress had acted. But, strange to say, the supreme Court, in the Wheeling Bridge case, not only assume the exercise of judicial powers never conferred, either by the Constitution or the law, but actually usurp legislative powers also. They undertake to amend the charter granted by the State of Virginia to the Wheeling Bridge Company, and prescribe the future elevation and grade of the bridge, and the conditions upon which they will allow its continuance. They virtually regulate the height of the chimneys of steamboats, and say what class of boats may, and what may not, navigate the Ohio. Sir, who gave them the control of the waters of our rivers? Are there not many uses to which these waters may be put besides the use for navigation? Are they not often used for milling and manufacturing purposes, and sometimes, as in the case of the Croton river, for supplying the daily wants of the people of a large city? These uses may even impair the use of a river for navigation, but who shall say what is its best use, and where did any court get power to prohibit any use that might interfere with navigation? If they have no such control over the use of the waters, how much less right have they to prescribe the elevation of a bridge suspended above them?

The gentleman from Pennsylvania [Mr. THOMAS M. HOWE] says that this bill is an effort to place Congress in an attitude of antagonism with a cöordinate branch of the Government—yes, sir, a cöordinate branch of the Government! This is a description which the supreme Court of the United States are very much in the habit of applying to themselves.

The gentleman seems to think that that branch of the Government—as it is called—is not only coordinate, but supreme. Gentlemen fancy that supreme powers have been granted to this court, and that not only Congress, but the States must yield obedience to their behests.

Before, sir, going into this question, I will say that there is no effort in this case to place Congress in an attitude of hostility to the court. The bill contemplates no such thing, as has been demonstrated by my friend from South Carolina, [Mr.

WOODWARD.] But if it did, let us see what would be the objections to such a course, and what are the prerogatives of this court. It is called *supreme*. Why? Because it is superior to the other departments of the Government? No, sir. It is merely called supreme, as distinguished from the inferior courts. The language of the Constitution is "that 'the judicial power of the United States shall be 'vested in one supreme Court, and in such inferior 'courts as Congress may from time to time 'ordain and establish.'" The word *supreme* is used as distinguished from *inferior*, and *inferior* as distinguished from *supreme*. Does it mean that supreme powers are granted to the supreme Court? Why, sir, look at the language of the Constitution, and it will be found that the clauses granting power to the Executive, the legislative and the judicial departments are identical in phraseology:

"ART. 1. Sec. 1. All legislative powers herein granted, shall be vested in a Congress of the United States.

"ART. 2. Sec. 1. The Executive power shall be vested in the President of the United States of America.

"ART. 3. Sec. 1. The judicial power of the United States shall be vested in one supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

Does this mean that supreme power is granted to the supreme Court? If it does, then, because the same phraseology is employed, supreme power is granted to the President—supreme power is granted to Congress—supreme power is granted to the supreme Court? Can anything be more absurd? Nay, sir, if such a construction were adopted, we should be led into the still greater absurdity of supposing that the supreme and the inferior courts were equal, being alike supreme. For the language of the Constitution is, "the judicial power shall be vested in the supreme Court and in such inferior courts as Congress may from time to time establish." If this language gives supreme powers to the supreme Court, it also gives supreme powers to the inferior courts. For if the *judicial power* thus vested in the supreme Court means *supreme* power, then as it is also vested in the inferior courts, they, too, must have supreme powers.

What are, after all, the functions of a court of justice? Simply to decide controversies and settle disputes. It is the duty of a court to weigh carefully every consideration that may affect the claims of the parties. They should have good reasons for what they do; but we must not suppose that these reasons are parts of their decisions. They are only the motives or inducements which lead them to decide the controversy in favor of one party or the other. They do not become laws; nor are they even the decrees or judgments of the court. Their judgment simply is, that A shall have what he claims, or that B shall be protected from an unjust demand. We often hear, however, in careless phraseology, of this principle or that doctrine having been *decided* by a court, when all that is really meant by it is, that some dispute was decided by the court, and the principle in question given as a reason for the decision.

Of course, sir, when the controversy is in any manner connected with a law of Congress or of a State Legislature, this will be taken into consideration by the court, as every other matter would be, which would make it proper to decide the dispute in one way or the other. Not that the court has any particular right to pronounce authoritatively upon the validity of a law, and thus to repeal or make it void, but because it is their *duty* to decide a controversy as they think just and equitable. Their opinion of the validity or the invalidity of a law is no part of their decision; it is only the reason that led them to it.

Some gentlemen, however, seem to suppose that one of the objects of the establishment of the supreme Court was to decide upon the constitutionality of acts of Congress, and the rights of the States, and every department of the Government. Sir, whenever such questions are connected with any controversy which is brought before them for adjustment, it is unquestionably their privilege, or rather their duty, to inquire how far they ought to influence their decision of the case. But this obligation equally belongs to every other tribunal whose duty it may be to decide a cause. The circuit courts of the United States, the various courts in the different States, and even the justices of the peace, have not only as much right, but are as much bound to decide upon the constitutionality of acts of Congress as the supreme Court of the United States. Nay, sir, the Court of Queen's Bench, in England, has precisely the same privilege to determine upon the validity of an act of our Congress as the supreme Court of the United States; and if ever a controversy should occur there involving an act of Congress, that court would be as much bound to consider and determine upon its constitutionality as our own supreme Court would be.

Mr. STEVENS, of Pennsylvania. Do I understand the gentleman to assert that if a question arising under a law of Congress were to be tried in England, the court there would not be bound to compare that law with the Constitution, and decide whether it conflicted with that Constitution or not?

Mr. MILLSON. On the contrary I say exactly the reverse.

Mr. STEVENS. I understood you to deny that the supreme Court had the power.

Mr. MILLSON. So far from it, I say that the supreme Court has the power, that the courts of Virginia have the power, that the courts of Pennsylvania have the power, and that the courts of England have the power. I say there is no exclusive privilege granted to the supreme Court to determine constitutional questions, and the exercise of such a power is a mere incident in their decision of a quarrel, and this power must be exercised by all courts—in America, in Great Britain, and in Kamschatka, as well as by the supreme Court.

Whenever you are called upon to determine a dispute, you must decide that dispute upon all the grounds that appear to be just. For this reason, a jury of the country have the right in a criminal case to pass upon the constitutionality of acts of Congress, and a single arbitrator has the same power. Let me suppose that a claim should be made under an act of Congress imposing a penalty, and granting one half or the whole of it to the informer. The parties agree to submit the case to an arbitrator. Sir, that arbitrator is as much bound to consider the constitutionality of the act of Congress, under which that penalty is claimed, as the supreme Court would be.

Away, then, with the idea that the decrees of the supreme Court are the supreme laws of the land, and that that court was designed to be a tribunal by which the powers reserved by the States, or granted to Congress, were to be finally ascertained. The decrees of the supreme Court operate upon nobody but the parties before them; and yet, sir, I am not unaware that some of the judges of that court—I suppose upon the old maxim that "it is the part of a good judge to extend his jurisdiction"—have claimed authority to invalidate acts of Congress and of the State Legislatures, and perhaps even fancy that it is their prerogative to do so. One of these judges, in expressing his views upon the Passenger cases, decided not long since, says, in the tone and language of "Sir Oracle:"

"I think it obligatory upon this court when there is a doubt of the unconstitutionality of a law, that its judgment should be in favor of its validity."

"The court means now to *decide:* 1. That the acts of New York and Massachusetts imposing a tax upon passengers, &c., are unconstitutional and void."

Sounding phraseology, truly; but then it comes from a coördinate branch of the Government!

I was myself acquainted with a very respectable coördinate branch of the Government who was a justice of the peace in Virginia, [laughter;] and that respectable coördinate branch of the Government was in the habit of "*deciding*" certain acts of Congress to be unconstitutional and void whenever they came up before him. I myself have argued before him questions involving the constitutionality of acts of Congress—those, for instance, which vested justices of the peace in Virginia with a portion of the criminal jurisdiction of the United States—and that very worthy and respectable coördinate branch of the Government invariably decided that this act of Congress was unconstitutional.

Now, sir, are we, in the prosecution of our legislative functions, to be arrested by the fear that our views of public questions may not be in accordance with those of the supreme Court? And are we to conclude that supreme power has been granted to this court because it has been named the supreme Court, as distinguished from the inferior courts?

But, sir, let me now call the attention of the House to the decision of the court itself in the Wheeling Bridge case, or rather to the opinion delivered by the majority. I say the majority, because I take pleasure in stating that both Chief Justice Taney and Mr. Justice Daniel, of whom any eulogy would be among the vainest of vain things, condemned the reasoning and dissented from the judgment of the court. How much of the authority of the court is gone when these two names are missing, and especially in questions of constitutional law, I will not attempt to estimate. They assume jurisdiction over a structure which is within the sole limits of the State of Virginia, and authorized by a statute of her Legislature. At whose instance was this done? Was it on the complaint of the Commonwealth of Pennsylvania in her sovereign character? No, sir. The gentleman from Pennsylvania [Mr. THOMAS M. HOWE] was greatly in error when he said that this bill proposed to subject a sovereign State to the control of Congress. Pennsylvania, in her sovereign capacity, was not before the supreme Court at all. The court themselves say this. I quote the language of the majority of the court, who say:

"In this case, the State of Pennsylvania is not a party in virtue of its sovereignty. It does not come here to protect the rights of its citizens. The sovereign powers of a State are adequate to the protection of its own citizens, and no other jurisdiction can be exercised over them, or in their behalf, except in a few specified cases."

In what character, then, was Pennsylvania a party? Why, only in the capacity of the owner of certain public works, the profits of which, she said, were diminished by the erection of this structure; and she asked that her interest as a mere property holder might be protected by the court. It was pretended that the erection of the bridge had a tendency to divert the transportation of some passengers and goods from Pittsburg, and that this would affect injuriously the profits of her public works. The court admitted that in the case before them "the rights asserted and the relief prayed are considered as in no respect different from those of an individual." In other words, the State of Pennsylvania, according to the very principles declared by the court themselves, was before them in no other or higher capacity than a tavern-keeper of the town of Pittsburg would have been, complaining that since the erection of the Wheeling Bridge fewer travelers put up at his inn, and that his profits had in that way been diminished.

Now, suppose this innkeeper had been the plaintiff in the suit, instead of the State of Pennsylvania? Suppose he had gone before the court, and modestly asked the destruction of this noble edifice upon the ground that his petty profits had been lessened, what would the court have said? Upon their own principles, they would have been bound to tear down this magnificent structure; and had they done so on such a complaint, what would have been the judgment of the country, of the world, upon such a judgment of the court? To the reader of history, how suggestive would it have been of the ravages of the Goths and Vandals in a less advanced stage of civilization! From such a judgment, however, they could not have escaped except by an abandonment of the principles which controlled their decision of the case before them; for they say that the State of Pennsylvania claimed "a protection of its property on the same ground and to the same extent as a corporation or individual may ask it."

But, sir, were the profits of these public works, in point of fact, diminished at all? They were not. Here is a letter from one of her former canal commissioners, Mr. Painter, in which he says, that though serious apprehensions were felt at one time, they were never realized, and that neither the trade nor the revenues of Pennsylvania suffered any diminution in consequence of the bridge, and *it was not probable they ever would!*

But the inquiry suggests itself, how did the supreme Court attempt to get jurisdiction over this question of nuisance? They seemed bent upon declaring this bridge to be a nuisance, and they cast about them for means to help them to their conclusions. The first discovery they made was, that there had been a compact between Virginia and Kentucky, ratified, as they say, by Con-

gress—but about which, by-the-by, Congress had never said one word—which declared that the navigation of the Ohio river should be forever free. In the first place this compact has never been violated; and in the next place, Pennsylvania was no party to it, and could not complain if it had been. It is soothing, however, to the national pride of Virginia, that they should seem to derive their powers from Virginia herself. They look into her own legislation to find authority to prostrate her rights and her sovereignty. They approach her with great show of respect when the Joab-stroke is to be given. But, sir, what must be thought when I tell you that this very compact with Kentucky expressly stipulated that any differences that might grow out of it should be settled by commissioners selected by themselves?

The next reason they assign is, that Virginia, in the charter, authorizing the erection of the bridge, declared that it should be treated and abated as a public nuisance, if it should be so erected as to obstruct the navigation of the river. Here, again, you find they deal a blow at the interests and honor of Virginia, and plead her own authority for the act. Poor Virginia! Like Esop's unhappy oak, her own branches are made to supply the handle to the axe, by which she is felled to the ground. They pay no regard, however, to the fact, that this very Commonwealth of Virginia, from which they seek authority to prostrate this structure, has, since its completion, passed an act expressly declaring that it is not an obstruction to navigation, and that it should be preserved and maintained at its present elevation.

Upon these grounds, and for these reasons, they undertake to declare—what? That this bridge is a public nuisance? Do they undertake to decide that the bridge is a *public* nuisance? No, sir; and I challenge the Representatives of Pennsylvania, many of whom, as the House knows, possess distinguished ability as lawyers, to reply to me on this point.

I say that the question of public nuisance was not before the court at all. I say that they never have decided that bridge to be a public nuisance, and that they dare not do so; although some one, by whose authority I cannot undertake to say, has, in the printed annotations explaining the points adjudged, declared that the Wheeling Bridge was decided to be a serious obstruction to the navigation of the Ohio river, and a public nuisance. The court themselves admit that they have no jurisdiction over the question of public nuisance. I quote from their opinion what they say upon that point:

"An indictment at common law could not be sustained in the Federal Courts by the United States against the bridge as a nuisance, as no such procedure has been authorized by Congress. But a proceeding on the ground of a *private* and an irreparable injury, may be sustained against it, by an individual or a corporation."

Here, then, they take jurisdiction of this case as a suit by a private party for a *private* injury. They repudiate any other ground of jurisdiction. It is true they did in their decree undertake to adjudge the bridge to be a nuisance, but not a public nuisance, and they admit that point never was before them. The case before them no more involved the question of public nuisance, than would a controversy between coterminous proprietors, about an injury done to the dwelling of one by the improper construction of the house of the other; or a suit in which one party complained that the other had obstructed his ancient lights. The court would hold jurisdiction over such complaints as these; but the question is one of private injury, and not of public nuisance, and the court dare not go beyond the case submitted to them, and decide what is or is not a public nuisance.

It must be confessed, however, Mr. Speaker, that the language used by the court upon this subject is somewhat disingenuous. They do not venture to claim jurisdiction over the offense of public nuisance in a State, but what they say is calculated to make an impression that they have it. They tell us "that an indictment at common law could not be sustained in the Federal courts by the United States against the bridge as a nuisance." Why?—"*as no such procedure has been authorized by Congress.*" They do not tell us in a frank and candid way that they have no jurisdiction over the offense of nuisance. They do not tell us that the reason why an indictment cannot be sustained is that so far as the United States are concerned, the crime does not exist. But they would perhaps have us suppose that they have full jurisdiction over the offense of nuisance, but that by the laws of the United States, this particular mode of procedure by indictment is not authorized. As well might they say, if a person were brought before them charged with heresy or blasphemy, that an indictment at common law could not be sustained against him in the Federal courts, as no such procedure had been authorized by law; leaving you under the impression, however, that they had full jurisdiction over the crime of heresy or blasphemy, but not in that particular form. Now, sir, I say they had no more jurisdiction over the offense of nuisance, in the absence of any law creating it, than they would have over the supposed offense of heresy.

Mr. Speaker, there is perhaps no constituency in the United States who have less practical interest in the determination of this case, than the one I have the honor to represent. My district is more remote from the Wheeling Bridge than any other in the State, and it has literally no commercial intercourse with that portion of it. I speak then from no prompting of local feeling or interest. I come forward to defend the rights of the Commonwealth of Virginia, and the rights of the whole commercial public; for both are assailed by the decree of the supreme Court. I have risen to lend my humble efforts to save from threatened destruction this beautiful edifice, which does honor not only to the genius of its distinguished architect, and to the public spirit of the people of Wheeling, but to the country itself. Let it not be supposed, however, that in the view I take of the relative powers of this Government and of the States, I consider that any action of ours can either add to or impair the original authority derived from Virginia to maintain this structure. The bill before us simply gives consent to its continuance. There is no assumption of power in giving our consent to what a State has already done, of her own ample authority, and which, in my view, would, without such consent, have the same validity. I can then cheerfully act with those who think that a ratification by this Government of the act of Virginia is necessary. It cannot justly be drawn into injurious precedent, for there is a wide difference between approving and consenting to the lawful action of the State, and the attempt to abrogate and annul it. Such ratification is not without example in the legislation of Congress. The quarantine regulations of the various States, though they derive their validity solely from their own legislation, have yet been expressly sanctioned by Congress, and directions have been given to the officers of this Government, by a general act, to respect and observe them. Such, in effect, will be the operation of the bill now before us.

THE WHEELING BRIDGE.

SPEECH OF HON. D. T. DISNEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

August 16 and 17, 1852.

The House having under consideration the bill declaring the Wheeling Bridge a lawful structure, and a post route—

Mr. DISNEY said:

Mr. SPEAKER: It is not my purpose to occupy for any considerable period the attention of the House in relation to the bill now pending before us for our action; but, nevertheless, I propose to say a word or two in regard to some of the principles which it involves; and I desire to say in advance, that I approach this subject not in the spirit of a counsellor who desires to defend this or that particular side, but I feel myself called upon to act in the capacity rather of a judge—to decide, in my character as a Representative of the people—in my character as one of the legislators of this country in regard to what particular action the Congress ought to take in a matter of this sort. The matter is not only important in relation to the structure designated in the pending bill, but it is of vastly more importance as being, so far as my knowledge extends, the first action upon the part of Congress in relation to a matter of the kind, and which may be, and probably will be, used as a precedent hereafter. It then behooves us to examine the question with particular care, before we act and before we give that decision which, if improperly given, will call upon us hereafter to review it. The question presents itself to us in a double aspect—in the aspect of a question of power, and in the further aspect of a question of policy. And, first, we must deal with the question of power; for if we shall come to the conclusion that it is not competent for Congress to take action of the kind proposed by the bill, the question of policy is necessarily disposed of in that decision.

I propose, then, in the first instance, to present a few considerations in regard to the question of power, the question of jurisdiction, and authority upon the part of Congress to sanction a structure of the sort. I do not propose to go into an examination of various questions presented to the Supreme Court, because this is not the tribunal before which such pleas should be filed. I have my opinion in regard to them, and I here confess, that so far as my judgment goes, the eminent Chief Justice of that court was right in his view of the law, and in the dissenting opinion which he has given as to the merits of the case. But I repeat, that those are questions which it is not necessary for this body to consider. The question adjudicated upon by that court was the question of power upon the part of the State of Virginia, to establish what the court held to be an obstruction to the navigation of the Ohio river; and whatever decision the court may have made in relation to that point, it certainly can have no effect whatever in relation to the power and the authority of *Congress* to create an obstruction of a public highway. If an obstruction of a public highway be created without authority of law, it becomes a public nuisance, but if that same obstruction be placed there by authority of law, it ceases to be a nuisance, and no one has a remedy against it. Indictments will not lie, nor may the structure be abated, nor can damages be obtained. Then, whether the structure be an obstruction to free navigation or not, it does not affect the question of power on the part of Congress to create a structure there, for I repeat, that that which might be properly held to be a public nuisance when erected by the authority of the State of Virginia, might not be a nuisance when erected by the authority of the United States. Then the objection which has been urged, and may be repeated, that the Supreme Court of the United States, having decided the structure to be a public nuisance, any law of Congress to declare it otherwise would be in conflict with the decision of that tribunal, is utterly groundless, and out of place. Because, though the Supreme Court may have decided, that that structure was a nuisance when placed there by and under the authority of Virginia alone, yet the court might have held, and, I have no doubt, as I shall hereafter assume to show, would have held that it was no nuisance if established there by the authority of the Congress of the United States.

It is idle, then, to plead the recent decree of the Supreme Court of the United States in opposition to the power, or to the assertion of a right or claim on the part of Congress of its power and authority to create and establish that structure. There is no conflict between the exercise of such a power on the part of Congress and the decree of the court, for gentlemen will see, by reference to the opinion of the court, that the very foundation upon which the court based the decree was, that the action of Virginia was in conflict and in collision with the laws of the United States, and that the fact that Congress had caused vessels to be registered, had given them license, and the various regulations made by the laws of the United States in relation to the navigation of these rivers, was a permit upon the part of the Government of the United States to navigate the Ohio river; and by consequence, Virginia having interfered and placed obstructions in the way of this licensed navigation, she thereby created a public nuisance. Such is the tenor of the argument of the court, and the inference is not only clear, plain, and palpable, but it is unavoidable, that the court believed if Congress had authorized the structure it would not have been a nuisance, but must have been sustained. I repeat, there is no force or

applicability in the objection that the Supreme Court have declared the structure, as it now exists, to be a nuisance. A nuisance in a public highway is an obstruction placed there without authority of law; and if Virginia had not the authority to create the obstruction, it would have been a nuisance; and if Congress had power to place it there, or did place it, or authorized it to be placed there, it would not be a nuisance, even by the reasoning of the court. I make these remarks for the purpose of at once disposing of the objection, that we are coming into collision with the judiciary. There is no collision between the two. This is a different case, and different principles are involved, and different authorities are alleged. That which would not have been competent for one authority to have done, would have been perfectly competent for the other authority to execute and do. The Supreme Court, in that case, denied the power of Virginia. This bill proposes that you should exercise the power of the Congress of the United States. It is true that there are principles laid down in that opinion of the court which, in my judgment, are not consonant with the spirit of the age. A public nuisance is defined to be that which works an injury to the public; and when the question was presented to the court, of taking into consideration the fact whether it was or was not a nuisance, and whether, in the determination, it was not right and proper also to take into consideration the other question, of how far it would be a public benefit, the court laid down the doctrine that it was not competent for them to take into consideration the public good which resulted from the establishment and existence of the structure.

Now, sir, in my judgment, it seems absurd to pronounce that to be a public injury which the facts show to be a public good; and if the general interests of the community be promoted by the establishment of the existing Wheeling Bridge, it is a contradiction in terms to hold it to be an injury to the public; and yet you decree it to be a nuisance, and you do decide that it is a public injury. The court has in that case repudiated the doctrine, that in determining the question of nuisance you have the right to take into consideration the public benefits that may accrue from the existence or establishment of the thing complained of. This was not so in the case of the King *vs.* Russell; and though I admit that the doctrine laid down by the English court in that case was subsequently shaken by after decisions, yet the decision of our Supreme Court is far from being sustained in the doctrine it has advanced. In the case of the King *vs.* Morris, the chief justice who decided the case, after stating the fact that this argument had been presented to him, says: "Supposing the doctrine to be true, I am by no means prepared to say how far it is applicable in this case." And he then goes on to show that the doctrine was not at all applicable to the case. I admit, that in the conclusion of his opinion, he makes this general remark: "That the defense was not good upon its merits." The other case cited by our court, does, however, sustain it more strongly than the one of which I have spoken, but with regard to the right of free navigation, and particularly with regard to the river Ohio—that being the stream involved in the present case—permit me just here to say a word or two.

Much stress has been laid upon the provisions of the ordinance of 1787 dedicating this as a common and public highway. Now, sir, the rights of the citizens of this Republic rest upon far higher authority than the ordinance of 1787; for your courts have again and again decided that parts of the ordinance of 1787 have been merged by the adoption of the various State constitutions and various acts of Congress. But that the Ohio river is a navigable stream is a fact notoriously and universally acknowledged; and that provision of your Constitution which secures to the citizens of every State the rights and immunities of every other citizen of every other State, would give to every citizen of this Republic the common untrammeled right to travel upon the river Ohio. The ordinance can add no strength to the right. The Ohio is a navigable river, and it was navigable before the ordinance of 1787, and the ordinance did not alter the fact. It was a great national avenue of intercommunication, made so by God himself, and the right to its use stands upon higher grounds than the ordinance of 1787, or any other human law. The right to navigate the Ohio is, I submit, an historical fact. It is not denied. The right to navigate it, and every other navigable river, is given to every citizen of the United States by the Constitution of the Union, and all parties and all sides admit that every citizen of the United States is entitled to that privilege. But, sir, behind that rises another question, fraught with deep and grave importance. It is the question of how far a State is limited in its authority to protect the welfare and prosperity of its own citizens, while at the same time the citizens of other States should be entitled to the right to navigate the stream. Under the provisions of the Constitution, every navigable river is as free and open to the use of the citizens of the United States as is the river Ohio, Mississippi, or any of their tributaries, or any other stream described by the ordinance of 1787. The right of the free navigation of this stream is not better settled in the behalf of different citizens of the different States of this Union under the ordinance of 1787 than is the same right with regard to every other navigable river within the limits of the Republic by the Constitution.

But, Mr. Speaker, this right of free navigation, like all other rights, is to be construed in harmony with other existing rights. It is not to have a *paramount* and supreme importance given to it over every other existing right. The right of intercommunication by land is just as important as the right of intercommunication by water. The general welfare, prosperity, and security of the community, just as much demand the free and unrestricted intercourse by land as it does by water; and it is just as important as a matter of policy, or as a matter of abstract right, looking to the ground and foundation upon which all rights rest, that the right should be preserved in one case as intact, as it should be in the other. Why, sir, take this case of free navigation upon navigable rivers, what does it mean? Why, it means that each citizen of the Republic shall have the right at all times to pass, without let or hindrance, along the waters of the streams. What then? Does that recognize the right of every individual citizen at all times, without regard to the rights of others, to pass over every portion of the waters of the stream? In order to the full enjoyment of this right, there must be corresponding rights for individuals to load and unload their boats, the right of ferryage, and the right to go across as well as to go down—to go longitudinally as well as latitudinally, transversely as well as directly. One boat may occupy a particular space in the water at a given moment, and another person coming along, is the second individual to assert that right regardless of the coexisting right of the one who had first occupied that particular spot. These rights come into conflict. They are all coexistent, and must be regarded with reference to each other.

But to set up the doctrine, that each individual has the right to navigate every particular part of that water at all times, would be absurd, because it would be impracticable. The power to regulate commerce has been vested by the Constitution in the Congress of the United States; yet the power remains unexercised so far as this case is concerned; but the State has not become divested of its general legislative power to protect the welfare and prosperity of its citizens, and that is precisely the doctrine laid down by Chief Justice Marshall in the Blackbird creek case. That was a case of a small creek within the State of Delaware. The adjoining lands were marshy and wet. Under the authority of that State a dam was erected across the stream. The stream itself was navigable to a certain extent, and this dam not only interrupted, but cut off and destroyed—not obstructed—but destroyed the navigation above the point where the dam was erected.

[Here the morning hour expired.]

WEDNESDAY, *August* 17, 1852.

The bill being again under consideration—

Mr. DISNEY said: On yesterday, when I was interrupted by the expiration of the morning hour, I had proceeded to show that the passage of the proposed bill into a law would not be in conflict with the decision of the Supreme Court of the United States in relation to the Wheeling Bridge. I remarked, that the finding of that court in relation to the matter was, that the bridge was an obstruction, and an obstruction created under the authority of the State of Virginia, and that, she not having the power to authorize an obstruction of this sort, it was an unlawful obstruction to the common highway, and therefore a public nuisance. I also proceeded to show, that although this bridge may be a nuisance when placed there under the authority of the State of Virginia, yet the same obstruction would not be a nuisance when placed there under the authority of the Congress of the United States. An obstruction in a public highway, if placed there by an individual without any other authority than his own, would be a nuisance, and subject the party to indictment; but the same obstruction if placed there by authority of law, would be no nuisance. The mere fact of a matter being an obstruction to a public highway, does not, of itself, constitute it a nuisance. It is the fact of its being placed there without authority of law which makes it so. An individual, I repeat, who places an obstruction in a public highway, without authority of law, subjects himself to a legal proceeding. Both the common and statutory law have provided for such matters. But although an individual may not obstruct a public highway, it is competent for the legislative power of the Government not only to obstruct, but to completely block up and destroy the right of passage altogether, and entirely do away with the right of way. The test question of a nuisance in regard to passage on a highway, is not, therefore, whether it is an obstruction to the highway, but whether it is an obstruction placed there by competent authority. Now, it will be found that when this case was before the Supreme Court of the United States, they found that this obstruction was placed there by the authority of the State of Virginia, which, by the adjudication of the court, was decided to be insufficient to justify and authorize the obstruction. That court did not pretend to deny the authority of the Congress of the United States to create that or other obstructions. On the contrary, the very essence of the decision of this case is, that it was an attempt upon the part of Virginia to create an obstruction, in violation of the laws of Congress. The court place their decision upon the ground, first, that the obstruction was in violation of the laws of the United States licensing vessels, which carried with it the right to free and unobstructed navigation; and, secondly, that Virginia, by a compact which she entered into with the State of Kentucky, had made an agreement by which the Ohio river was rendered free to the use of all the citizens of the different States of the Republic, and it was in violation of this compact, which, having been assented to and recognized by the Congress of the United States, had become a law of the United States; and therefore the act of Virginia authorizing the obstruction, in violation of this law of the United States, rendered it a public nuisance.

Here you discover that the whole essence of the decision of the Supreme Court, in this case, so far from denying the right, power, and authority of the Congress of the United States to create an obstruction, expressly goes upon the opposite ground, that while Congress has the power to authorize it, yet in this case the laws of Congress denied the right to establish it, and that Virginia had undertaken to do it in violation of these laws. There is, then, no conflict here between the decision of the Supreme Court and any proposed action upon the part of Congress in relation to this matter.

The power of Congress over the navigation of the country is conceded in every quarter—in this and in every other case reported in the books. You have laws upon your statute-books regulating the manner in which these steamboats shall be constructed, the kind of appliances they shall have, and all the rules and regulations set forth in your statute. You have a bill now pending, which has already passed one branch of Congress, making other and additional provisions; and certainly no one will deny the competency of Congress to declare, if they shall deem it a matter of policy so to declare, that the height of chimneys upon steamboats shall not exceed a given altitude.

Congress may declare what kind of safety-boats shall be used, how their engines shall be constructed, what sort of safety-valves they shall have, how high their chimneys may be, and, in short, they may make all rules and police regulations which a wise regard to the public interests, and a just regard for the safety of the lives of the citizens of this Republic may, in their judgment, demand.

Mr. STEVENS, of Pennsylvania. Will the gentleman allow me to ask him one question?

Mr. DISNEY. Certainly; but I would rather the gentleman would put his inquiries in the way of argument hereafter.

Mr. STEVENS. I am afraid I shall not have a chance. Would it be competent for Congress to declare chimneys above this bridge should be but fifty feet, and that all which come up to it, shall be one hundred feet—making a distinction between packets on the river?

Mr. DISNEY. I do not, sir, see the applicability of the question. I am asserting the general doctrine of the competency of Congress to make regulations in regard to the mode of navigation on the navigable rivers of the United States—to prescribe the altitude of chimneys upon steamboats, a proposition which I apprehend the gentleman from Pennsylvania [Mr. Stevens] will not deny.

Mr. STEVENS. Not if it makes it uniform.

Mr. DISNEY. Under this general legislative power to take care of and provide for the general prosperity of the citizens of this Republic, and having a just regard, as wise legislators, to all the interests of commerce, whether by land or water, sacrificing neither, but protecting both, each, and all, Congress would, as a matter of necessity, have a regard to such means of navigating the navigable waters within the limits of the Republic as should not destroy the commercial intercourse of the different parts of the country by land. It would be an unwise legislation which sacrificed either to the other.

I have shown how groundless is the objection, that action upon the part of Congress in relation to this matter would come in conflict with the judiciary of the United States. There is no such conflict proposed. The Supreme Court found that an obstruction had been placed in the Ohio river without the authority of law, and they therefore adjudged it to be a nuisance.

This bill proposes that the obstruction shall be sanctioned by law, and if so done it will cease to be a nuisance, according to the doctrine of the Supreme Court itself. Where, then, is the collision of which gentlemen speak? There is not, nor would there be, any conflict between the legislative and the judiciary department of the Government.

But to go beyond this, sir, and I confess I do not consider this a well-adjudged case upon the part of the Supreme Court. I do not believe that the doctrine, upon which they rest that decision with regard to the refusal to entertain the consideration of the public benefit conferred by the obstruction, is well founded or good law. I speak, sir, with all due respect for that tribunal. There is no man within the broad limits of this Republic, who has a higher regard for that tribunal than I have. It is the highest judicial tribunal of our country, and when it makes its decrees, they must stand unreversed, and must be enforced and executed until a different law shall be laid down by the legislative power.

I differ with my friend from Virginia, [Mr. Millson,] who spoke yesterday, in relation to one point. He remarked that the Court of Queen's Bench, upon a case made up for hearing before them, may pass upon the constitutionality of a law of the United States, as well as the Supreme Court of the United States itself. But the gentleman omitted to make the distinction, that the decisions of the Court of Queen's Bench, or of any other court within the limits of christendom, would in such a case be subject to reversal; but the decision of the Supreme Court of the United States cannot be reversed or set aside, but remains the law until set aside by itself, and until then is binding upon every other tribunal throughout the United States; and if the Court of Queen's Bench were to-morrow to declare a law of the United States unconstitutional, and subsequently the Supreme Court of the United States should decide that same law to be constitutional, the Court of Queen's Bench would reverse its own decision and conform its action to the action of the Supreme Court of the United States. And here lies the distinction. It is the court of last resort, and beyond it there is nothing. Its decrees are final, and when it pronounces, that decision is the law.

But, as I have said, I apprehend that this case, as presented by the court, is not a well-considered case. I do not believe the doctrine which the court have laid down, repudiating the consideration of the public benefit conferred by any obstruction which may have been complained of. The court seem entirely to have overlooked a distinction, which runs through all the cases in the English books. The acts complained of were all unauthorized cases of private individuals acting for their own self-interest. Hence, the policy of the law, in order to restrain and prevent the extensive action of individuals, under color of promoting the public benefit, from subserving their own private interest.

In the very case of Ward, which our court in this case cited, the English courts say that—"No 'greater evil can be conceived than to encourage 'capitalists to interfere with known public rights 'from motives of personal interest or on speculation, where it may be rendered lawful on account 'of its being to supply the public with something 'better than what they actually enjoy."

Here, sir, you have the very foundation of the policy of the law, as laid down by the English courts. They refused to permit considerations in relation to the public benefit, when conferred by the thing complained of, to enter into the decision of the case, because they believed that it would lead to evil results by encouraging private individuals, without the authority of law, and under the color of subserving the public good, to advance their own private and individual interests.

But, sir, the whole case is changed when the thing is done by the action of a Government. Here all the reasons of the law, as laid down by the English court, in the cited cases, fail to apply; because a Government is presumed to act for the public welfare, for the public benefit, and without reference to those individual motives and private interests which govern men in their ordinary transactions through life. Hence, the very foundation upon which the policy of the law has been built, even as decided by this extreme case, fails to apply when the transaction is sanctioned by the action of a Government. A Government is supposed to act for the welfare and prosperity of the community; and hence, when this thing is sanctioned by a Government, whether by State or Federal authority, the whole reasoning of the law fails to apply, and therefore was inapplicable in this case. The erection of this obstruction was sanctioned and authorized by an independent member of this Confederacy—sanctioned by the Legislature of the sovereign State of Virginia.

I remarked upon yesterday that this right of every citizen of this Republic to free navigation must have its limit, and that all these rights must be exercised with regard to other and existing rights. To assert the complete uninterrupted existence and exercise of either one of them, without reference to the existence of others, would be absurd, because it would be impracticable.

And hence this right of navigation is limited, and no one has doubted the power even of individuals to erect wharves and quays, to build houses, even though in each of these cases they actually entrench upon the navigation of the river. And why? Because the erection of these wharves and buildings, so far from destroying the navigation, upon the whole improve the navigation, and the benefits resulting to the navigation from these particular obstructions, have been sanctioned by the common law, from the days of Hale down to the present time, and not denied by the English judges in the case relied upon by our Supreme Court.

Here we discover that all the courts—the Supreme Court of the United States, and the English courts—recognize the right of individuals to obstruct navigation, if they improve that particular kind of navigation; and the only difference is, whether all improvements may not be rendered otherwise than by the improvements of that particular kind.

In Ohio, navigable waters have been dammed and locked, and the very justice who delivered the opinion of the Supreme Court in this case, has decided that it was competent for the State to lock and dam the river Maumee, without any pretense of improving the navigation of the river. The very State of Pennsylvania, the party plaintiff in this case, has dammed the Monongahela river, a river which in fact is a part of the Ohio river, and, as a friend near me suggests, bridged it, too. Where was their authority for all this? Kentucky has done likewise. The doctrine is settled in this country that a navigable stream may be obstructed, if the obstruction be compensated for by additional facilities, and on the whole the public is benefited.

Much, sir, has been said with relation to the ordinance of 1787. So far as this question is concerned, gentlemen seem to have overlooked the character of that ordinance. There is nothing in it which speaks of the navigation of the river Ohio. Its terms are in relation to the waters of the Mississippi and St. Lawrence, and their tributaries. The Ohio is not named; and why? Because it could not, and was not intended to be named. It was not included in the deed of cession of Virginia. That cession was not of the river Ohio, because that was retained within her own limits, but it was the cession of the territory northwest of the river. The river was left within her own domain, and is this day as much within the jurisdiction of Virginia, and a part of her, as any other navigable stream within her boundaries. I repeat that the cession was of the territory *beyond* the river, and the ordinance of 1787 having reference to the Government of the territory so ceded, did not, because it could not, have reference to the river which still remains within the limits of Virginia; and yet gentlemen talk about the ordinance of 1787 as applicable to the navigation of the Ohio river. Read it. It is to the Mississippi and St. Lawrence, which streams do enter into the territory she ceded.

Mr. CURTIS. Allow me to propound the question, whether the Supreme Court of the United States granted any authority under the ordinance of 1787?

Mr. DISNEY. I am replying to extraneous objections outside of the court. I desire to correct an idea which seems to fasten itself upon the minds of some gentlemen, and has even crept into judicial decisions. I repeat that the ordinance of 1787 had no reference to the river Ohio, because it was not competent for the authority of Congress, which enacted that ordinance, to have any control over it—any control over and above that authority which they had over the navigable rivers in every State of the Republic. Then, if the river Ohio be within the limits of the State of Virginia, she has the same control over it that any State has over any navigable river within her limits; and the utmost extent to which the Supreme Court have gone in their decision in regard to the exercise of State jurisdiction over these navigable streams has been, that while to them was reserved all the rights of sovereignty belonging to them in their original condition, yet by the Constitution of the United States they are interdicted from making such regulations as may give a preference to their own citizens over those of any other State. And so stands Virginia in reference to the river Ohio. She can make no obstruction there which will operate exclusively against other States, and which would not operate in like manner against her own citizens. The power, the competency, the authority of a State to legislate for the welfare and prosperity of her citizens remains, as the Supreme Court has said again and again, in full virtue and force in each of the States of this Union, except so far as has been conceded by actual stipulations in the Constitution of the United States, either by express grant, or by positive prohibition, or by such necessary implications as render them unavoidably incompatible with the exercise of a different sovereignty on the part of a State. There are very many powers concurrent on the part of the States, and on the part of the General Government; but no one pretends, or ever has pretended, to deny the power of the States in regulating their own transit, commerce, and intercourse with each other through and within its own limits.

That power remains, as it did before the formation of the Constitution, subject to the general power of Congress, of which I have spoken heretofore, and subject to the limitation of making no distinction between her own citizens and the citizens of other States. And again, though the power has been given to Congress to regulate commerce, yet has the Supreme Court, after careful consideration, holden that that grant of power does not conflict with the general power of the State Legislature to provide for the welfare and prosperity of its own citizens until Congress, by the passage of an act, shall control the power and authority on the part of the States; and this is the express doctrine laid down by Chief Justice Marshall in the case of the Blackbird Creek, and which, in my judgment, the Supreme Court, in the Wheeling Bridge case, seem to have strangely misunderstood. The following is from the decision of the court in that case, as given by that legal luminary whose equal, at least this country, has never seen. Said that learned judge, in speaking of the power of Congress to regulate commerce:

"If Congress had passed any act which bore upon the case—any act in execution of the power to regulate commerce, the object of which was to control State legislation over those small navigable creeks into which the tide flows, and which abound throughout the lower country of the middle and southern States—we should have not much difficulty in saying that a State law, coming into conflict with such act, would be void. But Congress has passed no such act. The repugnancy of the law of Delaware to the Constitution is placed entirely on its repugnancy to the power to regulate commerce with foreign nations and among the several States—a power which has not been so exercised as to affect the question."

So, sir, in this case the power of Congress to regulate commerce has never been exercised by a law passed by that body, restraining the power of the States in regard to these particular matters.

Mr. Justice Story, who all will admit to be good authority, at least, against the parties in this case, construes the law to be in favor of the power of the States:

"Under such circumstances, it would be difficult to affirm that the sovereignty of the State acting on subjects within the reach of other powers besides that of regulating commerce, and which belonged to the general territorial jurisdiction, would be intercepted by the exclusive power of commerce unexercised by Congress over the same subject-matter. The value of the property on the banks of such streams and creeks may be materially enhanced by excluding the waters from them and the adjacent low and marshy grounds, and the health of the inhabitants be improved. Measures calculated to produce these objects, provided they do not come into collision with the power of the General Government, are undoubtedly within those which are reserved to the States."—*Story's Comm., vol. 2.*

Such is the construction which Justice Story gave to the powers of the States in regard to the control over these navigable streams, the whole of which, when summed up, is simply this: That, so far as a control over these rivers was necessary to the welfare and prosperity of the States within whose limits they flowed, such control remained with the legislative power of the States until Congress, by act, had limited the exercise of that authority. In this case it is not pretended that Congress has exercised any such power. I then apprehend that the passage of the proposed bill into a law would not be in conflict with the decision of the Supreme Court, but, on the contrary, it would be such an exercise of legitimate power as is within the scope of the authority of Congress, indicated by the opinion of the Supreme Court itself. It is, therefore, within the competency of Congress to sustain a legitimate exercise of power on the part of a State, and to sanction this bridge, not only under the general power to regulate commerce, but within those other general powers given to it in relation to the establishment of the post roads, provision for the general welfare, and in execution of the power specially given to Congress that it may exercise, though it may be, and actually is, somewhat in derogation of the sovereignty of the States, and certainly not to be questioned by any other power or authority than itself. It is, therefore, sir, purely a question of policy, and not of power.

It may be well for me, before I take my seat, to advert to an objection which had nearly escaped me. There is a clause of the Constitution which may probably be brought to bear against the sanctioning of the existing bridge. The Constitution provides that no preference shall be given to the ports of one State over those of another, by any commercial regulation. In order to ascertain to what extent that objection will apply in this case, we need but inquire if there be any preference given to the ports of Ohio over those of Pennsylvania, by the sanctioning of the bridge as it now exists. A preference may be given to one port over another, by a refusal to do, as well as an act doing; and a refusal to permit the States of Virginia and Ohio to exercise those natural advantages which they possess, and which the welfare and prosperity of their citizens demand; and an interdict on the part of Congress or a refusal to permit them to exercise their legitimate authority for these purposes, in order that Pennsylvania might not be deprived of other advantages, would be as great a preference given to the ports of that State over those of Ohio and Virginia, as would be a positive act giving encouragement to one and witholding it from the other. But, sir, what are we to understand by the general terms—giving a preference? We might by that sort of reasoning, which will probably be urged, construe every act of Congress which gives a particular benefit to a port, and certainly every provision in your river and harbor bill improving particular rivers and harbors might be construed as giving preference to one port over another, because it would be giving all the advantages which would flow from that kind of improvement. Yet no one pretends that a bill of that sort would come within that clause of the Constitution. There is but one meaning which can be given to that clause—that in making your regulation for commerce you shall not make distinctions in favor of one port over another; and these unavoidable results which will flow from any action which may benefit one and injure the other, must take their natural course, always, however, restrained within the legitimate meaning of that clause of the Constitution. Almost every act of legislation may benefit one particular port of your country more than another, and all we have to do is so to regulate this legislation as to limit this inequality of advantage as much as we possibly can; taking care never, however, to sacrifice the general good. If the contrary construction be upheld, as I have said, it would be fatal to the passage of every river and harbor bill. There can be but the meaning attached to this clause of the Constitution which I have spoken of; and though by the general legislation of the country, or, as in this instance, comparative disadvantage, as even might be conceded, would follow as a result of action, yet I hold that injury not having been inflicted by act giving special preference it would be within the competency of Congress to pass the act. I then hold, Mr. Speaker, without detaining the House any longer, that it is perfectly within the scope of the Congressional authority of the United States, in regulating commerce or establishing post roads, to sanction the existing structure at the town of Wheeling. I hold that the Supreme Court has never defied that authority; I hold, and have endeavored to show, on the contrary, that they expressly recognize it, and base their decision in the present case against the existing structure upon the fact that, in their opinion, it has been erected in violation of the laws of the United States.

The court holds that the bridge is a nuisance because it is in violation of the law. The pending bill proposes to give it the sanction of the law. If you give the sanction of the law to that structure, the whole ground upon which the conclusion of the court is based, and the reasoning upon which it has proceeded, will have passed away. It is within the competency of Congress to sanction the bridge, and I shall vote for the bill.

THE WHEELING BRIDGE.

SPEECH OF HON. THOS. Y. WALSH,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

August 18, 1852,

On the bill declaring the Wheeling Bridge a lawful structure and a post route.

Mr. WALSH said:

Mr. SPEAKER: I should not refer to the topic which I intend first to discuss, but for the remarks made the other day by the honorable gentleman from Virginia, [Mr. MILLSON,]—I mean his remarks in regard to the powers and jurisdiction of the Supreme Court of the United States. It is not, perhaps, necessary, in view of the legislation proposed by the bill before the House, to ascertain the nature and extent of either; and if the argument of the honorable gentleman did not go far beyond the particular case, I should here have no answer to make to it. But that argument, in my opinion, assails the very basis of the Government. The honorable member declared that the only duty of the Supreme Court, and other courts, was to settle such quarrels as individuals might bring before them; and that they only were affected by the judgment. I agree that it is the duty of every court of justice to settle the quarrel which is in issue. But how to settle it? Not from caprice; not because the one party is more respectable than the other, shall he have the judgment. The difficulty is to be settled upon *principle*—upon rules of law—and before this result can be attained, the *principle* must be ascertained and the *rule* applied. To be sure, sir, no process can issue upon the record save against the party who has been found in default. But, sir, if the rule be laid down by the final court of any sovereignty, it is binding in all cases of a similar description. This must be the proper doctrine. What would be the confusion, even in a State, if any other should prevail? If, after a State court, in the last resort, had decided the law, any inferior tribunal, that for instance of a justice of the peace, should array itself against it, great, sir, as would be that confusion, it would be nothing in comparison with the almost anarchy that would result from the right of any court, within the limits of the several States, to disregard and defy the opinion of the Supreme Court upon a constitutional point. Did the framers and adopters of the Constitution intend anything of the kind? Whilst listening to the ingenious argument of my learned friend, I was forcibly reminded of a remark made by the celebrated John Randolph, in regard to the case of the Cohens and the State of Virginia. He said, "that the reasoning was so powerful that no one could discover a flaw in any part of it, but it led to a conclusion so monstrous that all must reject it." I shall not merely rely upon the argument *ad inconventu*, but shall try to show there is a *flaw*, at least, in *his premises*.

The honorable gentleman sought to maintain his position by a reference to the first section of the third article of the Constitution. That section is to be read in connection with the one that immediately succeeds, and the whole is descriptive of the judicial powers of the Federal head:

"The judicial powers of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office.

"SEC. 2. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

"In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

"The trial of all crimes, except in cases of impeachment, shall be by jury: and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed."

It is not necessary to refer to the limitation of jurisdiction contained in the amendments to the Constitution.

Now, sir, it is plainly observable that the *inferior courts* mentioned in the *first section* are the *original* courts described in the second clause of the second section; and that the *appellate* court mentioned in the second is the *supreme court* referred to in the first; so that, independent of everything else, it must result from the relations of the inferior

courts to the higher, that the latter must have the authority to establish the final rule in the case at *bar*.

But it is said that the decision cannot be made to extend beyond the particular plaintiff and defendant. Now let us understand the point of difference. I concede, that in all those cases where the State courts have jurisdiction, their powers to decide are as ample as those of the courts of the United States; and that they can disregard the ruling even of the Supreme Court upon all points save those of *constitutional law*. Can the State courts impugn such a ruling? I confidently aver not. Now it is no answer to my proposition to say that the decisions of the Supreme Court are with difficulty ascertained. They *can be ascertained*, and if any more exactness is required, Congress can even make them a *part of the record*. The failure of Congress to take *ample care* that the *law* should be KNOWN cannot affect the question of *constitutional right*.

We have seen, from the clauses of the Constitution quoted, that a State can be sued—that a sovereignty can be brought before the supreme tribunal. It would seem strange that a sovereignty liable to be brought before a *tribunal* would not be bound by its *decisions*. But it may be urged, that although there is a power to sue, there is none to force an appearance. Even if this were true, it does not affect the force of my proposition. We of the South, especially, insist that every *State* shall *fulfill* all the *constitutional requisitions* and *duties*, and that no *State shall put any impediment in the way of the enjoyment of a constitutional right*. But it is not true that there can be no means of enforcing the demand for which a State is sought to be made *responsible*. The *chancery* powers of the Supreme Court are ample to authorize the entering up of a *decree pro confesso* against a defendant who refuses to appear or to answer, and the legislation of Congress is adequate to empower the court on its law side to enter a judgment against a defendant, who, upon being summoned, fails or neglects to appear. The legal gentlemen of the House are, no doubt, familiar with the process in their respective States, by which corporations derelict in this particular are made liable. I am by no means sure that the court cannot itself prescribe, without the aid of Congress, the rules to be observed in the contingency above suggested.

I do not intend to discuss the purposes for which the judicial functions of the Federal Union were thus extended, or the matters for which a State may be properly sueable. I propose, for these things, to rely upon an old authority—older than the Constitution itself—still entitled, I think, to great weight; for, although the Baltimore Democratic Convention has denounced the "impostures" of Federalism, it has not denounced "The Federalist."

I propose that The Federalist shall speak for me; and considering that James Madison contributed largely to its pages, the patrons of the resolutions of '98 will hardly object to the selection:

"The power of determining causes between two States, between one State and the citizens of another, and between the citizens of different States, is perhaps not less essential to the peace of the Union, than that which has been just examined. History gives us a horrid picture of the dissensions and private wars which distracted and desolated Germany, prior to the institution of the IMPERIAL CHAMBER by Maximilian, towards the close of the fifteenth century; and informs us, at the same time, of the vast influence of that institution, in appeasing the disorders, and establishing the tranquillity of the Empire. This was a court invested with authority to decide finally all differences among the members of the Germanic body.

"A method of terminating territorial disputes between the States, under the authority of the Federal head, was not unattended to, even in the imperfect system by which they have been hitherto held together. But there are other sources, besides interfering claims of boundary, from which bickerings and animosities may spring up among the members of the Union. To some of these we have been witnesses in the course of our past experience. It will readily be conjectured, that I allude to the fraudulent laws which have been passed in too many of the States. And though the proposed Constitution establishes particular guards against the repetition of those instances, which have heretofore made their appearance, yet it is warrantable to apprehend, that the spirit which produced them, will assume new shapes that could not be foreseen, nor specifically provided against. Whatever practices may have a tendency to disturb the harmony of the States, are proper objects of Federal superintendence and control."

Mr. Speaker, no portions of this immortal work are more valuable than the chapters upon the judiciary. I have quoted sufficient for my purpose. And now let me assert as a southern man, that there is a department of the Government where the voice of faction and fanaticism is silenced, or, if heard, only to be rebuked. Let us indulge in the grateful assurance that there, at least, the felon grasp of our property is to be loosened, and the organic law of the Republic fully vindicated.

The point we have been considering is not at all essential to a right research in the case before the committee. Sir, whether the decision of the Supreme Court is now a general rule, or not applicable to all navigable rivers within the limits of the United States, it certainly is the law as to the bridge in question. That is to say, it is the law until the legislative power provides a new one.

Mr. Speaker, we have heard, in the progress of this discussion, strange propositions; and none more strange than the assertion that this is an attempt to overrule the decision of the Supreme Court. The court themselves declare that their functions are limited—that the simple issue is nuisance or no nuisance—that they cannot make a set-off of public benefits against private injuries. Under these circumstances an appeal is made to the legislative department, which can look beyond the narrow issue of the courts—which can estimate public benefits as superior to mere private wrongs, and when functions are to be exercised which the court say they did not possess, and could not exercise, it is termed an overruling of the court! This is hardly logic.

Now, Mr. Speaker, what does the court say of *its powers*, and what does it clearly intimate as to the authority of Congress? On page 32, of Judge McLean's opinion, that learned judge uses the following language:

"It is said that the interest of commerce requires navigable waters to be crossed, and that in such a case the inquiry should be whether the benefit conferred upon Congress by the cross-route is not greater than the injury done. In the case of the King *vs.* Sir John Morris, (1 Barn. & Adolphus, 441,) it was held that the injury cannot be balanced against the benefits secured. And in the case of the King *vs.* George Henry Ward, (4, ib. 26, 384,) it was held, where the jury found an embankment complained of was a nuisance, but that the inconvenience was counterbalanced by the public benefit arising from the alteration, it amounted to a verdict of guilty."

The court then adopt both of these cases as law. In the first one, a man claimed to obstruct a turnpike road, by the erection thereon of a railroad, for the use of which he charged. When sued for the nuisance, he justified himself upon two grounds. First, he said that the benefits which his road conferred upon the public were greater than the injury which resulted from impeding the turnpike. Secondly, he said that his railroad was authorized by an act of Parliament. Now, it is somewhat singular that this case does not decide the point for which it is cited. Lord Tenderden expressly waives that point. He does not, to be sure, admit the law of the first plea, but holds it to be unnecessary to *decide* it. His language is as follows:

"Supposing that doctrine to be sound, which I am *not prepared* to say, how does it apply in this case? Here is a road for carts bringing down coals to Swansea, and it is for the convenience of an individual who sends coals there for sale, to make a railway along the public road for their conveyance in wagons. It is said, indeed, that all persons may use this railway, who will pay for so doing; but no man has a right to tell the public that they shall discontinue the use of such carriages as they have been accustomed to employ, and adopt another kind, in order to pass along a new description of road, paying him for the liberty of doing so."

As to the second ground of justification, he says the statute of 25 Geo. III. gave authority to make railways across the highways; a *power not uncommon*, and *in many cases absolutely necessary*.

The whole court concede, that if the defendant could bring himself within the provisions of the act of Parliament, he would be protected.

Now, it is to be observed, that Lord Tenderden, in an earlier case, had no such difficulty about the first point of defense, made in the case of the King *vs.* Morris. In 2d Starkie's Nisi Prius Cases, he declares "that the public have a right to all 'the convenience which the former state of the 'river offered, unless by the change some greater 'degree of convenience is rendered." "Vessels," he says, "are entitled to shelter, unless the want 'of it be compensated by some superior advantage 'resulting from the alteration."

In the case of Rex *vs.* Russell, 6 B. & C. 566, Bailey and Holroyd, justices, maintained the judicial right to estimate the balance of public benefit and public inconvenience, and to take into the account of the former the advantages that may be derived from the change by any part of the public.

The case in 4 B. & A. does, to be sure, expressly overrule that of the King *vs.* Russell, and in my opinion lays down the law correctly. But Lord Denman, in pronouncing the opinion of the court, fully concedes the right of the legislative power to make a set-off of benefits against injuries, while he denies it to the judiciary.

The American rule is in all respects in accordance with that of the British courts on this subject. The cases cited by Mr. Russell, in his able argument for the defendants in the Supreme Court, are conclusive upon the point; and I venture to say that there is not in the whole range of American authorities an opinion entitled to respect more than a dissentient opinion, from the proposition of law, announced in the case of the Fitchburg Railroad Company *vs.* Boston and Maine Railroad Company, 3 Cush., 88:

"The public have a right to regulate the use of public navigable rivers for purposes of passage; and the erection of a bridge, with or without a draw, by the authority of the Legislature, is the regulation of a public right, and not the deprivation of any private right, which can be a ground for damages."

That the navigation of the river Ohio, within the limits of Virginia, is secured to all the citizens of the United States, will not admit of question. The ultimate fee in the river itself is of course still in the State of Virginia. The grant to the people of the United States is simply of the highway—the ownership for all other purposes remains with the State. It is not to be denied at this day that the power to regulate commerce among the States implies power to regulate navigation. The opponents of this constitutional power do not seem to perceive that the grossest injustice might flow from the exercise of the express power but for this implication. For instance, the admiralty jurisdiction of the United States has been extended over this stream—custom-houses, I believe, have been established at different points. Men engaged in navigating its waters in steamboats contribute hospital money to the public Treasury. Congress, with the view of securing safe navigation, has the undoubted power to establish the size of boats and the height of their chimneys. The Senate has at the present session passed a bill putting steamboats navigating the waters of the United States under the most stringent restrictions. It would be unjust to suppose that the framers of the Constitution intended that Congress might impose every *burden*, and be under no obligation to guard *against any peril*.

It is not necessary for my purpose to contend that the jurisdiction of Congress over the navigation of the Ohio river is as extensive as that of a State over waters within its limits, which have never been surrendered to the free use of the public. I shall not insist that the user of the river can be destroyed. But I do maintain that it is clearly within the scope of national functions to regulate that user, so that it may be consistent with the enjoyment of other rights, and the protection of other interests. To illustrate: In the trial in chancery, a great deal of testimony was taken to show that chimneys of the height of eighty feet were serviceable in facilitating speed. There is contradictory proof upon this point; and it was further averred by the respondent's witnesses, that chimneys of that elevation were apt to be seriously injured, if not destroyed, in storms. In my judgment, the proof establishes that between a steamboat with a chimney eighty feet high and one with a chimney sixty feet, the difference of speed in favor of the former would be six or ten minutes in a journey of a hundred miles. Who will doubt the power of Congress, in view of these circumstances, to establish the elevation which, in this particular, is to be established.

But still further: Since the adoption of the American system, new modes of intercourse and commerce among the States have been invented. Railroads intersect the land in every direction. It needs not the aid of imagination to assure us that at no distant day these iron bands and bonds of union will extend from the Atlantic to the Pacific shore. Will any man in the light of the nineteenth century, and of the American Constitution, deny the right of the General Government to aid these great

channels of communication, at least so far as to protect them against unprovoked hostility and unfair rivalry, by declaring them either post or military roads? Will the right to make a post road, or the expediency of its exercise be denied, when experience has shown that your mails have been often detained for many days, at the point where the Wheeling Bridge is located, by ice and floods?

Mr. Speaker, the opinion of the learned judge who delivered the opinion of the court, gives, in my judgment, an undue coloring to the case. I am sure he did not so intend. But one would suppose, from the graphic language in which the commerce of Pittsburg is referred to in connection with the Wheeling Bridge, that the structure was to be the means of its utter annihilation—when really the proposition is this: An immense amount of trade and travel, amounting yearly to millions of property, and thousands of persons, shall be entirely interrupted, in order that seven steamboats might be saved the trouble and expense of lowering their *chimneys* to a point which two hundred other steamers, navigating the same waters, found perfectly convenient and efficient. And not only this. Under the principles laid down by the Supreme Court, no bridge can be safely erected to span the Ohio, or any other navigable stream. The House will have observed that some of the witnesses were disposed to insist upon a greater elevation than, in this particular case, the court thought necessary. Who shall say that at some future day, under the influences of undue venality and hostility, a cloud of witnesses will not arise who will assert the necessity of an additional altitude? The decree in this particular case may be binding upon the State of Pennsylvania; but the court have said, that the interruption of the navigation may be a matter of complaint by any one who suffers from it. If the company elevate their structure to the point indicated in the decree of the court, what guarantee have they of exemption from complaint by the prejudiced or the whimsical? What security have they that another suit may not be brought, in which their noble work shall be sworn to be still a nuisance?

The House, by this time, is no doubt familiar with all the evidence. I do not propose to examine that portion of it which relates to the periods when these high chimneys were first introduced upon the Ohio.

I shall pursue the inquiry; for I do not believe that the prosecution had its origin in a design to protect the steamboat captains. Their complaint was indeed a small matter. The motives which begot the enterprise are fully disclosed in a publication by Mr. Charles Ellett, which has been upon our tables for some time, without having the authenticity of its statements questioned. He gives, first, an extract from a speech delivered at Pittsburg, by the engineer of the Pennsylvania and Ohio Railroad, which is contained in the Pittsburg Gazette and Commercial Journal of June 30th, 1849, and is in these words:

"He felt interested in the subject, because this bridge was designed as a connecting-link between the Baltimore and Ohio Railroad and Ohio." * * *

"'The subject,' he said, 'should be viewed with reference to the Baltimore and Ohio Railroad, which would 'most certainly come to Wheeling. He believed that it 'was known to all, that the directors of that railroad *had 'selected the Wheeling route, and that the citizens of that 'town have subscribed half a million of dollars towards its 'completion*, and given ground for the establishment of 'depôts,' &c.

"'The railroad company and the citizens of Wheeling 'were doing all in their power to induce the people of Ohio 'to bring their railroads to that place. *Our object was to 'bring them* HERE. *We must show that a western railroad 'WILL be made from this place.*'

"Mr. Roberts then proceeded to show that the bridge would inevitably impede navigation; and that *the bridge was intended to connect the Baltimore and Ohio Railroad with the railroads of Ohio, and this was one reason why the bridge was not higher. It was, he thought, almost too high as it is for a railroad bridge.*"

The motive of the suit in the Supreme Court is still more distinctly disclosed by a speech from the President of the Philadelphia and Ohio Railroad, since the termination of the proceedings. He opposed the movement, in Philadelphia, in favor of the Hempfield road, and expressed himself as follows:

"Before Philadelphia embarks her capital, she should be sure she would control the southwestern trade at Wheeling. *The Ohio roads, even when constructed, cannot cross the Ohio at Wheeling.* The present bridge, if permitted to *remain*, (which cannot, under the decree of the court,) is totally unfit for railroad purposes;* *and no bridge, it is very evident, will again ever be attempted in the face of the decree of the Supreme Court of the United States.* The roads, therefore, from Ohio, will terminate *opposite* Wheeling. We have already adverted to the expense, delay, and inconvenience of transhipment of freight and passengers across the river." * * *

"'How is it,' he adds, 'with regard to roads approaching Wheeling from the West? *Wheeling no railroad from 'the West can reach—a transhipment of freight and passengers is there inevitable.*'

"'This transhipment of freight,' he maintains, '*is conclusively fatal to the Hempfield road, and not much less so 'to the Baltimore and Ohio.* Produce coming on railroads 'will have to be handled with the least possible expense, 'and such transhipment, as the one referred to, being more 'than a mile, *must give it another direction.*'"

Mr. Speaker, the noble motives which have ever animated the members of the Wheeling and Belmont Bridge Company, should guarantee the continuance of their noble structure. The purposes and views disclosed by the papers just read to the House, ought to insure the prompt and unanimous passage of the bill on your table.

IMPROVEMENTS IN THE NAVY.

REMARKS OF HON. F. P. STANTON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

August 17, 1852.

The House being in Committee of the Whole on the state of the Union on the Naval Appropriation Bill—

Mr. STANTON, of Tennessee, said:

Mr. CHAIRMAN: I have been instructed by the Committee on Naval Affairs to offer sundry amendments to this bill, and I shall present them at the proper places, during the progress of reading the several clauses to which they pertain. But, inasmuch as I know that the debate will be closed in a short time, and that there will be no opportunity then afforded to explain the amendments which it will be necessary for me to offer, I take this occasion to submit my views, not upon all the propositions I shall present, but upon the most important of them.

I regret much that the course of business in this House during the present session, has been such as to preclude the various committees, and especially that upon which I have been placed, from presenting their measures for consideration and action. It is generally admitted that there is no part of the public service which more imperatively demands the attention of Congress, than that which is provided for in this bill. The Naval Committee have not been unmindful of this general sentiment, and they have accordingly bestowed much care and attention upon the whole subject. The several members of that committee have in their possession various bills of an important character, ready to be presented to the House; and if there should be no opportunity for taking up these bills and acting upon them, the fault will not be that of the Naval Committee. We feel that we have done our duty, though the service may continue to suffer for want of attention on the part of Congress.

The only possibility of doing anything for the Navy, will be by amendments to this appropriation bill; and if it were not now so near the close of the session; if there were left time for consideration and discussion, I should deem it every way appropriate and right to reorganize the Navy by the adoption of suitable provisions here and now. Our rules of proceeding, and the course of action pursued in this House, render it absolutely impossible to accomplish this object in any other mode. We are in the habit of complaining of the Senate for loading our bills with amendments. These complaints are unjust. I think the fault is our own; because, by our rules we have tied our own hands, surrendered the control of our own bills, and left it to the Senate to burden them with amendments, which generally we must either accept or reject without modification; for at the close of the session, hurried as we are, the previous question almost always comes in to cut off debate and amendment. The rule of the Senate, which permits any committee to present amendments to an appropriation bill, is a just rule, and ought to be adopted here; at least so long as it appears to be absolutely impossible, in any other manner, to bring forward measures of the utmost importance which have long been awaiting action. It would certainly not be any great stretch of respect and confidence towards the committees of this House, to permit them to present their measures at such time and in such form as they may find it possible and believe it to be appropriate. Such a rule would impose no obligation to adopt amendments proposed, unless they should be of a character to secure the assent of the House. I shall endeavor to conform to the stringent, and, as I think, unwise rule of the House; but I hope that measures of great importance, yet of a character simple and easily understood, will not be excluded from all possibility of consideration upon a mere technical objection.

Mr. Chairman, I have already intimated that there is now prevailing an almost universal feeling that the Navy of the United States is not what it ought to be, either in regard to the officers and the rules and regulations by which they are controlled, or in regard to the ships in the service and the armaments with which they are furnished. Both these subjects have had the consideration of the Naval Committee, and I have in my desk a proposition reorganizing the Navy of the United States so far as the officers and men are concerned. I do not propose to touch that branch of the subject in connection with the bill now before us. It is an intricate and important subject, which will require serious consideration, and probably give rise to much discussion. At this late period of the session, I think it impossible to go into that subject, although I hope I may have an opportunity of reporting the bill, in order that it may be acted on at the next session. But, sir, I think the other branch of the subject is appropriate to the present bill, and may, without any violation of the rules of the House—stringent and unwise as those rules are—be presented here for immediate consideration. My proposition connects itself directly with the appropriation for repairs, &c., having reference to the character of the ships which constitute our Navy, and the armaments to be carried by them. I send to the Clerk's desk to be read the amendment in the form in which I am instructed by the Naval Committee to present it. The amendment was read, as follows:

Provided, That hereafter, whenever a vessel in ordinary shall be so much decayed that the expenditures required to repair and equip her shall be estimated to exceed two thirds of her original cost, it shall not be lawful to repair such vessel; but she shall be sold, and the proceeds applied to the construction of a new vessel in her stead. And the Secretary of the Navy shall cause to be built a vessel of war whose frame shall be of white oak, and of the best and most approved model for sailing, to be fitted with auxiliary steam power, and to be armed exclusively with the heaviest and most destructive ordnance, which, according to recent improvements, it is impossible to carry with safety and serve with efficiency at sea. And to this object shall be applied, in addition to such sum as may be conveniently spared from the foregoing appropriation, any unexpended balance remaining in the Treasury to the credit of similar appropriations for former years.

That amendment is to be inserted after the clause which appropriates a certain sum for repairs of vessels and other objects of that kind. It consists of two principal propositions. One is, that whenever, from decay or other causes, the repairs necessary to be put upon any vessel, shall be estimated to exceed two thirds of the original cost of the construction, the vessel shall be sold and a new one built in her stead. This proposition is founded upon the fact which the records of the Navy Department reveal, that in many instances, the repairs put upon a vessel have cost quite as much as the original construction.

Mr. PRICE. Far more.

Mr. STANTON. The gentleman from New Jersey says, far more. That gentleman has himself been an officer in the Navy, and knows the fact of which he speaks. I have no doubt that many such instances may be found. But they ought not to be permitted to occur again. When it is considered that most of the vessels in our Navy are of live-oak, and are of such a character that, upon being repaired, they cannot be made to conform to the splendid models and other improvements of modern times, it must be acknowledged that this mode of expenditure, by which within a short period—generally about seven years—the original cost of a ship is again expended upon

* This is an error; it can be easily adapted to railroad service. C. E. jr.

her in repairs, and that in order to perpetuate old and inferior models, to the great injury of the service. I say it must be acknowledged, on all hands, that this system is extravagant and unwise, and ought not to be continued. One of the objects of my amendment is to change this practice—to sell every vessel, not in active service, which may require extensive repairs, and let the proceeds, together with such sum as would be necessary for repairing her, go towards the construction of a new vessel, to be built upon the superior models and designs of modern days.

This proposition is not altogether new. During the second session of the last Congress the Naval Committee presented to the House a report upon this very subject. Report No. 35, 2d sess. 31st Cong. In that report it was attempted to show the great advantage of adopting white-oak instead of live-oak, in the construction of our national ships. I will read a single paragraph:

"Were we to build up a navy of iron ships and maintain it for the next half century, it would scarcely be more sealed against improvements of models, ordnance, and means of propulsion than our live-oak built navy has been since the war of 1812. The Power owning an iron navy in this age of discovery and invention, may be liable to have it thrown into disuse any day by the introduction of some new principle, discovery, or improvement. Any navy that should reject all discoveries, and stand still for a few years, would, on waking up, find itself far inferior to others around it.

"The time has therefore now arrived when true policy and the best interest of the State require, that in consequence of the recent discoveries and improvements connected with naval ordnance, we should commence gradually to dispose of the live-oak built ships of the navy, and, instead of repairing them at heavy cost, to replace them with others of white-oak, having all the improvements of the age, both in the armament and in the construction and equipment."

This extract from the report gives only the results at which the committee have arrived. I have not the time now to go into the details of the argument, by which these principles are attempted to be sustained. If any gentleman feels an interest in the improvement of the Navy, I most respectfully refer him to the report from which I quote, and ask that he will examine the facts upon which the conclusions are based, and determine for himself whether they are not just and correct.

It is scarcely necessary for me to say, Mr. Chairman, that there will be great economy in building ships of white-oak instead of live-oak. This subject is also treated in the report to which I have already referred. It is estimated by the Department that the building of such a ship as I propose in my amendment, will cost about five hundred thousand dollars if live-oak be used for her frame. I think she will cost little more than half that amount if white-oak be substituted.

But the question of economy has a still more important bearing in reference to the armament which I propose for the new ship. I will, therefore, defer any remark upon that subject until after I shall have explained briefly the character of ordnance intended to be used. Every gentleman present is probably aware that for some years past experiments of the most interesting character have been conducted under direction of the Bureau of Ordnance and Hydrography, at the Washington navy-yard. These experiments and investigations have been highly successful, and have resulted in developing some new principles of great importance, involving an entire change of our naval ordnance. This change consists in substituting for the smaller guns heretofore used upon our national vessels, guns of the caliber of nine and eleven inches, throwing large shells of great weight, and of very destructive power. I think I can say with entire truth that the practicability of using these guns at sea, and their immense superiority over the armaments now in use, may be considered settled questions—settled by experiment, as well as sustained by theory.

Mr. Chairman, you will easily perceive, from what I have already said, that the idea upon which my amendment is based is not original with myself, nor even with the committee for which I have the honor to speak. Indeed, in presenting such a scheme as this of my own conception, I should feel that it was entitled to but little weight before the House. The Naval Committee are entitled to the credit only—if that be a credit—of having understood and appreciated the value of the results obtained by the experiments to which I have referred, and of adopting measures necessary to give the benefit of them to our Navy. It would be a great oversight not to apply the new and fertile principles evolved by the genius of a young American officer, to the defense of our country. But my proposition involves something more than the mere building of a single ship—the simple addition of one more vessel to our Navy. I believe it will present to the world a ship which will have the effect not only of remodeling the whole of our own Navy, but which will render necessary the alteration or rebuilding of every other Navy which expects to occupy a respectable position upon the ocean, and to cope with the enginery supplied to ships-of-war by modern science. This idea was presented nearly two years ago in the report from which I have just read. Since that time, however, it has appeared in another form, and in connection with a subject of very great interest to the country at the present time. I presume every gentleman has read the document I hold in my hand—(Ex. doc. No. 5—1st Sess. 32d Cong.) It is the reply of the Executive to our resolution calling upon him for the views of the War and Navy Departments on the system of fortifications heretofore adopted, and prosecuted to a certain extent, but suspended at the last session of Congress. In this document, among other letters of great interest from officers of the Army and the Navy, I find one from Lieutenant John A. Dahlgreen, of the Navy—the intelligent and distinguished young officer who has in charge the ordnance experiments already noticed; and who, by his industry and genius, has contributed so much to the benefit of the service in which he has been engaged. In this letter there is a suggestion which seemed to me to be pregnant with important results; and destined, if adopted and carried out, to regenerate our entire Navy. It is the proposition to build such a ship as is proposed in my amendment. When I saw this suggestion, it occurred to me that this officer could give me his views in greater detail, and with advantage to the object in contemplation. I accordingly addressed a letter to the Secretary of the Navy, requesting such information, which was promptly given. I now have before me the reply of the Secretary of the Navy, Commodore Morris, chief of the Bureau of Ordnance and Hydrography, and of Lieutenant Dahlgreen—giving the details of the proposition in the most satisfactory manner. I propose to read from the communication of the last-mentioned officer such parts as may be sufficient to give an intelligible view of the whole subject. This will be more pertinent and interesting than anything I can say; for my purpose is not to make any display of my own knowledge, but to use the best lights before me, in order to accomplish something which shall improve the Navy, and render it more efficient for the defense of the country, and for the security of our commerce, in time of war.

In the letter from which I read, Lieutenant Dahlgreen enters into a comparison of the proposed ships with one of our frigates as at present armed. He says:

"The Congress may be considered as one of the finest ships of her rate under the present system. The battery is carried on two decks, and, as usual, the cannon on the main deck constitute her principal force; these are—

"4 8-inch shell guns, weighing 7,100 pounds each;

"26 32 pounders, weighing 6,400 pounds each.

"By an entirely different distribution of the metal contained in these pieces I propose to increase, in a high degree—

"1st. The weight of the projectile discharge;

"2d. Their accuracy;

"3d. Their force;

"4th. To preserve due range.

"Following the ordinary mode of estimating a ship's force by the weight of shot discharged from one side at a single fire, it will be perceived that the main deck broadside cannon throw 13 shot of 32¼ pounds each, and 2 shells of 53 pounds each—making 530 pounds total weight of projectile.

"The entire weight of the 15 cannon used for the purpose is 97,400 pounds. This metal it is intended to divide among 11 guns, weighing about 9,000 pounds each—assuming this to be the maximum weight of a piece that can be conveniently handled on the common ship-carriage. The projectile will weigh about 72 pounds, and its chief purpose may be to act as a shot or shell. The latter seems now to be preferred on account of the great destructive character it possesses; therefore, the new battery will be supposed to be designed for the shell principally, shot only being resorted to in exceptional cases. The bore of the new piece will be 9 inches in diameter; and such a gun was used when the practice with the shells at the iron steamer was witnessed by the President of the United States, during the last spring. The weight of projectile discharged by these 11 pieces will be 790 pounds, which is an increase of one half on the 530 pounds now thrown from the broadside guns on the main deck of the Congress.

"The mere addition of weight to either shot or shell is of no consequence, however, unless accompanied by the three essential requisites of ordnance power, viz: accuracy, force, and due range; and I shall attach no value, therefore, to this change, unless it can be clearly exhibited that the 9-inch gun possesses the necessary attributes in a higher degree than the present 32-pound shot or 8-inch shell."

I cannot read the whole of this long and interesting communication. I will therefore only state what will be admitted by every one who will examine the subject, that the author fully sustains his several propositions—to the effect that the increase of weight of the projectile discharged increases the accuracy and force of the shot or shell, obtains a corresponding greater range, and by throwing a larger amount of metal at a broadside, produces a far more destructive result. Many gentlemen here have witnessed some of these results, from the experiments at the navy-yard. One nine-inch shell, upon a target in the Potomac river, produced such an effect upon a mass of oak timber more than thirty inches thick, as would have instantly sunk any vessel in the Navy, if it had struck near the water-line.

But I proceed to quote the extract which refers to the armament carried on the spar-deck of the Congress:

"The spar-deck of the Congress is armed with twenty pieces of cannon, viz:

"4 8-inch guns of 52 cwt.;

"4 long 32-pounders, 57 cwt.;

"12 medium 32-pounders, 42 cwt.

"Increased power could be given to this battery by a similar application of the means suggested for that of the main deck, were it not that the upper deck offers peculiar facilities for carrying and using an armament capable of still greater effect; and this advantage there is an absolute necessity for resorting to, in order to oppose the very heavy artillery with which the war-steamer threatens ships that can only use the broadside guns.

"The total weight of the twenty cannon above-named, is 107,000 pounds.

"The weight of the shot and shell thrown from the broadside, is 366 pounds.

"It is proposed to substitute six pieces—11-inch bore—each weighing 16,000 pounds, and collectively about five tons less than the present 32's and 8-inch. The single projectile will be a shell of 130 pounds. Total weight 780 pounds.

"When in action four of the pieces will be pivoted between the fore and mainmast; one on the forecastle, and one aft. Under the ordinary circumstances of cruising in time of peace, the extremes of the ship may be relieved by stowing their guns with the others amidships.

"Circumstances must determine the propriety of attempting in action, to pivot the four midship guns on one broadside. Should it be deemed injudicious to do so, the spar-deck will still have four 11-inch guns in broadside by dividing those amidships, and pivoting the bow and stern guns.

"This arrangement confers a perfect command of a third of a circle on either broadside, and with the bow and stern pivots, sweeps the whole round of the horizon, supposing the ship to have no power of locomotion whatever; there is consequently no point of impunity where the vessel may be assailed without fear of return from pieces of very great power."

Omitting much, Mr. Chairman, of the interesting details of this letter, I refer to the remark with which this part of the subject is concluded. It is as follows:

"Looking at the general results that may be expected from the evident gain that is made in weight of projectile accuracy, connected with extended range; in concentration of effort—both projectile and explosive—united with a facility for operating around the circle in all respects far greater than is possessed by any frigate afloat—I entertain the confident expectation that the combined power of the new broadside will look down even the show of opposition from any frigate armed with the present guns."

But it will be asked, perhaps, May not the old ships be armed with the new guns? I answer, No; because they are built for carrying a very different armament, and in order to fit them for carrying such a battery as the one proposed, it would be necessary to cut them down and rebuild them, at least as low as the water-line. This would involve almost, if not quite, as much expense as the construction of new vessels. No man, it seems to me, can doubt for a moment that the new armament will wholly supersede the old; and that no ship-of-war, armed as our ships now are, will ever venture to sea in opposition to others carrying the improved battery. Hence, the necessity of a total regeneration of our Navy. Let us begin in time; let us take the first and most important step, by adopting the simple provision which I have proposed.

Again, Mr. Chairman, it is not only in the particulars already mentioned, that this renovation and improvement will take place; but on the score of economy the proposition is of the very first importance. I have already spoken of the economy of building and repairing ships of white-oak, as contrasted with those of live-oak; but that of which I now speak arises from the use of these very guns, which are shown to be so much more efficient and destructive than the smaller ones. While a frigate, armed as the Congress now is, carries fifty guns, and requires a certain number of men to serve them in action, the proposed vessel will carry but twenty-eight guns; and although one of these large guns may require an increased force to serve it in action, yet, upon the whole, the proportion would be considerably less than that required to work the fifty guns. So, in this respect there will be an immense saving of expense, combined with an increase of efficiency.

Mr. BOWIE. How many guns are carried by the largest-sized war-steamers—the San Jacinto, for instance?

Mr. STANTON. The steamers carry a few large guns of the caliber of eight and ten inches—much fewer than frigates. The Navy Register will give you the number of each.

Mr. BOWIE. I have been looking at the report of the Secretary of the Navy, and have been unable to find it.

Mr. PRICE. I will say to the gentleman from Maryland, [Mr. BOWIE,] that the armament of the steamer Mississippi is eight eight-inch guns, and two ten-inch, making in all ten guns. The eight-inch guns carry sixty-four pound solid shots and the ten-inch guns carry seventy-four pound shells. That is a steamer of the first class in our Navy.

Mr. STANTON. I was speaking of the economy of the new armament, compared with its efficiency. On this subject I will read a passage from the report (No. 35, 2d sess. 31st Cong.) to which I have already referred. After entering into the particulars of the subject, both of white-oak ships and of heavy guns, estimating the number of men required, respectively, for the old and new ordance, the report concludes with the following statement:

"The conclusion is irresistible, that we may maintain in active service a more effective naval force than that we now have in commission, and save annually something like $2,000,000, under the heads of *increase* and *repair*, and *pay* and *provisions*. Contrasting the proposed white-oak navy, with its few guns and heavy shot, against the present live-oak navy, with its many guns and light shot, the difference in the cost of maintaining the two, and the saving to be effected by suffering the existing ships gradually to disappear, would soon counterbalance the whole cost of the new vessels, and place the Navy upon a footing of economy which is impossible upon any other system. The number of officers would be the same under the new as under the old system.

"The most important and striking feature in the proposed system is its economy. But it cannot be doubted that so radical a change would draw after it others of equal importance. At all events, the material of the Navy would be in a condition so plastic, and so cheaply maintained, that it would be easy to impress upon it any form required by the progress of future events and improvements. In this point of view, the committee deem the change to be one of the highest importance, and they earnestly recommend it to the consideration of the House."

So much, Mr. Chairman, for white-oak and big guns. Another, and a not less important part of my proposition, has reference to the speed of the ship, and the mode of propulsion. It is designed that the new vessel shall be built upon those improved models of recent introduction, which have given such marvelous sailing qualities to some portions of our commercial marine; and also that she be fitted with auxiliary steam-power, or, in other words, with a screw-propeller, instead of paddle-wheels. I know the opinion prevails extensively, and I am not sure that opinion is incorrect, that the speed of armed ships is of more importance than anything else. It is admitted, I believe, on all hands, that a steamer fitted with a screw cannot obtain so high a speed as with paddles. But the propeller has other advantages, which are not without great value. Her machinery and whole propelling apparatus are below the water-line, and therefore safe from an enemy's shot. The propeller may be lifted out of water, and the vessel fitted for the use of sails, as completely as though she were built solely for that purpose. On these accounts, I believe it is the prevailing opinion in the Navy, that propellers for ships-of-war, are preferable to side-wheels I am willing to conform to that opinion, at least so far as to build a single vessel as a fair experiment of the principle.

But steam is not to be the principal motive power; sails are still to be the main reliance for the speed of the proposed vessel. Her auxiliary power is designed for use in calms, in getting in and out of port, and for manœuvering in action. With her screw unshipped and hoisted on deck, or put out of the way at the stern, she will be a perfect sailer. Then, sir, we may well inquire what has been accomplished in modern times by the adoption of new and improved models. On this subject, I will read another short passage from Lieutenant Dahlgreen's letter:

"The American flag at this time covers a fleet of ships, whose performances have exceeded anything that seemed possible under canvas. Ten and eleven knots were in former days always considered the rates of superior sailers under favorable circumstances: but that day has gone by. About a year ago, one of these new ships, the Flying Cloud, ran five thousand nine hundred and twelve nautical miles at the rate of nine and a half nautical miles an hour. During one day of this time, she went three hundred and seventy-four miles, being an average of fifteen and a half nautical miles, or eighteen railroad miles per hour; and did also, in forty-eight consecutive hours, sail fourteen and three fourths nautical miles per hour. The complete log of this vessel will be found in the recent edition of Maury's admirable work on the winds and currents of the ocean. Another ship, the Flying Fish, sailed fourteen nautical miles per hour for a whole day."

Is there any good reason, Mr. Chairman, why we shall not have such ships in our Navy? It is very well known that we now have nothing like them. Under favorable circumstances, the best steamer could not do more than make an even race with one of these swift-footed messengers of the sea, which "walk the water like a thing of life."

But I cannot dwell longer on these points, for I am under the necessity of crowding many other important matters into the speech of a single hour.

The estimates of the Navy Department for the support of the Navy during the present fiscal year, have been very considerably reduced by the Committee of Ways and Means of this House. In the single item of appropriations for equipment and repairs, they reduced the estimates by no less a sum than $300,000. The amount of $1,365,000 is the precise sum appropriated for this service for the last fiscal year, and, if I am not mistaken, for some years previous to that. It is the usual current expenditure, and surely there is nothing in the present condition of our Navy, which would justify us in refusing any appropriation necessary to secure its efficiency. I have the letter of the Secretary of the Navy, addressed to me as chairman of the Naval Committee, in which he asks the restoration of this sum to the bill, stating his conviction in the strongest and most earnest language, that the whole amount is necessary for the service. The Committee on Naval Affairs have instructed me to move to restore this sum to the appropriation for the objects stated, and to accompany that motion with the proposition upon which I have already spoken at some length.

Mr. Chairman, I was on board the steamer Mississippi, when she sailed from New York, bearing Commodore Perry to the fisheries on the coast of British America. Standing on her deck as she steamed down the bay, I could not prevent an emotion of regret, not to say shame, at the thought of the condition of the American Navy, which required this fine vessel to be temporarily withdrawn from an important service in the Pacific ocean, to go upon such an errand in such an emergency; for I believe she was the only suitable ship then at the command of the Department. It seems to me, sir, that this single fact is sufficient to show that the present is not the time for cutting down the usual appropriation for increase and repairs in the Navy. I do not believe it to be a wise economy. Recently, Mr. Chairman, one of my colleagues [Mr. JOHNSON] complimented me by the charge, that I am in favor of all extravagant appropriations. The charge may be true; but there is a wide difference between the views of that honorable gentleman and my own. I have advocated nothing for the mere purpose of spending money; and I do not estimate the extravagance or the economy of an expenditure, simply by the amount of money to be appropriated for any particular object; but by the necessity, the importance, and value of the object to be accomplished. And, in this view of the question, I am prepared to go before my constituents and the country, as I have frequently done before, not without success, to justify and defend myself upon the policy pursued.

The proposition which I offer now, is, in my judgment, a great measure of economy. Let it be adopted, and in ten years it will save ten times as much as you will ever save by the mode of indiscriminate reduction adopted by the Committee of Ways and Means, to secure economy in expenditure. I am very sure that committee has been governed by the best motives, and I am forced to respect the spirit in which they act. But the first step to accomplish their purpose, must be a reform in the service; there must be a change in the whole character of the service; there must be a complete reorganization before you can adopt any intelligent standard of economy. Dispense with the old vessels, which are not worth repairing; sell them, and substitute new ones of a less expensive character, and then you may well commence a reduction of these estimates for repairs. But you must keep up the present force with all its expense, unless you provide a better and more effective one.

Mr. Chairman, the object I have in view fully justifies the expenditure. A wise economy requires it. The last Congress refused to pass the fortification bill. The Committee of Ways and Means of this session have left out of their bill every item for fortifications, except a few inconsiderable sums for keeping up those already completed, or very nearly so. I do not intend now to question this policy. I am myself convinced that the system originally planned ought not to be carried out. The document already referred to (No. 5, Ex. doc., 1st sess. 32d Cong.) has well-nigh satisfied the country that the greater portion of these projected works ought to be abandoned. But another idea has been awakened. It is that while railroads on the land, affording means of concentrating forces, will supply much of the protection formerly expected from fortifications, the main reliance must be upon our gallant Navy. In proportion, therefore, as you dispense with these defensive works, is the necessity for strengthening and improving our naval marine.

One of our great cities exposes to the depredations of an enemy no less than a thousand millions worth of property. Our commerce floats upon every sea, and in all quarters of the world it is exposed to the attacks of naval powers vastly superior to us in the present number and force of their ships. I do not apprehend that there is at this time any danger of war; but the excitement produced in this country by the recent difficulties as to the fisheries on the British coast of this continent, and in reference to the Lobos Islands in South America, shows plainly how small a spark may almost at any time kindle the flame of war. We are not entirely defenseless; but for the first few months of a war, until we could prepare to draw upon our great resources, we should suffer immensely—a thousand times as much as the increase of appropriation which I propose.

Now, sir, when we consider that the British Navy boasts of more than six hundred vessels-of-war; that the Russian Navy has over three hundred; the French nearly two hundred, and even the Dutch over a hundred; while we have little over half the lowest of these numbers, it surely cannot be considered an extravagant proposition to provide for the building of a single ship. But if this single ship gives promise, as I think it does, of presenting a force which will render *effete*, and throw out of use almost the whole of those immense armaments, causing the necessity of rebuilding all the navies of the world, is this not an object worth the small additional expenditure which I now propose? With our little Navy then, sir, we should not merely start even with the rest of the world; we would be far in advance. Look at the results of the last war with England. I quote from the report of the Naval Committee, already more than once referred to:

"The war of 1812 established a new era in the navies of all the States in Christendom. So far as naval architecture and armaments were concerned, that war left the United States far in advance of the times. We introduced larger ships and heavier metal, demonstrated by sea-fights

the superiority of both, and thus rendered the whole Navy of England, as it then existed, almost entirely *effete*. It was destroyed, and has been since, to a great extent, rebuilt. After the war, that Government suffered entire classes of ships to go into disuse. Her line of battle ships were cut down, and made into frigates. Instead of repairing her frigates, she suffered them to rot, and then built new ones equal to ours; taking the size of our ships, and the caliber of our guns, for her guide. Her old armaments of 18 and 24 pounders, were entirely discarded, and her ships were all provided with the larger pieces, long 32's and 42's, the great superiority of which, when borne by proper ships, the young American Navy, by its achievements on the ocean, had demonstrated to the world. The old 12, 18, and 24 lb. guns of the English Navy could not so much as reach where the heavier calibers of the American Navy told with terrible effect; and to array a ship armed with 18 and 24 pounders against one with 32's and 42's, was about the same as to attempt by the use of pistols to prevail against rifles."

We have it in our power again to accomplish the same thing. Let us achieve this great triumph, and once more place ourselves in advance of the British Navy, by forcing it to discard all its old forms, and adopt the better ones which the genius of our people has presented.

I am admonished, Mr. Chairman, by the flying hand of time, that I must hasten to another topic connected with the provisions of this bill. I refer to the diminution made by the Committee of Ways and Means in the estimates of the Department, for works at the several navy-yards and hospitals in the United States. Including the $300,000 already referred to in the item of increase and repairs, the committee have reduced the estimates of the Department by the sum of $813,975 92. That is a very considerable sum, and ought by all means to be saved, if it can properly be. Certainly I would not, from any motive whatever, advocate the appropriation of that sum, did I not believe it to be absolutely necessary. I am at a loss to understand upon what principle the Committee of Ways and Means have acted. I do not presume to censure them. They may be correct in their action, though I am not able to perceive the wisdom of it.

In reference to the hospitals, they have reduced the estimates, in some instances, more than one half, while they admit the necessity of the objects estimated for, by leaving nearly all of them in the bill. At Pensacola they strike out the provision for a wall around the hospital grounds, and reduce the appropriation in round numbers, from $24,000 to $2,000. Gentlemen must pardon me for expressing the opinion, but I cannot refrain from declaring that I consider such proceedings parsimonious, and not economical. There is scarcely a wealthy proprietor in the country, who would hesitate to inclose a valuable property like this, with a substantial brick wall. I cannot see why the Government of the United States, with an overflowing Treasury, should refuse to do what a private individual, under similar circumstances, would feel a just pride in doing.

The Secretary of the Navy appeals to the Committee on Naval Affairs, and asserts that these estimates have all been carefully made, and that every dollar of the money will be necessary. I leave the friends of the present Administration to say whether the Secretary of the Navy, and the heads of the bureau under him, are to be trusted in making these estimates. The Committee on Naval Affairs, at least, have had entire confidence in these officers, so far as these matters are concerned, and have instructed me to move to restore the amounts stricken out by the Committee of Ways and Means. It will be for the House to determine what shall be done in the premises. I leave it for their consideration without further remark, for my limited time renders it impossible for me to go into particulars.

I proceed to say a few words upon the reductions made by the Finance Committee of this House, in the appropriations estimated for the several navy-yards. The Secretary of the Navy makes the same declaration in reference to these important works. He earnestly assures the Committee on Naval Affairs, that all the objects estimated for are important, and even indispensable. I learn from the Department that, in reply to a letter from the Committee of Ways and Means, asking to be informed what objects could be *postponed* for another year without injury to the public service, the Secretary replied, enumerating the several works which could be thus delayed, amounting in all to $175,165 18. I, myself, am not able to see why these necessary works should be postponed, when the Treasury is full, and especially when it will be necessary to finish them hereafter. But the Committee on Naval Affairs have instructed me to omit these objects, and to move for the restoration of all the others.

I have a single remark to make, Mr. Chairman, in reference to the general policy involved in these improvements. There are two systems which may be pursued, both of which have their respective advocates, and may be supported by strong arguments. One is, to dispense with navy-yards altogether, dispose of the property, and do all necessary work by contract; the other is, to keep up the present establishments and place them in perfect condition for building, repairing, and equipping ships-of-war. I do not propose to discuss the comparative merits of these antagonistic systems. No movement has yet been made towards disposing of our naval establishments, unless the action of the Committee of Ways and Means should be considered in that light. I hold it be proper, and, indeed, indispensable, so long as the old system is continued, to go on and complate the navy-yards with every necessary convenience for doing the work which may, at almost any moment, be thrown upon those establishments in overwhelming quantity.

Mr. Chairman, I can no more go into the particular items of these appropriations for the navy-yards, than I could into those for the naval hospitals. But I beg leave to say a few words in reference to that particular navy-yard, with the affairs of which I am most familiar—I mean the establishment at Memphis. If the Committee of Ways and Means have not been more wise and discriminating in what they have done at other similar establishments, then, indeed, have they acted blindly and without discretion. The principal item which they have stricken out here, is that for "excavation and embankment," involving an expenditure of $20,000. Of my own knowledge, being familiar with the locality, I know that that portion of the work is absolutely indispensable to the health of the yard, to the convenience of those employed in it, and to the stability and security of the work already done, or to be done. Certain frightful holes have been left in the yard by the embankment already made, and after a season of high water or of rain, these are filled with stagnant water, permeating the earth and the foundations of contiguous buildings, and rendering the cellars damp and wet, if not flooding them with water. Any private individual owning this property, whether designing to keep it for his own use or to dispose of it, would consider it good policy to make this embankment. Why should not the Government do it? What is there in the present state of our finances which renders it improper?

Another small item stricken out of this appropriation, is that for a fence and stable to the commandant's house. The Government has built a comfortable house for the officer in command of this yard. I suppose he can do without a fence and dispense with a stable. I know the accomplished and gentlemanly officer now in command there, will not complain of any personal inconvenience to himself. But I take the odium upon my own shoulders, of saying that the policy proposed to be pursued, is mean and niggardly. Gentlemen may possibly make a little capital out of this sort of economy, and I leave to them all the credit which may grow out of it. I disdain to participate in it.

I beg leave to mention another small matter of the same kind. It was intended to surround this establishment with a brick wall, and a large portion of the work is already completed. The wall is at least half finished, in extent, if not in cost. Now, Mr. Chairman, what do you think has been proposed by a commission of these distinguished gentlemen, who were sent there to examine this establishment? Nothing less, sir, than to finish this brick wall with a cypress fence! We have read, in Horace, I believe, of that strange amalgamation of animals in which a woman's head is joined to the body of a horse, and finished off with the tail of a fish. But no one ever expected that this classical figure would be exemplified in one of the public works of the United States. These worthy commissioners are entitled to the credit of this new and beautiful combination. And the Department seems to have concurred in the idea, for they make no estimate for continuing the wall. They estimate for a brick wall around the hospital at Pensacola, but they will finish off the wall at Memphis with a tail in the shape of a cypress fence! The Committee of Ways and Means have at least exhibited a commendable impartiality. They provide neither for a fence at Memphis nor for a wall at Pensacola.

I have referred to the report of the commissioners, to be found in the second volume of the President's message, in which it is recommended that the establishment at Memphis be cut down from a navy-yard to a rope-walk. Not one of the reasons upon which they found this recommendation, will stand the test of examination. It is assumed that Memphis is too far from the sea, and that ships cannot be built and launched at that point on the Mississippi river. I undertake to say that this latter proposition is wholly untrue, and its assertion does no credit to the discrimination and intelligence of the commissioners. As to the former proposition, that Memphis is an unsuitable location for a navy-yard, that question was settled long ago, by a commission quite as intelligent and reliable as the one recently organized to condemn the establishment. One from Pensacola, one from New York, the other a commander in the Navy, a worthy and an honorable man, but incapable of seeing the virtue of anything but salt water; these are the men who constituted the commission, sent out with adverse opinions, to condemn the Memphis establishment. I boldly assert that their conclusions are contrary to experience, unsupported by facts, and not to be relied on in settling the policy to be pursued in reference to this yard. I demand, in justice to the interests involved, that before this question shall be determined, the friends of the establishment who are to be found in the Navy, shall be permitted to present their views, and that it shall not be placed wholly in the hands of its enemies, to be condemned without a hearing. Let Lieutenant Maury speak, as he has repeatedly spoken on this subject. Let others who equally understand the true interests of the Navy, and who have them as much at heart, be consulted in reference to the matter.

Sir, I have not the time, and perhaps this is not the proper occasion, to enter into all the argument upon this question. The Committee on Naval Affairs in the Senate have considered this subject maturely, and have presented the whole argument in a brief but comprehensive report. It is report No. 215 of the present session. I shall not now undertake to show how deep an interest the Navy itself and the whole country have in connecting that important arm of national defense with the exhaustless resources of the Mississippi valley. Nor, on the other hand, to show the right of that great valley itself, to a participation in the benefits and advantages of those expenditures, which are annually made for the supply and the support of the Navy. These considerations have been repeatedly urged in memorials of the Legislature and the people of Tennessee. But the subject is not less interesting to the whole West—to the vast and increasing population of the whole Mississippi valley. The defense of their immense commerce which passes out through the Gulf of Mexico, demands the completion of this establishment upon the largest scale. For nearly one half the year, ships of the largest class can be carried out to the Gulf with perfect safety, and at no point in the Union can they be built and equipped better and cheaper than at Memphis. In any war with England, her command of the West India Islands would enable her at once to close up the Gulf, and even to command the Isthmus routes to the Pacific ocean. All our commerce in both seas would be subject to the most serious depredations. But by proper arrangements for bringing our Navy into profitable connection with the men and materials of the great Mississippi valley, we could at any moment fill the Gulf with an overwhelming fleet of steamers or sailers, sufficient to maintain our ascendency in this truly American sea. Our safety requires the adoption of this policy. Pensacola is a valuable improvement, and ought to be fostered. But it is too far from the sources of supply. Mem-

phis is necessary as an indispensable auxiliary. I earnestly call the attention of western members to this subject. They have heretofore taken little or no interest in it. I respectfully suggest that they ought to feel a deep concern—they ought to assist me in claiming and obtaining justice for our great interests.

But, Mr. Chairman, it is evident that, according to present appearances, there is no intention to allow us even the pittance necessary to sustain a rope-walk. Commander Shields, one of the commissioners already alluded to, then in command of the yard, estimated the appropriation necessary at Memphis for the present fiscal year, at the sum of $279,214 19. The Department cuts down this amount to $67,000, and the Committee of Ways and Means still further reduce it to the inconsiderable figure of $47,000. To show you, and this House, by what arguments it is attempted to defeat even this, I will state that one of my colleagues, [Mr. JONES,] a member of the Committee of Ways and Means, informed me that the commodore at the head of the Bureau of Docks and Yards argued to him, that they could not even make rope at Memphis conveniently for the naval service, because when a ship comes in at Pensacola or any other port——

Mr. JONES, of Tennessee. This was a conversation which I related to the gentleman, but which I had no idea would be brought into debate in this House. Commodore Smith was before the Committee of Ways and Means, and in speaking about rope-walks, navy-yards, and in manufacturing rope, he said that Memphis was not a good location for this purpose. The substance of his remarks and reasoning was this: That vessels frequently came in from their cruises and needed rerigging—that it was necessary to make the cordage of a particular character, quality, and size—that it could not be made there and brought round to them as expeditiously as it should be—and to manufacture and keep it on hand, they might not, in the first instance, have the proper sort of hemp; and, again, that manufactured cordage would not last so well as yarn spun, which they could twist into cordage whenever it was needed, and of the particular kind they might want.

Mr. STANTON. I am very glad to have this statement verbally made before the Committee of Ways and Means, but not contained in any of Commodore Smith's written communications—at least, so far as I know. It is such statements as these which have given my colleague a leaning, not at all doubtful or uncertain, against the prosecution of the public works at Memphis. But I am equally astonished at the readiness and credulity with which my honorable colleague receives this *gammon* from Commodore Smith, and at the imperturbable effrontery with which the old salt endeavors to palm off this *yarn* upon the Committee of Ways and Means. Can any intelligent man inform me why it is not as easy to twist the right kind of rope at Memphis, as it is at Boston? Or to spin yarn there, and to have it ready to be twisted into rope at a moment's warning? Can rope be carried more expeditiously from Boston to Pensacola, for instance, than it can from Memphis? Or will the difference of time necessary to transport it even to Norfolk, or Philadelphia, or New York, be a consideration of so much importance as to be decisive of the fate of the establishment in the Mississippi valley? Or does this intelligent officer suppose, and intend, while he continues at the head of an important bureau, that all our ships shall be rigged and equipped at Charlestown and Portsmouth? I undertake to say, sir, and the common sense of every man will bear me out, that this reasoning on the part of Commodore Smith is a bald humbug, which ought not to deceive even a well-informed school-boy.

Mr. HOUSTON. If that is correct, then it is very conclusive evidence that his estimates and recommendations are not much to be relied upon by the House.

Mr. STANTON. I will not dispute that point with the gentleman from Alabama. For, while the officers at Memphis demand nearly $300,000, they themselves being unfriendly to the yard, Commodore Smith estimates only about $67,000. I do not rely upon the estimates of this officer, except so far as the admissions of an enemy are to be taken as good evidence in favor of the object of his hostility.

But, sir, I was speaking of rope-making at Memphis, and of the facility of transporting the manufactured article to the different navy-yards in the Gulf and on the Atlantic coast. I might have added San Francisco, in California. An effort has been made for some years past to secure the use of American hemp in the Navy. The establishment at Memphis was designed to facilitate this object, as the hemp-growing region is in the great valley, and above Memphis. I am sorry to say, sir, that no effective means have yet been adopted to secure this great design of rendering our Navy independent of foreign supplies. I believe no less than five hundred tons of Russian hemp has been lately purchased at Boston, and this in the face of the fact that American water-rotted hemp has proved itself stronger, and borne a higher test than the foreign article. Indeed, sir, one of the bidders for supplying American hemp to the Navy, urgently desired and requested that the test should be increased, so confident was he that he could surpass the strength of the best article ever furnished to the Navy.

Now, sir, I ask, is the American production to be used in our Navy or not? If it is to be used, shall it be sent to Boston to be all spun there, or shall it be manufactured in Memphis, near the place of its growth? Will Commodore Smith be able to convince my worthy colleague that it is much better to ship all the hemp round to Boston, because it is so much more convenient to supply Norfolk, Pensacola, and San Francisco, with hemp purchased at Louisville and St. Louis? Or, finally, is the real purpose at the bottom of all this manœuvering only to maintain the monopoly of Boston hemp dealers, and to continue the use of foreign hemp in the American Navy?

These are important questions, sir; and I hope the attention of western Representatives, and of the western people, will be turned to them. It is evident that we are to be cheated out of the establishment at Memphis; or, as a distinguished officer said, in more expressive language—we are to be thimble-rigged out of it by a sort of legerdemain, such as we now have disclosed to us by members of the Committee of Ways and Means. For I put it to my colleague himself, whether there is any force or truth in the proposition that rope cannot be as well made, and as expeditously, at Memphis as at Boston.

Mr. JONES, of Tennessee. I do not understand Commodore Smith to say that it could not be made there, but that a vessel arriving from a cruise——

Mr. STANTON. I have but a moment of time left. My colleague will pardon me. I understand his statement fully. It is far from my purpose to do any injustice to the head of the Bureau of Yards and Docks. I should be very glad to learn that the Committee of Ways and Means have misunderstood him, and I would be ready at any moment to withdraw anything I may have said against him. But if the statement of my colleague be a fair report of what the commodore said, I know not how else to characterize it, but as a barefaced attempt at deception, which cannot be justified upon any ground of argument.

DUTIES ON RAILROAD IRON—COMMERCIAL RESTRICTIONS.

SPEECH OF HON. T. L. CLINGMAN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

August 21, 1852,

In the Committee of the Whole on the state of the Union, in favor of the Repeal of the Duties on Railroad Iron, and against Commercial Restrictions.

Mr. CLINGMAN said:

Mr. CHAIRMAN: I avail myself of this occasion to say something with reference to the subject of the duties on railroad iron. The bill for the relief of the Raleigh and Gaston Railroad has just been defeated by a vote of the House. As that measure was under the operation of the previous question originally, and as the motion to lay on the table the question of reconsideration was not debatable, I was precluded from saying anything in its favor. Though it has been thus rejected, there is still a bill pending for the repeal of the duties on all railroad iron, which, if passed, would be more advantageous even to that road than would have been the bill just defeated. I am the more desirous of offering some observations to the committee, because of the course of the friends of higher duties, as we have witnessed it again and again during the present session. We have seen several attempts to put in the appropriation bills, clauses increasing largely the present taxes, for the sake of protection. These motions have been made, too, after the debate was stopped, and at a time when no discussion could be had in the committee. They are thus endeavoring clandestinely to foist on the country a much higher tariff than the people would knowingly submit to. This mode of proceeding is by no means creditable to the cause. In former times, having doubtless confidence in the soundness of the system, the friends of high duties introduced their tariff bills in the usual mode of legislation, so as to permit a fair discussion and investigation as to the merits of the measure. Of late the contrary practice has been adopted, and it is fair to presume that gentlemen have despaired of success in a fair contest, and are endeavoring, by some device or sudden stratagem, to get some oppressive act fastened on the country. As we are given to understand that, in despite of the late failures, a new attempt is yet to be made to get in a clause of the kind to some one of the unfinished appropriation bills, I avail myself of this, the only occasion, to expose such a system of tactics.

When at an earlier period of the session the bill for the benefit of the Raleigh and Gaston Railroad was under consideration, there was the best prospect for its passage, the majority for it being large on all the preliminary votes. To-day, however, it has been finally defeated. Why this change? Because of an adverse influence which has been brought actively into the field. There is a certain iron interest in the country—a sort of fourth department of the Government—which claims the right to control our legislation. Not content with their representation on this floor, they send regularly, at each session, bodies of delegates who fill our lobbies, with a view of influencing our action. They are often too successful in misleading such members as have not thoroughly examined the subject, and compared their contradictory and conflicting statements from year to year. When they find that their statement of facts does not answer the purpose, but can be successfully used against them, they are in the habit of shifting it, and coming up with a new one of a contradictory character. It is only, therefore, by comparing these different statements, through a series of years, that we can hope to understand the true state of the case.

Seeing, during the earlier part of the session, that there was a prospect of the country being relieved from an unnecessary tax on railroad iron, they have sent on an unusually strong representation. Having, for a great many years, been accustomed to have taxes imposed on the rest of the community for their benefit, they have at length grown so insolent as to insist, not only that these taxes shall be paid perpetually, whether the Government needs the money or not, but that they shall be paid in cash, without one moment's delay.

For example, this Raleigh and Gaston Company having purchased in England iron to lay down on their road, are obliged, by the existing tariff law, to pay to the Government $70,000 or $80,000 as a duty or tax, before they are allowed to bring their iron into the country. Being pressed in their means, they asked that, instead of a payment in cash, they should be permitted to give bonds, with good security, to pay this duty in one, two, three, and four years. They also proposed that the Government should retain the money which it is to pay them for carrying the mail on their road. This would be sufficient, too, to pay off the debt as it falls due.

It is also admitted that the Government does not need the money, as there will be, according to the report of the Secretary of the Treasury, a surplus at the close of the present fiscal year, of about $20,000,000. In this state of facts, though the

Government will in nowise be injured by granting the indulgence, we find these iron representatives making a most strenuous resistance, which in the end is successful in defeating the bill. They do not pretend either that they could have furnished, on any reasonable terms, iron to this company. On the contrary, it has been expressly admitted by Representatives from Pennsylvania on this floor, that in that State the railroads going up to their own works, were laid down with foreign iron. They themselves, when making roads, find it cheaper to purchase iron in England, pay the expense of getting it home, and the duty of thirty per cent. on its value, rather than use their own domestic iron. They have, nevertheless, on the present occasion, been instrumental in defeating, by a bare majority of one vote, this bill for the temporary relief of one of our companies, in which the State of North Carolina is interested to the extent of one half.

Part of their opposition is doubtless due to the circumstance adverted to some time since in debate, by the gentleman from Vermont, [Mr. MEACHAM,] who denounced the last Legislature of North Carolina, because it had passed, by a unanimous vote, resolutions against any additional protection to the manufacturing and mining interests of the North. Under the influence of this feeling, in part, but mainly because members have been misled by the statements of this Pennsylvania iron delegation, the bill I refer to has been defeated, and opposition strengthened against a repeal of the duties on railroad iron. Had gentlemen been more familiar with the subject, no such effect could have been produced.

Mr. STEVENS, of Pennsylvania, (interrupting.) All I have to say is, that so far from operating against these railroad bills, that delegation of which the gentleman speaks, unfortunately, and by what I deem an unwise contract, passed through this House, or made its friends pass, a bill giving 3,000,000 acres of land to the Missouri railroad; and without the aid of those outsiders, it had no chance.

Mr. CLINGMAN, (resuming.) It is very likely, Mr. Chairman, that that delegation did succeed in passing the Missouri railroad bill; but it was a mere mistake which they made.

Their object was, by an improper bargain, to get the votes of western men to impose fresh taxes on the country for the benefit of the iron interest, and they no doubt pushed through that Missouri bill expecting to get a return. They did not get it, however, and I am glad they did fail. I trust, sir, that all such attempts will bring nothing but disappointment and mortification on the actors. When there is any combination to plunder the public, I hope that the parties to it will always fail to obtain any benefit, and that western members will stand out all the time against the bids of this interest. It is notorious to all of us who have been here for the last three years, that this iron interest is constantly offering support to western measures, upon condition that the Representatives from that section will join them in imposing additional taxes on the community.

Before, however, Mr. Chairman, speaking directly to this question of the duties on railroad iron, I wish to notice some of the general positions of the gentleman from Pennsylvania, [Mr. STEVENS,] and the gentleman from Vermont, [Mr. MEACHAM.] I attempted at the time when their speeches were delivered to reply to each of them, but was not so fortunate in the general struggle as to obtain the floor. There was one striking difference in the style of argumentation of the two gentlemen. The gentleman from Vermont indulged in some statements of facts, and gave us arrays of figures. But the gentleman from Pennsylvania, being an older soldier in the cause, was too sagacious to venture on such ground. He knows that facts are stubborn things, that will not get out of anybody's way, and that figures, when fairly used, often prove too much. He has seen how, at former sessions, the array of facts and figures, presented by the iron conventions, were successfully used against their views. He has therefore avoided making specific points, and contented himself with certain generalities and stereotyped arguments in favor of protection and encouragement to American labor, &c. The gentleman has no doubt made many a good stump speech in Lancaster with these materials. Everybody is in *favor of protection*, but who is fond of *taxation*? Is what the gentleman asks simply protection, or is it taxation, and unnecessary taxation at that? This is the point to be settled. One of the positions taken by the gentleman from Vermont, will enable us to illustrate this point clearly. That gentleman insisted that in consequence of the reduction of the duties by the present tariff, below what they were under the act of 1842, the North had been a great loser. He argued that it had lost much more than the South, by reason of the escape of its fugitive slaves. He insisted, with the utmost vehemence, that southern men were very inconsistent in demanding a law for the return of fugitive slaves, and yet not agreeing to give additional duties to the manufacturers. It is, sir, undoubtedly true that southern men have lost slaves to a considerable extent, by reason of their escape into the free States.

But how is it with northern property? Have any of the manufacturing establishments been destroyed or seized by anybody? Or have the fabrics made by them been taken away? This is not pretended, and even if it were likely to be done, the whole military force of the country would at once be called out to protect them. It must be admitted by everybody that they are fully and thoroughly protected. What is it, then, really, that the gentleman asked? Why, that we shall impose high duties or taxes on all who bring in foreign fabrics to sell, so that the manufacturers may get higher prices for what they make than is fair, according to the market prices of the world. This is really what he asks. To make the cases parallel, therefore, suppose that Congress had passed a fugitive slave law so efficient that not a single slave was ever lost, and that then I should make a loud complaint here, and insist that our slave property needed protection, and when called upon to explain, should say that I wished Congress to pass a law imposing a tax of fifty per cent. or more on the sale of all productions made by free labor, so that we might thus get a higher price for what the slaves made. This would be exactly such a case as the gentleman makes. And if Congress should agree to impose a tax of thirty per cent. on the productions of free labor to gratify my importunity, and enable slaveholders to make larger profits, I might still complain just as he does, and say, that because they did not impose a duty of fifty per cent., we had lost the difference between that sum and thirty per cent. This comparison, I think, illustrates the real position of the gentleman. He has, as far as the manufacturing interest is concerned, no better ground of complaint than an individual would have, to whom we last year voted a pension of $2,000, if we should now give him but $1,000. He might with as much reason complain that we had injured him to the extent of $1,000, because we did not again give him twice that sum. But if the gentleman really considers the present duty of thirty per cent. on railroad iron injurious, I am willing to take it off.

Again, Mr. Chairman, to make the case clearer, if possible, it is sometimes said in Congress, and more frequently in stump speeches, that the tariff is only a fence which Brother Jonathan has made to keep John Bull from injuring his property. It is certainly necessary in our country to the success of farming operations, that crops should be protected by fences. But suppose, sir, that a man whose field was already surrounded by a good fence, should insist on having a law passed that no person should be allowed to sell corn, without paying a tax of fifty cents on each bushel, unless that corn had been made in his field. If he could get such a law passed, it might undoubtedly enable him to get fifty cents more for each bushel of his corn than the market price would otherwise enable him to do, and would of course make it that much worse on all corn buyers; but would it not seem strange if the community were told that this law was a mere fence to protect his crop from damage? It is idle for gentlemen to say that the duties do not increase the price, and are not intended to do so. If they lowered the market value of the articles, the manufacturers would be injured by getting less for what they make. This nobody pretends; on the contrary, they can only be profited by the enhancement of prices.

To prevent misconception, I declare, sir, that I am willing, and I believe the community are willing, to bear all the taxation that is really necessary to sustain the Government. The country has also consented that during the infancy of our manufactures they should be highly protected. From the war of 1812, a period of forty years, these infants have been well protected, and are even now enjoying the advantage of thirty per cent. duties. Being now forty years of age, can they not do with less? Why, our present tariff would be regarded as a very high one in any country in Europe. Not long since the new British Minister, Lord Derby, a high protectionist, said in debate, that the British Parliament ought to follow the example of the United States, and adopt a high tariff like ours. Their duties, it is well known, since the reduction made five years ago, are not generally higher than ten per cent. As, however, a majority of the members of Parliament are on this question known to be opposed to the Minister, and in fact for free trade, there is no probability of their going back to the old system of high protection, and therefore there is the less reason for any increase of duty on our part.

I now, Mr. Chairman, ask the attention of the committee to the consideration of the immediate question, which I propose to discuss.

It must be remembered that prior to the year 1842, there had never been any duty laid on the importation of railroad iron. It was during this period, while this kind of iron was free of duty, that the northern, and several of the southern Atlantic States went into the system of internal improvements, by making railroads. They completed some of their most important works, and obtained a fair start. This is a matter of the greatest consequence; for gentlemen will everywhere find that as soon as one or two roads are in successful operation in a State, it is easy to go on by fresh additions to the system. The main difficulty is in the start. It seems hard, therefore, that while the older States, in the beginning, obtained their iron without any duty, that similar indulgence should not be extended to the new.

By the act of 1842, a duty of $25 per ton was imposed on all rolled iron. Notwithstanding this enormous duty, there was not, for some years, any attempt to make railroad iron in the United States. In 1846, the price having risen in England to some $50 per ton, the addition of this duty, together with other costs and charges incident to the importation, made railroad bar worth here from $80 to $90 per ton. A few establishments went into the business of manufacturing the article. There were seven or eight in Pennsylvania, and four or five in the rest of the United States. The reduction of duty and price, which soon followed the act of 1846, in a few years, caused most of these establishments to abandon that branch of business. I cannot ascertain, after diligent inquiry by letter, and also of the committee of iron-masters who have been here during the session, that more than three establishments have continued to make railroad bar. Their whole production is not supposed to exceed some thirty thousand tons.

I hold in my hand, sir, a statement of prices of merchant bar at Liverpool, during a run of ten years, which was furnished me by these gentlemen during their sojourn here. I will read the average price for each year, beginning with 1843, the first year of the operation of our tariff of 1842, as follows:

	£. s. d.		£. s. d.
1843	4 16 3	1848	6 11 3
1844	5 10 0	1849	5 18 9
1845	8 5 0	1850	5 5 0
1846	8 17 6	1851	5 2 6
1847	8 12 6	1852, Feb. & March.	4 15 0

It will be seen, sir, that this statement, furnished by themselves, singularly refutes, as far as facts go, their theories. They said that the tariff of 1842, though it might make iron higher at first, would in a few years reduce it; but in point of fact, the article continued to rise regularly each year, from 1843 to 1846.

When the act of that year reduced the duty, these gentlemen told us that there would probably be a sudden fall, and that in a little time the article would be higher than ever. But the reverse was the fact; the fall for the first year being a slight one, but increasing from year to year, regularly falling until the beginning of the present year, as far as their table goes, it including noth-

ing after the month of March. At that time, according to this very statement, bar-iron at Liverpool was worth, including shipping charges, only £4 17s. 6d. or $21 66 reduced to our currency. It thus appears that these facts, with most obstinate perverseness, refuse to conform to the theories of the gentlemen.

There has, however, been within the last two months, a considerable rise at Liverpool in the price of bar-iron. This may be only temporary, as, according to the same statement I have read from, it occurred frequently within the last few years, that there would be a variance within three months of more than ten dollars per ton, sometimes. It was for that reason that I have read the average statement of all the months in each year as given.

It may be, however, that the great demand for railroad iron has affected the price. The prospect of a continued peace in Europe has stimulated the construction of railroads there, in addition to the great demand here, and, perhaps, we may see the article rather higher for some time to come. It is often alleged, however, by the friends of high duties, that this reduction has been purposely made by a combination of the iron-masters in England, to break down our establishments, so that they may, in the end, get a monopoly, and hereafter raise the price. Is this probable? In a statement in the memorial of the iron-masters of Pennsylvania, published by order of their convention, at Philadelphia, in December, 1849, it appears that the product of Great Britain was then as much as two million of tons. It has since increased to nearly three million of tons, according to statements which I rely on as substantially accurate. But from the report of the Secretary of the Treasury, at the present session, we have, on page fifty-four, that the average foreign value of all the iron imported into the United States, in the latter part of the year 1846, was $48 per ton. In the early part of the present year it was worth only $21 66. If, therefore, we take the difference in price per ton, and multiply it by the whole number of tons produced in Great Britain, we shall find, by letting the price fall in this way, the iron men in that country have actually lost about $70,000,000 in a single year. And for what reason is it that they consent to lose at this rate for a half dozen years in succession? Why, merely, we are told, to enable them to break down these three iron establishments in Pennsylvania, which are making only thirty thousand tons per year. It would be far better for them to spend one or two millions, if necessary, in buying those works from the owners, and then having them to stand idle. Sir, the argument, often as it may be repeated, is preposterously absurd. The Sultan of Turkey might, with as much reason, assert that the cotton-growers of the United States had, by combination among themselves, reduced the price of cotton to break down his experimental cotton farm on the banks of the Bosphorus, began under the direction of our countryman, Dr. Davis. I admit, sir, that all production of iron, whether made in this country or out of it, tends to lower the price. It is also undoubtedly true, that if we should pour a barrel of water into the Potomac, that there would, by consequence, be more water in Chesapeake Bay.

But manufacturers have candidly stated that they cannot make iron at the present rates, and that, unless we give them increased protection, they must give up the business. That is really the question which they submit to us. I appeal to gentlemen all around to say whether there is any sufficient reason to justify this demand? Ought we to increase the present tax of thirty per cent., now oppressive on all parts of the country, just to enable a few establishments to make more money than they can now do? Have they any right to expect that we should do it? In this pamphlet, to which I have already referred, they have given us a minute statement of the cost of making iron in Pennsylvania. All the items they set down as making a sum total of $49 per ton at the works. They then state that it costs $4 75 to get it into the market—making $53 75—and show, that when it is sold at $55 per ton, the manufacturer's profit is only $1 25. But we have it in their own published statement, which I now exhibit, that iron can be purchased in Liverpool at $21 66, and that, after paying all the charges incident to importation, it can be had here for $27 74, if free of duty. If, therefore, there were no duty on the article, the American purchaser could get it for $27 26 less than they ask, or about one half only of the price which they told us two years ago they were obliged to have. To enable, therefore, the manufacturer to realize $1 25 per ton, you must make the purchaser lose $27 26. Is it fair thus to treat one class of our citizens for the sake of another? Are not the farmers who are interested in the making of railroads, just as worthy, and, in all respects, as meritorious as the manufacturers?

But these gentlemen say that their iron furnaces give employment to laborers. Undoubtedly they do; but so does a railroad, and it is easy to show by calculation, as I did at the last session, that the making of a railroad gives employment to a much larger number of persons than does the furnace which merely makes the iron. They say, further, that these establishments afford a market to the farmers. This is true, as to those living in the neighborhood of the works; but my constituents, or the people of Illinois and Missouri, can no more pay for iron in Pennsylvania with their produce than they can in England. In either case they would be compelled to make the payment in cash, and therefore should seek the cheapest market. Besides, sir, the railroad, when made, will carry their produce to the markets of the world, and not to a single establishment that would be easily glutted. The benefit from this protection is small, and confined to a few; but the burden is large and diffused over the whole community.

I now, Mr. Chairman, ask the attention of the gentleman from Pennsylvania [Mr. STEVENS] to the real cause of the difficulty under which his people have suffered. The complaint there is owing to the excessive degree of protection heretofore given. Under the stimulus of the extravagantly high duty of the tariff of 1842, there was too great a rush of capital to the iron business, because in the most favorable localities enormous profits could be made. So much capital went into the business, that all the spare labor in that part of the country was at once absorbed by that occupation, and the competition among the iron-masters caused a great rise in the wages of laborers, and has produced a condition of things which cannot be permanently kept up. Since I presented this solution of the difficulty in the last Congress, I have some additional evidence to support the view. From the census returns, which have been published for the first time during the present session, I find that while the average rate of wages for male laborers in the iron factories of Pennsylvania is one dollar and six cents, in North Carolina it is only thirty-nine cents, and in Georgia it is only forty-three cents. Why this difference? What has produced such a condition of things? Clearly it is owing to the fact, that in those favorable localities in Pennsylvania the business was overdone, and more labor being required than could be had at the usual rates, wages rose thus high. I may be asked, however, if this is not a desirable thing. I need hardly say that I should be much gratified to see not only the iron manufacturers of Pennsylvania, but all the other laborers there, whether farmers or mechanics, and throughout the entire Union, receive not only one dollar, but ten or twenty a day. But this state of things cannot possibly be. As you can only raise prices partially and by legislation, the question is, whether it is right to impose a tax on those of our citizens who are getting but forty cents per day, to give others more than one dollar? Why oppress North Carolina and Georgia for the sake of helping Pennsylvania?

Mr. BROOKS. Do not the laborers in the iron establishments in North Carolina receive as high compensation as those in Pennsylvania?

Mr. CLINGMAN. I am glad the gentleman has asked me that question. I beg him again to look at this statement which I have read, and he will find that by the census returns which have been published, that the average price of labor in all the iron establishments in North Carolina is set down at thirty-nine cents; the average in the iron establishments in Georgia forty-three cents, and that of Pennsylvania $1 06. Now, if you will look at the price of labor in the cotton factories in Pennsylvania, according to the census returns, it is only sixty-five cents. There is a difference between the prices of labor in the cotton and iron manufactories of from sixty-five cents to one dollar and six cents.

Mr. MOORE, of Pennsylvania. If the gentleman will allow me, I will ask him whether he alludes, when he speaks of the price of labor in the cotton manufactories, to male or female labor?

Mr. CLINGMAN. I allude to male labor only.

Mr. McNAIR. Is board included in this statement?

Mr. CLINGMAN. The statement before me gives the rate of wages in all the States alike, without discrimination, and of course either board is included for all or none in the comparative estimate of the census tables.

Mr. McNAIR. The price of board itself is eighty-seven and a half cents a day.

Mr. CLINGMAN. Then the price of board must of course be included in the statement. My object is to show the difference in the rate of wages paid to the laborers in the cotton and iron manufactories in Pennsylvania. The average rates, as I said, is sixty-five cents a day for one, and one dollar and six cents for the other.

Mr. MOORE, of Pennsylvania. In the cotton manufactories there are a great many minors. Does the gentleman include them in his estimate, or does he only refer to the labor of men.

Mr. CLINGMAN. However that may be, the gentleman will see that it will not help him out of the difficulty. When I come down to North Carolina, I find that the price of labor in the cotton factories averages forty-four cents per day, which is five cents higher than that paid to those in the iron establishments there; and we employ boys in our cotton manufactories as well as you do in Pennsylvania. In Georgia the price of labor in the cotton manufactories is fifty-five cents per day, which is twelve cents higher than in the iron establishments of that State, also; so that the gentleman will see that the fact that minors and boys are employed in the manufactories of Pennsylvania, does not help him out of the difficulty.

But my explanation is the true one of the cause of the difference of forty cents per day between the rate of wages in the cotton and iron establishments in Pennsylvania. The Government, as I said, by the duty imposed upon iron in the tariff of 1842, rendered the manufacture of iron so profitable that all the labor of the country was absorbed by the iron manufacturers, and such was the competition that the price of labor rose to the enormous rate of $1 06 per day, while the labor in the cotton manufactories remained at sixty-five cents. This fact illustrates the principle which I am endeavoring to maintain. Pennsylvania is suffering from excessive protection. At the particular localities where these iron establishments were located, the business became so profitable as to raise the price of labor to that degree that now that iron has fallen they cannot afford to make it on the same terms; while if the duty imposed had been only a moderate one, so many would not have gone into the business, and there would have been a steady advance.

What you want is a moderate check upon the system. I will make a few remarks upon a very singular statement of the Secretary of the Treasury, which I have no doubt gentlemen have seen incorporated in Mr. Corwin's report, as it is germane to this subject. But before I proceed to that matter, let me say that the price of labor in the manufacturing establishments of North Carolina, Georgia, and Tennessee, no doubt indicates the rate of wages among the farmers; for if the farmers paid any higher rate, of course these people in the manufacturing establishments would not work for less. If this is true, the farmers of the South and West, and I have no doubt that the same is true in other States, are not realizing more than forty or fifty cents a day, and yet gentlemen are clamorous in asking us to impose a tax upon these people who receive but forty or fifty cents a day, to enable others to get more than a dollar and six cents a day.

Mr. McNAIR, (interrupting.) I will say to the gentleman that many of those who are employed in the iron works, have to spend many

years in learning the art of manufacturing, and then they receive high wages, and that makes a very great difference.

Mr. CLINGMAN. If the gentleman had attended to my remarks and referred to the census, he would have found that the average rate of wages included all the laborers, whether they receive high or low prices.

But how, Mr. Chairman, is it with the farmers? I am amused sometimes by gentlemen getting up upon this floor, as I was amused when I saw an article in the National Intelligencer to the same effect, complaining most bitterly of a tax of five per cent. upon madder, dye-stuffs, and other articles which the manufacturers consume. The manufacturers say it is a great outrage to impose a tax of five per cent. upon what they use, but upon what the farmers use, they say thirty per cent. is not enough. The laboring farmers of the country are realizing but forty or fifty cents a day for their work, and the real question now is, whether you will impose a further tax upon them to enable these other people to make a dollar and a quarter. They say to the farmers who may complain, that the duty makes things cheaper. Then why do they not submit to it themselves? It is because they do not themselves believe in the argument; else why complain of the five per cent. tax on copper, and fifty other things which they find occasion to use, and which are, to some extent, produced already in this country, and can be without limit. No, sir; their wish is to be exempt themselves from all share in supporting the Government, and that all others may be taxed for their benefit. They have been so much petted, that they have been quite spoiled. Most of our tariffs have been made entirely to suit their wishes. The farmers, and their representatives here, I am sorry to say, have looked too little into the details of the systems, and have permitted the manufacturers to have everything their own way. It is high time that there was a nearer approach to equality and justice.

But I wish, Mr. Chairman, to advert to an argument which has been put forward again and again; and I ask the attention of my friend from Tennessee, over the way, [Mr. JONES,] and others. These gentlemen say you are proposing now to benefit corporations, but you will do nothing for the farmer; that you propose to take a duty off of railroad iron, but you do not touch plow iron. Now, I should like to show gentlemen how little there is in this objection. These gentlemen have not surely looked into the statement of the Secretary of the Treasury. From the last report (page 83) it appears that there were 254,000 tons of bar-iron, manufactured by rolling, imported for the year 1851. Most of this was railroad iron. From another statement, furnished during the present session to my colleague, [Mr. MOREHEAD,] by the Secretary of the Treasury, it appears that the exact amount of railroad iron imported for the year, was 190,199 tons. But all the other kinds of bar-iron, not manufactured by rolling, according to the same report, (page 84,) imported for the year 1851, amount to only 20,198 tons. This includes the finer kinds of Swede iron, as well as the plow iron imported. If it were all used by the farmers, instead of only a small part of it, it would still be but little more than one tenth of the railroad iron imported. How absurd, then, is it to say, that it is a matter of great importance to relieve the farmers from a tax on 20,000 tons, but it is not worth while to remove a burden ten times as great. These gentlemen are extremely anxious to remove a mote from the eye of the public, but they are utterly indifferent about getting out the beam.

But is it true, sir, in point of fact, that the capitalists are interested in the railroads mainly, and that farmers are not? I can speak from some observation upon the subject. In North Carolina we have a few roads, but not so many as we ought to have, and would like to get more, and yet I find that those roads have not been made by capitalists. Moneyed men who want to make as much as possible, you will find invariably looking for more productive stocks. There is the Wilmington railroad, the stock of which my colleague [Mr. ASHE] very wells knows is not now worth more than seventy cents on the dollar, and yet the very men who took that stock, and lost money on it, have since taken stock in other roads. Why is it? When you propose to construct a road in North Carolina—and I have no doubt the same is true in western and southern States generally—every farmer asks himself how much can he afford to lose for the sake of getting a public improvement; and after deciding that question, he takes as much stock as he can afford. So these roads are made by the farmers and the poor men of the country mainly. And when they are made in any manner whatever, they benefit all classes. They enable the farmers to get their produce to market—to the sea-side, where they have the markets of the world. Every man who travels is benefited, too—and almost every one has to travel to some extent. The manufacturer is also as much benefited as any one else. He has the road to enable him to send his goods to the consumer in the country, and by the same facility he gets back his grain, and beef, and pork.

Nor does the benefit stop here. When this produce comes to the sea-side, you find that the ship-owner, and the merchant, take it and carry it abroad, whereby commerce is vastly increased and extended. Every class of the community, and every branch of business is thus benefited.

Mr. FULLER, of Pennsylvania, (interrupting.) The gentleman has exhibited a very striking contrast between the rate of wages in the State of Pennsylvania, and the State of North Carolina, and has stated that the rate of wages in the iron establishments of Pennsylvania is $1 06 per day, and forty-three cents in the State of North Carolina. I wish to know of him if he considers $1 06 too high a rate of wages for a laboring man in any State of the Union?

Mr. CLINGMAN. I have answered that question, and I will answer it again. I told gentlemen that I would like to see these laboring people getting the highest wages. I hope the gentleman will not interrupt me again, except with some new matter.

Mr. FULLER. What kind of men are they in North Carolina, who work for forty cents a day?

Mr. CLINGMAN. The object of the gentleman is only to occupy my time, as I have answered that question.

I have said this: that when gentlemen propose to tax one man who is getting only forty cents a day, to enable another man to get more than $1 06, I am not for it. I should be very glad to have these men get $5 a day, or a much larger sum, but I am not willing to tax one set of men to give to another.

As I was saying, everybody has been struck by the immense increase of our foreign tonnage in the last two or three years. Why is it? Because the improvements of the country have carried a vast amount of its products which never before found their way there, to the sea-side, and they are now transported abroad.

But we hear a great complaint made of British free trade. When listening to this clamor, people would suppose that Great Britain was robbing us of everything, especially of our gold and silver, and that we were losing every year.

I find, according to the statement of the Secretary of the Treasury, in the commerce and navigation document for the last year, (page 46,) which any gentleman can read for himself, that Great Britain buys $124,000,000 worth of products a year from us, and sends us back only $105,000,000 of her produce, (page 270 of same document.) So that we actually sell her $19,000,000 of property more than we take back from her, obliging her to make up this sum in specie to us. It is amusing to hear this great hue and cry against our commerce with Great Britain, when it is known that she not only buys more from us than all the world besides does, but $19,000,000 more than she sells to us. That is equivalent to $19,000,000 of specie upon our side. I should like to know if any one objects to that state of the case?

If you stop this trade with Great Britain, the result will be that the $100,000,000 worth of cotton she now takes, and the rice, pork, tobacco, and the breadstuffs, &c., amounting to some $20,000,000 and upwards, all are to be kept at home to rot on our hands. Great Britain only gets our cotton and other things by paying more than anybody else, and she is the largest and best customer therefore we have, and our trade with her is much the most profitable we have with any Power.

I now wish to make a remark upon a singular statement contained in the report of the Secretary of the Treasury, (page 54.) It is a table, from which it appears that in 1848 we were consuming ninety-nine pounds of iron to each person, and that now we are consuming only sixty-nine pounds. This is a singular state of things, if it be true. But what is the fact, and how does he get at it? Remember, in 1848, iron was worth nearly $80 per ton, and it is now down to $30. Is it not very extraordinary, therefore, that when iron was dear, you consumed ninety-nine pounds, and when it fell down to a much lower price, you consumed only sixty-nine pounds. Now, if it were true, that under this system of legislation, our people were so impoverished that they could not consume the amount of iron they wanted, it would be a great and important question. But how do you get at these facts? I will tell you. The amount imported in each year is easily ascertained, but the error is in computing the amount of domestic production. It appears from the census of 1840, that we manufactured in the United States 286,000 tons of iron. It appears also, from the census of 1850, that we manufactured 564,000 tons, which is doubling the amount in ten years. That is the only data we have to go upon that is at all authentic. But when some of the manufacturers of Pennsylvania, two years since, wanted to make a strong impression upon Congress, they got together and claimed upon the strength of estimates and conjecture merely, that they did make 800,000 tons in the year 1848. This statement was got up expressly to induce Congress to give them further protection, they alleging that the manufacture of that article had fallen down to little or nothing then. Well, the Secretary of the Treasury has taken that statement made up in this way in December, 1849, at the instance of these iron manufacturers, and incorporated it into his report. If you take the census of 1840, and the census of 1850, you have something reliable to go upon. Though the census may be inaccurate, yet it is after all, more likely to be right than any other statement. Yet, the Secretary of the Treasury has taken that statement and incorporated it into his report upon mere conjecture, and at the instance of persons interested to make the difference between the two periods as great as possible. Is there the slightest reason to believe in this statement?

I appeal to the judgment of every gentleman around me—are not we making more railroads in the United States now than we ever have at any former time? Are we not making a larger number of ships? Both are great consumers of iron. Are not we constructing more steamboats and steamships, with their immense massive iron machinery, than at any former period? Are not we using iron for houses, bridges, and in a thousand ways, and to a greater extent, than formerly? Are not our farming operations carried on with a greater consumption of iron, than at any previous time?

I have no doubt, Mr. Chairman, that the people of the United States are consuming more iron now than at any earlier period of our existence. It is a strange, a most preposterous idea, that they do not consume it, because it is so cheap; and yet this statement is thrown out and copied into the newspapers, and harped upon from time to time, without persons taking the trouble to look into it, or see its fallacy.

But, Mr. Chairman, we are sometimes told that by submitting to a high price for a few years under protection, we shall in the end get the article cheaper. Even if this be conceded as a general principle, it cannot hold good as to railroad iron, if the iron-masters of Pennsylvania are to be relied on as good authority. In this same pamphlet, printed by them, from which I have been reading, it is said, that in making iron, the labor amounts to nine tenths of the whole cost of production. It is also shown by the table, on page 46, that the cost of American labor on a single ton is $11; and that the English get the same done for $3 71. Taking, therefore, the raw material in this country to be worth about the same that it is in England, it being, too, but one tenth part of the whole cost, it appears that a ton of bar-iron can be manufactured in that country for $20, at a better profit to the maker than the same would afford here when sold for $50 per ton. Nor can this inequality ever be overcome, unless wages were correspond-

ingly reduced in this country. This, I need hardly say, is not desired by those interested, and therefore there is no ground for us to hope that the burden they propose the nation should bear will be a mere temporary one. Conceding that the British have the advantage, however, in this particular manufacture, I am still of opinion that those representing the iron interest have greatly exaggerated the difference. This very committee of iron-masters, to whom I have already referred, told me, during the present session, that they were able to make iron in Pennsylvania now, at $10 per ton less than they did two years ago. This, they said, was owing to improvements and economy, and not to any reduction of wages. This remarkable fact has occurred, too, not under a high tariff, but under what they call a low one. It reminds me of what has occurred in England, with reference to the silk manufacture. While that business was heavily protected by the Government, it languished; but since the duties have been reduced, it is prosperous.

These facts tend to show that it is necessary that people should rely on their own efforts for success. If the wagoner wishes Hercules to help him he must put his shoulder to the wheel. Even if all the duties were repealed, I have no doubt but that the iron manufacture would still go on, just as our farmers make corn at fifty, twenty-five, and even ten cents per bushel in some localities, because they cannot do better. Though they do not call upon us to tax others for their benefit, they have a right to insist that we shall not impose unnecessary burdens on them, to aid others who are already better off. The gentleman from Pennsylvania, [Mr. ROSS,] whose able speech has rendered it unnecessary for me to touch many points of the subject, showed that the iron business in his State was in a highly-prosperous condition, and that more iron works had been built since 1846 than in an equal period before it. The minute knowledge he evinced on this branch, will not, I trust, be lost on the House or the country.

In the census table, furnished to us this session, it is stated that there is now in operation 10,814 miles of railroad. This will have to be relaid from time to time. There are also in the progress of construction 10,896 miles of railroad in the different States of the Union. The duties under the present tariff on the iron necessary to complete these roads will amount to more than $8,000,000, but the Secretary of the Treasury estimates the surplus on hand at the close of the present fiscal year at some $20,000,000. Had we not better, therefore, repeal the duty, and thus enable all the States to finish their works? Pennsylvania herself, that is making several hundred miles of road which she is laying down with the foreign iron, will be much more benefited as a State than injured by the measure. It will take half a million of dollars to pay the duty on the iron which will be required on the roads in North Carolina, which we expect to have to purchase in the next eighteen months. The grading of the roads can be done by the farmers themselves, but the iron is a cash article, and why should its price be so much raised by an unnecessary tax, as I have shown this to be?

I admit, sir, that it is advantageous to a country that part of its labor should be employed in manufactures; but it must be such business as will sustain itself. It is clear that if any branch of manufactures is so unprofitable that it cannot support itself, but must be kept up by a tax on other more profitable occupations, it is a losing concern on the whole, and ought to be abandoned. All the countries referred to as having grown wealthier by reason of their manufactures, did so because they took care to engage in such kinds of business as they found convenient and profitable. England was referred to by the gentleman from Pennsylvania, [Mr. STEVENS.] She, however, tried the system of restriction until her starving population could no longer bear it, and five years ago she was obliged to repeal her tariffs, and adopt a comparative system of free trade. The consequence is that she is more prosperous than at any period of her existence.

Let me present to the House some statements professing to come from official sources, and furnished by the London correspondent of the National Intelligencer. Nobody will suspect that paper of an undue bias towards the side of free trade. The article in question will be found in the paper of March 27, 1852.

In the year 1845, the year before the repeal of the corn laws, the importations into the United Kingdom of wheat and meal were 1,141,957 quarters; and in 1851, the increase was no less than 5,355,687, or nearly fivefold. Remember, too, that the domestic production of these articles had increased, and ask yourself how vast the benefit conferred on the starving population of the country by this large increase of provisions consumed. Nine years ago, the consumption of sugar was 4,068,331 cwt.; last year it had risen to 6,884,189 cwt., or an increase of sixty-nine per cent. Not only are the people there able to pay for these articles which they consume, but all branches of manufacturing exhibit a proportionate increase, as is shown in the same article, as follows:

Again: If we look at the items of manufactures and exports, we shall find evidences of prosperity which are founded, we think, upon increased consumption of raw materials. Take the following brief tabular arrangement of the quantities of the leading varieties of raw materials, which passed through the hands of our manufacturers in the years 1842 and 1851, respectively:

	1842—lbs.	1851—lbs.
Cotton	486,498,778	645,436,624
Wool	44,022,141	69,346,893
Raw silk	3,856,867	4,059,449

The entire exports of the results of British industry were, in 1842, £47,381,023; in 1851 they were £74,116,396; an increase within nine years of more than fifty per cent.

I might, by going further into detail, show still more clearly how much Great Britain has been benefited by greater freedom of trade. Nor can it be pretended by any one cognizant of the facts, that she has made this advance at our expense. Our prosperity, as a nation, is greater than at any former period. The last half a dozen years show an advance that cannot be equaled by any period of similar length in our history. Money has been abundant; our domestic production, and export, at fair prices, much greater than ever before; while what we have had to purchase in turn from abroad, has been lower than formerly. Wages, generally, have been very high, and the necessaries of life abundant and cheap. Even the cotton factories, which a year or two since were languishing from the high price of the raw material, are now doing well. Their numbers are on the increase, and they are generally at work on full time. According to a statement, which I think correct, they had taken for consumption of cotton, up to the latter part of May of this year, 509,293 bales. During the whole of last year, they used only 305,246 bales. If, in the latter part of the present year, they should take as much as they did for the corresponding period of last year, their consumption and manufacture would, for the present year, considerably exceed that of any former one, and be fifty per cent. greater than that of the highest year under the tariff of 1842. If a cotton or iron establishment is sold by the company for debt, the fact is at once paraded in certain newspapers, and charged to the want of a higher tariff; but when the same factory is started in new hands, or when others are built, these journals take no note of it, nor do they tell us how many farmers and merchants have their property sold by the sheriff or otherwise fail in business. I find, too, that our export of cotton goods was, in 1846, $3,545,481, and in 1851, $7,241,205, or more than doubled.

I now propose, Mr. Chairman, to direct the attention of the committee to another subject of great magnitude, viz: the modification of our navigation laws, and the relaxation of certain restrictions on commerce now existing. The period is perhaps a favorable one for such a discussion, because the public mind is now excited on the subject of the fishing difficulty. It is proposed by certain persons, that to obtain from Great Britain further fishing privileges in her waters, and also the right to the free navigation of the St. Lawrence, we should adopt a system of free trade with Canada, &c., and so far repeal our tariff as to admit Canadian productions free of duty. If this be the whole extent we are to go, I am opposed to it. Why, sir, has not the country been told ten thousand times by the manufacturers, when asking for high duties, that though the farmers might thereby have to pay them a little more for their goods, yet it would be amply made up to them by the manufacturers, who would take their productions in turn, and give them better prices than they would get elsewhere? This story has been repeated until it is known to every child. And yet, sir, they gravely ask us to keep up the taxes on manufactured articles for their benefit, and to the oppression of the farmers, and nevertheless propose that they shall be allowed to go over to Canada, to purchase such foreign productions as they wish to consume, merely because such things may be cheaper there than at home. Yes, sir, they wish the farmers to bear the burden of the tariff, while they have the benefit of free trade. Coming from them, this proposition is the most amazingly impudent one that the mind of man has ever conceived. It would be a very different thing if they proposed to put all persons on the same footing by a general repeal of duties, and permitting all to purchase where they could buy most advantageously.

With respect to our fishermen, I am as anxious as any one to advance their interests. They certainly, however, have no reason to complain of us. They are now, and have, from time immemorial, been sustained by bounties from our Treasury. In addition to getting the salt they use in curing fish free of duty, the bounty paid to them out of the Treasury is, according to the speech of the gentleman from Massachusetts himself, [Mr. SCUDDER,] delivered a few days since, equal to $22 32 for each person engaged in the business, including both ship-owners and fishermen. As they are employed but four months, it is therefore equal to $5 58 per month added to their other profits. Would not the farming laborers of the country like to have given to them by the Government $5 50 per month, in addition to their wages? Instead of this, however, they have to pay in taxes the very money which the Government gives over to the fishermen. The fish caught by them are certainly a good commodity, but not worth so much to the nation as the pork and beef of Ohio, Kentucky, and other States, which get no such bounty. It is said that the sailors thus employed serve in times of war to man our Navy, and defend the country. This is, to some extent, true; but it will hardly be affirmed that they render more important service than the riflemen of the western and southern country did at New Orleans, Buena Vista, and on many other well-fought fields, and yet, instead of giving these men bounties out of the Treasury, we impose taxes on them. I do not wish to be understood as insisting on a repeal of the laws giving these bounties to the fishermen, but only to show that they are, in fact, much favored already, while I am disposed to obtain for them further advantages, upon what I consider fair terms. What are these terms? Simply that, in addition to the fishing privileges, the navigation of the St. Lawrence, and free trade with Canada, we also so far modify our navigation laws as to extend the reciprocity system with Great Britain, adopted a few years since, to the entire coasting trade of the two countries.

By the arrangement entered into some three years since, our ships have the right to carry freight, &c., from any port of the British dominions to any other country; also from Great Britain to any one of her colonies, and from one colony to another. Her ships, too, have the right to carry from the United States to any other country; but our vessels cannot thus go from one port of Great Britain to another port of that island, nor from a port of one of her colonies to another port of the same colony, nor can her vessels take cargoes from one port of the United States to another in our country. I propose, then, so to modify the existing system as to allow the vessels of both countries to participate in the coasting trade of each. Against this proposition a clamor is raised, and one gentleman said in my hearing that we had as well abolish our Navy. Everybody may remember, however, that there was a similar apprehension of mischief from the adoption of the reciprocity system in the foreign trade before it went into effect. But what has been the result? Instead of our commerce suffering, there has been an immense increase, by reason of the free competition thus afforded. Yet Great Britain has not been prejudiced, but, on the other hand, has been positively benefited. In 1848, the year previous to the repeal of the navigation act, the entire tonnage of the United Kingdom was 10,630,000; in 1851, it was 13,471,000—being an increase of some

thirty per cent., an amount greater than the advance for an equal period at any former time. The increase of British tonnage engaged in the foreign trade, which entered the ports of Great Britain in the year 1851, as compared with that of 1849, is, however, only five per cent. But that of the United States in the same ports was as follows: For the year 1849, 587,986 tons, and in the year 1851, 778,664 tons—an increase of twenty-five per cent. in two years. It thus appears, that, in her own ports, our tonnage has increased five times as much as hers since the adoption of the reciprocity system. How is the comparison on this side of the water? I have a statement for the port of New York, which I take to be accurate.

Calendar years.	No. of arrivals.	Tons, American.	Tons, Foreign.	Total tons.
1846.....	2,292	496,761	185,404	682,165
1847.....	3,147	605,482¾	333,537	939,019¾
1848.....	3,060	657,794¾	367,321½	1,025,116¼
1849.....	3,227	734,908¾	414,096	1,148,104¾
1850.....	3,333	807,500½	441,756½	1,249,337
1851.....	3,840	1,144,485	479,566¾	1,624,051¼

From this it appears that within two years, viz: 1849 and 1851, whilst the increase at that port of British tonnage is fifteen per cent., that on our side amounts to seventy-eight per cent., or more than five times as much. We are, under the system of free competition, beating the British everywhere. For the accuracy of this statement, with reference to the port of New York, I appeal to the gentleman representing it, [Mr. BROOKS,] who made an able speech on this subject in the last Congress.

Mr. BROOKS. That increase of tonnage arises from two sources: first, the annexation of California, which has caused an extensive commerce around Cape Horn, which we had not before. And, secondly, the British navigation act, which has opened all the British ports.

Mr. CLINGMAN. By the British navigation act, the reciprocity system between both countries has been extended to the foreign trade. I am obliged to the gentleman for the candor of his admission. My object is to show that free trade upon the ocean has greatly increased our commerce, and thereby benefited us. We now send more abroad because of this greater freedom of trade. It is a little singular, some gentlemen may think, that both countries should be benefited by this change. The reason is this: in the first place, by reducing the cost, you increase the amount of freights. We all know that when people can get their productions to market cheaper they sell a great deal more. In the next place, when one branch of business is glutted, the whole field being open, owners of vessels can shift from one employment to another.

What I propose, Mr. Chairman, is this: I am willing to agree with Great Britain, that if she will allow our fishermen the privileges they desire, and give us the navigation of the St. Lawrence to boot, I will go for Canadian free trade, provided we also extend the reciprocity system to the coasting trade of both countries. We shall thus greatly benefit our agriculturists. Why should not the farmer, when his produce gets to the sea-side, have the right to send it anywhere in the ship that will carry it cheapest? Two years since I had occasion to state, that it cost more to take freight from New Orleans to New York than from New York to Canton, on the opposite side of the globe. This is a heavy tax on the cotton, pork, and flour that goes down the Mississippi. Why should people be longer compelled to submit to it? By letting in the competition of British ships, and stopping the monopoly, we should lower freights, and benefit all the producers of the country. Great Britain is able to give us a sufficient equivalent in the way of exchange. Unless, however, this is to be done, I am opposed to Canadian reciprocity. That would be simply giving Canada all the benefits of being in our Union, without her contributing anything to support our Government. Of course it is a good policy for her, and I do not wonder that Sir Henry Bulwer, the British Minister, was anxious for it. Its adoption would tempt a portion of our population to go over into Canada. They might thus escape the high tariff of this country, and buy British goods cheap for their own use, and yet have the privilege of selling all they made in this country. I repeat, I am willing to adopt a general system of free trade, but not a partial one for the advantage of a particular class or section.

I have, Mr. Chairman, discussed these topics with little expectation that in the ten days which remain of the present session, we shall see any legislation on them, but rather in the hope that at some early day of the next session, Congress may be induced to act on them. During my time on this floor, I have witnessed important results, and great changes of public opinion, effected by discussion in these Halls; and if, at this time, I could, by directing the attention of gentlemen to the consideration of these points, be instrumental in any manner, or to any extent, in convincing the minds of a majority of the propriety of these views, I should feel quite confident that, sooner or later, they would, through the medium of the press and otherwise, bring public opinion to that condition that would effect the proper legislation to carry them into practical operation. I thank the committee for its attention, and will no longer occupy its time.

THE DANGER OF CENTRALIZATION, AND THE IMPORTANCE OF PROTECTION.

SPEECH OF HON. J. R. CHANDLER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

August 21, 1852.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the Post Office Appropriation bill—

Mr. CHANDLER said:

Mr. CHAIRMAN: I call you, sir, and the members of this committee, to witness, that on the infrequent occasions of my addressing the House, I have scrupulously confined myself to the business legitimately before us, and have never wandered into digressive paths to meet a party or popular movement. The only occasion in which such an aberration could be imputed to me, was that in which I prefaced my speech on the homestead bill with a slight allusion to fogyism—a sort of license always conceded to a public speaker who sees that the attentive powers of his audience have been so keenly occupied that he might fail of securing attention if he did not titillate the ear by something a little more pungent than ordinary argument. The event showed that my experiment was not fruitless as it regarded my own interest. *To-day, sir, I purpose departing from the subject which is, by the Calendar, before the committee, and direct my remarks to a subject which has been forced upon the House by the exigencies of the times and the ambition of members; and to prevent any disappointment, I announce that I shall advocate what is usually called the Protective or Restrictive system, but which I contend is the real, the long-desired measure of free trade. Yes, sir, I am the advocate of freedom in trade as opposed to that necessity of a commerce which foreordains the market which the world shall frequent, and centralizing the dealings, the manufactures, and the fiscal operations of the civilized world, pours the whole into one vast vortex; makes hundreds of nations tributary to a single power, to the injury of all others; tributary to central portions of that power to the injury of all her extremities. My object, Mr. Chairman, is to show to you the injurious effects of the British free-trade scheme: how it centralizes all the business of the world in Manchester and London, and thus drains the life-blood of every power which is made subservient to that policy.

Sir, the system of free trade, upon which this country is entering by the tariff of '46, is one of those violations of the laws of business which must result in misery to those who allow themselves, as we have done, to be inveigled into it. The attempt of England to do the manufacturing of the world, after she has secured the powers of her looms and ships by protection, is contrary to the great principle of business, and is a manifest violation of the natural rights of mankind. The true place, the natural place for the artisan, is where the raw material and food abound. These all united—labor, material, food, clothing—are all combined, compressed, amalgamated into the manufactured article.

The laws of trade may not be violated with impunity more than the laws of nature. My honorable friend from Massachusetts [Mr. MANN] is wont, when anything goes wrong, mentally, physically, or spiritually, to exclaim: "Well, some law has been violated here!"

Now, sir, in all the misery which you see abroad, and the rare instances of vast accumulations of wealth, you must feel that some law has been violated; and let me add, some law has been no less violated, when workshops are in one country, and the material and food for labor brought from another distant land; and so true as time passes, so true will the principle upon which that outrage has been perpetrated vindicate itself; sir, slowly, tardily, but terribly.

Look, Mr. Chairman, to the situation of those powers that have centralized commerce. The unnatural action has indeed stimulated the growth of every kind of wealth; but it has deposited a slime which, like that of the Nile, engenders monsters that alternately waste and destroy.

Venice, sir, centralized commerce, and flourished; but the unnatural prosperity was not permanent; and the glory of the mighty centralized commercial metropolis has departed, and Ichabod is written on the crumbling door-posts of her tenantless Exchange.

Holland, sir, centralized, and had the trade of the world; but, alas! she has now neither manufactures nor commercial superiority.

Genoa distinguished herself in the race of centralization, and she is now the monument of the danger of that terrible error.

The *Hanse-Towns* of Germany are in the same category of centralization, affluence, and atrophy.

Political centralization is an evil which we all dread, and against which we carefully guard. It is a great evil, against which the founders of this Union spoke and legislated. It is an evil against which they warned us in their books; for men wrote about such matters. But who has thought of detecting the evils of a vicious commerce, and pointing to its ultimate effects on the destiny of nations? Men write and talk about politics, and acquire place and honors by the exercise of their foreseeing and forereaching intellect. Commerce seems to them to have done its work when it has enriched its votaries. Political centralization we shall avoid, because we daily admonish each other of its danger. But commercial centralization, while it sweeps business, its profits and its pursuers, into one common vortex, in time works the ruin of that upon which it has been built. Political centralization leaves the individual still at liberty to employ his time and his capital as he pleases; he does indeed pay a tax to support the central power, but that tax is individually small. Five dollars a head in France would be one hundred and eighty million dollars for political centralization. It can be paid, and the loss endured. While commercial centralization, though it may diminish the tax, deprives the individual of the power of earning, and of course of paying, the five dollars. Sir, you would better tax him a hundred dollars and leave him free to earn, than to tie up his industry and tax him five dollars. Give the people the power of earning, impose no necessity of sending abroad for the results of labor, and you make them free; tie them down to the commercial necessity of sending their rude produce to one market, and to derive from the same center their manufactured goods, and you destroy their ambition, their patriotism, and their independence.

You remove the sustaining principle of industry and enterprise—

> "You take the prop whereon my house doth stand,
> My house doth fall.
> You take the means whereby I live,
> You take my life."

Ireland, sir, is one of those nations which sunk from its independence of protective manufactures into the dwarfing vortex of commercial centraliza-

*Those who are acquainted with the recent writings of Mr. Henry C. Carey on the subject of political economy, will readily perceive that the views here taken are those which that distinguished writer holds and promulgates. Should this speech reach persons not acquainted with Mr. Carey's views, it is hoped that a desire will be felt to be improved by his powerful arguments.

tion. She seems to have little to do but to raise potatoes, and, though successful in that, is miserably poor; when that crop fails, she starves.

Before the Union, Ireland had manufactures amply protected. But the terms of that Union provided for the gradual reduction of duties; and as these terms were gradually fulfilled, factories disappeared. And what followed? Famine, squalid misery, rebellion, banishment, and death.

Sir, depend on it, this view of the case is worthy the attention of every American. I am sure that members of this House will find their account in taking the idea which I only suggest, and carrying it out with their own powers of comparison and analysis.

Sir, there is not a nation in the world that has been under the influence of Manchester and Bristol "free trade" that is not in a position, or progressive state, of ruin. Sir, it is death; slow sometimes, but always certain.

Look at India, Portugal; look at Turkey, which is a model of free trade. Look at the West Indies, which are a model of ruin. Look at Canada, so long worn down with the centralizing influences of free trade that she has lost her recuperative power, and she asks to reciprocate free trade with us that she may add her surplus to ours, while she receives from England what we would like to supply. She asks this; she asks more. She desires to come into our Union, that she may recruit her power, wasted by free trade, at the yet unwasted energies of our nation.

Spain,* sir, I confess, is a nation that suffered waste and almost ruin while she had a protective tariff; but this apparent exception is but a stronger illustration of the danger to our nation of the free trade or centralizing powers of another. Spain, sir, had a protective tariff; but she had a weak, dependent, unstable government, without power to enforce its revenue laws; while Great Britain sat quietly down on one side in Portugal, one of those *effete* nations which her centralizing influence had wasted, and on the other side sat down at Gibraltar, and there like a vampire exhausted the vital powers of Spain by defeating the operation of the Spanish protective tariff.

But fortunately, sir, a change has occurred in the Government of Spain. New power, new energies have been infused into the executive. The laws, though not altered, have been enforced; and the result is, sir, the erection of numerous factories in almost every province of Spain, the restoration of industry, the dawn of a new day of prosperity. Spain now sells fewer sheep and far less wool than formerly; she needs the former to produce the latter, and she requires the latter to supply her newly-erected machinery, where the simple cheap food of the country yields an easy living, and industry combines the fruits of the field, and the mountain, and human industry in the product of the loom. I am compelled, Mr. Chairman, to limit myself in instances; my time will only allow me to refer to the great principle of protection and the great antagonistic power of centralization; and to refer to, rather than cite, instances of the effects of each.

Now, Mr. Chairman, which are the strong countries of Europe?

France, that protects the produce of field, loom, wine-press, and mines, and refuses to throw herself into the vortex of British centralization.

Belgium, sir, little Belgium—the paradise of protection and of laboring men—peaceful, quiet, prosperous, and finding in the protection of national industry the sure guarantee of domestic and social comforts.

Northern Germany, sir, has redeemed herself from that ever-ebbing tide that sets toward Manchester; the Zoll-Verein is giving her prosperity and power. Sir, the effect of protection on Northern Germany may be found in the fact, that within the fourteen years ending in 1850, her consumption of cotton increased from forty to one hundred and forty millions. Before she respected and protected herself, she received all her hardware from England, paying English prices, enhanced by the cost of transportation expenses, small duties, and mercantile profits. Protection has done so much for north German manufactures, that she is absolutely sending back to Birmingham some of her iron, and sending hither some of her goods made of our raw cotton; in which manufacture, indeed, she is beginning to compete with Great Britain in almost every market of the world. Before the establishment of the Zoll-Verein she exported a large portion of her wool, and imported some of her cloth; now she mingles together her grain and her wool, and exports both in the form of cloth to all the world. Nay, she really imports some wool to assist her manufactures, and is driving England out of the woolen market of the world, as we ought to drive her out of every cotton market on earth.

Combination of action is the secret of strength and the means of success. Hanover, for example, refused the benefits of the Zoll-Verein for a long time, and stood a mere appenage of England; she has now joined the German Confederacy, and will receive and impart that strength which results from union.

As a proof of the evident benefit of protection, Austria is now endeavoring to form a union—a large Zoll-Verein—by which the benefit of protection may accrue to all the German Powers, to the exclusion of Russia on one hand, and France on the other; making, like the United States, a grand Union, for the purposes of revenue and the protection of labor.

Sweden, sir, is one of the quietest States in all Europe, and so situated that she would be absorbed in a few years if exposed to the centralizing influence of British free trade. Yes, sir, with all her disadvantages she has, by enlarged protection, nearly doubled her factories of various kinds, and proportionately increased her national and individual comfort.

Russia, sir, is fully protected, not merely by *revenue* laws, but, as it regards a vast many articles, by an absolute prohibitory tariff. And the result is her immense wealth and her growing power; and as a matter more easily understood, she increased her consumption of cotton, from 1846 to 1850, quite fifty per cent.

I have said, sir, that the strong countries of the world are those which protect themselves against England and her centralizing power; such as France, Belgium, Northern Germany, Russia, Sweden, &c. And if you will examine the evidences and character of these respectively, you will find that we were gaining strength with them under the operation of the tariff of 1842. The weak countries are India, Portugal, Ireland, Turkey, the West Indies, Canada, &c.; and aside from the effect of our youthful vigor that supplies immense ingredients, and our political position, we are, under the tariff of 1846, presenting tokens of weakness which distinguished those countries; and it is true wisdom in us, seeing and feeling the evil, and thus finding the cause, to remove that cause that the evil may cease.

Mr. Chairman, there would be a perfect centralization were it not for protection, and that centralization would be on England; hence, almost all the tariffs of the world, out of Great Britain, are really against England. All the countries that are subject to centralization are ruined, or are going to decay; while those who have protected themselves against this centralization by tariff laws, are strong, and are gathering strength every day.

Surely these statements, thus boldly thrown out, are worthy the thoughts of American patriots; and I trust that, while the time allowed me to speak will not permit a citation of proof, there will be found men of inquiry to test these assertions; and though they may not arrive at all the conclusions which I think I legitimately reach, they will, I am confident, concur in the great features of the case which I present and try to sustain.

Repeal your protective laws; for all laws laying duties on imports are to the country protective in their character, though some which we have enacted protect the articles which we import, while they expose to competition that which we manufacture; but, repeal the protective laws, and there would not be a cotton factory operating in this country in a short time; even though we could (as we can of some kinds) manufacture cotton as cheap here as in England. But repeal the protective laws and that moment, and by that act, you *divide* at least, if not *give up* entirely, the home market, and without that no factory can be carried on.

Do you ask why? The illustration is around us—newspapers in our cities are now sold for a cent apiece; papers which, if they had not the complete command of the market, could not be afforded for double that sum.

Here, Mr. Chairman, is an evil of centralization; an evil which must follow the system of British free trade. You destroy by that system the competition of customers for our raw cotton by transferring all to Great Britain, and if there be but one purchaser of the raw cotton, there will be but one seller of the manufactured article; and that one person or community will soon learn to fix the prices of the purchase and the sale—the minimum of raw cotton, and the maximum of the manufactured article.

We thus become interested for the continuance of a protective system abroad as well as at home, for by that system we multiply the number of purchasers of raw cotton, and that is certainly likely to augment the price of what we have to sell. Protection is then good for them. Is it not as good for us? Would it not be well for us, that we in this country should be *purchasers* as well as cultivators of our own cotton? One strong evidence that it would be so, is the fact that in the six years following the passage of the tariff of 1842, we nearly doubled our consumption of cotton per head; and in the four years that have since elapsed, we have diminished that consumption twenty-five (25) per cent. And what is the consequence? Why, sir, we sent to the *one* shop, that is to England, as much cotton out of the crop of 2,250,000 bales of last year, as we did three or four years ago out of 2,700,000 bales. And why, sir? We have killed our own consumption of raw cotton by a repeal of the tariff of 1842. Whatever you do not consume at home, you must send somewhere to exchange; and the effect of such a shipment of raw cotton was the reduction of the price of twenty dollars a bale, which on three millions of bales, (3,000,000,) the present crop, is $60,000,000; and it is immaterial where it is sold; after the reduction of price is secured, the deduction on the whole will be submitted to.

If the tariff of 1842 had remained, we should have consumed 900,000 out of 2,350,000 bales. Now, I ask my southern friends whether they would not have received sixty dollars a bale for the remaining 1,450,000 bales, and whether they would not have obtained sixty dollars for their present crop instead of thirty? I think they would. I speak of bales of four hundred pounds.

This, sir, is the tax which the South is to pay this year upon her cotton product. It is a pretty heavy tax; but she goes for commercial centralization, and must take the consequence.

Sir, it is difficult to comprehend the vast amount which we are suffering by the most terrible infliction of the tariff of 1846. Sir, in 1842, the country had sunk to a most gloomy depth of fiscal difficulties. The Government could not borrow a dollar. It sent to Europe, and such was the state of your national credit, that not a dollar could be obtained on the faith of this great nation.

Mr. Robertson, a distinguished financier of Pittsburg, Pennsylvania, was sent by President Tyler to negotiate a loan. Mr. Chairman, after asking in London, Amsterdam, and Hamburg, his mission proved a hopeless, I might say, with regard to our nation, a disgraceful failure. And Pennsylvania, full of iron and coal, and with garners crowded with grain—producing more wheat than any other State of the Union—yes, Mr. Chairman, that great State, with the means of empire within herself, failed to pay the interest on

* I make special reference to Spain now, because I have more than once been met with the notice of her decline, while she gave to her people laws to protect their industry; and I ask particular attention to her case, as it may be found that other countries have not fulfilled the exact destiny of prosperity which their protective laws should have insured. A close examination, however, will, I am persuaded, show some great disturbing cause, preventing the fulfillment of the general laws of trade; and, as in Spain, it may prove that the *laws* protecting industry were not protected—that is, not enforced—were violated by the intrigue or force of more artful or more powerful Governments, and that the executive of the nation was not able to execute the laws which the legislative branch of government had enacted. I need not say that any protective laws thus violated are worse than open ports and free trade; as their enactment invites to an investment of capital and industry in manufacturing, while neglect in the executive insures a waste of that capital and disappointment to the industrious.

her funded debt, and that debt fell in a short time, from 114 to 35 cents per hundred.

Indiana, Illinois, Mississippi, and other communities, were in a state of repudiation. And yet in four years of commercial emancipation under it, all these were redeemed; the credit of our nation was restored; that of each State replaced, and the people made prosperous and happy. To what was that mighty change due? Principally, Mr. Chairman, to the operation of the tariff of 1842, which emancipated us from commercial centralization, whose focus was in London.

In five years from 1842, our consumption of grain trebled, that of cotton doubled, and wool increased at least 50 per cent., and coal 200 per cent. How is it now, sir, under the tariff of 1846? Exactly opposite, and so distinct in its indications, as to point directly to its cause. We consume, sir, less, by 25 per cent., of iron and cotton, than we did three years ago.

I have not time, sir, to institute an examination into particulars, to illustrate the deleterious operation of the existing state of things; nor, indeed, is it my purpose in these remarks to enter into a minute investigation. I have been dealing with the principle of protection, and must leave it to others, adopting such views as I have advocated, to present them with more clearness, and sustain them with instances that are all around us.

If gentlemen will inquire at the canal offices, they will find that, whatever may be the amount transported to a market, the price is vastly less. And investigation will show that the *manufactures* of the western States, which are sometimes called agricultural pursuits, rise or fall with the protection which manufactures generally receive. The manufacture of raw cotton and wool into cloth influences the manufacture of corn into pork or butter.

I am for freedom of trade, Mr. Chairman; freedom of trade in the best and truest sense of such a thought. Free trade, American free trade, consists in the admittance to as many markets as possible, and the right and power to go to all of them, or the liberty of selecting the best, taking the nearest or the most distant, as may be deemed most profitable. Now, the operation of the tariff of 1846 is to have but one market. I want the farmer of Illinois to have the option of selling his grain at the lead mines, the coal mines, the iron mines, the cotton mills of his own State, or those of New England, or of disposing of it in New York, New Orleans, or Liverpool. That is free trade.

England, however, who is the advocate and the *recipient* of *a* free trade, has another view. She says, Sell nothing anywhere *but* in my market, and that will fix also the market in which you shall buy. England said, a few years since, by her distinguished representative in this country, If you raise the import duty on iron so as to exclude us from your market, or rather so as to drive us from our selling market, you will raise unkind feelings among the people of England, (that is, among those English who do not want *us* to have free trade, or choice of market in which to buy.) England thus shows that her free trade is what I call centralization, which is the exactly opposite state of freedom to buy and sell where buying and selling can be done best. When a man can go to a neighboring or to a distant mill or furnace, he can choose between markets; but when a necessity is laid upon him to visit *one* market only, by the currents of trade which the centralizing action of Great Britain and our present tariff impose, then he is cramped in his action, and made subservient to the policy and people of the Power that holds the market.

I have already alluded to the effect of protection in various parts of Europe. It may not be amiss to refer to the circumstances which imposed upon some of the continental Powers the necessity of protection, and taught them its value.

The Berlin decrees, issued on the 21st of November, 1806, after the battle of Jena, which prohibited the importation of all manufactures of Great Britain, and ordered them to be seized and publicly burnt wherever found, caused a general cordon of custom-house officers along the whole sea-coast of France and her allies. So that when the power of Napoleon was broken, and nations returned to their substantive existence, they felt bound in good faith to their subjects, and in good policy to themselves, to continue this protection to the manufactures.

But these nations would never have felt the force of this justice, nor understood the benefit of that policy of the Berlin decrees, had they not established manufactures on so firm a basis as to give the manufacturers the power of numbers and wealth to command distinction and respect. Oh, Mr. Chairman, numbers in political matters are of vast importance. As it regards the motives of rulers, Napoleon felt as others feel it. And Constantine the Great never would have seen the Cross in the heavens—never have read in the skies the encouraging sentence, "*In hoc signa vinces*"—had he not turned back upon his troops, and seen the number in the ranks which bore the cross on their shoulder, and found there the sign and means of conquest. The blockading part of the Berlin decree was an empty threat, but the municipal portion of that order was a deadly blow to British prosperity, which she feels to this day. The wound, sir, has only filmed over, it has not healed. Great Britain is sensitive to every air of heaven that blows upon that wound; and the letter of her late Minister, Sir Henry L. Bulwer, on the subject of iron—a letter so recently read by my colleague, [Mr. STEVENS,] that I need not now repeat it—that letter shows how she felt the Berlin decrees from Napoleon, and how she dreads them from us.

You see, then, the advantage resulting to that part of Europe by that forced protection.

I have sought the floor for a long time that I might reply to some remarks by the honorable gentleman from Massachusetts, [Mr. RANTOUL,] whose speech at the time attracted much attention, and called forth some responses before the opportunity was allowed for me to present my views in opposition to those so ably expressed by that distinguished gentleman; he was called away to his higher reward—and we are left to mourn the loss of talents, learning, application, and eloquence, sustained by this House in his death. But the speech of the honorable gentleman has gone forth to the world, and is there producing the effect which such a speech from such a source might be supposed to work. I therefore do not feel that I depart from the line which delicacy prescribes in referring, as I purpose to do, to some of the opinions which that gentleman uttered. My intention is to do it in a way that could not wound the feelings of his most sensitive friend, nor require any explanation in reply beyond what the difference of our views of measures might suggest.

The honorable gentleman from Massachusetts spoke of the ores of the upper lakes as enabling the people *there* to compete with the Pennsylvanians. Sir, I am happy to hear it, and I should be happy to see the competition. Come one, come all, say I; let the people of the lake country go to work, and apply their coal and their ore to the manufacture of iron. Let Missouri smelt her whole iron mountains. Pennsylvania wants nothing better. You cannot begin *there* the work of making pigs of iron or lead without creating a demand for something *finer*, which Pennsylvania can supply. You will need steam-engines or something else. Only go to work, only develop your resources, only spread abroad your evidences of industry. That is all I ask. I do not ask to have Pennsylvania alone protected: that would be indeed to centralize; but let all be employed and all protected.

But how will they make iron there, when, in such new developments of lead, in a year of unparalleled abundance, they take out of the earth only half the amount mined in 1842, and about one third of what was taken in 1846?

What has given to Massachusetts, from which State the honorable gentleman came, what has given to her the prominence which she occupies? Not her soil certainly, for those who have been in the grazing and grain-growing States are not only astonished, on first entering the Bay State, at the unpromising appearance of its soil, but they are more astonished that ingenuity should be directed to the cultivation of that which seems destined to sterility. Agriculture, then, has not given Massachusetts her wealth.

Has commerce done it? I think not. Formerly, extensive as was once the commerce of Massachusetts, that commerce at best only enriched the sea-board, and there the accumulation was in a few cities. But the commerce of Massachusetts failed with the state of things which preceded, attended, and followed the war of 1812. Salem, the chief town in the district which the honorable gentlemen represented, dismissed her active men and sent her ships and capital to Boston, and Boston became in turn partially tributary to New York. The wealth of Massachusetts is, then, not due to either agriculture or commerce. Yet Massachusetts is wealthy; she has the greatest amount of railroads; she is the most populous State of the Union; and neither her wealth nor her railroads came by chance.

Would any one ask, whence come these advantages? It is only necessary to travel on these railroads to see the sources of her wealth—to see how Massachusetts combats the disadvantages of sterile soil, and where lies the recuperative power by which she rose when prostrated with her prostrate commerce. It is her manufactories that salute the ear of every one who approaches her villages, that send up their smoke from every one of her valleys, and which have invited the industry of both sexes, and have so liberally rewarded that industry. But if I understood the honorable gentleman, he thinks that these manufactories have risen up by the special wants and peculiar enterprise of the people, and are sustained alone by the business genius of their proprietors. Mr. Chairman, if after visiting these evidences of Massachusetts' opulence and consequence, you would inquire what is the true source of this stream of wealth, you must not look alone to the genius and enterprise of the people of Massachusetts, great as both are, and justly as they are lauded. Let the man who would explain the cause of the greatness of that State, turn away from her people and their ordinary means, and enter the Library of this House. Let him inquire of the Librarian for a copy of the "Statutes at Large," and he will there find the almost omnipotent fiat which called into existence the commerce first, and then the factories of Massachusetts, and made them the fruitful source of opulence and power. The movement for preparing and manufacturing ships and factories did not commence with the concurrence of the men of Massachusetts, exclaiming "Go to, let us build ships or a city." The talismanic charm that made Boston the center of an immense commerce first, and the depôt of still more extensive manufactures afterwards, will be found in these more potent words, "Be it enacted by the Senate and House of Representatives of the United States in Congress assembled."

Yes, sir, it is to protection, and protection alone, that Massachusetts owes the establishment and the extension of her manufactures, and to that extension does the country owe that part of the independence which enables her now to say to the world, we are as independent of your workshops as of your parliament houses. "We owe you as little for your cloths as your laws, because, having learned the art of enacting the latter, we are able to manufacture the former."

And if Massachusetts has succeeded in giving productiveness to her soil, it is the direct effect of the protection which Congress has given to her manufactures.

I had designed to analyze some of the tables of prices, amounts exported, &c., presented by the gentleman from Massachusetts; but others have done a part of the work, and so much time has transpired since their presentation, that I may hope that truth of itself has had time to overtake his errors, and obliterate any wrong impressions which they may have made.

Tables, sir, are dangerous things; those of the honorable gentleman particularly so; and the manner in which they have been used against his arguments seem to illustrate the emphatic remark of Scripture, that "their table shall become a snare to them."

With regard to the presentation of produce shipped and price obtained, at various times and within given periods, I may remark, if you take the agricultural products of a country, take the whole amount of articles exported from the country, (and they are almost all agricultural,) from 1842 to 1846, during the operation of the tariff, and compare them with the value of the same

quantities of the same articles at the price which prevailed before 1842, and you will find the difference to be about $125,000,000. The price of agricultural produce abroad, with the exception of cotton, as honorable gentlemen know, and as all know, is less dependent upon legislation in this country than upon the accidents of seasons in Europe. Especially does that remark apply to the English market. And when we calculate the comparative price of breadstuffs abroad and at home in various years, we must look to the comparative produce of our own fields.

Tabular statements of the value of cotton for any number of years in England cannot be admitted as data for argument, unless we understand also the space which those years occupy in the cycle of British plethorism in manufactures. I need not tell this House, that manufactures, when as long established and as abundant as in Great Britain, have their crises. They year after year pour into the storehouse an excess over the demand of the market, at home and abroad; and when finally the prices have reached a minimum *abroad*, (not at home,) the demand for the material for manufacturing greatly diminishes, and the accumulation of stock in the warehouses sends down the price of the raw article, (generally cotton,) in the market, and thus transfers the crisis from Great Britain to the United States, leaving us with half the means in the reduced value of our cotton to pay for a double amount of manufactures which have been thrust into our market, making us participate in all the evils of the British policy, with no advantage for what would and should be our own.

The free trade which Great Britain desires to force upon this Government, and which it is evident some Americans aim to establish, is only the adoption and adaptation of the chirurgical process by which medical gentlemen transfuse the blood of a healthy young animal into the veins of a decayed and diseased debauchee. Additional vitality is, indeed, gained by the receiver; but weakness, atrophy, and disease are the consequences to the imparting power.

The friends of a protective tariff, while they ask protection, present something for protection. They are reasonable. They ask protection to labor, that it may be made profitable to the country, and which, by that protection, may be made to compete with the labor of the Old Word. We do not say, impose duties upon that which cannot be produced, or protect that ingenuity which cannot by exercise be as productive as the ingenuity of other climes; we know that coffee is not the product of our fields, and we do not ask protection for that necessary of life; we know that the tea plant is not productive here, and we do not expect a duty on teas; at least until the experiments of Junius Smith and others, at the South, shall induce the South to ask for a protection against Chinese labor.

But I think that the more nearly a nation approaches an ability to supply its own necessary wants, the more nearly is it independent. Commerce is the interchange of the superfluities of that produce, and gives value to that superfluity.

I have, in my remarks, foreborne a presentation of figures, to show how ruinously the tariff of 1846 is affecting the manufacturing interest of certain branches. These figures are at hand, and the facts are deducible at any time. But I wish to awaken the attention of this House to the true principle of government with regard to manufactures, and to show that centralizing on a foreign country is to heap up wealth, and insure against dangerous crises, where we can have no interest; and to become insurers of the profit and prosperity of the recipients of the money and raw produce, without even the poor returns of an ordinary premium. I desire to show that, whatever the momentary action of the old and existing system may be, in this, that, or the other locality, there is, nevertheless, no permanent national advantage to result from any course that does not keep the home market for home consumption, and leave to commerce the transportation abroad of the excess of production, and the introduction of that which we do not produce.

That is national, and such a course, in time, becomes equally beneficial to all. It is not the North, the East, the Middle States alone, that are to be improved by protection; all must share the benefit, as every portion of a lake partakes of the influx and deduction of even the smallest portion of its waters.

With this view I do not turn to gentlemen on the other side of the House, because, thank God, the subject of protecting national industry, and national enterprise, is no longer, I hope, one of party distinction; but I do turn, with feelings of interest, to those here, on both sides of the House, who represent the southern portion of our Union, and especially those who oppose protection as a doctrine unprofitable to the South.

Mr. Chairman, the policy I have recommended is one that is profitable to all; while the course which the South would pursue is injurious to themselves, because injurious to all. Is it not worth your while, gentlemen of the South, to pause and examine these assertions, and ascertain whether they are sustained by facts and valid arguments? Do not longer trust to arguments founded on local feelings and local prejudices, however just or unjust that prejudice may seem. Do not put too much faith in newspapers and reviews, established to sustain certain feelings and certain institutions; and, least of all, do not put faith in the decaying doctrines of political economy, promulgated in this or on the other side of the Atlantic. Cease for a moment to submit to centralization in London or Manchester; bring the spindle into contact with the cotton field; save to yourselves the immense cost of double transportation, and the accidents of a foreign market; learn to stand erect on your own soil, and on your own institutions; and whilst you are doing this, and making to yourselves a lofty and a permanent independence, pause, and see whether the difficulties between you and us—between the North and the South—difficulties that seem to be referable to your peculiar institutions, and to our imputed hostility to them, do not arise from circumstances to which I allude, viz: your contribution to, and dependence upon the centralizing influence of Great Britain.

SAULT STE. MARIE CANAL.

SPEECH OF HON. J. L. CONGER,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

August 24, 1852.

Mr. CONGER said:

Mr. CHAIRMAN: The bill now under consideration proposes to appropriate seven hundred and fifty thousand acres of the public lands of the United States for the construction of a ship canal around the falls or rapids of the St. Mary river, at the foot of Lake Superior, and in the State of Michigan, and by this means to open a communication for vessels between Lake Superior and the rest of the chain of our great northern lakes.

The importance and necessity of this work has been universally admitted by all classes of persons from every portion of our country who have at any time had their attention called to the subject; and its accomplishment has been urged in years past, not only by individuals, but also by the Legislatures of States, and by the executive officers of the General Government.

I need not stop to recapitulate here the strong language used in its favor by the President of the United States, the Commissioner of the General Land Office, the head of the Topographical Bureau, the geologists and surveyors who have been employed in the examination and exploration of the Lake Superior land district, the Legislatures of Michigan, Ohio, and other States, or the thousands of our most enterprising and intelligent citizens who have petitioned and memorialized Congress on the subject. So far as *recommendations* can go, or *authorities* may be allowed to exert an influence, nothing is wanting in favor of this proposition. This project has for years past been urged upon the consideration of Congress—has always been reported upon favorably, and more or less progress made towards obtaining an appropriation for the purpose; and yet, without any open opposition ever having been made—without any man ever having ventured to risk his reputation by denying either the propriety, the expediency, or the necessity of the measure, no bill has ever yet been perfected in this behalf, and the hopes and wishes of those more immediately interested have been disappointed from year to year, and important interests of the nation neglected and suffered to languish by the operation of the thousand and one causes of delay that so often prove fatal to bills of the highest importance while passing the ordeal of the two Houses of Congress. Now, however, with additional information on the subject, and especially in view of the vastly-increased and rapidly-increasing importance of the various interests involved, we do entertain a confident hope that a more favorable result may be realized.

And here, at the outset, I congratulate myself and the House that this question cannot, by possibility, be brought within the influence of the whirlpool of party politics; for the *national* character of the work proposed has been always and everywhere *admitted*, and can no more be doubted or questioned than could a proposition to improve the navigation of the Niagara, the Detroit, or the St. Clair river, or the Straits of Mackinaw.

I am thus happily relieved from the necessity of going into an examination of the constitutional power of Congress over the subject; and shall regard it as an important *national* work, in which not one portion of our country alone, but the whole Union is interested. And I wish, sir, in this connection, to be distinctly understood, that, although the location of the proposed improvement happens to be within the limits of the State of Michigan, and within the Congressional district which I have the honor to represent, yet we neither ask nor expect anything, in this behalf, on the score of *favoritism* or *locality*.

The St. Mary river, as is well known, is the outlet of Lake Superior, and empties the waters of that great inland sea into Lake Huron below—thus serving as the connecting link between Lake Superior and the lower lakes. This river, including that widening in its course known as Lake George, is, in its whole extent, about sixty or sixty-two miles in length. About twenty miles from the foot of Lake Superior, according to some authorities; or, according to others, only six or seven miles—the difference depending upon the point where the lake is deemed to terminate and the river to commence—is encountered what is known as the "*Sault Ste. Marie*," consisting of a continuous *rapid* or *fall* in the river, over or through which no vessel, whether propelled by steam or wind, can pass, either up or down. To make the attempt against the current, would be to attempt an utter impossibility; and to risk a downward passage, would be to encounter certain destruction.

To overcome this impassable barrier, requires the construction of a canal around these falls, of about three fourths of a mile in length, including two locks—the whole fall being about twenty or twenty-one feet. The whole expenditure necessary to complete this work is variously estimated at from $200,000 to $500,000, depending upon the size and depth of the canal and locks estimated for.

At different periods, various estimates have been made for this work, by officers under the authority of the State of Michigan, and of the United States, as well as by individuals; and in order that nothing may be withheld that is calculated to throw light upon this subject, a statement of some of those surveys is herewith submitted:

Statement of estimates for a Canal around the Falls at the Sault Ste. Marie, Michigan:

Estimates of	Width of canal.	Width of locks.	Depth of canal.	Length of locks.	Length of canal.	Tonnage of vessel admitted.	Cost in cash.	Acres of land in lieu of cash.
J. Alny.....	75	32	10	100	4,560	200	$112,544	250,000
J. J. Abert...	100	50	12	200	4,400	650	454,107	908,214
E. B. Ward.	110	60	10	220	-	900	550,000	1,100,000
Largest size.	110	65	12	275	-	1,400	650,000	-

A canal to admit a vessel of nine hundred tons, will be large enough for all practical purposes for fifty years to come.

With regard to these estimates, I have only to remark, that I believe them to be reasonable approximations to the amounts required, upon the

several bases assumed; although all of them are probably quite *liberal*.

But in my judgment, sir, this is not a question to be determined altogether by the number of dollars and cents involved, but by those higher considerations of policy, expediency, necessity, and right. If those higher considerations concur in recommending the work, then either of the sums named is of small account in the estimate; but if those considerations do not concur in its favor, then any appropriation, however small, would be an unwarranted expenditure of the public money or property.

The questions which principally demand our attention in the present case, and the decision of which should determine our action in the premises, are these: Is this a *national* work? Is it one that is demanded by a due regard for the convenience, interests, and prosperity of our commerce? Is it politic, expedient, or necessary with reference to other great national considerations, and particuly, in order to "promote the general welfare," provide for the "common defense," and to protect and foster the interests of the General Government in reference to the ownership of the public lands in the mineral region of Lake Superior?

Each and all of these questions will be answered in the *affirmative*, and without hesitation, by every person possessed of sufficient information to lead to correct conclusions in the premises. And I cannot permit myself to doubt, that, if all the facts bearing upon the case were as well known to each member of this House as they are to those who have had their attention more particularly called to the subject, this bill would pass without even one dissenting voice.

Such unanimity of opinion, however, is of course not to be anticipated under present circumstances; for, taking into consideration the multiplicity of other objects that are constantly urged upon the attention of members of this body, it may be fairly presumed that some, at least, have not found time to possess themselves so fully of the facts bearing upon the merits of this application as to enable them duly to appreciate the urgent necessity for the improvement proposed.

For the purpose, therefore, of vindicating the correctness of the conclusion I have ventured so confidently to express, and to supply in part, at least, the supposed deficiency of information in this behalf, I will venture to solicit the indulgence and attention of the House for a short time, while I group together, in as concise a form as is conveniently practicable, such undisputed facts, drawn from authentic sources, and such legitimate deductions drawn from those facts, as are deemed necessary to a proper understanding of the subject. And in doing this, I may be permitted to remark, that having to deal principally with dry details—with *facts*, historical, geographical, statistical, geological, commercial, and general; and my object being, by the presentation of truth in a plain and simple garb, to influence the judgment and to convince the understanding—I shall necessarily forego any attempt at display in the way of oratory; for the very nature of the subject, and the manner in which it must necessarily be treated in order to accomplish the main object in view, preclude the possibility of making any such attempt successfully, even if I were reckless enough to venture the experiment.

As before remarked, the "Sault Ste. Marie" presents an impassable barrier to all vessels that would pass from the lower lakes into Lake Superior. This lake is situated in a high northern latitude, and for more than six months in the year is entirely unnavigable, owing to the severity of the climate and the accumulation of ice on its surface, and in its harbors. Lake Superior has alone a navigable coast of between 1,500 and 1,600 miles, and contains an area of 32,000 square miles; being the largest body of fresh water on the globe.

On the southern shore of this lake, lies an important region of country, belonging to the United States, and included within the limits of the State of Michigan, which is designated as the *Lake Superior land district* and more commonly known as *the Upper Peninsula of Michigan*. This district contains an area of 16,237 square miles, equal to 10,391,680 acres of land. It is included between 45 and 49° of north latitude, and 83° 45′ and 90° 33′ west longitude from Greenwich; and is bounded on the north by Lake Superior, on the east by the St. Mary's river, on the South by Lakes Huron and Michigan, and the Straits of Mackinaw, and on the west by the Menomonee and Montreal rivers.

Although more than two hundred years ago, certain missionaries, of the order of Jesus, urged by a laudable spirit of enterprise, and a zeal for the propagation of the Catholic faith, passed in their frail canoes over the boisterous waves of Lake Superior, and touched at certain points along the shore, and were followed, at long intervals, by others who were impelled by the same motives; yet, with the exception of these few heroic devotees of the cross, and those hardy adventurers, the voyageurs and others, in the employ of the fur trading companies of the Northwest, this magnificent sheet of water—this inland sea—capable of bearing upon its bosom all the united navies of the world, with ample room for them to maneuver in, remained undisturbed in its solitary grandeur; and, save the paddle that impelled the bark canoe, and the winds of heaven that swept over its surface and occasionally lashed its waves into fury, its quiet remained undisturbed.

The whole vast region of country along its shores continued comparatively a *"terra incognita"*—literally a land unknown—and was universally regarded only as a barren, desolate, and inhospitable region of the north, that presented no sufficient inducements to tempt the enterprising traveler or the hardy pioneer, to encounter the perils and privations of an exploration. The solitude of its primeval forests remained unbroken, or echoed only to the yell of the savage, the growl of the bear, or the scream of the panther.

Even so lately as a dozen years since, at the time when Michigan came into the Union, so little was known of the region of country now referred to, and so lightly was its value estimated, that when, in defiance of our rights, (as we then thought, and as we still think,) some of the most valuable of our southern border, including the only lake port we possessed on Lake Erie, was severed from our territory to gratify the cupidity of our richer neighbors, and to satisfy the political aspirations of certain gentlemen of distinction, then on the stage of action, and we were forced to submit to the indignity and the wrong, as the humiliating condition upon which only we could be permitted to realize the enjoyment of the constitutional right of admission into the Union,—even then, this *"Northern Peninsula"* was attached to our State, and thrown into the scale as a sort of "make-weight"—a thing of comparative insignificance in value, that by its extended area might seem to make up for its supposed intrinsic worthlessness, and reconcile our people in some degree to the loss of that which they and others then deemed to be of infinitely greater value.

Having had this unwelcome addition of territory thus thrust upon them, the people of Michigan, with that practical good sense for which they have always been distinguished, and actuated by that spirit of enterprise so characteristic of the American, resolved to make the most of what was deemed "a bad bargain," and to explore this unpromising region of country for the purpose of devising such measures as might be found most expedient and advisable for the development of its resources, whatever they might be.

For this purpose a geological corps was organized, upon a liberal plan, with that distinguished geologist, the late Dr. Douglas Houghton, at its head, who prosecuted their scientific investigations with signal ability and exemplary perseverance. Those investigations resulted in the revelation of the astonishing fact, that this same territory, although for the most part rugged and desolate in appearance, and containing only a comparatively small portion of land suitable for farming purposes, yet contained inexhaustible sources of wealth in its mineral deposits, especially of copper and iron.

From the evidence thus obtained, and verified by subsequent explorations and the practical working of the mines, there is little hazard in saying that *no country of equal extent on the known surface of the globe—not even excepting the richest portions of the gold regions in California—is equal, in the amount of its mineral wealth, to the upper peninsula of Michigan.*

And here I beg leave to digress, for a moment, from my main subject, while I remark, that to no one man is this country so much indebted for a practical knowledge of this interesting subject, and thus adding so largely to the resources of the State and the nation, as to Dr. Houghton. Possessed of a high order of talent, profoundly learned in the very interesting science of geology and the kindred sciences, philosophical and acute in his reasonings, with an intuitive perception of the truth in respect to the phenomena of nature, his comprehensive mind grasped the great leading truths and principles, and gave them a practical application in his own favorite department, which enabled him to proceed in his investigation with confidence and success, even when the lights of former experience failed him, and the knowledge derived from books proved insufficient to guide him through the intricacies of the labyrinth he here encountered, in consequence of the new and unrecorded geological features presented in this region, differing in many essential respects from those presented by any other section of the crust of the earth hitherto scientifically examined.

Of the general correctness of his conclusions, and the successful results of his labors, it is unnecesary to speak, except to refer to his very able and interesting reports upon this subject—reports which fully establish his claim to rank as one of the benefactors of his race, and entitle him to a place in the brilliant galaxy of genius and learning that adorns the age. I will only add, that he devoted himself to the faithful performance of the arduous duty devolved upon him, with an utter disregard of the perils and privations he encountered, and with an almost sleepless vigilance and untiring energy, until in the fall of 1846, when, in attempting to pass, in a boat, from one point to another on the coast of Lake Superior, he was overtaken by one of those hurricane storms of snow, so common there at that season of the year,—and so much dreaded in that region, on account of the almost certain destruction that awaits the unfortunate mariner who may chance to be exposed to their fury,—his frail bark was dashed to atoms, and he himself sank to his last long sleep beneath the deep blue waves of that magnificent lake, on which he had so often loved to gaze with all that intensity of enjoyment which those only whose souls are alive to the sublime and the beautiful can either appreciate or understand. Peace to his ashes, honor to his memory.

Thus much I have thought proper to say in this connection, by way of manifesting my respect for the memory of a late distinguished citizen of my own State, a worthy and noble-hearted man, and a departed friend.

But I return again to the subject more immediately under consideration, and will endeavor, in the first place, to justify the very strong language which I have used when speaking of the great mineral wealth of the "upper peninsula" of Michigan. I pass over, for the present, the indications of the existence of silver, zinc, lead, manganese, as well as cornelian, chalcedony, agate, amethystine quartz, and other minerals which are there afforded, and shall confine my remarks exclusively to the deposits of *iron* and *copper*.

And first, of the *iron*. The deposits of this metal here have mostly been found in the county of Marquette and its immediate vicinity, from ten to twenty-five miles from the shore of Lake Superior, and having Marquette Bay as the most convenient harbor and point of transhipment for the products of the mines and for the introduction of supplies for these important works. *With respect to the quality* of the iron produced from these mines, it is sufficient to state, that, after having been fully tested, it is found to be equal, at least, if not superior, to that produced in Russia or Sweden, or any other place in the world. *And as to the quantity* that may be obtained in the locality now referred to, some idea may be formed from the following abridged statement of facts, gleaned from authentic sources and official reports. Unlike the ores of this metal usually found elsewhere, it is here presented in vast masses of almost pure metal—the ordinary yield from these masses, when carefully separated, being from seventy to seventy-five per centum of pure iron—the remaining twenty-five or thirty per cent. consisting of silex, (flint or sand.) It contains no admixture of sulphur,

arsenic, or other foreign substances, which usually, at other mines, involve the necessity of additional trouble and expense in reducing the metal, and materially deteriorate the quality and value of the manufactured article.

These masses, so far as examinations have yet been made, have their upper portion protruding above the surface of the earth, and thus present to the view of the spectator, literally, *hills of iron*, which, by way of distinction, are designated as "KNOBS." Of these, fourteen are known already within a limited range of country; and how many more will be added to the number, when a full exploration of this region shall have been completed, must be left at present to conjecture. It must not be supposed, however, that if all these "knobs" were known, their number would afford any sufficient indication of the number of the mines, beds, or deposits of iron there, since, doubtless, very many of those deposits, and, probably, by far the greater number of them, lie concealed beneath the surface, with no protruding knobs or other external indications to point out their particular localities. Much less must it be imagined that these protrusions above the surface afford any adequate, or even approximate, measure by which to estimate the value or quantity of the deposits with which they are severally connected. For these knobs are, in fact, in every case, but the apparently accidental irregularities of the unknown but almost infinitely greater masses, of which they constitute a part, and which penetrate to an unknown depth in the earth, not only widening and expanding in their demensions, but constantly increasing in richness as they descend.

But leaving all else out of the estimate, and basing our calculations only on one of these "knobs"—a mere small, fractional portion of the whole—and we will then see to what astounding conclusions the unerring power of figures will lead us. The Jackson company have within their limits one of these "hills of iron" that is at least five hundred yards long, fifty yards high, and averaging two hundred yards in width. Now if from this we were to take a cube of seventy-five yards—which would scarcely be missed by the company—and estimating each cubic yard to weigh five tons, and to yield only *fifty* per cent. of iron—which is far within the mark—the quantity of iron manufactured from such a block would be one million fifty-four thousand six hundred and eighty-seven tons, (1,054,687;) and worth at present prices more than $50,000,000. This quantity, at one hundred tons per mile, would supply 10,546 miles of railroad; equal to three of Whitney's roads from the Mississippi to the Pacific. And at the same rate this single "*knob*" will yield more than *twelve and a half millions of* tons of pure iron, of the value of $625,000,000.

Yet even to reach these grand results—to sums and amounts that almost transcend the full comprehension of the human mind—we have only exhausted the *outlying portion* of a *single* projection of a *single* mass; constituting the least valuable, and comparatively trifling portion of one single deposit.

It is needless to pursue the calculation beyond this; for were we to do so, even so far as to include that portion of this one deposit that lies below the surface, to such an extent as experience and observation in similar cases would justify; and more especially if we were to extend the estimate so as to include the other thirteen knobs already known, with the underlying masses to which they are attached; and without taking into the account either the other knobs and their associated masses yet to be discovered, or any of those deposits that, beyond all doubt, yet lie concealed entirely beneath the surface of the earth in that vicinity, we could only exhibit the general result in rows of figures, which, while they would perplex and weary the mind in its futile efforts to grasp or comprehend them, could convey no other distinct impression or idea than that of incomprehensible vastness and amount.

Nor is it unworthy of remark, that all these deposits may be reached and quarried with a facility, and reduced to the metallic form with a cheapness that cannot even be approached at any other mining establishment for iron in the world. The proportion of silex that is combined with the metal in the formation of the ore, is found to be precisely what is necessary for the purposes of a "flux;" and such is the purity of the metal here, that instead of undergoing *two* processes—that is, of being first smelted into "pig," and afterwards worked into "blooms,"—*this is, by a single process, converted at once from the ore directly into blooms.*

It may be objected by some that the foregoing exhibit of value is an exaggeration, because the calculation is based on the price of the iron after it is reduced to the metallic form, and therefore includes the cost of this conversion. To this I reply, that whatever deduction may be made on that account, the final result will still be substantially the same for all the purposes of our present argument. For if we deduct the one half, three fourths, or nine tenths, if you please, for the cost of manufacturing, there will still remain an amount, as the actual net value of the ore in the bed, which, even upon the most restricted view of the subject, must greatly transcend in value the whole of the public lands belonging to this Government at their minimum price. And this has reference simply to the deposits of *iron* alone, a metal the existence of which in those regions was not even suspected until within the last few years, and about which so little is even now known to the world in general that I doubt not these statements will be received by many with surprise and incredulity. That incredulity, however, will vanish and give place to firm conviction in the minds of all who will take the trouble to examine the *facts* in the case, and will yield due credit to the authorities on which these assertions rest. For no one point in reference to the geography or geology of any other locality in the Union is better ascertained, or vouched for by more respectable authority, than are the facts alluded to. Here, then, is a source of wealth in this "upper peninsula" which, even if nothing else of value existed there, might well demand the attention and fostering care of the National Legislature—an interest, in fact, which in its development must, within a very few years, change to a great extent the whole iron trade of our country, if not of the world.

From the cheapness with which it can be produced, *the iron here manufactured needs no extraordinary protection from Government in the form of a tariff;* for without any such protection at all, it can successfully compete with the products of any of the mines on the eastern continent. And owing to its *superior quality* when thus easily, abundantly, and cheaply produced, it requires but a limited understanding of cause and effect, and an humble knowledge of the laws of commerce, to warrant the prediction that, in a short time, the iron of Lake Superior will entirely supersede the use of that from Russia and Sweden, and will be used even in Pennsylvania, New Jersey, and New England, for all those purposes for which the best qualities of the foreign article are now deemed indispensable. This view of the subject presents for our consideration a question of high national importance, as tending in the result to render us independent of foreign countries for the supply of an article which is justly considered as one of the first necessities of every civilized community, and as contributing materially towards the establishment of that proper balance of trade so essential to our commercial prosperity and independence.*

But vast and almost incalculable in amount as are the sources of wealth exhibited in this region in its remarkable deposits of iron, even these appear to be far transcended in value by the still more remarkable deposits of COPPER, which are found in still greater abundance, over a much wider range of country, and approaching in many instances much nearer to the pure metallic form. Indeed, vast masses of pure copper are found, many tons in weight, that require no other labor or trouble than to cut them with cold chisels into blocks that can be handled, and to carry them away; and at this moment, it is said, on good authority, that several hundred men are constantly employed in this novel and profitable kind of mining. No portion of the earth's surface presents features analogous to many of those that are presented here; and on no other place has nature poured forth her metallic wealth in such singular profusion, of so superior a quality, so easily accessible, and so cheaply reducible to the form required by commerce, and the necessities of man. From the geological evidences presented, it would seem that *here*, after the deposition of the metals in the form of ores, as they are found in other localities, there had been a *subsequent* disturbance of the elements—a *later* upheaval of the surface, a *more recent volcanic action*, during which, by the intense heat, either generated by chemical action, or sent up from below, the original ores were more or less melted—literally *smelted* in the potent furnace of the Almighty; refined in the grand laboratory of nature, and kindly presented in this new and more valuable form for our acceptance. Upon no other hypothesis can we rationally account for those phenomena, the stupendous evidences of which remain for our admiration and wonder.

In this district there are already about forty companies who have commenced operations in mining for copper. Several of these have for years past produced and sent into market large quantities of this metal; and notwithstanding the heavy outlay required at first in all such undertakings, and the peculiar difficulties encountered in this region in consequence of the distance from which all supplies and machinery must be brought, and the great delay, expense, and inconvenience encountered by reason of the obstruction in navigation, which is proposed to be overcome by the bill now under consideration, many of the mines hitherto unproductive afford unmistakable evidence that they will soon be equally productive with those that are now in successful operation.

There are no copper mines known in the world that equal these in extent, or in the richness of the product or percentage of the metal obtained from the ores. And this will be sufficiently apparent even if we leave out of the comparison all the *masses* of pure, or nearly pure copper that are found in such profusion here, and confine ourselves exclusively to the *ores*.

In proof of this statement I refer to a table carefully compiled from the most reliable data by Dr. Houghton, showing the annual product from the copper mines of Cornwall, in England, from 1771 to 1822, and the average percentage obtained from the ore, which table may be found on page 522 of a volume in our Library of Congress entitled "Senate Documents, Michigan, 1841," embracing the geological report of Dr. Houghton for that year.

By reference to this table, it will be seen that at the mines of Cornwall the average produce of the ores has never exceeded twelve per cent. of the metal; and that from 1818 to 1822 it was only a little over eight per cent., and the largest average of any single vein has never exceeded twenty per cent. And this, too, notwithstanding the Cornwall mines are worked to a great depth, varying from 1,000 to 1,500 feet, and consequently, from the well-known fact that mines and minerals increase in the richness of their product as we descend into the earth, the percentage in this case is much greater than it would be from ores taken nearer the surface. While the copper ores of Lake Superior, although taken exclusively from or near the surface, are found to yield from nine and a half to fifty-two per cent. of the pure metal, and giving a general average of more than twenty-one per cent., as will be seen on page 526 of the document last referred to.

It will, therefore, be seen that even the *surface ores* of the Lake Superior district are from twice to *three times* as rich in their metallic product, as are the ores taken from the *deep minings* in Cornwall.

But, favorable as this comparison is for us, when only the value of the *ores* is taken into the estimate, yet, when we refer to the *masses* of copper found in the Lake Superior region, *all comparison ceases;* for, although at Copper Mine river, in the extreme northern part of this continent, some masses of smaller dimensions are said to have been found, and in the Ural mountains, and at some other locations, comparatively insignificant pieces of the pure metal have been occasionally discov-

* In 1851 were imported into the United States from foreign countries the enormous amount of three hundred and forty-one thousand seven hundred and fifty tons of iron, of the value of $9,011,833.—*See Annual Report of Secretary of Treasury, December* 26, 1851; *Ex. Doc.* 18, *House of Representatives, Thirty-second Congress, 1st session.*

ered, yet, in this respect, the Lake Superior country stands alone.

In this region, masses of the pure metal are found in apparently inexhaustible quantities, weighing from a few pounds each to hundreds, and even to *thousands of tons*—which only require to be cut with the chisel into pieces that can be handled, and transported wherever a market can be found, or melted and manufactured into such articles as may be wanted.

And this copper, too, is of a quality as much superior to that of the rest of the world, as is the iron of this region superior to the iron obtained from the ores of that metal elsewhere found.

I know very well, sir, that the facts I am now detailing are of a character so extraordinary, and so little known in general by those who have not yet found it convenient to investigate the subject, that these statements are calculated to draw largely upon the faith and credulity of those to whom they are addressed; and so strongly am I impressed with this consideration, that, notwithstanding my perfect conviction of their entire correctness in every particular, a due regard to my own reputation would cause me to hesitate in making these declarations thus positively and unreservedly, unless supported by evidence of the most satisfactory and unimpeachable character. Fortunately, in this case, ample proofs of the kind referred to, now lie before me, and may be found in our printed public documents, which contain the official reports, statements, and recommendations of distinguished geologists, who have spent years in laborious explorations and scientific investigations, upon the spot. And these statements are credited and confirmed by the executive officers both of the State and General Governments.

In proof of the fact itself that pure metallic copper, in masses, is found in the Lake Superior district, I might indeed, in the technical language of the law, "make profert in open court," without going out of this city for specimens to exhibit. As from their weight, however, it would be somewhat inconvenient to bring them into this Hall, I beg leave to refer to that specimen now lying in the yard of the War Department, weighing several thousand pounds, and worth, perhaps, $1,000. And I also refer with pride and pleasure to that beautifully-wrought block which was lately on exhibition in the rotunda of this Capitol, whose rich material of pure copper, adorned with ornaments and inscription of *native silver*, from the same locality, will I trust long continue in its destined place in yonder monument, as a lasting evidence, not only of the mineral wealth of the "peninsular State," but also as evincing the full participation of her generous sons in that lively gratitude, and that sincere reverence for the name of one whom not only this nation, but all the world delight to honor; whose memory will be fresh in the minds of men, and dear to the hearts of the friends of freedom throughout the world, even after the hand of time shall have crumbled the materials of yonder proud memorial of his fame again to dust.

This block was taken from the Cliff mine, and was cut from a mass whose total extent and weight cannot even be conjectured, as only a portion of the mass has yet been uncovered. That portion, however, which is now exposed to view is estimated to contain more than five hundred tons of copper. Other masses of equal purity are found in great abundance at various other locations throughout that copper region—they may be seen any day piled up at the ports for shipping, on Lake Superior, and at Sault Ste. Marie, and brought down in large quantities weekly, in almost every vessel engaged in the commerce of that region.

The business of mining in this region is hardly *commenced*, and yet there have already been produced and brought away, up to the close of the year 1851, between four and five thousand tons of copper; of which nearly one half, or about two thousand tons, were produced during the last year alone; and it is confidently estimated by those who are best qualified to judge in the matter, that the amount of copper that will be produced the present season cannot be less than four thousand tons. And judging from the shipments that have already been made, this estimate is likely to be found far below the reality.

The amount of copper annually imported into our country from abroad, heretofore, may, with sufficient accuracy, be stated at five thousand tons;* which, at an average value of $400 per ton, amounts to $2,000,000 which is yearly sent abroad to pay for this single article of necessity.

Considering what has already been accomplished in this behalf, simply in the way of making a beginning, and taking into the estimate the inexhaustible quantity of the metal *in loco*, together with its superior quality, the easy access to it, and the facility and cheapness with which it can be mined and manufactured, is it too sanguine a hope to indulge, that within a very brief period, and probably within the next five years at farthest, we will be able, from this source, not only to supply the whole amount of copper required for consumption in our country, but also to export largely of that article to foreign countries?

But there are also indications of the existence of other metals and minerals in that region, which will, at some future day, in all probability, prove to be equally rich and important as the deposits of iron and copper are now known to be. I shall at present, however, refer only to the *silver* which, without searching for it, and without going below the surface, has already been discovered in various localities. And this metal, too, is found in masses of *pure virgin silver*, having the appearance of pure silver melted and poured out from the crucible. I have seen many of these specimens myself, and have some of them now in my possession. Those hitherto found are generally of small size, not exceeding for the most part half a pound or a pound in weight, except one specimen shown to me by a gentleman from that county last winter, which was about the size of a man's fist, and weighed probably *five or six pounds*.

With these evidences before us, added to the well-known fact that in all the copper of that region, there is intermixed a small percentage of silver, it is by no means beyond the range of probability that further explorations and deeper mining may hereafter disclose deposits of this precious metal even equal in extent and abundance to those of copper.

But we have no need, in this connection, to refer to *probabilities* merely, when so much of *reality* is presented. To these more prominent and striking sources of wealth may be added the immense forests of pine, the exhaustless quarries of *granite* and of *marble* that are found on the main land and on the islands adjacent; and last, though not least, the *fisheries* of Lake Superior. And the increased value that will at once be given to more than ten millions of acres of the public lands, by the adoption of this measure, is an item well worthy to be taken into the estimate.

In any and every view that can be taken of the subject, the amount required to make this improvement sinks into utter insignificance when considered with reference to the interests involved and the benefits which will certainly accrue from it. By reason of the impediment to navigation now existing at the "Sault," the entire trade in lumber, in granite, and in marble, is utterly destroyed and prevented; and the fisheries of Lake Superior yielded last year only 4,000 barrels of white-fish, instead of from 100,000 to 200,000 barrels, which, upon a moderate estimate, would be the product if this impediment were removed; and all other interests suffer in proportion.

From a careful estimate, made from the most reliable data, I am fully satisfied that the extra expense and loss sustained in the year 1851, upon the comparatively small amount of trade and transportation through that channel, amounted to a larger sum than the whole expenditure necessary to complete the contemplated improvement.

Nor is this all—for owing to the shortness of the season of navigation on Lake Superior, and the great expense of transporting vessels, by land, around the Sault into that lake from below, no more vessels will be taken there than are necessary for the convenient transaction of business there in ordinary seasons; whence it is likely to happen hereafter, as it has in some instances heretofore, that the miners and others employed in that section of country have found themselves without the provisions and supplies necessary to enable them to prosecute their business, whenever a vessel or steamer happens to be lost or disabled, or the fall is unusually inclement, or winter comes on a few days earlier than anticipated. And this state of things actually existed the very last year, when in consequence of the loss of a single propeller on Lake Superior, and the unusual inclemency of the fall, more than 20,000 barrels of provisions and supplies were forced to remain over at the Sault for want of sufficient vessels to transport them to their places of destination; and in consequence of this, men, women, and children were compelled to abandon some of the mines, and to travel on snow-shoes, over snow from three to six feet deep, from one to three hundred miles through the wilderness, to escape the terrible alternative of perishing from hunger.

Can it be wise, or patriotic, or economical even, longer to permit such important branches of trade and commerce to be subject to the vexatious delay and embarrassments inevitably incident to the existence of the impediment referred to? I appeal not to Democrats or to Whigs; to northern men, or to southern men, as such; but I appeal *to the American Congress*—to men of all parties, and of every section, to say by their votes whether this is or is not a *national* work; and whether it does not demand our favorable action by every consideration of sound policy, of justice, and of true economy. And I appeal with an undoubting confidence that I shall not be disappointed in the result.

One word more and I have done. The bill now before us comes down from the Senate, and proposes to appropriate seven hundred and fifty thousand acres of the public lands for the purpose of making the improvement proposed. It will be remembered that at an early period in the session I introduced in this House a bill making an appropriation of $300,000 in money, to be expended in making this canal. That bill was referred to the appropriate committee, reported upon favorably, and committed to the Committee of the Whole on the state of the Union—that proverbial "maelstrom" to which all bills making appropriations of money must go in regular course, but from which few ever return during the same session of this body, unless by special grace and favor. The appropriation for money would, I think, undoubtedly have passed this House, if the bill could ever have been reached; but upon a test vote, the other branch of the National Legislature has emphatically decided that they are willing to appropriate *lands*, but not *money*, for the construction of this work—and the alternative now only remains for the friends of the measure here, either to take *lands* or *nothing*. For myself, I am free to say, that so far as regards any *constitutional* difficulties that can possibly be conjured up, even in the imagination of any class of politicians, or any supposed violation of the dogmas of *political platforms*, promulgated by irresponsible bodies of men—who have no more right to manufacture public sentiment for the American people than have the subjects of a foreign country—I am unable to perceive any difference in principle, between an appropriation of *lands* and one of *money* for the object contemplated; and I regret sincerely that in this instance any such difference has been imagined in other quarters. A *money appropriation* would, in my judgment, have been equally *constitutional*, and would have insured the completion of the work not only at *less cost*, but also at a much *earlier day* than can now be safely anticipated.

Under the circumstances, however, and in the belief that the lands appropriated in this bill can eventually be made available to a sufficient amount to construct the work in question, I shall give my vote in favor of the bill as it is; and I do not doubt that it will pass this House by an overwhelming majority, if not by a unanimous vote. I say *I do not doubt* it will pass; for now, when the matter is generally understood, I cannot bring myself to believe that the American Congress will permit this great national work, so essential to the general interests of commerce and navigation, to be longer delayed, nor suffer the important interests involved to be longer trammeled and burdened with the unreasonable vexations, losses, and delays incident to the continuance of the obstruction referred to.

Considered merely as a question of *economy*, no

* See statement by Register of the Treasury, June 30th, 1849, in Foster & Whitney's Report, 1850, page 153. Also, "Commerce and Navigation," by Secretary of the Treasury, 1851, pages 184 to 187.

well-informed mind can doubt that for every dollar thus expended, the nation will, within the next ten years, be repaid a hundred, if not a thousand, fold.

I will only add that I have before me numerous and authentic public documents which contain a full corroboration of all the foregoing material statements in this behalf. As, however, there does not remain sufficient time to finish the reading of these, I will omit them for the present altogether, and, with the permission of the House, will add some extracts, by way of appendix, to accompany these remarks when printed.

APPENDIX.

COPPER—SILVER.

"The *native copper* is frequently free from all foreign matter, and is completely malleable as the most perfectly refined copper."—*Dr. Houghton's Report, in Senate Documents of Michigan*, 1841, *p.* 526.

"The copper *ores* are not only of *superior quality*, but also their associations are such as to render them easily reduced."—*Ibid.*

"This copper contains a small per centage of *silver*—too inconsiderable in most cases to justify separation, but the presence of which enhances the value of the copper, protecting it, in a considerable degree, from the corrosive action of salt water."—*Foster and Whitney's Report*, 1850, *p.* 152.

"For certain purposes in the arts this copper stands unrivaled; in *density* and *tenacity* it surpasses all the ores of copper. Hence, in the manufacture of *wire*, where extreme ductility is required; in the manufacture of *ordnance*, where tenacity is the chief requisite, this copper should be employed."—*Ibid.*

"In the Lake Superior copper region the position of the mines is generally exceedingly favorable for exploration; they are generally situated in the lofty trappean cliffs, which afford great facilities for raising the ore and for draining the water."—*Ibid, p.* 125.

"Masses have been detached from the vein which were estimated to weigh from sixty to seventy tons, mostly of solid copper, in an irregular, flattened, tabular shape."—*Ibid, p.* 181.

"The greatest thickness of a solid mass of copper observed by us, without seam or break, was two feet four inches. This was at the Cliff mine. At the Minnesota there appeared to be a solid mass in the vein at least *five feet in thickness.*"—*Ibid, p.* 182.

"The results of my examination of the mineral lands on Keweenaw Point were the establishment of the fact that *native copper* and *native silver* existed there in regular veins, which could be advantageously wrought by mining operations."—*Dr. Charles T. Jackson's Report*, 1849, *found in the report of the Commissioner of the General Land Office*, 1849, *p.* 371.

"These veins often lead to solid metallic copper."—*Ibid, p.* 386.

Speaking of the working of the Lake Superior Company's mines, he says: "After working for a time in the barren rock, the miners sent off a level towards the river, with the intention of striking the vein under the stream, but, to their great surprise, opened into a deep and wide ravine, or ancient channel of the river, filled with *great masses of copper*, lumps of *copper and silver* mixed, small globules of pure silver, all rounded, and worn by the action of running water, &c. A single *mass of silver* was obtained which weighed 6. 10–16 pounds, and worth $130. Masses of copper were also obtained, varying in weight from a few ounces to more than one thousand pounds."—*Ibid, p.* 389.

"The Cliff mine is one of the most remarkable known for the *enormous masses of pure copper* it contains. One of the masses now got out is estimated at fifty tons weight."

"Masses of copper were seen in the second and third shafts, and at the lowest level, where *the metal is in solid veins and quite pure.*"

"These masses of pure copper are removed by finding some place where a hole may be made in the rock, and then firing a heavy blast, tamped by sand. This starts the copper from the wall rock, and sometimes moves it entirely from the rock. The masses are then cut up in the mines by means of chisels. The mass now being cut up is eight inches in thickness on an average. The vein varies from two to four feet in width. It seems to be a true and distinctly-characterized vein, and *increases in width and richness as it descends in the rock.*"—*Ibid, p.* 390, 391.

At the Copper Falls mine "there is a *vein of solid copper*, and a veinstone rich in a *mixture of native copper and native silver.* One of the masses of copper got out was twenty feet long, nine feet wide, and from four to six inches thick, and weighed, by estimation, ten tons."—*Ibid, p.* 392.

"No place in the world has thus far produced such astonishingly large masses as the country on the south side of Lake Superior, where the metal exists in regular veins, from which large ellipsoidal masses of pure copper, weighing more than eighty tons, have been excavated. It was generally supposed that these veins would run out as they were wrought to a considerable depth, but thus far no signs of their exhaustion have been seen; on the contrary, the *quantity of metal in the lodes steadily augments, and the thickness of the masses increases.*"—*Ibid, p.* 448.

"The presence of silver gives the copper more strength, and renders it more valuable," &c.—*Ibid, p.* 463.

"In addition to the *enormous masses* which occur in the veins of this region, sometimes attaining at the Cliff mine the weight of *several hundred tons*, a great variety of interesting crystalline forms are occasionally found."—*Foster and Whitney's Report*, 1851, *p.* 99.

"*Native silver* occurs diffused through the trap at various localities on Keweenaw Point and Isle Royal; in fact, its distribution is coextensive with that of native copper. The largest mass of silver obtained, up to this time, weighed more than *six pounds.*"—*Ibid, pp.* 107, 108.

IRON.

"This district is unprecedently rich in the specular and magnetic oxides of iron; and so far as relates to the magnitude of the masses, and the *purity* of the ores, it stands unrivalled."—*Ibid, p.* 50.

"Throughout the northern, and especially the northeastern portion of township forty-seven, the iron ores exist in *inexhaustible quantity*, and under circumstances favorable to their development."—*Ibid, p.* 51.

"Here the deposits of iron are displayed on a grander scale than in any other portion of the district—preëminent in quantity and purity. The ferriferous band here forms a ridge about 1,000 feet in width, and from a few feet to fifty feet in height above the general level of the surrounding country, and can be traced almost continuously across the section."—*Ibid, pp.* 53, 54.

"*There are loose blocks enough scattered along the base of the cliff to supply a furnace for years.*"—*Ibid, p.* 54.

"In the next adjoining sections are deposits of ore of great magnitude; they are, in fact, unrivaled in the *abundance* and almost *absolute purity* of the ore. Abundance of ore may be obtained in loose blocks around the base of the ridge, and of a quality unrivaled for purity, containing between sixty-nine and seventy per cent. of *pure iron.*'—*Ibid, pp.* 54, 55.

"This *mountain* of ore is no less remarkable for its magnitude, than for its extraordinary structure."—*Ibid, p.* 55.

"The width of this deposit of ore cannot be less at its base than 1,000 feet, and it may be traced for considerably more than a mile in length."—*Ibid, p.* 56.

"Several analyses of these ores show them to yield, on an average, about *seventy per cent. of pure metallic iron.*"—*Ibid, pp.* 73, 74.

"As far as the presence of injurious substances, such as sulphur, phosphorus, and arsenic, is concerned, *all* the specimens examined are entirely, or almost entirely, free from them."—*Ibid, p.* 77.

"The iron ores described will be found capable of producing a soft, malleable iron. With proper care in its manufacture, it may be converted into *steel*, adapted to the finer varieties of cutlery. The silex, so intimately incorporated with the mass, will serve as a flux, and render the reduction of the ores easy. Ores of almost any degree of purity can be obtained."—*Ibid, pp.* 77, 78.

"Malleable iron may be obtained from the ores by *one* fusion."—*Ibid, p.* 79.

"*Tenacity of the Lake Superior Iron.*—From the total absence of foreign ingredients, as indicated by the analysis, it would be inferred that these ores, if skillfully wrought, would produce an iron of great ductility and tenacity. In the summer of 1849, we placed two samples of this iron, selected, without any great care, from among the products of the Jackson Forge, in the hands of Major Wade, of the Ordnance Department, for the purpose of experiment. The results obtained were as follows:

"'Sample No. 1.—Density, 7.550 lbs.—pressure to the square inch, 89.582 lbs.

"'Sample No. 2.—Density, 7.768 lbs.—pressure to the square inch, 72.885 lbs.'

"In the second sample there was a slight flaw observed, after it was parted, which would account for its inferior tenacity, [as compared with the first.]

"*These results give an unparalleled tenacity, and prove the high value of this iron.*"—*Ibid, p.* 80.

NOTE.—This test would show that the tenacity of the Lake Superior iron, when compared with the iron from Connecticut, New York, Pennsylvania, England, or Sweden, is about as three to two, or *one half greater than either of them;* and about one sixth greater than *Russian* iron.

For further information respecting this region, in regard to the various subjects alluded to in the foregoing remarks, reference is made to the public documents from which the above quotations are made; and including the able report of William A. Burt, Esq., which will be found on page 826, and onward, of "Report of the Commissioner of the General Land Office, 1849."

THE WHEELING BRIDGE.

SPEECH OF HON. ORIN FOWLER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

August 18, 1852.

The bill declaring the Wheeling Bridges lawful structures, being under consideration—

Mr. FOWLER said:

Mr. SPEAKER: I agree with the majority of the Committee on the Post Office and Post Roads so far as it respects the dignity and importance of the subject presented in the bill now before us; but that importance arises from the fact that the object of the bill is to set a precedent in regard to the relative rights of commercial intercourse along and across the navigable rivers of the United States; and also from the fact that it is to interfere with the obligation of State compacts—the commercial rights of States—and the constitutional prerogatives of two coördinate branches of this Government.

A recent decision of the Supreme Court of the United States, in a case pending before it, between the State of Pennsylvania and the Wheeling and Belmont Bridge Company, is the occasion of introducing this bill, and the purpose of the bill is to avoid the judgment of the court.

An application is now made to this Congress in the character of an appeal from a deliberate, well-considered, solemn judgment of the Supreme Court by the unsuccessful party; and this party now asks the National Legislature to interfere and protect them from the enforcement of this judgment. This is the real case, and the whole case now before this House.

The manner proposed by this bill for overthrowing the judgment of the Supreme Court, is to declare the bridges at Wheeling—as they now are—post routes and military roads. The object of declaring these bridges post routes and military roads, is mere pretense. The measure is, in fact, to save a private corporation from making such alterations in the bridges as will relieve the navigation of the river from obstruction.

The mail may be carried across the Ohio river in a ferry-boat, as it is at twenty other places. A post route was long since established by Congress, across the Ohio, at Wheeling, and between that place and Zanesville. And there can be no reason given for determining by law, upon what grade, or by what vehicle the mail shall be carried across a river. Pass this bill, and the Government will be subject to the Bridge Company; for the company

having control of the bridge, will claim the right to transport the mail upon it, and may dictate its own terms.

As to a military road across the river Ohio, at Wheeling, where are the troops and military stores that need a bridge? They pass along the river in steamboats, but rarely or never cross it.

Now, under these pretexts of a mail route and military road, the bill before us proposes to require all steamboats—in all coming time—to conform their construction to the present condition of the Wheeling Bridge; and it proposes to establish a regulation of commerce for all the rivers of the United States—a regulation more important in its influence upon the internal navigation of this nation, than any act ever passed by Congress, since the foundation of this Government.

The majority of the Committee on the Post Office and Post Roads say, in their report, that "they do not design to recommend that the Legis-'lature shall undertake to overrule the action of 'the judicial branch of the Government, but 'merely that it shall legislate such a condition of 'things as may operate as an inducement to the 'court to reverse its decision, or to suspend the 'execution of its decree."

The judgment to be thus reversed, was pronounced by the Supreme Court after diligent inquiry and patient deliberation; and it was pronounced in view of a solemn compact made between the States, and ratified by the Government of the United States.

A proper understanding of the subject requires a brief examination of the history of the proposed measure. In what follows, I shall make a very free use of the minority report, which it devolved upon me to present.

In 1816, the Legislatures of Virginia and Ohio authorized the erection of a bridge across the Ohio river, at Wheeling. The nineteenth section of the act expressly declared, "that if the said bridge 'shall be so constructed as to injure the naviga-'tion of the said river, the said bridge shall be 'treated as a public nuisance, and shall be liable 'to abatement, upon the same principles and in 'the same manner as other public nuisances are."

The act also required a draw of suitable dimensions to admit the passage of vessels.

In flagrant violation of this express injunction of both States, some years ago a bridge was erected across the west branch of the Ohio river, between Zane's Island and the Ohio shore, *without any draw*, and in such a manner as to obstruct navigation at all stages of water.

In 1847, the Legislature of Virginia, by an amendatory act, authorized the erection of a wire suspension bridge between Wheeling and Zane's Island. This act expressly provided "that, if the 'said bridge shall be so erected as to obstruct the 'navigation of the Ohio river in the usual manner, 'by such steamboats and other crafts as are now 'commonly accustomed to navigate the same when 'the river shall be as high as the highest floods 'heretofore known, then, unless upon such ob-'struction being found to exist, such obstruction 'shall be immediately removed or remedied, the 'said last-mentioned bridge may be treated as a 'public nuisance, and abated accordingly."

No one will pretend that the Bridge Company were not bound to observe the laws of their own State and the provisions of their own charter, or that they had any right to obstruct the navigation by such steamboats as were *then* engaged in navigation.

Now, the evidence before the Supreme Court fully established the fact, that *before* and *at the time* this act passed, steamboats were engaged navigating the Ohio river, as daily packets between Pittsburg and Cincinnati, with chimneys over seventy feet above the water. The height of these chimneys had no reference to the bridge, but preceded its erection, and some of them were prior to the date of its charter. They were introduced as the result of experience, which showed that, by increasing the diameter and height of the chimneys, an increased quantity of fuel could be consumed in a limited time, and the speed and power of the boat increased, while the weight of an additional boiler was dispensed with. This improvement was first introduced at Cincinnati, in a steamboat engaged in the same trade as these packets. Her chimneys were over eighty feet high, and she was engaged in navigating the river to and from Pittsburg as a regular packet as early as 1845. The example was followed in the construction of vessels for that same trade, built at Louisville, in which citizens of Wheeling were interested as owners, the Telegraph, No. 1 and No. 2, whose chimneys were over eighty feet above the water. And all the packets of the same class as the Pittsburg packets engaged in navigating the Ohio and Mississippi rivers, have chimneys higher than the Pittsburg packets. The same is also true of the best steamers of the lakes and of the ocean, the dimensions of whose chimneys, as proved on the trial, are as follows:

OCEAN STEAMERS.

Collins's line	Baltic, 70 ft.—Dimen's furnished by	Copeland, defendants' witness.
	Pacific, 70 ft. "	
Ohio	62 ft. "	Secor, the builder.
Georgia	62 ft. "	Howell "
North America	57 ft. "	" "

LOWER OHIO AND MISSISSIPPI STEAMERS.

Magnolia	78 ft.—U. S. Engr's report, p. 702.			
Alexander Scott	76 ft.	"	"	"
Bostona	77 ft.	"	"	"
Ben Franklin	70 ft.	"	"	"
Telegraph No. 2	70 ft.	"	"	"

Disregarding these facts, and the plain provisions of their charter, the wire suspension bridge now existing between Wheeling and Zane's Island, was commenced in 1848 and finished in December, 1849. Before its completion, it being discovered that it would obstruct the steamboat navigation of the Ohio river, and be a serious injury to the ports, public works, and commerce of Pennsylvania, a suit was commenced in July, 1849, in the Supreme Court of the United States, by the State of Pennsylvania, against the stockholders of the company. After full argument, the case was referred to a distinguished jurist of New York, Chancellor Walworth, who was authorized to visit and examine the localities, and take testimony as to the effect of the bridge on navigation. The commissioner called to his assistance a distinguished engineer, now the chief engineer of the State of New York, and spent several months in the examination of the subject, and in taking testimony. Some of the most learned and distinguished men of science were examined by him. Practical men were also interrogated, and, upon their testimony and his own observation, a report was made, characterized by the diligence and ability of its author. After a full argument a second time, the opinion of the Supreme Court was delivered in February, in which, among other things, the following points are adjudged:

"1. The Ohio river is a highway of commerce between the States, the free navigation whereof being secured by regulations of Congress, and by compact of Virginia and Kentucky with all the States of the Union, it cannot lawfully be obstructed under authority of any State.

"2. An obstruction to the navigation of the Ohio river is an injury to the commerce and public works of the State of Pennsylvania, for which she is entitled to redress by proceedings in equity in the Supreme Court of the United States.

"3. The Wheeling Bridge is a serious obstruction to the navigation of the Ohio river, *and is a public nuisance.*

"4. It obstructs the passage of the seven daily steam-packets between Pittsburg and Cincinnati, which carry one half of the trade and three fourths of the passengers on the Ohio river; the annual value of the merchandise and freight carried by them exceeds $35,000,000 in value, and the passengers over eighty thousand in number.

"5. The bridge is *not* ninety-two feet above the ground at any point; its highest point is not over the channel, and it is thirty feet lower at one end than at the other, so that the packets cannot pass, in any stage of water, without reducing the height of their chimneys, or lowering them in order to pass the bridge.

"6. It is clearly proved by science, and confirmed by practical skill and experience, that the present height of the packet chimneys is necessary, and that they cannot be reduced in length without serious injury to the speed and power of the vessel.

"7. The packet chimneys were as high as they now are before the erection of the bridge. Chimneys of equal and greater height are used on the ocean steamers, and the best packets of the Eastern waters, the lakes and the Mississippi.

"8. It is proved by science, experience, and the nature of things, that the packet chimneys cannot be lowered in order to pass the bridge, without imposing heavy expense upon the packet, and endangering the safety of the vessel, and the lives of the passengers and crew.

"9. The defendants are required to relieve navigation from obstruction by elevating the bridge to the height of one hundred and eleven feet above low water level for the width of three hundred feet over the channel.

"10. This can be done, and the bridge, after all expenditures are made, will yield a fair profit to the stockholders."

From the history of this case, it is plain that the real question before this House is this: Shall Congress sanction what the Supreme Court have decided is a great public wrong, to relieve a private corporation from a loss occasioned by their own disregard of law? And shall the commercial rights of the States be jeopardized, not to say trampled down, for the purpose of saving the Bridge Company from affording the redress which is within their power, and which will leave them an ample revenue upon their invested capital?

The decision of the Supreme Court was made after long, laborious, and mature consideration; and their judgment upon the law and the facts, furnishes the surest guide in making up our decision upon the bill before us. They say:

"That the bridge constitutes an obstruction, is shown by the report of the commissioner, the answer of defendants, the proof in the case, and by the admission in the argument of the counsel for the defendants."

In relation to the extent of commerce obstructed by the Wheeling Bridge, and the assertion which is much relied on, that only seven packets are obstructed, the court say:

"But, it is said, these seven packets are the only boats obstructed by the bridge, of the two hundred and thirty which ply upon the Ohio, and run to Pittsburg.

"The transportation of goods and passengers by these packets will show their relative importance, as instruments of commerce, between Cincinnati and Pittsburg. From the evidence, it appears that they convey about one half of the goods, in value, and three fourths of the passengers, between those cities. Taking the Keystone State as a criterion, each packet transports annually, thirty thousand nine hundred and sixty tons of freight, and twelve thousand passengers. The line was established in 1844, and it appears from the proof that, since that time, it has transported, between the above cities, nearly a million of passengers.

"It is in proof that the life of these packets averages five years, when their places in the line must be supplied by new boats. If, to their original cost of construction, there be added the expense of running them for five years, adding nothing for repairs or accidents, a total sum will be expended of $1,680,000. This amount of capital is appropriated every five years in running this line of packets. The structure of the bridge cost less than one eighth of that sum.

"The speed of these boats, their excellent accommodations, and their general good management, recommend them to the public, as is shown by the large amount of goods and passengers they convey. And any change in their structure, or in the production of the propelling power, which shall impede their progress, would not only impose upon their proprietors a most onerous tax, but it would greatly lessen their profits, by reducing the amount of freight and passengers. And no part of the amount would, probably, pass to other boats on the river, but to the northern or southern lines, where greater expedition is given."

If the bill before us be passed into a law, it will be a Congressional sanction of what has been decided by the Supreme Court to be an unlawful obstruction to the navigation of the Ohio river; an obstruction prejudicial to the commercial rights of Pennsylvania, and indirectly to the commerce of the whole country. Is such legislation proper? This question involves a consideration of the grounds upon which the Supreme Court proceeded in requiring the bridge to be elevated, or the obstruction to be removed. These grounds are thus stated by the court:

"On the 18th of December, 1789, an act was passed by Virginia, consenting to the erection of the State of Kentucky out of its territory, on certain conditions, among which are the following: 'That the use and navigation of the river Ohio, so far as the territory of the proposed State, or the territory that shall remain within the limits of this Commonwealth lies thereon, shall be free and common to the citizens of the United States."—*Virg. Revised Code*, 1819, p. 19.

To this act the assent of Congress was given. (3 *United States Statutes at Large*, 64.) The Court adds:

"That the Ohio river is navigable is an historical fact, which all courts may recognize. For many years, the commerce upon it has been regulated by Congress, under the commercial power, by establishing ports, requiring vessels which navigate it to take out licenses, and to observe certain rules for the safety of their passengers and cargoes. Appropriations by Congress have been frequently made, to remove obstructions to navigation from its channel.

"It appears that Pennsylvania has constructed a combined line of canal and railroad from Pittsburg and Allegany cities, to the city of Philadelphia, a distance of about four hundred miles, at an expense of about sixteen millions of dollars, all of which are owned by the State. There is also a railroad from Pittsburg to Harrisburg, which will soon be completed, at an expense of some eight or ten millions of dollars. There is also a slack-water navigation from Pittsburg to Brownsville, and up the Yaughegany to West Newton; and there are other lines of communication between Pittsburg and the East, which are owned in whole or in part by the State, and from which it derives revenue."

"For the reasons and facts stated, we think that the bridge obstructs the navigation of the Ohio, and that the State of Pennsylvania has and will be injured in her public works, in such manner as not only to authorize the bringing of this suit, but to entitle her to the relief prayed.

"Congress have not declared in terms that a State, by the construction of bridges, or otherwise, shall not obstruct the navigation of the Ohio; but they have regulated navigation upon it, as before remarked, by licensing vessels, establishing ports of entry, imposing duties upon masters and other officers of boats, and inflicting severe penalties for neglect of those duties, by which damage to life or property has resulted. And they have expressly sanctioned the compact made by Virginia with Kentucky, at the time of its admission into the Union, 'That the use and navigation of 'the river Ohio, so far as the territory of the proposed State, 'or the territory that shall remain within the limits of this 'Commonwealth lies thereon, shall be free and common 'to the citizens of the United States.' Now an obstructed navigation cannot be said to be free. It was, no doubt, in view of this compact that, in the charter for the bridge, it was required to be so elevated, as not, at the greatest height of the water, to obstruct navigation. Any individual may abate a public nuisance.—5 *Back. Ab.* 797, 2 *Roll. Ab.* 144, 145. 9 Co. 54, *Hawk. P. C.*, 75, *sec.* 12.

"This compact, by the sanction of Congress, has become a law of the Union. What further legislation can be desired for judicial action? In the case of *Green et al.* vs. *Biddle*, 8 *Wheat.* 1, this court held that a law of the State of Kentucky, which was in violation of this compact between Virginia and Kentucky, was void; and they say this court has authority to declare a State law unconstitutional, upon the ground of its impairing the obligation of a compact between different States of the Union.

"No State law can hinder or obstruct the free use of a license granted under an act of Congress. Nor can any State violate the compact, sanctioned by Congress as it has been, by obstructing the navigation of the river."

The Constitution of the United States has distributed the powers of Government between different departments—executive, legislative, and judicial. And that instrument was designed to reconcile and harmonize what might, in the course of events, become rival or hostile interests in the several States. A main feature of the American system was the establishment of a supreme judicial tribunal, to whose judgment the disputed questions should be referred, and to whose care the rival and conflicting rights of each State, and of their respective interests, was intrusted to be judged according to the Constitution and laws, their decision being final and supreme.

The bill reported by the committee is not only a legislative reversal of a judgment of the Supreme Court, but is a reversal of a judgment made by that tribunal to enforce a compact between the States. Whether the State of Pennsylvania has a right to the free and unobstructed navigation of the Ohio river at Wheeling—how far the State of Virginia could confer any authority upon the defendants to obstruct navigation—and whether they do in fact obstruct it—are strictly judicial questions. And these questions being decided by the Supreme Court, unless one department of the Government may take upon itself to discharge the duties of another coördinate and supreme branch, it is not proper that the decision should be reversed by Congress. The example in one instance might be followed by others; and if one department may assume the proper functions of another, the same may be done by all—a course which would soon lead to confusion and disorder, and tend strongly to the overthrow of the Government. Besides, this Government consists of a *union* of States. The bonds of that union are compacts made by the States themselves, to guard and protect their respective interests, and to limit the extent of sacrifice or concession that may, in any case, be made or required of each. The interests of the States are in some degree rival and conflicting;—in some, agricultural; in some, manufacturing; and in others, navigating or commercial interests prevail. Peace and harmony could only be secured by mutual compacts between the States, under such circumstances; and it can only be continued by strict observance of such compacts. To determine by peaceable judgment whether they are violated or not, and to administer the proper remedy, was the main purpose of establishing the Supreme Court. No feature in the Government has more commended itself to the approval of mankind.

Is not Congress bound by the compact above referred to relating the free navigation of the Ohio? And how could any engagement with the State of Ohio in 1802, authorize a violation of a compact with Pennsylvania and all the States, made in 1789? The action of Congress is highly significant upon this subject. For many years the people of Ohio and citizens of Wheeling urged Congress to erect a bridge over the river. Frequent reports in favor of the project were made, but the obstruction of navigation being urged, and the measure remonstrated against on that ground by Pennsylvania, Congress has uniformly refused to sanction the project. It has never before been claimed that Congress had power to violate this compact, or that she ought to obstruct navigation for the sake of a bridge. On the contrary, all the reports in Congress have uniformly recognized the freedom and security of navigation as a paramount right. And the several committees that reported upon the subject in the Twenty-fifth and Twenty-eighth Congresses, expressed their sentiments in the most decided manner, that no obstruction to navigation should be allowed.

The construction of this compact by the several States, is shown by the following enactments.

Kentucky, while authorizing a bridge at Louisville, in 1831, provided expressly—

"That said bridge should be erected so as to permit the passage of ships, schooners, sloops, and steam vessels of the largest size and height, at the highest stage of water in the river."

The act of 1846, authorizing a bridge at Covington, provides—

"That nothing contained in this act shall be so construed as to authorize the said company to construct a bridge which may obstruct the free and common navigation of the said river Ohio."

And the act of December 9, 1850, provides—

"That nothing contained in this act shall be so construed as to authorize said company to construct a bridge which may obstruct the free and common navigation of the said river."

The Legislature of Ohio has evinced the same policy.

The act authorizing a bridge over the Ohio river at Wheeling, sanctioned and reënacted by the General Assembly of Ohio, provides—

"That if the said bridge shall be so made and constructed as to injure the navigation of the said river, the said bridge shall be treated as a *public nuisance, and shall be liable to abatement*, upon the same principle, and in the same manner as other public nuisances are."—*Act passed Dec.* 30, 1816, *sect.* 19.

An act, authorizing a bridge between Cincinnati and Covington, passed March 9, 1849, provides—

"That nothing contained in this act shall be so construed as to authorize said company to construct any bridge which may obstruct the free and common navigation of said river Ohio."—*Sect.* 13.

The act to incorporate the Steubenville and Indiana Railroad Company, passed February 24, 1848, provides—

"SEC. 2. And said company is further authorized, with the consent of the Legislature of Virginia, or by arrangement with any company that may have authority from said State, to construct a bridge or viaduct across the Ohio river at Steubenville, so as to connect said road with a road leading eastward from that place, provided that said bridge or viaduct shall be so constructed as not to interfere with the navigation of said river."

The policy of Indiana is exhibited in the act, authorizing a bridge at the Falls, passed January 26, 1832, which provides—

"That the said permanent bridge shall be erected so as to permit the passage of ships, schooners, sloops, and steam-vessels of the largest size and height, at the highest stage of water in said river."—*Sect.* 9.

Illinois has watched with equally jealous care the rights of navigation.

The act to incorporate the St, Louis and Illinois Wire Suspension Bridge Company, passed February 18, 1849, provides—

"When erected, said bridge shall not obstruct or impede the free navigation of the Mississippi river, for any ship, steamboat, or water-craft, provided, that if any obstruction is caused by the erection of said bridge, of any ship, steamboat, or other water-craft, the said company shall forfeit their charter, and pay all damages that may be sustained by any person or persons by reason of said obstruction."—*Sect.* 7.

Except in the act of Virginia, sanctioning the Wheeling Suspension Bridge, (and that, as will be seen, was induced by misrepresentation,) no State bordering on the great rivers of the West has, by any measure, sanctioned an obstruction to navigation.

Although the rivers of the Eastern States are of less commercial importance, it has been a uniform policy to guard their freedom. New York required the Croton aqueduct to be elevated one hundred feet above the usual high-water mark of the river.

The Legislature of Connecticut passed an act in 1849, relating to the charter of the New York and Boston Railroad Company, the second section of which authorizes the company "to make and 'construct a bridge or viaduct across the Connec-'ticut river, at the narrows below the city of Middletown, of a span at least six hundred and twenty-five feet in length, and of a height above the 'surface of the water in said river, at said place, at 'low water, of at least one hundred and forty 'feet."

The construction of Virginia as to the freedom of navigation is plainly shown by her provisions in the charter for a bridge over the Ohio at Wheeling, as I have before stated.

What these several Legislatures of the States have done is only carrying out the principle adopted by Congress.

On the 12th day of May, 1786, on the motion of Mr. Grayson, of Virginia, the following resolution was adopted:

"*Resolved*, That the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, be and they are hereby declared to be common highways, and be forever free, as well to the inhabitants of said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederation, without any tax, impost, or duty therefor."—*Journal of Congress*, 1786. 637.

Loud and oft-repeated complaints have been made against the Supreme Court for regarding in this case what those who complain call "common-law doctrine;" and Congress is now entreated to adopt new principles in adjusting the Wheeling Bridge question. I admit that the court was governed by that great common-law doctrine, that "*compacts* are binding, and must be enforced;" and it has the sanction for this of such names as Marshall, Kent, and Story.

Judge Story, speaking of the common law, says:

"The whole structure of our present jurisprudence stands upon the original foundations of the common law."

Again, he says:

"The common law has become the guardian of our political and civil rights; it has protected our infant liberties; it has watched over our maturer growth; it has expanded with our wants; it has nurtured that spirit of independence which checked the first approaches of arbitrary power; it has enabled us to triumph in the midst of difficulties and dangers threatening our political existence; and, by the goodness of God, we are now enjoying, under its bold and manly principles, the blessings of a free, independent, and united government."—*Vide Com., p.* 140, 141.

Insinuations of a most extraordinary and unjustifiable character have been freely circulated against the court, because of their decision in this bridge case. This is deeply to be regretted. As the friend of the court, I desire it may sustain the high position it has hitherto held in the public respect and confidence.

Nothing but evil—evil of giant magnitude—can come of efforts that tend to shake in the least degree the confidence of the nation in the Supreme Court. To shake the confidence of the country in the Senate of the United States, great as that evil would be, would be nothing in the comparison with creating an impression in the minds of the people that our highest judicatory is not to be trusted. That judicatory has been—ay, is yet—our pride. We have just cause to be proud of it. Hitherto, the American judiciary has been uncorrupted and incorruptible. Unsullied integrity is synonymous with the bench of the Supreme Court. To that bench the people can look with the certain confidence that the rights of individuals and of States will be protected. Our judges are esteemed to be—what experience has shown they truly are—men of *great learning*, *men of strong talents*, men of sterling *virtue*, men adorned with everything that can confer dignity upon public functionaries.

There is much more, Mr. Speaker, which should be said against the passage of this bill, but I have time only to state another objection, which, it seems to me, should be fatal to the bill. The right to enact the bill before us is claimed under the power of Congress to regulate commerce, and the power to establish post offices and post roads. But these and all the other powers of Congress are subject to certain constitutional restrictions, contained in the ninth section of the first article, among which are the following:

"No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another."

These are limitations of Congressional power. It is a well-settled principle of constitutional law, that what may not be done directly, cannot be

done indirectly. To sanction the Wheeling Bridges, as they now are, would indirectly violate each clause of the foregoing section. In the language of another:

"The expense imposed upon steam-vessls, in the increased consumption of fuel occasioned by reducing their chimneys, or in providing apparatus, and loss of time in lowering them, has already been adjudged to be an unlawful tax upon the vessel. In the passenger cases, a tax upon the vessel was adjudged to be a tax upon the commerce they carry, and hence it is a tax upon all articles exported from the State of Pennsylvania that are carried in steamboats on the Ohio river. The bridge has been adjudged to operate aa a regulation of commerce, and hence it cannot be authorized by State legislation. And if Congress sanctions it, as it now is, that would operate as a regulation of commerce, giving a preference to the ports of other States over the ports of Pennsylvania; for while steamboats of the largest size may navigate to and from the ports of other States, with chimneys of the improved form and dimensions that science and experience have shown to be most advantageous, they can neither arrive nor depart from the ports of Pennsylvania in the same condition. Wheeling is thus made by act of Congress the head of navigation, and steam-vessels of the most approved description are excluded from the port of Pittsburg. And finally, vessels bound to and from Pittsburg are compelled, in the shape of a perpetual tax on their fuel or machinery, to pay duties at Wheeling.

"It is obvious, therefore, that the proposed measure is not only unnecessary, unwise, and unjust, but is a clear violation of constitutional right, and would be the exercise by Congress of a prohibited authority."

Being one of the minority of the Committee on the Post Office and Post Roads, I have felt myself constrained to give free expression to the views I entertain. I will detain the House no longer.

THE WHEELING BRIDGE.

SPEECH OF HON. J. A. WOODWARD,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

August 13, 1852.

On the Bill declaring the Wheeling Bridge a lawful structure and a post route,

Mr. WOODWARD said:

Mr. SPEAKER: The question before the House is a very broad one. Could I under any circumstances do justice to it, I cannot in the brief space of an hour. It has been the subject of a protracted litigation in the Supreme Court of the United States, and has terminated in a decree of that court adverse to the Wheeling Bridge. That litigation has brought forth a voluminous argument from the ablest counsel on both sides of the question, and, finally, an elaborate judicial opinion accompanying the decree of the court. The public mind and the mind of the House have been preoccupied by a theory of the argument. To present my own views, therefore, without disadvantage, it would be necessary first to dislodge from the minds of others what I conceive to be erroneous impressions. But I have no time to do that. Hours would be necessary for the purpose. I shall, therefore, go to the beginning of the argument, and present my own views directly and affirmatively, and leave it to the House to judge, by comparison, whether I or those on the opposite side of the question be in the right.

The argument is founded, remotely, in the law of nations, as though it had once existed among the States, and directly in the Constitution, as having superseded and supplied the law of nations. It is a mistake to suppose that we are to look to the celebrated ordinance of 1787, relative to the navigable waters of the territory west of the Ohio river, or to any other ordinances or special compacts between particular States, for the principles that are to guide us in this discussion. Let us briefly consider this point.

Under the Articles of Confederation, or old Constitution, the great inconvenience complained of was the diversity of commercial regulations among the States and with foreign nations, and the great desideratum of the times was a uniform and harmonious system. This could only be effected by intrusting the commercial power to the common government of all the States. With this view, and with no other view, the first suggestion was made and the first step taken towards the formation of a new constitution. It is true that the new constitution went further than was originally intended, but Mr. Madison says what all, upon investigation, will perceive to be true, that the only important power added to those already conferred upon Congress by the Articles of Confederation, is the commercial power.

So great was the inconvenience from the conflicting commercial powers of the several States, that in July, 1787, the State of Virginia and the United States determined that, so far as this territory and the States into which it was to be erected, were concerned, the inconvenience should, as far as possible, be provided against. Hence the provisions of the ordinance of 1787 in that behalf.

But, three months after the ordinance came the Constitution, and gave universality to the provisions of the ordinance. What the ordinance had provided for the Northwest Territory the Constitution established for all the States. The ordinance was merged in the Constitution and superseded by it; and we now have one uniform and universal commercial system throughout the Confederacy. It is but deforming the argument to look for its foundation in this ordinance or any special compact between States. The Constitution covers the whole ground occupied by any such ordinance or compacts. I will not, however, insist on denying, but that, in some minute particular, the Constitution has varied the effect of the ordinance. But I do deny that the northwestern States are the losers thereby. The provision of the ordinance is as follows:

"The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between them, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy without any tax, impost, or duty therefor."

By this provision the citizens of the old States enjoyed the right of free navigation in the waters of the territory, and of free transportation along the carrying places between them, and yet retained each the exclusive control of its own internal waters and carrying places. Here was want of reciprocity, and the inequality was against the new States; but whether the Constitution corrected this inequality by enlarging the privileges of the new States, or reducing the privileges of the old, in this particular, the new States are the gainers. This whole provision of the ordinance is superseded, and its inequality rectified, by that provision of the Constitution which says: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." But any minute difference between the effect of the ordinance, and that of the Constitution, must yield to the principle of uniformity and universality in the fundamental law, and of equality among the States. The ordinance, says Mr. Madison, was passed "without authority of law," and this he said while engaged in defending the new Constitution, and commending it to the adoption of the States. But admit it to have been otherwise: the parties to the ordinance were competent to discharge each other from its obligations, and in freely entering into the Federal compact they did so.

But while I reject the ordinance as an authentic foundation of rights and privileges, it affords historic proof that the States of the Union all regarded the Ohio as free to all the people of the Union. The ordinance in mentioning the navigable waters of the territory, describes them as "leading," not as *running* into the St. Lawrence and Mississippi. The word leading was used because between the rivers of the territory and the St. Lawrence, Lakes Erie and Ontario, linked by the Niagara, intervened; and with regard to the Mississippi, the Ohio intervened, the rivers first running into the Ohio, and thereby "leading" into the Mississippi. It is therefore as certain that the Ohio was included as that the lakes were.

Some little pains have been taken to disincumber the argument of this ordinance, which has so often been made the foundation of a special system of doctrines for the Mississippi and its tributaries—to the disparagement of other navigable waters.

I have said that the argument is founded remotely in the law of nations, and directly in the Constitution. It is founded in the law of nations, because the Constitution is founded in that law. Let us, then, look into that law, and see what are the reciprocal commercial rights of the people of civilized, not to say barbarous, States. The right to enter upon the territory of a foreign State, with a view to traffic with the inhabitants; and for that purpose, the privilege of traversing the public roads and bridges, and private ways, and using its navigable waters; the right of passage through, with a view to traffic with nations beyond; the right of travel; the right of residence and domiciliation, and the pursuit of any lawful trade or business; the right to hold property, to be protected in person and property; the privilege of resorting to the courts for the purpose of resisting a wrong, or maintaining a right; these are among the privileges extended to aliens or foreigners, among the civilized States of the world—in a great degree by semi-barbarous nations, and even barbarous. They are, however, I concede, only imperfect rights; and of these, it will, perhaps, be a pretty just general description to say, that they are such rights as require to be secured and made perfect by treaty stipulations.

But there is one peculiar right of this class which stands prominent, far beyond any one enumerated. It has ever had attached to it an importance and value and dignity, and has challenged a degree of guaranty, not conceded to any other one of these rights. I refer to the right of a riparian or river State, to the navigation of waters, which, taking their rise in its territory, in navigable form, pass through the territory of another State, out to sea, and to the markets of the world. This is the celebrated right claimed by resvdi interior States, relative to the river Scheldt, the Rhine, and the Danube. It has figured largely in European diplomacy, negotiations, and treaties. No nation has failed to insist upon this right. Few nations would now have the hardihood to withhold it when the only outlet of a State. It would not, at the present time, be relinquished by any civilized State in Europe except to superior force. It is doubtful whether there could be found a living writer on international law, on ethics, or morals, or civilization, or commerce, or political economy, or agriculture, or on any other subject pertaining to social interests; whether there could be found a man of sound intellect and not of perverse heart, who would not reprobate the denial of this right. It is the right which the United States on behalf of the western country claimed against Spain, in relation to the Mississippi, when Spain held the territory on both banks near its mouth, where its current exhibits the accumulated waters of twenty-five thousand miles of interior navigation. It is the right which the United States, on behalf of their northern section, felt they were entitled to, relative to the St. Lawrence, which has its origin partly in navigable waters within their domains, and thence passes through the British Provinces into the Atlantic ocean. But for the fact that the navigation of this river has been conceded to Great Britain by treaty stipulations, the United States would at this time insist upon the privileges of the river. And but for the fact that the great internal improvements of the State of New York, commencing with the Grand Canal, which connects the lakes with the tide-waters of the Atlantic, and continued in several railways, and destined to make progress in others, in order to perfect that connection, has greatly reduced any interest we may have had originally in the navigation of that river, it is hardly possible that the United States would fail, in process of time, to resent the denial of the privilege in question, notwithstanding her treaty stipulations to the contrary. It would be argued by our people (not by myself individually) that a teeming and still multiplying population, with an immense and growing wealth, in commerce and agriculture, not foreseen or realized at the period of the treaty, should not be held to suffer and to go on suffering a great sacrifice, because an inconsiderable interest, when the country was, to some extent, an Indian wilderness, was not thought worth contend-

ing for. It would be alleged that equity had grown too strong for treaty stipulations.

It is not denied that where the internal security and peace of a nation should be involved, it might justifiably refuse this privilege; but the constitutional disability of the States of the Union to levy war against one another, the unity of the war power and of all foreign relations, and the unity of citizenship, have removed every reason upon which a nation ever pretended to justify a refusal.

The river Delaware passes between the States of Delaware and New Jersey, having its origin mainly in the State of Pennsylvania, and is the ocean outlet of the great city of Philadelphia. Now, supposing the two States first named to possess jurisdiction of the soil under the water of the river, where it intervenes them, as the State of Virginia in fact does in the soil under the waters of the lower section of the Chesapeake Bay, which is a part of her rightful internal domain; should those two States claim to control the navigation of the river at their discretion; or should the State of Louisiana set up a similar pretension, in relation to the lower end of the Mississippi, within her territory, the public mind would be struck with an astonishment only to be exceeded by what we should all feel, were a gentleman to rise in his place and assert that the Constitution came not to disable the States from committing such monstrous injustice upon one another, but to confirm the power of doing so; not to secure the States against the wrong, but to take from them all the means which the law of nations would afford them for self-defense. But I am somewhat in advance of the argument.

Let us conceive the Constitution to be lifted up, and borne away from the States; in a twinkling, the law of nations would rush in and fill the void; and all that I have thus far said would apply in full force and vigor to the internal waters of the United States; for the argument has not yet risen above the law of nations—not yet reached the Constitution.

Now, what is the Constitution, and what has it done, or aimed to do? It has not consolidated the States into one people, but left them separate and distinct sovereignties. While, in some measure, it rests upon them, it at the same time stands between them. It has displaced and substituted the law of nations; and is to them a special law of nations. Where the law of nations was, it is. And it came not to abrogate, but to establish; not to impair, but to raise and support; not to diminish, but to multiply. It includes within its more efficient faculties, every one possessed, and within its wider range of objects, every one embraced by the law of nations.

I contend that every international right that I have enumerated is provided for by the Constitution. What were perfect rights are perfect rights still; what were imperfect have been raised into perfect; and what, by the law of nations, were but indulgences, have been transformed into rights—into perfect rights. Your Constitution has gone still further, and created inter-State rights unknown to the law of nations, general or special. What these are I shall not take time to enumerate. But it has not stopped here. To the rights in question it has given that legal recognition, and has provided for them those systematic and regulated means of enforcement which belong to internal municipal rights. In lieu of the somewhat vague and heterogeneous law of nations, you have a definitive fundamental law; in place of Vattel, Grotius, and Puffendorf, you have a Legislature; instead of the *ultima ratio gentium*—war, you have a judiciary, and legal process, and marshals.

But while the international rights referred to have their legal establishment, or origin, in the Federal Constitution, they are not all referred to the Federal Legislature or judiciary for their proper regulations and enforcement. Some are referred to the local Legislatures, others to the general. When the conditions under which they exist, and are enjoyed, are within the limits of a State, the State authorities take jurisdiction of them; but when those conditions are not wholly within a State, jurisdiction belongs to the common government of all the States. But the right is not the less secure for being committed to the State government. Certainly its security is not impaired in any unreasonable degree thereby; for the State is expressly disabled from making any distinction between its own citizens and those of other States, with respect to "privileges and immunities." Whatever conditions a State may impose upon the immunities of the citizens of other States, it must also impose upon those of its own. What greater security than this could be asked? But if anything further was desirable, it was not consistent with the sovereignty of the States that it should be conceded. It would have been going very far to have invested the Federal Government with power to place the citizens of one State on a better footing in another State than the citizens of the other State themselves hold.

I have said that where the conditions under which the right accrues are not wholly with any particular State, the Federal Government, either in its legislative or judicial department, has jurisdiction of the right. There are perhaps exceptions to this proposition; but it is true in the main, true as to any matter involved in the bill before the House. If the great riparian right in question be not committed to the General Government in some one of its departments, then has your Constitution destroyed the foundation upon which it stood in the law of nations, stripped it of all the sanctions it there had, and left it naked and defenseless. I deny that such is the case. That clause in the Constitution which transferred from the States to the common Legislature the power to regulate commerce among the several States recognizes this identical right, to say nothing of other clauses in the Constitution wholly inconsistent with the idea that this right was not provided for; such as the following:

"No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except," &c.

And the main object in view is to show what is the scope and effect of the phrase to "regulate commerce" among the several States. But before entering upon this inquiry, it is perhaps advisable to show more strongly than has yet been done, that there can be no propriety or justice in assigning the power in question to Virginia, in relation to the Ohio river, or to any other State under like circumstances. The geographic arrangement of the States, and the position of sundry navigable rivers, would afford many illustrations of what I am about to urge, but a single instance will suffice.

The Chattahoochee and Flint, in the State of Georgia, are both navigable rivers. They come together at the line between Georgia and Florida, making the Appalachicola, and under that name pass through the territory of Florida into the Gulf of Mexico. Now, suppose the State of Florida should cause a bridge to be thrown across the Appalachicola ten feet above the surface of the water, obstructing the passage of steam vessels to and from the numerous towns in the State of Georgia, would that bridge be a lawful structure? If not, it would be because the people of Georgia possessed some right violated by it. But whence comes this right? Not from the constitution of Florida, for no State derives its rights from the constitution of another State. Nor from the constitution of Georgia, for no State can confer upon itself privileges within the limits of another State. Who could authorize the abatement of the bridge? Georgia has no jurisdiction within the limits of Florida. Does not reason and justice demand that the right should be under the guardianship of some government, in which both States would be fairly represented? But there is no such government except that of the United States. Indeed, whatever the origin of the right, the Federal Court would have jurisdiction of the case or controversy, by virtue of a special grant in the Constitution. So that ousting Congress is by no means ousting the Federal Government.

But, I maintain that it is no more certain that the Constitution has conferred upon the courts jurisdiction of the parties to such a controversy, than that it has conferred upon Congress, jurisdiction over the subject; and that in deciding upon the rights of the parties, the court would be governed by the laws of Congress in relation to the subject. In the case supposed, I maintain that the rights of Georgia, founded first in the law of nations, have been perfected and confirmed by the Constitution, which has displaced the law of nations. The wild right of the law of nations has been domesticated under our system, and afforded a home and place of rest. It now exists in fellowship with other rights, under the auspices of internal regulated government.

But, while it claims the guarantees of such government, it must submit to its disadvantages. It must tolerate a fair accommodation with other rights. It can no more claim to be protected against unreasonable encroachments from them, than they from it; and it is because the right is subject to such conditions as justice and the public interests may demand, that its regulation belongs to the law-making branch of government. Indeed, the very word "regulation" implies that; for a court can regulate nothing but its own rules of procedure.

The court has not expressly denied the right of Congress to legalize the Wheeling Bridge, but its decree strongly implies such a denial, and the doctrines contained in the opinion pronounced on behalf of the majority of the court, are irreconcilable with the existence in Congress of any such power. Has the court erred?

The province of judiciary is retrospective and *ex post facto*. That of legislature prospective, and the opposite of *ex post facto*. A court looks back—a legislature forward. The court inquires what has heretofore been the law; the legislature what should it be hereafter. But in this case the decree of the court operates wholly in the future; and it does not merely require the abatement of what was adjudged a nuisance, but describes and prescribes a bridge which will not be a nuisance. The court, therefore, appears to assume to regulate public right, and to prescribe a public policy. If it do not mean this, then, in case the "smoke-pipes" of boats shall increase in elevation as much as the decree requires the bridge to do, the court will be bound hereafter to abate the bridge it now authorizes. But let us look to the doctrines in the opinion of the court.

The doctrine of the court is, that the Ohio river is a "common highway, and alike free to all the people of the United States," by virtue of a compact between the States of Virginia and Kentucky. To set up such a compact, implies that the Constitution stands indifferent in relation to the matter—for, if the Constitution entertain a will and a purpose, no compact of the sort could vary or modify that will and purpose. The Constitution is somewhat older than that compact, and is also of a dignity and authority much higher. Nor will it help the matter to say, that Congress assented to that compact. A compact between States must not only have the assent of Congress, but also that of the Constitution. A compact between States to coin money would not be made valid by the consent of Congress, because the Constitution has deprived the States of that power. So, if the compact in question be inconsistent with the will and purpose of the Constitution, it is so far null and void, and elsewhere nugatory. To set up this compact, therefore, as the law of the river, is to exclude the Constitution, and to exclude the Constitution is to oust Congress, for the compact of Kentucky and Virginia can confer no power on Congress.

The Constitution and the Congress being thus excluded, two consequences follow: First, we have important public interests and public rights extraneous to the Constitution, and above the reach of law; a thing unexampled in the history of political institutions; and, secondly, we have a great system of inter-State highways under the administration of a court of chancery, a thing equally unexampled in the history of jurisprudence. But more than this: The compact in question, if it be a valid one, and rights and duties have sprung from it that did not result from the Constitution, is incapable of revocation, or amendment, or modification, even by the States who made it. It dedicated the river as a public highway to all the people of the United States, and such a dedication can only be revoked by a public law-maker; but in this case the assumption is, that the law-maker possesses no jurisdiction. No matter, therefore, what changes the arts and sciences may bring about; no matter that railways and bridges, or viaducts, may become ten times more important to trade and travel than rivers, and that rivers may become useful only for the conveyance of gross freight, still this right of navigation must retain

its privileges over concurrent rights of vastly greater importance and value. Three fourths of the States could not, I submit, alter such compact.

Such are some of the consequences of setting up, in lieu of a uniform constitution, a system of petty treaties, and compacts, and ordinances, fit only to perplex and frustrate the legislature, and to disfigure the public policy. The judiciary, however, is in no danger of losing anything in this way. Its jurisdiction is made sure by the character of the parties in litigation or controversy. Indeed, it gains just about what the constitution and the legislature lose.

The State of Virginia has as clear a right to build a bridge over the Ohio at Wheeling as Congress has to regulate the commerce of the river; and Congress has no more right to build such a bridge than Virginia has to regulate the navigation. But what is to be done in case the bridge come in conflict with the privileges of navigation? The Constitution has provided for the case. A law of the United States, "made in pursuance of the Constitution, is the supreme law of the land," says the Constitution. This provision of the Constitution was not intended to declare the supremacy of a law of Congress over an unconstitutional State law. The Constitution itself nullifies such a law, and the courts are to declare the effect of the Constitution. Such a law is no law; any valid law is supreme over it. The provision in question contemplates a valid State law and a valid law of Congress coming into incidental conflict, and requires the law of one State to give way to a law of all the States. It was foreseen that if the State law should be made supreme, different States making different laws, in relation to the same subject, the law of Congress would be differently modified in different States, and become a different law in each; when, from the nature of the subject, it should be uniform. But a valid law of Virginia can only be held to yield to a valid law of Congress; the court cannot of its own authority invalidate it.

The Legislature of Virginia is presumed to know the Constitution of the United States, and the scope of the powers of Congress. It is presumed to know the extent of its own powers, and, in the absence of a law of Congress, indicating the headway to which boats should be entitled, it is supposed, to have been capable of a legal judgment, how far the rights of transverse commerce, under its jurisdiction, ought to yield to the privileges of commerce along the river. But the court has presumed the contrary of this. It has presumed that the Legislature of Virginia was ignorant of its own powers and rights, or that it willfully trespassed upon those of another government. And yet, in contemplation of law, a court of justice possesses no faculty for judging, or prescribing, what public expediency and policy demand. Its only medium of knowledge is the law.

The Constitution recognizes the right of navigation on this river as absolutely unconditional and liable to be held to no terms of accommodation with other rights, or else it regards it as capable of regimen and discipline. If the former be the case, then the Constitution would abate the amended bridge, authorized by the court, as well as the existing bridge, erected by Virginia. If the latter be the case, then Congress, and the General Assembly of Virginia, have the control of the whole matter, bridge and navigation, taken together. But let it be supposed that the court has anticipated Congress, and undertaken to presume what it would do. I concede that, what the law-maker would do, a court of equity is sometimes permitted to presume, acting in its appropriate sphere; but can it set up the presumed will of one Legislature against the express law of another Legislature acting within its appropriate sphere? The erection of this bridge was a public act of the government of Virginia. By public laws, the Legislature had prescribed the manner of building it, and had, by public laws, approved it when built. In Equity, (and the court sat in that capacity,) the proper presumption was, that Congress was cognizant of these laws; because it was, in fact, so. To assume, therefore, that Congress did not approve the bridge, was to impute to it negligence and delinquency. Since, then, the court cannot invoke the Constitution, which would equally reject the amended bridge and the judicial regimen of the river, appointed by the court, it will be seen that its claim of authority, and its decree, are founded upon two grand presumptions: First, that the General Assembly of Virginia was ignorant of its powers and rights, or else willfully trespassed upon those of another government; and, secondly, that Congress has been guilty of negligence and delinquency in not interposing to protect the commerce of the river. Two pretty bold presumptions.

It will not be denied that Virginia possessed a right to build a bridge from the Wheeling bank to Zane's Island. And, although the law for that purpose would have to give way, if, in its execution, it came into incidental collision with a constitutional law of Congress, yet, in the absence of any such law of Congress, the law of the State stands unimpaired, unless the Constitution nullifies it. But the Constitution has not regulated commerce and navigation, but committed them to the legislation of Congress. The law of Virginia, therefore, does not come into collision with the Constitution, and there being no existing law of Congress, with which it could come in collision, it is, itself, therefore supreme law.

What is a nuisance, all agree, the law of the land must determine. The Wheeling Bridge, then, has been adjudged a nuisance, not only in the absence of any law making it so, but in the very face of a constitutional law of a State.

There are two descriptions of nuisances, and they may be termed natural and accidental. A natural nuisance is that which is, in itself, noxious and injurious,—as a filthy pool, an offensive carcase, the fumes of a brew-house, the vapors of a glass factory, and the like.

An accidental nuisance is where two things, neither of them being noxious, but both being positively beneficial, come into incompatible relations, and one has to yield to the other. Which shall yield, and how much, positive law must determine; and if the law be in favor of this one, that one is the nuisance.

These two kinds of nuisances differ from each other in the economics of law, somewhat as *mala in se* and *mala prohibita* differ from each other in the ethics of law.

The Wheeling Bridge and the boats passing under it, illustrate the character of a purely accidental nuisance; neither is noxious in itself, but both beneficial. Which, therefore, shall yield to the other, positive law must determine. But the bridge is not only positively beneficial and free of any noxious property, but it is of public use and benefit; it constitutes a highway dedicated to the public of the whole Union. And yet the court has dealt with it as though it were a natural nuisance; not only of no use to the public, but of no use to any private man; as though it were positively detrimental to the public. Why, sir, it requires positive law to determine even what shall be deemed a natural nuisance.

But the court has decreed the abatement of the bridge as it now stands, and there is no way of resisting that decree. Except an act of Congress assenting to its continuance shall induce the court to reverse its decree, the bridge must go down. And the question of present interest is what Congress can do in relation to the matter. I presume it will hardly be questioned that if the consent of Congress given at first, would have made it a lawful bridge heretofore, its consent given now, will make it a lawful bridge hereafter. The decree of the court is not incompatible with this proposition. Whatever may have been the opinions and reasoning of judges, the decree is the only act of the court; and that decree is not that Congress could not authorize the erection of such a bridge, but that the General Assembly of Virginia could not.

Let us then consider somewhat further the powers of Congress; and for that purpose, let us examine the nature of the subject.

I concede the navigable waters of the United States to be "common highways," and "free" to all the people of the United States. But what is meant by a common highway? It is a highway that no section of the country can monopolize; from the use of which, none can be excluded. And what is meant by a "free" river? Simply a river, whose navigation is exempt from tolls, taxes, or tribute. These are the very words of the ordinance of 1787. That ordinance did not mean to enhance the right in free navigation, to give it a new dignity and preëminence over all other rights that might incidentally clash with it; it simply meant to establish the right in the Northwest Territory. Nor did the Constitution, coming after the ordinance, do anything more than give universality to the right throughout the Union.

Nor in dwelling upon that peculiar right of riparian States which was the antecedent of the one committed to the common government of the States, through its power to regulate commerce among the States, did I mean that the Constitution had placed it above all other commercial and social interests; had put it beyond legislative control, and made it superior to all reasonable and just accommodation with other interests that might incidentally come into incompatible relations with it. I only meant that the Constitution had reclaimed it from its wild state, and given to it the form and guarantees and mode of existence of an internal domestic right. And surely this was doing a great deal for it. It would have been going too far to have given it preëminence and prerogative over other great interests; to have placed it beyond the control of legislative regulation.

That riparian right, subject to treaty regulations under the law of nations, as an international right, has become a public civil right under our system, subject to legislative regimen. It is no longer a treaty right, but the common right of all the people of the Union. It is committed to their common Government, simply on account of the conditions under which it is held and enjoined; and not that it is held to be a preëminent and favorite right.

That Congress can make such regulations of commerce as will be compatible with the continuance of the Wheeling Bridge, is so evident to my mind, that I am scarcely sensible of an impediment necessary to be overcome by argument. It is a misconception of the whole case, to assume that one portion of the people are interested on one side of the controversy, and another on the other side, and that the Government is the arbiter between them.

Both interests appertain to all the people of the Union, and the Government, in whatever branch, is the representative of all. A public nuisance is that which is noxious to the public. And to say that one public interest is a nuisance to another public interest, without first ascertaining which is worth most to the public, is an absurdity. And it is just because the determination of nuisance depends upon the comparison of one interest with another, that it is, and ought to be, left to legislative authority to determine what shall be a nuisance; for the progress of science and arts is continually changing the relative value of things. A court must look to the law as it is, and enforce it right or wrong; the legislature looks to expediency, and makes the law what it should be. The court cannot rise above the law, except it can plant itself upon the Constitution; but, as has already been shown, the Constitution has not said what shall be the projection of a pier into the river, what shall be the privileges of fisheries, what the privileges of bridges, (and bridges are as old as navigation,) what their elevation, what the width of draws, what the privileges of canals or agricultural irrigation using the water of the river. All these things are as old as navigation. The Constitution has specified nothing in this behalf. It has, therefore, left them to legislative regulation. If not, it has interdicted them, and navigation is entitled to the whole surface of the river, from bank to bank, the whole substance and body of the water, and as much headway as the highest mast or chimney may at any time, now or hereafter, demand.

The Constitution in leaving some of these interests to the States, and committing some to the common government of the States, did not mean to change their relative value. And Congress as representing the same public that all the State Legislatures represent, must have a just regard to their relative value.

But is it just to the public that the Wheeling bridge should remain as it stands? That question I have left to others to argue. Did time permit, I should take great pleasure in discussing it. I think I understand the scientific principles involved in high and low smoke-stacks, and have taken

due pains to collect practical information on that subject. My convictions are strong in favor of the bridge. It is a remarkable fact, that of two hundred and thirty-six boats on the Ohio, only seven have preferred chimneys too high to pass under the bridge without being lowered. What, however, is a proper elevation for a bridge on a particular section of river must be determined by the average elevation of the banks, and not by the convenience of a particular city or railroad; because the lowest bridge fixes the height of chimneys.

No power is claimed for Congress inconsistent with the sovereignty of Virginia. Its jurisdiction does not touch the soil or even the water. It is the same jurisdiction it has always been admitted to posess on the decks of vessels along the Chesapeake Bay—the lower section of which lies wholly in the territory of Virginia, there being two counties east of the bay. If this be an invasion of State sovereignty, then the sovereignty of every sea-board riparian State of Europe is invaded; for vessels of interior States float through, freighted with their merchandise, and bearing their jurisdiction. Congress has on a thousand occasions gone a thousand times further. And I trust that my strict-construction friends, who have heretofore been so acquiescent in its pretensions, will be disposed to look with favor upon this, the most modest exhibition of its power; especially as the object in view is to save a great State interest from the execution of a judgment of the Federal Court. And those, on the other hand, who may feel solicitous for the prerogatives of the court, must remember that the court will decide upon the effect of the law we now propose to pass, and from that decision there will be no appeal.

THE INSTITUTION OF SLAVERY.

SPEECH OF HON. HORACE MANN,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

August 23, 1852.

The House being in the Committee of the Whole on the state of the Union—

Mr. MANN said:

Mr. CHAIRMAN: On former occasions, I have expressed myself so much at length on the relations which the free States are made to bear to slavery, that I did not propose at this session to present any further views upon that subject. But the ban which the late Baltimore Conventions have haughtily proclaimed against free discussion; the recent, though, as I believe it will be found, the temporary silencing of my friend, Mr. SUMNER, at the other end of this Capitol, who has long desired to speak, and the still later choking down of the gentleman from Connecticut, [Mr. CLEVELAND,] on this floor, have induced me to reconsider and to change my determination. I am willing to be reasoned with, and always grateful, when, for good cause, I am convinced; but when an attempt is made to take from me all option in regard to my exercise of a clear right, I find a sufficient motive for exercising that right in the mere act of disobedience.

I must begin by taking a brief retrospect. The war against Mexico was waged to rob that sister Republic of her free territory, for the sake of widening the domain and confirming the despotism of slavery. On the subject of the robbery the country was divided into Whigs and Democrats. On the wicked uses to which the territory robbed was to be put, it was divided into North and South. Fourteen out of the fifteen northern States passed resolutions, most of them unanimously, or nearly so, in favor of excluding slavery by positive law from whatever territory we might acquire. The South did not then ask for any legislative permission to extend slavery there. But in pursuance of the doctrine of the great ordinance of 1787, the North demanded legislative exclusion. Every body at once foresaw that this question would be involved in the then next presidential election. It was remarkable, and certainly the historian will remember it, that no leading man of the South came out in favor of the northern doctrine; for the principles of universal liberty are so congenial to the human heart, that it is difficult to conceive of five or six millions of people, in any age or country of the world, without a single man among them ready to assume the championship of freedom. It is still more remarkable that any northern man should have ventured to espouse the cause of slavery. One, however, was found, capable of doing it. It was strange that he should have been of New England lineage. It was thrice strange that a man educated, enriched, honoured, by a people who had themselves been rescued from all the curses of slavery, and blessed with all the exuberant blessings of freedom, by the ordinance of 1787, should have proposed to open half a continent to all the curses he and his people had escaped, and to shut it from all the blessings he and they had enjoyed. But such a man was found. General CASS thought so basely of his party at the North, that he supposed he could carry them against slavery-restriction. If so, then their union with the pro-slavery South would make a triumphant majority; and hence the well-known Nicholson letter. But that letter recoiled upon him, and in the canvass of 1848, overthrew him. The original temptation, however, still remained, and acted with increased force. The South stood firm. They were a compact body of abolitionists, though the thing they desired to abolish was human freedom. They spoke out plainly, and offered their support and their votes to the northern man, Whig or Democrat, who would most thoroughly bend or break himself to their purposes. Under the lead of General CASS, many of the Democratic party were seduced, and they deserted. But until the 7th of March, 1850, no northern Whig yielded to their enticements. On that day, however, Mr. Webster, in the Senate of the United States, offered to abandon the ordinance of 1787—then known as the "Wilmot Proviso." He offered to give an additional slave State to Texas beyond what she could claim under the unconstitutional resolutions of annexation; he offered to support, "to the fullest extent," that most atrocious fugitive slave bill then before the Senate, by which all custom-house officers, and the seventeen thousand postmasters of the United States were to be made judges, and to be invested with power over human liberty, and to have, each one of them, not local, but unlimited jurisdiction throughout the United States; and he offered to give $200,000,000 to fortify and perpetuate the institution of slavery, by removing from the southern States the dreaded element of the free colored population. Two hundred millions of dollars—a profusion and a prodigality magnificently Websterian! I am here only referring to facts which, as everybody knows, have become history.

Here, then, we see that two conspicuous leaders of the northern Democrats and Whigs planted themselves upon southern ground. When the race for the Presidency consisted in adhesion to the slave power alone, it was not to be expected that the competitors would be few. Mr. Buchanan forthwith caused it to be understood, that on his part, he was willing to run the line of 36° 30'—the Missouri compromise line, so-called—through to the Pacific ocean, and surrender to slavery all upon its southern side. Mr. Dallas, late Vice President under Mr. Polk, in his letter to Mr. Bryan, of Texas, went further, and proposed to incorporate the compromise measures, and the fugitive slave law itself, into the Constitution, so as to put their repeal beyond the power of a northern majority. Senator Douglas followed. He sugared his pill. He told the south, that we have cotton lands, and rice lands, and tobacco lands enough; but alas, said he, we want more lands for sugar; by which the South perfectly understood that if they would make him President, the annexation of Cuba should be their reward. This is the same gentleman who has lately said, in a secret session of the Senate, that if the Sandwich Islands should be annexed to this country, and a question should arise about excluding slavery from them by law, he would vote against it. During all this time, affairs were ripening for the Baltimore nominations. Mr. Fillmore offered to the South, Army and Navy to catch a poor fugitive, where only a constable's *posse* was needed. Mr. Webster trumped up false treasons by scores against northern anti-slavery men. The President traveled North and South, making speeches redolent of pro-slavery. The Secretary traveled still more, *milting* pro-slavery letters and speeches wherever he went. Certainly the reason why any of the above-named parties did not get a nomination at Baltimore, was not because of what the law calls *laches*, or "want of reasonable diligence" on their part.

I come now to the Baltimore Conventions themselves, which were held in June last. Every one knows that the great question of human slavery had a controlling influence in those bodies, and determined their results. With a vast majority of their members, pro-slavery or anti-slavery was the one overmastering motive and end. In the Democratic Convention, the pro-slavery sentiment was nearly unanimous. Its members had been sold into the perdition, by the lust of money or the ambition for office. Yet even they were held in check by the apprehended thunders of the voice of the people behind them. If they did not recoil from the crime, they feared its punishment. In the Whig Convention, the men who were ready to sacrifice honor, duty, religion, to the demands of slavery, were a large majority, and might have nominated their most ultra pro-slavery candidate on the first ballot. They could have effected this just as easily as they effected their pro-slavery organization, and appointed a committee on credentials who excluded anti-slavery men, and a committee on resolutions who accepted a southern platform, prepared for them beforehand by southern hands. But these Belshazzars, too, like him of old, saw the hand-writing upon the wall, and they knew that, with such a candidate, they were doomed to utter and remorseless defeat before the people. In both Conventions, however, the spirit of slavery was so strong and so badly brave, as to carry the resolutions I am about to read. The Democratic Convention resolved to—

"—abide by and adhere to a faithful execution of the acts known as the compromise measures, settled by the last Congress—the act for reclaiming fugitive slaves from service or labor included."

And further, they

"*Resolved*, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

And the Whig Convention

"*Resolved*, That the series of acts of the Thirty-first Congress, commonly known as the compromise or adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States, as a final settlement, in principle and substance, of the subjects to which they relate." * * "And we deprecate all further agitation of the questions thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation, whenever, wherever, or however made."

Now, what an outrage is this! Does not our Constitution provide against "abridging the freedom of speech or of the press?" Why secure this freedom in the organic law, if the tyranny of a social law can abolish it? Of what value is that provision in the Constitution, which secures the free exercise of religion, if social intolerance and bigotry, acting in an unlegalized way, can destroy it? Yet, here are two Conventions, utterly unknown to any of our constitutions, whether State or National, invested with no powers, legislative, judicial, or executive, coming together for a day, and then scattered and sunk in individual obscurity; yet lifting their pigmy voices against the mightiest impulses of the human heart, against history and providence, against the fiat and the Spirit of God himself; resolving that mankind shall be dumb in regard to the greatest of human wrongs; and resolving, also, that a law passed by a Republican Government, yet as barbarous and tyrannical as was ever made by any despotism, shall be consecrated in its wickedness, and remain eternal.

Two Baltimore Conventions, assuming to quench the eternal spirit of liberty—that spirit which was a part of the inspiration of the prophets of old, when they commanded the tyrants of the earth to "undo the heavy burdens and let the oppressed go free;" that spirit which gave all its heroism and splendor to the classic land of Greece, and made its memories immortal; that spirit which gave to Rome its colossal proportions of physical and intellectual grandeur; that spirit which, in the darkest night of the world's history, climbed Alpine heights and sheltered itself in the fastnesses of Alpine mountains, inaccessible to tyrants;

which, at another time, found protection within the dykes of Holland, barring out the rage of the ocean, and the more remorseless rage of despotic men; that spirit which has given to England, and to English history, all their undisputed claims to renown and to the gratitude of mankind, and which, when persecuted and driven from England, crossed the Atlantic, spread itself over this open continent, and having been nursed by more than two hundred years of struggle and discipline, now bids defiance to the world—this God-like spirit of liberty, immortal, invulnerable and indestructible, two ephemeral Baltimore Conventions undertake to ban! Xerxes chaining the Hellespont was wisdom personified compared with them; ay, it would be too dignified and honorable an illustration to compare them to two old male Mrs. Partingtons, mopping out the Atlantic!

Why did not these insane men propose to do something which is at least conceivable? Why did they not propose to turn back the order of physical events, rather than to violate the more infrangible and irresistible laws of moral progress? Why did they not order the oak back into the acorn, or the bird back into its shell, or the earth itself back into its first geological epoch, rather than to order the enfranchised spirit of the nineteenth century back into the gloom and bondage of the dark ages of the world? Why did they not lift up the wand of their arrogance and audacity towards Arcturus and the Pleiades, and attempt to move round the constellations of the heavens as you would move round the hands on the dial-plate of a clock? Such hallucinations would be at least within the limits of human conception, and would, therefore, be free from the folly and atheism of attempting to stifle the voice of freemen discussing freedom.

Sir, to resolve that the slavery question shall be discussed nevermore, is to resolve the memories of all the heroes, and martyrs, and saints, whose names make all the bright pages of human history, into eternal oblivion. It is to resolve the history of the American Revolution, and of all its actors, into forgetfulness. It is to resolve the noblest faculties and aspirations of the human soul into non-existence. Under any fair and legitimate contruction of such a resolve, it embraces the whole meaning and force of that infamously-celebrated decree of the French Convention, that "There is no God." I do not say this by way of rhetorical embellishment, or to impart greater emphasis to a period. I say it because it is literally and strictly true; for the just and benevolent God who sits upon the throne of the Universe, must Himself be silenced, before the cry against the cruelty and injustice of slavery can be quelled.

Let us see, for a moment, what is the nature of the burden these Baltimore Conventions have taken upon themselves. By forbidding us to speak upon a given subject, they compel us to examine that subject, and see if duty does not require us to speak upon it. They leave us no option; and if the discussion shall prove unpalatable, they may thank themselves for provoking it. Let me inquire, then, whether it be not demonstrable that the relation of slavery between man and man comprehends, perpetuates, multiplies, and aggravates all forms of crime which it is possible for a human being to commit. Is the stealing, even of a shilling, a crime? Slavery steals all that man can call his own; and is not the whole greater than a part? Is robbery, which is defined to be the taking of any part of a man's goods, "from his person, or in his presence, against his will, by violence, or putting him in fear," a crime? Slavery answers the exact definition of the law-books, for it is by violence and by putting in bodily fear that a master ravishes from his slave all his earnings, and all his ability to earn, from birth till death. And again, I say, is not the whole greater than a part?* Is the destruction of any one man's house by fire a crime? How much greater the crime of preventing millions of men from having a house they can call their own? Is concubinage a crime? In this Union, all the adult portion of more than three millions of people are now forced to live in a state of concubinage. Is it a crime to abandon innocent females to the lusts of guilty men, without the slightest protection of law? In this country, a million and a half of females constantly are so abandoned; and the rearing of dark-skinned beauties for the harems of republican sultans is a systematized and legalized business. Is it a crime to break asunder all the ties of human affection, to tear children from the arms of their parents, and parents from each other? There is no conjugal, or parental, or filial affection among more than three millions of people in this land which is sacred from such violation. Is it a crime to let murder and all other offenses go unpunished? There is no form of crime which a white man may not commit against a slave with entire impunity, if he will take the precaution to let none but slaves witness it. The darkening of the intellect, the shrouding of a soul in the gloom of ignorance, the forbidding of a spirit which God made in his own image to commune with its Maker, is more than a common crime; it is sacrilege; it is the sacrilege of sacrileges. It is a crime which no other nation on this earth, civilized, heathen, or barbarian, ever committed to the extent that it is committed here. And yet this locking of the temple of knowledge against a whole race, this drawing of an impenetrable veil between the soul of man and his Maker, this rebellion against all that God has done to reveal Himself to His offspring through the works of nature and the revelations of His providence, is enacted into laws, guarded by terrible penalties, and administered by men who call themselves Christians, as though Jesus Christ could have subscribed or executed such laws. It is a crime unspeakable to deprive men of the Gospel, and of freedom to interpret it; but the slave code does this, by withholding letters from the slave, and thus postpones the true enfranchisement and salvation of his soul to another life, when he can no longer be of any use to his earthly master. Would it be a crime to practice some demoniac art, by which the growth of body and limbs should be arrested in childhood, and the victims should be left with only infantile powers to contend with cold, nakedness, hunger, and all the hosts of pain? Then it is an infinitely greater crime to inflict weakness and ignorance upon those glorious faculties of the mind, by which alone its possessor can solve the mighty problems of future destiny, of eternity, and of the soul's weal or woe. I repeat, then, that the worst forms of all the crimes which a human being can commit—theft, robbery, murder, adultery, incest, sacrilege, and whatever else there is that inflicts wide-wasting ruin upon society, and brings the souls of men to perdition—the word slavery is the synonym of them all. Analyze slavery, and you will find its ingredients to consist of every crime. Define any crime, and you will find it to be incorporated in slavery, and aggravated by it.

As the complex and infinite meaning of the word GOD cannot be adequately understood, until you analyze it, and divide and subdivide it, and give to it the thousand names of omnipotence and omniscience and omnipresence, of infinite justice and holiness and benevolence, of all sanctities and verities and benignities, of all energies and beauties, of all wisdom and all law; so when you penetrate and lay open the infinite meaning of the word SLAVERY, it resolves itself into all crimes and all cruelties, all debasements and all horrors. The telescope of the astronomer resolves the star-dust of the universe into refulgent systems that glorify their Maker; the telescope of the moralist resolves the Tartarean cloud of slavery into all the impieties and wickednesses that deform humanity.

Now, between these two great antagonisms, between God and the Right on one side, and Slavery and the Wrong on the other, these two Baltimore Conventions have chosen the latter. They have said to Evil, be thou my Good. They have voted to annul God's laws. They have resolved that discussions on the great question of human freedom, which involves the whole question of free agency and human accountability, and the entire plan and order of the Divine government, shall be silenced.

So much for the intrinsic nature of slavery, which the Baltimore Conventions have wedded as their bride. Now let us look at some of the collateral wrongs, the self-stultification and atheism, for which slavery in this country is responsible, and which those conventions, therefore, have sanctioned and ratified, and declare their purpose to continue.

When a nation is born into the world, possessing the attributes and prerogatives of nationality, it is the moral duty of existing nations to welcome it into the brotherhood of the human family. Such recognition of a new sovereignty tends to increase commerce, to forefend war, and to diffuse the blessings of knowledge, science, and the arts. It becomes, therefore, a duty. Yet, what is the posture in which this Government stands to Liberia and Hayti? Great Britain, with France, Prussia, and other continental nations has acknowledged their existence. We refuse, and stand aloof. And this for no other reason than to gratify a colorophobia which dreads equity as the hydrophobia does water. Writers on national law call nations a moral entity. We find color in a moral entity, and repudiate its claims. Contrast the alacrity of this Government in recognizing slaveholding Texas, with its utter refusal, for a quarter of a century in one case, and for half a century in the other, to recognize the Free-Soil governments of Liberia and Hayti. This is one of the collateral wrongs growing out of the repugnance of slavery to do justice to the colored man anywhere; and the taint of this moral disease at the South spreads its infection over the North.

Mark a great sign and proof of depravation in the public intellect, originating in the same prolific source of wrong. The blasphemous argument has been put forth, that God fore-ordained and instituted African slavery amongst us for the ultimate and consequential purpose of carrying civilization and Christianity into Africa. Not only have the logic of the politician and the ethics of the moralist been corrupted into this falsity, but even the divine, with the preservative power of the Gospel of Jesus Christ in his hands, has endeavtred to reconcile our people to the crimes and he curses of slavery by this impious argument. They maintain that God has looked with complacency upon all the atrocities of the African slave trade; that the groans and agonies of the Middle Passage have ascended as a sweet-smelling savor before His throne; that He has seen with approval, within the last three centuries, forty millions of native Africans;—yes, sir, forty millions, for that is the estimated number,—almost double the entire population of this country, and more than one third more than the present population of Great Britain and Ireland put together—of native Africans, torn from their homes and driven through gates of fire and realms of torture, to bondage and to death; that, during all this period, He has looked with delight upon the most frightful forms of war, the pillage and conflagration of cities, and wholesale murder, and man-stealing worse than murder, not only raging along the eastern and the western shores of that devoted continent, but at times extending their ravages and havoc twelve or thirteen hundred miles inland; and that His benign providence is still fulfilled by the successful prosecution of the slave trade, though for every thousand human victims in Africa, it is estimated that only three hundred finally reach their earth-born hell of Cuban or Brazilian sugar or cotton-fields. That God sent out slaves from Africa to America, at this inconceivable cost of crime on the one hand, and of suffering on the other; that His providence has raised up hosts of fiends in the shape of men, century after century, for the roundabout purpose of carrying Christianity and civilization into Africa, in some remote age, we know not when;—this is the blasphemous doctrine we are made to hear from the political rostrum, the lecture-room, and, incredible to relate, from the pulpit itself!

Now, I say, sir, that to impute any such cruel-hearted and simpleton-minded scheme to our All-wise and benignant Father in Heaven, is wild and wanton impiety and blasphemy. No parallel can be found in heathen mythology where such short-sighted folly and crime have been charged upon any of the bloody gods of all their pantheons. The very hypothesis is founded on an inversion of history, and it presupposes for its conception a perversion of the human intellect.

The system of enslaving Africans was commenced in ancient times by the Egyptians and the Arabs, and carried on in later periods by the Moors. Was that for the sake of carrying Chris-

* President Edwards said: "While you hold negroes in slavery, you do exceeding wrong, and that in a higher degree than if you committed common robbery or theft."

tianity into Africa? In modern times, the same system, with unspeakable aggravations, has been prosecuted by all the commercial nations of Europe and of this continent. From time immemorial, therefore, Africa has been made the hunting-ground of the man-stealer. For thirty or forty centuries malice and mammon have wreaked their vengeance upon that devoted land. All crimes and calamities,—conflagration, pestilence, brutality and havoc,—have been poured over it in crimson floods. To confine our view within the last three centuries alone, who can adequately conceive the effects of robbing a continent of forty millions of people in so brief a period, with all the wars, devastations, cruelties, and treacheries, which stand out as the terrific incidents of such a stupendous crime? Nor has this storm of wrath expended itself upon the coasts alone. As I said before, these man-hunting forays and ravages have swept inland for twelve or thirteen hundred miles,—further than from the Atlantic to the Mississippi,—as far as from the Gulf of Mexico to the great lakes. Such has been the diffusive character of this continent-o'erwhelming crime. And it is in this that we find the cause of Africa's degradation,—not the hopes of her redemption. The white man has created the very barbarism which he now impiously uses before Heaven as an excuse for the crime of creating it. Foreign intercourse engrafted the full-developed vices and crimes of civilization upon that barbarian stock. The sins of the white races created the very necessity for that civilization, which, as they now profanely contend, the further sin of slavery is to supply. The cause of African barbarism was slavery; and, according to the argument, the remedy is slavery. The white man clutches the profits, while he throws off the wickedness upon God. But what kind of a God does he give to the black man who suffers equally from both disease and remedy?

Mr. MASON. I desire to ask the gentleman from Massachusetts a single question. I wish to call his attention to the fact which I learn from the history of the race, that the three millions of negroes in the United States who are slaves, are in a better condition, physically and morally, than any three millions of the Africans race that have existed since we have any authentic accounts of them. I ask the gentleman whether he does not consider the improvement in the moral and physical condition of these negroes, sufficient to counterbalance the evils which necessarily grow out of the institution of slavery?

Mr. MANN. That is a fair question, and I am ready to answer it. According to the laws of population, which govern barbarous nations, Africa has as many inhabitants now, as it would have if the robber had never invaded her domain, and stolen away her children. Among barbarous tribes, the population presses upon the means of subsistence. It tends to increase faster than the means of subsistence increase. Remove a part of the great family from the table whence they are supplied, and their vacant places will be soon filled by others, according to the laws of natural increase. As to them, the Malthusian theory holds good. Therefore, we have not diminished the number of suffering, degraded, and demoralized beings in Africa, by one unit, in consequence of taking a portion of their ancestors from them.

Mr. MASON. What would have been the condition of these three millions of negroes, had not their ancestors been brought to this country? Would they not, by degradation and starvation, have gone out of existence?

Mr. MANN. They would never have come into existence; but their places amongst us would have been occupied by a white population of our own race, or of some race kindred to our own. Other men would have been substituted for them—whites for blacks, freemen for slaves.

Mr. MASON. Are not our slaves better off both morally and physically than any three millions of negroes ever were in Africa?

Mr. MANN. Before the gentleman institutes a comparison between the moral and physical condition of the black race here and in Africa, he must see what has caused their degradation at home. Remember the awful facts that forty millions of the best of them—selected men and women—within the last three centuries, have been torn from home, and that these ravages have not been confined to the eastern and western shores, but have pierced inland; so that the country has bled at every pore—at every vital organ—and conceive, if mortal imagination can conceive, what effect this of itself must have in making and keeping a people barbarian. And, after all, what has been the social condition of the interior tribes, who have had less communication, and been less corrupted by the "lower law" nations? Travelers inform us that, generally speaking, they are a mild, docile, peaceable people—not aggressive and predatory, land-robbing and man-hunting, like the British in India, or ourselves on this continent. They are contented, companionable, home-loving, and unwarlike. Some of the early Christian Fathers, as the gentleman must well know, were Africans; and there is every reason to believe that Christianity would have spread southward from the Mediterranean into Africa, quite as fast as northward into Europe, and would even have encountered less opposition from the stern and unyielding nature of the people, but for the demoralizing elements injected through every vein and artery of their system by the stronger nations of the earth.

Mr. MASON. I think the gentleman might give many other reasons than the one which he has named, why the Africans have not become more civilized. I think he might find reasons for it in the history of that race for the last thousand years, and in the history of the missionaries who have gone amongst them. The Catholics have been there for several hundred years, and have established churches, but have always abandoned them; although I see by the last reports that they are trying it again. I think the gentleman could find a reason for it in the nature of the black man, as made by his Creator. He is not capable or susceptible of any of these qualifications in any other state than in a state of slavery. The three millions who have been reduced to slavery in this country have been placed in a better condition than any of the race have been known to exist in. The gentleman admits that fact.

Mr. MANN. Has the gentleman read Dr. Shaw's Travels in Africa?

Mr. MASON. I have read some extracts from Dr. Shaw's Travels.

Mr. MANN. Dr. Shaw relates the manner in which the western Moors of Africa had traded, "*from time immemorial*," as he says, with the native tribes on the banks of the Niger, without ever having violated the charter which prescribed the mode of traffic:

"At a certain time of the year," says Dr. Shaw, "they [the Moors] make this journey in a numerous caravan, carrying along with them coral and glass beads, bracelets of horn, knives, scissors, and such like trinkets. When they arrive at the place appointed, which is on such a day of the moon, they find in the evening several different heaps of gold dust, lying at a small distance from each other, against which the Moors place so many of their trinkets as they judge will be taken in exchange for them. If the Nigritians the next morning approve of the bargain, they take up the trinkets and leave the gold dust, or else make some deduction from the latter. In this manner they transact their exchange, without seeing one another, or without the least instance of dishonesty or perfidiousness on either side."*

Now, contrast this picture with the honesty of the black men in this country, or of the white men either. Contrast it with the fact of our infinite mercantile frauds from the forgery of custom-house invoices, through adulteration and false weights and false measures down to the shower of lies which is so often rained upon his goods by the last retailer, affirming them to be what he knows they are not, and make your own comparisons as to what the race is here, and what it might have been, but for man-stealing, there.

Mr. MASON. The gentleman must not understand me as being an enemy of the African race; but I look upon them as being an entirely different people. If the effect of civilization is to make men dishonest, we had better not try to civilize the Africans.

Mr. MANN. And now, as the argument is, that God ordained American slavery as the means of civilizing and christianizing Africa, let us see what kind and style of civilization and christianity it is which our example proffers them. The most conspicuous features in the civilization of this country, are, that it holds more than three millions of human beings in ruthless bondage; that the spirit which governs the country, has lately annexed slaveholding Texas, because it was slaveholding; that it has despoiled Mexico of her richest provinces, in the hope of making them slaveholding also; that it has attempted to rob Spain of Cuba, and still means to do it; that two millions of our white children are growing up without schools; that intemperance is a common vice among the people, and not an uncommon one among rulers; and that in our cities, the rich and the strong live upon the poor and the weak, almost as much as in the waters on which they are situated, the great fishes eat up the little ones. When some one asked John Jacob Astor how so many men found business in the city of New York, his reply was: "They cheats one another, and they calls that business." The wealthy have more houses than they can live in, the costliest furniture, wardrobes, equipages, libraries, and all that art or nature can produce, while thousands of the children of the same Heavenly Father, around them, are houseless and shelterless, naked and hungry. Such is the type of the civilization which our example proffers to Africa.

And how do our "lower law" apologists for slavery dispose of the American coast-wise slave trade among the facts of their impious argument? In 1820, Virginia had a slave population of 425,153. According to the ratio of increase in the whole slave population of the United States, her slaves, in 1850, should have amounted to 800,000. But the actual number was only 472,528, that is, more than 300,000 less than the proportionate natural increase. This number, or at least most of them, must have been sent to the South for sale.

In 1833, Professor Dew, of William and Mary College, said that Virginia exported her own native population, at the rate of 6,000, for which she received $1,200,000 annually.

So in 1820, the slave population of Maryland was 107,398. Making all due abatements for manumissions and escapes, this number should have increased, in thirty years, to nearly 200,000. But in 1850, it was only 90,368. The difference has gone to the remorseless South. And doubtless, in most of these cases, members of families have been torn asunder—man from woman, parents from children.

The same slave trade is carried on from North Carolina. The slaves are borne from the less rigorous bondage of the northern slave States, to a more unrelenting prison-house. *Is this, also, in furtherance of God's gracious purpose of spreading christianity and civilization over Africa?*

Our christianity secures the Trial by Jury, and the Great Writ of freedom, *to ourselves*, but disfranchises and outlaws, and puts beyond the pale of human sympathy, an entire race of a different color. But when have we sent to Africa a colony of Americans to teach them the arts? When a Las Casas to teach them christianity? The missionaries we have sent them have been rum and fire-arms. The arts we have taught them, have been those of treachery and man-stealing. In what we took, and in what we gave, we inflicted upon them a double curse. And yet Doctors of Divinity and political aspirants dare tell us, that God looked down through the vista of the ages, and, seeing this frightful form of civilization afar off, with all its attendant ministers of vengeance and wo and death, bade the gory demon advance!

Mr. POLK, (interrupting.) I ask the gentleman from Massachusetts to paint me the condition of the black race in the non-slaveholding States.

Mr. MANN. At the proper time I will attend to that subject. It does not belong to my present course of argument.

Mr. POLK. I insist upon it now, sir.

[Loud cries of "Order!" "Order!"]

Mr. MANN. If the gentleman will show me what right he has to insist upon it, I will obey him; but not until he does.

Mr. POLK. I consider the attack which the gentleman is making upon the South as unworthy of a member upon this floor.

[Renewed cries of "Order!"]

Mr. MANN. The gentleman from Tennessee

*Travels and Observations relating to several parts of Barbary and the Levant. Dr. Shaw was English chaplain at Algiers in the reign of George I.

must not, in the first place, forbid our discussing the subject of slavery——

Mr. POLK. I forbid nothing but slanders upon the institutions of the South.

[Shouts of "Order!"]

Mr. MANN. And then when we get a chance to discuss it, undertake to determine upon what topics discussion shall be had.

Mr. POLK. I say that a gentleman upon this floor has no right to perpetrate such vile slanders upon the South when he does not hold himself personally responsible——

[Loud shouts of "Order!"]

The CHAIRMAN. The gentleman from Tennessee is out of order, and must take his seat.

Mr. HARRIS, of Alabama. I rise to a question of order, and I wish to have the question decided. The gentleman from Massachusetts has now been, for the last three quarters of an hour, assailing the established institutions of one half of this Union—existing institutions, existing under the Constitution of the United States. I ask if that be in order? I call him to order upon the ground that it is not in order, and I want the question decided by the Chair.

The CHAIRMAN. The Chair will state that the latitude of debate upon these bills is very great, and it is very difficult indeed——

Mr. POLK, (interrupting.) I would ask the Chair one other question. Is it right that the gentleman from Massachusetts should assail an institution of the South, with which we are all connected, in a manner that is insulting in its character, when he does not hold himself responsible for his insults?

Mr. FOWLER. I rise to another question of order. My question of order is this, that when the gentleman from Massachusetts is using his privilege, he shall be allowed to go on, and that this House shall sustain the Chair in allowing him to go forward with his remarks.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MANN] will proceed.

Mr. POLK. He has no right to state falsehoods about one half of the nation——

[Shouts of "Order."]

Mr. MEADE. I call for the reading of the 31st rule.

Mr. JOHN W. HOWE. I call for the reading of the two platforms. [Great laughter.]

The CHAIRMAN. The Chair has decided that the gentleman from Massachusetts is in order, and he will proceed.

Mr. MEADE. The 31st rule prohibits all discussion of this question in this House, except upon a proposition to which it is germane. I ask for the reading of that rule.

The CHAIRMAN. The Chair has already decided that the gentleman from Massachusetts is not out of order, in pursuing this course of remark. If that decision is not satisfactory, the Chair trusts some gentleman will appeal from it.

Mr. HARRIS, of Alabama. I appeal from that decision.

Mr. CAMPBELL, of Ohio. Very well. Let us try it on the question of order presented by those who have been in the habit of dragging every possible question into debate here. We will see whether there are not other places in this country besides Tennessee—other parts of the Union besides the South.

Mr. POLK. I take that responsibility, and appeal from the decision of the Chair. I hold the gentleman from Ohio, [Mr. CAMPBELL,] equally responsible; and I pronounce him the same vile slanderer as the gentleman from Massachusetts, who makes these charges.

[Cries of "Order!"]

The 31st rule was then read by the Clerk as follows:

"When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to 'Mr. Speaker,' and shall confine himself to the question under debate, and avoid personality."

Mr. MANN continued: Mr. Chairman, for myself, I do not regret this interruption. But I did not think it possible even after the Baltimore edict had gone forth, even after a Senator had been silenced at the other end of the Capitol, [Mr. SUMNER,] and also a Representative on this floor, [Mr. CLEVELAND,] because they proposed to speak on the subject of slavery;—I did not think it possible, when I was in the legitimate course of making a speech, and was rightfully entitled to the floor, and was in order, that a dozen men should start up here, so hostile to hearing the words of truth and soberness, when spoken in relation to the institution of slavery, as to try to gag me down.

I had spoken of the cause of Africa's demoralization and barbarism. I had spoken of the type of civilization which it is proposed to offer her as an example, and I had shown how impious was the argument which would attribute to the All-good and the All-powerful, such a tardy, cruel, circuitous method of effecting her regeneration; and which, after waiting through slow centuries of agony and crime, would send her such a civilization by such messengers! I have only to add that before I would accept any such theology as this, I would seek my creed among the old mythologies of the heathen. In this hideous doctrine, which slavery has now forced upon that public intellect which it had before depraved, there is material sufficient for eight *anti* "Bridgewater Treatises," all *dis*-proving the wisdom, the power, and the goodness of God.

Another obvious consequence of the existence of slavery in this country, has been the criminal remissness of the Government in suppressing the slave trade on the coast of Africa. We have refused to enter into treaties with European Governments to secure so desirable an end; and authentic documents, developing the horrors of this traffic, and proving American-built merchant ships to be engaged in it, have laid on the files of the State Department for years, and through whole presidential terms, unnoticed. On such an appalling crime as this, whose suppression has been within our reach, the national conscience has been benumbed into torpidity and paralysis, by the existence of slavery amongst us.

Look at another instance in which slavery has depraved the popular sentiment of the country. Under the generous and chivalric lead of Mr. Clay, with what enthusiasm did we hail the birth of the South American Republics! What hosannas did we shout forth for the emancipation of Greece! How deep the sigh of the nation's heart when Poland struggled in her death-agony and breathed her last! Even so late as 1848, this Congress sent resolutions congratulating France on her Magna Charta of "liberty, equality, and fraternity." In one of the European revolutions of that year, on the banks of the Danube, a young man sprang, at a single bound, from comparative obscurity to universal fame. His heroism organized armies. His genius created resources. He abolished the factitious order of nobility, but his exalted soul poured the celestial ichor of the gods through ten millions of peasant hearts, and made them truly noble. Though weak in all but the energies of the soul, yet it took two mighty empires to break down his power. When he sought refuge in Turkey, the sympathies of the civilized world attended his exile. He was invited to our shores. He came, and spoke as man never before spake. It was Byron's wish that he could condense all the raging elements of his soul

"into *one* word,
And that one word were lightning."

Kossuth found what Byron in vain prayed for; for all *his* words were lightning;—not bolts, but a lambent flame, which he poured into men's hearts;—not to kill, but to animate with a more exalted and a diviner life. In cities where the vast population went forth to hail him; in academic halls, where the cultivation of eloquence and knowledge is made the business of life; in those great gathering places, where the rivers of people have their confluence, he was addressed by the most eloquent men whom this nation of orators could select. More than five hundred of our selectest speakers spoke speeches before him which they had laboriously prepared from history and embellished from the poets, with severe toil, by the long-trimmed lamp. Save in two or three peculiar cases, his unprepared and improvised replies, in eloquence, in pathos, in dignity, in exalted sentiment, excelled them all. For their most profound philosophy, he gave them deeper generalizations; he out-circuited their widest ranges of thought, and in the whole sweep of the horizon revealed glories they had never seen, and while they checked their ambitious flight beneath the sun, he soared into the empyrean and brought down, for the guidance of men's hearts and deeds, the holy light that shines from the face of God. Though all their splendors were gathered to a focal point, they were outshone by his effulgence. His immortal theme was Liberty—liberty for the nations, liberty for the people. Once that word was enough to electrify men's hearts, ay, to make the stones in the streets cry out for joy. But, by the compromises of 1850, and this infernal slave law, and the efforts of political leaders and parties to sustain them, the people had been demoralized; their sentiments had been debauched. To thousands and hundreds of thousands the cry of the Rights of Man had become an odious cry. To hail liberty in the East, while we were propagating slavery in the West; to receive with honors a fugitive from Austrian bondage, while our hands were thrusting back fugitives into a tenfold direr bondage at the South, were contradictions so palpable and flagrant that even partisan blindness could not but see them. Kossuth owed labor and service to Francis Joseph of Austria, just as much as Thomas Sims owed it to John Potter of Georgia. Why should the one be cheered and the other chained? Why should the Mississippi bring Kossuth here for freedom, and the Acorn carry Sims back to bondage? Kossuth had committed treason, ten thousand times over, against the House of Hapsburg. Why should he be sheltered in our arms from the penalties of treason, while the Government here sets all the foul ministers of the law to make constructive treasons for the punishment of innocent men? Kossuth had rebelled against Austria, and had caused the death of tens of thousands of her subjects. Why should he be screened behind a rampart of American hearts, while those who killed Gorsuch, under the law of self-preservation, and in defense of life, liberty, and home, should be ignominiously hung on the gallows? These were questions that no deafness could avoid hearing, and when heard, no sophistry could answer. Freedom is one; slavery is its antipode; and therefore the protection of the fugitive Kossuth and the surrender of the fugitive slave could never be reconciled. Hence it was, that in public assemblies, among public men, throughout the newspaper press, wherever the spirit of slavery predominated, there Kossuth was denounced. I say, *among public men.* Accuracy directs me to add, that, among our public men, there were a few honorable exceptions, of which Mr. Webster was one. But, as to the newspapers, if you saw one to-day, filled with the veriest servility towards the slave power, you might be sure that it would revile and defame Kossuth to-morrow. Or, if you saw one column reeking with abuse of Kossuth, you would be sure to find a pro-slavery pæan in the next. Even at the door of this House, after Kossuth had been invited to the Capitol, he was stopped and insulted. Some of the more simple ones avowed their reasons. They said, if we sympathize with the oppressed in the person of a Hungarian now, we may next be called upon to sympathize with the oppressed in the persons of three millions of Africans. Compare the triumphal "Progress" of Kossuth through the free States, such as no Roman consul, returning from foreign conquests and laden with spoils, ever knew, with the feeble, and grudged, and stinted honors paid him in the land of bondage. Slavery made the contrast. Almost without exception, the northern opponents of Kossuth were sympathizers with southern slavery, and therefore with Francis Joseph and Nicholas.

The person of this truly noble Hungarian has departed from our shores; but he has left a spirit behind him that will never die. He has scattered seeds of liberty and truth, whose flowers and fruit will become honors and glories amaranthine. I trust he goes to mingle in sterner scenes; I trust he goes to battle for the right, not with the tongue and pen alone, but with all the weapons that freedom can forge and wield. Before the Divine government I bow in reverence and adoration; but it tasks all my philosophy and all my religion to believe that the despots of Europe have not exercised their irresponsible and cruel tyrannies too long. It seems too long since Charles was brought to the axe, and Louis to the guillotine. Liberty,

humanity, justice, demand more modern instances. The time has fully come when the despot, not the patriot, should feel the executioner's steel or lead. The time has fully come when, if the oppressed demand their inalienable and Heaven-born rights of their oppressors, and this demand is denied, that they should say, not exactly in the language of Patrick Henry, "Give me liberty, or give me death;"—that was noble language in its day, but we have now reached an advanced stage in human development, and the time has fully come when the oppressed, if their rights are forcibly denied them, should say to the oppressor: "Give *me* liberty, or I will give *you* death!"

I have said that one of the collateral consequences of slavery in this country has been to deprave, corrupt, and debauch public sentiment. When, before, in the history of the world, has it ever happened that the leading men of a Republic, and the leading organs of public sentiment supported by their wealth, have become abettors and champions of slavery? Yet such is the morally hideous spectacle our country now exhibits.

When before, in the history of the world, have the most influential minds in the community labored and striven to blot out, theoretically and practically, the ineffaceable distinction between a man and a brute, between a human soul and an inanimate chattel, to plant and enroot in our civil polity a vast, expanding system, in which conscience, reason, the capacities of religion, and the inborn convictions of accountability and immortality are made subservient and secondary to bones and muscles, and put upon auction blocks as incidents to the body that perisheth? When before, in all our history, have men of eloquence and power ever traversed the country, and scattered letters and speeches, like the flakes of a snow-storm, to subdue and harmonize the public mind to such stupendous wrongs? When before, since the May-Flower crossed the ocean with her precious burden, has any one minister of the Puritan stock, ever dared or ever desired to put on priestly robes and enter the house of God, to defend slavery, or to palliate it? Sir, such things were never known before. It is a new spectacle for men and angels. It must give a new joy in the world of darkness.

Another collateral effect which slavery has produced, is the promulgation from the Halls of Congress, and also from—what in such cases, is not the *sacred*, but the *profane* desk—that there is no "Higher Law" than the Constitution, or than any interpretation which any corrupt Congress may put upon it. Such a doctrine is nothing less than palpable and flagrant atheism. If I am bound to obey any human law or constitution, as my paramount rule of duty, thenceforth that rule becomes my supreme arbiter, judge, and god; and I am compelled, by logical necessity, to abjure, renounce, and depose all others. There cannot be two supreme rules of right. If I acknowledge myself bound by the divine law, and that comes in conflict with the human law, then I must disobey the latter. But if the human law be the Higher Law, and if it conflicts with God's law, then I am bound to disobey the law of God. If the Constitution be the "Higher Law," then we, on taking our seats in this House, and all magistrates and legislators, when entering upon the duties of their respective offices, ought not to take an oath before God to support the Constitution, but ought to swear by the Constitution to support that first, and God afterwards; provided it is convenient. I say, then, that this doctrine—which is one of the off-shoots of slavery—that there is no higher law than the law of the State, is palpable and practical atheism. And yet it is perfectly well known to all who hear me, and to all who frequent the purlieus of Congress, that there is no butt of ridicule so common here, nothing which so readily and so frequently raises the "loud laugh that speaks the vacant mind," as a fling or jeer at the "higher law."

Sir, it is of fearful omen, when the laws of men are made even in theory, to take precedence and override the laws of God. And the last aggravation is added to this iniquity, when the politician disguises himself beneath the garb of a priest, and cloaks his wickedness under the show of religion.

No person feels a profounder reverence, or would pay a sincerer homage to a godly, sin-avoiding, sin-exposing priesthood, than myself. But I have no adequate words to express my abhorrence for the clerical hypocrite, with whom religion is neither a sanctification of the soul, nor a purification of the body, but only a kind of policy of insurance against the retribution in another world for sins committed in this, accompanied all the while by knavish tricks on the part of the insured to cheat the Divine Insurer out of his premium.

Mr. SUTHERLAND. I ask the gentleman from Massachusetts whether it is possible that the higher law of God can come in conflict with the Constitution?

Mr. MANN. I think it would be better to ask whether the Constitution comes in conflict with the higher law.

Mr. SUTHERLAND. I ask the gentleman if every American citizen does not obey the higher law of God when he obeys every part of the Constitution? And can any good result come from discussing these immaterial abstractions? Is not the spirit of the Constitution in accordance with the higher law? Can you point to a clause in the Constitution which, when fulfilling to the best of my ability, would make me violate the higher law of God?

Mr. MANN. That is not to the point.

Mr. SUTHERLAND. It is the very point. You and others—I say it with all possible respect—disturb the harmony of this House and the country by trying to get up issues upon abstract questions of morality, which have nothing whatever to do with the proceedings of this House, or with correct public sentiment. If I should undertake to make an issue between you and me upon the subject of slavery, it would be wrong. Yet you get up here and attempt to make this issue before the country. You get up an issue upon an immaterial question of morality, which simply tends to excite men without any practical benefit.

Mr. MANN. I hope the gentleman will not interrupt me further. His argument would have answered just as well in the time of Herod, the Tetrarch, when he issued the order for the murder of all the children under two years of age. The murderers doubtless got ten-dollar commissioner fees for the deed. So those who massacred thirty-six thousand Protestants, on St. Bartholomew's day at the ringing of a signal-bell, went by the "Higher Law" of the Pope, or of his vice-gerent, the King; and had not they *their* "Union" to save by it? And our Pilgrim Fathers were driven into exile by the "higher law" of a hierarchical Parliament. And so if you admit this doctrine, there is no enormity, actual or conceivable, which may not be perpetrated and justified under it?

The gentleman says I am discussing "immaterial abstractions," and raising issues that have no practical bearing. Is the fugitive slave law an "immaterial abstraction?"—a law which violates both the divine law and the Constitution of the country. Ask the free man, Gibson, who was sent into bondage under it when as much entitled to his liberty as you or I, whether that law has not some bearing on a practical question. Are not the Baltimore edicts before the country? And have they no practical bearing, when their very purpose is to suppress free speech; and when that purpose has been executed again and again?—and the attempt has been made here, within the last half hour, upon me, to enforce it?

Now, sir, I do not believe in preaching against theoretical and distant sins, and letting real and present ones escape. I do not believe in denouncing Hindoo suttees, because they are on the other side of the globe, and defending the extension of slavery in our own land. That sin has the beguiling defense of office and profits not less than ours. But that sin destroys only the body; ours the soul. The modern clergymen of the "lower law" school can select some monster of the Old Testament—Darius, Nebuchadnezzar, or Jeroboam—and hold them up for execration, while they suffer the greater moral monsters of their own parishes to escape with impunity. They have no mercy for Jeroboam, old hunker though he was, because he "drove Israel from following the Lord," more especially as there was no chance for the Presidency, nor any tariff, nor sale of dry goods to the South to tempt him. But they forget that each and all of the worst sinners whose names blacken the page of history had their accompanying temptations, and their casuistry for self-defense, just as much as the offenders of our day. They forget that when posterity looks backwards upon great crimes, as they stand out in historic relief, they are seen in their foul nakedness and deformity, and without any of the palliations or pretexts by which their wickedness was softened to the tempted eye of the perpetrator. They forget that it will be as true of the crimes of our day, as of ancient ones, when the evanescent circumstances of the seduction have passed by—that then they, too, will stand out in the foreground of the historic canvas, in their full proportions, and in their native deformity, hideous, unmitigated, and execrable. Had not Ananias and Sapphira a temptation every whit as strong to keep back from the apostles a part of the price of their possessions, as though they had been offered a sinecure chaplaincy in the Navy for defending the fugitive slave law? We have historic proof that Benedict Arnold attempted to justify his treason, on the ground that he was seeking the best good of the colonies, just as his followers in our times seek to justify themselves by the far less plausible plea of saving the Union.

I know it is said, that if the doctrine of the "Higher Law" is admitted, all laws will be set at naught, and civil government be overthrown. All history refutes this; for, of all the men who have ever lived, those who contend for the higher law of God have universally been the most faithful and obedient, when human laws were coincident with the divine. That identical principle in our nature, which makes us true to the will of God, makes us also true to all the just commands of men.*

Another consequence of most evil portent has grown out of the late political enthusiasm for slavery:—I mean a false interpretation of the law of treason. Sir, you know, and we all know, that under the bloody reigns of British tyrants, *treason by construction* was the great engine of political and personal vengeance. Under the old doctrine of constructive treason, if living lips dared to preach the gospel of freedom, they were forced to preach the doctrine of abject submission to ungodly laws; for the heads they belonged to were decapitated and borne on soldiers' pikes through the streets of cities and hung up to fester and rot at all the city gates. I could occupy the day with the recital of instances, where the purest innocence and the noblest virtues fell a sacrifice to a forced and arbitrary construction of the law of treason. Having lately looked through those English cases, I now declare that they were not one whit a greater outrage upon the English law, than was Judge Kane's charge to the grand jury in the Christiana cases. Both had in view the same object, *to put down agitation for freedom*, and Lord Jeffries' expositions were as plausible as Judge Kane's.

To exclude all possibility of constructive treason, under our Constitution, its framers defined that offense in the following words:

"Treason against the United States shall consist ONLY in levying war against them; or in adhering to their enemies, giving them aid and comfort."

Judge Kane says, that whatever would make a man an *accessory* to the crime, in any other felony, makes him a *principal* in this; when the very intent of the new definition in our Constitution, was so far to abrogate the English law. The emphatic word *only*, in our definition, expressly excludes the accessory. It is *only* the man who levies the war, or the man who adheres to the enemies of the country, who is, or, under our Constitution, can be a traitor. The other interpretation opens the door to all the constructive treasons known to the worst days of English judicial tyranny—the very

* What is the following fling at the "Higher Law," but explicit atheism:

"When nothing else will answer, they invoke religion, and speak of a higher law. Gentlemen, this north mountain is high, the Blue Ridge higher still, the Allegany higher than either, and yet this higher law ranges further than an eagle's flight above the highest peaks of the Allegany. [Laughter.] *No common vision can discern it, no conscience not transcendental and ecstatic can feel it, the hearing of common men never learns its high behests;* and therefore one should think it is not a safe law to be acted on in matters of the highest practical moment. It is the code, however, of the fanatical and factious Abolitionists of the North."—*Daniel Webster's speech at Capon (Virginia) Springs, June, 1851.*

door which the framers of our Constitution intended to lock and double-lock and fasten impregnably.

And again; the doctrine of accessories and the relation of accessories to principals, was a part of the English common law. That common law, these United States never adopted, as has been decided again and again, and therefore, there can be no accessories in treason, by construction.

And besides all this, the seventh section of the fugitive slave law provides a penalty for every act which a man can commit in assisting the escape of a slave; so that, if any such act were treason before, it is no longer so; for no legal principle is better settled than that when a subsequent statute reduces the penalty provided in a previous one, the previous act is so far repealed, even without any repealing words. On any ground, therefore, the charge of Judge Kane is only inferior in monstrousness to the law whose inherent atrocity he sought to aggravate.

A similar attempt to create constructive treason was made in the Syracuse cases; but the air of western New York, being more electric with freedom, had a salutary effect upon the health of the court. Would to Heaven that these healthful breezes of the country could reach and sweep away the judicial miasma that stagnates upon our Atlantic cities.

The district attorney at Syracuse, having rendered himself obnoxious by the inordinate zeal with which he pursued the suspected in the rescue cases at that city, I was glad to see it stated in the newspapers that the ladies of the place had a meeting, and sent him a present of thirty pieces of silver. They were three-cent pieces, however—ninety cents in the whole! The ancient Judas got larger pieces. Such, however, is now the rivalry to fill his place that the competitors must content themselves with smaller coin.

It was said, also, that when Jerry, the alleged fugitive in that case, reached Her Majesty's dominions, he put the irons with which he had been "dressed" into a nice box, and sent them to President Fillmore. When the signer of the fugitive slave law unboxed these irons, and unwrapped them, and first took in the full significance of their meaning, it must have presented a scene worthy the highest art of the historic painter! I trust it so happened that they were received and opened at a Cabinet meeting!

And under this prolific head of the collateral consequences of slavery, I say again, and finally, where else, since the light of the Christian era first dawned upon the world has it ever been known that the leading men of a young Republic espoused the side of slavery? It is unnatural as parricide. Look at the Republics of Switzerland, or at the States General of Holland. Look at France at the period of the great revolution, when in her maddened throes for liberty, after fifteen centuries of oppression, one of her first acts was the recognition of the natural and universal freedom of man. Look at the South American Republics, composed as they mainly were of Catholics, who for ages had been inured to bodily and mental thraldom, and amongst whom slavery was an existing institution, as it was here when our Declaration of Independence was promulgated, yet by a noble act of moral heroism they cast the incubus away. Yes, I repeat, ours is the first Republic since Christ died for men whose leaders have disowned and deserted the principles of their government, and become the willing champions of the most remorseless of despotisms.

Sir, I may as well remark here as anywhere, in order to make any honest misconstruction of my views impossible, that when I speak of the all-comprehending wickedness of slavery—when I say that it is in relation to the wrongs and crimes of men—what the *Primum Mobile* was in the ancient systems of astronomy—an all-encircling and all upholding concave, within which every wrong and every crime has its natural home—when I affirm this, I affirm it of the system or institution of slavery. And to this I wish to add—what all history proves—that good men may be implicated in a bad system—as in the English hierarchy, which I regard as a vicious system of church government; and yet how many super-eminently great, and good, and pious men it has produced; or, as in the Catholic religion, which I believe to be an untrue form of Christianity, and yet in no religion have there been brighter examples of purity and beneficence. In battling to overcome the moral wrongs and errors into which a man has been born, the moral sentiments, like the intellect, grow heroic as they become victorious, and in their noble strivings they reach a sublimity of virtue proportioned to the depths of vice from which they sprang. But this does not prevent bad systems from producing their natural fruits on the mass of men.

And now, having shown what a mighty wrong slavery is, in and of itself; having shown what collateral debasement, cruelty, and practical atheism it generates and diffuses, let me ask, if the political Free-Soil party do not go to the uttermost verge that patriot, moralist, or Christian can go, when it consents to let slavery remain where it is? There is an endeavor to make up a false issue for the country, and for the tribunal of history on this subject. Free-Soilers are charged with interfering with slavery within the jurisdiction of the States where it is. This allegation is wholly unfounded. Our whole effort has been simply to keep it within the jurisdiction of the States where it is. We would not have it profane free territory. We would not allow it to double its present domain; we would not see it blast with nameless and innumerable woes, two thirds of our territorial area on the Pacific coast, as it already has two thirds on the Atlantic. This is all we have done. And, to the argument that, with only about three slaves to a square mile over all your territory, you, gentlemen of the slave States, must have more space, because you are becoming suffocated by so close crowding, we simply reply, that we cannot admit that argument, because it devotes the whole world to inevitable slavery. For, if you already need a greater expanse of territory for comfortable room, that, too, will soon be crowded with three slaves to a square mile, and the argument for further conquest and expansion will come back upon us. Yielding again, the argument will speedily recur again. It will be a never-ending, still-beginning pretext for extension, until the whole world shall become a vast realm of slavery—even the free States being engulfed with the rest, so that the dove of freedom will have no spot on the surface of the globe where she can set her foot.

And now, notwithstanding the infinite evil and wrong of slavery, intrinsic in it, and inseparable from it; notwithstanding the virus with which it poisons all our free institutions,—its exclusion of independent communities from the brotherhood of the Union; its hardening the nation's heart against all people struggling for liberty; its atheist-making; its attempt to transfer the whole false English code of high treason into our law; and all its debasement of the republican sentiment, and the moral sentiment of this country;—notwithstanding all this, the Baltimore Conventions decree that the subject of slavery shall be agitated among us no more forever.

Look at the comprehensiveness of this interdict. It embraces all subjects. It forbids the political economist from discussing the relative productiveness of free and slave labor. It forbids the educationist from demonstrating that a slave-holding people must always, from the necessity of the case, be an ignorant people—a people divided not only into castes of wealth, but into castes of intelligence. It forbids genius from presenting Truth in the glowing similitudes of Fiction; and that divine-hearted woman, the authoress of "Uncle Tom's Cabin," is under the Baltimore ban. It forbids the poet, whose lips from olden days have been touched as with live coals from off the heavenly altar—from ever again kindling the hearts of mankind with a divine enthusiasm for liberty. It strikes out all the leading chapters from the book of the moralist. It puts its seal upon the lips of the minister of Christ, when he would declare the whole counsel of God, and forbids him ever again to preach from the text, "Whatsoever ye would that men should do unto you, do ye even so unto them." All—worldly prosperity, education, genius, morality, religion, truth—are struck out by these Baltimore Conventions in their maniacal partisanship.

The noblest men whom God has ever sent into the world—patriots, reformers, philanthropists, apostles, and Jesus Christ himself, are on the side of freedom. Tyrants, usurpers, traitors, men-stealers, the wholesale murderers and robbers of nations, are on the side of slavery. The Baltimore Conventions enlist under the banners of the latter. They affiliate with the House of Hapsburg, and with Nicholas; with the King of Naples, and with the "Prince-President" of France. One might almost suppose they had plagiarized their resolves from the Paris *Moniteur*, where that ape who mimics the imperial grandeur he cannot comprehend, records his tyrannical decrees against freedom of speech. Louis Napoleon decreed free discussion out of existence in France. Six hundred men at Baltimore decreed the same thing for this country. The ape succeeded; *they* fail.

And how are these resolves to be construed, provided new questions respecting slavery arise, or questions already started are precipitated upon us? Should an attempt to annex Cuba, in order still further to aggrandize the slave power, be made—and if General Pierce should be elected, such attempt doubtless will be made—or should a new State, with a slave constitution, from California apply for admission; or should Mexico be again dismembered to form new slave territory and new slave States; in the occurrence of these events, or of either of them, how are these Baltimore resolutions to be then construed? We know perfectly well what claim will be set up. It will be said that the new events come within the terms of the prohibition—the *casus fœderis*—and bind the nation to silence. It will be claimed that the resolutions cover not only all subjects, but all time; and enslave our children as well as ourselves.

I have exposed the character and extent of those resolutions. Let me now expose their motive. I charge upon those Conventions the base motive of attempting to silence discussion by force—as in this House and in the Senate, the same spirit once rejected petitions, and would now silence debate—because they are conscious they cannot meet it by argument. The fugitive slave law, for instance, is assailed by the jurist, because it is unconstitutional; by the patriot, because it disgraces the country in the eyes of the civilized world; by the religious man, because it is unchristian, and by every one who has the sentiment of humanity in his bosom, for its unheard-of cruelty. The upholders of that law can answer no one of these arraignments. Their only resource, therefore, is the dastardly denial of discussion and free speech,—like Louis Napoleon, who, having no possibility of reply to the accusations of treachery, perjury, and usurpation, forbids the accusations to be made. Among all our constitutional judges, and among all those mock judges called commissioners, there is not one who has met the arguments against the constitutionality of this law. They intrench themselves behind a feeble rampart of precedents as their only defense. Judge Noggins decides it to be constitutional, because Judge Scroggins had decided it to be so. And when we look back to Judge Scroggins for light, we find he decided it to be constitutional, because Judge Spriggins had held it to be so. Chief Justice Shaw, of Massachusetts, whom I regard as one of the ablest judges who ever administered the common law, anywhere, virtually admitted, in the Sims's case, that if the question of the constitutionality of this law were a new one, the affirmative could not be sustained. I repeat, then, it is a dastardly order to keep silence, because they cannot meet discussion. Necessity is their only defense,

> "——and with necessity,
> The tyrant's plea, excuse their devilish deed."

Let me state, in a few simple propositions, the unconstitutionality of the fugitive slave law, which has been so much elaborated elsewhere.

Excepting the Army and Navy, the Constitution of the United States declares that "no person shall * * be deprived of life, liberty, or property, without due process of law." It also declares that, "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved."

Now, every case of claim for an alleged slave, necessarily involves both the question of liberty, and the question of property.

By the constitution of every free State in this Union, every person within it is presumed to be a free man; or, in other words, there is never any

prima facie presumption that any man within it is a slave. Every man is presumptively free until proved to be otherwise. If the civil condition or *status* of slavery is to be fastened upon any one, it must be done by the decision of a tribunal having jurisdiction over liberty and property—that is, by court and jury. The *prima facie* evidence that a man is free, entitles him to the tribunal and the trial of a free man. But under this fugitive slave law, a man's *prima facie* right to the tribunal and the trial of a free man, is taken away, not by a court and jury, but by a complaint and warrant. A claimant demands a human being presumptively free as his slave, and that mere demand is made to cancel the presumption of freedom and self-ownership, to take him away from a freeman's tribunal of court and jury, and to carry him for trial before a slave tribunal—that is, a commissioner. Is it replied, that the decision of the commissioner that he is a slave, and not a free man, proves that he had no right to the tribunal and the trial of a free man; I retort, that before an unbought, unbribed, freeman's tribunal, there might have been a contrary decision; but you prejudged him to be a slave, by carrying him before a slave tribunal, and you robbed him of the first right of a free man, by depriving him of a freeman's tribunal and trial. For him, and for his case, you abolished the trial by jury. And if, by virtue of such complaint and warrant, you can deprive any person, in any free State, of a trial by jury, you can by the same rule deprive all the men in all the free States of this trial—that is, you can abolish that trial for all this class of cases; and then, by equivalent legislation, you can abolish it in all cases whatever. Where, then, is that right to a trial by jury which the Constitution declares "shall be preserved?"

The law, then, is palpably unconstitutional, because it takes from a man presumptively free the right to be tried as a freeman; and it is because the Baltimore Conventions cannot answer this argument, that they forbid its promulgation.

And besides this, the proofs which the law provides for and declares *conclusive* are abhorrent to reason, to common sense, and to the common law. It provides that evidence taken in a southern State, at any time or place which a claimant may select, without any notice, or any possibility of knowledge on the part of the person to be robbed and enslaved by it, may be clandestinely carried or sent to any place where it is to be used, and there sprung upon its victim, as a wild beast springs from its jungle upon the passer-by; and it provides that this evidence, thus surreptitiously taken and used, shall be *conclusive* proof of the facts of slavery and of escape from slavery. It does not submit the sufficiency of the evidence to the judgment of the tribunal; but it arbitrarily makes it *conclusive* whether sufficient or not. It abolishes the common law distinction between competency and credibility. Indeed, it abolishes the elementary idea of a court of justice itself, considered as a tribunal whose functions are, first and chiefest, to hear both sides, and then to discern between truth and falsehood. The heathen emblem of justice was that of a goddess, holding balances in her hand, and weighing with holy exactness all conflicting probabilities and testimonies. The true emblem of this law would be that of some Glossin lawyer, clutching at ten dollars as a bribe and trampling the sacred balances under foot.

What would the southern gentlemen who hear me say, if, while attending to your duties in this Hall, a miscreant in any northern city or State, without knowledge or possibility of knowledge on your part, should now be suborning witnesses to obtain evidence that your house, your plantation, or cotton crop was his, and by and by should make his appearance on your premises demanding instant possession, and, in case of refusal or demur, should drag you before some ten-dollar magistrate, read his *conclusive* proof, while you are forced to be dumb, and then thrust you out of estate, house, and home? And yet this fugitive slave law is as much more atrocious than that would be, as liberty is more precious than pelf.

The cruel fruits of this law have been such as might be expected to grow on so wicked a stock. The first man sent into slavery under it, Adam Gibson, was a free man. When the claimant's agent brought Gibson to him, he refused to receive him; for he knew, and he knew that all his household and neighbors would know, that Gibson had never been his slave. And so, after this free man had been seized as a slave, and sentenced as a slave, and dragged forcibly away from home to Maryland as a slave, by the authority and at the expense of the United States, he was set adrift and left to find his way back as he could.

Of the first eight persons doomed to slavery under this law, four were free men.

When this dreadful law was first broached, it was said that we might rely upon the intelligence and the integrity of the southern courts to send into the land of freedom no certificates that would doom men to bondage, unless founded upon competent and undoubted testimony. But in the case of Daniel, who was tried before Mr. Commissioner Smith, at Buffalo, the slave claimant never carried a single witness before the court that made the record of slavery and of escape. The southern court made the record on affidavits only, and then gave the claimant a certified copy of it, without ever seeing or hearing a witness in the case. These affidavits were given by nobody knows whom, and sworn to by nobody knows whom—perhaps not sworn to at all, but forged for the occasion; yet on sight of them the commissioner pronounced Daniel to be a slave. It afterwards turned out, on a hearing before Judge Conkling, of the United States court, that there never had been one particle or scintilla of evidence before the commissioner on which his ten-dollar certificate of slavery was founded.

In another case, in Philadelphia, Commissioner Ingraham decided some point directly against law and authority; and when a decision of a judge of the United States court was produced against him, he coolly said, he differed from the judge, made out the certificate, pocketed the ten dollars, and sent a human being to bondage. There could be no appeal from this iniquity, for the law allows none.

In another case, before Mr. Commissioner Hallett, of Boston, where white persons were examined, on a charge of rescuing an alleged slave, he admitted this foreign evidence of a State court, taken in secret, against the native-born citizens of a free State.

And yet, with all these abominations on the face of the law, and after this long train of outrages in its administration, the Baltimore Whig resolutions, which, perhaps, are the less iniquitous of the two, declare that the law shall not be modified, unless "time and experience" shall demonstrate some abuse of its powers. How low down must these men live, that they do not call what has already happened an abuse!

A story is current respecting the origin of this law, for whose authenticity I cannot personally vouch; but it certainly carries verisimilitude on its face. The bill is said to have been concocted by a southern disunionist, anxious for some pretext to break up the Republic; and who therefore prepared a bill so unconstitutional, so abominable and fiendish, that, as he believed, even the recklessness of northern servility must spurn it. He would then make its rejection his war-cry for disunion. But, alas! he had not fathomed the baseness of northern politicians. What a southern "fire-eater" thought too unrighteous for any human being to touch, the northern aspirants for the Presidency adopted "with alacrity," and rolled as a sweet morsel under their tongue. Now, both Whig and Democratic Conventions reaffirm the law, and attribute to it a sacredness and a permanency unknown to the Constitution itself.

Sir, when I survey, one after another, the horrid features of this law—its palpable violation both of the letter and the spirit of the Constitution; its contempt and defiance of that great organic law, the Declaration of Independence, and of the whole spirit and acts and lives of our revolutionary fathers; its repugnance to all the noblest maxims and principles of the British Constitution, consecrated and hallowed as these have been from age to age by patriots' struggles and by martyrs' blood; its fabrication of such a code of evidence as was never before placed on the statute-book of any civilized nation; its provisions for deciding *conclusively* the question of a man's liberty, in what is to him a foreign State, and before what is to him a foreign tribunal, without the possibility of his appearing there to confront witnesses, or even of knowing what the conspirators against him are doing; its peremptory orders to seize a man and try the unspeakably precious question of his freedom and self-ownership, "in a summary manner," when even robbers, pirates, and murderers, must have notice of their accusation, adequate time to prepare for defense and counsel for assistance; its bribing magistrates to decide against liberty, and in favor of slavery, and its creation of a set of officers, some of whom have so decided as to prove themselves capable of accepting a bribe; its instant execution of the dreadful sentence without appeal or writ of error; its repudiation of the statute of limitations, (the policy of which is recognized by all civilized nations, not only in cases of debt, but in regard to the title to real estate, and even in regard to crimes,) so that a master who has abandoned his slave for forty years, can come and pluck him from wife and children, from home, property, and friends;—and when, further, I see the practical workings of this law;—free northern citizens carried into bondage; southern professors in the art of kidnapping, chasing the shrieking fugitive from all his hiding-places and his altars; monster fathers pursuing the children of their own loins, as lately happened in New York, to sell them into slavery; the virtuous woman hunted by the lecher, from whose whips and scourgings she had fled, to avoid his guilty embrace; thousands of laborious and peaceable citizens amongst us, surrounded by self-earned comfort and competence, fleeing from all the endearing relations of kindred and neighborhood, out of a republic into a monarchy, to regain the lost birth-right of freedom,—thus reënacting the scenes of the Huguenot flight under Charles IX.; and, as the crowning cruelty of the whole, an entire race of free people, of innocent people, of people whose ancestors fought and fell in the battles of the Revolution, and who have as much right, not merely to security and protection, but to the feeling of security and protection, under our Government, as you or I,—when I see these people, filled with consternation and dismay for themselves and for their children, trembling when they look around them upon the earth, lest some tiger, in human shape, should spring from his ambush and seize them, and plunge them into slavery's hell, and trembling when they look upward into the sky, because God seems to have forsaken them;—sir, when I contemplate all these things, I am compelled, though against the common faith, to acknowledge evidence of supernatural inspiration in the hearts of men. But it is infernal and diabolical inspiration, whose evidences I recognize. Sir, this fugitive slave law was not made by man alone; for unaided total depravity is not equal to all its atrocities. Place the law and the Baltimore edicts side by side,—the command and the prohibition together. "You shall chase the fugitive, but you shall not speak." As in the days of the early Christians, or like the Pilgrim Fathers, in the times of the non-conformists, we may hold our meetings only in dens or caves, or in the most secret recesses of our dwellings, with doors locked and guarded. Once the bloodhounds were muzzled; now the bloodhounds are let loose and freemen are muzzled.

Sir, when any humane and intelligent man reflects upon the attributes of this law, and then turns to the fiat of the Baltimore Conventions, that it shall not be agitated or discussed, he cannot but tremble with an agony of indignation and contempt. These resolves are so subversive, not only of all divine but of all human government; they are so audacious and yet so impotent; they assume so imperial an air, while yet they are more imbecile than an idiot's gibberish, that the great poet of our language, whose mind supplies redundant images for all things vile and mean, has but one passage that befits their vileness. To borrow his words, these Baltimore resolutions are a

> "—— birth-strangled babe,
> Ditch-deliver'd by a drab."

Justice and gratitude, however, demand that I should say, that there were sixty-seven members of the Whig Convention who stood out bravely and to the last against this attempted abolition of the freedom of speech. In the Democratic Convention there seems to have been scarcely a whisper of dissent.

Sir, I cannot but acknowledge that the events I have recited have an ominous look for the cause

of freedom. It seems as though the black cloud which has settled down over Europe was extending its gloomy folds across this country to envelop, in darkness and despair, the last hopes of liberty upon earth. But I have infinite faith in God and in truth. I believe that cloud to be surcharged with lightnings which will yet blast the oppressor. And after the lightnings and the storm have passed, then shall come the day of universal freedom and joy.

False as those Baltimore Conventions were to the Constitution of the United States, to the Declaration of Independence, to humanity, and to God, yet when we come to scan their proceedings more closely, we find that they were amenable to a power they refused to acknowledge. It was there as in the ancient mythology: the gods decreed, but there was an inexorable fate standing behind the gods, and controlling their decrees. That irresistible fate, which bound the Conventions as with a spell and hemmed in their desires and aptitudes for wrong, which was a will within their will, was the genius of northern anti-slavery. There were at least half a dozen candidates, whom the Democratic Convention vastly preferred to the one they finally took up with; and there was at least one, whom the Whig Convention, under the southern pressure brought to bear upon them, would have consented to take, but for the uplifted arm of the North, which menaced inexorable defeat for any such selection, and would have terribly executed its menace. As in the vision of the Scottish seer, "coming events cast their shadows before," so here the coming thunders of the people's rebuke sent their echoes forward, and forbade both Conventions from inscribing the more apostate names upon their banners. It was the Free-Soil party of the North that held those thunders in its hands, and if it did not determine whom the Conventions should nominate, it did determine whom they should not.

Why did not the Democratic party nominate General CASS? For forty years he had stood conspicuously before the country; had served in early life, in a military capacity, on the northen frontier; been afterwards Governor of a Territoy now swarming with three millions of men; Embassador abroad and Cabinet Minister and Senator at home. Besides he was a man of unblamable private life—one who, whatever sinister rewards he may have expected, never exposed himself to the imputation of bartering his integrity for "dotations;" reputed, and I believe justly reputed, to be a temperance man, which fact, by itself, had he been a candidate against a man of known intemperate habits, would have given him fifty thousand votes in New England alone—a fact which future presidential aspirants will do well to heed. Why was not General CASS nominated? His Nicholson letter was the flaming barrier, which neither the perverse Baalim of Democracy, nor its beast, was able to pass by! By that letter, as the returns of 1848 show, General CASS struck off a hundred thousand votes from his ticket in the State of New York alone. General CASS died of a modern disease, called "letter-writing," which has proved singularly fatal to presidential candidates. The Nicholson letter was the malignant distemper that bloated and killed him.

Why was not Mr. Buchanan nominated—the favorite of that great State which, as she inclines one way or the other, seems to rock and sway the Union, and determine the result in every presidential election? He was a man of great powers—one whom nature had laid out on a grand scale. When the history of this country is written, Mr. Buchanan's name cannot be put in a parenthesis. He made General Jackson, rather than General Jackson him. His talents, with those of Governor Marcy, of New York, were the salt that saved Mr. Polk's administration from putridity. He was a daring man. In 1848, in an official communication to the French Provisional Government, he boldly obtruded his counsels upon them for the formation of their constitution, as though the new Republic were his ward. Lamartine politely made a French bow in return; but saying, as he gave it, he would not tolerate advice from any other people God ever created.

Why was not Mr. Buchanan nominated? Ah! he had been even bolder in his domestic diplomacy than in his foreign. His offer to run the Missouri compromise line through to the Pacific ocean, and to sacrifice all south of that line on the altar of the Moloch of slavery, was a grand act of apostacy to northern sentiment and to freedom, which brought the films of death over his eyes. His *coup d'état* was a *coup de grâce*. He will be less successful in making such northern platforms, than in making French Constitutions. In all the States north of Pennsylvania, during the forty-nine ballotings, he rarely received more than half a dozen votes; and I think his average, in those States, did not come up to that insignificant, or rather, that *significant* number.

And what was the fate of the Senator from Illinois, whom some sagacious and over-reaching Whig called the Young Giant—a nickname which his own friends were silly enough to adopt. I say silly, for everybody knows that the common notion which the common people have of a "*young giant*" is that of unnatural and precocious *animal* development. The very name conjures up images of rowdyish passion and appetite, of nocturnal revels, of a sort of wild, obscene force, unchastened by the lessons of experience, and untempered by Nestorian wisdom. What was his reward for his implied or understood offer of the annexation of Cuba? From the four States of Massachusetts, New York, Ohio, and Pennsylvania, he never at any one time received more than sixteen votes, and in four fifths of the ballotings he received but five or six. In winning the South he forgot the North.

"Vaulting ambition that o'erleaps itself
And falls on t'other side!"

Or, as a graver poet has expressed it, these worshippers at the southern shrine, while they renounced northern constituencies, were

——"like idiots gazing in a brook,
Who leap at stars and fasten in the mud."

I cannot stop to enumerate the victims in detail. The slain Hectors may have a monument and be remembered; but it is the felicity of the vulgar herd, in an ungodly contest, that they rot in a forgotten grave.

Long before the Baltimore Convention met, we had supposed that the northern Democratic aspirants for the Presidency had done their worst; that they had drank the last dregs of the cup of humiliation. But southern genius seems exhaustless in resources for northern debasement. Some unknown political upstart in Richmond, Virginia, obtruded himself into notice by shouting out the two words, "PRESIDENCY," "PRO-SLAVERY," to all the candidates, and instantly thirteen of them were at his feet. He put to them some "more last questions" in the catechism of infamy—"whether, if they could be elected, they would veto any bill repealing the fugitive slave law," and so forth. All answered as his questions indicated they must. Forgetful of the nature of the oath they longed to take, forgetful that it is a violation of the whole spirit of our Government for the Executive to interfere with Congress, by telling them beforehand what acts of theirs he will not approve, they all hastened to give the desired response. He did not send them a pro-slavery creed, with a blank left for their signatures, but he compelled them to write out their own shame with their own hands. He did not send the collar and chains all ready for them to put on; but he said, forge them and rivet them on yourselves; and, submissive, they forged them and riveted them on, and expressed gratitude for the favor.

And now, where are those thirteen Democratic candidates? And where, too, are those two Whig candidates who, within the last two years, have done every conceivable thing, and a thousand things before inconceivable, to propitiate the slave power? Gone, sir; all gone with those who perish at Tyburn! They rebelled against humanity and against God, and verily they have their reward. They mounted a platform, where they hoped to be crowned, amid the huzzas of the people; but an avenging Nemesis stood there, and, in the twinkling of an eye, changed it into the "drop-platform" of the executioner. Sir, when a single malefactor receives at the hands of justice his well-merited doom, the moralist seizes the example to give a warning to others who may be tempted, in like cases, to offend. He points to the ignominious body of his victim, and, as the herald of God, he proclaims the eternal law, that crime never can compensate the criminal. He declares that, until finite man can overpower or circumvent the infinite Creator, the retributions of sin shall pursue the sinner. If the preacher does this when he has but a single victim for a text, what an accumulation of energy and emphasis is given to his admonitions when there are fifteen victims before him!

Now, there are two or three general observations on this impressive spectacle, which I wish to make. In the first place, all the leading candidates of both Conventions were northern men. Would not the historian have signalized the event as something most extraordinary, if fifteen southern champions of slavery, born and bred in its midst, whose very growth, bodily and mental, had been only the accretion of pro-slavery particles, and ideas, and who were committed to the institution by a life-long series of acts, had suddenly gone over to northern Free-Soilers, and offered to stand upon their platform to obtain their votes? Would it have at all diminished the marvel, if these fifteen southern applicants for northern support, with all the followers whom lust of power or of money could enlist, had gone through all the South vociferating that, unless they should adopt the Free-Soil platform, the Union would be dissolved? I think such a chapter in history would never cease to create amazement and wonder. Is it not infinitely more wonderful, in this age of the world, that northern men should do for slavery what we could never expect at one time, so many southern men to do even for freedom?

My second remark pertains to the number of the candidates. Never were there even half so many on the presidential race-course before. Now, why were they so numerous, as well as all from the North? The answer is obvious. The South had said again and again, and most explicitly, to the North, "Give us your most pro-slavery man and we will adopt him." It is easy to see that when moral, or even intellectual, qualifications are the test in choosing a President, the candidates must be few; but if devotion to slavery is the sole test, then there may not only be fifteen, but five hundred or five thousand. In this way the competitors become so numerous that the chances of success are worth nothing. Nobody will pay much for a lottery-ticket when the blanks are to the prizes as a hundred to one. It was a poor speculation, therefore, for the presidential aspirants to put the price of the office so low that anybody, however obscure before, could become a rival. Cass, Buchanan, Marcy, Douglas, Dallas, Dickinson, and so forth, should have thought of this before they entered the lists, and put themselves on an equality with a man whom not one in five thousand out of New Hampshire could remember ever to have heard of before, and yet who plucked the prize out of their hands.

Another remark is, that the southern vote, in both Conventions, could have been concentrated at any time upon either one of the northern candidates, with one remarkable exception—which I will mention by and by—provided only that the northern men could have united upon him. At any moment the South would have accepted General Cass, or Mr. Buchanan, or Governor Marcy;—in the Whig Convention, the South was most anxious to take Mr. Fillmore; but it was impossible to bring the North to their support, Each of them, by the eagerness of his pro-slavery course, had signed his own death-warrant in States enough to defeat him. And as to Mr. Fillmore, on whom the South were more unanimous than on any one of all the other candidates, his bloody right hand had signed the fugitive slave law; and therefore it was as certain, as anything future can be, that he could not obtain a single electoral vote north of Mason & Dixon's line. The infinite mercy of God may wash that blot from his name in another world, but it can never be forgotten in this. And thus they all came under that great moral law which forever cries "Woe! woe!" to the offender. Fascinated by the brilliancy of the prize, they forgot the eternal law of rectitude and humanity, by which alone it can be honorably won and worn.

[A VOICE. What do you say of General Pierce?]

Mr. MANN. Some one inquires what I say of General Pierce. I say of General Pierce, that

if he had been conspicuous in the pro-slavery contest for the last two years; if he had been known as the ardent lover of the fugitive slave law, and had answered the Richmond Scott letter about a veto of it, he never would have received the Baltimore nomination. Some other man would have been exhumed for the occasion. Not knowledge of him, but ignorance of him, secured his nomination.

[A VOICE. How of General Scott?]

Mr. MANN. Had General Scott devoted himself to the cause of slavery for the last two years, as his competitors had done, he would not have been nominated. His short-comings in that iniquity, as everybody knows, is the reason, and I might almost say the sole reason, why the South and the pro-slavery part of the North oppose him. But for this the South would prefer him before either of his rivals.

In regard to Mr. Webster, there are three points which I propose to elucidate—his position of special and marked hostility to slavery in 1848, what he did for the cause of slavery in 1850, and how the South requited him in 1852. *His* case is peculiarly impressive. Instructive warnings as all the others are, yet "the Secretary stands alone." I am about to speak of his downfall in no spirit of personal exultation, though he has done me the greatest wrong. Because, when sitting on the top of his political Olympus, he hurled his shafts at me, I scorn to retaliate when he lies deserted and despairing at its base. The man does not live, (unless now it be himself,) who felt a more poignant grief at his ruin than was felt in this heart of mine. But it was not on the 21st of June last, and at Baltimore that he fell; but on the 7th of March, 1850, in the Senate of the United States. It was then that he sunk his beaming forehead in the dust, never again, I fear, to be lifted up. It was then that he tore from his brow the glorious diadem of Fame and cast its clustered stars away—a diadem richer than ever blazed upon the brow of royalty, for its gems were not gathered from rock or mine, but from the more precious treasures of wisdom and eloquence. Then thousands of hearts were wrung with anguish, as cold, relentless, and blaspheming, those apostate doctrines fell from his lips. I say no bosom, save now perhaps his own, was ever more deeply saddened at the spectacle of that moral ruin than mine. As I think of him now, ever-recurring and dirge-like, do the elegiac strains, written for the occasion by the great Poet of Humanity, wake their mournful echoes in my breast:

"So fallen! so lost! the light withdrawn
Which once he wore!
The glory from his gray hairs gone
Forevermore!

Revile him not—the Tempter hath
A snare for all;
And pitying tears, not scorn and wrath,
Befit his fall!

Oh! dumb be passion's stormy rage,
When he who might
Have lighted up and led his age,
Falls back in night.

Scorn! would the angels laugh, to mark
A bright soul driven,
Fiend-goaded down the endless dark,
From hope and Heaven!

Let not the land, once proud of him,
Insult him now,
Nor brand with deeper shame, his dim,
Dishonored brow.

But let its humbled sons, instead,
From sea to lake,
A long lament, as for the dead,
In sadness make.

Of all we loved and honored, naught
Save power remains—
A fallen angel's pride of thought,
Still strong in chains.

All else is gone: from those great eyes
The soul has fled;
When faith is lost, when honor dies,
The man is dead!

Then, pay the reverence of old days
To his dead fame;
Walk backward, with averted gaze,
And hide his shame!"

Still, I should leave this part of my subject maimed and incomplete should I forbear to draw the moral which the fate of this eminent man so impressively teaches. In the history of this world, it is inexpressibly sad that offenses should come. It would be still more sad if we could not use them to warn others from offending. Besides, the drama, in one of whose scenes we were brought together upon the stage and enacted a part, has now been played out, and I am now able to establish by history all the positions I then maintained by argument.

The grandeur of Mr. Webster's intellect—the first point always made in his defense—I readily admit. On this point I give his friends *carte blanche* of concession and agreement—the whole argument their own way.

But, on the next point, I claim to have the whole concession and argument my own way:—that though his intellect were fitted to fill a "Dome of Thought," vast as one of those Egyptian statues that have been lately found on the banks of the Nile, from whose craniums the natives have long been in the habit of cutting millstones without sensibly diminishing their bulk, yet if he could exchange it all to blot out the history of that 7th of March speech, he would make a divine speculation.

For proof of this, I might cite volumes. I might refer to his Pilgrim Address at Plymouth, and his reply to Colonel Hayne, and select something from almost every page of those volumes of eloquence—beautiful as painting, and grand as statuary—whose appeals fell upon men's hearts like an afflatus of the spirit of God. With all this, I might then contrast what he has written and spoken since the day of his downfall, pictorial as it is, with emblems of whips and chains, of auction-blocks, and shrieking fugitives, fleeing from the bloody lash and the lecher's arms, and finding no protection in the sanctuary of Faneuil Hall, or under the shadow of Bunker Hill, or by the sacred monuments of Lexington and Concord.

But I will confine myself to a single item of proof, irrefragable and conclusive:

The Buffalo Convention of 1848, proclaimed its determination "to maintain the rights of free labor against the aggressions of the slave power, and to secure free soil for a free people."

It declared its "independence of the slave power, and its fixed determination to rescue the Federal Government from its control."

It declared that the proviso of Jefferson to prohibit slavery in all the territories, and the ordinance of 1787, excluding slavery from the Northwestern Territory "clearly show that it was the settled 'policy of the nation, not to *extend, nationalize*, or '*encourage*, but to *limit, localize, and discourage* 'slavery; and to this policy which should never 'have been departed from, the government ought 'to return."

It declared "that it is the duty of the Federal 'Government to relieve itself from all responsi-'bility for the existence or continuance of slavery 'wherever that Government possesses constitu-'tional authority to legislate on that subject, and 'is thus responsible for its existence."

It declared "that the only safe means of pre-'venting the extension of slavery into territory 'now free, is to prohibit its existence in all such 'territory by an act of Congress."

It declared "that we accept the issue which the 'slave power has forced upon us, and to their de-'mand for more slave territories, our calm but final 'answer is, no more slave States—no more slave 'territory."

And what did Mr. Webster say of this platform, within one month after it had been adopted? This is his language:

"I have said, gentlemen, that in this Buffalo platform, this collect of the new school, there is nothing new. There is nothing in it that all the Whigs of the northern and middle States may not adopt. Gentlemen, it is well known that there is nothing in this Buffalo platform which, in general, does not meet the approbation of all the Whigs of the middle and northern States. Suppose, now, that all of us who are Whigs should go and join the Free Soil party, what would be the result? Why, so far nothing would happen, but that the Whig party would have changed its name. That would be all. Instead of being the Whig party, it would be the Free-Soil party. We should be all there, exactly upon the same principles upon which we have always stood."

Now, contrast this full, explicit, comprehensive, and apparently ingenuous subscription and adhesion to all the doctrines and articles of the Buffalo platform, in 1848, with the 7th of March speech in 1850, and with all that has since followed it from the same source.

Surely, if General Jackson, in 1836, in order to obtain a third election, had courted and defended the United States Bank, written and spoken through all the eastern cities in its behalf, and made James Watson Webb and Nicholas Biddle his bosom confidants and counsellors; surely, if Mr. Clay, in 1848, had declared for free trade, against all tariffs, against river and harbor improvements, and against all the policy that had most signalized his life; surely, if Mr. Calhoun, during the controversy respecting the new Territories, had suddenly avowed himself the disciple of Clarkson and Wilberforce, and had raised the standard of "immediate emancipation;"—surely, I say, neither of these events would have furnished such ample material of contradiction and amazement as are supplied by the melancholy case I am now considering. After having nurtured, tutored, and led northern anti-slavery sentiment for thirty years; after having claimed the "patented thunder" of the Wilmot proviso; and after having discovered the North star, in a single day, without premonition or cause of change, Mr. Webster espouses doctrines more southern than South Carolina, and becomes Calhouner than Mr. Calhoun.

Where shall the searcher of history find a parallel for this? I know of none. I can conceive but one—that of Moses, from the confines of Jordan, and the top of Pisgah, commanding the children of Israel to march back into the land of Egypt, for re-subjugation to Pharaoh; yet striving to persuade them that the "geography" and "scenery" of the Nile would render slavery there impossible.

And yet, when the trial-hour of the Baltimore Convention came, what did he gain by it all? A single southern State? Not one. A single delegate from a southern State? Not one. With all the efforts that official power, and the wealth of cities, and amazing industry could make; with all that subscription nominations, and Faneuil Hall meetings, and Castle Garden committees, and Wall street, and State street, and subsidized presses, and fraudulent hopes of tariff and southern trade could effect, Mr. Webster could rally but an average of twenty-nine votes in a convention of almost three hundred members, and never, on any balloting, according to the political thermometer which measured his popularity, did he rise above thirty-two degrees—the point of eternal congelation! No southern State gave him a vote! No southern delegate was sent there to give him a vote! Fifty-three opportunities occurred, extending from day to day, and, according to an account published in the Boston Courier, from a professed eye-witness of the scene, the northern friends of Mr. Webster besought their southern brethren with prayers and entreaties, sad and tearful enough to have melted flint, to have melted platinum, to have melted anything but the infusible heart of slavery, and yet they were inexorable. Nay, according to the published statement of his friend, Doctor Bell, a delegate from the Fourth Congressional District of Massachusetts, after the fifty-second ballot, and when it became certain that General Scott would be nominated the next time, these southern gentlemen "were earnestly appealed to, 'as a matter of courtesy, and to place our candi-'date [Mr. Webster] right [wrong?] on the page 'of history, to unite in the final vote on Mr. 'Webster, which would have left him with some 'one hundred and twenty or thirty votes"—they refused to give him even that empty compliment.

So certain has been the fate of Mr. Webster, for the last eighteen months, that I and all those with whom I am politically associated, have foreseen it and predicted it with as much confidence as an astronomer foretells an eclipse. Let us trust that the fate of such victims will not be lost for the future upon northern men.

Sir, out of this fugitive slave law has arisen an ill-sounding, half-barbarous word to express the wholly barbarous idea that the law is never to be repealed or modified. It is the word "Finality." This word has already got into somewhat common use in regard to its objects. It is destined to get into universal use in regard to its authors. I think General Cass and Mr. Buchanan, Mr. Fillmore and Mr. Webster, with many others, have by this time an interior and realizing sense of what the word "*finality*" means. Though too

late for them to profit by it, I hope it will be blessed to the use of others.

And what palliation, what pretext, what subterfuge even, had these men for such betrayal of human rights? Nothing, literally nothing, but that fraudulent idea of "danger to the Union;" that cry of "wolf," which the South always raises when she has an object to accomplish; and which she will always continue to raise, on pretences more and more shadowy and evanescent, the more we have the folly to heed it. The same threat is now, at this instant time, made if the North does not give them their choice in the two candidates for the Presidency.

Among redundant proofs, demonstrating that the Union has been in no peril, nor shadow of peril, there are two which never have been answered, and never can be answered. Notwithstanding all that was done in this House, and more especially in the Senate, and by all the pro-slavery presses and pro-slavery champions, North and South, during the year 1850, to create a panic in behalf of the Union, they were never able to effect the price of United States stocks, neither in this country nor in Europe, so that the difference could be discovered with a microscope. Now, of all men living, stockholders and annuitants are the most sensitive. Universally they are a timid race. If there be a cloud in the heavens, or a ripple on the surface, they fear wreck, and shout the alarm. But timid as they constitutionally are, not politicians nor panic makers could discompose their serenity by all their insane cries about the crumbling of the Union to pieces; and there was not a member of the Castle Garden committees who would have taken one cent less, or would not have given every cent as much, for United States securities on the days when they sent forth their fraudulent resolves as before or after.

On this point I will cite an authority whose soundness upon the question in issue I believe in, and certainly my opponents will not dispute:

"We have preserved and fostered credit till all have become interested in its further continuance and preservation. It has run deep and wide into our whole system of social life. Every man feels the vibration when a blow is struck upon it. And this is the reason why nobody has escaped the influence of the Secretary's recent measure. While credit is delicate, sensitive, easily wounded, and more easily alarmed, it is also infinitely ramified, diversified, extending everywhere, and touching everything."*

And yet the very men who, in their capacity of politicians, shrieked "danger to the Union," in their other capacity of stock-dealers and merchants, never varied their asking or their giving prices one jot or tittle. They cried "earthquake," when not a rumble could be heard nor a jar felt; and they tried to make us believe that a tornado was uprooting the forests, when nobody could see a leaf on a tree moving. No! the cry of danger to the Union was raised to divert attention from their assaults upon the Constitution. It was the latter and not the former that was in danger.

Another reason, and it is a standing and continuous one, why there was no danger to the Union, consists in the fact that the South, according to their own estimate, are under bonds of $1,500,000,000 to keep the public peace. Let them break up this Union, and their property in slaves, which they now value at this enormous sum, will not, at the end of a quarter of a century, be worth so many groats. Does anybody imagine that this Union can be dissolved without civil commotion, without revolution by arms? Sir, this is a subject inconceivably painful; but it is a possibility spoken of and sported with by others with such levity, that I am constrained to invest it with some of its appropriate solemnities. Does any one believe there can be two border nations, one founded on the principle of freedom, and the other on the basis of slavery, having a contiguous frontier of three thousand miles, and daily traversing the same waters, with immunity from war? And in such wars, who will be the eager allies of the North? Sir, there are ten thousand fugitive slaves in Canada to-day capable of bearing arms, and their number is increasing faster than ever. They are practicing the use of fire-arms, and the *menage* of the horse. The story of their oppressions is recounted every day, in every hamlet and at every fire-side. The mothers nurse their children with milk and with vengeance together. The knowledge of a north star is penetrating further and further into the southern interior, and arousing new hearts to the effort of self-emancipation. A dissolution of the Union repeals the accursed act of 1850. The free soil of Canada and the British Provinces—the only free soil there now is on the northeastern part of this continent—is brought down to Mason and Dixon's line. We have in the northern States a population of two hundred thousand of African descent. In case of war between the two sections, thousands of this colored race will fly to the land of bondage, swift as they ever flew from it. They will go to make desolation of the realm that once made desolation of them, and of all they held dear. Under their avenging cry, insurgents will rise up like an exhalation over all the South. There are no motives more terrible than those which urge a bondsman to his revenge. Perpetual proximity between master and slave, furnishes perpetual opportunity for retribution. Every house is an arsenal of weapons; every tool on the plantation an instrument of death. Fire and darkness are allies which nature proffers him. In this warfare, the master does not go into the battle alone; his wife and children are at his side, whose weakness or whose beauty, in presence of an imbruted foe, may provoke the first assault. Ay, sir, in a civil or a servile war, the South will be in a more perilous condition than if every kernel of gunpowder in all the magazines of an army, just on the eve of battle, should suddenly become animated, and set itself on fire. If the South wish to exhibit to the world, on a magnificent scale, the natural retributions of slavery; if they wish to realize, in their own fair land, and by Hyder Alis of their own, Burke's terrible picture of the desolation of the Carnatic, they have but one thing to do, and that is to dissolve this Union. But I do not fear that any such madness will possess them. As I said before, they are under bonds of $1,500,000,00 to keep the peace, and their wives and daughters are sureties in the bonds. All wealth that is consumable, all affection that is destructible, all chastity that is violable, are pledged for the fulfillment of their vows.

Waiving a hundred other facts and considerations, the two which I have now specified are sufficient to show that this cry of "danger to the Union," was wholly baseless and deceptive.

From another point of the compass, and from an independent series of facts, a similar moral may be drawn for future presidential aspirants. Neither the Democratic party nor its northern leaders had anything to gain by the Mexican war, and yet they plunged headlong into it at the dictation of the South. The Whig party, as such, always pronounced the war itself to be an aggression, and its territorial acquisitions a robbery. Yet the great body of this party voted the supplies that ratified its inception. Opposition to the war of 1812, had proved politically disastrous to many of those who made it; and it was foreseen that opposition to the Mexican war might be attended with similar results. Hence the lukewarmness of Whig opposition in Congress, and hence the voting of supplies to carry it on. Hence the pro-slavery men, and the "manifest-destiny" men were allowed to have their way; and so the war was continued at an estimated expenditure in the whole, of more than $200,000,000, and the ultimate acquisition of territory, some portion of which is already occupied by slaves, and two thirds of which is laid open to slavery by law.

And now, what has been the effect of that war upon both the Democratic and Whig civilians, who either vigorously sustained it, or opposed to it only a feeble resistance? It made the Cæsars who have come back to rule over Rome. But for the Mexican war, General Taylor would have remained a "frontier colonel," as Mr. Webster sneeringly called him, and not even lunacy would have conceived of him for President. But for the Mexican war, General Scott, though in honor and in bravery retaining his invincibility, would have lacked, to political wooers, the more potent charm of availability, and would never have been nominated. And but for the Mexican war, the shades of oblivion would soon have perfected their easy work of hiding the name of General Pierce from the world forever. And now behold the civilians, Cass, Buchanan, Marcy, and the rest, who stood sponsors and godfathers for that bloody deed. Defeated in 1848 by the very man whom the war they supported had raised up! General Taylor discomfited only one Santa Anna in Mexico, but half a dozen at home. Look, too, at Mr. Webster, whose giant blows, had they been struck at the fitting time, might have broken the helmet and pierced the mailed armor of that Mars; yet see him thrust aside in 1848 to make room for one hero born of that war; and in 1852, hardly allowed to enter his name as a competitor against another. In 1852, also, see General Pierce, who had about as much to do with the Mexican victories, as little Iulus had with the Trojan war, yet plucking the nomination from Cass, Buchanan, Marcy, Douglas, and all the rest. The camp triumphs over Cabinet and Senate. The *cedant arma togæ* is read backwards. How many of these warriors will remain in 1856, and in 1860, to shoulder aside the civilians for the third and fourth time, because they were false to their duty in waging or in tolerating that war, remains to be seen. But what a righteous retribution for those civilians who, at first, might have prevented, or afterwards might have stayed that effusion of human blood! As a specimen of poetic justice, romance or drama has nothing finer.

I have, sir, but one topic more to present, before I shall have sufficiently disobeyed and defied the Baltimore resolutions, for this time, and shall be ready to sit down. As I said before, present omens forebode ill to the cause of freedom, in this land; but a more searching analysis throws a cheering light upon our prospects.

Let us see, in the first place, why it is that the North, with almost two thirds of the population and of the votes of the whole Union, is controlled on all questions pertaining to slavery by the other third belonging to the South. The answer is at hand. We at the North are divided into two parties, Whigs and Democrats, who balance, and, in all political contests, neutralize each other. Nominally, the South is divided into the same parties, but, in whatever regards slavery, it is undivided and a unit—indissoluble as the Siamese twins; for where you find Chang, you are sure to find Eng. On tariffs, river and harbor improvements, and so forth, they carry on a feeble and somnolent warfare among themselves; but whenever the tocsin of slavery is sounded, they awaken to seize their arms, and form in solid column for a quick-step march to the point in contest. Hence, by obtaining the feeblest support from the North—generally speaking by stealing marches upon us, while we are engrossed by our accustomed vocations—an easy triumph is won. The nominal division of parties, therefore, is very far from being the true one. The country is, and for a long time has been, for all purposes aside from the spoils of office, divided into three parties of very nearly equal numbers—the Whigs and Democrats of the North, and the pro-slavery party of the South—the latter, with the slightest aid, or even with acquiescence from either of the others, being able to prevail. And this will continue to be the case, until a practical anti-slavery party is formed at the North, to balance this pro-slavery party of the South, and to do battle for liberty as they do for slavery. Such a party, in sufficient numbers to contend successfully with its antagonists, may not be immediateiy formed, and therefore I see before us a period of struggle and trial. But the spirit of God is on our side in this work. The laws of the moral universe, the laws of nature, the laws of population and power, are our allies, and therefore we must prevail.

Look at the amazing fact that the southern States, with more than double the area of the northern, after an experiment of more than sixty years of free government, have but about half the free population of the latter. I say the area of the former is more than double the area of the latter; but this is by no means the only element of their natural superiority. Their milder climate; their more fertile and easily-cultivable soil, and its happy adaptation for producing the great staples of commerce which the whole civilized world will have and are ready to pay for, gives to the South at least a twofold advantage over the North, acre for acre, or State for State. With their supereminent and easily-understood advantages, the southern section of this Union might possess, and but for its slavery would to-day possess, threefold

* *Webster's Speeches—[Speech on the removal of the Deposits]—vol. 4., p. 92.*

the population of the northern section—all free, all blessed with more abounding comforts and competence, and with all the means of embellishment, education, and universal culture. As compared with the North in all that gives individual independence or social strength, instead of being as one to two, they should be as three to one. Ohio and Kentucky, separated only by a ribbon's width of water, illustrates this problem, even to school-boys. It is slavery, and slavery alone, that has struck them down from their lofty preeminence; that has dwarfed their gigantic capacities, and driven them to maintain an ascendency—ultimately worthless, and worse than worthless—by suborning northern politicians, instead of exulting in the legitimate superiority of home-born and undecaying vigor.

And this is only the fulfillment of an eternal law which always has been, and always will be exemplified in the history of mankind—the law that all error is weakness; that all wickedness is dementia. By a law, fixed as gravitation, error tends to ruin, and moral wrong to imbecility. Let any individual act upon a false theory, and in that, his hopes will be disappointed, and his fortunes maimed. Let a community legalize false principles, or adopt evil institutions into its organic law—which is *its* sensorium—its strength becomes faintness, and its glory turns black. False notions, or even ignorance about the laws of health, bring disease upon an individual, or epidemics upon a country. False conclusions in political economy bankrupt a city or the treasury of a nation. False metaphysical or theological dogmas cramp the faculties, vitiate the knowledge, and repress the aspirations of their possessors; and the schools or the sects that adopt them dwindle into weakness, become contemptible, and perish. God kills out error by the meanness of its results. Neither caste, primogeniture, nor hierarchy can save it. The false notions of Aristotle, about the perfectness of the circle for motion, and the law of equilibrium for fluids, with other absurdities, kept the philosophic and inventive genius of the world in irons for two thousand years; but then they passed into everlasting contempt. False maxims in government, and false practices in political economy, have worked out the terrible problem of Ireland's ruin, sending almost two millions of her people through disease and starvation into the grave, or into exile, within the last ten years, and completing by processes which make "destruction sicken," the dreadful demonstration of a crime which was begun six centuries ago, and has now passed into the Gehenna of eternal execration wherever history shall be read.

Now, as slavery is error and wickedness combined, it must incur the penalties ordained of God against both. As it corrupts domestic virtue, contravenes the natural laws of a nation's prosperity and growth, excludes and drives away those who are instinct with the love of freedom, from settling within its borders, makes general education impossible, and eviscerates from the Gospel of Jesus Christ the highest and purest of its principles and precepts, it follows by a law of adamantine necessity, that the body politic, which suffers it, is vulnerable in every part, and that physical and moral death besieges every gate of its citadel. Slavery assails all the laws of God broadside; and it must, therefore, receive His retributions broadside.

These are but specimens of the weakness which is always inflicted by error, and of the fatuity that ensues from moral wrong. They are specimens of those "Higher Laws" of God, which fulfill their destiny, whether men heed them or defy. They crush the resistant, while resisting, and silence the blasphemer in mid volley.

If the northern States of this Union, therefore, will cherish liberty while the southern foster slavery, the predominance of the former in political power, as well as in all other things desirable, will soon be overwhelming. Foreign annexations by the latter cannot redress the balance. They but palliate the symptoms of a distemper which is organic,—as the newly-erected wing of a lazar-house, for a time dilutes the infection, which it soon sends back to aggravate the general virulence. I appeal to the friends of liberty, then, wherever they may be found, to stand fast in their integrity; for, to adopt the sentiment of Mr. Jefferson, in such a contest, there is not an attribute of the Almighty but must take part with us.

Sir, I have endeavored now to speak upon the real and true state of the Union. I have desired to ascertain towards what point of the moral compass this great vehicle, which we call Government, freighted as it is with so much of human welfare, and with the fondest hopes of the oppressed, is now moving. I have sought to determine that direction, not by the meteoric lights which are exhaled from human passion and selfishness, but by taking observation of the unchangeable luminaries of truth and duty, which shine down upon us forever from their fixed places in the skies. I have spoken no word in the spirit of a partisan or a politician; but have sought to embrace within my vision the horizon of the future as well as of the present.

The mere politician judges of events by their immediate consequences—by their relation to himself and his party. Under our Constitution, the next four years is the politician's eternity. The next election is his judgment day. The blessedness of his future consists in an anticipated share of the $200,000,000 to be distributed from the National Treasury during the next presidential term, and in being one of the hundred thousand men who for the same period are to be elevated into conspicuousness. But the eternity that I believe in will not end on the 4th of March, 1856. Consequences are to flow from events now passing, which are unending in their nature and their influence. Interests are at stake infinitely more important than the temporary official prominence or obscurity of a hundred thousand men—infinitely more precious than $200,000,000, or two hundred millions of Californias, with golden Australias to boot. He only is worthy the name of statesman, he only is fit to preside over the affairs of a great nation, whose vision takes in the vast relations of cause and effect; whose judgment is determined by what must be, in the future, as well as by what exists in the present, and who never erects a superstructure of Constitution or law for the protection or the enjoyment of any human interest, without laying its foundations on the law of God.

CALIFORNIA INTERESTS.

SPEECH OF HON. J. W. McCORKLE,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

August 30, 1852,

In the Committee of the Whole on the state of the Union, in behalf of California interests,—

Mr. McCORKLE said:

Mr. CHAIRMAN: I would not undertake, at this late day in the session, to address this House on ordinary subjects; but as the matters upon which I shall remark are important to my constituents, I ask permission of the House to write them out at length. As an impression is sought to be created in the minds of the people of California, by evil-disposed persons, that the Democratic and dominant party in Congress are not only inimical to their interests, but have, without cause, delayed the passage of certain laws of the last importance to them, which have been recommended by the present Executive; I deem it a duty to myself and colleagues, and to the party whose principles I have ever advocated, to set the facts properly before the people of my State, and let them judge for themselves as to the true state of the case, and decide as to which of the two great political parties of the country they must look for that enlightened and liberal legislation which their peculiar and anomalous condition requires. I have no motive, and certainly no desire, to deceive any man; and holding to the idea that a dishonest politician is a dishonest man, I am personally, as well as politically, responsible for the truth and correctness of what I may say.

The position which California holds to this Union is a delicate one. Separated as we are by thousands of miles of plains, deserts, and almost impassable mountains, from our sister States, and feeling from this isolation keenly the power of this Government to protect us in case we should need your succor, and bound to you and our free institutions by bonds which accumulate strength by their extension, anything like neglect falls with stunning force and effect upon us, and is, beyond doubt, and naturally enough, calculated, however repulsive the idea may be, to lead the mind to look to ultimate results, and contemplate the possibility of a separation, and the establishment of an independent Republic on the Pacific. My object in the remarks I am about to submit is to demonstrate on the one hand, that to the Democratic party of the United States must the people of California look for that liberal and progressive legislation and action which is necessary to develop and make available our own vast internal resources, and eventually give us the control and profit of the trade and commerce of the nations inhabiting the islands and the western shores of the Pacific; and on the other, that we cannot expect, and will never receive from the Whig party, identified as it is with restriction upon commerce, and conservatism in politics, as opposed to progress, that legislation, liberal and free, that our position and condition require.

The war with Mexico, and the results, one of the most important of which was the acquisition of California, was declared, and supported from the beginning of hostilities until the treaty of peace, by the Democratic party, and was opposed by the Whig party with a rancor and violence which has cast upon some of the prominent men of that party a suspicion of their fidelity to their country, which will extend to the third and fourth generation of those who at that crisis arrayed themselves against it. After the treaty of peace, weak minded and timid men were alarmed at the results, and a portion of the American people, living thousands of miles from the newly-acquired territory, gave themselves great trouble and uneasiness in regard to the form of government that should be adopted by the people of California. Mr. Polk, at that time President of the United States, recommended to Congress the immediate organization of a territorial government, and the extension of the laws of the Republic over us. The Congress, however, of the United States was at that period composed of men—some of whom, I regret to say, are still to be found in high places—who arrogated to themselves the right and the power to prescribe all laws and regulations for the people of the Pacific; an assumption in direct conflict with all the fundamental principles of this Republic, and betraying an arrogance truly contemptible, in supposing we had not the ability to take care of ourselves, and regulate our own domestic affairs.

The recommendation of Mr. Polk was disregarded, and Congress failed to enact any laws for our benefit and protection, and we were left to take care of ourselves. In the mean time, the military government put in operation during the war, continued in existence, exercising all the powers conferred on Congress and the President by the Constitution of the United States. They levied and collected taxes—galvanized and kept in full force the miserable alcalde system of Mexico, from which the seeds of endless litigation have been sown broadcast over the country; they appointed and removed civil officers at pleasure, vesting them with the most arbitrary powers; refunded from taxes collected of the people, military contributions levied during the war; expended in the erection of barracks for the army hundreds of thousands of dollars, at a point which had no recommendation, other than the possibility of a good speculation to those interested; threatened, when the citizens of San Francisco refused to pay the customs on goods imported, to bring all the forces of the Navy and Army, to compel their obedience to the usurped powers of the military government. At last the people, finding that their own Government at home had refused them protection, and had denied them the benefits of the laws of the United States, determined to make for themselves a government, and enact their own laws. Whilst the minds of the people were occupied with this important measure, the letter of President Taylor was received, recommending us to organize a State government at once, and send on our constitution, and apply for admission into the Union, in order to avoid the agitation of the slavery question, which then threatened the very Union itself.

When the failure or refusal of Congress to act

in our behalf became known, loud and deep were the curses and complaints, not upon the Government, nor upon the people of the United States, but upon those in power, and whose duty it was to protect us, and had not the moral courage to do it. The American mind never stands still—American energy knows no fail—and the staunch republicans inhabiting California, who had periled life and property in the mountains, on the plains and deserts, were not the men to be discouraged or endure longer the exercise of powers usurped by military officers; they resolved to make for themselves a government, and enact for themselves laws suitable to their wants and condition. The history of man does not present a more sublime record of human action than this. On the unexplored shores of the Pacific, thousands of miles from our mother country and sister States, surrounded by an almost equal number of foreigners, ignorant of our institutions, and who gave obedience to law only through fear, the indomitable energy of the American character, and their love for republican institutions, and the Republic itself, led them on to the formation of a government which, for radicalism and simplicity, has no equal, and no precedent. By force of public opinion the wheels of State were put in motion. In view of this condition of things in California, the population of which was made up from all quarters of the world, whose customs, manners, and mode of life all tended to engender and increase crime and disorder, no part in the history of mankind presents so sublime a spectacle, or furnishes proof so convincing of the capacity of man for self-government. Thus, from discord, anarchy, and political chaos, sprang California, like Venus from the sea, beautiful, mature, and perfect, the youngest sister of the Union of States, and the first-born of the Pacific, lovely in climate and scenery, rich in gold and precious stones—"the bright particular star," which attracts the gaze of thousands who never heard of the comeliness of her sisters.

Our admission as a State into the Union, whilst it racked the Republic to its center, has also, it is to be hoped, settled forever the rights of one portion of the Confederacy under the Constitution, and demonstrated to the other the absolute necessity of respecting them, if they would have the Union perpetual. The people of California did not prohibit slavery by constitutional enactment in obedience to the recommendation of the Cabinet of President Taylor, but because a majority of the people thought it was not their interest to adopt it. The people of California recognize the right of every State to regulate its own domestic affairs, and deny both the right and policy of interference by other States. The rapidly-increasing population, as well as the geographical position of California; her extensive territory, having over nine hundred miles of sea-coast, and so great a diversity of interest as between the upper and lower portions, that a division and organization of another State out of her territory is resolved into a simple question of time. Already the Legislature has placed the question before the people for their decision this fall; and if they find that it is their interest to divide the State, they will do it. The great disparity in the cost of every necessary of life, the inequality and absolute injustice in the levy of taxes and the fees of office—light in one portion of the State and burdensome in the other—demand a division, if not immediate, at some early day.

In the formation of a constitution, the people will act for themselves; and if they find it expedient to ingraft upon it the institution of slavery, they will do so, and will send up to you a constitution republican in its every feature, and ask for admission into the Union. The people of California, sir, hold, and will maintain inviolate, the right of each State to regulate its own domestic affairs, and will never surrender one tithe of the attributes of sovereignty which attach and belong to them. The people of the Pacific are like unto those on the Atlantic in one particular; and that is, in adopting and pursuing that course of policy which they may suppose will conduce most to their prosperity and happiness. If it is found that slave labor is or would be beneficial, I think it is probable that they, like those of any other State, will seek a profitable investment for their capital. My constituents are, I believe to a man, in favor of the "compromise measures," and will aid and assist whenever occasion may require in carrying them into execution, believing as we do that on their faithful observance depends the Union. They love this Union—ay, sir, as the she grizzly bear of their own sublime mountains, loves her whelps—savagely; and if the time should ever come, (which the gods forefend,) when it is necessary to take up arms to protect the Constitution, the rights of the States, and the Union itself, they will know but one banner, and that will be the stars and stripes.

The rapid strides of California in all that makes a State powerful, is the wonder of the world; and our condition requires speedy and prompt legislation. While we acknowledge the tardiness of legislation which necessarily exists in all Republics and Governments of complex powers, we feel sorely its results. Our rapid progress and advancement, which, in the short space of three years, in the product of wealth, in commerce, and taxes paid, has placed us in the position as the third State in the Union, requires rapid legislation. It is true, that in the last Congress, most of which was consumed before California was admitted into the Union, many, and apparently extravagant, appropriations were made for her benefit; and I regret to be compelled to admit, that the neglect in some cases, and the faithless manner in others, in which the law appropriating this money has been executed by the party in power, has furnished strong and good reasons for those in this House, of the Democratic party, otherwise favorably disposed to advance the interests of my constituents, to delay action on measures which I have brought before them, and which all acknowledge to be necessary and important.

Much, if not all, of reckless neglect and mismanagement in the execution of the laws, so far as California is concerned, has resulted from the colonial policy adopted by the party in power in sending from the Atlantic States men to fill the most responsible offices on the Pacific; and the odium and disgrace which attaches, as it must, to some one, ought, and, in the minds of all just persons, will fall upon those in power. The defalcation of Mr. Collyer, who, as a reward for his partisan services, was sent to California as collector of the port of San Francisco, amounting to nearly $800,000, cannot be charged to my constituents; for I state here, and take pride in doing it, that there were, at the time of his appointment, hundreds of men belonging to the Whig party in California, capable and honest, who would have so conducted that important office that not one cent would have been lost to the Treasury.

The appropriations made for California during the last Congress, amounting in the aggregate to over $1,000,000, have been, as I have already admitted, mismanaged; and however unpleasant the duty, yet I am compelled to hold up to this House, in justification of my constituents, the manner in which it has been done, and place the responsibility where it belongs—on the Whig party in power.

And, first, I call your attention to the use made of the fund appropriated for a marine hospital at San Francisco—an institution for which I shall ask an additional appropriation of this Congress.

MARINE HOSPITAL.

A "Democratic Congress" in 1850 appropriated $50,000 for the erection of a marine hospital at San Francisco. In no country perhaps in the world is an institution of this kind more required than in California. An agent, a partisan Whig, was sent out for the purpose of selecting the site upon which it should be erected, receiving for his compensation the sum of $16 per day. This officer, like all others sent out from the Atlantic States to look after the interests of my constituents, "whiled away" some six months, and did absolutely nothing; and to this day the amount appropriated for this humane and benevolent purpose has not been expended, and the only result of the law has been that a favorite of the Whig party has received, no doubt for partisan services, his full share of the amount appropriated. It is a lamentable fact, of which I have before spoken, that the Whig party and this Administration cannot find men of their own political faith on the Pacific who possess the qualification necessary to discharge the duties of the various offices which exist there; and as the representative of the whole people of California I repel the imputation thus cast by implication upon them, and condemn the colonial policy of the Whig party of the Atlantic States, which dictates the appointment of men to high and responsible offices in California who know nothing of the interests or condition of the State, and, being mere political adventurers, care still less. By this policy of the Whig party my State has been almost ruined; and it will require the best efforts of a Democratic Administration to restore her damaged reputation, and bring her affairs back to a healthy and creditable condition.

INDIAN AFFAIRS.

Among the questions of importance which first attracted the attention of "the Democratic Congress," after the admission of California as a State into the Union, was the condition, control, and management of the Indians. An appropriation was made, and the President authorized to appoint three commissioners, with full powers to treat with them, and to make such other arrangements as the circumstances might require. As in other cases, in pursuance of the fixed policy toward California adopted by the present Administration, three gentlemen, entirely ignorant not only of the country, but especially of the nature and habits of our Indians, were sent out from the Atlantic to protect the people of the Pacific from the savages who inhabit our State. These men, as might be expected under the circumstances, have committed the most egregious blunders, and find opposed to them and the policy they adopted not only the entire population of California, but the Senate of the United States, which has rejected every treaty made by them with the Indians, unanimously. The enormous debts, amounting in all to nearly $1,000,000, have been repudiated; and unfortunately, while justly depriving these imported officers of their portion of the profits and speculation, many innocent third parties, who from their ranches and stores have, in good faith, furnished them supplies, are also compelled to suffer losses.

The question raised, and which still exists undetermined, as to whether the commissioners acted with or without the concurrence of the Indian Department and the Administration, I leave to the parties themselves to determine, but am in justice bound to say, that when the enormity of the acts of the commissioners in California was brought fully before the country, by a debate which occurred in this House some months since, the Administration, which up to that time had been dormant, moved in the matter, and dismissed these men from office. In view of, and to avert, the difficulties which may arise, if absolute war does not result, the present Congress have appropriated $100,000, and established the office of Superintendent of Indian Affairs, with full powers, in order to quiet the Indians and remove the evils which would, in all probability, result from the necessary repudiation of the acts of the commissioners.

The history of the Republic does not present an instance so flagrant of the usurpation and abuse of power as that exhibited in the action of these commissioners. They have not only usurped powers reserved in the Constitution to the President and Senate, in making and executing treaties, but have assumed to themselves a power expressly given to the House of Representatives in the appropriation of money, and have absolutely, with a vanity and arrogance unheard of, drawn upon the Treasury for hundreds of thousands of dollars. The absurdity and ridiculousness of their official action almost forbids one from characterizing and denouncing it in the terms which it deserves. With such abuses of power and frauds in office, as these exhibited and proven, can it be wondered at that a Democratic Congress is slow to make appropriations or enact laws for the benefit of California while the Whig party holds the power in the executive branch of the Government?

LIGHT-HOUSES.

In the year 1850, and immediately after the admission of California as a State into the Union, an appropriation was made by the then "Democratic Congress" of $90,000 for the erection of light-houses on the coast of California, and also, in the year 1851, an additional appropriation of $15,000 for the same purpose. It was apparent

at that time, and the subsequent history of my State has established the fact, that the commerce of the Pacific would rapidly increase, and in order to give every facility and protection, the above appropriations were made. Notwithstanding the great necessity for the immediate erection of these light-houses on our coast, this appropriation remained untouched in the National Treasury for more than eighteen months: a fact in itself sufficient to demonstrate that the existing Whig Administration has conceived no new or sudden affection for California, as claimed by their supporters in my State.

At last, when urged to execute the law passed by Congress for the protection of our commerce, and the safety of the lives of the thousands who are seeking a home in California, the contracts for the erection of the light-houses were made, and from the purest patriotism, no doubt, and a sincere and ardent desire to exhibit in the most forcible light the strong affection of the present Administration for my constituents, Mr. McGinnis, the clerk in the Treasury Department having especially in charge this matter, after a full and careful examination of the estimates, &c., determined to sacrifice himself, and deprive the Treasury Department of his invaluable services, undertook this labor of love by taking the contract himself. Finding, however, from some cause best known to himself, perhaps, that the Treasury of the United States would not be safe without his presence, and that he could not go to California, he determined to "job" out his contract to the lowest bidder. This gentleman, no doubt, congratulated himself on the great service he was rendering my State, when he found persons willing to take the contract off his hands, and pay him a round sum of thousands, a moiety of which he retained for his own invaluable services, and the balance handed over to his worthy coadjutor in promoting the interests of my constituents.

This pretty little speculation, and peculation, by a clerk in the Treasury Department has been examined into, as I understand, by the committee of the Senate appointed to ferret out the frauds upon the Treasury, of which we have heard so much of late, and the facts as above stated fully proved. I wish to call the attention of this House and of my constituents to the fact that a Democratic Congress made the appropriations which were necessary and required, and that an official under the present Whig Administration, taking advantage of his position, has speculated, or rather peculated, at the expense of the people of California, and after a delay of near two years the contracts are let under the circumstances I have just related.

But, sir, this is not all. As if to add insult to injury, and in order especially that the people of California should have none of the advantages of the public works which may be contracted for in the State, all the material, workmen, and mechanics necessary for the erection of the light-houses, are shipped from this country.

The following article from the National Intelligencer, the accredited organ of the Whig party, finishes the history of this exhibition of the deep interest felt by the present Whig party, in the affairs of California:

"THE CALIFORNIA LIGHT-HOUSES.—The barque *Oriole*, now lying at Chase's wharf, Baltimore, has been recently purchased by Messrs. Gibbons & Kelly, (the contractors for the erection of light-houses on the Pacific coast,) and under their superintendence entirely refitted, rendering her one of the most substantial and beautiful vessels of her class out of the port of Baltimore. She is loaded with all the material necessary for the houses, with the exception of stone; and we are informed that the carpenters', tinners', and sandstone work is of the best workmanship. The Oriole is commanded by Captain L. H. Leutz, an experienced navigator of the Pacific. A number of our best mechanics go out in her to put up the houses; and from every indication the contractors have fully justified our prediction some months since of their entire capacity to comply with every requirement of the Government. There are eight houses altogether."

THE CENSUS.

The principle of representation, as developed and adopted in our Constitution, is of the most vital importance, and no subject is watched with more zealous and jealous care by the people of the States and their representatives, than the due apportionment of Representatives according to their population. To sustain and establish this principle, our fathers of "'76," took up arms and pledged their lives and fortunes. In no one thing appertaining to California have our rights and interests been more ruthlessly sacrificed by this Whig Administration, than in the entire and complete failure to make an enumeration of the inhabitants of the State.

An act was passed by Congress in 1850, authorizing an enumeration of the inhabitants of the United States, and a liberal appropriation was made by a "Democratic Congress." Under this law a gentleman of high estimation and standing in the Whig party in California, and one who presided over the deliberations of the recent Whig convention of my State for the nomination of candidates for Congress, &c., &c., and whose name is appended to the resolutions of that convention, in which this "Democratic Congress" is bitterly assailed, and charged with all kinds of malfeasance and neglect of the important interests of our infant State, was appointed commissioner to take the enumeration for California. He accepted and was sworn into office, and appointed his deputies in almost all cases from his partisan friends. The report, as made to the Legislature of California in 1851 by this Whig commissioner, who, by his indorsement of the resolutions of the Whig Convention over which he presided, charges so furiously upon the present "Democratic Congress," admits that his duty has been but half performed, and that his enumeration of the inhabitants of the State is from thirty to fifty per cent. short of the actual number.—(*See Journals of Legislature for* 1851.)

This report of this Whig commissioner came up as a matter of *record*, as an *official report*, before "the present Democratic Congress;" and by it, California could ask or demand but *one* Representative, though every man in the State knows we would be entitled to *three*, if this Whig official had performed his duty. Thus stands the *record* from the leading Whig in the State, and upon it "the present Democratic Congress" was bound to act. The "Democratic" Representatives in "this Democratic Congress" protested, in the name of the people of the State of California; and demanded that they should not be robbed of their just representation, by either the frauds or the neglects of a Whig Administration or of Whig office-holders. Our protests were not made in vain; and I return the most profound thanks to "the Democratic majority" in the "present Congress," that they have disregarded the official report of a Whig officer, and have given what, it is true, by his record, we had no right to demand—a fair and just representation to the State I have the honor, in part, to represent, on our statements of the facts, and estimates of population.

Though I believe the State of California has a population, if truly enumerated, that would entitle her to three or more Representatives on this floor, yet, under the circumstances, I am satisfied; and believe the people of California will be, also. It cannot be, and will not be alleged, that the appropriation by the "present Democratic Congress" was insufficient to take the Census; for, by the report of the United States Census Commissioner, there is a surplus of over $40,000 in his hands unexpended. On this subject, then, the "present Democratic Congress" have performed their duty, and the present Whig Administration has failed to do theirs. There is, perhaps, no other question in which the people of California have a greater interest than in this. As long as we have the ear of the people of the Republic, we are safe; and though it may require time for us to make them understand our peculiar and anomalous condition, and delays may be the consequence, yet as long as we have our full and fair representation on this floor, we will not doubt that full and fair justice will be done us in the end, and that all of our wants and necessities will be fully met by our sister States.

As unpleasant as it is to me to submit this record of abuses of the Whig party in California affairs, and as prejudicial as I know, if not properly understood, it will be to the interests of my constituents, yet, in view of the fact, that we are soon to have a change in the Executive Department of the Government, I ask, with confidence, your attention to the condition of things on the Pacific coast, believing that "the present Democratic majority in Congress" will do full justice in the premises.

CALIFORNIA MINT.

You have already passed a law establishing a branch of the United States Mint in California, an institution more needed than any other, and the want of which affected every man in the State. The opposition which was made to the passage of the law, and occasioned the delay of over six months, was concealed, but none the less powerful. The owners of the United States assay office at San Francisco, were deeply interested in delaying the passage of the bill, and in person or by their agents, were hanging about the Capitol all winter, using through their political friends on this floor, all the advantages which the wretched and miserable rules of this House give a factious and unscrupulous minority. The appropriation of money necessary to carry out the law has been made, and the interests of California, as connected with this institution, are now in the keeping of the Executive, and it is to be hoped no time will be lost in putting the Mint into successful and active operation.

THE CIVIL FUND.

The bill entitled "An act to authorize the Secretary of the Treasury to settle the accounts of certain officers," which has passed the Senate, and is now in the hands of the Military Committee, is one of importance to California; and though I will not now go into an elaborate examination of its merits, preferring to defer the investigation until it is brought before the House for action, yet I will give the substance, and a few of the reasons why we demand that the money thus collected, known to my constituents as the "civil fund," should be paid into the treasury of the State of California.

After the treaty of Guadalupe Hidalgo, the Military Government established prior to its ratification, was, as is claimed, from necessity, continued in force, and exercised the power of levying and collecting taxes in peace, as they had military contributions during the war. Our claim is this—(and we do not come begging, but demanding its recognition as a matter of right, of justice, and upon principle; a principle ever to be held, I hope, inviolate, by an American Congress, and one, for the sustaining of which our fathers pledged their "lives, fortunes, and sacred honor")—the taxes collected after the treaty of peace, and prior to our admission as a State into the Union, amounting to near one million and a half of dollars, was collected without authority of law—by usurpation of powers on the part of military officers, and without representation. We therefore claim and demand that all moneys collected in California after the treaty of peace with Mexico, and prior to our admission as a State into the Union, shall be paid over into the treasury of the State of California.

THE CALIFORNIA BATTALION.

The next question to which I desire to call the attention of the House, is to the payment for services rendered by the American residents in California, as volunteers, during the Mexican war. Prior to the arrival of dispatches announcing that war existed between Mexico and the United States, an attempt was made by the Mexicans to drive the American settlers out of California. Like all Americans, in whatever part of the world they may be found, those who had settled in California determined to resist tyranny in any shape in which it might present itself. They armed themselves, and, not waiting for the attack, hoisted the "Bear flag," and drove the Mexicans out of all that part of California north of the Bay of San Francisco. When about to push their successful and patriotic little army further south, news of the existence of war between the United States and Mexico was received—the "Bear flag" was hauled down, and the "Star-spangled Banner" raised, and one and all of that gallant band enrolled themselves under its folds. Under the command of United States officers, they conquered and held possession of California, and delivered her to you a free-will offering. Those brave men, many of whom had just completed a long and tedious journey over the plains and mountains, giving their families over to the charge of the kind, brave, and hospitable Captain Sutter, entered the ranks, and did good service; others, residents of California, left their homes and harvests, and enlisted under your ban-

ner. They supplied themselves with arms, ammunition, horses, and subsistence. They as yet have received no compensation for their services, and I predict, with the fullest confidence, that the "present Democratic Congress" will not adjourn without making full and ample compensation to the brave men who have added California, the brightest star in your galaxy, to the Union.

THE SANDWICH ISLANDS.

In reference to California and Pacific interests, I will call the attention of the House to the acquisition of the Sandwich Islands. I am not contemplating their acquisition by force or fraud. I am not inviting an imitation of the French in their seizure of the Society Islands against the will of the inhabitants, nor of the English in their aggressions upon the weak and defenseless in all parts of the world; but of a peaceable acquisition, at the earnest request and desire of the people and the authorities of the Islands themselves. It is a well-known fact, that these delightful and productive Islands have been the great objects of missionary effort on the part of the Christians of the United States—that the industrial change which laid the foundation for social, Christian, and political organization, was introduced among the inhabitants by Mr. Brinsmade, an American citizen, who introduced the idea of separate property and rights among the people, whose persons and property prior to 1835, was under the entire control of the King and chiefs. He also first introduced the culture of the sugar-cane. With the rights of property, came notions of correct government, and under religious teachings, education, and the example of Americans among them, society has assumed something like system and regularity. But it is manifest to all thinking men, and especially to the people of these Islands, that they are too weak to maintain a separate independence, and must seek the protection and submit to the control of some other Power. Essentially, not only from natural position, but from teaching and intercourse, to escape English and French domination, the people and authorities have sought annexation to the United States. A regular treaty of cession was made with the Hon. L. Severance, our Commissioner, tendering these Islands to our Government, which is now on file in the State Department. Mr. Fillmore rejected the treaty, and, from the general policy of this Administration, seems to think that the best disposition which can be made of the Islands is to place them under the joint protectorate of the United States, England, and, I suppose, France. The treaty, and all correspondence connected with it, has been refused to the Senate by the President, although called for by solemn resolution.

To this subject I wish to call the attention of this House, and the American people. The possession of these Islands by the United States is not only of the highest importance to California and the Pacific, as matter of security in time of war, and especially in a war with Great Britain, but their trade is of vast importance, and their possession almost necessary to the United States, in a successful prosecution of commercial enterprise with Asia and the Pacific Islands. The settlement of our Pacific coast, and the transit of the Isthmus, with the gold discoveries on the Pacific, render it certain that the trade of the East will change its course, and that the commerce of the world will find an American route. In view of these grave matters, the Sandwich Islands are to us of untold importance. Their rejection by the President not only creates surprise, but awakens amazement, and is one of those stupendous blunders, politically, that can find no excuse or palliation. It must be that the subject is too large for the microscopic view of those in power, or that they have failed through ignorance of its importance, or short sightedness, as the gnat's eye is incompetent to grasp the steeple of St. Paul, or it must result from the vice and error of a political creed. Some reason must be sought for—either danger to ourselves, from defect in our system, from expansion, or apprehension of interference from foreign Powers. To reject them from apprehension that our territory is already too large, is an impeachment of our political system. Lack of faith in the principle of self-government for extended territory, manifested itself at an early period in our history; and had it prevailed, would have limited us to the east of the Mississippi. This notion originated with the advocates of monarchy, and became a maxim that self-government was only possible in small territories. It would seem that our own experience should have dissipated this error; but we have sad proof of the reverse in the rejection of the Sandwich Islands by the present party in power.

The acquisitions we have already made have demonstrated its folly, and their admitted wisdom and necessity should have saved even Mr. Fillmore from so gross a blunder. In this respect, however, he has adhered to the principle of his party—"*opposition to an extension of our limits;*" which it would have been supposed that pride in our growth and power, if not patriotism, would have rejected. But putting the principle into activity at this time, and in application to so grave a case, proves that it is still an elemental principle of the Whig party; and, thus viewed, challenges and demands the consideration of the American people as to how far they will give it recognition, by placing its advocates again in power. Every enlightened European mind has foreseen the ultimate control of the entire continent and its islands by the United States, and declared that it was a result idle to lament and useless to oppose. Indeed, so far from regarding it as a matter to be regretted or opposed by other Powers, they concede that it will be beneficial to the interests of mankind—contribute to the preservation of public peace by removing causes of collision, which must arise in the efforts of monarchs to assert dominion, which, in the nature of events, must cease either by consent or force—that Europe has no right to control America or any portion of it, and should only look to her for justice, amity, commerce, and kind offices. How the idea should ever have obtained that it is safer to our institutions that monarchies should have lodgment upon our continent, and strongholds in our islands, than that all should be under like principles and form of government with ourselves, can only be explained by the foolish belief that monarchy is not only the best form of government for the people, but the best protector of republics. But it may be objected that if too large, we may fall to pieces from our own unwieldiness; if so, is not the principle of self-government better protected, in the fact that there are many free Governments all opposed to the despotic principle, than that there should be only one small feeble republic, afraid of expansion, which may prove its destruction, and existing only by the sufferance of other Powers? It is time that the exploded anti-American notion that our Government is only suited to a small territory should cease to operate upon or have advocates in power.

But the scheme of a joint protectorate which the general policy of the President suggests, is nothing less than the introduction of the European balance-of-power principle into American affairs by treaty stipulation. We agree to forbear the extension of our limits, whilst European Governments, to preserve the balance of power, and to prevent one nation, by conquest or acquisition, from growing so formidable as to endanger the safety of its neighbors, unite by force to check each other. We have never conceded the application of this principle to our continent, nor have the powers of Europe dared to attempt to enforce it. Our position forbids its application, and we early asserted that we would not tolerate further European acquisition in America. But if we enter into joint treaties to guaranty the separate independence of the American islands, we not only place it beyond their power, by their own consent, to become annexed to the United States, but exclude ourselves from their acquisition in any other mode, except at the hazard of general war. Thus we consent and obligate ourselves not to extend our limits by the annexation of those who desire it. Thus European Powers accomplish by treaty what they dare not assert by force, and we, by foolish consent, surrender our rights as a nation, and occupy the precise crippled and powerless position in which they desire to place us. Why should we, by treaty, agree that the Sandwich Islands, Cuba, Mexico, Central America, and Canada, should not become parts of the United States if it may be found to be the wish and interests of all it should be done? Yet these schemes of joint protectorates, and entangling alliances in Central America, to guarantee, in the transit of the Isthmus, to all nations equal benefits with ourselves, is not only to forego advantages resulting to our position, but an admission on our part of European right to interfere with American affairs.

Indeed, it was a matter of consultation with European Powers heretofore as to the mode in which check could be given to American growth, and seriously contemplated to establish monarchy in Mexico and South America. Some scheme of this sort would have been attempted had it not been for the late disturbed condition of Europe which threatened the extinction of despotism. But since the failure of Hungary, the overthrow of the French Republic, and the suppression of liberalism in Italy and the German States—the sense of danger escaped—has produced a hatred and terror of free governments more deep and consolidated than the fears that produced the combination against Napoleon and the alliance to suppress liberty. It is idle to suppose that the Powers of Europe have any real friendship for the United States, or will concede to us anything which is not extorted by interest or fear. Their eyes are beginning to open to the wonderful energies of our people, our vast resources for war, to our mechanic skill and superiority in naval architecture, and the conviction is beginning to obtain that the United States not only is now to be ranked at the head of existing nations, but is speedily destined to exert a controlling power upon the world. She is washed by the two seas of the world, and, starting on the Pacific and Atlantic at different points of the compass, reaches by opposite routes the great fields of Asiatic commerce. Our contiguity to China and Japan, and the certainty that the trade of Asia and the Polynesia will leave its old channels for the route across the Isthmus, has convinced England that we have the vantage position in the struggle for the world's commerce, and she is putting forth every energy to check and compete with us. She is giving every possible aid and encouragement to the settlement of Australia, and is setting on foot a line of steamers for a route across Central America. The most certain, and indeed the only successful way to divert to herself the great advantages incident to our natural position, is to obtain the control of the islands of the Pacific. From natural position and production, the Sandwich Islands is the commanding point of the Pacific, and in reference to the Asiatic commerce, they are directly in the channel of trade, and their possession will confer control, and their surrender to British or European dominion would be an irreparable loss.

If it be complained that the agitation of this question may have a party bearing, my answer is, that they make it so who have created the necessity for discussion. It is an American question, and there should be no difference of opinion. But if a party will make it a party doctrine, to oppose all acquisition of territory, to enter into "entangling alliances" in opposition to the advice of Washington, and the practice of the Government, to forego the asserted doctrines of Monroe, and the fixed determination of the American people, that monarchy shall obtain no further foothold upon our continent, it must expect condemnation and rebuke. A party that looks more to the interests of foreign nations than our own, ought not to ask the people for support and power, who demand at least ordinary intelligence and patriotism in the management of public affairs, and are not disposed that the Republic should receive detriment from vicious principles, weakness, or wickedness.

If Mr. Fillmore would relieve himself and his party from the dilemma in which he is placed, let him retract, and accept the treaty of cession of the Sandwich Islands, so far as in his power; and if the Whig party would wipe out their anti-American opposition to the extension and growth of our country, let them acknowledge their past offenses, and exert themselves to make reparation. They have sneeringly remarked that the Democracy has been employed in extending "the area of liberty," and have resolutely put themselves in opposition to any such wicked end; but failing heretofore in all their efforts, the country having gradually progressed from the Atlantic to the Pacific, they would now fain put a stop to such proceedings, by joint protectorates, and "entangling

alliances," much after the fashion of the "Holy Alliances" and "balance-of-power" principle of the crowned heads of Europe. If Mr. Fillmore does not wish the people of the United States, and *more especially of California*, to rectify his blunder, let him soon correct his own mistake, and let him and the Whig party remember their fate, in their opposition to the annexation of Texas.

To reject these Islands from apprehension of foreign Powers, is a baseness which invites insult, and would seek safety in dishonor. As an independent Power, we should consult our own interest and will; and when acting within the scope of right, and in accordance with the principles of international law, we should not regard, much less fear, the selfish policy of others. To refrain from an act of right under threat of chastisement would bring upon us the interference and assaults of all despots. I see that the old and accredited organ of the Whig party places the rejection of the Sandwich Islands by the President upon the ground that their acquisition might displease France. But subserviency to foreign Powers seems to be a part of the Whig creed; and hence in this matter, as well as in all our foreign intercourse, we find that party on the side of our enemies. I am speaking of the party faith, for I admit that many good and patriotic men, from early education and association, who have been reared up in that Mohammedan creed, are just as honest in their motives as though of the Christian faith. The Whig creed, however, is nothing more than the offspring of avarice and fear; and hence, whatever might affect commerce, or expose to danger, has always been avoided by that party, even at the expense of honor, national independence, and the ultimate glory and prosperity of the Republic. I do not intend to make any remark offensive to that great body of our citizens who call themselves Whigs, because, in the true sense of the term, there are no more Whigs; the principles which composed the Whig creed are all dead, and I speak of those who opposed the war of 1812, that with Mexico, and of all our acquisitions, from Louisiana to California, the most valuable of them all; and I suppose there is no man who would dare avow such notions at the present day.

But in the rejection of the Sandwich Islands, Whig policy and Whig principles again manifest themselves, in their most odious form; not only opposing the acquisition of these Islands, but in seeking, if not to surrender them entirely to the control of foreign Powers, at least to take them in as full partners, in all the benefits and profits which may accrue from their possession and management. The fact that England is endeavoring to form an alliance with the naval Powers of the world, to guaranty the political and financial independence of Mexico, as a barrier to further American acquisition to the South, seems to meet with no disfavor from this Administration. Even the fishery question, in which England has made an effort to deprive us of rights in running a line that will cut us off from rights of fishing, which have been enjoyed "for a time whereof the memory of man runneth not to the contrary," fails to awaken that action, which the importance of the subject demands. England on this question, as well as others, seems well to understand the present Administration—the weakness of some, and the friendship of others—and so far unites civility with violence, that even in an act of war, she places at the service of our foreign organ an armed vessel for sporting excursions among the finny tribes, and courts to his vast brow the cooling dalliance of old Ocean's breath, whilst she carries war and armed ships to strike down the rights of our fishermen. Whether this compliment was designed to repay past favors connected with the Maine boundary question or others in expectancy, has not as yet transpired.

Sir, I trust in the ides of November, that the people will check this tendency to succumb to English policy; that they will make a change for an Administration of American feeling and principles; for an Administration which will carry out the doctrines of Monroe; for an Administration which will look to American interests and consecrate this continent and its islands to free government and free men. With this policy California is content; and if, in the accomplishment of our destiny, monarchy or despotism attempt to interpose and bring on strife, we say, "Let slip the dogs of war;" for in the shock of battle, in the conflict of freedom with despotism, dynasties and crowns must go down, and the people of the earth will have an opportunity to assert the right and dignity of man. We seek no war; we will submit to no wrong; but if the Powers of Europe atttempt to put fetters upon our growth, and interfere with our affairs, what American heart would not resist? If conflict must come of this, what American would not say, Let it come? Meanness and cowardice may oppose, avarice and fear may dictate submission, but who will tolerate such motives and feelings in the administration of our national affairs? Who will say that the Sandwich Islands shall be rejected from fear? Are we to receive lessons of fear from the Executive? Shall he teach the courage and pride of the American heart to forego the rights of the Republic from ignominious fears? Will he tell the American people that they shall not annex the Sandwich Islands from dread of offending France, England, or all of continental Europe? Let him tell them so; let Whig policy tell them so; but it will be found that the American heart will scorn such baseness, and assert our right and honor as a nation, if the shock of battle shake the world.

Thus I have submitted some views of California and her interests. I wish you to remember that the Pacific coast is as extensive as the Atlantic, with the largest and best harbors in the world; that it is contiguous to the millions of Asia; that the gold production of California threatens a social revolution in the Old World; that the increased circulating medium increases the wages of labor and its products; whilst fixed incomes and pensions remain stationary. Let no man doubt the issue of such a revolution—let no man attempt to stay its progress; but let the islands and the continent, and the States and the people, be one forever, and all mankind will find repose under the protecting wing of free government. But the acquisition of the Sandwich Islands will produce no conflict—it will create no wars. It is as much as the Powers of Europe can accomplish to enslave their own people; they want no conflict with us; but it is essential to our Pacific interests that we should have the possession of the Sandwich Islands, and upon this point the people of California will speak with one voice. In the annexation of the Sandwich Islands it makes a part of ourselves—no "entangling alliances" are formed—no treaty promise of protection—no obligations with other nations; but we become one power, independent of the balance of the world.

THE PUBLIC EXPENDITURES, &c.

SPEECH OF HON. GILBERT DEAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

August 23, 1852.

The House being in the Committee of the Whole on the state of the Union (Mr. HARRIS, of Tennessee, in the chair)—

Mr. DEAN said:

Mr. CHAIRMAN: More than two months have now passed since the Whig party, or rather a section of it, nominated its candidate for the Presidency with the sole and avowed intention of retaining for itself official position, by disregarding capacity, and grasping for that most unsubstantial shadow, availability. The more certainly to accomplish this object, its recognized committee have scattered broadcast over the land, pictures so ridiculous as to excite only emotions of contempt in the minds of those to whom they were addressed, and provoke to scorn the men whose judgment has been insulted by so unworthy an appeal. These pictures, or caricatures, were accompanied by stories so new, marvelous, and apocryphal, that the tales of Munchausen, and the narration of Sinbad are veritable history in comparison. To those who feel an interest in the problem we are so happily solving—the power of man to control his individual action, to determine his own choice—it is a source of the highest gratification that all these appeals have met with no response from the popular heart—have created no excitement in the public mind.

This experiment has taught its originators a truth they should have learned before, that when the country is prosperous, trade moving in its accustomed channels, agriculture receiving its wonted reward, manufactures and the mechanic arts all successful, the people cannot be stirred into commotion by the sound of a trumpet, or waked to enthusiasm by the sight of an epaulet; that reason alone can permanently influence or control the judgment, though prejudice and fiction may occasionally and temporarily excite the passions.

In this state of the public mind, it becomes important to understand the position of parties, and to ascertain what are *obsolete*, and what *living* issues, to be determined by the people at the ballot-box.

The validity or binding efficacy of the several acts known as the compromise measures, are not an issue between the Whig and Democratic parties. The Convention of each, whether wisely or rightly I will not now say, for the declared purpose of preserving the nationality of its party, without reference to individual opinion, has determined, as a political organization, to acquiesce in those measures. And although there are individuals North and South who do not approve of all of the series, yet, if there is any efficacy in paper platforms or party professions, then for four years, at least, whichever candidate for President, nominated at the Baltimore Conventions, is elected, he is bound to regard those measures as a settlement of the matters to which they relate. The position of General Pierce upon this question is undisputed—that of General Scott is equally unequivocal here; but at the North, where opposition to one of these measures might be profitable, he is represented as occupying ground upon this subject which his language and public pledges repudiate. In some of the leading papers of the party which he now represents, the resolution on the subject of the compromise has never been correctly published; and a telegraphic dispatch, which is quite important in this connection, has been wholly suppressed. From a document issued at the office of the Republic, in this city, and which has been circulated in great numbers in the South by the Whig National Committee, entitled "The Presidential Canvass, or why southern Whigs should support the nominees of the Whig Convention," I extract the following resolution, from what it terms

"THE OFFICIAL PLATFORM OF THE WHIG NATIONAL CONVENTION.

"8. The series of acts of the Thirty-first Congress, commonly known as the compromise or adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States *as a final settlement*, in principle and substance, of the subjects to which they relate, and so far as these acts are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other, not impairing their present efficiency to carry out the requirements of the Constitution, and we deprecate all further agitation of the questions thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation, whenever, wherever, or however made, and we will maintain this settlement as essential to the nationality of the Whig party and the integrity of the Union."

This document, after publishing the resolutions duly authenticated, says:

"Have the candidates, then, accepted the platform, and will they act up to its requisitions? If they are men of honor and truth, if they have not replied to the Convention with mental reservations that would disgrace them forever, they have assumed all the obligations which that platform imposes, and will discharge all the duties it involves.

"What was the course of General Scott? Immediately on receiving news of his nomination, the General addressed a telegraphic dispatch to a friend in the Convention in the following words: '*Having the honor of being the nominee for President by the Whig National Convention, I shall accept the same, with the platform of principles which the Convention has laid down.*'"

If I were disposed to criticism, I would ask, what it is the General accepts—the nominee or the Convention?

He has been quite as unfortunate in the use of the English here as in his former epistolary efforts. But I leave this to insert the language of the official document in relation to this pledge, its purport and effect in securing the "*unanimous nomination:*"

"If General Scott on such an assurance should omit to act up in fidelity to the principles of the Whig platform, would he not stand in history as a dishonored man? So it

was understood and received by the Convention, and on the *strength of this communication, the nomination was made unanimous.*"

So far, therefore, as the candidates are concerned, they occupy the same position in reference to this subject, with this exception: that the *unanimous* nomination was given to General Pierce, unpledged and unquestioned, while General Scott, after a session of nearly a week, only obtained it "*on the strength of this communication.*" Southern Whigs, it is true, in large numbers, both in and out of Congress, refuse to support him, but they do it because they see in this nomination and this pledge the truth of the declaration of a certain influential Whig journal, that it was the result of a "corrupt bargain," by which one section was to have the *principles*, and the other the *candidate, and consequently the patronage of the Government.* Knowing, as they do, that the creature cannot dethrone the creator, the instrument can be no more potent than the power that originated its movements; that General Scott must therefore be controlled by the same corrupt influences which produced his nomination; that the patronage of his administration must be bestowed upon a section only of the party—that the appointments to office which would be the result of his election, would afford constant evidence of their humiliation, serfdom, and submission; they, and many of their associates in the North, prefer to stand aloof from the contest, or even vote for the Democratic nominee rather than aid in the elevation of those who would look upon them as vanquished rivals, and whose success would be a continual memento of the bondage and degradation of all who had opposed the movement which resulted in the election of the candidate of a faction of the party.

The question of a protective tariff is not an issue between the parties. In 1844, the Whig National Convention which nominated Mr. Clay, put forth the following bold and direct resolution in reference to Whig principles:

"*Resolved*, That these principles may be summed up as comprising a well regulated national currency—a tariff for revenue to defray the necessary expenses of the Government, and discriminating with special *reference to the protection of the domestic labor of the country—the distribution of the proceeds of the sales of the public lands—a single term for the Presidency—a reform of Executive usurpations.*"

The following is the meek and tame resolution of this year, on the subject of the tariff:

"5. Government should be conducted upon principles of the strictest economy, and revenue sufficient for the expenses thereof, in time of peace, ought to be *mainly* derived from a duty on imports, and not from direct taxes; and in levying such duties sound policy requires a just discrimination and protection from fraud by specific duties, when practicable, whereby suitable encouragement may be assured to American industry, equally to all classes and to all portions of the country."

It is true, that this resolution has been denounced by the gentleman from Pennsylvania, [Mr. JOHN W. HOWE,] and others, as being "Locofoco, and not Whig doctrine." It is the doctrine of the Whig party as declared by the Convention and sanctioned by the candidate. The tariff of 1846 makes not only a "just discrimination," but a great discrimination. It discriminates in its duties on different articles, dividing them in nine classes—levying upon the first class, consisting of luxuries, a duty of one hundred per cent.; upon the second, forty; upon the third, thirty; fourth, twenty-five; fifth, twenty; sixth, fifteen; seventh, ten; and eighth class, five per cent.; while the ninth class is admitted free of duty—each article, therefore, named in these different schedules is *protected* to the amount of the duty and cost of transportation. And the propriety of making them specific, instead of *ad valorem*, whenever practicable, is a question of detail, and not of principle. The bank has this year disappeared from the family of Whig measures; distribution of the proceeds of the public lands, the abolition of the veto, and reform of Executive usurpations, each have been buried in silence, with no monument to mark the tomb. The grand edifice erected by the genius, and supported by the eloquence, of Clay, has now lost its symmetry and beauty—one by one its columns have fallen. It awaits only the shock of the approaching earthquake to totter into ruin; like the tree whose spreading shade refreshed our boyhood, stretching out its fibres and grasping the earth for support and sustenance, now scathed by the lightning, leafless, branchless, affording no shelter, the naked trunk only remains, ready to fall at the first impulse of the popular breeze.

I hear gentlemen around me say, "That is true." "These questions are passed." Let no one conclude from this that there is no issue between the parties at this election, and consequently no necessity for a contest. Those (if any there are) who take this view of the subject do not distinguish between *principles of action* and the administrative *measures* which are used to carry out those principles—confound *causes* with *results*. There is the same difference now between the opposing parties that there was in the times of Jefferson, Madison, and Jackson. The one directs its energies to secure the advancement and progress of the race; the other exerts its influence to effect the purposes of individual desire. The one seeks the public good; the other the accomplishment of private interests and ends. The one has an abiding hope, a living faith, in the capacity of man; the other places its reliance upon forms and statutes to restrain his impulses. The one is advancing with the present and seizing upon the future; the other reposes in the shade of the past and adheres to its antiquated formulas. The one is in consonance with the pulsations of the popular heart; the other seeks to stop its beating; and the various governmental or administrative measures which have been adopted or proposed by these parties have been the *means*, the instrumentalities only, by which they have sought to develop their principles.

As a consequence of this diversity of sentiment, the Federal party has never proposed a measure which has been adopted and acted upon as the settled policy of the country; but, on the contrary, has invariably manifested its hostility to the advance steps of Democratic progress. After a contest between right and prerogative, and the popular verdict has been pronounced, the instinctive propensity of this party to keep the position of official recipiency compels a reluctant acquiescence; but we find the persons composing it equally horrified and astonished at the next movement of the public mind; hence they have received the descriptive and appropriate cognomen of the party of "*obsolete ideas.*" They have not the slightest comprehension of the *principles* of Republicanism, or the symmetry of our system. They look upon Government as an artificial arrangement, a purely factitious creation, instead of the natural state of existence. They hold that its safety is dependent upon the checks and restraints it imposes upon the people, and place their faith in these rather than in the actual and existent principles of which it is only the external manifestation. Whenever, therefore, they have been intrusted with the management of the Government, they have shown their absolute incompetency to direct its harmonious movements, or develop its inherent powers. Though the ignoramus, destitute of the first rudiments of mathematics, may, by an acquaintance with the tables which science has prepared, calculate the contents of a field, or the occurrence of an eclipse, yet it requires the mind, disciplined by study, and enlightened by learning, to prepare these, and with them reveal the secrets of nature, follow the planets in their course, and discover the causes which produce such results. So with our system, emanating from the people, experience has proved that only those whose feelings and sympathies are with the people, Democratic, have ever been able to grasp its significance, or guide its movements. A reference to the history of each Administration would prove the truth of this position, would show that every increase of national domain, every assertion and maintenance of international republican law, every advancement of popular rights, has been the work of Democratic Administrations—the result and direct product of Democratic thought and action; while all that the opposing party have ever achieved has been to retain the position its predecessor had acquired.

I do not propose at this time further to enlarge upon or elaborate this subject, but to confine myself to the other and equally conclusive manner of proving the incapacity of the anti-Democratic party to administer the Government, by showing that it has increased the public expenditure; brought into the management of public affairs a set of men who regard the Treasury as lawful prize—who look upon the offices as places to furnish means for enriching themselves and their dependents, and not as stations to be occupied for the benefit of all—who look to the *salary*, and not the discharge of official duty, as the end and object to be sought—who hold the *pay*, the emolument, which is only the incident, as the principal, the sole inducement; and, by the facts which I shall adduce, show that the question between the parties is, whether the happiness of the people is to be promoted, and the resources of the nation developed by the due and proper exercise of the constitutional functions of the Government, or its powers perverted, its Treasury applied to schemes of individual cupidity and the maintenance of a system of political pauperism, and whether the civil or military is to be the predominant power in the Government. In doing this, I am obliged to examine in detail the action of the present thoroughly Whig Administration, and compare its management of finances with that which immediately preceded it.

Mr. Polk was inaugurated March 4, 1845. The fiscal year begins on the first day of July, and is estimated for by the various Departments the preceding December, and the Congress of that winter always makes appropriations for the year commencing the succeeding July. The last fiscal year of Mr. Tyler's administration ended on the 30th of June, 1845. Mr. Polk's administration is responsible for the expenditures from that date. It is also proper to state here, that there existed at that time a large public debt, which fell due during his term of office, but for which he is in nowise responsible. By an examination of the official reports I find that for the fiscal year ending June 30, 1846, the total receipts were, $29,499,247 06. Total expenditure for that year, $28,031,114 20.

The Mexican war broke out in May of that fiscal year. It had been for months threatened and impending, and there were largely-increased expenditures for warlike munitions; and by the report of Secretary Walker, in December following, we find charged to Mexican hostilities in that fiscal year—

War Department	$3,304,848 04
Navy Department	147,619 40
	$3,452,467 44
Payment on account of public debt	1,217,823 31
	$4,670,290 75

This amount deducted from the total cost of the year, leaves the sum of $23,360,823 45 as the whole peace expenditure of that year. This includes also a large item paid to militia of States and Territories, chargeable, I suppose, to the war; but I have not deducted it.

For the fiscal year ending June 30th, 1847, the whole receipts of the Government were, $61,152,428 90. Expenditure, $59,451,177 65.

During this year the payment on account of the public debt was, $3,522,082 37; leaving the total expenditure, omitting public debt, $55,899,095 28.

For the fiscal year ending June 30, 1848, total receipts, $58,394,701 84. Total expenditure, $58,241,167 24.

During this year the payments on account of the public debt amounted to $15,429,197 21—which, deducted from the whole expenditure, leaves the amount, (omitting the public debt,) $42,811,970 03.

For the fiscal year ending June 30, 1849, the total receipts of the Government were, $48,983,632 10. Total expenditure, $46,798,667 82.

During this year there was paid on account of the public debt, and installments to Mexico, $16,453,272 39. Omitting payment on account of the public debt, the whole expenditure was $30,345,395 43.

We find the expenditures of Mr. Polk's administration of four years, including the public debt and all the cost of a war, in which there were eighty thousand men in the field, amounted to the sum of $192,522,126 91; making a yearly average of $48,130,531 72. The amount of public debt, including the sum paid to Mexico under the treaty, was $36,622,375 28, being a yearly average of $9,155,593 82 paid during a war. The whole amount of expenditure, deducting the amount paid on the public debt, is $155,899,751 63; the annual average expenditure being $38,974,937 90.

We commence now, the three years of Whig

Administration of the finances, during a time when we were "at peace with all the world and the rest of mankind," beginning with the fiscal year commencing July 1, 1849, and ending June 30, 1850.

The total receipts for that year, were $45,959,813 18. Total expenditure, $43,002,168 69. There was paid, on account of public debt, $7,437,366 41; leaving the expenditure $35,564,802 28. This year had been estimated for by Mr. Walker, including public debt, Mexican installments, and all other expenses, at $33,213,152 73. The actual expenditure of the first year of Whig rule, therefore, exceeded the necessary and estimated expenditure, $12,746,660 35, or over fifty per cent. of the whole peace expenditure of Mr. Polk's administration.

For the fiscal year ending June 30, 1851, the whole receipts were, $58,917,524 36. The whole expenditure, $48,005,878 68. There was paid this year on the public debt, $4,217,986 10. The total expenditure—omitting the public debt—was $43,787,892 58.

For the fiscal year ending June 30, 1852, the total receipts were, $49,745,598 72. The actual amount of money *paid out* prior to July 1, 1852, was $45,735,591 73. But a deficiency bill, to make up for moneys which the Administration had spent beyond the appropriation, had a long time prior to this been reported, but had not yet become a law, which, however, has subsequently passed, amounting to $5,434,882 36, and is to be added to the preceding amount, which will increase the total expenditure for the fiscal year ending June 30, 1852, to $51,170,474 09. There has been paid during this year on the public debt, $6,022,115 53. Leaving for the actual expenditures, exclusive of debt, for the year ending June 30th, 1852, $45,148,358 56.

The total expenditures for the three years of the Whig Administration, including public debt, is $142,178,521 46—being an annual average of $47,392,840 48.

The total amount of public debt paid during this period of three years is $17,677,468 04.

Yearly average, $5,892,489 34.

The total amount of expenditure for these three years, omitting the amount paid on account of the public debt, is $124,501,053 42.

Yearly average, $41,500,351 14—exceeding the yearly average of the time of Mr. Polk's administration the sum of $2,525,313 24.

The yearly average of public debt paid by this Administration has been but $5,892,489 34, while the yearly average of Mr. Polk's administration was $9,155,593 82.

Annual average excess, $3,263,104 48.

I have thus shown that, omitting the amount paid for principal and interest on the public debt, the annual expenses of this Administration, in a time of peace, have exceeded by more than $2,500,000 the expenses of the preceding Democratic Administration in conducting for the first time in our history an expensive and protracted foreign war, which resulted in doubling the area of our territory. This is a startling announcement, and the natural inquiry is made, where has the money gone? Before proceeding to answer that, I desire to call attention to the obvious fact, that no comparison can be fairly made between the total expenditures of these two Administrations, because one had only to provide for a peace establishment—the other had to bear the enormous burdens and multiplied exactions necessary to the support of an invading army quartered upon foreign soil. I find in a speech made in this House, Februarv 14, 1850, by the Hon. George W. Jones, of Tennessee, on the finances of the Government, that he has examined the documents, and deducted from the annual expenses of the administration of Mr. Polk those items which were clearly chargeable to the war, and that during the three years in which the war was actually carried on, the expenditures of the Government, exclusive of the war, were as follows:

For the fiscal year ending June 30, 1846...	$22,864,296 52
For the fiscal year ending June 30, 1847...	24,728,245 61
For the fiscal year ending June 30, 1848...	23,522,068 40

From the report of the Secretary of the Treasury, in December, 1850, it appears that the average annual expenditures of the Government for the three years ending June 30, 1843-'44-'45, exclusive of public debt, was $21,277,901 64. We have seen that now, after a lapse of only seven years, the average yearly expenditure is more than $41,500,000 exclusive of the payments on account of the public debt.

But why this enormous increase? We are answered, "on account of the extension of our territory." This will not do—when we conquered that territory, and held it by the force of our arms, and supported there an immense army at a less expense. But the treaty of Guadalupe Hidalgo was concluded in February, 1848, and published by the President here in July of that year; so that for one whole fiscal year, ending June 30, 1849, the last of Mr. Polk's administration, we were in possession of every acre of this territory; and it being the first year after the war, it was necessarily the most expensive. We were obliged to provide and locate there a peace establishment, and undergo very many expenses which could never again occur; and yet we find that during that year, including the entire cost of the Army and Navy, and pensions, the whole expenditure was only $30,345,395 43—more than $11,000,000 less than the yearly average of the three succeeding years.

I have shown that the first year of General Taylor's administration exceeded by $12,746,660 35 the estimates of Secretary Walker. But the first year of Mr. Fillmore's, under the administration of the Treasury Department by Mr. Corwin, exceeded the estimate of Mr. Meredith, General Taylor's Secretary of the Treasury, by the moderate sum of $8,856,504 77. So that it seems that even the *Galphin Cabinet* has been outdone by their Gardiner successors.

I now proceed to show in what manner this money has been shoveled out of the Treasury; for it would seem they could not have taken time even to count or weigh it. We cannot go into the various Departments while under the control of their present heads, and see how or where the treasure is abstracted. Most of the abuses are concealed. We can only observe results, trusting that a light will be kindled in those dark recesses that will reveal the secret pipes which have been draining this almost inexhaustible reservoir. Until that time we must wait, contenting ourselves with the indicia of fraud—the occasional debris or scattered remnants that we can find—the tracks we can discover, which point invariably in one direction.

The Army is the great pregnant mother of a monster-brood of abuses. I have been amazed, at examining the reports of the War Department, with its hydra-headed military bureaus. We have, in addition to the Secretary of War, nine military bureaus, each presided over by some distinguished chieftain, residing in Washington, receiving large salaries, and provided with their chief clerks and subordinates—for what? To transact the *civil business* of the Army! But let us see how this Department is managed. The last report of the Secretary of War shows that there were on the lists, during the last year, *ten thousand five hundred and thirty-eight* men, which, owing to desertions, sickness, and deaths, will afford "an effective force of eight thousand five hundred." I had made an estimate of the amount which it costs per man, according to the documents submitted; but since making it, I have found the following, from a speech delivered in the Senate on the 15th of April last, by Senator HUNTER, of Virginia, chairman of the Finance Committee; and as he has every opportunity for the most accurate information, and is known to the country by long and faithful service in Congress, I prefer giving his statement rather than my own. He says:

"I find, on comparing the expenditures for the year ending the 30th of June, 1845, and the year ending June, 1851, that, in 1845, the whole expense under that head was $3,155,027; and in 1851, the expense of the Army proper was $8,949,000. When you come to add to that $1,221,856, to be for expenditures in the Quartermaster's Department, not appearing in the Register's books, you have an expenditure for the Army proper of upwards of $10,000,000—being more than three times as much as it was in 1845. We have the estimate for ten thousand five hundred troops in the field; and when we come to take the expense for the Quartermaster's Department for the last fiscal year, we find it comes very nearly to $500 per man under that head alone. In the Army proper, the expense, when the sum of $1,221,000 is added as above to the Secretary's statement, is about $965 per man. And the whole military expenditures of that year are $11,811,792, as stated in the report of the Secretary of the Treasury." * * * "But the fair mode of estimating these expenditures, for the purpose of comparison, is to take those for the Army proper; and under that head we have, as I have before stated, $965 per man for the last fiscal year. But when we come to look at some of these items, we find they are of a character that must of a necessity startle us. During the last fiscal year they spent in Texas alone $1,040,000; in California, $627,000; in Oregon, $187,000; in New Mexico, $806,154."

The expenditures for the Quartermaster's Department alone, for the year ending June 30, 1852, are thus shown to be nearly $500 per man; and the whole expense, per man, $965. In 1845, a time of peace as now, the whole expenses of the Army proper, per man, were $366 50; and in the Quartermaster's Department, less than $115 per man; showing an increase in the Quartermaster's Department, since 1845, of more *than four hundred per cent.* During the year 1847, the most expensive year of the Mexican war, the cost of each soldier, *per capita*, in the Quartermaster's Department, was $374 81; and now it costs much more to keep our soldiers resting, than it then did to maintain them fighting. But the question returns to plague the managers of this Department, how are these amounts made up? The pay of each soldier is eight dollars per month, or ninety-six dollars per year. This amount is not included in the expenditure of the quartermaster. Nor is it any of his business to furnish subsistence, ordnance, ammunition, or medical expenses. There are a few items to which I desire to call attention, which, in a very limited examination of the official reports, have seemed worthy of notice. By appendix C to the Quartermaster General's report, I find that, July 30, 1850, L. G. Capers was paid ninety-six cents per one hundred pounds, for transporting in wagons from San Antonio, in Texas, to Fort Merril, 67,500 pounds of freight—nearly one dollar per hundred. There are other charges about the same date, some at the same rates, and others a trifle lower. What is the distance and character of the road? By a subsequent portion of the report, we find Fort Merrill is one hundred miles south by east of San Antonio; and on the same page, in speaking of the roads to San Antonio, it says, "all generally good natural roads." This would seem to be a most exorbitant price. Whether the contractor and any of the officers at the station divided the profits, we are not informed by the official documents. The inference, however, is irresistible.

From the same report, I extract the following comparative statement of expenditure:

	Year ending June 30, 1845.	*Do.* 1851.
For forage	$99,794 20	$1,287,327 91
For constructing and repairing military buildings	97,161 76	558,254 33
For rents	63,685 21	187,323 78
For incidental expenses	89 818 60	392,728 14
For transportation	130,053 52	2,194,408 51
Traveling allowances for officers	47,650 83	106,759 65

It will be seen by the above, that while every branch of expenditure has increased greatly, the one for forage has in six years been multiplied by more than ten, and that for transportation by nineteen. One cause of this is, in purchasing at distant places, and unnecessarily paying for transportation, when the same articles could be purchased as cheaply at or near the stations. But unfortunately for the Government, the contractors—the men who are to make the money by furnishing these supplies—do not inhabit the *Territories*, they live in the *States*, and are rewarded for party services by contracts, to furnish articles at extravagant prices and great distances from where they are needed. This affords another class of contractors a remunerating job for transporting these supplies; and though it be "carrying coals to Newcastle," yet it answers the end intended—an excuse for putting their arms in the Treasury. During the Mexican war, in the same climate, it cost nothing for forage for horses, mules, &c. Now, more than a million is annually paid for this alone. Hay, where it can be had for the cutting, is purchased at $50 per ton, in a climate where "grazing is good for all but two months in a year," and in some places the "*whole year*," and corn $3 50 per bushel, where the soil yields its natural products a hundred fold. But the secret of it all is to be found in the fact, "that the officers attached to 'the Army at the different depôts, availing themselves of their positions, have speculated in those 'articles with which it was the duty of the Quartermaster's Department to supply the Army."

We find another very large increase in the table I have inserted above, in the item of rents; and on examining into the details, I find officers' quarters hired at a most exorbitant rate. I will not cite instances in California, where everything is known to be high, but in New Mexico, where there is no reason for more than the average prices. "One house, occupied as quarters by Brevet-Major O. S. Sheppard, Lieutenant L. N. Bannon, and Quartermaster's store-room, $85 per month," or $1,020 per year. "Quarters for Colonel Alexander, commanding, $50 per month," or $600 per year, and numerous others in proportion. Little did our revolutionary soldiers and officers, sleeping during our northern winters in tents and barns, or General Jackson and his brave associates in later times, suppose that their successors were at the public expense to quarter in princely palaces, and revel in royal halls! But into such degenerate hands have we fallen in these "piping times of peace." Who is responsible for such flagrant and long-continued abuses? General Scott, who now and for years has stood at the head of the Army—he is the General-in-Chief—he occupies a room in the War Department which he terms "HEADQUARTERS OF THE ARMY," and is receiving a large annual salary amounting to more than the head of any Department of the Government. Instead of reforming or retrenching, we find him, in his report made December 18, 1849, recommending the increase of our military establishment by the addition of three new regiments to the Army, which at the present rates, would make an annual *additional expenditure of nearly three millions!* Congress very properly failing to adopt the recommendation, he in November last repeats it, slightly varied only, and refers to his former report.

The present Congress has been alike inattentive to this order, issued and dated in the General's comfortable rooms in Washington, at the "HEADQUARTERS OF THE ARMY." Should he, unfortunately, be able to add to this, "*Headquarters of the Treasury,*" with a hundred thousand office-holders bowing at his nod, and a Congress of his own, I have no doubt he would be able, in a single year, to double this standing army that is now eating out our substance, and which could then be brought to bear upon the deliberations of this body. The experience of this nation has shown that a large standing army is wholly unnecessary; that the moment a war is declared, the boldest and the bravest soldiery the world has ever known springs into existence as if by magic—from the volunteer yeomanry of the country. And that will be a sad day for public liberty, which shall give to the military power a greater preponderance than it now possesses in the Government.

The last Congress cut down the estimates for the War Department one half. Did that stay the expenditure? Not at all. This branch of the Government, adopting "the *military rule of conduct,*" went on arbitrarily, in defiance of law, and took $730,000 of unexpended balances which had been appropriated in 1847 and 1848, to pay soldiers in the Mexican war, and used it without authority, and in direct violation both of the Constitution and the statute. Senator HUNTER, in speaking of this case, uses the following language:

"The Secretary of War went to an appropriation, made on 2d March, 1847, for pay of ten regiments of regulars, and on 23d April, 1851, he transferred that appropriation, of more than three years' standing, to the Quartermaster's Department. What, then, becomes of that provision of the Constitution which says that military appropriations shall continue but two years? Was not that a violation not only of the spirit but of the letter of this provision? He transferred in this way, after Congress had said he should not have these appropriations, about the amount for which he applied to the Committee on Finance, and which was not given to him; and thus money which Congress appropriated years ago for the payment of regulars in the Mexican war, not dreaming that they were to be carried to such a service, was used more than three years afterwards for the service of the Quartermaster's Department."

And not being able to find enough of old and unexpended appropriations in the Treasury, the War Department went on and contracted liabilities for a large amount, and sent them to us in a deficiency bill, and we had the alternative presented to pass the bill, and thus provide for the payment of these debts, or repudiate the action of the Government, and take away the protection due to the settlers upon our frontiers.

The Navy Department is, by no means, free from abuses. Officers, with no duties to discharge, are hanging around this capital, or visiting Neptune only at the watering places, and receiving pay for years together under the name of "officers waiting orders." Four hundred and seventy-nine thousand four hundred and fifty dollars went into the naval appropriation bill of this year for these respectable gentlemen. In this place should the knife be applied. But we hear no word from the Secretary, recommending a reform of this crying abuse. If there are more officers in the Navy than can find employment, let the number be reduced; if not, the Navy should be relieved from this incubus, by ordering them into service. By reference to the various reports, I find the following expenditures:

For the year ending June 30, 1845.....	$4,902,845 93
For the year ending June 30, 1846.....	6,450,862 70
For the year ending June 30, 1847.....	7,931,633 68
For the year ending June 30, 1848.....	9,406,737 28
For the year ending June 30, 1849... ...	9,869,818 20
For the year ending June 30, 1850..	7,923,313 18
For the year ending June 30, 1851.....	9,044,597 11

But the Secretary, in his report of the expenditures of the year 1851, adds:

"The unexpended balances in the Treasury that have been appropriated, &c., amount to $4,182,296 23—all of which will be required to meet the outstanding obligations, due on account of the objects for which these appropriations were made."

It will be seen by this that the late Secretary—and now Whig candidate for Vice President—presents no claims to economy, but keeps up the expenditures in his Department even beyond the war standard.

But great as has been the increase in expenditure in the various departments of the Government, none has been multiplied in a more rapid ratio than the Indian Department. Where we formerly counted by thousands, now the estimates are made by millions, with constantly-accruing deficiencies. The cause is to be found in the gross abuses which prevail, one of which consists in the appointment, from the old States, of Indian agents as a reward for political services. General Houston, who is most familiar with this subject, in the Senate, in June last, said:

"The national expenditure now in New Mexico, to maintain the troops and give ostensible and nominal defense, is $6,000,000 annually. Have the troops there killed one Indian? Have they made reclamation of one horse? Have they rescued one person, or prevented the taking of one scalp?

"These are facts which I present. If men who are qualified to discharge the duties of agents—men who know the habits of Indians; who are familiar with their mode of life, who can traverse the prairies with them, and exercise an influence and guardianship over them, were appointed, we should have a different situation of frontier security. But when men—whether favorites or not I know not, and care not—who are unacquainted with everything necessary to their duties, are appointed, it is an insult, and an indignity, and usurpation, on the part of the Administration."

But this abuse, great as it is, sinks into utter insignificance compared with others. We are indebted to Hon. William M. Gwin, United States Senator from California, for revelations of a most startling character in relation to the transactions of the Government agents there. The first that I will notice is the appointment of General John Wilson, of Missouri, as Indian Agent to Salt Lake. His salary by law was $1,500 per annum. He was fitted out with a military escort—the cost of which for the Quartermaster's Department alone was $12,000, beside the pay and subsistence of the men, and the cost to the other Departments. He staid at Salt Lake, the place of his destination, long enough to recruit—only a few days; then went on, with his family, furniture, and *law-books*, all at the public expense, to California, deserting the post to which he had been appointed, and for which he had received his salary and such an enormous outfit by way of escort. When his conduct was known at Washington did the Administration censure him for this criminal neglect of official duty? So far from it, he was appointed to another office—that of Navy Agent in California; and a detachment of United States troops was sent hundreds of miles back in the mountains after these law-books, and other property, which he had been obliged to bury and abandon on his way to San Francisco. Senator GWIN uses the following language in relation to this case:

"About the same time, in 1849, a gentleman from the State of Missouri, General John Wilson, was appointed an Indian agent for Salt Lake; and he, also, was furnished with an extravagant outfit and escort to conduct him to his agency.

"He went to the Salt Lake, and staid there long enough to write a letter or two. He then went to California with his family, his books, and his baggage of all descriptions. He was an emigrant, *moving at the Government's expense.* He reached the valley of the Sacramento about the commencement of the winter season, could carry his effects no further, buried them, and hurried on with his family. By an order that emanated from the Secretary of War, a detachment of the army was ordered out the following spring to bring in the private property belonging to this Indian agent transported for him at Government expense by the Salt Lake to California. I was told by the assistant quartermaster who fitted out the expedition, the principal object of which was to perform this service, that the cost was little less than $100,000. This is another of the items that creates the necessity of deficiency bills, and charged as an expenditure in California. After General Wilson got to California, he resigned his agency, but no censure was cast on him for having passed through the country where he was assigned to duty, and emigrating, at such an enormous expense to the Government, to another part of the country; but he was actually appointed to another office in California. He was made Navy Agent at San Francisco. This same gentleman is one of the high-priests of the Whig party in California. He lately presided over one of the largest Whig Conventions which ever assembled in that State."

In September, 1850, an appropriation of $25,000 was made "to enable the President to hold treaties with the Indian tribes in the State of California." The President, under this, organized a board of commissioners, consisting of three persons. These modest gentlemen drew $150,000 of public money from the collector at San Francisco, and started, to use their own language, "with an escort of one 'hundred and one picked men, ten officers, three 'six-mule covered wagons, and some one hundred 'and fifty pack mules, to carry our provisions, 'ammunition, and Indian goods, all under the 'command of Captain E. D. Keyes, an experi-'enced and excellent officer."

This is indeed doing an extensive business on a very small capital. Under an appropriation of $25,000, they, in *violation of law*, take $150,000, and start off with a cavalcade, the expense of which will be as much more. Surely, the *credit system* is not yet quite exploded. But an Indian agency thus commenced, is carried out in a style of still greater magnificence. These commissioners, after arriving among the Indians, made presents and gave entertainments that *truly "astonished the natives;"* and have, for this and other expenses, drawn drafts on the Secretary of the Interior amounting to nearly, or quite, *one million of dollars.* They have usurped the powers of the President and Senate, by making treaties with the Indian tribes, and proceeding to act upon them without any ratification, the result of which must, in all probability, involve us in an Indian war; and yet these commissioners are not removed, or even censured by the Administration; and the collector at San Francisco, who, in violation of the sub-treasury act, paid them the money, is also retained in office.

There is one other case of official delinquency in California which Senator Gwin has exposed, and which I cannot omit in this place. I allude to the first collector of customs at San Francisco, Mr. Collyer. He was sent across the country with a military escort, at an expense of $36,000, when the cost of getting there by the usually-traveled and proper route—the Isthmus—would not have exceeded $500. He then, after seizing upon large numbers of vessels, contrary to law—selling the goods at a mere nominal sum, and thus causing the loss to the United States of $1,000,000—became a public defaulter to a large amount, and was then again renominated by the President for the same office; but the Senate, by nearly a unanimous vote, refused to confirm him. I pass over the thousand other instances of profligate waste of money by the Administration, in California—such as paying $100 per cord for wood; $500 per thousand for lumber, to build useless barracks. These are nothing, compared with the cases I have named. If a party which is guilty not only of such gross and palpable violations of law, but outrages upon the proprieties of official position, and disregard of official responsibility, can be sustained by the American people, then are written constitutions a mockery and a cheat.

But we need not travel to Texas, New Mexico, or California, to seek abuses for the purpose of ascertaining the true character of the men who control the administration of affairs. The proof is before us daily—our own eyes must be closed, if

we do not behold it—our ears must be shut not to hear it.

The Galphin and the Gardiner frauds, and the connection of *members of the Cabinet* with these, the selling of political influence for a money consideration by those holding high official position, have become matters of history; and though attempts may be made on this floor and elsewhere, to excuse or paliate those who have been guilty of these offenses, it is all in vain. No matter how elevated the position, or exalted the intellect of the perpetrator, the stain is there, inwrought and ineradicable; and though the effort of a lifetime should be directed to efface it, the "damned spot" will never "out." Rumors of a very suspicious character were prevalent here early in the session, in reference to the connection of certain persons in two of the Departments with contracts made in the office, and the allowance and payment of rejected claims by those Departments after those claims had been purchased in whole, or in part by persons employed in the Departments where they were to be allowed or rejected. In order that these rumors might be put at rest, and the persons implicated be, if innocent, exonerated from groundless suspicion, this House, on the 26th of January last, adopted the following resolution:

"*Resolved*, That the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of the Navy, the Secretary of War, and the Postmaster General, be, and hereby are, instructed to cause to be reported to this House, as soon as may be practicable, full and complete lists of all claims, if any, (including principal and interest, and designating each separately,) allowed and paid by the respective Departments, or any Bureaus thereof, since the 4th day of March, Anno Domini 1849, *which had been previously presented, suspended, or disallowed in whole or in part*, and specifying the character of such claims; and also, that they cause to be reported the names of all persons who at any time *acted as the agents or solicitors for said claims*, and the *persons who received any portion thereof, or were interested therein*."

To this resolution neither of these suspected Departments have made any reply. This is what the lawyers would call taking the bill as *confessed*. Why don't they answer it? Would the answer show how certain persons with small salaries, only sufficient to yield them an economical support, can live in fine style, keep their retinue of servants, and make investments in stocks? Would it show the people, the voters, the tax-payers, how a man can take the Bankrupt act, and in less than ten years, occupying a subordinate position in one of the Departments, be able to build and own fine city houses, and speculate in property? Such knowledge might be useful to the public. It was for such information we sought in the resolution. We cannot get it, it seems, until the Administration is changed. How many cases like the following would an answer to the above resolution give us? I quote from a late speech of Senator HUNTER:

"A claim for compensation was made on the part of the owners of the steamboat Watchman, for its use in 1835 and 1836. This demand was presented soon after that time to Mr. Hagner, and an allowance of something like $2,700 was then made. Once, and perhaps twice, afterwards an attempt was made to reopen the account during Mr. Hagner's term of office. He said that the only effect of the new evidence was to make him doubt the propriety of the original allowance. He said, too, that the claim was closed. Both he and the Comptroller gave opinions against it. But on September 28th, 1850, it was allowed by the present Auditor, and an amount of $44,750 found due by him. The question then arose as to the means of paying the claim. A balance was found of an old appropriation made 23d August, 1842, for the payment of Florida militia for services in 1839 and 1840. This balance was transferred to the head of another old appropriation—"the suppression of Indian hostilities"—and thus paid."

Forty-four thousand seven hundred and fifty dollars paid on a claim twice rejected by a Democratic Administration!

The way these things are managed, and the Treasury plundered, is said to be as follows: Some clerk, or other officer in the Department before which the claim is or has been pending, either buys it, or, like Mr. Corwin, in the Gardiner swindle, sells his *services and influence* for a percentage—"a *contingent interest*" in it. He is then in a position where he can find or *simulate evidence*. He sees each link that is wanting, and supplies it. The claim is put through, the money paid, and the official, for his very efficient services, takes the lion's share. The extent of this abuse and robbery, I believe, is enormous; but we can never know the whole until after a full investigation. There is a double evil here—an inducement for these men to throw obstacles in the way of *honest* claims, until the owner, wearied and disheartened, will sell for a small consideration, and a temptation to those who should be the guardians, to become the plunderers of the Treasury.

I will not go further into particulars, but call upon the suspected Departments to answer now. Seven months have passed since the resolution was adopted—a sufficient time, one would think, to answer any inquiry. Or do they plead the felon's privilege, and refuse any response, because an answer *would criminate themselves*?

There is another abuse which has become general—the appointment of clerks wholly unfited for their stations, merely on account of the partisan services of themselves or their friends. Such appointments have driven from employment many of the competent and faithful, and filled the Departments with idlers and drones, men who hardly visit their desks often enough to be familiar with the way, but divide their time between the Whig committee room and the gambling houses of Washington. Their salaries, however, are regularly paid. There are others who get three and four dollars per day, hire a substitute for one dollar, and pocket the balance. Some of these Departments are looked upon as political alms-houses, where the party paupers are all fed and clothed, and provided for, at the public expense. I quote the testimony of a Whig on this subject. The Hon. T. STEVENS, of Pennsylvania, one day last week, in a debate in this House, said:

"Why, I know that the Secretary of the Interior has taken so many Whigs from certain Whig districts—for instance, from the Wheeling district—and put them into offices here, that he left none at home to vote for the Whig candidates, and they were defeated. [Great laughter.]"

The gentleman neglected to inform us whether Mr. Graham had put the Whig party of North Carolina all into the Navy, and thus produced the late disastrous result there.

I will not go into detail as much as I had intended, as an investigating committee has been appointed in the Senate to inquire into these frauds, who are progressing with their work. A late chief clerk in the Treasury Department, to whom a large contract for building California light-houses had been awarded, *contrary to law, and without advertising*, and who, it was said, had made arrangements to sell out his contract at a bonus of $32,000 to actual contractors, was the first witness brought before the committee. *He refused to take the oath.* When, however, the terrors of the dungeon were placed before him for this contempt of the authority of the Senate, it is said he reconsidered, and answered. I will not forestall the report of that committee, but only say to this House, and the public, that they must prepare themselves for developments at which the whole nation will be astounded. They will find, that while an honest claim is hooted at and rejected, a forged one is vamped up and passed through, if it only has the right indorsers. They will see that mortification is actually attacking the body-politic, and that this, the great heart of the Republic, the fountain of life, is affected by the disease which is sending its poisoned currents through every artery of the nation.

I ask attention to but a single other source of abuse, and that is the appointment of the same person to discharge the duties of two or more offices, and giving him the full salary of each office. Prior to 1842, General Scott, and some other military officers, had been in the habit of charging the Government for per diem and traveling fees whenever they were directed to do anything which they could possibly say was not within the strict line of their duty as military men. In 1838, while General Scott was receiving full pay as Major General, he had some negotiations with the Cherokees. For this he claimed extra compensation at the rate of eight dollars per day, for two hundred and forty-four days. Mr. Poinsett, Secretary of War under Mr. Van Buren, did not allow it. After the election and inauguration of General Harrison in 1841, General Scott presented his claim. It was paid—amounting to $2,310 71. Congress, at its next session, hearing of this flagrant abuse, passed a resolution "requiring the 'Secretary of War to report to the House all cases 'in which extra compensation has heretofore been 'allowed to other officers of the Army for services 'similar to those *rendered by General Scott for 'which he is said to have received extra allowance*," &c. On the 7th of December, 1842, the Secretary of War, John C. Spencer, made his report to Congress; and by that report it appears that General Scott had received for extra compensation, between the 18th of September, 1818, and 1841, the sum of $12,518 71. The last item is as follows:

"For a per diem of eight dollars, for two hundred and forty-four days services as commissioner to treat and make arrangements with the Cherokee Indians, from the 11th of April to the 10th of December, 1838, $1,952; and his expenses during the time, $358 71"—

making $2,310 71. From a report made at the same session of Congress, by Mr. Gilmer, of Pennsylvania, it appears that he received for serving as Major General during the identical same two hundred and forty-four days, the sum of $3,994 59—making in all $6,305 30 for eight months. To remedy this abuse, the following provision was inserted in the Army appropriation bill of that year, prohibiting any repetition of the practice:

"No officer in any branch of the public service, or any other person whose salary, pay, or emoluments, is, or are, fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of the public money, or for any other service or duty whatsoever, unless the same shall be authorized by law, and the *appropriation therefor explicitly set forth that it is for such additional pay, extra allowance, or compensation*."

General Scott, in 1850, acted as Secretary of War for a month after the death of General Taylor. He was at the same time acting as General-in-Chief. He, in the face of this law, received his pay of between $7,000 and $8,000 per year for one office, and $6,000 per year for the other. Then Congress passed the following law:

"*Provided, however*, That hereafter the proper accounting officers of the Treasury, or other pay officers of the United States, shall in no case allow and pay to one individual the salaries of two different offices on account of having performed the duties thereof at the same time; but this prohibition shall not extend to the Superintendents of the Executive Buildings."

But that, sir, is evaded and disregarded by these loose-constructionists, who claim that the first and greatest commandment is, "Put money in thy purse;" and a few weeks since we had a case in which the Superintendent of the Census procured the passage of a law which had the effect, while he was receiving a salary of $2,500 for attending to the duties of an office which he did discharge, to give him $3,000 for pretending to discharge the duties of an office which did not exist. There is now in the Treasury Department, I am informed on the best authority, a clerk who receives one salary of $1,600 as clerk, $500 as superintendent of the Treasury Building, another salary of $250 as translator, and who carries on the business in the Department in office hours of an *insurance broker!*

Several MEMBERS. Who is he?

Mr. DEAN. I have his name here in the handwriting of the person who gave me the information, and who had one of the policies he issued. [Loud cries of "Name him!" "Name him?"] I have no desire to publish his name, but will give it at any time when this statement is denied. Sir, this announcement seems to create a sensation in this House. Has it come to this, that not only the officers connected with the Government are professed stock-jobbers and claim agents, but the public buildings are turned into broker shops! Is it not time for us to direct our eyes eastward to the Bethlehem where the political savior will appear to drive the money-changers from the temple of our liberty? But this is not an isolated instance.

Mr. STEVENS, of Pennsylvania. Robert J. Walker?

Mr. DEAN. The gentleman cannot divert attention from the Galphinism or Gardinerism by attempting to connect the name of Secretary Walker with such transactions as this. While he held an office here, no man dared to assail his character. And during the time of a Democratic Administration there was no necessity for resolutions of inquiry or the appointment of investigating committees to report upon alleged malpractices; nor were rumors everywhere rife of frauds on the Treasury perpetrated by those who should be its most faithful guardians.

I had hoped to have been able still further to

prosecute this inquiry; to have shown how officers, entitled to fees instead of salaries, multiply the amount of compensation which the law allows by ten, twenty, and in some instances, a hundred; to have commented upon the abuse of Executive patronage in sending off foreign ministers with an outfit of $9,000, and salary as large, for a few months—and of the recent attempt to increase the salaries, because with $9,000 per annum they were not able to support as much *style* as the aristocratic ministers of the Courts of Europe. But I forbear. I have only hinted at these abuses—it is all that can be done within the time allowed—to expose them as they exist would require a volume. I shall be satisfied to have succeeded in directing public attention to them. We have seen, that in a time of general and uninterrupted peace, the expenditures of the Government have increased enormously—that many of the public offices are filled by soldiers of fortune, who serve only to plunder—that the Government is transformed into an instrument for ministering to private interests and rewarding party and personal favorites—that the Army has set itself above the National Legislature and tramples upon the Constitution and the laws, by using money before it is appropriated, contracting liabilities without legal authority—that when Congress limits the amount of its expenditures it utterly disregards such limitations and restraints.

What is the remedy for these flagrant abuses, and how can the danger arising from the further extension of military power be averted? Only by the restoration of the Government to safe, experienced, and economical hands; by a reform thorough and efficient in all its departments, and confining each strictly to the exercise of its constitutional functions. Will the election of General Scott have any tendency to accomplish this object? He is already connected with the Government, in the very Department which has increased its expenditures most rapidly, and exhibited a reckless prodigality of the public treasure, openly defied the National Legislature, and set at naught constitutional restraint. Instead of proposing any reform, he asks for an addition to the Army. His past life affords the strongest evidence of his incapacity to effect anything by way of retrenchment, and his fixed determination to subject the civil to the military power. He is now, and has, for the last twelve years, been a Whig, and thoroughly committed to all the extravagant and mercenary schemes that have been advocated by that party. He is brought forward and supported by the speculating, stock-jobbing, Galphin interest. If elected, such men must give tone, direction, and shape, to the measures of his administration. They follow and attach themselves to a political party, as the buzzards are collected around an army, by an instinctive propensity to glut their ravenous appetites on the offal of the camp. In their opinion the Treasary has no bottom, or if it has, they are never satisfied until they find it. But independent of the men who stand as sponsors for General Scott, what are the "known incidents" of his civil life? Are they such as afford any guarantee, that in his hands the Republic will receive no detriment?

I pass over his unfortunate correspondence with De Witt Clinton, General Jackson, and Governor Marcy—his unsuccessful diplomacy with Santa Anna, in each line of which his pen has so fatally dimmed the glorious achievements of his sword—these, furnishing though they do, the strongest evidence of incapacity for civil service, yet are not adapted to my present purpose, to show that the Government would not be economically and constitutionally administered by him. I will never, in the slightest degree, detract from his military reputation—he has no friend who will be more willing to do him honor. But when an effort is made to take him from his sphere, and place him in a position where he will, in my judgment, increase a tendency in the Government to which it is already too prone, it is a right, nay an imperative duty, to speak plainly and boldly against it. Every one who has an intimate acquaintance with General Scott, will accord to him the most marked propensity to invest all he does with grandeur and magnificence. Without counting the cost or caring for the expense, he projects schemes and undertakes enterprises for which the mines of California are wholly insufficient. Of economy he has not the slightest conception. This habit, or rather nature, has often led him into difficulties with individuals and the Government. Passing over those minor and frequent events of this character, I refer only to the fact of his taking, while in Mexico, without authority, $7,800 of the money levied as a military contribution. His taking the responsibility to pay Santa Anna a bribe of $10,000, and promising to pay $1,000,000 more, and charge it as an expenditure of one of the departments of the Army, when he was sent to fight and not to bribe the Mexicans—his attempt to maintain his powers as head of the Army paramount to those of the representative of the American Government—all these "known incidents" are referred to now, not as matters of complaint, but as illustrations; as proof that he would not be a safe custodian of the public treasure, or a scrupulous observer of the Constitution and the laws, when these conflicted with his will or inclination. Now that he is a candidate for the Presidency, the fact that he has served the country in the field, and is elevated to the highest rank in the Army, furnishes no reason why these matters should not be fully discussed; for, as in the creed of Democracy, no human being is so low as to be beneath its elevating grasp, so no station is so high as to place its occupant beyond the reach of the popular arm.

Here, then, is the issue to be determined by the voters of the nation—to be canvassed and decided at the political gathering, in the work-shop, the manufactory, by the wayside and the fireside. Whether the public expenditure is to continue to increase at its present enormous ratio—whether the Government is to be transformed into a vast broker establishment, or restored to its ancient safe, economical, and constitutional basis—whether a victorious general, for that cause only, destitute of every civil qualification, at a time like the present, when the Army has become a predominant power in the State, should be placed at the head of public affairs, to have under his control the military and naval force of the country, and a more numerous, unscrupulous, and mercenary army of office-holders and expectants, who think his thoughts, speak his words, and execute his bidding, like the worm that takes its color from the leaf on which it feeds, reflecting in all things the will of him who makes them,—these are questions of momentous importance, which are involved in the issue before us.

But weighty and important as they are in the financial and economical views, they become vital to the existence of constitutional government, when we add the right assumed and exercised by the Army, to transcend the appropriations of Congress. And when we reflect that in this contest it is the military feeling alone which is sought to be appealed to and stimulated; that the candidate, in accepting the nomination, proposes a material alteration in the laws suggested by his "military experience," thus offering a premium for war, and placing in the hands of the commanding general a power over the soldier as great as the celebrated Cross of Honor ever gave to Napoleon; and when in the same letter he adds, "and I should carry into the civil administration this one principle of military conduct," does it not force upon us the conviction that his thoughts are all in the military channel, and the apprehension that in case of his election, in any controversy which should arise, the sword would be thrown into the scale, and made the arbiter of our fate?

FRAUDS OF WHIG EXECUTIVE COMMITTEE.

REMARKS OF HON. R. H. STANTON,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

August 24, 1852.

The House being in Committee of the Whole on the state of the Union—

Mr. STANTON said: I acknowledge my indebtedness to the courtesy of my friend from Tennessee, [Mr. POLK,] for permission to occupy a portion of his time. My object is to direct the attention of the country to the very disreputable manner in which the friends of General Scott are conducting the canvass against General Pierce. I shall state facts—indisputable facts—which no ingenuity can evade or invalidate. The fraud and iniquity of the system of electioneering adopted by those who have in their keeping the interests of General Scott, will require no comments from me. The facts themselves are sufficiently illustrative of the turpitude of the system.

On the 17th day of June last, immediately after the nomination of General Pierce by the National Democratic Convention, the National Era, of this city, an Abolition paper, known and recognized over the Union as the central organ of that fanatical party, commenced its warfare upon General Pierce. On that day it contained a long article, occupying several columns of the paper, reviewing the votes of General Pierce, while a member of the Senate and House of Representatives, on the subject of *slavery*, and giving such explanation of each vote as was necessary to exhibit him in the light of a warm and ardent advocate of southern interests. The whole purpose of the article, as appears from its own language, was to show that General Pierce, in his whole official career, stood opposed to the Abolitionists, and was in favor of maintaining the constitutional rights of the South—in other words, that he was an ultra pro-slavery man. This Abolition article, after referring to the votes of General Pierce, copies his letter to Major Lally, of the 27th of May last, an article from the Richmond Examiner, and an extract from the speech of the Hon. Mr. ORR, of South Carolina, to show that he has been always opposed to the fanaticism of the North, and occupied a position satisfactory to southern men. It then closes with an appeal to the Free-Soil sentiment of the North, not to give countenance or support to General Pierce or the platform upon which he was nominated. Here are the concluding paragraphs of this document:

"Once more we appeal to our Free-Soil Democratic friends not committed to the nomination. You now know the antecedents of the candidate, and his present position. *On the paramount question he is, and always has been, directly and vitally opposed to you.* You know the platform—no sophistry can explain away the fact that it was as fairly adopted as any platform ever was by a political convention. You know *that Mr. Pierce insisted upon the adoption of the offensive features which characterize it; that he fully represents it;* that his success will be the ratification of that platform by the Democracy of the United States. It contains no word in favor of land reform, no word in favor of placing the Government of the United States, in its foreign relations and negotiations, on the side of the Democratic principle in Europe—no word in favor of just protection to the river and lake commerce of the West—a commerce more valuable than all our foreign trade; but, with a single exception, it refers to old issues which either have been settled, or no longer constitute questions between the two parties; and the exception—*the only new article in the platform—is adverse to all your convictions, abhorrent to all your sympathies.*

"Of what principle, in what way, by what device of reason or sophistry, can you justify to yourselves, or to others, the support of such a platform—such a nomination? Is a man bound to go with his party, right or wrong? Can he not refuse, openly and manfully, to support it when it does wrong—when it calls upon him to vote on a wrong issue—and go with it when it does right? We care nothing about *third parties;* but in certain crises, movements by party men, independently of their party, or in opposition to it, are demanded by conscience, consistency, true manhood, the best interests of the country. And at such times personal hazards must be braved. The man must make up his mind *to die politically,* rather than die *morally.*"

This document, designed to arouse the Free-Soil sentiment of the North against General Pierce, and originating with the Abolition paper in this city, has been republished in pamphlet form, and at this moment is being circulated by the Whig Executive Committee, and the friends of General Scott, in every State where slavery does not exist. The Whig Executive Committee, which was created by the Whig National Convention, to superintend the canvass, have had immense numbers of this document printed and circulated. While a document of this character is being circulated in the Northern States, to render General Pierce odious as a friend of the South, in my own State and other slave States, by the most shameful misrepresentations of his New Boston speech, he is held up to public odium as an *Abolitionist.* I have seen in the newspapers accounts of the manner in which the friends of General Scott in Kentucky, and other slave States, are using the Abolition misrepresentations of that speech to prejudice the public mind against the Democratic nominee. But this is not all. This same Executive Whig Committee, of which the Hon. TRUMAN SMITH,

of Connecticut, is at the head, have published for circulation in the slave States, a document entitled "GENERAL PIERCE AND HIS ABOLITION ALLIES," the most remarkable document to which the present canvass has given existence, and the purpose of which is, to prove that General Pierce has been *a uniform Abolitionist*. This document is not designed for circulation in the North—it is not suited to that latitude. It is manufactured for southern consumption, and does General Pierce, as every enlightened man knows, the grossest injustice and wrong. Up to this time it has not been sent to the folding-rooms of the House of Representatives, to be enveloped and delivered to the members of the House who choose to engage in the work of circulating them, as all others from the Whig Committee have been, but are folded, I understand, at rooms engaged down in the city, and sent off without reaching the Capitol. I will not ask why this precaution has been taken. The fact speaks trumpet-tongued for itself! I have examined this document, and well for the Whig Committee they have not allowed it to come to the Capitol. It begins with a vote given by General Pierce while a member of the House of Representatives, against allowing Edmund Brooke, of Georgetown, in this District, to import two negro slaves into the District, against the then existing laws, and winds up with a rehash of the Abolition misrepresentation of his New Boston speech. It is interspersed throughout with comments and assertions, conveying the idea that he is an Abolitionist, as deeply dyed in the fanatical tenets of that party as Giddings, Philips, or Garrison. I will give a few of these extracts, that the character of the document, and the purpose it is designed to subserve, may be seen:

"We do not hesitate to affirm, in the broadest terms, that General Franklin Pierce did, at New Boston, on the 2d of January, assert in a public assembly that he considered slavery 'contrary to moral right;' that he 'loathed the fugitive slave law,' and that he had 'a most revolting feeling at the giving up of a slave:' and we consider the attempts of himself and friends at evasion, and his and their half denials, fatal to his character as a frank, sincere man.

"But there are collateral facts and considerations which tend powerfully to sustain the accuracy of Mr. Foss, and to show the truth of his allegations. From the matter herein before inserted it appears that General Pierce, Norris, Hibbard, Peaslee, Ayer, and Campbell are full of the idea that Mr. Foss can be discredited at the South by a mere allegation of Abolitionism or Free-Soilism, and they seem to roll up their eyes in holy horror at the presumption of the Parson in charging on the General the expressions of anti-slavery feelings and views. One would suppose, from the tenor and drift of their communications for the public, that the New Hampshire Democracy had been, during the whole of the fearful struggle through which the country has recently passed, the pattern of all that is moderate, just, reasonable, and truly national on the topics in issue, and that, in taking a position on the Constitution, and in maintaining that position, they in fact had leaned over considerably towards the South. But unhappily for them, and particularly for General Pierce, the records of their proceedings, both in conventions and legislative assemblies, disclose a very different state of things. We undertake to prove that the Democracy of the Granite State, with General Pierce at their head, have pursued an extreme course on these subjects, *and have in fact been the ringleaders of all the fanaticism and agitation which have been going on in New England for several years past.*"

In order to show General Pierce to be an Abolitionist, it is necessary to attack the whole body of the New Hampshire Democracy, and hence, they are denounced as "*the ringleaders in all the fanaticism and agitation which have been going on in New England for several years past.*" But here is an extract equally as unjust and ridiculous:

"*We insist that Franklin Pierce is thoroughly imbued with anti-slavery sentiment and prejudice, and that he will betray the South, and all its vast interests, as readily as Martin Van Buren did.*

"The Democratic party of New Hampshire, having been involved at the election in 1851, in very serious embarrassment, by reason of a controversy with Rev. Mr. Atwood, he (General P.) went on the 2d of January to New Boston, into the midst of an Atwood community, to win back some of the lost sheep to the Democratic fold. On appearing before his audience, with his heart full of the sentiment that 'slavery is a great social, moral, and political evil,' he draws on his solemn northern face, and takes into his hands his northern system, and displays it to the gaping multitude. After appropriate preliminaries, the orator waxes warm, and being confident that the South would not hear, he bursts out with fervid accents—'I loathe the fugitive slave law. I have a most revolting feeling at the giving up of a slave; the law is opposed to humanity—yes, it is opposed to moral right.'

"*What sort of an executor would Franklin Pierce make of this fugitive slave law? What sort of a guardian of the rights and institutions of the South?* Who would surround him in the event of his elevation to the Presidency? Who would shape his policy and direct his counsels?"

I can answer this last interrogatory and say, that it would not be WILLIAM H. SEWARD, nor any man of similar sentiments. But, the closing paragraph from this remarkable document, caps the climax of impudence and fraud:

"Must it not be mortifying to the last degree to every true-hearted American to have such a man as Franklin Pierce seriously pressed on the country as a candidate for the Presidency? Is it not more mortifying to have one occupying such a situation, reduced so low as to be obliged to back himself up by the certificates and statements of the lowest and basest of mankind? With what loathing and disgust will every well-regulated mind turn away from the miserable exhibition which he makes of himself by figuring in the newspapers with a letter which is destitute of every characteristic that constitutes an emanation of frankness, sincerity and honor.

"Would Washington have produced the Ayers and Campbells of his day to certificate himself into the confidence of his countrymen; and could he have been induced by any extremity to speak at all on such an occasion? And if he had spoken, how would his burning words have flashed into the recesses of every American heart? And how gloriously would the accents of 'truth and righteousness' have contrasted with the poor, paltry, and equivocating expedients of Franklin Pierce.

"WE NOW HAND OVER TO THE SOUTHERN DEMOCRACY THEIR WOOLLY-HEADED CANDIDATE FOR THE PRESIDENCY; LET THEM MAKE THE MOST OF HIM!"

The capitals in which the last paragraph is published are from the original, and were intended to make more emphatic and impressive the denunciation of General Pierce, as the WOOLY-HEADED CANDIDATE. Well, the Whig executive committee is welcome to all the capital they can make for General Scott by such means of political warfare.

Sir, what can the high-minded and honorable people, North and South, think of such a system of electioneering. Here are two documents—one published to be circulated in the North, the other in the South—one representing the Democratic candidate for the Presidency as a pro-slavery man and friend of the South, the other showing him up as an Abolitionist, opposed to slavery and the South, and both emanating from the same executive committee, and circulated by members of the same party.

For one, sir, if my party were capable of such fraud and duplicity, I should cease to cöoperate with it in any effort to elect its nominee. I would not pander to such a purpose, nor trifle with the credulity of the public in such a manner. I am authorized to say, and I here affirm without fear of contradiction, that the Executive Committee of the Democratic party have published no document during the present canvass which has been designed or was adapted to circulate in one section of the Union more than another. They have neither published nor circulated any document which was not as applicable to Massachusetts as to Mississippi, and which might not, with perfect propriety, have been sent into any and every State of the Union.

Sir, I have a list of all the documents which have ever been published by that committee and circulated, and I give the title of each, that all may know their character. There is no assault upon General Scott, showing him to be one thing in one section of the Union, and the very reverse in another. They are all national documents, and answer as well for the North as the Southern latitude. Here they are:

The Proceedings of the National Democratic Convention.
The Life of Pierce and King.
The Galphin Fraud.
Vindication of Pierce by his Fellow-Officers.
Exposure of the Catholic Test Slander.
Whig Testimony Against General Scott.
Scott's Political Writings Reviewed.
Exposure of the Abolition Attack upon General Pierce, (circulated by the Whig committee.)
German Life of Pierce and King.
Letter of General Shields.
Hon. Mr. Gentry's Speech.
Hon. Mr. Toombs's Speech.
Hon. Mr. Cabell's Speech.
Correspondence between Scott and Marcy.
German Exposure of Scott's Original Native Americanism.

Sir, these are all the documents which, up to this time have been published by the Democratic Executive Committee, and none of them have been published at the *National Era office*, or the office of any other *Abolition paper*.

I have been to the folding-room of the House. I have examined the books of the office having charge of that department, (which are equally accessible to all the members,) and find that the pamplet entitled "A BRIEF CHAPTER IN THE LIFE OF GENERAL FRANKLIN PIERCE;" has been sent to the members of this House, whose names I shall read, in numbers as follows:

July 10th, Hon. E. Newton, Ohio	2,000
July 10th, Hon. O. Fowler, Massachusetts	1,000
July 10th, Hon. S. W. Parker, Indiana	2,000
July 10th, Hon. L. D. Campbell, Ohio	2,000
July 10th, Hon. J. W. Howe, Pennsylvania	2,000
July 20th, Hon. S. W. Parker, Indiana	1,000
July 20th, Hon. J. W. Howe, Pennsylvania	2,000
July 20th, Hon. L. D. Campbell, Ohio	500
July 20th, Hon. I. Washburn, Maine	1,000
July 20th, Hon. W. A. Sackett, New York	1,000
July 23d, Hon. A. Tuck, New Hampshire	1,000
July 23d, Hon. J. Allison, Pennsylvania	1,000
July 23d, Hon. B. Stanton, Ohio	1,000
July 23d, Hon. R. Yates, Illinois	1,000
July 23d, Hon. J. Z. Goodrich, Massachusetts	1,000
July 30th, Hon. E. Newton, Ohio	1,000
Aug. 2d, Hon. J. L. Schoolcraft, New York	2,000
Aug. 2d, Hon. I. Washburn, Maine	1,000
Aug. 2d, Hon. A. Tuck, New Hampshire	1,000
Aug. 2d, Hon. J. Perkins, New Hampshire	1,000
Aug. 5th, Hon. E. Newton, Ohio	1,000
Aug. 5th, Hon. A. P. Hascall, New York	1,000
Aug. 5th, Hon. H. S. Walbridge, New York	1,000
Aug. 7th, Hon. J. Z. Goodrich, Massachusetts	1,000
Aug. 7th, Hon. Z. Scudder, Massachusetts	1,000
Aug. 9th, Hon. J. Horsford, New York	1,000
Aug. 9th, Hon. J. Wells, New York	1,000
Aug. 9th, Hon. L. D. Campbell, Ohio, (for Iowa)	1,000
Aug. 13th, Hon. S. W. Parker, Indiana	500
Aug. 20th, Hon. O. Fowler, Massachusetts	12,000
Aug 21st, Hon. J. H. Duncan, Massachusetts	100

It will be seen that the circulation of this document by northern members of this House, commenced on the 10th of July, and from that period to the 21st of the present month, nearly 50,000 copies of it have been folded at the public expense, and circulated under the frank of the gentleman named. How many have been circulated by the Whig committee, and General Scott's friends in the Senate, I have no means of ascertaining. The honorable gentleman from Masssachusetts [Mr. FOWLER] had twelve thousand sent to him alone on the 21st inst., last Saturday. These gentlemen whose names I have read, it will be observed, are all from northern States, and their sentiments on the subject of slavery are well known. The pamphlet was published at the Era office, and I presume paid for by the executive committee of Whigs.

Mr. FOWLER. I here affirm that no order has been given for these twelve thousand copies. If they have been sent to the folding-room, it has been without my knowledge, and without my approbation. The one thousand first spoken of, I received, and franked off. [Laughter.]

Mr. STANTON. The gentleman admits the truth of what I say. Will he tell me how many he franked, and if, before allusion was made to them here, he did not know that another large supply for him was in the hands of the folders to be enveloped?

Mr. FOWLER. The thousand spoken of, I received some time ago, and franked them. [Laughter.] I have sent them off believing that they tell the truth, and are valuable. I have heard within a day or two, that twelve thousand more were there. I heard it from yourself.

Mr. STANTON. Yes, I told you. I believe they do tell the truth when they represent General Pierce as a friend of the constitutional rights of the South, but they contradict what is said in the pamphlet called "GENERAL PIERCE AND HIS ABOLITION ALLIES."

Mr. FOWLER. I did not order them. I have not been requested by any member of this House to receive them, nor did I know, until informed by the gentleman from Kentucky, they were in the folding-room.

Mr. STANTON. What have you done with them? Is it not your intention to frank, and send them off, as you did the others you received?

SULPHURIC ETHER.

DEBATE IN THE SENATE,

SATURDAY, *August* 28, 1852.

The Senate having under consideration the bill making appropriations for the support of the Army for the year ending June 30th, 1853—

Mr. BORLAND, from the Committee on Military Affairs, submitted the following amendment, to come in after the appropriation for the medical and hospital department of the Army:

To enable the President of the United States to procure the surrender of the patent issued to William T. G. Morton

on the 12th day of November, 1846, for his discovery of the anaesthetic properties of sulphuric ether, $100,000.

Mr. BORLAND. Mr. President, if the Senate will give me their attention for a few moments, I think I can put this matter on its true merits. The proposition is to appropriate $100,000 to enable the President of the United States to purchase from a patentee his patent, or the privilege of using property to which he holds exclusive right under his patent.

The first inquiry that we make is: Is that which we propose to purchase valuable?—and, if it is, what is its value? I will not undertake to go into a detail of facts, or any argument to show the value of the discovery of the application of sulphuric ether as an anaesthetic agent. It is a subject which has been before the public so long, that I apprehend every Senator is familiar with its history, and the character of the discovery. I state what I apprehend no one will controvert—I state as a member of the medical profession, representing, in that respect, I think truly, the universal sentiment of the profession throughout the world—that as a discovery beneficial to the human race, if it be second to any which has ever been given to the world, it is second to vaccination alone. I know that the universal sentiment of the medical profession, so far as that sentiment has been expressed, is, that it is second to vaccination. But I also know, and state with confidence, that an immense number, almost an equal number, of the medical profession think it is of equal value; and many of the very highest authority consider it of much greater value than even vaccination to the human race. So much for the estimation in which it is held by the medical profession throughout the world.

Then, sir, for the estimation in which it is held by the officers of our Government, who have availed themselves of its use in the public service, I have before me letters from the Secretary of War, from the Secretary of the Treasury, from the Secretary of the Navy, from the head of the Medical Department of the Navy, and from the head of the Medical Department of the Army—all concurring in assigning to this discovery, as used in the public service, the very highest value; and expressing the wish, that the Government might, by proper means, avail itself of the right to use it in the public service. I will not read these letters. It would occupy too much time of the Senate to do so. But if any Senator should desire their reading, they can be read. All assume, that it is of the very highest value, both to the Army and Navy; that it has been availed of for years past; and that incalculable benefits have resulted to the public, in saving life and allaying human suffering, greater than has ever been derived from any one source. It is a well-known fact, that, in the Army and Navy, in the performance of all important surgical operations, this agent is now very rarely, if ever dispensed with. And not only so, in the Army and Navy—not only is it used in saving life and suffering on the part of our soldiers, and our sailors, but throughout the private practice of the country, the most eminent surgeons and physicians resort to it now habitually, and declare that it has become one of the most important and valuable agents which they have in the profession. If there were time, I could go on for hours in giving the particulars, giving the *modus operandi*, giving the cases by name, and by number, till they would count thousands upon thousands; but there is no time at this period of the session for that.

The next point I would present is, how far it is recommended to our consideration? The Select Committee of the House of Representatives, to whom this matter was referred—although, as the Senator from Connecticut suggests, they did not formally make their report, yet it was only because no opportunity was afforded for them to do so—have prepared a report—it is here before me—a most elaborate, learned, and conclusive report as to the incalculable value of this agent, and the propriety, in the opinion of that committee, of its being availed of by the Government.

Sir, it may be asked if this be so valuable—if this individual has a patent for it, why does he not avail himself of the use of the patent, and prevent the use of sulphuric ether as an anaesthetic agent without recompense to him? I need hardly remind the Senate of the fact, that it is one of those cases in which he cannot enforce his legal rights. How can he, sir? Why, this agent is used in every State and county in this Union; and it may be, and perhaps is, used in almost every family where physicians practice. He has no practical remedy for the violation of his patent. Can he go to the bedside of the sick and suffering patient, who is undergoing an operation under the influence of this agent, and lay an injunction upon its use on such an occasion? Certainly not. It is one of those cases which must strike the mind of every man that his patent, so far as the legal remedy extends, is worthless to him, although he has the legal right, for he holds the patent from the United States to its exclusive use for a certain term of years.

The next question is, Is the individual who holds the patent lawfully entitled, if any one, to be paid for the use of this agent? I say, he is. I have before me here a copy of his patent, and of the record in our Patent Office. The official acts of our officers have recognized and established, as our laws require, the identity of this individual as the lawful owner. It has been stated, I know, and may be repeated, that there is an adverse claimant; that there is another individual who claims to be the discoverer, and who has a title to at least a portion of the compensation which we propose to pay. But to meet that I have to show that if that individual ever had any right to be considered the discoverer, or any title to compensation, it has been relinquished for a consideration in favor of Dr. Morton; for here I have from the Patent Office an official announcement to that effect, which is signed by Dr. Jackson, the only individual that I know of who sets up an adverse claim to this discovery. But there is evidence before us from the very highest medical men in the country, and from the very highest medical officers of the Army and Navy, all recognizing Dr. Morton as the discoverer of this invaluable agent. But even if that were not so, the only other individual who sets up a claim to it has already, in the most solemn form, relinquished it forever, and assigned over to Dr. Morton all right or claim which he (Dr. Jackson) ever did have or could have. So that the point is settled that Dr. Morton stands before us as the patentee lawfully entitled to this discovery as the original discoverer.

In the next place, lest it might occur to the minds of some that purchasing the right from a patentee to use a valuable discovery is a new thing in our Government, I beg leave to call attention to the records, which show that it is no new practice, but for years and years has been repeated over and over again. I will cite a few cases. We paid for the right to make anchors of a certain form for the Navy, $1,500; for the use of circular bullet moulds, $5,000; for the use of gas in vapor baths, $5,000; for elevating and pointing heavy cannon, $20,000; for the right to use patent anti-attrition metal, $20,000. We paid to the heirs of Robert Fulton, for benefits conferred by his improvements in steam navigation, $76,300. We paid for Mix's manger stopper, used in the cavalry service, $3,000. We paid to Dr. Locke, for the use of his magnetic clock, $10,000. We paid to McCulloch & Booth, for the right to use the improved method of refining our argentiferous gold bullion, $25,000;—thus making an aggregate of $165,000 paid in these cases. But, in addition to these, there have been numerous instances in which patent rights, or the privilege of using in the service of the Government patented articles, have been purchased by the Departments, some of which instances I find cited in connection with the report of the Select Committee of the House of Representatives, for which were paid $178,032; making an aggregate of $343,000 paid by the United States for patents and the use of patented articles.

Since I have been a member of the Senate, when meritorious individuals have come before us, who had made important discoveries, we have aided them to test their discoveries by appropriations, amounting in the whole to $120,000.

I mention these facts to show that precedents are all in favor of such use of the public money to enable the Government to avail itself of important discoveries.

I will not detain the Senate by saying more on this subject. I will briefly sum up. This discovery is a most valuable one to the human family at large. The two branches of our public service, the Army and Navy, have availed themselves extensively of it. It is one of the most valuable remedial agents that the world has ever known. It is in constant and growing use. This idea which we are thus using, not only prolongs human life, and protects our soldiers and our sailors, and all in our public service from immense suffering, but it is saving, in that mode of treating diseases, thousands upon thousands of dollars every year and every month. This individual cannot enforce his legal rights against anybody, owing to the very nature of the case. We are making use of his property to our great benefit, and he is receiving no compensation whatever for it. Then the papers before me, as I have read them, show that he is the individual who is entitled to compensation, if any one, for the use of this property. We find that the practice of the Government—a very enlightened and useful practice, in my opinion—has been in favor of appropriations of this sort. Then, sir, I ask if this is not a proper occasion for the continuance of this practice? When was there ever before us a more meritorious case? The medical profession throughout the country sustain me in the assertion that this is the most valuable remedial agent that ever has been known. How can we, then, in justice to ourselves, in common justice to the individual who has furnished us this valuable, or rather invaluable remedy, refuse to pay him for it?

Mr. SMITH. Mr. President, I do not know that I have been at any time since I have been in Congress, more surprised than I was yesterday, to learn that this Dr. Morton, in place of presenting a petition to the Senate, had, without the knowledge of other parties in interest—without the knowledge of other members of the Senate—gone before the Committee on Military Affairs, and I believe the Committee on Naval Affairs, had an *ex parte* hearing, and induced them to make a report, by way of amending a general appropriation bill. I knew that he had presented a petition to the House of Representatives. I knew that he had caused a select committee to be raised there, which we all know is ordinarily favorable to the object to be effected by it. I knew that he had been before them, and that the committee had decided to draw up a report in his favor, which report he had caused to be printed at his own expense, and was circulating among members of Congress. But, sir, I did not dream that he was seeking to obtain the judgment of one of the standing committees of this body, without any knowledge or any information to other parties who were deeply interested in this subject, and who would have come before that Committee for the purpose of submitting considerations and facts that have a very important bearing on the subject.

Now, I have to say, in the first place, that Dr. Morton has made no discovery which is patentable. It is true that he went into the Patent Office here several years ago, and took out a patent for what he was pleased to denominate a "*letheon.*" The mere idea that this article—I do not know exactly what he called it—is patentable, I believe is the object of contempt and ridicule among the medical profession throughout the whole country. I desire to know what Dr. Morton pretends to have discovered? Has he discovered sulphuric ether? Nobody pretends that he has. Has he discovered that sulphuric ether can be taken into the lungs with impunity? Why, when I was a boy in college, I saw it administered over and over again. I believe we used to denominate it "laughing gas," and we were greatly amused with the antics which would be performed by young gentlemen when they had taken it into their lungs.

Mr. SHIELDS. I do not wish to interrupt the honorable Senator, but I think he is mistaken in a matter of fact; but perhaps I had better not correct the Senator until after he gets through.

Mr. SMITH. I would like to be corrected now.

Mr. SHIELDS. Then I venture to say that the Senator at college never saw sulphuric ether administered.

Mr. SMITH. Well, nitrous oxyd gas and chloroform produce the same effect. I have seen nitrous oxyd administered while I was at college, and my honorable friend from North Carolina [Mr. BADGER] will recollect the time when he and

I were at Yale College, and often saw it administered. Nitrous oxyd gas, chloroform, and sulphuric ether produce exactly the same effect. It seems to make no difference whether you use one or the other; but I believe the medical profession generally believe that this species of ether is, under all the circumstances of the case, the best to be administered. But I desire to inquire of my honorable friend from Illinois, who seems to have formed an opinion on this subject, what this gentleman claims? Does he claim to have discovered sulphuric ether? Does he pretend to have discovered that it could be taken into the lungs with impunity? Not at all.

Mr. SHIELDS. I will answer the Senator. I presume these elements commenced at the creation of the world, but this individual first discovered their use and application.

Mr. SMITH. I insist that he has discovered nothing whatever. That a discovery has been made, I admit; and that discovery is, that the effect of ether, or nitrous oxyd gas, or chloroform, taken into the lungs, is to produce insensibility in the human system. That is all the discovery there is about it. I say that nitrous oxyd gas and chloroform will produce exactly the same effect. I agree with the honorable gentleman from Arkansas, that this substance, when taken into the lungs, will produce insensibility in the subject under the operation of the knife. I agree with him, that it is a great boon to humanity; but I deny that it is a patentable discovery. It is a mere ascertaining of a particular effect of a thing that has been known for I do not know how long. For the last fifty years, physicians have been administering nitrous oxyd gas, sulphuric ether, and chloroform; but they had not found out that under the effect of these substances the knife could be applied to the system without producing pain. This gentleman came down here, and went into the Patent Office, and undertook to get a patent there for certain specifications, telling how this ether could be compounded and administered, and then pretended to get up some sort of patent for it. A patent for a particular effect! Who ever heard of a patent being granted for the discovery of a mere effect? It is not a "machine," not an "art," not a "composition of matter," which are patentable under our laws; but it is a discovery that a certain matter will produce a certain effect. I say that is not patentable. I am willing to leave it to any lawyer in this Chamber, that an effect is not patentable. This individual never sold a patent right, and never pretended to sell a patent right; and I repeat again, that the mere idea that ascertaining the effect of an old and known article is the subject of contempt and ridicule all over the northern country.

Mr. BROOKE. I would ask the Senator from Connecticut, if he considers Daniel Webster a lawyer?

Mr. SMITH. I have a little bit of a suspicion that he is. [Laughter.]

Mr. BROOKE. Then I would refer the Senator to his opinion, given as a lawyer, that this discovery is patentable.

Mr. SMITH. That may be so; but if it be so, why does not this patentee assert his rights? If he has got any rights under his patent, why does he not sue somebody for their violation? He has never instituted a suit. He has never pretended to enforce the patent in any shape or form. The physicians, surgeons, and dentists all over this continent and all over Europe, are using sulphuric ether as an anaesthetic agent, and he has never demanded a penny from them. He knows well enough, that he could not recover a penny of damages, if he were to sue them for a violation of his patent rights; I do not care who makes any assertion to the contrary. In my own State, in every State of this Union, it has been administered. I have seen it administered to patients in this city. Why does he not institute a suit against somebody?

Mr. JONES, of Iowa. The United States cannot be sued.

Mr. SMITH. I know the United States cannot be sued; but can a surgeon in the Army of the United States use a patented article with impunity? If this individual has a right to the exclusive use, under his patent, why does he not get Mr. Webster, or somebody else, to sue some surgeon for using the article thus patented?

I have got at my quarters a petition from the widow of Dr. Horace Wells, of Hartford, Connecticut, which has been transmitted to me within the last few months, and which is addressed to the Senate of the United States. I have been requested to lay it before the Senate, and present the claims of Dr. Horace Wells, deceased, as being the actual discoverer of the anaesthetic effects of sulphuric ether. Why have I not presented it to the Senate? Because it was so late in the session that I did not suppose the subject could be investigated. I did not dream that there was any inquiry going on in regard to it before any of the standing committees of this body.

I assert here now, that in the city of Hartford, all the physicians and surgeons living there, all of the eminent members of the legal profession—the whole community in fact—believe that Dr. Horace Wells, deceased, was the real discoverer of this important effect of sulphuric ether, or nitrous oxyd gas, or whatever may be used to produce this effect. I have the most abundant testimony to prove this. I have in my possession sworn depositions; I have certificates of physicians; I have a vast mass of testimony which I can bring before the Senate on this subject. Yet, sir, here has been an *ex parte* hearing without the knowledge of parties interested, and before a committee of the Senate without the subject ever having been referred to them. And now, without the knowledge of Mrs. Wells, without the knowledge of any of her friends, and without any opportunity for her to be heard, it is proposed to take a snap judgment and an *ex parte* judgment upon her.

The honorable Senator from Arkansas says that the fact that Dr. Morton obtained a patent for what is denominated "*letheon*," establishes some right in him, and precludes us from an investigation! Does not my honorable friend know that all these proceedings for patents are *ex parte*? Does he not know that they are not binding on other discoverers? Does he not know that other parties who claim to have made a discovery have a right to contest the validity of the patent, and that the patent passes for nothing if the opposing claim is established? It is true the patent is *prima facie* evidence; but does it establish anything in opposition to parties who had no opportunity to be heard before the Commissioner? It is certainly no more than *prima facie*, and we are at liberty to contest it in the courts of justice. We have a right to go before a jury; we have a right to prove the facts. And I pledge whatever reputation I may have, that if the Senate will allow me, at the next session of Congress, an opportunity to be heard on this subject, I will make out a case for the family of Dr. Horace Wells, deceased. If the subject shall then be referred to the judgment of a committee of this body, I will be prepared to make out a case worthy the most grave and serious consideration.

What an extraordinary course is it that is now being pursued! We have here a man presenting his petition to the House of Representatives, getting a report in his favor there, and without waiting for that report to be actually presented to the House, coming into the Senate Chamber, unknown to the parties in interest, going before a committee of this body, and there procuring that committee to do—what? Not to bring in a bill, but here, on the very heel of the session, to come in with an amendment to a general appropriation bill. I do not know but that this can be done. I have been in the habit of believing, that if there is any enormity to be perpetrated, if there is any abominable outrage to be accomplished, if ever truth and justice are to be trampled under foot, it is done by way of amendment to some general appropriation bill towards the close of the session. Not that I would intimate, by any means, that the honorable members of the Committee on Naval Affairs would do anything that was not right and just, in regard to a matter of this sort. But, sir, I say that nothing is more dangerous than these *ex parte* inquiries. The best of men are liable to be imposed upon. I have a very high respect for the honorable members of these committees, but I denounce this attempt to filch money from the Treasury, as an outrage upon the rights of others, and a most abominable imposition on this Government. I believe that this Morton is a rank impostor—that there is no justice or truth in his pretended claim. I demand, in the name of justice and right, to have an opportunity to come before the Senate, and tell the story of the wrongs of the poor widow and defenseless children of Dr. Horace Wells—wrongs which they have suffered at the hands of this man Morton, who has attempted to rob their husband and father, who has descended to the grave, of a discovery which is one of the most extraordinary made in modern times. Sir, there is that family now in destitute circumstances, and I assert that the real discoverer is now in his grave. Will the Senate act upon this matter in this *ex parte* manner? Will they proceed to render judgment against the widow and the orphans, without hearing what they have to say for themselves? I shall ask to have an opportunity to be heard in defense of them.

Mr. BADGER. I know not, Mr. President, what private griefs the honorable Senator from Connecticut [Mr. SMITH] has; but certainly something or other seems to have stimulated him into a very undue excitement on this occasion, one not usual upon questions of this kind, and one which certainly that Senator is not in the habit of exhibiting in the Senate. The honorable Senator demands an opportunity of making out a case—for whom? For clients of his. Does he demand that we shall postpone this inquiry, in order that we may have another investigation at the next session? If so, that is one strong reason with me why we should promptly decide it now. I do not want to occupy two months out of three of the ensuing session with the investigation of these contradictory claims, which the honorable Senator desires to set up on this subject.

I shall vote for the amendment which has been recommended by two committees of this body. Of this man, Dr. Morton, I know little. I have seen him in this city, and that is all. About him, as an individual, I care nothing. But I am called upon here to determine whether I will vote for an appropriation to procure the surrender of a patent which he has obtained from the Government of the United States, for the use of what is, beyond all doubt, one of the most valuable bounties that has ever been bestowed upon mankind.

The honorable Senator talks about chloroform; but does he not know, that however valuable chloroform is, as an agent in these cases, it is, at the same time, a dangerous one; and many who have gone to sleep with it, to be relieved from the pain of an operation to be performed, have waked no more? whereas, I have it from surgeons of the highest respectability that, with regard to this particular agent, though it has been used in thousands of cases, there is not known an instance in which fatal or dangerous consequences have resulted from its use. That is what I understand. Of course, I cannot speak upon the subject from any knowledge of my own.

Dr. Morton has a patent for this invention. The honorable Senator from Connecticut says the subject-matter of the patent is not patentable. Upon that question I take issue with him; but this is not the place to decide it. The patent has been granted. The subject-matter patented is in daily use, and has been in use for years in the Army and Navy of the United States, to the great advantage of the surgical departments of those corps, and to the benefit and relief of poor sufferers who were compelled to be subject to surgical operations. It is used by the public generally. And now I ask, if it is becoming the Congress of the United States to say to this man, "We have granted you a patent; we use the discovery for which we have granted you that patent; but there are other people in the world who claim that they originally hit upon this idea, and therefore we will not pay you for the use of your invention?" This man has reduced it to practice; he has made it accessible to common and ordinary use.

But, it is said that Dr. Morton has not prosecuted those who have violated his patent. To me, this is no objection. It is no objection in my mind, that he has not discovered himself to be a litigious person, disposed to bring before the law every surgeon of the Army and Navy, and in private practice, who has used it for the relief of suffering humanity. Besides all that, I have practiced law too long not to know, that whoever goes to law, whatever else he may be, is no wise man; and that he who goes there, goes not for his own benefit, but for the benefit of clerks, sheriffs, and

lawyers. I think, in that respect, therefore, he has acted as a wise and humane man.

I do not undertake to decide on this question, from information which I have derived from Dr. Morton. I never had any conversation with him upon the subject of the invention; I refused to have any conversation with him. I have refused to read anything which he has written upon the subject, but I rely upon information which I have received from impartial sources, and the unanimous report of the Committee on Military Affairs. Upon that I am willing to vote. We are taking no snap judgment upon any person—the clients of the Senator from Connecticut, or otherwise. We merely propose to purchase for the use of the public service, what we think is a valuable, or rather, I should say, an invaluable remedial agent.

Mr. GWIN. Mr. President, as I formerly belonged to the medical profession, I wish to indorse everything that has been said by my friend from Arkansas in regard to this valuable agent. I confess that I came to the examination of this question with extreme reluctance. I had been out of the profession for many years, and I attempted in every way I possibly could to throw it off; but, having been requested by those whom I could not disoblige, to look into it, I must acknowledge that this is one of the most important discoveries that has ever been made in the medical profession; and this gentleman being the patentee, I could look upon it in no other light than that, as we have availed ourselves of his property—for his patent is his property—we should in equity and justice recompense him for it. I came to this conclusion with reluctance; for I was very much disposed, without examination, to go against the claim. But having examined it, I could do nothing less than to add my testimony to that of the Senator from Arkansas, both of us having been in the medical profession.

Mr. SMITH. I want to ask a question of my friend from California. I want to know whether Dr. Jackson or Dr. Wells had any notice of the application for a patent?

Mr. GWIN. I do not wish to go into any discussion of the law with regard to patents. My friend from North Carolina and the Senator from Connecticut can discuss it if they choose.

Mr. SHIELDS. The honorable Senator from Connecticut took occasion to make some remarks reflecting upon the conduct of the committee of which I have the honor to be chairman.

Mr. SMITH. I certainly did not intend anything of that sort.

Mr. SHIELDS. That disclaimer is satisfactory to me; but I beg to state how the matter came before the Committee on Military Affairs. The subject was investigated by a Select Committee of the House of Representatives, and I was informed that the claims which the honorable Senator from Connecticut says he represents, were examined before that committee, and that committee has reported. One of my colleagues in the House, [Mr. BISSELL,] and a physician by profession—and permit me to say, not only an able physician, but as veracious a gentleman as any in Congress—assured me that after a full and fair inquiry, instituted by him and the residue of the committee, of which the late lamented Mr. Rantoul, who was a highly-educated and well-informed man, was a member, and after all the claimants had been heard, and after an examination of the evidence, the committee had come to the unanimous conclusion, that Dr. Morton was the discoverer of this great remedial agent. It is a subject which I did not very well understand myself. The Committee on Military Affairs, therefore, committed it to the honorable Senator from Arkansas, who is a physician by profession, and who understands the whole subject. A professional gentleman of the other House, eminent in his profession, and a highly-educated man—a man of veracity and honor, assured me that the committee of that body had thus determined, after a full and fair inquiry.

It has been stated that this is one of the greatest discoveries of modern times. I believe it is. Of that, however, I only know this—that if this remedial agent had been known when the honorable Senator from Connecticut says he understood it was, it was unpardonable that its use was not applied to the American army in the late war with Mexico. It was criminal that it was not applied, if it was known, and it was wicked in that gentleman to withhold his information from the country on such an occasion as that; for, sir, I believe it would have saved thousands and thousands of lives.

Mr. CLEMENS. No doubt of it.

Mr. SHIELDS. Any man who witnessed the scenes which some of us were there called upon to witness, well knows that such an agent would have saved thousands of lives. Sir, thousands of our bravest and best men fell under the pains and afflictions that followed surgical operations. I have seen so much of that, that I was rejoiced to have an opportunity, when I found there was such an agent discovered, to give it my support in any way; and although I was not acquainted with the subject, I was happy to have it in my power to turn it over to the honorable Senator from Arkansas, who was acquainted with it. I venture to say that there is not a professional man in America or in Europe, who will not consider this the most beneficial discovery since the discovery of vaccination.

I cannot tell whether Dr. Morton is the discoverer or not; I know that those who have examined the subject thoroughly say that he is the discoverer. I have seen in addition, for he has shown it to me, the medal of one of the first medical institutions in the world—that of Paris—acknowledging, and in the name of France pronouncing him the discoverer of this agent, and that he had been able—for it was a good fortune on his part—to make a discovery which has been more beneficial to humanity, than any discovery made in the medical professions since the time of vaccination.

Mr. HALE. Mr. President, I am compelled to vote upon this proposition at this time. I must vote in favor of the amendment, notwithstanding the remarks which have been made by the honorable Senator from Connecticut. But I rise to suggest whether a question of this magnitude—one that is to result in the payment of such a large sum of money to the true discoverer, ought not to be postponed until the next session of Congress, in order that we may fully examine the subject?

Several SENATORS. Oh, no!

Mr. HALE. I am not anxious or solicitous about it, but it is known that there are other contestants for this discovery. I never heard, until within a very short time, that the individual who was suggested by the honorable Senator from Connecticut was seriously contesting for the honor; but I do know that there was a Dr. Jackson, of Boston, a man of high reputation, who did contest this claim with Dr. Morton.

Mr. JONES, of Iowa. Dr. Jackson was heard before the Committee of the House of Representatives, and his case was fully examined.

Mr. HALE. I understand that that committee agreed upon a report in favor of Dr. Morton. I have known Dr. Jackson for a long while, and Dr. Morton but a little while; but if I am compelled to vote upon the proposition now, with the evidence before me, I must vote in favor of Dr. Morton as being the individual entitled to the honor of this discovery. But I rose for the purpose of suggesting to those who have charge of this matter, that inasmuch as there are other contestants, it might be fair to postpone the subject until the next session.

Mr. SHIELDS. The honorable Senator will permit me to make one suggestion to him. As there may by possibility be another contestant—although I do not think, from what I have seen and heard, that any other has any claim, yet as these discoveries sometimes originate in the same minds about the same time, there may be one—I would suggest that the sum be reduced to $50,000.

Several SENATORS. Oh, no!

Mr. HALE. I am not one of those who object to the proposition on account of the amount of money. If this discovery really belongs to Dr. Morton, it is no more than right that we should pay for it; because, whatever may be the value of the patent right, it is such a discovery that he cannot enforce his patent rights. It seems to me that the Government of the United States, having granted a patent by their own officers, are estopped from denying its validity; and as the Government are making use of it in the Army and Navy so extensively, it seems to me but fair to compensate this gentleman.

I have been through the Massachusetts general hospital, where this remedial agent was first introduced, and where it was tested. I went through all the wards and rooms of that hospital, and I saw every form of disease and suffering. I went into the dissecting room, and I confess my blood almost ran cold as I looked at the instruments of torture, as they appeared to me, which were about the room; but I was assured by the physicians attending upon that hospital that, by the use of this remedial agent, patients were insensible to the operation of these instruments of torture—that the effect of it was to make them go quietly to sleep; and that the most difficult and dangerous operations were performed there every day, without those on whom they were performed being sensible of them. That great hospital is one of the finest charities on the face of the earth; and by the operation of this agent the most revolting surgical operations are performed every day, while the patients are, as it were, in a deep sleep.

I do not believe there has been a greater contribution made to the cause of humanity anywhere. I do not put this discovery second to vaccination, or anything else; and if the Senate are determined to vote upon it to-day, I hope they will make this appropriation; and with my present convictions, although I should be glad to postpone the subject until the next session, in order to avoid all danger of injustice, I must vote for this appropriation.

Mr. DOUGLAS. I shall occupy but a few moments as to the claim of Dr. Wells. I hold here a paper which has been laid on our tables, and which I understand to be an abstract of testimony taken in the House of Representatives. I find here two letters, which have passed between Dr. Morton and Dr. Wells, putting to rest the claim of Dr. Wells, brought forward by the Senator from Connecticut. When Dr. Morton made his discovery, as he alleges, he wrote to his old friend and partner, Dr. Wells, to this effect:

BOSTON, *October* 19, 1846.

FRIEND WELLS—Dear Sir: I write to inform you that I have discovered a preparation, by inhaling which, a person is thrown into sound sleep. The time required to produce sleep is only a few moments, and the time in which persons remain asleep can be regulated at pleasure. While in this state the severest surgical or dental operations may be performed, the patient not experiencing the slightest pain. I have perfected it, and am now about sending out agents to dispose of the right to use it. I will dispose of a right to an individual to use it in his own practice alone, or for a town, county, or State. My object in writing you is to know if you would not like to visit New York and the other cities, and dispose of rights upon shares. I have used the compound in more than one hundred and sixty cases in extracting teeth, and I have been invited to administer to patients in the Massachusetts general hospital, and have succeeded in every case.

The Professors, Warren and Hayward, have given me written certificates to this effect. I have administered it at the hospital in the presence of the students and physicians—the room for operations being as full as possible. For further particulars I will refer you to extracts from the daily journals of this city, which I forward to you.

Respectfully yours, WILLIAM T. G. MORTON.

Let us see what Dr. Wells said in reply:

HARTFORD, CONNECTICUT, *October* 20, 1846.

DR. MORTON—Dear Sir: Your letter dated yesterday, is just received, and I hasten to answer it, for fear you will adopt a method in disposing of your rights, which will defeat your object. Before you make any arrangements whatever, I wish to see you. I think I will be in Boston the first of next week—probably Monday night. If the operation of administering the gas is not attended with too much trouble, and will produce the effect you state, it will, undoubtedly, be a fortune to you, provided it is rightly managed. Yours, in haste, H. WELLS.

Now, upon the face of these two documents, I do not understand exactly how it is broadly asserted here, that Dr. Wells is the inventor or discoverer of this remedial agent.

Mr. SMITH. I know nothing about this paper. It was produced, it seems, before the committee of the House, and we do not know whether it is an authentic paper or not—whether it is a genuine letter or one that has been fabricated. I want to scrutinize the letter. I want to see how the signature looks. There is nothing in the previous history of this Dr. Morton that will exclude the supposition that this might not be a fabricated paper.

Mr. MALLORY. The Senator from Connecticut will allow me to put him right on that subject. The original letters can be produced to him in five minutes, if he desires to see them. It is understood that they are now in the hands of the

committee of the House of Representatives, who examined this whole question.

Mr. SMITH. I want all the papers before the committee of the House, and then I shall have Dr. Wells's case here.

Mr. DOUGLAS. I shall not enter into this controversy, or allow my feelings to be excited at all. I thought it my duty to call the attention of the Senate to that testimony, because I saw that an impression was about to be produced on the minds of the Senate which seemed to be contradicted by the testimony in the case. I know nothing of Dr. Morton. I believe I have seen him once or twice this winter, and that is all I know of him. I confess that before I examined the matter my prejudices were against his claim, until my colleague in the other House, [Mr. BISSELL,] who is a regularly-educated physician, a man of great intelligence, and has had practice as a physician, took it up, and as chairman of that Select Committee gave it a thorough investigation. This report produced entire conviction upon my mind that Dr. Morton was entitled to the credit of this discovery.

I do not mean, nor does that report mean, that he discovered sulphuric ether, or that he was the first man that ever administered sulphuric ether, but simply that he discovered the application of sulphuric ether with reference to destroying pain in surgical operations, and that he discovered it to a degree and extent in which it had not before been administered, and in which it was supposed, was not safe to administer it. He risked his own life by experiments upon his own person; and then he administered it to other persons and ran the risk of a prosecution for malpractice in the event that it should fail. I became satisfied from the testimony that he alone made the experiments, and he alone introduced it to the public; that he introduced it first into the general hospital of Massachusetts, and from there to the world; that he took the entire, sole, and exclusive responsibility of the use and introduction of this agent, until its entire success had been established.

I also find from the report, that while these experiments were going on—while it was doubtful whether they would prove successful—Dr. Jackson was ridiculing and denouncing Dr. Morton as a reckless man, who was hazarding the life of his patients by administering this agent to them, and that he never set up his claim, although experiments were being made in the immediate vicinity of his own house, until after those experiments had proven successful, and the judgment of the world was about to be pronounced in favor of Dr. Morton, and of this invention that had been made by him.

I find this in the report of the committee of the House of Representatives, and I understand that both parties were represented before that committee. Taking, then, the report of that committee, before whom both parties were represented in person, and by their counsel, where testimony was adduced, and taking that report in connection with the judgment of the general hospital of Massachusetts, where the first experiments were made, and taking all the testimony together, I cannot doubt that the credit is solely due to Dr. Morton.

In regard to Dr. Morton's previous standing, I have but little to say. It is true, I suppose, that he is not a man of that scientific attainment that could be justly claimed for Dr. Jackson; but it is also true, that the greatest discoveries and inventions have not been made by men of science. Even the very greatest discoveries have been made by plain men, whose position in society before was of the humblest order; and the mere fact that one is a man of science, and the other is not, is not evidence to repel the discovery from being made by the humble man. I understand that Dr. Morton was a dentist, and Dr. Jackson was an eminent physician and man of science; but I do not see one iota of testimony to show that Dr. Jackson had anything to do with this discovery. On the contrary, his denunciation of Dr. Morton, while the latter was making experiments, is conclusive against him. If you strip Dr. Jackson of the one fact of his having a high reputation as a man of science, there is no more to connect him with this discovery, so far as I have been able to ascertain, than any other man in America. He relies wholly upon his reputation as a man of science.

Mr. DAWSON. I wish to state to the honorable Senator that there never has been any report made in the House of Representatives on this subject. The report which has been published is outside of the House. It has not yet been made to the House, unless it has been to-day. I believe the committee stood three to two, and not unanimous, as my friend from Illinois says. The minority of the committee has not yet had a chance to report. There are three claimants to this discovery, and the whole of the facts are not yet known to the House of Representatives.

Mr. DOUGLAS. I have but one word to say about that. I am informed that the report has been formally made to-day. The facts, as I understand, are these: That committee sat very long. Witnesses have been called before them. Both parties have been represented. The committee have given it a full, fair, and even a tedious examination, and have arrived at a conclusion in favor of Dr. Morton; but under the rules of the House, committees have not been called for reports for a long while, and the report which the committee had agreed upon has been published in advance of its being formally presented; but I have been informed that to-day reports have been formally made. But this is a matter of form. It does not reach the question or invalidate the testimony before that committee. I am speaking of the testimony, as laid before the world under such circumstances as justify us in the belief that it is reliable testimony. But I will not occupy time in discussion. I deemed this much due to the occasion.

Mr. BRADBURY. I shall occupy the attention of the Senate but a few moments. I can assure the Senate that I would not say a word were it not that I believe, by adopting the amendment, we should do injustice to other persons.

At the close of the session, we are called upon suddenly to determine a scientific question—to decide upon the merits of a great discovery in an appropriation bill; and an amendment has been brought in by a committee who, if I understand the facts, have not had the subject referred to them. I would like to inquire of the chairman of the Committee on Military Affairs if the subject was ever committed to that committee by the Senate? What a spectacle, then, do we present? Without any notice, so far as honorable Senators are concerned, that the subject was to come up here—without anything being done to give the committee jurisdiction of the subject, they make a report. In answer to that report, it is sufficient to say, that there was nothing to give notice to others that they were to make it. Now, I ask, are we in a condition to determine this question? Are we a suitable body to decide it? Believing that there is merit in the discovery, and that it will be proper to reward some one, I would be willing to institute a tribunal, and let that tribunal notify the claimants, Dr. Morton, Dr. Jackson, and the friends of Dr. Wells—let that tribunal hear testimony, and make their award. And I suggest whether it would not be satisfactory to the friends of Dr. Morton to authorize the President to appoint some two or three distinguished scientific men, who should be disinterested, and who should hear the parties, and determine the merits of their respective claims. I do not know enough about this matter to determine either for or against Dr. Morton. I should certainly be very reluctant to do him any wrong; and if he can establish the facts which he claims, there is a better tribunal than a committee of Congress which we can provide. We know that when we undertake to investigate matters here, the investigation is necessarily imperfect, and especially when we are left to decide upon *ex parte* testimony, and evidence that is necessarily unsatisfactory.

Now, with regard to such a great question as this, involving not simply dollars and cents, but in which the character and reputation of individuals are at stake, we should be careful to make a correct and accurate investigation.

It is said that Dr. Morton has an assignment of the interest of Dr. Jackson. Will the Senate, in determining this case, regard Dr. Jackson as precluded, because he, in consideration of "one dollar to" him "in hand paid," transferred his interest in the patent to Dr. Morton? Why, if that was to be regarded, it would assuredly be evidence that he did not expect that Dr. Morton was to obtain national honors and national rewards, but that he preferred that it should go free to the world.

I am not prepared to decide this question, and one reason is, because I find a document which has been placed upon my table, signed by between one and two hundred of the most distinguished physicians in Boston, and its immediate vicinity, in the vicinity of both claimants, who give it as their opinion that Dr. Jackson is entitled to the credit of the discovery. I know not whether they are right or wrong; but I know many of these gentlemen to be men eminent for their standing and eminent for their skill in their profession, and they certainly have had a better opportunity of determining this question than we have. They have determined in favor of Dr. Jackson.

If a proposition were now presented to reward Dr. Jackson, I should vote against it, as I shall against the proposition to reward Dr. Morton; because I believe we are not now competent to decide the question, and that we can provide a better tribunal, and that we should be doing great wrong to attempt to decide this question at this period, in such haste as we must decide it, if we decide it at all. If we were to undertake to give a snap judgment now, would it be regarded, in the judgment of the world, as carrying that sanction which a deliberate vote in the Senate ought to carry with it? If it is known that the subject was introduced here on *ex parte* evidence, so far as the committee of the Senate are concerned, and that we arrived at our decision in haste, at the close of a session, on an appropriation bill, would it be regarded as of much weight? Why, Dr. Morton, if he has the proof, which his friends believe he has, to substantiate his claim, ought not to desire our decision now; because, under these circumstances, it would not carry that weight which a decision in favor of the true discoverer should carry. Nothing can be lost by delaying this matter; or if the friends of Dr. Morton prefer, I would suggest that we appropriate this sum, and authorize the President to appoint three distinguished scientific men from civil life, who shall notify the respective claimants, hear them, and decide upon the merits of their claims. If the friends of Dr. Morton feel confidence, would that not be a mode in which they could be sure of a decision in their favor? And if they refuse, what other judgment can we form than that they are disinclined to stand up to the test which such a tribunal would afford? A Senator near me says, it would postpone the matter. We need not postpone it. We can make the appropriation, and we can authorize the President to appoint the board; and let that board determine, and upon their decision let the money be paid; so that it is not a postponement. I present this as a test, whether the friends of the amendment are willing to have the claim submitted to the scrutiny which such a board would give.

Mr. WALKER. Mr. President, I will ask the attention of the Senate for a very few moments. I profess to be one who has looked into this matter from its foundation to its capstone. I have read everything that has been printed; everything that is extant on the part of both parties; and I believe everything which they have in manuscript; but before I proceed to that, I wish to make a few observations in reply to the concluding remarks of the Senator from Maine, [Mr. BRADBURY.]

The Senator from Maine proposes that we shall postpone this matter; that we shall suffer a commission to be instituted to decide between these claims, and that thereby we shall avoid taking the friends of the other claimants by surprise—thereby avoid taking a snap judgment upon them. If the world has not had time enough to bestow its attention on this matter, pray, how long will it require to do it? This discovery was demonstrated to mankind on the 30th of September, 1846. It is now almost that same month in 1852. It is almost six years since it was first demonstrated. Has anybody been taken by snap judgment? Let us look at what has been done.

After Dr. Morton had administered this anæsthetic agent in his dental establishment, he immediately resorted to the Massachusetts general hospital. He got the consent of such men as Dr. Warren, Dr. Hayward, and Dr. Bigelow, that he might there administer it in a capital operation. That operation was performed on the 16th

of October, 1846. Again he performed an operation on the 17th of October, and so he continued down to the 2d January, 1847, when these surgeons say was the first they ever heard of the claim of Dr. Jackson. The most distinguished medical men in America swear and certify to this. But this is not all. This matter underwent a serious and candid investigation before the medical men, the surgeons, and trustees of that institution, and they came solemnly to the conclusion, first, that Dr. Jackson had never made any discovery in regard to ether which had not been known long before. Second, that Dr. Morton did, in 1846, manifest, and make plain, and publish to the world, that sulphuric ether, administered in proper quantities and in a proper manner, would produce entire insensibility to any operation. They also decided most solemnly against the claims of Dr. Wells. Not only is that so, but we have here under the hand of Dr. Wells, an acknowledgment that the discovery was Dr. Morton's. Dr. Wells not merely acknowledged it to be Dr. Morton's discovery, but gave him advice about it, and said it would be a fortune to him if he managed it rightly.

Did the general hospital of Massachusetts stop there? No, sir. Dr. Jackson came forward before those great men, and expressed his dissatisfaction at the decision which they had made. He prayed that they might review their decision, and at his request they did review it, one year afterwards, and came solemnly again to the decision to which they had previously come. This was in Boston, where the parties lived. This decision was arrived at by the most scientific men of the continent of America, if not of the world. They reviewed their decision, had the claims again laid before them, and came again, solemnly, to the same conclusion.

In the mean time, however, and while Dr. Jackson was denouncing Dr. Morton as a "reckless" man; as one who had made no discovery whatever, and who would kill somebody if he did not stop his experiments, wrote a letter to M. Elie de Beaumont, of the Academy of Arts and Sciences of Paris. That letter was sent under secret seal, and it was dated November 13, 1846, just at the very time when he was denouncing Dr. Morton as a reckless wretch who would kill somebody. He sent that letter, with a request that it should not be opened until he gave further information in regard to it. The investigation went on before these daring men of the Massachusetts general hospital, and by Dr. Morton, no less daring, until the 2d of November, 1846; and in this country, Dr. Jackson was never heard of as claiming the discovery before that time. In December, 1846, he wrote another letter, requesting M. De Beaumont to open the sealed package. He opened it and read it, and, on the spur of the occasion, M. Velpeau answered it with a sneer, and said:

"The secret contained in the note which has been read is no longer a secret; the medical journals published in America and England have divulged it in the months of November and December. A letter from Dr. Warren, of Boston, communicated the information to me more than one month ago; and Dr. Willis Fisher, of the same city, proposed that I should try its effects at La Charité towards the middle of last December."

That letter of Dr. Jackson's was thus answered by a no less distinguished man than M. Velpeau, before the Academy of Arts and Sciences in Paris. But this secret letter had a fatal effect—an effect which I am sure the Academy of Arts and Sciences never ceased to regret. What did it do? It procured, upon the excitement of the moment, a decision of the Academy of Arts and Sciences of France, awarding to Dr. Jackson twenty-five hundred francs, being one of the Monthyon prizes of that institution, and he received the money. But when the good Dr. Warren, and Dr. Hayward, and Dr. Bigelow, and others of the Massachusetts general hospital, who knew all about it, placed this persecuted man, Dr. Morton, before the world, and established his claim, what did the Academy of Arts and Sciences do? We know it is the nature of that institution never to take back anything which it does. It will not acknowledge fallibility; but it went to the extent to which it could go. It awarded to Dr. Morton another prize of the Monthyon foundation, of twenty-five hundred francs—as what? Just for what Fulton was, just for what Jenner, the discoverer of vaccination, was, and for what all other men are, who come before the world making discoveries. The Academy of Arts and Sciences gave him this Monthyon prize for being the man who had discovered, and made beneficial to the world, the use of sulphuric ether as an anaesthetic agent.

Notwithstanding that Dr. Morton had to fight the medical and literary magazines of the country—notwithstanding he had to fight Dr. Jackson, and almost everybody else—for nearly all the surgeons in the country, except those in the Massachusetts general hospital, frowned upon him—notwithstanding all this reduced him to poverty; yet, like a noble man, as he is, he declined to receive the two thousand five hundred francs in money. Still, so anxious was the Academy of Arts and Sciences to place in his hands evidences of their exalted recognition of his rights, that they directed a certain portion of the fund to be paid in the shape of their largest gold medal. That did not exhaust the entire fund, and the friends of Dr. Morton in France took the balance of it and used it in inclosing the medal in a beautiful gold frame, so that it altogether now presents the beautiful thing which I hold in my hand, [exhibiting it to the Senate.] Dr. Morton would not receive the money, but he received that which he could treasure in his heart, and could look upon as an evidence of the appreciation of his exertions by this noble Academy of Arts and Sciences of Paris. It is a noble appreciation of him who gave this invaluable discovery to the world. It shows whom they considered as the real discoverer.

When you come to look at the testimony on which the claim of Dr. Jackson is based; when you come to inquire really what it is, it would seem most astounding that any one in the world should come forward with such a claim. What was it? At first he claimed nothing more than that he had told Dr. Morton that ether could be taken safely into the lungs. Anybody in the world could have told him that. This substance had been known since the thirteenth century. Its formation was accurately described by Valerius Cordus, in the sixteenth century. Frobenius first designated it ether, and published an account of it in the philosophical transactions in 1730. Its use as a medical agent, first alluded to by Valerius Cordus, and mentioned by Hoffman, Cullen, Alston, Lewis, and Monroe, and other writers of the last century, has long been familiarly known. The history of its use by inhalation, commenced with the pamphlet published in 1795, by Richard Pearson; and several communications from the same Dr. Pearson are to be found in the work of Dr. Beddoes on Factitious Airs, published at Bristol, England, in 1796. The same work contains a letter from one of Dr. Thornton's patients, giving an account of his use of ether, by Dr. Thornton's advice, in a case of pectorial catarrh. He says, "it gave almost immediate relief both to the oppression *and pain* in the chest." On the second trial, he inhaled two spoonfuls, with "immediate relief, as before, and I very soon after *fell asleep*." In 1815, Nysten, in the Directory of Medical Sciences, speaks of the inhalation of ether as familiarly known for *mitigating pains* in colic. For the last fifty years, most therapeutic authors mention its use by inhalation in asthma, &c., as Duncan, Murray, Brande, Christison, Pereira, Thompson, Barbier, Wendt, Vogt, Sundelin, &c. Effects analogous to intoxication, when ether is inhaled, are stated by American authors, as Godman, (1822,) Mitchell, (1832,) Professor Samuel Jackson, (1833,) Wood & Bache, (1834,) Miller, (1846, and early in that year.)

Dr. John C. Warren, in his work on Etherization, says:

"The general properties of ether have been known for more than a century, and the effect of its inhalation, in producing exhilaration and insensibility, has been understood for many years, not only by the scientific, but by young men in colleges and schools, and in the shop of the apothecary, who have frequently employed it for these purposes."

From the days of Hippocrates down, there has been an effort to obtain an anaesthetic agent—something to lull the patient in surgical operations. But until Dr. Morton, with what physicians termed a daring spirit, came forward and demonstrated it to the world, the right agent had never been found. There is among the testimony, the certificate of the person on whom the agent was first employed. Dr. Morton first extracted teeth in this way. He then went to Dr. Warren, and got him to consent to perform a surgical operation upon a patient, rendered insensible by this agent, which he did perform on the 16th of October, 1846. Dr. Morton repeated his experiments in surgical operations at the hospital, on the 17th of October, and continually from that day down to the 2d of January, 1847, when Dr. Jackson first made known that he ever had any claim.

The trustees of the general hospital of Massachusetts, as a testimonial of the services of Dr. Morton, raised a fund of $1,000; but knowing his sensitiveness on the subject, and in order to make the compliment more acceptable to him, that there might remain something connected with it as an enduring monument of their gratitude, they inclosed the amount in a silver casket, containing an engraving manifesting their fourth decision, as you may say, in his favor.

Again, as another testimonial, I may state that the subject was brought up in the Thirtieth Congress, before a select committee of the House of Representatives, and with all the testimony before them, they decided that Dr. Morton was the discoverer. Here, again, in this Congress, after another review of all the testimony, Dr. Morton appearing before them in person, and Dr. Jackson, both in person and by counsel, a select committee of the House of Representatives has decided Dr. Morton to be the discoverer.

All that there is now to answer against his claim, is the remonstrance to which the Senator from Maine has alluded; and what is that remonstrance? It is a remonstrance said to be signed by one hundred and forty-four physicians. The register of physicians of Massachusetts, shows that there are about fifteen hundred in that State. Not one of these remonstrators was in the general hospital of Massachusetts at the time this discovery was brought out; but on the contrary, a great many of them are dentists, who were personal enemies and personal rivals of Dr. Morton, and they are to this day his personal rivals. At the time he was risking his life to bring out this discovery, they were denouncing him, and endeavoring to put him down. They were getting up prosecutions against him, to drive him, if possible, from respectable society. Yet these are the men who come forward and remonstrate! But, is it true, as the remonstrance states, that it is from "Boston and its vicinity?" I have here the State record of Massachusetts, and I find that the names on that remonstrance are scattered all over the State. There are three hundred medical men in Boston alone, and here are one hundred and forty-four remonstrants from the whole State of Massachusetts, and these are Dr. Morton's rivals—men who had first given him notes, and then refused to pay them, and became his enemies, and tried to make out that he had made no discovery! The remonstrance is dated in February last, and they have been ransacking the State of Massachusetts from that time to this, to get up remonstrators against Dr. Morton, and they have succeeded in getting one hundred and forty-four out of fifteen hundred in that State.

We have two reports of the hospital of Massachusetts; we have the prize awarded by the Academy of Arts and Sciences of Paris; we have the award of a casket and $1,000 by the trustees of the Massachusetts hospital; we have the reports of two select committees of the House of Representatives; we have the concurrent voice of two committees—the Committee on Military Affairs and the Committee on Naval Affairs—of this body; and there is nothing to answer it but this simple remonstrance of which we have heard to-day. We have nothing in an authentic shape to controvert all these testimonials. Most of these remonstrants do not state that they know anything about the facts, but simply give their "belief." Why not go to Dr. Warren, Dr. Hayward, or Dr. Bigelow? Why not go to the various men who cut off legs and arms, and extirpated tumors, and performed the most dreadful surgical operations with the aid of this agent, when Dr. Morton was making his first experiments? Why did not Dr. Jackson do that? Why did he not bring the names of some surgeons to certify that he discovered this? He could not do it.

These awards to Dr. Morton, the concurrent testimony of all these individuals, speak a voice in America and Europe, and now it is even heard

in Asia. But why do we get up a controversy here about the real discoverer of this remedial agent? I have in my possession the original patent, in which it is expressly recited that Dr. Jackson has assigned all his interest in the matter. How did he get any interest? It was through the mistake of the lawyer who was employed in regard to obtaining a patent. Dr. Jackson went to him, and finding him employed in endeavoring to obtain a patent, observed that he had something to do with that matter. The lawyer asked him what he had to do with it. "Why, I told Dr. Morton that ether could be administered with safety." Everybody knew that before. But did he know that pain could be destroyed under its administration? No, sir. He does not attempt to prove it. But let anybody read the review by both select committees of the House of Representatives, of the testimony by which he undertakes to prove it; and if they could ever thereafter believe his witnesses, it is more than I could do. There is not one particle of testimony given, to prove that Dr. Jackson ever said or ever supposed that ether could be so administered as to annihilate pain. All that Dr. Morton wanted to know, in order to be sure, was, that he was not running the risk of murder. Dr. Jackson said it could be administered with safety. He told the patent lawyer that he had something to do with it—that he had given this information to Dr. Morton; and then that lawyer, Mr. Eddy, through a mistake, not knowing the facts, proposed that Dr. Jackson should have some remuneration. What do you think Dr. Jackson was content with, in the first instance? Did he claim any part of this discovery? At the suggestion of a friend, I will give way to the Senator from Louisiana for an explanation.

Mr. SOULE. Mr. President, the amendment proposed by the honorable Senator from Arkansas, [Mr. BORLAND,] meets with my hearty concurrence, and has the sanction of my judgment. I will most cheerfully give it my support. But I must express my surprise and concern at the course of the debate it has given rise to. I dissent, emphatically, from the opinion which honorable Senators have expressed, of the character of the connection in which Dr. Jackson stands to the discovery sought to be so liberally noted and rewarded through the amendment on your table. I am free to acknowledge, and admit, unhesitatingly, that by far the largest share in bringing that discovery to practical results, and in endowing the world with the secret of the wonderful power which the inhalation of ether had to abstract sensibility from the patient, in those cases where the acuteness and intensity of their sensibility rendered the skill of the physician timid, and at times utterly powerless, belongs to Dr. Morton. For this, I am willing that he be made the recipient of the bounty provided for in the amendment. But while I am thus favorably disposed towards Dr. Morton for his agency in introducing that great principle into practice, and constituting it one of the main levers of all essential surgical labors, I cannot disown the claims of science, disregard its titles to the initiatory experiments that brought it out, and stamp them with reprobation. The name of Dr. Jackson will forever remain associated with this discovery. It is too strikingly salient, in the very testimonials adduced by the friends of the measure, to be thus blotted out of the record which attests its relations to the workings that preceded and prepared the transformation of the theoretical appreciation into an efficient formula; and fearing that an unqualified vote on the amendment before me might do his claims injustice, I could do no less than to rise and to enter my protest against his being prejudiced by any action of ours, in any right he may have to become a participant in the generosities of this Government. Sir, the benefits which this invention has conferred on suffering humanity, are large enough to justify a bestowal of our favor upon all those who may have been instrumental in bringing it about. The connection of Dr. Jackson with the discovery, needs no better proof than the very letter of the patent under which the claims of Dr. Morton to this bounty are pressed. Dr. Morton certainly cannot impeach this evidence; and if it means anything, it establishes beyond doubt, in Dr. Jackson, not only an interest, but, in some sort, a preëminence of interest in the thing discovered. For the question, I take it, is not in whom resides the proprietary right to the patent, but to whom belongs the merit of the invention. The appropriation provided for in the amendment, if I understand it aright, is not meant as the purchase price of the patent, but as an encouragement, or rather a national reward tendered to the discoverer in grateful acknowledgment of the boon he has conferred on humanity; and, sir, while we thus sanction, with the seal of our commendations and liberality, the merits of this heavenly invention, let us be mindful that we do no injustice to any one who may have participated in it. Sir, the claimants have chosen to lay their respective pretensions before the best, and certainly the highest forum in which they could be investigated and adjudged. They have plead their cause before the French Academy of Arts and Sciences, than which no other body of men is more qualified to pronounce on such a contest. They have had a trial, and a verdict has been returned, and they should not be permitted to question either the authority of the tribunal, or the rectitude of the award, particularly as they both claim under them. Here is the report made by that illustrious scientific body through one of its most renowned members, M. Bovier, speaking as the organ of the commission appointed to investigate the rights of the parties, and to decide between them:

"A prize of 300 francs is allowed to Dr. Jackson for his observations and experiments on the anaesthetic effects produced by the inhalation of ether.

"And a prize of the same value is allowed to Dr. Morton, for having introduced it as a system in chirurgical practice, upon the indications of Dr. Jackson.

"In this case two distinct things are to be noted, born of each other, one of which belongs to Dr. Jackson, and the other to Dr. Morton. Dr. Jackson had observed that individuals who, for a time, had been subjected to the action of ethereal vapors, were momentarily deprived of all sensibility. There is the physiological fact, as verified by Dr. Jackson himself. After this, Dr. Morton succeeded several times in extracting teeth from persons previously subjected to the inhalation of ether." * * * * "Mr. Jackson and Mr. Morton were necessary to each other. Without the insistency, the prepossession, the courage, not to say the audacity of the latter, Dr. Jackson's observation might have remained long unapplied; and without the facts observed by Dr. Morton, Dr. Jackson's idea might have been sterile and ineffectual."

Such is the enlightened judgment which the ablest body of scientific men now living has passed upon the respective claims of these two individuals. If I had any right to venture an advice in so grave a matter, I would respectfully suggest that we do not so impart our favors and bounties upon the claimant before us, as to shut our door on those who may have as good a right as he to partake in them. After these hasty remarks, and under the reservations which I have expressed, I shall give my vote in favor of the amendment.

Mr. WALKER. The Senator from Louisiana has given a most impartial statement in regard to this matter, one such as might be expected from that Senator, in taking an upright and just view. Upon the subject of that report which he has read, I have this to say: that Dr. Morton denies that he ever knew that the Academy of Arts and Sciences had the matter under examination at all, when they made their first report; and this was the reason why he refused the specific award of money. But this does not appear from the book which the honorable Senator has read; and therefore he has stated the facts as he understands them.

Before the explanation of the Senator from Louisiana, I was about to ask the question: What was it supposed that Dr. Jackson asked for his interest in this matter, in the first instance? He first made the suggestion to Mr. Eddy. Mr. Eddy thought that Dr. Morton ought to make some credit, or do something; and all Dr. Jackson then asked was $500 for medical advice; and, according to his own language, he went home and charged Dr. Morton upon his books $500 for medical advice; and Dr. Morton executed a bond to pay Dr. Jackson $500, provided ten per cent. upon the patent would make that sum. He subsequently claimed ten per cent. upon the patent; and then claimed twenty-five per cent.; and ultimately claimed that he was the real discoverer of the whole. But, however that may be, whatever straits Dr. Morton may have been in, I say, here is the patent in the name of Dr. Morton, and in it Dr. Jackson surrenders any title he could by possibility have. But, whatever Dr. Jackson may be able to show hereafter that he is entitled to, I shall be willing to grant to him.

I must make this further remark: Dr. Morton has been pursued in every step he has taken in this matter. It is in evidence before the committee of the House of Representatives, and they have reported the fact, that there were raised in England at one time by subscription £10,000, for the discoverer of the anaesthetic properties of ether, and the payment of it to Dr. Morton was prevented by the agitation raised by Dr. Jackson. Dr. Morton has been pursued by people hunting on his track. They are still following him. Here they are, now, pursuing him through the mouth of the Senator from Connecticut. But I do not blame him for making any representations he may see proper in regard to Dr. Wells; but I say that the original claim of Dr. Wells is altogether refuted by his own evidence, and by his own advice to Dr. Morton.

Then, taking all these public monuments, as you may call them, as evidence of the right of Dr. Morton, running from 1846 to 1852, how can it be possibly said that we are taking a snap judgment on anybody? It cannot be truly said. This subject has been long considered, and the judgment of the world has been in favor of Dr. Morton's rights. But here is the patent, and here he is the assignee of any rights that Dr. Jackson may have had.

A proposition now comes up from the Committee on Military Affairs to procure a surrender of that patent; and for what reason is that opposed? Why, that by paying this, we may do something wrong to some other individual. Sir, the patent has been granted at the Patent Office. That is the tribunal established by the Constitution and the laws to decide to whom a patent is due. That institution did decide the patent to be due to Dr. Morton, and it was issued to him, and any rights which Dr. Jackson had in it are recited in the patent as being assigned to Dr. Morton. Then he (Dr. Jackson) can have no claims. But it is not pretended that Dr. Jackson or Dr. Wells have got a patent. It is known that they did not get any. Dr. Morton has the patent, and this appropriation is proposed for the purpose of obtaining the surrender of that patent.

Mr. MANGUM. Mr. President, I have perhaps been more happy this evening than you have been. The Army appropriation bill was taken up this morning, and I went home to get my dinner, knowing that the Senate would be amused and interested in the mean while by a beautiful, brilliant, and magnificent dialectical exhibition. I happened to come in just at the moment when it was in its full glow and brightness and beauty. I do not know what subject is before the Senate; nor, from what I have heard, do I deem it material to know. [Laughter.] I think I can speak just as well upon it, as most gentlemen without knowing anything about it. But this I will say, I am utterly opposed to anything and everything which has not been regularly considered by the appropriate committee.

Mr. BORLAND. The Senator will permit me to say that this is not only recommended by one of the regular committees of this body, but by two of them, and by two of the Departments of the Government besides.

Mr. MANGUM. As to the Government, I do not believe much in that, [laughter;] but as to the committees, I suppose they are about right, particularly since they have been appointed by the Presiding Officer of the body. As I said, I think from what I have heard here, that I can speak just as well on the subject, without knowing anything about it, as most gentlemen. If this matter has come up as an amendment, without being recommended by the appropriate committee, it would be better at this period of the session not to entertain it. I suppose three or four hours longer would give a full opportunity for gentlemen to give a brilliant and magnificent exhibition of their dialectical qualities; but they must remember that our session is to terminate soon. I hope we will put aside all things that are not regularly in the bill. The public business ought to be done, and done promptly. I must, however, do the members of this body the credit to say that their speaking power is beyond the physical power of all the giants of all ages of the world. For myself, I speak less than any man in this body, who

pretends to speak at all. I have occupied less than four hours during this session; and yet, under ordinary circumstances, I would say a few words. But we have General Scott to elect, and I think these questions had all better be postponed till after that period. I am against these propositions, unless they are part of the original bill. I wish to know of the Chair, if the proposition pending is a part of the bill?

The PRESIDENT. The amendment pending is one recommended by the Committee on Military Affairs.

Mr. MANGUM. I think that at this time we ought not to take up these extraneous matters. We have a great deal to do this fall, and we had better go home and do it. This mode of doing business reminds me of a story I heard of a tigress that crouched by the side of a little path leading to a spring, and when persons went to the spring to get water, the tigress would pounce upon them. This is the way that these subjects are brought upon us at the close of the session. When we imagine that we are all safe, something is pounced upon us which leads to several hours of discussion.

Sir, I go for those things which come through the regular way, and I deeply suspect everything that comes in indirectly. I have been here a long while. I have seen upon the last nights of every session more enormities committed upon the public interests than during the first four, or five, or six months of a session. I am against it as an old man, and I never tolerated it when I was a young man. I do not want to stop gentlemen's dialectical exhibitions. I hope they will be brilliant and beautiful in tone, and this brilliancy and beauty will make up for a deficiency in the solidity of matter. But I hope gentlemen will allow us to come to a vote and get through with this bill.

Mr. TOUCEY. Mr. President, there is a petition in behalf of the widow and children of Dr. Horace Wells, now deceased, claiming him to be the author of this discovery. That petition is in the hands of my colleague to be presented to this body. It claims for Dr. Wells the whole merit of the discovery, and his widow and children consider themselves entitled to the benefit of any bounty which Congress may see fit to bestow. While the Army appropriation bill is under consideration, without a hearing—without an opportunity of being heard—an attempt is made to forestall that question, and to decide it by granting this money to Dr. Morton. If the widow and children of Dr. Wells can have an opportunity to lay the evidence in their possession before a committee of this body, it will prove that in the year 1844, this discovery was made by Dr. Wells, of the city of Hartford, and practiced extensively by him, and by the physicians of my State. I myself have seen the testimony of most of the respectable physicians and surgeons of the city of Hartford, setting forth that fact, and the testimony of a thousand witnesses, proving that this discovery was then made, and was communicated to a medical journal. Dr. Morton was a pupil of Dr. Wells, and afterwards a partner of Dr. Wells, as a dentist. In the year 1844, Dr. Wells made this discovery. The discovery is that by the application of a class of agents, insensibility to pain under surgical operations may be induced. That class of agents is somewhat numerous. One is the nitrous oxyd gas; another is rectified sulphuric ether; and there are others that have been resorted to. But the discovery is of the effect that, by the application of any one of these agents, insensibility to pain under surgical operations may be superinduced. I say, sir, that it can be proved—I know it can be proved by incontestable evidence, for I reside in that vicinity—by testimony that cannot be resisted, that this discovery was made, and was well known and was introduced into practice not only with the nitrous oxyd gas, but with the sulphuric ether, and it was carried to the extent of amputating a limb, as well as performing other surgical operations.

Mr. BROOKE. I wish to ask the Senator from Connecticut a question. If this matter was discovered by Dr. Wells, why was it that he wrote the letter to Dr. Morton, which has been read by the honorable Senator from Illinois, [Mr. DOUGLAS?]

Mr. TOUCEY. I will answer that question. Dr. Morton and Dr. Jackson, two gentlemen of Boston, combined together, after the discoverer had been there, and had disclosed it to them, and came to the Patent Office, and took their oaths, by which they swore that they themselves were the joint discoverers of a certain compound, if I may use the term, which they called "*letheon*," which would produce this effect, and it was in respect to that that the letter was written. But I would ask the honorable Senator whether he is disposed to try the question, and pass upon it on one little particle of evidence on one side, without listening to the proof of the other party? I say here now, that it is the universal opinion of medical men—physicians and surgeons—in the city where I reside, and where Dr. Wells resided, that he was the discoverer of this effect, and reduced it to practice. After he had made the discovery, he went to Boston, and completed it there; and in addition to that, the result of the discovery was communicated to a medical journal, in Boston, in the year 1845, and there it is now. Probably Dr. Jackson and Dr. Morton derived their information from that medical journal. Dr. Morton was the pupil of Dr. Wells, and came to the house of his former partner. He was there present while Dr. Wells was reducing to practice this great discovery of modern times.

I do not, here in my place, and upon my responsibility as a member of this body, undertake to present to the Senate the merits of this controversy between these three men; but I come here and ask that a citizen of this country—that the widow and children of a citizen of this country—may have an opportunity to be heard before the money is paid which is proposed to be paid by the Government for this great discovery. To show that this claim is entitled to consideration, I will state the fact, that the Legislature of the State of Connecticut, years ago, took this subject into consideration, and adopted a joint resolution, awarding the honor of this discovery to Dr. Wells; and I will state further, that after obtaining testimony, Dr. Wells resorted to Paris, and presented to the Institute of France the evidence that he had made this discovery. I believe that they have awarded to him the honor of it, but I will not state that as a fact positively of my knowledge. I have, however, been so informed, and I believe it to be true.

What I would submit to the Senate is this: If this Government is about to appropriate $100,000 to the person who is entitled to the merit of this great discovery—I mean the application of a class of agents to produce insensibility to pain under surgical operations—let the parties have an opportunity to be heard; and when the petition of Mrs. Wells is presented to this body, let it go to the committee, and let the parties be heard. But here the subject is brought up upon the military bill, and before the committee of the other House has reported upon the subject.

Mr. BROOKE. I wish to ask the Senator if he is aware that the claim of Dr. Wells, and the evidence supporting his claim, was laid before the committee of the other House, and fully examined before they made this report.

Mr. TOUCEY. I think it is not so.

Mr. BROOKE. I assert it to be the fact, that the claim of Dr. Wells was examined.

Mr. TOUCEY. It is not noticed in the report. There is one little extract given, but the evidence in support of the claim of Dr. Wells is not presented in that report. The report is signed merely by a majority of the committee of the other House, and the minority report has not been handed in. What then? The widow and the children of Dr. Wells accidentally heard of it, and they sent in the affidavits they had on hand; but they have not been examined; they have had neither witnesses nor counsel; and now my colleague has their petition. If it is a matter of competition between these claimants, to which we must award the honor, I must say that the friends of Dr. Wells ask, for the sake of his reputation, that they should have an opportunity of presenting his claims.

I will state to the Senate one other fact. This pretended patent has never been regarded as of any validity. It has never been acted upon; it has never been enforced in any case; nor has any attempt been made to enforce it. If there is anything of that kind, it has been done in a corner. It has been done so that it has not come to my knowledge, or to the knowledge of the friends of Dr. Wells. Dr. Wells resided in my vicinity, in the city of Hartford. His office was in my own immediate vicinity, and it was a matter of public notoriety there that this discovery was made and reduced to practice by him in the year 1844; whereas the claim of Dr. Morton is, that he made the discovery in October, 1846. Dr. Wells made the discovery in the fall of 1844. I myself have seen the affidavits of the principal surgeons and physicians of the city of Hartford to that effect. I have seen the certificates of men who were operated upon, whose teeth were extracted—whose tumors were cut out, and without pain. I have seen a certificate from the very chemist who, at Dr. Wells's request, administered nitrous oxyd gas to him, and had one or two of his teeth extracted, for the purpose of testing the discovery; and when he found how successful it had been, he was overcome with joy at the immensity of the discovery.

All I ask is, that there may be a fair hearing upon the subject before this or any other sum is awarded to the meritorious person. There has been no such hearing. If Congress are disposed to go into that question, let justice be done; let all the parties have an opportunity to be heard for this great prize thus proposed to be offered to them; and let it be awarded to the person who deserves it. Sir, in what condition is the Senate? On the last day, or the last day but one, of the session, upon a bill providing for the support of the Army, involving some $8,000,000, we are called upon to decide upon a private claim—one that has not been reported upon, unless to-day by the committee of the House of Representatives—one that has never been referred to the Committee on Military Affairs or the Committee on Naval Affairs of this body—one over which they had properly no jurisdiction, but which they have investigated without the knowledge of the parties who are interested in the question.

As a member of this body, I ask for common justice for my constituents, for the widow and children of Dr. Wells. Let them be heard, and if they are not entitled to this bounty let it be so decided upon proof before a committee of this body, or any other tribunal whatever. I have proof of the claim of Dr. Wells, but I will not go into the particulars of that proof for the purpose of convincing the Senate, because the subject is not properly before this body. I hope, therefore, that the Senate, on the ground that it is out of order, will not incorporate into the bill a private claim of this kind, which is not legitimately here; and if they are disposed to do, or have power to do it, that they will not act upon it until the next session, when all the parties may be fairly heard.

Mr. PRATT. I certainly do not desire to prolong this debate. I wish to remind the Senate that this is a *quasi* judicial proceeding. We are sitting here as judges to decide whether there is or is not a debt due from the United States to the discoverer of this scientific principle, and if there is a debt, to whom it is due. We are to act, therefore, here as *quasi* judges to determine that question. The report upon that subject has been laid upon our tables to-night. I have not had an opportunity to read one word of it. I have not antecedently had the opportunities which other honorable members seem to have had. I want to ascertain the facts of this case. I have had no opportunity of hearing anything about it until the candles have been lit in this Chamber. Reports have been laid upon our tables to-night, and to-night only. I am informed by a member of the House Committee that he has made a counter report, which has not yet been printed, going to show that Dr. Jackson is the party entitled, if anybody, to this payment on the part of the Government.

As I have said, we are sitting here as judges to decide this question. How are we to decide it unless we hear both sides? Senators who, like the Senator from Louisiana, [Mr. SOULE,] are willing to pay $100,000 to Dr. Morton, and the same amount to Dr. Jackson, and a similar amount to Dr. Wells, or anybody else who may present a claim for this discovery, may agree to this without investigation; but as representing the United States, and as it is a debt of gratitude that can be due to but one, I am willing to pay the party enti-

tled to it; but we should have an investigation. We should have the means of judging. Every one should have an opportunity of judging for himself. I do not doubt that my friend from Wisconsin is perfectly prepared to vote, because he seems to have had full information before him so that he could investigate and judge for himself. I do not doubt that the Senator from Arkansas also has had information, but I have not. The report has been laid upon our tables since these candles were lit, and no member who has only the legitimate information given to the members of this body is prepared to judge in regard to it.

Mr. TOUCEY. The honorable Senator will allow me to state a fact. There has been no hearing on the part of the friends of Mrs. Wells before the committee. An eminent physician of the city of Hartford, who had himself used this remedial agent in 1845, before the pretended discovery of Dr. Morton, sent on to a colleague of mine in the other branch of Congress some affidavits that had been taken, and that member sent them to the committee, merely to apprise them that there was an adverse claim. But Dr. Morton was there with his counsel, and with his full proofs, and he has caused to be printed a report of the majority of the committee which has not been made, unless it has been made to-day.

Mr. BORLAND I want to say a word in simple justice to the committtee of the other House. The Representatives, or a portion of the Representatives, from Connecticut, handed to the committee charged with this subject a bundle of papers purporting to be the evidence in support of the claim of Dr. Wells. There was no counsel before the committee representng that claim, but the committee thoroughly and carefully examined all the papers presented to them as evidence in support of it, and they came to the conclusion that there was no foundation whatever for the claim.

Mr. PRATT. Owing to the distance at which the Senator stood, with his back to me, I could not hear what he said, so that it will not enable me to make my speech any more intelligible.

One of the arguments used in this case is, that there has been a patent granted to Dr. Morton, and that, therefore, we need not go behind that patent to ascertain who was the discoverer of this element. Then, it follows, that in the first place, the Government gave him a patent, and now, in addition to that, you are to give him $100,000. But again, as I understand the honorable Senator from Connecticut, the patent was received upon the joint affidavit and joint application of doctors Jackson and Morton. They united in receiving the patent; therefore, because it was taken in that manner they both claim to be the discoverer of what is patented. But suppose it to be conceded that this Government ought to appropriate $100,000 to the discoverer of this scientific principle and application, ought we not to have the means to judge for ourselves, or ought we not to leave it to some authority to judge for us, who is to have the money? I am willing to appropriate the $100,000, and then let the Supreme Court of the United States decide who is entitled to it. I am willing to appropriate the $100,000, and get the opinion of disinterested scientific men as to who is entitled to it; but I am utterly unwilling, when we cannot ascertain at all who is entitled to it, when we certainly have as strong evidence that the one is entitled to it as the other—throwing Dr. Wells for the moment out of the question—to see the whole amount paid to one of the parties. I am willing to vote for the amendment if it is changed so as to authorize the Supreme Court of the United States to decide who is the discoverer, and who is entitled to the money, and declare that the $100,000 shall be paid to the party who may be decided by the Supreme Court of the United States to be entitled to it. Suppose we as individuals were called upon to make such a payment out of our own pocket to one of several parties presented to us in the manner that these three doctors come before us, would we do it? Is there a gentleman in this Senate who would agree to pay a man who claimed that from him, when there were three claimants occupying the position of these three doctors?—who would, without some judicial decision, pay to C in preference to A?

Mr. CLEMENS. Suppose it was decided by forty courts, or by forty commissioners, that Dr. Jackson was the original discoverer of this principle, can anybody go behind the patent?

Mr. SMITH. Yes, sir.

Mr. CLEMENS. How? Cannot Dr. Morton enforce it?

Mr. SMITH. No, sir.

Mr. CLEMENS. Yes, sir; he can enforce it. Dr. Jackson's release is on the face of the patent; and it cannot be decided in any other way.

Mr. PRATT. I did not intend to say as much as I have said. I apprehend that the original discoverer is entitled to the patent; and if a party who is not the discoverer obtains a patent, the original discoverer can, in the way the law prescribes, secure the invalidation of that patent.

Mr. CLEMENS. Dr. Jackson's release is on the face of the patent in this case.

Mr. PRATT. That will not secure Dr. Morton, if his claim as the original inventor can be refuted. But all I mean to say is, that, from the evidence before us, there is a doubt as to who is entitled to this money, supposing it to be a debt due from the Government of the United States; and in the existence of that doubt we are not in a position judicially to determine whom to give it to. If we are to appropriate the money, we ought to designate some tribunal to decide as to the relative rights of those who claim it.

Mr. SMITH. I desire to offer a substitute for the amendment.

Mr. PRATT. I understood the honorable Senator from Arkansas to say that this appropriation had been recommended by the War Department. Am I correct?

Mr. BORLAND. I stated that the Secretaries of War and Treasury had both recommended, not the payment of the particular sum mentioned in the amendment, but a fair and liberal allowance for the discovery, deeming it to be of great value.

Mr. SMITH. Will the honorable Senator refer me to the document in which that recommendation is contained?

Mr. PRATT. I am authorized by the Secretary of War, who is by my side, to say that to his knowledge he has recommended no such thing.

Mr. BORLAND. I will read the letter of the Secretary of War:

WAR DEPARTMENT, WASHINGTON, *June* 21, 1852.

SIR: I have received your letter of the 7th instant, inclosing sundry documents relating to the memorial of Dr. William T. G. Morton, who seeks remuneration from the Government for the discovery of the anaesthetic properties of sulphuric ether.

In reply, I beg leave to state that I have no information on the subject of this discovery other than that which I have derived from public rumor and from the documents you inclose, it being exclusively a professional question. All the information which this Department could furnish the committee, is contained in the letter from the Surgeon General, which is among the papers you enclose.

Judging from this information, there can be but little doubt that this discovery is one of the most valuable contributions that science has ever made to the cause of humanity.

I do not know what the practice of the Government has been in relation to rewarding individuals for inventions or discoveries made by them, or, at least, compensating them for the use of them in t e public service; but I do not hesitate to say that if it has been the practice of Congress to grant such rewards or compensation, Dr. Morton's claim is fairly entitled to the most liberal consideration.

Very respectfully, your obedient servant,

C. M. CONRAD, *Secretary of War.*

Hon. FREDERICK P. STANTON,
Chairman Committee on Naval Affairs, H. R.

Here is the letter of the Surgeon General of the Army, accompanying the letter of the Secretary of War:

SURGEON GENERAL'S OFFICE, *March* 1, 1852.

SIR: In compliance with your verbal request to be furnished with information in regard to the employment of anaesthetic agents in the Army of the United States, and also for an expression of opinion as to the value and importance of this class of remedial agents, I have to state:

That sulphuric ether and chloroform were used to some extent in the military hospitals established at the theater of war in Mexico, but the use of those articles was not so general as at present, for the reason that the apparatus at that time believed to be essential to their proper and safe administration, was not adapted to service in the field.

At the present moment it is believed that no surgical operation of importance is performed by the medical officers of the Army without the aid of some anaesthetic agent.

Previous to the discovery of this new application of sulphuric ether, the annual supply of that medicine was one pound for every hundred men. On the revision of the standard supply table, by a board of medical officers, in 1849, the pure washed sulphuric ether was substituted for the ordinary sulphuric ether, and the quantity allowed was increased one hundred per cent. At the same time another anaesthetic agent, the tincture of chloroform, commonly called chloric ether, was added to the supply table, and is now regularly furnished to the medical officers in such quantities as, in connection with the sulphuric ether, will suffice to meet all the demands of the service in this particular.

Although the discovery of this new therapeutic effect of sulphuric ether has led to the introduction and employment of other anaesthetic agents, this does not in any way militate against the merits of the original discovery, which I regard as one of the most important and valuable contributions to medical science, and to the relief of suffering humanity, which has ever been made, the only discovery to be compared therewith being that of vaccination, which has rendered the name of Jenner immortal.

Through the influence of these remedial agents, the surgeon is not only enabled to perform the most extensive and difficult operations, undisturbed by the cries and struggles of the patient, but what is of far greater importance, the patient being rendered insensible, escapes that shock to the nervous system, which in itself is not unfrequently fatal. For this reason operations can now be performed with much more safety than heretofore, and that, too, in cases in which the attempt to perform them would have been forbidden by the general condition of the patient.

To the physician this class of remedial agents promises to be of the greatest utility, though their application in the treatment of disease has yet to be more fully developed.

It will suffice at this time to allude to their employment for the relief of suffering woman in the hour of her greatest trial, and at the moment she claims our warmest sympathies. That these agents can be safely used in parturition, so as to afford full and entire exemption from pain to the mother, and with safety both to her and to the child, has been amply demonstrated.

In conclusion, permit me to congratulate you upon the flattering testimonial you have received from the National Institute of France for this discovery, and to express the hope, that inasmuch as it is impossible for you to derive any pecuniary benefit therefrom in ordinary course by letters patent, you may receive from your country that acknowledgment of your merit which is due to one who has conferred so great a boon upon mankind.

I am, very respectfully, your obedient servant,

TH. LAWSON, *Surgeon General.*

W. T. G. MORTON, M. D.
Brown's Hotel, Washington, D. C.

Mr. PRATT. Mr. President, the Senate will have perceived, from the reading of those letters, that the statement was stronger, as originally made, in reference to the recommendation from the War Department than they warrant; for the Secretary of War says that this is a question which he knows nothing about; that he knows nothing at all in reference to who was the discoverer of this principle; that he knows nothing of its value as a discovery except from the documents which were sent by the committee to the War Department, and from the letter of the Surgeon General, which was on file in that Department; that the Department had no information except that letter which has been read by the honorable Senator from Arkansas; but that judging from it, without any knowledge on the part of the Department, whoever may be the discoverer ought to be rewarded by the country if it was in accordance with our practice and usage that such men should be rewarded.

Mr. BORLAND. I did not say that the Secretary of War undertook to decide who was the discoverer, but simply, assuming that somebody had discovered it, he did recommend that a liberal acknowledgement, in the way of compensation, should be made by the Government. That is all that the letter sustains.

Mr. PRATT. As I understood the statement of the Senator, it was that the amendment which was offered was recommended by the War Department.

Mr. HUNTER. If the question can be taken now, I will give way; but if not, I desire to say a few words.

Mr. President, I think it is very obvious from this discussion that a general appropriation bill is no place upon which to settle the priority of such an invention as this; nor do I believe that it is proper for this Government to undertake to settle such a question, and buy such an invention. The cases which have been alluded to were exceptions. In the case of McCalla and Boon, their invention was only applicable to mints, and the United States had the monopoly in the refining and coining of money. They could not be compensated, therefore, unless something was given to them. But this man has a patent. If the discovery is worth anything, I presume he could enforce it against anybody who used it—the agents of the United States, as well as others. I suppose the United States, if they wished the use of the patent, could buy it; and I suppose they could buy it only upon the same principles upon which individuals could buy it. That would be legitimate

enough; but when it is proposed not really to buy the use of the invention, but to use that as an indirect mode in which to decide the question of priority, and by which to reward such a discovery and the exercise of such ingenuity, I think that we are departing from our proper sphere. It seems to me that this is a case of the latter sort. It would be just as proper to attempt to settle any other question in relation to the priority of a scientific invention without regard to its practical use; because, if we are to look to that, this man possesses a remedy, through his patent, against any who use his discovery, whether agents of the United States or not. But the main object for which I rose was to suggest to the Senate that it is now obvious that unless this proposition be withdrawn, or unless by general consent we will agree to vote upon it at once, it will consume the residue of the night. I hope, therefore, either that its friends will withdraw it, for this is not the proper place for its consideration, or else that its opponents will agree to permit us to vote upon it.

Mr. SHIELDS. I join heartily in the latter expression of my friend from Virginia; but I hope the amendment will not be withdrawn. I hope it will be voted upon, one way or the other, for this reason: I prophesy that, if it is not finally determined here to-night, next session we shall have fifty claimants for the discovery. They will spring up in every town and village throughout the country.

Mr. SMITH. I will save the Senate all trouble on this subject. I will offer an amendment having for its object the organization of a disinterested tribunal to decide this question. I move to amend the amendment by making it read as follows:

Be it enacted, &c., That the sum of $100,000 be appropriated as a national reward for the discovery of the anaesthetic properties and effects of sulphuric ether and its application in surgical and medical practice; and that the President of the United States be authorized to appoint three distinguished scientific men as commissioners, who shall examine the claim which may be set up by any person or persons to the discovery of the anaesthetic effects of sulphuric ether, and its application in surgical and medical practice, and that the said commissioners shall award the sum hereby appropriated, after deducting the expenses of their commission, to such person or persons, or the heirs of such person or persons as they shall determine to be entitled to the credit of said discovery and application, in such proportion as they shall judge to be due to the merits of the parties who have made said discovery and application.

Mr. WELLER. Question!

Mr. SMITH. I do not know but that the honorable Senator from California, who seems to have made up his mind pretty fully on this subject, is about to cry "Question, Question!" to prevent my submitting my amendment to the consideration of the Senate. That is not the sort of treatment which members of this body ordinarily receive.

Mr. WELLER. The Senator from Connecticut took his seat, and I took it for granted that he was through. But if he has any information to communicate to the Senate, I have no doubt the Senate will hear him patiently, although it would, perhaps, be the first time that the Senate ever received any information from him.

Mr. SMITH. I have nothing to say in regard to the courteous, gentlemanly, and senatorial remark just made by the Senator from California, that if I now communicate any information to the Senate, it will be the first time I have ever done so. That was a very courteous, gentlemanly, and senatorial remark to make here. That is all the notice which I shall take of the Senator or of his remark.

Mr. BROOKE. I beg leave to differ from the honorable Senator from Connecticut on this question. While he is a prominent member of the party of which I claim to be an humble member, yet on this occasion I claim the liberty of entering my protest and dissent to his views, although the subject under consideration may not be connected with the general politics of the country. The point made by the honorable Senator was——

Mr. SMITH. I desire to know how my honorable friend from Mississippi obtained the floor?

The PRESIDENT. By rising and addressing the Chair. The Senator from Mississippi will proceed.

Mr. SMITH. I offered an amendment to the Senate. I saw that the Secretary could not read my manuscript well, and I stepped to his desk to assist him, intending to resume my remarks. It is rather unusual to take the floor from a Senator in such a case.

The PRESIDENT. Under those circumstances the Senator from Mississippi was not entitled to the floor. The Senator from Connecticut will proceed.

Mr. WELLER. If the Senator from Connecticut has the floor, I desire to ask him a question. He made a remark, a few moments ago, which may admit of a different construction from what he intended.

The PRESIDENT. If the Senator yields the floor, he may not get it again.

Mr. WELLER. I apprehend it will be waived for a personal explanation.

The PRESIDENT. That depends upon the Senator himself.

Mr. SMITH. I desire to resume my remarks. I have no feeling whatever in relation to this subject other than a desire that right and justice should be done in respect to the matter we have now before us. My colleague and myself may, I suppose, be properly regarded as the representatives of a destitute widow, and of several orphan children residing in the city of Hartford, in the immediate vicinity of my colleague; and I should feel that I was wanting in my duty, I should more than abhor myself, if I did not stand up here, and plead the cause of the widow and the fatherless. And under what circumstances, Mr. President, am I brought to the consideration of that cause? Am I not taken unawares? and is not my honorable colleague taken unawares? Was this proposed appropriation contained in the original bill? Did the Committee on Military Affairs put it in the original bill, and print it for the benefit of the Senate, and for the information of my colleague and myself? If they had done so, we should have had notice of this.

Mr. SHIELDS. Will the Senator permit me to ask him if my colleague in the House did not notify him that this was under discussion before the committee there?

Mr. SMITH. I speak of the committee of the Senate. What if it were before a committee of the House? What has that to do with the question? I had no idea that you had it here under consideration, in the secret recesses of this Capitol. I mean to treat my honorable friend from Illinois with great respect; I cast no imputation upon him; I cherish for him sentiments of very high respect; I believe he has an honest conviction that this is a just claim in favor of Dr. Morton; but if I could divest the mind of my honorable friend—and I believe I could—of his precommittal—I mean his precommittal so far as Dr. Wells is concerned—and he would give the case a fair, honest, and impartial consideration—and I know he is not in the habit of giving any other consideration to this or any other case—I should be greatly disappointed when the proof was brought fully before him, if I did not convince him that this is a just cause in favor of the widow and children of Dr. Wells, and utterly unfounded as regards Dr. Morton. I complain not in the sense of censure; but of the fact that this proposition was not put originally into the bill and printed, so that we and the country might be notified of it. What has been done? Why, sir, on the very eve of the session, at the close of the deliberations of a session that has now extended over a period of nine months, is brought in a proposition in manuscript, unprinted, uncommunicated to anybody, until it was laid before the Senate, and I have not time even to get the proof in favor of Dr. Wells and his family. I have sent over to the House of Representatives and tried to obtain the proofs; I have resorted to the members of the committee; I have applied to the chairman of their committee; but I cannot obtain them; and yet it is insisted that this case is to be rushed to a judgment, that a verdict is to be rendered without giving this family any opportunity to be heard from the lips of my colleague and my humble self.

In my amendment I have made a fair proposition. I have proposed to refer the matter to disinterested men to see who shall have this reward, to see who is the discoverer of the principle; and if there are two or more discoverers, to decide on their relative merit, and to apportion the reward among them according to the justice and equity of the case. I desire to inquire of honorable Senators who favor the original proposition, whether they are resolved that Dr. Morton shall have this money anyhow, right or wrong, hit or miss? What does my colleague tell you? He tells you, and we all know, that Dr. Morton only pretends to have made this discovery in the fall of 1846. And is my colleague's testimony to be set down for nothing? Has he stood up here in the presence of the Senate of the United States to promulge that which is not a fact, when he tells you that this discovery was made in the city of Hartford, in his own immediate vicinity, in the fall of 1844? I do not know whether he said he saw it applied in 1844.

Mr. TOUCEY. If my colleague will allow me, I will explain. I have never seen it applied; but it is a matter of public notoriety, and I have seen the testimony of all the principal physicians and surgeons in the city of Hartford, that the discovery was made and introduced in 1844, by Dr. Wells; and I have seen the testimony of some of the surgeons that they made use of it, putting patients in a state of insensibility under the amputation of a limb, and other surgical operations, and that it was communicated to a medical journal in the city of Boston in 1845. That is what I said.

Mr. WALKER. Will the Senator allow me to have read a portion of the report of the Select Committee of the House? It may give him some information.

Mr. SMITH. With great respect to the honorable Senator from Wisconsin, I have to say, that if he will bring both the majority and minority reports, if he will bring all the papers here, I stand ready and desirous to have them read.

Mr. WALKER. The Select Committee in the House was composed of five members. Four out of the five agreed upon the report, a portion of which I propose to have read. They most emphatically declare that Dr. Wells, after having pursued the investigation, failed; that he attempted to make the discovery, but it was a failure, and his letter to Dr. Morton followed upon that.

Mr. BRODHEAD. Will the honorable Senator from Connecticut allow me to make a suggestion to him? I am with him on this question. I intend to vote against the amendment; but I suggest to him to let us take the sense of the Senate upon the main proposition, as submitted by the Senator from Illinois, from the Committee on Military Affairs; and then, if it is not voted down, he can renew his proposition, after the bill is reported to the Senate.

Mr. SMITH. I most cheerfully and cordially embrace the suggestion of my friend from Pennsylvania, for I have no disposition to intrude upon the Senate. I speak from no pleasure, but from the promptings of my heart, which, perhaps, is too much alive to the situation of the family of the late Dr. Wells. Perhaps I have displayed too much feeling in relation to it; but for the present I withdraw my amendment.

The PRESIDENT. The question, then, will be on the amendment reported from the Committee on Military Affairs.

Mr. BRODHEAD asked for the yeas and nays upon it; and they were ordered.

Mr. SEWARD. I must say a word, because the position which I hold in regard to this question renders a personal explanation necessary. Dr. Morton and his friends invited my attention to this subject, but it was under circumstances such that I could not go into an investigation so laborious, so difficult, as I knew such a question must be; and as I heard nothing from any one opposed to his pretensions, I at last stated to him, "it is quite unnecessary for me to occupy myself in the examination of the claim, for I had already been predisposed in its favor." I have now come to the conclusion, from what I have heard in this debate, that it is unsafe in regard to the public Treasury, unsafe in regard to public justice, unsafe in regard to the promotion of the cause of science, to give my vote in favor of a verdict for this claimant; and I make this explanation in order that what may seem an inconsistency may be understood on his part, and on the part of his friends to whom I had spoken on the subject.

I have one or two words only to say upon the merits of this application. What has transpired

here has proved sufficiently that we are engaged in one of the most difficult legal investigations that occur in the courts of justice. In the whole course of judicial proceedings I know of no question that ever was attended with so great difficulty as the settling of claims for the priority of inventions among inventors. I have known a question of that character to have engaged the attention of a court two days, four days, a week, a month. I am sure that if this question properly comes before us at all, it does not come before us in the right way, and at the right time—certainly not at the right time, in the last hours of a protracted session, when the minds of Senators are embarrassed with a thousand harassing questions, which absorb all the powers of an intense and abstracted attention—not in the right way, for a question so important as the appropriation of $100,000 out of the public Treasury is worthy of a distinct and separate investigation, under a distinct and separate bill; and this is not such a bill, but it is a bill which gathers in, and is intended to gather in, only palpable cases of indebtedness on the part of the Government, and of necessary appropriations, founded upon estimates, for carrying on the ordinary administration of affairs. It is not the right way, in my judgment, for another reason. I do not say—perhaps I am not prepared to say—that the Constitution of the United States does not authorize the proposition which is before us. If the appropriation is regarded in one light, it may. If it is to be regarded as a purchase by the Government of the right to use this discovery—if that be its true intent and character—then the question would be a plain and simple one. The whole course of this debate, however, shows me that such is not the purpose or intent of this legislation, but that it is the design to reward the discoverer of a principle which is beneficial to the country at large and to mankind.

The Constitution of the United States provides that "Congress shall have power to promote the progress of science and useful arts," and I presume we have no power to pay for inventions, except upon the principle of promoting science. I say that the Constitution of the United States confers upon Congress the power "to promote the 'progress of science and useful arts, by securing 'for limited times to authors and inventors, the 'exclusive right to their respective writings and 'discoveries;" and under that express provision of the Constitution, the Patent Office is established, whose business it is to discover who are true and original inventors, and a system of protection for property, is executed in the language and spirit of the Constitution, by securing to them the use of their inventions. But we have now assumed, in regard to the discoverer of this one thing, to exercise special and extraordinary legislation. We have assumed that the Patent Office and the patent system are incompetent to reward him, and that we ought to exercise extraordinary and special legislation in his favor. This raises two questions—two grave questions—in my mind. First, whether this claimant, Dr. Morton, is the true and original discoverer. That is a question between him and others; and I am satisfied that it cannot be investigated sufficiently in this way, and under these circumstances, but that if Congress undertake to settle it, it ought to be referred to a special commission or committee, which would take all the proofs, lay them all before us, and bring the attention of the Senate to it distinctly and separately from all other questions, and every other case, with sufficient time for its examination. But, sir, it brings up another and still graver question. If we do individuals injustice, society may recover from it; but when I am asked to appropriate $100,000 to the discoverer of ether, as a great benefactor, I am obliged to look back through the history of the past, and to inquire what other discoveries have been made, in the history of this country, which were beneficial to the country and useful to mankind, how they have been rewarded, and to compare this discovery with discoveries that have preceded it, and this reward with rewards which have been bestowed on other public benefactors.

Sir, I do not wish to degrade this discovery. I believe it to be a great, an eminent, a benevolent, a beneficent one. But I remember other discoverers who have gone from these halls year after year, until they sank to their graves broken-hearted, and left a legacy of poverty and indigence to their posterity; such, I think, was the inventor of the iron plow, whose children, orphan children, female children, I saw, through the three successive years that I have been here, leave these halls unrewarded, and even without obtaining a hearing. And the inventor of the steam engine, in its application to navigation, went to his grave without a reward. The rewards which were conferred upon him by the State of New York, were pronounced unconstitutional, because the field in which he exercised his invention was a national field, and its benefits were national, and extended to all mankind. Year after year, through half a century, the heirs of Robert Fulton solicited, petitioned, and implored Congress for some reward, and I have yet to learn that it has conferred upon them the poor boon of an acknowledgment of the national gratitude.

Sir, I do not raise these claims, these obsolete claims, for the purpose of degrading this one; but I do raise them for the simple purpose—to which I think they are legitimate—of showing, that at this time, in connection with this appropriation bill, on this Saturday night, the last working day but one of this session of Congress, it is too late, it is out of time and out of place, to expect to come to that impartial, just, and enlightened judgment which the interests of inventors, the interests of science, and the interests of humanity require at our hands. Therefore, I cannot vote for the amendment, although I have a strong predisposition to the claim if it is just.

Mr. MALLORY. I am pleased to have this opportunity to manifest, by a vote upon this proposition, my appreciation of the importance of the subject to which it refers; and, sir, if no voice in its behalf had been hitherto raised, if no advocate had ever before appeared to press the claims of him whose successful devotion, whose self-sacrificing labors have secured for him throughout the earth this heaven-born gift—I would have considered it one of the high privileges of the place I occupy to stand forth in that attitude. But, sir, such fortunately is not its position; for the earnest appeals of men, women, and children, the united and consistent testimony of the learned and the unlettered throughout this broad land, have raised up for it here unwavering friends.

This amendment, Mr. President, proposes to pay to the discoverer of the anaesthetic properties of sulphuric ether, inhaled, and of their extraordinary advantages to medicine and surgery, $100,000, upon the condition that he shall relinquish it to the free enjoyment of mankind, and abandon all the rights of a discoverer and patentee. If the question be asked, What is the character of the service rendered, what is the utility of the discovery?—the response comes from thousands of our own fellow-citizens, in every walk of life, whom gratitude has made eloquent. It comes from the lowly couch of the poor-house patient, and from the aristocratic mansion of the millionaire—from feeble woman in the agonies entailed upon her first disobedience, and from the stern, strong man writhing in pain. It comes from your battle-fields, from your military, naval, and civil hospitals, from your gallant soldiers and sailors tortured by wounds and amputations. It comes to you from the practitioner in every department of medicine, and with our consent the surgeons of the Old and the New World hail it as the great discovery of the age. Its claims have been examined by select committees of Congress, aided by able counsel, with an industry and accuracy equally honorable to them and to the subject. The trustees of the Massachusetts general hospital presented the discoverer with $1,000 and an appropriate letter. The chiefs of our own Departments, our Surgeon General, and the head of our Naval Bureau of Medicine and Surgery, give it their unqualified approval, and the Academy of Sciences of Paris, after a thorough investigation of its character, conferred upon its discoverer the "Monthyon golden medal" as an extraordinary mark of its approbation.

Such are a few of the thousand evidences of the various characters from Europe and America in its favor. And well, sir, does it merit this praise. Hitherto the surgeon's skill, though advancing with gigantic strides, has been circumscribed and controlled by the power of endurance of his patient; and many operations which comparative anatomy justifies and demands for the salvation of life, have been rendered impracticable by their tortures upon an enfeebled or agonized frame, or by their violent shock to the whole nervous system; and thousands have annually perished whom this discovery might have saved Men of undoubted courage, wounded at last, after facing death in many forms, shrunk with undefined terror from the prospect which the cold-blooded torture of the surgeon's knife holds before their eyes; and timid woman, sinking beneath disease, not unfrequently prefers the pains of death to the untold horrors of the operator's table. But all this is now passed. The knife has lost its terrors, the tourniquet and saw are regarded without a shudder, and the appearance of the surgeon by the pallet of the untimely sufferer is hailed with joy, for he not only banishes pain, but substitutes for an anguished frame the happy dreams of a joyous spirit. In the language of the venerable and eminent Dr. Warren—

"A new era has opened to the operating surgeon! His visitations on the most delicate parts are performed, not only without the agonizing screams he has been accustomed to hear, but sometimes with a state of perfect insensibility, and occasionally even with the expression of pleasure on the part of the patient. Who could have imagined that drawing the knife over the delicate skin of the face might produce a sensation of unmixed delight?—that the turning and twisting of instruments in the most sensitive parts might be accompanied by a beautiful dream?—that the contorting of anchylosed joints should coexist with a celestial vision? If Ambrose Paré, and Louis, and Dessault, and Chesselden, and Hunter, and Cooper, could see what our eyes daily witness, how would they long to come among us, and perform their exploits once more! And with what fresh vigor does the living surgeon, who is ready to resign the scalpel, grasp it, and wish again to go through his career under new auspices!"

If I felt justified, Mr. President, in view of the pressing legislation yet before us, I would embrace this occasion to give the conclusive testimony of the principal practitioners of Europe and America in its behalf; but I do not feel authorized to consume a moment beyond a mere reference to them. In the eloquent testimony of Holmes—

"The knife is searching for disease—the pulleys are dragging back dislocated limbs—nature herself is working out the primal curse, which doomed the tenderest of her creatures to the sharpest of her trials; but the fierce extremity of suffering has been steeped in the waters of forgetfulness, and the deepest furrow in the knotted brow of agony has been smoothed forever."

And now, Mr. President, if it be difficult to establish a standard by which merit generally is to be rewarded, how utterly impossible must it be to determine its proper bounds in a case like the present, in which an humble individual is the donor, and the whole human family the recipient. His most enduring and valuable reward will be in the undying gratitude of a posterity whose lot is suffering and pain, and a supreme happiness flowing from gratitude to God for being made the medium of such a boon to his creatures. But, sir, let us fulfill *our* duty. *We* cannot PAY Dr. Morton. His services are beyond price; but we can place his future life beyond the reach of poverty, and in this manner do justice to ourselves; for, Mr. President, to the living searchers after truth, as well as to those children of genius who are yet to struggle in her paths, and in the eyes of all honorable men, the course of the American Senate upon this question will be a beacon of warning or of hope.

I believe not the worn-out apophthegm, that Republics are ungrateful. Ingratitude is the crime of men, not of political organization—and the sons of Adam possess in common the same virtues and vices. But yet, sir, there is much upon history's page to justify the proposition, even within our own short political existence. The graves of our revolutionary sages are unknown to their free and happy descendants. No Old Mortality renews their fleeting letters; and the monument of its father and hero struggles lingeringly upwards, stone by stone, in spite of their seeming indifference.

Fulton's merits were disregarded; and he was suffered to die owing more dollars than would have covered him in his grave. In pleasing contrast to this, sir, is the grant of the British Parliament of $150,000 to Dr. Jenner for his discovery of vaccination; and its liberal reward of discoverers in various walks of science. I am persuaded that the objection based upon a constitutional prohibition,

made by the honorable Senator from New York, is not seriously urged; and certainly upon one of the alternatives suggested by him, we can reward this applicant. I never saw him till within a day or two, and I know personally nothing of him, but entertain no doubt of the justice of his claim, and hope the amendment will pass.

Mr. HALE. I desire to state a fact which has come to my knowledge since this discussion commenced. I do not know whether it will have any influence upon the votes of Senators to-night; but there is a gentleman in this Chamber now who has informed me, and he is ready to pledge his honor and reputation to it, that neither Dr. Morton, nor Dr. Jackson, nor Dr. Wells has anything to do with the original discovery of this principle; that it was discovered and applied to practice in the city of New York by a young physician who is now in his grave; that if there is any merit belonging to it at all, it belongs to him, and if there is any meritorious reward due to anybody, it is to his orphan sister. This gentleman is ready to pledge his honor and reputation that if the subject is postponed until December, he can by irrefutable proof establish that fact to the satisfaction of any tribunal to which it may be submitted. Upon this I express no opinion, but as the statement was made by a gentleman of reputation, I thought it my duty to communicate it to the Senate before the vote is taken.

The question was taken by yeas and nays upon the amendment, and resulted—yeas 17, nays 28, as follows:

YEAS—Messrs. Borland, Brooke, Clemens, Dodge of Iowa, Douglas, Gwin, Houston, James, Jones of Iowa, Mallory, Morton, Shields, Soulé, Stockton, Sumner, Walker, and Weller—17.

NAYS—Messrs. Bradbury, Bright, Brodhead, Cass, Charlton, Chase, Clarke, Dawson, Downs, Felch, Foot, Geyer, Hamlin, Hunter, King, Mangum, Meriwether, Miller, Norris, Pearce, Pratt, Seward, Smith, Spruance, Toucey, Underwood, Upham, and Wade—28.

So the amendment was rejected.

Mr. DE SAUSSURE, when his name was called, stated that he had paired off on the question with Mr. ADAMS.

THE FUGITIVE SLAVE LAW.

DEBATE IN THE SENATE.

THURSDAY, *August* 26, 1852.

The Senate, as in Committee of the Whole, having under consideration the bill making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th of June, 1853, the Committee on Finance submitted an amendment, to strike out of the bill the following words:

"SEC. 9. *And be it further enacted*, That no person hereafter, who holds or shall hold any office under the Government of the United States, whose salary or annual compensation shall amount to the sum of $2,500, shall receive compensation for discharging the duties of any other office"—

And insert in lieu thereof:

"SEC. 9. *And be it further enacted*, That where the ministerial officers of the United States have or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the district or circuit court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the Judiciary."

Mr. SUMNER. I move to amend the amendment by adding to it the following:

Provided, That no such allowance shall be authorized for expenses incurred in executing the act of September 18, 1850, for the surrender of fugitives from service or labor, which said act is hereby repealed.

Mr. President, here is a provision for extraordinary expenses incurred in executing the laws of the United States. Extraordinary expenses! Sir, beneath these specious words lurk the very subject on which, by a solemn vote of this body, I was refused a hearing. Here it is; no longer open to the charge of being an "abstraction," but actually presented for practical legislation; not introduced by me, but by one of the important committees of the Senate; not brought forward weeks ago, when there was ample time for discussion, but only at this moment, without any reference to the late period of the session. The amendment which I now offer, proposes to remove one chief occasion of these extraordinary expenses. And now, at last, among these final crowded days of our duties here, but at this earliest opportunity, I am to be heard; not as a favor, but as a right. The graceful usages of this body may be abandoned, but the established privileges of debate cannot be abridged. Parliamentary courtesy may be forgotten, but parliamentary law must prevail. The subject is broadly before the Senate. By the blessing of God, it shall be discussed.

Sir, a severe lawgiver of early Greece vainly sought to secure permanence for his imperfect institutions, by providing that the citizen who, at any time, attempted an alteration or repeal of any part thereof, should appear in the public assembly with a halter about his neck, ready to be drawn if his proposition failed to be adopted. A tyrannical spirit among us, in unconscious imitation of this antique and discarded barbarism, seeks to surround an offensive institution with a similar safeguard. In the existing distemper of the public mind, and at this present juncture, no man can enter upon the service which I now undertake, without a personal responsibility, such as can be sustained only by that sense of duty which, under God, is always our best support. That personal responsibility I accept. Before the Senate and the country let me be held accountable for this act, and for every word which I utter.

With me, sir, there is no alternative. Painfully convinced of the unutterable wrongs and woes of slavery; profoundly believing that, according to the true spirit of the Constitution and the sentiments of the fathers, it can find no place under our *National* Government—that it is in every respect *sectional*, and in no respect *national*—that it is always and everywhere the creature and dependent of the *States*, and never anywhere the creature or dependent of the *nation*, and that the *nation* can never, by legislative or other act, impart to it any support, under the Constitution of the United States; with these convictions, I could not allow this session to reach its close, without making or seizing an opportunity to declare myself openly against the usurpation, injustice, and cruelty, of the late enactment by Congress for the recovery of fugitive slaves. Full well I know, sir, the difficulties of this discussion, arising from prejudices of opinion and from adverse conclusions, strong and sincere as my own. Full well I know that I am in a small minority, with few here to whom I may look for sympathy or support. Full well I know that I must utter things unwelcome to many in this body, which I cannot do without pain. Full well I know that the institution of slavery in our country, which I now proceed to consider, is as sensitive as it is powerful—possessing a power to shake the whole land with a sensitiveness that shrinks and trembles at the touch. But while these things may properly prompt me to caution and reserve, they cannot change my duty, or my determination to perform it. For this I willingly forget myself, and all personal consequences. The favor and good will of my fellow-citizens, of my brethren of the Senate, sir—grateful to me as it justly is—I am ready, if required, to sacrifice. All that I am or may be, I freely offer to this cause.

And here allow me for one moment to refer to myself and my position. Sir, I have never been a politician. The slave of principles, I call no party master. By sentiment, education, and conviction, a friend of human rights, in their utmost expansion, I have ever most sincerely embraced the Democratic Idea; not, indeed, as represented or professed by any party, but according to its real significance, as transfigured in the Declaration of Independence, and in the injunctions of Christianity. In this Idea I saw no narrow advantages merely for individuals or classes, but the sovereignty of the people and the greatest happiness of all secured by equal laws. Amidst the vicissitudes of public affairs, I trust always to hold fast to this Idea, and to any political party which truly embraces it.

Party does not constrain me; nor is my independence lessened by any relations to the office which gives me a title to be heard on this floor. And here, sir, I may speak proudly. By no effort, by no desire of my own, I find myself a Senator of the United States. Never before have I held public office of any kind. With the ample opportunities of private life I was content. No tombstone for me could bear a fairer inscription than this: "Here lies one who, without the honors or emoluments of public station, did something for his fellow-man." From such simple aspirations I was taken away by the free choice of my native Commonwealth, and placed in this responsible post of duty, without personal obligation of any kind, beyond what was implied in my life and published words. The earnest friends, by whose confidence I was first designated, asked nothing from me, and, throughout the long conflict which ended in my election, rejoiced in the position which I most carefully guarded. To all my language was uniform, that I did not desire to be brought forward; that I would do nothing to promote the result; that I had no pledges or promises to offer; that the office should seek me, and not I the office; and that it should find me in all respects an independent man, bound to no party and to no human being, but only, according to my best judgment, to act for the good of all. Again, sir, I speak with pride, both for myself and others, when I add that these avowals found a sympathizing response. In this spirit I have come here, and in this spirit I shall speak to-day.

Rejoicing in my independence, and claiming nothing from party ties, I throw myself upon the candor and magnanimity of the Senate. I now ask your attention; but I trust not to abuse it. I may speak strongly; for I shall speak openly, and from the strength of my convictions. I may speak warmly, for I shall speak from the heart. But in no event can I forget the amenities which belong to debate, and which especially become this body. Slavery I must condemn with my whole soul; but here I need only borrow the language of slaveholders themselves; nor would it accord with my habits or my sense of justice to exhibit them as the impersonation of the institution—Jefferson calls it the "enormity"—which they cherish. Of them I do not speak; but without fear, and without favor, as without impeachment of any person, I assail this wrong. Again, sir, I may err; but it will be with the Fathers. I plant myself on the ancient ways of the Republic, with its grandest names, its surest landmarks, and all its original altar-fires about me.

And now, on the very threshold, I encounter the objection that there is a final settlement, in principle and substance, of the question of slavery, and that all discussion of it is closed. Both the old political parties of the country, by formal resolutions, have united in this declaration. On a subject which for years has agitated the public mind; which yet palpitates in every heart and burns on every tongue; which, in its immeasurable importance, dwarfs all other subjects; which, by its constant and gigantic presence, throws a shadow across these Halls; which at this very time calls for appropriations to meet extraordinary expenses it has caused, they have imposed the rule of silence. According to them, sir, we may speak of everything except that alone, which is most present in all our minds.

To this combined effort I might fitly reply, that, with flagrant inconsistency, it challenges the very discussion which it pretends to forbid. Such a declaration, on the eve of an election, is, of course, submitted to the consideration and ratification of the people. Debate, inquiry, discussion, are the necessary consequence. Silence becomes impossible. Slavery, which you profess to banish from the public attention, openly by your invitation enters every political meeting and every political convention. Nay, at this moment it stalks into this Senate, crying, like the daughters of the horseleech, "Give! Give!"

But no unanimity of politicians can uphold the baseless assumption, that a law, or any conglomerate of laws, under the name of Compromise, or howsoever called, is final. Nothing can be plainer than this; that, by no parliamentary device or knot, can any legislature tie the hands of a succeeding legislature, so as to prevent the full exercise of its constitutional powers. Each legislature, under a just sense of its responsibility, must judge for itself; and, if it think proper, it may revise or amend, or absolutely undo the work of its predecessors. The laws of the Medes and Persians are proverbially said to have been unalterable; but they stand forth in history as a single

example of such irrational defiance of the true principles of all law.

To make a law final, so as not to be reached by Congress, is, by mere legislation, to fasten a new provision on the Constitution. Nay, more; it gives to the law a character which the very Constitution does not possess. The wise fathers did not treat the country as a Chinese foot, never to grow after infancy; but, anticipating progress, they declared expressly that their Great Act is not final. According to the Constitution itself, there is not one of its existing provisions—not even that with regard to fugitives from labor—which may not at all times be reached by amendment, and thus be drawn into debate. This is rational and just. Sir, nothing from man's hands, nor law, nor constitution, can be final. Truth alone is final.

Inconsistent and absurd, this effort is tyrannical also. The responsibility for the recent slave act and for slavery everywhere within the jurisdiction of Congress necessarily involves the right to discuss them. To separate these is impossible. Like the 25th rule of the House of Representatives against petitions on slavery—now repealed and dishonored—the compromise, as explained and urged, is a curtailment of the actual powers of legislation, and a perpetual denial of the indisputable principle that the right to deliberate is coextensive with the responsibility for an act. To sustain slavery, it is now proposed to trample on *free speech*. In any country this would be grievous; but here, where the Constitution expressly provides against abridging freedom of speech, it is a special outrage. In vain do we condemn the despotisms of Europe, while we borrow the rigors with which they repress liberty, and guard their own uncertain power. For myself, in no factious spirit, but solemnly and in loyalty to the Constitution, as a Senator of Massachusetts, I protest against this wrong. On slavery, as on every other subject, I claim the right to be heard. That right I cannot, I will not abandon. "Give me the liberty to know, to utter and to argue freely, above all liberties." These are the glowing words which flashed from the soul of John Milton, in his struggles with English tyranny. With equal fervor they should be echoed now by every American, not already a slave.

But, sir, this effort is impotent as tyrannical. The convictions of the heart cannot be repressed. The utterances of conscience must be heard. They break forth with irrepressible might. As well attempt to check the tides of ocean, the currents of the Mississippi, or the rushing waters of Niagara. The discussion of slavery will proceed, wherever two or three are gathered together—by the fireside, on the highway, at the public meeting, in the church. The movement against slavery is from the Everlasting Arm. Even now it is gathering its forces, soon to be confessed everywhere. It may not yet be felt in the high places of office and power; but all who can put their ears humbly to the ground will hear and comprehend its incessant and advancing tread.

The relations of the Government of the United States—I speak of the National Government—to slavery, though plain and obvious, are constantly misunderstood. A popular belief at this moment makes slavery a national institution, and, of course, renders its support a national duty. The extravagance of this error can hardly be surpassed. An institution which our fathers most carefully omitted to name in the Constitution, which, according to the debates in the Convention, they refused to cover with any "sanction," and which, at the original organization of the Government, was merely *sectional*, existing nowhere on the *national* territory, is now, above all other things, blazoned as national. Its supporters plume themselves as national. The old political parties, while upholding it, claim to be national. A national Whig is simply a slavery Whig, and a national Democrat is simply a slavery Democrat, in contradistinction to all who regard slavery as a sectional institution, within the exclusive control of the States, and with which the nation has nothing to do.

As slavery assumes to be national, so, by an equally strange perversion, freedom is degraded to be sectional, and all who uphold it, under the national Constitution, share this same epithet. The honest efforts to secure its blessings, everywhere within the jurisdiction of Congress, are scouted as sectional; and this cause, which the founders of our National Government had so much at heart, is called *sectionalism*. These terms, now belonging to the commonplaces of political speech, are adopted and misapplied by most persons without reflection. But herein is the power of slavery. According to a curious tradition of the French language, Louis XIV., the Grand Monarch, by an accidental error of speech, among supple courtiers, changed the gender of a noun. But slavery has done more than this. It has changed word for word. It has taught many to say *national* instead of *sectional*, and *sectional* instead of *national*.

Slavery national! Sir, this is all a mistake and absurdity, fit to take a place in some new collection of Vulgar Errors, by some other Sir Thomas Browne, with the ancient but exploded stories, that the toad has a stone in its head, and that ostriches digest iron. According to the true spirit of the Constitution, and the sentiments of the fathers, *slavery* and not freedom is *sectional*, while *freedom* and not slavery is *national*. On this unanswerable proposition I take my stand. And here commences my argument.

The subject presents itself under *two* principal heads: First, *the true relations of the National Government to slavery*, wherein it will appear that there is no national fountain out of which slavery can be derived, and no national power, under the Constitution, by which it can be supported. Enlightened by this general survey, we shall be prepared to consider, secondly, *the true nature of the provision for the rendition of fugitives from labor*, and herein especially the unconstitutional and offensive legislation of Congress in pursuance thereof.

1. And now for the *true relations of the National Government to slavery*. These will be readily apparent, if we do not neglect well-established principles.

If slavery be national; if there be any power in the National Government to uphold this institution—as in the recent slave act—it must be by virtue of the Constitution. Nor can it be by mere inference, implication, or conjecture. According to the uniform admission of courts and jurists in Europe, again and again promulgated in our country, slavery can be derived only from clear and special recognition. "The state of slavery," said Lord Mansfield, pronouncing judgment in the great case of Somersett, "is of such a nature that 'it is incapable of being introduced on any reasons 'moral or political, *but only by positive law*. It is so 'odious, that *nothing can be suffered to support it* but 'POSITIVE LAW."—*Howell's State Trials, vol. 20, page 82.*

And a slaveholding tribunal, the supreme court of Mississippi, adopting the same principle, has said:

"Slavery is condemned by reason and the laws of nature. It exists and can exist *only* through municipal regulations."—*Harry vs. Decker, Walker R.*, 42.

And another slaveholding tribunal, the supreme court of Kentucky, has said:

"We view this as a right existing by *positive law* of a municipal character, without foundation in the law of nature or the unwritten and common law."—*Rankin vs. Lydia, 2 Marshall*, 470.

Of course every power to uphold slavery must have an origin as distinct as that of slavery itself. Every presumption must be as strong against such a power as against slavery. A power so peculiar and offensive, so hostile to reason, so repugnant to the law of nature and the inborn rights of man; which despoils its victims of the fruits of their labor; which substitutes concubinage for marriage; which abrogates the relation of parent and child; which, by a denial of education, abases the intellect, prevents a true knowledge of God, and murders the very soul; which, amidst a plausible physical comfort, degrades man, created in the divine image, to the level of a beast;—such a power, so eminent, so transcendent, so tyrannical, so unjust, can find no place in any system of Government, unless by virtue of *positive sanction*. It can spring from no doubtful phrases. It must be declared by unambiguous words, incapable of a double sense.

Slavery, I now repeat, is not mentioned in the Constitution. The name slave does not pollute this charter of our liberties. No "positive" language gives to Congress any *power* to make a slave or to hunt a slave. To find even any seeming sanction for either, we must travel, with doubtful footsteps, beyond its express letter, into the region of interpretation. But here are rules which cannot be disobeyed. With electric might for freedom, they send a pervasive influence through every provision, clause, and word of the Constitution. Each and all make slavery impossible as a national institution. They efface from the Constitution every fountain out of which it can be derived.

First and foremost, is the *preamble*. This discloses the prevailing objects and principles of the Constitution. This is the vestibule through which all must pass who would enter the sacred temple. Here are the inscriptions by which they are earliest impressed. Here they first catch the genius of the place. Here the proclamation of liberty is first heard. "We, the People of the United 'States," says the preamble, "in order to form a 'more perfect Union, *establish justice*, insure do-'mestic tranquillity, provide for the common de-'fense, *promote the general welfare, and secure the 'blessings of liberty* to ourselves and our posterity, 'do ordain and establish this Constitution for the 'United States of America." Thus, according to undeniable words, the Constitution was ordained, not to establish, secure, or sanction slavery; not to promote the special interests of slaveholders; not to make slavery national in any way, form, or manner, but to "establish justice," "promote the general welfare," and "secure the blessings of liberty." Here surely liberty is national.

Secondly. Next in importance to the preamble are the explicit *contemporaneous declarations* in the Convention which framed the Constitution, and elsewhere, expressed in different forms of language, but all tending to the same conclusion. By the preamble, the Constitution speaks for freedom. By these declarations, the fathers speak as the Constitution speaks. Early in the Convention, Gouverneur Morris, of Pennsylvania, broke forth in the language of an Abolitionist: "*He never would concur in upholding domestic slavery.* It was a nefarious institution. It was the curse of Heaven on the State where it prevailed." Oliver Ellsworth, of Connecticut, said: "The morality or wisdom of slavery are considerations belonging to the States themselves." According to him, slavery was sectional.

At a later day, a discussion ensued on the clause touching the African slave trade, which reveals the definitive purposes of the Convention. From the report of Mr. Madison we learn what was said. Elbridge Gerry, of Massachusetts, "thought we had nothing to do with the conduct of the States as to slavery, *but we ought to be careful not to give any sanction to it.*" According to these words, he regarded slavery as sectional, and would not make it national. Roger Sherman, of Connecticut, "was opposed to any tax on slaves imported, as making the matter worse, *because it implied they were property.*" He would not have slavery national. After debate, the subject was committed to a committee of eleven, who subsequently reported a substitute, authorizing "a tax on such migration or importation, at a rate *not exceeding the average of duties laid on imports.*" This language, classifying *persons* with merchandise, seemed to imply a recognition that they were *property*. Mr. Sherman at once declared himself "against this part, *as acknowledging men to be property*, by taxing them as such under the character of slaves." Mr. Gorham "thought Mr. Sherman should consider the duty *not as implying that slaves are property*, but as a discouragement to the importation of them." Mr. Madison, in mild juridical phrase, "*thought it wrong to admit in the Constitution the idea that there could be property in man.*" After discussion, it was finally agreed to make the clause read:

"But a tax or duty may be imposed on such importation, not exceeding ten dollars *for each person.*"

The difficulty seemed then to be removed, and the whole clause was adopted. This record demonstrates that the word "persons" was employed in order to show that slaves, everywhere under the Constitution, were always to be regarded as *persons*, and not as *property*, and thus to exclude from the Constitution all idea that there can be property in man. Remember well, that Mr. Sherman was opposed to the clause in its original form, "as acknowledging men to be *property;*" that Mr. Madison was also opposed to it, because he "thought it *wrong* to admit in the Constitution the idea that

there could be property in man;" and that, after these objections, the clause was so amended as to exclude the idea. But slavery cannot be national, unless this idea is distinctly and unequivocally admitted into the Constitution.

Nor is this all. In the Massachusetts convention to which the Constitution, when completed, was submitted for ratification, a veteran of the Revolution, General Heath, openly declared that, according to his view, slavery was sectional, and not national. His language was pointed. "I appre-'hend," he says, "that it is not in our power *to do* '*anything for or against those who are in slavery in* '*the southern States*. No gentleman within these 'walls detests every idea of slavery more than I do; 'it is generally detested by the people of this Com-'monwealth; and I ardently hope the time will soon 'come, when our brethren in the southern States 'will view it as we do, and put a stop to it; but to 'this we have no right to compel them. Two ques-'tions naturally arise: *If we ratify the Constitution,* '*shall we do anything by our act to hold the blacks in* '*slavery—or shall we become partakers of other men's* '*sins? I think neither of them.*"

Afterwards, in the First Congress under the Constitution, on a motion, which was much debated, to introduce into the impost bill a duty on the importation of slaves, the same Roger Sherman, who in the National Convention had opposed the idea of property in man, authoritatively exposed the true relations of the Constitution to slavery. His language was, that "the Constitution does not consider these persons as property; it speaks of them as persons."

Thus distinctly and constantly, from the very lips of the framers of the Constitution, we learn the falsehood of the recent assumption in favor of slavery and in derogation of freedom.

Thirdly. According to a familiar rule of interpretation, all laws concerning the same matter, *in pari materia*, are to be construed together. By the same reason, *the grand political acts of the nation are to be construed together*, giving and receiving light from each other. Earlier than the Constitution was the Declaration of Independence, embodying, in immortal words, those primal truths to which our country pledged itself with its baptismal vows as a nation. "We hold these truths 'to be self-evident," says the nation, "that all men 'are created equal, that they are endowed by 'their Creator with certain inalienable rights; that 'among them are life, *liberty*, and the pursuit of 'happiness; that to secure these rights governments 'are instituted among men, deriving their just 'powers from the consent of the governed." But this does not stand alone. There is another national act of similar import. On the successful close of the Revolution, the Continental Congress, in an address to the people, repeated the same lofty truth. "Let it be remembered," said the nation again, "that it has ever been the pride and the 'boast of America, *that the rights for which she has* '*contended were the rights of human nature*. By the 'blessing of the Author of *these rights*, they have 'prevailed over all opposition, and FORM THE BASIS 'of thirteen independent States." Such were the acts of the nation in its united capacity. Whatever may be the privileges of States in their individual capacities, within their several local jurisdictions, no power can be attributed to the Nation, in the absence of positive, unequivocal grant, inconsistent with these two national declarations. Here, sir, is the national heart, the national soul, the national will, the national voice, which must inspire our interpretation of the Constitution, and enter into and diffuse itself through all the national legislation. Thus again is freedom national.

Fourthly. Beyond these is a principle of the common law, clear and indisputable, a supreme rule of interpretation, from which, in this case, there can be no appeal. In any question under the Constitution *every word is to be construed in favor of liberty*. This rule, which commends itself to the natural reason, is sustained by time-honored maxims of our early jurisprudence. Blackstone aptly expresses it, when he says, that "the law is always ready to catch at anything in favor of liberty." (2 Black. Com., 94.) The rule is repeated in various forms. *Favores ampliandi sunt; odia restringenda.* Favors are to be amplified; hateful things to be restrained. *Lex Angliæ est lex misericordiæ.* The law of England is a law of mercy. *Angliæ jura in omni casu libertati dant favorem.* The laws of England in every case show favor to liberty. And this sentiment breaks forth in natural, though intense force, in the maxim: *Impius et crudelis judicandus est qui libertati non favet.* He is to be adjudged impious and cruel who does not favor liberty. Reading the Constitution in the admonition of these rules, again I say, freedom is national.

Fifthly. From a learned judge of the *Supreme Court of the United States*, in an opinion of the Court, we derive the same lesson. In considering the question, whether a State can prohibit the importation of slaves as merchandise, and whether Congress, in the exercise of its power to regulate commerce among the States, can interfere with the slave-trade between the States, a principle has been enunciated, which, while protecting the trade from any intervention of Congress, declares openly that the Constitution acts upon no man as property. Mr. Justice McLean says:

"If slaves are considered in some of the States as merchandise, that cannot divest them of the leading and controlling quality of persons by which they are designated in the Constitution. The character of property is given them by the local law. This law is respected, and all rights under it protected by the Federal authorities; *but the Constitution acts upon slaves as* PERSONS, *and not as property.*" * * * "The power over slavery belongs to the States respectively. It is local in its character, and in its effects." (*Groves vs. Slaughter*, 15 *Peters' R.*, 507.)

Here again slavery is sectional, while freedom is national.

Sir, such briefly are the rules of interpretation which, as applied to the Constitution, fill it with the breath of freedom,

"Driving far off each thing of sin and guilt."

To the *history and prevailing sentiments* of the times we may turn for further assurance. In the spirit of freedom the Constitution was formed. In this spirit our fathers always spoke and acted. In this spirit the National Government was first organized under Washington. And here I recall a scene, in itself a touchstone of the period, and an example for us, upon which we may look with pure national pride, while we learn anew the relations of the National Government to slavery.

The Revolution had been accomplished. The feeble Government of the Confederation had passed away. The Constitution, slowly matured in a National Convention, discussed before the people, defended by masterly pens, had been already adopted. The thirteen States stood forth a nation, wherein was unity without consolidation, and diversity without discord. The hopes of all were anxiously hanging upon the new order of things and the mighty procession of events. With signal unanimity Washington was chosen President. Leaving his home at Mount Vernon, he repaired to New York, where the first Congress had already commenced its session, to assume his place as elected Chief of the Republic. On the thirtieth of April, 1789, the organization of the Government was completed by his inauguration. Entering the Senate Chamber, where the two Houses were assembled, he was informed that they awaited his readiness to receive the oath of office. Without delay, attended by the Senators and Representatives, with friends and men of mark gathered about him, he moved to the balcony in front of the edifice. A countless multitude, thronging the open street, and eagerly watching this great espousal,

"With reverence look on his majestic face,
Proud to be less, but of his godlike race."

The oath was administered by the Chancellor of New York. At this time, and in this presence, beneath the uncovered heavens, Washington first took this vow upon his lips: "I do solemnly 'swear that I will faithfully execute the office of 'President of the United States, and will, to the 'best of my ability, preserve, protect, and defend 'the Constitution of the United States."

Over the President, on this high occasion, floated the national flag, with its stripes of red and its stars on a field of blue. As his patriot eyes rested upon the glowing ensign, what currents must have rushed swiftly through his soul! In the early days of the Revolution, in those darkest hours about Boston, after the battle of Bunker Hill, and before the Declaration of Independence, the thirteen stripes had been first unfurled by him, as the emblem of Union among the Colonies for the sake of freedom. By him, at that time, they had been named the Union Flag. Trial, struggle, and war, were now ended, and the Union, which they first heralded, was unalterably established. To every beholder these memories must have been full of pride and consolation. But looking back upon the scene, there is one circumstance which, more than all its other associations, fills the soul—more even than the suggestions of Union which I prize so much. AT THIS MOMENT, WHEN WASHINGTON TOOK HIS FIRST OATH TO SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE NATIONAL ENSIGN, NOWHERE WITHIN THE NATIONAL TERRITORY, COVERED A SINGLE SLAVE. Then, indeed, was slavery sectional and freedom national.

On the sea, an execrable piracy, the trade in slaves, was still, to the national scandal, tolerated under the national flag. In the States, as a sectional institution, beneath the shelter of local laws, slavery unhappily found a home. But in the only territories at this time belonging to the nation, the broad region of the Northwest, it had already, by the ordinance of freedom, been made impossible, even before the adoption of the Constitution. The District of Columbia, with its fatal incumbrance, had not yet been acquired.

The Government thus organized was anti-slavery in character. Washington was a slaveholder; but it would be unjust to his memory not to say that he was an abolitionist also. His opinions do not admit of question. Only a short time before the formation of the National Constitution, he had declared, by letter, "that it was among his first wishes to see some plan adopted, by which slavery may be abolished by law;" and again, in another letter, "that, in support of any legislative measure for the abolition of slavery, his suffrage should not be wanting;" and still further, in conversation with a distinguished European abolitionist, a traveling propagandist of freedom, Brissot de Warville, recently welcomed to Mount Vernon, he had openly announced, that, to promote this object in Virginia, "he desired the formation of a SOCIETY, and that he would second it." By this authentic testimony, he takes his place with the early patrons of abolition societies.

By the side of Washington, as standing beneath the national flag he swore to support the Constitution, were illustrious men, whose lives and recorded words now rise in judgment. There was John Adams, the Vice President—great vindicator and final negotiator of our national independence—whose soul, flaming with freedom, broke forth in the early declaration that "consenting to slavery is a sacrilegious breach of trust," and whose immitigable hostility to this wrong has been made immortal in his descendants. There also was a companion in arms and attached friend, of incomparable genius, the yet youthful Hamilton, who, as a member of the Abolition Society of New York, had only recently united in a solemn petition for those who, "though *free by the laws of God*, are held in slavery *by the laws of the State*." There, too, was a noble spirit, the ornament of his country, the exemplar of courage, truth, and virtue, who, like the sun, ever held an unerring course, John Jay. Filling the important post of Minister of Foreign Affairs under the Confederation, he found time to organize the Abolition Society of New York, and to act as its president until, by the nomination of Washington, he became Chief Justice of the United States. In his sight slavery was an "iniquity," "a sin of crimson dye," against which ministers of the Gospel should testify, and which the Government should seek in every way to abolish. "Were I in the Legisla-'ture," he wrote, "I would present a bill for this 'purpose with great care, and I would never cease 'moving it till it became a law or I ceased to be a 'member. Till America comes into this measure, 'her prayers to Heaven will be impious."

But they were not alone. The convictions and earnest aspirations of the country were with them. At the North these were broad and general. At the South they found fervid utterance from slaveholders. By early and precocious efforts for "total emancipation," the author of the Declaration of Independence placed himself foremost among the abolitionists of the land. In language now familiar to all, and which can never die, he perpetually denounced slavery. He exposed its per-

nicious influences upon master as well as slave; declared that the love of justice, and the love of country, pleaded equally for the slave, and that the "abolition of domestic slavery was the greatest object of desire." He believed that the "sacred side was gaining daily recruits," and confidently looked to the young for the accomplishment of this good work. In fitful sympathy with Jefferson was another honored son of Virginia, the Orator of Liberty, Patrick Henry, who, while confessing that he was a master of slaves, said: "I 'will not, I cannot justify it. However culpable 'my conduct, I will so far pay my devoir to virtue, 'as to own the excellence and rectitude of her 'precepts, and lament my want of conformity to 'them." At this very period, in the Legislature of Maryland, on a bill for the relief of oppressed slaves, a young man, afterwards by his consummate learning and forensic powers the acknowledged head of the American bar, William Pinkney, in a speech of earnest, truthful eloquence—better far for his memory than his transcendent professional fame—branded slavery as "iniquitous 'and most dishonorable;" "founded in a disgrace-'ful traffic;" "as shameful in its continuance as 'in its origin;" and he openly declared, that, "by 'the eternal principles of natural justice, no master 'in the State has a right to hold his slave in bond-'age a single hour."

Thus at this time spoke the NATION. The CHURCH also joined its voice. And here, amidst the diversities of religious faith, it is instructive to observe the general accord. The Quakers first bore their testimony. At the adoption of the Constitution their whole body, under the early teaching of George Fox, and by the crowning exertions of Benezet and Woolman, had become an organized band of abolitionists, penetrated by the conviction that it was unlawful to hold a fellow-man in bondage. The Methodists, numerous, earnest, and faithful, never ceased by their preachers to proclaim the same truth. Their rules in 1788 denounced in formal language "the buying or selling of bodies and souls of men, women, and children, with an intention to enslave them." The words of their great apostle, John Wesley, were constantly repeated. On the eve of the National Convention, the burning tract was circulated in which he exposes American slavery as the "vilest" of the world—"such slavery as is not found among the Turks at Algiers"—and, after declaring "liberty the birthright of every human creature, of which no human law can deprive him," he pleads: "If, therefore, you have any regard 'to justice, (to say nothing of mercy or the revealed 'law of God,) render unto all their due. Give 'liberty to whom liberty is due, that is, to every 'child of man, to every partaker of human nature." At the same time the Presbyterians, a powerful religious body, inspired by the principles of John Calvin, in more moderate language, but by a public act, recorded their judgment, recommending "to all the people under their care to use the most 'prudent measures consistent with the interest and 'the state of civil society, *to procure eventually the 'final abolition of slavery in America.*" The Congregationalists of New England, also of the faith of John Calvin, and with the hatred of slavery belonging to the great non-conformist, Richard Baxter, were sternly united against this wrong. As early as 1776, Samuel Hopkins, their eminent leader and divine, published his tract showing it to be the duty and interest of the American States to emancipate all their African slaves, and declaring that "Slavery is in every instance wrong, un-'righteous, and oppressive—a very great and cry-'ing sin—there being nothing of the kind equal to 'it on the face of the earth." And, in 1791, shortly after the adoption of the Constitution, the second Jonathan Edwards, a twice-honored name, in an elaborate discourse often published, called upon his country, "in the present blaze of light," on the injustice of slavery, to prepare the way for "its total abolition." This he gladly thought at hand. "If we judge of the future by the past," said the celebrated preacher, "within fifty years 'from this time it will be as shameful for a man to 'hold a negro slave as to be guilty of common rob-'bery or theft."

Thus, at this time, the Church, in harmony with the nation, by its leading denominations, Quakers, Methodists, Presbyterians, and Congregationalists, thundered against slavery. The COLLEGES were in unison with the Church. Harvard University spoke by the voice of Massachusetts, which had already abolished slavery. Dartmouth College, by one of its learned professors, claimed for the "slaves equal privileges with the whites." Yale College, by its President, the eminent divine, Ezra Stiles, became the head of the Abolition Society of Connecticut. And the University of William and Mary, in Virginia, testified its sympathy with this cause at this very time, by conferring upon Granville Sharpe, the acknowledged chief of British abolitionists, the honorary degree of Doctor of Laws.

The LITERATURE of the land, such as then existed, agreed with the Nation, the Church, and the College. Franklin, in the last literary labor of his life; Jefferson, in his Notes on Virginia; Barlow, in his measured verse; Rush, in a work which inspired the praise of Clarkson; the ingenious author of the Algerine Captive—the earliest American novel, and though now but little known, one of the earliest American books republished in London—were all moved by the contemplation of slavery. "If our fellow-citizens of the southern States are deaf to the pleadings of nature," the latter exclaims in his work, "I will conjure 'them, for the sake of consistency, to cease to de-'prive their fellow-creatures of freedom, which 'their writers, their orators, representatives, and 'senators, and even their constitution of Govern-'ment, have declared to be the inalienable birthright 'of man." A female writer and poet, earliest in our country among the graceful throng, Sarah Wentworth Morton, at the very period of the National Convention, admired by the society in which she lived, poured forth her sympathies also. The generous labors of John Jay in behalf of the crushed African inspired her muse; and, in another poem, commemorating a slave who fell while vindicating his freedom, she thus rendered a truthful homage to his inalienable rights:

"Does not the voice of reason cry,
Claim the first right that nature gave;
From the red scourge of bondage fly,
Nor deign to live a burdened slave."

Such, sir, at the adoption of the Constitution, and at the first organization of the National Government, was the out-spoken, unequivocal heart of the country. Slavery was abhorred. Like the slave trade, it was regarded as temporary; and, by many, it was supposed that they would both disappear together. As the oracles ceased or grew mute at the coming of Christ, and a voice was heard crying to mariners at sea, "Great Pan is dead!" so, at the adoption of the Constitution, slavery became dumb, and its death seemed to be near. Voices of freedom filled the air. The patriot, the Christian, the scholar, the writer, vied in loyalty to this cause. All were abolitionists.

Glance now at the earliest Congress under the Constitution. From various quarters memorials were presented to this body against slavery. Among these was one from the Abolition Society of Virginia, wherein slavery is pronounced "not 'only an odious degradation, but an outrageous 'violation of one of the most essential rights of 'human nature, and utterly repugnant to the pre-'cepts of the Gospel." Still another, of a more important character, came from the Abolition Society of Pennsylvania, and was signed by Benjamin Franklin, as president. This venerable man, whose active life had been devoted to the welfare of mankind at home and abroad—who, both as philosopher and statesman, had arrested the admiration of the world—who had ravished the lightning from the skies and the scepter from a tyrant—who, as a member of the Continental Congress, had set his name to the Declaration of Independence, and, as a member of the National Convention, had again set his name to the Constitution—in whom more, perhaps, than in any other person, was embodied the true spirit of American institutions, at once practical and humane—than whom no one could be more familiar with the purposes and aspirations of the founders—this veteran, eighty-four years of age, within a few months of his death, now appeared by petition at the bar of that Congress whose powers he had helped to define and establish. This was the last political act of his long life. Listen now to the prayer of Franklin:

"Your memorialists, particularly engaged in attending to the distresses arising from slavery, believe it to be their indispensable duty to present this subject to your notice. They have observed with real satisfaction that many important and salutary powers are vested in you for promoting the welfare and securing the blessings of liberty to the people of the United States; and as they conceive that these blessings ought rightfully to be administered, *without distinction of color*, to all descriptions of people, *so they indulge themselves in the pleasing expectation that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed.*" "Under these impressions, they earnestly entreat your serious attention to the subject of slavery; *that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage*, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will promote mercy and justice towards this distressed race, and *that you will step to the very verge of the power vested in you for* DISCOURAGING *every species of traffic in the persons of our fellow-men.*"

Important words! In themselves a key-note of the times. From his grave Franklin seems still to call upon Congress *to step to the very verge of the powers vested in it to* DISCOURAGE SLAVERY; and, in making this prayer, he proclaims the true national policy of the fathers. Not encouragement, but discouragement of slavery was their rule.

Sir, enough has been said to show the sentiment which, like a vital air, surrounded the National Government as it stepped into being. In the face of this history, and in the absence of any positive sanction, it is absurd to suppose that slavery, which, under the Confederation, was merely sectional, was now constituted a national institution. Our fathers did not say, with the apostate angel: "Evil, be thou my good!" In another spirit they cried out to slavery: "Get thee behind me, Satan!"

But there is yet another link in the argument. In the discussions which took place in the local conventions on the adoption of the Constitution, a sensitive desire was manifested to surround all persons under the Constitution with additional safeguards. Fears were expressed from the supposed indefiniteness of some of the powers conceded to the National Government, and also from the absence of a bill of rights. Massachusetts, on ratifying the Constitution, proposed a series of amendments, at the head of which was this, characterized by Samuel Adams, in the convention, as "a summary of a Bill of Rights:"

"That it be explicitly declared, that all powers not expressly delegated by the aforesaid Constitution are reserved to the several States, to be by them exercised."

Virginia, South Carolina, and North Carolina, with minorities in Pennsylvania and Maryland, united in this proposition. In pursuance of these recommendations, the first Congress presented for adoption the following article, which, being ratified by a proper number of States, became a part of the Constitution, as the 10th amendment:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Stronger words could not be employed to limit the power under the Constitution, and to protect the people from all assumptions of the National Government, *particularly in derogation of freedom.* Its guardian character commended it to the sagacious mind of Jefferson, who said:

"I consider the foundation corner-stone of the Constitution of the United States to be laid upon the tenth article of the amendments."

And Samuel Adams, ever watchful for freedom, said:

"It removes a doubt which many have entertained respecting the matter, and gives assurance that if any law made by the Federal Government shall be extended beyond the power granted by the Constitution, and inconsistent with the constitution of this State, it will be an error, and adjudged by the courts of law to be void."

Beyond all question, the National Government, ordained by the Constitution, is not general or universal, but special and particular. It is a Government of limited powers. It has no power which is not delegated. Especially is this clear with regard to an institution like slavery. The Constitution contains no power to make a king, or to support kingly rule. With similar reason it may be said, that it contains no power to make a slave or to support a system of slavery. The absence of all such power is hardly more clear in one case than in the other. But if there be no such power, all national legislation upholding slavery must be unconstitutional and void. The stream cannot be higher than the fountain head.

Nay, more; *nothing can come out of nothing;* the stream cannot exist, if there be no springs from which it is fed.

At the risk of repetition, but for the sake of clearness, review now this argument, and gather it together. Considering that slavery is of such an offensive character that it can find sanction only in "positive law," and that it has no such "positive" sanction in the Constitution; that the Constitution, according to its preamble, was ordained "to establish justice" and "secure the blessings of liberty;" that, in the Convention which framed it, and also elsewhere at the time, it was declared not to sanction slavery; that, according to the Declaration of Independence and the Address of the Continental Congress, the nation was dedicated to "liberty" and the "rights of human nature;" that, according to the principles of the common law, the Constitution must be interpreted openly, actively, and perpetually, for freedom; that, according to the decision of the Supreme Court, it acts upon slaves, *not as property*, but as PERSONS; that, at the first organization of the National Government under Washington, slavery had no national favor, and existed nowhere beneath the national flag or on the national territory, but was openly condemned by the nation, the church, the colleges, and literature of the time; and, finally, that, according to an amendment of the Constitution, the National Government can only exercise powers delegated to it, among which there is none to support slavery; considering these things, sir, it is impossible to avoid the single conclusion that slavery is in no respect a national institution, and that the Constitution nowhere upholds property in man.

But there is one other special provision of the Constitution, which I have reserved to this stage, not so much from its superior importance, but because it may fitly stand by itself. This alone, if practically applied, would carry freedom to all within its influence. It is an amendment proposed by the first Congress, as follows:

"No *person* shall be deprived of life, *liberty*, or property, *without due process of law.*"

Under this ægis the liberty of every person within the national jurisdiction is unequivocally placed. I say of every person. Of this there can be no question. The word "person" in the Constitution embraces every human being within its sphere, whether Caucasian, Indian, or African, from the President to the slave. Show me a person, no matter what his condition, or race, or color, within the national jurisdiction, and I confidently claim for him this protection. The natural meaning of the clause is clear, but a single fact of its history places it in the broad light of noon. As originally recommended by North Carolina and Virginia, it was restrained to the *freeman*. Its language was, "No *freeman* ought to be deprived of his life, *liberty*, or property, but by the law of the land." In rejecting this limitation, the authors of the amendment revealed their purpose, that no person, under the National Government, of whatever character, shall be deprived of liberty without due process of law; that is, without due presentment, indictment, or other judicial proceedings. Here by this amendment is an express guarantee of personal liberty, and an express prohibition against its invasion anywhere, at least within the national jurisdiction.

Sir, apply these principles, and slavery will again be as when Washington took his first oath as President. The Union flag of the Republic will become once more the flag of freedom, and at all points within the national jurisdiction will refuse to cover a slave. Beneath its beneficent folds, wherever it is carried, on land or sea, slavery will disappear, like darkness under the arrows of the ascending sun—like the Spirit of Evil before the Angel of the Lord.

In all national territories slavery will be impossible.

On the high seas, under the national flag, slavery will be impossible.

In the District of Columbia slavery will instantly cease.

Inspired by these principles, Congress can give no sanction to slavery by the admission of new slave States.

Nowhere under the Constitution can the nation, by legislation or otherwise, support slavery, hunt slaves, or hold property in man.

Such, sir, are my sincere convictions. According to the Constitution, as I understand it, in the light of the past, and of its true principles, there is no other conclusion which is rational or tenable; which does not defy the authoritative rules of interpretation; which does not falsify indisputable facts of history; which does not affront the public opinion in which it had its birth; and which does not dishonor the memory of the fathers. And yet these convictions are now placed under formal ban by politicians of the hour. The generous sentiments which filled the early patriots, and which impressed upon the Government they founded, as upon the coin they circulated, the image and superscription of LIBERTY, have lost their power. The slave masters, few in number, amounting to about 300,000, according to the recent census, have succeeded in dictating the policy of the National Government, and have written SLAVERY on its front. And now an arrogant and unrelenting ostracism is applied, not only to all who express themselves against slavery, but to every man who is unwilling to be the menial of slavery. A novel test for office is introduced, which would have excluded all the fathers of the Republic—even Washington, Jefferson, and Franklin! Yes, sir. Startling it may be; but indisputable. Could these revered demigods of history once again descend upon earth, and mingle in our affairs, not one of them could receive a nomination from the national convention of either of the two old political parties! Out of the convictions of their hearts, and the utterances of their lips against slavery, they would be condemned.

This single fact reveals the extent to which the National Government has departed from its true course and its great examples. For myself I know no better aim under the Constitution, than to bring the Government back to the precise position on this question which it occupied on the auspicious morning of its first organization under Washington:

Cursus iterare
Relictos;

that the sentiments of the fathers may again prevail with our rulers, and that the national flag may nowhere shelter slavery.

To such as count this aspiration unreasonable let me commend a renowned and life-giving precedent of English history. As early as the days of Queen Elizabeth, a courtier had boasted that the air of England was too pure for a slave to breathe, and the common law was said to forbid slavery. And yet in the face of this vaunt, kindred to that of our fathers, and so truly honorable, slaves were introduced from the West Indies. The custom of slavery gradually prevailed. Its positive legality was affirmed, in professional opinions, by two eminent lawyers, Talbot and Yorke, each afterwards Lord Chancellor. It was also affirmed on the bench by the latter as Lord Hardwicke. England was already a slave State. The following advertisement, copied from a London newspaper, the *Public Advertiser*, November 22d, 1769, shows that the journals there were disfigured as some of ours, even in the District of Columbia:

"To be sold, a black girl, the property of J. B., eleven years of age, who is extremely handy, works at her needle tolerably, and speaks English perfectly well; is of an excellent temper and willing disposition. Inquire of her owner at the Angel Inn, behind St. Clement's Church, in the Strand."

At last, only three years after this advertisement, in 1772, the single question of the legality of slavery was presented to Lord Mansfield, on a writ of *habeas corpus*. A poor negro, named Somersett, brought to England as a slave, became ill, and with an inhumanity disgraceful even to slavery, was turned adrift upon the world. Through the charity of an estimable man, the eminent abolitionist, Granville Sharpe, he was restored to health, when his unfeeling and avaricious master again claimed him as a bondman. The claim was repelled. After an elaborate and protracted discussion in Westminster Hall, marked by rare learning and ability, Lord Mansfield, with discreditable reluctance, sullying his great judicial name, but in trembling obedience to the genius of the British constitution, pronounced a decree which made the early boast a practical verity, and rendered slavery forever impossible in England. More than fifteen thousand persons, at that time held as slaves in English air—four times as many as are now found in this District—stepped forth in the happiness and dignity of freemen.

With this guiding example let us not despair. The time will yet come when the boast of our fathers will be made a practical verity also, and Court or Congress, in the spirit of this British judgment, will proudly declare, that nowhere under the Constitution can man hold property in man. For the Republic such a decree will be the way of peace and safety. As slavery is banished from the national jurisdiction, it will cease to vex our national politics. It may linger in the States as a local institution; but it will no longer engender national animosities, when it no longer demands national support.

II. From this general review of the relations of the National Government to slavery, I pass to the consideration of the TRUE NATURE OF THE PROVISION FOR THE SURRENDER OF FUGITIVES FROM LABOR, embracing an examination of this provision in the Constitution, and especially of the recent act of Congress in pursuance thereof. And here, as I begin this discussion, let me bespeak anew your candor; not in prejudice, but in the light of history and of reason, let us consider this subject. The way will then be easy and the conclusion certain.

Much error arises from the exaggerated importance now attached to this provision, and from the assumptions with regard to its origin and primitive character. It is often asserted that it was suggested by some special difficulty, which had become practically and extensively felt anterior to the Constitution. But this is one of the myths or fables with which the supporters of slavery have surrounded their false god. In the Articles of Confederation, while provision is made for the surrender of fugitive criminals, nothing is said of fugitive slaves or servants; and there is no evidence in any quarter, until after the National Convention, of any hardship or solicitude on this account. No previous voice was heard to express desire for any provision on the subject. The story to the contrary is a modern fiction.

I put aside as equally fabulous the common saying that this provision was one of the original compromises of the Constitution, and an essential condition of union. Though sanctioned by eminent judicial opinions, it will be found that this statement has been hastily made, without any support in the records of the Convention, the only authentic evidence of the compromises; nor will it be easy to find any authority for it in any contemporary document, speech, published letter, or pamphlet of any kind. It is true that there were compromises at the formation of the Constitution, which were the subject of anxious debate; but this was not of them.

There was a compromise between the small and large States, by which equality was secured to all the States in the Senate. There was another compromise finally carried, under threats from the South, *on the motion of a New England member*, by which the slave States were allowed Representatives according to the whole number of free persons, and "three fifths of all other persons," thus securing political power on account of their slaves, in consideration that direct taxes should be apportioned in the same way. Direct taxes have been imposed at only four brief intervals. The political power has been constant, and, at this moment, sends twenty-one members to the other House.

There was a third compromise, which cannot be mentioned without shame. It was that hateful bargain by which Congress were restrained until 1808 from the prohibition of the foreign slave trade, thus securing, down to that period, toleration for crime. This was pertinaciously pressed by the South, even to the extent of an absolute restraint on Congress. John Rutledge said: "If the 'Convention thinks North Carolina, South Caro-'lina, and Georgia, will ever agree to this plan '[the Federal Constitution] unless their right to 'import slaves be untouched, the expectation is 'vain. The people of those States will never be 'such fools as to give up so important an interest." Charles Pinckney said: "South Carolina can never receive the plan [of the Constitution] if it prohibits the slave trade." Charles Cotesworth Pinckney "thought himself bound to declare candidly that

'he did not think South Carolina would stop her 'importation of slaves in any short time." The effrontery of the slaveholders was matched by the sordidness of the Eastern members, who yielded again. Luther Martin, the eminent member of the Convention, in his contemporary address to the Legislature of Maryland, has described the compromise. "I found," he says, "that the Eastern 'members, notwithstanding their aversion to 'slavery, were very willing to indulge the South-'ern States, at least with a temporary liberty to 'prosecute the slave trade, *provided the Southern 'States would in their turn gratify them, by laying 'no restriction on navigation acts.*" The bargain was struck, and at this price the Southern States gained the detestable indulgence. At a subsequent day, Congress branded the slave trade as piracy, and thus, by solemn legislative act, adjudged this compromise to be felonious and wicked.

Such are the three chief original compromises of the Constitution, and essential conditions of union. The case of fugitives from labor is not of these. During the Convention, it was not in any way associated with these. Nor is there any evidence, from the records of this body, that the provision on this subject was regarded with any peculiar interest. As its absence from the Articles of Confederation had not been the occasion of solicitude or desire, anterior to the National Convention, so it did not enter into any of the original plans of the Constitution. It was introduced at a late period of the Convention, and with very little and most casual discussion, adopted. A few facts will show how unfounded are the recent assumptions.

The National Convention was convoked to meet at Philadelphia on the second Monday in May, 1787. Several members appeared at this time; but a majority of the States not being represented, those present adjourned from day to day until the 25th, when the Convention was organized by the choice of George Washington, as president. On the 28th, a few brief rules and orders were adopted. On the next day they commenced their great work.

On this day Edmund Randolph, of slaveholding Virginia, laid before the Convention a series of sixteen resolutions, containing his plan for the establishment of a new National Government. Here was no allusion to fugitive slaves.

On the same day, Charles Pinckney, of slaveholding South Carolina, laid before the Convention what is called "a draft of a Federal Government, to be agreed upon between the free and independent States of America," an elaborate paper, marked by considerable minuteness of detail. Here are provisions, borrowed from the Articles of Confederation, securing to citizens of each State equal privileges in the several States; giving faith to the public records of the States, and ordaining the surrender of fugitives from justice. But this draft, though from the flaming guardian of the slave interest, contained no allusion to fugitive slaves.

In the course of the Convention other plans were brought forward; on the 15th of June a series of eleven propositions, by Mr. Patterson, of New Jersey, "so as to render the Federal Constitution adequate to the exigencies of Government, and the preservation of the Union;" on the 18th of June, eleven propositions by Mr. Hamilton, of New York, "containing his ideas of a suitable plan of Government for the United States;" and on the 19th of June, Mr. Randolph's resolutions, originally offered on the 29th of May, "as altered, amended, and agreed to in Committee of the Whole House." On the 26th, twenty-three resolutions, already adopted on different days in the Convention, were referred to a "Committee of Detail," to be reduced to the form of a constitution. On the 6th of August this committee reported the finished draft of a constitution. And yet, in all these resolutions, plans, and drafts, *seven* in number, proceeding from eminent members and from able committees, no allusion was made to fugitive slaves. For three months the Convention was in session, and not a word uttered on this subject.

At last, on the 28th August, as the Convention was drawing to a close, on the consideration of the article providing for the privileges of citizens in different States, we meet the first reference to this matter, in words worthy of note: "General [Charles Cotesworth] Pinckney was not satisfied with it. He SEEMED to wish some provision should be included in favor of property in slaves." But he made no proposition. Unwilling to shock the Convention, and uncertain in his own mind, he only *seemed* to wish such a provision. In this vague expression of a vague desire this idea first appeared. In this modest, hesitating phrase, is the germ of the audacious, unhesitating slave act. Here is the little vapor, which has since swollen, as in the Arabian tale, to the power and dimensions of a giant. The next article under discussion provided for the surrender of fugitives from justice. Mr. Butler and Mr. Charles Pinckney, both from South Carolina, now moved openly to require "fugitive slaves and servants to be delivered up like criminals." Here was no disguise. With Hamlet it was now said in spirit—

"*Seems*, madam, nay, it is; I know not *seems*."

But the very boldness of the effort drew attention and opposition. Mr. Wilson, of Pennsylvania, at once objected: "This would oblige the Executive of the State to do it at the public expense." Mr. Sherman, of Connecticut, "saw no more propriety in the public seizing and surrendering a slave or servant than a horse." Under the pressure of these objections the offensive proposition was quietly withdrawn. The article for the surrender of criminals was then adopted. On the next day, August 29th, profiting by the suggestions already made, Mr. Butler moved a proposition—substantially like that now found in the Constitution—not directly for the surrender of "fugitive slaves," as originally proposed, but of "fugitives from service or labor," which, without debate or opposition of any kind, was unanimously adopted.

The provision, which showed itself thus tardily, and was so slightly noticed in the National Convention, was neglected in much of the contemporaneous discussion before the people. In the conventions of South Carolina, North Carolina, and Virginia, it was commended as securing important rights, though on this point there was a difference of opinion. In the Virginia convention, an eminent character, Mr. George Mason, with others, expressly declared that there was "no security of property coming within this section." In the other conventions it was disregarded. Massachusetts, while exhibiting peculiar sensitiveness at any responsibility for slavery, seemed to view it with unconcern. The Federalist, (No. 42,) in its classification of the powers of Congress, describes and groups a large number as those "which provide for the harmony and proper intercourse among the States," and therein speaks of the power over public records, standing next in the Constitution to the provision on fugitives from labor; but it fails to recognize the latter among the means of promoting that "harmony and proper intercourse;" nor does it anywhere allude to the provision.

The indifference which had thus far attended this subject still continued. The earliest act of Congress, passed in 1793, drew little attention. It was not originally suggested by any difficulty or anxiety touching fugitives from labor; nor is there any record of the times, in debate or otherwise, showing that any special importance was attached to its provisions in this regard. The attention of Congress had been directed to fugitives from justice, and, with little deliberation, it undertook in the same bill to provide for both classes of cases. In this accidental manner was legislation on this subject first attempted.

There is no evidence that fugitives were often seized under this act. From a competent inquirer we learn that twenty-six years elapsed before a single slave was surrendered under it in any free State. It is certain that, in a case at Boston, towards the close of the last century, illustrated by Josiah Quincy as counsel, the crowd about the magistrate at the examination quietly and spontaneously opened a way for the fugitive, and thus the act failed to be executed. It is also certain that, in Vermont, at the beginning of the century, a judge of the supreme court of this State, on application for the surrender of an alleged slave, accompanied by documentary evidence, refused to comply, *unless the master could show a bill of sale from the Almighty.* But even these cases passed without public comment.

In 1801, the subject was introduced into the House of Representatives by an effort for another act, which, on consideration, was rejected. At a later day, in 1817–'18, though still disregarded by the country, it seemed to excite a short-lived interest in Congress. A bill to provide more effectually "for reclaiming servants and slaves, escaping from one State into another," was introduced into the House of Representatives by Mr. Pindall, of Virginia, was considered for several days in Committee of the Whole, amended and passed by this body. In the Senate, after much attention and warm debate, it was also passed with amendments; but on its return to the House, for the adoption of the amendments, it was dropped. This effort, which, in the discussions of this subject, has thus far been unnoticed, is chiefly remarkable as the earliest recorded evidence of the unwarrantable assertion, now so common, that this provision was originally of vital importance to the peace and harmony of the country.

At last, in 1850, we have another act, passed by both Houses of Congress and approved by the President, familiarly known as the fugitive slave bill. As I read this statute, I am filled with painful emotions. The masterly subtlety with which it is drawn, might challenge admiration, if exerted for a benevolent purpose; but in an age of sensibility and refinement, a machine of torture, however skillful and apt, cannot be regarded without horror. Sir, in the name of the Constitution which it violates; of my country which it dishonors; of humanity which it degrades; of Christianity which it offends, I arraign this enactment, and now hold it up to the judgment of the Senate and the world. Again I shrink from no responsibility. I may seem to stand alone; but all the patriots and martyrs of history, all the fathers of the Republic, are with me. Sir, there is no attribute of God which does not unite against this act.

But, I am to regard it now chiefly as an infringement of the Constitution. And here its outrages, flagrant as manifold, assume the deepest dye and broadest character only when we consider, that by its language it is not restrained to any special race or class, to the African or to the person with African blood; but that any inhabitant of the United States, of whatever complexion or condition, may be its victim. Without discrimination of color even, and in violation of every presumption of freedom, the act surrenders all, who may be claimed as "owing service or labor" to the same tyrannical proceedings. If there be any whose sympathies are not moved for the slave, who do not cherish the rights of the humble African, struggling for divine freedom, as warmly as the rights of the white man, let him consider well that the rights of all are equally assailed. "Nephew," said Algernon Sidney in prison, on the night before his execution, "I value not my own life a chip, but what concerns me is that *the law* which takes away my life may hang every one of you, whenever it is thought convenient."

Though thus comprehensive in its provisions and applicable to all, there is no safeguard of human freedom which the monster act does not set at naught.

It commits this great question—than which none is more sacred in the law—not to a solemn trial; but to summary proceedings.

It commits this question—not to one of the high tribunals of the land—but to the unaided judgment of a single petty magistrate.

It commits this question to a magistrate, appointed, not by the President with the consent of the Senate, but by the court; holding his office, not during good behavior, but merely during the will of the court; and receiving, not a regular salary, but fees according to each individual case.

It authorizes judgment on *ex parte* evidence, by affidavits, without the sanction of cross-examination.

It denies the writ of *habeas corpus*, ever known as the palladium of the citizen.

Contrary to the declared purposes of the framers of the Constitution, it sends the fugitive back "at the public expense."

Adding meanness to the violation of the Constitution, it bribes the commissioner by a double fee to pronounce against freedom. If he dooms a man to slavery, the reward is $10; but, saving him to freedom, his dole is $5.

The Constitution expressly secures the "free exercise of religion;" but this act visits with unrelenting penalties the faithful men and women,

who may render to the fugitive that countenance, succor, and shelter, which in their conscience "religion" seems to require.

As it is for the public weal that there should be an end of suits, so by the consent of civilized nations, these must be instituted within fixed limitations of time; but this act, exalting slavery above even this practical principle of universal justice, ordains proceedings against freedom without any reference to lapse of time.

Glancing only at these points, and not stopping for argument, vindication, or illustration, I come at once upon the two chief radical objections to this act, identical in principle with those brought by our fathers against the British Stamp Act; *first*, that it is a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States; and, *secondly*, that it takes away trial by jury in a question of personal liberty and a suit at common law. Either of these objections, if sustained, strikes at the very root of the act. That it is obnoxious to both seems beyond doubt.

But here, at this stage, I encounter the difficulty that these objections have been already foreclosed by the legislation of Congress, and by the decisions of the Supreme Court; that as early as 1793 Congress assumed power over this subject by an act, which failed to secure trial by jury, and that the validity of this act under the Constitution has been affirmed by the Supreme Court. On examination, this difficulty will disappear.

The act of 1793 proceeded from a Congress that had already recognized the United States Bank, chartered by a previous Congress, which, though sanctioned by the Supreme Court, has been since in high quarters pronounced unconstitutional. If it erred as to the bank, it may have erred also as to fugitives from labor. But the very act contains a capital error on this very subject, so declared by the Supreme Court, in pretending to vest a portion of the judicial power of the nation in State officers. This error takes from the act all authority as an interpretation of the Constitution. I dismiss it.

The decisions of the Supreme Court are entitled to great consideration, and will not be mentioned by me except with respect. Among the memories of my youth are happy days in which I sat at the feet of this tribunal, while Marshall presided, with Story by his side. The pressure now proceeds from the case of Prigg *vs.* Pennsylvania, (16 Peters, 539,) wherein the power of Congress over this matter is asserted. Without going into any minute criticism of this judgment, or considering the extent to which it is extra-judicial, and therefore of no binding force, all which has been already done at the bar in one State, and by an able court in another; but conceding to it a certain degree of weight as a rule to the judiciary on this particular point, still it does not touch the grave question arising from the denial of trial by jury. This judgment was pronounced by Mr. Justice Story. From the interesting biography of this great jurist, recently published by his son, we derive the distinct statement that the necessity of trial by jury was not before the court; so that, in the estimation of the judge himself, it was still an open question. Here are the words:

"One prevailing opinion which has created great prejudice against this judgment is, that it denies the right of a person claimed as a fugitive from service or labor to a trial by jury. This mistake arises from supposing the case to involve the general question as to the constitutionality of the act of 1793. But in fact no such question was in the case; and the argument that the act of 1793 was unconstitutional, because it did not provide for a trial by jury according to the requisitions of the sixth article in the amendments to the Constitution, having been suggested to my father on his return from Washington, he replied that this question was not argued by counsel nor considered by the court, and that he should still consider it an open one."

But whatever may be the influence of this judgment as a rule to the judiciary, it cannot arrest our duty as legislators. And here I adopt with entire assent the language of President Jackson, in his memorable veto, in 1832, of the Bank of the United States. To his course was opposed the authority of the Supreme Court, and this is his reply:

"If the opinion of the Supreme Court covers the whole ground of this act, it ought not to control the coördinate authorities of this Government. The Congress, the Executive and the Court, must each for itself be guided by its own opinion of the Constitution. *Each public officer who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others.* It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution, which may be presented to them for passage or approval, as it is of the Supreme Judges when it may be brought before them for judicial decision. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

With these authoritative words of Andrew Jackson, I dismiss this topic. The early legislation of Congress, and the decisions of the Supreme Court, cannot stand in our way. I advance to the argument.

(1.) *Now, first, of the power of Congress over this subject.*

The Constitution contains *powers* granted to Congress, *compacts* between the States, and *prohibitions* addressed to the nation and to the States. A compact or prohibition may be accompanied by a power; but not necessarily, for it is essentially distinct in its nature. And here the single question arises, whether the Constitution, by grant, general or special, confers upon Congress any power to legislate on the subject of fugitives from labor.

The whole legislative power of Congress is derived from two sources; first, from the general grant of power, attached to the long catalogue of powers, "to make all laws which shall be necessary and proper for the carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof;" and secondly, from special grants in other parts of the Constitution. As the provision in question does not appear in the catalogue of powers, and does not purport to vest any power in the Government of the United States, or in any department or officer thereof, no power to legislate on this subject can be derived from the general grant. Nor can any such power be derived from any special grant in any other part of the Constitution; for none such exists. The conclusion must be, that no power is delegated to Congress over the surrender of fugitives from labor.

In all contemporary discussions and comments, the Constitution was constantly justified and recommended, on the ground that the powers not given to the Government were withheld from it. If under its original provisions any doubt could have existed on this head, it was removed, so far as language could remove it, by the tenth amendment, which, as we have already seen, expressly declares, that "the powers *not delegated* to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." Here, on the simple text of the Constitution, I might leave this question. But its importance justifies a more extended examination in a twofold light; *first*, in the history of the Convention, revealing the unmistakable intention of its members; and *secondly*, in the true principles of our political system, by which the powers of the nation and of the States are respectively guarded.

Look first at the *history of the Convention*. The Articles of the old Confederation, adopted by the Continental Congress, 15th of November, 1777, though containing no reference to fugitives from labor, had provisions substantially like those in our present Constitution, touching the privileges of citizens in the several States, the surrender of fugitives from justice, and the credit due to the public records of States. But, since the Confederation had no powers not "expressly delegated," and as no power was delegated to legislate on these matters, they were nothing more than articles of treaty or compact. Afterwards, at the National Convention, these three provisions found a place in the first reported draft of a constitution, and they were arranged in the very order which they occupied in the Articles of Confederation. *The clause relating to public records stood last.* Mark this fact.

When this clause, being in form merely a *compact*, came up for consideration in the Convention, various efforts were made to graft upon it a *power*. This was on the very day of the adoption of the clause relating to fugitives from labor. Charles Pinckney moved to commit it with a proposition for a *power* to establish uniform laws on the subject of bankruptcy and foreign bills of exchange. Mr. Madison was in favor of a *power* for the execution of judgments in other States. Gouverneur Morris, also on the same day, moved to commit a further proposition for a *power* "to determine the proof and effect of such acts, records, and proceedings." Amidst all these efforts to associate a power with this compact, it is clear that nobody supposed that any such already existed. This narrative places the views of the Convention beyond question.

The compact regarding public records, together with these various propositions, was referred to a committee, on which were Mr. Randolph and Mr. Wilson, with John Rutlege, of South Carolina, as chairman. After several days, they reported the compact with a *power* in Congress to prescribe by general laws the manner in which such records shall be proved. A discussion ensued, in which Mr. Randolph complained that the "definition of the powers of the Government was so loose as to give it opportunities of usurping all the State powers. *He was for not going further than the report, which enables the Legislature to provide for the effect of judgments.*" The clause of compact, with the power attached, was then adopted, and is now a part of the Constitution. In presence of this solicitude for the preservation of "State powers," even while considering a proposition for an express power, and also of the distinct statement of Mr. Randolph, that he "was not for going further than the report," it is evident that the idea could not then have occurred that a power was coupled with the naked clause of compact on fugitives from labor.

At a later day, the various clauses and articles, severally adopted from time to time in Convention, were referred to a committee of revision and arrangement, that they might be reduced to form as a connected whole. *Here another change was made.* The clause relating to public records, with the power attached, was taken from its original place, at the bottom of the clauses of compact, and promoted to stand first in the article, as a distinct section, while the other clauses of compact, concerning citizens, fugitives from justice, and fugitives from labor, each and all, without any power attached, by a natural association compose but a single section, thus:

"ARTICLE IV.

"SEC. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. *And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.*

"SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

"SEC. 3. New States *may be admitted by the Congress* into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, *as well as of the Congress.*

"*The Congress shall have power* to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

"SEC. 4. The *United States shall guarantee* to every State in this Union a republican form of Government, and *shall protect* each of them against invasion, and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence."

Here is the whole article. It will be observed that the third section immediately following the triad section of compacts, contains two specific powers, one with regard to new States, and the other with regard to the public Treasury. These are naturally grouped together, while the fourth section of this same article, which is distinct in its character, is placed by itself. In the absence of all specific information, reason alone can determine why this arrangement was made. But the conclusion is obvious, that, in the view of the committee and of the convention, each of these sections differs from the others. The first contains a compact, with a grant of power. The second contains

provisions, all of which are simple compacts, and two of which were confessedly simple compacts in the old Articles of Confederation, from which, unchanged in letter or spirit, they were borrowed. The third is a twofold grant of power to Congress, without any compact. The fourth is neither power nor compact merely, nor both united, but a solemn injunction upon the National Government to perform an important duty.

The framers of the Constitution were wise and careful men, who had a reason for what they did, and who understood the language which they employed. They did not, after discussion, incorporate into their work any superfluous provision; nor did they without design adopt the peculiar arrangement in which it appears. In adding to the record compact the express grant of power, they testified not only their desire for such power in Congress, but their conviction, that without an express grant, it would not exist. But if an express grant was necessary in this case, it was equally necessary in all the other cases. *Expressum facit cessare tacitum.* Especially, in view of its odious character, was it necessary in the case of fugitives from labor. In abstaining from any such grant, and then, in grouping the bare compact with other similar compacts, separate from every grant of power, they have most significantly testified their purpose. They not only decline all addition of any such power to the compact, but to render misapprehension impossible, to make assurance doubly sure, to exclude any contrary conclusion, they punctiliously arrange the clauses, on the principle of *noscitur a sociis*, so as to distinguish all the grants of power, but especially to make the new grant of power, in the case of public records, stand forth in the front by itself, severed from the mere naked compacts with which it was originally associated.

Thus the records of the Convention show that the founders understood the necessity of *powers* in certain cases, and, on consideration, most jealously granted them. A closing example will strengthen the argument. Congress is expressly empowered "*to establish an uniform rule of* naturalization, and *uniform laws* on the subject of bankruptcies, *throughout the United States.*" Without this provision these two subjects would have been within the control of the States, the nation having no power *to establish an uniform rule* thereupon. Now, instead of the existing compact on fugitives from labor, it would have been easy, had any such desire prevailed, to add this case to the clause on naturalization and bankruptcy, and to empower Congress TO ESTABLISH AN UNIFORM RULE FOR THE SURRENDER OF FUGITIVES FROM LABOR THROUGHOUT THE UNITED STATES. Then, of course, whenever Congress undertook to exercise the power, all State control of the subject would have been superseded. The National Government would have been constituted, like Nimrod, the mighty hunter, with power to gather the huntsmen, to halloo the pack, and to direct the chase of men, ranging at will, without regard to boundaries or jurisdictions, throughout all the States. But no person in the Convention, not one of the reckless partisans of slavery, was so audacious as to make this proposition. Had it been distinctly made, it would have been distinctly denied.

The fact that the provision on this subject was adopted unanimously, while showing the litttle importance attached to it *in the shape it finally assumed*, testifies also that it could not have been regarded *as a source of national power over slavery.* It will be remembered, that, among the members of the Convention, were Gouverneur Morris, who had said, that he "*never* would concur in upholding domestic slavery;" Elbridge Gerry, who thought "we ought to be careful NOT *to give any sanction to it;*" Roger Sherman, who was OPPOSED to any clause "acknowledging men to be property;" and Mr. Madison, who "thought it WRONG to admit in the Constitution the idea that there could be property in man." In the face of these unequivocal statements, it is absurd to suppose that they consented *unanimously* to any provision by which the National Government, the work of their hands, dedicated to freedom, could be made the most offensive instrument of slavery.

Thus much for the evidence from the history of the Convention. But the *true principles of our political system* are in harmony with this conclusion of history; and here let me say a word of State-Rights.

It was the purpose of our fathers to create a National Government, and to endow it with adequate powers. They had known the perils of imbecility, discord, and confusion, during the uncertain days of the Confederation, and desired a Government which should be a true bond of union and an efficient organ of the national interests at home and abroad. But while fashioning this agency, they fully recognized the governments of the States. To the nation were delegated high powers, essential to the national interests, but specific in character and limited in number. To the States and to the people were reserved the powers general in character, and unlimited in number, not delegated to the nation or prohibited to the States.

The integrity of our political system depends upon harmony in the operations of the nation and of the States. While the nation within its wide orbit is supreme, the States move with equal supremacy in their own. But from the necessity of the case the supremacy of each in its proper place excludes the other. The nation cannot exercise rights reserved to the States; nor can the States interfere with the powers of the nation. Any such action on either side is a usurpation. These principles were distinctly declared by Mr. Jefferson, in 1798, in words often adopted since; and which must find acceptance from all parties:

"That the several States composing the United States of America are not united upon the principle of unlimited submission to the General Government; but that by compact, under the style and title of the Constitution of the United States and of the amendments thereto, they constituted a General Government for special purposes, *delegated to that Government certain definite powers*, reserving each State to itself, the residuary mass of right to their own self-government, and that *wheresoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force.*"

But I have already amply shown to-day that slavery is in no respect national—that it is not within the sphere of national activity—that it has no "positive" support in the Constitution, and that any interpretation thereof inconsistent with this principle would be abhorrent to the sentiments of its founders. Slavery is a local institution, peculiar to the States and under the guardianship of State-Rights. It is impossible, without violence, at once to the spirit and to the letter of the Constitution, to attribute to Congress any power to legislate, either for its abolition in the States or its support anywhere. *Non-intervention* is the rule prescribed to the nation. Regarding the question only in its more general aspects, and putting aside, for the moment, the perfect evidence from the records of the Convention, it is palpable that there is no *national fountain* out of which the existing slave act can be derived.

But this act is not only an unwarrantable assumption of power by the nation; it is also an infraction of rights reserved to the States. Everywhere within their borders the States are the peculiar guardians of *personal liberty.* By jury and habeas corpus to save the citizen harmless against all assault, is among their duties and rights. To his State the citizen when oppressed may appeal, nor should he find that appeal denied. But this act despoils him of his rights, and despoils his State of all power to protect him. It subjects him to the wretched chances of false oaths, forged papers, and facile commissioners, and takes from him every safeguard. Now, if the slaveholder has a right to be secure *at home* in the enjoyment of *slavery*, so also has the freeman of the North—and every person there is presumed to be a freeman—an equal right to be secure *at home* in the enjoyment of *freedom.* The same principle of State-Rights, by which slavery is protected in the slave States, throws its impenetrable shield over freedom in the free States. And here, let me say, is the only security for slavery in the slave States as for freemen in the free States. In the present fatal overthrow of State-Rights, you teach a lesson which may return to plague the teacher. Compelling the National Government to stretch its Briarean arms into the free States, for the sake of slavery, you show openly how it may stretch these same hundred giant arms into the slave States for the sake of freedom. This lesson was not taught by our fathers.

And here I end this branch of the question. The true principles of our political system, the history of the National Convention, the natural interpretation of the Convention, all teach that this act is a usurpation by Congress of powers that do not belong to it, and an infraction of rights secured to the States. It is a sword, whose handle is at the national capital, and whose point is everywhere in the States. A weapon so terrible to personal liberty, the nation has no power to grasp.

(2.) *And now of the denial of trial by jury.* Admitting, for the moment, that Congress is intrusted with power over this subject, which truth disowns, still the act is again radically unconstitutional from its denial of trial by jury in a question of personal liberty and a suit at common law. Since, on the one side, there is a claim of property, and on the other of liberty, both property and liberty are involved in the issue. To this claim on either side is attached trial by jury.

To me, sir, regarding this matter in the light of the common law, and in the blaze of free institutions, it has always seemed impossible to arrive at any other conclusion. If the language of the Constitution were open to doubt, which it is not, still all the presumptions of law, all the leanings for freedom, all the suggestions of justice, plead angel-tongued for this right. Nobody doubts that Congress, if it legislates on this matter, *may* allow a trial by jury. But if it *may*, so overwhelming is the claim of justice, it MUST. Beyond this, however, the question is determined by the precise letter of the Constitution.

Several expressions in the provision for the surrender of fugitives from labor show the essential character of the proceedings. In the first place, the person must be, not merely *charged*, as in the case of fugitives from justice, but actually *held to labor* in the State from which he escaped. In the second place, he must be "delivered up on claim of the party to whom such labor is *due.*" These two facts, that he was *held* to labor, and that his labor was *due* to his claimant, are directly placed in issue and must be proved. Two necessary incidents of the delivery may also be observed. First, it must be made in the State where the fugitive is found; and secondly, it restores to the claimant his complete control over the person of the fugitive. From these circumstances it is evident that the proceedings cannot be regarded, in any just sense, as preliminary, or ancillary to some future formal trial, but as complete in themselves; final and conclusive.

And these proceedings determine, on the one side, the question of property, and on the other the sacred question of personal liberty in its most transcendent form; not merely liberty for a day or a year, but for life, and the liberty of generations that shall come after, so long as slavery endures. To these questions, the Constitution, by two specific provisions, attaches the trial by jury. One of these is the familiar clause, already adduced: "No *person* shall be deprived of life, *liberty*, or property, *without due process of law;*" that is, without due proceedings at law, with trial by jury. Not stopping to dwell on this, I press at once to the other provision, which is still more express: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." This clause, which was not in the original Constitution, was suggested by the very spirit of freedom. At the close of the National Convention, Elbridge Gerry refused to sign the Constitution, because, among other things, it established "a tribunal *without juries*, a Star Chamber as to civil cases." Many united in his opposition, and on the recommendation of the First Congress, this additional safeguard was adopted as an amendment.

Now, regarding the question as one of property, or of personal liberty, in either alternative the trial by jury is secured; for this position authority is ample. In the debate on the fugitive slave bill of 1817–'18, a Senator from South Carolina, (Mr. Smith,) anxious for the asserted right of property, objected, on this very floor, to a reference of the question, under the writ of habeas corpus, to a judge without a jury. Speaking solely for property, these were his words:

"This would give the judge the sole power of deciding *the right of property the master claims in his slaves, instead of trying that right by a jury, as prescribed by the Constitution.* He would be judge of matters of law and

matters of fact, clothed with all the powers of a court. Such a principle is unknown in your system of jurisprudence. *Your Constitution has forbid it.* It preserves the right of trial by jury in all cases where the value in controversy exceeds twenty dollars."—*Debates in National Intelligencer, June* 15, 1818.

But this provision has been repeatedly discussed by the Supreme Court, so that its meaning is not open to doubt. Three conditions are necessary. *First*, the proceedings must be "a suit;" *secondly*, "at common law;" and *thirdly*, "where the value in controversy exceeds twenty dollars." In every such case "the right of trial by jury *shall* be preserved." The decisions of the Supreme Court expressly touch each of these points.

First. In the case of Cohens *vs.* Virginia, (6 Wheaton, 407,) the Court say:

"What is *a suit?* We understand it to be the prosecution of some *claim*, demand, or request."

Of course, then, the "claim" for a fugitive must be "a suit."

Secondly. In the case of Parsons *vs.* Bedford, (3 Peters, 456,) while considering this very clause, the Court say:

"By *common law* is meant not merely suits which the common law recognized among its old and settled proceedings, but suits in which *legal rights* were to be ascertained and determined. In a just sense, the amendment may well be construed to embrace all suits which are not of an equity or admiralty jurisdiction, *whatever may be the peculiar form which they may assume to settle legal rights.*"

Now, since the claim for a fugitive is not a suit in equity or admiralty, but a suit to settle what are called legal rights, it must, of course, be "a suit at common law."

Thirdly. In the case of Lee *vs.* Lee, (8 Peters, 44,) on a question whether "the value in controversey" was "one thousand dollars and upwards," it was objected that the appellants, who were petitioners for freedom, were not of the value of one thousand dollars. But the Court said:

"The matter in dispute is the freedom of the petitioners. *This is not susceptible of pecuniary valuation.* No doubt is entertained of the jurisdiction of the Court."

Of course, then, since liberty is above price, the claim to any fugitive always necessarily presumes that "the value in controversy exceeds twenty dollars."

By these successive steps, sustained by decisions of the highest tribunal, it appears, as in a diagram, that the right of trial by jury is secured to the fugitive from labor.

This conclusion needs no further authority; but it may receive curious illustration from the ancient records of the common law, so familiar and dear to the framers of the Constitution. It is said by Mr. Burke, in his magnificent speech on Conciliation with America, that "nearly as many of Blackstone's Commentaries were sold in America as in England," carrying thither the knowledge of those vital principles of freedom, which were the boast of the British constitution. Imbued by these, the earliest Continental Congress, in 1774, declared, "that the respective colonies are entitled 'to the common law of England, and especially to 'the great and inestimable privilege of being tried 'by their peers of the vicinage according to the 'course of that law." Thus, amidst the troubles which heralded the Revolution, the common law was claimed by our fathers as a birthright.

Now, although the common law may not be approached as a source of jurisdiction under the national Constitution—and on this point I do not dwell—*it is clear that it may be employed in determining the meaning of technical terms in the Constitution borrowed from this law.* This, indeed, is expressly sanctioned by Mr. Madison, in his celebrated report of 1799, while restraining the extent to which the common law may be employed. Thus, by this law, we learn the nature of *trial by jury*, which, though secured, is not described by the Constitution; also of *bills of attainder*, the *writ of habeas corpus*, and *impeachment*, all technical terms of the Constitution, borrowed from the common law. By this law, and its associate chancery, we learn what are *cases in law and equity* to which the judicial power of the United States is extended. These instances I adduce merely by way of example. Of course, also, in the same way we learn what in reality are *suits at common law.*

Now, on principle and authority, *a claim for the delivery of a fugitive slave is a suit at common law*, and is embraced naturally and necessarily in this class of judicial proceedings. This proposition can be placed beyond question.

History painfully records that during the early days of the common law, and down even to a late period, a system of slavery existed in England, known under the name of *villainage*. The slave was generally called a *villain*, though, in the original Latin forms of judicial proceedings, *nativus*, implying slavery by birth. The incidents of this condition have been minutely described, and also the mutual remedies of master and slave, all of which were regulated by the common law. Slaves sometimes then, as now, *escaped* from their masters. The claim for them after such *escape* was prosecuted by a "suit at common law," to which, as to every suit at common law, the trial by jury was necessarily attached. Blackstone, in his Commentaries, (Vol. II., p. 93,) in words which must have been known to all the lawyers of the Convention, said of *villains:*

"They could not leave their lord without his permission, but *if they ran away*, or were purloined from him, *might be* CLAIMED, *or recovered by* ACTION, *like beasts or other cattle.*"

This very word "action," of itself, implies "a suit at common law" with trial by jury.

From other sources we learn precisely what the *action* was. That great expounder of the ancient law, Mr. Hargrave, says, "the Year Books and Books of Entries are full of the forms used in pleading a title to villains." Though no longer of practical value in England, they remain as monuments of jurisprudence, and as mementoes of a barbarous institution. He thus describes the remedy of the master at common law:

"The lord's remedy for a *fugitive villain* was, either by seizure or by suing out a writ of *nativo habendo*, or neifty, as it is sometimes called. If the lord seized, the villain's most effectual mode of recovering liberty was by the writ of *homine replegiando*, which had great advantage over the writ of habeas corpus. In the *habeas corpus*, the return cannot be contested by pleading against the truth of it, and consequently, on a *habeas corpus, the question of liberty cannot go to a jury for trial.* But in the *homine replegiando* it was otherwise. The plaintiff, on the defendant's pleading villainage, had the same opportunity of contesting it, as when impleaded by the lord in a *nativo habendo*. If the lord sued out a *nativo habendo*, and the villainage was denied, in which case the sheriff could not seize the villain, *the lord was then to enter his plaint in the county court*, and as the sheriff was not allowed to try the question of villainage in his court, the lord could not have any benefit from the writ, without removing the cause by the writ of *pone* into the King's Bench or Common Pleas."—(20 *Howell's State Trials*, 38 *note.*)

The authority of Mr. Hargrave is sufficient. But I desire to place this matter beyond all cavil. From the Digest of Lord Chief Baron Comyns, which, at the adoption of the Constitution, was one of the classics of our jurisprudence, I derive another description of the remedy of the master:

"If the lord claims an inheritance in his villain, *who flies from his lord against his will*, and lives in a place out of the manor to which he is regardant, the lord shall have a *nativo habendo*. And upon such writ, directed to the sheriff, he may seize him who does not deny himself to be a villain. But if the defendant say that he is a free man, the sheriff cannot seize him, but the lord must remove the writ by *pone* before the justices *in eyre*, or in C. B., *where he must count upon it.*"—(*Comyns's Digest—Villainage*, C. 1.)

An early writer of peculiar authority, Fitzherbert, in his *Natura Brevium*, on the writs of the common law, thus describes these proceedings:

"The writ *de nativo habendo* lieth for the lord who claimeth inheritance in any villain, *when his villain is run from him*, and is remaining within any place out of the manor unto which he is regardant, or when he departeth from his lord against the lord's will; and the writ shall be directed to the sheriff. And the sheriff may seize the villain, and deliver him unto his lord, if the villain confess unto the sheriff that he is his villain; but if the villain say to the sheriff that he is frank, then it seemeth that the sheriff ought not to seize him; as it is in a replevin, if the defendant claim property, the sheriff cannot replevy the cattle, but the party ought to sue a writ *de proprietate probanda;* and so if the villain say that he is a freeman, &c., then the sheriff ought not to seize him, but then the lord ought to sue a *pone* to remove the plea before the justices of the common pleas, or before the justices in eyre. But if the villain purchase a writ *de libertate probanda* before the lord hath sued the *pone* to remove the plea before the justices, then that writ of *libertate probanda* is a *supersedeas* unto the lord, that he proceed not upon the writ *nativo habendo* till the eyre of the justices, and that the lord ought not to seize the villain in the mean time."—(*Vol. I., p.* 76.)

These authorities are not merely applicable to the general question of freedom; but they distinctly contemplate the case of *fugitive* slaves, and the "suits at common law" for their rendition. Blackstone speaks of villains who "ran away;" Hargrave of "fugitive villains;" Comyns of a villain "who flies from his lord against his will;" and Fitzherbert of the proceedings of the lord "when his villain is run from him." The forms, writs, counts, pleadings, and judgments, in these suits, are all preserved among the precedents of the common law. The writs are known as original writs which the party on either side, at the proper stage, could sue out of right without showing cause. The writ of *libertate probanda* for a fugitive slave was in this form:

"*Libertate Probanda.*

"The king to the sheriff, &c. A and B her sister, have showed unto us, that whereas they are free women, and ready to prove their liberty, F claiming them to be his niefs unjustly, vexes them; and therefore we command you, that if the aforesaid A and B shall make you secure touching the proving of their liberty, then put that plea before our justices at the first assizes, when they shall come into those parts, because proof of this kind belongeth not to you to take; and in the mean time cause the said A and B to have peace thereupon, and tell the aforesaid F that he may be there, if he will, to prosecute his plea thereof against the aforesaid A and B. And have there this writ. Witness, &c."—(*Fitzherbert, Vol. I., p.* 77.)

By these various proceedings, all ending in trial by jury, personal liberty was guarded, even in the early, unrefined, and barbarous days of the common law. Any person claimed as a fugitive slave might invoke this trial as a sacred right. Whether the master proceeded by seizure, as he might, or by legal process, the trial by jury in a suit at common law, before one of the high courts of the realm, was equally secured. In the case of seizure, the fugitive, reversing the proceedings, might institute process against his master and appeal to a court and jury. In the case of process by the master, the watchful law secured to the fugitive the same protection. By no urgency of force, by no device of process, could any person claimed as a slave be defrauded of this trial. Such was the common law. If its early boast, that there could be no slaves in England, fails to be true, this at least may be its pride, that, according to its indisputable principles, the liberty of every man was placed under the guard of trial by jury.

These things may seem new to us; but they must have been known to the members of the Convention, particularly to those from South Carolina, through whose influence the provision on this subject was adopted. Charles Cotesworth Pinckney and Mr. Rutledge had studied law at the Temple, one of the English Inns of Court. It would be a discredit to them, and also to other learned lawyers, members of the Convention, to suppose that they were not conversant with the principles and precedents directly applicable to this subject, all of which are set down in works of acknowledged weight, and at that time of constant professional study. Only a short time before, in the case of *Somersett*, they had been most elaborately examined in Westminster Hall. In a forensic effort of unsurpassed learning and elevation, which of itself vindicates for its author his great juridical name, Mr. Hargrave had fully made them known to such as were little acquainted with the more ancient sources. But even if we could suppose them unknown to the lawyers of the Convention, they are none the less applicable in determining the true meaning of the Constitution.

The conclusion from this examination is explicit. Clearly and indisputably, in England, the country of the common law, a claim for a fugitive slave was "a suit at common law," recognized "among its old and settled proceedings." To question this, in the face of authentic principles and precedents, would be preposterous. As well might it be questioned, that a writ of replevin for a horse, or a writ of right for land, was "a suit at common law." It follows, then, that this *technical term* of the Constitution, read in the illumination of the common law, naturally and necessarily embraces proceedings for the recovery of fugitive slaves, if any such be instituted or allowed under the Constitution. And thus, by the letter of the Constitution, in harmony with the requirements of the common law, all such persons, when claimed by their masters, are entitled to a trial by jury.

Such, sir, is the argument, briefly uttered, against the constitutionality of the slave act. Much more I might say on this matter; much more on the two chief grounds of objection which I have occupied. But I am admonished to hasten on.

Opposing this act as doubly unconstitutional from a want of power in Congress and from a denial of trial by jury, I find myself again encouraged by the example of our revolutionary fathers, in a case which is one of the landmarks of history.

The parallel is important and complete. In 1765, the British Parliament, by a notorious statute, attempted to draw money from the colonies through a stamp tax, while the determination of certain questions of forfeiture under the statute was delegated—not to the courts of common law—but to courts of admiralty without a jury. The stamp act, now execrated by all lovers of liberty, had this extent and no more. Its passage was the signal for a general flame of opposition and indignation throughout the colonies. It was denounced as contrary to the British Constitution on two principal grounds; *first*, as a usurpation by Parliament of powers not belonging to it, and an infraction of rights secured to the colonies; and *secondly*, as a denial of trial by jury in certain cases of property.

The public feeling was variously expressed. At Boston, on the arrival of the stamps, the shops were closed, the bells of the churches tolled, and the flags of the ships hung at half-mast. At Portsmouth, in New Hampshire, the bells were tolled, and notice given to the friends of liberty to hold themselves in readiness to attend her funeral. At New York a letter was received from Franklin, then in London, written on the day after the passage of the act, in which he said: "The sun of liberty is set." The obnoxious act, headed "Folly of England and Ruin of America," was contemptuously hawked through the streets. The merchants of New York, inspired then by liberty, resolved to import no more goods from England until the repeal of the act; and their example was followed shortly afterwards by the merchants of Philadelphia and Boston. Bodies of patriots were organized everywhere, under the name of "Sons of Liberty." The orators also spoke. James Otis, with fiery tongue, appealed to Magna Charta.

Of all the States, Virginia—whose shield bears the image of liberty trampling upon chains—first declared herself by solemn resolutions, which the timid thought "treasonable;" but which soon found a response. New York followed. Massachusetts came next, speaking by the pen of the inflexible Samuel Adams. In an address from the Legislature to the Governor, the true grounds of opposition to the stamp act, coincident with the two radical objections to the slave act, are clearly set forth:

"You are pleased to say that the stamp act is an act of Parliament, and as such ought to be observed. This House, sir, has too great reverence for the supreme Legislature of the nation, *to question its just authority.* It by no means appertains to us to presume to adjust the boundaries of the *power* of Parliament; *but boundaries there undoubtedly are.* We hope we may, without offense, put your Excellency in mind of that most grievous sentence of excommunication solemnly denounced by the church in the name of the sacred Trinity, in the presence of King Henry III. and the estates of the realm, *against all those who should make statutes* OR OBSERVE THEM, BEING MADE, *contrary to the liberties of Magna Charta.* The charter of this province invests the General Assembly with the *power* of making laws for its internal government and taxation; and this charter has never been forfeited. The Parliament has a right to make all laws within the limits of their own constitution." * * * * "The people complain that the act vests a single judge of admiralty with a power to try and determine their property in controversies arising from internal concerns, *without a jury*, contrary to the very expression of Magna Charta, that no freeman shall be amerced, but by the oath of good and lawful men of the vicinage." * * * "We deeply regret that the Parliament has seen fit to pass such an act as the stamp act; we flatter ourselves that the hardships of it will shortly appear to them in such a light, as shall induce them in their wisdom to repeal it; *in the mean time, we must beg your Excellency to excuse us from doing anything to assist in the execution of it.*"

Thus in those days spoke Massachusetts! The parallel still proceeds. The unconstitutional stamp act was welcomed in the colonies by the Tories of that day precisely as the unconstitutional slave act has been welcomed by large and imperious numbers among us. Hutchinson, at that time Lieutenant Governor and Judge in Massachusetts, wrote to Ministers in England:

"The stamp act is received with as much decency as could be expected. It leaves no room for evasion, and will execute itself."

Like the judges of our day, in charges to grand juries, he resolutely vindicated the act, and admonished "the jurors and the people" to obey. Like Governors of our day, Bernard, in his speech to the Legislature of Massachusetts, demanded unreasoning submission. "I shall not," says this British Governor, "enter into any disquisition of 'the policy of this act. I have only to say it is an 'act of the Parliament of Great Britain; and I trust 'that the supremacy of that Parliament over all 'the members of their wide and diffused empire 'never was and never will be denied within these 'walls." Like marshals of our day, the officers of the customs made "application for a military force to assist them in the execution of their duty." The military were against the people. The British major of artillery at New York exclaimed, in tones not unlike those now sometimes heard: "I will cram the stamps down their throats with the end of my sword." The elaborate answer of Massachusetts—a paper of historic grandeur—drawn by Samuel Adams, was pronounced "the ravings of a parcel of wild enthusiasts."

Thus in those days spoke the partisans of the stamp act. But their weakness soon became manifest. In the face of an awakened community, where discussion has free scope, no men, though surrounded by office and wealth, can long sustain injustice. Earth, water, nature, they may subdue; but *truth* they cannot subdue. Subtle and mighty, against all efforts and devices, it fills every region of light, with its majestic presence. The stamp act was discussed and understood. Its violation of constitutional rights was exposed. By resolutions of Legislatures and of town meetings, by speeches and writings, by public assemblies and processions, the country was rallied in peaceful phalanx *against the execution of the act.* To this great object, within the bounds of law and the Constitution, were bent all the patriot energies of the land.

And here Boston took the lead. Her records at this time are full of proud memorials. In formal instructions to her representatives, adopted unanimously, "having been read several times," in town meeting at Faneuil Hall, the following rule of conduct was prescribed:

"We, therefore, think it our indispensable duty, in justice to ourselves and posterity, as it is our undoubted privilege, in the most open and unreserved, but decent and respectful terms, to declare our greatest dissatisfaction with this law. *And we think it incumbent upon you by no means to join in any public measures for countenancing and assisting in the execution of the same.* But to use your best endeavors in the General Assembly to have the inherent, inalienable rights of the people of this Province asserted and vindicated, and left upon the public record, that posterity may never have reason to charge the present times with the guilt of tamely giving them away."

Virginia responded to Boston. Many of her justices of the peace surrendered their commissions "rather than aid in the enforcement of the law or be instrumental in the overthrow of their country's liberties."

As the opposition deepened, its natural tendency was to outbreak and violence. But this was carefully restrained. On one occasion in Boston it showed itself in the lawlessness of a mob. But the town, at a public meeting in Faneuil Hall, called without delay on the motion of the opponents of the stamp act, with James Otis as chairman, condemned the outrage. Eager in hostility to the execution of the act, Boston cherished municipal order, and constantly discountenanced all tumult, violence, and illegal proceedings. Her equal devotion to these two objects drew the praises and congratulations of other towns. In reply, March 27th, 1766, to an address from the inhabitants of Plymouth, her own consciousness of duty done is thus expressed:

"If the inhabitants of Boston have taken *the legal and warrantable measures to prevent that misfortune of all others the most to be dreaded, the execution of the stamp act,* and as a necessary means of preventing it have made any spirited applications for opening the custom-houses and courts of justice; if *at the same time they have borne their testimony against outrageous tumults and illegal proceedings,* and given any example of the love of peace and good order, next to the consciousness of having done their duty is the satisfaction of meeting with the approbation of any of their fellow-countrymen."

Learn now from the Diary of John Adams the results of this system:

"The year 1765 has been the most remarkable year of my life. That enormous engine, fabricated by the British Parliament, for battering down all the rights and liberties of America—I mean the stamp act—has raised and spread through the whole continent a spirit that will be recorded to our honor with all future generations. In every colony, from Georgia to New Hampshire inclusively, the stamp distributors and inspectors have been compelled by the unconquerable rage of the people to renounce their offices. Such and so universal has been the resentment of the people, that every man who has dared to speak in favor of the stamps, or to soften the detestation in which they are held, how great soever his abilities and virtues had been esteemed before, or whatever his fortune, connections, and influence had been, has been seen to sink into universal contempt and ignominy."

The stamp act became a dead letter. At the meeting of Parliament numerous petitions were presented, calling for its instant repeal. Franklin, at that time in England, while giving his famous testimony before the House of Commons, was asked whether he thought the people of America would submit to this act if modified. His brief emphatic response was: "No, never, unless compelled by force of arms." Chatham, yet weak with disease, but mighty in eloquence, exclaimed in ever-memorable words: "We are told America 'is obstinate—America is almost in open rebellion. 'Sir, *I rejoice that America has resisted.* Three mil-'lions of people so dead to all the feelings of lib-'erty, as voluntarily to submit to be slaves, would 'have been fit instruments to make slaves of all 'the rest. The Americans have been wronged; 'they have been driven to madness. I will beg 'leave to tell the House in a few words what is 'really my opinion: *It is, that the stamp act be re-'pealed, absolutely, totally, and immediately.*" It was repealed. Within less than a year from its original passage, denounced and discredited, it was driven from the statute-book. In the charnel-house of history, with the unclean things of the past, it now rots. Thither the slave act is destined to follow.

Sir, regarding the stamp act candidly and cautiously, free from the animosities of the time, it is impossible not to see that, though gravely unconstitutional, it was at most an infringement of *civil* liberty only; not of *personal* liberty. There was an unjust tax of a few pence, with the chances of amercements by a single judge without a jury; but by no provision of this act was the *personal* liberty of any man assailed. Under it no freeman could be seized as a slave. Such an act, though justly obnoxious to every lover of constitutional liberty, cannot be viewed with the feelings of repugnance enkindled by a statute which assails the personal liberty of every man, and under which any freeman may be seized as a slave. Sir, in placing the stamp act by the side of the slave act, I do injustice to that emanation of British tyranny. Both, indeed, infringe important rights; one of property; the other the vital right of all, which is to other rights as the soul to the body—*the right of a man to himself.* Both are condemned; but their relative condemnation must be measured by their relative characters. As freedom is more than property; as man is above the dollar that he earns; as heaven, to which we all aspire, is higher than the earth, where every accumulation of wealth must ever remain: so are the rights assailed by an American Congress higher than those once assailed by the British Parliament. And just in this degree must history condemn the slave act more than the stamp act.

Sir, I might here stop. It is enough in this place, and on this occasion, to show the unconstitutionality of this enactment. Your duty commences at once. All legislation hostile to the fundamental law of the land should be repealed without delay. But the argument is not yet exhausted. Even if this act could claim any validity or apology under the Constitution, which it cannot, *it lacks that essential support in the public conscience of the States, where it is to be enforced, which is the life of all law, and without which any law must become a dead letter.*

The Senator from South Carolina [Mr. BUTLER] was right, when, at the beginning of the session, he pointedly said that a law which could be enforced only by the bayonet, was no law. Sir, it is idle to suppose that an act of Congress becomes effective merely by compliance with the forms of legislation. Something more is necessary. The act must be in harmony with the prevailing public sentiment of the community upon which it bears. Of course, I do not suggest that the cordial support of every man or of every small locality is necessary; but I do mean that the public feelings, the public convictions, the public conscience, must not be touched, wounded, lacerated, by every endeavor to enforce it. With all these it must be so far in harmony, that, like other laws, by which property, liberty, and life, are guarded, it may be administered by the ordinary process of the courts, without jeopardy the public peace or shocking good men. If this be true as a gen-

eral rule—if the public support and sympathy be essential to the life of all law, this is especially the case in an enactment which concerns the important and sensitive rights of personal liberty. In conformity with this principle the Legislature of Massachusetts, by formal resolution, in 1850, with singular unanimity, declared:

"We hold it to be the duty of Congress to pass such laws only in regard thereto as will be maintained by the sentiments of the free States, where such laws are to be enforced."

The duty of consulting these sentiments was recognized by Washington. While President of the United States, at the close of his administration, he sought to recover a slave, who had fled to New Hampshire. His autograph letter to Mr. Whipple, the Collector of Portsmouth, dated at Philadelphia, 28th November, 1796, which I now hold in my hand, and which has never before seen the light, after describing the fugitive, and particularly expressing the desire of "her mistress," Mrs. Washington, for her return, employs the following decisive language:

"I do not mean, however, by this request, that such violent measures should be used AS WOULD EXCITE A MOB OR RIOT, WHICH MIGHT BE THE CASE IF SHE HAS ADHERENTS, OR EVEN UNEASY SENSATIONS IN THE MINDS OF WELL-DISPOSED CITIZENS. Rather than either of these should happen, I would forego her services altogether; and the example also, which is of infinite more importance.

"GEORGE WASHINGTON."

Mr. Whipple, in his reply, dated at Portsmouth, December 22, 1796, an autograph copy of which I have, recognizes the rule of Washington:

"I will now, sir, agreeably to your desire, send her to Alexandria, *if it be practicable without the consequences which you except—that of exciting a riot or a mob, or creating uneasy sensations in the minds of well-disposed persons.* The first cannot be calculated beforehand; it will be governed by the popular opinion of the moment, or the circumstances that may arise in the transaction. The latter may be sought into and judged of by conversing with such persons without discovering the occasion. So far as I have had opportunity, I perceive that different sentiments are entertained on this subject."

The fugitive never was returned, but lived in freedom to a good old age, down to a very recent period, a monument of the just forbearance of him whom we aptly call the Father of his Country. It is true that he sought her return. This we must regret, and find its apology. He was at the time a slaveholder. Though often with various degrees of force expressing himself against slavery, and promising his suffrage for its abolition, he did not see this wrong as he saw it at the close of life, in the illumination of another sphere. From this act of Washington, still swayed by the policy of the world, I appeal to Washington writing his will. From Washington on earth I appeal to Washington in heaven. Seek not by his name to justify any such effort. His death is above his life. His last testament cancels his authority as a slaveholder. However he may have appeared before man, he came to the presence of God only as the liberator of his slaves. Grateful for this example, I am grateful also, that while a slaveholder, and seeking the return of a fugitive, he has left in permanent record a rule of conduct which, if adopted by his country, will make slave-hunting impossible. The chances of a riot or mob, or "even uneasy sensations among well-disposed persons," are to prevent any such pursuit.

Sir, the existing slave act cannot be enforced without violating the precept of Washington. Not merely "uneasy sensations of well-disposed persons," but rage, tumult, commotion, mob, riot, violence, death, gush from its fatal overflowing fountains;

——hoc fonte derivata clades
In patriam populumque fluxit.

Not a case occurs without endangering the public peace. Workmen are brutally dragged from employments to which they are wedded by years of successful labor; husbands are ravished from wives, and parents from children. Everywhere there is disturbance; at Detroit, Buffalo, Harrisburg, Syracuse, Philadelphia, New York, Boston. At Buffalo the fugitive was cruelly knocked by a log of wood against a red-hot stove, and his mock trial commenced while the blood still oozed from his wounded head. At Syracuse he was rescued by a sudden mob; so also at Boston. At Harrisburg the fugitive was shot; at Christiana the slave-hunter was shot. At New York unprecedented excitement, always with uncertain consequences, has attended every case. Again at Boston, a fugigive, according to the received report, was first basely seized under pretext that he was a criminal; arrested only after a deadly struggle; guarded by officers who acted in violation of the laws of the State; tried in a court-house surrounded by chains, contrary to the common law; finally surrendered to slavery by trampling on the criminal process of the State, under an escort, in violation again of the laws of the State, while the pulpits trembled, and the whole people, not merely "uneasy," but swelling with ill-suppressed indignation, for the sake of order and tranquillity, without violence witnessed the shameful catastrophe.

With every attempt to administer the slave act, it constantly becomes more revolting, particularly in its influence on the agents it enlists. Pitch cannot be touched without defilement, and all who lend themselves to this work seem at once and unconsciously to lose the better part of man. The spirit of the law passes into them, as the devils entered the swine. Upstart commissioners, the mere mushrooms of courts, vie and revie with each other. Now by indecent speed, now by harshness of manner, now by a denial of evidence, now by crippling the defense, and now by open, glaring wrong, they make the odious act yet more odious. Clemency, grace, and justice die in its presence. All this is observed by the world. Not a case occurs which does not harrow the souls of good men, and bring tears of sympathy to the eyes, also those other noble tears which "patriots shed o'er dying laws."

Sir, I shall speak frankly. If there be an exception to this feeling, it will be found chiefly with a peculiar class. It is a sorry fact that the "mercantile interest," in its unpardonable selfishness, twice in English history, frowned upon the endeavors to suppress the atrocity of Algerine slavery; that it sought to baffle Wilberforce's great effort for the abolition of the African slave trade; and that, by a sordid compromise, at the formation of our Constitution, it exempted the same detested Heaven-defying traffic from American judgment. And now representatives of this "interest," forgetful that commerce is the child of freedom, join in hunting the slave. But the great heart of the people recoils from this enactment. It palpitates for the fugitive, and rejoices in his escape. Sir, I am telling you facts. The literature of the age is all on his side. The songs, more potent than laws, are for him. The poets, with voices of melody, are for freedom. Who could sing for slavery? They who make the permanent opinion of the country, who mould our youth, whose words, dropped into the soul, are the germs of character, supplicate for the slave. And now, sir, behold a new and heavenly ally. A woman, inspired by Christian genius, enters the lists, like another Joan of Arc, and with marvelous powers sweeps the chords of the popular heart. Now melting to tears, and now inspiring to rage, her work everywhere touches the conscience, and makes the slave-hunter more hateful. In a brief period, nearly one hundred thousand copies of *Uncle Tom's Cabin* have been already circulated. But this extraordinary and sudden success—surpassing all other instances in the records of literature—cannot be regarded merely as the triumph of genius. Higher far than this, it is the testimony of the people, by an unprecedented act, against the fugitive slave bill.

These things I dwell upon as the incentives and tokens of an existing public sentiment, which renders this act practically inoperative, except as a tremendous engine of terror. Sir, the sentiment is just. Even in the lands of slavery, the slave-trader is loathed as an ignoble character, from whom the countenance is turned away; and can the slave-hunter be more regarded while pursuing his prey in a land of freedom? In early Europe, in barbarous days, while slavery prevailed, a hunting-master, *nach jagender Herr*, as the Germans called him, was held in aversion. Nor was this all. The fugitive was welcomed in the cities, and protected against the pursuit. Sometimes vengeance awaited the hunter. Down to this day, at Revel, now a Russian city, a sword is proudly preserved with which a hunting baron was beheaded, who, in violation of the municipal rights of this place, seized a fugitive slave. Hostile to this act as our public sentiment may be, it exhibits no trophy like this. The State laws of Massachusetts have been violated in the seizure of a fugitive slave; but no sword, like that of Revel, now hangs at Boston.

I have said, sir, that this sentiment is just. And is it not? Every escape from slavery necessarily and instinctively awakens the regard of all who love freedom. The endeavor, though unsuccessful, reveals courage, manhood, character. No story is read with more interest than that of our own Lafayette, when, aided by a gallant South Carolinian, in defiance of the despotic ordinances of Austria, kindred to our slave act, he strove to escape from the bondage of Olmutz. Literature pauses with exultation over the struggles of Cervantes, the great Spaniard, while a slave in Algiers, to regain the liberty for which he says, in his immortal work, "we ought to risk life itself, slavery being the greatest evil that can fall to the lot of man." Science, in all her manifold triumphs, throbs with pride and delight, that Arago, the astromomer and philosopher—devoted Republican also—was redeemed from barbarous slavery to become one of her greatest sons. Religion rejoices serenely, with joy unspeakable, in the final escape of Vincent de Paul. Exposed in the public square of Tunis to the inspection of the traffickers in human flesh, this illustrious Frenchman was subjected to every vileness of treatment, like a horse, compelled to open his mouth, to show his teeth, to trot, to run, to exhibit his strength in lifting burdens, and then, like a horse, legally sold in market overt. Passing from master to master, after a protracted servitude, he achieved his freedom, and regaining France, commenced that resplendent career of charity by which he is placed among the great names of Christendom. Princes and orators have lavished panegyrics upon this fugitive slave; and the Catholic Church, in homage to his extraordinary virtues, has introduced him into the company of saints.

Less by genius or eminent services, than by sufferings, are the fugitive slaves of our country now commended. For them every sentiment of humanity is aroused;

——"Who could refrain
That had a heart to love, and in that heart
Courage to make his love known?"

Rude and ignorant they may be; but in their very efforts for freedom, they claim kindred with all that is noble in the past. They are among the heroes of our age. Romance has no stories of more thrilling interest than theirs. Classical antiquity has preserved no examples of adventurous trial more worthy of renown. Among them are men whose names will be treasured in the annals of their race. By the eloquent voice they have already done much to make their wrongs known, and to secure the respect of the world. History will soon lend them her avenging pen. Proscribed by you during life, they will proscribe you through all time. Sir, already judgment is beginning. A righteous public sentiment palsies your enactment.

And now, sir, let us review the field over which we have passed. We have seen that any compromise, finally closing the discussion of slavery under the Constitution, is tyrannical, absurd, and impotent; that as slavery can exist only by virtue of positive law, and as it has no such positive support in the Constitution, it cannot exist within the national jurisdiction; that the Constitution nowhere recognizes property in man, and that, according to its true interpretation, freedom and not slavery is national, while slavery and not freedom is sectional; that, in this spirit, the National Government was first organized under Washington, himself an abolitionist, surrounded by abolitionists, while the whole country, by its church, its colleges, its literature, and all its best voices, was united against slavery, and the national flag at that time nowhere within the national territory covered a single slave; still further, that the National Government is a Government of delegated powers, and as among these there is no power to support slavery, this institution cannot be national, nor can Congress in any way legislate in its behalf; and, finally, that the establishment of this principle is the true way of peace and safety for the Republic. Considering next the provision for the surrender of fugitives from labor, we have seen that it was not one of the original compromises of the Constitution; that it was

introduced tardily and with hesitation, and adopted with little discussion, and then and for a long period after was regarded with comparative indifference; that the recent slave act, though many times unconstitutional, is especially so on two grounds—*first*, as a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States; and *secondly*, as a denial of trial by jury, in a question of personal liberty and a suit at common law; that its glaring unconstitutionality finds a prototype in the British stamp act, which our fathers refused to obey as unconstitutional on two parallel grounds—*first*, because it was a usurpation by Parliament of powers not belonging to it under the British Constitution, and an infraction of rights belonging to the Colonies; and *secondly*, because it was a denial of trial by jury in certain cases of property; that as liberty is far above property, so is the outrage perpetrated by the American Congress far above that perpetrated by the British Parliament; and, finally, that the slave act has not that support in the public sentiment of the States where it is to be executed, which is the life of all law, and which prudence and the precept of Washington require.

Sir, thus far I have arrayed the objections to this act, and the false interpretations out of which it has sprung. But I am asked what I offer as a substitute for the legislation which I denounce. Freely I will answer. It is to be found in a correct appreciation of the provision of the Constitution, under which this discussion occurs. Look at it in the double light of reason and of freedom, and we cannot mistake the exact extent of its requirements. Here is the provision:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

From the very language employed it is obvious that this is merely a *compact* between the States, with a *prohibition* on the States, *conferring no power on the nation*. In its natural signification it is a compact. According to the example of other countries, and the principles of jurisprudence, it is a compact. All arrangements for the extradition of fugitives have been customarily compacts. Except under the express obligations of treaty, no nation is bound to surrender fugitives. Especially has this been the case with fugitives for freedom. In medieval Europe, cities refused to recognize this obligation in favor of persons even under the same national government. In 1531, while the Netherlands and Spain were united under Charles V., the Supreme Council of Mechlin rejected an application from Spain for the surrender of a fugitive slave. By express compact alone could this be secured. But the provision of the Constitution was borrowed from the ordinance of the Northwestern Territory, which is expressly declared to be a compact; and this ordinance, finally drawn by Nathan Dane, was again borrowed in its distinctive features from the early institutions of Massachusetts, among which, as far back as 1643, was a compact of like nature with other New England States. Thus this provision is a compact in language, in nature, in its whole history; as we have already seen it is a compact, according to the intentions of our fathers and the genius of our institutions.

As a compact, its execution depends absolutely upon the States, without any intervention of the nation. *Each State, in the exercise of its own judgment, will determine for itself the precise extent of the obligations assumed.* As a compact in derogation of freedom, it must be construed strictly in every respect—leaning always in favor of freedom, and shunning any meaning not clearly obvious, which takes away important personal rights; mindful that the parties to whom it is applicable are regarded as "persons," of course with all the rights of "persons" under the Constitution; and especially mindful of the vigorous maxim of the common law, that he is cruel and impious who does not always favor freedom. With this key, the true interpretation is natural and easy.

Briefly, the States are prohibited from any "law or regulation" by which the fugitive may be discharged, and on the establishment of the claim to his service, he is to be delivered up. But the mode by which the claim is to be tried and determined is not specified. All this is obviously within the control of each State. It may be done by virtue of express legislation; in which event, any Legislature, justly careful of personal liberty, would surround the fugitive with every shield of the law and Constitution. But such legislation may not be necessary. The whole proceeding, without any express legislation, may be left to the ancient and authentic forms of the common law, familiar to the framers of the Constitution, and ample for the occasion. If the fugitive be seized without process, he will be entitled at once to his writ *de homine replegiando*, while the master, resorting to process, may find his remedy in the writ *de nativo habendo*—each writ requiring trial by jury. If from ignorance or lack of employment these processes have slumbered in our country, still they belong to the great arsenal of the common law, and continue, like other ancient writs, *tanquam gladium in vagina*, ready to be employed at the first necessity. They belong to the safeguards of the citizen. But in any event, and in either alternative, the proceedings would be by "suit at common law," with trial by jury; and it would be the solemn duty of the court, according to all the forms and proper delays of the common law, to try the case on the evidence; strictly to apply all the protecting rules of evidence, and especially to require stringent proof, by competent witnesses under cross-examination, that the person claimed was *held* to service; that his service was *due* to the claimant; that he had *escaped* from the State where such service was due; and also proof of the *laws* of the State under which he was held. *Still further, to the courts of each State must belong the determination of the question, to what classes of persons, according to just rules of interpretation, the phrase "persons held to service or labor" is strictly applicable.*

Such is this much-debated provision. The slave States, at the formation of the Constitution, did not propose, as in the cases of naturalization and bankruptcy, to empower the National Government *to establish an uniform rule* for the rendition of fugitives from labor, *throughout the United States;* they did not ask the National Government to charge itself in any way with this service; they did not venture to offend the country, and particularly the northern States, by any such assertion of a hateful right. They were content, under the sanctions of compact, to leave it to the public sentiment of the States. There, I insist it shall remain.

Mr. President, I have occupied much time; but the great subject still stretches before us. One other point yet remains, which I should not leave untouched, and which justly belongs to the close. The slave act violates the Constitution and shocks the public conscience. With modesty and yet with firmness, let me add, sir, it offends against the divine law. No such enactment can be entitled to support. As the throne of God is above every earthly throne, so are his laws and statutes above all the laws and statutes of man. To question these is to question God himself. But to assume that human laws are beyond question is to claim for their fallible authors infallibility. To assume that they are always in conformity with those of God is presumptuously and impiously to exalt man to an equality with God. Clearly human laws are not always in such conformity; nor can they ever be beyond question from each individual. When the conflict is open, as if Congress should command the perpetration of murder, the office of conscience, as final arbiter, is undisputed. But in every conflict the same queenly office is hers. By no earthly power can she be dethroned. Each person, after anxious examination, without haste, without passion, solemnly for himself must decide this great controversy. Any other rule attributes infallibility to human laws, places them beyond any question, and degrades all men to an unthinking passive obedience.

According to St. Augustine, an unjust law does not appear to be a law: *lex esse non videtur quæ justa non fuerit;* and the great fathers of the Church, while adopting these words, declare openly that unjust laws are not binding. Sometimes they are called "abuses," and not laws; sometimes "violences," and not laws. And here again the conscience of each person is the final arbiter. But this lofty principle is not confined to the Church. A master of philosophy in early Europe, a name of intellectual renown, the eloquent Abelard, in Latin verses addressed to his son, has clearly expressed the universal injunction:

Jussa potestatis terrenæ discutienda
Cœlestis tibi mox perficienda scias.
Siquis divinis jubeat contraria jussis
Te contra Dominum pactio nulla trahat.

The mandates of an earthly power are to be discussed; those of Heaven must at once be performed; nor can any agreement constrain us against God. Such is the rule of morals. Such, also, by the lips of judges and sages, has been the proud declaration of the English law, whence our own is derived. In this conviction patriots have fearlessly braved unjust commands, and martyrs have died.

And now, sir, the rule is commended to us. The good citizen, as he thinks of the shivering fugitive, guilty of no crime, pursued, hunted down like a beast, while praying for Christian help and deliverance, and as he reads the requirements of this act, is filled with horror. Here is a despotic mandate, "to aid and assist in the prompt and efficient execution of this law." Again let me speak frankly. Not rashly would I set myself against any provision of law. This grave responsibility I would not lightly assume. But here the path of duty is clear. By the Supreme Law, which commands me to do no injustice; by the comprehensive Christian law of brotherhood; *by the Constitution which I am sworn to support*; I AM BOUND TO DISOBEY THIS ACT. Never, in any capacity, can I render voluntary aid in its execution. Pains and penalties I will endure; but this great wrong I will not do. "I cannot obey, but I can suffer," was the exclamation of the author of Pilgrim's Progress, when imprisoned for disobedience to an earthly statute. Better suffer injustice than do it. Better be the victim than the instrument of wrong. Better be even the poor slave, returned to bondage, than the unhappy commissioner.

There is, sir, an incident of history, which suggests a parallel, and affords a lesson of fidelity. Under the triumphant exertions of that apostolic Jesuit, St. Francis Xavier, large numbers of the Japanese, amounting to as many as two hundred thousand—among them princes, generals, and the flower of the nobility—were converted to Christianity. Afterwards, amidst the phrensy of civil war, religious persecution arose, and the penalty of death was denounced against all who refused to trample upon the effigy of the Redeemer. This was the pagan law of a pagan land. But the delighted historian records that scarcely one from the multitudes of converts was guilty of this apostacy. The law of man was set at naught. Imprisonment, torture, death, were preferred. Thus did this people refuse to trample on the painted image. Sir, multitudes among us will not be less steadfast in refusing to trample on the living image of their Redeemer.

Finally, sir, for the sake of peace and tranquillity, cease to shock the public conscience; for the sake of the Constitution, cease to exercise a power which is nowhere granted, and which violates inviolable rights expressly secured. Leave this question where it was left by our fathers, at the formation of our National Government, in the absolute control of the States, the appointed guardians of personal liberty. Repeal this enactment. Let its terrors no longer rage through the land. Mindful of the lowly whom it pursues; mindful of the good men perplexed by its requirements; in the name of charity, in the name of the Constitution, repeal this enactment, totally and without delay. Be inspired by the example of Washington. Be admonished by those words of Oriental piety—"Beware of the groans of the wounded souls. Oppress not to the utmost a single heart; for a solitary sigh has power to overset a whole world."

Mr. CLEMENS. I rise to express the hope that none of my friends would make any reply to the speech which the Senator from Massachusetts has seen fit to inflict on the Senate. I shall not do so myself; but others may differ with me in opinion as to the propriety of this course. I shall only say, sir, that the ravings of a maniac may sometimes be dangerous, but the barking of a puppy never did any harm.

Mr. BADGER. I think I may say, without hazard or fear of contradiction, that the Senate of

the United States never heard a more extraordinary speech than that which has just been delivered by the Senator from Massachusetts—extraordinary in its character, and most extraordinary in the time and the occasion which the gentleman chose for its delivery. We have heard a speech delivered by the Senator from Massachusetts—not a speech in the ordinary sense in which we use that term, when describing what is said by honorable gentlemen in the progress of debate, but an elaborate oration, carefully written, studied, committed to memory, and interspersed in various parts with curious quotations from modern learning and ancient lore, and every now and then dignified and adorned with Latin quotations, which, when the Senator did not condescend to translate them into English, I presume were very unintelligible to most of the members of this body. Three hours and three quarters has the gentleman occupied at this late period of the session with this discussion. He came here pledged, if it is possible that language delivered elsewhere can pledge a man, to immediate, prompt, and persevering efforts for the repeal of the fugitive slave law.

Mr. SUMNER. Never.

Mr. BADGER. He came here, as I will show, pledged, if the language of the Senator has any meaning, to immediate, instantaneous efforts for the repeal of the fugitive slave law. Seven months of the session had passed away; we had got far into the month of July, before any effort, that I ever heard of, was made by the Senator to introduce this subject to the consideration of the Senate. He then presented a resolution, and asked that it might be taken up for consideration, but, after a remark made by the Senator from Virginia, [Mr. MASON,] if I recollect rightly—for I was not here, but saw these things mentioned in the public prints—that it would be too late to make a reply to the gentleman at that period of the session, the Senate refused to assent to the request. And now, when we have the civil and diplomatic appropriation bill before us, the gentleman offers a proviso to an appropriation in that bill for meeting the extraordinary expenditures in the judiciary department, for the repeal of the fugitive slave law; and upon that motion, in the language of the Senator from Alabama, [Mr. CLEMENS,] he "inflicts" on the Senate an oration of three hours and three quarters.

The gentleman's oration divides itself into argument, and into rhetorical display. I want to say a few words with regard to his argument; and let us see on what grounds he bases the confident assertion that the fugitive slave law, which he wishes to repeal, is a violation of the Constitution of the country.

He sets out with the declaration that it is a fundamental error in treating this subject to suppose that slavery in the United States is a national institution, and therefore entitled to the assistance and the protection of the laws of Congress. Now, if anybody makes this mistake, I do not make it. I do not suppose, and never had supposed, that it was a national institution. It is a State institution where it exists. If it were a national institution it would be liable to national control; and it would be liable, for aught I know, to abolition by the national authority. It is a State institution; and I do not claim, nor do I know anybody who does, that it is an institution which belongs to the United States of America as such. Then what is the position that it occupies? It is this: It is like many other State institutions, which are purely sectional, and yet, under the Constitution, are entitled to a certain degree of aid, under certain circumstances, from the General Government. The government of each State is a State institution; but if an insurrection break out against that government, it is the duty of the United States, when called upon, to put it down. The constitution of a State is a matter of State arrangement; it is sectional; it belongs to the State; it is not national; and yet, under the Constitution, the United States are bound to guarantee to every State a republican form of government. So, also, the crimes committed against a State are not offenses against the nation; they are offenses against the laws of the State in which they are committed, and the United States have no power or jurisdiction to try such offenses. They do not exist under the laws of the United States as such, but they exist under the laws of the State, and are, therefore, sectional and particular, not national and general. But yet, under the Constitution, if one of these offenders—a person who has committed a crime against one of the States of the Union—escapes into another State, he shall be surrendered to the authorities of the State from which he escaped, for the purpose of there having his trial. Every proof, therefore, offered by the Senator from Massachusetts, to show that slavery is not national, is an argument urged on a point which is not in issue. Slavery is sectional. It exists in the several States of the Union, where it does exist, as an institution of those respective States. It is not a national institution; but under the Constitution, as in the one case of the fugitive from the justice of the State escapes into another, he shall be delivered up to be tried by the authority from which he escaped; so the slave, if he escapes into another State, where slavery is not recognized, shall not be discharged by any law of that State, but shall be returned to the person to whom he may owe the service.

So much for the preliminary observation. In the next place, the Senator says that this act, which he proposes by his proviso to repeal, is a violation of the Constitution, for the several reasons which he assigns. Now let me remark that there is not a single part of the act to which the Senator's proviso applies, which he has characterized as militating against the Constitution of the United States, that does not apply with equal force to the act passed in 1793. That act, like the present one, contemplates a surrender promptly upon a summary investigation before a magistrate, and without a jury. That act, like the recent act, makes the decision of the magistrate whom it constitutes the summary tribunal, conclusive upon the question of the delivery up of the party, and of the right to remove him to the State from which he escaped. Here, then, we have this proposition advanced by the gentleman to-day. We have an act passed in 1793—in less than four years after the Government was put into operation under the Constitution, while Washington was President, and while there were a considerable number of gentlemen in the two Houses of Congress who had been themselves members of the Convention which framed the Constitution—I say here we have an act passed in the House of Representatives, upon the yeas and nays, with, if my memory serves me, but seven dissenting votes; and every gentleman there, especially those from the New England and Middle States, (and there were several who had been members of the Convention which framed the Constitution,) voted, on the yeas and nays, in favor of the bill. There was one gentleman from Maryland, and one gentleman from Virginia, I think, who voted against it. And, what is very remarkable, the bill passed the Senate apparently without a division; certainly without a call of the yeas and nays. That act, then, thus passed, thus approved by Washington, and put in force, I believe without any difficulty whatever in regard to its constitutionality, recognized as constitutional before every tribunal before which the question ever came, whether that tribunal was a National or a State tribunal, until the decision of the Supreme Court of the United States, in the case of Prigg *vs.* Pennsylvania, which produced hostile legislation in the northern country—is now pronounced by the Senator from Massachusetts to be a violation of the Constitution. Well, sir, *prima facie*, if we had no other means of judging, it would seem quite reasonable to suppose that the distinguished men of 1793, who had been members of the Convention which made the Constitution, and those who were contemporaneous with the making of it, and the discussions which followed upon the question of its adoption—understood the Constitution quite as well as the Senator from Massachusetts, and the anti-slavery society of the State which he represents. They were then fresh from the making of that instrument. This was an act passed under no party excitement. It was reported, considered, and decided upon, as a measure of legislation to carry out the requirement of the Constitution; and if those gentlemen understood the Constitution according to the interpretation given to it by the Senator from Massachusetts to-day, they violated their oaths when they voted for that bill; for there is no pretense on which such a bill can be passed by us, or could be passed by them, without a violation of our and their oaths, except it be that that clause of the Constitution in relation to fugitive slaves is a clause to be executed by the United States. I remark, therefore, in the first place, that the presumption is entirely in favor of the interpretation which has prevailed for largely more than half a century, and is very much against the novel one which the purpose of certain persons in the United States renders it necessary they should now bring forward. Allow me to say that I do not agree with gentlemen, when these elaborate propositions are brought forward and delivered with confidence, and adorned with that kind of eloquence which the Senator from Massachusetts brings here and circulated through the country, specious and delusive as we know them to be—that it is by no means necessary they should be considered and exposed.

But, sir, the Senator's first objection, as I have mentioned, is, that under this provision of the Constitution, Congress has no power to pass a law of the kind; that it is in the nature of a compact to be executed between the States, and that the several States are to determine for themselves in what sense and to what extent it is binding, and how far and in what manner they will execute it. Let us inquire for a moment on what pretense that is founded. These provisions with regard to fugitives from justice and fugitives from labor form the two last clauses of the second section of the fourth article of the Constitution, and are in these words:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Now, Mr. President, it might admit of some question, there might be a possible doubt with regard to the first clause relating to the escape of fugitives from justice, because that clause refers to State instrumentality. The fugitive from justice is to be delivered up upon demand of the executive authority of the State from which he fled; but in the second clause there is no reference to any State authority or jurisdiction whatever, direct or remote. With regard to the first of these clauses, this same act of 1793 has prescribed the whole proceeding for its being enforced and carried into execution. It has directed the kind of evidence on which the application is to be made; it has directed every step to be taken to make it the duty of the Executive of the State to which the fugitive has escaped, under the Constitution, to cause him to be delivered at the call of the Executive of that State from which he escaped. It being, I believe, clearly admitted on all hands, and denied by nobody—because there is no purpose of political agitation to be answered by such denial—that the first of these clauses is to be executed under the authority of an act of Congress, I pray you ask yourselves how it is possible that the second clause is left as a mere agreement or compact, to be executed at the will and pleasure, and in the degree and manner in which the several States may think proper? On that subject, Mr. President, I beg to read what I consider very high authority. It is what is said by Mr. Justice Story in regard to this clause for the surrender of fugitives from service. In his Commentaries on the Constitution, he thus expresses himself:

"This clause was introduced into the Constitution solely for the benefit of the slaveholding States, to enable them to reclaim their fugitive slaves who should have escaped into other States where slavery was not tolerated. The want of such a provision, under the Confederation, was felt as a grievous inconvenience by the slaveholding States, since in many States no aid whatever would be allowed to the owners; and sometimes, indeed, they met with open resistance. In fact, it cannot escape the attention of every intelligent reader, that many sacrifices of opinion and feeling are to be found made by the Eastern and Middle States to the peculiar interests of the South. This forms no just subject of complaint; but it should forever repress the delusive and mischievous notion, that the South has not at all times had its full share of benefits from the Union."

Mr. Justice Story here informs us that that provision was introduced expressly for the benefit of the slaveholding States, the want of such a pro-

vision in the Articles of Confederation being a subject of grievous complaint. Why so? Because they not only received no assistance, but in some of the States they were actually met with open resistance. If that were the purpose of introducing the clause, how absurd to suppose that, when the clause was introduced, it was to do nothing but to leave them at the mercy of those very States which had refused to aid them to correct which grievance that clause was introduced into the Constitution!

Mr. SUMNER. Will the Senator from North Carolina allow me to ask him whether there was any authority for this broad statement anterior to that of Mr. Justice Story?

Mr. BADGER. Mr. Justice Story cites the authorities. They will be found in a foot note.

Mr. SUMNER. I would like to know who they are?

Mr. BADGER. The Senator from Massachusetts can examine the book for himself.

Mr. SUMNER. My own examination has brought me to the conclusion that there was no sufficient authority for the statement as made by him; most certainly none until after the National Convention.

Mr. BADGER. I think the Senator said that before; and I wish to say, that I deem the authority of Justice Story of ten thousand times more value than that of the Senator from Massachusetts, who will please to have the decency not to interrupt me, because I know that these interruptions are made for no fair purpose. I perceive their object, and in no view will he make anything out of it.

That is the statement, Mr. President, of Mr. Justice Story, as eminent for his character and integrity, and his accuracy and research in the history of his country, as for his profound knowledge of its laws and its Constitution. And now we are told that we are to refer it to Massachusetts to tell us in what degree, and in what manner, we are to have that clause enforced; and here the exponent of that doctrine—the Senator from Massachusetts—affirms to us that the surrender of a fugitive slave is a "crime against Heaven and against God!" If the surrender of the fugitive really be a crime, if the object to be avoided by repealing this law is the surrender of fugitive slaves, then, of course, Massachusetts must take care, if she is to have the benefit and advantage arising from a repeal of this fugitive slave law, so to arrange the acts which she may pass for the professed purpose of carrying this compact into execution as to make it entirely fruitless in practice; otherwise the slave is surrendered, and the difficulty is not that the free man shall be kidnapped into slavery, but that the man who is truly a slave shall be returned to his master. The Senator from Massachusetts considers that when a slave escapes from his master, he is entitled to protection and security; so that this solicitude about the Constitution, and the anxiety to refer the matter back to the States, resolves itself plainly into this: that the States may prevent the execution of that clause of the Constitution which Justice Story affirms was inserted for the benefit of the slaveholder.

In the next place, the Senator from Massachusetts has laid down, with considerable confidence, the proposition that that clause does not, either directly or by any fair interpretation include the slave, because the word "slave" is not mentioned in it. Well, I suppose that all depends on the meaning of the word "slave." It depends on whether a slave is a person who is held to service. If he is held to service or labor, he comes within the clause of the Constitution; and it is immaterial whether the term is mentioned or not. According to the Constitution, any person who, under the laws of a particular State, is held to service or labor, who escapes into another, shall be restored to the person who has the claim to that service.

Then, the next objection that the Senator has taken is, that the fugitive slave law is a violation of the Constitution, because it does not give trial by jury; and he has referred to a good many cases in England and elsewhere, and shown, what nobody has denied, that, according to the principles of the common law, when a claim is made by suit to settle the question whether a man is or is not a slave, it is a regular action at law to be tried by a jury. There is no question of that; there is no doubt about it; but what has that to do with the question? I should be glad to know from any legal gentleman in this body, what instance there is in which the common law ever empannels a jury to decide a fact, except where a decision of that fact by the jury will be final between the parties to the issue? There is no other case. And so careful is the common law on that subject, as all legal men know, that if an action is brought against a man, and he puts in a plea in abatement, bringing forward some matter in his plea to show why the writ should be abated, and having no reference whatever as to the merits of the cause of action, and the plaintiff take issue upon the truth of the plea, and it is tried by a jury, and the verdict be against the plea, the judgment may not only extend to that issue, but the plaintiff may recover his debt. There is no instance known in which the common law empannels a jury, in the progress of a contest between two parties, to try a preliminary inquiry; either there is no jury, or the decision is final. In this case, it is clear, that the order made by a commissioner, whether on a trial before a jury, or examination by himself, to deliver up the person claimed as a fugitive, decides nothing as between these persons when they get within the jurisdiction from which the fugitive escaped. There is the place for his action; there he may have his trial, and there, if the common law prevails, he has his trial by jury. The decision of the commissioner is not only not conclusive, but it is not even evidence; and why? because the examination is made for a preliminary object—to send the fugitive back to the State from which he escaped, leaving the tribunals of that State to try the question of freedom or slavery. In other words, the Constitution in both clauses meant this: that we should be so far one nation that the tribunals of every State should place implicit confidence in the justice of the decisions of the tribunals of every other State, and, therefore, without any other inquiry than a *prima facie* examination, should remand to the States from which they escaped, fugitives from service, and fugitives from justice. But I wish to give a high authority to show that the Constitution did not contemplate any trial on these cases, except such a one as takes place upon a preliminary inquiry on the surrender of a fugitive from justice. Justice Story remarks, in the clause immediately following that to which I called the attention of the Senate just now:

"It is obvious that these provisions for the arrest and removal of fugitives of both classes contemplate summary ministerial proceedings, and not the ordinary course of judicial investigations, to ascertain whether the complaints be well-founded or the claim of ownership be established beyond all legal controversy. In cases of suspected crimes the guilt or innocence of the party is to be made out at his trial, and not upon the preliminary inquiry, whether he shall be delivered up. All that would seem in such cases to be necessary is, that there should be *prima facie* evidence before the executive authority to satisfy its judgment, that there is probable cause to believe the party guilty; such as upon an ordinary warrant would justify his commitment for trial. And in the cases of fugitive slaves there would seem to be the same necessity of requiring only *prima facie* proofs of ownership, without putting the party to a formal assertion of his rights by a suit at the common law. Congress appear to have acted upon this opinion; and accordingly, in the statute upon this subject, have authorized summary proceedings before a magistrate, upon which he may grant a warrant for a removal."

Now, here is a statute which for half a century has, until a very recent period, been admitted by all hands to be perfectly within the scope of our authority under the Constitution. Yet for the purpose of agitation, for political and sectional purposes, and I may very properly add, for mischievous purposes, its constitutionality is to be brought in question; all respect for the uniform decisions of judicial tribunals is to be thrown aside, and the whole matter is to be considered as if the Constitution was adopted but yesterday, that we are now for the first time to fix its meaning. Yes, sir; and more than that. This enactment is to be met with every species of denunciatory words which the skill of the Senator from Massachusetts can command, to villify and abuse its character as an "outrage against God," a "violation of all the ordinary principles of humanity,"—a law identical, in these particulars, with the one which received the sanction of Washington and all the great patriots of the Revolution.

The Senator made a reference to the provision of the Constitution, in regard to trial by jury. It is sufficient to say, that there is no case under the Amendments of the Constitution—and the Constitution itself has no provision in regard to trial by jury in such cases—which provides for trial by jury in such cases as these. In all suits at law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved. That is true; but this is not a suit at law in which a court has to pronounce upon the value of the property, if it were a question of property. There are only two cases in which the Constitution alludes to trial by jury—cases of trial for crime, and cases of property exceeding in amount the sum of $20.

Now, the Senator from Massachusetts, in the course of his remarks, has made a great many references to the opinions expressed and entertained many years ago by eminent southern patriots and statesmen. He has called them abolitionists. He applied the term abolitionist to such a great and good man as George Washington. Sir, in the Senate in which that word is now used, it is impossible that a greater calumny could be perpetrated upon the memory of that great man, than to call him an abolitionist. In what sense was he an abolitionist? Did he wage war upon slavery? Did he seek to deprive men who owned slaves of their property? Did he seek to prevent the laws from being executed, which were passed for the recovery of fugitive slaves? No, sir; never. When he came to make his arrangements for leaving this world, he did with his own slaves what he thought was right to do with them. He emancipated them, but not immediately and absolutely. He gave them to his widow during her life. Was he indifferent to the recovery of slaves when they escaped? No, sir; the very letter which the honorable Senator from Massachusetts produced, when the whole of it was read at the Clerk's desk, shows the contrary. His servant girl escaped from him. He was desirous of recovering her, and he wrote to a friend to aid in accomplishing that purpose for him. He desired his friend to seize her with as little previous notice as possible, and put her on board a vessel coming from Philadelphia to Alexandria; but he said he would rather lose the services of the negro altogether, than to be the means, by the manner of her seizure, of creating a riot or a mob, or of producing any uneasy feelings in the minds of good citizens.

Mr. BAYARD. He was then President of the United States.

Mr. BADGER. As my friend from Delaware justly remarks, he was then President of the United States. He occupied such a position that the assertion of his private rights, which would have been justifiable in an individual, and might have been justifiable in him, would, possibly, have been unwise and impolitic. But he was touched with no principle or feeling of modern abolitionism. Like many patriots of that day—and Jefferson was one of them—he entertained the idea that it would be practicable to abolish slavery, without injury to the southern planter; and they looked forward, first, to a gradual amelioration, and then to a gradual extinction of the institution; but they confined themselves to their own bailiwicks; they proposed no invasion of the rights of others, either directly or indirectly. They were elevated far above such patriotism as that. What they spoke of was, delivering from bondage their own slaves, not the slaves of others. The object they had in view was to consider whether, and how, and when they might, if at all, extend the boon of liberty to those who were then slaves; and when they came to dispose of their property in their dying hours, those of them who thought proper to do so, directed their slaves to be emancipated; not on the principle of modern abolitionism, but as the voluntary act of the masters. Why, the lamented statesman, who, two years ago, acted such a conspicuous part in procuring the passage of the law that the gentleman seeks, by his amendment, to repeal; who now rests in his grave; and who has surrendered his spirit to the God that gave it—by his last will and testament, made provision for the emancipation of his slaves after the death of his widow. But was he an abolitionist? Had he any sympathy with abolitionists? Was he, because he chose to emancipate his own slaves, desirous of weakening the process by which other men might recover theirs? No, sir, he was entire-

y distinguished, in every respect, from the spirit of modern abolitionism. Modern abolitionism is a wanton and mischievous interference with the property of others. The abolitionists of former days were men who sought to deal only with those matters which belonged to them; and those abolition societies which existed in other States—in States where there were no slaves, or where slavery had ceased to be a matter of any importance—sought not to put any compulsion on slave owners. Did they not, for many years, have their State acts for the benefit of sojourners who passed through the country? Although the Constitution extends no protection to the master who voluntarily transfers his slave into another jurisdiction where slavery does not exist, yet, for a long time, the free States had no desire or disposition in any way to interfere with the rights or feelings of their southern brethren; and hence it was that they made provision to enable those who were sojourners among them to retain and carry home such slaves as they might bring with them for domestic service. Those men had no relationship with the spirit which influences anti-slavery and abolition societies of the present day.

I have said, then, so far as this argument is concerned, that if we can place any reliance on the judicial administration of the Constitution for half a century, and on the opinions of the most eminent men in the country respecting this clause of the Constitution, it is a clause which confers power upon Congress to cause the restitution of fugitives from labor; that the act passed in 1793, and, by a necessary consequence, the act passed in 1850, are constitutional enactments, within the provisions of that clause of the Constitution of the United States, and, consequently, are entitled to respect and obedience by every man who deems himself subject to the laws of his country. I deal not at all with the proposition of the Senator from Massachusetts that every man must make up his mind as to how far he will obey the law, and that, if he conscientiously believes that he ought not to submit to it, he will be justified in resistance. All I have to say on that subject is, that every man must make up his mind to take that course at his own proper hazard, and secure himself beforehand for the accomplishment of his purpose, or make provision to secure himself from proper punishment; for there is the law, and unless we are prepared to have all judicial interpretation, all precedents, all acquiescence overturned at the dictation of societies which are seeking to destroy the slave institution in the States which now allow it, and support it; unless we allow this long interpretation of the Constitution for more than half a century to be overturned for purposes of mischief and inconvenience, we must do, as in prudence, common sense, and justice, we ought to do, we must adhere to the interpretation which has been handed down to us from such high sources, and which has been unquestioned heretofore.

But the opinion of the Senator from Massachusetts, accompanied by the strengthening and decorative matters which he has interwoven in and thrown around it, so as to go before the public, and as he announces his own solemn conviction of the odious and abominable character of the law, I wish to call the attention of the Senate—as much depends in the value of an individual's opinion upon a question of this kind, upon how he may stand committed on the subject by former avowals—to what the honorable Senator said elsewhere upon this subject. Three or four months ago I became aware, for the first time, of the contents of a speech made by the honorable Senator at Boston in October, 1850; and expecting that that subject might then or shortly afterwards be brought up for the consideration of the Senate, I got a friend of mine to transcribe certain passages from it, which I laid in my desk. These extracts were taken from two volumes, entitled "Orations and Speeches by CHARLES SUMNER." And this speech appears to have been delivered at the Free-Soil State convention, held at Boston, on October 3d, 1850. Here are several passages of it:

"And still further, as if to do a deed which should 'make heaven weep, all earth amazed,' this same Congress, in disregard of all the cherished safeguards of freedom, has passed a most cruel, unchristian, devilish law, to secure the return into slavery of these fortunate bondmen who have found shelter by our firesides." * * * "A 'detestable, heaven-defying bill;' and mark once more its heathenism: by unrelenting provisions it visits with bitter penalties of fine and imprisonment the faithful men and women who may render to the fugitive that countenance, succor, and shelter, which Christianity expressly requires! Thus, from beginning to end, it sets at naught the best principles of the Constitution, and the very laws of God!"

Again:

"But I will not pursue these details. The soul sickens in the contemplation of this legalized outrage. In the dreary annals of the past there are many acts of shame—there are ordinances of monarchs, and laws which have become a byword and a hissing to the nations. But *when we consider the country and the age*, I ask fearlessly, what act of shame, what ordinance of monarch, what law, can compare in atrocity with this enactment of an American Congress?"

Then, after furnishing some examples which the Senator seems to think have been particularly remarkable for atrocity in past times, he says:

"I will not exaggerate."

Oh, no! of course; no exaggeration!

"I would not exaggerate. I wish to keep within bounds; but I think no person can doubt that the condemnation now affixed to all these transactions, and to their authors, must be the lot hereafter of the fugitive slave bill, and of every one, according to the measure of his influence, who gave it his support. Into the immortal catalogue of national crimes this has now passed, drawing with it, by an inexorable necessity, its authors also, and chiefly him who, as President of the United States, set his name to the bill, and breathed into it that final breath without which it would have no life. Other Presidents may be forgotten, but the name signed to the fugitive slave bill can never be forgotten. There are depths of infamy, as there are heights of fame. I regret to say what I must, but truth compels me. Better far for him had he never been born; better far for his memory, and for the good name of his children, had he never been President!"

Mr. President, I shudder when I think of these expressions; because if there be any truth in them, they are just as applicable to George Washington as they are to Millard Fillmore. George Washington's name is signed to a fugitive slave law, liable to every objection applicable to this one signed by Millard Fillmore, and he is just as liable to these imputations. If Millard Fillmore is to be consigned to the lowest depths of infamy because he signed the last fugitive slave law, then if there is any justice or equality in the judgments of mankind, George Washington should receive the same fate from us and our posterity.

Again, sir, this speech goes on:

"Sir, I will not dishonor this home of the Pilgrims and of the Revolution by admitting—*nay, I cannot believe—that this bill will be executed here.* Individuals among us, as elsewhere, may forget humanity in a fancied loyalty to law; but the public conscience will not allow a man, who has trodden our streets as a freeman, to be dragged away as a slave. By his escape from bondage he has shown that true manhood which must grapple to him every honest heart. He may be ignorant and rude as he is poor, but he is of true nobility. The fugitive slaves of the United States are among the heroes of our age. In sacrificing them to this foul enactment of Congress we should violate every sentiment of hospitality, every whispering of the heart, every dictate of religion. There are many who will never shrink at any cost, and notwithstanding all the atrocious penalties of this bill, from efforts to save a wandering fellow-man from bondage. They will offer him the shelter of their houses, and, if need be, will protect his liberty by force. But let me be understood. I counsel no violence."

Well, sir, after having described this law, and surrounded it by such terms of abuse and vilification, both of the enactment itself and of its authors, as were well calculated to stir up the most heated and violent passions of his auditory, when, I suppose, he must have remarked it, he broke out like another orator:

"Good friends! sweet friends! let me not stir you up
To such a sudden flood of mutiny."

"The dial spoke not, but it made shrewd signs,
And pointed full upon the stroke of murder!"

If a man resists an officer charged with the execution of a process to arrest another, and in the resistance a conflict ensue, and blood is shed by the resisting party, is it not murder? Surely it is, sir. And, Mr. President, we have reason to understand what were the effects of this very speech in the State of Massachusetts. This speech was delivered on the third of October. In the month of February following, if I recollect right, about the 15th of the month, occurred that disgraceful mob and outrage which sullied the fair character of the State, and of her distinguished capital city. How could it be expected that it should be otherwise? Here were distinct notifications that it was an act of "virtue" to protect by "force" these fugitive slaves; and if it would be "an act of virtue" to "protect them by force," surely virtuous men would be excused for performing such an act of "virtue." If it was a meritorious deed, surely they might perform it, although he who prescribed it said that he counselled no violence.

Again, sir:

"From a humane, just, and religious people, shall spring a public opinion, to keep perpetual guard over the liberties of all within our borders. Nay, more, like the flaming sword of the Cherubim, at the gates of Paradise, turning on every side, it shall prevent any SLAVE-HUNTER from ever setting foot in this Commonwealth. Elsewhere he may pursue his human prey; he may employ his congenial bloodhounds, and exult in his successful game; but into Massachusetts he must not come. And yet, again I say, I counsel no violence. I would not touch his person. Not with whips and thongs would I scourge him from the land. The contempt, the indignation, the abhorrence of the community shall be our weapons of offense."

Then, again:

"Yes, settled—settled—that is the word. *Nothing, sir, can be settled which is not right.* Nothing can be settled which is adverse to freedom. Nothing can be settled which is contrary to the precepts of Christianity. God, nature, and all the holy sentiments of the heart, repudiate any such false seeming settlement."

Again, sir:

"I am not blind to the adverse signs. The wave of reaction, which, during the past year, swept over Europe, has reached our shores. The very barriers of human rights have been broken down. Statesmen, writers, scholars, speakers, once their uncompromising professors, have become the professors of compromise. All this must be changed. Reaction must be stayed. The country must be aroused. The cause must again be pressed, with the avowed purpose never to moderate our efforts until crowned by success."

Thus, sir, in calling attention to the progress of the public mind "settling down," and becoming "quiet," and being disposed to have a compromise of this agitating subject, and to acquiesce in the adjustment that has been made of it, what says the honorable Senator? "All this must be changed. 'The country must be aroused; the cause must 'again be pressed, with the avowed purpose never 'to moderate our efforts until crowned by suc-'cess."

Then, again, sir, in the same speech, he informs us what it was that they required at the hands of Congress:

"We demand, first and foremost, the instant repeal of the fugitive slave bill.

"We demand the abolition of slavery in the District of Columbia.

"We demand the exercise by Congress, in all Territories, of its time-honored power to prohibit slavery.

"We demand of Congress, to refuse to receive into the Union, any new slave State.

"We demand the abolition of the domestic slave trade, so far as it can be constitutionally reached; but particularly on the high seas under the national flag. And generally, we demand from the Federal Government, the exercise of all its constitutional power to relieve itself from responsibility for slavery. And yet one thing further must be done. The slave power must be overturned, so that the Federal Government may be put openly, actively, and perpetually on the side of freedom."

Now, the honorable Senator here, evidently alarmed at the prospect of this agitation subsiding, of the disposition to "compromise" and "acquiesce," announces that that state of things must be "changed," that the public mind must be "aroused," and that one of the first things they must demand of Congress, was the instant repeal of the fugitive slave law. It was not to be allowed to remain, but was to be repealed instantly. Now, putting these two things together, I will read the passage of the speech which induced me to suppose—indeed I never had any doubt of it—that the honorable Senator stood pledged to himself, as I think he did to the public at large, to press, when he came here, the immediate repeal of that law:

"A conviction of the disloyalty of the Whig party to freedom, and an ardent aspiration to contribute something to the advancement of this great cause, led me to leave that party, and to dedicate what of strength and ability I could command to the present movement."

The present movement was, among other things, to procure an instant repeal of the fugitive slave law. The gentleman, satisfied, as he said, of the disloyalty of the Whig party of Massachusetts, or the Union—I do not know which—to freedom; that is to say, their opposition to the instantaneous repeal of the fugitive slave law, and other kindred measures—for he did not mean that they desired to make themselves, or their children slaves, or to make white people slaves—being satisfied of Whig disloyalty to the cause of freedom, and being exceedingly desirous to promote "the present movement"—and what that was he had just explained—

he had been induced to abandon that party, and to devote whatever of strength and energy he had to the success of the cause, "never to moderate his efforts till crowned with success." What was the result? After long-continued ballotings, he was elected to the Senate by a coalition, as generally understood and believed, of the national Democratic party of Massachusetts and the Free-Soil party; and now, I put it to you, sir, and to the Senate, whether the fair explanation of all that, and his subsequent election, is not that he stood pledged to the principles that he then avowed, and to press on Congress the instantaneous repeal of the fugitive slave law? Why, to be sure he did. He did not say it in so many words; he could scarcely do so, for he was not a Senator at that time. He could not have said, I will, as soon as I get to the Senate, do this; but he said we must demand this repeal. The public mind is getting a little satisfied and settled; we must stir it up; we must put an end to its apathy; we must restore the reign of agitation, and call on Congress for the instant repeal of the law. I have quit the Whig party, and have devoted myself to your organization, here, for the purpose of carrying out those plans. Is not that the substance of what he said? If they are all bound to them and the instantaneous repeal of the fugitive slave law, must they not seek for it in particular places and localities, and with the particular means placed at their command? If a Senator of the United States thinks that it is his duty to demand of Congress the instantaneous repeal of the fugitive slave law, I pray you, sir, how can he demand it, except by moving it? It would be absurd for him to present a petition to the Senate praying that it would take into consideration a measure for its repeal. He is a member of the Senate; and he does not petition with regard to measures of public utility; he is a member; he has a voice here. Therefore, I say that in substance the charge—which I never supposed the gentleman would venture to deny—is in substance made out, that he was sent here to agitate for the repeal of the fugitive slave law; that he had quit the Whig party in order that he might be sent here to agitate for the repeal of the fugitive slave law, and that he came here pledged to do so. He came in the month of December, but we heard nothing of this instantaneous repeal of this "Heaven-defying," "soul-sickening law," this "horrible atrocity," this "damnable crime," this "exceeding wickedness," surpassing all the perfidy of all the acts of former tyrants. The gentleman sat perfectly quiet, and we heard of no movement being made until largely in the month of July. Now, for what purpose is that amendment offered here? What good end is it to subserve? Does the gentleman expect to get the law repealed? Or does he propose by this public discussion—if there should have been any disposition among his constituents in the State of Massachusetts to settle down once again after the former agitation into quiet and obedience to the laws of their country—does the Senator mean by this speech to stir them up again to resistance? In his speech here to-day in denunciation of the fugitive slave law there is no qualifying phrase that he counsels no resistance. He has got beyond that point. In his speech in 1850, although violent in his denunciations, he was yet disposed to moderate the wrath of his hearers—he "counselled no violence;" but to-day we have the denunciation of the law and its authors—we have the expression of his recent belief that it is not binding upon the conscience, because it is a violation of the Constitution of the United States, and of the law of God; but we have no intimation at all to-day that resistance is to be by public opinion, and therefore we have in substance the old oration, without the qualifying clause.

This speech, Mr. President, is well calculated to stir up the people of Massachusetts. They look to the honorable Senator for direction and guidance; they consider him a "marvelous proper man;" and, availing himself of his influence over them, he delivers himself of such a tirade of abuse upon the law of his own country—a law passed by this very Senate, in which he knows there are many gentlemen who voted for, and still support that law—as is calculated, if any one lent a moment's credence to what he says, to cover us with scorn. For what purpose is it done? Did the Senator do it to insult the members of this body? Did he do it to insult the memory of the dead—of George Washington, James Madison, and their compatriots—one of whom signed and the others aided in passing the fugitive slave law of 1793? Did the Senator do it to answer any wise or good purpose? Does he hope to accomplish anything except to stir up sedition at home against this law, and make the streets of Boston again the scene of disgraceful riots and lawless violence by the lawless opposers of the Constitution and laws of the United States? Never, sir, since I have been a member of this body, has the Senate witnessed such an exhibition. I have sometimes heard speeches here which have, I confess, caused me deep regret; but this wholesale and revolting denunciation of a public law, and the epithets applied to it, and to every person connected with the passing of it, is without example in our past history, and I trust in God it will never be followed in future. Yes, Mr. President, the honorable Senator tells us in that speech at Boston that he has made a great sacrifice in consequence of his devotion to the abolition cause. He has, sir, in several particulars. In the first place, he tells us that he abandoned the Whig party because they were not true to freedom. Party associations, Mr. President, are sometimes strong, and it is generally a considerable sacrifice to a man to part company with those with whom he has been long associated. That is the result of the social nature of man, and, therefore, it was a great sacrifice for him to tear himself away from the Whig party. The next sacrifice which he made was, as he informs us to-day—at least I infer it from what he informed us—his sacrifice of private considerations to take a seat in this body. His real desire—according to his statement to-day—was not to be sent to the Senate of the United States. All he wished was to have inscribed upon his tomb an epitaph something like the following: "Here lies a man who, though he never held a public office, did some good in his day and generation." Yes, sir, he quit his quiet home, he reluctantly agreed to come here to enlighten our darkness.

It is a pity, Mr. President, that the friends of the Senator should have pressed so unpleasant a duty upon him; and I think the public generally will be satisfied, and his constituents among the number, that the Senator was a great deal better acquainted with the sort of life that would suit him, from which he would derive honor, and in which he might obtain that kind of fame of which he has spoken, had he not come here and devoted his energies to the instruction of this public body!

But, Mr. President, he has made a greater sacrifice than that; and I know he must have felt that to be a deep one. He has degraded himself by taking a seat upon this floor as the equal of men whom he has denounced in effect, in his speech, as being infamous! How humiliating it must have been to the feelings of the Senator from Massachusetts to sink himself so low! And how high and overpowering must have been these claims of duty to abolition societies which induced him to encounter such a dreadful shock to his feelings! Yes, sir, here is what he says of this act. He calls it a most cruel, unchristian, detestable, Heaven-defying bill, the passage of which should make heaven weep and the whole earth amazed; a foul enactment, a legalized outrage, at the contemplation of which the soul sickens; an act of shame, exceeding in atrocity all those acts of shame and all those ordinances of monarchs which have become a by-word and a hissing to the nations of the earth; that their condemnation is now fixed upon this bill; that the fate of these by-laws which have become a hissing to the nations, must be the lot hereafter of the fugitive slave law; and the fate of these monarchs, the fate of every man according to the measure of his influence, who gave his support to that law, which has passed into the immortal catalogue of national crime, drawing with it by an inexorable necessity its authors also; and chiefly him who, as President of the United States, set his name to the bill; thus consigning him to the deepest depths of infamy. If the honorable Senator is sincere in the statement contained in that speech, he then must believe—for it seems to me that these are almost the very identical words which he used—that all who engaged in passing this bill, or who lent their assistance to its passage, are infamous in proportion to their activity and influence in that respect; and to the chief place, the lowest depths of infamy, he assigns the President of the United States who signed it. If the Senator is sincere in that, he must necessarily believe that those of us here who voted for that bill are "infamous persons," and that he should feel himself degraded and ashamed at being associated with us in this body; and if he does not believe that, then all I have to say is, that a decent respect for the usages of this body forbids me to say what is the appropriate epithet by which to describe the man who wrote and published that speech. But this I will say, that if the Senator said what I have read and did not believe it; if he did not believe that we were the infamous persons whom he held us up to be to the world at large; men with whom he might feel some degradation to be associated, then I appeal to him, whether we would not have a right per contra and on the second supposition, to have something of the same feelings in regard to associating with him.

Mr. President, I have said that I thought this agitation was got up and maintained for mischievous purposes. I do not suppose, nor do I pretend that all the persons concerned in it are bad men. Not at all. But I think the purposes, however they may regard them—certainly with many of the leaders of the party—are mischievous. They cannot have any hope or expectation of abolishing slavery in the United States. The honorable Senator from Massachusetts alluded to-day to the fable which assigned the expulsion of serpents from Ireland to St. Patrick; and, sir, that Senator by his efforts to-day, and his efforts elsewhere, is just as certain to abolish slavery from the United States, as St. Patrick expelled the serpents from Ireland. Mr. President, if these persons would think at all, if they would entertain any other except this "one idea" in their minds, they would know—admitting everything they say as to the desirableness of abolishing slavery—that it is utterly impracticable. They and their societies are oppressed now by the comparatively few people of color they have among them, and to talk about the abolition of slavery in the South, with three millions of slaves among us who would have in such case to live in a degraded state of freedom, is to talk of what no sane man believes to be possible, and which no sane man believes to be desirable, if it were possible; because the whole of society would be upturned, and what is felt to be an evil in the free States, would be to us utter ruin and destruction. Whatever, therefore, may be thought about this institution, whatever opinions gentlemen may form, it exists amongst us to an extent and in a form that cannot be dealt with by our abolition friends; and we must be content, and gentlemen of the North must be content to let us struggle on with the evil as best we may.

But the Senator from Massachusetts has furnished me with an answer to the whole of his denunciation of the fugitive slave law, and of the persons concerned in passing it. That gentleman, as the Senate will recollect, made several speeches on a land bill some months ago. One of them was published under the title, "justice to the land States;" and in that speech, in reply to the Senator from Kentucky, [Mr. UNDERWOOD,] he made use of this expression: "That safe resource of a weak cause—hard words and the imputation of personal motives." Sir, if any cause can be demonstrated to be bad by the use of hard words, and the imputation of personal motives, and of infamy in others, it is the cause which that Senator supported in his speech in October, 1850, and which he has supported here to-day. There is scarcely an epithet calculated to convey reproach in every varied form that the gentleman has not resorted to, not only in the speech made at the Free-Soil Convention, but written down, calmly and deliberately, and published, as I suppose, under his own superintendence and supervision. Making no allowances for the differences of opinion that others may entertain, making no allowance for the honesty of the convictions of others, he pronounces all engaged in the passage of this law to be steeped in infamy, and consigns the President of the United States to the detestation of posterity for having signed it. Now, if it is possible that the Senator's own wise maxim can apply to any case, if it is

possible that it is worth anything, it proves that his own cause is a weak and bad one, or else it would not be necessary to vilify and abuse the living, and to utter what in effect is an assault on the memory of the dead.

Mr. WELLER. I ask for the yeas and nays on the motion to amend.

Mr. DODGE. I was one of those who voted for the law which has been so eloquently and fiercely denounced by the Senator from Massachusetts, [Mr. SUMNER,] and here or elsewhere I am ready, in my feeble way, to vindicate that vote, and the law which I helped to enact. Sir, I had read the Constitution of my country, and having found its language, as I thought, clear and explicit on this point, and having taken a solemn oath to support that sacred instrument, I did not consider that I could disregard its pointed injunctions.

The words of the Constitution are:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

Could human language convey in terms less ambiguous, the obligation to return the person held to service or labor? I think not. The Supreme Court had decided that that portion of the act of 1793, for the return of fugitives from labor and fugitives from justice, which devolved certain duties upon the officers of the States, was unconstitutional—the Federal Government having no power to impose duties of any kind upon the officers of the State governments. In view of this decision, and of the fact that in many of the States in which the Abolitionists had achieved an ascendency, those States had denied the use of their prisons, and actually forbidden their officers, under severe penalties, to assist in the recovery of fugitives from labor—a law of the United States, and a stringent law, was necessary, unless we were willing to acknowledge that the Constitution was a failure, and it and all government were to be surrendered to the genius and domination of abolitionism. To these audacious demands I was not then, nor am I now, willing to accede. Besides, this law came up for enactment during the most gloomy period of those sectional difficulties which grew out of the extension of our territorial limits at the termination of the Mexican war. The southern States being greatly excited at the admission of California, and their virtual exclusion, as they maintained, from all the remaining Territories of the United States, I was glad to assist in doing them an act of justice calculated to allay excited feeling, and to secure to them the practical benefit of a clearly-expressed provision of the Constitution. It was represented on this floor, and denied by no one, that the citizens of the States of Virginia, Kentucky, and Maryland, each lost yearly about $25,000 worth of the species of property which the law under consideration was intended to protect, or, if lost, to reclaim. Whether the statement was an exaggerated one or not, every one knows that the loss of the slave States in this respect, anterior to the passage of the law which it is proposed to repeal, was enormous, and that the people of those States were seriously meditating reprisals on the property of the people of the free States. I voted for the fugitive slave law because I did not doubt its constitutionality, and I understood and believed it would be satisfactory to the people of the southern States. That law, like the constitutional provision on this subject, was intended for the benefit of the slave States. Our State having no negroes, and not wishing to have any, whether they be bond or free, I felt no interest in the law nor its provisions, other than that it should be satisfactory to those for whose benefit it was to be passed, and that it should effect the purpose for which it was designed. If the law is too stringent, as some contend, and is not therefore as effective as it might otherwise be, the fault is not mine. It was framed by those who had an immediate interest in the matter, and I voted for it in good faith. My object was, that the law should accomplish the purpose for which it was enacted, to wit, the return of the negro to his lawful owner. On this subject, I wanted no illusory nor dead-letter statute upon the book; much less do I want a law which, while it shall make a pretense of complying with our constitutional obligations, in reality does nothing but interpose obstacles to those who are asking their rights under the sacred compact which forms our Union. These I stated to be my objects, both here and to my constituents, when I supported this with the other compromise measures. And, sir, if at any time while I have a seat here the law is likely to fail of its purpose, I am willing to strengthen its provisions, and to arm the Executive of the United States with every power which time and experience under its workings may show to be necessary to its full and complete enforcement.

Sir, I have read and heard much on the subject of slavery agitation. Among the speeches which served to make up my political opinions upon this subject, was one made by a distinguished Senator from my native State, (Mr. Benton,) who occupied a seat in this Chamber for more than thirty years, and from whose great productions I have derived nearly all of my limited stock of political information. More than twenty-two years ago, the prophetic vision of Colonel Benton foresaw this slavery crisis. He predicted that ambitious and designing demagogues in the free States would, for the sake of political advancement, seize upon this sensitive, exciting, and dangerous element in our complex but admirable system of government, to ride into power and place, and, in the language of a patriot and statesman, he thus spoke in this Senate, on the 2d day of February, 1830:

"Yes, sir, slavery, as it is, and as it exists among us, would have fewer advocates, if those who have nothing to do with it would let it alone. But they will not let it alone. A geographical party, and chiefly a political *caste*, are incessantly at work upon this subject. Their operations pervade the States, intrude into this Chamber, display themselves in innumerable forms, and the thickening of the signs announces the forthcoming of some extraordinary movement. Sir, I regard with admiration, that is to say, with wonder, the sublime morality of those who cannot bear the abstract contemplation of slavery, at the distance of five hundred or a thousand miles off. It is entirely above, that is to say, it affects a vast superiority over the morality of the primitive Christians, the Apostles of Christ, and Christ himself. Christ and the Apostles appeared in a province of the Roman Empire, when that empire was called the Roman World, and that world was filled with slaves. Forty millions was the estimated number, being one fourth of the whole population. Single individuals held twenty thousand slaves. A freedman, one who had himself been a slave, died the possessor of four thousand—such were the numbers. The rights of the owners over this multitude of human beings, was that of life and death, without protection from law, or mitigation from public sentiment. The scourge, the cross, the fish pond, the den of the wild beast, and the arena of the gladiator, was the lot of the slave, upon the slightest expression of the master's will. A law of incredible atrocity made all slaves responsible with their own lives for the life of their master; it was the law that condemned the whole household of slaves to death, in case of the assassination of the master; a law under which as many as four hundred have been executed at a time. And these slaves were the white people of Europe, and of Asia Minor, the Greeks, and other nations, from whom the present inhabitants of the world derive the most valuable productions of the human mind. Christ saw all this—the number of the slaves—their hapless condition—and their white color, which was the same with his own; yet he said nothing against slavery; he preached no doctrines which led to insurrection and massacre; none which, in their application to the state of things in our country, would authorize an inferior race of blacks to exterminate that superior race of whites, in whose ranks he himself appeared upon earth. He preached no such doctrines, but those of a contrary tenor, which inculcated the duty of fidelity and obedience on the part of the slave—humanity and kindness on the part of the master. His Apostles did the same. St. Paul sent back a runaway slave, Onesimus, to his owner, with a letter of apology and supplication. He was not the man to harbor a runaway, much less to entice him from his master; and, least of all, to excite an insurrection.

"Slavery, which once filled the Roman world, has disappeared from most of the countries which composed that great dominion. It has disappeared from nearly all Europe, and from half the States of this Union. There and here it has ceased upon the same principle: upon the principle of economy, and a calculation of interest; a calculation, which, in a certain density of population and difficulty of subsistence, makes it cheaper to hire a man than to own him; cheaper to pay for the work he does, and hear no more of him, than to be burdened with his support from the cradle to the grave. Slavery never ceased anywhere on a principle of religion; the religion of all nations consecrates it. Its abolition cannot be enforced among Christians on that ground, without reproaching the Founder of their religion. Many who think themselves Christians are now engaged in preaching against slavery; but they had better ascertain whether they have fulfilled the precepts of Christ, before they assume a moral superiority over him, and undertake to do what he did not. To the politicians who are engaged in the same occupation, it is needless to give the like admonition. They have their views, and the success of these would be poorly promoted by following the precepts of the Gospel. Their kingdom is of this world; and to reach it, they will do the things they ought not, and leave undone the things which they ought to do. Slavery will cease, in the course of some generations, in several of the States where it now exists, and cease upon the same principle on which it has disappeared elsewhere. In some parts it is not sustainable now, upon a calculation of interest. Habit and affection is the main bond. A great amelioration in the condition of the slave has taken place. In most of the States they are as members of the family, and in all the essential particulars of labor, food, and raiment, they fare as the rest of the laboring community. Some masters are cruel; but the laws condemn such cruelty; and what is more effectual than the law, is the abhorrence of public sentiment. But cruelty is not confined to the black slave; it extends to the white apprentice, to the orphans that are bound out, and to the children of the poor that are hired to the rich. Many of these can, and often do, tell pitiable tales of stinted food and excessive work, of merciless beatings, brutal indignities, and precocious debaucheries."

Mr. President, I have read from the great speech of Colonel Benton, and I beg to trouble you with a brief extract from an oration delivered on the anniversary of American independence in St. Lawrence county, in the State of New York. For his plain and simple garb, his cordial, frank, and unostentatious manners, his refusal of all the high, the lucrative, the lifetime offices of his country, and his stern Roman virtues, Silas Wright received, and, in my humble judgment, richly merited, the soubriquet of the Cato of America; and it is to his voice, coming to us as it now does from the tomb, that I would invoke attention. His address, like the speech of Colonel Benton, was made to admonish his countrymen of the free States of their duties and obligations as members of a common Confederacy, and to guard them against the dangers which then threatened, and now threatens, our vessel of State. Silas Wright thus spoke on the 4th day of July, 1839:

"'No person held to service or labor in one State, under 'the laws thereof, escaping into another, shall, in conse-'quence of any law or regulation therein, be discharged from 'such service or labor, but shall be delivered up on claim of 'the party to whom such service or labor may be due.'

"That this clause of the Constitution is applicable to the fugitive slave is unquestionably true, as he is held to service in the slave State 'under the laws thereof;' and that it is as applicable to the legally bound apprentice and servant of the free States is equally plain and true. Does the fact that the provision is broad enough to embrace the slave vitiate it, and make wrong its insertion as a part of that sacred instrument? Is it not just and proper in itself? and ought not the friendly relation to exist and be perpetual among the States of the Union? As applicable to the slave is it not due to the previous provisions which recognize and tolerate the institution of slavery and respect the rights and the interests of the slaveholding States? Could the fair faith implied by these provisions be carried out without this one? And can they now be available in the true spirit of the compact between the States, without a faithful observance of this covenant also?

"Are there any who will blame our venerable fathers, the delegates in the Convention of 1787, for giving their *assent* to this clause of our Constitution? All the old thirteen States assented to it, and to all the other concessions and compromises which have been mentioned as connected with the subject of domestic slavery. The people of all the States assented to them, and fifty years of internal peace and abundant prosperity have attested the wisdom of the Convention, the patriotism and devotion of the Federal Union, and the intelligence, and justice, and faith of the people. What American citizen will now rise, and, claiming to be purer than Washington, the President of that Convention, purer and more patriotic than the sages who supported him in the great work of forming our Constitution, as they had previously in the achievement of our independence, will cast the first stone at that temple of human liberty which they erected? Who, that loves his country, will open again the delicate and troublesome compromises thus solemnly formed, thus settled, and now consecrated by time and happy experience, with the hope of reaching better results from the present temper and feeling of the country? Who will cast upon the ocean of time and chance the invaluable blessings we have gained, the triumph to human liberty we have secured, for the dark and stormy prospect which presents itself of more perfect success in a new effort? Who will wantonly trample upon the faith we have solemnly pledged to our brethren of the other States, upon entering the Confederacy, as a means of moulding them to a more yielding disposition in some future compact? Who will boldly strike at the Union itself, and stake its fate against his sympathies for the slave?"

Sir, in apposition to the designs of ultra Abolitionism, and in exposure of the sad results which must inure to our country from the carrying out of their nefarious doctrines, I could quote still more extensively from the eminent living and the illustrious dead of our America, but time forbids.

Mr. President, from my knowledge of this slavery agitation, and the persons engaged in it, I have never doubted, and do not now doubt, that they have one of two objects in view—either an overthrow of our Government by revolution and bloodshed, or the establishment of an absolute equality between the white and black races who inhabit this Republic. The accomplishment of the latter object is their cherished and darling hope. They look to the former as a *dernier* resort, and many are now praying for its advent, and seeking

to embroil the States in a war in which American blood is to be shed by American hands.

This might not be difficult to accomplish, if Massachusetts and South Carolina were *adjoining* States; but, thank God, they are widely separated, and a much more fraternal feeling actuates the conterminous free and slave States.

Mr. President, the questions involved in this slavery agitation rise in importance far above the fugitive law, and go a great way beyond even the abolition of slavery in the States of the South—revolutionary and destructive of life and property as the latter would be. Behind these are those grave and momentous questions of equality, amalgamation, and superiority between the Caucasian and African races. The idea of equality and amalgamation of those races in the United States of America is utopian in the extreme, and I think wicked and disgraceful. With the exception of a fanatical few, to state the question is to show its utter impracticability, and to draw upon its authors the execration of all men of all parties, save the Abolition party. As long as the two races inhabit the same country, the white race will maintain its superiority over the black race. All history fully attests this fact, and whether it was so designed by the Great Creator of the universe or not, the acknowledgment of that superiority is the only condition upon which these races can ever live together in peace. Witness the expulsion from Ohio of the negroes set free by Mr. Randolph—from the cities of Cincinnati and Philadelphia, upon two memorable occasions, of the free blacks congregated within their limits—the number of sovereign States which, by constitutional enactments, and by law, have forbidden the settlement of free persons of color within their borders. These things prove that the prejudice of caste can never be overcome in our country. The sincere but misguided Abolitionist—the man who, impelled by his fanatical zeal, and one idea, believes he is rendering God and his country a service when he is flourishing the burning brand, and seeking to ignite the fair temple erected by patriot hands, and which for more than three quarters of a century has so securely sheltered all who have taken refuge under its broad and comly proportions—such a man, if he be honest, disinterested, pious, as many of the rank and file are, may be respected. But what is to be thought of the political Abolitionists—those men in the free States who, while they know nothing of slavery, and have naught to do with it, are harrowing up the feelings of good men and women by inflammatory appeals to their passions and prejudices—who are sporting with the property, peace, and lives of our people, and the perpetuity of our Government, to obtain office and political distinction for themselves? *Their kingdom is of this world, and to reach it they will do the things they ought not, and leave undone the things they ought to do.*

Sir, it is lamentable to see gentlemen possessed of a high order of talents—of extensive and varied erudition, and who should, from their knowledge and experience, know much of men and things—engaged in riding this hobby to the extremes to which many of them are going in their grand crusade for liberty, equality, and fraternity. They are employing their time and talents in ethnological researches and discourses, not only to establish the equality of the African race, but its vast superiority to our own. If their doctrines can be brought into practical operation, (and they are prepared and are panting for the experiment,) they would introduce black-skinned, flat-nosed, and woolly-headed Senators and Representatives, in this Chamber and in the House of Representatives. They seek to break down and destroy all distinctions between the whites and blacks in respect to suffrage, office, marriage, and every other relation of life. This I might show; by reading from the speeches of the Senator from New York, [Mr. SEWARD,]* and others; and knowing these things to be their ulterior and cherished purposes, and believing, as I most sincerely do, that the practical enforcement of their doctrines will degrade and debase my own race, and sound the death-knell to the Union, I here and everywhere war upon abolitionism, in all its Protean shapes and guises.

Sir, if you were to repeal the fugitive slave law to-day, you would have just the same clamor to-morrow that you hear now, raised about slavery in this District. It is the same which existed in regard to the right of petition, twenty-first rule, and Wilmot proviso, some years since. No triumph satisfies abolition—none could do so, but the triumph of equality. Surrender any of the outworks of the fortress, however unimportant, and you only bring them nearer to the citadel. There is no peace with them, except upon the condition mentioned. They choose some apparently vulnerable point at which to level their artillery, and the fugitive slave law, thus selected, is now receiving their fire. Remove that, and immediately their guns will be pointed at slavery in the District of Columbia. Abolish it there, and they will then direct their efforts against slavery in the forts, arsenals, and dock-yards in the United States. Remove or abolish it in these places, and they would then immediately attack the institution in the States—first indirectly, but soon directly and boldly. Let them storm the last rampart, State sovereignty, and let loose the three millions of Africans held to service in those States in which slavery exists, and then, with the Free-Soil and Abolition views of fraternity and equality, contemplate the horrid state of society which would be precipitated upon us—the woes innumerable which would be inflicted upon both races.

> "Better endure the ills we have,
> Than fly to others that we know not of."

For, mark you, the abolitionists are the deadly enemies of colonization—that wise and humane project for getting rid of the free blacks, and restoring them to their native Africa, with a knowledge of God, with increased intelligence, and many other benefits which have resulted to them from their enslavement amongst us. In the faint and inadequate representation which I have made of the consequences of triumphant and successful abolition, I have said nothing of the heroic, if unsuccessful, defense which all the world knows the South would make, when fighting for their firesides and property—nothing of the indescribable horrors of domestic and servile war—nothing of cities and States sacked and conflagrated, before abolition could reach its final purpose of liberty, fraternity, and equality. That picture of disunion was drawn by Mr. Webster, on the 27th day of January, 1830, nearly a quarter of a century ago, in words that breathe and burn, and, though often quoted, will bear repetition. He said:

"While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that, I seek not to penetrate the veil. God grant that, in my day, at least, that curtain may never rise. God grant that, on my vision, never may be opened what lies behind. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil fueds, or drenched, it may be, with fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as, What is all this worth? Nor those other words of delusion and folly—Liberty first, and Union afterwards; but everywhere spread all over in characters of living light, blazing on all its ample folds, as they float over the sea, and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart, "Liberty and Union, now and forever, one and inseparable!"

Mr. HALE. Mr. President, I did not intend to have said anything, and I shall now occupy the attention of the Senate but a very few moments. But I feel that I should be doing injustice to my own feelings, and injustice to my friend, the Senator from Massachusetts, who has addressed the Senate to-day, if I were to fail at this time to express the very great gratification with which I listened to his speech. In saying that, I do not mean to pass by entirely the honorable Senator from North Carolina, [Mr. BADGER,] for I listened to him, as I always do, with great pleasure; but justice compels me to say that by far the best part of his speech was the extract which he read from a former speech of the honorable Senator from Massachusetts. [Laughter.] I listened to them both with great pleasure; but, sir, I feel bound to say to-day that it is my deliberate conviction that the honorable Senator from Massachusetts, if he were actuated by as corrupt and selfish motives as can possibly be attributed to him, has, so far as his own personal fame and reputation are concerned, done enough by the effort he has made here to-day to place himself side by side with the first orators of antiquity, and as far ahead of any living American orator as freedom is ahead of slavery. I believe that he has formed to-day a new era in the history of the politics and of the eloquence of the country; and that in future generations the young men of this nation will be stimulated to effort by the record of what an American Senator has this day done, to which all the appeals drawn from ancient history would be entirely inadequate. Yes, sir, he has to-day made a draft upon the gratitude of the friends of humanity and of liberty that will not be paid through many generations, and the memory of which shall endure

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* EXTRACT FROM THE SPEECH OF MR. SEWARD.

"These elements divide and classify the American people into *two* classes—the party of Freedom, and the party of Slavery. Each of these parties has its court and its sceptor."

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"The party of Freedom seeks complete and *universal emancipation*. You, WHIGS of the Reserve, and you especially, seceding Whigs, none know so well as you that these two elements exist and are developed in the two great national parties of the land, as I have described them. *That* existence and development constitute the only *reason you can assign* for having been enrolled in the *Whig party*, and mustered under its banner, so zealously and so long. And now I am not to contend that the evil spirit I described has possessed the one party without mitigation or exception, and fully directed the actions of the other; but I appeal to you, to your candor and justice, if the beneficent spirit has not worked chiefly in the *Whig party*, and its antagonist in the *adverse party*."

* * * * * * *

"Slavery is the sin of not some of the States only, but of them all—of not our nation only, but of all nations. It perverted and corrupted the moral sense of mankind, deeply, universal; and this corruption became a universal habit. Habits of thought became fixed principles. No American State has yet delivered itself entirely from these habits. We in New York are guilty of slavery still by withholding the *right of suffrage* from the race we have emancipated. You, in Ohio, are guilily in the same way, by a system of *black laws*, still more aristocratic and odious. It is written in the Constitution of the United States, that five slaves shall count equal to three free men, as a basis of representation; and it is written, *also, in violation of Divine law*, that we shall surrender the *fugitive slave* who takes a refuge at our fireside from his relentless pursuer. You blush not at these things, because they have become as familiar as household words; and your pretended Free-Soil allies claim peculiar merit for maintaining these *miscalled guarantees* of slavery which they find in the national compact. Does not all this prove that the *Whig party* have kept up with the spirit of the age? That it is as true and faithful to human freedom as the inert conscience of the American people will permit it to be? What, then, you say, can nothing be done for freedom because the public conscience is inert? Yes, much can be done, everything can be done. Slavery can be limited to its present bounds; it can be ameliorated. It can be, and it must be, ABOLISHED, and you and I can and must do it. The task is as simple and easy as its consummation will be beneficent, and its rewards glorious. It requires only to follow this simple rule of action: To do everywhere, and on every occasion what we can, and not to neglect or refuse to do what we can at any time, because at that precise time and on that particular occasion, we cannot do more. Circumstances determine possibilities. When we have done our best to shape them and make them propitious, we may rest satisfied that superior wisdom has determined their form as they exist, and will be satisfied with us if we do all the good that circumstances leave in our power. But we must begin deeper and lower than the composition and combination of factions or parties wherein the strength and security of slavery lie. You answer that it lies in the Constitution of the United States, and the constitutions and laws of slaveholding States Not at all. It is in the erroneous sentiment of the American people. *Constitutions* and laws can no more rise above the virtue of the people than the limpid stream can climb above its native spring. Inculcate the love of freedom and the equal rights of man under the paternal roof; see to it that they are taught in the schools and in the churches; reform your own code; EXTEND A CORDIAL WELCOME TO THE FUGITIVE *who lays his weary limbs at your door*, and DEFEND HIM AS YOU WOULD YOUR PATERNAL GODS; correct your own error, that slavery *has any constitutional guarantee* which may not be *released*, and *ought not to be relinquished;* say to slavery, when it shows its bond and demands its pound of flesh, that if it draws one drop of blood its life shall pay the forfeit; inculcate that the free States can maintain the rights of *hospitality* and humanity—that Executive authority can forbear to favor slavery—that Congress can debate—that Congress, at least, can mediate with the slaveholding States—that, at least, future generations might be bought and given up to freedom, and that the treasures wasted in the war with Mexico would have been sufficient to have redeemed millions unborn from bondage. Do all this, and inculcate all this, in the spirit of moderation and benevolence, and not of retaliation and fanaticism, and you will soon bring the parties of the country into an *effective aggression upon slavery*. Whenever the public mind shall will the abolition of slavery, the way will open for it.

"I know that you will tell me this is all too slow. *Well, then, go faster if you can, and I will yo with you;* but remember the instructive lesson that was taught in the words, 'these things ought ye to have done, and not to have left the others undone.'"

as long as the English language is spoken, or the history of this Republic forms a part of the annals of the world. That, sir, is what I believe; and if I had one other feeling or could indulge in it in reference to that effort, it would be a feeling of envy, that it was not in me to tread even at an humble distance in the path which he has so nobly and eloquently illustrated.

Mr. DOUGLAS. Mr. President, I will not protract this debate. I have no comments to make upon the speeches which have been made. The arguments against the fugitive slave law, when examined closely, are arguments against the Constitution of our country, and not against the provisions of the law which has been passed for the purpose of carrying that Constitution into effect. All that is said about the crime of slavery—about a law higher than the Constitution, which forbids obedience to human laws in conflict with the Divine law—the whole tenor of the objections that have been urged, are objections against the Constitution, rather than against the law. What would these gentlemen care for the form of proceedings and provisions of the law, provided the fugitive was not to be returned to his master? The real objection is, that the fugitive is sent back, not that the form of trial does not satisfy them. I repeat that the real objection that is made in the country everywhere, is that the fugitive is sent back to his master, there to be tried whether he is a fugitive or not by the laws of the State from which he fled. That being the true character of the objection, gentlemen should pass over the law and make their assaults directly against the Constitution of the United States, in obedience to which the law was passed. Let them take the responsibility of an open and manly avowal of their real position. Let them proclaim to the world that they feel bound by conscientious scruples, to make violent resistance to the Constitution which our fathers have transmitted to us. Such is their evident meaning. All I have to say on that subject is this, that the Constitution provides that a fugitive from service in one State, escaping into another, "shall be delivered up." The Constitution also provides that no man shall be a Senator unless he takes an oath to support the Constitution. Then, I ask, how does a man acquire a right on this floor to speak, except by taking an oath to support and sustain the Constitution of the United States? And when he takes that oath, I do not understand that he has a right to have a mental reservation, or entertain any secret equivocation that he excepts that clause which relates to the surrender of fugitives from service. I know not how a man reconciles it to his conscience to take that oath to support the Constitution, when he believes that Constitution is in violation of the law of God. If a man thus believes, and takes the oath, he commits perfidy to his God, in order that he may enjoy the temporary honors of a seat upon this floor. In this point of view, it is simply a question of whether Senators will be true to their oaths, and true to the Constitution under which we live.

Sir, whenever I come to the conclusion that I cannot conscientiously perform my obligations under that instrument which I am sworn to support, you will find me refusing to take office under this Government, and, at the same time, declaring myself for instant disunion, in order to release myself from any obligation which I cannot conscientiously carry into effect. But, sir, so long as I am content to live under the Constitution, I will be faithful to all its provisions. I know of no other mode, I know of no other alternative, except to observe the Constitution, and the oath to support it, in its letter and its spirit. He who cannot do this has no right to hold office under this Government, or under the State governments, while the Constitution exists; for the Constitution of the United States requires all officers under the State governments to take an oath of allegiance to the Constitution of the United States. Hence you cannot have a judge in any State, or a member of the Legislature, or any other officer, who has not taken an oath to support the Constitution of the United States, and thereby promised that every fugitive from service shall be delivered up.

How is it, then, that we are told that men with these obligations resting upon them, who have appealed to God for the sincerity of their vow to carry into effect the Constitution in all its parts, proclaiming that it is their duty, under an obligation to conscience, to violate both the Constitution and their oath, in order to avert what they believe an evil or a crime?

These are my opinions upon this subject, and hence I shall vote against the proposition to repeal the fugitive slave law, and for whatever appropriations are necessary to carry it into effect, believing that it is my solemn duty, as it is my cheerful pleasure, to carry into effect every provision of the Constitution of the United States.

Mr. WELLER. Mr. President, I certainly do not desire to weary the Senate, at this late hour, by attempting to discuss the question which has been obtruded upon it to-day. But I may be allowed briefly to express my opinion, as I am now, for the first time, called on to vote upon it in the Senate.

I will say, sir, at the outset, that this is the first time in the course of my life that I have listened to the whole of an Abolition speech. I did not know that it was possible that I could endure a speech for over three hours upon the subject of the abolition of slavery. But this oration of the Senator from Massachusetts, [Mr. SUMNER,] to-day, has been so handsomely embellished with poetry, both Latin and English, so full of classical allusions and rhetorical flourishes, as to make it much more palatable than I supposed it could have been made.

I do not see what object the Senator from Massachusetts could have had in view unless it was to excite in the free States of this Union a forcible resistance to the enactment of the last Congress known as "the fugitive slave law." In the exercise of that power which is vested in you under the Constitution, you have attempted to give security to one of the institutions that exist in a portion of the States of this Confederacy. Does any man suppose that this Union can be maintained unless every section of it is secured in the enjoyment of its constitutional rights? Can the Union be maintained if one portion of the Confederacy is permitted to trample upon the rights of another? I apprehend it is too late in the day to discuss the constitutionality of the fugitive law. The power of Congress to legislate on the subject is, in my opinion, unquestionable. The former law of 1793, containing provisions similar to those found in this act, was passed by the fathers of the Republic, who understood, perhaps, the Constitution quite as well as the Senator from Massachusetts.

Sir, I look to no "higher law" than the Constitution of the United States in ascertaining the political rights of the members of this Confederacy. I find that here is an institution fastened upon this country, recognized by the Constitution, and I am willing to throw around it all the guarantees necessary to give it protection. Now that Congress, in the exercise of the power conferred by the Constitution, have legislated, and the public mind has become settled down, and there is a peaceable and quiet execution of the law in almost every section of the Union, the Senator from Massachusetts, by an inflammatory speech, indirectly, at least, counsels forcible resistance. Why this attempt to show the resemblance between the fugitive slave law and the stamp act, which our revolutionary fathers resisted? The stamp act was resisted by revolution, by bloodshed.

Mr. SUMNER. The stamp act was not resisted forcibly.

Mr. WELLER. It was one of the acts which brought about the Revolution, which did result in bloodshed. It was one of the acts which our fathers refused to execute. And is the Senator from Massachusetts prepared for this? Does he counsel the people of Massachusetts, as he has to-day, to resist the execution of the law? Does he not know that, if his counsel is taken, bloodshed is inevitable? Sir, I would rather be the lowest and humblest slave in all the land, than to have the blood of murdered men upon my hands. If the constituents of the Senator from Massachusetts follow his direction, if they obey his counsels, murder, I repeat, is inevitable; and upon your hands, sir, ay, upon your hands, [addressing Mr. SUMNER,] must rest the blood of those murdered men. Are you prepared for that? Would your conscience sustain you in this? This forcible resistance is not only calculated to strike at the very foundation of our republican institutions by dissolving the Union, but to bring upon the head of the learned Senator from Massachusetts the blood of murdered men. He who counsels murder is himself a murderer! Does he think that any officer, who is charged with the execution of the law of the land, will not execute it? Does he not know that force will be met by force? Does he approve of the murders at Christiana? Would a repetition of that horrible tragedy gratify his taste?

The Senator from Massachusetts has denounced the slave-hunter as if he were a monster of most hideous mien! Who is the "slave-hunter?" A man who resides in one of the States of this Union, in the possession of certain property—property around which the guarantees of legislation have been thrown. That property escapes into a free State, and the owner pursues it. He goes, then, under the law of Congress, for the purpose of recovering that which is regarded as property; and the Senator counsels the good people of Massachusetts to regard that law as similar to the stamp act, and to resort to revolution in order to resist it! Does the Senator fully comprehend and properly appreciate the responsibility resting upon him?

Mr. SUMNER. Allow me to correct the Senator. I run a parallel between the slave act and the stamp act; and in doing that I showed historically how our fathers opposed the stamp act, and my language was precisely this; That they rallied the country in *peaceful phalanx against the execution of the act;* that, within the bounds of the law and the Constitution, to that object they dedicated the patriot energies of the land. Such was the language I employed, as near as I can recollect; and let me say, that not one word has fallen from my lips to-day, suggesting, in any way, a resort to force.

Mr. WELLER. Then I entirely misunderstood the character of his speech, and the whole tenor of his oration.

Mr. SUMNER. Most certainly you did.

Mr. WELLER. Then I must plead guilty to the humiliating charge of not being able to comprehend the English language. My friend from North Carolina [Mr. BADGER] read extracts from a speech of the Senator from Massachusetts, delivered before he came here, in which, while he seems to have said ironically, "I do not counsel you to resistance," uses language calculated to lead directly to the forcible resistance of the law. If that is not to be inferred from his speech to-day; if any other construction can be fairly placed upon it, then I am unable to understand the force of English words. If, as he affirms, this act of Congress is a violation of the law of God, of the Constitution of the United States, a "wicked, infamous, devilish law, abhorrent to every principle of religion and morality," then a forcible resistance would be justifiable. So that the Senator cannot escape from the conclusion.

But, Mr. President, I hold that it is not only your duty to throw around this institution of slavery all the guarantees which legislation demands, in accordance with the power given by the Constitution, but you are bound as good citizens to avoid all agitation of that question in the free States. You are bound to prevent as far as possible any state of feeling from being engendered calculated to prevent a just and fair execution of the law. You are under a solemn obligation as citizens of the Republic to abstain from pursuing any course in the free States which is calculated to defeat the recovery of the property which may escape from the owner. You do not legislate upon the subject, it is true. You pass no law in Massachusetts prohibiting the slave-owner from going there in pursuit of his property—and why? Because you know that the Supreme Court of the United States would declare that all that sort of legislation was unconstitutional and void. But you do more; you manufacture, by the sort of speeches we have heard here to-day, a state of public feeling which more effectually shuts out the slaveholder than any legislation you could adopt. Is that good faith amongst men and amongst States, all confederated together in one common Union? Does not common honesty require that we shall pursue that course toward each other which is

calculated to preserve the peace and quiet of the whole?

But, Mr. President, I do not intend to discuss this subject; I only rose to express briefly my opinions, and to give utterance to the feelings of my heart. Perhaps it was not necessary that I should have expressed them—certainly not with regard to those gentlemen with whom I have been associated in public life, and to whom I am personally known. My opinions upon the subject have been well understood by them. I avowed them in 1848, when I had the high satisfaction of being beaten for Governor in the State of Ohio. Upon the Western Reserve, the hot-bed of abolitionism—that section of my native State where the sentiments avowed by the Senator from Massachusetts will be appreciated—there I told his Abolition friends that if I were elected by two votes, and ascertained that two abolitionists had voted for me, I would resign the office and go home. You may infer from that, sir, what my sentiments have been toward the Abolitionists. And now, sir, let me say in *conclusion*, that I am content with the Constitution as it is. It has made us a great and prosperous nation—a happy and free people—contented at home, respected abroad. I desire to devote all the energies of my soul to its perpetuity; but I cannot see how it can be perpetuated except by securing to each State the undisturbed enjoyment of its constitutional rights.

Mr. CHASE. Mr. President, the Senator from Illinois [Mr. DOUGLAS] has made a very serious charge against all those who propose to vote for the amendment of the Senator from Massachusetts. He has charged us with infidelity—deliberate and purposed infidelity—to the Constitution we have sworn to support.

Sir, I repel the charge. I deny it in its letter, and in its spirit—in its whole breadth, and in all its detail. The argument which my friend from Massachusetts has addressed to us to-day, was not an assault upon the Constitution. It was a noble vindication of that great charter of government from the perversions of the advocates of the fugitive slave act.

Why, sir, what is the very first proposition which the advocates of that act are bound to maintain? Is it not this: that the power to enact it has been granted in the Constitution to Congress? And what has the Senator from Massachusetts asserted? That the fugitive servant clause of the Constitution is a clause of compact between the States, and confers no legislative power upon Congress. He has arrayed history and reason in support of this proposition; and I avow my conviction, now and here, that, logically and historically, his argument is impregnable—entirely impregnable.

Now, sir, before gentlemen undertake to charge us with treason, let them answer the argument of the Senator from Massachusetts. Until they do that, let them understand that the supporters of the fugitive law are quite as obnoxious to the charge as its opponents.

Something has been said in censure of the Senator for having spoken at all on this subject to-day. We are told that the session approaches its close, and that business presses. I do not undertake to interpret the Senator's motives; but I know, and you know, that, weeks ago, he asked the Senate to consider a resolution which he had laid upon your table that he might have an opportunity of submitting the views which he has now delivered with so much eloquence and power. Then, sir, we were not pressed with business. Then we adjourned over Saturdays. And yet the Senate, upon the yeas and nays, refused his request. During the three sessions I have occupied a seat in this Chamber, I never before knew the courtesy of a hearing refused to a Senator under similar circumstances.

The PRESIDENT. I think the honorable Senator is mistaken.

Mr. CHASE. The Chair corrects me. I only state my own recollection. If there is an instance of such refusal I should be glad to hear it named. Certainly, within the last few days, when the Senator from New York expressed a wish to be heard on the resolution relating to the fisheries, and some indisposition was manifested to the postponement of the debate for his convenience, more than one gentleman remarked, that, to give a Senator a hearing on a subject on which he deemed it his duty to address the Senate, was a courtesy never refused here.

Well, sir, when the Senator from Massachusetts was thus refused a hearing, what option was left to him? His sense of public duty and personal obligation required him to declare his views on the great subject he had discussed before the close of this session. You denied him a convenient opportunity. That denial compelled him to avail himself of an inconvenient opportunity. You refused an ordinary courtesy of the Senate; that refusal constrained him to avail himself of his right as a Senator. I rejoice that he has done so. The country will hear and judge. Let those who condemn the speech answer its logic and falsify its history if they can.

While I do not pretend to interpret the motives of the Senator, there is one consideration which, I can readily imagine, may have had no little weight with him. His speech will be received as an emphatic protest against the slavish doctrine of finality in legislation which two of the political conventions recently held have joined in forcing upon the country. It is a novel doctrine in this country that an act of Congress, not in itself a contract, is incapable of repeal or essential modification. It is utterly repugnant to the principles of the Democratic faith and to the spirit of the American people. No act of Congress, with the exception I just named, is irrepealable. No act of Congress is beyond the judgment and the reach of the people, who make Representatives, and Senators, and Presidents.

This attempt to exalt the fugitive slave act above the people will prove abortive. I do not know when the hour for its repeal will arrive; but you may rely upon it it will come. I believe, indeed, that the time is not very distant when the people of this country will become satisfied that Congress has no power to legislate on this subject; and, while recognizing and fulfilling in its whole extent every obligation which the Constitution really imposes, will sweep this law from the statute-book as an usurpation of undelegated power.

Let me add, Mr. President, that in my judgment the speech of my friend from Massachusetts will mark AN ERA in American history. It will distinguish the day when the advocates of that theory of governmental policy, constitutional construction, which he has so ably defended, and so brilliantly illustrated, no longer content to stand on the defensive in the contest with slavery, boldly attacked the very citadel of its power in that doctrine of finality, which two of the political parties of the country, through their national organizations, are endeavoring to establish as the impregnable defense of its usurpations.

Let me say further—and I will no longer trespass upon the indulgence of the Senate—that, in my judgment, the country will only find repose from the slavery agitation, when Congress shall cease to legislate on the subject of slavery.

Mr. DOWNS. All that we want now is peace.

Mr. CHASE. May you have it, and that speedily. But allow me to say that there can be no peace until the Congress of the United States, returning to the original policy of the founders of the Republic, and disclaiming all jurisdiction over the subject of slavery, shall maintain freedom wherever the national jurisdiction is exclusive, and leave the whole subject of slavery and the extradition of slaves, to the States, to be disposed of according to their own sense of justice, of good faith, and of sound policy. Then the question of slavery will be withdrawn from these halls, and will cease to vex our councils and embarrass our legislation. Then the Government of the Union, confining its regards to those great matters of foreign and domestic policy which the Constitution has confided to it, will cease to encroach upon the rights of the States and the liberties of individuals. Then we shall have peace. Then, indeed, agitation will subside, and harmony will be restored. I look for that time. I believe it will come, and I know of no object worthier of the best efforts of patriots, or to which I am more willing to devote mine, than that of hastening its coming.

Mr. RUSK. Mr. President, we have four days more of this session remaining. Six hours we have occupied to-day, and none of the appropriation bills are yet passed. Six hours of this day have been occupied by making speeches upon a subject that no man in the Senate will pretend to say will change a single vote upon the matter. The Senate of the United States, therefore, which is pressed with business of vast importance, and much of it of an important character I have in my desk, which must necessarily be unattended to in consequence of the pressure of time, has been used as a sort of stump from which to address the community on a very agitating question. I hope, and trust, and pray, that it may now cease, and that we may come to voting; for I do not believe, if we sit here for six months, and make these rhetorical flourishes, these appeals to ancient history, and these quotations of poetry and Latin, that they will operate upon a single Senator.

Mr. TOUCEY. Mr. President, I shall certainly not enter into a debate at this late period of the session, upon a subject which would require a very extended examination. As, however, I am called upon, for the first time, to record my vote with reference to the fugitive law, I will express, in a very few words, the position which I occupy.

Sir, the Constitution declares, in so many words, that a fugitive held to labor in one State escaping into another, "shall be delivered up." Another clause in the Constitution declares that Congress shall have power "to enact all laws which shall be necessary and proper for carrying into execution the foregoing powers," which had been enumerated, "and *all other powers* vested by this Constitution in the Government of the United States, or in any department or officer thereof." Now, sir, this provision in the Constitution, that fugitive slaves "shall be delivered up," is the supreme law of the land. No law can be made in any State of this Union in conflict with it, and all laws that are necessary to carry that provision into effect, may, by the express grant of the Constitution, be enacted by Congress. In pursuance, therefore, of the letter of the Constitution—of the most unequivocal provision of the Constitution—a law was passed in the year 1793, and that law, in every point now in controversy, has been adjudged by the Supreme Court of the United States to be constitutional and valid. The law of the last Congress contains no power that is not embraced in the law of 1793; and I feel justified in saying, in my place here, that the supreme judicial tribunal of this country would unanimously declare this law, as they have declared the former law, to be strictly constitutional. I profess to have some knowledge of the opinion of the legal profession throughout this country, and I venture to affirm that it is the universal opinion of that profession—I do not mean absolutely universal—but with scarcely an exception—without an exception worthy of note—that this law is constitutional, and in strict pursuance of the provision to which I have referred.

Now, sir, the idea has been put forth by the Senator from Massachusetts that there is a higher law than the Constitution; that a citizen may set up his own private judgment in opposition to the express letter of the Constitution—in opposition to the decisions of the Supreme Court, and declare a law to be unconstitutional and to be void; and he presses upon the people of this country, by argument, doctrines that lead inevitably to the resistance of the law—to direct, open, forcible resistance. Sir, I listened attentively to the speech of the honorable Senator from Massachusetts, and, if I was able to understand him, the principal object of that speech was to assail the existence of slavery in the States, and to denounce the requirement, that those who were held to service, and had fled to another State, should be delivered up under the provision of the Constitution. I say, that all the topics that are urged upon the country, tending to create dissatisfaction with this law, are based fundamentally upon the idea that slaves ought not to be returned, and that the Constitution ought in that respect to be altered, that the letter, the spirit, the meaning of the Constitution, and the Constitution itself should be repudiated. I therefore regard this whole agitation as an agitation against the Constitution.

Nothing will satisfy those who have expressed opposition to the fugitive law, but the repeal of the Constitution. And we know, that if they could carry out their measures, the result would inevitably be a dissolution of this Union, and a breaking up of this Government. Upon my

responsibility as a member of this Senate, I say that the people of the North are not prepared for any such step as this. I say that they are not prepared to enjoy all the benefits of the Constitution, and of the compromises of the Constitution, and yet refuse, on their part, to carry out in good faith a provision that was meant for the benefit of the southern portion of the country. No, sir; we know that we derive immense benefits; we know that the people of the North are benefited, perhaps beyond those of any other portion of the country, by the compromises of the Constitution. I will not go into them. I will not enter into a specification of those benefits; but I say, that while we enjoy them—while we have prospered and grown under them to our present opulence and power, we are not prepared to break our faith with the other States of the Confederacy. No, sir; we go—the people of the North go—for the faithful execution of the fugitive law; to carry out the provision of the Constitution in good faith, honestly, not evasively; not keeping the promise to the ear, and breaking it to the hope. The public sentiment at the North is for the honest, true, faithful execution of the Constitution, and the compacts of the Constitution. I think that there is no public opinion there, beyond a very limited number, that is opposed to the good faith of the Constitution and the execution of its provisions. I speak what I know; and the greater the discussion—the greater the agitation—the more universal that opinion will be.

If the doctrines broached by the Senator from Massachusetts be true, I do not see why he should stop at avoiding the execution of the fugitive law—a law of Congress carrying out one of the clearest and plainest provisions of the Constitution. The very reasons upon which that opposition is founded would justify taking up arms, invading the South, and setting their slaves at liberty. Are they prepared for that? Sir, I say, as I have said before, that the popular sentiment of the North is right on this subject. I do not mean in every locality. I do not mean every individual; but I say that the sound public sentiment of the North upon this subject is right, with the exception of a very limited class.

I did not intend to say as much as I have said, nor indeed, to say anything on this subject; but I could not give a vote on a measure of this kind without stating the position which I occupied in relation to it. And without stating my entire approbation of the law of Congress, of the compromises of the last Congress, and the importance of carrying them out in good faith, I am happy to say that the country will do it. I am happy to say, that the time has gone by when any substantial evil can be done by opposition to these compromises—the compromises of the Constitution, or of the last Congress.

I had hoped that the agitation here had ceased; that the subject would not be introduced again. No one supposes that by the introduction of it any legislation will be effected. It is introduced here for other purposes, and the principal purpose which lies at the foundation of every objection, is that which I have already stated. It is, that this plain and explicit provision of the Constitution should not be carried out; but that object is one which will never be accomplished while this Government shall continue to exist.

Mr. SUMNER. The Senator will allow me to ask him a question. If I understand him rightly, he said that this subject was introduced by me. I deprecate no criticism on this account, but I would ask him if it was not primarily introduced by the Committee on Finance of this body, in its amendment to this bill?

Mr. TOUCEY. I answer the honorable Senator from Massachusetts, with all courtesy, No, sir, it was not.

Mr. BRADBURY. Will the honorable Senator from Connecticut allow me to ask the honorable Senator from Massachusetts a question?

Mr. TOUCEY. Yes, sir.

Mr. BRADBURY. I would ask the Senator from Massachusetts, as he proposed that Congress should repeal the law for the return of fugitive slaves, and therefore for carrying out the provision of the Constitution, whether he believes the State which he so ably represents would pass a law which should effectually return the fugitive slave according to the Constitution? Would the honorable Senator aid in the passage of such a law?

Mr. SUMNER. I leave Massachusetts to answer that question. At the proper moment she will be heard.

Mr. TOUCEY. I will answer the interrogatory put to me by the Senator from Massachusetts. The amendment of the Committee on Finance provides merely for the payment of the legal expenses incurred in the execution of the laws. But the Senator from Massachusetts has moved an amendment proposing to repeal a law that is not involved in the question of these expenses. He has denounced the validity of that law, and has gone into an argument to prove that slavery ought to be abolished; and the whole foundation of his argument is not so much that the law itself ought to be repealed for any intrinsic reasons as that the object of the Constitution, in his judgment, ought not to be carried out. And he has gone into the subject not, I apprehend, under the expectation that any legislation would take place, but for purposes other than that. What those purposes are, I need not mention.

I said, sir, that I had hoped that this subject would not be introduced here. I think I can say, with truth, that the people of this country desire a cessation of this agitation. The people rejoice that this topic has been disposed of. And the introduction of it here again, I regard as a great public calamity. But, sir, I do not intend to go into the subject. I shall vote, of course, as every Senator knows, against the amendment of the honorable Senator from Massachusetts, for the reasons I have stated.

Mr. BRADBURY. Mr. President, I believe that while we live under the Constitution and enjoy the benefits of its provisions, we should live up to its requirements. One of these requirements is, that "no person held to service or labor in one 'State, under the laws thereof, escaping into an-'other, shall, in consequence of any law or reg-'ulation therein, be discharged from such service 'or labor, *but shall be delivered up* on claim of the 'party to whom such service or labor may be 'due." Some law is necessary to carry out this provision. Such law must be enacted either by Congress or the States.

The Supreme Court of the United States has decided that the duty devolves on Congress. The honorable Senator from Massachusetts denies the power of Congress to pass any law for this purpose, and contends it should be left to the States alone. I asked the honorable Senator whether he believed that the State which he represents would enact any law that would fully and effectually carry out this provision for the rendition of fugitives, and whether he would aid in the passage of such a law. The honorable Senator replied, "Massachusetts must answer for herself." He had not the confidence in her action to say that his State would pass any such law. The honorable Senator assuredly ought to know what is the sentiment of the State which he represents. He feels no confidence; it comes then to this: that if we adopt his theory, denying the power of Congress, and repudiating the decisions of the Supreme Court, if we repeal the existing law and leave it to States which refuse to act, the *practical effect* is, to nullify an express stipulation of the Constitution itself. There can be no other conclusion. We leave that to be done by States which they will not do, wherever the Senator's sentiments prevail. Let us come, then, to the *substance* and *effect* of the honorable Senator's proposition. It is to render an express stipulation of the Constitution nugatory. The true question, then, is, whether we will repudiate and abandon the Constitution and the Union, with all its countless blessings, or stand up to the requirements of the compact upon which our Government rests.

I repeat again, sir, that while I live under the Constitution, I will live up to its requirements.

Mr. JAMES. Mr. President, all legislative enactments, except those which embody within themselves special provisions for their own limitation, are of course open to future action, either in the way of modification or repeal, by the same power which gave them being. But there are many acts, however, which, either to repeal or to modify, would be palpably unjust; and which cases, legislative action to that effect would stand directly opposed to moral right. To repeal or modify a law under such circumstances, would be an act equally arbitrary and unjust as to violate a solemn contract. In this same light, I should look on the repeal or modification of those acts usually denominated the compromise acts, including the law for the rendition of fugitive slaves. These acts were passed as acts of concession and conciliation, at a period when agitation and excitement had shaken the Union to its very center, and threatened to burst asunder the bands that bind together these States in their Federal compact. These acts, the fruits of mutual concessions between the North and the South, were framed and passed in good faith, to settle the policy of the Government in respect to the matters to which they refer; to produce public tranquillity; to relieve the fears and apprehensions of the people; to protect what our Constitution and laws recognize as property, in the hands of its legal owners, and to preserve inviolate the Union of the States.

All friends of the Union; all citizens interested in the settlement of the questions which then agitated the country to such an alarming extent—and they constituted then, as they do now, a vast majority of our citizens—had then the right, and they have it now, to consider those questions settled by the compromise, and settled forever, or at least until those most deeply interested might consider those laws no longer necessary, and mutually and voluntarily assent to their repeal. Unless such was the intention of these laws, they were deceptive, and the act of passing them hypocritical. But if enacted, as I verily believe, in good faith, with a view to the future, and as a radical cure for the evil to which they were applied, the friends of the Union, in every section of our widely-extended country, have the right to demand their perpetuity and faithful execution, without repeal, and without modification by the Government.

But it is the act for the rendition of fugitive slaves that constitutes the subject of agitation. It is this that disorganizers, and advocates of the higher law, have fixed upon as the special object of settled hostility; and it is this law they have determined by all means, fair or foul, to resist, and finally to overthrow, in violation of constitutional obligations, and the indisputable constitutional rights of the South. Sir, when a body of men discard the Constitution of our country, and trample it under their feet, because it does not happen in certain provisions to square with their notions—when men, warned beforehand, still bend all their energies to produce a state of things which must, should they succeed, end in anarchy and civil war—when fanatics trample the sacred Scriptures in the dust, because those Scriptures do not inculcate the one idea of fanaticism, and denounce and anathematize all the world calls good and holy,—I say, sir, when men so far forget themselves, and their obligations to their country and their God, as to commit such acts, it is but of little use to attempt to argue with them. I therefore speak only for myself, to this honorable body, and through this to my fellow-citizens, who recognize their obligations as men and as citizens to the Constitution and the laws—to God and their country.

I consider the Constitution of the United States as my political oracle, and deem that it should be so considered by every American citizen. There may be provisions in that time-honored instrument which might be modified with advantage, and possibly dispensed with altogether. But it is the palladium of our rights—framed by as wise and patriotic body of men as ever adorned this or any other country, and the fruits of long and mature deliberation, in the midst of numerous conflicting interests, it embodies all that is necessary for our rule of government, and to provide for the prosperity and happiness of our country. This same Constitution was deliberately and solemnly adopted by the States, though with hesitancy and fears by some of them, and even to this day is venerated and sustained by the people. It has disappointed the fears of its early opponents, and more than realized the sanguine expectations of its friends. This Constitution confers on Congress certain powers. These powers are defined and limited. These powers Congress cannot

transcend. The people of the States have reserved to themselves certain powers and certain rights, limited and defined only by will, so long as they interfere not with the powers vested in Congress. By these reserved powers, in accordance with these reserved rights, certain States recognize property in slaves. The Constitution guaranties protection to this property, under certain circumstances, and this guarantee the Congress of the United States, by virtue of its constitutional obligations, is bound to execute. This is one of the conditions of our political compact; and, sir, much as I love the Union, I hold that no State is bound by it, or can be bound by it, politically or morally, longer than the constitutional guarantee for the protection of life and property shall be continued and faithfully carried out. And, sir, what is the fugitive slave law, but a law to execute this guarantee?

People may honestly differ even in regard to questions of morality. We are so variously constituted, and reared under such a great variety of circumstances, that we cannot all look at things through the same medium. I may think that property in slaves cannot exist on the ground of moral principle. My friend from a slave State, himself a slave-owner, may think differently. Well, if it be an offense against morality to own slaves, the sin is his, not mine. It need not disturb my conscience. The slavery of the South, if even an unpardonable sin, is not to be answered and atoned for by the people of the North. They have nothing to do with it. Slavery is an institution of the States themselves; and we make ourselves just as ridiculous by decrying those States, and attempting to drive them out of the Union, on account of slavery, as we should in refusing to consummate a treaty with some foreign nation, because that nation held slaves or bowed in devotion to a heathen god.

I feel free to say that I regret that slavery was ever introduced into any of the States of this Union; and were the question now for its introduction into the United States, no one could more heartily oppose it than I would. I would move heaven and earth to save us from the mighty evil. I would invoke Heaven with all the earnestness and zeal of a parent pleading for his first born, to avert from my country a curse so heavy. But, sir, it is not so. The evil is among us; the curse rests upon us; and I see no way to remove it, without the creation of an evil greater, a curse more heavy—the ruin of the master and the destruction of the slave.

But, sir, the fugitive law—the law for the rendition of fugitive slaves to their owners—is now the great bone of contention. And certain people seem horrified at the idea that they or anybody else should be required to aid in the execution of this law, and not be saved harmless for its violation. Does this law violate any of my personal rights as a citizen? Does it violate any of the personal rights of any citizen of a free State? Certainly not, except it be a personal right to resist the execution of any law we may not happen to like. That incalculable mischief, and even the destruction of everything in the form of government, would result from such a state of things, requires but few words to show.

Take the rule laid down by the opponents of this law, and make an universal application of it, and see what would be the results. The rule has been denominated the "higher law," in other words, the moral law; or, in the words of the New Testament, "As ye would that men should do unto you, do ye even so unto them." Sir, I give in to no man, in my veneration for, and attachment to, this sublime rule of right, the true concentration of all moral ethics; but I do not believe in having it strained, and twisted, and warped, to prove a favorite theory, while we leave it untouched and unused in other cases, and particularly in cases to which it is legitimately applicable. The application of this law is, as I understand it, that if I were in the condition of the fugitive slave, my wish would be that some one would aid me, and thus evade the law; that hence, it becomes my duty to do so, because I should do unto him as I should wish him to do unto me. Now, I hold that, to carry this higher law out in this manner, it would be absolutely impossible ever to inflict legal punishment for crime, even on the most atrocious wretch.

Imagine the thief, the robber, the murderer, arraigned before the judicial tribunal. The evidence is direct and positive. Not a doubt of guilt can possibly exist in the mind of any one. But, before conviction, the culprit or his counsel appeals to the court and jury under the "higher law"—the divine law—"As ye would that men should do unto you, do ye even so unto them." Think you, sir, there would be a man on the bench or in the jury-box who would not, if in the place of the criminal, wish the judge and jury to acquit him? And if the views of the higher-law advocates be correct, why not? A great many people in this country are, in principle, opposed to the punishment of any crime by death; but still such punishment is inflicted by law in most of the States. Would it not be quite as right, quite as much an act of humanity, and quite as much in accordance with the higher law, according to the conscientious views of such persons, to rescue a fellow-being from the gallows, as to rescue a slave from bondage? Why, then, should they not do it under the same rule? But, sir, this law, the higher law, was never designed for any such purpose. Its object was to regulate intercourse between man and man. The spirit that dictated to the servant to be subject to his master, could never have enjoined it on others to aid his escape. The same spirit that commanded obedience to the civil magistrate, and those in authority, would never have enjoined it on men to resist the laws.

I know, sir, that the general plea in behalf of this agitation against the fugitive slave law, and for its final repeal, is philanthropy—the professed desire to ameliorate the condition of suffering humanity; but I confess, for one, it is beyond the ken of my mental vision, to discover how the cause of philanthropy and humanity is to be promoted by a process tending to produce anarchy, strife, and, perhaps, civil war and bloodshed, for the sake of aiding the escape of a few fugitives from bondage, and especially when, nine times out of ten, the condition of those fugitives, instead of being improved, is absolutely made worse. My own views of philanthropy and humanity lead me to the conclusion that, of two evils, we should choose the least; and I certainly form no just estimate of the enormous difference between the evils resulting from the return of a few fugitive slaves to their owners, and those to result to the entire people of the United States, from a course likely to annihilate the glorious fabric of the American Union. And there is still another view of this subject: I shall be borne out in the statement by every resident in a slave State, and by every man from the free States personally conversant with the subject, that, in proportion as the agitators have pushed their movements ahead, the privileges of the slaves have been curtailed; and that for all the fancied benefits secured to the few hundreds of fugitives who have escaped beyond recall, the millions remaining are made to suffer tenfold disadvantages. Whether such a result, in itself be right or wrong, matters not in the argument; the slave-owner has felt himself compelled to act on the defensive, to protect himself and his property. Admitting, then, that the hundreds of fugitives may be benefited by their change; the aid rendered them in the free States, and the settled determination to pursue that course, has indirectly inflicted a tenfold injury on the remaining millions. On which side, then, is philanthropy? I contend, then, that, even for the sake of the great body of the slaves themselves, this law ought to continue in full force, and to be rigidly executed.

I should have more charity for those who agitate for the repeal of the fugitive law, were they at all consistent. They claim, as their rule of action, the higher law: "As ye would that men should do unto you, do ye even so unto them." This law, as regards fugitive slaves, is interpreted according to its most possible extensive meaning. Thus: as you would a man to do all in his power, even to the violation of law and the rights of property, to rescue you from bondage, so you should do by others. It does most assuredly smack a little of inconsistency, to say the least of it, for a man to give this wide and extensive meaning to the higher law, in this solitary case, and, in every other conceivable case, in which his own personal interest is brought into it, to narrow its meaning down so as to make it comport with that interest. When the fulfillment of this law to the extent higher-law men give it, is to cost them nothing, and is to create personal notoriety or political capital, nothing can exceed their show of philanthropy; but bring them down to common transactions of life, and to the affairs of the community of which they are members, where the fulfillment of the higher law, according to their interpretation, will cost money, or involve hazard, and you hear no more of it. Oh! no; that alters the case. It is no longer my bull that gored your ox, but your bull that gored my ox.

Mr. BRIGHT. This is a very interesting, and to some of us, delicate question. I should like very much, before the vote is taken, to see the Senate full. An unusual number of Senators from the free States, on the other side of the Chamber, are not in their seats. If they have left for the purpose of avoiding a vote on the amendment of the Senator from Massachusetts, it is proper that fact should be known.

Mr. President, I did not vote for the fugitive slave law on the question of its final passage, for the reason that I was not in my place at the time the vote was taken. I was *accidentally* absent. Had I been here it is well understood I would have voted for it. I was honored with a place on the Committee of Thirteen, which framed and reported the compromise measures. I supported those measures, each and every one of them, separately and collectively, in committee and before the Senate, from the beginning to the end of that controversy, as is well known to the members of that committee and the Senate; and an explanation on this point is only made necessary now from the fact that a failure to vote on that bill has given to some fault-finders and demagogues, who are *interested* in misrepresenting all that I say and do here, an opportunity of exciting some prejudice against me, where my opinions and course are not generally known. This being the first opportunity I have had of making an explanation upon a legislative proposition, to which these remarks would be germane, I know the Senate will excuse this seeming departure from the rules of debate. I do not propose now to enter upon an examination of the reasons that existed then, and still exist, for the passage and maintenance of the law proposed to be repealed by the amendment of the honorable Senator from Massachusetts. Nothing I could say would alter his, or the opinions of those fanatics who think and act with him. They are joined to their idols, and have their own peculiar reasons for desiring to continue the agitation of this question. If I felt that it was incumbent on me to find a justification for my support of the "fugitive slave law," I would, as the Senator from Illinois has just done, point to the Constitution which forms this Confederacy, and say that, having taken an oath to support it, so long as I remain a law-maker under it, I shall ever hold myself ready and willing to aid in the enactment of all laws having for their object the aid necessary to carry into effect every one of its requirements.

It is unnecessary for me to say that I regard the law proposed to be repealed as necessary to carry out that clause of the Constitution which provides that "no person held to service or labor in one 'State, escaping into another, shall, in consequence 'of any law or regulation therein, be discharged 'from such service or labor, but shall be delivered 'up on claim of the party to whom such service 'or labor may be due." But the Constitution forms no guide for those who advocate the "higher law," and it is rather a waste of time to call their attention to it and seek to enforce its mandates, so far as they are concerned.

While upon the floor, I must be indulged with one other remark in connection with this important subject—and that is, as to the difference of position of the two great parties in the free States on the subject of domestic slavery. It is a fact not to be concealed, that the great body of the Democratic party of this country are sound on this question. It is an entire mistake to suppose that any considerable portion of that party of the free States are hostile to southern institutions. Many of them, doubtless, regard slavery as an evil; but the remedy for that evil they claim no right to prescribe or administer; on the contrary, with one voice, they unite in urging the represent-

atives of their opinions in Congress to carry out the requirements of the Constitution in good faith. I wish, sir, I could say as much in behalf of the Whig party of this country. If this remark were true of them there would not be enough "higher-law" men to be found to make mile stones of, and we would have peace and quietude here in Congress, instead of the unsound demoralizing doctrine heard to-day from the Senator from Massachusetts.

If my remarks, in reference to the comparative soundness of the two parties, need confirmation, it may be found in the character and position of the candidates they have chosen to fill the highest executive offices known to the Constitution. Had General Pierce and yourself, sir, occupied a doubtful or an equivocal position on the compromise question, neither of you would have been nominated. The known devotion of each of you to this series of measures, before as well as since their passage, contributed, in no small degree, to place you forward as the standard-bearers of the Democracy. Can any Senator, on the other side of the Chamber, say thus much for the Whig party, and for their candidates, particularly General Scott? I doubt it. It is well known that his equivocal position—claimed as he has been on both sides of this question—gave him the strength *North* that resulted in his nomination; and his peculiar friends and advisers, at least those who are thus understood on this floor are not now in their places—I allude more particularly to the Senator from New York—which is rather a significant fact. Sir, the only way to silence fanaticism, put down agitation and agitators, is, for the sound men of all parties to refuse countenance and support to those who will either directly or by implication lend themselves to the unholy purposes of those disturbers of the public peace.

Sir, I am against the amendment of the Senator from Massachusetts. I am against any and all propositions intended to disturb what are known as the "compromise measures." I am against that class of politicians who cry repeal, and set up the "higher law" as their rule of action, for I have no confidence in their political sincerity. And, sir, in uttering these opinions, it is proper I should say, and I am proud to have it in my power to say, that they are supported by at least nine tenths of the voters of Indiana. With me, the voters of Indiana unite in opposing and repudiating Disunionists South and Abolitionists North; and when gentlemen here undertake to describe the general discontent prevailing against the "compromise measures," the fugitive slave law included, I will exempt the State I represent.

Mr. COOPER. Mr. President, I should not have said a word on this subject, if it had not been for the remarks just made by the Senator from Indiana. I had a disposition and wish to make a few remarks, but I should have foregone that wish if those remarks had not been made. I am not one of those who find fault with the Senator from Massachusetts for occupying the time of the Senate to-day. It was his right to do it, and I am glad that he has exercised that right, because at last we have fully, broadly, and fairly presented to the country the designs and intentions of the party which he represents. Hitherto, bold as the gentlemen who profess to represent that party upon this floor have been, they have not come out with the fullness and frankness of the Senator from Massachusetts. I say I thank him for this full and fair exposition of his views, and of the intentions of those of whom he is a leader. In Pennsylvania, that portion of our citizens who have acted in some sort with the party to which that Senator belongs, have believed that the war which was made was a war within the Constitution. When they are made to understand that it is a war upon the Constitution, I tell you that they will be no longer found fighting under that banner; but they will array themselves, as hitherto, on one side or the other—in the ranks of the Whigs, or in the ranks of the Democrats. If the wish of the Senator from Indiana had really been as his words purport, he would not have attempted to introduce party politics into this question. I am never in the habit of referring invidiously to the conduct of parties, as you will all bear me witness, and as my friends, Whigs and Democrats, will bear me witness at home; but when the Senator undertakes to say that the candidates of one party were selected with special reference to the soundness of their views upon constitutional questions, and attempts to induce the belief that the candidates on the other side are not equally sound, he does that which the history of the candidates on the Whig side does not warrant him in saying. I will say, that the candidate of the Whig party for the Presidency is as sound upon all constitutional subjects as any man in the land. Who can believe that he who has borne the flag of his country aloft for forty years—who has slept under its folds—under the folds of "the flag of the Union,"—could be untrue to that flag, and untrue to that Union? Sir, nobody believes it. That gentleman, too, from his associations—for I have no doubt he has associations, and if he has not, he knows the antecedents of that distinguished man who is the Whig candidate well enough to know that he will faithfully carry out all the provisions of the Constitution, with as much fidelity as the candidate of his party.

Mr. CLEMENS. Will the Senator allow me to ask him a question?

The PRESIDENT. The Chair should probably have interfered with the Senator from Indiana——

Mr. COOPER. I was about to say——

The PRESIDENT. The Chair is very unwilling that the discussion should take such a wide range.

Mr. CLEMENS. I merely wish to ask a question. I know the Senator from Pennsylvania has been sound, and has been true upon all these questions. I want him to tell me and the Senate whether he was a Scott man? and if he was not, why he was not?

The PRESIDENT. The question is not one of that nature. The Chair trusts that this discussion will not proceed further. He has been unwilling to arrest the Senator from Pennsylvania, inasmuch as he improperly indulged the Senator from Indiana.

Mr. COOPER. I was not, it is true, a Scott man before the meeting of the Whig Convention; but let me tell the Senator that whilst I did give my preference to another, I, all the time, on all occasions, professed a knowledge of the views of General Scott upon that subject, and stated to everybody that they were sound. Yes, sir, the Senators from North Carolina [Mr. MANGUM and Mr. BADGER] and the Senator from Maryland knew it.

One word now in relation to the compromise measures. I have been in favor of them, and most of my constituents of both parties are in favor of them; and they will stand by them. I did not vote for the fugitive slave law; it was not because I disapproved the principle of it, as my friend from Michigan [Mr. CASS] can bear testimony. We discoursed about it; and I would have voted for it, if it had had a provision in it which we both desired, although I did not like some of its provisions, because I believe that there could have been others introduced which would have been made more effectual. But I shall vote against the amendment of the Senator from Massachusetts, and I shall vote for the proposition of the Committee on Finance. My constituents will stand by me in all that I do, and instead of reproving me, as they might once have been disposed to do, when they find that the war is made upon the sacred instrument which they regard as the charter of their liberties, they will applaud me.

Mr. CLEMENS. I have only a word to say, and it is in reference to a statement which the Senator has made, that he did not vote for the fugitive slave law. He said that he conferred with the Senator from Michigan, and it is very possible that he conferred with me. I do not know that he did, but I think it possible, for we were in the habit of having free interchange of opinion about that time. I desire the country to know the facts in relation to the matter. The Senator from Pennsylvania and the Senator from Michigan, as I understood, were both desirous that there should be a provision in the fugitive slave bill that the slave should have the right of trial by jury in the State from which he had escaped.

Mr. COOPER. Yes, sir.

Mr. CLEMENS. Well, a majority of southern men and a portion of northern men voted against that provision. Very possibly I did myself; I am not altogether certain, but I rather think I did vote against it; but it was upon the ground that they had that right already—that there was not a State in the southern portion of the Union which did not give them that right already, and that it was unnecessary to attach it to that bill. I desire the country to know that that was the reason why several of our Democratic friends did not vote for the fugitive slave law. We of the South voted against that provision because we had it already. They said to us that that fact should be known at the North, and that it would not be known unless it was attached to that bill.

Mr. CASS. Mr. President, I think the time has come when, without any imputation upon me, I can tell all about the fugitive slave law. Nobody will charge me now with any ulterior object one way or the other. But I will tell the whole story. As to my feelings and efforts during the pendency of the compromise measures—the anxiety that I manifested, the exertions that I made, and the motives which influenced me, I need not say one word to the Senate. They all know them. I need not say to the Senate that there was no man more anxious than I was for a settlement of this question—no man who believed that the country was more in peril. And now I am not among those wise men who, when the danger is over, say they believe there was none. I believe that there was danger. I thought so then. To speak in ordinary language, I was almost frightened to death. That is the plain truth; and when an honorable Senator from Mississippi, not now here, a very high-minded and honorable man, said to me, would you do so and so to save the Union, proposing some extreme measure; I told him I would go almost any length—do almost anything in the world to save the Union. I would have voted for twenty fugitive slave laws, if I had believed the safety of the Union depended upon my doing so. I will state the fact, that the reason why I did not tell it sooner was, that I did not think my own self-respect would justify me in doing so. My friends knew all about it, and if I had told it publicly, I should have been charged with bidding for public favor. I despise such a motive. No such thing can now be ascribed to me, and therefore I will tell the whole story.

When we came here at the commencement of the last long session of Congress, no man was more urgent than I was to have an efficient fugitive slave law passed. I believe I was one of the earliest who mentioned the subject in the Senate. I said that all other business should be laid aside for that—that it was the great and crying evil of the South, which the northern and middle States of the Union should remedy. On one occasion, early in the session, the Senator from Indiana not now in his seat, [Mr. WHITCOMB,] and myself had a conversation on the subject; and we went to General Foote and requested him to see the southern Senators and tell them from us that at any moment they indicated, we should be willing and glad to take up their bill, and put through a stringent fugitive slave law. There has been some difficulty about the statement of that fact. General Foote reported to us that the southern gentlemen would not agree to it. That is all I have to say about it. I have no further voucher to that fact here now than the honorable Senator from Pennsylvania, who knows all about it as well as I do.

So things went on till about the middle of the session. I then inquired in a speech how far we ought to go; and I said we ought to give the South a very stringent law. I said expressly that I would not allow a writ of *habeas corpus* to stay proceedings; and would not allow a trial by jury in the place where the fugitive slave was arrested.

When the Committee of Thirteen on the compromise measures began their labors, as gentlemen here know, there was a proposition made for a stringent fugitive slave law. One was reported by that committee which seemed to be acceptable to a great majority of the people; and it contained the main features of the law as it now is, with a provision that if, when a fugitive slave was taken, he should assert that he was not a slave, the commissioner, after he made his decision in favor of the master, should repeat the question to the fugitive, "Do you persist in denying that you are a

slave?" and if he said that he was not a slave, the provision was that the master or his agent should give bond in $1,000, without security, that within a given period after the return, that slave should be entitled to a trial by jury in the county from which he had escaped. Now, I never could conceive, and mortal man never could explain to me, why that should not have been put into the bill.

Mr. CLEMENS. It was the law already in nearly if not all the southern States.

Mr. CASS. Then why in the name of all that is just and proper was it not put in that bill? It was said by a southern gentleman that there was such a provision in their State laws. Then why was it not put into that bill? Of course we could not interfere with State laws. We only proposed to require them to give the fugitive the benefit of the State laws. That was the sole and simple provision. Mr. President, you know it, and every gentleman of the Senate knows it. If that provision had been inserted in the bill as it finally passed, it would have taken away a great many of the objections to the law. Mr. Clay was in favor of it, and a number of southern gentlemen in committee were in favor of it. General Foote was in favor of it, and a number of others were for it. I said in the outset, if you put that provision in, I will agree to almost anything else you may put in the bill; but if you do not, I will not vote for it. That is what I said in the beginning, in the middle, and in the end, and what I say now. I would not yield the point. That was the whole fact about it. When we were prepared to give the South as stringent a law as the Constitution demanded, why should they suffer such a mere appearance as that, if you may so call it, to be sacrificed unnecessarily, particularly when it was known that if that provision had been inserted it would have removed a great deal of difficulty in the northern mind, to which the bill, as it passed, has given rise? That was the state of the case.

I believe there is hardly a feature in the bill for which, individually, I did not vote from beginning to end. My votes are recorded on the yeas and nays. But I did not vote for the bill on its final passage, for the simple reason that I would not yield that point.

Sir, the fugitive slave law is now in force. It shall never be touched, or altered, or shaken, or repealed by any vote of mine. That is the plain English of it. I consider that it is one of the sacred compromises of the Constitution; and I may almost say that it is the only part the South got in the settlement of these questions. There are considerations connected with this question which may be discussed at some time, but they should not be discussed now. I simply intended to confine myself to the reason why I did not vote for the fugitive slave law as it passed.

Mr. BRODHEAD. Mr. President, I think I can say with truth, that since I have been a member of this body I have endeavored to make myself more useful as a working-man than conspicuous in the way of speech-making; but the remarks which were made a few minutes ago, by my colleague, call for a word of reply from me.

Sir, my colleague and friend is not the leader of the Scott party in Pennsylvania. He justly deserves to be the leader of the Whig party, but he is not the leader of the Scott Whig party of the present day in Pennsylvania.

Mr. MANGUM. Is it in order to go into a Presidential discussion on this question?

The PRESIDENT. The Chair has already stated that he did not interrupt the first Senator from Pennsylvania [Mr. COOPER] in consequence of the remarks which fell from the Senator from Indiana; but the Chair hopes that Senators will see the propriety of not entering into any discussion with regard to the presidential canvass or the presidential election.

Mr. BRODHEAD. I supposed it was not strictly in order, but the remark of my colleague seemed to require some notice on my part. He spoke of the position of the Whig candidate on this subject in Pennsylvania. I want to speak on the same subject.

Several SENATORS. Go on.

Mr. MANGUM. Are we to understand that there is to be a general discussion on presidential questions now?

The PRESIDENT. According to the rules, such a discussion is not in order.

Mr. HUNTER. I hope the Chair will enforce the rules, or we shall never get through with the appropriation bills.

The PRESIDENT. The Chair will enforce the rules.

Mr. COOPER. To relieve my friend and colleague, I will state at once that I have never stated nor insinuated that the candidate of the opposing party was not perfectly sound on this subject.

Mr. BRODHEAD. But the purpose of the remarks which I want to make is to show that the Whig party of Pennsylvania, with Governor Johnston at its head, is unsound.

The PRESIDENT. The Chair cannot suffer discussion to go on on this subject. The question is on the amendment of the Senator from Massachusetts to the amendment of the Committee on Finance.

Mr. BUTLER. I might, according to the example which has been set us, go into the whole history of this fugitive slave law, but I am willing that the truth of history shall come out in almost any other way than in explanations here. I may say in relation to these matters, that *magna pars fui*—I was one of those consulted—but by way of setting a good example, I will forego telling the truth, and take my seat. [Laughter.]

Mr. DOUGLAS. I shall not reopen this discussion. I have only one word to say upon this point of courtesy, that we have heard so much about, in respect to refusing the Senator from Massachusetts an opportunity to make his speech some time ago. He has complained of it to-day as an unexampled act of discourtesy, and the Senator from Ohio has referred to it as a discourtesy which he had never known to be practiced before. I have had various newspapers sent to me, from Massachusetts and other parts of the country, in which I among others am personally abused for that alleged act of discourtesy. The facts are these: There had been pending before the Senate a bill to protect the emigrant route to the Pacific. That bill had been recommitted, and I, as chairman of the Committee on Territories, had reported a substitute for it, providing for a railroad to the Pacific. That bill had been made the special order for a particular day. I was in New York the day previous to the day on which it was to be taken up and discussed. I had the floor for that day; and I rode all night in the cars from New York to be here to occupy the floor on the day that I was entitled to it by the vote of the Senate and by the understanding at the time. On that morning the Senator from Massachusetts came into the Senate Chamber and demanded the floor, on the slavery question, to my exclusion. I certainly voted against allowing him to occupy the floor when I was entitled to it. He wanted it for a political speech; I wanted it for the practical business of the Senate. The Senate voted him down, and then voted me down, and went on with another bill which was pending; but I did not regard the act as one of discourtesy to me, because I was voted down in order that the Senate might go on with a measure which seemed to them to be of more pressing importance. But the Senator from Massachusetts was the last man who was entitled to the floor on that day according to the usage or courtesy of this body.

Mr. PRATT. I regret that the honorable Senator from Pennsylvania [Mr. BRODHEAD] was not permitted to make the remarks which he intended to make. He had, however, gone just as far as he could have gone, by making this assertion, which goes to the country, that he was prepared to prove that the Whig party were not sound upon this subject.

The PRESIDENT. The Chair will have to interfere with the honorable Senator.

Mr. PRATT. I do not intend to make any remark which will elicit debate. I merely wish to reply to the Senator from Pennsylvania.

Mr. BRODHEAD. I spoke of the Whig party in Pennsylvania.

Mr. PRATT. Now, sir, I say there is not a Whig in Pennsylvania who is not sound on the subject. I say that the man who is not sound, is neither a Whig nor a Democrat. [Laughter.]

The PRESIDENT. The Chair will be under the necessity——

Mr. PRATT. I must be permitted to proceed. Everybody else has been.

The PRESIDENT. The Chair interfered with the Senator from Pennsylvania, [Mr. BRODHEAD.]

Mr. PRATT. I say that both the great parties of this country have put before the country a platform, upon which the candidates of those parties stand, and upon which, as men of honor, they are pledged to stand. A man, therefore, who is not sound on this subject, whether in Pennsylvania or anywhere, is not a Whig nor a Democrat.

Mr. MASON. Mr. President, I do not mean at all to enter into a discussion as to the repeal of the fugitive slave law. I intend only to advert to what fell from the Senator from Michigan, and the Senator from Alabama, lest by possibility hereafter there might be some doubt or misconstruction about it. The Senator from Michigan has declared that he refused to vote for the fugitive slave law, because it did not contain a provision which had been reported by the Committee of Thirteen, providing that the claimant of a fugitive from labor should be required to give bond that he would allow the fugitive to have a jury trial in the State to which he was returned.

Mr. CASS. A bond without security.

Mr. MASON. Yes, sir, a bond without security. Now, the history of that matter was this: It was an amendment offered in the Committee of Thirteen by a Senator from Massachusetts, not now a member of this body, (Mr. Webster.) That is my impression.

Mr. CASS. The gentleman is mistaken. My colleague wrote it out for me.

Mr. MANGUM. I think the Senator from Michigan presented it.

Mr. MASON. That may be so. I was not present in the committee when it was offered, but I was under the impression that it had been offered by the Senator from Massachusetts, (Mr. Webster,) but that is immaterial. It was reported by that committee to the Senate. The Senator from Alabama is perfectly right as far as he has gone. It was objected on the part of southern men that it was unnecessary to make that provision in the law, because in all the southern States the fugitive could have that right without this provision being in the law; but the true objection—certainly that which governed me, was this: The Constitution says that the fugitive "shall be delivered up on claim"—that he shall be delivered up without any condition whatsoever; and I believed that if the law required the master to give a bond without security, it was yielding to the jurisdiction of Congress that which would thereafter prove fatal, because if Congress had a right to exact that bond it might be argued that it had an equal right to exact a bond with security. It was that reason which operated with me in resisting that amendment.

Mr. CLEMENS. I spoke only of the objection made here in the Senate Chamber. There is no man who knows better than does the Senator from Virginia, the Senator from Louisiana, [Mr. DOWNS,] or myself, the objections made by southern men outside. I did not allude to them. I only spoke of those made in the Senate. Our objections in the Senate were that there was already such a provision.

Mr. MASON. I think the debate will show that I urged the objection of which I spoke.

Mr. CLEMENS. I think not in the Senate; but it was urged outside.

The question was then taken by yeas and nays on Mr. SUMNER's amendment to the amendment of the committee, with the following result:

YEAS—Messrs. Chase, Hale, Sumner, and Wade—4.

NAYS—Messrs. Adams, Badger, Bayard, Bell, Borland, Bradbury, Bright, Brodhead, Brooke, Butler, Cass, Charlton, Clarke, Clemens, Cooper, Dawson, De Saussure, Dodge of Iowa, Douglas, Felch, Fish, Geyer, Gwin, Hamlin, Houston, Hunter, James, Jones of Iowa, King, Mallory, Mangum, Mason, Meriwether, Miller, Morton, Pearce, Pratt, Rusk, Shields, Smith, Soulé, Spruance, Toucey, Underwood, Upham, Walker, and Weller—47.

So it was rejected.

RIVER AND HARBOR BILL.

DEBATE IN THE SENATE.

MONDAY, *August* 23, 1852.

The Senate, as in Committee of the Whole, resumed the consideration of the bill making appro-

priations for the improvement of certain harbors and rivers, the pending question being on the following amendment submitted by Mr. BORLAND:

"For the construction and repairs of snag-boats, dredge-boats, discharging-scows, and machinery to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western rivers, $150,000."

Mr. DAVIS. I hope that will not be agreed to.

Mr. UNDERWOOD. I ask for the yeas and nays; and allow me to say, that if this appropriation is made to furnish snag-boats and machinery to operate on those rivers, it will do away with the objection that I made to dividing the appropriations among the rivers, as proposed by the Senator from Missouri, [Mr. GEYER.] It will do away with the objection to that in a very great degree, because if there is a separate appropriation for the whole of them, you can work them anywhere; but if you take a part of each appropriation to make the snag-boats for that particular river, and confine it by its operation, in that way you will expend all the money and do nothing. If you get the general appropriation, it will obviate that objection in a great degree.

Mr. BORLAND. When the amendment was offered, the amount was made really smaller than many of its friends supposed was necessary. We put it down to the lowest amount deemed to be of any value for the purpose. As the Senator from Kentucky very justly observed, unless we make an appropriation of this sort, we leave the other appropriation for the Mississippi, Ohio, Missouri, and Arkansas, almost worthless. It will be insufficient for the purpose, and, in some instances, will not provide boats necessary to commence the work. If the Senate really desired—as they must have desired, by making the appropriation which we voted upon the day before yesterday—the performance of this work, they should make this provision, in order to render that available, and worth anything for the purpose.

Mr. GEYER. I did not intend to say a word upon this amendment; but it having been objected to by the honorable Senator from Massachusetts, who reported the bill, I wish to make a remark. On every one of the lakes, provision is made for dredge-boats and machinery. In the appropriations for the western rivers, no such provision is made, but it is intended, I suppose, to come out of the general appropriation of $260,000. Now, unless this amendment prevails, we may as well confine that appropriation to one of the rivers, because it will be exhausted in the purchase of the machinery necessary to commence doing the work intended to be done. I see no reason why a special provision should be made in reference to all of the lakes, and for the harbors of the sea-coast, and that there should be no provision for the machinery necessary on the western waters.

Mr. DAVIS. If the Senate had listened to the honorable Senator from Arkansas, [Mr. SEBASTIAN,] when he addressed them upon this point, I think they would have been entirely satisfied with the view which he expressed. He differed from his colleague, [Mr. BORLAND,] and he stated in a very clear and distinct manner the reasons which governed the Department in recommending the course which is pursued in this bill—one appropriation for these rivers, including the preparatory business which is necessary. It is convenient, in the first place, for this reason: If you make specific appropriations for each, and one falls short and another overruns the amount, you cannot transfer from the one to the other. The law prevents it. If you make a boat out of the appropriations for the use of one of the rivers, and you have not full employment for it, you cannot transfer that boat to use elsewhere, for it belongs to that particular appropriation. The view of the Department is, that there is great convenience, and not only great convenience but great economy, in appropriating for the whole; there being such a unity in the improvement of these rivers, that the funds can be managed by having one general account, and making the instruments for the whole out of the general fund, better than by having a distinction in the manner contended for. The honorable Senator from Missouri says it is not done elsewhere. Why, it is done elsewhere. There is but one boat for Lake Erie, another for Lake Ontario, and one for the lakes above. They are divided into convenient districts for this purpose; and when there is occasion for the full service of a boat, it is employed for all the works within a given distance.

The appropriations are necessarily made separate for harbors. They could not well be made otherwise.

These views satisfy me that this is only another mode of increasing the general appropriation. If gentlemen want an enlargement of the appropriation for the rivers, why they had better move it directly, instead of in this indirect manner.

Mr. BRIGHT. Mr. President, this is a very important amendment as applicable to the rivers that are proposed to be improved by it; and I desire that the Senate may understand it distinctly before they vote. I think there can be no doubt about its adoption, if it be understood. When we adjourned on Saturday evening, we were discussing this amendment. At that time I supposed there would be little or no objection to its adoption. We appropriate, under this bill, $260,000 for the improvement of the Ohio, the Mississippi, the Missouri, and the Arkansas rivers. The Ohio and Mississippi rivers are to get $90,000 each, and the Missouri and Arkansas $40,000 each. Out of the $90,000 appropriated for the Ohio river, $50,000 may be taken for the improvement of the Cumberland dam; and the probability is, that it would be thus applied—leaving but $40,000 to be applied to the improvement of the Ohio river; and out of that snag-boats are to be built, and the implements necessary to be used in the prosecution of such works are to be purchased. If this is all the provision that is to be made for the improvement of the Ohio and Mississippi at this time, we had better not undertake the work. It will be the shadow without the substance. And so far as the Ohio river is concerned, I would rather see it stricken out of the bill, unless we adopt some such provision as the one under consideration. As a friend to the improvement of the Ohio and Mississippi rivers, I am unwilling to have it understood that I regard the provision proposed to be made for them in this bill as sufficient. I know it is wholly insufficient; and unless the Senate can take this view of the matter, I repeat, in all seriousness, that nothing can be effected with the sum recommended by the committee.

And, Mr. President, we should bear in mind that this is but the commencement of a series of appropriations; and to make them useful and approved by the public, we must apply the money with care and economy. Unless this determination guides our deliberation upon this subject, the result can be easily foretold.

Mr. UNDERWOOD. Mr. President, if the change, made upon the motion of my friend from Missouri, had not taken place, we could have gotten along very well with an increase of the amount of appropriation. I think that then the appropriation in the bill would have been too small. But I conceive that my friend from Indiana has demonstrated that if you make the change, this provision is absolutely indispensable; otherwise we shall not be able to do anything. I think that the fault of the argument of the Senator from Massachusetts is, that he does not see the effect which has been produced by the change the Senate has already made. You have now got a special appropriation for each river. What is our objection? It is that if you act upon the appropriation, it will require nearly all the money to make snag-boats and other fixtures for each river, and nothing will be done for the improvement. Having made a division of the appropriations, I think it is beneficial to keep the snag-boats and fixtures as separate establishments in all time to come; for it will then operate in this way, that having them as separate fixtures, you can transfer them to any point you please, and thereby make use of them to the greatest advantage.

Let me illustrate this by reference to the amendment adopted on the motion of the Senator from Tennessee, [Mr. BELL.] You make the Tennessee river, by that amendment, a separate establishment. And then the argument of the Senator from Indiana applies with full force. You take all the money for the Tennessee river, in order to get a snag-boat and other fixtures for that river. If you allow the amendment to make it a separate business, as I hope may be done, then, when you cannot operate on the Mississippi or Missouri, when the freshets in June and July come down, you can transfer the whole force to the Ohio. And, if you cannot operate upon the Ohio, you can transfer them to the Tennessee, or elsewhere. I hope that the amendment will prevail.

Mr. DAVIS. I am not going to debate this subject. It is one that everybody can understand; but I wish to set gentlemen right as to the amount of the appropriations in the bill for the western rivers. There is for the Mississippi river an appropriation of $260,000, in connection with the Missouri, the Ohio, and the Arkansas. There is another appropriation for the Mississippi river at the mouth, of $75,000. There is an appropriation of $50,000 for the Upper Mississippi, and $50,000 for the Red river. The Mississippi river and its tributaries have appropriated for them $435,000. There have been $50,000 added for the Tennessee river, and $30,000 for the Illinois river. That makes the appropriation, as the bill now stands, $515,000, and it is a pretty large sum, considering that we have got almost to the month of September.

Mr. JONES, of Iowa. I desire to ask the honorable Senator whether his amendment is intended to include and apply to the purchase of boats, machinery, &c., contemplated to be used in the removal of the obstructions to the navigation of the Mississippi at the rapids?

Mr. BORLAND. Yes, sir; it includes all.

Mr. JONES. Then I will vote for the amendment with pleasure, as the amount in the bill for the rapids is not half as large as my colleague and I insisted upon with the committees of both Houses of Congress should be made by this river and harbor bill for the improvement of these rapids.

Mr. BORLAND. I would suggest to the Senate, what I supposed would be obvious to the minds of all, that one reason why we have been called upon to make so many appropriations for the western rivers has been this very failure to set apart a specific amount to build snag-boats and dredge-boats, so as to leave the amount intended for improvements to be applied to that object. Heretofore appropriations have been made which were deemed sufficient for the work, no allowance being made for the expense of building the boats and machinery. The Department would go to work, and of course, the first thing would be to construct boats and machinery, and they would barely get the boats into the rivers and commence improvement before there would be nothing left of the appropriation, and all the snags would remain. By the next year the mischief is as great as that which was originally proposed to be remedied. Experience has proved this to be so. The purpose now is—having fixed the amount which we suppose will be sufficient at a given time to go on with the work—to add the amount which will be indispensably necessary to make that work effective, and to give the means of beginning it, leaving the appropriation to be applied to the improvement itself, and not to the tools necessary to execute it. The propriety of putting it all in one amount, instead of appropriating specially for each river, is to enable them to go on with a general system of building all the boats and machinery that may be necessary, and then use them upon one river or another, as the necessities of the case or the favorable condition of things may make proper and necessary.

Mr. UNDERWOOD. This is so important a matter that I must trespass upon the Senate for a moment by stating another idea. It is this: You may want a machine to excavate a bar upon some of these rivers. A machine to excavate bars and shoals is a very different thing, as everybody knows, from a machine or apparatus to take out snags and make improvements of that sort. Now, we have these bars and shoals upon all the rivers. If you let the appropriation stand isolated, so much for each river, you must have a snag machine and excavating machine for each, whereas, if you will take the amendment of the Senator from Arkansas, one or two dredge-boats will be sufficient for all the rivers; and this will enable you to build the necessary dredge-boats and snag-boats, and divide them according to the different operations you have to carry on. That idea is, I think, highly important, and ought to be considered.

Now, a word in regard to the amount. I would infinitely prefer going back—as I argued against my friend's amendment the other day—to what the bill originally was; but we cannot get back to it; and therefore, if we make the appropriations, I wish to have them made of such sum as will answer the purpose. If you are to give the appropriations ratably, instead of giving the whole amount in a lump, it is very important to have a separate provision for snag-boats and dredging-boats for the whole. If we do not get a separate appropriation for this purpose, it will have to be taken out of the appropriation for the improvement of rivers.

Mr. MERIWETHER. The honorable Senator from Massachusetts enumerated the objects of appropriation upon the western rivers, and the amounts correctly; but, if he will direct his attention to the extent of the rivers to be improved, he will find the necessity for this additional appropriation. I have made a calculation based on this idea. There is the North river, one of the finest navigable rivers in the world, and there is in the bill an appropriation for it of $250 a mile. To the western rivers there is less than $100 a mile. For the Patapsco, there is upwards of $2,000 a mile. If the extent and necessity of the improvements be taken into consideration, ours is not more than one fourth in proportion to theirs.

The question being taken by yeas and nays on the amendment, resulted—yeas 36, nays 9; as follows:

YEAS—Messrs. Adams, Atchison, Bell, Borland, Bright, Brodhead, Brooke, Chase, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Fish, Foot, Geyer, Gwin, Houston, Hunter, Jones of Iowa, Jones of Tennessee, Mallory, Meriwether, Morton, Pratt, Rusk, Seward, Shields, Smith, Soulé, Spruance, Sumner, Underwood, Wade, Walker, and Weller—36.

NAYS—Messrs. Badger, Bradbury, Butler, Cass, Clarke, Cooper, Davis, De Saussure, and Upham—9.

So it was agreed to.

Mr. DOUGLAS. I rise now to offer the amendment of which I have given notice. It is to add at the end of the bill the following:

SEC. —. *And be it further enacted*, That Congress hereby consents that each State may authorize the public authorities of any city or town within its limits, which may be situated on the coast of the Atlantic or Pacific oceans, or of the Gulf of Mexico, or on the banks of any bay or arm of the sea connecting therewith, or on the shores of lakes Champlain, Ontario, Erie, St. Clair, Huron, Michigan, or Superior, or on the banks of any bay or arm of the lake connecting with either of said lakes, to levy duties of tonnage not exceeding ten cents per ton, upon boats and vessels of every description entering the harbor or waters within the limits of such city or town: *Provided*, That the funds derived from said duties shall be expended exclusively in constructing, enlarging, deepening, improving, and securing safe and commodious harbors and the entrances thereto, at such cities and towns, and shall be applied to no other purpose whatever: *And provided further*, That no more or higher duties shall be charged than shall be necessary for the purposes herein specified; and Congress hereby consents, also, that the several States bordering on said lakes, or either of them, or any two or more of said States, through their joint action by agreement and compact with each other, may make or cause to be made such works and structures as shall be necessary to improve and render safe and convenient the navigation of said lakes, or either of them, and of the channels connecting them together, either by deepening the channels or by artificial communications; and for this purpose they may, by a uniform rule, divert a portion of the tonnage duties not exceeding four cents per ton, collected at all the towns and cities within the States entering into such agreement and compact; and in case any canal or artificial communication shall be made, reasonable tolls may be collected thereon sufficient to defray the expense of keeping the same in repair, but no more.

SEC. —. *And be it further enacted*, That in all cases where any navigable river or water may be situated, wholly or in part, within the limits of any State, Congress hereby consents that the Legislature thereof may provide for the improvement of the navigation of so much of said river or water as shall be wholly within the limits of such State, and for this purpose may levy duties of tonnage, not exceeding ten cents per ton, upon all boats and vessels navigating the same: *Provided*, That the funds derived from such duties shall be expended solely in improving and rendering safe and secure such navigation, and shall be applied to no other purpose whatever; and that no more or higher duties shall be collected than may be necessary for the objects herein specified.

SEC. —. *And be it further enacted*, That in all cases where any navigable river or water may be situated in, or in part form the boundary of any two or more States, Congress hereby consents that such States, or any number of them, through their joint action, by agreement and compact with each other, may provide for the improvement of the navigation of such river or water, and for this purpose may lay duties of tonnage, not exceeding ten cents per ton, upon all boats and vessels navigating the same: *Provided*, That the funds derived from said duties shall be expended solely in improving and rendering safe and secure such navigation, and shall be applied to no other purpose; and that no more or higher duties shall be collected than may be necessary for the objects herein specified.

Mr. President, the late period of the session, and the great anxiety of Senators to offer amendments to the bill, admonish me that I should take no more time than is absolutely necessary in explanation of the amendment which I have offered. It will be observed that the amendment contains three sections.

It proposes to give the consent of Congress that each State may authorize the proper authorities of any town or city to lay tonnage duties for the improvement of harbors at such places. Secondly, that Congress consents that when a river is wholly within the limits of a State, the Legislature thereof may lay tonnage duties for the improvement of such river; and thirdly, that Congress consent that when a river or any body of navigable water may be situated in two or more States, or may form the boundary thereof, such States may enter into compacts with each other and lay tonnage duties for the improvement of the navigation of such river or navigable water.

This amendment embraces two principles which are expressly recognized in the Constitution, and to which I will call the attention of the Senate. The Constitution provides that no State shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay. With the consent of Congress, each State may lay tonnage duties, and with the consent of Congress, any State may enter into any agreement or compact with another State, for any purpose specified in the act giving such consent. There can be no question, therefore, as to the constitutional power of Congress to adopt the amendment which I have proposed. The amendment is in accordance with the express terms of the Constitution; first, in giving the assent of Congress to the laying of tonnage duties; and secondly, in giving the assent to compacts between the States. I shall show, before I conclude my remarks, that it is not only within the express language of the Constitution, but that it is within the spirit which caused those clauses to be adopted by the Convention, and incorporated into the Constitution.

The mode in which these tonnage duties are to be laid and collected, and the money expended, and the plan of improvement to be adopted, will of course be left to the several State Legislatures. I may be permitted to suggest, however, that so far as the question relates to the improvement of harbors there can be not the slightest difficulty. The proposition is, that each State may authorize the public authorities of any town or city to levy the duties and make their own harbors. This proceeds upon the principle that the local authorities at any town are better capable of judging what improvements are necessary in their harbors, and what amount of money is necessary to be expended for such improvements, and what plan is best adapted to accomplish them, than the Bureau of Topographical Engineers at this place, who have no local knowledge upon the subject, can possibly be.

It will be seen, also, when I come to review the legislation of Congress upon the subject, that this view was taken at an early day, by giving the assent, in many instances, to cities and towns, through their corporate authorities, to construct their own harbors from the proceeds of tonnage duties.

Then when you pass from harbor improvements, and come to the improvement of rivers, which are wholly within the limits of a State, there can also be no difficulty. The States having entire jurisdiction over those rivers, after the assent of Congress is given, can adopt a system, and modify it and adapt it to the exigencies, necessities, and convenience of navigation.

When you come then to the making of improvements in rivers or navigable waters, which are not within the limits of a single State, but are within, or form the boundaries of, two or more States, another question will arise. It then becomes necessary that there should be a compact entered into between such States, in order that the improvement may be made by their joint authority. I will not pretend to indicate what the action of the State Legislatures will be if the amendment be adopted, but I will state what I suppose the action might be in that event. The Mississippi river extends more than two thousand miles from north to south, with nine States bordering on its banks. I presume that each of those nine States would agree, by compact, that each State should appoint one commissioner, and that the nine commissioners should constitute a board for the transaction of business, and be invested with the power of laying the tonnage duties, prescribing the mode of their collection, and expending the funds. I believe a board of nine men, selected by the Legislatures of the various States bordering upon the banks of the Mississippi river, would be better capable of judging what improvements that river needs than the Congress of the United States, or your Topographical Bureau, or your War Department, can possibly be.

Again, when the States interested come to select their own commissioners to be intrusted with this power, they would choose men who felt an interest in the improvements that were to be made; and you would have men selected whose hearts, as well as pecuniary interests, were enlisted in the success of the enterprise. You would have careful and well-devised plans; you would have strict economy in the expenditure of the money; and what is more, you would have every steamboat captain, and pilot, and owner, interested in reporting any wasteful extravagance in the expenditure of the money, or in pointing out any obstruction that might interpose itself to the navigation of the stream. You would have the most strict accountability and rigid economy in the application of the money to the objects for which it was collected.

Then you may take the Ohio river. There are six States bordering on it: Kentucky, Virginia, Pennsylvania, Ohio, Indiana, and Illinois. Suppose each of these States should, by compact, appoint one commissioner—the six to constitute a board, and that board to take charge of the improvement of the navigation of that river, the levying of duties, regulating the mode of collection, superintending the establishment of a plan for the expenditure of money. You would then have the work under the direction and immediate control of men interested in a judicious application of the money—men whose local knowledge and experience would enable them to devise and carry into effect the plan best adapted to the accomplishment of the object.

Sir, I make no assaults upon the Topographical Corps. I do not wish to depreciate either their services, their intelligence, or science. I have no doubt they perform their duties to the best of their knowledge. But I do say, that there is one thing which science, taught at West Point or elsewhere, has not demonstrated—and that is, what effect will be produced in navigable water by works intended to control or restrain its channel. It is a matter not dependent upon science. It is a thing, the result of which cannot be foreseen, or demonstrated by the application of any scientific principle, because there are so many shifting bars and currents affected by every storm or flood, which cannot be subjected by any known rules. These bars and currents are generally formed or diverted by substances beneath the surface, which are invisible to the eye, each dependent upon causes peculiar to itself. The only men who can tell what effect the sinking of a buoy, or the construction of a pier will have upon the channel, is the pilot, captain, or owner of a vessel, who, for twenty years, has been in the daily habit of watching the effect of storms, currents, and tempests upon these shifting bars and varying channels. You must have local knowledge, the result of long-continued observation, in order to make your money, when appropriated, of any considerable value to this great navigating interest. I say that all experience has proven, that that local knowledge does not exist, and cannot be found in the Topographical Corps. It cannot be found in any efficient body of men known to the laws of our country. It can only be found in those men whose lives have been devoted to navigation, and whose observations have been daily directed to the subject.

There is also one provision in my amendment, relating to a certain class of works or improvements, that may be rendered necessary on our

northern lakes. You will be told, and if not, you ought to be informed, that there may be, once in a while, a place on these lakes where a harbor of refuge may be necessary, at a point where there is no considerable commerce. Besides, in some small lakes, like St. Clair, and in the straits connecting those lakes, it may be necessary to deepen the channel, in order to enable vessels of a larger class to navigate them. In order to meet this state of the case, the amendment provides that the States bordering on these lakes may, by compact with each other, divert a certain per cent. of the duties collected at the various towns and cities upon their borders, not to exceed four cents a ton, and with that fund may jointly construct such works as are not properly within the power and jurisdiction of any one State.

With these provisions, I believe that the system proposed by my amendment will be general, uniform, and effectual. I believe that it will give to river and harbor improvements a more certain and effectual system of protection, than has ever been furnished by this Government. When you come to trace your legislation on this subject, you will find that you have never had a regular system for the protection of navigation. You have passed laws from time to time upon this subject, sometimes appropriating money from the Federal Treasury; at other times authorizing the levying of tonnage duties, at particular points, for a favorite harbor, or a particular river; at the same time appropriating from the National Treasury for improvements at other favorite points. But while you have passed these acts, and carried on a policy of appropriation from the National Treasury in some parts of the country, and tonnage duties in others, they have been irregular, uncertain, partial, and productive of but very little good to the navigating interest.

I think the time has arrived when we should review our course on this subject and establish a system which shall have the merit of being fair, equal, uniform, and permanent so long as it shall show that it is well adapted to the accomplishment of the object. The principles embraced in the amendment are not novel and brought forward here for the first time. I do not pretend to introduce a new policy into the legislation of the country. I only pretend to systematize that which did exist before the Revolution, which was continued under State authority during the whole period of the Confederation, and which has partially existed in this country from 1790 up to the present hour, and which, under your present laws, must continue till 1861.

Sir, prior to the Revolution, the Colonies levied tonnage duties in many parts of the country for the purpose of improving their harbors. Under the Confederation, the States levied tonnage duties for the construction of light-houses, buoys, beacons, piers, and harbor and river improvements. When you come to look into the debates of the Convention which formed the Constitution, you will there find that the clause providing that tonnage duties should not be collected except by the consent of Congress, was incorporated with express reference to river and harbor improvements—with sole reference to the protection of navigation by such works as might be found necessary for that purpose. I must call the attention of the Senate briefly, to the proceedings of the Convention on this point.

In the first place, the Convention established the principle, that the regulation of commerce was to be vested supremely in the Federal Government. In addition to this and the other powers conferred on Congress, Dr. Franklin proposed, as you were informed the other day by the honorable Senator from Mississippi, [Mr. ADAMS,] that the Constitution should confer upon Congress the power to cut canals; and the debate shows that this power was intended to include internal improvements generally. Upon consideration and discussion of the subject the Convention determined that they would not give to the General Government the power of making canals and constructing other works of artificial improvement between the different parts of the Republic, or in the different States of the Union.

You will find, also, in these debates, that Mr. Madison proposed to enlarge the power, so as to authorize Congress to create corporations throughout the Union for the purpose; that internal improvements might be carried on under the Federal authority through the medium of corporations. After discussion, that proposition was also voted down; and the Convention refused to empower the Federal Government to construct any work of internal improvement, either by the direct action of Congress, or through the medium of corporations created by Federal legislation. I take it for granted, then, that a fair construction of that instrument requires that the power should not be deemed to exist, in view of the fact that it was not conferred, and that a proposition to confer it, being made, after full discussion was voted down by a very large majority of the Convention.

The Constitution having given to Congress the power to regulate commerce, the Convention proceeded to the consideration of the limitations to be imposed on the States in this respect. These limitations are pregnant with information and light touching the true meaning of the instrument which they had adopted. You will find that one of the limitations was, that "no State shall, without the 'consent of Congress, lay any imposts or duties 'on imports or exports, except what may be absolutely necessary for executing its inspection 'laws; and the net proceeds of all duties and imposts laid by any State on imports or exports, 'shall be for the use of the Treasury of the United 'States; and all such laws shall be subject to the 'revision and control of Congress." It would seem that, under the Constitution, the States may, by the consent of Congress, levy duties and imposts, whenever it may be absolutely necessary, for enabling the States to execute their inspection laws; and to that extent, and no further; but that the net proceeds of duties derived from that source should be for the use and benefit of the Federal Treasury, and not of the several States. After that power was conferred, then this amendment was proposed.

"Mr. MCHENRY and Mr. CARROLL moved, that 'NO 'STATE SHALL BE RESTRAINED FROM LAYING DUTIES OF 'TONNAGE FOR THE PURPOSE OF CLEARING HARBORS AND 'ERECTING LIGHT-HOUSES.'"

It is well here to pause, and see the connection in which that is offered. Ordinary duties could be levied only for the purpose of executing inspection laws, and the net proceeds were to be paid to the Federal Treasury, and not into the State treasury. But when you come to the tonnage duties to be levied by the States, it was for the purpose of enabling the States to build light-houses, improve harbors, and protect navigation. The debate upon that proposition is important in understanding the object and meaning of this clause of the Constitution. I need not remind Senators that the book from which I am reading, "Madison's Debates in the Federal Convention," contains the points of discussion and not the speeches in full. The object of Mr. Carroll and Mr. McHenry in making the motion was, that the States should have the power of levying tonnage duties for harbor improvements. Then the discussion proceeded:

"Colonel MASON, in support of this, explained and urged the situation of the Chesapeake, which peculiarly required expenses of this sort.

"Mr. GOUVERNEUR MORRIS. The States are not restrained from laying tonnage as the Constitution now stands. The exception proposed will imply the contrary, and will put the States in a worse condition than the gentleman (Colonel MASON) wishes.

"Mr. MADISON. Whether the States are now restrained from laying tonnage duties depends on the extent of the power 'to regulate commerce.' These terms are vague, but seem to exclude this power of the States. They may certainly be restrained by treaty. He observed that there were other objects for tonnage duties, as the support of seamen, &c. He was more and more convinced that the regulation of commerce was in its nature indivisible, and ought to be wholly under one authority."

Here it will be remarked that no one doubted that tonnage duties constituted the true source from which money was to be derived for river and harbor improvements. The debate upon that subject clearly shows that men of all shades of opinion looked to that source for the funds to make these improvements. The question only was, whether the power to levy the duties and expend the money should be vested in the Federal Government or in the State governments. The debate proceeds:

"Mr. SHERMAN. The power of the United States to regulate trade being supreme, can control interferences of the State regulations, when such interferences happen, so that there is no danger to be apprehended from a concurrent jurisdiction.

"Mr. LANGDON insisted that the regulation of tonnage was an essential part of the regulation of trade, and that the States ought to have nothing to do with it.

"On motion, that no State shall lay any duty on tonnage without the consent of Congress—

"New Hampshire, Massachusetts, New Jersey, Delaware, Maryland, South Carolina, aye—6;

"Pennsylvania, Virginia, North Carolina, Georgia, no—4;

"Connecticut divided."

Thus it will be seen that that clause of the Constitution conferring on the States the power to levy tonnage duties, with the assent of Congress, and not otherwise, was incorporated into the Constitution with express reference to the improvement of navigation by harbors, light-houses, and other works deemed pertinent to that great interest. It will be seen, too, by following the debates of the Convention, from beginning to end, that no member of that Convention looked to any other source from which to derive funds for those improvements except tonnage duties. It will be seen that, while all other duties were excluded from the States, and if levied by consent of Congress, were to be paid into the National Treasury; yet when they levied tonnage duties the moneys were to be collected by the States for the purpose of improving navigation. Then, when we trace that clause of the Constitution to such an origin, showing that it was incorporated for a specific purpose; that that purpose was avowed at the time; that all parties in the Convention agreed that it was the true mode by which these improvements were to be made, and that the only difference of opinion was as to which Government the power should be vested in, can there be any question as to what was the true meaning of the Constitution? I am not surprised that there was a difference of opinion in regard to where this power should be vested; for the Convention had vested the right to regulate commerce supremely in the General Government. It might well be imagined, as Mr. Madison said in debate, that the power over commerce and navigation was one and indivisible; and that those regulations that should be adopted by the States might be deemed to conflict with such as Congress should prescribe for the regulation of commerce. Hence, as the Convention designed to accomplish two objects—the first, to authorize tonnage duties for the improvement of rivers and harbors, and the other, to vest in Congress an exclusive power over commerce—they compromised upon the principle that a power was vested in the Federal Government, conditionally, that Congress might consent to its exercise by the States. Thus the power over navigation by the States, and that over commerce by Congress, were reconciled, inasmuch as the supreme authority, in the event of a collision between the regulations, was still in the Federal Government. Sir, I insist that a fair investigation of this subject, and full understanding of the debates of the Federal Convention, show that this was the meaning of the framers of the Constitution, and that tonnage duties for the protection of navigation are the true and constitutional mode for constructing these improvements.

The question might now arise, and may fairly be presented here, whether tonnage duties shall be imposed by the Federal Government or by the local authorities? I think it is clear that the power is conferred upon the Federal Government, and Congress has the right to exercise it, if it sees proper, or it may avail itself of the express language of the Constitution, and consent to its exercise by the State governments. The only question, then, which I propose to discuss here to-day is, whether it is not wise to give that consent, and allow each State to exercise the power, if it sees proper. Mark me, I do not mean to make it obligatory on any State of this Union that she shall exercise this power. I only wish to give the assent of Congress, and then leave any State at liberty to do so or not, as she shall deem her interests may require.

It is a little curious to trace the history of our legislation, in regard to rivers and harbors, immediately after the adoption of the Constitution; and if any one will take the pains to go through with that legislation, up to the present time, he will find that Congress has never adopted any regular system on this subject; that our legislation has been irregular, partial, inconsistent, and based upon

contradictory principles. By referring to the acts of Congress, you will find that the first act passed upon the subject of rivers and harbors assumed this authority to the Federal Government exclusively, as I have shown, I think, that Congress has a right to do under the Constitution. I will read the act; it is peculiar, and is very short. It is "An act for the establishment and support of light-houses, beacons, buoys, and public piers." This act was passed on the 7th of August, 1789, and it provides:

"That all expenses which shall accrue, from and after the 15th day of August, 1789, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk before the passing of this act, at the entrance of or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the Treasury of the United States: *Provided, nevertheless*, That none of the said expenses shall continue to be so defrayed after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers shall, in the mean time, be ceded to and vested in the United States by the State or States, respectively, in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same."

By this act it will be seen that Congress then determined that the Federal Government should construct the light-houses, buoys, beacons, piers, and other works necessary for the protection of navigation; but it rested it upon this principle, that the States in which the works should be situated should cede to the United States the work, together with the land and tenements belonging to, and the jurisdiction over the work. Upon that condition, and that condition alone, did Congress determine that an appropriation should be made from the National Treasury for this purpose, and it provided that that jurisdiction should be ceded by a time specified, which was about one year from the date of the act. Pennsylvania and one or two other States, ceded the jurisdiction over the buoys, piers, and light-houses which they had constructed, or which were to be constructed under the authority of Congress within the limits of such States. Towards the latter part of that year, an act was passed to extend the time for this cession of jurisdiction for light-houses and beacons. It may well be remarked, that while these acts would show that Congress had apparently determined upon the system of policy that these improvements were to be made from the Federal Treasury, yet, in that very year Congress passed an act authorizing the levying of tonnage duties in three of the States of the Union. You may trace through this legislation, and you will find that Congress went on passing acts authorizing the levying of tonnage duties in one year, appropriations from the Treasury the next year, and sometimes both in the same year. Our legislation upon the subject has been irregular from that time to the present. There never has been a day when some of the laws of Congress authorizing the collecting of tonnage duties have not been in force; and yet, during that whole period, Congress has been in the habit of making partial appropriations for the improvement of rivers and harbors. Never was a permanent system pursued.

The States not having ceded jurisdiction over the works within the period prescribed in 1790, the time was extended for the ceding of the jurisdiction; and again there was an extension in 1791, '92, '93, and '94, and so on, extending the time in order to procure this cession of the property and of the jurisdiction to the United States, where these public works should be made. I have traced these extensions as far as 1802, under Mr. Jefferson, when I find that an act was passed appropriating $30,000 for the improvement of the Delaware river by piers and other works, on the condition contained in this proviso:

"*Provided*, That the jurisdiction of the site where any such piers may be erected, shall be first ceded to the United States, according to the conditions in such case by law provided."

In the early history of this policy of river and harbor improvements, it was the universal and invariable condition that the site should be surrendered by the States to the United States, in order that Congress might exercise jurisdiction over the work and the land appended to it. It is unnecessary for me to remind the Senate that we have become more lax on the subject until we go on making appropriations for light-houses, for piers, and for harbors, and all similar works, without a cession of jurisdiction by the States to the Federal Government. I refer to this to show that we have been departing from the doctrine of our fathers by omitting all the precautions that they adopted, without ever establishing any system based upon any principle that should be satisfactory and uniform, and excluding other experiments inconsistent with such a system. While these river and harbor appropriations have been made by Congress from time to time, being very small during the first quarter of a century of the Government, perhaps $60,000 or $70,000 a year, and within the last half century running up at one period to $1,000,000 or $2,000,000 annually, and then abandoned entirely for the last twelve years. While this practice has been going on, favorite places, which have been vigilant, and persevered in applications, have been able to obtain the special privilege of levying tonnage duties. I will call your attention to some of these acts, to show how partial, and unfair, and unequal, this legislation has been with reference to the different portions of the Union. In 1790 an act was passed declaring the assent of Congress to certain acts in the States of Maryland, Georgia, and Rhode Island, and the Providence Plantations:

I will read one of these acts:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and is hereby, declared to the operation of the acts of the several States hereinafter mentioned, so far as the same relate to the levying a duty on the tonnage of ships and vessels for the purposes therein mentioned, until the 10th day of January next, that is to say: An act of the General Assembly of the State of Rhode Island and Providence Plantations, at their session held in January, 1790, entitled 'An act to incorporate certain persons by the name of the River Machine Company, 'in the town of Providence, and for other purposes therein 'mentioned;' and also an act of the General Assembly of the State of Maryland, at their session in April, 1783, entitled 'An act appointing wardens for the port of Baltimore town, in Baltimore county;' as also another act of the General Assembly of the same State, passed at their session in November, 1788, entitled 'A supplement to the act entitled an act appointing wardens for the port of Baltimore, in Baltimore county;' and also an act of the State of Georgia, for levying and appropriating a duty on tonnage for the purpose of clearing the river Savannah, and removing the wrecks and other obstructions therein."

This act was passed on the 11th of August, 1790, only the second year of the Government under the present Constitution. It conferred upon three States of the Union the right of levying tonnage duties for the improvement of harbors and rivers; for it so happened that in the acts of the three States referred to, there are two harbors provided for specially, and two rivers also provided for. The act was to last only for one year, showing that Congress had not at that time determined fully on any system to be adopted. They adopted it as a temporary expedient until some regular system should be devised.

In 1790, an act of Congress was passed to renew the existence of this last act for one year, and until the end of the session of Congress next thereafter. In 1791, again Congress declared its assent to a single act to the State of Maryland, which was another act for the benefit of the port of Baltimore, allowing that city to levy tonnage duties for the improvement of the harbor.

Mr. BUTLER. The city of Baltimore or the State of Maryland?

Mr. DOUGLAS. The city of Baltimore. The State had conferred authority on the city; and Congress gave their assent to an act of Maryland authorizing the city to levy tonnage duties for the benefit of the port of Baltimore. In 1792, Congress passed an act again renewing this consent, that Maryland, and Rhode Island, and Georgia, should levy tonnage duties for the improvement of harbors and rivers specified within the limits of those States. This act was to continue for a period of three years. In 1794, again an act was passed, consenting that Maryland might levy tonnage duties for the purpose of defraying the expenses of the health officers of the port of Baltimore, and perhaps one or two other ports in that State.

It will be seen that the votes of Congress consenting that the States may levy these tonnage duties, begin with harbors and rivers, and then improving channels, and then for health officers for a port—all connected with navigation, and strictly within the spirit and language of the debates of the Convention forming the Constitution which I have read; showing that the object of the tonnage duties was to give means to protect navigation.

In 1795, an act was passed "to continue in force for a limited time the acts therein mentioned;" and by it the acts of the State of Maryland were continued for a limited period. In 1796, an act was passed to continue tonnage duties for the port of Baltimore. In 1796, it was again extended for Maryland, Georgia, and Rhode Island, or levying tonnage duties for the improvement of rivers and harbors. In 1798, another act was passed to extend the tonnage duties of Maryland for the health officers at her ports. In 1798, another act was passed giving the assent of Congress to an act of the Legislature of the Commonwealth of Massachusetts, entitled "An act to incorporate 'Tobias Lord, Oliver Keating, Thatcher Goddard, 'and others, for the purpose of keeping in repair 'a pier at the mouth of Kennebunk river." In 1800, another act was passed in relation to Maryland and Georgia; and in 1801, one in regard to Maryland. In 1804, an act was passed declaring the assent of Congress to the act of the General Assembly of Virginia, entitled "An act for improving the navigation of James river."

By this time you will see that the consent of Congress for tonnage duties had become pretty frequent and general throughout the sea-board States. In 1805, consent was also given to extend the tonnage duties of the port of Baltimore. In 1806 the consent of Congress was granted to declare in operation the act of the Legislature of Pennsylvania, passed in April of that year, to empower the Board of Wardens for the port of Philadelphia to collect duties on tonnage, for the purposes therein mentioned, "so far as to enable 'the State of Pennsylvania to collect a duty of 'four cents a ton, on all vessels which shall clear 'out from the port of Philadelphia for any foreign 'port or place whatever, to be expended in building piers in and otherwise improving the navigation of the river Delaware." Here it will be remarked, that the tonnage duties in this act were confined to foreign commerce. In some acts, the duty is to be on commerce generally, in others upon foreign commerce; but all for the improvement of rivers and harbors.

In 1806, the consent of Congress was given to the operation of an act of the General Assembly of South Carolina, passed on the 21st of December, 1804, entitled "An act to authorize the city council of Charleston, with the consent of Congress, 'to impose and levy a duty, not exceeding six 'cents per ton, on all ships and vessels, for purposes therein mentioned;" which were for the improvement of the harbor of Charleston. In 1808, an act was passed to revive and continue in force the previous acts of Congress allowing Maryland and Georgia to levy tonnage duties. In 1809, an act was passed to extend the consent to South Carolina for tonnage duties for the harbor of Charleston.

So on they have been continued, down to the present time. I do not intend to go through them all. I will only state, that you will find consent given for tonnage duties for rivers and harbors, in Maryland, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Alabama, Massachusetts, and perhaps some other States. Since I have been in Congress several acts of this kind have passed—one in 1843, I recollect, for the port of Baltimore, and another in 1850 for the same city, which continues in operation until 1861. And in the very bill now pending, you have a provision authorizing the city of Wilmington to levy tonnage duties for the improvement of Cape Fear river in North Carolina.

My object in stating these acts is to show that whenever the Atlantic sea-board have asked Congress for permission to levy tonnage duties for the improvement of their harbors and rivers, Congress has given its consent; and they having now secured the improvement of their harbors, both by appropriations from the National Treasury and by tonnage duties, whenever they asked them, the question is, when the great West comes forward and asks that privilege which was never denied to any of the sea-board States, it shall be denied to us. My object is to show that nearly every year, from the foundation of the Government up to this day, the sea-board States and cities have enjoyed this privilege. You have improved the harbors and

built up the cities of the Atlantic sea-board by appropriations from the Treasury and by permission to levy duties of tonnage. You have thus enabled them to monopolize the commerce, and the question now arises, are you going to deprive the ports upon the Gulf of Mexico, and upon the great lakes and on the Pacific, of the power of making their own harbors while you withhold adequate appropriations from them? If so, you have adopted a scheme by which the commerce of this country can be confined, in a great degree, to a particular section, and excluded from other sections of the Union. To grant these privileges to the Atlantic ports until their harbors are improved, and their cities built up, and then withhold the same privileges from the ports on the Gulf and the Pacific and the lakes, is calculated to concentrate the commerce and navigation to a particular portion of the Union.

The old States have been securing these harbor improvements for more than half a century, while but a few harbors have been commenced in the new States, and what few we have remain in an unfinished and dilapidated condition. And the question is now presented, whether we are to have our appropriations withheld from us by Congress at the same time that you deprive us of the power of making our harbors, by not allowing us to levy tonnage duties. I have never known this consent refused when asked for the sea-board. I have never investigated the subject so thoroughly until recently; but it has occurred to me as singular to find that the old States have had from time to time permission to levy tonnage duties, and have also had appropriations of money for rivers and harbors. I have always voted to allow them to levy tonnage duties whenever it has been asked. I remember that an application came in 1843 for Baltimore, and now Baltimore has the privilege of levying tonnage duties, by the act of 1850, up to 1861.

All we ask is to be placed upon an equality with the old States. Give your consent, which is necessary under the Constitution, that we may improve our rivers and harbors. As a friend of these improvements; as a Senator representing on this floor, in conjunction with my colleague, more rivers and harbors than any other Senator, I ask for this privilege. The bill that is now pending is a mere mockery, so far as the northern lakes and western rivers are concerned. You have not embraced on these lakes one harbor in ten. You take one and leave ten that ought to be made, and still you call it a river and harbor bill! Where you do appropriate the money, you do not give us enough to make a work sufficiently strong to resist the storms which follow the very season during which the work is constructed. You give us a mere pittance for the Mississippi, that will not make the slightest impression upon the obstructions that exist there, and upon the whole coast of the Pacific ocean you do not give a dollar. Your river and harbor system has never found out that the American Union extends to the Pacific coast. Sir, if there is a part of the Union where river and harbor improvements are necessary, it is upon the coast of the Pacific. California now has more shipping within her limits than any one State of this Union perhaps, unless it is New York; yet she has not a light-house upon her entire coast of more than a thousand miles, not a public pier within the limits of the State; not a buoy, not a beacon planted at the expense of the Federal Government; and here you have a river and harbor bill without a solitary item for that entire coast; yet you call it a fair general bill!

I am induced to bring forward this proposition at this time from a variety of reasons, and I will state them plainly. One is, that your river and harbor appropriations that have been made by Congress, have done no perceptible good, so far as our western rivers are concerned. I never saw a steamboat captain or pilot upon the Ohio river, who did not say that the Government had injured the navigation of that river more than it had benefited it, by the appropriations which had been made. I know it is a bold statement, and one which will astonish the Senate. But I have traveled that river many times, and I have stood upon the upper decks with captains and pilots, and observed the wing-dams you are making, and have heard their curses upon the policy which the Government was pursuing in destroying the navigation. I never saw one of them who said Uncle Sam had as yet improved the navigation of that river; but they were in hopes, that in the course of time, some good might be accomplished. So far as the Mississippi river is concerned, there has been, once in a while, a snag extracted; but when those that have been taken out, are compared with those remaining, you have made about as much impression upon that river, as to dip up one bucket of water out of the Potomac, would make in the navigation of that stream. As long as you place these improvements under the direction of men of the Army, who prefer the pleasures and society of the large cities, to the snakes and mosquitoes on the banks of the river, your money will be expended in the immediate vicinity of your large towns, and scarcely a dollar upon the channels of the streams where the snags are the most dangerous to life and property.

I am speaking plain and bold truths. I have stood upon the deck of a steamboat, in the act of sinking by a snag, at a place called the Grave-Yard, where I could see the wrecks of nine other boats, where three hundred people had died, and millions of property had been lost. I never saw a snag-boat in that vicinity. The money is expended in the vicinity of the towns; and if you wish your money appropriated to any valuable purpose, you must put it into the hands of those who have a practical knowledge of the country—whose sympathies are in the cause, and whose property is at hazard upon the bosom of those waters.

I have said, therefore, that I was for the consent of Congress being given to the levying of those tonnage duties, because I am satisfied that our river and harbor improvements can never progress under the policy you are now pursuing. Here, you all know, that, for the last nine years, it has been a death struggle in the last nights of the session—a trial of physical strength—whether the river and harbor bill should be defeated, or should be passed, by all possible combinations. I am free to say that our river and harbor bills have always been a combination of items, selected with reference to the number of votes necessary to carry them through the two Houses of Congress; and we have been compelled to admit items that would not receive five votes in separate bills. But we justified ourselves on the ground that life and property were at stake, that the sacrifice was fearful, and we must not fail to do everything that could be done to arrest that course of destruction, and to furnish that protection which was necessary. We, therefore, justified ourselves in taking those bills as they came to us. And the opponents of the bills have justified their opposition on the ground that some of them believed the principle to be unconstitutional; others, that the bills were bills of abomination in consequence of combinations made by their friends in forcing improper items into them. The consequence has been, that, every year I have been in Congress, in either House, it has been a struggle, not of argument, not of discussion, not of reason, but of physical force and numbers, who should sit out the longest either to pass or defeat the bills. I have seen for a series of years the opposition to these bills triumph; and our western people living around the borders of these lakes, and on the banks of these rivers, with their lives and property exposed to all these hazards, have been looking anxiously to you to do something to put a check to this course—something to protect them from destruction. We have gone home and told the people that the opponents of the bill defeated us this time for the want of time, but we should be sure to succeed next year; that we would commence at the opening of the session. The next session it was the same thing, and we were defeated at midnight, on the last night of the session. We have held out to them the next, and the next, and the next session, until I am satisfied that we can never rely upon this uncertain, irregular policy of granting appropriations here. Suppose this bill should pass now, nearly all the appropriations you have in it would be expended in building dredging-machines, and snag-boats, and improvements necessary to commence with, in contracts for material, in preparations, without completing the first thing. And next year, in all probability, a struggle will defeat the bill; thus, every farthing in this bill will be wasted.

I think we are going to pass this bill, but I have no hope of passing two or three bills in succession. It will be now and then that a bill will pass; and in this view of the case I desire to make some provision for the future, to authorize the States to exercise that power which the old States have been permitted to enjoy. I ask gentlemen what harm can it do? If any Senator is opposed to tonnage duties being levied by his own State, let him reserve his opposition until he gets home and advise his State Legislature against the exercise of the power. But, why struggle here to get up a combination for political purposes in the election, to prevent the northwestern States getting the permission of collecting tonnage duties? Why this extraordinary activity here for depriving us of that permission?

My amendment does not propose to interfere with an item in the bill. I do not wish to force tonnage duties on any one. I do not wish to force them on States that do not want them. I only ask that we may be permitted, by duties on our own commerce and tonnage, to improve our own harbors and rivers. I believe it is the most efficient, and the only efficient mode we can adopt.

The friends of the bill should, I think, adopt the amendment, because if it does not work well, it will deprive the opponents of river and harbor bills of the last vestige of ground to stand upon. All men admit that this protection must be given by somebody. Let us try and see if the States cannot do it. If they cannot, Congress must. Then, let us reduce this plan of tonnage duties to a regular and uniform system. Let us try it, and see how it will work. I wish to see it have a fair trial.

I am led to it from another consideration. You have not money in the Treasury now to do any perceptible good upon the harbors and rivers of this country. You select a few harbors and say they are the principal ones; you expend the money on these few, and leave nine tenths of the harbors unprovided for, because you have not money enough to provide for all. Now, would it not be fair to let those which are so insignificant as not to get into the present bill, have the power of levying tonnage duties in order to make harbors for themselves? You justify yourselves now in not extending your bill to them, because you have not money enough. Then, I ask, let that be done by the States themselves. There is one point in my State which is not provided for in this bill. It is a point where the people have gone on and struggled, hazarding their commerce out on the broad lake without any harbor, although their boats were liable to be upset any moment. They have struggled on until they have built up a population of five thousand, with a large commerce, and yet they have never had a dollar from this Government. Will you refuse to give them money now to improve their harbor, and at the same time refuse them the privilege of levying tonnage duties on that commerce which they have built up, in order to make their harbor? You ought to exercise the power yourselves or give them permission to do it. So it is upon every little harbor on these lakes. Your present system is a complete sacrifice of the small harbors, while at the same time you do not provide sufficiently and adequately for the larger ones. I believe that the amendment which I propose will provide abundantly for the large harbors, and do all that can be done for the small ones.

Sir, I take this position: we must either give this consent—we must either allow the local authorities to take charge of these works to the extent that they see proper, or we must raise money and protect life and property upon our navigable waters ourselves; and you have not money to do the latter. Nothing short of five millions a year is enough for the northern lakes. Those principal harbors will cost from five hundred thousand to a million of dollars each; and you will find it out before you get through. It is useless to disguise the fact—you have many harbors commenced, that one million of dollars will not complete under the management of this Government.

There is no use of concealing these plain truths from ourselves. The revenue of this Government, for the last half century, has not been enough to

extract the snags out of the Mississippi river under the present system: and when are you going to get money enough to carry it on? I will not undertake to say how much will be required on the coast of the Pacific, in California and Oregon.

It has been suggested to me in private conversation that my amendment would operate unequally in driving business from a place where the duties were levied—that if one town levied duties and another did not levy them, commerce would be driven away from the town that levied them. The best illustration I can give to my own constituency upon this subject is to refer to the practice which prevails on the Mississippi river. There every steamboat that lands at St. Louis or Quincy, or any other point upon the river, so far as I am informed, pays a wharfage duty to the corporation of the town for permission to land. Did any man ever hear of commerce being driven away from one of those towns by the fact that the steamboats had to pay these duties for permission to land against the quay? Certainly not; because if a good landing were not made the boats would not stop and commerce would not come to the town. The owners of boats would rather pay a duty for a good wharf to anchor against than go without a duty and anchor against a hazardous landing. Just in proportion as a town has rendered its landing-place safe and convenient for the landing of boats, business has increased, without the slightest reference to the duties collected. I have been almost amazed when I have stood upon a boat at one of the principal cities upon the Mississippi, and saw a landing made accessible by appropriations of one or two hundred thousand dollars from the Federal Treasury, and yet the city charged five dollars a boat for permission to land against that quay. This principle prevails all over the western country, at large towns and small ones. It is called a wharfage duty. I care not by what name you call it, the principle that I lay down is that if you improve the landing, or the anchorage so as to make the access safe and easy the proprietor of the boat is willing to pay a duty for it, because it will save more money in the time gained in unloading and loading and the safety of entering and departing, than the whole amount of the duty. Wherever, therefore, the money is wisely expended in improving the navigation of the channels of rivers, or in the entrance of harbors, the money paid is more than three times refunded in the cheapness of transportation. Take any two towns upon the lakes equally situated. If one should levy tonnage duties and the other should not, and thereby one got a good harbor and the other had a bad one, the good harbor would draw the business, notwithstanding that it might cost a few dollars more, in the shape of duties, to enter it. On the contrary, after you have made harbors safe and commodious, if you put on any more duty than is necessary, it tends to drive away business.

Under my proposition it will be the interest of every town to levy just so much money as is necessary to make a safe and commodious harbor, and no more; and this is precisely the provision of the amendment—that they may levy so much as is necessary for that purpose and no more, provided it does not go above the limit.

I shall not detain the Senate longer. My state of health has been such that I have been compelled to discuss the subject irregularly, and I will only add, let the proposition have a fair hearing and a fair examination. Remember that I do not ask you to strike out an item from the bill. I ask it as an addition, that we may guard against those irregularities that have taken place when you make appropriations once in ten years, and in the mean time leave the works to go to ruin and destruction. I rest under the firm conviction, as a western man, deeply interested in both lake and river navigation, that this will do more for the protection of commerce upon those lakes and rivers, and for the preservation of life and property, than all the appropriations you have ever made, or ever will make, from the National Treasury. Yet, sir, I am compelled to vote for appropriations from the Treasury until we have tried this plan, and experience has demonstrated whether or not it will answer the purpose which I believe will result from it.

Mr. CASS. I have listened with a great deal of attention to the remarks of the Senator from Illinois, [Mr. DOUGLAS,] and I am much obliged to him for them. He has evidently collected his facts with great industry, and he has spread them before us at great length. This is a new subject well worthy of serious consideration. It is difficult to tell at once the bearings of a proposition like this which introduces fundamental changes in legislation, and I would submit to the Senator from Illinois, whether it is within the limits of practicability to have such a system considered and passed by the Senate and House of Representatives at the present stage of the session? Would it not be better to let the matter go over upon the able exposition made by the Senator today? Would it not be better to let it go to the country and allow public opinion to be formed upon it, and then we can come back in the winter, when we shall be better capable of investigating the details of this proposition, and of ascertaining where the principles involved are going to end? It seems to me that would be much the better way.

One or two other remarks, and then I shall have nothing more to say on the subject at present. I must confess that I do not see the tendency of this matter sufficiently to pronounce a deliberate opinion upon it at this moment, but my impressions are adverse to it if I understood it rightly, especially so far as regards the commerce of the lakes. A tonnage duty, as I undertstand it, is a tax levied on ships, boats, and vessels of every description. This tax is ostensibly levied on the vessel or boat. But who pays it? The freight, the trading part of the business in which the vessel is engaged, necessarily pays it, or the boat cannot go on. Suppose you levy a tax of fifty dollars upon a boat carrying freight; does not every one see that the payment of that tax ultimately falls upon the freight? That must be evident to any man in the world who reflects one moment. How stands this matter? Produce going to or from the ocean centers in the city of New York, for the western country. We all know that New York, then, could levy tonnage duties. The produce or freight goes to Albany, and another duty is levied there for the transportation of vessels on the Hudson river. It goes to Buffalo, and another tonnage duty is levied there. It then goes to Detroit, or Chicago, or Milwaukie, or any harbor on the lake, and if we want our harbors improved, we accordingly levy tonnage duties at every place where such improvement is desired. Who, then, pays all these tonnage duties? The agriculturists of the West. It is as plain to my mind as any proposition. Who pays it, I ask? Certainly not the ship-owner, or the merchant. The ship owner must do a profitable business, or he will abandon it. The farmer, then, who raises a bushel of wheat in Milwaukie, will pay four tonnage duties by the time his produce reaches the city of New York, provided that duties are levied at each of these places. In short, it is a tax levied by New York upon all the produce of the country north and west of New York. So it appears to me at present. That is all I have to say.

Mr. SMITH. I regard the proposition which we have before us as a most extraordinary one. I regard, also, the speech which has been delivered by the Senator from Illinois [Mr. DOUGLAS] as equally extraordinary; and I also regard the suggestion made by the Senator from Michigan, [Mr. CASS,] that a subject of such vast importance should be permitted to go to the country with a speech only on one side, as one in which the members of this body should by no means acquiesce.

Mr. CASS. Will the Senator from Connecticut permit me say one word?

Mr. SMITH. Certainly, sir.

Mr. CASS. It is this: the American people understand the subject so well, that there is no necessity to say a single word to them in regard to it.

Mr. SMITH. I think that this last suggestion of the Senator, if I understood him aright, pays a very poor compliment to the Senator from Illinois, [Mr. DOUGLAS.] I understood the Senator from Michigan to say that the Senator from Illinois had made a very learned, and a very able speech, and had brought together a great many important facts; and, further, that this is a very important question. I understood him to compliment the Senator from Illinois for his efforts on this occasion; and I also understood him to say that he wished the people throughout the country might have an opportunity of considering the subject during the recess. Well, I intend that the people shall consider it; I intend that the people of the Northwest and Southwest shall consider it; I intend that the people of Illinois, and in short of the whole country, shall consider it. I intend to bring distinctly before the people of the Northwest and Southwest, the question whether such an extraordinary scheme as this shall be brought into the Senate Chamber with impunity, or whether it should be received here with any degree of favor.

And I must now express some degree of surprise, that a proposition so novel in its character and so sweeping in its effects should be submitted at this late period of the session, and more surprise that the Senator should attempt to attach it to the river and harbor bill—a measure of infinite importance to this country. I maintain it should have been offered as a separate and independent proposition. I maintain, sir, that a measure of such importance should have been referred to one of the standing committees of this body, in order that it might receive a grave and serious consideration—a grave consideration upon the substance of the proposition, and equally grave upon the details. But, instead of taking that course, the Senator comes before us with a concoction of his own mind, and of his own judgment, and undertakes to support that proposition—how? By slander and abuse of the officers of the Corps of Topographical Engineers, and by holding them up to the country as totally incompetent to discharge their duties, and to carry into effect this system of harbor and river improvements. After completing his denunciation of the officers of the Army, he turns round and finishes by a denunciation of the two Houses of Congress. He says that no bill of this sort was ever carried through Congress except by a corrupt and profligate combination. Sir, according to his account of the matter, one would suppose he had, during the whole period of his Congressional life, been embarked in the transaction of the public business in the midst of a den of thieves! Sir, there is not the slightest excuse for indulging in such a train of remarks—there is no apology for the abuse which he has poured out on the officers of the Army or on the two Houses of Congress. I believe there is still some rectitude left here. I believe there is some honor and some sense of right and of duty to be found this side of the State of Illinois.

Mr. DOUGLAS. Does the Senator from Connecticut intend that I should charge this to the account of the river and harbor bill, or to the lecture that I read him the other day?

Mr. SMITH. The Senator from Illinois had better remain quiet in his seat. He has undertaken to make speeches during the present canvass in twenty-eight States of this Union. I will undertake to find employment enough for him in the State of Illinois.

Mr. DOUGLAS. I am very much obliged to you, sir.

Mr. SMITH. I have said all that I intend to say on the present occasion with regard to the extraordinary manner in which this question has been brought before us, and the extraordinary attempt to ingraft it on the bill before the Senate, when every member of this body must know, as the Senator from Illinois does, that the moment it is ingrafted, the bill is annihilated.

But, sir, let us attend to the line of argument which the Senator has pursued, and to the character of his proposition in a constitutional point of view. I believe that the amendment which the Senator has submitted is unconstitutional throughout. By the third clause, sec. 9, article 1st of the Constitution of the United States, it is provided that "no State shall, without the consent of Con-'gress, *lay any duty of tonnage;* keep troops or 'ships of war in time of peace; enter into any 'agreement or compact with another State, or with 'a foreign Power; or engage in war unless actu-'ally invaded, or in such imminent danger as will 'not admit of delay."

Now, the amendment proposed by the Senator can find no warrant in the Constitution, unless it

be in the clause here cited. And what are the propositions which he puts forward in that amendment? They are—1. That Congress consents that each State may empower the authorities of cities and towns within its limits to levy duties of tonnage not exceeding ten cents per ton upon boats and vessels of every description entering the harbor or waters of any such city or town; the funds derived therefrom to be applied exclusively to the improvement of the same, and no higher duties to be charged than is necessary for the purpose specified. 2. Also Congress consents that the several States bordering on the lakes, or either of them, or any two or more of said States, may by compact with each other improve the navigation of such lakes, or either of them, and of the channels connecting them together; and to that end may divert a portion of the tonnage duties, not exceeding four cents per ton, collected at the towns and cities within the States entering into the compact, and may collect tolls sufficient to defray the expense of keeping in repair any canal or artificial communication constructed for the purpose above specified. 3. Also where any navigable river or water is situated wholly or in part within the limits of any State, the Legislature thereof may provide for the improvement of the navigation of so much of the same as is within such State by the levy of duties of tonnage not exceeding ten cents per ton, to be applied exclusively to the object here expressed; and 4. Where such river or water is situated between two or more States, such States, or any number of them, may by compact provide for the improvement of the navigation thereof by the levy of duties of tonnage not to exceed the amount already specified, and to be applied exclusively to the object specified. Such is the substance of the amendment proposed, briefly expressed. It is apparent that the honorable Senator contemplates the overthrow of the existing system of harbor and river improvements by the General Government, and the substitution in lieu thereof of improvements by cities or towns, by single States, and by a combination of two or more States. Is such a scheme as this constitutional? Let us attend to its different parts.

The Senator first proposes that Congress shall consent that a State "may authorize the public authorities of any city or town within its limits" to levy duties of tonnage to the amount and for the purpose indicated. Now, the Constitution authorizes no such proceedings. According to the clause already referred to, the *State* is to pass an act laying the "duty of tonnage," which is to become valid on receiving the sanction of Congress."

But what does the Senator propose? Not that Congress should give its assent to a law passed by a State levying tonnage duties, but that it should sanction an act to be passed by any State empowering "the public authorities of any city or town within its limits" to levy such duties. Now, who are the authorities of a city or town? We can form some conception as to who are the authorities of a city: they are ordinarily the Mayor, Board of Aldermen, and Common Council of such city. But who are the authorities of a town? Can any one tell? Perhaps the Senator contemplates a levy by the high constable of each town? I should like to have him explain his meaning. We have here a singular state of things—the assent of Congress to the assent of a State to the levy of tonnage duties by a high constable, or somebody—we know not who—called "the authorities of the town."

Perhaps the Senator contemplates a multitude of local congresses to be convened at the various points of improvement. I should like to stand by and witness their deliberations. Is the honorable Senator quite sure that they "would stick to the point?" Might they not branch off to the question of the presidential election, after the fashion of the National Congress?

In the next place, I would observe that the Senator provides for the execution of these works by a combination of States, through the instrumentality of compacts to be entered into from time to time. Now, I deny that the Constitution authorizes any such combination. The clause already referred to looks only to an agreement, or compact, by one State with another State, which "the consent of Congress" is to render binding. But nothing is said about a compact between a number of States more than two. Such cases are purposely excluded, as dangerous to the peace of the country; for if several are permitted to combine for one purpose, though it be by the approval of Congress, they will soon unite for other purposes without such approval.

But possibly I may be wrong in this; for the judicial power extends to "controversies between two or more States," and perhaps prosecutions could be instituted in the Supreme Court to enforce compacts contemplated by the Senator. But then would arise a serious difficulty: how is the execution to be levied? Suppose Illinois to be the recreant party; for aught I see, it must be levied on the body of her Senator; and then he would be likely to find a home somewhere else than the White House.

But there is still another objection. The Senator proposes that Congress should give its consent in advance to a levy of tonnage duties by the authorities of cities or towns, by single States, and by a combination of States. Now, I insist that the consent to be given by Congress to the levy of any duty of tonnage by a State must be *subsequent* to the act making the levy. The clause referred to supposes the Legislature of a State to have passed an act for the purpose indicated; it supposes that act to be submitted to Congress, and then in effect declares that it shall become valid on being approved by that body. The Constitution does not contemplate the granting of a general power of attorney to all the States of the Union; but a law is to be enacted, in the first place, for a definite object, and that is to be laid before Congress. We should then have something tangible, and would be able to decide whether it is or is not such a law as should go into operation. I deny that we have a right to fire into the air on such a subject as this, regardless of consequences; but we are to level our deliberations at a precise object, and then we shall know what we are about.

But the Senator spent much time in producing here an array of precedents where Congress has given its assent to the levy of tonnage duties by the States. I presume Senators did not fail to note the fact, that every one of these precedents was a case of assent, subsequent to the passage of the law, and not in anticipation of it.

Mr. DOUGLAS. I wish to state distinctly that such is not the case. I hold in my hand acts giving the assent of Congress to original acts passed by a State Legislature, and to amendments which had been made, and also to amendments which the State might thereafter make. In respect to the last, the assent of Congress was given in advance, and not subsequently thereto.

Mr. SMITH. It is very possible the Senator may find a case of that character. I do not pretend to have looked into the legislation of Congress on this subject. I have merely followed the Senator in his statements; and every Senator knows that nearly all the cases presented were those of subsequent assent. It is possible that some law may have slipped through in the nature of assent precedent; but I venture to say it did not receive any serious consideration. I apprehend that the Senator cannot produce here legislation sufficient to show that there has been any real, substantial construction of the Constitution in conformity with his views. I maintain, fearlessly, that the production of a law is necessary to enable Congress to give its assent; why not? How can Congress assent, unless we know what we are assenting to? I hold it would be in the last degree indiscreet for Congress to confer such a vast power on the States, without restriction or limitation—to authorize them to undertake any improvements they please, and to prosecute them as they please. The cases produced by the Senator show how cautiously Congress has acted on this subject. In every instance, the consent of that body was given only for a limited period, and ordinarily for a very short period; and yet the Senator proposes to issue a general power of attorney to all the States to undertake these improvements at their discretion, and to levy tonnage duties, within the limits prescribed in his amendment, for any and every object they please, and this power is to be continued for all time to come.

Mr. DOUGLAS. I will refer the Senator to an act for an unlimited period of time, if he wishes it.

Mr. SMITH. Suppose the Senator from Illinois, as he has expressed himself fully on this subject, should keep his seat for a while. I believe I have the floor, and I am unwilling to be interrupted.

Mr. President, I suppose I must assume that the Senator from Illinois did not comprehend the tenor of my remarks. I am quite certain every other member of the Senate did. I attribute nothing to the Senator. I put no words in his mouth whatever. I only stated what I understood to be the substance of the legislation of Congress on this subject, as derived from the representations of the Senator made here.

But, sir, it is very possible that the Senator may produce a single instance of assent precedent, and possibly some other instance of assent for an unlimited period, but I claim that the whole current of legislation has been the other way. The practice has been to restrict the permission given by Congress to very short periods, and I maintain that it is of the highest consequence to the country that it should be so. But let the Senator, if he can, produce a precedent for a proposition such as the one we now have before us. In some instances, perhaps, if Congress knew what a State was about to do, so far from assenting, it would absolutely forbid it. Perhaps Congress might deem some enterprise of this sort quite the reverse of an improvement, and, perhaps, other States might come here and remonstrate against it.

Suppose, for example, the States of Kentucky and Indiana were to enter into an arrangement to repair the Cumberland dam, and to levy tonnage duties for that purpose. On what commerce would they levy those duties? Why, sir, on the commerce of Ohio, Pennsylvania, and Virginia, as well as on that of Kentucky and Indiana. Now, should not the citizens of the three States first named have an opportunity to be heard on the question, whether the dam would be of any use, and whether a burden should be laid on their commerce? The States may, if invested with a general power, undertake improvements to the last degree improvident—they may undertake improvements which conflict with each other, or which are incapable of execution, or if executed, worse than nothing.

The Senator denounces, in broad terms, all that the General Government has done on the Ohio river. If I mistake not, he insisted that the works there were little better than nuisances. How can he expect a higher or better administration of these great interests by the separate States? I maintain that it is highly inexpedient for Congress to surrender the power of controlling the great channels of communication. It is easy to see that collisions would arise from the system proposed between the different States, and the whole subject would be thrown into irretrievable confusion.

But there is another provision of the Constitution which should arrest the attention of the Senate, being the sixth clause of the same section, as follows:

"Nor shall vessels bound to and from one State be obliged to enter, clear, or pay duties in another."

How can the Senator carry out his scheme without violating this clause? Suppose a wheat grower of Illinois should load a vessel with produce at Alton, and send it to New York, *via* the mouth of the Mississippi, can Louisiana, consistently with this provision, compel him to pay tonnage duties to deepen the channel at the mouth? It is obvious that it would be very unjust, as the channel is already deep enough to answer his purposes, and I maintain that it would be equally unconstitutional.

But there are other difficulties in the way of the Senator. His scheme is violative of the fourth article of the ordinance of 1787, which provides that—

"The navigable waters, leading into the Mississippi and St. Lawrence, and carrying-places between the same, shall be common highways, and forever free, as well to the inhabitants of said Territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, WITHOUT ANY TAX, IMPOST, OR DUTY THEREFOR."

And it is equally violative of compacts entered into between the United States and the several States situated on the Mississippi and the lakes, when they were respectively admitted into the Union; thus, by the act for the admission of Louisiana, April 8, 1812, it is provided as a con-

dition that "the river Mississippi, and the navi-'gable rivers and waters leading into the same, 'and into the Gulf of Mexico, shall be common 'highways, as well to the inhabitants of said State, 'as to the inhabitants of other States, *without any 'tax, duty, or impost, or toll therefor, imposed by the 'said State.*" Similar compacts are contained in the act of March 1, 1817, for the admission of the State of Mississippi; in the act of March 6, 1820, for the admission of Missouri; in the act of June 15, 1836, for the admission of Arkansas; in the act of March 3, 1845, for the admission of Iowa; and in the act of August 6, 1846, for the admission of Wisconsin; only the latter comprises the waters on both sides of that State, and includes the lakes as well as the Mississippi and its tributaries. The project of the honorable Senator is worse than unconstitutional; it would be a gross breach of faith.

But, Mr. President, I have in the next place to remark that the scheme of the Senator is exceedingly complicated. It is complicated in its general arrangement and in all its details; it is complicated in all the machinery of this amendment, and it will be still more complicated in its execution if carried into effect. We are to have execution by cities and towns, and, as the case may be, by the State, where the improvements are wholly within its limits, and execution of intermediate works by a union of two States, or a combination of many States. There are to be vast many controlling minds, having separate and incompatible views, interfering with each other, and playing at cross purposes. Can there be any harmony of results from such a scheme, and must not disorder and confusion rule the day?

Besides, how are these duties to be collected? Is each State to have a posse of custom-house officers, and are these officers to throng all the channels of communication? Is every steamboat or other water-craft to be boarded every few miles by some one of these officials, insolently demanding, "Pay me what thou owest?" And where is the skill and science to be found to execute these works? The Senator obviously has no confidence in the Corps of Topographical Engineers. He tells us they are fond of fashionable life, and do not go out and lodge on the sand-bars, to be food for musquitoes, and other insects as voracious as a politician. But will one of these corps, organized by a State, or a combination of States, be any more musquito proof than that of the United States? Will they be any less likely to betake themselves to ball-rooms and fashionable soirees? I am not prepared, as the Senator seems to be, to blow up the United States Corps of Topographical Engineers as of no use, nor am I prepared to believe that corps organized by the State will be any more efficient than, or even half as efficient as the accomplished officers of the United States Army.

I do not understand how the Senator is to get his machinery into operation. I take it for granted he contemplates something practical, and that he has something more in view than to display himself and his subject before the country. I do not understand that the Senator proposes to oust the United States of all jurisdiction—he has not brought an action of ejectment against the General Government, *quoad hoc*, but, on the contrary, I understood from the concluding portion of his remarks that, in the plenitude of his condescension, he is willing to receive a proper contribution for this great national object from the strong-box of "Uncle Sam," at least until the scheme could go into operation.

But let us attend to the *modus operandi* of this scheme. We will suppose that Kentucky and Missouri enter into a compact to improve so much of the Mississippi as lies between those States, and that they establish and levy a tariff of tonnage duties, to obtain the requisite means to carry on the work—that Tennessee and Arkansas do the same thing as to so much of the river as lies between those States, and Mississippi and Louisiana likewise, and then Louisiana alone as to so much of the river as is wholly within her limits; how are these duties to be collected? Does the Senator contemplate the erection of forts, to compel steamboats to come to and pay toll, at all the various points of exaction? We will suppose the Senator to be in command of one of these forts; he hails a steamboat, and says: "Hallo, Mr. Captain, there is a little toll due here; please call at my log-cabin and settle." What would the captain do? Why, rush by in spite of any fire the honorable Senator could open "on his rear." What next? Why the Senator would have to call around him a fleet of revenue cutters, and give chase to the delinquent. No one can doubt his qualifications as admiral, for we all know he contemplated, not long since, taking the chief command, not only of the Army, but of the Navy of the United States, though he happened to slip up at Baltimore. "Pity 'tis 'tis true!" But, as I have said, the admiral must give chase—they go rushing down the "Mississippi;" would not the craft of our friend be quite as likely to be Pierced by a Polk-stalk as the fugitive steamboat? Heaven forbid such an exposure! Such exalted statesmanship should be reserved for '56, and not be put so wantonly at hazard!

But, Mr. President, I have a little bit of colloquy to hold with the honorable Senator, on a subject of deeply interesting import to his constitutents, and the whole Northwest, and I here institute the inquiry: Who is to pay these tonnage duties in case this ill-advised scheme is carried into effect? We will suppose that a farmer in northern Illinois raises five hundred bushels of wheat, which he sends to the New York market to obtain means to pay for his land, or support his family, or both. On arrival at Chicago, some tax-gatherer, or publican, (as they were called in old times,) makes a grab at it in the nature of tonnage duties, to improve the harbor of that place; at the St. Clair Flats another publican makes another grab, to open a channel there; at Buffalo, another grab, for the use of the harbor at that place; and, finally, at Albany, another grab, to subdue the overslaugh below that city. How much of the wheat of the poor farmer would remain after running the gauntlet of all these tax-gatherers, and after being subjected to all these exactions? Or, if the farmer of northern or middle Illinois chooses to ship his wheat to New York, *via* New Orleans, how much will remain after being taxed to improve the harbor of St. Louis; to clear the snags and sawyers out of the Mississippi, from St. Louis to New Orleans, and even to clear out and deepen one of the mouths of the "Great Father of Waters?"

The Senator from Michigan [Mr. CASS] seemed to have some just notion on the subject. He ordinarily knows what he is about; and that is more than can be said of every Senator. He asked, emphatically, where is the burden to fall? I can tell the Senator from Illinois [Mr. DOUGLAS] that it is to fall on the necks of the farmers of the West and Northwest—I care not which way the freight is going—whether up or down. If going down to the ultimate market—such as flour, wheat, corn, pork, beef, butter, cheese, lard, hemp, wool, tobacco, and other agricultural products—I can demonstrate that every shilling of these duties is to come out of the pockets of the farmers of the West and Northwest; and I can demonstrate, also, that every shilling levied upon freights the other way—such as tea, coffee, sugar, salt, iron, woolen and cotton goods, and ten thousand other articles of consumption—will also come out of the pockets of these same farmers. Yes, sir!—the preëmptioners and the log-cabin boys are thus to be visited by the hand of oppression and taxation! The Senator has proposed to go into every log cabin in the Northwest, with his system of tonnage duties, and to levy them on the hard-fisted and hard-working boys of that region of country.

And now let me recur again for a moment to freight from the point of production to the ultimate market—as, for example, wheat raised in northern or middle Illinois, to be transmitted and sold in New York; who will pay the proposed tonnage duties? Who will have to meet the contemplated exactions at Chicago, St. Clair Flats, Buffalo, and Albany? I say, unhesitatingly, the producer will have to pay it; or rather it will, with other charges, be taken out of the value or price of his wheat at the ultimate market, whether that be found at New York, Boston, or elsewhere. The reason is, that the northwestern producer will, when he arrives at the ultimate market, have to compete with the growers of wheat elsewhere, who would not be liable to any such charges. I lay it down as a universal law of trade, that where an article comes from two different sources to one and the same market, in one case without burden, and in the other with, in the latter case the producer loses the charge, duty, or burden, whatever it may be. It comes out of the price. This is inevitable; otherwise the producer not subject to charges would underbid and engross the market.

But there is another law of trade which is equally cogent and universal; and here I would suggest that it might be well for the honorable Senator [Mr. DOUGLAS] to study more the laws of trade, and less those of presidential nominations.

The PRESIDENT. The Senator from Connecticut will confine himself to the subject under discussion. The Chair is sorry to interrupt any Senator, in the course of such remarks as he may be pleased to offer, but personalities cannot be allowed.

Mr. SMITH. I am very much obliged to the Chair for the interposition. Notwithstanding I have of late been made the subject of unpleasant personalities, to which the Senator from Illinois was a party, I intend to observe the order and decorum of the Senate.

I have to say, then, Mr. President, that it is an inexorable law of trade, that the price of any article depends on the relation which the supply bears to the demand. If the supply is very large, much beyond the demand, then the price will be proportionately low. If the supply is less than the demand, or much less, then the price will be high, or very high. Hence, no matter what charges are laid on northwestern wheat, they will not augment the price; the law here adverted to will rule. Besides, the wheat of that section, as already observed, will, when it arrives at the ultimate market, come in competition with the wheat of New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, and must be sold at the same price. Hence, the profits to accrue to the northwestern producer, must be diminished by the charges imposed, whatever they may be. Already the agricultural products from that section are subject to enormous burdens. The farmer there has, in effect, to pay the usual charges for freight, storage, commissions, insurance, wharfage, and drayage—a dark catalogue, sufficient of itself to bring down the compensation of my log-cabin friends to a very small pittance. But the Senator is not satisfied with these burdens; he proposes to add a system of tonnage duties to be demanded, not at one point only, but at many points; but he should recollect that even the camel may be so loaded as to crush him by the addition of a feather. One would suppose, from the course of the Senator, that taxation and duty-paying is regarded as a sort of luxury in the Northwest; but I am inclined to think there are some at least who will take a different view of the subject.

But let us look a little further into this matter, and let us illustrate the working of the system at the Northwest, by taking, for example, the harbor of Chicago. Let us suppose that the Senator has got his ship rigged, manned, and afloat. He goes into the port of Chicago and takes in a cargo of wheat, when up steps the State or city tax-gatherer and demands toll, or the proposed tonnage duty. Who pays it, I ask? Does the city of Chicago pay it? Not at all. It is paid by the farmers of northern and middle Illinois, southern Wisconsin, eastern Iowa, or wherever else the wheat may come from. It is, then, a proposition to enable the city of Chicago to improve its harbor, not at the expense of the people of that city, but at the expense of the farmers of the surrounding country.

To illustrate still further the inequality and injustice of this scheme, we will suppose the city of St. Louis to be invested with this power of taxation, and that it exercises it to improve the river, opposite the city, sometimes inappropriately called the harbor of St. Louis, who will pay the taxes? Will not the farmers of Illinois have to contribute largely to the fund to be raised for that purpose, and that, too, when the object of improvement is mainly to advance the prosperity of that city? Will not the farmer, going *down* the Mississippi with his produce, to that important mart, or *up* the Mississippi, or even crossing the ferry, feel the gripe of the toll-gatherer? Why should the harbor of Missouri be improved at the expense of the adjoining country, and even of an adjoining

State, when they have little or no interest in the subject?

But perhaps the harbor of Buffalo would furnish the best illustration of the inequality and injustice of this system. If this city were invested with the power of levying tonnage duties, it could lay the whole country, west and northwest, under contribution. The freights, whether up or down, arrive there *in transitu*, and whatever burdens are laid upon them must be paid by the western farmer, either in the character of producer or consumer, upon principles already fully explained. If that city were to raise $500,000 to repair or complete its harbor, I believe not one twentieth part of it would be paid by the city, and the residue would fall with crushing effect on the western country.

But improvements by single States, or by several States, through the instrumentality of compacts, must prove equally oppressive and unjust. Suppose the States of Missouri and Illinois enter into a compact to improve the Mississippi river. They might, under the scheme of the Senator, lay a vast burden on agricultural products coming down the river to St. Louis for a market, or crossing the ferry, and yet lay out every dollar on the river below the city.

So much for the products of the West, Northwest, and Southwest, going to market. How is it with freights the other way? Who will pay the duties of tonnage on the salt, iron, cotton, and woolen goods, and ten thousand other articles which go from the Atlantic cities into the Northwest for consumption there? I say, unhesitatingly, the consumers will have to pay them. It makes no difference whether it be an article of domestic or foreign production, both the one and the other is purchased in New York by the northwestern merchant at a given price. Now he will add all charges to that price, and will charge a profit on the aggregate—frequently a large profit, to the no small oppression of the laboring classes in that section. No merchant can pursue his business profitably without adding charges; and I believe it is the universal practice to exact a profit on the charges as well as on the original price.

But, perhaps, some may be disposed to inquire, why the rule in case of charges on goods freighted one way operates differently from goods freighted the other? The reason is obvious. We have already said that Illinois wheat when it arrives in the New York market has to compete with wheat not subject to charges, but foreign and domestic iron, woolens, cottons, and other fabrics, meet with no competitors in the Northwest, and therefore the case is different. Let Illinois manufacture for herself to some extent her iron, woolen and cotton goods, then when the people of England, or even of New England, appear there with similar products, they will be obliged to sustain the charges, or some part of them themselves. It will not be in their power to add them as they now do the original cost or price.

It thus appears that the duties of tonnage on freights down are to be paid (*i. e.*, by a reduction of price) by the producers of the Northwest, and the duty on freights up are to be paid by the same class of persons in the character of consumers. The scheme of the Senator will visit the farmers, the preëmptioners, and log-cabin men with a twofold oppression. The tax-gatherer is to make a grab at him with one hand as he goes down, and with the other as he comes up. Whether the son of toil will not be a little restive under such an operation remains to be seen.

But what is very extraordinary, while the Senator would enable the city of Chicago to levy tonnage duties for the improvement of its harbor, by far the larger proportion of which will be paid by the agriculturists of the adjoining country, in the character either of producers or consumers, he proposes to leave these same agriculturists—the preëmptioners and log-cabin boys—liable to taxation for harbor and river improvements in other parts of the country; at least, such will be the effect of this measure, whether so intended or not. Even the very money which the preëmptioners pay into the Treasury for their respective quarter sections, and what they contribute by the consumption of dutiable articles, may go to improve the Hudson river or construct the Delaware breakwater, and that, too, after they have done all that should be required of them by contributing to the harbor of Chicago or of St. Louis. If the citizens of Chicago sustained the entire burden, they would be volunteers, and would not complain of double taxation; but it is not so, as I have already abundantly shown.

To authorize a city to improve its harbor, by levying a tax on all the farmers who are compelled to seek a market for their products through the same, and then to leave those farmers liable to taxation for improvements elsewhere, in the form usually adopted by Congress, is a piece of monstrous injustice. The truth is, a system of harbor and river improvements by local authorities cannot subsist coördinate with a system of improvements by the General Government, and the adoption of the former necessarily involves the overthrow of the latter.

I will not, Mr. President, pursue this part of the subject any further, but will call the attention of the Senate to another remarkable feature of the honorable Senator's scheme. I have shown that this measure will impose enormous burdens on the people of the West and Northwest. I now insist that its effect will be to exonerate, in a great degree, the wealth and capital of the Atlantic frontier from all participation in those burdens. We all know that much the greater portion of the surplus wealth of the country is to be found in our large cities, and this wealth now contributes largely to river and harbor improvements. But on the plan of the honorable Senator, the cities of Boston, New York, Philadelphia, and Baltimore, (to say nothing of New Orleans,) and the millionaires and half-millionaires of those cities are to go scot-free. I will not say that the Senator really intended any such result; but it is, in my judgment, a ground of serious complaint that he should have been so careless as to the consequences of his measure.

Why should the thousands of wealthy men of such a city as New York be relieved from any share in this taxation? Why should they not do something for river and harbor improvements? If the funds requisite to that end are taken from the common Treasury, then the city of New York and the millionaires of that city must contribute largely to those improvements. Nowhere else on this continent is there consumed anything like the amount of dutiable goods, and these, too, of the most costly character. Consider for a moment the vast population of that city. According to the last census, there was, in the city proper, a population of near five hundred thousand, to which is to be added the population of Brooklyn, Williamsburg, Jersey City, Hoboken, and a large number of families who find their homes in the counties of Richmond, Kings, Queens, Westchester, and other counties higher up the river, all of whom substantially belong to the city of New York. I believe I am not extravagant when I say that New York now contains in effect a population of not less than seven hundred and fifty thousand living souls, holding and owning, as I verily believe, one fifth part of the surplus wealth of the country. When I say surplus wealth, I mean such as is above what is required for the comfortable support of a man and his family. I ask again, why this wealth should not contribute to harbor and river improvements? Why should the merchant princes of the great emporium of commerce be exonerated wholly, or nearly so, from all obligations to contribute to objects of such vast importance? Methinks I even now see a splendid equipage passing down Broadway, with a lady covered over with gorgeous silks, and with servants in livery. On inquiry, I ascertain she is the wife of Mr. So-and-so, who within the last five or six years has made a half million of dollars in trade or commerce. He lives in a palace up town, which would do no discredit to a monarch; that house is filled with French furniture—his table is covered with the richest of plate—his cellar is filled with costly wines—his wife and daughters wear cashmere shawls that cost five hundred dollars each, and their persons are ornamented with diamond necklaces, pins, and rings; in short, he and his family enjoy every luxury that human heart can conceive or desire—all imported articles, and paying heavy duties. Why should not revenue derived from such a source be devoted to the improvement of some river or harbor in the West and Northwest, especially as the benefits of this system are ultimately to redound to the advancement and prosperity of this same merchant? Why should the Senator from Illinois be so willing to exonerate the common fund, thus derived, from all participation in these burdens, only to lay them exclusively on the hardy laborer of the Northwest, struggling with every species of difficulty?

What is here said of New York is equally applicable to the wealth and luxury of Boston, Philadelphia, Baltimore, Charleston, Providence, Salem, Albany, Newark, and other cities of the second and third grades. Indeed, there is to be found scattered all over the Atlantic States many individuals of great wealth, who consume a great amount of dutiable goods, and who can only be made to contribute to harbor and river improvements by appropriations from the common stock. Nearly the whole surplus wealth of the country is to be found east of the Allegany mountains, and what aggravates the case essentially is the fact that the West, Northwest, and Southwest have contributed largely to the enhancement of that wealth. The merchants of New York, Boston, Philadelphia, Baltimore, and other cities have been, for the last quarter of a century, selling, and will continue to sell, large quantities of goods to the transmontane regions of the United States, at a large, not to say exorbitant, profit. In the mean time, the people of that region have been engaged in paying for their farms, building dwelling-houses, school-houses, and churches, opening roads, and making the thousand other improvements indispensable in a new country, and have had little opportunity to accumulate surplus wealth. Then comes in the Senator with his notable scheme, and says, "Let these sons of toil bear all the burden of harbor and river improvements, and let those who are abundantly able to pay," (most of them not unwilling,) "go free!" However satisfactory this may be to a Senator and a politician, I doubt whether the people in his section are prepared to agree to it.

But the Senator, after expressing his discontent with the Corps of Topographical Engineers, and with Congress, for conduct which he alleges to have been corrupt, wishes to explode the system of improvement from the common treasure, because, he says, it is the source of incessant controversy and dispute at the National Capitol. According to his account of the matter, there is no steadiness in it; it is a spasmodic system, and goes by jerks. Who is responsible for this state of things? Why have we not had reasonable and moderate appropriations, year after year? Why have works, on which large sums of money have been expended, not been completed? Why have they been permitted to fall into decay, and thus former expenditures rendered comparatively valueless? I do not hesitate to say that the Senator, [Mr. DOUGLAS,] and his political friends, are solely responsible for this state of things. The Senator cannot plead a dereliction of duty by himself, and those who act with him, as a reason for rejecting the system. It will be recollected that the late Mr. Polk applied the veto *direct* to a river and harbor bill, which passed the two Houses at the first session of the Twenty-ninth Congress, and the pocket veto to another bill which passed the second session of the same Congress. In the two messages, vindicating his extraordinary course, (which was directly the reverse of that of President Jackson on the same subject,) he laid down rules of conduct, and avowed principles, which rendered the consummation of any bill during his term absolutely hopeless. Therefore, nothing was attempted on the subject at the Thirtieth Congress; and at the first session of the Thirty-first, the two Houses were so much absorbed with the various slavery questions then pending, it was impossible to do anything. But at the second session of the last Congress, the House of Representatives took up the subject, passed an excellent bill and sent it to the Senate. We know who defeated it. We know who spent day after day in useless debate, and in reading inappropriate documents, and we know how a small minority overcame the friends of the measure, and compelled them to yield.

There was a time, it is true, when the state of the Treasury was such that appropriations of this character could not properly have been made; but at least half a dozen bills since the close of Mr.

Tyler's administration should and might have been passed had it not been for the unreasonable conduct of public men. It is with a poor grace that the Senator alleges the misconduct of his own political friends as a reason for repudiating this beneficent system.

The Senator seems to suppose that monstrous injustice has been done, in the appropriations for these improvements, to the West, Northwest, and Southwest. There is not a particle of foundation for this suggestion, as I can show abundantly from the records.

The bill vetoed by Mr. Polk, at the first session Twenty-ninth Congress, contained appropriations to the amount of $1,283,450; or, in other words, it appropriated slightly over a million and a quarter of dollars. It appropriated to the six New England States only $99,450, to the rest of the Atlantic frontier only $273,000, whereas it gave to the northern and northwestern lakes $509,000, and to the western and southwestern rivers $400,000, making altogether, for the Northwest, West, and Southwest, no less than $909,000 out of little over a million and a quarter; or, in other words, we on the Atlantic frontier got only about one fourth of the aggregate amount, while that section, with all its millionaires, great cities, and vast wealth, contributed, by the consumption of dutiable goods, much the larger portion of the amount appropriated. I think the honorable Senator might well insist that the bill should have been vetoed on doctrines such as he has promulged here to-day.

Mr. ADAMS. Will the Senator allow me to ask him if he voted for the bill which was vetoed by Mr. Polk?

Mr. SMITH. I not only voted for the bill originally, but I voted against the veto; or, in other words, I endeavored to veto the veto; and I tell my honorable friend, [Mr. ADAMS,] for whom I cherish sentiments of high respect, though I differ with him *in toto* on this subject, that he may, on motion, strike out from this bill every appropriation for New England, and I will still vote for it. I will vote for it in any event, unless you put into it the monstrosity proposed by the Senator from Illinois, and then I shall go against it most decidedly.

I insist, then, that the veto of Mr. Polk defeated a bill for northwestern, western, and southwestern improvements, and not for improvements on the Atlantic coast, except in a very moderate degree. New England had little or no interest in the passage of that bill; and yet her Whig Senators and Whig Representatives sustained it throughout, though the Democratic Senators and Representatives, with a single exception, from the same section, pursued a different course.

At the second session of the same Congress, another bill for river and harbor improvements passed the two Houses. It was very cautiously framed—no appropriations of a doubtful character were inserted, and was sent to the President for his approbation and signature on the last day of the session, when he applied to it the *pocket* veto, and it thus failed to become a law.

The aggregate amount of the appropriations in this bill was $551,500; of which only $37,000 were given to New England, and to the rest of the Atlantic coast only $123,500; whereas the bill granted to the western and northwestern lakes $171,000, and to western and southwestern rivers, including the harbor of Mobile, $220,000; or, in other words, had the bill become a law, the whole Atlantic coast would have obtained only two sevenths of the aggregate amount, and five sevenths would have been conceded to the western and northwestern lakes and to the western and southwestern rivers. Thus another bill was defeated which was mainly for improvements at the North, Northwest, West, and Southwest.

We are now brought down to the bill which passed the House of Representatives at the last session of the Thirty-first Congress, and which was defeated in the Senate in such an extraordinary manner. It will be found, on examination, to present a still greater preponderance in favor of the West, Northwest, and Southwest. The aggregate amount of this bill was $2,358,876. It conceded to New England (including $15,000 for Burlington harbor) only $121,500, and to the Atlantic coast $502,000; whereas it granted to the western and northwestern lakes $786,676, and to the western and southwestern rivers and harbors, $945,700. There was inserted an item of $15,000 for a seawall at Great Brewster Island, in the harbor of Boston, which the Senator from Massachusetts [Mr. DAVIS] tells us is not a harbor improvement, but rather comes under the head of fortifications, as the destruction of this island would render Fort Warren useless. Deducting this sum, and also $15,000 for the breakwater at Burlington, on Lake Champlain, the bill granted to New England only $90,500, and to the whole Atlantic coast $592,500; but the concessions to the northern and northwestern lakes and to the western and southwestern rivers and harbors amounted to the enormous sum of $1,747,376. Or, in other words, the rivers and harbors of the West, Northwest and Southwest were to have over three fourths of the aggregate. And yet the Senator [Mr. DOUGLAS] has the assurance to tell us that great injustice has been done by Congress to his section of the country.

I next come to the bill which is now pending. The aggregate amount, as it came from the House, is $1,557,090, of which there is proposed for New England only $77,000. If we deduct $30,000 for the preservation of Great Brewster Island (which may be done for reasons already explained) then we have only $47,000 for the harbors of New England. There is proposed for the rivers and harbors on the Atlantic coast, $425,090; for the northern and northwestern lakes, $509,500; and for western and southwestern rivers, $535,500; so that, according to the bill, as it came from the House, the Atlantic coast was to get only $502,090, while the northern and northwestern lakes and western and southwestern rivers and harbors were to receive $1,045,000. To the aggregate of these sums is to be added $10,000 to be expended at large—its distribution cannot now be settled.

But this bill has been extensively amended in the Senate, and greatly improved. The additions amount in all to $530,000, of which the Pacific coast gets $30,000, New England $33,500, the rest of the Atlantic coast $78,000, the northwestern lakes $40,000, the western and southwestern rivers and harbors $346,500.

Bringing these aggregates together, that is to say, combining the original bill with the amendments of the Senate, we find that New England gets $110,500, or deducting Great Brewster Island, $80,500; the rest of the Atlantic coast $503,090, the northern and northwestern lakes $501,500, the western and southwestern rivers and harbors $881,000, and the Pacific coast $30,000. The aggregate of the bill, as it now stands, is $2,087,090, of which the whole Atlantic coast will receive (including New England) $613,590, and the northern and northwestern lakes and the western and southwestern rivers and harbors $1,382,500; or, in other words, about seven tenths of the aggregate is to go to the latter.

What occasion has the Senator to complain of injustice to his section of the Union? The unfounded character of his accusation will be the more apparent, when the Senate recollects what I have already said touching the source from whence duties on imports are, in the main, derived.

The people residing on the borders of the northwestern lakes and western rivers, can, in view of the facts I have adverted to, understand how much they have lost by the veto policy of Mr. Polk and the reprehensible course pursued at the last Congress, and they can have no difficulty in fixing the responsibility in the proper quarter.

But the Senator tells us there is an enormous work to be done, and he would deter us from pursuing this policy by the vastness of the undertaking. This is precisely the train of remark which he pursued in opposing, as he did vigorously, an appropriation from the Treasury for constructing a canal around the Sault St. Marie. According to his view of the matter, the Treasury can have no resources adequate to the numerous works which we must undertake. He exaggerates greatly the number of improvements required, and he exaggerates still more the amounts necessary to complete them. One would suppose that if a great deal be wanted, we should at least try to do something. The magnitude of an evil is no reason why we should not seek to abate it, at least in part.

But, according to the Senator, this system overtops greatly the resources and power of the General Government. Why, then, does he bring forward this project of tonnage duties? If the whole nation has not strength adequate to the undertaking, why does he propose a scheme of isolated effort which can have no harmony or consistency, and which must fail for want of means? If this train of remark amounts to anything, it proves that all effort to remove snags and sawyers, rocks and sandbars, should be abandoned, and life and property be committed to every species of hazard to the end of all time.

But, I believe the Senator has shown that the wants of the country are large, and the more so, as we have had an interregnum of near fifteen years, and I think it results from his reasoning that these wants are far beyond the capabilities of his system of tonnage duties. It is idle to pretend that the General Government, with its vast revenues, cannot do all that is needful. We cannot improve every harbor and every river in a single year, but by successive appropriations we can overcome every difficulty, and obtain results that will be satisfactory to the whole country. I can assure the Senator that much depends on the tenant of the White House. He should be a man of liberal, comprehensive, and truly national views, and not capable of so misconceiving the true theory of our Government, and so mistaking the best interests of the country as to veto a river and harbor bill. And much depends, also, on the views, purposes, and spirit of Senators here and Representatives at the other wing of the Capitol. "When there is a will there is always a way;" and there has not been a session for the last eight or ten years but that the Senator and his friends might have carried through a bill to this end. During Mr. Polk's administration, it is true, we at two sessions ran foul of the veto, and would doubtless have done so at subsequent sessions of the same Administration. But whose fault was that? Was not the honorable Senator among the most active and efficient in elevating Mr. Polk to the Presidency? And is he not equally active now in promoting the election of a man of kindred spirit, who never yet voted for a river and harbor bill, and who is certain to apply sternly to every such measure THE VETO as did Mr. Polk?

The people of the Northwest may have such improvements, if they will; but they must stand up resolutely for their rights, and hold to a severe responsibility every man who falters in the least; above all, they must see that these great interests are no longer made the foot-ball of party, or held out to promote the aspirations of any man, or set of men. I should be sorry to be understood to cast imputations on any honorable Senator, or to question his motives; but I do not hesitate to say that the interests of the Northwest have been for a long time past sacrificed on political considerations. I mean, such has been the course of events, without undertaking to say who is to blame. We have had too much of the cry of mere party, and too little of attention to the great, substantial interests of the country. Let, then, the people of the West and Northwest awake to their true condition, and let them see that no man reaches the presidential office to thwart their will by the interposition of "*the one-man power.*"

But I wish to notice here one complaint made by the Senator from Illinois in his career of vituperation and abuse of this system. He tells us that no sort of justice has been done to the harbors on Lakes Michigan and Huron, while he affirms that enormous sums have been lavished on the harbors east of those lakes. He would open an account between the different lakes, and concludes that a vast balance of partiality has been displayed by Congress in favor of the harbors on Lakes Erie, Ontario, and Champlain.

If there is any seeming foundation for this complaint, I again ask whose fault is it? Have not the Senator and his friends had the entire control of the two Houses of Congress for the last two years? Have they not constituted the committees, and had everything their own way? Besides, the harbors of Lake Michigan are comparatively of recent origin. It is but a day since the sites of thriving cities and smiling villages were a howling wilderness; and it is the veto, the veto direct, the pocket veto, and the veto by a senatorial minority,

which has prevented justice being done them of late. Thus, had it not been for the interposition of "the one-man power," and the "minority power," the harbor of Chicago would have received, in 1846, $12,000; in 1847, $8,000; and in 1851, $27,176; making, with $20,000 granted by the present bill, $67,176—a pretty good round sum for a single harbor. Milwaukie would have received, in 1846, $20,000; and in 1851, $25,000; making, with $15,000 appropriated by the bill, $60,000 for that harbor. Michigan City would have received, in 1846, $40,000; in 1847, $12,000; and in 1851, $30,000; making, with $20,000 appropriated by this bill, $102,000. St. Joseph's would have received, in 1846, $10,000; in 1847, $6,000; and in 1851, $20,000; making, with $10,000 granted by this bill, $46,000; and so on as to other harbors on Lake Michigan. To this should be added what would have been granted in 1848, and 1849, had not Mr. Polk arrested and broken down, for the time being, this beneficent policy by his vetoes, and also what was proposed for dredge-boats on Lake Michigan, to wit: In 1846, $15,000; in 1847, $12,000; and in 1851, $20,000; making, with $20,000 contained in this bill, the very considerable sum of $67,000 for this single item. It is idle for the Senator to pretend that there has not been a disposition in Congress to do justice to Lake Michigan and its important harbors. We make no distinction between the lakes; but of late we have had vetoes—yes, sir, vetoes of all sorts; and their origin and application carry us back to the date when most of the harbors were in the midst of a wilderness.

But the Senator makes a very singular appeal to us. He says, in effect, *we* only ask a slight favor! Why should you not accord it to us? Why contumaciously refuse to grant us this small privilege? But I ask, Mr. President, who are "WE?" Does the Senator speak for the people of Illinois? Does he bear any commission from them authorizing to demand "tonnage duties?" Have the people of that State sent any petitions here asking such a miserable boon? Has the Legislature of his State acted on the subject? On the contrary, I believe an immense majority of the people of Illinois would repel a scheme fraught with nothing but oppression, with indignation and abhorrence.

It is, Mr. President, with infinite concern that I see in the course of the Senator proof conclusive that he has made up his mind to take ground against improvements by the General Government, and to blow up the whole system. I thought I saw unmistakable indications of such a purpose towards the close of the last session of Congress. When a motion was made to take up the harbor and river bill, then pending, what did the Senator say? Here are his words:

"I shall vote to take up this bill at this time for the reason that I desire to have an opportunity to state what part of the bill I am in favor of, and what part I am against, with a view of trying to put it in such a shape that we can pass it; that will be my reason for voting to take it up."

So that the Senator was not content with that bill, though it gave to northern and northwestern harbors, and to western and southwestern rivers and harbors, the enormous proportion of $1,747,376 out of $2,358,876! Why did he not state his objections, if he had any? Why did he remain profoundly silent, and leave us in ignorance to this day on a subject of such vital importance? The Senator will not claim he offered a single amendment, and I believe he voted against all amendments proposed by others; and yet he told the Senate he voted to take up the bill for the reason that he desired "to have an opportunity to state what part of the bill he was in favor of and what part he was against." It is a bad sign when a Senator begins to quarrel with the details of a harbor and river bill, and a worse one when he does not make known the grounds of his quarrel.

But the Senator has made a further revelation of his purposes, by opposing at this session a grant of money from the Treasury to construct a ship canal around the Falls of the St. Mary's—a work of the first importance to the nation, and particularly so to the people of Illinois. My friend, the junior Senator from Michigan, [Mr. FELCH,] offered an amendment to a bill from the Committee on Public Lands, proposing to grant $400,000 from the Treasury for this truly national work, and both the Senators from that State [Messrs. CASS and FELCH] advocated the adoption of the amendment with unsurpassed ability. I felt myself constrained to take the floor and to lend to the measure a little of my poor advocacy, but the Senator [Mr. DOUGLAS] opposed himself to us with all his might—he raised a great clamor against the construction of canals by the General Government, when he knew, or ought to have known, that this work is a mere river improvement, and intended solely to overcome obstacles in a river. I hold the Senator responsible for the defeat of that measure. He has handed that great communication, with seven hundred and fifty thousand acres of the public domain, over to the State of Michigan, whereas it should have remained in the hands of the national authorities, and the improvement should have been made at the expense of the common Treasury.

But there can be no doubt as to the position of the Senator since he has offered his amendment. I do not hesitate to say, without intending any disrespect to the Senator, that of all the schemes of mischief that could be concocted for the purpose of blowing up the whole system of river and harbor improvements by the General Government, that devised by him is more ingenious and better adapted to accomplish the object than any other. Devised, do I say? I must recall that word. The *projet* of the honorable Senator has not even the merit of originality. The idea of substituting tonnage duties for the system which Congress has long sanctioned was, I believe, first suggested by Mr. Calhoun. Mr. Polk took up the subject in his message to Congress of December 15, 1847, justifying his *pocket* veto of the bill that passed the two Houses at the preceding session, and dwelt upon it at length. He insisted that it was the only safe and practicable method of making river and harbor improvements. The Senator seems to have derived most of the facts and arguments which he has addressed to us this day from that same veto message. Of course, he cannot complain when I insist, as I now do, that he occupies substantially the ground assumed by Mr. Polk, and is influenced by the same sentiment of hostility to the policy which I advocate.

Nor is the Senator the first to bring forward in Congress a proposition for legislation in conformity with such views; Mr. Rhett, of South Carolina, introduced into the House of Representatives, January 12th, 1848, "A bill declaring the assent 'of Congress to any acts which may be passed by 'the several States laying tonnage duties on vessels 'entering their ports or harbors." What a pity it is that Mr. Rhett has resigned his seat in the Senate! If he were here, we should have the conjoined powers of Illinois and South Carolina in full activity to lay on the farmers of the Northwest much the larger portion of these burdens.

Though not fond of the veto, I feel that I have a right to forbid this scheme of oppression. I hold that a Senator here is a legislator for the whole Union, and not particularly for his own State. Having done everything I could, since I have been in Congress, to advance the prosperity of the younger members of the Confederacy, I feel that I have a right to stand up here and repel this aggressive movement—aggressive on the Northwest and the log-cabin men of that section.

Having offered all that I desire to submit in respect to this remarkable scheme, (truly remarkable, considering the quarter from which it comes,) I will for a few moments advert to the incessant complaints which we have from other Senators, in regard to what they are pleased to style the inequality of this system.

I am sensible, Mr. President, there may be some inequality in a particular bill, but I insist there will be no inequality in the system; that a series of bills will do justice to all rivers and all harbors—I mean all that should be improved. You cannot expect, as my friend from Massachusetts [Mr. DAVIS] said the other day, to have everything provided for in one and the same bill. The pressure for participation in the policy now is greater, for the reason that nothing has been done for a long series of years. Let Senators be patient—we can take off this pressure by one or two more bills, and then the system will work smoothly and without complaint.

But we have complaints from another quarter, which I am disposed to treat with great deference and respect; they are addressed to us by the Senators from South Carolina, I doubt not with great sincerity and integrity. They also make the same allegation of inequality; they insist that there is an inequality as between the Atlantic coast and the western country, and also, if I understood them, an inequality as between the different States on that coast. With respect to the latter, I would merely observe that such appropriations must be made in conformity with the exigencies of commerce and navigation; and it is no reason why we should not respond fully to those exigencies, because they happen to be greater in one State than in another.

I am sensible that the Northwest and Southwest get more of these appropriations than the Atlantic coast, and I do not hesitate to say that they ought to have a great deal more. Their necessities are much greater, much more urgent, than ours, and therefore we should respond accordingly.

But Senators must not forget that there are compensating principles in the administration of our Government; and if they get more under some heads of appropriations, we get much more under other heads. Have not the people of the West contributed to the erection of light-houses along our coast, and to their maintenance? Have they not contributed to the erection of fortifications for the protection of our Atlantic harbors? Nay, did they not pay, in part, for the fortress which has been placed in the harbor of Charleston for the defence of that city?

Mr. BUTLER. I desire to ask the Senator whether he regards forts and arsenals as falling within the scope of a bill for internal improvements?

Mr. SMITH. Certainly not. No one pretends to dispute either the power or expediency of erecting forts and arsenals, but as to internal improvements, both are disputed. That, however, is not the point under consideration. If we assume that Congress has the power to improve rivers and harbors, then the question is, whether the exercise of that power would be unjust, on account of this alleged inequality?

I insist, that, to the formation of a proper judgment on this subject, it is indispensable to group all our expenditures together; and, therefore, it is proper to bring into view in this connection, light-houses and fortifications.

The light-houses are maintained and the forts erected for the special protection of the people of the Atlantic frontier. And for whose benefit, chiefly, is a fleet maintained upon the turbulent waters of the ocean from year to year, at an expenditure of many millions?—whose commerce is protected? Is it not the commerce of the city of Charleston, of Savannah, of Norfolk, of New York, and every portion of the Atlantic coast? From whence does this fund come that defrays all this enormous expenditure? I say from the whole country; the Northwest contributes largely to it. There is not a human being found there who consumes a single dutiable article, but contributes to it. There is not a single preëmptioner who goes into the wilderness, with axe in hand, and levels the forest, and raises the means of paying for his land, to go into the strong box of this Government, but contributes to this fund.

I deny that there is any inequality in the operation of our Government. I deny it utterly. I insist if we are to enter into an account as between different sections of the Union, we are debtors to the Northwest and Southwest, and I rejoice to have an opportunity to pay back some portion of that debt in the form of harbor and river improvements. But away with this miserable business of accounting and of arithmetic! Can we not look over our own country—over this great Republic, and rejoice in its prosperity? And can we not believe that the prosperity of each part is the prosperity of the whole? Sir, I would vote for the bill if it did not give a dollar to New England, on mere selfish consideration—on a mere calculation of sectional advantage—because the more we do for the Northwest and Southwest—the more we develop their resources—the more we open their harbors and clear out their rivers—and the more we enable them to ascend from one height of prosperity to another, until they become the pride of the country and

the glory of the age in which we live, the better it will be for New England and the whole Atlantic frontier.

Sir, I am for this system; I will stand by it. I will suffer no insidious scheme, (I do not say this scheme is insidious,) calculated to undermine and tumble it into ruins, to be brought forward, without an effort to reveal it to the country in all its enormity.

Mr. DOUGLAS. Mr. President, I have a few words to say in reply to the Senator from Connecticut, [Mr. SMITH,] simply for the reason that he avowed, in the opening of his speech, that it was made for the latitude of Illinois, with a view of defeating my reëlection to the Senate. There is something very alarming in a threat of that kind, coming from the Senator from Connecticut; especially when I recollect the position he has occupied in conducting political campaigns in former times, and the position that he occupies now in relation to the political canvass that is being waged between the two parties. It is very fearful to be informed that the Senator intends to give me business enough to keep me at home to vindicate myself before my own constituents. I have before me a specimen of a warfare that that Senator wages, when he chooses to interpose between a Senator or Representative and his own constituency. I have here one of the Senator's circulars, issued by him in secret, during the campaign of 1848, in which he held up the offices of this Government as bribes to the voters of Indiana, on condition that they would vote as he told them to vote. He told them that they must vote in a particular way; must carry the State for a particular man, if they expected to have any patronage from the incoming executive administration. When a Senator who is intrusted by his party to become their organ, to issue secret circulars, selling out in advance the patronage of the Government for votes; to put down a particular man, and put up a certain other man, comes forward and makes such a threat as that, to a man of moderate nerve, it is rather fearful and alarming.

Again: what gives more importance to the threat is the fact that we find the Senator now occupying the same position. No Senator can enter this Capitol without seeing from ten to twenty enormous boxes of books directed to the Senator from Connecticut, to be folded and sent off at the public expense—to be sent to all portions of the Union for the purpose of defeating those whom he dislikes, at the election before the people. A man who holds himself out as the organ of a great party, for the purpose of receiving books, pamphlets, calumnies, and falsehoods, to be folded and distributed at the public expense, by the abuse of the franking privilege and of the post office laws, becomes rather a fearful antagonist, backed, as he professes to be, by the patronage of what he thinks is an incoming administration, when he makes threats to defeat a Senator's reëlection at home. Sir, the Senator can issue as many secret circulars as he pleases; he can send out the one which it is well understood that he got up, in the name of himself and others, as a fraud upon the country. He can send out another secret circular, advertising at auction the offices and the patronage of an incoming administration, if his party succeed, in order to affect the election. I have no apprehensions from the Senator's influence upon the elections in Illinois.

For what am I to be arraigned before my constituents? For bringing forward this amendment authorizing the levying of tonnage duties for river and harbor improvements. For that crime the Senator from Connecticut is to arraign me before the people of Illinois! But, before he got through with his speech, as a reason for my advocacy of the measure, he told the Senate that it was a measure for the benefit of the State of Illinois; that her people are deeply interested in it; that the success of our railroads depend upon it; that the profits of our canal will be increased by it, and that Illinois is establishing a policy for her own advancement, and for the promotion of her own prosperity at the expense of others. In his speech he tells the people of Illinois that her Senator is doing these great things to advance her interests, to promote her prosperity, to increase the value of her public works, to extend her improvements and her wealth; and for that he is going to appeal to the same people to condemn that Senator for thus faithfully representing his own constituents! I am willing to allow the two propositions to go out together. The Senator, in the conclusion of his speech, by stating that this was for the benefit of the people of Illinois, made the best argument I could have desired for my justification among my constituents. But, sir, I deny that Illinois has a separate and distinct interest in this question from her sister States. It being admitted that this is for the benefit of my own State, I deny that she alone is benefited, and insist that Michigan, Iowa, Indiana, and every other State of the Union, will be benefited to the same extent by the same causes. But before I follow the Senator further upon that point, I wish to notice a charge which he repeated about a dozen times in the course of his speech. He asserted that I had slandered, vilified, calumniated—and he went all through the catalogue of epithets—the officers of the Army. Sir, I leave it to any gentleman on this floor, to say whether he so understood me. If any *gentleman* will say that he so understood me, I will withdraw the remark; otherwise, I have no response to make to the statement of the Senator from Connecticut.

In regard to the log-cabin boys of whom the Senator from Connecticut has formed such an affection of late, I would ask by what authority is he constituted their special agent and advocate? By what right has the Senator from Connecticut acquired the exclusive privilege of speaking for them? Why, when he refers to the Sault Ste. Marie Canal bill, he speaks of "my canal bill," as though it were a work of his own, belonging to himself. I could have given a history to show who owns the mines on Lake Superior; who changed that bill from a land to a money appropriation, not for the benefit of Michigan, and not at the request of her delegation. I know the reasons for the change. Sir, the Senator has a right to represent certain mining companies upon Lake Superior; but I deny that that gives him the privilege of speaking for the settlers upon the public lands upon our prairies and on our northwestern borders. The representative of Wall street operators, to carry out pecuniary interests and private speculations, to promote individual interests by Senatorial votes, is different from a representative of the log-cabin boys. I deny the Senator's right to represent the settlers on the public lands. I have a better title than he has. I live among them. I have lived among them from my boyhood. I have been one of them. I have sympathized with them, and they have sympathized with me. Those settlers know that the last thing that could ever be imputed to me, would be infidelity to them and to their interests. The Senator from Connecticut may exercise all the power of party machinery—may distribute all the handbills and scandalous pamphlets and libels that are sent here from New York, to be folded and circulated at the public expense. He may send out his secret circulars, libeling and vilifying members of Congress, promising the patronage and emoluments of Government in the name of his party and its candidate for the next four years. He may do all this, and still I put him at defiance! The western people have heard of this organization for retailing slander and falsehood. They have heard of the man whose qualities and habits render him a fit instrument to be at the head of such an organization! The notoriety, if not the fame of the Senator, has extended to every corner of the Union. I would desire no better man to electioneer for me among my own constituents, than for him to go there as the representative of the Whig party. I tell you, sir, if it could be understood that he was their representative and exponent, you would not find Whigs enough upon our prairies to make milestones along the principal highways. Our people think that they understand their own interests; and that they know how to select men to represent them in the National Councils. They are not in the habit of having a man from Connecticut interpose himself between them and their representatives, to prescribe what measures are for their benefit, and what are not.

The argument that tonnage duties will increase taxation, has been held up to frighten our people from their propriety. They well understand that, whenever a canal is built, tolls are charged upon it; and when they are called upon to pay canal tolls or tonnage duties, or whatever you may call them, a tax is imposed for the purpose of defraying the expense of the work. You might say that the New York canal was a great injury to our western country, because it has enabled New York to collect $2,000,000 a year from the consumers of western produce and eastern goods; and you can fully sustain the argument that the consumers of these articles pay that tax. This is true, sir; but, while it is true, every man knows that the construction of that canal has reduced the expense of transportation between those points to one tenth of what it would be without that canal. Although we pay tolls to the amount of $2,000,000 a year for the transportation of our western produce through those works, still we are released from an expense of $20,000,000, which we should have been compelled to bear, if that canal had not been built, and our produce had been transported in other ways. Besides, it must be borne in mind, that while all the tolls, duties, and charges, on eastern goods going west are added at each point, to the price of the goods, and finally paid by the consumer,—yet, the argument holds good in relation to western produce going to an eastern or foreign market. The charges and duties are added to the cost of the article at each point, and are finally paid by the consumer on the Atlantic or in foreign countries. Inasmuch, therefore, as the freights eastward are much greater than those westward, it follows that by far the smaller portion of this tax would be paid by the western consumer.

So it is with the railroad system. You may well say that every railroad made between the Atlantic sea-board and the great interior, will charge taxes upon all western produce passing over it. That is true, sir; but the right to tax us is no argument against the propriety of the work, provided the cost of transportation with the taxation is less than it would have been if the work had not been constructed. All internal improvements, to the extent of their cost, are a tax upon the navigating or transportation interest; but at the same time they reduce the price of transportation over the lines of commerce, and hence prove an advantage rather than a burden to the people. I could illustrate this by reference to the Illinois river, in my own State, which has been alluded to by the Senator from Connecticut. He has told you that if my system prevails, duties would have to be taxed upon boats on that river. Well, I took up an Illinois newspaper this morning, in which I discovered that while the ordinary price of transportation in good water upon the Illinois river was twenty cents upon the one hundred pounds, yet, in consequence of low water at this time, it has risen to one dollar per hundred pounds. There is a difference of eighty cents upon every hundred pounds of merchandise transported on that river, between low water and high water. Give us the privilege of levying a tonnage duty, which would not raise the price of transportation on the river, in good water, more than one cent per hundred pounds, and you would save to the people interested seventy-nine cents on every one hundred pounds transported at low water. I am ready to go into the facts, and the figures, and arguments of this question when I get before my own people, as applicable to their own rivers and their own harbors. We are told that we shall be compelled to pay duties at many points—duties on duties. That may be; but if the improvement made by the funds thus assessed reduces the cost of transportation at each point, where is the argument against the levying of the duty? It is no argument to tell me that our produce is to be taxed for this transportation to market. We found that out in early times, and we have never been permitted to forget it since. We are taxed for our transportation; we expect always to be taxed for it. But the question is, what system of improvement will reduce that tax to the lowest point, and remove to the greatest extent the burdens that rest upon us? That is the point to which I wish gentlemen to address their arguments.

Again, sir, when we are reminded that we shall be taxed by tonnage duties for these improvements, it must be borne in mind that we are also taxed to raise money under the tariff system to make the appropriations provided for in this and all other river and harbor bills. If the argument be sound, that the levying of a tonnage duty is a

tax added to the freight from point to point till it gets into the hands of the consumer, then the argument is good that the tariff tax upon imported goods is assessed at each point against every man through whose hands it passes until it reaches the consumer; and your log-cabin boys pay it in the end, with all the commissions annexed to it. Then what becomes of the argument against this taxation, even in that point of view?

The plan proposed by my amendment is preferable to appropriations by the General Government, for the reason that the money will be more economically expended if left to the local authorities than by the authorities of this Government. I undertake to say that in the judgment of men on this floor best acquainted with the expenditure of this money for rivers and harbors, we do not get one dollar's worth of work for every ten dollars appropriated and expended. Is it reasonable to suppose that this would be the case if the money were expended by the local authorities under the very eyes of those who pay it? Would there then be such a wasteful extravagance in the expenditure of the money? Clearly not. Hence, under my system, we do not propose to levy over one tenth as much tax on the people in order to make any given improvement as under the system that is now advocated by the Senator from Connecticut.

Sir, in any point of view that this question may be presented I am ready to meet its opponents and discuss it in every part of this Union—upon the rivers, upon the harbors of the lakes, upon the Alantic, the Gulf, or the Pacific. Wherever I can meet the people, I am prepared to justify and vindicate the principle of this amendment; and show them, in the first place, that it is the cheapest and most economical mode of making these improvements; and, in the next place, that it is the most effectual mode; and again, that they can never venture to risk the lives and property of themselves and their neighbors upon the mere contingency of a yearly appropriation from Congress under the circumstances which have surrounded us for the last ten or twelve years. The Senator from Connecticut has attempted to get out of the difficulty by saying that the vetoes of river and harbor bills have prevented us getting appropriations; and he says the people must know who it is that opposes river and harbor improvements. For the purposes of this argument I care not who it is. I am not discussing this question as a partisan; I am discussing this question as an American Senator. I care not which party it is that defeats our appropriations; the result is the same to us. If the appropriation is defeated and no harbors are made, and no protection is furnished upon our navigable waters, what care we who defeats us? Why should gentlemen bring in politics here to bear in relation to this question? I am aware that if my proposition be defeated it will be defeated solely upon political grounds, to affect the presidential election. I am aware of the drilling up that has been made here within the last few days, and of the appeals and inducements held out to men to vote against their judgments in depriving the States of the West of the privilege of improving their rivers and harbors. I can tell the Senator from Connecticut that our western people are not going to abandon their principles by having the screws of party put to them to deprive them of any improvements of their rivers and harbors until they put Whigs in power. You cannot seduce our proud and intelligent people to submission in that way. You may bring the pressure to bear upon them from political motives, to carry the election, but still these people will be true to their improvements, true to their duties, to themselves, and to the Federal Government.

Mr. BUTLER. I move that the Senate do now adjourn.

The motion was not agreed to, there being, on a division—ayes 17, noes 23.

Mr. HAMLIN. Mr. President, I desire to state to the Senate some of the objections which will compel me to vote against the amendment offered by the Senator from Illinois. In doing so, I shall endeavor to confine myself strictly to the amendment, and to indulge in nothing that does not pertain to it. Before doing so, however, I beg to call the attention of the Senator from Illinois to one mistake into which he has fallen. He has spoken very frequently of the injustice which the present bill does to the great West. I think I can say for every member upon the Committee on Commerce—and there are some upon it from the great West, from the North, and from the South—that there is no member of it who would not do full and ample justice to every section of the Union in any bill which they should report. Such, at least, was their desire. They wished to do justice to the great West.

Mr. CHASE. The great center.

Mr. HAMLIN. Yes, sir; I take the correction of my friend. In the progress which population has made in the West, the valley of the Mississippi is now the great center of the Union. The error into which the Senator from Illinois has fallen is this: He has said that this bill has not provided liberally for the great center—for the valley of the Mississippi, and for the lakes. He certainly has not examined it. If he had given it an examination, he would not have made the allegation. He will find, upon a careful investigation, that this bill provides for the whole Atlantic coast and the rivers falling into it but $660,000, while for the great rivers of the West and for the lakes it appropriates $1,219,000, being nearly two dollars for interior commerce to one dollar for exterior commerce. I have no objection to the bill because it appropriates liberally for the lakes and the western rivers. I am without personal knowledge on that matter, but from the information which I have been able to gather, I am inclined to think their wants are superior, and I am very cheerful and very glad to aid in voting appropriations which are required by that section of the Union. So much for the error into which the Senator from Illinois has fallen. A few words now in relation to his amendment. The amendment is one of general character. It is to throw over the whole country a system of tonnage duties. I am aware that in some sixty or seventy specific cases the assent of the Government has been granted to the States to assess tonnage duties, but when we have been asked to grant that power to the States it has been for a specific purpose, and at specific points named, so that Congress could judge clearly and distinctly of the propriety of making the grant. The difference between a general system and that which is specific in its character is so obvious that I need not allude to it here. A general system which shall apply to the lakes and the harbors in the same way that it applies to the Atlantic coast may be very unequal; and that system which allows tonnage duties in specific cases may be the best method of proceeding.

The Senator from Illinois asks, will you refuse to us in the West the power to assess and collect tonnage duties? If the Senator will make his specification—if he will fix the principal points at which he designs to collect tonnage duties—and if he will do as has been done in other cases, present us with the law of the State in which these locations are, showing us where the improvements are to be made—then, I say to him with all cheerfulness, I will grant the tonnage duties in those specific cases, and at those particular points. But I am opposed now to granting a general system, and have it extend entirely over the whole country, which may be unequal in some sections, while it may be very beneficial in others. There is another view of this matter. I will go with the Senator from Illinois, and with any Senator who will mature any general system that shall have the principles of equality in it, that shall remove this vexed question from the Halls of Congress. That would be a *desideratum;* and if there is any system which can be adopted, I will be first and foremost with that Senator, and with every other Senator, in adopting it. But let me ask, if, in the improvement of your rivers and your harbors, there is equity in assessing the duty upon the tonnage alone? Is not the commodity which is transported benefited more than the tonnage? What is the object of securing a harbor of commerce, or one of refuge? Is it to protect the navigation? Is it not equally to protect the commerce and the commodity itself? I ask, if, in adopting a general system, there is not equality, and justice, and equity in imposing upon the cargo, as well as upon the vessels, a certain per cent. to make the very improvements by which both vessels and cargoes are to be benefited? The Senator's amendment is too crude, in my judgment. It is ill-digested, and there is not time at this late day of the session to perfect a system which shall have in it the element of equality—which shall extend over the whole country. If that system can be adopted, I will most cheerfully concur in it; but, I think, in adopting it the cargo of the vessel should be made equally to contribute with the vessel itself. Most assuredly the proposition of the Senator from Illinois is not objectionable, as imposing an unnecessary burden upon his constituents; but it is objectionable to my mind that it does not go far enough. He would impose the duty only upon tonnage; I would impose it also on the cargo, because the cargo as well as the tonnage is interested, whether it be in a harbor for commercial purposes strictly, or in a harbor for refuge.

These, very briefly, are some of my objections to the amendment. There are others to which I might allude. I will, however, here only allude to one of them. It is this: Where a river is the boundary between two States, and the improvement of that river is to be at a given point, and one of the adjacent States assesses tonnage duties, and the other should not, the vessel would assuredly go to the ports of that State which should neglect or refuse to assess those duties, and vessels going into the ports of that State would reap all the benefits to be derived from the duties assessed by the adjacent State. It is true, this might be obviated, if the two States would act in concurrence.

But I repeat once more, that to perfect a system like this needs more time than my friend from Illinois has been able to devote to it. It should be a system which should have equity—which should be equal to all parts of the country. In maturing and digesting this, or any other system which shall remove this vexed question from the Halls of Congress, I will most cheerfully concur. I agree, however, in every word which fell from the honorable Senator from Michigan [Mr. CASS] in relation to this matter. Really, the only object I had in rising, was to express this view. It is too late in the session to mature a system thus extensive and thus important in its bearings upon the country; and whatever may be my views upon such a system as might be digested, I shall be compelled to vote against the amendment at this time.

Mr. DAVIS. I do not propose to argue this question. Though considerable consequence has been attached to it in the present state of things here, I shall not attempt to go into it. I wish to say, however, that I think, with the honorable Senator from Maine, that the project is not sufficiently matured. I regret that the Senator from Illinois should have felt it to be his duty at this stage of proceedings, and at this stage of the session, to introduce this subject here for consideration under the circumstances which exist. Although the Senator declares that it is the measure of the great West, I cannot feel that the West have it particularly at heart. So far as my observation has extended, I know very well that there is not a State that has passed a law—not a State that has presented a law here for our consideration, and our sanction of this system; yet that has been the usual course. Whenever a State desired this privilege, it has presented a law for the consideration of Congress, leaving Congress to judge of the propriety and expediency of granting the measure. Now, there is no State that has applied for this assent, and there is no State that feels any urgency about the matter; and it may as well be acted upon at the next session as now. Moreover, I beg leave to say that I do not believe that the States which have received this great boon—which the Senator from Illinois extols so much as a privilege of immense value—have profited essentially by it in any way. It was granted to Georgia to remove wrecks from the river Savannah. Now, there is a provision in this very bill, half a century after that time, for the removal of those wrecks. That shows, at once, the effect of granting tonnage duties of this description. They have not been available in any hands; and those parties who have had the enjoyment of them, have been very glad to come here and obtain other modes. Even Baltimore, with all its prosperity, and the enjoyment of this tonnage duty, has found it ineffectual in its hands to accomplish the objects

in view. I would say to the Senator from Illinois, that if this measure is designed and intended to supersede the present system, I could at once point out many reasons why it is immature in its character, and why it ought not to be pressed upon us at this time. I will give it, at the next session, if he chooses to present it, a careful and deliberate consideration, and examination. I shall be perfectly willing to do that; but I am not prepared to adopt the measure as it now stands before us.

Mr. BORLAND. I shall not undertake anything like an answer to the arguments which have been made against this amendment; certainly not as to arguments of gentlemen of the opposite political party from that to which I belong. I had anticipated the opposition of gentlemen on that side; and I have not been disappointed. I must say, however, to my honorable friend from Maine [Mr. HAMLIN] that it seems to me that his admission in this case yields the whole principle.

Mr. DAVIS. Will the Senator allow me a word? My honorable friend from Illinois threw out here the intimation that there had been some maneuvering to defeat the amendment. Now I disclaim all knowledge of any such thing. Nobody said anything to me about it, and I have said nothing to anybody. I did not hear anything about it until it came from him. If there be any politics in it, except what came in here accidentally to-day by way of explosion, I am totally unaware of it; and I have seen no evidence of it, and no feeling of that description with any gentleman.

Mr. DOUGLAS. Candor requires me to say that the gentleman from Massachusetts has been entirely frank on this question.

Mr. BORLAND. The Senator from Massachusetts evidently misunderstood my allusion. I did not allude at all to any political question introduced to-day. I said that I had anticipated objection to this proposition on the part of the Whig members of the Senate, not from anything that has been said to-day—not that they have indicated any purpose to oppose it, but upon general grounds. I expected opposition from that party to this proposition because I think it strikes at the root of the policy which has been advocated by them in all time. It strikes at the root of their policy which I have considered as better calculated to change the character of this Government from what it was intented to be when it was organized, than any other—the making of this Federal Government the great agent which is to perform all the functions of the whole system, and absorb the powers of the States, and do those important things which the true character and principles of our system of Government intended that the States should perform.

But, sir, a word to my honorable friend from Maine. If I understood him—and I wish to be corrected if I am in error—he said that all the legislation on this subject by which Congress had given its assent to the levying of tonnage duties in different States, had been preceded by State legislation.

Mr. HAMLIN. Generally.

Mr. BORLAND. I think the Senator said in sixty or seventy cases. That is not, however, the point at which I wish to arrive, but it leads to it. He said that if the Senator from Illinois or any other Senator would come forward with a proposition from any State asking the assent of Congress to the levying duties, he would agree to it. Did I understand him correctly?

Mr. HAMLIN. Not exactly. I said that if the Senator from Illinois would present any definite points for improvement, giving us the manner in which it should be done, I would vote for it very cheerfully—that I would concur in any general system which would have equality in it, but that this system was crude, and did not specify the various points which should enjoy the privilege.

Mr. BORLAND. Substantially, then, I did not misunderstand the Senator. He says that if the Senator from Illinois will bring forward a proposition from one of the States specifying the particular instances in which this assent of Congress is to be given, he will vote for it. All he requires is that the points and the circumstances shall be made specific; then he will give his assent. Now I ask where is the difference, practically, between being willing to vote for every case that may be brought forward, provided it may be made specific, and voting for a proposition which is general in its character, and which anticipates these specific applications? The Senator does not restrict it in this way; he does not say that he will then exercise his judgment upon it, and that if he supposes it proper he will vote for it. He only requires that the application shall be made, and shall be specific in its character, and then he commits himself to vote for it. I ask practically if there can be any difference whatever between voting for each specific case that may be brought forward, and giving the assent of Congress to the States, leaving the States to take it up and specify the instances? It is only a matter of form after all.

Mr. DOUGLAS. The Senator will allow me to state that I have here an act of Congress in which they give their assent to such act as the Legislature of North Carolina shall make. Here the assent of Congress was given in advance. In other cases it was subsequent to State action. It is true Congress had previously given assent to one act, but this is an amendment of it.

Mr. BADGER. I would ask the Senator if he has found any case of the sort except North Carolina?

Mr. DOUGLAS. I do not recollect any other.

Mr. BADGER. Then the reason is obvious: Congress knew that North Carolina would not pass any improper law. [Laughter.]

Mr. BORLAND. Supposing it to be as the gentleman from North Carolina suggests, I ask him if there is ever an instance where a State has applied for the assent of Congress and it has been refused? I would ask the Senator from Maine whether there is any instance where a State has made application for the assent of Congress and it has been refused?

Mr. HAMLIN. I do not now remember a single case where the States have not come with a law to show exactly what they asked. I do not except even North Carolina, because the privilege was granted to that State upon an act which she had passed. If the Senator from Illinois will look to the original law he will find that to be so.

Mr. DOUGLAS. Authority was given to change it.

Mr. BORLAND. I am not speaking of the matter of form; I am speaking of the substance; and I ask again if there is any difference in substance, or in the practical operation of the system, whether you give the assent of Congress in advance of the legislation which the States may adopt in which they specify the points where this tonnage duty shall be levied, or in committing yourselves to vote for all applications which may be made, provided they are made specifically?

Mr. HAMLIN. If they are right.

Mr. BORLAND. The Senator did not make that condition, and I am speaking of the proposition as he submitted it; and I asked him at the time if I understood him correctly. He admitted that he committed himself to vote for all applications with the sole condition that they should be specific. If his argument rested on that, it seems to me that he conceded the only point which involved a principle.

Mr. BELL. I rise to make one suggestion in regard to this amendment. I wish to call the attention of the honorable Senator from Illinois to one fact. I have always supposed that the following condition of the compact between the United States and the Northwest Territory had some bearing upon this subject:

"The navigable waters leading into the Mississippi and St. Lawrence, and the carrying-places between the same, shall be common highways, and forever free as well to the inhabitants of the said Territory as to the citizens of the United States, and those of any other State that may be admitted into the Confederacy, without any tax, impost, or duty therefor."

I have always considered that this provision of the ordinance of 1787 had a direct bearing upon this project. Although the honorable Senator from Illinois introduces it here to-day in a very imposing manner, in the form of an amendment to this bill, yet it would have made a bill of itself, having a shape and form of its own. It is not by any means a new proposition. He does not claim it as a new one. I think it was alluded to in very strong terms of commendation in the veto message of President Polk. I know that I have heard some Senators urge it strongly as a proper method of effecting improvements for which a great portion of the West has been contending. It has been urged as a policy which should be extended to the Northwest. I think that is an "impost," a "duty," a "tax," which would be incompatible with this fundamental condition upon which the Northwest Territory was ceded to the United States; and I believe the treaty with France by which Louisiana was ceded contained a similar compact. It may be that the provisions of these compacts do not stand in the way of the execution of this policy, but I have so considered it heretofore.

I have paid some attention to this subject, and on other grounds I have considered the proposition utterly impracticable. Take the very idea suggested by the honorable Senator from Illinois. There are nine States bordering on the Mississippi river, and he expects them to concur in the amount of taxes, the mode of appropriation, and of the application of the money to the different parts of the Mississippi. So, too, of the six States on the Ohio. I have rejected the proposition in my own mind long since upon the ground that it is utterly impracticable. It is bringing us back to the old state of the Confederation. One of the reasons why the Constitution of the present Union was adopted, was to remedy this. They found out, after long experience, the great evils which existed in the irregularity and want of uniformity in the commercial regulations between the different States of the Confederacy. I say that was the foundation which, more than any other, led to the adoption of this Union. The States could not agree. There were differences of opinion; there were jealousies, well founded perhaps in some respects, and utterly ill founded in others; and these naturally defeated all commercial regulations. Suppose you should give to the nine States on the Mississippi, and the six States on the Ohio, the power to enter into compacts for this purpose, would they ever agree? I think the idea would be utterly impracticable.

I do not enter at all into the constitutional question. If the ordinance is not in the way, I do not think the Constitution is; but I think the proposition can lead to no practical results. You can never have an agreement of this great number of States in a compact; and their rivers will be unimproved, and the impediments will not only exist but they will increase from year to year. I simply state this as the ground upon which I have rejected the idea in my own mind before it has been presented here.

Mr. DOUGLAS. We have never considered that the ordinance—even admitting it to be binding now, which I doubt—since the adoption of the Constitution and the admission of the members of the Northwest Territory as States, prohibited such duties as were necessary to improve navigation, but that it only prohibited such as would be a restriction upon navigation. In accordance with this view Congress passed an act granting to Illinois alternate sections of land to make a canal across one of those very "carrying places," on the exact line of one of them; and the Illinois canal is now located there, and we were authorized to collect duties upon it. That canal has cost the State of Illinois $9,000,000, and we are now collecting duties upon it. To raise the question, as has been done by the Senator from Tennessee, disturbs the $9,000,000 of capital invested there. Again: another "carrying place" was between the Wabash and the Maumee rivers. There, Indiana has a canal at an expenditure of $9,000,000 or $10,000,000—I do not know precisely how much—and she charges tolls for improving navigation. There was another carrying place between the Miami and the Maumee, in the State of Ohio. There, also, Ohio has a canal and charges tolls upon it. And in each one of these cases Congress has granted lands in aid of the construction of the canal, and allowed the States to charge duties. It is a little curious, therefore, that nearly $50,000,000 of capital should be invested in the improvements of the navigation of those "carrying places," and that this question should never be raised until the money was expended. It is now attempted to be said that we have no right to collect tolls to reimburse us for that outlay of money.

Mr. BELL. This article of the Constitution recognizes the validity of this compact:

"All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation."

Mr. GEYER. I merely wish to say to the honorable Senator from Illinois, that that compact has been renewed with Illinois, Indiana, Ohio, Missouri, and all the States upon the Mississippi and Ohio. It is a compact which is to be "inviolable forever." It was one condition upon which those States were admitted into the Union, that the Mississippi and the Ohio river, and the navigable waters emptying into them, should be forever free to all the inhabitants of the United States, without any tax or toll whatever. Now, the question I wish to submit is this: How can we confer a right upon the nine States upon the Mississippi, virtually to exclude the inhabitants of the other portions of the United States from the free navigation of that river? If we can authorize the States to levy a tax of one sum, we can authorize them to levy a tax that will amount to a prohibition. I am under the impression that we are not authorized to dissolve that compact on behalf of the States, but the States themselves are to act if it is to be dissolved. We represent them under the Constitution merely for the purpose of putting into exertion the constitutional powers which we have.

I must here be permitted to say, that I cannot find in the Constitution anywhere, that we have the power of substitution. We are here to execute our powers under the Constitution. We cannot pass them away. We may neglect the execution of them, but we cannot transfer them to anybody else. We may make improvements in the navigation of these rivers because we have the jurisdiction over them, but we cannot, consistently with our compacts, cede the jurisdiction to the nine States on the Mississippi, or the six States on the Ohio. We have a power, I admit, to consent that the States may levy tonnage duties; but I esteem it very questionable whether we have the power to say what they shall do with the money when they get it. Our power and authority is exhausted by giving consent; and when the consent is given, we do not at all dispose of the power we now have to levy tonnage duties ourselves; and the effect of it will be, *pro tanto*, a concurrent power to levy tonnage duties on the part of the General Government and the State governments.

The amendment proposes that we shall practically transfer to the States the power which we have to improve these rivers and harbors. If nine of them should border on the Mississippi, and agree to make what they call an improvement, which should turn out to be an obstruction, a question would arise whether the other States would not be entitled to have that obstruction removed so as to have the navigation free. We have a right here, under the Constitution, to make these great improvements; but if you allow the States bordering on the rivers to make an improvement in which you shall have no say, we may be involved in the same condition in which we were when the officers of the United States attempted to apply an appropriation made by Congress to improve the harbor at St. Louis. Illinois interposed; she did not like it; she enjoined the public officers by name who were there on behalf of the United States, and eventually the city of St. Louis was obliged to levy a tax on the real estate to construct their harbor; and then only upon the condition that they would build a work on the opposite side of the river that would enable the inhabitants of Illinois to travel above high-water mark to what is called Bloody Island. That is a specimen. Suppose a pier should be constructed anywhere on the Mississippi by the consent of these nine States, would not Maine or any other State, have a right to interpose as in the case of the Wheeling Bridge? There the Ohio river, under the compact, was a free and common highway. The State of Virginia undertook to construct a bridge over it, and Pennsylvania interfered. Suppose Pennsylvania does not join in any work that Virginia may be disposed to construct on the Ohio, will not her right remain to have that work removed and destroyed as a nuisance and interruption of her right to the free navigation of the river? So it will be when we make works on the Mississippi, if we can agree. Those who do not agree will stand upon their rights under the compact, and will be entitled to them.

Mr. MASON. I move that the Senate do now adjourn.

The motion was not agreed to, there being, on a division—ayes 18, noes 24.

Mr. DAWSON. I desire to place myself in a correct attitude in relation to the vote that I am about to give. As I understand it, the power under the Constitution given to Congress to authorize the States to levy tonnage duty, has been considered by many as an antagonistical plan to the one which has been attempted heretofore of appropriating money from the Treasury for rivers and harbors. It is time that we should settle this question, upon such a principle as the whole country may understand. I am desirous of voting upon the question understandingly; so that, if a system is to be adopted, I may honestly and fairly ask for the internal improvement of my own State. So soon as this question shall be settled, I shall commence the system of calling for surveys of the water-courses in the State of Georgia, upon streams which are navigable. Relying upon the appropriations of the General Government, or being in expectation that the General Government would confer on the States the power of levying tonnage duties, the States have heretofore refrained from asking the power. But I shall consider this vote, and I desire the country shall so consider it, as a test question upon the principle. And why? No appropriation in this bill will be effected by the passage of this amendment. It is merely an addition to the bill. There will be no deprivation of any of the appropriations to any one of the States. It is only presented now for us to say will any portion of this country, of either party, either Whig or Democratic, hereafter rely upon the power of the States, with the assent of the General Government, to make these internal improvements? I shall vote in favor of the proposition of the Senator from Illinois, upon the ground that I have no doubt of the constitutional power of the States, with the assent of Congress, to levy tonnage duties. But if the majority of Congress shall determine it, and determine it now—and by that party which have had opinions very much in accordance with my own upon this doctrine—if they shall abandon the idea of ever levying a tonnage duty, and rely entirely upon the appropriations by the General Government to clear out their rivers and open their harbors, I shall consider the question as settled. I know that to be the doctrine of the Whig party, and this decision now will make it the doctrine of the Democratic party, if the amendment be rejected. Thus it will be made known to the United States that both parties have at last concurred in the power of the General Government over rivers and harbors, and that appropriations by Congress will hereafter be the only mode of effecting those improvements.

This vote can be made a test question easily, because the amendment interrupts no appropriation. You know, sir, that I go for the improvement of rivers and harbors according to my views of the construction of the Constitution by the General Government; but beyond a certain point, I have had scruples. Those scruples are to be relieved and to be settled by the opinions of the Representatives in Congress. One party have long since announced their opinions, and the other party will to-day announce, by the vote they give, whether they intend to abandon tonnage duties and rely solely upon appropriations from the General Government to clear out their rivers and harbors.

Mr. BUTLER. I am sorry to hear my friend from Georgia say that he will acquiesce in the decision of the majority on this subject.

Mr. DAWSON. I say that I shall take the decision of this vote as a settlement of the question by the two parties.

Mr. BUTLER. I give notice that I shall make war on the system in every form that I can, hereafter. There is no one but must see how it will operate. It can operate in but one way. The Senator from Connecticut [Mr. SMITH] has given you a clue to the policy. It is, as long as he can, by the legislation of Congress, impose duties and collect revenues for the Federal Government, he is willing to distribute money derived from other people for his benefit.

Now, sir, the Senator from Illinois has made this distinct proposition. He has said that you cannot, with the money obtained by Federal legislation and Federal taxation, raise enough to answer the purposes contemplated of keeping rivers and harbors open. I say so too; but the moment you refuse to embark in this system, the people upon the Mississippi and the Ohio will be very glad to avail themselves of the system of the honorable gentleman from Illinois. If you refuse to pass this bill, my word for it, they will be very willing to adopt his.

Allow me here to say that the mode of raising taxes proposed by the Senator from Illinois, is the most self-controlling mode that can be possibly imagined, for no State having power to levy a duty on tonnage would abuse it. It would be the interest of the State to use it so as to encourage local commerce. No State would use it in such a way as to drive commerce off, and subject it to burdens such as have been indicated by the Senator from Connecticut. Why it is the very last thing one State will do. The States cannot abuse this power without hurting themselves. If you give to any number of States on the Mississippi the power of levying tonnage duties, do you suppose they would abuse it by driving off commerce? No; they would use it in the most judicious way in which it could be used. It would be used by those who have local intelligence and local interests. It might be, perhaps, a competition between the Atlantic coast and the Mississippi in this mode of regulating commerce, but that competition is for the benefit of all persons engaged in a common commerce. This power of levying tonnage duties which has been alluded to with so much apprehension by the Senator from Connecticut, cannot be abused. I think it is a self-controlling tax, and no State, no number of States would abuse it, for they would have no temptation to do it; and that is the true principle. If you collect $50,000,000 from the commerce of the South and Southwest, upon cotton, rice, and tobacco, and levy duties on imports, the gentleman will be very willing to take the money and distribute it, and just according to the temptation which interest may suggest at the time, and put it on Lake Superior, and cut a ditch and improve his mine. Now, this is but a clue to the system. If you resort to the plan suggested by the honorable Senator from Illinois, it cannot be abused. Suppose the nine States on the Mississippi could have the power, do you think they would impose a burdensome and unnecessary tax? I repeat they would impose the tax in such a way as to attract commerce, and not drive it off. But I tell my friend from Georgia, that if he acquiesces in this system of appropriations from the public Treasury for internal improvements, he acquiesces in what, in my opinion, is almost equal to burning the cotton of the South.

It is too late to make general remarks upon the subject now, but as gentlemen have urged this river and harbor bill upon us at this late hour of the session, I give them to understand that I intend to talk on the subject, and intend to reply to many arguments which have been urged here. If this consumes the time of the session it is nothing to me. I will lose the appropriation bills, and I will go to the country and take the responsibility if they bring measures here, and they are lost because Senators here choose to discuss them, or to offer amendments. Allow me to say they calculate on counting numbers and voting down everything like intelligence which should go to the country. I have something to say on this subject, and I intend to say it.

Mr. BROOKE. Mr. President, I regret to see a disposition to force this bill through at this late period of the day; and I now announce that I have two amendments to offer, one a local and one a general one.

Mr. CASS. I do not believe there is any design to force the bill through to-day. We only wish to have the bill reported to the Senate.

Mr. BROOKE. I thought the design was to force the bill through.

Mr. BUTLER. If the honorable Senator will give way I will move an adjournment.

Mr. BROOKE. I am willing to yield.

Mr. BUTLER. I move that the Senate adjourn.

Several SENATORS. Let us have a vote on the amendment.

Mr. DE SAUSSURE. I would suggest that there is an amendment to be proposed to the amendment, the vote on which will have to be taken before this can be voted upon. I think it is an amendment which will require discussion.

The motion to adjourn was not agreed to.

Mr. BUTLER. I wish to ask gentlemen who are the friends of the bill, whether they think the vote will be taken on this amendment this evening? because, if they wish that, I will leave it to themselves.

Mr. DAVIS. I do not suppose we can dispose of the bill to-night, but I hope we shall have it reported to the Senate.

Mr. BROOKE. I was going on to remark, that if the friends of the bill intend to sit us out and force it down us this evening, they must expect opposition. I intend to offer an amendment which goes to the root of the whole subject-matter, and I presume that that amendment will be discussed. I intend to discuss it if I have to sit here until midnight. I intend to offer another amendment, local in its character; the same in substance, although different in form, from that which I offered on Saturday. I offered then an amendment for the improvement of certain rivers in the State of Mississippi. I was told, that although the festive board was spread; although the spoils had to be divided, yet I did not come in a "wedding garment;" I had not been to the Department—the governmental tailor's shop—to have the true dimensions of myself and my amendment measured. I want to provide against that difficulty, and by the time the table is spread again, by the time the spoils are to be administered again, I want to have a full suit made for the Yazoo, the Tombigbee, and the Pearl rivers. I want them to appear in wedding garments. I intend to offer an amendment for them; and, as I before remarked, I intend to offer an amendment that goes to the whole merits of the question; one that I intend to discuss at length, and which I hope others will discuss. If the intention is to sit us out and take the vote to-night, I give Senators notice of what they have to expect.

Mr. UNDERWOOD. Mr. President, I have sat here pretty much the whole day, scarcely opening my mouth on the subject of this bill, although I think I could demonstrate, from the concessions made here, that if the Government of the United States can concede to the States the power of collecting money upon tonnage, to be expended in improving rivers and harbors, this Government can do the same thing itself. It can do by itself what it can do by others. But I will not take up time in arguing that proposition. I wish to say to the friends of the bill, that if they wish to pass it at all, they must not consume time in talking. I would say to my friend from Mississippi, in all kindness, that my past experience here is such that, if those who oppose us are determined not to let us vote, they will kill the measure by speaking. I have not spoken on that account. I want to vote, and I do hope we shall sit here and try to vote. I do not wish to sit here and prevent any gentleman from offering his amendment; far be it from me to do any such thing. If they will only let me vote within a reasonable time after they offer their amendments, it is all I ask.

Mr. CHARLTON. I have an amendment which I desire to offer to the amendment proposed by the honorable Senator from Illinois; but I have no inclination to make a speech upon it. I can sympathize very deeply with my honorable friend from Kentucky, when he says he has not opened his mouth to-day, either in speaking or in another capacity, which is, perhaps, very important both to him and me. [Laughter.] I shall not make a speech on the subject unless it becomes necessary. I offer my amendment for the protection of the sea-port of Savannah. My amendment is to insert in the third section of the amendment of the Senator from Illinois, the following:

Provided, That nothing herein contained shall be construed to prevent the State of Georgia from providing for the laying any tonnage duty for the purposes aforesaid, not exceeding ten cents per ton as aforesaid, upon vessels or boats navigating the Savannah river, at or below the city of Savannah—which power is hereby expressly conferred upon the said State of Georgia—

so that it shall read:

"In all cases where any navigable river or water may be situated in, or in part form the boundary of any two or more States, Congress hereby consents that such States, or any number of them, through their joint action, by agreement and compact with each other, may provide for the improvement of the navigation of such river or water, and for this purpose may lay duties of tonnage not exceeding ten cents per ton upon all boats and vessels navigating the same: *Provided*, That nothing herein contained shall be construed to prevent the State of Georgia," &c.

Mr. DE SAUSSURE. There may be some difficulty in relation to that amendment. My friend from Georgia had the kindness to submit it to me before he offered it; and it appears to me that there may be one difficulty. The amendment of the Senator from Illinois provides, that where a river runs between two States there must be a common power. The amendment to the amendment, proposed by my friend from Georgia, is to invest that right of laying tonnage duties, on the river Savannah, in the State of Georgia, independent of the will of the adjoining State. It may all be very right, and it may produce no harm. I do not know that it would. But yet I believe that I can foresee a case in which there might be a collision of interests. For example: High up on the Savannah river is the town of Augusta, upon the Georgia side; and immediately opposite, upon the South Carolina side, is the town of Hamburg. Suppose a vessel leaves Hamburg for the purpose of going to the sea-board. If she goes to Savannah, and stops there with her cargo of cotton, she may pay no tonnage duty, according to the laws of Georgia; but if she passes by Savannah, and comes to the city of Charleston, then that vessel might be taxed with tonnage duty. Thus there would be a discriminating duty in favor of Savannah, and against the city of Charleston; and against that the Constitution expressly provides that—

"No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

Here it is proposed to confer upon the State of Georgia, to do that, in reference to the port of Savannah and the port of Charleston, which the Constitution has denied to the Congress of the United States the power to do. Whether that power would be exerted or not, I cannot tell. It might, or, it might not be. But I think it would be unwise to confer upon Georgia the power of laying a tonnage duty which might produce great difficulty between the two States. I submit, therefore, that the amendment of the Senator from Illinois had better stand as it was originally presented. If the amendment to the amendment should prevail, I do not think I can vote for the original amendment. It appears to me, that the proper course would be to let the matter be referred to the States. Georgia and South Carolina would have a common interest upon this subject, and, therefore, it has been very properly provided by the Senator from Illinois, that where it is proposed to lay a tonnage duty, where a commerce is common to both States, there should be the joint consent of both to the duty which is thus to be laid. I think it is unwise to depart from that principle, and it appears to me, that the system which has been carefully considered by the Senator from Illinois, would be invaded by adopting the amendment proposed by the Senator from Georgia.

Mr. CHARLTON. Mr. President, I am very sorry to intrude on the patience of the Senate at this late hour of the day, and I shall say but a very few words upon the amendment which I have proposed. There are exceptions to all general rules. The exception proves the rule. The rule prescribed by my honorable friend from Illinois is the correct rule in the main; no doubt of that. When a river runs through two States, each of them having a proprietorship over it, both should control the tonnage duties. But here is a peculiar case; and if you pass the amendment of the Senator from Illinois as it stands, it will be a serious blow to the city of Savannah. And why? You have heard to-day, in the course of the discussion, that for the last fifty years Congress has been passing a law authorizing the State of Georgia to levy a tonnage duty on the river Savannah without asking the State of South Carolina any questions about it; without any demur on the part of South Carolina, and without injury to her. Why was this? Because the river Savannah, though it be the boundary line between these two States, is wholly within the State of Georgia, and the only important town of consequence, the only town at all upon the sea-board of Georgia, is the city of Savannah. The river is navigable for steamboats to Augusta, about two hundred and fifty miles above Savannah, and opposite that point is Hamburg, the only town on the Carolina side of the river. Now, I say it is the interest of Charleston to block up the river Savannah, because there is a railroad from Hamburg to the city of Charleston, and it would be for the benefit of Charleston if she would sink obstructions in every foot of the river, and compel persons to send their goods by the railroad. Why should we be compelled to ask the State of South Carolina to aid us in improving the navigation of our own river?

I concur in the amendment of the Senator from Illinois. This amendment, if it be passed, will deprive the General Government—I will not say of the ability—but of the disposition to carry on works of internal improvement. You are leaving them to be accomplished by the energies of the States. Who believes that the General Government can make internal improvements with as much efficacy as the States? Who believes that we should have so many lines of railroads extending throughout Georgia, if they had been left to the fostering care of the General Government? Sir, it is to the energies of the States, as to the energy of the individual man, that you must look to work out their own prosperity. Here, the State of Georgia owns this river. The sea-coast of South Carolina runs off to the northeast, and the coast of Georgia to the southeast. The river enters between these coasts, and for some time after its entrance, does not touch the Carolina shore. There is a space between the river proper and the Carolina shore, for there is a marshy country there, all of which belongs to the State of Georgia. Even opposite to the city of Savannah the islands in that river belong to Georgia. There is about the distance of three miles between the Carolina shore and the Georgia main shore. There is the island of Hutchinson; and still further on, the larger island of Argyle: leaving rather a narrow channel on the south side. That southern channel is being filled up every day, and it is being filled up partly by the action of this Government in putting there wrecks during the revolutionary war.

And here I may remark that it is said that Georgia is taken care of in this river and harbor bill. How is she taken care of? Why, some time ago we had a separate bill passed by the Senate, appropriating $50,000 for the removal of obstructions in the Savannah. Nobody doubted the constitutionality or expediency of that bill. It was passed as a simple duty on the part of the Government. That bill was sent to the House. Instead of leaving it to stand on its own footing, the House put $40,000 for the purpose into the river and harbor bill, and sent it here, leaving the other bill to be killed if this should be passed. So much for the justice that has been done to Georgia by this bill. You put in $40,000 instead of $50,000 to relieve yourselves of a duty which is becoming more apparent every day that you should discharge. And now, when you are going, by this amendment, to take away from the General Government the power to make these improvements, you ask the State of South Carolina to unite with us in levying a tonnage duty which will be solely for the benefit of the city of Savannah.

Of what advantage will this tonnage duty be to South Carolina? The Carolina rice plantations on the north side of the river have plenty of water, if the obstructions were tenfold what they are. The river belongs to Georgia, it is true, but it laves the shores of South Carolina, and leaves them plenty of water for the use of its citizens. For the purposes of commerce, South Carolina in comparison with Georgia does not want a bucket full of water from the Savannah. From the city of Savannah to Hamburg is about two hundred and fifty miles, and from Hamburg, I repeat, there is a railroad to Charleston. Four fifths, nay nine tenths, of the cotton from Hamburg that descends the river goes to Savannah, and not to Charleston; and, therefore, it would be for the benefit of South Carolina in general to put up obstructions in every foot of that river. I

do not say she would do so if she had the power; I have great respect for the generosity and character of the State of South Carolina; but why put us in the condition of asking as a favor what we are entitled to as a right? Why put us upon a principle of comity? Why trench upon our State sovereignty? Leave us, if you will, to develop our own resources at our own expense, but do not limit or control these energies, by making us suppliants to any other State. Do not place us in the power of any one. Leave us alone.

The rule prescribed in the third section of the amendment of the Senator from Illinois is manifestly a good one, that where a river runs between two States, both of which are mutually interested in its commerce, they should both unite in levying tonnage duty. But here, when it is the interest (far be it from me to say it is the desire) of one State to destroy the commerce, and the interest of the other State to preserve it for its very life, can it be possible that the Senate will hesitate to put the proviso I have offered into the amendment? If you reject the proviso, and adopt the amendment without it, you will inflict a serious injury upon the city of Savannah, without reason and without excuse.

I have presented my views hastily and imperfectly, in consequence of the time that is pressing upon us. In conclusion, I would ask my friend from South Carolina not to interpose any objection to my amendment. I trust sincerely that Senator will see that this is a case in which Georgia holds the whole proprietorship of the river; that she is alone interested; and that, therefore, her Legislature should govern this matter. Congress has at various times vested this power in Georgia, and no consent has ever been deemed necessary from South Carolina. I hope, therefore, that my amendment will be adopted.

Mr. CASS. I desire to ask the Senate if there could be a stronger illustration of the practical difficulties of adjusting this important matter than is now before us? Here already has commenced a dispute between the representatives of sovereign States—South Carolina and Georgia, respectively—as to the operation that must take place under this amendment. It is not the commencement of the end; it is hardly the commencement of the beginning. It should caution us. It speaks in loud tones, that we should not now adopt the plan of the Senator from Illinois. There are a great many difficulties in the way which require to be guarded against. It requires many provisions to be inserted that the Senator has not had time during this crowded session to attend to. I would suggest to him to modify it in one particular. It will be observed that there is a provision in it, which enables taxes to be levied upon people through the whole extent of the Union. Every little village will have the right to levy its tax in the shape of tonnage duties; the money to be applied so and so. Now, there is not a single provision in the amendment—and I am sure honorable Senators will see, on reflection, the necessity of providing for it—that there shall be any returns to the Government to show how much is collected and what is done with it. There is no check upon it at all. It extends throughout the whole Union. Taxes are to be locally collected by the local authorities; and no one else is to know how much money is collected and how much is expended. Again: I would suggest to my honorable friend that he should limit the duration of the amendment. It is now indefinite. I think it would be better to provide a limited time, say five years, or ten years, or fifteen years, so that we might see whether it would work well. But, at any rate, let us not commit ourselves to it perpetually. Let us, if you will, make the experiment, ascertain the operation of it, and then, if necessary, we can prolong the system.

Mr. BUTLER. I think there is no necessity of a limitation, for we can repeal this act at any time. It might be prudent, perhaps, to curtail this to a certain number of years; but we would then have to enlarge it.

Mr. DAWSON. It can be amended at any time.

Mr. BUTLER. Yes, sir, we can amend the act at any time, and if it should not work well we can discontinue it. In regard to the amendment of the honorable Senator from Georgia I would say, that the last thing I would desire would be to see the neighbors upon the Savannah river have, even apparently, any difference at all in the Senate. We are identified in many particulars; and I declare before the Senate and the country, that I would make more sacrifices to conciliate and be on good terms with Georgia than almost any other State in the Union, at this time. I would say to my friend from Georgia, that my opinion is, that South Carolina, or the upper part of South Carolina, is very much interested in the navigation of the Savannah river, and that has been the universal opinion. People who carry their cotton to Hamburg and Augusta uniformly say that they want two markets instead of one; and I am very glad to see that Savannah will afford another market for competition with Charleston. It is to the advantage of the planter. It may not be altogether so advantageous to the commercial interests of Charleston; but it would be of great advantage to the planter.

Let me say to my colleague a word with regard to the difficulty he suggests. If Savannah were to proceed in the manner which he has indicated, and call in vessels going round to Charleston, and make them pay tonnage duties, I answer, that none would go there; but people would send their goods by railroad. Do you suppose Savannah would be guilty of such a suicidal act? Not at all. I am not afraid of Savannah abusing this privilege. She could not abuse it, because she would only have the right to tax vessels going into her port, and not to tax vessels passing by. And if she were to undertake to intercept vessels passing by, they would turn and go another way, and would not use the river. There is not the least danger of any abuse of this power. Georgia had the privilege, sixty years since, of imposing these taxes; and yet the objection urged by my colleague has never arisen.

I say deliberately here now that I am interested in the navigation of the Savannah river, notwithstanding the strong expressions of my friend from Georgia. I am decidedly interested in it. I want to see that navigation improved and kept up. I do not think that competition between Charleston and Savannah will injure either of them, but I think the extension of facilities to both will benefit the commerce of the South. I am willing that both cities should be improved by it. I am sure that if any hostile attack should be made upon the Charleston commerce passing Savannah, it would only turn out to operate to the injury of Savannah. But I have not the least idea that such a policy would be adopted, and therefore I have no particular objection to the amendment of the Senator from Georgia.

Mr. SOULE. My honorable friend from Illinois [Mr. DOUGLAS] cannot seriously expect that we shall act on his amendment. In presenting it to the Senate at this advanced stage of the session, he can only have had in view to lay his scheme before the country that it may prorogue attention and debate, and be tested in the crucible of public opinion, and come back to us elucidated and matured. The views so ably expressed by the Senator meet with my entire approbation, and will, I have no doubt, find favor, decided favor, with those with whom I am in the habit of acting in this Chamber. I am convinced, Mr. President, that the system upon which the present bill is meant to operate will sink under its own weight. It is monstrous; it organizes plunder, and makes corruption the main lever of this Government. I do not doubt but that its advocates are in earnest, and all under the highest promptings of duty. But they must perceive, from what has been exhibited by this debate, that the gap which such a system makes in the public Treasury is widening in a fearful progression, and threatens to lay it open to the most extravagant irruptions. The country will force us to surrender it; it cannot bear scrutiny; it accuses, and in the end must destroy itself. The plan offered by the Senator from Illinois will enable us to provide means for executing such works as the public interest will commend to the attention of the Government, and will not be obnoxious to those constitutional objections which on all sides assail the present system. But it introduces a new element in the policy of the country, and, perhaps, on that account requires time to be well considered and perfected. That it will elicit discussion none can doubt, and that it comes too late to undergo the ordeal of a full debate the honorable mover himself will admit. Let it go to the country, with the remarks that introduced it here. It will be studied throughout the land, and gain strength as it is better understood, and then return hither with the commendations of the whole nation, as the best devised mode of throwing out of Congress this exciting and dangerous topic of debate. Such being my sentiments in reference to the amendment, and being unwilling to endanger its success by a hasty consideration of its merits, I feel authorized to address myself to my honorable friend from Illinois, and to ask him to withdraw it, to give himself time to perfect the system which it is intended to initiate, the Senate an opportunity of bestowing upon it the attention which it is so eminently entitled to claim, and the country an occasion of testing its appropriateness, through the workings of that other system which it is destined to supersede.

Mr. DOUGLAS. Mr. President, I deeply regret that I had not the opportunity of laying the subject before the Senate at an earlier day of the session, in order that we might have obtained a full discussion of the measure at this session. If I could have done so, I should certainly have pressed it to a final vote. With the hope of being able to do so, I laid the amendment on the table, on the same day that the bill came from the House of Representatives; and, by the unanimous courtesy of the Senate, I procured an order to have it printed. The spirit in which it has been met, generally, by the Senate, and especially by those with whom I have been in the habit of acting politically, makes me deeply sensible that I am under obligations to yield to their suggestion to give them further opportunity of considering it, with the anxious hope of being able hereafter to mature it, and make this a plan upon which we may all unite, and thus enable us to have a regular system for the improvement of rivers and harbors. I am deeply impressed with a sense of the courtesy and kindness with which the proposition has been received, and with the suggestions that have been made, that it will require more mature discussion than can be given to it in one day; and, with the view of renewing the proposition at the next session of Congress, and of putting it then into such shape that it may not be obnoxious to any one, and of pressing it to a final adoption in such improved shape, I will, for the present, withdraw it, in order to allow the Senate to proceed with the consideration of the bill.

Mr. ATCHISON. I insist that the Senator has no right to withdraw it.

Mr. BUTLER. I object to a withdrawal of the amendment.

Mr. DAWSON. I regret exceedingly that a proposition should be made to withdraw the amendment, and for this reason: I announced that I should consider the vote upon it as a test vote. If it be the intention of those who are in the majority to avoid coming to a test on this question, I shall accompany it by a motion to lay the whole bill on the table, for both propositions are now comparatively new. No appropriations have been made for the last twelve years for this object, and now we are either to adopt a new system or revive an old system. Let the decision of each be cotemporaneous, and if a majority are in favor of the amendment presented by the Senator from Illinois, then the question will be settled in that way; and if they should not be in favor of it, it would be settled in the other way. Now, let not one measure be withdrawn from Congress to keep the question before the people, and claim that as an existing question on which parties are to be rallied. The fact that this amendment is not pressed, shows that there is a determination to pass the original bill, without any connection with this measure. I trust that both will go together, and that we shall take a vote upon the proposition of the Senator from Illinois, or lay the whole subject upon the table, so that at the meeting of the next session of Congress we can have an opportunity to discuss it.

Mr. CASS. I do not know what right the honorable Senator from Georgia has to intimate that there is a portion of the Senate afraid to come to a decision on the amendment now.

Mr. DAWSON. I did not say so, or intimate it.

Mr. CASS. Then I beg the Senator's pardon, for I so understood him. I thought he meant to intimate that the majority in favor of the bill wanted to evade this question.

Mr. DAWSON. I said that the withdrawal of the proposition was an evasion of the question, upon this ground.

Mr. CASS. I ask what right the honorable Senator from Georgia has to say so? Here is a proposition that the honorable mover himself has not had an opportunity to put into proper shape. That is obvious; it is conceded on all hands. As I have already said, the dispute between the Senator from South Carolina and the colleague of the gentleman, is the strongest illustration of the difficulty of the system proposed; and instead of pressing it now, it must be perfectly evident, that this proposition cannot be fully discussed and passed by the two Houses of Congress at this session. That is as certain as that the sun which has now gone down in the west, will rise again to-morrow morning in the east. Why then should we, who want to have the bill passed in some proper shape, go on and discuss an amendment which we know cannot be passed at this session? This involves a new system; it involves a great, complicated, and difficult constitutional question; and its obvious tendency is to sink the bill, without adopting the system proposed.

Mr. SOULE. The Senator from Georgia [Mr. DAWSON] does not mean, I am sure, to intimate that there be any disposition on my part to evade the question.

Mr. DAWSON. Not at all; for I believe the Senator and myself agree on that subject.

Mr. SOULE. Indeed, sir, it was with no such view that I ventured the suggestion I made to my friend from Illinois; it was made on my own account and responsibility. I considered that the amendment might be in danger if it were urged at that late moment when so little leisure was left us to give it a deliberate consideration. I wanted to see the measure which it initiated have a fair trial not only here, but before the country. It could not be expected that we would easily be induced to incorporate it in the present bill before we had gone into a full investigation of its probable workings and results. As I felt assured that it would not fail commending itself to the nation, I desired that it might go before the people, and return here escorted by some expression of public sentiment. Such was my object and no other. It takes time to uproot long-settled prejudices. If a new truth has its attractions and wins sometimes by its very novelty, it has also to contend often against our distrust of innovation and that obstinate repugnance which we feel against surrendering opinions we have long cherished, and which constitute one of the cardinal articles of our political faith. I have said already that the main features of the amendment have the sanction of my instinctive judgment; but I am not prepared to pass upon all its details; nor is the Senate. I want more light. I wish to analyze every part of it, and see to how it can realize the great object we have all in view to attain, which is to do justice to all the exigencies imposed upon this Government by the condition of our harbors and rivers, without violating the charter which alone can hold safe that Government and the interests we seek to advance and protect.

Mr. DAWSON. I desire the question to be understood distinctly here and everywhere else. The amendment offered by the Senator from Illinois creates no obligation upon the States to carry it out by law: it will not be carried into execution in a single State in the Union before the next session of Congress, which is only three months off. If you pass this amendment into the bill it will not stop a single appropriation, but all will go together, and the two questions will be before the country, without any injury to the appropriations. If the measure should be found to be defective, (as the Senator from Michigan says it is,) then we can amend it at the next session of Congress, and make it as perfect as we desire; for it will be entirely within our reach then. Hence it is that I say there is no impropriety in voting on it now, as an incipient step by which this new means of internal improvements are to be carried on. I say there is no earthly necessity for a moment's delay. If the amendment be not perfect we shall have the opportunity of perfecting it at the next session of Congress. If the amendment be the proper course, and the course which a majority desire to pursue, let them adopt it. There is only three months from now to the next session, and the subject can lie over in the mean time, and if the plan should be found not to work very well it could be amended and perfected.

I do not know that the introduction of the amendment will obstruct the passage of the bill, for we can pass the bill with the amendment, and let it be the understanding that my friend from Illinois shall perfect it at the next session of Congress; for not a single State will act upon it prior to that time, and it will then be fairly before us, and if it is to be made an issue before the country between the two schemes of internal improvement, let them both be presented at once, and let the country decide on them. That is the reason why I want a vote on the amendment.

Mr. CHARLTON. I do not seek to embarrass the Senator from Illinois at all by the amendment which I have offered, as it was through his courtesy that I was enabled to offer the proviso. I do not feel at liberty, if he desires to withdraw his amendment, to embarrass him by insisting on mine. I therefore yield my assent to his withdrawing his amendment, and withdraw mine.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The question then recurs on the amendment of the Senator from Illinois. The Senator from Illinois asks leave to withdraw his amendment. Does any Senator object?

Mr. ATCHISON. I object.

The PRESIDING OFFICER. Then the question will be: Will the Senate consent to give the Senator from Illinois leave to withdraw the amendment?

Mr. ATCHISON. On that question I ask for the yeas and nays.

Mr. DAVIS. Has not the Senator from Illinois a right to withdraw his amendment?

The PRESIDING OFFICER. The Chair understands that the yeas and nays have been ordered, and therefore the amendment cannot be withdrawn without the leave of the Senate.

Mr. BORLAND. I rise to express the hope that the amendment will not be withdrawn. I should be willing to yield almost anything the Senator from Illinois could ask; and inasmuch as he is the author of this amendment, and has special charge of it, I feel strongly disposed to yield to him. But I consider this measure of much importance. It belongs not to the Senator from Illinois alone, but to the whole country. In my opinion it presents to the American people a system which is more important, and will be more valuable, if adopted, than any which has been offered during the time of my service in the Senate. I consider it of infinitely more importance than the whole bill together. For that reason I want to have a vote upon it. I judge from the indications, that it will be voted down. Very well; let it be voted down, and let the country see those who are against it, and those who are for it. I am willing, for one, to take the responsibility, before my constituents, of defeating the whole river and harbor bill, sooner than lose this proposition, and I do not hesitate to avow it.

The PRESIDING OFFICER. The Chair decided, a moment ago, that the Senator from Illinois had no right to withdraw his amendment, supposing that the yeas and nays had been ordered; but the Chair has since ascertained that they have not been ordered, and therefore the Senator from Illinois has a right to withdraw the proposition.

Mr. DOUGLAS. I wish the Senator from Arkansas, and everybody, to understand that I am withdrawing the amendment at the request of those friendly to it, and with a view of perfecting it, and presenting it at the next session, and not with a view to the abandonment of the policy, because I am thoroughly convinced of its necessity and wisdom.

Mr. ATCHISON. I regret very much that the Senator from Illinois did not come to that conclusion before we consumed to-day in the discussion of the proposition. I am very anxious to have a vote upon the amendment without further debate; and as the Senator from Illinois has seen fit to withdraw it, I take the liberty of using his amendment, and offering it again. I wish to have a vote upon it; I wish to test this great principle; but I will not trouble the Senate by debating the matter. I think I can say that I have not troubled them for five minutes upon this subject.

Mr. MASON. I am gratified that the Senator from Missouri has renewed the amendment of the Senator from Illinois. I was one of those who said to the Senator from Illinois when he proposed to offer it, that I would go with him heart and hand. I regret very much that he has withdrawn the amendment. I wish to test this principle, to determine whether the United States are to offer to the States the Federal Treasury to make improvements which they should make themselves, or place it in the power of the States to make them if they think proper. I want to have a vote upon it. I want to have the principle tested. I want it to go before the American people, along with many other lessons, which, I trust, the people have learned at this session, as to the course of the legislation of the Federal Government. I feel indebted to the Senator from Missouri for renewing the amendment. I do not wish to prolong the debate; I merely wish a vote upon the question. I wish gentlemen to show on which side they are. I understood the Senator from Missouri [Mr. GEYER] to say that the proposition was not sanctioned by the Constitution. I disagree with him. The Constitution provides that no State shall lay a tonnage duty without the consent of Congress; and I see no reason why Congress may not give its consent in advance, and that is the whole principle of the amendment, to let the States levy tonnage duties at their discretion. I want the American people to see whether the States, when they have the power, will use it, or look to the Federal Treasury here to make improvements on rivers and harbors which they should make for themselves. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHARLTON. I renew the amendment which I withdrew a short time ago.

Mr. ATCHISON. I will accept the amendment of the Senator from Georgia, as it does not change the principle.

Mr. BUTLER. That places my colleague in an awkward predicament. I think it would be better to take the vote on the naked amendment of the Senator from Illinois, but, it will not do to mingle with it an amendment to which there is, perhaps, some opposition. The Senator from Georgia can offer his proposition after the vote is taken on the amendment of the Senator from Illinois, renewed by the Senator from Missouri.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The Senator from Missouri has accepted the amendment, and it becomes a part of the original proposition.

Mr. BROOKE. My object in rising is to submit to the Senator from Missouri, and the Senator from Illinois, the propriety and expediency of offering this proposition, not as an amendment to the bill, but as a substitute for the whole bill. If it is intended as a substitute, I can give it my hearty concurrence. I can go for it at any rate, but I should much prefer to vote for it as a substitute for the bill, because that will place the subject on a firm and proper basis. If it is adopted as an amendment, I must consider the whole amount appropriated by the bill as thrown away. I look upon the subject, as I said, as placed upon a proper basis by the amendment as now offered; but I would much prefer its being offered as a substitute.

My objections to the bill, as it now stands, are two; the one is, that the amount appropriated is too small, and the other is that the amount is too large. They are two very distinct propositions. There was a very distinguished statesman in the State of Mississippi, who once remarked that a roast turkey was a very inconvenient sort of fowl for a dinner table. He was a *bon vivant*, and a man of Cardinal Woolsey's order—"of an unbounded stomach." His objection was, that for one man alone a turkey was too large, and for two it was too small. That is precisely my objection to this bill. If it is a local appropriation, the amount is too large; if it is a general appropriation to improve the rivers and harbors of the whole country, it is too small. I cannot vote for it in either event. It is like the roast turkey—it is too large for one, and too small for two. If the Sen-

ator from Illinois, or the Senator from Missouri, will move to strike out the whole bill, and substitute this proposition in place of it, I shall cheerfully vote for it.

Mr. PRATT. Mr. President, I have not occupied a moment of the time of the Senate to-day. This is the first time I have risen to say a word on the subject, and I shall therefore be excused for taking up some five or ten minutes in expressing the view which I entertain in regard to the amendment of the Senator from Illinois, now renewed by the Senator from Missouri.

Sir, I am not one of those who regret that the amendment has been offered. I think that the country owes the Senator from Illinois a debt of gratitude for having this subject introduced and discussed. It is a most important principle. It is one which should be thoroughly discussed and thoroughly understood before it is adopted. I believe it is the first time in the legislative annals of the country that this question has been raised. Under the provision of the Constitution various States have passed laws asking the Federal Government to permit them to levy tonnage duties; and those laws first passed by the States have been assented to by the Federal Government. But the broad proposition of surrendering the power upon the part of the Federal Government to lay tonnage duties, and giving that power to the States, is a new question, one that has never been discussed heretofore, and one, I repeat, of the utmost importance to the country. There are certainly defects in the amendment as offered by the Senator from Illinois, which are necessarily incident perhaps to the fact that the question has not heretofore been considered, and incident to the hurry with which the honorable Senator may have been obliged to prepare the amendment. The Senator from Michigan has pointed out two defects. Every single law upon your statute-book authorizing the laying of tonnage duties is an assent to some State act. The States have always taken the initiative; and when the Federal Government have conceded that the State law shall go into effect, there has been a limitation as to the period at which it should expire. I know that Congress extended from time to time the law allowing Maryland to levy tonnage duties. But every one of those laws upon the statute-book has a limitation as to the period at which it shall expire. Here you propose that the Federal Government shall surrender to the States the entire power of levying tonnage duties. I doubt very much whether, after having conferred that power upon the States, and the States shall have exercised it, you will have the right to withdraw it. If you would have the right to withdraw it, I cannot understand why, in the antecedent legislation of the Government, in every single law passed for the purpose, there has been a limitation of time at which the law shall expire.

Mr. DOUGLAS. The Senator will allow me to state that a great many laws have been extended from time to time.

Mr. PRATT. Yet I think the Senator will find that my statement is correct, that there is no law upon the statute-book for this purpose, where the Federal Government has not limited the time, and where it has not reserved the power to amend, alter, or withdraw the privilege.

Here, then, is the broad question presented. It is one, as I conceive, of the utmost importance. The Constitution gives the right to Congress to allow the States to levy tonnage duties; but I feel extremely doubtful whether, after that power shall have been conferred upon the States, we can take it back again. If that be so; if there be doubt about that, we cannot say whether this system will operate beneficially. It is impossible for any man to say what its operation will be. Let us look at its probable operation as to its equality. Take the duties laid upon foreign commerce. Every one will admit that there can be no difference between a tonnage duty and a duty upon imports. In their practical results, what is the difference? Is there any? It is an additional tariff duty to the extent that it goes, so far as foreign commerce is concerned. It is authority given to each State to lay an additional tariff on foreign importations coming into that State. Is not that utterly unfair, according to this amendment? The Federal Government is the authority which, under our Constitution, derives the whole revenue from commerce. It has the authority alone which can "regulate commerce." It derives the entire revenue from it; and it is bound, according to all antecedent constructions of the Constitution, to open, to clear out, and make the ports into which this commerce flows capable of receiving it. Now you transfer to the States, having ports necessary to be improved, the power of laying an additional tariff on such importations as come into those States. Is it not apparent to every Senator here, that you give a necessary preference to those States whose ports require no such improvements?

It is a preliminary necessity that a tariff should be equal—that there should be no greater duties laid upon my constituents than upon yours. But suppose this system to be adopted so far as the foreign commerce of the country is concerned: here is a State having her ports, by nature or the antecedent improvement of the country, in such a condition that it is unnecessary to make any further improvement. The foreign commerce, therefore, which is carried into that State, does not have to pay this additional tariff. But that which is brought into my State must pay this additional duty of ten per cent. It is an additional tariff duty, because no Senator can draw a distinction between a duty collected by assessing tonnage, and a duty imposed upon the matter which that tonnage brings. To the extent of the duty itself, both are the same. Therefore, we of the South, particularly, will be placed in a position of inequality—in a position of inequality to the North in regard to our importance. Nature and the antecedent appropriations of this Government have given them already a sufficient preponderance over us, and we are proposing by this legislation, in addition to what nature has done—in addition to the antecedent action of the Government, to say that hereafter the Federal Government will not consider it to be its duty to improve any one of the ports from which southern produce goes abroad. The effect of the additional duty will be, in my opinion, to injure the South. I, therefore, representing one of the southern States of this Union, whose ports have not been improved so as to require no subsequent assistance on the part of the Federal Government, am opposed to this amendment. I am opposed to a system by which my people are to be taxed for importations, when the people of Massachusetts are not taxed for imports into their ports.

With regard to the inaccuracies of the amendment—with regard to its want of sufficient provisions—they are so palpable, that the honorable Senator himself signified a disposition to withdraw it. One defect was suggested by the Senator from Michigan; but it was not carried out, perhaps, so as to bring it perfectly to the notice of the Senate. The amendment provides that each State may levy a duty of ten per cent.—not that it shall lay such a duty; but that it may; with this proviso, however, that it shall not lay the duty, except for such an amount as may be necessary for the purpose. How is that to be ascertained? Here are half a dozen little villages which lay their duties of ten per cent. How is it to be ascertained what amount is thus received from these ten per cent. tonnage duties? There is no provision that the ports thus collecting the duties shall make a report of the amount collected or how it is expended. It is simply provided that they may lay the duty not exceeding per cent., and that that duty of ten per cent. shall not exceed the necessities of the port. It is to be collected by authorities over whom you have no control whatever. There is no provision made that there shall be a report of the amount received and expended; and you cannot tell, therefore, how it is disposed of. I think on looking into this matter, the Senator from Illinois will see at once, that his amendment needs maturing. I think, after this discussion, he will see that he ought to have made some provision by which there should be an ascertainment of the amount received, and the necessities of the point at which it was received.

My great objection to the amendment, however, is that with which I started, that there is no difference in reference to the foreign commerce of this country between tonnage duties and the direct levy of your tariff. And you place those States which require improvements of their harbors, in order to permit the foreign commerce to come there, at a disadvantage with every State which requires no such improvements. The amount that the States which require these improvements would have to raise for the purpose of permitting foreign commerce to come in, could hardly be received by this means. I believed it to be my duty to state these objections before voting upon the amendment.

Mr. GWIN. Mr. President, inasmuch as this proposition is to be voted upon, I shall detain the Senate but a moment in giving the reasons why I intend to sustain it. As a Senator from California, I think it my duty to vote for the proposition. I believe it will be a beneficial one for my State. I have not examined its details very minutely, but I am in favor of the principle. I have not the least doubt that the power proposed to be conferred by this amendment can be properly conferred under the Constitution. The Constitution gives Congress the right to assent to the laying of tonnage duties by the States, and the forming of compacts between the States for any purposes. This power has been exercised before, though in a somewhat different manner from that provided in the amendment. With all its imperfections, which have been alluded to, I consider this a very important proposition, and one which, in my judgment, commends itself to the interests of my constituents, and I shall therefore sustain it, with the hope that if it does pass we can hereafter mature it, and add such amendments as may be found to be necessary.

Mr. BRADBURY. I can see no hope of coming to a vote on this bill to-night. This is the fifth or sixth day that it has been under discussion. We are now at half-past six o'clock in the evening, and we have not yet adjourned for dinner. I wish it to be borne in mind that this discussion has been with the friends of the bill principally, and it cannot be charged, as might be the inference from a remark which fell from the honorable Senator from Connecticut, [Mr. SMITH,] that those opposed to the bill had occupied the time. The friends of the bill have occupied the time of the Senate in this discussion. For one, I have been disposed to sit silently in my seat, and when the bill was matured to form my own judgment upon it, not upon the speeches of others, but upon what the bill contained, and then give my vote.

Sir, the session is now so far advanced that it is time that we were engaged upon the appropriation bills; and I think that to-morrow we ought to take them up and go on with them, whether this bill be disposed of or not. If the bill should be defeated, those who have aided in its defeat must bear the responsibility. The honorable Senator from Connecticut has introduced political matter into this debate. He undertook to discuss the bill of last year, and the circumstances connected with its defeat. He undertook to discuss the veto of a former bill, introducing topics which ought to be replied to; and if the path which he pointed out were followed, he must have known when he went into these topics that a discussion of them would occupy a very considerable part of the residue of the session. It was a professed friend of the bill who introduced topics of that kind. What was his purpose in doing so? Was it to advance his bill? Why any one could have seen that if that discussion were followed up the bill must fail, and that its success would be owing only to the forbearance of those who opposed it.

I desire to say a word on the amendment which it is proposed to regard as a test question as to the general policy proposed by river and harbor bills. I protest against any such conclusion from the vote that I shall give. I shall vote against the amendment for other considerations. I think that the measure contemplated in the amendment will not effect the object proposed—that is, the removing of obstacles to commerce. It contemplates granting the consent of Congress, in advance, to such measures as the States may propose, to such laws as the States may pass, imposing duties on tonnage. Having made that grant of power, it would be within the ability of one or two large States having great commercial capitals, like New York for instance, by a slight duty, to raise a very large revenue without burdening or incumbering commerce, thus obtaining much more

than would be necessary for any purposes of river and harbor improvements; while, on the other hand, there are many small ports requiring greater expenditures, and yet of general importance, which by raising the requisite revenue would burden their commerce excessively. So that it seems to me that, while it would be competent for us if the States should come forward and present laws upon the subject, there would be a difficulty in granting the power in advance. For that reason I shall vote against the amendment.

Mr. HALE. I do not intend to occupy the time of the Senate more than a few moments. But there is one principle which I conceive to be exceedingly vicious, and which has been advocated by one or two Senators, and against which I feel bound to protest, and which, I think, the honorable Senator from Michigan, when he looks into it, will not feel bound to sustain. I am in favor of this amendment. I am not one of those ready to enter into any great combination to carry either the bill or the amendment; for I believe that the bill, after the amendment which is to be offered by the Senator from New York, [Mr. SEWARD,] providing for an appropriation for California, shall be adopted, will lack only one State—New Hampshire—of being a general system. I think it will then take in thirty out of the thirty-one States. New Hampshire will be left out, and she will save the bill. The honorable Senator from Illinois suggests to me that New Hampshire ought to be content, inasmuch as she has been remembered in other ways. [Laughter.]

Mr. DOUGLAS. I wish that point to be distinctly understood. When the Senator from New Hampshire was complaining, sometime ago, that New Hampshire had lost a member of Congress, I suggested that a State having two candidates for the Presidency, one of whom would certainly be elected, ought to be satisfied. [Laughter.]

Mr. HALE. I confess that, so far as that is any consolation for me, I do not appreciate it. [Laughter.] It requires more of that faith which is the evidence of things not seen than I possess to take any great consolation from that fact. But, to get back to the subject, I wish to say that there has been a sentiment advanced which I want the honorable Senator from Michigan to look at for a moment, because I think it is a vicious one, and one that ought to be rebuked. It is, that by the enactment of this system the increased burden goes upon the producer of the products. Now, that is the exact argument which the advocates of a high protective tariff have always used to reconcile the people of this country to it. They have said that the duties that are imposed upon imported manufactures ought not to disturb the people, for the producer in England bears the burden, and it does not go upon the consumer. I think the Senator will not indorse that statement. It is just as applicable to the wheat of Illinois as to the calicoes of Manchester. Shift it as you may, modify it as you may, cover it up in the chicanery of business or legislation, you will find that in the end the consumer pays the tax. It is one of the inevitable laws of trade, established by all experience, and we cannot get rid of it. The price of flour in Chicago is four dollars a barrel; and it is six dollars in Dover. What constitutes the difference? Why, the two dollars which the consumer in Dover has to pay are the profit, and the expense, and freight and charges attendant upon that barrel of flour in its passage from the large city of Chicago to the humble village of Dover. This is according to a law of trade; and it will be so always. The fallacy upon which it is attempted to be proved, that the producer pays the tax, ought to be exposed and resisted.

The Senator from Connecticut [Mr. SMITH] fell into the same error in regard to produce; but when he came to apply it to foreign importations he reversed it exactly. Now, that is not true. Men may change; parties may change; and platforms may change; but this law of trade remains the same; and it will remain the same. And it is just as well to look at the matter as it really is. Those who are the consumers of the produce of the West have to pay these charges, and there is no use of concealing the fact.

There is one other fallacy which I wish to expose, and then I shall sit down; for it is an unpleasant work to expose fallacies, particularly when there are so many to be exposed, and such little time in which to attend to them. The Senator from Connecticut, in speaking of the portion of his system as applied to the large cities of Baltimore, Boston, New York, and Philadelphia, said that they paid very largely into that fund, out of which the general expenses of the Government for fortifications, rivers and harbors, and other purposes, came. But the same rule applies there that applies to the wheat sent from Chicago. It is not New York, it is not the millionaires of whom the Senator from Connecticut spoke, who pay, and on whom this burden falls. But the same inevitable law of trade which compels the consumer of flour upon the sea-board to pay the price of transportation, with all the taxes, tonnage duties, compels the consumer in the West to pay the duties upon those imports which go into Boston, New York, and Philadelphia.

For these reasons I think that these gentlemen have taken a wrong view of the operation of this system. I confess that it strikes my mind favorably. I cannot see any great injustice that is going to operate by it. I am a friend of the bill. I am not a rabid, ranting friend, but a rational friend of it; and I would not enter into that excited state of feeling which the honorable Senator from Connecticut, and the Senator from Illinois, displayed. I tried to obtain the floor when the Senator from Connecticut got through, and it was from an impulse that rises in my mind to see whether I could not practically bring to bear some of the moderation that attends the conservatism of a third party, to interpose between these two contestants. [Laughter.] I was about to ask with the poet:

"Tantæne animis cœlestibus iræ?"

But I did not succeed in obtaining the floor, and I should not have taken the floor now, but I was in hopes that somebody more able than myself would have exposed what I conceive to be a ruinous provision. I was waiting for somebody better able than myself to do it, but as nobody did it, I felt impelled by a sense of duty to say thus much in illustration of what I believe to be the truth in regard to this matter. I must confess, in conclusion, however, that I am in some doubt as regards the propriety of applying this amendment to this bill, touching which I do not know how to vote. I am in favor of the principle of the amendment; that is, I am in favor of giving it a fair trial. But, whether it is best, under the circumstances, to saddle this bill with it now, I do not know. I think I will do exactly as the judges do when they say, *curia advisare vult*, and move that the Senate adjourn.

Mr. UNDERWOOD. I hope the Senator will withdraw the motion to allow me to make a remark.

Mr. HALE. I cannot withdraw it; the Senate can vote it down if they choose.

The motion to adjourn was not agreed to.

Mr. UNDERWOOD. Mr. President, I rise for the purpose of exposing a fallacy which the Senator from New Hampshire did not expose. I have sat here until my patience has been almost worn out in hearing these fallacies propagated, without a proper response to them. I wish to lay before the Senate now a few facts bearing upon the subject.

The whole tonnage of the United States, according to the latest accounts, was 3,772,429 tons, including "registered," and "enrolled," and "licensed." Of that tonnage, there were engaged in the whale fishery, 181,644 tons; in the coasting trade, 1,854,317 tons; in the codfishery, 87,475 tons; and in the mackerel fishery, 50,539 tons. I have not had time to examine the amount of tonnage engaged in the foreign trade; but if you deduct those which I have mentioned, it leaves the residue 1,598,454 tons. Then, when you deduct the tonnage probably engaged in foreign countries, you will have very little left. I have before me a table, which will show what will be left upon our waters. Tennessee has a tonnage of 3,587 tons; Kentucky, 12,939; Missouri, 34,065. These are interior States; and these States have only about 50,000 tons in all.

Mr. GEYER. The tonnage on the Mississippi is about 112,000 tons.

Mr. UNDERWOOD. I do not calculate the tonnage in that way; for that calculation, I suppose, must include the tonnage of New Orleans. My object was to present to the country the spectacle which is exhibited here. We are told to get money to improve our rivers and harbors, from tonnage upon the western waters, to improve 20,000 miles of internal navigation! Why you might take the whole value of each steamboat in taxation every year, and you would not get the amount necessary to make these improvements! Can you get these millions of tons engaged in the foreign commerce and coasting trade of the country, to come in and furnish the funds to make these improvements under this system of things?

Mr. BORLAND. Will my friend from Kentucky allow me to ask him what is the amount of tonnage upon our western rivers?

Mr. UNDERWOOD. I said I had not made the calculation.

Mr. DAVIS. I think I can give the gentleman the figures from memory. The tonnage on the western rivers and on the lakes, is about 200,000 tons; and there are about 200,000 tons of steam tonnage on the coast. The whole amount of steam tonnage is about 416,000 tons, and it is very nearly equally divided between the Atlantic coast and the interior waters. I do not know the amount of the tonnage of the sailing vessels upon the western waters.

Mr. UNDERWOOD. It is not necessary to go into any exact calculation, and I have not had time to make it. I merely sent for the statistics showing the commerce and navigation of the country, and presented a few of the items for the purpose of presenting my idea. Every Senator can make the calculation for himself. I have given you the tonnage in Tennessee and Kentucky. This proposition amounts to this: If you take the whole value of our steamboats every year, it would not furnish money enough in the course of the year to do these works. Then we are driven to this: We must take the steamboats and vessels belonging to other States, and tax them every time they touch at any port in our State, or at any town along the banks of the rivers of our State. Will the other States with whom we are obliged by this amendment to enter into agreements or arrangements in order to do this, consent that their superior tonnage shall be taxed for the benefit of Kentucky in that way, when we have no tonnage to be correspondingly taxed for them? Why, the statement of the fact shows the utter impossibility of getting the States to consent to any such thing. Will Pennsylvania agree with Kentucky, to have the superior tonnage of Pittsburg taxed for our benefit, when Pennsylvania would never draw a dollar perhaps from our vessels going into her ports? If gentlemen will only put themselves to the trouble of looking at the facts, I think it will settle the matter at once.

We have already had an example to-day, of what will be the effect of the system proposed by the amendment. Why, immediately a controversy arose between the representatives of two adjoining States as to the effect of the proposition upon their States. How are the States ever to agree? I think it would not be a very easy matter to get my State and the State of my friend from Indiana, to agree in regard to the improvement of the falls of the Ohio. The statistics of the country show that this is a system of inequality, a system of inexpediency, and a system under which there can be no agreement. I have many objections to it, and if it prevails it will do away with the system of appropriations by the General Government. I do not want to give up something that is practicable and tenable for that which can have no practical and possible operation in any way or shape, unless it be to retard us in this great object.

Mr. BUTLER. I wish to ask the Senator from Kentucky, as he seems to have considered this subject, whether the inequalities he has indicated in reference to this amendment do not equally apply to taking money out of the Treasury, and applying it to partial and local improvements?

Mr. UNDERWOOD. I will answer the gentleman with the utmost cheerfulness. The whole difficulty has resulted from the beginning in this: that we regard ourselves as separate communities in States, and entertain the idea of a division of spoils among the States, and attempt to carry out that idea. That is totally fallacious from begin-

ning to end. In reference to the great constitutional powers of this Government we are one people; and the improvement of the harbor of Charleston belongs as much to the people of Kentucky, as Americans, as an improvement in the State of Kentucky. It is the unity of our Government in this respect—not in other respects—that makes it perfectly national, and makes it beneficial alike to every portion of the country. The whole difficulty grows out of the idea that we are dividing spoils among States, forgetting the great unity in the commercial power of the country, in the war power, in the post office power, the naval power, and all the great powers of the country, for general and national purposes. We forget all that, and think we are dividing out the money, and each State must have its share. Why, it is no more a concern of that sort than if the different counties of the different States should say, "We cannot go for the improvement of the Kentucky river, because our county does not happen to touch it; we cannot vote for the improvement of Green river, because our county does not touch it;" and you may just as well get up a war between different counues of the States in reference to the appropriations within the States for roads or canals, and say that each county has a right to divide out of the Treasury according to some rule, either of territory or population, as to say, in regard to these great purposes of the National Government embodied in the Constitution of the United States, that each State has a right to come here and claim, according to some rule of population or territory, to divide out of the National Treasury. Sir, it is merely feeding the commerce of the country from which your revenues are derived; and that commerce extends over the whole country, and that is the proper view to take of it. Taking that view, there is nothing like this division of the spoils, of plunder, from the Treasury for the benefit of sectionality.

Sir, I did not want to be driven into these remarks. I do not want to argue this matter now. I have said from the beginning that I want to come to a vote. I cannot support the proposition brought forward now. I have given the figures to show that it is utterly impracticable, unequal, and unjust; and that it will not work; but if it can be made to work, and if it shall be proved that it will work so as to deprive this Government of patronage, I will go for it. Show me practically that it will work, and I will go for it. I do not want any more patronage given to the General Government. I shall be very glad to get clear of some of the patronage it now has. I do not want to extend the system of making contracts by national authority. I gave my views on this subject the other day, and I shall say nothing about it now.

Mr. BUTLER. I have received exactly the answer which I supposed I would receive. The gentleman regards the States of this Union relatively organized under the Federal compact, exactly as he regards the counties of Kentucky, so far as regards that State—an undivided empire—a united and consolidated government; and he is willing to collect money from my property to improve his.

Mr. UNDERWOOD. The gentleman is entirely mistaken.

Mr. BUTLER. That is my inference from the gentleman's argument.

Mr. UNDERWOOD. I do not regard the counties of a State as analogous to the States of the Union.

Mr. BUTLER. That was the gentleman's illustration.

Mr. UNDERWOOD. I say that in reference to the powers of the General Government which the Constitution has conferred, where the General Government is made a unit, and a power is taken from the States, to that extent the States have no more relation to the General Government than the counties to the States have to the States. But with regard to the great means of power in reference to governmental affairs, I am as great a stickler for the States retaining every particle of their power as the gentleman is, or can be. I am against one new object of power being granted to the General Government. I am against giving to the General Government one solitary object of power which is not given by the Constitution; but in the execution of those powers which are expressly granted, there the General Government has a right to exercise the means of judging, and of selecting the means of executing those powers, without being confined in the manner in which gentlemen sometimes attempt to confine them. I do not want to add a single power to the Federal Government; but as to the powers which are given to it for national and general purposes, the States have nothing to do with them. This Government is a unit so far as the Constitution vests in it a particular power for general and national purposes.

Mr. BAYARD. Mr. President, did I not perceive that it was the intention of the Senate to take a vote on this amendment previous to an adjournment, I should not at this late hour trespass upon their attention. I shall be compelled to vote against the amendment notwithstanding the declaration of my friend from Virginia, [Mr. MASON,] because I believe it to be unconstitutional in the mode in which it is presented to the Senate. I will state, as briefly as possible, the reasons which have led me to this conclusion. I should greatly have preferred that this amendment had been laid over until the next session, so that there could be a fuller discussion of the subject and a more thorough understanding of the provisions of the Constitution in that respect.

The amendment, as I understand it,—it is not necessary to go into its details,—purports to authorize the individual States of the Union, by a general law, anticipating their action, to lay tonnage duties. It is to give the consent of Congress in an anticipatory manner to allow a State to levy tonnage duties on vessels entering into its ports or the waters of streams entirely within its boundaries; and further, in the case of coterminous streams, or streams passing through one or more States, to authorize the States through which they pass, by compact between themselves, to levy similar duties. That I understand to be the general provision of this amendment.

Now, if I view the Constitution of the United States correctly, in the tenth section of the first article it has three classes of restrictions upon the powers of the States. The first class of restrictions cannot in any event, or under any circumstances, by authority of Congress, or in any other mode, except an amendment to the Constitution, be dispensed with. They prohibit the States entering into treaties, alliances, or confederations, granting letters of marque and reprisal, coining money, &c. Then we come to the second grade, in which the States are prevented from laying "imposts or duties on imports or exports" without the assent of Congress; but if the duty be levied with the assent of Congress the benefit of it must go into the National Treasury. Congress, in other words, cannot authorize the State to lay imposts for purposes of State revenue; but duties on imports must go into the National Treasury. Then we come to the third class of general restrictions on the rights of the States in which there is a restriction as to the power of each and every State without the consent of Congress, having certain powers which they possessed antecedent to the Constitution. That provides:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

I suppose that the principle of construction which applies to the consent or the mode in which the consent of Congress can be given to the exercise of any one of these powers on the part of the States must necessarily apply to the mode in which the consent of Congress can be given to the exercise of any other of these powers on the part of the State. They are all classed together. The consent is to be given in the same form, and by the same mode, or it cannot be given at all. Then I would ask Senators on the other side, if they are prepared to say that Congress, by a general law, can alter and amend the Federal Constitution, so as to remove the restrictions upon the powers of the States which are imposed by that Constitution? —because it comes to that. I ask whether by a general law you can surrender—not to an individual State doing an individual act, for you can give validity to that act according to the terms of the Constitution—the general power which the Constitution imposes as restrictive upon each State? Can you surrender to all the States the right to enter into treaties or compacts with a foreign Power? Your doctrine must come to that, if you adopt the amendment of the Senator from Illinois. You cannot fall short of it. The powers are all in the same general restriction.

The objection which I entertain to the constitutionality of this measure is this: To give a common sense, or a legal—whichever you please—construction to that provision so as to carry out its object and intent, you must necessarily require that the act to be done—whether it is the imposition of a duty, or the entering into a compact with a State of this Union, or the entering into a compact with a foreign State, or the raising of troops in time of peace, or of a navy in time of peace—the act to be done must be done by the State and be submitted to Congress for its ratification before any authority can be given. Otherwise, the principle of this amendment implies this authority on the part of Congress, that, at its will, by a mere majority, it can dispense with a general restraining clause in the Constitution, disabling the States from the exercise of these powers. I cannot conceive that to be the construction of this clause of the Constitution. I am very sure that from the first passage of these laws down to the year 1832, in reference to imposts, the Senator from Illinois can find no case of a consent by anticipation on the part of Congress. The men who formed the Constitution, in the first cases, and in all cases down to the single, isolated exception of 1832, in reference to North Carolina, always restricted the consent to the particular act to which that consent was given, and which was ratified by the acts of Congress.

I need not detain the Senate further, because every gentleman, when the point is presented, can make up his own mind upon it. To me it seems perfectly clear; and could I take time to compare this with other provisions of the Constitution, I think I could make it perfectly clear to others, that the effect of the amendment would be this: By a simple legislative act you attempt to alter the Federal Constitution by removing generally, as to the States, a restriction which is placed upon them. All the authority given to you is only to assent to the act of the States, when they have acted. That is my view of the construction of the Constitution. If you apply it, as you must do, to the case of compacts between States, or compacts between States and a foreign Power, I ask you if you are prepared to give a construction to that clause, that the Congress of the United States may dispense with the restriction, and, by a general anticipatory law, authorize any State of this Union to enter into treaties in reference to foreign commerce, or foreign tonnage, with a foreign Power?—and yet it must come to that if you sustain the constitutionality of the amendment of the Senator from Illinois.

Mr. DE SAUSSURE. I am in favor of the amendment which was originally offered by the Senator from Illinois, and now renewed by the Senator from Missouri; but there has been an amendment proposed to it which is objectionable to me, and that has been accepted by the Senator from Missouri. That places me in this position: If I vote for the entire proposition, as it stands, I shall vote for the objectionable feature. Nevertheless, as the Senate is now acting as in Committee of the Whole, and as the question will have to be taken again in the Senate, I shall vote for the entire proposition, with the objectionable feature, so that when the bill shall be reported to the Senate I shall be at liberty to move to amend the amendment, by striking out the clause which is to me objectionable.

The question being taken by yeas and nays on the amendment withdrawn by Mr. DOUGLAS and renewed by Mr. ATCHISON, resulted—yeas 17, nays 25; as follows:

YEAS—Messrs. Atchison, Borland, Brodhead, Brooke, Butler, Charlton, Dawson, De Saussure, Dodge of Iowa, Douglas, Hale, Hunter, Jones of Iowa, King, Mallory, Mason, and Soulé—17.

NAYS—Messrs. Bayard, Bell, Bradbury, Bright, Cass, Clarke, Cooper, Davis, Felch, Foot, Geyer, Hamlin, Houston, Meriwether, Morton, Pearce, Pratt, Rusk, Seward, Smith, Spruance, Sumner, Underwood, Upham, and Wade—25.

So the amendment was not agreed to.

Mr. SEWARD. I am instructed by the Committee on Commerce to offer the following amendment:

For building a levee across the mouth of the river San Diego, in the State of California, to turn it into its former channel into False Bay, $30,000; to be expended under the direction of the Secretary of War.

I wish to state, in support of this amendment, that it has been agreed upon by the Committee on Commerce, and that a separate bill for the same purpose has passed the Senate. I hold in my hand a recommendation and estimate by the Topographical Bureau, which can be read if any one desires it.

Mr. ATCHISON. I move that the Senate do now adjourn.

Mr. CHARLTON called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 16, nays 27; as follows:

YEAS—Messrs. Bright, Brooke, Butler, Charlton, Dawson, De Saussure, Hale, Houston, Hunter, King, Mallory, Meriwether, Morton, Rusk, Shields, and Soulé—16.

NAYS—Messrs. Atchison, Bayard, Borland, Bradbury, Brodhead, Cass, Clarke, Cooper, Davis, Dodge of Iowa, Douglas, Felch, Foot, Geyer, Hamlin, Jones of Iowa, Mason, Pearce, Pratt, Seward, Smith, Spruance, Sumner, Underwood, Upham, and Wade—27.

So the motion to adjourn was not agreed to.

The question recurred on the amendment of Mr. SEWARD.

Mr. MASON. The proposition now before us is to appropriate the money of the country to turn the course of a river. I ask the yeas and nays upon that proposition.

The yeas and nays were ordered.

Mr. SOULE. As I am one of the members of the Committee on Commerce, I want it to be understood, that when the Senator from New York conveys the idea that this amendment is recommended by the unanimous vote of the Committee on Commerce, it must be understood as being the unanimous vote of those present on the occasion.

Mr. SEWARD. I thank the Senator for giving the correction. There was no formal meeting of the Committee on Commerce, but I was instructed by the other members, the honorable Senator not being present, to offer the amendment. I wish to state to the Senate that this appropriation passed this body at this session in a separate bill.

The question being taken, by yeas and nays, on the amendment, resulted—yeas 24, nays 17; as follows:

YEAS—Messrs. Atchison, Bell, Borland, Brooke, Cass, Cooper, Dodge of Iowa, Douglas, Felch, Foot, Geyer, Hale, Hamlin, Houston, Jones of Iowa, Morton, Rusk, Seward, Smith, Spruance, Sumner, Underwood, Wade, and Walker—24.

NAYS—Messrs. Bayard, Bradbury, Bright, Brodhead, Charlton, Clarke, Davis, Dawson, De Saussure, Hunter, Mason, Meriwether, Pearce, Pratt, Shields, Soulé, and Upham—17.

So the amendment was agreed to.

Mr. BROOKE. I offer the following amendment:

For surveys of the Yazoo, Pearl, and Tombigbee rivers, in the State of Mississippi, $5,000 each.

The amendment was not agreed to, there being, on a division—ayes 15, noes 18.

Mr. DAWSON. I am now about to present an amendment to the Senate, which I hope will be adopted. I put it upon a foundation which I think is correct. If this system of internal improvements is to prevail, I wish to obtain for my own State the benefit of it. If a majority sustain the principle of the bill, I wish to have its benefits extended to the State of Georgia. My amendment is to insert:

That the Secretary of the Treasury cause to be examined and surveyed the river Savannah, from the city of Savannah as high up as the city of Augusta; the Ocmulgee, as high up as Macon; the Flint up to Albany; the Chattahoochee up to Columbus, in the State of Georgia; and report to Congress the amount of money which may be necessary to remove any obstructions in their navigation; and that the sum of $20,000 be appropriated for that purpose.

I beg to state that in the city of Augusta, on the Savannah river, there are three railroads terminating—one to Savannah, one to Charleston, and the other to Chattanooga, and so on to the Mississippi river. There is, besides, a trade from Augusta down the river directly to the sea-board, at Savannah, over which, I think, at least two hundred thousand bales of cotton are transported, besides the merchandise shipped from that point by various routes. Then, as to Macon, there are no less than four railroads crossing and centering in that point; and there is steamboat navigation on the Ocmulgee that far. Albany is the point of steamboat navigation on the river Flint. Columbus is the point of steamboat navigation on the Chattahoochee. That is a stream between the States of Georgia and Alabama; and it empties into the Gulf of Mexico at Appalachicola, where a great number of bales of cotton are shipped. These are great points, but owing to the peculiar state of the public mind upon the subject of internal improvements, and doubt as to the power of Congress constitutionally to make these appropriations, our State has been kept, for many years, from a participation in these improvements, calculated to benefit the whole country. But when the surplus funds of the Government are to be divided among the States, to be placed under the control of various States for purposes of internal improvement, the State of Georgia is entitled to something. Her present elevation and position in relation to her internal improvements has grown, partly out of her own funds, and partly out of the funds deposited with her by the United States. Now, if there be any State in this Union, not even excepting New York, entitled to these appropriations, upon the ground of the quantity of commerce furnished for the purpose of carrying on the great export trade of this country, no State in the Union is more entitled than Georgia.

I beg to state that I have put this amendment on a principle about which there can be no doubt. My friend from Michigan proposed $30,000 for surveys generally, but that was refused. I propose now $20,000, not for the purpose of removing obstructions, but merely for the purpose of surveying these various streams which have never yet been surveyed. I call upon the Treasury Department to see that those surveys are made, and that reports are presented to Congress, so that, if the system is to go on, Georgia may present herself here, not on the mere recommendation of the Topographical Bureau, but by an absolute survey—a practice which, if persisted in, will prevent probably imposition upon the Government. I honestly intend this amendment for the purpose of laying the foundation for the State of Georgia, in the event of the system being adopted, to come in justifiably and understandingly before the whole nation, and participate in its benefits.

Mr. RUSK. This whole day has been consumed in speeches made mostly by those who profess to be the peculiar friends of this bill. We are now getting largely into the night. I wish the Senator from Georgia to understand that I do not include him in this remark. I know the position which he occupies, and I intend to vote for his amendment, if he will modify it to my views. I think he has put the sum too large, and he has placed the matter under the wrong Department. These appropriations are always made under the War Department. They have control of the officers of the Topographical Engineers who make the surveys.

Mr. DAWSON. I accept the suggestion. I considered that the subject came under the commercial power, and I therefore thought it a proper matter to be under the control of the Secretary of the Treasury; but I will modify my amendment by saying "Secretary of War," instead of "Secretary of the Treasury;" and I am willing to reduce the sum to any reasonable amount. My object is to get a survey.

Mr. RUSK. Say $10,000.

Mr. DAWSON. Then I modify my amendment in that way.

Mr. RUSK. We are now going through the amendments as in Committee of the Whole. I made an appeal in the early part of this discussion to gentlemen who desired to offer amendments, to wait until the bill should be reported to the Senate, and then we should have but one vote on them. Do Senators know that all these amendments on which we are now acting have to be gone over again in the Senate? It seems to me that it would be a saving of time to forbear from offering them until the bill shall be reported to the Senate. We have before us important bills to occupy our time, and we have arrived at that stage of the session when it is important to save time as much as we possibly can. I have a few amendments to offer, but I do not intend to offer them until the bill is reported to the Senate.

I think I am pretty well acquainted with many of the localities mentioned by the honorable Senator from Georgia, and from the extent of the commerce upon those rivers, I think they as richly deserve to be surveyed, at least, as any other rivers; and surveys seem to be for the purpose of getting the necessary information, without which Congress do not act.

The amendment of Mr. DAWSON, as modified, was agreed to, there being, on a division—ayes 21, noes 12.

Mr. BORLAND. I move to amend the bill by increasing the appropriation for removing the raft of Red river from $50,000 to $100,000. Fifty thousand dollars will do a great deal of useful work upon the raft; but the amount is not sufficient to remove it. But from the estimates of persons in whose judgment, and whose perfect knowledge of the raft and that region of the country I have entire confidence, I am assured that $100,000 will remove the raft entirely. Believing this work to be of great importance, both to the three States through which the Red river runs, and to the Government of the United States, as a Government, I think the appropriation of $100,000 is a reasonable one. I will state a single fact in regard to this matter. The produce of the country above the raft is now very heavily taxed. Some idea of the tax that has to be paid there may be formed when I state, that upon all the cotton grown within the last two years above the raft, we have had to pay, in addition to the usual cost of transportation to New Orleans, from three to eight dollars a bale; and many thousands of bales of cotton are grown above the raft, and have to be shipped to New Orleans.

I would remind the Senate of another thing. At the time when most of the public lands above the raft of Red river were purchased from the Government, it was engaged in the work of clearing out the raft. The lands were bought by persons under the impression that the raft would be cleared out, and that the lands would be made available. The work has since been abandoned, those expectations have been destroyed, and the lands have, consequently, been rendered comparatively valueless. It will be seen that it is a great tax to have to pay from three to eight dollars a bale, in addition to the usual cost of transportation, on every bale of cotton shipped to New Orleans.

Mr. RUSK. I think this is a very meritorious amendment. Perhaps it is the most meritorious one which has been offered to the bill. The removal of this raft would open up some six hundred or seven hundred miles of navigation on the Red river which is now completely blocked up, in consequence of the raft. The land above the raft is of excellent quality, and will become a great producing country, if there be only proper means to reach the markets. In addition to this, the United States are under obligations, by a treaty with the Choctaw Indians, to keep open the navigation of Red river.

I differ with the Senator from Arkansas as to the effect of the expenditure of $50,000 on this work. I think, if that amount should be expended, the expenditure would not make any impression on the raft. It will be impossible for the Secretary of War to enter into any contracts for the sum of $50,000 which will effect the removal of the raft. If it should be done at all, it should be done in one contract. If $50,000 be divided out, into little contracts, it will accomplish nothing. But I think that $100,000 expended properly will insure the execution of the work.

Mr. SOULE. I hope the amendment proposed by my friend from Arkansas will prevail; and I predicate its merits mainly on the argument presented by the Senator from Texas. I believe that if the appropriation be limited to $50,000, it will result in squandering that amount, and hardly an impression will be produced on the immense work that has to be performed upon that river. It will be conceded on all hands, that the Red river is one of the great tributaries of the Mississippi river; and according to the rule laid down by the very able and never-to-be-forgotten report of Mr. Calhoun, on the memorial of the Memphis Convention, addressed to Congress, this work is strictly national. It is one which Mr. Calhoun considered as coming within the provision of the Constitution giving Congress power to regulate commerce.

My friend from Texas has suggested that the removal of this raft will open up a navigation of six hundred or seven hundred miles in a region of country where the Government has heretofore sold lands under the impression that the raft would be removed. It is now but an act of good faith on the part of the Government to relieve the implied pledges which it gave at the time it derived an immense amount from the sale of land on the borders of that river. I have no doubt, that if $100,000 be appropriated, the work will be done. If, on the contrary, the appropriation should be kept within the terms proposed by the bill as it came from the House, the whole amount will, I think, be squandered without any profit to any one—least of all, to the Government.

Mr. DAVIS. Mr. President, I think that if we go into amendments upon the plan now suggested, the whole system will come to the character which many gentlemen give to it. Here is a proposition from the Department of War, asking for $50,000 for this work. An honorable Senator rises and says he does not think that is enough, but that $100,000 would do very well. I might ask him, with the same propriety, by what deduction he arrives at the conclusion that $100,000 will be the proper amount. He is supported in that conviction by another gentleman, and then by another. If you depart from the estimates made, and Senators present their views, and we are to act upon them as the rule and guide for settling this sum, then, it seems to me, the whole matter is thrown loose. It will be left simply to the guess of such gentlemen as can guess pretty well. I shall not attempt to discuss this question; but it seems to me that the obvious course of propriety is to stand by the proposition of the Department, unless there is some reason shown why you should depart from it. This raft has been, as I understand it, once cut through. It has since filled up to some extent, and there will be some expense necessary to remove it. But how does it appear that $50,000 will not be adequate for this service? How does it appear that $100,000 will be the right sum? I have as much respect for the judgment of my worthy friends from Arkansas, Texas, and Louisiana, as any other gentlemen; but, after all, it must be obvious that their estimates are founded entirely upon conjecture.

Mr. BORLAND. I do not wish to prolong the discussion; but I must say to the Senator from Massachusetts that I derived my information as to the amount which will be necessary and sufficient to clear out the raft, from what I consider—and from what I think all practical men consider—the very best source: from the intelligence of practical men who have lived for the last twenty or thirty years in the immediate vicinity of the raft, who know the process by which it was formed, who know what work has to be done, and who have interests at stake in it. They, looking at it as practical men, have come to the conclusion that this amount will be sufficient; and this is, I think, good authority. The Senator says very truly that the raft was once cut through but that it has partially filled up again. It has filled up and it will cost as much now to remove it as it ever did; that is, there is as much or more work to do than ever before. Having learned something from experience in the practical operation of cutting out such a raft, it may be done for less money, although there may be the same amount of work or perhaps more than at any former period. These are the sources of my information.

Mr. RUSK. I dislike, at this late hour, to detain the Senate; and I shall detain it but a few moments. I think this case presents as strong an illustration of the difficulty of depending solely upon the Topographical Engineers as any that can be presented. I live in the neighborhood of this raft. I have been upon the ground. I have conversed with gentlemen who paid twenty dollars an acre for land in the immediate vicinity when the Government was engaged in clearing out the raft. My information is recent, and from men of intelligence who have lived there all their lives, and are as well acquainted with this raft and the means necessary to clear it out as the Topographical Engineers could have been if they had been there; and I will hazard the opinion that not one of them has been there to examine the raft within the last fifteen years. I do not believe one of them has been in the neighborhood in that time.

In addition to what has been stated, I would say, that the Government is annually put to a much larger expense for the transportation of supplies for the troops immediately in the vicinity of the raft than the whole appropriation of $100,000 now asked for. If you appropriate this amount, it is my candid impression, and in that impression I am sustained by those familiar with the subject, and who reside in the neighborhood, that $50,000 will result in no good; whereas $100,000 will enable the Secretary of War to make contracts for the removal of the raft, and to keep it open for some time. Of this, I feel perfectly satisfied. And there is another thing: I am sure, that as soon as it is removed, the Government will receive more than twice the amount of the expenditure by the reduction in the price of transportation to the forts in the vicinity of Red river. If this is not a meritorious proposition, then there is nothing of merit in the bill.

Mr. UNDERWOOD. I rise for the purpose of obtaining information; for the information which I desire to obtain will have a great deal to do with my action on this amendment. If I am correctly informed, the mode of operation is this: The Government employs superintendents, and they hire hands, and the Government pays them. If that be the mode of proceeding, all that is necessary is to give money enough to keep them at work until we meet again. If that is not the mode of proceeding, then I am misinformed; and I presume I am not misinformed, because I do not see how it would be possible for them to act upon any other principle. I do not believe that the Government makes contracts with individuals to remove snags on the Mississippi for a certain distance, say beginning at the mouth of the Ohio, and going down to Wolf Island, or the mouth of the Yazoo. The Government does not parcel the work out into districts in that way. I believe that the *modus operandi* is as I have stated; and, if that be the case, all that is necessary is to give money enough to expend in the progress of the work until we meet again.

Mr. MASON. I wish again to call the attention of the country to the character of this bill, and its expenditures. Here it is required of the Secretary of War to contract with somebody to remove the raft in Red river, and to pay him $100,000 for doing it, out of the National Treasury. The Secretary of War is here at Washington, and the Red river is two thousand five hundred miles off. The Secretary of War is required to pay $100,000 to remove a raft in a river two thousand five hundred miles off.

The Senator from Illinois, [Mr. DOUGLAS,] who is a friend of the bill, said this, and I reiterate it, that it may go upon the records of our debates and go to the country, that for every ten dollars you appropriated, you did not get one dollar of labor. Ay, sir, he said it, and I treasured it in my recollection. I suspect he fell within the estimate. Here you are to expend $100,000 by contract to be made here for the removal of a work twenty-five hundred miles off, and to get $10,000 worth of labor for $100,000 of money. That is the effect of it; and I wish that to go to the country.

Mr. SOULE. The Senator from Illinois [Mr. DOUGLAS] was right when, in the course of his remarks, he stated that under the present system we could not expect to realize one dollar out of ten of any amount that might be appropriated for the execution of any public work by the Government. Such has unfortunately been the case, almost invariably, if we consult the history of the past. But my friend from Virginia was wrong in applying what the Senator from Illinois said on that occasion, to the case now under debate. My friends from Arkansas and from Texas were very cautious in their manner of expressing the views which they entertained of the work to be effected. They predicated their insistence to have the appropriation increased on the supposition that, taught by a sad experience, the Government would not run the risk of defeating the purposes of Congress by having such an undertaking executed by its own laborers, and under its own supervisors. They took it for granted that the clearing of these rivers, of that presently in discussion particularly, would be let out on contract, and have a fair chance of being effected. The evil anticipated by the Senator from Illinois, and which gave so much uneasiness to the honorable Senator from Virginia, will thus be avoided.

But my object in rising from my seat was to say some few words in answer to objections which have emanated from the other side of the Chamber. The Senator from Massachusetts who sits furthest from me, [Mr. DAVIS,] has manifested some surprise that an attempt should be made to override the estimate sent to the other House by that branch of the Government to which such matters are generally referred, by moving an additional allowance of $50,000 to the $50,000 already appropriated for the removal of the raft which obstructs the Red river. He seems to suppose that we cannot be furnished with such data as might justify, on the part of this body, the disregard with which it is asked to treat the specifications furnished by the War Department. The Senator will indulge me while I state in answer, that whatever be the high opinion which I entertain of the skill, talent, and integrity of that learned and gallant body of men who are generally put in charge of preparing such estimates, they will seldom be taken as safe guides by those practical undertakers who are likely to venture a bid on the proposed work. Such undertakers will rather consult their own experience and the experience of those who have long practiced in the same line, and who from the fact of their living in the proximity of the place where the work has to be executed, from their knowledge of circumstances, of locality, of climate, and from their familiarity with the difficulties attending the work, are presumed to be the best advisers or judges of its extent and probable cost. Now, those who must be allowed a little credit for knowing something of the great object sought to be attained, are convinced that the work cannot be effected with the slender appropriation dedicated to it by the bill as it came from the House. The opinion generally entertained, where the work to be done is best understood, has ever been that the obstruction which shuts out more than six hundred miles of navigation on the waters of the Red river, cannot be removed for less than $100,000 or $125,000. To leave the appropriation, therefore, as it now stands, would be to peril the whole work and to run the risk that the sum appropriated were entirely squandered away in a useless attempt to realize what such an amount would be insufficient to accomplish. For these reasons I cheerfully join in the effort made by my friends from Arkansas and Texas, to have the appropriation made for the removal of the raft which obstructs the upper waters of Red river, and hope that the Senate will allow the amendment proposed to be inserted in the bill.

Mr. HAMLIN. There is a single view of this question, to which I wish to ask the consideration of the Senate. We are told by the Senator from Texas, who professes to have personal knowledge of the subject, that $100,000 will accomplish the work. I am willing to take the estimate of that gentleman as correct. I am willing to take the knowledge which he practically possesses as the true knowledge. Then cannot that knowledge instruct us as to where the $100,000 shall be appropriated to accomplish the work, if that be sufficent to accomplish it? If we make an appropriation which shall accomplish the whole of the work, it is gross injustice to every other appropriation in the bill. They are all scaled by the proper Department, with a sufficient estimate of what can be expended this year. And now, in a single case, we are asked to appropriate what is to complete the whole work, and you leave every other work to the mercy of Congress for another appropriation, which shall come, God knows when.

Mr. BORLAND. The Senator from Maine forgets one important consideration in this case. This work differs from any other which it is proposed to execute. The other works upon our western rivers are progressing. This is a work which, to be fully accomplished, must clear out the whole of the raft entirely. You may, with the $90,000 appropriated to the Mississippi river, clear out snags and obstructions for two thirds or three fourths of the river; you may accomplish a great deal for the commerce of that river by that appropriation. But if you appropriate $50,000, or $75,000, to clear out the raft on the Red river, and you should, with that, clear out three fourths, or

even nine tenths of it, you would accomplish nothing for the navigation of the river, or the safety of the commerce upon it, unless you cleared out the rest. In that way this stands on a different footing. The proposition, in my opinion, is clearly reasonable and proper.

Mr. DAVIS asked for the yeas and nays on the amendment; and they were ordered; and being taken, resulted—yeas 23, nays 20; as follows:

YEAS—Messrs. Atchison, Borland, Bright, Brodhead, Brooke, Butler, Clarke, Dawson, Dodge of Iowa, Hale, Houston, Hunter, James, Jones of Iowa, King, Mallory, Mason, Meriwether, Morton, Rusk, Shields, Soulé, and Walker—23.

NAYS—Messrs. Bayard, Bell, Bradbury, Cass, Charlton, Chase, Davis, De Saussure, Foot, Geyer, Hamlin, Pearce, Pratt, Seward, Smith, Spruance, Sumner, Underwood, Upham, and Wade—20.

So the amendment was agreed to.

Mr. RUSK. The amendment having been agreed to, I move to insert after it the following:

And that the Secretary of War be authorized to contract with the lowest responsible bidder, within this appropriation, for the removal of said raft, after giving reasonable public notice.

I am satisfied that the appropriation, with this provision, will remove the raft entirely.

The amendment was agreed to.

Mr. BROOKE. I move to amend the bill by inserting:

For surveys of the Tombigbee, the Yazoo, and Pearl rivers, in the State of Mississippi, $4,500 each.

I make one more appeal, Mr. President, in behalf of the tabooed region in which I live. I offered an amendment some time ago, appropriating $5,000 for each of these rivers; but it was not given. I now offer this amendment for the purpose of affording to the Senate an opportunity of reconsidering that determination. I had the honor, on Saturday, of offering an amendment, appropriating $20,000 for two of these rivers, and my colleague offered an amendment to my amendment, appropriating $75,000 for the Tombigbee. We were met with the objection, and it was the only objection then urged, that no survey and no estimates had been made for these rivers. To obviate that objection, I now offer this amendment proposing a survey. If the spoils are to be divided out—if the revenues of the Government are to be voted for purposes of internal improvement, I do not see why my section, as well as every other section of the country, should not have its share.

It may be said, sir, that the appropriation to the Mississippi river will satisfy the demands of my State. I would say here that from the city of Vicksburg, our northernmost port of embarkation, to the city of New Orleans, the improvement of the Mississippi river is of comparatively little importance to us. The only difficulty and disadvantage under which we labor, is in getting to the Mississippi river. Appropriations are being made for improvements for a vast number of rivers—I cannot pretend to name them all now—and I merely ask that a survey may be made on the bosom of these rivers, the Yazoo, Pearl, and Tombigbee, which float down to their respective ports 400,000 bales of cotton annually, which realize $26,000,000, being one tenth part of the whole exports of the United States. I ask, in all fairness, in all candor, in all justice, is it not right that we should have an appropriation for the survey of these rivers? That is all I ask, and I appeal to the Senate to know if, when they voted down the appropriation I had the honor of offering on Saturday, they did not do it on the principle that no survey and estimate had been made of the probable cost of the improvement of these rivers? Now, all that I ask is, that the survey and estimate should be made, so that, when the next river and harbor bill shall come before Congress, we may come in on equal terms with other portions of the Union.

Mr. DAVIS. The Senator has complained of some little hardship about not having surveys in Mississippi. There are appropriations now in the bill for two objects, I think, asked for by the Legislature of Mississippi.

Mr. BROOKE. Only one of them was asked for.

Mr. DAVIS. There is, then, $5,000 appropriated to make one survey, asked for by Mississippi. I thought there were two, but the Senator says only one.

Mr. MASON. There has been a very large provision put in by the amendment of the Senator from Georgia for that State. I do not see why, in the language of the Senator from Mississippi, his State should be tabooed. I want to have my vote recorded in favor of doing justice to Mississippi, and therefore I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 27; as follows:

YEAS—Messrs. Atchison, Borland, Brodhead, Brooke, Butler, Charlton, Dawson, Houston, Hunter, King, Mallory, Mason, Morton, Rusk, Soulé, and Walker—16.

NAYS—Messrs. Bayard, Bradbury, Bright, Cass, Chase, Clarke, Davis, De Saussure, Dodge of Iowa, Douglas, Felch, Foot, Geyer, Hale, Hamlin, Jones of Iowa, Meriwether, Pearce, Pratt, Seward, Shields, Smith, Spruance, Sumner, Underwood, Upham, and Wade—27.

So the amendment was rejected.

Mr. WALKER. I move to amend the portion of the bill appropriating for the improvement of the harbor at Milwaukie by adding:

To be expended at the point on the Milwaukie river known as the North Cut, surveyed by Lieutenant Centre.

The Senate will perceive that this amendment does not ask an additional dollar. But it becomes necessary, if we are to have a harbor at Milwaukie, that this provision should be made. I have drawn up a diagram here which members around me can see, and which I will explain to them.

Several SENATORS. It is not necessary. There is no objection to the amendment.

Mr. WALKER. If there is no objection, I have nothing to say.

Mr. DAVIS. I do not know that I am very well informed in regard to the subject, and I would ask the Senator from Wisconsin whether this matter has not been very well considered at the Topographical Department; and whether, after full consideration and examination, the officers of that Department have not given their opinion in favor of making the improvement at the mouth of the Milwaukie river, where the improvement was begun?

Mr. WALKER. I can answer the Senator in a very few words. It was some years ago considered where the entrance to the harbor should be located. But I think it was not "very well considered." At all events, the unanimous judgment of the practical men, the seamen, the sailors, the owners of vessels, and of the commercial men of the place has always been against the location. But proof stronger than all this has arisen to show that the Topographical Bureau are wrong in the location of the harbor. I have drawn a small diagram here, from which Senators can see how this works. I have marked on the diagram a circular sweep, which the bay takes in coming from the lake round to the river. The Milwaukie river runs south from the city of Milwaukie to a point called Walker's Point. It then turns directly east and runs about one third of a mile to within one hundred feet of the lake shore. It then runs south again, then southwest, and then to the east, and enters the lake. The point which I have marked on the diagram here is the mouth of the river. The north cut is directly from the lake to the river, where the latter approaches within one hundred feet of the former. It saves all these turnings. It is the unanimous opinion of commercial men there and of all seamen in the neighborhood that the harbor should be located inside of this cut, so that vessels might run in immediately. The piers were formerly located at the natural mouth of the river. Experience has shown that that point does not answer. A great deal of money has been expended, and the piers have been made, but they are of no use. When a vessel enters the bay, the heavy seas make directly against it. Heavy seas break upon the sand bank through the piers and render them useless. The city of Milwaukie has, for temporary purposes, expended $5,000 to make repairs there, in order to admit vessels for the season; but I am informed by a gentleman, very recently from Milwaukie, that the late storm has committed great ravages there. It has rendered the harbor entirely useless, and more money will have to be expended for the reason that the obstruction thus created will have to be removed, as well as new piers to be constructed. But if the piers were put where the river approaches so near the lake, at the cut made, the money will be useful, otherwise the expenditure will be altogether useless. The experience which we have had in regard to the present harbor, and the judgment of all commercial men and seamen is against the present location.

I wish to make a further observation. I believe the Government is pursuing a bad policy to expend money at the present location of the harbor. I sincerely believe that I express the almost unanimous sentiment of the city of Milwaukie, when I say that you might as well strike the appropriation from the bill as to expend the money upon the present location. It is only a northwest wind or an east wind that will now bring a vessel in, and they will not take her up to the city. West of the entrance of the bay is a marsh. When, in stress of weather, a vessel runs in at the mouth of the river and she cannot double the cape, she runs right upon this marsh; and if another vessel comes along she is driven upon the former one, and so on. The result is, that in stress of weather vessels, instead of getting into the harbor, endeavor to keep out of it. It is the last place to which they want to get; for they know that if they go in, the next vessel that comes along will run into them. On more than one occasion since I have been in Milwaukie, I have seen steamboats which cost upwards of $100,000 each run into this harbor and get thrown upon the marsh, and other vessels come in and get thrown upon them. I saw the steamers Nile and Boston last there. All the western members will recollect the loss of those steamers. If the harbor had been at the north cut, they would have been saved; but as it was, as soon as they got in, they could not get up the river, but were driven upon the marsh. In endeavoring to get off, the storm was so high that their chimneys were blown down, they could no longer keep up their fires, and they were thrown upon the shore and lost.

Mr. MASON. We have been assured by a great many Senators who take an interest in the bill, and amongst others, by the Senator from Michigan, [Mr. CASS,] that our great security for the proper expenditure of this money was in the skill, and science, and providence of the Corps of Topographical Engineers. Now, we are told by the Senator from Wisconsin, that, as to this particular expenditure at this particular point, the skill and genius of the Topographical Engineers have been at fault; and we are to judge between the Topographical Engineers and the topographical knowledge of the Senator from Wisconsin. I am a little curious to see how Senators will vote upon it, and I wish to submit it to the country.

Mr. CASS. It is no part of my business here to defend the Topographical Corps, or any other corps. I take it that the Senator himself does not place infallibility upon his own judgment. He may make mistakes, and so may all of us. The Topographical Corps may make mistakes, and so may every man, woman, and child in the world. It does not follow that, because you have a Topographical Corps, you are to expect infallibility in their judgments. The Senator must recollect that this is a new business. The western country has been but lately settled. I have myself slept where Milwaukie now is, in a tent, when there was not a white man within five hundred miles of me. The most extreme danger I ever encountered in my life was at Cleveland, for the want of a harbor. This whole work has been the result of experiment. If honorable gentlemen think it has done no good, they have made a great mistake. It has saved a vast amount of property, and a great number of human lives. Every experienced western man will tell you that these improvements have done good. But let me tell the Senator that no man can tell the operations of storms on the lakes. Sometimes they affect the lake in one way, and sometimes in another way. The Topographical Corps, it seems, instead of going in a direct line to Milwaukie, have gone down to the natural mouth of the river; and the Senator from Wisconsin says this mouth is now choked up. That may be; but the Senator himself may eventually be found to have been a false prophet. I do not know how that is.

Mr. MASON. Mr. President, there is no man more conscious of the fallibility of human nature than I am. I do not trust myself to give an opinion or judgment upon matters that I do not understand. I give no opinion upon this matter; I have given none. I have said that the country is to see that a vote is now to be taken between the skill

and science of the Topographical Corps and the topographical knowledge of the Senator from Wisconsin. The country is to see whether we are to admit that we know nothing of this subject, upon which we are undertaking to legislate, under the lead of the Senator from Michigan——

Mr. CASS. No, sir; I beg the gentleman's pardon.

Mr. MASON. Yes, sir; I say we are legislating under the lead of that honorable Senator who advocates this scheme of spending the money of the people for making improvements in rivers and harbors about which we know nothing, about which he knows nothing except as to the particular quarter of the country from which he comes. We are told that we are safe, because we can repose upon the Corps of Topographical Engineers. And now we hear the honorable Senator from Wisconsin say this corps have erred here. I would have more confidence in his judgment with regard to this matter than in a parcel of gentlemen who know nothing about the locality, nothing about the currents and the winds there, who are sent out upon an errand of—what kind? an errand to expend so much money in the shortest time, and come back again.

I give no judgment upon this matter. The Senator from Michigan hardly treats me right when he asks if I am not liable to mistakes. I gave no judgment upon the matter—I refrained from giving any. But I want to exhibit to the country the fact, that when we are told our security is in the Topographical Corps, the Senator from Michigan, in whom we ought to confide, because of his age and his position before this country, disclaims any repose upon this Corps of Topographical Engineers. He admits that those who have topographical knowledge know no more than anybody else; and I want to exhibit to the country the fact, that here is a scramble for the public money to be expended for local purposes, improvidently, without any Senator being able to say that the country has a reliance for the expenditure of the money in any corps whatsoever. I trust the Senator from Wisconsin. I would rather take his judgment in this matter than all the Topographical Corps who might be sent there to look at it, expend the money, and come home again. I shall vote for his amendment with a great deal of pleasure, not upon my judgment, but upon his.

Mr. DAVIS. As the honorable Senator from Virginia says, this argument presents the question whether you will take from the Topographical Department their own discretion in expending this money for the improvement of the harbor at Milwaukie, and confine them upon the suggestion of the Senator from Wisconsin to a particular spot, or leave them with discretionary power to select that place which, upon the whole, shall best subserve the interests of the public? Not doubting the great sincerity of the Senator from Wisconsin, or the accurateness of his judgment, yet, as this question is somewhat controverted, it seems to me that it would be better, at last, to leave the Topographical Department with the discretion to carry on the improvement at such point as they may think will best subserve the public interests. The Senator from Wisconsin proposes to define the point. I do not know enough of the country to agree with him; but I would suggest that it would be better to leave the matter to the Topographical Bureau.

The amendment was agreed to.

Mr. BRIGHT. There is an appropriation in the bill in these words:

"For continuing the improvement of the harbor of Michigan City, Indiana, $20,000."

I move to amend this provision by inserting after the word "Indiana," the words:

Or the laying down of a floating breakwater and safety anchorage, as the Secretary of War may determine.

There are but $20,000 appropriated for expenditures within the limits of the State which I have the honor to represent; and the object of the amendment is to give the Secretary of War discretionary power to use a new improvement lately invented, or to adopt the old method, as in his judgment may seem proper. I presume there will be no objection to it.

The amendment was agreed to.

Mr. CHASE. The bill now provides—

"For the improvement of the navigation of the Mississippi river below the rapids, $90,000; the Ohio, including the repairs of the dam at Cumberland Island, $90,000," &c.

I move to amend this provision by inserting after the word "repairs," the words:

Or removal, as the Secretary of War may determine.

Mr. MERIWETHER. I shall object to that amendment. How is the Secretary of War to determine whether it would be better to remove or to improve the Cumberland dam? The Topographical Engineers put the dam there; and if they made an error in putting it there, may they not err in taking it away? I hope the amendment will not prevail.

Mr. CHASE. I think if Senators would listen to the amendment, there could not be any objection to it. It will be remembered by Senators who were present at the former discussion of this subject that a Senator from Mississippi, (Mr. Davis,) not now here, stated the strong objection which existed against the dam at Cumberland Island, and against its repair. He was for its removal. So far as I am acquainted with the sentiments of those engaged in the navigation of the river, they concur with the views expressed by that Senator, that the dam should be removed. If my friend from Kentucky would take occasion to avail himself of the opinions of those practically engaged in the navigation of the river from his own city or the city of his own county, he would find that their judgment would accord with that which I have now expressed. Still, I understand from the other Senator from Kentucky, [Mr. UNDERWOOD,] that a report has been made by the superintendent of western improvements, (Colonel Long,) in favor of the repair of the dam. It is quite probable that that method will be preferred. The whole object of the amendment is to give to the Secretary of War an election, on taking into consideration the opinion of those chiefly interested in the navigation of the river as well as of the officer chiefly intrusted with the work. I suppose with this explanation there will be no objection to the amendment.

Mr. MERIWETHER. I would beg leave to inform the Senator from Ohio that it is not necessary for me to make myself acquainted with the sentiments of boatmen and those who navigate the river. I have myself navigated it for twenty-five years, both before and since the erection of the dam. The Cumberland river comes into the Ohio about midway of Cumberland Island—the Island being about three miles long. If this dam be removed, a descending boat, wishing to go up the Cumberland river, must run a mile and a half below its mouth and come up a mile and a half, so that there is a loss of three miles. The same loss is occasioned whenever a boat stops to land passengers or freight. Again: an ascending boat from Louisville, coming, say, in the first instance, from St. Louis or New Orleans, and wishing to go up the Cumberland river to Nashville, must go a mile and a half on the Kentucky shore and then come back a mile and a half. That will be the effect, I think, of removing the dam. I have been on that river for twenty-five years, and I know what will be the effect.

Mr. CHASE. The objection which my friend makes is, that some difficulty will occur in getting into the Cumberland. If the dam should be removed, that may be so. But the great question is, what will, upon the whole, most facilitate the navigation of the Ohio and the Cumberland taken together? That is the question which I propose to refer to the Secretary of War.

Mr. BELL. There is another question, and that is, what will answer the purposes of both rivers equally well. The Senator from Kentucky did not state the whole difficulty; for, by removing that dam now, in the situation in which the river is, you get a channel on the further side. But all these inconveniences so clearly pointed out by the Senator from Kentucky will occur, and at the same time, by removing the dam, at low stages of the water, the water will spread out across the lower part of the island. The river is unusually wide there, and if the water spreads out in that way, navigation into the Cumberland will be obstructed altogether at low water. I would remind the Senate that many gentlemen have complained very much, because they do not get appropriations for surveys or for the improvement of their rivers. There is the Cumberland. You know, sir, what a stream that is—how beautiful and useful, with obstructions which could very easily be removed by an appropriation from Congress, so as to make it navigable for a considerable portion of the year for seven hundred miles. Nashville is situated on its banks, and that is a port of entry. Yet I have not asked one cent for that river. I have proposed an amendment making an appropriation for the Tennessee river, because that was a still larger river, and there were still more obstructions in it. That great section has been almost entirely overlooked, but I have not asked one cent for the Cumberland, which is navigable for seven hundred miles, running through one of the richest of countries. It rises in Kentucky, then runs into a part of Tennessee, then runs through Kentucky again, and empties into the Ohio. The effect of removing the dam, I think, will be to throw a bar entirely across the mouth and obstruct the navigation of the Cumberland in low stages of water, which would otherwise be open. That is an additional reason against the amendment.

The amendment was rejected.

Mr. DODGE, of Iowa. Mr. President, I move to amend the bill by inserting the words "the Rock River Rapids," to strike out "$50,000" and insert "$100,000," so that the clause will read:

"For the improvement of the Rock River Rapids and Des Moines Rapids of the Mississippi river, at the lower chain and English chain, $100,000."

Mr. President, allow me to say, in support of the amendment which I have just offered, that it is for the removal of an obstruction to the navigation of the Mississippi river, second only in importance to that which is properly called in the bill the Des Moines River Rapids, both being in the Mississippi river, and so called only because of their proximity to the mouths of the Des Moines and Rock rivers, termed by the French *Les Rapides de la rivière Des Moines*, and *Les Rapides de la rivière de la Roche*.

Mr. President, the Committee on Commerce will bear me evidence that, at this session of Congress, the head of the Topographical Bureau, Colonel Abert, estimated that $66,000 could be most advantageously expended on the Des Moines Rapids during the remaining portion of the present year; and although he did not recommend an appropriation for the Rock River Rapids, he stated, in his communication upon this subject, that, if it were decided upon by Congress to improve those rapids, a corresponding amount of appropriation for them would be required. So that, if the amendment which I have offered be adopted, it will appropriate $32,000 less than the amount which the head of the Topographical Bureau has estimated could be beneficially expended during the present year upon these two objects. At the earnest solicitation of my colleague and myself, the Committee on Commerce unanimously reported a bill, which is now on the Calendar, appropriating $66,000 for the improvement of the Des Moines Rapids—$16,000 more than the House bill gives us. Every one who is acquainted with the Upper Mississippi knows the immense injury and loss which these noted obstructions annually impose upon the commerce and people of the Mississippi valley.

Sir, to arouse public attention to the importance of these rapids, there was held in the city of Burlington, during the past year, one of the largest and most enthusiastic conventions which I have ever seen assembled, and in which the five adjoining States and the Territory of Minnesota were represented. It was a convention without party, and above party. Its eloquent and able memorial, read at the first days of the session, has not, I trust, been forgotten. I have here the original reports, estimates, maps, and diagrams of that accomplished officer, Major R. E. Lee, now Brevet Colonel of Engineers; and to show the nature of these obstructions, and the entire practicability of their removal, I beg to detain the Senate whilst I read to it some extracts from these reports:

"The Upper, or Rock River Rapids, distant about one hundred and fifty miles from the Des Moines, commence fourteen miles above Rock Island, and extend to its foot. Within this distance the Mississippi falls 25,740 feet, descending over a rocky bed, broken by reefs, which, at some points, reach entirely across the river, affording, at low water, a shallow channel, and projecting, at others, from

opposite sides, interlock and form a winding, difficult, and dangerous passage. The fall of the river is not regular, but, like that at the Lower Rapids, is greater over the reefs, and less in the intermediate pools formed in like manner by them. The velocity of the current, varying with the descent, and continually checked by the rough bed of the river, the winding of the channel, and the projection of the reefs, though not as great as the fall would indicate, is still rapid, and, in many places, difficult to stem.

"By an examination of map No. 2, you will see that the main channel, worn by the action of the water, is so distinctly marked, that there can be no doubt as to the best mode of improving it. The depth of water is generally sufficient, and the difficulty consists in the short turns and narrow passes between the reefs, which oblige the boats to cross the current obliquely, and incur the danger of being forced on the rocks.

"The descending boats, swept along by the current, run the greatest risk, and the turns ought to be so regulated as to relieve them as far as possible. By cutting off the projecting points of some of the ledges, and excavating through others, this danger will be avoided, and a safe passage formed."

This is what he says of the Rock River Rapids; and as the obstruction at the Des Moines Rapids is greater, and as that is the one upon which Major Lee operated in 1838-'9, I also wish to call attention to what he says in respect to them:

"DES MOINES RAPIDS.—These rapids, situated about two hundred miles above St. Louis, commence just below the Des Moines garrison, and terminate about three quarters of a mile above the village of Keokuck, and four miles above the mouth of the Des Moines river. Between these points the Mississippi flows with great velocity over an irregular bed of blue limestone, reaching from shore to shore, at all times covered with water, and through which many crooked channels have been worn by the action of the current. Its longitudinal slope not being uniform, but raised, at several places, above its general elevation, divides the whole distance into as many pools or sections. The passage over these reefs becomes, during low stages of the river, very difficult, in consequence of the shoalness of the water, its great fall and velocity, and the narrow and winding channels through them. As the river rises, its surface becomes nearer and nearer parallel to a plane tangent to the highest of these points, its extreme fall is diminished, and the only impediment consists in the rapidity of the current. The navigation being only impeded during the low stages of the river, which is limited, generally from this cause, to not more than three months in the year, and the obstructions being of a character to admit of removal, I shall refer only to the improvement of its natural bed as being not only more practicable, but, in my opinion, preferable to any other."

Mr. President, I read these documents and call particular attention to their contents, because at the beginning of this session of Congress officious, intermeddling, and unprincipled speculators were here, and engaged in throwing every obstacle they could in the way of our getting an appropriation such as we ask. Their object was not to advance the public good, but their private interests. With this view they have been seeking to get up a project for a canal around these rapids, the very mention of which stinks in the nostrils of our people. Sir, we want no canal stoppages nor tolls upon the Father of Waters; but we do want the channel which God has given us for our trade and commerce opened. And further, to show the feasibility of this, and the great good which was done during the few days within which Colonel Lee was enabled to push the work, I read from his subsequent and last report:

"MISSISSIPPI RIVER ABOVE THE MOUTH OF THE OHIO. —*Progress of the work.*—Preparations were made early in the spring for commencing the plan of improvement adopted by the Department in January last. Towards the end of May the boats that had been procured on the Ohio, with such supplies of men, materials, and provisions as were needed, arrived at the Des Moines Rapids. The river was then about five feet above low water; and, though falling, it did not reach a stage low enough to admit of commencing operations before the last of July. In anticipation of this event, preparations were made to augment the force, and place the boats in position, when a sudden and rapid rise took place of upwards of six feet above low water, and it was not before the 20th of September that we were enabled to get to work. The object being to improve the channel through the lower chain first, we commenced by cutting off the middle point on the west side of the Illinois chute, (marked A B on the map of the survey of 1837) which had hardly been accomplished when operations were suspended by cold weather on the 10th of October. The whole quantity of rock removed from the channel was four hundred and eight perches, or at the rate of twenty perches per day. The process of blasting can be carried on without difficulty when the rock is not covered by more than five feet of water; but the effect of the blasts is merely to split and lift the rock from its bed; and to raise it men are constantly required in the water, to pry it up and attach it to the grapples. Unless it is removed, the effect of the second course of blasts is much diminished, and the current of sand constantly drifting over the bed of the river soon fills up the crevices, and renders reblasting necessary. No advantage, then, is gained when the removal of the stone cannot keep pace with the blasting, which cannot be done when the water is too high, or too cold to admit of men working in it. Finding this impracticable from the latter cause, the main body of the force was discharged on the 10th, and a select gang retained till the 20th instant, in hopes of continuing operations on a smaller scale. Nothing, however, could be accomplished. The water became too cold for the men to bear it. On the night of the 16th, ice formed one eighth of an inch thick, and on the 17th it snowed all day. We were, therefore, very reluctantly obliged to bring all operations to a close, which was the more to be regretted as the river was fast approaching its lowest stage, and the season had been so unfavorable as not to have afforded us more than twenty working days. The bed of the river, at the point operated on, is composed of a stratum of blue limestone, varying in thickness from fifteen to twenty-four inches, the surface of which is covered with an irregular stratum of flint, from one to two inches thick; this rests on a bed of calcareous slate, or decayed limestone, from two to two and a half feet deep, beneath which there is a second stratum of limestone. By removing the first or upper stratum, the calcareous stone is exposed to the abrading action of the current, and the channel deepened from three to four feet. Should a similar formation extend throughout the rapids, (which, however, cannot be calculated on,) the amount of labor will be much diminished. Although the navigation has been but little benefited by the operations this year, still what has been done has satisfactorily proved the practicability of the undertaking. *I now see nothing to prevent the formation of a channel through the rapids, of a depth equal to that existing in other parts of the river at low water, but the occurrence of unfavorable seasons.* At such times the navigation will not be impeded; and when favorable seasons for operations do occur, the greatest advantage should be taken of them. To do this, preparations should be made to work at several points at once, so that a large force can be employed during the short time the stage of the river will permit."

Sir, having learned, soon after the commencement of this session, of the efforts which were making to prejudice the minds of Senators and members against the improvement of the channel at these rapids, I addressed Major Lee a letter, desiring to know if his opinion upon this subject had undergone any change; to that letter I received the following reply:

FORT CARROLL, MARYLAND, 15*th December*, 1851.

DEAR SIR: I have had the honor to receive your letter of the 12th instant, in reference to the practicability of improving the navigation of the Mississippi river at the Des Moines and Rock River Rapids. You are aware that the act of Congress under which I operated in the years 1837 and 1838, confined the application of the appropriation to the bed of the river. I therefore, in my examinations, did not look beyond it. At the Des Moines Rapids but two plans seemed worth considering. One was to build a continuous wall in the bed of the river, from the foot to the head of the rapids, along the Iowa shore, and at a sufficient distance to form with it an ample canal for the passage of steamboats, with a lock at each extremity. The other, to improve the natural channel of the river by opening a pas sage through the reefs that separated one basin from the other, and thus form a continuous channel through their whole extent. The first, if completed, would be certain in its results, and afford a sure communication at low water through the rapids; but of no advantage in an incomplete state; would cost much time and money, and had it been adopted, would, to the present time, as experience now shows, have been of no advantage.

The second I considered equally practicable, affording more speedy relief to the commerce of the country, which was laboring under the greatest disadvantages, and by operating at the worst passes first, would produce, with the means then available, a general benefit, which would be felt at mean stages of water as well as at the lowest. This plan was accordingly recommended. Similar considerations influenced me in reference to the improvement of the Rock River Rapids.

I did not then think, nor had I any reason to apprehend afterwards, that the water above the rapids would be sensibly diminished if care was taken in opening the main channel to stop up, with the stone excavated, the minor ones. The effect would be to unite in one channel the water that flows through many, and which, the two seasons that I was on the rapids, even at the low stages of the river, appeared ample for the purposes of navigation.

You can judge better than I can which system of improvement is better adapted to the present state of the country; whether its commerce and development can wait for the perfection of one, or would be more advanced by the progressive improvement of the other.

Believing it to be a question of great moment, not only to the great country of the Upper Mississippi, but to the country at large, I have taken the liberty to give you the reasons that governed me in the matter, that, in resuming the subject, you might examine it in its different bearings, and adopt that plan best calculated to promote its success.

With my earnest wishes that such may be the result of your efforts,

I remain, very respectfully, your obedient servant,
R. E. LEE, *Brevet Colonel of Engineers.*

Hon. A. C. DODGE, *Senator of Iowa,*
Washington city, D. C.

From this letter it will be seen that no advances which have been made in the science of river improvements have altered or affected the mind of Major Lee in regard to those which we wish to effect by the bill under consideration. As time is precious, I will not detain the Senate much longer on this subject; but will remark that the Mississippi is navigable for some five hundred miles above the Rock River Rapids, up to the great falls of St. Anthony. With the exception of these rapids, it is from St. Louis to St. Anthony the best and safest river for navigation in America, if not in the world. Nearly all of Iowa, more than half of Illinois, all of Wisconsin, all of Minnesota, are situated above these rapids, and their commerce nearly in that proportion has to pass both ways over these rapids. The Government itself, to say nothing of the commerce of the country, is largely interested in this improvement. The fifty and one hundred per cent. enhanced prices for freight which it has to pay in low water, would soon save the amount necessary to effect this improvement. The United States own a vast domain above these rapids, and has received, as the letter of the Commissioner of the General Land Office shows, more than $13,000,000 for lands sold above them. The following is his letter upon that subject:

GENERAL LAND OFFICE, *July* 27, 1852.

SIR: As requested by you, on the 23d instant, I have the honor to furnish the following exhibit of the amounts received from sales of public lands to the 31st day of December, 1851, inclusive, with the value of the lands located by military warrants, estimating such locations at $1 25 per acre, in Iowa, Minnesota Territory, at Dixon, Illinois, and Mineral Point, Wisconsin:

	Am't rec'ved to Dec. 31, 1851.	Value of locations at $1 25 pr acre.	Aggregates.
Iowa.....	$3,467,630 23	$3,345,825	$6,813,425 23
Min'sota Territory.....	22,037 59	*81,800	103,837 59
Dixon, Illinois	2,926,243 89	1,151,281	4,077,524 89
Mineral Point, Wisconsin..	1,320,924 93	868,140	2,189,064 93
Total....	7,736,806 64	5,447,046	13,183,852 64

* No returns of locations in fourth quarter of 1851 from Minnesota.

With great respect, JOHN WILSON,
Acting Commissioner.

Hon. A. C. DODGE, *Senate.*

The citizens of Illinois, Wisconsin, and Iowa—as the official documents show—have paid nearly six millions of pounds of rent lead—in value more than $200,000—being a tax first of ten and then of six per centum, levied directly upon their daily labor. And what is worse, a large portion of it was levied and collected by the Government before it had any title to the country, or any authority to levy or collect such tax.

A committee was appointed at the Burlington convention to collect and forward statistics, showing the losses occasioned by these obstructions, but, to my disappointment, I have received no statistics from them, nor can I find any of a later date than June, 1847.

The following extract from a report made by a committee of Burlington, Iowa, of the business of that town for the year ending June, 1847, will afford an accurate conception of the effect of the rapids upon the commerce of that single town:

They find, "after thorough examination of the receipts and shipments of the different mercantile houses, that there have been imported to Burlington 687 tons salt; 305 tons iron, stoves and castings; 2784 tons merchandise—making 3,776 tons, at an average freight of $6 per ton...	$22,650 00
The amount of produce shipped from Burlington is found to be as follows, viz: 16,354 bushels of oats; 118,288 do. corn; 207,948 do. wheat; 666 do. beans; 500 do. flax seed; 1,847 do. barley; 32,821 bbls. flour; 384 do. whisky; 1,643 tons pork, bacon, and lard; 150 tons hay; 23 do. dry hides—which is found to be equal to 14,250 tons, at an average of $6, is.....	71,250 00
Number of steamboat arrivals, 524.	
Number of cabin passengers from St. Louis to Burlington, estimated to be ten to each arrival, 5,230, at an average of $5 each.....	25,150 00
Number of deck passengers, estimated at fifteen to each arrival, 7,845, at an average of $2 50.....	19,612 50
Number of horses, carriages, wagons, &c., 1,000, at an average fare of $5.....	2,000 00
Total.....	$143,662 50
From which deduct the probable amount of freight and fare if the obstructions were removed from the rapids, viz:	
3,776, tons freight imported at $2 50 $9,440 00	
14,250 tons freight exported, at $2. 28,500 00	
5,230 cabin passengers, at $3..... 15,690 00	
7,845 deck passengers, at $1 50.... 11,767 50	
	$65,397 50
	78,255 00
To which should be added, for losses by detention, arising from reshipping, towing, and additional insurance.....	$10,000 00
For loss of keel and flat-boats, and their cargoes,	10,500 00

For depreciation in value of all surplus which finds a market through this point, estimated to be the present year $504,000, at ten per cent....	50,040 00
Estimated loss to steamboat owners, merchants, and insurance offices from stranded boats and loss of cargoes, which your committee have not the means of ascertaining, say.....	10,000 00
Total.....	$158,805 00

If by a comparison of tables of freights and charges made when the water was high enough for boats to pass the rapids without discharging their cargoes, with the prices charged when the water was too low, has resulted in this large annual loss to the city of Burlington, what must it not be when the calculation embraces all the other large cities and towns above the rapids when the amount of the lead trade of Illinois, Wisconsin, and Iowa is considered, (estimated at upwards of forty millions of pounds in 1845,) the greater portion of which is transported when the waters are low; the millions upon millions of agricultural and other products which have to find their way to market over these rapids; and the imports, domestic and foreign, which come to us over them, all of which are subjected to these enhanced prices of freight and charges. Add to these the travelers, which are at least twenty or thirty thousand a year, subject to the same increased charges on this account, and even then you have an inadequate idea of the injury the western country sustains on account of these rapids. I do not doubt that the increased feights and charges produced by these obstructions, would in one year more than quadruple the cost of their removal.

Sir, they are to us what the tariff of 1828 was represented to be to the people of South Carolina, and if they have not caused the grass to grow in the streets of our commercial cities and towns, it is only because of our natural advantages, our youth and recuperative energies. I appeal to the Senators from Illinois, Missouri, and all the other representatives from the nine States bordering on the Mississippi, to attest the truth of what I have stated touching the nature of these obstructions to the navigation of our great river, and the incalculable loss which their continuance is destined forever to doom our commerce and people.

Mr. DAVIS. I regret that the Senator from Iowa has felt it to be his duty to move this amendment. There are two sets of rapids in the Mississippi river, and if I recollect correctly the statement of the Engineer Department, their preference was very decided that the work on the lower or the Des Moines Rapids should first be proceeded with. They thought we should begin and work up stream, so that the navigation might have the advantages and benefits of the work as it progressed. If they should remove the lower rapids first, then the navigation would be free from there up to the upper rapids; and in their judgment it would be the best policy and the best economy for the Government to adopt that scheme of managing the business and make the appropriation accommodate itself to that. I cannot argue these questions at this time of night, but I simply ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DODGE, of Iowa. I desire to respond very briefly to the suggestion of the worthy Senator from Massachusetts. For the removal of these obstructions there was held, during the past fall, the largest and most enthusiastic convention of five States bordering on the Mississippi river, which was ever holden in the western country. I admit, as the Senator says, that the lower rapids are the worst rapids, and if we are to be confined to one, they should be removed first. But there is scarcely a particle of difference as to the number of boats sunk on each. This is well known to my colleague and to the Senators from Illinois. This amendment is far below the estimate and that is not half the amount necessary. It will require, in the opinion of the Department, about $300,000 altogether to remove the obstructions entirely, so as to give us a channel of three feet through the rapids, corresponding with the channel made over the bars below that point. I hope the amendment will be agreed to.

Mr. DAVIS. I understand that the sum proposed in the bill is that which can be most economically expended. I think the error of the Senator from Iowa lies in the fact that he supposes we are undertaking to complete all these works at once. We have put in by the amendment already adopted $15,000 or $20,000 for the harbor of Dubuque, which is near these rapids. That is a sum supposed to be proper to complete the improvements which have been begun in that harbor, and $50,000 is what is supposed to be a proper sum for this work for the present, acting economically.

Mr. SHIELDS. I will state, in confirmation of what was said by the Senator from Iowa, that the impression in the neighborhood is that even the sum in the estimates will not be sufficient. I concur with him entirely, and I think this sum is hardly adequate for the present.

Mr. JONES, of Iowa. I hold in my hand, Mr. President, a communication from Colonel Abert, the distinguished and able head of the Topographical Bureau, of the 14th of June last, in which he makes "an estimate for the current year and for the fiscal year ending June 30, 1853, $60,000, with an addition of $6,000 for contingencies, making $66,000" for continuing the work on one of the rapids—the lower. Colonel Abert further says as follows: "But if it be considered desirable to work on both rapids at the same time, the double of this estimate would be more appropriate, say $132,000."

Lieutenant Lee, whose correctness, and scientific and practicable knowledge, all who know him must admit, estimates that $20,000 per month is necessary to carry on the work to advantage at these rapids. Now, sir, if we appropriate but $50,000 for the two rapids, supposing the work may not be commenced until the 1st of March next, the $50,000 will have been expended one month before another appropriation can be made available, even if one should be made at the next session of Congress, which it is to be hoped will be the case. The work may just as well go on at both rapids at the same time, and especially as it would save the employment of a double set of superintendents, engineers, steamboats, &c., &c., on account of the proximity of those rapids to each other. If these obstructions to the navigation of the finest stream on earth, except at these rapids, are to be removed at all, *now* is the time to commence at both points, and I therefore hope the amendment of my colleague may be adopted. I have been traveling over these rapids upon an average of at least twice a year, for the last twenty-four years. I have been much of that time engaged in shipping goods, lead, &c., over these obstructions, and I know well the difficulties which they present to the merchant, the producer, and the traveler.

Mr. DAVIS. My statement was that the Topographical Department thought that the most economical and the best mode was to work first on the lower rapids, and work up, leaving the navigation behind as you go up.

Mr. MASON. I am induced now to vote for the amendment, from the opinion of the Senators from Iowa, in whose State the money is to be expended, in preference to the opinions of the Senator from Massachusetts, who, I suppose, was never there in his life. The Senators from the State where the work is to be done are certainly the only guide for us. I have very great confidence in the judgment of the Senators from Iowa. They live on the spot and should know something about the subject. I shall vote with them with great cheerfulness.

The question being taken on the amendment by yeas and nays, resulted—yeas 19, nays 20; as follows:

YEAS—Messrs. Atchison, Borland, Bright, Brodhead, Chase, Dodge of Iowa, Douglas, Geyer, Houston, James, Jones of Iowa, King, Mallory, Mason, Rusk, Shields, Soulé, Sumner, and Walker—19.

NAYS—Messrs. Bell, Bradbury, Brooke, Cass, Charlton, Clarke, Davis, Dawson, De Saussure, Felch, Hamlin, Meriwether, Pearce, Pratt, Seward, Smith, Spruance, Underwood, Upham, and Wade—20.

Mr. MALLORY. I have an amendment to offer, which is to insert:

For filling in behind the United States sea-wall, in the harbor of St. Augustine, in Florida, with earth, $3,000.

I have here an estimate from the Department on the subject, which I ask may be read.

It was accordingly read, as follows:

WAR DEPARTMENT, WASHINGTON, *Aug.* 21, 1852.

SIR: In reply to your letter of the 11th instant, I have the honor to transmit herewith an estimate, by the Chief Engineer, of the amount that will probably be required to fill in with sand or earth behind the sea-wall at St. Augustine.

Very respectfully, your obedient servant,

JOHN P. KENNEDY,
Acting Secretary of War.

Hon. S. R. MALLORY, *U. S. Senator.*

ENGINEER DEPARTMENT,
WASHINGTON, *August* 18, 1852.

Estimate of amount necessary for filling in with sand behind the sea-wall at St. Augustine, Florida, to a height of seven feet six inches above ordinary low water.

Amount of sand required, about 10,800 cubic yards, at twenty-five cents per yard.....	$2,700 00
Unforeseen expenses.....	300 00
	$3,000 00

JOSEPH G. TOTTEN,
Brevet Brig. Genl. Cor. Top. Eng.

Mr. MALLORY. I offered an amendment the other day which I conceived to be purely national in its character. It was to improve the harbor of Appalachicola; a city which stands, or rather a city representing a district which stands sixth on the list, in a commercial point of view, in this country. The exports from that city last year amounted to 240,000 bales of cotton alone, and this year they will amount to 260,000 bales. But that amendment was not agreed to. If I could suppose at all that a body of this kind would act inconsistently, I would have expected such a determination. The Senate could not have reflected that the amendment was for a harbor of great importance. I supposed then that I would offer no other amendment to this bill; but, as the hour is late, and gentlemen seem to hand in their amendments and have them acted upon, I have offered this. I have been requested to do so by a citizen of St. Augustine, on whom I can rely, and who is familiar with the facts, and who has shown me the importance of the measure. This sea-wall was built by the United States, some years ago, encroaching upon the city. An open space was left behind the wall. I now propose to appropriate for filling it in, as I understand was originally designed to be done, but never has been done.

The amendment was agreed to.

Mr. BRADBURY. I move to amend the bill by inserting:

For removing obstructions in the Kennebec river, from the United States Arsenal wharf, in Augusta, Maine, to Lovejoy's Narrows, $5,000.

I desire to say that, in 1838, a survey and estimate were made under the direction of the Topographical Bureau, for removing the obstructions in this river, and the total cost was put down at about $22,000. The Government, however, did not prosecute the work. The city of Augusta, after that time, raised $10,000, and has removed the obstructions for about half the distance. The removal of these obstructions would improve the navigation of the river up to the United States Arsenal at Augusta. The report of the survey which was made under the direction of Colonel Long, recommends the work in the strongest terms. The citizens living on the river have already expended one half the sum sufficient to complete the whole work, and probably with this slight appropriation of $5,000 the whole will be accomplished. We have in the State of Maine an ocean coast of over three hundred miles, and, probably, with the indentations, about one thousand miles, with something like between 500,000 and 600,000 tons of shipping. I think this presents a case as strong as any which can be presented.

Mr. RUSK. I was in hopes that we should have got through with the bill as in Committee of the Whole, and have reported it to the Senate to-night, but I see amendment after amendment offered. Do gentlemen reflect that these amendments will all be gone over again in the Senate? I intended, when I rose, to move an adjournment, but I will allow a vote to be taken on this amendment, and then, if any other amendments be offered before the bill be reported to the Senate, I shall make a motion to adjourn.

Mr. MASON. We were told some three or four days ago, from indications then given, that this bill would probably be so overloaded that it would sink of its own weight. In my own judgment, it has attained that period now; and by way of testing it, I move to lay the bill on the table, and on that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 27; as follows:

YEAS—Messrs. Atchison, Brodhead, Brooke, Butler, Charlton, Dawson, De Saussure, Hamlin, Houston, Hunter, Mason, and Meriwether—12.

NAYS—Messrs. Bayard, Borland, Bradbury, Bright, Cass, Chase, Clarke, Davis, Dodge of Iowa, Douglas, Felch, Geyer, Gwin, James, Jones of Iowa, King, Mallory, Pratt, Rusk, Seward, Shields, Smith, Spruance, Sumner, Underwood, Wade, and Walker—27.

So the motion was not agreed to.

The PRESIDENT. The question now is on the amendment of the Senator from Maine.

Mr. CLARKE. I think that is one of the most meritorious amendments that have been offered to the bill. It seems that an estimate was made that about $20,000 would be necessary to remove the obstructions to the navigation of the Kennebec river. The citizens of Augusta raised $10,000, and expended that amount for the improvement of the river, and it is now simply asked that we shall appropriate $5,000 for the purpose. I hope the amendment will be adopted without a division.

Mr. BROOKE. I move to amend the amendment by adding to it:

For surveys of rivers in the States of Georgia, Alabama, and Mississippi, $10,000.

On that amendment to the amendment I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. BRADBURY. I hope each will stand on its own footing.

The amendment to the amendment was rejected.

Mr. MASON. Before the question is put on the amendment of the Senator from Maine, I wish to know whether he has had any estimate from the Bureau of Topographical Engineers?

Mr. BRADBURY. I stated before that an estimate was made in 1838, after a careful survey, and that the estimate was $22,000. Subsequent to that time the citizens of the place raised $10,000, and accomplished something like or more than half the work, and we now ask only $5,000.

The amendment was not agreed to, there being, on a division—ayes 16, noes 16.

Mr. GEYER. I have an amendment to offer, which is to insert:

For the removal of obstructions, and the improvement of the harbor of St. Louis, Missouri, $40,000.

Mr. RUSK. It must be evident that we cannot get through with the amendments to-night. It is useless to sit any longer, and I therefore move that the Senate do now adjourn.

The motion was not agreed to.

Mr. GEYER. I will not occupy the time of the Senate; I wish simply to offer a word or two in explanation of the amendment. This improvement is included in the regular estimates of the Department along with the harbor of Dubuque. The estimate is $50,000 for the harbor of St. Louis, and $20,000 for the harbor of Dubuque. An amendment has been inserted in the bill appropriating $15,000 for Dubuque. My amendment is to appropriate $40,000 for St. Louis. Gentlemen from the West are well acquainted with the nature of the obstructions there; and I will merely add that the city of St. Louis has taxed its citizens for several years in consequence of the work commenced there by the Government of the United States and left in an unfinished condition. The city has taxed the citizens more than $100,000 to carry on the work.

The amendment was rejected.

Mr. DAVIS. I wish to offer a verbal amendment. It is to insert after the words "Taunton river," the words, "and New Bedford harbor."

Mr. PRATT. I have as much patience as most men, but when the friends of the bill begin to offer more amendments, I cannot stand it, and must move that the Senate adjourn.

Mr. DAVIS. This is a mere verbal amendment.

The motion to adjourn was not agreed to; there being on a division—ayes 16, noes 21.

Mr. RUSK. All these amendments, as I have before stated two or three times, have to be gone over again in the Senate, and here the professed friends of the bill are offering amendment after amendment, thus consuming the time of the Senate. I have been waiting here with patience to get the bill reported to the Senate, but even the Senator who reported the bill is now offering amendments.

Mr. DAVIS. By mistake these three words were left out in an amendment reported by the committee, and I merely wish to insert them.

Mr. RUSK. It can just as well be done after the bill shall have been reported to the Senate.

Mr. DAVIS. I think it is as well to have the amendment made now.

The amendment was agreed to.

Mr. BROOKE. I move to strike out all of the bill after the enacting clause, and insert in lieu of it the following:

That the sum of $100,000 be, and the same is hereby, appropriated, to be expended under the direction of the Secretary of the Treasury, in causing to be made a survey and examination of the harbors on the Atlantic and Pacific coasts, and on the northern lakes, and the Gulf of Mexico, with a view of ascertaining what improvements and repairs of the same are necessary for the protection of commerce; also, a survey of the Mississippi, Ohio, and Missouri rivers, with a view to ascertain the obstructions to the navigation thereof.

SEC. 2. *And be it further enacted*, That the said Secretary, in conjunction with the Secretaries of War and Navy, shall detail for such service as many officers of the Engineer Corps of the Army and Navy as may be necessary for the purpose aforesaid, who shall report to him the results of said surveys, together with an estimate of the cost of such works of improvement as may be found essential and practicable.

Mr. ATCHISON. If it be in order I would move to amend the amendment by striking out so much of it as relates to a survey of the Missouri river. I suppose a survey of that river is entirely unnecessary. We know that there is but one class of obstructions to its navigation that can be remedied by an appropriation by the General Government. I refer to the snags in the river. They can only be drawn out by snag-boats, and we can as well make an estimate as any officer of the Engineer *Corps* can. So of the Mississippi river, for the same class of obstructions exist in the lower Mississippi. I do not desire that the General Government shall expend one dollar unnecessarily upon the State of Missouri.

Mr. BROOKE. I would like, if I had time, to say a few words upon the subject, but I cannot very well speak now. I therefore move that the Senate do now adjourn.

The motion was not agreed to.

Mr. BROOKE. I call for the yeas and nays upon the amendment.

Mr. CHARLTON. I will suggest to the Senator that we have been here ten hours, eating nothing, and talking a great deal; and that as the Senate is determined to force the bill upon us, it would be only wasting time to call the yeas and nays on the amendment.

Mr. MASON. I think we had better have the yeas and nays. I wish this extraordinary spectacle presented to the American people in every aspect of it. I hope the yeas and nays will be ordered.

The yeas and nays were not ordered.

Mr. HOUSTON. I move that the Senate do now adjourn, and upon that question I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 25; as follows:

YEAS—Messrs. Atchison, Brooke, Butler, Charlton, Dawson, De Saussure, Houston, Hunter, King, Mason, Meriwether, Rusk, and Soulé—13.

NAYS—Messrs. Bayard, Bell, Borland, Brodhead, Cass, Chase, Clarke, Davis, Dodge of Iowa, Douglas, Felch, Geyer, Gwin, Hamlin, James, Jones of Iowa, Pratt, Seward, Shields, Smith, Spruance, Sumner, Underwood, Wade, and Walker—25.

So the motion was not agreed to.

Mr. BROOKE's amendment was rejected.

The bill was then reported to the Senate as amended, and

On motion the Senate adjourned.

TUESDAY, *August* 24, 1852.

The Senate resumed the consideration of the bill making appropriations for the improvement of certain Harbors and Rivers.

The PRESIDENT. The bill was reported to the Senate last evening, and the question will be on concurring in the several amendments made as in Committee of the Whole. They will be taken together, or separately, as may be the wish of the Senate.

Mr. DAVIS. Let them be taken in their order.

Mr. BORLAND. Oh, no; take the question on them altogether.

Mr. DODGE, of Iowa. I suppose this is the proper time to call the attention of the Senate to the situation in which this bill now stands. I wish to raise the question on the first amendment; in other words, I wish to appeal to the friends of rivers and harbors to vote down all the amendments which have been made as in Committee of the Whole, and to pass the bill as it came to us from the House of Representatives. For that purpose, I ask for the yeas and nays on the first amendment, with the view of making it a test question.

Mr. PRATT. I agree with the Senator from Iowa, that the friends of the bill should reject all the amendments; and as he has called for the yeas and nays upon the first, I would suggest to him to move that all the amendments made as in Committee of the Whole be non-concurred in.

Mr. RUSK. I object to that.

The PRESIDENT. That would not be in order. The Chair could not receive any such proposition.

The first amendment in the bill, made as in Committee of the Whole, was in the clause—

"For the improvement of the navigation of the Mississippi river below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and the Arkansas rivers, $260,000"—

so as to make it read:

"For the improvement of the navigation of the Mississippi below the rapids, $90,000; the Ohio, including the repairs of the dam at Cumberland Island, $90,000; the Missouri and Arkansas rivers, each, $40,000."

Mr. SHIELDS. I would suggest to my friend from Iowa, that the course which he proposes, now that the bill is in the Senate, will not prevent the same contest from being gone over again that was experienced when the bill was under consideration as in Committee of the Whole. In my opinion the Senator is taking the worst course that could be taken. Some three or four days will be consumed, and the bill will be endangered. It seems to me that the best way will be to take up the amendments in their order, and get rid of the bill with as little delay as possible.

Mr. DODGE, of Iowa. I receive the suggestion of my friend from Illinois with that deference which is due to him, believing, as I do, that he is friendly to the bill.

Mr. SHIELDS. I am.

Mr. DODGE, of Iowa. But I will remark that no Senator is more generally accommodated with regard to the amendments which have been made to the bill, than I am. No Senator can be more friendly to the bill than I am. Perhaps no section of the country has been more kindly dealt with in the amendments than the section which I represent. But the fact cannot be denied, that by these amendments, the bill will be endangered in the House of Representatives. We know what difficulties a minority in that House can throw in the way of its passage, and I am too anxious for its passage to run any unnecessary risk. As Congress will adjourn in a few days, I trust that the friends of river and harbor improvements will vote down all amendments that have been made by the Senate as in Committee of the Whole.

The yeas and nays were ordered.

Mr. RUSK. I object, in the first place, to a test vote being taken on this amendment, by which we would be bound to pass a decision on all the other amendments. I regard such a proposition as being unjust to the other amendments reported by the Committee of the Whole. I object, too, to the argument which has been offered here now, and which was offered on a former occasion, that we must take this bill just as it came up from the House of Representatives; that we must just do what the House of Representatives dictate, or nothing. I object most decidedly to the use of such an argument as that. There may be important cases, involving serious and important interests, where inconvenience might result from this body exercising its right of amending, and where it would appear to be a certainty that such amendments might cause the rejection of the bill in the House of Representatives, and I do not say that this argument would not have great weight with me in such cases; but I occupy a seat in this Chamber to be guided by my own judgment, and I feel that I am called upon to vote in accordance with the dictates of my own conscience, and that I do not sit here to be controlled by the action of a coördinate branch of the Legislature.

Therefore, I hold that that argument in favor of the rejection of the amendments made as in Committee of the Whole is groundless and indefensible.

Then, I object to the argument as being totally unfounded. Every one has a right to his own opinions. I do not mean to call in question the opinion of the Senator from Iowa, [Mr. DODGE,] that these amendments may cause the loss of the bill. I give him due credit for superior sagacity; but with the limited intellect that I possess, and the means of information before me, I have arrived at precisely the opposite conclusion. I believe that several of the amendments inserted in that bill, instead of weakening it in the House of Representatives, will give it strength. I am sure of it; and, besides that, I have a solemn conviction that, if every amendment were retained—and there are some objectionable ones, I will admit—and but one hour was given to the House of Representatives to consider them, they would pass the bill. It was passed by a large majority of those who represent the immediate localities interested in the appropriations, and I cannot concur in the opinion that, if it goes back amended, it will be rejected. It is a dangerous argument to use, in any case, that the discretion and the conscience of members of the Senate of the United States are to be controlled, in the expenditure of the public money, by the action of the other branch of the Legislature. Carry that principle into effect, and the Senate will soon become a mere register of the dictates of the other House. Am I to be deterred from voting according to my judgment and my conscience because there is a possibility that the President may veto the bill? Sir, in doing so, I should be prevented from exercising that liberty of judgment, which the Constitution gives me, with respect to the measures which come before this body. This very amendment is of vast importance; the bill as it came from the House of Representatives contained a provision for clearing the great Mississippi and its tributaries. My own deliberate judgment, formed on the best reflection I could give the subject, and on the conversation of those most familiar with it is, that that provision would only cause embarrassment, in consequence of the immense pressure on the Secretary of War from different localities for improvements; the result would be that the whole of the money would be expended without any settled plan, and little or no good would be effected.

I am certain, then, that the only mode of effecting any good with this money, is to determine the manner, as provided by the amendment, in which it shall be laid out. The amendment provides for the construction of snag-boats. These will last for ten or twelve years, and their operations on the worst part of the river to which they will be first applied, will be of the most permanent and beneficial character; for it must be remembered that the snags in the Mississippi are the principal obstruction to navigation, and the principal cause of the loss of life and property on that river. Their removal will be effected by the snag-boats, and the navigation of the river may then be kept in a perfectly safe condition at a very trifling cost.

Under such circumstances, I do hope and trust, and call on those who represent the great valley of the Mississippi, to stand by this amendment, which promises to effect so much good, if they are anxious to advance the interests of their constituents. The expenditure of the money as proposed by the House of Representatives, will merely prove a loss to the Treasury, and furnish an argument to politicians against the entire system. It will scarcely do any more.

I am clearly of opinion that there is no danger to the bill in the House of Representatives, if this amendment should be retained; and Senators from the valley of the Mississippi should remember, that complaints have always been made that that valley has not received a fair share of the attention of the Government. Those complaints are well founded, but the want of attention is solely owing to the votes of its representatives here. If through their assistance this amendment is lost now, it will operate for the future, as a reason for the rejection of all river and harbor improvements.

Mr. CASS. Mr. President, I have something to say on this subject, and I may as well occupy the attention of the Senate now as at any other time.

I have not the most distant idea of going into the much-vexed question of the constitutional power of Congress to appropriate money for river and harbor improvements. That question has been agitated for years, and it is so thoroughly understood, that its rediscussion would be but a work of supererogation. But I have no hesitation in saying, what I have often said, that it is one of those difficult, practical questions which appeal, more or less, to the discretion of a Legislature. I agree entirely with Senators who say that in its application it is very much a question of discretion—not unlimited, indeed, but of the same character which marks the exercise of legislative power in many other cases.

Since I have been on the stage of action, I have observed two peculiar traits in our national character—one of which is, that we are forever looking forward to some remote danger; and that danger is sometimes one thing and sometimes another, which, in generations long distant, is to destroy free institutions, and therefore should be immediately guarded against. It is well to be provident in this world of uncertainty; but this is rather too much of a good thing for practical men. And another peculiarity is to be found in a disposition to push principles to extremes, and to be satisfied with no barrier less strong than a stone wall, against which a man may run his head, and break it, too, if he does not stop at the critical moment. Persons thus predisposed, test the existence of all authority by the power to abuse it. It is said that the power to construct these improvements may be abused at discretion, or rather, without discretion, and thence the conclusion is urged that we have no right to act in the matter.

But it is obvious, on the slightest reflection, that the establishment of such a principle would destroy all legislation; for there is no power which, in corrupt hands, may not be abused; and all that the best forms of government can do is to narrow the circle of authority and discretion as much as possible. You are empowered to raise armies and support them. You can raise a million of men, if you please—you have the power to do so; but who believes that that power will be thus abused in this country? You can levy taxes; and what is to prevent you from raising taxes to the full amount of the wealth of the nation? But no one imagines that you would commit such a wanton folly. You can equip a navy and outrun England in the race of expenditures; and so there is scarcely one of the powers vested in Congress which may not be pushed to an illimitable extent in theory—metaphysically, I would say; but practically, looking to the hands in which the power is lodged, looking at the people who stand behind them, and to whom their representatives must make an appeal every two years; and, indeed, looking to the whole nature of our institutions, such a course of legislation is impossible—not among the dangers this country has to fear.

There are other powers clearly defined equally liable to the same objections. You can erect forts where there is nothing to defend; you may build light-houses where there is no navigation to warn—on the top of the Allegany Mountains if you please. What is to prevent you? You cannot make any river or harbor improvements, say the opponents of the system, for if you could, you would spread these works through the whole country without the slightest reference to their necessity or importance. But there are as many barriers against the abuse of power in these cases, arising out of the nature of our institutions and the responsibility of Congress, as there are in the exercise of many undisputed powers; though I fully agree that vigilance is required to prevent the excess to which such measures are prone to run in consequence of the pressure of local and rival interests. If I understand the decision of the Supreme Court, it has determined that the admiralty jurisdiction of the United States extends over every navigable stream in the country. What is the effect of that decision? Almost every stream is navigable for an Indian's canoe, and but very few are navigable for a seventy-four gun ship; and it is in ascertaining the just medium between these two extremes that we perceive the necessity, and the difficulty indeed, of exercising a sound, just, and reasonable discretion. Gentlemen say that the principle that a work should be national to justify its construction is of no importance, and constitutes no shield against abuse. But this is a wrong assumption, sir. Principles are useful in law and morality, even whenever they establish no tangible barrier. They may well prevent excesses, though they lay down no precise point of limitation. The principle that men should act rightly is sound and useful, though there are many situations in life in which this ethical proposition settles nothing, because a man may doubt what this duty requires him to do. But you would not, therefore, abolish these great rules of conduct, because though they do much, they cannot do everything in restraining the passions of our nature. The difficulty exists in the moral and in the physical world. What man can tell when day ends and night begins? Who can define the exact point at which colors run into each other? This attempt to separate all objects, intellectual and material, by a rigid mathematical line, has no place in Nature. It would defeat all rational inquiries after truth. There is no doubt that where a plain and practical barrier can be interposed against our evil tendencies, it is an advantage not to be neglected. All you can do in the practical operations of a government is to define the powers as clearly as possible, and then to watch with vigilance the course of its administration, and hold all persons to whom power is intrusted responsible for its exercise.

The Senator from South Carolina, [Mr. BUTLER,] the other day, seemed to ridicule the idea of exercising vigilance in political affairs. Now, I am a great friend to vigilance. We cannot have too much of it. I am glad that Senator is here; for notwithstanding his disclaimer, he is as watchful and vigilant as the most cautious amongst us. I am glad he stands on the watch-tower—though he is too prone to cry "woe, woe to Jerusalem." I have heard these jeremiades ever since I have mingled in political affairs. At first the wailing was melancholy to the ear and sad to the heart, but by degrees events came rapidly to contradict the predictions. The country stood fast, though the Cassandras disappeared; and now this predisposition only excites regret that wise and good men should suffer vain fears to disturb them. Still, this proneness to alarm is not without its use, for the country is rendered more watchful by these appeals to its apprehension. I believe, however, despite all these fancied drawbacks, that our Government is the best, and freest, and most prosperous the sun ever shone upon. That is my instinctive conviction; and I am not to be terrified out of it by melancholy forebodings, with little in truth to justify them. Why, the country has been killed some twenty times or more within my recollection, yet, Phenix-like, it has always risen stronger and more prosperous from its ashes. The fact is, it would take an immense deal of such killing to destroy this country. We now form a great and powerful nation; from three millions of people—our number when we first asserted our independence—we have increased in population more than eightfold, and have already taken our rank among the mighty nations of the earth, *with none to make us afraid*, and with little to apprehend but our own crimes and follies, and the just judgments of God. We have reached a position in which our power may be felt; and, what is still better, in which our influence and example may be felt. And it should be the hope of every true American that the operations of our Government may be so conducted that its influence and example may go on extending and increasing—not for the purposes of ambition, but for the best interest of human nature, both in the New and in the Old World.

I have already said, sir, that there is danger that this system may be carried too far. And efforts have been made to establish practical limitations which would restrain its exercise within moderate bounds. General Jackson sought such a limitation in the nature of the operations, and Mr. Calhoun, in one respect at least, in the Constitution. The former gave his general views of the power itself, and of the limitations upon it which he proposed to lay down, in the following extracts from his annual message to Congress, in 1834:

"There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to

such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others, have been stated to Congress. I will now only add, that at the first session of Congress under the new Constitution, it was provided by law that all expenses which should accrue from and after the 15th day of August, 1789, in the accessary support and maintenance and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk before the passage of the act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States; and further, that it be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding, when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers, in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present, without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our sea-board, but in the interior of our country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and the harbors upon our great lakes, as well as on the sea-board."

"Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors. Sensible, however, from experience and observation, of the great abuse, which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution, by appropriations for remote and not well-understood objects. But as neither my own reflections, nor the lights I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rules upon which it is founded."

It will be seen that the limitation he lays down is not a constitutional one, but was adopted for his own personal guidance, to guard the more certainly the public interest. He knew very well that this barrier might be overcome by the establishment of new ports of entry higher up the stream; still, the position tended to check the proneness to excess, and established one difficulty more in its progress.

The following short extract shows the opinion of Mr. Calhoun upon this general subject, and the clear conviction he entertained both of the existence of power and the necessity of its exercise. It furnishes one testimonial more to the list of eminent statesmen who have professed their adherence to this policy:

"Having now shown that the power to raise money, and to appropriate and expend it, is confined to carrying into execution the delegated powers, it remains to be considered whether there is any power delegated to the Federal Government, the carrying of which into execution would authorize appropriations and expenditures for the improvement of the navigation of the Mississippi and its waters.

"But there is not the least probability," continues Mr. Calhoun, "that Congress will ever abandon the exercise of this power, (the power to improve rivers and harbors.) It has not only the right, as has been shown, but it is its duty to exercise it—a duty, under the Constitution, to the States immediately interested, and which are, by one of its provisions, prohibited from adopting the only means by which they could themselves regulate their commerce with each other."

Mr. Calhoun also sought a practical limitation to this power to improve rivers; for, with respect to harbors, he left it wholly to legislative discretion; but he sought it, not in self-imposed restrictions, but in the Constitution itself, independent of the power to regulate commerce; which, in my opinion, is the only true foundation, as it is also the only actual limitation of this power. I shall not enter into an examination of this State paper, marked with the powerful characteristics of the author; nor could I do so without injustice, for it is some years since I examined it with care. I will only remark that it denied the power to Congress to improve rivers running through one State, or running through or bounded by two States, on the ground that in the former case the State itself is competent to improve them, without any other action than its own; and in the latter case, that two States interested may, with the sanction of Congress, enter into a convention for their improvement; but that a river penetrating more than two States cannot be improved by joint action, as there are no means to obtain it under the Constitution, and must be improved by the General Government. It is obvious that this rule has no relation to the size or importance of the river, but to political considerations wholly independent of its magnitude or value. It places in the same category the Connecticut and the Mississippi, while it excludes other rivers vastly exceeding the former in every utilitarian point of view, some of which are among the greatest of our commercial arteries.

Now, Mr. President, allow me to say here that no man in the Senate, or in the country, had a more disinterested attachment to Mr. Calhoun, when living, than myself; nor has any one a higher regard for his memory now he is dead. He was a great man. He had one of the most active and penetrating minds I ever encountered. It was quick, almost instantaneous, and powerful and sagacious; and he had a probity equal to his ability. I have never met with a man in my life whose powers of conversation were more fascinating, or whose positions were maintained with a higher reach of thought or more apposite illustrations. I knew him for thirty-five years, and at one period circumstances brought me into close proximity with him, and I never approached him, and never left him, without his leaving on my mind indelible marks of superiority. He had been brought into contact with the world at an early period of life; he had enlarged observation and great experience, which he had acquired in the highest positions in the country; and this discipline, added to his extraordinary mental power, placed him in the foremost ranks of statesmen. It may be said of him, as was said of a kindred genius of old, "*Nil tetegit quod non ornavit.*" There was no subject he touched which he did not adorn. I differ from him with a natural distrust of myself; but I have always thought, from the first time I saw his report on the Memphis proceedings, that this doctrine could not bear the scrutiny of a rigid examination; and I will here observe to my friend from Tennessee, [Mr. BELL,] who expressed his surprise, the other day, that I had not recollected these positions had been examined and discussed in the Senate, that I never heard of a discussion here on the question. It may have been so, but never when I was present. The first time I ever learned there was such a doctrine, was from the proceedings of the Memphis Convention, and I always supposed it originated with Mr. Calhoun; and certainly he elaborated and discussed it in his report; and I think its original and peculiar views, and the train of thought which characterizes the whole argument, announce its paternity with unerring certainty.

It appears to me, sir, on an examination of Mr. Calhoun's position, that it contains an error of fact and an error of principle, and besides, a certain tendency to injustice which would forever prevent its application in any practical form. It is assumed that each State could and should improve its own rivers, and that as two States can make a compact under the Constitution, they could and should make compacts for the improvement of rivers passing through or between them; but that where a river runs through or bounds more than two States, no compact for improvement can be made, and therefore the work must be done by the General Government.

Now, sir, this position rests upon the assumption that coterminous rivers thus situated cannot be improved without the joint action of all the States exercising jurisdiction over them. And why not, sir? There is power enough; no man doubts that. Nothing is wanting but the will. What prevents each State from doing its own work within its own boundaries, whether the stream originates in the State itself or passes through or by it? Undoubtedly we may suppose cases where it would be better to have a previously-devised plan, embracing the whole course of a river. But that is a question, not of the power of improvement, but of the best means of effecting it. And, besides, even if the construction which Mr. Calhoun gives to the Constitution be the true one, which is doubtful, that compacts cannot be formed without the consent of Congress between more than two States, still it would not be difficult to make any requisite arrangements by ordinary legislative provisions, depending for their execution upon corresponding provisions to be made by other States equally interested. If a constitutional power rests upon a fact, that fact should be rigidly ascertained before the power can be exercised. So much for the first error.

As to the error in principle, it seems to me still more obvious. If there are circumstances in which the improvements of rivers cannot take place by the States, what is the remedy? According to Mr. Calhoun, it is then to be found in the power of the General Government—not because the Constitution places it there, but because the improvement must be made, and there is no other authority to make it.

Sir, all the power which the General Government has is given in the Constitution; and if you cannot find this power in that instrument, then you cannot find it anywhere. And it is no reason for the assumption of jurisdiction by the General Government that the object to which it is to be applied ought to be done. If the power to declare war were not given in the Constitution, how could you exercise it? You would have to go to the people and ask them for it. You have no right to say that the public welfare requires a work to be done, and that, as the States cannot do it, therefore it is the duty of the General Government to do it. Sir, that would be to reverse the natural order of things; because all power which has not been bestowed by the people themselves belongs to the States or to the people. It is simply a question of authority under the Constitution; and what is indispensable to be remembered is, that that authority cannot get here unless it is found in that instrument, or gets here by the renewed action of the American people. If the security or prosperity of the country requires an act to be done which is not authorized by the great charter of the Government, you must go to the fountain of power, and there obtain the grant before you can do the act. This principle of legislation advocated by Mr. Calhoun, reverses the natural order of things, by making the General Government a kind of residuary legatee, holding all its proper powers, and all powers which cannot be exercised anywhere else. This is indirect hostility to the whole theory of our Confederation.

I repeat, then, that the doctrine contains within itself two main errors—the assumption that these works cannot be done without the action of the General Government; and, next, that because they cannot be done without that action, therefore the General Government has full power over them.

But there is still another objection to this position, not less decisive in its practical operation. It would create a spirit of resistance, as it would create a measure of injustice which no Government would wish to encounter nor to create. A river in one or two States must be improved by such State or States; but a river passing through or by three or more States must be improved at the expense of the General Government. The bare statement of such a consequence is enough in this country to show the error of the doctrine.

So much for this general subject, to which I should not have adverted at this time had not the honorable Senator from Tennessee [Mr. BELL] introduced it under such circumstances as seemed to render these remarks necessary.

The Mississippi has been pronounced an INLAND SEA; it was so called by Mr. Calhoun, and there seems to be a disposition in some quarters to attribute to it peculiar privileges in consequence of that designation. By the by, let me say to my friend from Missouri, [Mr. ATCHISON,] that I have much respect for that great artery, but he must not derive its appellation of the "Father of Rivers" from the Indians. They called it Mechee or Misse, for it is the same word in the Algonquin dialect, differently pronounced in different localities, and meaning great—and Sepe, river. Thus the Indians of that family called it the Great river; and Lake Michigan, in like manner, owes its name to the same word Mechee, and Gan, water—meaning Great water; and Michilimackinac is the Great Turtle—so called from its geological outline. So much for etymology.

But referring now to what some gentlemen call this "INLAND SEA," let me remark that you cannot confer upon the Government a power which it does not otherwise possess, by changing the

definition of a term. My friend from South Carolina [Mr. BUTLER] said the other day that—

"A rose by any other name would smell as sweet."

So it would. But if you have a power under the Constitution to tax roses, you have no power to call jimson-weeds by that name, and thereby levy a tax upon them, were they as fragrant as the rose of Sharon even. You call the Mississippi river an "inland sea." But it is, truly speaking, no more an "inland sea" than the Allegany Mountains. It is a great river, and drains one of the most magnificent regions in the world. But it is only a river, and not an INLAND SEA.

Mr. President, there is a provision in the Constitution that Congress may pass laws for the punishment of piracy committed on the high seas. But can Congress declare the Mississippi river to be the high sea, and then proceed to pass laws for the punishment of piracy upon it? No, sir. Were such a proposition made here, the simple answer would be that the Mississippi is a river, and nothing else. Once assume that you have a right to give a new meaning to old terms, and thereby to enlarge your powers, and you destroy whatever value there may be in your Constitution. An incident occurred while I was in France which may well serve to illustrate this position. The Senate well know the terrible evils which were experienced in that country from the system of conscription, by which the mass of the population was liable to be called out at the will of the Government—a system which is one of the most terrible inventions of modern times to give power to despotic Governments. When the revolution took place in 1830, by which Louis Philippe was called to the throne, the French charter then established declared that the conscription should be abolished.

On my arrival in that country, notwithstanding this provision in the charter, I saw this system of conscription was in operation every day. I saw the best young men of the country taken from their parents and friends to serve in the Army, while their relatives stood by deploring the misfortune with tears and lamentations. I inquired of General Bernard, who had been in our service, and was then Minister of War, how it was that they got over that provision of the charter which abolished the conscription; "Oh," said he, "we don't call it 'conscription' now; we call it 'recruiting.'" And thus, by changing the meaning of a term, one of the fundamental provisions of the charter was got rid of. And so it is in this instance. If you can give a new definition to an old term, so as to bring it within the Constitution, you might as well have no Constitution at all.

The Senator from Georgia [Mr. DAWSON] the other day, in some remarks which he made on this subject, seemed to charge the Democratic Senators with having abandoned the platform of Mr. Polk. I have a great regard for the memory of Mr. Polk. I believe that posterity will pronounce a high judgment on his administration—a very high judgment. He went through a difficult period, and went through it well. He was a man of a strong and high order of intellect, and of great probity. I believe that history will do him more justice than many of his cotemporaries. But allow me to ask the Senator from Georgia what are the facts in this case? Mr. Polk did not lay down any platform. Not at all. He merely gave his reasons for declining to sanction a bill. But suppose he did lay down a platform, what then? Should Mr. Fillmore establish a new Whig platform—and when I speak of Mr. Fillmore, I speak of him with that true regard I feel towards him; for I say here in my place, that, in the latest and most dangerous crisis this country has ever encountered—God grant it may be the last!—he conducted himself with the ability, firmness, and moderation of a statesman and a patriot; I am not so blinded by party, nor do I mean to be, that I cannot do justice to the character of a political opponent, whether in a high office or in a low one, or in no office at all; I mean to do justice to every one;—but to return to the point I desire to refer to: I appeal to the Senator from Georgia to know whether, if the President, in his message, should lay down a platform, containing principles to which he could not assent, and to which he had ever been opposed, whether it should be considered the platform of his party, and whether he ought to be taunted with deserting his faith because he might refuse his assent to this new political creed? I am no such believer in human infallibility, nor in the rights of even the highest station. I have faith in the great body of the people; and when a platform is what I think it ought to be, I shall profess and practice allegiance to it, but I go no further.

My friend, the Senator from Missouri, [Mr. ATCHISON,] one of that Spartan band, the true old fifty-four-forties—no, I will not say "old;" may he live a thousand years, and never grow older—the Senator from Missouri, when shooting his arrows abroad the other day, charging Senators with inconsistency, aimed one at me, as I thought, in connection with this subject. I charged him with it in conversation the next day, but he told me that it was not intended for me. I had thought that it was, and I am now going to say to him, that if I was the mark he aimed at, his projectile, whether arrow or bullet, would have inflicted no wound on me—not the slightest. I will also say to the Senator from Virginia, [Mr. MASON,] who charged me last night with being a leader in this matter, that I am no leader at all. I never sought to be a leader. It is one of the last characters I wish to assume in this country. That gentleman seemed inclined to taunt the Democrats with being favorable to the subject of river and harbor improvements; and I believe the gentleman included me in his animadversions when he intimated we were pursuing a wrong course, in opposition to our true creed. Now, let me say, in reference to this subject, that I do not concur in the views held by that Senator. I have already stated to the Senator the doctrine of General Jackson, and that doctrine met and meets my cordial assent. In 1847, I supported the bill, which I now hold in my hand, for river and harbor improvements, which passed both Houses of Congress, and was vetoed by Mr. Polk; and I now repeat, what I said on a former occasion, that when that bill was pending before Mr. Polk, I went to him two or three times. My friend, Mr. McClelland, then the chairman of the Committee on Commerce in the House of Representatives, went with me, and knows as well as I do the representations and arguments we urged to induce the President to assent to the bill; and I will say that in all the conversations I had with him on this subject, he did not express any opposition to the general principle of internal improvements. His objections were made to particular places and appropriations; and he said distinctly, if you will present me a bill omitting those objectionable provisions, I have no objection to giving it my assent. The difficulty was that there were particular provisions in the bill which he could not sanction. And I will here remark to my friend from Missouri, [Mr. ATCHISON,] that there was an appropriation in that very bill which met with his support—*that Big Sodus, that Old Sodus*, which is now his *bête noir*, the object of his abhorrence. I need not trouble the Senate with reading the bill. Here it is. Every one knows that it contains the same class of appropriations that are included in the present bill, and all or very nearly all of them.

That was the bill, and a test vote was called for by Mr. Bagby, of Alabama, who moved to strike out the following words:

"For the improvement of the Ohio river below the Falls at Louisville, and the Mississippi, Missouri, and Arkansas rivers, $150,000."

This was declared to be a test vote. And now let us see who voted for the amendment? My friend from Virginia, [Mr. MASON,] with his usual consistency, was true to the doctrines of his good old State—was found against it. The question was taken by yeas and nays; and those who voted in the affirmative were—

"YEAS—Messrs. Bagby, Butler, Mason, Niles, Turney, and Yulee—6."

Thus it appears that there were six members in this body who, on a test vote, desired to strike this provision out of the bill, or, in other words, to disavow all power in the General Government to make these improvements. Now let us see who voted to keep it in:

"NAYS—Messrs. Allen, Ashley, Atchison, Badger, Benton, Breese, Bright, Calhoun, Cameron, Cass, Chalmers, Citley, John M. Clayton, Corwin, Crittenden, Davis, Dickinson, Dix, Evans, Fairfield, Greene, Hannegan, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Mangum, Miller, Morehead, Pearce, Rusk, Simmons, Soulé, Sturgeon, Upham, Webster, and Woodbridge."

Thirty-eight Senators avowed by this vote their belief of the existence of this power in the General Government.

After this exposition of the views of so many of the Democratic party, what right has the Senator from Georgia [Mr. DAWSON] to come here and tell me that I am bound by the decision of Mr. Polk on this question of political faith? Where shall we find truer Democrats than those who voted in the negative on Mr. Bagby's motion?

Mr. BUTLER. What was the motion?

Mr. CASS. To strike out an appropriation of $150,000 for the Ohio below the Falls, the Mississippi, the Missouri, and Arkansas rivers.

Now, Mr. President, I will not detain the Senate much longer; but I must advert to that important historical document, the Chicago letter, once more. We have here before us—I again hold them in my hand—two bills, one of which I voted for in 1846, and the other in 1847. The Senate will recollect that for more than five years I occupied a position in the Cabinet of General Jackson, and am responsible, so far as respects myself, for every estimate for internal improvement which was sent to Congress. And allow me to say, that the doctrine laid down by General Jackson was the doctrine held by Jefferson and Madison and Monroe, in reference to this subject, and it is precisely the doctrine to which I adhered then, and to which I adhere at this day. General Jackson advanced no sentiment except one, so far as I recollect, in his messages while I was in his Cabinet, which did not meet with my full concurrence. I differed from him on one great point of national policy; but I differed from him openly, and to himself and the world; but such was the native magnanimity of his mind that I do not believe my opposition ever weakened his personal regard towards me in the slightest degree. I was opposed to the removal of the deposits from the Bank of the United States; but subsequent events have shown that he was right, and that I was wrong. The conduct of the bank—its profuse expenditure, its prodigal loans, and its shameless bankruptcy—all proved that the money of the Government was not safe in its custody; and experience sealed with its approbation General Jackson's course. Well, under these circumstances of my public life in relation to this whole matter, came up the declaration of the Baltimore Convention, asserting that the Democracy was opposed to a general system of internal improvements, including therein roads and canals, and harbors and rivers. I assented to that platform; and I mean to continue my adherence to it as long as I live.

When the Chicago Convention was proposed to be held, I was asked, in a very few words, to go there, and that was all I was asked; and I answered, in words equally few, that I could not go, and that was all I answered. And I declined to go for two reasons—1st, because I considered such assemblages for mere local purposes rather worse than useless; and no man can point out the first advantage which has resulted from that renowned convocation. And, 2d, I was satisfied then, and am still more satisfied now, that it was got up for the purpose of injuring Mr. Polk, and through him the Democratic party. Well, what followed? Why, every good Whig journal, and almost every good Whig man, from Maine to the other extremity of the Union, actually believed I had attempted to deny or change the positions I had so openly taken upon this whole subject, though the record was before the country, and the facts could neither be contradicted nor concealed.

But, sir, I must say, though I say it with both mortification and regret, that there is a wonderful proneness for abuse and slander in our country during all our political contests. No man can be nominated for a high office, and especially for the highest office, but the vials of calumny must be poured out upon him, without the slightest reference to his life, his previous services, or true character. His history is scrutinized from his birth—not to discover his good qualities, and his claims to public consideration, but to find some subject for attack or misrepresentation. He is, without the slightest scruple, and without the remotest justification, charged with crimes that in England would send him to Botany Bay, and in France the galleys, and which, in every country in the world,

should consign him to perpetual infamy. And that we are not improving is evident from what is passing around us. We are at the commencement of a presidential campaign, and we begin with charging General Pierce, the candidate of the Democratic party, with being a coward, and I know not what else: and General Scott, the candidate of the Whig party, with being an imbecile and a dishonorable man. And, sir, these charges are repeated gravely, and believed firmly over a large extent of our country.

It is lamentable, and to a spectator in Europe interested in the example of our institutions, it must be deplorable. In the Old World it must seem as though no man were properly qualified to be a candidate for the Chief Magistracy of this mighty country unless he is about the greatest rascal in it. Now, sir, I will take no part nor lot in any such warfare. I have no appetite for such vicious food. For myself, I repudiate and reject it. I believe that General Scott is an honorable and patriotic citizen, and that he has written his name and his deeds on one of the brightest pages of his country's history; and not one breath of calumny from me shall ever wither a single leaf of the laurel that encircles his brow. His wreath was fairly won, and I will not be one to prevent it from being fairly worn. I have enjoyed his personal friendship for a long series of years, and I do not mean at this day by any calumny to prove myself unworthy of it. I am not in favor of his election to the Presidency; everybody knows that. General Pierce is my choice. He is a high and honorable man, and, if elected, as he is sure to be, I have not the slightest doubt but he will conduct the affairs of the nation with honor to himself and with advantage to the country. As between General Pierce and General Scott there are great questions of political faith involved. I know that General Pierce would administer the Government on principles which I approve, while General Scott would administer it on principles which I do not approve; and that is reason enough for preferring the one, and rejecting the other, even if I did not consider, as I do, General Pierce's qualifications superior to those of his competitor. I mean to go through the campaign without saying a single word against the character of the candidate of the Whig party. If the Psalmist's term of human life, three score years and ten, brings many ills with it, it brings at least one advantage; and that is, the power and the duty of exhibiting an independent opinion, without regard to its consequences.

I speak perhaps with the more warmth on this subject, because I have had some experience, and I believe that in the whole catalogue of human enormities you can scarcely find a single crime that was not charged to me in 1848, except, perhaps, the murder of my wife and children; and if Providence, in its wrath, had taken them from me, I verily believe that I should have been charged with their murder; and I have just as little doubt that a large portion of the Whig party would have believed the story. Sir, I bore it well—I think quite philosophically—but no man can bear such charges with total indifference. Why, if Zeno, the founder of the Stoics, were here it would try his patience to be subject to such aspersions. I think, if I had gone through some portions of this country in that year, many a good Whig would have peeped out from some safe covert seeking to discover my horns and hoofs, firm in the conviction that if I were not the arch fiend himself, I stood pretty high in his conclave, and was one of his fittest associates. Let me refer, for a moment, to what was said on this floor by the lamented statesman of Kentucky, (Mr. Clay)—not the statesman of Kentucky merely, but of our country—he whose mortal remains I recently followed to their last sad resting-place; and here I will say, and I say it with pride, that during the whole of that mournful procession, which began at Washington and ended at the tomb in Lexington, there was something redeeming and consoling in the feelings everywhere manifested on that sad occasion. Wherever the narrow house with its lamented tenant passed, the voice of party was hushed, and the only strife seemed to be who should render the most honor to the memory of a patriot and statesman who had gone to his last home full of days and of honors.

Well, sir, in this very Hall, that revered Senator claimed on one occasion to have been the best-abused man in the whole country; but I think the Senate will recollect, that after I had urged my pretensions to that distinction, he withdrew his words, acknowledging my precedence, contenting himself with the second place; and I think this acquiescence is honor enough for a modest man. It is said—I suppose by way of administering a modicum of comfort to the distressed—that calumny does no injury, because, says the old moral saw, "Truth is mighty, and will prevail." It may be so, if truth is industrious and persevering enough to work on for ages. But it is a slow traveler. It has not improved its gait since the earliest period: whilst falsehood, its great enemy, travels with the speed of the electric telegraph. Long after the generation of those who were the victims, or its abettors, shall have gone down to the tomb, truth may be able to halt slowly along and do the work of justice. It is a poor compensation, however, to those whose character is redeemed too late. I was struck with a remark once made upon this subject by a distinguished man, formerly at the head of one of the Departments, but who has been dead for some years. He said he had made it a rule never to contradict any aspersion on his character; but that on one occasion so outrageous an attack had been made upon him that his friends told him it was quite necessary he should redeem himself by publicly contradicting it over his own signature. He did so, and in four or five days it was proved upon him, by *convenient testimony*, beyond the hope of relief! So much for the prevalence of truth.

I have but little more to say, and that concerns the bill particularly. Some years ago the lakes were almost without harbors, from the difficulty encountered in entering the mouths of rivers, and caused by the bars at their entrance. In spring these streams come down with great force; but in summer the rapidity of the current is very much diminished, and the sand brought down is deposited at the mouths, thus soon forming bars. I have crossed the rivers at Cleveland and Chicago without wetting my horse's hoofs. Under such circumstances the navigation of the lakes was very dangerous, as the natural harbors were few, and life and property were in perpetual danger. What was to be done? By way of experiment the plan was accepted of putting down piers on each side of the mouth of a river, and the sand was thus carried out into the lake. It was an experiment, and the plan is by no means perfect; but I can assure gentlemen who are unacquainted with that section of the country, that it has done and is doing great good. When storms suddenly arise in a land-locked lake, where there is no sea-room, as the sailors say, you must have places of refuge to run into, or you are lost. And the necessity for these harbors as places of refuge is daily apparent. Storms of the most violent character rise there almost instantaneously; and so imminent is the danger of life and property that no just Legislature can refuse to make some provision for their protection.

The amount of property upon Lake Erie annually is estimated at $200,000,000. The tonnage on the lakes is two hundred thousand; the passengers who commit themselves to the mercy of these waters come little short of a million every year; and all this has been the work of a few short years. The Senator from South Carolina, [Mr. DE SAUSSURE,] for whom I entertain a great respect, says that lake and canal navigation is shortly to be superseded by railroads, and therefore we should suspend our proposed improvements. That may be. I do not say it will not. But would the Senator from South Carolina refuse to build railroads, because in the course of a few years that mode of locomotion and transportation may be superseded by some method still more desirable? Certainly not. Let me tell that honorable Senator that the navigation of the lakes from Superior to Ontario never can be superseded by railroads. It cannot be done. You must devise some more economical mode of transportation than railroads furnish, before such a result can happen. I do not say how far "progress" may go—my friend from Kentucky [Mr. UNDERWOOD] will appreciate that—but allow me to remark that within my time two facts illustrative of the advance of knowledge have taught me a lesson, and rebuked presumptuous anticipations. The one was the Erie canal, which, when projected, was ridiculed and called in derision the "big ditch," but which is now one of the most useful avenues of communication in the world. The other happened in 1806–7, when Fulton, the inventor of steam navigation—or rather I should say the man who first applied steam practically to the purposes of navigation—asked of the Legislature of the State of Ohio the exclusive privilege of navigating the rivers within that State with boats propelled by steam; and, as a consideration for this privilege, he offered to construct boats which would ascend the Ohio at the rate of four miles an hour. I was then a member, and thought myself very wise, and so did many other members, and we thought the proposition one not worthy of serious consideration, and showed our wisdom by an almost unanimous rejection of it. With these two facts within my experience, I must say, that when any new project is brought forward I do not undertake to predict what will be the result; but I have made up my mind that in all cases I will wait for the trial before I venture to pronounce a judgment.

One word more, and I have done. Some gentlemen have objected, that, in all these cases of appropriations, a majority must decide, and therefore injustice may be done. Certainly somebody must decide; and if it is not a majority it will be a minority, and I do not believe that the public interest would be safer with the few than with the many. And if we desire the perfection of minority Governments we can find them at Petersburg, at Vienna, at Constantinople, and at many other places, great and small. The authorities there have no majorities, with their discussions and votes, to trouble them, and they enjoy themselves in all the repose of dignified minorities.

All that can be done, where free institutions prevail, is to mark out the chart of the Government, and adhere to it, prescribing the necessary limitations, and then leaving the majority to decide on all questions that may arise, and to decide upon their responsibility and sense of duty.

Mr. JONES, of Tennessee. I do not rise, Mr. President, for the purpose of making a speech. I have not occupied the attention of the Senate for a single moment in the consideration of this question. I propose now to speak for but a few moments, and I should not have done that, but for the proposition of one of the friends of this measure, the Senator from Iowa, [Mr. DODGE,] to strike out all the amendments which have been inserted in this bill by the Senate as in Committee of the Whole. Large portions of the last three or four days have been consumed in discussing this question, and a large portion of the time has been occupied in defining positions and determining whether gentlemen were acting in conformity with platforms or not. Sir, I do not care a straw about this question of platforms. I am here sworn to support the Constitution of the United States, and in determining the course of action proper for me to pursue, I have never gone to the record to determine whether it was to be found in this or that platform. I shall never go there until there is a change in the order of things, and we are sworn by platforms. Whether this measure comes up to the Democratic platform or the Whig platform, I neither know nor care. That is a question for my Democratic friends to settle, if they think it a matter of sufficient importance to occupy their time. But I submit to them whether they are here for the purpose of legislating under the restrictions of a platform or under the requirements of the Constitution. It is said that we cannot go for a "general system" of internal improvements. That is the doctrine of our Democratic friends. I go for no other than a general system. I go for that system which is calculated to confer the largest amount of good upon the whole country, and whether it be in my platform or not, it is in my convictions of constitutional duty, and I shall pursue that course. Whether it is a general system, a special system, or what sort of system you please to call it, I shall not inquire. I shall only ask myself, is it a constitutional system? Is it a sensible system? If it be constitutional and sensible, whether partial or general, I shall support it.

I am ready to give my vote for this bill, from

an honest conviction that, while it does not do justice to every portion of the country, it approximates as nearly to it as it is possible for us now to attain. If gentlemen desire to make it more just, why do they not offer their amendments? Do they fear to make it a general system, and thereby come in conflict with the platform laid down by their party? Let them ask themselves whether it is within the purview, and meaning, and powers of the Constitution. If gentlemen oppose the bill on constitutional grounds, I can understand it, but when they tell me that they oppose it on the ground of platforms, I do not comprehend it.

As to the remarks of the distinguished Senator from Michigan, [Mr. Cass,] I have not a word to say. That he finds it necessary to defend his consistency, is a matter for himself. I do not assail his consistency. I shall not assail it. Whether he has been for this system or against it—whether his party is for or against it—whether it is orthodox or not, is immaterial to me. I am glad to find him at last with us upon this great question.

But the proposition now before us is to strike out all the amendments which have been adopted, and that is the point to which I wish to invite the attention of the Senate. Mr. President, have we been playing the part of children for the last three or four days? The Senate, after deliberate investigation and consideration, have inserted these amendments, and are we to stultify ourselves now by striking them all out without consideration? Were they put there in good faith, and with an honest impression of their adaptation to the wants and interests of the country? If they were, let them remain there. If they were not thus put in, they were put in improperly and incorrectly. I know that my friend from Iowa is a friend of this measure, and I know his solicitude to carry it through; but let me say to him that if you strike out at one fell swoop all the amendments which have been put in by the Senate in Committee of the Whole, instead of strengthening, you will destroy the measure.

I ask the honorable Senator from Iowa if there is a solitary man here who lives on the border of the Mississippi, or is interested in the trade of that great valley—is there a man here from that great portion of the Union, that can feel himself justified in his conscience before his constituents, to vote to strike out the additional appropriation which has been put in for our western rivers? How long, sir, are we to be the hewers of wood and drawers of water to our Atlantic sea-board? How long are we to contribute as largely as they do to the support of this Government, by the levying of taxes in the form of impost duties, and when we come before the American Senate, and ask that a poor pittance of justice shall be measured out to us, then it shall be denied? I am no sectional man. Strike out these appropriations if you please, and show me that the interests and the honor of the country will be subserved by an appropriation upon your Atlantic sea-board, and I will vote for it. Treat me, if you choose, as an alien from this great Republic, from this great Confederacy of States—strike the blow, and strike boldly, but as long as I claim to be an American Senator, I will not retort by doing injustice to any portion of this country.

The history of the country demonstrates that we of the West have never received that attention at the hands of the Government which our interests, our wants, our rights, yea, sir, even cold-blooded justice demands; and yet you call upon us in terms of affection and brotherly kindness when appropriations are to be made for the Atlantic sea-board, and when we come and ask appropriations for our great rivers, a question is raised as to whether the Democratic platform does not stand in the way; the constitutional argument is presented; and we are left by one argument or another to grope our way with all the difficulties that surround us. If the Mississippi river and its tributaries constitute no object of legislative interest to this country, I should like to know what object should? If you put it on the score of commerce, we are willing to be measured by that standard. If you put it upon the score of population, we are willing to be measured by that standard. If you put it upon the score of contributions to the common Treasury, we are willing to abide by that. More than that, if you put it upon the score of patriotic devotion to the country, we are willing to be measured by that standard. But in the name of the valley of the Mississippi, in the name of the rights of the people of that region—in the name of justice, I protest against this narrow and contracted species of legislation which accords to isolated places the patronage of the Government, and withholds it from the great West.

I shall vote for this bill. I have voted thus far for most of the amendments which have been adopted. I am willing to take those amendments as the sense of the Senate has declared upon them. I am willing to pass the bill at once with those amendments; but if you strike out the amendments which have been put in, I shall still vote for the bill, although I know that it will do the grossest injustice to a large region of country; although I know that it will grossly neglect my constituents. Yet, sir, that constituency never sent me here to be bound down to an isolated point. They sent me to guard their interests, and then to act for this Union in all its interests and all its wants.

One word more and I shall have done; and I beg pardon of the Senate for having trespassed so long on their time. The distinguished Senator from Michigan alluded to the calumnies and slanders that pervade the country. I do not perceive any direct connection between that and the subject under consideration; but I do not complain of it. The distinguished Senator says that a man is scarcely presented to the country for the support of the people before the flood-gates of calumny and slander are raised, and he is covered with their filth. That is, unfortunately, too true, and I merely allude to it for the purpose of vindicating myself, humble as I am, from one of these calumnies. I have heard it said—and I believe it was published in some newspaper—that I, during this canvass, had pronounced General Pierce a coward. I do not know that the honorable Senator from Michigan meant to allude to me when he said that such things had been said. Whether he intended to allude to me or not, I neither know nor care; but what I have to say is, that it is utterly untrue. No man ever heard me assail General Pierce as a coward. That is not my habit. When I undertake to assail a man's courage I shall do it under circumstances that hold me to the proper responsibilities that characterize a gentleman. To assail a man before the people as a coward I should think was a most cowardly act in myself; and, therefore, I have never done so. I have never assailed General Pierce personally. I shall not assail him personally; but I shall discuss his political acts and conduct fearlessly and freely. If the honorable Senator from Michigan has been assailed—and I know he has been grossly assailed—I deplore it; and all that I can rejoice at and congratulate him upon is, that he has lived long enough to triumph over many of these calumnies and slanders. However much I may differ from him upon the great questions of party, and while I shall be willing always to meet his positions fully and frankly, I sincerely trust he may yet live to triumph over the last calumny that may be propagated against him. He says he does not know but that if his wife had died there would have been some who would have said he had killed her; and he fears that many good Whigs would have believed it. Sir, I must vindicate the intelligence of the Whig party. They could scarcely have believed an absurdity like that. I would say to the honorable Senator, however, that there is one thing which has never been laid at his door. No man has ever been found in this broad land reckless enough—no man has ever been found so steeped in calumny and slander, as to charge the distinguished Senator from Michigan with being a Whig. [Laughter.] I am sure he will escape that charge.

In conclusion, I would entreat the friends of this bill to stand by the amendments that have been added to it. Let us send the bill to the House of Representatives with the amendments added, and, instead of sending it there weakened, we shall send it there strengthened by this course. In that House the bill got but one vote from the States of Kentucky and Tennessee—and why? Because the Representatives of those States saw that it did great injustice to their constituents, and they could not, in their consciences, sustain it. But the bill, as now amended, does justice, in part, to Kentucky and Tennessee; and without pretending to know what effect this may have upon their minds, I believe that those gentlemen who opposed it then will be found now sustaining and voting for it.

Mr. HUNTER. Mr. President, it is not my purpose to speak at large upon this bill. I have not the time, the preparation, nor the inclination to do so. But circumstances have occurred which will, I think, justify me in consuming a very few minutes in defending my position in relation to this measure. Sometime since, when a bill was up proposing a reconnoissance of the Chinese seas, the Senator from Arkansas, [Mr. Borland,] when he perceived in me a disposition to favor it, charged upon me a political inconsistency, and asked how it was that I could support a bill for the survey of foreign seas, and yet refuse to vote for one to clear out rivers and construct harbors at home. I had no time, on that occasion to reply, for the Senate adjourned immediately upon the speech of the Senator from Arkansas. But I have now a chance to accomplish both a personal and a public object; for in defining my position in relation to this matter, and in defending myself against this charge of inconsistency, I shall give some of the reasons which induce me to oppose this bill; and I shall endeavor to be very brief.

Mr. President, to suppose that it was an inconsistency to vote for a naval and commercial survey of the high seas, and refuse to support a bill to construct harbors and to clear out rivers within the States, is to suppose that this Government has the same power over domestic commerce which it can exercise over foreign commerce upon the high seas. This, I must be permitted to say, is a pretension more latitudinarian in its extent than has ever been sustained before by any jurist or statesman who has had occasion to express an opinion upon this subject. Why, sir, Judge Marshall himself, in the case of Gibbons and Ogden, affirmed that there was a portion of domestic commerce, that which was entirely within the States, over which the States had exclusive jurisdiction. Republican jurists have gone still further. They have maintained that even in relation to the regulation of commerce among the States, the State governments had concurrent power, and that the check was that when both governments legislated in reference to the same object, that the law of the Federal Government was supreme, and that the State law in that case must give way. Judge Taney, as lately as the case of Groves and Slaughter, in 1837, said that the Supreme Court had never yet decided that this concurrent power did not exist. By this he must have meant that the Supreme Court had never expressly decided a point which went to that extent, for it was undoubtedly true that the Judge who delivered the opinion of the majority of the court had, in more than one instance, as did Judge Marshall in the case of Gibbons and Ogden, declare that the power of the Federal Government over the regulation of commerce among the States was exclusive as well as supreme. Well, sir, if the Supreme Court had never decided, as a court, that the States had no concurrent power over this regulation of commerce between the States—if it did not decide it up to that time, it has not since, for there has been no decision, except, perhaps, that in the "passenger" cases, which has carried the power of the Federal Government over the regulation of commerce among the States further than Judge Marshall or the court did, in the case of Gibbons and Ogden. And Judge Woodbury maintained, and cited cases in his opinion in that very case to prove, that the Supreme Court itself had virtually decided upon other occasions that this was a concurrent power to be exercised by both.

But, sir, in relation to the power over the regulation of foreign commerce upon the high seas, it has never been pretended by any one that the States had any share or any concurrent jurisdiction. There the power of the Federal Government is supreme and exclusive. There it has all the powers of a complete Government. The difference between the one case and the other is that in relation to internal commerce; the power which does not belong to the General Government, belongs to the States, and a stricter rule of construc-

tion applies. But in the regulation of commerce upon the high seas, the power that does not belong to the General Government does not belong to the States, and therefore a more liberal rule of construction applies in relation to the implied powers; I mean those which are implied under the clause which allows the Federal Government to use the means necessary and proper to carry out the granted powers.

Sir, here is a distinction which will explain more than one of the inconsistencies which have been charged upon the strict-construction school—a school to which I am still proud to belong, however small and diminishing may be its number. I say here is a distinction which will explain many of the apparent inconsistencies in that school. In relation to commerce within the States—in relation to that class of powers that, if not exercised by the General Government, will be exercised by the States, the Constitution itself expressly lays down a strict rule of construction. It enacts that the construction shall be given in favor of the grantor and against the grantee, and that the powers not expressly granted shall be considered as reserved to the States, or to the people. It lays down a stricter rule in that case, and when you come to look for the means, they must not only be necessary, but they must be proper, and they must be proper in reference to that very fact of the division of power. For instance, Judge McLean, in the case of Groves and Slaughter, declared that the police power of the States was higher and above the Constitution and the law. This is the first judicial exposition of the higher law with which I have met. He declared that if that came in conflict with the laws of the Federal Government, the State had a right, for the sake of self-preservation, to stand by its police power. Therefore, in ascertaining what means may be employed, not only as necessary, but as proper, their propriety must be considered in reference to the powers of the States. They must be found to be proper in view of that maxim of the law, that you shall so use your own rights as not to destroy the equal or superior rights of another. This necessity for respecting the powers of both governments, the police power of the one as well as the commercial power of the other, is a principle which has been respected by the Supreme Court, and by all its judges from Marshall down.

But the same rule does not apply when you come to that class of powers which belong to the General Government alone, such as the treaty-making power, and that of regulating commerce on the high seas. The rule does not apply to those powers, because, if not exercised by the General Government, they cannot be exercised by the States, and the functions of a complete government would not exist upon these subjects. In these cases, then, you may fairly exercise a more liberal rule of construction. The limitation is, that in the implied powers of the Government, none must be exercised that are forbidden by the Constitution, and the Federal Government must not, under the pretense of regulating this foreign commerce, operate within the States to the injury of their equal rights, and equal powers which have been reserved to them in respect to other matters. These are the restrictions.

Now, if we can buy a chart for a vessel that is sailing on the high seas—and surely we have as much right to buy a chart as to buy a log and chronometer, which ascertains the rate of sailing—can we not make a chart? And if we can make a chart, may we not make the surveys on which the chart is founded? Can anything be clearer? And the same reasoning applies in reference to the coast survey and light-houses, in regard to which we have been so often accused of inconsistency. We have a right to obtain cessions of the sites of these light-houses, and to erect them under that clause which allows us to erect the needful buildings. These buildings are needful, not for the purpose of exercising jurisdiction within the States, but to exercise jurisdiction upon the high seas and without the States, beyond the marine league, to enable a ship to keep its path and pursue its way in safety upon the deep, and within that region where we have powers that we have not elsewhere, and where, too, the States have none.

Sir, beyond the marine league the power of a State ceases. She cannot, by the Constitution, maintain a navy; she cannot declare war; she cannot make a treaty with foreign Powers; she cannot punish piracy, and offenses against the laws of nations; she cannot lay duties on imports; she can do none of these things; but the Federal Government can do all of them, and more besides. It can regulate foreign commerce; and it has always taken to itself a larger power under that head than it has exercised under any other. Why, sir, we exercise powers in relation to American persons and property abroad and upon the high seas which could never be claimed by this Government within the States. We claim there a jurisdiction over both persons and property, which can only be justified upon the course of reasoning which I have been pursuing. The General Government has taken larger powers there than it has within the States, and for the manifestly very good reason that, for these necessary objects the powers of a complete government could not exist unless they were exercised upon this implication by the General Government. The same course of reasoning may be applied to a certain portion of the power exercised under the treaty-making authority.

But I have not time to dwell upon these points; and I only alluded to them for the purpose of affording the clue to an explanation of the apparent inconsistency which has been so often alleged against us. And here permit me to say that I do not maintain and avow these opinions for the selfish purpose of obtaining appropriations for the Atlantic coast upon principles which would exclude the claim of our fellow-citizens upon the interior rivers and lakes. I believe that there is a distinction between the power of the Federal Government on the high seas beyond the marine league, and upon the Mississippi river. I believe that it can punish crimes and regulate property on the high seas in modes which it cannot use on rivers within the jurisdiction of the States. I believe there is a difference in these powers. But I say, in all sincerity, that if by so doing I could prevent this Government from assuming the dangerous power of constructing internal improvements, making harbors and opening rivers—if by that sacrifice I could do it, I would cheerfully advocate a return to the State system in relation to light-houses. Before the adoption of the present Constitution, and for some years afterwards, many of the States did make their own light-houses; and I would be willing, although I believe there is constitutional power to erect them, to abandon, and I would most cheerfully abandon, any such exercise, if by so doing I could tie the hands of the Federal Government in relation to an internal improvement system.

And now, sir, let us see how it will work if we undertake to exercise the same powers within the States. How is it that the right is claimed for the Federal Government to construct harbors and clear out rivers within the States under the power of regulating commerce? Sir, if the Federal Government has power to clear out rivers under the power of regulating commerce, has it not power by locks and dams to surmount the obstructions? There can be no substantial difference between raising the water above the ledge of rocks, or sinking the ledge below the water. If, then, they have the power by locks and dams to improve the navigation of a river, have they not as much right to dig a canal along side of it? Where is the difference? If it has the power to create these channels for the purpose of regulating commerce by water, why not by land, why not by railroad? Who can show me any distinction? So little am I satisfied with the efforts which have been made to draw these distinctions, and to limit the power by looking to the size of these rivers, that I feel bound to say that I can see nothing in these definitions in relation to the number of States through which rivers may flow, except that they effectually exclude the Atlantic border from the benefits of the system, while they open them up to the Mississippi valley. As was well said by the Senator from Michigan, the Connecticut river is, according to that construction, a national river, while the Hudson, which floats so much more commerce, is not. According to it, the Susquehanna would be a national river, while the Patapsco, upon which the city of Baltimore is situated, would be excluded from the rule. No, sir; if the power exists to construct these works—if we have the right to make harbors and clear out rivers under the authority to regulate commerce, the power exists as to all these channels of commerce and intercommunication, in my opinion.

Let us see where this will lead us under the decisions of the Supreme Court, which have already done so much, in my opinion, to extend the power of the General Government. Why, it must be remembered that Judge Marshall, and I believe if the court could be polled, a majority of its present Judges would declare that the power to regulate commerce among the States, is in the General Government an exclusive power. It must be remembered, too, that even the republican jurists have admitted that the power of the States to regulate commerce among the States was only a concurrent power, and must give way to the legislation of the Union as being the supreme law of the land, when that legislation extended to the subject. What is the consequence? Why, if that is the case, according to the opinion of Judge Marshall, and that school of jurists, there is then no power in the States to construct harbors, or clear out rivers, or make roads and canals; for if the power of the Federal Government comes in under the authority to regulate commerce, it is exclusive; and it would follow, according to the construction even of the republican jurists, that the power of the States must give way in these cases of concurrent jurisdiction, when the power of the Federal Government had been exercised over the same subject, for the latter would be supreme. Take the case referred to by the Senator from Missouri [Mr. GEYER] yesterday; the General Government could have gone on, although Illinois protested and could have constructed such improvements in the harbor of St. Louis as would have destroyed the value of the rival position in the State of Illinois. These conclusions inevitably follow; and it will not be ten years, I fear, before they are advocated, and efforts be made to act upon them.

As I said before, if the power is to be derived under that head, and the decisions of the Supreme Court are to be respected, then the power of the Federal Government is supreme, and it can overrule the whole State policy, and direct in all of their systems of internal improvements according to its own pleasure and notions of propriety. Would any man alive be willing just now to agree to any such construction, or to admit any such conclusion? And yet I think it will be difficult to show that it does not legitimately follow from the assumption that this power is to be derived from that of regulating commerce among the States.

But, sir, it is said that the right may be derived under the war power, as affording the means which are necessary and proper for the purpose of creating military intercommunication. How can that necessity be supposed to exist? Have not the States created a far more efficient system of communication than the General Government would have done if it had taken to itself the exclusive power of directing these works, and of creating these means of intercommunication at the beginning? Who can doubt it? Is it necessary to argue such a proposition, that we have a far better system of intercommunication created and made by the States than we should have had if the States had not meddled with such subjects, and had left them entirely with the General Government? Is it not obvious that two heads to such a system would be incompatible with its efficiency? But, sir, will any one say that it is necessary, at this time of day, and in the present position of the American people, to construct such works for war purposes? Have we not all the means of intercommunication that can be necessary for war purposes, and is it not probable that we should have more of these means if we left it to the States to execute them, than if this Government were to interfere?

Another class of arguments has been brought up. It is said that we must admit this right, from the necessity of the case, where rivers flow through several States; where harbors are to be constructed in which more than one State is interested, and where one State cannot be expected to devote its energies for the benefit of another; and that, therefore, there are no means of constructing those improvements, unless you admit that the power rests in the Federal Government. Sir, if I were brought to so extreme a conclusion as that, I should say

that it was a *casus omissus* in the Constitution. But this by no means follows. I believe, under that power which was referred to yesterday by the distinguished Senator from Illinois, [Mr. DOUGLAS,] under the power which may be given to the States to impose tonnage duties, and under the power given to the States to enter into compacts with the consent of the General Government, a system might be framed which would not only be efficient, but which would improve our harbors and rivers much more efficiently and justly, than can be expected from the direct agency of the General Government.

I think it takes but half an eye to perceive that, if the General Government should once enter upon a system of internal improvements, even if the power to do so were conceded without opposition, the system would break down by its own abuses and corruptions. These systems have broken down in the States which supported them. The States have found that it was better to leave such things to the voluntary enterprises of individuals and associations, than to undertake them themselves. If we make the experiment, we shall find that it would have been far better to have left this subject to the voluntary enterprise of the States as States, and to have permitted them to have matured by compact such a system of intercommunication as would have met the wants of commerce.

Sir, I have not time, I do not mean to go fully, into the subject. But let any man pause for a moment and consider what sectional heats and rivalries and animosities it would excite, if the Government were once to enter fully into such a system. Different sections of the Union would become jealous of each other and complain that the Government had been partial towards one portion of the country, and left the commerce of another without that protection to which it was entitled. But I will pass over these things. It would be wrong for me to detain the Senate at this late period of their session, if I had the time and preparation to go into the subject. I can barely touch some of the topics connected with this great question, and I know that I do it imperfectly. Much has been said here in relation to the unequal interest which the different States had in this bill. We have already witnessed disputes here between the representatives of the different States in relation to the relative share of the benefits of the bill which they were to enjoy. Such contests will only become more common if we should extend the system. But, for myself, I do not come here to raise any opposition to this bill on account of its inequality. I do not complain that this State has less, or that the other State has more. No, sir; I come here to maintain that interest which is common to us all—that interest which pervades every class and every degree in this community, and which, so far as our country is concerned, knows neither geographical limit nor division; which was the same yesterday that it is to-day, and will be as strong to-morrow as it is now—I mean the common interest which we all have in preserving the Constitution, the highest interest which an American statesman can propose to himself; and instead of endeavoring to warp and twist it to meet fugitive, and temporary, and fleeting cases of expediency, let us make those cases of expediency bend to the higher and nobler objects of preserving the Constitution of the country.

Mr. BORLAND. Mr. President, I am sorry to have to detain the Senate any length of time from a vote on the subject now before them. I regret very much that I should be thrown for a moment even in seeming opposition to the views of the Senator from Virginia, for whose opinions on all subjects, as he knows very well, I entertain the very highest respect. It is always with great diffidence in my own opinions, and with great regret, that I differ with him, even seemingly. But as his remarks have probably grown out of what he considered a charge made by me, some time ago, of inconsistency, I feel bound, in justice to him, as well as to myself, to say a few words.

In the beginning, however, I would like to know, that I may fully understand the Senator, whether I am to understand him as claiming the exercise of this power which he advocated the other day, and to which I objected, as inconsistent with his general course; that is, to expend money for the survey and exploration of the China Seas, under the power given to Congress to regulate commerce?

Mr. HUNTER. That is one power. It may come in under the naval power also; but either is sufficient.

Mr. BORLAND. Very well. I take it, then, under the head of commerce. I said the other day, what I think I may properly repeat now, that, claiming the exercise of that power under the authority given by the Constitution to the Congress of the United States to regulate commerce, there is an inconsistency on the part of the Senator in advocating the exercise of it in that instance, and opposing its exercise, or denying the power to exercise it, in the case of our interior navigable waters. For we find in the first article of the Constitution, section eight, this clause, among others, defining the powers of Congress: "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." There is precisely the same source of power, whether applied to foreign commerce, or commerce among the States, or with the Indian tribes. The power "to regulate commerce," under which the Senator says he claims the exercise of it in a survey of the China Seas, has precisely the same source, and no other, from which we claim to exercise it upon our navigable streams and upon our lakes.

Now, I ask the Senator from Virginia, if the source of power be the same, and the necessity for its exercise in one instance be as great as in the other, how can he deny the practical application of this power in the one instance, and contend for it in the other? It seems to me that it needs no argument to show, that power to do the one is power to do the other. We claim both from precisely the same source.

Although I have perhaps no more respect for precedent than others, and perhaps less, as binding upon us in our action, yet, I do contend, that so far as precedent has any weight it is in favor of the exercise of the power of the expenditure of money for purposes of improvement, and commercial purposes upon navigable streams and lakes, as well as upon the ocean. There is no page of our legislative history that does not show that this power was exercised in more cases—even if you estimate them numerically—upon our rivers and lakes than upon the ocean; although I admit that the amount of money has not been so great.

Then, sir, I think the inconsistency of the Senator—if he will permit me to use the term, and I use it with no disrespect—is apparent. The Senator has not refused his vote, I apprehend, for harbors upon the Atlantic coast?

Mr. HUNTER. I have.

Mr. BORLAND. The Senator has not refused to vote for the erection of light-houses on the Atlantic coast?

Mr. HUNTER. No, sir; but I explained the ground of that.

Mr. BORLAND. For what are light-houses erected, but for the protection of commerce? And is not the authority to erect them derived from the power "to regulate commerce?" Precisely the same source of power under which we claim the improvement of our rivers and lakes. Now, if the Senator has voted at any time to erect light-houses, he has exercised that power of Congress under the clause of the Constitution which I have read, and has practically enforced the authority of Congress under that clause. I say, therefore, that he has been inconsistent, when he refused to carry it out with regard to western rivers and harbors.

If this view be correct, then we have one other clause of the Constitution, in the very same article, but in section nine, which has been set at naught and defied by such inconsistent action. It is this: In the sixth clause of the ninth section of the first article, we find: "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another." How can you erect a light-house—how can you expend money for any other purpose of improvement, either for the protection or regulation of commerce in one part of the Union only, and when the same necessity is shown in another part, whether on the Atlantic coast or high up our rivers, refuse it, without going in the very teeth of this provision of the Constitution, which declares that no preference shall be given to the ports of one State over those of another? Then, although it may be said that the Constitution does not confer express power to do any particular work, I claim that all those who concede the authority of the General Government to go upon the ocean and expend money, or to erect light-houses, or any other works upon the Atlantic coast, for the benefit of any one part of the Union, under that clause of the Constitution which gives Congress power "to regulate commerce," cannot deny the same power to the interior. The eighteenth clause of the eighth section of the first article of the Constitution confers on Congress power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." It does not specify the particular instances in which the granted powers shall be exercised, but it gives a general power "to regulate commerce;" it declares that no preference shall be given to one port over another; and then it gives Congress power to pass all laws necessary to carry into execution every general power granted.

It did strike me, and it still strikes me, as a strange inconsistency to assume to exercise this power, as conferred by the Constitution, at one point in the Union, and for the benefit of one port of the Union, or to go abroad to foreign seas and exercise it for the general benefit of foreign commerce, and to deny its exercise, or the right to exercise it, when an equal necessity is demonstrated for its exercise, within the limits of our own country on our own navigable streams and lakes. This inconsistency results, as I apprehend and as I have stated before, from what has been the education of gentlemen living upon the Atlantic slope of our country, under the ideas which originated at the time of the formation of the Constitution, when we had no great lakes, no great rivers, and no western commerce, and when ideas of commerce were restricted to that carried on the waters of the ocean and those rivers emptying directly into the ocean from this bench of the country, which compared to the West is a mere bench. Commerce was then considered as existing here and nowhere else, because we had no other. The doctrine was then confined to improvements upon the Atlantic coast, which, perhaps, considering the magnitude of the rivers flowing into it, was correct. But since that time there has been a great expansion of our country; the great West has been built up, and we have a commerce there fully equal if not greater than that on the Atlantic coast. It seems to me, then, taking these things into consideration, that these ideas, even if right in the beginning, should be still held as sufficient to give us the same power as far as our limits extend; and that old notions, which have no application to our present condition, should be abandoned.

Mr. DOWNS. Mr. President, as the proposition made by the honorable Senator from Iowa, to make this a test question—to reject the amendments and save the bill—is in entire accordance with the position which I took in the commencement, I wish to make a few remarks in sustaining that position. Whether the adoption of these amendments, which have been agreed to by the Senate as in Committee of the Whole, will defeat the bill in the House, must be a matter of opinion with individuals. I do not view it in the light of any contest between the two Houses. I go into no discussion of that kind. I am not influenced by any such feeling; but I try to ascertain the fact in this, as in all other matters, for the satisfaction of my own mind; and I have come to the conclusion, not because there is any particular obstinacy or preconceived opinion in the House of Representatives, or any particular proclivity of talk there to prevent them from action, but from the late period of the session, the difficulty of the subject itself, from all the circumstances surrounding it—and there is nothing in the debate to change my opinion—that if these large amendments be made to the bill, it will be necessarily defeated.

I desire to vote for the bill as it came from the House. I think that, as it came to us, it was one which should pass, and therefore I am anxious to keep it as it was. I voted for the particular amendment, now under consideration, when it was up before, and I should vote for it again if it depended on that amendment alone; but I shall vote against it now, because I think it better for the safety of

the bill that none of these amendments should be adopted.

But, Mr. President, my principal object in rising was to advert, for a moment, to some of the arguments used by the honorable Senator from Tennessee, [Mr. JONES,] in relation to this subject. The honorable Senator from Tennessee, as has been done frequently in this debate, alluded to platforms in rather a sneering manner, and he has taken to-day a view of platforms generally which I suppose will apply to the Whig as well as to the Democratic platform. I understood him to intimate that there was something in platforms differing from the Constitution; something in contrast, or in opposition to the Constitution of the country; and that, therefore, platforms were not to be sworn to, or not to be adhered to. Now, so far from there being any conflict or contrast between the platform of a party and the Constitution, I have always thought that the very object of the platform of a party was to give their construction to the Constitution, their interpretation of it, to pledge themselves to adopt a particular line of policy in carrying out the powers conferred by the Constitution. Why, then, should the gentleman come here and contrast the platform with the Constitution, and ask us to adhere to the Constitution and not to the platform? Would the gentleman have us believe that his party, or any other party has adopted a platform inconsistent with the Constitution? Have they adopted a platform which they do not think a conscientious interpretation of the Constitution warrants? I can assure the gentleman that if his party has done so, mine has not. The Democratic platform is our construction of the Constitution.

But, sir, the position thus taken by the gentleman from Tennessee in regard to platforms, has something in it which I hope will elicit the attention of the people of the country of all parties. His party, I believe, at the last presidential election, and I think at some others, but certainly at the last, ran their candidate without any platform. Their principles were to be inferred from their candidates and their course. They decided to make no platform. As it very often happens when people are silent and non-committal, and we are left to infer what ought to be declared, it did turn out that at the last presidential election—and it necessarily will always turn out when there is no platform—some persons were cheated. In one portion of the Union it was said the candidate entertained a particular set of opinions which were entertained in that quarter, and in another quarter different opinions were held, and there was no platform to refer to.

Mr. BORLAND. They are doing pretty much the same thing now.

Mr. DOWNS. They are doing the same thing now, but a little worse. I am afraid that, finding that the old catch would not do; finding that the same stratagem would not apply twice; that the mum system would not do again, for the occurrences of the last presidential election were too recent to induce an exact revival of it, they were afraid to resort to it.

Mr. BADGER. I am very sorry to interfere with my friend from Louisiana, but I must really ask if his remarks are pertinent to the river and harbor bill?

Mr. DOWNS. I did not know that the Whig party were so tender on this point. I did not know that their sensibilities were so easily touched; but finding that out, I shall touch them a little more. [Laughter.]

Mr. BADGER. I have no other objection to the touching except that I think if the Senator from Louisiana is a friend to the bill, it would be a great deal better for him to let us have a vote upon it, than to be occupying the time of the Senate in discussing party politics.

Mr. DOWNS. The gentleman, then, does not like a discussion of Whig policy?

Mr. BADGER. I do not object to the gentleman's discussing it when we have time.

Mr. DOWNS. I shall occupy but a little while, for I am never long at anything. [Laughter.] The Whig party, it seems, at this time, have not depended on the silent policy of the last canvass; indeed there were some of their own party who rebelled against it. If I understand the history of the times aright, there were some of them who would not go into the common council, who would not concur in the result of that council, unless a platform was laid down. Well, a platform was laid down. The honorable Senator from Tennessee, I believe, acted a very conspicuous part in forming the Whig platform, and in that Convention. Sir, we have already had some reason for misgivings of the fidelity with which the platform of the Whig party will be adhered to; because, within a very few days after it was adopted, we found in one section of the Union the most decided condemnation of it. The strongest epithets of denunciation and of contumely were heaped upon it. But I did hope that in another quarter of the Union—in that section from which the Senator from Tennessee and myself come—there would have been a very different disposition, and that there the Whig party would have adhered to their platform, as laid down by their convention. Now, am I to understand, from the jeering manner in which the gentleman spoke of platforms, that he does not consider that there is any binding obligation in the Whig platform, but that the South, as well as the North, may spit upon it and deride it? If such is his understanding, I think it is time the country should know it.

I know very well that the platform of a party has not such binding legal obligation that we are sworn to support it; but I have always understood, and I still understand, that where parties solemnly adopt a platform, setting forth their principles, and make their nominations and promise to sustain them, that, if they are not bound legally, they are honorably bound as honest men to abide by the principles thus laid down, and no party can disregard them without unfairness. Though I have no right to suggest a course to our opponents, I must call the attention of the Senate and the public to the fact, that from the course pursued by a prominent member of the party, it would seem that in the approaching contest, as in the last, although a platform has been adopted, it is a mere form; that nobody is bound by it, but that it may be disregarded whenever the interests of any portion of the party seem to require it to do so. The gentleman and his party may adopt what course they please in regard to platforms; but I for one shall cease to be a member of the Democratic party if that party pursue a different course. I say, whatever course he or his party may think proper to adopt, I and my party, coming together through solemn council, and laying down a set of principles, feel bound in honor and fairness to carry them out faithfully and fully, and I do not think the public would be treated with fairness by pursuing a different course.

Mr. President, there is another point in the honorable gentleman's argument to which I wish to advert. He has argued this question as to amendments with a great deal of warmth, as though it were a question between the East and the West. Now, I do not understand that it is so. I do not see any reason why the gentleman should rally the West. Is he a stronger advocate for western interests than myself and many others? I come much farther South and much farther West than he does; and I think I am identified by my feelings and my course as much with the West as any one here. I would go as far to promote western interests, and would contend as strenuously for a fair distribution of these appropriations to the West as any one. Is this question of amendments to be made a test between the East and the West? Look at the amendments which have been adopted, making appropriations. Are not a great many of them for the East? I think almost as many, if not quite as many, amendments have been put in for the East as for the West. The amount put in for the West may be a little more than for the East, or it may be less; I do not know how that is. But still, taking the bill as it is, either with or without its amendments, I think its character, as to the distribution of its benefits between the East and the West, is about the same. I do not think there is any reason for rallying the feelings of the West in favor of the amendments, because they are no more locally interested in them than the East. There is no necessity then for rallying the West against the East. Amendments have been put in for the Rappahannock and many other rivers in the East, which I consider as clearly without the principle on which I have acted and on which the Democratic party have acted. But they have been inserted in the bill, and I wish to see them stricken out. I think the statement made the other day by the honorable chairman of the Committee on Commerce, [Mr. HAMLIN,] who has looked very carefully into the subject, shows very clearly that, with regard to the distribution of appropriations, the bill is not unfair.

As long as this contest continues, the more I become convinced that a general system of internal improvements by the Government of the United States will never be permanently and satisfactorily gotten up. When I came here, I was, as I am yet, in theory, in favor of reasonable, and proper, and national improvements. This is the second great debate on this subject in which I have been engaged since I have been here. The first one staggered my opinions, to a great extent, as to the practicability of these appropriations. But it was not so full as this debate has been, and is likely to be. I feel confident, now, that the history of this debate shows, and I predict that, pass this bill or not, cut it down or extend it, the same feelings which actuate Congress now will actuate them hereafter; and the difficulties will be so great that I fear a reasonable and proper system never can be adopted. Consequently, if we pass this bill we shall go on for a few years with a partial system, and it will, in the end, be destroyed. Is not the history of this bill a proof of that? The bill came from the House. It had been long and carefully debated there. It came to us from the immediate representatives of the people, who, we are to suppose, have better means than any one else of understanding the wants of their districts. The bill has come before us at the last days of the session. Now, if particular local interests are to be insisted upon with such pertinacity whenever a bill comes up—particularly when there is only to be a recess of three months, when we will come back here and can have another bill—if Senators cannot be induced to forbear, but will bring forward their measures, when there is such an unreasonable disposition now, it is proof to my mind that this system never can be made permanent; that it will always be in danger of being overloaded; that you cannot confine these improvements to a reasonable extent, but that you will apply them to local measures; that there is no general line of demarkation by which one can easily be distinguished from another. Therefore, as it would be utterly impossible and unjust, as I explained the other day, to have a special and partial system of improvements, it must fall. I predict that this will be the result, whether you pass this bill or not. If you could have a moderate system you might have some expectation of keeping it within proper bounds. But when it is seen that whatever system we commence will be carried to such an extreme that it cannot be kept within moderate bounds, (especially when there are so few reasons for urgency as at this time,) I have almost come to the conclusion, and I think the people will come to it, that the system is impracticable, and must be abandoned, as it has been abandoned for the last seven or eight years.

I wish, therefore, to express the hope that the Senate will take the bill as it came from the House. Let us refrain from amendments. There is but a very short time till the next session, and then we can add anything to the bill.

Mr. JONES, of Tennessee. Mr. President, it was certainly very far from my intention to have involved in this question party politics of any sort. I had supposed that the honorable Senator from Louisiana, [Mr. DOWNS,] was with us for this bill. The remarks which I made on the subject of platforms were made with reference to the discrepancies of opinion between the gentlemen on the other side of the Chamber. I understood the honorable Senator from Mississippi [Mr. ADAMS] to understand the platform in one way, and the honorable Senator from Michigan, [Mr. CASS,] and the honorable Senator from Illinois, [Mr. DOUGLAS,] and the honorable Senator from Louisiana, [Mr. DOWNS,] to understand it differently. The whole contest about platforms has been on the other side of the Chamber. I am not aware that there is a particle of difference here on the subject with the Whigs; but I believe there is a perfect coincidence between their opinions and those declared by their convention.

Now, the only point that I feel called upon to notice, in reply to the honorable Senator from Louisiana, is this: He says, why call up the feelings of one portion of the country against another—the West against the East? Certainly, if the Senator had listened to my remarks, he would have seen that they were not calculated to produce any such effect; because I declared distinctly a truth, which I think every Senator here will be bound to admit, that, in the dispensation of the patronage of this Government, that portion of the country to which I belong has enjoyed but a very small portion, taken in connection with the aggregate. Sir, we contribute more to the foreign commerce of this country than any other portion of it. The consumption of our portion of the country of the fabrics of foreign countries is greater than any other portion. Then, according to the only principle known to us, we are paying into the Federal Treasury our full, and just, and, in fact, over-proportion, according to the population; and when patronage comes to be dispensed in the States—I mean when improvements are to be made—the past history of the country shows that we have enjoyed a very small proportion. So far from arraying one section against the other, my argument was to appeal to our Atlantic sea-board friends to come up and supply that omission, and render us that justice which we had a right to demand and claim.

I said further, distinctly, that I was ready to vote for this bill as it came from the House of Representatives, or as it now stood amended. I think I am a little more consistent in that than the gentleman himself. The gentleman thinks this bill, with the amendments put into it, goes a little too far. According to my conception of our powers under the Constitution of the country, it does not go too far. He differs with me on that, and thinks it goes too far. As to the question of right and justice, it does seem to me, that no man can misapprehend the difference; but it must be conceded that the bill, as it now stands before the Senate, enlarged as it is, renders more equal justice to the various portions of the country than the bill as it came from the House of Representatives.

The only question which I apprehend the Senator desires to reach is, whether the bill will be safer if it be left as it came from the House, or as it now stands; or it may be, that he objects to some of the amendments. If so, when they pass in review before us, we shall have an opportunity of striking them out; but let us not make a general sweep, and strike all out. The objection which I made to the proposition of my friend from Iowa was, that we ought not to make the vote on this question a test vote, whether or not we would strike out all the amendments.

The remark which I made about the platform, was not in regard to platforms generally, but as to differences of opinion between the construction given by the political friends of the Senator—some of them saying that this bill was not within the purview and meaning of their platform, and others believing that it was. Hence, I said that we were not here to legislate by platforms; that the simple question was not to determine here in regard to his own convictions, but as to the constitutional power of doing this, and the justice of doing it. I repeat, I am ready to vote for this bill, either as it came from the House, or as it now stands. I prefer it, however, as it now stands, because I think it is more equal and just to the various sections of the Union.

Mr. ATCHISON. I understand the proposition before the Senate to be, that the Senate disagree to the amendments made as in Committee of the Whole.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The question before the Senate is on concurrence in the first amendment made as in Committee of the Whole.

Mr. ATCHISON. It amounts to the same thing. The question is to agree or disagree. Now, I believe that every amendment which has been made to this bill—admitting the principle upon which the bill is based to be correct—is an improvement upon the bill, because it goes to distribute more equally, and, I believe, more beneficially the funds to be taken for this purpose from the Treasury. Take the Tennessee river, and compare that with some of the appropriations made in this bill. Is not that river one of more importance in a commercial point of view, in a national point of view, than the Bayou La Fourche in Louisiana, or the Appomattox or James rivers in Virginia, or the Trinity or Colorado rivers in Texas? Although there is no appropriation here for the improvement of these rivers, yet there is an appropriation for their survey. I do not wish my friends from Texas to suppose, that I mean any disrespect to the State of Texas, or her great rivers, by this comparison. I admit, that if other States get appropriations for rivers of no greater importance, the Texas rivers ought to be included also.

Then an amendment has been adopted inserting in the bill an additional appropriation of $150,000 for the construction of snag-boats, to be used on the Mississippi, the Ohio, the Arkansas, and the Missouri. I hold that to be a great improvement upon the bill. For it seems to be admitted on all hands, that the appropriations made for those objects will amount to nothing, unless this addition be made. I think that the amendment increasing the appropriation for the removal of the raft of Red river from $50,000 to $100,000 is a decided improvement upon the bill, if you intend to attain that object at all.

So I believe that almost every other amendment proposed to the bill has been an improvement upon it. Then, to disagree to these amendments is to say at once that the Senate has been foolishly and wantonly disposing of its time during the last two or three days in the discussion of this bill. Most of these amendments have been made by very large majorities in their favor, and some of them without opposition at all.

I do not say that I shall vote for the bill as amended, but I consider that the amendments are a decided improvement on it as it came from the House of Representatives. My friend from Louisiana, the other day, made objection to a certain amendment for the survey of the Rappahannock river—a river of decided commercial importance—a larger stream, watering a larger district of country, with a larger commerce, than some other rivers contained in the bill. I do not see how he can reconcile it to himself to vote for the bill with that appropriation in it. I cannot well see the consistency of his position, in opposition to the amendment for the Rappahannock, and his support of some other provisions in the bill, such as for Bayou La Fourche.

Mr. DOWNS. The gentleman seems to have forgotten entirely a debate which was gotten up the other day. He objects now to the appropriation for the improvement of the Bayou La Fourche, and seems to think that is obnoxious to the objection I made to the appropriation for the Rappahannock. I said the other day, that I considered that the objection did not apply, because the Bayou La Fourche had been obstructed by the United States in time of war, and the object of the improvement was to remove those obstructions. I said then, that I was informed that the Committee on Commerce had documents before them which would show that fact. And those who framed this bill must have been satisfied from the facts I stated, that the Bayou La Fourche formed an exception to the rule, and therefore they put it in the bill. I cited facts to show that the appropriation was necessary; but I stated that if these facts were not so, I would be willing to strike out the appropriation.

The gentleman is not so triumphant in showing my inconsistency in this matter as he seems to suppose. It is a matter of very little consequence to me. But I do think, that where the United States create an obstruction to the navigation of a stream, however small it may be; if they break up a railroad, or a canal, or anything else in time of war, however doubtful might be the power to make the improvement, they would have the right to remove the impediment which they had thus placed in the way.

Mr. ATCHISON. Well, I will give up the Bayou, although I am told that it is dry whenever the Mississippi is low.

Mr. DOWNS. The United States made it so.

Mr. ATCHISON. I have discovered this: that where an appropriation is for an improvement within the limits of our own State, it renders it somewhat more constitutional than it would be if it were in another State. Now, I want the Senate to look at the Appomattox—a stream that I am told is navigable for twelve miles—a small stream emptying into James river. It was in the bill as it came to us. Why not strike it out? It is not a work of national importance. It does not come within your rule.

I think that the amendments are decided improvements to the bill. I shall sustain the amendments which have been voted into the bill; and, I trust, there will be a majority of the Senate in favor of so doing. If the bill must pass, let it go in its very best and most unobjectionable form.

If I understand the argument of the Senator, it amounts to this: If the Senate amend the bill, there is danger of losing it by the action of the House of Representatives. Now, there is nothing in that argument; for this bill has passed the House of Representatives by a large majority; and the Senator from Tennessee tells you that he believes the amendment made to it proposing additional appropriations, will strengthen rather than weaken it in the House. But suppose it should not be acted on during the present session. I venture to say, that if we send the bill to the House to-day, they will act upon it this session. If we should send it to them to-day, there would be one week left from now till the close of the session; and if it reaches them, they will act upon it under the previous question, or they will find some rule by which to pass it through before the close of the session. Suppose its enemies should be able to postpone it till next session,—for that is all they can do,—then, as I understand, the bill will be upon their Calendar for action, according to the joint rules of the two Houses, at an early period of the next session. If they had strength to pass the bill originally, they will hardly reject the amendments; but if they should reject the amendments, we can then back out. So that, if the Senate believe these amendments to be right—and they certainly have indicated that by very large votes, sometimes by yeas and nays, and sometimes on a division, and sometimes without a division—I see no objection to their agreeing to them all.

Mr. BUTLER. Mr. President, I shall not go at large into this subject by any means, but I shall say a few words. I distinctly understand from all parties who are friendly to this bill, that the great matter now is to commence a system of internal improvements.

Mr. CASS. Continue, not commence.

Mr. BUTLER. Some of the friends of the bill wish to reject the amendments which have been made. Others say adopt them because they make the bill stronger. I believe with my friend from Missouri that the more amendments you put, and the more diffusive you distribute the bounties of the Government, the stronger you will make a bill like this, in public estimation.

Sir, I belong to a very small party in relation to this question, but I can say this much in parting with the question, that we can refer with pride to the past so far as it regards the opinions of those who have formed judgments upon it; and although we have not hope for the future, still we can perform the humble office of standing upon the watch-tower, and at least have the courage of saying when we see storms ahead when others choose to conceal the sight from their view.

Sir, I know very well that so far as regards the State I represent, not a dollar has ever been appropriated by this Government for internal improvements, and I believe that according to the notions which now prevail, not a dollar can ever be appropriated to her, and I believe not a dollar will ever be asked by the State of South Carolina.

What I intended to say, when I rose, was in answer to my friend from Michigan, [Mr. CASS,] and to say to him that I have heretofore relied much upon the vigilance of party opposition. I believe it is a salutary influence to have the vigilance of party opposition to a prevailing Administration. If the measure which is now before us had been introduced twenty years ago, it would have received condemnation from men who now approve it. I regard this as a great transition measure, in which both parties are likely to concur, and in which there is no security in the vigilance of party jealousy or party organization. From this

henceforth, I believe, we shall have nothing like the distinctions of party; and although it is said sometimes that party spirit is to be deplored, as I believe it is, yet, sir, it has been one of the securities of this Government that one party has been in opposition to another, and has, in some measure, controlled it in the estimation of public opinion. But if this distinction is to be obliterated now, in regard to this bill, we are passing a measure which, in my opinion, will lay the foundation of a great Imperial Union, to be erected upon the ruins of the Constitution. You may have a union, you may have the worst of unions, a union in which both parties concur to appeal to the Treasury for a distribution of money, on the ground that the different sections of the country are to live by the bounties of the Government. Sir, the worst sentiment that can be expressed by a free people is, that it looks here to the Government for bounty to give it existence and protection. The section which I represent wants none of your bounties. All they ask is to be let alone. They can take care of themselves. They ask nothing from this unjust distribution of the public treasure to build up one section at the expense of another. If the money, which is to be appropriated for public purposes, is to be appropriated as bounty—where does it come from? Does it come from the section that asks the bounty? If so, why should not the amendment of my friend from Illinois [Mr. DOUGLAS] prevail?

When the Constitution was originally framed, it was understood that there would be likely to be demands for improvements, and with that view it was left to the local communities to make up, by tonnage duties, the means of improving their local ports and harbors. That was the understanding when it was adopted. The very fact of that provision being in the Constitution, presupposes that there were local inequalities which were to be supplied and overcome by the very means indicated in the Constitution—allowing improvements to be made by the local authorities, by the means there indicated. It was never understood then that this Government should have the power of reducing mountains, raising up valleys, and making equality, by distributing the funds of one section for the benefit of another. And, in saying this, I hope it will not be regarded as a serious reproach that I think with Mr. Madison, that I think with Mr. Monroe, that in some respects I think with General Jackson, or that I think with Mr. Polk, in his admirable message vetoing a bill of similar character to this.

It is said, however, that I stand here on this question in opposition to my late distinguished and venerable colleague, (Mr. Calhoun.) Why, sir, when Mr. Calhoun himself was here, I stood up in the Senate to vindicate my views. I told him—and I said so in the face of the country—that I thought the greatest mistake he ever committed, was in the views which he expressed in his report upon the memorial of the Memphis Convention. I neither understood it then, nor do I understand it now; but he invariably replied, that, admitting that it was a change from the early practice of the Government, yet, when the Constitution was adopted, we had nothing but the Atlantic seaboard—that this great Mississippi interest was then unknown to the Constitution. He said to me, here is the Mississippi, which has been acquired by treaty from France, an interest equally important, at least, to the Atlantic, and shall it be without the protection of the Constitution, and without such protection as the Atlantic sea-board has heretofore derived from distributions of money? My reply to Mr. Calhoun, however, was that I much preferred amending the Constitution to violating it. I do not undertake to say that if our forefathers had had disclosed to them the state of things which now exist, they would not have made adequate provision in the Constitution, to allow us to make appropriations for the regulation of commerce upon the Mississippi. But the Constitution stands as it is. Laws are stationary. Things are progressive. Events have not changed the import and true intendment of that Constitution, and yet you are evading it by compromises and constructions, and it is no longer the Constitution that it was. It has lost its identity. But I am not one of those who will consent to fall in with the miserable temptations of expediency, but I say that the minority will have no security under a written Constitution, if their rights are to be violated by constructions, and compromises, and platforms.

I know that Mr. Calhoun entertained the views that the Mississippi could assume the complexion of a national river, because there were many States upon its borders. I differed with him then, and I do so now, with great respect, because, while I believe that the States of Mississippi and Louisiana might form a compact to keep it open between those two States, Tennessee and Arkansas, above Missisippi and Louisiana, could also make compacts, and so on from the mouth of the river to its source. I have no idea that, because one State makes a compact with another, it loses its power to make a compact with a third. Why, the very article of the Constitution, which was referred to yesterday by the honorable Senator from Illinois, and upon which he founded his amendment, that compacts could be formed by the States, shows that these local improvements could be made by the States, and could be borne by the States.

It was at one time supposed that a United States Bank was absolutely necessary to regulate the currency, and as long as we relied on that prop it was believed that we could not do without it; but scarcely had the United States Bank been broken down than the commercial connections of the United States became much more intelligent and close; and commercial communications throughout the United States are now much more intelligent and direct than before the United States Bank was destroyed, and for the very reason that exchanges have supplied its place.

If the Federal Government now assumes the jurisdiction over rivers in my State, it excludes the jurisdiction of the State. My friend from Virginia [Mr. HUNTER] touched upon a matter which I have thought of a great deal in relation to this subject; and that is that the United States have an exclusive jurisdiction, or they have no jurisdiction at all, with regard to the rivers in the different States. Take Georgia, sir,—for I choose not to illustrate anything in South Carolina,—suppose that the United States should undertake to clear out the Ocmulgee river, and Georgia undertook to protest and say, "No, you are not to clear it out, but we will clear it out according to our own policy." If the United States have exclusive jurisdiction over commerce, they can, in such a case, supersede Georgia; and let it once be understood that the United States shall take jurisdiction of this subject, and it will paralyze and exclude the States from any interference at all in the improvement of their rivers and harbors. Yes, sir, there is but one proposition upon this subject. If the power is exclusive in the United States, it is exclusive the moment it asserts its jurisdiction, and concurrent until it does assert it. But, when the United States undertakes to make it exclusive, then it asserts the great power which I have heard so much praised here, of an unlimited empire. Yes, sir, of an Imperial Union superseding everything, like the poligarchy which has heretofore prevailed in relation to State sovereignty. I know there are those who maintain that the sooner State sovereignty is obliterated the better; there are those who maintain that, in the first formation of this Constitution, State sovereignty ought not to have been recognized, but that from the beginning this should have been one consolidated empire, having one head and a perpetual Senate, with the distinctions of State sovereignty entirely obliterated. Such was not the understanding of our forefathers in the organization of this Government, but such is likely to be the result of any measure of this kind when there is no party opposition, when parties concur in it. And when gentlemen undertake to speak of parties on this subject, I wish to be understood—I speak candidly—I am not disposed to be deceived by names.

This is said not to be a general system of internal improvements. But it is a general system of local improvements; having, in many respects, none of the elements of nationality, going for the improvement of small streams that could never be regarded at all, in any point of view, as having a national complexion. It is a system founded upon combinations of adverse interests. It is a system founded upon the combinations of those who choose to adopt it, and to the exclusion of those who, from conscientious scruples, are bound to oppose it.

I heard the Senator from Connecticut [Mr. SMITH] yesterday allude to South Carolina, and say that she had received the bounties of this Government in the shape of forts in the harbor of Charleston, and that it was not to be permitted that the same bounties should not be bestowed upon other sections of this Union. Mr. President, one word upon that subject. Fort Moultrie was not won by your treasure. Fort Moultrie, sir, was not won by the treasure of the United States. It was won when South Carolina, thank God! was a separate and independent Commonwealth. It was won by the blood of Carolinians. The honorable gentleman alluded to Fort Sumter. Sir, that has been a fort for the benefit of northern contractors. The ships of Maine have brought bricks there to make it. Contractors from Maine and Massachusetts have had exclusive jurisdiction over it, and the very last thing we would ask would be such a fort, erected for such purposes, retaining only one glory connected with South Carolina, and that is the name of Sumter. We do not want your forts. But, has it come to this, that we are to be told that forts and arsenals, built for the common defense of the country, shall be identified with a local improvement, as though it was a bounty upon South Carolina! Sir, not a dollar has ever been expended by the Federal Government for internal improvements in South Carolina, and I suppose not a dollar will ever be, according to the system which is likely to be adopted here. We are to be entirely isolated from this measure. Would that be an objection to me if there were an article of the Constitution authorizing it? Not at all. If we enter into a compact we will observe it.

I do not undertake to say that the commerce of the Mississippi might not be regulated—not by a violation of the Constitution, or under the miserable pretext of platforms and compromises, or under the still more dangerous influence of construction. The Senator from Tennessee [Mr. BELL] the other day—I thought in a not very appropriate manner, certainly I did not regard it as very *apropos* at the time—said we should come up and surrender, and go with the majority and regulate this system, so that there might be some safety in it, and then he chose to say of me as the type of the party, as Nathan said unto David, "Thou art the man." Sir, if I chose to retort, I think I might say that I stand in the condition of the poor man whose pet lamb was taken for the rich man's feast—the honorable gentleman standing in the situation of the rich man who took the lamb from his neighbor for the feast of the stranger—and I might with greater propriety, say to him as Nathan said to David, alluding to him as the type of his party, "Thou art the man" who will bring about these dangers to this Constitution. Yes, sir, I heard the gentleman openly avow himself in favor of the tariff, the compromise, and all those measures under which the Constitution of the country is likely to crumble into dust. Sir, I tell the gentleman that I shall never sacrifice the opinions which I entertain, because they are the convictions of my conscience.

I know that I cannot have any influence to defeat this measure. I know that this system of legislation will perhaps go on. And when I heard my friend from Mississippi, [Mr. ADAMS,] the other day, rise and appeal to the Constitution, it did look to me like one of those old-fashioned, evangelical preachers coming to descant upon true Gospel doctrines in the presence of one of those white-handkerchief gentlemen of the pulpit, who regard the Bible as a species of elegant literature, on which to make rhetorical displays. I thought my friend had a great deal of courage when he came forth in the midst of such an assembly as this, (who look upon the Constitution as a curious specimen of literature, rather than as a guide to control their operations;) but he did it, and he did it well, and like an evangelical preacher disposed to stick to Gospel. [Laughter.] I know I stand in an assembly opposed to me. I know my opinions have but little influence here, but they are the opinions of many great men. Allow me to say that I am not vain enough to believe that anything which I can say now will reach very far into posterity. Sir, the period of Augustus was the most

dangerous period in Roman history. It was in the reign of Augustus that it was said there were no parties. The throne and the monarchy had superseded the republic. And so when parties choose to give up their opposition to measures which they have heretofore considered objectionable, I say it is the very beginning of decay. We have no security when we have no parties. We may have, as my friend from Michigan said, a most magnificent exhibition of national greatness, perhaps, for a few years to come, greater than any other. The vigor of the Roman Republic had infused itself even in the Empire, and preserved it from decay for many centuries. It took seven or eight hundred years to grow up under the influence of the Republic, and it took half that time to decay under the degeneracy of this very no-party system that is spoken of.

I hear gentlemen say, "We are opposed to a general system of internal improvements; we are in favor of a national system; we are in favor of this object and that object;" and it turns out that my friend from Louisiana considers that Bayou La Fourche is national; and I suppose the Senators from New York will say that Little Sodus is national. Every one makes an improvement national, according to his locality. It is evident that there is no Procrustean rule by which you can judge of the nationality of an object. Nationality, paradoxical as it may sound, seems to depend on locality. I am afraid that even the Appomattox has been made out to be a national river; at any rate, my friends from Virginia have been pretty spunky about it thus far. But I beg pardon of the Senate for saying so much. I intend to stand out to death; I will be the last of the Mohicans upon these old-fashioned doctrines.

Mr. BROOKE. Mr. President, I believe the proposition under consideration is to strike out all the amendments that have been made as in Committee of the Whole.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The proposition is on concurring in the first amendment made as in Committee of the Whole.

Mr. BROOKE. I dislike very much to appeal to the "higher law," because I am not, in the ordinary acceptation of the term, a "higher law" man; but on this occasion I will appeal to the "higher law," and I appeal to the volume I hold in my hand (the Bible) as affording a precedent why the amendments that have been put in by the Senate as in Committee of the Whole should not be rejected. I look upon this bill as a sort of ark set afloat upon the waters of public opinion, and I do not want the gates shut down until we all get in. I find by reference to this volume of "higher law" that when the ark of Noah was set afloat there went into it "every beast after his kind, 'and all the cattle after their kind, and every creeping thing that creepeth upon the earth after his 'kind, and every fowl after his kind, and every 'bird of every sort. And they went in unto Noah 'into the ark, two and two of all flesh, wherein is 'the breath of life. And they that went in, went 'in male and female of all flesh as God had commanded him, and the Lord shut him in." Now, sir, I am opposed to shutting down the doors of this ark until we all get in. I tried last evening to get in my little beast or bird or whatever you may please to call it, but I was shut out. I was told, however, that when the bill should be reported to the Senate, the doors of this ark would be opened again, and now I find that the proposition is to close them down—not only on the beasts, birds, and fowls, that were admitted before, but that they are to be closed upon those who are to ask for admission. I am opposed to this, and I again state that I appeal to the higher law. Keep the doors open. Do not shut down the gate until we all get in, flesh, fowl, and fish.

Mr. JONES, of Iowa. There were no fish in the ark.

Mr. BROOKE. Well, I want the fish to get into this. I think it is a very fishy bill any way, and I am opposed to it; but I am against closing the doors until we all have a chance, until we are all safely moored in this ark of safety.

Mr. BRIGHT. I ask the Chair to state the question.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The question is on concurring in the first amendment made as in Committee of the Whole, which is to strike out—

"For the improvement of the navigation of the Mississippi river, below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and the Arkansas rivers, $260,000"—

and to insert:

"For the improvement of the navigation of the Mississippi river, below the rapids, $90,000; the Ohio, including the repairs of the dam at Cumberland Island, $90,000; the Missouri and the Arkansas rivers, each, $40,000; and for the construction and repair of snag boats, dredge-boats, discharging-scows, and machinery to be used on the Mississippi, Ohio, Missouri, Arkansas and other western rivers, $150,000."

The question being taken on concurring in this amendment, by yeas and nays, resulted—yeas 37, nays 15; as follows:

YEAS—Messrs. Adams, Atchison, Bell, Borland, Bright, Brodhead, Brooke, Chase, Dawson, Douglas, Fish, Foot, Geyer, Gwin, Hamlin, Houston, Hunter, Jones of Iowa, Jones of Tennessee, King, Mallory, Mason, Meriwether, Miller, Morton, Rusk, Seward, Shields, Smith, Soulé, Sprunance, Sumner, Toucey, Underwood, Upham, Wade, and Weller—37.

NAYS—Messrs. Bayard, Bradbury, Cass, Clarke, Cooper, Davis, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Downs, Hale, Pearce, Pratt, and Walker—15.

So the amendment was concurred in.

All the other amendments made as in Committee of the Whole were concurred in, with the exception of that in relation to the improvement of the harbor of Milwaukie and the harbor of Waukegan, reserved at the request of Mr. DAVIS, and the amendment in relation to the Falls of the Ohio, which was reserved at the request of Mr. MERIWETHER.

On motion by Mr. BAYARD, the amendment providing for the repairs of the piers at New Castle, Delaware, was amended so as to include "the improvement of the harbor."

The PRESIDING OFFICER. The question will now be on the first amendment which has been reserved, which is, to insert after the appropriation for the improvement of the harbor of Milwaukie, the following:

"To be expended at the point of the Milwaukie river known as the North Cut, surveyed by Lieutenant Centre."

Mr. DAVIS. Since this amendment was made, on the motion of the Senator from Wisconsin, I have examined the papers in regard to the harbor of Milwaukie, and I find this to be the history of that harbor: There has been expended upon it about $50,000 in the erection of piers, which stand at the natural mouth of the river. The proposition now is to transfer the position of these works to another place, abandoning the old works and putting them down at a point further north at an artificial cut into the river. There was originally, as it appears by the papers which I shall not trouble the Senate with reading, at the very outset a controversy as to which was the proper point at which to establish these public works. In the law making the original appropriation, Congress directed that a Board of Engineers should go there and settle this question. Consequently three gentlemen of character and of skill, Mr. Kerney, Mr. Williams, and some other gentleman, whose name I do not now recollect, went there, heard the parties and examined the matter for themselves, and they came to the conclusion, and recommended to Congress to put down the piers at the natural mouth of the river. The piers were so put down; and there they are now. But my friend from Wisconsin supposes that there will be some advantage gained by moving them to another point. The question is whether the Senate will settle that point; or, if they are not satisfied, that they should make some provision, and this would seem to be more reasonable, for a re-examination of the question, to be decided by a competent tribunal of officers to be collected for that purpose. I shall be perfectly satisfied with such an amendment, if the Senator from Wisconsin will be satisfied with it. But I am not willing to vote to begin new works and abandon old ones without some examination. If the gentleman is ready to take a new board, or any mode he deems suitable to have that question settled by a reëxamination and report, I shall be satisfied.

Mr. WALKER. Mr. President, I do not blame the Senator from Massachusetts, in any sense of the term, for interposing the objection which he does interpose. He lives remote from the point affected by this amendment, and his only desire evidently is to discharge properly his duties as a Senator here, and to see that the appropriations which are made be properly expended. But, I can assure him, and the Senate, that if he knew as much about this matter as myself, and every person living in Milwaukie, and every vessel owner upon the lakes knows, he would know that the location of this harbor was almost a nuisance—almost worse than nothing.

He has truly stated that there was an examination, and at the time the examination was made, it was determined by the examining board to locate the piers at the mouth of the river. This was in 1843, I believe. That examining board went on and made examinations and located the piers; but it is not the first instance upon the lakes where the first report of an examining board was ascertained to be erroneous, and where the first location of harbor works turned out to be improper. With this little diagram which I have, it will be perceived what this location was. At the time it was made it was recognized and asserted by those experienced in navigation upon the lakes, to be improper. And why, in the name of common sense, the harbor should ever have been located there, nearly three fourths of a mile out of the city, requiring a vessel to come in and double this cape, which Senators will see by referring to the map which I have, and run directly in the teeth of the wind that brought her in—for it is an east or northeast or southwest wind that can bring her in, and only a southwest wind that can carry her up—why the officers should have located the harbor there, and required the vessels to run in the teeth of an east wind, or a northeast wind, in getting up the river, never could be defined by any person who had any experience by observation or practice at that point. It looks more rational at the first view that a sailor could have determined it better—that there [pointing to the diagram] was the entrance to the harbor. When you come to speak of the Cut, why there was as much of a cut at the time, almost at the mouth of the river, as was required here. Why, it is not one hundred feet from the river at that point to the lake shore; and the first time that I ever crossed the mouth of Milwaukie river in my life, I crossed it on my horse; and he did not get even the shoes upon his feet wet.

There are occasions when one storm upon that lake will entirely fill up the mouth of the river. There may be twelve feet of water inside, and yet a given storm will throw a bar across the mouth and make dry land there, and when the storm subsides and the seas go down, the waters of the river above break through the bar and form an opening for the influx of the water. This has been the case.

Mr. DAVIS. If the Senator wants the reasons for this recommendation of the bureau, I have them here and can give them to him.

Mr. WALKER. I have no objection to their being read, but that will do well enough when I get through. There is really no more mouth for the navigation of the river at the point called the natural mouth than there is at the North Cut. Any person who will go upon the ground will see that the river is very often stopped up at the mouth, and the piers being located there at such a time they are useless, for vessels cannot avail themselves of them. My friend from Illinois [Mr. SHIELDS] has asked me whether there has ever been a vessel of any importance in our harbor? I answer that there has not. None come up but lumber vessels and light vessels. No steamboats come in with the exception of mail boats. Heavily laden boats do not come in. Thus you are appropriating money without giving any benefit to commerce there. Heavy vessels cannot come in, and how is it? Why here upon the bald lake shore there are extended piers out into the river and there are warehouses upon them. Vessels go there and discharge and receive cargoes. There they receive passengers and there they land passengers. They do not go into the river at all, because they would not be secure there. No vessel would undertake to run into the mouth of the river and double the cape, and run the risk of getting upon the marsh to the left, so that the next vessel that should come along to take refuge would be driven alongside of it. That has been the result heretofore. More than one accident has happened in conse-

quence of vessels not being able to get in for purposes of refuge. As I remarked last night, when storms come up vessels, instead of trying to make the harbor for refuge, instead of running into the mouth of the river to get secure, get up steam and go off into the lake. The storm reaches them, and as with the Nile and the Boston, to which I referred last night, their pipes are blown away and they are destroyed. The Senators from Illinois know, and so do the Senators from Michigan—I believe one of those boats was owned in Detroit—that those two boats were destroyed on account of the unfortunate location of the harbor. It is utterly useless to appropriate money for this harbor unless it is expended upon a point where it will be of some use.

The late storm of which Senators have spoken as having done damage to other harbors upon the lakes, has done great damage to the harbor at Milwaukie. The city of Milwaukie has been at an expense of $400,000 in repairing these piers, but they have been broken away. The sand has gotten in between the bank and the piers, and they are of no use. One of the piers now stands almost diagonally across the mouth of the river. Instead of expending money to repair the harbor there, I would rather get the old piers out of the way; but if you wish to furnish a place of refuge to vessels to run in, you must apply the money at the point named in my amendment. I explained the whole matter last night. When a vessel enters from the lake, she cannot get up more than one third of a mile until she reaches Walker's Point, near which the Menomonee river comes in, and a vessel cannot turn round there; but if you will make the appropriation, and expend the money at the North Cut, there will be a direct passage from the lake to the city, and we shall have as fine a harbor as any on Lake Michigan. But, if this money is not expended in the way I propose, it might as well not be expended at all.

Mr. DODGE, of Wisconsin. Mr. President, I fully concur with the views presented by my colleague, as respects the harbor at the mouth of Milwaukie river. I have from the beginning opposed all amendments to this bill, but having been overruled by the Senate, I fully concur in this one. I was against making amendments to the bill, because I believed we should thus jeopardize its fate in the House of Representatives. Wisconsin gets but $53,000 in this bill, for a lake coast of upwards of four hundred miles. Milwaukie is one of the principal commercial points of our State. I was a Delegate in the House of Representatives when the original appropriation of $45,000 for its harbor was obtained. The location of the harbor was then made by the Topographical Bureau, for whom I have the highest respect; but it was located contrary to the wishes of the people of Milwaukie. The corporate authorities of that city have uniformly protested against the location of the harbor at the mouth of the river, and have as uniformly been in favor of what is called the Upper Cut, which has been fully explained by my colleague. I fully concur with him in the views which he has presented on the subject. I am sure he is perfectly correct. I know that the north or upper cut is much the most proper point for the harbor, and if this appropriation be expended there, it may do some good. Therefore, although I originally objected to all amendments, for fear of jeopardizing the bill, notwithstanding the fact that my State had but $53,000 given to her, yet, as a majority of the Senate have determined to make amendments to the bill, I hope this amendment will be adopted.

Mr. PRATT. I hope the chairman of the Committee on Commerce [Mr. DAVIS] will withdraw his objection to the amendment proposed by the Senators from the State of Wisconsin. They are the representatives of the locality. They know—or ought to know, and are at least responsible to their constituents for what they do, and we ought to give them the credit of knowing—better than we do, with regard to the proper expenditure of money for the benefit of their own immediate constituents. I hope the objection will be withdrawn. If their amendment is wrong, they, not we, will bear the blame of it.

Mr. DAVIS. I do not wish to debate the question. I shall have read the reasons for insisting on the original amendment which were sent to me from the Topographical Bureau. And now what I wish to say to the Senate is this: that if you remove this point and make a new opening, according to these statements, into the river from the lake, you will not get as much water. You will then have to dam the river, as it is stated in these reasons, because there is a marsh there half a mile wide.

Mr. WALKER. I desire to correct the statement of the honorable Senator. The engineers have not been on the ground for near ten years, and I am sure that at the south bank there is a good wharf. That shows what these engineers know about the subject. Not having been there for ten years, they do not know what the city of Milwaukie has done.

Mr. DAVIS. I desire that the statement of the Topographical Bureau may be read.

The Secretary was proceeding with the reading of it, but was interrupted by

Mr. CASS. If the Senator will only recollect, I entertained the same views that he does; but here are two Senators from the State, who ask the change which the amendment to the amendment proposes. That report was made nine years ago; and in the tremendous storms that have taken place in Michigan, great changes have occurred, of the effects of which that report says nothing.

Mr. DAVIS. If I should happen to be here next session, and these facts are disclosed, I want to clear my skirts of all blame.

Mr. WALKER. I will clear them if there is any difficulty.

The amendment was then concurred in.

The next amendment made as in Committee of the Whole was to insert after the word "Falls," before "$5,000," in the following clause—

"For a survey and examination of the Falls of the Ohio river, by a Board of Topographical and Civil Engineers to be appointed by the Secretary of War, to report upon the expediency of an additional canal around said Falls, $5,000"—

the following:

"And the comparative advantages and cost of enlarging and extending the present canal at said Falls."

Mr. MERIWETHER. I offer the following as a substitute for that amendment. Strike out all after the word "Falls," and insert:

And the comparative cost, and advantages, and disadvantages of making such an additional canal on the Kentucky and Indiana shores of the said river, respectively; and also the cost, advantages, and disadvantages of enlarging and extending the present canal so as to avoid the rocks at Sandy Island, retaining the present locks in their present condition, $5,000.

Mr. BRIGHT. If the honorable Senator from Kentucky insists on that amendment, I do not know that I shall oppose it, though I must at the same time express my regret that he has offered it. I prefer the bill without any provision, ordering another survey of the Falls of the Ohio, for two reasons: in the first place, there have been four different surveys made by order of the General Government, and two or three made by civil engineers. I think all the information that can be derived from any subsequent survey, is to be found in those already made. Another reason is, that I have in contemplation a bill for the purpose of locating a canal on the Indiana shore. I intended to offer it as an amendment to this bill, but for reasons which I will state before I sit down, I shall not offer it now.

I am apprehensive that the information sought by the amendment of my friend from Kentucky, will not be prepared and ready by the next session of Congress, and if it is not, that fact will be used as a reason why any proposition that I may offer for the improvement of the Falls should not be acted upon. If I felt quite sure that the survey could be made, the facts collected, and the report laid before Congress at its next session, I do not know that I would object; still, I regard any appropriation for additional surveys at the Falls of the Ohio, as a useless waste of time and money. I have in my hand a letter from Colonel Abert, Chief of the Topographical Bureau, in which he says that surveys have already been made at the Falls of the Ohio, under the order of that bureau. The first survey was made eight years since, by Captain T. J. Cram. Another was made in 1851, by Lieutenant J. H. Long. There have also been several surveys made by civil engineers, but I speak of one in particular, made by Captain Ball, who is second in point of capacity in his profession to no man of his age in this nation; and I think his report will compare favorably with any made by the different officers named. It is upon his report in part I rely, to show that the only practicable plan for providing means to overcome this great obstacle to the uninterrupted navigation of the Ohio river, is to be found in a canal on the Indiana shore, one hundred feet in width, with locks four hundred feet apart. It requires a canal of this capacity to answer the growing wants of commerce on this river. I apprehend that the effort of my friend from Kentucky, to enlarge the Louisville and Portland canal to a size sufficient to remove the evils now complained of, will prove an entire failure. It cannot be done. This is the opinion of two of the engineers whose names I have mentioned. In addition to the former letter from Colonel Abert, I have another from him on the same subject, in which he says:

"In my letter a few days since, about the Falls at Louisville, I omitted to state that additional surveys are being made that are not yet reported."

Now, if the Department are making estimates at this time, I see no necessity for the amendment offered by my friend from Kentucky to this bill. I desire to inquire of the chairman of the Committe on Commerce, whether the amendment now in the bill was inserted in consequence of an estimate by the Topographical Bureau?

Mr. DAVIS. It was put in at the suggestion of the Topographical Bureau.

Mr. BRIGHT. I suppose, then, the $5,000 is for the purpose of meeting the expenditure that will result from the present survey.

Mr. DAVIS. Yes, sir.

Mr. BRIGHT. Then I insist that I do not see any necessity for the amendment of my friend from Kentucky, though, I repeat, I do not wish to be understood as objecting, if he insists upon its adoption. If he is under the impression that the canal on the Kentucky shore can be enlarged in such a manner as to answer the wants of our western commerce on that river, I cannot complain at his insisting on the course he is pursuing. It is very natural that the citizens of Louisville, and those who represent her interests here, should have some feeling on this subject. It is, in my opinion, however, a mistaken view of this question, to say that Louisville is to be injured by the contemplated improvement on the Indiana shore. She has already taken her stand, high up among the flourishing great cities of the West, and she will go forward rapidly, canal or no canal. But whether this be true or not, private interests must yield to the public good. A canal of the capacity I have described is demanded by the highest public considerations. It deeply interests every State from the head-waters of the Allegany and Monongahela south to the Gulf; and I think when this question is brought fairly before the country, unembarrassed by other conflicting questions of legislation, that there can and will be no difficulty in procuring the necessary appropriation to insure the completion of the work.

Here is a point for which money may be taken from the National Treasury and expended with profit and advantage to the nation. It is not one, two, or three States that is interested and to be benefited by it, but the whole people, every interest, but particularly the great agricultural interest of the West. In point of importance it overrides every object for which money is appropriated in the bill now under consideration.

I stated, Mr. President, when this bill was taken up, that if the Senate decided to amend it, I should feel it to be my duty to offer as an amendment the substance of a bill which I had the honor, a few days since, of presenting to the Senate from the Committee on Roads and Canals. That bill was accompanied by a report, which, owing to the press of business consequent upon the closing days of a long-protracted session, has not been generally read, I presume. Therefore, I hesitate about the fulfillment of my promise, fearing that by pressing the amendment now I may prejudice a good case, because its merits are not fully known. I think, however, that I may say, with safety, that the facts and figures disclosed in that report go to demonstrate the necessity of another canal around the Falls of the Ohio, and that the estimates and surveys hitherto made, go to prove that a canal must be built on the Indiana shore, of the capacity

I have mentioned, if we would provide for the growing commerce of the West. This is the view taken by your committee, after a long, full, and impartial examination of the subject—this is the view we have urged in our report and feel bound to follow up on every proper occasion. But I am satisfied, that if I were to offer my bill as an amendment to this, at this late hour of the session, there are Senators who would vote against it now, that under other circumstances would vote for it. They would look upon my amendment as calculated to embarrass the bill, which I have no disposition to do. It was my wish to have voted for the bill, and I intended doing so, provided it could be brought within the limits I have laid down to guide my votes on all such questions, but it has not been done, and I now avow my determination to vote against it, which is another reason against offering my amendment at this time.

A few words in reference to the bill itself. I concur in much that was said by my friend from South Carolina, [Mr. DE SAUSSURE,] and by my friend from Virginia, [Mr. HUNTER.] They have taken a sound and a practical view of this question; and too late, I fear, we will be compelled to realize the truth of their reasoning and sound positions on the subject of rivers and harbors; and while approving their general view, I must dissent from the opinions expressed to-day by the honorable Senator from Tennessee, [Mr. JONES,] who, I think, has entirely mistaken the opinions and wishes of the great body of the western people. I feel quite sure that the constituency which I represent here do not desire me to give any vote appropriating money out of the National Treasury for the improvement of objects clearly local in their character. They believe, as I believe, that this is the duty of the States; and any other view must, in the end, bankrupt the General Government, and place her in the same condition that many of the States have been placed in by that same reckless spirit of legislation which is exhibited in this bill. We have added to this bill amendment after amendment, appropriating money to works that are clearly of a local character, and which come within no safe rule; at least within no rule which I have laid down to guide myself, nor do I believe they are recognized by any safe constitutional rule of construction. For these reasons, and many more that I cannot give for the want of time, I cannot give it my sanction.

I rose merely, Mr. President, for the purpose of stating that it was my purpose, at one time, to have offered an amendment to the bill having for its object the improvement of the Falls of the Ohio, believing it to be germane to the subject before us; but now being satisfied, on inquiry, that I would weaken the measure for the future, and that I would be thrown into a false position myself at the opening of the next session of Congress, in consequence of having required Senators to vote on my amendment without time and opportunity to examine into all the details of it, I think it more prudent and my duty to decline so doing, and will content myself by giving notice that, at the next session, I shall bring it forward upon its own merits, unembarrassed by other objects, and hope to secure the favorable action of the Senate upon it.

Mr. MERIWETHER. I regret very much to differ from my friend from Indiana; but if there has ever been a survey upon the plan which I propose of improving the Falls of the Ohio, except the one which was made under my own direction, I have yet to ascertain it. I have read Captain Cram's report, and Long's report, and all except the one by Mr. Ball, a resident of Indiana, of which the Senator has spoken. His I have never seen. But there is no report upon the plan I suggest. The question involved is, Will you examine well this work before you expend several millions of dollars there? If you make the improvement and canal, as suggested by the Senator from Indiana, a canal which will obviate the difficulty of the Falls, Major Long and Captain Cram both report that it will cost more than $3,000,000; because, unless you take the canal down to the city of New Albany, you will not avoid the Falls. There are plans reported by them, but none of them will succeed. Now, the Government of the United States has a canal there which cost $1,000,000, all the stock of which is owned by the Government, except about $200,000. The question is, Will you make a new work, or improve the one which is already almost exclusively owned by the Government? All I ask is, that as there is a survey going on there—by whose authority I do not know, nor is it material—to let them go on and survey according to the plan I have suggested, by way of extending the canal below the rocks which intervene between the contemplated mouth and the present mouth of the canal, which will in fact be equivalent to two canals. All I ask is, that the investigation may be gone into, and the survey made.

Mr. UNDERWOOD. I hold in my hand the reports of the Louisville and Portland Canal from its commencement down to the present time. I will not read the whole of them, for they would be too long. I will read, however, the results of its operations for a few years past. In 1848, there passed through it 1,520 steamboats, which paid a toll of $158,067. In 1851, 1,456 steamboats passed through it, and the toll collected was $167,066. I read this to show that from the canal tolls are collected from the western commerce, year after year, exceeding $150,000 annually. The Kentucky Legislature, some years ago, passed an act, to which Congress have assented, by which the tolls upon the canal were directed to be annually used in purchasing in the stock. All the profits arising from the canal have been used in that way, until all the shares have been retired, except 1,340, which are outstanding. This year about $150,000 more will be appropriated to retire a portion of the 1,340 shares, leaving only some six or seven hundred at the commencement of the next year. That canal has already paid to the stockholders and the Government more money, in dividends, than they actually contributed in the origin, and it has purchased in the stock which I have mentioned.

A SENATOR. What do you pay for the stock?

Mr. UNDERWOOD. We pay about $220 or $230 a share to retire it. I say the canal has paid back a dividend of more money than was originally paid for the stock. Now, as the Government own the whole concern, except the little individual stock remaining behind, you will of necessity be speedily called upon to act to know what you will do with your own property. The State of Kentucky has schemes in reference to this canal. We want to enlarge it and make it answer the great purposes of commerce for the whole valley; and my friend from Indiana has schemes upon the opposite bank. I confess we are, to this extent, rivals. Indiana wants a large canal there, and we think it would be best to have but one set of officers and one canal, that it would be more economical than to have two canals, and a double set of officers. Then we think the God of nature has given us about half the distance to make the canal, and that it can be done on our side a great deal cheaper. All, then, that my colleague asks is, will you, in reference to coming events—for shadows show what is coming—get the necessary information to enable you to contrast the two? My colleague says truly, that the contrast has never yet been made. We want the contrast. Let the engineers say for how much the canal can be made on the Indiana side. How much on the Kentucky side. How much on both sides. How much can you enlarge the old canal for, with a branch giving new locks and retaining the old locks,—the new locks for a larger size of boats, and the old locks for others. What objection can there be to getting that information? That is all we ask. Give us that information, and when it all comes before us and is known to Congress, and my friend from Indiana brings up his bill next winter, and I bring up mine—for I have one upon the table upon this subject—Congress will be enabled to decide between us, what scheme is right. That is all we ask.

Mr. BRIGHT. I know that the Senate are impatient to vote, but as a general rule I talk less than a majority of the members of the Senate; and, therefore, I feel that I am not trespassing in claiming a little time now. I stated in my previous remarks, that I should not oppose the amendment of the Senator from Kentucky, if he insisted upon it, though I thought nothing practical could be derived from the further survey, for which it provides. The data which the amendment is designed to call out, have been collected and reported upon time and again, as the records of the Departments will show; but this is a matter of very little consequence. The Senator from Kentucky is mistaken in his estimate, as to the cost of a canal on the Indiana shore, or the different engineers who have examined and reported upon the matter, are. Allow me to say, that a canal is not proposed on the Indiana shore entirely. It will be located mainly in the river. I will not enter upon details, however, now. All this shall be explained at the proper time. Captain Cram, in his estimate as to the cost of a canal at the point I have named, says it could be constructed for from $1,200,000 to $1,500,000. Captain Ball estimates that it could be built for much less, as will appear by reference to his report. But I must not enter upon an examination of figures now.

Mr. MERIWETHER. I see that that report takes you below the eddy.

Mr. BRIGHT. It is to take you below the big eddy, as I understand. Now, the importance of the work to which I have called the attention of the Senate, is admitted by every gentleman who is at all conversant with the facts as they exist. The Senator from Kentucky says that the present canal cost $1,200,000.

Mr. UNDERWOOD. I gave no cost.

Mr. BRIGHT. The Louisville and Portland canal cost about $1,000,000. This amount has long since been refunded to the United States. The private stockholders have also been reimbursed, and the canal has divided over $1,100,000. Where did that money come from? Mainly out of the pockets of the men who till the soil, who live by the sweat of their brow,—a tax levied from the corn, wheat, bacon, tobacco, coal, lumber, salt, &c. This state of things has existed quite long enough; a change is demanded, and a change ought to be made. This burden has been borne in silence for years. No complaint was put forth until private stockholders and the public Treasury has had all returned to them, with interest.

Mr. UNDERWOOD. They have collected $2,366,404 69.

Mr. BRIGHT. More than they shall ever collect again, if my humble efforts can prevent it. They have divided over $1,100,000 profits, and still their tariff remains as it was, collecting annually a fraction under $200,000. Their last report states their receipts last year at $167,000. The question, then, is, whether the United States desire to continue this tax upon the labor of our western citizens. There is a principle involved in this case demanding examination. Whether the Louisville and Portland canal be enlarged, or whether a new one be built on the Indiana shore, is a matter of no consequence to the community generally, further than the question arises, of, which is the proper plan, in order to promote the public interests, and give that outlet to commerce and travel that is demanded by every sound consideration of public policy? Without the least personal or local feeling on this subject, I have no hesitancy in saying, that to undertake to enlarge the present canal would be the height of folly. It never can be made adequate to the advancing wants of the great Ohio and Mississippi valley. We must have a new canal, commenced and finished with all the advantages derived from advancing science and the improvements of the age in which we live. Nature intended that this improvement should run down the Indiana shore; and if I had time, or rather if I dare ask the Senate to indulge me, I should like to read the opinions of some eminently practical men, showing the immense advantages in favor of this over any other location. Have Senators ever considered the water power that would be created by the building of this canal? The Government is now in pursuit of a suitable point at which to establish an armory. This is the very place. Here, with the aid of a canal, you would have water power sufficient to drive the machinery of all New England. We need a great naval depôt in the West. This is the place for it. Coal and ore, in the greatest abundance, can be had, with the aid of the river, at almost all seasons of the year; in short, there is no reason why this point—the Falls of the Ohio—should not be to the United States, as regards a national arsenal, armory, and foundry, and I might add naval depôt, what Lowell is to the manufacturing interests of New England. I should be glad to go into this

matter fully, and feel entirely prepared to do so, but as most that I might say now would be forgotten before the Senate would be called upon to act on this important question, I shall reserve what I have to say for a future occasion, when I hope to have the active aid of even my friends from Kentucky, who now show evident signs of hostility.

The amendment to the amendment was agreed to, and the amendment as amended was concurred in.

The next amendment, made as in Committee of the Whole, was to insert the following in the bill:

"For the improvement of the harbor and breakwater at Waukegan, Illinois, $15,000."

Mr. DAVIS. I desire the yeas and nays upon that amendment. This is an old acquaintance here. It was formerly reported in the form of a bill, or, I believe, in two bills. The proposition then was to excavate a harbor on the shore of the lake, there being no natural harbor there. I thought that was so extraordinary a proposition that I could not give it my support. The proposition now is changed. Where there is no natural harbor at all, it is proposed to build a breakwater running parallel to the shore of the lake. The little stream which is there, affords no harbor at all. They have in some places ten or twelve feet of water, and in some places nine feet. I have no confidence in that mode of making internal improvement, of creating a harbor. The amendment is to create, not to improve a harbor, and as I have no confidence in it, I wish to give my vote against it.

The yeas and nays were ordered.

Mr. SHIELDS. I will not occupy the attention of the Senate long. This is one of those cases which may stand by the side of Milwaukie in this respect. If the Senator were as well acquainted with the circumstances of it as the Senators from Illinois are, I am satisfied he would take a different course. If we who represent Illinois were to select one point in need of improvement in preference to another on that coast, this would be the point. The coast upon which this harbor of refuge is placed is the most exposed and dangerous coast on the lake. My honorable friend from Wisconsin [Mr. WALKER] will bear me witness in this. It is the last harbor of refuge on the lake until you reach Chicago.

The facts are as the honorable Senator represents them, or they were as he represents them, long ago, and it shows the necessity of being informed in relation to the facts now. I hold in my hand an able report of the Topographical Bureau. The former reports that were made were not satisfactory. The bureau finally employed Colonel Trumbull, the best engineer in the service, to go out and examine this place. He reports that it is one of the most dangerous positions on the lake, and that it needs a harbor more than any other point on that portion of the lake. I have his recommendation in my hand. It will take $45,000 to complete the whole work; but for $15,000 it can be placed in such a condition that piers can be erected so as to make it in some sort a safe harbor. I can appeal to my friend from Wisconsin—for this place is nearer to his residence than it is to mine, and he has been there oftener than I have—for the truth of this statement. He knows it, and we know it. The bureau, I know, would not have stated these facts if they had not so understood them. I would rather take the appropriation from Chicago and place it here.

Mr. WALKER. Having been appealed to, I can add to what the honorable Senator says, that this point is upon the western shore of Lake Michigan. Vessels heretofore on the coast of Michigan have been shut out of Milwaukie. They cannot get in there for the reason which I have stated before. They tried at Southport, and failed there. This is the last point at which any man would take refuge, unless between the dangerous piers at Chicago, before going upon the southern extremity of Lake Michigan. Whenever vessels pass Chicago, there is no effort made in case of a storm to save the vessel, but the efforts are all to save life simply. They are sure that they must go. I can bear testimony to that. Upon one occasion I would have given just very nearly what I would have purchased my life for to have had some protection, and so would every soul on the vessel. Women were praying, stout-hearted men were praying; and in running into Chicago, the vessel upon which we were tore away her wheelhouse, so narrow was the entrance. I think the appropriation should be made.

Mr. CASS. The Senate as in Committee of the Whole agreed to this amendment. The question is whether we shall concur in it. I say to the Senate that I was mistaken in what I stated while in Committee of the Whole. Waukegan is much further from Chicago than I supposed.

Mr. DAVIS. It is stated in the report that Waukegan is not sixty miles from Chicago, but somewhere between thirty and forty.

Mr. CASS. It is a long distance. Under other circumstances I should vote against the appropriation. It is already put in; but I now vote most readily for it, because I find it was in the bill of 1846, which passed both Houses of Congress. I find in that bill the following:

"For the improvement of Little Forth harbor, $12,000."

Under all the circumstances, therefore, I shall vote for the amendment.

The question being taken by yeas and nays, resulted—yeas 31, nays 6; as follows:

YEAS—Messrs. Atchison, Borland, Bright, Cass, Chase, Clarke, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foot, Geyer, Houston, James, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Meriwether, Rusk, Seward, Shields, Smith, Soulé, Spruance, Sumner, Toucey, Underwood, Wade, and Walker—31.

NAYS—Messrs. Bayard, Bell, Brooke, Davis, Dawson, and Pratt—6.

So the amendment was concurred in.

Mr. RUSK. I move to amend the bill by inserting the following:

For a survey of the harbors of Sabine, Galveston, Paso Cavallo, Velasco, Brazos de Santiago, and Corpus Christi, and the rivers Sabine, Brazos, and Trinity, Texas, $5,000.

The amendment was agreed to.

Mr. DODGE, of Iowa. I move to amend the bill in the clause—

"For the improvement of the Des Moines Rapids, in the Mississippi river, at the lower chain and the English chain, $50,000"—

by inserting before the words "Des Moines" the words "Rock River Rapids," and striking out "$50,000" and inserting "$100,000," so as to make it read:

"For the improvement of Rock River Rapids and Des Moines Rapids, in the Mississippi river, at the lower chain and English chain, $100,000."

I will state that the bill now appropriates $50,000 for the lower rapids; my amendment proposes to appropriate $50,000 more for the upper rapids. The appropriation in the bill is for the Des Moines Rapids. I will not detain the Senate with an argument upon the subject. I entered upon its consideration last evening, and will not repeat it. I trust the amendment will be adopted. Certainly it is an important one.

The amendment was agreed to.

Mr. BRADBURY. I move to insert at the end of the bill, the following:

For improving the Kennebec river, from the United States arsenal to Lovejoy's, $6,000.

I desire only to say that this is the amendment, with a different sum, which I proposed last night, as in Committee of the Whole. There have been surveys and estimates made. The citizens of the place have already expended $10,000 upon the work. This will enable them to complete it.

Mr. HAMLIN. I believe I express the opinion of the Committee on Commerce, when I say, that if it had been submitted to them, they would have reported favorably upon the amendment.

The amendment was agreed to.

Mr. UNDERWOOD. I have offered no amendment to the bill. I was disposed to offer none, until I saw various amendments adopted less meritorious than the one which I rise to offer now, which is to insert:

For continuing the improvement of the Cumberland river, in Kentucky and Tennessee, $20,000.

In the act of 1836, that sum was appropriated for this river, and the amendment is copied precisely word for word from that act. In the act of 1838, a like appropriation of $20,000 for continuing the improvement of the Cumberland river was made. These are the two latest acts upon the subject. The surveys, explorations, and estimates have been made, and why this river should not be improved as well as other rivers, upon the same principle, I cannot conceive.

Mr. SEWARD. Before the question is taken, I desire to submit to the Senate a view of what we have done, as justifying the vote I gave on the last amendment, and the vote I shall give on this. We have in the Senate amended the bill by adding some $530,000 to it. Of that sum, the amendments for the benefit and improvement of the rivers in the West, including the Mississippi and its tributaries, take about $350,000, while the lakes take $55,000, and distributed among the Atlantic States, from Maine to Florida, is the balance, that is, about $100,000. Of that, Massachusetts gets $4,500, Virginia $3,000, New Jersey $12,000, Mississippi $5,000, Rhode Island $1,500, South Carolina $3,000, Maine $22,000, North Carolina $20,000, Delaware $15,000, Connecticut $10,000, Florida $33,000, California $30,000, Georgia $10,000, and New York $8,000. I submit that we shall load this bill down, if we do not stop where we are in regard to the western rivers. The appropriations already made by the Senate to those rivers amount to $350,000 out of the $530,000.

Mr. UNDERWOOD. I am very sorry that my friend's economy has just overtaken him, when I have offered the only amendment which I have submitted to the bill. You have just, upon the motion of the Senator from Iowa, agreed to an amendment appropriating $50,000 for a single obstruction in the Mississippi river. Here is a river, as you have been informed time and again, which is navigable for steamboats from seven hundred to eight hundred miles. Nashville is a port of entry. The river passes through the State of Tennessee, and runs almost up to the mountains in the State of Kentucky. It is a river that has been embraced in your surveys, and system of river improvements in the West, from the very foundation, as I have presented you laws to show. It has shoals which are a greater obstruction than those in the Mississippi. There are shoals which interrupt the great trade in iron ore which even supplies Pittsburg from the Tennessee foundries. And allow me to say that from Nashville next year you will have a railroad to Chattanooga, connecting with all the South, and then, by the river improvement connecting Nashville with the navigable stream of the Mississippi, Indiana, Illinois, and Missouri, it will make a thorough communication to Charleston, South Carolina, through this medium; and yet this stream has been overlooked. It was through the modesty of my friend from Tennessee, [Mr. BELL,] when he proposed an amendment for the Tennessee river, that he did not include the Cumberland. I know that the Kentucky delegation in the other House made this as one reason why they would not vote for the bill—particularly the gentleman who represents the district on the upper branches of the Cumberland. I make this statement to show that there is a propriety in not excluding this river from the bill.

Mr. BELL. I did not expect to open my mouth again upon this subject, not that I might not have had occasion this morning to do so, in reply to the honorable Senator from South Carolina——

Mr. SEWARD. Will the honorable Senator permit me to correct a statement which I made? I stated that there was an appropriation for New York in the amendments of the Senate. That was included in the sum for the lakes.

Mr. BELL. I think there are $50,000 appropriated in the bill for the Hudson river.

Mr. SEWARD. I spoke of the Senate amendments.

Mr. BELL. I think it would have been fair for the Senator to have stated the appropriations made in the bill, as it came from the House, for New York, when he undertook to compare the appropriations for the different sections. I believe there is an appropriation for the improvement of Hellgate, besides the appropriations on the lakes.

Mr. SEWARD. That is in the original bill.

Mr. BELL. I know, Mr. President, that the Senate is not disposed to hear any further debate upon this subject; but some explanation is due to myself, in regard to the amendment offerd by my friend from Kentucky. Tennessee is more interested in it than Kentucky, although the river runs through a very valuable portion of the latter

State. I believe it was at my solicitation that the honorable Senator did not make this proposition earlier. It was withheld because we did not desire to load the bill with amendments. The history of these increased appropriations is a little singular.

I believe I was the first that attacked what appeared to be a very unequal distribution of these improvements in the West, Northwest, and South. But I excused it, in part, on the ground that it seemed to be the object of the friends of the bill to proceed in the execution of old works that had heretofore been recognized and for which appropriations had been made. I was not disposed to censure very severely the principle on which the bill was sent from the House; I mean as to its limitations. The Cumberland river runs by my door. The place in which I live is a port of entry. The river is navigable for six or seven hundred miles, five or six months in the year, for steamboats. But I stated, notwithstanding the great interest which the country felt in the improvement of this river, under the circumstances in which the bill was presented in this body, the lateness of the session, the embarrassments attending the bill, and the opposition which it was likely to meet with, I would not propose an amendment for it, although it was an old work which had been commenced long since, and full surveys made, which were on file in the Bureau of Topographical Engineers. I only asked that you would give an appropriation to improve the Tennessee river, above the Muscle Shoals, an estimate for the completion of which was made at $138,000; for which, if that were appropriated, it is not likely you would be asked to make any further appropriation.

I stated, further, upon that question, that it was the more important, because it was necessary to construct the terminus of the Georgia and Nashville Railroad, about to be completed, at the Tennessee river. What was the consequence? It was objected to at once. Your whole estimate, it was said to me by Senators, is $138,000, and we make no appropriations to finish works. We have scaled all the appropriations, in order that the bill may be a moderate and reasonable one, and may not be complained of on account of its magnitude, and we have designed to give no one work an advantage over another; we do not propose to finish any of these harbors or improvements of rivers. Upon that representation I agreed, voluntarily, to reduce the appropriation for removing these great obstructions, to $50,000, a little more than one third of what would be necessary to complete the whole, which it was very important should be completed in the shortest time. I yielded to the force of the objection; but I had no sooner done it, than the honorable Senator from Illinois said, "Here is the Illinois river, navigable for two hundred and fifty miles; and if you get yours in, we want ours also." They did not ask for so much as I did. They asked for only $30,000, and it was given to them. You are not content to have appropriated $50,000 to improve the Upper Mississippi—which is not a part of the $350,000 spoken of by the Senator from New York. Upon the principle on which the bill was introduced, it was not proposed to finish the entire improvement of the Upper Mississippi; but you have just said we will vote to finish both the rapids in the Upper Mississippi; we will improve the rapids not only at the Des Moines river, but the Rock River Rapids, and for that you have appropriated $100,000. Now, sir, if you proceed on any principles of equality and justice, you ought to restore the appropriation for the Tennessee river to $138,000, or, at least, to $100,000. As I said before, I forebore to press the appropriation proposed in the amendment of the Senator from Kentucky, although I will have to answer for it at home, as the representative of that great interest on the Cumberland river. I can only answer for it by making such remarks as these, stating the difficulty which there was in getting the appropriation for the Tennessee river; that I was glad to see all these works of a national character carried on; and that I did not want to make the bill obnoxious to the House of Representatives by loading it down. Therefore, I would have to say to my constituents on the Cumberland river, that I agreed to make a temporary sacrifice of the interests of this river, hoping that we would receive an appropriation hereafter.

Mr. UNDERWOOD. I wish my friend from Tennessee would state whether what I am about to say, is not the fact. The appropriations heretofore made upon the Cumberland river have been expended below Nashville. If I am correctly informed, none of them have been expended above it. Now, I am anxious to have that part of the Cumberland above Nashville, in which Nashville and Tennessee, but my constituents particularly up towards the mountains, are interested, improved. There is as much of that stream navigable above Nashville as below. We have received no benefit, comparatively, from this appropriation heretofore; and, therefore, I thought the amendment properly came from me, particularly as my friend from Tennessee had made the suggestion which he mentioned, preferring, because he lived on the Cumberland, to ask an appropriation for the Tennessee river.

While up I wish to correct a misapprehension of some gentlemen. The Chattanooga railroad, which leads both to Charleston and Savannah, intercepts the Tennessee river above the Muscle Shoals. There is now no connection between that and the river navigation, in consequence of the intervention of the Muscle Shoals, except by the Cumberland river at Nashville.

Mr. BELL. All that is very true. I would not have intruded these remarks upon the Senate, but that I shall be held accountable for my course. I have acted thus upon general conservative grounds in regard to this bill; but I have observed that the same spirit has not pervaded other gentlemen. I agreed to exclude the Cumberland river altogether, although it is two or three times as large as the Illinois. I do not know whether it is quite so important in a national point of view, but I believe it is as important, unless you make a ship canal or ship communication on the Illinois, and widen the channel. I say I feel myself called upon, in vindicatian of my course in regard to this river, to state the principles upon which I had forborne to offer any amendment for it.

I have no time to go into the consideration, or allude to the general views which I have upon the subject of river improvements; but I will say, that I heard the Senator from Indiana [Mr. BRIGHT] make the announcement, which he did a moment ago, with surprise. I thought he was one of the fast friends of this bill. But he said he would not vote for it on the ground that it was a State, and not a national improvement.

While I am up, I feel called upon to say a few words to my friend from Michigan, [Mr. CASS.] He promised to make some remarks one day last week in reply to an interrogatory of mine, as to what he meant by "certain national objects." He was ready to support what he considered came within the principle laid down by General Jackson. I do not want to provoke any controversy now——

Mr. CASS. I will not make a speech. I thought I had explained myself.

Mr. BELL. The Senator may have explained, but if he did I misunderstood him. "Certain general objects of a national character," that was the language of my friend in defining his position the other day. I was curious to know what was the description of the "certain objects of a national character." I have no party views on this subject. I do not care whether this belongs to the Whig or Democratic policy, or to both. It is too great a subject, if it is valuable, to be lost on account of any technical or party interest connected with it. But I understood the Senator to say that the duty of improving the navigation of rivers and harbors by the General Government, did not depend upon the extent of those rivers and harbors, or whether they were confined to one State alone or to more. He could see no distinction; so that the appropriations to the Appomattox and James rivers, although they were wholly in the State of Virginia, and very small at that, and were only made navigable at immense cost by artificial works, were as national as others. If that is a certain national object, I want distinctly to understand whether those rivers within one State come within the definition?

Mr. CASS. I will not make a speech. If the Senator from Tennessee will permit me, I will repeat, in the language of General Jackson, that the improvement should be for a national purpose; that it makes no difference whether it is in one State, two States, or twenty States. I shall not go into a metaphysical inquiry as to what are national objects, any more than I would as to where the navigation of a river begins or ends. That, every gentleman can determine for himself.

Mr. BELL. Now, I want to know how much more I am enlightened than I was before? [Laughter.]

Mr. CASS. I refer the Senator to General Jackson's message.

Mr. BELL. I am anxious to have this policy stand. I do not want to see it defeated by this difference of opinion among its friends; and I must consider the Senator from Michigan as a friend of the bill. But I am sorry to see his left hand man in the Senate, [Mr. BRIGHT occupies the seat to the left of Mr. CASS,] whom I looked upon as a friend of the bill, disavowing all appropriations to improvements exclusively within one State.

Mr. CASS. He did not take that ground.

Mr. BELL. He said that he was opposed to the improvement by the General Government of an object wholly within the jurisdiction of a single State. If we do not come to a better understanding of the principles upon which we support this bill, we shall never get along with it. It is a State measure, says the Senator, therefore I cannot vote for the bill. I want to ask the Senator from Michigan, in place of the Senator from Indiana, whether there is not an interest in the whole Union, in the navigation of every river, in some sense? Whether the general interest of the country may not extend to the navigation of a river that is within the jurisdiction of one State only? Where does he draw the line? He says there is no distinction between rivers running through two or three States, and rivers running wholly in one State. Is there any distinction, when you come to consider, between a river in one State, and one in several, provided all are benefited by it? The South are not benefited by the commerce of the lakes directly, but we have a common interest in the prosperity of the whole Union. So, no part of the West can be said to have a direct interest in the Appomattox and Rappahannock rivers in Virginia; but then we have a general interest in the prosperity, the trade, and commerce of Virginia. We all bear the common burdens of the Union, with respect to the Navy, the Army, and the public defenses. All are interested in the common defense. But, nevertheless, my idea, as I said to the Senator the other day, notwithstanding all that may be true, is, that we must have some limitation upon this system. I stated the fact that, by an estimate of the Topographical Bureau, the navigable tributary waters to the Mississippi alone, embraced sixteen thousand miles. They are all national in some sense. But my object and reason for calling attention to this is, to say that there must be some limitation found somewhere, not in the principle stated by the Senator. I beg leave now to explain to him that he misunderstood me. I must believe he did not mean to misrepresent me, when he said I had contended that the power of the Government depended upon the question, whether the river run through two or three States. I did not contend for any such thing. I spoke of its having been considered and discussed long since, but never settled. I expressed my great surprise that the Senator had never heard discussed the propriety of confining improvements to rivers running through two or more States, and not exclusively within one State, or within the jurisdiction and competency of one State to improve. I was speaking of some limitation, upon the principle of expediency, so as to prevent the policy taking such a wide and illimitable range, that it would at once manifest itself to the country as an impracticable scheme. I might have carried the idea further, and have said that States, by and by, upon that principle, would be coming forward and claiming remuneration for improvements which they had made on their own rivers; that they might say, here is a navigable river which we have improved; you are improving rivers in other States, you should then refund to us for what we have done. The State of Kentucky, for instance, might call upon us to refund to her for improvements in the navigation of Green river, and the Kentucky river, on that principle.

But I must say, in conclusion, that I do not yet understand what the Senator means by certain national objects as distinguished from State rivers or objects. I do not say this for the purpose of perplexing the honorable Senator, but I think as a friend of this policy, he owes it to himself and to the country to come forward and lay down some practical limitation or rule for determining that point, for unless its friends have an understanding of it, the policy cannot stand.

Mr. UNDERWOOD asked for the yeas and nays on his amendment; and they were ordered; and being taken, resulted—yeas 13, nays 27; as follows:

YEAS—Messrs. Adams, Bell, Brodhead, Charlton, Dawson, Foot, Houston, Jones of Tennessee, Mallory, Meriwether, Morton, Underwood, and Wade—13.

NAYS—Messrs. Atchison, Borland, Bradbury, Bright, Cass, Chase, Clarke, Cooper, Dodge of Iowa, Douglas, Felch, Fish, Hale, Hamlin, Hunter, Jones of Iowa, Miller, Pearce, Pratt, Rusk, Seward, Smith, Soulé, Spruance, Sumner, Toucey, and Weller—27.

So the amendment was rejected.

Mr. ADAMS. I move to amend the bill by inserting the following:

For the survey of the Tombigbee river, $5,000.

The amendment was rejected.

Mr. FELCH. I move to insert the following in the bill:

For the improvement of the harbor at the mouth of the Kalamazoo river, in the State of Michigan, $10,000.

I will only say that that is one of the works for which an estimate was made long ago. It was commenced some years since. It is an important work upon the west side of Lake Michigan, and it is a long distance from other works provided for the safety of navigation.

The amendment was rejected.

Mr. MORTON. Prompted by the suggestion of my friend from Georgia, in proposing his amendment for the survey of rivers in Georgia, and as none has yet been given to the State of Florida in the way of surveys, I beg leave to submit the following amendment:

For the survey of the Kremlin, Appalachicola, and Chipaln rivers, Florida, $9,000.

I will remark that a small appropriation was once made for the survey of the Kremlin river, or, rather, for its improvement, while Florida was a Territory. It was inadequate, and the improvement was not completed. The delegation from Florida were instructed, some years since, by the Legislature, to ask an appropriation for the improvement of the Appalachicola and Pensacola rivers.

The amendment was rejected.

Mr. GWIN. I move to amend the bill by inserting the following:

For the survey of the San Joaquin river, and the route of a canal from said river to Tulare lake, in the State of California, $5,000.

The amendment was agreed to.

Mr. CHASE subsequently said: I should like to hear the amendment, that was adopted on the motion of the Senator from California, read again. It strikes me that it provides for a canal in California.

Mr. ATCHISON. I move to reconsider the vote by which that amendment was agreed to.

The motion to reconsider was agreed to.

Mr. GWIN. This amendment proposes to survey the San Joaquin river and ascertain the utility and practicability of connecting the waters of the Tulare lake with the San Joaquin river. The latter has its source in the Sierra Nevada, crossing the great valley bearing its name, in a southwesterly direction, until it nears the low hills, at the foot of the "Coast Range" mountains; it then changes its direction to northwest, and discharges itself into the Bay of San Francisco. About four hundred miles from its mouth is the northwestern terminus of the great Tulare lake, extending from that point in a southeastern direction, from sixty to eighty miles, with a breadth of from twenty to forty miles, and very deep. This great "inland sea" has no outlets, save in times of very great freshets, and yet it is constantly receiving great volumes of water discharged through the channels of King's river, Cahwia, Tule, and Kearne rivers, besides numerous creeks and small streams. The last-mentioned rivers have their source in the Sierra Nevada, and are fed by the meltings of the eternal snows with which those mountains are covered; in fact, this lake is the great reservoir of all the waters drained from the great Tulare valley, and the western slope of the Sierra Nevada, and the eastern slope of the Coast Range mountains, that encircle the valley.

The distance from the lake to the San Joaquin river does not exceed twenty-five or thirty miles, and the intermediate country is a low, level sand plain; and a canal, or communication connecting the lake and river, could be made at a comparatively small cost. The benefits and advantages resulting from the connection to the country would be incalculable. The additional amount of water thus thrown into the San Joaquin river would render the navigation of that river at all seasons of the year safe and certain for the distance of four hundred miles, thence through the canal to the lake, and across that, an additional distance of one hundred miles; making, in all, certain navigation for the transportation of passengers and produce, in good sized steamers, of at least five hundred miles, where there is now but an uncertain navigation of one hundred or one hundred and fifty miles. This line of steam navigation would extend almost through the entire San Joaquin and Tulare valleys. In each of these, the low hills at the base of the Sierra Nevada are known to contain rich gold mines, and also one of the largest and richest tracts of agricultural land in the State, a portion of which, known as the "Four Creek" country, bordering on the Tulare lake, and extending back to the "*foot hills*" of the Sierra Nevada, cannot be surpassed in beauty and fertility. All the supplies for this large mineral and agricultural district have now to be received at Stockton, and transported by wagons and pack mules hundreds of miles overland to their destination. Open this line of communication, and you land persons and supplies within a few miles of any given point within either valley.

As it is clearly the policy of the General Government to establish military posts on the frontiers of California, for the protection of the lives and property of its citizens against any sudden outbreak or attack of the Indians, it would be of the very first importance to the United States to open this line of communication, by which supplies could be readily transported to the different posts without the delay and great expense now attending the transportation from Stockton, the nearest point from whence supplies can be had.

The amendment was rejected.

Mr. WELLER. I desire to offer an amendment:

For the survey of Sacramento and Feather rivers, $5,000.

The amendment was rejected.

Mr. GWIN. In order that I may be put entirely right, I offer the same amendment which has been rejected, leaving out the canal portion of it. I move to insert:

For survey of the San Joaquin and Sacramento rivers, $5,000.

The amendment was rejected.

The PRESIDENT. If no further amendment be offered, the question will be, Shall the amendments be engrossed, and the bill read a third time?

Mr. GWIN. Mr. President, I shall detain the Senate but for a few moments, in explanation of the vote I shall give on this bill. I shall vote against it. It is partial in its provisions, and, in many respects, local in its character. As it passed the House of Representatives, and was originally reported by the Committee on Commerce, not a dollar was appropriated for improvements on our Pacific coast. It is true, that yesterday, when my colleague and myself were absent, an item was voted in the bill to turn the San Diego river into False Bay, by its original channel, and thus preserve from further injury San Diego Bay. But it must be borne in mind, that a bill to accomplish this object, was reported from the Committee on Naval Affairs, at an early period of the session, and passed the Senate months ago without opposition. It is proper I should state that I called the attention of members of the Committee on Commerce, which reported this bill, to this fact, and showed them the bill as it passed the Senate, and the report upon which it was based, and one of the members of the committee, the honorable Senator from New York, [Mr. SEWARD,] proposed to the committee to provide for this important work in this bill. Upon his motion, under instructions from the committee, the bill was thus amended during the temporary absence of my colleague and myself from the Chamber yesterday evening. Yet this is but one of many improvements of a national character that are needed on the Pacific coast.

But I will not detain the Senate, at the close of this laborious day's session, with my objections to this bill in detail. No one can deny that many of the appropriations contained in it are local in their character and operation. Some of these I may have voted for when offered as amendments to the House bill, in order to equalize it, and if any benefits are to result from it, to diffuse them as generally through the country as possible. But no measure of this kind can ever receive my sanction, unless it is general and national in its character. I will not repeat the able arguments which have been delivered in this prolonged debate by those with whom I act and agree in sentiment. With the exception I have named, there is nothing in the bill to commend it to the support of a Senator from California. The Pacific coast has been entirely overlooked in forming the bill, and it may be considered an accident that the provision for turning the San Diego river is in it. From the summary manner in which the amendments proposed by my colleague and myself were disposed of, merely asking for surveys of our two great rivers, we have a foretaste of what we are to expect for our State if this system becomes the permanent policy of the Government. With but four votes in the two Houses of Congress, and the same number in the Electoral College, the national character of the improvements we require will never receive a favorable consideration.

Mr. WELLER. I desire to say a word or two before the question is taken. I know that Senators are exceedingly anxious to vote, and I shall not detain them long. I merely rise for the purpose of stating my position in as few words as possible. I have never been very friendly to this system of internal improvements by the Federal Government, even as advocated by a considerable portion of my political friends. There are Senators on this floor much more latitudinous in their construction of the Federal Constitution than I am. When I was a Representative in the other branch of Congress, I felt myself bound by convictions of duty to vote uniformly against appropriations to improvements which may be regarded as local in their character. I have seen nothing to induce me to change the opinion which I then entertained; but on the contrary, the experience of the past few years has demonstrated satisfactorily to my mind that in order to preserve the peace and quiet of this Union, aside from constitutional obligations, it is of the last importance that this question of internal improvement should be taken out of the arena of Federal politics. If I had been here, therefore, on yesterday, I should have voted for the proposition introduced by my friend from Illinois, [Mr. DOUGLAS,] for I hold that man a public benefactor who takes out of the arena of Federal politics any one of those questions which are calculated in their nature to divide and distract the people. He who can diminish the number of questions upon which the States are divided, is entitled to the thanks of every well-wisher of the Republic. A policy which prevents as much as possible the States from being brought in collision with each other commands my support.

Sir, this question above all others, in my judgment, is calculated to disturb the peace and harmony of the States. Just so long as the General Government exercises the power of carrying on a system of internal improvements in the States by appropriations from the Federal Treasury, just so long must there be a struggle between the States as to the amount of money which they shall receive. You make the States the mere stipendiaries of the Federal Government. We have seen, during the progress of this bill through the Senate, one Senator reproaching another for having obtained for his State more than its proper proportion of Federal plunder! Such a contest is the necessary result of the system. The smaller States may contribute more than their share to the Federal Treasury, but the larger ones will take care to use their numbers in the other branch of Congress to appropriate it within their own limits.

In other words, you may find California exceedingly useful in replenishing your Treasury by contributing more than $3,000,000 per year, but when the "*grabbing*" comes for internal improvements, the great States of New York, Pennsylvania, and Ohio, will take care to demand the lion's share. In this way the people of the small States, through their commerce, may be taxed, and thus compelled to carry on a system of internal improvements within the limits of the larger ones. This, in my opinion, is calculated to engender bad feeling, and so lessen the affection which ought to exist amongst the several members of this Confederacy. It would, perhaps, be impossible to adopt any system which would not operate unjustly upon some portions of the Republic. This must lead to dissensions difficult to be reconciled—to quarrels disastrous in their results.

Sir, this is inevitable under that system. If the General Government is to engage in a system of internal improvements of a local character, you bring the States directly in conflict with each other; you produce bitterness of feeling, which, in the end, must, as I have already said, alienate them from each other. This I hold to be the necessary result. How long do you suppose the Government will stand after the States have lost all affection for each other? Destroy that bond of love, of sympathy, which now binds them together, and the Union will soon cease to exist. A scramble for the public money will soon place the States in antagonism to each other.

With that party to which I belong, or at least that portion of the Democratic party who believe in extending our institutions until they have covered the whole American continent, it is of the last importance that we should confine the Federal Government to the few powers that have been delegated to it by the Constitution. Sir, at an early age in the history of this Republic, it was supposed that, however well adapted our form of government was to the control of a small portion of territory, yet by extending its limits and bringing into the Union antagonistical States, or at all events, States whose interests were, to some extent, in conflict with each other, you would endanger the Government and weaken the bond that bound the States together. If the doctrine of the Whig party were carried out, it would be dangerous, I grant you, to enlarge the number of States; but, under the Democratic doctrine, if you confine the General Government to the few and simple powers given to it by the Constitution, and if you take care that every State in the Union *studiously abstains from intermeddling with the affairs of their neighbors*, you may go on and increase the number of States until you have covered the whole American continent, and the Union will be stronger then than it is now. But the salvation of the whole depends upon this. Therefore, if I believed in this extended system of internal improvements by the General Government within the States, I should deprecate the extension of our territory, because, when you bring those States together with conflicting interests, it will be almost impossible to adopt a system of improvements which shall do justice to each, and thus preserve the peace and the harmony of the whole. But, sir, if you leave this question to the States, if you give them, as was proposed by my friend from Illinois, power to levy tonnage duties for the purpose of improving their harbors and navigable rivers within their limits, you would take away from the Federal Government one of those questions which, in my judgment, more than any other, is calculated to divide and distract the people of this Union.

It was for that reason that I was anxious to have recorded my vote for the proposition of the Senator from Illinois. There are many States in this Union that have no harbors, no navigable rivers, and it is somewhat difficult to explain to the Representatives of those States how it is that they are directly interested in the improvement of harbors and of rivers within the limits of other States. For instance, it is a very difficult matter to satisfy my friend from South Carolina [Mr. BUTLER] that it is right to take a portion of the Federal funds which belong to his people, and appropriate them to the improvement of a harbor or river in the State of Ohio. It is wrong in principle. I am, however, in favor of those improvements which are of a general and national character, and calculated, in their nature, to bind the States more closely together. The construction of a great national railroad, connecting the Atlantic with our Pacific possessions, whilst it would be clearly within the powers granted to the Federal Government, would bring the remote States into more intimate connection with the central States, and thus lay a permanent foundation for the prosperity and happiness of the people. I trust the day is not far distant when this important national work will be undertaken and completed by the Government.

But whenever the improvement is within the limits of a single State, or wherever the commerce to be affected is local in its character, I do not consider that of such national importance as to justify Congress in appropriating the Federal funds to it. It is better, therefore, in every view of the case, to leave this question to the States; and I trust I shall live to see the day when the principle asserted in the amendment introduced on yesterday by my friend from Illinois, shall be the policy of this Government. But if you are to carry on this system of internal improvements, if it is to be the settled policy of this Government, then, for one, I should be compelled to abandon a favorite policy—I mean the doctrine of extending the limits of this Union; for I should be afraid to increase the number of States where such a system was recognized by the Government. There are already sufficient elements of discord to endanger our safety, and if this policy, which must necessarily be partial in its operations, were introduced, it would be difficult indeed to preserve the Union. In such an event, the larger the number of States the more difficult it would be to reconcile conflicting interests and maintain the Union. As an extensionist, as a Union man, I am opposed to this policy.

I shall, without the slightest hesitation, vote against this bill. It is true it makes a small appropriation to the improvement of a harbor in the State from which I come; but the fact cannot be concealed that this bill is the entering-wedge to a system of local improvements which, if pursued, must bankrupt the Treasury, array the States against each other, and ultimately divide the Union. This bill makes appropriations to works of internal improvements which are, in my judgment, exclusively local in their character, and which are not calculated to advance the general interests of the people.

The power of Congress to improve harbors, or to prosecute a national work which in its nature is calculated to bring distant States more closely together, and thus strengthen the ligaments which bind them into one Union, is undeniable. So long as the power is confined to these general and national works, the most beneficial results may be anticipated; but when it is carried within the limits of a State by the Federal Government, and thus extended to local improvements, it must be disastrous.

If you will authorize the State of California to impose tonnage duties upon all vessels coming into her harbors or navigating her rivers, we would soon have all we desire. With the duties thus collected, we could remove all the obstructions in our navigable rivers, and make our harbors what the commerce of the country demands. Under such a system, those who use your harbors and rivers would pay for their improvement. Where the commerce of the country required harbors, there the best would be found; and millions would not—as has been the case—be expended in efforts to make them where nature never intended there should be any.

The question being taken by yeas and nays, resulted—yeas 31, nays 17; as follows:

YEAS—Messrs. Bayard, Bell, Borland, Cass, Chase, Clarke, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Fish, Foot, Geyer, Hale, James, Jones of Iowa, Jones of Tennessee, Miller, Morton, Pearce, Pratt, Rusk, Seward, Shields, Smith, Spruance, Sumner, Underwood, Wade, and Walker—31.

NAYS—Messrs. Atchison, Bradbury, Bright, Brodhead, Brooke, Butler, Charlton, Dawson, Hamlin, Houston, Hunter, Mallory, Mason, Meriwether, Soulé, Toucey, and Weller—17.

Mr. GWIN, when his name was called, stated that he had paired off with the Senator from North Carolina, [Mr. BADGER,] otherwise he should have voted against the bill.

FLORIDA SENATORIAL CONTESTED ELECTION.

DEBATE IN THE SENATE,

FRIDAY, *August* 27, 1852.

The Senate having agreed to proceed to the consideration of the Report of the Select Committee on the case of the Contested Senatorial Election from Florida, the following resolution was stated to be the pending question:

Resolved, That the Hon. STEPHEN R. MALLORY was duly elected a member of the Senate of the United States from the third day of March, 1851.

Mr. BADGER. I ask the consent of the Senate now to enable me to move to take up a resolution which was offered the other day by the Senator from Florida, [Mr. MORTON,] the purpose of which is to grant permission to the gentleman who contests the sitting member's seat to be heard at the bar of the Senate. I wish to have that resolution taken up and disposed of. I feel somewhat delicately situated in regard to it. I moved that it lie on the table the other day because I was not aware that the subject had been made the special order for a particular day; and although you, sir, were kind enough to correct me, I did not, on account of the noise and confusion in the Chamber, hear what you said. I therefore ask the Senate now to take up that resolution.

The PRESIDENT. The report of the committee being under consideration, the Chair does not feel at liberty, without the unanimous consent of the Senate, to take up that resolution, although it relates to the same subject.

Mr. BADGER. I hope the Senate will take up the resolution, in order to relieve me from the situation in which I dislike to be placed.

There being no objection, the resolution was taken up. It is as follows:

Resolved, That the Hon. D. L. YULEE, who contests the seat of the Hon. S. R. MALLORY, have leave to be heard in person at the bar of the Senate.

The PRESIDENT. The resolution is under consideration, and the question is on its adoption.

Mr. BRODHEAD. I hope this resolution will be adopted. A report has been made by the Select Committee against the gentleman who contests the seat of the honorable Senator from Florida. I hold that it is his right to be heard in answer to that report. It is a right which has never yet been denied to a contestant in the House of Representatives; at least not to my knowledge. I do not believe a case can be found in the election books where the right of a contestant to be heard has been denied.

Mr. BAYARD. I shall vote against any proposition for any further hearing in this case, for the simple reason that I presume the purposes of justice do not require it. The contestant in this case selected his own mode of presenting his case to the Senate by written arguments, and there have been arguments in reply and counter replies. I suppose every gentleman has fully investigated the question. It has been reported upon by the committee, and therefore I think no practical utility can result from indulging the contestant with a personal address to the Senate in connection with it. If this were early in the session, when the hearing would not interfere with the public business of the country, I should be disposed to grant the privilege; but I cannot consent that on a matter which pertains to the Senate peculiarly—in regard to which the members of the Senate have had full and ample means of informing themselves—we shall, to gratify an individual, after he has been fully heard for all practical purposes, postpone public business pressing upon us, as it is, with hardly any possible time for its consideration. I cannot agree to delay public measures for the personal gratification of an individual in reference to a matter in regard to which a speech cannot alter one solitary vote. I therefore move that the resolution lie upon the table.

Mr. BRIGHT. I hope the gentleman will withdraw that motion for a moment.

Mr. BAYARD. I withdraw it.

Mr. MORTON. Mr. President, I feel myself in a very embarrassing situation with regard to the matter now pending before the Senate. I had chalked out for myself a course of perfect neutrality, which I have to this time pursued, and which I intend to pursue as to the merits of the question before the Senate. The contestant in this case,

however, has appealed to me as his representative on this floor to ask the Senate that the same courtesy and indulgence should be extended to him that has heretofore been extended to contestants in both branches of Congress. In looking over the volume of contested elections, I have met with not one case where a contestant has asked to be heard, before the Senate or the House of Representatives, and it has been refused to him. The contestant has appealed to me as his representative to ask of the Senate that that indulgence which has always heretofore been extended towards contestants should be extended towards him. So far I cannot and will not refrain from interfering in this matter.

It is true we are brought to the last days and hours of the session, but that has been no fault whatever of the contestant. All the members of the Senate are conversant with the facts attending the labors of the committee. The difficulties they had to encounter, the absence of many of them, the resignation of some, and various other causes prevented an earlier report. As the chairman of the committee said in his report, the delay, perhaps, was the fault of the committee. The honorable chairman of the committee in presenting the report to the Senate, used this language:

"The report ought to have been made earlier; but the committee have been so engaged that they were not able to report until this morning."

So that the delay, if any, is traceable to the committee. I hope the Senate, notwithstanding the late period of the session—if they are determined to consider and decide the case at this session—will extend the same courtesy and kindness to my late colleague [Mr. Yulee] as has heretofore been extended to other contestants.

It is true, as the Senator from Delaware remarked, that the contestant selected his own mode and manner of presenting his case; but I see, on referring to the volume of contested elections, that these cases have uniformly, in the Senate, been referred to a Select Committee, and have been fully heard before that committee, and not heard before the Senate, till the report of the committee has been presented. The usual course has been to present arguments and evidence before the committee. It was so in this case, and could not be brought to the notice of the Senate without being printed. I feel it to be my duty—a duty which I owe to the contestant—to ask the Senate to adopt the resolution.

Mr. BRIGHT. Since the introduction of this resolution, I have sought in vain for a precedent authorizing its adoption. I find no instance where the person contesting the right of a sitting member to a seat here has been heard before the Senate.

Mr. MORTON. I can give the Senator a case. I find the following resolution adopted:

Resolved, That the Hon. James Lanman have leave to be heard at the bar of the Senate, on the question of the right to his seat therein, under an appointment made by the Executive of Connecticut.

His right to his seat was disputed, and he was allowed to be heard at the bar of the Senate.

Mr. BRIGHT. But Mr. Lanman was at that time a member of the Senate himself; and, I repeat, there is no instance where a person outside the Senate, claiming the seat of a Senator, has been admitted upon the floor for the purpose of being heard. I know that the practice has been different in the House of Representatives. I have, however, no wish to interpose my vote to prevent other Senators hearing the contestant if they desire to hear him. I feel very well satisfied, and I apprehend that most of the members who were upon the committee with me are satisfied with what we heard.

In the first place—to go back to the history of this matter—the contestant was heard very fully by a petition presented in the form of a pamphlet, embracing some fifteen or twenty pages. The sitting member replied. The contestant was then heard in another pamphlet of some twenty-five or thirty pages. The first petition of the contestant, the reply of the sitting member, the rejoinder, and the sur-rejoinder, were all printed and laid upon the table of each Senator, and I presume most Senators have read them. One would have supposed that we might have stopped there; but in order that the case of the contestant might be heard in all its parts—in order that he might have the widest latitude and the most ample time to present all the facts, he was permitted to name the time when the case should come up—he was permitted to name who his counsel should be, where we should sit, and how we should hear them. He was heard by counsel. His counsel were Mr. Reverdy Johnson, the late Attorney General of the United States, and Mr. Stanton, of Pittsburg. Both were heard very patiently by the committee. Both examined this question ably, and, I think, presented all the facts as clearly and distinctly as they could be presented by any gentleman. Both their arguments, I believe, have been printed—certainly the argument of Mr. Stanton has been printed, and I have seen it upon the tables of Senators. I do not know, certainly, whether or not Mr. Johnson's argument has been printed. The committee have made a report to the Senate. The report is a short one, but I think it embraces the whole case. I may be permitted to say that it settles the question upon a resolution passed by the two Houses of the Florida Legisture, and the uniform usage of both branches of that Legislature, ever since the organization of the State government.

For one I do not wish to hear the contestant, believing that neither he nor any other gentleman can add the least light to this subject, though, as I have already said, I shall not interpose my vote to prevent other Senators hearing him if they desire to hear him.

Mr. MASON. Mr. President, I think this application is based on something more than mere courtesy—on a right to be heard. The right, if it exists at all, is the right of the constituent body of the State of Florida. Whether Mr. Yulee is or is not a Senator from the State of Florida has not yet been decided by the Senate, though it has been decided by the committee to whom the subject was referred. There can be but one objection to hearing the gentleman who wishes to be heard, and that is the want of time, and I agree that it is a very strong objection. But the contestant comes here claiming to be a Senator from the State of Florida. He brings with him evidence in support of that claim. Considering the lateness of the period at which he now presents himself, I should be disinclined to grant this as a personal courtesy, although I must declare at the same time that the honorable gentleman who asks it, as far as I am aware, is in no default whatever. I know he has been anxious from the moment he heard of the decision of the committee to get their report before the Senate. Although I might be disinclined to grant this as a personal courtesy at this period of the session, I am not at liberty to refuse it when I consider that it is the right of the State whose representative the contestant claims to be. I must therefore vote to hear him.

Mr. MANGUM. I do not rise for the purpose of offering any remarks either upon the present resolution, or upon the report of the committee, but simply with the view of making a suggestion which, I apprehend, will be more convenient, if the Senate thinks proper to adopt it; and that is, to postpone this matter until the second Tuesday in December next. We are pressed with important business. I feel very strongly the necessity of giving to this subject the utmost degree of consideration. I am aware that it is utterly impossible to do it at this late period of the session. We are to decide upon one of the most delicate, and one of the most interesting rights to every American citizen, and to every State in the Union. It ought to be done on full deliberation, full examination, and full time. I desire that full examination and deliberation, in order that I may be enabled to discharge my duties in a manner satisfactory to myself. If the subject be postponed until the next session, no inconvenience can arise. The sitting member will hold his seat. We can meet here at the next session, take up the subject at an early day, and have ample time for a full and deliberate examination of the whole matter, and to make a matured opinion. I will not now make the motion; I merely throw out the suggestion, but if any Senator makes the motion, I shall support it.

Mr. WELLER. I move that the resolution lie upon the table.

Mr. UNDERWOOD. I hope the gentleman will withdraw the motion, to allow me to read a case in point.

Mr. WELLER. I am very sorry that I cannot do it, for I must insist on my motion.

Mr. DOUGLAS. I am satisfied that, if the opportunity is given, we can make some suggestions which will prevent the consumption of much time. I do not think it is right to deprive us of the opportunity of even hearing the precedents read. I therefore ask the Senate to vote down the motion.

Mr. GWIN. As this is an important question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWSON. I beg to say, that if the Senator from California proposes to make this a test question, I cannot vote upon it as such.

The question being taken by yeas and nays, on the motion that the resolution lie upon the table, resulted—yeas 17, nays 28; as follows:

YEAS—Messrs. Adams, Bayard, Bradbury, Clarke, Clemens, Downs, Fish, Gwin, Houston, James, Jones of Iowa, Norris, Pearce, Rusk, Spruance, Stockton, and Weller—17.

NAYS—Messrs. Atchison, Badger, Bell, Borland, Brodhead, Brooke, Butler, Cass, Charlton, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Geyer, Hamlin, Hunter, King, Mason, Meriwether, Miller, Morton, Seward, Shields, Underwood, Upham, and Wade—28.

So the motion was not agreed to.

Mr. UNDERWOOD. I am for short speeches during the remainder of the session, and I will endeavor to set an example myself.

Mr. BORLAND. If my friend will allow me, I will make a suggestion to him, which will, perhaps, save the necessity of making any speeches at this time. I desire to submit a motion to postpone the consideration of the whole subject till the second Tuesday in December next.

Mr. UNDERWOOD. The Senator can make his motion after I get through. I have a case here which I think is perfectly in point. It is said that Mr. Lanman was a Senator at the time he was permitted to address the Senate in support of his right to a seat. That is altogether a mistake. Mr. Lanman's term of service in the Senate expired on the 3d of March. He presented a Governor's certificate authorizing him to take a seat in the session which commenced on the 4th of March—a called session. Mr. Van Buren offered a resolution, on the 5th of March, that Mr. Lanman be heard at the bar of the Senate on the question of his right to a seat, and the resolution was agreed to. That is the true statement of the case. He was permitted, upon the question of whether he had a right to a seat in the Senate under a certificate of the Governor, to be heard at the bar of the Senate. I think, therefore, it is a case in point. It seems to me that we should preserve consistency in matters of this sort. I feel constrained to follow that authority and vote for the leave in this case.

The PRESIDENT. The Chair would state to the honorable Senator, that having been present on that occasion, he knows all the circumstances of the case. There was no contestant. The question was simply a question as to the construction of the Constitution on which Mr. Lanman was excluded. There was no individual holding the seat; but Mr. Lanman came forward at the expiration of his regular term, at the commencement of an extra session, and presented his certificate of appointment from the Governor of Connecticut; but it was decided that he was not entitled to a seat, because the Legislature having been in session and having failed to elect a Senator, there was not a regular vacancy happening under the Constitution, which the Governor was permitted to fill. The Chair well recollects the whole case.

Mr. UNDERWOOD. One word upon that subject.

The PRESIDENT. The Chair merely stated the facts for the information of the honorable Senator.

Mr. UNDERWOOD. I am indebted to the Chair for his statement of facts; but the comment that I want to make on them is this: Can it make any difference whether there be an individual holding the seat, and another comes forward and claims it, or whether, when an individual asks to be sworn in, a member of the Senate objects? In that case the Senate rejected Mr. Lanman's application to be sworn in. My friend from Indiana will see that by the record which I will send to

him. In the case of Mr. Lanman, I admit there was no incumbent. Mr. Lanman did not claim the seat of any incumbent; but the objection was made to Mr. Lanman's qualifying. An objection was raised, in the first case, against his claim to a seat, and the Senate then settled the principle that, when an individual sets up a claim to a seat, he shall be heard in behalf of his claim. That is the point. In this case the contestant sets up a claim to a seat in the Senate. If the Senate make objection to the claim, and they hear the person claiming the seat when no one fills it, why should they not hear one claiming a seat when there is a person already occupying that seat? This seems to me to be a stronger case. If you hear a claimant when there is no incumbent, it seems to me that the argument is much stronger that you should allow an individual to be heard when there is an incumbent.

Mr. BAYARD. Precedent, if it is to have any weight with the Senate, ought at least to have some analogy to the case before it. The point here is that the party ought to be heard. That is the ground upon which the motion rests. Has he not been heard? Is the form of the hearing material? In the case of Mr. Lanman how stand the facts? Mr. Lanman, on the 4th of March, presented his credentials, and asked to be sworn in. On the 5th of March, a resolution to hear him was passed. Was his case referred to a committee? Was it examined by a committee? Was he heard by printed arguments, submitted and laid upon the desk of every member of the Senate? Had he any privilege of being heard at all, except at the bar of the Senate? Therefore, the principle of that case does not apply to this. It is not the mode of hearing, but the fact of hearing, which is material; and when you come to the question of determining a constitutional right, I ask every Senator if you cannot form a better opinion upon a written argument than upon a verbal address, part appealing to your passions and sympathies, and part argumentative? A verbal address leaves an impression for a moment. That impression may depend upon the eloquence of the individual delivering the address; and, I ask, can you not make a fairer and more correct decision founded upon written arguments in such a case, than upon a verbal hearing?

The contestant here has had a hearing. Senators have had ample time to consider the question involved in the right to the seat. There can, therefore, be no injustice to the contestant if you refuse to hear him verbally. When you come to the question of courtesy—though I should be perfectly willing at all times, and under all circumstances, consistent with public duty, to yield a courtesy to any gentleman on this floor, or any one claiming a right to be upon this floor—I am not willing to let a miscalled courtesy interfere with the progress of public business. Here we are with hardly a single appropriation bill passed, with but barely three days for business remaining, with the civil and diplomatic bill undisposed of, with the Army bill, the Navy bill, and the light-house bill yet untouched in the Senate, with the steamboat bill, as it is called, and other important bills to be acted on. Yet now, after this party has been fully and fairly heard by every Senator who chose to examine the arguments laid before him, I say it is a miscalled courtesy to ask a second hearing in a different form. I am not willing to sacrifice the public interests to a question of miscalled courtesy under any circumstances.

Mr. BRIGHT. I stated, when I was first up, that I knew of no precedent authorizing the adoption of this resolution.

Mr. UNDERWOOD. I want to call the attention of the gentleman to another case, and then I shall send him the book. Here is a case where Mr. Lewis, counsel for petitioners against the right of Mr. Gallatin to a seat, was admitted to make a speech to show that Mr. Gallatin was not entitled to a seat in the Senate. This was in 1806.

Mr. BRIGHT. I was going on to remark, that I knew of no precedent authorizing the adoption of this resolution. The Senator from Kentucky referred to the case of Mr. Lanman, but the remarks of the Chair render it unnecessary for me to make any reply to the Senator from Kentucky in regard to that case. It was entirely different from this case. There the gentleman was the sitting member. His term expired on the 4th of March. He had an appointment in his possession entitling him to take his seat at the opening of the Executive session on that day, and then when he asked to be sworn in, his right to do so was denied. The Senate in that case decided that he should be heard. But there was no contestant, either in the Senate or outside the Senate, claiming the seat, and, therefore, the case is different from this, and not at all in point.

Mr. DOUGLAS. Mr. President, I think that according to usage and courtesy, and probably the right of the matter, we ought to give this contestant a hearing before the Senate. It is said that he has been heard. He has only been heard as any citizen of the United States. He has had the right to publish anything he pleased at his own expense out of doors, but he has not been heard by the Senate at all in any form. I have not read any of the arguments or statements of either party in this contest, simply for the reason, that I was waiting until the committee should report, with the view of taking up the arguments, and statements, and the report altogether, and then forming my own judgment upon them. The committee kept this matter under consideration for nearly nine months. They never reported until we were just at the eve of the session, and when we were beginning to hold night sessions; so that I have not had time even to read their report, and I doubt whether half the Senators have read it. The case may be a clear one to the committee, but it is not the committee which is now to decide the question. The question is to be decided by the Senate; and while it is a clear case to the committee—for they have had an abundance of opportunity to examine it—it may not be clear to the rest of us. If it took that committee between eight and nine months to decide, I ask ought we not at least to have two or three hours to decide it for ourselves? It will not do for the members of the committee to rise up one after another, and say the case is so clear that it does not admit of doubt—that it is not necessary to let the contestant be heard. If it is so, why did they take nearly nine months before they reported upon it?

Mr. BRIGHT. I can state the reason, if the Senator wishes to know. In the first place, the Senator from Georgia, [Mr. Berrien,] no longer a member of this body, was chairman of the committee. He was called home by domestic affliction, and detained some two or three months. By the usages of the body, I was then chairman of the Committee, but I did not like to proceed in his absence. I was away myself for some two or three months—necessarily absent. After my return, I understood that it was the wish of both the sitting member and the contestant, that the matter should be postponed till after the conventions were held by the two great parties of the country.

Mr. MALLORY. The gentleman mistook me, certainly, if he supposes that I have for a moment since the question first arose, requested a delay of a single hour.

Mr. DOUGLAS. I should like to hear the other party, and see if he so understood it.

Mr. BRIGHT. I do not know that the Senator from Florida pressed the matter; but certainly he felt disposed to conform his wishes to those of the contestant.

Mr. MALLORY. And of the committee.

Mr. BRIGHT. I understood the Senator from Florida as not desiring to press the matter; certainly he was very unwilling to deprive the contestant of any opportunity of collecting all his testimony, and all the facts.

Mr. MALLORY. Yes, sir.

Mr. BRIGHT. Then the counsel employed by the contestant could not argue the case, as they said, until after the meetings I have mentioned. Soon after the last convention was held, Mr. Reverdy Johnson, one of the contestant's counsel, was taken sick, and remained so for some time. As soon as he was able to do so, he argued the cause, and the committee, as soon as possible after he was heard, prepared their report and presented it to the body. There were various causes operating, of which, I may say, no one was particularly to blame.

Mr. DOUGLAS. I did not arraign the committee, I did not intend to cast the slightest reflection on them; but yet, it is an undeniable fact that the committee had some two or three months before the first accident occurred which took away their chairman. It is undeniable, also, that it has been some two or three months since the termination of the other causes, to which the honorable Senator referred. The two conventions were over in the middle of June. There have been July and August since that time. Then, if it required two months since all of the causes and excuses spoken of have ceased to exist for the committee to deliberate and come to a conclusion, ought not the Senate to have time enough to read the report, and ought not the contestant to be heard before us, in order that we may hear both sides of the case?

Sir, if I were compelled to vote now on this question, I should have to vote simply on this state of facts. I have read none of the papers; I have been waiting till I could get the whole of them, for I wished to keep my mind impartial on the subject; but I happened one day accidentally to pass by the Supreme Court room, and I there noticed an unusual scene. A committee of the Senate occupied the place of the judges of the Supreme Court of the United States, with the chairman of the committee in the seat of the Chief Justice. It was a novel scene, and arrested my attention.

Mr. ADAMS. I rise to a question of order. I want to know whether it is in order for Senators upon this question to go into the history of their own information, or want of information. I would suggest to my friend that we had better allow the contestant to make his speech, than to be consuming all the time in this way.

Mr. DOUGLAS. I listened to an argument then proceeding from one of the counsel in this case. By that argument my previous opinions, or rather impressions, for they were mere impressions, on the subject were much shaken. Upon that argument if called upon to vote now, without time to examine the question, or without hearing the case further argued, I should have to vote against the report of the committee. I heard it there stated that the election of Thomas Jefferson as President of the United States, depended upon the identical issue in this case.

The PRESIDENT. It is not in order to go into an examination of the merits of the case upon this question.

Mr. DOUGLAS. I was going to say that I heard that statement made, and I heard a long argument in relation to it. If that argument be sound, it would control my opinion. I desire to hear both parties in the case. I have not made up my mind. I have not had an opportunity of doing so. I have purposely avoided examining any of the arguments or papers, until I could examine both sides at once.

It has been the practice of the two Houses of Congress to hear both parties in a contest of this sort, whenever it was asked, and I think it is unwise for the Senate, at this time, to depart from that uniform practice. I hope, therefore, that the contestant will be heard, and if there is not time to hear him at this session, there will be time during the first or second week in December next, when we have nothing else to do. I do not see that the public interests will be affected by that. I therefore move that the whole subject be postponed until the second Tuesday of December.

Mr. PRATT. I desire the Senator from Illinois, and those who are advocating that side of the question, to listen to one suggestion. I understand that the contestant here avows, in the communication which he has sent to the Senate, that if we decide him to be entitled to the seat, he will not take it. Now, are we prepared, at this late period of the session, to discuss the abstract question of the right of Florida to make an election of Senator in this, that, or the other way? The contestant says he will not take the seat if we give it to him. We are, then, discussing the abstract question of the right of Florida to make her election of Senator in a particular way.

The PRESIDENT. The proposition is to postpone the further consideration of the resolution until the second Tuesday of December next.

Mr. DOUGLAS. I will withdraw that motion until after the resolution shall have been acted on.

Mr. RUSK. I have read the testimony in this case, and I have also read the argument of the con-

testant, and if I thought there was the shadow of claim, I would vote for the resolution and for the postponement, in order that there might be time for an argument on the subject; but I think the question is as clear as it possibly can be from the testimony, and therefore I am against postponement or delay.

Mr. PEARCE. I think the printed arguments read before the committee covered, with the evidence, about four hundred pages. The committee heard these arguments read and commented upon, at how much length it is not possible for me now to say. They then heard an argument of two hours from one counsel, and afterwards other arguments occupying six hours, and how much longer they would have continued, if there had not been a sudden termination put to them by the committee, I cannot tell. I think, therefore, that from our experience as members of the committee, if we are to hear Mr. Yulee, it will be necessary to put a limit to the time during which he shall address the Senate. I therefore move to amend the resolution by saying, that he shall have leave to address the Senate for the space of one hour.

Mr. MANGUM. I still adhere to the opinion which I suggested sometime ago, that it would be more just to both the gentlemen and the Senate to let this whole matter go over until early in the next session. If that, however, shall not be the sense of the Senate, I hold that we are bound by former precedents, and that we are bound, at least, from a sense of justice, to hear the contestant. But I am told that there are depositions and proofs in the case, which cannot be read in perhaps double the time proposed by the Senator from Maryland. Therefore, if we undertake to grant the contestant this privilege, let us not grant him the mere semblance and deny him the reality. I think the subject should go over until the next session; and if it be in order, I would move, with a view of testing the sense of the body, that this resolution, and the whole subject, be postponed till the second Tuesday in December next.

The PRESIDENT. The resolution now under consideration was taken up by unanimous consent, pending the report of the committee, and it must be disposed of before a motion to postpone the consideration of the report will be in order.

Mr. MANGUM. I am perfectly willing to vote upon this resolution, but I feel myself bound by the highest obligation of justice to the contestant, as well as the gentleman who occupies the seat, and to the State they represent, not to give the contestant the mere semblance of being heard, without giving him full opportunity to present his case.

Mr. ADAMS. I wish to make a point of order. If I understood the communication of the contestant in this case, he stated distinctly, in his official capacity, to the Senate, that if the decision should be in his favor, he would not take the seat, and therefore he has ceased to be a contestant by his own admission. Is it therefore in order to entertain the question of the right of a person to a seat, when he admits himself that he is not a contestant?

The PRESIDENT. That is not a question of order for the Chair to decide.

Mr. GWIN. I think there is an obligation to the member who has had a seat for nearly nine months in this body, that his claim should be decided. There is as much obligation to hear him, as to hear the contestant. I am perfectly willing that the contestant should be heard within the time specified by the honorable Senator from Maryland, provided I can ascertain that the sitting member will not occupy the time of the Senate in reply. I am willing to give one hour, but I cannot do it, if it is to lead to a long discussion. I therefore wish to know from the sitting member, whether or not he intends to reply?

Mr. MALLORY. I am so anxious for a decision of the question that I pledge myself not to say one word in reply to any observations which the claiming Senator may make.

Mr. MASON. I think it will be agreeable to the gentleman who contests this seat, to avoid the wasting of time now, that the subject be deferred till the next session.

Mr. BADGER. I wish to say a word on the question which is now before the Senate, and I wish to confine myself to that. The question now is whether, whenever this subject of the right to the seat shall be taken up for consideration by the Senate, they will hear the gentleman who claims the seat at the bar of the Senate. It is proposed by my friend from Maryland to limit the time, if the Senate will grant him this privilege. Upon that point I concur entirely in what was said by my colleague. If the necessities of the case forbid the Senate from granting what they would otherwise grant, the liberty to be heard, then in refusing the opportunity to be heard the Senate yields to the necessity of the case, but, if we can afford to grant time to the gentleman who claims the seat to be heard in vindication of his right, I think we ought not to restrict him to any particular length of time. We should grant gracefully, or refuse firmly. We must presume that the honorable gentleman will take no more time than is necessary to bring out his case, and if we grant him any time we ought to grant him the time that is necessary. I hope, therefore, that my friend from Maryland will withdraw his proposition. For one, I am ready to vote in favor of the resolution. I do not trouble myself with any inquiry as to what are the precedents on this subject. It is sufficient for me to know that here is a question exceedingly important, whether it be difficult or not. It is a question involving inquiries affecting the rights of one of the States of this Union. One of the parties to that question desires to be heard by the Senate upon it. That being the state of the case, I should certainly be very reluctant, under any circumstances, to refuse him a hearing.

Mr. PEARCE. I am quite willing to modify the amendment so as to say two hours instead of one, and if the argument is to be postponed to the next session there will be no necessity for any limitation whatever. But if the contestant is to be heard now, I think it is absolutely necessary to fix a limit. I modify my amendment so as to say "for two hours."

Mr. BRADBURY. It seems to be supposed that Senators are incapable of acting for themselves, or giving a vote on any question without hearing long speeches. It is contended, however, by the Senator from Virginia, [Mr. MASON,] that the contestant has a right to be heard; that it is not a matter of courtesy. He says the contestant comes here and claims to speak as a Senator from Florida. Why, sir, Florida has two Senators upon this floor, both having presented credentials from that State. The contestant brings no authority from the State that he has a right to speak here. It then resolves itself into a question of courtesy, and to determine that question we have to inquire what has been done.

The contestant has exercised his volition, and he has made his printed arguments and submitted them, and I venture to say that Senators have read them. I have read them attentively. He then appeared before the committee himself, and by counsel day after day. Now, is it necessary for an honest and correct decision of this case that we should sit here, and listen to a long speech? Does any one believe that a long speech is to affect a single vote? If I believed that it would affect a vote, I would grant the privilege, but I believe it would not, and that the result would be to throw the case over to the next session, or give rise now to a very long debate. I submit whether we have a right to treat the Senator from Florida, who is in his seat, in this manner. The sitting member has been here from the commencement of the session occupying his seat, and every moment asking for a decision of the case. It has been an unpleasant situation for him, I think.

Mr. MANGUM. I rise to a point of order. The gentleman thinks that long speeches will affect nobody. I would inquire whether it be in order to make long speeches relative to the merits of the case, on the question pending?

The PRESIDENT. Certainly not.

Mr. BRADBURY. I was not discussing the merits of the question. I was simply speaking upon the point whether courtesy required that we should hear the contestant. I have already said there was no proper claim for courtesy, for there are no precedents for a case like this, and therefore I think that, as it would likely result in postponing the matter to another session, we ought to decide upon the question during the present session. Was it ever heard of that a contestant came here, and that the Senate, during a session of nine months, could not determine who its own members were?

Mr. BORLAND. If this were a question of courtesy, I do not think I would entertain it at all, whatever might be my feelings to the individuals whose names are connected with it. Courtesy on the part of the Senate as a legislative body, or sitting in this case, as it may be, as a judicial body, does not extend beyond the bar of the Senate. Therefore, I think that courtesy has nothing to do with the question so far as the contestant is concerned. But, sir, the proposition before us is simply this: To my mind, it is a question, not involving the right of individuals so much as the right of a sovereign State of this Union. A case involving one of the rights which the Constitution has made it the duty of this body to decide is before us. We are told by the individual representing Florida, as he claims—whether rightfully or not, is not now the question—that he desires to be heard before us. It is a question of vital importance. We are told—for the application to be heard involves that declaration—that the contestant has matters of fact and arguments to submit which, in his opinion, will affect the question. I have never been in the habit, here or elsewhere, of determining an important question, involving the rights of a State or an individual, or any rights with regard to life, liberty, or property, without giving the parties an opportunity to be heard. I cannot, in justice to my own wishes, decide this case without hearing the contestant.

I am no lawyer. I may be able in my humble way to form my own opinions upon the Constitution; but I confess, whatever may be the superior qualifications of other Senators, and however little need they may have of facts and arguments to enable them to come to proper conclusions, I am in want of both facts and arguments to enable me to form an opinion upon the construction of the Constitution, when an important question like this is involved in it. In justice, then, to the parties in this case, I think a hearing ought to be given, and just as long a hearing as the necessities of the case require.

Mr. MALLORY. Allow me to express a hope that the gentleman who desires to address the Senate, may be heard. I hope permission will be granted him to address the Senate for two hours.

The question being taken by yeas and nays, on the amendment of Mr. PEARCE to the resolution of Mr. MORTON, resulted—yeas 31, nays 21; as follows:

YEAS—Messrs. Adams, Atchison, Bradbury, Bright, Butler, Cass, Clarke, Clemens, Davis, Dawson, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Fish, Foot, Hale, Houston, Hunter, James, Jones of Iowa, King, Meriwether, Miller, Norris, Pearce, Pratt, Smith, Stockton, Sumner, and Weller—31.

NAYS—Messrs. Badger, Bayard, Borland, Brodhead, Brooke, Charlton, Chase, Cooper, De Saussure, Douglas, Geyer, Gwin, Hamlin, Mangum, Mason, Morton, Rusk, Spruance, Underwood, Upham, and Wade—21.

So the amendment was agreed to.

Mr. GWIN. Inasmuch as we know that two hours are to be occupied with this question, and we do not know how much more during this day, I move that the resolution lie upon the table, and upon that motion I ask for the yeas and nays.

Mr. PRATT. Would not the effect of laying this resolution on the table be to postpone the consideration of the report of the committee?

Several SENATORS. Oh, no!

Mr. CASS. In order to enable us to get along with the public business, I would suggest that we might postpone the consideration of the report until Saturday evening.

Several SENATORS. Oh, no!

The motion to lay on the table was rejected.

The resolution as amended was then agreed to.

The PRESIDENT. The report of the committee is now under consideration, and the question is on the adoption of the resolution reported by them, and upon that question the Senate has decided to hear the contestant. The resolution is:

"*Resolved*, That the Hon. STEPHEN R. MALLORY was duly elected a member of the Senate of the United States, from the 3d day of March, 1851."

Mr. MANGUM. I now move that the further consideration of the report be postponed until the second Tuesday in December next. I make the motion upon the ground that it is more just to

the Senate, more just to the parties, and more respectful to the sovereign State which they claim to represent.

Mr. BRADBURY asked for the yeas and nays on the motion, and they were ordered.

Mr. BADGER. I shall vote for the motion to postpone, though I do it with great regret, and upon this ground: The question now to be considered and decided, must be admitted on all hands to be an exceedingly important question, as it respects the right of a State of this Union in regard to her representation upon this floor. Whether the question be difficult or not, it is a question of great and paramount importance. It is not only necessary that it should be rightly decided, but, permit me to say, although it may seem paradoxical, that there is another thing even more important than that it should be rightly decided, and that is, that it should be clear and manifest that it has been decided by the Senate upon full deliberation, and a clear understanding of the whole case; because it must be evident that, compared with the latter point which I have stated, it is of comparative insignificance which of these gentlemen represent the State of Florida upon this floor, or which of them has been really elected by that State. That is of comparatively secondary importance, though it is highly important. But the other point is of higher importance, because it tends to draw into question, or to support and establish, according as the facts shall appear one way or the other, the character of this Senate, and of its judicial determinations, and the weight and influence to which they are entitled before the American people. It concerns the moral influence, character, and standing of the Senate. And though I feel, and feel strongly, that it carries an appearance of almost injustice, when one gentleman has been upon this floor for nearly nine months, holding a seat under an apparent title, and another has been for the same time contesting that apparent title, and insisting that the real title is within himself, for us to adjourn, leaving a cloud to settle or to remain upon the question of right between them; still, sir, it is a great deal better that that should be so, than that we should now hurry through a decision which, after the avowals made by honorable Senators here—by the Senator from Illinois, for instance—must and will be considered by the American public as a decision made by the Senate without fully understanding the case which they decided. The argument will be irresistible, that if, after the whole facts were submitted to the committee, that committee heard learned counsel for six hours in discussing the question, that whether the matter be difficult or plain, after it is understood, yet, to understand it, must require more time than we can now devote to it. For the reason—and for that reason only—that I consider the moral influence, dignity, and authority of the Senate, and the weight of its decisions upon the judicial questions submitted to it, to be involved in this matter, I shall support the motion of my colleague for postponement until the next session.

Mr. HALE. I do not mean to occupy the time of the Senate a moment, but it seems to me there is something due to the consideration suggested by the honorable Senator from North Carolina, who sits behind me, [Mr. MANGUM;] but it has a different application, in my mind, from that which he intends to give to it. He says there is something due to the State of Florida. Well, sir, I think it is due to the State of Florida, that she should know whether a gentleman who has been claiming to represent her on this floor for nine months, is a Senator or not. I think it is due to Florida, and that a sense of respect to that State, should appeal to us to settle that question. The Senator from North Carolina [Mr. BADGER] thinks that if the Senate proceeds to the settlement of this question now, they will leave themselves open to an imputation that they did this thing in hot haste—that they have not had time to deliberate upon it. Why, sir, this question has been here for nine months. It has been referred to a committee of the soundest constitutional lawyers of the body, selected from the whole Senate. There is not an allegation of unfairness against them. They have heard these parties, and heard them to their hearts' content; and it is said that after they have heard them so long, if we should decide the question now, we shall decide it under the imputation that we could not possibly have digested all the long talk that has been had before the committee.

Sir, it was said to be to the interest of the Republic, that there should be an end of litigation, but it seems to me that it is to the interest of the Republic—that it is its first and chiefest interest—that there should be an end of that litigation which is to decide who represents her interests in this council of the nation.

I think we owe it to the State of Florida; I think we owe it to the Senate; I think we owe it to the contestant, to settle this question now. It is unquestionably a great sacrifice of his private feelings, and private interests, that he has been here for nine months hanging upon the skirts of the Senate. It is annoying enough to those who have to sit inside, and it must be a great deal more so to those who come here thinking that they are Senators and yet remain outside. I think, then, that we owe it to the contestant to settle this question; but I will not stultify myself by making a long speech, and therefore I hope the Senate will vote upon the question now.

The question was taken by yeas and nays on the motion of Mr. MANGUM, to postpone the further consideration of the subject until the second Tuesday in December, and it resulted—yeas 18, nays 37; as follows:

YEAS—Messrs. Badger, Bayard, Bell, Borland, Brodhead, Cooper, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Fish, Hamlin, Mangum, Meriwether, Miller, Morton, and Upham—18.

NAYS—Messrs. Adams, Atchison, Bradbury, Bright, Brooke, Butler, Cass, Charlton, Chase, Clarke, Clemens, Davis, Dawson, Felch, Foot, Geyer, Gwin, Hale, Houston, Hunter, James, Jones of Iowa, King, Mason, Norris, Pratt, Rusk, Seward, Smith, Spruance, Stockton, Sumner, Toucey, Underwood, Wade, Walker, and Weller—37.

Mr. YULEE. Mr. President, before I proceed in the discussion of this question on its merits, I desire to submit to the Senate a proposition, or a suggestion, which may be found convenient to the business of the Senate, and which may result in a better assured judgment than it can now come to.

In order that the Senate may appreciate the value of the proposition which I make, it is proper that I should preface it by the suggestion of one or two facts.

The report of the committee turns especially upon the fact, that a certain resolution adopted by the Legislature of Florida in 1845, was a legislative resolution prescriptive of a rule of election in the case of elections by the General Assembly. I take issue there, and assert, upon the contrary, that it was a judicial resolution, deciding the construction of the words "House" and "General Assembly" in the constitution of Florida, not prescriptive of a rule of election, not of force or effect upon the judgment of any subsequent Legislature, and that all the subsequent practice of the Legislature had reference to the same judgment in the construction of the constitution. The depositions in proof of that are not before the Senate. They were in manuscript before the committee but they have not been printed. The discussion, therefore, of the fact will necessarily be voluminous and tedious. I must refer to the manuscript depositions and to testimony which I have secured, as well as to the legislative journals of Florida. I mean no disparagement of the committee when I say that this is the more essentially necessary from the circumstance that I have reason to think that none of these depositions were read by the members of the committee—not because they were not diligent in pursuit of truth or desirous to reach a correct conclusion—but because from the face of the exhibition of the record it was supposed there was no ground on which the result to which they came could be questioned.

This is a local fact, difficult of decision by those who are not familiar with the local history of legislation in Florida. The Senate is now within three days of the close of the session. I understand that all the appropriation bills are yet undisposed of. I am limited to two hours in this discussion, whereas I am utterly incapable of discussing this question fully within that time, for the reason that the report of the committee does not set forth the ground on which my claim rests, nor does it state the contents of these despositions. It gives no light whatever as to the true ground on which I set up this claim. I shall, therefore, speak under embarrassment, and the Senate will probably, at this period of the session, listen with impatience. Now, the Legislature of Florida meets in November next, before the next session at which the Senate will convene. I submit that this question of fact as to the character of that resolution—for the committee will agree with me, that if my view of it is correct, the result to which they came will, to say the least, be very much shaken—be presented to the Legislature of Florida. Let an opportunity be afforded to the Legislature to declare what was the true character of that resolution. I wish the truth to be reached, and that will be a means of reaching it distinctly and certainly; and I think it is a course to which the gentleman now occupying the seat cannot object. His object, like mine, must be to reach truth, and such must be the object of the Senate. The Legislature is competent to decide upon this question of fact; at least it can advise with discretion, and a complete knowledge of the legislative history of that State, which the Senate cannot do. No inconvenience can result. The sitting member who occupies the seat will continue to occupy it during the remainder of this session, with all the *prestige* which the unanimous report of a committee can give him; and I shall be ready and prompt at the opening of the next session, if the report from the Legislature shall be such as shall justify it, to present before the Senate the views which I entertain on this question.

Sir, I am obedient to the pleasure of the Senate. I make the suggestion in order that there may be better assurance of truth in the decision to which the Senate may come; and in order that both it and myself may be relieved from the embarrassment of a hasty action, and an uncertain decision, which must otherwise result. I trust the proposition will be acceptable to the gentleman who occupies the seat. Although it may not be in order for the Senate to call upon the Legislature for a judgment, it may be proper for the gentleman holding the seat and myself to agree, under the guidance and supervision and with the advice of the committee, to frame such a question to the Legislature as will bring us directly to the truth of the fact. If the suggestion is acceptable, it will end the matter for the present session. Although it will be exceedingly inconvenient for me to come here at the next session, I will endeavor to do so; and if I should not be able to come, I shall, at least, submit my views in writing to the Senate.

The PRESIDING OFFICER, (Mr. BRADBURY in the chair.) The Chair understands that the gentleman from Florida has a right to make an argument, but the Chair cannot recognize any right, on his part, to make a motion. The gentleman may proceed with his argument.

Mr. YULEE. I do not make a motion, though I might refer to precedent if I were to do so, for it will be found that in the case of Mr. Gallatin, even counsel were permitted to make motions on the floor of the Senate for reference, and as to the direction that argument should take. I make the suggestion to the gentleman who occupies the seat. It is for him and for the Senate to determine whether that course shall be taken.

Mr. BADGER. I would, for one, very cheerfully concur in the suggestion made by the honorable gentleman, and would myself submit a motion to that effect, if I could conceive that, under any circumstances, such a course of proceeding would be proper. The question to which he has referred, is a question either of fact or of law, to wit: whether the resolution of 1845 was a resolution legislative or judicial in its character. If it is a question of fact, the Legislature of Florida now can be no more competent to decide upon what the fact was when that resolution was adopted, than any other collection of individuals.

Mr. WELLER. It is not the same Legislature.

Mr. BADGER. It is the Legislature of Florida; but a knowledge of the transaction requires the same persons. If it is a question of law, the Senate must determine that question upon what appears upon the records, and upon the previous conduct of proceedings in the Legislature of Florida, up to and including the time of this election, and of course if the Senate had an opinion upon that point, they could not suffer it to be overruled by remanding this case to the Legislature of Flor-

ida, because the judgment of the case belongs to us, and not to them.

Mr. SMITH. It really seems to me that we have no time for this sort of interlocutory discussion.

The PRESIDING OFFICER. The contestant will proceed.

Mr. YULEE. I have done what I considered to be my duty, in order to relieve the Senate of the necessity of proceeding with this case now.

Mr. President, it is an occasion of very great regret with me that I am obliged, in the pursuit of what I deem to be a duty and what I have undertaken as a duty, to consume any portion of the small remaining time necessarily devoted to the most important part of the business of the session. I am too well aware of the impatience natural to the Senate at this late period to occupy any more of their time than may be indispensable to such an exhibition of the case as is necessary to a just judgment by the Senate. I shall abbreviate as much as possible. I shall seek to refer the mind of the Senate to points, and leave to their own reason to bring their minds to the conclusion which the facts and the points of the case may justify.

Before proceeding, I think it my duty to the Senate and to myself, to read from a memorandum which I hold in my hand, the facts in reference to the progress of the case, for the purpose of showing, that if it has been brought to the last week of the session, it has been by no fault of mine; and that if you are obliged now to take up this case without a record, without a statement in the report of the grounds upon which the claim rests, without reference in the report to the facts which exist in the case in manuscript depositions, and which conflict with the points of fact made by the report, it is not because of any fault or delay upon my part. Here is a precise memorandum of the progress of this case:

The committee was appointed on the 2d of December. It convened first on the 4th of December, at which meeting my case was fully submitted. The committee next met on the 10th of January, when Mr. MALLORY submitted his counter statement and argument. I submitted my reply instantly, at the same meeting. Mr. MALLORY desired to be heard further. The committee postponed its next meeting until January 29th, when Mr. MALLORY submitted an additional argument, and I immediately closed the case. The committee did not meet again until the 13th of February, when, Mr. BERRIEN having resigned, and Mr. PEARCE being absent, the committee was without the presence of the only members who were present when I closed the case, one of whom was in possession of the papers. That gentleman was absent on account of sickness. Without application from me, the committee communicated to me a willingness to hear argument by counsel, and in view of the circumstances I thought it advisable to aid the investigations of the committee by the arguments of counsel, whose engagement otherwise would have been directed to the argument before the Senate. Since that time the committee has been in communication with my counsel. From various causes the matter was not finally closed till the first of the last month, since which time, nearly two months, it has been entirely confined to the committee. I considered that statement due to myself. It is a precise and correct statement of the facts of the case. I consider myself responsible for about six weeks of the time when I was necessarily absent in Florida; but when I left here, three members of the committee were absent, and the gentleman occupying the seat was here.

I shall go directly to the points made in the report of the committee, with a view of economizing the time of the Senate, and I shall confine my remarks at present to the issue presented by that report. If other grounds should be brought forward in argument afterwards, I shall deem it a matter of duty to ask the Senate to allow me to be heard in reply, because I will not avail myself of the privilege now afforded by the Senate to cover the whole ground, in order that the time of the Senate may not be consumed by the discussion of unnecessary points. I shall expect, however, that if other points are brought forward, I shall be allowed an opportunity to reply to them.

The honorable gentleman proceeded then to argue his case, replying *seriatim* to the points presented by the report of the Select Committee. He spoke to the end of the time allotted to him without concluding his argument.

The PRESIDENT then said: The Chair is under the necessity, however reluctant, to remind the honorable gentleman that the time allowed has expired, and twenty minutes over in consequence of the interruption of the Senator from North Carolina [Mr. BADGER] and the delivery of messages, which the Chair did not feel at liberty to take from the time allowed to the honorable gentleman.

Mr. BADGER. I confess I should be exceedingly sorry that the honorable gentleman should be interrupted at this point of his argument. I hope there will be no objection to my moving now that he be allowed an hour more to conclude the discussion. Surely there cannot be any objection to that.

Mr. WELLER. If I thought that any practical good would result from continuing the discussion, I should not, as a matter of course, interpose any objection to the gentleman's proceeding with his argument; but he must have observed, that during the progress of the discussion there has not been at any time more than a quorum present. Very few members have been listening to the very learned argument which has been made by the gentleman from Florida. I suppose it is not because there is any indisposition to hear him, but because most Senators have read the arguments of counsel, the written arguments of the contestant, and all the testimony pro and con. It is for that reason, and not out of any want of respect for the gentleman, but because we think we are sufficiently informed as to the merits of the case, that we have not all of us paid very great attention to his argument. From that fact, and holding that it is absolutely necessary that we should now proceed to the transaction of the public business, which is in such a condition that many important measures are hazarded, that I am compelled to object to the motion of the Senator from North Carolina.

Mr. GWIN. I am not going to interpose any objection to the motion, but I wish to call the attention of the Senate to the fact, that we had yesterday a speech of three hours and three quarters upon a proposition that received but four votes, and now we are to have three hours and a half devoted to the discussion of a question on which we have all made up our minds. If we go on in this way, when are the appropriation bills to be passed? If this is not stopped, we cannot get through with the appropriation bills unless the order for adjournment on the 31st instant be rescinded. I wish to call the attention of the Senate and the country to that fact.

The motion made by Mr. BADGER was agreed to, and Mr. YULEE continued his argument for another hour.

Mr. BADGER. Mr. President, I dislike, exceedingly, at this late period of the session, to trouble the Senate with a word on this subject; but perhaps a few brief remarks, a clear and distinct statement of the views which have been taken by the committee, may be necessary. It is certainly not inappropriate.

This case presents this state of things: At a meeting or convention of the two houses of the Florida Legislature for the purpose of electing a Senator of the United States, there were 29 votes cast for Mr. Yulee, and there were 29 blank votes.

That transaction precedes the subsequent meeting of the Legislative Convention, at which Mr. MALLORY, the sitting member, was declared to be elected, who has presented his credentials, and who now fills the seat. Mr. YULEE insists that Mr. MALLORY is not a member of this body, because, and only because, he himself had been duly elected a member in the first joint meeting, when he received the 29 votes, and when the 29 blank votes were cast. The whole question, therefore, before the Senate resolves itself into this—"Was Mr. YULEE then elected?" If he was, then the place was full, and there was no power in the Legislature of Florida to elect the sitting member, [Mr. MALLORY.] There is only one view of the case which I believe it necessary to present to the Senate. There were 29 votes cast for Mr. YULEE, and there were 29 blank votes. Mr. YULEE contends, that, by the 29 votes he received, he was elected, and he contends so on the ground that the 29 blank votes are not considered as negatives upon the votes given in favor of his appointment or nomination, but as an assent to it. Well, sir, if these were votes of assent, how did they acquire that character? Were they intended, in fact, to be votes of assent? That they were not intended to be so is clear, because the moment this state of the voting was ascertained the president of the joint meeting declared there was no election. If the 29 members who voted blank, had intended to assent to the election of Mr. Yulee, it is beyond all dispute that somebody would have announced the fact that it was a mistake, for in reality the voting was unanimous. It is, therefore, clear that the blank votes were not intended, by those who gave them, to be votes of assent to the election of Mr. Yulee. If they were not intended to be votes of assent, is there any rule or law by which, independent of actual intent, they were made to be votes of assent, or by which they were to be considered as no votes at all? Now, the affirmative of that proposition lies upon the gentleman who contests the seat; for, unless he was elected, the sitting member is entitled, and he admits him to be entitled, and therefore he must show that matter, a thing which is necessary to complete his own title as the means of ousting the sitting member. It appears, however, that the joint meeting did not think there was any such rule; and that was no hasty decision of the joint meeting. It was repeated over again; a second voting took place on the same day, with precisely the same result, and the presiding officer again announced that there was no election. A third voting took place, and a similar announcement was made, and the joint meeting then separated; after which the two houses met again for the purpose of making an election. Let it be remarked, that, during all these proceedings, so far as the record shows, there was not a suggestion in either house that Mr. Yulee was elected, or that these 29 blank votes were votes of assent or were not to be counted at all, but it was by every one and on all hands taken for granted that the announcement made by the presiding officer at the joint meeting, that there was no election, was a true announcement. Now, whether these 29 votes are to be considered as votes of assent or no votes at all, depends entirely upon the laws and usages of the State of Florida. The Congress of the United States not having exercised the power which, under the Constitution, they might exercise, to interpose regulations in regard to the election of Senators, this election depended exclusively upon the rule prescribed by the Legislature of Florida.

An attempt is made to show that there is something in the decisions of other States and tribunals, something in the nature of a general parliamentary law, which controls the State of Florida on this point, and fixes the character of assent upon these blank votes, or makes them nullities. Permit me to say that if it were shown that every other State in the Union, or on the face of the earth, had laid it down as a rule that blank votes should be rejected, or counted as votes of assent, this would not, in the slightest degree, affect this election, if a different rule or practice has prevailed in Florida; for Florida, in the absence of any legislation by Congress, has as absolute a right to prescribe a rule or adopt a practice of her own, as to the mode of signifying assent or dissent, as any other tribunal, or legislature, or authority on earth. So that the question at last comes round, not as to what is the rule of the Legislature of New York, or Rhode Island, but what is the rule established by the Legislature of Florida? That is the only question. Allow me to remark that this Senate has no jurisdiction to prescribe any rule, or to control any rule that has been prescribed in a State; our function is purely judicial; we are to judge of the election; to say whether a party has been elected according to the rules or practice prevailing in the State from which he comes. Several cases have been cited by the contestant in support of his proposition; but I think that it is scarcely necessary to remark on more than one, and that is the celebrated case in the House of Representatives between Jefferson and Burr. As I have said, if there was a general parliamentary rule existing elsewhere from time immemorial, it would not affect the position of the State of Florida, nor commit or control her in any way in regard to

blank votes. But what was this case? In the election for the Presidency, Mr. Jefferson and Mr. Burr, having each an equal number of votes, the duty devolved on the House of Representatives—to do what? To choose a President? to say that they would not have either of the candidates? to say "I do not agree to the election of Mr. Jefferson, or that of Mr. Burr?" Not at all; for the Constitution required the House of Representatives to choose between the two candidates, and, therefore, no member of the House, and no State, had any right to do aught but to vote for one or the other. That is the precise solution of the question which came up in the House of Representatives. Therefore, when four Representatives of any one State voted for Mr. Jefferson, and the others voted blank, this voting blank was held to be no voting. Those who voted in that manner, said, in effect, as shown by the letter read by Mr. Yulee, "we cannot vote with you, but we will enable you to accomplish your purpose; and by ceasing to vote, we will leave your votes to tell, because, under the circumstances of this election, it will not be opposed by any effectual negative vote, and, at the same time, we signify to the world that we merely ceased to vote, whilst our opinion remained unchanged." The whole question then is, what is the practice in the State of Florida?

Now, we must recollect that on this subject we are dealing with a transaction which took place in a State of this Union, in a legislative body of that State, which not only has power to prescribe its own rules, but also to decide judicially upon the existence and operation of a rule so far as their elections are concerned. Now, if the supposition of Mr. Yulee is correct, that the majority of a quorum could elect, this joint meeting counted the blank votes. That is clear; because if you suppose they did not count them for any purpose, but rejected them as nullities, there was undoubtedly no quorum of one of the branches of the Legislature present. There was one member of the Senate absent, and casting out the one half of those who were present in fact, but voting blank were taken as if absent, you leave the joint meeting without a quorum of the Senate, under the constitution of the State. These blank votes, therefore, were taken notice of for some purpose or other. If they were rejected, or considered as not voting at all, how does it happen that the joint meeting declared that Mr. Yulee was not elected? It must be because they considered the rule existing which requires a majority of all the members of the body, in order to make an election. But, Mr. President, it was satisfactorily shown to the committee, that it was the usage and custom of the Legislature of Florida to count blank votes, and the case referred to by the honorable gentleman, is one which, in the judgment of the committee, was conclusive on that subject. An election took place; the speaker was a candidate. He voted blank, and as he had no right to vote, the question was, whether putting in a blank was voting, and it was determined that it was, and that he had violated the rule which forbade his voting. A blank vote, then, is either to be considered as nothing, or regarded as something. That case decides that it is not considered as nothing. And all the wit and ingenuity in the world cannot show that the blank votes on that occasion were designed as a declaration of assent to Mr. Yulee's election. The difficulty in this part of the case was felt by the learned counsel, who argued it before the committee, and he resorted to a very ingenious method of showing that blank votes, whatever the intent, must be taken as votes of assent. He said that the State of Florida prescribed no rule as to legislative elections, but had adopted the common law of England; that in the common law of England, certain rules had been laid down by the judges to regulate the elections which take place in corporations; and that, therefore, the rules of the common law of England as to such elections, had been adopted as part of the common law of Florida. Well, sir, the argument is clear, the inference is irresistible; but these rules are adopted as part of the common law of Florida just exactly as they exist and apply in England, that is, to regulate the proceedings of corporations. But they do not in England regulate the proceedings in regard to elections made by the House of Commons, or by the House of Lords. They were adopted as municipal rules, for the government of corporations in that country, and are part of the common law. But the parliamentary law, and not the common law, governs the legislative bodies. Now, if in Florida those rules have been further applied, and made there to govern the elections in the Legislature, some of the members must have known and understood it in the hundreds of elections which have taken place there.

But, Mr. President, there is one singular statement in regard to what these rules lead to, to which I will call the attention of the Senate. It is clear—it has been so decided by the courts—that if there be fifty members of an aggregate corporation present, and competent to act, and the duty of electing an officer devolves upon them, and A is nominated for that office, and three of the members present vote for him, and the other forty-seven members refuse to vote, the man who gets the three votes is said to be elected; and the courts say, that those who refuse to vote, must be considered as agreeing to the election, notwithstanding their silence or refusal; and the same conclusion equally follows, though there were but one single vote cast for the candidate, and all the others were silent or voted blank. Therefore, from the principle upon which the learned counsel argued, if true, this consequence inevitably follows, that if in the joint meeting, out of fifty-eight members present, one single member had voted for Mr. Yulee, and all the rest had voted blank, he would have been elected as much, as certainly as if he had received the twenty-nine votes, or all the votes. There is no denying this result, if the common law ruled that election.

Now, there is something startling in the idea of applying to the Legislature of a State of the Union, a rule intended solely for inferior corporate bodies, and leading to such a consequence as I have stated. Does Florida in her practice count blank votes? That is the whole matter. Here is one instance in the case of the honorable Senator from Florida, [Mr. MORTON,] which answers the question as to the practice of Florida. In one of the votings that took place on his election, there were for him 29 votes, for another person 27, and there were two blanks. Now, if the two blanks were not counted, it is perfectly clear, unless there was a rule requiring the majority of all the members of the Legislature in the affirmative to elect the party, that he was elected; but the Legislature resolved that he was not elected, and proceeded to vote further; and in all the cases brought before the attention of the committee there is not a case of which I have the least recollection in which the Legislature of Florida ever determined or signified that blank votes were not to be counted. It is no unusual thing to count blank votes; we have always counted them in the Legislature of North Carolina; and my friend from South Carolina [Mr. BUTLER] tells me that they are counted there too. Now, if North Carolina and South Carolina have a right to count blank votes, I suppose that the State of Florida stands upon the same footing of equality in this respect with other States, and may count them, too. Without, therefore, going into any other question involved in this matter, it will follow, from the view already taken, that Mr. YULEE was not elected, and by necessary consequence that Mr. MALLORY is rightfully a member of the Senate. It was for Florida to decide for herself whether blank votes should be reckoned, and how far and to what purpose. She had by her Legislature decided that they should be deemed not votes of assent but of dissent; and this settles the question in controversy against the contestant.

I will, however, say a few words, Mr. President, in reference to the rule which has been referred to in the discussion. In 1845, one of the houses of the Legislature of Florida adopted a resolution, and the other house either concurred in that resolution, or adopted another in the same words; which is immaterial. The resolution is this:

"*Resolved*, That a majority of all the members elected, composing the two houses of the General Assembly, shall be necessary to determine all elections devolving on that body."

That is the rule; but the gentleman has said that this is not a legislative rule, not a rule prescribed, by which the elections were to be controlled, but merely a judicial declaration. Does this mend the case? Suppose it was a judicial declaration, the two houses composing the Legislature of Florida had, undoubtedly, not only the right to prescribe rules for their own regulation, but they had also the power to declare the meaning and force of the existing rules. They had the power to declare what was the rule, judicially to ascertain it, and reduce it to a certainty. Is not that just as binding as a legislative prescription? Why, this judgment determines what the rule is, until those who have made it come to a contrary conclusion, and that interpretation has been held just in all the election cases which have occurred since—of these there must have been some hundreds. When the gentleman from Florida [Mr. MALLORY] was reading a history of them from the Journals, I thought the list interminable; I never was so bored in my life; he must have given us the votes of two or three hundred cases at least. Yet, in every instance, with one single exception, the rule so declared or prescribed has been adhered to, and the concurrence of a majority of all the members required to make an election. It was adhered to in this case. Take it, then, as a judicial construction; let us see how it stands; the two houses of the Legislature declare judicially, that a majority of all the members is necessary to make a choice in all cases of election by that body, and they have acted on that declaration from that day to the present time. How, then, can we go behind that decision, and say that there was no such rule? Suppose, on the other hand, that this was a legislative rule; that it was an order prescribing that a vote of two thirds should be necessary, what then? It is said that such a rule was inoperative, because the resolution was not regularly adopted, according to the constitution of Florida. By that every resolution or vote, in which the concurrence of both houses would be necessary, must be sent to the Governor for his assent; and the gentleman urges, from the interpretation put upon a similar provision in the constitution of the United States, that, if such a rule as this passed the two houses of Congress, it would be necessary to submit it to the President of the United States. Well, suppose that to be the case; suppose that to be the true construction of that clause in the constitution of the United States—it determines nothing. The clauses in the constitution of the United States and in the constitution of Florida are in the same words, but the State of Florida is not bound to accept the construction put on that clause of the constitution of the United States, and has a right to construe her own constitution in her own way. The interpretation, as well as the formation, of her constitution belongs to herself; and if she has come to the conclusion that such a resolution does not require the assent or the concurrence of the Governor, then such assent or concurrence is unnecessary, however necessary it might be upon the interpretation given to a similar clause in the constitution of the United States.

Mr. DAVIS. The gentleman argues that the Congress of the United States has power to declare war, or make peace; but that no such act of Congress shall be of any value without the assent of the President; and that, on similar grounds, no resolution affecting the election of a Senator can be of any value without receiving the assent of the Governor of the State of Florida, after having passed the two Houses of the Legislature. The constitution of the United States expressly requires the assent of the President to such acts of Congress; and if the constitution of the State of Florida had rendered approval of an election by the Governor necessary, there would have been some parallel. At present there is none.

Mr. BADGER. I had intended to notice that point by and by. Meantime, this is the sum of my argument: The constitution of Florida is an instrument to be understood and interpreted by Florida; and, therefore, if her authorities have determined that such a resolution need not be submitted to the Governor, such determination is an authoritative exposition of the constitution, and operates, in law, as a part of its text. What my friend from Massachusetts says is clear. The Constitution of the United States bestows upon the Legislature the power of prescribing the time, place, and manner of electing Senators and members of the House of Representatives. It confers upon them the whole jurisdiction, the entire power

of making the law in regard to elections. The gentleman [Mr. Yulee] has stated that only the formalities of an election, the orderly method merely of conducting it, is committed to the Legislature, but not the law of elections. This surely is not so. Does not the Constitution of the United States give them the whole power? Certainly it does. The State has the power to prescribe the time, place, and manner of the election; but Congress, the only other authority over the subject, has power only to regulate these three things. If, then, these do not include the whole power, then the whole power is not, by the Constitution, conferred at all. But this cannot be; and hence, subject only to the control of Congress, the State has the entire power over the subject.

The gentleman argues that the State must exercise this power *by law*, and therefore a resolution not perfected as a law according to the constitution of Florida, is not a valid regulation under the Constitution of the United States. But the clause in that instrument seems to have been carefully drawn to guard against any such interpretation. It says that the Legislature shall prescribe the time, place, and manner of holding the elections. It does not say *how* this is to be done; but it does say that Congress may, *by law*, at any time make or alter such regulations, except as to the place of choosing Senators. There is the distinction. Now, whether the Legislatures of the States can, otherwise than by law, regulate the elections of members of the House of Representatives, I do not undertake to say. That, however, is a question which does not concern the Senate. But there is nothing at all inconsistent in supposing that that phraseology should be purposely left vague. It is more convenient—it may, perhaps, be necessary that regulations respecting elections of members of the House should be prescribed by law—whilst with regard to the election of Senators to be made by the Legislature itself, resolves, understandings, and usage might sufficiently and lawfully settle the time, place, and manner of proceeding; in short, any method by which the agreement of the two houses might be declared or ascertained. With these the Governor would have no right to interfere.

Mr. UNDERWOOD. But suppose the Governor should undertake to veto it?

Mr. BADGER. The Governor has nothing to do with it. They have a right to exercise that function, subject to no control upon earth save that of Congress. In the exercise of this right the Legislature of Florida adopted this rule. They acted upon it in hundreds of elections They acted upon it in this, without question or exception taken or made by any one. If this rule was not in force, can we suppose that no one member of that Legislature was aware that it was not in force? If we suppose so, how did it happen that they were all so profoundly ignorant? Upon the whole, the Legislature, on all occasions except one, has acted on the understanding that a majority of all the members elected was necessary to a choice. Can we, then, undertake to reëxamine what they have thus sanctioned? I submit that we cannot, without wanton outrage upon the undoubted authority of the Legislature of Florida, and setting an example which might be followed by mischievous consequences hereafter.

The resolution of the committee was then adopted.

REMARKS OF MR. W. R. W. COBB,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

June 28, 1852,

On the bill granting the right of way and a donation of land to the State of Alabama, to aid in the construction of the Memphis and Charleston, and Selma and Gunter's Landing, and Winchester and Tennessee river railroads.

Mr. COBB said:

Mr. SPEAKER: I am very much obliged to the honorable gentleman from Tennessee [Mr. JONES] for the interruption, for he has very correctly stated the condition of the public lands through which these roads pass; and from his known ability and uncompromising opposition to all such grants, it will fall with more force upon this House than it would, having been stated by an advocate of the bill; therefore, I thank the gentleman for what he has done. I hope the gentleman will let me proceed, for I have not consumed any of the time of the House in discussing questions of politics or anything else not before the House. Although I have been here without the loss of ten minutes' time, since the commencement of this Congress, it has been my policy to speak only when I could not avoid it, in the course of my reports to this House from the Committee on Public Lands; therefore, I hope no apology to the House or the country will be necessary for the time I shall spend in making, not a speech, but a brief statement of facts connected with the contemplated railroad proposed to be provided for by this bill. First, the Winchester and Tennessee road is but a connecting link of the Selma and Gunter's Landing road, of length about sixty-five or seventy miles, running through an old settled country, and, as the gentleman from Tennessee [Mr. JONES] has correctly said, we get but little land on that line; but yet the citizens there desire the grant, and I most cheerfully bestow my best efforts to carry out their known wishes. The importance of this connection is so apparent to all who will for a moment examine the question, that I shall consume no more time upon this branch.

The next road I will notice is the Memphis and Charleston road, which leaves the Mississippi river at Memphis, and connects with the Nashville, Chattanooga, and Charleston railroad, in the county of Jackson, Alabama. This is a link of the great western chain that connects the Mississippi river with the Atlantic sea-board, which link of this great chain will be completed within four years, and perhaps in less time. The estimated cost of this road is about $2,800,000; of that amount about $2,500,000 are subscribed, and considerable paid in. The principal part of this road is now under contract, and in a rapid state of construction, except that portion which runs through the State of Mississippi, and it is hoped the difficulties which prevented that part of the road from being put under contract, will soon be removed, and the entire line be put under contract.

But, sir, before I proceed to trace this line of railroad and the advantages resulting from it, I wish to allude to the general benefits which will flow from the passage of this bill. This road, leaving Memphis, on the Mississippi river, runs through portions of Tennessee, Mississippi, and Alabama, in length about three hundred and fifteen miles; and, as before stated, connects with the Nashville, Chattanooga, and Charleston road. When completed, a person traveling through that country will have a direct communication from Memphis to Charleston; or, in a few years, when the East Tennessee and Virginia roads are completed, to this place, and thence to Canada; but, if he chooses, when he reaches the Nashville, Chattanooga, and Charleston road, he can take the road north to Nashville; and when the road from Louisville to Nashville is completed, which I am sure will be in two years, you can pass to almost any point in the Northwest or East. And in a very few years we most sanguinely hope this (the Memphis and Charleston) road will be continued west through Arkansas and Texas; and at no distant day, we may hope to see it bind the two great oceans together. Sir, the gentleman from Tennessee [Mr. JONES] has truly stated we get but little land if this bill passes. The road runs through a portion of West Tennessee into Mississippi, entering the latter State in that portion known as the Chickasaw purchase; and it is further known, by the treaty between this Government and the Chickasaw Indians, that the land within that part of the State was to be sold under certain restrictions, expressly for the benefit of the Indian tribe; therefore, nothing can be had upon the line of the road until we pass entirely through that State, and get even ten miles into Alabama, there being a small portion of that reserved land within the limits of that State. Passing a few miles we enter what is called the Tennessee or Tuscumbia valley. Taking at Tuscumbia the Tuscumbia and Decatur road, now completed, which has been adopted as a part of this great work, we pass through to Decatur, a distance of forty-three miles, one of the finest valleys of land in North Alabama, which has been in market for many years, and of course, the most of the lands are taken up from Decatur to Huntsville, thirty miles; we continue to pass through, I believe, one of the prettiest bodies of land I ever beheld. From Huntsville to the terminus of this road in Jackson county, it is more broken and mountainous; through these mountains we may get a small portion of land; the whole amount that can possibly be received upon this line of road, all of a poor quality, is two hundred thousand acres; therefore, I hope the small quantity of land received on this line will be no objection to the passage of the bill.

From the importance of this work, in a national point of view, aside from State considerations, I do hope we may have the aid of the members from the States of Tennessee, Georgia, South and North Carolina, and even Old Virginia, which State certainly must be greatly benefited by the construction of this road. This being one of the great channels of communication between the East and West, an immense travel on this line must be the result. I know some of you entertain constitutional objections. To such I must say I cannot expect their votes. Mr. Speaker, it does seem to me that the necessity of the construction of this road is too apparent for me to consume any more time in discussing the propriety of the passage of this measure.

The next branch of this bill which I design to notice, is the clause which proposes a grant to the Selma and Gunter's Landing road, containing the same provision. As to the importance of this road, I do not hesitate to say it is not second in importance to any road within the United States. It commences at Selma, on the Alabama river, and runs to Gunter's Landing, on the Tennessee river, through a country of land which has been in market for many years, much of which will remain public (from its poverty or remoteness from market) and vacant for ages, unless brought within a mercantile distance by some such communication as we propose in this bill. Of the length of this road, and the advantages to be derived from it, as well as of the Winchester and Tennessee River Railroad, I will speak more at length when I reach that part of my subject in which I shall give a detailed statement of the railroad system in Alabama; but before I leave this part of my remarks, I trust I shall have the ear of the Representatives from Tennessee, Kentucky, Ohio, and Indiana, for each of these States has, perhaps, more interest in the completion of this link of road than Alabama. First: Tennessee will have a cheap means for transporting her pork, Kentucky her hemp and bagging, Ohio her flour, and Indiana her corn. For nearly all of these articles we have to rely upon these States. Indiana has furnished Alabama with corn, and Ohio has furnished flour in considerable quantities during the last twelve months, even by the tedious route down the Wabash, Ohio, and Mississippi rivers, and up the Tennessee. When this road is completed, you will have an uninterrupted communication from the Mobile waters to the lakes. Is this of no importance to you or the country? I hope by your votes, you will give a hearty response in the affirmative.

I will now proceed to give you a brief statement of the progress of railroads in the State of Alabama, and the objects contemplated to be accomplished; and in doing so, I will most likely travel over some of the ground I have already been over, but not so much as to render it very objectionable, as it will bring the whole system into a small space, immediately under our observation, in the most concise manner possible.

Sir, on the 1st of January, 1852, the State of Alabama had one hundred and twenty-one miles of railroad in operation, and one hundred and ninety miles, in addition, were under construction, or in progress. The number of roads was three. They may be noticed in the order of their present state of advancement: The Montgomery and West Point railroad extends from Montgomery to the Chattahoochee river, on the Georgia line, through the counties of Montgomery, Macon, and Chambers; distance eighty-eight miles. The Mobile and Ohio railroad—the Alabama division of which has been surveyed and located, from Mobile, northwestwardly through Mobile and Washington counties, to the State line of Mississippi—will be, when completed, the longest continuous line of

railroad in the United States, under the proprietorship of the same company. The portion of this road now in operation, is thirty-three miles; but that part of its route lying within Alabama, is sixty-two and a half miles in length. The Alabama and Tennessee railroad is designed to connect Selma, on the Alabama river, with Gadsden, in Cherokee county, in the northeastern part of the State, where it will intersect the line of the Tennessee and Coosa railroad; which latter road is a link between the Georgia railroads, and those of Tennessee, known in this bill as the Selma and Gunter's Landing railroad. The distance between Selma and Gadsden is one hundred and sixty miles. From that point to the Tennessee river, is forty-three miles. Although no part of this road had been brought into use at the beginning of the present year, nearly the whole line is in course of construction, and the company which has charge of the work is pursuing it with an activity and energy which insure its early completion.

The route of two hundred miles of this road passes through a territory which yields to no other equal space in the Union in natural resources. It is a country of limestone, iron ore, gypsum, and the most extensive, easily worked, and valuable beds of bituminous coal, perhaps, in the world. The cost of the Montgomery and West Point railroad, running through a range of country a little to the south, has been not far from $15,000 per mile. Owing to the natural difficulties of the country, the cost of the Selma and Gunter's Landing railroad may be somewhat greater; but that will prove no serious impediment to its construction. The people of the State and the whole country may, therefore, be congratulated upon the speedy opening of this fine mineral region to the markets of the East and the Mexican Gulf, if we shall not immediately succeed in completing the road to the Tennessee river.

The total amount of means already secured for constructing the road to Gadsden was, in November last, $1,181,156 14. Should the cost of the road average even $20,000 per mile, it may be built for $4,000,000, and at that highest figure cannot fail to be a most profitable investment of capital. It is estimated that the aggregate earnings of the road, when completed, from passengers, freight, and the mails, will be $1,021,400 per annum, and the net annual income $582,198. New York has paid for her great Erie road, four hundred and sixty-seven miles in length, $24,000,000; and the Baltimore and Ohio railroad, three hundred and seventy-nine miles long, will, upon completion, have cost, with its equipment, $17,893,166. The natural wealth, the mining and agricultural resources of the district which will be traversed by the Alabama and Tennessee railroad, are greater than those upon which either of the other great lines mentioned must depend for their way business; and the local business depending upon the population and products of the country through which a road passes, must be a firmer guarantee of its prosperity than any other resource, of which I shall hereafter speak, and exhibit a table taken from the census report. This channel of communication completed, the way will be pointed out for bringing the whole of the interior and northern parts of Alabama into direct connection with the commercial capital and sea-port of the State; and when a few other links are completed, will connect with the lakes. Manufactures will spring up, and population will increase with a rapidity paralleled only during the period when the new lands of Alabama lay open to immigrants from other States at Government price—a time when the progress of Alabama was unexampled by anything in the history of the Union.

The Mobile and Ohio Railroad extends from Cairo, the southern terminus of the Illinois Central Railroad, through the States of Kentucky, Tennessee, Mississippi, and Alabama, to Mobile. It will thus connect by an unbroken chain, the Mexican Gulf with the great northern lakes, and by diverging lines, it brings the whole vast net-work of southern railroads into communication with Louisville, Cincinnati, and the Upper Ohio. The length of the direct line of road from Cairo to Mobile will be 494 miles, of which 62½ miles lie in Alabama, 273 in Mississippi, 119½ in Tennessee, and 39½ in Kentucky. The distance by the Mississippi river, from the mouth of the Ohio to New Orleans, is 1,046 miles, and the average time required by the steamboats is 108 hours. From Mobile to Cairo, the railroad time will be 17 hours; the saving in time, therefore, by this route, will be 95 hours. The completion of this great enterprise cannot fail to pour into the store-houses of Mobile, the largest portion of the commerce of the vast region drained by the Mississippi, Ohio, Wabash, and Illinois rivers. The estimated cost of the Mobile and Ohio road is $19,342 per mile, or about $10,000,000 for the whole distance. Congress has granted for the construction of the whole line about 2,000,000 acres of land; for that portion within Alabama, 253,440 acres, all of which has already been selected. The land located in Alabama, is estimated to be worth $760,000, and the total value of the grant for the whole work, is calculated as equal to forty per cent. of its entire cost. Of the aggregate amount required, $5,000,000 has been already secured, of which Mobile has contributed $2,700,000, and Mississippi, $1,040,000. It is expected that the road will be completed in three years from January 1st, 1852.

The other principal lines of railroad contemplated in Alabama, and towards the construction of which efficient measures have been taken, are, the Memphis and Charleston railroad, a work designed to extend from the Charleston, Chattanooga, and Nashville railroad, in Alabama, to Memphis, in Tennessee; the Alabama, which I have heretofore alluded to, and Mississippi railroad, running from Selma, Alabama, to a point of intersection with the Mobile and Ohio road in Mississippi; and the Girard and Mobile railroad, intended to connect Columbus, Georgia, on the Chattahoochee river, with Mobile, so as to perfect railroad communication between Mobile Bay and the Georgia system of roads, by the shortest and most direct route. Besides these three principal projects, measures have also been taken to construct a line northeastwardly, from Huntsville to Winchester, in Tennessee, and from Winchester to the Tennessee river, at or near Deposite. The Memphis and Charleston road will pass through the entire breadth of the State on the north, traversing the counties of Jackson, Madison, Limestone, Morgan, Lawrence, and Franklin, embracing the whole valley of the Tennessee within Alabama. The distance is 156 miles within that State. The estimated cost of construction is only $10,000 per mile, and nearly the whole amount of money required for the work has been, as before stated, subscribed and much paid in, and contracts for most of the line have been taken, and much of the grading has been done, and a considerable amount of material purchased. It may be expected that the road will be completed in three years at furthest. This will bring the northern range of counties within two days travel of Charleston, and four days of the city of Washington. The Alabama and Mississippi railroad has been planned to connect Selma, on the Alabama, with Central Mississippi. It will run through Perry, Marengo, and Sumter counties. Its length between the termini, will be about 90 miles, a portion of which distance lies in Mississippi. From Selma to Uniontown has been surveyed. The route is so favorable, that the expense of construction has been estimated as low as $8,000 per mile.

These various roads when finished, as there is now satisfactory evidence that they soon will be, will comprise an aggregate length of over 100 miles within Alabama. Their total aggregate cost may be estimated at $9,760,000, and at that price they may be reckoned the cheapest roads in the United States.

Mr. Speaker, I cannot but avail myself of this opportunity to notice the bill and its effects which has just passed this House. I refer to what is called a general land bill, which donates to the several States lands according to the rule prescribed by the gentleman from New York, [Mr. BENNETT.] This bill needed several amendments to perfect it; but when I appealed to the gentleman, the mover of this measure, privately as well as publicly, to allow me to amend it, before calling the previous question, his reply was, he had no objection to the amendments I proposed, but for fear by some parliamentary proceedings it might pass upon the Speaker's table, or from under his control, he must object. One of the provisions in this bill which I complain of is that which authorizes the issuing to the old States (not land States) land certificates in quantity not less than eighty nor more than one hundred and sixty acres, subject to be located on any of the public lands belonging to the United States, and to be disposed of for any purpose the respective States may think proper; while that granted to the new or land States are required to be appropriated for the building of railroads exclusively, and to be located upon the railroad lines, reserving to the Government every other section upon said lines of railroad. Now, sir, is this fair? While the old States take their lands anywhere, having choice of the best lands in the Government, we are bound to take alternate sections, regardless of quality, just as it may fall, good or bad, as it may happen, to build our roads, increasing thereby the value of the reserved sections by a contribution of our own private capital, say sixteen seventeenths, for without the construction of the roads, the lands we receive in Alabama, or the reserved land, would be of but little value. Then, after we have made it valuable by our private contributions, you say by that bill we shall not have it, but it may be open for the warrant issued to the old States to be located thereon. Now, is this right? Is it just? It seems to me there can be but one response, and that would be, No! In justice to the mover of this measure, the gentleman from New York, [Mr. BENNETT,] I will say, he did express to me his entire willingness that the bill should be so amended as to allow the States to take these lands for railroads in a body along the lines of the roads to an extent in width sufficient to enable them to get their quantity contiguous to the roads; and he further was willing, if he had it in his power, to amend so that a portion of the two and a half millions given to Alabama should be set apart for educational purposes, which I believe to be just and proper.

In conclusion, allow me to advert, for a moment, to the necessity of action upon the bill now under consideration, for I am satisfied, if not considered now, it never will be, and I desire the House to take action upon it, should it even defeat the bill—then we will decline all hope and prepare accordingly. It has been said that no opportunity has been given to discuss these railroad bills, except by their friends. This statement is not sustained by the records, made up during the last four months, for when the bills granting land to Missouri were under consideration, if I am not mistaken, several speeches were made against them, (or against the principle of them,) for I have on file a number of them, I must say some very strong ones, against the constitutionality of Congress disposing of the public lands for such or like objects, but I have lived to see some of these very men who made the most rabid speeches against the disposition of the public lands for the object of internal improvements, voting for Mr. BENNETT's bill before alluded to, giving to the old States lands to be disposed of according to the will of their respective Legislatures. These men, when they have started, have gone a bow-shot beyond many who hold to the constitutional power of Congress to give to the States the alternate sections for railroad purposes.

I hope I may be allowed to say, that while this Government has been liberal to other States in its grants for similar works, I can but express a hope, with this light before me, that Alabama may yet be classed in the list of the favored. It is true, she did, at the last Congress, receive a small donation connected with the grant to the Mobile and Chicago Railroad. That grant was small, only about sixty-six miles of the road running through the corner of Alabama to Mobile. But the result of that small grant demonstrates conclusively the benefits flowing to the Government; for the land upon that line was of a poor pine-wood quality, having been in market perhaps forty or fifty years. Some lying even within seven miles of the city of Mobile would not bring $1 25 per acre. Since that road has been commenced, the reserved sections are anxiously sought after at $2 50 per acre. These are stubborn facts and cannot be gainsayed or gotten over.

Before concluding, it is proper for me to notice the complaint so frequently urged in this House against the committee of which I have the honor to be a member—I mean the Committee on Public Lands. In their justification I am prepared

to assert, and I believe it can be sustained, that it has performed more labor than any other committee of this House. They have, up to this time, had referred to them about four hundred cases, embracing almost every question to be considered for the disposition of the extensive domain of this Government, and some questions of the most complex kinds have had our daily consideration, not alone for their disposition, but for the government of the same; and I am happy to inform this House and the country, not one case, however trivial, has failed to receive our consideration and action. If this be a fault, it is one we are proud of. Are we to be blamed for duly considering cases referred to us? I think not. Are we accountable for the number of cases referred to us? I think not. They have been referred to us by members of this House, and it was due to them that they should be considered and reported back to this House for their action; and for thus discharging our duty, some are willing to denounce us for a useless consumption of time. To such and the country we will say, we have, as we think, done but our duty. And it is proper to say further, that all the business brought before our committee has been attended to without taxing the country by employing a clerk to write out our reports, and to hunt up information connected with that duty—each member making his own reports upon such cases as might be placed in his hands by the committee, our books being kept by one of our own body, elected by us—the honorable Mr. MOORE, from Pennsylvania, to whom I can but express, on this occasion, my profound thanks for the able and faithful manner in which he has discharged that duty. For his services the country should be grateful; for, by his rendering that service, the country has been saved a tax which is too often imposed upon it by the employment of clerks to do the duties of committees of this House. It frequently becomes proper for committees to have clerks, and of that I shall not complain; but while they find it necessary to relieve themselves of the labor that clerks performed, they should be charitable enough—which I know some of them are—to refrain from abusing us, when we have, by the free-will offering of one of our own members, had that duty performed, and saved the country from a heavy expenditure.

I will now bring my remarks to a close upon all subject connected with the various questions referred to; and, in conclusion, I will say that in the progress of my remarks it has not been my purpose to condemn any person individually for action upon such subjects; and as I have detained the House much longer than I expected I will omit alluding to my statistical tables, [see tables A, B, C, and D,] which I shall apend to my printed speech. I thank the House for the patient and polite attention they have given me.

A.—*Population of Northern Alabama.*

Counties.	Whites.		Free colored.		Total free.	Slaves.	Aggregate.
	Male.	Female.	Male.	Female.			
Benton	6,834	6,563	2	1	13,400	3,763	17,163
Blount	3,520	3,421	-	-	6,941	426	7,367
Cherokee	6,180	5,990	7	16	12,193	1,691	13,884
De Kalb	3,871	3,859	4	5	7,739	506	8,245
Fayette	4,375	4,076	3	6	8,460	1,221	9,681
Franklin	5,874	5,594	11	4	11,413	8,197	19,610
Hancock	739	741	-	-	1,480	62	1,542
Jackson	5,931	5,823	20	22	11,796	2,292	14,088
Jefferson	3,452	3,262	2	6	6,722	2,267	8,989
Lauderdale	5,618	5,479	23	37	11,157	6,015	17,172
Lawrence	4,290	4,052	38	26	8,406	6,852	15,258
Limestone	4,208	4,191	11	10	8,420	8,063	16,483
Madison	6,061	5,877	77	86	12,101	14,326	26,427
Marion	3,510	3,412	2	1	6,925	908	7,833
Marshall	4,018	3,933	13	14	7,978	868	8,846
Morgan	3,319	3,318	28	23	6,688	3,437	10,125
St. Clair	2,829	2,672	4	3	5,508	1,321	6,829
Walker	2,490	2,367	-	1	4,858	266	5,124
	77,119	74,560	245	261	152,185	62,481	214,666

Population of Southern Alabama.

Counties.	Whites.		Free colored.		Total free.	Slaves.	Aggregate.
	Male.	Female.	Male.	Female.			
Autauga	3,231	3,043	7	12	6,293	8,730	15,023
Baldwin	1,161	939	42	54	2,196	2,218	4,414
Barbour	6,603	6,239	7	3	12,852	10,780	23,632
Bibb	3,642	3,455	4	7	7,108	2,861	9,969
Butler	3,606	3,556	19	16	7,197	3,639	10,836
Chambers	6,569	6,215	7	11	12,802	11,158	23,960
Choctaw	2,451	2,169	-	-	4,620	3,769	8,389
Clark	2,565	2,336	6	3	4,910	4,876	9,786
Coffee	2,787	2,593	1	2	5,383	557	5,940
Conecuh	2,481	2,444	2	1	4,928	4,394	9,322
Coosa	5,358	5,056	6	3	10,423	4,120	14,543
Covington	1,511	1,566	47	41	3,165	480	3,645
Dale	2,927	2,695	2	1	5,625	721	6,346
Dallas	3,845	3,616	3	5	7,469	22,258	29,727
Green	4,740	4,525	28	21	9,314	22,127	31,441
Henry	3,549	3,227	1	-	6,777	2,242	9,019
Lowndes	3,814	3,444	8	-	7,266	14,649	21,915
Macon	5,913	5,373	8	8	11,302	15,596	26,898
Marengo	3,829	3,272	18	19	7,138	20,693	27,831
Mobile	9,478	7,825	396	545	18,244	9,356	27,600
Monroe	2,934	2,714	21	19	5,688	6,325	12,013
Montgomery	5,448	4,721	50	65	10,284	19,511	29,795
Pike	6,181	5,921	12	12	12,126	3,794	15,920
Pickens	5,622	5,344	6	6	10,978	10,534	21,512
Perry	4,257	4,084	16	11	8,368	13,917	22,285
Randolph	5,447	5,169	15	14	10,645	936	11,581
Russell	4,424	3,981	19	13	8,437	11,111	19,548
Shelby	3,681	3,472	2	5	7,160	2,376	9,536
Sumter	3,890	3,479	27	23	7,419	14,831	22,250
Talladega	5,901	5,716	20	16	11,653	6,971	18,624
Tallapoosa	5,864	5,647	-	-	11,511	4,073	15,584
Tuscaloosa	5,400	5,151	11	17	10,579	7,477	18,056
Wilcox	2,875	2,641	1	-	5,517	11,835	17,352
Washington	616	579	9	13	1,217	1,496	2,713
	142,600	132,207	821	966	276,594	280,411	557,005

RECAPITULATION OF THE STATE.

White males	219,719	
White females	206,767	
		426,486
Free colored males	1,066	
Free colored females	1,227	
		2,293
		428,779
Slaves		342,892
Aggregate, free and slave		771,671

B.—*Colleges, Public Schools, Academies, and Libraries in the State of Alabama.*

Counties.	Colleges.			Public Schools.			Academies, &c.			Total.			Libraries.	
	No.	Teachers.	Pupils.	No.	Teachers.	Pupils.	No.	Teachers.	Pupils.	No.	Teachers.	Pupils.	Public and Private.	
													No.	Vols.
Autauga	-	-	-	31	33	710	-	-	-	31	33	710	9	3,075
Baldwin	-	-	-	5	5	88	1	1	11	6	6	99	5	3,300
Barbour	-	-	-	18	19	435	6	11	240	24	30	675	2	1,700
Benton	-	-	-	26	26	1,633	6	7	206	32	33	1,839	122	14,122
Bibb	-	-	-	20	20	400	-	-	-	20	20	400	50	5,000
Blount	-	-	-	20	20	435	-	-	-	20	20	435	277	2,008
Butler	-	-	-	3	3	91	3	6	144	6	9	235	1	540
Chambers	-	-	-	51	62	1,466	-	-	-	51	62	1,466	-	-
Cherokee	-	-	-	83	83	1,292	1	1	30	84	84	1,322	-	-
Choctaw	-	-	-	28	28	420	-	-	-	28	28	420	-	-
Clarke	-	-	-	31	33	666	-	-	-	31	33	666	-	-
Coffee	-	-	-	17	17	290	-	-	-	17	17	290	-	-
Conecuh	-	-	-	20	20	400	2	4	80	22	24	480	9	500
Coosa	-	-	-	19	19	381	5	8	150	24	27	531	60	13,500
Covington	-	-	-	7	7	144	-	-	-	7	7	144	-	-
Dale	-	-	-	8	8	190	-	-	-	8	8	190	-	-
Dallas	-	-	-	-	-	-	35	68	1,773	35	68	1,773	-	-
De Kalb	-	-	-	22	22	565	-	-	-	22	22	565	2	175
Fayette	-	-	-	38	38	689	-	-	-	38	38	689	11	596
Franklin	1	5	102	17	17	466	14	19	488	32	41	1,056	3	3,500
Greene	-	-	-	33	34	715	7	17	312	40	51	1,027	14	15,250
Hancock	-	-	-	4	4	74	-	-	-	4	4	74	-	-
Henry	-	-	-	23	26	526	-	-	-	23	26	526	10	315
Jackson	-	-	-	19	19	453	1	1	40	20	20	493	-	-
Jefferson	-	-	-	14	14	350	-	-	-	14	14	350	9	1,166
Lauderdale	-	-	-	31	33	909	8	12	283	39	45	1,192	48	13,600
Lawrence	-	-	-	34	34	798	1	1	41	35	35	769	-	-
Limestone	-	-	-	28	28	665	5	10	290	33	38	955	-	-
Lowndes	-	-	-	18	18	466	3	3	150	21	21	616	6	2,020
Macon	-	-	-	28	54	1,342	-	-	-	28	54	1,342	28	9,405
Madison	-	-	-	32	35	930	-	-	-	32	35	930	141	32,500
Marengo	-	-	-	21	21	376	-	-	-	21	21	376	27	8,425
Marion	-	-	-	3	3	63	-	-	-	3	3	63	-	-
Marshall	-	-	-	20	21	429	-	-	-	20	21	429	-	-
Mobile	1	32	175	34	57	1,774	8	69	718	43	158	2,667	12	15,300
Monroe	-	-	-	8	10	232	2	2	25	10	12	257	11	2,902
Montgomery	-	-	-	16	20	366	3	12	264	19	32	630	2	4,000
Morgan	-	-	-	9	9	172	1	1	30	10	10	202	-	-
Perry	1	5	115	26	26	714	6	31	548	33	62	1,377	1	1,000
Pickens	-	-	-	34	34	718	7	13	336	41	47	1,054	462	13,725
Pike	-	-	-	24	24	498	5	6	177	29	30	675	-	-
Randolph	-	-	-	60	60	1,829	-	-	-	60	60	1,829	-	-
Russell	-	-	-	25	25	600	2	4	163	27	29	763	-	-
Shelby	-	-	-	24	26	992	-	-	-	24	26	992	15	5,771
St. Clair	-	-	-	12	12	120	-	-	-	12	12	120	21	840
Sumter	-	-	-	19	20	433	4	7	160	23	27	593	23	7,350
Talladega	-	-	-	29	29	715	8	15	370	37	44	1,085	-	-
Tallapoosa	-	-	-	6	6	140	3	3	135	9	9	275	5	770
Tuscaloosa	1	9	90	16	16	404	4	9	150	21	34	644	142	80,000
Walker	-	-	-	2	2	45	-	-	-	2	2	45	-	-
Washington	-	-	-	6	6	120	-	-	-	6	6	120	-	-
Wilcox	-	-	-	6	6	153	4	13	299	10	19	452	-	-
	4	51	482	1,128	1,212	28,612	155	354	7,613	1,287	1,617	36,707	1,528	262,355

C.—*Churches in Alabama.*

	No. of churches.	Communicants.	Value of church property.
Baptist	421	141,950	$210,342
Free-Will Baptist	3	225	245
Disciples	1	400	1,500
Anti-Mission Baptist	80	16,305	15,210
Christian	13	3,550	6,165
Episcopal	16	6,220	76,300
Free	5	1,800	2,300
Lutheran	1	200	250
Methodist	528	150,075	272,389
Presbyterian	143	56,955	219,175
Roman Catholic	5	5,200	300,000
Union	4	1,125	1,650
Unitarian	1	1,000	6,000
Universalist	1	250	400
African	2	600	6,000
P. C.*	7	1,750	3,600
Independent	1	400	6,000
	1,232	388,005	$1,127,526

*Returned by the marshal of Limestone county as P. C. churches.

D.—*Productions of Agriculture in the State of Alabama during the year ending June 1, 1850—taken from the Seventh Census.*

Counties.	Wheat, bushels of.	Rye, bushels of.	Oats, bushels of.	Rice, pounds of.	Tobacco, pounds of.	Wool, pounds of.	Peas and Beans, bushels of.	Irish Potatoes, bushels of.	Sweet Potatoes, bushels of.	Barley, bushels of.	Buckwheat, bushels of.	Value of orchard products in dollars.	Wine, gallons of.	Value of produce of market gardens.	Butter, pounds of.	Cheese, pounds of.	Hay, tons of.	Clover seed, bushels of.	Other grass seeds, bush. of.	Hops, pounds of.	Water-rotted hemp, tons of.	Flax, pounds of.	Flaxseed, bushels of.	Silk cocoons, pounds of.	Maple sugar, pounds of.	Cane sugar, hogsheads of one thousand pounds.
Autauga	3,101	606	56,009	75,647	1,160	12,792	41,892	5,942	131,650	23	-	$748	-	$496	100,987	725	2,440	-	-	-	-	-	-	-	-	-
Baldwin	6	43	500	52,075	-	2,944	813	2,005	23,071	-	-	-	-	3,325	13,335	945	1,755	-	-	-	-	-	-	-	-	-
Barbour	9,820	227	81,164	315,080	-	18,843	57,065	130	224,127	-	-	330	-	-	61,175	50	-	-	-	-	-	-	-	-	-	5,290
Benton	11,168	64	69,452	17,802	17,008	13,295	14,873	6,470	92,360	81	28	6	-	107	109,267	979	28	-	56	7	60	50	1	-	-	-
Bibb	219	32	19,676	1,184	312	11,762	3,296	143	80,547	5	3	-	-	-	50,188	600	1	-	-	3	-	-	-	-	-	-
Blount	4,473	9	21,204	330	4,271	8,784	3,193	3,171	28,420	8	-	25	-	-	41,045	605	-	-	-	-	-	-	-	-	-	-
Butler	5,085	105	17,041	30,930	-	10,851	910	21	84,890	15	-	-	-	-	1,402	200	-	-	-	-	-	-	-	-	-	-
Chambers	20,281	239	118,962	31,043	196	20,037	24,780	2,312	166,075	156	-	250	-	-	111,712	-	-	-	36	4	-	-	-	-	-	-
Cherokee	15,708	192	68,678	8,296	23,582	10,523	14,204	8 546	79,645	10	21	-	-	1,141	108,725	5,596	48	4	61	13	-	837	40	-	160	-
Choctaw	470	80	15,305	78,555	-	7,904	21,281	3,786	104,911	-	-	-	-	-	29,567	400	-	-	-	-	-	-	-	-	-	-
Clark	159	107	20,936	31,117	801	8,954	9,872	3,246	105,875	-	-	-	-	-	52,447	474	9	-	-	-	-	-	-	-	-	35
Coffee	1,731	22	6,014	65,863	785	4,120	9,251	88	51,359	20	-	4,165	70	-	24,543	916	-	-	-	-	-	-	-	-	-	3
Conecuh	2,031	48	26,360	75,970	-	11,137	13,721	1,397	90,375	-	-	-	-	-	35,920	1,075	-	-	-	-	-	-	-	150	-	1
Coosa	1,700	26	38,798	137	30	13,131	18,062	360	126,233	-	-	-	-	-	113,190	-	2,160	-	-	-	-	-	-	-	-	-
Covington	178	66	1,854	37,798	170	2,540	2,982	53	38,789	-	-	-	-	-	17,944	551	-	-	-	-	-	-	-	-	-	-
Dale	3,917	38	12,167	68,950	505	6,512	17,416	704	69,408	1	-	-	-	-	26,809	65	-	-	-	-	-	-	-	-	-	-
Dallas	5,127	845	106,526	123,750	-	21,493	63,847	9,672	227,298	80	-	20	-	10	112,368	-	6,467	-	-	-	-	-	-	-	-	-
De Kalb	3,830	148	75,550	1,524	6,457	7,182	5,487	6,062	34,377	-	1	20	-	-	71,260	3,225	45	1	38	-	-	2,141	15	-	10	-
Fayette	2.473	65	24,865	16,001	5,120	15,539	8,990	1,474	65,931	-	-	-	-	-	86,820	652	753	-	-	-	-	-	-	-	-	2,000
Franklin	6,130	697	95,556	357	765	20,809	54,813	10,189	69,708	1,465	-	470	-	-	33,242	245	-	-	-	-	-	-	-	-	-	-
Greene	17,815	1,239	121,658	34,803	770	26,937	40,755	11,031	268,267	79	4	615	7	100	137,923	44	186	65	66	73	-	-	-	-	-	18
Hancock	260	18	1,920	13	2,391	1,594	258	694	7,366	2	-	25	-	-	12,199	234	-	-	-	-	-	-	-	-	70	-
Henry	2,087	-	36,763	63,191	-	9,438	10,137	-	93,340	-	-	-	-	-	47,005	390	-	-	-	-	-	-	-	-	-	873
Jackson	2,335	113	72,016	436	13,555	20,769	8,335	13,413	43,652	-	-	-	-	10	104,452	1,821	16	-	25	-	-	-	-	-	330	-
Jefferson	2,040	99	22,861	2,640	1,355	10,319	3,085	1,154	45,022	15	-	7	-	-	77,429	933	1	-	-	-	-	-	-	-	-	-
Lauderdale	16,301	1,731	80,529	1,024	6,849	19,538	15,462	17,134	52,159	52	165	-	-	20	104,913	582	1,474	-	13	-	-	300	-	-	-	-
Lawrence	4,820	146	88,858	3,630	3,866	17,630	34,923	11,284	70,786	660	-	-	-	-	168,511	500	1,734	-	2	-	-	-	-	-	-	-
Limestone	3,243	298	85,977	2,199	15,514	15,900	26,092	13,643	59,571	52	21	-	-	-	96,393	120	3,324	28	24	97	10	98	-	3	-	-
Lowndes	3,880	206	95,901	161,155	1,450	17,798	10,525	5,330	163,505	13	-	-	-	-	74,777	-	-	-	-	5	-	-	-	-	-	-
Macon	13,009	640	187,082	191,140	20	15,411	15,136	9,683	288,880	-	-	50	-	-	145,533	-	-	-	-	-	-	-	-	-	-	-
Madison	7,723	581	163,074	7,710	17,548	21,018	36,355	20,796	86,535	442	27	553	-	836	139,676	969	4,942	38	196	45	-	200	10	3	53	-
Marengo	215	65	94,540	13,550	-	15,908	1,410	-	261,080	-	-	50	-	100	131,460	-	1	-	-	-	-	-	-	-	-	-
Marion	3,761	101	20,466	7,825	2,821	9,222	2,280	994	39,648	-	-	121	-	-	58,426	1,050	-	-	-	-	-	-	-	-	-	-
Marshall	961	66	30.338	2,681	8,462	5,818	3,387	5,082	33,340	-	-	140	-	-	49,979	686	7	-	30	-	-	100	-	-	20	-
Mobile	-	-	2,260	90,402	-	864	2,457	13,509	44,720	-	-	3,360	85	67,579	26,705	1,770	606	-	-	7	-	-	-	-	-	-
Monroe	1,753	136	20,375	100,031	1,670	12,115	14,141	2,445	140,935	5	-	42	-	20	49,875	339	35	-	-	22	-	-	-	-	-	2
Montgomery	1,795	637	191,853	156,539	-	26,043	39,622	7,396	293,488	-	-	297	1	8,620	130,546	-	11	-	-	-	-	-	-	-	-	20
Morgan	1,533	4,615	56,346	1,960	3,252	9,679	13,511	4,647	43,115	231	60	237	-	80	75,909	500	470	2	-	-	-	-	-	-	-	-
Perry	7,375	341	67,870	160	-	17,994	28,202	598	184,616	205	-	20	-	-	108,454	-	3,908	-	-	-	-	-	-	-	-	-
Pickens	10,613	134	54,078	32,614	642	21,398	12,012	1,695	157,537	-	-	-	-	-	118,707	100	53	-	-	-	-	-	-	-	-	-
Pike	5,986	120	41,323	72,310	271	11,803	13,408	2,184	151,657	-	-	-	-	-	63,733	-	-	-	-	-	-	-	-	-	-	-
Randolph	18,212	223	35,250	7,185	3,609	11,223	5,682	3,986	60,930	98	3	552	7	-	106,953	986	20	-	-	-	-	75	1	10	-	-
Russell	16,425	558	97,450	119,150	5	10,912	49,138	4,029	181,651	28	10	580	50	450	72,131	1,175	-	-	-	-	-	-	-	-	-	-
St. Clair	4,424	7	22,913	5,796	7,374	8,096	8,500	2,967	38,054	8	-	-	-	-	64,442	233	-	-	-	-	-	-	-	-	-	-
Shelby	12,944	288	51,909	638	3,633	10,837	18,998	5,537	67,763	23	5	10	-	-	131,743	225	2	-	-	-	-	-	-	-	-	-
Sumter	7,162	537	62,359	13,340	100	14,741	6,723	4,887	182,007	6	-	-	-	-	98,089	586	278	-	-	-	-	40	-	-	-	-
Talladega	7,277	135	114,550	3,316	878	16,755	23,783	4,817	115,105	5	-	-	-	-	117,472	-	-	-	-	-	-	-	-	-	-	-
Tallapoosa	17,800	192	60,423	32,001	1,775	15,352	22,738	4,040	102,371	154	-	35	-	450	94,099	-	-	-	-	-	-	-	-	-	-	-
Tuskaloosa	3,270	282	50,271	18,748	1,080	16,329	27,729	3,060	114,035	16	-	-	-	30	84,543	196	1,902	-	-	-	-	-	-	-	-	-
Walker	831	-	7,073	711	4,745	6,124	5.887	761	27,806	-	-	2,680	-	1,447	48,265	610	-	-	-	-	-	-	-	1	-	-
Washington	52	3	934	44,300	193	3,158	3,077	1,334	35,339	-	-	-	-	-	14,479	60	9	-	-	-	-	-	-	-	-	-
Wilcox	535	91	49,860	87,645	-	7,243	2,205	2,100	131,975	-	-	-	-	-	52,035	-	-	-	-	-	-	-	-	-	-	-
Total	294,044	7,261	2,965,697	2,311,252	164,990	657,118	892,701	246,001	5,475,204	3,958	348	15,408	220	84,821	4,008,811	31,412	32,685	138	547	276	70	3,841	67	167	643	8,242

REMARKS OF MR. W. R. W. COBB,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

August 2, 1852,

On the Bill proposing to Graduate and Reduce the Price of the Public Lands.

Mr. COBB said:

Mr. CHAIRMAN: In availing myself of the present opportunity to address this committee, I hope I will be pardoned for more particularly alluding to a bill reported by me, now upon your calendar, proposing to graduate and reduce the price of the public lands, as well as briefly to allude to the homestead bill, which has passed this House, and is now in the Senate. My principal purpose is to call the attention of the House, and of the country, to the importance of the question of graduating and reducing the price of the public lands, as proposed in the bill, which is to be subject to entry by the occupant and cultivator, or to those that have public lands adjoining their farms who may desire to enter for the use of their farms, all land that has been in market for ten years at one dollar per acre; that which has been in market for fifteen years, seventy-five cents; twenty years, fifty cents; twenty-five years, twenty-five cents; and thirty years, twelve and a half cents; and in discussing the question, I shall assume that land being the true basis of all individual and national prosperity, its disposition, and the tenure by which it is held, has in every age of the world and in every civilized nation, engaged the most ardent attention of the statesman and the philanthropist. There is no subject in the whole range of political science, that so readily and directly interests the great body of the people as that of the right of soil. Therefore, its disposition is not only a question of utility, but one of expediency, and one, too, involving great and important principles, upon which may hang the destiny of man and Government. So intimately identified is it with the form and system of government, and the principal rights and privileges of man, that we are frequently enabled to read the history of a nation, either for weal or woe, for glory or shame, in the mere regulation of her land system. That system, no matter by what name it may be called, that scatters the land among the great body of the people, who will become agriculturists, and be left unfettered to pass from generation to generation, thereby preserving and perpetuating an independent yeomanry, must forever enjoy a high state of political freedom. Further, the Government which adopts a system and pursues a policy tending to concentrate its soil into the hands of a few to the detriment of the many, its ultimate destiny is the destruction of every vestige of equality and liberty. If you wish to preserve a good form of government, you must pursue a policy tending to distribute the lands among the largest possible number of the people; hence the necessity of a system that will so reduce the lands according to their value, as to enable all classes to possess them, both by graduation and reduction, as well as by all other equitable and proper means, should it even favor the granting of lands to those who will occupy and cultivate them for a term of years. In my remarks it would hardly be admissible to go back and trace the land system from the origin of society, when it was free to the common enjoyment of all, without stint or diminution, up to the time it was found to be capable of individual appropriation and porprietorship, at first temporary, but subsequently permanent. From that day to this the land systems of every country have stamped their impress upon their institutions for good or evil. History is filled with examples in illustration of this fact.

The Roman Empire, in her early days, adopted a system which would work the greatest number of freeholds, to wit: by dividing out the land or country gained by conquest. Such was her habit and even her laws for many years, until corruption began to stalk abroad through the land. Equitable laws as to the right to the soil were trampled under foot, long before the law was repealed, by appropriating to the few a portion of these lands; but finally becoming bolder by these sweeps and usurpations, the nobles took the whole for their share, and the citizen soldiers, who won them, got nothing. The natural effect of this was to increase the wealth and power of the few, and weaken the opposing force of the many. So successful did this system of plunder become, that for more than half a century it was practiced. It was about this era that Tiberius Gracchus came into power, who, for his zeal to restore the original practice of the Roman Government as to the proper inheritance of the soil, and the enforcement of that law, aroused the nobles, who gave him the name of the

Agrarian, and finally found relief from his influence by having him assassinated. Thus fell Tiberius, and with him the last hopes of popular liberty in Rome.

Let not this example be lost, in teaching us how important a principle lies at the foundation of any system, with regard to the public lands, that will take them from the masses and place them in the hands of the few, creating few lords and many tenants. The celebrated feudal system of more modern days we pass over, and come down to speak of the policy adopted by England, France, and Spain, to be found in the history of America, in the colonizing of this country, which was a liberal grant of lands to the emigrants in the newly-discovered countries—Spain in the most liberal manner. The policy of this measure was to encourage settlement in the New World. The effects of that has been too powerfully felt by the Old World, and its benefits too obvious to the New, for this generation not to see and to profit thereby, to oppose that system that will not make any freeman a landholder, and thereby increase his responsibilities and give him more liberal views of his own Government, and in that wisdom find a source from which he can derive fountains of solace and consolation, and breathe the air of freedom more profusely

But to return again to the sixteenth century, we notice the early and rapid effects of this system of enabling the husbandman to become a landholder, showing its influence upon his habits, manners, and opinions, is beautifully illustrated in almost every page of our colonial history. Sir, the first generation of emigrants had not passed away before its effects were manifested. The whole character of the people had changed with their altered conditions before time had changed the people themselves, as is beautifully illustrated in the history of Virginia. The first colony in Virginia was planted about the year 1606, but the settlement did not assume a permanent character until about 1618. Shortly after this followed the revolution in England, which brought the head of Charles I. to the block. The little colony, during that long and violent struggle, knowing no other benefactor, adhered to the Stuarts. After the fall of the King, in 1650, when Virginia had a population of only twenty thousand, the Parliament fitted out a fleet to bring the rebellious colonists to subjection. It first sailed to the south, and the little island colonies and trading posts soon bowed their necks to the yoke of their new masters; the fleet then sailed for Virginia, but, upon entering the Capes, found themselves everywhere met with preparations for an armed resistance. The colonists were not prepared to submit without knowing the terms of the surrender, and then that the terms were such as comported with their own notions of civil liberty. It resulted in negotiations; and it is a curious fact, that in the very first article of the treaty it makes these invaders agree to repudiate the idea of submission, and makes them regard the Virginians in terms equal treating with equals, and aver it a volunteer act, not forced or constrained; thus obtaining many valuable stipulations in the treaty, such as to recognize her General Assembly, their sole right to impose taxes, a general amnesty for past political offenses, her ancient boundaries, the validity of their land patents, the land premium to emigrants, freedom of trade, &c. This was what a little band of brave, daring, and fearless men, free occupants of their own soil, were able to achieve against the power of the British empire. They had ceased to be tenants, and were lords of the soil.

Having endeavored to show the principles involved in this question, and the effects of a liberal system upon the moral, physical, and political world, let us now turn our attention to our own system, and see what is likely to be its effects if rigidly adhered to. I can tell gentlemen in advance, who fancy a kind of veneration for the present land system, that this bill does not contemplate either its radical change or destruction, but merely to give such a direction to its operations as will ultimately destroy the relation of landlord and tenant between this Government and the States, and place the new States upon the elevated platform of equality guarantied by the Constitution. That any policy we may see proper to adopt, ought to look to a period when that relation should cease to exist, I presume no gentleman will deny. And yet it requires but little foresight to perceive that the present system, rigidly adhered to, will necessarily render it perpetual.

Are there no evils in this relation, which, as statesmen, we are bound to ferret out and remedy? I think there are. What are its effects upon this Government—upon the free, sovereign, and independent people? Yes, and even upon the legislation of this Hall. Sir, it is a familiar spectacle here to see the States, through their Representatives, like sturdy beggars at the foot-stool of power, asking appropriations of a pittance of land (I was going to say their own land) for some public purpose. Are gentlemen prepared to adhere to the workings of a system which is destined to give perpetuity to this condition of things? If not, the remedy is at hand; not by a radical and sudden change of the system. The people of the land States seek not to take the lands which is the joint product of all; they ask not to deprive you of your interest in it, but only that it shall not be held up in masses at a price beyond its value, blighting their prosperity and their hopes of future aggrandizement. Another evil of the system upon the new States, for which this bill is an ultimate remedy, is the constant and eternal drain of money from these States in payment for their lands. This is a drain which nothing but the indomitable and unconquerable energies of the pioneer could withstand. I am well aware that the bill affords no immediate remedy for this, but rather aggravates it for the time, as I will show when I come to examine it as a revenue measure; but it does look to a termination of it at a period when it will cease, and the new States can husband their resources, and employ them in advancing their own prosperity. They preferred a sudden attack and return to health, to a lingering and interminable disease. Though the drain upon their resources would be greater, it would be of shorter duration. Were the lands in the hands of individual proprietors, it would contribute to the resources of the State, and the general wealth of the nation. This course of reasoning is intended to apply as well to the homestead bill, as to the one now under consideration.

Having briefly reviewed the evils of the present system, I shall now proceed to the investigation of the general character of the bill, and test it by the soundest principles of justice. It is but justice to sell those lands for their intrinsic worth,—justice to the purchaser, who pays his money; justice to the State in which they lie, as she is deeply interested in their occupation and cultivation. Sir, to fix a standard price upon all the land of the country, regardless of the character of the soil, rich or poor, is unjust to the purchaser, and grossly unjust to the States interested in their settlement. Such a doctrine is absurd, if it is intended for any other purpose than retarding the growth and prosperity of the country. There is nothing in which a greater variety exists than in the qualities of the soil of any large extent of country. And to put the poor at the standard price of the rich, is, in effect, to reserve them from market. But suppose, against any reasonable hypothesis, they could be sold, is it just in this Government, like a monopolizing speculator, to prey upon the necessities of its citizens, and force from them more than the land is worth? In the next place, it is the tendency of this bill, as well as the homestead bill, to foster and encourage emigration and settlement in the new States, and, consequently, their growing wealth and prosperity. Is it the policy of this Government to keep obstacles in the way of that advancement? Is it just to retard them in their onward march to greatness and to glory? We ask no special favors; we ask to be exempt from no general burdens; we ask no special favors to aid us in our march to greatness and to empire. We only ask you not to place obstacles in our way; that you leave our action free, and the enterprise, energy, and industry of the same people who subdued forests in their march, and made the wilderness to yield abundant harvests, will make the country prosper. The rich soil, the magnificent rivers, the mild and genial climate of the West and Southwest, all contribute to invite emigration amongst us, and that policy would be suicidal that would obstruct or retard it. The West and Southwest need population to develop its great resources, and it will be one of the blessings of these great measures that they will contribute to its increase without impairing the best interests of other portions of the confederacy.

Now, sir, I ask if it is not the grossest injustice to adhere to a system the direct tendency of which is to check emigration and settlement in the new States of this country? Sir, let us open the door to the army of non-proprietors, who have been accumulating for many years, and will continue to accumulate, by offering to make them free independent proprietors of the soil, at a price within their means, or even give it to them to cultivate, and it requires no spirit of prophecy to foretell the result. They will rush in millions from their dependent condition as tenants; purchase or occupy your lands; swell your revenues from that source; subdue the forest in their march; make the wilderness blossom as the rose; and as free cultivators of their own soil, would spread wealth, happiness, and prosperity around them. From your abundance that may lie useless for centuries, tell the hardy citizen, whose energies are palsied by poverty, and whose sinews are taxed to their utmost tension to secure bread and meat for his family, by passing this bill, a few dollars would secure him a home in the rich soil of the West and Southwest, that would pour forth abundance as the reward of his industry; and he would acquire it from his mite paid into your Treasury, and secure to himself an independent, prosperous, and happy home.

Such, I believe, will be the happy workings of the system of reduction even upon the revenues of the country; for if you do not reduce your poor land, so that it can be bought with cash at the same rate it is secured by the purchase of bounty land warrants, the result will be, for some years to come, your lands will be taken up by the location of these warrants, and but little money will go into the Treasury. As to the old-fashioned, and, I hope, abandoned doctrine, that by cheapening the lands you enable the poor man to secure a home in the land States, and thereby draw off the population from the old States, and reduce their political strength,—for the next ten years that question has just been settled, by the act of prescribing the number of Representatives to which each State is entitled; and further, the old States, I think, must see by this time it is their true policy to provide homes in the West and Southwest for their surplus population. That has been clearly demonstrated by the vote recently taken upon the homestead bill, and the bounty land bills of 1850 and 1851, which in their effects is to cheapen lands and make them more easily to be secured by the landless, and to draw off from the cities, and densely-populated country, a large number of persons now swelling their popular vote, and have been increasing their representation. The policy is fixed, and the far-seeing statesman and the philanthropist can see but dimly the happy results that are to flow from it. Sir, reduce—give away your lands, and you will remove the poor man from prison, as tenant at will, and he is enabled to become one of the lords of the soil; thereby increasing his responsibility to guard with an anxious watchfulness, not only his and his children's immediate interests, but the interests of remote generations; and as free cultivators, would spread wealth, prosperity, and happiness around them; and a ray of light would light up the pathway of millions that are to come after them—yes, and it would be a beacon to downtrodden nations of the Old World to direct them to our happy and prosperous country, open to the suffering and the oppressed.

Sir, it is to the community of independent farmers, who eat the bread of their industry, that the eye of the statesman must, with prophetic hope, look for the patriotic race who are destined to preserve the principles of democratic liberty. The very pursuits of such a people are congenial to patriotism, and the Republic could not be intrusted to safer keeping. Linked to the soil by the strongest attachment—a home—and, above all, by the cherished remembrance of the spot of their birth, their patriotic affections naturally cluster around those institutions which preserve freedom to a home endeared by so many ties. Then it is no evil to any portion of the community, but a blessing, that you have a country freed from the corruptions of crowded cities, where the sentiments

of unostentatious virtue and patriotism are inculcated in their original simplicity and beauty, and where devotion to country is no idle ceremony. Then it is the glorious thought flashes light in the path of the patriot as he traces the future destiny of his country on her march to greatness and to glory.

In conclusion, permit me to express a hope that when we come to consider the bill, it may meet with a favorable consideration, and that all the blessings which will follow may be realized by this and other generations to come.

THE COMPROMISE, AND THE WHIG AND DEMOCRATIC PARTIES.

SPEECH OF HON. WM. H. POLK,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

August 24, 1852.

The House being in the Committee of the Whole on the Naval Appropriation Bill—

Mr. POLK said:

Mr. CHAIRMAN: As it is not my purpose to discuss any of the subjects connected with this bill, I propose to ask the gentleman from Pennsylvania [Mr. STEVENS] a question. When the gentleman from the Pittsburg district was making his speech the other day, he [Mr. STEVENS] rose and asked whether the gentleman from the Pittsburg district *knew the fact* that, when General Scott received a copy of the Whig platform adopted at Baltimore, and said that he accepted the nomination upon that platform, the word "*final*" was not in it?

Mr. STEVENS, of Pennsylvania. I do not understand the beginning of the gentleman's remarks.

Mr. POLK. I said that you stated, when the gentleman from Pennsylvania [Mr. HOWE] was upon the floor, that when General Scott adopted the Whig platform at Baltimore, the word "final" was not in it, thereby making the assertion, as if by authority, that General Scott was not in favor of the finality of the compromise measures, and clearly indicating that if the word "final" had been in it, the dispatch would never have been sent *approving it.*

Mr. STEVENS. I do not remember it.

Mr. POLK. I say that I have it here upon paper, taken down at the time.

Mr. STEVENS. Then, why ask me the question?

Mr. POLK. I do ask you the question, for the reason that I fear it escaped the attention of some of the southern Scott Whigs, and to prevent a denial by the Whig press, when I assert the fact. Did you say so or not?

Mr. STEVENS. Does the gentleman refer to my speech?

Mr. POLK. I do not refer to your speech—I refer to the question you propounded to the gentleman from the Pittsburg district.

Mr. STEVENS. I do not know what I said then, but I am willing to make an independent statement upon that subject now.

Mr. THOMAS M. HOWE. It was not the gentleman from the Pittsburg district, but my colleague from the Franklin district.

Mr. POLK. Well, I mean Mr. JOHN W. HOWE, of Pennsylvania. I renew my question.

Mr. STEVENS. I intend to say this, then: That at the time General Scott sent his dispatch to Baltimore he had before him the edition of the platform which was published in the National Intelligencer, and in the Republic of that morning, neither of which contained the word "final." That is what I stated with regard to the compromise.

Mr. POLK. I took down the language of the gentleman at the time.

Mr. STEVENS. I believe you are right.

Mr. POLK. Then, sir, do I understand that the Whig party of Pennsylvania are supporting General Scott without the power and force of that word "final" in the platform erected by the Whig Convention at Baltimore?

Mr. STEVENS. I will answer the question if it is asked respectfully.

Mr. POLK. Of course, I mean no disrespect to the gentleman.

Mr. STEVENS. I do not understand the gentleman as meaning anything offensive. I mean to say, then, as far as I know anything of the Whig party in Pennsylvania, that some of them support General Scott because the word "final" is in the platform, and some because it is not in the platform.

Mr. POLK. I mean to show up and expose this matter, and I do it more especially for the outside of the House than any effect it can have here, as all are familiar with the circumstances that marked the transfer of the Whig national party to the "higher-law party" at Baltimore. I mean to expose the gross jobbing which has been done between the men of the North and our brethren of the South, and from Tennessee particularly, if it can be done, without omitting other matter of historical interest, in the short space of an hour.

Mr. STEVENS. The gentleman has asked me a question, and I have frankly answered him. Now, will the gentleman allow me to ask him a question?

Mr. POLK. Yes, sir.

Mr. STEVENS. I wish to ask whether the Democrats of the North support General Pierce because he is in favor of the finality of the compromise, or some of them because he is in favor of it, and some because he is not?

Mr. POLK. That question is answered by General Pierce's letter to Major Lally, which was read at the Baltimore Convention before he was nominated, and which states distinctly his position on the compromise.

Mr. STEVENS. Will the gentleman allow me to ask him another question?

Mr. POLK. I cannot yield the floor, for I have more to say than can be compressed into the hour allowed me. I propose to prove two things, Mr. Chairman: First, that the Whig party, as a national party, have gone into liquidation. I say, that at Baltimore, when they nominated General Scott, that it was understood for three or four days before the nomination was effected, that the men from Tennessee, from Kentucky, and Virginia had agreed to yield to the Seward influence when a sufficient number of ballots had been made to afford a reasonable excuse for deserting Mr. Fillmore; and that the nomination of General Scott, from first to last, was only a question of time. It was all understood on the public walks of Washington, before the Convention assembled, that a Senator from Tennessee, although nominated by his own State for Vice President on the Fillmore ticket, was at heart for General Scott, and the result proved the truth of the rumored defection. It was this same Senator [Mr. JONES, of Tennessee] who visited—as is generally understood, and not to this hour contradicted—General Scott the day before the nomination was effected, to obtain from him a recognition of the platform without the word "final" in it, as Mr. STEVENS, of Pennsylvania, has stated, which betrays his connection with the overthrow of Mr. Fillmore and Mr. Webster, and entire surrender of Southern rights to Northern fanaticism.

My colleague [Mr. CULLOM] ought to know whether an understanding existed, and whether or not the South was betrayed to "Sewardism," and were to go chained by obligations to that fanatical power ruinous to southern interest and southern safety.

Mr. CULLOM. Will my colleague allow me to ask him if he alludes to me? I cannot hear my colleague.

Mr. POLK. I wish my colleague would come a little nearer, then.

Mr. CULLOM. Was the allusion of my colleague to myself in relation to the betrayal of the South; or of any other public interest of the country?

Mr. POLK. If my colleague will listen to me, I say that the man who occupies a position as Senator from Tennessee at this moment was nominated upon the ticket with Fillmore for Vice President by the State convention of Tennessee. I say furthermore that he *betrayed that interest.* My colleague can answer whether he was connected with that betrayal or not; it is not for me to say or determine.

Mr. CULLOM. My colleague in the Senate, to whom my colleague upon this floor alludes, can answer for himself in relation to his betrayal. But I disclaim here, and pronounce here in my place, that any charge that I have had any participation in any betrayal of any public interest, North or South, East or West, or of any public or private interest, is gratuitous, unfounded, untruthful, and utterly false.

Mr. POLK. Well, Mr. Chairman, there is but one way to arrive at the facts in this case; and that is by a frank, open, and manly course. I have charged my colleague with nothing, and cannot therefore consider his language as applicable to me; but as he seems to have worked himself into a towering passion, I will make a diversion to another point, the result of which may possibly give him a fair excuse for his wrath. I therefore make a further charge. I will not allow this thing to go into an indefinite sort of responsibility. I will make it a fixed one.

I will not allude to my colleague in the Senate, but I say that when my colleague upon this floor intimated in the public square of this city that Frank Pierce fainted from any influence of fear or cowardice, which impression it was surely his purpose to make, *he lied,* and the testimony of ninety-nine out of every hundred in the Army of Mexico will sustain me in the assertion. [Shouts of "Order!" "Order!" "Order!"]

I stand responsible for that, in any way; and am fully aware of the responsibility attaching to the language I use.

Mr. CULLOM. I say when my colleague insinuates that I made a false representation, he is a liar. [Renewed shouts of "Order!"]

Mr. POLK. That will do. *I have said you lied, send your friend to me;* I do not deal in a woman's war of words, nor can I recognize an insult from any one who stands with the *lie branded upon his brow.*

I hope I will now be permitted to proceed in my remarks without further interruption. I have, Mr. Chairman, compiled with much care, and I believe with accuracy, a programme of the march of General Scott from Vera Cruz to the city of Mexico, and presenting some incidents connected with his sojourn in the city. The facts I state I have collected from public documents—from Ripley's History of the War with Mexico, the record of the Court of Inquiry which tried General Pillow, (General Scott being the prosecutor,) and some facts I derived from an able article which recently appeared in the New York Herald upon the subject of General Scott's intrigue with Santa Anna at Puebla; and in some instances I have adopted the language of these authorities with slight modifications.

The friends of General Pierce have never claimed that he did anything more than his duties as an American citizen in the situation in which he was placed during the Mexican war. But the illiberal, unfair, and shameful attacks that have been propagated against his military fame seem to render it necessary to review hastily the part he performed in achieving the glorious victories in Mexico. His were the pursuits of civil life; yet he was ready, anxious, and willing to engage in the struggle, and to devote his energies and exertions in any position which might be assigned him, which is evidenced by the fact that he volunteered as a private in one of the companies organized in his native State. The Administration then in power, in consideration of the patriotic devotion exhibited to the cause of his country by that act, together with high qualifications fitting him for the position, appointed him Brigadier General, and there was no hesitation, no want of alacrity on his part to commence the performance of the duties devolved upon him. He proceeded to the theater of operations, and, while all communication with the headquarters of the Commander-in-Chief was cut off, organized a column at Vera Cruz to march to the aid of General Scott. He succeeded, and, in spite of the opposition constantly offered, and the almost daily attacks of the guerillas who infested the road, brought nearly three thousand men to Puebla, and enabled the American army to march to Mexico. The arrival of that column was the signal for the advance; and in such splendid order had the march from Vera Cruz been conducted that no delay was necessary for the command to recruit at Puebla. This, and other facts, which it is my purpose to state in the progress of my remarks, I have de-

rived from sources entitled to the highest credit, and from persons who had every opportunity to be cognizant of the same. It came up entire, except the men who had fallen dead or wounded in daily action with the enemy, over a route of more than three hundred miles. And this was General Pierce's first essay in war, and an operation in which he depended upon his own resources, untrammeled and unaided by the orders of a superior. This bold and energetic movement of General Pierce resulted in the conquest of the city of Mexico; for, if we look to the number who fell before the capital, we find it is about the same as that which followed General Pierce from Vera Cruz—nearly one-third of the army. And now that all the facts have been developed, can any one dare to believe that General Scott, without that reinforcement, would ever have entered Mexico as a conqueror—from which I conclude, that General Pierce's activity, boldness, and indefatigable industry in joining General Scott at Puebla, contributed greatly to the ultimate success of our arms. During the subsequent actions, General Pierce held a subordinate position, and we may with confident pride and gratification let the reports of General Scott speak of the confidence which he reposed in him, and the meed of praise due for efficient service and ardent devotion to his duty. At the battle of Contreras, General Pierce led his command to the front, to the support of Twigg's division, under a heavy fire. His horse fell under him in the pedrigal, and a severe injury was the consequence. This circumstance is seized upon by carping popular speakers as affording a justification for the most villainous attacks upon him as a General and a man of courage. Any one who has seen the place, as I have, would sooner take the chances of action many fold than of an accident like that; yet, nevertheless, wounded and bruised, he remained upon the ground, holding possession of the route by which the enemy could have come down upon the flank of the American army, in the teeth of twenty or thirty guns, until such time as the arrangements were made for the final assault. He kept his place at the head of his brigade on the following morning, and although the intense bodily suffering prevented him from actually commanding his troops, yet was he there, *undergoing the same dangers with them*, from which his injuries previously received in the service and on the field might have excused him. But it is useless to particularize, or to enter further into detail, in order to defend General Pierce's reputation from such assaults as have sprung up since his selection by the Democractic party as their candidate for the Presidency.

Why is it that these charges were never heard of before; and now, when referring to them, to weaken the cause of Democracy, why not call on men who know and who are responsible? General Scott has given his word in relation to the military merits of General Pierce; but, as it is generally understood that the General-in-Chief *is not under fire*, he can hardly have spoken from observation on the field.

But there were others—men of tried courage—men of military education and habits, with and about him, who knew and appreciated his conduct, and who would be responsible for what they say. Why do you not call upon his personal staff officers (Majors Winship and Fitzgerald) of the old army, whose natural predilections would be, it might be supposed, for their ancient commander? Why do they not call upon the chief of the division and staff, who, for their own honor and their own fame, would not have allowed misconduct of the character charged to have passed unnoticed? These were the officers most intimately associated with General Pierce in the performance of his military duties. In short, why not call upon the old army—as a whole naturally proud of their profession, tenacious of their own reputation in military affairs as opposed to those who take up the sword from civil life—who are familiar with the conduct of General Pierce while in Mexico? No. This they will not do; they prefer to blacken his reputation by unfounded charges, rather than do justice to a gallant officer by presenting the truth of the case. Such allegations are unworthy the men who propagate them, and, when the excitement of the canvass shall have subsided, will be regarded as disgraceful even by many of those who at this hour encourage the *slander* and laud the *slanderer*. General Pierce left the country of Mexico, the battles which insured the success of the American arms having been fought, and resigned his commission. He intended to return to his profession, which he had left only from a conviction of duty to his country paramount to all personal considerations, and the necessity being over, he wished to give up the dignities and emoluments of military rank. His resignation was not accepted, as I have always understood, by the President of the United States, who would not lose the claim upon his services in case of necessity, and he was retained in the Army until the close of the war.

This brief allusion to the military services of General Pierce is all that is considered necessary. They form but an episode in his life, and but a small part of his claims upon the gratitude of his countrymen. Such as they are let them appear. A man leaves his civil station upon the outbreak of war; performs important services in the field; devotes himself and his talents to his voluntarily-assumed duties; and, the end for which he took up arms being accomplished, he returns to civil life, modestly and quietly claiming no other reward than the approval of his own conscience and the approbation of good men. Let this be put in contrast with the celebrated nominee of the Whig party in reference to this very war. What was the course pursued by the man clothed with the highest military rank in the Army, when called upon by the Secretary of War to perform the duties for which the people of the United States had paid him the high emoluments of his office for more than thirty years? He professed indifference to the command; busied himself with speculation upon his personal position; strove to bully the Secretary of War into an acknowledgment of the necessity of his services; considered himself as necessary to them, as he now does to the Whig party as a nominee; refused to go immediately to the field; took a hasty plate of soup, and set to work *fortifying his rear*. In short, his peculiarities appeared so prominent, that, in spite of the prestige of his name and rank, General Scott was ridiculed throughout the land, and, as the Administration found that they could dispense with his services, he was consigned for the time to merited oblivion. The war progressed, and victory perched upon the American standard at Monterey, at Buena Vista, in New Mexico, and in California, without the *advice or leading* of General Scott. He was finally sent to the field from necessity—not the necessity of his services, as his vanity taught him to believe, and as his partisans will assert, but from a necessity imposed by the Whig party of Congress, who, in their blind obstinacy to the good of their country, and their disposition to throw difficulties in the way of the Government, disputed every bill for the increase of the Army, and especially opposed the appointment of any other person to the command. He repaired to the seat of war, and the American army carried him triumphantly into the capital of the Aztecs. Yet so prominent were his follies, and so numerous his blunders—personal, military, and political—that his reputation was not increased, and his triumph was disputed by the very soldiers who followed his car. And let a review be taken of the share which General Scott had in the brilliant achievements of the Army of the Republic from Vera Cruz to the capital of Mexico, and there will be found cause for the dispute. During the period which elapsed between the battles of Palo Alto and Resaca until November of that year, General Scott was enjoying the inglorious repose to which *his own arrogance had condemned him*.

From being an assumed dictator to the Chief Magistrate of his country, he humbled himself to a suppliant for command, in order to escape the ignominy to which he had condemned himself. The circumstances to which allusion has been made, induced his employment, and he proceeded to the field, stripped the northern line of operations of troops, and proceeded to Vera Cruz, with a force and armament which could bid defiance to the armies of Mexico. In his army was comprised nearly the whole of the regular line, and the greater part of the volunteers who had seen service in the war. [Refer to correspondence between Scott and Taylor, Ex. Doc. No. 60, H. of R., first session Thirtieth Congress, page 835 to 865.]

The northern line was comparatively defenseless, and the movement of Santa Anna to Buena Vista was invited by this act of General Scott. The cause of the nation was jeoparded in his selfish anxiety for a large command, and naught but the steady bravery and hard fighting of the American troops at Buena Vista rescued it from the hazard. Vera Cruz fell before the bombardment to which it was subjected.

Next on the list comes the victory of Cerro Gordo; but my time will not allow me to present in detail the part which General Scott performed in that celebrated battle; but the public regard Generals Worth and Harney as the heroes of that acton. The people at the time placed the wreath on their brow, and no one has dared to make the effort to snatch it away, and appropriate it to himself, except General Scott and his over-anxious friends. In every instance the friends of General Scott seem to consider it legitimate not only to rob the living of their laurels, but to feed upon the reputation of the dead, (I mean Brown, Worth, and Duncan,) to add a flash of light to the brilliancy of their idol.

We next find General Scott at Jalapa quarreling with the Commissioner sent out by his Government upon his own application. [See his letter to the Secretary of War of April 5, 1847.] True it is, he did not apply for the person who was sent, but it was mentioned in his letters to the Secretary of War that the presence of a Commissioner at headquarters was desirable. It was, no doubt, believed that it would be necessary to appoint the General-in-Chief, as it appears that he considered himself *necessary for all things*. He was not appointed; and to prove the truth of the surmise, he at once quarreled in a correspondence with Mr. Trist, who had been sent out in that capacity. These two gentlemen, then, for something over a month, indulged themselves in a correspondence which was creditable to neither, and now stands as a disgraceful blot upon the national record. [See Ex. Doc. No. 52 Senate, 1st session, Thirtieth Congress.] Personal invectives were not wanting, and denunciations of a corresponding character accompanied them, and this was about a stickling for rank and precedence, first started by General Scott, who then, as ever, has been ready to sacrifice the interests of his country to his *greedy personal vanity*.

How this quarrel was made up may never appear; but the two who had denounced each other in the bitterest terms, in less than two months were sworn friends—an example of political coquetry and instability hardly to be equaled. Amongst other acts of General Scott at Jalapa was his discharge of the body of his volunteer force from thirty to forty-five days before the expiration of their service; and why? Because some people were anxious to return to their homes, and it was thought likely that it would militate against the personal popularity of the General if he retained them in service, as it was his duty to his country to do, rather than permit them to depart. This was one of the great blunders of the war, and by it he entailed upon the army the necessity of fighting the battles in the valley of Mexico. [Marcy's celebrated letter to Scott.] At the time of the discharge of those troops Mexico was defenseless. Her armies had been beaten and dispersed at Buena Vista and Cerro Gordo; the road to the capital lay open, and not a gun was mounted or a parapet raised to protect that capital from the march of an invading army. Will any one hazard the assertion that, with from ten to twelve thousand men which the General had for immediate service, that capital could not have been taken and held, when it was finally taken by less than that number against thirty-five thousand troops and over one hundred guns, which had been collected during the interval which that act of culpable folly allowed to the enemy?

And why were the troops discharged? Because the General affected to be chary of the lives of his men, and wished to spare the volunteers the hazard of going through the *tierra caliente* of Mexico during the sickly season. But this care did not extend to those who, under Pillow, Cadwalader, and Pierce, were to pass through those sickly regions to replace them, nor to the thousands who died on the plains of Anahuac in the battles which were the consequence. General Worth moved in

advance and took possession of Puebla, and thither General Scott followed him. Two months' delay intervened before the loss which he had inflicted upon his army could be repaired, and during that time occurred the *happy reconciliation with Mr. Trist.* A man upon whom he had exhausted the epithets of his spleen and malice, who was to him the personification of Danton, Marat, and St. Just, all in one, on the 3d of June, on the 26th he found to be courteous, discreet, and amiable. Two better friends after that time were not to be found; and this occurred from the necessary participation of the two in a diplomatic intrigue by which Santa Anna gained every advantage which the valor of the American army would allow to him, and duped the American General-in-Chief. The wily Mexican offered himself for sale in the market of politics, and proposed to make peace for the bribe of $1,000,000, of which he demanded $10,000 as an earnest. The American General fell into the snare, paid the earnest, and expected peace. Santa Anna modified his proposals from time to time; and when General Scott marched from Puebla, he was actually under engagement to make the armistice which he subsequently agreed upon, after having fought his battle and carried the outworks of the enemy. In other words, he had promised to go to the capital, to take it in effect, to halt to allow the enemy time to refortify and recruit his losses, and to renew the battle with all these odds in his favor, if he chose, or to make peace, and a personal consideration of $1,000,000 was to be allowed their general for these transcendant advantages to the American cause. [See 2d vol. Ripley's War with Mexico, chap. 5.] It was not enough that the folly of General Scott had entailed the necessity of the bloodshed of the battles, but the rare qualities which he possessed were to extend the struggle further and further, and throw the weight of the chances of success into the Mexican scale. These are facts, and cannot be denied.

If any Whig on the other side of the House feels disposed to deny what I have stated, I defy any one to introduce the resolution which I will read for information:

Resolved, That the Secretary of War be requested to furnish this House with copies of all papers relating to the proceedings of a court of inquiry of which Brevet Brigadier General N. Towson was president, which sat in the city of Mexico, at New Orleans, Frederick, and Washington city, during the months of March, April, May, June, and July, 1848, and especially of those papers relating to the action of the court, and the testimony received before it, upon the subject of the secret negotiations between General Scott and Santa Anna, which took place at Puebla in June and July, 1847.

This information will present all the facts, and will establish in effect the statement I have just made.

General Scott having been reinforced by Generals Pillow and Pierce, whose commands had struggled through the burning climate, the pestilence and dangers of the *tierra caliente*, advanced to the city of Mexico, seeking for the outwork against which he had been invited to expend his strength; and there were none which he knew of which could be easily run over. Then commenced the series of brilliant engagements which have told so much for the honor of American arms, and upon which rests the claim of the Whig nominee to the gratitude of his countrymen. If his genius had foreseen everything, and the success of those battles had depended upon it, it would still leave the question of his qualifications to the high office to which he aspires untouched.

The glories of these achievements are transcendent. They stand as amongst the brightest deeds of American arms, and will be referred to in after ages in pride and exultation. But to whom does the glory of this success belong? To the General who hesitated to go to the field—to the man who threw every obstacle in the way of his own army; who sought to gain by bribery and corruption that for which his soldiers were striving in arms; who having been brought to the goal by his gallant troops, periled his cause, his army, and his honor in a diplomatic intrigue in which he gave every advantage to his adversary? No; the glory does not belong to him, although his position at the head of that army gave him the opportunity of claiming it, which his pompous self-esteem was not slow to avail itself of. It belongs to the nation, and I protest against any individual laying claim to it for himself. The moral power of freemen backed by the instruction and discipline of the regular force introduced into our service in the times of Jefferson, and fostered by each successive Administration down to the present time, the skill of subordinate officers, and especially the gallantry and devotion of those citizens who left the pursuits of civil life to engage in their country's battles, insured the victories. No person can claim them for himself; and the arrogance which would do so, must and will meet with a signal rebuke.

What was the course of General Scott after having been placed as the chief of a conquering army in the capital of the Montezumas? Did it show devotion to his country or her cause? Or was it not rather a devotion to himself? The natural vanity of the man shone forth in a *pruriency of fame* which was not sufficiently conscientious to discriminate whether it had been fairly earned or no. Fearful that some others than himself might be considered as worthy of some meed of praise, he strove to blacken their characters that he might seize upon their laurels. He quarreled with his Generals, lost his temper, appealed to subordinate officers and soldiers to cast their contumely upon them in general orders [No. 349]—promoting a spirit of disorganization, and injuring the character and reputation of the service. He arrested his higher officers without cause, preferred charges against them which he could not sustain, and obscured the light of his country's glory with the smoke of the incense which he himself burnt at the altar of his own egotism. These were the men arrested: Worth, who fought the battle of Molino del Rey; Pillow, who stormed Chepultepec; and Duncan, who distinguished himself on every field from Palo Alto to the capital, closing the military glory of a young lieutenant at the garitas of Mexico. These men who could justly share the glory of the war with General Scott were his first victims. He arrested them all unwashed of the sweat of battle, took from their hands the swords which had flashed in every bloody field, and endeavored to consign them to ignominy and cover them with disgrace, so that he might seize on the laurels they had won, and appropriate to himself all the glory of the war. The consequence was that it was necessary to relieve him from command; this was done upon his own application, and in accordance with his own wishes.—[See his letter to Marcy of June 4, 1847, page 995 of Ex. Doc. No. 60, H. of R., 1st session Thirtieth Congress.]

Yet, strange as it may appear, General Scott and his friends have asserted and now maintain, that he was the victim of persecution, and that he, a victorious commander, was arraigned on petty charges before a court-martial summoned to crush him. This is *false*, and in the teeth of published official records, the falsehood has been promulged and set forth to create a sympathy for an aspirant to presidential honors. General Scott was relieved according to his own written and expressed wishes. The charges which his subordinates had preferred against him were rather dropped or overlooked, and the only person arraigned before the court of inquiry convened by the President was his own personal friend General Pillow. The prosecutor in that case was General Scott; and I refer those who wish for an exemplification of his character to the record of that court. Let it be studied, and let his friends select those portions of it which show forth the patriotism, the truthfulness, the self-sacrifice of their candidate. But in that and in other things let them adhere to the truth of history, and not dazzle the eyes of the beholders viewing the picture with the light of the lamp fed by the blood of others. But this is not the case now, and it is doubtful whether Whig honesty will ever be sufficiently strong to do it. A false gilding is plastered over their idol, and his acts from his entrance into the service are quoted as the most brilliant of American, perhaps of the world's history. His friends now praise him for his magnanimity and forbearance in peaceably giving up the command of the army which had carried him to victory. [John M. Clayton's speech in Delaware.] It has been asserted that against the orders of the President of the United States he could have retained command of that army, and bid defiance to his legal superiors. This foul slander against the warriors of the Republic proves how little those who assert the falsehood know of that arm of the nation's defense. It owes allegiance to no man; it will not render obedience to any one who is not clothed with the majesty of the law; who is not the duly authorized agent of the people whom they serve; and I have no hesitation in asserting, that had General Scott dared to disobey the orders of the President of the United States by such an act of treason, and to have assumed to retain the command, his first enemies would have been his own officers and soldiers, of all ranks, from the gray-haired veteran general down to the recruits of the previous month. He deserves no credit for abstaining from that which he could not do.

I have alluded to some of the incidents in the life of General Scott, and I again challenge investigation of the truth of those things which I have said. Search the national archives, examine the testimony of those who know, and these incidents will be found to have been faithfully set forth and portrayed.

Upon what, then, does the claim of General Scott to the Presidency rest? Upon his long service? Upon forty years' enjoyment of the high emolument of his office? Because he has fattened upon the public Treasury, and been made great by the exertions of the soldiers of the Republic, is he to be chosen as the man to guide the State through the doubts and difficulties of the next four years? Are his personal qualifications equal to the position? Is his political creed that which will dictate actions tending to his country's good? Has he ever shown talents in legislative or administrative capacities? In legislative actions or experience his life is a blank.

Before concluding, I will ask my friend from Massachusetts, [Mr. Fowler,] a question or two, if he will allow me. Who is the President of the Whig committee that was appointed to carry out the views and purposes of General Scott's nomination?

Mr. FOWLER. I do not understand the question.

Mr. POLK. Was not the gentleman from Massachusetts [Mr. Fowler] appointed the chairman of a committee of arrangements, which was to superintend and advocate the claims of General Scott?

Mr. FOWLER. I was not.

Mr. POLK. Was not Mr. Campbell, of Ohio, appointed secretary?

Mr. FOWLER. Mr. Campbell can answer for himself. I presume he is here. I may have misunderstood the gentleman. I understood him to inquire if I was chairman of a committee of arrangements in regard to the election of General Scott. Is that the inquiry?

Mr. POLK. Yes; either of a meeting or of a committee, I understand—and I desire to mark it here in connection with the fact that General Scott is in the keeping of these men opposed to slavery—that my friend from Massachusetts, [Mr. Fowler,] was the president of a meeting that appointed a central committee to appoint a national committee here to control the election of General Scott, and that Mr. Campbell, of Ohio, was the secretary of that meeting—both being "higher-law" Abolitionists. Does my friend deny the facts?

Mr. FOWLER. I do not deny at all. I admit that I was the chairman of a Whig meeting, not of a committee.

Mr. POLK. I will ask the gentleman from Massachusetts whether he subscribed for thirteen thousand copies of a document known as a "Brief Chapter in the Life of Franklin Pierce," to prove that he was in favor of southern institutions; and did he frank them, and circulate them at the North?

Mr. FOWLER. I did not. I franked one thousand.

Mr. POLK. Then the gentleman did not frank thirteen thousand, but only one thousand. Were those documents published by the authority of the Whig committee which you presided over, and which was appointed to control the election of General Scott?

Mr. FOWLER. When the gentleman will show me by what authority he catechises me, I will answer, and not till then.

Mr. POLK. I ask it upon the authority of *a man disposed to give the public the truth.*

[Here the hammer fell.]

[Mr. Polk regrets that the time consumed by

the interruptions of his Whig friends prevented his carrying out his original purpose—the exposure of the whole system of intrigue that procured the nomination of General Scott, and the blunders committed by that officer while in Mexico. He does not avail himself of the privilege of revising his speech to introduce matter which the exciting circumstances of the occasion prevented him from presenting.]

THE NORTH AMERICAN FISHERIES.

SPEECH OF HON. AMOS TUCK,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

August 27, 1852.

Mr. TUCK said:

Mr. CHAIRMAN: I propose to discuss the topics of the fisheries, and of reciprocal free trade with the British Provinces in North America. Were it my purpose to engage in the controversies which parties are now waging against each other, I should have many misgivings as to the propriety of occupying any portion of the brief period of the session now remaining. The time for action on the matters of interest before Congress is short, and none but important subjects should intervene, even for the space of an hour. But I feel that the magnitude of the topics of my remarks, considered in connection with the fact that not a single hour has been devoted to the latter branch of my subject, during this session, is a sufficient apology for occupying the time necessary to present the matter to the consideration of this House and the public.

The United States have, in my belief, the opportunity, by early and judicious action, by legislation, or by treaty, of securing such an extension of our fisheries, and such a monopoly of trade and intercourse with the British Provinces at the north of us, as will secure, without any of the evils of annexation, all the benefits which we could realize from the closest union. These benefits may, and are likely to be lost, by neglect and delay in availing ourselves of the benefits that circumstances have induced the Provinces and Great Britain to offer to us. The way is open, not only to escape from any perplexities that may have arisen in respect to the fisheries, but to enlarge our privileges in that regard to an extent of great and lasting importance. Besides this, we can obtain the free navigation of the St. Lawrence, the natural outlet of a vast extent of our country, and probably the free use of the St. John's, and other important streams of the Provinces. This opportunity of acquiring all the benefits, without any of the evils of annexation, and in a manner which, if examined, can furnish no ground of jealousy or complaint in any part of the country, is an occurrence second in magnitude to but few measures that ever have been considered by Congress. A coincidence of events have led to propositions for commerce, and consequent emolument therefrom, which a few years ago we could not have obtained at any price. Let me briefly allude to the events which have brought about this result.

Within a few years a great change has taken place in the colonial policy of Great Britain. Formerly the colonies were compelled, by heavy differential duties, to purchase their supplies exclusively of the mother country. The manufactures of Great Britain were admitted into the Provinces with a lower tariff than was imposed upon the same articles from other countries; while the exports of the Provinces were admitted into the ports of Great Britain with corresponding advantages over all competitors. The consequence was, that with all our advantages of proximity, we had almost no business or other intercourse with our neighbors in the Provinces. But Great Britain found it expedient to change her commercial policy at home; to admit breadstuffs and lumber, the most important products of the colonies, into all of her markets free of duty, in order to secure customers from the Baltic and the Black sea, whom she most needed. The Provinces, no longer having advantages over others in the matter of their chief exports to the British markets, would have been too intolerably burdened if they had been compelled to maintain differential duties at home in favor of the mother country. In 1846, the Canadian Legislature having been authorized by the Imperial Parliament to regulate their own tariff, and being anxious to cultivate a free intercourse with the United States, abolished differential duties and admitted American manufactures and foreign goods purchased in the American markets, on the same terms as those from Great Britain. The duty on British goods was raised, and that on American was diminished, so that they were made equal. There is no doubt that interest dictated this important enactment. Yet it was a measure, if beneficial to the people of Canada, equally beneficial to those of the United States; and being a spontaneous offering on their part, of what was certain to secure to us an extensive and lucrative trade, they had a right to expect that this generosity should, at least, attract our attention. Yet it failed to do so. When, in 1849, General Dix, of New York, stated in the Senate the fact of the abolition of differential duties, he was called upon to give his authority. Private interest, however, had already availed itself of the benefits of the measure, and an extensive trade, notwithstanding our heavy tariff on Canadian products, had grown up with the States. The amount of duties on goods from the United States, increased many fold in three or four years, and the duties on goods from Great Britain experienced a corresponding decrease. The port of Toronto will serve as an index of the increase of trade secured to us, where the amount of duties paid on imports rose within the short period mentioned, from $30,000 to about $400,000 per annum.

But if the people of Canada buy our productions, they must pay for them with what they have to sell. They cannot get money by selling their products abroad, and bring it here to buy what we have to sell: That would impoverish them and be an unnatural course of business which could not continue. Yet when the Canadian proposes to pay for his purchases of us, by bringing what he has to sell, he is met by a heavy duty, which repels him from us as inevitably as differential duties formerly debarred us from Canada. Under this state of things, the Canadian Government made application to Congress, five years ago, for exemption from this bar to trade, by establishing reciprocal free trade in natural products with the United States, having first passed a law on their part, abolishing similar duties against us, to take effect when the United States should have passed a corresponding statute admitting certain articles specified, without duty. This proposition was submitted to Congress in the last part of the Administration of Mr. Polk, and received his favorable consideration, also that of Mr. Buchanan, Secretary of State, and Mr. Walker, Secretary of the Treasury. The following bill was reported from the Committee on Commerce, by the Hon. Joseph Grinnell, the chairman, and subsequently received the sanction of the House, and passed without opposition:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the President of the United States shall issue his proclamation that the articles hereinafter enumerated, being of the growth or production of the United States, are admitted into the province of Canada by law free of duty, that on and after that day, the like articles, being the growth or production of said province of Canada, shall be admitted into the United States free of duty, when imported direct from said province, so long as the said enumerated articles are admitted into said province of Canada from the United States free of duty, unless otherwise directed by Congress, to wit: Grain and breadstuffs of all kinds, vegetables, fruits, animals, hides, wool, tallow, horns, salted and fresh meats, ores of all kinds of metals, timbers, staves, wood, and lumber of all kinds.

This bill went to the Senate, where General Dix made an able speech in its favor; but it failed to become a law for want of time. Since 1848, our domestic difficulties have absorbed attention, so that no action has been had by this House, though the Committee of Commerce of the last House, through their chairman, Hon. R. M. McLane, on the 16th of May, 1850, introduced a bill in the identical language of that which had passed the House in 1848.

In the mean time the progress of events in the provinces has presented the subject of reciprocity to us in a new form, and as a much more important matter. The proposition made to us in 1848, and which passed this House, related only to the Province of Canada. But differential duties having been abolished in all the Provinces, and everything tending to show, not only the mutual advantage, but the necessity on the part of the Provinces, of enlarged intercourse with the United States, we have now the general proposition of establishing an extensive commerce with all the British possessions at the North, and of opening to the enterprise of our fishermen invaluable privileges, and putting an end to the annoyances and disputes heretofore existing in regard to our rights.

The people of the Provinces are exceedingly impatient of what they believe to be our injurious restrictions upon their productions, by which, failing, as they say, to respond to their liberal legislation in our behalf, we are driving their trade into foreign channels, as much to the detriment of ourselves as to them. No man who has given the subject his attention can fail to see the mutual advantages which must result from adopting some liberal arrangements to secure the trade of the provinces. It is known that Mr. Clay and Mr. Webster have favored some arrangements not materially unlike that proposed, while the people of the provinces are annoyed at the neglect which their liberal propositions for their own and our benefit have experienced in Congress.

The British Government at home, taking the same view of the question, with a large portion of the colonists, and probably judging that reciprocal trade with us will put off, to an indefinite future, all difficulties that may ever arise about annexation, have, through the British Minister, taken active steps to promote the wishes of the friends of reciprocity. Things are now approaching a crisis, inasmuch as the people of the Provinces, having become convinced that they can obtain no satisfactory response from the Government of the United States, are seriously meditating a return to differential duties in favor of England.

With these remarks, I will cause to be read the following letter, from the British Minister to our Secretary of State, which, although only one of several communications on the subject, will convey authentic information as to the nature of the propositions made, and the hazards represented to be attendant upon delay:

BRITISH LEGATION, *June* 24, 1851.

SIR: I have already expressed to you at different periods, and especially in my note of 22d March last, the disappointment which was experienced in Canada, when, at the close of last session of Congress, it was known that no progress whatever had been made in the bill which had been brought forward for three years successively for reciprocating to the measure which passed the Canadian Legislature in 1847, and which granted to the natural produce of this country an entry free of duty into Canada, whensoever the Federal Legislature of the United States should pass a measure similarly admitting into the United States the natural produce of the Canadas. This disappointment was the greater, inasmuch as the Canadian Government has always adopted the most liberal commercial policy with respect to the United States, as well in regard to the transit through its canals, as in regard to the admission of manufactured goods coming from this country.

I have now the honor to inclose to you the copy of an official communication, from which you will perceive, that unless I can hold out some hopes that a policy will be adopted in the United States similar to that which has been adopted in Canada, and which the Canadian authorities would be willing, if met in a corresponding spirit, to carry out still further, the *Canadian Government* and Legislatures are likely forthwith to take certain measures, which, both in themselves and their consequences, will effect a considerable change in the commercial intercourse between the Canadas and the United States.

I should see with great regret the adoption of such measures, and I am induced to hope, from the conversations I have recently had with you, that they will be unnecessary.

The wish of her Majesty's Government indeed would be rather to improve than impair all relations of friendship and good neighborhood between her Majesty's American possessions and the United States; and I feel myself authorized to repeat to you now, what I have at different times already stated to Mr. Clayton and yourself, viz: that her Majesty's Government could see with pleasure any arrangement, either by treaty or by legislation, establishing a free interchange of all natural productions not only between Canada and the United States, but between the United States and all her Majesty's North American provinces; and furthermore, I am willing to say that in the event of such an arrangement, her Majesty's Government would be ready to open to American shipping, the waters of the river St. Lawrence, with the canals adjoining, according to the terms of a letter which I addressed to Mr. Clayton, on 27th March, 1850, for the information of the Committee on Commerce in the House of Representatives, and to which I take the liberty of referring you, whilst I may add that her Majesty's Government would in this case be likewise willing to open to American fishermen, the fisheries along the coast of Nova Scotia and New Brunswick, according to the conditions specified in the inclosed extract from instructions with which I am furnished.

The willingness to grant to American citizens on such reasonable conditions two important privileges so long enjoyed exclusively by the subjects of Great Britain, will

testify clearly to the spirit by which the British Government is on this occasion animated; and as affairs have now arrived at that crisis in which a frank explanation of the views of either party is necessary for the interests and right understanding of both, I take the liberty of begging you to inform me whether you are disposed, on the part of the United States, to enter into such a convention as will place the commercial relations between the United States and her Majesty's North American Colonies on the footing which I have here proposed; or whether, in the event of there appearing to you any objection to proceed by convention in this matter, you can assure me that the United States Government will take the earliest opportunity of urgently recommending Congress to carry out the object aforesaid by the means of legislation.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

H. L. BULWER.

Hon. DANIEL WEBSTER, &c., &c., &c.

It is not necessary to read Lord Elgin's dispatch, referred to in this letter, nor the "extract" in regard to the fisheries. I have not the letter of Mr. Webster in reply, but it is understood that he is favorably disposed to a commercial arrangement, by the treaty-making power, or by Congress, for accomplishing the general objects set forth in the above letter. I will read the following schedule, specifying the articles which are proposed by the British Minister to be reciprocally admitted duty free:

"Grain, and breadstuffs of all kinds, vegetables, fruits, birds, animals, hides, wool, cheese, tallow, horns, salted and fresh meats, ores of all kinds of metals, plaster of Paris, in stone or ground, ashes, timber, staves, wood, and lumber of all kinds, and all fish, either cured or fresh."

The bill which passed this House in 1848, as before stated, as well as that reported by Mr. McLane in the last Congress, gave the schedule of free articles in the following words:

"Grain, and breadstuffs of all kinds, vegetables, fruits, animals, hides, wool, tallow, horns, salted and fresh meats, ores of all kinds of metals, timber, staves, wood, and lumber of all kinds."

I do not presume to suggest, in what language, or manner, nor with what qualifications and conditions, the propositions of the Provinces should be met and accepted. But I believe the opportunity is now singularly favorable, to achieve a great deal for the fisheries, for the commerce of New England, and the States upon the lakes, and for the general industry and prosperity of the whole country. Whether this object is within the range of the treaty-making power, or is the appropriate business of the National Legislature, I will not now discuss. I believe, however, that if the present Secretary of State should apply to the subject the powers of his wonderful mind, and grasping, as none but he can do, the whole subject of our northern relations, the fisheries, the free navigation of the St. Lawrence, and reciprocal trade; should enter into a treaty, settling and defining the whole matter, in a liberal and just manner, the country would experience relief, and willingly acquiesce in what he should do; and that the whole subject would be settled more justly and prudently than it could be by any other means. With the liberal spirit manifested by the Provinces and Great Britain, I cannot doubt that the details, as well as the general principle, of an arrangement can be satisfactorily agreed upon, should the negotiators sit down in earnest to the business. The three great objects to be aimed at are, the extension of our fisheries, increase of trade with the Provinces, and the free navigation of their rivers.

It is evident that on certain terms, and if those proposed are not right, then without doubt on others, that would be satisfactory, the British Government are ready to grant a privilege to the shore fisheries, with the right of landing and occupying such stations on shore as may be necessary for curing and packing fish, and pursuing the business gradually, in a manner most likely to be successful. If this should be acquired for our fishermen, I have reason to believe that some of those most deeply interested would regard the loss of the small protection they now enjoy not as an unreasonable consideration. But I propose not the details. My object is to call attention to the general subject, and lay before Congress some reasons for believing the opportunity now enjoyed, for advantageous negotiation or legislation, extremely favorable for good results, and deserving the earliest and most careful attention of our Government.

First let me speak of the fisheries. I know the importance of this interest, living in one of the oldest fishing districts of the country, and having many constituents constantly engaged in the business. I would be exceedingly rejoiced to see their privileges enlarged, and their laborious industry more adequately rewarded; and I believe that a more favorable moment now exists for the accomplishment of this object, than has ever before occurred. Our fishermen need less restriction and more privileges, and now is the time to secure these to them.

The recent excitement in regard to supposed trespasses by the British upon our fishing rights, has happened at an unfortunate period; and if it have any unfavorable effect upon any pending negotiations, or upon any action of Congress necessary in the premises, it will operate more disastrously to ourselves than to any opposing interests. I think the public mind should be disabused of all erroneous impressions in regard to the purpose of other nations to encroach upon us; and that, for our own welfare, we should conduct the negotiations under consideration with the utmost calmness and consideration. It is under this conviction, and without any intention of justifying any wrongful act of the British or Colonial forces, that I call attention to a few important facts, which I have obtained from perfectly reliable sources.

The British Government have sent out no stronger forces to protect their fishing privileges, the present year, than heretofore. They have promulgated no new construction of the convention of 1818; they have given no orders for the seizing of vessels, unless they were trespassing within the "three miles," where we admit that our vessels have no right to take fish; and, finally, no more seizures have been made the present year than have been made each year since 1835. It is not improbable that the orders given may have been carried out by some over-zealous colonial officers, irritated, perhaps, by a sense of wrong on our part, in an unjustifiable manner. But that the British Government have intended to encroach upon American rights, or to vindicate their own by extraordinary means, or, least of all, to frighten us into the acceptance of terms, which we would not receive unless overawed by an application of force, is a supposition without foundation, and to be forthwith discarded. I think it an act of justice to avow the facts on this subject, because it is right that the truth should be known, and because misapprehension will have a tendency to prevent that mutually beneficial arrangement in respect to the fisheries and commerce with the Provinces, which is now happily within reasonable hope of accomplishment.

The treaty of 1818, so far as relates to taking fish, reads as follows:

"Whereas differences have arisen respecting the *liberty* claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of said Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands; and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. *And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America, not included within the above-mentioned limits: Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

That portion of the above claim which I shall print in italics contains the source of the whole difficulty. Our commissioners, in 1818, specially renounced the shore fishery, three miles in width, over a vast extent of coast. This renunciation began at the boundary of the State of Maine, continued in and around the Bay of Fundy, (but in this bay we now have larger privileges,) along the coast of New Brunswick, all around Nova Scotia, Cape Breton, Prince Edward's Island, the remaining coast of New Brunswick, and so along to Mount Joly, in Labrador. This coast where we lay no claim to take fish within three miles of the shore, is at least twenty-five hundred miles in extent. This shore fishery which we have renounced, is of great value, and extremely important to American fishermen. It is important to us in this respect. The codfishery, which is pursued for a portion of every year, by a large fleet from New England, is carried on at considerable distances, sometimes hundreds of miles, from the shore. Large quantities are taken; but, as a general thing, to make the business of fishing profitable, it is necessary that our fishermen finish out the season by employment for a time after the codfishery has ended, in the fall, in the mackerel fishery, or in some uncertain jobs in the coasting trade. Without something of this kind, the expenses of well-built vessels and costly outfits is so poorly remunerated as to make fishing a losing business. From the first of September to the close of the season, the mackerel run near the shore, and it is next to impossible for our vessels to obtain fares without taking fish within the prohibited limits. We differ with England in regard to the measurement of these "limits," they claiming to run from "headland to headland," and we to follow the indentations of the coast. But the real difficulty is not here. The British have never taken a vessel as a trespasser when not within the limits which we acknowledge we have renounced. They have given particular directions to the officers of their vessels not to do so, and the reason is plain. They know that if they exact a strict observance of our renunciation, on our own construction, they break up our mackerel fishery. Hence it would be folly in them to raise an issue on the "headland" doctrine on which most people, I think, would hold our construction to be the true one. I do not think it generally known that the whole difficulty about the fisheries is about our right to take mackerel. The codfishing privileges are adequate already; and no vessel in that business has ever been seized or interfered with. I think it is proper to go still further, and to state frankly what, after a patient investigation of every source of authentic information within my reach, I believe to be the real difficulty.

The truth is, our fishermen need absolutely, and must have, the thousands of miles of shore fishery which have been renounced, or they must always do an uncertain business. If our mackerel men are prohibited from going within three miles of the shore, and are forcibly kept away, (and nothing but force will do it,) then they may as well give up their business first as last. It will be always uncertain, and generally unsuccessful, however well pursued.

Perhaps I shall be thought to charge the commissioners of 1818, with overlooking our interests. They did so, in the important renunciation which I have quoted; but they are obnoxious to no complaints for so doing. In 1818, we took no mackerel on the coasts of the British possessions, and there was no reason to anticipate that we should ever have occasion to do so. Mackerel were then found as abundantly on the coast of New England as anywhere in the world, and it was not till years after that this beautiful fish, in a great degree, left our waters. The mackerel fishery on the Provincial coasts has principally grown up since 1838, and no vessel was ever licensed for that business in the United States till 1828. The commissioners in 1818 had no other business but to protect the codfishery, and this they did in a manner generally satisfactory to those most interested.

I have thus stated the real difficulty in regard to the fisheries, because it needs to be understood, in order to draw forth an expression of public opinion in favor of availing ourselves of the opportunity presented of extending our privileges, and obtaining what we want. No method is now offered, nor in my belief will ever occur, whereby we can satisfy the claims of our fishermen, except by entering into commercial arrangements with the Provinces, on some national basis of reciprocal free trade, as we are now solicited to do. They cannot well do without reciprocity, (equally beneficial, though not equally indispensable, to us,) and we cannot well do without better fishing privileges. Both may be, and ought to be, immediately adjusted. The amount of the fishing interests

which demands the attention of the Government, is as follows:

The average tonnage in the mackeral fishery, for five years preceding 1851, was	51,503 tons.
Average number of men employed	8,879
Average annual products	283,366 barrels.
Average aggregate annual value	$1,557,963
Average tonnage employed in the cod-fishery for ten years prior to 1851, was	79,251 tons.
Tonnage in 1851	95,616
Average number of men employed	11,331
Average product	713,256 quintals.
Average annual value	$1,554,473

I will not specify the claims of this interest to the fostering care of Government, as nurseries of American seamen; that subject, as well as others, having been ably attended to, in the excellent speech of my friend from Massachusetts, [Mr. SCUDDER.] The amount of money invested, and the number of men employed, vindicate the right to attention from the Government. With all the discussion that has taken place and with the liberal proposition made at the outset by the British Minister, our fishermen will not be satisfied without progress. They believe, and truly, that their privileges can be extended. They want the shore fisheries; they want a right to erect and maintain structures on shore to cure codfish, as soon as taken, thus saving cost and making better fish for market; and believing their wishes to be easy of accomplishment, they will not consent to the endurance of former restrictions, the annoyances and troubles of which they have so long felt.

In this connection, I must refer to the views of our late brother on this floor, whose sudden death has so recently cast a gloom over this House. Mr. Rantoul was a faithful representative of a district deeply interested in the fisheries. On account of the alleged encroachments of the British upon our rights, he undertook an examination of the subject, in connection with the proposed commercial arrangements between the Provinces and the United States, and devoted to it the last days of his health and life. In common with all, I deplore his loss to this House and the country; and I will add that I particularly regret that he did not live to deliver the speech he was preparing on the subjects I am now undertaking to discuss. I have the more confidence in the views I present, because I know that, in the main, they were sanctioned by his superior judgment.

But I come to the remaining topic of my remarks, which, if it had not been by the circumstances inseparably connected with the fisheries, I might have discussed alone, as being of equal if not greater importance. The proposition for the closest commercial relations with the North American Provinces of Great Britain, embracing the free use of their rivers and canals, is a subject of very great magnitude. It involves all the commercial, political, and moral benefits arising from intimate relations with a great nation. The Provinces now contain a population of more than two thirds that of the United States at the time of the Revolution. Having generally a good soil, an invigorating climate, and a population with habits which promise great good, there can be no doubt that there is a future of prosperity and greatness before them, second to no nation on the continent except the United States. They border upon us, on a line of many thousand miles in extent, and thus have all the advantages of situation to benefit us, and be benefited by us, which they could have if they were integral parts of the Union. We now treat with them in their weakness; we shall hereafter know them in their greatness. They come to us in a liberal spirit; and entertaining no jealousy of the more rapid advancement of our country, provided they can follow, even at an humble distance, in the path of progress and improvement, they make explicit and earnest appeals for an honorable and mutually beneficial reciprocity. Their appeals have been unheeded for a long time, and it is both becoming and necessary that we should make our decision at an early period. They have not made any proposition of the measure of reciprocal free trade which they request us to consider as their ultimatum; and, of course, I do not undertake to define any. But they have come with liberal propositions, as a basis, and my earnest appeal is in favor of meeting them in the same spirit.

Commerce is the great pioneer of human progress and improvement. Two civilized nations cannot have trade with one another without mutual advantage to both. They cannot refrain from trade and intercourse, especially if conterminous, without disadvantage to both. The mutual accumulation of wealth, and means of improvement and happiness, is the natural result of abundant commerce. A fair exchange of such products as each can provide for the other, with less labor than that other can provide for himself, lessens the amount of human labor necessary, and leaves more time and means for improvement and happiness. Men invent engines, steamboats, railroads, and telegraphs, for the purposes of commerce, in the hope of gain. They are used to enlighten the dark places of the earth, to spread information and religion throughout the world, to equalize prices, transport commodities, prevent panics, and annihilate the evil of local dearths and famines. We live in a wonderful age of commercial activity and improvement. We are continually seeking for new fields of enterprise, and stretching our efforts to the end of the earth to find new customers for our products and our wares. Shall we overlook the best customers we can anywhere find, (because they are our neighbors, and the cost of transportation is thereby chiefly saved,) and go to China and Japan, with cannon and gunpowder, to open by force of arms the distant nations who repel all our advances? No man is unaware of the benefits of unrestricted commerce between the States of this Union. It has contributed more than anything else to our growth and power as a nation; in fact all else would have been insufficient without it. It is the great bond of our Union at the present time, and does more to hold us together than ten standing armies. It is our invisible, omnipresent, and all but omnipotent resisting force against dissolution. By its noiseless power it vindicates republican institutions, promotes the general prosperity, and will hold us together, when physical force would only produce anarchy or tyranny. Let us extend this bond of interest with proper limitations, or none at all, as may be thought best, to the Provinces of Great Britain, lying upon our borders. It may be done with general benefit to the whole country. It is no scheme which may not be safely carried out in a southern as well as a northern direction. Reciprocity may be assumed as the basis of our relations with all adjoining nations. If adopted, it will open the way for the abolition of tonnage duty on Spanish vessels engaged in trade between Cuba and Porto Rico and the United States, now so earnestly sought by a portion of the South. I would vote for such abolition at any time. We can adopt reciprocity for this continent and the adjoining islands as an AMERICAN SYSTEM, deserving the name it would bear. Annexation and "filibustering" expeditions would then be little talked of, because there would be no commercial restrictions, whose removal makes conquests and closer combinations necessary for human progress.

But let me confine myself to some specific benefits to be derived from meeting the colonial propositions for trade in the liberal spirit in which they are made. The proposition of Sir Henry L. Bulwer particularly mentions the free navigation of the St. Lawrence. It is well known that by the Welland canal, which connects Lake Erie and Lake Ontario, the Canadians can now transport all their shipping at pleasure from the lakes to the river St. Lawrence, and thence into the Atlantic ocean. In connection with their propositions of reciprocity, and settlement of the fisheries, they now offer to our western commerce this great privilege. Let us look at its value. The river St. Lawrence and Lake Ontario at the northern border of New York; western New-York, northern Pennsylvania, Ohio, Indiana, and Michigan, are contiguous to Lake Erie; Michigan, Wisconsin, Minnesota, and Illinois, are adjacent to Lakes Huron, Michigan, and Superior. The St. Lawrence is the natural outlet to all this immense country, and with the exception of Lake Superior, (and that will not be an exception many years longer,) large as well as small vessels may be, and often are, taken from all these lakes through the Canadian canals and the St. Lawrence to the ocean. We know how to prize the free navigation of the Mississippi, and we shall not cease to extol the foresight of the statesman who was mainly instrumental in the purchase of Louisiana, by which this was obtained. The St. Lawrence, with the lakes, is the natural outlet of an extent of country nearly equal to that drained by the Mississippi, and the course of that river is more favorably directed towards good markets, than the Mississippi. It is not far from the line of a great circle on the earth's surface, from the lake country to England, and is, therefore, on the line of the shortest distance, although such does not appear to be the case, on the common maps of Mercator's projection. It is on the line of the greatest wheat-producing region in the world. There is now calculated to be not less than $8,000,000 worth of shipping upon our lakes owned by citizens of the United States. Our citizens have often felt the advantage of transporting their vessels through the Welland canal and the St. Lawrence to the Atlantic, and have been frequently asking the Canadian Government for leave to do so. Permission has generally been refused, though granted in some instances. Within two years one of our vessels laden with copper ore, bound to Swansea, in Wales, and another with emigrants for California, were allowed to pass out of the lakes through the St. Lawrence to the ocean. Two war steamers of the United States were not long ago allowed the same privilege. For five months of the year all shipping on the lakes lies idle, on account of ice. It is estimated that one fourth part of it, say two millions of dollars' worth, is adapted to ocean navigation, and might be profitably employed, if it could be got out, in foreign commerce, or in the coasting trade of the Atlantic States, at times so unnecessarily expensive. The free navigation of the St. Lawrence is only necessary to show us in the fall of every year, long lines of vessels seeking the Atlantic, through Canada, laden with western produce, and in the spring, making their way back with foreign wares, and with the avails of profitable labor for nearly half a year. Let no one imagine that freights of breadstuffs may not, in this manner, be transported by our own vessels to foreign markets. Our wheat competes in British markets with wheat from the Black Sea; yet Odessa, the chief place of export on that sea, is a thousand miles more distant, by water communication, from Liverpool, than is Cleveland in our State of Ohio. The St. Lawrence is important to the great West now, but when we attempt to calculate what the West is destined to be, in wealth, population, varied interest, and varied necessity, we can apprehend something of the importance of securing its great outlet now when we have the opportunity. If I could be permitted to make one suggestion to the representatives of the West, ever watchful of her interests, and faithfully laboring to promote them, it would be to take care that the present golden opportunity of securing the free navigation of the St. Lawrence be not lost.

I have heard it suggested that we might accept of limited reciprocal trade with the Provinces in such a manner as that the commercial transactions between them and us would be injurious to our manufactures. If I believed that any practical arrangement with our neighbors would involve such a result, there is no one who would be more anxious to prevent it than myself. But I believe arrangements that prevent trade are alone injurious to the parties; not those which facilitate it. If a basis is agreed upon which shall open the way for the people of the Provinces to come and trade with us, I have no fears that it will not be profitable to both parties. To keep them away, by tariffs on their products, so that they cannot be brought here to pay for our fabrics, will thereby injure our manufacturers who desire to sell to them their goods.

It is now universally admitted, by sound economists and statesmen, says an able writer in the North American Review, "that no commercial arrangement can be permanently advantageous to one party without being so to both; that the basis of virtual, when not of literal reciprocity, is the only solid ground of international relations, and that the increased prosperity of one of the family of nations, only offers an enlarged market for the industry, and an expanded field for the commerce of every other. The recognition of these principles is fast girdling the earth with a zone of common interest, mutual good-will, and reciprocal helpfulness."

The author of these sentiments is not an advocate of general free trade, without regard to circumstances. On the contrary, he believes a tariff to be indispensable to develop American manufactures, in competition with the productions of Europe, where labor is cheaper and money is cheaper than we ever hope they will be here. It is with similar sentiments that I have quoted his remarks just given.

Let us now look to the extent of country and the estimated population with whom we are now seeking better commercial arrangements. The Provinces are five in number, with distinct, independent governments, of the following population and extent:

	Population.	*Area—acres.*
Canada (East and West) contains a population of.....	1,500,000	163,500,000
New Brunswick.....	200,000	19,000,000
Nova Scotia (including Cape Breton).....	280,000	11,500,000
Newfoundland.....	102,000	23,000,000
Prince Edward's Island.....	63,000	1,360,000
Total.....	2,155,000	218,360,000

The tables of commerce and navigation, published annually by Congress, show that the commerce between the United States and these colonies is by no means of the same character with all. The principal exports from Canada to the United States, are lumber, grain, flour, ashes, and wool, and amount to about seven millions of dollars. The principal articles exported from New Brunswick, are lumber, coal, gypsum, and fish, fish oil, and grind-stones; from Nova Scotia, sawed lumber, fish, gypsum, grind-stones, lime, coal, potatoes, and cord-wood. Prince Edward's is a small colony, chiefly engaged in the fisheries, and agricultural employments, and building annually a large number of small vessels for sale. The exports of Newfoundland consist of dry and pickled fish, fish oil, seal skins, seal oil, &c., and amounted in 1845, to $3,519,000. The outfit for the sealfishery in 1847, consisted of 321 vessels, with a tonnage of 29,800 tons, and employing 9,750 men. A large number of vessels for sale, are annually built in each of the Provinces, which business gives employment to a large number of people.

It will be seen from the above, that no one of the colonies, except Canada, exports grain or flour. This fact should be noticed, because of the suggestion sometimes made that the admission of flour and grain, duty free, would introduce competition injurious to western farmers. The other colonies are large consumers of foreign breadstuffs, and have received their supplies for some years past from the United States, notwithstanding there is imposed a duty of from twenty-five to seventy-five cents per barrel on our flour. Nova Scotia and New Brunswick have been among our best customers for flour, and have also, with the other eastern Provinces, bought their chief supplies of all foreign articles in our markets. To show what amount of trade with her own colonies we have been gradually taking from England, I will state that the whole amount of exports from the United States to all the Provinces, twenty years ago, was a little over $3,000,000. It is now considerably over four times that sum. The total exports from Great Britain to the colonies in 1840, was about $15,400,000; in 1849, it was not much above $11,000,000, showing a comparative loss of thirty per cent. in nine years.

I know the discouragements which manufacturers have had to encounter; the actual loss which they have experienced of more than half their capital; the long years of depressions, during which they have been without dividends or other returns. I know, too, that when they have made profits, it has been by rising early, sitting up late, and eating the bread of carefulness. Since I have been in Congress, it has been one of my chief anxieties to be serviceable in procuring a rational modification of the tariff, by which, at least, the evils of *ad valorem* duties might be removed. But we have had so much of politics always uppermost, so many topics of excitement ever on hand, so much jealousy of the effect of a change in the tariff, upon the prospect of parties, and individual aspirations for the Presidency, that though I have seen a Whig majority as well as a Democratic majority here, and though the general conviction of fair men of all parties has sanctioned a modification, nothing has been done, and I expect nothing to be done during this Congress. The question of the tariff has been hopelessly involved with party, and I advise manufacturers hereafter to expect no protection from Government, and never to invest a dollar on the presumption that Congress will do anything to render it profitable. It must be acknowledged, too, that we have needed customers as well as protection. The market has been overstocked. We must now try to hunt up other markets. Protection under our Government may last long enough to put a vast amount of capital at hazard, but is sure to be abrogated before it can be safely dispensed with. "A fluctuating tariff is more to be dreaded than one which defies every law of political economy." The energy of our people can surmount any obstacles that can be calculated and provided against, but will be broken when their industry is made the dice by which political tacticians seek to rob each other of power.

The subject of reciprocity is not a party question; it is not a Canadian question; it is an American question. It has received the sanction, though not the efficient attention of the most prominent men of both the great parties of the country; and I believe it not only will not injure the manufacturers, but is of great consequence to their future prosperity. It will provide new markets for their fabrics, of a value and extent of which few now have any conception. By opening the way for our neighbors to bring to our markets what they have, and we want, we shall be able to sell them what we have, and they want. It is much more for the interest and convenience of the people of the Provinces to trade with us than with any other country, and nothing can prevent their doing this, except a narrow-minded, short-sighted policy of restriction, unworthy of us in our dealings with a neighboring nation, where the price of labor is as high as it is here, and whose situation renders our trade with them as natural as it is between the States. They are yearly opening new communications to our sea-coast and large cities, and are yearly visiting us in quadrupled numbers. They have no manufactures, and they want, provided we let them bring their produce to our markets, our cotton, iron, and other manufactures. They have the same wants which our manufactures were established to supply; they have the same tastes, fashions, and customs. As they admit our manufactures on the same terms as those of Great Britain, we can manufacture for them everything which we can profitably manufacture for ourselves. The proposition before us is that of adding two millions of people, soon to become double that number, to the consumers of our fabrics. They are at our doors, asking the privilege to benefit themselves by benefiting us. Let us attend to so important a matter without delay. Let gentlemen judge of the magnitude of the trade under consideration, and of its rapid increase since the abolition of differential duties in 1843, by the fact that in 1840, our whole export of manufactured articles to Canada amounted to only $100,000. In 1845 it reached the amount of $1,700,000. In the last fiscal year the total amount of manufactured articles exported to all foreign countries was less than $20,000,000, while the amount sent to the British Provinces was over $5,500,000. One fourth part of our exported domestic cotton manufactures, and nearly one fourth part of our iron, and manufactures of iron, find their consumers in the British Provinces. I believe the country is not aware of the value of these markets to us. If the people were awake to the matter, I should have no fears that the lucrative trade we now enjoy, and that which we may easily obtain, will be turned needlessly away to find other channels and other markets.

Again, the advantage of bringing the Provincial trade to our markets, by making it for their profit to buy and sell, like our own citizens, in our large cities, is seen in the important benefit which it would be certain to confer upon our railroads, steamboats, and canals. How important a matter it would be to monopolize the carrying-trade of two millions of people is readily seen. The profit arising from the employment of men and capital, and the impulse it would give to all other interests in a country, should not be overlooked by any. But inasmuch as the most populous portion of the Provinces are separated from our maritime cities, where they desire and propose to transact most of their business, by a wide strip of our own country, we must transport their exports and imports, mainly, over our railroads, on our steamboats, and through our canals. The travel and the trade would be immense, and I could readily mention several railroads in my own State, as well as elsewhere, to which the enactment of this measure is of very great importance.

I have already alluded to the objection that the admission of Canadian wheat would open an injurious competition with the wheat ground of the West. This country annually receives a foreign emigration of three hundred thousand people, a larger portion of whom immediately become producers of wheat, than are sufficient to raise all the supplies that the British Provinces ever export. Yet our farmers are not sensibly injured. Competition fairly exercised only develops the energies of the people. But those who raise this objection do not plainly consider the whole case. The growth of our cities, the increased business of the population engaged on our internal channels of communication, would divert a portion of the people from the business of production, and would increase consumption, more than enough, it is believed, to counterbalance this increase in quantity of flour. It must be remembered, too, that we have latterly exported nearly as much flour and other breadstuff to the eastern Provinces as had been imported from Canada.

In the year 1850 the amount of imports of flour and wheat from Canada into the United States, is reckoned at a little more than $2,000,000. During the same year we exported breadstuff to the lower Provinces valued at over $1,800,000.

Thus it appears that the whole surplus of the British Provinces might be absorbed in our commerce without lessening the prices of our products at all. Take off the duty on their natural products, and a stimulus will soon be given to their business, which will increase their population, and make them much larger consumers of our articles than they now are, as well as greatly promote the prosperity of both countries.

There is one other article of western commerce that would be enhanced in value by opening the Canada markets, and that is pork. A multitude of men are engaged in the lumber business in Canada, whose most important article of food is pork. This staple product of the West, where corn is raised so easily, and in such abundance, can nowhere else be afforded so cheap, and therefore our western farmers will assuredly provide supplies for the lumber men. Great advantage will also accrue from an increased supply of all kinds of lumber at somewhat lower prices than is now paid. Lumber is a necessity of life in every civilized society. Measures should be as readily taken to facilitate its acquisition as that of breadstuffs and clothing. It is well known that the supply is rapidly decreasing in New England, and any scheme that shall be adopted to give us free access to the boundless pineries of Canada and New Brunswick, will greatly promote the general good.

This measure of reciprocal trade, connected with the protection and extension of our fishing privileges and the free navigation of the St. Lawrence, has received the favorable consideration of many of our distinguished statesmen, and all whom I have known ever to have considered the subject. I believe it to be in accordance with the general sentiments of the American people, and I hope it will no longer be neglected.

A few words more and I will close. The history of the world shows that those nations which first arrived to a high stage of improvement, and from which has proceeded the civilization that now covers so large a portion of the globe, have all inhabited coasts and tracts of country indented by bays, gulfs, friths, and other bodies of water, favoring extensive commercial intercourse. The situation of Arabia, Palestine, Greece, and Italy, and the history of their influence in colonizing, civilizing, and christianizing the world, are illustrations of the truth of my remark, in ancient history; while the situation of England, France, Germany, and the nations about the Baltic, illustrate its truth in modern times. On the other hand, the condition of the people of Asia and Africa, proves how slow is the march of improve-

ment in countries not favored by natural channels of internal communication. Our own continent was wonderfully provided by the Creator with every means of greatness. There is no element in the heavens above, nor in the earth beneath, nor in the waters of the earth, necessary for man's prosperity, which he does not find here in abundance. Every needed necessity in the animal, vegetable, and mineral kingdom is here, ready for the subjecting hand of man; while an exuberant fruitfulness of soil, and a wonderful healthfulness of climate, indicate the great multitude of people whom God has destined to inhabit this land. His finger has traced the channels of our rivers, located our broad and mighty lakes, and opened navigation half way across the continent. Let us not fail of doing everything on our part to keep forever open and free, these great natural channels of commerce, fellowship, and good will.

WHIG CONGRESSIONAL CAUCUS—FUGITIVE SLAVE LAW—THE PRESIDENCY.

SPEECH OF HON. DAVID OUTLAW,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

June 10, 1852.

The House being in the Committee of the Whole on the state of the Union on the Indian Appropriation bill—

Mr. OUTLAW said:

Mr. CHAIRMAN: There has been a very general complaint throughout the country, that the time of this Congress has been consumed in useless discussion, to the neglect of the public business However this may be, it has no personal application to me; for, neither during the present Congress, nor during any preceding one, since I have had the honor of a seat upon this floor, have I been in the habit of making harangues before the House upon subjects not legitimately under its consideration. Perhaps I have too much disdain for those appliances which are resorted to to attain popularity. Nor have I fallen into another error, which seems to prevail here, of supposing that no question, however hackneyed; no subject, however unimportant, can be properly decided until my views have been heard. I have been content to discharge, in a quiet, silent manner, the duties that devolve upon me as one of the members of this House. Nor have I deemed it necessary, upon all occasions, to make known to my constituents the reasons which influenced my conduct. I have preferred to leave it to their intelligence to find out those reasons, and to their judgment properly to estimate them. I regret that circumstances should have arisen which make it my duty to depart from the rule which I had prescribed for the government of my general conduct. And, although the gentleman from Vermont [Mr. MEACHAM] says that the pabulum upon which he feeds, morning, noon, and night, is the compromise measures, and the finality of the compromise, I fear I shall have to give him another dose. [Laughter.] I hope he may survive it, and he will well digest it, especially as he has set us the example, by alluding to the subject himself.

It is by no act of mine that the proceedings of the late Congressional caucus have been introduced into the debates upon this floor, and made a subject of discussion. Those who seceded from that caucus gave their reasons for their conduct to the public through the public press of the country. The same medium of communication was open to others, who entertained different views in relation to their duty. But they have seen proper to introduce the subject into this House; and, following what may be considered a bad example, I now propose to give my reasons for the course I pursued upon that memorable occasion. In coming to speak upon this subject, I have no confessions of penitence to make, no apologies to offer; but, on the contrary, I am free to declare here this day that, after full and mature deliberation, under similar circumstances, I would again follow precisely the same course. What I did upon that occasion was not the result of any sudden impulses. It was not the result of any offense taken at the decision of the presiding officer of that meeting, extraordinary as I thought it to be; but of full and deliberate reflection, as to what duty to my constituents and my country required at my hands. But I go further. I declare here that whatever of responsibility or odium was incurred by either my honorable friend from Kentucky, [Mr. MARSHALL,] or my honorable friend from Tennessee, [Mr. GENTRY,] by offering the resolutions which they did upon that occasion, I take my full share of both, because they were offered with my full concurrence and approbation.

Before I proceed to discuss the occurrences at that caucus, and the reasons for my conduct, the reasons why, in my judgment, those resolutions were proper to be introduced, it is my purpose to state, as briefly as I can consistently with perspicuity, the principles settled by the act known as the compromise measures.

I am a plain man, and I intend to speak plainly to avoid mistakes and misunderstandings. I have heard it declared here, upon all sides of this House, that the only one of these measures which remained to be executed, or in which the South had any particular interest, was the fugitive slave law. Sir, I do not concur at all in that opinion. Important as I regard that act to be, important as I regard the principles settled by it to be, not only to give us a remedy for what had become almost, if not quite, a mere naked constitutional right—important as being necessary to quiet the public mind, which had been deeply excited at the South by this sectional agitation—I say I do not regard that as the only important principle, or, indeed, as the most important, settled by those measures. I do consider it settled by the passage of that act, that Congress shall give to my constituents, and to those similarly situated, a remedy which shall be efficient to enable them to reclaim their fugitive slaves; and I should regard any alteration in its provisions, whereby that remedy should be rendered less efficient in the judgment of the southern people, as a violation of the spirit and the principles of those compromise acts.

I shall not undertake to say, sir, what would be the action of the southern people in the event of a repeal or alteration of that law, by which it should be rendered less efficient. They have a right to determine that matter for themselves, and it would be presumption in me to undertake to speak for them. No doubt, in due season, should the emergency arise, they will properly and rightly determine that question. In addition to this principle —for it is my purpose to state them merely, not to elaborate them—the act for the establishment of the territorial governments of New Mexico and Utah, settles a great vital and fundamental principle which lies at the foundation of our republican institutions. Those acts provide that those Territories shall be admitted into the Union with or without slavery, as the people, in their fundamental law, when they shall come to make it, shall determine. This was true before those acts were passed. It will remain true, whether that principle be violated or not; for, as I before remarked, Mr. Chairman, it is a great vital and fundamental principle of free government, that those upon whom the fundamental law of the country is to operate, have a right to determine what the character of that fundamental law shall be. The powers of this Government upon that subject are limited, by the express provision of the Constitution, to the inquiry, whether their form of government is republican in its character. And, sir, while I do not intend to use the language of menace, while I deem such language inappropriate always between those who are equal, and more especially in this Hall of national legislation, yet I may be permitted to remark, by way of warning, that shall the time ever arrive when this Government shall exclude from this Confederacy a State merely upon the ground that the people have adopted slavery as one of her institutions, the excitement which prevailed here during the last Congress, and throughout the country, will be as the gentle southwest wind to the sweeping tornado, that will extend from Mason and Dixon's line to the Rio Grande. It will be conclusive evidence to the people of the slaveholding States that they are placed under the ban of the Republic; that this common Government, erected for the support, maintenance, and defense of all the rights of the people of this nation, is to be perverted to the overthrow and destruction of the institutions of fifteen of the States of the Union, and the feeling of self-preservation, of common self-respect, if nothing else, will induce them to take means to preserve themselves from the consequences of it.

Sir, I say this principle is important to the peace and quiet of the country. Had it been settled, the Missouri Compromise question never would have arisen, and the heartburnings and controversies of that exciting subject, which have left their sting to this day, and sowed broadcast the seeds of fraternal discord and dissension in the country, never would have arisen. I regard another principle settled by these acts.

Before, however, I proceed to that matter, I wish to state that, as a corollary to the propositions I have stated, it is further settled that the States which are to be formed out of the territory of Texas are to come into the Union with or without slavery, as the people inhabiting those Territories shall determine. If this compromise is adhered to, no such controversy as that which arose in the case of Missouri can ever hereafter occur in the history of this Government.

But there is another principle settled by these bills. I take it that the territorial bill for the government of Utah and New Mexico may be modified, changed, or altered by the action of this Congress. Well now, sir, I should like to know, unless upon the principle that these compromise measures are to be adhered to, are to be final, what is to prevent hereafter an attempt to impose the Wilmot proviso upon those Territories?

Suppose, sir, what I admit is not very likely to occur, that mineral wealth shall be discovered in New Mexico; that slavery shall be carried there; that the courts of the country should determine, as I believe they would, that it might rightfully and legally go; are there no individuals who would be found seeking to exclude it by legislative enactments? I wish to guard against that contingency; and the principle which these bills settle is, that you are not to undertake, either in regard to those Territories, or any which may hereafter be constituted out of the territory which we now have, or may hereafter acquire, to undertake by any legislative enactment, to exclude us from them. You may, I admit, litigate the matter before the judicial tribunals; if they decide against you and for us, there the thing is to end.

Mr. Chairman, I consider these principles, which I have thus briefly stated, as more important to the peace, welfare, and quiet of this nation, than any of the party issues which now divide the country. Sir, I deem it absolutely necessary that they should be adhered to and maintained, to enable the country to recover from those wounds which it received during the sectional strife which grew out of the disposition of the territory acquired by our treaty with Mexico. I regard them as necessary to preserve us against what our wisest and ablest statesmen have considered as the rock upon which this country was most likely to split.

Sir, if I am not mistaken in the principles which are settled by the acts in question—if they are regarded by the country as final, and not to be disturbed, the subject of slavery cannot be legitimately brought before this House for its discussion, and there is nothing which lies in the way of the march of this nation to a degree of renown, of prosperity, of strength, and of glory, which is without any example in the history of the human race.

So regarding them, I stated that I considered them more important than any of the party issues which now divide the country. Sir, what are those party issues? Many of them are obsolete. It is true that some valiant gentlemen upon the other side of the House occasionally exhumes from its almost forgotten grave the dead carcass of the United States Bank, and drags it here across the stage to frighten us out of our propriety. He who is alarmed must have very weak nerves, for, so far as I know, no man of any party proposes to establish a United States Bank. I declare, for one, I should not hesitate to vote against it.

Well, in regard to the tariff. The tariff of 1846, as well as that of '42, are measures discriminating for the protection of American capital and American industry. There is no difference in the principle of the two bills. It is a question of details,

and not a question of principle, and you find northern Democrats in favor of increased duties, as you find southern Whigs opposed to it. My opinion upon that question is, that in laying duties for revenue, we may legitimately and rightfully so adjust them—and that it is our duty to do so—as to give aid and protection to the capital and labor of our own country. To high and prohibitory duties, I am utterly opposed, believing that neither the general interest of the country, nor that of the manufacturers themselves, would be promoted by such legislation.

In regard to the distribution of the proceeds of the sales of public lands, I admit that the disposition of the public domain is a great and important question. I had hoped that the old States would be enabled to obtain some portion of their property, but what I have witnessed here during the progress of this session of Congress, as well as preceding ones, has almost extinguished the last spark of hope. I know no better, more just, and more equal division than the distribution act. I would vote for such a bill—as I will for any which approximates equality. It has, however, ceased to be a party issue. You will find Whigs and Democrats voting to give every man a farm, voting to railroads millions of acres, without any regard to old party divisions. Nay, sir, they seem to vie with each other, which shall excel in this race of popularity and spoliation.

In regard to the foreign policy of this Government, it is undoubtedly true that our friends upon the other side of the House have been a little more *filibustering* in their disposition than the Whigs. My friend from Georgia [Mr. Toombs] suggests that they got out of it as quick as possible. I admit they did, because they were restrained by the response which came up to this Capitol from all parts of the Republic. There was no mistaking the fact that the people of this country intended to adhere to their ancient and well-settled policy of minding their own affairs, and leaving other nations to take care of theirs.

I say, then, Mr. Chairman, thus viewing this question, I declare here, as I have declared elsewhere—as I declared to my constituents before my election—that I can go with no party, I care not by what name it may be known, and I will support no man, I care not by whom he may be brought forward, which and who are not distinctly and unequivocally committed to the maintenance of the compromise measures, in their full integrity. My friend from North Carolina [Mr. Stanly] suggests to me that I have omitted the subject of internal improvement. In relation to that subject also, in which my constituents are so deeply interested, if you examine the votes of the members of this and the other branch of Congress, you will find that men are governed in their votes upon that question more by the interests of the locality from whence they come than by party divisions. You find Democrats from the Northwest and upon the lakes voting for measures of that sort. I voted for them myself, and my friends from other portions of the Union voted for them. I believe it is perfectly right and proper for this Government to make those improvements, which are of general and national importance, and upon a suitable occasion, although I know I differ from some of my colleagues, I intend to submit my views upon that particular subject.

But I now come to the proceedings of the Whig Congressional caucus. I do not profess to be well versed in parliamentary law. I have never understood that these caucuses, which are meetings of friends for consultation, are to be tied down by technicalities, which none but those who have made them the subject of their study can understand. There is, in my judgment, no rule, either of parliamentary law or of common sense, at all events none on the level with my capacity, which made the resolution of the honorable gentleman from Kentucky [Mr. Marshall] out of order, except from the assumption which was taken by the president of that meeting, that the sole object and the sole power of that caucus was to fix a time and place for the meeting of the national convention. Unless that ground be adhered to, I say there is no rule, either of parliamentary law or common sense, by which either the resolution of the honorable member from Kentucky, [Mr. Marshall,] or more particularly the resolution of my friend from Tennessee, [Mr. Gentry,] was ruled out of order upon that occasion.

But, sir, I should like to know how it was that caucus was limited to the sole purpose of fixing the time and place for the meeting of the national convention. It was not certainly by precedent, because I appeal to my two honorable friends who sit by me, [Mr. Clingman and Mr. Toombs,] who were in the Congressional caucus of 1848, whether on that occasion the question as to the propriety of calling any national convention was not raised and entertained, and whether it was not debated for several hours? And the same gentleman who presided at the second caucus was the president of that caucus. It is remarked to me by my friend from Georgia, [Mr. Toombs,] that it got through by a close vote. I do not recollect myself how the vote was. It was not out of order under the call, by which that caucus was convened, for terms more broad and comprehensive could not well have been employed. It is follows:

"The Whig Members of Congress are requested to meet at the Senate Chamber on Friday evening next, the 9th instant, at 7 o'clock, to consider of matters of importance to the Whig party.

"Wednesday, *April* 7, 1852."

I will not take up the time of the House in discussing the question of order further. My colleague [Mr. Morehead] stated in the speech which he delivered on yesterday, that the sole cause of the difficulty which arose at this caucus was the speech delivered by the honorable Senator from North Carolina, [Mr. Mangum,] advocating the pretensions of General Scott in the other branch of this Capitol. My colleague and friend is mistaken in regard to the fact. That speech was made between the first and second meeting of the caucus, and at the first, before its adjournment, the honorable member from Kentucky [Mr. Marshall] gave notice he intended to introduce a resolution upon the subject of the compromise, and press for action upon it, before the time and place were fixed for the meeting of the National Convention. Unless, therefore, the honorable gentleman from Kentucky had the power to foresee several days before what the honorable Senator from North Carolina intended to do, and what would be the character of his speech, I should like to be informed how it was possible that speech could have any sort of influence upon his conduct?

Mr. MOREHEAD. The views I expressed were these: I supposed the speech which had been delivered by the honorable Senator from North Carolina was the "iliad of all our present woes." I had supposed it was in consequence of his making that speech, and the declaration openly, to the world, that he was the advocate of General Scott, my seceding friends who differed from him would not remain in the caucus.

Mr. OUTLAW. The gentleman is entirely mistaken, as the facts to which I adverted prove; because it was determined before the meeting of the first caucus this resolution should be offered. Notice was given at that caucus of this determination, and, therefore, the speech of my colleague in the Senate from North Carolina could have had no influence whatever upon the offering of the resolution.

Mr. MOREHEAD. I ask my colleague, with his permission, whether he states it was determined by the gentlemen who seceded, to leave that caucus if the resolution was not received?

Mr. OUTLAW. I have no sort of concealment upon the subject. I state to the gentleman I had determined before the meeting of the second caucus, if that resolution, and the one offered by my friend from Tennessee, were ruled out of order, to retire from it, and I announced that determination to my colleague, [Mr. Stanly,] as he will doubtless recollect.

Mr. MOREHEAD. One question further. I ask the gentleman, and those who seceded, what had the rest of us done that they would not treat us with enough respect to let us know what course they would pursue in that event?

Mr. OUTLAW. The gentleman asks why I did not make known to him my determination? I tell him that I did communicate it to my colleague, who sits at my right, [Mr. Stanly;] I do not know of any particular reason now why I did not communicate it to my colleague, [Mr. Morehead.] Perhaps it was because we did not happen to fall in company with each other, or to have any conversation on the subject; but I had no concealment upon that subject from any man.

Mr. MOREHEAD. I wish to have no misunderstanding about this matter. So far as I know, up to that time, and so far as I know now, there never was the least personal unkindness between the gentlemen from the southern States who remained in that caucus and those who retired. Therefore it was that I thought it remarkably strange, having determined to leave that caucus, they did not treat us with respect enough to let us know, in the event of certain things, the course they would pursue. I have no sort of unkindness to the gentleman in the world.

Mr. OUTLAW. I certainly had not then, as I certainly have not now, anything but the most kindly feelings towards my honorable colleague; and I wish to state here now, to prevent all misapprehension, that while I justify my own conduct, I do not at all undertake to sit in judgment upon the conduct of others; I do not undertake to say they were not governed by as patriotic motives, according to their views of their duty, as we were.

But, sir, to return to this matter. I say it had been determined to offer this resolution, and I shall give the reasons why, in my judgment, it was proper it should be offered. I am free to say, Mr. Chairman, had nothing occurred between the proceedings of the Whig caucus, on the first day of this session, and the assembling of the second caucus, I should not have advised the resolution to be offered. But what had occurred? You will recollect, at the first Whig Congressional caucus, a resolution in substance declaring the compromise measures a final settlement of the subjects embraced in them was passed. It was passed with but four or five dissenting voices; at least, that is my recollection of it, and that is the recollection of most of those who were present. The honorable gentleman from Florida [Mr. Cabell] came into this House, and proclaimed that the Whig party of the North, as represented by their representatives in Congress, were in favor of the compromise measures. There was no response to that speech, save from the honorable gentleman from Massachusetts, [Mr. Fowler.] There was no necessity for a response from the honorable gentleman from Pennsylvania, [Mr. Stevens,] and it was stated that he had retired from the meeting. Well, sir, what occurred subsequently?

Mr. STEVENS, of Pennsylvania. With the gentleman's permission, I will occupy the floor for a single moment. I have never said anything about the report made by the officers of that meeting, of which the gentleman was one. I desire to state a single fact now, however. I came up here not knowing there was to be a caucus. Some person invited me in, as it was for the purpose of determining whether we would fix upon candidates for officers of the House or not. I went in. It was there said that it was best to have no candidates; and in that all agreed. Then some resolutions were offered, to which I objected. Motion was made to lay them upon the table. The vote was taken upon that, and was pretty nearly balanced. It was decided, however, in the negative. The previous question was called. I asked that that be withdrawn until I offered an amendment. It was refused. The vote was immediately taken, and I admit but a very few then voted in the negative. I was present when the vote was taken, standing at or near the door. As soon as it was taken I went out, there being no other business I knew of to transact, except to adjourn; and was immediately followed by the gentleman from Massachusetts, [Mr. Fowler.] I appeal to the gentleman from Massachusetts, if this statement is not correct.

Mr. OUTLAW. I cannot permit a colloquy here. If the gentleman will refer to the proceedings published by the officers of that meeting, he will find that he is not misrepresented. I suppose that when the vote comes directly upon a proposition, then is the time for men to vote against it if they are opposed to it. I repeat—and I call upon gentlemen who were present at that caucus to affirm my statements—not more than four or five voices were heard against the adoption of that resolution.

Mr. STANTON, of Ohio. I have heard that statement made so often within my hearing that I cannot let it pass any longer. My recollection

about that matter is, when that question was submitted there were very many new members who did not speak out publicly, but voted when called upon to do so. I call upon the gentleman to name a single member who voted for that resolution there and against it here.

Mr. FOWLER. Will the gentleman yield to me?

Mr. MOREHEAD. I desire also to occupy the floor but for a moment.

Mr. OUTLAW. I cannot yield further. The gentleman asks me to name any man who voted for that resolution at that caucus and subsequently voted differently. Unfortunately no record of the names of the persons who were present at that meeting was kept. The yeas and nays were not called. There are no means by which the position of gentlemen on that occasion can be presented before the country; but, I again repeat, and pledge my veracity as a man, according to the best of my recollection, upon the final adoption of the resolution, not more than four or five votes were heard in the negative. If gentlemen were opposed to it, they practiced mental reservation upon the subject—they kept their opposition to themselves. Well, sir, what occurred subsequently in this House? Two honorable gentlemen from Georgia, [Messrs. JACKSON and HILLYER,] introduced resolutions substantially the same as that of the Whig caucus. The yeas and nays were called here. There was no dodging that vote. Men had to stand up and take the responsibility of their position. And what was the result? Why, sir, every Whig Representative from the non-slaveholding States in this Union, who was present when that vote was taken, save twelve, voted against it. I recollect very well when the first resolution was passed. *It* was hailed from one portion of the country to the other with joy and congratulation. Those presses at the South which have since discovered we who seceded from the second caucus are disturbers of the harmony of the party, are guilty of rank usurpation, are seeking to erect platforms for the National Convention, are dictating to the people, themselves slept upon their posts. Slept, did I say?—they lauded and approved our action in declaring, as a principle of the party, the finality of the compromise acts. By what means and influence a change has come over the spirit of their dream, it is for them to explain.

I heard nothing then of what I have heard so much since, of an attempt to dictate to the American people, and to erect platforms for the National Convention; and I should like it if my colleague, or the honorable gentleman from Tennessee, [Mr. CULLOM,] would be kind enough to inform us by what kind of logic it is, that it was right and proper to adopt this resolution at the first Congressional caucus, and yet that an attempt to pass it at the second was considered as an act of such monstrous usurpation. We, from the southern portion of this Union, were placed in the predicament of creating impressions on our people, that the northern Whig delegation were in favor of the finality of the compromise acts. The gentleman from Virginia, [Mr. MEADE,] at the time, charged that such was our object; that we wished to impose our rotten party, as he very politely termed it, upon the southern people as sound. That charge, so far as I was concerned, I knew was unfounded. All who know me know that I am incapable of attempting imposition of any sort. Finding I was mistaken in the position which the Whig party of the North occupied, as disclosed by their votes here, upon the resolution of the gentleman from Georgia, [Mr. JACKSON,] I wished to know, and understand distinctly, what that position was. I neither wished to be deceived myself, nor to deceive others, upon this great and important question, which, in the estimation of my constituents, overrides all other questions. Hence it was I thought it right and proper that these resolutions should be offered; because, I declare here again, that I am unwilling to hold political associations with those who are seeking to open again this pestilent source of irritation and agitation. How can it be said that we were guilty of any dictation to the people?

The resolution of the gentleman from Kentucky, [Mr. MARSHALL,]* only proposed the terms of our holding political associations as members of Congress. The resolution of my friend from Tennessee, [Mr. GENTRY,]† only went to exclude a conclusion; to declare the extent to which we intended to be bound, in fixing a time and place for the meeting of the Convention by the nominations which might be made by that body. If it had not been directly charged, it has been insinuated, that the object was to produce distraction and division in the Whig party. Power is given to the Almighty alone, to read the motives which govern the heart and conduct of men. I cannot, therefore, speak for those who were associated with me upon that occasion, only so far as my sincere convictions go. I believe that they were actuated by the same objects and purposes that I myself was. That object was to make the Whig party a national and conservative party, and keep it what it was when it was commended to my support and approbation; to place it upon principles broad enough, and upon a basis comprehensive enough, to embrace every portion of this great Republic, and the interests of every portion; to make it such that a man in any quarter of the Union could give it a cordial and enthusiastic support, with the full conviction that, whilst upholding his party, he was in no danger of sacrificing the rights, or becoming a traitor to the particular section to which he belonged. That was the purpose, and the great object, and I am willing to submit it to the candid judgment of gentlemen, and of the whole country, that it was a proper and patriotic object which I, and as I believed, those associated with me upon that occasion, had in view, in pressing this subject upon the consideration of the caucus. It is said that if we had remained, the resolution could have been passed. Why, every man knew that the southern portion of the Whig party was sound upon that subject. I would not have given one straw for a resolution passed by the Whig members of Congress from the South. I desired our political associates in the North to come upon this platform; I am sorry to use a word which has become so common, and yet I find no other one which expresses the idea just at this moment. I desired my northern brethren to come upon this platform, and make our party a great national and conservative party, so that we might move on in solid column to victory, if victory could be obtained; at all events, to a defeat, if that is to be our fortune, where no disgrace and no dishonor could attach to us.

I shall not pretend to conceal that I have strong personal preferences as to who shall be the candidate of the Whig party for the Presidency of the United States. I am free to declare here, that I prefer Millard Fillmore to any man in this Republic, north or south, east or west—not for favors received or favors expected. I never asked any favor of that distinguished man, save only the appointment of a grandson of my legal preceptor, for whose memory, abilities, and virtues I have an affectionate remembrance and veneration. I mean the late Judge Gaston. I shall not, upon this occasion, attempt to review all the measures of his administration. My time would not permit me to do it; but I may be allowed to say, what I sincerely and honestly believe, when that Administration shall come to be passed upon by the calm and impartial judgment of posterity—when the mists of party prejudice shall have been removed, men of all parties will pronounce it one of the wisest, purest, and best administrations which we have had in this country since the earlier days of the Republic. Mr. Fillmore succeeded to the high office which he now fills at a time of unexampled difficulty and infinite peril to the Republic. The councils of this body were torn and distracted by sectional divisions, growing out of the subjects to which I have already alluded. Every man who was an actor here upon this theater knows—with his opposition—nay, but for his active coöperation, no settlement of these vexed questions could have been effected. The country was then in imminent peril of a civil war. There was danger of a conflict between the authorities of this Government and the Republic of Texas. Those questions were settled. He risked popularity, influence, everything at home, to stand by the constitutional rights of my section of the Union, and in doing that he had only to stand by the Constitution of his country. I adhere to Millard Fillmore upon a principle of honor, which is also a principle of the highest expediency—of being faithful to those who have been faithful to the Constitution and to the rights of all sections of the country.

If Mr. Fillmore is to be passed by, what is to become of that other great and eminent statesman associated with him in the administration of the Government? I mean the Secretary of State—that man who stands prominent by his colossal intellectual proportions, amongst the public men of the country, since the death of Mr. Calhoun and the illness of Mr. Clay—as prominent as the frozen peaks of Mount Blanc are above the lesser Alps, by which they are surrounded—a man whose name will be remembered while the English language is written or spoken; truly his is *clarum et venerabile nomen*, one which makes this country honored and respected in every other country upon the civilized globe. At the very crisis of our fate, when darkness and danger seemed to be impending, that great man and patriot threw all the weight of his great character and mighty abilities into the conflict, to roll back the tide of northern fanaticism which was sweeping through the North. I should like to inquire what these two individuals have done to forfeit the confidence of the Whig party of this nation. Before Mr. Fillmore became a compromise man, before Mr. Webster sustained the execution of the fugitive slave law, there were no two men in the northern portion of this Union more popular, and justly popular, with the whole of that party, than these two eminent individuals. I put it to my southern friends—if there be any who are disposed to give way under the pressure of availability—I ask them, when we shall be in danger hereafter and call upon northern men for support, if we shall not feel the blush of shame upon our cheeks, if we consent to become the executioners of those two men, and of others similarly circumstanced—if we consent to become the priests who are to officiate at the altar? Sooner than I will do anything to strike down these gentlemen, sooner than I will agree that they shall be victimized by their enemies, many of whom are also our most bitter foes, may my right hand fall powerless by my side, and my tongue cleave to the roof of my mouth.

Of the other distinguished individual who has been spoken of as a candidate for the Presidency, I wish to make but a few observations. There is no man in this Union who esteems more highly than I do the great military services of that distinguished man. There is no man who feels more sincere gratitude for the glory and renown which he has shed upon American arms. If I had it in my power, I would not pluck one wreath from the laurel which adorns his brow; but would water it with a nation's gratitude, that it might grow greener every advancing year. I voted at the last session of Congress, as I am prepared to vote now, to confer upon that illustrious captain the office of Lieutenant General. I believed it was due to his services—to his great and extraordinary services. As I intend to be perfectly frank, I am free to declare that I believe, if General Scott were left to himself, he would be disposed to extend to all sections of the Union their constitutional rights. I believe he would be disposed to administer the Government on national principles, but I cannot close my eyes nor shut my understanding to the

* "Whereas the determination of the time and place for holding a National Whig Convention has been referred to the Whigs of Congress, the Whig members of the Senate and House of Representatives having assembled in convention with the explicit understanding that they 'regard the series of acts known as the Adjustment measures, as forming, in their mutual dependence and connection, a system of compromise the most conciliatory and the best for the entire country that could be obtained from conflicting sectional interests and opinions; and that, therefore, they ought to be adhered to and carried into faithful execution, as a final settlement, in principle and substance, of the dangerous and exciting subjects which they embrace,' and do unite on this basis, as well as upon the long-established principles of the Whig party, do hereby recommend the ——— day of ———, and the city of ———, as the time and place for holding the National Whig Convention for the choice of Whig candidates for the Presidency and Vice Presidency, respectively."

† "*Resolved*, That the Whig members of Congress, in thus recommending a time and place for the National Whig Convention to assemble, are not to be understood as pledging themselves to support the nominees of said Convention, except upon the condition that the persons then and there nominated as candidates for President and Vice President shall be publicly and unequivocally pledged to regard the series of measures known as the Compromise measures, as a final settlement of the dangerous questions which they embraced, and to maintain that settlement inviolate."

influences by which he is surrounded. It is said that he is a compromise man. The honorable gentleman from Tennessee [Mr. CULLOM] said that I had indorsed him as such. Although he is mistaken in that fact, yet, as I wish to do justice to all men, as I before remarked, I believe, if he was left to his own noble and generous impulses, he would be disposed to do justice to every section of the country; yet General Scott is but a man, who is subject to the frailties and passions of other men. Does any man expect me to believe, if the unfortunate influences by which he is now surrounded—unfortunate for his own fame—and which thus far have prevented him from making a public declaration of his opinions and principles, which I am sure his own heart would prompt him to do, shall mainly contribute to his nomination and elevation to the Presidency of the United States, they will have no power in that administration when it shall have been formed. I may be met with declamation about the glories of Lundy's Lane, Bridgewater, &c. This will not answer for men who are awakened to their rights, and to the dangers by which they are surrounded. It might do for an ignorant mob, led astray by the glare of military glory, but will not satisfy intelligent freemen who know their rights, and are determined to maintain them.

Sir, if General Scott could have magnified a hundredfold the eyes of Argus, and the arms of Briareus, he would still be incompetent by himself to discharge the duties of the exalted Executive station to which he aspires. He must rely, to a very great extent, upon his subordinates; and does any man suppose, especially if the Whig party should remain organized as it now is; if it should not adopt the principle of making these compromise measures a finality—does any man expect those influences will have nothing to do in the appointment of the subordinate officers! Sir, but a few days have to pass before the meeting of the Whig convention. We have yet no response from the oracle. We have yet no publication of General Scott's opinions. We are left to infer what those opinions are from private conversations. Now, sir, I declare here, distinctly and unequivocally, that no man can receive my support who occupies that position. I have gone as far as I intend to go. The Whig party of the South have, at the expense of having their motives aspersed and misconstrued by their friends, relations, and neighbors, arrested sectionalism at home. They have stood by the Constitution, and by the rights of all sections. I declare here, and I appeal to every man who has ever heard me make a speech, to sustain what I say, that upon no occasion, to accomplish no object, have I ever descended to array the North against the South, or to excite sectional prejudices; but, on the contrary, to the extent of my ability and influence, I have inculcated upon my constituents that we should regard all parts of this great nation as our country, and that, as we all had a common destiny, we should cherish for each other kind and fraternal feelings.

Now, I ask my northern friends if it is reasonable to expect that, after having fought sectionalism at home; after having arrested extreme measures from those having a common interest and a common destiny with ourselves; we shall now agree so far to compromit our honor, our consistency, the very existence of our firesides and our homes, as to tolerate sectionalism in our own party in the northern section of this Union?

It is said that we call upon them to stultify themselves. Sir, we call upon them to do no such thing. We call upon them merely to say that these measures having been passed, and being the best which could be obtained from conflicting sectional interests, they shall be adhered to. We call upon no man to say that they were the best and wisest which human wisdom could devise. I appeal to them, and ask them if it is not necessary, if it is not indispensable, if we would preserve this Union, that the country should have some repose, some quiet, and that there should be time for these sectional wounds and difficulties to be healed.

It is urged, as a reason why we should remain satisfied, without any declaration of principle, either by the Convention or its nominees that no movement has been made in either branch of Congress, looking to a modification or repeal of any one of the compromise acts. Sir, I would as soon expect a consummate general, such as Scott or Wellington, to force a battle against overwhelming numbers, with a certainty of defeat, as that any attempt of that sort should now be made. The leaders of the Free-Soil faction, whatever else may be said of them, are sagacious tacticians. "They bide their time." If they intend to adhere to the compromise acts, and to carry them out—if it is not a mere hollow truce—why do they shrink from saying so? Why do the presses in that interest continue to denounce the fugitive slave law as perfectly infamous, and do all in their power to excite northern prejudice against its execution? Why do we hear on this floor denunciations of the same character? If we are deceived, sir, it will be because we are willfully blind, and more intent on party triumph and the spoils of office than the peace of the country and the preservation of the institutions of our section of the Union. It is idle, it is treasonable, to cry "Peace, peace, when there is no peace."

Mr. Chairman, I am fully aware of the responsibility which I assume upon this occasion. I understand and appreciate the influence which, possibly, it may have upon my destiny as a public man; but, sir, there are times, there are occasions, when a man's duty to his country rises superior to any which he owes to his party. I know that party ties are amongst the strongest associations which bind men together. I know that the very name of a party has a talismanic power on the passions and prejudices of the people. It requires some degree of moral courage to do any act, however strong our convictions of its propriety, which ingenious malice can torture into the appearance of distracting or dividing it. I cannot say what may be the action of my constituents, or of my State. They will doubtless speak for themselves at the ballot-box when the time arrives. But I declare here in all frankness, and tell my northern friends that if they expect to get the vote of North Carolina with any candidate whose opinions are not publicly known upon this subject, without the indorsement of the finality of the compromise by the National Convention, in my judgment, they will reckon without their host. I may be mistaken, but it is the honest and sincere conviction of my mind. In my judgment, no man who does not stand in that position ought to get her vote, or command her confidence. It may well be inferred that he who shrinks from a public avowal of his opinions upon a question which she deems so important, and upon which she has so emphatically expressed her sentiments, is not a safe depositary of the powers, so important for good or evil, which the Constitution of this country has conferred upon the first Executive officer of the nation. I have done.

END OF VOLUME XXIV.